

### III.—ON QUARTER SESSIONS ORDERS RELATING TO THE PLAGUE IN THE COUNTY OF DURHAM IN 1665.

Communicated to the Society by HENRY BARNES, M.D.; F.R.S.E.,  
of Carlisle, through R. S. FERGUSON, F.S.A., Chancellor of  
Carlisle, on the 18th December, 1889.

THE subject of the local prevalence of the plague is one of great interest. In the course of an investigation into the local visitations of the disease in Cumberland and Westmorland I have found some original notices of orders emanating from the justices assembled in Quarter Sessions for the county of Durham, which, I think, may be acceptable to your society. By 1<sup>o</sup> Jac. I., c. 31 (*vide Statutes of the Realm*, vol. iv., p. 1060), entitled 'An Acte for the charitable Reliefe and orderinge of psons infected with the Plague,' powers were given to mayors and justices of the peace not merely to assess the inhabitants for the relief of infected persons, but infected persons were compelled by force to keep within their houses, and any one who 'shall contrarie to such Cōmandment wilfullie and contemptuously goe abroade, and shall converse in companie, havinge any infectious sore upon hym uncured, that then such person and persons shalbe taken deemed and adjudged as a Felon, and to suffer Paines of Death as in case of Felonie.' Powers were also given by the said Act to appoint searchers, watchmen, examiners, keepers and buriers. In *Quarter Sessions from Queen Elizabeth to Queen Anne*, by A. H. A. Hamilton, published in 1878, some references will be found to orders made at Quarter Sessions by the justices. At p. 90 it is stated 'If the country was tolerably free from the scourge of war during the reign of James I. it was by no means exempt from pestilence and famine. Many applications were made on account of towns and villages. At the beginning of the reign there was an outbreak in Exeter and various parts of the country. In 1624-5 there was a terrible outbreak at Exeter, and the city was left almost destitute of inhabitants. The county justices held their sessions at Crediton,

and ordered that any persons who went into Exeter or any other infected place, or into the company of any person coming from such places, should be shut up in their houses for the space of one month.' At p. 106 it is reported that plague was prevalent at Plymouth and other towns in Devonshire; strict watches were appointed at the entrance of towns and on bridges, power being given to guards to shoot infected persons, if they intruded themselves into any company. Any one entertaining infected persons, their houses were to be shut up forthwith. In the Dean and Chapter library at Carlisle there is a volume of pamphlets (Tracts, vol. viii., s. ii., 22) containing much interesting information bearing upon the diffusion of the plague. Bound up with the pamphlets are a number of proclamations and orders, and at the end of the volume are three sheets containing orders of Quarter Sessions at Durham. The Chapter have kindly allowed me to copy them and make any use of them I think fit. The notices are numbered 7, 8, and 9, but I think these numbers are merely instructions to the binder, as antecedent numbers are attached to sheets of printed proclamations and orders bound up in the same volume. I have numbered the notices 1, 2, and 3 in the order in which they have been placed in the book. The other orders and proclamations have no local reference. The title page of one of the pamphlets (No. 5) has a written note upon it which seems to mean that the tract had been prepared for Dr. Thomas Smyth. The title of the tract is *A Brief Treatise of the Nature, Causes, Signes, Preservation from, and Cure of the Pestilence. Collected by W. Kemp, Mr. of Arts.* After the author's name is written 'For Dr. Thomas Smyth.' Bishop Smith was one of the founders of the Dean and Chapter Library at Carlisle. He was a prebend in Durham Cathedral at the date mentioned in the notices. The signatures on the second and third of the series of papers appear to be original signatures. I am indebted to chancellor Ferguson, F.S.A., of Carlisle, for identifying some of the names of those who sign the papers. He informs me that John Sudbury was dean of Durham; Isaac Basire, archdeacon of Northumberland; Denis Granville, archdeacon of Durham, afterwards dean; and Joseph Naylor was canon of the second stall at Durham (see Willis's *Diocese of Durham* and *Diocese of Durham* in S.P.C.K. series, p. 281 and 285). All the justices except the mayor appear

to have been ecclesiastics. The orders and regulations are such as appear to be contemplated by the Act quoted at the beginning of the paper, and I hope may be of interest to the members of the Society.

