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A NOTE ON ROBINSON'S BRIEF COLLECTION OF . . . COURTS OF RECORDS

W. H. BRYSON

IN 1953 R. L. Rickard edited for the *Camden Miscellany* a short tract by Richard Robinson which describes briefly the various English courts of law as they were at the end of the sixteenth century: 'A Briefe Collection of the Queenes Majesties Most High and Most Honourable Courtes of Recordes.'¹ In addition to the three manuscript copies which Rickard mentioned in his preface, fourteen others have recently been identified of which he appears to have been unaware. Since one of these is more complete and several are more interesting than the copy which was edited, a short note is required for the sake of bibliographical completeness. Although this tract is not of sufficient merit to warrant another edition at this time, the survival of seventeen manuscript copies suggests that it was a more important work for lawyers and others in the period 1575-1650 than has been commonly supposed. The reader may therefore find interesting these comments on the manuscripts.

Richard Robinson of London, a freeman of the Leathersellers' Company, lived and worked in the last quarter of the sixteenth century. Robinson was a thoroughly insignificant man in his own time; however, he is of the greatest interest to bibliographers today because he compiled his own bibliography in the vain hope that it would increase his fortunes and get him royal patronage. His life and work have already been fully discussed;² my only contribution is the discovery that in 1588 Robinson lived in Cowe Lane, London.³

Robinson was by profession a hack and a copyist, not an author. His works are all translations or compilations. In one manuscript copy of this tract on courts, he describes himself merely as a 'scriptor'.⁴ He earned his meagre living by making copies of things brought to him to be transcribed, by translating into English for printers various religious and historical works, and by making copies of tracts which he tried to sell. The copies of the tract on the law courts have elaborate title pages embellished with verses from the Bible and with others of his own composition. He also frequently added his personal motto 'Scribendo Proficiam? Proficiendo Scribam'. This was his favourite, but he also had another, 'Pro Deo et Rege, Lege et Grege'.

As Rickard has pointed out, Robinson copied Alexander Fisher's tract and also added to it. In most of the earlier copies Robinson added much less than he did in the copy edited by Rickard. (This will be mentioned below.) Therefore whether it is strictly accurate to assign the authorship of this tract to Robinson rather than to Fisher is debatable. Robinson copied everything that

Fisher wrote but greatly enlarged it. Since Robinson's name has been so often connected with the manuscripts and the printed edition, it would create unnecessary confusion to change the attribution of authorship. After all, Robinson did make a significant contribution to the composition of the final tract.

The following autobiographical excerpt sheds some light on the life and work of Robinson and on this tract on the courts of law:

Insomuche as when I had spare tyme from wryting for them [his 'good frendes in this City'], I sett my self on worcke upon a tyme in the vacation of the Somer (in August and September Anno dicto 1593 the plaigue then somewhat ceasing) to Copy oute a booke of my owne [i.e. one that he owned himself rather than one he borrowed] vizt. Offices and Charges in dyvers courtes at the Comon lawes, beneficiall for Students at Lawe and younge practizioners as I had before tyme founde owte good frendes and furtherance in the same. One of these Bookes well written I brought on Wednesday the 3 of August 1593 unto one Robert Griffith a Scrivener at Ram Alley gate in Fleete Streete.⁵

Thus we see that Robinson owned a copy of the tract by Fisher, and whenever he had no other work to do he would make another copy of it and go looking for a purchaser. It was intended for the use of law students. Judging from the number of copies which have survived and from the evidence of copies made from copies, it appears to have been widely used. Certainly many students must have read each copy though it was too elementary to be of value to anyone of any experience.

The following seventeen manuscript copies of this tract have been discovered so far:

Public Record Office: S.P.12/110 part 19 (1576).
British Museum MS Cot. Jul. F. 6, ff. 236-9 (n.d.).
University Library, Cambridge MS Dd. 10.49, ff. 4-24 (n.d.).
University Library, Cambridge MS Ff. 4.18, ff. 35-8 (n.d.).
Harvard Univ. MS Eng. 976 (29 June 1588).
Trinity College Dublin MS 734, ff. 1-19 (29 July 1588).
Inner Temple MS Barrington 29, ff. 666-73 (31 July 1588).
Leeds Central Library: Phillips MS 11125, ff. 62-6 (n.d.).
Bodleian Library, Oxford, MS Eng. Hist. b. 117, pp. 43-53 (n.d.).
British Museum MS Harl. 1741 (n.d.).
Inner Temple MS Barrington 29, ff. 675-86 (30 September 1592).
All Souls, Oxford MS 125, ff. 47-56 (14 February 1593/4).
British Museum MS Cot. Vesp. E. 8, ff. 2-12 and Cot. Tit. A. 26, ff. 208-30 (26 October 1603).
New College, Oxford, MS 325, pp. A1-M3 (temp. James I).
British Museum MS Harl. 4300, ff. 1-10 (after 1603).
British Museum MS Harl. 5190, ff. 75-9 (temp. Charles I).
British Museum MS Harl. 39, ff. 97-115 (temp. Charles I).

