

PROCEEDINGS
OF THE
HISTORIC SOCIETY
OF
LANCASHIRE AND CHESHIRE.

SESSION II.

NOVEMBER 8th, 1849.

No. 1.

The First Meeting of the Second Session of the Society was held in the Board Room of the Collegiate Institution, Liverpool, on Thursday, the 8th November, 1849,

HUGH NEILL, Esq., in the Chair.

The following Gentlemen were elected Members of the Society:—

Fenton Robinson Atkinson, of Oak House, Pendleton, Manchester.

Thomas Bickerton Evans, of Lord Street, Liverpool.

Joseph Guyton, of No. 5, Church Street, Edge Hill, Liverpool.

John Harland, of Manchester.

The Rev. J. S. Howson, M.A., Principal of the Collegiate Institution, Liverpool.

The Rev. William H. Massie, M.A., Rector of St. Mary's, Chester.

The Rev. Thomas Moore, M.A., of 4, Clarence Street, Everton.

Richard Sharpe, of 86, Mount Pleasant, Liverpool.

William Stuart, of Springfield House, Knotty Ash, Liverpool.

The following Donations to the Society were announced:—

1. BOOKS AND PAMPHLETS.—Sir Hugh of Lincoln, or an examination of a curious tradition concerning the Jews; from the Author, Rev. A. Hume, LL.D., F.S.A. Pennant's Tour in Wales, 4to, 3 vols.; from Richard Sharpe, Esq. Remarks on a Series of Charges recently preferred against him by the Rev. the Presbytery of Glasgow, 1835, by the Rev. D. Thom; and a short reply to the Rev. D. Thom's pamphlet; from the Rev. Dr. Thom. Catalogue of contents of Codex Holbrookiensis, by J. O. Halliwell, 1840. The connexion of Wales with the early science of England, by the same, 1840. Introduction to Shakespeare's Midsummer Night's Dream, by the same, 1841. The Manuscript Rarities of the University of Cambridge, by the same, 1841. Rara Mathematica, by the same, 1841. Historia Collegii Cantabrigiensis, by the same, 1840—Six tracts; from J. O. Halliwell, Esq.

Fourteen Volumes of the Liverpool Directory, 1805-1841; from P. R. M'Quie, Esq. The Transactions and Laws of the Liverpool Polytechnic Society, 1841-9; from the Society. The Archæological Journal, part 22; from the Archæological Institute. Transactions of the Numismatic Society of London, Session 1848-9; from the Society. A complete set of Reports published 1848-9 by the Town Council of Liverpool; from Hugh Neill, Esq.

2. DRAWINGS.—A Drawing in sepia of Cartmel Church, and a pencil Drawing of the Calder stones, taken about 1840; from T. Lindsey Aspland, Esq., Sawrey, Lancashire.

3. DOCUMENTS.—A Deed of Grant of a Moiety of a Burgess Tenement in Liverpool, to which is appended the earliest known impression of the Ancient Seal of Liverpool, (described in Vol. I. of Proceedings, p. 108); from the Rt. Hon. Lord Lilford.

4. MAPS, CUTTINGS, &c.—Two Maps of Liverpool, with contour lines at elevations of eight feet and four feet; from Hugh Neill, Esq. A Liverpool Play-bill, 1781; from H. K. Aspinall, Esq. Various cuttings from Newspapers, &c., from H. C. Pidgeon, Esq.

5. ANTIQUITIES, &c.—Various specimens of Mediæval Shoes, found by dredging in the River Thames. A Case containing Medals in Cliche, of the Emperor Napoleon, &c., by Andrieu. Two fragments of Romano-British, and two of Samian ware. An Egyptian figure. A Handmill, supposed to have been used for grinding spices. A small Vase, turned from part of the piles of Old London Bridge. A Bronze Handle of a Roman Vase. Several specimens of Roman tessellated Pavement, found in Tower Royal, London. A third brass Coin of Constantius, and a fragment of a Roman Vase—From C. Roach Smith, Esq., one of the Council of the Society of Antiquaries, and Secretary of the British Archæological Association. A bone Skate, found in Moorfields, London; from E. B. Price, Esq. A Measure, found near Saltfleet, Lincolnshire, and Keys, found in the same county; from B. Wroot, Esq., of Lincoln.

6. RUBBINGS.—From the Monument of Bishop Bell, at Carlisle; from Alfred North, Esq. From the Tomb of Johannes Weston, 1560, Rugeley, Staffordshire; and from that of Thomas Blakewell, 1525, Wirksworth, Derbyshire; from E. Turner, Esq., of Newcastle, Staffordshire.

The following Antiquities, &c., were exhibited to the Society:—

By Dr. Hume—A beautiful illuminated Roman Missal, in two volumes. Various Heraldic Drawings, illustrative of the Romance of Heraldry; and three Native Shields from Australia, exhibiting the mode of distinguishing the tribes, analogous to the system of European Heraldry.

R. Brooke, Esq., F.S.A., read some remarkable Epitaphs, viz.:—One inscribed on a gravestone in the Churchyard of Alderley, Cheshire; one on a gravestone in the Churchyard of Wilmslow, Cheshire; one on a framed panel on the North wall of Chelford Chapel, Cheshire; one on a gravestone in the Churchyard of Walton-on-the-Hill, Lancashire; and one on a gravestone in the Churchyard of Newton-in-the-Willows, Lancashire.

Mr. Brooke said, "Whilst on the subject of Wilmslow Church, I take this opportunity of stating, that after visiting the Church last August, and after making a careful examination of the Tomb of Henry Trafford, I am of opinion that I was in error respecting a word which occurs in the inscription, and which I originally thought was a contraction for "etiam," but which is given in Ormerod's Cheshire, as "et."—(See note at the foot of page 138 of Vol. 1 of the Society's Proceedings.)—After again inspecting the inscription, I now believe that Ormerod's account of the word is substantially right, and that though it is not very legible it is meant for "&," the contraction for "et"; and consequently that the portion of the inscription where it occurs is to be read thus:—"Rector etia' eccl'ie de Siglesthorne, & i'ti' eccl'ie qui obiit," &c., &c.

Mr. Brooke exhibited an autograph letter written in December, 1788, from the Rev. Brownlow Forde, afterwards the Rev. Dr. Forde, who was then the Minister of St. Catherine's Church, in Temple Place, Liverpool. St. Catherine's Church, now pulled down, stood where the Fire Police Station now is. Dr. Forde was a person of extensive literary attainments; and in after life obtained the appointment of Ordinary of Newgate, where he officiated in that capacity at the execution of many extraordinary offenders, amongst whom may be mentioned Col. Despard, Bellingham, the assassin, &c., &c.

Mr. Brooke also exhibited a Bond of Indemnity, dated the 15th of October, 1784, which Mr. Roscoe, the well-known poet and historian, executed to the Corporation of Liverpool, whilst he was a Solicitor practising in Liverpool.

An interesting conversation arose, in which Dr. Thom, Dr. Hume, Mr. Brooke, Mr. J. Mather, &c., joined, respecting St. Catherine's Church, which Dr. Thom said was built about 1764, and until about February or March, 1776, was held by a body of Presbyterians using a liturgy very similar to that of the Church of England. In 1776 it was given up to the Church of England.

A conversation also took place relative to the Grammar School at Great Crosby, about to be re-opened by the Merchant Tailors' Company.

The following Papers were read:—

I.—INTRODUCTORY ADDRESS.

By H. C. Pidgeon, Esq., Hon. Secretary.

It seems to be a useful arrangement that we should commence the Session with an introductory address, and I have therefore ventured to undertake the office of giving it on this occasion. It is not, however, to enter on the mutual congratulations in which we might honestly and heartily indulge on the termination of a Session so successful as the first

Session of our Society confessedly has been ;—it is not to point to what we have been enabled to accomplish in that brief period, with a limited number of workers, with comparatively small means, and with as yet an imperfect organization :—Such are not my motives. I am anxious rather to direct your attention to the future than to the past. I am much more desirous to point to means calculated to give a proper direction to our future efforts ; to endeavour to strengthen individual resolves ; to call on you to concentrate your isolated studies, to combine your various aims, if you will work successfully in the great work to which we as a Society are devoted. If with such objects I may appear dictatorial, I will yet study to be brief.

