

# James the Serf

by Kenneth McNeill

*A professor looking for his roots finds they're a little more down to earth than he'd imagined*

My great, great, great, great grandfather was a serf, a person tied to a particular coal company for life. Of course, 200 years ago, it wasn't so unusual for people to be slaves. The West Indies was full of them before 1833 when slavery was abolished in the British Empire. But this wasn't in the west, but in the east, East Lothian in Scotland to be more precise, and the person in question, James McNeill, was not transported but Scottish born, bred and domiciled.

Serfdom was one of the facts that emerged when I started a retirement project, investigating my forebears. I knew that traditionally the McNeills came from the Hebrides, islands off the West Coast of Scotland, whereas my own grandfather came from near Edinburgh. How and when did my McNeills come to the Lowlands, I wondered? One romantic, though perhaps not heroic, idea was that they came with, or deserted from, the army of Bonnie Prince Charlie in 1745. But I found the truth was more down to earth: for all of the 18th and 19th centuries, my family worked in the coal pits not far from Edinburgh.

My serf ancestors weren't just tied to a particular job, they were bound to a particular pit for the rest of their lives unless the coalmaster who owned them decided to sell them or trade them to another owner. And if the mine were sold, they would be part of the assets of the mine, just as with a piece of machinery. Of course nowadays when a company is sold very often it is part of the agreement that all employees are kept on - but if the workers don't like it they can leave. The serfs couldn't.

Not only were the colliers bound but their children were as well. Maybe that wasn't

exactly what the law said, maybe a child working in the mine with his or her father wasn't legally bound until the child had worked for more than a year post-puberty. But generally the pit owner put his bid in right at the beginning by giving a child or its family a gift at baptism, acceptance of which could later be interpreted as agreement of the child being part of the mine. There could of course be a definite agreement binding the children. And what else were the children to do? The education system didn't work well for children down a mine and other job opportunities were limited.

The wife of a collier was also effectively bound, as she would normally act as the "bearer" of the coal cut by her husband, carrying it either to the bottom of the hoist or all the way up to the surface. Considering the size of the normal family of those days, this coal bearing would normally take place when she was also bearing a child.

This all sounded very medieval, but far from being a hangover from the Middle Ages, I found it was a result of deliberate action of the Scottish parliaments. In 1579 and 1597 Poor Laws allowed vagrants to bind themselves to employers for life -- to give up freedom for an at least partially filled stomach.

In 1606 coal owners were given even more powers over their workers -- colliers could not take another job unless they had a testimonial from their previous employer saying that they could seek other work; by withholding such a testimony the owner could ensure the collier was fixed to the coalmaster.

What could happen if a miner just upped and left? Then a new employer had to return the collier within a day. Serfs could even be brought back from the army or navy -- though if the collier managed to avoid recapture within a year and a day he was free, a situation that appears to have held at the time of the Norman Conquest of England.

So escape wasn't easy and recapture could mean physical punishment. Lashing was one possibility but another forebear, Peter McNeill, wrote some years later of even more cruel and unusual methods. McNeill writes that his great grandfather James spoke of three favourite means of punishment -- placing an iron collar on the neck and nailing it to a wooden post at the top or at the bottom of the pit shaft for a day or... "tying his hands in front of the gin-horse and compelling him to run round the gin-gang, back foremost, before the horse, when



*Women mineworkers in the early 1800s*

winding the coal to the pit-head," or if there were a number of defaulters, to use them instead of the gin-horse (the gin, or engine, was the non-human motive power for the mine). One hopes these were extreme punishments, not the norm; and doubtless some owners would think it easier to let the most recalcitrant go.

Why was this bondage permitted? Apparently for the economic reason that, with few colliers in an expanding market for coal needed to fuel the Industrial Revolution, a free market would result in high wages and lower profits. Serfdom could keep the wages down, as miners couldn't sell their labour elsewhere -- and thus, possibly, result in a faster growing economy. Viscount Stair said that vestiges of slavery were justified as their services (those of the collier) were necessary for the kingdom.

The word "slavery" was used by Stair. It was also used in court. In the 1746 case of Clark vs. Ker and Penman, the court accepted that... "a boy who enters into coal-work where his father is a bondsman becomes a slave, not by consent, but from the nature of slavery which extends from father to son." True, an anti-slavery lobby was gaining strength in Britain. In 1772 England's Mansfield Declaration established... "No master ever was allowed here to take a slave by force to be sold abroad because he deserted from his service, or for any other reason whatsoever."

This didn't stop slavery in Britain, however. Even the declaration's drafter, Lord Mansfield, had a slave, Elizabeth Dido Lindsay, who was not freed until Mansfield's death in 1793 -- in his will he gave her freedom and an annuity. A declaration similar to Mansfield's was made in Scotland in 1778.

