



## Sir John Throckmorton of Feckenham Chief Justice of Chester.

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**T** is the fashion nowadays for historians to make the individual subservient to events, but surely history has no meaning, in fact no existence, except by and in the presentation of individuals, who sought to assert themselves by influencing external events. That is to say the individual makes history, and it is the human element that gives both moment and meaning. So much by way of introduction to Sir John Throckmorton of Feckenham, successively Attorney-General in the Marches, Master of Requests, Chief Justice of Chester, and at times Recorder of Coventry, Worcester and Shrewsbury. The seventh of the eight sons of Sir George Throckmorton of Coughton, in the county of Warwick, by Katharine, daughter of Sir Nicholas Vaux<sup>1</sup> of Harrowden, the future justice was educated at the Middle Temple, though the loss of the minutes of the Inn parliament for the period between 3rd February, 1525, and 14th February, 1551, leaves the dates of his admission and call to the Bar unknown. Existing records refer to him as a Bencher (1556) and as Autumn Reader in 1558 (A. R. Ingpen, *M.T. Bench Book.*) and the insertion of his coat of arms in a window of the dining-hall countenances his association with the Inn. Passing then from a glance at his origin and education and omitting as irrelevant a detailed account of intermediate service to the crown, for which he was

knighthed at Kenilworth in 1565 (Shaw), we come to 31st July, 1558, when that unhappy queen, Mary Tudor, created Sir John Throckmorton, J. of Chester (*P.R.*) and a commissioner of the Council in the Marches.

A description of the formalities attending the installation at Ludlow of the Chester judges, by one of his successors, is worth repeating :—

“ I was sworn in after this manner,” wrote Whitelock,<sup>2</sup> “ I and the three counsellors went in skarlet, my lord president<sup>3</sup> in his damask gowne of black. When first we came into the court the rest all sat downe, and I stood and delivered the king’s letter under his sign manual to the president, signifying my being C.J. of Chester; my lord delivered them to the clerk to read, who did it accordinglie. After the letters red, I kneeled down and toke my othe; then rose up and was placed by my lord upon his righte hand, with a distance between us, as was usual. After I was set downe my lord made a speeche to bid me welcom . . . I answered to this effect . . . My allowance at the counsell is dyet for myself at the president’s Table, sitting in a chair over against him, and for my chaplain at the steward’s table in the halle, and for 8 men in the halle, which dyett I took accordinglie. I examined the allowances for riding charges for 60 years and found that Sir John Throckmorton had allowance *per diem* for 14 horses and 12 servants; the others since then had allowance for 9 servants and 12 horses, that is ten for him and his servants, one for sumpter and a spare horse.”

An unknown observer portrayed for the guidance of Queen Elizabeth and her advisers an exhaustive and illuminating description of the duties assigned to the counsellors and staff of the Council in the Marches. A quotation from his analysis reads:—“ The office of Chief Justice is next to the President in place and authority . . . (he) is demanded to continual attendance there (Ludlow) saving for the two months wherein having to ride the Circuit and keepeth the Sessions twice a year. The C.J. is also justice in Flint, Montgomery and Denbigh, for which

justiceship he hath a yearly fee of £100, the double fee of any other justice in Wales, half paid out of H.M.'s. Exchequer and the other half from the Council . . . The said justice is also allowed lodging & dyet in Y<sup>r</sup> Ma'ties House for himself, a chaplen and 8 servauntes" (Gough MSS. Wales 5. Bodleian Library). The Chief Justice among his duties presided at the investiture of a President of the Council, when "in full Court, in sight and presence of the whole assembly, the President humbly kneeling on his knees, took the oaths of supremacy and allegiance ministered to him by the C.J. of Chester" (*ibid.*).

