

## NOTES ON THE Local History of Stevenston and Saltcoats

AT THE END OF THE 18th CENTURY.

(A summary of a lecture to the Society on 12th February, 1948).

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These notes are extracted from a verbatim record of the suit brought by Patrick Warner, Esq., of Ardeer and his guardians against Robert Reid Cunninghame, Esq., of Auchenharvie, Stevenston, August, 1798 till March, 1799. (The full record of the "State of Conjoined Processes of Declarator, Count, Reckoning, Payment, etc., etc.," may be consulted by arrangement with the author, or with Mr. James Campbell, Bank of Scotland, Saltcoats.)

The background of the case is briefly as follows:—

In 1709 Mr. Cunninghame's great-grandfather, with the primary object of freeing his remaining lands from the debts incurred on financing the enlargement of Saltcoats harbour and the development of his coal and salt works, had sold certain lands, including Ardeer, to Mr. Warner of Irvine, great-grandfather of the Patrick Warner who raised the action. From the sale he reserved the right to work the coal in Ardeer for 57 years, and this right he and his successors exercised until 1766. Their salt works at Saltcoats used up the small coal or refuse, and they continued the salt works for four years after 1766 by using coal from their own Auchenharvie pits.

In 1770 the Mr. Cunninghame of the Action entered into a verbal bargain with the then Mr. Warner to work the coal in Ardeer and the salt works in partnership, and it was during this informal period that the canal was constructed in 1772. In 1774 they replaced their verbal bargain with a formal written partnership for 25 years, the contribution on Mr. Warner's side being the coal in Ardeer and on Mr. Cunninghame's side being his salt works, such coal in Auchenharvie as could be worked from the Ardeer pits, and—to make up the balance between them—his managerial abilities. It was subsequent (and not entirely unfounded) doubts as to the actual value of this last asset that really caused the legal Action.

In 1783 the parties, on the grounds (as expressed in the deed), that 25 years was too short and that it would be for the mutual benefit of themselves and their heirs to prolong the period, agreed to continue the 1774 partnership for a further 99 years. As a part of the bargain each party put into the common pool the coal in certain other parts of their respective lands, but again Mr. Warner's contribution was the more tangible one.

On Mr. Warner's death his son raised the Actions against Cunninghame. There were at first two Actions (1) to make Cunninghame account for his management and for Warner's share of the profits, if any, and to have it declared that the Partnership had terminated in 1795, being 25 years from 1770; and (2) to have both Contracts set aside on the grounds of fraud and undue influence on Cunninghame's part. The Court later conjoined the two Actions and it is the combined papers in both Actions that form the print known as the "Conjoined Process."

The preliminary point of law to be decided was whether a Partnership for 99 years binding the heirs of the original partners was legal, and the Court held that it was legal in the case of such undertakings as coal-mines and salt works on which a great expenditure was required to render them profitable and a correspondingly long period was needed to realise that profit. The Court also held that there was nothing fundamentally incompetent in Mr. Cunninghame's being made manager for life.

The Court was then asked to hold that the Contract was unfairly obtained from Mr. Warner and that he had been induced to enter into it by false representations by Mr. Cunninghame, that there had been gross mismanagement by Cunninghame and indeed that he had used his position to appropriate the Partnership property for himself. It was to decide these points that the evidence of the witnesses printed in the "Conjoined Process" was given on both sides, and again the Court decided in favour of Mr. Cunninghame.

The last question, that of the accounting between the partners, was adjusted out of Court by a remit to a professional man.

In 1933 a search was made in the Register House for the original papers in the Action but they are no longer there.

Patrick Warner, the pursuer in the case, was the seventh and youngest child, and only son, of Patrick Warner (1710—1793) of Ardeer, who, at the age of 65, married the sister of Francis Russell, merchant and shipmaster in Saltcoats. Robert Reid Cunninghame, the defendant, was the great-grandson of Robert Cunninghame, who, by the death of his uncle, Sir Robert Cunninghame, physician to Charles II., became proprietor of Auchenharvie estate. This Robert Cunninghame began to put down shafts and to export coal. He built Saltcoats harbour which was completed about 1700. This impaired his fortune so much that, as we have seen above, he was obliged to sell part of his estate.

