

THE STANNARIES

ANTIQUITY OF CUSTOMS AND PRIVILEGES

THE origin of the tin works in the West of England is hidden in prehistoric obscurity. The Bronze Age knew our western tanners, and geological changes as important as the shift of the relative levels of land and sea divide us from the days when the industry originated.

More than this we cannot say; the industry grew, it became an oversea commerce, as which we find it of importance in Roman times, and the tanners ultimately developed into an organized body enjoying privileges secured it by customary law.

Of the growth of this mass of custom we have no trace. It must probably have been far developed when as yet the social order characteristic of feudalism was only foreshadowed. The ore did not attach to the ownership of the soil; it was never in the right of the landlord, although he might be entitled to toll of the tin raised. Over against the growing restrictions of private ownership in land was set one apparently anomalous right, the survival of an earlier order. The tanner might freely and without restriction, except as to certain special injuries which might result therefrom, search for tin wherever its presence was suspected and work it regardless of the consent of the owner of the soil. He could secure to himself by proper procedure the mineral right in lands which he had bounded, subject to tolls determined by custom. Such a right must have had an effect on the divisions of society which we may not now realize unless on special consideration. The full burthen of villeinage can never have fallen on the Stannary districts of Cornwall and Devon. As Lewis, in his book on the Stannaries of the South-West, says: "Where bounding prevailed it was open to the poorest villein to become his own master simply by laying out a claim and registering its boundaries in the proper court." Amid much that was inchoate certain clear privileges such as this of bounding were well established and unquestioned long before written evidence is available. The first document which clearly indicates the conditions obtaining in the Stannaries is dated 1198, and is a return made by the Sheriff of Devon and Cornwall and William de Wrotham and others to Hubert, Archbishop of Canterbury, the Lord G. FitzPeter, and to the Barons of the Exchequer, in pursuance of two writs or precepts issued to the Sheriff

by the Archbishop. The first of these gave the Stannaries in charge of the said de Wrotham, not as the first incumbent of the office of warden, as Lewis incorrectly states, but in succession to the said Geoffrey FitzPeter. The tanners were to have the same freedom which they had and enjoyed formerly, and none to remove tin by land or sea without de Wrotham's licence. The second letter orders an inquiry into the weights of the first smelting and the weights of the second smelting. Thirdly, Geoffrey FitzPeter writes confirming.

The result is that de Wrotham and those who were to be associated with him present a report the terms of which bear clear witness to the antiquity of much that first finds record in their return.

They speak of the just weight of tin in Devonshire in the following words: "The just and ancient weight of the city of Exeter, by which anciently now and at all times the second smelting of the tin was wont to be made," and similarly for Cornwall. And in their report they propose certain ordinances for the collection of revenue and the government of the Stannaries, which include the following:

"All the diggers and buyers of black tin and the first smelters of tin, and the traders in tin of the first smelting, shall have the just and ancient customs and liberties, established in Devon and Cornwall."

No language more precise could have been used to indicate that already in 1198 there was an organized trade enjoying customary laws and liberties of origin ancient even at that date. No charter or grant, royal or otherwise, is cited. The Crown, it is true, claimed farm of tin, and the tin was the property of the Crown, but I cannot agree with Sir George Harrison that there had ever been any formal lease from the Crown to the tanners. That either the local territorial magnates or the Crown itself should ultimately take toll of the tin was unavoidable. But the Crown taxed the industry without the formality of leasing the Stannaries to the tanners. As a result of the very inquiry which we have been considering a new toll was imposed, which raised additional revenue. But the tanners were neither consulted nor is there any evidence that they were consenting parties, nor did they derive any advantage or fresh liberties compensatory. There is no evidence of any lease even at this date.

The Commissioners, if so we may term the Sheriff of Devon, de Wrotham and others who took part in the inquiry, were at care to ascertain the accustomed weights and to report the dues to the King given by ancient custom. They know that for every thousandweight of tin there were given to the Lord the King by ancient custom thirty pence for the farm of the Stannaries in Devon, and for the cost of carriage to the market towns; and in Cornwall the King received five shillings. This they set forth with precision; they can afford to pass in the most general terms the privileges of the tanners, and so we lose evidence that might have been of value.

But the object in hand was to ensure and increase the King's revenue, and the method simple.

"We also inform you that the Lord the King, from the time after William de Wrotham took the Stannary, shall have of new annual rent from every thousand weight, weighed by the weight of the second smelting, one mark of silver, which weights of the second smelting in Devonshire and Cornwall are admeasured by equal weight and established by equal quantity."

There follow provisions for collecting the new rent and the old farm, but no corresponding new grants to the tinner. There are provisions also against smuggling, which must obviously have offered a profitable field for enterprise. Of these fiscal regulations few need be quoted.

In each town where there should be a second smelting (not within the walls of Exeter or Bodmin) there was to be one house at the hiring of the King appointed for the second smelting, weighing, and stamping, and no one should presume to conduct their operations elsewhere as he valued himself and his goods.

In Exeter and Bodmin the accustomed places might be used, but the presence of the King's representatives was to be essential.

