



## The Pentice and other Ancient Law Courts in Chester

BY SIR HORATIO LLOYD

(Read 17th November, 1908)

**T**HOSE among you who look at the advertisements in our local papers, may have seen periodical announcements that the "Pentice" and "Portmote" Courts in this City of Chester would be held on certain dates, to which all parties interested were summoned to attend.

These Courts have been in existence for several centuries; certainly as far back as the *Reign of King Henry III.* (1216-1272).

The Court of "Portmote" is mentioned in a Charter of that reign, as then existing:—

*"Me in pleno Portmoto Cestrie remisisse."*

That is the *earliest known* reference to the Court of "Portmote."

As to the "Pentice" Court (traditionally said to be the oldest), *the first reference* to it which has been discovered in the old records is in the time of *King Richard II.* (1377-1399), and is of a proceeding, "*in appenticio Cestr.*"

The Records relating to these Courts, as well as other documents of great interest and value, are kept in the Muniment Room at the Town Hall. They are very numerous, consisting of more than 200,000 separate writings. They are now admirably arranged and carefully preserved in a fire-proof room. But many of them have, in times past, suffered grievously from fire and damp, and general neglect. They were arranged in their present order by Mr. Fergusson Irvine, who is well known in this Society, and is the Editor of the "Cheshire Sheaf." I have had access to these documents, but in reference to many of them, and particularly to the ancient Charters relating to the City, I am indebted to Canon Morris's Book, "Chester, during the Plantagenet and Tudor Periods," a work full of most interesting and valuable information; and also to the *Harleian MSS.*, chiefly those of Randle Holme, in the British Museum.

In these old Records, in addition to the Courts of "Pentice" and "Portmote," mention is made from time to time of the "Crown Mote," and the "Countie Court." It is somewhat difficult to determine the exact limits of the jurisdiction which was exercised by all these Courts, but it may be generally asserted, that the "Pentice" Court, which was held before the Sheriffs in early times, was chiefly concerned with *debts*; although it had also cognizance of misdemeanours and lesser crimes. In the "Portmote," the greatest number of cases related to binding-over to keep the peace; but it also dealt with cases relating to the *Port* of Chester. The "Crown Mote," dealt with more serious cases of felony. The "Countie Court" has been revived in recent years in another form, and with largely extended jurisdiction and limits.

Although there are references to these Courts in various old Charters and documents, the *principal one*, which granted and confirmed the benefits of the Courts, and conferred other and additional privileges on the City of Chester, is what is known as *The Great Charter of King Henry VII.*, which was granted to the City in the year 1506.

The first provision of this Charter is the creation of the *City into a County of itself*.

The Charter (abbreviated) runs thus:—

“Henry, by the Grace of God, King, &c., for the great affection which we have and bear to our Citye of Chester, . . . and in consequence of the good behaviour and great expences of the inhabitants of the same City, as also the voluntary service many ways rendered by them against our adversaries and rebels, . . . of our especial grace, certain knowledge, and mere motion, . . . do give and grant, and by these presents have confirmed for Us and our heirs, to the aforesaid Citizens, . . . their successors for ever, that the said Citye and all the grounds within the ditch of the said Citye . . . and all the ground in the precinct and compass of the same, . . . (*wholly excepting our Castle within the Walls of the said Citye*), be exempted and separated . . . from our Shire of Chester, and that the said Citye and the suburbs and hamlets of the same, and all the ground within the precinct and compass of them (except as before excepted), be henceforth a *County by and in itself*, distinct and separate from our County of Chester, and that from henceforth it shall be called and named *the County of the Citye of Chester*.”

Then this Charter provides for the election, by the Citizens, of 24 *Aldermen* and 40 Citizens for the *Common Council*; and then it proceeds to enact that:—

“Of the 24 *Aldermen*, one, by the unanimous consent and assent of the Mayor, *Aldermen*, *Sheriffs*, and other Citizens of the *Common Council*, shall be chosen and appointed *Recorder* of the Citye aforesaid.”

Then it directs that a Mayor shall be appointed, in these terms:—

“ We also will and grant that the aforesaid Citizens and Commonalty shall appoint and choose from among themselves, every successive year for ever, a *Mayor* of the said City; and we also will and grant that the aforesaid Citizens . . . . shall appoint and choose from among themselves, every successive year, two Citizens for Sheriffs of the said City.”

Then follow elaborate provisions for the mode of Election of the Mayor and Sheriffs. And then comes the provision which is *essentially Germane to our present subject: the Confirmation of the Courts of the City, and the recital of their constitution and jurisdiction.*

I must apologize for lengthy references, but I have found it difficult to avoid them.