No member of the Society, who has attentively read its original Prospectus, or who has perused the documents issued by its Council, can be ignorant of the extent and variety of its contemplated collections ; but he may, perhaps, be unmindful of the minuteness and detail with which each general head is capable of being illustrated. Minuteness and detail are the very life of a Society like ours. Its members, various in their tastes, habits, pursuits ; distributed through a large district which it is proposed to illustrate ; each having, it may be, sources of information peculiar to himself, are yet linked together by a common bond, that of contributing, however little, to the great stock of knowledge which is to form the common property of all.

I fear that many have a feeling of timidity which prevents them from sending to the Society a record of such small matters as come under their own observation. Let such persons reflect that some of the most valuable contributions which our literature has received, have been the minute records of small facts which have, from time to time, been jotted down by eye-witnesses of the circumstances. My promise of brevity compels me to abstain from a recital of the eminent services to history of many such narrators ; but I may say that many a fact which is held back under the idea that it is recorded and known to us, may escape and be lost, when the time comes at which it would be most valued by the anxious enquirer. Better would it be that the future historian should have twenty accounts of the same transaction, than that the modesty or apathy of members should have prevented its being placed on record.

Nothing is too fragmentary to be preserved. It is the nature of knowledge that one fact illustrates another. One circumstance known, the enquiry is pursued, the missing links in the chain of evidence are sought and discovered: each discovery widens the sphere of observation, till at length the whole truth is made clear.

Let no one then imagine, because anything appears to him to be incomplete or insignificant, that therefore he is called on to destroy or withhold it. What is isolated and incomplete in the hands of one, is under the more practised and comprehensive glance of one who has looked at the subject with the devotion of genius, an important link in the great chain of human knowledge. When the Society is enabled, from the liberality of its members, from its own resources, or from a proper appreciation of its objects on the part of the great public bodies,—when from either or from a combination of these the Historic Society finds its collections formed into a great Public Museum, then shall we see many a hitherto neglected or hardly cared for relic of past ages, many an unconsidered trifle, elevated to rank which its former possessor hardly dreamed of, forming perhaps a connecting link in some great classification of its collections.

Nor let it be thought that duplicate specimens are not useful. It is not many days since I learned from the Newspapers of the valuable interchange of such duplicates between the Antiquaries of Scotland and Denmark, an interchange as honorable as useful to each party.

Another important consideration is, that we are decidedly an Educational Society. Hardly an hour before I wrote these lines I was delighted to read in the account of the late Chester Congress a speech of Mr. Planché, who mentioned with the true enthusiasm of genius the delight with which, in a ramble through the Cloisters of Chester Cathedral, he had been able to impart some information to a poor woman, who exclaimed “what would I give to know what that means.” But it is not that poor woman alone who is ignorant. If we look back to the first printed catalogue of the rarities of the Gresham College, we see that much has since been done; and yet much as we have progressed, how little, lamentably little, is the real knowledge which the people have on subjects like ours. I could point to Literary and Philosophical Societies whose funds are spent in trifles, while they suffer almost unique objects of antiquity to be taken from their town,

to afford matter of discussion for the Antiquaries of the United Kingdom. We yet want a large measure of popular education on these subjects, before the illustrations of the arts, sciences, and manufactures of our forefathers will be esteemed and preserved as they ought. Let us set a good example in this particular. I think we have done something even now to call public attention to our studies and collections ;—for it is a very well-known fact that the well directed, energetic, successful labours of those bound by the common tie of special fitness, call public attention forcibly to the measures which they advocate, and thus re-act in the mass by which they are surrounded. The strong call of public opinion raised in answer to the warnings of Archæologists, has prevented many a meditated spoliation in these Railway times—and public opinion is preserving and restoring many a relic which in other times would have been sacrificed without an effort to save it.

While in other things centralisation seems the order of the day, in our pursuits diffusion seems to be the right and proper mode of proceeding. As long as Antiquities were the special province of the Society of Antiquaries of London, were they cared for as they are now? The cumbrous machinery of such a Society seemed to clog its progress. The important quartos in which its proceedings were inshrined, found fit audience, mayhap, though few. Who could venture to contribute to such learned pages? It is not long since other Societies, not rivals, were established, which holding their Annual Meetings in different parts of the kingdom, carry the knowledge, the enthusiasm, the spirit of enquiry into communities who had heretofore slept over the treasures of which they were the natural custodians. Who among us will look back to the Congress at Chester, without feeling that in that week some chord was struck, which will long continue to vibrate? Who has not benefited from the interchange of opinions, the discussion of doubtful points, in which he then engaged? I, for one, shall long remember with pleasure, the events of that brief period, and shall hope to cultivate many of the friendships I then formed. What an additional source of pleasure it will be to me on every future visit to Chester, that I was enabled to examine its Antiquities with the aid of the experience of those who have devoted their lives to these special pursuits: that I can trace the history of its Cathedral with the minute accuracy which those lectures and examinations have given, that with the careful and skilful knowledge of my

antiquarian friends in the British Archæological Association at my command, I can again wander to all the traces of the Roman occupation of Castrum. Such visits are benefits to the whole district, and we who were enabled to afford some hospitality to the visitors at the Congress, have received in return an intellectual food far more enduring than that which we were privileged to dispense.

Societies like ours react on Society by the exposure of many a fallacy and vulgar error. Your keen and able Archæologist is a sad dethroner of the idols of popular worship. Let the statement be never so often put forth, with never so much plausibility and minuteness, if it is not true it will not stand the light of investigation. Many of us have read of the heroic conduct of the crew of a French ship during the late wars, who were said to have sunk with their dismantled vessel, giving a cry of exultation for their country. I mention this long believed story to illustrate both the value of investigation, and the importance of making a note* of every thing when found, as Captain Cuttle wisely says. It is not many weeks since I saw in some publication, but cannot call to memory where, that after the fiction had passed current for nearly fifty years, the truth is at last made clear (the Captain's letter dated on board the conquering British vessel being in existence,) that that French ship, succumbed as others did during the same eventful period, without any of the romance with which it had been illuminated. But while vulgar errors are exploded, it forms a curious chapter of the history of the human mind, that such things have been believed; and the errors themselves often give great insight into the actual condition of the country, and form not the least amusing or instructive chapters of its history.

One practical improvement which I would suggest in our Society is, that of the association of the members in different districts, and the private meeting of such members as reside near, and are known to each other, to collect, arrange, and transmit to us, here in the centre of operations, such information as they can glean respecting their own neighbourhoods. With such help, with excursions in which others might be invited to join, much might

* This was written before the Publication of the very useful periodical for the communication of facts and enquiries among literary men was announced.

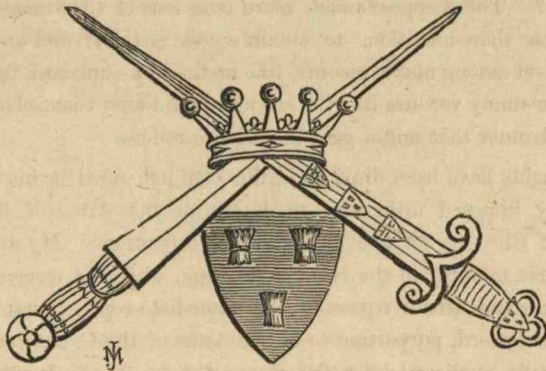
easily be accomplished, the value of which would amply repay the exertions used. I may here mention, and it may be interesting to some to know, that in this way we are investigating the Roman Road in the vicinity of Warrington, aided by the local knowledge and previous researches of some members of the Society in that town, who arrange the plans, procure labourers, and thus render smooth the path to be pursued. Of such excursions we may expect much fruit, and I venture to dwell on it a moment as one of the happy devices by which knowledge is made easy. If members would prepare such information as they can procure, and then with such others as have command of pen and pencil, go over their respective districts, we might accumulate a stock of new facts which it is most pleasing to think of, which would raise our society high in the rank of similar Associations.

Our Society requires a better organization for collecting information as to the discovery of Antiquities, &c. For this purpose I hope we shall appoint active members, as Local Secretaries in the chief towns and districts of the counties. We may also have corresponding members, who may transmit to us intelligence of what is going on in their own neighbourhoods. These and similar additions to, and improvements of, our means of observation and collection, will of course, receive every attention of the Council.

But perhaps the greatest want which we feel is the absence of a library of reference to which we could in all cases apply, when difficulties present themselves in our researches. Our want of easily accessible libraries is a national disgrace. To the honor of our district I may refer to the Chetham Library at Manchester, and the Library at Warrington, and if envy is allowable, I may say I do envy the inhabitants of those towns the facilities which their readily accessible stores of knowledge afford. But I hope better days are coming, when we may have in Liverpool a large public collection of Books, exerting their cheering and informing influence on the often painful and perplexing path of the student.

