



Tracy	
Lucy	
Throckmerton	
Empson	

# In omnibus

... ad quos presens scriptum pervenit Susanna Barker, filia Richardi Tracy de Stanwore in Com. Glouc. Armig. et a  
 Barbara Lucy, filie Thome Lucy de Charletoe in Com. Warr. militis salutem: Cum Willms Tracy miles antecessor meus vobis de ...  
 vitam Thome quondam Cantuar. Archiep. utriusque relictarum solum tenent paraverit: Sciatis quod ego fidelissimi in Egran. Ma<sup>ty</sup> annuati ...  
 sum in xpo Patris Johannis Whitgisse Cantuar. Archiep. medecum eiusq. mansuetudinem ac vitam vobis et p<sup>ro</sup>p<sup>ri</sup>etatem honorand. cupiensq. palam fieri  
 pontificiam dignitatem familie mee immo fuisse unquam exosam (vbi nullatenus quidam publicaverunt) Sciatis inquam quod ego consentiente ac ad illius  
 sumo marito meo Edmundo Barker armigero. Dedi, concessi, et confirmavi, et p<sup>ro</sup>paucibus hospitibus sancte Trinitatis in Eropdon ex fundatione  
 Johannis Whitgisse Cantuar. Archiep. quendam annuatim redditum scilicet librarum tresdecim solidos et quatuor denarios legalis  
 monete Anglie annuatim solvend. sicut exunt de et ex dono nra mansionali vocata Lancaster Colledge iarta et ex istis in dimittis S<sup>an</sup>cti Pauli London.  
**Habendum** et percipiend. p<sup>er</sup> eam annuatim sive annuatim redditum scilicet librarum tresdecim solidos et quatuor denarios prefato Custodi, et pauperibus  
 hospitalis s<sup>an</sup>cti Trinitatis in Eropdon s<sup>an</sup>cti, et eorum successoribus a die date p<sup>re</sup>sentis usq. ad finem terminum, et pro termino mille Annor. proxime sequentium.  
 et plenarie Complendoria solvend. annuatim ad quatuor festa sive quatuor anni terminos maxime visitatos hu. Annuati<sup>o</sup>nis Beate Marie virginis  
 et Michaelis s<sup>an</sup>cti Johannis Baptistae s<sup>an</sup>cti Michaelis Archangeli et Michaelis s<sup>an</sup>cti, p<sup>er</sup> equales portiones. Et si contigerit dictam annuatim sive  
 annuatim redditum a p<sup>re</sup>sentis fieri et non solvi in xte vel in toto, p<sup>ro</sup> p<sup>ro</sup>xiimo vobis sicut post aliquod festum festos p<sup>re</sup>sentis in quo (ut p<sup>re</sup>teritum) solvi debent quod  
 tunc et demum bene litat et lucit prefato Custodi, et pauperibus hospitalis s<sup>an</sup>cti Trinitatis in Eropdon, p<sup>re</sup>sentis et eorum successoribus in dictam s<sup>an</sup>ctam  
 nram mansionalem intrant et dissonant, et dissonant ibidem captes, asportant, et vendi se extimer, sicut et quovisq. de p<sup>re</sup>sentis annuatim sive annuatim  
 redditu s<sup>an</sup>cti, vni cu. vobisq. si qua fuerint plenarie sibi fuerit satisfactum. Et ego Edmundo Barker armigero, Regis Ma<sup>ty</sup> ad causas curand. et  
 Regiarum. p<sup>ro</sup>curatoris Religiosam hospitalitatem, Charissime Commisio nra, approbando Donationem, et Confirmationem predictam annuatim sive annuatim  
 redditus scilicet librarum tresdecim solidos, et quatuor denarios, prefato Custodi, et pauperibus, et eorum successoribus pro termino mille Annor. modo et forma p<sup>re</sup>sentis  
 pro me hereditibus et assignatis meis ad quem iuris effectum confirmo: sub hac tamen conditione quod dicti Custodi et Pauperibus, hospitalis p<sup>re</sup>sentis, aut  
 successoribus sui, dictam annuatim sive annuatim redditum aut aliquam eius partem nullatenus vendant, suffragent aut alienent. **Promittuntq.**  
 et convenio p<sup>re</sup>sentis, pro me et hereditibus meis cum prefato Custodi et pauperibus hospitalis p<sup>re</sup>sentis, et eorum successoribus, me et hereditibus, et assignatis meis  
 pro et durante termino termino Annor. p<sup>ro</sup> sequentium onco et singulis ultioribus diebus legitime rati ad hoc sumus requisiti sumptibus et expensis dictorum  
 Custodis et pauperibus et successoribus suorum facturos quo servimus et melius dictam annuatim sive annuatim redditum scilicet librarum tresdecim solidos et quatuor  
 denarios percipere habeant et possideant pro lito termino dictorum mille Annor. dictorum rati et pauperibus hospitalis p<sup>re</sup>sentis, in seipsum, et possessoribus  
 non. Et annuatim sive annuatim redditus usum p<sup>ro</sup> deliberationem duxerunt monete valens sexdecim solidos, p<sup>re</sup>sentibus assigne. **In cuius** Teste  
 monium Sigilla nra publicis apposimus Anno d<sup>omi</sup>ni Millesimo Januario Anno regni illust<sup>is</sup> s<sup>an</sup>cti Edm<sup>un</sup>di Regis Anglie et Francie dei grat. Anglie  
 Francie et Hierusalem Regine fidei Defensoris etc. Quadragesimo Tertio Annoq. Domini iuxta rursum et computationem calce Anglie millesimo  
 Terrate s<sup>an</sup>cto.

