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***‘SO BARBAROUS A PRACTICE’:***  
**CORNISH WRECKING,**  
**ca. 1700-1860,**  
**AND ITS SURVIVAL AS POPULAR**  
**MYTH**

**CATHRYN JEAN PEARCE**



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## ABSTRACT

The popular myth of Cornish wrecking is well-known within British culture, but there has not been a comprehensive, systematic inquiry to separate out the layers of the myth from the actual practices. This study rectifies this omission by examining wrecking activity as reported in popular sources and traditional tales; deconstructing the most widely believed elements; illuminating the complexity of the practices; and investigating the process of myth-making which sustained the image of the wrecker in popular consciousness. It suggests that violent wrecking was not nearly as widespread and invidious as popular histories allow. The coastal populace had their own popular morality, including the use of mediation and constraint, which allowed them to practise wrecking, salvage, and lifesaving activities simultaneously. They did not condone all forms of wrecking; thus it cannot be deemed a 'social crime'. Wreckers did not escape conviction because of local resistance to centralised authority, but as a result of the complex legal practices of discretion that were incorporated into the eighteenth century English criminal justice system. The role of the lord of the manor was also more complex; their relationship with the coastal populace was based on reciprocity as well as antagonism. However, the tightening of governmental control and increasing bureaucratisation in the Victorian period resulted in the loss of customary wreck rights for both the coastal inhabitants and the local elites. At the same time, the press and pulpit were the primary conduits for establishing and popularising the wrecker stereotype through symbolic violence and moral panics. The stereotype became reflexive, touted as an accurate description in Victorian histories, and thus burying the reality of wrecking under accretions of moralising discourse. Therefore, the process of historical 'beach combing' across the disciplinary boundaries has revealed wrecking as a multi-faceted, sophisticated cultural practice and cultural construct.

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## ABBREVIATIONS

ADD	Additional Manuscript, British Library
AR	Arundell Papers, Cornwall Record Office
BBC	British Broadcasting Corporation
BL	British Library
BT	Board of Trade Records, National Archives
CA	Croft Andrew Papers, Cornwall Record Office
<i>CJ</i>	<i>Journal of the House of Commons</i>
CRO	Cornwall Record Office
CUST 67	Records of the Boards of Customs, Outport Records: Falmouth, Fowey, Truro, Penryn, Gweek, The National Archives
CUST 68	Records of the Boards of Customs, Outport Records: Penzance, Scilly, St. Ives, The National Archives
CUST 69	Records of the Boards of Customs, Outport Records: Bristol Channel Ports, Padstow, Appledore, Bideford, Barnstaple
DJW	Journal of Christopher Wallis, Royal Institution of Cornwall
EN	Enys Papers, Cornwall Record Office
HB	Henderson Collection, Basset papers, Royal Institution of Cornwall
HO	Home Office Papers, National Archives
IOR	India Office Records, British Library
LG	London Guildhall Library
ML	Millaton Papers Cornwall Record Office
MSA	Merchant Shipping Act of 1854
MT	Ministry of Transport Records, The National Archives
P	Parish of Little Petherick Papers, Cornwall Record Office
PB	Prideaux-Brune Papers, Cornwall Record Office
PC	Privy Council Records, The National Archives
<i>PP</i>	<i>Parliamentary Papers</i>
QS	Quarter Sessions, Cornwall Record Office
<i>RCG</i>	<i>Royal Cornwall Gazette</i>
RIC	Royal Institution of Cornwall
RO	R. Rogers & Sons, Solicitors Papers, Cornwall Record Office
RP	Rogers of Penrose Papers, Cornwall Record Office
RS	Rashleigh of Menabilly Papers, Cornwall Record Office
<i>SM</i>	<i>Sherborne Mercury</i>
SP	State Papers, The National Archives
TNA	The National Archives of the UK, Public Record Office
T	H.M. Treasury Papers, The National Archives
<i>WB</i>	<i>West Briton</i>
W	Willyams Papers, Cornwall Record Office
X	Miscellaneous Papers, Cornwall Record Office

## INTRODUCTION

“It is far harder to kill a phantom than a reality”  
—Virginia Woolf

In February 2002, BBC News issued headlines on their internet website: ‘Timber galore for Cornish wreckers’. The Russian cargo ship *Kodima* foundered in heavy seas, spilling thousands of timber planks into the sea, which washed up on the beaches around Whitsand Bay. ‘Scavengers have swarmed over a Cornwall beach to retrieve timber from a grounded cargo ship’, the News announced, ‘risking death in the waves. Tight laws control salvage, but the Cornish wreckers have a long heritage’. The articles go on to repeat oft-told tales of Cornish wreckers: the clergyman who asked his parishioners to wait for him to remove his robes, so ‘we can all start fair’, and the prayer repeatedly ascribed to the Cornish: ‘Oh please Lord, let us pray for all on the sea; But if there’s got to be wrecks, please send them to we’. The *Kodima* was the latest wreck to experience the activities of the wrecker, joining the 1997 wreck of the container ship CV *Cita*, which ‘fill[ed] the sea with “gifts” for the islanders of Scilly.’ In an interview cited by the article, Ed Prynn of St Merryn claimed: ‘Everybody was down there with their diggers, right out in the surf. Nearly every house built after that had oak and teak beams. They won’t stop us doing it—it’s our culture. It’s in our blood’.<sup>1</sup> And yet, in an additional article, the news printed the following: ‘The coastguard is also warning people who are salvaging thousands of planks of pine wood washed up from the *Kodima* that the activity is illegal’.<sup>2</sup>

The wrecks of the *Kodima* and the *Cita* highlight an important truth. Even in the twenty-first century, the Cornish reputation for wrecking continues, not only within the media, but within literature, tourism, and the popular imagination.

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<sup>1</sup> BBC News Online, 4 February 2002. <http://news.bbc.co.uk/1/hi/uk/england/1801109.stm>

<sup>2</sup> BBC News Online, ‘Floods continue amid heavy rain’, 4 February 2002. <http://news.bbc.co.uk/1/hi/uk/1799659.stm>

Several key themes are evident from the news stories: ‘salvaging’ from the beach is still practised; people persist in believing it is their right; and the government continue to issue warnings that ‘wrecking’ is illegal. In addition, the traditional tales associated with wrecking are also quite evident, which include the wrecking prayers and the ‘Parson story’. Other tales which continue to be found within twenty-first century popular narratives and tourist destinations include the myth of Cornishmen who led donkeys or cows along the cliffs with lanterns hanging around the animals’ necks, to deliberately lure ships to their doom. Murder of the shipwreck victims and the plundering of corpses and cargoes complete the picture.<sup>3</sup>

Because of Cornwall’s location, and the sheer number of shipwrecks that came ashore, the Cornish have often been identified with what is termed ‘wrecking’. The Cornish today, in speaking of their connection with their wrecker past, may argue that the harvesting of wrecks is ‘in their blood’.<sup>4</sup> Yet, the heritage of which they speak is not the same activity that was performed in the past, or at least not unequivocally. For the terms ‘wrecker’ and ‘wrecking’, can denote different activities and nuances of behaviour. ‘Wrecking’ incorporates the mythic<sup>5</sup>—the image of men deliberately luring ships ashore through the use of false lights, and the actual. The actual activities can be divided into three categories (see Figure 0.1: Wrecking Activities), all of which are distinct from the practice of legal salvage.<sup>6</sup> The first category comprises the attack and plunder of a vessel, which might include a form of deliberate wrecking, such as the cutting of a ship’s cables,

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<sup>3</sup> See, for instance the multi-media show ‘Return to the Last Labyrinth’ at Land’s End, Cornwall which enacts deliberate wrecking and plundering of the resultant wrecked ship.

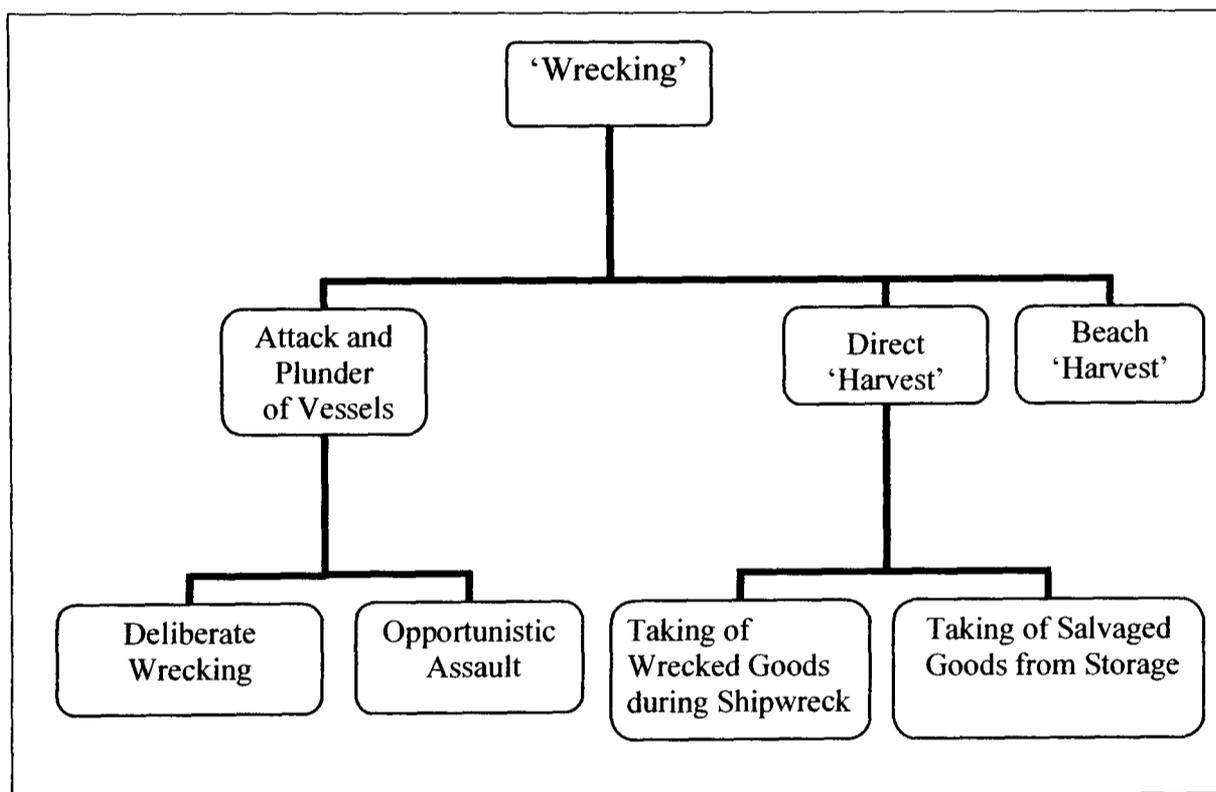
<sup>4</sup> See Bella Bathurst, *The Wreckers: A Story of Killing Seas, False Lights and Plundered Ships* (London, 2005), chapters 4 and 7. The trope of the Cornish wrecker has also been televised through such programming as Dawn French’s BBC comedy “Wild West,” (2004) and BBC’s travel programme “Clarissa and the Countryman” (2003).

<sup>5</sup> The definition of ‘myth’ is extremely contentious. The use of the term in the thesis follows that of Peter Burke, who emphasises the ‘richer, more positive sense of a story with a symbolic meaning involving characters who are larger than life, whether they are heroes or villains’. *Varieties of Cultural History* (Cambridge, 1997), 51. The term is not being used in the simpler, more popular understanding to signify something that is ‘untrue’.

<sup>6</sup> The act of legal salvage ‘arises when a person, acting as a volunteer (that is, without any pre-existing contractual or other legal duty so to act) preserves or contributes to preserving...any vessel, cargo, freight or other recognised subject of salvage from danger. In the absence of a binding agreement fixing the amount of remuneration, the salvor, upon the property being salvaged and brought to a place of safety, is entitled to recover salvage remuneration not exceeding the value of the property salvaged...’ Geoffrey Brice, *Maritime Law of Salvage*, Third edition (London, 1999), Section 1-01. The boundaries between legal and illegal salvage were, however, sometimes blurred. See Chapter Four.

but also an opportunistic assault on the vessel and its cargo once she lay aground. The second category consists of the taking or ‘harvesting’ of wrecked goods.<sup>7</sup> This activity can be further subdivided into the actions of either the immediate taking of wrecked goods at the time of the wreck, or the taking of wrecked goods after they had been turned over to the authorities for salvage. Finally, the third category comprises the harvesting of goods that had been washed ashore after the shipwreck event, or that had come ashore in the absence of a clear shipwreck, which was the most widespread form of wrecking.

**Figure 0.1: Wrecking Activities**



These generally opportunistic activities can be difficult to separate for analysis; they often occurred simultaneously. Moreover, contemporary informants were not necessarily concerned to distinguish between these forms of wrecking practices. For example, the term ‘plunder’, with its negative cultural connotation, often conflated relatively benign beach harvest with the aggressive attack and plunder of shipwrecks. To aid clarity of exposition and prevent confusion, this thesis therefore

<sup>7</sup> The term ‘harvest’ has been adapted from a description of wrecking by Rev. Robert Hawker in his *Footsteps of Former Men in Far Cornwall* (London, 1903), whereby he describes wreckers as ‘those daring gleaners of the harvest of the sea’, (129), to allow for the differences between the violent attack of a ship and the picking up of wrecked goods from the beach as it washes ashore.

uses as far as possible the following terminology: ‘*mythic wrecker*’ to refer to the invented persona; ‘*plunderers*’ to those who attacked a vessel and its cargo; and ‘*harvesters*’ to those who collected goods provided by the sea as a result of wreck. The term ‘*salvors*’ refers to those who were involved in salvage activities.

## **Objectives and Structure**

Despite the fact that the popular myth of Cornish wrecking is well-known within British culture, to date there has not been a comprehensive, systematic inquiry of the practice, an omission which this study rectifies.<sup>8</sup> There are two overarching, intertwined objectives: to establish the historical reality of wrecking and to achieve an understanding of the myth itself as an historical phenomenon. Therefore, the thesis examines wrecking activity as reported in popular sources and traditional tales; deconstructs the most widely-believed elements; and assesses the historical evidence to illuminate the complexity of the practice and the interplay between social groups. It also analyses wreck and salvage practices that existed between legality and illegality. The period under study is from 1700 to 1860, as this era saw the height of documented wrecking activity, the passage of the majority of shipwreck legislation, and the solidification of wrecking as myth. The focus is on the struggle and mediation between the ruling elite and the ‘country people’ of Cornwall and the centrifugal forces of national government for power and control over unclaimed shipwrecked goods—a mediation that took place not only on the economic front, but socially and culturally as well. It is not only a local study, in that wrecking was practised, and reacted to, on a national scale. Indeed, this thesis is an entry-point into wider issues, such those debated in crime studies, eighteenth century manorial studies, and studies concerning state versus local control.

However, there is one caveat. This study focuses mainly on wrecking within western Cornwall, principally because of the time constraints of the Ph.D., and the paucity of sources from other districts.<sup>9</sup> The Penzance district Customs records are

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<sup>8</sup> Only in France has the topic been given full length scholarly treatment. See Alain Cabantous’ *Les côtes barbares: Pilleurs d’épaves et sociétés littorales en France, 1680-1830* (Fayard, 1993).

<sup>9</sup> The Isles of Scilly are also included within this thesis, albeit peripherally as are other areas of Cornwall outside of the Penwith Peninsula. Although they are not politically a part of the county,

the most complete, and incorporate the area of Mount's Bay, a region of major wrecking activity. Wreckers in other Cornish districts, such as that of the far northeast corner near Morwenstow, Parson Hawker's territory, may have had slightly different experiences as they did not have the same level of law enforcement and Customs activity as did Mount's Bay and Land's End. Nevertheless, keeping this in mind, general conclusions may be drawn.

The structure of the thesis is as follows: the Introduction reviews methodology, sources, and literature concerning wrecking. Chapter One gives context to wrecking by investigating Cornish geography and the general historical background of the county, thus showing the importance of the maritime realm. Chapter Two focuses on the development of wreck law and the rights of wreck in the medieval and early modern period, since these were the foundation for legal concepts arising in the eighteenth and nineteenth centuries. Chapter Three analyses the legal reaction in the eighteenth and nineteenth centuries, and traces the development of wreck legislation. This includes the attempt to clarify definitions of wrecking offences and the shifting sense of the criminality of wrecking. Chapter Four examines the 'country people' of Cornwall and assesses their custom of wrecking. It considers the identity of those involved and their motives; mediation with authority; the economic significance of wrecking; and the social crime debate. Chapter Five investigates the criminality of wrecking, by analysing prosecutions and convictions for various wrecking offences. It also traces the effect of developing forms of law enforcement. Chapter Six furthers the investigation of the communal practice of wrecking, by examining the role and responsibility of the lords of the manors and their relationship to not only the 'country people', but to each other, as also to the Government. Chapter Seven traces the curtailment of local wreck rights to growing central government bureaucracy. Chapter Eight focuses on the use of language and sensationalism by the press and clergy, which solidified the wrecker stereotype and resulted in the survival of the popular myth.

This thesis, in its focus on wrecking, is philosophically at home within maritime history, an overarching field which, as Sarah Palmer explains, is 'concerned with

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they are a part of the Duchy of Cornwall, and during the eighteenth century, the Custom's outport of Penzance had nominal jurisdiction over Scillonian Customs' revenue.

the interrelationship of people, things, and events on land and sea...man's relationship with the sea in all its facets, with all its connections'.<sup>10</sup> In keeping with the goals of maritime history, this study is grounded in traditional empirical research, and is broad-based, in that it draws upon the disciplinary fields of political history (including legal and administrative history), economic history, and social history. In particular, it responds to and refines the models developed by E.P. Thompson and John Rule, particularly to the 'moral economy' and 'social crime' theses.<sup>11</sup>

Social history, as well as political and economic history, has certain weaknesses. Each historical field in itself is too confining, not only because of its limited areas of study, but also because of its theoretical foci. Much earlier work has emphasised collectivities, which results in the 'lumping' together of certain populations or forces, to the detriment of any sense of agency or individual choice.<sup>12</sup> As well, earlier social history, influenced by Marxism, focused on the use of power and the state for exploitation. This thesis, while acknowledging the existence of collectivities, recognises the diversity within the wrecking population. It also presents a more balanced treatment in its analysis of the key players in an attempt to correct what Jon Lawrence has described as a weakness in political history, the division of political history into two exclusive sub-disciplines, 'one focusing on policy formation and elite intrigue within the state, the other on popular politics as a convenient window through which to study popular culture and the politics of everyday life'.<sup>13</sup> Thus it analyses wrecking vertically as well as horizontally.

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<sup>10</sup> Sarah Palmer, 'Seeing the Sea: The Maritime Dimension in History', *Inaugural Lecture Series*, University of Greenwich, 11 May 2000, 9. See also Frank Broeze, ed. *Maritime History at the Crossroads: A Critical Review of Recent Historiography*, Research in Maritime History No. 9 (St. John's Newfoundland, 1995), xvix.

<sup>11</sup> E.P. Thompson, Ch. 4, 'The Moral Economy of the English Crowd in the Eighteenth Century', and Ch. 5, 'The Moral Economy Reviewed', in *Customs in Common: Studies in Traditional Popular Culture* (New York, 1993), 184-258, 259-351; 'Wrecking and Coastal Plunder', in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975, 1988), 167-188.

<sup>12</sup> Thomas Welskopp, 'Social History', in Stefan Berger, Heiko Feldner, and Kevin Passmore, eds. *Writing History: Theory and Practice* (London, 2003), 205; Pat Hudson, 'Economic History', in Berger, Feldner and Passmore, *Writing History*, 222-223.

<sup>13</sup> Jon Lawrence, 'Political History', in Berger, Feldner, and Passmore, *Writing History: Theory and Practice*, 193-4.

In the past, these major fields of historical study also focused on the search for an ‘objective truth’, but with the recent challenges of postmodernism, alternative approaches are being embraced, not the least the recognition of multiple truths. Therefore, this thesis has been influenced by postmodernism and takes advantage of what Felipe Fernández-Armesto has described as postmodernism’s ‘rich residue [left] on the shore, encouraging historical beach-combing’.<sup>14</sup> The introduction of new techniques of critical analysis allow for a more sophisticated study. Concepts of the ‘linguistic turn’ have been valuable, in that descriptive language has been analysed to interpret elite perspectives on wreckers and wrecking.<sup>15</sup> A related intellectual development, the ‘cultural turn’ has been beneficial for illuminating the perceptions of the ruling elite, which in turn not only influenced their policy-making, but was central in the development of wrecking myth into popular consciousness. As Miri Rubin explains, the cultural turn deliberates on modes of communication, representation, and ‘the interaction between structures of meaning—narratives, discourses—and the ways in which individuals and groups use them and thus express themselves’.<sup>16</sup>

The cultural and linguistic turns have as their underpinnings the theories of such influential thinkers as Michel Foucault and Pierre Bourdieu. Their work has been particularly useful, with their insights into the relationship of language ‘to social and institutional practices and power’ in Foucauldian terms<sup>17</sup>, and the concepts of dominant culture, symbolic violence and cultural capital in Bourdieuan sense.<sup>18</sup> These concepts are particularly beneficial in the examination of the shifting meanings of criminality and in the relationships between the various levels of society that were involved in wrecking or in the attempted subjugation of wrecking. Bourdieu’s work is useful in allowing an analysis that recognises that an

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<sup>14</sup> Felipe Fernández-Armesto, ‘Epilogue: What is History Now?’ in David Cannadine, ed. *What is History Now?* (London, 2002), 149.

<sup>15</sup> Marc W. Steinberg, ‘Culturally Speaking: Finding a Commons between Post-Structuralism and the Thompsonian Perspective’, *Social History*, Vol. 21, No. 2 (May 1996), 192-214.

<sup>16</sup> Miri Rubin, ‘What is Cultural History Now?’ in David Cannadine, ed. *What is History Now?*, 81.

<sup>17</sup> Kevin Passmore, ‘Poststructuralism and Postmodernism’, in Berger, Feldner, and Passmore, *Writing History: Theory and Practice*, 122; Clifford Geertz, *The Interpretation of Cultures* (1973, 2000); Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London, 1977); Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge, 1972).

<sup>18</sup> Morag Shiach, *Discourse on Popular Culture* (Oxford, 1989), 5.

objective reality exists, but it also recognises the realities of differing key players without offering value judgments.

Another important postmodern concept gleaned from ‘beachcombing’ is that ‘cultural products and practices are performative as well as reflexive’, meaning that ‘a novel or a ritual does not just reflect social experience, it also constructs it’,<sup>19</sup> a process clearly illustrated in this enquiry. Thus the merging of methodologies and approaches allows for a more nuanced understanding of the complexities of wrecking than would be possible from a straightforward historical investigation limited to one approach. This is in keeping with the goals of maritime history, which incorporates ‘many perspectives and approaches...a humanistic study’.<sup>20</sup>

## Sources

Wrecking history has been accused of being a less than ‘substantial’ subject because of the dearth of primary sources. However, this assessment is wrong.<sup>21</sup> Although the subject might appear difficult to research, and although there is no direct evidence from the wreckers themselves, there are a multitude of excellent sources available. In London, the letter-books of H.M. Customs housed at The National Archives provided a wealth of information about the experiences of the Customs Officers, not only with illegal wrecking by the ‘Country People’, but also the problems associated with the legal wreck rights of Lords of the Manor. At The National Archives, too, are the records and correspondence of the Board of Trade, which were instrumental in consolidating wreck claims, and which were awarded the control of wreck rights after the consolidation of wreck law in the nineteenth century. Also useful was the correspondence contained in the Home Office and State Papers, for the plundering of foreign shipwrecks garnered national attention. The London Guildhall Library holds the letter-books and correspondence of Trinity House, the governmental agency in charge of aids to navigation in England

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<sup>19</sup> Sarah Maza, ‘Stories in History: Cultural Narratives in Recent Works in European History’, *The American Historical Review*, Vol. 101, No. 5 (December 1996), 1495.

<sup>20</sup> John B. Hattendorf, ed. *Maritime History, Vol. 2: The Eighteenth Century and the Classic Age of Sail* (Malabar, Florida, 1997), xiv.

<sup>21</sup> Sara Wheeler, ‘Whose Loot is it Anyway?’ A review of Bella Bathurst’s *The Wreckers*, *New York Times*, 17 July 2005.

and Wales. Their records were valuable in tracing some of the wrecking myths that had developed around lighthouses in Cornwall and the Isles of Scilly. They are also the repository for *Lloyd's List*.

The records of the British East India collection at the British Library, likewise, were important for elucidating the experiences of this important trading company, which had several ships unfortunate enough to run aground on Cornish shores and were plundered of their cargoes, including the *Albemarle* in 1708. The British Library is in possession of important contemporary sources such as religious tracts, contemporary Cornish histories, and manuscript collections such as the Liverpool Papers, which contain snippets of evidence on the 'problem of wrecking'. They also hold the manuscript of John Bray, claimed by A.K. Hamilton Jenkin as 'the only genuine contemporary account of the loss of shipping on the coast of Cornwall during the period when wrecking was at its height'.<sup>22</sup> And, of course, the Library is also the repository for the large number of eighteenth and nineteenth century published sources on Cornish history. The Caird Library at the National Maritime Museum in Greenwich holds an extensive collection of secondary sources, as well as the Board of Trade Wreck Registers (1855-1898), and religious tracts.

In Cornwall, the records at the Cornwall Record Office (CRO) in Truro are a rich field to mine. Particularly noteworthy, the Arundell collection is an important source for the history of Cornwall in general, and for maritime history in particular. It has only been available to scholars since 1991,<sup>23</sup> and has not, until now, been used for wrecking history. The CRO, too, is the home of the papers of other important gentry who were involved in wrecking and wreck rights, such as the Enys, St Aubyn, Prideaux-Brune, and Willyams families. The Royal Institute of Cornwall (RIC), Courtney Library, also in Truro, is the repository of the Henderson papers. This collection includes some of the early Basset family records and case papers regarding their rights to wreck, which allowed the piecing together of wreck disputes they had with the Arundells. Of particular value at the RIC is the

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<sup>22</sup> John Bray, *An Account of Wrecks, 1759-1830—On the North Coast of Cornwall*. Edited and transcribed by A.K. Hamilton Jenkin (Truro, 1975). Original British Library [Add.37826](#).

<sup>23</sup> Christine North, 'The Arundell Archive', *Journal of the Royal Institution of Cornwall*, New Series II, Vol. I, Part I, (1991), 54.

diary of Christopher Wallis, an eighteenth-century Penzance attorney who was involved with salvage claims and wrecking disputes. The Cornish Studies Library in Redruth is also a good source for contemporary newspapers, religious tracts and Cornish sources.

These are just a few of the important collections that were utilised for this thesis; the list is not exhaustive and there are still many resources left untouched because of the time constraints. However, some of the potentially most valuable sources are no longer available, having been destroyed in the ensuing years: most Custom's records for the eighteenth century were lost when the London headquarters caught fire in 1814; some Trinity House records were destroyed in the London fire of 1666, the fire of 1714, and the bombing of Trinity House in the Second World War.<sup>24</sup>

The use of the extant sources has not been without difficulty. Wrecker experiences at the hands of the law are difficult to determine: assize records are uncertain, not only because legal language can be obscure, but because the descriptions of the crimes prosecuted were imprecise.<sup>25</sup> 'Trespass' can denote the theft of growing crops, yet it can also denote wrecking.<sup>26</sup> Wrecking activity is often subsumed under the terms 'plunder', 'piracy', or simply 'theft'. 'Wrecking' is not a term used in prosecutions, although it is used in contemporary correspondence and media reports. Assize records are also very fragmentary, and little survives from the eighteenth century petty sessions.<sup>27</sup> Indeed, the assize records for Cornwall at The National Archives do not even begin until 1801, and key dates are missing. Thus, criminal records were of only limited use to this study.

Sources reporting shipwrecks are also fragmentary and lack essential detail. Journals, newspapers, and Lloyd's reports are relatively silent on the disposition of

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<sup>24</sup> Edward Carson, *The Ancient and Rightful Customs: A History of the English Customs Service* (London, 1972), 13; Stephen Freeth, Keeper of Manuscripts, London Guildhall Library, personal correspondence, 17 September 2004.

<sup>25</sup> CRO, QS/1/11/264-287, Bodmin, 10 July 1827.

<sup>26</sup> Clive Emsley, *Crime and Society in England, 1750-1900* (London, 1996), 3.

<sup>27</sup> Emsley, *Crime and Society in England, 1750-1900*, 21. I am informed by Judith Rowbotham that Kim Stevenson will be examining extant petty sessions in the West Country, so this impediment may be lessened in the future. Personal communication, 12 May 2005.

cargoes after shipwreck: the name of the ship, master, itinerary and types of cargo are often listed, but that is all. Likewise, news reports were not forthcoming, unless reporting on the rare moral panics against wrecking.<sup>28</sup> Other source issues created frustration. Often lost records within collections foiled attempts to either corroborate cases or add further detail. Even more frustrating are the simple exclusions by the Customs' clerks: affidavits were collected by Penzance's Collector of Customs in 1776 regarding the plundering of Louis XVI's vessel *Marie Jeanne*, but unfortunately they were not copied into the letter-books, and have thus been lost.<sup>29</sup> Despite these issues, however, assiduous use of these sources has allowed this thesis to progress beyond the stereotype of the Cornish wrecker, and to elucidate the complexities and interplay involving shipwrecks and wrecking in the coastal communities of Cornwall.

## Literature

The topic of wrecking has been touched upon in several different genres, including general shipwreck studies, early histories of Cornwall, folklore collections, and scholarly works, including literary studies, Customs histories, and histories of crime. Shipwreck history, the history of disasters at sea and ashore, has received minimal scholarly attention, though there is no lack of popular descriptive accounts. Indeed almost every seaboard county has a plethora of books devoted to the topic.<sup>30</sup> However, Keith Huntress has undertaken a literary analysis of shipwreck narratives in both North America and Great Britain, arguing that the publication of such accounts whetted the Victorian public's appetite for suspense and adventure, as well as offering religious and moral lessons.<sup>31</sup> Within Britain, Margarete Lincoln has examined the cultural significance of narratives from the

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<sup>28</sup> The role of the media and moral panics against wrecking will be examined in Chapter Nine.

<sup>29</sup> TNA, CUST 68/42. Penzance Board to Collector, 23 July 1776; 28 September 1776; 19 October 1776.

<sup>30</sup> Interestingly enough, scholarly conferences and museum courses with shipwreck as their focus have been plentiful. The National Maritime Museum has been running Open Museum courses on shipwrecks approximately every two years, and held an interdisciplinary conference on Shipwrecks in the Long Eighteenth Century in conjunction with Nottingham Trent University in May 2006. The conference proceedings will be published in 2007, and will include a paper on wrecking by the author of this thesis.

<sup>31</sup> Keith Huntress, ed. *Narratives of Shipwrecks and Disasters, 1586-1860* (Ames, Iowa, 1974), xiii-xviii.

eighteenth and early nineteenth centuries, identifying in them religious themes of reference, attitudes towards national identity, contemporary nationalism, changing perceptions of cultural differences, and gender issues.<sup>32</sup> The shipwreck narratives of other nations have also been analysed. Josiah Blackmore investigated Portuguese narratives and determined that ‘shipwreck narratives collectively manifest a counterhistoriographical impulse to the official textual culture of imperialism’.<sup>33</sup> Rainer K. Baehre, who collected narratives of Newfoundland shipwrecks, illuminates the cultural impact such stories had on Newfoundland, arguing that ‘[t]hese narratives constitute an essential element in this colonial society’s self-definition and self-image’.<sup>34</sup> Lucy Delap has taken another tack, and considered the role of chivalry during shipwrecks in the nineteenth century, arguing that the chivalric code of ‘women and children first’ was mythic, although used for varying political and cultural purposes.<sup>35</sup> While all these studies assist in understanding the cultural elements of shipwreck narratives, and illuminate the influences on accounts of shipwrecks, they do not generally deliberate on the meaning of activities ashore during the shipwreck event, whether of wrecking, salvaging or lifesaving.

Wrecking is a topic touched upon in many general Cornish histories, although the first in-depth study of the county, Richard Carew’s *The Survey of Cornwall* (1602), does not comment on wrecking, other than to remark that the finders of wrecks ‘by the common custom alloweth a moiety for his labour’.<sup>36</sup> The first history to include wrecking may have been one of the earliest sources to have invented and cemented the Cornish, or in this case Scillonian, reputation. In 1724, Daniel Defoe anonymously published his best-selling *Tour through the Whole Island of Great Britain*, in which he described Scillonian wreckers as ‘fierce and ravenous

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<sup>32</sup> Margarete Lincoln, ‘Shipwreck Narratives of the Eighteenth and early Nineteenth Century: Indicators of Culture and Identity’, *British Journal for Eighteenth-Century Studies*, Vol.20, No.2 (1997). See also George P. Landow, *Images of Crises: Literary Iconology, 1750 to the Present* (Boston, London and Henley, 1982).

<sup>33</sup> Josiah Blackmore, *Manifest Perdition: Shipwreck Narrative and the Disruption of Empire* (Minneapolis, MN, 2002), xxvi.

<sup>34</sup> Rainer K. Baehre, ed. *Outrageous Seas: Shipwreck and Survival in the Waters off Newfoundland, 1583-1893* (Montreal, 1999), 11.

<sup>35</sup> Lucy Delap, ‘“Thus does man prove his fitness to be the master of things”: Shipwrecks and Chivalry in Edwardian Britain’, King’s College, Cambridge, [www.corpus.cam.ac.uk/crosstalk/delap.html](http://www.corpus.cam.ac.uk/crosstalk/delap.html). Accessed 19 November 2003.

<sup>36</sup> Richard Carew of Antony, *The Survey of Cornwall*, edited by F.E. Halliday (Orig published 1602: London, 1953, 1969), 104.

people...they are so greedy, and eager for the prey'.<sup>37</sup> With the popularity of Defoe's writing, the imagery of 'fierce and ravenous people' was situated in the popular mind, and set the debate into the twenty-first century. Subsequent Cornish and Scillonian histories all responded to the 'reputation', beginning with Robert Heath's *The Isles of Scilly* in 1750. Heath's tone is unmistakable, claiming that Defoe 'had made so free with the Characters of these People, and Islands that he never saw, nor could possibly be informed of, in so unfaithful a Manner, except by the Dictates of his own Imagination...'<sup>38</sup> Heath's call for defence of the Scillonians was literally adopted in the writings of Rev. John Troutbeck in 1796, which uses Heath's exact wording. In 1822, Rev. George Woodley, on the other hand, explicitly denies that the Scillonians were involved in any wrecking, preferring to claim that they were only involved with legal salvage.<sup>39</sup>

As with the Isles of Scilly, many nineteenth-century Cornish local histories were written and published by clergy as part of the antiquarian movement. These histories discuss wrecking, either to cast a moralistic, censoring tone upon the practice, or to indicate the existence of cultural evolution, that the 'barbarities' of the past were being left behind. However, each was also reacting to the existence of the Cornish reputation for wrecking. These works include Rev. Richard Polwhele, *A History of Cornwall* (1803-1808) and Rev. John Whitaker, who, in his *The Ancient Cathedral of Cornwall Historically Surveyed* (1804), took the opportunity to censure the locals of Breage for the practice he called 'so hostile to

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<sup>37</sup> Daniel Defoe, *A Tour through the Whole Island of Great Britain*, intro by G.D.H. Cole and D.C. Browning (Originally published London, 1724, 1962, 1974), 243. There were probably earlier descriptions of the Cornish and Scillonian reputation, but thus far they have not been located. Literary critics accept that Defoe did not visit the Isles of Scilly, thus he could not have witnessed this activity (vii-xvi). However, Defoe must have been aware of the reputation in order to draw upon it, although most likely he embellished it to emphasise their foreignness, to the detriment of the Scillonians.

<sup>38</sup> Robert Heath, *The Isles of Scilly: the First Book on the Isles of Scilly* (Originally published London, 1750; Reprinted Newcastle-upon-Tyne, 1967), 53-54.

<sup>39</sup> Rev. John Troutbeck, *A Survey of the Ancient and Present State of the Scilly Islands, &c.* (Sherborne, 1796), 157; Rev. George Woodley, *A View of the Present State of the Scilly Islands: Exhibiting their Vast Importance to the British Empire...* (London, Truro, 1822), 164. William Borlase's *Observations on the Ancient and Present State of the Islands of Scilly, and their Importance to the Trade of the Great Britain...* (Oxford, 1756), does not mention wrecking at all.

every principle of Christianity...'<sup>40</sup> Fortescue Hitchens and Samuel Drew's *A History of Cornwall* (1824) emphasised that the Cornish were not inhuman wreckers who wished to see victims perish, that they had been 'broken from fierce barbarians into men'.<sup>41</sup> In 1852, Rev. H. J. Whitfield utilised the deliberate wrecking myth as a factual statement of the defeat by Protestantism over Catholicism, which was represented by the death of the followers of St Warna, the Scillonian patron saint of shipwrecks and wrecking.<sup>42</sup> Rev. Coulthard of Cury and Gunwalloe echoed their opinion in 1912, when he used wrecking to illustrate the violence of the past, but 'when we contrast it with the present it fills the mind with hopefulness, and reveals the vast latent possibilities in human nature for improvement and progress'.<sup>43</sup> Thus these works stressed not only cultural evolution, but religious evolution, in which the barbarities of the past are used as points of reference to emphasise the progress, humanitarianism, and enlightened religion of the Victorian age.

Apologists such as Alfonse Esquiros, in his *Cornwall and its Coasts* (1865), Jonathan Couch, in *The History of Polperro* (1871), and C.F.C. Clifton in *Bude Haven* (1902) addressed the conflation of the myths of deliberate wrecking with other aspects of the wrecker stereotype, and defended the Cornish by emphasising their role in lifesaving and the humane treatment of shipwreck victims. Couch and Clifton also railed against what they felt was a slanderous reputation created by fiction writers, a charge that would be brought up in several debates regarding the truth or falsity of the Cornish use of false lights that would rage in the pages of the *Cornish Telegraph* and the *Mariner's Mirror* in the twentieth century.<sup>44</sup>

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<sup>40</sup> Rev. Richard Polwhele, *The History of Cornwall, 1760-1838*, Vol. III, Book 2 (Dorking, 1978), 49; Rev. John Whitaker, *The Ancient Cathedrals of Cornwall Historically Surveyed* (London, 1804), 338.

<sup>41</sup> Fortescue Hitchens and Samuel Drew, *The History of Cornwall: From the Earliest Records and Traditions to the Present Time*. Two volumes. (Helston, 1824), ii. Fortescue Hitchens originally began the work, but died before it could be completed. In the meantime, the printer, William Penaluna had the papers which were utilised for Penaluna's own *The Circle, or Historical Survey of Sixty Parishes and Towns in Cornwall* (Helston, 1819). Penaluna then asked Samuel Drew to complete Hitchens original work, which was accordingly done.

<sup>42</sup> Rev. W.J. Whitfield, *Scilly and its Legends* (Orig. published Penzance, London, 1852; Facsimile reprint: Felinfach, 1992), 178-183.

<sup>43</sup> Rev. H.R. Coulthard, *The Story of an Ancient Parish: Breage with Germoe, with Some Account of its Armigers, Worthies, and Unworthies, Smugglers and Wreckers, its Traditions and Superstitions* (Camborne, 1913), 81.

<sup>44</sup> Alfonse Esquiros, *Cornwall and its Coasts* (London, 1865), 177-8; Jonathan Couch, *The History of Polperro: a Fishing Town on the South-Coast of Cornwall* (First published 1871; Newcastle-

Contemporary histories are thus useful in tracing perception, and in tracing the development of myth. Indeed, it is very difficult to separate out fact from fiction in these histories, as many of these accounts were written in an era when objective history had not yet been born, when myths and legends were taken as fact, and were more important as morality tales and as works of literature.<sup>45</sup> Stories of the mythic wrecker using false lights tied to a horse's head do not begin appearing as a factual report in Cornish histories until Cyrus Redding's historical narrative *An Illustrated Itinerary of the County of Cornwall* (1842). Redding prefaces his account with the validity principle, that 'it is true, we were told, and have no reason to doubt the correctness of our information'.<sup>46</sup> By 1892, national histories written in the Whig tradition such as that by William E. H. Lecky, could state authoritatively that the crime 'strikingly indicative of the imperfect civilisation of the country, was the plunder of shipwrecked sailors, who were often lured by false signals upon the rocks'.<sup>47</sup> Hence it took little for a mythic story to enter wrecking history as 'fact', although this does not preclude a folkloric genesis for the initial false lights motif.

Two folklorist-clergy writers whose works have also muddied the waters between the fact and fiction of wrecking are Robert Hawker, vicar of Morwenstow and Sabine Baring-Gould, rector of Lew Trenchard in Devon. Both wrote histories, collected folklore, and utilised it within their fiction. Baring-Gould borrowed much from Hawker, particularly the stories of the smuggler-wrecker, 'Cruel' Coppinger, whom Baring-Gould fictionalised in his *In the Roar of the Sea* (1892). He also wrote a biography of Hawker, which created much uproar and which was

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upon-Tyne, 1965), 44; C.F.C. Clifton, *Bude Haven: Bencoolen to Capricorno: A Record of Wrecks at Bude, 1862 to 1900* (Manchester, 1902), 13, 52. For the false lights debate, see Peter Pern ed. *Cornish Notes and Queries: Reprinted from the Cornish Telegraph* (London, 1906), 292-97; and *Mariner's Mirror*, Vol. 70, (1984), 44, 388.

<sup>45</sup> Raphael Samuel, *Theatres of Memory, Vol 1: Past and Present in Contemporary Culture* (London, 1994), 431, 438-443.

<sup>46</sup> Cyrus Redding, *An Illustrated Itinerary of the County of Cornwall* (London, 1842), 189; Esquiros, *Cornwall and its Coasts*, 177-8; Rev. Alfred Hayman Cummings, *The Churches and Antiquities of Cury and Gunwalloe in the Lizard District, including Local Traditions* (Truro, London, 1875); Coulthard, *The Story of an Ancient Parish*, 81.

<sup>47</sup> William E.H. Lecky, *A History of England in the Eighteenth Century* (London, 1892), 113.

eventually exposed as fictional.<sup>48</sup> In his treatment of wrecking, Hawker alludes to the practice of deliberate wrecking in his *Footprints of Former Men in Far Cornwall* (1870), but most of his wrecker stories are fairly innocuous, unless he was censuring those whom he felt were remiss in performing their duties of lifesaving.<sup>49</sup> However, as Hawker's son-in-law Charles Byles notes, Hawker had the 'mystifying habit of concealing his identity by vague allusions to "ancient writers" who never existed', thus it is unclear what wrecker allusions are folklore, and what is invention.<sup>50</sup> Like Hawker, Baring-Gould showed his belief in the myth of deliberate wrecking even in his supposedly non-fictional works, such as *The Book of Cornwall* (1899).<sup>51</sup>

Besides Hawker and Baring-Gould, there are two important Cornish folkloric works that record local wrecking stories. They were collected as part of a greater folklore movement in the nineteenth century, when folklorists thought it imperative to collect stories before they disappeared. They mourned the demise of a past that was losing ground to industrialisation, a process very evident within Cornwall. Thus Robert Hunt produced *Popular Romances of the West of England* (1865) and William Bottrell wrote the three volume series *Traditions and Hearthside Stories of West Cornwall*, (1873) though only Bottrell's second volume contains wrecking stories. Even though Hunt's collection was published before Bottrell's, the primary story 'Pirate Wrecker and the Death Ship', was collected by Bottrell and shared with Hunt.<sup>52</sup> Unfortunately, it is difficult to determine how much the stories were influenced by earlier fictional works, including the work of Hawker. The story, however, contains pervasive folkloric beliefs, such as that of false lights and the

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<sup>48</sup> Rev. Sabine Baring-Gould, *The Vicar of Morwenstow: Being the Life of Robert Stephen Hawker, M.A.* (London, 1899). It was denounced in a series of newspaper articles. See BL [Add 37825](#), Philip Hedgeland papers: 'Some remarks upon two recent memoirs of R. S. Hawker, Late Vicar of Morwenstowe'. See also Piers Brendon, *Hawker of Morwenstow: Portrait of a Victorian Eccentric* (London, 1975, 2002).

<sup>49</sup> Rev. Robert S. Hawker, *The Cornish Ballads and other Poems* (Oxford and London, 1869), 15. Original manuscript, BL [Add 37825](#), Philip Hedgeland papers: 'Some remarks upon two recent memoirs of R. S. Hawker, Late Vicar of Morwenstowe'.

<sup>50</sup> Rev. Robert S. Hawker, *Cornish Ballads and Other Poems*, edited with an introduction by C.E. Byles (London, 1904), x.

<sup>51</sup> Rev. Sabine Baring-Gould, *A Book of Cornwall* (London, 1899; Fifth edition, 1925), 266.

<sup>52</sup> Robert Hunt, *Popular Romances of the West of England; or the Drolls, Traditions, and Superstitions of Old Cornwall* (London, 1865), 137-140; William Bottrell, *Traditions and Hearthside Stories of West Cornwall*, Second Series (Penzance, 1873), 247-49.

sightings of a phantom ship, symbols portending death.<sup>53</sup> These collections are an invaluable source for studying popular culture, and for illuminating beliefs regarding shipwrecks and wrecking, although for reasons already indicated they must be used with caution.

At present the nearest approach to a general maritime history of Cornwall that touches on wrecking is Michael Oppenheim's chapter in the *Victoria County History of Cornwall*, (1906).<sup>54</sup> Unfortunately, the scholarship within this chapter is seriously flawed. Although he utilised important primary sources such as the State, Chancery, and Admiralty papers, for wrecking he relied on partially fictionalised works, such as William J. Hardy's *Lighthouses: Their History and Romance*.<sup>55</sup> This failure led, for example, to the transmogrification of an innocent case of the misfortune of shipwreck in 1681 on St. Agnes, Isles of Scilly, into a 'factual' depiction of deliberate wrecking by the lighthouse keeper.<sup>56</sup> This chapter is, in turn, the source for many of Cornwall's well-known historians who have described wrecking in their works, such as Charles Henderson and A.K. Hamilton Jenkin.

Most Cornish histories use Henderson, an Oxford trained Cornish historian specialising in medieval history. Before he died at the age of 33, he left several articles on Cornish wrecking which are at their strongest for the medieval period.<sup>57</sup> Unfortunately, he did not utilise documents on wrecking for the later periods, but rather relied on the work of Oppenheim. Likewise, Hamilton Jenkin, the author of such well-known works as *The Cornish Seafarer: the Smuggling, Wrecking &*

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<sup>53</sup> Hunt, Bottrell, and Baring-Gould relate many different stories of false lights, lanterns and phantom ships which were interpreted as harbingers of death. See Hunt, *Popular Romances*, 135-36, 144-46; Bottrell, *Traditions and Hearthside Stories*, 141, 145; Sabine Baring-Gould, *A Book of Cornwall*, 266. The author of this thesis is currently working on a paper tracing the genesis of the false lights myth.

<sup>54</sup> Michael Oppenheim, 'Maritime History', in *Victoria County History of Cornwall*, Vol. 1 (London, 1906), 475-511. Even his earlier work, such as *The Administration of the Royal Navy*, is error-ridden, and must be used with caution. Prof. N.A.M Rodger, University of Exeter, personal communication, 17 February 2005.

<sup>55</sup> William J. Hardy, *Lighthouses: Their History and Romance* (London, 1895).

<sup>56</sup> Cathryn Pearce, "'Neglectful or Worse': A Lurid Tale of a Lighthouse Keeper and Wrecking in the Isles of Scilly", paper read at the Cornish Maritime History Conference, Falmouth, September 2004. Forthcoming.

<sup>57</sup> Sir Arthur Quiller-Couch in Charles Henderson, *Essays in Cornish History*, ed. by A.L. Rowse and M.I. Henderson (Oxford, 1935. Reprinted Truro, 1963), forward, n.p. Henderson's most quoted article on wrecking is 'Cornish Wrecks and Wreckers: Plundered Ships and Sailors', *The Western News and Mercury*, Monday 21 January 1929.

*Fishing Life of Cornwall* (1932), *Cornwall and its People* (1945), and *News from Cornwall* (1946), used both Oppenheim and Henderson, as did John Rowe in his unparalleled work on Cornwall in the Industrial Revolution.<sup>58</sup> The use of these sources continues in popular studies of shipwrecks and wrecking in Cornwall. Indeed, it is necessary to emphasise the reflexivity of these sources. Stories of wreckers related by Cornish informants in the course of research for this thesis can easily be traced directly back to these works. Thus, as with newspapers, they have had a major role in myth-making, and the ‘ability to alter the pattern of history’.<sup>59</sup>

Much of Cornwall’s most recent historiography has been concerned with its identity: with particularism, nationalism, and Celtic Revivalism.<sup>60</sup> These studies have been attempting to renegotiate Cornwall’s place as a unique entity with the ‘new British historiography’, so that they ‘will no longer be hidden from the historian’s gaze by the hitherto “four nations” approach to Archipelagic history’.<sup>61</sup> Cornwall’s historiography has focused on its rich medieval and early modern history;<sup>62</sup> with its position and experience within the Civil Wars;<sup>63</sup> with its religious history and with the study of Cornish saints.<sup>64</sup> Its industrial archaeology has attracted attention; remnants from its mineral wealth, the towers of tin, copper, and china clay mines, also stand on the horizon, marking the end of Cornwall’s

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<sup>58</sup> John Rowe, *Cornwall in the Age of the Industrial Revolution* (Liverpool, 1953). Fortunately Rowe also utilised other primary sources in his account, and so escaped some of the serious errors of the other works.

<sup>59</sup> Owen Davies, ‘Newspapers and Popular Belief in Witchcraft and Magic in the Modern Period’, *Journal of British Studies*, Vol 37 (April 1998), 149.

<sup>60</sup> See Philip Payton, *Cornwall: A History*. (Fowey, 1996) and *The Making of Modern Cornwall: Historical Experience and the Persistence of “Difference”* (Redruth, 1992); Mark J. Stoye, ‘“Pagans or Paragons?” Images of the Cornish during the English Civil War’. *English Historical Review*. Vol. 111 (1996), 299-323; ‘The Dissidence of Despair:” Rebellion and Identity in Early Modern Cornwall’, *Journal of British Studies* 38 (1999): 423-44; and ‘English “Nationalism” Celtic Particularism, and the English Civil War’, *Historical Journal* Vol. 43, No. 4, 1113-1128; See especially *Cornish Studies* volumes and the online multimedia journal *Cornish History*.

<sup>61</sup> Payton, ‘Introduction’, *Cornish Studies*, Second Series, Eleven, 1.

<sup>62</sup> See John Hatcher, *Rural Economy and Society in the Duchy of Cornwall* (Cambridge, 1970); A.L. Rowse, *Tudor Cornwall: Portrait of a Society* (London, 1941, 1969); L.E. Elliot Binns, *Medieval Cornwall* (London, 1955).

<sup>63</sup> See Mary Coate, *Cornwall in the Great Civil War and Interregnum, 1642-1660: a Social and Political Study* (Oxford and New York, 1933); Patricia Anne Duffin, *The Political Allegiance of the Cornish Gentry, c. 1600-c1642* (Exeter, 1989).

<sup>64</sup> See John Rule, ‘Methodism, Popular Beliefs and Village Culture in Cornwall, 1800-50’, *Popular Culture and Custom in Nineteenth-Century England*, ed. by Robert Storch (London, 1982), 48-70; ‘Explaining Revivalism: the Case of Cornish Methodism’, *Southern History* Vol. 20-21 (1998-9), 168-88; Lynette Olson, *Early Monasteries in Cornwall*, Studies in Celtic History (Woodbridge, 1989); C.G. Henderson, *The Ecclesiastical History of Western Cornwall* 2 Vols (Truro, 1962).

place in the industrial revolution.<sup>65</sup> Its agriculture, too, has been studied.<sup>66</sup> And yet, these latest works have been land-based.

Scholarly maritime studies of Cornwall have been limited,<sup>67</sup> with the exception of Helen Doe's M.A. thesis on Cornish shipbuilding businesses and her ongoing Ph.D. research on maritime business women, Todd Gray's study of early Stuart fisheries, and N.A.M. Rodger's examination of Cornish naval officers and seamen.<sup>68</sup> David J. Starkey's work on privateering also includes Cornwall within its discussion.<sup>69</sup> There are, however, a number of publications on Cornish maritime history directed at a popular readership, including early works by Cyril Noall, Richard Larn, and Clive Carter.<sup>70</sup> These secondary sources range in quality from the well-researched to the academically flawed and romanticised in tone.<sup>71</sup> Philip Payton makes the point that 'a major gap in our treatment of Cornish history is the

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<sup>65</sup> John Rowe, *Cornwall in the Age of the Industrial Revolution*; D.B. Barton, *A History of Copper Mining in Cornwall and Devon* (Truro, 1961).

<sup>66</sup> Hilary Thompson, *A History of the Parish of Gerrans, 1800-1914*, 2 vols (Portscatho, 1994-5); James Whetter, *Cornwall in the 17<sup>th</sup> century: an Economic History of Kernow* (Padstow, 1974); John Hatcher, 'Non-manorialism in Medieval Cornwall', *Agricultural History Review* No. 18 (1970), 1-16.

<sup>67</sup> The University of Exeter's Department of Economic History published several excellent collections of maritime history seminar papers under the purview of Stephen Fisher, some of which contain Cornish history, and have been used in this thesis.

<sup>68</sup> Helen Doe, 'Enterprising Women: 19<sup>th</sup> Century Maritime Business Women', (Unpublished Ph.D. thesis, University of Exeter, 2007); 'Small Shipbuilding Businesses during the Napoleonic Wars: James Dunn of Mevagissey, 1799 to 1816', (Unpublished M.A. dissertation, University of Exeter, 2003); 'Politics, Property and Family Resources: The Business Strategies Adopted by Small Shipbuilders in Fowey and Polruan, Cornwall, in the 19<sup>th</sup> Century', *Family and Community History*, Vol 4, No. 1 (2001), 59-72; Todd Gray, *Early Stuart Mariners and Shipping: Maritime Surveys of Devon and Cornwall, 1619-25* (Exeter, 1990); 'Turks, Moors and the Cornish Fishermen: Piracy in the Early Seventeenth Century', *Journal of the Royal Institution of Cornwall* Vol 10, (1990), 457-78. See also Wendy Childs, 'The Commercial Shipping of Southwestern England in the later Fifteenth-century', *Mariner's Mirror* (1997), 272-292; N.A.M. Rodger, "'A little navy of your own making," Admiral Boscawen and the Cornish connection in the Royal Navy', in Michael Duffy, ed. *Parameters of British Naval Power, 1650-1850* (Maritime Studies 7) (Exeter, 1992), 82-92.

<sup>69</sup> David J. Starkey, *British Privateering Enterprise in the Eighteenth Century* (Exeter, 1990); 'British Privateering against the Dutch in the American Revolutionary War, 1780-1783', in Stephen Fisher, ed. *Studies in British Privateering, Trading Enterprise and Seamen's Welfare, 1775-1900* (Exeter, 1987), 1-40.

<sup>70</sup> Cyril Noall and Graham Farr, *Cornish Shipwrecks* (Truro, n.d.); Cyril Noall, *Cornish Lights and Ship-Wrecks, including the Isles of Scilly* (Truro, 1968); Richard Larn and Clive Carter, *Cornish Shipwrecks: The South Coast Vol. 1* (Newton Abbot, 1969); Clive Carter, *Cornish Shipwrecks: The North Coast Vol. 2* (Newton Abbot, 1970); Richard Larn, *Cornish Shipwrecks: The Isles of Scilly Vol. 3* (Newton Abbot, 1971).

<sup>71</sup> Some of the recent well-researched Cornish maritime histories include Tony Pawlyn, *The Falmouth Packets, 1689-1851* (Truro, 2003); Helen Doe, *Jane Slade of Polruan* (Truro, 2002); and Mary Waugh, *Smuggling in Devon and Cornwall, 1700-1850* (Newbury, Berkshire, 1991, 2003).

absence of a thoroughgoing maritime history of Cornwall'. This oversight is being corrected through the compilation of an edited volume for publication in 2007.<sup>72</sup>

More recently, wrecking has been treated as an aspect of Cornish ethnic identity in Philip Payton's *Cornwall: A History*, first published in 1996. He argues that wrecking formed a

nice paradox juxtaposing the supposed savagery of remote West Barbary with the modernity of global maritime communication...it was played out in a contest between wreckers and government officials, the former insistent upon the exercise of ancient privileges and the latter equally insistent upon the rule of the law.<sup>73</sup>

In other words, wrecking was just one example of the particularism and individuality of the Cornish. Although Payton does not compare the Cornish experience of wrecking with other coastal populations, which thus limits his argument on particularism, there is merit in his contention of a conflict between the Cornish and the government. However, because of the general nature of his investigation, he was not able to analyse the claim in any depth, nor determine how that contest actually functioned. Payton recognises the value of John Vivian's little booklet *Tales of Cornish Wreckers*, which highlights the conflict between the locals and government. Indeed, Vivian's work in bringing together wrecking stories for the tourist market has resulted in a very useful source, although his thesis highlighting the conflict between the government and the Cornish is not explicit and lacks analysis.<sup>74</sup>

An association between wrecking and Cornish ethnic identity also features in literary studies. Helen Hughes has analysed the landscape images used by Daphne du Maurier in her novel *Jamaica Inn*. Wrecking is identified with the grim North coast and Bodmin Moor, and as such stresses Cornwall's remoteness and Gothic

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<sup>72</sup> Philip Payton, 'Cornwall in Context: The New Cornish Historiography', *Cornish Studies, Second Series*, Vol. 5 (1997), 13. The author of this thesis has been asked to contribute a chapter on wrecking for the forthcoming *Maritime History of Cornwall*. Neighbouring Devon has been well-served with the publication of Michael Duffy, ed. *The New Maritime History of Devon* 2 vols. (Exeter, 1992-94) and the work of the University of Exeter's Centre for Maritime Historical Studies.

<sup>73</sup> Philip Payton, *Cornwall: A History*, 172.

<sup>74</sup> John Vivian, *Tales of Cornish Wreckers* (Truro, 1969).

past. Hughes demonstrates that these images were contradictory to the concept of 'Englishness', and thus shows how du Maurier emphasised Cornwall as a marginalised locale. However, wrecking, as the character of the vicar of Altarnun explains, was in the process of disappearing with the arrival of more government officials. Thus in du Maurier's novel, the old Cornwall, along with old Cornish characteristics including wrecking, was disappearing in the face of the march of progress.<sup>75</sup> Alan M. Kent places other literary references to wrecking within a continuum of work that underscores Cornwall's cultural and ethnic distinctiveness. Wrecking becomes a trope within a larger nineteenth century literary tradition that incorporates Cornwall's earlier fringe activities such as smuggling, together with more central activities such as mining and Methodism, to create a 'narrative "make-over"' in order to make them acceptable, entertaining, and sometimes, morally correct for the age's readership...Thus Cornish history and identity came to be viewed in a certain ideological light by readers; a light which would set the trend of fiction for the next century'.<sup>76</sup> Hughes's and Kent's work sheds much light on the importance of wrecking within literature, and hence popular culture, but because they are by their nature literary studies, the historicity of wrecking is considered only for contextualisation.

Simon Trezise and Geoffrey Quilley have also reflected on the meaning of Cornwall's identification with wrecking. Trezise, like Hughes and Kent, focuses on the literary representations of Cornwall, but includes it within a wider study of the West Country. Wrecking, he argues, or at least the popular images associated with Cornish wrecking, was a literary trope 'invented' by writers such as Reverends Sabine Baring-Gould and Robert Hawker from the 1830s. Hawker related tales he had written as if they were his parishioner's oral accounts. These tales were in turn copied by other West Country writers in their popular histories and novels. Indeed, Trezise goes on to claim that Hawker could be credited with forging traditions with such success that he literally 'invent[ed] a country'.<sup>77</sup> Quilley on the other hand

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<sup>75</sup> Helen Hughes, "'A Silent, Desolate Country': Images of Cornwall in Daphne du Maurier's *Jamaica Inn*" in Ella Westland, ed. *Cornwall: The Cultural Construction of Place* (Exeter, 1997), 68-75

<sup>76</sup> Alan M. Kent, *The Literature of Cornwall: Continuity, Identity, Difference 1000-2000* (Bristol, 2000), 130.

<sup>77</sup> Simon Trezise, *The West Country as a Literary Invention: Putting Fiction in its Place* (Exeter, 2000), 51-52.

analyses the visual representation of smugglers and wreckers in art. He suggests that wrecking and smuggling were highly politicised as subversive entities in eighteenth century Britain, representing an ‘inversion of social values’. In their lack of compassion and humanity, wreckers and smugglers were seen as threatening society itself. Representations thus included the melodramatic and emphasised the polarisation of good versus evil.<sup>78</sup> Recent work on visual and literary representations has, then, provided useful insight into the cultural construct of wrecking in the eighteenth and nineteenth centuries. But such work does not explore the way in which such a construct may have changed over time, nor, needless to say, does it consider the history of the actual practice of wrecking itself.

Looking at administrative histories, Edward Carson’s *Ancient and Rightful Customs* (1972) is a valuable study of the role of H.M. Customs from its inception as a permanent administration in 1671, especially focusing on their fight against smuggling. He includes a brief discussion of wrecking within his history, though mainly to illustrate the difficulties encountered by the Customs officers in their duties at shipwrecks and as Receivers of Wreck. However, his work is more inclusive than is Elizabeth Hoon’s *The Organization of the English Customs System, 1696-1786*. Although she alludes to the Customs officer’s duties as Receivers of Wreck, she fails to explain what those duties entail; wrecking is not even mentioned.<sup>79</sup> The lack of analysis of shipwrecks and wrecking in Customs’ history is surprising, considering the amount of time Customs officers spent performing salvage operations and in protecting shipwrecked goods from wreckers.

Within legal history, the focus has primarily been on the development of medieval Admiralty and wreck law, such as Frederick Hamil’s paper from 1937, ‘Wreck of

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<sup>78</sup> Geoffrey Quilley, *The Imagery of Travel in British Painting: with particular reference to nautical and maritime imagery, circa 1740-1800* (Unpublished Ph.D. thesis, University of Warwick, 1998) and “‘Fell rapine and crime’: the Visual Representation in Smuggling and Wrecking in Britain, c. 1780-1820”, paper read at the ‘Lawless Banditti? New Perspectives on 18<sup>th</sup> Century Smuggling’ Open Museum Course, National Maritime Museum, 26 February, 2005.

<sup>79</sup> Edward Carson, *The Ancient and Rightful Customs: A History of the English Customs Service* (London, 1972); Elizabeth Hoon, *The Organization of the English Customs System, 1696-1786* (Orig published 1938: Newton Abbot, 1968).

the Sea in Medieval England'. An important article on the role of the medieval church in controlling wrecking and saving ships from wrecks is R.F. Wright's, 'The High Seas and the Church in the Middle Ages', published in *Mariner's Mirror* in 1967, while Timothy Runyan's 1975 study focuses on the medieval Rolls of Oleron and their influence on the development of Admiralty law. A particularly valuable article that discusses the rise of medieval wreck law, especially focusing on the shift from finder's rights to owner's rights, is Rose Melikan's 'Shippers, Salvors, and Sovereigns' published in the *Journal of Legal History* in 1990. Bertram Schofield's analysis, 'The Wreck Rolls of Leiston Abbey' (1957), and Maryanne Kowaleski's *The Havener's Accounts of the Earldom and Duchy of Cornwall, 1287-1356* (2001) are the only sources that examine the relationship of the actual practices of wrecking with medieval manorial wreck law. Finally, Michael Williams's work on manorial wreck law shifts the focus away from the medieval period to the modern period, indicating its importance in the face of twenty-first century manorial legal challenges.<sup>80</sup> These studies are essential for placing wrecking within a legal framework, which is critical to its understanding, although there is still much to be done on the modern era.

The most complete treatment of wrecking to date is John Rule's chapter 'Wrecking and Coastal Plunder' in *Albion's Fatal Tree* (1975), which is the most frequently cited source on wrecking in eighteenth-century crime studies.<sup>81</sup> Rule argues that wrecking can be considered a 'crowd' activity, based on the wrecker's 'belief in

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<sup>80</sup> Frederick C. Hamil, 'Wreck of the Sea in Medieval England', in A.E.R. Boak, ed. *University of Michigan Historical Essays* (Ann Arbor, 1937), 1-24; R.F. Wright, 'The High Seas and the Church in the Middle Ages, Part II', *Mariner's Mirror*, Vol 53, No. 1 (February 1967), 115-135; Timothy Runyan, 'The Rolls of Oleron and the Admiralty Court in Fourteenth Century England', *American Journal of Legal History*, Vol. 19, (1975), 95-111; Rose Melikan, 'Shippers, Salvors, and Sovereigns: Competing Interests in the Medieval Law of Shipwreck', *Journal of Legal History*, Vol. 11, No. 2 (September 1990), 153-82; Bertram Schofield, 'Wreck Rolls of Leiston Abbey', in J. Conway Davies, ed. *Studies Presented to Sir Hilary Jenkinson*, (London, 1957), 361-71; Maryanne Kowaleski, ed. *The Havener's Accounts of the Earldom and Duchy of Cornwall, 1287-1366* (Exeter, 2001); Michael Williams, 'Manorial Rights of Wreck', unpublished paper read at the Nautical Archaeology Society, University of Plymouth, March 1995; 'A Legal History of Shipwreck in England', subsequently published in *Annuaire de Droit Maritime et Océanique*, (Tomexu: Centre de Droit Maritime et Océanique Faculte de Droit et des Sciences Politique, Université de Nantes, 1997), 71-92.

<sup>81</sup> See Clive Emsley, *Crime and Society in England, 1750-1900*, second ed. (Harlow, 1987, 1996), 3-4; J.A. Sharpe, *Crime in Early Modern England, 1550-1750* (London, 1984, 1992), 12-13; and Peter King, *Crime, Justice and Discretion in England 1740-1820* (Oxford, 2003), 6.

the legitimacy of their action', that they were entitled, from time immemorial, to whatever came within their reach from the sea, and that their activity was 'as much a matter of regional community traditions and attitudes as of social class'.<sup>82</sup> He points out that wrecking fits within a recurring theme of the social history of the late eighteenth-early nineteenth century: that of popular custom versus legal prohibition, taking its place alongside the activities of smuggling, poaching, enclosure, and food riots. Indeed, he argues that 'the study of wrecking illuminates an area of conflict between law and custom. It shows how strong was the local strength of tradition, if such a form of criminal action could be persistently employed by whole communities, when its only legitimacy lay in the realm of custom'.<sup>83</sup> Rule subsequently refined his views on wrecking to include it within his discussion of social crime in the rural south. In a 1979 article in *Southern History*, he defines social crime as 'criminal action which is legitimised by popular opinion'.<sup>84</sup> Wreckers were involved with supplementing their living by an activity not considered a crime by the rural communities, thus it was not a protest crime.<sup>85</sup>

Frank McLynn, in *Crime and Punishment in Eighteenth-Century England* (1989), follows Rule in the argument that wrecking is a 'social crime'. However, he makes some very strong claims about its importance in Cornwall. He correctly places wrecking as a practice performed along all British coastal areas, but then he states '...although wrecking was not a purely Cornish activity, its practise elsewhere paled into insignificance alongside the example of Cornwall and the Scilly Isles'. Another assertion is equally emphatic: 'It is no exaggeration to say that the entire economy of Cornwall was fuelled by wrecking'.<sup>86</sup> This is a strong statement considering that at the time his book was published there had been no studies on the economic significance of wrecking. This is, in fact, still the case and because of the nature of the evidence, it is unlikely that this situation will change.

Finally, in 2005, while this thesis was in preparation, Bella Bathurst published her popular history *The Wreckers: A Story of Killing Seas, False Lights and Plundered*

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<sup>82</sup> John G. Rule, 'Wrecking and Coastal Plunder', 174, 182.

<sup>83</sup> Rule, 'Wrecking and Coastal Plunder', 186.

<sup>84</sup> John G. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, Vol. I (1979), 138-9.

<sup>85</sup> Rule, 'Social Crime', 144.

<sup>86</sup> Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London, 1989), 200.

*Ships*. She argues that wrecking was an opportunistic activity, with varying motives from poverty to sheer temptation. Unfortunately, it is rife with factual errors and rather than clarify the history of wrecking, her book only serves to add additional layers of misinformation to the subject. She also has uneven treatment of the various coastal regions involved with wrecking, and attempts to lay the charge of wrecking with false lights on the Cornish, despite lack of evidence and an argument that does not hold up to scrutiny.<sup>87</sup>

Wrecking as a topic, therefore, has been used in the literature in a variety of ways, whether to point out the depravity of the wreckers and so to sustain the wrecking myth, or to defend the Cornish by pointing out that wrecking was on the wane, through moral enlightenment. Wrecking has also been treated with a more sophisticated approach, in discussions of social crimes, or as examples of Cornish particularism, or as a trope in West Country literature. However, it has not, except for John Rule's work, been studied as an important subject in its own right, nor has there been any attempt to establish an accurate portrayal of wrecking in relation to the reflexive and performative properties of the myth. This thesis provides that much needed corrective. It establishes that wrecking is not only an important facet of Cornwall's maritime history, but also a much more complex phenomenon than has heretofore been recognised.

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<sup>87</sup> See Cathryn Pearce, review of Bella Bathurst's *The Wreckers: A Story of Killing Seas, False Lights and Plundered Ships*, in *International Journal of Maritime History*, Vol. XVII, No. 2 (December 2005), 411-12.

## CHAPTER ONE

### Cornwall, the Dangers of Shipwreck, and Maritime Trade

*'Athwart one of the busiest trade routes in the world'*

In 1930 Sir Arthur Quiller-Couch emphasised the isolation of the Cornwall; its almost island status, its foreign ways, and the slow development of its road system. He gave a view of the almost total isolation of the Cornish; he cited Wilkie Collins's visit in 1851, when the Cornish looked on in suspicion at the stranger in their midst.<sup>1</sup> Indeed, this representation conformed to his perceived vision of his native Cornwall, and accentuated his attempts at promoting Cornish particularism—the uniqueness of Cornwall and its Celtic culture. It is within this vision of uniqueness and isolation that the activity of wrecking is placed by popular culture. However, this representation is centred on a land-based view, and fails to take into account Cornwall's thriving maritime-based economy in the eighteenth and nineteenth centuries, and the influence of the sea on Cornwall's identity. The sea is a resource, whether as a seaway for trade, a fishing ground, or provider of wrecks; the Cornish took advantage of all those resources. As Richard Price points out in his study on British trade, 'England possessed the fortune to sit athwart one of the busiest trade routes in the world'.<sup>2</sup> And sitting centrally along those trade routes was Cornwall. To understand wrecking and the people it involved, this activity must be placed in the greater context of Cornwall's geography, topography and maritime history.

### Geography

Many writers have followed Quiller-Couch and emphasised the key aspect of Cornwall's geography, mainly that it is bordered on three sides by the sea, by the

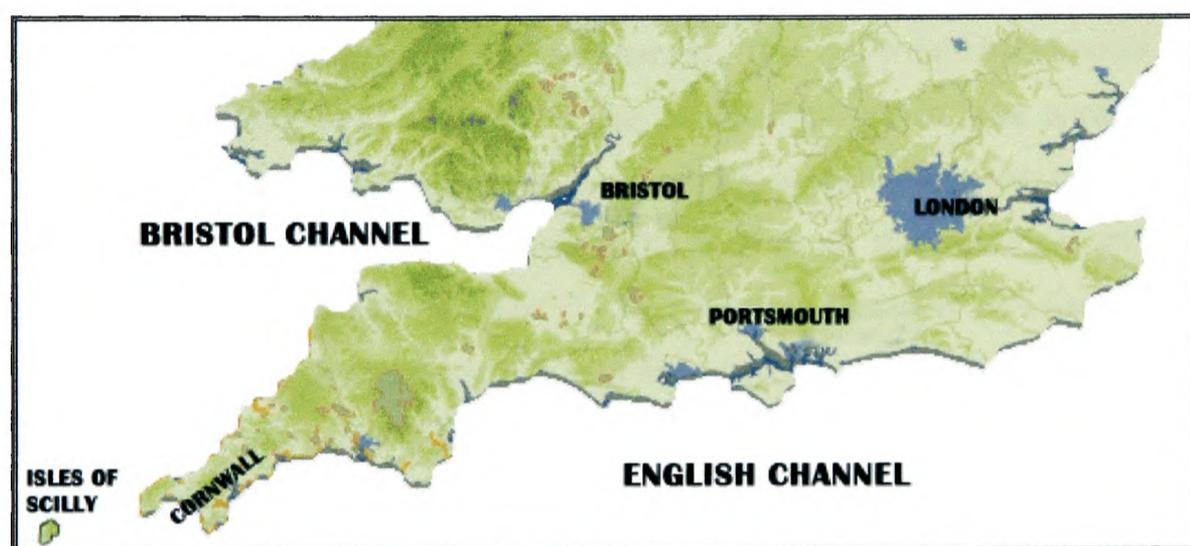
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<sup>1</sup> William Harding Thompson, *Cornwall: A Survey of its Coast, Moors, and Valleys, with Suggestions for the Preservation of Amenities*. Preface by Sir Arthur Quiller-Couch (London: 1930), n.p.

<sup>2</sup> Richard Price, *British Society, 1680-1880: Dynamism, Containment, Change* (Cambridge, 1999), 57.

English Channel, the Bristol Channel, and the Atlantic Ocean; its fourth side is the River Tamar, which effectively cuts it off from Devon. And, as Edwin Jaggard maintains, ‘[a]n obvious physical feature of the county is the ever-narrowing cornucopian shape...’<sup>3</sup> (See Figure 1.1). Within the ‘cornucopian shape’ is the smaller Penwith Peninsula attached to its most western reaches. Cornwall extends eighty miles from east to west; forty miles from north to south at its widest along the Devon border; and no part of the county is over eighteen miles from the sea. Added to the isolation from the more populous, central parts of England, Cornwall’s physical features also give it a sense of remoteness. Granite makes up the majority of the land mass, making for a rough, almost desolate terrain. The interior is dominated by a rocky spine consisting of granite moors, with the most famous being Bodmin Moor. The Penwith Peninsula, too, has high moorland and granite outcroppings at its centre.

**Figure 1.1: Cornwall and the Isles of Scilly**



This relative isolation also preserved other elements: the Neolithic stone circles, quoits, and monoliths, mistakenly presumed by some early antiquarians as the work of giants or Druids;<sup>4</sup> the remnants of Iron Age villages on the moors; evidence of early Celtic missionaries from Ireland and Wales, who left their names

<sup>3</sup> Edwin Jaggard, *Cornwall Politics in the Age of Reform, 1790-1885* (Royal Historical Society, 1999), 8.

<sup>4</sup> See William Borlase, *Observations on the Antiquities of Cornwall* (1754) and *Antiquities, Historical and Monumental, of the County of Cornwall* (1769).

on landmarks and villages, and Celtic crosses by the roadstead. As well, the isolation is credited with maintaining Cornwall's distinctive, widely dispersed settlement patterns. Rather than clustering in small nucleated villages, many Cornish lived in isolated homesteads near the fields they tilled. The result is the characteristic maze of tiny lanes 'narrow, deep-set, and twisting, that take little or no account of what happens in the next parish, but pursue their sequestered way independently...'<sup>5</sup> However, these lanes not only linked the homesteads, but also the surrounding countryside to the few market towns, and to the shoreline.<sup>6</sup> Despite Cornwall's population growth through the nineteenth century, the Cornish continued to live in the small villages. Indeed, as Rule points out, the parish of Gwennap, considered one of the richest of the mining districts and containing a population of 10,465 in 1851, did not have a single settlement larger than a village, and this was not unusual.<sup>7</sup>

Other Cornish features remarked upon by travellers are that of topography and weather. Celia Fiennes in 1698 claimed that most towns in the 'country' [Cornwall] 'lies down in a bottom, pretty steep ascent...that you would be afraid of tumbling with nose and head foremost'. The treacherous ascent was usually coupled with pelting wind and rain. Indeed, because of Cornwall's location, almost every season witnesses gales, 'they fall upon the land in all their violence and frequently occasion considerable mischief'.<sup>8</sup> As Fortescue Hitchens and Samuel Drew explains 'nearly three-fourths of the year the wind blows from some of the intermediate points between north-west and south-east; and those winds which issue from the south-west, not only bring rain, but also violent gales, from which mariners too frequently suffer'.<sup>9</sup>

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<sup>5</sup> W.G.V. Balchin, *Cornwall: An Illustrated Essay on the History of the Landscape* (London, 1954), 112.

<sup>6</sup> The most important markets in the eighteenth and nineteenth century included Truro, Bodmin, Launceston, Stratton, Lostwithiel, St Ives, Mousehole, Penzance, Fowey, Helston, and Marazion.

<sup>7</sup> John G. Rule 'The Labouring Miner in Cornwall c. 1740-1870: a study in social history', (Unpublished Ph.D. thesis, University of Warwick, 1971), 194.

<sup>8</sup> Celia Fiennes, *The Journeys of Celia Fiennes*, ed. by Christopher Morris (London, 1947), 265.

<sup>9</sup> Fortescue Hitchens and Samuel Drew. *The History of Cornwall: from the earliest records and traditions, to the present time*. Vol. I (Helston, 1824), 557.

## The Dangers of Shipwreck

With the prevailing weather patterns and Cornwall's location jutting out into the sea, shipwreck along its coasts was inevitable. The numbers of wrecks in the period studied are almost impossible to estimate, although several individuals have been involved in establishing shipwreck databases, drawing their data from such diverse sources as *Lloyd's List*, newspapers, logs, journals, correspondence, and archaeological remains. Richard Larn, in his attempt to record all known shipwrecks along the British coast, has estimated that over a quarter of a million ships have been lost.<sup>10</sup> Peter Earle suggests that, drawing from specific case studies of losses of shipping from companies such as the Dutch and English East India Companies, between three to five per cent of shipping was lost every year from the late seventeenth to early nineteenth century. He notes that the *Lloyd's List* reported over a thousand wrecks or losses in the short period from 1770 to 1775.<sup>11</sup> However, these figures are for overall wrecks and losses, whereas what are important for this study are those along the British coastline. In 1810, Mallison suggested that over 3000 to 4000 lives were lost annually on the British coast.<sup>12</sup> Although popular belief holds that Cornwall has more shipwrecks than any other coastal county, the work of Richard Larn shows that this is far from the case. Larn's *Shipwreck Index of the British Isles* indicates that the east coast of England saw a greater number of shipwrecks than did the more notorious Cornwall. This could be accounted for by the sheer amount of traffic between the Baltic and England, as well as the coasting coal trade. On the south coast, Kent heads the list with the most shipwrecks overall, especially when the infamous Goodwin Sands are taken into account (see Appendix 1).<sup>13</sup>

Bella Bathurst has asserted in *The Wreckers: A Story of Killing Seas, False Lights and Plundered Ships* that '[t]hough it is almost impossible to verify, probably

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<sup>10</sup> Richard Larn, *Cornish Shipwrecks: The Isles of Scilly*, Vol 3 (Newton Abbott, 1971), 210. The results of Larn's research can be found at [www.shipwrecksuk.com](http://www.shipwrecksuk.com), although his earlier work was published by Lloyd's Register as *Shipwreck Index of the British Isles*, 5 Volumes (1995-98).

