

**ENGLAND'S GRIEVANCE
DISCOVERED, IN RELATION TO THE
COAL-TRADE; THE TYRANNICAL
OPPRESSION OF THE
MAGISTRATES OF NEWCASTLE**

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England's grievance discovered, in relation to the coal-trade; the tyrannical oppression of the magistrates of Newcastle by Ralph Gardiner

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RALPH GARDINER

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ENGLAND'S GRIEVANCE
DISCOVERED,

IN RELATION TO

THE COAL-TRADE ;

THE TYRANNICAL OPPRESSION OF THE MAGISTRATES OF
NEWCASTLE ;

THEIR CHARTERS AND GRANTS ; THE SEVERAL TRYALS,
DEPOSITIONS, AND JUDGEMENTS OBTAINED
AGAINST THEM ;

WITH A BRIEVATE OF SEVERAL STATUTES PROVING REPUGNANT TO THEIR
ACTINGS ; WITH PROPOSALS FOR REDUCING THE EXCESSIVE
RATES OF COALS FOR THE FUTURE ; AND THE RISE
OF THEIR GRANTS APPEARING IN THIS BOOK.

BY RALPH GARDNER,
OF CHIRTON, IN THE COUNTY OF NORTHUMBERLAND, GENT.

A NEW EDITION, WITH EXPLANATORY NOTES, AND SOME
ACCOUNT OF THE AUTHOR.

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MDCCCXLIX.

MEMOIR

OF

RALPH GARDNER.

THE Author of the following work, for the last two centuries, whenever he has been spoken of at all, has been described as a turbulent, litigious scoundrel, who appropriately terminated a life, infamous on account of its slander and treachery against the Corporation of Newcastle, by a death on the scaffold at York, for the ignominious crime of coining.

The present Editor, however, having, in early life, from a careful study of the Author's book, formed a very different opinion of his character, wishes, in a few brief sentences, to clear away from Ralph Gardner's name, the stains with which selfishness and malevolence have so long laboured to cover it; and to lead the inhabitants of SHIELDS and the Tyne generally, to cherish with gratitude the memory of a man, who, in his day and generation, was the best friend of their interests, and the most able champion of their rights.

It will, no doubt, be considered by many a matter of small consequence, to know whether this advocate of their just claims was a just man or not. It is nothing to him, either, the sturdy Reformer of the Tyne during the Commonwealth—whose ardent spirit has so long been quenched in the dust—for a century and a half, at least, sleeping peacefully. Persecuted, impoverished, ruined as he was, no one more heartily than he would have scorned the slanders of his foes, or smiled at the neglect of those *friends* for whose welfare he had sacrificed himself. But there are some generous hearts to whom it will not be a matter of small moment that this patriot of the Tyne, having been maligned for two hundred years, should at last, by a loving hand, have the stains wiped away from his memory.

It is a grateful task to perform these pious offices to the reputation of a just man and a benefactor. Death does not close our liabilities to such as these, nor any lapse of time. The debts of gratitude never reach the Statute of Limitations. He who thinks a benefactor is vilified,

and does not do his best by voice or pen to right the wrong, must, to say the least, have a stronger sense of indolence than of honour. The very tardiness of the justice makes the lesson it teaches the more impressive. To find that worth, after attempts for ages to suppress it, still survives; and that Truth, let Monopoly or any other form of selfishness do what it will, remains for ever, is a great and a most wholesome fact, well worthy the quiet inward digestion of us all.

After very careful and earnest inquiry, we have been unable to gather any facts of importance, in the history of Ralph Gardner, except those which have been elicited in connection with his struggle for the enfranchisement of the Tyne. To help forward that enfranchisement seems to have been his chief earthly mission: and glimpses of his life during the time he was engaged in this struggle, are all that remain to us of his history. From various parish registers, corporation records, books of incorporated companies at Newcastle, and the local histories, the following scanty narrative is gleaned.

Ralph Gardner, author of *England's Grievance Discovered*, was the son of Devereux Gardiner, Gent. of Newcastle-upon-Tyne, and (probably) grandson of Nicholas Gardiner, of Mearcfern, in the parish of Pouteland, county of Northumberland, yeoman.

