

REPORT ON THE PITMEN'S STRIKE AT NEWBOTTLE, IN 1734.¹

*To the Queen's most excellent Majesty, Guardian of the realm of
Great Britain.*

MAY IT PLEASE YOUR MAJESTY. In humble obedience to His Majesty's commands, I have considered the petition of John Nesham, of Sunderland, near the sea, gent.,² which sets forth that the petitioner, together with John Hilton of Hilton Castle, Esquire, being lessees of a colliery at Newbottle, did, in July, 1733, hire several colliers or pitmen, who continued to work therein untill February following. On the 13th day of that month about 100 of the paid pitmen assembled at the colliery in a riotous manner, and threatned to destroy it, and that they would not suffer any man to work there, and beat and abused the persons then at work, and threatned to pull down the fire engines and the petitioner's dwelling house, and declared with horrid oaths they would murder the petitioner. Petitioner being informed thereof, sent his agents to expostulate, and to know the reason of such behaviour, and was informed that the pitmen demanded one guinea per man to be paid them, or they would put their threats in execution. The pitmen continuing their proceedings untill the 27th, the petitioner, with three or four persons, went to the colliery to appease them. . He found near 300 persons with great clubbs, amongst whom was John Grey, then of Lumley. As soon as they saw him, a great number of them threw of their cloths and violently assaulted him and the persons with him without provocation. Petitioner spoke in a mild manner, intreating them to declare the reason of their being so disorderly, promising that if any of them had been injured he would do all in his power to redress them; notwithstanding which they grew more outrageous, and assaulted and almost killed several of those who came with him, and endeavoured to knock petitioner of his horse. Grey struck several times at petitioner and his company, who endeavoured to defend themselves, and in the scuffle Grey received a wound of which he after dyed, but by whom the wound was given is not known. Petitioner hoped his Majesty would

¹ This document is given in the words of the original, but is abridged. It is communicated by Mr. Trueman.

² He stands at the head of the pedigree of Nesham of Houghton-le-Spring. Born 1691. (Qu. John, son of Mr. Robert Neasham, of Chester-le-Street, bap. there, 5 Sep., 1693.) He mar. Jane Pinkney, of Blackwell, and died in 1769. "Hilton and Nesham's" staith, on the south side of the river Wear, is shown on the engraved plan of 1737.

be pleased to grant his most gracious pardon to the petitioner of the offence, and of all penalties and forfeitures by reason of the same.

Edmund Bourn by his affidavit swears that on 6th Feb., the pitmen began to mutiny and desist from working, and assembled in great bodies after a very disorderly manner, and continued so for several days, threatening to pull down the engine and drown the colliery. On 26 Feb., deponent was present when petitioner told Tho. Bartram and John Maddison, keelmen employed by petitioner, to go to the engine next day, and stay in the enginehouse to defend the same, but not to meddle with any of the pitmen unless in necessary defence. On 27 Feb. deponent went to the house of Samuel Anderson and got four guns to defend the engine, which Anderson advised deponent to send in a ballast waggon and not on horseback, lest the pitmen should see them and take them. Went to the engine with the guns and lodged there to defend the same. Had not been long there till he observed a great number of pitmen following petitioner, and striking at him with great clubbs and staves, and ready to knock him from his horse. Saw Mr. Dean, who was with petitioner, coming from among the pitmen sore beaten, and with several wounds in his head, and all blood. Then the pitmen making towards the engine in a great body and furious manner, deponent made off with all speed.³ As he was going he heard several pitmen threaten they would murder him and also the petitioner if they could meet with them. Heard them curse and swear that petitioner might thank God he had a good horse to carry him of, otherwise he should not have escaped with his life, for that they would have beat him to death.

Joseph Bolton. On 27 Feb., as he was going with Mr. Dean, Mr. Hobson, Mr. Roper, and others, from Hobson's house towards the engine, to prevent it from being pulled down, they met with petitioner and one or persons with him near a gate, leading to one of the pits of the colliery. There were hundreds of men and women, and many of them threatening that if they got hold of petitioner they would tear him limb from limb. Petitioner rode towards them and asked them what reason they had to lay off the works, and being answered they wanted their right, he replied, that if they were imposed upon they should be righted, and desired them to desperse, whereupon they began to be very abusive. Petitioner desired the king's proclamation might be read to keep the peace, but the pitmen swore it should not, and immediately fell upon deponent, Mr. Deane, and the petitioner, with their clubbs and staves, and then knocked down deponent before he heard any arms fired or discharged, and afterwards several of the pitmen took him by the head and heels and carried him to a pitt's mouth, and swore they would throw him down, but some of the women perswaded them from it. They then began again to beat him. Got upon his feet, and in a weak condition made towards Hobson's house. The pitmen beat him all the way thither. A little time after a great number of them came to the house, and bid the people turn deponent out or they would pull down the house, and did break the windows and went away, but about an hour