So much for the protagonists in the case. The witnesses were local workers and gentry. Some of the occupations were:—"coalliers," miners, coal-hewers, fall-head men, lightermen (who



took charge of the lighters of coal going down the Garnock from Misk Colliery to Irvine Harbour), (cart) wrights, carters, masons, labourers, day-labourers, coal-grievs, oversmen, overseer at the coal-hill, clerk at the coal office, smith (blacksmith), farm-overseer, horse-shoer, stableman, manager of the limeworks, manager of the coalyard, tacksman at the coalwork, tacksman at the limework, etc., etc." In Saltcoats there were merchants, shipmasters, ship-builders, nailers, "sawers," owner of woodyard and sawpits, surgeons (2), saddler, tanner, maltster, farm-overseer to defender, foreman of ropework, etc., etc. .

The gentry were Dr. Walter Hamilton, Hon. Patrick Boyle, Mr. Robert Baillie, Mayville, father of Burns's "Bonnie Lesley" (to whom there is a monument at the roadside, on the High Road to Saltcoats), Mr. Hamilton of The Grange, now Kerelaw, (one of the same family was Alexander Hamilton, a signatory of the American Declaration of Independence and a friend of Washington), Dr. Woodrow, Parish Minister of Stevenston, Mr. Duncan, Parish Minister of Ardrossan and Saltcoats, and Mr. Hunter of Hunterston, West Kilbride, ancestor of the late General Hunter-Weston.

It may be of interest to note that all the workers have Scottish names. Not a single Irish name occurs. The influx of Irish workers into the West of Scotland may have started with the Irish Famine of 1845. The rate of entry would be accelerated later by the demand for labour for the mines and ironworks and by the railway boom after 1845.

### CANALS.

From the evidence led, it appears that the cost of the carriage of Ardeer coal to Saltcoats Harbour was expensive over the sandy ground. It was decided to cut a canal about a mile long through Ardeer grounds. This was constructed under the superintendence and direction of Mr. Warner's brother, the Rev. John Warner, minister of Kilbarchan, who had directed the operations carried on in draining the loch at Castle Semple. He brought with him many of the "hands" employed there. The canal was finished and navigated 19th September, 1772. The cost charged to the co-partnership was £485 7s 6½d, a sum saved by the difference in the cost of carriage in less than a twelve month. It was reckoned that a boat with one horse transported as much coal on the canal as would require 50 horses and carts. Another canal was made from Misk Colliery to the river Garnock, down which lighters conveyed the coal to Irvine Harbour.

### MINING.

The pursuers in support of their claim for the co-partnership to be dissolved stated that "it was improper for the curators to authorise the ward to enter into such a speculation as might afterwards involve him in ruin. Upon comparison of the number of coal proprietors in Scotland who have succeeded in operations with those who have not, the great majority have been ruined, only a very few have succeeded." So we may take it that coal-mining in Scotland never was a success!

Mention was made of royalties. At this time it was paid in kind rather than in money. In Bartonholm, near Irvine, every 7th load was paid; in Fergushill every 10th load; and in Shewalton every 8th load.

### MINERS.

Those who lived through the two world wars recollect that, although prices rose quickly, wages and salaries rose slowly. The same took place during the Napoleonic wars. Witnesses stated that "work was stopped for a month, from a combination of the 'coal-liers' wanting more wages"; "coal interrupted by troubles." A coalgrieve stated that at the beginning of the week, there were few colliers in the pits. We need not wonder at the disinclination of the colliers to go down the pits, when we read the evidence of a witness who said—"In the parrot coal when the water got the better of them, the ponies were up to the bellies in water." A witness coming from work in that seam was up to the knees in water. We also learn that the roof was "tender," and that in one place 18 feet of the roof fell in. Another witness giving evidence about ponies said that the man putting hooks on the creels was up to the middle in water. Another witness said that when they worked the parrot coal they had doors at different places opened and shut by boys for circulating the air. The colliers many a time refused to work owing to foul air. In the Misk pit there was both foul air and fire. At another pit large quantities of water came from the roof and face.

