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978-1-108-01764-0 - The Paston Letters, A.D. 1422-1509, Volume 1

Edited by James Gairdner

Excerpt

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INTRODUCTION

The Paston Family

THE little village of Paston, in Norfolk, lies not far from the sea, where the land descends gently behind the elevated ground of Mundesley, and the line of the shore, proceeding eastward from Cromer, and begins to tend a little more towards the south. It is about twenty miles north of Norwich. The country, though destitute of any marked features, is not uninteresting. Southwards, where it is low and flat, the ruins of Bromholm Priory attract attention. But, on the whole, it is an out-of-the-way district, unapproachable by sea, for the coast is dangerous, and offering few attractions to those who visit it by land. Indeed, till quite recently, no railways had come near it, and the means of access were not superabundant. Here, however, lived for several centuries a family which took its surname from the place, and whose private correspondence at one particular epoch sheds no inconsiderable light on the annals of their country.

Of the early history of this family our notices are scanty and uncertain. A Norman descent was claimed for them not only by the county historian Blomefield but by the laborious herald, Francis Sandford, author of a *Genealogical History of the Kings of England*, on the evidence of documents which have been since dispersed. Sandford's genealogy of the Paston family was drawn up in the year 1674, just after Sir Robert Paston had been raised to the peerage by the title of Viscount Yarmouth, before he was promoted to the higher dignity of earl. It still remains in ms. ; but a pretty full account of it will be found in the fourth volume of *Norfolk Archæology*. The

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story of the early ancestors, however, does not concern us here. At the time the family and their doings become best known to us, their social position was merely that of small gentry. One of these, however, was a justice of the Common Pleas in the reign of Henry VI., whose uprightness of conduct caused him to be commonly spoken of by the name of the Good Judge. He had a son, John, brought up to the law, who became executor to the old soldier and statesman, Sir John Fastolf. This John Paston had a considerable family, of whom the two eldest sons, strange to say, both bore the same Christian name as their father. They were also both of them soldiers, and each, in his time, attained the dignity of knighthood. But of them and their father, and their grandfather the judge, we shall have more to say presently. After them came Sir William Paston, a lawyer, one of whose daughters, Eleanor, married Thomas Manners, first Earl of Rutland. He had also two sons, of whom the first, Erasmus, died before him. The second, whose name was Clement, was perhaps the most illustrious of the whole line. Born at Paston Hall, in the immediate neighbourhood of the sea, he had an early love for ships, was admitted when young into the naval service of Henry VIII., and became a great commander. In an engagement with the French he captured their admiral, the Baron de St. Blankheare or Blankard, and kept him prisoner at Caister, near Yarmouth, till he had paid 7000 crowns for his ransom, besides giving up a number of valuables contained in his ship. Of this event Clement Paston preserved till his death a curious memorial among his household utensils, and we read in his will that he bequeathed to his nephew his 'standing bowl called the Baron St. Blankheare.' He served also by land as well as by sea, and was with the Protector Somerset in Scotland at the battle of Pinkie. In Mary's reign he is said to have been the person to whom the rebel Sir Thomas Wyatt surrendered. In his later years he was more peacefully occupied in building a fine family seat at Oxnead. He lived till near the close of the reign of Elizabeth, having earned golden opinions from each of the sovereigns under whom he served. 'Henry VIII.,' we are told, 'called him his champion; the Duke of Somerset,

Clement
Paston.

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Protector in King Edward's reign, called him his soldier ; Queen Mary, her seaman ; and Queen Elizabeth, her father.'¹

Clement Paston died childless, and was succeeded by his nephew, another Sir William, whose name is well known in Norfolk as the founder of North Walsham School, and whose effigy in armour is visible in North Walsham Church, with a Latin epitaph recording acts of munificence on his part, not only to the grammar-school, but also to the cathedrals of Bath and Norwich, to Gonville and Caius College, Cambridge, and to the poor at Yarmouth.

From Sir William the line descended through Christopher Paston (who, on succeeding his father, was found to be an idiot, incapable of managing his affairs), Sir Edmund and Sir William Paston, Baronet, to Sir Robert Paston, who, in the reign of Charles II., was created, first Viscount and afterwards Earl of Yarmouth. He is described as a person of good learning, and a traveller who brought home a number of curiosities collected in foreign countries. Before he was raised to the peerage he sat in Parliament for Castle Rising. It was he who, in the year 1664, was bold enough to propose to the House of Commons the unprecedented grant of two and a half millions to the king for a war against the Dutch.² This act not unnaturally brought him into favour with the Court, and paved the way for his advancement. Another incident in his life is too remarkable to be passed over. On the 9th of August 1676 he was waylaid while travelling in the night-time by a band of ruffians, who shot five bullets into his coach, one of which entered his body. The wound, however, was not mortal, and he lived six years longer.