Barker	
Brette	
Waterhove	
Dauenporte	



Surrey Archaeological Collections.



Cowell Ipswich

Anastatic Reproduction of a  
curious Old Print of Archbishop Whitgift  
forming the Frontispiece to his Life by  
Sir George Paule. Kt. published 1612

## VIII.

## ON AN ANCIENT DEED FROM THE MUNIMENT ROOM OF THE HOSPITAL OF THE HOLY TRINITY IN CROYDON.

BY JOHN WICKHAM FLOWER.

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THE deed, of which a *fac-simile* accompanies this part of the Society's Proceedings, and of which a translation is appended, is preserved, together with other interesting documents relating to the Hospital, in the Muniment-room over the gatehouse.

Archbishop Whitgift (the founder) seems to have been more than usually careful for the safety of these muniments. In the statutes which he ordained for the government of the Hospital, we find the following direction: "Whereas, I have allotted owte a speciall roome in the gate howse next unto the streete for keepinge of the evidences of the lands and revenews of my sayde hospitall, and for other thinges of some momente, being not of dayly use: I doe ordeine that, in the same roome there shall be one other cheste, wherein shall be kepte the foundation and donation of the hospitall, and all other evidens whatsoever, well sorted accordinge to the severall parcells of landes, into severall greate boxes, superscribed wythe papers of direction." This injunction seems to have been carefully complied with by successive wardens, and the deeds and evidences are now found in the several "greate boxes" in which they were in all probability placed by the founder, or in his time.

This deed is the grant of a rent-charge of £6. 13s. 4*d.* per annum (twenty nobles), by Susan Barker, wife of Edward Barker, Esq., to the Warden and Poor of the Hospital, and it is interesting in an archæological point of view, not only as regards the parties to the grant, and the singularity of the motives which induced them to make it, but also on account of the elegant and artistic style in which the deed is prepared.

Susan Barker (the grantor) was the daughter of Richard Tracy of Stanway, by Barbara, daughter of that Sir Thomas Lucy of Charlcote, to whom some of Shakespeare's early troubles were, or at least are said to be, attributable. She thus descends from two families, the names of both of which are very familiar to the students of English history. Her husband Edward Barker was principal Registrar of the High Commission Court, a piece of preferment which probably he owed to the Archbishop, who, in his frequent dealings with recusants and papists, had much to do with that dreaded tribunal. Probably this grant to an establishment founded by the Archbishop himself, and in which he took so large an interest, may have been a graceful method of expressing the Registrar's obligations to his patron.

The motives which led to this benefaction, (that which lawyers term the consideration for it) are of a somewhat unusual kind :—

After reciting that William Tracy, one of the donor's ancestors, had taken part in the murder of Thomas à Beckett, she states that not only out of esteem and respect for Archbishop Whitgift, but also in order that it might be openly made known, that the episcopal order was not at all hateful to her family, as some spiteful persons had reported, she was induced to grant the rent-

charge in question. Probably she bore in mind the old Gloucestershire proverb, in which it was suggested that an avenging Nemesis pursued her ancestor's descendants on account of his crime:—" *The Tracies have always, the wind in their faces ;*" or, possibly, the lady, although a Protestant, may have been insensibly influenced by some lurking belief in the Papistical doctrines—that ancestral guilt needed atonement, and that the performance of good works was efficacious for that purpose;—and that thus a handsome donation to the hospital founded by one Archbishop, might, in some sort expiate the guilt of murdering one of his predecessors.