Here we have a clue to the 'Furnum Regis', or King's Oven, near Postbridge, a place appointed for the second smelting "at the hiring of the King". No man or woman, Christian or Jew should presume to do any of the following things:

To buy or sell any tin of the first smelting, nor to give or remove any from the Stannary until it be weighed and stamped.

To have in their possession any tin of the first smelting beyond a fortnight, unless it be weighed or stamped.

In market towns and boroughs, on sea or on land, to keep beyond thirteen weeks tin of the first smelting weighed and stamped, unless it be put into the second smelting and the mark discharged.

To remove tin either by sea or land from out the counties of Devon and Cornwall without the licence of the Chief Warden.

Also good and lawful men are established in the ports around Devonshire and Cornwall, to take the oaths of all steersmen and mariners there landing that they will not remove, nor allow to be removed, in their ships, any tin unless it be weighed and stamped by the royal customs, and unless they have a writ from the Chief Warden.

The result of this new rent must have been eminently satisfactory to the King, who received from it in 1199 the sum of £600 19s. 5d. His farm of tin, as previously collected, and which he still retained, had in 1197 been £166 16s. only. Thus at one stroke he had multiplied his revenue more than fourfold.

In 1201 John issued the first charter of the Stannaries. The document is short; it accomplishes much in few words. Privileges confirmed as expressedly of ancient custom are "digging tin and turfs for smelting

it at all times, freely and peaceably, and without hindrance from any man, everywhere in the moors and in the fees of bishops, abbots and counts, and of buying faggots to smelt the tin and of diverting streams for their work in the Stannaries", and apparently as of ancient right also that they should not leave their work at the summons of any man unless he be the Chief Warden of the Stannaries or his bailiff.

The charter then proceeds to declare that the tanners are of one farm and always in Royal demesne. This declaration carries with it of necessity freedom from pleas of serfs. A special judiciary is set up for them in the Chief Warden and his bailiffs.

Now this last feature of the charter was a blow to the manorial system, at that time fully developed. Whatever in the past may have been the struggle between the tanners and the manorial lords, here was a refuge not only for free men from absorption in the manor, but for the acknowledged serf. The latter could change masters at will; if he became a tanner, he became also the King's villein and serf no longer. Since this encouraged the multiplication of workers in the Stannaries, and hence the increase of their output, it followed that the King, with an eye to revenue, acted wisely.

But John was not strong enough to maintain the position which he had assumed, and in 1215 he promises the manorial lords that they shall not lose by reason of the Stannaries aught of the services or customs which they are accustomed to have from their men and serfs. None the less their men, whoever will, may go for tin, their serfs may not.

Lewis appears to think that the Stannary courts, of peculiar jurisdiction, take origin in the charter of John. But I agree with Sir George Harrison, who places the jurisdiction of the Warden on the surer basis of ancient custom, and who goes so far as to say that omissions in Royal Charters would be of no import, and grants therein are merely confirmatory in this matter. We shall presently see that the charter of 1305, 33 Ed. I, is plainly expressed on this matter.

Lord Coke says the Stannary Jurisdiction "is guided by special laws, by customs, and by prescription time out of mind".

Thus as I view it the struggle is not between the tanners seeking greater freedom and the manorial lords desirous of maintaining their existent rights, but between the lords as representing a new order of things and the tanners fighting for their ancient privileges. It was essential that the power of the Crown should be invoked, and the predisposition of the Crown toward the tanners' side of the contest was ensured by an enlightened self-interest.

John's concession to the manors was never fully enforced; there were restrictions of the tanners' ancient rights, such restrictions as the relative strength of the parties rendered possible, and in the fifth year of Henry III we find instructions given for the emancipation of the Devon Stannary from these encroachments. But the battle must always have

been maintained in some sort. In 1252, 36 Henry III, that monarch confirms the charter of John (1201), and thus formally sets the seal to his policy of supporting the tinner.

The Bailiff of Blackmore,¹ giving an historical account of his Stannary in 1586, ignores entirely the charters of John and Henry. We are at liberty to presume his reason to have been that he regarded them as merely confirmatory of rights pre-existent. To him the charter is that of 1305. On the other hand, it might be argued that he was ignorant of the previous charters; but that can scarcely be, for he gives the story of the purchase of the 1305 grant, the application for which made reference to Henry's confirmation of John's charter.

As to the times before 1305, the Bailiff writes:

“Now forasmuch as I have somewhat said touchinge the searching for Tynn before the yeare 1291 (the year of the expulsion of the Jews) & from thence forth of the purchasing of the charter by the Tynners of Blackmore wth the Courts & particular charges thereof issueinge out yearly to the prince there arresteth now somewhat to write by ancient Records partely found of the Customes w^{ch} the Tynners had before the charter (of 1305) to them graunted I say that they alwaies used to work and seeke for Tynn in wastrell ground & alsoe in the princes soveragn waies to carry & recarry their tynn to places convenient and necessary to be dressed clensed and purified. In like manner or wise to Convey the Courses of waters to their seuerall workes for the purifeinge of their tynn haueinge liberty likewise to digg mine search make shafts pitch bounds & for tynn to worke in places for their most advantages. Exceptinge and Reserueinge only all Sanctuary grounds Church yards mills bakehouses and gardens payeinge and yeeldinge only to the Prince or Lord of the Soyle the 15th ffote or Boll for the Toll of their Tynn to farme. Provided alwaies that if it chanced the said Tinner in their mininge to subvert or worke up anie mans Howse or else anie Highway whereby it might Cause the Howse to fall or one that Travells should be troubled in the Journies then in this Cause the Tinner or Tinner subvertinge the premisses should to their own expenses make or cause to bee made the said Howse or Highfairinge way so subverted and undermined soe Lawfull & sufficient as they were before the tyme of their workinge & undermininge.”

