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THE SCROPE AND GROSVENOR CONTROVERSY,
1385-1391.

By R. Stewart-Brown, M.A., F.S.A.

Read 25 November, 1937.

SOME of you will have heard of the three generations of great racehorses, "Bend Or," winner of the Derby in 1880, "Ormonde," winner in 1886, and "Orme," a would-be winner in a later year, all the property of the first Duke of Westminster, and you may have wondered how these horses came to be so named. It was no doubt because the Duke remembered¹ that until the Grosvenors were deprived of their coat of arms, more than five hundred years ago now, by the ruling in the famous case which is the subject of this paper, they used as their arms a *bend or*, a golden band, across a blue shield. After this decision in 1389 by the Constable of England, which was personally confirmed by Richard II, Sir Robert Grosvenor adopted as his arms a *garb or*, the golden sheaf of Cheshire, on the blue field, which are used by his descendants to-day.

The records, or rather, such of them as were thought to have survived, of the historic contest in the Court of Chivalry between Sir Richard Scrope, of Bolton in Yorkshire, and Sir Robert Grosvenor, of Hulme in Cheshire, were privately published in 1832-3 by Sir Harris Nicolas, under the title which heads this paper, in two rather scarce volumes.² In the first one, the (defective) roll of the proceedings (then in the Tower of London but now

¹ The Grosvenors had a copy of the proceedings since 1629. *Jour. Chester Arch. Soc.*, O.S., 3, p. 512, Nicolas, *op. cit.* (below), i, 359.

² A lengthy notice appeared in *The Quarterly Review*, April, 1836.

among the Chancery records in the Public Record Office) was printed in its original Anglo-Norman-French, being supplemented by an abstract containing additional matter in Harleian MS. 293, f. 191.¹ In the second volume Nicolas gave an account of the Scrope family and elaborate biographical notes, with a précis of their evidence, of upwards of two hundred witnesses who had given evidence for Scrope. He promised in a third volume to deal similarly with the Grosvenors and the witnesses on that side, but this volume never appeared. I have heard that the manuscript for this volume may be in the British Museum, but I have not verified this. A fairly good account of the legal proceedings generally, but nothing about the witnesses, will be found in *The Herald and Genealogist* of 1863.²

I have no intention of dealing with the subject on so elaborate a scale as Nicolas, or of examining the early genealogy of the Grosvenor family which has already been skilfully done.³ I find that a very brief notice only of the case appeared in the *Transactions* so long ago as 1880.⁴ The fact that the roll was printed in Anglo-French without any translation and that Nicolas gave no table of contents, annotation, or general index, to a very confusing record, has, I think, rather obscured the details and perhaps deterred investigators. It seemed therefore that it might be of interest to give a general account of the case, with special reference to the evidence

¹ The discovery of this manuscript, after the printing of the volume had proceeded a long way, led to the cancelling and reprinting of many sheets. A set of these "cancels," probably unique, bound up and lettered "Scrope Roll," was once in the possession of C. G. Young, afterwards (1842) Garter King of Arms and knighted, and was described in detail by W. Wynne Ffoulkes, M.A. (Hon. Sec. of the Chester Archaeological Soc.), in the *Cheshire Sheaf*, vol. I (1879), p. 278, etc.

² Ed. Nichols, vol. I, pp. 385-400.

³ By W. B. Bird, "The Grosvenor Myth," *Ancestor*, i, p. 166; "Lostock and the Grosvenors," *ibid.*, ii, 148, based on the Shakerly deeds set out, *ibid.*, 129, etc. See below.

⁴ By W. Beamont, vol. XXXII, 22.

given by the Cheshire and other supporters of the claim of Grosvenor. The Scrope side of the matter can be studied at length in Nicolas's two volumes. It was, of course, of equal historical importance and the evidence for Scrope prevailed over that given for Grosvenor, but his case has not the same interest as that of Grosvenor for members of this Society.

In 1385, when Sir Richard Scrope, a Yorkshire knight, was in Scotland serving under Richard II, he saw a Cheshire knight, Sir Robert Grosvenor, bearing the arms *azure, a bend or*. As this was Scrope's coat, he at once challenged Grosvenor about them. (Sir Ralph de Vernon of Cheshire was also present, and later on gave evidence that if Scrope had not done this he would himself have challenged Scrope on Grosvenor's behalf.) Grosvenor's reply to Scrope was that, on the contrary, these arms were his, and he added that they had always been used by his ancestors, one of whom, Sir Gilbert Grosvenor, had (he said) come to England with the Conqueror bearing them—a statement which neither heraldic history nor genealogy can support. The dispute came before the Constable of England (Thomas, "of Woodstock," Duke of Gloucester), who ordered all concerned to appear at a sitting of the Court of Chivalry (*curia militaris*) at Newcastle-on-Tyne on 20 August, 1385. Both parties came there and after they had shortly stated their cases, the matter was adjourned to Westminster. Sureties to prosecute their contentions were given by both sides, those for Grosvenor being (Sir) Fulk de Pembridge (of Warmingham), (Sir) Laurence de Dutton and (Sir) Ralph de Vernon, all of Cheshire. The case proceeded slowly until July, 1386, when the Constable issued orders for evidence to be taken in the country. On Grosvenor's side the following eighteen commissioners to take depositions were appointed. Any two of them could act, and in fact many of them never sat at all: The abbots of

Basingwerk, Dieulacres, Rochester and Alcester; the prior of Trentham; Nicholas de Vernon, Sir John Butler, "baron" of Warrington, Sir Thomas Gerard, and Sir Thomas de Ashton, knights; Mr. Thomas Stretton and "Sir" William Bloshawe (or Blilchawe), canons of Lichfield; "Sir" William Bromborough, parson of Aldford in Cheshire, "Sir" John de Rossendale (of Macclesfield), John de Wodehouse, chamberlain of Chester, John de Grendon, Robert Pilkington, steward of Halton, John de Rixton and Geoffrey Starkey of Stretton.

