COAL BARONS IN THE WITNESS BOX

Evidence before the 1919 Coal Commission

THE DISCUSSIONS on the Coal Bill and Mining Royalties make much reference to the Coal Commission of 1926 but not so much is being heard of the Coal Industry Commission of 1919. This was constituted of representatives of the colliery proprietors, of the miners, of the coal-using industries, and of the workers' interests in other industries, and was presided over by Lord Justice Sankey. In the final report, while all the members agreed that the natural element, the coal, should become national property, the miners' representatives (Messrs Robert Smillie, Frank Hodges and Herbert Smith) were opposed to any payment for the acquisition of mining rights.

Very dramatic were the sittings of the Commission when a number of landowners " only a sample of the royalty owners of the country " were summoned at the instance of Mr Smillie " to attend and produce their titles to their land ; the extent of their holdings of proved mineral land ; the total output of coal, iron and other minerals on their estates ; the amount per ton payable and the total income from mineral royalties." Extracts of the evidence given at these sittings filled seven pages of *Land & Liberty* of June, 1919. Here we give some of the relevant facts regretting that lack of space forbids printing again the cross-examination which the witnesses underwent and was so ably conducted by Mr Smillie.

The witnesses examined were : Mr S. E. Downing, the secretary of the Ecclesiastical Commissioners, Lord Durham, Lord Dynevor (prominent member of the Land Union), Lord Dunraven, the Duke of Hamilton, the Duke of Northumberland, Lord Londonderry, the Earl of Stafford for the trustees of the late Mr R. G. E. Wemyss, Mr John Tryon as trustee of the Earl of Dudley's estates, Lord Tredegar, Lord Bute, and Mr H. F. Plumtree, the landlord of the property leased to the Kent Coal Concessions.

From the evidence it appeared that the gross incomes from mining royalties and wayleaves of the various parties were :—

	£
Ecclesiastical Commissioners (1917) ..	370,000
Lord Durham (1918)	38,648
Lord Dynevor (average 1916-18) ..	9,321
Lord Dunraven (1918)	64,370
Duke of Hamilton (average 1908-9 to 1917-18)	115,432
Duke of Northumberland (1918) ..	82,450
Lord Londonderry (average 1913-18)	14,684
Lord Stafford—for trustees of the late R. G. E. Wemyss :—	
Torrie Lordships (average 1912-18)	7,117
Rennieswells Lordships (average 1909-19)	8,521
Lord Tredegar (average 1913-18) ..	84,827
Lord Bute (average 1913-18)	115,772

The figures will give some indication of the cheques these parties are to receive for the outright purchase of the landlord privileges. At that time the mining royalties and wayleaves for the whole country totalled something over £6,000,000 ; but since then coal production has decreased and now the " net royalty " for which the Government proposes to give 15 years' purchase is £4,430,000. We can estimate the payment to be made to these parties at about ten times the royalties they were receiving at the time of the 1919 Commission, whereby the Ecclesiastical Commissioners will receive £3,700,000, the Duke of Hamilton and the Lord Bute more than £1,000,000 each, the Duke of Northumberland and the Lord Tredegar more than three-quarters of a million each, and so on :—Cash paid for the natural resources, the heritage of the people as a whole, as ransom is paid by the inhabitants of a vanquished country to their conquerors.

THE LANDLORDS ON THEIR PROPERTY

MR E. S. DOWNING stated that the ECCLESIASTICAL COMMISSIONERS were owners of coal and other minerals under large areas especially in Durham and Northumberland. The land formerly belonged to Bishops and Deans and Chapters who held it for many centuries. It was transferred to the Commissioners by or under an Act of Parliament about 1840. Questioned who gave the lands to the Deans and Chapters and Bishops, he replied that their titles were very various but the bulk of the grants made in the early days were either by the Crown or by great subjects of the Crown. Questioned whether there had been cases in which common land had been fenced in by the landlord and the fencing legalised afterwards, the witness agreed. The average royalty charged by the Commissioners was 6*d.* per ton.