His relations with the Court were not altogether of good omen for his family. We are told that he once entertained the king and queen, and the king's brother, James, Duke of York, with a number of the nobility, at his family seat at Oxnead. His son, William, who became second Earl of Yarmouth, married the Lady Charlotte Boyle, one of King Charles's natural daughters. This great alliance, and all the magnificence

¹ Blomefield's *History of Norfolk*, vi. 487, 488.

² Clarendon's *Life*, ii. 440.

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it involved, was too much for his slender fortunes. Earl William was led into a profuse expenditure which involved him in pecuniary difficulties. He soon deeply encumbered his inheritance; the library and the curiosities collected by his accomplished father had to be sold. The magnificent seat at Oxnead was allowed to fall into ruin; and on the death of this second earl it was pulled down, and the materials turned into money to satisfy his creditors. The family line itself came to an end, for Earl William had survived all his male issue, and the title became extinct.

From this brief summary of the family history we must now turn to a more specific account of William Paston, the old judge in the days of Henry VI., and of his children. Of them, and of their more immediate ancestor Clement, we have a description drawn by an unfriendly hand some time after the judge's death; and as it is, notwithstanding its bias, our sole authority for some facts which should engage our attention at the outset, we cannot do better than quote the paper at length:—

'A remembrance of the worshipful kin and ancestry of Paston, born in Paston in Gemyngham Soken.

'First, There was one Clement Paston dwelling in Paston, and he was a good, plain husband (*i.e.* husbandman), and lived upon his land that he had in Paston, and kept thereon a plough all times in the year, and sometimes in barlysell two ploughs. The said Clement yede (*i.e.* went) at one plough both winter and summer, and he rode to mill on the bare horseback with his corn under him, and brought home meal again under him, and also drove his cart with divers corns to Wynterton to sell, as a good husband[man] ought to do. Also, he had in Paston a five score or a six score acres of land at the most, and much thereof bond land to Gemyngham Hall, with a little poor water-mill running by a little river there, as it appeareth there of old time. Other livelode nor manors had he none there, nor in none other place.

'And he wedded Geoffrey of Somerton (whose true surname is Goneld)'s sister, which was a bondwoman, to whom it is not unknown (to the prior of Bromholm and Bakton also, as it is said) if that men will inquire.

'And as for Geoffrey Somerton, he was bond also, to whom, etc.,

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he was both a pardoner and an attorney; and then was a good world, for he gathered many pence and half-pence, and therewith he made a fair chapel at Somerton, as it appeareth, etc.

‘Also, the said Clement had a son William, which that he set to school, and often he borrowed money to find him to school; and after that he yede (went) to court with the help of Geoffrey Somerton, his uncle, and learned the law, and there begat he much good; and then he was made a serjeant, and afterwards made a justice, and a right cunning man in the law. And he purchased much land in Paston, and also he purchased the moiety of the fifth part of the manor of Bakton, called either Latymer’s, or Styward’s, or Huntingfield, which moiety stretched into Paston; and so with it, and with another part of the said five parts he hath seignory in Paston, but no manor place; and thereby would John Paston, son to the said William, make himself a lordship there, to the Duke (qu. Duchy?) of Lancaster’s great hurt.

‘And the said John would and hath untruly increased him by one tenant, as where that the prior of Bromholm borrowed money of the said William for to pay withal his dismes, the said William would not lend it him unless the said prior would mortgage to the said William one John Albon, the said prior’s bondsman, dwelling in Paston, which was a stiff churl and a thrifty man, and would not obey him unto the said William; and for that cause, and for evil will that the said William had unto him, he desired him of the prior. And now after the death of the said William, the said John Albon died; and now John Paston, son to the said William, by force of the mortgage sent for the son of the said John Albon to Norwich.’

The reader will probably be of opinion that several of the facts here recorded are by no means so discreditable to the Pastons as the writer certainly intended that they should appear. The object of the whole paper is to cast a stigma on the family in general, as a crafty, money-getting race who had risen above their natural rank and station. It is insinuated that they were originally mere *adscripti glebæ*; that Clement Paston was only a thrifty husbandman (note the original signification of the word, ‘housebondman’), that he married a bondwoman, and transmitted to his son and grandson lands held by a servile tenure; and the writer further contends that they had no manorial rights in Paston, although William Paston, the justice, had purchased land in the neighbourhood, and his son John was endeavouring to ‘make himself a lordship’ there to the prejudice of the rights of the Duchy of Lancaster.

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It is altogether a singular statement, very interesting in its bearing upon the obscure question of the origin of copyholds, and the gradual emancipation of villeins. Whether it be true or false is another question; if true, it appears to discredit entirely the supposed Norman ancestry of the Pastons; but the remarkable thing is that an imputation of this kind could have been preferred against a family who, whatever may have been their origin, had certainly long before obtained a recognised position in the county.