The earliest copy of this tract, P.R.O.: S.P.12/110 part 19, is the only one which mentions Fisher. The title given on the first folio is 'A Description of the Courtes of Justice in England by Alexander Fisher 1576'. Fisher began

with an elaborate introduction and then discussed briefly the courts in the following order: Parliament, Chancery, King's Bench, Common Pleas, Exchequer, Wards and Liveries, Star Chamber, Requests, and the Court of Duchy Chamber of Lancaster. The last three paragraphs describe proceedings at nisi prius.

B.M. MS Cot. Jul. F. 6, ff. 236-9, has no date, title, or author mentioned. It is a greatly abbreviated version of the tract, almost a mere outline. It has the same introduction as the other copies, but it gives no more than three paragraphs on any one court. The same courts are mentioned as in the copy in the Public Record Office, and they are in the same order except that the Duchy Court is mentioned before the Court of Requests. This is a mere scribal slip; in the list of courts in the introduction, the original order was maintained. There are four references to the 'Queen'; this suggests that it dates from the reign of Elizabeth.

The next manuscript to be noted is U.L.C., MS Dd. 10. 49, ff. 4-24. Although it is undated, it is the only copy which follows exactly Fisher's order in describing the courts. This copy is entitled simply 'Of the Courts of this Realme'. There are additional paragraphs for the sections on the Courts of Chancery, Exchequer, Wards, and Star Chamber. However, the section of most interest and value is that which describes Parliament. After copying the material in the original tract, this manuscript gives a long sub-section of seven pages, which is entitled 'The Forme of houlding the Parliament'. This is a slightly abridged copy of Book 2, Chapter 2, of Sir Thomas Smith's *De Republica Anglorum*, which was written in 1565 and first published in 1583. This addition is not contained in any of the other copies of Fisher's tract. There is no clue as to the date of this manuscript.

A similar copy is U.L.C., Ff. 4. 18, ff. 35-8. This undated manuscript is a very sloppy copy. The title on it is 'A decription [*sic*] of the Corts of Justice in England', the same title as the original. The courts are treated in the same order as Fisher's original except that the order of the last two is inverted. The list in the introduction is in Fisher's order, which indicates that this inversion was accidental. In this manuscript, as in the one mentioned immediately above, the most interesting part is that on Parliament. It begins with Fisher's description and then gives a three-page essay entitled 'Of the dignitie power & authoritie of the Parliament & of the orders'. This addition is a copy of chapter 20 of 'The Order and Usage How to Keep a Parliament in England' which was written in 1571 by John Vowell alias Hooker.⁶

None of the above-mentioned copies of this tract mention Richard Robinson; however, B.M. MS Harl. 5190, ff. 75-9, is a copy made during the reign of Charles I from a copy made by Robinson on 7 February 1587-8. The title of this manuscript is 'An abreviat concerning the <memorable Statutes, and conditions of his Majesties>⁷ Courts of Record, kept in <and about London &

Westminster apertinent to the common law of this land. What Magistrates & officers are therein placed & imployed, to the glory of God, the honor of his Majesty & the Common Weale of his Subjects.' The order of the courts is the same as in the original in the Public Record Office with the paragraphs on nisi prius made into a separate section inserted between the Courts of Common Pleas and Exchequer. The section on Parliament follows Fisher and gives no more. Thus we know that by February 1588 Robinson had obtained Fisher's tract and had begun to manufacture copies of it. The copy he made on 7 February 1588 has not turned up.

On 29 June 1588 Robinson made Harvard Univ. MS Eng. 976. This manuscript begins with a half-title: 'A Description of the Severall Courts of England'. The title page is fuller, reading 'A Breviatt Concerninge the memorable States and Conditions of the Queenes Majesties Honorable Courts of Records kept in and about the Cittyes of London and Westminster. What Magistrates Officers, and manner of proceedings (att the Comon Lawes of England) are in every the same Courts to the glory of God, Honour of her Majestie and the Commonwealth of her Subjects.' Then follow several lines of epigrammatical verse to fill up the middle of the page. At the bottom is written: 'Anno Domini 1588 Regnique Elizabethae Reginae XXX^o, 29^o Junii, Scribendo Proficiam? Proficiendo Scribam, per me R. Robinson.' The text is a copy of Fisher's manuscript with the description of nisi prius as a separate section. The last page is filled out with a verse, Robinson's motto, and his signature.

