

## XII.—SOME EARLY RECORDERS OF NEWCASTLE UPON TYNE

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In 1969 the Royal Commission on Assizes and Quarter Sessions reported in favour of a new legal system which would entail among other things the abolition of the office of Borough Recorder while retaining the title for part-time judges in the new circuit structure. "What we propose is that all the part-time judges shall be called Recorders, but, since borough Quarter Sessions will disappear as a distinctive form of court under our proposals, the new Recorders will have no affiliation with particular boroughs by virtue of their judicial appointment. Existing Recorderships will necessarily lapse with the institution of the new system . . ."<sup>1</sup> With these changes now in process of enactment it is fitting to look back on the history of the Recordership of Newcastle.

By virtue of the Municipal Corporations Acts of 1835 and 1882 the recorder of a county borough must be a barrister of at least five years' standing. He is appointed by the Crown, and has precedence immediately after the mayor.<sup>2</sup> Except in the Crown Courts of London, Manchester and Liverpool, the office is part-time and can be performed by deputy.<sup>3</sup> The recorder sits as sole judge at the county borough quarter sessions, when he hears those less serious indictable offences which are tried by jury and also certain appeals from the magistrates' courts. Such provisions, while applying to all existing municipalities, were intended as

<sup>1</sup> Cmnd. 4152, par. 239.

<sup>2</sup> 5-6 Will. IV, cap. 76, s. 103; 45-46 Vict. cap. 50, pt. VIII, ss. 162-68.

<sup>3</sup> Criminal Justice Administration Act 1956.

guidance for the creation of new borough quarter sessions to keep pace with the growth of industrial towns in the nineteenth century.

Long before this date Newcastle upon Tyne had included a recorder among its dignitaries: and his role in the last days of the unreformed corporation was described by the Town Clerk at a public enquiry held in the Guildhall on 1 November 1833. "The Recorder sits with the mayor and aldermen on the bench at the quarter sessions; he is, in fact, one of the bench, and a justice of the peace. He acts as judge, but has only one voice. He sits as mayor's assessor, and also as sheriff's assessor, in their respective courts of record, which are held in the town. At the quarter sessions he is the organ of the bench, although he sometimes consults with the mayor and aldermen about the sentences and punishments, and sometimes he acts without any such consultation; as a general rule they never otherwise interfere. He acts as adviser to the Corporation when professionally consulted, and attends corporate meetings when called upon. One of his functions is to swear in the commissioners of the court of conscience; he takes no other part in the business of the court. He presides in the court of conservancy, along with the mayor and aldermen, as assessor. He is a barrister, and resides in the town or neighbourhood. His salary is £200 per annum. He has no perquisites pertaining to his office; but when his opinion is taken, or when employed in legal business, he receives a fee as any other lawyer would do ... It is a situation of honour, and gives considerable influence to a gentleman in his profession."<sup>4</sup>

The first occasion that a recorder of Newcastle is mentioned in a town charter is in the Great Charter of Queen Elizabeth I of 22 March 1600.<sup>5</sup> This document specified the constitution of town government and named Sir John Savile, a baron of the queen's exchequer, as recorder, his term of

<sup>4</sup> *A Full Report of the Evidence and Discussions during the official investigation into the affairs of the Municipal Corporation of Newcastle-upon-Tyne* (Newcastle-upon-Tyne, 1834), p. 23.

<sup>5</sup> J. Brand, *History of Newcastle upon Tyne* (1789), ii, 613.

office to last for one year.<sup>6</sup> The mayor, aldermen and recorder were to be justices of the peace within Newcastle, with powers to hear pleas and deliver the town gaol. This did not, however, imply that the office was new to the town, because in her charter of the previous August 1589 Queen Elizabeth had referred to the recorder sitting in the mayor's court of admiralty.<sup>7</sup> By charter of James I, dated 1604, the right to appoint to the recordership was vested in the mayor and six aldermen. Only the recorder of all the municipal officers need not be a burgess, although he must be "personam idoneam doctam et in legibus peritam".<sup>8</sup>

The origins of the office of recorder are obscure. In London it can be traced to the turn of the thirteenth century. There in 1304 the recorder was sworn "to well and faithfully render all the judgments of the Hustings ... and also all other judgments touching the City of London; to do justice to rich and poor, and to oversee orders ..." From early in the fourteenth century the recorder of London was chosen from among the ranks of "the most skilful and upright apprenticii of the law in the whole kingdom".<sup>9</sup> Provincial boroughs copied London, although specific grants to appoint to this office are hard to trace. It would seem that where a borough had a court of record, there the clerk of the court, whose duty initially was to record its proceedings, took over from the mayor and aldermen, the traditional magistrates, because of his superior knowledge of legal procedure.<sup>10</sup> In his charter of 1400 Henry IV constituted Newcastle as a separate county with an independent county court to be held once a month, and the mayor and aldermen were recognised as *ex officio* magistrates: but John Brand was unable to name a Newcastle recorder before February 1467, the occasion being the appearance in the king's chancery of

<sup>6</sup> *Ibid.*, 615-17.

