

ORIGINAL DOCUMENTS RELATING TO SUDBURY.

[READ SEPT. 27, 1850.]

I BEG to lay before the Meeting three documents of some antiquity—the first a grant by the Earl of March to the Mayor and Bailiffs of Sudbury, in the year 1397; the second a grant of arms by Queen Elizabeth to the Corporation of Sudbury, in 1576; and the third a letter from the Mayor of Sudbury, which has been supposed to have been addressed (as an endorsement shows) to the Lord Abbot of Bury, in 1577.

Sudbury was, and is, a corporation by prescription. Its first regular charter was granted in the first year of the reign of Queen Mary, 1553. The anterior privileges were chiefly acquired by various grants from the Lords of Clare*, and amongst other curious documents is the following, shewing the existence of the corporation at that time. The beautiful preservation of the document itself, in Norman-French, to which is affixed the seal and arms of Roger de Mortimer, Earl of March, merits attention. (*See Plate.*)

(*Copy.*)

Roger de Mortemer, Conte de la March' & Dūlestier, Seigneur de Wiggmore, Clare, Trym, & Connaght, A touz ceux qi cestes l'res verront ou orront saluz. Sachez nous auoir doné licence pur nous & noz heirs as Meir & baillifs de n're ville de Sudbury, & a lours succésors a toutz iours, qils puissent eslire & faire, chescun an, deux Sergeantz de porter deuant eux maces de noz armes deins la franchise de n're d'te ville. En tesmoignance de quele chose nous avoms fait faire cestes noz l'res patentés. Don' a n're chastell de Clare le xvij iour de Juyn, l'an du regne le Roy Richard second vyntisme.

(*Translation.*)

Roger de Mortimer, Earl of March and of Ulster, Lord of Wigmore, Clare, Trym, and Connaught, To all those who these presents shall see or hear, greeting. Know ye, that we have given license for us and our heirs, to the mayor and bailiffs of our town of Sudbury, and to their successors for ever, that they may elect and appoint, every year, two sergeants, to carry before them maces of our arms within the franchise of our said town. In testimony of which thing we have caused these our letters patent to be made. Given at our castle of Clare, the 17th day of June, in the 20th year of the reign of King Richard the Second†.

* See Note A, p. 202.

† See Note B, p. 204.

The maces now used are of the date of 1614, and were given by Richard Firmin, mayor. They are impressed with the royal arms, the arms of the town, and the rose, thistle, and fleur de lis, ensigned with crowns.

The second document purports to be a grant of arms to the town of Sudbury, on the 20th September, 1576 (18th Elizabeth).

(Copy.)

To all and singuler aswell nobles and gentles as others to whome these p'ntes shall come. Robert Cooke, esquier, alias Clarencieux, principall herault and kinge of armes of the sowthe easte and weaste partes of this realme of England, sendythe greeting in oure lorde gode euerlastinge. Whereas auncientlie from the begeninge the valiaunte and vertuous actes of excellent.....haue been comended to the world withe sondrye monumentes and remembrancis of their goode deseartes.....be the chiefest and most vsuall hathe been the bearinge of signes and tokins in sheildes caulled.....are non other then euident demonstracions and tokins of prowis and valiore diuerslie acco.....qualities and deseartes of the parsones that suche signes and tokins of the deligent, faithfull, and coragous, might appeere before the necligent, coward, & ignorante, and be an efficient cause to to moue, stire, and kindle the hartes of men to the imitation of vertue and nobleness. Euen so hathe the same beene and yett is continuallye obserued to thentent that suche as haue don comendable seruice to their prince or contrye, eyther in warre or peace, maie bothe receaue due honore in their liues and also deriue y^e same successiuelly to their posterittie. And whereas the most noble princis Mary, late Quene of Englande, did incorporate the towne and bouroughe of Sudbury, by the name of maiore, aldermen, and burgessis of the saide towne and bouroughe, by vertue of which corporacion they are allowed on comon seale to vse aboute their necessarye affaires, neuertheles thay not willinge to prejudice any other towne or parsones haue required me the saide Clarencieux kinge of armes to assigne and appointe vnto them suche Armes and Creaste as thaie may lauefully beare, whiche at the instante requeste of John Godfrey, nowe maiore of the saide towne, Thomas Rusham, Martyn Cole, John Ellison, William Cole, Thomas Offelde, and William Funston, aldermen, and the burgessies of the same towne, I haue deuissed, ordeigned, and assigned vnto and for the saide towne and borough the armes and creaste hereafter followinge. That is to saie, Sables, a hownde seaunte Silver, on a chief Gules, a lion passante gardante bettween two floure de lucis Golde; and for the creaste or cognoissance vpon the heaulme on a wreathe Silver and Sables, a hownde's heade razed Golde bettween two ostriche fethers Silver, mantled Gules dabled Silver, as more plainly appeerith depicted in the margent. The whiche armes and creaste, and euery parte and parcell thei of, I, the saide Clarencieux kinge of armes, by poure and authorrity vnto myn office annexed, and graunted by l'res pattentes vnder the greate seale of Englande, doe assigne, giue, and grante vnto and for the abouesaide maiore and aldermin and