The next copy of which we know was made a month later, on 29 July 1588; it is now Trinity College Dublin MS 734. This seems to be in Robinson's hand. It is more or less the same as the Harvard copy, but the half-title of this manuscript is the new full title of the Harvard manuscript; Fisher's title was thus completely discarded. The title page is the same as that of the Harvard transcript, and the characteristic verses, dates, mottoes and signatures are present.

Two days later, on 31 July 1588, another copy appeared: Inner Temple MS Barrington 29, ff. 666-73. It is the same as the Trinity College Dublin copy, but this is clearly the product of Robinson's hand.

When Robinson made a better than ordinary copy, the result was quite distinctive. The following manuscript tracts are obvious examples of his handiwork: 'Libri Decimi Quinti Historiae Belgicae . . .' (1596), Bodl. MS Tanner 255; 'An English Quid for a Spanish Quo . . .' (1596), Bodl. MS Rawl. B. 259, ff. 47-61; 'The perfect Instructions of an Atorney in the Comon Place . . .' (n.d.), Inner Temple MS Barrington 29, ff. 687-90; 'Almae Curiae Spirituales' (1597), Inner Temple MS Barrington 29, ff. 691-6; 'Eupolemia, Archippus, and Panoplia' (1603), B.M. MS Royal 18. A. 66.

The next manuscript to be mentioned, Bodl. MS Eng. Hist. b. 117, pp. 43-53, has no verses, date or signature. It is not in Robinson's hand, but it does follow the same order as the three copies mentioned immediately above. Though the

title has been altered slightly it is certainly Robinson's title rather than Fisher's. This manuscript is a copy of one of Robinson's, but since it gives no date it cannot be known which. The title refers to the Queen so it can be reasonably supposed that this copy was made during the reign of Elizabeth.

B.M. MS Harl. 1741 is a copy which was made or owned by J. Borne or H. Borne.⁸ It is not dated. At the beginning of this was copied Robinson's motto, 'Scribendo Proficiam Proficiendo Scribam'; however, there is no direct mention of Robinson nor any other clue as to his connection with this tract. Leeds Central Library: Phillips MS 11125, ff. 62-6, is very similar but has no motto. An Elizabethan model was the exemplar for B.M. MS Harl. 39, ff. 97-115, which was made during the reign of Charles I. There are references to 'the Queen', but the name of King Charles is to be found in the section on Parliament.

In 1589 the third posthumous edition of Sir Thomas Smith's *De Republica Anglorum* appeared, augmented by Fisher's tract on the Courts of Record. The various sections on the Courts of Record were added to the appropriate chapters of books two and three of Smith's work, and these additions were attributed to the authorship of Sir Thomas Smith by the publisher. However, Maitland was of the opinion that they were not written by Smith,⁹ and a comparison with the manuscripts of Fisher's tract proves that he was correct. By 1641 Smith's treatise had appeared in eight additional English editions and in four Latin editions, all of which included the additional material taken from the tract now under discussion.

Sometime between July 1588 and July 1592 Robinson enlarged this tract by adding a great deal of material to the section on Parliament. The new matter gives a bit more information as to the procedure in Parliament, and it lists the lords and representatives of the Commons who were entitled to sit. The New College Oxford MS 325, pp. A1-M3, was made during the reign of James I, but it is a copy of a manuscript which Robinson made on 10 July 1592. It is this New College manuscript which was edited by Rickard for the *Camden Miscellany*. This version of the tract has a title which is new, although it is very close in style to Robinson's first title and uses some of its phrasing. Also the order of the discussion of the courts was altered: the sequence of the new version is Parliament, Chancery, King's Bench, Common Pleas, Star Chamber, Requests, Exchequer, Exchequer Chamber, Wards and Liveries, Duchy Chamber and nisi prius.

A couple of months later Robinson made Inner Temple MS Barrington 29, ff. 675-86, which is dated 30 September 1592 and this manuscript is of Robinson's own manufacture. It is the same in form and content as the New College manuscript and may have been based on the copy made on 10 July 1592. This Inner Temple copy differs from the one which was printed in that there is no dedication; the title begins with the words 'A Brief Collection . . .'

and then continues in the same manner as the New College copy. This copy omits the part on the Court of Exchequer Chamber.

The next copy in point of time is All Souls College Oxford MS 125, ff. 47–56, which is dated 14 February 1593/4 and attributed to R. Robinson. It is not in his hand but follows the first-mentioned manuscripts, the Harvard and Trinity College Dublin copies. It has Fisher's original title though it was somewhat enlarged: 'A Treatise of the severall Judiciall Courts in England their Jurisdiction, Officers & manner of proceeding therein'. Perhaps this was an inexpensive, low-quality issue for some impoverished law student.