James Ritchie, Saltcoats, narrated that at Hillside pit shanking was going on one Sunday morning. Just as they got to the clay, the colliers made a stand and refused to work. The farmers and their servants and the people in the neighbourhood were collected to do the work at the pit. Next day Patrick Warner and R. R. Cunninghame came to the pit to "adjust differences." Patrick Warner told the colliers that if the Bills then before Parliament had been enacted he would have made an example of some of them,



and he threatened to send for troops to bring them to order. It is not stated whether he "adjusted differences" and yielded a point or two, but the witness says "the colliers at last returned to work." Mr. Warner was referring to the Combination Laws (forbidding Trade Unions of workmen or of employers) which were passed in 1799 and 1800.

A curious custom seemed to have been in operation before the canal was built. The coal was "binged" up separately, each miner knowing his own. Meantime the colliers got subsistence money to account. They did not receive the whole value till the whole was sold. This method was altered later. The reason for the former method was the scarcity of horses and carts and the canal not being finished. A witness referred to the repair of the banks of the canal. The men were given no wages, but were given 20/- or 30/- to drink.

Mr. John Cunninghame was appointed overseer to take charge of the Misk Collieries. He was offered £45 but wanted £60. Mrs. Warner said times were hard and offered £50. He took this. She promised if work prospered she would make it more. Payments were sometimes complicated. Salters in the East of Scotland had a house and kailyard furnished by the proprietor, and received bounties according to "the diligence in working." Matthew Mitchell, griever at Loanhead pit, Pennycuik, had £10 as griever, 6/- per week, 6d on every hundred tubs of coal put out, a house, a cow's grass, and an allowance for candle, paper, pen and ink.

Robert Boyd, collier, Stevenston, stated that on several occasions he had presented petitions for miners, sometimes relating to change of overman wished for by the colliers, and sometimes for addition to wages in working particular coals. The answers were made either in writing or by the foreman to the men. He also exhibited a discharge from servitude to the Stevenston colliery, signed by Patrick Warner and R. R. Cunninghame, 28/11/75, when he was 23 years of age. Was this a certificate of freedom from the slavery of the pits? A Scots Act of Parliament of 1644, ordained that "all hired servants are to serve their masters on the same conditions and not to remove or leave their masters without consent in writing." This witness also stated that Patrick Warner used to give money to the colliers to drink, e.g. "2/6 to the witness and 4 or 5 men on the day the engine was started."

Another witness, David MacDonald, stated that on one occasion, "a large bing of coals was on fire when the colliers went down the pit. But on considering the matter they thought it not right in them to allow the coals to be destroyed, and therefore they all came up again directly and got the fire immediately put out. Some coal but not much was destroyed or injured." Let us hope that their interest in saving the coal would be rewarded by something more than "some ale and a glass of whisky."

## LABOUR : CONDITIONS AND WAGES.

John Howie, smith, stated that two horse shoes put on at the Misk smithy cost 1/-; a set cost 2/- to 2/6, later 3/6. Farmers in the neighbourhood used to cart coals for the Company except at seedtime and harvest. There was a goodly number of carters in Stevenston and Saltcoats carting coals and working at the gins for drawing up coal. At the latter the wage was 3/- for each shift of the horse, generally six hours. It was customary for the carters to carry dung for the townspeople out to the "potatoe" ground and also to bring home produce at so much a cart. Defender wanted carters to cart coal when carting dung, but they refused as they made more carting dung.

Nathaniel Banks, carter, owing to the rise in the cost of feeding stuffs, and considering the kind of horse and how he fed him, thought 25/- a week not an extravagant wage. Oats, formerly 12/- a boll, were, in 1798, 20/- and 21/-. One year he paid 29/6 in addition to carriage. David Lymburner, carter, said that when the canal was frozen, he was employed to cart coals from the pit to the harbour at 2/- a ton, carting being slack. Defender tried to reduce it to 1/8, but the carters having refused it and gone away, defender was obliged to return to the former price.

