

DISCLAIMERS AT THE HERALDS' VISITATIONS.

A LIST OF PERSONS

WHO WERE

Disclaimed

AS GENTLEMEN OF COAT-ARMOUR

BY THE

Heralds

AT

*THE VISITATIONS OF THE VARIOUS COUNTIES
OF ENGLAND;*

WITH

AN INTRODUCTION

BY

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INTRODUCTION.

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So much has already been written as to the method of conducting the Visitations of the Officers of Arms that it is unnecessary here to do more than draw attention to the practice of the Heralds, so far as they exercised their powers in disclaiming persons whose title to bear Arms or to be called Gentlemen was in question.

In the first instance, Armorial Bearings were assumed at will, and were not infrequently granted, as of right, by the bearers of such arms to persons who, in some instances, were not blood relations. 'The first check to the voluntary assumption of arms,' says Mr. H. Sydney Grazebrook, in the preface to his 'Heraldry of Worcestershire' (and I quote him because I think he has, in this and other works, written more clearly and to the point on this subject than any other writer in recent years), 'seems to have been a proclamation of King Henry V., dated June 2nd, 1417, to the effect that no man, of what estate, degree, or condition soever, should assume arms unless he held them by right of inheritance or by the donation of some person who had sufficient power to give them; and that all persons should make it appear to officers, to be appointed by the said King for that purpose, by whose gift they enjoyed such arms as they respectively bore, excepting those who had borne arms with the King at the battle of Agincourt.'

The College of Arms was established by King Richard III. in the year 1485. But neither the above-named royal proclamation nor the institution of the College appear to have effectually checked the wrongful assumption of arms.

The Commission, under the Great Seal of England, issued to Thomas Benolte, *Clarenceux King of Arms*, for the first Heralds' Visitation empowered him to convene and call before him or his deputy, at such time and place as he should appoint, 'all persons

that do pretend to bear arms, or are styled *Esquires* or *Gentlemen*, and to require them to 'produce and show forth by what authority they do challenge and claim the same.' Full authority was given to the Heralds to pull down or deface all arms wrongfully usurped, and to 'make infamous by proclamation' at the Assizes, or general Sessions, or elsewhere, all those who used arms without any right, or assumed without authority the titles of *Esquire* or *Gentleman*.

In pursuance of such Commission, the Officer of Arms issued a warrant directed to the High Constable of the Hundred, or to the Mayor or chief officer of the place where he intended to hold his Visitation, commanding him to warn the several knights, esquires, and gentlemen within his jurisdiction to appear before him at the house and on the day specified in the warrant, and to bring with them their escutcheons and pedigrees, with such evidences and writings as might justify the same, in order to their being registered. A warrant of this kind is printed in Mr. Grazebrook's 'Visitation of Staffordshire,' 1583, published by the William Salt Archaeological Society, with a long list of the persons summoned. The warrant is in the following form :

To John Berwicke, baylif of the Hundred of Cudleston in the countye of Stafforde, his Deputie or Deputies.

THESE are to require you and in the Queen's Majestie's name to charge and commande you that forthwth upon the sight hereof you warne those Esq^{rs} and Genta whose names are hereunder written p'sonally to appeare before mee Somersett, Marshall and Deputy to Norrey Kinge of Armes, at Stafford on beinge the daye of at nyne of the clocke before Noone the same day whereat I doe intende to sytte for the better registeringe of all the Gent. w'thin the sayde Hundred ; and that they bringe w'th them such Armes and Creasts as they nowe use and beare w'th their Pedigrees or Descentes and such of theire evidence or matter of recorde and credite as may (if neede so require) justifie the same to the intent that I knowinge howe they use and chalenge the names of Esqr and Gentleman and beare their Armes may accordingly make entrance therof and recorde the same or else to proceede as the Vertue of my comissyon bindeth me in that behaulf. Alsoe will such of them as have receaved either Armes Creasts or Pedigrees of one Will'm Dakins the late lewde usurper of the office of Norrey Kinge of Armes to bringe them in to be cancelled if they be untrue and beinge founde justifiablie to receave the same at my handes w'th warrantize as I am espetyally comanded by her Ma^{tie} and the Lordes of her Highnes most honorable Privie Councell. And these that may not comodiously bringe w'th them such theire evidences auncient writings and monuments [muni- ments ?] as would serve to prove the antiquitie of their race and familie but shalbe desirous to have me home to theire houses upon the significatyon of such theire desires for the furtherance of Her Ma^{ties} service I will make my repaire unto them soe soone as conveniently I maye. Herof charge them not to fayle as they will avoyde the perill that may ensue of any theire contempnes herin. GEVEN at Stafford under the Seale of the office of Norrey the . . . day of July afo 1583 in the xxvth yeare of the raigne of our most gratiouse Soveraigne Ladie Queen Elizabeth.