Another copy of this tract which is of a later date but follows the earlier version (like the All Souls manuscript) is B.M. MS Harl. 4300, ff. 1–10; this copy was not made by Robinson either. It has the same title as Bodl. MS Eng. Hist. b. 117. However, the references in the title to the Queen have been changed to the King indicating that this manuscript dates from after 1603.

The final copy to be discussed is by far the most interesting. It is in the British Museum in the Cottonian collection but bound up in two different volumes: B.M. MS Cot. Vesp. E. 8, ff. 2–12, and Cot. Tit. A. 26, ff. 208–30. It is in Robinson's hand and has his verses, motto and signature; it is dated 26 October 1603. This manuscript is a de luxe edition in Latin based on the later enlarged version of the tract. The Latin title was based on the English one of the second version, but Robinson has added in the title that this book of instruction was written to teach about the courts, their names, clerks, judges, etc. It has the same courts as Inner Temple MS Barrington 29, ff. 675–86, and they are in the same order though several sections were further enlarged. Moreover, he has added very short notices of the Courts of Admiralty and Assize and the Councils of the Marches of Wales and of the North. These four new sections were put between the sections covering the Courts of Duchy Chamber and *nisi prius*. It is apparent that he began making this copy before the death of Queen Elizabeth on 24 March 1603 because the references to her in the first part of the tract were changed to King James. He was not able to finish this labour until the 26th of October of that year.

From the general perspective gained from this collection of manuscripts we can begin to see the profession of the late sixteenth-century copyist or scrivener. We have here seventeen copies of the same tract, three or four of which¹⁰ were made by the same scribe. Furthermore, we know that he made at least four others between 1588 and 1594; we have copies in other hands which transcribe his signatures and dates.¹¹ In addition Robinson tells us that in August and September 1593 he made some more copies.¹² We see that he started off with Fisher's original or with an early copy of it. He did not use this manuscript after he had made one copy but followed one of his own exemplars which had the separate section on *nisi prius*. After he had enlarged it prior to July 1592, he sometimes copied his enlarged version¹³ and sometimes the first version.¹⁴

He was able to make a copy within two days; Inner Temple MS Barrington 29, ff. 666-73, is dated two days later than Trinity College Dublin MS 734.

The law students of the late sixteenth and early seventeenth centuries must have found it a useful work for more than twenty-two copies to have been made, thirteen of which were made by people other than Robinson, even though it was substantially in print after 1589.

NOTES

- 1 *Camden Miscellany*, vol. 20, Camden Third Series, vol. 83 (1953).
- 2 R. B. McKerrow, 'Richard Robinson's "Eupolemia, Archippus, and Panoplia" (1603)', *Gentleman's Magazine*, ccc (1906), 277-84; G. McG. Vogt, 'Richard Robinson's *Eupolemia* (1603)', *Studies in Philology*, xxi (1924), 629-48; W. W. Greg, 'Richard Robinson and the Stationers' Register', *Modern Language Review*, I (1955), pp. 407-13; *D.N.B.* xvii 37, 38.
- 3 Inner Temple MS Barrington 29, f. 666.
- 4 B.M. MS Cot. Tit. A. 26, ff. 228, 230 v.
- 5 B.M. MS Royal 18 A. 66, f. 33 v.
- 6 Hooker's work was published in Holinshed's *Chronicles* (3rd ed. 1808), vi, 358-61; a manuscript copy is in Lincoln's Inn MS Misc. 718, part 18; this addition was kindly identified for me by Miss M. A. Randall.
- 7 The words within angle brackets were struck out.
- 8 This MS and the next two to be mentioned were kindly brought to my attention by Dr J. H. Baker.
- 9 Sir Thomas Smith, *De Republica Anglorum* (ed. L. Alston, 1906), pp. 147-52.
- 10 Trinity College Dublin MS 734 (?); Inner Temple MS Barrington 29, ff. 666-73 (31 July 1588) and ff. 675-86 (30 September 1592); B.M. MSS Cot. Vesp. E. 8 and Cot. Tit. A. 26.
- 11 B.M. MS Harl. 5190 (7 February 1587/8); Harvard Univ. MS Eng. 976 (29 June 1588); New College Oxf. MS 325 (10 July 1592); All Souls Oxf. MS 125 (14 February 1593/4).
- 12 See above.
- 13 Inner Temple MS Barrington 29, ff. 675-86 (30 September 1592); B.M. MSS Cot. Vesp. E. 8 and Cot. Tit. A. 26 (26 October 1603).
- 14 All Souls Oxf. MS 125 (14 February 1593/4).