

## A Friend to his Country

### William Mayhew & the Recovery of the Colchester Charter 1763

by John Bensusan-Butt

Late in the year 1757, William Mayhew, attorney, was in Ipswich, probably on account of a by-election in which Charles Gray, M.P. for Colchester, was interested as next in line to be Recorder there. Whatever the reason, he took the opportunity to sit to Thomas Gainsborough for his portrait, and in the course of painting it, Gainsborough said to him he did not think one in ten lawyers was worth hanging, later writing to apologise (having been told of his mistake): "Really, Sir, I never saw one of your profession look so honest in my life, and that's the reason I concluded you were in the wool trade." The portrait is now in Perth, Australia, but that is another story. As Henry Fox, father of Charles once said: "Every set of men are honest: it is only necessary to define their sense of it, to know where to look".

Look at William Mayhew's memorial tablet in St Leonard's, Hythe, and it describes him as 'an alderman of this borough, a chearful companion, a friend to his country, a good Christian, but no bigot" who "lived esteemed, and died lamented by his family and friends, upon the 21st of August 1764, aged 58 years." Few epitaphs are so accurate, as this paper will seek to show.

If honesty is self-interest, he had a large sense of that; neither in defending the interests of his family-dependents, nor those of the freemen of Colchester, can he be faulted for vigour and determination, nor for his capacity to have a finger in every available pie. The Court of Chancery was no match for him: only the House of Commons Committee of Elections worsted him, though there too his cause won in the end.



WILLIAM MAYHEW (1706-1764)

inscribed on back:

"Gainsborough de Ipswich pinxit 1757"

now in the Western Australian Art Gallery, Perth

by *Art Photo Engravers Pty Ltd, Perth*

How he looked after his family, and his general activities as a lawyer can be dealt with first, then his part in the much more important matter of the recovery of the Borough Charter, scandalously lost for more than twenty years.

William Mayhew, was son of a "haberdasher of hatts" of the same name at Chelmsford, and was baptised there on 22nd April 1706. His brothers, John and Thomas, born in 1707 and 1709 respectively, proved far less forceful characters. William the hatter died in 1711, and his widow Elizabeth, nee Bold, continued the business till her death in 1742.

William appears to have entered the office of his uncle Thomas Mayhew, attorney in Colchester, and was admitted attorney himself, in the Borough Courts, on 16th October 1727.

But ten days before had occurred the event that coloured the family's existence for the rest of his days, the death of his uncle Thomas. It was his nephew William who bore the brunt of the troubles that ensued.

Thomas had not made a will for 10 years, and his finances were hopelessly mixed up with those of his clients.

Thomas Mayhew had been steward, attorney and solicitor to a Thomas Hallam, Esq. of East Bergholt for whom in 1715 he had sold Irish estates for £20,000. But Thomas Hallam died in 1719, and soon after, so did his brother William, co-executor with Thomas Mayhew. They were supposed to invest the Irish money in suitable lands for Hallam's infant daughter Mary. In Chancery in 1732, a Master called Holford set out to list such of Thomas Mayhew's properties as should be handed over. But they never were in Mary's lifetime. Happily, perhaps she did not miss them much, as she soon married Philip Bennet, Esq. of Widcombe Manor, outside Bath, a most beautiful mansion built by him c.1727. He was M.P. for Shaftesbury when she died in 1739, and later M.P. for Bath. His sister was married to a brother of his neighbour, the celebrated Postmaster Ralph Allen of Prior Park.

The hand-over of properties was delayed in the following masterly fashion. Every time one of Thomas Mayhew's numerous heirs died, a *Bill of Revivor* became necessary for the suit to continue, often against a new set of administrators. Thus it was not till 1767, that Mary Bennet's son Philip recovered his rightful inheritance of £19,220.4.6. in the form of Whatfield Hall and other properties in Suffolk, the King's Head Inn in Colchester, and the Manor of Bourchier's Hall, Tollesbury (Morant I. p.402) of which the Master found Thomas Mayhew to have held a mortgage (1722) of £6,900 for securing repayment of £3,444.

As for another client, Penelope Wyncoll, widow of Dedham, it appears that in 1728, the year of Thomas Mayhew's death, he advised her to burn her husband's will (or else advised her what to do when she had done so) and so his and her affairs appeared concurrently in Chancery with the Hallam ones (Higham v. Bacon) and these meant that administrations of part of Thomas Mayhew's estates continued to be granted till 1821: when they consisted of a still useful residue in Chappel, Great Tey, Wakes Colne and Mount Bures, and two leases for 1,000 years at Elmstead, which had another 900 years to run.