If the parties summoned neglected the summons, such neglect was

deemed a contempt of the Commission, and they were cited to appear before the Earl Marshal in this form :*

To Mr. A. B. of — Esquier.

FORASMUCH as you have refused to make your apearence before mee, Somersett, Marshall to Norroy Kinge of Armes, at Chedle, whereat I lately sate in comission for the registringe of the Gentlemen w'th in the Hundred of Totmonslove accordinge to such warninge as was given you by the Baylife of the same Hundred in that behaulf, I am of dutye to proceed w'th you as my Comissyon byndeth mee in such cases of contempte. These are, therefore, to require you, and in the Queen's Ma^{ties} name to charge and comaunde you to apeare personally before the Right Honorable George Earle of Shrewsbury, Earle Marshall of England, on the 12th day of October nexte ensuinge the date hereof, there to answe unto and yelde the reason of this youre disobedityence and contempte ; before whome (as by an espetyall clause and braunche of my sayde Comissyon it is ordered) the same is to be hearde and determined. And herof fayle you not, as you will avoyde the further perill that may ensue. GYVEN at under the seale of the office of Norrey the day of August An^o Dñi 1583 in the 25th yeare of the raigne of our most gratiouse Soveraigne Lady Queene Elizabeth.

The persons who had usurped titles or dignities or had used arms which did not belong to them were, for their presumption in having publicly used such titles or arms without any right, degraded by proclamation in the market town nearest to their usual place of abode. An example of this kind † of proclamation is appended, together with the names of the persons disclaimed at the Visitation of Shropshire in 1584-5 :

The names‡ of those whoe were disclaymed for Gentlemen by the Herald, 1585.
SALOP.

WHEREAS it hath pleased the Queenes Ma^{tie} of her Royall and absolute power for a due to be kept and observed in all thinges touching and concerning the office and duties app'teyning to Armes and that every person and persons may bee the better knowne in his and theire estate degree and mistery without confusion or disorder . Her Ma^{tie} hath therefore directed her highnes Comission vnder the greate seal of England bearing date at Westm^r the xxiiijth day of March in the xth yeere of her Ma^{ties} Raigne vnto Robert Cooke Esqr al's Clarenceulx Kinge at Armes of the East West and South p'tes of this Realme of England from the River of Trent southwardes to make a gen'all Survey and Visitacon throughout all the province p'tes and members thereof according to such order of Survey as is pr'scribed and sett furth in the office chardge and oath taken by the said Clarenceulx Kinge of Armes at his Creation and Coronation. AND FORASMUCH as this Countie of Salop is within the province of the said Clarenceulx and I Richard Lee al's Portcullis his Marshall and Deputie for the whole viewe and Visitacon of the said Shire having fownde divers and sundry p'sons within the Towne and Lib'ties of Salop the Hundred of Oswestry the Towne and Lib'ties of Oswestry Chirbury Condover Pimhill Clunne fford and Bradford p'cell of the said Shire most p'sumptuously to vsurpe the name title and dignitie of Esquiers and gentlemen contrary to all right and the laudable usage of the Lawes of Armes and most contemptuouslie vpon Somons geven have denied theire orderly app'unce. WHEREFORE these are straightly to chardge and in the Queenes Ma^{ties} name to command all those p'sons whose names are herevnder written that they nor any of them doe from hencefurth by any wayes or meanes vse or take vpon him or

* Taken from Mr. Grazebrook's 'Visitation of Staffordshire,' 1583.

† From Harl. MS. 1396, fo. 335.

