

XI

THE CLERICAL JUSTICES OF THE PEACE IN THE NORTH EAST, 1626-30

Constance M. Fraser and Kenneth Emsley

“If there is any one thing, which, above all others, at once demonstrates and secures the happiness of England, it is the well-grounded confidence of the people in the independence of their magistrates, and in the due administration of justice. Whatever, therefore, tends to lessen that confidence, strikes at the foundations of the public safety.

Sed quis custodiet ipsos Custodes? Juvenal 6, 346.”¹

DURING THE past few years increasing attention has been paid to the type of men who became justices of the peace, “the maids of all work” as they were often named for their increasing duties in running local administration in the Tudor period and later. It is the purpose of this paper to examine the strength of the clerical element on the benches of Northumberland and County Durham, especially in light of the charge made in the House of Commons in 1621 that in the palatinate of Durham there were more clergy on the bench than any other category of member.

The commission of the peace was the backbone of county government for the local dispensing of justice in both criminal and petty matters. The versatility of the justice of the peace continued even during the constitutional crises of the seventeenth century. The senior justice would usually act as chairman of the bench and often took office as *custos rotulorum* or keeper of the rolls.² The county commission of the peace (*liber pacis*) named all the justices for a particular county. It was usually headed by such national dignitaries as the Lord Chancellor or Lord Treasurer of England along with senior peers and archbishops or bishops. A few circuit judges and serjeants at law would be included and finally the local gentry, lawyers and clerics who normally formed the working core of the bench.³ Sir William Holdsworth regarded the fact that the old idea of local self-government subject to the law was retained in the system of local government as newly organized in the sixteenth century under the justice of the peace as “an unique phenomenon

¹ Leuconotus, *Letter to the Lord Bishop of Durham* (Newcastle, 1811), p. 12.

² G. S. Thompson, *Lords Lieutenants in the sixteenth century* (1923), p. 142; G. E. Aylmer, *The Struggle for the Constitution, 1603-1689* (1963), pp. 20-21.

³ J. H. Gleason, *The Justices of the Peace in England, 1558 to 1640* (Oxford, 1969), pp. 47-67; E. Moir, *The Justice of the Peace* (1969), pp. 28-32.

in Western Europe, of the utmost significance for the future of our constitution and our law".⁴ G. M. Trevelyan referred to the justices of the peace of the Elizabethan era as being "the most influential class of men in England".⁵

The list of justices of the peace was revised at intervals of a few years, and the names of the sitting justices can be obtained from the indictment rolls and the order books of each county, where these survive.⁶ In the county palatine of Durham, despite the statute of 1536 which had removed his criminal jurisdiction, the bishop of Durham continued to exercise a civil and administrative power, including the right to nominate the county justices of the peace. The bishop and his temporal chancellor were justices *ex officio*, and the bishop often presided over his own bench.⁷ In Northumberland it was the lord lieutenant who selected the justices of the peace. This difference of selection procedure may be reflected in the number of clergy usually included in the Durham commissions of the peace. While this clerical leaven increased the proportion of Durham justices with university degrees, on the other hand many of the Northumberland justices had attended an Inn of Court. We shall now examine in some detail the composition of the county benches of Northumberland and Durham between 1626 and 1630 with particular reference to the clerical element, bearing in mind that there could be a world of difference between inclusion in the panel and actual attendance at the quarter sessions where the more important county business was transacted.⁸

In both counties the first man named in the commission was the Lord Keeper of the Great Seal, the office of Lord Chancellor being then in commission. He was followed by the Lord Treasurer of England, the Lord President of the Council, the Steward of the King's Household, and the President of the Council of the North.⁹ Next came Theophilus Howard, earl of Suffolk, and lord of North Tynedale, Upper Coquetdale, Redesdale and parts of Northhamshire in right of his wife Elizabeth, daughter and heiress of George Hume, earl of Dunbar, to whom James I had granted the estates in 1604.¹⁰ A similar royal beneficiary was John Murray, earl of Annandale, who had received from James I the barony of Langley about 1619. "By no means nice as to whom he sold his influence, or from whom he took money, he rapidly acquired one of the best estates in Scotland."¹¹ The final dignitary

⁴ W. S. Holdsworth, *The History of English Law* (17 vols., 1922-72), iv, 136-37.