³ Bartram and Maddison depose that they ran also.

afterwards returned in a greater body, and swore they would murder him, and that if the people in the house did not turn him out some of them should dye in his room. Was forced to come down stairs where he had been hid to avoid their fury, and was struck at through the windows which they had broke. Begging in the most submissive manner, they did at last agree to spare his life. Grey was very active amongst the pitmen. No arms were fired untill the pitmen had several times struck at petitioner and Mr. Dean, and knocked deponent down, and no assault was made or violence offered by petitioner, or any person with him, before that time.

John Potter, being employed by petitioner and his partner, to take care of their engine and keep it in repair, went on 7 Feb. and found it stopped by the pitmen, who, in number about 100, threatened to murder him and pull down the engine if he set her to work again. Two or three days afterwards went again to set her to work, but was opposed by about 100 pitmen, who forced him to get speedily away, and told him that when petitioner came from London they would tear him limb from limb. A few days afterward they consented that deponent might set her to work, which he did, and as he has been going to and from the engine, as well before as after the 27 Feb., he frequently heard them swear to murder petitioner and destroy the fire engine if he did not agree with their terms. Several times during the mutinying was present when the corves were gaged by, or in the presence of, the pitmen's friends, and the same, one with another, were no bigger that they were agreed to be. If the pitmen had destroyed the engine, the colliery must have been drowned.

Mathew Hobson. On 14 Feb. deponent, as viewer to petitioner, had prevailed with five of the pitmen to work in the colliery at Southieron's pitt. One hundred persons or thereabouts went to the pitt, set the gin a main, threw the pitt ropes down the pitt, and broke the gin, and would not suffer the pitmen in the pitt to be drawn out for several hours after the usual time of leaving work, and swore that if they had them above ground they would beat them to death, for working there without their leave. Deponent at length thinking he had appeased their anger, desired he might draw them above ground, which he caused to be done, when several of the riotous persons fell upon the workmen and beat them violently. They run away, and thereby escaped further damage. They hindered other workmen from sinking in another pitt, and threatened to pull up the waggon way, destroy the fire engine, drown the colliery, and demolish the petitioner's dwelling house at Houghton. Petitioner was at London. On 23 Feb. the riotous persons, having heard that petitioner was got home, told deponent that if petitioner would not give them a guinea a man for lying idle, which would have amounted to near 300*l.*, they would pull down his engine, pull up the waggon way, drown the colliery, and set fire to the coal heaps, and if he came to the works, they would kill him. Deponent on 25 Feb. told petitioner that the pitmen would meet him at Lumley Castle the next day, to see if they could agree. Petitioner went accordingly, but that morning about 100 pitmen told deponent that they would not meet there, for fear petitioner might get them taken into custody. Deponent

proposed Lumley Park gate, but they swore "D— them, if they would meet him at any place but at the pitts," and bid deponent tell petitioner that if he did not the next day (the 27th), send them a guinea a man, and agree with them, they would pull down the engine, &c. On 27 Feb. petitioner sent men and firearms in a waggon, to be put into the engine house. Deponent going from his house to the engine with Mr. Roper and others sent to defend it, met petitioner with Avery Robinson, constable of Houghton, who turned back to go to the engine house. At a gate leading to Southeron's pitt, they found hundreds of the pitmen and their wives with great clubbs, &c. &c. Petitioner retreated upon a pitheap. Deponent endeavoured to keep them from going up the same, till they overpowered him by numbers and got upon the heap, and beat petitioner and his horse off the heap. He rode off and escaped them. The pitmen struck several times at petitioner, and barbarously beat others almost to death before any arms were fired, and before they were fired deponent desired Robinson to read the proclamation for dispersing rioters, who then declared that he durst not do it, and that if he did they would kill him and pull down his house. Some time after the pitmen broke the windows of deponent's house, and threatened other damages, which he prevented by giving them ale. They insisted on it, and forced deponent to go to Newbottle Town to see for the petitioner, and tell him again that if he did not send them a guinea, &c.