<sup>11</sup> Peter Earle, *Sailors: English Merchant Seamen, 1650-1775* (London, 1998), 110.

<sup>12</sup> W.H. Mallison. *Plan of an Institution for Rendering Assistance to Shipwrecked Mariners, Preserving their Lives, and the Property of Merchants, When Wreck Occurs* (London, 1810), 29.

<sup>13</sup> Larn, *Shipwreck Index of the British Isles*, 5 Vols.

rather less than one or two per cent of all British shipping were actively wrecked by those onshore. The rest happened for the usual reasons...'<sup>14</sup> She provides no evidence to substantiate this claim, nor for her assertion that the ships were lured ashore through false lights. This is unsurprising since in fact, as will be shown later in this thesis, there is little historical evidence that shipping was deliberately wrecked. The exceptions consisted of a few cases of insurance fraud and the occasional cutting of ships' cables. Rather, the 'usual reasons' for shipwreck, as identified by the Parliamentary Select Committee on Shipwreck (1836), consisted of the following:

1. Defective construction of ships
2. Inadequacy of equipment
3. Imperfect state of repair
4. Improper or excessive loading
5. Inappropriateness of form
6. Incompetence of masters and officers [lack of navigation knowledge]
7. Drunkenness of officers and men
8. Operation of marine insurance
9. Want of harbours of refuge
10. Imperfection of charts.<sup>15</sup>

Although Cornwall has a hazardous coast, neither the Select Committee of 1836, nor the Select Committee of 1842 focused on Cornwall's role in shipwrecks, other than to listen to testimony as to the lack of harbours of refuge and proper lighting on the north Cornish coast.<sup>16</sup> Indeed, most of the focus was on the east coast of England, the area that saw the worst of the shipwreck statistics. Despite this, none could deny that the Cornish coast was dangerous. Hitchens and Drew described the conditions 'to which sailors are too frequently exposed' along Land's End:

Between the projecting promontories, the bays in some places are very deep: and in stormy weather, when ships get within the headlands, it is with the utmost difficulty that they can escape being driven on the rocks. Another inconvenience arises from the particular form which the land assumes, and from the rapidity of the tides near the Land's End. Presenting rather a point, than a bold and extended shore to vessels coming from the

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<sup>14</sup> Bella Bathurst, *The Wreckers: A Story of Killing Seas, False Lights and Plundered Ships* (London, 2005), xvii.

<sup>15</sup> PP, *Report from the Select Committee appointed to inquire into The Causes of Shipwrecks: with the Minutes of Evidence, Appendix and Index*, 15 August 1836, v.

<sup>16</sup> PP, *First Report from the Select Committee on Shipwrecks; Together with Minutes of Evidence, Appendix and Index*, 10 August 1843.

Atlantic, it is not always that mariners can know with certainty which channel they have entered, until they find themselves unexpectedly thrown upon a leeward shore...<sup>17</sup>

Cornwall's north coast was more bereft of safe harbours, although the Hayle estuary, St Ives, and Padstow were the few important ports. (See Figure 1.2.) Indeed, throughout the nineteenth century, the situation on the north coast was cause for an extensive debate on the future locations of lighthouses and harbours of refuge. In 1829, the Padstow Harbour Association for the Prevention of Shipwrecks issued their report recounting the conditions:

The character of the shore from the Land's End to Hartland Point, a distance of twenty-four leagues, is marked by a continuation of rocky inaccessible cliffs, broken at intervals by sandy beaches of equal fatality; and a ground sea is incessantly thrown in from the Atlantic Ocean, at times augmented to a powerful degree by the north-westerly gales so prevalent in the winter season. The whole of this part of Cornwall is therefore naturally dreaded by navigators, and proves fatal to those, who, either from ignorance of their situation, or a fear of the difficulties of access, do not avail themselves of the security fully presented to them by the only harbour on the coast; but vainly endeavouring to beat off, and losing ground on every tack, they are inevitably wrecked either to the eastward or westward of the port, and generally with the loss of all lives on board...<sup>18</sup>

Baring-Gould, with his characteristic Victorian romanticism, described the north coast: it is emphatically “the cruel sea,” fierce, insatiate, hungering for human lives and stately vessels, that it may cast them up mumbled and mangled after having robbed them of life and treasure’.<sup>19</sup>

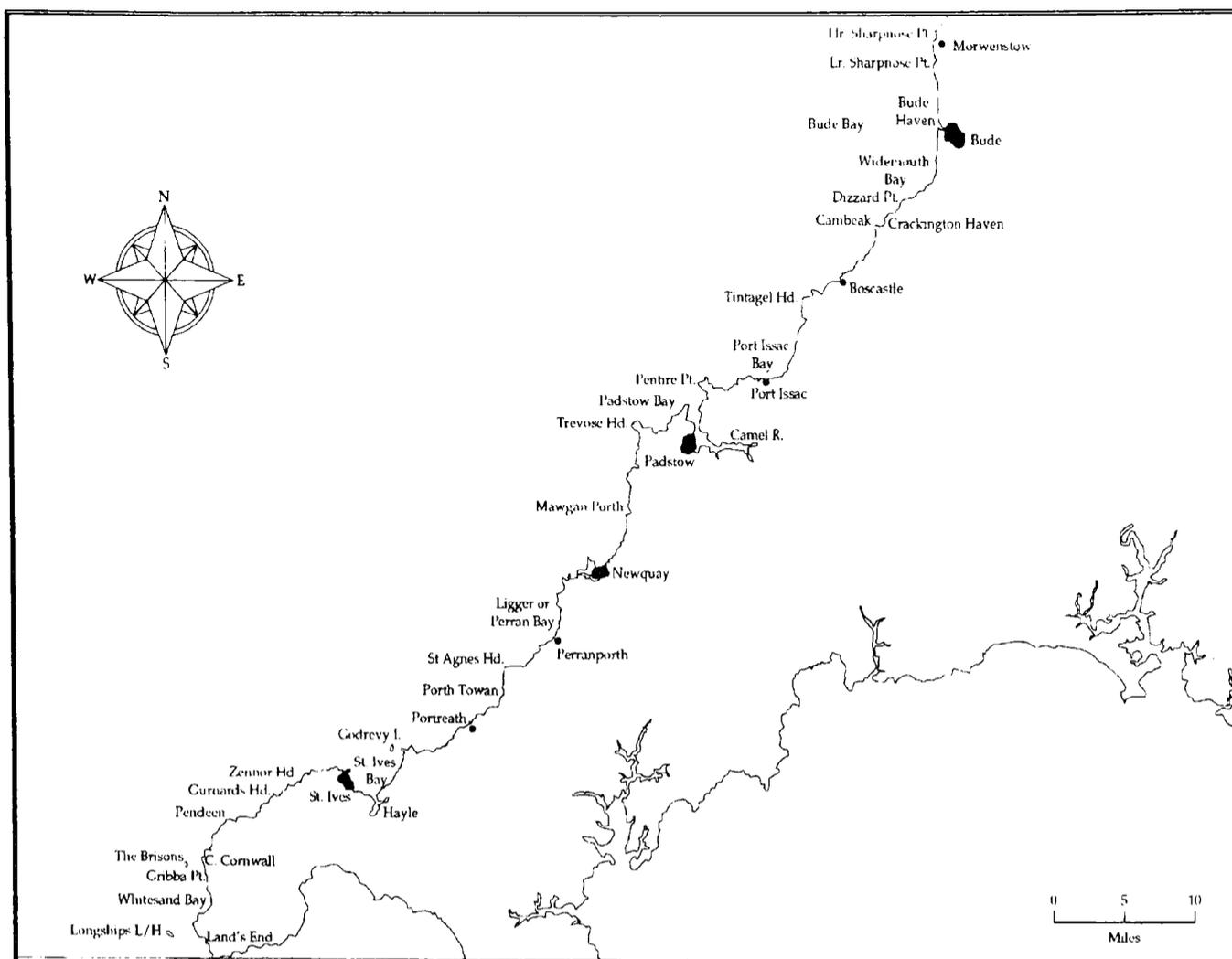
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<sup>17</sup> Hitchens and Drew, *The History of Cornwall*, Vol. I, 541.

<sup>18</sup> CRO, RO, PB 6/234, Report of the Proceedings of Padstow Harbour Association for the Prevention of Shipwrecks, 1829.

<sup>19</sup> Sabine Baring-Gould, *The Vicar of Morwenstow: Being the Life of Robert Stephen Hawker, M.A.* (London: 1899), 33.

**Figure 1.2: The North Coast of Cornwall**



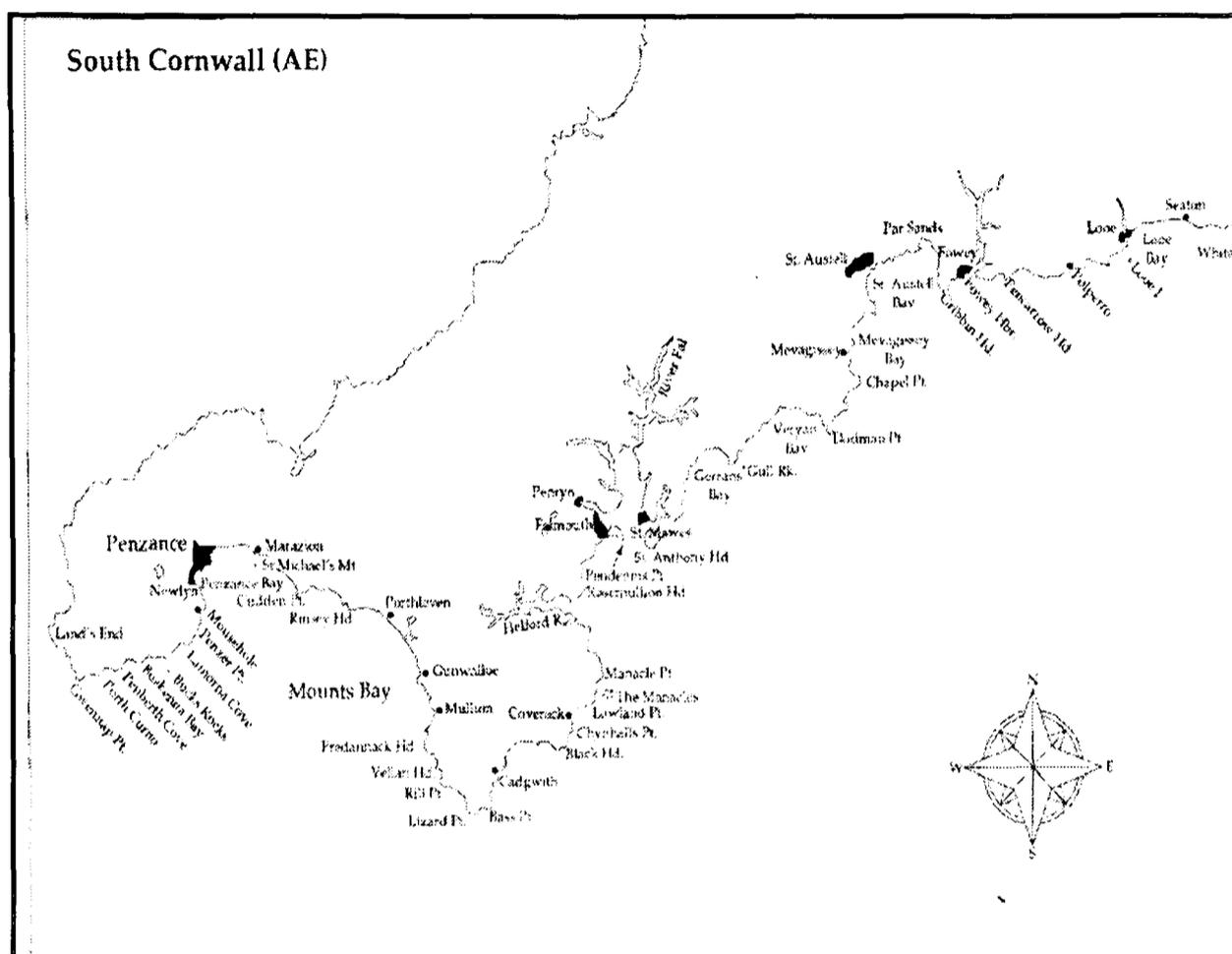
Source: Richard Larn and Bridget Larn, *Shipwreck Index of the British Isles, Vol. I* (London, 1995), n.p.

The south coast, on the other hand, was seen as gentler, including more wooded valleys, with many small fingers of the Channel reaching inland to create natural harbours. (See Figure 1.3). The ports of Mount's Bay, Falmouth, Looe, Polperro, and Fowey were frequently used as safe harbours during gales. However, the south coast, too, had its dangers. The Lizard, the furthest most southern point in Great Britain which juts out into the English Channel, was a particularly perilous stretch. Again, Hitchens and Drew give a vivid description of the terrors of the Lizard:

But through the fury of the winds and seas, and the awful darkness with which the tempests of Cornwall are often accompanied, ships are frequently driven on shore, particularly foreigners, and beaten to pieces at the base of the projecting point. When these melancholy catastrophes happen at night, the howling of the storm, and the roaring of the waves, prevent the cries of the perishing seamen from being heard, while the darkness that reigns conceals the mournful scene from every eye. The disaster is only known in the morning by the fragments of the wreck, which are seen beating against

the rocks, and the mangled bodies of the seamen that are distinguished among the crags, or seen occasionally lifted up by the surges of the boiling deep...<sup>20</sup>

Figure 1.3: The South Coast of Cornwall



Source: Richard Larn and Bridget Larn, *Shipwreck Index of the British Isles, Vol. I* (London, 1995), n.p.

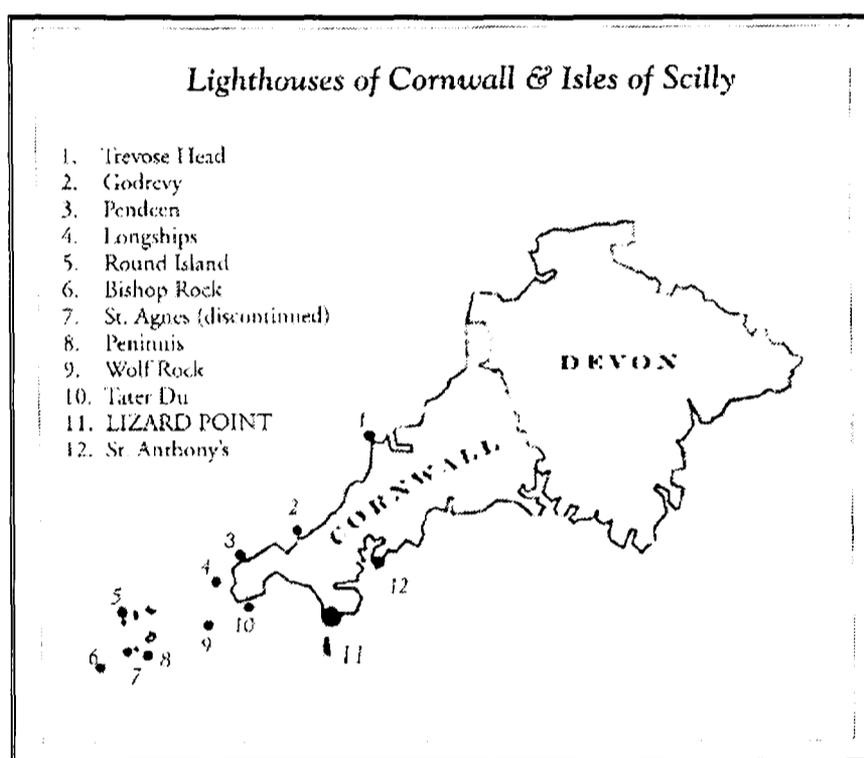
With such a dangerous coast, Cornwall and the Isles of Scilly were some of the first areas to see the establishment of regular lighthouses, beginning with the Lizard Lighthouse. (See Figure 1.4). The original structure was built by the Killigrew family in 1619 with permission from the Corporation of Trinity House.<sup>21</sup> St Agnes Light in the Isles of Scilly followed in 1680, the first built by Trinity House proper. These lighthouses were followed by the Eddystone Light (1698) built by Henry Winstanley and Longships off Land's End, built almost one hundred years later by Lt Henry Smith with Trinity House approval in 1795. Thus,

<sup>20</sup> Hitchens and Drew, *The History of Cornwall*, Vol. II., 382.

<sup>21</sup> For a complete discussion concerning the debate surround the establishment of the Lizard Lighthouse, see Howard Fox, 'The Lizard Lighthouse', *Journal of the Royal Institution of Cornwall*, Vol. VI, Pt. XIV (1879), 319-336. The lighthouse was rebuilt on two promontories in 1751,

by the end of the eighteenth century, only these four lights were operating for the entire Cornish coast. The Lizard and St Agnes were still being lit by ‘primitive’ coal fires until the end of the eighteenth century, which had several disadvantages. They not only reflected less light, but the lighthouses lacked unique signals, so they could not be distinguished from each other until oil lamps and revolving reflectors were fitted in 1790 and 1811 respectively.<sup>22</sup> Therefore, it was only in the nineteenth century that Cornwall became properly lighted.

**Figure 1.4: Lighthouses of Cornwall and the Isles of Scilly**



Source: Martin Boyle, *Lighthouses of England and Wales: Lizard Point* (Southampton, 1999), 3.

Shipwreck was thus a major reality both for mariners and for the Cornish people. However, there were certain locations within Cornwall that experienced more shipwrecks than others, just as there were certain districts which gave more opportunity for the harvest of wrecked goods. The areas experiencing the most shipwrecks in the period from 1700 to 1865 on the south coast were Mount's Bay (243), Land's End (236), Falmouth (121), and the Lizard (91), and on the north coast, St Ives (153), Newquay (67), Padstow (196), and Bude Haven (74) were the most dangerous. (See Appendix 2). Many of these wrecks occurred at the harbour

<sup>22</sup> Cyril Noall, *Cornish Lights and Ship-Wrecks, including the Isles of Scilly*. (Truro, 1968), 11, 16.

mouths, especially those ships which encountered trouble at sea and attempted to limp into the nearest safe haven. Additionally, the locations where wrecked materials and victims washed ashore were also dependent on the winds, currents, and tides. This record of shipwrecks, and its attendant wrecking activity, has added additional fuel to the argument for Cornish particularism. It solidifies an image of remoteness and barbarity, both of the people and of the topography.

Cornwall's political history, too, is viewed as another aspect of Cornwall's uniqueness. It has within its borders the lands of the Duchy of Cornwall. The Duchy also includes the Isles of Scilly, an archipelago of islands twenty-eight miles off the coast of Land's End.<sup>23</sup> Created in 1337 by Edward III for his son and heir, the Duchy was given the right to unclaimed wrecks, a privilege it did not always practise until the nineteenth century when it pushed forth its claims.<sup>24</sup> The Duchy was also given important administrative powers, including the right to nominate the High Sheriff of Cornwall, which effectively gave the Duke control over the entire county government and its courts. Control over the Stannaries, the mining districts within the county, was also given. The Stannaries held their own courts, although the Duke appointed the primary officer, the Warden of the Stannaries.<sup>25</sup> Of importance to the local miners, however, was a charter that gave them the right to be tried by the Stannary Courts, with a jury made up of other miners, for minor offences instead of being brought before the common law courts. The result was a mining population who had more independence than miners did in the rest of England, notwithstanding nominal control by the Duchy.<sup>26</sup> Historians have credited this independence as being a causative factor in the miner's wrecking activities.<sup>27</sup>

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<sup>23</sup> The Duchy, however, is not the same as the county. Beginning with its inception through to the twenty-first century, the Duchy includes more lands outside of Cornwall than within. Graham Haslam, 'Evolution', in Crispin Gill, ed. *The Duchy of Cornwall* (Newton Abbot, 1987), 24. Although associated with Cornwall, the Scillies are not part of the county proper. But for the purpose of this thesis, Scillonian elements of wrecking will be considered, especially since they were included within the Penzance Customs district in the eighteenth century.

<sup>24</sup> See Chapter Seven.

<sup>25</sup> Haslam, 'Evolution', in Gill, ed. *The Duchy of Cornwall*, 27-28. The last Stannary court case, held according to Stannary Law, was heard in 1896.

<sup>26</sup> Philip Payton, *Cornwall: A History* (Fowey, 2004), 86.

<sup>27</sup> H.R. Coulthard, *The Story of an Ancient Parish: Breage with Germoe, with some Account of its Armigers, Worthies and Unworthies, Smugglers and Wreckers, its Traditions and Superstitions* (Camborne, 1913), 39, 79. Wrecking offences, however, were not tried in Stannary Courts, but

## Cornwall's Maritime Trade

Despite Cornwall's distinctive features and apparent isolation, this is not a comprehensive picture by any means. Rather, Cornwall's history contains a paradox: While it had an economy and society that was isolated from the rest of the country before mid-nineteenth century, it was involved in the international marketplace, and was thus open to external influences. Cornwall, like the rest of coastal England, had developed a thriving international maritime trade which was active until the end of the nineteenth century, a trade which brought a variety of goods to, and on—in the case of shipwreck—its shores.<sup>28</sup> Thus wrecking was just one of many activities that made up Cornwall's maritime dimension, but it was an activity that was implicitly connected with the other aspects of maritime trade.

Regarding the importance of the sea in Cornwall's overall economy during the Middle Ages, Hatcher argued that 'its importance as a source of wealth and employment can scarcely be overemphasised...[there are] ample opportunities for trade and victualling, as well from smuggling, piracy, ship-wrecks and wrecking'.<sup>29</sup> Its ports had welcomed and feared the arrival of strangers for centuries, even back into the midst of the ancient world, when local folklore claims that Phoenicians called there to trade for Cornish tin.<sup>30</sup> And, as Balchin argues, 'sea-borne cultures [had] often altered Cornish history more significantly than land influences from England',<sup>31</sup> especially when their closest ties lay with Brittany, Wales and Ireland, and through long-distance trade, with Iberia and the Mediterranean. Such trade increased exponentially with the Industrial Revolution of the eighteenth century, which came early to Cornwall because of its mining

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instead were brought up before common law courts. Further research on the relationship between Stannary Courts and wrecking is needed.

<sup>28</sup> For an excellent discussion of Cornwall and the Southwest's falling position in the British maritime economy, see David J. Starkey, 'Growth and Transition in Britain's Maritime Economy, 1870-1914: The Case of South-West England', in David J. Starkey and Alan G. Jamieson, eds. *Exploiting the Sea: Aspects of Britain's Maritime Economy since 1870* (Exeter, 1998), 7-36.

<sup>29</sup> John Hatcher, *Rural Economy and Society in the Duchy of Cornwall, 1300-1500* (Cambridge, 1970), 32.

<sup>30</sup> Malcolm Todd credits Tudor antiquary John Twyne with the Phoenician trade thesis, who 'thus started a hare whose elusive shade is still hunted on the wilder shores of archaeological romance'. *The South West to AD 1000* (London and New York, 1987), 13.

<sup>31</sup> Balchin, *Cornwall: An Illustrated Essay*, 25.

industry.<sup>32</sup> For example, Ralph Davis shows that Falmouth, Looe and other smaller Cornish ports were major participants in the southern European trades, clearing 149 ships to Spain and Portugal between 1715 and 1717, out of a total of 513 ships sailing from larger ports such as London, Exeter, Bristol, Liverpool and Plymouth. In the same years, the Cornish ports sent 47 vessels to Genoa, Leghorn, Marseilles and Venice in the Mediterranean out of a total of 177 English ships involved in the trade.<sup>33</sup>

Cornwall's major exports came mainly from its mining and fishing industries, produced by those who made up its wrecking population. In particular, tin, gold, copper, slate, and china clay were either loaded onto foreign ships, or carried by the Cornish themselves in Cornish ships to either foreign or domestic ports. Roman records from the first century BC indicate that the tin trade had long been in existence, and it became of increasing significance to Rome itself.<sup>34</sup> By the medieval period, tin exports had increased substantially, as had the number of mines, where tin-streaming was being replaced by underground mining. The production of tin continued to increase, even through the upheavals of such political events as the Hundred Year's War, the Anglo-Spanish war, and the English Civil Wars. By the end of the seventeenth century it was the single most important industry, overtaking other Cornish economic activities such as agriculture and fishing.<sup>35</sup> Important factors in the success of the Cornish tin industry were its near monopoly, and its importance in the manufacture of pewter.<sup>36</sup> Indeed, as James Whetter has suggested, 'by the second half of the [seventeenth] century...tin mining, in parts of the centre and west, was

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<sup>32</sup> John Rowe, *Cornwall in the Age of the Industrial Revolution* (Liverpool, 1953), Chapter 1. The concept of an Industrial Revolution is one which has undergone much debate and revisionism, ranging from a complete acceptance and development of the concept, see Peter Mathias, *The First Industrial Nation: An Economic History of England 1700-1914* (New York, 1969); and E.J. Hobsbawm, *Industry and Empire: An Economic History of Britain Since 1750* (New York, 1968)), to a complete negation of an Industrial Revolution. See R.C. Floud and D. McCloskey, eds. *The Economic History of Britain since 1700*, 2 Vols. (Cambridge, 1981). However, as Price argues, the Industrial Revolution can be seen as a more local, regional phenomenon. Richard Price, *British Society, 1680-1880: Dynamism, Containment and Change*, 47. It is into this pattern that Cornwall fits.

<sup>33</sup> Ralph Davis, *The Rise of the English Shipping Industry in the 17<sup>th</sup> and 18<sup>th</sup> Centuries* (London, 1962, 1972), 243, 256.

<sup>34</sup> Todd, *The Southwest to AD 1000*, 188; Philip Payton, *Cornwall: A History*, 47, 52.

<sup>35</sup> Payton, *Cornwall: A History*, 84, 132.

<sup>36</sup> Rowe, *Cornwall in the Age of the Industrial Revolution*, 14-15; Payton, *Cornwall: A History*, 153.

monopolising resources of labour and capital to a degree not known before'.<sup>37</sup> By the late eighteenth century, the East India Company had become a major purchaser of Cornish tin.<sup>38</sup> Thus the Cornish 'tinner' became emblematic of Cornwall's labour force.

Mining in Cornwall followed the 'tribute' and 'tutwork' piecework system, whereby the miners were paid by the amount of ore produced, or by the amount of ground actually mined, rather than by an hourly or weekly wage.<sup>39</sup> Few tanners were bound to mine owners or mine captains for their wages.<sup>40</sup> Because of the independence of their work, they had ample time to become involved in other subsistence pursuits such as fishing, farming, and wrecking.<sup>41</sup> Despite their relative freedom, the tinner's fortunes were still controlled by the taxes extracted by the Duchy. It was only after the Civil War and Restoration, when the Duchy lost the ability to control tin prices and mining, that the industry really boomed, and became for Cornwall 'the main force for prosperity or depression, as the case might be'.<sup>42</sup>

Beginning in the seventeenth century, advances in technology allowed copper to be mined at deeper levels, and thus by the early nineteenth century it overtook tin as Cornwall's primary mineral export.<sup>43</sup> Production did not slow down until the mid-nineteenth century, when discoveries overseas forced the price of copper down, resulting in the mass emigration of the Cornish miners, termed 'Cousin Jacks' to the newly discovered mines overseas.<sup>44</sup> Also, by the eighteenth century the discovery of china clay and the increasing demand for luxury goods such as Wedgwood pottery fuelled the mining and export of china clay, leading to the

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<sup>37</sup> James Whetter, *Cornwall in the Seventeenth Century: An Economic History of Kernow* (Padstow, 1974, 2002), 172. Quoted in Payton, *Cornwall: A History*, 154.

<sup>38</sup> Rowe, *Cornwall in the Age of the Industrial Revolution*, 177; Payton, *Cornwall: A History*, 185; D. Bradford Barton, *A History of Tin Mining and Smelting in Cornwall* (Truro, 1965; repub. Exeter, 1989), 17.

<sup>39</sup> D. Bradford Barton, *Essays in Cornish Mining History, Volume One* (Truro, 1968), 15; Hitchens and Drew, *A History of Cornwall*, 614.

<sup>40</sup> Rowe, *Cornwall in the Age of the Industrial Revolution*, 23; Jaggard, *Cornwall Politics in the Age of Reform, 1790-1885*, 14.

<sup>41</sup> Rule, 'The Labouring Miner,' 76.

<sup>42</sup> Whetter, *Cornwall in the Seventeenth Century*, 173. Quoted in Payton, *Cornwall: A History*, 154.

<sup>43</sup> Payton, *Cornwall: A History*, 155.

<sup>44</sup> See Arthur C. Todd, *The Cornish Miner in America* (Originally published 1967; Reprinted: Spokane, Washington, 1995).

establishment of new ports such as Charlestown and to the extension of others, such as Porthleven. In the nineteenth century, the export of minerals was joined by the export of mining equipment, such as the Cornish beam engine and pumping engine, produced in several of Cornwall's foundries.<sup>45</sup>

Cornwall's agricultural produce, too, was exported, beginning in the mid-seventeenth century, although never in large quantities. Most agriculture was for subsistence, although excess crops were exported after the Civil Wars to foreign markets such as France and Spain, and to domestic markets such as Plymouth, Exeter, Bristol and London. Although minerals were Cornwall's most visible export during the eighteenth and nineteenth centuries, and mining directly employed one-third of the working population, with others working in support and ancillary services,<sup>46</sup> arable agriculture continued to be the major employer of labour.<sup>47</sup> Thus farmers made up a majority of Cornwall's population. Corn, wheat and barley predominated, with some oat crops grown inland. With the increasing Cornish population, however, demand began to outstrip supply, which lessened the amount of excess crops for export. Indeed, Cornwall's total population leapt during this period, from 140,000 people in 1750, to 192,000 in 1800, and up to 342,000 by 1841, creating a greater demand for locally grown produce. (See Appendix 3). Demographic studies indicate that the majority of the population increase was in the mining districts, particularly Illogan, Gwennap, Camborne, Breage, Kenwyn and Kea.<sup>48</sup> Shortages from a series of harvest failures led to food riots by hungry miners, most notably in 1789, 1793, 1795-6, 1801-03, 1812, 1831, and 1847. The miners insisted that the grain first be sold at a reasonable price locally, and only then should any excess be exported for additional profit.<sup>49</sup> These same harvest failures can be linked to upsurges in wrecking activity.<sup>50</sup>

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<sup>45</sup> Payton, *Cornwall: A History*, 189.

<sup>46</sup> Payton, *Cornwall: A History*, 152, 196.

<sup>47</sup> Jaggard, *Cornwall Politics*, 10, 11. According to the occupational census of 1851, in the county as a whole there were 85,509 men over the age of twenty; only 24%, or 20,483, were considered miners. John Rule, 'The Labouring Miner', 14.

<sup>48</sup> Jaggard, *Cornwall Politics*, 12.

<sup>49</sup> CUST 68/16 Penzance Collector to Board, 22 March 1794; Jaggard, *Cornwall Politics*, 13; John Rule, 'Some Social Aspects of the Cornish Industrial Revolution', *Exeter Papers in Economic History*, ii (1970), 71-106. This action has been labelled by E.P. Thompson as an example of 'moral economy'. See E.P. Thompson, 'The Moral Economy of the Crowd', in *Customs in Common: Studies in Traditional Popular Culture* (New York, 1993), 185-258.

<sup>50</sup> See Chapter Four.

Besides mining and agriculture, fishing was one of the most important economic activities in the period covered by this thesis, and it made up a significant sector of Cornwall's international exports.<sup>51</sup> Important centres included Fowey, Polperro, Mevagissey, Mousehole and Newlyn on the south coast, and St Ives, Newquay, Port Isaac and Padstow on the north coast, although almost all areas of the coast had a fishery, if only for subsistence. Fishing communities involved in the export trade required large quantities of salt, which constituted a major import item. During the seventeenth century, the pilchard catch grew to become the dominant fishery, as the pilchard shoals increasingly concentrated along the Cornish coast, and ports such as Mevagissey and St Ives profited.<sup>52</sup> The harvest of mackerel, herring, rays, conger and hake was also important, and made up a large portion of the exports for Brittany, Spain, and other Mediterranean countries.<sup>53</sup>

The pilchard industry was considered so important, and often very uncertain, that from the end of the seventeenth century to the beginning of the nineteenth century, the Government gave a bounty on fish exported to foreign markets, particularly to the Mediterranean.<sup>54</sup> Writing in 1824, Hitchens and Drew argued that the bounty was necessary to keep the industry alive, also pointing out the ways in which fishing was tied to other important elements in the Cornish economy. Fishing supported boat-builders, rope-makers, coopers, and net weavers; and masons, carpenters, and smiths who built the fish cellars. Fish offal and used salt was utilised in agriculture, while the fisheries 'form an excellent nursery for seamen; which is another valuable consideration for England, whose prosperity depends upon its naval power, and the extension of its commerce'. They emphasised the place of the fisheries within the Cornish maritime environment:

Connecting together the multitudes who are actually employed in taking fish, the sailors who bring salt to the ports, those who carry the annual

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<sup>51</sup> Rowe, *Cornwall in the Age of the Industrial Revolution*, 263.

<sup>52</sup> For a discussion of Cornish shipping carrying pilchard harvests to the Mediterranean, see David H. Kennett, 'The *Magic*: A West Country Schooner in the Mediterranean, 1833-9', in Stephen Fisher, ed. *West Country Maritime and Social History: Some Essays* (Exeter, 1980), 101-126. The *Magic* had four voyages carrying pilchards between St Ives and Venice (107, 119). See also Rowe, *Cornwall in the Age of the Industrial Revolution*, 263-265.

<sup>53</sup> Payton, *Cornwall: A History*, 152.

<sup>54</sup> Rowe, *Cornwall in the Age of the Industrial Revolution*, 267-271, 279-280.

produce to the Mediterranean markets, and the collateral branches of trade which associate with each department, we behold many thousands of seamen, who are prepared for an emergency that may demand their aid.<sup>55</sup>

The fishermen, however, were not involved simply in the fishery. Many were also involved in an activity often associated in the literature to that of wrecking: smuggling. There seems little doubt that smuggling in Cornwall, as elsewhere, was rife in the eighteenth century, with its defeat being the primary occupation of the Customs.<sup>56</sup> In the mid-eighteenth century the small fishing village of Polperro, for instance, was an infamous centre of smuggling. It was the home of Zephaniah Job, one of the most skilled smuggler-businessmen, who kept detailed books of his transactions. Prussia Cove, too, was made famous by the exploits of Captain Harry Carter, who wrote up his autobiography.<sup>57</sup> Recent academic research, in particular that by Tony Pawlyn and Paul Muskett, suggests that smuggling was a complex business integrating nearly all levels of society. Pawlyn has focused on the fishermen-smugglers of Cornwall, and argues that most smugglers were not prosecuted, being either too poor and unable to pay fines, or being too old to be impressed into the Navy upon conviction.<sup>58</sup> Paul Muskett, on the other hand, has traced the networking activity of smugglers, indicating that smuggling was a well-organised business venture, including far-reaching distribution networks, financing through the use of extensive credit and large shipbuilding operations. However, smuggling in south-east England was much more complex and far-ranging than that of Cornwall, whose markets were mainly local.<sup>59</sup> Finally, according to Philip Payton, smuggling shares a recurring theme with that of wrecking: 'the defence of [what was seen as] a legitimate form of livelihood against the increasing intrusion of governmental control and direction'.<sup>60</sup>

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<sup>55</sup> Hitchens and Drew, *The History of Cornwall*, 551.

<sup>56</sup> Edward Carson, *The Ancient and Rightful Customs: A History of the English Customs Service* (London, 1972), 48.

<sup>57</sup> Most of Job's records were burnt after his death, but a few survived and are lodged in the Royal Institute of Cornwall, Courtney Library. See also Jeremy Rowett Johns, *The Smugglers' Banker: The Story of Zephaniah Job of Polperro* (Polperro, 1997); Captain Harry Carter, *Autobiography of a Cornish Smuggler (Captain Harry Carter of Prussia Cove), 1749-1809* (London, 1900).

<sup>58</sup> Tony Pawlyn, 'Fishermen Smugglers', paper read at the First Cornish Maritime Conference, National Maritime Museum Cornwall, 25 September 2004.

<sup>59</sup> Paul Muskett, 'English Smuggling in the Eighteenth Century' (Unpublished Ph.D. thesis, Open University UK), 1996; See also Cal Winslow, 'Sussex Smugglers', in Douglas Hay, et. al. *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London, 1988), 119-66.

<sup>60</sup> Payton, *Cornwall: A History*, 173.

Wrecking and smuggling were not Cornwall's only maritime ventures considered illegal by central government. Ports such as Fowey developed a reputation not only for the ability of its seamen, but for piracy as well. Fowey ships engaged in an undeclared war with the Cinque Ports during the reign of Edward II, when they attacked Rye and Winchelsea. During the Wars of the Roses, they were known to attack not only English shipping, but that of the other countries, such as the Norman and Breton ships of France, and Spanish shipping.<sup>61</sup> Francis Davey has argued that Fowey ships were also involved in piracy while ostensibly carrying pilgrims to Spain in the fifteenth century; evidence of opportunism.<sup>62</sup> Cornish piracy continued during the unrest preceding the Tudor regime and during the undeclared war against Spain in the sixteenth century, when piracy converted to privateering after war was declared. Certainly, Cornwall produced several famous West Country sea-dogs, notably Sir Richard Grenville of the *Revenge*. The tradition of piracy and privateering persisted into the eighteenth century as David J. Starkey has shown, when Cornish and other West Country ports became the centre of privateering activity against France in the Channel between 1777 and 1783 and the Anglo-Dutch War of 1780-1783.<sup>63</sup> Indeed, during the Anglo-Dutch War, letters of marque were issued to thirty British vessels from Falmouth, fifteen from Penzance, eleven from St Ives, and a smaller number from Fowey, Gweek, Looe, Padstow, Penryn, St Austell, and Truro.<sup>64</sup>

Cornwall's maritime activities ranged beyond the export sector— and wrecking, piracy and privateering— to include a small shipbuilding industry. According to the 1805 Parliamentary survey on shipwrights, Cornwall had thirty-four shipyards employing an average of ten men per yard. The largest shipyards in Falmouth were supported through the building and repair of the Post Office packets.<sup>65</sup> Helen Doe has demonstrated that smuggling gave impetus to the shipbuilding industry in

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<sup>61</sup> Payton, *Cornwall: A History*, 90.

<sup>62</sup> Francis Davey, 'Cornish Medieval Piracy', paper read at the First Cornish Maritime History Conference, National Maritime Museum Cornwall, 25 September 2004.

<sup>63</sup> David J. Starkey, *British Privateering Enterprise in the Eighteenth Century*, (Exeter, 1990), 204, 38.

<sup>64</sup> David J. Starkey, 'British Privateering against the Dutch in the American Revolutionary War, 1780-1783', in Stephen Fisher, ed. *Studies in British Privateering, Trading Enterprise and Seamen's Welfare, 1775-1900* (Exeter, 1987), Table 2, 12. Compiled from TNA, HCA 26/53-9.

<sup>65</sup> Helen Doe, 'Small Shipbuilding Businesses during the Napoleonic Wars: James Dunn of Mevagissey, 1799 to 1816' (Unpublished M.A. dissertation, University of Exeter), 2003, 15.

Mevagissey at the turn of the eighteenth century, whose shipyards built thirty-nine per cent of the Cornish-built ships in 1805, most of them smuggling cutters, although ironically, they also built revenue cutters. Padstow, Falmouth, Polperro and Fowey also had active shipyards. Cornish shipbuilders turned out many other types of vessels, ranging from small fishing smacks to larger ocean-going trading vessels. Doe also points out that Cornish-built and Cornish-registered shipping was involved in such wide-ranging trades as the fruit trade from the Azores and West Indies; the dried cod trade from Newfoundland; and the hide trade from Brazil, the goods of which were carried to major English ports such as Liverpool, London, and Bristol.<sup>66</sup>

It is difficult to calculate the total amount of Cornish shipowning by port<sup>67</sup> during this period, but some figures are instructive. Fowey, one of the most studied ports, offered a significant shipbuilding business that allowed for local investment. As Doe has discovered, ownership in local vessels was based on the normal 64<sup>th</sup> shareholding system, and most of the shares in the vessels were local. Because Fowey had a smaller amount of local capital for investing in shipping, as opposed to the larger ports such as London and Liverpool, ships needed more shareholders. Using figures calculated by Ward-Jackson for the period between 1841 and 1880, there were 319 vessels registered locally, and a potential of 20,416 shares. Doe points out the importance of women investors in Fowey, where they held over 2,505 shares, twelve per cent of the total. These figures are enlightening in that they show that women were supporting not just their family members, but the entire community whose livelihoods depended on the locally owned ships.<sup>68</sup> Table 1.1 below gives a comparison of Fowey's shipping as compared with other ports outside Cornwall:

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<sup>66</sup> Helen Doe, 'Cornish Ships and Shipbuilding in the Nineteenth Century', paper read at the First Cornish Maritime Conference, National Maritime Museum Cornwall, 25 September 2004. Doe utilised the Cornwall Ship Database, developed by George Hogg, and which is contained at the National Maritime Museum Cornwall. The database contains 2,620 entries of Cornish ships as of September 2004.

<sup>67</sup> A 'port' is defined as a 'legal jurisdiction in which it was permitted to vessels in external trade to take on and discharge cargo', which meant that they had the infrastructure of the 'appropriate customs and other maritime authorities' in place. Jacob Price, 'Competition between Ports in British Long Distance Trade, c. 1660-1800', *Puertos y Sistemas Portuarios (Siglo XVI-XX) A Clas del Coloquio Internacional (El sistema portuario español, Madrid, 19-21 October, 1995)*, 19.

<sup>68</sup> Helen Doe, 'Waiting for Her Ship to Come In? The Female Investor in Nineteenth Century Sailing Vessels', Forthcoming, 2006. Fowey figures from C.H. Ward-Jackson, *Ships and Shipbuilders of a Westcountry Seaport: Fowey, 1786-1939*, (Truro, 1986), 101.

**Table 1.1: Ships Registered as of 31<sup>st</sup> December 1850**

<i>Port</i>	<i>No of Vessels</i>	<i>Total Tonnage</i>	<i>Av. Ship Size</i>
Exeter	182	18358	101
Fowey	137	10724	78
King's Lynn	180	19763	110
Whitby	399	63028	158
Whitehaven	220	35129	160

Source: The National Archives (TNA): PRO BT 162/19. Special thanks to Helen Doe for sharing her data with me.

David J. Starkey has calculated that in 1850, Cornish registered shipping only equalled two percent of the total for England and Wales. (See Table 1.2). However, the figures are also useful in comparing registry across the major Cornish ports: the south coast ports account for over forty-eight per cent of registries, while the north coast has approximately forty per cent. Fowey and St Ives, both large Cornish shipbuilding areas, account for the largest number of local shipowners.

**Table 1.2: Cornish Registry by Port, 1850**

<i>Port</i>	<i>Shipping Registered, ['000 net tons]</i>	<i>% of Cornish Total</i>
Scilly	6.8	12
South Coast		
Penzance	9.2	16.3
Falmouth	7.3	12.9
Fowey	10.7	19
South Coast Total	27.2	48.2
North Coast		
Padstow	8.2	14.6
Hayle	-	-
St. Ives	10.2	18
Truro	3.9	7
North Coast Total	22.3	39.6
Cornwall Total:	56.3	

<i>Port</i>	<i>Shipping Registered, ['000 net tons]</i>	<i>% of Cornish Total</i>
England and Wales Total:	2,721.3	
Cornwall % of Total:		2

Tables adapted from David J. Starkey, 'Growth and Transition in Britain's Maritime Economy, 1870-1914: The Case of South-West England', in David J. Starkey and Alan G. Jamieson, eds. *Exploiting the Sea: Aspects of Britain's Maritime Economy since 1870* (Exeter, 1998), 16, 17. Compiled from original source: *Accounts and Papers* (BPP, 1851, LII, 213).

Thus, in comparison with other English ports, the ports of Cornwall and the Southwest did not have as large a trade.<sup>69</sup> (See Table 1.3 below). Their location on the major trade routes of both the English and Bristol Channels, however, was more essential than their existence as trading ports in their own right. Nevertheless, their trading activities were still important regionally, and local shipping had its share of shipwrecks. Of especial significance on the south coast were the ports of Penzance and Falmouth, both the centres of Customs districts, and thus centres of law enforcement to combat wrecking. Penzance, the focus of this study, was described in 1814 by the Customs collector as

an extensive Port having a line of Coast extending from East to West (that is to say) from the Lizard to Cape Cornwall, near 12 Leagues, that is the first Port at the entrance of the British Channel (attached to the main Land), by which means it is much resorted to by Vessels bound to different Ports of the United Kingdom and other Ports which put in, under distress Circumstances...<sup>70</sup>

Indeed, the range of Penzance's own trade by 1820 was impressive:

the business carried on at the Port, which consists of the following Trades, namely,--Importations of Timber &c from Norway—D<sup>o</sup> from British Colonies & Plantations in America,--Hemp, Iron, Tallow &c from Russia,--Salt from France for the use of the Fisheries,--Fruit & o<sup>r</sup> Produce from the Islands of Guernsey & Jersey—Provisions & o<sup>r</sup> produce from Ireland.—Exportations of Pilchards, to the Mediterranean,--Tin to Russia and

<sup>69</sup> The largest Cornish ports of Falmouth and Penzance were relatively small when compared with the other large British ports, even within the Southwest region, where Bristol and Plymouth dominate. See also Starkey, 'Growth and Transition'; Gordon Jackson, 'Seatrade', in John Langton and R.J. Morris, eds. *Atlas of Industrializing Britain, 1780-1914* (London, 1986), 94-105; Gordon Jackson, 'Ports 1700-1840' in Peter Clark, ed. *The Cambridge Urban History of Britain*, Vol. II (Cambridge, 2000), 705-731; Sarah Palmer, 'Ports 1840-1950', in M.J. Daunton, ed. *The Cambridge Urban History of Britain*, Vol. III (London, 2000), 133-150; Price, 'Competition between Ports in British Long Distance Trade'.

<sup>70</sup> CUST 68/21. Penzance Collector to Board, 20 April 1814.

Turkey,-- Oil & Dregs of Oil, to Ireland; together with the Coasting Trade Inwards and Outwards, Viz<sup>l</sup> Coals, Culm, Slate & Stone, & O<sup>r</sup> Merchandize.<sup>71</sup>

Falmouth became the major port in Cornwall after recognition of its strategic importance and deep harbour led to its establishment as a Post Office packet base in 1689, a position it held until 1850. It was also used extensively throughout the eighteenth and nineteenth centuries by the Royal Navy and merchant vessels as rendezvous point: 'the masters and supercargoes of both outward and homeward bound ships resort hither, to receive final instructions from their owners, by which they ascertain the state of British and foreign markets, and to regulate their future proceedings accordingly'.<sup>72</sup> This gave rise to the saying: 'Falmouth for orders'. The Packet Service was established to transport mail overseas to Spain and the Mediterranean when the French wars closed overland routes. It was expanded by the 1760s with establishment of North American ports and it later extended its services to include South America, Madeira, and the western Mediterranean. By the height of the Napoleonic Wars, over forty ships sailed from Falmouth on mail runs.<sup>73</sup>

The Packet Service was of major economic importance to Falmouth. The ships, rather than being government-owned and operated, were contracted from local shipowners and businessmen, thus bringing in opportunities for local investment and for the shipyards.<sup>74</sup> The Packets were also heavily involved in trade. Defoe, describing Falmouth while on his *Tour through the Whole Island of Great Britain*, claimed that 'there is a new commerce between Portugal and this town, carried on to a very great value'.<sup>75</sup> Goods such as textiles, spirits, tobacco, sugar, fruit, silk and lace were imported into Falmouth, boosting the economy. Whetter, in his paper on the history of Falmouth (1971), claims that the Packet Service was so important to Falmouth and Great Britain that it stimulated the improvement of

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<sup>71</sup> CUST 68/26. Penzance Collector to Board, 17 July 1820.

<sup>72</sup> Hitchens and Drew, *A History of Cornwall*, Vol. II, 262

<sup>73</sup> J.C.A. Whetter, 'The Rise of the Port of Falmouth, 1600-1800', in H.E.S. Fisher, ed. *Ports and Shipping in the South-west* (Exeter, 1971), 20-22.

<sup>74</sup> Whetter, 'Falmouth', 21. Some of the packets were owned in whole or in part by their commanders. Tony Pawlyn, *The Falmouth Packets, 1689-1851* (Truro, 2003), 31.

<sup>75</sup> Quoted in Whetter, 'Falmouth', 21 from Defoe, *A Tour through the Whole Island of Great Britain* (London, 1948), 238.

overland transport routes to provide faster links to London.<sup>76</sup> The Packet Service performed not only the transport of mail, but they were also involved in privateering and action with the enemy during the French wars.<sup>77</sup>

Described by Hitchens and Drew as having more trade activity than any other port in the county, Falmouth also had a special trade privilege; they were the exclusive tobacco and wine port in Cornwall and Devon, a privilege awarded to them with the passage of the Bonding Act. As well, Falmouth's foreign trade during this period was similar to that of Penzance, landing goods from North America, Spain, Portugal, Holland, Russia, France, and the Baltic, the Mediterranean, South America, Ireland, and other domestic ports.<sup>78</sup> Falmouth's exports included pilchards, tin, and corn. Indeed, Whetter points out that Falmouth was the prime exporter of pilchards, shipping out over half of the average total of 30,000 hogsheads per year between 1747 and 1756.<sup>79</sup>

The ports of the north coast were not as large as were Penzance and Falmouth from the eighteenth century onwards although they saw a fair amount of trade heading in from the Atlantic past their shores into the Bristol Channel. St Ives, Hayle and Padstow were the most important ports, with St Ives and Padstow being the centre of Customs districts for the north coast. These ports were also major harbours of refuge when shipping was caught on the lee shore as they were heading up channel. Indeed, Richard Carew said of St Ives in the sixteenth century: 'the town and port of St Ives are both of mean plight, yet with their best means, and often to good and necessary purpose, succouring distressed shipping'.<sup>80</sup> St Ives trade began to increase after the construction of its pier in 1770, whereby it exported pilchards and copper ore. Its imports consisted of timber, iron, salt, and

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<sup>76</sup> Whetter, 'Falmouth', 23. A turnpike road was constructed in 1754 from Falmouth to Truro and then on to Grampond. It was eventually extended from Truro to Launceston to create the present A30. Whetter also says that the first horse-drawn coaches were used in Falmouth beginning in 1770, and eventually, by 1788, mail and passenger coaches were running between London and Falmouth (23).

<sup>77</sup> Payton, *Cornwall: A History*, 163; Tony Pawlyn, *The Falmouth Packets, 1689-1851* (Truro, 2003); The Falmouth Packets : [www.falmouth.archives.dial.pipex.com/id180\\_m.htm](http://www.falmouth.archives.dial.pipex.com/id180_m.htm)

<sup>78</sup> Hitchens and Drew, *A History of Cornwall*, Vol. II, 262.

<sup>79</sup> Whetter, 'Falmouth', 24. Unfortunately, most of Falmouth's port books are no longer extant, so their volume of trade for the eighteenth century is unknown except for this brief period. Most of the tin and corn was carried to domestic markets.

<sup>80</sup> Richard Carew, quoted in Hitchens and Drew, *A History of Cornwall*, Vol. II, 343.

Welsh coal, mainly to support the industries of its hinterland. Likewise, during the period of this thesis Padstow also saw a heavy export of copper, tin, and pilchards, while importing salt, timber, and coal. Hayle, also one of the north coast's larger ports, was primarily involved with the export of minerals.<sup>81</sup>

**Table 1.3: Cornish Coastal Trade by Port, 1850**

<i>Port</i>	<i>Shipping Movements, ['000 net tons]</i>	<i>% of Cornish Total</i>
Scilly	12.2	1.17
South Coast		
Penzance	212.7	29.6
Falmouth	103.5	14.4
Fowey	141.3	19.9
South Coast- total	457.5	63.9
North Coast		
Padstow	67.2	9.3
Hayle	61.0	8.5
St. Ives	-	-
Truro	119.7	16.7
North Coast: Total	247.9	34.5
Cornwall Total:	56.3	
Devon Total:	108.9	
England and Wales Total:	2,721.3	
Southwest % of Total:	6.1%	

Figures adapted from David J. Starkey, 'Growth and Transition in Britain's Maritime Economy, 1870-1914: The Case of South-West England', in David J. Starkey and Alan G. Jamieson, eds. *Exploiting the Sea: Aspects of Britain's Maritime Economy since 1870* (Exeter, 1998), 16, 17. Compiled from original source: *Accounts and Papers* (BPP, 1851, LII, 213).

Although always volatile depending on the whims of markets and policies, Cornwall's mineral and maritime trade economy received severe blows in the mid-nineteenth century which affected the living conditions of those involved. The Cornish industrial economy ultimately failed in the nineteenth century as a result of inability to diversify and its overspecialisation in mining and its ancillary

<sup>81</sup> For an overview of Cornwall's main ports, see Cyril Noall, *The Story of Cornwall's Ports and Harbours* (Truro, 1970).

businesses. The pilchard industry collapsed because of over-fishing, but also because the shoals no longer migrated in the same numbers along the Cornish coast. Agricultural depression also periodically hit the population, culminating with the 'Hungry Forties' potato blight.<sup>82</sup> As well, the expansion of Cornish international maritime trade hit a standstill, ironically because of its location. Despite sitting 'athwart one of the busiest trade routes in the world', Cornwall lacked the large centres of population that were needed for markets, and it lacked the centres of industry and capital that allowed Bristol, Liverpool, and the ports of the east coast to gain prominence. Indeed, by the mid-nineteenth century, much of Cornwall's industry and its investors shifted to larger ports out of Cornwall, particularly those involved with shipbuilding and fishing.<sup>83</sup> The Packet Service, too, was lost by Falmouth in 1850, primarily because Falmouth lacked a modern dock and was considered too far away from the industrial centres of London, the Midlands, and the north.<sup>84</sup>

These factors affected the Cornish economy so much that it was plunged into a prolonged economic depression. Thus, beginning in the 1830s, one of Cornwall's heaviest exports was its own people. For example, the mining region of Breage and Germoe lost 27 per cent of its population from 1841 to 1851.<sup>85</sup> Some Cornish ports profited from the 'emigration trade'; Padstow acted as a primary port of embarkation for Quebec between 1829 and 1857, and the emigrant vessels returned laden with Canadian timber.<sup>86</sup> While emigration released some pressure off the land, the cycles of depression still persisted, and thus poverty continued as a causative factor in wrecking, which it had been throughout the period studied. As well, returning timber ships were particularly unseaworthy in the mid-nineteenth

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<sup>82</sup> Payton, *Cornwall: A History*, 215-222; Alan Southward, Gerald Boalch and Linda Maddock (eds.) 'Climatic Change and the Herring and Pilchard Fisheries of Devon and Cornwall', in David J. Starkey (ed), *Devon's Coastline and Coastal Waters: Aspects of Man's Relationship with the Sea*, (Exeter: University of Exeter Press, 1988).

<sup>83</sup> Whetter, 'Falmouth', 25; Starkey, 'Growth and Transition', 20, 29-31.

<sup>84</sup> James Whetter, *The History of Falmouth* (Redruth, 1981), 54.

<sup>85</sup> Barton, *Essays in Cornish Mining History*, 69. Payton, *Cornwall: A History*, 224.

<sup>86</sup> Payton, *Cornwall: A History*, 233.

century, and thus cargoes of wrecked timber were found washed up on the shores of Cornwall.<sup>87</sup>

### **Cornwall and British Trade Policy**

Cornwall's extensive maritime trade, however, did not only derive from the local economy. Cornwall profited from the State's interest in promoting commerce and raising revenue. The aim of British commercial imperialism to exploit its geographical location and its empire, to become the "warehouse of the world," led to a system of re-export that brought tremendous quantities of goods into English ports.<sup>88</sup> The policy of the State to divert trade through British ports was crucial to the development of the Atlantic economy. Re-export accounted for 60 per cent of British trade by the 1770s, and "by this means England created for herself a great confluence of commodities out of flows in both directions, which otherwise need not have touched her shores at all".<sup>89</sup> This is especially evident in the history of shipwreck. Many of the wrecks along the Cornish coast consisted of shipping carrying cargoes not destined for British markets, yet when they fell afoul of the Cornish coast, and were required to enter ports for repairs or were unfortunate enough to be wrecked and salvaged, the remnants and goods were taxed and sold according to British law.

The role of collecting duties fell to H.M. Customs Service. Although the Customs Service had existed since the beginning of the English state, it gained increasing powers when the permanent administration was established in 1671, and consolidated by 1715. Indeed, the growth of Customs was part of the increasing centralisation and bureaucratisation that was occurring in England.<sup>90</sup> The Customs Service was mainly responsible for collecting duties, enforcing quarantine laws,

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<sup>87</sup> For a discussion of the problems of timber carriers, see PP, *Report from the Select Committee on Shipwrecks of Timber Ships; with Minutes of Evidence, 12 June 1839*. See also CRO W/43 Willyams Papers, 1826.

<sup>88</sup> Price, *British Society, 1680-1880*, 57.

<sup>89</sup> Price, *British Society, 1680-1880*, 61, quoted from D.W. Jones, *War and Economy in the Age of William III and Marlborough* (Oxford, 1988), 49-51.

<sup>90</sup> See John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (Cambridge, Massachusetts, 1990).

and applying the Navigation Laws and Ship's Registry. However, as Customs historian Edward Carson points out, the detection and defeat of smuggling was 'indeed the "raison d'être" of a large part of the Service'.<sup>91</sup> Customs officers also had duty as Receivers of Wreck, which entailed salvaging shipwrecked property.

Smuggling, as well as the Customs' interest in shipwrecked goods, arose through the increasing taxation on imported goods. Taxes were seen by the government as necessary for two purposes: the protection of locally made goods and the collection of funds to finance the wars against France. From 1688, the importation of French goods such as brandy, silk and lace was prohibited, and heavy duties were placed on tea and tobacco. Thus smuggling, which had hitherto been focused on wool, came to centre on what were considered French luxury goods, tea and tobacco.<sup>92</sup> Duties were also placed on the importation of food stuffs, raw materials, and manufactured goods. By 1704-5, the overall rate of duties had climbed by 15 per cent, and by 1760, over 800 different Customs Acts defining duties had been passed. Commodities which had the highest duties included luxury goods such as tea, which was taxed at between 65 to 119 per cent, and tobacco, which was taxed in 1794 at five times its value.<sup>93</sup> The determination of duties was not only of major significance for fiscal revenue, but it was also allied to the Navigation Acts. As Sarah Palmer points out, higher duties were placed on goods when carried in foreign vessels. As an aspect of protectionism, goods such as timber from North America, and sugar from the West Indies were given preference, and thus had lower duties, while goods imported into Britain via foreign vessels had higher customs duties.<sup>94</sup> The North American timber trade, for instance, was given preferential treatment after the end of the Napoleonic Wars. War had shown that the Baltic trade was too vulnerable, and so in 1811 the first duties on Baltic timber were required.<sup>95</sup>

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<sup>91</sup> Carson, *The Ancient and Rightful Customs*, 12.

<sup>92</sup> Carson, *The Ancient and Rightful Customs*, 45.

<sup>93</sup> Brewer, *Sinews of Power*, 211, 21; Hoon, *The Organization of the English Customs*, 36.

<sup>94</sup> Sarah Palmer, *Politics, Shipping and the Repeal of the Navigation Laws* (Manchester, 1990), 40-42; Hoon, *The Organization of the English Customs*, 32.

<sup>95</sup> Palmer, *Politics, Shipping and the Repeal of the Navigation Laws*, 57-8. The duties on Baltic timber were reduced in 1821 and a low duty was placed on colonial timber, but there continued a difference of 45s. per load (58).

The goods on which import taxes were imposed between the late seventeenth century and the mid Victorian period forms a long list including, besides the high value of consumer goods already mentioned, more mundane articles such as glass, soap, timber, playing cards, dice and medicines.<sup>96</sup> Indeed, by the 1840s, there were over 700 dutiable items. By 1860, the date at which this study ends, despite trade liberalisation, there were still over 400 items subject to Customs duties. This number was finally decreased to 48 at the end of that year after the signing of Cobden's free-trade treaty with France.<sup>97</sup>

An awareness of the role of Customs and their responsibility to collect duties is critical for understanding the Government's reaction to the phenomenon of wrecking. For wrecking, the claiming of shipwrecked goods by the local inhabitants had two different consequences; one fiscal and one cultural. Wrecking denied the Government income from Customs duties. Customs only had authority to stop the plunder of dutiable goods; but equally, wrecking allowed what were considered luxury goods by the Government to fall into the hands of the populace.<sup>98</sup> There existed between the Customs officers and the populace a sense of shifting power—control over what could be classified as cultural capital. This is evident in the fact that Customs would rather destroy goods that were seen as being too damaged to be 'worth the duty', rather than let them be claimed by the common people.<sup>99</sup> Yet for the coastal populace of Cornwall, reliant on the precarious harvests of mining, fishing, and agriculture, the sea offered in wrecks the opportunity for unexpected bounty. Each group of participants had their own idea of what constituted their interests and rights, and to some extent they shifted their claims to accommodate each other. Thus wrecking is a story of interrelationships, of symbolic—and real—violence; of claims to cultural—and real—capital; of the shifting definitions of wrecking and its attendant perception of

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<sup>96</sup> Price, *British Society*, 90; Lucy Brown, *The Board of Trade and the Free Trade Movement, 1830-1842* (Oxford, 1958).

<sup>97</sup> Price, *British Society*, 91.

<sup>98</sup> Luxury goods such as sugar, wine, and tobacco had high duties placed upon them, not only because they were an 'income-elastic demand' whereby consumption, and therefore profits, would increase when the economy prospered, but also because the high duties, and therefore higher prices, would confine their consumption to the elites. M.J. Daunt, *Progress and Poverty: An Economic and Social History of Britain, 1700-1850* (Oxford, 1995), 523; Maxine Berg and Elizabeth Eger, eds. 'The Rise and Fall of the Luxury Debates', *Luxury in the Eighteenth Century: Debates, Desires and Delectable Goods* (Basingstoke, 2003), 8.

<sup>99</sup> CUST 68/139, Penzance Collector to Board, 6 June 1795.

criminality, all being enacted within the context of Cornwall's extensive maritime dimension. The roots of these concepts are to be found in the medieval and early modern periods, thus the legal context and foundation of wreck law will be considered in the next chapter.

## CHAPTER TWO

### Wreck Law in Medieval and Early Modern England

*‘where a man, a Dog or a Cat escape quick out of a Ship...’*

One of the most defining characteristics in the history of wrecking is the people’s adherence to what they believed were their rights to goods that have washed ashore—that it was a ‘custom’ they had practised ‘from time immemorial’. Even as late as 1843, David Williams, the inspecting commander of the Coast Guard at Padstow, testified during the Select Committee on Shipwrecks that the ‘country people’ called shipwrecked goods a “godsend”. Yet, he stated, ‘they were not thieves’; they would only take property that had been thrown upon the shore. His opinion was echoed by John Bulley, commanding officer on the Isle of Wight, who claimed that the wreckers told him that: ““We considered it a right when those things come on shore to take home what we can get”. They do not call it stealing’.<sup>1</sup> What is so remarkable is that this belief has persisted into the twenty-first century in the face of almost a thousand years of legislation to the contrary. However, this is not all. Existing side-by-side with the belief in ‘godsend’ or ‘Providence’, is another belief, more rooted in law—that of their claim to ‘dead wrecks’, meaning wrecks in which there were no survivors.<sup>2</sup> The claim to ‘dead wrecks’ became the root of one of the persistent myths of Cornish wrecking, that wreckers would murder any survivors to ensure those claims.<sup>3</sup>

How could the popular belief be maintained, if, as John Rule argues, those beliefs ‘in the legitimacy of appropriating wreck goods has no basis in fact’ that ‘the legal

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<sup>1</sup> PP, *First Report from the Select Committee on Shipwrecks; Together with Minutes of Evidence*, (1843), 302, 310.

<sup>2</sup> See TNA CUST 678/6, 16 January 1768 and CUST 68/12, 20 May 1782.

<sup>3</sup> John Fowles, *Shipwreck: Photography by the Gibsons of Scilly* (London, 1974), 2; F.E. Halliday, *A History of Cornwall* (London, 1959), 261. This myth will be discussed further in Chapter Four.

position was clear’?<sup>4</sup> It is true that the common people had no *legal* claim to wreck, as defined by the dominant elite. But to make matters even more complex and contradictory, common people also recognised their manorial lords’ rights to wreck. Thus popular belief shows shifting perceptions of wreck rights: those beliefs were multiple and simultaneous and were not always in accordance with the law. And yet, their beliefs also reflected accommodation of some facets of the law. The origin of this difference in perceptions lay in the medieval and early modern periods, when the foundation of the dominant elite’s legal definition of ‘wreck’<sup>5</sup> and the legal claim to wrecked goods were established. Thus, this chapter gives a contextual background whereby both popular and elite beliefs, as well as important legal principles that influenced the rights of wreck in eighteenth and nineteenth century, may be understood.

### ***Wreccum maris*: The Rights to Wreck of the Sea in Common Law**

The term ‘wreck’ has multiple meanings. It derives from the Anglo-Saxon/Norman-French word ‘wrec’, and earlier from the old Norse ‘reka’, meaning ‘to drive’<sup>6</sup>—an indication of the action needed when goods or cargo was washed ashore by the sea, usually from a stranded or wrecked vessel. Bracton, writing in the thirteenth century, mentions that wreck had been subject to ‘natural law’, in other words, wreck belonged to the finder, but at the time of his writings all wreck, or *wreccum maris*, was the property of the Crown, ‘by virtue of the prerogative’, to be granted by him as a privilege to a chosen few.<sup>7</sup> The country people’s claims to wreck, however, most likely originated before regnant control

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<sup>4</sup> John Rule, ‘Wrecking and Coastal Plunder’, in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975, 1988), 177.

<sup>5</sup> The usage of the term ‘wreck’ is quite complex, and is dependent upon its contextual usage, i.e. as to whether the term applies to shipwrecked goods generically, or whether it is used in a more specific legal sense. Further discussion of the legal development of the term will be covered later in the chapter.

<sup>6</sup> Oxford English Dictionary Online, 1 September 2002; William Palmer, *The Law of Wreck, considered with a view to its amendment* (London, 1843), 2; James C. Hannen and W. Tarn Pritchard, *Pritchard’s Digest of Admiralty and Maritime Law*, 3<sup>rd</sup> edition, Vol II. (London, 1887), 2315.

<sup>7</sup> Henry de Bracton, quoted in Sir William Holdsworth, *A History of English Law*, Vol II. (London, 1938), 273; Vol. VII., 495.

was gained; it also signifies their lack of adherence, or possibly even knowledge, of the royal prerogative.

The transition from natural law to royal prerogative occurred sometime before the reign of Edward the Confessor, when the Saxon kings sought to gain control and unify England, following Roman, French, and feudal law. The king claimed as his prerogative, not only *wreccum maris*, but also flotsam, jetsam, ligan, derelict, and 'royal fish', especially whales.<sup>8</sup> Additionally, as Frederick Hamil points out, in the early medieval era the right to wreck might even include the right to claim the survivors, who were either enslaved or held for ransom.<sup>9</sup> Numerous records illustrate the king's granting of wreck rights, or 'liberties', to church officials, powerful magnates or lords of the manor, and even ports, as part of their manorial rights.<sup>10</sup> By the end of the reign of Henry II, the Crown had granted away most of its right to wreck along the entire English coast. Moreover, if the feudal lords had not been granted the liberty of wreck by the monarch, many had taken the rights through 'prescription', by claiming they had practised the right to wreck from

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<sup>8</sup> Flotsam are goods floating on the sea, deriving from a ship which has sunk or perished. Jetsam are goods which have been cast out of a ship to lighten her when in danger, but which subsequently sinks. Lagan are goods which have been cast out of a ship but which have been tied to a buoy or cork so that they can be found again and recovered, and derelict is applied to vessels which have been abandoned. None of these would be considered wreck unless they had washed ashore. Hannen and Pritchard, *Pritchard's Digest*, Vol. II., 2317; Palmer, *The Law of Wreck Considered*, 3; Michael Williams, 'A Legal History of Shipwreck in England', 5, subsequently published in *Annuaire de Droit Maritime et Océanique*, Tomexu 1997, Centre de Droit Maritime et Océanique Faculte de Droit et des Sciences Politique, Université de Nantes, 71-92. Special thanks to Mr Williams for supplying this article. The above categories were legally defined in Sir Henry Constable's case (1601) 5 Co. Rep. 106a.

<sup>9</sup> Frederick C. Hamil, 'Wreck of the Sea in Medieval England', in A.E.R. Boak, ed. *University of Michigan Historical Essays* (Ann Arbor, 1937), 12. An example given includes Wilfred, bishop of York and his followers, who survived a wreck on the Sussex coast in AD 666 only to be attacked by locals intent on taking them for slaves. They succeeded in escaping. Other examples occurred in Normandy, when Harold of England was taken prisoner by Count Guy as 'spoil of the sea', and on the Elbe, when 'an English matron and her daughters' were taken and held as bound-women of the margrave's wife. Enslavement was also a real danger to the shipwrecked in other areas of the world through the nineteenth century, in particular off the Barbary Coast. This would make an interesting study.

<sup>10</sup> A good article outlining the role of the Church in controlling wrecking and saving ships from wreck is R.F. Wright, 'The High Seas and the Church in the Middle Ages, Part II', *Mariner's Mirror*, Vol 53, No. 1 (February 1967), 115-135. However, Wright fails to take into account the church's participation in wrecking and the struggle for wreck rights. For royal grants of wreck see Rose Melikan, 'Shippers, Salvors, and Sovereigns: Competing Interests in the Medieval Law of Shipwreck', *The Journal of Legal History*, Vol. 11, No. 2. (September 1990), 172; Hamil, 'Wreck of the Sea', 4; Case 256, *Ramsey Cart. c. 1116-29 Sept 1129*, in R.C. van Caenegem, *English Lawsuits from William I to Stephen (Nos. 1-345)*, (London, 1990), 220-1; and R.C. van Caenegem, ed. *Royal Writs in England from the Conquest to Glanvill: Studies in the early history of the Common Law* (London, 1959), 482.

‘time immemorial’, a legal principle that will be discussed later in this chapter. What exactly was involved with wreck rights?

### **Development of Statutory Wreck Law<sup>11</sup>**

A large part of the legal development of *wreccum maris* revolved around the definition of ‘wreck’, the claiming of wrecked goods, and the debate over which legal authority, common law or Admiralty courts, would have jurisdiction. Rather than defining wreck as anything that washed ashore, the legal definition took a step further to define entitlement to wreck according to possession, one of the most important legal developments from this period. It is also with this change in designation that popular belief shows some accommodation to the law. The most oft-quoted definition comes from Edward I’s Statute of Westminster (1275), ‘where a man, a Dog or a Cat escape quick out of a Ship, that such Ship nor Barge, nor any Thing within them, shall be adjudged wreck’.<sup>12</sup> Thus, a ship or cargo is defined as wreck, eligible to be claimed by those holding wreck rights, only when there were no survivors—in other words, a ‘dead wreck’. Thus the popular belief had its genesis in the legal definition of ‘wreck’.

The statute of Westminster is one of the most frequently repeated pieces of legislation in the literature on wreck, as if it were the earliest pronouncement of wreck law in England, but it is not. Rather, wreck law went through substantial changes before being codified by statute. Sometime ‘in antiquity’, a clerk for King Stephen wrote, ‘it had been held as law along the sea-coast that in the case of shipwreck, if the survivors have not repaired her within a fixed period of time, the ship and whatever may have been landed falls without challenge under the lordship of that land as ‘wreck’.<sup>13</sup> Therefore, time—limited to three days—and not the existence of survivors, defined ‘wreck’.<sup>14</sup> Henry I took exception to that rule and brought the focus on survivors by stipulating if anyone survived shipwreck, then

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<sup>11</sup> For a listing of medieval and early modern wreck statutes, see Appendix 4.

<sup>12</sup> 3 Edward I, cap. 4.

<sup>13</sup> Suit 303, in van Caenegem, *English Lawsuits*, 255-256.

<sup>14</sup> Hamil, ‘Wreck of the Sea’, 13.

that individual would have the right to the wrecked goods.<sup>15</sup> This decree laid the groundwork for all future legislation, shifting emphasis from the rights of the lords to the rights of survivors and proprietary owners of the ship and cargoes.

Henry II has a reputation for being the father of common law, but as Mooers argues, he may have modelled many of his policies on the work of his grandfather, Henry I.<sup>16</sup> Certainly this may be the case for wreck law, since Henry I's decree is the first extant definition of wreck in England. Henry II, following Henry I's decree, issued a charter that shows the beginnings of the familiar language of the Statute of Westminster, emphasising that if anyone escaped alive from a ship, or if the ownership of the property could be ascertained, then the ship could not be claimed as wreck. However, if there were no survivors or legitimate claimants within a year and a day, then it could be constituted as wreck and claimed by those who have wreck rights.<sup>17</sup> Richard I further refined the definition of wreck by not only allowing survivors to keep their property, but emphasised that if the property's owners did not survive, it should be given to the owner's heir or heirs.<sup>18</sup> By the time we get to the reign of Henry III, the main body of what would be Edward I's statute of Westminster had already taken shape:

for the abolition of bad customs, that in the future, if ever a ship be in peril within the King's dominions whether on the sea-coast of England, or of Poitou, or of the isle of Oleron, or of Gascony, and any man escape alive therefrom and come to land, all the goods and chattels in the said ship shall remain and belong to their former owners, and shall not be lost to them as wreck; and if no man escapes alive but an animal escape alive or be found living in the ship, then the goods and chattels found in the ship shall be delivered to by the King's bailiffs, or by the bailiffs of those upon whose land the ship was in peril, to four good men to be kept by them for three months, so that, if the owners come within that term and claim the said goods and prove that they are theirs, the said goods should be restored to

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<sup>15</sup> Suit 303, van Caenegem, *English Lawsuits*, 119; H.W.C. Davis, 'The Chronicle of Battle Abbey', *English Historical Review*, Vol. XXIX (July 1914), 434.

<sup>16</sup> Stephanie L. Mooers, 'A Reevaluation of Royal Justice under Henry I of England', *American Historical Review*, Vol 93, No. 2 (April 1988), 341.

<sup>17</sup> Rule, 'Wrecking and Coastal Plunder', 177-78; Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London, 1989), 194-202; Sir William Blackstone, *Commentaries on the Laws of England*, Vol. 1, 9<sup>th</sup> edition, ed. by R. Burn, (London, 1783), 291-93.

<sup>18</sup> Melikan, 'Shippers, Salvors', 173.

them; but in default of such claim the goods shall be the King's as wreck, or shall go to the person possessing the liberty of wreck.<sup>19</sup>

Thus, Edward carried through to his statute the important point identified by Henry's I, II, and III by defining what was *not* a wreck: the presence of survivors, even if those survivors were not human. The only substantial difference between the acts is the time allotted for the owners to claim their property. Henry III gave them three months, while Edward I lengthened the time to 'a year and a day', which was more in keeping with the maritime law of other countries.

Of course, at the heart of the legislation was the issue of who held the rights to wreck, but increasingly the original owners of the property were recognised as having proprietary claim. The presence of live animals, emphasised by Henry III and carried forward by the Statute of Westminster, indicates this. Lord Hale, a premier chief justice of the King's Bench from the seventeenth century, argued that this was important because it was '*lex odiosa* to add affliction to the afflicted'.<sup>20</sup> Lord Coke, also from the seventeenth century, stated that the statute was 'only declaratory of common law; and the case of a man, a dog, or a cat escaping were only put for example of circumstances by which the property might be identified'.<sup>21</sup> By 1777, Lord Mansfield agreed that the clause was only evidentiary, and that the survival of animals did not exclude proprietary claims from being established in other ways.<sup>22</sup>

But what if no living thing escaped? What then? Proprietary rights were often ignored, and the unclaimed goods were taken by the owner of the wreck rights. Melikan argues that this is one of the major differences between wreck law on the Continent and in England: feudal interests were dominant in England, while commercial interests had more control on the Continent, at least during the medieval period.<sup>23</sup> This is not to say that owners had no recourse. Cargoes were

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<sup>19</sup> 20 Henry III, m. 4, 25 May 1236, in *Calendar of Charter Rolls, 1226-1257, Vol. I., Henry III AD 1226-1257* (London, 1903), 219-20.

<sup>20</sup> Quoted in Palmer, *Law of Wreck*, 10; See the transcript of the case in Stuart A. Moore, *A History of the Foreshore*. Third edition. (London, 1888).

<sup>21</sup> Quoted in Palmer, *Law of Wreck*, 14.

<sup>22</sup> Michael Williams, 'Manorial Rights of Wreck', unpublished paper read at the Nautical Archaeology Society, University of Plymouth, March 1995.

<sup>23</sup> Melikan, 'Shippers, Salvors', 163.

sometimes returned through intervention of the monarch. In particular, both Henry III and Edward II were known to have ordered the return of goods.<sup>24</sup> During the sixteenth and seventeenth centuries, the law gradually began to observe the rights of previous owners, even if they had yet to have legal recognition. Finally, in 1771, a decision by Lord Mansfield and the King's Bench, in *Hamilton v. Davis* gave proprietary rights to the owner, even if nothing escaped alive, provided that the identity of the owner or his successors and his title to recovered goods could be established.<sup>25</sup> Initially, however, if there were no survivors, wreck was allocated to the owner of the wreck rights.

If 'a man, a Dog or a Cat escape quick out of a Ship', and the goods were not classified as 'wreck', then the owner had 'a year and a day' to identify and claim the cargo. However, until formal ownership of the goods was established within the set time, wreck law set out clear instructions as to what was to become of the cargo. Beginning with Henry II's act, it was determined that the goods would be held by the sheriff of the county for the 'year and a day', to await claim. If the goods lay unclaimed after that period, then they would be given to the owner of the wreck rights. Henry II refined the instructions, by stating that the unclaimed goods should be placed in the care of 'four good men' by the king's bailiffs, or by the bailiffs of the manorial lord, to be held for three months. It is not clear why the time allotted was shortened, except for the possibility of deterioration of goods prior to sale or disposal. However, as in Henry II's act, if the goods were not claimed, then possession would revert to the owner of wreck rights. Finally, under Edward I's Statute of Westminster, the sheriff, coroner, or king's bailiff was given responsibility over the goods which were to be kept 'on view'. The following year, in 1276, Edward I issued his *De Officio Coronatoris*, 'Of what things a Coroner shall inquire'. Specifically, the coroner was given the responsibility of gathering a jury to evaluate the value of the wreck for salvage purposes.<sup>26</sup> The coroners would hold this duty until the Coroner's Act of 1887. It should be stated, however, that in practise, the technicalities of the law were often not followed. Rather, control was left in the hands of the lord of the manor upon whose lands the

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<sup>24</sup> Hamil, 'Wreck of the Sea', 17.

<sup>25</sup> 5 Burr. 2732.

<sup>26</sup> 4 Edward I, st. 2.

shipwrecked goods were found, and it was up to them to hold the goods until they were claimed by the proprietary owners.