With the evidence for Scrope, taken by his commissioners, I am not concerned here. That for Grosvenor began, before Wodehouse and Bromborough, on 3 September, 1386, at the Collegiate Church of St. John Chester, described as "in the suburb of Chester, near the River Dee." The Constable's registrar, Robert Thorley, read the commission and the warning to Scrope to attend, given by the Marshal of England (the Earl of Nottingham), then a subordinate official to the Constable. On 3 and 4 September some thirty-three witnesses were examined. All were asked (1) whether they said the arms in dispute were Grosvenor's and what was their source of knowledge; (2) if they said Grosvenor or his ancestors bore them, how they knew; where it was; in what wars or expeditions and under what kings, princes, dukes or commanders; (3) did they know the parties and were they related to either of them; (4) was their evidence based on hearsay or on documents or on proofs in glass or sculpture, which they were to describe and identify.

Eight further sittings of Grosvenor's commissioners were held as follows:

8 September, at Stockport Church, before Vernon, Bromborough and Rossendale; 43 witnesses, the evidence of 14 of whom is lost.

11 September, at Knutsford Chapel, before Vernon and Bromborough; witnesses' names and depositions all lost.

12 and 13 September, at the Church of the Augustinian Friars at Warrington, before Sir John Butler, Vernon, Sir Thomas Gerard, and Bromborough; 35 witnesses.

19 September, at Lancaster Castle, before Butler and Gerard; 28 witnesses.

1 October, at Nantwich Chapel, before Bromborough and Rossendale; 13 witnesses.

26 November, at the Conventual Church of the Monks at Coventry, before Stretton and Grendon; 13 witnesses (evidence lost).

7 or 8 January, 1386-7, at Sandbach Church, before Bromborough and Rossendale; 5 witnesses.

9 and 11 January, at the Church of St. Mary-on-the-Hill, Chester, before the same; 37 witnesses (the evidence of six being lost).

The depositions for Grosvenor were sent up to Westminster immediately, after more than 200 witnesses had been examined for him and about the same number for his opponent. But matters proceeded very slowly, as both the preliminary and later proceedings were exceedingly protracted, partly owing to exceptions and objections taken on Grosvenor's behalf, involving charges against Scrope's honour which were a source of trouble later. It was not until 1389 that the Constable's decision was given. This was that, as Scrope had clearly and sufficiently proved that the arms were his, they were awarded to him, Grosvenor being ordered to pay the greater part of the costs and expenses of the trial. But the Constable, taking into consideration important evidence (of user) and likely presumptions (of ownership) offered by Grosvenor, adjudged that he might continue to use the arms, differenced by a plain silver bordure. Neither Scrope nor Grosvenor was satisfied with this, and

Grosvenor at once appealed to the King who, after taking advice, gave his judgment on 27 May, 1390, at Westminster palace. He confirmed and ratified that part of the Constable's decision which gave the arms to Scrope, and ordered Grosvenor to pay the costs. But Grosvenor was to give up bearing the arms with or without a difference, as the King considered that, while a plain bordure would constitute a sufficient difference in arms between cousins in blood, it was not so between two strangers of one kingdom. On these grounds, and because Grosvenor said he did not want the arms so differenced and Scrope also objected, the King annulled entirely the Constable's grant of such coat to Grosvenor. It was in consequence of this decision that Grosvenor, being left without arms, adopted the single golden sheaf of Cheshire on a blue field, probably allusive to his supposed relationship to the earls of Chester, one of whom (Randle Blundeville) bore three sheaves in his arms.¹

There still remained the payment of the costs, from 9 October, 1387 (when Grosvenor had lodged his objections and charges against Scrope), to the date of the King's decision. These amounted to £466 13s. 4d., seemingly including a fine imposed upon Grosvenor for contumacious delays. The King eventually reduced the amount to 500 marks (£333 6s. 8d.), and it was Grosvenor's failure to pay this that led to the remarkable finale to the case, which only came to light in all its details with the publication in 1923 of the *Calendar of the Close Rolls* for 1391, as the entry thereon did not form part of the roll printed by Nicolas and was unknown to him and to most, if not all, of the later writers upon the case.² I shall give the entry in the full translation of the official *Calendar*, as it reveals a final scene at Westminster palace

¹ Earl Hugh Kevelioc is given six sheaves, but evidence seems lacking for this.

² I printed the entry in the *Cheshire Sheaf*, III, vol. 21 (1924), p. 41.

of great historical interest. There, by command of Richard II, and in the presence of John of Gaunt and Henry of Lancaster, and many other magnates both spiritual and temporal, Sir Richard Scrope accepted Sir Robert Grosvenor's disclaimer of charges against his honour, forgave Grosvenor the costs, embraced him, and promised him friendship upon the understanding that Grosvenor's words should be enrolled as a standing record for ever.

