

# RESEARCH GUIDE

## ‘THE LOST CHARTER PROJECT’

CELEBRATING THE 850<sup>TH</sup> ANNIVERSARY OF THE LOST NEWCASTLE-UNDER-LYME  
CHARTER OF 1173 – AND ITS REBIRTH IN 2023)

Written by Glenn Martin James, Paul Bailey, and Dominique and Rory Cairns

Compiled by Glenn Martin James



The reborn Newcastle-under-Lyme Charter during its creation by author and illustrator G.M. James

## With Grateful Thanks...

Before continuing with this guide, we should all like to express our thanks to the staff and volunteers of the Brampton Museum in Newcastle-under-Lyme, for their assistance, advice, and use of their facilities' in preparing this guide, which we hope will be of help to other students of history, and valiant seekers after truth in future projects. Dominique, Rory, Paul and I have all contributed aspects to this guide, focusing on points of the town's heritage for the anniversary, and related to the charter and the town.

I am grateful myself for having been given access by the museum to view the great surviving historic charters in order to examine them, before they were on public view, they have been very helpful. I remain extremely proud to have been able to create the reborn charter for the town's great 850<sup>th</sup> anniversary, and these viewings were very influential in my designs for the charter.

My vital thanks also goes to the Parliamentary Archives and to the Stafford Archives, whose recommendation of an authority to consult in recreating the document has been absolutely crucial to completing this project.

The very important role of oral history cannot be discounted or ignored in this project, and I am deeply grateful to Jim Worgan for his time in discussing the contents of the lost charter and the towns history with us, to Jim Dowler of Newcastle-under-Lyme Burgesses for his insight, and to Councillor Andrew Fear for his Latin translation of the reassembled contents of the recreated charter. Their help has been invaluable and is much appreciated.

Throughout the support of his worshipfulness the Mayor of Newcastle-under-Lyme, Councillor Simon White, and the Leader of the Council, Councillor Simon Tagg, has been enormously appreciated, and they were both witnesses and signatories of the reborn charter in June 2023.

### Glenn Martin James November 2023



Study of King Henry by G. M. James

## **Introduction**

This research Guide has been compiled as part of the Lost Charter Project of 2023, and has been a partnership project between Brampton Museum, author and illustrator Glenn Martin James, and Grow North Staffs. Our gallant team of Dominique and Rory Cairns, and Paul Ballard worked with me on producing this guide, with them focusing on fascinating aspects of the town's history for the anniversary, and myself on my work to recreate the charter. The National Lottery Heritage Fund has funded the project, we are tremendously grateful for their support. Myself, Dominique and Rory Cairns, and Paul Bailey have then created the guide.

Brampton Museums arm of the project has been to conserve the precious surviving historic charters of the Borough of Newcastle-under-Lyme, and showcase them all together for the first time in an exhibition at the museum, which was held in June/July 2023. My part of the project has been to research and recreate anew the lost charter for the anniversary, producing a document containing all the original points of a charter of the period, and the grants made to the town of Newcastle and its new Burgesses in 1173. I also worked with the children of St. Mary's Catholic Primary School, whose location exactly on the site of the town's founding castle was wonderfully influential. The children produced 60 charters, one each, in our work together, which were on show in Newcastle Guildhall throughout the summer of 2023, until September that year. I hope that the following will be of help to future researchers and students of history, and I am proud to state that a folio of my research on the charter has been included in the William Salt Library of Stafford Archives, where it is available for consultation.

### **Glenn Martin James November 2023**



His worshipfulness the Mayor of Newcastle-under-Lyme, Councillor Simon White, Author and Illustrator Glenn Martin James, and Leader of the Council, Councillor Simon Tagg with the newly signed charters

# **RECREATING THE LOST CHARTER**

**By Glenn Martin James**

**(Extract from his work 'REWRITING HISTORY' © Glenn Martin James 2023)**

The year 2023 has seen a magnificent occasion for the ancient and Loyal Borough of Newcastle-under-Lyme, celebrating its 850<sup>th</sup> anniversary of the founding of the town in 1173 by King Henry II, when he granted the community Borough status, and issued a Royal charter – the birth certificate of the town – to confirm this most royal decree. Sadly, it has been lost for some centuries (the first official notice of its absence being in the reign of King Charles II, during the Restoration), and my part in the celebrations has been to track down the contents of this important historical document and create a fitting charter for the anniversary. No small task, I can assure you!