⁵ G. M. Trevelyan, *Illustrated English Social History* (1950), ii, 30-32.

⁶ T. G. Barnes & A. Hassell Smith, "Justices of the Peace from 1558 to 1688: A Revised List of Sources" (*Bulletin*, Institute of Historical Research, 32, 1959), pp. 222-33.

⁷ Holdsworth i, 112 n. 7; K. Emsley & C. M. Fraser, "The Justices of the Peace for the County Palatine of Durham and Sadberge" (*The Justice of the Peace and Local Government Review*, Vol. 135, pp. 84-85, 303-4, 390-92, 673-75).

⁸ Actual attendances at the Durham sessions in 1620 and 1621 are tabulated at the end of this article.

⁹ These commissions are enrolled on Public Record Office, London, C193/12/2; C66/2527.

¹⁰ *Northumberland County History* XV (1940), 278, 285-87, 420; J. Hodgson, *History of Northumberland* (1827-40) II i, 77-79; J. Raine, *History of North Durham* (1852), pp. 30-34.

¹¹ Hodgson II iii, 367; G.E.C. *Complete Peerage* i, 165; *Dictionary of National Biography* XIII, 1277.

common to both lists was, understandably, the bishop of Durham, whose diocese extended over both counties and into Cumberland.

Our clerical study must begin with this bishop of Durham. In 1626, the date of the Northumberland commission, the see was held by Richard Neile. Educated at Westminster School, where he gained the goodwill of the dean of Westminster, he had entered St. John's College, Cambridge, in 1580 under the patronage of Mildred, Lady Burghley, and subsequently became chaplain successively to Lord Burghley and his son, Robert Cecil, first earl of Salisbury. On his elevation as bishop of Rochester in 1603 Neile had appointed William Laud as his own chaplain, and he continued in this opinion of High Churchmanship. His career of episcopal advancement was rapid. Thanks now to the favour of James I Neile progressed successively from Lichfield (1610-1614) to Lincoln (1614-1617) to Durham (1617-1628) to Winchester (1628-1631), and finally achieved the archbishopric of York, where he died in 1640. Throughout this time he corresponded steadily with the king's secretary for State, keeping him informed of any disaffection within his diocese, advising on defence, and acting as a government agent. In 1627 he was sworn of the Privy Council. He was also to be found in the counsels of the High Commission on church matters and the court of Star Chamber for maintenance of the royal prerogative.¹²

In keeping with this reputation Bishop Neile acted as chairman of the Durham Michaelmas quarter sessions in each year of his tenure of office, save for 1624 and 1627.¹³ Business covered the usual range from theft and assault to the indictment of recusants, administration of the oath of allegiance, punishment of poachers, licensing of ale-houses and authorisation of the collection of rates and other dues. We find him on the bench on 3 October 1626 accepting "certificates of conformity" sealed by himself in favour of indicted recusants.¹⁴ Earlier we find him sealing a warrant with two fellow clerical justices, all acting as king's commissioners to assess and levy a subsidy, to authorise the parish constables of Northamptonshire and Islandshire to distrain on defaulters.¹⁵ Contributions decreed by the bench were used to finance the Durham militia, which was another of Neile's responsibilities.¹⁶

At this point the county panels diverge. The archbishop of York was included in the Northumberland commission, partly due to seniority, partly through his ancient landed connexion with Northamptonshire, and partly through his long association with northern parts. Tobias Matthew had been himself bishop of Durham from 1595 and 1606 and previously dean of Durham from 1583 to 1595. While at Durham he had presided on occasion at the quarter sessions, averaging twice a year. Whether he was able to maintain

¹² *DNB* XIV, 171-73; cf. Durham University Library, Mickleton MS 2 *passim*.

¹³ Durham County Record Office, Quarter Sessions Order Book 1, pp. 63-68, 90-95, 115-21, 142-46, 167-70, 188-91, 234-41, 268-75, 305-10.