James Wilson, being servant to petitioner, did, on 27 Feb., go with him from his dwelling house in Sunderland. They met by accident Mr. Richard Bryan and Mr. Thomas Starn, and afterwards Avery Robinson. Petitioner called Robinson back and asked him if he was not constable of Houghton, who answered that he was. Petitioner desired him to go along with him, if he could conveniently,⁴ and he accordingly went. They called at the house of Ralph Bates of Newbottle, esquire, one of his Majesty's Justices of the Peace. — When the petitioner had got clear of the pitmen, he rode towards the engine, where he met the said Mr. Bates, whom he desired to read the proclamation, but they would not suffer him, and swore if they did not get hold of him then, they would catch him at Newbottle, if he read it. Bryan and Starn had no weapons, nor intermeddled in the affray, but sate on horseback at a distance as spectators.

IN ANSWER to which, *George Clarke* swears that he and other pitmen refused to work till they had justice done them in the corves. In pursuance of a notice given deponent to meet petitioner at the house of Mathew Hobson, he and others, on 27 Feb., went, and being got to a gate not farr distant from Hobson's house, the petitioner and three or four people on horseback came, and petitioner asked them what they came there for, and bid them go home and be civil; and they replied that they were come to make an agreement with him, and intended to use no incivility to him. Petitioner went towards Hobson's house, and was met by Hobson, a serjeant drummer, and several others, who came

⁴ Robinson deposes that the petitioner told him he must go with him to his colliery, for he had something for him to do when he came there.



back with him, which they seeing, drew off towards a pitheap, where more pitmen were assembled, whither petitioner followed them, and swore he would shoot them all, and accordingly fired a pistol or gun amongst them, and bid the other persons fire likewise, which they did, by which shooting John Grey, a pitman, received a wound in his right leg and thigh, of which he died on 1 March next following.

John Walton. Petitioner overtook him as he was going along the heap, presented a pistol to him, and threatened that if he went not immediately off the heap he would shoot him.

Margaret Thompson. Petitioner said it should be the blackest day that ever they saw, and immediately rode up to the pitheap. Saw him fire among the pitmen, and ordered a serjeant to fire or else he would him, upon which she heard several guns or pistols fired. Petitioner fired another pistol over his right arm at her, and then rode off.

Isabell Currey. Petitioner spoke "D— you, dogs, what do you want?" The pitmen, after they pulled off their hats in a very humble manner, answered that they were come thither by his viewer's appointment to meet him, and make an agreement about the size of their corves, which were much bigger than they ought to be by the contract. He replied he would not speak to them, for if they got anything of him it should be by fair means, whereupon he rode up to the viewer's house and brought a serjeant and drummer with fire arms, whereupon the pitmen retired from the gate toward Colliery Row, being the place of the habitations of most of them; but before they could get thither, petitioner, with the serjeant and drummer, overtook them near a hedge, and before they could get over the hedge into the lane where their habitations were, petitioner fired a pistol among them, and drove them into a ditch next the hedge. The pitmen told petitioner that unless he would leave off firing, they would defend themselves as well as they could, for they had rather dye like men than be killed like dogs. Petitioner said, "Come up, serjeant," three times, and said, "D— you, serjeant, if you don't shoot, I will shoot you." The serjeant fired and drew his broad sword, and was going to cleave the head of William Walker. Was prevented by other pitmen putting their sticks over his head and receiving the blow. Immediately after heard several guns fired, by which John Grey received a wound and dyed.

Avery Robinson, constable of Houghton. Petitioner told them he would not agree with them unless they would work with the same corves, otherwise take what follows. Petitioner then rode towards the viewer's house, and was met by his viewer, one Mr. Roper, a serjeant, drummer, and new recruit, and other persons, who came back with him to the place where he had left the colliers. After some words had passed, deponent heard some one, but who he cannot tell, but verily believes it was petitioner, say, "Shoot! D— you, why don't you shoot?" Upon which he heard some guns or pistols shot off, and particularly saw the serjeant and another person fire their pieces, after which the said other person ran to petitioner and desired him to take him up behind him, which petitioner's servant did; and after the person was got up behind the servant, heard him say, "D— it, I have shot one man, if not two."