A privy council minute dated March 1559 illustrates the time required for holding the sessions at different centres in his circuit. He was instructed to begin at Chester on April 10th, at Flint on April 17th, at Denbigh on April 24th, and at Montgomery on May 1st (*State Papers Dom. Add.*). From another source we learn the allowances made to the Chief Justice when "travelling to and fro to keep his circuit" for himself, 12 servants and 14 horses, 6s. 8d. per day; for every servant 12d.; for every horse 12d. (*Register of the Council in the Marches, April 9th, 1565*). In those far off days "intertainment" on a generous scale was accorded the Welsh justices and their ladies on their judicial pilgrimages. The accounts of the Bailiffs of Shrewsbury in 1565, for example, record "spent at the coming of John Throckmorton and William Gerard and their wives at different times 8li. 16. 7. Again in 1574 "A present to my lady Throckmorton 1li. 2. 2. and spent upon Sir John, our Recorder<sup>4</sup> at sundry times resorting to this towne, in wine, horsmet and other things, 19s. 10d." (Taylor MS.) Again the Murengers of Oswestry for 1559-60 account an allowance for "money paid to Mystress Jones upon wyne when Mr. Justys Frogmorton<sup>5</sup> at hys cominge through the towne."

Pertinent to the justiceship, Throckmorton held or believed himself to hold, jurisdiction over the forests of Delamere and Macclesfield. By charter the latter was entitled to a swainmote court, at which were elected annually all officers of the court; offenders against forest law were

presented, and if found guilty were committed to Macclesfield goal. Under normal conditions the Justice of Chester presided as a justice in eyre. The right, however, of managing and doubtless of enjoying the profits was of sufficient value to provoke a controversy with a rival, which the privy council closed by an order on August 19th, 1565, bidding the justice refrain from holding a court as "therle of Shrowsberie claimed jurisdiction of all forests beyond Trent." (*Acts of the P.C.* vol. vii.) Endowed with no mean share of wisdom, energy and determination, Sir John's aid was invoked by the privy council in an endeavour to suppress the piracy which so seriously hampered English trade in the early years of Queen Elizabeth. However spectacular pirates may be in films or novels, they were a confounded nuisance in real life. At the time they haunted the coasts and even ventured to sell their booty in Welsh and English ports. For the lack of any effective preventive service gave smugglers and pirates an immunity that demoralised public opinion, as such immunity always does; the pirates would bring captured vessels, laden with salt, wheat, rye, and dried fish into the harbour and sell their stolen goods to anyone who would buy. Indeed the scandal reached such a pitch, not one of those apprehended having been executed or in any way punished for their offences, that the privy council nominated in every maritime county commissioners with instructions to appoint resident deputies in every port large enough to float a boat, and in November, 1565, commissioned the Justice of Chester to exercise this office in the county Palatine (*ibid.*).

In the discharge of his functions so far, Throckmorton had evidently gained the approval of that capable administrator, Sir Henry Sidney, then President of the Council in the Marches. "I have left," he wrote to his brother-in-law (Robert Dudley, earl of Leicester) December 13th, 1565, "John Throckmorton, Vice-President in the Marches, and if you can persuade the Queen, to let him remain for a time, you will find it better for H.M. the country and yourself than any other way" (*State Papers Dom. Add.* no. 87).

The consequences of the appointment, however, proved disastrous to every one concerned. From 1569 onwards the records present a picture of a moral or mental decline in a man hitherto of upright character, due possibly in some measure to the hypnotic influence exercised by George Puttenham, a brother-in-law of unsavoury<sup>6</sup> repute. Ecclesiastical complications also were rising to the surface and his worst foes were in his own household. By marriage to Elizabeth Puttenham his life was linked to a determined recusant, and the possibility that recusancy might be only a cloak for a more dangerous form of disaffection was always before the eyes of the lords of the Council. The persons considered most dangerous were gentlemen of property who were secret recusants and also the wives of those outwardly conforming, who entertained priests and had the Latin rites celebrated privately in their own homes. Amongst these the Throckmortons must be numbered, for instance on February 15th, 1578, the privy council instructed " Mr. Dean of powles to receive into his custody a son (Francis)<sup>7</sup> of Sir John Throckmorton to be kept in his house till he be examined on suspicion of being present at mass and other services contrary to present practices" (*Acts* vol. ix.).