Let us not be disheartened by apparent difficulties. The providential law, that while nothing can be done without exertion, little or nothing is denied to well-directed labour, should operate on us as it has operated on the best and wisest who have preceded us. It should lead us to individual exertion

and to combined efforts. It should cheer us in our moments of anxious toil, as it will certainly reward us for our many hours of depression by the fruits with which it will reward our aspirations and our labours.



II.—AN INVESTIGATION INTO THE RIGHT OF THE COUNTY PALATINE OF
CHESTER TO BEAR A COAT OF ARMS.*

By Colonel the Hon. Sir Edward Cust, K.C.H., Vice-President.

Heraldry is a science not perhaps sufficiently estimated by the philosopher; nevertheless it is found to maintain a powerful influence over the mind of man in all circumstances, and Republics as well as Monarchies know it. It is however solely influential for good in any community; for if occasionally it ministers to pride and vanity, it always is an incitement to the union of families, and to deter men from disgracing them. It is of course a most useful ally to history, often assisting to clear up that, which without it, might be obscure; and to explain the errors or blunders of partial or ignorant Annalists. It is to be regretted, that the estimable members of the Heralds' College do not bestir themselves, to give the science of which they are the constituted guardians, its just honour in the world. In these days, it is not enough that a man should write himself F.S.A.; Antiquarians must be up and stirring when Archæology is obtaining a new existence, by the more overt assemblies

* The wood-cut is from a drawing by Randle Holme.

now making themselves so manifest in this Kingdom. If Heraldry has been thought to have fallen into "the sear and yellow leaf," it is really in a great measure the fault of the Heralds' College itself. What King-at-Arms has moved to claim a section for the science, at Lincoln, Salisbury, or Chester? These appear much more tenacious of the vinous unction to their crowns, than ambitious to obtain a civic chaplet; and are more disposed to revel among musty records, like moths in a cupboard, than to come forth in the sunny verdure like the silkworm, and busy themselves to weave a glorious banner that might gain the science renown.

My thoughts have been directed in this channel, from having had a duty accidentally imposed upon me—to determine the Arms of the County Palatine of Chester, for one of its public Institutions. My first resource was of course to apply to the Heralds' College, whence I received, with all the readiness and urbanity possible, an immediate reply, "that there were no Arms on Record, purporting to be the Arms of the County of Chester." If I had made application for the Coat of Arms borne by William the Conqueror or Hugh Lupus, I should probably have received them as of "record," notwithstanding the conclusion pretty generally admitted, that these heroes belonged to an age anterior by at least an entire century, to the birth of Heraldry. Be that as it may, however, my researches were in consequence of the reply I had received from so high a quarter, directed to such other authorities as I could readily refer to; and I have arrived at the conclusion, that whether or not "of record," the County of Chester has a right to carry a Coat of Arms, and perhaps a right superior to that of any other County of England.

It has been asserted that a County cannot have a Coat of Arms, for that a county is a mere "metaphysical expression," bound by no corporate existence; and incapable therefore of receiving a grant of Arms, or, of course, of gaining one by inheritance. Nevertheless, Counties assuredly bear Arms, whether "of record" or not. Kent notoriously carries the white horse on a red ground. Essex and Sussex have also adopted badges or shields traditionally derived from antiquity. Nations and kingdoms have undoubtedly assumed Arms derived from their ruling families: although I never could understand how Ireland came to have a shield since it never had a ruling family, until its conquest by Henry II.; nor why the Principality of Wales,

should bear the Coat of a prince of North Wales. But England, Scotland, France, and many others, and in more modern times, the state of Florence, have borne the Arms of their respective Sovereign Houses.

It has long been made a *vexata quaestio* at what time Heraldry originated. Homer, Virgil and Ovid gave their heroes distinctive figures on their shields, to denote their prowess, and this has been deemed Heraldry; while men have from remote ages, constantly in all countries, made use of names and representations of living animals, as symbols of distinctive character.* It has even been asserted that each of the tribes of Israel had its peculiar symbol; and fanciful writers have described the armorials of Moses, Joshua, &c. This diversity of opinion has been very much owing to not distinguishing the use of symbols from devices of Heraldry.† Camden, Spelman, Selden, &c., all agree that what is called armoury, dates no higher back than the era of the Crusades; and was not fully established in England till the reign of our Henry III. The Bayeux tapestry certainly corroborates this impression, since the Royal Sempstress would readily have availed herself of such well known characteristics of individuals, instead of undertaking to describe the identity of each particular figure by a troublesome sentence in writing. The Arms of the first Norman Kings, as well as of the earlier Norman Earls of Chester, were doubtless the invention of a subsequent age. Though the wolf's head erased is given by Brooke and others as the armorial bearings of Earl Lupus, yet there is no reason for supposing that it was coeval with him. In later times, indeed, it was considered by the Convent of St. Werburgh as the Arms of their founder, and as such has been introduced on some parts of their conventual buildings. It was found sculptured on the lid of a stone coffin, a fragment of which is still preserved in the Chapter House at Chester; ‡ and this has been pronounced to be that of the renowned Hugh Lupus; but his bones are known to have been already transferred to their last resting-place in the time of Henry I. The form of the cypher also on the same stone is exactly that which prevailed in the fourteenth century; and consists of the initials of an Abbot who presided over the convent about 1350.§ The best informa-

* *Encyclop. Brit.*

+ *Rees' Cyclop.*

‡ *Lysons.*

§ *Lysons.*

tion to be obtained concerning the earliest use of Arms, may be derived from the custom of engraving them on Seals, which have descended to us with the ancient deeds and charters by which endowments were ratified. I believe that the Great Seal of Richard I., ordered by him to be made after his return from his captivity, is the earliest known record of a real heraldic bearing in this country. It is of the date of the end of the twelfth century.* The Great Seals of the Sovereigns preceding Richard, give no more than a figure on horseback, representing the Sovereign; and though these universally carry a shield in their left hand, it is always so turned as to shew the inside, and consequently to leave it uncertain what device, if any, was borne on the outside of it; but after his time the shield is always distortedly turned to an exhibition of the bearing on the exterior face. The three leopards passant in pale, which are the proper arms of England, were first assumed by the Lion king; and these were not, as commonly supposed, a combination of the Arms of Normandy and Aquitaine.† This coat is not, of course, *blazoned* on the seal, but the “*Romaunce of Richard Cœur de Lyon*” gives it thus:—

“Upon his shoulders a schēld of stele
With the lybbardes *painted* wele.”

These seals were cut for private use, as well as for that of the Sovereign, on blocks of steel, with a legend of the name superscribed round their margin, and were termed a *Secretum*. They are mentioned as very commonly in use by Rous, the historical monk of Guyscliff, who assigns the year 1218 for this practice.‡ Leicester in his History of Cheshire notices several deeds ratified by the Earls of Chester, and he describes the earlier seals generally, thus—“An impression of the Earl on horseback,” but he first notices the important alteration of a Coat of Arms in a seal of Earl Randle’s, surnamed Blundeville, with the bearing of “three garbs or wheatsheafs,”§ and the impression is engraved in Ormerod. The date of this deed is 1232, a little before Randle’s death. Another great seal of this Earl, with the garbs on the caparison of the horse, is given in Nichol’s Leicestershire. This Randle may be called, without impropriety, the last

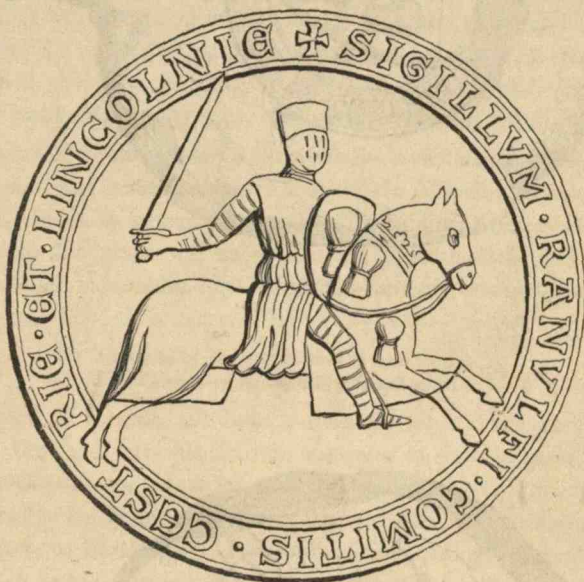
* Speed.