The granting of this founding charter was historic in many ways. The issuing of an official charter at this time was a radical new thing, a genuine innovation by a monarch who loved the law and who would do much to give England much of its founding legal code during his reign.

Previous charters of this kind had been granted by an oral agreement, or based on observed (or ignored) tradition down the centuries, and King Henry's innovation of setting these charters down as a document which could be read, consulted, and kept safely for future reference was very new, and actually slightly distrusted at this time. But Newcastle had been granted a royal charter, none the less, and its merchants now held the celebrated status of Liber Burgess: The merchants of the town were now free-men, Burgesses in point of fact, and following a payment to the king for their Charter, Newcastle was freed from any control by the church or local lords – they were not obliged to till the land for the Augustinian Priory at Trentham so many days a week, and free from being obliged to fight for a local lord in any skirmishes, battles or wars. They were free to generate their own wealth, from their own industry, and with this important consideration in mind, Newcastle grew, and prospered solidly.

The important starting point therefore in recreating the charter, was to be able to consult an authority on the origins of the town: I could do this in two important ways – one was to speak to Jim Worgan, a wonderfully charming and well-informed gentleman, who is not merely an historian of Newcastle and the surrounding area, but a living repository of the town's history. I took lots of notes, and when a man like Jim speaks to you, if you have a grain of sense, you listen!

The next was to consult the best authority available in terms of authors who have written about the town and its history and consult their work.

We are very fortunate in Newcastle-under-Lyme, in that any student of history delving into the town's past will almost immediately come upon the books of Thomas Pape.

This extremely authoritative and accessible author published three books on the history of the town, and his work on the Medieval period and the town's origins was invaluable in my research.

The book covers the origins of our lost and much-lamented castle, whose construction and location here was very much the origin of the town, as well as having had an obvious bearing on the town's

name. He indeed discusses the significance of 'Lyme' in the town's name, and also, crucially, the founding charter of 1173, and its contents.

Pape's book is stocked in most of the region's libraries and is easily available to buy online from eBay or other online booksellers. I recommend it as a solid and indispensable authority on Newcastle's history. The full details of the book are as follows. As you will see below, I have annotated the page numbers concerning the relevant sections.

### **'MEDIEVAL NEWCASTLE-UNDER-LYME'**

By T. Pape, M.A., F.S.A, (Historical series No. L), Publications of the University of Manchester 1928

*The origin of the castle, pages 1 – 6*

*The Lyme, Page 4 – 5*

*Origins of the Borough (and the 1173 charter) pages 12 – 15.*

The second indispensable book on the subject is the famous 'silver' book, the excellent volume produced in 1973 for the town's 800<sup>th</sup> anniversary, by John Briggs. This publication gives a marvellous accessible account of Newcastle's history, and as before, please find below the details for tracking it down. This is a valuable addition to the library of any student of Newcastle's history, and it is again easy to get a copy from the library or online. I have noted the page numbers of the relevant sequences.

**'NEWCASTLE-UNDER-LYME 1173-1973' (The 'Silver' Book)** By John Briggs, Publications of North Staffordshire Polytechnic, 1973

*A Town is Born, (Origin of the castle, growth of the town and the granting of the 1173 charter) pages 2- 11.*

### **CONSULTING THE PARLIAMENTARY ARCHIVE**

So much for delving into the origins of the town, which gives us an excellent grounding on the charter and its contents. The next thing was to examine exactly how a charter of this period was created, and this was venturing into a much more specialist field of inquiry.

Going to the fountainhead, so to speak, of English records, I contacted the Parliamentary Archives and asked their advice; Could they recommend an author whose work had treated on this subject and perhaps advise me of their book's details?

They were enormously helpful, and I strongly recommend contacting them with enquiries. They could not help with any records on our original charter, they said, "because the Newcastle-under-Lyme charter of 1173 predates parliament" (!! (what a venerable observation for our anniversary year!)), but they could recommend a book which treated on the subject, and which would be perfect for reconstructing the charter.