‡ These names do not appear in this Index.

them the names of Esquier or Gentleman vnes they bee therevnto authorised according to such order as is p'scribed and sett furth by the Lawes of Armes. AND FURTHERMORE the said *Richard Lee* al's *Portcullis* doth by the auctoritie aforesaid straightlie chardge and in the Queenes Maties name comand all Sheriffes Comissioners Archdeacons Officialls Scrivenors Clarkes Writers or others whatsoeu, [not] to call name or write in any Assize Session Court or other open place or places any one of these persons by the addition of Esquier or gentleman whoe at this p'sent by this proclamation are reproved controwled and made infamous of that name and dignitie as they or any of them will answer to the contrary at theire p'ills before the Right Ho'ble *George Earle of Shreusbury Earle Marshall of England*. YEOVEN vnder my hand and seale of office the xijth of Septemb' in the xxvjth yeere of the Raigne of our Souaigne Lady ELIZABETH by the Grace of God Queene of England ffaunce and Ireland Defender of the faith &c 1584.

RICHARD LEE, *Portcullis*,
Marshall to Clarencieulx.

Salop cum Lib'tatibz.

Roger Luter.
William Peers.
William Tench.
Richard Powell.
Roger Harries.
Thomas Lewis.
William Lowe.
David Lloyd.
John Hosyer.
Thomas Rock.
John Perch.
Thomas Stury.

William Prowd.
Thomas Wollascot.
Thomas Burnell.
Richard Medlicot.
John Cole.
John Byston.
Richard Mountgom'y.
Richard Langley.
Robert Hussey.
John Dawes.
Richard Betton.

Oswestry cum Lib'tatibz.

James Eaton of Dudleyton.
Richard ap Jenn ap Howell.
John Trevor of Daywell.
Hughe Lloyd of St. Martins.
Roger Lloyd of Stelton.
Randle Hanmer of Bryn.
John Edwardes.
Roger ap Jenn.
Thomas Gethin.
John Davies of Midelton.
Morrice ap Robert.

Richard Lloyd of Swinney.
David Hanmer of Porkinton.
Morris Keffin.
John Lloyd of Reyton.
William ap John ap Llewelin.
Robert Morris ap Tudor.
Timothie Edwardes.
Robert Stanney.
Hughe ap David Howell.
David Morris of Bryn.
Tudor ap John Gouge.

Villa de Oswestry.

John Stanney.
Richard Williams.
Thomas Evans.
David Edwards.
John Wynne ap David.
Richard John ap Meredith.

John Edwards.
Hughe Yale.
Robert ap Rees.
Roger Stanney.
Richard Gittins.

Chirbury.

Edmund Middleton.
John Ridge.
David Lloyd of Wooderton.

Hugh Middleton.
Thomas Charleton.
Richard Gwin.

Condover.

Richard Jones.

Pimhill.

John Vaughan.
Richard Trevor.
Edward Hanmer of Cockshut.

William Eton.
Francis Meredith.

Clun.

John ap Mathew.
Thomas Harris.
Thomas Prees.
John dd Gough.

Owen ap Mathewe.
Richard ap James.
John ap Howell ap Rees.
Christopher Joneson.

Bradford.

Richard Constantine.
Thomas Woodcock.
Robert Dycher.
William Bentley.
William Wollaston.
George Wollaston.

William Chidlowe.
William Hossall.
William Sandbrooke.
Thomas Crompton.
Ricūs Barnefield.
Rob'tus Barnefield.

fford.

Rowland Cowper.
John Lingen.
John Gouge.
Hughe Higgins.

Thomas Lingham.
Hughe Porter.
Thomas Lake.

It will be seen from some observations made below that the practice of directing the High Constable of the Hundred to make out the list of persons to be summoned must have worked very harshly, and this, perhaps, lay at the root of much of the dislike to the Visitations which was often exhibited. His *modus operandi*, in some cases at all events, seems to have been to make a list of persons of substantial means in his Hundred, paying no regard to whether they used arms* or were styled gentlemen or not. Accordingly we find among those who were disclaimed persons following the various callings of mercer, draper, yeoman, attorney, notary public, captain, physician, farmer, schoolmaster, nonconformist minister, clerk, inn-keeper, chief constable, tailor, smith, rector, vicar, curate, goldsmith, tanner, upholsterer,† vintner, saddler, baker, carpenter, bricklayer, cordwainer, loriner, hosier, weaver, wharfinger, drysalter, fishmonger, cheesemonger, slapseller, turner, apothecary, pewterer, brewer, maltster, stationer, cook, clothworker, salesman, singing-master, printer, sugar-refiner, merchant, watchmaker, chandler, diamond-cutter, druggist, victualler, haberdasher, grocer, threadman, plumber, distiller, woollen-draper, linen-draper, skinner, corn factor, iron-monger, waterman, scrivener, embroiderer, leather-seller, glover, founder, factor, perfumer, girdler, clockmaker, etc., and a free-mason.