<sup>7</sup> *Ibid.*, 602.

<sup>8</sup> *Ibid.*, 633.

<sup>9</sup> J. Derriman, *Pageantry of the Law* (London, 1955), p. 181.

<sup>10</sup> *Ibid.*, p. 180. At the present time the recorderships of Durham City, Hartlepool, Preston and Wells are purely titular, there being no borough court. Mr. J. K. Hope, recorder of Durham, is moreover a solicitor.

Robert Fulberry, "recorder", to testify that the letters patent of Henry IV conferring the status of a county had been mislaid, Fulberry promising to show them if recovered. Edward IV thereafter confirmed the town charters on 26 February.<sup>11</sup> It would seem, therefore, that another of the recorder's original duties was to keep the town's muniments.

The career of Robert Fulberry or Fowberry is difficult to trace. He may possibly be identified with the customs collector of that name at Newcastle in 1455 and the king's deputy butler there, responsible for collecting the tolls on wine, in 1458. On the other hand, he may also be the life-tenant of Ogle lands in Fowberry who was justice of the peace between 1460 and 1471 and knight of the shire for Northumberland in 1467. If as believed he later represented Newcastle in parliament in 1472, it would emphasise that subsequent change of opinion which in the Municipal Corporations Acts of 1835 and 1882 positively forbade the recorder to represent the borough wherein he officiated.<sup>12</sup> Although there is no indication that Fowberry had had formal legal training, his work otherwise as a royal official busy in local affairs would seem not untypical of later recorders of Newcastle.

The next known recorder was Thomas Tempest, who occurs in 1517 and 1536. Like Fowberry Tempest had no known legal training and also represented Newcastle in parliament, in 1529.<sup>13</sup> In other respects his career foreshadows his successors, Thomas Calverley and John Savile.

Thomas Tempest was the second son of Robert Tempest of Holmside, co. Durham. Through his grandmother he traced descent from the Umfravilles of Redesdale, while his

<sup>11</sup> R. Welford, *History of Newcastle and Gateshead* (London, 1884-87, 3 vols.), i, 226-8, 356; Brand ii, 215.

<sup>12</sup> C. H. Hunter Blair, "Members of Parliament for Northumberland, 1399-1558" (*A.A.*<sup>4</sup>, XII, 1935), pp. 114-15; cf. *Northumberland County History*, XIV, 222.

<sup>13</sup> Brand ii, 215; C. H. Hunter Blair, "Members of Parliament for Newcastle upon Tyne, 1377-1558" (*A.A.*<sup>4</sup> XIV, 1937), pp. 56-57. It must be noted that the genealogical facts given in the latter note are inconsistent with themselves. The problem of assigning biographical facts to the appropriate Sir Thomas will be considered below.

grandfather was a scion of the Yorkshire family of Tempest of Bracewell.<sup>14</sup> He entered the service of Bishop Fox of Durham (1494-1501), his way possibly eased by the facts that his father was sheriff of Durham between 1476 and 1482, one of the bishop's council, and a justice of the peace.<sup>15</sup> Thomas was named in the first commissions of Bishop Thomas Ruthall (1509-23) as justice of the peace in Durham and as justice of assize and gaol delivery: positions he maintained throughout the episcopate of Ruthall's successor, Thomas Wolsey (1523-29), whom he also served as steward from 3 September 1526, and into the episcopate of Cuthbert Tunstall (1530-59).<sup>16</sup> It was probably his standing in Durham which ensured his appointment in November 1509 to the commission of sewers to maintain navigation of the Tyne between Hedwin Streams and Spar Hawk, where he served alongside Durham colleagues as well as the mayor of Newcastle (John Brandling): and it may well explain his renewed appointment in 1517, by which date he is thought to have been recorder of Newcastle.<sup>17</sup>

