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C H A R G E

Delivered to the

G R A N D J U R Y,

A T T H E

Q U A R T E R - S E S S I O N S *held at*  
D U R H A M,

*On Wednesday the 16th of July, 1740.*

C O N C E R N I N G

*Engrossing of Corn and Grain,  
and the RIOTS that have been  
occasioned thereby.*

B Y

E D W A R D

Lord Bishop, and Custos Rotulorum, of the  
County Palatine of DURHAM.

*Published at the Unanimous Request of the Gentle-  
men of the GRAND JURY.*

To which is now prefixed,

An INTRODUCTION, setting forth the Necessity of  
the present Publication.

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*Durham, July 17, 1740.*

May it please Your LORDSHIP,

**W**E the Grand Jury, at the General Quarter-Sessions of the Peace, held at the City of Durham, the 16th Day of July, instant, do hereby give Your LORDSHIP our Thanks for Your Discourse to us at this Sessions, concerning the Riotous and Tumultuous Assemblies which have lately happened at Stockton, and other Places in this County; And desire that (for the Public good) Your LORDSHIP will be pleased to Print the same.

We are,

My LORD,

Your Lordship's most Obedient

And very Humble Servants,

JOHN HARDCASTLE  
MATTHEW CULLEY  
JAMES DUNN  
JOHN WILCOCKS  
WM. WILKINSON  
GILBERT HARRISON  
RICHARD MASCALL  
RICHARD BRYAN  
MICHAEL HODGSON

BOWES GARTH  
JOHN SCAFE  
BRYAN HARRISON  
CHRIS<sup>R</sup> ROBINSON  
WM. BLENKINSOP  
ROBERT SHEPHERD  
NICOLAS JOHNSON  
ANTHONY WATSON  
JOHN SPARK.

## INTRODUCTION.

*Setting forth the Necessity of the present Publication.*

**I**N Times like these, wherein VENALITY and CORRUPTION so much abound, are so frequently practised, and openly avowed: wherein SELF-INTEREST seems to have set up her Standard in the Hearts of the Generality of Mankind, too many of whom (and those also of higher Rank) suffer themselves to be actuated by no other Principle, but the sordid Love of Gain: It may seem unfashionable in me, by Re-issuing this small Tract into the World, to attempt to stem the Torrent of those reigning Vices.

Yet I am not without some glimmering of Hopes, that the MAGISTRATES of this Land will pay more regard to the Legacy of a deceased Prelate, as he was in every Respect a great and good Man, than to all the Flowers of Rhetoric flowing from the Pen of any Author living.

We find, that a Man of his Humanity could not possibly remain inactive, a mere Spectator of the Miseries of his Fellow-Creatures; his unshaken Loyalty to his Sovereign, and Love to his Country, were, as they ought to be, inseparable.

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separable. As He was truly sensible, That *the beginning of Strife is as the letting out of Water*, and that *by a small Spark a great Fire is kindled*; like a just and good Man he took his Seat upon the Bench, to trace those Abuses to the Fountain-head, and thereupon recommended to the Grand Jury to put in force the Statute of the 5th and 6th of *Edward the Sixth*, and other subsequent Statutes relative thereto, against FORESTALLERS, REGRATORS, and ENGROSSERS of Corn, the worst and most unnatural Enemies of their King and Country.

His Lordship being truly sensible whence such Riots and Contentions arose, gave his Charge accordingly, that it would be more proper for the Grand Jury to find Bills of Indictment against that mercenary Tribe the ENGROSSERS, *who grind the Face of the Poor*, rather than against such illiterate and unhappy Objects, whose immediate Distresses, and those of the Widows and Fatherless, forced them to transgress the Laws of the Land.

The GRAND JURY, like wise and honest Men, uninfluenced by private Interest, or personal Friendship, falsely so called, took his Lordship's Advice. They discountenanced these CANNIBALS, by returning to the Court every Bill of Indictment preferred to them, NOT

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FOUND. So that NOT ONE of the Rioters were tried or punished at that Quarter Session.

