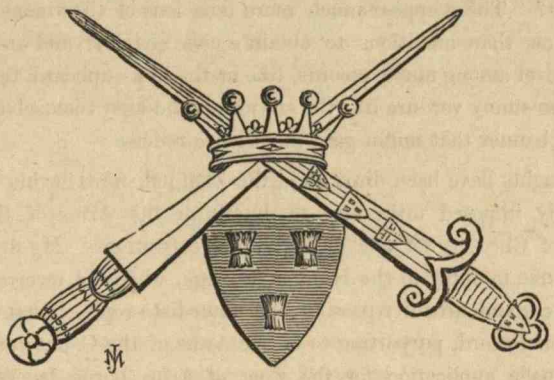
and to combined efforts. It should cheer us in our moments of anxious toil, as it will certainly reward us for our many hours of depression by the fruits with which it will reward our aspirations and our labours.



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

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* 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-

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* 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 Cuer de Lyon" gives it thus:—

"Upon his shoulders a schëld 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.‡ Leycester 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

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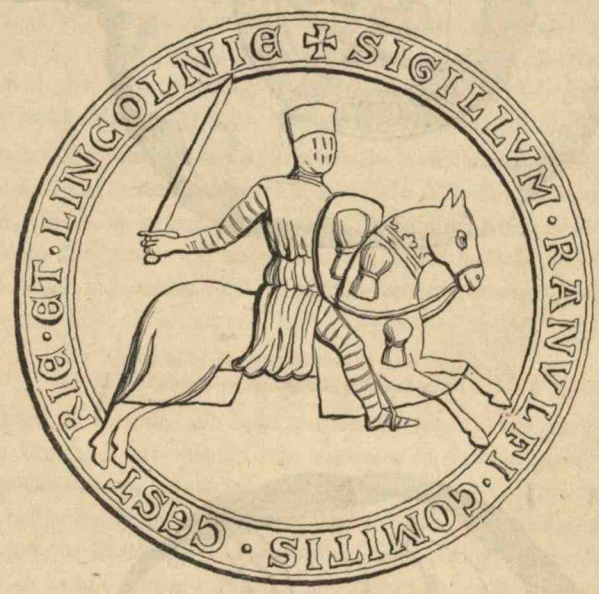
* Speed. † Nisbet. ‡ Dallaway.

§ See Illustrations.

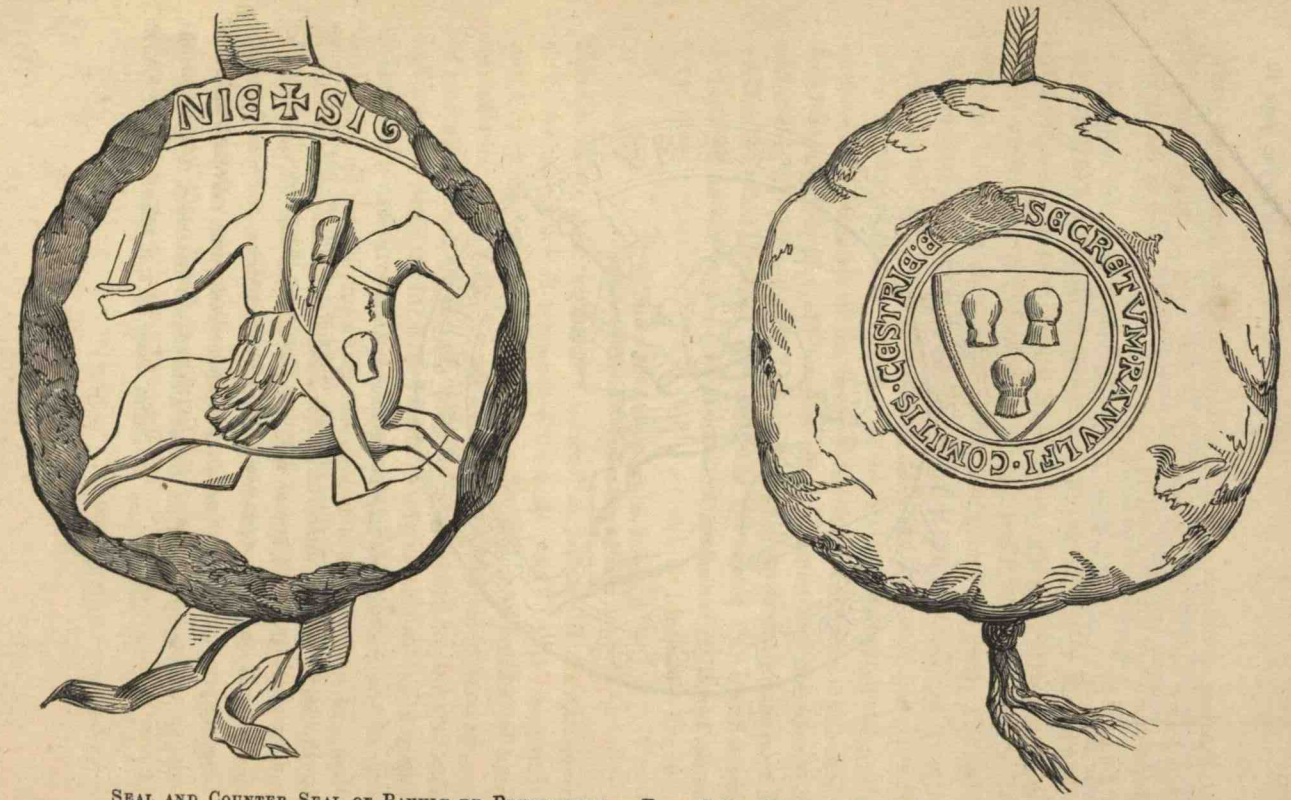
[*To face page* 12.