¹⁴ *Ibid.*, p. 268.

¹⁵ Durham CRO, QS Indictment Roll 8, m. 9d.

¹⁶ Durham CRO, QS Order Book 1, p. 214.

a similar attendance in Northumberland is unknown. By 1624 he was too old for public service, and he died on 29 March 1628.¹⁷ His omission from the Durham panel after 1606 can be explained by the traditional reluctance by Durham to accept any form of supervision from York.

Way below such notable church dignitaries and following the lords and knights came John Cradock, DD, sometime archdeacon of Northumberland, and his successor, Francis Burgoyne, BD. Both men were in fact on the Durham bench also, as canons of Durham. It had been the activities of Dr. Cradock while spiritual chancellor of Durham and in charge of the bishop's court that had sparked off the enquiry in the House of Commons in 1624 into alleged malpractices by clerical justices of the peace.

John Cradock had started his university education at Oxford, but in 1601 he took his degree of MA from Peterhouse, Cambridge, and proceeded to DD in 1620. He was presented to the vicarage of Gainford, in the patronage of Trinity College, Cambridge, in 1594, in which living he remained until his death in 1627, having meanwhile established himself there as a landed gentleman and founded a family of lawyers. By 1616 he was vicar of Woodhorn, where he died of poison administered it was suspected by his wife. He served for several months in 1619 as archdeacon of Northumberland before being appointed by Bishop Neile as his spiritual chancellor and vicar-general in August 1619. At the same time he was collated to the fifth stall of Durham cathedral.¹⁸ Cradock made his first recorded appearance on the Durham bench on 30 September 1618. Thereafter he missed only four quarter sessions until his death. At the allocation of special areas of interest to the justices of the peace in 1621 he was assigned to the Chester ward. It is edifying to note that he was anxious at the sessions on 2 May 1622 for financial provision to be made for a chaplain at Durham gaol "to do service euery Sabath, to cathekise and sometymes to preach vnto the prisoners". Elsewhere he appears in a more mundane context, such as his attendance at the brewster sessions at Staindrop in 1619.¹⁹ He won his lasting notoriety when questions were asked in the House of Commons in 1621 and again in 1624, this time by the member for Newcastle upon Tyne, Sir Henry Anderson, for reinforcing his jurisdiction as a High Commissioner for Durham and spiritual chancellor with his temporal powers as a justice of the peace. In other words, he had enforced by a justice's warrant orders of ecclesiastical sequestration, he had tendered an oath *ex officio*, and committed to gaol the defendant in an action in the church court. It was also alleged that he had accepted bribes as a justice of the peace. Whether any action was taken against Dr. Cradock for these

¹⁷ DNB XIII, 60-62; Durham CRO, Indictment Roll 1 *passim*.

¹⁸ R. Surtees, *History of Durham* (4 vols., 1816-40) IV i, 11-13; W. Hutchinson, *History of Durham* (3 vols., 1785-94) II, 187-88, 224, 256; W. P. Hedley, *Northumberland Families*

(Newcastle, 1968-70) II, 107; R. Welford, *Men of Mark 'twixt Tyne and Tweed* (1895) I, 652-56; J. & J. A. Venn, *Alumni Cantabrigienses* (4 vols., Cambridge, 1922-27) I i, 411.

¹⁹ Durham CRO, QS Order Book 1, pp. 63, 70, 139, 154.

irregularities is unknown and unlikely, as parliament was dissolved by James I within a week of the discussion.²⁰

Francis Burgoyne had taken his place on the Durham bench in January 1618 under the style of sub-dean of Durham, and attended with regularity until July 1628. He owed his inclusion in the Northumberland panel to the fact that from 1621 he was also archdeacon of Northumberland and rector of Howick until his death in 1633. Like Cradock he was a graduate of Peterhouse, Cambridge. In 1583 he was elected a fellow of Jesus College, from which he took his MA in 1585. He was ordained in 1587, and presented by Bishop Matthew to the rectory of Bishop Wearmouth in 1595. In 1617 he was collated to the eighth stall at Durham cathedral.²¹ It may be noted in passing that Mr. Burgoyne was on the panel of justices for the Easington ward, with the dean of Durham. He also figures in a memorandum in the quarter sessions order book for 1620 which neatly illustrates the situation in Durham against which there were the protests in the House of Commons. "This order was made before Mr. Chauncellor Cradock, Mr. Cooper, Mr. Burgoine, Dr. Daniel Birkett, Mr. Ewbank and Mr. Fetherstonhalgh". Of these only Robert Cooper and Ralph Fetherstonhaugh were not in holy orders: and Cooper was the bishop's attorney general.²²