Another significant act that facilitated the claim of proprietary owners came in 1353, in the reign of Edward III.<sup>27</sup> The act specified that shipwrecked goods, which were not legally defined as wreck, should be restored to their proprietary owners, but it also required that a reward, or salvage, be given to the finders. Indeed, the act even gave salvors the right to place a lien on the goods saved if any disagreement erupted between the parties. Disputes were to be decided by a jury if the case came under common law, or by the Court of Admiralty, in the case of shipwreck at sea.<sup>28</sup> Thus, for the first time, salvor's rights were included in law. Although the amount of salvage was not specified, both Marsden and Palmer suggest that salvors customarily received a moiety, meaning half the goods or half their value.<sup>29</sup> It is unclear how the moiety originally came to be established, but it is certain that the subordinate classes through to the nineteenth century took care to protect their salvage rights, even to the point of dividing the goods before turning them over to the proper authorities. As well, entitlement to salvage became an important point of contention for the country people, which will be discussed in Chapter Four.

Although it is difficult to determine all of the influences that caused the shift from feudal to commercial rights in regard to wreck, it is clear that there was some influence from other maritime law codes, in particular from the Rolls of Oleron. Legal historians have emphasised the importance of the Rolls, but there are many debates surrounding it, including its provenance, when it came in use in England, how much it was used, over what distance it was practised, and how much it influenced modern English common law and Admiralty law. Twiss, in his introduction to the *Black Book of the Admiralty*<sup>30</sup> argues that the Rolls probably came into England sometime during the reign of Richard I, and thus may have

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<sup>27</sup> 27 Edward III, c. 13.

<sup>28</sup> Palmer, *Law of Wreck*, 23.

<sup>29</sup> R. G. Marsden, ed. *Select Pleas in the Court of Admiralty*, 2 Vols. (London, 1897), Vol II, xxi, no. 7 and xxxv; Palmer, *Law of Wreck*, 23; Michael Williams, 'A Legal History of Shipwreck in England', 3.

<sup>30</sup> Sir Travers Twiss, ed. *The Black Book of the Admiralty*, Vol II. (London, 1873), xlv-lvi.

begun influencing maritime courts sometime in the twelfth century.<sup>31</sup> Whenever they were adopted, by the end of the medieval period they had become accepted as common maritime law in every country that bordered the Atlantic Ocean or North Sea. They were used from the mid-fourteenth century in England, after the institution of an admiralty court to deal with issues arising on the sea. A key characteristic of the Rolls is the emphasis they placed on the rights of merchants and cargo owners over that of the holders of *wreccum maris*. Of particular confusion, however, are the provenance and date of Law Codes 26 and 27, both of which deal with wreck. Neither one was included within the original English manuscripts, though they appear later in the fourteenth century. These codes are very similar to Henry III's act: Code 26 states that if 'the mayster and the maryners or one of them escapeth and is saved, or the marchauntes or a marchaunte, the lorde of the place ought not to hinder the saving of the fragments and the marchaundise of the said shyp by those who shall have escaped, and by those to whom the vessell or the marchaundise belong...' and Code 27 states that if

the mayster, maryners, and marchaunts dye, theyr goods are cast on the coast, or remayne in the sea, without any pursuyte on the parte of those to whom they belong, for they know nothyng; in such a case the whiche is very piteouse, the lord ought to set persons to save the said goodes, and those goodes the lord ought to guard and place safely, and afterwards he ought to make known to the relations of the dead drowned the misfortune, and paye the said salvors after the labour and paid that they shall have taken, not at his own expense, but at the expense of the thynges saved, and the residue the which remayneth the said lorde ought to guard, or have guarded entiereely till a yere, unless those to whom the said goods belong come sooner. And the ende of a yeare passed or more, yf it pleaseth the said lorde to wayte, he ought to sell publicly, and to the highest offerer, the said thynges, and from the money received he ought to have prayer made to God for the dead...<sup>32</sup>

As can be seen, the Rolls of Oleron allow the owner to claim shipwrecked goods even when there were no survivors. Unfortunately, the lineage of the laws, and

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<sup>31</sup> For an additional discussion of the Laws of Oleron, see Timothy Runyan, 'The Rolls of Oleron and the Admiralty Court in Fourteenth Century England', *American Journal of Legal History*, Vol. 19 (1975), 95-111; Paul Studer, *Oak Book of Southampton*, 2 vols. (Southampton, 1910-11), 54-103; Louis F. Middlebrook, 'The Laws of Oleron', *Marine Historical Association*. Vol 1, No. 10 (April 22, 1935), 171-183.

<sup>32</sup> Twiss, *The Black Book of the Admiralty*, Vol II, 463.

their influences, are almost impossible to follow because of the lack of extant sources.

### **Disputes over *Wreccum maris***

Despite the existence of statute and common law that defines wreck and right of wreck, ultimately, at a grass roots level the issue was not nearly so clear-cut, and people were not willing to give up their 'natural rights' of wreck, nor were they willing to allow neighbouring lords, or even the Crown, to appropriate wrecked goods. Medieval legal records are rife with contested cases—between Crown and the Church, between Crown and lords of the manor, between neighbouring lords, and between cargo owners and lords, and even between lords and the common people.<sup>33</sup>

Of particular importance for the eighteenth and nineteenth centuries, however, were the attempts by Edward I to gain back the rights of *wreccum maris* that his antecedents had granted away. Beginning in 1274, Edward sent justices around England to make inquiries and to institute *quo warranto* proceedings. In this investigation into wreck rights, even those lords who could not produce their charters claimed they had practised *wreccum maris* from 'time immemorial'. Edward countered with the claim that those rights were only to be practised by special warrant, but in reality he could do nothing. There were too many feudal lords who claimed the liberty. Edward summoned the Abbot of Tavistock to court, for example, and asked by what right he was claiming wreck on the Isles of Scilly. The abbot answered that he 'and all his Predecessors had enjoyed them without Interruption for Time immemorial; and therefore desires that his Right may be tried by a Jury'. It was, and the jury found that 'said Abbat, and all his Predecessors, had enjoyed all the Wreck that happened in all the aforesaid Islands for Time immemorial: except *Gold, Whale, Scarlet Cloth, and Fir, or Masts*, which

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<sup>33</sup> Melikan, 'Shippers, Salvors,' 172. Originally from Melville M. Bigelow, ed. *Placita Anglo-Normannica: Law Cases from William I to Richard I* (London, 1879), 86.

were always reserved to the King in the respective Grants of those Islands'.<sup>34</sup> Wreck rights in Scilly continued to be held in the hands of the proprietors. With so many claims against him, Edward was forced to concede, and in 1290 he issued his compromise: he would recognise the lord's prescriptive rights if they had been practised for one hundred years, that is, from AD 1189. The decree read that

All those which claim to have quiet possession of any franchise before the time of King Richard, without interruption, and can show the same by a lawful inquest, shall well enjoy their possession; and in case that such possession be demanded for cause reasonable, our lord the king shall confirm it by title.<sup>35</sup>

Thus this compromise resulted in not only a clear legal definition for the phrase 'from time immemorial', but it also defined the critical legal principle of prescriptive rights. This principle of prescription was fundamental in all of the important legal battles involving the rights to wreck for the lords of the manor, the Duchy and the Crown in the eighteenth and nineteenth centuries.

Another battle that brewed over wreck rights concerned jurisdiction between the courts of common law and the Admiralty court. In whose jurisdiction would wreck cases and claims be tried? This dispute would have far-reaching consequences. The Admiralty court was created by Edward III to adjudicate cases that arose on the high seas. By definition, these cases occurred outside of English counties, and hence beyond the jurisdiction of common law courts, which were required to call local county juries. The major office-holder in the Admiralty was the Lord High Admiral, chosen by the king from the feudal nobility. As the office took on greater legal administration, the office of vice-admiral was formed to handle legal affairs. During the wars in France, Edward extended the Admiralty to include an admiral of the north and an admiral of the west. Initially given a wage,

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<sup>34</sup> Assize Roll, taken before John de Berewick and other Justices at the Court of Launceston at Michaelmas Term, *Anno* 30 Edw. I, quoted in Robert Heath, *The Isles of Scilly: The First Book on the Isles of Scilly*, (Originally published London, 1760, reprinted Newcastle-upon-Tyne, 1967), 65.

<sup>35</sup> Hamil, 'Wreck of the Sea', 6.

the admirals were also awarded a share in wreck and prize rights.<sup>36</sup> In consequence, they received ‘droits of Admiralty’—claim to any shipwrecked goods that would normally be received by the monarch. The Admiralty court soon began to challenge the common law courts over jurisdiction, especially in cases arising from disputes over the foreshore, which also included contention over the actual body of law to be followed. The Admiralty court took as its corpus maritime law as practised by other maritime nations, such as the Laws of Rhodes and Oleron, the Hanseatic League ordinances, and the Consolato del Mare while common law courts based their decisions on English precedence and statute. Technically, the Admiralty court dealt with cases concerning piracy, smuggling, shipwreck, and anything concerning the waterways as well as the sea.<sup>37</sup>

By the reign of Richard II, even the monarch noticed that the powers of the Admiralty court were growing too fast. Richard sought to curb them beginning in 1383, when he turned his attention to the actions of the Admiral of the West, who was interfering with the havener in Cornwall. This conflict is easy to see—haveners were officials employed by the Earl of Cornwall or the monarch to oversee the maritime affairs of the duchy, including wrecks. The havener ‘was bound to take and answer for the same, and all former haveners used so to do, the admirals or any others not being used to meddle therein as the king is particularly informed’.<sup>38</sup> The request was not enough, and Richard followed with statutes that were passed in 1389 and 1391 to limit the powers of the Admiralty. 13 Richard II, Statute I, c. 5 stated that the admirals were not to ‘meddle from henceforth of anything done within the realm but only of a thing done upon the sea’. Two years later, upon request from the Commons, Richard ordained an additional statute:

That of all manner of contracts, pleas, and quarrels, and all other things rising within the bodies of the counties, as well by land as by water, and also of wreck of the sea, the admiral’s court shall have no manner of cognizance, power nor jurisdiction...[but they] shall be tried, determined,

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<sup>36</sup> Runyan, ‘The Rolls of Oleron and the Admiralty Court in Fourteenth Century England,’ 96-104; Marsden, *Select Pleas in the Court of Admiralty*, Vol II, xxxix-xli; Williams, ‘A Legal History of Shipwreck in England’, 4-5.

<sup>37</sup> Runyan, ‘The Rolls of Oleron’, 109.

<sup>38</sup> Quoted in Hamil, ‘Wreck of the Sea’, 22.

discussed, and remedied by the laws of the land, and not before nor by the admiral, nor his lieutenant in any wise.<sup>39</sup>

However, even statutes did not curb the control of the Admiralty. Henry IV passed a statute in 1400 imposing a penalty on those who attempted to use the Admiralty court in lieu of the common law courts, and there were petitions to the parliaments of 1402 and 1410 to enforce these laws, but to no avail. The monarch relented in 1426 when the Duke of Bedford was appointed Admiral, but even then, he was not to have judicial powers over wreck of the sea. It was emphasised that wreck cases were to be heard by common law.<sup>40</sup> Despite this, by the sixteenth century, wreck cases were most commonly heard and investigated by the Admiralty court.

Notwithstanding the early success of the High Court of Admiralty, their power was curbed only by increasing assertiveness of the common law courts. According to *Sir H. Constable's Case*, heard in 1601, the Admiralty court was limited to hearing cases only arising on the high seas: 'The Admiralty has no jurisdiction over wreck of the sea, for that must be cast on the land before it becomes wreck'.<sup>41</sup> The Admiralty was left, however, with the jurisdiction to try salvage cases. At the end of the seventeenth century, even the Admiralty court admitted that they had gone beyond their jurisdiction in wreck cases, thus leaving wreck in the control of the common law courts.<sup>42</sup> This, by definition, also left criminal cases arising from the plunder of wrecks to the common law courts as well. Eventually, through case law, the common law courts determined that 'wreck' cast upon the land came under the cognisance of the common law courts, while other shipwrecked goods, not *legally* defined as 'wreck', but meaning flotsam, jetsam, ligan and derelict, came under the jurisdiction of the Admiralty, and could be claimed as droits of Admiralty.<sup>43</sup> This was to have important consequences for court cases in the eighteenth and nineteenth centuries.

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<sup>39</sup> 15 Rich. 11, c. 3, quoted in Hamil, 'Wreck of the Sea', 23. A more in-depth discussion of this conflict is found in Hannen and Pritchard, *Digest of Admiralty and Maritime Law*, xiv-xvii.

<sup>40</sup> Hamil, 'Wreck of the Sea', 23.

<sup>41</sup> 5 Rep. 106. Hannen and Pritchard, *Digest of Admiralty and Maritime Law*, 2319.

<sup>42</sup> Marsden, *Select Pleas in the Court of Admiralty*, Vol I, 186.

<sup>43</sup> Palmer, *Law of Wreck*, 2-3; Hannen and Pritchard, *Digest of Admiralty and Maritime Law*. 2316-2319. See the court cases *The King v. Two Casks of Tallow*, 3 Hagg. 298 (1837) and *The King v. Forty-nine Casks of Brandy*, 3 Hagg. 276 (1836).

Despite the establishment of wreck law and the determination of legal jurisdiction for wreck law cases, there is indication that the law continued to be disregarded by all levels of society, and hence demonstrates a lack of authority on the part of the Crown. Indeed, there is evidence that the survivor clause of the Statute of Westminster was not adhered to, and quite possibly many people were not even cognisant of its existence. Even ships and property belonging to reigning monarchs were appropriated as wreck despite the presence of survivors. In January 1525, the *St Anthony*, carrying the King of Portugal's bullion, plate, and silver, wrecked in a storm off Gunwalloe, on the south coast of Cornwall. Forty-five men survived, and made it onto the beach, where they commenced with salvage duty. Helping them for two days after the wreck were 'the country folk'. Francis Person, the Portuguese factor, reported that three local magistrates, William Godolphin of Godolphin, Thomas Seynt Aubyne (St Aubyn) and John Mylaton (Millaton), captain of St Michael's Mount, arrived and attacked them, carrying off over £10,000 in goods. Person appealed to the King of England's Court of Star Chamber, and provided a list of the stolen goods which indicated the sheer wealth of the wreck: copper, silver bullion, silver vessels, a chest of ready money; precious stones, pearls, chains; rich clothes of Arras; Holland cloth and linen; satin, velvet, and silk; musical instruments; the King of Portugal's personal armour; and guns of brass and iron. The defence put forth by the Cornish magistrates illustrates defamation of the reputation of the 'country people', a stratagem of symbolic violence that will appear again in this thesis. The magistrates denied they had been involved in attacking the vessel, but instead claimed that the officer in charge of the cargo, Diego de Alvero, had feared that the cargo would be plundered, and thus had called for the assistance of the magistrates. He then implored them to purchase some of the goods so the shipwrecked sailors could procure supplies. Godolphin and Millaton claimed they only bought £20 worth of goods, and that they had been involved with salvage, and so claimed salvage payments.<sup>44</sup>

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<sup>44</sup> Charles Henderson, *Essays in Cornish History* (Truro, 1935), 173-175; Charles Henderson, 'Cornish Wrecks and Wreckers, Plundered Ships and Sailors' *The Western Morning News and Mercury*, 21 January 1929; A.K. Hamilton Jenkin, *Cornwall and Its People* (Newton Abbot, 1970), 46-47. See also John Chynoweth, 'The Wreck of the *St Anthony*', *Journal of the Royal Institution of Cornwall*, n.s. v. (1968), 385-406.

The above case shows that the reputation of the ‘country people’ for ‘plunder’ and fear of their actions was well known enough to be used as a defence, whether or not they were guilty. Extant records of litigation from the medieval era are rife with cases of ‘wrecking by plunder’ by common people, and they trace back as far as the thirteenth century. In 1201, Sigur of Liskeard, in Cornwall, charged Amand, a clerk, and Amand’s son, Eustace, with robbery. He claimed that ‘in the king’s peace and in robbery they took his chattels from his ship which was in peril, namely wine and corn and salt and other chattels’. The jurors were asked if they suspected the accused were robbers—they did not. Amand and Eustace were acquitted, ‘because Sigur is dead and no one sues against them’.<sup>45</sup> One wonders what would have been the verdict if Sigur had not died before the case was tried. For the most part, however, those guilty of plundering the vessels without having the rights to *wreccum maris* were not identified. Moreover, as Hamil concedes, ‘the instances of spoil of wreck which occur in the Patent and Close Rolls are too numerous to recount’,<sup>46</sup> an indication of the number of conflicts over popular belief in their right of wreck. It is unclear, however, as to what ‘plunder’ really meant, as the entries are too brief.

Not only the king, but also the merchants, and the holders of the liberty of wreck all had trouble with country people who believed they had customary rights. In Kent in 1395, a serjeant-at-arms reported that he attempted to investigate a wreck, but he could not deal with the local inhabitants, that ‘neither ship, gear, nor goods came to his hand, neither did he for his life dare to arrest aught of them, except some jardels of wool and some cloths’.<sup>47</sup> There were also cases involving outright murder, although there is no evidence that the murders were motivated by the survivor clause from the Statute of Westminster to ensure a ‘dead wreck’. The *Calendar of Patent Rolls* record that in 1286 a ship wrecked at Dengemarsh. The plunderers, who then escaped with the cargo, killed a merchant on board, Vincente E. Stefne.<sup>48</sup> A similar incident occurred off the coast of Suffolk when a ship belonging to Newcastle and Berwick merchants wrecked in 1353. The rolls report

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<sup>45</sup> Doris Mary Stenton, ed. *Pleas Before the King or His Justices 1198-1202: Vol II: Rolls or Fragments of Rolls from the Years 1198, 1201, and 1202* (London, 1952), 80.

<sup>46</sup> Hamil, ‘Wreck of the Sea’, 19.

<sup>47</sup> Quoted in Hamil, ‘Wreck of the Sea’, 19.

<sup>48</sup> *Calendar of Patent Rolls, 1281-1292*, 256, quoted in Hamil, ‘Wreck of the Sea’, 18; Larn, *Shipwrecks of Great Britain*, 19.

that the plunderers claimed that they killed the crew because they thought they were enemy Scots.<sup>49</sup> Sometimes it was not clear exactly what happened, and an area's reputation might colour the report. In 1283, a Shoreham ship wrecked in St Ives Bay, Cornwall. The survivors tried to make it to shore, but their boat was swamped and all were drowned. However, as Whetter reported, 'Later it was said some of the men came ashore alive but were slain by the people of the country'.<sup>50</sup>

The law, as it has been outlined, differentiated between those who had rights to wreck, and those who did not, and defined preferred methods of deterrence. Much of the court activity regarding wreck involved those who were 'disenfranchised', the common people. Commoners who came upon wreck were expected to bring it to their local lords or to the local sheriff. If they did so, they could expect their moiety of the goods as salvage. If they failed to do so, and if they hid the goods, then they could expect penalties. According to the Statute of Westminster, people who were in illegal possession of wrecked property could be punished with imprisonment and a fine, although it appears that fines were more common. In an analysis of the wreck rolls of Leiston Abbey, Bertram Schofield suggests that amercements—fines—placed on individuals caught taking wreck, were actually more profitable for the abbot than was the taking of wreck itself.<sup>51</sup> Kowaleski also finds this true of Duchy lands in Cornwall. She has found that the havener's accounts contain detailed lists of those fined, along with the amounts the people were expected to pay. In the early fourteenth century, fines brought in annually up to four times the value of the sale of wrecked goods. Fines ranged from 2s to 4s and up, which was probably based on the value of the goods taken.<sup>52</sup> Between 1301 and 1306, the annual average for wreck was 36.8 pence; fines for pillagers amounted to 146.1 pence and profits from salvage amounted to 18.3 pence, making wreck fines consist of 30 per cent of the Duchy maritime revenues. Some years no

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<sup>49</sup> *Calendar of Patent Rolls, 1281-1292*, 389-390, 453-454, 458-459, in Hamil, 'Wreck of the Sea', 19.

<sup>50</sup> James Whetter, *Cornwall in the 13<sup>th</sup> Century: A Study in Social and Economic History* (Gorran, Cornwall: Lyfrow Trelyspen, The Roseland Institute, 1998), 94. Original source, Devon Eyre Roll, case 1284 and Henry Summerson, 'Crown Pleas of the Devon Eyre of 1238', *Devon and Cornwall Record Society*, vol. 28, (Exeter, 1985), 102.

<sup>51</sup> Bertram Schofield, 'Wreck Rolls of Leiston Abbey', in *Studies Presented to Sir Hilary Jenkinson*, ed. by J. Davies Conway, (Oxford, 1957), 369.

<sup>52</sup> Maryanne Kowaleski, ed. *The Havener's Accounts of the Earldom and Duchy of Cornwall, 1287-1356*, Vol. 44 (Exeter, 2001), 25.

wrecks were recorded, and thus no fines. The reasons for the differences are twofold. As the Duchy survey of 1337 stated, 'Regarding the annual value of wreck of the sea, nothing can be estimated because the profit arising from it falls fortuitously by chance, sometimes more, sometimes less...' In addition, Kowaleski noted that when the office of havener was given to non-Cornish individuals, who in turn farmed out their duties, profits for wreck, especially by fine, fell drastically.<sup>53</sup>

Ecclesiastical and maritime law, as opposed to the common law under which wreck law was eventually controlled, had much harsher penalties than mere fining. The ecclesiastical councils of Nantes (1127) and the Lateran (1179) both prescribed excommunication. The Rolls of Oleron took this a step further: 'And he who...shall take any of the goodes of the said poor persons shipwrecked, lost and ruined against theyr desire and wyll, he is excommunicated by the church, and ought to be punysshed as a thief, yf he make not restitution briefly; and there is neither custome nor statute whatever that can protect them against incurring the said penalty'. If the miscreants used violence, the penalty was much harsher:

Likewise, yf a shyp is lost in stryking against any coast, and chaunceth that the crew imagine to escape and save themselves and come to the bank half-drowned, thinking that some one wyll ayde them, but it chaunceth that sometyme in many places there are inhuman felons, more cruel than dogs or wolves enraged, the whiche murder and slaye the poor sufferers, to obtain theyr money, or clothes or other goodes; such manner of people the lorde of the place ought to seize and inflict on them justice and punishment, both as regards their persons, and their goodes, and they ought to be case into the sea and plunged in it, until they are half dead, and then they ought to be dragged out, and stoned, and massacred as would be done to a dog or a wolfe. This is the judgement.<sup>54</sup>

It is not known if this penalty was actually carried out. However, by the eighteenth century, as will be shown in subsequent chapters, the penalty under English common law for wrecking by plunder changed from fines based on the value of the wrecked goods to the penalty of death, though not in the manner prescribed by the Rolls of Oleron.

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<sup>53</sup> Kowaleski, *Havener's Accounts*, Figured from Table 1, Annual Revenues and Expenses in the Havener's Accounts, 66-67, 23.

<sup>54</sup> Twiss, *The Black Book of the Admiralty*, Vol. II, 463, 465.

Thus, it was in the medieval and early modern eras that the rights of *wreccum maris* were established and developed. The granting of those rights to the dominant elites—to both lords of the manor and ecclesiastical officials—laid the foundation for the legal framework that would be drawn upon during wreck disputes that would be carried on throughout the eighteenth and nineteenth centuries. Important concepts in wreck law, too, were instituted, with the development of the legal definition of ‘wreck’, and ‘prescription’, its consequent codification with the inclusion of a salvage clause, and the settlement of wreck jurisdiction within the courts of common law. However, the legal status was not as clear as Rule argues, at least not in the minds of the disenfranchised commoners. Although they had no legal claim, in practise they continued to appropriate ‘the gifts of the sea’ from ‘time immemorial’, most likely with little interference, and were thus able to hold on to their belief in ‘Providence’. In addition, they also embraced some facets of the law, and developed their own popular beliefs, such as their rights to ‘dead wrecks’. Indeed, the law did not necessarily influence a person’s behaviour, nor was it necessarily an indication of the conditions and actual practices of the time. Rather as a prescriptive form of evidence it shows how the dominant elite wanted wreck law to be observed, but as the wealth of cases shows, this rarely happened. It would be left for the legislators of the eighteenth and nineteenth centuries to solidify wreck law and to attempt to bring about legislation to combat what they described as ‘so barbarous a Practice’, the appropriating of wrecked goods and materials by the subordinate classes.

## CHAPTER THREE

### Merchants, Legislators, and the Criminalisation of Wrecking

*‘to prevent the cargo from becoming prey to the populace..’*

On 14 December 1708, several men representing the East India Company hurried to the House of Commons to place before members copies of three letters sent from Cornwall. The letters reported on an incident that was occurring near Polperro: the wreck of the East India Company’s ship *Albemarle*. Joseph Bullock, one of the super-cargoes, had written that ‘the Savage Inhabitants are ready to plunder what they have gott & cutt their throats too’. Upon further enquiry, the East India Company concluded that after the ship had gone aground, it was destroyed ‘by the people of the Country getting on board and plundering what they could and then cutting her Cables for that some of the Country people were overheard on the road threatening they would do so if she was not ashore by the time they got thither’.<sup>1</sup> This was just speculation, but it shows the extent of fear that the East India Company had regarding their wrecked vessel.

After the letters were delivered to the Commons, a bill entitled ‘to prevent the Embezzlement of Goods and Merchandizes cast away upon, or near, the Coast of Great Britain’—or, as worded by the East India Company Secretary Thomas Woolley, ‘to prevent such Rapine & violence for some time to come’ was ordered to be prepared. The committee formed to present the bill consisted of Sir Gilbert Heathcote, Member of Parliament and director of the East India Company; William Lowndes, the Secretary of the Treasury; and Hugh Boscawen, the

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<sup>1</sup> India Office Records [IOC], E/1/198 Letter Books Misc, Woolley to Addis, 14 December 1708, 74-75; Woolley to Capt Staines of the *Rochester*, 25 December 1708, 97; James Derriman, ‘The Wreck of the *Albemarle*’ in *Journal of the Royal Institution of Cornwall*, New Series, Vol. 1, pt 2 (1992), 130.

influential Cornish MP from Tregony.<sup>2</sup> The bill was introduced on 9 April 1709 by the counsel for the East India Company, Mr Hungerford. However, despite this initial interest, and the influence of the men involved, the bill was allowed to drop. Nothing was done for another six years.<sup>3</sup>

Although the plunder of shipwrecks was technically a felony, it was obvious that merchants and traders were unhappy with the state of the law and sought stronger measures. Thus this bill was one of eight introduced in House of Commons in the eighteenth century, with another seventeen bills that included some form of wrecking clauses introduced in the nineteenth century. (See Appendix 5). The legislation indicated important distinctions in wrecking offences, as well as instituting policies to combat the practice. As Peter King states ‘all definitions of crime are, of course, social constructions changing over time and between societies, social groups, and individuals’.<sup>4</sup> This chapter identifies the social and legal constructions of wrecking, highlighting the concerns of the merchants and dominant elites, and illuminating their role in the criminalisation of wrecking and determining its shifting levels of punishment.

### **The Passage of 12 Anne, st. 2. c. 18**

At the beginning of the eighteenth century, the basic tenets of wreck law remained unchanged from the early modern period. What had changed were the ways special interest groups were able to be heard in Parliament, a transformation that occurred after 1688 with the development of an annual standing parliament holding longer sessions, and increasing their levels of legislative activity.<sup>5</sup> In 1714, merchants introduced another wrecking bill to the Commons. Although it is unknown which specific group of merchants was behind the bill, the preamble states that

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<sup>2</sup> IOC, E/1/198 Letter Books Misc, Woolley to Addis, 14 December 1708, 74-75; *Journal of the House of Commons* (Hereafter *CJ*), Vol. XVI, 14 December 1708, 47; Derriman, ‘Wreck of the *Albermarle*’, 132-3.

<sup>3</sup> *CJ*, Vol. XVI, 20 December 1708, 51; 9 April 1709, 195; 14 April 1709, 201. Unfortunately, the bill is no longer extant, so the measures introduced against wrecking are unknown.

<sup>4</sup> Peter King, *Crime, Justice, and Discretion in England, 1740-1820* (Oxford, 2000), 6.

<sup>5</sup> John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (Cambridge, Mass, 1990), 231.

great complaints have been made by several merchants, as well as her Majesty's subjects as foreigners, trading to and from this Kingdom, that many ships of trade after all their dangers at sea escaped, have unfortunately near home run on shore, or been stranded on the coasts thereof; and that such ships have been barbarously plundered by her Majesty's Subjects, and their cargoes embezzled...<sup>6</sup>

The preamble also includes what Brewer suggests was 'generally recognized by all eighteenth-century political commentators, namely that private interests were perforce subordinate to the public good'.<sup>7</sup> The concern for the 'great loss of her Majesty's revenue', was an ample reminder that most legislation passed had the monetary interest of the kingdom at its heart.

The 1714 bill was more successful than that of 1708, in that it passed into statute as 12 Anne st. 2, c. 18. It is unclear what the precipitating factors were behind its introduction, for the shipwreck records for the first quarter of the eighteenth century are very sketchy. 12 Anne was passed by the Commons and Lords on 9 July 1714, confirming the Statute of Westminster's definition of wreck, as well as confirming 4 Edward I st. 2, which verified the role of juries in determining salvage. However, in other ways, 12 Anne was groundbreaking. It specified important distinctions in wrecking offences, and itemised the penalties for each:

Persons entering a distressed ship without proper leave, or obstructing the saving of the ship or goods, or, when saved, defacing the marks of such goods, shall make double satisfaction, or be sent to a house of correction for twelve months; and such persons, so entering a ship without leave, may be legally repelled by force.

This passage not only sought to control those who forced themselves on board for plunder, but also those who forced themselves on board to claim salvage rights. For those caught 'carrying off goods without leave', they 'shall forfeit triple the value', although the fine would have to be recovered by the owner of the goods through legal action. Fines were typically assessed to discourage criminal activities and to convince the perpetrator to relinquish the goods. Most people could not

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<sup>6</sup> Preamble 12 Anne st. 2, c. 18 (1713), *Statutes at Large*, Vol. 13, 121.

<sup>7</sup> Brewer, *Sinews of Power*, 246.

afford to pay the fines; the threat of the house of correction was expected to be deterrent enough.<sup>8</sup> However, for those involved in deliberate wrecking, described as ‘making holes in any ship in such distress, or stealing the pump thereof, or otherwise contributing to its destruction’, the penalty of ‘felony without benefit of clergy’ was applied. In other words, for the first time in statute law, the penalty of death was given for deliberate wrecking.

The escalation of penalties is unsurprising given the fact that Sir Robert Clayton was involved in the proceedings. He was concerned that criminal law should be tightened, especially when it involved the poor; he was a firm proponent in the use of houses of correction as places to reform behaviour. Thus, the new wrecking legislation was enacted at a time when the climate of opinion was influenced by those who were involved in reforming the nation’s morality, who were reacting to what they perceived as ‘the evident failure of the courts to create systems of punishment that would discourage crime and prevent the hordes of immoral and debauched individuals...from going on to even worse offences’. They were disturbed, as Beattie emphasises, with ‘the weakness of the punishments available to the courts’.<sup>9</sup>

Although 12 Anne was passed with an amendment from the Lords that it would be only in force for three years, ‘and no longer’, the statute was made perpetual in 1718. It specifically emphasised a clause from 12 Anne, that ‘for its better observance should be read in all parish churches and chapels on the coast on four particular days every year...the Sundays next before Michaelmas day, Christmas-day, Lady-day, and Midsummer day...’ in an attempt to educate and warn those who were involved with wrecking.<sup>10</sup> Unfortunately, as David MacPherson remarked in his *Annals of Commerce* in 1805 regarding 12 Anne, ‘...we are truly sorry to remark, that notwithstanding this good law, there have been frequently barbarous infractions of it, more especially on the farther south-western shores of England, which seem to want a stronger enforcement...’<sup>11</sup> He could also have

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<sup>8</sup> J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, New Jersey, 1986), 457.

<sup>9</sup> Beattie, *Crime and the Courts in England*, 496-99.

<sup>10</sup> 4 Geo. I, c. 12

<sup>11</sup> David Macpherson, *Annals of Commerce: Manufactures, Fisheries, and Navigation, with Brief Notes...Four Volumes* (London, 1805), Vol. III, 39-40.

added that the clergy probably did not follow through, as Reverend Eden admitted in 1840. He had been unaware of the clause that required the reading of the Act until he was informed by a customs officer after the wreck of a ship on the Essex coast.<sup>12</sup>

12 Anne had instituted guidelines that were more stringent but the Merchant Traders of the City of London felt the statute was lacking. Together with ‘other Merchants and Traders of Great Britain’, which suggests they were involved in a widespread petitioning campaign, they presented their grievances to the Commons in March 1735/36. They protested about the ‘barbarous Custom of plundering of ships wrecked or driven on the Shore...and treating the Mariners in a most cruel Manner, if they offer the Least Resistance’. The petitioners also resorted to comparisons with other countries to goad Parliament into action: ‘That in other Nations, effectual Provision is made for preventing such Attempts, by appointing officers to take care of Ships wrecked, and to render just accounts to the Proprietors of their Goods saved’. Hence, one of their major complaints was the lack of authority during the shipwreck event, which they argued increased the depredations. Further, although the petitioners agreed that Britain had ‘sundry Laws, now in being, to make such Offences Felony’, they argued that it was impractical to convict the offenders because of the defects in the laws, although they did not reveal what those defects were. The petition gained enough parliamentary attention that a bill was presented and a committee formed after its second reading, made up of thirty-three men, including all the merchants who served in the House. Despite this initial activity, however, the bill never moved forward and was dropped by the committee.<sup>13</sup> Unfortunately, the 1735/6 bill is no longer extant, and it is unknown what provisions were suggested. However, the following year the Commons again took up the issue of wrecking. Although the *Commons Journal* makes no mention of petitioners, it is probable that the substance of the bill from the previous year was brought back, especially since it was presented by the same MP, Alderman Perry. This second bill, as well, never

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<sup>12</sup> Rev. Robert Eden, M.A. *An Address to Depredators & Wreckers on the Sea Coast* (London, 1840), 15.

<sup>13</sup> The bill is entitled ‘To render the Laws, now in being, more effectual for the saving and recovering Ships and Goods wrecked, or driven on Shore, by distress of weather or otherwise’. *CJ*, Vol. XXII, (1732-1737), 2 March 1735/6, 603-4.

made it into law. It made it to its engrossed form, and was approved by the Commons, but it never returned from the Lords.<sup>14</sup>

Nevertheless an analysis of the 1737 bill makes clear the interests of the merchants and the MPs who were involved. Its main objectives were to replace 12 Anne and 4 Geo I, and thus to define criminal wrecking offences in more detail, to increase the penalties, and to allocate culpability in an effort to contain wrecking. For 'imbezzling goods', a fine of £20 was added to the original fine of triple the value of the goods, a substantial increase indicating the desire for a more substantial deterrent. The bill also added an additional clause: if the victim was robbed, and the offender was not caught within a year, the inhabitants of the hundred 'shall make full satisfaction and amends' to the robbery victim, not exceeding £100. For murder, if the offender was not caught, the fine on the hundred was set at £100, and 'one moiety for the use of His Majesty', and 'one other moiety to the person who sues' if the victims felt inclined to convict. For wounding, or for stripping live victims or dead bodies, the offender would be guilty of a felony, 'and transported as a felon'. If the offender was to 'force himself on board without permission', or interfered with the saving of the ship and goods, or defaced ownership marks on goods, the penalty was increased to a fine of £20 from the original fine of double the value. The increased fine would be levied 'from the Distress and Sale of the Offender's Goods', but if no 'Distress' could be found, then the offender would be gaoled for the twelve months originally laid out in 12 Anne. Further, however, the bill indicated additional criminal behaviour, that if the offender used weapons to force entry onto the ship and attacked the superior officer or anyone else, or deliberately destroyed any portion of the ship, he would be guilty of a felony, with the ensuing punishment of transportation. To the charge of felony, the bill also added the offence of taking salvaged goods that had been stored for safekeeping.

The committee also attempted to create solutions to improve what were seen as defects in the law, namely the lack of authority to search for stolen goods, and to arrest and prosecute offenders. Accordingly, they wanted to give more power to

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<sup>14</sup> The bill is entitled 'for the better preserving of all such Ships, and Goods thereof, which shall happen to be stranded upon the Coasts'. *CJ*, Vol. XXII, (1732-1737), 805, 858, 863, 879, 883.

the local magistrates to issue search warrants. At the time, the only person authorised to issue search warrants that were valid between counties was the Lord Chief Justice. Additionally, application also had to be made by the owners of the shipwrecked cargo to the High Court of Admiralty for a commission of enquiry to search for stolen goods. All these procedures took time and decreased the likelihood that shipwrecked goods would be recovered. Thus the bill sought to give more power to the local magistrates, who could issue search warrants when they were given enough evidence, and thus institute proceedings. Specifically, if goods were found in the possession of a suspect, the suspect would be required to hand over the goods and explain to the magistrate how the goods came into their possession. If they could not give a convincing answer, then the magistrate had the authority to commit the accused to gaol, where they would remain until they paid triple the value of the goods stolen. If the accused were found offering wrecked goods for sale, the bill gave authority to the customer to seize the goods, provided that they were delivered, along with a notice, to the local Justice of the Peace. The offender was then required to hand himself over to the magistrate within ten days. If not, he would be arrested and placed in gaol without bail, unless he paid triple the value of the goods. Of course, the likelihood of the offender being able to pay was practically nonexistent.

The 1737 bill contained several contentious issues debated in subsequent attempts to legislate against wrecking, but of especial importance was the question of culpability. Should the hundred or parish pay indemnities to shipwreck victims if the offenders were not caught? Additionally, a curious aspect of this bill was that in spite of the immense amount of legislation passed applying capital punishment for crimes involving property, this bill actually downgraded the penalty for deliberate wrecking from death to transportation. With no known convictions under 12 Anne, it is difficult to know why the decision was made. However, it could be that, as Beattie argues, transportation provided the courts with an alternative to capital punishment, and thus 'made the discretionary application of increasing capital statutes tolerable'.<sup>15</sup> Unfortunately for those involved with

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<sup>15</sup> Beattie, *Crime and the Courts in England*, 519.

wrecking, however, when the merchants and Parliament took up the issue of wrecking again, they were not in as generous a mood.

### **The Passage of 26 George II, c. 19**

Stronger penalties came with the new statute passed in 1753. The impetus for the new legislation came once again from the Merchants and Traders of London. Sixteen years previously, they had not been able to get their bill past the Lords, but in February 1753 they were able to convince Charles Grey to place their petition before the Commons. They claimed that they had too much profit-loss from wrecking activities, and they believed that the existing laws ‘were too gentle’. They argued that the Act of 12 Anne ‘has, by Experience, been found not to answer the salutary Ends thereby proposed’, and wished for ‘a more effectual Remedy’.<sup>16</sup> The prologue indicates that their previous points were still of utmost concern:

whereas, notwithstanding the good and salutary Laws now in being against the plundering and destroying Vessels in Distress, and against taking away shipwrecked, lost, or stranded Goods, many wicked Enormities have been committed, to the Disgrace of the Nation, and to the grievous Damage of Merchants and Mariners of our own and other Countries...

Enacted a 26 George II, c. 19, the statute strengthened and clarified the laws against wrecking. Magistrates were given the powers of search and seizure outlined in the failed 1737 bill. Of particular note was the increase in the specific wrecking offences that were designated capital crimes. Capital offences included the plundering, stealing, taking away or destroying of any goods belonging to a ship unfortunate enough to be ‘wrecked, lost, stranded, or cast on shore’ on the British coast, including cargo, the ship’s tackle, furniture, or provisions. The death penalty was also to be applied to anyone who ‘shall beat or wound, with Intent to kill or destroy’, survivors, or who ‘shall otherwise wilfully obstruct the Escape of any Person endeavouring to save his or her Life’. The last capital offence to be included is surprising, for this is the first time it appears in statutory law with

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<sup>16</sup> The bill is entitled ‘to enforce the Laws against Persons, who shall Steal or Detain Shipwrecked Goods; and for the Relief of Persons suffering losses thereby. *CJ*, Vol. XXVI (1750-1754), 589.

regard to wrecking— that is, ‘any Person or Persons [who] shall put out any false Light or Lights, with Intention to bring any ship or Vessel into Danger’. Why was this particular offence singled out at this time? There are no cases extant indicating that this crime had actually occurred.<sup>17</sup>

The passing of 26 Geo. II signified a change in attitude towards wrecking from earlier attempts at legislation. It brought wreck law more in line with other offences that had been legislated during this period when it imposed the death penalty for theft from a wreck. Between 1722 and 1731, thirty-one statutes prescribing capital punishment had been passed, including the infamous ‘Black Act’, against deer poaching, which was so loosely defined it could be used against any perceived crimes against property.<sup>18</sup> Douglas Hay explains that the passage of 26 Geo II as a capital statute was not necessarily a ‘matter of conscious public policy. Usually there was no debate, and most of the changes were related to specific, limited property interests...[o]ften they were the personal interest of a few members, and the Lords and Commons enacted them for the mere asking’. He argues that it was only one of the many statutes that were passed in order ‘to make every kind of theft, malicious damage or rebellion an act punishable by death’.<sup>19</sup> Although 26 Geo II was passed ‘for the asking’, in this case at the request of the Merchants, Traders and Insurers of the City of London, the bill however *did* incur debate before it was passed. The reluctance of MPs to assign capital punishment for all wrecking offences is substantiated by an important clause that had been added by special rider before the bill was passed. If the goods were considered of small value, and were stolen ‘without Cruelty or Violence’, as in the case of harvesting, then the offender could be persecuted for petty larceny.<sup>20</sup> Thus, the

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<sup>17</sup> Several statutes had been passed for lighthouses, including 8 Eliz, c. 13; 26 Geo. III, c. 101; 28 Geo. III, c. 25, but none of the clauses deal with the possibility of using lights for deliberate wrecking. As well, no one was ever convicted under this clause. Special thanks to Michael Williams, Senior Lecturer in Law, University of Wolverhampton, for conducting a search of prosecutions under statutory law.

<sup>18</sup> Ian Gilmour, *Riot, Risings and Revolution: Governing and Violence in Eighteenth-century England* (London, 1992, 1993), 7; E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (London, 1975, 1977), 21-4.

<sup>19</sup> Douglas Hay, ‘Property, Authority, and the Criminal Law’, in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson and Cal Winslow, *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975, 1988), 20-21.

<sup>20</sup> 26 Geo II, c. 19, section 2. The line ‘and no barbarity is used in taking them’, is used in T. Williams, *Everyman his own Lawyer*, (London, 1818), 523; John Rule, ‘Wrecking and Coastal Plunder’, in Hay, et. al., *Albion’s Fatal Tree*, 168. See *CJ*, Vol. XXVI (1750-1754), 532, 541, 589,

death penalty was *not* invoked for all forms of wrecking, as has been alleged in much wrecking discourse.<sup>21</sup>

Additional issues debated during the passage of the bill included the recurrent question regarding the culpability of the county, and an impression that false lights were a cause of deliberate shipwreck. Incorporated within the original bill was a clause stating that if the offender was not caught, the county would be forced to pay a fine if sued by the victim or victims, a proposal related to the failed 1737 bill. Members must have felt this clause was still controversial, as it was dropped from the final copy. The issue was not dead, however, as it would once again be raised in an attempt to reform wreck law in 1776.

Sometime in committee, members determined that a clause regarding false lights needed to be appended to the bill; it was not in the original. This particular issue has generated a series of debates regarding the use of false lights.<sup>22</sup> Bella Bathurst and Jeremy Seal have argued that the clause is confirmation that the practice existed.<sup>23</sup> Rule does not deny that the practice may have existed, but he points out that ‘there is a marked lack of specific, conclusive evidence on this practice’.<sup>24</sup> Indeed, the one ‘specific recorded case’ of the use of false lights cited by Rule as occurring in Wales in 1774 was shown by Geoffrey Place to be inaccurate. Place traced the genesis of the story to find that the account had been falsified by overzealous newspaper reporters.<sup>25</sup> Cornish historians such as Charles Henderson and Claude Berry denied the practice, claiming that they had not found any documentary evidence of convictions in their searches.<sup>26</sup> Indeed, the passage of the clause in itself does not constitute verification that the crime existed. Rather,

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596, 615, 625, 670, 709, 733, 774, 816, 818, 821 and *Journal of the House of Lords*, Vol. XXVIII (1753-56), 125.

<sup>21</sup> Even Hay alludes to the overarching penalty of death for all forms of wrecking in ‘Property, Authority and Criminal Law’, 20, although Rule in the same volume mentions the differing sentences, ‘Wrecking and Coastal Plunder’, 168.

<sup>22</sup> For the false lights debate, see Peter Pern ed. *Cornish Notes and Queries: Reprinted from the Cornish Telegraph* (London, 1906), 292-97; and *Mariner’s Mirror*, Vol. 70, (1984), 44, 388.

<sup>23</sup> Bella Bathurst, *The Wreckers: A Story of Killing Seas, False Lights and Plundered Ships* (London, 2005), 10-11; Jeremy Seal, *Treachery at Sharpnose Point: Unraveling the Mystery of the Caledonia’s Final Voyage* (New York, 2001), 197.

<sup>24</sup> Rule, ‘Wrecking and Coastal Plunder’, 181.

<sup>25</sup> Rule, ‘Wrecking and Coastal Plunder’, 180; Geoffrey Place, ‘Wreckers: The Fate of the *Charming Jenny*’, *Mariner’s Mirror*, Vol. 76, No. 2 (1990), 167-8.

<sup>26</sup> Charles Henderson, ‘Cornish Wrecks and Wreckers: Plundered Ships and Sailors’, *Western Morning News and Mercury*, 21 January 1929; Claude Berry, *Cornwall* (London, 1949), 22.

the manner in which it was passed as a last-minute add-on is telling; it lacks the authority to which investigators have wished to ascribe it. This is not to say that a few MPs may not have *believed* that the crime actually existed; they most assuredly did. It is perhaps more revealing, however, that none of the literature or debates on wreck law throughout the eighteenth and nineteenth centuries mentions the issue of deliberate wrecking through the use of false lights.<sup>27</sup>

Correspondence between George Borlase, steward for the manor of Lanisley, near Penzance, and his manorial lord, Lt General Richard Onslow, MP for Guildford in Surrey and brother to the current Speaker of the House, Sir Arthur Onslow illustrates local Cornish interests in the bill.<sup>28</sup> While the bill was being debated in the Commons, Borlase offered his support, but then complained that he felt the bill was ‘very defective’.<sup>29</sup> Nevertheless, he offered some of his own recommendations:

As to the Wreck Bill I apprehend adding some preventive clauses w<sup>d</sup> make it an effectual remedy against the practice of wrecking. My situation in life hath oblig’d me sometimes to be a spectator of things in it, w<sup>ch</sup> would shock humanity and which the Legislature intend some punishments for but some things I fear this Bill will not reach. The people who make it their business to attend these wrecks are generally Tynners and as soon as they observe a Ship on the coast they first arm themselves w<sup>th</sup> sharp axes and hatchetts and leave their tyn works to follow those ships. Sometimes the ship is not wrack’d but w<sup>r</sup> this or not the mines suffer greatly...

It is here that his self-interest becomes explicit, as Borlase was a shareholder in the local mines.<sup>30</sup>

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<sup>27</sup> This issue is particularly perplexing in that the clause predates any known fictional use of the trope. There are cases, however, of confusion from poor placement of lights that have caused shipwreck, although thus far none have been proven to be deliberate. See CUST 68/28, 5 January 1821. The inclusion of the clause may also be from one reported instance that is no longer extant. Emsley, *Crime and Society in England, 1750-1900*, 251. Further research into this enigma is being undertaken.

<sup>28</sup> Although Cornwall returned forty-four MPs to Parliament before the Reform Act of 1832, they rarely argued for Cornish interests. See Payton, *Cornwall: A History* (Fowey, 1996), 210-211.

<sup>29</sup> Borlase to Onslow, 1 February 1753; 5 March 1753, in Thomas Cornish, ed. ‘The Lanisley Letters: to Lt. General Onslow from George Borlase, his Agent at Penzance, 1750-53’, *Journal of the Royal Institution of Cornwall*, Vol. VI, pt. xxii, 374, 377.

<sup>30</sup> Borlase also had other personal interests in wrecking. As Onslow’s steward, he was involved in the attempt to seize wreck rights from the Arundell family, the neighbouring lord of the manor. This conflict will be discussed in Chapter 6.

Now tis hardly to be imagin'd how farr taking this infamous practice in its very budd and laying the loss of all wages due and some further penalty on every labouring tynner who sh<sup>d</sup> leave his Tynwork in order to go to wreck would contribute to keep them home and break the neck of it...

He maintained that

no person sh<sup>d</sup> be allow'd to attend a wreck arm'd with axes or the like unless lawfully required... for... [t]hey'll cut a large trading vessell to pieces in one tide and cut down everybody that offers to oppose them. Therefore there sh<sup>d</sup> be some provision against this.<sup>31</sup>

Future bills would include provisions against the gathering of crowds at wrecks, but for 26 Geo. II, Borlase's counsel went unheeded.

In spite of the passing of the more stringent act and the application of the death penalty for violent wrecking, some did not consider the statute very effective. Seven years after the Act was passed, Borlase complained to Onslow about its lack of efficacy: 'notwithstanding the late act there is as much occasion for soldiers here as ev<sup>r</sup>. last Wednesday night a Dutchman was stranded near Helstone every man saved and the ship whole, burthen 250 tons, laden with claret in 24 hours the Tinnars cleared all'.<sup>32</sup>

The existence of later bills show that Parliament and the merchants were still not satisfied with the law as it existed, and they sought further procedures to combat wrecking by re-visiting the issue of local culpability. On 17 March 1775, Edmund Burke presented a bill to the Commons for his Bristol merchant constituents. Drawing on similar Acts that had already been passed, Burke argued that the hundred was more capable of controlling wrecking within its borders, much more so than they could control other more 'minor' offences, such as the killing and maiming of cattle, cutting trees, and destroying hedges and gates, which under existing law already held the hundred liable. He was thus seeking to place wrecking on the same footing. Additionally, Burke's bill also sought to issue rewards of £40 to those who were involved in the capture and conviction of offenders: if they were killed while pursuing offenders, then the reward would be

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<sup>31</sup> Borlase to Onslow, 15 March 1753, 'Lanisley Letters', 379.

<sup>32</sup> Borlase to Onslow, 21 February, 1760, 'Lanisley Letters', 379.

paid to their executors. Burke and his committee also introduced a new clause: the making of a felony, to be punishable by transportation, for the taking of buoys, a 'wicked Practice [which] hath prevailed'.<sup>33</sup>

No action was taken on the bill in 1775, but Burke presented it again in April 1776 with few changes. Petitions from Burke's Bristol constituents, 'the Master, Wardens and Commonality of the Society of Merchants Venturers of Bristol', and the 'Merchants and Insurers of Bristol' were introduced. They stated that they had incurred large monetary losses because the laws had not been effective. The Society of Merchants Venturers of Bristol opined that wrecking offences were not included within the same class of law as other 'malicious Attacks upon Property, and not making it, as in other Cases, the Interest of those whose local Situation enables them best to prevent, or prosecute and punish such offences...' The Merchants and Insurers of Bristol suggested, in particular, that rewards should be offered to those 'who by their local situation, are best able to render Assistance, that then such would warmly exert themselves as well as preserve the lives of our brave Seamen'.<sup>34</sup> However, there was also a petition in opposition. Indeed, this is the only wreck bill where such petitions are extant which give an indication as to the extent of the debate. On 30 April 1776, a petition from the 'Justices of the Peace, Gentlemen, Clergy, Land-Owners, and Land-holders, of the several Hundreds or Commotts of *Kidwely, Carnawllan, and Derlis*, all situate on the Sea Coast of the County of *Caermarthen*', was presented to the Commons offering their concerns regarding the bill. They claimed that the existing laws were sufficient; the only remedy needed was the appointment of persons who could give immediate notice to the local magistrates of impending shipwreck so that 'the Mischiefs of Plundering might be prevented, and the necessary relief afforded, under the Power of the Act passed in the 26<sup>th</sup> of his late Majesty...' They argued that preventive means would be more effective than 'by providing Remedies for

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<sup>33</sup> A Bill [with the Amendments] for the preventing the inhuman Practice of Plundering Ships that are Shipwrecked on the Coast of Great Britain; and for the further Relief of Ships in Distress on the said Coasts', in Sheila Lambert, ed. *House of Commons Sessional Papers of the Eighteenth Century*, Vol. 27, George III Bills, 1774-1775 and 1775-1776 (Delaware, 1975), 107-109.

<sup>34</sup> Rule has the petitions being presented to the House of Commons in 1775, but the *Journals* report that they were introduced on the 18<sup>th</sup>, 25<sup>th</sup>, and 30<sup>th</sup> of April 1776. It is unclear whether the bill was first introduced in response to the lobbying effort, or whether the lobbying effort occurred in support of the bill. *CJ*, Vol. XXXV (1774-1776), 705, 725, 738; Rule, 'Wrecking and Coastal Plunder', 168.

Evils when they have happened, either by amercing the Hundred, or punishing the Offenders'. Indeed, they were particularly concerned that 'by the Provisions of this Bill, if a ship is plundered, the Hundred is to make good the Damage, although every possible Effort of the Magistracy has been exerted to prevent it', thus they requested that the bill not be passed.<sup>35</sup>

The debate within the Commons gives an indication as to the attitudes and perceptions of the MPs involved. National reputation and culpability of the hundreds dominated the deliberations, held over two days. Burke opened up the proceedings by arguing that there was 'scarcely a winter passing but our public prints contained accounts which were a disgrace to any civilized country...' and that commercial countries, such as Great Britain, 'which prided itself so much on national honour, should take care to do every thing possible in its power to discourage such outrageous proceedings'. Although the gentlemen agreed with his assessment, most felt the burden should not be placed upon the hundreds, that it would cause 'much suffering among the innocents', that

A few of the most profligate persons in a hundred were to profit by public rapine and plunder, and all the reputable industrious inhabitants, persons who abhorred the act as much as those really plundered, were to be made responsible for the loss...<sup>36</sup>

These views are interesting; they show that the ruling elite recognised that not all country people consented to wrecking, and that local attitudes towards it were much more multifaceted than has been argued.<sup>37</sup> The opinions also indicate that not all MPs were members of a 'ruthless Hanoverian ruling class acting in its own interests against [those] who were resisting that class's assault on customary rights'.<sup>38</sup> Others, however, felt that the hundreds should be liable. Lord Mulgrave, in particular, was adamant that he would be for any bill that would prevent 'such scandalous practice'. He argued that the 'vice' had become so 'flagrant', and that

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<sup>35</sup> *CJ*, Vol. XXXV (1774-1776), 738.

<sup>36</sup> 'Debate on Mr. Burke's Bill to prevent the Plundering of Shipwrecks', 27 March, 30 April 1776 in *Cobbett's Parliamentary History (1774-76)*, Vol. XVIII, 1298-1302.

<sup>37</sup> See Rule, 'Wrecking and Coastal Plunder', 167-188; John G. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, I, (1979), 135-153. The concept of wrecking as a social crime will be further discussed in Chapter Four.

<sup>38</sup> Emsley, *Crime and Society in England*, 19, footnote 33, in discussion of E.P. Thompson's *Whigs and Hunters*. See also Brewer, *Sinews of Power*, xix-xxi for a discussion of the attempts of proponents of limited government to curtail the growth of bureaucracy.

‘the only way to curb it is by punishments properly suited to the nature of the offence’, thus

...every man who lived in the hundred where a ship was wrecked if the loss was made good by the hundred, would find an interest in protecting the wreck; for by doing so he would protect his own property; that this was the very reason why the hundred was compelled to make good robberies committed on the highway, in order to make them more ready to assist in apprehending the offenders; or more active in discovering them.

Mr Adair had a more eloquent way of putting it: that ‘pecuniary temptations should be resisted by pecuniary punishments’.

Additionally, several MPs suggested that the bill was not needed, as the responsibility for preventing wrecking already belonged to the forces of local control, to the magistrates and ‘gentlemen of the neighbourhood’. Mr Rashleigh, a Cornish MP from Fowey, claimed that ‘such melancholy accidents, he was sorry to say, too frequently happened; yet he could affirm that the plundering of ships was generally prevented by the assiduity and exertions of the neighbouring gentlemen’. Likewise, Sir George Yonge, also from a maritime county, argued that ‘the execution of the present laws depended on the magistrates; wherever any injury therefore was sustained, it was owing to their neglect’. Thus he could not support Burke’s bill because he felt that passing new laws without ensuring their ‘punctual execution, was doing nothing’. It is evident that most of the MPs present were reluctant to force penalties on the hundreds, despite their concern over the effect wrecking had on Great Britain’s reputation. Burke recognised that his bill was lost. In his closing argument, he opined on the state of British law:

...that gentlemen affected great caution in the present case, though it was well known we had laws enacted on the most trivial occasions. We had some against pulling a stake out of a hedge; others against touching paling; others, still more extraordinary, against disturbing a thorn. All those, according to the language of this day, were, it seems, of more consequence in the estimation of some gentlemen, than the destroying, pillaging, or purloining the cargo of a vessel worth thousands of pounds.

Burke’s closing remarks were harsh, in that the members were not necessarily against the condemning of wrecking as such, they were mainly against the

culpability being laid at the door of the hundreds. Thus, the bill failed with a vote of 55 to 43.<sup>39</sup>

The Burke wreck bill was controversial, time-consuming, and most likely costly for the lobbyists. Even the petitions were worded 'so close as to reveal a common hand', showing the existence interregional lobbying.<sup>40</sup> Indeed, while the debate was in progress, the petition of the 'Merchants, Traders, and principal Inhabitants of the Town and County of Poole' was presented to the House, with the exact wording as the petition from the City of Bristol.<sup>41</sup> Despite the intensive debates and lobbying, however, the issue of local culpability was still too contentious, especially in the coastal regions such as Carmarthen and Cornwall. Richard Gully, sheriff of Cornwall, wrote to the mayor of Fowey that he had heard of the bill at a public meeting in Bodmin. He warned that the bill 'would be most partial and oppressive to Maritime Counties and to the County of Cornwall in particular' and they feared 'a similar attempt'. The mayor of Fowey was asked that he consult with his MP 'to oppose such an unjust Attempt', but also to assure him that the county of Cornwall was interested in cooperating with other parts of the country, as long as the laws were based on 'equal and just principles'.<sup>42</sup>

### **Nineteenth Century Wreck Law**

The problem of wrecking was not brought up in the Commons again until the beginning of the nineteenth century, despite the attempt by local Cornish magistrate John Knill to introduce a plan against wrecking in 1792 that made it only as far as the Home Office.<sup>43</sup> Legislation passed in the intervening years between 1776 and 1817 were concerned more with fraud by merchants, who were accused of wrecking their ships for insurance claims, or with jurisdiction between common law courts and the Admiralty in issues of salvage.<sup>44</sup> However, little of this involved the plundering of wrecked vessels. In 1817, Whig MP Lord Brougham resurrected the old debate when he 'gave leave to bring in a bill to make

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<sup>39</sup> 'Debate on Mr. Burke's Bill', 1302; *CJ*, Vol. XXXV (1774-1776), 749.

<sup>40</sup> Brewer, *Sinews of Power*, 233.

<sup>41</sup> *CJ*, Vol. XXXV (1774-1776), 749.

<sup>42</sup> CRO, CA/B42/26. Richard Gully, Sheriff of Cornwall, to the Mayor of Fowey, 5 March 1777.

<sup>43</sup> J.J. Rogers, *John Knill, 1733-1811* (Helston, 1871), 20.

<sup>44</sup> 43 Geo. III, c. 113 (1803); 48 Geo. III, c. 122 (1808); 49 Geo. III, c. 122 (1809).

the neighbouring hundreds liable for plundering wrecks',<sup>45</sup> but this attempt, like the others, failed. Unfortunately there is little extant from this bill, other than its announcement in *The Times*. Its introduction is not recorded with the *Journal of the House of Commons*.

The following year, John Hearle Tremayne, a Cornish MP, made another attempt to reform the wreck statutes by bringing forth a modification of Knill's wreck bill from 1792.<sup>46</sup> This bill had a different genesis, in that it was not a product of merchant-lobbyists. Rather it developed out of the concerns of local magistrates, who felt they needed stronger authority and better organisation to control plundering during the shipwreck event. Placed into the hands of Lord Sidmouth, the Home Secretary, by Sir William Lemon and Tremayne in January 1818, it was passed on to Lord Liverpool. Sidmouth expressed reservations about the proposals, that they 'are very crude, & evidently inadmissible' but he admitted that 'the Subject is an important one'.<sup>47</sup>

Reworked, the bill reached the Commons on 5 June and was presented by Davies Gilbert, MP for Bodmin. Specifically, the bill sought to repeal the Acts of 12 Anne, 26 Geo. II and 48 Geo III, which dealt with preventing fraud by merchants and shipowners. To combat plundering, the bill highlighted the proposal put forth by Knill, also suggested by the merchants of Carmarthen in 1776, whereby a permanent salvage and life-saving corps would be made up of special constables from the parishes, controlled by the justices and local churchwardens. In particular, the bill gave additional powers to the local justices, to allow them to appoint agents and subagents to perform salvage duties. In addition, for the first time, the bill included a special oath to be given to the agents and special constables that they will 'faithfully and honestly...execute the duties imposed...for the more effectual preservation of Property in Cases of Wreck'.<sup>48</sup>

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<sup>45</sup> *The Times*, 27 June 1817.

<sup>46</sup> CRO, CA/B/46/49. Knill's Wreck Bill, 1792; CA/542/66, Scheme for Preventing Plundering at Wrecks, 15 November 1792.

<sup>47</sup> BL, Liverpool Papers Add. 38270, Sidmouth to Liverpool, 23 January 1818. See Appendix 6 for a transcription of the original proposal.

<sup>48</sup> The bill is entitled 'for the more effectual Preservation of Property, in cases of Wreck...'

Another area that the 1818 bill sought to regulate for the first time was the behaviour of those who attended, but did not participate, in the shipwreck event, harkening back to a suggestion made by Borlase in 1753. The agents and/or sub-agents were to be given authority to disperse crowds, and if the crowds did not leave the scene, they could be charged with misdemeanour. Offenders could be brought before any local JP, committed to gaol, and if convicted, could be sentenced to 'hard labour on the river *Thames* or other navigable river in *Great Britain*' or committed to the local gaol to serve a sentence of hard labour. Thus the bill sought to regulate behaviour of those who attended wrecks, but who were not yet guilty of theft or riot, which was similar to a clause eventually dropped in Knill's proposal. For those who were found guilty of deliberate wrecking, including the use of false lights, the capital punishment clause was carried over from 26 Geo. II. However, the bill sought to downgrade the punishment for those who were found guilty of violent assault and plunder by removing capital punishment and replacing it with transportation. Hence this new bill reflected the changes in attitude toward penal law. Nonetheless, the bill never had a chance to be read a second time. Introduced on 5 June 1818, the Prince Regent dissolved Parliament on 10 June and called for new elections, citing war on the Continent. Accordingly, the bill was defeated by postponement, and was never resurrected.<sup>49</sup>

The 1818 bill was more in line with the bills and statutes of the eighteenth century. After that year, wreck legislation, as well as other constructs of criminal and penal law, took on a different form that reflected changes in attitude of the ruling elite. Henceforward, much of the legal activity in the Commons was concerned with reform and consolidation. As Emsley points out, by the nineteenth century parliaments began to view criminal law from a national perspective, rather than from a reactive local perspective as they had in the eighteenth century.<sup>50</sup> Thus, the presence of the merchant was much less visible: that of the legislator more so. Indeed, the influence of such reformers as Sir Robert Peel and Lord John Russell was seen first-hand. In 1826, Peel, who led the way towards consolidating criminal law and who worked to restore 'credibility to the law',<sup>51</sup> was behind the

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<sup>49</sup> *CJ*, (1818), 423.

<sup>50</sup> Emsley, *Crime and Society in England, 1750-1900*, 13.

<sup>51</sup> David Taylor, *Crime, Policing and Punishment in England, 1750-1914* (London, 1998), 135.

passing of 7 & 8 Geo. IV, c. 30, which consolidated and amended the laws 'relative to malicious Injuries to Property'. While ostensibly dealing with various forms of criminal activity such as setting fire to churches, destroying silk and cotton goods, and machinery, the Act also singled out the crimes of 'setting fire to or destroying a ship'; 'damaging a ship, otherwise than by Fire'; and 'Exhibiting false signals to a ship &c, destroying a shipwrecked Vessel or Cargo, &c'. The two former sections were concerned about destroying ships for insurance fraud; only the latter section dealt in particular with wrecking offences by consolidating the laws against deliberate wrecking and plunder. However, despite parliamentary movement towards abolishing capital punishment, already enacted on crimes such as shoplifting, theft, and the sending of threatening letters, wrecking and plunder continued on the books as capital felonies. They would have to await the administration of Lord John Russell before any modification towards lessening their penalties would be forthcoming.

In 1837, Russell, then Home Secretary, pushed for more radical, far-reaching reforms in criminal and penal law—in particular the lessening of the number of capital offences on the books. Although not all capital offences were abolished, as was argued for by a strong abolitionist cause,<sup>52</sup> plundering of ships did receive parliamentary attention. Indeed, by the passage of 7 Will & 1 Vic, c. 86, the statute to 'amend the Laws relating to Burning or Destroying Buildings and Ships', the death penalty for the plundering of vessels was repealed, twenty-nine years after it was originally suggested in the failed 1818 bill.<sup>53</sup> Instead, the crime, though still considered a felony, would thenceforward be punishable with transportation 'beyond the seas, for any term not exceeding *fifteen years*, nor less than *five years*'. If the court decided against transportation, the section of the Act allowed the offender to be imprisoned up to five years. However, interestingly enough, despite the lack of evidence for the use of false lights, the revised statute continued and confirmed the offence as a capital felony.<sup>54</sup>

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<sup>52</sup> V.A.C. Gattrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), 23.

<sup>53</sup> *CJ*, (January-July 1837), 218, 245, 420, 514, 523, 549, 660, 663, 670.

<sup>54</sup> It is possible that the continuation of this offence on the books, despite lack of evidence, may be a safeguard to cover the law in case the offence actually occurred, especially since offences had been defined very specifically. See Emsley, *Crime and Society in England, 1750-1900*, 251.

Although recognising the need for limiting the punishment on wrecking, William Palmer, barrister of the Inner Temple, took umbrage at the almost total mitigation of the penal law in his treatise on wreck law:

For, whatever the disposition may be felt to spare the life of an offender who aims only at property without striking at life, many will question the propriety of making the *forcible, unlawfully and maliciously impeding any person endeavouring to save his life from a vessel in distress or wrecked* only punishable with transportation or imprisonment. This seems carrying to an extreme limit the disputed rule that attempts to murder should not be punishable by death...For to wilfully omit to render every practicable assistance to the ship-wrecked is inhuman barbarity; to maliciously contribute to their destruction bears the stamp of the most atrocious murder...<sup>55</sup>

Palmer argued that if any person ‘wilfully and maliciously’ obstructed anyone who was attempting to save life from shipwreck, then the offender should be subject to nothing less than transportation or imprisonment for life. He was also a proponent of making the hundreds liable for any plunder and used as an example the attack and plunder of the *Jessie Logan* at Boscastle in 1843. He claimed that ‘the law of France, making the *communes* responsible for the plunder of wrecks if effected by force or a mob, seems in this respect worthy of our imitation’.<sup>56</sup>

Palmer’s suggestions were realised in 1846 when the first major bill for the consolidation of the laws of wreck and salvage was passed on 28 August.<sup>57</sup> It was part of an effort in the mid-nineteenth century to overhaul and consolidate the legal code, especially that which concerned merchant shipping. Specifically, it offered another attempt to repeal the Acts of 12 Anne and 26 Geo II, in addition to other acts dealing with salvage. For the first time the position of Receiver-General of Droits of Admiralty was given jurisdiction to oversee the provisions of the Act, illustrating the increasing centrifugal bureaucratisation and governmental control involved with wreck law. From thenceforward, anyone finding wreck, including

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<sup>55</sup> William Palmer, *The Law of Wreck, Considered with a View to its Amendment* (London, 1843), 48.

<sup>56</sup> Palmer, *The Law of Wreck*, 53.

<sup>57</sup> 9 & 10 Vic, c. 99. *CJ* (1846), 814, 858, 1069, 1090, 1124, 1200, 1202, 1261, 1276, 1303; See also John Jagoe, *The Wreck and Salvage Act, 9 & 10 Vict, cap 99, with a Copious Analysis, Notes, Proceedings and Forms, for the Recovery of Penalties before Justices, and by Action of Debt; also, forms of Notice to be Given to Lords of the Manors Claiming Wreck, and the Mode of Adjudicating Disputed Salvage Cases* (London, 1846).

lords of the manor who held rights to wreck, were required to report their finds and deliver any wreck, or goods found flotsam, jetsam, lagan, or derelict, to the Receiver upon penalty of £100 and loss of claim to any salvage. As well, the Receiver was required to report to the lords of the manor any wreck found on the lord's lands. The Receiver and Officers of the Customs could seize any goods that were not reported and delivered. The Receiver was also given the ultimate authority to give orders during the shipwreck event, and ultimate control over custody of wrecked goods.

Another area gaining attention of the legislators in their attempt to combat wrecking was through the control of marine stores. The penalties for neglecting the regulation were fines of £20 for the first offence, and £50 for each subsequent offence. The Act also consolidated wrecking penalties, and maintained the punishment of transportation if the convicted cut away or defaced buoys. However, if the offender was convicted of stealing goods or ships' tackle, attacking or impeding persons attempting to save the ship, then the penalty was a fine of £50. If a justice were to 'proceed summarily with the case without any information to convict', however, and if the penalty was not paid, then the offender could be given a gaol sentence of less than six months. Hence, by the mid-nineteenth century, there was a continuing lessening of the penalties. For wreck plundering 'by riotous and tumultuous assemblage', the long move towards finding the hundreds liable was finally realised. Thenceforward, the hundred would have to pay full compensation to the owners of the ship and cargo. Plunderers apprehended would be convicted under 7 & 8 Geo. IV, c. 31—'An Act for consolidating and amending the laws in England relative to remedies against the Hundred'. As well, noticeably absent in the new statute was the false light clause. It disappeared from the enumeration of wrecking offences.

The 1846 Wreck and Salvage Act formed the lead-up to the more powerful Merchant Shipping Act of 1854. As Inner Temple barrister George Morley Dowdeswell stated, 'we cannot but regard the Merchant Shipping Act with favour, as the most valuable attempt to arrange, condense, simplify, and amend the old enactments'. He further pointed out that 'if defects be found, which are in truth inevitable, great forbearance and indulgence should be extended to them, and we

should receive this measure in a grateful spirit, remembering the chaos from which it has redeemed us'.<sup>58</sup> Probably the most important aspect of this act was the solidification of government regulation and control within the shipping sector.<sup>59</sup> Of particular note was the extension of duties and overall importance of the Board of Trade, initially established by the Mercantile Marine Act of 1850.<sup>60</sup> Shipping regulations, including wreck law, had been spread out over nine departments prior to consolidation.<sup>61</sup> Therefore, to create more efficiency, the Marine Department, within the Board of Trade, was given authority over areas as diverse as the examination of officers, shipping classification, and the institution of courts of inquiry regarding shipwrecks.

The Merchant Shipping Act also consolidated and amended the legal code with regard to wrecking. By repealing the Act of 1846 that gave authority to the Receiver-General of the Droits of Admiralty, the new code gave that authority to the office of the Receiver of Wreck, appointed by the Board of Trade from H.M. Customs, the Coast Guard, or Inland Revenue. Thus all matters with regard to wreck were ostensibly taken from the Admiralty and placed within the Board of Trade. The Receiver was given the same duties that had been originally assigned to the Receiver-General: all wreck washed ashore was to be delivered to the Receiver, and if any of it was stolen, hidden away, or refused to be delivered, then the offender could be charged a penalty of £100 or less. The Receiver was also given authority to take any suspected wreck by force, if necessary, and also to use force to quell any plundering activity, 'with power to command all Her Majesty's subjects to assist him; and if any person is killed or hurt in resisting the receiver or any person thus acting under his orders, the receiver or such other person is indemnified'.<sup>62</sup> This section closed a crucial loophole in the legal code, whereby the authorities, in particular customs officers, had been stifled in their attempts to

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<sup>58</sup> George Morley Dowdeswell, *Merchant Shipping Acts, 1854 & 1855, with a Readable Abridgement of the Former Act, and an Explanation of the Law Relating to It* (London, 1856), 2.

<sup>59</sup> See Roger Prouty, *The Transformation of the Board of Trade, 1830-1855: A Study in Administrative Organization in the Heyday of Laissez-Faire* (London, 1957), 34; and David M. Williams, 'James Silk Buckingham: Sailor, Explorer and Maritime Reformer', in Stephen Fisher, ed. *Studies in British Privateering, Trading Enterprise and Seamen's Welfare, 1775-1900* (Exeter, 1987), 99-119.

<sup>60</sup> 13 & 14 Vic, c. 93.

<sup>61</sup> Prouty, *The Transformation of the Board of Trade*, 5.

<sup>62</sup> Dowdeswell, *Merchant Shipping Acts, 1854 & 1855*, 5; MS Act of 1854, s. 444.

stop plundering activity because of concerns over authority and fears of litigation if any wreckers were injured.<sup>63</sup> As far as wrecking offences, the Merchant Shipping Act confirmed previously enacted penalties; in this, there was no change. Those guilty of plundering wrecks, stealing any part of the ship or cargo, or interfering with life-saving were subject to a penalty of not less than £50, along with ‘any other Penalty or Punishment he may be subject to under this or any other Act or Law’.<sup>64</sup>

At first blush, it would appear that there was much anxiety about wrecking, especially when placed in the context of the eighteenth century fears of riot and concern about property. Twenty-five pieces of legislation involving wreck were introduced to the House of Commons between 1708 and 1854, and nineteen of the bills became law. However, rather than indicating a generalised concern on the part of the dominant classes, it is apparent that most of the eighteenth century legislation in particular involved the special interests of merchant groups and their lobbyists. Indeed, as Brewer argues, ‘the most active proponents of government intervention became the powerful traders rather than the officials themselves’.<sup>65</sup> Even so, they had difficulty in getting either new or reforming wreck legislation through the House of Commons, and overall, the merchants’ attempts at legislation were lukewarm at best. Despite the costs involved in lobbying and presenting bills to Parliament, the small number of attempts pales to insignificance compared to the campaigns of other special interest groups who were concerned about government policy on their trades.<sup>66</sup>

The presentation of only eight bills in the eighteenth century, during an era that saw up to 200 bills passing in a parliamentary session that were for the most part local and specific, indicates that wrecking was not of major parliamentary importance. Rather governmental apprehension over smugglers and smuggling was

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<sup>63</sup> See *First Report from the Select Committee on Shipwrecks* (1843), testimony of Captain Samuel Sparshott, 10 August 1843, 219.

<sup>64</sup> MS Act of 1854, s. 478.

<sup>65</sup> Brewer, *Sinews of Power*, 248.

<sup>66</sup> Brewer, *Sinews of Power*, 233, 236-7. The most active campaign was that of the leather trades between 1697 to 1699, whereby they launched over 150 petitions from over 100 locations to force the repeal of leather duties (233).

more intense because of its obvious drain on revenue.<sup>67</sup> Indeed, only four bills regarding wrecking were passed; only two included important changes in wreck law. It is likely that most of the bills were presented in consequence of a reaction to a perceived 'emergency'. As Sir Robert Peel observed in 1826 regarding eighteenth century criminal law:

If an offence were committed in some corner of the land, a law sprang up to prevent the repetition, not of the species of crime to which it belonged, but of the single and specific act of which there had been reason to complain.<sup>68</sup>

The nineteenth century legislative involvement, however, indicated differing priorities on the part of government. Seventeen bills were introduced, of which only two could be considered directly concerned with wrecking; six contained clauses regarding the fraudulent burning of ships; three were Customs Acts; five were involved with consolidation; and one verified Admiralty jurisdiction. Indeed, eleven of the bills were heard in the last 33 of 150 years under study, from 1821 to 1854, and are directly attributed to the reform and consolidation movements of Peel and Russell. Thus, legislators in the nineteenth century were more concerned with reforming criminal law, strengthening the grip of the government over Customs duties, and gaining control over shipping, and hence profits; wrecking clauses were embedded within other legislation.

Through the legislation passed in the beginning of the eighteenth century and extending through the mid-nineteenth century, the penalties for wrecking came full circle: from fines to capital punishment to transportation, and back to fines. The dominant classes attempted to control rights to shipwrecked goods, and prescribed punishment for any perceived deviance, which was not necessarily accepted by the country people. Wrecking in itself was considered theft, of that there was no debate among the elite, but the definitions of criminality and punishment shifted. They determined which behaviours constituted criminality, behaviours for the most part which were violent, although the legislation and consolidation attempts show that they were not satisfied and the laws were never truly clarified. However, rather than simply being an instrument of class power, as has been asserted in much

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<sup>67</sup> Edward Carson, *The Ancient and Rightful Customs: A History of the English Customs Service* (London, 1972), 12.

<sup>68</sup> Quoted in Emsley, *Crime and Society in England, 1750-1900*, 251.

criminal law discourse,<sup>69</sup> the law did continue to recognise rights of the finders through the principle of salvage. Hence, as Peter King points out: ‘the criminal law may more fruitfully be described as a multi-use right within which the various groups in eighteenth-century society conflicted with, cooperated with and gained concessions from each other’.<sup>70</sup>

However, the definitions of the criminality of wrecking were not only occasionally contested by the local country people, but they were also sources of confusion to the local authorities who attempted to put them into action, notably Customs officials and magistrates.<sup>71</sup> As Dowdswell remarked,

upon turning to the volumes of statutes during the late reigns... a feeling of astonishment will be excited, that such a subject [merchant shipping legislation, and by association wreck law], should have been dealt with piecemeal by the vast number of Acts... exhibiting no system, general principle, or harmony, and frequently confused, obscure, and inconsistent... To the experienced lawyer... no easy task... but for the student, and more especially to the mercantile man... the attainment of even a moderate knowledge was attended with such difficulty as to deter many from its pursuit.<sup>72</sup>

If for the ‘mercantile man’ simple understanding was almost impossible, little chance was left for country folk to understand or follow those same laws even if they wished. Thus the country people made attempts to interpret and justify their own actions through reference to the law, just as they had during the medieval and early modern periods. Nevertheless, it is with this growth in legislation and the increasing governmental bureaucracy, along with the development of regulatory controls regarding salvage, that wrecking became transformed, as will be further shown in this thesis.

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<sup>69</sup> See Hay, ‘Property, Authority and the Criminal Law’. This issue has been at the centre of debates within crime history, centring around the topic of the ‘Bloody Codes’. See also Thompson, *Whigs and Hunters*; John Langbein, ‘Albion’s Fatal Flaws’, in *Past and Present*, Vol. 98 (1983), 96-120; and King, *Crime, Justice and Discretion*.

<sup>70</sup> Peter King, ‘Decision Makers and Decision-Making in the English Criminal Law, 1750-1800’, *Historical Journal*, Vol. 27 (1984), 53.

<sup>71</sup> CUST 68/6, 27 April 1768.

<sup>72</sup> Dowdswell, *Merchant Shipping Acts*. 1.