The persons included in the High Constable's list were then summoned, and if they failed to prove their right to bear arms, or laid

* In the disclaimers at the Visitation of Gloucestershire, 1682, Richard Tyler, of St. Briavels, says, 'I know of no Coat of Arms belonging to me'; and 'William Davies, Cler', de Abenhall, declares, 'I know of no Coat of Arms belonging to me at present.'

† From this point most of the trades, etc., are taken from the London Visitation of 1687, and some of them may refer to members of companies.

no claim to such right, they were held up to public ridicule at their nearest market town.

The practice seems to have been for the visiting Herald to induce the persons summoned to disclaim under their hands if they would do so, and if they declined, or did not attend the Herald's summons, they were disclaimed at the Assizes or otherwise without further inquiry. Those who disclaimed under hand, even if they stated that they laid no claim to bear arms or to be accounted gentlemen, were, as a rule, treated with the same indignity,* their voluntary renunciation thus bringing upon them a double disgrace. Can we wonder that the complaints against the Heralds were both loud and long?

We find, both in the lists from which this volume is compiled and in numerous pedigrees entered at various Visitations, that persons laid claim to arms, but not being able at the time to substantiate such claim, obtained a respite from being disclaimed until a certain date in order to give them an opportunity of proving their arms. Sometimes these claims were not further urged by the claimants, and we have such notes as 'Respite given for proof of these arms, but no proof offered'; in other cases the proof was not satisfactory to the Heralds. Thus: 'John Philips, of Ledbury (Hereford, 1634), to be disclaimed at our next 'sizes because he was not disclaimed at our being in the country, being respyted then for prooфе, but cannot make any prooфе; or the claim was allowed, and the name of the claimant was either struck out of the list of disclaimed persons, the word 'proved' written opposite to it, or some other note was made to show that the arms were recorded.

Some of the entries made by the Heralds are both quaint and interesting, and among them we find memoranda which suggest the feelings and disposition of the Herald who made the Visitation, and of the persons whom he disclaimed. Thus we have, under Gloucester, 1623, 'Rich^d Warren of Stainton falcely usurped Arms which were defaced and he disclaymed,' and 'Edward Hill, Customer of Gloucester, neither Gent of Bloud, Auncestry, nor Arms.' Edward Hopkins, disclaimed at Boston, in Lincolnshire, 1634, is described as 'an Usurper of Armes.' Walter Cary, of Wicomb, at the Visitation of Bucks, 1634, is said to be 'no gent, nor hath any [right] to bear arms which he usurpeth.' And at Derby, in the same

* Among the disclaimers at the Visitation of Worcestershire, 1682, the following occurs: 'I, Joseph Ruthorn of Evesham, doe promise to forbear using any Coat of Arms untill I can make out what Coat doth belong to me.'

year, we have a persistent offender, 'Rob^t Wilmott, Chadderton, [disclaimed] for usurping the Title of Gent, notwithstanding having been disclaimed in the Visitation made 1611.'