Our Author's father appears to have been of the legal profession, and to have written a beautiful hand; for the Editor of the "*Plea and Defence of the Corporation of Newcastle, in 1653, against the malevolent accusations of Gardiner and his adherents,*" on the authority of the "*Burnet Deeds,*" speaks of a conveyance of property, in Byker Chare, on the Keyside, witnessed by the sign manual of Devereux Gardiner, father of our Author, written in a fine legal hand of the period, the calligraphy being identical with that of the deed itself. We gather, however, that the Law had been as sorry a mistress to the father as River Reform became to the son. Having, apparently, failed to secure a livelihood by the exercise of his profession, Mr. Devereux Gardiner was fain to accept the post of Writing Master to Queen Elizabeth's Grammar School, at Newcastle, and, while thus engaged, in the year 1625, August 29th, our Author was baptized at St. John's Church, Newcastle, as "*Ralph Gardiner, son of Mr. Deveruxe Gardiner.*"

Seven years after this time, in June, 1632, the father, "*Mr. Gardiner, Writing Master at the Grammar School,* was presented with £10. which is given by the Common Council, *in respect of his poverty,* for a full discharge to depart the schoole." A species of "compensation" which, if it amounted to many years' purchase of the stipend, shows us that beautiful handwriting was not highly remunerated at the Royal School;

and opens up to us glimpses of a boyhood of privation on the part of our Author.

Of the father we have nothing more whatever. The broken attorney, with his beautiful handwriting and respectable character (necessary qualifications for the Writing Master at the Grammar School) disappears entirely from the scene; but the influence of the man may be traced in the legal knowledge of one of his sons, and in the respectable offices of churchwarden and auditor of his company, filled by another. So that it is very evident, whatever difficulty Mr. Devereux Gardiner had to eke out a subsistence, he had given his children, what was not very easy to obtain in those days, a good education and sentiments of independence.

About the period of the father's removal from the Grammar-school, the question of the authority of the Corporation over the Tyne was much agitated; and we can easily fancy the poor attorney going off with his £10. in his pocket, and his little boy Ralph in his hand, attempting to cheat his mind of anxious thoughts about the future, by talking about Lord Chief Justice Heath's struggle for his South Shields Quay, against the wishes of the Corporation—a topic, no doubt, at that time, quite as general as that of the Conservancy is now.

In 1632, also, the Corporation had their ancient claim to the soil of the river up to high-water mark, set aside, by the sale of Jarrow-slike to two London gentlemen for £400., notwithstanding, first, the demand of the Newcastle Council to be put in possession of the ground as a matter of right; and their *petition* afterwards to be permitted to purchase it. At the fireside of the unsuccessful attorney and writing-master out of place, all this was no doubt canvassed, and the legal points of the case well discussed.

From this period, up to the date of our Author's work, the question of questions throughout England was that of Monopoly. It agitated the whole nation in one form or other during the whole youth of Ralph Gardner: setting, as the reader recollects, the Parliament and the King in opposition to each other, and leading to all the horrors of the Civil War. When Charles I. was a sort of prisoner at large in Newcastle-upon-Tyne, our Author was an ardent, energetic young man, full of the liberty then abroad in England; and often, no doubt, when watching the King and his courtiers playing at golf in the Shield-field, discussed with his father and his friends (who opposed the poor Monarch's "divine right" and other forms of monopoly) the great question then shaking the kingdom to its foundations, and destined soon to result in the overturning of the throne itself. Especially the local monopoly of the Tyne,

with which Charles was so intimately connected, and which, indeed, was but a type of the national monopolies forming the topic of the times, would form a continual subject of conversation.

A boyhood of poverty—a good education—access to legal lore—a free, resolute, independent spirit—a youth spent amid the agitations and discussions of the stormy years preceding the Commonwealth; this was a suitable training for a Reformer of the Tyne. On account of the residence of Charles and his court in Newcastle, these discussions would be carried on there with greater vehemence than anywhere else out of the metropolis. For, the doctrine of the “Divine right of Kings” was nowhere more directly assailed than in the presence of the unhappy divinity itself, as it appeared in the person of the King; the very soldiers smoking in his presence to his excessive discomfort—for he abhorred the practice as much as his father, whose “Counterblast to Tobacco” is well known—and parsons, with more zeal than delicacy, quoting from the pulpit the Psalms of King David, against the tyranny of King Charles.

Our Author was only twenty-four or twenty-five years of age, when he entered publicly upon his struggle with the Monopolists of the Tyne; but the circumstances just mentioned will explain the surprising familiarity with the arguments and the Statutes which bear upon the subject, displayed throughout the work of so young a man. Indeed, his familiarity with Statute and Common Law would lead us to suppose that he had been brought up to the legal profession—probably under his father’s eye.

However Ralph had spent his time from the period in which his father was dismissed, with his £10. legal poverty and calligraphy, from the Grammar School of Newcastle, we find him, in the year 1650, established as a brewer in North Shields, and residing in a cottage at Chirton, which, much defaced by many improvements, still remains. Twenty years ago, this cottage presented very much the same appearance as when inhabited by Ralph Gardner; and many of our readers, who, in the days of gigs, coaches, and omnibuses, were in the daily habit of passing it, will recollect its quaint, humble aspect. It is the back part of the cottage, however, which, with its scanty skirting of trees, is seen from the turnpike; the little engraving at the commencement of this volume, presents a view of it—very much as it was in May 1653, when, “with swords drawn and pistols cockt,” the Newcastle officials “environed a gentleman who was peaceably in his house, and shot at some of the said gentlemen’s servants, and beat his wife, and much blood was spilt,” according to the depositions of Thomas Salkield, gentleman, and many others. On this occasion, it seems, “the seamen

got ashore, fell upon the said Newcastle men, wounded and disarmed them, and" (for we ever find poor Jack, if left to himself, on the side of fair play, and bringing succour to the oppressed) "relieved the said gentleman."

