

**THE EXPENSES OF THE JUDGES
OF ASSIZE RIDING THE WESTERN
AND OXFORD CIRCUITS, TEMP.
ELIZABETH 1596-1601**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649314515

The Expenses of the Judges of Assize Riding the Western and Oxford Circuits, Temp. Elizabeth 1596-1601 by William Durrant Cooper

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

WILLIAM DURRANT COOPER

**THE EXPENSES OF THE JUDGES
OF ASSIZE RIDING THE WESTERN
AND OXFORD CIRCUITS, TEMP.
ELIZABETH 1596-1601**

*The Very Hon^d. Canon Trevelyan
with
Hon. Quirinus Cooper's
comments*

Walmesley, Sir Thomas

THE EXPENSES
OF
THE JUDGES OF ASSIZE

RIDING THE
WESTERN AND OXFORD CIRCUITS,

TEMP. ELIZABETH, 1596—1601.

EDITED,
FROM THE MS. ACCOUNT BOOK OF THOMAS WALMYSLEY,
ONE OF THE JUSTICES OF THE COMMON PLEAS,
BY WILLIAM DURRANT COOPER, F.S.A.

STANFORD LIBRARY

PRINTED FOR THE CAMDEN SOCIETY.
M.DCCCLVIII.

INTRODUCTION.

THE following pages contain particulars of the Accounts of Thomas Walmysley, one of the Judges of the Court of Common Pleas, from 1689 to 1612,* on his riding the Western Circuit with Edward Fenner, one of the Judges of the Queen's Bench,† at the autumn and spring assizes, in every year, from July 1596 to March 1601; and also the account of Thomas Walmysley on his riding the Oxford Circuit with Peter Warburton, another Justice of the Common Pleas,‡ in the autumn of the year 1601. On Sir Thomas Walmysley's monument at Blackburn it was recorded, that during the twenty-three years of his tenure of office he went "all the circuits of England, except Norfolk and Suffolk." §

The accounts themselves are contained in a pocket volume, bound in vellum, and written by two persons, who had the supervision of the whole expenditure. The original MS. which came from the papers belonging to the family of Lord Petre, descendants of Mr. Justice Walmysley, has been lent to me by Mr. William Harper, of Bury, Lancashire. I have given the accounts of the first Western Circuit, and also of the Oxford Circuit, without abridgement. On the other visits upon the Western Circuit I have given only a statement of the presents made to the Judges, and any thing particularly worthy of note in the purchases.

At the time of these accounts the Act which prohibited a Judge

* See *Foss' Judges*, vol. vi. p. 191.

† *Ibid.* p. 159.

‡ *Ibid.* p. 196.

§ *Baines' Lancashire*, vol. III, p. 313.

from holding the assizes on any circuit of which he was a native, or inhabited,* was in full force; but it is worthy of remark that the same two Judges should have holden every assize for the same circuit during five consecutive years. The same country gentlemen repeated their presents circuit after circuit, and there can be little doubt that the intimacy between the Judges and the gentry could have been little less than would have occurred had the Judge sat once on a circuit in one town of his native county. On many occasions, however, licence was given to the Judge to go the circuit in which was his native county. During the Commonwealth the Parliament directed Serjeant, afterwards Baron Thorpe, who was born in Yorkshire, † to go the Northern Circuit, in the spring of 1648-9, the commission to be with a *non obstante*; ‡ and in the Council Book of the same period there is an order, extending the exemption to all the Judges. The prohibition has been repealed, and to prevent any mischief from the constant visits of the Judges to the same assize towns, the rule has obtained that a Judge shall not choose the same circuit on two successive assizes.