The Charter directs the Sheriffs:—

“ To hold their Courts . . . . . *in like manner, as other Sheriffs of Us or our heirs in other Counties of Our Realm, hold or shall hold theirs,* and the afd. Sheriffs of the City of Chester, and their successors for ever shall, in like manner, keep their Courts there, . . . . that they may determine all pleas and assizes by plaints (without our writ) . . . . concerning all contracts and cases arising within the Citye aforesaid, and the limits thereof *in manner and form as in time past they have been accustomed.*”

And again, the Charter proceeds:—

“ We have granted also, and by this, our Charter, confirmed for Us and Our heirs to the afd. Mayor, Sheriffs, Citizens, and their successors, for ever, that [they] may have cognizance of all and all manner of pleas, real, personal, and mixed . . . . as well of lands and tenements, being within the said Citye, suburbs, hamlets, lands, and



precincts of the same, as of debts, accounts, trespasses, covenants, and other contracts, matters, and cases whatsoever within the same Citye, suburbs, hamlets, and precincts, and circuit of the same (*Our Castle and Our liberty within the bounds commonly called the Gloverstone only excepted*), howsoever arising as well in the presence of Us and Our heirs, as in the absence of Us and Our heirs, as well before the Justices of either Bench Justices appointed to hold Assizes and Justices itinerant, as before all other Justices and Officers of Us, Our heirs and successors, to hold such Assizes before the Mayor and Sheriffs of the same Citye for the time being, in the *Common Hall* of the aforesaid Citye of Chester, with all profits of such pleas howsoever arising without the lett, hindrance, or obstruction of Us or Our heirs, or of Our Justices . . . . so that the said Justices . . . . do in no wise intermeddle with the cognizance of such pleas arising within the Citye of Chester, &c. . . . We grant, moreover, to the same Mayor and Citizens . . . . that they may hold all pleas, plaints, and Assizes without Our writ . . . . as well of lands and tenements being within the sd. Citye, &c., as of all trespasses, debts, covenants, contracts, or demands arising within the said Citye."

And then follows a Clause in the Charter, which was, in former days, greatly valued, and was most jealously guarded, viz. :—

"And that none of the Citizens of the afd. Citye, or their heirs or successors, or any of them, be impleaded or sued before Us, Our heirs and successors, or before any of the Justices of the Common Pleas of Us, Our heirs and successors . . . . or the Court of Our County Palatine of Chester, or the Justices itinerant of Us, Our heirs and successors . . . . concerning any lands or tenements, or any contracts, covenants, trespasses, debts, or demands, being, arising, or happening within the said Citye, hamlets and suburbs thereof, *but only before the Mayor and Sheriffs of the said Citye, and their successors.*"

Now, although the history of these Chester Courts goes back to a far earlier date than this Charter of

1506—as is evident from the terms of the Charter itself—the jurisdiction claimed and exercised by them *substantially rests upon this Charter*; and, by virtue of it, each Court of “Pentice” and “Portmote” enjoys a jurisdiction exercised by its own inherent authority—“*without*” (as the Charter expresses it) “*our writ*,” which means an *original jurisdiction*.

The extracts I have read are sufficient to show the general nature of the jurisdiction granted to the Courts in question; but, in language more conformable to proceedings of the present day, the jurisdiction of the Courts of “Pentice” and “Portmote” may be stated to extend to *all Actions (without limit as to amount) of contract and tort, where the cause of Action arises within the City, or its limits*. And the Court of “Portmote” has, in addition, jurisdiction in Actions (also without limit as to value) of *ejectment* for lands and tenements within the City or its limits.

The “Crown Mote” has long died out, apparently from disuse; the Criminal Courts of Assize and Quarter Sessions having rendered such a separate jurisdiction unnecessary. The notice calling the Court together ran thus:—

“City of Chester to wit

John Bedward Esqre. Mayor

D. F. Jones Esqre. Recorder.

Notice is hereby given that the ‘Crown Mote’ and ‘Portmote’ Courts, and Genl. Qr. Sessions of the Peace will be held in the same City in the Common Hall of Pleas on Thursday 30th day of March 1815 at 8 o’clock in the morning.

FINCHETT

Town Clerk and Clerk of the Peace.”

I can find no record of any business of the "*Crown Mote*" since that date.

The constitution of the Courts of "Pentice" and "Portmote" has been from time to time somewhat altered. The Recorder is now (by virtue of the Municipal Corporations Act) the sole Judge of the Local Courts of Record. The practice and procedure has also been varied as occasion required; but the Courts still possess the *ancient jurisdiction granted and confirmed to them by the Charter of King Henry VII.*

The last alteration in the Rules and Regulations of the "Pentice" and "Portmote" Courts was made by me in the year 1870, shortly after I succeeded to the office of Recorder. I found the existing Rules and Procedure had become very cumbrous and out of date. A new and complete set of Rules was framed; which was, in accordance with the law, approved by the Judges of the High Court, and "applied by an Order in Council to the Courts of 'Pentice' and 'Portmote,' to be exercised by the Recorder for the time being of the City and Borough of Chester."