I am not aware that any other of William Tracy's descendants attempted to atone for their ancestor's crime by the endowment of any chantry, or other like foundation. It appears, however, from Canon Stanley's most able and interesting work, entitled "Historical Memorials of Canterbury," that Tracy himself gave certain lands in Morton to the church of Canterbury, for the health of his own soul, and those of his ancestors, and for the love of St. Thomas, Archbishop and Martyr of venerable memory, and that the rents of this estate were to be applied to feed and clothe daily, for ever, one monk, to celebrate the divine offices "*pro salute vivorum et requie defunctorum.*" This deed was witnessed by the Abbot of St. Eufemia, in Calabria, which place was probably visited by Tracy on his way to the Holy Land, where he died. It also appears that Amicia, the widow of William Thaun, resigned to the treasurer of the cathedral of Exeter, on behalf of the church of Canterbury, certain lands which her husband had held under Tracy, and which he had made her swear she would duly assign to St. Thomas and the convent, but which, under the influence of her second husband, she had for some time

withheld. This resignation was effected in a somewhat unusual manner, by the delivery to the treasurer of her *cap*—‘*pilliolum*,’ as a symbol of the actual delivery of the land.

Mr. T. W. King, York herald, who has very kindly supplied me with the pedigree subjoined, has also given me the following description of the armorial bearings with which this curious document is emblazoned. On the left-hand side (but the dexter, heraldically speaking), are the arms of Tracy, Lucy, Throckmorton, and Empson, and on the opposite side, those of Barker, Brett, Waterhouse, and Davenport. It will be observed that the arms of the lady’s family (as also her signature) thus take the precedence of her husband’s. She was the daughter of Richard Tracy of Stanway, by Barbara daughter of Sir Thomas Lucy of Charlecote, by Elizabeth, who was the daughter of Sir Richard Empson, Knight, Chancellor of the Duchy of Lancaster in the time of Henry VII. Richard Tracy was the second son of William Tracy of Toddington, in the county of Gloucester, LL.D., by Margaret daughter of Thomas Throckmorton, sub-treasurer of England in the time of King Henry VI. (whose pedigree is printed in the first volume of the Surrey Archæological Collections), by Alianor daughter of Guy Spiney of Coughton, in the county Warwick. Edward Barker was the son of Francis Barker (whose family is said to have come out of Yorkshire), by Julia daughter of James Waterhouse of Ludlow, in the county of Salop, and Anne daughter of Thomas Davenport. Francis Barker was son of Thomas Barker by Julia Brett, of whose family we have no trace at present. Susan Barker, after Edward Barker’s decease, married Sir Henry Billingsley of London, Knight.

The mode by which possession of the annuity purports

to be given is worthy of notice. It is said to be, "by the delivery of a piece of gold money of the value of ten shillings, affixed to these presents." This coin, which still remains thus affixed, is an angel of the reign of Henry VIII. The seals both of Susan Barker and her husband are appended to it, the ribbons passing through four holes made in the coin, and so through the parchment. These ribbons are *azure* and *argent*, the principal tinctures of the Archiepiscopal arms of Canterbury, which, impaling those of Whitgift, are emblazoned on the upper part of the deed.

Attached to Susan Barker's own signature is the seal of the family of Tracy (the arms, however, occur without the escalop, an instance of which occurs in a MS. temp. Henry VIII., in the College of Arms), suspended by ribbons *or*, and *gules*, the two first colours of the arms of Tracy. Edward Barker's seal is suspended in a similar way by ribbons *or* and *sable*, the tinctures of his arms; and is likewise impressed with his arms. The form of the shields of these seals is the same, and rather unique for that period, bearing some resemblance to a heater shield, having two curvatures on the upper part.

The Mansion-house known as Lancaster College, in St. Paul's Churchyard, upon which the payment of this annuity was charged, was founded by the executors of John of Gaunt, Duke of Lancaster. It contained lodgings and a common hall for thirty priests, who were appointed to officiate daily in the chapel on the north side of the choir of old St. Paul's, in which John of Gaunt, and his first and second wives, were entombed.

