

Chief Justice Dyer.

BY WM. ARTHUR JONES, M.A. F.G.S.

AMONG the great men this County of Somerset has produced, Sir James Dyer, Lord Chief Justice of the Common Pleas, occupied a high and distinguished position. His eminence as a lawyer, and his integrity as a judge, gained the reverence of his cotemporaries, and secured for his memory the respect of succeeding generations. The meeting of this Society in the locality which gave him birth would seem to present a fit and proper occasion for the following brief biographical notice.

The family of Dyer, Dier, or Dyar from which the subject of our memoir was descended, became possessed of the Manor of Sharpham on the dissolution of the Monastery of Glastonbury and of Roundhill on the dissolution of the Monastery of Taunton. Sir Thomas Dyer held Sharpham, and his cousin Richard Dyer held Roundhill, near Wincanton. The estimation in which the former was held, may be inferred from his being associated with the Bishop of Bath and Wells, Sir Hugh Paulet, and Sir John St. Loo, in a royal precept issued by order of King Edward VI, to provide for, and sustain, certain foreign weavers who had been brought into Glastonbury by the Duke of

Somerset.* According to the Parliamentary returns, Sir Thomas Dyer was chosen as member of Parliament for the borough of Bridgwater in the first year of Queen Elizabeth's reign.

Sir Thomas Dyer married the daughter of Lord Poynings to his second wife, and their eldest son Sir Edward Dyer, Knight, and Chancellor of the Garter, was a prominent member of the Court of Queen Elizabeth, distinguished alike for his courtly manners, and literary tastes. He was the intimate friend and associate of Sir Philip Sydney. A cotemporary says of him as a poet—"Maister Edward Dyar, for elegie, most solempe and of high conceit." He seems also to have established a character for statesmanship and diplomacy, as we find that he was chosen a member of Parliament for the County of Somerset in the 30th of Elizabeth, when Alexander Popham and Robert Blake (the grandfather of the Admiral), were elected for Bridgwater; and also, that in 1596 he was sent as Ambassador to Denmark by the Queen.

His cousin, Sir James Dyer, was a man cast in a different mould: less courtly possibly in his deportment, but leaving behind him a reputation far more distinguished and lasting. His father Richard Dyer, described in the Heralds' Visit-

* The following is an extract from the original in the Public Records Office. Edward VI.

To our very good the Bishop of Bath and Wells, to our very loving friends Sr Hugh Polet, Sr John St. Loo: Sr Thos. Dyer, knight.

Whereas the Duke of Somerset hath caused certain straungers to repaire to Glastonbury, promising them houses, grounds, and certain other reliefs towards their lyving, . . . the said straungers being very honest and godly poor people, . . . very ready and willing to teache young children, . . . their trade and occupations, . . . Our pleasure is you shall appoint a Parecke called Orwell Parcke near Glastonbury, to be occupyed and enjoyed by those strangers, . . . and when they require great sommes of money for the provision of Wolles for the year, &c. His Majesty's pleasure is you shall &c.

ation as of Roundhill, married into the family of Walton, probably the daughter of William Walton of Shapwick, a near neighbour of his relative Sir Thomas Dyer* of Sharpham.

The elder son, John Dyer, was destined to succeed to his father's estate of Roundhill, and the younger son James, afterwards Lord Chief Justice, had the good fortune to be obliged to make his own way in the world. At the early age of sixteen years, as was usual in those times, he was sent to Oxford, and according to tradition, for the early records of that hall are lost, he was entered as a commoner of Broadgate Hall, now Pembroke College.† From Oxford he removed to London, and entered Strand Inn, of the Middle Temple, as a student. At what age he was called to the bar is not exactly known. Judging from the notes of cases which he made, and which were subsequently published, there is every reason to fix the 28th of Hen. VIII (A.D. 1537) as the year. He would at that time be in the 26th year of his age. His name first appears as an advocate in the King's Bench, before Judge Spylman and Judge Portman, in a case of outlawry, when Dyer himself reports, "Et exception fuit pris p James Dyer pur le Roy."‡ In the following year his name again appears as advocate in a case in which the validity of the array was

* On the 7th Nov. 38° Hen. VIII, "William Walton of Shapwike, gent. Deputye Steward" delivered to Thomas Dyer, Esquir, the Deeds and Charters of the Manor of Greyngton which he had purchased from the King on the dissolution of Glastonbury Abbey. See Warner's Glastonbury, Appendix, p. lxix.