John Walker, 77, late carter, said men often worked at hay on the Misk farm for defender, who paid them with "some ale and a glass of whisky." When he carted 20 years before, the coals were measured and not weighed. George Jack, carter, seemed to have been a man of independent mind. When he was asked by Nathaniel Banks to take on work which was rather irregular and uncertain, he said "he would rather take a pock and staff (become a beggar) than have any business with it."

## AGRICULTURE : RABBITRY, THATCHING, GRAZING.

When we remember the farming misfortunes of Robert Burns, we need not be surprised at what follows. John Allan, tutor in Warner's family, stated that the lands of Ardeer were much neglected. Extensive fields called the Boggs, though arable, were drowned in water. He found "plowmen" in these fields with four horses, the men up to the middle in water. In a dry year there was some crop on the top of the ridges and grass in the furrows. In a wet year there was no crop. The land was afterwards drained. Another witness said the men were up to mid-leg and sometimes to the knee, when going to the "gotts" or principal drains. Lime was being more generally used in the fields. Thomas Tait, tacksman at Hullerhurst limeworks, stated that he sold 13,000 to 14,000 bolls per annum, compared with 7,000 formerly.



Owing to the operation of the Corn Laws against imported corn, rents began to rise. Robert Colvin, Montfode, said there was a great rise in rents in this part of the country. Snodgrass farm, Kilwinning, was six times more than when he knew it first. James Ritchie, Saltcoats, merchant, stated that the rise in rents in Stevenston was very considerable, and none more so than those of the farms of Patrick Warner and R. R. Cunninghame. Mr. Hamilton of Grange, divided three farms in the neighbourhood of Stevenston to accommodate people, and gave each tenant 100 bolls of lime free for carting. Mr. Hamilton and Patrick Warner rebuilt the cornmill at Stevenston.

R. R. Cunninghame took over some of the land on the sandhills at Ardeer from Patrick Warner and formed a co-partnery for breeding rabbits. In the course of two or three years, finding it profitable, Defender prevailed on Patrick Warner to retire from it and gave him an additional rent of £15, together with such rabbits as the consumption of the family required. Thereafter, the pursuers allege, the profits were £150 per annum. A witness states that in the previous season, he got 10/- per dozen for the skins, and paid a "luckpenny" of 40/- to the man who bought them.

From the lower parts of the sandhills, bent grass was cut and sold at 1/- per truss. It was said to have made the best thatch. A man would cut two or three trusses in a day. The charge payable to the farmer was called "bent mail."

The land from the West March of the Misk Hills to the Stevenston Burn was known as Stevenston Muir, on which the inhabitants could graze cows on payment of "grass mail." The farmer stated, however, there was a difficulty of collecting grazing money, "which might occasion ill-will." One is inclined to speculate that the "ill-will" here mentioned might be due to the inhabitants having formerly had the right to graze their cows on this muir as common ground. Their ill-will and refusal to pay would be their only means of showing their resentment at the "enclosing" of the land, which was a common feature of the 18th century.

### SALTCOATS.

Saltcoats was the more important of the two villages. I have already mentioned that the terms "merchant," "shipbuilder" and "ship-master" applied only to Saltcoats. The harbour would be the focus of all the trade. Storms were not unknown. On 24th January, 1796, a "blast o' win'" brought in a storm and high tide, which was twelve feet deep at the harbour—higher than ever known in the memory of man—and tore away part of the Pan Brae and laid bare some of the foundations of the houses. It also destroyed

a good part of the stone breastwork of the harbour at the loading berth. This prevented the export of coal for some time as the carts could not go from the coalyard to the harbour. The Defender expended £70 on the repair of the harbour. Mention was made of "Highland boats" of 10, 15 and 20 tons in connection with a suggestion to build a harbour at the mouth of Stevenston Burn. One shipping firm, the Newfoundland Coy., Brown, Crawford & Co., had as shareholders, the Earl of Eglinton, Warner, Cunninghame, and several gentlemen in Saltcoats. Warner continued to hold these shares till the ships were sold or taken by the enemy. One of the partners of the Company went out to Newfoundland as agent, and remained there during the fishing season, returning on the last ship. It was customary for the ladies and gentlemen in the neighbourhood to hold shares in ships.