+ Nisbet.

‡ Dallaway.

§ See Illustrations.

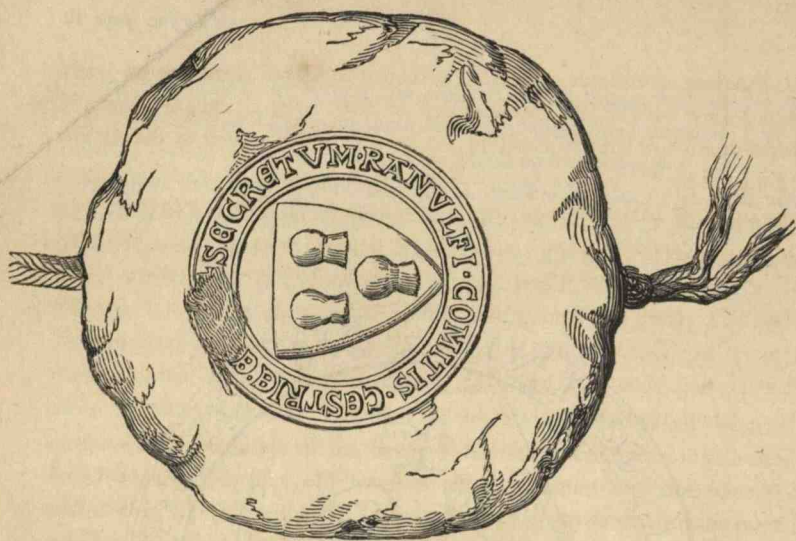
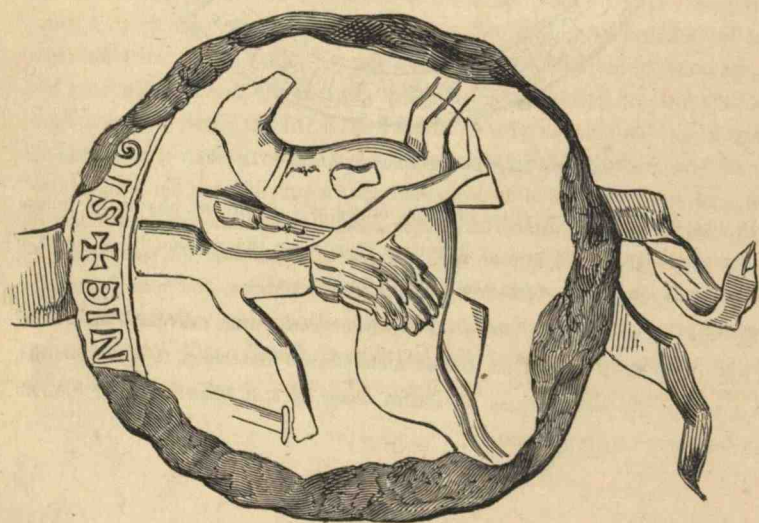
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SEAL OF RANULF DE BLUNDEVILLE.—(Brooke.)

In the "Aspilogia," a collection of Seals formed by J. C. Brooke, now in the College of Arms, is a copy of the Seal of Ranulf de Blundeville, the authenticity of which is confirmed by a tolerably perfect Seal in the British Museum.

For the loan of the above, and of the two Wood cuts on the next page, the Society is indebted to the Council of the British Archæological Association, in whose Journal, (Vol. 5, page 235) will be found a valuable Essay, by J. R. Planché, Esq., F.S.A., on the Seals of the Earls of Chester.



SEAL AND COUNTER SEAL OF RANULF DE BLUNDEVILLE.—From Cotton Charter, 53, A. 10.—Cotton Charter, xxiv. 16.

Earl Palatine of Chester; for after a reign of fifty-one years, he was only succeeded for a short and feeble period of five years by his nephew and successor, after which the earldom was seized and annexed to the Crown of England.

The earliest roll of Arms extant is of the time of Henry III. (1240-41.) In this roll appears "d' azur a trois garbes d' or," not as the Arms of the Earl but of the *Earldom* of Chester; and in the roll of Arms of the reign of Edward II. (1308-14), among the "noms de les armes abattues de grandes seignors" is "Le Conte de Cestre," to whom "de azure a iiii. garbes de or" are attributed, though, as we may remark, both Randle and John Le Scot were long dead without male issue, when these rolls were recorded.*

The County of Chester obtained its privileges as a County Palatine from the Conqueror, who granted it to his nephew, Hugh Lupus, to hold "*adeo liberam ad gladium sicut rex ipse coronam.*" The almost regal jurisdiction that followed this grant was such, that the Earls had their hereditary barons, hereditary constables, and hereditary stewards, assembled a parliament and established their courts of law, &c.—

By the sword of dignitie to hold it with might,
And to call a parliament to his will and sight,†

King Richard II. erected it into a Principality, and styled himself "*Princeps Cestriæ*," but this act was abrogated by his successor. This King had a Cheshire guard, and was so popular in the County that they took up arms in his behalf with Henry Percy. They were fined for this after the battle of Shrewsbury, in 300 marks, but the fine was remitted by Henry IV. Two deeds are extant of Richard II, given under the seal of the County and Principality of Chester. In the reign of Henry VI. an attempt was made to infringe the privileges of the Palatinate, by the Parliament at Leicester, which issued a commission for levying a subsidy in Cheshire in common with the rest of the realm. Upon this, the abbots, priors and clergy, the barons, knights, esquires, and commoners of Cheshire presented a petition to the King, in which they state among other things, that since the grant of the Earldom of Chester to Hugh Lupus to be held by the sword, they had their court of common law, in which, as by

* Harris.

† Vita de St. Werburgh.

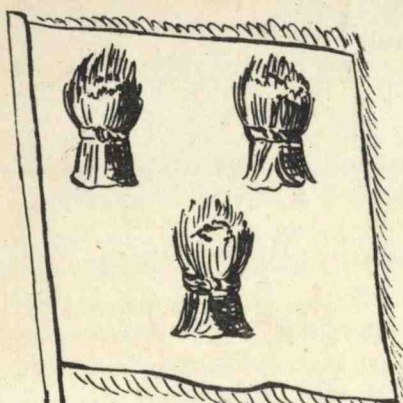
the common law of England, the tenor of their indictments ran ; not as in the King's court, (*contra coronem et dignitatem Regis*.) but thus "*contra dignitatem gladii Cestrie*." The prayer of their petition was granted ; they were discharged of the levy of the subsidy, and it is permitted them to tax themselves, and that "be never in this parliament, nor in any parliament hereafter to be holden, made to the hurt of the inheritors." Again, in 1568, Elizabeth confirmed the liberties of the county, and recognised the powers of the justice and of the chamberlain, an office whose jurisdiction was similar to that of a Chancellor ; and it is said "the Queen's writ doth not come, nor ought to be used or allowed within the said County Palatine, but *under the seal of said County Palatine*."*

The Duchy of Lancaster is also called a County Palatine ; yet that name came to it only after it became a Duchy. Edward III., in his patent of creation to his son John the first Duke, and long after the Palatinate of Chester had been seized to the Crown, gave him the liberties belonging to a County Palatine, with relation to the Palatine Earldom of Chester for example, "*Adeo integro et libero, sicut comes Cestrie infra eundem comitatem Cestrie dignitatem obtinere*." The position of the County Palatine of Chester is therefore in no respect affected by anything to the contrary that may be urged of the County Palatine of Lancaster, or of the County Palatine of Durham. It stands alone, as a separate dependency of the Crown of England ; as distinct a state as Ireland ever was, or the Isle of Man. It had a separate seal which bore the armoury of Earl Randle, who was the first of the Norman Earls that bore any device of Heraldry, and whose coat bearing "Azure three garbs or" was as properly that of the County Palatine his dominion, as the leopards of Richard I. was the coat of England, which has ever borne it from that Sovereign's day to this.

In the year 1564, a grant was made of a Coat of Arms to the City of Chester, by the Norroy King of the day, who must have had his mind fully impressed with this fact ; for he dimidiated the shield for the city, e.g., the Arms of the Lion King and of Earl Randle in one coat. An ancient print engraved from Camden's drawing of the funeral of Queen Elizabeth, gives the banners of Ireland, Cornwall and *Chester*,† the last of which,

* King's Vale Royal.

