GREAT STAUGHTON AND ITS PEOPLE

HOW A HUNTINGDONSHIRE VILLAGE LEFT ITS MARK ON ENGLAND'S HISTORY

by

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'… that famous and most reverend judge ...'

Thus Sir Edward Coke, England's celebrated seventeenth-century jurist, paid fulsome tribute to Sir James Dyer, one of his predecessors as Lord Chief Justice of the Common Pleas. There is a more visible testament to the fame and reputation of Sir James Dyer and it is to be found in St Andrew's Church in Great Staughton. The impressive double monument next to the altar, erected some twenty years after his death, shows him appropriately clad in his coif of office, kneeling in an attitude of prayer and facing his wife, Margaret. To the right is his great-nephew and heir Sir Richard Dyer, gentleman to the privy chamber of James I, and his wife Marie. The inscription above the monument reads: 'Here lieth Sir James Deyer, Knight, sometime Lord Chief Justice of the Common Pleas — and Dame Margaret, his wife: which Dame Margaret was here interr'd the six and twentieth day of August, 1560, and the said Sir James, upon the five and twentieth of March, 1582.' A florid Latin verse eulogises his fame.

Coke was not alone in praising the life and achievements of James Dyer. George Whetstone was a prolific minor poet, biographer and sometime soldier whose tenuous claim to fame rests upon the alleged resemblance of his epic play, *The right excellent and famous Historye of Promos and Cassandra: devided into two Commicall Discourses*, to the plot of Shakespeare's *Measure for Measure*. Shortly after Sir James Dyer died in March 1582, Whetstone was moved to write a eulogy in praise of this eminent officer of the law. This was no routine obituary, which might be penned on the passing of a prominent figure, but a tribute, born of respect and admiration for the reputation and personal qualities of a man who had occupied, for over twenty years, the highest legal position in the land. Whetstone's lament, written entirely in verse and dated 17 May 1582, was entitled, *A remembraunce of the precious vertues of the Right Honourable and Reverend Judge, Sir James Dier, who disseased at great Staughton, the 24th of Marche, 1582*. The poet praises Dyer's honest character, integrity and professional competence:

The deapth of law he searcht with painefull toyle
Not cunning quirks, the simple man to spoyle

Who was James Dyer and what prompted this outpouring of praise and respect? James Dyer (his name is also spelt Deyer or Dier) was not a native of Huntingdonshire although he spent the most productive part of his life here. He was born c. 1510 in Wincanton, Somerset, to Sir Richard Dyer of Roundhill and Wincanton and his wife Lady Elizabeth, from a long-established and well-connected family. Dyer was educated first at Broadgates Hall Oxford (now Pembroke College) and later at the Strand Inn, Middle Temple.

James Dyer's life spanned four very different reigns (five, if Lady Jane Grey is included): Henry VIII, Edward VI, Mary I and Elizabeth I. Like Oliver Leder, his Great Staughton near contemporary and neighbour, Dyer, in common with many who rose to prominence during this stormy decade, had to tread a very careful path between the religious and political factions that dominated English society from Edward VI's accession to the throne in 1547 until Elizabeth restored some semblance of harmony and stability to the country when she began her long reign in 1558.

Dyer's beginnings in 1536, when he was practising at the King's Bench, were not auspicious: he was described as 'not very rapid for both his parts and acquirements are said to have been more solid than brilliant'. Nonetheless, Dyer was able to cultivate useful contacts amongst the established figures of the time, including Sir William Fitzwilliam, Earl of Southampton, who left

him a legacy in 1542. He also had friends in Wells cathedral, where he appears to have held two minor appointments. Despite his perceived shortcomings, Dyer prospered in his work as a barrister in the King's Bench by his own talent rather than the grace and favour of friends. It was in this year that Dyer began writing reports on the cases in which he was involved. He made his own copious notes of court proceedings but much of this early work was probably copied from other reports compiled by his fellow lawyers. He spent his evenings polishing these drafts. It was the beginning of a self-appointed task that would lead many years later to several volumes of reports of cases brought before the courts during the previous century. Dyer's reports gave rise to the legal principle that obliges judges to respect a precedent established by previous court judgements and decisions. Thus was born the law of precedents, backbone of English Common Law for over 400 years. The man responsible for establishing this important principle was James Dyer.