To begin with, in 1728, the only surviving executor of Thomas Mayhew's will of 1716/18 was the Town Clerk, Richard Bacon, to whom the first Administration was granted. Thomas Mayhew, only son of the deceased, was granted Administration, after his coming of age. As we learn from the wall-tablet erected to him in 1748 by William Mayhew, now in the vestry of St Mary at the Walls, this Thomas was a "student of Christ Church, Oxford, afterwards at Leyden in Holland" but died a bachelor in 1738. In 1742 William Mayhew secured the Administration (with others). In 1736, when he was 30, he had married Thomas' sister Elizabeth (29), i.e. his first cousin: a fact duly noted on the tablet in St Mary's.

Thomas' will mentions the Whatfield estate, and many others at Pattiswick, Little Totham, Alphamstone, two in Colchester, to be sold and the proceeds divided between his three sisters, Anna, Maria and Christiana but as these estates were in Chancery, and many of them more properly belonged to the Hallams, no sale could take place. William Mayhew, as executor, made the sisters allowances instead.

As such they had little chance of any dowry: thus, besides Elizabeth married to William (so necessary to the family defences), only one other married, Christiana, to Richard Dawes, surgeon, of not much note.

In the circumstances it is not surprising that William Mayhew had strong feelings about badly made wills; and the ones he made himself were far from ordinary.

For one thing, he usually puts in a "supervisor", a sort of long-stop behind the executors, to whom they are to refer as umpire in case of disputes. This was a common practice in Tudor and Stuart wills, but very rare in the 18th century. He also advised clients to write in their own hand anything particularly disputatious. Otherwise, it seems, he sat down and wrote them, off the cuff, in his own hand to the testator's dictation: so a lot of oddities creep in, and occasional presents to himself, wife and sisters.

A good will, almost a self-portrait, is that of his sister Anna (1752) whose legacies include a chair to her dog: another is that of Dr Robert Potter (1752) who leaves many nice bibelots to the Mayhews, including his own portrait holding a rose.

A useful early will, 1733/4, is that of Richard, brother of Arthur Winsley, who founded the Almshouses. William Mayhew made it. Thomas Mayhew witnessed it. William was given a farm at Mile End. The orphan sisters shared £150. But it is fair to add, other friends and relations got presents as well. A typical bachelor's will. £50 went to a Mr Edward Jones.

Jones turns up again in Mayhew's most outspoken will, that of Susannah Newton, spinster, 1741/3. She leaves her mother property at Much Holland for life, "she providing thereouts (sic) according to her Discretion for my unfortunate reputed Daughter or Child Susannah the spurious Offspring of that ungrateful and perfidious Villain Edward Jones of Colchester in the County of Essex, grocer," and she ends by revoking all former wills "particularly" that she made in 1738, "by the base Artifice and Insinuation of the said Edward Jones."

However, a very rich will, handwritten by William Mayhew and admirably simple and straightforward, is that of Isaac Boggis, haymaker of what is now the Minories, 1762. Being a tough character, he did not leave Mayhew, trustee of his first Marriage Settlement, anything at all, not even a ring. But he appointed an adviser, as Mayhew thought he should, and added a Codicil in his own hand.

But there was one will above all that really compensated the Mayhews for the tribulations inflicted on them by uncle Thomas.

In 1737 died Thomas Harrison, gent., last of the Harrisons who had provided the Mayhews with a grandmother. A black ledger-stone in the Chancel of St Leonard's, Hythe, gives the family tree down from Ralph Harrison, Alderman, during the Siege in 1648: and it is stated thereon that it was put down by Mr William Mayhew, a devisee and executor named in the last will of the said Thomas.

Written as usual in William Mayhew's own hand, it begins by saying that Thomas Harrison is sick and infirm but of sound mind, and "for preventing any disputes and controversies that may arise among my relations", he makes his will as follows:

He leaves to his particular Friend and namesake Mr Ive Harrison of the city of London, mercer, the White Hart Inn, in Colchester, for himself and heirs, so not to be sold.

To William Mayhew, attorney, kinsman, he leaves his "new erected brick'd messuage" at the Hythe, and a Quay there. But three good premises opposite the Town Hall, and a farm at Walton (sic) are to be sold to provide £500 to his reputed daughter, Elizabeth, daughter of Anne Clarke of Pattiswick.

Then he climbs about the family tree as follows:

Humphrey Mayhew of Pattiswick 1/-d; but £20 to his wife, and £5 each to her son William and daughters Elizabeth and Mary, "their own receipts required and not their father's".

Similarly, Thomas Mayhew 1/-d, but his sisters Anna, Mary, Elizabeth, Christiana and Jane, daughters of the late, Thomas Mayhew, £5 each.

Mrs Elizabeth Mayhew of Chelmsford, and sons John and Thomas, £5 each.