I have to say they were as good as their word, and they also suggested that I contact Stafford Archives to check the recommendation with them. When I did so, they, too, recommended the same author and volume to consult on the matter.

This book, which proved to be the Rosetta Stone for recreating the charter, was 'British Borough Charters 1042 -1216,' by Adolphus Ballard.

An extremely accessible and easy-to-use work, this could have been written yesterday, and could have been expressly written for my requirements. Notably, it has the sequence 'On the contents of a charter', which provided the framework for reassembling the document, and this gave me the framework I needed to recreate the lost charter. I could then phrase the grants we know from Pape and Newcastle's traditions as closely as I could to his examples for the period. We will never know the exact wording of the original lost charter, but this gave me as close a window as possible into how it would have been constructed when I was recreating it.

I have provided the details for Ballard's work:

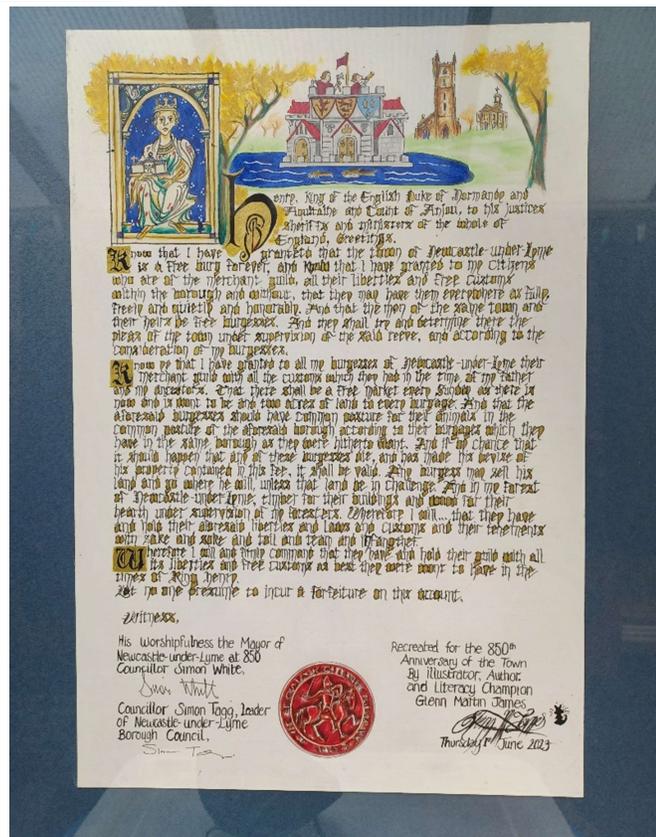
### **'BRITISH BOROUGH CHARTERS 1216-1307'**

By Adolphus Ballard and James Tait, Cambridge University Press, 1923, ISBN 352.042

With these works, and the information from Jim Worgan, the silver book, and Thomas Pape, I could recreate the charter. I will be publishing my research more fully in due course under the title 'Rewriting History' online.

The completed charter was presented to the Lord-Lieutenant of Staffordshire in July 2023, representing King Charles III, and copies reside in Newcastle Guildhall and the Mayors parlour, on permanent display. It is a dual document, one version being in English (so everyone may read it) and one being in Latin, honouring the noble heritage of the original. Copies of my research reside in the William Salt Library of Staffordshire Archive for consultation.

**Glenn Martin James, October 2023**



**There now follows a sequence researched by Paul Bailey – Paul took a particular interest in the great seals attached to charters by the various monarchs by whom they have been issued, and he contributed this fascinating insight into their origins....**

## **GREAT SEALS OF ENGLAND**

**By Paul Bailey**

Since the time of Edward, the Confessor, the kings, and queens of England have used impressions of their Great Seals to mark their assent to documents such as charters, letters, and writs.

They were used to authenticate documents as well as a sign of power and authority. Often bearing their owners portrait, coat of arms, or symbol, seals were used on documents as far back as 5000 years ago in Babylon, and middle eastern countries from then on, in different shapes and sizes.

The first recorded square seal was from China circa 544BC. Very few exist in England from pre-Norman times, but it seems possible that they may have used them.