MEMORANDUM that on the morrow of all Souls, to wit, 3 November, the first day of the Parliament holden in 15 Richard II [1391] in his palace of Westminster, Sir Richard Le Scrope found Sir Robert Grosvenor in the parliament chamber and there, in the presence of my Lord of Guyen and Lancastre [John of Gaunt], requested the King to command Sir Robert not to leave the court until he should hear and do what reason required in regard to the costs and damages wherein he is condemned in the cause pending between them concerning his arms. At which request the King commanded Sir John Devereux, Steward of his household, to give warning accordingly, and so he did; and Sir Richard sued with my lord of Guyen and other the lords who were commissaries in the business of taxing the costs and damages, to cause Sir Robert to come before them or two of them according to their commission; and at his suit my Lord of Guyen caused Sir Robert to come before him, sitting in Parliament on Thursday, 9 November, and, in the presence of the lords of parliament, commanded Sir Robert to be before him and other the commissaries in his lodging in the manor of the bishop of Ely in Holbourne, the same afternoon. At which time and place Sir Robert came in person before my lord of Guyen, the bishop of London, lord Cobeham, master John Barnet and master Richard Ronhale, commissaries, and in their presence, in presence of my lord Derby [afterwards Henry IV] and many other bannerets, knights and esquires, Sir Robert with his own mouth said that Sir Richard had recovered of him 500 marks for costs and damages, that he had not the money to pay it and that he would pay it if he could, wherefore he requested Sir Richard to forgive him the money and for his friendship. To which Sir Richard answered that he would give his answer in the presence of the King, if the King pleased, and of my lords of Guyen and Derby. And on

Saturday following, to wit, November 11, in the presence of the King in his palace at Westminster, Sir Richard came and craved oyer of his answer in the presence of my lord of Guyen and to command Sir Robert to be present at such hour as the King pleased. And the King commanded Sir Richard to be there on Monday following and caused like command to be given to Sir Robert. On which day, before the King in his palace at Westminster, in the presence of my lord of Guyen, the archbishop of Dyvelyn, the bishops of London, Cestre and Cicestre, the earls of Derby, Roteland, Marche, Arundell, Huntyngdoun and Northumberland, the lords Roos, Neville and Cobham, Sir Matthew de Gourney and knights and esquires in great number, Sir Richard and Sir Robert being there in person, Sir Richard, by word of mouth, rehearsed the request of Sir Robert and how he would give his answer in the presence of the King and of my lords of Guyen and Derby, and then told him that the highest and most sovereign things a knight ought to guard in defence of his estate are his troth and his arms, and that in both of them Sir Robert had impeached him: nevertheless concerning his arms he had a good issue, thanks to God and the King's righteous judgment; and further, that in process of the cause in divers places, Sir Robert had averred against his falsehood, fraud and deceit. To which Sir Robert replied that what he did was by advice of his counsel, instructing him that otherwise he might not prosecute his appeal, and that he had no knowledge of such defaults to the reproach of Sir Richard. And then Sir Richard said that at the Friars Preachers of London, on a day when the acts in the cause containing these villanies were delivered and read in the presence of the commissaries, Sir Matthew de Gourney and others, he gave the lie to any person who averred against him such falsehood and reproach, and that Sir Robert then and there in answer gave him the lie, saying that all matters in the acts so read and delivered were true. And this being rehearsed before the King and my lords above named, with high reverence Sir Richard said that he ought not and would not ever be friends with Sir Robert who had averred against him such villany, unless due amends were made to him to save his honour, and if he would not be friends, it were folly to forgive him his goods. Whereto Sir Robert said plainly that he had no knowledge of falsehood, fraud, deceit or reproach of Sir Richard, and thereupon made his request as before. And Sir Richard prayed the King that, whereas the other acts containing the villanies and reproaches aforesaid were entered of record in the process, these words

should be clearly entered likewise, to remain for making manifest his truth and honour. Which request the King granted. And then Sir Richard freely forgave Sir Robert the costs against him recovered, and, by command of the King, embraced him, promising his friendship, so that [*provided that*] the foregoing words would be entered of record to remain as aforesaid [*French*].

MEMORANDUM that on 16 November this year, in full parliament, Sir Richard Scrope and Sir Robert Grosvenor, Knights, appearing before the lords, etc. there being, Sir Richard bore in his hand a schedule containing the whole tenor of the foregoing memorandum, and in their presence the substance thereof was by John, duke of Aquitaine and Lancastre, laid before Sir Robert in his mother tongue; and being particularly asked whether he had knowledge or information of any falsehood, untruth or reproach now or at any time past, in or against the person of Sir Richard, with a calm countenance Sir Robert confessed that he knew or heard of none in word or deed, and further averred that the dishonourable words in the schedule contained were spoken, not out of his own head, but merely at the instigation of his counsel, informing him that otherwise he might not observe the form and order of law in his cause; and being further asked whether his will and petition was that his confession and the rest therein contained should be enrolled upon the chancery rolls, he said that such was his will and pleasure, that they should remain for a record in time to come. And by assent and petition of the parties, both acknowledging the same, the schedule was delivered to Thomas archbishop of York, the chancellor, to be enrolled as aforesaid. (Close Roll 1391, m. 23d.)

It is interesting to find that the ruling of the King in 1390, that a plain bordure was a suitable difference between relations by blood, is illustrated by a grant of arms made nearly 300 years later to a member of the Scrope family. When Sir Emanuel Scrope, 11th Baron Scrope of Bolton and first Earl of Sunderland, died in 1630, he left only illegitimate children, to whom his vast estates passed. His daughter, Annabella (b. 1629), married John Grubham Howe, and from them descends the present Earl Howe. In 1663 Annabella obtained by

royal licence the rank and precedence of a legitimate daughter of an earl, and the following year Sir William Dugdale, then Norroy, got for her a grant of the Scrope arms, *azure, a bend or*, differenced by a plain gold bordure,¹ which, except for the metal of the bordure, was the coat offered to Grosvenor but rejected by the King as unsuitable as between strangers in blood.

THE EVIDENCE.