And in confirmation of this he quotes a plea framed up against Richard Davy, of Camborne, husbandman and tinner, by John Jenkin, for that the said Richard Davy did by force and arms enter upon six acres of land at Chivendu, the property of the said John Jenkin, and dug and subverted the said six acres, for the which he, the said John, claimed £10 by way of damages. To this plea, framed in the 31st Henry VIII, Richard Davy pleads in defence ancient custom and pre-

¹ The name of the Stannary which included the Hensbarrow and St. Austell district. (ED.)

scriptive right substantially as above set forth. It is worthy of note that he cites no charter, not even that of 1305.

THE STANDARD WEIGHTS

There is a matter in connexion with the customary weights in the Stannaries which has been at times misunderstood.

In the days when the extraction of tin from the ore was a matter of two operations, the first and second melting, one of the duties imposed upon William de Wrotham was an inquiry concerning the admeasurement of the 'weights of the first and second meltings'.

On the 19th day of January, in the ninth year of the reign of King Richard, 1198, he inquired upon oath, in full county court at Exeter from 26 wise and discreet jurors, concerning the just weights of tin in Devonshire, and they found that the just and ancient weight of the city of Exeter, by which anciently, and now and at all times the second melting of tin was wont to be made, is, and always ought to be, of such quantity that to the just and ancient weight of the first melting of tin, anciently, now, and at all times, was, and is, as eight to nine, which it ought to be by the weight of the city of Exeter, of the second melting, and for this reason, viz. because for every thousand-weight by the greater weight there are given to the Lord the King, by ancient custom, thirty pence for the farm of the stannaries in Devonshire, and for the cost of the carriage to the market-towns, and because the tin wastes in the second melting.

Which finding was sufficiently clear to the men of that day, but other days other ways, and it has deceived even so shrewd a commentator as Burnard (*P.I.* x, p. 102), who paraphrases it: "In other words for every nine pounds of crude tin of the first stamping presented to the Stannary refiner, eight pounds of pure tin capable of taking the second stamp must be returned to the owner." This is wholly mistaken. The first thing to note is that there was the Exeter standard for weighing the tin of the second melting, and there was the 'greater weight' for weighing the tin of the first melting, and these were in the proportion of 8 to 9; in other words the pound used in weighing the tin of the first melting was to weigh 18 Exeter ounces.

The tin of the first melting contained valueless foreign matter, and, in equal quantity, was of less value than the refined tin from the second melting. Also it was liable to a tax of 30 pence per thousand-weight, and was of less value by the amount of that tax. Also the first melting took place near the tin-work, but the second melting could only be made at an authorized market town, and it cost something to carry from the tin-work to the market town, by the amount of which necessary cost it was of less value. From each and all of these three last causes the price of tin of the first melting should be lower than that of the second melting. The buyer, therefore, had to say "I cannot pay as high

a price", and that is what we should say to-day. But this involved calculation; if second melting tin were worth £3 per thousand-weight, what would be eight-ninths of £3, the true value of first melting tin—as a matter of fact the answer would be £2 13s. 4d., quite an understandable figure in those days—but the result would often involve awkward fractions of the penny, and in any event it needed arithmetic. The habit of the time was to say "I must get more for my money", not "I must pay a lower price". Hence the simple expedient of using a heavier standard pound for the tin of the first melting. The scales themselves adjusted the price, and made the calculation.

In Cornwall the ratio was higher, 7 to 8, so that the greater pound for weighing tin of the first melting was in fact the equivalent of 18½ Exeter ounces. This because the tax on tin of the first melting was twice as much as in Devon.

Rather than smile at these entirely logical methods, let us remember our fiction known as 'Summer Time', which would have shocked the twelfth century.

THE CHARTER OF EDWARD I

The charter of Edward I, 1305, to which reference has been made, was granted on the petition of the Cornish miners—the Bailiff says on the petition of the miners of Blackmore alone. Cornwall and Devon are treated individually¹ and a charter granted to each. On this charter the Stannaries thereafter rested.

I reproduce, from the Harleian MS., a translation of the charter of Edward. You will note the precise manner in which many of its provisions are declared to be confirmatory of ancient rights:

"A true Copie of the Charter or grant made by King Edward the first Englished verbatim.