## CHAPTER FOUR

### Cornwall and the Communal Practice of Wrecking

*'the grim hell-hounds prowling round the shore...'*

While serving as second mate aboard the *Britannia*, William Falconer was shipwrecked off Cape Colona in the Levant. He returned home to write and publish his most famous poem, *The Shipwreck*, in 1762. While ostensibly reflecting his experiences, he used his pen in the third version to castigate and shame those who populated England's shore. Northumbria, he opined was:

*Where the grim hell-hounds, prowling round the shore,  
With foul intent the stranded bark explore:  
Deaf to the voice of woe, her decks they board,  
While tardy justice slumbers o'er her sword.<sup>1</sup>*

Although Falconer singled out Northumbria, and other writers have targeted regions such as the Dorset coast,<sup>2</sup> the reputation for the 'grim hell-hounds' rests most squarely on Cornwall and the Isles of Scilly.<sup>3</sup> Indeed, Falconer is preceded in using such rhetoric by Daniel Defoe, who described the Scillonians in 1724 as

a fierce and ravenous people...they are so greedy, and eager for the prey, that they are charged with strange, bloody, and cruel dealings, even sometimes with one another, but especially with the poor distress'd seamen when they come ashore by the force of a tempest, and seek help for their

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<sup>1</sup> Canto ii, 282-5, Third Version (1769) in William Falconer, *A Critical Edition of the Poetical Works of William Falconer*. Edited by William R. Jones. (Lewiston, Queenstown, Lampeter, 2003), 72, 121.

<sup>2</sup> See Thomas Francklyn, Rector of Langton-Herring and Vicar of Fleet, Dorset. 'Serious Advice and Fair Warning to All that Live Upon the Sea-Coast' (London, 1761); and Anon, *The Wreckers, or a View of What Sometimes Passes on our Sea Coast. Written by a Clergyman of the Church of England, etc.* (London, c.1820).

<sup>3</sup> John G. Rule, 'Wrecking and Coastal Plunder', in Douglas Hay, Peter Linebaugh, et. al. *Albion's Fatal Tree* (London, 1975), 169. See also William Hardy, *Lighthouses: Their History and Romance* (London, 1895). Hardy discusses wrecking, but *only* in relation to Cornwall.

lives, and where they find the rocks themselves not more merciless than the people who range about them for their prey.<sup>4</sup>

Although many fictional wrecking narratives utilise the motif of the deliberate wrecker preying on shipping using false lights, the work of Falconer and Defoe represents what has become an associated literary motif: that of the crowds of wreckers who swarm upon shipwrecks and their victims. Between the existence of literary narratives and the use of similar hyperbole and motifs by the press, an entrenched cultural construct of the wrecker has been developed whereby the wrecker is portrayed as immoral and the epitome of evil.<sup>5</sup> His stereotype is not romanticised like that of the smuggler or the highwayman, rather he must always be overcome.<sup>6</sup>

On a different tack, John Rule, in his well-known study in *Albion's Fatal Tree* (1975) investigated the custom of wrecking from a more academic angle. But rather than analysing wrecking activity through the recognition of its differing forms, he opts to consolidate the practices, and defines wrecking simply as 'the illegal appropriation of cargo and materials of shipwrecked vessels'.<sup>7</sup> In his later article published in *Southern History* (1979), he refines his argument to state that wrecking was a 'social crime' in that it was 'legitimised by popular opinion' and was thus communally accepted despite its illegality. He admits that he did not distinguish between violent and non-violent practices.<sup>8</sup> However, the categorisation of such wrecking behaviours into their dominant forms is necessary to distinguish the levels of violence, to assess motivations, and to breakdown the stereotype of the wrecker. Indeed, as pointed out in Chapter Three, statutory wreck law of the eighteenth and nineteenth century recognised these distinctions.

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<sup>4</sup> Daniel Defoe, *A Tour through the Whole Island of Great Britain*. Introduction by GDH Cole and DC Browning (London, 1724, 1974), 243.

<sup>5</sup> The role of the press in creating moral panics and solidifying the reputation of the wrecker will be covered in Chapter Eight.

<sup>6</sup> See Gillian Spraggs, *Outlaws & Highwaymen: The Cult of the Robber in England from the Middle Ages to the Nineteenth Century* (London, 2001); David Brandon, *Stand and Deliver: A History of Highway Robbery* (London, 2001); Simon Trezise, 'The Sea-Dog, the Smuggler and the Wrecker: Literary Representations of Maritime Life in the West Country', unpublished paper, Exeter University, 20 October, 2001.

<sup>7</sup> Rule, 'Wrecking and Coastal Plunder', 169.

<sup>8</sup> John G. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, I (1979), 138-9, 146.

Although Rule's work on wrecking as a social crime has much to commend it, he oversimplifies the communal acceptance of wrecking to fit it within the social crime debate that was occurring in the late 1970s. He acknowledges the social class differentiation evident within rural society, but he assigns those populations to the margins, thus creating a view of a more monolithic society that not only condoned, but also openly supported, wrecking. Indeed, his definition of 'community' is limited only to those who *actively* engaged in wrecking, but not including any other members of the village or parish, nor those who were involved in wrecking on some occasions, and in legitimate salvage activities on others.<sup>9</sup> It is only through this constraint that Rule is able to sustain his argument of wrecking as a social crime. Through his work, too, another stereotype of the wrecker as a single entity has been created.<sup>10</sup>

In addition, motives were more complex and extended beyond the cause of poverty, although Rule is correct in saying that wrecking needs to be taken into consideration when studying subsistence patterns of the coastal poor.<sup>11</sup> However, by focusing on the 'lower orders', the interplay and involvement of the multiple layers of society is masked, which brings into question the degree of communal acceptance, and the extent to which Falconer's vision of 'a bloodhound train, by rapine's lust impell'd',<sup>12</sup> was an accurate depiction. Thus this chapter breaks down the stereotype of the Cornish wrecker by examining the identity of the 'country people' who were involved in the custom of wrecking, and by assessing their motives and the popular morality which informed their behaviour.

### **Wrecker Identity**

Who were those 'grim hell-hounds' feared by Falconer and British society? Rather than consisting of only the 'lower orders', wreckers came from all levels of

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<sup>9</sup> Rule, 'Social Crime', 141.

<sup>10</sup> See John Briggs, Christopher Harrison, et. al. *Crime and Punishment in England: An Introductory History* (London, 1996, 1998), 91; Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London, 1989), 200.

<sup>11</sup> Rule, 'Wrecking and Coastal Plunder', 186.

<sup>12</sup> Falconer, 'The Shipwreck', canto ii, 843.

society, from the gentry to the 'middling sorts' to the lowest labourer; they were men, women, and children; and they were involved in the differing forms of wrecking. Within Cornwall, the reputation for wrecking rests most squarely on the miners, or 'tanners', in the colloquial, who were described on numerous occasions as being especially involved in the attack and plunder of ships. Indeed, their involvement is undisputed.<sup>13</sup> The mining region of Breage and Germoe on Mount's Bay in particular had a ruthless reputation for wrecking, as evidenced by the couplet: 'God keep us from rocks and shelving sands; And save us from Breage and Germoe men's hands!'<sup>14</sup>

Because of contemporary emphasis on tanners, speculation has arisen that they were the main, and perhaps only, participants in wrecking. Even Rule contemplates if the attitude of miners would differ from that of seamen toward shipwrecked sailors.<sup>15</sup> Certainly Commodore Walker would have agreed with this assessment in 1745, for he found that the inhabitants of the fishing village of St Ives were very accommodating when his ship *Boscawen* was wrecked:

The people of the seacoast of Cornwall have for some years undergone the censure of being savage devourers of all wrecks, that strike against their coasts. How weak a creature is general belief, the dupe of idle fame! Humanity never exercised its virtues more conspicuously than in this instance, in the inhabitants and people of St. Ives. They flocked down in numbers to our assistance, and at the risk of many of their own lives, saved ours.<sup>16</sup>

Although Walker was grateful to the St Ives inhabitants, he still feared that his ship would be plundered, 'and accordingly it happened, for in the night the miners came down, and were setting about sharing the wreck amongst them'. The miners, he wrote, 'are a people the civil power are scarcely answerable for, at least for their good manners, as they live almost out of the districts of human society...'<sup>17</sup> The

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<sup>13</sup> See George Borlase to Lt Gen. Onslow, 5 March 1753, in Thomas Cornish, ed. 'The Lanisley Letters: to Lt. General Onslow from George Borlase, his agent at Penzance, 1750-53', *Journal of the Royal Institution of Cornwall*, (Vol. VI, pt. xxii), 374; CUST 68/16, 22 November 1795.

<sup>14</sup> The earliest use found is that in Arthur P. Salmon, *The Cornwall Coast* (London, 1910), 151.

<sup>15</sup> Rule, 'Wrecking and Coastal Plunder', 183-4.

<sup>16</sup> Commodore George Walker, *The Voyages and Cruises of Commodore Walker* (London, 1760, 1928), 90-91.

<sup>17</sup> Walker, *Voyages and Cruises*, 91.

people of the village of Gwithian, too, won accolades from the local press in 1817 when they saved the victims from the wreck of the brig *Mary* only to have their hard work laundering the wrecked seamen's clothes come to naught when neighbouring miners from Camborne entered town and stole the clothes while they were hanging out to dry.<sup>18</sup> Emphasis on the tinner's involvement came, not necessarily because of their famed sense of independence and propensity for collective action,<sup>19</sup> but from the sheer numbers of mines that were located close to prime wreck areas such as Mount's Bay and the Penwith Peninsula.

Examples such as these lend countenance to the popular belief that only miners, and not fishermen, were involved in wrecking.<sup>20</sup> However, placing tanners and fishermen into binary oppositions is a false construct. Reality was much more fluid. Tanners were often part-time fishermen, as well as part-time farmers.<sup>21</sup> Fishermen, too, were involved in differing seasonal subsistence activities. Nevertheless, evidence points to fishermen's complicity in wrecking as well as the miners. They were, as well, implicated in both legal and illegal salvaging and in harvest activities. Fishermen often had the advantage of being first on the scene of a wreck by virtue of the availability of their boats. Most coastal wrecks occurred slightly offshore, and although fishermen often answered the call for lifesaving, many were known to 'help themselves' with goods from the ship.<sup>22</sup> Shipwrecked goods were also frequently found floating, and even entangled in nets. Although

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<sup>18</sup> *West Briton*, 28 March 1817, cited in R.M. Barton, ed. *Life in Cornwall in the Early Nineteenth Century: Being Extracts from the West Briton Newspaper in the Quarter Century from 1810 to 1835* (Truro, 1970), 75.

<sup>19</sup> Philip Payton, *Cornwall: A History* (Fowey, 2004), 170; Rule, 'Wrecking and Coastal Plunder', 181.

<sup>20</sup> See the lesson plan 'Treasure Island—Related Topics: Wrecks and Wreckers' [www.stockportmbc.gov.uk/treasure\\_island/wrecks.htm](http://www.stockportmbc.gov.uk/treasure_island/wrecks.htm), which repeats many of the unverified wrecker stories, and lists questions for students such as 'It has been said that fishermen would rarely, if ever, take part in wrecking. Why do you think this was so?' Accessed 6 December 2001; Cyrus Redding, *An Illustrated Itinerary of the County of Cornwall* (London, 1842), 186; Jonathan Couch, *The History of Polperro, a Fishing Town on the South-Coast of Cornwall* (Newcastle-upon-Tyne, 1965. First published 1871), 44.

<sup>21</sup> In 1778, for instance, W. Pryce wrote of the miner that 'Our county being altogether maritime, and the miners being situated in the most narrow of it...many of our adroit tanners are equally conversant with naval and subterranean affairs. So true is this, that in St. Ives and Levant during the fishing season, they are wholly employed upon the water, to the great hindrance of the adjacent mines; and when the fishing craft is laid up against the next season, the fishermen again become tanners...' W. Pryce, in *Mineralogia Cornubiensis* (1778), 97, quoted in John G. Rule, 'The Labouring Miner in Cornwall, c. 1740-1870: A Study in Social History', (Unpublished Ph.D. thesis, University of Warwick, 1971), 76.

<sup>22</sup> For example, CUST 68/15, May 1791; CUST 68/24, 10 April 1818.

technically the property of either the owner of the ship and cargo, the insurance company, or if unclaimed, the Admiralty, fishermen kept the goods for their own use—a form of wrecking. Fishermen were also prime participants in smuggling, and occasionally their smuggling activities encompassed wrecking. There are cases in which Customs had difficulty determining under which crime to charge offenders. They preferred to take possession of goods under the charge of smuggling, simply because they would be given a reward more lucrative than if the goods were wreck, which would then be subject to salvage charges.<sup>23</sup>

Other populations involved in wrecking included the clergy. Secondary accounts delight in reiterating stories of their participation, especially by quoting the ubiquitous ‘Parson story’, whereby a local clergyman requested that his parishioners remain seated until he could take off his cassock, so that ‘we can all start fair’.<sup>24</sup> There are accounts that show clergy were involved in wrecking, including Rev. James Cumming of Lansallos in 1708 and Rev. Thomas Whitford of Cury in 1739.<sup>25</sup> Richard Polwhele, vicar of Newlyn and St Anthony, remarked in 1826 that when he arrived at the vicarage for the first time he discovered large amounts of wrecked wine in the cellar. In 1846, the *Royal Cornwall Gazette* alluded to the participation of clergy when they reported on the wreck of the *Samaritan* that ‘it was lamentable that there should be found amongst these miserable wretches men who stand up in the pulpit and preach the word of God’.<sup>26</sup> Finally, Rev. Troutbeck of Scilly is credited, though it is not proven, with the prayer: ‘We pray Thee, O Lord, not that wrecks should happen, but that if any wrecks should happen, Thou wilt guide them into the Scilly Isles for the benefit of

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<sup>23</sup> CUST 68/24. Customs Officers to Collector, 10 April 1818.

<sup>24</sup> This story is found in almost all popular histories of Cornish shipwrecks. The earliest version thus far found is in James Silk Buckingham, *Autobiography of James Silk Buckingham*, Vol. 1 (London, 1855), 176. A similar account is told as far a field as Pembrokeshire. Dilys Gater, *Historic Shipwrecks of Wales* (Llanrwst, Gwynedd, 1992), 14. It is unclear whether the versions of this tale are synchronic or diachronic. An enquiry was sent into *Notes and Queries* in 1857 asking for further information; unfortunately no one responded. (Vol. 3, 2<sup>nd</sup> Series, No. 74, 30 May 1857), 439. Further research is needed.

<sup>25</sup> East India Company, [IOR] E/1/199, 100-101, Woolley to Bullock, 9 June 1711; James Derriman, ‘The Wreck of the *Albemarle*’, *Journal of the Royal Institution of Cornwall*, New Series (Vol. 1, pt. 2, 1992), 142; CUST 68/1. Penzance Collector to Board, 2 February 1739/40. Unless otherwise stated, all references to CUST 68 are Penzance Collector to Board.

<sup>26</sup> Richard Polwhele, *Traditions and Recollections: Domestic, Clerical, and Literary* (London, 1826), 377; Cited in Clive Carter, *Cornish Shipwrecks. Vol. 2. The North Coast* (Newton Abbott, 1970), 126.

the poor inhabitants'.<sup>27</sup> Like the 'parson' story, the prayer has been identified with many Cornish districts. Thus, the participation of some clergy is well substantiated, although others stood aloof and attempted to preach to their parishioners on the evilness of wrecking, in all its forms, such as Rev. G. C. Smith of Penzance and Rev. Richard Lyne of Little Petherick.<sup>28</sup> Some were even involved in a more active role, such as Rev. Trefusis, who, with the help of other local magistrates and their assistants, was able to save the cargo of the *Fanny* near Padstow in 1809.<sup>29</sup>

Analysis of other sources highlights additional populations who were involved in wrecking. John Bray, a former salvage agent, shipowner, and constable of Bude, identified individuals and occupations in his account of shipwrecks on the north coast. Spanning from 1759 to 1830, and describing some thirty-six shipwrecks, Bray named farmers, labourers, shoemakers, blacksmiths, smugglers, coopers, even an excise-man, as known wreckers. He also mentioned 'country people' in general, including 'scores of men women and children' who poured down to the beach to harvest wrecked goods such as bell-metal, beeswax, and morocco leather, along with food stores.<sup>30</sup> Carpenters, butchers, and 'yeoman' were described as carrying away goods from the wreck of the *Two Friends* in Whitesand Bay in 1749, and the *Gentleman's Magazine* reported that townsfolk who had been appointed as guards plundered a London brig near Looe.<sup>31</sup> From Bray's account, from accounts of the press, and descriptions from the clergy, we can see that women and children were involved as well as men. The *General Evening Post* of London reported in January 1751 that at a wreck of a brigantine near Looe, 'Even

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<sup>27</sup> Cited in E.L. Bowley, *The Fortunate Isles: The Story of the Isles of Scilly* (St. Mary's, 1945), 144.

<sup>28</sup> Most notable are the sermons published by Rev. G.C. Smith entitled *The Wreckers; Or, a Tour of Benevolence from St. Michael's Mount to the Lizard Point* (London, 1818), which also had extracts published in *The Times*, 22 September 1818, and Richard Lyne of Little Petherick's 'Exhortation against wrecking after the sermon in Little Petherick Church', Cornwall Record Office [CRO] PB 185/2/3, 1 March 1818. Also published in Cornwall was a moral commentary written by Rev. James Walker, *A Dialogue between the Captain of a Merchant Ship and a Farmer Concerning the Pernicious Practice of Wrecking...* (London, 1768).

<sup>29</sup> Larn, *Shipwreck Index of the British Isles*, n.p.

<sup>30</sup> John Bray, *An Account of Wrecks, 1759-1830—On the North Coast of Cornwall*. Edited and transcribed by A.K. Hamilton Jenkin. (Cornwall, 1975). Original mss, British Library, Add MS 37826.

<sup>31</sup> CRO, RS 1068; *Gentleman's Magazine*, 17 January 1751 (Vol. XXXI), 41.

the children were proud to stagger under the Burden of a painted board'.<sup>32</sup> Rev. G.C. Smith described the people of Predannack, near Mullion, an area 'sadly infested with wreckers'. He was particularly concerned about the women and children who were seen working to break up vessels: 'the hardships they endure (especially the women) in winter to save all they can, are almost incredible'.<sup>33</sup>

Finally, the remaining population implicated in wrecking are the gentry and local lords of the manor. Although not included by Rule in his social crime thesis, the involvement of this population was in fact central to many wrecking activities. Some commentators actually cast blame on the gentry, accusing them of being unrepentant examples to their tenants and 'country folk'.<sup>34</sup> The Arundells, Bassets, and St Aubyns, together with a few other lesser gentry, all practised some forms of wrecking, as they controlled wreck rights along large portions of the Cornish coast.<sup>35</sup> Although their right of wreck was legal, the ways in which it was practised often were not. Rather lords of the manor frequently claimed goods for their own use, without either reporting the finding of the goods to Customs, or without waiting the requisite year and a day for the potential owner to claim them.<sup>36</sup> Just as in the case of the clergy, however, wrecking was practised by some lords of the manor, and not by others. Some, indeed, were insistent on holding to the letter of the law.<sup>37</sup>

The evidence that wrecking was performed by all social classes, male and female, adult and child, could be taken as verification of communal solidarity, and to support the 'social crime' thesis. However, this does not necessarily indicate that wrecking was performed by cultural and communal consensus. None of the populations discussed wholly approved of wrecking. The coastal population had

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<sup>32</sup> *General Evening Post*, January 1751, cited in John Vivian, *Tales of Cornish Wreckers* (Truro, 1969), 9.

<sup>33</sup> Smith, *The Wreckers*, 8-9.

<sup>34</sup> See Cyrus Redding, *An Illustrated Itinerary of the County of Cornwall* (London, 1842), 187-8.

<sup>35</sup> The Duchy of Cornwall ostensibly controlled most of the Cornish coast, but their involvement in protecting wreck rights was negligible from between the medieval period until the mid-nineteenth century. See Chapter Six for further discussion of the role of the Lords of the Manor.

<sup>36</sup> See CUST 68/5, 29 October 1763.

<sup>37</sup> See CRO W/23, Willyams to Bowles, 23 November 1826; Bowles to Willyams, 12 December 1826; Willyams to T.R. Avery, 6 December 1826.

differing views and degrees of acceptance on the forms of wrecking involved. Thus the issues of justification and motive need to be examined.

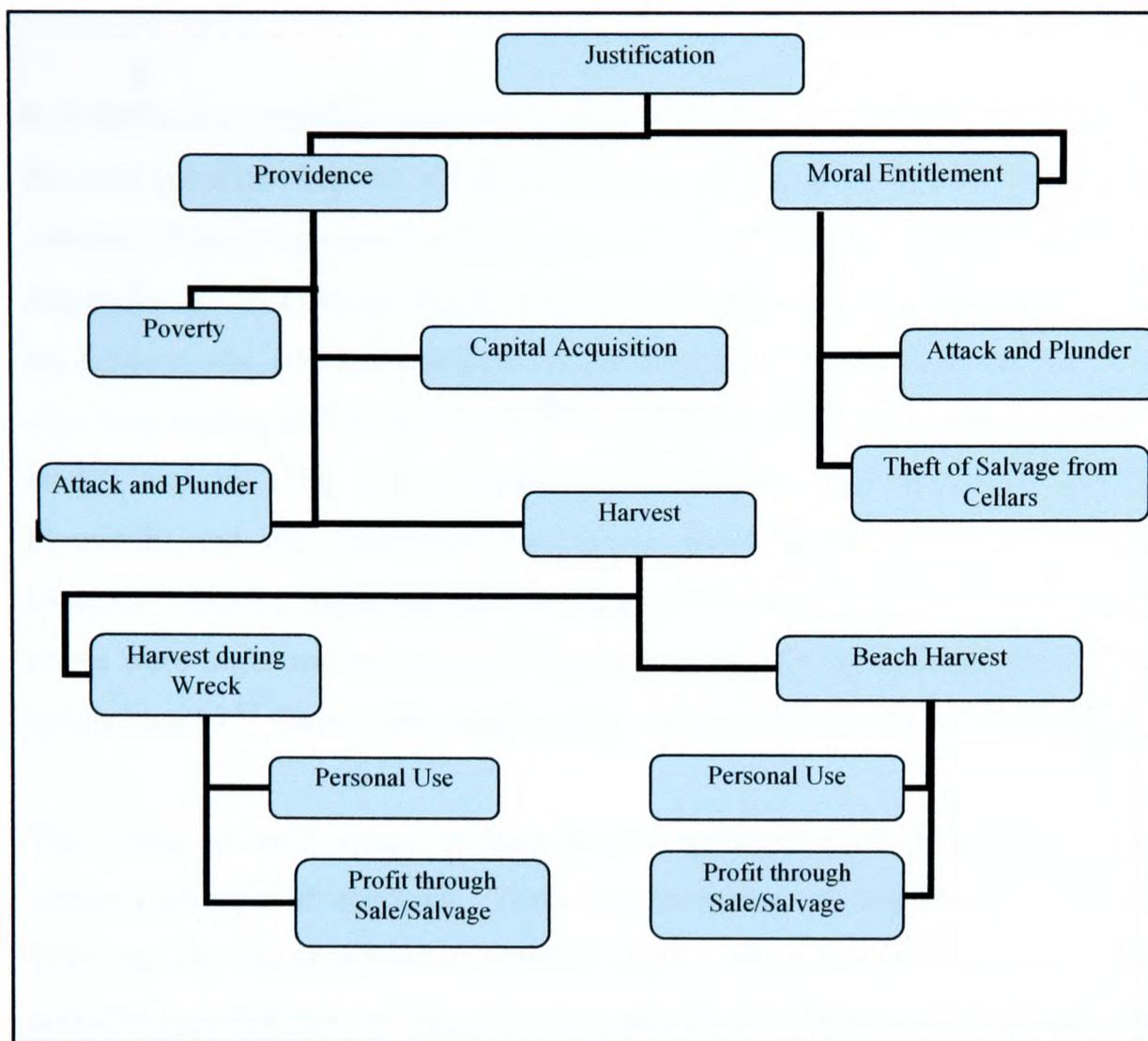
### **Focal Points of Wrecker Justification**

Justification and motivation for various wrecking practices are more multifarious than has been argued, and they can be centred on two major focal points: that of 'Providence', and that of 'moral entitlement'. (Figure 4.1 sets out the key relationships in diagrammatic form). Of course, not all wrecking was considered justifiable. Some activities included deviant behaviour brought on by alcohol and mindless rioting and looting. Accordingly, not all behaviour occurring at shipwreck events was premeditated, and thus cannot be considered communally sanctioned.<sup>38</sup>

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<sup>38</sup> E.P. Thompson argues in *Customs in Common: Studies in Traditional Popular Culture*, that during crowd activity, crowds often maintained control of their behaviour, and thus he sees rioting as a form of political voice (New York, 1993), 71. However, in the case of wrecks, because crowds were not necessarily led by 'ring leaders', nor did many people have clear objectives other than to harvest goods, order could, and did break down, especially with the presence of alcohol.

**Figure 4.1: Focal Points of Justification and Resulting Actions**



### Providence

Most wrecking discourse includes some discussion of the customary belief in ‘Providence’, that whatever washes ashore belongs to the finder, a belief that has been well-documented.<sup>39</sup> Indeed, Rule’s argument that wrecking was a social crime is based upon the communal acceptance of this principle.<sup>40</sup> Deliberate wrecking through the cutting of ships’ cables was justified perhaps by a more perverse sense of Providence, however, than was normally suggested by custom.<sup>41</sup>

<sup>39</sup> For example: PP, *First Report from the Select Committee on Shipwrecks*, 10 August 1843, Testimony of Capt. Samuel Sparshott, RN, 225. Testimony of Capt David Peat, RN, 249.

<sup>40</sup> Rule, ‘Wrecking and Coastal Plunder’, 174, 182.

<sup>41</sup> There are only four recorded cases in Cornwall where the ships’ cables were cut. See Appendix 7.

Allied with Providence was the motive of poverty, used mainly to justify harvest activities, although it was occasionally applied to behaviour that was more violent.

It is difficult to correlate wrecking events with general economic downturns and the increase of poverty, but a few patterns are evident. The most active periods for reported plundering cases were the late 1740s, the 1790s, and the 1840s. (See Appendix 7). In 1748 the *Jonge Alcida* was plundered near Porthleven; in 1749, the *Squirrel* was attacked and burnt in Mount's Bay, and the cargo of the *Rose in June* was destroyed 'by the Mobb, who came in such Numb<sup>r</sup> twas impossible to resist'; and in 1750, *Two Friends* was demolished at Whitesand Bay near Plymouth, and the *Endeavour* was barely saved by the militia at the same location.<sup>42</sup> During those two years, harvests failed both at sea and on land. Grain prices were high, and the prices of copper and tin fell, so much so that tin could hardly be sold.<sup>43</sup> Thus it was a particularly difficult time for those on the margins.

The 1790s, as well, appear to have had an upsurge in wrecking, or at least in reported attempts of wrecking. Three months before the infamous Corn Riots in 1794, the *Fly* was plundered at Mount's Bay.<sup>44</sup> The following year, the Customs collector reported that the brig *John* was plundered at Poljew Cove and the militia killed two of the wreckers.<sup>45</sup> The tanners were the most vocal part of the population during this period, and have achieved much notoriety for their activities in pursuing what E.P. Thompson has described as the 'moral economy of the crowd'.<sup>46</sup> Their situation was fairly grim in the 1790s, which was exacerbated by grain prices and the falling price of tin. Thus, by November 1795, Christopher Wallis, a Helston solicitor, wrote that 'the mines in general are very poor', and that 'the necessities of life' are 'such an enormous price'.<sup>47</sup> So when a rich prize washed upon their shores, it was no wonder that the miners felt compelled to act.

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<sup>42</sup> CUST 68/2, 2 February 1749; CUST 68/2, 20 December 1749; CUST 68/2, 20 September 1749; CRO, RS/1/1068, 1069. Account of loss of *Two Friends* at Whitesand Bay, 1749; *Western Flying Post*, 19 March 1750.

<sup>43</sup> John Rowe, *Cornwall in the Age of the Industrial Revolution* (Liverpool, 1953), 43.

<sup>44</sup> CUST 68/16, 9 February 1794.

<sup>45</sup> CUST 68/16, 14 December 1795.

<sup>46</sup> E.P. Thompson, Ch. 4: 'The Moral Economy of the English Crowd in the Eighteenth Century', and Ch. 5: 'The Moral Economy Reviewed', in *Customs in Common*, 184-258, 259-351.

<sup>47</sup> Royal Institute of Cornwall [RIC], DJW/1/3. Christopher Wallis Journal, 7 November 1795.

The *John* was laden with a rich cargo of linen and woollen drapery, a large quantity of cutlery, silver and plated ware, iron in bars, port, and puncheons of rum, ham and cheese.<sup>48</sup> For people who were suffering from poverty, this indeed, could be seen as 'Providence'.

The plunder of the wrecks of the *Jessie Logan* in 1843 off Boscastle, and in 1846 of the *Eliza* near Bude and the *Samaritan* near Bedruthan Steps came at a particularly difficult time economically for Cornwall. It was the height of the 'Hungry Forties', and Cornwall, like Ireland, suffered through the failure of the potato crop, especially during 1845-47.<sup>49</sup> Two famous forms of a rhyme indicate the conditions:

The *Eliza* of Liverpool came on shore,  
To feed the hungry and clothe the poor.<sup>50</sup>

and

The *Good Samaritan* came ashore,  
To feed the hungry and clothe the poor.  
With barrels of beef and bales of linen,  
No poor soul shall want for a shilling.<sup>51</sup>

Poor economic conditions were clearly a factor in the sporadic outbreaks of plundering, although all wrecking activity cannot be attributed to poverty.

#### Wrecking and Cultural Capital:<sup>52</sup>

Shipwreck was also seen as 'Providence', not only for bringing goods to those in need, but for bringing goods which were too costly or considered too culturally valuable for the country people to acquire. The eighteenth and nineteenth centuries

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<sup>48</sup> CUST 68/16, 5 December 1795.

<sup>49</sup> Payton, *Cornwall: A History*, 214.

<sup>50</sup> John Vivian, *Tales of Cornish Wreckers* (Truro, 1969), 3.

<sup>51</sup> A.K. Hamilton Jenkin, *Cornwall and its People* (Truro, 1932, republished Newton Abbot, 1983), 66.

<sup>52</sup> Cultural capital is a concept coined by Pierre Bourdieu to express the meaning of cultural differences that are produced by social class divisions. In this case the form of cultural capital is in its 'objectified state', meaning cultural goods and material objects that embody cultural and class meaning. Elaine Hayes, 'The Forms of Capital', <http://www.english.upenn.edu/~jenglish/Courses/hayes-pap.html>. Accessed 21 April 2004.

was a time when social status was conveyed by conspicuous consumption, allied to the widespread trade in luxury items that ‘coincided with a new civility in middling and upper class society’.<sup>53</sup> As Alan Hunt argues, ‘sumptuary legislation was invoked...to confine the consumption of specific commodities to the elites, and thus to enforce rigid status structures’. In turn, the legislation as practised ‘became centred on protectionist regulation, import and export regulations and quality controls’.<sup>54</sup> These commodities included colonial produced items such as sugar, tea, and tobacco. As well, as part of the protectionist policy, any goods that arrived in foreign ships had higher duties placed on them, and were thus even more expensive.<sup>55</sup> The cost of goods could be prohibitive, especially with the increasing customs and excise duties. Labouring-class budgets often had little leeway for any expenditure beyond rent and food; when common people did attempt to consume luxuries purchased legally such as tea and sugar, it easily could put them in debt.<sup>56</sup> Thus these goods were not only considered economic capital, but they were cultural capital as well. Wrecking, along with smuggling, therefore, was a means not only of acquiring economic and cultural capital, but it was also a means of avoiding the heavy direct and indirect taxation. Elizabeth Bonham, in her collection of Cornish tales, described several wrecks that washed ashore during the Napoleonic Wars: ‘the “tea wreck”’ she claims ‘was a wonderful piece of good fortune’, for ‘very few of them ever indulging in that expensive beverage’. Likewise, the “coffee wreck”, afforded the inhabitants a taste of ‘the delicious stimulant for the first time’.<sup>57</sup>

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<sup>53</sup> Maxine Berg and Elizabeth Eger, ‘The Rise and Fall of the Luxury Debates’, in Maxine Berg and Elizabeth Eger, eds. *Luxury in the Eighteenth Century: Debates, Desires, and Delectable Goods* (Basingstoke, 2003), 7. Luxury, however, as Berg and Eger point out, is a concept full of debated meanings and values that held the attention of eighteenth century writers.

<sup>54</sup> Alan Hunt, *Governance of the Consuming Passions: a History of Sumptuary Law* (London, 1996), 371, cited in Bert and Eger, ‘The Rise and Fall of the Luxury Debates’, 8; M.J. Daunton, *Progress and Poverty: An Economic and Social History of Britain, 1700-1850* (Oxford, 1995), 523.

<sup>55</sup> Sarah Palmer, *Politics, Shipping, and the Repeal of the Navigation Acts* (Manchester, 1990), 43.

<sup>56</sup> Price, *British Society*, 34; Roy Porter gives an example of an Oxfordshire labourer near the end of the eighteenth century whose yearly budget exceeded his income by £5; tea and sugar accounted for £2 10s, only one pound less than his house rent for the year. Roy Porter, *English Society in the Eighteenth Century* (London, 1982, 1990), 92.

<sup>57</sup> Mrs. E. Bonham, *A Corner of Old Cornwall*, Introduced by E.J. Oldmeadow (London, 1896), 170.

### Wrecking and Economic Capital:

Wrecking certainly brought consumable goods to the coastal populace, but it also occasionally afforded an additional means to make a small profit. Cornwall did not have as organised a system for the sale of smuggled and wrecked goods as did Sussex, Kent, and Cheshire,<sup>58</sup> simply because Cornwall was too far away from the major population centres. However, there is evidence that shipwrecked goods entered the economy, although how their sale affected the economy cannot be discerned. McLynn states in his study of eighteenth century crime that ‘It is no exaggeration to say that the entire economy was fuelled by wrecking’, but there is no evidence for this assertion.<sup>59</sup> It can be argued however, that *shipwrecks* were important to the economy if taken as a whole, to include salvage, repair, and the sale of shipwrecked goods through auction.

Unfortunately, there is not enough extant evidence describing the illegitimate sale of wrecked goods, or their markets to reconstruct the complex networking which must have underpinned wrecking. Only small clues are available. The *Sherborne Mercury* reported in 1758 that a quantity of silk and cochineal from the wreck of the *Gracia Divina* in the Scillies was offered for sale in Penzance.<sup>60</sup> Helston solicitor Christopher Wallis wrote in his diary in 1796 that ‘the staves from the Hercules, Cap<sup>n</sup> Wood, wrecked at Gunwalloe were this day sold by people calling themselves salvors at Helston for about ~£8pm, they were sold in great quantities and delivered openly in the street at Helston’.<sup>61</sup> Likewise, in 1819, also at Helston, John Burnell, the supervisor of Excise reported that he had been ‘[i]nformed, very Credibly, that large Quantities [of nuts from the *Montreal Packet*] were carried through Helston in open Day & quite exposed nearly all Day on the 19<sup>th</sup>

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<sup>58</sup> See the case of the wreck of the *North* on the Goodwin Sands, and the extent of disbursement of her cargo in ‘Wrecking at Deal’, *The Times*, 19, 20, 22, 23, 25, 29, 31 October, 6 November 1866; Association for the Protection of Commercial Interests as respect to Wrecked and Damaged Property, *Report on the Subject of Wreck and Salvage on the Coast of Kent* (London, 1867); and Parliamentary Papers, *First Report of the Constabulary Force Commissioners, Parliamentary Papers*, 1839, vol. XIX, which describes extensive wreck distribution between Cheshire and Liverpool (56).

<sup>59</sup> McLynn, *Crime and Punishment in Eighteenth-Century England*, 200.

<sup>60</sup> *Sherborne Mercury*, 11 December 1758, cited in Richard and Bridget Lam, *Shipwreck Index of the British Isles: Vol I Cornwall* (London, 1995), n.p.

<sup>61</sup> RIC, DJW/1/4, Christopher Wallis Journal, 2 January 1796; Rule, ‘Wrecking and Coastal Plunder’, 173.

[December] without any Notice being taken thereof by any of the Officers'.<sup>62</sup> The nuts were most likely offered for sale.

Marine store dealers apparently profited through the sale of wrecked goods. In 1848, Michael M'Allister and Michael Flagherty, marine dealers from St Just, were indicted for stealing copper sheathing, yellow metal, bolts and stores from the wreck of the *L'Adele* at Land's End.<sup>63</sup> Although this is the only evidence found from within Cornwall, it is assuredly not the only time that wrecked goods came into the hands of marine dealers. Indeed, two years previously, the Act of 9 & 10 Vic, c. 99 had been passed, with clauses regulating the sale of marine stores in an effort to combat wrecking. As well, the 1867 wreck of the *North* at the Goodwin Sands showed the extent of activity of dealers in Kent.<sup>64</sup>

Evidence for the sale of goods also comes from the experiences of purchasers who had their merchandise apprehended by Customs, not seized as *wrecked* goods, but seized as potentially smuggled contraband. Such was the experience of Jane Hewitt of Penzance in 1807 when she purchased a small amount of sugar at Scilly that had been given to some Islanders as salvage payment in kind.<sup>65</sup> Likewise, in 1812 Scillonians salvaged a cargo of tallow, were paid in kind, but had their tallow seized by Customs as being smuggled when they attempted to trade it for bread.<sup>66</sup> Goods were also sold to itinerant traders, as evidenced by a seizure of oranges and a cart made by Customs officers in 1824. Thomas Palmer, who was 'a Stranger in the Neighbourhood', claimed that he had sold out of cheese, and took the opportunity to buy oranges 'in small quantities from Individuals' who had picked them up from an unidentified wreck. They were seized as contraband.<sup>67</sup> It is likely that some wreckers also found a ready market for excess spirits in the same market

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<sup>62</sup> CUST 68/26, John Burnell, Supervisor of Excise, Penzance, to Lords of the Treasury, 27 December 1819.

<sup>63</sup> *West Briton*, 30 June 1848. Cited in Larn, *Shipwreck Index of the British Isles*, n.p.

<sup>64</sup> 'Wrecking at Kent', in *The Times; Report on the Subject of Wreck and Salvage*.

<sup>65</sup> CUST 68/39, Petition of Jane Hewitt to Commissioners of Customs, 19 September 1807; Penzance Collector to Board, 19 September 1807.

<sup>66</sup> CUST 68/51, Charles B. Selby, Minister of St Agnes and St Martin's, to Commissioners of Customs, London, 18 November 1812; John Julyan, Land-waiter, Penzance, to Board, 27 November 1812; Charles B. Selby to Penzance Collector, 12 January 1813; Penzance Board to Collector, 15 April 1813.

<sup>67</sup> CUST 68/29, 26 November 1824.

as for smuggling items,<sup>68</sup> but wrecked goods were not nearly so available to sell since they were acquired opportunistically.

### Providence and Harvest

Although much wrecking activity undeniably occurred at times of dearth, and wrecked goods offered people a reprieve from hunger and want, whole shipwrecks were rare, and wrecks containing valuable items, such as that carried by East India vessels, were rarer still. Rather, most wrecking activity involved simple beach harvest. The descriptions of wreckers as harvesters occur frequently within the local histories written by clergymen, which give some indication as to the activity's communal acceptance. Rev. Robert Hawker, the famous vicar of Morwenstow on the north Cornish coast, described the wreckers of his parish as 'a watcher of the sea and rocks for flotsam and jetsam, and other unconsidered trifles which the waves might turn up to reward the zeal and vigilance of a patient man', those 'daring gleaners of the harvest of the sea'.<sup>69</sup>

That harvesting was accepted, or at least occasionally overlooked, is also substantiated through Custom's records. Indeed, it is through the activity of harvest that a shifting power dynamic is found, whereby accommodation of Customs to the coastal populace is most evident. Although Customs was continually apprehensive about possible plunder and violence, they were more concerned about smuggling and their own salvage operations; relatively benign harvest activities were disregarded. As the Penzance collector explained to the Customs board in 1817, salving the cargo of the *Resolution* was 'a Measure, in our judgment, more beneficial to the Revenue & the Parties interested than the pursuit & attempt to apprehend the petty Depredators...'<sup>70</sup> Likewise, Customs was not

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<sup>68</sup> The major market for smuggled spirits in Cornwall was with the mining population. See Mary Waugh, *Smuggling in Devon and Cornwall, 1700-1850* (Newbury, Berkshire, 1991, 2003), 8, 13.

<sup>69</sup> Rev. Robert S. Hawker, *Footprints of Former Men in Far Cornwall* (London, 1903), 186, 129. See also descriptions by Rev. E.G. Harvey, *Mullyon: Its History, Scenery and Antiquities* (Truro, 1875), 51. See also Rev. John Shearme, *Lively Recollections* (London, 1917), 7; and Rev. E.G. Harvey, *Mullyon: Its History, Scenery, and Antiquities* (Truro, 1875), 'while the dwellers of our coasts would not scruple to appropriate portions of wrecked timber and the like, no kind of dishonesty is felt or intended' (52).

<sup>70</sup> CUST 68/23, 20 May 1817.

concerned about the harvest that occurred after the wreck of the *Montreal Packet* in 1820, when the cargo of nuts was spewed over miles of beach. The riding officer from Breage admitted that ‘it is natural to suppose that small quantities must be taken away by the Country People, which could not possibly be prevented’.<sup>71</sup> Indeed, in the cases reported within Customs correspondence, wreckers were not even apprehended.<sup>72</sup> Likewise, Elizabeth Bonham explained that ‘the custom-house officers and the preventive men arrived on the scene in due course, but as a rule they were not overstrict, and very often the pilfering went on almost under their noses’.<sup>73</sup>

Another aspect of harvest activity that shows its communal acceptance is found through popular wrecking conventions. Although most evidence has been lost, some references deserve attention. Wreckers often made sure that they divided their proceeds amongst themselves. Thus in 1812, Samuel Gilbert helped himself to eight barrels of butter that had washed ashore on the manor of Lanherne. Although he ‘appropriated a part of it for his own use’, he ‘distributed the other to the People who assisted him in taking it up’.<sup>74</sup> When four Sithney fishermen and a labourer came across a box which had washed on the beach at Loe Bar in March 1817, they swore in an affidavit that they had divided the contents into shares. The labourer, William Williams, received ‘seven silver coins or dollars, one double Louis, a coat, a great coat, a black silk waistcoat, a pair of pantaloons, a pair of mixed silk stockings, and a belt or girdle’. Unfortunately, the affidavit does not list the other shares.<sup>75</sup>

One other known convention, still practised in the twenty-first century, is that of laying claim to wrecked goods by moving it above waterline, a custom Nick Darke described in his ‘wrecking’ activities, especially when he collected wood from the

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<sup>71</sup> CUST 68/26, Stephen Bate, riding officer, Breage, and John Bennet, riding officer, Mullion, to Penzance Collector and Comptroller, n.d. January 1820.

<sup>72</sup> William Davey, the only wrecker to be arrested for plundering the *Resolution*, was released for lack of evidence. See CUST 68/23, 20 May 1817. Thomas Hitchen was prosecuted by Customs for the plunder of the *Marie Jean* and attack on a Customs Officer in 1776, although the results of his trial are no longer extant. See CUST 68/48.

<sup>73</sup> Bonham, *A Corner of Old Cornwall*, 169. This assessment is also supported by the lack of harvest reports in the Customs records. See Figure 4.2 below.

<sup>74</sup> CUST 6/1, Agnes Wright, Lanherne, to John Buller, Custom House London, n.d. February 1813.

<sup>75</sup> CRO RP/244, Case Papers: taking of items washed up on Loe Bar from Wrecked Vessel, 1817.

shore. He stated that other local inhabitants immediately recognised his claim, and left it alone until he could collect it.<sup>76</sup> In the eighteenth and nineteenth centuries, this practice was more complex because of procedures involved with legitimate salvage operations, including the auctioning of goods to raise funds to pay salvage and duty. Nevertheless, Sabine Baring-Gould, in his *Book of Cornwall*, describes the process:

The usual course at present is for those who are early on the beach, and have not time to secure—or fear the risk of securing—something they covet, to heave the article up the cliff and lodge these where not easily accessible. If it be observed—when the auction takes place—it is knocked down for a trifle, and the man who put it where it is discerned obtains it by lawful claim. If it be not observed, then he fetches it at his convenience.<sup>77</sup>

The evidence supporting the justification of providence and poverty is thus well substantiated, and indicates a certain level of acceptance of harvesting and hence supports its categorisation as a social crime. Indeed, even an analysis of the terms used to describe the activity supports the assertion. Those who recognised the legitimacy of harvest utilised the verb to ‘appropriate’, while those who denied its legality—the ruling elite— used the verb to ‘plunder’.

### **Moral Entitlement**

The second major focal point of wrecker justification is ‘moral entitlement’, a concept that has hitherto been overlooked. It was closely allied to some of the more violent forms of wrecking, whereby wreckers felt motivated to rectify perceived wrongs occurring in salvage operations, and thus enacted a form of social protest.<sup>78</sup> Moral entitlement takes customary wrecking to an additional level, by incorporating the defence of customary salvage practices, which Rule dismisses in his social crime model. Although he admits that ‘customary notions about entitlement to salvage sometimes blur the edges of definition of wrecking’, he argues that ‘the basic distinction between salvors and wreckers is, however, a

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<sup>76</sup> Nick Darke, Cornish playwright and historian, to Cathryn Pearce, interview, Padstow, Cornwall, 9 July 2002.

<sup>77</sup> Sabine Baring-Gould, *The Book of Cornwall*, (London, 1899, 1981), 267.

<sup>78</sup> ‘Moral entitlement’ is closely allied to E.P. Thompson’s ‘moral economy’, but ‘entitlement’ is more descriptive for this particular belief.

clear-cut one'. He bases his division on what he deems as different motivations: 'salvors rescued wrecked or stranded property in order to receive a share from the legitimate owners or insurers: wreckers appropriated property for their own use'. He furthers his argument by suggesting that salvors, when they became involved in clashes with the law, were claiming, not their customary 'right of wreck, but right of salvage'.<sup>79</sup>

Although motives may have occasionally been distinct on the part of salvors, outcomes were not nearly so straightforward, and analysing the activities separately ensures a false dichotomy. Salvors and wreckers were not necessarily even separate individuals, as witnessed by several men who had salvaged brandy near St Michael's Mount in 1756. They handed over 'a peice of fforeign Brandy Brackish [sic]' for salvage, and they received seven guineas payment, a substantial amount. But what they failed to inform the bailiff was that they had found two other 'peices' of brandy, which were not brackish, and carried it to the pier on the Mount, where they secreted it away for their own use.<sup>80</sup>

Of use in understanding the concept of moral entitlement is Antonio Gramsci's notion of 'popular morality', which is 'understood as a certain whole (in space and time) of maxims of practical conduct and customs which are derived from it or have produced it... There exist imperatives which are much stronger, more tenacious and more effectual than those of official morality'.<sup>81</sup> The concept of salvage fits within this model of popular morality, and it may have originated with what Robert Bushaway describes as the 'concept of reward for due labour [which] lay at the heart of much folk activity', a concept which has at its source traditional society's 'emphasis on reciprocal dues and responsibilities'.<sup>82</sup>

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<sup>79</sup> Rule, 'Wrecking and Coastal Plunder', 172-3.

<sup>80</sup> CRO AR 15/68, Connerton: Copies of Court Presentments, mostly concerning wrecks in Penwith, 1695-1759.

<sup>81</sup> Quoted from Alastair Davidson, *Antonio Gramsci: the Man, his Ideas* (Australia, 1968), 86, in Robert W. Bushaway, 'Ceremony, Custom and Ritual: Some Observations on Social Conflict in the Rural Community, 1750-1850', in Walter Minchinton, ed. *Reactions to Social and Economic Change, 1750-1939* (Exeter, 1979), 10.

<sup>82</sup> Bushaway, 'Ceremony, Custom and Ritual', 26, 22.

The justification of moral entitlement thus developed when the custom of reciprocity broke down, when customary salvage practices were threatened by increasing governmental control in the late eighteenth and early nineteenth centuries. Traditionally, local magistrates and lords of the manor, who paid salvors a moiety of either half the goods or half the value of the goods, controlled salvage activities; payment was often immediate.<sup>83</sup> Indeed, salvors often took it upon themselves to divide their finds on the spot between themselves and the lords of the manor, such as with mahogany from the wreck of the *William and Ann* in 1743.<sup>84</sup> Wrecking and salvage had a close relationship, and cannot be disassociated from each other. Salvors argued that their customs were legitimate, but owners of cargoes and the authorities often perceived their actions as illegal wrecking.

Analysis of salvage reports filed by Customs shows the numbers of those who were considered legitimate salvors. The salvage charges for the French brig *Le Harmeçon* in 1817 listed 153 individuals, all of whom were involved in salvaging the vessel for three days and two nights.<sup>85</sup> 124 people were involved in salvaging nuts from the *Montreal Packet* in 1820, and 60 persons were involved in salvaging the *Neptunus* in 1833, labouring under ‘almost perpendicular’ cliffs and risky conditions, only to find that the crew were all drowned, and the cargo of salt was barely worth preserving.<sup>86</sup> Although salvage payments were dependent upon goods salvaged, quality, quantity, and the value assessment of either Customs, the owners of the goods, or, if contested, the local magistrates, some figures are suggestive. In 1780, thirty shillings were paid for the salvage of each hogshead of wine from the Dutch ship *Lands Welvaaren*, while in 1782, £3.8.0 was paid out per pipe of wine salvaged from the *Tortington*, and in 1817 153 individuals were paid a total of £683.14.3 for three days and two nights of salvage work on the wreck of *L’ Harmeçon*.<sup>87</sup> Thus salvaging, whether by the customary half the value or half

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<sup>83</sup> On the Isles of Scilly, the moiety was customarily divided into thirds: one-third for the salvors, one-third for the Duchy of Cornwall, and one-third for the leasor of the Islands.

<sup>84</sup> CRO AR 15/96, Legal Opinion by John Belfield concerning wreck found, ca. 1743.

<sup>85</sup> CUST 68/23, 24 February 1817.

<sup>86</sup> CUST 68/26, Tobias Roberts, Salvage Account of *Montreal Packet*, 1 January 1820; CUST 68/32, Richard Pearce, Salvage Account of sloop *Neptunus*, 11 December 1833.

<sup>87</sup> CUST 68/11; 68/12.

the goods in kind, or by legally figured rates, was lucrative. A common day labourer at the port of Penzance in 1813 in the middle of the period for instance, could only expect to earn 2s 6d per day.<sup>88</sup>

That salvors were concerned to protect their customary rights and to demand immediate payment is well-established, and many cases of conflict between Customs and the local populace have been played out. In 1740, salvors from the Scillies refused to hand over what they perceived were their moiety of wrecked goods to Customs, and thus led the revenue cutter on a chase through the Islands.<sup>89</sup> There are many instances that show the failure of the Government to pay salvage, or tied salvage payments for long lengths of time, thus denying the salvors their due. In 1763, salvage charges were finally submitted to the Commissioners of Customs for the salvage of an Algerian xebec wrecked off the Lizard two years previously.<sup>90</sup> An even longer delay was experienced by fishermen from the Isles of Scilly in 1793, who were still waiting for payment three years later.<sup>91</sup> Actions such as these would hardly be incentive for people to salvage goods, and indeed show reason why salvors transgressed the law to protect their interests. As Thomas Davies, a Customs officer from Porthleven complained when he attempted to seize wrecked brandy in 1768:

myself & the other Officers under my Directions attempted to have it put into a Warehouse, & the King's Lock put thereon, but the people that have saved it w<sup>d</sup> not submit to it insisting y<sup>t</sup> we as Officers of the Revenue had nothing to do with Goods under the above Circumstances, & w<sup>d</sup> not permit us to lock it up but drew it off in to small Casks & carried it off by force. I attempted to take one of the small Casks, when one Edw<sup>d</sup> Pascoe lifted up a large Stick in order to strike me, & declared I should have nothing to do with the Brandy, in Consequence of which I was obliged to desist...<sup>92</sup>

Customs records, however, also show that some officials, whether they were ship's agents appointed to oversee salvage operations, or ship's officers, accepted that

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<sup>88</sup> CUST 68/21, 5 March 1813.

<sup>89</sup> CUST 68/1, Copy of an affidavit for the King's Bench, sworn at St. Mary's, 24 April 1740.

<sup>90</sup> CUST 68/5, 17 January 1763. Likewise, the owners of the cargo were also anxious to see satisfaction. TNA T 1/426/19-93: Secretary of State's Office, 3 December 1763.

<sup>91</sup> CUST 68/16, Petition of William Hickens of Scilly to the Custom's Commissioners, 27 May 1793. This particular delay was caused by a disagreement between Customs and Excise.

<sup>92</sup> CUST 68/6, 27 April 1768.

mediation over salvage could restrain plundering activity, and thus indicated their recognition of the code of moral entitlement. When the *Triton* wrecked in Mount's Bay in 1774, the country people, 'who were assembled in an amazing Number' entered into an agreement with the shipping agent to assist in salvage for the payment of half of the cargo. When the Customs collector arrived, he was informed of the agreement and asked to concur which he refused to do because of the duties that were owed. However, he was also told that if he did not agree, 'there would be none of the Cargo saved for the Proprietors, that the Country would carry it all off'.<sup>93</sup> The Commissioners of Customs reluctantly admitted that the agreement was legitimate, and that the salvors could be paid in kind, although they did not wish to set an official precedent.

The relationship between moral entitlement and wrecking was thus well-understood by shipping agents. They were concerned that salvage payments were fair and paid in a timely manner; otherwise they realised that people would take what they considered to be their fair share. Indeed, John Vivian credits Richard Pearce with reducing the plundering of wrecks in Mount's Bay in the early nineteenth century.<sup>94</sup> Pearce remarked in 1820 that he had paid salvage immediately, 'in the firm expectation that prompt payment would operate in a very great degree to prevent Plunder at Wrecks in future', and by 1833 he claimed that his 'personal exertions having in most cases put a stop to the disgraceful system of Plunder at Wrecks'.<sup>95</sup> Richard Oxnam, too, was credited with working with the country people over salvage payments 'in order to prevent plunder' after the wreck of the *Neptune* in 1782.<sup>96</sup> Even the outright plundering of a vessel was seen by some authorities as a reaction to the Government's failure to pay salvage on earlier shipwrecks, and hence played out the motive of seeking restitution for the violation of moral entitlement. William Kent, an agent for the wrecked galliot *Good Hope*, wrote in to the Commissioners of Customs, stating that he believed the plunder of the *Resolution* in 1817 could be directly attributed to the non-payment of salvage

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<sup>93</sup> CUST 68/8, 21 February 1774.

<sup>94</sup> Vivian, *Tales of Cornish Wreckers*, 37.

<sup>95</sup> CUST 68/27, Richard Pearce to Commissioners of Customs; CUST 68/32, Richard Pearce, Penzance, to Commissioners of Customs regarding salvage of the Swedish sloop *Neptunus*, 11 December 1833.

<sup>96</sup> CUST 68/12, Penzance Collector to Board, 7 September 1782.

fees from the *Good Hope*, which had wrecked the year previously.<sup>97</sup> The relationship between wrecking and salvage was so close that local magistrates and MPs, in seeking legislation to combat wrecking on a national level, proposed improvements in salvage law and called for more timely salvage payments.<sup>98</sup> The government's transgression of 'moral entitlement' appears to have been one of the more important points of justification for wrecking activity on the part of those who wished to be legitimate salvors.

#### Wrecking and Plunder Activity:

The justification of providence and issues of poverty do not explain why, on occasion, entire ships or their cargoes were plundered and deliberately destroyed. Customs reported in 1749 that the snow *Squirrel* of North Yarmouth ran aground in Mount's Bay, 'when the Country immediately boarded her striped the M<sup>r</sup> of everything valuable then carryed off what Brandy they could and in the hurry Satt fire to the rest of the Cargoe so that the whole ship is now in flames...'<sup>99</sup> John Vivian also relates that a writer to the *General Evening Post* complained in 1754 that '[t]he unheard-of manner of proceeding of these barbarians is not only plundering, but setting on fire and destroying what they could not carry off of the valuable cargo of the *Bordeaux Trader* as well as burning the ship'.<sup>100</sup> Likewise, the plundering and burning of the *Concord* of Calais, which ran aground in the Bristol Channel in January 1769, reached the notice of Lord Weymouth and the Lords of the Treasury.<sup>101</sup>

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<sup>97</sup> CUST 68/23, William Kent to S.R. Lushington, HM Treasury, n.d. 1817; See also CUST 68/16, Penzance Collector to Board, 7 June 1793, whereby salvors on Scilly were refused salvage payments because of conflicts between Customs and Excise over salvage revenue. Customs was even petitioned by William Hickens asking that the salvors get paid: 'the poor Fishermen the salvers at present in the greatest distress from the very great failure of the present Mackral Fishery...'

<sup>98</sup> CRO CA/B/46/99, Knill's Wreck Bill, 1792; TNA HO 44/33, JH Rees, Magistrate at Llanelly, to Rt. Hon. Lord John Russell, re: 'Inefficient State of the Law rel. to Saving Wrecks on the Coast', 29 July 1839.

<sup>99</sup> CUST 68/2, 20 December 1749.

<sup>100</sup> *General Evening Post*, February 1754, cited in Vivian, *Tales of Cornish Wreckers*, 10.

<sup>101</sup> TNA T/469/106-109, Lord Weymouth to Lords of the Treasury, 31 October 1769.

Clearly, these activities indicate additional motives that can only be surmised, including that of simple deviant behaviour. However, it is possible that the wreckers sought to keep the goods out of the hands of Customs, just as Customs destroyed goods that ‘were not worth the duty’, to keep them out of the hands of the country people.<sup>102</sup> Indeed, the Customs House Letter books are full of requests by out-ports such as Penzance, Falmouth, and Padstow to destroy goods that had not been claimed. Tobacco, alcohol, and other stores were all eventually destroyed, since duty was not paid.<sup>103</sup> This activity could hardly have garnered the support of the country people, who believed they had a right to the goods in the first place, especially to ‘dead wrecks’.<sup>104</sup> Likewise, Customs was not seen by the country people as having authority over wrecks. As Officer Thomas Davies from Porthleven complained, ‘Gentlemen as well as the common people give out that the Officers of the Customs have nothing to do with Goods that are thrown in before the Sea’.<sup>105</sup>

Thus wrecking justification and motivation came from differing directions, and some activities were more accepted than others. The common people, rather than being ‘lawless’ had their own understanding of the law, which informed their behaviour and acceptance. Indeed, Bray’s shipwreck account is useful in showing the nuances of communal acceptance, and the shades of popular morality. Although Bray was a salvage agent, charged with protecting cargoes, and consequently was in direct competition for salvage awards for everything he ‘put in the sillar’, he still tended to show some compassion towards the country people,

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<sup>102</sup> See CUST 68/1, 3 December 1741, whereby Customs destroyed a whole cargo of tobacco, both by burning large amounts and by taking the rest out to sea and flung overboard. Customs also attempted to destroy the salvaged remains of the *Le Landais* in 1837 when the agent abandoned them as not worth the duty. As the collector reported: ‘any attempt on our part to destroy them, even if practicable, would be the signal for a general attack on the Officers from thousands of half-civilized Miners assembled’. The coastguard officers destroyed the salvaged goods anyway, by overturning vessels in which alcohol had been collected, staving in casks and shooting their firearms in the air. CUST 68/33, Penzance Collector to Board, 3 October 1837; TNA HO 73/3, Alexander Shairp to Comptroller General, Coast Guard, Penzance, 4 October 1838.

<sup>103</sup> See CUST 68, Penzance; CUST 67, Falmouth; and CUST 69, Padstow.

<sup>104</sup> See CUST 69/7, J.D. Bryant, Receiver of Droits, Padstow, to Receiver General of Droits of Admiralty, 29 December 1852 regarding the extraordinary lengths Customs took to keep wrecked tobacco out of the hands of the common people. He estimated that if it had been carried off ‘it would have displaced so much Duty paid Tobacco’, thus he argued that he had saved ‘£2000 & upwards of Revenue’, yet the actual cost of salvage and destruction of the goods left him with a deficit.

<sup>105</sup> CUST 86/6, 27 April 1768.

especially if the excise men were involved. Only in cases where violence occurs, or where wreckers stormed the cellars where the shipwrecked goods were held, does Bray show any enmity. When it comes to the ‘country people’ harvesting goods from the beach, he is less judgmental.<sup>106</sup> Therefore, beach harvest could be said to be a ‘social crime’, but other forms of wrecking, particularly the violent attack and plundering of vessels, are not so easily subsumed within that paradigm.

### **Social Constraints on Wrecking Behaviour**

The existence of a popular morality of wrecking, which underlies salvage issues and sharing of wreck, contradicts the perceptions of the ruling elite and moral observers that the country people were ‘lawless’. Commentators such as Rev. H. R. Coulthard of the parish of Breage claimed that miners thought themselves above the law because of the existence of the Duchy’s Stannary Courts, which supposedly protected them from prosecution by common law, but at the same time denied them legal protection. He argues that this situation was the reason for ‘the oppression and consequent debasement of the Miners’, which created a sense of lawlessness that contributed to their wrecking proclivities. Thus, he contends that ‘it may well have been said of that of the Miners of Cornwall, as far as wrecking was concerned, “wheresoever the carcass is, there will the vultures be gathered together”’.<sup>107</sup> This assessment indicates that miners would have had few constraints to their violent plundering behaviour, but it is an assessment that is distorted. Indeed, although the eighteenth and early nineteenth centuries were known for the outbreaks of popular violence, social historians have shown that popular behaviour involved internal social constraints that limited the level of violence.<sup>108</sup> This was true not only of food riots and of social protest, but of wrecking activities as well.

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<sup>106</sup> Bray, *An Account of Wrecks, 1759-1830*, 8.

<sup>107</sup> H.R. Coulthard, *The Story of an Ancient Parish: Breage with Germoe, with some Account of its Armigers, Worthies and Unworthies, Smugglers and Wreckers, its Traditions and Superstitions* (Camborne, 1913), 39, 79. The role of the Stannary Courts and wrecking needs to be examined.

<sup>108</sup> See Roy Porter, *English Society in the Eighteenth Century*, 98-105; George Rudé, *The Crowd in History: A Study in Popular Disturbances in France and England, 1730-1848* (London, 1964, 1981); John Brewer and John Styles, *An Ungovernable People? The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1980).

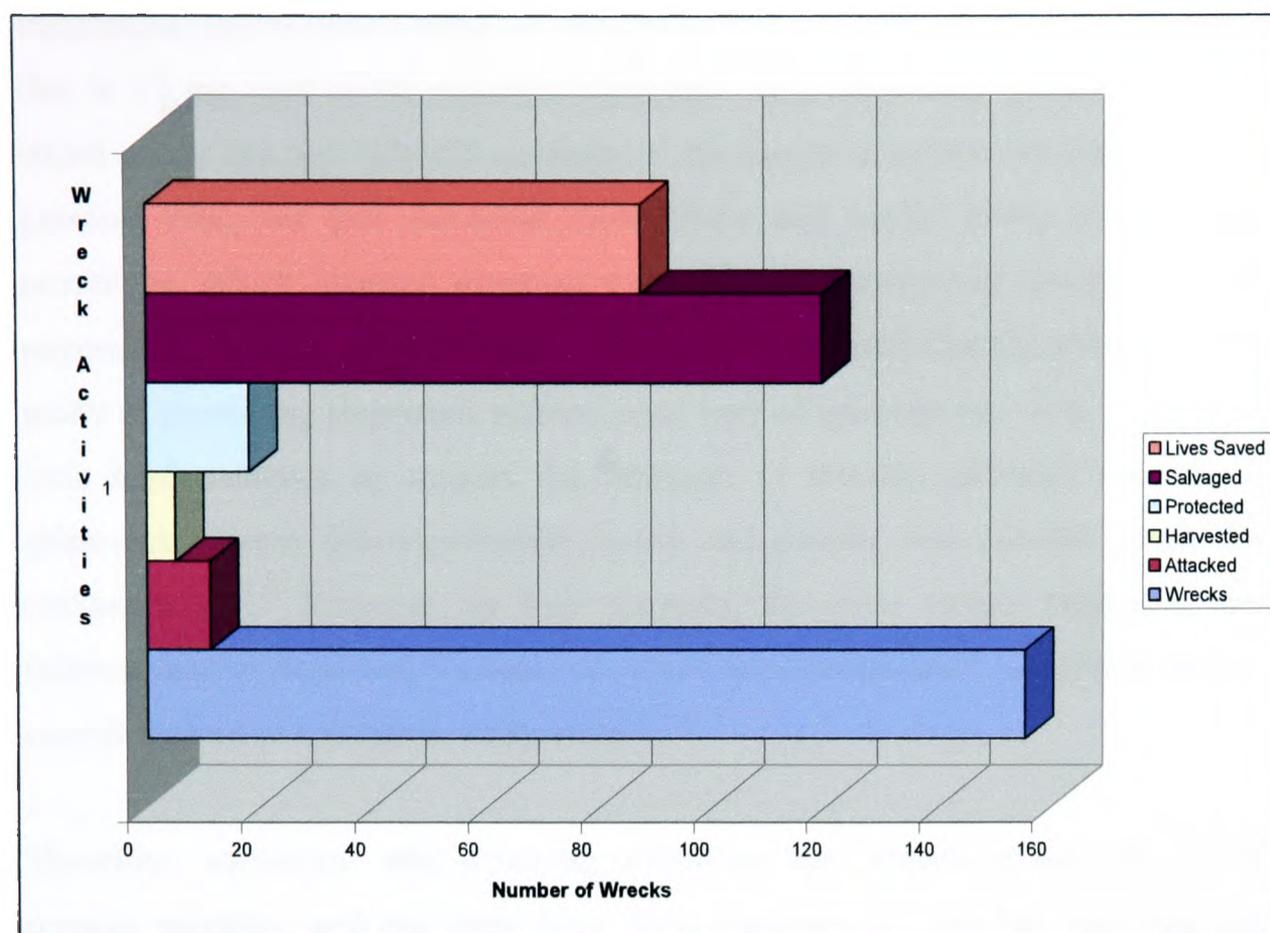
Nevertheless, although wrecking included justification of moral entitlement, which was clearly a form of social protest, overall it differed from that of other customary riot behaviour and thus the explanatory models have crucial differences. Wrecking activities were not in response to market-driven forces as was the case with food rioting, nor were wreckers involved in close social and intimate relationships with the 'victims', as were other forms of social protest that had clear objectives. Wrecking also had no clear political goals, other than a generalised challenge to authority; rather it was primarily a form of economic pursuit.<sup>109</sup> It was similar to other riot activity, however, in that the participants utilised the legitimating notions of custom and tradition to justify their actions.

Before the social constraints on plundering can be discussed, its frequency must be considered. The occurrence of violent attack is almost impossible to determine because of the sketchiness of the qualitative sources; not all attacks had witnesses who recorded the activities. As well, the frequency was dependent on the location of the wreck coming ashore; most wrecks occurred slightly offshore, and were difficult to access. Nonetheless, a few statistics are useful. As Figure 4.2 shows, in Mount's Bay, near Breage and Germoe, there were only eleven cases of outright attack reported by Customs out of 155 wrecks from the period of 1738-1860: eighteen shipwrecks were described as protected, and 119 were reported as having some salvage activity. For the majority of wrecks, no details were given.

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<sup>109</sup> John Bohstedt, *Riots and Community Politics in England and Wales, 1790-1810* (Cambridge, Mass, 1983), 35, 37, 41, 198-201.

**Figure 4.2: Shipwreck Activities, Mounts Bay (Customs Port of Penzance), 1738-1860**



Source: TNA CUST Series 68, Penzance Collector to Board. The figures are necessarily rough as shipwreck activity was underreported. Missing years include 1743-1747, and there were limited entries from 1845-1860.

More frequently, the accounts record only pieces of wrecked timber or barrels of goods that had washed ashore, thus it was likely that there were few opportunities for large numbers of wreckers to gain full access to vessels wrecked offshore. It is also telling that there are few contemporary descriptions of the plunder and attack of vessels as opposed to the regular reporting of other forms of popular violence and protest, such as food riots, even though these actions involved the same populations.<sup>110</sup> It is clear that popular morality was involved, even on the part of the so-called ‘ungovernable’ miner, and was a key social constraint.

<sup>110</sup> Thompson, ‘Moral Economy of the Crowd’; Bohstedt, *Riots and Community Politics in England and Wales*; Barry Reay, *Popular Cultures in England, 1550-1750* (London, 1998), Ch. 6 ‘Riots and the Law’; John Rule, *The Labouring Classes in Early Industrial England, 1750-1850* (London, 1986), Ch. 14, ‘The Protesting Crowd: Riots and Disturbances’; J. Stevenson, *Popular Disturbances in England 1700-1870* (London, 1979), Ch. 5. ‘Food Riots in England’.

By looking at the data from the Penzance Customs district, for instance, conclusions can be drawn about the behaviour of the coastal populace. It is evident that in 77 per cent of the reported shipwreck cases lifesaving activity occurred, which meant that not only did members of the coastal populace put themselves at personal risk, but that survivors most likely had to be given clothing and provisions, which incurred expenses that were not reimbursed through salvage payments.<sup>111</sup> These figures belie the serious charge that the Cornish wreckers were guilty of murdering shipwreck victims, or at least of ignoring their fate.<sup>112</sup> There is little hard evidence to support the assertion of murder, although robbery of shipwreck victims did occasionally occur, and murder was possible given the circumstances.<sup>113</sup> However, as Rule suggests, the more violent behaviour and mistreatment of shipwreck victims ‘may have been exceptional’, as [t]here are few recorded cases of such direct inhumanity’.<sup>114</sup>

Therefore, concurrent with wrecking, lifesaving was already present as part of popular morality, and had been from ‘time immemorial’, the two activities not being mutually exclusive. As well, although most of the men involved with lifesaving were pilots and fishermen, whole communities were often involved once the wreck and the victims came ashore. Indeed, town and parish accounts occasionally recorded funds released to shipwreck survivors. Penryn’s town account book for 1652-1795 show ‘several payments of 6*d* to poore men having lost their shippe’ including seven Englishmen, who were also given a pass from the mayor of Penzance ‘to travell to Great Yarmouth’, and on 29 March 1653/4, thirteen Englishmen were paid 6*s* 5*d* after being shipwrecked on the Lizard.<sup>115</sup> The corporation of Looe, likewise, paid out one shilling in 1669-70 to ‘3 poore men yt

<sup>111</sup> See CUST 68/45, Board to Penzance Collector, 26 June 1790; CUST 68/48, 1 October 1799; CUST 68/55, 13 January 1820.

<sup>112</sup> Some writers have speculated that the clause from 3 Edw I, cap 4 stating that if a man, a dog, or a cat escaped alive that it legally did not constitute a wreck was a license for murder. See Thurstan C. Peter, *A Compendium of the History and Geography of Cornwall, by the Reverend J.J. Daniell*. Fourth edition by Thurstan C. Peter. (Truro, London, 1906), 465; Richard Larn, *Cornish Shipwrecks: The Isles of Scilly* (Newton Abbot, 1971), 21; John Fowles, *Shipwreck: Photography by the Gibsons of Scilly* (London, 1974), 2. The ‘Dead Wreck’ legal concept was held by the Cornish, but there is no evidence it led to murder.

<sup>113</sup> CUST 68/2, 20 December 1749; *Calendar of Home Office Papers*, No. 1460, 24 September 1764, 447-8; TNA T/450-31, H.S. Conway to the Lord’s Commissioners of the Treasury, 15 January 1766; Larn, *Shipwreck Index*, n.p., wreck of the *Jane*, 13 December 1827.

<sup>114</sup> Rule, ‘Wrecking and Coastal Plunder’, 176.

<sup>115</sup> Roland J. Roddis, *Penryn: The History of an Ancient Cornish Borough* (Truro, 1964), 79.

lost their ship in Mount's Bay', and one shilling to three men who were shipwrecked off Land's End. Looe also paid relief the same year to three men who lost their ship on the Goodwin Sands, in Kent. The following year, the E. Looe mayor gave 4s to eight shipwrecked Dutchmen.<sup>116</sup> St Ives, too, gave money in 1698 to two Irishmen shipwrecked off Zennor, and to an unfortunate ship's captain who had lost all his worldly possessions during a wreck.<sup>117</sup> William Penaluna emphasised the effort of the inhabitants of Falmouth to assist the victims of the wreck of the *Queen* transport in 1814, when

some proceeded to the fatal spot to aid the half naked fugitives, others made preparations at home for their reception. Even the poorest inhabitants took the blankets from their beds...All seemed to vie with one another in acts of humanity, according to their respective abilities, and their general conduct deserves the warmest testimonies of approbation.<sup>118</sup>

The ability of the coastal populace to combine wrecking and lifesaving practices is also evidenced in a 1792 letter Joseph Banfield wrote to John Knill describing the 'plundering' of the Dutch frigate *Brielle* near Coverack. The men from Coverack brought the Dutch crew on shore 'with great alacrity and activity tho there was a great sea & they ran some risk of the boats and their lives very humanely brought all the ships company together with the Soldiers safe to land excepting only some few who were unfortunately drowned'. Banfield wanted to emphasise that 'the first part of this business did the Coverack men great credit, as to the accounts given in the papers of their plundering the people of their cloaths as they came on shore I believe is totally destitute of the truth'. The 'plundering' occurred the following day after the pieces of wreck had washed onshore, and only then did the local people gain Banfield's censure. He remonstrated that "'tis true they have humanity enough to save men's lives at the hazard of their own: when that is done, they look upon all the rest as their own property'.<sup>119</sup> Banfield's account thus

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<sup>116</sup> Mayor's Account, 1669-70 in A.L. Browne, *Corporation Chronicles: Being Some Account of the Ancient Corporations of East Looe and of West Looe in the County of Cornwall* (Plymouth, 1904), 71; CRO X/155/371, Mayor's Account, Borough of East Looe, 1700-1701.

<sup>117</sup> St Ives Borough Accounts, 1693-98, in Arthur P. Salmon, *The Cornwall Coast* (London, 1910), 241.

<sup>118</sup> William Penaluna, *The Circle, or Historical Survey of Sixty Parishes and Towns in Cornwall* (Helston, 1819), 155.

<sup>119</sup> TNA, HO 43/4, from Joseph Banfield to Mr Knill, 28 February 1792, Falmouth. Extract of letter, Rule 'Wrecking and Coastal Plunder', appendix, 187.

highlights that the concept of Providence was not exclusive of more humanitarian endeavour, and further indicates the existence of a popular morality that included lifesaving and charity to the shipwrecked. The populace's actions in plundering were possibly a form of reciprocity, where payment in kind was extracted for their assistance. Banfield's description additionally shows another important issue that clouds attempts to assess wrecking activity: the use of pejorative terminology, or 'symbolic violence', by the press when dealing with the country people.<sup>120</sup>

A second social constraint on wrecking activities, which intersects with traditional popular morality, was that of Methodism and evangelicalism. Indeed, Methodism is often credited with the defeat of wrecking, and hence is argued by many to be the key social constraint, although there is no direct evidence for this conclusion.<sup>121</sup> The Methodist movement against wrecking began with John Wesley's condemnation of the practice beginning with his visits to Cornwall in 1743, when he described the Cornish as being 'those who neither feared God nor regarded man', accusing them of murdering shipwreck victims.<sup>122</sup> In 1755, he felt that between the work of Methodists and local clergy, 'in a while, I trust, there will be no more cause on these coasts to accuse *Britannos hospitibus feros*'. He claimed then that the tinnerns of Mount's Bay had been converted to Methodism, and thus that 'the lions of Breage are now changed into lambs'.<sup>123</sup> However, on a return visit in 1776, Wesley enquired of one of his disciples at Cubert if 'that scandal of Cornwall, the plundering of wrecked vessels, still subsisted'. He received a somewhat ambiguous answer; it existed "as much as ever; only the Methodists will have nothing to do with it. But three months since a vessel was wrecked on the south coast, and the tinnerns presently seized all the goods; and even broke in pieces

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<sup>120</sup> The use of symbolic violence by the press will be discussed Chapter Eight.

<sup>121</sup> See CRO EN/P/463. [Josiah Harris], 'A Voice from the Ocean Grave: An Essay on the deaths of Richard Coombe, John Cockin, Joseph Nettle, and James Hobba, of Holmbush, by Drowning, near Mevagissey, on Sunday, the 11<sup>th</sup> of September, 1869...' (Truro, 1859), 23. See also Saxby Wryde, *British Lighthouses: Their History and Romance* (London, 1913), where he argues that 'Truly there was needed the strong arm of a powerful religious body to subdue and govern a population that for centuries had yielded itself to the influence of wrecking and smuggling. Wesleyanism, which had failed to make any serious impression on the stolid agricultural inhabitants of Devonshire, effected a great work of reformation on the more excitable Cornish, and was one of the chief, possibly it was the main, means of bringing the ancient horrors of the Cornish coast to an end' (274-75).

<sup>122</sup> 17 May 1743, diary of John Wesley, quoted in Captain Harry Carter, *The Autobiography of a Cornish Smuggler (Captain Harry Carter of Prussia Cove), 1749-1809*. Introduction and notes by John B. Cornish (London, 1900, Reprinted Truro, 1971), xix.

<sup>123</sup> Quoted in F.E. Halliday, *A History of Cornwall* (London, 1959), 271

a new coach which was on board, and carried every scrap away”<sup>124</sup> Yet, Wesley had supposedly already converted the tanners of Breage, who were accused of the attack. Nevertheless, as Rule points out, it is difficult to imagine that the thousands of miners who attended at shipwrecks did not count among their multitudes a large majority of Methodists, as it was with the miners that Methodism had taken root.<sup>125</sup> Indeed, the miners apparently were able to integrate their religious beliefs with wrecking, just as they were able to do with smuggling, another vice Wesley abhorred.<sup>126</sup> In other words, Methodism syncretised into an existing Cornish culture that included wrecking and smuggling.<sup>127</sup> Even so, it is not possible to discount Payton’s argument that Methodism ‘must be counted an important influence in the decline of wrecking and smuggling’.<sup>128</sup>

Methodism and other dissenting faiths eased the way, claimed Rev. George C. (“Bo’Sun”) Smith of Penzance in 1818, to allow him to respond to Methodists Fortescue Hitchens and Samuel Drew’s appeal for ‘moral and intellectual light’ to combat Cornish wrecking. Thus, he was not afraid to travel among the wreckers

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<sup>124</sup> John Pearce, ed. *The Wesleys in Cornwall: Extracts from the Journals of John and Charles Wesley and John Nelson* (Truro, 1964), 158; quoted in Halliday, *A History of Cornwall*, 272. The wreck in question is most likely that of the *Marie Jean*, a French vessel carrying goods of Louis XVI that went aground during a gale at Gunwalloe Cove.

<sup>125</sup> John Rule, ‘Wrecking and Coastal Plunder’, 185; John C.C. Probert, author of *The Sociology of Cornish Methodism* (Truro, 1971), disagrees with this statement and claims that Methodism did not appeal to the miners so much as it appealed to the other levels of society such as rural farmers and urban shopkeepers. He is thus involved in debate with Philip Payton and John Rule. See ‘Merritricious?’ in the Cornish History Network Newsletter, March 2000, accessed online on 15 April 2003 at <http://www.projects.ex.ac.uk/cornishhistorynetwork>.