(No. 1.)

In plena Sessione pacis tent' apud Dunelm' p. com' Dunelm' duodecimo die  
Julii Anno R. R. Caroli s'edi nunc Angl' &c xvij<sup>o</sup>

fforasmuch as this Co't doth take notice of ye great increase of ye plague in & about ye City of London & Suburbs thereof & y<sup>e</sup> approaching thereof in sev'all places nigh this County ye Infecon whereof if not timely & carefully p'vented may be of dangerous consequence to sev'all places in the County Therefore yt all due & Circumspect care may be used for ye Avoiding of ye same The Rt Wo<sup>rd</sup> his Ma<sup>ties</sup> Justices att this gen'all Q'tr Sessions of ye peace assembled doe thinke fitt & soe ord<sup>r</sup> yt all & ev'y p'son & p'sons in ye sev'all port townes & other townes & places in this County doe punctually & carefully observe ye ord<sup>s</sup> hereund<sup>r</sup> menconed

ffirst That noe Shipp from London or Yarmouth yt shall come to any port towne w<sup>th</sup>in this County be suffered to Land men or goods out of their Shipp nor any p'sons p'mitted to goe aboard such Vessell, till ye Quarentine be p'formed.

2<sup>dly</sup> That such Shipp as shall come to any port haven or other place w<sup>th</sup>in this County to receive Coales may have ye Coales cast unto them by ye Keelmen from ye Keeles not suffering either p'son or goods to passe out of ye said Shippes.

3<sup>dly</sup> That ye Burg's of such townes be ord<sup>ed</sup> to set sufficient watches of able men to see ye same duely putt in execucon both day & night

4<sup>thly</sup> That Watches be alsoe appointed att Stockton, Yarum, Darlington, Sheriebriggs (? Piere bridge), Bern'dcastle, & Neesham carefully to p'vent any trauellers from London to be lodged or received into any ye sd places

5<sup>thly</sup> That if any p'sons traueiling from either of ye sd places doe either forcibly or by stealth come into any ye places abovemenconed or any other p't of ye County yt ye watches doe secure them in safe hold & give notice thereof to ye next Justice of Peace to receive ord<sup>s</sup> how to dispose of them.

6<sup>thly</sup> That all.Keep<sup>s</sup> of Innes or Alehouses doe give notice for ye next watch appointed for this Service of what Trauellers or Strangers come to any of their houses to examine them from whence they come.

7<sup>thly</sup> That if any ye said places cannot maintain a constant watch early & late yt ord<sup>r</sup> be taken for ye p'ts adjacent to contribute their assistance for gen'all p'servacon

8<sup>thly</sup> That each Justice of Peace residing neare any of ye said places doe take p'ticular care yt these ord<sup>s</sup> be duely observed

And all & eu<sup>ry</sup> p'son & p'sons are hereby required to see yt these ord<sup>s</sup> be observed upon paine & penalty to be inflicted upon them by Law.

(No. 2.)