The Charter of King Henry VII. created, so far as Chester is concerned, the office of Recorder. In early times, as we have seen from the Charter, the Recorder was *elected* from among the Aldermen; and the first Recorder was *so* elected in 1506. I have been unable to find the Minute recording his election; but there is a very precise entry in the 17th year of Queen Elizabeth's reign (that would be in 1574) of the election of Richard Birkenhead as Recorder. The entry runs thus: "*In interiore Penticio civitatis.*"; then follows the date, and it proceeds:--

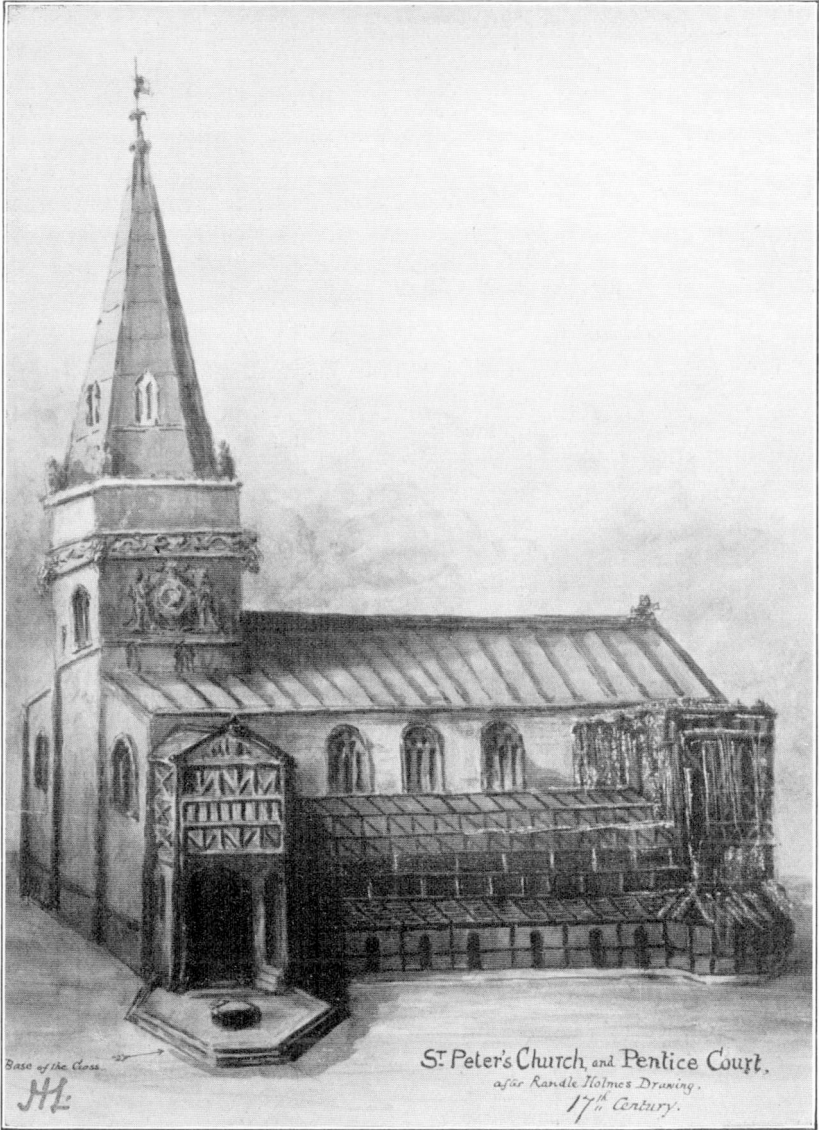
“ At which day, yere, and place Richard Birkenhed of the said Citie Esquier, was with one hole and entier voice by the said Maior Aldermen Sheriffs and Common Counsaile of the said Citie elected chosen and sworne to be a freeman of the said Citie elected, and then an Alderman of the said Citie, and afterwards to be Recorder of the Citie aforesaid, in such manner and forme as others like heretofore have ben chosen receyved and sworne.”

Since the passing of the Municipal Corporations Act the Recorder has been appointed *by the Crown*.

