

ART. XIII.—*Some Signatures of Carlisle Notaries.* By the  
REV. JAMES WILSON, M.A.

*Communicated at Arnside, Sept. 25, 1893.*

THE first use of Notaries, it would seem, was to take in writing the whole process of the heathen judges against the Christian martyrs, what questions were put to them, what answers they made and whatever passed during their trial and suffering. Its first institution as a standing office is ascribed to the time of the Decian persecution after which it is said that an order of men was appointed in every church to make a faithful collection of the acts of the martyrs and to preserve them as authentic memorials for the example and encouragement of future generations. Afterwards these Notaries were employed in writing the acts of synods and councils, taking notes of the debates and reading instruments or petitions or whatever else of that nature was to be offered or read in council.\*

In England we find the name of Notary at a very early period connected with the drawing up and the authentication of important documents of various kinds, though the office as we know it was not recognised as a general or effective institution till several centuries later. There can be no doubt of the existence of some phase of this office during the Anglo-Saxon period. It is true that civil and ecclesiastical rulers thought that the *signum venerandæ crucis* appended to their signature was sufficient testimony to certify the validity of their acts. But with the progress of society, the necessity of guarding the modes of inter-

---

\* Bingham's *Origines Ecclesiasticæ*, vol i, bk III, cap xiii, sect 5. Moreri's *Dictionnaire Historique* under the word *notaires de Rome*, vol iv., p. 38, should also be consulted.



Concordat Cum originali et examinatur  
p me Thomam. Talentyre Notarium



---

communication became more imperative. It was customary for several witnesses to attest grants of privilege or deeds of transfer, but in many cases the presence of a disinterested notary was required. There is ample opportunity for studying the early methods of authenticating documents by reference to the series of charters belonging to the Saxon period of our history printed with much industry by Thorpe:\* in some of these the *Notarius* is not only present but his function is recognised as that of writing the deed and countersigning it *in Dei nomine feliciter*.

Whatever may have been the precise nature of the notary's office in England during the period covered by these charters, it had fallen into desuetude, at all events to some extent, after the Norman conquest, and though it was an operative institution in continental states,† there is a strong presumption that its use was not general at home. This is what Sir Henry Spelman says:—

Legi (sed locum nescio) Notarios publicos bullâ papali hic in Angliâ institutos esse tempore Regis Ric. 2. sed hos fortè in re Ecclesiæ.‡

But it is bad policy to trust to the memory even of a great scholar. There is evidence that the office had fallen

\* *Diplomatariûm Anglicum Aevi Saxonici*, pp. xxiii, 406, 414, *et passim*. The same information may be gathered from Kemble's *Codex* and the intricate volumes of Haddan and Stubbs. Upon the early history of signatures a trustworthy French writer says:—

Avant que les sceaux fussent reconnus nécessaires pour donner autorité à un acte quelconque, les parties intéressées se contentaient de tracer une croix (*signum crucis*) devant leur nom et d'y mentionner un nombre de temoins. Mais au xiiè siècle les sceaux suppléèrent aux seings ou signatures composées d'une simple ✠ précédée du mot *signum*. Ce ne fut qu'au xvie siècle que la signature en toutes lettres fut exigée pour donner aux titres la sanction nécessaire (M. Chassant's *Paleographie des Chartes*, p. 110, Paris, 1885).

† See the interesting paper by the Rev. Joseph Hirst on the Signs-Manual of some Italian Notaries in the *Antiquary of March*, 1893.

‡ This is his explanation of the word *notarius* in the *Glossarium Archæiologicum*, but he goes on to say that he found mention of the office in certain charters of Edward the Confessor. One or two of these he has printed in the *Concilia*, vol i, pp. 628-632, edition 1639.

into

into disuse at the date of the Legatine constitutions of Otho in 1237 where it is stated in two consecutive articles that there was at that time a greater necessity for sealed instruments *in partibus Anglicanis ubi publici Notarii non existunt*,\* but it is only right to say that John of Athon, the annotator of these Constitutions, who was almost a contemporary of Otho, flourishing in 1299, interprets the *non existunt* as *raro existunt*, thus preserving the continuity of the office in this country. From this date we find it in operation,† to the time of the Reformation.‡

When Henry VIII was re-adjusting the national policy

\* These constitutions with Athon's notes are found in Lyndwood, *Provinciale Laws*, part II, pp. 65-8, edition 1679; also in Johnson's *Collection of Ecclesiastical Laws*, vol ii, *in loco*, 1237, articles 27 and 28, edition 1720, and in Bishop Gibson's *Codex Juris Ecclesiastici Anglicani*, vol ii, p. 1056, edition 1713. The office, falling into abeyance at this period, is only of a piece with the treatment of other Saxon offices and customs, which had gradually grown obsolete and forgotten.