burgessies of the same town and borough, and to their successors in office and like place, and thae the same to vse and inioy for euer withoute impediment, lett, or interrupcion of any parson or parsons. In wittnes whearof I, the saide Clarencieux kinge of armes, haue signed these presents withe my hande, and there vnto sett the seale of my office this xxth daye of September, anno d'ni 1576, and in the eyghtenthe yere of the raigne of oure Souereigne Lady Elizabethe, by the grace of Gode Quene of Englande, Fraunce, and Irelande, deffendoure of the faith, &c.

ROBT. COOKE, alias Clarencieux
Roi darmes.

(Seal illegible)

Indorsed—The 24th of August, an^o 1611.

Seene & alowed by me, JOHN RAVENS, Richmond,
Marshall to Clarencieux.

It appears by the charter of Mary, that the people of Sudbury had been of great use in suppressing the famous rebellion of the Duke of Northumberland at the beginning of her reign; and for this and other services the charter was granted. The hound or talbot was the armorial bearing of Simon Theobald, of Sudbury, afterwards archbishop of Canterbury, who founded the college of Saint Gregory, next the churchyard. The gateway of the old college now remains, with the arms of the archbishop thereon.† The addition of the royal arms in chief, with those of Sudbury, must have been considered a gracious compliment.

The next document is endorsed—"L're from Mayor of Sudbury, &c., to Abbott of Bury concern^s felons goods, 1577." This, however, must be an error; for the last abbot, who survived the surrender of his monastery to the king but a short time, had been dead 30 years at the date of this letter.

(Copy.)

Right honorable or duties p'mised. Wheareas we haue receyved your lordshippes l'res dated the xxiiijth of June, by whiche yo^r lordship doth demaunde the goodes & chattells of one Beast, an inhabitant of or said towne, lately convicted of felony, as of right belonging vnto yo^r lordship by graunt from the prince, and or p'sent answer vnto yo^r L. said letters. May it please yo^r good L. to vnderstand that we haue certen

† The arms of this archbishop also occur in the south aisle of Canterbury Cathedral, where they are, *Sable*, a talbot sejant within a bordure engrailed, *Argent*. These were probably his paternal coat, for he appears also to have used *Argen*,

on a cross *Azure* the letter M crowned *Or*. See Willement's *Heraldic Notices of Canterbury Cathedral*, pp. 17 and 19. The bordure may very probably have been a mark of cadency.

ancient grauntes from Gilbert, Duke of Glouc' & Earle of Hertford, & Lord of Clare, p'ving o' said towne merely belonging to the Honor of Clare, & exempted oute of the fraunches of Bury St. Edmond, all whiche we haue p'used. And we haue certen other evidences that we can not yet p'use by reason they remayne lokked, & the keyes in the custody of such as do dwell far oute of the towne to whom we could not accesse as yet, whiche evidences do playnely sett down who tok the p'fitts of diu'rs felons goodes in thabbotts tyme. All whiche considered, we humbly besech yo' honor to gyve us respecte betwene this & Michaelmas terme for resolute answer to yo' Lordshipps said letters, & in the meane tyme we wyll cease to meddell with the goodes whervnto yo' L. maketh claym. And thus beseching Almighty God to gyve yo' Lordship long lief, wth much honor, we humbly take o' leave, at Sudbury, this p'sent ... of July, 1577.