"Edward by the grace of god king of England Lord of Ireland and Duke of Aquitaine to all Archbisshops and Bisshops Abbots Priors Erles Barons Justices Sheriffs provostes ministers and to all bayliffes & other his faithfull subjects greeting. Know ye yt we for the amendment of our Stannaries in the County of Cornwall and for the quiet of yt of our tinnars of the same have granted for us and our heires that all tinnars aforesaid working in the Stannaries w^{ch} are our demesnes so long as they work in the same stannaryes be free and quite from all pleas of villanies & from all pleas and plaints of our Court and of our heires & in what manour soever touching so yt they shal not answeare before any oure Justices or ministers or of our heires for any plea or plaint growing within our Stannaries aforsaid for the tyme being (pleas of land liffe or lym excepted) nor yt they depart from their works by somons of any of the officers of us or our Heires but by the sm̄ons of our said

¹ Not for the first time. Separate juries were empanelled, and separate enquiries held, for Devon and Cornwall in 1198. (ED.)

warden. And yt they be quite from all tallages Tolles Stallages Ayds & other Customs whatsoever for their oune proper goods in the townes portes and faires & markets wthn the County aforesaid. We have graunted also to the same tynners yt they may dig tyn & turves for melting of tyn everywhere in our lands moores and wastes & of all other persons whatsoever in ye County aforesaid. And the waters & water courses for the works of the Stannaries aforesaid to turn where & as often as need shall be & to buy bushement for the melting of tyn as of old tyme hath bin accustomed to be done w^tout let of us or our heires Bishops Abbots Priors Errles Barons or other persons whatsoever. And y^t our warden aforesaid or his leiftenant hold al pleas growing betwene the tyners aforesaid also betwene them and other foreners of all trespasses plaints & contracts made in places wherein tyn works wthin ye stannaries aforesaid likewise arising. And yt the same warden have free powre to Justifie the tynners aforesd & other foreyners in such places & to do justice to the pties as right requireth & as heretofore in the sd Stannaries hath bin accustomed. And if any of the sd tynners in any thing shall offend whereby they ought to be imprisoned yt they be arrested by the warden & in our prison of Lostwithiall & not els where be kept & detayned untill they be delivered according to the law & custom of our Realme. And if any the tynners aforesaid upon any fact wthn the County aforesaid not touching the foresaid stannaries shall put himself upon the enquiry of the Contey one halfe of the Jurors of the enquest shall be of the tynners aforesaid and thother half of foreners. And of fact altogether touching the stannaries aforesaid the enquests be made as heretofore they have bin accustomed. And if any of the same tynners be fugitive or outlawed or commit any offence for w^{ch} he ought to loose his cates yt the same cates be apprised by the warden aforesaid and our Coroner of the said Cowntie & by them to the next villages delivered to answer thereof to us and our heires before the Justices of Oyer in the Cownty aforesaid.

“Furthermore we Will and straightly Comānd that all Tyn as well white as black wheresoever it shal be bestowed and wrought in the countie aforesaid be wayghed at Lostwithiall Truro & Helston by our wayghers thereto ordayned & marked under the forfeiture of all the Tyn aforesaid. And yt all that tyn be coyned in the same townes yerely before our said warden before the day of St Michaell in September under the forfeiture aforesaid. We haue granted also for us & our heires yt all our tynners aforesaid all y^{is} tyn so wayed lawfully may sel to whom they will in the townes aforesaid doing thereof to us and our heires the tonnage and other the customs due and used Except we or our heires will buy the said tyn our selves Wherefore we will and for us and our heires straightly comāund that our tyners aforesaid haue all liberties free Customs and quitanncs above writen and that the same w^thout let or impeachment of us or our heires Justices Excheters

Sheriffes or other our bayliffes or ministers whatsoever they reasonably enjoy use in forme aforesaid. Thes being witnesses &c.”

Whether the tanners presumed upon their rights or whether the “foreigners” infringed them is not clear, but the Stannaries and the people without the Stannaries continued the struggle, of which we have seen previous evidence. In 1309 the Sheriff of Cornwall endeavoured to levy on the chattels of the Blackmore tanners, and was mobbed in consequence. The Commonalty fought hard, and certainly brought sufficiently serious accusations against the Stannaries.

At times the tanners responded with complaints of wrong suffered by themselves. Doubtless the tanners presumed on their privileges, and even made them the means of extortion, equally undoubtedly the hundred and manor court made constant effort to oust the peculiar jurisdiction of the Stannaries.

The people of Devon complain that the tanners were digging into and destroying their tilled fields, woods and gardens; the tanners assert that the manorial lords are impleading them for pleas of serfs.

In 1318 we see an effort to limit the area covered by the Stannaries and set to it bounds and limits, whereas in fact it extended wherever tin might be found. The recital of the ill deeds of the tanners is lengthy and serious, and it is Devon which complains.

The Stannary men commit trespasses and assault men of the county in divers hundreds outside the bounds and limits of the Stannary, nor permit themselves to be brought to justice according to the law and custom of the realm, and when the hue and cry is raised against them, they take and beat the King’s bailiffs and the bailiffs of others holding liberties there, and, leading them into the Stannary, imprison them in the Stannary gaol until ransom is paid. They commit many acts of extortion, dig for tin where it has not been the custom to do so, and extort money for the privilege of being left undisturbed; they seize the King’s bailiffs sent to those parts to levy his debts, and put them in prison for a ransom; they appropriate the tenth part of the refined mineral which ought to be paid to the lord of the soil. The Stannary bailiffs are persons of desperate character; they prevent people attending the hundred courts, they distrain the very tithing men that they do not attend and make their presentments as they should. The warden takes money to extend tanners’ privileges to persons not entitled to them. Our hundreds and those of others are impoverished.