Before noticing the evidence for Grosvenor, it may be mentioned that Scrope's witnesses included John of Gaunt, Henry earl of Derby (afterwards Henry IV), the Duke of York, Sir John Holand, the Earl of Northumberland, Sir Henry de Percy ("Hotspur"), then aged 20, with many ecclesiastics and nobles, and also "Geoffrey Chaucer esquire." As Chaucer's own arms also included a bend, but of red and silver counterchanged on a field half silver and half red, he may have been interested in the dispute. He gave evidence that he was aged 40 and more (probably a considerable understatement, like the ages given by many of the witnesses), and had borne arms for twenty-seven years; he was in the army of Edward III in France, and made prisoner near the town of Retters during that expedition (1359-60), where he saw Scrope bearing the *bend or*. When asked about Grosvenor, he said that one day he was walking in Friday Street in London and noticed a new sign hanging out with these arms on it. When he asked what inn it was that had hung out Scrope's arms, the reply was, "They are not hung out, Sir, for the arms of Scrope, but were painted and put there by a knight of the county of Chester, called Sir Robert Grosvenor." Chaucer said he had never before heard of anyone called Grosvenor. (Few indeed of Scrope's witnesses would admit any

¹ The grant was exhibited by the College of Arms as No. 742 in the *Catalogue of the Birmingham Heraldic Exhibition, 1936.*

knowledge of Grosvenor or his ancestors until this dispute began.)

Another of Scrope's witnesses was "Hugh de Calveley of the county of Chester," who said that he had seen Scrope bearing the arms, but had heard that Grosvenor had the better right to them, though the first time he had seen the latter with the arms was in the Scotch expedition (where the dispute arose). As no rank is given to Calveley, and he makes no reference to service abroad, it seems more likely that he was the nephew of the famous soldier Sir Hugh Calveley, than the latter himself who, in 1386, had long been a knight and might well have seen Grosvenor in France, where the latter served for some time.¹ Later on, the nephew himself became a knight-banneret.

In my notes on the evidence given by Grosvenor's witnesses, I shall generally omit or refer very briefly to the genealogical account given of his ancestry, which has been carefully collected and sifted by Mr. Bird in his papers, "The Grosvenor Myth" and "Lostock and the Grosvenors," mentioned above. The "myth" which he dispelled was the statement made in the case, and still appearing in Burke's *Peerage* to-day, that Sir Robert Grosvenor was descended from a Sir Gilbert Grosvenor who came over with the Conqueror, bearing the *bend or*, and was a nephew of Hugh Lupus, the first earl of Chester. This tradition, as Mr. Bird remarks, has been kept green at Eaton, both by the great equestrian statue of earl Hugh Lupus in front of the hall, and in the baptismal names (Hugh Lupus) of the first Duke of Westminster (and also in that of his deceased elder brother, Gilbert). Mr. Bird has sufficiently demonstrated the falsity of this tradition and of the pedigree (which Scrope alleged had been "forged" by the abbot of Vale Royal), and makes it

¹ This was also the opinion of Sir Harris Nicolas (ii, 226), but Dr. Bridge (*Jour. Chester Arch. Soc.*, N.S., 14, p. 155) and others have taken the opposite view.

reasonably certain that the Gilbert of the pedigree, if not entirely mythical, was not a Grosvenor, but Gilbert Venables, the Norman ancestor and first of the Cheshire "barons" of Kinderton, from whom, so far as evidence goes, the Grosvenors were in no way descended. Mr. Bird has also shown that the statement, made at the trial by John de Holford, that Allostock was granted by earl Hugh Lupus to Robert Grosvenor, a son of Gilbert, can finally and absolutely be disproved by charter evidence.¹

I have listed in the Appendix, in alphabetical order, all Grosvenor's witnesses whose names have survived, adding the ages (often understated) given in their depositions, and distinguishing by an asterisk those whose evidence has been lost and by a dagger those called by both sides. It will be seen that the list includes representatives of most of the Cheshire families, with some from Lancashire and elsewhere, and many notable figures. Among the few examined also on behalf of Scrope was Sir William Brereton, who refused to speak then and retired from the court. After three admonishments he was fined £20 for contumacy, but willingly gave evidence for Grosvenor. Both Owain Glyndwr and his brother Tudor spoke for Grosvenor. The former stated his age as 27 "and more," and gave general hearsay evidence that in Cheshire, Flintshire and district, the *bend or* was considered to be the coat of Grosvenor's family. He had seen some charters which, from the look of the parchment, were very old, bearing the arms of Grosvenor on the seals.

I shall not attempt to give biographical notices, and most of Grosvenor's witnesses are easily identifiable. Their depositions will be summarised under various classes of evidence, as being probably a more interesting method of dealing with the details.

¹ See his second article, "Lostock and the Grosvenors," *Ancestor*, ii, 148, based on deeds from Somerford Hall, set out *ibid.*, p. 129.

1. *The Pedigree Story.*

The traditional story of the Grosvenor pedigree was given by Stephen, abbot of Vale Royal, and spoken to by many other witnesses. The abbot said he had seen in chronicles, old writings, and other muniments of his abbey, that with Hugh Lupus the first earl of Chester, a nephew of the Conqueror, there came over to England one Gilbert le Grosvenor, a nephew of earl Hugh, bearing the arms in dispute. The abbot set out a pedigree down to Sir Robert Grosvenor, and this was also detailed by William de Praers (of Baddiley), who produced a "muniment" in Latin, derived from his grandfather, which gave much the same descent. It was this pedigree that Scrope's side said the abbot had "forged" contrary to truth, and had produced no chronicle or other authentic evidence to prove it. It was, they urged, impossible and incredible that one of his age (40) and standing could do so out of his own mouth, and moreover his abbey was quite a late foundation (by Edward I). It is this traditional pedigree which has been dealt with by Mr. Bird, as mentioned above.