And after a few other legacies, he makes Ive Harrison an executor, "with no further reward or gratuity", but William Mayhew the other, has the residue of his estate "to defend any suit that may be commenced by the said Thomas or Humphrey or either of them", whom, you recall, he cut off with a shilling.

The signatures are very shaky, and a further Item is this:

"I give to my Landlord Salmon's family and to the Nurses and helps that sat up with me Hatbands and Gloves, and to Thomas Bush and his wife Hatbands and Gloves. Also I give to Mrs Salmon's maid Ten shillings and sixpence and to the man Samuel who lives with Salmon my shoes and Stockens and direct that my Landlord Salmon makes my coffin."

(Salmon was a carpenter and builder.)

And this was signed 30 January 1737.

*"The Bequest to his reputed daughter Elizabeth having been first struck out by his order."*

It was she who was to have £500 from the sale of three shops opposite the Town Hall (they are now nos. 28-30), and a farm at Walton. Happily the High Street deeds declare that some few days before he died Harrison was reconciled to her: "and sent for Mr Mayhew and desired she should have the farm at Clackton (sic) in lieu of £500 but declared himself too ill to sign any more papers; which the said William Mayhew promised to perform". The switch from Walton to Clacton is not explained. But Morant (I. p.484) notes that in 1768 Philip Bennet, Esq. has "Walton-Ashes and another good Farm" at Walton. These were involved in another will by Thomas Mayhew, that of John Moore of 1726.

In the event Mayhew exchanged the 3 High Street properties for the farm at Clacton. Elizabeth was married first to Thomas Smith, vintner, and then to Robert Godfrey, master bricklayer by whom she had a son who was Robert Harrison Godfrey, gent, in 1786. The shops were mortgaged to William Mayhew, father and son: but at least Elizabeth had occupancy, and as an old lady lived comfortably in what is now a shop that looks down Trinity Street.

Mr Ive Harrison, left the White Hart Inn (round Bank Passage at the top of High Street), was far less lucky.

In 1737 the will was witnessed by three of Salmon's associates:

Thomas Rush                      Master bricklayers  
Jonathan Field

James Corke                      Apprentice carpenter

Both Rush and Field died in 1743.

In 1747 the Inn was offered for sale: it is not clear by whom.

In 1754 James Corke and John Wilkinson, bricklayer, son-in-law of Rush and brother-in-law of Field, gave evidence for Ive Harrison in Chancery that they had known Thomas Harrison, and the witnesses' signatures were authentic, &c.

Ive Harrison declared himself to be in a state of anxiety, 17 years after it was made, lest the will should be lost, or the next-of-kin should pretend that Harrison had been too ill to know what he was doing.

This Mayhew stoutly denied, and said they were not dreaming of depriving Harrison of his inheritance.

Mr Ive Harrison made his point. A Mr Charles Whaley bought the Inn from him: by 1764 it was new built. In 1763 Dr Johnson stayed the night there and made memorable comments on good eating. He was seeing Boswell off to Holland.

But how nicely Thomas Harrison did by Mayhew, and his son after him, may be judged by an advertisement in the *Ipswich Journal* for April 19th, 1788. It concerns an Auction of all the Harrison estates. William Mayhew moved from Holy Trinity to the Hythe soon after he inherited from Harrison.

And Lot I is "Mr Mayhew's late Dwelling House, which is completely fit, and ready for the reception of a small genteel family; the house is compact and neat,

with sash windows, is delightfully situate, and commands a pleasant prospect; and comprises of two parlours, a study, kitchen, and pantry, on the ground floor; 4 bedchambers, 4 garrets, a cellar, and good wine-vault, with a brewhouse, laundry, dairy, and a range of convenient out-offices; a four stall stable, two coach houses, granary, a very large orchard, neat gardens well laid out, and planted with choice fruit and other trees."

A Wharf, Quay, Limekiln, &c. follow, and Lot V is at Great Clacton:

"Consisting of a messuage and Farm, copyhold of inheritance, at the will of the lord, pleasantly situated about half a mile from the village of Great Clacton, and a part of the land comes up directly to the German ocean, from which land on the sea is a fine view: the house is very convenient, and large enough and fit for the summer's residence of a small family; the gardens are neat, and well planted and laid out; the ponds are well stocked with fish, and the land is good, and contains 77 acres, 3 roods, and 24 poles, now occupied by Wm. Moss, tenant at will, who will shew the premises."

The Clacton *ped-a-terre* must have been very convenient when he was on business near the coast. This he frequently was, for the number of wills he made there (more than he ever made in Colchester) is explained by a more important employment of eighteenth century attorneys, that of holding manor courts.