LORD DURHAM said he owned the coal under 12,411 acres of land in the County of Durham and that all the coal was let, was being worked or would be worked shortly. In 1896 he had ceased to be a colliery owner, selling the undertaking to a company formed by Lord Joicey and leasing to this company for 60 years the freehold coal. His title deeds showed that approximately 6,000 acres had been bought within the last 100 years, 4,000 acres were bought between 1720 and 1820 and the remainder was ancient land owned by the Lambton family. In addition to royalty rents he received underground wayleaves, shaft rents and surface wayleaves " for the use my property is put to in bringing coals belonging to other people through it " ; and he added " it may be argued that there is no justification for these charges " but they were part of the bargain of the lease " and were agreed to by both parties as fair and reasonable." He also owned certain surface railways which he let at a fixed rental to those who worked the coal. In 1918 the royalty rents on 1,526,315 tons were 5*s.* 6*d.* per ton and underground wayleaves on 670,793 tons were 1.083*d.* per ton. In addition he was entitled to 1,500 tons a year free for the use of himself and his employees.

LORD DYNEVOR said the acreage of his estates in Carmarthenshire and Glamorganshire was about 9,300 and there was coal under 8,720 acres. The average royalties were 4.745*d.* being on a fixed basis. The average wayleave where one existed was 0.855*d.* per ton. " As to the Carmarthenshire estate King Henry VIII beheaded my ancestor, Rice Griffith, and seized his lands. My family bought the larger part of the present estate about 1600. . . . My interest in the Glamorganshire estate came to my family through one of three co-heiresses, Miss Hoby, who married my ancestor, Griffith Rice, in 1690. That estate was purchased from the Crown in 1541 by Sir Richard Crumwell.

LORD DUNRAVEN said that the total acreage of the Dunraven estate was 26,443 ; the acreage of the coal area was 17,602 and the ayerage royalty on the fixed

Landowners under Examination

and sliding scale was 6*d*. per ton ; in one colliery the royalty on the sliding scale worked out at 11*d*. per ton. The bulk of the Dunraven estate was purchased by the Edwin family between 1684 and 1685. In 1810 the witness's grandfather married Caroline Wyndham, daughter of Thomas Wyndham, who was son and heir of Charles Edwin, and Thomas Wyndham settled what was now practically the Dunraven estate on the witness's grandfather and his heirs. Questioned how it came about that Lord Dunraven became possessed of the minerals under a thousand acres of common land (Brycoffin Common) at Coit, and whether he had any title deeds, the reply was that he could not tell. Mr Smillie pressed for the production of the title deeds (it is not on record whether anything further happened).

MR TIMOTHY WARREN gave evidence for the DUKE OF HAMILTON. The estates in Lanarkshire, Stirlingshire and Linlithgowshire owned by the Hamilton Estates Trustees, the net annual income from which the present duke was now beneficially entitled to, extended in all to about 56,500 acres. Of this area the coal actually on lease amounted to 20,500 acres and the coal believed to be available but unlet extended to 6,500 acres. The area wherein the coal belonged to the trustees and the surface to other proprietors was about 2,900 acres and was mainly in the Redding district of Stirlingshire. The lordship on the output of 42,727,372 tons in the ten years to 1918-19 had been 6.319*d*. per ton. It ranged from 4*d*. to 5*d*. per ton in the lowest rated collieries, the figures varying for the different seams, to 10*d*. to 1*s*. per ton in the highest rated collieries, varying as before for the different seams. Origin of the titles was in each case a Crown grant, the earliest being a charter by King Robert the Bruce in 1315 ; and a few properties had been bought in the ordinary way. Witness was asked if a charter had conferred on representatives of the family the parishes of Hamilton, Dulserf, Glasford, Leshmahagow and Dalzell. He had seen some of the charters and at the request of the Chairman he undertook to produce them.

THE DUKE OF NORTHUMBERLAND stated that the acreage of his holding of surface land was 169,000 acres and the acreage of proved mineral rights was 244,500 acres ; in this latter area was included about 168,500 acres of the lands comprising the 169,000 as both surface and mineral rights of these formed part of the estates of the witness. Average royalty whether fixed or on a sliding scale for the previous six years would be about 6.77*d*. per ton. If taken for the last year (1918) it would be 9¼*d*. The main particulars as to how the estates were acquired were : (*a*) grants from the Crown of which the Warkworth estate was an example ; (*b*) re-grants from the Crown either with or without Parliament's sanction ; (*c*) purchases ; (*d*) settlements on marriage ; (*e*) escheat and (*f*) exchange. The witness was asked : " What particular service do you perform for the community as a coal owner ? " Answer : " As an owner of coal I do not perform any service for the community ; I look after my property to my best advantage." Question : " Don't you think it is a bad thing for one man to own as much as you do ? " Answer : " No, I think it is an excellent thing."