† There are three very notable instances in well-known statutes where the office is mentioned, viz, the Act of Provisors of Benefices in the 25 (according to the printed copies of the statute but according to Bishop Gibson (*Codex*, vol i, 75-6 the 35) Edward iii, st 6, sect. 4: the act of Premunire 27 Edward iii, cap i, sect. i, and the Act of Premunire for purchasing bulls from Rome, 16 Rich ii, c 5, sect. 2. It was the language of the latter statute probably that induced Spelman to conjecture that the office originated there.

‡ It may be well to supply a few more references to show the office in operation in this country at the time spoken of and the methods by which it was exercised. For considerations of space a bare summary must be sufficient:—

- (1) Notarial exemplification of two assignments made by the prior and convent of Lewes and subscribed with sign-manual by "Johannes Northwyk, Clericus, Wygorniensis diocesis, publicus auctoritate apostolica notarius." and bearing date 1411 (Sir George Duckett's *Charters and Records of Cluni*, vol. I, 214-219.)
- (2) Notarial *inspeximus* of two ancient records of the priory of St. Pancras by "Thomas Edyngham, clericus Cantuariensis diocesis, publicus auctoritate apostolica notarius" in the year 1417 (*Ibid*, I, 46-56).
- (3) Notarial exemplification of the official appointment of Robert Amicel, the well-known prior of Lewes, as vicar-general of the Cluniacs in Eng<sup>l</sup>and, Scotland, and Ireland with the notarial emblem of "Johannes Goodman de Lewes, clericus Cicestrensis diocesis, publicus auctoritate apostolica notarius," of date January, 1434. Other acts of Prior Amicel are attested by this Notary (*Ibid*, II, 45-52).
- (4) Public instrument, date 1446, testifying to the non-acceptance of the priory of Lewes by Nicholas Benet on the death of Amicel with notary's emblem and attested by "Johannes Wybberly clericus Exon. diocesis, publicus auctoritatibus apostolica et imperiali notarius" (*Ibid* II, 69).

From the same volume; may be gathered many examples of foreign notaries, but their procedure differs in no perceptible respect from that of their English contemporaries. The continental office received its authority from papal, imperial or royal sources just like the office in England. The international recognition of the office is interesting.

of the English Church, the Act of 1533, 25 Henry VIII, commonly called "the Act of Peter Pence and Dispensations," freed his subjects from the exactions of foreign ecclesiastics and invested the King with the power of granting faculties which had been previously usurped by the Bishop of Rome. As a necessary outcome of this legislation a new court, called the Court of Faculty, was originated, which came within the sphere of the Archbishop of Canterbury, to whom the appointment of notaries was delegated, and in whose hands it has remained ever since.\* From this time forward the use of notaries had sprung into prominence and their duties were enlarged and defined. In the celebrated but abortive *Reformatio Legum Ecclesiasticarum*, attempted in the reigns of Henry VIII, Edward VI, and Elizabeth, the Notary came in for his share of official reconstruction, a whole chapter of twenty-one articles having been devoted to his edification. In the article concerning the *modus conficiendi instrumenta*, technical directions are given not only for the peculiar phraseology of the instrument but for the use of the sign-manual—*Notarii quoque obsignatio cum subscriptione ac proprio signo in fine adjiciatur.*†

The number of notaries increased and multiplied during the reign of Elizabeth and occasions for their intervention were created by the variety of causes placed within their jurisdiction. In 1603, as a testimony to the repute in which the office was held, their signature was imposed as a warrant for the good faith of "deans,‡ archdeacons, prebendaries, parsons, vicars, and others, exercising ecclesiastical jurisdiction who claim liberty to prove the

---

\* Burn's *Ecclesiastical Law*, vol iii, p. 2, 4th edition, 1781.