2. *Charters and Documents.*

A good deal of general evidence was given of the existence of charters bearing the arms of Grosvenor on wax seals, but unfortunately not one was set out or described except in vague terms. The abbot of Vale Royal produced seven which he handed to the registrar for production to the Constable, but their contents are not stated. Sir Lawrence de Dutton and others spoke of several in their possession, and the abbot of Chester asserted that he had seen the names and surnames of some of Grosvenor's ancestors as witnesses to divers charters and letters in the treasury of his abbey called

Sanctorum Prisca.¹ This is a very curious statement (if correctly recorded), as the title thus seemingly given to the abbey treasury must have been attracted from the opening words of the much-discussed charter of earl Hugh Lupus, dated by Professor Tait 1096-1101, by which the earl and his barons confirmed their gifts to the new abbey in 1093. This abnormal document opens with these words: *Sanctorum prisca autoritate patrum qui in nomine Patris et Filii et Spiritus Sancti in sancta ecclesia regiminis gubernacula hactenus tenuerunt*.² It is true that among the later documents in the printed abbey *Chartulary*, many of which would be kept in its treasury, there are several witnessed by members of the Grosvenor family described by a Christian name, followed by such "surnames" as "le graunt venur," "Grosvenator" or "Grossus Venator" (the fat hunter), but no recognisable Grosvenor's name actually appears in the *Sanctorum Prisca* document itself, though there are found in it, as witnesses to charters recited therein, such names as *Ranulfus Venator* and *Erneisus Venator*, whom the abbot may have considered to be Grosvenor ancestors,³ as well as Gilbert de Venables, whom Mr. Bird thinks may have been the supposed Gilbert le Grosvenor of Conquest date.

John de Eton (Eaton, which the Grosvenors did not acquire until the fifteenth century) stated that he had in his treasury an old charter sealed with the *bend or* in wax, by which a Robert de Grosvenor had given lands to a William de Cotton. This was perhaps not the charter relating to land at Oscroft (in Tarvin) given, according to a sealed charter which Hugh de Cotton (a witness) had seen, by a Grosvenor to William de Cotton,

¹ *gil ad vieu & trove les nouns & surnouns des ascuns des predecessours du dit mons. Robert escriptz en tesmoignance des diverses chartres et lettres sicome appiert en le tresorie du dite abbeye appelle Sanctorum Prisca.*

² Tait, *Chartulary of Chester Abbey* (Cheth. Soc.), i, 15.

³ See Mr. Bird, *loc. cit.*, p. 185, etc., on the origin of the surname Grosvenor.

but the one referred to in the evidence of Sir John Mascy of Puddington and Sir Hugh Browe, who said that an ancestor of Grosvenor had given land to Cotton at Cotton (Edmunds), near Chester, and with it the Grosvenor arms, differenced, which Browe had seen on a shield in Christleton church and elsewhere. This story, as Mr. Bird has observed, probably gives the origin of this Cotton family's coat (*silver, a bend sable between three roundels*), an example not only of the conferring of "arms of affection" based on the feudal lord or patron's own coat,¹ but of a contemporary method of differencing for a related family, the mother of William de Cotton having been a Grosvenor.²

3. *Previous Disputes over the Arms.*

Several witnesses attested that the right of both Grosvenor and Scrope to the *bend or* had been previously disputed. Sir Laurence de Dutton, Sir William de Brereton and William Danyell said that in the last expedition of Edward III in France, Sir John Danyell (or Daniers, of Bradley), whose daughter Margaret was Grosvenor's wife, had challenged a Cornish esquire called Carminowe who was bearing the same arms. Grosvenor was seemingly present, but as he was a minor his father-in-law made the challenge for him. Like Mr. Bird, I do not know the result and it is not stated in the evidence. Presumably, both parties retained the coat. But, according to the depositions for Scrope of John of Gaunt and others, Thomas Carminowe of Cornwall had also met Scrope in France and challenged him for the same arms. Six knights in this case decided on the spot that

¹ For Cheshire instances of this, see Beazley's note on the arms of Whitmore in his *Thurstaston*, 81. The arms of Fitton of Bolyn, *argent on a bend azure, 3 garbs or*, are an example of "arms of affection," being evidently based on the coat of Randle Blundeville, earl of Chester, *azure, 3 garbs or*.

² Bird, *loc. cit.*, and Ormerod, iii, 145.

both parties had made good their claim, Carminowe having proved (they said) user of the *bend or* from the days of King Arthur and Scrope user from the Conquest! The knights responsible for this astonishing verdict, which is supposed to have been in 1360, were, however, no longer alive in 1385 to be cross-examined. (It may be noted that the evidence of the Prior of Birkenhead and Matthew de Haydock (for Grosvenor) was that Scrope and his ancestors had borne the *bend or* differenced by a purple lion upon it, but the decision of the Constable ignored this.)

4. *Grosvenor's Foreign Service.*

The evidence of a large body of witnesses of the service of Grosvenor himself in the French wars, bearing his arms, has been summarised by Mr. Bird,¹ and I cannot better his description. While still a lad, Grosvenor accompanied his father-in-law (Sir John Daniers) *en le darrain viage du roi Edward tierce en France*, that is to say, in the campaign of 1359-60 which ended with the treaty of Bretigny. Thus he was no doubt present when Sir John Daniers challenged Carminowe, though by reason of youth not qualified to take up his own quarrel. War broke out afresh in 1369, when Froissart tells us a force of English and Gascons took Vire in Normandy. The army then marched southwards, crossing the Loire at Nantes. The stronghold of Brux in Poitou was carried on a second assault, and the castle of Belle Perche in the Bourbonnais was seized. La Roche-sur-Yon surrendered to Sir James Audley after a siege. Various deponents mention Grosvenor's presence on all these occasions, under Audley, a lieutenant of the Black Prince, *al saut de Viers, a Nauntes en Britaigne, al gayne del Tour de Brose or Bruse, as siege de Relperge* (Belle

¹ *Ancestor*, i, 173.