Enveloped as he was in an atmosphere of suspicion, Sidney's deputy at Ludlow, lacking the prestige and adroitness of his chief, failed to control the choking bureaucracy that functioned at Ludlow. The administration of the Council in the Marches deteriorated, bribery was not unknown, and new corruptions were creeping in among the inferior ministers. Henceforward the unhappy Vice-President struggled against a campaign of noise and vilification. A crisis entered his life taking the formation of a Loch Ness monster revealing itself in a series of humps. For some reason the Justice of Chester and his successor in the office of Attorney General in the Marches, Sir John Price, a third rate climber, were antipathetic. To him with a change in sex the biting epigram could be applied :—

" Having bitten her tongue, Amaryllis, sweet thing,  
Has died prematurely of poisoning."

The antipathy apparently reached a climax in June, 1570, when the Attorney General combined with other malcontents to "exhibit unto the Queen's Majestie a sclanderous bill against the Justice of Chester." On its presentation, the privy council appointed a commission consisting of the Master<sup>b</sup> of the Rolls and Mr. Bromley, attorney of the duchy of Lancaster, to investigate the charges, which if proved unsubstantial, the authors should pay the costs of the tribunal and be exposed to whatever penalty the commissioners might see fit to impose. Taking a grave view of the aspersions, the privy councillors ordered Price "who hath been the especial doer in setting forwards the sayde bill, to give surety in £200 that he will be present at the enquiry." (*Acts*, vol. viii.) The intrigue failed and the master-hand was suspended from exercising his office. In the meantime events in Chester were shaping themselves for the entrance athwart Throckmorton's path of a William Glaseor or Glasier, an erudite lawyer, deputy to Sir Edward Stanley<sup>9</sup> and Robert Dudley, earl of Leicester, successively Chamberlains of the city. The future Vice-Chamberlain was son and heir of William Glasier, a native of the Isle of Man, sheriff of Chester in 1538 and Mayor in 1551-2. For a legal training evidence is lacking, but in view of the admission to the Inner Temple in November, 1576, of his son and heir, John Glasier (o.s.p. 1595) and of Hugh his younger son in November, 1580 (*Admission Reg.*) it is not an unreasonable conjecture to link the father also with the Inner Temple. Earlier in life William Glasier had shared with the earl of Leicester in the purchase of properties, situated in various counties, with a rental value of £149 10s. 4d. The acquisitions included the manors of Maseye Court or Llysfassi in Llanfair and the park of Bodvari both in co. Denbigh, "also the chamber and adjacent garden in Chester, upon the wall of the collegiate church of St. John there, commonly called the Sexton's Lodgings, in the tenure of Roger Radford; the chapel called Calvercrofte with the parcel of pasture called the churchyard; and a barn in Chester in the tenure of Robert Boyer,

clerk, and the chamber next the door of the collegiate church and a garden called Olde Steple Gardeyne in Chester in the tenure of Richard Bruerton<sup>10</sup> and Joan Warmyngham, widow, which belonged to the said church . . . and the advowson of St. Dunstan's in the West" (*P.R.* 1553).

By virtue of his appointment as Vice-Chamberlain, Glasier presided at sittings of the Exchequer Court in the Palatinate. Of this tribunal, its authority and functions, an opinion submitted in 1593 by Sir Thomas Egerton, then Chamberlain of Chester and Attorney-General, is illuminating. "The Exchequer Court grounded on prescription" he wrote, "hath jurisdiction of a court of chancery and exchequer, with a special officer called the Chamberlain, in whose keeping is the Seal of the chancery and exchequer. He is mediate officer to all H.M.'s courts of justice to whom all writs and processes are directed. There is another officer called Baron or Clerk who hath the making of all writs. The Exchequer Court hath jurisdiction belonging to a Chancellor for suits and causes in equity within the county, but not of common pleas or pleas of the crown, which are determinable by the J. of Chester there. In ancient times the sheriffs and all other officers of the Palatinate, accountable to the king did account to the Chamberlain and he had receipt of all revenues. The Chamberlain accounts yearly to the queen for the profits of the Seal and of the Exchequer", . . . Dated at Lincoln's Inn, Dec. 2nd, 1593 (*Hatfield House Papers, Hist. MSS. Com.* 1892, p. 446.).