There was a *Clerk of the Pentice*, an office of some importance, and as the language of his appointment was somewhat quaint, I will read an extract from one of them, as an illustration of the *old-world phraseology*, though, of course, I cannot convey to you any account of the peculiar *spelling*. It is in the eleventh year of Queen Elizabeth (1568):—

“ Whereas the office of Clerkshippe of the Citty of Chester, called the Clerke of the ‘ Pentice,’ hath been execut- ed by John Yearmouth Esquier, and by Anthony Harper, or by William Knight his deputie, by the permission and sufferance of the Maior and Recorder, . . . . . and whereas also the said rowme or office of Clerkeshipp, by the departure from thence of the said Anthony Harper is now voide. And havinge good likeinge of the said William Knight, who hath executed the same office as deputie by the space of eleven yeares, and by all that same tyme hath right honestlye behaved himself therein. Therefore, at an assembly holden in the Common Hall within the said Citty, before us, Wm. Ball, Maior of the said Citty, William Gerard Esquier, Recorder thereof, the Fryday, that is to say, the XIIth day of April in the XIth year of the Reign of our Sovereign Lady Elizabeth by the Grace of God, of England Queen, we the said Maior Recorder, . . . . . of our wholle free and mutual assent . . . . . and at the special request of the said William Gerard Esquier, Recorder, have elected and appointed the said William





Base of the Cross  
H.L.

St. Peter's Church, and Pentice Court,  
after Randle Holme's Drawing.  
17th Century.

Knight to be and remain Clerke of the 'Pentice,' and Chiefe Clerke as well of the 'Pentice' Court, as also of the 'Portmote' Court, 'Crown Mote,' and County Court."

So much as to the nature of the *Constitution* and *Jurisdiction* of these Ancient Courts. And now, a word about their *designation* and the *titles*, by which, for at least seven centuries, they have been known to the Citizens of Chester.

It has always been understood that the term "Pentice" was derived from the *building in which the Court was held*. The name is an abbreviated form of the French "*Appentis*"—a "pent-house"; and from the Latin "*Appenticium*," which frequently occurs in the early records, and means a shed attached to a building—a "*lean-to*."

In King's Vale Royal (temp. 1656) it is stated that the Mayor "remaineth most part of the day at a place called the 'Pendice,' which is a brave place builded for the purpose, at the *High Cross*, under *St. Peter's Church*, in the *middest of the Citye*."

The only existing illustration of this building, here referred to, is one of about the year 1650—a *drawing by Randle Holme*, preserved in the *Harleian MSS*. This building extended the whole length of the south side of St. Peter's Church, and beyond it at the eastern end, "in such sort (according to King's Vale Royal) that a man may stand therein, and see into the Markets, and the four principal streets of the City."

It has, I believe, been thought by some that the "Pentice" was at the *east end* of the Church, in Northgate Street. This is clearly an erroneous idea. Assuming that the line of buildings on the opposite

side of Northgate Street was much as it is now, the street would have been blocked; and all the references to the "Pentice" in the documents are inconsistent with its being at the east end. But Randle Holme's drawing, made nearly 300 years ago, puts the actual site BEYOND DOUBT on the *south side* of the Church.

The building was essentially a "lean-to," or "pent-house," apparently built (at all events in Randle Holme's time) of timber. It was in *two stories*. The upper being presumably used as the Court House, as there are references in old documents to "shops" being on the *ground* floor.

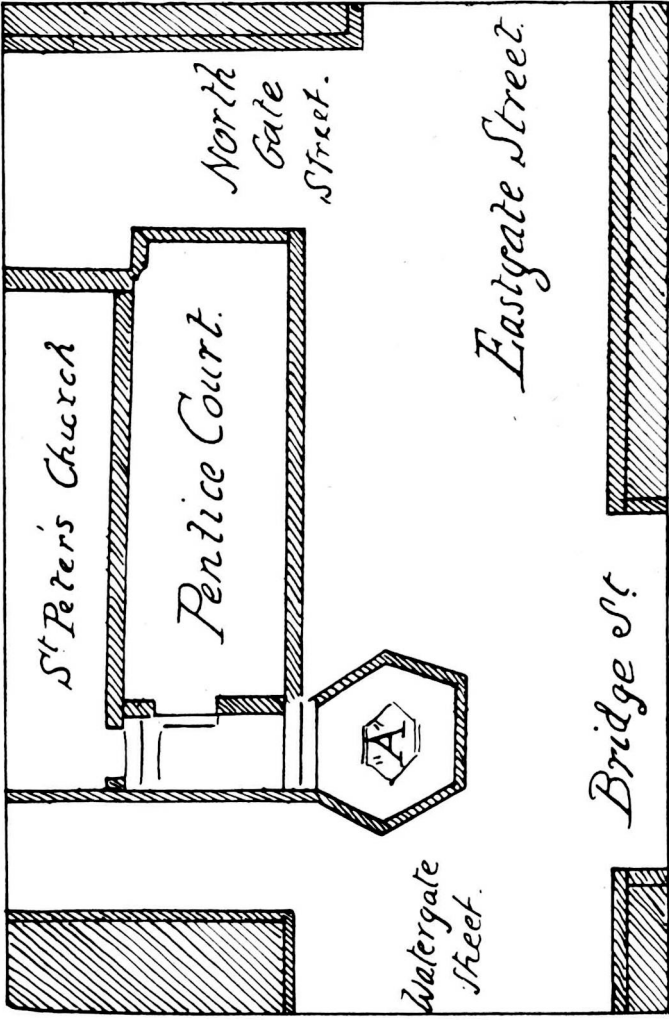
Randle Holme's drawing depicts the place about the *middle of the 17th century*; but this, or some other building of a similar "lean-to" kind, had undoubtedly existed on that side for a very long time before that.