Yo' Lordship's at co'mandem^t

The Mayor, aldermen, & burgeses of Sudbury§.

The decision of this question does not appear amongst the documents of the town, but it is assumed, from various other questions between the abbot and the corporation of Sudbury, as to their respective privileges, that the corporation had the grant of felons' goods by Mary's charter, as well as by earlier charters, and that the same was not enforced by his lordship.

Some years afterwards (1597) there were disputes between the Corporation of Sudbury and the Sheriff of Suffolk and Steward of the Liberty of Bury St. Edmund's, on the subject of the execution and return of writs within the borough.

In Michaelmas Term, in the same year, this was finally decided in the Dutchy Court of Lancaster, by a decree in favour of the mayor, aldermen, and burgesses; who were thenceforth to have the liberty of execution and return of all writs to be executed within the borough, and all other their ancient liberties and franchises, and the Steward of the Liberty was condemned in costs.

ARTHUR SKRIMSHIRE, M.D. (MAYOR).

(Note A.)

The following brief sketch of the devolution of the lordship of Sudbury will show the relation in which the Lords of Clare and Earls of March stood to the town. Soon after the Conquest Sudbury, then a borough, was in the hands of the Conqueror, having in all probability been seized by him on the insurrection of Earl Morchar, the brother of Harold's Queen, to whose mother it appears to have belonged in the time

§ See Note C, p. 206.

of the Confessor (*Domesday*, ii. fo. 286 b). In the reign of Henry III. we find this lordship in Richard de Clare, Earl of Gloucester, who held it *in capite*, and died seized of it in 1262; whereupon it descended, together with that earldom, to his son Gilbert. How the Clares acquired it is not clear, but probably it came by descent, with the possessions of the earldom of Gloucester, about 1226, to Gilbert de Clare (the father of Richard), in right of his mother Amicia, daughter of William Earl of Gloucester, son of Robert Earl of Gloucester, a natural son of Henry I.; for it seems to have been part of the fee of Gloucester, and not originally belonging to the honour of Clare. This appears by the proceedings at Sudbury on the execution of a commission issued by Edward I., on his return from Palestine in 1273, to inquire into the recent disorders and abuses in the state; as we find the jurors said, in answer to one of the inquiries, that the manor of Sudbury, with the town, was in the hands of the King's predecessors, but what King it was (*sic*), or how it was alienated by the King, or how long the Earl of Gloucester held it from the King, they knew not; it was so long ago: and in reply to another inquiry they said the town was held of the King, and that Gilbert de Clare then held it of him *in capite* without any mesne lord, and it was (part) of the fee of Gloucester (*Rot. Hund.* ii. p. 178). This Gilbert de Clare, Earl of Gloucester, died seized of it in 1295, when it descended with the earldom to his son Gilbert, then an infant; but it probably formed part of the dower or jointure of his widow Joan of Acre, daughter of Edward I., as she died seized of it. (*Cal. Inq.* p. m. 35 Edw. I.) The last mentioned Gilbert fell at Bannockburn in 1314, and having left no issue, his numerous manors and other estates were divided among his three sisters and coheiresses; whereupon this lordship was severed from the earldom of Gloucester, and formed, with the honour of Clare, part of the share allotted in severalty to his youngest sister Elizabeth, the widow of John de Burgh, Earl of Ulster. On her death in 1361, having survived her son William de Burgh, Earl of Ulster, it descended to his only child Elizabeth, wife of Lionel Earl of Ulster, third son of Edward III.; who was in the following year created Duke of Clarence. She died before her husband, and the issue of that marriage was an only child Philippa, who, shortly after the death of her father in 1368, married Edmund de Mortimer, Earl of March, the representative of a line of ancestors of Norman origin, who from the Conquest had been settled at Wigmore in the Welsh marches, and been distinguished in various ways in the annals of their times. He died in 1382, having survived Philippa his wife, leaving three sons, the eldest of whom was the Roger Earl of March and Ulster, by whom the above mentioned grant was made. As the grandson and heir of Lionel Duke of Clarence, he was the heir presumptive to the Crown; William of Hatfield, the second son of Edw. III., having died in his childhood, and Richard II. having no issue. In 1385 this was acknowledged in Parliament, and he was declared Richard's successor. From him the House of York derived their title; for on his death in 1398 he was succeeded by the elder of his two sons, Edmund de Mortimer, Earl of March, who on the death of Richard II. was actual heir to the Crown; and the younger son having died a youth, on the elder dying