The number of court positions Dyer occupied bears witness to the esteem in which he was held. He was practising at the Middle Temple by 1530 and called to the bar in 1537 in his mid-20s. Soon after acquiring his estates in Cambridgeshire, he was appointed Justice of the Peace for that county in 1547. His success at navigating the political crises between 1552 and 1557, from Protestantism to Protestantism via Catholic orthodoxy, demonstrated both Dyer's diplomatic skills and the high esteem in which his legal prowess was held. Thus, in 1552, he was appointed Serjeant-at-law, and appointed knight of the shire for Cambridgeshire in 1547 and 1553. In that year he became Speaker of the House of Commons and on 4 March was said to have made 'an ornate oration before the king'. His crowning achievement as a law officer began in 1557, when he became a judge of the Court of Common Pleas, followed two years later by his appointment as Chief Justice of the Common Pleas, a position he held for over twenty years from January 1559 until his death in 1582.

In December 1539 he had the means to purchase a rectory and a chapel in Somerset. In 1542 Dyer was elected Member of Parliament for Wells in Somerset, replacing a colleague at the Middle Temple, John Mawdley, who had played an active role in furthering Dyer's legal career. On 9 February 1547 Dyer married Margaret à Barrow, widow of the philologist Sir Thomas Elyot of Long Combe, Oxfordshire and Carlton cum Willingham, Cambridgeshire who had died just eleven months previously. Elyot was the author of *The Boke named the Governour*, better known as *The Book of the Governor*, a manual instructing the gentry on how to conduct themselves in the exercise of public office, a book that Dyer may well have profitably consulted. This fortunate alliance, which brought land in Cambridgeshire as part of the dowry, undoubtedly moved Dyer further up the social ladder and would later prompt him and his wife to purchase property in Great Staughton. In the subsidy rolls of the county of 1547, he was assessed on lands worth £200 a year. In that same year he was appointed Justice of the Peace for Cambridgeshire.

Dyer's legal career continued to flourish. In 1551, William Cecil (later to become Elizabeth I's powerful adviser) was said to have considered Dyer for the position of Master of the Rolls, but he was ultimately passed over. He did however become Autumn Reader at the Middle Temple in 1552, an important and ancient honour. Having delivered the lecture, it was the custom to exchange rings; contrary to tradition, Dyer had the rings engraved with a motto; *Plebs sine lege ruit* (Without the law, the people will founder.)

Henry VIII died in 1547 and was succeeded by his nine-year-old son Edward. This must have been an unsettling time for Dyer. A new regime was often accompanied by dramatic changes to the status quo. The new king outlined his aim of having a Parliament 'composed of men endowed with good and great abilities to consult with him on the pressing affairs and difficulties of his

kingdom'. He wished to surround himself with 'men of learning and wisdom' to ensure that 'this assembly [would be] of the most choicest men in our realm for advice and counsel' James Dyer became one of the 'most choicest men' around the king.

Dyer found himself caught up in Edward's machinations to ensure that his doctrinal legacy was preserved. He must have won the respect of the king, for he was knighted in April 1553 in recognition of his legal expertise and for his services as Speaker of the House Commons. On 21 June 1553, a month before his death, Edward signed his will, known as the Letters Patent, the intention of which was to prevent the accession of the Catholic Mary. Dyer was invited to be a signatory of the Letters Patent. It must have given him pause for thought, for he was in effect endorsing Edward's Protestant doctrine.

The Catholic Mary I was now on the throne, and she was confronted by the fact that James Dyer, one of her senior legal officers, had signed Edward's Letters Patent. The new queen wisely chose the path of magnanimity when she came to review the qualities and competencies of the public servants she had inherited. On 19 October 1553, just months after succeeding to the throne, she appointed Dyer as one of her serjeants and commissioners. In that year he became a member of the Order of the Coif, an elite group of senior lawyers, never more than ten in number, drawn from the four great Inns of Court, who alone had the right to be appointed Justice of the Common Pleas. As a symbol of their office, they wore a coif, a cowl or hood, which exposed only the face.