### NAPOLEONIC WARS.

The sounds of the great wars then devastating Europe were heard but faintly, though the repercussions have been noted in the rise of prices and rents, and the demands for higher wages to meet them. In Auchenharvie Estate, until a few years ago, there stood one of the Martello towers which were placed round the coast, in preparation for the threatened French invasion. In Saltcoats, as elsewhere, there were volunteers to resist any landings that might be made. The regimental colours of this corps are in Auchenharvie House to-day. We are informed, in the evidence, that Robert Hunter and Wm. Frew were employed in the repair of the arms of the Saltcoats Volunteers. Patrick Warner, the young heir, was abroad in the service of his country.

### EDUCATION.

Robert Brown, schoolmaster, Stevenston, 75, widower, often wrote out tacks for feu contracts for Patrick Warner. On one occasion, the latter said to James Young, barber, "Gar Robert Brown, schoolmaster, write a tack for you and bring it over with a guinea and I'll sign it." While he was anxious to give feus, he evidently did not wish the populace too near his house and estate. One witness said—"Patrick Warner was averse from giving him a tack, as the town of Stevenston was near enough him already." Robert Brown had held the offices of schoolmaster, session-clerk and precentor for fifty years. Mr. Hamilton of Grange in his evidence said—"About two years ago (1797), Dr. Woodrow, parish minister, wished witness to get a new schoolmaster in place of Robert Brown, who was old and failed and become unable to teach, and to whom also he had an objection on account of his singing as precentor." A new precentor was got for some time. When Brown



was cross-examined, and asked if an application was not made to him to give up these offices upon getting his salary for life, he replied that "no such proposal was ever made, though there was a clatter among other people about it, and some lad came and precented for some time in the kirk and he was paid by those who employed him"; when he dropped it very abruptly, witness fell to it again. Robert Brown felt hurt at the above proposal and he came and spoke to Mr. Hamilton on the subject. The latter thought it hard that he should be displaced, as he had been very useful in the parish and was a very honest man. Mr. Hamilton spoke to Dr. Woodrow and mentioned that Brown should be allowed to continue to enjoy his salary and perquisites and to keep school for the purpose of teaching as many scholars as he could; that if an assistant was to be got, he should only be appointed his successor and he should teach where he pleased. Later, many persons had presented petitions to Mr. Hamilton, requesting that something should be done for a new schoolmaster, as they complained their children made no progress under Robert Brown from age and failure. Nothing had yet been done, and Robert Brown continued to teach and precent as formerly.

### **SALT SMUGGLING AND THE SALT TAX.**

Reference was frequently made to the amount of smuggling carried on in Irish salt. It was said to be stronger than the salt produced at Saltcoats and fetched a higher price. It was also stated that for 8 or 9 weeks two of the four salt-pans were stopped, because an increase in the salt duties further reduced the demand for locally made salt. These points are borne out by two letters sent by Mr. R. R. Cunninghame to the Commissioners of Excise in February and March, 1799. He states that the smugglings of Irish salt was done openly in daylight, and even into the harbour of Greenock. The Irish were allowed to import rock salt duty free, and this enabled them to sell manufactured salt more cheaply than the West of Scotland manufacturers, who made salt from sea-water. The Scottish manufacturers were further handicapped by an additional duty of 5/- per bushel imposed from 1st May, 1798. Mr. Cunninghame pointed out that from these two courses his sale of salt had dropped from 12,304 bushels (May, 1797 to March, 1798) to 3,520 bushels in the corresponding ten months of the following year. In addition to his own loss, he reckoned that the government had dropped over £2,850 in tax. He suggested that rock-salt should be allowed into Scotland free of duty and urged that more effective measures be taken to suppress smuggling.

The foregoing notes give a glimpse of various sides of life in one corner of our county in the time of Robert Burns.