Charles Gray MP of the Hollytrees had the biggest practice in this line, but Mayhew was Deputy to Sir Richard Lloyd, Steward to Bessy, Dowager Countess of Rochford, whose Essex estates included the manors and rectories of Great and Little Clacton, St Osyth, Kirby, Walton and Thorpe-le-Soken, with 6,800 acres of land. When the 4th Earl succeeded in 1746 a new steward, William Field, did the work himself, and Mayhew no longer appears.

But Mayhew was, in his own right, steward of Tollesbury and Whatfield, and also employed at East Mersea. And in Suffolk at Layham, he was similarly steward to the D'Oyley family, whose fortune came from the invention of cheap summer fabrics in Charles IPs time: hence the doyleys on dining tables. The horse gave professional men a wide range of activity in the eighteenth century.

But it is when we come to politics that we see William Mayhew in the role for which he was remembered as a hero long after. And, as for the play, it is as well to realise that the rules of the game were comparatively simple. If you watch a game of whist, knowing the rules of it, and how the player seeks to inform his partner of what he holds, without alerting his opponents to the same extent, that is a good image of the honesty involved. Moreover, politics in the eighteenth century were in a framework which it was widely held was as good as human nature permitted. For many the Whig Revolution of 1688, had issued in the best of all possible worlds. This was the Land of Liberty, and if its inhabitants were not always worthy of it, that was due to Human Frailty, and no fault of our Glorious Constitution.

Hence Reform tended to a rude word, and Innovation distinctly perilous.

As Henry Fielding said, in his paper "The Champion", mostly devoted to the destruction of Robert Walpole, the largest sect in England were the UBI-QUITARIANS. They were everywhere, in every class of society, and their creed was: "WHATEVER IS, IS RIGHT".

Thus in Mayhew's time, the Charter of the Borough of Colchester was regarded, after some loosening up in the time of William and Mary, though in structure it dated back to 1635, as good as anyone could wish, and its loss in 1742 was the disaster which it was his role to repair.

Mediaeval kings had gradually added more useful privileges and possessions to the Borough, but it was Charles I who added the practice (each time a Charter was renewed) of nominating (on local advice) not only the High Steward, Recorder and first Mayor, but also a complete set of Aldermen, Assistants, and Common-Councilmen *for life*. Democracy only entered in when death, resignations, bankruptcy or insanity offered a vacancy. Then such of the free-burgesses who were rate-payers in the town, would assemble and nominate TWO persons, and the surviving Corporation chose the one they liked best or hated least. Only a free-burgess might become one of the 18 Common-Councilmen, only a Common Council man could become one of the 18 Assistants. Only an Assistant could be one of the 12 Aldermen, only an Alderman could be made Mayor, or one of the two J.P.s annually elected. The Mayor presided, among many other duties, at two weekly Courts, the Monday Court for Freemen, and the Thursday Court for "Foreigners". FURRINERS were those persons who just lived here, and had no vote because they were not free. "Foreign Fines" were a rate which could be collected from such persons if in business.

During our period the free-burgesses were something around 1,600 in number You became a free-burgess by right of Birth because your father or grandfather was one, or by right of apprenticeship, because your Master had been one. You could also purchase a Freedom, but only by consent of the free-burgess in Common-Floor assembled. *All* free-burgesses had a right to vote on additions to their number. In Queen Anne's day, some Mayors sold freedoms privately to raise Money for the Corporation, but this was declared illegal by the Commons on 6th May 1714. Thus on the whole the free-burgesses kept themselves to themselves, except in times of great excitement when one Party or another wished to make certain of its majority. More usually Honorary free-burgesses were useful persons, whom it was intended to bump up to be Aldermen and Mayor (which could be done in a day, at a pinch). Others were rich outsiders who gave a lavish entertainment by way of thanks.

The Charter in force up to 1741 was that of William and Mary, 1693, which in its turn had merely re-instated the Officers appointed by Charles II in 1684. In Anne's day, Sir Ralph Creffield and John Potter were the leading Tories, and Sir Isaac Rebow the leading Whig. Rebow served in 11 Parliaments, but the Whigs were not in the ascen-

dancy till after Potter failed in 1719. The Borough property was heavily mortgaged. All the Whigs did after 1720 was to ensure the mortgages were transferred to Whigs.

In 1721, the Mayor, Arthur Winsley, who founded the Alms-houses, and lies on a handsome marble monument in St James's, ordered the Town Clerk, Edmund Raynham, to advertise the Corporation's least encumbered estate to let for a 100 years. This was the Severalls, 630 acres of arable and pasture, 150 of woodland. Daniel Defoe took this up for £1,000 down, and a rent of £120 per annum. (His Moll Flanders was said to be born at Mile End.)

He settled this estate on one of his daughters, from whom it passed to a family called Bernard, and stayed till 1820.