† Cardwell's *Reformatio Legum*, &c, p. 233, Oxford edition. After the futile attempt to give legal effect to some such body of ecclesiastical and civil laws in the Parliament of 13 Elizabeth, 1571, the subject dropped (Styve's *Parker*, book iv, chap. 5, p. 323, folio 1711).

‡ Canon cxxvi, English edition. The precaution was necessary for a proper record of Wills in the Bishop's Registry.

last wills and testaments of persons deceased within their several jurisdictions". Nowadays notaries are for the most part confined to seaport towns or reckoned among the officials of bishops, their duties consisting chiefly of certain diocesan work or of shipping and mercantile matters. Notarial practice is largely guided by custom and some acts\* of parliament passed during this century. It is thought that the palmy days of the office are over.

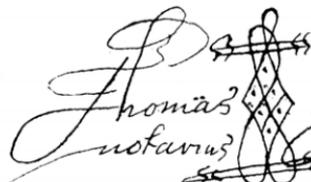
A most curious feature of the notarial office was the sign-manual or special mark which was used to supplement the signature of the name and render it more difficult of imitation. It was of the nature of a heraldic device to characterise the peculiarity of the office and was largely used in the sixteenth and seventeenth centuries in attesting deeds and documents belonging to cathedral and collegiate authorities. Several of these signatures have come under my notice, the most distinctive and interesting of which, as far as they relate to the diocese of Carlisle, are reproduced in illustration of this paper. It may be observed that on inquiry I can find no trace of the office of a public notary among the muniments of the Corporation of Carlisle, so that all the fruits of local research are confined to the registries of the Bishop and the Dean and Chapter. From this it may be concluded that the office, at the time under consideration, was more or less ecclesiastical, as may be understood from the authority which makes it effective. Of the signatures, all but one are found in the first volume of the post-Reformation registers of the See of Carlisle, the solitary exception being that of the Chapter clerk of 1570. The first I meet with was used by Bernard Aglionby, registrar to the Bishop when the series of episcopal registers is resumed *Anº dni* 1561

---

\* Some of the more recent statutes for regulating the functions of notaries may be mentioned :—41 George III, c. 79 as amended by 3 and 4 William IV, c. 70: 6 and 7 Victoria, c. 90: the Shipping Acts of 18 and 19 Victoria, c. iii, as amended by 25 and 26 Victoria, c. 63: 33 and 34 Vict. c. 28, and 52 Vict. c. 10.

Jm d Barnard  Anglonby  
 Party 1562 // Regent,

Jm d Reynaldus  perkins  
 Notarius // Dublinus  
 1571

Jfa  Thomas Gibbon  
 Notarius // Dublinus  
 1598.

29 *Septembris*. He continued in his office till February 1576, after which his signature disappears. During this time the style of the device, whenever it occurs, does not vary, so that it cannot be considered a mere haphazard flourish without any definite purpose. Of the two dozen signatures made by Aglionby during the episcopates of Bishops Best and Barnes, the balloon-shaped device is employed no less than eleven times between the years 1561 and 1565, after which he dropped the figure altogether. His signature continues occasionally up to the translation of Bishop Barnes in 1577, but it does not recur in the register of Bishop Meye. There is no appreciable variation in any of the notarial figures used by him, a family likeness existing all through, one being a fac-simile of the other.

As a contemporary with Aglionby, Thomas Tallentyre filled the post of clerk or notary to the Dean and Chapter of Carlisle. At the beginning of one of the earliest volumes of the Capitular books he has entered a copy of Queen Elizabeth's commission, dated 29 June (8 Elizabeth) 1566, concerning the granting of improper leases, to which he subjoined the sign-manual given in the illustration.\* Of Tallentyre's signature I have found no duplicate. It would appear that he was succeeded in August, 1579, by John Smithe. About the same time, August 1st, 1579, the name of Reginald Perkin occurs as a public notary in Bishop Meye's register, and on the 11th of December following he blossoms out into the registrar. But Perkin was more particular in tricking out his device with additional touches than in what designation he appended beneath it: sometimes he styles himself, as in 1594:—

Ita est Reginaldus Perkin notarius pub<sup>cus</sup>  
Deputatus Reqrarij Carliolen

---

\* For a tracing of the signature I am indebted to the kindness of the Dean of Carlisle.

though

though he had previously subscribed a caveat in 1580

Per me Reginaldum Perkin  
Notarium Publicum  
Carliolen Regrum.