Nowadays we are used to signing important documents ourselves, but in the middle ages most people couldn't read or write. So, scribes were used to write the document, and then the seal was attached to authenticate who the sender was. A thread of silver, silk, or wool (depending on the importance) was passed through or around the document and both ends of the thread were then sealed together. The documents would be put in a pouch for despatch to the recipient. The Lord High Chancellor normally held the Great Seal, but for less important documents, the Lord Keeper of the great Seal held it.

Signet rings were used as a seal by important people to prove their authority, and who sent it, (hence the word signature today.) Later, all the people who signed the death warrant of King Charles I also put their own signet seal by each of their signatures. The authority of the signet ring was shown when visiting dignitaries bowed and kissed the hand that had the ring on it.

The seal ingredients contained tree resin, wax, and in the case of the red colour, Cinnabar. This red powder is part of the mercury sulphide ore, which has been mined in Almaden in the southwest of Spain since Roman times.

Other countries mine this mineral, but this seems to be the most likely source for proximity and the period. It is a very dangerous metal to deal with, and capital criminals were used in the mine because of the toxicity of the mercury. The soot from burning tree resin was used to colour seal's black. A clay seal was used in ancient times on any sealed merchandise to prove the contents had not been tampered with.

**Paul Baily 2023**

# **THE BURGESSES OF NEWCASTLE-UNDER-LYME:**

## **A FAMILY PERSPECTIVE**

**By Dominique Cairns and Rory Cairns**

***To support the celebrations of the 850th anniversary of the Charter, and the creation of the Borough of Newcastle Under Lyme, presenting a personal view of the Burgesses of the town, and venerable family connections, by Dominique and Rory.***

It is with great pleasure that I am writing this piece for the Museum and the Borough. My journey began with my son who, at the age of 12 years old, wanting to volunteer at the Brampton Museum – he loves history. The Museum contacted him to see if he still wanted to volunteer and support a history and art project. He jumped at the chance, and I tagged along because of his age. Little did I know how fascinating I would find the project myself, and how, because of my own history, it would make me want to reconnect with my hometown.

My son is passionate about world history but knew very little about Newcastle-under-Lyme, or the part our family played in its creation as one of the Borough's Burgesses. He was born outside of the Borough, but I grew up here. As a child, I can remember the busy cattle market and bustling market stalls in the High Street; some of my fondest memories are of visiting the town on a Saturday morning with my Nana to do her shopping. Later, my connection with the Borough was through Newcastle-under-Lyme school, a distinctive part of the town, where I attended from the age of 11.

### **Connections and Interest in the Lost Charter Project.**

Arriving at the museum on the first day of the exhibition 'The Lost Charter' I started to get goosebumps. As I started to walk around the exhibit and read the descriptions, emblazoned across everything was the Borough's seal<sup>1</sup> (from at least the 15<sup>th</sup> Century) – but that's my school badge, my head was saying. Why didn't I know about the connection to the original seal.

I went to Newcastle-under-Lyme School (originally founded in 1604, but on the current site from 1874). It was originally a fee-paying school for boys from wealthy families. When I attended the school, it was still single sex, and I attended the site of the former Orme Girl's school (founded in 1876). The school's history and ties to the Borough were always proudly on display with the school badge, the emblem being the Borough seal of the castle and the fish. Our motto is 'Summa Sequendo,' 'Strive for the Highest'. A message that has always resonated with me and been a principle in my life – education is the game changer and was greatly moved forward by such vanguards as Reverend Edward Orme, who founded the charity school Orme Boys.



**NEWCASTLE  
UNDER  
LYME  
SCHOOL**

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<sup>1</sup> Briggs, J. (1973) 'Newcastle under Lyme 1173-1973': Keele University

As I continued around the exhibit I started to read about the origins of the Borough, its birth from Trentham manor and the legal changes Henry II made to enable the creation of medieval New Towns, Newcastle-Under-Lyme being one of them. It also revealed the key part the Burgesses played in making this reality, paying the King to rent 'burgages' strips of land along the new streets created in the New Towns and being free from the 'manorial control' of Trentham manor<sup>2</sup>. Over the years I had heard about the Burgesses from my Mum's family and their link to the Borough but never fully appreciated the origins. I knew the right to be a Burgess only passed to males in the family and knew my uncles and cousin would never leave Newcastle because of the need to live in the borough to remain a Burgess. My Mum has always spoken about the connection with pride, but as this was not directly relevant to me and I had taken limited interest – now, I certainly wanted to know more.