Mary elevated James Dyer to the bench on 8 May 1556 so any hurt she may have felt at him signing the Letters Patent must have been assuaged by then. To further cement his loyalty to Mary, in November 1556, Dyer restored to religious use the rectory of Staplegrove, Somerset, which he had purchased seventeen years previously. This act of timely piety may not have been unhelpful when, six months later on 8 May 1557, Dyer was raised to the bench of Common Pleas. On 17 November 1558, Mary died and was replaced by the Protestant Elizabeth.

The transition from the Catholicism of Mary to the Protestant Elizabeth did not appear to harm James Dyer's reputation for on 22 January 1559 he was promoted to Chief Justice of the Common Pleas, a position he was to hold for over two decades. It was as Lord Chief Justice of the Common Pleas that Dyer achieved lasting fame. The Court of Common Pleas was established to examine civil actions, mostly involving property disputes and other civil matters and, during Dyer's time, it was an exceptionally busy place. The reports, summaries of previous historical cases, which Dyer had been compiling for over twenty years, were now used by him in his new position. Dyer's collected law reports, numbering over 1,000 entries and going back to 1513, were published in a single volume in 1585, and reprinted in 1592, 1601, 1621 and 1672. The original title of the volumes was: *Les reports des divers matters & resolutions des reverend judges & sages del ley : touchant & concernant mults principal points occurrent estre debate per eux : en le several reignes de les tres-hault & excellent princes, le roys Hen. 8 & Edw. 6 & les roignes Mar. & Eliz* (Reports of several select matters and resolutions of the reverend judges and sages of the law, etc. dating from the reigns of Henry VIII, Edward VI and queens Mary and Elizabeth). As was the custom, the reports were written in Anglo-French. A table of contents, compiled by Thomas Ashe, was printed in 1588 and separately reprinted in 1600 and 1622. John Vaillant published a complete translation of Dyer's *Reports* over 200 years later in 1794, testifying to their far-reaching influence.

Three attributes that characterised Dyer's conduct in his cases were integrity, impartiality and a commitment to law and justice. One example of how Dyer made use of his reports is in a lurid murder case that took place in Easter Term 1574. The facts of the case were straightforward. A wife conspired with her servant to have her husband murdered. To provide herself with an alibi, she specified the time and date when the crime was to be committed. At this point, Dyer consulted

his reports to find a previous case where a murder had been committed by a third party and found the case of Saunders and Browne of London. Mrs Saunders solicited a stranger, Browne, to murder her husband. The judge in that case found that such a 'third party murder' was 'petty treason, notwithstanding the wife was not present, by the opinion of diverse Justices'. In the record of the trial, Dyer appended a marginal note, stating: 'A wife conspiring with a servant to kill her husband, though he be killed in her absence by the servant, is guilty of petit treason. Sicus of such as (i.e. similar to) conspiring with a stranger.' Dyer used the Saunders' precedent to find the accused guilty of murder.

A case brought before Dyer at the Warwick Assizes, also in 1574, demonstrated his punctilious impartiality in interpreting the law. He 'ruled by laws and listned not to arte', as George Whetstone wrote. A poor widow alleged that a rich knight of the shire, Sir John Conway, in collusion with local magistrates, had conspired to evict her illegally for non-payment of rent. The widow successfully brought an act for trespass against the knight. Sir John, aided by a body of armed men, subsequently resisted the sheriff's attempts to uphold the law in favour of the widow, causing a riot in the process. The magistrates, presumably cowed by the power and wealth of Sir John Conway, failed to deal with the riot. Disregarding the high status and influence of the knight of the shire, Sir James Dyer lambasted the magistrates for dereliction of their legal duties in supporting someone of their own class rather than upholding the law. He then personally drew up the bills of indictment against several of them because the widow had neither the resources nor the legal knowledge to do so. The magistrates did not take this lying down but reported Dyer to the Privy Council. This august body wasted no time in rebutting these charges and duly punished the author of the attack 'that depraved the good judge Sir James Dyer'. The widow won her case.