† In Wood's Athenæ, Sir James Dyer is described as the 2nd son of Rich. Dyer of *Wymaulton* in Somersetshire, by his wife dau. of . . . Waiton of the said Co'. *Wymaulton* is evidently a clerical error for *Wyncaulton*, and *Waiton* for *Walton*. Athenæ, i, 480.

‡ See Reports : De Term. Pasch. Ano 28. Hen. VIII.

questioned on the ground of near relationship of the High Sheriff Sir Geo. Darcy to the defendant.*

With characteristic minuteness he enters in his notes that on the 19 May, Anno Domini 1552, he received the royal brief requiring him to prepare himself to take and enter upon the post and degree of Serjeant-at-Law the following Michaelmas term.† Meanwhile according to custom, he fulfils the office of Autumnal Reader to the Society of the Middle Temple, and in due course he became Serjeant-at-Law, Michaelmas Term 6° Edward VI.

On the first of the following January, writs were issued for the Second Parliament of Edward VI, to meet on the 1st of March. The Official Return in the Public Records Office shows that on the 26th of January James Dyer, Serjeant-at-Law, and Edward North, Knight, were duly elected to serve as Knights of the Shire for the County of Cambridge, Sir Giles Alington being Sheriff.‡ His election for Cambridgeshire may perhaps have been in part due to his marriage with the widow of Sir Thomas Elyot, the author of the "Boke of the Govenour" who had resided at Carleton in this county. Lady Elyot was the daughter of Sir Maurice A'Barrow of North Barrow, Co. Somerset, and was no doubt well known to him as a neighbour in his youth.

The Parliament duly assembled on the 1st of March, the King's health requiring the greatest care and precaution during the formal opening. On the following day, to adopt

* Idem De Term. Mich. An° 29. Hen. VIII.

† Idem De Term. Mich. An° 6. Edw. VI.

‡ Indentura fact' apud Castru' Cantabrigie in Com' Cant' vicesimo die Januarii an° R. Edwardi Sexti d. g. &c. sexto, int'r Egidium Alington militem vic' Com' pred', &c. et Phylp Parrys &c. . . . elegerunt Edwardum North, militem et Jacobum Dyer S'vientem ad legem milites gladiis cinctos &c. &c.

the quaint wording of the Journal of the House of Commons, "On Thursday 2^o Martii, was chosen to be Speaker first nominate by Mr. Treasurer of the King's House, the Right Worshipful Mr. James Dyer, one of the King's Majestie's Servients at the Law, and set in the chair."* It will be observed that the nomination of the Speaker at that time would seem to have been practically vested in the crown. The Parliament was of brief duration : in fact, it only sat for one month, for on the 31st of March, being Good Friday, the Parliament was dissolved "at the King's Pallace of Whitehall, at seaven of the clock at night." All that the "Records of Parliament" relate of the Speaker is that he closed as he had begun with an "ornate oration before the King." This was the only Parliament in which James Dyer sat, and the rest of his life was devoted exclusively to his professional duties.