but for the most part he was satisfied with notary public as shown in the woodcut. There appears to have been a definite rule observed as to the signature of notary and registrar. When an ordinary document is entered upon the Register, the office of notary was deemed sufficient to attest its authenticity, but in weightier matters like a caveat or a will it was thought more prudent to recite the double office and append the sign-manual. Perkin was a most excellent scribe, and his device is always in itself a work of art, like some others of this date that I have seen in the Public Record Office and elsewhere. It is clear that he took considerable pride in embroidering it, as in idle moments he sketched it in the margin and on vacant spaces on the pages: besides out of the thirty documents he was called upon to witness he employed it with scarcely any variation in form or detail as many as twenty times. It has been suggested that notarial marks have some concealed signification, some riddle or rebus on the name or status of the person using it. That may be; but it has yet to be proved. In my own view they are mere conceits\* like much of the floriation of mediæval sculpture or the grotesque embellishments of old books. The sign-manual of Thomas Gibson, which bears some resemblance to that of Perkin, first occurs in witness of a

---

\* Perkin was apparently a notary with many "fads," since he thought his marriage of sufficient importance to be entered amongst the acts of the bishops. It may be useful to republish it here:—

Die dnica px ante festum Penthecosts viz dnica duodesimo die mēsis maij  
Anno dni millimo quingen<sup>o</sup> octogesimo tertio in ecclia bte Marie virginis  
civitate Carlj pnte tempore Divinor solemnizatus fuit mrimonium inter  
me Reginaldum Perkin Notarium Publicum et Katherinam Sowthaick  
filiam Thomae Sowthaick mgri choristoru' ecclie Cathlis Carliolen p  
dnm Thomam Johnson Curatum ibm, Mro Thoma farfax sacre theologie  
bacc eodem die ibm concionate. Quod quidem mrimonium contractum:  
fuit inter nos die dnica vigiliis Sti Jacobi Apli, viz xxvij<sup>o</sup> die mesis Julij  
Anno dni millimo quingen<sup>o</sup> octagesimo.

deed



deed of resignation of the rectory of Bowness-on-Solway by Mr. Leonard Lowther in June, 1597, and ceases altogether in 1602. Of the eight signatures which occur in the Register, the device is delineated three times without perceptible modification. Bishop Robinson was a prelate who delighted in having notaries about him, some of his instruments being witnessed by three and one of them by as many as four of these officials. When his brother Giles Robinson resigned the archdeaconry in 1602 it took four notaries to authenticate the deed. One of these was Giles Swinbank, who had previously witnessed a caveat respecting the church of Orton in Westmorland in 1594, the writing having been signed *in quadam p'lura sive officio infra Domum soliter habitacois mei Reginaldi Perkin notarij publici deputati Regrij Carliolen in vico vocat Castlegate infra Civitatem Carlij*. Swinbank's device, of which I have not seen another example, seems to be more of a caligraphic flourish than any conventional form.

Four of the signatures, which are illustrated, have no distinctive figure or device, viz., those of John Meye, William Mulcaster, Philip Ellis, and Edward Fountain. Meye is an interesting personage, being a son of the Bishop of that name. The signature in question is taken from a deed of resignation of Crosthwaite by Robert Beck in 1597. It may be permissible to interpolate in this place a couple of Cambridge documents, which were duly recorded in the Register: one from Dr. Preston is a quaint and friendly letter conveying to the Bishop the news of his son's admission to the degree of Bachelor of Laws and the other is the grace or *placeat* from the doctors and professors of that University. If of no other value they will serve to show that a notary at this date could be a person well learned in the law.\* They are the following:—

---

\* Another example may be of use to establish this statement. It is from a deed of the resignation of the Rectory of Kirkbythore by Robert Warcop in 1597, and entered in Bishop Meye's register. It concludes as follows:—

Lra direct dno Epo  
 p admisione Johnis Meye  
 eius filij in ordinem  
 bacchalaurei legis &c  
 unacu' vera notula graciae  
 sue, subscript p doctores  
 Cantabrigien