Change only came when economic factors

*"The mark of a Scot of all classes [is that] he ... remembers and cherishes the memory of his forebears, good or bad; and there burns alive in him a sense of identity with the dead even to the twentieth generation."  
- Robert Louis Stevenson*



*Mining families in Prestonpans*

## *Dark as a Dungeon*

by Merl Travis, Aug 8, 1946

Come all ye young fellows,  
So young and so fine,  
And seek not your fortune  
Way down in the mine.  
It'll form like a habit,  
And seep in your soul,  
Till the stream of your blood,  
Flows as black as the coal.

It's dark as a dungeon,  
And damp as the dew.  
The danger is doubled,  
And the pleasures are few.  
Where the rain never falls,  
And the sun never shines.  
It's dark as a dungeon,  
Way down in the mine.

There's many a man,  
I have seen in my day,  
Who lived just to labour  
His whole life away.  
Like the fiend with his dope,  
And the drunkard his wine,  
A man can have lust,  
For the lure of the mine.

Oh when I am dead  
And the ages shall roll.  
My body will blacken  
And turn into coal.  
Then I'll look from the door,  
Of my heavenly home,  
And pity the miner,  
A-digging my bones.

as well as humanitarian ones began to be on the side of the miners. Remarkably, the costs of employing serfs in Scottish pits were higher than in the (free) English ones, probably because owners were increasingly unable to entice new people into serfdom, even despite the bondage of children. Many pit owners began to urge emancipation possibly so they could lower what they paid for their workers. In 1775 the Westminster Parliament passed a bill that said all new members of the coal industry labour force would be free and that current members would be freed over the next 10 years. Wives and children were to be freed on the same day as their menfolk. Peter McNeill tells how the miners of the town of Pinkie not unnaturally kept July 3 as a holiday since it was on that day in 1775 that they became free. Presumably Abercorn, their owner,

freed them all rather than have the hassle of gradually releasing them.

The Act of 1799 freed all remaining collier bondsmen. Realizing that if miners owed money to the coalmasters (for goods bought in a company store, for instance) they were still bound, the act made incompetent actions for recovery of debts.

It would be nice to think the 1799 Act cured all ills. It didn't. It required 40 or 50 years more to prohibit women and boys working underground.

It is fair to say that genuine surprise was my reaction at discovering that my ancestors had not been the gallant Highlanders I had once imagined. Perhaps because he himself had not known, my father never spoke of our ties to the Scottish coal mines, but indeed many of his generation preferred to forget anything before 1918 -- so many of their friends had been killed in the war.

In my search, however, I did learn that James McNeill was eventually freed but continued working as a collier; in 1841, at the age of 80, he was living in Tranent, 10 miles east of Edinburgh and site of the battle of Prestonpans in 1745.

His great-grandson Peter, the author, was born in 1839 and became a pit-boy himself. He attended night school for a couple of years, left the mine in 1859 after 10 years in it and then for five decades ran a bookstore in Tranent. Peter's brother David lived nearby in Newtongrange in a two-room house with his wife and eight children. David's eldest boy, also David, took some accounting courses and ended as managing director of an Edinburgh brewery.

In the next generation were a provost of a Scottish town and the mayor of an English town, while the next generation after that produced a Queen's Bench judge and a Toronto professor.

What, I have sometimes wondered, would James and his descendents have done if he had had some education? With a greater mind, would the family have had a greater future? Yes, many would insist, of course. A good friend, however, reminded me of Somerset Maugham's story *The Verger*, who succeeds in business and becomes rich after being fired from his post at St. Peter's church because he couldn't read or write. With that in mind, my friend says, there is a good chance we would all still be working down the pit! ■

*Professor Emeritus Kenneth McNeill retired from the University of Toronto's Physics Department in 1992 but still teaches Physics for the Life Sciences. This article was originally published in the University of Toronto Bulletin.*

## *From the Mailbox*

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### **Back in Touch**

I have been out of the country and just returned June 19<sup>th</sup>. I do enjoy the *Scots Canadian* – keeps me in touch with my heritage. Thanks for keeping in touch.  
*Constance Stewart Gordon  
Toronto, Ontario*

Ed: Thanks for the compliment! Great Scots name by the way!

### **Mac or Mc?**

Recently my daughter-in-law returned from Scotland with the information that Mc s are Irish and Macs are Scottish and that if our family is indeed Scottish we should put back the "a" in Mac. Any Comments?

*William R McLean  
Lac Ste. Marie, Quebec*

Ed: You really do not need to worry about putting the "a" back in. Experts assure us that it is a fallacy that Mc is Irish and Mac is Scottish. Mc is simply an abbreviation of Mac. (In gaelic: mhic.) Many years ago, people used M'c and sometimes even M'

### **Keeping the Tradition Alive**

I happened to be in Canada last May on holiday from the Birmingham area in England and a relative of mine passed me a copy of the *Scots Canadian*. As I am originally from Scotland I was most interested to learn things about my native land from a source so far away! I was also pleased to see that the Scottish heritage is being kept alive so well in Canada. On my tour around the Ottawa area both in Ontario and Quebec I was constantly reminded of the Scottish influence. The best of luck in your attempt to get the University position established.

*Michael Campbell  
Brownhills, UK*

Ed: Thanks for your kind words of support.