Assuming that the "Pentice" Court derived its name from the "lean-to" nature of the building, we have, as already mentioned, knowledge of the existence of the Court in the *13th century*.

With reference to the *High Cross*, which formerly stood opposite to the door of St. Peter's Church, it will be observed from Randle Holme's drawing, that he has indicated its exact *site*. His drawing is supposed to be of the date 1650, and the absence of the High Cross from it is accounted for by the fact that it had been thrown down and defaced by the Parliamentarians in the year 1648.

I have made a drawing of the Cross (as it is believed to have originally appeared), from Canon Morris' book, and *Hemingway's* "History of Chester."





Site of High Cross. "A"



The mutilated remains of it, giving little indication of its original decoration, may now be seen in the Museum in this building.

To return to the "Pentice" Court, we learn from the *Harleian MSS.*, that in 1497 a portion of the "Pentice" was "new builded"; and that, in 1573, the "'Pentice' was enlarged, the inner 'Pentice' made higher, the nerer made lower, and the Sheriffs' Court removed to the *Common Hall*."

As to this building, which is here called the "Common Hall," the account given of it in the *Harleian MSS.* runs thus:—

*Museum Hall*

"A new *Common Hall* was built in *St. Nicholas' Chapel* . . . the Chapel of St. Nicholas serving to little use, the Citizens purchased it unto themselves, and made thereof a two-fold use of great conveniency, and dividing the same by a floor in the middle thereof; the lower room was appointed for the storage of wool, corn, cloth, and other commodities to be rented, and sold by foreigners and strangers at times allowable in the City. And the upper room for a stately Senate House for the assemblies, elections, Courts of His Highness, *Coronmote* for pleas of the Crown, kept there before the Mayor, Recorder, and Aldermen, that are His Majesty's Justices of the Peace, every six weeks—and for the 'Portmote' of Common Pleas, every fortnight—and for the Court of Record for the City, called the 'Pentice' Court, held before the Sheriffs, as the Law appoints."

I think that there has been a little confusion created between *this* Common Hall, and one known by the same name, which existed *years before* in the street off Bridge Street, to which it gave its name, "Common Hall Street."

In the *Harleian MSS.*, it is stated that:—

"The Citizens of the *Plantagenet Period* (1154-1399), met in their Moothall, which gave its name to 'Mothalle Lane,' out of Bridge Street, afterwards called 'Commonhall Lane.'"

Now, the *New Common Hall* (*St. Nicholas' Chapel*), was *not used, at all events, before the year 1488*, and the *Old Common Hall* was *taken down* about that time—the *end of the 15th century*.

The mistake between the two Common Halls was not unnatural, for an investigation of some of the old Records of the proceedings of the Courts, in their Minutes, discloses the fact that it was usual to describe the *actual* place of sitting of any Court, as “the *Common Hall of Pleas*.” This practice was continued for many years, after *both* the real Common Halls had ceased to exist or be used for public purposes.

The Minutes of the “Pentice” and “Portmote” Courts, in many instances, record the proceedings as taking place in the “Common Hall of Pleas,” down to the period when those Courts were undoubtedly sitting at the Old Town Hall, as they did *from 1701 to 1862*. There can be little doubt that the “Pentice” Court was, from the earliest times, held in the “lean-to” building by St. Peter’s Church, and that it derived its name from the character of the building

It appears, from the extract I have read from the *Harleian MSS.*, that after the Citizens purchased the St. Nicholas’ Chapel in 1488, considerable alterations were made in it; and *some time afterwards* (the exact date of which it is difficult to ascertain), it became the home of the Courts of “Pentice” and “Portmote,” and so remained until the Old Town Hall, or Exchange, was finished in the year 1701.

The late Canon Blomfield, whose welcome presence at these Meetings several here will still remember, in the course of a lecture on St. Nicholas’ Chapel, said:—

“Before the year 1488, the Mayor and Corporation had their Common Hall in the street of that name, but in that year the old Chapel of St. Nicholas (the site of the present Music Hall), became their property, to be held by them so long as they required it for the purposes of a Common Hall. They appear to have so held it until the building of the Exchange, in 1701, when it reverted to the Dean and Chapter.”