By the late thirties William Mayhew was Agent to the Bernards, and collected their rent for them, and paid the Corporation. So did his son after him. In the fifties he was indefatigable in turning off persons who sought to establish squatters' rights on Kingswood Heath. He tried to establish a race-course instead.

But we must revert to the twenties.

Sir Isaac Rebow died in 1726. He was M.P., High Steward and Recorder, and lately Mayor. His son succeeded him as M.P. This son was married to a daughter of Alderman Matthew Martin. Martin became Mayor and High Steward. The new Recorder was Robert Price, Esq. whose brother was married to a Martin. As was his privilege he appointed the Town Clerk. This was Richard Bacon, whose elder brother had lately married one of Sir Isaac's daughters.

It would appear that the Whigs had everything under control, but it was not to be.

In 1727, following the collapse of a boom induced by plague in France, the local cloth trade, the famous trade in bays, run by Dutch families who settled here in 1575, was in dire straits. Sufficient Whigs went bankrupt for Tories to triumph and take over the trade, and Corporation as well. Old Sir Ralph Creffield became Mayor. Young Tories were rapidly promoted. In '28 and '29 Mayors John Blatch and James Boys admitted 190 new free-burgesses, including on November 3 1729 many outside gentry.

This was common practice, when you wished to control a Borough, and was partly revenge for the behaviour of the Whigs in the by-election of 1706, when Mayor John Raynham made freemen in alehouses, taverns and private places, unattended by the Town Clerk, a fact confirmed by the Assembly Book for 6 November in that year.

In 1733 Joseph Duffield even reverted to the sale of freedoms, and he, Blatch, Boys, and an apothecary named Carew shared all the mayoralities from 1728-41, during which time no Whig was ever promoted. And to make the Mayor more impressive, most of the Corporation plate was melted into the present Mace, the second largest in England.

Of the money Duffield raised by selling freedoms, over £200 stayed in his pocket till 1738, when he was told to invest it in South Sea Annuities. After that it was taken out to pay for law-suits, which usually profited no-one but the Town Clerk. On his retirement in 1736, Richard Bacon

presented a bill for £534 for services rendered and was duly paid. In 1738 William Mayhew presented a bill for £103, for applying to the Commons in March '36, for a Paving Act, though the bill was dropped in Committee. The Corporation could neither pave nor pay, but agreed that he should have 4 p.c. interest. And on 4th September 1738 he was promoted Common-councilman and Assistant.

However, the Tory path was now far from smooth.

In 1739/40 George Gray, glazier and Whig Alderman, was convicted of "sodomitical practices", (where, when and with whom, being fully reported in the Assembly Book or Borough Minutes). So he was removed. But this was a Pyrrhic victory.

Sir Robert Walpole had decided Colchester was ripe for recapture. In 1740 it was arranged that seven local inn-keepers, who were not free, should bring an action against John Blatch, the Mayor, and others, for levying a 10/-Foreign Fine on them as a Licence to draw Beer. County Assizes found this to be illegal, so the Borough Chamberlain (or Treasurer) Abia Hutchinson was ordered to repay all such illegal extortions since 1715, when the order for such fines had been made.

Furthermore the Justices (i.e. Aldermen) who had ordered the levy and their officer, William Seaber, who had gone to collect them, were referred to King's Bench for sentence, and kept in London 10 days before they were fined £100 each "and a fourth person £120." (*Ipswich J.* 29 Nov. 1740) being greeted on their return to Colchester with "Huzzas, Links, and much Applause."

More important, it was found that Mayors Blatch and Boys had been illegally elected in 1728, and '9, so they were removed, and George Wegg senior, holder of all the Bormch mortgages save the severalls, resigned aswell.

Legal proceedings in such cases were frequent and vexatious. Writs of *Quo Warranto*, (by what warrant), would be entered in the High Court against persons allegedly usurping power: if successful, King's Bench would send down a Writ of *Mandamus*, an Order that the proper person be admitted to office.

Ejection of improper persons might go so far that no Quorum was left to do anything.

Hence in March '41 there were not enough Tory Aldermen left to prevent a 70-year old Whig, Jerry Daniell, being made Mayor, in time for the General Election in May.

And before coming to that election, we may add that a *Quo Warranto* being entered against the Aldermen who elected Daniell, by William Daniel the attorney who conducted all these affairs for Walpole, a new election for Mayor was ordered for 31st August, and Jeremiah Daniell, acting Mayor and others being met, the proceedings were prevented by a riot led by 13 notable burgesses, William Seaber, Isaac Boggis, the leading haymaker of the time, two of his family, and others. Happily the Ipswich Journal was able to report next March that "several honest citizens" had been acquitted for rioting on Charter Day.

But it is now time to speak of the General Election, but first to hold our horses and say a little of such elections in general.