LORD LONDONDERRY said that he owned minerals already proved to exist under about 5,808 acres in the County of Durham ; that he was the owner of three collieries near Seaham Harbour ; the Dawdon and Seaham being upon his own freehold estate, while the Silksworth was held under lease from other owners. He held all but £400 of the shares in the colliery company ; and as between the company and his estate the coal rents which averaged 4½*d*. a ton were credited and paid to him by the company. As to title deeds all his property had been acquired by purchase excepting 834 acres, which belonged to his ancestor, situate near the City of Durham under which the coal in the upper seams was exhausted.

THE EARL OF STAFFORD (for the trustees of R. G. E. Wemyss) said the acreage of the Torrie estate in Fife was 1,383 acres, including 627 acres foreshore. The acreage of the Rennieswells coalfields was 567 acres, the surface belonging to Mr A. D. Smith-Sligo of Inzievar. From the combined coalfields the average lordship (20 years' average) was 5.729*d*. per ton and the average output sold was 65,499 tons. The root of the titles were precepts from Chancery in favour of James Erskine Wemyss, April, 1837, and in favour of James Hay Erskine Wemyss, August, 1854.

MR JOHN TRYON, trustee, said that the estates of the EARL OF DUDLEY of about 12,000 acres were in South Staffordshire and East Worcester. They had been held by the family for many centuries and up to that time the whole of the products, including the royalties of the Baggeridge colliery (of which he, Mr Tryon, was director) had been expended in development.

LORD TREDEGAR said that his estates in which there were minerals were situate in the counties of Monmouth (32,000 acres), Glamorgan (7,000 acres), and Brecon (43,000 acres), most of the last named being waste or common lands of the Lordship of Brecon. " Of these areas only about 12,500 acres in Monmouth, 2,500 acres in Glamorgan and 3,800 in Brecon contain coal." The average royalty in the past six years had been 4.997*d*. per imperial ton. As to the origin of the titles, first there were the lands that had been in possession of his family from time immemorial, probably long before the Norman conquest ; secondly the purchase by his ancestors in 1710 of the Lordship Marcher of Wentloog, including Machen, from the Earls of Pembroke and Montgomery ; and thirdly the innumerable small purchases made by his predecessors in title.

Questioned about the famous " golden mile " railway between Bassaleg and Newport, Lord Tredegar said that the figures given publicly about the income from it had been much exaggerated. The income was actually £19,000 a year. The Tredegar Park railway was one mile of three double lines. It was true that a large output of coal had to come over it ; that the whole industry there, employing thousands of men, would be dislocated and stopped if he at any time cared to stop the right of going over the railway. He thought the cost of laying the railway would be about £40,000 ; and asked the question if he considered that £19,000 a year upon £40,000 would be a very fair return (or rather as the Commissioner added " an unfair return ") the witness said he quite agreed. (The " golden mile " Railway was the subject of conflict between the Monmouthshire County Council and Lord Tredegar with regard to the assessment and local rating. The Council appointed a committee of investigation which reported, giving the full history of the railway, see *Land & Liberty*, May, 1928. The Committee estimated that the loss to county, district and poor rates by the exemption of the railway from rates had been £50,000. The railway was transferred to the Great Western Railway in January, 1923, for a consideration which so far as we know has not been divulged.)