without issue in 1424 at his castle of Trim, in Ireland, whither he had gone as governor or lieutenant of the King about two years before, the right to the Crown descended to his nephew Richard Duke of York, son of his deceased sister, who had married Richard Earl of Cambridge, son of Edmund of Langley, 5th son of Edward III. The body of this Edmund de Mortimer, the last of the Mortimers, Earls of March, was brought to England, and buried at the College of Stoke by Clare, of which he was the refounder; it having been originally an alien Priory, and made denizen by royal charter in 1396, but he obtained licence from Pope John to convert it into a college of secular canons, and adapted the parish church for their use. Whether he was buried in the church or within the college, not a trace of any monument that can be referred to him remains. On the accession of Edw. IV., who was the eldest son of Richard Duke of York, such of the possessions of the Clares as had devolved to the Mortimers and remained unalienated became the property of the Crown; and in the reign of Philip and Mary they, or the greater part of them, including the honour of Clare and the lordship of Sudbury, were annexed to the duchy of Lancaster.

(Note B.)

This seal, curious in itself, has also an historical interest. The arms quartered on it are the very peculiar coat of Mortimer, viz.: barry *Or* and *Azure* an inescutcheon *Argent*, on a chief of the 1st two pallets of the 2nd, and the corners gyronny of the same; and that of Burgh, *Or* a cross *Gules*. It of course does not at that early date indicate the tinctures, and the hatching in the fac-simile has not been made with that object. Mortimer was the Earl's paternal coat; Burgh his grandmother's, who was the heiress of the last Earl of Ulster of that name. The paternal arms of his mother, the daughter and heiress of Lionel Duke of Clarence, viz. France and England quarterly, a label *Argent* having each point charged with a canton *Gules*, are absent; though it was through her that he became entitled to bear the arms of Burgh, and though Clarence was the more honourable coat. It was hardly consistent with the rules of heraldry, according to modern notions, to quarter a coat brought in by his mother without quartering her paternal arms also. In the previous note has been mentioned that the Earl was presumptive heir to the Crown, and had been acknowledged as such in Parliament. Now the arms omitted are those which would have shown his title. When Richard Duke of York, who, we have seen, derived his right through him, claimed the Crown in the Parliament held in October, 1460, it was objected by the lords of the Lancastrian party, that if he claimed by the line of Lionel Duke of Clarence, he should have borne his arms, and not those of Edmund of Langley, Duke of York. To which he replied, that he might have lawfully borne the arms of Lionel Duke of Clarence, and also the same arms that King Edw. III. bore; but he abstained from bearing those arms, as he did for some time from pursuing his right to the Crown, for causes not unknown to all the realm (*Rot. Parl.* v. p. 377); referring no doubt to the jealousy of the Lancastrian princes, and to the execution first of his father and afterwards of Sir John de Mortimer, as partisans of his uncle, the rightful heir. The same