Returning to the panel of Durham justices, pride of place after the bishop went to the dean of Durham. In 1630 this was Richard Hunt, who had matriculated at Trinity College, Cambridge, in 1582, and incepted as DD in 1608. He attracted the attention of James I, whom he served as chaplain, and was granted the second stall of Canterbury in 1614. In 1620 he was nominated dean of Durham, in succession to Adam Newton, sometime tutor to Prince Henry, eldest son of James I, and a layman. Hunt remained at Durham until his death in 1638. During the first five years of his office he showed little interest in the work of the quarter sessions, being totally absent from July 1622 until January 1625, when he returned and maintained thereafter an almost perfect attendance. Normally he presided, except in the presence of the bishop.²³

At a humble distance after the Durham knights came Augustine Lindsell, dean of Lichfield. The presence of this somewhat surprising figure can be explained by the fact that he was a protégé of Bishop Neile. He had been admitted to Emmanuel College, Cambridge, in 1592 but graduated from Clare Hall in 1596, from whence he proceeded to the degrees of MA and DD. He gained a prebend at Lincoln cathedral in 1612 before moving to the tenth

²⁰ *Journal of the House of Commons* I, 697, 709-10; Welford, *op. cit.*, 653-55. There is a serious omission in the account of English civil lawyers recently published by B. P. Levack, *The Civil Lawyers in England, 1603-1641* (Oxford, 1973), pp. 221-2, which fails to include this important episode in Cradock's career, and indeed any part of his northern activities.

²¹ *Al. Cantab.* I i, 258; Hutchinson II, 201, 225.

²² Durham CRO, QS Order Book 1, pp. 99, 139: Indictment Roll 8 *passim*.

²³ *Al. Cantab.* I ii, 434; Hutchinson II, 154; Durham CRO, QS Order Books 1 and 2 *passim*.

stall at Durham in 1619, which he resigned for the second stall in 1620. In 1623 Bishop Neile presented him to the valuable rectory of Houghton le Spring. Essentially a scholar, he was an unsuccessful candidate for the Regius Professorship in Greek in 1627, for which the deanery of Lichfield the following year may have been little consolation. In December 1632 he was elected bishop of Peterborough, being translated fifteenth months later to Hereford. His attendance on the Durham bench seems to date from July 1629.²⁴

The next clerical entry for Durham in 1630 was William Easdell, LL.D. He had succeeded Dr. Cradock as vicar general and spiritual chancellor, and made his first appearance on the bench in April 1629. Easdell had studied civil law at Trinity Hall, Cambridge, from whence he took the degrees of LLB in 1614 and LL.D. in 1620. By 1624 he was joint chancellor of the archdiocese of York, an office he held until 1640 together with a commissionership in the archbishop's exchequer and prerogative court. He was commissioned as a justice of the peace in Yorkshire in 1629 and resigned from his Durham appointments in 1631.²⁵

Dr. Easdell's association with the North East seems to have been wholly professional and of very short duration. This is in sharp contrast to the involvement of Dr. Cradock, Francis Burgoyne or Gabriel Clarke. Clarke had succeeded Cradock as archdeacon of Northumberland in 1619, but transferred to the archdeaconry of Durham in September 1621 on the death of William Morton, who was also vicar of Newcastle upon Tyne, and remained in this office (with the interruption of the Commonwealth) until his death in 1662. He had matriculated from Christ Church, Oxford, in 1606, proceeding to BA and MA in 1612. He then transferred to Pembroke College, Cambridge, for his BD. From then on we can use his career to illustrate the cosy circle of relationships which united the higher Durham clergy. In 1615 he joined Augustine Lindsell as a prebendary of Lincoln, and like him was one of Bishop Neile's chaplains. He was rector of Howick in Northumberland between 1619 and 1621, rector of Elwick in Durham between 1620 and 1624, and master of Greatham hospital from 1624 to 1644. He occupied the sixth stall in Durham cathedral from 1620 to 1623, the third stall from 1623 to 1638, and the first stall from 1638 until his death. Clarke made his initial appearance on the Durham bench in October 1621, but his attendances were infrequent until after 1626, when the Laudian party, to which Bishop Neile fervently adhered, sought increasingly to assert its influence in government.²⁶