I think the plaint unduly forced; the result is not known. If we believe their opponents, the tanners continued their career of varied crime; if we believe the tanners, acts of violence were committed against themselves, their works broken down, their tin taken.

Bearing in mind that the tanners were men working in complex partnerships where honesty and fair dealing between party and party were essential, that they were bound by very rigid laws and practically

enjoyed unlimited self-government, I am prepared to believe that their independence was at times a temptation to them, but I realize that they can hardly have been a pirate crew. No doubt the seignorial lords regarded them as masterless men; no doubt they disturbed an ideal of government centred in feudalism. I incline to think the attacks upon their liberties were more persistent than their interference with the foreigners. Such attacks they resented to the full of their power. Be all this as it may, the Stannaries won and brought all classes of men to plead in their courts.

A very pretty dispute was constantly kept alive as to who were tanners and thus entitled to Stannary privileges. The Stannary Parliaments, Committees of Judges, the Privy Council Chief Justices Fleming and Coke, and Parliament itself, all had a hand in defining the extension of the term tanner; again the result was with the Stannaries, although the fortune of war was varied, and not until the Stannary Act of 1837 did it become assured that all adventurers, agents, labourers—in short, all in any way connected with mines either in supplying materials or otherwise, were to be held as miners and free to sue and be sued in the Stannaries. Yet for centuries of dispute that in effect was the interpretation which had force.

The Bailiff of Blackmore, in the document mentioned, is not very clear as to who are the tanners, and his definition is very inconclusive. He is sarcastic as to "Some beeing dealers for tynne so bent to their oune effectation that when occasion of trouble cometh only upon Tynners, either touchinge their princes service or else the paymt of money or otherwise then they say that they are noe Tynners. On the other parte the same men goeing about to receive their debts att the hands of their Creditors & barred thereof by meanes of a forrayners plea sett with the Courte ag^t them then confesse they them selves to bee Tynners and will not sticke to plead the same in Courte for recovery of their debts by the Stannary Courts." He instances also "The merchant that buyeth white Tynne as merchants of our County the Londoners and likewise all other merchants w^tsoever, these undoubtedly when fortune ronneth against the poore Tynners will stoutly affirme themselves to bee noe Tynners, and yett I can not see by anie Reason but that they should bee the most principall Tanners of all others for when they implead fforraigners to Recover their debts they will be Tynners & Craue the priuilege thereof, likewise if the question fall out about the burninge of the white Tynne att the Conages then to secure their tourne they clayme the benefitt of the Charter of Tynners."

Not only these but lesser persons could endeavour to suit their purposes by claiming as tanners when that course liked them, and disclaiming when that in turn became profitable. The Bailiff had "often tymes heard one question. A Tynner hauinge a right in a Tynne Worke for

a year or two a spaliard workeinge for a day or two, the Tynner setteth away the right of his Tynworke, the worker & spaliard give over workinge, all these I say castinge of their occasioned exercises will alleage & say they weere Tynners indeede but now they are none as whoe sayth the Smyth the Tayler the ffuller or the Weaver the Carpenter giueinge over their occupacōns are noe longer Smyths & Taylers Weauers ffullers or Carpenters whereas in very deede as I suppose a man beeing once knowne for an Artificer is alwaies accounted for an Artificer, once a Tinner and ever a Tynner."

STANNARY JURISDICTION

The Stannary Parliament was traditionally held as a joint meeting for Cornwall and Devon on Hingston Hill until 1305; after that date, for Devon on Crockern Tor and for Cornwall at various towns. Very little is known of the early Parliaments; probably their office was always "to consult, enquire, and take deliberation to resolve upon such orders as in their judgments shall be thought expedient for the redressing and amending of any inconveniences or abuses within the Stannaries, and to reduce things in question and doubtful (touching liberties and customs) to a certainty."

Under the Pardon and Charter, 1507, Henry VII, the Cornish Convocation consisted of twenty-four stannators, six nominated by the mayor and council of each of the following towns: Lostwithiel, Truro, Launceston, and Helston. This Convocation had a wide power of veto in ordinances, etc., even when Royal, which touched the rights of tanners. The Devon Parliament was more democratic: Chagford, Tavistock, Ashburton, and Plympton Stannary districts, each at a special court to which all tanners in the most inclusive use of that term were given entrance, selected twenty-four stannators, making ninety-six in all.

Whether or no a 'Great Court' held at Tavistock for the Stannaries of Cornwall might be considered a Parliament I am not prepared at the present to decide. But from the nature of the representation the presumption is in the affirmative. At this Court or Parliament was passed an Act—27th August, 13 Eliz.—the intent of which was better to enforce the provisions of two previous Acts of the Parliament of England for the better preservation of the havens of Plymouth, Falmouth and Fowey from the ill effects brought about by the discharge of streamworks waste into the rivers falling into those havens. The Bailiff of Blackmore gives the text of this Ordinance of the Tanners' Court, which sets limits of distance from the streams within which works may not be prosecuted, demands proper precaution for the interception of sand, gravel and other waste, and imposes heavy penalties for breaches of its provision.