<sup>126</sup> John Rule, ‘Wrecking and Coastal Plunder’, 185; Alan Kent, *The Literature of Cornwall: Continuity, Identity, Difference, 1000-2000* (Bristol, 2000), 91; See also the conversion of one of Cornwall’s most famous smugglers in Captain Harry Carter, *The Autobiography of a Cornish Smuggler*.

<sup>127</sup> John Rule also illustrates how Methodism syncretised with other forms of folk-belief such as magic and superstition. John Rule, ‘Methodism, Popular Beliefs and Village Culture, 1800-50’ in Robert D. Storch, ed. *Popular Culture and Custom in Nineteenth Century England* (London, 1982), 64-67.

<sup>128</sup> Payton, *Cornwall: A History*, 197. It could also be added that Methodism assured the survival of the reputation of the Cornish for wrecking; indeed, it even promoted it through the Methodist use of the wrecking trope in morality tales such as James F. Cobb’s *Watchers of the Longships* (London, 1878), which was reprinted at least twenty-seven times. For Methodism’s influence on culture, see David Hempton, *Methodism and Politics in British Society, 1750-1850* (London, 1984), Chapter 2: ‘The Wesleyan Heritage’, 20-49; Kayleigh Mildren, ‘Culture of Conversion’: Religion and Politics in the Cornish Mining Communities’, accessed online 12 November 2003 at <http://www.marjon.ac.uk/cornish-history/conf2001mildren/index.htm>; John Rule, ‘Methodism, Popular Beliefs and Village Culture in Cornwall’, 48-70.

and smugglers, exhorting them to desist from their unlawful activities.<sup>129</sup> Indeed, a clarion call by the Bishop of St David's in Wales, written in response to depredations on the coast of Cardiganshire and Pembrokeshire also convinced Smith to go out among his parishioners. The bishop called for the clergy to preach against wrecking, and to inform their parishioners of the 'cruel and unchristianlike enormity of plundering wrecks...and press strongly on their consciences the flagrant criminality of this inhuman practice...'<sup>130</sup> In this, he was following statute, which, beginning with 12 Anne in 1714, had mandated that the laws against wrecking be announced in every parish church on the coast four times a year, a requirement that had been neglected by coastal clergy.

Several clergymen in Cornwall took up the bishop's challenge, including Richard Lyne, the rector of Little Petherick, as well as Rev. Smith. Lyne issued his 'Exhortation against Wrecking', whereby he opined that he had heard of wrecked cargo being washed ashore in the parish that had been found by his parishioners. He warned them that

I feel it the part of any Office in this Church & Parish to acquaint you, that they who have in any way met with such goods, are required to have them carried & delivered to the Custom house at Padstow or to persons authorized to receive them, for the use and benefit of the unfortunate owners. Which if you who now have such goods in possession, will do, you will thereby do a thing well-pleasing to GOD upon a promise of salvage 'as a reward for your honesty to the poor sufferers...'<sup>131</sup>

He also cautioned them that the wrecking offence carried the death penalty. Smith did likewise, admonishing his parishioners around Penzance. He outlined his 'Tour of Benevolence' in letters to a 'friend', of which an extract was published in *The Times*. In it, he summarised his attempts to preach among the wreckers and to distribute Religious Society tracts along the southern coast from St Michael's

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<sup>129</sup> Fortescue Hitchens and Samuel Drew, *The History of Cornwall: from the Earliest Records and Traditions to the Present Time*, Vol. I (Helston, 1824), 726, quoted by Rev. G.C. Smith, *The Wreckers; or A Tour of Benevolence*, 13. Smith must have read early drafts of the book, since it was not officially published until 1824.

<sup>130</sup> Bishop of St David's circular letter, published in *The Times*, 6 January 1817. Six months after the bishop's letter, a wreck bill was placed before the Commons. Failing, it was followed by another bill, with the same results, in 1818. See Chapter Three.

<sup>131</sup> CRO P 185/2/3, Richard Lyne 'Exhortation against Wrecking', 1818.

Mount to the Lizard, in hopes that he could eliminate ‘the natural depravity and the custom of centuries’.

Smith argued that the only effective way to combat wrecking was to ‘be the preaching of the gospel, and dissemination of just principles of right and wrong; though some have thought that a well-written tract, something in the form of a dialogue between Wreckers, would be of considerable service’.<sup>132</sup> Although Smith’s letters were written in response to the bishop’s request, he questioned the bishop’s methods for combating wrecking:

Seldom or ever have I known evil habits and old practices broken by violent threatenings from the pulpit. The understanding is in error, it must be informed; the judgment is wrong, it must be corrected; and the will, if possible, biased by the mild and evangelical persuasions of the gospel. Let this be preached in its purity...Violent threats against smuggling or wrecking, from the pulpit to the congregation of smugglers and wreckers, would exasperate the people to destroy the preacher; but the fervent and affectionate preaching of Christ crucified would win the heart...This is my plan and I find it succeed. I speak, therefore, from experience, of preaching among the vilest classes of sinners.<sup>133</sup>

Thus he argued that behavioural change had to be internalised to be effective. Smith claimed that he had proof that his methods of persuasion were far more successful: ‘I was happy to receive the concurrent testimony of many persons’, he wrote, ‘affirming that whatever was obtained by wrecks or smuggling seldom continued long with its possessors; but, in some accountable way, the wrecker was nearly the same at the end of the year as at the beginning, and sometimes much worse’.<sup>134</sup> Smith’s work was undoubtedly of some service, since he was well known for his humanitarianism, although it is impossible to know how much effect

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<sup>132</sup> Smith, *A Tour of Benevolence*, 11. Smith was preceded in his idea by the publication in 1768 of the Rev. James Walker’s *A Dialogue between a Captain of a Merchant Ship and a Farmer Concerning the Pernicious Practice of Wrecking: as exemplified in the unhappy fate of one William Pearce of St. Gennis, who was executed at Launceston in Cornwall Oct. 12, 1767: showing also how the Captain was converted to a life of much seriousness and consideration, etc.* (London, 1768).

<sup>133</sup> Smith, *A Tour of Benevolence*, 13.

<sup>134</sup> Smith, *A Tour of Benevolence*, 12.

he truly had on wrecking.<sup>135</sup> Even Hitchens and Drew admitted that by 1818, even before Smith and Lyne had begun their work against wrecking, that ‘...this abominable practice [wrecking] is confined to a few western parishes, and that even here no deeds of personal inhumanity towards the unhappy sufferers have been permitted in modern times, even by the plunderers themselves...’<sup>136</sup> The outlook of Elizabeth Bonham, a Methodist storyteller, is also telling. When describing wrecking on the south coast in the late eighteenth-early nineteenth centuries, she focused on harvest: ‘none of the wreckers thought it robbery to seize on anything they might come across, and it was an understood thing that everyone should “catch what they could”’; the plundering of wrecks was not even considered.<sup>137</sup>

It is impossible to measure the effect of clergy such as Rev. Lyne and Rev. Smith on the continued occurrence of wrecking activities, especially since they were imploring against not only the attack of vessels, but against harvest as well. However, the general impression of Hitchens and Drew that wrecking—at least violent plunder—was at an end, is upheld by the other forms of evidence. Indeed, it is illustrative that, as Figure 4.3 shows, throughout the period the number of shipwrecks actually *increased*, and yet by the time Rev. Lyne and Rev. Smith began their work in 1818, there were few recorded cases of attacks on vessels. Methodism and evangelicalism, then, can be seen as enhancing a pre-existing popular morality which operated as a social constraint on plundering,<sup>138</sup> but harvest activities continued to be acceptable behaviour on the part of the coastal populace.

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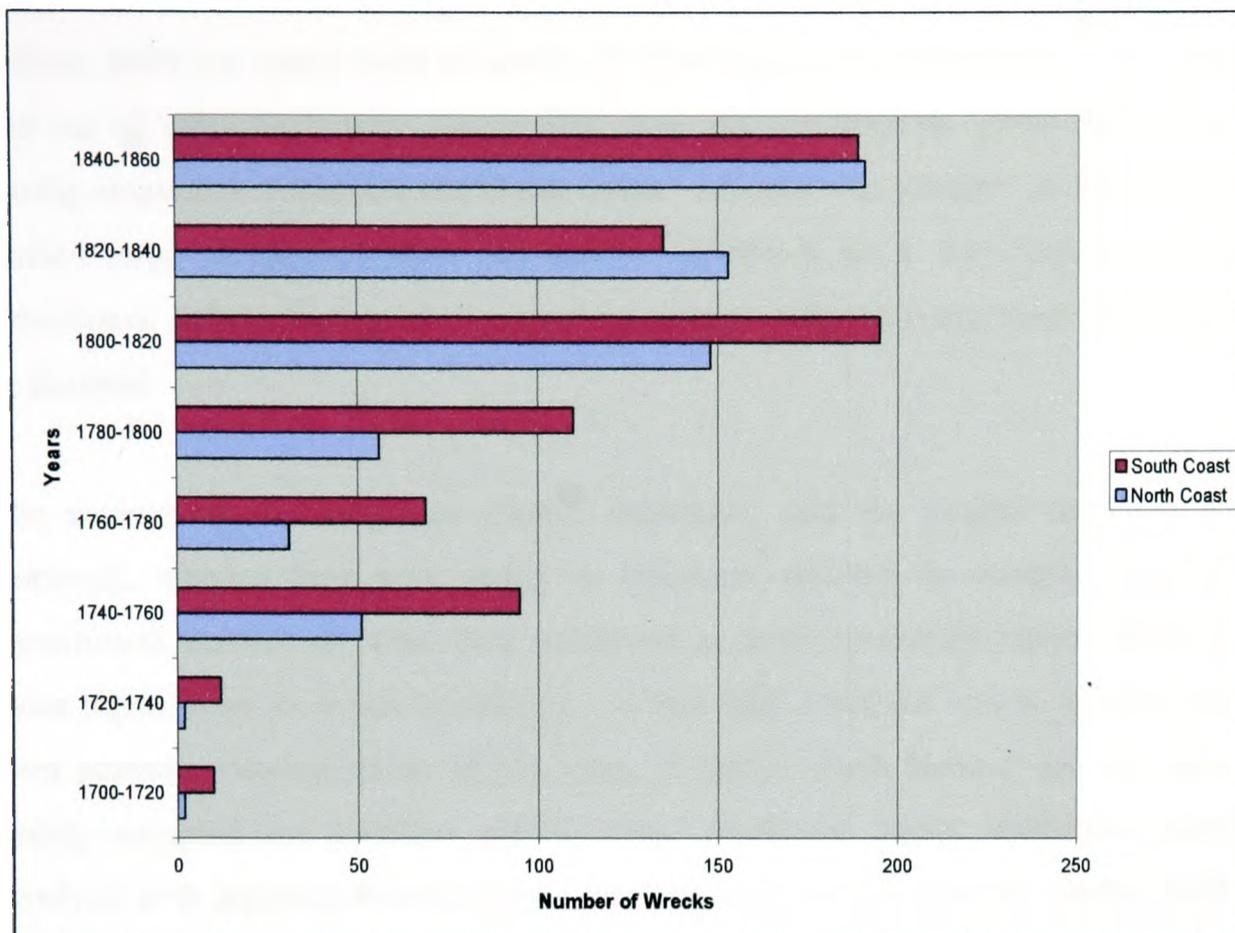
<sup>135</sup> Smith was a voracious campaigner against what he felt were the ills of society. See *The Extreme Misery of the Off-Islands*, (London, 1818) and *The Scilly Islands and the Famine*, London 1828), among others.

<sup>136</sup> Hitchens and Drew, *The History of Cornwall*, Vol. I, 726.

<sup>137</sup> Bonham, *A Corner of Old Cornwall*, 169.

<sup>138</sup> For a more general treatment of the role of evangelicalism in moral reform, see M.J.D. Roberts, *Making English Morals: Voluntary Association and Moral Reform in England, 1787-1886* (Cambridge, 2004) and F. David Roberts, *The Social Conscience of the Early Victorians* (Stanford, Calif, 2002).

**Figure 4.3: Total Recorded Shipwrecks in Cornwall, 1700-1860**



Source: Compiled from Richard and Bridget Larn, *Shipwreck Index of the British Isles: Vol. I* (London, 1995) and additional data from primary research.

Finally, to complete the consideration of the Cornish wrecker's propensity for plunder, did the existence of large crowds automatically indicate that they were 'prowling round the shore' with 'foul intent the stranded bark explore?' The evidence thus far discussed suggests that to the contrary, the following and attending of shipwrecks cannot be taken as evidence of *intent* to plunder, as some writers maintain. Ships in distress were followed for multiple reasons, including concern for the safety of the crew and passengers, readiness for legitimate salvage activity, and for reasons of typical human behaviour: curiosity.<sup>139</sup> Even Customs had to admit that the crowds who assembled on the shore in 1815 when the *Flora* was wrecked on Praa Sands during a gale were beneficial, for 'by the great exertions of the Country People who Assembled on the occasion the Crew were also saved'. Likewise, in 1825, sixteen men making up the French crew of

<sup>139</sup> See *Royal Cornwall Gazette*, 18 November 1819, cited in Richard Larn, *Shipwreck Index of the British Isles*, Vol. I (London, 1995), n.p.

*L'Amietie* 'were saved by the Assistance of the Country People assembled'.<sup>140</sup> Indeed, there are many more accounts of lifesaving than of life taking. It is true that not all individuals were honourable; some did see ships as 'prey'. Behaviour during shipwreck could and did break down. Alcohol was present, as most ships carried large cargoes of wine and spirits. However, it is the extent of such behaviours, and the tarring of all coastal inhabitants with the same brush, that must be doubted.

The custom of wrecking was clearly important, and the coastal populace of Cornwall, whether they were gentry or labourers, resisted the encroachment of government control on what they perceived as their customary rights, whether those rights were to wreck or salvage. In this they could be said to accept, and even promote varying forms of wrecking. Clearly, beach harvest was the most widely accepted and justified 'social crime'. However, many inhabitants were involved with legitimate salvaging and lifesaving, and as such were in conflict with those who only had wrecking in mind.<sup>141</sup> Thus the more violent forms of wrecking cannot be deemed a social crime.

In conclusion, wreckers were neither a monolithic population who performed a socially accepted crime as argued by Rule nor were they a mass of 'grim hell-hounds prowling round the shore' as popularised into myth by Falconer and subsequent moralists. Rather they were a diverse population who practised varying forms of wrecking, and their communal acceptance of wrecking was determined by the forms practised. They also developed their own methods of mediation and their own moral code, to maintain some level of collective authority in the struggle over rights to shipwrecked goods that became increasingly contested with the centralisation of authority. Indeed, the coastal populace was able to maintain its customary beliefs simultaneously with the existence of alternative viewpoints held by the authorities. The next chapter will assess the process by which this occurred.

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<sup>140</sup> CUST 68/22, 20 October 1815; CUST 68/29, 20 January 1825.

<sup>141</sup> See CUST 68/16, 9 February 1794.

## CHAPTER FIVE

### Deterrence, Discretion, and the Law against Wrecking

*'...I hope to see y<sup>e</sup> wreckers hung in Chains upon the Cliffs...'*

On 9 October 1767, the *Sherborne Mercury* reported that 'Last Monday was executed at St. Stephens, near Launceston in Cornwall, Wm. Pearse [sic]<sup>1</sup>, who was condemned at the last assizes for that county... He persisted to the last moment that he was not guilty of the crime he died for'. William Pearce became the only individual in Cornish history to be executed for wrecking under the Act of 26 Geo II, c. 19, believing to the last that he had only acted according to custom. Executed as an example to deter the rest of the populace from wrecking activities, Pearce's ritual sacrifice was a lesson lost: the *Sherborne Mercury* did not even report the crime of which he was found guilty when they announced his execution. Mention of his crime was buried in small print in the 31 August issue: at eighty years old, Pearce had been caught taking an 'inconsiderable quantity of cotton' from a wreck.<sup>2</sup>

William Pearce was unfortunate to be convicted at a time when the ruling elite wanted an example and were not in a mood for lenience. Moreover, they had the Act of 26 Geo II to draw upon. Many legislators argued that the laws were solid; the problem existed in their enforcement. Local magistrates and lords of the manor were expected to enforce the laws, with the assistance of Customs, the Preventive Service, the local militia, and soldiers, if needed. Historians claim that plundering and wrecking continued because of Cornwall's relative isolation and lack of law enforcement on the coast.<sup>3</sup> They also argue that even when suspects were caught

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<sup>1</sup> Pearce's name is spelled with a 'c' in all other sources, which is the most common form within Cornwall.

<sup>2</sup> *Sherborne Mercury*, 31 August 1767.

<sup>3</sup> John Vivian, *Tales of Cornish Wreckers* (Truro, 1969), 4; Bill Young and Bryan Dudley Stamp, *Bude's Maritime Heritage* (Bude, 2001), 43.

and indicted, few convictions followed because of local forms of resistance, such as Cornish particularism; that even local magistrates and juries closed ranks against outsiders and central government authorities.<sup>4</sup> Indeed, Richard Larn has gone so far as to say that '[f]or a long time it was generally accepted that no Cornish jury would ever convict a fellow countryman on a wrecking charge', and cited Pearce's case as the lone example.<sup>5</sup>

Minimal attention has been given to the role of the law in combating wrecking, and there has been no detailed analysis. The forces of governmental control, particularly that of the Coastguard, are often credited with the decline of wrecking, but the process of how this occurred is not ascertained.<sup>6</sup> This chapter corrects these oversights by investigating the interrelationships between the local elites and the coastal populace involved in wrecking, as it was played out in the arena of the law. It emphasises the role of mediation and discretion in the quest for justice. This chapter also shows the growing centralisation of State authority through use of law enforcement and the attendant strengthening of the criminal justice system.

At the beginning of the period, law enforcement on the Cornish coast was certainly lacking, making it difficult for local magistrates. At the Launceston Assizes in 1700, it was reported that there were not enough magistrates in Cornwall, and that 'in some Hundreds there are noe Justices at all'. The same session heard about the wreck of an unnamed ship near Padstow, where the goods 'were taken and carried away in a rude and riotous manner...the number of Rioters was so great their threatenings so high and their proceedings so Outrageous that Ordinary Ministers of Justice durst not attempt to suppress them'.<sup>7</sup> Even in 1748, the Customs collector at Penzance complained to London that 'the Civil power can be of no manner of service to us they not daring to appear in our Defence...' after the wrecking and plunder of the *Jonge Alcida* in Mount's Bay.<sup>8</sup> John Wesley, too, was

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<sup>4</sup> John Rule, 'Wrecking and Coastal Plunder', in Douglas Hay, Peter Linebaugh, et. al. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975, 1988), 181-2.

<sup>5</sup> Richard Larn, *Cornish Shipwrecks: The Isles of Scilly* (Newton Abbot, 1971), 20.

<sup>6</sup> See Alfonse Esquiros, *Cornwall and its Coasts* (London, 1865), 180; A.K. Hamilton Jenkin, *Cornwall and its People* (Newton Abbot, 1946, 1983, 62).

<sup>7</sup> TNA PC 1/1/50 Item 4, To Chief Barons all from Cornwall, Launceston Assizes, 18 April 1699/1700.

<sup>8</sup> CUST 68/2, 8 December 1748.

particularly critical of both the gentry and the justices, remarking in his diary that 'the gentry of Cornwall may totally prevent it when they please. Let them only see that the laws be strictly executed upon the next plunderers; and after an example is made of ten of these, the next wreck will be unmolested'.<sup>9</sup>

However, the gentry and the magistrates were in a difficult position. Walter Borlase, Chairman of the Quarter Sessions, was frustrated after the wreck of *The Rose in June* near Marazion in 1749. The vessel was plundered

by the Barbarians of Breage, Germoe &c...wch act of inhumanity and rapine if laid before, or superiors in all its flagrant circumstances, will, I fear, produce this national enquiry. Are there in that County no Justices? Where were they, when the Laws were violated in so daring a manner? Or, if they could not prevent such violences wt. did they do in order to punish them?<sup>10</sup>

Borlase, determined to apprehend the offenders, held meetings with the justices of Penwith and Kerrier, and swore in constables, but to no avail. Despite claims that the identities of the offenders were known, no arrests were forthcoming. Indeed, John Rowe asserts that Borlase might have been intimating that the local justices were involved with wrecking themselves.<sup>11</sup> However, the eighteenth century magistrate, as Taylor points out, was not trained and they had informal practices; it was also difficult to find suitable men to take on the responsibilities.<sup>12</sup> It was no wonder that local authorities had difficulty in the early part of the period.

This is not to say that magistrates were completely ineffective, despite contemporary criticism. There is also evidence to the contrary, that some magistrates were successful in their control of wrecking. Charles Rashleigh, MP, argued in 1776 that 'the plundering of ships was generally prevented by the assiduity and exertions of the neighbouring gentlemen'.<sup>13</sup> In 1803, the owner of

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<sup>9</sup> 17 August 1776 in John Pearce, ed. *The Wesleys of Cornwall: Extracts from the Journals of John and Charles Wesley and John Nelson* (Truro, 1964), 158.

<sup>10</sup> 8 December 1749, Letter Book of Walter Borlase, quoted in John Rowe, *Cornwall in the Age of the Industrial Revolution* (Liverpool, 1953), 36.

<sup>11</sup> Rowe, *Cornwall in the Age of the Industrial Revolution*, 36.

<sup>12</sup> David Taylor, *Crime, Policing and Punishment in England, 1750-1914* (London, 1998), 107.

<sup>13</sup> 'Debate on Mr. Burke's Bill to Prevent the Plundering of Shipwrecks', 27 March 1776 in *Cobbett's Parliamentary History (1774-76)*, Vol. XVIII, 1298.

cargo on the wrecked *Rio Novo* packet wrote to Thomas Pascoe, JP of his admiration after Pascoe had controlled the plunder of the vessel:

I am well aware from being myself in the Commission of the Peace for Hampshire & having witnessed in the neighbourhood of my County that in the Isle of Wight Depredations Committed or attempted in all Cases of Wrecks, that their protection must have been greatly assisted by the Activity of a Magistrate, and as I understand you acted alone on that Occasion it is inconceivable with my Ideas of Propriety to remain silent...'<sup>14</sup>

Even Hitchens and Drew, in their county history, credited the work of the 'neighbouring gentlemen' in the fight against plunder in 1824.<sup>15</sup>

### **The Use of the Military**

Although justices could swear in special constables, as did Walter Borlase in 1750, they frequently resorted to a request for the military when they felt they needed assistance. This was an expedient not taken lightly, for as Roy Porter points out, magistrates were placed in a position where they had to admit defeat to the Home Secretary and invite in centralised forces.<sup>16</sup> In 1732, Edmund Prideaux, a JP at Padstow, claimed that 'nothing but a good Company of regular troops could have dispersed such a number as were gathered' at a local wreck.<sup>17</sup> The officers of H.M. Customs, too, were forced to ask for military assistance during times of what they perceived as extreme need. The customs officers of Penzance sent numerous requests to London in 1748 and 1749 after the attack on the *Jonge Alcida*.<sup>18</sup> Charles Vyvyan, the Customs Collector, claimed that

the Insolence of the Smuglers and Wreckers in this neighbourhood is run to such height that tho our Officers have from time to time secured severall Hogsheads it has been by force taken from 'em by numbers of these people assembled together particularly about a Week Since the Officers ... found

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<sup>14</sup> CRO X/807/39, Pascoe Family Papers. George Ward to Thomas Pascoe, JP, 19 January 1803.

<sup>15</sup> Hitchens and Drew, *The History of Cornwall*, Vol. I, 726.

<sup>16</sup> Roy Porter, *English Society in the Eighteenth Century* (London, 1982, 1990), 102.

<sup>17</sup> TNA SP 36/29, f. 91, Edmund Prideaux to Richard Edgcumbe of Mount Edgcumbe, 10 February 1732.

<sup>18</sup> CUST 68/2, Penzance Collector to Board, 2 February 1748/49.

Two hogsheads of wine part of that Cargoe they were taken from ‘em and the Officers forc’d to fly to save their lives...<sup>19</sup>

Their next request was in response to the loss of *The Rose in June*, when ‘y<sup>e</sup> Flax was all destroyed by the Mobb, who came in Such Nomb<sup>r</sup> as twas impossible to resist without a Millitary force’.<sup>20</sup> By December, they once again reiterated their concerns when they reported on the attack and burning of the *Squirrel* in Mount’s Bay. The last sentence of their report illustrates their frustration: ‘we hope y<sup>r</sup> Hon<sup>rs</sup> are by this satisfied there’s nothing to be preserved either by Shipwrecks or from smuggling without the assistance of a Millitary force’.<sup>21</sup> Vyvyan finally received a response when troops were sent to Penzance in February 1750. But the situation was not yet solved; the captain informed him that he had no order to assist during shipwrecks. ‘[A]nd as these things of Late are not to be attempted without all the assistance of a Millitary force’ Vyvyan wrote; he needed to apply for an order.<sup>22</sup>

Requests for troops were sent intermittently throughout the eighteenth and early nineteenth centuries, indicating the sporadic need for assistance. All the requests, however, were connected more with Customs’s battle against smugglers. That their concern was more fervent regarding smuggling makes sense. The defeat of smuggling was, as Customs historian Edward Carson points out, ‘the “raison d’être” of a large part of the Service’.<sup>23</sup> Wrecking, as a strictly opportunistic event, did not warrant as great a concern. Indeed, throughout the correspondence of the Penzance collectors, wrecking was barely remarked upon in conjunction with the frequent shipwrecks attended by the Customs officers, and after 1768 their requests for military support, made in 1783, 1792 and 1815 did not even mention wrecking.<sup>24</sup> Indeed, in 1816 the Commissioners of Customs informed Penzance that the Treasury had taken measures to insure that the military would be ‘resorted

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<sup>19</sup> CUST 68/2, 2 February 1748/9. This particular passage is frequently used out of context in popular histories to show the violence of wreckers in plundering vessels, and as such has lent itself to the making of the myth. See Richard Larn and Clive Carter, *Cornish Shipwrecks: The South Coast* (Newton Abbot, 1969), 165; Hamilton Jenkin, *Cornwall and its People*, 52; Vivian, *Tales of Cornish Wreckers*, 7.

<sup>20</sup> CUST 68/2, 21 September 1749.

<sup>21</sup> CUST 68/2, 21 December 1749.

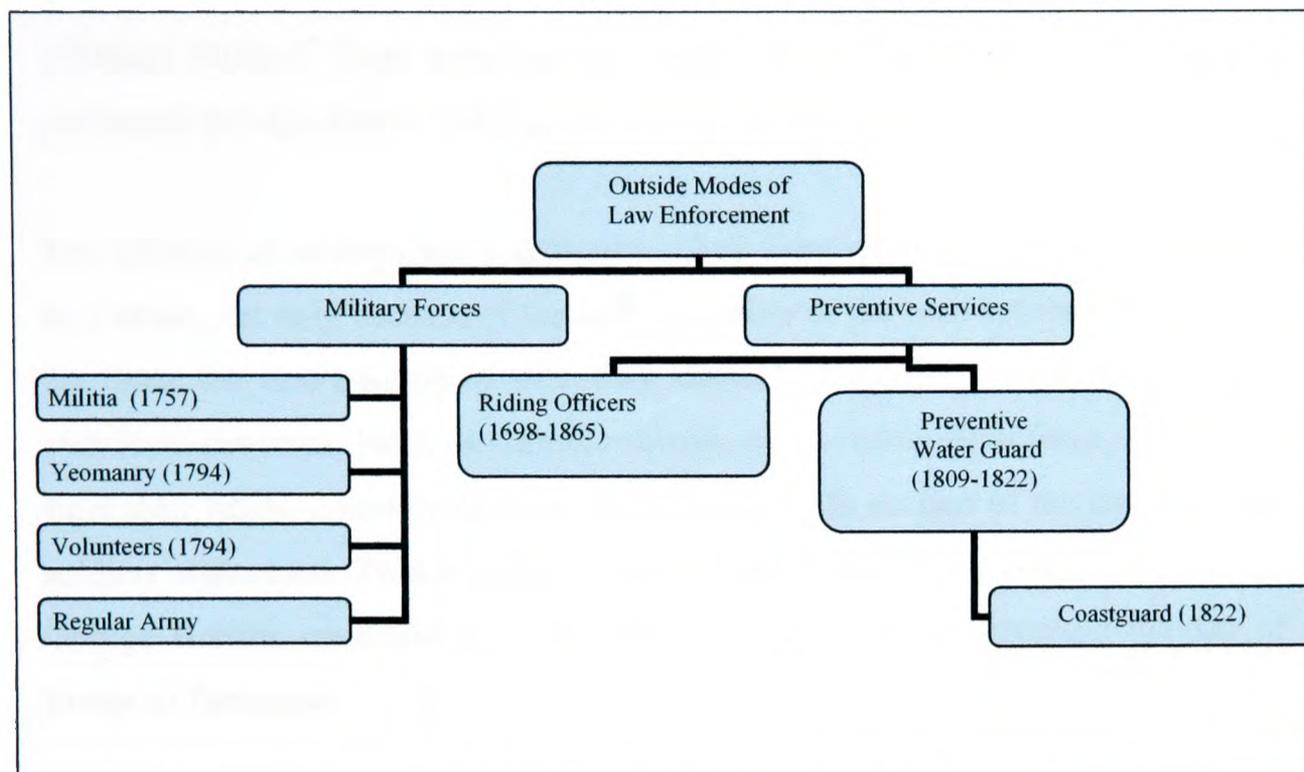
<sup>22</sup> CUST 68/2, 1 February 1749/50.

<sup>23</sup> Edward Carson, *The Ancient and Rightful Customs: A History of the English Customs Service*, 12.

<sup>24</sup> The request made in 1768 only added wrecking as an afterthought. CUST 68/7, 3 November 1768; CUST 68/12, 24 July 1783; CUST 68/16, 12 November 1792; CUST 68/22, 24 January 1815.

to as extensively as the Service will admit', to combat smuggling.<sup>25</sup> The use of troops against wreckers was thus a result of the smuggling war.

**Figure 5.1: Modes of Law Enforcement outside the Parish**



The forces employed against wreckers and smugglers came from several different branches of the military, including the militia, which was reorganised and strengthened in 1757; the Yeomanry, developed in 1794 to protect the coasts from French invasion; the Volunteer Corps, which were also organised in 1794 to serve as part-time auxiliaries for the militia; and the regular army.<sup>26</sup> The army was preferred, as they were professional troops and thus more disciplined and less inclined to riot.<sup>27</sup> Deployment of soldiers could only be ordered through the Home Secretary, which usually occurred, as Foster notes, when the Secretary received 'hysterical requests from some provincial magistrates, convinced that revolution was about to break out in their particular parish'.<sup>28</sup> Military detachments were utilised at wrecks at various times throughout the period, though never in large

<sup>25</sup> CUST 68/52, Penzance Board to Collector, 28 February 1816.

<sup>26</sup> David Foster, *The Rural Constabulary Act 1839: National Legislation and Problems of Enforcement* (London, 1982), 4-5; John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (Harvard, Mass, 1990), 32-33.

<sup>27</sup> John Bohstedt, *Riots and Community Politics in England and Wales, 1790-1810* (London, 1983), 49.

<sup>28</sup> Foster, *The Rural Constabulary Act*, 5.

numbers, and often very intermittently. They included the 35<sup>th</sup> Regiment and the Inniskilling Dragoons.<sup>29</sup> Militia and yeomanry regiments were used during the 1790s after their inception, including the Penwith Yeomanry Cavalry, the Helston volunteers, the Mountsbay local militia, the Worcestershire militia, and the Wiltshire Militia.<sup>30</sup> They were not only used to protect the wrecks, but they often performed salvage duties, and thus were often awarded salvage payments.<sup>31</sup>

The billeting of soldiers was a difficulty. They were viewed by the local populace as a threat, not only because of the lack of quality of the men believed to make up the force, but also because of what they implied: the control of the Government over local concerns. Here, as Gilmour relates, was a ‘quasi-alien force, as ready to fight their fellow countrymen as a foreign army’.<sup>32</sup> In no part of the country were soldiers welcomed. To add insult to injury, there were extra costs involved. As George Borlase cautioned Lt. Gen. Onslow, MP, in 1753 regarding the use of troops in Penzance:

As to the soldiers mencon’d in both yours, Unless the rout is as usually subjected to the discretion of the Magistrates and Neighbouring Justices how to dispose of ‘em and billett ‘em out this Town cannot quarter them. I mentioned them as necessary for the publick and not so much to indulge my own inclinacō because I like ‘em. But there is all the reason in the world for part of the detachment to be at Helstone because just on that neighbourhood lye the smugglers and wreckers more than about us, tho there are too many in all parts of this country...

Despite these complications, Borlase was adamant that troops were needed. Ten days later, he again wrote to Onslow, claiming that smuggling and wrecking were on the increase, ‘to such a degree as to render them necessary’.<sup>33</sup>

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<sup>29</sup> CUST 68/1, 20 August 1740.

<sup>30</sup> CUST 68/16, 22 March 1794; 14 December 1795; CUST 68/17, 2 January 1797; See CUST 68/24, Petition for Salvage Charges for the *Victoria*, 8 September 1818.

<sup>31</sup> See CUST 68/39, Petition for salvage, John Millett, Adjutant 2<sup>nd</sup>, Mount’s Bay Volunteer Infantry, to Commissioners of Customs, 16 July 1804. The granting of salvage to soldiers was common for most of the period, though occasionally the Customs Commissioners denied them salvage if they were only involved in guarding the property, rather than physically involved in salvage. Such is the case with the militia who guarded the *Eudora* near Bude in 1811. CUST 69/1, Petition for salvage charges of *Eudora* by T.R. Avery, Boscastle, 2 January 1811.

<sup>32</sup> Ian Gilmour, *Riot, Risings and Revolution: Governance and Violence in Eighteenth-Century England* (London, 1992), 139.

<sup>33</sup> Borlase to Onslow, 5 March 1753; 15 March, 1753, in Thomas Cornish, ed. ‘The Lanisley Letters: to Lt. General Onslow from George Borlase, his Agent at Penzance’, *Journal of the Royal Institution of Cornwall*, Vol. VI, pt. xxii, 378.

Despite these difficulties, however, troops were often used successfully against wreckers. When the collector at Penzance was questioned as to their efficacy in 1768, he reported that they were necessary support for the Customs to perform their duties.<sup>34</sup> Several wrecks were successfully protected through the use of troops, such as the *Betty* of London in 1741<sup>35</sup> and *le Dont de Dieu* in 1790, where ‘had it not been for the Assistance of the Soldiers we believe that the Vessel never would have been Salved nor but very little of the Cargo, the Country People on this Coast being so very riotous and lawless’.<sup>36</sup> After an initial attack on the brig *John* in 1795 at Poljew Cove, the tinnerns were put to flight, and two were killed.<sup>37</sup> The military proved its effectiveness, for six other ships were reported wrecked or run aground in the following two months; none were reported as being plundered. In 1810, troops were again present during the wreck of the *Eudora* off Bude, the *Mentor* in 1814 in Mount’s Bay, and in 1818, they assisted in protecting the *Victoria* and the *Le Eugoine*.<sup>38</sup> Indeed, troops became commonplace at most wrecks from the beginning of the nineteenth century, along with the presence of Customs and Excise officers and the Coastguard. However, it appears that for the most part they were more a deterrent than an actual fighting force; there were few instances of reported violence. Rather, they were more involved with the actual salvage attempts.<sup>39</sup>

The efficiency of the military, however, was also dependent on the mood of the local populace and the timing of the shipwreck event. They were not enough when the wreckers were truly bent on plunder, as in the wrecks of the *Vigilantia* and the *Naboths Vinyard* in the winter of 1738-9. Although troops from Helston attended both wrecks, they were too late to prevent plundering.<sup>40</sup> In 1818, although the *Royal Cornwall Gazette* laid great praise on the Penwith Yeomanry Cavalry and Lt G. John, they also reported that some of the cargo ‘was plundered by the

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<sup>34</sup> CUST 68/7, 9 December 1769.

<sup>35</sup> CUST 68/1, 28 November 1741.

<sup>36</sup> CUST 68/14, 30 July 1790.

<sup>37</sup> CUST 68/16, 22 November 1795.

<sup>38</sup> CUST 69/1, 31 December 1810; CUST 68/21, 19 March 1814; CUST 68/24, 10 April 1818; CUST 68/25, 28 December 1818.

<sup>39</sup> CUST 68/29, 20 January 1825; CUST 68/30, 8 February 1826.

<sup>40</sup> CUST 68/1, 23 November 1738 and 1 January 1738/9.

barbarians in the Neighbourhood'.<sup>41</sup> Even the presence of dragoons could not stop people from harvesting nuts thrown on the beach in December 1819, when the *Montreal* packet wrecked on Loe Bar.<sup>42</sup> The military were a deterrent mainly to stop the more violent forms of wrecking; they were less effective against harvest.

Despite the intermittent requests for military backup, troops were not always needed to combat wrecking. Indeed, in 1785 the Collector reported that they had secured the entire cargo of the brig *Commerce*, which ran aground in Mount's Bay, and that 'it was not plundered or carried away by the Country people'. He emphasised that 'we have no soldiers here... the Officers were highly necessary to act as Guards independent of their duty as Revenue Officers'.<sup>43</sup> Occasionally it is unclear whether or not troops were in attendance, but the Penzance collector reported in 1798 on two separate occasions that the presence of his officers prevented plunder.<sup>44</sup> Indeed, from that point on, salvage accounts state the role of the attending officers for 'preventing plunderage', for as Collector Ferris remarked,

had the s<sup>d</sup> Goods not have been secured at the time, they would possibly be endangered by being plundered through the Country People, which is at all times to be dreaded as much as the danger of the Sea. And in every instance of this kind, the Revenue Officers are principally instrumental in counteracting their Designs...<sup>45</sup>

Officials also reported that they had enough troops at present, or even wished to have them removed. In 1814, the Penzance collector reported that troops at Truro and Falmouth 'cannot be of any assistance to us'. Two years later, the collector continued to report that the 'distribution of the Military [is] fully sufficient'.<sup>46</sup>

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<sup>41</sup> Wreck of the *Victoria*, *Royal Cornwall Gazette*, 17 April 1818, quoted in Larn, *Shipwreck Index*, n.p.

<sup>42</sup> CUST 68/26, Account of salvage charges from wreck of the Brig *Montreal Packet*, Tobias Roberts, agent, to Commissioners, 1 January 1820.

<sup>43</sup> CUST 68/12, 13 October 1785; 30 December 1785.

<sup>44</sup> CUST 68/17, 15 March 1797; 14 July 1798.

<sup>45</sup> See CUST 68/22, wreck of *Delhi*, 23 October 1815; wreck of the *Maria*, 2 December 1815. The role of the officers comes up in salvage reports frequently, as their names are included in receiving salvage for not only salving goods, but for protecting them. However, the Commissioners determined that protection could not be included as salvage duties. From that point, the salvage reports emphasise their manual labour in salving, but not in protection. CUST 68/22, 30 March 1816.

<sup>46</sup> CUST 68/22, 3 December 1814; 9 May 1816.

## Preventive Services: The Water Guard and the Coastguard

The use of soldiers to control wrecking and smuggling was soon superseded by other means of governmental law enforcement, particularly with the growth of the Preventive Services. Originally formed in 1698 with the establishment of the Riding officers, the Preventives were responsible for patrolling the coastal areas for smuggling. In 1809, the Preventive Water Guard was created in response to both the fears of Napoleonic invasion and the problem of smuggling. Officers were drawn from the Royal Navy, and were given responsibility for patrolling the coasts; they were also given orders to assist during shipwreck.<sup>47</sup> Additionally, as their official orders instructed, the Water Guard were to ‘ensure that none of the cargo of the wreck is run or secreted in any manner as to avoid payment thereof’.<sup>48</sup> When the Water Guard was reformed as the Coastguard in 1822, they were given the additional responsibility to act as Receivers of Wreck, taking charge of everything coming ashore.

Contemporary evidence indicates that some officers were considered effective. Captain George Davies, R.N., the Inspecting Commander of the Coastguard in the Penzance district, received accolades from both the French government and from local shipping agent Richard Pearce. Pearce, as the French Consular Agent, applauded Davis’s attendance at the wreck of the *La Meuse*, and his ‘determined conduct and example have wrought a remarkable change in the state of affairs in that locality’. However, Pearce also indicated that the presence of the Coastguard in the past had not been as valuable, referring to earlier wrecks of the *Le Landais* (1837) and the *Adele* (1848), in which ‘[t]he horrible scenes of plunder and confusion will not soon fade from memory’. After those particular circumstances, Pearce had been forward in his complaints about the ineffectiveness of the Coastguard in the Penzance district.<sup>49</sup>

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<sup>47</sup> William Webb, *Coastguard! An Official History of HM Coastguard* (London, 1976), 14.

<sup>48</sup> Quoted in Webb, *Coastguard*, 16.

<sup>49</sup> R. Pearce, French Consular Agent to Captain George Davies, RN, in *Summary of Services in the Royal Navy and Coast Guard; and Services, acting under Civil Power, at Riots, Fires, Wrecks &c &c of Capt. George Davies, RN, with Documents, Extracts and Testimonials* (London, 1851), 16.

Additional evidence for the efficacy or lack thereof, of the Coastguard is drawn mainly from two different parliamentary select committees, one held in 1839 to inquire into the establishment of a rural constabulary force, and the other held in 1843 to assess the causes of the high numbers of shipwrecks.<sup>50</sup> In both, minor focus was given to the difficulties faced by law enforcement in the struggle against wrecking. The Constabulary Report, in particular, has been used in wrecking studies without critical analysis; it needs to be used with the utmost caution. (See Appendix 8).<sup>51</sup> Wrecking cases were taken out of context to prove that it was out of control and that a rural constabulary force was needed. The wreck returns from Cornwall, however, can be used conversely to their original intent, to show that the presence of the Coastguard and work of the local magistrates were effective in preventing large-scale cases of plunder. Fowey reported no plundering cases within the previous three years, although in 1830 three foreign vessels were wrecked; they were protected by the Coastguard. In 1834, when a Swedish barque carrying staves was wrecked near Looe, ‘no assemblage of persons expressly for plunder’ gathered. Falmouth reported no wrecking activity, and Penzance, other than the *Le Landais*, had minimal to no wrecking activity during four different wrecks. Indeed, the *Active* was reported as being protected by the Coastguard cutters. Finally, Padstow reported six wrecks, four in 1834, one in 1836, and one in an unidentified year. Only one, the *Agenard* in 1834 was described as having involved any wrecking (harvesting) activity.<sup>52</sup> The lack of wrecking activity was not only because the cargoes were ‘of little value’, but because of the presence of the Coastguard Officers. Thus despite claims to the contrary made by the Constabulary Report, the Coastguard was showing its effectiveness, at least in Cornwall.<sup>53</sup>

Likewise, testimony of Coastguard officers from the 1843 Select Committee on Shipwrecks shows that they were for the most part efficacious, except for

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<sup>50</sup> PP, *First Report of the Constabulary Force Commissioners* (1839); PP, *First Report from the Select Committee on Shipwrecks; Together with Minutes of Evidence, Appendix, and Index*, (1843).

<sup>51</sup> See also Michael Oppenheim in ‘Maritime History’, *Victoria County History of Cornwall* (London, 1906), whereby he claims that ‘the chain of irrefutable testimony can be carried on to within living memory’, 508; A.K. Hamilton Jenkin, *Cornwall and its People*, 60-62; and John Rule, in ‘Wrecking and Coastal Plunder’.

<sup>52</sup> TNA HO 73/3, See Appendix 8.

<sup>53</sup> *Report of the Constabulary Force Commissioners*, 64.

jurisdictional issues: like Customs, they were only authorised to protect dutiable goods. Indeed, David Williams, the Inspecting Commander of the Coastguard at Padstow, was quick to point out that the newspaper report on the plunder of the *Jessie Logan* in 1843 was mistaken, that the Coastguard were not overpowered as had been reported, and that no violence occurred. Although he was perhaps protecting his reputation, he also gave credit to the Cornish. He claimed that ‘plunder [harvest] always takes place where there is a wreck; when it is scattered along the shore it is impossible for a few men to protect it...’ but that the only time the local populace would “steal” property was if it was thrown along the shore’, that ‘they were not thieves’.<sup>54</sup> Williams’s testimony is indicative of the tone throughout the report. As opposed to the Constabulary Report, the testimony of those involved with the Shipwreck inquiry were more level-headed, giving a picture not that wrecking was out of control, but that the few instances of plundering could be solved through increased jurisdiction over non-dutiable goods, and an increased use of fair salvage payments.<sup>55</sup> Thus the establishment of the Coastguard, coupled with changes within the mentality of the coastal populace themselves, had already begun to show itself in the limited cases of violent plunder. Indeed, the efficacy of law enforcement also depended on negotiation by both the populace and the law. Otherwise, how could a small group of Customs officers, or Coastguard officers hold back, as they described it ‘some thousand Tinnars and others attending’ for the purpose of plunder?<sup>56</sup>

### **Prosecution, Conviction and Discretionary Justice**

Besides the request for stronger law enforcement, local authorities occasionally voiced their desire for more retributive punishment. Only then could the war on wrecking be won, or so they believed. In 1733, after the wreck of the French ship *Postillion*, local JP Edmund Prideaux stated that ‘I have more than once told

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<sup>54</sup> Testimony of David Williams, *Select Committee on Shipwrecks*, 302.

<sup>55</sup> See testimony of Capt. David Peat, RN; Commander John Wheatley, RN; Inspecting Commander David Williams; Commander James Pulling, RN; Lt John Bulley, RN; and Lt William Vicary, RN, in *Select Committee on Shipwrecks*.

<sup>56</sup> CUST 68/16, 1 December 1794.

people in this neighbourhood that I hope to see some of y<sup>e</sup> wreckers hung in Chains upon the Cliffs, and till some severe examples are made, better is not to be expected'.<sup>57</sup> J.H. Rees, a Welsh magistrate, echoed Prideaux's opinion a hundred years later that 'unless some examples be made of the Major Offenders, these disgraceful scenes will again occur...'.<sup>58</sup> The desire for severe punishment was voiced yet again in 1837 by Capt. David Peat, RN, despite the fact that the death penalty for wrecking had been repealed only six years previously.<sup>59</sup>

However, calls for capital punishment were limited. Rather, more concern was voiced over the lack of convictions in general. The charge of local particularism on the part of juries was suggested at various times by Customs officials who were frustrated in their attempts to convict known smugglers. Edward Giddy, a magistrate from Tredea near Marazion, was particularly pointed about the problem in his letter to the Customs Board in 1778. After complaining about smuggling, he opined: 'As the Law now Stands, I fear a Criminal Prosecution would be useless at best, for a Reason which shocks one to Mention, that a Cornish Jury would certainly acquaint the Smuglers...'.<sup>60</sup> Giddy was clearly frustrated by what he saw as an inability to convict smugglers, and feared that the situation would increase their audacity. A similar viewpoint was held by John Julian, the Inspecting Commander for Penzance, when he wrote to Capt. Bowles, RN of the Coastguard in 1824 that although Nicholas Grenfell of St Just had been found guilty of smuggling by the magistrates at Penzance, he complained that 'as its likely that the Grand Jury at the Sessions will be composed principally of Men connected with Smuggling, their [sic] is no doubt they will throw out the Bill'.<sup>61</sup> He wanted the accused to be tried at the assizes, so that he could be made an example to the populace. Although neither mentioned wreckers, an analogous situation would most likely apply.

Although there is evidence of the particularism of local juries, the reasoning behind the lack of indictments has not been assessed except for allusions by

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<sup>57</sup> TNA SP 36/29, f. 91, Prideaux to Edgcumbe, February 1732/3.

<sup>58</sup> TNA HO 52/23, f. 59, J.H. Rees to Home Office, 26 December 1833.

<sup>59</sup> Testimony of David Peat, RN, *Select Committee on Shipwrecks 1843*, 233.

<sup>60</sup> CUST 68/42, Edward Giddy JP to Commissioners of Customs, 4 March 1778.

<sup>61</sup> CUST 68/29, John Julian to Capt. Bowles RN, forwarded to the Solicitor of Customs, 9 May 1824.

contemporaries that the juries were themselves involved in smuggling or, as Rule has suggested, that people were unwilling to inform against their neighbours.<sup>62</sup> The evidence, however, is more substantial for the existence of complex legal practices that were incorporated into the eighteenth century justice system throughout England. Recourse to the law and courts was considered to be the last resort, not only by the local authorities, but also by the victims concerned.<sup>63</sup> Indeed, the lack of legal activity may be explained through what Peter King describes as discretionary processes, that

although the formal criminal law and legal handbooks sometimes appeared rigid and inflexible, in reality the administration of the eighteenth-century criminal justice system created several interconnected spheres of contested judicial space in each of which deeply discretionary choices were made. Those accused of property offences...found themselves propelled on an often bewildering journey along a route which can be best compared to a corridor of connected rooms or stage sets. From each room one door led on towards eventual criminalization, conviction, and punishment, but every room also had other exits...<sup>64</sup>

Indeed, most wreckers encountered rooms with exits. Discretionary justice is thus an important concept involved in the experiences that wreckers had with the law.

#### Financial Discretion:

Discretion was employed for any number of reasons, but the most common consideration was financial. In the eighteenth century, almost all prosecutions had to be initiated by the victim, at their discretion and at their expense.<sup>65</sup> The sheer cost of apprehending suspects and ensuing litigation could prove to be impractical for those who had already suffered loss through shipwreck. Consequently, the first avenue of discretion utilised by the victim was to make a decision whether or not to begin an investigation; it is likely that most did not.<sup>66</sup> Those who made the decision to institute proceedings had to be ready to incur monetary losses, for complications could increase the costs beyond the value of the goods recovered.

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<sup>62</sup> Rule, 'Wrecking and Coastal Plunder', 183.

<sup>63</sup> Taylor, *Policing and Punishment in England*, 2.

<sup>64</sup> Peter King, *Crime, Justice, and Discretion in England, 1740-1820* (Oxford, 2000, 2003), 1.

<sup>65</sup> Emsley, *Crime and Society in England*, 178; Beattie, *Crime and the Courts*, 36.

<sup>66</sup> See King, *Crime, Justice and Discretion*, 20; Taylor, *Crime, Policing and Punishment*, 109.

Two cases are illustrative of the situation that the victims faced and the costs incurred to bring the plunderers to justice. The first concerns the East India Company, with the loss of *Albemarle* in 1708, and second involves a smaller conglomerate of French ship and cargo owners, led by Captain Jean Francois Martinot, after the wreck of *La Marianne* in 1763.

After the *Albemarle* went aground on the south Cornish coast near Polperro, the East India Company resolved to punish any individuals who were found to have plundered the *Albemarle*'s lading, especially 'those of any figure or Substance', and thus they set into motion the required procedures, which illustrates the difficulties of legal recourse.<sup>67</sup> They had to request the Lord Chief Justice's Warrant, which would authorise seizure of any wrecked goods beyond parish and county boundaries; apply to the High Court of Admiralty for a commission to search and seize any wrecked goods that had been hidden; and enquire of Customs and Excise regarding duties on the salvaged goods. Delays occurred because of unclear applications and changes in personnel in the Wreck Commission. With each setback, the costs of the enquiry mounted. The Managers ordered that the prosecutions should commence against 'the Persons concerned in Plundering the Comp<sup>as</sup> goods in Cornwall against whom there is Sufficient evidence'.<sup>68</sup> Despite their intentions, however, all attempts to prosecute came to nought. Although numerous individuals were named and threatened with legal action, and the Company managers claimed that 'they would willingly contribute to prevent the like violences in future unhappy occasions', they 'would not pay too dear for it'.<sup>69</sup> And of course, those best able to pay, such as Rev. James Cumming, the vicar of Lansallos, hid behind the patronage of Bishop Jonathan Trelawney, brother to the Vice-Admiral.<sup>70</sup> Hence, the East India Company's attempts to capture and punish the plunderers failed, and cost the Company more than they would have recovered.

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<sup>67</sup> East India Company [IOR] E/1/198; James Derriman, 'The Wreck of the *Albemarle*', *Journal of the Royal Institution of Cornwall*, New Series, II, Vol. I, pt. 2 (1992), 128.

<sup>68</sup> IOR B/49, Minutes of Court Managers, 2 March 1708/9, 425; Derriman, 'Wreck of the *Albemarle*', 139.

<sup>69</sup> IOR E/1/198, Woolley to Wright, Addis, etc., 30 December 1708, 99-101; Derriman, 'Wreck of the *Albemarle*', 137.

<sup>70</sup> Derriman, 'Wreck of the *Albemarle*', 137.

The second case involves the wreck of the French vessel *La Marianne*, which ran aground near Perranzabuloe on the north Cornish coast in September 1763. Capt. Martinot sent a petition to the Crown seeking restitution, claiming that he and his crew had been prevented by the local populace from salvaging his cargo as it came ashore, that they had ‘hurried the Crew away from the Shore’,<sup>71</sup> and then plundered the cargo, including an uninsured chest of 3070 Spanish dollars. He also claimed that he and his crew were stripped of their clothes.<sup>72</sup> The Secretary of State responded that ‘should it appear that the poor man was ill-treated, the Solicitor of the Treasury shall prosecute the offenders at His Majesty’s expense, not only for satisfaction, but to make such examples of the offenders as shall be adequate to an offence so contrary to justice and humanity’.<sup>73</sup> Unfortunately, for Martinot this did not happen to his satisfaction. He remained in England for the two years of the investigation, during which the king requested the local magistrates to proceed. £556 worth of goods was recovered. The Treasury did not pay for any prosecutions as promised, much less for the salvage expenses; the costs came from Martinot’s pocket. In the end, he approached over £300 in debt. In answer to his complaints of exorbitant salvage charges, the Treasury stated that ‘it was true’ but that ‘the Goods, having been dispersed all over the Country, the collecting and bringing them to a proper place of Sale was necessarily attended with a very great Expence’.<sup>74</sup> Martinot was thus awarded £400 for his pains with the rejoinder that a precedent for indemnification payments should not be set for plundered shipwrecks.<sup>75</sup> Just like the East India Company’s experience with the plunderers of the *Albemarle*, the costs incurred outweighed the benefits of investigation and prosecution. If both the East India Company and a merchant backed by the British government saw there was no cost benefit to prosecution, it is suspected that smaller conglomerates of shipping and cargo owners would make the decision to

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<sup>71</sup> TNA T/450-31, H.S. Conway to the Lord’s Commissioners of the Treasury, Enclosure, 15 January 1766.

<sup>72</sup> Petition of John Francis Martinot, PP, *Calendar of Home Office Papers of the Reign of George III, 1760-65*, (London, 1878-1891), 447.

<sup>73</sup> Earl of Halifax to Lord Edgcumbe, 27 December 1764, No. 1463, in *Calendar of Home Office Papers of the Reign of George III, 1760-65*, 448.

<sup>74</sup> TNA T 450/31-32, H.S. Conway to the Lord’s Commissioner of the Treasury, enclosure, 15 January 1766.

<sup>75</sup> Conway to the Lords of the Treasury, 15 January 1766, in *Calendar of Home Office Papers of the Reign of George III, 1766-69*, 5. Government also paid an indemnity to French merchants after the attack on the *Concord* of Calais, when she ran aground along the Bristol Channel. TNA T 1/469/106-109, Lord Weymouth, re: plunder of French Vessel, 31 October 1769.

take their losses. Indeed, the issue of non-prosecution because of cost was a concern for other crimes against property into the beginning of the nineteenth century.<sup>76</sup>

Customs also employed financial discretion in the decision to proceed against smugglers, or wreckers indicted as smugglers. Throughout the Penzance Customs records, there are investigations of known smugglers to determine their worth. Often the reports would come back that he was ‘not worth anything’, or that he ‘has no real Estate only what he gets as a fisher man’.<sup>77</sup> However, if the accused was determined to have sufficient means, and who ‘(to appearance) [is] good Circumstances’, then they were deemed suitable for prosecution.<sup>78</sup> Although the records are full of indictments against smugglers, what is lacking is evidence that Customs routinely apprehended wreckers. Officers were occasionally involved in the search for wrecked goods, as in 1763 when Customs obtained a warrant from the Penzance mayor to search the homes of suspects believed to have absconded goods from a wrecked Algerian xebec.<sup>79</sup> But in most cases, wreckers had their goods seized as smuggled contraband, not wreck.<sup>80</sup> The use of discretion, however, not only favoured Customs officers who received more lucrative prize money from their seizures which was awarded in addition to duty pay, but it inadvertently favoured the offender as well, for smuggling penalties did not include the threat of capital punishment.

#### Discretionary Rewards for Goods and Information:

The *Albemarle* and *La Marianne* cases also indicate an additional means in which discretion was exercised. Rather than seeking immediate conviction, victims could choose to offer rewards for the return of the goods.<sup>81</sup> Indeed, this was a common approach. It was also an avenue preferred by local officials so they could enforce the law on a local, less public, basis. By posting notices and offering rewards,

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<sup>76</sup> Taylor, *Crime, Policing and Punishment in England*, 14.

<sup>77</sup> CUST 68/4, 13 January 1759.

<sup>78</sup> CUST 68/9, 20 December 1775.

<sup>79</sup> CUST 68/5, 17 January 1763.

<sup>80</sup> See CUST 68/24, 13 April 1818; CUST 68/29, 26 November 1824.

<sup>81</sup> Emsley, *Crime and Society in England*, 182.

officials allowed the populace the opportunity to bring in goods for salvage, rather than becoming liable for criminal charges. Advertisements were often taken out in local papers, or handbills were attached to prominent locations such as at the Customs House. Christopher Wallis, a Helston attorney, recorded that he had consulted with the local ship's agent regarding the plundered goods of the *Hercules*, as they had been 'greatly dispersed'<sup>82</sup> and accordingly posted handbills offering salvage. This approach must have been effective, for Wallis first used it for the wreck of the *Smyrna* in 1781; he found himself heavily involved in paying out salvage to Helston people for several months afterwards.<sup>83</sup>

Handbills and advertisements were also used to obtain information regarding offenders, and to entice people to inform on those who were involved in wrecking activities. During the *La Marianne* incident, for instance, it was announced at the Quarter Sessions at Lostwithiel in 1764 that advertisements would be placed in local papers, including the *Sherborne Mercury*, 'that a reward of twenty guineas will be paid' to anyone who would bring information regarding the plunderers, of course providing that there was a conviction.<sup>84</sup> This practice does not appear to be as effective as the salvage notices, although it did allow the authorities to gain enough evidence to lead to a few suspected wreckers. Wallis employed notices for the wreck of the *John* in 1796, offering a reward for 'all informations suspecting the concealment of any part of the cargo'. He must have received some evidence, for he met with the ship's agent and master to advise them about the prosecution of 'several plunderers of the wreck'.<sup>85</sup> In 1812, the Customs collector at Padstow recorded that they had used notices and advertisements to track down those who were involved in the plunder of the *Magnet* near Newquay. Only two men were apprehended.<sup>86</sup> In 1817, likewise, in response to the harvesting of the *Resolution*, the Customs Commissioners ordered that the Penzance collector initiate an advertisement 'to be published in the Provincial Papers for the Space of a Month if so long a time shall appear necessary offering a reward of £50 for the discovery and apprehension of the Offenders to be paid on conviction'. He was also ordered

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<sup>82</sup> Royal Institute of Cornwall [RIC], DJW/1/4, Journal of Christopher Wallis, 3 January 1796.

<sup>83</sup> RIC DJW/1/1, Journal of Christopher Wallis, 1 January 1781-12 August 1783.

<sup>84</sup> CRO QS 1/2/150, Quarter Sessions Lostwithiel, 10 January 1764.

<sup>85</sup> RIC DJW/1/3, Journal of Christopher Wallis, 1 December 1795; 14, 15 December 1795.

<sup>86</sup> CUST 69/1, Padstow Collector to Board, 8 January 1812.

to post handbills at the Custom House, public thoroughways, and ‘the usual Public Places, and the several toll Gates in your Neighbourhood’ as well as in the villages around Mount’s Bay.<sup>87</sup> All this effort netted only one possible wrecker; the Customs solicitor had to admit that there was not enough evidence to convict him.<sup>88</sup>

#### Prosecutorial Discretion:

Magistrates or victims would also frequently make the decision not to prosecute because of lack of evidence, such as when William Chenhalls was accused by the Preventive Riding Officer at St Just in 1813 of wrecking and smuggling.<sup>89</sup> For not only was the cost of prosecution prohibitive, but evidentiary requirements could also prove problematic. If there were enough evidence for a prosecution, then the next level of discretion would come into play: should the offender be tried? In 1817, for instance, four fishermen from the parish of Sithney found themselves under summary proceedings from the local JP.<sup>90</sup> They admitted that they had found a box on the beach near Loe Bar and had divided the contents amongst themselves. The JP used discretion to give the men a choice. Rather than being convicted, the men swore that they would return the goods to the master of the wrecked vessel, and consequently bypass more serious allegations.<sup>91</sup> Constable John Bray of Bude, too, utilised discretion by refusing to testify against a wrecker. He wrote that:

I would not appear against him to be the causer of hanging a man, not for all the world. If Mr. Dayman [the magistrate] intended any fine for my non-attendance, I must pay it. Then the prisoner was quitted never to do

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<sup>87</sup> CUST 68/53, Penzance Board to Collector, 26 June 1817.

<sup>88</sup> CUST 68/54, Penzance Board to Collector, 23 September 1817.

<sup>89</sup> Emsley, *Crime and Society in England*, 183; CUST 68/21, J. Richards, Preventive Riding Officer St Just to Commissioners of Customs, 11 August 1813; Customs Commissioners to Penzance Collector, 24 August 1813; Penzance Collector to Board, 8 November 1813.

<sup>90</sup> Summary courts were usually held in the home of magistrates, where preliminary hearings for felony cases were often heard and the decision made, as King explains, ‘whether the accused should be released, dealt with informally, imprisoned for further examination, bailed or committed to gaol to await jury trial in the major courts’. Peter King, ‘The Summary Courts and Social Relations in Eighteenth Century England’, *Past and Present*, No. 183 (2004), 126.

<sup>91</sup> CRO RP/ 244, Case papers: taking of items washed up on Loe Bar from Wrecked Vessel, 1817. This is in keeping with the magistrate’s role acting as a mediator to prevent further legal action. See Taylor, *Policing and Punishment*, 112.

such a bould trick any more. If Hutchings and I had sworn against him he would have been hanged without any benefit of clergy.<sup>92</sup>

Discretion also came into play in the decision over the manner of prosecution. In 1708, Francis Bere and his fellow merchants of Tiverton appointed George Bere of Lanherne to act as prosecutor and attorney to apprehend those who plundered ninety bags of wool from the *William and Sarah*, which ran aground near Perranzabuloe.<sup>93</sup> By the following year, Bere had instituted proceedings against three men. But rather than take the case to criminal court, Bere instead pressed for penalty of fines. The three men each paid a shilling ‘in full satisfaction of all such wooll as...either of them have taken or carried away...’ With the payment, Bere acquitted them ‘from all manner of trespass and trover for touching or concerning the said wooll’.<sup>94</sup>

Suing for trespass and trover<sup>95</sup> was the most common form of prosecution employed for wrecking offences. Technically, the law required the offence of wrecking to be tried before judges at the assizes in criminal proceedings, but this was rarely done. Indeed, magistrates, local juries, and merchant-victims did not always agree with statutory law, and thus sought other means of seeking restitution, often using civil proceedings instead.<sup>96</sup> Therefore Symon Tregea, a gentleman from St Agnes, and Ralph Phillips, a yeoman, were sued in an action of trespass and trover at the Exeter Assizes for stealing wool from the *William and Sarah*. The jury assessed the total damages payable by them at £730.40.

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<sup>92</sup> John Bray, *An Account of Wrecks, 1759-1830—on the North Coast of Cornwall*. Ed. and transcribed by A.K. Hamilton Jenkin (Truro, 1975), 28.

<sup>93</sup> CRO AR 15/74/1, Appointment of Francis Bere of Tiverton, Merchant to George Bere, to recover wool looted, 18 November 1706.

<sup>94</sup> CRO AR 15/74/2, George Bere’s acknowledgement of receipt; payment for wool taken from the *William and Sarah*, 25 September 1707.

<sup>95</sup> An action of Trover is ‘brought to recover the value of personal chattels, wrongfully converted by another to his own use; the form supposed that the defendant might have acquired the possession of the property lawfully, namely by finding, but if he did not, by bringing the action the plaintiff waives the trespass; no damages can therefore be recovered for the taking...’ Conversion is either the ‘wrongful taking of a personal chattel...by some other illegal assumption of ownership, or by illegally using or misusing it’, or ‘by wrongful detention’. The plaintiff would have to prove ownership of the property, and that it came into the hands of the defendant through finding, and that conversion occurred. The defendant typically entered a plea of ‘not guilty’, which is the reason for the action. If the verdict is for the plaintiff, usually he is awarded damages which are calculated as the value of the goods with interest, plus the costs of the proceedings. If the award is for the defendant, then he is awarded costs. *The ‘Lectric Law Library’s Lexicon*, [www.lectlaw.com](http://www.lectlaw.com). Accessed 13 February 2005.

<sup>96</sup> Emsley, *Crime and Society in England*, 12; King, *Crime, Justice, and Discretion*, 9.

However, because the two obviously were not the only guilty parties, and ‘divers other persons beside the Defendants...have been discovered, or are verily thought to be guilty’, the jury determined that the others should pay a proportionate part of the damages. Tregea and Phillips agreed to apprehend as many others as they could find. As part of their charge, they were to prosecute and collect fines from the other guilty parties, but the sum collected could not exceed £600, leaving the remainder as their share of the fine.<sup>97</sup> Thus the use of discretion came from the merchants and the assize court, who determined that damages were more likely to be repaid than if the offenders were sentenced under criminal proceedings.

Even during the height of the ‘Bloody Code’, when wrecking was a capital offence, merchants and magistrates would rather draw up actions of trover against wreckers than force them into criminal court. This is apparent from the journals of Christopher Wallis when he, along with the agent of the wrecked *John*, agreed in 1796 to draw up an action of trover against offenders who had ‘plundered’, but more likely harvested, goods from the wreck. Indeed, this action occurred after Wallis and the ship’s agent had ‘consult[ed] on the great plunder made thereon, looking into the wreck acts & Laws, and drawing notice for the plunderers to bring in the goods’.<sup>98</sup> The option of trespass and trover was thus deemed an important alternative to criminal action, which would force the accused into the corridor leading towards capital punishment, an option that few wished to pursue.<sup>99</sup>

#### Discretion and the Death Penalty

Finally, the last ‘room’ and opportunity for discretion came for offenders after they had been convicted and were awaiting punishment. The option for pardoning the accused lay in the hands of either the assize judge or the monarch by petition through the Secretary of State.<sup>100</sup> Indeed, as Taylor argues, ‘there was no intention of hanging all criminals who had been sentenced to death. A selective approach to execution not only emphasised the discernment and magnanimity of the ruling elite

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<sup>97</sup> CRO AR 15/75, Articles of Agreement concerning wreck at Perranzabuloe, 7 October 1707.

<sup>98</sup> RIC DJW/1/3, Journal of Christopher Wallis, 23 January 1796.

<sup>99</sup> Taylor, *Crime, Policing, and Punishment*, 111; Beattie, *Crime and the Courts in England*, Ch. 9.

<sup>100</sup> King, *Crime, Justice and Discretion*, 297.

but also added to the sense of terror as no one could be certain who would be selected to fulfil the sacrificial role'.<sup>101</sup> For those who escaped death, their sentence was usually transmuted by pardon to hard labour or transportation, depending on the era in which they were tried.

Thus far, records show that only four individuals were executed for wrecking, one in Cornwall, William Pearce in 1767, and three in Wales in 1774 and 1782.<sup>102</sup> Pearce had many local supporters, therefore requests for his pardon were sent to London via Humphrey Morice, the MP for Launceston. Morice wrote that 'the people of this neighbourhood are now more anxious than ever that [Pearce] be saved...It is very much owing to their having being persuaded that he is not guilty, and that the witnesses on the trial were perjured'. Morice argued that since Pearce was 'above fourscore years, and condemned for stealing rope from the wreck of a ship' he 'should have the same mercy from His Majesty that the other convict has had from the Judge'.<sup>103</sup> While the Under Sheriff of Cornwall on behalf of the 'poor unfortunate old man' sent an additional petition, the king refused to grant mercy.<sup>104</sup> Although pardoning studies have found that age was often a mitigating circumstance and thus a major reason for pardoning, Pearce was not so lucky.<sup>105</sup>

Unfortunately it is not known which ship Pearce was found guilty of plundering, nor is there much known about the crime he committed. If his crime, that he had stolen rope from a wreck was as asserted, then under the Act of 26 Geo. II, he would not necessarily have been given the death sentence. That particular punishment was reserved for those who had used violence in their attack upon a ship. But it is apparent that Pearce was not tried for plundering the ship in this

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<sup>101</sup> Taylor, *Crime and Policing in England*, 127.

<sup>102</sup> John Parry, 'a person of fortune', was executed at Shrewsbury in 1774 for plundering the wreck of the *Charming Jenny* on the coast of Anglesey in 1773. *Gentleman's Magazine*, Vol. XLV (1775), 202; *Annual Register*, (1774), 148-49, 113-14; (1775), 113-114; Geoffrey Place, 'Wreckers: The Fate of the *Charming Jenny*' in *Mariner's Mirror*, Vo. 76, No. 2 (1990), 167-8. A farmer 'of some considerable property' near Cardiff was executed at Hereford for plundering a wreck in Glamorganshire in 1775. *Annual Register*, (1775), 155; and in 1782, John Webb was executed at Hereford for having plundered a Venetian ship on the Glamorganshire Coast. *Annual Register*, (1782), 219.

<sup>103</sup> Humphrey Morice to Lord Shelbourne, 4 September 1767, *Calendar of Home Office Papers*, 184. The other convict was condemned for sheep-stealing, but his sentence was transmuted to transportation.

<sup>104</sup> Lord Shelbourne to Humphrey Morice, 30 September 1767, *Calendar of Home Office Papers*, 187-88.

<sup>105</sup> King, *Crime, Justice, and Discretion*, 303.

manner. Rather the opinion denying his pardon explains further why he was to be executed:

In some respects the prisoner was not so criminal as others who were not brought to justice... As there were many common people in court, the Judge took the opportunity of inveighing very warmly against so savage a crime, and of declaring publicly that no importunities whatsoever should induce him to relieve the criminal...<sup>106</sup>

Pearce was executed as an example to the rest of the population, rather than for any particular severity of his crime.<sup>107</sup>

Despite the severity of the law, there were few convictions for wrecking. Indeed, it appears that even indictments did not increase until later in the nineteenth century, when the penalty for wrecking was downgraded to transportation, and later under the Merchant Shipping Act, to fines. Although there were threats: 'the owners of the Ship and Cargo are determined to prosecute the principle offenders, to the utmost Rigour of the law',<sup>108</sup> this was rarely enacted. This is in keeping with the findings of other crime studies, which indicate that increases in prosecution began after the reform of criminal law and the professionalisation of trial procedures in the mid-nineteenth century. (See Appendix 9).<sup>109</sup>

It was not until 1837 that there was increasing mention of individuals and their convictions for plundering within the newspapers. Thomas Ellis, senior, and his son, or brother, the *West Briton* is not clear, were convicted for stealing staves from the wreck of the French ship *Le Landais*. They came before the Quarter Sessions at Bodmin on 17 October, and although witnesses swore the older man was not guilty of attacking the Lloyd's agent, Richard Pearce of Penzance, the younger Ellis had no such defence. He was sentenced to death, but later received a

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<sup>106</sup> Criminals. Reports, 1767 in *Calendar of Home Office Papers*, 251.

<sup>107</sup> Pearce's case was utilised as an example in a religious tract by Rev. James Walker. Walker suggests that although Pearce was an honest farmer, he was executed, not for the stealing of eighteen pounds of cotton, but as 'an Accessary in plundering the Ship, whose Cables were cut, and she made a Wreck of as soon as the Sailors had left her'. Jonas Salvage [Rev. James Walker], *A Dialogue between the Captain of a Merchant-Ship, and a Farmer, Concerning the Pernicious Practice of Wrecking: As Exemplified in the Unhappy Fate of one WILLIAM PEARCE, of St. Gennis, Who was Executed at Launceston in Cornwall, October 12, 1767* (London, Sherborne and Truro, 1768), 4, 17.

<sup>108</sup> Wreck of the *Endeavour*, reported in the *Western Flying Post*, 19 March 1750.

<sup>109</sup> Taylor, *Crime, Policing and Punishment*, Chapter Six; Beattie, *Crime and the Courts*, 36.

pardon and given transportation.<sup>110</sup> The *Times*, on 21 January 1843, reported that nine ‘ringleaders’ involved in the plunder of the *Jessie Logan* off Boscastle were apprehended. In particular, Hugh Luckey and Robert Chapman were indicted for plundering the ship and stealing cotton. They were found not guilty of the first charge, but found guilty of the second, and thus were sentenced to twelve months hard labour. Two other men, Joseph Brown and John Boney, were indicted, but found not guilty.<sup>111</sup> Three years later, in 1846, twenty people were committed to Bodmin gaol for the plunder of the *Samaritan*. They were given gaol sentences of from one to four months of hard labour.<sup>112</sup> Twelve years later, Robert Grigg of Padstow was convicted of stealing cargo from the wreck of the schooner *Flora*. He received just 21 days imprisonment at Bodmin gaol.<sup>113</sup>

Circumstantial evidence drawn from the press thus indicates that the number of reported indictments and convictions increased, almost in direct relation to the lowering of the severity of the penalty and the changes in law which put the onus of prosecution onto the State. But also noticeable within the indictments are the charges. Individuals in the earlier period were brought up on charges of ‘plundering’ wrecks. Later the language modified to ‘stealing’, thus signifying a change in public attitude, although the offences were the same. In reality, they appropriated goods from the wreck, some ostensibly while in the act of lifesaving and salvage, rather than in the physical attack and violent plundering more common in the earlier part of the period. Thus, John Dennis, a farmer from St Gennys on the north coast was arrested and charged with stealing rope from the wreck of the *Trio* near Crackington Haven in 1859. Although he denied stealing from the wreck while in the act of legitimate salvaging, upon search he was found to have a piece of 34-foot rope coiled around his body under his coat. He was fined double the value of the rope, one shilling, with 9s 9d expenses.<sup>114</sup>

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<sup>110</sup> *West Briton*, 20 October 1837; Carter, *Cornish Shipwrecks, North Coast*, 21-22.

<sup>111</sup> *The Times*, 21 January 1843, 21 March 1843; TNA ASSI 21/60, Bodmin Assizes, Western Circuit, 25 March 1843.

<sup>112</sup> *The Times*, 23 November 1846; Larn, *Shipwreck Index*, n.p.

<sup>113</sup> Larn, *Shipwreck Index*, n.p.

<sup>114</sup> Larn, *Shipwreck Index*, n.p.

## Conclusion

The world of the early eighteenth century, which was characterised by recourse to violence, had changed into the world of Victorian bureaucracy and legal authority, made visible to the wreckers of Cornwall by the increased presence of the Coastguard and of a more stringent State-controlled criminal justice system. Nevertheless, even earlier, small contingents of law enforcement officers were successful in protecting wrecks from violent attacks. Their very success shows mediation and restraint on the part of those who gathered at the site of shipwreck throughout the eighteenth and nineteenth centuries. Indeed, most shipwrecks were not physically attacked despite fears on the part of those in authority, although they were harvested when goods washed ashore.

Mediation too, was shown in the legal processes involving wrecking offences, which were typical of the system of discretion utilised for other crimes in eighteenth and early nineteenth century England, rather than being a form of Cornish particularism. Indeed, as Peter King argues, the use of summary courts were ‘the arena in which the vast majority of the population experienced the law... these courts would have a much more formative impact on the everyday lives of the inhabitants and on their attitudes to the law than events that occurred in the assizes town’.<sup>115</sup> Thus despite the punitive punishments recommended by statutory law and the requirement that they be tried in criminal court for felony, country people rarely had the experience of the law on that level. Rather they were given many options through the mechanism of the discretionary justice system with its attendant lack of prosecutions, which also inadvertently allowed them to maintain their belief in the right to harvest despite what they may have perceived as contradictory legal discourses about wrecking. However, the coastal populace not only had an association with local elites through the legal system, but they also were involved with wrecking in another respect; they had an integral function within the manorial system of the ‘Right to Wreck’.

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<sup>115</sup> King, ‘Summary Courts’, 128.

## CHAPTER SIX

### Lords of the Manor and the Liminality<sup>1</sup> of Wrecking

#### *'to the use of the Lord of the Franchise'*

In 1835, western Cornwall saw the death of one of the great scions of the local ruling gentry, Francis Basset of Tehidy, Baron de Dunstanville. Dunstanville's funeral procession took twelve days, travelling from London to Tehidy, and the hearse 'plumed, with pennons bearing the Basset Arms, was drawn by plumed horses carrying velvet cloths'. Behind it were two other mourning coaches, carrying Lady Basset and Sir John St Aubyn of Clowance, the head of another great family. When the procession reached Truro, eight hundred tenants gathered to follow it into Tehidy. It was probably the largest, most grand funeral ever seen by the local inhabitants. At least 20,000 people were believed to have attended the final internment, and the large monument was erected on top of the highest hill in the area, Carn Brea, in Lord de Dunstanville's memory.<sup>2</sup> St Aubyn followed the Baron de Dunstanville in death four years later, and was himself subject to another magnificent funeral. As John Rule suggests

perhaps in the grandeur of their funeral ceremonies, the mourners sensed they were burying something more than two individuals. They were burying the apogee of a social system. The period of mourning would be a long one, respect for the dead would give illusions of comparable power and influence for decades to come...<sup>3</sup>

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<sup>1</sup> Liminality is a concept used by cultural anthropology, particularly by Victor Turner in his study of ritual to describe the period where a person or a culture is in transition, or is in a state of "betwixt and between". The term applies well to the position of the lord of the manor in wrecking, who maintains a liminal position between legality and illegality. Although this thesis will not be analysing the shipwreck event as ritual, this interpretation could be applied. See Turner, *The Anthropology of Performance* (New York, 1987).

<sup>2</sup> Michael Tangye, *Tehidy and the Bassets: the Rise and Fall of a Great Cornish Family* (Redruth, 1984, 2002), 43-44.

<sup>3</sup> John G. Rule, 'The Labouring Miner in Cornwall, c. 1740-1870: A Study in Social History', (Unpublished Ph.D. thesis, University of Warwick, 1971), 207.

Thus the funerals could be seen as a symbolic turning point in Cornish social history, because in fact, the influence of the Bassets and St Aubyns was waning. Another great Cornish family, the Arundells of Lanherne, had already lost prominence after 1752, when they began to sell off their Cornish estates.