Such broadly were the conditions prevailing in 1562 when Glasier was instrumental in the disclosure of a curious intrigue, which apparently arose from an attempt to enlarge the allowances made to the chief officer of the city during his term of office, at the expense of the Exchequer Court. In Chester, as in other towns, by accepted custom all fines levied in the borough courts were allocated to the mayor and sheriffs to cover mayoral expenses, while the ingate and outgate tolls, dues on vessels, the general stallage rents of the markets, and other sources of income accrued to the

corporation, but not specially to the mayor. To achieve the purpose in view, a clause was quietly slipped into a charter granted early in the reign of Elizabeth, which removed the inhabitants of the city from the jurisdiction of the Chamberlain and his deputy, to that of the mayor and aldermen who presided at the borough courts, with the increment of fees and fines. A clash came therefore when a member<sup>11</sup> of the Aldersey family brought an action for debt in the Exchequer court against Thomas Green<sup>12</sup> an alderman of the city. Whereupon Richard Dutton (mayor in 1567) and the sheriffs (Edward Martin and Oliver Smith) replied to the affront by committing Aldersey to ward, and he continuing defiant and contumacious was disfranchised. Provoked by this intrusion upon his jurisdiction, Glaseor, alderman as well as Vice-Chamberlain, fined the mayor and sheriffs for contempt of court, and they, anticipating the political methods of Hitler, responded by disfranchising their opponents, viz., Glasier for hearing and the Alderseys for pleading in the Exchequer Court. And so the feud developed until the privy council, probably at Leicester's instigation, intervened by nominating a strong commission consisting of Francis Walsingham<sup>14</sup> (a Secretary of State), Sir Walter Mildmay (Chancellor of the Exchequer), Sir William Cordell (Master of the Rolls), and Sir Thomas Bromley (Solicitor General), to examine the controversy and report thereon. As is the way with commissions, this one functioned in leisurely fashion, and it was not until 1574 that the privy council was in a position to issue a series of Orders which opened with the amazing pronouncement "that the (*exempting*) clause in her Ma'ties grant by *letters patent* was fraudulently obtained and must be reckoned of no force." Then followed an instruction "that at the next Portment<sup>15</sup> daye whereof warning was to be given for attendance of the alderman, the Common Council and other inhabitants . . . then and there William Glasier, William and John Aldersey, aldermen lately disfranchised, without recital of former griefs shall require to be refranchised, and the late Acts of the mayor and council shall be revoked,



cancelled and anichilate' . . . also, that a new form of oath (another Hitler touch) prescribed by the mayor, which omitted special words of fidelity to Leicester, the Chamberlain, should be discontinued. On the other hand, the privy council required the discharge of all fines and amercements inflicted by the Exchequer Court upon the mayor and sheriffs. "*Item* : a certen posterne gate of Chester called Wolffe hath been shut up since Christmas to the discomfort of the Exchequer officers, the sayde gate to stand open all the day time and be shut up and locked onlie at night." Two copies of the Orders signed by the lords of the Council were directed to the mayor, one to be placed among the records of the Exchequer and the other deposited with the city records. The Orders were to be publicly read by the mayor in the presence of the inhabitants at the "Portemount" next ensuing after their receipt. Dated April 9th, 1574. (*Acts of the P.C.* vol. viii.) On the whole one is tempted to think of the litigation opened by Aldersey in the Exchequer Court, as a test case devised after careful research, in the brain of a clever lawyer, sure of his ground. At any rate Glasier and not the mayor held in his hand the ace of trumps. So much for a first round between the Vice-Chamberlain and his antagonists. Now for the second.