During the 1520s Northumberland was in a state of anarchy. Not only were there Scottish inroads but also virtual insurrection by the turbulent inhabitants of Tyne-dale, Redesdale, Gilsland and Bewcastle wastes. Tempest led the Durham contingent against Scotland in 1523 in the burning of Jedburgh, where he was knighted by the duke of Norfolk for his part; and he acted as Wolsey's agent in maintaining law and order. By 1526 he was on the commissions of the peace for Northumberland, Cumberland and Westmorland, and also a member of the council of the duke of Richmond, natural son of Henry VIII, which was responsible for general oversight of the northern

<sup>14</sup> R. Surtees, *History of Durham* (London, 1816-40, 4 vols.), ii, 325-27.

<sup>15</sup> C. H. Hunter Blair, "The Sheriffs of the County of Durham" (*AA*<sup>4</sup> XXII, 1944), p. 45.

<sup>16</sup> PRO, London, Durham 3/70 mm. 1-6; 73 mm. 5, 21; W. Hutchinson, *History of Durham* (Newcastle upon Tyne, 1785-94, 3 vols.) i, 400n., 409n., 444n.

<sup>17</sup> *Letters & Papers Foreign and Domestic, Henry VIII*, I, 99: II ii, 968; Welford ii, 50-51.

counties. (His fee was 40 marks.) Such was the background to Tempest's term as member of parliament for Newcastle in 1529 in the assembly which initiated the breach with Rome.<sup>18</sup>

By this date Tempest should be regarded as a royal servant rather than as an officer of the bishop of Durham. In October 1528 he was appointed a commissioner to treat with the Scots, and on 14 July 1530 he was authorised to enquire into the possessions in co. Durham of the now disgraced Cardinal Wolsey. Again, in January 1535, he was appointed to assess the tenth of spiritualities in the bishopric of Durham together with Northumberland, Newcastle and Cumberland, and in May 1535 he signed a letter to Thomas Cromwell, the king's secretary, on behalf of the "Council in the North", his name immediately following that of Cuthbert Tunstall himself.<sup>19</sup> We now come to the mysterious passage of Tempest's life, his degree of involvement in the Pilgrimage of Grace. Sir Thomas was named as the representative of the bishopric of Durham and of Newcastle at the meeting at Pontefract arranged between the duke of Norfolk and the commonalty of the northern parts for November 1536. M. E. James interprets this as showing that Tempest, albeit cautiously, supported the Durham lords who marched behind the banner of St. Cuthbert to York and Pontefract: but most of the Durham contingent agreed to disband and accept the king's pardon, and Tempest in a letter of 30 November 1536 apologised disingenuously to Robert Aske, leader of the Pilgrims, for his absence at Doncaster on the grounds that a cold had brought on his "old disease of colic, stone and strangurion".<sup>20</sup> By February

<sup>18</sup> L & P III ii, 1399-1400; IV i, 721-22; IV ii, 1279-80, 2218; C. H. Hunter Blair, "MPs for Newcastle", p. 57.

<sup>19</sup> L & P IV ii, 2117, 2138-39; IV iii, 2931; VIII, 50-52, 261.

<sup>20</sup> L & P XI, 464-65, 487; M. E. James, "The Sixteenth and Seventeenth Centuries" in *Durham County and City with Teesside* (British Association, 1970, ed. J. C. Dewdney) p. 216. Any narrative of the career of Sir Thomas Tempest is complicated by the existence of at least two men of the same name at this date. Thomas son of Sir Richard (of Bracewell) can be distinguished from Thomas of Holmside, whose father was named Robert (cf. L & P XI, 702).

1537, his position on the commission of the peace for Northumberland having been confirmed, he was urging the duke of Norfolk to hasten north as Northumberland was "wholly out of rule", while Tynedale and Redesdale stood at arms in defence of Hexham priory and Hexhamshire and Langley were disaffected.<sup>21</sup> In March 1537 Tempest was one of Norfolk's council at Durham which discovered to its embarrassment that having arraigned prisoners in that county for their part in the insurrection, its powers did not cover the county palatine. In June 1537 Tempest was formally recommended by Norfolk for appointment to the Council of the North at a fee of 100 marks: and in July he was given custody of the children of Sir Thomas Percy, attainted and later executed at Tyburn for complicity in the Pilgrimage of Grace.<sup>22</sup>