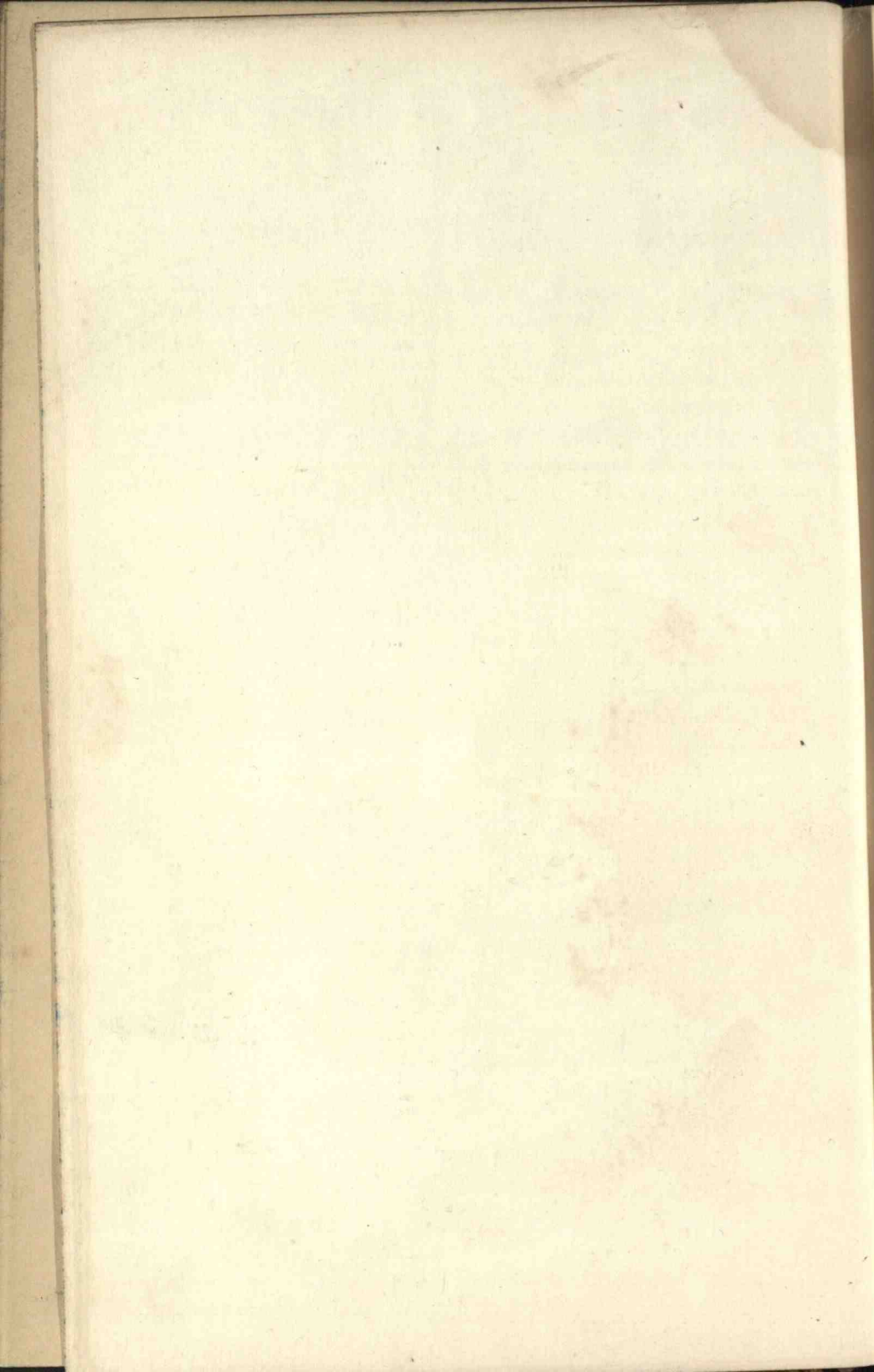
† See Illustration.



The Banner of Chester
borne by y^e Lord Fouche.



From Camden's
Drawing of the Funerall of
QUEEN ELIZABETH.



"borne by the Lord Zouche," displays the three garbs again : and the Seal of the Exchequer of the County Palatine, *temp. Eliz.*, gives on its reverse the Arms of Randle Blundeville, surmounted by an antique coronet without crest, but with supporters thus—"two Wyverns, each grasping in the elevated claw, a single ostrich feather,"—no colours expressed.* These are distinctly given as the County Arms; and might be supposed to have settled the whole question of a County Coat, but for the authority of the Herald's College that the County of Chester has no Coat of Arms "on record,"—certainly the County has had one for some time, but it is not known how long it has ceased to use them. The coronet and supporters are still existing on the exterior of the City Hall of Chester, a building of the time of Queen Anne, although the bearing on the shields both of that coat and the corresponding representation of the City coat have become obliterated from the perishable nature of the stone on which it was sculptured.

The Earls of Chester were in consequence of the Conqueror's grant of the County to be held by the sword, hereditary sword bearers of England, and attended the coronation of the Kings, carrying the sword called CURTEYN, the blunted sword of mercy.† At the second coronation of King Richard, Earl Randle carried one of the swords before the King, walking on the left hand of William King of Scotland.‡ At the coronation of Queen Eleanor, the wife of Edward I., it is stated "*Comite Cestriæ gladium Sti. Edwardi qui Curteyn dicitur ante regem bajulante in signum quod Comes est palatinus.*"§ The sword was also borne by the Right Hon. William Earl of Derby, as chief chamberlain of the County Palatine of Chester, when King James I. came to Chester, anno 1617.|| It was said of the County of Flint, "*pertinet ad gladium Cestriæ,*" which it did until the time of Elizabeth, when it revolted and joined itself to Wales.¶ It was then called the Hundred of Aticross, from an antient cross of that name near the Town of Flint, of which the pedestal remained in the time of memory.** The "*jus gladii*" and the "*dignitas gladii*" are perpetually recounted in old deeds. The sword therefore seems to be an essential attribute of the County Arms,—not indeed as a crest,

* Ormerod.

† Lysons.

‡ Ormerod.

§ Mat. Paris.

|| Cowper MSS.

¶ Camden.

** Pennant.

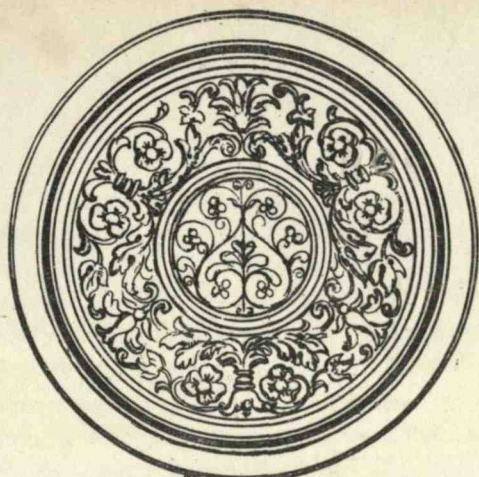
such as was given by Norroy to the Arms of the City, because there is no evidence that it was ever so borne by the Earls Palatine, but as an emblem of authority like the sceptre of the Sovereign, or the mace of Parliament. It may not be generally known that a sword of Hugh Lupus, inscribed with his name on the blade thus, "Hugo Comes Cestriæ,"* is preserved in the British Museum, and is supposed to be the very sword of dignity, by which he held the County of the King. It is somewhat peculiar in form, long and tapering to a point, and without any guard. A highly elegant work of art, of the 15th Century, exists also in the British Museum. It is called Earl Randle's sword, and may have been made for Edward V., when Prince of Wales, to replace an older sword so called, which had been carried away and lost by the Lancastrians in the civil wars. The Hilt and Blade are covered with enamel: on the former were sentences now no longer legible, and on the latter coats of arms three on each side. On one were France and England quarterly with a label, for the primogeniture of England, *Chester*, and *Mortimer*. This last bearing appears to fix its age to the only Yorkist Prince of Wales that may be said to have existed, for the son of Richard III. died very prematurely. Prince Edward when a child of four years of age, came to Chester before Christmas, 1475, and was immediately conveyed to the Castle with great pomp. This sword was probably made for this occasion.† It is nearly eight feet long, and was in its size and general character, only fitted to be a sword of dignity. In the Exchequer of Chester there was formerly another sword now lost, also called Earl Randle's sword, a rude drawing of which, by Catherall, is among the Harleian MSS.‡ These swords might, both or either, be borne with great propriety,—not as a bearing in the County Arms as some of the city officers bear it, which would be improper,—but as is often seen to accompany emblems of peculiar authority, behind or at the foot of, or in some way or other distinct from, the Shield of Arms.