The Consequence of such a Procedure was this. The Vile INGROSSERS miscarrying in their lucrative Views, and dreading future Punishment as the due Reward of their Demerits, opened their Granaries, and supplied the Markets with Corn, at the usual Prices, to the no small Relief of the industrious Poor, and, I trust, to the Preservation of their own immortal Souls. I say, to the Preservation of their immortal Souls, as a contrary Behaviour must have risked the Loss of them to all Eternity.

Hear what the Prophet *Amos* says, in his 8th Chapter, to such wicked Sinners. *O ye that swallow up the needy, even to make the poor of the land to fail, saying, When will the new-moon be gone, that we may sell Corn? and the Sabbath, that we may set forth Wheat, making the ephah small, and the shekel great, and falsifying the ballances by deceit? That we may buy the Poor for Silver; yea, and sell the Refuse of the Wheat? The Lord hath sworn by the excellency of Jacob, Surely I will never forget any of their Works.*

Again, we have a lively Instance, of God's Displeasure against such Idolizers of their own Possessions, emphatically expressed from the Parable

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Parable of our Saviour in the 12th Chapter of *St Luke*, of the rich Man whose Ground brought forth so plentifully, that he resolved to pull down his Barns and build greater, for room to bestow all his Fruits and his Goods, and then say to his Soul, *Soul, thou hast much goods laid up for many years: take thine ease; eat, drink and be merry.* But God said unto him, Verse 20, 21. *Thou fool, this night thy soul shall be required of thee: then whose shall those things be which thou hast provided? So is he that layeth up treasure for himself, and is not rich towards God.*

I come now to set forth the Necessity of the present Publication. Which must evidently appear, if it be considered, that although the following Charge of the then LORD BISHOP OF DURHAM (DOCTOR CHANDLER) was delivered, printed, and given away by his Lordship, in the Year 1740, and which for its Excellency ought to be wrote in Letters of Gold, and hung up in every Court of Justice throughout the several Counties in *England*, yet by some late Proceedings against the industrious Poor on a similar Occasion, this very Charge seems to have been intirely forgotten.

The Ingrossers have been rather encouraged than discountenanced by the Condemnation of Rioters

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Rioters in different Parts of the Kingdom; many of whom are still in various Prisons for future Trial. I would not be understood, any more than his Lordship, to countenance a Mob: God forbid! but cannot help delivering it as my private Opinion, and indeed the Opinion of several eminent Divines with whom I have conversed, that the confining the Punishment to the unhappy Rioters only, can never answer the End proposed, namely, the establishment of Peace, and securing of Property. It is certainly beginning at the wrong End. *Hunger will break through Stone Walls*; and if our Poor are rendered desperate by ill Treatment of any kind, History gives us many shocking Instances of their being intirely regardless of Life.

How much more amiable a Character is that of holy *Job*, the very Reverse of the Mercenaries we have been treating of, and with which I shall conclude.

*When the ear heard me, then it blessed me; and when the eye saw me, it gave witness to me: Because I delivered the poor that cried, and the fatherless, and him that had none to help him. The blessing of him that was ready to perish, came upon me; and I caused the Widow's heart to sing for joy. I was eyes to the blind,*

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\* INTRODUCTION.

and feet was I to the lame. I was a Father to the Poor; and the CAUSE which I knew not I SEARCHED OUT. O ye Magistrates, GO AND DO YE LIKEWISE.

October 1,  
1756.

THE EDITOR.



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A CHARGE delivered to the  
GRAND JURY, at the Quarter-  
Sessions, held at Durham, &c.

Gentlemen of the Grand Jury,

**Y**OU have heard read the order of the Lords Justices, to whom the King hath committed the government of His Kingdoms, in His absence, which is directed to the Custodes Rotulorum and Justices of Peace in every County.