It is only needful to recall some of the stirring events of that stirring and eventful period in the History of England to be assured that a thoughtful, studious, and conscientious man could not have failed to form clear and decided opinions on the leading questions which at that time engrossed the thoughts of all the nations of Europe. Without approving of the character of Henry VIII, or of his unconstitutional proceedings, James Dyer became a firm and staunch adherent to the principles of the reformed religion. Yet, with his characteristic, calm, and unbiassed judgment of what was legal and just, he strongly opposed that attempt made by Edward VI, at the instigation of Lord Northumberland, to set aside the succession of his sister Mary to the crown. This opinion he expressed, not-

* In the face of this explicit record it is extraordinary that Lord Campbell should have stated that James Dyer "was elected Speaker, although without the rank of Solicitor-General, or of Sergeant usually considered necessary for that dignity."

withstanding that he had been highly honoured by the King, and in his official capacity had signed the Will of the youthful Monarch as witness.

On the great question of that day, religion, Dyer was opposed to Queen Mary and her immediate adherents, yet, to the honour of Queen and subject alike, it is on record that the appointment of James Dyer, as Queen's Sergeant, was one of the first formal acts of her reign (Oct. 19 1553). He then became Recorder of Cambridge, and in 1556 Puisne Justice of the Common Pleas. In the following year he was made Puisne Justice of the King's Bench, (3 and 4 Phil. and Mary), receiving the oath from Nicholas, Archbishop of York, at that time Chancellor of England,* and thus retained to the last the confidence and respect of the Sovereign. So highly was Sir James Dyer esteemed by all parties alike, that on the very day following the accession of Queen Elizabeth to the throne his Commission as Puisne Justice of the Common Pleas was renewed. And on the following year he was created Lord Chief Justice.

For more than twenty years he discharged the important functions of his high office with such dignity, diligence, thoughtfulness, and integrity, as to command the respect and reverence of all who knew him. Three months only after his death the poet George Whetstone, "moaved with the passion of a common sorrow," celebrated in verse the "pretious vertues, which governed the good Lord Dyer" with a dedication to Lord Chancellor Bromley. Among

* Sir James Dyer himself records the appointment in the following terms in his Reports: "Memorandum quod die Jovis sc.' 20 die Maii An° Dni 1557 recepi Sacramentum unius Justic' de Banco, a Nicholao Archiepiscopo Eborum, Anglie Ca'cellar', una cum literis patentibus d'norum Regis et Reginæ &c: Philippus and Maria d. g. Rex and Regina Angliæ &c. &c. Sciatis qd' co'stituimus dilectum et fidelem nostrum Jacobum Dyer militem unum Justic' nostror' de Communi banco, &c."

the traits of character in private life, Whetstone mentions his fondness for music :

“For publique good, when care had cloid his minde
 The only joye, for to repose his spright,
 Was musique sweet, which show'd him wel inclin'd :
 For he that dooth in musique much delight
 A conscience hath disposéd to most right :
 The reason is, her sounde within our eare
 A sympathie of heaven we think we heare.”*

Lord Chief Justice Dyer had his town house in Charter House Churchyard, and his country mansion in Great Stoughton, Huntingdonshire, where he died March 24th, 1582, in the 72nd year of his age. Having left no children his estates were inherited by Laurence Dyer,† the eldest son of his brother John of Roundhill; but his law books and manuscripts were left to his nephew, Richard Farewell. The distinguished position Sir James Dyer occupied in the legal profession was not without its influence on other members of his family. One of his sisters, Agnes, had married William Rowsell or Rosewell, Solicitor-General to Queen Elizabeth, who resided at Ford Abbey, County of Devon, which he had purchased from Sir Amias Paulet. Another

* A remembrance of the pretious vertues of the Right Honourable and Reverend Judge, Sir James Dier, Knight, Lord Chief Justice of the Common Pleas, who disceased at Great Stawghton in Huntingdonshire, the 24th of Marche, Anno 1582.

The reporte of George Whetstones, Gent. *Formâ nulla fides*. Imprinted at London, by John Charlewood.

Dedicated to Lord Chancellor Bromley.

. I boldlie approach your presence with this simple present, leaving the view thereof to your good Lordship's most convenient leisure, this 17th of Maie, 1582.

Your Honours bounden to do you service.