It would appear, however, from the accuser's own statement, that Clement Paston, the father of the justice, was an industrious peasant, who tilled his own land, and who set so high a value on a good education that he borrowed money to keep his son at school. With the help of his brother-in-law, he also sent the young man to London to learn the law, a profession which in that day, as in the present, was considered to afford an excellent education for a gentleman.¹ The good education was not thrown away. William Paston rose in the profession and became one of its ornaments. He improved his fortunes by marrying Agnes, daughter and heiress of Sir Edmund Berry of Harlingbury Hall, in Hertfordshire. Some years before his father's death, Richard Courtenay, Bishop of Norwich, appointed him his steward. In 1414 he was called in, along with two others, to mediate in a dispute which had for some time prevailed in the city of Norwich, as to the mode in which the mayors should be elected; and he had the good fortune with his coadjutors to adjust the matter satisfactorily.² In 1421 he was made a serjeant, and in 1429 a judge of the Common Pleas.³ Before that time we find him acting as trustee for various properties, as of the Appleyard family in Dunston,⁴ of Sir Richard Carbonel,⁵ Sir Simon Felbrigg,⁶ John

William
Paston the
justice.

¹ 'Here everything good and virtuous is to be learned; all vice is discouraged and banished. So that knights, barons, and the greatest nobility of the kingdom, often place their children in those Inns of Court; not so much to make the law their study, much less to live by the profession (having large patrimonies of their own), but to form their manners, and to preserve them from the contagion of vice.'—*Fortescue de Laudibus Legum Angliæ* (ed. Amos), 185.

² Blomefield's *Norfolk*, iii. 126.

⁴ Blomefield, v. 56.

⁶ *Ibid.* viii. 109.

³ Dugdale's *Origines*.

⁵ *Ibid.* ii. 257, 285; vii. 217.

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Berney,¹ Sir John Rothenhale,² Sir John Gyney of Dilham,³ Lord Cobham,⁴ and Ralph Lord Cromwell.⁵ He was also executor to Sir William Calthorp.⁶ The confidence reposed in him by so many different persons is a remarkable testimony to the esteem in which he was held. He was, moreover, appointed one of the king's council for the duchy of Lancaster, and on his elevation to the judicial bench the king gave him a salary of 110 marks (£73, 6s. 8d.), with two robes more than the ordinary allowance of the judges.

In addition to all this he is supposed to have been a knight, and is called Sir William Paston in Fenn's publication. But this dignity was never conferred upon him in his own day. There is, indeed, one paper printed by Fenn from the mss. which were for a long time missing that speaks of him in the heading as 'Sir William Paston, Knight'; but the original ms. since recovered shows that the heading so printed is taken from an endorsement of a more modern date. This was, indeed, a confident surmise of mine at a time when the ms. was inaccessible; for it was clear that William Paston never could have been knighted. His name occurs over and over again on the patent rolls of Henry VI. He is named in at least one commission of the peace every year to his death, and in a good many other commissions besides, as justices invariably were. He is named also in many of the other papers of the same collection, simply as William Paston of Paston, Esquire; and even in the body of the petition so inaccurately headed, he is simply styled William Paston, one of the justices. Nor does there appear to be any other foundation for the error than that single endorsement. He left a name behind him of so great repute, that Fuller could not help giving him a place among his 'Worthies of England,' although, as he remarks, it did not fall strictly within the plan of his work to notice a lawyer who was neither a chief justice nor an author.

Of his personal character we are entitled to form a favour-^{His} character.

¹ Blomefield, x. 67.

³ Blomefield, vi. 353.

⁶ *Ibid.* v. 27.

² See Letter 13.

⁴ *Ibid.* x. 176.

⁶ *Ibid.* vi. 517.

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able estimate, not only from the honourable name conferred on him as a judge, but also from the evidences already alluded to of the general confidence felt in his integrity. True it is that among these papers we have a complaint against him for accepting fees and pensions when he was justice, from various persons in the counties of Norfolk and Suffolk;¹ but this only proves, what we might have expected, that he had enemies and cavillers as well as friends. Of the justice of the charges in themselves we have no means of forming an independent judgment; but in days when all England, and not least so the county of Norfolk, was full of party spirit and contention, it was not likely that a man in the position of William Paston should escape imputations of partiality and one-sidedness. Before his elevation to the bench, he had already suffered for doing his duty to more than one client. Having defended the Prior of Norwich in an action brought against him by a certain Walter Aslak, touching the advowson of the church of Sprouston, the latter appears to have pursued him with unrelenting hatred. The county of Norfolk was at the time ringing with the news of an outrage committed by a band of unknown rioters at Wighton. On the last day of the year 1423, one John Grys of Wighton had been entertaining company, and was heated with 'wassail,' when he was suddenly attacked in his own house. He and his son and a servant were carried a mile from home and led to a pair of gallows, where it was intended to hang them; but as ropes were not at once to be had, they were murdered in another fashion, and their bodies horribly mutilated before death.² For nearly three years the murderers went unpunished, while the country stood aghast at the crime. But while it was still recent, at a county court holden at Norwich, Aslak caused a number of bills, partly in rhyme, to be posted on the gates of Norwich priory, and of the Grey Friars, and some of the city gates, distinctly threatening William Paston with the fate of John

Outrage by
William
Aslak.