Ferdinando Moorecroft was also a member of the inner circle. Another Oxford graduate from Christ Church, like Gabriel Clarke and William James, bishop of Durham, Ferdinando had married Margaret James, daughter of

²⁴ *DNB* XI, 1196; Durham CRO, QS Order Book 2, p. 12.

²⁵ B. P. Levack, *op cit.*, 227; Durham CRO, QS Order Book 1, p. 351. Strictly speaking,

Easdell was not a "clerical justice" as he was not in holy orders.

²⁶ *Al. Cantab.* I i, 341; Hutchinson II, 171-172, 180, 191, 221, 224-25; Durham CRO, Order Book 1, p. 166.

Francis James, DCL, the chancellor of Bath and Wells and brother of Bishop James. Bishop James presented him in 1608 to the valuable rectory of Stanhope and later to the mastership of Greatham hospital. He was collated in 1615 to the sixth stall in Durham cathedral. From this he moved to the "golden" eleventh stall in 1619, in succession to Clement Colmore, LLD, Cradock's predecessor as spiritual chancellor. His brother, George Moorecroft, held the ninth stall at Durham from 1610 to 1648. Like his neighbour Cradock, whom he succeeded as vicar of Heighington in 1625, Moorecroft founded a landed family; and appears on the commission of Durham justices for 1615 as well as for 1630. He was a regular attender, and in 1621 was set down as one of the five justices responsible for the oversight of bridges and highways in the Darlington ward.²⁷

Similarly on the Durham commissions for both 1615 and 1630 was Marmaduke Blakiston. The young son of a local family, he entered Queen's College, Oxford, in 1579, and was presented by the bishop of Durham successively to the livings of Redmarshall and Sedgfield in 1585 and 1599. In 1595 he married Margaret James, possibly a daughter of Dean James. By 1601 he was a canon of the sixth stall at Durham, and by 1606 was treasurer of Durham cathedral and had begun to acquire property including Newton Hall by Durham. He was appointed archdeacon of the East Riding of Yorkshire on 25 November 1615, and a canon of York three years later. Thereafter he divested himself of his various dignities in favour of his family, the York stall passing to his son Thomas in 1623 (who succeeded Dr. Cradock as vicar of Northallerton in 1628), his archdeaconry to his son-in-law, the future Bishop Cosin of Durham, in 1625, and his Durham stall and the rectory of Sedgfield to his son Robert in 1631.²⁸ Another son was John Blakiston of Newcastle, the regicide.²⁹

Like his kinsman by marriage, Ferdinando Moorecroft, Blakiston made his debut on the Durham bench in January 1615. In 1621 he was one of the five justices assigned to oversee bridges and highways in the Stockton ward, his family district. Also like Moorecroft he was named in the panel of justices datable to 1614/15 who might conduct deliveries of Durham gaol. He was a regular attender at the Durham quarter sessions, save for the year of 1625. At the July sessions in 1628 we have the vivid incident of a man indicted for abusing him, "asking the said Mr. Blakiston if he were gott of a hound, because he said that Wilson was drunck, which Mr. Blakiston perceaued by his breath and that he did smell of drink and by his speech".³⁰ A fellow-

²⁷ A. Clarke, *Register of the University of Oxford* (Vol. 2, 4 parts, 1887-89) ii, 207: iii, 211; Hutchinson II, 191, 212; Surtees III, 137, 307, 415; Durham CRO, Order Book 1, p. 138 and *passim*; Durham Univ. Lib., Mickleton MS 2, f. 506.