GEORGE WHESTONES.

Frondes Caducae. Brit. Mus. Library, Press Mark, 644, i, 15.

† The descendants of Laurence Dyer held Great Stoughton for several generations, but became extinct in the male line long before the close of the last century.

sister, Dorothy, had married Simon Farewell of Hills Bishop, near Taunton, whose second son, George Farewell, and his fourth son, Richard, took to the profession of the law. This Richard Farewell, conjointly with his cousin, James Dyer, son of John Dyer of Roundhill, undertook the publication of the careful Reports of Law Cases which their uncle had compiled, and which they dedicated to Lord Chancellor Bromley as their uncle's intimate friend.

The settlement of the Dyers at Roundhill would seem to have led to the removal to this neighbourhood of a branch of the Farewells. John, the eldest son of Simon Farewell and Dorothy Dyer, sister to the Lord Chief Justice, on the death of his father sold the family mansion and estate at Bishops Hull to his second brother, George Farewell, and settled at Holbrook, probably to be near his cousins. This John Farewell, the first of Holbrook, had married the daughter of Thomas Phelips of Montacute, and three of his sons married the three daughters of Brome Johnson, of Bridge, South Petherton.

In the series of shields with armorial bearings (about fifty in number), removed from the old mansion of the Farewells at Hills Bishop, and now in the possession of the writer, there are several which note the alliance of the Dyers ; and among other families may be named : Ewerne, Hannam, Stowell of Cothelstone, and Rodney of Rodney Stoke.

It will be observed that in the old portrait of the Lord Chief Justice, which has hung upon the walls of the Town Hall, at Wincanton, for so many generations, the arms of Dyer are, *or, a chief indented gu.* These are the bearings on the shields to which I have referred. But on an old engraving of Sir James Dyer by Drapentier, the arms are, *sa. 3 gorts arg.* According to the Visitation of Huntingdon-

shire, A.D. 1613, these arms were granted to Sir James Deyer by Dethick, Garter King at Arms.

The Rev. Hill Wickham has an old deed of conveyance of property to his family, signed and sealed by Thomas Dyer of Sharpham, on which the *three goats* alone appear. This, however, I conceive is an impression of the seal, not of Sir Thomas Dyer, but of his kinsman Sir James Dyer. Over the entrance to the old mansion, and on the monuments in the church of Bishops Hull, the only Dyer bearings which occur are, *or, a chief gules*. I mention these facts in order to prevent it being supposed that these different armorial bearings prove the families to be distinct from each other.

The volume of reports, compiled by Sir James Dyer, is valuable and curious.* Apart from the interest which attaches to the strange and grotesque admixture of Norman French, Dog-latin and Old English, in which the reports are embodied, the cases themselves often throw great light upon the history of families and estates in this and other counties, and the judgments recorded embody principles which are recognised and adopted by our judges to the present day. The manuscript of these reports was left by will to his two nephews, Richard Farewell and James Dyer, by their "most dear and loving uncle," for their own private instruction and benefit, and it was only at the earnest solicitation of the leading members of the bar in those days that they were prevailed upon to publish them.

* Les REPORTS des divers select matters et Resolutions des Reverend Judges et Sages del LEY touchant et concernant mults principal points occurrent estre debate per eux : en le several Regnes de les tres-hault et excellent Princes, le Roys Hen. VIII, et Edw. VI and le Roignes Mar. et Eliz.

Collect et Report per tres-reverend Judge Sr JAQUES DYER Chivaler : Jades Chief Justice del Common Banke en le temps du Roigne Elizabeth.