These, probably, were the same priests for whose maintenance, John of Gaunt's executors gave to the church of St. Paul the manors of Bowes and Pecleshouse in Middlesex, that they might sing masses for his soul.

This college was suppressed at the Reformation, and was granted by Edward VI., on the 9th September, in the second year of his reign, to William Gunter, from whom probably it devolved to Susan Barker, or her ancestor, and eventually appears to have come into the possession of the Dean and Chapter of St. Paul's, who, by indenture dated the 26th of February, 1664, demised it to Thomas Pory of London, merchant. In this lease it is described as "Lancaster College, against the south gate of St. Paul's Cathedral, and encroached into the Churchyard." It was doubtless destroyed in that vast conflagration which, two years afterwards, consumed the cathedral itself. Its site is now occupied by the large buildings at the south-east corner of St. Paul's Churchyard.

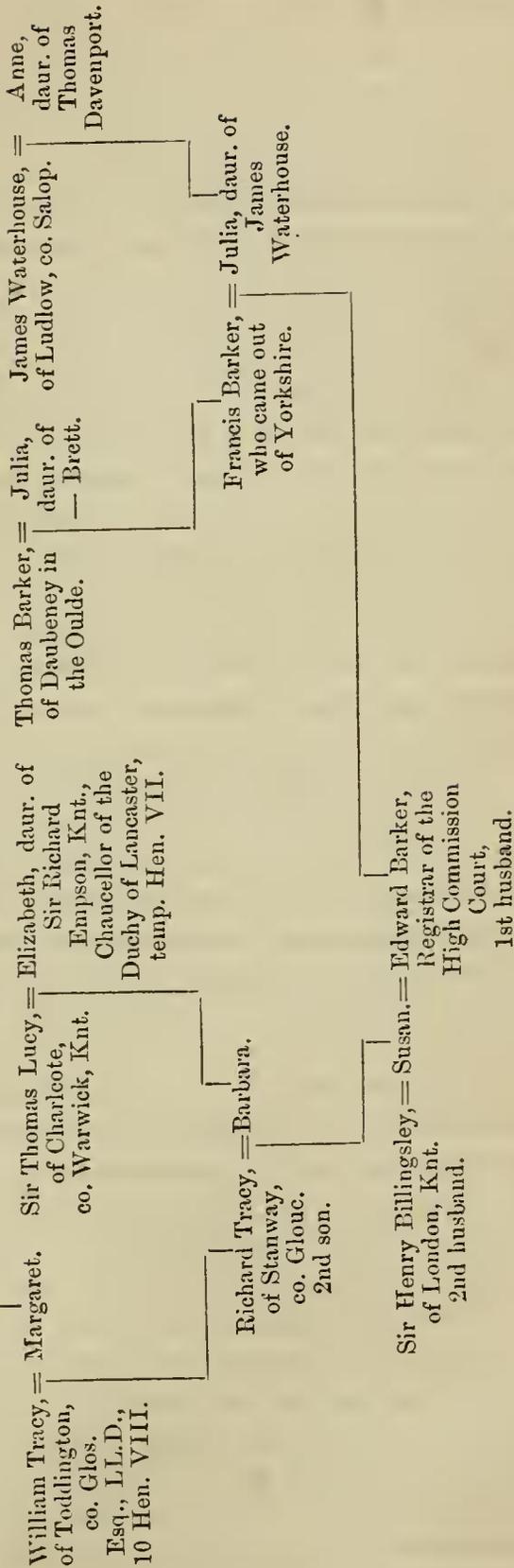
It is a singular circumstance, that although so carefully prepared, and so beautifully adorned, this deed was after all *invalid*: it seems to have been the production of a herald, rather than of a lawyer. At this time, and indeed long afterwards, a married woman could neither charge, nor alien, her freehold estate, except by a form of procedure known as a *fine*. This formality does not seem to have been observed, and it appears from the Hospital records, that some litigation took place in consequence. The defect was afterwards remedied, and the Hospital has continued to receive the annuity to the present time.

The device of giving *seisin* of an annuity, by the delivery of a piece of gold money, was altogether fanciful, and could have had no legal operation. This formality is one, which applies only to the conveyance of land, and was in no way essential to perfect the grant of an annuity, otherwise valid, nor would it have operated to set up an invalid grant.

PEDIGREE OF EDWARD BARKER, ESQ., REGISTRAR OF THE HIGH COMMISSION COURT, 1601,  
AND SUSAN, HIS WIFE.