The supporters do not appear to rest on any better authority than that of *usage*. Such adjuncts have been appended to the arms of Sovereigns since Edward III., but were not granted to any one of inferior degree till the time

* See Illustration.

† Pennant.

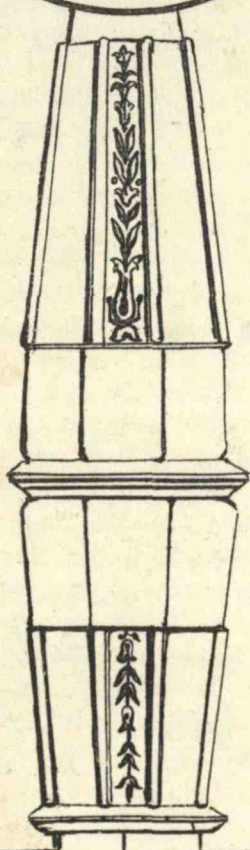
‡ Omerod.



SWORD of

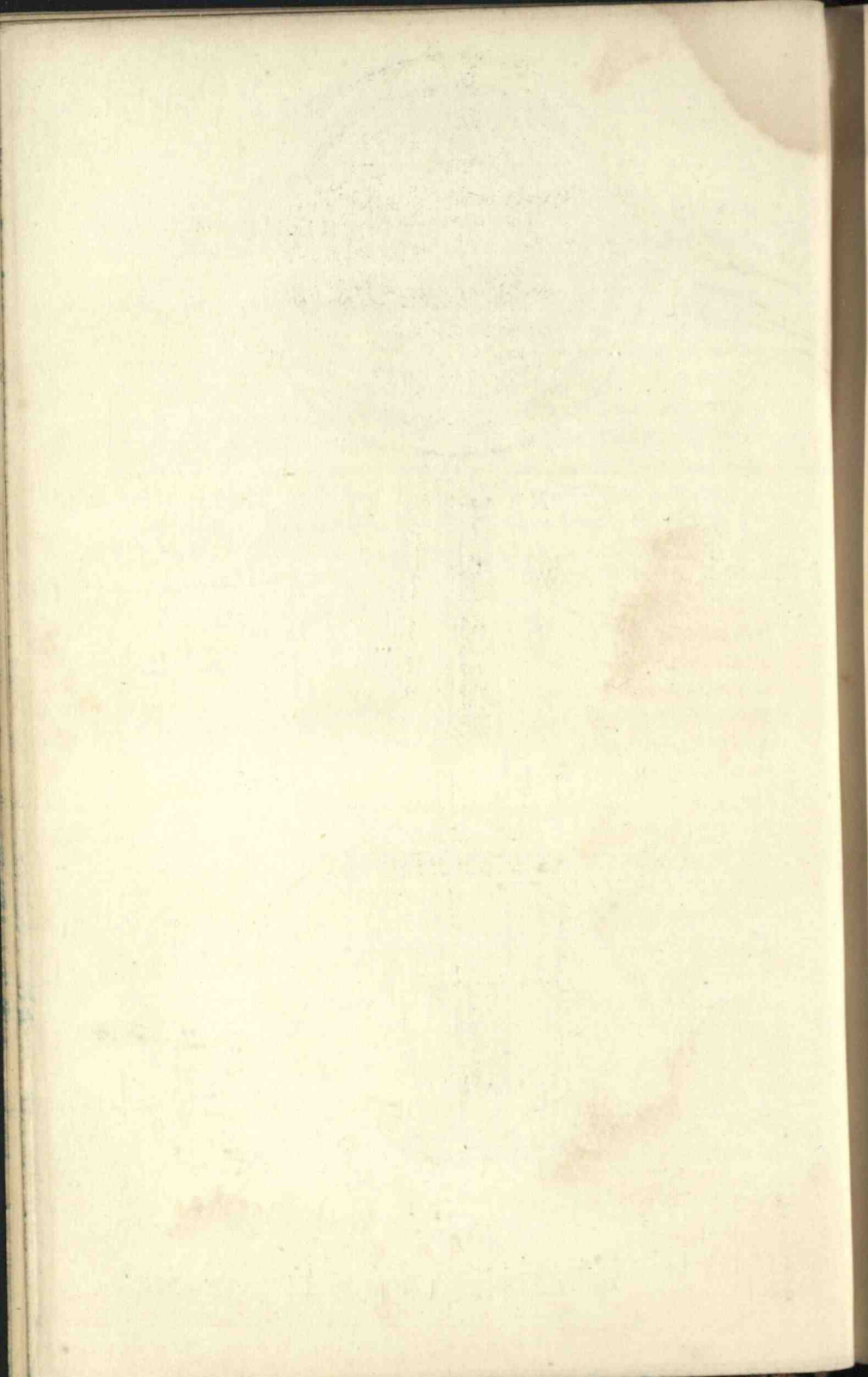
HUGH LUPUS.

See page 18



H. C. Pidgin.

HUGO COMES CESTRIÆ



of Henry VIII. They were granted to the City Coat in the time of Queen Elizabeth, and are found upon the Exchequer Seal of the same date as pertaining to the County. Wyverns are of the order of dragons, and the feathers which they grasp allusive to the title of Chester borne by the Prince of Wales, shew doubtless some connexion with Tudor Sovereignty and the Principality.

The antique coronet would seem to be justified by the title of Earl borne by the Palatine Princes. It is well known that the coronet of Earl is of the greatest antiquity; nevertheless the Earls Palatine were never Earls of Parliament, and consequently the coronet should not be borne with a caul or bonnet, which has been thought to designate parliamentary privilege, as forming part of the robe, like the cap properly called the Cap of Estate which is borne before the Sovereign when clad in the robes of Parliament. This cap, by the way, is erroneously styled a Cap of Maintenance because the heraldic ornament is so called; but any one who will take the trouble to enquire, may satisfy himself that it is part of the Parliamentary dress, and that, in the earliest times, none of the Peers, but the Bishops, had any other head ornament. Even as late as the time of James I. half of the House of Lords did not bear coronets, although since Charles II. all have done so over their Caps of Estate. The Earldom of Chester therefore should carry the metal ring only—like Foreign Princes and Nobles who have no Parliamentary character.

Little or nothing is required by the practice of Heraldry to justify a motto. Mottoes are quite beyond its pale, and have been at all times assumed and changed at pleasure. It would seem however, that a legend is required, to evidence the ground on which the County of Chester can claim a Coat of Arms, and explanatory of the emblem by which its separate and distinct authority was exercised by its Norman Earls. I therefore suggest that it should run in the words as they are found in the County Records:—"Jure et dignitate gladii."

Thus then I sum up my case, claiming for the County Palatine of Chester a coat of arms, which although not existing as "of record" in the Herald's College of London, I deduce from the very time of the birth of Heraldry in England.

1st.—From the Great Seal of its Sovereign Earl, Randle,
as well as from his "Secretum." 12th Century.

- 2nd.—From the most ancient rolls of Arms . . . 13th Century.
 3rd.—From the roll of Arms . . . 14th Century.
 4th.—From the Sword in the British Museum called Earl
 Randle's Sword. 15th Century.
 5th.—From the Exchequer Seal of the Palatinate, as well
 as from the City Arms. 16th Century.
 6th.—From the Panel upon the house in the Watergate. 17th Century.
 7th.—From the Panel on the City Hall . . . 18th Century.
 8th.—From the still existing Paper Stamp. . . 19th Century.

As well as from Randle Holme's MSS., Leycester and Ormerod's Vignettes, &c. The supporters rest only on the Exchequer Seal, but the swords of dignity still exist in the British Museum, corroborating the original tenure by which the Palatinate was held of the crown, and should on no account be omitted on any representation of the County Coat.

Leasowe Castle, October 27th, 1849.