Like the Germans in the last war, Glasier had to fight on two fronts. Unlike the Germans he emerged victorious on both. Simultaneous to the conflict with aldermanic colleagues, the extent of his jurisdiction was challenged by the Council in the Marches. The question presented itself in this form. Had a litigant in the Exchequer Court of the county palatine a right of appeal to the council functioning at Ludlow, in the person of the Justice of Chester. The issue was raised by one Radford with a christian name varying between Thomas and Richard according to the fancy of different recording scribes, who successfully appealed to Ludlow against a sentence of imprisonment inflicted by the Vice-Chamberlain. As a general rule, when a problem becomes increasingly serious and complex, an Englishman leaves its solution to time and the course of

events, or should this fail, he appoints a commission to investigate and trusts never to hear of the matter again. On this occasion the privy council when called upon to adjudicate, adopted the second method, and referred the problem presented by the conflicting jurisdictions to Sir John Dyer, Chief Justice of the Common Pleas, and three other judges for enlightenment. In due course the commissioners arrived at the following conclusions, viz., that the Chamberlain of Chester had all chancery jurisdiction there; that the justice had jurisdiction of the common pleas and pleas of the crown; that no inhabitant could be summoned to plead out of the county, except in case of treason or error; that the court of the Exchequer there is as old as the chancery court; that the Vice-Chamberlain lawfully committed the said Radford to prison for a refusal to find sureties; that the proceedings of the Council in the Marches in releasing Radford from prison was without authority and contrary to the prerogative of the Chamberlain; that the Statute of 35 Henry viii which established the Council in the Marches "comprehendeth not the city and county of Chester;" and finally that for the enjoyment of their liberties, the inhabitants pay 3000 marcs at every change of the earldom of Chester (*State Papers Dom. Add.* March 16, 1569).

Prior, however, to the publication of the report another incident embittered relationships at Chester. Of an interview between the rival judges, which the incident provoked, Glasier, in a letter to his chief (Leicester) dated March 5, 1569, has left an entertaining account. "On(e) Whithed, the messenger of the Council," he wrote, "came to my house after dinner aboute 3 of the clocke and sayde Mr. Justys desyred me to come and speake with hym. I went forthwith and found Mr. Justys, Mr. Gerard<sup>16</sup>, and Mr. Smyth in Mr. Gerard's parlor, standing in counsell together, the companie aboute them were nere 200 peple. Mr. Justice sayde, "Mr. Glaseor you staie the sealings of a writte for a bond of good habearinge<sup>17</sup> which the prometerie hath made uppon my graunte against on (e) Pavor uppon good cause."

I answered, "Yt is verie trewe that I staid yt yesterdaie and the cause is the prometorie hath written a *venire facias*, which lyeth not in that course." The Justice asked the promeetorie, whether the wrytt is so. Who aunswered, "Yesterdaie such a *venire facias*, was made, which was stayed by Mr. Glaseor." "Whie," saide Mr. Justice, "will you Mr. Glaseor restrain the Justice of Chester his graunting of good habearing?" "No," saide I "yt ys rightful to his office; but this proces is not orderlie done, and I may not abuse the queen's seale with unorderly process, for yr predecessors had wont to make a note in wryting under the hande of the same graunte unto the Exchequer . . . and so the records do manifest. Nevertheless let your office wryte the wrytt orderlie and I will seale yt." "Whie" saide saide the Justice "must I make warrants for the Exchequer for one Leigh who was attainted before me and acquitted; after which tyme he saide to his friends that he had 2 stones in his hose and tho' his feet were fast yet his hands were loose, so as he would cast them at the fattest, which" said the Justice "was like to have been myself for I am the chefest and now he is in prison and you seek to discharge hym." . . . I saide "I have not done anie thing for delivery of this party from prison, other than calling the other party to shew cause." "Whie" saide the Justice "may not I as justice record bills of complaints and order them?" "No," saide I, under correction . . . "this cause is not before you as a judge, but before the Council and the party is in the Counsaills gard." "Whie," saide the Justice "cannot the Councaille meddle here? [something is here omitted]. "Thou lvest," said the Justice "Not so," saide I, "for the judges have so declared." "Whie" saide the Justice "the justices of assize in England do hear bills and so may I." I aunswered, "By your favour, NO." "Marie thou lvest," said the Justice "thou art an ignorant fool." "Mr. Justice," said I, "these words need not be. Yf I had knownen your message had been for thys banquet I would not have come, but the judges have set this downe as I saye." "Marie, that is

untrue," saide the Justice " Well Sir " said I " yt is not for us to contend, but the matter will be ruled well y-nough whatsoever you may say." The Justice went his way and so I departed, which was much merveld at with the audience beeing grete " (*De Lisle Papers, Hist. MSS. Com.*, p. 345).