*Communicated by THOMAS WILLIAM KING, Esq., F.S.A., York Herald.*

Thomas Throgmorton, Sub-treasurer of England, = Alianor, daur. and coh<sup>s</sup>. of Guy Spiney,  
temp. Hen. VI. of Coughton, co. Warwick.  
Ob. 23 Hen. VI., buried at Fledbury.



## TRANSLATION.

To all the faithful in Christ, to whom the present writing shall come. I, Susan Barker, daughter of Richard Tracy of Stanwaie, in the county of Gloucester, Esquire, and of Barbara Lucy, daughter of Thomas Lucy of Charlcote, in the county of Warwick, Knight, send greeting. **Whereas**, in time past, William Tracy, Knight, one of my ancestors, wishing to please his king, transgressed rashly against the life of Thomas, formerly Archbishop of Canterbury, whatsoever may have been his rebellion. **Know ye**, that I, honouring the most loyal disposition towards her Royal Majesty, of the most reverend father in God, John Whitgifte, now Archbishop of Canterbury, as also his gentleness, and his truly episcopal life, and desiring that it should be made apparent that the pontifical dignity was never at all hateful to our family (as some malicious persons have reported). **Know ye**, I say, that I (with the consent in this behalf of my most beloved husband, Edward Barker, Esquire), have given, granted and confirmed to the Warden and Poor of the Hospital of the Holy Trinity in Croydon, of the foundation of John Whitgifte, Archbishop of Canterbury, a certain annuity or yearly rent of six pounds thirteen shillings and fourpence, of lawful money of England, yearly to be paid and issuing from and out of our mansion-house called Lancaster College, lying and being in the Churchyard of St. Paul, London: **To have** and perceive the aforesaid annuity or yearly rent of six pounds thirteen shillings and fourpence, to the aforesaid warden and poor of the Hospital of the Holy Trinity in Croydon aforesaid, and their successors, from the day of the date of these presents to the end of the term, and for the term, of one thousand years next following, and fully to be completed, to be paid yearly, at the four most usual feasts or terms of the year, to wit, the Annunciation of the Blessed Virgin Mary, the Nativity of St. John the Baptist, St. Michael the Archangel, and the Birth of our Lord, by equal portions. **And** if it shall happen that the said annuity, or yearly rent, shall be in arrear and unpaid, in part or in all, for the space of one month next after any one of the feasts aforesaid, on which as is aforesaid it ought to be paid, that then and thenceforward, it shall and may be lawful for the aforesaid warden and poor of the Hospital of the Holy Trinity in Croydon aforesaid, and their successors, to enter upon our said mansion-house, and distrain, and the distresses there taken to carry away, and keep until full satisfaction shall be made for the said annuity or yearly rent aforesaid, together with the

arrears (if any there shall be). **And** I, Edward Barker, Esquire, Chief Registrar of the Queen's Majesty in Causes Ecclesiastical, approving the pious charity of my most dear wife, for myself and my heirs and assigns, in manner and form aforesaid, do confirm the donation and grant aforesaid of the annuity or yearly rent, of six pounds thirteen shillings and four pence, to the aforesaid warden and poor, and their successors, for the term of one thousand years, but nevertheless on this condition, that the said warden and poor of the hospital aforesaid, or their successors, shall in no wise sell, waste, or alienate the said annuity or yearly rent, or any part thereof. **And I promise** and agree by these presents for myself and my heirs, with the aforesaid warden and poor of the hospital aforesaid and their successors, that I and my heirs and assigns, for and during the term of three years next ensuing, will do all and singular such further lawful acts (when we shall be so required), at the costs and expenses of the said warden and poor and their successors, by which they may the more securely and the better have and possess peaceably the said annuity or yearly rent of six pounds thirteen shillings and four pence for the whole term of the said one thousand years; and we have put the said warden and poor of the hospital aforesaid into the seisin and possession of the said annuity or annual rent, by the delivery of a golden coin of the value of ten shillings affixed to these presents.

**In witness whereof** we have set our seals to these presents, the first day of the month of January, in the forty-third year of the reign of the most illustrious princess in Christ, Elizabeth, by the grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c., and in the year of our Lord, according to the course and computation of the English Church, one thousand six hundred.

SUSAN

L.S.

BARKER.

EDWARDE

L.S.

BARKER.