Accepting this, it would seem that the business, which had been for many years transacted in the Old Common Hall, viz.: the “Portmote,” “Crown Mote,” and *other Municipal Offices*, was, shortly after the completion of the alterations at St. Nicholas’ Chapel, removed to this New Hall, as we know that the Old Common Hall was taken down at the end of the 15th century. But there is *every reason to think that the “Pentice” Court remained at the Cross long after that*; we know that it was “rebuilt” in 1497, and enlarged in 1573; and we see, from Randle Holme’s drawing, what its appearance was in 1650.

*Webb*, in “King’s Vale Royal,” writing in 1656, describes the New Hall as “an upper room for a stately Senate House for the assemblies, Courts of His Highness—Mote for the pleas of the Crown, kept there before the Mayor, Recorder, and Aldermen, every six weeks—and for the ‘Portmote’ of Common Pleas every fortnight—and for the Court of Record of the City, called the ‘Pentice’ Court, held before the *Sheriffs*.”

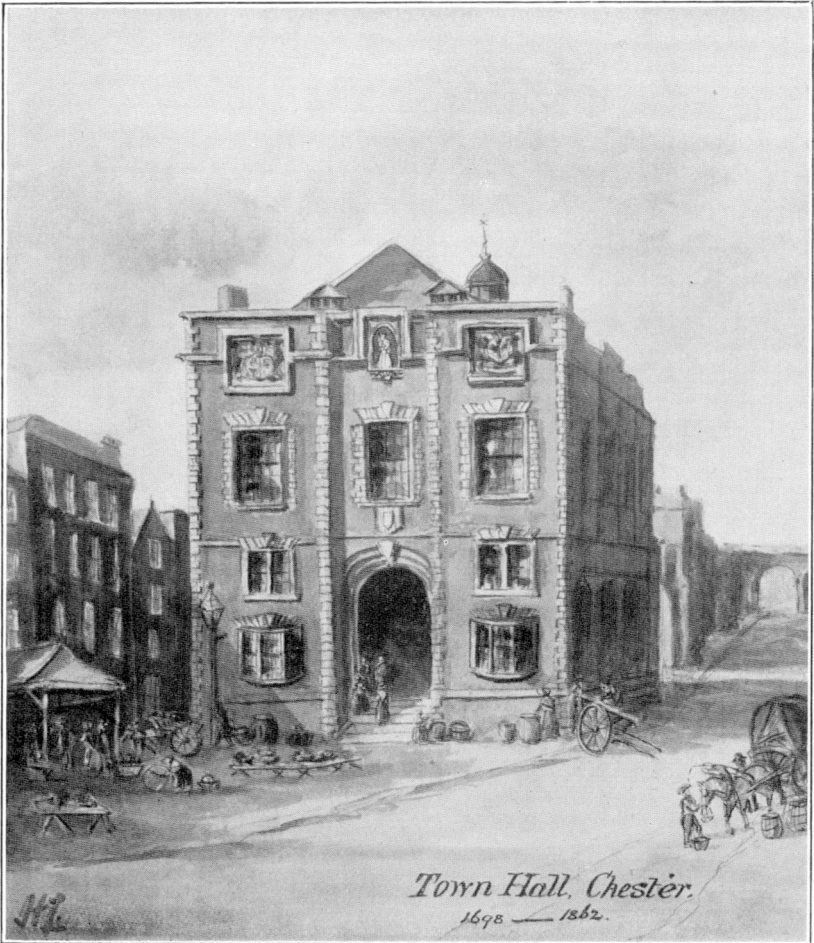
*As to the exact date when the business of the “Pentice” Court was transferred to the new premises in St. Nicholas’ Chapel, there is, as far as I have been able to ascertain, no record.* We know that the “Pentice” and other Courts, and the municipal business generally, were removed to the “Exchange” on its

completion in 1701. The "*Pentice*" Court building, however, remained at the Cross, in the condition, presumably, represented in Randle Holme's drawing, down to the year 1803.

In that year, at a Vestry Meeting of St. Peter's Church, it was unanimously agreed that "as the Corporation was discussing the necessity of the removal of the old "*Pentice*" Court, it would be a great improvement in case the "*Pentice*" Court was taken down, to remove the old building over the Church steps, known as the '*Parvise*' or '*Parson's Chamber*.'" When the "*Pentice*" Court was taken down, this "*Parvise*" remained for a time, but was afterwards removed.

The building of the "*Exchange*" was finished in the year 1701, and then everything was removed from *St. Nicholas'* Chapel, and from the "*Pentice*" building (if anything at that time was remaining in the latter place) to the then new *Exchange*; which from that date, for 160 years, became the home of all the remaining Courts, and of all municipal business.

The business of the Courts of "*Portmote*" and "*Pentice*" was carried on in the new *Exchange* from this time (1701) to its destruction by fire in 1862. Many cases of interest were tried there; and many able men, who afterwards rose to considerable rank in their profession, were heard there; among them Mr. Leycester, who was afterwards Recorder; Mr. Bearcroft, Mr. Richards, Mr. Topping, and *Mr. Abbott*; and, in one case (which I have had the advantage of reading, by the kindness of the Sheriff), Mr. Erskine appeared specially in an Action in the "*Portmote*" Court to establish a Will.