Perche), and *al siege de Rochesirion*. He was also at Limoges, *la rescus de Blank en Berri* (Le Blanc on the river Creuse), at Beaulieu in Guyenne, at Mauleverer in Anjou and Issoudun in Poitou, as well as at Sandwich in the expedition of Edward III of 1372.

5. *Church and Other Memorials.*

A most interesting feature of the case is the evidence recording the existence of armorials of the Grosvenor family, set up in shields, painted glass windows and monuments in monastic houses, churches, chapels, and private halls throughout the county and even beyond its borders, as well as upon Bradley Cross, by the wayside on the Knutsford-Warrington road. To one or more of such records displaying the *bend or*, the larger number of Grosvenor's witnesses attested. (It must have been proofs of this kind, as well as that afforded by the existence of seals bearing the arms, that influenced the Constable in awarding the *bend or* to Grosvenor but with the bordure, reckoned an insufficient difference by the King.) Nearly thirty examples of these armorials are mentioned, but I do not know that any of them are extant to-day, and most of the churches have been rebuilt:

(1) *Aldford Church*: The arms were *-depeyntez en fenestres de verre*. (Evidence of David de Crewe.)

(2) (*Great*) *Budworth Church*: Here there was a shield of the arms and *cotearmure*, hanging by the tomb of Robert de Grosvenor, grandfather (*aiel*) of the claimant, who was buried there "before the great pestilence" [? of 1349] (Abbot of Vale Royal, Sir Laur. de Dutton, Sir Wm. Brereton, Thos. de Davenport.)

(3) *Chester Abbey*: The arms in old glass in *le monster*, in *la freitor*. (Thos. de Vernon, John de Capenhurst, also Adam Neusom, called for Scrope.)

(4) *Chester, The Church of the Friars Minors* (The Grey Friars): The arms painted on an altar-piece (*table du autre*) where the great-grandfather (*besail*) of claimant was buried about 100 years before. (Sir Laur. de Dutton, John the Armourer, Mayor of Chester, Wm. Danyell and others.)¹

(5) *Combermere Abbey*: The arms painted on an altar-piece (*table sur un autre*). (The abbot and David de Crewe.)

(6) *Davenham Church*: The arms in glass. (Geoff. and Rand. de Legh.)

(7) *Davenport Chapel*: Ditto. (John de Radcliffe of Ordsall.)

(8) *Goostrey Chapel*: Ditto. (Piers de Wettenhall.)

(9) *Hulme Chapel*: Ditto in the Grosvenor Chapel (many witnesses), and, in the Grosvenor's manor house, an "akedon" or tunic, bearing the arms, there in the time of Emma, grandmother of the claimant. (John de Holcroft.)

(10) *Lymm Church*: The arms in glass. (Ric. de Legh and others.) These were still there in 1580 and 1592.²

(11) *Middlewich Church*: Ditto. (John de Sutton.)

(12) *Mobberley Church*: Ditto in old glass next to those of the earl of Chester. (Sir John Masey of Puddington and John de Domville, patron of this church.)

(13) *Nantwich Chapel*: The arms *depeyntez en auncien peynture*. (Ric. de Cholmondeley and Wm. de Praers.)

(14) *Nether Peover Chapel*: The arms on a cross in the cemetery on the grave of Grosvenor's father. (Hamon de Ashley, Rob. de Toft, John de Domville.) (A similar cross is mentioned as at *Over Peover Chapel* by Rand. Mainwaring but was perhaps the same.)

(15) *Norton Priory*: The arms *engravez en un pier* in

¹ See Bennett, "The Grey Friars of Chester" in *Jour. Chester Arch. Soc.*, N.S., 24, p. 72.

² *Trans. Hist. Soc.*, XXXI, pp. 3, 4, 9.

the church where an ancestor of claimant was buried. (Sir Ralph de Vernon.)

(16) *Shipbrook Chapel*: The arms in glass. (Rand. de Legh.)

(17) *Stockport Church*: Ditto. (Thos. de Davenport.)¹

(18) *Tarvin Church*: The arms *depeyntez d'ancien temps*. (John Done.)

(19) *Vale Royal Abbey*: The arms on the church walls. (John Done.)

(20) *Waverton Church*: The arms in glass. (Geoff. de Boydell and John de Eton.)

(21) *Witton Chapel*: Ditto. (John de Holford.)

(22) *Baddiley Hall*: The arms were painted in his hall, according to Wm. de Praers.

(23) *Dutton Hall*: The arms in colour in *l'ostiel et chambres* of Sir Thos. Dutton. (John de Haydock.)

(24) *Utkinton Hall*: The arms were painted in his own house (according to John Done of Utkinton.)

(25) *Bold Hall (Lancs.)*: The arms in glass and painted on a wall in the chapel. (Sir Ric. de Bold and Sir Ric. de Atherton.)

(26) *Bradley Cross*: The arms painted in colours on a stone cross called Bradley Cross (in Appleton) in the highway between Knutsford and Warrington. (John de Massy.)