¹ No. 25.

² See No. 6. Compare J. Amundesham Annales, 16. In the latter Grys's Christian name is given as William, and the outrage is said to have taken place on Christmas Day instead of New Year's Eve.

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Grys, and insinuating that even worse things were in store for him.

Against open threats like these William Paston of course appealed to the law ; but law in those days was but a feeble protector. Aslak had the powerful support of Sir Thomas Erpingham, by which he was enabled not only to evade the execution of sentence passed against him, but even to continue his persecution. He found means to deprive Paston of the favour of the Duke of Norfolk, got bills introduced in Parliament to his prejudice, and made it unsafe for him to stir abroad. The whole country appears to have been disorganised by faction ; quarrels at that very time were rife in the king's council-chamber itself, between Humphrey, Duke of Gloucester, the Protector, and Bishop Beaufort ; nor was anything so firmly established by authority but that hopes might be entertained of setting it aside by favour.

William Paston had two other enemies at this time. ' I pray the Holy Trinity,' he writes in one place, ' deliver me of my three adversaries, this cursed Bishop for Bromholm, Aslak for Sprouston, and Julian Herberd for Thornham.' The bishop whom he mentions with so much vehemence, claimed to be a kinsman of his own, and named himself John Paston, but William Paston denied the relationship, maintaining that his true name was John Wortes. He appears to have been in the first place a monk of Bromholm, the prior of which monastery having brought an action against him as an apostate from his order, engaged William Paston as his counsel in the prosecution. Wortes, however, escaped abroad, and brought the matter before the spiritual jurisdiction of the court of Rome, bringing actions against both the prior and William Paston, the latter of whom he got condemned in a penalty of £205. On this William Paston was advised by friends at Rome to come at once to an arrangement with him ; but he determined to contest the validity of the sentence, the result of which appears to have been that he was excommunicated. His adversary, meanwhile, found interest to get himself appointed and consecrated Bishop of Cork ; and though his name does not appear in the ordinary lists of bishops of

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that see, the Vatican archives show that he was provided to it on the 23rd May 1425.¹

As for Julian Herberd, William Paston's third enemy, we have hitherto known nothing of her but the name. It appears, however, by some Chancery proceedings² recently discovered, that Julian Herberd was a widow who considered herself to have been wronged by Paston as regards her mother's inheritance, of which he had kept her from the full use for no less than forty years. Paston had, indeed, made her some pecuniary offers which she did not think sufficient, and she had attempted to pursue her rights against him at a Parliament at Westminster, when he caused her to be imprisoned in the King's Bench. There, as she grievously complains, she lay a year, suffering much and 'nigh dead from cold, hunger, and thirst.' The case was apparently one of parliamentary privilege, which she had violated by her attempted action, though she adds that he threatened to keep her in prison for life if she would not release to him her right, and give him a full acquittance. She also accuses him of having actually procured one from her by coercion, and of having by false suggestion to the Lord Chancellor caused her committal to the Fleet, where she was kept for a whole year, 'beaten, fettered, and stocked,' that no man might know where she was. At another time, also, she says he kept her three years in the pit within Norwich Castle on starvation diet. The accusation culminates in a charge which seems really inconceivable:—

'Item, the said Paston did bring her out of the Round House into your Palace and brought her afore your Chief Justice, and then the said Paston commanded certain persons to bring her to prison to your Bench, and bade at his peril certain persons to smite the brain out of her head for suing of her right; and there being in grievous prison during half year and more, fettered and chained, suffering cold, hunger, thirst, in point of death, God and ye, gracious King, help her to her right.'

¹ Nos. 10, 11, 12. Maziere Brady in his book on the *Episcopal Succession*, vol. ii. p. 79, gives the following entry from the archives of the Vatican:—

'Die 10^o kal. Junii 1425, provisum est ecclesie Corcagen. in Hibernia, vacanti per mortem Milis (*Milonis*), de persona Ven. Fratris Johannis Pasten, prioris conventualis Prioratus Bromholm, Ordinis Chuniacensis.'—*Vatican*.

Also on Sept. 14, 1425, 'Johannes Paston, Dei gratia electus Korkagen, solvit personaliter 120 florenos auri,' etc.—*Obligazioni*.

² Printed in Appendix to this introduction.