In the light of this activity on the king's behalf it is interesting to read Tempest's letter of 27 June 1537 to Thomas Cromwell. "I have sent your lordship another letter to be shown to the King for expedition of my causes. I have served the King since the beginning of his reign in all his notable wars in these parts, always with 100 persons and more, without wages; also I have served in commissions for peace with the Scots, for good order on the Borders and for justice in these North parts to my charge of £1,000 and above and have never had of the King fee, office, wages or reward. I attend here for the most part in Yorkshire where I have no dwelling place, upon my lord of Norfolk, at great costs which I cannot easily sustain, being a younger brother, born to no lands and of mean substance." He concluded with an appeal to Cromwell to use his good offices on Tempest's behalf, in return for which he would be his servant for life.<sup>23</sup> It is difficult to see the grounds for Tempest's complaint in view of his Council fees, and possibly his recordership of Newcastle, in addition to such

<sup>21</sup> L & P XI, 564: XII i, 152.

<sup>22</sup> *Ibid.*, XII i, 278-9: XII ii, 34-35, 97, 322.

<sup>23</sup> *Ibid.*, XII ii, 51.

perquisites as came from his stewardship of Durham.<sup>24</sup> In fact, Thomas was hoping to establish a Durham dynasty. His father had entailed Holmside in the male line, which ensured that on the death of Rowland, the eldest son (who left four daughters), the estate passed to Thomas. Thomas, despite two marriages, had only one daughter, but his next brother, George, had a son Robert, to whom Holmside would pass, and Thomas in November 1540 made provision for a chantry chaplain "of virtuous, sad, honest and priestly conversation daily as reason requireth to say mass and other divine service" at Holmside for the souls of his ancestors, relatives and benefactors.<sup>25</sup>

Tempest continued to attend business conducted in the Council of the North, being concerned with investigations into the gaol-break at Hexham in December 1538 and the pacification of Tynedale after the murder of Roger Fenwick and setting to ransom of Sir Reynold Carnabye in September 1539, when he proffered the ferocious recommendation that the houses, corn and hay of the inhabitants be destroyed as soon as winter eased sufficiently to enable the king's men to enter the valley to harry it. Only wives and children of these parts might be allowed access to local markets to replenish supplies, and they were to be "spoiled and robbed when they come to market and other punishments devised for them".<sup>26</sup> It is likely that Sir Thomas was still recorder of Newcastle, for on 4 June 1539 he paid £10 to Thomas Cromwell "for the town of Newcastle".<sup>27</sup> In 1540 he was appointed to a special commission of the peace to judge offenders in the area of the Northern Circuit, and also to the panel to deliver Durham gaol. The final reference to

<sup>24</sup> In 1538 tenants at Wolsingham sent a petition to Henry VIII complaining that Tempest had surreptitiously obtained from Bishop Tunstall a lease of the bishop's demesne there, and with the aid of his brother Nicholas had proceeded to evict the existing tenants (L & P Henry VIII, Addenda I ii, 461). Tempest occurs as recorder in Newcastle in 1536, when with the mayor, sheriff and aldermen he witnessed the ordinary of the Newcastle company of tailors (Welford ii, 154-57).

<sup>25</sup> Surtees ii, 325-26.

<sup>26</sup> L & P XIII ii, 457, 476, 480: XIV i, 20: XIV ii, 58-59, 258.

<sup>27</sup> L & P XIV ii, 322.



him in State Papers seems to be a request of 11 August 1543 from the Council of the North that in view of his "continual sickness" some learned man in the laws replace him and two other veterans.<sup>28</sup> His hope of a family succession was not, however, to be realised: because Robert Tempest, his nephew, joined the ill-fated Rising of the North and the Holmside estate was forfeited to the Crown.<sup>29</sup>

Identification of Mr. Calverley, gentleman, who is mentioned as recorder of Newcastle in 1582,<sup>30</sup> is somewhat tentative, but bearing in mind the career of Thomas Tempest, there appears a good case to equate him with the temporal chancellor of Durham. Probably in his capacity of recorder Mr. Calverley accompanied Alderman Selby to London in November 1576 to give legal advice in a dispute touching the power of the mayor of Newcastle to override a writ of Admiralty served on a burgess to compel payment of a debt. Similarly in January 1593 Calverley presided over an enquiry into the ancient customs on woollen cloth payable by Newcastle merchants.<sup>31</sup> Thomas Calverley's connection with Newcastle, however, was not wholly professional. About 1568 he had married Isabel, daughter of the wealthy Merchant Adventurer, Bertram Anderson, mayor of Newcastle in 1551, 1557, and 1563, and a member of parliament for the town in 1553, 1554, 1558 and 1563:<sup>32</sup> and by this match Thomas became related to the leading merchant dynasties of the town, the Carrs, the Mitfords, the Chapmans, the Jenisons and the Riddells.<sup>33</sup> In return, he provided a valuable

<sup>28</sup> *Ibid.* XVIII ii, 17. The writ for the inquisition post mortem on his Durham lands is dated 14 October 1545 (Deputy Keeper of the Public Records, *Report* XLIV (1883), p. 518).