*Town Hall, Chester.*

1698 — 1862.





It is interesting to note the hours at which the Courts sat in those days. The case to which I refer took two days, and began the first morning at *eight o'clock*, sat till *ten o'clock* at night, and the next morning at *seven o'clock*. I am afraid that the sitting of Courts at *half-past ten*, and rising soon after *four*, is a modern invention; not that there is not a good deal to be said in favour of the movement.

In 1862 the "Exchange" was destroyed by fire; and as that event took place nearly 50 years ago, there are comparatively few here who ever saw that building, I have represented it on the screen. It stood on what is now open space, the Town Hall Square, and was a typical erection of the period, begun in the Reign of William and Mary, and finished in the early part of the Reign of Queen Anne.

When it was burnt down, the Courts were homeless, and temporary accommodation had to be provided in all kinds of places, suitable and unsuitable; such as the Music Hall, the Refectory, and the Corn Exchange, all of which had to be fitted up for the purpose.

When I became Recorder in 1866, the foundation-stone of the present Town Hall had just been laid; and as it was not to be completed for four years, the late Duke of Westminster (then Member for the City) was good enough, at my request, to pilot a Bill through Parliament, enabling the City Courts to be held for five years at the Castle. An Act of Parliament was necessary to legalize this, as the sittings of the Courts were necessarily *within the City*; and, as you will remember, the Charter of King Henry VII.,

excepted the Castle from being part of the City. In pursuance of this Act, the sittings of the City Courts were held at the Castle until the present Town Hall was ready in 1869.

It may be worth while to refer to an incident which is connected with this Act of Parliament, which may not, perhaps, be known to everybody. Before that time it had been the duty of the Sheriff of the *City* of Chester to carry into effect the execution of all persons upon whom sentence of death had been passed at any Assizes for the County of Chester; and as, of course, the great majority of such cases came from the County, it was naturally considered a hardship on the City Sheriff to have that duty cast upon him. The passage of this Bill through Parliament afforded an opportunity of getting rid of this disagreeable duty, and a clause was inserted in the Act which thereafter placed the obligation on the Sheriff of the County.

I may, perhaps, be allowed to mention another incident, which made the provision in King Henry VII.'s Charter (excepting the Castle from the City), the means of solving a difficulty which had arisen between the County and the City. The funds subscribed for a Statue of the late Queen Victoria were contributed by the County and the City, in substantial proportions, and a little rivalry was created between them as to the *site* for the Statue. The City desired to place it in the Town Hall Square, but the County demurred to this as ignoring them. The rival claims were eventually satisfactorily solved by a happy suggestion to place it in the *Castle Yard*, this being in the County, though, also, within the City Walls.

I come back now to the "Pentice" and "Portmote" Courts on their arrival at the new Town Hall in 1869.

They were regularly held every quarter, and for a few years there was a certain amount of business done; but it gradually fell off, and I think I am right in saying that the *last case* heard in either of those Courts was in the year 1875. As the Courts still exist in name, the formality of holding them is obliged to be observed; but it is obvious that they are now of little, or no, utility. Other Courts are held frequently, whose jurisdiction has been so largely extended, not only as to the amount brought within their cognizance, but also in the jurisdiction and the nature of the business brought within their competency, that they are sufficient for all purposes.

I think another reason for the decay of the "Pentice" and "Portmote" Courts may be found in the change in public opinion as to *limited areas*. In former days, as we have seen, the Citizens were exceedingly jealous as to intrusion by others, and were careful to preserve their right to determine their own disputes. But in these days, the present feeling seems to be that it is better to have a somewhat wider and more (possibly) independent tribunal, and one less likely to be influenced by local knowledge, obtained beforehand, the facilities for which are so great in the present day. It would be difficult in these days, and in so small an area as the City, to get a jury, for instance, who had not heard, more or less, and perhaps very imperfectly, the details or merits of any case arising within so narrow a jurisdiction; and, naturally, it is preferred that a dispute should be heard by minds coming fresh to the hearing.

I have now traced, I fear very imperfectly, the Courts of "Pentice" and "Portmote" from the earliest knowledge we have of them, down to the present time. After a lapse of at least seven or eight centuries, during which they played a not unimportant part in the life and history of this City, I think it has to be admitted that they are now, practically, extinct.

I should like to add a word or two with reference to somewhat similar Courts in other ancient Cities, which have names and titles as quaint, and curiously derived, as our own.

In the City of *Bristol*, there are two old Courts which have curious titles, and have as remote an origin as our Chester ones.