My Verie good  
 lorde the Rosiall  
 curtesies w<sup>ch</sup> I  
 once receyvede  
 muste comande  
 my poor endeavours  
 for ever, M<sup>r</sup>  
 Johne Meye his

grace to comence bachelier in lawe is accomplished honorablelie and frugallie w<sup>thout</sup> penaltie constrainte of exercise or convivacon only payinge accustomed dewties unto the ordinarie officers, as vice-chanceler, peters, beadles, and compoundinge w<sup>th</sup> the father for his chaire. Honorablelie for that he pceedeth by the priviledge of Nobilitye *Ita ut eius admissio stet ei p. complet. gradu et forma*, w<sup>ch</sup> favour of actuall admission is pemptorie pcluded to all psons by a statute of her Ma<sup>ties</sup>, *nisi sint Regie ma<sup>ti</sup> aserret., Epi, nobiles aut nobiliu' filij*. That it may more fully appeare I have sent hereinclosed a Trewe purporte of the grace unto yo<sup>r</sup> lo: veiw<sup>e</sup> w<sup>th</sup> such handes subscribed by M<sup>r</sup> vicechanceler the heades of Colledges, and doctors of the facultie as our universitie order requireth. The admission may be any tyme betwixt this and the comencement at his owne convenientest oportunitie, when as I hope he will not refuse Trinitie haull for his lodgeinge nor me for his oste to whome he shalbe moste hartilie welcome. And I will not faile godwillinge to accompanie him unto the full dispatch of all his busines Evenso

---

Et ego Edmundus Pope Dioceseos London auctoritate Regia Notarius Publicus, et Univ'sitatis Oxon artiu' Magister et in legibus Bacchalaureus quia resignoi, cessionii et renunciacioni nec non procuratoris constit . . . . ceterisq: pmissis oibus et singulis dum sic ut pmittitur agerentur et fierent una cum testibus supius noiatis psonaliter interfui, eaque oia et singula sic fieri vidi et audivi atque prout gesta sunt in protocollum redeg<sup>i</sup> sub annis Doi, mense die et loco p<sup>dict</sup>, Ideo p<sup>rens</sup> publicu' instrutum manu mea propria fideliter scriptu exinde confeci subscripsi et publicavi atque in hanc publicam et authenticam formam redeg<sup>i</sup>, signoque meo Tabellionali, noie et cognoie et subscriptione meis notis et consuetis signavi, in fidem et testimonium pmissor rogatus ad id specialiter (ut p<sup>fer</sup>tur) et requisitus.

The allusion here to the office of Tabellion is of great interest. Blount says that it differed in some countries from that of Notary, but in his day they were grown or made one in England (Law Dictionary *sub verbo*). He quotes Matthew Paris (fol. 454, de Anno 1236):—

Quoniam Tabellionum usus in Regno Angliæ non habetur, propter quod magis ad sigilla authentica credi est necesse, ut eorum copia facilius habeatur, statuimus, ut Sigillum habeant non solum Archiepiscopi et Episcopi sed eorum Officiales.

This is additional testimony to that stated in the Legatine Constitutions that the office of notary, tabellion, or scrivener had fallen into disuse in England at the beginning of the thirteenth century.

desireinge

Willmib nythapoz  
notar. / sublimis 3

Ordinib Cunctant  
notar. / sublimis

Ha qd Ho: Meye.?  
notar int' Publimis?

John tister Adam: Sanderson  
Notarius publicus

In proda  
William Elliot McLean

John tister  
Edw: Huntayne  
Dare Registrar

desireinge to have my comendacons remembred to M<sup>ros</sup> Meye And if yo<sup>r</sup> lo<sup>p</sup> give me leave to M<sup>r</sup> Wilfride Lawson and his bedfellowe, I wishe to yo<sup>r</sup> good lo<sup>p</sup> all happines in Christe. ffrom Trinitie hall in Cambridge this xxviiij<sup>th</sup> of March 1594

Yo<sup>r</sup> lo<sup>ps</sup> moste humble to comand  
THO: PRESTON

*in dorso.* To the right rev'end father in god }  
my very good lo: the lo: busshopp of Carliell }

gracia Johnis Meye

M<sup>r</sup> Johannes Meye  
Placeat vobis ut  
rev'endi in xpo pris ac nobilis

virii, et dni Johnis Meye Carliolen epi filius post studiu' aliquot annoru' tam in humanioribus Iris, qm in iure Civili positum, admittatur ad gradum Bacchalaureatus in eodem Jure. Sic ut eius admissio stet ei p complet gradu et forma et ut non arctetur ad aliquam Ceremonia' solitam observari ab intrantibus in eadem facultate Juramento pmittat se consuetudines privilegia et statuta huius universitatis observatura'