Few studies mention the role of the gentry as lords of the manor with the right of wreck, and of those, most concentrate on the pre-modern period. Even in more contemporary works, the lord of the manor is little commented upon.<sup>4</sup> One of the few treatments is that of Cyrus Redding, who included an attack on privilege within his travel and history narrative. Writing in 1842 at the height of the reform movement in wreck law, Redding sought to absolve the guilt of the coastal populace of the more violent plundering, just as he wished to explain that they 'were taught by a claim of some lord of the manor in a former time' to plunder vessels or to take any wreck that appeared on the shore. He argued that: 'When an example of this sort of plunder was anciently set by the lord, it was no wonder if the serf availed himself of the same immorality, standing more in need of its produce'.<sup>5</sup> Thus, in Redding's mind, the lords were unscrupulous examples, and hence were more accountable for the plundering of wrecks than were the 'country people'. Bert Cowsls agreed. After citing a story whereby the 'Squire' Penrose and Samuel Coode, lord of the manor at Methleigh resorted to violence over a wreck at Porthleven in 1743, he censured that 'such behaviour from the squires and magistrates was not calculated to set a good example to the poor miners'.<sup>6</sup> However, these assessments do little to illuminate the relationship manorial lords had with their tenants, or indeed with each other. Nor do they clarify the role and responsibilities manorial lords had in wreck matters in general. The relationships were much more complex; they were accommodating, adversarial, and they were

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<sup>4</sup> See Charles Henderson, *Essays in Cornish History*, ed. by A.L. Rowse and M.I. Henderson. (Oxford, 1935. Reprinted, Truro, 1935); 'Cornish Wrecks and Wreckers: Plundered Ships and Sailors', *The Western Morning News and Mercury*, 21 January 1929; Clive Carter, *Cornish Shipwrecks: The North Coast* (Newton Abbot, 1970), 57; A.K. Hamilton Jenkin, *Cornwall and its People* (Newton Abbot, 1970), 45-48. Even John Rule leaves out the role of the lord of the manor in 'Wrecking and Coastal Plunder', in Douglas Hay, Peter Linebaugh, E.P. Thompson, et.al. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975).

<sup>5</sup> Cyrus Redding, *An Illustrated Itinerary of the County of Cornwall* (London, 1842), 187-8.

<sup>6</sup> Bert Cowsls, 'Looking Back to Yesterday', *Bygone Days in a Cornish Fishing Village* (Helston, 1982), 48. Unfortunately Cowsls does not cite the source for his story of a drunken altercation on the beach between the lord of Penrose and the lord of Methleigh, but he may have taken it from either A.K. Hamilton Jenkin or Charles Henderson.

long-standing. They were also based on custom which continued into the beginning of the nineteenth century.

It has been argued that the weak manorial system in Cornwall, as compared to other areas of England, allowed for ‘individualistic and independent aspects of Cornish behaviour’, which meant that ‘differences between social groups were never as clearly marked as elsewhere’.<sup>7</sup> And yet, the gentry exerted tremendous influence not only in local proceedings as magistrates, where they employed discretion in wrecking cases, but also in their role as lords of the manor holding rights to wreck. Although not technically ‘wreckers’ in the contemporary popular sense—gentry were notably absent in the dock at criminal courts—their activities sometimes crossed the border into wrecking. But they also had an important function in legitimate salvage. Thus this chapter centres on the liminality of wrecking as inhabited by the lords of the manor. It analyses the dynamics of that complex relationship between lords of the manor and their tenants who were involved in illegal wrecking and legal wreck rights, by focusing on the Arundells of Lanherne.

The Arundells, the Bassets and the St Aubyns, together with the Duchy of Cornwall and a few other lesser gentry, such as the Penroses, Coodes, Prideaux Brunes and Rashleighs, controlled wreck rights along the entire Cornish coast. Indeed, the Arundells of Lanherne were at one time one of the foremost families in western Cornwall. They held great manors such as that of Connerton and the Hundred of Penwith, considered the largest manor in Cornwall from 1086 to the eighteenth century; Lanherne, their Cornish seat; and Carminow, Winnianton, and Methleigh, among others. These lands, as Coulthard remarked poetically, came to the Arundells peacefully: ‘they moved forward rather to the music of wedding bells than to the brazen blast of the trumpet sounding though charge’.<sup>8</sup> With these acquisitions, the Arundell manorial rights extended around the Cornish coast from

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<sup>7</sup> A.C. Todd, *The Industrial Archaeology of Cornwall* (Newton Abbot, 1996), 214, quoted in Philip Payton, *Cornwall* (Fowey, 1996), 214; Edwin Jaggard, *Cornwall Politics in the Age of Reform* (London, 1999), 18. Unfortunately most of the work on the manorial system in Cornwall is from the medieval period. More eighteenth and nineteenth century studies are needed.

<sup>8</sup> Hugh Robert Coulthard, *The Story of an Ancient Parish, Breage, with Germoe, with Some Account of its Armigers, Worthies and Unworthies, Smugglers and Wreckers, its Traditions and Superstition* (Camborne, 1913), 116.

Mount's Bay on the English Channel, around the Penwith Peninsula and Land's End, to St Ives Bay on the north coast, thus in geographical terms, encompassing the some of the most dangerous and shipwreck-laden areas of Cornwall.

Other parts of the western Cornish coast were held by the Bassets of Tehidy and the St Aubyns of Clowance, though by no means were their holdings as extensive as the Arundells. The manor of Tehidy included rights of wreck between Portreath Island and the Gwithian River, which enters the sea at Godrevy on the north coast. To complicate matters, Tehidy lay within the Penwith Peninsula, the territory of the Arundells; hence there was much conflict between the two over wreck and boundaries.<sup>9</sup> Until the Civil War, the Bassets also held the prominent land and sea mark of St Michael's Mount, located in the centre of Mount's Bay on the south coast, but because of their Royalist leanings, they were forced to sell it to the Parliamentary St Aubyn family, who have held it into the twenty-first century.<sup>10</sup> (See Figure 6.1).

The remaining major landowner within Cornwall who held wreck rights was the Duke of Cornwall. The Duchy lands consisted of seventeen demesne manors scattered throughout Cornwall. Also included were several boroughs and towns, including the important towns of Trematon, Saltash, Tintagel, Grampound, Helston, Camelford, Lostwithiel, Launceston, and Liskeard. The Duchy lands included the privileges of 'ancient and new customs' including wrecks, on all parts of the Cornish coast that had not been expressly granted by the Crown.<sup>11</sup>

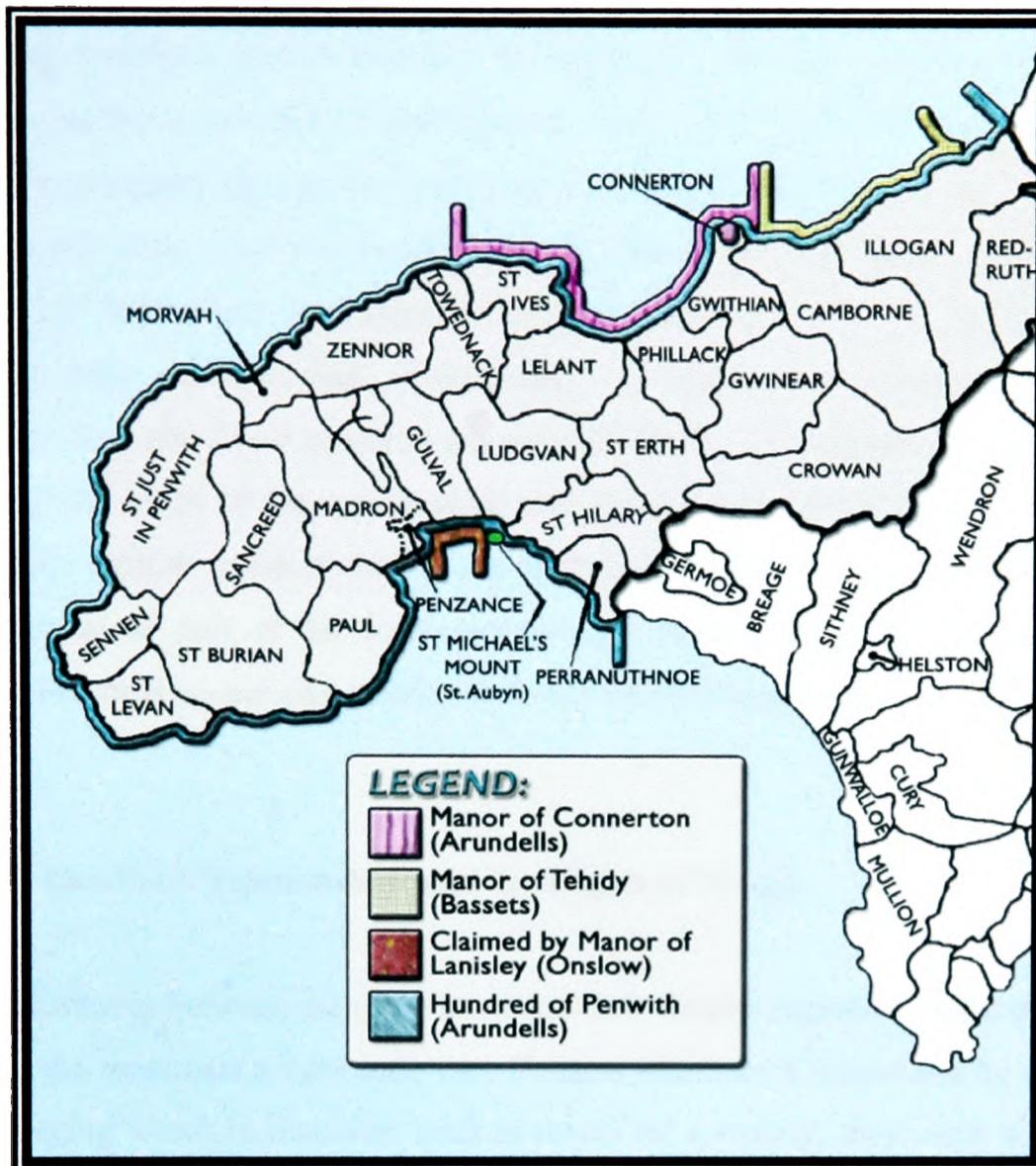
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<sup>9</sup> Tangye, *Tehidy and the Bassets*, 52.

<sup>10</sup> Tangye, *Tehidy and the Bassets*, 52; Payton, *Cornwall: A History*, 148; Diana Hartley, *The St Aubyns of Cornwall, 1200-1977* (Chesham, Buckinghamshire, 1977), 11.

<sup>11</sup> John Hatcher, *Rural Economy and Society in the Duchy of Cornwall, 1300-1500* (Cambridge, 1970), 5. Because of the complex history of manorial wreck rights in Cornwall, only a few gentry will be focused upon. They are by no means the only families who maintained wreck rights, though they are the most visible.

**Figure 6.1: Wreck Royalties in Western Cornwall**



Map drawn courtesy of Deborah Sonberg, Associate Professor of Computer Information Systems, Kenai Peninsula College, University of Alaska Anchorage

The issues surrounding the Arundell's right to wreck illustrates some of the more contentious aspects of wreck history, but they also illustrate the interrelationships they had with the coastal populace. The Arundell claim traced back to the original grant and letters patent to their title to the manor of Connerton and Hundred of Penwith, conferred by Henry II. The grant laid out the borders of their territory, which extended 'so far out into the Sea from any part of the Land as a Man may discern a Hamborough Barrell', and granted manorial 'royalties', also termed 'liberties'. But those liberties, however, were given in general terms, not listed

explicitly, which would involve the Arundells in much litigation.<sup>12</sup> Although their patent did not *expressly* state their rights to wreck, legal opinions and court cases from the medieval period through the eighteenth century verified their right through the legal principle of prescription, which stipulated that rights to wreck had been practised throughout the manor and liberty of Connerton and Penwith continuously from ‘time immemorial’, that is, from 1189. They also kept manorial courts, and held pleas in actions of trespass and trover—actions necessary to maintain their claim through prescription.<sup>13</sup> Evidentiary requirements such as affidavits from the oldest manorial tenants and others who brought in shipwrecked goods to the lords of the manor were also considered important in proving the Arundell’s right to wreck in the various challenges that they experienced, and thus were crucial as part of the legal proceedings. Indeed, most of the Arundell’s manorial records concerning wreck are extant for this very purpose.

### **Tenant-Landlord Relationships and the Rights of Wreck**

The relationship between manorial lords and their tenants regarding rights to wreck was for the most part a symbiotic one. Tenants observed a long-standing practice of conveying wreck to manorial lords in return for a moiety; they were witnesses whose testimony was critical in verifying their lord’s wreck rights in inter-manorial, Admiralty, and Crown conflicts; and they even occasionally found themselves physically at the centre of wreck disputes. The landlord-tenant affiliation was also occasionally adversarial: tenants absconded with wreck for their own use, and were thus in defiance against landlords.

At the centre of the landlord-tenant relationship was the lord’s steward, bailiff, or agent. Men were appointed from diverse localities to act as agents for wreck, which was particularly critical for the widely dispersed manorial lands of the Arundell royalty. In 1714, for instance, John Stevens of St Ives was appointed to

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<sup>12</sup> CRO, X/112/151, Case Papers, rights of wreck, manor of Conarton, 1753. The Arundell claims for flotsam collected offshore has been used as precedence for other wreck law cases in the twenty-first century. Michael Williams, Lecturer of Law, University of Wolverhampton and legal counsel to the Receiver of Wreck, personal correspondence, May 2005.

<sup>13</sup> CRO, X/112/151, Case Papers, right of wreck, manor of Conarton, 1753.

take up wreck near St Ives, and 'on the Coastes two miles about'.<sup>14</sup> Then, in 1725, John Arundell of Lanherne legally appointed as special agents James Keigwin, Francis Paynter, John Oliver, James Millet of St Just, and Thomas Treluddra of Marazion, along with the continuing appointment of John Stevens of St Ives. Each of these agents was requested to appoint deputies to assist them, all to cover the territory within the manor of Connerton and Hundred of Penwith. The territory was extensive: it ranged through the parishes of Paul, Madron, St Ives, Towednack, Sennen, Leland, Gwithian, Feock, Perranuthnoe, St Hillary, Ludgvan, St Eval, St Earl, St Just and Morvah in Penwith. The agents were requested to

aid each other with full power to each of them severally in the Absence of Each other to do Act and do what Shall be Necessary throughout...and from time to time render their Severall Acco<sup>ts</sup> of all Wracks Waifes and Strays...that shall happen and come into their Severall custodys.<sup>15</sup>

In 1729, the Arundells also appointed Edward Penrose of Penrose and Henry Polkinhorne of Helston as agents for the manor of Winnianton,<sup>16</sup> and in 1796 Mr Thomas Arundell of Sithney was appointed for Carminowe and Winnianton.<sup>17</sup> The descendants of several of these stewards, including the Paynters and Penroses, eventually became lords of the manor in their own right, through purchase of Arundell lands and through pursuing their own royal grants.

Other landholders also appointed agents to control wreck although their lands were not so extensive. The Rev. Charles Prideaux Brune, as lord and proprietor of the manor of Padstow, appointed Nicholas Hey, a 'Country Yeoman' as his agent in 1795, stating that Hey was not only to take up wreck but also to use Prideaux Brune's name 'to ask demand sue for and recover' any wreck which 'shall be taken up or found at any time or times by any person or persons whomsoever, yielding paying and allowing to the Salvors of such Wreck, such part or parts thereof or such Sum or Sums of Money in lieu thereof as by Law they shall be entitled to

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<sup>14</sup> CRO AR 15/79, Authorisation to take wreck, 19 January 1713/14.

<sup>15</sup> AR 13/11, Appointments of agents to take up wreck for Arundells, 1725-26.

<sup>16</sup> AR 3/307, Appointment of Edward Penrose and Henry Polkinhorne as agents, 1729.

<sup>17</sup> AR 15/193, Appointment of Mr Thomas Arundell to seize wrecks, 1769. It is unclear whether this particular appointment was made official, as the document is a rough draft, and is neither signed, sealed, nor notarized.

have...'<sup>18</sup> Thus the agents had multiple duties: they were to be present at wrecks to handle salvage issues and to protect them from plunder; claim any wreck that might wash ashore; assign and pay individuals to bury shipwreck victims;<sup>19</sup> and pay out any expenses which might accrue such as 'land-leave'<sup>20</sup> from salvage activities, transportation costs and 'cellarage' of the salvaged materials. The appointment of agents, and their dependability in carrying out their duties, was crucial for the optimal working of the landlord-tenant relationship as well as for lords of the manors to maintain wreck rights. For in most cases, the agents or stewards were critical to prove 'usage'; this was most vital for the Arundells of Lanherne.

The relationship of the lord of the manor, the manorial steward and the local tenants in regards to wreck can be further elucidated through the analysis of manorial court records of the eighteenth century. Of especial interest are the court presentments from 1704-1759 for the Arundell's manor of Connerton. (See Appendix 10). The manorial court was held every October, and all presentments for the preceding year were duly recorded by the steward. Presentments included reports of tenants who had died, or who were fined for such 'misbehaviours' as pulling down hedges, encroaching on one another's lands, sinking a shaft without permission, or not utilising the manorial mill. But most enlightening are the presentments for wrecked items brought in by the tenants. Although there were a few years where no wreck was presented, other years show a large amount of activity, which is in accordance with the overall capricious pattern of shipwreck. Indeed, during the fifty-five year period analysed, only twenty-five years showed some presentments and thus some income from wreck. There was no wreck presented at all for thirty years, and thus no income. Hence, it illustrates that profit from wreck, whether for the lord of the manor or for those who harvested wreck

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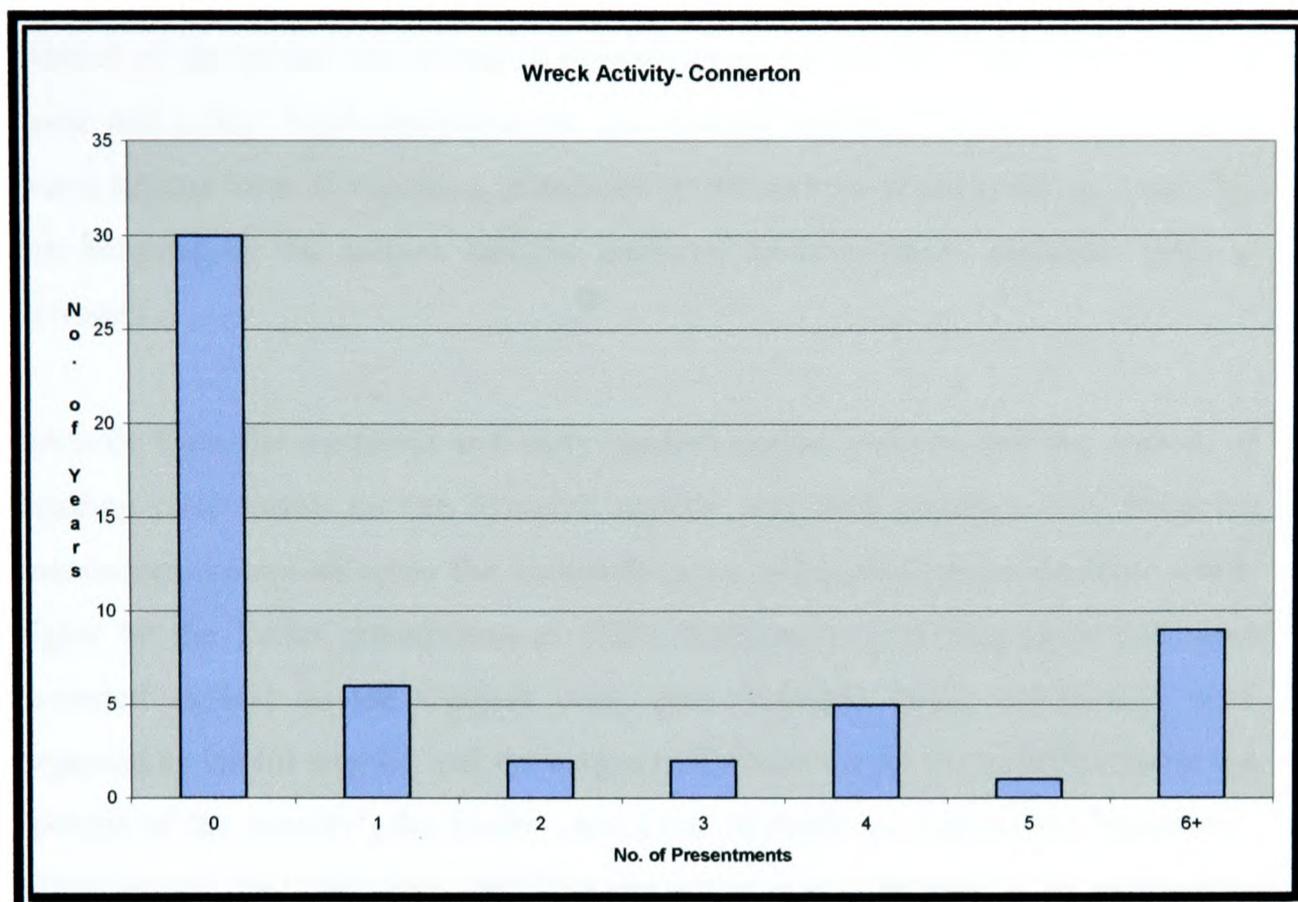
<sup>18</sup> CRO PB 5/141, Letter of Attorney to take wrecks, manor of Padstow, 1795.

<sup>19</sup> Bodies of shipwreck victims were not permitted to be buried in consecrated ground until an 1808 Act of Parliament, 48 Geo III, c. 75, Burial of Drowned Persons Act. Instead, they were usually buried on the beach or cliff where they were found.

<sup>20</sup> Land-leave was a prescribed payment to the lord of the manor whose lands the salvors had to cross in order to get to the shipwreck. It was to take into account any damages to the land or crops that might occur during the salvage operation. It was normally 1/15 moiety when figured by owners of the royalty, or a fifth part of what remained after all charges of salvage were paid, when computed according to statute. The holding of the liberty of wreck rights was not necessary to claim land-leave.

‘for their own use’ was unpredictable because of the vagaries of weather and shipping activity.<sup>21</sup>

**Figure 6.2: Wreck Activity Manor of Connerton 1704-1759**



By far the most common items presented were hogsheads of wine and brandy, followed by paraphernalia of the ship’s structure and fittings—the boats, sails, masts, yards, rigging, pumps, ropes, cables, anchors; —and cargoes of butter, iron, and beer. The presentments reveal that not only were the tenants turning over wrecked items to the bailiff in return for a moiety of either the value or the goods, but also that earnings could be substantial compared to their salary as labourers and fishermen, many of whom earned a salary of less than two shillings six pence a day.<sup>22</sup> Salvors were paid three shillings four pence each for the burial of bodies, including one seaman in 1757, another in 1758, and the bodies of two women and a man in 1759. A piece of mast and a small topyard was divided between Richard Bennets, Isaac Carthew and a few others, while the other half of the moiety was

<sup>21</sup> AR 15/68, Copies of Court Presentments, manor of Connerton, mostly concerning wrecks in Penwith, 1704-1759. These figures are rough as in some years the manorial court may not have been held. See Appendix 10 for listing of entries. Five years had presentments for what appeared to be almost entire shipwrecks, in 1708, 1709, 1712, 1726, and 1759.

<sup>22</sup> CUST 68/21, Penzance Collector to Board, 5 March 1813.

retained for the lord of the manor in 1721; several casks of brandy salvaged by Richard Harry and Diggory Hannifer yielded £7.7.0 in 1756; while a piece of timber found near Sennen was sold for salvor John Jenkins for seven shillings sixpence in 1759.<sup>23</sup> What is clear from the presentments is that salvors often had control of the goods and promptly divided them on the spot, thus bypassing the 'year and a day' legal restriction for determining wreck. This activity therefore was a liminal form of wrecking, perceived by the owners of the goods as wrecking, but believed by the salvors and the manorial lords as their customary right to salvage.

Records from the medieval and early modern period indicate that the custom of handing over wreck on the Arundell royalty was long-standing. The Penheleg manuscript, compiled when the Arundells were being challenged for their wreck rights by the Tudor government in 1580, describes twenty-nine ships that were recorded as lost on the Cornish coast near Arundell lands; twenty-one were regarded as lawful wrecks, and the cargoes were divided by the bailiff between the 'people of the country', the finders, and Lord Arundell as 'lord of the Franchise'. Eight wrecks had survivors, and thus the cargo was returned to the proprietary owners, as was required by law.<sup>24</sup> Medieval Duchy of Cornwall records also show that this activity extended back beyond the fourteenth century, when goods were divided between the finder and the owner of the wreck rights, 'according to the right and custom of maritime law used in the said county'.<sup>25</sup>

The majority of Connerton presentments (75 per cent) show that wreck was handed over to the steward or held by others by cognisance of the steward, 21 per cent of the cases recorded men as appropriating goods 'for their own use', and in 6 per cent of the cases they took items for rival manorial lords. A wreck near St Ives in November 1712 is a case in point. A part of a mast came ashore near Trenaling Cliffs and was salvaged by Andrew Stephens for the Arundells, the legal claimant. However, four men, all from the parish of St Ives, 'came to the place where the

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<sup>23</sup> AR 15/68, Connerton Presentments, 1695-1759.

<sup>24</sup> P.A.S. Pool, ed. 'The Penheleg Manuscript', *Journal of the Royal Institution of Cornwall*, New Series, vol. 3, part 3, (1959), 163-228.

<sup>25</sup> Duchy of Cornwall Office, 1344/45, in Marianne Kowaleski, *The Havener's Accounts of the Earldom and Duchy of Cornwall, 1287-1356* (Exeter, 2001), 162.

mast lay & with force & violence cut it up and carried it away'. St Ives fishermen were able to save five puncheons and one hogshead of white wine for Customs, but another hogshead of white wine that came ashore near Lamorna Cove was 'seized and carryed away' by Oliver Hoskyn and other tenants for Sir John St Aubyn, despite Arundell claims to wreck in the cove. A pipe of brandy and a hogshead of wine coming ashore near the St Just cliffs was 'seized' by the Gendalls and William Adams, and 'carryed away & converted for their own use & sold & disposed of a great deal afterwards'. A cask of white wine found washing ashore near St Just was divided into half on site by the salvors, who then proceeded to place the lord's moiety on horseback for delivery to the steward, but five St Just men, 'came & took it off the horseback & carryed it away by force'.<sup>26</sup> This instance shows further evidence that wrecking, rather than being condoned by the populace and thus being deemed a social crime, was in fact hotly contested between those who believed in the rights of the lords and those who believed in their personal rights of harvest.

Although the Cornish had a reputation for plundering shipwrecks, and although George Borlase asserted in his frequently repeated quote that miners 'cut a large trading vessell to pieces in one tide and cut down everybody that offers to oppose them',<sup>27</sup> there is only one case of outright plunder within the fifty-seven years of Connerton presentments. In 1726, Richard Thomas, George White, and Gregory Stephens cut the cables of a ship stranded between Gwithian and Phillack, and proceeded to plunder her. There is no mention of survivors, but the account gives a substantial list of all the plunderers and approximate amounts and value of the goods carried off. John Harris stole ten shillings worth of butter; Richard Hockin took three barrels of butter and two casks of candles; John Richards and Thomas Reynolds carried off two casks of 'sandy' butter and some candles; John Hockin took 'severall parts of Goods' worth ten pounds, while John and William Cock

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<sup>26</sup> AR 15/68, Connerton Presentments, 1695-1759.

<sup>27</sup> The oft-quoted passage is from George Borlase, who was the steward for the manor of Lanisley, and a share-holder in local mines, who was corresponding with his manorial lord regarding the passage of new shipwreck legislation. It is often taken out of context to show the wrecking propensities of the Cornish miner, but it is one of the few pieces of evidence illustrating this behaviour. 15 March 1753 in Thomas Cornish, ed. 'The Lanisley Letters: to Lt. Gen. Onslow from George Borlase, his agent at Penzance, 1750-53', *Journal of the Royal Institution of Cornwall*, Vol. VI, pt. xxii, 379

plundered goods to the value of forty pounds. Richard Bennetts took home ‘seven or eight hundred weight of beef and butter’. Thomas Carthew also took butter, ‘sixty weight’ worth. The list is extensive, and for the plunderers it was a windfall, but the evidence shows this kind of occurrence was rare. It is unfortunate that the presentments do not indicate what forms of punishment were in store for those who pushed the boundaries of acceptable behaviour, or even if they were punished.

Manorial records verify that wreckers, even those who appropriated goods through violence, were not prosecuted by invoking statutory law. Lords of the manor had their own ways of dealing with wreckers, mainly either by fining them in manorial courts, or by suing for trover and trespass. But by the mid-eighteenth century, many manorial lords had lost their rights to hold manorial courts, and were thus more dependent upon other courts of justice. Even so, they continued to use discretion as to whether or not they would prosecute a wrecker for ‘detaining wreck’, for this action was seen as important for maintaining their franchise. In 1813, the dowager Lady Arundell, together with Agnes Wright, sued Samuel Gilbert of Trenance, because he had taken eight large barrels of butter from the royalty of Lanherne ‘for his own use’.<sup>28</sup> Although some lords wished to convict wreckers as an example to others to prevent wrecking, they were not always successful. Either the wreckers were too poor to exact damages, or they disposed of the goods before they could be prosecuted.<sup>29</sup> For those who were apprehended and charged with wrecking, they were dealt with, not by gaol sentences, nor execution, nor transportation as was required by statute, but through the administering of fines and a form of public penance, such as a public apology published in the local newspaper.<sup>30</sup>

Despite the cases of wreck appropriation by the country people, their relationship with their manorial lords could also be advantageous. Lords of the manor and their agents were known to support the coastal populace against claims of Customs, such as in 1755 when the Arundell steward fought for the release of fishermen

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<sup>28</sup> CUST 69/1, Agnes Wright, Lanherne, to John Buller, Custom House London, n.d. February 1813.

<sup>29</sup> AR 15/189/4, Declaration: Basset v. Bryant, Hilary Term, 1728; CRO W/43. H Willyams to E. Coode, 11 November 1826.

<sup>30</sup> CRO W/43, Willyams to Coode, 26 December 1826.

turned over to the Royal Navy as smugglers by retributive Customs officers, when they had only claimed wreck for Lord Arundell.<sup>31</sup> In 1768 Customs officer Thomas Davies complained that when he and other officers attempted to claim flotsam goods that had washed ashore, they were informed by the local gentleman upon whose royalty the goods were found, as well as by ‘the common People’, that they had no right to it.<sup>32</sup> And in 1778, Edward Coode also supported his tenants against charges of smuggling by informing the Customs collector that the salvors had not intended to abscond with brandy since they had had given ‘immediate Notice to his Agent of their having saved the Brandy to his Use’. The collector accepted Coode’s statement, as ‘he is a gentleman who we are well assured w<sup>d</sup> not say other then what is strictly true’.<sup>33</sup>

Thus for the tenants, their relationship with their lord of the manor and his steward was based on mutuality. It can be argued that this mutuality was a component of local paternalism, in that the local lords and their agents had a responsibility to look out for their tenants, especially ones who were involved in the reciprocity surrounding wreck and salvage. It certainly belies E.P. Thompson’s argument that ‘masters disclaimed their paternal responsibilities’.<sup>34</sup> Indeed, as Jaggard maintains, Cornish manorial tenants were typically more independent than their counterparts in the rest of England because of the rental system and were thus not as open to landlord coercion or influence; they did not have the same deferential relationship.<sup>35</sup> This lends credence to the suggestion that Cornish tenants were involved in a reciprocal relationship not based solely on the whims of the lord, but which reflected the tenant’s sense of agency and individual choice.

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<sup>31</sup> AR 15/175, The Case of Mr John Harvey master of a Pilchard Sloop called *Mary and Alice* & others who were concerned in saving two casks of brandy near Penzance, 27 December 1755.

<sup>32</sup> CUST 68/6, Thomas Davies to Penzance Collector & Comptroller, 27 April 1768. Interestingly enough, in this case the Commissioners of Customs concurred with the Lord of the Manor. CUST 68/41, Commissioners of Customs to Penzance Collector, 10 May 1768.

<sup>33</sup> CUST 68/11, Penzance Collector to Board, 23 February 1778.

<sup>34</sup> E.P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York, 193), 36. Thompson would most likely not recognise these actions as paternalism, but rather a ‘theatrical style’ of ‘gestures and postures’, a ‘dramatic intervention’ meant to exact deference on the part of the tenants, that these are not true ‘responsibilities’ (46). Thompson is perhaps being overly harsh. Although his assessment would certainly be true for some cases, it cannot be used to describe Cornish gentry. Thompson’s student, John Rule acknowledges the important place of paternalism with Cornish society in the eighteenth century in ‘The Labouring Miner in Cornwall’, 199-201.

<sup>35</sup> Jaggard, *Cornwall Politics in the Age of Reform, 1790-1885*, 11-12.

## Tenant Testimony and Rivalries between Manorial Lords

Tenants and other commoners were not just involved with reciprocal salvage and wrecking activities; they had other crucial roles. Their testimony played an important function in clarifying manorial boundaries, which also suggests that they acknowledged their responsibility ensuring that wreck was delivered to the rightful lord of the manor. This was especially critical during litigation over wreck rights. For instance, Mathew Jobe of Camborne, a seventy year old labourer, testified in 1684 in a case between the Arundells and the Bassets that he found a barrel of butter on the west bank of the Gwithian River. Although he was a tenant on the manor of Tehidy, owned by the Basset family, he handed the butter over to the Arundell's steward, William Willyams. Zennet Wills, another Camborne labourer, testified in the same case that sixty years previously a ship was cast ashore, spewing tallow, butter, and hides along both sides of the Gwithian River. He verified that Willyams and Stephen Pawley, the Arundell bailiff, informed the local people 'not to meddle' with any of the wreck on the east side of the river as it belonged to the manor of Tehidy, and would not claimed by the Arundells.<sup>36</sup>

John Rowe of Camborne testified in 1676 that he had been involved in the salvage of many wrecks, and had brought the goods to either Sir Francis Basset, or his son Sir John. In one instance, he said that he had found some bacon in a cliff near the Gwythian River. He attempted to take it to his mother-in-law for her use, but she insisted that he deliver it to Sir Francis at Tehidy as wreck. This piece of evidence is particularly telling; for Rowe claims that she would not even allow him to bring it into her house, that she 'did severall times tell him that all wrecks between Portreath & Gwythian did belong to Tehidy Manor'.<sup>37</sup> Thus tenants such as Rowe's mother-in-law held the rights of lords as absolute, and were essential in upholding the manorial custom by insisting that wreck was not always for their own use and a gift of 'Providence'.

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<sup>36</sup> RIC, HB/19/60, Basset Papers, Henderson Collection, Vol. 5.

<sup>37</sup> RIC, HB/19/60, Basset Papers, Henderson Collection, Vol. 5.

Although the 'country people' were occasionally accused of embezzling wreck from the lord of the manor, the activities of the stewards of rival manors were seen as more threatening. Indeed, all of the consulted Cornish manorial records and contemporary correspondence covering the right to wreck support this conclusion. Of particular note was a conflict occurring between 1745 and 1768. The Arundells found themselves embroiled in legal disputes with the new lord of the manor at Lanisley, Lt Gen. Richard Onslow, MP for Guildford, who was beginning to assert his claims to wreck through his steward, attorney George Borlase, ironically at the same time he was debating the bill which became 26 Geo II, making wrecking a capital offence. The testimony of the Arundell tenants was crucial to prove that the Arundells held customary claims over that of the recent Onslow-Borlase contingent.

The Connerton presentments indicate that in 1757 a piece of timber was found washed ashore 'on the lands of Dr Borlase', meaning Lanisley, by Charles Lethan and William Jelbert, valued at 19 shillings. However, when William Andrews demanded half the moiety for Lady Arundell, he claimed that Lethan 'beat and abused him' over it, claiming that it belonged to Borlase. Two years later, a cask of brandy found near Chynadour was 'carried off by M<sup>r</sup> Borlase' and a piece of timber salvaged at Morvah was claimed by Borlase's servant.<sup>38</sup> These actions were regarded as encroachments by the Arundells, who duly sought legal counsel and instituted proceedings against Borlase. Tenant testimony was on their side. Earlier affidavits indicated that the Arundells did, in fact, practise right of wreck at Lanisley prior to 1745. In that year Ralph Corin salvaged part of a mast, which was duly divided with the Arundell steward. Corin claimed that he had 'never heard of any other claim [except the Arundells], until lately by M<sup>r</sup> Borlase'.<sup>39</sup>

Depositions taken to prove prescriptive rights in 1753 also indicate the Borlase-Onslow claim was recent. Thomas Gamon, 86 years old from Long Rock in Mount's Bay, swore that he 'had made it his Business all his Life to follow Wrecks' but 'he had never heard of any Claim by M<sup>r</sup> Onslow or any other Except

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<sup>38</sup> AR 15/68, Connerton Presentments, 1695-1759. The manor was actually that of Lt Gen. Onslow, but as he was an 'absentee' lord, and the Borlases were a well-established Cornish family, the testimonials often describe the lands as belonging to Borlase, who was in fact only the steward.

<sup>39</sup> AR 15/98, Note regarding wreckage and claim by Mr. Borlase, 1745.

the family [sic] of the Arundells'. The depositions also made it clear that wreck was claimed by the Arundell stewards on other manors located on the coast of the Penwith Peninsula, such as the manors of Trevedson and Treen, held by Sir Richard Vyvyan; the Manor of Lelant; and the manor of the Boscawens. As the Arundell's counsel pointed out, 'If the Lords of those Mannors were not Sensible of the Arundells right of Wreck Can it be Imagined these Gent would Suffer them to be Carried off as they were so well able to Control their right if they had any[?]',<sup>40</sup>

Although the Arundell agents admitted that they had not kept up with the Arundell franchise on some manors on the south coast such as St Michael's Mount, and that some wreck had been appropriated by owners of other manors against the Arundell claim, the agents insisted that they had never been lax with the manor of Lanisley. This was borne out by the local testimony. Indeed, the agents made the point that

What is pretty extraordinary in regard to the Wreck said to be taken by the Lord of Lainsley [sic] is that none of the agents concerned for the Arundell family ever heard of any of them though they lived in the neighbourhood from whence it is reasonably concluded that such Wrecks (if any) must have been very inconsiderable in point of value or taken off in a clandestine manner—for had it been carried away publicly as has been always done by the Arundell family when they have taken wrecks—it must have come to the knowledge of some of their agents or friends who then would have had the opportunity of making their Claim. It is therefore presumed no instance of this sort.<sup>41</sup>

Hence, if George Borlase happened to claim wreck for the manor of Lanisley, he did not make the claim in the traditional, customary manner. It was also pointed out that the Lord of Lanisley had not paid the expense of burying shipwreck victims washed ashore on Lanisley, but that Lord Arundell had taken the responsibility.

The crux of the wreck cases fought by the Arundells in the eighteenth century, was, as their steward pointed out, that the Arundell rights of wreck traditionally extended beyond the boundaries of their own manors and into the territories of

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<sup>40</sup> AR 15/147/3/8, Abstract of Mr Paynter, 1753.

<sup>41</sup> CRO X/112/151, Case Papers, right of wreck, manor of Conarton, 1753, 7-8.

other manors on the Penwith, such as Lanisley. This complex geo-political situation was caused by the Arundell's sale of lands, though not of the wreck rights (which were prescriptive and not express grants, so they could not be sold), after the family had married into that of the Arundells of Wardour in Wiltshire. Thus, this extremely complicated circumstance led to cases of infringement from new landlords attempting to claim wreck rights for themselves. The Arundells had perhaps always been the envy of other local gentry for, as their attorney Charles Bowles explains, they

must have excited the jealousies in those who under grants and confirmation of them, were considered as dependent Lords on the Lord of the Hundred [the Arundells], and hence and on account of the casual profits from wrecks &c. many have been the devices and plans proposed and practised to narrow and circumscribe them... [especially through] usurping Lords taking advantage of the supineness of the Lord of the hundred or his agents in watching their rights, have exercised powers which did not belong to them... the quietly taking possession of part of a wreck on some part of the coast, has emboldened them to deny the legal right of the Lord of the hundred.<sup>42</sup>

Indeed, Lady Arundell was encouraged through numerous legal briefs to bring actions of trover against anyone who either she or her steward believed were wrongfully claiming wreck.<sup>43</sup>

The conflict culminated in 1759 when a vessel was wrecked on the coast near Lanisley, 'without any living Person on Board which was soon Dash'd to pieces'. The masts, ropes, and anchors were salvaged, valued at approximately £5.9.6, but were taken by George Borlase 'the Younger' and at least a dozen Lanisley tenants. The goods were stored in the 'Back Yard' of the elder Mr. Borlase, though one of the tenants acknowledged to Lady Arundell's agent that he had them in his possession. Lady Arundell's bailiff John Treluddra attended the wreck and attempted to claim it, but 'one George Pauley one of the Salvors threatened to

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<sup>42</sup> Charles Bowles, *A Short Account of the Hundred of Penwith, in the County of Cornwall compiled from Authentic Documents with an Appendix containing the Original Grants, Confirmations, &c.* (Shaftesbury, 1805), 6-7.

<sup>43</sup> AR 15/146, Opinion of R Hussey at Temple, 3 November 1760.

knock him down & with a Club struck at him'.<sup>44</sup> Pauley's insolence in attempting to strike Treluddra angered the Arundell's steward Francis Paynter, but of course worse was the perceived open intransigence of Borlase in claiming wreck for the Onslows. As Paynter remarked to the Arundell's lawyer in London in frustration:

Such a Number of people as the Borlases have always...ready to assist in all these kinds of Enterprizes for they are mostly in that part of the parish M<sup>f</sup> Onslow's Tenants & Borlase is the Steward & commands them, and really I think it's impracticable for either of us to carry off anything without we could Hire a Mob to oppose them, which I presume you wouldn't by any means think an advisable Scheme to be put into practice, for when our Country people are once Set a fighting they are not so easily Stopped in their rage, as you may imagine.<sup>45</sup>

By 1761, the Arundells had had enough, and resorted to the legal system rather than using force to stop Borlase's threat. Francis Paynter, as the steward, John Treluddra, as Bailiff, and Henry Tonkin, Paynter's clerk, issued an action of Trover and Conversion against George Borlase the Elder and Henry Cowsls in the name of Lady Arundell. Witnesses were brought into the Bodmin Assizes from parishes all around the Hundred of Penwith to give evidence. After hearing the witnesses and examining evidence, the defendants, Borlase and Cowsls, were found guilty and fined. The trial, together with all the expenses of transportation for the witnesses, food and board, and reimbursement for loss of time and salary, amounted to £36.4.6.<sup>46</sup>

Of course, the Arundells were not only challenged by the Onslow-Borlase contingent; they had a history of litigation with other gentry although none quite so contentious, including that against the Bassets, St Aubyns and the Duchy of Cornwall. Around 1753, the St Aubyn manorial lord at St Michael's Mount claimed wreck that his agents salvaged, and refused to hand it over to Lord Arundell. Instead, he claimed that his family had wrecks there 'from time out of mind', and used as evidence the claiming of wreck taken forty years previous. However, as

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<sup>44</sup> AR 15/146, Opinion of R. Hussey at Temple, 3 November 1760.

<sup>45</sup> AR 15/144/2, Francis Paynter to John Purser, Fleet Street London, 1 March 1760.

<sup>46</sup> AR 17/29/6, Action of Trover by Lady Arundell, 29 October 1761; AR 17/29/10, Papers regarding case of Arundell v. Borlase. This action did not stop Borlase, however, as he began to press claims yet again in 1761 and 1768. Each time, the Arundells were counselled to file trespass and trover charges.

the counsel for the case argued, the St Aubyns 'were mistaken' for the previous instances were shown not to support the St Aubyn claim at all, but rather the wreck had instead been taken up at St Michael's Mount for Sir John Arundell.<sup>47</sup> Claims by the St Aubyn family had also occurred even earlier, in 1699. John St Aubyn wrote a letter to Sir John Arundell complaining about the 'impertincy' of your officer Mr Treledron [Treluddra]', that

I think it convenient to acquaint you y<sup>t</sup> ab<sup>t</sup> 3 or 4 days agoe, there was a 20 Gallon Cask of vinegar thrown in by y<sup>e</sup> Sea Just under y<sup>e</sup> Mount w<sup>ch</sup> after my Agent had marked in my name as wreck belonging to y<sup>e</sup> Royalty, y<sup>r</sup> Officer M<sup>r</sup> Treledon made pretentions to it as belonging to you & there [illeg] for y<sup>e</sup> future to seize all y<sup>t</sup> comes in in y<sup>r</sup> name, but supposing y<sup>t</sup> his insolency makes him to exceed y<sup>e</sup> Commission w<sup>ch</sup> he pretends to have from you I thought it necessary to acquaint you w<sup>th</sup> this affair...there is hardly any thing y<sup>t</sup> I would not try y<sup>e</sup> continuance of his freindship with unless att y<sup>e</sup> Price of a family prerogative or my honnour...<sup>48</sup>

Despite St Aubyn's claims and his concern for family honour, wreck rights near the Mount were legally recognised as belonging to the Arundells. In later years, however, the Arundell claims to the Mount lapsed, and the St Aubyns practised wreck rights there with little challenge.

The Arundells also found themselves at odds with the Duchy of Cornwall, though for most of the period the Duchy was relatively quiet when it came to wreck claims. In 1733, a ship laden with empty casks and fish was wrecked in Mount's Bay, which was saved by the Arundell agents 'from being Destroy'd by the Country People', and locked in a secure cellar. The Customs collector also placed a lock on the cellar, as was normal proceedings. However, soon after, Edward Penrose, acting as an agent to the Duke of Cornwall, claimed the wreck as property of the Duchy. The Arundells applied to the Duchy Board of Council, emphasising that they had 'by Virtue of y<sup>e</sup> s<sup>d</sup> several Grants, & an uninterrupted Enjoyment' laid claim to the wrecks. The Board must have concurred, for they ordered Penrose to remove the Duchy locks from the cellar, though the Arundells would have to give security to the value of any claim made by the proprietor or His Royal

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<sup>47</sup> CRO X/112/151, Case papers, right of wreck, manor of Conarton, 1753.

<sup>48</sup> AR 25/122, John St Aubyn of Clowance to Sir John Arundell at Lanherne, 31 March 1698/9.

Highness.<sup>49</sup> Despite this agreement, the Duchy would not be nearly so accepting a hundred years later.

The relationship between lords of the manor over wreck was not always litigious. Indeed, if they could, they preferred to work out the conflicting claims in a more ‘gentlemanly fashion’. Lord Falmouth, Lord High Admiral of Cornwall, recognised the Arundell claim when he responded to a letter by Arundell agent John Knill regarding mahogany washed ashore at St Ives in February 1770. Indeed, Falmouth stated that ‘Lord Arundell’s right is known & has been several times Acknowledged, if the Mahogany is proved to be taken up within his right, which I apprehend is as far as a Barrel can be seen from the Shore, it is incontestable’.<sup>50</sup> This recognition of Arundell’s offshore claims by the Admiralty would also eventually be endangered.

Gentlemanly discourse regarding wreck continued into the nineteenth century, when in 1826, Humphrey Willyams of the manor of Carnanton wrote a deferential note to the Arundell’s attorney Charles Bowles, asking for ‘the Favor of y<sup>f</sup> Interference in a Case of Right to Wreck’. Willyams was concerned that Lord Arundell’s agent, ‘young Rawlings has I think improperly interfered’, after a piece of wrecked timber washed on shore underneath the cliffs of Trebulzue, on the foreshore of Carnanton. Willyams reminded Bowles that wreck had been ‘seized by y<sup>e</sup> L<sup>d</sup> of this Manor as his unquestionable right—I have no Doubt there is some Error in this matter...’<sup>51</sup> Bowles responded in an equally polite manner, claiming that ‘Lord Arundell is one of the last Persons in the World to invade the Rights of others, tho’ he is desirous of maintaining his own—’ and asked for time to investigate the extent of the boundaries before giving Rawlings any further directions.<sup>52</sup> Both gentlemen proceeded to research their rights, although Willyams admitted that the foreshore had once belonged to the Arundells, but that was no longer the case. To soften his demand, Willyams thanked Bowles and Lord Arundell for asking after his father’s health, thus maintaining decorum and a sense

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<sup>49</sup> CRO ML 577, Case Paper re: right to wreck, manor of Conarton and hundred of west Penwith, 1733; AR 15/90, Memorial by Sir John Gifford, 1733; AR 15/91, Order of Duchy Council to Edward Penrose, Receiver General, to remove lock, 26 January 1733.

<sup>50</sup> AR 17/29/2, John Knill to Lord Arundell re: wrecks, 1770.

<sup>51</sup> CRO W/43, Willyams to Bowles, 15 November 1826.

<sup>52</sup> W/43, Bowles to Willyams, 23 November 1826.

of civility to the dispute.<sup>53</sup> Bowles must have concurred, for he returned his answer that Willyams had convinced him that his claim to wreck at Trebelzue 'is rock founded, and in consequence I write by this Post to Mr Rawlings to deliver up the Plank to your order, and I am glad you have enabled me to do you Justice'.<sup>54</sup> Thus what could have been a spiteful battle between neighbours over jurisdiction was brought to an end in a peaceful manner, without resort to litigation.<sup>55</sup>

What these cases suggest is that there was a great interest in either maintaining wreck rights or establishing the franchise in eighteenth and early nineteenth century Cornwall. However, although wreck could be profitable, especially if a particularly valuable wreck were to come ashore, the chances of this occurring were small in relation to the energy and expense put into litigation, as evidenced by Connerton's presentments. So why did wreck rights generate such activity? For the new lords, the purchase of manors with its attendant use-rights constituted a move up the social scale, a 'fee for "admission into the charmed circle of English landed society"'.<sup>56</sup> Without land, men could not be considered gentry, no matter their wealth. Cornish society had many opportunities for social mobility; upward movement was 'far from exceptional'.<sup>57</sup> Additionally, as Daunton argues, there were sound economic reasons for purchasing estates; they were considered secure investments.<sup>58</sup> Wreck rights also afforded the new lords an additional income from their lands. Nonetheless, as E.P. Thompson points out, use-rights were sometimes considered 'property' to be sold, but their purchase was not open to anyone. Use-rights had value within the socio-political system as 'a particular structure of political power, influence, interest and dependency'.<sup>59</sup> In other words, wreck rights were not only economic; they were symbolic. They constituted traditional feudal privileges that were not tied to the land, but rather they were a form of cultural capital not necessarily available to everyone seeking entry into gentry

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<sup>53</sup> W/23, Willyams to Bowles, 23 November 1826.

<sup>54</sup> W/23, Bowles to Willyams, 12 December 1826.

<sup>55</sup> See also CRO EN 1301 for a similar case between Francis Enys of Winnianton and Mr J.Rogers which was also resolved peacefully.

<sup>56</sup> H.J. Habakkuk, 'The English Land Market in the Eighteenth Century', in J.S. Bromley and E.H. Kossman, eds. *Britain and the Netherlands* (London, 1960), 171, quoted in M.J. Daunton, *Progress and Poverty: An Economic and Social History of Britain, 1700-1850* (Oxford, 1995), 77. See also Thompson, *Customs in Common*, 16.

<sup>57</sup> Jaggard, *Cornwall Politics in the Age of Reform*, 19.

<sup>58</sup> Daunton, *Progress and Poverty*, 16.

<sup>59</sup> Thompson, *Customs in Common*, 25.

status. Hence the Arundell's litigation against those whom they found infringing upon their royalties was a necessity for social and economic reasons. But with the waning of Arundell interest in their Cornish lands, increased opportunities for gaining wreck rights on the part of newer lords opened up. The franchise, however, was not always a benefit, for it came with increasing responsibilities.

### **Lords of the Manor and Responsibility for Wrecked Goods**

Although commentators such as Cyrus Redding argued that the claims of the Lord of the Manor were based on greed for profit, and that the lord's rights should be extinguished, they overlooked an important function performed by those holding the franchise of wreck. In the eighteenth and early nineteenth centuries, manorial lords had legal responsibilities to put into safekeeping the shipwrecked goods for the requisite year and a day and to be ready to relinquish them if the legal owner appeared with positive proof of ownership. Humphrey Willyams's experiences are a case in point. As Willyams explained to an agent attempting to claim lumber that had washed ashore on the manor of Carnanton:

With respect to y<sup>e</sup> Wreck I think I told you before y<sup>t</sup> y<sup>e</sup> L<sup>d</sup> of a Manor has no Right to give up any wreck unless y<sup>e</sup> Property is clearly identified—That not having been done within the Time specified, though the Timber was so peculiarly marked as to be easily proved. I have proceeded as in similar Cases of Wreck to divide it with the Salvors-Men. I in this or in any other instance to give up wreck merely because certain Parties laid Claim to it (& not proved their Property in it) there would always be found Some one to make such Claim & which if allowed would mainly contract y<sup>e</sup> manorial privileges and rights.<sup>60</sup>

Willyams had no difficulty handing over wreck if it had been claimed within the requisite 'year and a day', but in this particular case the agent of the *Spring Flower*, which had lost part of her deck load of timber, had waited over year before contacting him.

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<sup>60</sup> W/23, Willyams to T.R. Avery, 6 December 1826/ n.d. Jan 1827.

If Willyams was pedantic on the time limits, he was even more pedantic in his insistence on positive identification of the property. This was most likely because he had recently purchased the manor of Carnanton from the Crown, and was asserting his newly acquired wreck rights, but it illustrates the technicalities that could be involved. When the *Kite* was wrecked at Mawgans Porth in 1833, Willyams received notification from the agent that the wreck should be delivered to Rawling's store, where a survey of the goods would be held so that they could be auctioned in order to pay the salvage charges. Willyams was not satisfied when the spars were identified by the agent and the *Kite's* former master in front of his servant; rather he requested that the property be identified in front of him, or 'to the Satisfaction of any Magistrate'. He would only relinquish them 'on the written authority of the owners, to any person they may please to name'.<sup>61</sup> Willyams's reluctance to deliver the spars could be interpreted in two ways. Either he was hoping that his recalcitrance would ensure that he would be able to maintain possession or, more likely considering the tone of his correspondence, he took his responsibility seriously, if not too stringently, as a new lord of the manor.

The possession of wreck which was unclaimed by the original proprietors did not always guarantee a profit for the lords of the manor; it could even convey monetary loss. Manorial lords were required to pay a moiety for salvage, and increasingly throughout the period, they had to pay duty on an increasing number of goods before they could legally claim them. Indeed, duty was often demanded at the *time* of salvage, even if the wreck clearly was not profitable, much to the chagrin of the lords. This held true on at least three occasions for John Rogers, lord of the manor of Winnianton. In 1813, Customs demanded that he pay duty on three half-full hogsheads of claret that were encrusted with barnacles. Rogers wanted to sell the wine, which was already 'in a perished state', and keep the funds in deposit in the King's Chest at Penzance until the requisite period had lapsed.<sup>62</sup> The Customs Commissioners, however, informed him he had to abide by the act of 52 Geo III c. 59, which mandated that he could keep the wine in his possession, but

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<sup>61</sup> W/43, John Tredwen to Humphrey Willyams, with response from Willyams. 30 March 1833; John Tredwen to Humphrey Willyams, with response from Willyams. 23 May 1833.

<sup>62</sup> CUST 68/21, John Rogers of Penrose to Commissioners of Customs, 15 March 1813.

that he had to give security for the payment of the duties.<sup>63</sup> Rogers was not pleased with the request; he had already paid salvors eighteen pounds, and felt that by the end of the year, the wine would be worthless. Indeed, he argued that the wine was ‘not worth one third of the Duties at present’, and requested that it be sold duty free to pay the salvage expenses. In this case, he did not even wish to keep possession of the wine, but instead wanted Customs to remove it from his cellar, as he explained ‘I shall be ready to give up my part for nothing. It will be impossible for me to give security for the Payment of the Duties as I should be a very considerable loser instead of a gainer as I ought to be’.<sup>64</sup>

In this case, Rogers found his franchise of wreck to be an inconvenience. He encountered a similar problem in 1816, when 39 casks of red wine, ten boxes of French soap, and one pack of wool was found floating near Gunwalloe, within his liberty. He duly paid salvage immediately, the salvors ‘being poor Men with large families’. Upon the expiry of the ‘year and a day’, Rogers applied to Customs to sell the wine duty free, so that he could recoup his expenses for salvage, for the ‘wine being Weak, Sour & of low quality, & as well the Soap in a perishing State’.<sup>65</sup> He included the bill of charges, which showed that he had paid thirty-two named individuals, with ‘sev<sup>l</sup> o<sup>r</sup> persons for their labour & assistance with Cart & Horses in bringing the s<sup>d</sup> Wine from the Beach and High water mark’, for ‘Bread Meat & Drink sent to the Salvors during the Nights’, as well as salvage charges paid to Customs officers for their assistance and attendance, for a total of £258:2:6, quite a substantial sum.<sup>66</sup> He was eventually able to sell some of the goods, but Customs still expected duty on what was not sold, leaving Rogers with a negative sum. This would not be the last time, either, and it was by no means an exceptional case.<sup>67</sup> These experiences illustrate the sheer costs involved to the lords of the

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<sup>63</sup> CUST 68/21, Penzance Collector to John Rogers, Penrose, 9 April 1813.

<sup>64</sup> CUST 68/21, J. Rogers, Penrose, to Commissioners of Customs, 26 April 1813.

<sup>65</sup> CUST 68/23, Petition of John Rogers, Esq, Lord of the Manor & Liberty of Winnianton, to the Commissioners of Customs, 15 February 1817.

<sup>66</sup> CUST 68/23, Charges of Salvage from John Rogers, Esq, forwarded to Commissioners of Customs from the Collector and Comptroller of Customs, Penzance, 18 February 1817.

<sup>67</sup> CUST 68/23, Rogers to Commissioners of Customs, London, 21 April 1817. See also the experience of Edward Coode of Methleigh in 1834. Although the manuscript says ‘Merthyr’, and the Customs Commissioners mss in response also says ‘Merthyr’ the manor is almost definitely Methleigh rather than Merther Sithney, the only other manor of the area with a similar name. Methleigh is the only one of the two with wreck rights. CUST 68/32, 13 February; John Glasson,

manor who took their responsibility of wreck and salvage seriously, for they had to be conscientious to their tenant-salvors and to the law. The cases also show that wreck rights were not always profitable, nor was wreck washing ashore on their royalty always welcome.

## Conclusion

The interrelationships between manorial lords and tenants were thus complex, based on mutuality as well as antagonism. Salvage customs and wrecking customs were also practised side-by-side, occupying that liminal space between legality and illegality for both lord and tenant alike. Although the lords of the manor occasionally had difficulties with tenants and local peoples in appropriating wreck, and some of the coastal populace refused to recognise the lord's right, they did not always 'loathe each other' as Bathurst has stated.<sup>68</sup> There is little evidence within the records to indicate a coercive relationship such as that suggested between manorial lords and their tenants in the bipolar model of E. P. Thompson.<sup>69</sup> However, these reciprocal interrelationships underwent modification during the Victorian period, with the tightening of governmental control and bureaucratisation. Indeed, in the instance of wreck and salvage, what occurred for lord and commoner alike was the expropriation of customary salvage rights; their mutuality concerning wreck underwent complete transformation. For many, their relationship ceased to exist.

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Agent to the Lord of the Manor of Merthyr, to Commissioners of Customs, 13 February 1834, 20 March 1834.

<sup>68</sup> Bella Bathurst, *The Wreckers: A Story of Killing Seas, False Lights and Plundered Ships* (London, 2005), 232. Unfortunately Bathurst came to this conclusion from only one piece of evidence, that of George Borlase's letter to Lt Gen. Onslow, quoted *in passim*.

<sup>69</sup> See Thompson, *Customs in Common*, Ch. 2: 'The Patricians and the Plebs', 16-96.

## CHAPTER SEVEN

### The Ascendancy of Centralised Authority and the Curtailment of Manorial Rights to Wreck

*'the Lord of the Manor and the Salvors were not entitled to any benefit'*

On 27 December 1755, John Harvey, master of the pilchard sloop *Alice and Mary*, along with his crew, made up of his sons John and Joseph, and Thomas and John Sampson, and three others, set out from Penzance pier to cast their nets. Shortly beyond the pier, they found two casks of brandy floating in the sea, which they pulled into their boat. They attempted to land the casks 'for the use of Lord Arundell'. Before they could do so, they were set upon by eight Customs officers, who 'bore down upon 'em & order'd them to bring to' and with

horrid Oaths and Imprecations declar'd they'd fire at 'em, & blow their Brains, and did discharge 2 volleys of Horse Pistols the Wadding of one of which scorch'd John Sampsons Wigg— & Thomas Campion [...] was wounded in the left Temple as suppos'd by a Shot from one of the Pistols.

The salvors, afraid for their lives, headed for the quay as fast as they could, but not before the Customs officers reached Harvey's sloop, and 'having large Clubbs in their hands, violently assaulted [sic] and wounded the Salvors, & threatening to throw them overboard, and, actually would have thrown one over, had not he held by the Shrouds'. The men were saved when Excise Surveyor Young intervened. Young seized the brandy 'for the use of the King', at the same time that Lord Arundell's bailiff, John Treluddra, claimed it as a right of wreck. They agreed that they should secure the brandy until such a time as legal ownership could be ascertained. However, when Young left the scene to speak to the Collector of Customs, 'the Officers most cruelly beat James Lander, So that Blood run out at

his Mouth, Nose &c, & almost Killed him & M<sup>r</sup> Harvey's Son, and then by Violence took the Brandy away'.<sup>1</sup>

This case contains multiple threads important to Cornish wreck history. It illustrates the conflicting legal entitlement between H.M. Customs, the Admiralty, and the Lord of the Manor over unclaimed goods. It also demonstrates the ambiguity surrounding the goods: Were they smuggled or were they 'wreck', and hence liable to be claimed by the owner of wreck rights? Alternatively, if they were categorised as flotsam, were the goods the right of the lord, or were they droits of Admiralty? Finally, it illustrates, in a very personal way, the centrality of the coastal populace within the relationships surrounding wreck and wreck rights.

The questions raised by this case were resolved through legal action. Customs and the Admiralty eventually both recognised the claims of the Arundells. Customs admitted that the brandy was not contraband, and the Admiralty conceded that as the casks were found 'as far out to sea as a Hamborough Barrel can be seen on a clear day', as stipulated by the Arundell's royal grant, the goods near enough inshore to be considered the right of the lord of the manor. Yet, by the mid-nineteenth century, the very points of evidence upon which this case was won would be negated through the increasing regulatory functions of the State and its attendant bureaucracy. Although wrecking literature focuses on the resistance of the common people to governmental encroachment on what they perceived were their customary rights to wreck, the experience of the local lords of the manor in this process has been completely overlooked.<sup>2</sup> By 1854, with the passage of the Merchant Shipping Act, the wreck rights of manorial lords had been severely limited. Four major developments resulting from the centralising of State authority affected their rights: first, the growth of Customs administration; second, the resurgence of Admiralty claims to flotsam; third, the restructuring of the Board of

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<sup>1</sup> CRO AR 15/175, The Case of Mr John Harvey master of a pilchard sloop called *Mary and Alice*, 27<sup>th</sup> December, 1755.

<sup>2</sup> Philip Payton, *Cornwall: A History* (Fowey, 1996); John Vivian, *Tales of Cornish Wreckers* (Truro, 1969); John Rule, 'Wrecking and Coastal Plunder', in Douglas Hay, Peter Linebaugh, et al., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975, 1988), 167-188. Even Roger Prouty, in his *The Transformation of the Board of Trade, 1830-1855: A Study of Administrative Organization in the Heyday of Laissez-Faire* (London, 1957), fails to treat the Board of Trade's role in the regulatory function of wreck rights.

Trade; and fourth, the revival of wreck claims by the Duchy of Cornwall. These developments and their effects on manorial wreck rights will be the focus of this chapter.

### **The Ascendancy of Customs**

The initial curtailment of manorial wreck rights had its genesis in the growing complexity of the Customs administration. In the eighteenth century, Customs was involved in the collection of revenue for the State through the levying of duties on an increasing list of enumerated goods, as well as being involved in the battle against smuggling, which grew in relation to the escalating levels of taxation. The charging of Customs duties had gone from a relatively simple system in the 1690s to a system 'so complex that, it was claimed, a lifetime was not sufficient to a perfect knowledge of them'.<sup>3</sup> By the 1760s, Parliament passed some 800 Customs acts; by 1813, they added another 1,300 acts to the total; the methods for figuring duty became exceedingly complex.<sup>4</sup> Added to the complexity of duties was the confusion over the status of shipwrecked goods, whether they were legally wreck, contraband, or flotsam, and whether or not they were liable for duty. The frequent alteration in policies occurred with the exigencies of war and national debt, and with the enactment of trade strategies instituted to protect colonial trade over that of foreign trade.<sup>5</sup> Hence, the rapidly changing Customs statutes were not only confusing to the lords; they were unclear to Customs officials, which resulted in an ambiguous and inequitable application of the law.

#### Levying of Duties

The attempts of Customs in the eighteenth century to institute their revenue-generating policies and to control dutiable shipwrecked goods provoked reaction

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<sup>3</sup> Richard Price, *British Society, 1680-1880: Dynamism, Containment and Change* (Cambridge, 1999), 134, 135.

<sup>4</sup> Elizabeth Evelynola Hoon, *The Organization of the English Customs System, 1696-1786* (Newton Abbot, 1968), 25-33; Price, *British Society*, 135.

<sup>5</sup> John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (Cambridge, Mass, 1990), Ch. 4, 'The Growth in Debts and Taxes', 88-134; Edward Carson, *The Ancient and Rightful Customs: a History of the English Customs Service* (London, 1972), 92; Sarah Palmer, *Politics, Shipping and the Repeal of Navigation Laws* (Manchester, 1990), 40-43, 52-58.

on the part of both the lords and commoners; neither social group recognised what they perceived as the overreaching authority of Customs. In 1763, for instance, after several casks of brandy washed ashore, the lord 'divided part of the Brandy with the Country people and thinks that the King's Officers have nothing to do with it'.<sup>6</sup> Five years later, the coastal populace again rebelled against Customs when salvors from Porthleven broke into a cellar and carried away wine, claiming that since they salvaged it from a 'dead wreck' Customs had no authority over it. Indeed, jurisdiction and authority was sometimes even unclear to the Customs officers themselves, thus the collector wrote to London for guidance: 'As accidents of this kind frequently happen...we pray to be informed whether we are or are not justifiable & whether it is our Duty to Lock up Goods under the above Circumstances or not'.<sup>7</sup> Customs control over wrecked goods was still uncertain in 1778, when a Porthleven smuggler took advantage of the officer's doubt by claiming that the brandy, which the officers had attempted to seize from his house, was 'Wreck Goods'. His statement suggests that he did not believe that Customs had the power to impose duties on wreck, a belief also held by those holding manorial wreck rights. The officers, too, were hesitant about their authority and were thus anxious that the smuggler's deception of labelling contraband as wreck could be a precedent to other smugglers.<sup>8</sup>

The levying of duties was obviously a major point of contention, and Customs's policies were often vague, which resulted in contradictions in enforcement. In 1798, the Penzance collector reported to London that 'we are in the practice of charging Duties on goods condemned as Droits of Admiralty and also on goods wrecked which become the perquisites of individuals, either as Manorial rights or otherwise unless the duties are remitted by the orders of our Hon<sup>ble</sup> Board to pay Salvage Charges'.<sup>9</sup> However, in 1804, a directive from the Customs Commissioners indicated that lords of the manor were exempt from paying duty on

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<sup>6</sup> CUST 68/5, Penzance Collector to Board, 29 October 1763. Customs did not name the royalty, but it is suspected that an agent of the Arundells made the claim. Unless otherwise stated, all CUST 68 are from Penzance Collector to Board.

<sup>7</sup> CUST 68/6, 16 January 1768. Unfortunately, the Board's answer is not included within the Board to Collector letterbooks.

<sup>8</sup> CUST 68/11, William Hocking and Thomas Davies, Porthleven, to Collector and Comptroller, Penzance, 16 June 1778.

<sup>9</sup> CUST 68/17, 24 July 1798.

wrecked goods by stating expressly that ‘...no Duties are due on Wreck<sup>d</sup> Goods which devolve to the Admiralty or Lord of the Manor for want of other legal Claim’.<sup>10</sup> The perplexing issue of whether duties were to be levied on some articles of wreck and flotsam was finally clarified in 1812 by the act of 52 Geo III, c. 159.<sup>11</sup> Its preamble declared that doubts in the status of wreck had allowed tobacco and liquor to be ‘sometimes sold and carried into Consumption without any Duties having been paid for...to the great Loss of His Majesty’s Revenue, and Injury of Persons dealing in such Liquors and tobacco...’ Consequently, by law, duties were to be charged on wreck and flotsam. Indeed, the act not only obligated the lords to pay duty, but it also required them to place a bond with the Crown of three times the value of the goods if they wished to hold them in their possession for the requisite time. Thus in 1815, a lord of the manor was required to pay duty on two hogsheads of French claret and a pipe of brandy that had washed ashore his royalty which remained unclaimed, when traditionally the liquor would have been his to claim free of duty.<sup>12</sup>

The statute, however, did not clarify the status of all goods. Indeed, duties on timber created confusion, especially since foreign timber from the Baltic was subject to high duties beginning in 1811 while colonial timber incurred preferential lower duties as part of a State policy to limit dependence on supplies that war could endanger.<sup>13</sup> Evidence from the Penzance Custom’s records indicates that timber became one of the primary forms of wreck in the nineteenth century, so this issue had major ramifications for manorial lords. In 1833, therefore, Customs allowed Francis Paynter, who had acquired Connerton and its royalty of wreck from the Arundells, to possess wrecked mahogany while they determined whether duties were applicable.<sup>14</sup> Increasingly, though, lords of the manor were charged full duty on all dutiable goods that washed ashore their royalties, including timber. The strengthening of Customs’s control on the levying of duties thus effectively limited important elements of the manorial lord’s right of wreck.

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<sup>10</sup> CUST 68/49, Penzance Board to Collector, 10 March 1804.

<sup>11</sup> ‘An Act for charging Foreign Liquors and Tobacco derelict, Jetsam, Flotsam, Lagan or Wreck...with the Duties payable on Importation of such Liquors and Tobacco’.

<sup>12</sup> CUST 28/21, Penzance Collector to J. Rogers, 9 April 1813; CUST 68/22, Penzance Collector to Board, 14 January 1815.

<sup>13</sup> Palmer, *Politics, Shipping and the Repeal of Navigation Acts*, 57-58.

<sup>14</sup> CUST 68/32, Penzance Collector to Messrs Grylls, Grylls and Hill, 28 March 1833.

### The Smuggling War:

Another key point of contention between Customs and lords of the manor was over the legal status of the goods found within the royalties. As smuggling grew endemic from 'free traders' attempting to circumvent the escalating duties, the manorial lords found that property they claimed as wreck was being seized by Customs as contraband. The wreck rights of the lords of the manor were thus caught in the middle. From the lord's point of view, this was a particularly vexing encroachment upon their rights, for it forced them to establish their claims through legal proceedings in the Court of Exchequer, an action that incurred additional expense.<sup>15</sup> This situation was also exacerbated by the Customs officers' ulterior motive in claiming goods as smuggled, for if the goods were prosecuted in the Court of Exchequer, the seizing officer could receive up to one third moiety of the goods or their value.<sup>16</sup> Indeed, Customs officers such as Penzance's Daniel Bamfield were known to make false seizure claims. In 1777, he forced himself into the St Aubyn's cellar and 'placed the King's Mark' upon the casks of gin that had been found flotsam near St Michael's Mount and claimed by Lady St Aubyn's agent. Bamfield then threatened the agent with smuggling charges. Although all the witnesses for Lady St Aubyn, including the Customs officer on the Mount, insisted that there was no evidence on the casks to show they were contraband, the Customs commissioners opted to believe Bamfield since, they argued, there were no signs of any shipwreck in the vicinity. The Commissioners claimed that, 'it is not thereby meant to dispute this Manorial Right in any Just cause', but the St Aubyns lost their claim. In 1787, however, Bamfield was not so lucky; the Customs Commissioners finally dismissed him for making false seizure claims and for corruption.<sup>17</sup>

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<sup>15</sup> CUST 68/10, William Broad, bailiff of the Manor and Liberties of Connerton, to John Scobell, Collector of Customs Penzance, 4 February 1777; CUST 68/42, Penzance Board to Collector, 15 April 1777.

<sup>16</sup> Hoon, *Organization of the English Customs System*, 276.

<sup>17</sup> CUST 68/11, Declaration of Witnesses, 30 March 1779; CUST 68/43, Penzance Board to Collector, 20 April 1779; CUST 68/45, Penzance Board to Collector, 19 July 1787; CUST 68/43, Edward Coode to Commissioners, 4 February 1778.

The status of goods claimed by the manorial lords like the St Aubyns was thus continually questioned by Customs. Indeed, Customs records are full of cases in which officers seized goods from the lords of the manor or their agents, justifying their actions by claiming the goods were contraband.<sup>18</sup> Considering the amount of smuggling on the Cornish coast in Mount's Bay, and the method of sinking cargoes offshore until it was safe to collect, it is likely that much of the 'wreck' of the eighteenth and early nineteenth centuries, especially that of alcohol, was smuggled, but not all.<sup>19</sup> Unfortunately for the lords, however, the onus of proof was on them to produce clear evidence of shipwreck before they could legally claim their rights.

Yet sometimes even proof of shipwreck was not enough for lords to claim their rights to wreck, or if they were allowed, they were not given the benefit of lower duties. By the early nineteenth century, one manorial lord even found himself denied his right to claim brandy as wreck because it had been shipped in 'a cask which could not legally be imported and consequently could not be admitted to entry for duty'; he was denied his right of wreck.<sup>20</sup> Francis Paynter, too, felt he was deprived of his rights in 1834 after he claimed a quantity of staves from a wreck near St Ives on the manor of Connerton. Customs determined that the staves had come from a cargo that had 'evidently been shipped at a Port in the Baltic, and carried to one of the British Colonies in North America in order that it might be imported into Great Britain at low duties'. Because of 'this mode of evading duties', Customs concluded that the lord of the manor and the salvors were 'not entitled to any benefit'. Thus Paynter and his tenants were penalised and charged the 'highest rates on the Goods in possession', although they were not the accomplices who had attempted to evade the duties. To add insult to injury for Paynter, the shipping of Baltic timber through the colonies was not made illegal until the following year.<sup>21</sup> The threat to the manorial right of wreck by Customs's battle against smuggling was not alleviated until after 1842. In that year, Sir

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<sup>18</sup> CUST 68/1, 6 November 1740; CUST 68/10, 27 February 1777, 27 March 1777; CUST 68/43, Penzance Board to Collector, 7 March 1778.

<sup>19</sup> See Mary Waugh, *Smuggling in Devon & Cornwall, 1700-1850* (Newbury, Berkshire, 1991, 2003), 33, for methods used by smugglers to deceive Customs and Preventive officers.

<sup>20</sup> CUST 68/31, 24 November 1828.

<sup>21</sup> CUST 68/32, 28 February 1834; Palmer, *Politics, Shipping, and the Repeal of the Navigation Laws*, 58.

Robert Peel removed duties on over 600 items and lowered duties on many more, eliminating many of the incentives for smuggling.<sup>22</sup> However, by that time, manorial rights to wreck had already been extensively curtailed.

#### Loss of First Possession of Shipwrecked Goods:

The first possession of shipwrecked goods held during the requisite 'year and a day' became another point of controversy between lords of the manor and Customs, which again resulted in the abatement of manorial rights. Similar to the confusion over the levying of duties, the policies of possession were unclear. In 1801 Humphrey Bridgeman took possession of tobacco and allspice that had been found at sea within the limits of his lord's royalty, and proceeded to 'claim and Secure the Goods for & in his [the lord's ] behalf', when they were landed at Land's End. He brought the goods to his home, not realising that, according to Customs, 'it was subject to Forfeiture upon removing'. Under this pretence, the goods were seized.<sup>23</sup> Even so, other Customs officials were not necessarily clear about who should have first possession. Ten years later, the collector from Padstow was informed by the Commissioners that legally 'whether the Lord of the Manor or the Officers of the Revenue get first possession of Stranded goods neither of them can until a year and a day has elapsed take them out of the other's possession'.<sup>24</sup>

By the early nineteenth century, manorial first possession of wreck was becoming increasingly bypassed, and even totally ignored, by Customs. When 100 gallons of brandy washed on the beach between Penzance and Marazion in 1803 both Customs and Excise determined that it was wreck, and not smuggled. Nevertheless, neither agency contacted the Arundells, who had legal claim. Rather, they were more concerned about competing with each other over rights to

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<sup>22</sup> Geoffrey Morley, *The Smuggling War: The Government's Fight against Smuggling in the 18<sup>th</sup> and 19<sup>th</sup> Centuries* (Stroud, Gloucestershire, 1994), 157.

<sup>23</sup> CUST 68/18, William Richards and John Julyan to Collector and Comptroller, Penzance, 25 May 1801; Penzance Collector to Board, 28 May 1801.

<sup>24</sup> CUST 69/1, Padstow Collector to Board, 20 August 1811. The Board referred to the Statute of Westminster, which defined wreck and gave the prerequisite 'year and a day' time limitation.

secure it, and thus reap the rewards.<sup>25</sup> Indeed, the claim of the Arundells was not put forth until a year later, when no proprietary owner appeared and the brandy was legally defined as wreck. Unfortunately it is not recorded if Lord Arundell ever received what he claimed as ‘his Perquisite and right’.<sup>26</sup>

By 1824, lords of the manor were still attempting to hold possession and deny the levying of duties. Humphrey Willyams’s altercations with Customs show the misunderstandings the lords had over the changing Customs policies, and the power plays that resulted. When a piece of timber washed ashore Willyams’s royalty of Carnanton, he duly reported it to Customs, but he was determined to maintain possession of it until he could claim it by law. However, he received a notice from the Chief Officer of the Coastguard at Newquay, Nicholas Marshall, informing him that the timber belonged to a vessel driven into Padstow, and that the import duties had not been paid. His letter was extremely accusatory, stating that

You must be aware, Sir, that all Foreign Timber or Goods is liable to pay a Duty...in case of Receiving Information where any Uncustomed Goods may be secreted to evade payment of Duties, We are directed to make Search with writ of Assistance from the Court of Exchequer...and to make Seizure of the Same...but I am sorry to perceive you think my Conduct unjustifiable and unlawful...<sup>27</sup>

Willyams reiterated that he retained the timber as a right of the lord of the manor, and since no claim had yet been put forward, ‘no one but myself has a right to interfere with it’. He was adamant, and exclaimed that ‘on these Grounds I consider your Conduct “unjustifiable & unlawful” that

So far also from my having secreted the Timber, you will be pleased to understand that ever since it came into my Possession it has been lying uncovered & exposed by the side of a much-frequented Highway—& so far from wishing to act clandestinely I shall be ready to shew other Pieces of Timber which I have on the Premises to any one who wishes to prove their Property in them—indeed you must be well aware that I am the last Person

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<sup>25</sup> CUST 68/18, 29 January 1803.

<sup>26</sup> CUST 68/18, 25 January 1804.