¹ In Earwaker, *East Cheshire*, i, 367 n., a note by R. Holme of the Arderne arms in this church, includes, among the quarterings, a coat *azure, a bend or within a bordure ermine* which, if for Grosvenor, as is suggested with a query by Earwaker, is most remarkable as the bordure (which should in that case have been plain *argent*) was repudiated by Sir Robert Grosvenor and disallowed by the King, and presumably never used.

APPENDIX.

WITNESSES ON BEHALF OF GROSVENOR.

The figures after the name give the age of deponent; "and more" is generally added.

* = deposition lost.

† = called to testify by Scrope also.

- *Arderne, Hugh de, 40.
 Armourer, John le, 48,
 Mayor of Chester.
 Ashley, Hamon de, 38.
 Ashton, Sir John de, 30.
 Ashton (Haschton), Thos. de,
 24.
 Ashurst, John de, 43.
 Atherton, Ric. de, 60.
 Atherton, Roger de, 30.
 Atherton, Sir Wm. de, 30.
 Atherton, Sir Wm. de, l'eisne,
 60.
 Bache, John de, 24.
 *Bagot, Mr. Wm., 38.
 *Baguley, Ric. de, 26.
 Barton, Roger de, 40.
 Beeston, Henry de, 44.
 *Belewe, Wm. de, 41.
 Birkenhead, Roger, prior of, 53.
 Bold, Sir Ric. de, 46.
 *Bowdon, John de, 24.
 Bradshawe, Henry, 55.
 Bradshawe, Rob. de, 43.
 Bradshawe, Roger de, 50.
 Bradshawe, Yonet de, 45.
 *Brereton, Wm. de, 32.
 †Brereton, Sir Wm. de, 60.
 *Bressey, John de, 55.
 Bridge (Brigg, Brygge), Gilb.
 de, 42.
 *Bridge (Brigg, Brygge), Wm.
 de, 49.
 *Bromley, Roger de, 53.
 *Bromley, Wm., 55.
 *Brotherson, Hugh de, 50.
 †Browe, Sir Hugh, 40.
- Buddenhale, Thos. de, 43.
 Parson of Rostherne.
 *Bulkeley, Piers de, 30.
 *Bulkeley, Ric. de, 20.
 *Bulkeley, Wm. de, 50, of
 Otteworth.
 *Burdet, Sir Thos. de, 22.
 Burges (Burgh's), John de, 41.
 *Burghall (Bourghyll), Wm. de,
 35.
 Butler, John, 72, of Merton.
 Capenhurst, John de, 35.
 Chester, Wm. de Merston,
 abbot of, 50.
 Chisnale, Wm. de, 38.
 Cholmondeley, Ric. de, 30.
 *Clay, Thos. of Sandbach, 70.
 Cliff, John de, esq., of Maccles-
 field, 50.
 *Colye, Henry, 54.
 Combermere, Rob. de Col-
 wich, abbot of, 60.
 Cotton, Hugh de, 48.
 Cotton, Hugh de, "le puisne,"
 31.
 *Cotton, Ric. de, 24.
 *Cotton, Rob. de, 36.
 *Cotton, Wm. de, 40.
 Crewe, David de, 50.
 Culcheth, Gilb. de, 36.
 Dacre, Edmund de, 38.
 Dalton, Sir John de, 23.
 †Danyell, Rob., 45.
 Danyell, Wm., 50.
 Davenport, Arthur de, 50.
 *Davenport, John de, the elder,
 68.

- Davenport, John de, of Brom-
 hall.
 Davenport, Thos. de, 29.
 Decka, John, 40.
 Domville, John de, 60.
 Done (Daun), John, 30.
 *Dounes, Reynold de, 44.
 Dounes, Rob. de, 40.
 *Dounes (Donnes), Wm. de, 80.
 Duckenfield, John de, esq., 60.
 Duckenfield, John de, "le
 puisne," 30.
 *Duckenfield, Thos. de, 21.
 Duncalf, Thos., 58.
 †Dutton, Sir Laurence, 45.
 *Dutton, Wm. de, 30.
 Egerton, Ralph de, 56.
 *Egerton, Wm. de, 30.
 Eton, Howell de, 50.
 Eton, James de, 24.
 Eton, John de, 26.
 *Ewlowe (Ewellowe), John de,
 30.
 *Fitton, Thos. of Pownall, 40.
 Flemyng, Sir Thos., 32.
 *Folyam (? Foljambe), John, 38.
 Fouleshurst, Rob. de, 45.
 *Fouleshurst, Sir Rob. de, 60.
 Foxwist, Vivian de, 40.
 Frodsham, John de, 56.
 Glyndwr, Owain, sire de, 27.
 Glyndwr, Tudor de, 24.
 Halton (Halghton), Thos. de,
 50.
 Hallum, John de, 38.
 Halsall, Mons. Gilb. de, 30.
 Handford, John de, 56.
 Hanmer, John de, 22.
 Hassall, Rob. de, 40.
 *Hauton, Roger de, 40.
 Haydock, John de, 64.
 Haydock, Matt. de, 24.
 Hesketh, Thos., 30.
- Hilton, Ric. de, 30.
 Hilton, Wm. de, 40.
 Holand, John de, esq., 40.
 Holand, Ric. de, 45.
 Holand, Rob. de, esq., 43.
 Holcroft, John de, 51.
 Holford, John de, 48.
 Hornby, Thos. de, 50.
 *Hulme, Rob. de, 28.
 Hulme, Wm. de, esq., 43.
 Hulse, Hugh de, 38.
 *Huxley, Ughtred de, 58.
 *Hybawde (? Hibbert), Thos.
 de, 37.
 *Hyde, Ric. de, 43.
 Hyde, Rob. de, 50.
 *Hyde, Thos. de, 30.
 *Ince ("Jus"), John de, 34.
 Langton, Ralph de, baron of
 Newton, 45.
 Lathum, Edward de, 40.
 *Leftwich, Ric. de, 44.
 Legh, Geoff. de, 31.
 Legh, Hugh de, 27.
 Legh, John de, "le puisne,"
 34.
 Legh, Randulf de, 50 (2 depts.).
 Legh, Ric. de, 40.
 *Legh, Mr. Rob. de, 25.
 Legh, Thos. de, of North-
 wood, 47.
 Legh, Wm. de, 48.
 Legh, Sir Wm. de, 39.
 Lever, Adam de, 30.
 †Leycester, John de, 46.
 Leycester, Ralph, 40.
 Mainwaring, John, 29.
 Mainwaring, Ralph de, 26.
 Malpas, David de, 41.
 Manley, Ric. de, 36.
 Marbury, Thos. de, 45.
 *Marshall, Henry, 40.
 *Mascy, Edward le, 38.