The holding of a Court for Cornwall at Tavistock was in itself suf-

ficiently unusual, and probably the whole procedure was, strictly speaking, an informality, although effective.

The Bailiff of Blackmore recites in full the charge of the Stannary Courts, and as this serves well as an epitome of the Stannary laws and customs, I now present it:

THE CHARGE OF THE STANNARY COURTE

Good men you shall understand that wee are assembled this day for a good and Godly purpose That is to minnister Justice (That is to say That I with you and you with mee may endeavour with al our powers to put doune vice and to extoll virtue) all which to bee breife is comprehended in brief in this word Justice, which is thus defined *Justitia est virtus tributurus q^d suum est* signifying as much as to restore every man to his proper right. Now iff itt be as Cicero and the Learned remains with diverse others haveinge noe hope of Salvation had such a remorse unto Justice that they greatly extolled and wrote very largely in praise thereof what should wee then Christians doe needes must we earenestly imbrace Justice according to the saying of our Blessed Saviour & Master Christ "*q^d Cesaris est date*" let every have his right. And for that cause this Courte is called the Leete Courte, as much as to say dies Leta wherein wee may bee joyed when vices are so suppressed and virtue soe regarded That every man may quietly enjoy that thing that is his. Now the refformacōns of enormityes & offences must needes bee brought to passe by matters of record whereuppon you uppon your oathes, doe you endeavor therefore, ffirst you good men that are sworne shall inquire of all comon bakers amonngst you that make wholesome bread for mans body keepe us the Assise of them, you shall doe (us to witt) Alsoe all brewers and Tapsters that brew and keepe not the Assize and sells by cupps Ditches bolles & by measures unsealed you shall doe (us to witt) And alsoe for your ffoote ffares quartes & measures wether anie Tinner use anie double measures that is to say a greate measure to buy with and a small measure to sell with or using deceite among the Queenes Leige people

Alsoe of all such persons as have measures to meete Tynn with all which have not brought them hither of this Lawe courte To bee assured of such you shall require & doe us to witt.

Alsoe if there bee any lanes or wayes stop or returned out of right course into a wrong course to the annoyance of the Queenes Leige people by the occacōn of Mines Pitts Shafts Hatches & Tynnworks & by the maker thereof not repaired and if such offend us you shall inquire and doe &c

Alsoe you shall inquire If anie Tynners have stolen anie Tynn & there receivers so that my Lord Wardens officer may seise the same Tynn soe stolen to ye use of the Queenes Majesty.

Alsoe all Strayers coming within the right Tything of this Stannary Courte of Blackmore of Horses Sheepe Swine or anie other beasts which have bene there the space of a yeare & not challenged & the Q: Majesty not answered thereof yee shall inquire &c

Alsoe if there bee any among you that have kept black Tyn unblowne after the ffeast of St. Michaell Tharchangell where the Tyn is How much itt is and whoe is the ouner thereof ye shall inquire and do us &c

Alsoe you shall inquire & doe us &c of all corrupt Tayle & Tyn and the makers and blowers thereof which have made the Tyn and not yett the accus-

tomed marke or lr̄e oppon the same, That is to say Hard Tyn not having this lr̄e H Sinder Tyn not haveinge this lr̄e S: pillion Tyn this lr̄e P: And Retillion Tynne this lr̄e R by deceit whereof the merchant Travelers beyond the seas have often tymes stode in greate danger besides the greate Losse they have susteyned thereby

Moreover yee shall inquire as such as blowers of white Tynne and are not here att this Lawe day to take their oathes according to their antient Custome for the true & just execucōn of their ffunction in that behalfe the names of them that make default you shall ffinde out et supra &c

Allsoe yee shall inquire of the officers of the Coynage or else of the Courtes as the Bayliffes Tything men Tollers or any other officers whatsoever wither they omitt or slacke in any thinge to doe their duties and beeing ffound out they shall likewise present.

Allsoe yee shall inquire & true present make of all Colliers that carry coale to blowing houses in packs which are not filled with 3 bushells after 20 gallons to the bushell in measure ffor soe much they bee by antient Custome.

And allsoe yee shall inquire wither the Keeper of the Goale his under keeper duty or deputyes or anie of them so omitt to doe anie one of their duties in negligent keeping of the prisoners as willingly suffering them to escape. The partye p̄it not beeing satisfysyd of his debt or otherwise If the keeper under keeper or his deputy take excessive ffes above the ffes in that behalfe of the prisoners (That is to say) all the prisoners coming into the Goale 6^d & every day beeing in the Goale att the keepers ffinding 4^d & every day beeing att large att the keepers ffinding 5^d Butt if hee bee in the Goale & list to bee att his oun ffinding then ought they to pay nothing unto the keeper ontil such tyme as hee list to bee at the keepers ffinding and then to pay according to the rate.

Allsoe you shall inquire & doe us to witt of all such as doe Implead any Tynner in anie fforreigne Courte out of the Liberty of the Stannary for matters determinable in this Courte.

Likewise if any Tynner impleads another in anie fforeign Courte ffor causes there to bee tryed betweene them.