LORD BUTE said that his holding of land and of proved mineral rights was 128,582 acres and 48,878 acres

respectively. For the past six years the average output of coal was 3,241,962 tons ; the average royalty was 6.42*d.* per ton on 85.31 per cent of the output and 1*s.* 5.92*d.* on 14.69 per cent of output. In the matter of his titles to land, witness said on being asked that he had not studied the history relating to the property granted in 1547-1550 to his ancestor Sir William Herbert, except that one of his services was the raising of an army although there were other services too. Mr Hodges said he was quoting from a copy of a document that had been found in the Records Office by Mr H. H. Matthews, in the employ of the Cardiff Corporation and that the Corporation still possessed the deed. It stated that the grant was made " for quelling rebels in the Western part of England." Question : " You are aware that Edward VI died when he was 15 so that in effect a minor in the sense of the law (for he had signed the document) transferred to Sir William Herbert one of the greatest properties that has ever been known to be granted to any one except perhaps the Duke of Northumberland. Would that be a legal transaction ? " Answer : " Yes, I am advised it was." Mr Hodges quoted the *South Wales Daily News* of 1st June, 1912, which said " It will be seen that Sir William Herbert, one of the guardians of the boy king Edward VI granted to himself enormous areas of land which were at that time in the possession of the Crown using the boy King's name to enrich himself."

MR HENRY FITZWALTER PLUMTREE, landlord of the property leased to the Kent Coal Concession Company, gave evidence on examination that he never made any efforts to ascertain if there was coal beneath his land, the boring being done by the Company. Two leases extended from 1907 over a period of 60 years. Under one lease of 1,062 acres, dead rents were to be paid at the rate of £200 for the first year, £400 for the second and £1,500 a year for every subsequent year. Under the second lease of 2,323 acres the dead rents amounted to £400 for the first and second years, £700 for the third year and £3,000 a year for the rest of the lease. The royalty in each case was £35 per foot per acre equal approximately to 6*d.* per ton. Witness said he had inherited the land and his predecessors had bought it from various people. He was possessed of certain deeds but did not know whether the land was originally given as a grant from the Crown. Questioned what efforts he had made to prove the coal : he had not made any effort ; it was done by the Kent Coal Concessions. To which Mr Smillie said : " So the position was that you charged them a rent for spending their money in proving that your property is more valuable ; was that justifiable or equitable ? " And the witness could only reply he believed it was a matter of business ; it was their choice, not his.

OBJECT LESSONS. Owing to pressure on our space a large number of " land instances " have been held over for future publication. These include more " Green Belt " examples and cases regarding housing sites, street improvements, aerodromes, electric railway developments, soaring land values, etc., from Birmingham, Brentford, Burnley, Chertsey, Crewe, Dartford, Ealing, Esher, Hammersmith, Liverpool, Luton, North Finchley, Nottingham, Southend, Uxbridge and other places, apart from those about which Members are seeking information when Parliament resumes in February.

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COAL ROYALTIES

SPEAKING ON the Committee stage of the Coal Bill, House of Commons, on 20th December, Mr A. Maclaren (Labour, Burslem), said :—

" It should be the bounden duty of any community resuming ownership over its raw materials and land to see that the persons who use that land or coal shall pay the community, in this case through the Commission, the full economic royalty or rent. To talk about abolishing royalties makes it appear as though this Committee were dealing with a subject which it does not clearly understand. Royalties are in some way, roughly if you like, connected with an assessment of the advantages attaching to land, and coal is land, although it is black. The royalties are higher in cases where the coal is easy to get or where its value is greater owing to its being a certain type of coal.

" There are more persons to be considered here than the landowners or the receivers of royalties and the colliery owners. We have to consider the community. The community will at least be responsible for the raising of the loans, and therefore the community has the duty to see that whatever is exacted from the lessees who use the nation's coal shall be a full and economic exaction, and that the Commission shall make no attempt under the guise of unification, to wipe out the obligation of the lessees to pay royalties.

" There will be a strong and determined move on the part of colliery owners to make a first call upon any surplus in the hands of the Commission, and the miners are to be the residual claimants of anything left, that is to say, nothing. For years and years the aspiration of the miners has been to have something done that would give them a better claim on the products of the industry, and now to-night, under Clause 21 of this Bill, the miners will not be the first, but the last to be considered. Therefore, I protest against this loose talk of any idea being entertained in responsible quarters that royalties shall be abolished. They cannot be abolished. One can no more abolish royalties than land. Let us finish with this talk about the surplus being used to wipe out royalties altogether. It cannot be done."

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