In obedience to their order, which requires me to recommend the speedy and effectual execution of the Act of 5th and 6th of *Edward* the 6th, and all other acts in force against Forestallers, Regrators and Engrossers, I crave your Patience, while I say to you a few words, in the Presence of the Justices, concerning the heinousness and mischievous consequences of these crimes, especially in times of public scarcity and distress.

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It is one of Solomon's wise observations, which I wish might sink deep into the hearts of all that deal that way, "*They that withhold Corn the People will curse.*"

To *withhold Corn*, is to do any thing that makes corn scarce, and of very high price; above the reach of the labouring poor: and to *Curse*, implies in the people, a ready disposition, to commit mad and violent actions in return.

For such is the tendency of all monopolies, they inflame the Passions of the unthinking multitude, who judge only by what they feel; and their passions being once up, they drive them to *Curse*, i. e. to treat with all manner of evil, the supposed causes of their sufferings: For they that curse would go farther, if not restrained by religion or civil authority; they will proceed, when they can, to the utmost extravagances and outrages: Simple cursing is used only by those that want power and authority to do worse: They are indeed the beginnings and the spurs to actions, where men dare, or may go the lengths a provok'd spirit is wont to carry men.

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But it is not only the fear of curses, from the injured people, that should restrain the dealers in corn from engrossing it; there is a natural turpitude in the action itself, that shews it to be an offence against him, *who made both poor and rich; and whose blessing only maketh rich.*

For what is more contrary to the dictates of nature than inhumanity; than shewing no regard to those of the same common nature with ourselves? And what greater instance of inhumanity than so to act, as if they cared not whether the poor had *bread to live by*, as well as themselves: Than to value the private gain of a few of themselves, above the lives of so many thousand labourers and their families, which must be affected by these means of Traders enriching themselves.

Besides that, society in general (that gracious institution of God) wherein by his appointment *both poor and rich meet together*, is in danger of being dissolved thereby; and then what protection is left to the rich of their unfair gains? Society subsists by the Hands of the poor, as well as the means and diligence of the rich; of the poor I say, who are as necessary to the public in their way, as the Traders.



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Traders are acknowledged to be profitable in theirs.

Upon these principles All Governments, in All Countries, have made the regulation of the prices of corn and grain, according to the exigency of times, a part of their Laws.

Our government in particular, hath enacted several good laws, to prevent engrossing, and other abuses of the like kind, relating to places, times, measures, and manner of buying and selling corn.

And though it hath been their wisdom to encourage tillage and extend trade, yet still the general good of the people hath been their principal object; and every branch of trade hath been occasionally suspended, or made give way, for the time that it was found inconsistent with the general good of the subject, to pass uncontrolled.

What is the care of the whole community, ought to be the concern of every member of that community; so that if no civil Law had been made, or was in being, the conscience of every honest man, and of every good Subject, should make it a Law to himself, not to provoke the necessitous, in times of scarcity, into

extremities,

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extremities, that must involve themselves, and all the neighbourhood in ruin.

Having said thus much, I would not be understood, to plead the cause, or in the least excuse those People, who, magnifying the scarcity that was feared, for a pretence to run riot, have committed the most unjust, the most barbarous actions, which had no relation, nor could give any relief to the evils they complained of.

No. I abhor such doings, as much as they who suffered most by them, which are condemnable by all the laws of God and man. Although the price of Grain had been so excessive, that they could scarcely subsist their families under it; which was not the case of some of the rioters, if I am rightly informed: Although this scarcity was owing wholly to the exporters, and the hand of God had no share in it, nor the rioters own folly, which hindered the corn from being brought to market; yet still proper remedies might and would have been found, to lessen the evil, and punish the offenders against law. The people by no means ought to take the sword into their own hands, which they know not how to handle, with reason and moderation: For what do the people

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ple do, when in a tumultuous way they seek to right themselves? Nothing less in effect, than overturn all right, and all property, which they would be thought to defend. They often mistake the true offenders: They generally err in the proper remedy: They grieve the real offender without measure or desert, without benefit to themselves: Private Pique and Revenge is satiated under the cry of public Justice; the innocent neighbourhood is involved in the execution, designed at first for the few, that are charged with the guilt, and desolation and misery is scattered through the whole Country; and after all, they can't hope to triumph long in their iniquity. The gain got by plunder will soon be lavished away wantonly, and then these miscreants return to their former distress, without any resource left. They must expect resistance from those, whom they have so injuriously attacked; from whence much blood must be shed; and which of the rioters can be sure it may not be his own, or that of his dearest relations or friends?