Accumulated in the manner described before, free-burgesses, high and low, were a very mixed bag. In Colchester all 1,600 of them came into their own at an election for Parliament.

The vital thing to remember is that continuing mediaeval practice, there were TWO M.P.s for each Borough, however small, and elections being very expensive, in mid-eighteenth century, the Whigs and Tories often settled for One Seat Each, and were returned unopposed. This was known as a COMPROMISE, and could be very unpopular.

Normally the free-burgesses expected lavish supplies of drink, and other favours. If they were OUT-VOTERS, i.e. no longer lived here, they would be fetched down from London or elsewhere, and lodged and fed as well. It was a great time for family reunions. Meantime special Assemblies and Monday Courts would be held at which those who had not taken up their freedoms, appeared, were sworn, and then were entered in the Oath Book.

Political waverers could expect to be tipped for a vote, and tipped double if they "plumped" — i.e. voted for one candidate only. How everyone had voted was afterwards printed in "Poll-Books", so the political behaviour was wide-open. And both sides were represented on the hustings to see no one voted who should not.

A Colchester poem of 1785, the "Memoirs of Sir Simeon Supple", describes how that gentleman decides to stand, gives the Corporation a feast, which ends up under the table, and then proceeds to the Poll.

"I never beheld so delightful a show!" (says he)

"The Clerks were well-powdered, and ranged in a row!  
And in ev'ry nich of the hustings were seen  
A monstrous huge Counsellor squeezed in between  
Whose business, I found, on this eminent day,  
Was to argue the rights of the voters away."

It was the Mayor, as Returning Officer, who presided and allowed or disallowed voters as they arrived. He could also close the Poll at a favourable moment. Thus the Corporation Party was in a strong position. It was only modified by the unhappy candidate's right to demand a Scrutiny before the result was announced. This was a check through the votes cast. Some would be entered with a "Quaere" beside them -- if for example they were thought to be receiving Parish relief, which disqualified them. And if a Scrutiny didn't work, the defeated candidate could petition the Commons in which meantime the victors sat. Results were thus often reversed, but it was a lengthy and expensive process. Defeated candidates in a Borough like Colchester often went bankrupt.

The election of 1741, held on May 7th to 9th, was scandalous beyond all measure.

Old Jerry Daniell the Whig Mayor could not stand the pace. After the first day he went home, and appointed Sergeant Price, the Whig Recorder, as his Deputy on the hustings.

There were four candidates for the two seats. The two Whigs were Aid. Martin, and a young find of Walpole's, John Olmius, Esq.

The Tories were Samuel Savill and Charles Gray of the

Holly Trees. His father was the sodomitical George, who later cut him out of his will. But Gray was the most respected character at Colchester, and eventually its M.P. in most Parliaments up till 1780.

Presiding over this Poll, however, as came out when a petition reached the Commons, Recorder Price (though he had not objected to them when Houblon was elected in 1735) succeeded in disqualifying all the honorary freemen the Tories had created since 1728.

"No matter," he said, "poll them with a *Quaere*; there will be a future time to enquire into it." On this basis, though Gray and Savill were well ahead if you included the honorary freemen, he thought it safe to return Martin and Olmius, without announcing the number of votes cast. Nor would he permit a scrutiny. So Martin and Olmius went off to Parliament to support Walpole. The printed Poll-Book puts all the persons queried in italics, 140 or so for Gray & Savill, some 50 for Martin and Olmius.

Price was so unpopular then dying soon after this, he was buried on 15 August in London in the Temple Church, "and not in Colchester as first intended." His home parish was Holy Trinity, and his house about where St John's Green School now stands, with a garden stretching down northward towards Scheregate Steps.

But by now the Commons were hot on Walpole's trail, and in February 1742, declared quite rightly that Gray and Savill should have been returned. Mr William Mayhew, as one of the scrutineers appointed by the petitioners, was a witness for them.

Gray and Savill returned to Colchester in such triumph that there is no mention in the local papers that on April 6th the acting Whig Mayor and remaining Aldermen "disclaimed on record in the Court of King's Bench", and thus the Charter which depended on their existence was lost, and Colchester was without one till 1763.

Barrington Taverner, the Town Clerk, fled abroad. He was in Cagliari, Sardinia, when in 1767 he begged Gray to ask the Corporation to pay his bill for business done "while their former Charter was expiring and my poor affairs (by my own fatal misconduct) were going to ruin."

But the loss of the Charter, which meant that the Borough was ruled like any other Hundred of Essex by County J.P.s and a Chief Constable appointed by them,\* soon began to hurt. Nor did it help in 1745 that our two Tory M.P.s were thought to have Jacobite leanings. They sat still and said nothing.