NOTE.—The view which I have taken of the arms of the ruling family of the Palatinate is supported by the bearing granted to the Grosvenors. Too proud to bear the disputed Coat with an abatement, after the decision against them in the celebrated case of Scroope and Grosvenor, Henry VI. granted them in the stead of the "Bend or," a new Coat with a "Garb or," "in consideration of Grosvenor's affinity to Hugh Lupus, Earl of Chester." Had the great Earl Hugh ever borne a Wolf's head erased, the Grosvenors would not have derived a bearing from Earl Randle's shield, from whom they are not descended.

[Sir EDWARD CUST had described (page 15) the Seal of the Exchequer of the County Palatine, temp. Elizabeth, and by the kindness of Sir Philip Grey Egerton, Bart., we are now enabled to give, from a deed in his possession, etchings of the similar Exchequer Seal of Charles the 2nd. (Plates 3 and 4.) This seal is so satisfactory a confirmation of the writer's views, that the paper is rather a record of facts than an advocacy of opinions, and it has since been admitted by the authority at the Heralds' College that the evidences are conclusive.—SECS.]

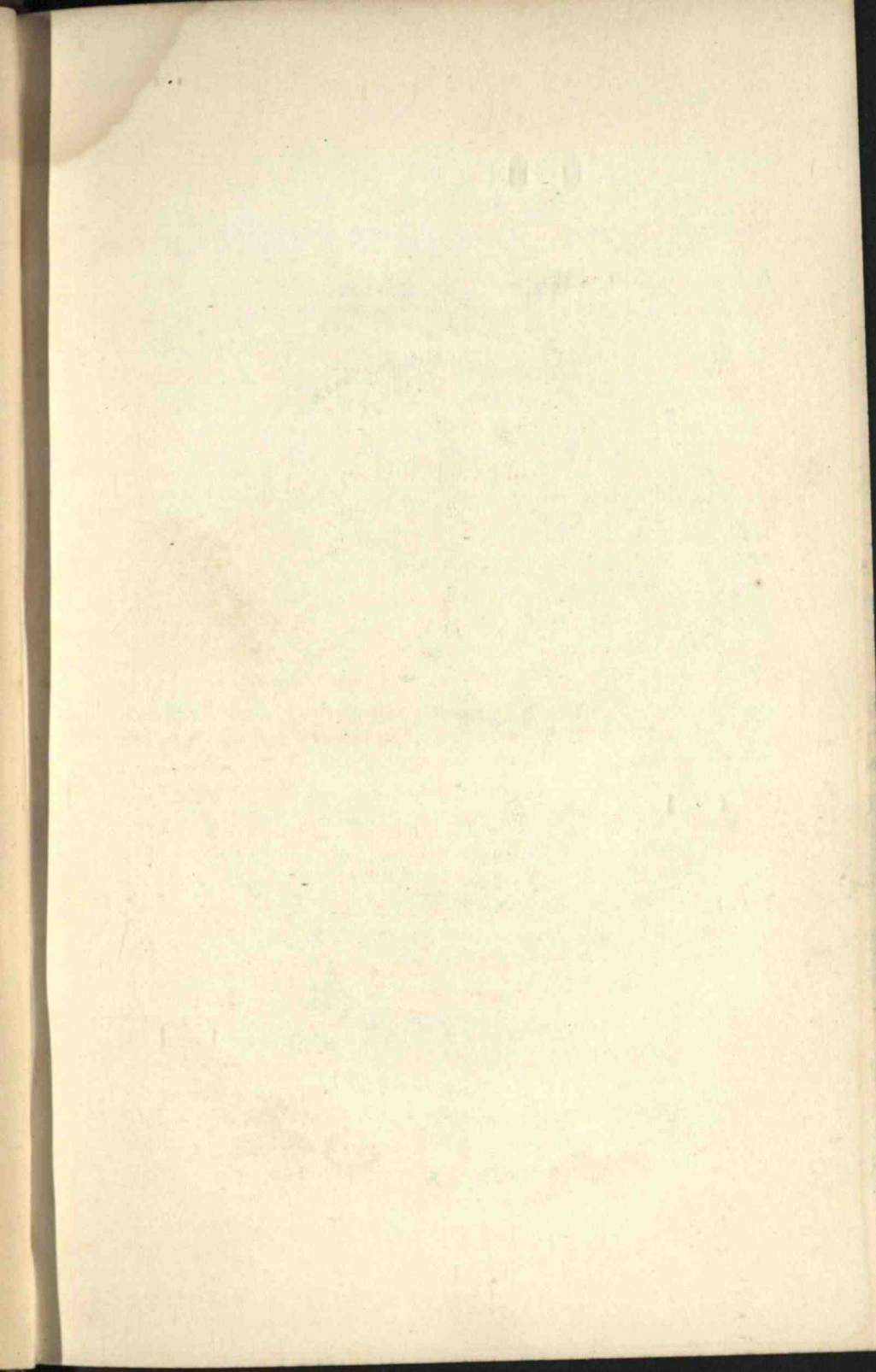


Plate 3



SEAL of the COUNTY PALATINE,
1660.

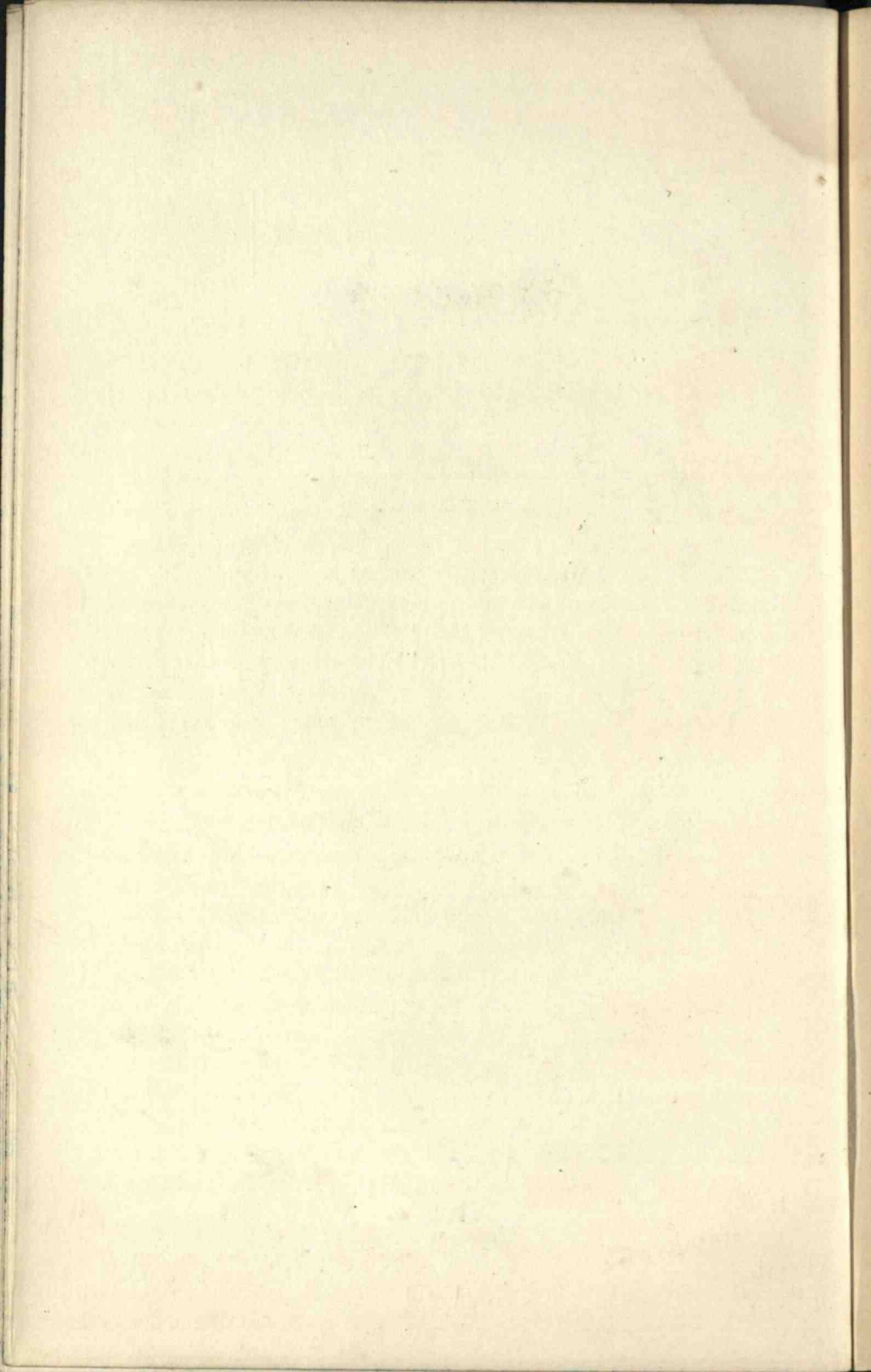
From the Collection of Sir P. de Malpas Grey Egerton, Bart.