But should they escape in a whole Skin, can they flatter themselves to be always too hard for the whole Nation? And will not the arm of government at last fall heavy, when it calls them

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them to a strict account for their proceedings? And for those that survive the justice of the law, how will they be able to get a livelihood from those Masters, whose estates they have destroyed, and left them nothing to labour upon for their maintenance?

It should be also considered by the lower people, that it is from the encouragement given to trade and tillage, by exportation, that sufficient quantities of land have been improved, and corn produced, to answer the demands of so many mouths; that greater numbers of People, Horses, and Cattle are employed; and should the People upon every appearance of Scarcity, add to their wants, by neglecting to work, and fall to plundering the farmer and the merchant, they do all they can to discourage both, and starve themselves, by laying the land waste in future times.

Thus in the political body, as in the natural, if the members once rightly placed do change their Situation; if the hands or feet, for instance, will assume the place of the head, they will be still hands and feet, fit only for scramble, rapine and ravage, for kicking and striking, they will not be able to conduct the body with safety to it, or themselves.

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Since then the beginnings of popular commotions are, *like the letting out of Waters*, small in the beginning, and capable of being then checked easily; but suffered to grow to a flood, carry all before them: Since no one can foresee how far the sweeping destruction may spread, whom and what it may reach, and when and where it will end, the Gentlemen entrusted with preserving the peace of the nation, and every one that hath any property in it, cannot but be sensible, how much they are in interest and duty bound, to keep under this spirit of rebellion, and defiance of all authority and order and subjection, which of late hath prevailed in the common people, as well as to curb and punish those, that by avaricious and illegal practices, grieve and irritate them into unruliness.

The REGENCY, attentive to the peace and prosperity of every condition of the subject, have pointed one law out of others, which it is thought may go far towards restraining the thirst after gain in the unlawful trader, to the prejudice of the labouring people, if the law be well executed.

Much will depend on the diligent enquiries of the officers of the customs, and of the in-  
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formations which shall be carried to the Justices, by the people themselves.

If no other good effect should follow the execution of this Statute, this one I am going to mention, will be some bridle. By this means, notorious offenders this way, will be made known, and distinguished from their neighbours, and after that, few I think will be hardy enough, to venture, to be marked out for butts of popular clamour and hatred; or if they do, they must blame themselves for the consequences, and must take what follows, unpitied, for their pains.

You Gentlemen of this county are sure of all the assistance the Justices of Peace can give you by law; and this alone must exaggerate the guilt of the common people should they again mutiny. In many late instances, you have experienced the vigilance, the assiduity, the courage and prudence of some of the Justices, to keep matters quiet and check the growing flame from consuming all about, wherein, under God, they have happily succeeded.

I doubt not, that you would have had the assistance of more of them, had you, or the occasion, call'd for their appearing. My Command therefore, to recommend to them in the  
*strongest*

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*strongest manner* the execution of this Statute of *Edward* the 6th, may be the more easily dispensed with; while I change my arguments into acknowledgments, which I trust will be equally effectual to excite the rest of the Justices, that have not yet shewed themselves, to emulate their example.

They, and the High-Sheriff, who had also his Share of concern and trouble, are certainly well intitled to the Thanks of the county in general, for their late services to their Country, which to deny them would be ungrateful: Their superiors, if any such thing hath ever been done on the like occasions, I dare say, will express their Satisfaction in these Gentlemen's zeal for the public:

And after this, it is a small thing to add, that they have my Thanks.

*F I N I S.*