Among the disclaimers for the city of Hereford, in 1634, James Lane, draper, who disclaimed for himself, 'saith that Jonathan Wellington is a dark sickly man and no Gentleman of Coat Armour.' The word 'dark' apparently means 'blind'; it occurs elsewhere in the lists. In this Visitation we may judge that some leniency was exercised by the Herald from the following:—'Charles Whitney of Norton, to be spared for his name;' 'The mark of — spare him for his name;' '.... Philips of Ashton, to be spared from disgrace;' 'Jno. Abrahall, of Stoke Edith, to be spared from disclaiming for his name's sake.' At the Visitation of Worcestershire, 1634, Thomas Widd was 'to be spared from the Post;' 'Thomas Simonds, of White Lady Aston—I know none of right and further saith that his Father and Grand Father were yeomen & so writ themselves.' It is evident from this entry that Thomas Simonds ought not to have been summoned, being only a yeoman, and having no desire to claim a right to arms, unless we are to construe the words 'of right' as meaning that he had usurped arms, well knowing that he had no title to them. In Pershore Hundred is this entry: 'I have no interest in Armes—Edm^d Boothby.' He also, one would infer, ought not to have been summoned, but the Herald, it seems, was not satisfied that he was not entitled, for he adds, 'To be spared from disclaiming in regard of his being a Souldier and of deserts.' Perhaps Boothby would not pay, and the Herald, seeing that no fee was forthcoming, reluctantly let him off!

Some of the persons disclaimed appear to have been entitled to style themselves gentlemen, and were probably included in the list because they could not prove their right to the armorial bearings displayed by them. Such were a number of persons styled 'Mr.' by the Heralds; a great number of rectors* and vicars (and here it may be noted that clergymen do not appear to have been disclaimed until the later Visitations); a physician; several captains; a 'Dr.'; Ambrose Jolly, a person of considerable importance in Wigan, and several times Mayor of that town; Theophilus Lynch (called Lincke), of Warrington, who married the heiress of the ancient gentle family of the Rixtons, of Rixton Hall,

* At the Leicestershire Visitation of 1682-3 several rectors disclaimed 'any pretence to arms.'

in Great Sankey, and was the father of Sir Thomas Lynch, Governor of Jamaica; Tucker, of Abingdon, Esq. (no proof of his arms), and others.

Sometimes the Heralds showed favour to their own friends: *e.g.*, Worcestershire, 1634, Wm. Field, of King's Norton, 'spare this Field for my sake, being allied to me'; 'John Tier, Alchurh, to be spared for Mr. Liley.' Henry Lilly, *Rouge Croix*, was the pursuivant who, in conjunction with George Owen, *York Herald*, made this Visitation, as deputy to St. George *Clarenceux* and Borough *Norroy*.

Without doubt, at all events at the later Visitations, the summons of the Herald was too frequently set at defiance. During Sir William Dugdale's Visitation of Yorkshire, 1665-6, for example, nearly one-third of the whole number of gentry, whom he called upon to appear before him with proofs of their arms and pedigrees, treated his summons with neglect. But he did not permit the matter to rest. Two years after he had concluded this Visitation (24th November, 1668), he issued a precept to the High Sheriff of the County of York, to which is appended a list of those persons who, at his Visitation, had not attended to show by what right they used arms, or took upon themselves the title of Esquire or Gentleman. This list, which appears to tally with the disclaimers in Sir Thomas Phillipps' collection, will be found in the preface to the Visitation, printed by the Surtees Society, in 1860. The list of disclaimers is headed, 'Disclaimers made at the last Assizes held at York A° 1668.' I therefore infer that two years' grace was given by Dugdale, before he proceeded to the extremity of disclaiming those who neglected his summons.

This Index, with a few exceptions, is made from a folio volume of 76 pages, of which very few impressions were struck, entitled 'Heralds' Visitation Disclaimers. Impensis Dni. Thomæ Phillipps, Bar^{ti}. Ex-Zincographia Appelana, 1854.' The handwriting is apparently Sir Thomas's own. He notes the press-mark of each MS. in the College of Arms, from which he copied the list of disclaimers. Where a Visitation occurs in which no list of disclaimers appears he notes the fact thus: 'C. 13. Yorkshire, 1612. None.' Where he found a difficulty in reading a name he has placed dots underneath—*e.g.*, in the Visitation of Berkshire, C. 12, 'Walter Whalowrh, Appleton.' What this name is intended for I can make no suggestion, not having seen the original, and, like some others, it is left as it stands.

In preparing this Index the plan followed has been to confine the

list strictly to the names of persons disclaimed, and to place them in alphabetical order, adding their place of residence and calling, if any, and the county and date of the Visitation at which they were disclaimed.

J. P. R.

HEATHER LEA,
CLAUGHTON, CHESHIRE.