Plate 4



L. C. Pidgeon

REVERSE.



III.—ON A CHARTER OF FEOFFMENT OF GORTON, BY THOMAS LA WARR, CLERK, 12TH BARON OF MANCHESTER, TO THOMAS [LONGLEY] BISHOP OF DURHAM, AND OTHERS. DATED 20TH MAY, 10TH HENRY V., [A.D. 1422.]

By John Harland, Esq., of Manchester.

In an old book, whether still existing or not is unknown to me, but which was once a sort of cartulary of the ancient family of the Byrons of Clayton, in Lancashire, and of Newstead Abbey,—ancestors of the poet-lord of that name,—which volume bore the name of “The Blacke Boke of Clayton”—in this ancient book is the copy of a deed by which messuages, &c., at Gorton are demised to the Bishop of Durham and others, in perpetuity. The deed is a curious one, and throws additional light on the life and objects of the founder of the Collegiate Church of Manchester. There have been several errors of transcription, probably by the person who copied from the entry in the Black Boke of Clayton; but the following appear to be the terms of the deed. The entry in the book has this title:—

“Carta feoffment: de Gorton, facta per Thomam La Warr, Dominum Maincestr’ Thome Episcopo Dunelm: et aliis.”

“Omnibus Christi fidelibus ad quos scriptum pervenit, Thomas Dominus La Warr, salutem in Domino sempiternam. Cum teneam Manerium de Maincestr’ and Keuerdeley, et advocacionem ecclesie de Maincestr’, cum pertinentibus in Com: Lancast: pro termino vita mea ex dimissione Thome Longley episcopi Dunelm, John Henege, Nicholi Motte, p’sone eccl’ie de Swyneshevede, Ricardi Lumbard, nup’ p’sone eccl’ie de Holtham, and Ricardi ffrith, reversione inde post decessum meum prefatis Thome episcopo, Johanni, Nicholo, Ricardo, et Ricardo, heredibus et assignatis suis spectante. Novistis me prefatum Thomam, Dominum La Warr totum statum et possessionem quos habeo in omnibus messuagijs, terris et tenementis, redditibus et servicijs cum pertinentijs in hamellis de Gorton and

Grenelowemarshe, in villa de Maincestr,' infra metas et divisas de Ardewyke, Openshagh, Aldewynshagh, Denton, Rediche, Levensholme & Greneloweheth, excepta una placea terre in Gorton, prout quadam una (vina in MS.) sepe includit, cum quadam grangia desuper edificata pro bladis decimalibus michi intrandis, que sunt parcella predicti manerii de Maincestr', dimississe et sursum reddidisse prefatis Thome episcopo, Johanni, Nicholo, Ricardo, et Ricardo, heredibus et assignatis suis in perpetuum. Ita v'o quod nec ego prefatus Thomas Dominus La Warr, nec heredes mei, nec aliquis alius nomine meo, aliquid juris vel clamei in predictis messuagijs, terris, tenementis, redditibus et servicijs cum pertinentijs, excepte prius exceptis de cetero exigere vel ven' dicar (sic in MS. vindicare?) pot'imus in futuro, sed ab omni actione juris et clamei inde sumus exclusi in perpetuum per presentes. In cujus rei testimonium huic presenti scripto meo sigillum meum apposui. Dat' vicesimo Maij, anno regni Regis Henrici quinti post conquestum Angliæ decimo."

I offer the following translation :—

To all the faithful in Christ to whom this writing shall come, Thomas, Lord La Warr, sends everlasting greeting in the Lord. Whereas I hold the Manor of Manchester and Keuerdeley, and the advowson of the Church of Manchester, in the County of Lancaster, with their appurtenances, for the term of my life, by the demise of Thomas Langley, Bishop of Durham, John Henegge, Nicholas Motte, parson of the Church of Swyneshevede, Richard Lumbard, late parson of the Church of Holtham, and Richard ffrith, the reversion thenceforth after my death appertaining to the aforesaid Thomas bishop, John, Nicholas, Richard, and Richard, their heirs and assigns. Know ye that I the aforesaid Thomas, Lord La Warr, the whole estate and possession which I have in all the messuages, lands, and tenements, rents and services, with the appurtenances, in the hamlets of Gorton and Grenelowe Marsh, in the vill of Manchester, within the metes and divisions of Ardwick, Openshaw,

Audenshaw, Denton, Reddish, Levenshulme, and Grenelowe Heath, (except one plot of land in Gorton, as the same is inclosed within [or by] a hedge, with a certain grange built thereupon, for depositing my tithes of corn, which are parcel of the aforesaid manor of Manchester)—have above remitted and released to the aforesaid Thomas bishop, John, Nicholas, Richard, and Richard, their heirs and assigns for ever. Further, that neither I the aforesaid Thomas, Lord La Warr, nor my heirs, nor any other person in my name, any right or claim to or in the aforesaid messuages, lands, tenements, rents and services, with their appurtenances, except as excepted, for the rest, shall in future be able to disturb or sell; but from all action of right or claim thenceforth we are for ever excluded by these presents. In testimony of which thing [or whereof] to this my present writing have I affixed my seal. Given the 20th day of May, in the 10th year of the reign of King Henry the 5th after the Conquest.

A few points may be noted. The grantor, Thomas la Warr, 12th Baron of Manchester, who succeeded to the Manor in 1398, being in holy orders, was precluded from marrying. He vested his estates in trustees, in trust for himself for his life, after his death for his half-sister Joanna, wife of Thomas, Lord West, and her issue; and thus the Wests became Lords of the Manor, to the exclusion of the heir-at-law, one of the Griffin family. On the 5th of August, 1421, his charter of foundation erecting the parish church of Manchester into a Collegiate Church, was executed "in our manor of Heywood." The present grant was made nine months afterwards, to the same trustees or feoffees, so often named in the deeds of Thos. La Warr. The manor of Cuerdley came into the possession of the Barons of Manchester, by the marriage of Albert Grelle, Juvenis, with the heiress of Nigel, Baron of Halton.—The Thos. Longley, or more properly Langley, the first of the feoffees, was the celebrated cardinal and chancellor of that name. He held the great seal from 1405 to 1406, resigning it when he became Bishop of Durham. He was

created cardinal by a bull of Pope John XXII. in June 1411. He was greatly in favour with Henry IV. and Henry V., and was Lord La Warr's powerful ally in effecting the colligation of the parish church of Manchester. He was feoffee of the will of Henry V. (who died the year this deed was executed), and he then again took the seals. He was a prose author, a poet, and a munificent patron of literature. He died Nov. 20th, 1437, and was buried in the Galilee of his Cathedral at Durham. [Vide Dr. Hibbert Ware's *Foundations of Manchester*, vol. iv.] John Henege [Ibid, p. 125] was of an ancient Lincolnshire family, and was possessed of the manor of Haynton, in that county.—Of the other feoffees nothing is known, save what the deed itself reveals. Swineshead is the Monastery in Lincolnshire, part of the possessions of the Grelles or Grelleys, Barons of Manchester.—Gorton is an old chapelry, in the parish of Manchester, about $3\frac{1}{2}$ miles E.S.E. of Manchester, and now best known by its large reservoir of water for the supply of the town.—The hamlet of Greenlowe Marsh is the N.W. part of the chapelry of Gorton, between Kirkmanshulme and the Hyde and Stockport roads: its name is now corrupted into Grindlow Marsh. These two hamlets, forming the chapelry of Gorton, are still bounded by the two parishes or chapelries of Ardwick and Openshaw to the North, Audenshaw (the modern corruption of Aldewyn's-shaw) and Denton to the E.; Levenshulme, Reddish and Rusholme to the S., and Kirkmanshulme to the W. It does not appear where this deed was made; but other documents warrant the supposition that it was at the Monastery of Swineshead.

A somewhat later demise within the same year, however, from Thomas La Warr to the same persons, and apparently of the same, or a part of the same estates, including the advowson of the church, dated the 8th Nov., 1st Hen. VI. [1422] will be found in Dr. Hibbert Ware's *Foundations*, vol. iv., pp. 170 et seq.