<sup>29</sup> Surtees ii, 326. The Tempests of Stanley, Stella and Old Durham were descended from Nicholas Tempest, younger brother of Thomas (*ibid.*, 271).

<sup>30</sup> Brand ii, 216.

<sup>31</sup> Welford ii, 483-86: iii, 77-79.

<sup>32</sup> *Visitation of Yorkshire, 1563-1564* (Harleian Soc. XLI, 1881), p. 4; C. H. Hunter Blair, "MPs for Newcastle", pp. 59-60: cf. "MPs for Newcastle, 1559-1831" (*AA*<sup>4</sup> XXIII, 1945), pp. 133-36.

<sup>33</sup> Welford ii, 447-49. Knowledge of Calverley's tenure of the office comes from an entry in the baptismal register of St. Nicholas in March 1588, which records that Mistress Alice, wife of Mr. Caverley (*sic*), gentleman and recorder of Newcastle, stood as godmother to Alice Riddell, infant

contact in Durham for Anderson and his associates, who had considerable coal interests. In 1570 the bishop of Durham granted Anderson a 21 year lease of his valuable mines at Whickham.<sup>34</sup> Ties of kinship, indeed, played an important part in Thomas's life, because he not only found for his brother John a Newcastle bride, but also secured for his nephews, Sheffield and Ralph, sons of William Calverley, apprenticeships in the company of Merchant Adventurers of Newcastle upon Tyne.<sup>35</sup>

Thomas Calverley was the second son of Sir William Calverley of Calverley in Airedale, Yorkshire. A member of Lincoln's Inn, he was introduced to Durham by Bishop Pilkington (1561-76), who made him not only chancellor in 1563 but also steward of Durham in 1565. He thereby had responsibility for the halmote or manorial courts in addition to the Durham court of chancery.<sup>36</sup> This latter was a temporal jurisdiction, providing remedies in disputes over trusts, settled land, wardships and guardianships, mortgages and contracts. It also determined cases affecting the bishop's revenue.<sup>37</sup> Calverley evidently enforced the bishop's rights with a heavy hand, as during the Rising of the North his house at Littleburn near Brancepeth was "utterly spoiled" by the rebels. In a letter of Sir Thomas Gargrave, vice-president of the Council of the North, to Sir William Cecil dated 30 January 1570, Thomas Calverley was described as "a young man that had newly set up house and furnished it", and the rebels' action had left him "nothing whatever to

daughter of William and Barbara (nee Anderson) (Newcastle Central Library, St. Nicholas Parish Registers transcripts i, 26). As noted above, Thomas was married to Isabel Anderson, the baby's aunt. There was an Alice Anderson—the other aunt—but at this date she was married to Robert Mitford (Surtees I, i, 122). A possible solution to this apparent contradiction is that the baby's name was repeated in error.

<sup>34</sup> Welford ii, 436.

<sup>35</sup> J. C. Hodgson, *Wills and Inventories* III (Surtees Soc. 112, 1906), p. 177; F. W. Dendy, *Newcastle Merchant Adventurers* II (Surtees Soc. 101, 1899), p. 232.

<sup>36</sup> *Yorkshire Visitation*, p. 47; *DKPR Reports*, XXXVII (1876), pp. 68, 78.