<sup>27</sup> CRO W/43, Marshall to Willyams, 5 June 1826.

to interfere with the Proceedings of any Authorities when conducted legally and correctly.<sup>28</sup>

At this point, both combatants determined to send their missives to the Commissioners of Customs in London.<sup>29</sup> Willyams forwarded his own letter to the Commissioners, much more deferential in tone, asking them to take into account his objections. He protested the duty on the timber, which he claimed ‘is so novel that...I cannot suppose it was intended that the rights of Lords of Manors & particularly of royal Manors (that of Carnanton was purchased of y<sup>e</sup> Crown only about 5 or 6 years since) are to be annihilated by a lately worded clause in an act relative to Customs’.<sup>30</sup> In addition, Willyams argued that the clause of 6 Geo IV, c. 107 cited did not specify duties on timber, but that it only applied to ‘liquors and tobacco’, and most importantly, even if it did apply, the timber had washed on shore and come into his possession before the act came into force, that is, before 5 January 1826. He closed with a promise to pay the duties if the Customs solicitor disagreed with him. Nevertheless he explained that ‘in resisting the Claim, I am sure the honble y<sup>e</sup> Comm<sup>rs</sup> will see that I have only used my efforts to maintain the Rights and Privileges which have been just granted me by the Crown—a large portion of which I shall be deprived of if they are to be subject to the above Clause’.<sup>31</sup> Unfortunately for Willyams, the Commissioners determined that the act applied to the timber.<sup>32</sup> Willyams paid the duty and issued an apology to the Commissioners, pleading ‘the novelty of the case’. In spite of this, to signify his displeasure, he stated that he would ‘resist the Illegal Conduct of any Officer (as in the present Instance) who may proceed to a Sale’ before the lord of the manor could claim the goods, ‘which the Act requires’.<sup>33</sup> Thus with the changes in statutes applying to Customs duties, the lords of the manor did see their rights ‘annihilated’ as Willyams foresaw.

By the end of the 1850s, lords of the manor became accustomed to paying duties on the wide range of imported goods as required by law, despite the fact that they were lawful wreck. Indeed, in 1854, Rev. John Rogers of Penrose found himself

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<sup>28</sup> W/43, Willyams to Marshall, 8 June 1826.

<sup>29</sup> W/43, Marshall to Willyams, 10 June 1826.

<sup>30</sup> He was referring to 6 Geo IV, cap 107.

<sup>31</sup> W/43, Willyams to Commissioners of Customs, 29 June 1826.

<sup>32</sup> W/43, Commissioners of Customs to Collector and Comptroller, Padstow, 13 July 1826.

<sup>33</sup> W/43, Willyams to Commissioners of Customs, 26 July 1826.

paying duty at the British colonial rate for mast, a spar, and eight deals that had washed ashore his manor.<sup>34</sup> Thus the lords of the manor, who once controlled the wreck which washed ashore on their lands, and who were able to claim the goods duty-free as part of their franchise, were at the end of the period liable to pay duty on the pieces of wrecked ship itself.

### **Ascendancy of the Admiralty over the Manorial Rights to Flotsam**

Claims to flotsam, jetsam, and lagan had been legally defined whereby articles found at sea were considered ‘droits of Admiralty’, and articles found near the shore were considered the right of the lords of the manor.<sup>35</sup> Manorial lords had traditionally claimed goods that were found floating offshore of their royalty, ‘as far out to sea as a Hamborough barrel can be seen on a clear day’, according to the Arundell’s charter. Indeed, even in 1770 Lord Falmouth as Lord High Admiral recognised the Arundell claim to flotsam off Connerton and the Hundred of Penwith.<sup>36</sup> However, by 1836, flotsam was considered solely the legal possession of the Admiralty. The new classification, which denied possession of inshore flotsam to the manorial lords, resulted from the consolidation of the Customs acts, and from three landmark court cases.

From the start, the new 1836 Customs Act was confusing to both Customs officers and the lords of the manors despite its intention to clarify the tangle of former acts. Of especial concern was the status of flotsam. The Penzance collector requested clarification from the Receiver General of Droits of Admiralty, informing the Receiver that jetsam, flotsam, and lagan found on the shore, or ‘within the flow of the sea’, had traditionally been claimed by the lords of the respective royalties. ‘Thus I presume’, he wrote, that ‘the clause in question does not interfere with their rights, but I should be obliged by your informing me how I should proceed when such claims are urged in the future’. The Receiver informed him that the goods thus found *were* droits of the Admiralty; lords of the manor had no claim.

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<sup>34</sup> CUST 68/35, Rogers to Commissioners of Customs, 8 February 1854.

<sup>35</sup> Sir Henry Constable’s case (1601), in James C. Hannen and W. Tarn Pritchard, *Pritchard’s Digest of Admiralty and Maritime Law*, Vol. II (London, 1887), 2317.

<sup>36</sup> CRO AR 17/29/2, John Knill to Lord Arundell re: wrecks, 1770.

The Penzance collector recognised that this pronouncement would cause confusion,

for there is no doubt that the respective Lords of the Manor will still retain possession of all Goods taken up near their Manors, their notion on the Subject being that they are entitled to all Goods as far out at Sea as a Hambro' Cask can be seen floating.<sup>37</sup>

He was correct; there was much misunderstanding.

Charles Prideaux Brune, lord of the manor of Padstow, found himself constrained by the new legislation the following year. In question was a quantity of timber salvaged within his royalty, and seized by the local Customs collector. Although Brune had applied to Customs for the timber, they denied him possession under the 1836 act. In the ensuing case paper, Sir William Follett remarked that he did not think that the act applied to the lord of the manor if the goods were thrown upon the shore within the reach of the sea. Rather it would apply to articles found in the sea, or on the shore within reach of the sea.<sup>38</sup> Thus, the act expressly denied lords of the manor that which their royal grants had conferred, and which both the Admiralty and Customs had recognised in the eighteenth century.

#### The Rights to Flotsam in Common Law

The loss of offshore wreck rights, and in some cases foreshore wreck rights, was heralded by three landmark court cases, 'the King v. 49 Casks of Brandy' in 1836, 'the King v. Two Casks of Tallow' in 1837, and 'The *Pauline*' in 1845. Although none of the cases involved Cornwall *per se*, the decisions directly affected Cornish manorial rights. In '49 Casks', the lord of the manor at Corfe Castle in Dorset claimed brandy salvaged within three miles of his manor. Although he showed that the Crown formerly accepted the liberty, and even upheld it on a *quo warranto* in 1664, Victorian judges chose to interpret the law differently. In particular, Sir John Nichols denied that manorial boundaries extended into the sea; rather they extended to the foreshore only. Therefore, any goods found in the sea belonged

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<sup>37</sup> CUST 58/33, Penzance Collector to Receiver General, Droits of Admiralty, 7 December 1836.

<sup>38</sup> CRO, PB 6/769, Case paper, right of wreck, manor of Padstow, 1837.

rightfully to the Admiralty as droits.<sup>39</sup> Indeed, with this case, wreck rights became highly complicated: if the goods were found above high water mark, and thus aground, they would belong to the manorial lord as *wreccum maris*. If the goods were found below low water mark, and floating, they would become droits of Admiralty. However,

...those which were afloat between high and low-water marks, but being afloat never having even touched the ground, had not become wreck of the sea, and those which had been found on the ground, the tide being out, were wreck of the sea; that those which were found on the ground, though still moved by the waves, the sea at one time surrounding them and at another leaving them dry, were doubtful, but ought to be considered wreck of the sea, because they had struck ground.<sup>40</sup>

This case had severe ramifications, for the next year the lords of the manors of Caistor Pastons and Castor Bardolfs in Norfolk claimed rights to two casks of tallow salvaged and taken to Customs at Great Yarmouth. Although they claimed the casks by prescription, the Admiralty denied their rights, instead arguing that the salvors had claimed the casks before they had grounded on the beach. The lords maintained that the casks had been grounded; it was only with the reversal of the tide that they were floating. Sir John Nichols made the determination that since the casks were floating, they were no longer considered wreck of the sea:

I cannot agree to the proposition that things having once touched the ground, thereby necessarily become the property of the lord of the manor. What might be the law in the case of things having become fixed on the shore, and afterwards the sea leaving them, may be a question hereafter...<sup>41</sup>

The 'question hereafter' arose with the case of the *Pauline*, which occurred in 1845 when the ship wrecked at the mouth of the River Exe. Both the Admiralty and the

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<sup>39</sup> Nichols based his decision on a possible 'legal fiction', that the office of Lord High Admiral existed from 'time immemorial'—before 1189, and thus predated any manorial claims to flotsam. All manorial claims through prescription or express grant after 1189 were declared void. However, Michael Williams has uncovered evidence that express grants may have existed prior to 1189, predating any claim of the Lord High Admiral. In addition, Williams points out that Professor Marsden has argued that there is no evidence for the office of Lord High Admiral prior to 1360. This argument has opened the way for manorial court cases being contested at the time of writing, such as the claim of the manor of Ermington, filed in 1991. Michael Williams, 'Manorial Rights of Wreck', unpublished paper presented at the Nautical Archaeology Conference, University of Plymouth, March 1995. Special thanks to Mr Williams for sharing his paper with me.

<sup>40</sup> Stuart A. Moore, *A History of the Foreshore*, Third edition (London, 1888), 468.

<sup>41</sup> Quoted in Moore, *A History of the Foreshore*, 469.

earl of Devon as lord of the manor of Kenton claimed her, literally at the same time. Men from both camps boarded the ship to salvage her; though it was admitted by all that she was within the low-water mark and within the manor for most of the time. However, Dr Lushington determined the case against the lord of the manor by arguing that the ship was within Admiralty jurisdiction, that she was 'lying on land covered with water'. He found for the manorial lord only in respect to a few casks that had come ashore, quoting the case of 'Two Casks of Tallow'.<sup>42</sup>

It is evident that lords of the manor attempted to fight the new legislation, and feared the restriction of their rights. In Cornwall, the Penzance Customs collector, appointed as the local agent to the Receiver General of Droits, complained in 1837 that he was having difficulty with the local lords. Although he had stated in 1836 that the manorial lords were insisting on maintaining possession of wrecked goods, and were adamant that they were entitled to goods taken at sea, the situation had not changed. Indeed, the collector did not seem to be convinced of the change in the law either:

...the Lord of the Manor (who states he has a Royal Grant) persists in claiming derelict Goods as formerly and has given me notice that he shall proceed against me in the Event of my detaining any such Goods which he calls his rights—I believe the claim has been allowed here from time immemorial, and since my residence at this port as Collector of Customs embracing a period of 40 years, the Lord of the Manor has always taken possession of Goods if within 3 miles of the Shore...<sup>43</sup>

Therefore, not only were commoners attempting to maintain their customs and rights in the face of governmental intervention and changing policy, so too were the elites of the county.

### **Ascendancy of the Board of Trade**

With the passage of the Merchant Shipping Act of 1854, administration of wreck rights passed to the reconfigured Board of Trade. One of their mandates was to

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<sup>42</sup> Moore, *The History of the Foreshore*, 469.

<sup>43</sup> CUST 68/33, Penzance Collector to Alexander Callandar, Receiver General of Droits of Admiralty, 7 December 1836; Collector Ferris to Charles Jones, Solicitor of the Admiralty, 4 November 1837.

begin an investigation into manorial rights of wreck, with the stated goal of clarifying legal claimants to wreck so they knew whom to contact for wreck handed in to the receivers. In 1855, the Board of Trade assigned the investigation to James O'Dowd, a Customs solicitor, who was to travel to the coastal areas of the United Kingdom to examine existing wreck claims. Prior to his visit, the Board of Trade requested that the receivers of wreck at the various Customs ports send in names and addresses of landed proprietors whom they believed to have wreck rights. Many of these receivers also conveyed letters to the lords requesting them to send information regarding their claims, the date and nature of their grant, along with the geographical extent of their franchise. J.D. Bryant, the receiver at Padstow, admitted to Humphrey Willyams that he was aware that Willyams's claim had been upheld against the Crown, but counselled him that the evidence would be 'requisitioned' by the Board of Trade. Willyams was forewarned that 'you are no doubt aware that the Duchy of Cornwall claim the wreck on all the Coasts of the County and that such claim is conflicting with yours among many others...'<sup>44</sup> Bryant thus alluded to the third and fourth developments that resulted in the curtailment of manorial rights of wreck: the centralising policies of the Board of Trade and the re-emergence of the Duchy of Cornwall's claims to wreck.

With three court decisions fresh on the books that legally denied manorial lords the right to flotsam, traditionally claimed 'from time immemorial', and the resurgent claims of the Duchy, lords of the manor were apprehensive about the plans of the Board of Trade. The Board must have been aware of these concerns, for in their circular letter sent out to the lords, Secretary Thomas Henry Farrer assured them:

To remove the erroneous impression that the inquiry may subject Lords of the Manor to expense and inconvenience, I beg to observe, that a rigid and formal investigation of Title is not intended; but such an inquiry, as may lead to a safe & reasonable conclusion as to the rights of several claimants, with a view of enabling the Board of Trade to give receivers of Wreck the necessary instructions, as to parties entitled to receive unclaimed Wreck, or the proceeds thereof...This being the sole object of the inquiry...<sup>45</sup>

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<sup>44</sup> CRO W/43, J.D. Bryant, Receiver of Droits of Admiralty, Padstow, to Humphrey Willyams, manor of Carnanton, 7 July 1855.

<sup>45</sup> TNA BT 212/1, Board of Trade Warning Letter on O'Dowd's impending visit regarding wreck rights, n.d.

O'Dowd's task was not an easy one, as the wreck rights for Cornwall had severe entanglements, as has been seen. He was aware of the conflicting rights, and while he had no authority to legally determine whose rights were to be upheld, he wished to recognise those appearing to be sound. In particular, O'Dowd realised that he would need to acknowledge the claim of the Duchy of Cornwall. In his perusal of Cornish claims, therefore he

deemed it my duty to...require proof of a title in the Claimants based on evidence which shewed an existing right in those from whom he derived, antecedent to the creation of the Duchy of Cornwall, and in any cases in which I admitted the validity of a title by prescription. I did so upon such ancient and uninterrupted evidence of user as led to the presumption of a grant from the Crown previous to such creation.<sup>46</sup>

In June 1857, O'Dowd reported that he had completed the investigation into manorial wreck rights for whole of England, after a period of eighteen months. His first reports, were sent to the Board of Trade, claimed that the investigation had ended favourably.<sup>47</sup> However, the undercurrent of dissatisfaction in Cornwall belied his remarks. Indeed, the O'Dowd investigation underscored the continuing loss of rights suffered by the manorial lords.

O'Dowd's survey, which included additional investigations completed intermittently between 1867 and 1869, recognised several manors as having rights to unclaimed wreck. (See Appendix 11). Manors such as that of John Rogers, Edward Coode, and Humphrey Willyams were accepted.<sup>48</sup> O'Dowd not only listed those manors he recognised as having rights of unclaimed wreck, but there were other manors he felt lacked the evidence required, and thus they were denied recognition by the Board despite Farrer's claim that 'a rigid and formal investigation of Title is not intended'.<sup>49</sup> On the list was the application of the Rt.

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<sup>46</sup> BT 243/262, Duchy of Cornwall: legislation of right of wreck, 1856-1952, Case for opinion of the Law Officers of the Crown, n.d. 1861.

<sup>47</sup> BT 243/262, Duchy of Cornwall: legislation of right of wreck, 1856-1952, O'Dowd, Custom House Sligo to Board of Trade, 8 June 1857.

<sup>48</sup> The original report has not been found, and no other work has been discovered other than the amendments to the original lists. TNA BT 212, Series Details. The enormous job this entailed, and the costly loss of this information is indicated by the fact that some 691 claims were enumerated; 635 of these were exclusive of the Duchy.

<sup>49</sup> BT 212/1, Board of Trade Warning Letter on O'Dowd's impending visit regarding wreck rights, n.d.

Hon. John Francis, Lord Arundell of Wardour, who claimed for the remaining few smaller Cornish manors still left in his holdings. For each of the claims, O'Dowd remarked that there was no evidence of title, and that the Arundell solicitor had failed to show any evidence of rights through prescription. However, O'Dowd did allow the manor of Lanherne to retain its manorial rights to wreck, proven through prescription.<sup>50</sup>

An even more controversial decision on the part of O'Dowd concerned the remaining parcels of the manor of Connerton and Hundred of Penwith. By 1840, the manor and hundred had been sold to the Paynter family, descendants of the Arundell chief stewards. Catherine Augusta Paynter claimed title for unclaimed wreck, but was initially denied. O'Dowd remarked that there was some support for her claim, but he maintained that 'no mention of Wreck is made in any of these Grants'. He recognised that there was evidence that the Arundells had practised right of wreck through prescription, which he would have considered sufficient, except that there was also evidence the Duchy also claimed wreck within the Hundred 'both anterior and subsequent to the creation of the Duchy'. Therefore, 'the prima facie case of the Claimants in support of the title by prescription failed, both as to the manor and the Hundred'.<sup>51</sup> This opinion was unforeseen, considering the plethora of evidence that the Arundells had practised rights of wreck through prescription, and that the right had been upheld in legal decisions throughout the eighteenth century, using the same evidence. Indeed, even the High Admiral had recognised Arundell claims. Nevertheless, O'Dowd denied recognition to what was once one of the largest most visible manors in western Cornwall. However, rather than completely denying the claims, and, as he said, 'to prevent possible future litigation', Mrs Paynter's solicitors offered an ultimatum to the Duchy. They would agree to withdraw their claims for the Hundred of Penwith if the Duchy gave up the claim for Connerton. An agreement was thus drawn up.<sup>52</sup>

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<sup>50</sup> Lord Arundell's title was eventually accepted in 1869. See TNA MT 9/5982, Duchy of Cornwall and parts of Devon, Manorial Rights, Boundary Claimants to Manors.

<sup>51</sup> TNA MT 9/5981, 'Schedule B: A Return of Parties in the County of Cornwall whose titles to receive unclaimed wreck are adversely reported upon'.

<sup>52</sup> MT 9/5981, 'Schedule B: A Return of Parties in the County of Cornwall whose titles to receive unclaimed wreck are adversely reported upon'.

O'Dowd also denied the claim of William Rashleigh for the manors of Tywardraeth, Trenant, and Polruan. Although Rashleigh's solicitor brought evidence that the right of wreck had been practised, O'Dowd remarked that 'this was not satisfactory to us'. He requested further court rolls and documentation, but Rashleigh appeared to be tired of the whole proceedings. Indeed, O'Dowd observed that Rashleigh 'was not disposed to enter further into the matter', and thus he denied claim to the manors.<sup>53</sup> O'Dowd's list is quite revealing, for it shows that by the mid-nineteenth century, the great gentry families of eighteenth century Cornwall had lost not only their claims to wreck found offshore their manors, but they had lost their claims to the right of wreck within the manors themselves.

#### Claims of the Duchy of Cornwall:

Not only were some of the gentry frustrated with the Board's inquiry, so too was the Duchy of Cornwall. The Duchy was particularly disgruntled, and put forth strong assertions that led to a stalling of the proceedings. The resurgence of the Duchy's claims to wreck was a result of reorganisation that occurred in 1842 when the Crown appointed Prince Albert as Lord Warden of the Stannaries. He managed to reform the Duchy from its medieval guise, which had allowed its revenue production to fall into stagnation, into a stronger economic enterprise.<sup>54</sup> The issue of manorial title was a particularly important one for the Duchy. As Secretary Gardiner of the Duchy declared: 'the prerogative right of the Crown to wreck of the Sea was so far as regards the entire County of Cornwall inalienably settled by the Legislature in the reign of Edward the 3<sup>rd</sup> upon the Heir Apparent of the Crown'. Therefore, he argued, the Merchant Shipping Act did not apply to Cornwall.<sup>55</sup> In other words, the Duchy claimed that the Board of Trade's investigation into wreck rights was illegal, and that all other manorial claims in Cornwall were invalid except for those conferred by the Crown and Duchy. This had strong implications for the rights of all other manorial lords holding the royalty of wreck.

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<sup>53</sup> MT 9/5981, 'Schedule B: A Return of Parties in the County of Cornwall whose titles to receive unclaimed wreck are adversely reported upon'.

<sup>54</sup> Graham Haslam, 'Modernisation', in Crispin Gill, ed. *The Duchy of Cornwall* (Newton Abbot, 1987), 48-49; Philip Payton, *Cornwall: A History* (Fowey, 2004), 209-210.

<sup>55</sup> BT 243/262, J. Gardiner, Duchy of Cornwall to Mr Booth, President, Board of Trade, 7 December 1860.

The Duchy specifically wanted information on all of the lords of the manor whose claims O'Dowd had determined should be admitted: the names, the nature of the titles, the dates of the grants from the Crown, and the length of time in which prescription was practised. Farrer refused to hand over all this data because O'Dowd had assured the lords' confidentiality. Moreover, Farrer argued that the Duchy had 'no right to see the Titles—we had no power to compel their production—but they were produced for our own satisfaction and security—and the condition that they should be divulged was under the circumstances a perfectly fair one'.<sup>56</sup> Gardiner was incensed at the Board's refusal not only to share information, but that 'they seem to have assumed that there is no distinction between the County of Cornwall and other parts of the Kingdom and have dealt or propose to deal with the subject as if no distinction existed'.<sup>57</sup>

This most contentious and far-reaching issue, whether Cornwall was to be considered part of England and thus included within the Merchant Shipping Act or a separate entity strictly under Duchy jurisdiction, was to be determined through an inquiry to the Law Officers of the Crown. For the lords of the manors, the decision would have severe ramifications on their rights of wreck. Farrer, too, was concerned that if the Law Officers found for the Duchy, the act would need to be amended to extend to Cornwall, or 'otherwise there will be no jurisdiction for the protecting of wrecks in that part of the country which most require it'.<sup>58</sup> Farrer was thus concerned that if the Duchy had their way, it would open up the possibility of increased wrecking activity.

While the issue was being referred to the Law Officers, the claims for wreck were put into abeyance, and the manorial lords were advised of the Duchy claims. O'Dowd was not pleased. He described to Farrer a Chancery Court proceedings whereby the lord of the manor of Killinack was legally granted wreck rights because,

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<sup>56</sup> BT 243/262, Farrer, BT to Gardiner, Duchy of Cornwall, 5 October 1860; BT 243/262, Minute Paper No. 2434, 21 February 1861.

<sup>57</sup> BT 243/262, Gardiner, Duchy of Cornwall, to Booth, President, BT, 7 December 1860.

<sup>58</sup> BT 243/262, Minute Paper No. 2434, 21 February 1861.

the Council of the Duchy have never interfered—Their zeal on this point has not been heard of until lately indeed so little so, that I firmly believe they cannot establish a single instance of their having enforced the chartered right to Wreck which they now appear anxious to establish against proprietors some of whose titles run back to the days of the first Bishops of Cornwall—<sup>59</sup>

The proprietors were not enthralled with the proceedings, either, especially since the investigation dragged on, and no one saw any payment for wreck for which they felt they were entitled. In 1862, James Delmar, the solicitor for Lord John Thynne and Mr John Hockin, informed the Board of his clients' situation, that Lord Thynne's title 'has nothing to do with the Duchy of Cornwall...his Lordship resting his claim on an antecedent title to that of the Prince of Wales'. Hockin's claim, Delmar argued, 'has been twice submitted to Duchy Officer's and it would appear a great hardship that he should be at the Cost of defending rights—bona fide paid for—'.<sup>60</sup> Although Farrer tried to assure Delmar that his client's rights, and wreck profits, would be taken into account, 'my Lords still think it desirable to postpone any further inquiry into the issue of the pending negotiations is known'.<sup>61</sup>

Delmar was not the only attorney frustrated by the lapse in proceedings. George Allens of St Columb, representative for Humphrey Willyams, also voiced his displeasure:

Since three or four years time Mr O'Dowd...visited the County (Cornwall) for the purpose of investigating the claim of certain Lords of the Manors to the right of Wreck...& when at Padstow, M<sup>r</sup> Humphrey established his claim, I believe to M<sup>r</sup> O'Dowd's perfect satisfaction, to all Wreck found within the manor of Carnanton, formerly a Crown manor...Since that time twenty wrecks have been handed over to the Receiver of Droits & now M<sup>r</sup> Willyams has respectively applied to him for an account of the Sales, but has hitherto failed in receiving any.<sup>62</sup>

Allens received the same answer as the other solicitors: negotiations were still pending.

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<sup>59</sup> BT 243/262, O'Dowd to Farrer, 17 April 1861.

<sup>60</sup> BT 243/262, James Delmar, Stratton, Cornwall to T.H. Farrer, Secretary, BT, 28 January 1862.

<sup>61</sup> BT 243/262, Farrer to Delmar, 3 February 1862.

<sup>62</sup> BT 243/262, George B. Allens, Esq, St. Columb, attorney to Humphrey Willyams, to T.H. Farrer, BT, 10 September 1862. Rather than implying that there were twenty shipwrecks, Allens was saying that twenty pieces of wreck had been turned over to the receiver.

John J. Rogers, lord of the manor of Penrose, and county magistrate, also had issues with the Board over the abeyance of wreck rights. In particular, he was concerned that the lords had received no notice from the receivers of any wreck found:

I feel strongly that if our rights are still to be held in abeyance (as they have now been most unjustly & injuriously for three years past...& the proceeds unaccounted for, we should at least receive from the Receiver a form notice of each [illeg] of Lord's wreck by him stating date & value, or proceeds if sold, in order that the Lord may have some knowledge of the way in which the account is kept on their behalf by the Board of Trade.<sup>63</sup>

Roger's complaint stemmed from a policy set forth by the Board of Trade in 1856, whereby Receivers would be forwarded those claims that had been admitted. However, 'in the meantime Receivers are not in any way to admit *any* such claim or title to unclaimed wreck, and are to be careful not to report wreck to Lords of Manors without the express sanction of the Board of Trade'.<sup>64</sup> The Board, working with Customs thus had, despite Farrer's protestations to the contrary, explicit control over manorial wreck, not only in determining which claims would 'be admitted', but also in possessing the wreck itself and in suppressing information of its existence. Not only was Roger's contemptuous of the way the Board was handling his affairs, he issued a warning that the

present state of interregnum is not only injurious in many ways to the Lords of wreck rights, but that it is not beneficial to the shipowners, whose interests the Board should protect, because that state operates as an inducement to poor men along shore to commit plunder of wreck.<sup>65</sup>

Accordingly, Rogers employed the threat of plundering, for despite its cessation as a major Cornish concern, the spectre still haunted popular consciousness.

Some proprietors determined to take the issue into their own hands. Rather than fight Duchy claims, Sir Samuel Spry purchased the wreck rights of his manor

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<sup>63</sup> BT 243/262, John Rogers of Penrose to BT, 2 April 1862.

<sup>64</sup> CUST 33/38, Receivers of Wreck: Instructions for Customs Staff, *Supplemental Instructions in Respect to Wreck & Casualties Issued by the Board of Trade under the Merchant Shipping Act 1854* (London, 1856), sec. 112, 13.

<sup>65</sup> BT 243/262, Rogers to BT, 2 April 1862.

directly from the Duchy.<sup>66</sup> Other proprietors took a more challenging position. Receiver J.D. Bryant informed the Board in September 1862 that William Drewe, lord of the estate of Carnewas, and a claimant accepted by the O'Dowd inquiry, had 'picked up a piece of fir Timber and declined either to report it or deliver it to me—although requested to do so—assigning as a reason that the Timber is his private property and that no one has the right to interfere with it'. Bryant felt that the incident could prove fatal: 'if uncheck'd, will prove subversive to all order in the District...shall I have him summoned before the Justices for not reporting and delivering as directed by the Act? It is a very clear case, I think'.<sup>67</sup> Thus in language reminiscent of the apprehensions of eighteenth century Customs officers against wreckers and smugglers, a lord of the manor was threatened with legal action for claiming what he believed was his customary and lawful right. Bryant thought it was a 'clear case', but the Customs solicitor was more cautious. Although the Board's president requested that he send Drewe a warning of the penalties to be incurred by failing to report and deliver wreck to the receiver as required in section 450 of the MSA, the solicitor was unsure whether the clause applied to legal owners of wreck rights. Farrer, however, pointed out that Drewe had been informed of the Duchy negotiations, thus his own wreck claims were still in abeyance.<sup>68</sup> Thus by the mid-nineteenth century, the definitions of criminality relating to wreck had been extended to lords of the manors themselves.

Wreck claims of lords of the manor continued in abeyance even though the Law officers informed the Board of Trade in March 1862 that the Merchant Shipping Act did apply, in fact, to Cornwall. Although the news was relayed to the manorial lords at that time, they would not see any profit from their rights until six years later. After the legal decision, a new committee, formed through the cooperation of the Board of Trade and the Duchy of Cornwall, instituted a new inquiry into the claims of wreck rights in Cornwall. At its conclusion in 1868, Farrer wrote: 'This is I hope the end of a very long and troublesome business. The Duchy were at first very wrong in [illeg] us to use our Statutory powers to help them against the

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<sup>66</sup> BT 243/262, Secretary of the Duchy of Cornwall to T.H. Farrer, 4 December 1862.

<sup>67</sup> BT 243/262, J.D. Bryant, Receiver of Wreck, Padstow, to T.H. Farrer, 2 September 1862.

<sup>68</sup> BT 243/262, Minute Paper No. 9758, Farrer note to Customs Solicitor, 2 October 1862.

Landowners—And then M<sup>r</sup> O’Dowd’s inquiries were endless—Now the Duchy are reasonable and the Landowners I hope satisfied’.<sup>69</sup>

Why was there so much concern over wreck rights? Occasionally, as has been seen, wreck rights could be profitable, though only in windfall situations. By the mid-nineteenth century, profitability had decreased. For example, the Board of Trade reported the following profit from wreck:

**Table 7.1 Profits from Wreck in Cornwall, 1862-64**

<i>Receivers Districts being Custom Ports</i>	<i>Amount received in 1862</i>	<i>Amount received in 1863</i>	<i>Amount received in quarter ending 31 March 1864</i>
Falmouth		28.5.8	3.19.2
Padstow	25.16.9	2.10.9	9.17
Penzance	91.5.1	21.7.8	
Scilly	107.10.11	31.10.7	
Plymouth	12.1.7	3.9.1	39.10.5
Bideford	22.2.2		3.4.7
	262.5.1	134.13.4	95.10.7
Deduct Expenditure in Excess of Income			
Falmouth	10.1.7		
Bideford		19.7	
Padstow			2.11.11
Scilly			3.5.8
Total £sd	252.3.6	133.13.9	89.13.0

Source: TNA MT 9/22, Returns of all sums of money received by the Board of Trade or by their Receivers in the County of Cornwall, in Continuation of Parliamentary Paper No. 456 of Session 1862, 1864.

In analysing the above figures, it is clear that the profit from wreck, once expenses and salvage payments were taken into account, amounted to little. Farrer recognised the low profitability when he discussed the proceeds to wreck in 1858.

<sup>69</sup> MT 9/5982, Minute Paper, 9 March 1868.

As he argued, ‘not only is the whole sum already observed very trifling but the amount rising from wreck found afloat is very small indeed as compared with wreck found ashore;’ neither amounted to a large profit.<sup>70</sup> Indeed, even Charles Gore, secretary of the Office of Woods, in writing to the Treasury remarked that ‘the value of Wreck as a matter of Revenue is very small, and is likely to diminish with an improved administration’.<sup>71</sup>

Rather than concern about profitability, the correspondence of the Board of Trade indicates that by the mid-nineteenth century, the right of wreck was constituent with wider rights, especially to that of the foreshore. As a memorandum from the Board of Trade put forth in 1858, the right of wreck ‘is looked upon by the Courts of law as one of the strongest proofs of a right to the shore itself’. It quoted a court case at Brighton whereby a member of the jury asked the judge if “the Lord is entitled to Wreck should your Lordship think he would be entitled to the Soil?” The judge’s answer was affirmative.<sup>72</sup>

The Duchy also emphasised the importance of foreshore rights in 1865, when they issued a publication arguing for their claims to Cornwall. The title illustrates their self-interest: *Tidal Estuaries, Foreshore, and Under-sea Minerals, within and around the Coast of the County of Cornwall*. The evidence contained within the report showed that profit from wreck itself was illusory. Even in the Duchy’s early history, the fines administered from those found guilty of wrecking amounted to more than was gained from wreck itself.<sup>73</sup> Therefore, the concerns regarding wreck rights held larger significance than concerns about wreck *per se*; wreck rights were associated with greater issues surrounding manorial royalties and additional sources of profit from the foreshore.

Because of governmental and Duchy pressures, and the lack of profitability from wreck, many lords of the manor lost interest in their claims. Either they did not put forth the effort and expense to prove their rights or they began to sell them off.

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<sup>70</sup> MT 9/6, Right of Crown to Wreck, Titles Admitted by Crown, Minute Paper, 17 August 1858.

<sup>71</sup> MT 9/6, Charles Gore, Office of Woods to Treasury, cc’d to Board of Trade, 29 May 1858.

<sup>72</sup> MT 9/6, Right of Crown to Wreck, Titles admitted by Crown, 1858, Memorandum on Letter from the Board of Trade respecting Wreck of the Sea, 19 June 1858.

<sup>73</sup> Maryanne Kowaleski, ed. *The Havener’s Accounts of the Earldom and Duchy of Cornwall, 1287-1356* (Exeter, 2001), 51, 66-67.

Even the claims of the Arundells, held since the twelfth century, were eventually sold to the Duchy for a mere £7.10.0 in 1964. As the Ministry of Transport solicitors admitted: 'Valuable wreck which is cast ashore is usually claimed by the owners and a perusal of the records of the past ten years shows that no monies deriving from the acquisition of unclaimed wreck have been paid to the manor of Lanherne'.<sup>74</sup> They could have probably added that little profit was made in the past hundred years, either.

The increasing bureaucracy not only slowly curtailed local control from the lords of the manors, it also directly affected the customary rights of the local populace. Gone was the custom of their receiving a moiety of either the goods or their value for salvage, paid almost immediately by the agents or bailiffs upon receipt of the goods. In its place were bureaucracy and red tape, and endless delays of waiting for compensation. It is no wonder that many continued to act in the way that they always have, to 'harvest' the beaches 'for their own use'. It is also no wonder that many of the lords of the manor opted to sell their wreck rights to the Board of Trade or the Duchy and disown the entire business. Consequently, even after the era when other customary rights had been eroded, from the loss of common-land use to the loss of perquisites and the criminalisation of such previous legitimate activities, the loss of legitimate wreck rights became another example of what Hay and Rogers termed 'the disruption of custom, the triumph of law'.<sup>75</sup> Rather than being an example of class-based domination, however, the losers were local elites and the gainers were the forces of centralised government.

The actual customs of wrecking, therefore, whether practised by the coastal populace as 'Providence', or 'moral entitlement', or by the lords of the manor, experienced shifting definitions of criminality through the course of the eighteenth and early nineteenth centuries, and were subject to increasing governmental control. Yet evidence has also shown that the numbers of actual wrecks physically

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<sup>74</sup> BT 243/131, Messrs Eland Hore Patersons, Solicitors for the Ministry of Transport regarding Lanherne Manor, 17 November 1964.

<sup>75</sup> Douglas Hay and Nicholas Rogers, *Eighteenth-century English Society: Shuttles and Swords* (Oxford, 1997), 97-113. See also E.P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York, 1993).

attacked and chances of profit through all forms of wrecking were strictly opportunistic and of limited profitability, especially as the nineteenth century progressed. And yet, if wrecking was not as widespread and invidious as popular belief allows, how did it become part of the popular imagination, and more importantly, how did it become almost completely tied to Cornwall, when wrecking was practised in all coastal areas of the British Isles? To answer these questions, it is important to go beyond the actualities of wrecking and to enter into an examination of wrecking discourse, in essence to perform the ‘unravelling of myths and reflections on the making of “common knowledge”’.<sup>76</sup>

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<sup>76</sup> Miri Rubin, ‘What is Cultural History Now?’ in David Cannadine, ed. *What is History Now?* (London, 2002), 83.

## CHAPTER EIGHT

Press, Pulpit, and the Wrecker and the Survival of Popular Myth

*'those greedy Cormorants waiting for their Prey':*

In 1751, the *Sherborne Mercury*, one of the first regional papers in the West Country, reported the loss of a vessel near Porthleven on 18 March:

the cliffs, as usual, were covered with hundreds of those greedy Cormorants, waiting for their Prey, which no soon came within their Reach but was Swallowed up by them, more barbarous in their Nature than Cannibals...Amongst these greedy Wolves there were many of their Kind that made so free with the Spirit, and were so exasperated with each other, that they stripped even to their Buff and fought like Devils.

Thus begins one news account of a wrecking event. In investigating the wrecking myth and its solidification into popular consciousness, the role of the press, the public pronouncements of the clergy and the Methodist novel must occupy a prominent position, for they were important vehicles in the spread of ideas. Not only were they the means of spreading information and news, they also had an impact in influencing societal mores.<sup>1</sup> Although the language of this *Sherborne Mercury* article was particularly hostile, research has shown that its author applied metaphors and reporting conventions commonly utilised to describe wrecking events in many parts of the country, not only Cornwall. This chapter focuses on the use of language in the development of the myth, and discusses the extent and character of this rhetoric. It argues that sensationalist reporting by the media, as also the tone of comments by the clergy, was a factor in shaping the wrecker as a

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<sup>1</sup> Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven and London, 1992), 40; Owen Davies, 'Newspapers and the Popular Belief in Witchcraft and Magic in the Modern Period', *Journal of British Studies*, 37 (April 1998), 140. Colley argues that the press was instrumental in the unification of Great Britain and 'in shaping its inhabitants' view of themselves' as British (40).

'folk devil' and a source of 'moral panic'.<sup>2</sup> Although the myth of the Cornish wrecker was in existence before the advent of the eighteenth century, it is in the eighteenth and nineteenth centuries that the popularisation of the motif gains momentum. The modern uses of such sources, without taking into account their historicity and bias, solidified the myth in more popular shipwreck accounts of the twentieth century.

The press's influence in popularising the rapacious wrecker image began in the early eighteenth century after regional printers gained freedom to establish provincial newspapers. Of importance to the West Country, and especially to Cornwall, was the *Sherborne Mercury*, which began printing in 1737.<sup>3</sup> It was not rivalled for Cornish news coverage until the establishment within Cornwall of the *Royal Cornwall Gazette* in 1803, and the *West Briton* in 1810.<sup>4</sup> With the boom in provincial newspapers, literacy levels also increased.<sup>5</sup> Whatever the precise level of literacy, however, it is clear that more of the populace had access to newspapers,

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<sup>2</sup> Much of this chapter is influenced by the work of Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, Third Edition. (London and New York, 2002, 2004). Cohen defines moral panics as occurring when 'A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges, or deteriorates'(1).

<sup>3</sup> The *Sherborne Mercury* later merged with other West Country based papers such as the *Western Flying Post* in the 1750s.

<sup>4</sup> R.M. Barton, ed. *Life in Cornwall in the Early Nineteenth Century: Being Extracts from the West Briton Newspaper in the quarter century from 1810 to 1835* (Truro, 1970), preface. The *WB* eventually outsold its rival, with twice the circulation of the *RCG* by 1835. The two papers were eventually merged in 1951 to become the *West Briton and Royal Cornwall Gazette*. The *WB* is still in print, though it is a district paper rather than county-wide. See also Brian Elvins, 'Cornwall's Newspaper War: The Political Rivalry Between the *Royal Cornwall Gazette* and the *West Briton*, 1810-1831, Part One' in Philip Payton, ed. *Cornish Studies: Second Series, Nine* (Exeter, 2001), 145-172, and 'Part Two' in Philip Payton, ed. *Cornish Studies: Second Series, Eleven* (Exeter, 2003), 57-84. Other Cornish papers printed during the period covered by this thesis include the *Cornish Telegraph* (1851); *Cornish Times* (1857); *Falmouth Packet and Cornish Herald* (1829-1848); *Falmouth Packet (Lake's)* (1856); *Penzance Gazette* (1839-1858); *Penzance Journal* (1847-1850), but these did not have as large a readership, and thus were not as influential as the *West Briton* and the *Royal Cornwall Gazette*. A comparative study of shipwreck reporting between these two newspapers could be very enlightening.

<sup>5</sup> Barry Reay, *Popular Cultures in England, 1550-1750* (London and New York, 1998), 41. Originally cited from D. Cressy, *Literacy and the Social Order: Reading and Writing in Tudor and Stuart England* (Cambridge, 1980), 73. There is much debate regarding the figuring of literacy levels, which were traditionally determined by assessing signatures. However, some of the most recent research seeks to eliminate the literate/illiterate opposition, instead insisting that print and oral culture overlap. Indeed, newspapers were often read aloud in taverns. See also Jonathan Barry, 'Literacy and Literature in Popular Culture: Reading and Writing in Historical Perspective', in Tim Harris, ed. *Popular Culture in England, c. 1500-1850* (London, 1995), 69-94.

whether as readers or as listeners, which thereby increased the numbers encountering viewpoints of the press.

Since trade and shipping was important to the national economy, newspapers reported on shipping movements and shipwrecks. Indeed, the topic of shipwreck permeated British culture in the eighteenth and early nineteenth centuries, whether as reality or metaphor, and the public had a voracious appetite for shipwreck narratives.<sup>6</sup> However, because of the pervasiveness of shipwreck reporting, whether by local, regional, or national newspapers, or by magazines, the reports of shipwrecks are almost impossible to quantify, making a full statistical examination of media reporting of shipwrecks difficult. Nevertheless, examples given are representative of the tone and convention of the contemporary press as they reported on wrecking activities.

Wrecking reports in the media during the eighteenth and nineteenth centuries ranged from hostile to neutral to total disregard, a spectrum that needs to be acknowledged to understand the proportionality, and hence the persuasiveness, of the sporadic hostile accounts. Not all column space on shipwrecks was devoted to the vilification of the country people's activities during the shipwreck event. Indeed, more often than not reports of shipwrecks did not contain any reference at all to wrecking activity. Rather the reports are 'matter of fact', simply listing the name of the vessel, master, destination, place of wreck and cargo, if known. Occasionally wrecking activity was reported, but the tone might be neutral. *The Gentleman's Magazine*, for instance, tended to describe the plundering of wrecks in dispassionate, though still slightly condemnatory, terms. In January 1751, just a month before the emotive report by the *Sherborne Mercury* that opened this chapter, a small brig wrecked near Looe, and all hands were lost. The *Gentleman's Magazine* reported that the Customs officers attempted to save the valuable cargo and materials, 'but the townsmen whom they would have appointed as a guard, pillaged for themselves, and the whole country poured in, as well reputable farmers and tradesmen as the poor, and in defiance of the officers, loaded horses and even

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<sup>6</sup> See George P. Landow, *Images of Crisis: Literary Iconology, 1750 to the Present* (London, Boston, 1982) for a discussion of the cultural importance of both religious and secular iconology of shipwreck. See also Keith Huntress, ed. *Narratives of Shipwrecks and Disasters, 1586-1860* (Ames, Iowa, 1974).

carts with their plunder'.<sup>7</sup> Thus, although full-scale plundering was reported, extreme language is absent. Even in the coverage of the *Charming Jenny* wreck off the Welsh coast in 1773, in which the corpse of the Captain's wife was reported to have been robbed, *Gentlemen's* used neutral reporting techniques.<sup>8</sup> Indeed, the magazine rarely reported any wrecking events with emotion, and only once in the survey of the period of 1751 to 1783 did they accuse a population of inhumanity—and that was the Portuguese when an English shipwreck was plundered near Oporto.<sup>9</sup>

The *West Briton*, too, sometimes left out reference to any wrecking in their shipwreck accounts. It described the great gale of 1829, in which twenty-five vessels were either wrecked or damaged near Padstow. Although five vessels were reported to have been run aground, and one lost with all hands, the article did not mention a single instance of wrecking although beach harvest must assuredly have occurred. Rather, the account claimed that several of the vessels were 'saved', through local assistance.<sup>10</sup> Even their announcement of the total loss of the Danish brig *Ospra* on the Lizard, with a cargo of sugar and coffee worth £10,000, did not merit the mention of a single case of wrecking.<sup>11</sup> Similarly, most entries in *The Times* and the *Annual Register* simply cite the loss of a vessel, giving no details, or it commends country people for their life-saving and salvage efforts.<sup>12</sup> The *West Briton* also commended the local populace. It reported that two poor fishermen of Mevagissey were rewarded by the Russian government for saving the crew of the Russian brig *St Nicholas* in December 1831,<sup>13</sup> and the men of Looe were commended in 1838 for saving the crew of the London brig *Bellissima*, who 'carried a boat on their shoulders a distance of two miles before she could be launched, owing to a boisterous sea'.<sup>14</sup>

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<sup>7</sup> *Gentlemen's Magazine*, Vol. XXI (1751), 41.

<sup>8</sup> *Gentlemen's Magazine*, Vol. XLIII (1773), 89.

<sup>9</sup> *Gentlemen's Magazine*, Vol. XXXVI (1766), 340.

<sup>10</sup> *West Briton*, 18 September 1829.

<sup>11</sup> *West Briton*, 11 May 1832.

<sup>12</sup> See *The Times*, loss of the *Friendship*, where the 'honesty and activity of the country people in general' around Dunbar 'merit particular commendation', 14 January 1786. See also *Gentlemen's Magazine*, Vol. XL (1770), 187 and Vol. XLII (1772), 597.

<sup>13</sup> *West Briton*, 5 August 1831.

<sup>14</sup> *West Briton*, 30 November 1838.

The relative absence of hostile language can be indicative of either isolated instances of wrecking on the British coast, or it could be that wrecking, along with other customary activities, was underreported since it was “so widespread and well known that [it was] not regarded as newsworthy.”<sup>15</sup> The underreporting of harvest activities can indeed fit with this assertion, as evidenced by its social acceptance by the coastal populace and the occasional turning of a blind-eye by officers of the Customs Service. However, it is doubtful that the violent plundering of shipwrecks would warrant the public’s disregard. Indeed, as E.P. Thompson suggests in his study of wife sales, journalistic silence regarding customary practices were ‘not considered worthy of report, unless some additional circumstance (humorous, dramatic, tragic, scandalous) gave it interest’. And wrecking, just like wife sales, ‘became newsworthy contemporaneously with the evangelical revival... [and] redefined a matter of popular “ignorance” into one of public scandal’.<sup>16</sup> Thus, although the majority of press reports did not indicate wrecking activity, from the mid-eighteenth to the mid-nineteenth century intermittent hostile reports of wrecking appeared as a form of moral commentary, which created an entrenched cultural construct of the wrecker as a ‘folk devil’, and solidified the myth. It is the use of such rhetoric as a form of symbolic violence against the coastal populace and its implied cultural meaning that is the focus of this analysis.

The reputation of the Cornish and the development of popular myth would have us believe that an overwhelming number of reports of wrecking, with or without pejorative comment, would be limited to Cornwall, but this is not the case. Indeed, *Palmer’s Full Text Online* of the *Times* articles from 1802 to 1867 identifies forty-six reports of wrecking in sixty-five years, of which only five short articles deal with Cornwall.<sup>17</sup> The remaining *Times* articles cover wrecking all over the British

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<sup>15</sup> Robert Bushaway, *By Rite: Custom, Ceremony and Community in England 1700-1880* (London, 1982), 21, quoted by Owen Davies, ‘Newspapers and Popular Belief in Witchcraft and Magic in the Modern Period’, *Journal of British Studies*, Vol. 37 (April 1998), 143; E.P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York, 1993), 410.

<sup>16</sup> Thompson, *Customs in Common*, 410. Thompson also points out that increased reporting in the nineteenth century is not necessarily indicative of increased cases, but that they may be commented upon because of their ‘exceptional nature’(412-13).

<sup>17</sup> One of the articles reported the plundering of the *Resolution* in 1817, two reported on the plunder of the *Jessie Logan* and subsequent indictment of Luckey and Chapman in 1843; one reported the

Isles, but most often in Scotland, Wales, Essex, Dorset and Kent. In fact, the most column space was given in 1866 to wrecking events on the Kent coast near Deal, implicating the Deal boatmen.<sup>18</sup> An examination of the cases of hostile rhetoric also shows that Cornwall was not singled out. Wreckers from other regions received the same treatment as the Cornish. The inhabitants of Whitstable ‘live by the plundering of wrecks and smuggling’, being ‘lawless people’.<sup>19</sup> Wreckers were described as ‘infest[ing] the Kentish coast’,<sup>20</sup> and, although wreckers in Cornwall were given the epithet of ‘ruffians’,<sup>21</sup> the people of Carlisle were ‘heartless scoundrels’ who were involved in ‘unfeeling work’.<sup>22</sup> For the London press these sporadic cases of wrecking, wherever they occurred, were used to raise issues of the immorality of the coastal poor.

### **The Rhetoric of Wrecking**

Hostile press coverage of wrecking events, no matter whether they happened in Cornwall or other areas of the British isles, was characterised by all or some of these elements: images of collective mob action; stock descriptions of the wreckers; links with the presence of alcohol; the involvement of women and children; and an identification of a threat to cherished values and national reputation. By the beginning of the nineteenth century, the ‘lament’ also becomes evident. An analysis of these stereotype-producing rhetorical devices, used by the press and in the sermons and tracts of the clergy, is necessary to understand their role in shaping the cultural representation of the wrecker.

#### Collective Mob Action:

Descriptions of the wrecking event commonly involved an account of some form of mob action. The *Western Flying Post* on 19 March 1750 reported that the

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attack on the *Samaritan* in 1846; and the remaining article was a reprint of a letter by a Penzance clergyman in response to a report of wrecking in Wales.

<sup>18</sup> See a long series of correspondence published in *The Times* beginning 19 October 1866.

<sup>19</sup> *The Times*, 30 December 1802.

<sup>20</sup> *The Times*, 7 April 1843.

<sup>21</sup> *The Times*, 15 January 1817.

<sup>22</sup> *The Times*, 19 December 1821.

Customs officers and gentlemen of the district of Looe were successful in saving a wreck

against a mob of obstinate and lawless villains, who came down upon them in great Fury, and would doubtless have plundered and destroyed all...These worthless Wretches were arm'd with rugged sort Bludgeons, and had distinguished themselves by a Private Mark, that they might not destroy one another in this wicked Enterprise...<sup>23</sup>

'Swarms of plunderers' were feared to carry away ships' cargoes 'piecemeal'.<sup>24</sup> The *West Briton* in 1815 focused on the 'barbarians of Breage and Germoe', who 'came down in such numbers, that before assistance could proceed...had nearly torn the vessel to pieces'. When the militia arrived, they 'could scarcely restrain the wretches from completing the work they had so actively begun'.<sup>25</sup> In January 1817, the *West Briton* again reported on the activities of the Breage and Germoe wreckers: 'The shore was covered by hundreds of barbarians'.<sup>26</sup> When this wreck, identified as the *Resolution*, was reported in *The Times*, it was said that 'the vessel was entered by 'thousands of ruffians', and that the dragoons from Helston 'were wholly unable to restrain the ferocious multitude that crushed in on all sides'.<sup>27</sup>

We can see in such reports a link with societal fears of the mob which have been identified by historians as a feature of eighteenth and early nineteenth century British history. The eighteenth century especially was a period of almost constant riot, from food riots to religious riots to riots over labour disputes.<sup>28</sup> Although the real threat from wreckers was minimal, for many it was just one more example of the lower orders endangering societal values. Wrecking, regarded as mob action, was seen to threaten the forces of law and authority. This elite anxiety of the poor

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<sup>23</sup> Quoted in Gary Hicks. *Gary Hicks' Maritime Incidents and Shipwrecks Database, 18<sup>th</sup>-20<sup>th</sup> centuries*. Courtesy of Courtney Library, Royal Institution of Cornwall. Acc No. 12/6/1999.

<sup>24</sup> *West Briton*, 21 April 1815, quoted in R.M. Barton, ed. *Life in Cornwall in the early Nineteenth Century: Being Extracts from the West Briton Newspaper in the Quarter Century from 1810 to 1835* (Truro, 1970), 58.

<sup>25</sup> *West Briton*, 27 October 1815, quoted in Barton, *Life in Cornwall*, 61.

<sup>26</sup> *West Briton*, 31 January 1817, quoted in Barton, *Life in Cornwall*, 74.

<sup>27</sup> *The Times*, 15 January 1817.

<sup>28</sup> See important studies on riot and mob action, such as George Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (New York, 1964); E.P. Thompson, *The Making of the English Working Class* (London, 1963, 1980); John Bohstedt, *Riots and Community Politics in England and Wales, 1790-1810* (Cambridge, Mass, 1983).

was exacerbated by the Gordon Riots in 1780 and continued through the French Revolutionary and Napoleonic Wars to the 1840s, and in occasions of economic depression.<sup>29</sup> By the mid-eighteenth century the law had increasingly defined property as sacred, in Lockean terms ‘government has no other end but the preservation of property’.<sup>30</sup> Thus the elite perception of the depravity of wrecking combined their anxiety about the masses with apprehensions about threats to property.

#### Stock descriptors of the wreckers;

In line with a view of the collective mob as being more organism than human, the press described wreckers as being ‘fierce’, ‘ravenous’, ‘barbarous’, ‘cruel’, ‘inhuman’, and ‘savage devourers’. Or, as in the above descriptions of mob actions, wreckers were seen as ‘obstinate and lawless villains’, ‘worthless Wretches’, ‘greedy Wolves’, ‘Cannibals’, and ‘Devils’. As well, religious tracts of the period used similar descriptors. In *The Wreckers; or A View of What Sometimes Passes on our Sea Coast*, written by an anonymous clergyman who was a former lieutenant in the Royal Navy and who had been shipwrecked, wreckers were described as ‘hard-hearted’, and ‘wretches’. He set his sermon to verse, stating that it was not an exaggeration, but a true representation; thus he instituted the validity principle on what was actually hyperbole. As the ship finds itself in distress, the ‘*wreckers*, as cruel [as wolves and tigers] do savagely prowl; Round the shores of the dark troubled main...

These sights, so afflicting, to *wreckers* were dear,  
Who live by fell rapine and crime;  
Whose eyes never shed soft compassion’s sweet tear,  
Whose hearts never learnt e’en their Maker to fear,  
Or to reflect on the end of their time.

Now shoreward the masts, and their tackling swing round,  
And the *wreckers* begin their glad toil;

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<sup>29</sup> Clive Emsley, *Crime and Society in England, 1750-1900* (London, 1996), 36, 57.

<sup>30</sup> Quoted in J.A. Sharpe, *Crime in Early Modern England, 1550-1750* (London, 1984, 1992), 150. See also Douglas Hay, ‘Property, Authority and the Criminal Law’, in Douglas Hay, Peter Linebaugh, et. al. *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (New York and London, 1975), 17-18.

They curse and blaspheme, while they cover the ground  
With spars, and with sails, and whatever is found;  
For each seizes his share of the spoil....

The news of the wreck it soon spread along shore,  
And women and men ran for gain;  
Thus numbers they harden each other the more,  
Till mercy and justice their hearts close the door,  
That love of curst money may reign.<sup>31</sup>

The terminology used to describe the wreckers serves to separate the ‘rabble’, or the ‘mob’ from the ruling elite. Indeed, it is indicative of the process of dehumanisation instituted using symbolic violence. If we analyse the lines from one of the most vituperative reports that opened this chapter, we can fully envisage the dehumanisation process and the creation of ‘folk devils’. Although the author of the *Sherborne Mercury* was caustic in his description, his text utilises some commonly understood symbolism, a cultural code of ‘representative images that conveyed something of importance’.<sup>32</sup> Cormorants, in Renaissance figurative language, were insatiably greedy, with a voracious appetite.<sup>33</sup> This image is followed by the statement that when the “prey” reached them, it ‘was Swallowed up by them’. Literate readers well-versed in literary symbolism would also recognise the undertones of evil; after all, in Milton’s *Paradise Lost*, the cormorant signified Satan. Mark Stoye points out that the use of the term ‘cormorant’ for the Cornish had a long history, being used by Parliamentary pamphleteers during the Civil Wars as a pejorative against the mainly Royalist Cornish.<sup>34</sup> The use of the phrase ‘more barbarous than Cannibals’, as well, held certain well-understood connotations. The word ‘barbarian’ had been borrowed from the Greeks, especially the works of Aristotle, to denote the ‘prototype of the wild man...savages represent[ing] man in his degenerate rather than his primitive

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<sup>31</sup> Anon, *The Wreckers, or a View of What Sometimes Passes on our Sea Coast, Written by a Clergyman of the Church of England, etc.* (London, 1820?), 152, 1-8. The tract was published several times without publication dates, including once in the U.S. by the American Tract Society.

<sup>32</sup> Landow, *Images of Crisis*, 17.

<sup>33</sup> *Oxford English Dictionary*. The use of cormorants as a symbol of greed and despair was also used by such literary figures as Charlotte Brontë in *Jane Eyre*, where she has Jane painting a cormorant ‘perched on a sunken ship near a drowned woman’. Indeed, she includes allusions to wrecking. The cormorant is described as ‘dark and large...[and in] its beak held a gold bracelet, set with gems...Sinking below the bird and mast, a drowned corpse glanced through the green water, a fair arm was the only limb clearly visible, whence the bracelet had been washed or torn’. Susan B. Taylor, ‘Brontë’s *Jane Eyre*’, *The Explicator*, vol. 59, no. 4 (Summer 2001), 182.

<sup>34</sup> Mark Stoye, *West Britons: Cornish Identities and the Early Modern British State* (Exeter, 2002), 79.

form'.<sup>35</sup> If this degeneracy were not enough, it was emphasised that the wreckers were even worse than 'Cannibals', referring to the strongest taboo in Judeo-Christian religion.<sup>36</sup> Thus the meanings of representation utilised by the authors were dialogic, in that they drew on powerful pre-existing cultural ideas, which served to solidify the images into popular consciousness.<sup>37</sup>

### The Influence of Alcohol:

Drunkenness during the wrecking event is one of the most common themes in news accounts and sermons. Granted, alcohol was one of the universal cargoes; most ships carried some form of alcohol or spirits which were a major source of government income through import duties.<sup>38</sup> However, it is impossible to know the true extent of drunkenness during the wrecking event. Just as in studies of the gin craze, the magnitude of public concern over drunkenness bore little relation to the actual occurrence of drunkenness.<sup>39</sup> At issue were religious zeal and evangelicalism, which encompassed a strong temperance movement. It is telling that the news reports and sermons used wrecking as a form of moral commentary to emphasise the depravity of drunkenness on the part of the lower orders. Class fears were readily apparent, for drunken behaviour on the part of the gentry and upper classes was not mentioned. Indeed, James Silk Buckingham, a well-known proponent of the temperance movement originally from Falmouth, maintained that society believed that 'intoxication', was the 'mark of a gentleman, as indicative of high breeding', and that 'the higher classes, clergy as well as laity, seemed more frequently inebriated than the lower'.<sup>40</sup> Thus, any movement on the part of the lower classes to partake of higher quality spirits such as that which became

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<sup>35</sup> J.H.Elliott, *The Old World and the New, 1492-1650* (Cambridge, 1970), 42, from Richard Bernheimer, *Wild Men in the Middle Ages* (Cambridge, Mass, 1952), 5-12, 102.

<sup>36</sup> Reay Tannahill, *Flesh and Blood: A History of the Cannibal Complex* (Boston, 1996), 48.

<sup>37</sup> M.M. Bakhtin argued that linguistic meaning is dialogic; language is dynamic and derives its meaning from the voices of the author, the reader, their unconscious influences, and the context. See Kevin Passmore, 'Poststructuralism and History', in Stefan Berger, Heiko Feldner and Kevin Passmore, *Writing History: Theory and Practice* (London, 2003), 137.

<sup>38</sup> John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (Cambridge, Mass, 1990), 96-97, 211, 213; M.J. Daunton, *Progress and Poverty: An Economic and Social History of Britain, 1700-1850* (Oxford, 1995), 523.

<sup>39</sup> Jessica Warner, *Craze: Gin and Debauchery in an Age of Reason* (New York, 2002), 4; Joanna Innes, 'Governing Diverse Societies', in Paul Langford, ed. *The Short Oxford History of the British Isles: The Eighteenth Century, 1688-1815* (Oxford, 2002), 129.

<sup>40</sup> James Silk Buckingham, *Autobiography of James Silk Buckingham: Including his Voyages, Travels, Adventures, Speculations, Successes and Failures...* (London, 1855), 33-4.

available through shipwreck and smuggling, rather than local rough beer, was seen as an affront, a threat to the social fabric, and evidence that the poor were living 'above their station'.<sup>41</sup> In other words, spirits were a form of cultural capital not to be in the possession of the coastal poor.

It is therefore significant that in many of the wrecking accounts drunkenness, resulting in either moral or physical danger—even death—of the wrecker is emphasised. For example, the *London Journal* reported in November 1720 that when a Dutch ship laden with brandy and saffron ran aground near Falmouth, 'some of those plunderers having drunk so much brandy, and being busy in the hole [hold] with a candle, they set fire to the brandy by which means the ship and cargo were destroyed and two of the ruffians perished in the flames'.<sup>42</sup> *The Times*, in reporting on the wreck of the *Resolution* in 1817 in Mount's Bay, also stressed that the wrecking was dangerous. One man from Wendron was drowned while attempting to save some of the cargo, but more especially, 'two other persons got so much intoxicated with wine, that they were unable to reach home, and were next day found dead by the roadside, having perished through the inclemency of the weather'.<sup>43</sup>

If the newspapers did not report on physical danger and death that awaited the wrecker, others underscored the negative behaviour that could result. The *West Briton* described drunkenness at the wreck of the *Ocean* in 1826, when they claimed that some of the male plunderers 'knocked in the heads of three or four casks of wine, into which they dipped their hats and drank what they took up in them. As the day advanced, the plunderers, male and female, became intoxicated, and a variety of contests, some of them of the most ludicrous description, took place'.<sup>44</sup> However, of more concern than 'ludicrous' behaviour was the fear that alcohol would inflame violence. Thus the *General Evening Post* reported in 1751 that the people of Looe were 'so used to night work, so Habituated to Defiance of any Authority and Contempt of Laws, and generally more or less so inflamed with

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<sup>41</sup> Warner, *Craze*, 37.

<sup>42</sup> *London Journal*, 18 November 1720, quoted in John Vivian, *Tales of Cornish Wreckers* (Truro, 1969), 5-6.

<sup>43</sup> *The Times*, 15 January 1817.

<sup>44</sup> *West Briton*, 14 April 1826.

Spirituous Liquors that they are ever ready to perpetuate any Villainy that their Violent Temper and Love of Lucre shall prompt them to'.<sup>45</sup>

These reports of drunkenness were not limited to Cornwall. The country people of Wales, when plundering a Bristol merchant ship in 1758, 'broached the wine and spirits, got immediately drunk, and committed the most violent outrages'.<sup>46</sup> They were again reported to have imbibed too much alcohol during a wreck in 1817, when 'hundreds of men and women were reduced to nearly a state of insensibility through intoxication'.<sup>47</sup> *The Times* reported on mass drunkenness after a wreck near Kirk Maughold in Scotland, when a large hogshead was captured by locals, who proceeded to 'tap the admiral', thus 'some were carried home on men's backs, others on horseback, some in carts, others remained on the field of battle till next morning, so completely in that state familiarly but significantly known as "dead drunk," that their very mouths had to be opened with spoons, knives, &c., in order to prevent even more serious consequences'.<sup>48</sup> One of the most sensationalistic passages describing alcohol comes from the *Limerick Chronicle*, reprinted by the *Annual Register*. The wreckers were 'already excited by the taste of ardent spirits', when one of their number was shot by a coastguard. The wreckers then 'commence[d] a scene of indiscriminate wreck and plunder...Many of these inhuman wretches were seen stretched upon the beach like pigs, in a beastly state of stupefaction from the liberal draughts of whiskey they had imbibed; and several died from too frequently indulging in this poisonous liquid!'<sup>49</sup>

Clergymen also utilised similar rhetoric regarding the dangers of alcohol. In an extract of a letter written by 'a Clergyman of Penzance', actually Rev. George C. Smith, the hazard of alcohol at wrecks is illustrated: 'Should a vessel be laden with wine or spirits, she brings them certain death: the rage and fighting to stave in the casks and bear away the spoil in kettles, and all kinds of vessels, is brutal and shocking; to drunkenness and fighting succeed fatigue, cold, wet, suffocation, and

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<sup>45</sup> *General Evening Post* (London), January 1751, quoted in Vivian, *Tales of Cornish Wreckers*, 8-9.

<sup>46</sup> *Annual Register*, November 1758, 113.

<sup>47</sup> *Annual Register*, September 1817, 90.

<sup>48</sup> *Mona's Herald*, reprinted in *The Times*, 22 December 1842.

<sup>49</sup> *Limerick Chronicle*, reprinted in the *Annual Register*, December 1833, 172-3.

death!’<sup>50</sup> If alcohol did not exacerbate wrecking behaviours during the event, then it was blamed for causing people to be involved in wrecking in the first place. Rev. Eden pleaded to his congregation that they should not have spent their earnings in the alehouse or beer-shop during the summer; drinking was the cause of their misfortune during the winter, and hence the source of their temptation to go wrecking.<sup>51</sup>

### The presence of women and children

The presence of women and children was not unusual, as evidenced by Chapter Four, and was frequently described in accounts by the press and clergy. However, the object of reporting their attendance was not to comment on the everyday activities of the country people, but rather to emphasise the depravity of an activity that would use women and children. Some accounts find humour in the women’s activity, while others are scandalised. The *West Briton* delighted in a report of competition between ‘ball maidens [female mine workers] and ‘a party of damsels who were on the lookout for secreted plunder’. The struggle over the goods—a hidden box of figs— ‘lasted for two hours, in the course of which some of the combatants were reduced to a state approaching nudity. In the end the ball maidens were victorious, and carried off the prize’.<sup>52</sup> After the wreck of the *Ocean* in 1826, the same paper also targeted women: ‘a greater part of the miscreants were women, who carried off whatever they could lay their hands on, and were very dexterous in concealing bottles of wine and other things, so as to elude the search’.<sup>53</sup> The presence of children, too, was utilised by the press to illustrate the degeneracy of wreckers. The *General Evening Post* of London reported in January 1751 that at a wreck of a brigantine near Looe, ‘even the children were proud to stagger under the Burden of a painted board’.<sup>54</sup> Women and children outside of Cornwall were also shown as involved in the business. When the smack *Grampus*

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<sup>50</sup> *The Times*, 22 September 1818.

<sup>51</sup> Rev. Robert Eden, M.A. *An Address to Depredators and Wreckers on the Sea Coast* (London, 1840), 19.

<sup>52</sup> *West Briton*, 5 February, 1819.

<sup>53</sup> *West Briton*, 14 April 1826.

<sup>54</sup> *General Evening Post* (London), January 1751, quoted in Vivian, *Tales of Cornish Wreckers*, 9.

wrecked near Carlisle in 1821, *The Times* noted that ‘even women assisted in the unfeeling work’.<sup>55</sup>

A more sympathetic view of women and children was provided by Rev. George C. Smith. He describes Predannack, near Mullion, as an area ‘sadly infested with wreckers:’

The moment the vessel touches the shore she is considered fair plunder, and men, women, and children are working on her to break her up, night and day. The precipices they descend, the rocks they climb, and the billows they buffet, to seize the floating fragments are the most frightful and alarming I ever beheld...

Smith was not condoning wrecking, however. Indeed, he underscored his concern about his wrecker parishioners. ‘Imagine to yourself’, he wrote, ‘500 little children in a parish, brought up every winter this way, and encouraged, both by precept and example, to pursue this horrid system’.<sup>56</sup> Smith was most certainly exaggerating the numbers of children involved in wrecking, especially since he was reporting his success in turning his parishioners away from the activity. But for Smith, the presence of children sent out a message: wrecking was self-perpetuating because young children were inducted into it at an early age. This was a moral outrage that had to be prevented through religious education.

#### The threat to cherished values or national reputation

Another reoccurring theme within wrecking discourse was concerned with the binary opposition of barbarity versus civility. Wreckers were seen as threatening civilisation, hence many of the epithets used against them. The *Western Flying Post* expressed this in a report from 1768: ‘Notwithstanding immediate assistance was sent from this town [Plymouth] to ships lately wrecked on our coasts, such was the inhumanity of the Country People, that they stole the greatest part of their

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<sup>55</sup> *The Times*, 19 December 1821.

<sup>56</sup> Rev. G.C. Smith, *The Wreckers; Or, a Tour of Benevolence from St Michael’s Mount to the Lizard Point...: Extract of Letters to a Friend* (London, 1818), 8-9. He also published an extract of the letter in *The Times*, 22 September 1818.

cargoes—What vile behaviour. Is this a civilised country?!”<sup>57</sup> Fifty-three years later, *The Times* opined that the behaviour of the country people ‘was most disgraceful to a civilized country’, when they plundered the *Mercury* wrecked at Duddon.<sup>58</sup> The identification of wreckers with ‘barbarous’ natives of North America is explicitly drawn by Rev. Thomas Francklyn of Dorset in a 1761 sermon. In fact, in his mind the wreckers were even more barbarous, for even ‘the very native Indians of Virginia use all possible Hospitality and Civility to Persons in Distress’.<sup>59</sup>

The use of such rhetoric to emphasise the danger wrecking presented to the established order and to national reputation was common currency. As we have seen in Chapter Three, politicians used the same language in debates over wreck bills, and it also appears in sermons of the period. Francklyn exhorted his flock to desist from wrecking, not only because of the ‘Terrors of an Act of Parliament, threatening Pains, and Penalties, and Death’, but he wished the local gentry to distribute his sermon ‘among their Neighbours and Tenants on the Sea-Coast, to try what may be done towards stopping the Progress of an Evil generally complained of, and justly styled in the Act itself, “An Enormity that is a Scandal to the Nation.”’<sup>60</sup>

Clergy would often use the theme of national reputation to shame their parishioners into desisting from wrecking, or to turn in wrecked goods they had secreted. Rev. Eden of Leigh, in Essex, exhorted his parishioners by referring to the reputation of wreckers of the past, whose ‘fiendish habit was to rejoice in every wreck which occurred, to gloat with savage pleasure over the groans and agonies of the perishing sufferers...a plunder which was often stained with blood...’ but, he emphasised, ‘And well I remember thinking that it could not be possible, that *Englishmen* could so act’.<sup>61</sup> His own parishioners, it seems, were beginning to follow the sins of the wreckers of old. To combat this slide into depravity, Eden

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<sup>57</sup> *Western Flying Post*, 29 February 1768.

<sup>58</sup> *The Times*, 19 December 1821.

<sup>59</sup> Thomas Francklyn, ‘Serious Advice and Fair Warning to All that Live upon the Seacoast...’ (London: 1761), 43.

<sup>60</sup> Francklyn, ‘Serious Advice’, 10. This sermon was in response to the passage of 26 George II, c. 19.

<sup>61</sup> Eden, *An Address to Depredators and Wreckers*, 12.

had his sermon published ‘hoping that it may be of service in other parishes on the sea-coast’.<sup>62</sup>

Occasionally, commentators would bring up examples from other countries to offer solutions. One New Romney inhabitant suggested that the authorities of Romney Marsh use the example of France, which had arrested and tried French plunderers of the wrecks of the British ships *Reliance* and *Conqueror* in 1843. As he remarked, ‘such wholesale plunder as has taken place here lately I never would have believed had it not come under my observation...’<sup>63</sup> After reporting on the deaths of wreckers through intoxication after the *Resolution* wreck in 1817, the Plymouth paper opined that ‘Surely some step ought to be taken to prevent the reoccurrence of scenes which, by the eyes of strangers, stamp such disgrace on the country at large’.<sup>64</sup>

The rhetoric applied to wrecking discourse contained the same elements as other forms of public dialogue in the eighteenth and nineteenth centuries. It emphasised elite apprehensions of the physical threat to trade, combined with what Langford describes as ‘self-deprecation, even self-flagellation’, characteristics which ‘featured...in contemporary discourse, especially when Protestant doctrine, accentuated by successive waves of evangelical fervour, took command’.<sup>65</sup> The presence of wrecking, therefore, was a national embarrassment. It was intensified by the ruling elite’s perceptions that wrecking was effectively managed by France and countries of the Mediterranean, a situation untenable to those who believed in Britain’s place as an exceptional example to the world.<sup>66</sup> Thus wrecking was a

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<sup>62</sup> Eden, *An Address to Depredators and Wreckers*, 1.

<sup>63</sup> *The Times*, 28 February 1843.

<sup>64</sup> *The Times*, 15 January 1817.

<sup>65</sup> Paul Langford, *Short Oxford History of the British Isles: The Eighteenth Century* (Oxford, 2002), 12.

<sup>66</sup> See the comments of Mr Henniker on his experiences of shipwreck in the Mediterranean in ‘Debate on Mr. Burke’s Bill to prevent the Plundering of Shipwrecks’, 27 March, 30 April, 1776, in *Cobbett’s Parliamentary History (1774-76)*. Vol. XVIII, 1298-1302. William Falconer also engages in the self-flagellating national rhetoric in his comment on the lack of wrecking activity in the Mediterranean as opposed to England’s ‘bloodhound train, by rapine’s lust impell’d’, in his 1769 poem, *The Shipwreck*. See William Falconer, *A Critical Edition of the Poetical Works of William Falconer*. Edited by William R. Jones. (Lewiston, Queenstown, Lampeter, 2003). Even France, England’s mortal enemy, was held up as an example of the ways to combat wrecking, thus emphasising England’s failure. See PP, *First Report from the Select Committee on Shipwrecks*, 10 August 1843.

threat to patriotism, 'liberty and commerce [which] were conventionally twinned in emblematic representations of Britain'.<sup>67</sup>

### Laments

Eighteenth century rhetoric used the barbarity and civility dichotomy as a means of categorising commoners within society, but rhetoric could also be utilised in another way. Owen Davies, in his study of witchcraft in the provincial press, argues that rhetoric and symbolism was used by the press as a form of social control to persuade locals to behave, in other words, to eschew superstitious beliefs and to act with civility.<sup>68</sup> This is especially evident by the nineteenth century. Reports of wrecking, like reports of superstitious beliefs, were often prefaced by comments in the form of "laments" such as those coming from the *West Briton*: 'it is scarcely credible, though unfortunately too true, that some of the ruffians...actually robbed the Captain of his watch and plundered all the unfortunate seamen of the clothes they endeavoured to save'<sup>69</sup> and

we are sorry to state, that on the first intimation of the disaster, a number of persons...crowded down with the view of plundering the stores. We state these facts with shame and sorrow, but truth requires that they should be stated in order that effective measures may be taken to prevent a repetition of scenes so disgraceful, on the occurrence of any future disaster of a like melancholy description.<sup>70</sup>

By reporting such incidences, and sensationalising the activities, local communities could be "shamed" into proper, civilised behaviour.<sup>71</sup> Incidentally, after the *West Briton* reported the attack on the French ship *Ocean* on 14 April 1826, prefaced by

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<sup>67</sup> Langford, *The Eighteenth Century*, 13. See also Linda Colley, *Britons: Forging the Nation, 1707-1837* (Yale, 1992), where she discusses the rise and role of patriotic rhetoric in the development of 'Britishness'.

<sup>68</sup> Owen Davies, 'Newspapers and the Popular Belief in Witchcraft and Magic in the Modern Period', *Journal of British Studies* Vol 37 (April 1998), 149. Although there is much debate encircling the concept of 'social control', I will use the meaning, not of an achieved state, but the action of the dominant classes in seeking to 'modify the behaviour of another its own interests'. See Morag Shiach, 'Popular Culture and the Periodic Press 1830-1855', in *Discourse on Popular Culture: Class, Gender and History in Cultural Analysis, 1730 to the Present* (Oxford, 1989), 71-100.

<sup>69</sup> 21 April 1815, quoted in Barton, *Life in Cornwall, 1810-1835*, 58.

<sup>70</sup> 14 April 1826. Also quoted in Vivian, *Tales of Cornish Wreckers*, 26.

<sup>71</sup> Davies, 'Newspapers and Popular Belief', 147-149.

their “lament,” they published a recantation a week later: ‘False report in previous issue: conduct good’.

Whether the concern was for the safety of property, or national reputation, or for moralistic reasons, commentators wished to see the end of the practice, that ‘depredators...should be sought after, and made an example, to deter others from following up a system of plunder so infamously brutal, and endeavour to bring some of the principal ruffians to justice’.<sup>72</sup> The press also reported on the indictment of wreckers, holding up their fate as example. In 1820, Thomas Moore of Moreton, in Chester, was convicted of stealing rope from a wreck and given the death sentence: ‘It is to be hoped, that all persons who have hitherto looked upon wrecking as a lawful trade, will learn from his sentence, that by the law of the land, as well as the laws of humanity, it is considered a most atrocious crime’.<sup>73</sup> At least one Cornish clergyman, however, saw moral transformation rather than the law as the solution—: ‘nothing short of moral and intellectual light in universal diffusion can accomplish its entire suppression’—thereby acknowledging the deep hold wrecking had on his parishioners.<sup>74</sup>

### **Wrecking as Moral Panic**

One possible interpretation for the prevalence and tone of such wrecking rhetoric found in newspapers and sermons, as also in public political discussion, is that wrecking was the subject of sporadic ‘moral panics’. According to Stanley Cohen, moral panics follow a prescribed format. First, they usually target a suitable enemy, who can be ‘easily denounced’, with ‘little power, and preferably without even access to the battlefield of cultural politics’.<sup>75</sup> The wreckers especially were ideal: the descriptions emphasised a population who were poor, without easy recourse to law. None of the accounts identifies other societal levels of wreckers with the same rhetoric. Mention of the involvement of gentry, local merchants and businessmen, or other ‘gentlemen’ is notably absent. Second, the establishment of

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<sup>72</sup> *The Times*, 15 January 1817.

<sup>73</sup> *The Times*, 8 May 1822.

<sup>74</sup> ‘The Wreckers’ extract of a letter written by a Clergyman of Penzance, *The Times*, 22 September 1818.

<sup>75</sup> Cohen, *Folk Devils and Moral Panics*, xi.

a moral panic needs a suitable victim with whom to identify.<sup>76</sup> In this case, it is either the shipwreck victims themselves, if the call was for humanity, or the merchants and insurers of Britain, if the concern was for the trade and commerce of the nation.<sup>77</sup> Third, there needs to be a consensus ‘that the beliefs or action being denounced were not insulated entities...but integral parts of the society...or would be...’<sup>78</sup> Wreckers were not only plundering vessels along the entire coast of Britain, but if left unchecked, commentators argued that national reputation was at stake. Wreckers also threatened the economic underpinnings of society. Fourth, Cohen argues that a moral panic is typically initiated by an extreme or dramatic case, rather than a volume of cases.<sup>79</sup> The introduction of the first wreck bill of the eighteenth century came with agitation from the East India Company after they lost the *Albemarle* in 1708; John Knill’s wreck bill, promoted by the Cornish elite, came after the wreck and plunder of the *Brielle* in 1792; the Bishop of St David’s clarion call came after several wrecks on the Cardiganshire and Pembrokeshire coast in 1816; and Rev. Eden’s sermon was published after the wreck of the brig *Ewen* on the Essex coast in 1840.<sup>80</sup> Several news reports published in *The Times* in 1843 regarding the plundering of the *Jessie Logan*, was used as an example by William Palmer to provide recommendations in his *The Law of Wreck, Considered with a View to its Amendment*.<sup>81</sup> A flurry of letters debating the guilt of the Deal boatman of wrecking, published in *The Times*, illustrates Cohen’s fifth point: that the press are the ‘archetypal carriers’, of moral panics and sensationalised reporting.<sup>82</sup>

Indeed, there are several examples of the press’s role in not only sensationalising wrecking cases, but in outright misrepresentation of wrecking events, thus not only enacting symbolic violence against the coastal populace, but lending evidence for moral panics. They also illustrate the reflexivity and performative aspects of the myths. These include the 1774 Welsh wrecking case whereby the local newspaper

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<sup>76</sup> Cohen, *Folk Devils and Moral Panics*, x.