They are called the "*Tolsey*," and the "*Pie Poudre*." With reference to them, the Recorder of Bristol writes me:—

"The word "*Tolsey*" is derived from *Toll* and *Sedes*—the seat or place of Toll. The Court was originally held before the Seneschall of Bristol Castle, acting as the King's Steward. The Court is supposed to date from the Saxon period, and is mentioned as an existing Court in a Charter of King Edward III. (14th century), which preserves the rights and speaks of the 'Pleas which were accustomed to be held in our Court in the said town of Bristol, called the Court of Tollsey before our Seneschall.'"

The "*Pie Poudre*" Court is so called from the *dusty suitor* who appealed to it—" *Pied a Poudre*." The term "*Pie Poudre*" has been attributed by some writers to the *speed* of their procedure; justice was administered as quickly as dust could be removed from the feet of the litigants.

There are several such Courts in England, as appears from a Statute of King Richard III. (15th century), prohibiting them from exceeding their powers. They were the "Market Courts," and decided matters without pleadings.

In Boroughs, the "Pie Poudre" Court was sometimes merely a branch of the Borough Court, held during a Market or Fair. Thus, at *Bristol*, a "Pie Poudre" Court was held during the fair of 14 days; and during the remainder of the year local jurisdiction was exercised in the "Tolsey" Court, and this tribunal was suspended while the fair lasted.

There were similar Courts at *Gloucester*, *Grantham*, *Leicester*, *Newark*, and *other places*, but the records do not appear to be very full.

The Recorder of Bristol adds:—

"The Bristol 'Pie Poudre' Court is believed to be the only one that survives, and it only does so nominally. The old Record says that the 'Pie Poudre' Court was held in the open street for 14 days after the 29th Sept., and pending that period the sittings of the 'Tolsey' Court were suspended. The 'Tolsey' Court still does work in debt collecting, as it is unlimited in amount, and has foreign attachment. How it became the Court of the Corporation I know not. The Recorder is now the Judge, and I try a few cases each sitting."

Then, the Recorder of *York* furnishes me with some interesting information with reference to that City. He says:—

"There used to be plenty of ancient Courts at York, but I fear that the Municipal Corporation Act swept nearly all away. The Recorder has at present a Civil Court of Record surviving (the limits to the jurisdiction of which are wide), but it is becoming decrepit, through disuse. In former days

there were three Sheriffs' Courts, called, '*The Sheriff's Turn,*' '*the County Court,*' and the '*Court of Common Pleas*' (which last one seems to correspond with the present Court of Record. There was also '*The Court of Guildhall,*' over which the Mayor used to preside with the Sheriffs, and Mr. Recorder sits as Judge with them and gives rules and judgments therein.

"Then there was the '*Court of Hustings*' in which Deeds might be enrolled, recoveries passed, and Wills proved. Writs of right—patents—Writs of waste, partition, and dower may be determined for any matters within the City of York and the liberties thereof.

"Then, a '*Court of Orphans*' was kept monthly at the will of the Mayor—for binding apprentices—granting weekly allowances to poor and needy '*Citizens*' (which seems a mild kind of old age pensions), 'and providing for fatherless children, poor widows, &c.'

Altogether York seems to have had its full share of opportunities for litigation, and of relief of various kinds; but, with the exception of the one Court (the Civil Court of Record) over which the Recorder now presides, they seem all to have died out.

In the City of *Liverpool* there is an ancient Court called the "Court of Passage," which for many years has done, and still does, a considerable amount of business. "Passage," or "Passagium," was the description of one of the numerous *tolls*, which certain places had the right, by Charters, to levy on goods brought into their Borough for the purpose of sale in markets or fairs. Persons making default in paying these tolls were brought before the Court, and that was probably why the name was given to the Court, as collecting "Passage" Toll. The *Liverpool* Court was originally held before bailiffs; afterwards the Mayor became the Judge. The jurisdiction was

from time to time extended from collection of tolls, to disputes between the burgesses. Then, by a Statute of William IV., a Barrister was appointed as *Assessor* to the Mayor; and in 1893, an Act of Parliament (which recites that the Court of Passage in Liverpool is an ancient Court of Record for the trial of Civil Actions) was passed, and the Assessor was thereafter to be styled the *Presiding Judge*; the Mayor still being, nominally, the head of the Court.

In *Chester*, a Charter of King Edward I. in 1300, gave the Citizens the right to take these tolls; "passage toll" being mentioned among them, and this right was confirmed to them by King Henry VIIth's Charter in 1506. But I have not included a "Court of Passage" as one of Chester's ancient Courts, as I find no distinct reference to any such Court *eo nomine*; claims relating to *tolls* were probably dealt with in the other tribunals.

I have now exhausted my subject as far as I am able. I can only say that I beg to thank you for the patience with which you have listened to me in handling this somewhat dry subject, and to express a hope that I have not wearied you with too much detail.