It was the ejected Whig M.P., John Olmius, of New Hall, Boreham, who wrote to his Majesty, very early in the rebellion, offering to raise 500 men at a week's notice, and

\*For the record there were three Chief Constables during this interregnum. *Wm. Seaber*, draper 1742-6, *Henry Lodge*, upholsterer 1746-56, and *John Pilborough*, printer 1756-63.

The local J.P.s most active were Charles Gray, Jeremiah Daniell, son of the Mayor, and the rector of Lexden, the Rev. James Kilner.

In 1742 a bill for erecting Hospitals & Workhouses in Colchester received the royal assent in June: William Mayhew, Governor, Isaac Boggis, baymaker, Deputy Governor, Abia Hutchinson, tallow-chandler, Treasurer of the Workhouse Corporation. But this led to nothing.

It will be noted, however, they were all Tories: only Pilborough not a free-burgess.

pay for their arms when sent down. The Lord Lieutenant of Essex, Lord Fitzwalter, was furious, and told Olmius "such offers did not become any private gentleman, but only Lords Lieutenant and the very prime of the nobility". A Lord was a Lord in those days. The snub was the more galling in that Olmius' one aim in life was to become a Peer.

In 1747, the Tories being in very low water, William Mayhew espoused the cause of the Hon. Richard Savage Nassau, younger brother of a very important Whig, the Earl of Rochford, whose seat was at St Osyth Priory.

The *Ipswich Journal* for June 20th 1747, introduced Mr Nassau as follows:

To the Burgesses of Colchester.

WHEREAS the *Hon. Richard Savage Nassau Esq.* has been encouraged by several of the Burgesses to offer himself as a Candidate at the next General Election, in Opposition to a Compromise, which, it is apprehended, will greatly tend to the taking away the Rights and Privileges of the said Borough; Your Votes and Interest are therefore desir'd for the said Hon. Richard Savage Nassau, in Opposition to such Compromise, which will very much oblige, Gentlemen,

Your most humble Servant,  
Richard Savage Nassau.

The result was a triumph for Mr Nassau. He had 797 votes, of whom all but 200 were plumpers, and of the London votes he had 70 out of 78. Mr Gray came next with 682, and Olmius last with 553.

However, Nassau had only stood to oblige his brother the Earl. He was a very luke-warm attender at the Commons. The recovery of the Charter meant too much exertion and expense. It did not appeal to him.

In the Colchester branch of the Record Office, there is an envelope containing much of Mayhew's correspondence with our backsliding M.P.'s.

The first item is Mayhew's rough copy of a letter to Nassau on 2nd October 1749, sending him a petition signed by over 200 persons, and saying he could get 700 or more if needed. Moreover, says Mayhew, "I know how to get you reimbursed any Expense you may be at, out of Corporation Revenues" and "you will gain the heart of the people by it for the future" and "immortalize the name of Nassau". But, Nassau expressed himself surprised not to have heard from "his Friends in Colchester", that the petition was coming.

Mayhew was filled with indignation. Were not the petitioners Mr Nassau's true Friends? Had they not voted for him, expecting a Charter, which the principal citizens stood in far less need of. Nassau had not promised in writing to recover the charter, but Mayhew had regarded it as a Point of Honour that he would. In applying to him, Mayhew had faithfully reported "the Complaints" of your injured Friends ... those poor distressed Burgesses", so it was up to Nassau to take such steps as seemed prudent.

Nassau's failure to move led to his utter rejection by his supporters. He did not stand again.

Meantime in 1750 Mayhew organised the Charter

Club, meeting conveniently at the Kings Head, still in his hands as part of his uncle Thomas's estate.

But why did the loss of the Charter matter so much to the Club members?

It had already been stated very well in 1748 by the Rev. Philip Morant in his immortal "History and Antiquities of Colchester", written partly at the request of Gray, who afterwards thanked him for restoring the town's self-respect.

Book I. p.71 puts the case.

"Some stupid Persons pretend", says Morant, "that we enjoy greater Quietness than when we remained in full Possession of our Charter. But that *noise* was only the glorious Sound and Echo of Liberty. And how disagreeable is our Situation? If we have any Appeals, or other Law-business, which used to be transacted in our Courts with great Ease and very little Charge, we are forced to be dragged about 20 miles to Chelmsford, at a very great expense; and the Money that used to be spent among us, is sunk there.

"The pavements of our streets, and the town-houses, and other estates are running to ruin; our public gifts and benefactions lost for want of persons duly qualified to receive them, or infamously imbezzled and squandered away, and only for some few private ends which I am ashamed to mention.