²⁸ Durham Univ. Lib., Mickleton MS 2, f. 506; Hutchinson II, 196-97; Surtees III, 32, 71,

163: IV ii, 146; Hodgson II ii, 185; Clarke II ii, 87: iii 97.

²⁹ Cf. R. J. Howell, "Newcastle's Regicide: The Parliamentary career of John Blakiston" (*AA⁴* XLII, 1964), pp. 208-9.

³⁰ Durham Univ. Lib., Mickleton MS 2, f. 506; Durham CRO, QS Order Book 1, p. 327 and *passim*.

canon, Peter Smart, had denounced him: "You thinke you doe service ynough to God and the Church, yf you sit now and then in your stall, like an idle drone (as allwaies you have been), to heare piping and chaunting and observe devoutly your son Cosin his new ceremonies".³¹ His interest lay in more secular matters, as a country gentleman.

The apparent proliferation of Durham clerical justices should be put in perspective. They numbered eight on the commission of 1630 out of a total of thirty-five; but their attendances between 1626 and 1630 totalled 75 against a total of 143 by laity. A decade earlier the attendances had been 85 to 157. In other words they appeared twice as often as their lay counterparts, and by virtue of their experience of the business in hand must have had an influence out of proportion to their numbers. And although some of the laity had better individual attendances, men such as Sir John Calverley, *custos rotulorum*, had been educated in a tradition of service to the bishops of Durham. (He was the eldest son of Thomas Calverley, sometime recorder of Newcastle and temporal chancellor of Durham.)³² As previously noted Robert Cooper was the bishop's attorney general, responsible for prosecution of offenders at the quarter sessions. Furthermore, in Durham the main fount not only of clerical preferment but also of temporal favour tended to be the bishop, and where as in the case of Richard Neile we have a "political animal", eager to advance particular views of church and state, it would be hard to obtain an independent bench of justices.

The situation was very different in Northumberland. Here the clerical element on the bench in 1626, discounting the aged archbishop of York, consisted of Bishop Neile, Dr. Cradock, spiritual chancellor of Durham, Francis Burgoyne, archdeacon of Northumberland, and the rector of Simonburn. Tempting as it may be to ascribe to the former three the diabolic powers of being simultaneously on both benches, it is a reasonable assumption for lack of positive evidence that attendance at Durham would preclude appearances at the peripatetic sessions for Northumberland. This laid on the rector of Simonburn the responsibility of maintaining a clerical viewpoint on a bench which had a lay representation of twenty-six.

The rector of Simonburn was Cuthbert Ridley, a graduate of Christ Church, Oxford, like Bishop Matthew who had presented him in 1604. Like Blakiston he was a scion of an ancient local family, being the third son of Thomas Ridley of Walltown. His great-great-uncle, Robert Ridley, had been rector of Simonburn between 1527 and 1532 and pioneered a generation of Ridleys who had studied at Cambridge and collected three DDs in the process.³³ Cuthbert, however, was content to return to Tynedale and acquire a small estate piecemeal. The nucleus was the farm of Teckett near Wark on Tyne,

³¹ R. J. Howell, *art. cit.*, 209.

³² C. M. Fraser & K. Emsley, "Some early Recorders of Newcastle upon Tyne" (*AA*⁴ XLIX, 1971), pp. 147-49.

³³ Clarke II ii, 194: ii, 197; *Al. Cantab.* I iii, 458. Cuthbert is described on the commission as BD. It is possible that Lancelot Ridley DD is wrongly attributed to the Willimontswick family.

bought from William Wilson of Walwick. He bought from the Herons of Chipchase "the three sheelinghopes in Middleburn". He owned his own water corn-mill at Teckett, where he had also a seven-room house including a library of books worth £30. He was on familiar terms with his neighbours, the Herons of Birtley and of Chipchase, two of whom were trustees of his will. His daughter Mary married Musgrave Ridley, heir of Willimontswick. He had another daughter recorded on the elaborate family monument he erected in Simonburn church.³⁴ His only surviving son was a graduate at Oxford at the time of Cuthbert's death in 1636, but it was hoped that he would return to the family estate at Teckett. In the event the farm passed to Mary's two sons, Cuthbert and Nicholas, who later sold it.³⁵