On receiving the report of his deputy in the Palatinate, Leicester without delay submitted its contents to his brother-in-law, the President of the Council in the Marches, through whom it reached the Justice of Chester. In a reply written April 2nd, 1569, at Denbigh, Throckmorton after thanking him for honorable dealing in the discourse sent by William Glaseor, commented thereon " I find little truth but shameless impudencye over much. . . . I had no dealing with him in any matter that might touch your lordship's office . . . . the whole discourse I have reported in form of a dialogue for the better manifestation of his untruths, and have delivered copies of my dealings by Mr. Snagge. . . . Yf yt please H.M. to exempt the countie palatine, yt may like your lordship to have in remembrance that the want of authoritie may be supplied by some other than are yet seen " (*ibid*). It would be interesting to know were it possible, what the writer had in mind when he penned the cryptic sentence at the close of the letter.

The dispute had arisen in part out of a bill for a breach of the peace exhibited before the Justice by William Allen of Rosterne against James Leigh of the same. The prosecutor alleged that Leigh was a person of evil fame, who on suspicion of robberies and burglaries had been arrested, but discharged in the absence of proof. Since when, having no means of living but unlawful games, he had committed sundry misdemeanours, and had openly boasted that if found guilty " altho' he had his legs fast, yeat having his handes lewse had provided stones in his sloppes or briches . . . and purposed to have throwen the same at the Justice." Further in September 1568 he had assaulted Allen and done him bodily hurt. Therefore the prosecutor prayed that he should be brought up for examination and bound to good behaviour. On May 5th

when the accused was brought before the Council in the Marches, sitting at Chester, he replied that "when served with the bill exhibited against him before Justice Throckmorton by one Meyre, he consulted Richard Venables,<sup>18</sup> who advised it was no matter for the Council, but should seek Mr. Glaseor at the Exchequer. Thereupon he went there and missing Mr. Glaseor, spoke with Gamul<sup>19</sup> a clerk there, who took the bill and said he would procure the discharge. He came on the morrow, when the clerk said the discharge was not ready; shortly after he was sent for by the Justice, and was committed to the porter's lodge, until he could find sureties for the peace, where he remained" (*ibid* p. 348). Acting doubtless upon local advice, Leigh then petitioned Leicester as Chamberlain of the Palatinate, representing that the information laid by Allen was an infringement of the privileges of the Palatinate. We thus get an explanation of the principles at issue beneath the dispute between Glaseor and Throckmorton, viz., the respective jurisdictions of the Palatinate and the Marches. On both sides, it may be said there was misunderstanding; on both sides stupidity and obstructiveness. How the contention ended the records do not relate. For Throckmorton it can be urged that clause 8 of the queen's instructions directed to the Council in 1560, specifically named "the cyties of Gloucester and Chester and the duchy of Lancaster," within the area of its jurisdiction (*ibid*).

The city was violently disturbed in 1574 by an affray between the retainers of Sir George Calveley<sup>20</sup> and those of his brother-in-law John Dutton of Dutton, during the assize week when "greate parte were taken by gentlemen on both sydes and many committed to prison." In the street fighting John Tylston, steward to John Dutton, was wounded and died December 31st. The civic authorities, acting on the principle "a plague on both your houses," like Brer Rabbit "lay low" and declined to take further action, after an inquisition by the coroner. Whereupon John Dutton complained to the privy council that the Mayor and the Recorder<sup>21</sup> had taken and detained certain dispositions