Allsoe if the worker of anie Tynworke bee kept or strayed of the course of his water to serve the comodity of working their Tynne wheres their custome hath bene to ffetch their water by a certeyne order as to them prescribed in anie place or in anie ground without deniall of anie person the offenders herein yee &c

Allsoe yee shall inquire & doe us &c if anie Tynner or Spalliard ffetceh a warr^t or supersedeas of the peace agt anie Tynner or Spalliard except itt bee ffrom the Warden or his deputy

Allsoe yee shall inquire of the said offenders (That is to say) if any person or persons enter into a Tynworke with fforce or violence to take any Tynne out of anie Tynworke

Allsoe yee shall inquire if any person or persons give or promise any Tynworke or any parte of any Tynworke that is variance between partye & partye to anie gēnt Juror or to any other to the intent to beere him out in the Tryall of the Tytle thereof of these yee shall inquire & make us to witt accordingly.

Allsoe yee shall inquire and do us to witt of the names of all those Tynners or Spalliards which doe or will refuse to pay any reasonable sūms as shall bee assessed uppon them to bee paid towards our princes service the confirmation

of the Charter or towards anie other necessary cause ffor the comon wealth of the Stannaryes.

Allsoe if any person or persons have disceiyed or brought out of possiōn any Tynner of any Tynneworke or of any parte of any Tynnwoorks which he had the possion of by the space of a yeaer & a day peaceably (except itt bee only by order of Lawe) of the offenders hereof yee shall inquire.

Allsoe yee shall inquire of anie such person or persons that sell & deliver any white Tyn beffore the tyme that is coyned whereby the Q: Majesty hath lost her coynage & duty to her grace apperteyninge.

Now to speake of the Appellacons to be used by severall degrees that is the order that hath bene decreed by the moste Honorable Councell. That if any Tynner bee wronged, ffirst hee ought to complayne to the Steward of the Courte And if hee bee ffound ptiall and doe him noe Justice then lett him the Vice warden And if hee doe noe Justice lett him complayne to the Under Warden And if hee cannot then obtcine Justice lett him complayne to the Q: Councell. If you have knowne any to breake this Godly decree you shall of such offenders doe &c

Allsoe you shall doe &c If any Steward Bayliffe Major or anie other officer Take any Tollage in anie Marketts or ffaires of anie Tynner or Tynners in Townes Portes ffaires or Marketts of their owne proper goods.

Allsoe If the Bayliffe under Bayliffe or any Speciall Bayliffe beeing authorised by the Courte to arrest any by virtue of his writt or warr^t to him directed take more than 6^d for his arrest of such offenders shall inquire & doe &c

And whereas diverse Tynners in working of their streame works with ffloods have conveyed & carryed their rubble gravell from the said worke to the greate Rivers and from thence to the Streame disuing them to the Havens of Plymouth, Tynmouth, ffalmouth & ffoy to the greate Hinderance & decay of the Havens &c

CATEGORIES OF TINNERS

I must now refer to a manuscript notebook, lent to me by my friend Dr. Brushfield, which provided details not previously obtainable. It proved to be the account book of a master tinner in 1586 and a few preceding and following years.

Its utility and interest lie in the full manner in which it fills a gap in the economic history of the Stannaries by giving us details as to wages, where formerly we had none but very general statements. It shows the relations existing between the capitalist adventurer of Elizabethan days and his workmen.

I have given an account of these relations founded on my somewhat arduous wrestle with a system of bookkeeping which states balances but leaves to the reader the calculation of the method by which they were reached.

Reviewing the evidence I obtained¹, we can divide the labour contracts as follows:

¹ Set out in detail in the original article. (ED.)

Spalliards—Men working by the day, journeymen, and receiving 2s. per week, casual labourers taken on at the wash and other times.

Labourers—(a) Men having yearly contracts in fixed wage, but no interest in the results, receiving not more than £4 10s. the year.

(b) Dole-workers, who were given a part share in the mine for the year or half-year and took part of their masters' profits, but also worked a part share for his benefit, and for that were paid a reduced wage, usually 20 shillings a year.

An intermediate class between Tinnners and Labourers.—Such men took half tin, half wage. It is really another form of dole work, but the terms used are mostly different. The tinner "bargains" with a dole worker; he "sets his right" to this class. The wage was usually half of £4 10s. or thereabouts (£2 5s.). This class became for the year actual partners in the works.

Tinnners—(a) Who took over at a rent a share in the work. The rent usually stated as a percentage of the tin raised, the fifth dish or such like.

(b) The man who owns a share in a work and himself performs the labour.

Master Tinnners—Who own shares in works, but either employ labourers or sett their rights, taking no personal part in the labour

THE GROWTH AND DECAY OF TIN PRODUCTION ON DARTMOOR

It is not only interesting, but for present purposes useful, to consider the statistics of the production of Dartmoor tin. There are varied sources of information available, and all these have the merit of being of the best class of evidence, namely—bookkeeping. The interests of the Crown and of the Duchy of Cornwall in the revenue to be derived from the Stannaries have ensured that the accounts shall be very completely kept; and, although there are gaps in the evidence, it is surprising how adequate are the data. It is necessary to remember in interpreting records that the Stannary thousandweight (m) was the long thousand of 1,200 lb., and the hundredweight (c) contained 120 lb.