We cannot tell how seriously Cuthbert took his duties as justice, as no order books nor indictment rolls survive for Northumberland for this period. We have, however, the memoranda made by Sir Thomas Swinburn when sheriff of Northumberland against the names of prisoners held in Newcastle gaol pending the arrival of the royal assize judges in August 1628. From these we know that Ridley was responsible for the commitment of Roger Dodd, late of the Shaw, for stealing a black mare belonging to Cuthbert Heron, of Thomas Currey of the Height for stealing a dun mare and a piebald foal from Lionel Shipley, and of Nicholas Robson, a Newcastle tailor, for being in possession of a roan horse, "rydeing vpon without brydle or saddle" in the direction of Bewcastle dale. He also committed Jane Robson of Leeplish for encompassing the death of Mabel Robson her sister-in-law by witchcraft.³⁶ In addition, Ridley was one of the two justices named for administration of "prisoners relief" collected in Tynedale ward in 1628.³⁷ As all the other justices so named had served the county as sheriff, his selection for this post of responsibility suggests the regard in which he was held: and future developments were to make Cuthbert Ridley a more representative clerical justice than the coterie of administrators on the Durham bench.

In the above paragraphs we have assembled factual evidence about the activities of the clergy who sat on the commissions of the peace for Northumberland and Durham in 1626 and 1630. Dr. Gleason has shown that while it was normal by 1626 for clergy to be appointed to commissions of the peace it was in the order of nine per cent. In Durham it was 23% and, nominally at least, in Northumberland 16% through the inclusion of the

³⁴ *NCH* XV, 188; W. P. Hedley, "Manor of Simonburn and Warks Park" (*AA*⁴ XXX, 1952), pp. 84-85, 92-94; C. H. Hunter Blair, "Mediaeval effigies in Northumberland" (*AA*⁴ VII, 1930), pp. 29-30.

³⁵ Durham Univ. Dept. of Palaeography and Diplomatic, Probate 1636. The inventory records a stock of 4 grey mares, a black nag, 8 white oxen, a bull and 21 cows, 6 yearling stirks, 86

hoggets, 10 swine, 20 goats, 3 hives of bees, and poultry including 12 geese.

³⁶ J. Hodgson, "Calendars of the Prisoners confined in the High Castle in Newcastle upon Tyne, at the Assizes for Northumberland in the years 1628 and 1629" (*AA*¹ I, 1822), pp. 151-52.

³⁷ Durham Univ. Lib., Mickleton MS 9, p. 46.

archbishop of York and the bishop of Durham.³⁸ There were real grounds for the charge made in the House of Commons in 1621 that there was an excessive number of clergy on the North East bench.

(The following table of attendances is based on Durham CRO, QS Order Book 1, pages 96, 101, 107, 115, 122, 130, 134, 142.)

	12 Jan. 1620	27 Apr.	12 July	2 Oct.	10 Jan. 1621	9 Apr.	11 July	3 Oct.
Richard Neile, bishop of Durham	-	-	-	Chair	-	-	-	Chair
John Calverley, kt., <i>custos rotu- lorum</i>	Chair	Chair	Chair	x	x	x	x	x
Richard Hunt, dean of Durham			-	-	-	-	Chair	x
Francis Burgoyne, BA, sub-dean of Durham	x	x	-	x	x	x	-	x
John Cradock, STP, vicar-general of bishop	x	x	-	-	x	x	x	x
Daniel Birkhead, STP ³⁹	x	x	x	-	x	x	x	x
Henry Ewbank, MA ⁴⁰	x	x	x	x	x	x	x	-
Ferdinando Moorecroft, MA	-	x	x	x	x	x	x	-
Marmaduke Blakiston, MA	-	x	x	x	x	x	x	x
Gabriel Clarke, archdeacon of Durham								x
George Tonge, kt.	x	-	x	x	x	x	x	x
William Bellassis, kt.	x	x	x	x	x	x	-	x
Claudius Forster, kt. and bt.	-	x	-	-	-	-	-	-
Henry Anderson, kt.	-	x	x	-	-	Chair	-	-
Ralph Conyers, kt.	-	x	-	x	x	x	x	x
Talbot Bowes, kt.							x	x
Timothy Whittingham, kt.	-	-	-	x	-	-	-	x
Robert Cooper, esq. ⁴¹	x	x	x	x	Chair	x	x	x
Ralph Fetherstonhaugh, esq.	x	-	x	x	x	-	x	x
William Smyth, esq. ⁴²	x	x	x	x	x	x	-	x
Christopher Place, esq.	-	x	x	x	-	-	x	x
John Richardson, esq. ⁴³	-	x	-	x	-	-	x	-
Ambrose Dudley, esq.	-	-	x	-	-	-	x	-
James Lawson, esq.	-	-	-	x	x	x	x	x
William Hall, mayor of Durham	-	-	-	x				
Timothy Comyn, mayor of Dur- ham ⁴⁴					x	x	x	x