In 1558, the year that Dyer was promoted to the Queen's Bench, saw him purchase Place House from the estate of Sir Oliver Leder. The chief messuage also included substantial land holdings, including parks, cottages and houses and 100 acres of pasture. Two years later, in 1560, Dyer's wife Margaret died and was buried in Great Staughton.

Dyer began buying land elsewhere in Huntingdonshire and further afield in Kent and Leicestershire. More ambitiously, in 1562 he purchased the Earl of Westmorland's mansion house near St Bartholomew's Hospital in the parish of St Sepulchre, London. In 1567 Dyer acquired more land and property in *Maugrey, Parva Paxton, Magna Paxton, Southoo, Hayleweston* and *Eynesburye.* This included twenty tofts, sixty messuages, two mills, a dovehouse, sixty orchards, sixty gardens, 200 acres of wood, moorland and common pasture 'for all manner of cattle'. He also claimed free fishing rights in the waters next to Magna Paxton and Hayleweston.

In early 1582 Dyer fell ill. Just before his death, a curious incident occurred. A Northamptonshire man had made some foolish remarks about him and was sentenced to lose both ears, pay a heavy fine and remain in the Fleet prison until he had obtained Dyer's forgiveness. Demonstrating a magnanimity of spirit, Dyer duly forgave the man.

On 13 March the Chief Justice of the Common Pleas made his last will and testament. Sir James died on 24 March 1582 at Place House in Great Staughton and was buried in the churchyard of St Andrew's Church next to his wife Margaret. The entry in the Great Staughton parish registers reads: *Burials, May 25 1582 Dyer James Chief Justice of the Bench.*

He directed in his will 'that a grave stone be layde uppon her corps and myne there withe oure names and stiles to be engraven with the daies and tymes of our deathes'. The Dyers had no children. His portrait (there are three held by the National Portrait Gallery, London) show him as a man 'of a handsome reverend and venerable countenance and personage'.

Sir James Dyer's will revealed him to be of a gentle and charitable disposition. His London residence was left for the benefit of the poor. Every person living in the alms-houses in Willingham, Cambridge was to receive eight pence per week for life, to prevent them, he stated, 'becoming a charge on the parish by force of the late Act and Statute by reason of their last abode there'. The vicars of Great Staughton and their successors were to receive forty shillings a year in perpetuity 'towards the augmentation of their small stipend and living' on condition that they preached at least four sermons there each year. He enjoined his heir and his descendants to keep at Staughton 'an honest and continual house and hospitality'.

Public figures were similarly remembered. Queen Elizabeth received 'my ring with a diamond' for 'the great goodness and benefits which she hath freely bestowed on me since her coming to the crown'. To his 'singular good lord' the Earl of Leicester, Dyer left his 'best stoned horse or £20 in money', whilst his 'very good friend and neighbour' the Bishop of Lincoln was left a gilt cup. Dyer's relatives were beneficiaries of his will. To a niece, he left 500 marks as a marriage portion and another nephew who was left all Dyer's non-legal books except 'Chronicles, Mr. Elyot's Dictionary and Thesaurus Lingue Latine of Cowper's collection'. He left to his two nephews 'all my books of the law as well abridgements and reports of mine own handwriting as other'.

His mansion, Place House, and his estate, descended to Sir Richard Dyer, his great-nephew, whose grandson, Ludovick, was created a baronet in 1627. Ludovick died without issue in 1670 and the title became extinct.

Sir Edward Coke, Dyer's younger contemporary, author of *The Institutes of the Lawes of England* and one of Dyer's successors as Chief Justice of the Common Pleas, was lavish in his praise of the fame and reputation of Sir James. He wrote: 'A judge of profound knowledge and judgment in the laws of the land, and … of great piety and sincerity, who in his heart abhorred all corruption and deceit; of a bountiful and generous disposition … and of a fine, reverend and venerable countenance and personage.'