reason may explain why Edmund, the son of the above named Earl of March, bore, as in fact he did, the same arms that are on this seal. For though he was actual heir to the Crown on the death of Richard II., he was then a child, and the sovereignty *de facto* had been obtained by the Earl of Lancaster as Henry IV.; who ever kept a watchful eye over him, as did also his son and successor Henry V. The danger of displaying in that manner their just pretensions has been always considered sufficient to account for Edmund Earl of March, and Richard Duke of York, having refrained from doing so; for their right, as intimated by the latter in Parliament, was to remove the label of Clarence, and bear the royal arms plain; and had they continued the label, it would have appeared like abandoning their right. But this does not in any way apply to the Earl Roger; for his title was acknowledged; and so far from having any cause to omit Clarence, there seems much reason why he should have quartered those arms, to show his proximity to the Crown, and familiarize the people with his expectation. He was chiefly engaged in Ireland, where he was for some time lieutenant under the King; and does not appear to have taken any share in the violent party strife that then prevailed in this country. When Sandford wrote his Genealogical History of the Kings of England, and I believe until the discovery of this document, only one seal of this Earl was known; and that was like this, with the exception of there being no supporters, and was attached to an instrument dated the 24th Dec., 7 Richard II (1383); which was *before* he had been declared heir presumptive to the Crown; and Sandford was at a loss to account for the omission of the arms of Clarence, and supposed it might have been either because he had not succeeded to that dukedom, or through some delicacy in anticipating King Richard's declaration in his favour; but this had not been regarded as a satisfactory explanation of the matter. The former reason has always appeared wholly insufficient for the purpose; and now this seal, which is affixed to a document *subsequent* to that declaration, shows that the latter of the reasons suggested by Sandford is not likely to have influenced the Earl; though it leaves us still unable to explain why he quartered Burgh, and omitted the more honourable and important coat of Clarence. It is evident, not only from the Duke of York's reply in Parliament, but also from the practice of the issue of the Earl of Lancaster, son of Henry III., and of the descendants of the Earls of Norfolk and Kent, sons of Edw. I., and of the Duke of Gloucester, son of Edw. III., that there was nothing in the usages of heraldry at that time to prevent the royal arms, with a label or other proper difference, being borne by the heirs of a prince of the blood, and even transmitted through a female without the earldom or dukedom which the prince had enjoyed; and certainly the Earl's title to the Crown, in the event of Richard II. dying without issue, was one which those who supported the claim of Edw. III. and his successors to the sovereignty of France could hardly question.

It is likely other seals of this Earl of March exist, especially in Ireland; and some of the societies now actively engaged in archaeological researches in that country may probably bring them to light.

The present seal exhibits an early example of supporters. They are the badge, or what was termed the *beast*, of the Earls of March, viz. a white lion, repeated. The House of York appear to have regarded their descent from the Mortimers with something like pride; for, beside that these arms were quartered by some of them, Edw. IV used a seal very like this, but ensigned with a crown, as his seal for the earldom of March after he became King; and he took for the supporters of his royal arms the black bull of Clare and the white lion of Mortimer.

(Note C.)

All endeavours to discover the name of the noble lord, to whom this letter was addressed, have hitherto been unsuccessful. The references in it to the "grant from the prince" and "the abbots' times" show that he claimed, under a grant from the crown, a right to the felon's goods as incident to some franchise which had belonged to the abbots of Bury. The only franchise which the abbots have been found to have had, that could be regarded as conferring such a right, was that of the eight hundreds and a half, now forming the liberty of Bury, and of the execution and return of writs within them. Therefore it is highly probable that his lordship was the grantee of that franchise, or of the chief stewardship of it; but the history of these hundreds, from the dissolution of the abbey to the date of the letter has been sought for in vain. The right to the goods of convicted felons belonged in general to the crown, and the sheriff or his bailiff might have seized them. It was sometimes annexed to hundreds in the hands of subjects, though the franchise of a hundred did not necessarily comprise it. Supposing the grantee of the eight hundreds and a half, or of the stewardship, to have had such a right in other parts of them, he might have been easily led to consider himself intitled to felons goods within the town of Sudbury. The lords of manors were, however, often intitled to such goods within their respective manors; and as the lords of the manor and town of Sudbury had many franchises, and even a right of gallows (*Rot. Hund.* II. pp. 143 and 178), the claim referred to in the letter would have seemed rather more like that of a grantee or lessee of that lordship, but for the reference to the abbot's times, which, as well as the charters of the corporation, repels such an inference.