³⁸ Gleason, *op. cit.*, 49, 57, 236; PRO, C193/12/2.

³⁹ Daniel Birkhead was admitted to Emmanuel College, Cambridge, in 1596 and graduated in 1600. He was elected a fellow of Trinity College in 1602, from whence he proceeded to the degrees of MA in 1603, BD in 1610 and DD in 1618. He was incorporated at Oxford in 1605. He was presented by Bishop

James to the rectory of Eggescliffe in 1610, and by Bishop Neile to the rectory of Winston in succession to Henry Ewbank in 1620. He was collated successively in 1619 to the sixth and in 1620 to the tenth stall at Durham cathedral, and died in 1624 (*Al. Cantab.* I i, 158; Hutchinson II, 191, 210; Surtees III, 200: IV i, 36).

⁴⁰ Henry Ewbank was admitted to Queen's

College, Oxford, in 1573. He graduated in 1576. He was elected a fellow of Queen's in 1579, in which year he received his MA. He was presented by Bishop Barnes to the rectory of Washington (1583-1611), by the mayor of Newcastle upon Tyne to the mastership of St. Mary's Hospital, Westgate (1585-1615), by Bishop Hutton to the rectory of Winston (1588-1620), and by Bishop Neile to the rectory of Whickham (1620-28). He was also a prebend of Lichfield (1581-1612) and held the twelfth stall in Durham cathedral from 1596 to 1620 (Hutchinson II, 215; Surtees II, 44, 241; IV i, 36, 141; J. Brand, *History of Newcastle upon Tyne* (2 vols., 1789) i, 82-83; Clarke II ii, 56; iii, 61).

⁴¹ Robert Cooper was steward to the bishop of Durham, a master in Chancery, and attorney general. He died in 1622 (Hutchinson I, 478, 482; Surtees IV ii, 150).

⁴² William Smyth was recorder of Durham city and succeeded Cooper as the bishop's attorney general (Surtees IV ii 20; Durham CRO, QS Indictment Roll 9 *passim*).

⁴³ John Richardson was clerk of the Durham assizes in 1617 (Durham Univ. Lib., Mickleton MS 2, f. 506). John Richardson senior and junior occur as solicitor general and escheator of Durham, and a third was clerk of the peace in Durham from 1634 to 1679 (Surtees IV ii, 151). That a common employer might not ensure amity is indicated by a case brought in the court of High Commission at Durham in 1627. Mr. Richardson had accused Dr. Cradock in 1624 of forging an excommunication. Dr. Cradock's sons raised a commotion outside Mr. Richardson's house in the Bailey, Durham, and beat up one of his clerks. Finally, in January 1627, Richardson had a writ served on Cradock by the under-sheriff of Durham, Timothy Comyn, while the doctor was walking down the central aisle of Durham cathedral with the rector of Rothbury during the litany (Welford i, 654-56).

⁴⁴ Timothy Comyn was the son of Simon Comyn, registrar to the dean and chapter of Durham cathedral and auditor for Bishop Neile (Surtees IV ii, 18).