- Mascy, Geoff., 32.
 Mascy, John de, 43.
 *Mascy, John, parson of Ash-
 ton, 60.
 †Mascy, Sir John, of Pudding-
 ton, 32.
 *†Mascy, Sir John, of Tatton,
 43.
 (dep. for Scrope only).
 Mascy, Ric. de, of Rixton, 38.
 *Mascy, Rob. de, of Preston,
 52.
 *Mascy, Wm., 50.
 Mere, Matt. del. 26.
 Mouldsworth, Roger de, 50.
 *More, Wm. del. 49.
 Morton, Wm. de, 30.
 *Newton, Rob. de, 30.
 *Norton, Ric. de Wyco, prior
 of, 52.
 Orrell, Nic., 36.
 Par, Henry de, 35.
 Par, Rob. de, "l'eisne," 47.
 Par, Rob. de, "le puisne," 39.
 *Pembroke, Sir Fulk de, 50.
 Pigot, John, 30.
 Pilkington, Sir John de, 20.
 Pilkington, Robert ("Bobert")
 de, of Rivington, 40.
 Pilkington, Sir Roger de, 60.
 Pinnington, Thos. de, 36.
 *†Poole, Sir John de, 34.
 (dep. extant for Scrope
 only).
 Praers, Wm. de, 50.
 Puleston (?), Rob. de, 28.
 Radcliffe, John de, of Ordsall,
 30.
 Ranford, John de, 50.
 *Redyche, Ric. de, 50.
 Rigby, Nic. de, 35.
 Rixton, Alan de, 28.
 Rixton, Henry de, 56.
 Rixton, Nic. de, 26.
 Rixton, Wm. de, 38.
 *Rowley, Rob. de, parson of
 Arrow, 47.
 St. Pierre, Thos., 48.
 *Sandbach, Hugh de, 35.
 Siddington (Sodyngton), Wm.
 de, 28.
 Slene, Wm. de, 36.
 *Somersford, Thos., 56.
 Southworth, Matt. de, 30.
 *Spurstow, Ric. de, 40.
 Standish, Ralph de, 30.
 Stanley, Ralph de, 24.
 Stanley, Rob. de, esq., 50.
 Stanley, Thos. de, 21.
 Stanley, Wm. de, 50.
 Sutton, John fitz. Ric. de,
 esq., 40.
 Talbot, Ric., 40.
 Tildeslegh, Henry de, 50.
 Tildeslegh, Matt. de, 40.
 Toft, Rob. de, 38.
 Trafford, John de, 40.
 Tranmere, Wm. de, 48.
 Urmston, John de, 35.
 Vale Royal, Stephen, abbot of,
 40.
 Vernon, Geoff. le, 32.
 *Vernon, Nic. de, 46.
 Vernon, Sir Ralph de, 46.
 (as Ralph, 50, called for
 Scrope).
 Vernon, Ric. de, 34.
 Vernon, Thos. le, 28.
 Washington, Rob. de, 60.
 Welston, Hugh de, 24.
 Wethenhall, Piers de, 66.
 *Winnington, Sir Ric. de, 40.
 Winstanley, Hugh de, 39.
 *"Wyllam," Ralph de, 60.
 (perhaps Wilbraham).
 Young, Morgan le, 36.

FURTHER NOTES ON THE DEAFFORESTATION
 OF WIRRAL.

Contributed by R. Stewart-Brown, M.A., F.S.A.

THE main facts about the deafforestation of Wirral (which had probably been placed under the forest law in the first quarter of the twelfth century, not very long after the compilation of Domesday Book) are known, but a little new information has recently emerged in one or two quarters. The deafforestation has been shown to have been first ordered by letters patent of the Black Prince. Their date and exact terms are not known, but they were probably issued not long before his death on 8 June, 1376. They are referred to in the petition and the letters patent mentioned below, but the Black Prince's Cheshire *Register* of letters and orders, in which they would no doubt have been mentioned, is only extant down to 1367. Edward III confirmed the deafforestation by charter of 20 July, 1376,¹ but it appears that there had not been a preliminary inquiry of *ad quod damnum*, to show what prejudice it would be to anyone, so that interested parties seem to have refused to recognise the deafforestation on technical grounds. Some of this story is related in the undated petition of the commonalty of Wirral² which they lodged at some date between that of the King's charter and his death in 1377. In view of the opposition referred to, and their grievances, they asked that the deafforestation should be confirmed by a statute of Parliament. This, however, was not done, and Richard II took advantage of the situation in 1384 to levy a fine of 600 marks upon the

¹ *Trans.*, vol. 59, p. 165.

² *Ibid.*, p. 172.