George Randall Lewis (*The Stannaries*, Appendix J, p. 252) has abstracted the yearly returns wherever recoverable. He had no special interest in the Dartmoor tinner except as part of a system, but his figures are very informative when dissected for our present purpose.

In the thirteenth century the data are incomplete, but at the close of that period, in the years 1290 to 1299, inclusive, the average annual production of Devonshire tin was 75,244 lb., or 33·6 tons¹. (These and

¹ A century earlier the output from the Dartmoor stream-works had been far greater, probably because this area was being adequately exploited for the first time. It has been estimated that between the years 1171 and 1189 the average annual output was about 640 thousandweight (343 tons), which not only exceeded the production of the whole of Cornwall at the time, but was nearly

all the following figures have reference to 'white tin', the metal.) Between the years 1300 and 1400, with the exception of the years of the Black Death, the annual production varied irregularly between the extremes of 43,600 lb. or 19.5 tons, and 164,400 lb. or 73.4 tons.

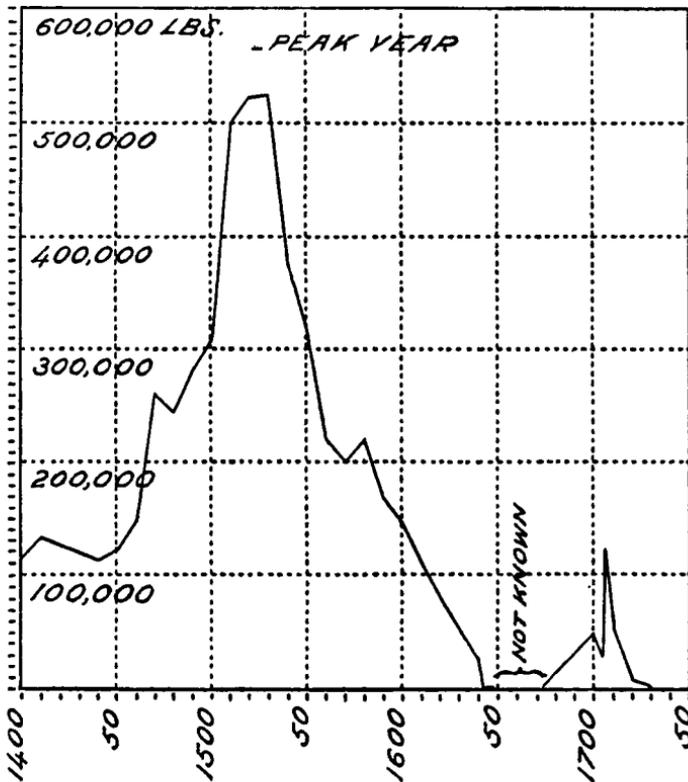


FIG. 87. Growth and decay of Dartmoor tin production.

Throughout the fifteenth, sixteenth and seventeenth centuries the evidence is sufficiently complete, except for the Commonwealth period, when Devon and Cornwall are merged. The graph, Fig. 87 in the text, shows the growth and decay of the industry. The peak decade was centred on the year 1530, and the peak year was 1524, when 564,288 lb. were produced, or about 252 tons.

From these peaks there was a rapid descent, and in the decade whose central point was 1640, production had already fallen to 23,384 lb. per year, when the Civil War brought the Dartmoor Tinners' business to

50 per cent higher than the later peak of production in Devon reached around 1520. By 1243, when Cornwall again took the lead, the annual return had fallen to 74 mwt. (c. 40 tons). (See Finberg, 1949.) (ED.)

an end temporarily, no tin being coined in either of the years 1643 to 1646, inclusive. Although production was ultimately resumed, it was relatively trivial, except for one single year, 1706, when there occurred a peak of 123,636 lb.

In the graph, Fig. 87, averages of ten-year periods have been used, except in the eighteenth century, when the annual fluctuations have in part been followed.

The figures used are for Devon as a whole, but in the matter of tin production Devon is Dartmoor, other sources being negligible, especially during the period concerned.

The following attempt to arrive at the total production of white tin on Dartmoor, between 1400 and 1650, is sufficiently well based to be within a possibility of error of one-half of 1% either way.

	<i>Tons</i>	<i>Tons per year</i>
1400-1450	2,704	54
1450-1500	5,196	104
1500-1550	9,944	199
1550-1600	4,655	93
1600-1650	1,250	25

The fifty years, 1500-1550, were, therefore, the golden age of the Dartmoor tinworks, and, with an almost perfect symmetry, the most successful year was 1524, with 252 tons.

It has to be remembered that the figures used are those of the metal which paid dues; it is known that smuggling successfully evaded the dues to a variable extent, and at times the smugglers must have met with considerable success, if we may judge by the effort made by the authorities to check them by regulations and ordinances. But we have no sufficient knowledge to apply any correction to the above figures, to meet this source of error. It is probably quite safe to assume that the relative magnitude of the trade is at all times fairly and accurately reflected in the official figures.

In and around the year of greatest production, 1524, the price of tin stood at about fourpence per pound, so that the greatest annual gross value realized by the trade was practically £9,405, a very substantial sum at the then value of money.

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- An MS. account book of a master tinner including year 1586 ('Brushfield MS.')