At the close of Elizabeth's reign the name and the fact of "riding" the circuit were identical. For the Western Circuit the judges and their officers started on horseback from Holborn, and thence proceeded from town to town. Where the distance between any two places was great they rested at some gentleman's house, or at some intermediate town. Thus, on the way to Winchester, the Judges usually slept at Mr. Rudiard's house at Hatley, or sometimes at Mr. Wallop's at Farley; or at the Bishop of Winchester's; or, on the road to Andover, at Mr. Palmer's at Overton; they slept also

* 33 Hen. VIII. c. 24, re-enacting a statute of Rich. II. and adding a penalty of 100*l.* for every offence.

† *Forn' Judges*, vol. vi. p. 493.

‡ *Com. Jour.* vi. p. 148.

at the Marquess of Winchester's, between Winchester and Andover; at Sir Richard Rogers's, or Mr. Morton's, between Salisbury and Dorchester; at Mr. Speke's, between Dorchester and Exeter; at Mr. Elveston's, at Lyme Regis; at Mr. Fulford's, or at Mr. Serjeant Glanville's, between Exeter and Launceston; at Mr. Gale's, at Kirton; at Mr. Monk's, or at Mr. Stuckley's, or at Mr. Jennings', or at Mr. Berry's, on the way between Launceston and Taunton; or at Mr. Drake's, on the road from Chard to Exeter. Whilst on the Oxford Circuit they partook of the hospitality of Mr. Savage at Bridgnorth, of Mr. Pitt on the way between Hereford and Worcester, and of Mr. Owen on the road between Shrewsbury and Stafford.

At the houses of these private gentlemen the only expenses incurred were for vails to the servants, usually amounting to half a crown each to the cook, the butler, and the stablemen, and something less for the chamberlain. In some of the towns, also, the Judges were provided for; at Bridgnorth by the bailiffs; at Burford by the aldermen and townsmen; and at Blandford by a plentiful supply from Mr. Swaine.

In the assize towns the expenses of the Judges were in two parts. 1. The joint charges, including the rewards for presents sent, and the payments for lodgings, and all other expenses of the household; and 2. The private charge against each Judge for the keep of the horses, the lodging of the grooms, and the general costs of the stable. Occasionally, however, the provision for the horses was furnished by the sheriff: several times in Devonshire by the clerk of assize: and once at Hereford by Mr. Walwyn, "the lawyer."

An Order in Council in February, 1574, had relieved the sheriffs from the charge of the Judges' diet, yet the sheriff of each county sent large presents of fish, flesh, and fowl for the use of the Judges;

and in Devonshire that officer regularly supplied the suppers, and on many days the dinners: in every county some of the mayors of towns and other public bodies, and the principal country gentlemen, also sent presents of like provisions in quantities so ample, that the tables of the Queen's representatives must have been extremely well furnished. Accordingly, we find that bread, flour, eggs, butter, vegetables, firewood, the grocers' bills, beer, and wine, formed the largest items of expenditure.

The presents to the Judges on circuit have now nearly ceased. The sheriff sometimes sends venison or beer, and some customary gifts are still made in particular towns; as at Oxford, where the Judges are on every circuit presented with a pair of white gloves trimmed with gold; and at Cambridge the stirrup-cup is yet given by the Master of Trinity on the Judges' departure. In most counties at a maiden assize the sheriff provides white gloves for the Judge.

The accounts for Devonshire show also the bills of fare for dinner and supper on most of the days, and demonstrate how the inconvenience of an entire day's fish fasting in Lent was ingeniously avoided, by having the fish supper on the Tuesday and Thursday after a hearty meat dinner, and on the Wednesday and Friday adding a substantial meat supper to the abstinence from flesh at dinner.

The maritime counties enabled the country gentlemen to make presents of nearly every species of sea-fish, as well as fresh-water fish from their own ponds and lakes. Among the sea-fish, whether new or salted and dried, we find several sorts not now used at table, and some of which the names have been nearly lost.