made before the jury impanelled by the coroner, whereof the complainant could not get copies to prosecute "further justice," also that the alleged culprits were suffered to go at liberty in the town and neighbouring counties. To which the lords of the council replied by instructing the Justice of Chester "to examine the cause and dispositions and using his own authority to order a delivery of the dispositions to Mr. Dutton and to require the Mayor and Recorder to have the suspected persons committed or bailed, and should they continue obdurate, himself to act when next on circuit." (*Acts of the P.C.* vol. ix. November, 1575). Another hump of the Loch Ness monster, however, awaited Sir John in the course of the year. Sir Henry Sidney on returning from Ireland to resume his presidential duties at Ludlow, armed with the queen's authority removed him from the office of Vice-President of the Council in the Marches and installed Sir Andrew Corbet in his place. Probably a series of blunders in discharging judicial functions in the principality which had involved appeals from his court to the Star Chamber or the lords of the Council, was responsible for the President's action. A last hump was encountered in 1579, when the Star Chamber ordered the sequestration of his office of Chief Justice of Chester and the appointment of William Leighton of the Plash (Salop) and Henry Townsend "deputies in the execution of the said service" (*ibid*, vol. 10). He had become Chief Justice on the appointment of Townsend as Puisne Justice, Sept. 15th, 1578. In addition to alleged illegal enclosures at Feckenham, Sir John's conduct in certain private matters connected with trusts and executorship had brought his reputation into disrepute. He was also discreditably connected with the long controversy between his brother-in-law, George Puttenham, and his wife, Lady Windsor, which was at first settled in favour of the lady with the allowance of a suitable maintenance, but though the terms of agreement were drawn up by the privy council, the draft of the document being revised by Burghley's own hand, subsequent minutes of the Council

show that Throckmorton paid but little attention to the obligations incurred (*ibid*, vol. xi., xxix). To be sure his misdeeds probably excited the annoyance rather than the moral disapproval of the lords of the Council.

Sir John did not long survive suspension. He died May 22nd, 1580, and was buried under an inscribed tomb in Coughton church. His will (P.C.C. 52 Arundel) proved in the same year does not contain aught relevant to the County Palatine. In this Chief Justice of Chester we have a personality unusual and difficult, one who has received less attention than any of his fellows of equal rank; his defects were such as anyone can see; his merits have been the subject of controversy. On the whole a very solid human being, if now and then somewhat shaky in his principles, or shall we say flexibly-minded.

Clause 31 of 35 H. viii ordained "four judicial seals, whereof one shall remain with the justice of Chester to be used to seal all processes and bills that shall be sued before the said justice." The seals had two sides. Upon the obverse was generally represented the reigning sovereign on horseback; the reverse bore the Royal Arms with various supporters. For the circuit of the Chief Justice of Chester, *dexter*, a lion guardant, royally crowned; *sinister* a stag forged with royal coronet, a chain affixed thereto passing between the forelegs and reflexed over the back. On the Elizabethan seal, the Queen is clothed in armour and is seated astride a horse in masculine fashion. A ball appears on the crupper of the charger (*Brit. Arch. Assoc.*, vol. 49).

## NOTES.

<sup>1</sup> Invested as a baron entitled lord Vaux of Harrowden, April 27, 1523; *ob.* 14 May, 1523. Will pr. 1523, P.C.C. 11 Bodfelde. (G.E.C.)

<sup>2</sup> *Liber Famelicus*, by Sir James Whitelock, vol 70, p. 86. Camden Soc.

<sup>3</sup> William, lord Compton, earl of Northampton.

<sup>4</sup> "Mr. Justice Throgmorton chosen Recorder in place of Reginald Corbet, Dec. 27, 1559" (*Hist. MSS. Comm. Report*, XV. 10).

<sup>5</sup> The surname of the Justice is sometimes written Frogmorton, presumably by people unable to pronounce "Th." A Suffolk parish with a name written Thelnetham is locally pronounced Feltham.

<sup>6</sup> Jan. 21, 1568-9. The bishop of Winchester in a letter to Cecil "prays that it be not true report that George Puttenham is to be placed in the commission of the peace, for his evil life is well-known, and he is a notorious enemye to GOD'S truth" (*Salisbury Papers*, 11, 392).

<sup>7</sup> Born 1554; admitted Inner Temple 1576; executed for high treason 10 July, 1584.

<sup>8</sup> Sir William Cordell.

<sup>9</sup> 3rd earl of Derby (1508-72) appointed Camberlain of Chester 16 April, 1559; commissioner for ecclesiastical causes in the diocese 20 July, 1562; lord-lieutenant of Lancs. and Cheshire 18 Nov., 1569; *ob.* 24 Oct., 1572. (*D.N.B.*)

<sup>10</sup> 2nd son of Sir William Brereton, Lord Chief Justice of Ireland, by his second wife, Eleanor dau. of Sir Randall Brereton of Ipstones, (*Visitation of Cheshire*, 1581). Harl Soc., vol. 18). Will (wynth inventory) pr. at Chester 1558.