My Mum's maiden name is Emery, and she is the youngest of eight, her dad was a Burgess, and her five brothers were entitled to become Burgesses, but she was not. Until 1835 the Burgesses ran the Borough, they were the only ones able to hold the office of Mayor, had the right to vote or take part in the management of the Borough. In 1835 this changed and over the centuries the role has reformed to become ceremonial only. It should though, not be forgotten, that they were pivotal to putting Newcastle on the Medieval map, to its prosperity as a key town in North Staffordshire and the step change it enacted of freedom for ordinary people in the area today. Whilst some of the rules to become a burgess in the Borough have relaxed (residence etc.), the rules up until this year excluded women. One woman, Pauline Dawson (86 years old) a former pottery painter has been challenging the position for the past 20 years after her original appeal was rejected<sup>3</sup>. This anniversary year she decided to try again and has been successful and was confirmed at a ceremony on 20<sup>th</sup> September 2023<sup>4</sup>. Pauline Dawson has changed history, with the clerk of the trustees confirming that from this date forward female descendants of burgesses can apply, which means that by her perseverance she has also changed things for my family, as my Mum is now eligible too.

It would have been a travesty if the decision had been different, after our late Monarch Elizabeth II, who signed the 1973 Charter (800th Anniversary), changed the inheritance rules on the UK Monarchy itself when in 2013, she gave royal assent to the Succession To the Crown Act, which meant both sons and daughters of any future UK monarch would have an equal right to the throne. Many females have stood in great office as leaders and I as a serving member of the Armed Forces have always been an equal to my male colleagues – this change is warmly welcomed, relevant to society today and I feel will ensure Burgesses continue for many centuries to come.

## **Our Family**

If I look at my own family tree, the Emery's, so far, we have been able to trace our tree back to 1700. Thomas Emery (b. 1700, d. 1775) who was a Feltmaker (maker of felt hats) in the Borough. I am not sure if Thomas was born into this role or was an apprentice who gained the status of Burgess, but his membership had shaped my family's connection to the Borough ever since.

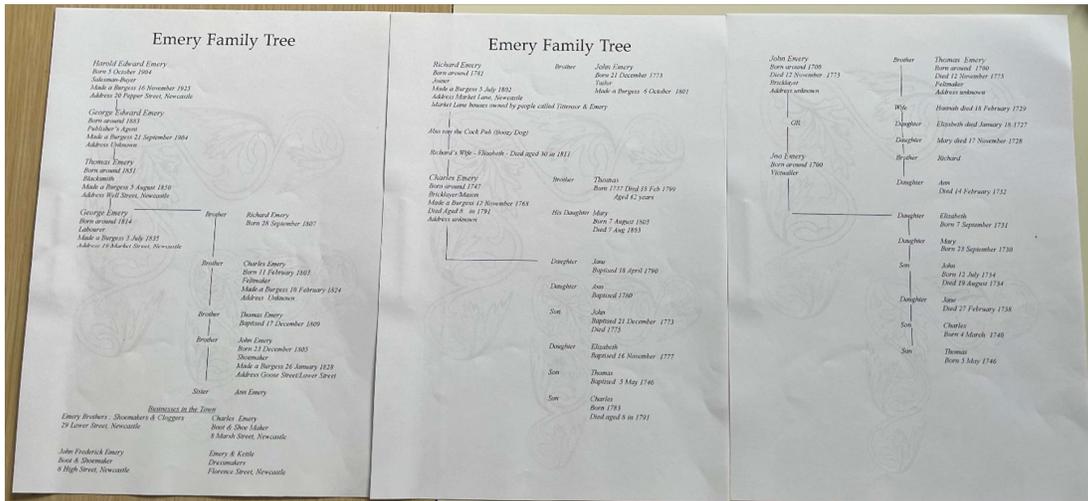
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<sup>2</sup> Briggs, J. (1973) *Newcastle under Lyme 1173-1973*: Keele University

<sup>3</sup> Sentinel article 23 May 2023 OAP bidding to break 800 years of patriarchy to become Newcastle's first female Burgess. By George Bunn, Hannah Hiles.