A second instance of a misapprehension of the extent of the franchise of those eight hundreds and a half is noticed by Dr. Skrimshire in the preceding paper, and may serve to throw some light on the subject of inquiry. Richard de Clare, Earl of Gloucester, as lord of the town, had acquired the right of executing and returning writs within it, in the reign of Henry III., about 1259, from Simon de Lutton, then the abbot of Bury (*Rot. Hund.* II. p. 143); yet an adverse claim was set up a few years after the date of the above mentioned letter by Robert Mawe, as high steward of the liberty of Bury, alleging that the execution and return of writs in Sudbury were a franchise within that liberty, and belonged to his office of steward by grants made to the abbots of Bury. This was successfully resisted by the corporation in consequence of the grants made to them by the

various lords of the town, and confirmed by royal charter. It was hoped that the decree then made in their favour would have supplied the information required to explain this letter; but though it shows Robert Mawe was steward of the liberty for a term of years only, it does not disclose who appointed him, or to whom the franchise of the liberty then belonged; and it is remarkable that Robert Mawe, though mentioned as high steward in the decree, is called deputy steward in the statement of the parties to the suit. From another document, however, we learn that the franchise was then vested in the crown; for on the 27th June, 1603, the chief stewardship of the liberty of Bury was, with divers estates in Norfolk, Suffolk, and elsewhere, granted by King James I. in equal moieties to Thomas Lord Howard Baron de Walden and Henry Howard, their heirs and assigns, the former being the second son, and the latter the brother of Thomas Duke of Norfolk, who was executed in 1572 for conspiring to effect a marriage with Mary Queen of Scots; and the property so granted is mentioned to have come into the hands of Queen Elizabeth on the attainder of that unfortunate duke (See a copy of the grant, *Yates's Bury*, Appx. No. 2). It should therefore seem that he had not the franchise, but the stewardship; and if so, probably the franchise itself had remained in the crown from the dissolution of the abbey. However that may have been, such was the case apparently from 1572; and it is likely that in the meanwhile grants had been made of the stewardship for short periods, and that one was made to the above named Robert Mawe (supposing him to have been the chief steward), and who, it is conceived, was the same Robert Mawe that was the first recorder of Bury under the charter of King James I. (See *Yates's Bury*, Appx. No. 3); and that a previous grant had been made of the stewardship to the nobleman who in 1577 set up the claim which was answered by the letter in question, but whose name has not been discovered. It may not be much out of place to add, that the Thomas Lord Howard Baron de Walden, mentioned in the grant of 1603, was created Earl of Suffolk within a month after the date of it, and was an ancestor of the present Earl of Suffolk and Berkshire; and Henry Howard, the other grantee, was in 1604 created Earl of Northampton, and died without issue. Their advancement by James I. was in requital of services rendered to his unhappy mother and himself.

W. S. W.

Wozet de Wottemer Conte de la March & Ducesneur Seigneur de Wiggemore Clare Esqum & Comaſtre A touz ceux qui ceſtes lres verront ou
auront ſaluz Sachez nous avoir done licence par nous & noz heirs as Jerr & baillifs de nre ville de Oudburcy & a leurs ſucceſſors
a touz iours qils puſſent eſlire & faire cheſcum an deux Occoantz de porter devant eux macs de noz armes deus la
franchise de nre de ville. En teſmoignance de quole choſe nous avons fait faire ceſtes noz lres patentes Joy a nre
Chaſtell de Clave le xvij iour de may lan du rogne le Roy Richard ſecond untiſme.