<sup>37</sup> Cf. Palatine Court of Durham Act, 1889 (52-53 Vict. cap. 47); *The Practice of the court of chancery of Durham*: by a solicitor of that court (Sunderland, 1807) *passim*.

relieve himself, his wife and family, nor to pay his rent. . . . He is of Lincoln's Inn, learned in law, and honest in religion. If any are relieved, pray help him".<sup>38</sup> As we have seen, Calverley weathered the storm, secured the recordership of Newcastle, and continued as chancellor of Durham until 1605 and steward until his death in 1613.<sup>39</sup> He appears briefly on the national scene when between 1586 and 1587 he was employed as learned counsel by Lord Hunsdon and the earl of Huntingdon to examine charges of misconduct levied against Sir John Forster as Warden of the Middle Marches.<sup>40</sup> He lived to see his son John, whom Bertram Anderson in 1571 had bequeathed £10 "to by him bookes when the said John shall accomplysh the age of fivetene years", a justice of the peace (and subsequently *custos rotulorum* in Durham).<sup>41</sup>

Whether it was a new appointment in succession to Calverley or a confirmation of existing affairs, the charter of Queen Elizabeth dated 22 March 1600 nominated John Savile, one of the queen's barons of the exchequer, as recorder of Newcastle. He ranked immediately after the mayor: and before the aldermen, sheriff, common council, two coroners and clerk of the chamber.<sup>42</sup> Unlike his predecessors, Savile seems to have held no concurrent appointment in Durham, although early in his legal career he was granted the office of "feodary" by Bishop Barnes (1577-87) in 1579 at a fee of 10 marks.<sup>43</sup> A member of the Middle Temple, where he was reader in 1586, Savile attached himself to the London courts and made reports of cases in

<sup>38</sup> *Calendar of State Papers: England. Domestic Series. Elizabeth: Addenda 1566-1579*, p. 213; C. Sharp, *Memorials of the Rebellion of 1569* (London, 1840), pp. 176, 186n.

<sup>39</sup> Hutchinson i, 458n., 478n., 482n.

<sup>40</sup> *Calendar of Border Papers* I, 278, 280-81; D. L. W. Tough, *The Last Years of a Frontier* (Oxford, 1928), pp. 224-27, 243-46, 258.

<sup>41</sup> *Wills and Inventories* III, 60; Hutchinson iii, 315-16n. Thomas and his son John can be found several times on the bench together (Durham County Record Office, Quarter Sessions Indictment Roll 2 mm. 17, 21).

<sup>42</sup> Welford iii, 138.

<sup>43</sup> DKPR Report XXXVII, 91. A feodary was an officer in the Court of Wards.

Common Pleas and the court of Exchequer. On 29 November 1592 he was called to the degree of serjeant at law, enabling him to plead in these courts, and on 1 July 1598 he was raised to the judicial bench as a baron of the Exchequer.<sup>44</sup> In common with other such serjeants and judges he went on circuit and was at Durham in August 1599, when he was consulted on a legal point arising in a case before the Durham court of Chancery. At this date he was also acting as a judge of assize in the palatinate.<sup>45</sup> In 1602 "Baron Savell" sat at the Newcastle assizes.<sup>46</sup> Curious light is shed on Savile's family connections by R. Welford's note that Elizabeth Savile married John Jackson, second son of William Jackson, town clerk of Newcastle: and that John Jackson succeeded his father in law as recorder of Newcastle after the death of the latter in February 1607.<sup>47</sup>

Such were the versatile qualities of some of the early recorders of Newcastle. They were required not only to prompt the corporation in execution of its duties—as Thomas Calverley was commended for doing in 1570, "where he was diligent in watch and ward and defence of the town"—but also to give the corporation the benefit of their legal advice in defence of town privileges, pay town dues, attend to the registration of guild ordinances and preside over local enquiries.<sup>48</sup> The election of Sir Thomas Tempest for so vital a parliament as that of 1529 is a reminder that the Tudors used local offices as a means to reward trusted agents and also to guide local opinion in the ways of royal policy. (A later recorder, Sir John Jackson, was also attorney-general to the Council of the North.<sup>49</sup>) The importance of the recordership of Newcastle is indicated by the standing of the holders of the office. It also reflects the significant leader-

<sup>44</sup> E. Foss, *A Biographical Dictionary of the Judges of England* (London, 1870), p. 588.

<sup>45</sup> PRO, Durham 3/92 mm. 21-23.

<sup>46</sup> *Cal. Border Papers* II, 81.

<sup>47</sup> Welford iii, 184-85.

<sup>48</sup> *Cal. State Papers, Addenda 1566-79*, p. 213; Welford ii, 154-57: iii, 77.

<sup>49</sup> Welford iii, 184-85.

ship of the town over the whole north-eastern region.

While this article was being printed the Courts Act, 1971, received the royal assent on 12 May. Under section 54, a borough may still appoint as recorder anyone who is a circuit judge or recorder as defined by the new Act. He will be purely titular, with no borough court as such. The recorder of Newcastle is about to join the ghostly ranks of honorary officialdom.