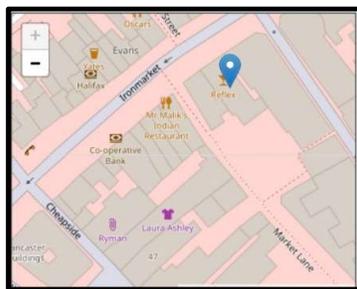
<sup>4</sup> Sentinel article 19 Sep 2023 Girlpower! Potter Pauline, 86, smashes 800 years of inequality. By George Bunn.

My grandfather Harold Emery (b. 1904, d. 1963) was made a Burgess in 1925 and for many years was the head buyer for the fruit and vegetable wholesalers Henry Ryder Ltd of Newcastle under Lyme, a company supplying greengrocers and market stalls in the Borough.



### The Emery Family tree

Whilst we don't have addresses for all the members in the family, I think it is interesting to understand how these ordinary members of the Borough lived their lives and where they lived. Richard Emery (b 1781) was a Burgess in 1802. He lived in Market Lane and was a Victualler, a person who provides foods or provisions or, if licensed, provides alcoholic beverages. We believe he ran a public house in or near to the Ironmarket and this could have been The Bull's Head Inn on Lad Lane, the oldest pub in Newcastle town, or maybe as he lived in Market Lane just off the Ironmarket, perhaps he was associated with the former shop that became The Star pub. That over time had a variety of names - The Superstar, Boozy Dog, Pig and Truffle and now the Reflex 80s bar.



**Entry Name:** Boozy Dog Public House  
**Listing Date:** 27 September 1972  
**Last Amended:** 23 December 1991  
**Grade:** II  
**Source:** Historic England  
**Source ID:** 1219687  
**English Heritage Legacy ID:** 385939

It is amazing that he lived so close to the area where the original Burgesses were given their strips of land<sup>5</sup>.

Over the years, members of my family have met and celebrated in the old pubs of the town – none of us aware for years of the family's former trade. We now know that Newcastle was an important staging post from London to Carlisle. The Castle Hotel in the centre of town must have been an

<sup>5</sup> Pape, T (1928) 'Medieval Newcastle-Under-Lyme': Manchester University Press

important history and throughout the generations Emery family members fondly remember celebrations in this establishment.

My Mother's family were all christened at St Giles Church in Newcastle little did any of them know that one of their descendants, Charles Emery, who was a bricklayer in the 1700s may have been an apprentice working on this iconic church or on the Guildhall, as they changed. A number of my Mother's family worked together in the local building industry. Her brother Gerald, also a Burgess, ran a successful building business in the Borough and went on to own the old Orme Boys School, that he himself attended as a boy and acquired the landmark Madeley Manor House also in the Borough. My cousin Stephen, a burgess himself, continues to operate his roofing business in the town.

The Guildhall still stands today and is located on the High Street. The underneath was originally open with market stalls. To my family, this area and the outdoor market was always known as 'The Stones'. My family have had a strong connection with market trading in the town and my Aunt Dorothy and Uncle Arthur continued the tradition of trading. Now both long retired, they can remember thriving indoor and outdoor markets, with market days seeing hundreds descend on the town centre. For many years, Dorothy ran a very successful children's clothing stall in Newcastle's indoor market, only closing its shutters when the new cinema in the High Street was commissioned and the shop area was needed for the development. Whilst my Uncle Arthur was an outdoor market trader of pottery, selling fine bone china and ceramics from world renown local factories of Stoke-on-Trent. He would stand regularly in Newcastle, but also many other markets across the country as well. Now in his 80s and still as sharp as a pin, he remembers his trading days with pride and affection, and he does have a view on the original Lost Charter itself. He is adamant that he knows where it is. Having traded at the Guild Market of Preston and having been invited to receptions by the Mayor of Preston, he believes that they have the original 'Lost Charter' of Newcastle Borough, and he has seen it in the Mayor's Parlour. If he is right, wouldn't that be a turn up for this centenary? Maybe we should ask them, just one more time.

**Dominique Cairns and Rory Cairns 2023**