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*, 52, A. 16.—*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 iii. 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

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* 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 Cestriæ.*" 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 Cestriæ infra eundem comitatem Cestriæ 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,

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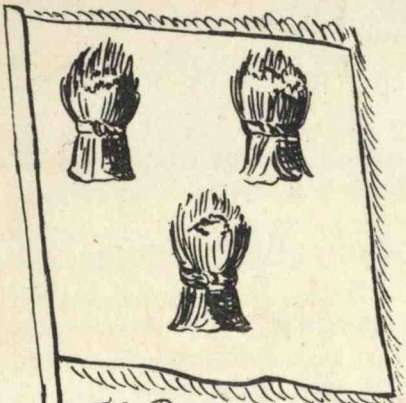
* King's Vale Royal. † See Illustration.



The Banner of Chester
borne by y Lord Zouche.

From Camden's
Drawing of the Funeral of
QUEEN ELIZABETH &c.

H.C. Pidgeon

"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,

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* 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 *usance*. 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

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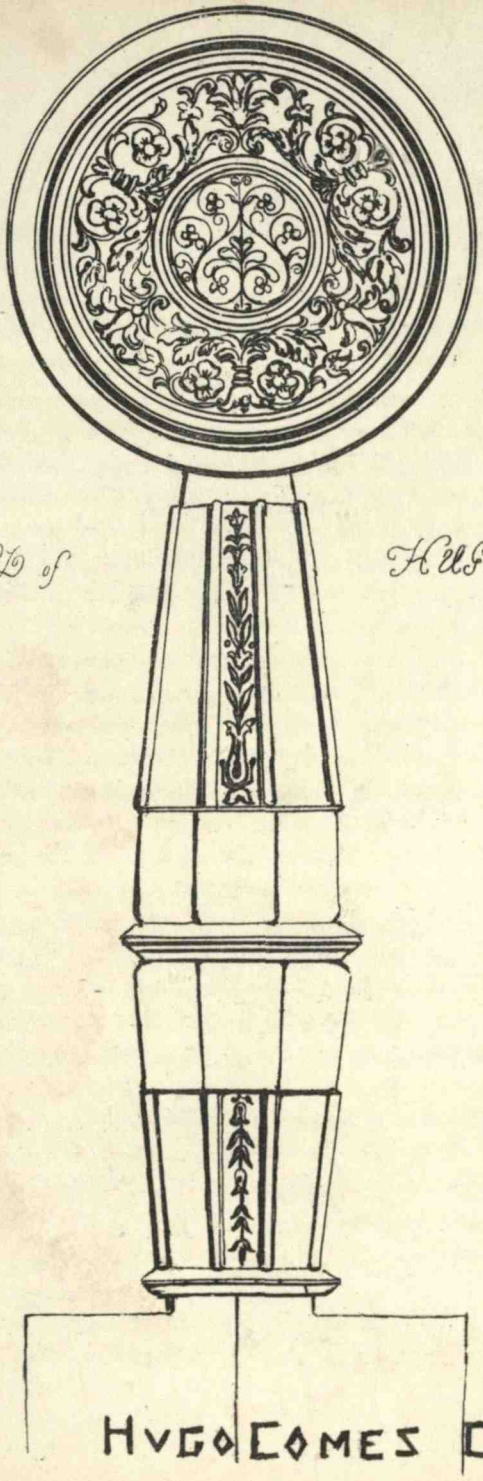
* See Illustration. † Pennant. ‡ Ormerod.

Plate I



SWORD of HUGH LUPUS.

See page 15

H. S. Pidgeon.

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 Muesum, 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 1

REVERSE.