<sup>77</sup> *The Times*, 18 May 1810.

<sup>78</sup> Cohen, *Folk Devils and Moral Panics*, x.

<sup>79</sup> Cohen, *Folk Devils and Moral Panics*, xii.

<sup>80</sup> CRO CA/B/46/99, Knill’s Wreck Bill, 1792; Circular Letter of the Bishop of St David’s, *The Times*, 6 January 1817; Eden, *An Address to Depredators and Wreckers*, 1.

<sup>81</sup> *The Times*, 21 January 1843; 28 March 1843; William Palmer, *The Law of Wreck, Considered with a View to its Amendment* (London, 1843).

<sup>82</sup> Cohen, *Folk Devils and Moral Panics*, xix.

reporters falsified details that the wreckers had utilised false lights to lure ashore the *Charming Jenny*.<sup>83</sup> In 1792, Joseph Banfield professed that the local press's claims that the coastal people had 'plunder[ed] the people of their cloaths as they came ashore' after the wreck of the *Brielle* was 'totally destitute of the truth'.<sup>84</sup> Likewise, Coastguard Inspecting Commander David Williams of Padstow asserted that the events surrounding the wreck of the *Jessie Logan* in 1843 were misrepresented by the press.<sup>85</sup>

Another important Cornish case which was falsified and used as evidence of wrecker depravity, and which was thus mythologised, includes events surrounding the 1817 wreck of the *Resolution* in Mount's Bay. The veracity of the reports on the wreck has heretofore not undergone scrutiny. Popular writer Bella Bathurst described the events surrounding the *Resolution* as a 'full-scale orgy', and she reported that even the Inniskilling Dragoons could not hold the wreckers back; the wreckers 'drove the soldiers from the beach and continued drinking well into the next day'.<sup>86</sup> Her source, although she did not identify it as such, is an article quoted in *The Times* on 15 January 1817 from the *Plymouth Gazette*. The report claimed that after the *Resolution* had come ashore,

the vessel was entered by thousands of ruffians, who proceeded to plunder. As the private property of the Captain and crew was carried off; the heads of the pipes and hogsheads were staved in, and kegs, &c. filled with liquor; [Of] the whole of the cargo of 375 pipes and 25 hogsheads of wine, only between 50 and 60 pipes were saved by agents. Several contests took place between the plunderers, each being anxious to secure the greatest booty. About 14 dismounted dragoons from Helston came to the spot, but they were wholly unable to restrain the ferocious multitude that crushed in on all sides...Almost the whole of the cargo might have been saved, had it not been for the infamous conduct above described.

This same article also reported the death of a Wendron man from drowning and two others who died from alcohol poisoning. Interestingly enough, the Customs

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<sup>83</sup> Geoffrey Place, 'Wreckers: The Fate of the *Charming Jenny*', *Mariner's Mirror*, Vol. 76, No. 2 (1990), 167-8.

<sup>84</sup>TNA HO 43/4, Joseph Banfield to Mr Knill, 28 February 1792, Falmouth. Extract of letter also given in Rule, 'Wrecking and Coastal Plunder', appendix, 187.

<sup>85</sup> Testimony of David Williams, *First Report from the Select Committee on Shipwrecks*, 10 August 1843, 302.

<sup>86</sup> Bella Bathurst, *The Wreckers: A Story of Killing Seas, False Lights and Plundered Ships* (London, 2005), 241.

account initially reporting the wreck did not mention that any plundering had occurred.<sup>87</sup> Further investigation into the Customs records has resulted in the uncovering of a conflict between Customs and a self-appointed agent for the *Resolution*, Francis Symons of Falmouth. Symons vindictively accused the Customs officers and the official agent of the *Resolution* for neglect of duty when he failed to receive salvage payment for work he claimed to have done. Indeed, he alleged that *he* was the official agent. Testimony, including that by the salvors, indicated that he had not even been in attendance at the wreck. It was almost assuredly Symons who instigated the claims that Customs had been negligent and had allowed the ship to be plundered, charges which were eventually picked up and sensationalised by the press.<sup>88</sup> The Customs collector eventually admitted that some ‘plundering’ had occurred, but that

the Country People who assembled in large Numbers...certainly manifested a disposition to plunder, and actually carried off in Milk Pails, Pitchers, small Casks, and in many Instances in their Hatts & even Shoes, small quantities of the Wine...Yet, as a great Proportion of the Wine so taken away was afterwards seized & secured by the Officers & Military on Duty...it did not appear necessary to us, to adopt legal Measures for securing or prosecuting the Persons in question, nor do we understand that any such Measures were thought necessary by the Agents or other Persons concerned in salving the Cargo.—

Although the Collector described widespread wrecking—actually harvesting—he was not unduly concerned about it. Indeed, he stated that the attention of the Customs officers was on salving the cargo itself, ‘a Measure, in our judgement, more beneficial to the Revenue & the Parties interested than the pursuit & attempt to apprehend the petty Depredators’. He emphasised that there ‘was no report...of

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<sup>87</sup> CUST 68/23, Penzance Collector to Board, 13 January 1817.

<sup>88</sup> See CUST 68/52, Penzance Board to Collector, 14 May 1817, where the Customs Board reported to Penzance that detailed complaints had been filed ‘at the request of an agent of that place [Falmouth]’. See also CUST 68/22, F.S. Symons, Falmouth, to Penzance Collector, 17 January 1817; Penzance Collector to Board, 18 January, 1817; Symons to Falmouth Collector, 8 January 1817; Penzance Collector to Symons, 20 January 1817, 10 February 1817; Petition of Frances Stansfield Symons to Commissioners of Customs, 12 March 1817; Richard Pearce to Commissioners of Customs, 15 March 1817; Penzance Collector to John Borlase, esq, Solicitor, Helston, 24 March 1817; Penzance Collector to Board, 9 April 1817, 5 May 1817; CUST 68/52, Board to Penzance Collector, 14 May 1817; CUST 68/23, Penzance Collector to Board, 20 May 1817; CUST 68/53, Board to Penzance Collector, 30 May 1817, 26 June 1817; CUST 68/24, 8 October 1817.

any extensive or aggravated Instances of Plunder'.<sup>89</sup> Although the Customs Board eventually initiated a full-scale investigation, they, too, eventually agreed with the Collector's assessment. Thus there is little evidence to corroborate the more sensationalistic assertions of *The Times* article.

The account of the wreck of the *Resolution* may have been used as means of spicing up the reports to sell more papers. This action has been noted as a factor in increased crime reporting in general, for, as the *Chelmsford Chronicle* admitted in 1786, 'it has long been a general complaint that our public papers during the recesses of parliament, especially since the return of peace...have become exceedingly dull and unentertaining'.<sup>90</sup> And, as King notes, the increased reporting of crime in the press did not necessarily indicate an increase in actual crime, although it was known to institute moral panics.<sup>91</sup> Additionally, the account of the *Resolution*, in leaving out the personal vendetta which gave genesis to the negative reporting, shows not only the reflexive properties of the myth in shaping perceptions of the press—the country people must have been guilty—but it also shows how the press reinforced the use of symbolic violence against the Cornish coastal populace. The article consequently became a vehicle for the transmission of the myth into popular consciousness. Therefore, in moral panics, according to Cohen, the 'untypical is made typical...the insulting labels are applied to all',<sup>92</sup> thus the language of the reports did not differentiate between harvest activity and violent plunder, and a misleading impression is given of the nature and extent of violent plundering. Finally, moral panics involved the repetition of metaphors and themes, such as those discussed above. As Erich Goode and Nachman Ben-Yehuda point out, 'one indication that a moral panic is taking place is the stereotypical fashion with which the subject is treated in the press'.<sup>93</sup>

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<sup>89</sup> CUST 68/23, Penzance Collector to Board, 20 May 1817.

<sup>90</sup> Quoted in Peter King, *Crime, Justice, and Discretion in England, 1740-1820* (Oxford, 2000), 165.

<sup>91</sup> King, *Crime, Justice, and Discretion*, 165. See also King's 'Moral Panics and Violent Street Crime 1750-2000: A Comparative Perspective', in Barry S. Godfrey, Clive Emsley, and Graeme Dunstall, eds. *Comparative Histories of Crime* (London, 2003), 53-71.

<sup>92</sup> Cohen, *Folk Devils and Moral Panics*, xix.

<sup>93</sup> Cohen, *Folk Devils and Moral Panics*, xxvii-xxx; Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance* (Oxford, 1994), 26.

If, then, we can see wrecking as the subject of moral panics, what underpinned this concern? Why was the elite, as represented by the press and clergy, so interested in popularising the wrecking problem by using such emotive and dramatic rhetoric? It seems clear that for the most part, the rhetoric against wrecking was a control and power issue: a revenue issue precisely. Why worry about oranges that are in a 'perishing state', or destroy damaged tobacco, rather than let it fall into the hands of the populace? Why describe these people as 'barbarians' and 'plunderers' when for the most part they were only involved in the harvesting of wrecked cargo, mostly damaged, from the beach? Clearly, for the eighteenth century, the issues of cultural and economic capital came into play, as well as the elite's view of the proper ordering of society and fears of popular uprising. Consequently, the wreckers themselves were collectively demonised within press accounts, which resulted in increasing visibility of the wrecker.<sup>94</sup> By the advent of the nineteenth century, the 'Moral Revolution' had its effect on the wrecker stereotype. As Harold Perkin argues, British culture underwent 'that profound change in national character' which was the result of the combined movements in morality by religious Evangelicals, Dissenters, and secular Benthamites, which culminated in the 'imposition on the whole society... of traditional puritanism of the English middle ranks'.<sup>95</sup> A secondary result of this movement was less toleration of violence in society, which made it appear that there was increasing crime.<sup>96</sup> As Sharpe contends, the reasons for the elite construction of views of the underworld, which included their perceptions of wrecking,

gave crime an identity which made it comprehensible...thus "crime" is restricted to certain groups, and can emerge as a clearly defined "problem" for which "solutions" can be proposed. The development of stereotyped views on this point simplified a very complex phenomenon, and allowed contemporaries the luxury of reacting to crime with a stock response rather than thinking too deeply about the issues involved.<sup>97</sup>

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<sup>94</sup> See also Geoffrey Quilley, 'The Imagery of Travel in British Painting: With Particular Reference to Nautical and Maritime Imagery, circa 1740-1800' (Unpublished Ph. D. thesis, University of Warwick, 1998), Ch. 7, 'The Negative Face of the Sea: Smuggling and Wrecking', 237-259, for a useful discussion of the wrecker in art. However, he failed to substantiate his assertion that wreckers had 'associated political overtones by which they could constitute a form of espionage', which fits smugglers more than wreckers (237).

<sup>95</sup> Harold Perkin, *Origins of Modern English Society* (London, 1969, 1986), 280-281, 287.

<sup>96</sup> David Taylor, *Crime, Policing and Punishment in England, 1750-1914* (London, 1998), 20.

<sup>97</sup> J.A. Sharpe, *Crime in Early Modern England, 1550-1750* (London, 1984, 1992), 165-66.

For the nineteenth century, however, it is the “moral” aspect of the moral panic which is the key to the survival of wrecking as a popular myth, and the answer to the question as to why wrecking became most identified with Cornwall.

### **Methodism and Wrecking as Popular Myth**

The continued popularisation of the wrecker motif gained further momentum through its use not only by the press and clergy, but also by Methodist writers who adopted identical rhetoric and hyperbole for didactic purposes. Indeed, it is not an exaggeration to claim, as does Simon Trezise, that ‘the primary written source for the villainous wrecker is the literature of Methodism’.<sup>98</sup> The stereotype of the wrecker, and hence the wrecking motif, was utilised by Methodist writers as a morality tale, with the majority of novels being produced after the 1840s. The writers not only adopted the reporting conventions already established, but they also instituted the additional trope of deliberate wrecking through the use of false lights, making wreckers even more heinous, and thus stronger examples of immorality. In this, the Methodists employed a metaphor which was similar to that already recognised as a ‘cultural code’, the shipwreck. Shipwreck metaphors had been used to denote ‘punishment, test, or trial, or as a means of spiritual education’, for centuries.<sup>99</sup> The most influential nineteenth century novels used Cornwall as their backdrop, which was viewed as a marginalised locale because of distance, geography and Celticity.<sup>100</sup> These novels included James Sheridan Knowles ‘The Wreckers: A Cornish Tale’ (1844); Rosa MacKenzie Kettle’s *The Wreckers* (1857); and Malcolm Errym’s *Sea Drift; or the Wreckers of the Channel: A Tale Ashore and Afloat* (1860). One of the most intriguing novels, in that it lent a window to other aspects of folk culture within Cornwall, was William B. Forfar’s *The Wizard of Penwith*, printed in 1871. But it was the publishing six years later of James F. Cobb’s Methodist morality tale, *Watchers of the Longships* in 1877, that instigated further developments of the myth. Republished at least twenty-seven times, it became a major, if erroneous source for histories such as Hardy’s

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<sup>98</sup> Simon Trezise, ‘The Sea-Dog, the Smuggler and the Wrecker: Literary Representations of Maritime Life in the West County’, (unpublished manuscript, University of Exeter, October 2001), 26.

<sup>99</sup> Landow, *Images of Crisis*, 17.

<sup>100</sup> See Simon Trezise, *The West Country as a Literary Invention: Putting Fiction in its Place* (Exeter, 2000) and Ella Westland, ed. *Cornwall: The Cultural Construction of Place* (Exeter, 1997).

*Lighthouses: Their History and Romance*, which in turn was used by Michael Oppenheim in his error-laden maritime history chapter in *Victoria County History of Cornwall*, (1906), itself a major source for Cornish shipwreck histories.<sup>101</sup> Cobb's book describes the wrecker:

to the lazy and evil-disposed, who live from hand to mouth, and whose real trade was smuggling and wrecking, it [the clear weather] was by no means so welcome. The storms indeed which had heralded the approach of winter...had brought the Sennen wreckers a rich harvest; but all these ill-gotten gains had long since been spent on drink; women and children were famishing; men, gaunt and morose, hung around the alehouse, or lounged on the beach, uttering curses upon the weather, the lighthouse, or the parson, whichever at the moment seemed to them the cause of their present poverty and misery—never once reflecting that their own evil and idle conduct was alone to blame for this.<sup>102</sup>

Thus Cobb's wrecker had multiple characteristics that were employed as examples of degeneracy: he transgresses societal rules by deliberately causing shipwrecks and preying on the misfortunes of the innocent; and he epitomises the evils of sloth and drink, a major theme of evangelicalism and moral reform. He also violates the work ethic through the sin of laziness, another sign of degeneracy. The wreckers in Cobb's novel inhabit the Sennen district, consequently they were tanners, who bore the brunt of the sinful wrecker reputation. As Andy Wood demonstrates, miners, as also later industrial workers, were viewed by the elite as 'lewd in their manners, profligate in their spending and irreligious in their habits...a culturally degenerate and socially subversive isolated mass, cut off from normal society: the archetypal "many-headed monster", inhabiting the "dark corners of the land."' <sup>103</sup> And that description was not even taking into consideration the miner's known proclivities for wrecking. Even as far back as 1753, George Borlase accused tanners of laziness when they were wrecking rather than working. By the mid-Victorian era, poverty was interpreted as 'failure of the will, a sign of thriftlessness

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<sup>101</sup> Michael Oppenheim, 'Maritime History', in *Victoria County History of Cornwall*, Vol. I (London, 1906), 475-511.

<sup>102</sup> James F. Cobb, *Watchers of the Longships* (London, 1877), 190. Also quoted in Trezise, 'The Sea-Dog, the Smuggler, and the Wrecker', 26.

<sup>103</sup> Andy Wood, 'Custom, Identity and Resistance: English Free Miners and Their Law, c.1550-1800', in Paul Griffiths, Adam Fox and Steve Hindle, eds., *The Experience of Authority in Early Modern England* (London and New York, 1996), 254.

or drink'.<sup>104</sup> Therefore, the miner was the epitome of a lost soul who needed didactic material that would show him the error of his ways, and that would give him a datum point from which to measure his moral evolution.

Although popular Cornish belief holds that the stereotype of the wrecker was placed upon them by non-Cornish authors, the stereotype was most likely both adopted and indigenous.<sup>105</sup> It was promoted by Cornish authors themselves, many of whom were Methodist. This is a point made by W.H. Hudson in 1908 when he claimed facetiously that 'the books containing these veracious statements, so flattering to the Cornish, are exceedingly popular for keeping these fables alive'.<sup>106</sup> Indeed, Alan Kent points out that wrecking was only one of several Cornish themes, including smuggling, which was seen by Victorian novelists as a social problem useful as a literary device. The stories were 'given a narrative "make-over" in order to make them acceptable, entertaining, and sometimes morally correct for the age's readership; a reader that was present both inside and outside Cornwall'.<sup>107</sup>

In conclusion, the press, clergy, and Methodist writers transformed wreckers from actual individuals into a mythic stereotype through the vehicles of the press, sermons, and novels.<sup>108</sup> The reality of intermittent wrecking reports was overshadowed by the use of moralising discourse and by the telescoping of events characteristic of moral panics, making it appear that wreckers were out of control and a threat to society. The stereotype became reflexive, in that popular writers told and retold the myths as fact. Indeed, as Goode and Ben-Yehuda explain 'because the tale confirmed a certain public image of the events and who

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<sup>104</sup>Borlase to Onslow, 1 February 1753; 5 March 1753, in Thomas Cornish, ed. 'The Lanisley Letters: to Lt. General Onslow from George Borlase, his Agent at Penzance, 1750-53', *Journal of the Royal Institution of Cornwall*, Vol. VI, pt. xxii, 374, 377; Judith Walkowicz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago, 1992), 31.

<sup>105</sup> See Peter Pern ed. *Cornish Notes and Queries: Reprinted from the Cornish Telegraph* (London, 1906), 292-97 and *Mariner's Mirror*, Vol. 70, (1984), 44, 388.

<sup>106</sup> W.H. Hudson, *The Land's End: A Naturalist's Impressions in West Cornwall* (Orig published London, 1908; reprinted London, 1980), 136.

<sup>107</sup> Alan M. Kent, *The Literature of Cornwall: Continuity, Identity, Difference, 1000-2000* (Bristol, 2000), 130.

<sup>108</sup> Antiquarian writers and folklore collectors such as Rev. Robert Hawker, Rev. Sabine Baring-Gould, Robert Hunt and William Bottrell also had an important role in shaping the myth, and were most likely influenced by the dominant discourse. Unfortunately, an assessment of their contribution to the myth could not be undertaken for the thesis because of time constraints, although they are being included in a subsequent study of the false lights myth.

perpetrated them, it was repeated and believed as true', with little regard for what actually occurred.<sup>109</sup> The stories thus doubled back on the wrecker so that even his reality was interpreted without recognition of the shroud of mythical layers, or of the power of elite perception in shaping the dominant narratives. Thus the wrecker was altered from someone who practised varying forms of wrecking and who came from a population who had developed its own popular morality regarding its legitimacy, to an objectified symbol of evilness, a 'folk devil' who became part of popular consciousness.

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<sup>109</sup> Goode and Ben-Yehuda, *Moral Panics*, 25.

## CONCLUSION

With the typecasting of the Cornish as wreckers in popular consciousness, their actions in relation to shipwrecks have been interpreted in terms of that identity, no matter their record of lifesaving. Indeed, the stereotype has been magnified in the popular press even in the early twenty-first century: witness the BBC headlines that opened this thesis: ‘Timber galore for Cornish wreckers’, for the 2002 wreck of the *Kodima*. The Cornish are still attempting to come to terms with the label, a struggle that is at the root of their contradictory reactions regarding the custom of wrecking. There are attempts to ‘own’ the myth through a retelling of the stories in their own way, whether in the yarns told to willing listeners, or through more permanent means of literature, theatre and film.<sup>1</sup> And yet defensiveness is also apparent, played out in local denial whenever the topic of wrecking is introduced. Indeed, when research for this thesis began, warnings were issued that wrecking is a sensitive subject. At the root of Cornish defensiveness is the accusation that they lured ships ashore using false lights, not that they were involved in the plunder of shipwrecks. A germane example illustrating their concerns is that of Bella Bathurst’s popular history, where she facetiously claims, especially since there is no evidence:

But despite all this evidence—the victims, the lords, the shipowners, the sea-captains, the vicars, the officials—the locals remain adamant that there is no such thing as a real Cornish wrecker. In the bookshops and libraries, in museums and harbours, in bars, shops, hotels and tourist traps, the

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<sup>1</sup> See ‘Wreckers’, a musical written by Cornish teacher Timothy Tuck and performed by Maitland Area School in 1998; also see ‘The Wrecking Season’, a film by Nick and Jane Darke (2005), which seeks to explain and extend the wrecker motif to emphasise the importance of wrecking-as-beachcombing. Indeed, Nick was proud that he was descended from ‘generations of beachcombers, or wreckers’. [www.thewreckingseason.com](http://www.thewreckingseason.com) accessed 24 September 2005 and personal interview, Padstow, Cornwall, 9 July 2002. Cornwall has also adopted novelist Daphne du Maurier, who has transmitted the image of the mythic wrecker more than any other novelist in the twentieth century with her *Jamaica Inn* (1936).

answer is always the same: the Cornish never deliberately wrecked ships and they never used false lights.<sup>2</sup>

It is true that the Cornish deny that they deliberately wrecked ships with false lights, but they do not deny that they were wreckers. Thus, it is the conflation of the myth with reality that is at the heart of the Cornish concerns, a conflation that does not take into account the sheer complexity of the wrecking activities, or the historicity of the custom.

While the myth and the actuality of wrecking have been intertwined, it has been possible to examine some of the strands separately, although it has been equally important to look at how they have influenced each other—the performative and reflexive aspects of myth-making— which sustained the image in popular consciousness. This study suggests that violent wrecking was not nearly as widespread and invidious as popular histories allow. The coastal populace had their own popular morality, including the use of mediation and constraint, which allowed them to practise wrecking, salvage, and life-saving simultaneously. They did not condone all forms of wrecking; thus it cannot be deemed a social crime as was argued by John Rule.<sup>3</sup> Nor did wreckers escape conviction because of local resistance to centralised authority, but instead their experiences were a result of the complex legal practices of discretion that were incorporated into the eighteenth century English criminal justice system. The role of the lord of the manor was also more evident and more complex than earlier histories allow. Their relationship with the coastal populace was based on reciprocity as well as antagonism. However, the tightening of governmental control and increasing bureaucratisation in the Victorian era resulted in the loss of customary wreck rights for both the coastal inhabitants and the local elites.

Concurrently, the press and pulpit were the primary conduits for establishing and popularising the wrecker stereotype through the use of symbolic violence and moral panics, most evident within the newspaper reports, sermons and Methodist

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<sup>2</sup> Bella Bathurst, *The Wreckers: A Story of Killing Seas, False Lights, and Plundered Ships* (London, 2005), 242.

<sup>3</sup> John G. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, Vol. I (1979).

novels. The stereotype became reflexive, touted as an accurate description in Victorian histories, and thus buried the reality of wrecking under accretions of moralising discourse, which tell us more about the fears of the ruling elite than about the actualities of the wrecker experience. It is perhaps telling that not only are contemporary accounts of explicit, conclusive cases of violent plundering limited, so too are independent versions of the wrecking myth. Indeed, the process of what Raphael Samuel describes as ‘displacements, omissions, and reinterpretations through which myths in personal and collective memory take shape’, is readily apparent,<sup>4</sup> and the lineage of the many renditions of the wrecking myths can be traced from the few extant sources.<sup>5</sup> In other words, what is called in literary theory the ‘dynamics of corruption’,<sup>6</sup> has resulted in errors and biases that have crept in through the retellings to create substantially different fictional narratives that have become more a part of popular consciousness than are the actualities of wrecking.

### Contributions to Scholarship

What this thesis contributes to historical scholarship is threefold. It is an extension of E.P. Thompson’s quest not only to ‘rescue’ the poor ‘from the enormous condescension of posterity’,<sup>7</sup> but to rescue all social classes who were involved in wrecking from simplistic reductionism. Although few would argue that wreckers *per se* have been lost to posterity, their reality has been clearly subsumed by the myth and was in desperate need of rescue. In turn, however, the rescue of the wrecker can inform wider concerns of Cornish identity and particularism, which in turn informs the debates of ethnicity and nation.<sup>8</sup> Specifically, this study contributes to the dialogue regarding Cornish particularism and identity by its

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<sup>4</sup> Raphael Samuel and Paul Thompson, *The Myths We Live By* (London and New York, 1990), 5.

<sup>5</sup> See for example Cathryn J. Pearce, “‘Neglectful or Worse’: A Lurid Tale of a Lighthouse Keeper and Wrecking in the Isles of Scilly”. Forthcoming.

<sup>6</sup> Josiah Blackmore, *Manifest Perdition: Shipwreck Narrative and the Disruption of Empire* (Minnesota, 2002), xiv.

<sup>7</sup> E.P. Thompson, *The Making of the English Working Class* (London, 1963, 1968, 1980), 12.

<sup>8</sup> See E.J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge, 1992); Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York, 1983, 1991); Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven and London, 1992); Alan M. Kent, *The Literature of Cornwall: Continuity, Identity, Difference, 1000-2000* (Exeter, 2000); Ella Westland, ed. *Cornwall: The Cultural Construction of Place* (Exeter, 1997); Simon Trezise, *The West Country as a Literary Invention: Putting Fiction in its Place* (Exeter, 2000). See also *Cornish Studies* series.

investigation of actual wrecking practices and identifying the process of mythogenesis that lay behind the stereotypes defining Cornishness. However, this enquiry has muddied the waters. Although wrecking is clearly an element of Cornish ethnic identity as argued by Philip Payton, it cannot be construed as being uniquely Cornish.<sup>9</sup> It is only through the use of the trope in Methodist literature that makes wrecking distinctive to Cornwall.

The study of wrecking has also opened another pathway to view the influence of State policy on local matters, and thus contributes to healing the rift that has existed between political and social history.<sup>10</sup> It brings a deeper understanding of State centralisation that occurred in the eighteenth and nineteenth centuries by illuminating the motivation behind, and outcomes of, centralised policy formation on local popular morality, and highlighting the responses of both commoners and local elite. Indeed, the investigation into policy formation was critical to understand the process of mediation—not just conflict—that lay behind the relationships between government officials and wreckers.

Finally, this thesis is also a complex portrayal of the actual practice of wrecking as it existed within the reflexive properties of the myths. It has been concerned with the role of the myth-making and contemporary perceptions in explaining actual historical processes: one did not exist without the other. It was not written just to provide a micro-level study of a criminal practice, and to relate wrecking to other studies of criminal behaviour in other parts of the United Kingdom. Rather, it has taken the study of crime to an additional level by underpinning a qualitative analysis with more subtle readings of the sources that allows wrecking to regain the context and conceptualisation that it had lost in popular treatments. Consequently, the multiple realities surrounding the custom of wrecking have been brought to the forefront. The use of the work of such theorists as Michel Foucault and Pierre Bourdieu has been useful for the recognition of multiple realities. They have allowed this thesis to extend beyond the polarities of patrician and plebeian established by E.P. Thompson and his disciples, including Douglas Hay and John

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<sup>9</sup> Philip Payton, *Cornwall: A History* (Fowey, 1996), 172.

<sup>10</sup> Adrian Wilson, 'A Critical Portrait of Social History', in Adrian Wilson, ed. *Rethinking Social History: English Society 1570-1920 and its Interpretation* (Manchester and New York, 1993), 28.

Rule, thus it re-examined and refined the ‘social crime’ model, at least in regard to wrecking.<sup>11</sup> As well, the work of Peter King in his study of discretion within the criminal justice system, and his work identifying moral panics in the eighteenth and nineteenth centuries have also allowed this thesis to gain further complexity.

### **Towards Wider Applicability**

The topic of wrecking, in itself an important theme in coastal economic, social, and cultural studies, can also be seen as an entry point into wider issues. Indeed, each of the themes discussed contained more material than could be included, and even then, research possibilities were not nearly exhausted. Although this thesis highlighted just one aspect of the coastal populace’s relationship with shipwrecks, further study of the economic impact of shipwreck on coastal communities can do much to illuminate their relationship with the sea beyond the maritime activities of wrecking, fishing, privateering, and shipping. Indeed, shipwrecks afforded additional income for the populace through salvage, including unloading, loading, and repair, with the additional infusion into the economy through the sale of shipwrecked goods. Shipwrecks also had additional cultural and social impact on the coastal populace, and an investigation into issues such as quarantine and disease, and transmission of cultural ideas through contact with survivors, could enrich our understanding of the human relationship with the sea. Indeed, it could also create deeper meaning for other wrecking myths not touched upon in this thesis, such as the genesis of the couplet ‘save a stranger from the sea and he will become your enemy’, and the meaning and deconstruction of ‘The Pirate Wrecker and the Death Ship’, related by folklorists William Bottrell and Robert Hunt in the nineteenth century.<sup>12</sup> Serious historical analysis of Cornish folklore could be very

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<sup>11</sup> E.P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York, 1993); Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975, 1988); Rule, ‘Social Crime in the Rural South’, 135-153.

<sup>12</sup> William Bottrell, *Traditions and Hearthside Stories of West Cornwall*, Second Series (Penzance, 1873), 247-49; Robert Hunt, *Popular Romances of the West of England; or the Drolls, Traditions, and Superstitions of Old Cornwall* (London, 1865), 137-140.

informative about the belief systems of both folklorists and the people to whom they sought to give a voice. Not only is the existence of the stories important, but it is critical that we pay attention to what they are 'doing' as well as what they are 'saying'.<sup>13</sup>

Another theme important to the understanding of Cornish wrecking and its decline, but not undertaken because of time constraints, was the role of humanitarianism and voluntarism in shipwreck history. Lifesaving, like wrecking, has been the purview of mainly popular histories. It needs further systematic study and placement within the larger humanitarianism movement of the eighteenth and nineteenth centuries, which would show additional threads concerning the enactment of the social theory professed by contemporary humanitarians, and would allow lifesaving to take its place alongside the more well-known studies of patriarchalism, poor law and moral reform.<sup>14</sup>

Additionally, recent crime studies have begun to investigate not only criminal behaviour, but more focus has been drawn to the processes of the courts and the powers of law enforcement.<sup>15</sup> The history and role of law enforcement within Cornwall is ripe for investigation, including further development into their relationship with wrecking and other modes of contact with the local populace.

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<sup>13</sup> Personal Communication, Dr Alan Boraas, Professor of Anthropology, Kenai Peninsula College, University of Alaska, 2003-04 academic year; Laurence Coupe, *Myth* (London, 1997), 5. See also Raphael Samuel, *Theatres of Memory, Vol. I: Past and Present in Contemporary Culture* (London, 1984).

<sup>14</sup> The only academic study involving shipwreck is William Bernard Charles Probert's Ph.D. thesis 'The Humanitarian, Technical and Political Response to Shipwreck in the First Half of the Nineteenth Century: The 1836 Inquiry and its Aftermath' (University of Southampton, 1999) and a resulting article 'The Evolution of Rocket-Based Maritime Rescue Systems in the First Half of the Nineteenth Century', *Mariner's Mirror*, Vol. 83, No. 2 (1997), 434-49. Unfortunately his work has not made any inroads into humanitarian scholarship. An important study in the role of Seamen's Missions and voluntarism comes with Alston Kennerley's Ph.D. thesis 'British Seamen's Missions and Sailors' Homes, 1815-1970: Voluntary Welfare Provision for Serving Seafarers' (University of Exeter, 1989); 'Seamen's Missions and Sailors' Homes: Spiritual and Social Welfare Provision for Seafarers in British Ports in the Nineteenth Century, With Some Reference to the South West' in Stephen Fisher, *Studies in British Privateering, Trading Enterprise and Seamen's Welfare, 1775-1900* (Exeter, 1987), 121-65 and 'Education and Welfare of Merchant Seafarers' in Stephen Fisher, ed. *A New Maritime History of Devon, Vol. 2: From the Late Eighteenth Century to the Present Day* (London, 1994), 145-155. See F. David Roberts, *The Social Conscience of the Early Victorians* (Stanford, California, 2002); and M.J.D. Roberts, *Making English Morals: Voluntary Association and Moral Reform in England, 1787-1886* (Cambridge, 2004), neither of which deals with humanitarianism and the maritime dimension.

<sup>15</sup> Joanna Innes and John Styles, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-century England', in Adrian Wilson, ed. *Rethinking Social History*, 221.

There are no in-depth social or cultural studies of the Coastguard or the Customs, two agencies that have also been subject to much popular mythologising. Work on smuggling in the South West may see this gap disappear, but there is much to be done. Further research in this area would yield additional profits in the understanding of the interrelationships of State and local government and popular culture.

The study of wrecking can be also be used to investigate further the historical application of the model of moral panics, which has already been successfully applied to witchcraft studies, the garrotting panic in London in 1862 and Peter King's studies of the newspaper reporting and street crime in 1765 Colchester. These studies have focused on the role of the press, popular perception, and the reality of crime.<sup>16</sup> Indeed, sociologists have discovered the need for more contextualisation of moral panics of the past, and interdisciplinary collaboration with crime historians has proven fruitful.<sup>17</sup>

Wrecking thus occupies a medial position in which various themes radiate outwards. It is the entry point into local Cornish and regional studies, yet it also links to wider historical issues. It is concerned with the realities of cultural practices and it illuminates the process of myth-making. Indeed, it was one of the aims of this thesis to emphasise the central nature of both wrecking and maritime history to the greater discipline of history. Maritime history is, as John Hattendorf points out, 'a broad theme within general historical studies that, by its very nature, cuts across standard disciplinary boundaries... [it] is a humanistic study that includes all dimensions of man's multifaceted relationship with the sea'.<sup>18</sup>

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<sup>16</sup> 'The Renaissance Witch Craze' in Erich Goode & Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance* (Oxford, 1994), 144-184; Jennifer Davis, 'The London Garotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in Mid-Victorian England' in V. Gattrell, et.al. eds. *Crime and the Law: The Social History of Crime in Western Europe Since 1500* (London, 1980), 190-213; Peter King, 'Moral Panics and Violent Street Crime 1750-2000: A Comparative Perspective' in Barry S. Godfrey, et. al. eds. *Comparative Histories of Crime* (London, 2003), 53-71.

<sup>17</sup> Judith Rowbotham and Kim Stevenson, eds. *Behaving Badly: Social Panic and Moral Outrage—Victorian and Modern Parallels* (Aldershot, Hampshire, 2003); *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage* (Columbus, Ohio, 2005).

<sup>18</sup> John Hattendorf, *Maritime History: Vol 2, The Eighteenth Century and the Classic Age of Sail* (Malabar, Florida, 1997), xiv.

The act of historical 'beach-combing' across the disciplinary boundaries has revealed wrecking as a multifaceted, sophisticated cultural practice and cultural construct, made up of a complexity of attitudes and multiple points-of-view. It can no longer be understood as straightforward example of an eighteenth century elite assault on customary rights, nor can it be seen as a custom that was wholly practised and accepted by the coastal poor. Violent wrecking has become part of the past, but harvest and belief in the right to that which has washed ashore remains strong into the twenty-first century, thus showing continuity of belief and practice. Wrecking is also much more nuanced than its survival in popular culture has indicated. Despite its historical complexity, however, the vision of the more simplistic mythic wrecker will continue to grab popular imagination because it continues to speak to the imagination; as Virginia Woolf so aptly phrased it: 'It is far harder to kill a phantom than a reality'. However, at least now the phantom has multiple guises.

## **APPENDICES**

**APPENDIX 1:**

Numbers of Recorded Shipwrecks along the British Coastline, by County (in order by number of wrecks per mile)
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<i>County</i>	<i>Total # of Recorded Wrecks</i>	<i>Length of Coastline</i>	<i>Average # of wrecks per mile</i>
Co. Durham	1140	26	43.8
Thames Estuary	1300	30	43.0
Kent	3000	85 (only mainland)	35.3
Kent Downs	532	12	44
The Goodwin Sands	680+	21	44
Total Kent	4212+	118	36.7
Norfolk	2200	86	25.6
Suffolk	1050	42	25.0
North Cornwall	2000	75	26
South Cornwall	2000	100	20
Total Cornwall	4000	175	22.9
Isle of Wight	830	50	22.0
Yorkshire	2100	130	16.0
Sussex	1200	78	15.0
North Devon	720	62	8.25
South Devon	1425	90	15.9
Isle of Lundy	199+	7.5	26.6
Total Devon	2344	159.5	14.7
Northumberland	700	65	10.6
Hampshire	396	55	7.2
Lincolnshire	525	65	6.9
Essex	500	75	6.7
Isles of Scilly	800	Not given	Not given
Dorset	Not given	85	Not given

Source: Richard Larn and Bridget Larn, *Shipwreck Index of the British Isles*, 5 vols. (London, 1995-98). These figures must be used with some caution, as the index for Cornwall and the Isles of Scilly may be more complete than figures for the rest of England. Larn utilised more diverse sources for Cornwall such as the *Lloyd's Register*, *Lloyd's List*, newspapers, and archival collections, while his figures for the rest of England are drawn primarily from *Lloyd's List*. However, the large numbers shown for the East Coast, despite fewer sources searched, indicate that the margin could be even wider.

**APPENDIX 2:**

Recorded Cornish Shipwreck Locations, 1700-1860

<i>South Coast</i>		<i>North Coast</i>	
Land's End- 96  Total- 172	Whitesand Bay-20 Longships- 8 Wolf Rock- 9 Runnelstone-32 Gwennap Head- 2 Sennen Cove- 2 Porthcurnow-3	Land's End-  Total- 33	Longships-1 Whitesand Bay-3 The Brisons-5 Cape Cornwall- 11 Pendeen- 4 Gurnard's Head- 3 Zennor- 6
Mount's Bay- 57  Total- 238	Lamorna Cove-6 Newlyn- 6 Mousehole- 5 Penzance- 59 Marazion- 10 Gwavas Lake-1 Cudden Pt- 6 Porthleven-17 Loe Bar, Porthleven- 21 Praa Sands- 3 Perranuthnoe- 2 Chyandour Rocks- 4 Gunwalloe- 20 Mullion-21	St. Ives- 129  Total- 162	The Stones- 13 Godrevy- 6 Porthminster Cliff- 4 Gwithian- 3 Hell's Mouth- 1 Pedn Olva Pt- 5
Lizard Point- 75 (incl. Rill Point)  Total- 99	Coverack Bay- 12 The Stag Rocks- 9 Kynance Cove- 3	Portreath- 17  Total- 40	St. Agnes- 16 Perran Sands- 3 Cligga Head- 1 Porthowan- 2 Ralph's Cupboard- 1
Falmouth- 54  Total- 125	The Manacles- 40 Helford River- 4 Rosemullion Head-1 Pendennis Pt- 7 St Just Pool- 2 Trefusis Pt- 3 St. Anthony Pt- 6 Gerrans Bay- 8	Newquay- 19  Total- 57	Perranporth- 11 Mawgan Porth- 10 Constantine Bay- 6 Crantock- 4 St Eval Cliffs- 5 Nr Cubert- 1 Watergate Bay- 1

<i>South Coast</i>		<i>North Coast</i>	
Veryan Bay- 4	--	Padstow- 116  Total- 201	Stepper Point- 5 St. Minver- 5 Port Isaac- 19 Trebetherick- 7 Hell Bay- 5 Doom Bar- 19 Trevose Head- 20 Port Gaverne- 2 St. Merryn- 3
Mevagissey- 6  Total- 23	Dodman Pt- 11 Pentewan Beach- 3 Chapel Point- 2 Gwineas Rock- 1	Tintagel Head- 12	
St. Austell Bay- 3  Total- 8	Charlestown- 4 Par Sands- 1	Boscastle- 23	
Fowey- 29  Total: 33	Polkerris Bay- 1 Lantic Bay- 1 Crinnis Rock- 1 Gribbon Head- 1	Crackington Haven- 5  Total- 8	St. Gennys- 2 Poundstock-1
Polperro- 6		Bude Haven- 55  Total- 71	Widemouth Bay- 13 Stratton- 3
Looe- 19 (incl. Talland Bay and Seaton)		Morwenstow- 7	
Plymouth District- 9  Total- 58	Whitesand Bay- 21 Rame Head- 14 Cawsand Bay- 5 Tor Point- 1 Penlee Point- 3 Eddystone Rocks- 1 Mt Edgecumbe- 1 Redding Point- 2	Hartland Point- 1	
Not specified- 19			
<b>Total for South Coast- 804</b>		<b>Total for North Coast- 633</b>	

Compiled from Larn, *Shipwreck Index of the British Isles, Vol I: Cornwall*. The locations are not necessarily indicative of where a ship struck, ran aground or was dismantled, but rather indicates the nearest location as reported. Hence, Penzance might be the port listed by the report because it was the nearest Custom's district, and the wreck may have occurred nearer to Gunwalloe. Also, some ships were injured elsewhere, and attempted to make the nearest port.

### APPENDIX 3:

Population Estimates for Cornwall, 1672-1861
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Although it is difficult to determine the population figures for Cornwall pre-1810, before the first census, the number of people county-wide (including the Isles of Scilly) was estimated to be:

1672	103,000
1744	125,800
1779	148,729
1801	192,281
1811	220,535
1821	261,045
1841	342,159
1851	355,558
1861	369,390

Compiled from John G. Rule, 'The Labouring Miner in Cornwall, c. 1740-1870: A Study in Social History' (Unpublished Ph.D. thesis, University of Warwick, 1971), 5. Originally compiled from Norman J.C. Pounds, 'The Population of Cornwall before the First Census' in E. Minchinton, ed. *Population and Marketing, Exeter Papers on Economic History*, No. 11 (Exeter, 1976). Paul Thomas has recalculated population figures, and has determined that Pounds overestimated the population in 1745 and 1779 by approximately 10,000 people. However, he agrees with Pounds that the population increased between 18-20% from 1745 to 1779. As well, the growth of Cornish population between 1779 to 1801 was in line with the overall growth of the English population during that period. 'The Population of Cornwall in the Eighteenth Century,' *Journal of the Royal Institution of Cornwall*, New Series, Vol. X, Part 4 (1990), 416-456.

APPENDIX 4:

Medieval and Early Modern Wreck Law Chronology

<i>Date</i>	<i>Title</i>	<i>Content</i>
Before 1102	Decree of Henry I	With presence of survivors or proof of ownership, ship is not a wreck. Survivors to have claim to everything.
Reign of Henry II	Charter	With presence of survivors or proof of ownership, ship is not a wreck; if ship is a wreck, property forms revenue of the Crown.
1190	Decree of Richard II	If there are no survivors, the property should be handed over to the owner's heir or heirs.
1236	20 Henry III, m.4	'if any man escape alive therefrom and come to land, all the goods and chattels in the said ship shall remain and belong to their former owners...if no man escapes alive but an animal escape alive...goods kept for three months...
1275	Statute of Westminster-3 Edward I, cap. 4.	'where a man, a Dog or a Cat escape quick out of a Ship, that such Ship nor Barge, nor any Thing within them, shall be adjudged wreck.' Required time allotted to hold goods, 'a year and a day.'

<i>Date</i>	<i>Title</i>	<i>Content</i>
1276	<i>De Officio Coronatoris:</i> 4 Edward I, st. 2.	Coroner, sheriff, or bailiff given responsibility of wreck of the sea, to determine ownership and to gather a jury to figure salvage charges.
1290	Decree of Edward I	<b>Prescriptive rights</b> of wreck formally recognised if they had been practised for 100 years, from AD 1189.
1324	17 Edward II, King's Prerogative	'the king has wreck of the sea throughout the realm, whales and sturgeons taken in the sea...except in certain places privileged by the King.'
1353	27 Edward III, c. 13.	Required shipwrecked goods to be returned to owners and also required salvage fees to be paid to finders. Salvors may place a lien on the goods in case of disagreement.
1391-2	15 Richard II	Limited control of Admiralty courts over wreck of the sea.

**APPENDIX 5:**

Wreck Bills and Statutes, 1700-1860
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<i>Year</i>	<i>Title</i>	<i>Results</i>	<i>Statute name</i>
1708	to prevent the Embezzlement of Goods and Merchandizes cast away upon, or near, the Coast of Great Britain	Dropped by HC	
1714	for the preserving of all such Ships and Goods thereof which shall happen to be forced on Shore, or Stranded upon the coasts...	Passed	12 Anne st 2, c. 18
1718	for enforcing and making perpetual an Act of the Twelfth Year of her late Majesty...'	Passed	4 Geo. 1, c. 12
1724	to continue several acts therein..for preventing frauds committed by...	Passed	11 Geo. I, c. 29
1736	to render the Laws, now in being, more effectual for saving and recovering Ships and Goods wrecked, or driven on Shore, by distress of Weather, or otherwise	Dropped by HC	
1737	for the better preserving of all such Ships, and Goods thereof, which shall happen to be stranded upon the Coasts	Dropped by HL	
1753	for enforcing the Laws against Persons who shall steal or detain ship-wrecked Goods; and for the Relief of Persons suffering Losses thereby'	Passed	26 Geo. II, c. 19
1776	for Preventing the inhuman Practice of Plundering Ships that are shipwrecked on the Coasts of Great Britain..'	Failed in HC	
1792	Knill's 'for more effectually preventing the plundering of Wrecks'	To HO, but not to HC	
1803	for making effectual Provision for the Punishment of Offences in wilfully casting away, burning, or destroying ships or vessels..'	Passed	43 Geo. III, c. 113
1808	for preventing frauds and depredations on merchants, shipowners, and underwriters, within the jurisdiction of the Cinque Ports, and for remedying defects in the adjustment of salvage under the Statute of Anne' temporary act	Passed	48 Geo. III, c. 130
1809	for preventing frauds and deprecations...temporary act'	Passed	49 Geo. III, c. 122
1812	for charging foreign liquors and tobacco derelict, Jetsam, Flotsam, Lagan or Wreck	Passed	52 Geo. III, c. 159?
1813	for preventing frauds..' temporary act to continue and amend 48 & 49 Geo III	Passed	53 Geo. III, c. 87
1818	for the more effectual Preservation of Property, in cases of Wreck, in England and Ireland.'	Dropped HC	

<i>Year</i>	<i>Title</i>	<i>Results</i>	<i>Statute name</i>
1821	to continue and amend certain acts for preventing frauds...and also for remedying certain defects relative to the adjustment of Salvage in England, under an Act made in the twelfth year of Queen Anne'	Passed	1 & 2 Geo. IV, c. 75
1827	for consolidating and amending the Laws in England relative to malicious injuries to property	Passed	7 & 8 Geo IV, c. 30, s 9-11
1836	Customs Act	Passed	6 & 7 Will IV, c. 60
1837	to amend the Laws relating to Burning or Destroying Buildings and Ships'	Passed	1 Vic, cap 89, s.4-7
1840	to improve the Practice and Extend the Jurisdiction of the High Court of Admiralty...	Passed	3 & 4 Vic, c. 65, s. 5
1845	for the general regulation of Customs; as relates to Persons being in possession of Goods derelict Jetsam, Flotsam, or Wreck, and the disposal of such Goods	Passed	8 & 9 Vic, c. 86
1846	for Consolidating and Amending the Laws Relating to Wreck and Salvage	Passed	9 & 10 Vic, c. 99
1850	Mercantile Marine Act of 1850	Passed	13 & 14 Vic, c. 93
1854	Merchant Shipping Act	Passed	17 & 18 Vic, c.104
1854	Merchant Shipping Acts Repeal	Passed	17 & 18 Vic, c. 120
1854	Amendment of law relating to Wreck and Salvage	Dropped HC	

## APPENDIX 6

Wreck Law Proposal delivered to Lord Sidmouth, 23 January 1818 by Sir William Lemon and John Hearle Tremayne of Cornwall

'In every Port situated upon the Sea Shore (or in Districts to be named), shall be appointed by Magistrates, a Wreck Police, to consist of

A Port, or Managing Agent

Assistant Agents

Salvers                      and

A Gentleman of the Law, as a Solicitor & Notary.

The Port Agent to have the management of All Shipwrecks that may happen within his own port or district, of whatever nation or description they may be: All persons employed at wrecks to implicitly obey his lawful commands.

Assistant Agents to be 5 in every parish adjoining the sea; two of whom shall be 1<sup>st</sup> and 2<sup>nd</sup> deputies, who, in absence of the port agent at wrecks that may happen within their own respective parishes, shall exercise his authority, as managers: the 1<sup>st</sup> deputy if present to have the sold command; but if port Agent & 1<sup>st</sup> deputy should be both absent, then the 2<sup>nd</sup> deputy to exercise that Authority.

[p. 2]. Three Assistant Agents to be appointed also from among the reputable Neighbours of the port Agent, who shall be nominated Clerk Agents; and shall at Wrecks be stationed more especially where writing is wanted to be done, and entries made.

Salvers to be 60 in each parish, but if a small parish will not supply that number, the deficiency to be made up from the most convenient adjoining parish or parishes.

Every 10 comprised in the 60 Salvers belonging to each parish, to be considered a company, who shall act together as a company (unless where necessity requires otherwise) and every tenth man shall be Captain of that comp<sup>y</sup> to overlook & direct, while at the same time he works with y<sup>e</sup> rest.

From among the Salvors who reside nearest the Sea, a proper number shall be selected as Watchmen, who shall give the earliest information to Agents of Vessels being in danger, or really wrecked.

Assistant Agents to be nominated jointly by Magistrates and Port Agent.

[p. 3]. Salvors to be nominated by the Agents of their own parish, but to receive their appointment from Magistrates.

Watchmen to be appointed by the Agents of each parish, at a general meeting of the Agents for the port or district.

The Port Agent shall receive from Government (through the Magistrates) an Authoritative document, A printed abstract of the laws relative to Shipwrecks, And printed instructions for his own guidance.

The Port Agent shall also be furnished with all such things as are necessary (agreeable to the plan now to be acted upon) for the Assistant Agents, salvors &c. see the plan detailed.

Assistant Agents to be furnished with printed rules and directions, a copy of which with their names assigned thereto assenting to the same, shall be deposited with a Magistrate. They shall also enter into recognisance not to screen or overlook any Illicit transaction; and to inform port Agent & Solicitor, as soon as possible of any and every Offence committed against this Act that

[p. 4]. may come to their knowledge; whether the offender may be an Agent, or Salver, or any other person.

The Port Agent & the Solicitor shall enter into recognisance, not to screen any offenders, whoever they may be, and to bring them forward to justice, without partiality and without delay.

Salvors at the time of their Appointment shall be furnished with printed directions and rules, to which they must yield obedience; a copy of which having their names assigned, thereto assenting, shall be left with a Magistrate: in breach whereof to be subject to a penalty of [left blank].

Salvors guilty of fraudulently concealing property, or by any means converting it to their own use or profit, to be guilty of felony and liable to transportation.

Agents guilty of similar offence to be subject to double the punishment of a Salver.

The Port Agent & his three Assistant Clerk Agents to Attend at every wreck that may happen within their own respective port or district.

[p. 5]. The Agents and Salvors belonging to the parish wherein a wreck may happen, and those in the adjoining parishes (i.e. the one on each side) to attend; and none else from other parishes.

Provided nevertheless, a case may be extraordinary, or more wrecks than one may happen at the same time, & necessity requires—the port Agent or his deputies may send and require the attendance of Agents and Salvors from distant parishes.

If a wreck happens at the extremity of any port or district, the Agents and Salvors belonging to the nearest parish of the adjoining port or district shall attend, and shall act in obedience to authority exercised by the managers of that wreck, as though they were acting under their own port Agent, at a Wreck within their own port.

If a parish extends along shore to an extraordinary length, it may be divided, and be distinguished by East and West, or N. & S. Each division of such parish answering the

[p. 6]. purpose of being considered (in this plan) as a whole parish.

A Town situated upon the sea Shore (as Marazion, for instance) may be considered a parish: A larger town (Penzance, for instance) may be nominated two Parishes, at the judgment of the Magistrates & Port Agent may determine.

The Solicitor, Agents & Captain Salvors to have power in a prescribed form, to warn all unqualified persons to keep at a proper distance from a wreck, or from wreck'd property; or if they should approach, to command them to retire.

Persons refusing to obey such warning or commands, to be guilty of a Misdemeanour.

Persons after being so warned and commanded to retire, who shall resolutely interfere, with any wreck or wrecked property [sic], and in defiance act as salvors, shall be guilty of [left blank] & liable to [left blank].

Persons guilty of committing depredations at a wreck, either by breaking open, cutting up, fraudulently concealing, carrying away, or

[p. 7]. by any means whatever doing injury to the said wrecked Vessel, or any of her lading or contents, shall be guilty of felony—and liable to transportation.

Persons, resolutely & forcibly committing such depredations, after having been first warned & commanded to retire, liable to Death.

No other Persons but those regularly appointed and enrolled (except the crew of the Wrecked Vessel, when Agents shall deem it well to employ them) [inserted above: 'or the crews of boats hired by Agents] shall receive any reward for salvage.

But provided nevertheless, any person who is not of the establishment that may accidentally fall in with casual wrecked goods floating, or washed in before the sea, where agents and salvors are not present, or when denial is not given to them,--such persons shall be entitled to a just reward for salvage.

Persons guilty of fraudulently concealing such casual wreck floating goods—or by any means converting them to their own use or profit to be guilty of [blank] & liable to [blank]

[p. 8]. Agents may employ boats when this help is necessary & the weather permits of their use; but there shall be on board each boat at least one Agent, or one Captain Salver to superintend.

Boats thus employed shall be hired to deliver the goods they take on board at, or in, a place to be named of supposed safety—The master & crew therefore shall be responsible that the goods they have committed to their care shall not be purloined during the passage—or injured: (unavoidable accident excepted). And when such goods are so delivered to the care of a proper person, the Agent, or Cap: Salver who accompanied the boat, shall give them a certificate which shall discharge their responsibility.

The Crew of the Boat thus hired, purloining or wilfully injuring goods they take charge of, to be liable to transportation.

The Solicitor, Agents, and Captain Salvors to have the power at all times of constables, to apprehend & to take into their custody, all persons committing Offence against this Act.

[p. 9]. When Wreck occurs, the Port agent shall give information of the same to the Custom House (or cause it to be given) that revenue Officers may attend if they chuse:-- but such Officers shall not have any thing to do with the management of the wreck; nor interrupt, nor impede, the proceedings. Provided the cargo is subject to Customs or Excise, they may make memorandum of goods saved from the Wreck, and when such goods are warehoused, they may apply their own lock upon them jointly with the Agents—But whenever the Agents want admission into said Warehouse, the revenue Officers shall readily attend to open their locks.

Justices to have power to order Agents or Salvors in preservation of the peace, as though this Act had never passed.

If any persons comprised in this establishment, whether port Agent, Assistant Agents, Salvors, or others,--prove themselves to be unfit for the discharge of the duty to which they are appointed, either by doing what they ought not to do, or by leaving undone what they ought to have done, a bench of Justices may remove such, & put others in their places.

[p. 10]. Provided it be found necessary in any particular port or district, for the promotion of the Object proposed by this Act—Magistrates in conjunction & with the approbation of the managing, and a majority of the Assistant Agents belonging to the said port or district, may increase or diminish the number of Agents or Salvors—or make any new rule for their own regulation,--but which at the same time shall not affect or alter in Substance, any thing contained in this act.’

Source: British Library Add. 38270, folio 71. Liverpool Papers

**APPENDIX 7:**

Reported Plunder: Attacks and Harvest during Shipwreck Event

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1700	EiCo <i>Thornton:</i> Padstow cables cut					
1701						
1702						
1703						
1704						
1705						
1706		<i>William and Sarah- Perranza- buloe</i>				
1707						
1708				? EiCo <i>Albemarle- Polperro</i>	EiCo <i>Albemarle- Polperro</i>	
1709						
1710						
1711						
1712						
1713						
1714						
1715						
1716						
1717						
1718						
1719						
1720				Unid.- Falmouth- acc. set on fire		
1721				<i>St Peter- Penzance- burnt; VOC Aagtekerke- nr Plymouth</i>	<i>Royal Anne- Lizard</i>	
1722						
1723						

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1724						
1725						
1726	? cables cut- nr Sennen					
1727						
1729						
1730						
1731						
1732	<i>Postillion- Bristol Channel (but assisted crew before destroying ship)</i>					
1733						
1734						
1735						
1736						
1737						
1738					<i>Vigilantia- Perranuthnoe</i>	<i>Naboths Vingard- Mullion- prot by Helston soldiers</i>
1739					<i>Lady Lucy- Gunwalloe- search made</i>	
1740						
1741				<i>Isabella- Mounts Bay- cut cables</i>		
1742						
1743						
1744						Unid.- Whitsand Bay, Plym.- threatened
1745						
1746						
1747						
1748				<i>Jonge Alcida- Porthleven</i>		
1749				<i>Squirrel- Mounts Bay- burnt</i>	<i>Rose in June- Marazion</i>	
1750				<i>Two Friends- Whitsand Bay, Plym.- demolished</i>	<i>Endeavour- Whitsand Bay, Plym</i>	

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1751	<i>St. Antony- Illogan</i>				<i>Ellis- Looe; Unid.- nr Porthleven: Dead Wreck</i>	<i>Flower- Penzance- prot by ship's agent</i>
1752						
1753			<i>St Johannis Padstow</i>		<i>Unid.- Whitsand Bay, Plym.</i>	
1755						
1756						
1757				<i>Unid- Gunwalloe Cove; cables cut;</i>	<i>Unid.- Looe- whole cargo taken</i>	
1758						
1759						
1760						
1761						
1762						
1763						<i>Mercy- Mounts Bay saved from tinnery by Samuel Borlase</i>
1764	<i>La Marianne- Perranzabulo e?</i>					
1765						
1766					<i>Guardian Angel- Porthleven</i>	
1767						
1768					<i>Unid. Dead Wreck- Penzance- salved goods stolen by salvors</i>	
1769	<i>Concord- Bristol Channel</i>				<i>Esperance- Penzance</i>	
1770					<i>De orunum Baum- Penzance</i>	
1771						
1772						
1773						
1774						<i>Triton- Gunwalloe- neg. salvage</i>
1775						

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1776				<i>Marie Jean-Gunwalloe-officers obstructed</i>		
1777						
1778						
1779					<i>Lands Welvaaren-Gunwalloe</i>	
1780					<i>Smyrna-Lizard</i>	
1782					<i>Tortington-Porthleven-prot. by Independents - some 'plunder'</i>	<i>Neptune-Mounts Bay-neg. salvage</i>
1783						
1784						
1785					<i>Fanny-Gunwalloe</i>	<i>Commerce-Mounts Bay-guarded</i>
1786	<i>VOC Ganges-Padstow</i>					
1787						
1788						
1789						
1790						<i>Le Don't de Dieu Patrice-prot by soldiers</i>
1791					<i>Brielle-Coverack- off shore...</i>	
1792			<i>Friendship-Padstow</i>			
1793						
1794						<i>Fly-Longrock-prot by Revenue &amp; ?</i>
1795					<i>John-Gunwalloe-also cellar robbed; Hercules-Gunwalloe-(4<sup>th</sup> wreck in 8 miles, incl. Hope &amp; Trident)</i>	
1796						

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1797						
1798						<i>August &amp; Witthalm-Newlyn- prot by Revenue; 3 vessels wrecked in Poljew Cove, Gunwalloe Cove, Porthleven- prot by Revenue</i>
1800						
1801						
1802						<i>Jason Francis-Sennen- prot by Revenue</i>
1803						
1804				<i>? Susannah-Gunwalloe-</i>		
1805						
1806						
1807			<i>Harmonia prot. St Ives by Ld de Dunstanville</i>			
1808				<i>Harmony-Porthleven-Cust Officer attacked (may have been smuggling issue)</i>		
1809			<i>Fanny- prot. Padstow by mag &amp; assts.</i>		<i>Metis-Mullion,also prot. by Meneage cav.</i>	
1810		<i>Magnet-also salvage stolen</i>				
1811						
1812						
1813				<i>Unid Schooner-Whitesand Bay, Land's End.</i>		

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1814			<i>Hebe</i> - prot Newquay by agents			<i>Mentor</i> - Penzance- prot by Cust/Excise/ mil
1815	<i>Neptune</i> - Godrevy. Capt. robbed, crew threatened.				<i>Flora</i> - Praa Sands- militia late (Cust reported crew saved by Country People)	<i>Delhi</i> - Marazion- prot by Revenue
1817	<i>Mary</i> -miners stole goods salved by farmers				<i>Resolution</i> - Porthleven, Loe Bar	<i>L'Harmecon</i> - Gunwalloe, Loe Bar- prot by dragoons
1818		<i>Supply</i> - St. Minver	<i>Kitty</i> - prot- Hayle Bar; <i>Mary Ann</i> , <i>La France</i> - Lelant-prot. by mag, Penwith Yeoman-ry, Hussars		<i>Victoria</i> - Penzance (not reported as plundered in CUST)	<i>Emily</i> - Land's End- prot. by Preventive Boat; <i>Le</i> <i>Eugoine</i> - Penzance- prot by Revenue & Military
1819			<i>Isabella</i> - Padstow- prot by Cust		<i>Montreal</i> <i>Packet</i> - Porthleven, Loe Bar-	
1820						
1821						
1822						
1823						<i>Neutralitie</i> - Porthleven, Loe Bar- prot by Revenue
1824			<i>Vrow</i> <i>Geetina</i> - prot by ?		<i>Mayflower</i> - Land's End (derelict)	
1825		<i>Unity</i> - Bude Haven- some jailed				<i>L'Amietie</i> - St. Michael's Mount- prot by CG and Military
1826			<i>Ocean</i> - Hayle- falsely reported by <i>WB</i> as plundered			<i>Claremont</i> - Longrock; prot by Cust, CG and other salvors
1827				<i>Jane</i> - Looe- passengers robbed		
1828						
1829						

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1830						
1831						
1832			?- cellar theft- Bude Haven			
1834						
1835						
1836						
1837					<i>Le Landais-</i> <i>Land's End</i>	
1838			<i>Neptune-</i> <i>Godrevy-</i> prot by Prevent. Men			
1839						
1840						
1841					Unid.- Land's End; vessel came ashore in pieces; 2 men apprehended	
1842						
1843	<i>Jessie Logan-</i> <i>Boscastle-</i> ashore in pieces; 2 men ind/conv attacked Revenue & CG					<i>Hester-</i> <i>Sennen;</i> salved butter stolen on way to cellar
1844						
1845						
1846	<i>Eliza-</i> Bude Haven- wrecker shot;	<i>Samaritan-</i> <i>Bedruthan</i> Steps; 15 men ind/conv by Cust/CG			<i>Duke of</i> <i>Clarence—</i> Whitsand Bay, Plym- 1 man convicted of stealing iron chain by CG.	
1847						

	<i>North Coast</i>			<i>South Coast</i>		
	Attack	Harvest	Unclear/ Saved	Attack	Harvest	Unclear/ Saved
1848			<i>Senator-</i> Land's End. 1 man conv. stealing bacon; <i>L'Adele-</i> Land's End- 2 men ind then acquitted			
1849						
1850			<i>Briton-</i> Bude Haven- prot.			
1852						
1853						
1854			<i>Nile-</i> Outer Stones, offshore; harvest only, stopped by CG			
1855						
1856						
1857						
1858			<i>Flora-</i> Padstow- 1 man convicted for stealing cargo			
1859			<i>Trio-</i> Crackington Haven- farmer fined for stealing rope by police			
1860						

**APPENDIX 8:**

Cornish Wreck Returns, Constabulary Report 1837<sup>1</sup>

<i>District</i>	<i>Ships Plundered?</i> <sup>2</sup>	<i>Wrecks</i> <sup>3</sup>	<i>Property Depredation?</i> <sup>4</sup>
<b>Fowey</b>	None within past three years: 'but in December 1830 three Foreign Vessels (Viz.) a Russian Brig—a French schooner and a Dutch Galliot were wrecked at Port Holland (lives saved) 4 miles East of Nare Head when a great Body of people assembled for the purpose of plunder—but were in a great measure prevented from doing so by the Coast Guards—in January 1834 a Swedish Barque was wrecked near Looe laden with Staves—no assemblage of persons expressly for plunder.'	None	Nil
<b>Falmouth</b>	'Only two Wrecks, small Coasting Vessels... This was in the River Helford, where it was not probable there would be any Assemblage for the purpose of Plunder, and to the W <sup>d</sup> of the Lizard.'	Two	None

<sup>1</sup> Compiled from TNA, HO 73/3. Questionnaires returned by coastguard stations around the British coast surveying wrecking activities for the Royal Commission on a Rural Constabulary, 1836-37.

<sup>2</sup> The question reads in full: '2. On the occurrence of Wrecks, have there been any and what extent of assemblages for the purposes of plunder?—Will you state instances?'

<sup>3</sup> 'What wrecks have occurred on the station within your command during the last three years?'

<sup>4</sup> The final category was enumerated on the back page of the questionnaire: 'Description and Value of Property, if any, supposed to be lost through Depredation.'

<i>District</i>	<i>Ships Plundered? <sup>2</sup></i>	<i>Wrecks<sup>3</sup></i>	<i>Property Depredation?<sup>4</sup></i>
<b>Penzance</b>	<p>'The Lower Classes of inhabitants more particularly, assemble for the purposes of plunder, very few act as Salvors. On the 1<sup>st</sup> October last, the French brig Le Landais was wrecked near St Just, three or four thousand persons assembled, the greater part continued during 36 hours to plunder as much as they could or whenever they could.'</p>	Zephyr (1834)	Not any- went to pieces a long way out.
		Active (1834)	Case of champagne, value £1400. Protected by Coast Guard Boats.
		Le Reaux (1837)	Not of any consequence. Driven on shore and dismasted.
		Le Landais (1837)	About one fourth plundered & carried away, also the sails, Rigging &c by Men with hatchets and Knives one fourth destroyed to prevent loss of life and a general fight.'
<b>Padstow</b>	<p>'When a wreck takes place on this Coast the Assemblage is generally very Great. On the instance of the within mentioned wrecks I have known from two or three Thousands, many out of Curiosity, and many for the purpose of Plunder and committing depredations.'</p>	Prosperous (1834)	All the Wrecks that have Occurred on this Coast for the last three years have been <u>coasting vessels</u> with cargoe of little value.
		Union (1834)	
		Brothers (1834)	
		Agenard (1834)	More than half the cargo [butter and oats] value not known.
		Ocean (1836)	[left blank]
	Britannia	Not worth picking up. [apples].	

The *First Report of the Constabulary Force Commissioner's* wrecking focus lay with the experiences with wreckers on the Cheshire coast, which, unlike Cornwall, lacked the presence of the Coastguard. The testimony, as well, is clearly based on hearsay and contains obvious class-based rhetoric. By taking wrecking cases out of context, the Report attempted to prove that wrecking was out of control and that a rural constabulary force was needed. The Cornwall returns, as shown above, had only one major reported case of plunder, that of the *Le Landais* in 1837 at Sennen. All other districts of Cornwall which were surveyed reported either no or minimal wrecking activity. Indeed, the Constabulary Report manipulated the Cornish evidence through its frequently quoted assertion that '[w]hilst on other parts of the English coast the persons assemble by hundreds for plunder on the occurrence of a wreck, on the Cornish coast they assemble on such occasions in thousands.'<sup>5</sup> The Padstow return, from which the impression originated, contained the key phrase, that when the crowds of 'two or three Thousands' gathered, the crowds included 'many out of Curiosity.' Indeed, as can be seen above, even the original questions were leading. Despite these issues, the *Report* can be used with caution.

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<sup>5</sup> PP, *First Report of the Constabulary Force Commissioners*, 64; Oppenheim, 'Maritime History,' 508; A.K. Hamilton Jenkin, *Cornwall and its People* (Orig. pub 1932, 1933, and 1934. Repub Newton Abbot, 1970), 62; John Rule, 'Wrecking and Coastal Plunder,' in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975, 1988), 185.

## APPENDIX 9:

### Indictments/ Convictions

- Most cases not brought to court, but worked out through negotiation.
- Plundering with violence becomes a capital offence in 1753 w/ 26 Geo II;
- T & T= Trespass and Trover

<i>Statute</i>	<i>Date</i>	<i>Penalty</i>
12 Anne	1714	Death for deliberate wrecking/fines for theft
26 Geo II	1753	Death for deliberate wrecking, plunder, stealing/ small value w/o violence- petty larceny
1 Vic, c. 86	1837	Felony/trans for plunder or 5-15 years imprisonment
9 & 10 Vic, c. 99	1845	Fines of £50 plus

<i>Name</i>	<i>Date</i>	<i>Crime/Ship</i>	<i>Court</i>	<i>Result</i>
	1720	UV/ Falmouth (7-8 imprisoned)		Imprisoned/co nv?
	1721	<i>St Peter</i>		
	1721	<i>Royal Anne</i>		
	1732	<i>Postillion</i>		
	1738	<i>Vigilantia</i>		
Whitford, Thomas Rev.	1739	<i>Lady Lucy</i>	Not charged?	
Farrell, James	1740	<i>St Joseph (Scilly)</i>		
Nicholas, Peter	1740	<i>St Joseph (Scilly)</i>		
Deason, Thomas	1740	<i>St Joseph (Scilly)</i>		
	1741	<i>Isabella</i>		
	1748	<i>Jonge Alcida</i>		
	1749	<i>Rose in June</i>		
	1749	<i>Squirrel</i>		
Littleton, Hugh	1750	<i>Two Friends</i>	Not charged?	
Allen, Mr.	1757	Theft of tea from warehouse in Penzance	Launceston Assizes	7 years transportation- CUST 68/23
	1764	<i>La Marianne</i>		
Pearce, William	1767	PL, ?	Bodmin Assizes	Executed
	1769	<i>Esperance</i>		
Hitchens, Thomas	1776	<i>Marie Jeane</i>	King's Bench?	
	1779	<i>Lands Welvaaren</i>		
	1780	<i>Smyrna</i>	t & t	
DeVos,?	1781	<i>Smyrna</i>	t & t	
Carne?	1781	<i>Smyrna</i>	t & t	

<i>Name</i>	<i>Date</i>	<i>Crime/Ship</i>	<i>Court</i>	<i>Result</i>
Kitchen, William	1782	PL/ <i>Tortington</i>		
James, Edward	1782	<i>Tortington</i>		Writ against
Newton, Stephen	1782	<i>Tortington</i>		Writ against
	1792	<i>Brielle</i>		
	1795	<i>Hercules</i>		
	1795	<i>John (Gunwalloe)</i>		
	1806	<i>Commerce</i>		
	1809	<i>Metis</i>		
	1811	<i>Magnet</i>		
	1816	<i>Jong Anthony</i>		
'ringleaders' arrested	1817	<i>Mary</i>	Bodmin Assize	? (Carter, 94; WB, 28 March 1817; AKHJ, 60)
Hitchens, Thomas	1817	<i>Resolution</i>	Bodmin Assize?	
	1818	<i>Supply</i>		
	1818	<i>Kitty</i>		
	1818	<i>Victoria</i>		
	1824	<i>Mayflower</i>		
	1825	<i>Unity/ Bude</i>		Some men in jail, awaiting next assize
	1827	<i>Jane</i>		
Trick, Charles	1833	<i>Kent</i>	CW Lent Assize; age 70, conv. of stealing a pair of blocks, part of a jibsail, and an iron shovel.	Six months hard labour (Carter, p. 186).
Ellis, Jr & Sr	1837	PL- <i>Le Landais</i> ; assault on Richard Pearce	QS Bodmin Michaelmas	Ellis jr: Pardon-death/trans (ASSI)
Houghton, Wm	1838	UV/ <i>Charlestown</i>	Michaelmas QS	Not Guilty
	1841	UV/ <i>Runnelstone</i>		2 men arrested
Hall (an innkeeper from St Levan)	1841	<i>Unidentified</i>		Arrested/ ?
Luke (a mason from St Levan)	1841	<i>Unidentified</i>		Arrested/?
Luckey, Hugh	1843	PL/ <i>Jessie Logan</i>		Indicted/ conv?
Chapman, Robt	1843	PL/ <i>Jessie Logan</i>		Indicted/conv ?
	1846	<i>Samaritan</i>		15 men arrested/ jail sentences 1-4 months
	1846	PL/ <i>Samaritan</i>	Bodmin	1-4 months hard labour
Richards, William	1846	ST/ <i>Duke of Clarence</i>	Epiphany Session	3 months labour

<i>Name</i>	<i>Date</i>	<i>Crime/Ship</i>	<i>Court</i>	<i>Result</i>
Hobbs,	1846	PL/ <i>Eliza</i>		Shot/wounded
Thomas Shephard	1846	/ <i>Eliza</i>		Shot Hobbs while protecting wreck; Hobbs put in action against him
Thomas, Joseph	1848	ST/ <i>Senator</i>	Bodmin	2 months labour
M'Allister, Michael	1848	<i>L'Adele</i>	Cw Midsummer	Acquitted
Flagherty, Michael	1848	<i>L'Adele</i>	Cw Midsummer	Acquitted
St Just marine dlrs	1848	<i>L'Adele</i>		?
Gay, Matilda	1855	ST from dead woman/ <i>John</i>		Hard labour
Tripconey, Constantine	1855	ST from dead woman/ <i>John</i>		3 months jail
Grigg, Robert	1858	ST/ <i>Flora</i>	St Columb Petty Sessions	21 days jail
'Several parties'	1858	carried off pike of Geneva	prosecuted by Board of Trade	convicted – (Cust 68/36)
Dennis, John	1859	ST/ <i>Trio</i>		Fined dbl value

**APPENDIX 10:**

Presentments, Manor of Connerton 1704-1759
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Source: CRO AR 15/68

<i>Year</i>	<i>Wreck Presented</i>
1704	2 small boats
1705	
1706	
1707	
1708	8 barrels of butter turned in by various tenants; one boat; a shattered plank; timber
1709	Oak beam; 15 gallons white wine; unspecified amount of wine; piece of mast, yard; 3 hogsheads of wine; sail, ropes and rigging; mast; 20 gallons rum; piece of a sail and a piece of a yard; piece of a tree; 4 casks; unidentified goods; yard; rigging.
1710	
1711	Pieces of timber
1712	2 pieces of topmast; part of a mast; 5 puncheons 1 hhd of brandy; 15 ½ hogsheads of white wine; 4 casks wine; mast and yard; 1 pipe brandy; 2 hhd brandy; cask of brandy; 1 cask (48 gallons) red wine; mast; small piece of timber. <i>[cask of wine at Newlyn- CRO AR/149]</i>
1713	
1714	
1715	
1716	
1717	
1718	
1719	
1720	
1721	80 gallons of oil; one piece of mast and one small top yard; one water cask; two pieces of timber
1722	1 barrel cast iron; other iron collected by six other men and not presented; poles (iron?)
1723	Timber pump
1724	1 piece timber 6-7 foot
1725	8 deal boards; piece of timber; 2 boats
1726	Plundered shipwreck: butter, candles, anker of wine, two casks sandy butter, timber, 'goods,' beef (amounts not given).
1727	Hull of a ship
1728	1 cannon
1729	
1730	
1731	
1732	
1733	Mast of a ship; piece of timber; part of a fish
1734	
1735	Topmast <i>[piece of a mast at Chyandour: piece of Pervian [?] AR 15 149]</i>
1736	

<i>Year</i>	<i>Wreck Presented</i>
1737	<i>[boat at Mousehole AR 15/149]</i>
1738	<i>[ropes &amp;c. at Gulval- AR 15/149]</i>
1739	<i>[piece of timber at Marazion sands- AR 15/149]</i>
1740	
1741	
1742	
1743	
1744	
1745	<i>[Ralph Corin carried away a piece of timber at Chyandour- AR 15/149]</i>
1746	
1747	
1748	
1749	2 pieces of mast, some cordage; 'pinns of iron'; 2 brass shraives; large topmast <i>[2 pieces cordage at Paul parish- AR 15/149]</i>
1750	
1751	3 pieces of small timber; boat <i>[boat between Long Rock and Chyandour- AR 15/149]</i>
1752	12 hoops; 3 casks of beer; piece of timber.
1753	Cable, mast, small ropes and timber; small stream cable; old iron, 'olde nails' and a block; iron chains; part of a ship's anchor; piece of a mast; yard; large cable. <i>[bag of cotton at Long Rock; bag of cotton at Gulval Church Town; 2 broken anchors, E. Cudden Pt- AR 15/149]</i>
1754	2 pieces of timber; boat, 'canoe'; pump <i>[boat at Favell's Cove; Canoe between Long Rock and Chyandour; piece of timber, Cliff Fields, Marazion.- AR 15/149]</i>
1755	7 hogsheads of unspecified wine; 3 hhd of claret wine; small cask of white wine
1756	Piece of a mast; yard, 6 'pieces of fforeign brandy'; plank of oak; an 'Ore'; piece of mast
1757	Piece of a yard, and other small pieces of timber and bolts; piece of a yard; small pieces of plank; piece of rope; piece of a pump; small pieces of timber; cask of wine; body of a dead seaman; piece of oak; unspecified pieces of timber picked up by various people.
1758	'broken Body'; small boat; piece of timber; ship's pump.
1759	Piece of timber; 2 pumps; piece of a pump; 18 gallons brandy; 12 gallons 'Rhenish wine'; yard; cask of brandy; 'image part of a wrecked ship'; 2 dead women; 1 dead man; 40 gallons unspecified wine; 4 hhds red wine; topmast; bowsprit.

- Not every year provided manor income from wreck
- Most wreck consisted of parts of the ship and fittings
- Limited theft and plunder reported. Names of those who plundered known, but no indication as to punishment.
- Shipwrecks were a windfall, not to be relied on, unlike smuggling activity
- Years when no wreck was recorded= either none taken or none handed in thus not inconclusive.
- Cargoes show heavy trade in wine and brandy, but what about the other cargoes? How many items were smuggled?
- 50/50 moiety upheld- sometimes divided on-site—masts cut up, casks divided.

**APPENDIX 11:**

Manorial Claims Recognised by the O'Dowd Enquiry, 1857.
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<i>Claimants</i>	<i>Manor</i>	<i>Evidence</i>
John J. Rogers	Carminowe and Winnianton	Prescription and law judgment
Edward Coode	Methleigh	Prescription
William Hockin	A portion of the manor of Connerton	Grant from the Crown
James Hosken	Ellenglaze in the parish of Cubert and Crantock	Prescription
Trustees of the late Sir John St Aubyn	St. Michael's Mount	Royal Grant
Willoughby John Trevelyan	Perranuthnoe	Prescription
Rt. Hon. Edward Granville, Earl of St. Germans	St. Germans and Cuddenbeake	Prescription
Letitia Trelawney	Trelawney	Prescription
Sir Samuel Spry	St. Mawes	Prescription
Humphry Willyams	Carnanton	Conveyance from the Crown
William Drewe	Freehold of Carnewas in parish of St Eval	Grant from the Crown
Richard Hockin, Thomas Cock, Peter Curnow Veale and the Cornish Copper Company	A portion of the manor of Connerton	Grant from the Crown
John Hockin	Parish of Poughill	Grant from the Crown
Sir Richard Rawlinson Vyvyan	Merthen; Predannack Woollas	Grant from Edward I; Prescription

Source: TNA BT 212, Series Details, n.d.

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