FISH.—Of the *sturgeon*, pieces were sent at Taunton, Dorchester, and Exeter; an isle at Salisbury and Stafford, and a keg at Mon-

mouth and Shrewsbury. The *salmon* was usual in February and in July in all the western counties, and at Monmouth and Shrewsbury; an *isle* came to Chard and Salisbury, and salt salmon in February to Winchester and Launceston. *Salmon peale* were also general in the West and at Gloucester. The *shavings*, or sea-trout, appear at Hereford. The *dolphin* appears once at Dorchester in February; a piece of *porpoise* (to be roasted or cooked like the sturgeon) once at Launceston; and the *dory* at Oakhampton and Taunton. The *conger* was eaten at Taunton, Oakhampton, and Exeter, and an *isle* of it found its way to Dorchester. The *cod* was used fresh, and also salted and dried, and a cod's head is not unfrequent; whilst the *milwell*, a fish allied to the cod, appears in Dorsetshire, Devonshire, and Cornwall, as a whole fish in some instances, and in an *isle*, and also dried, in Devonshire. *Turbot* were not very frequent, but are mentioned at Taunton, Dorchester, and Exeter. *Braymes* were used at Exeter and Gloucester; *Basse*, or sea-perch, at Exeter, Salisbury, and Dorchester, and also at Reading; *Mulletts* were not unfrequent; and *soles*, *plaice*, *haddock*, *herrings*, *whiting*, the *thornback* or *scate*, and *sprats*, were common.

The other dried fish were the *buckthorn*, or whiting, split and dried; the *haberdine*, or salt cod; *ling* of various sorts, viz. the London, Devonshire, organ, and green salt ling; *herrings*; and the dried and salted *hake* once (February 1598) at Winchester, called in the account "a drie fish called *Poor John*," and most contemptuously treated by Shakespeare.

*'Tis well thou art not fish; if thou hadst, thou hadst been *poor John*.

GRIMOBY—*Romeo and Juliet*, Act I. Scene 1.

What have we here? A man or a fish? Dead or alive? A fish: he smells like a fish, a very ancient and fish-like smell; a kind of not of the newest *poor John*.

TANCULO—*Tempest*, Act II. Scene 2.

The shell-fish included *oysters* of two sorts—one called at Salisbury and Chard the “long oyster;” *lobsters, crabs, shrimps, cockles, mussels, whelks, the razor-fish* once, and *crawfish* plentiful.

The fresh-water fish were the *Thames trout* at Reading, and *trout* frequently elsewhere; the *pike, carp, tench, perch, roach, flounders, barbel; lampreys* in February at Winchester, Salisbury, and Taunton; *eels* generally, and *Holland eels* at Winchester, and *Flanders* at Exeter.

MEAT.—The most general present from those gentlemen who had parks was a *buck*, but the venison was mostly baked, not roasted: sometimes the *doe* and *stag* appear. *Beef* was very seldom used; the working of the oxen on the farms and the milking of the cows gave little beef for the butcher, yet occasionally we meet with a *loin, a chine, or a pood*; “a *veal*,” however, is of constant occurrence, and on many occasions calves’ feet. “A MUTTON,” the old and distinguishing term for the dead sheep, is found at every place: *lambs* in the spring and also in the summer, and a favourite dish was a lamb’s “appurtenances,” or fry. A *pig*, a collar of *brawn*, and a *roasting-pig*, are likewise on the list. *Kids* are also met with, once at Winchester, given by the sheriff; several times at Launceston, as presents from Mr. Trelawny; and in all the assize towns on the Oxford circuit, from Oxford to Shrewsbury, no less than five having been given at Monmouth.

FOWL was of all kinds. We do not now dress the *bustard*, one of which was given at Salisbury by Mr. Edward Penruddock in June 1600; or the *heron*, given at Dorchester and Taunton; or the *heronshawes*,* which came in at Salisbury, Dorchester, Exeter, and

* Sauce gallantine for porpoise, heronshawe, and curlews. “Heron, curlews, crane, bittern, bustard, be at all times good, but best in winter.” A proper new Booke of Cookery, 1675.