Richard Oyston, Anthony Allen, Tho. Curry, Thomas Galley, and Robert Thompson. By their agreement they were to work only with a fourteen peck corf, but upon measuring some of the corves they were found considerably bigger.—Petitioner returned with a serjeant, drummer, and a new raised man, all armed, who came on foot, but petitioner continued on horseback. Before they came to the gate, deponents and the rest of the pitmen perceiving and believing that petitioner had some mischievous and desperate designs against them, all run away towards Collier Row, where most of them lived, but, before they could get so far, petitioner overtook them, and bid them stand, and desired two or three of them would come to him and speak with him. Wm. Walker and two or three more of them, and, at the said Hobson's request, one John Walton also went to petitioner to speak to him, but, before they were got up to petitioner, he fired a pistol among them, and, after that, fired one or two more pistols, and, immediately afterwards, the serjeant and a new raised man fired, and one other person in the petitioner's company, by which firing John Grey received a wound of which he died.

Samuel Anderson. On 26 Feb. was in company with petitioner, and asked him if he had agreed with his pitmen. Petitioner answered he had not, but intended to be with them in a day or two, and would make it the worst day to them they ever saw in their lives, and used several other angry and passionate expressions against them. Next day, being 27 Feb., deponent, being employed as staithman by petitioner, had orders to meet him at the engine, which he did, and went from thence to the house of Matthew Hobson, where there was a serjeant and a drummer, armed with pistols and a sword, and one Brown with a gun, and petitioner had a pair of pistols. There was also six or seven other persons not armed. Petitioner ordered both the armed and unarmed men to go with him, which they did, to a gate called Curry's Gate, about forty or fifty yards distant from the pitheap where Grey was afterwards shot. Deponent refused to go further than the gate, at which petitioner was very angry, and desired him to go with him, but, deponent telling him he saw no reason nor occasion for it, petitioner said "D— you, go along with me." On the other side of the gate about forty or fifty pitmen were assembled, who, upon petitioner appearing, put off their hats in a quiet and civil manner, and about four or five of them told him they were come there according to his viewer's appointment. Petitioner was then in a great rage and passion, and bidd them be gone. Deponent refusing to go with petitioner, he went first through the said gate, and the armed men, and the others without arms, after him, upon which the pitmen retired towards the said pitheap. The first acts of violence which he observed was the discharging two fire arms upon or amongst the pitmen. Petitioner discharged one of his pistols. John Grey was shot by the discharging of one of the fire arms, and afterwards dyed. After Grey was shot, another gun or pistol was discharged, but by whom deponent knows not. Upon discharging the fire arms a great number of pitmen assembled, and, being much enraged, beat the petitioner and the persons with him from the pitheap, who then rode away.

The affidavits on the part of the pitmen omit giving any account of what happened before the 27th of February, and in respect to the transactions of the 27th February, are drawn in such a manner as plainly shews that they do not discover the whole truth of the case. The affidavits on the part of the petitioner all agree in one very material circumstance, that whatever was done by petitioner and those who came to his assistance upon 27 Feb., was done in defence of the colliery and themselves, and that no fire arms were discharged till they had been very severely beaten, and their lives were in danger.

I am humbly of opinion that the petitioner has done nothing but what was absolutely necessary for the defence of his colliery, and that if he had been the unfortunate person who had given the wound of which John Grey died (which does not appear), yet he would have been at least excusable, if not strictly justifiable.

In cases of homicide where there is anything of malice, I shall never advise his Majesty to interpose, but am humbly of opinion that the person committing the fact, ought always to be left to the ordinary course of justice. But there does not appear to have been the least malice in the present case.

I cannot think that any jury could find the petitioner guilty of murder, and I think there is not a sufficient foundation to convict him even of manslaughter, but, as he will be liable to very severe penalties if he should be found guilty of manslaughter, and as I think he deserves no punishment at all, I am therefore of opinion that the petitioner is a very proper object of his Majesty's great goodness and compassion, and that it may be very fit for his Majesty to grant to the petitioner his most gracious pardon.

J. WILLES,

June 11th, 1735.

In dorso. To be heard att my Lord Privy Seal's office at Whitehall, on Friday the 4th of July next, at 5 of the clock in the afternoon. 10 guineas.

[Counsel's notes.] No foundation for complaint about the corves. Affidavit of the maker, George Hedley. May indict all our witnesses.

[Addressed]

For Mr. Samuel Gowland att Durham.