This gentleman was Ralph Gardner; and the history of this outrage was as follows. In 1650, (how long before there are no means of knowing;) in spite of the old monopoly of the "Bakers and Brewers," who, on the authority of Queen Elizabeth's Charter to the free-boatmen of Newcastle (see clause x, p. 52,) usurped the right to brew and bake for Shields and all the ships in the harbour; in 1650, Ralph Gardner was brewing beer at Shields for the ships and the lieges there; and, (seeing the bitter persecution of the Newcastle men) better and cheaper beer, it may fairly be presumed, than they produced. Monopoly, it has been long since proved, brews worse and dearer beer, at any rate, than free trade.

A very short time before, on January 30th, 1649, the question of the justice or injustice of monopoly had received a very tragical solution on the scaffold at Whitehall; and in the grave of the murdered King—might our Author and other friends of liberty think—would be buried all monopoly—in other words *all public injustice between man and man*.

Ralph maintained stoutly, that Charter-law is in opposition to the Statute-laws of the kingdom; and proved it, by reference to the Statutes in question. He asserted therefore, that the Charters by means of which the Brewers, Shipwrights, and other "free-trades" of Newcastle, pretended to have purchased the right to monopolize all the markets of the Tyne, were of no real value whatever. And if this were the case when the very Kings who sold these Charters were in existence and power, Ralph Gardner maintained it was still more evidently correct now, that the whole system of Charters—nay, the monarchy itself—had been overthrown. Acting on this conviction, he proceeded to brew his beer, and sell it, depending solely on its goodness for surpassing his "free-brewer" competitors—fairly setting, indeed, these monopolists of the barrel at defiance.

Though his principles were sound, and though no one was more ready to acknowledge this than the Protector and his Parliament; (those who call Oliver a brewer will think he was especially likely to have a tender sentiment for this Shields Brewery of Ralph's;) still, before these principles could be drawn out from the mass of corruption amid which they had been overwhelmed, the *forms* of law interposed much delay; and in the struggle of right against might, common men could easily be crushed. But Ralph Gardner was no common man; and would not, in the common way, submit to be crushed at all. They would not permit him to brew

beer, and he therefore brewed a storm for them ; which has kept them more or less in hot water ever since, and will at length quite submerge their monopoly.

We look back at these poor selfish "Brewers and Bakers" of Newcastle in 1650, compelling the inhabitants of Shields to purchase their food and drink of them alone, with as much scorn as is compatible with contempt ; and precisely in the same way will future generations look back on the Town Councillors and advocates of the monopoly in 1849, who have been ineffectually opposing the principle of the Tyne Conservancy Bill.

In 1650, then, we find Ralph brewing beer in Shields, contrary to the monopoly of the "Free Brewers" of Newcastle, and engaged with the captains and shipwrights in seeking to gain the privilege of loading and unloading their vessels, and rescuing ships in case of wreck, without going to Newcastle, or sending for a "free carpenter" of that place for the purpose. One would think these were reasonable demands. But when we recollect that now, in 1849, the large fleet of Shields yields to Newcastle the exclusive right to receive and deliver all ballast, we will not be so very much surprised, that two hundred years ago, Newcastle should also claim over Shields the exclusive monopoly of "all meats and drinks."

We find, consequently, in this very year 1650-51, the Newcastle "Bakers and Brewers" going or sending "to Sheiles and Tincmouth, and giving warning to Mr. Gardiner to surcease brewing." From this time the persecution of Newcastle is hot against our Author ; and his resistance is quite as active and spirited as their attempts to crush him are persevering and malignant. Actions at law, for brewing beer contrary to the Charter-law of Newcastle, were brought against him—fines and costs accumulated—until at length, in August, 1652, he was arrested, actions being laid "for nine hundred pound, when twenty pound could not be recovered, and he kept lockt up in a prison, from all comforts, in a tower, above 30 foot high, &c." A room well known to the Antiquarian Society of Newcastle now. Here Ralph seems to have been treated with the genuine oppression which constitutes the spirit of Charter-law ; his bail, first accepted, was afterwards refused—"because he was an enemy to the privileges of Newcastle ;" his requests to be permitted to defend his own cause declined ; his friends and servants often not allowed to come to him ; his desire to accompany his gaoler to a counsel, not granted ; his bond to be a true prisoner, for the benefit of fresh air, for his health's sake, even at the gaoler's house, refused ; his offer to give the Newcastle Council without law, whatever the law should award