Doctores Juris Civiles

Thomas Binge  
Tho: Legge  
Thomas Preston  
John Bettis  
Jo: Cowell  
Robertus Newcome  
Matth: Sethell

Professores theologie

Jo: duport vicedecanus  
Rob: Some  
Humfridus Tyndale  
Gulielmus Whitacre  
Edmund: Barwell  
Tho: neville  
John Jegon

I have a pardonable interest in the persons of Philip Ellis and Edward Fountain, as they were both of the parish of Dalston. The former is styled *generosus* in the parish register and was buried in Dalston on February 18, 1662-3, while the interesting old farmhouse in the township of Hawksdale, now called Fountain head, takes its name from the latter family. Fountain came on the scene as a notary with Bishop Potter in 1629 and continued registrar of the diocese till the ecclesiastical breakup in 1643.

George

George Tullie, who was registrar for a number of years,\* affected a very complicated device, if it can lay claim to such a title. His handwriting begins in 1609, but his name does not occur till 1612. He evidently took great pains in subscribing the different instruments with which he was connected, rarely forgetting to add a touch here and there to the fantasies with which his signature is invariably adorned. While he and Fountain successively filled the office of registrar to the Bishops, other notaries had occasion to witness documents entered in the Registry. One of these was John Pattinson, probably the official of the Dean and Chapter, who enters a caveat with respect to the patronage of Lowther. It is of interest as describing the location of the episcopal office—*in quadam superiori Camera vulgariter vocat the Registers office infra p'cinct ecclie Cathedralis Carliolen sup<sup>a</sup>du scit et situat ad rogatu decani et Capili Ecclie Cathedralis Carliolen p'dict.*† The signature of Thomas Hammond occurs but once as witness to the oath taken by the churchwardens of Crosthwaite in 1638 like that of Hugh Briskoe which forms the last entry in Bishop White's register in a caveat respecting the advowson of Plumland Church in 1627. These notaries were employed by the contravening parties and formed no part of the Bishop's *entourage*. We are indebted to the ordination, by letters dismissory, of a deacon from the diocese of York for the signature of Thomas Hopper, who attended at Rose Castle to witness the ceremony. It seems only a copy of the original as it

---

\* Tullie had some notarial transactions with Lord William Howard, e.g., 1612 Junij 2. To Mr. Tulley for copying out *totum processum versus Milburn, Is.*, and he took an interest too in Lord William's hobby:— 1623, Oct 29. To Jo: Robinson for charges of carrynge beare to Carlyle long since and bringing an antique stone from Mr Tully xiiijd.

George Tullie was father of Thomas, Dean of Ripon, who was born in Carlisle, 1620 (Lord William Howard's *Household Books*, pp. 15, 220). Timothy Tullie, Rector of Cliburn 1639, and occasional preacher in Carlisle was a later personage.

† The Dean and Chapter claimed the patronage of the Church of Lowther but failed to substantiate their claim.

In publica manu  
Hugonis Briskoe  
Notarij Publici

---

1629.

pmc Thom: Hamond  
Notarium publicum

---

1638

is undoubtedly written in the same hand and with the same ink as the rest of the register, which is the work of Reginald Perkin. The last of the notaries I have to mention is Adam Sanderson, whose signature occurs six times between the years 1632 and 1639, and never once without the distinguishing appendage.

During the remainder of the 17th century, that is, from the Restoration, I can find no distinctive sign-manual in use by any of the notaries employed by the Bishops of Carlisle. In 1661 the registrar witnesses thus:—

Ita testor

Rich: Sterne

Reg<sup>r</sup> Carliol

though sometimes he describes himself simply as *notarius publicus*, a custom which I have seen observed by others in after days. The nearest approach to a device was made on one occasion by John Nicolson in 1685, but it is such a tame affair that I did not think it worth reproduction. In recent years, the notaries attached to the episcopal registry have used seals, bearing their names in legend with their family crests on the field. The seal of the present holder of the office, Mr. A. N. Bowman, to whom some of us are under great obligation for unflinching courtesy, displays the bow and arrows, a rebus on his surname and a reminiscence of vocation of his ancestors, bowmen in the forests of Cumberland.

---