<sup>11</sup> From subsequent happenings, the accuracy of the recording scribe in appropriating the name Fulk to the litigant may be doubted. Canon R. H. Morris's *Chester*, p. 198. On page 280 we learn that "Cicely his wife was bound with 4 sureties in £10 each, that she do not burn his house down nor cause the same to be done, nor cause the said Fulk to be poisoned. He was Treasurer of the city 1592, Mayor 1594-5, and died 22 Feb., 1608-9. Will and Deposition at Chester (Rec. Soc. of L. & C., vols. 2, 6, 33).

<sup>12</sup> Sheriff 1551; Mayor 1565-66; "a verrey Comlye Cittizen: Courteous; a wise gentellman; and a good member of ye Cyttye; hee hath brethren that have yssue" (Harl. Soc., vol. 18). Will pr. Chester, 1602.

<sup>13</sup> William, sheriff 1539-40; mayor 1560-61; died 1577 (Will, *Sheaf*, 3rd S., Vol. II.), and his 2nd son, John Aldersey, sheriff 1596; mayor 1603; died 1605. Will, Deposition and Inventory at Chester. Foulk Aldersey was the eldest son.

<sup>14</sup> By his wife Ursula, daughter of Henry St. Barbe of Somerset, he had two daughters, one of whom married Philip, son and heir of Sir Henry Sidney. Mildmay, staunch friend and political ally, married Frances, fifth and youngest sister of Walsingham.

<sup>15</sup> A borough moot especially used for cities and boroughs in the co. Palatine (*N.E.D.*). The jurisdiction of the Portemote covered all actions of contract and tort (without limit to the amount), where the cause of action arose within the city or its limits; also of ejectments for lands and tenements within the same area.

<sup>16</sup> William Gerard, son of Gilbert Gerard of Ince, co. Lanc. A formidable personality. Attorney-General of the Marches 1554-59; Justice of the Great Sessions in cos. Glamorgan, Brecknock and Radnor



1559; Vice-Justice of Chester, 1561; Vice-President of the Marches, May 17, 1562; Lord Chancellor of Ireland and Dean of St. Patrick's, Dublin, 11 Oct., 1579; Master of Requests 23 Nov. 1579. Recorder of Chester 1555-74, and M.P., 1555 till death in 1581.

<sup>17</sup> "Good behaviour."

<sup>18</sup> Richard Venables of Horton and Agden, son of John by Mary dau. of Matthew Leigh of Swinehead; age 30 in 1560; ob. 23 June, 1583; I.p.m. William, son and heir aged 23, (Ormerod's *Cheshire*, vol. i., 539).

<sup>19</sup> Mayor 1585-6; "in consideration that Edmund Gamull gent., is to marry Mrs. Elizabeth, widow of the late William Goodman, an alderman of the city, he shall be enfranchised and what he shall bestow on the city is supposed will be far better than to lymit the same" (Canon R. H. Morris's *Chester*, p. 450, under date 20 March, 1580-81). An overseer of Glaseor's will, pr. 1588.

<sup>20</sup> Son and heir of Sir Hugh of Ley; knted 1571 (Shaw); o.s.p. 5 Aug. bur. 12 Aug. 1585; heir his brother Hugh (I.p.m.). Eleanor his sister married John Dutton of Dutton.

<sup>21</sup> Richard Birkenhead chosen Recorder 13 March, 1575, base son of John, of Backford; married Margaret, dau. of Piers Leycester of Tabley; resigned 1601 (Ormerod, ii., p. 368).

Much supplementary information of Glaseor's feuds is furnished by vol. 37 of the Chetham Society's publications. The dates there, however, are not always in agreement with the foregoing narrative based on and gleaned from the *Calendar of State Papers*. His will dated 26 June 1588, proved at Chester 29 Oct. 1588 is printed together with a very long Inventory in vol. 54 of the Chetham Society.