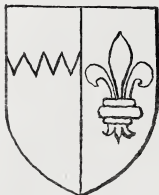
The estimation in which these Reports were held may be inferred from the fact that they were successively reprinted in the years 1585, 1592, 1601, 1621, 1672, and 1688, and I believe they are still referred to in cases bearing on old customs and charters. Judging from the tone and character of the address to the "students of the common laws," and especially to "our Masters the Benchers and Fellow-students of the Middle Temple," prefixed to this volume of reports, we may safely infer that the nephews were not unworthy of their distinguished relative, and possessed the same seriousness and earnestness of purpose. In these words they conclude their address:—"Thus most heartily wishing that the reading of this Work may redound to no less profit and knowledge of them that be Students therein, than was meant and intended unto us by the last and best Will of our most natural and loving Uncle, we commit you to the direction of God's holy Spirit." Among the odes or elegies prefixed to the first edition of this work there is one which embodies in clear and most expressive terms, the estimation in which Sir James Dyer was held both as a judge and a Christian. It is by Gabriel Goodman.

Hunc obiisse putem ? minime. Qui tam bene vixit
 Non obiit, nec obire potest, sed vivet in ævum
 Cum Christo cœlis, in terris ore virorum.

"And can I think a man like him can die? Not so. He who has lived a life so good dies not, and never can, but lives for aye in heaven with Christ, on earth on the lips of men."

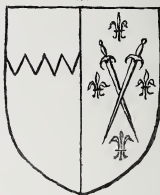
Of such a man, so truly good and great, Wincanton and the County of Somerset may well be proud. May his memory be long cherished here and elsewhere, and may his bright example fill the rising generation in your midst with

1.



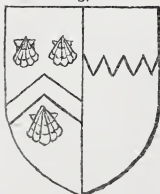
Rich^d. Dyer—Waltori.

2.



Sir James Dyer—A'Barrow.

3.



Simon Farewell—Dyer.

4.



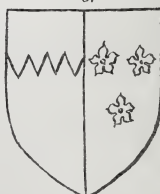
Wm. Rowsell—Dyer.

5.



Rich^d. Farewell—Frie.

6.



James Dyer—Cheeke.

the praiseworthy ambition to strive for like distinction by pursuing the same path of unwearied diligence and inviolable integrity. And when the inhabitants of this ancient town look up upon the too imperfect delineation of the features of their distinguished fellow-parishioner in that picture in their Town Hall, let them bear in mind the words of Wheatstone, a cotemporary of the Lord Chief Justice, who in reference to him said :—

“ Alive, refuge of those whom wrong did payne,
A DYER, such as dy'de without a stayne.”

The Armorial Bearings given on the accompanying plate are copied from the series of shields formerly in the family mansion of the Farewells at Bishops Hull, near Taunton.

No 1 gives the arms of Richard Dyer of Roundhill, near Wincanton, (the father of Chief Justice Dyer) who married . . . Walton : *or, a chief indented gu.* for Dyer, and *ar, a fleur-de-lis gu.* for Walton.

No 2 the arms of Lord Chief Justice Dyer ; *or, a chief indented gu.* impaling *sa, 2 swords in saltyre ar, betw. 4 fleurs-de-lis or,* for his wife, Margaret A'Barrow.

No 3 the arms of Simon Farewell, (the second of that name of Bishops Hull), *sa. a chevron betw. 3 escallops ar.* impaling those of his wife Dorothy dau. of Richard Dyer of Roundhill.

No 4 the arms of William Rowsell or Rosewell of Ford Abbey, (Solicitor General to Queen Elizabeth), *per pale gu. and az. a lion rampant tail forked arg.* impaling those of his wife Agnes dau. of Richard Dyer.

No 5 the arms of Richard Farewell, the son of Simon Farewell, and nephew of Chief Justice Dyer. He married Anne dau. of John Frie of Yarty, County of Devon. *Sa. a chevron betw. 3 escallops ar. for Farewell, impaling for Frie, arg. 3 hobbies courant in pile gu.* He was co-editor with his cousin James Dyer of their uncle's Reports.

No 6 gives the arms of the above named James Dyer, younger son of John Dyer of Roundhill, who married Jane dau. of . . . Cheeke: Dyer impaling *arg. 3 cinque foils gu.* for Cheeke.