Dunelm' Whereas wee have received c'taine informacon that the towne of Sunderland by the Sea in this countie is dangerously infected with the Plague and that divers p'sons Inhabitants there doe come from thence to the towne of \_\_\_\_\_ & other places within this Countie and that severall p'sons of the said towne and other places adjacent doe goe to Sunderland aforesaid to the great hazard of the further spreadinge of the said Infeccion for the due and tymely p'vencon whereof we his Ma<sup>ties</sup> Justices of the peace within the Countie aforesaid whose names are hereunder written do hereby in his Ma<sup>ties</sup> name straitely charge and require all and every the householders and Inhabitants whomesoever within the said town<sup>esp</sup> of \_\_\_\_\_ & p'cincts thereof by themselves or other able men in their steads (well armed) doe in their courses keepe and hold sufficient Watch and Ward by day and night with such competent number of men as \_\_\_\_\_ or any two or more of them shall from tyme to tyme approve of, order or direct The said Watch and Ward to be soe kept in all publiq' passages and places convenient within the said p'cincts, And that the p'son and p'sons soe from tyme to tyme appointed to keepe such Watch shall not depart off the said service or dutye till hee and they be releived by others appointed for that purpose And that all p'sons conc'ned doe observe such rules and direccons as are herewith sent or shall at any tyme hereafter be directed by any two of his Ma<sup>ties</sup> Justices within this Countie And wee doe hereby further require all Constables and other his Ma<sup>ties</sup> officers whatsoever that they & every of them doe from tyme to tyme see to the due and strict observance of this warrant & all other the ord's and direccons aforesaid and this shall be their sufficient warrant in that behalte wherein they may not fayle upon the utmost paynes and p'ills that may be inflicted upon them by Law Given at Durham under o' hands and seales the xvii<sup>th</sup> day of July Anno R. R. Caroli nunc Anglie etc s'edi decimo septimo 1665

JO. SUDBURY

JOS: NAYLOR

ISAAC BASIRE

DENIS GRENVILE

JON. STOKELD Maior

To all & every Constables  
& other his Ma<sup>ties</sup>  
officers & ministers  
& others whome it may concerne

(No. 3.)

ORDERS and Instruccons to be observed for the keeping of due watch and ward within and about the city of Durham as also in Elvet Crosgate Fframwelgate the two Balyes and Gilligate

First That noe person whatsoever Inhabiting or comeing from the towne of Sunderland or other places suspected to be infected with the Plague be permitted to come into the Citie Suburburbs (*sic*) or other places above-mentioned

- 2<sup>dly</sup> That if any person shall adventure to goe from the said Citie suburbs or other places aforesaid to the said towne of Sunderland such person shall not be admitted to retorne backe to any of the said places And if hee doe retorne backe his house to be shut upp.
- 3<sup>dly</sup> That the said watchmen doe examine all strangers comeing from any place to the said Citie and suburbs to hinder them from entering in to the same unles they bring sufficient Testimoniall from whence they come And that the place be free from Infeccion.
- 4<sup>thly</sup> That the said Watch doe take care that noe sturdy or waudring begger be admitted to come in to the said Citie & suburbs but be wholly kept out from soe doing And if any wandring begger be now in any of the said places that the said watch with the assistance of the Constables there cause such beggers forthwith to depart from thence to repare to the places of their last settlement or otherwise to be punished according to law.
- 5<sup>thly</sup> That noe Inkeeper Alehousekeeper or Victualler doe receive into their houses any traeller whatsoever unles such Inkeeper Alehousekeeper or Victualler shall be admitted so to doe by one of his Ma<sup>ties</sup> Justices for this Countye
- 6<sup>thly</sup> That all the Inhabitants keepe their severall dwellinghouses stables and all other places about there dwellinghouses clean and sweet and their fronts swept and cleansed from all filth and other noysom rubbish & Excreements And the Constables to enter into the severall houses and places to see this performed.
- 7<sup>thly</sup> That the Maior for the Citie of Durham take care for to see the bridges and streets within the said City cleansed and that noe Butchers be suffered to kill any meat in the streete or in there shoppes but upon their backsides and that noe Tallow Chanlers doe rend or melt any tallow in any place within the said Citie
- 8<sup>thly</sup> That ye ffreehold<sup>rs</sup> and other able men of every towne doe take care yt some two off them doe goe about ev<sup>ry</sup> night in ye night time to see yt watch be duely kept And where they find any default to make complt thereof to ye next Justice of Peace to ye end ye offender may be punished
- 9<sup>thly</sup> That the Constables of every p<sup>ish</sup> towne doe send to ev<sup>ry</sup> towneshipp w<sup>th</sup>in ye p<sup>ish</sup> a copy of these ord<sup>rs</sup> as alsoe a copy of ye warrt hereunto annexed.

JO. SUDBURY  
 JOS: NAYLOR  
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