And he concludes sadly:

"... En quo discordia cives

Perdixit miseros ...!" (Virgil. *Ecloques* 1. 72)

Similarly on October 14 1749, launching the petition that so vexed Mr Nassau, after saying that those who signed the Petition at the shop of Mr Charles Darby, stationer, in Colchester, were "unanimously determined to support for the Future the interest of such Gentlemen only who will assist us in obtaining the full Enjoyment of all our Rights", the advertisement in the *Ipswich Journal* then continues:

"N.B. The Advantages of a Charter, amongst others are these: When we had a Charter, we had a Right by our own Voices to elect our principal and subordinate *Magistrates*, whose Duty and Business it was to distribute Justice at our own Doors: and Courts to recover small Debts at an easy Expense ... Our own and Children's Rights to *Freedom* were then preserved, our *Apprentices* secured in obtaining that Freedom their honest Services entitled them to: now they have nobody to admit them to those Rights — we were deprived our *half-year Commons*, our Cattle are impounded, and no redress to be had — Our *Estates* run to ruin for want of Repairs: the *Rents* of many lost for want of proper Persons to compel payment ... A valuable *Fishery* incroached upon and made common — Our pavements running in ruin. Our *Streets* annoyed with Nuisances — Our *Markets* spoiled by Forestallers, Regrettors, and Ingrossers (those were all sorts of middle-men who did nothing but put up prices) — &c &c. — Sure, none but the most abject Slaves to Ease and Indolence, and Persons disregarding a Freeman's Oath can tamely suffer these Things.

(Signed) Yours, A FREE BURGESS"

In July 1752, "The Young Men of Colchester, that have a Right, but have not been admitted to their Freedoms ... are desired to meet at the King's Head Inn, every second Monday of the Month, in order to make an Estimate of Your Number; it being thought the most expedient Method to induce some worthy Commoner to bring us a Charter; not doubting but you will every Man vote for, and use your utmost Interest in so noble a Cause as renewing your ancient Rights and Privileges.

N.B. Those that not in Town, or cannot come, are desired to send their Names and Places of Abode — It is not a Party Cause, nor will any Expense accrue."

The technique of this was an eighteenth century common-place. You built up a solid band of voters, and then found a candidate or candidates who would do what you wanted. In 1768 such a person was even advertised for, and Alexandra Fordyce, Banker, duly stepped forward.

But in 1753, as another election approached, Mayhew and the Club had a difficult hand to play.

The first difficulty is obscure. There were evidently those who fancied some new form of Charter, and in May '53, the Charter Club warned the Freemen: "Avoid the Snake in the Grass! ... Innovations and *Charter Cookery* are not the things we want." And the Freemen were begged not to be deflected from their purpose. "Thus to act will shew you are not the Scoundrels some modern Gentlemen are pleased to call you, to be purchased at an hour's warning by money and drink for any Vile purpose: but men of the generous Mastiffs Quality in the Fable — who can refuse Bread from those who attempt to stop your Clamour for an Opportunity to plunder your families."

One of the Club's constant themes after this, is that the free-burgesses would reject any cooked-up Charter if obtained. Charters had to be accepted. They would vote against.

And the second difficulty Mayhew and the Club were up against was that no two Candidates would work together in a Compromise, let alone accept the Club's support.

In the summer of '53, it was known that both *Olmius* and *Grey* would be seeking election, but both were intending "to stand single". In June Mayhew suggested to *Olmius* that his "interest", i.e. support of the Town was strong enough to take a second candidate in with him, (so long as it wasn't Mr Nassau), if both would promise to get the Charter. But no one agreed. So what Mayhew did to pin *Olmius* down was quite extraordinary.

*He persuaded Olmius to bet him (in the form of a promissory note) 500 gns to one, that he Olmius would NOT be elected, or, IF ELECTED, he would NOT be petitioned against, within 14 days.*

This is distinctly subtle!

It means that if Mayhew (and the Club) saw to it that *Olmius* was either returned unopposed, or at the head of the Poll (hence in no danger of a Petition) he could afford to get them a Charter. It normally cost much more than 500 gns to get in.

But all hope of a compromise was lost when a third can-

didate appeared. This was Isaac Martin Rebow, great grandson of Sir Isaac Rebow, the great Whig of Queen Anne's day, hence our "Sir Isaac's Walk", which was part of his garden at Headgate.

Furthermore Isaac Martin Rebow was backed by ANOTHER Charter Club, meeting in High Street at the King's Arms.

The original Charter Club at the King's Head reacted by advertising its firm and continued support for *Olmius* and *Gray*. But all in vain. They both repeated their determination "to stand single".

Moreover *Olmius* was very put out. In its advertisement the Club had been so rash as to state that the Faction raised against *Gray* and *Olmius* was chiefly composed of those "Brewers, Distillers, Tavern and Alehouse-keepers, whose Interest is to promote the running of Taps without Limitation; that the miserable may get drunk, and become insensible of their own Wretchedness, and the Injury they are doing their poor Wives and Children — It is likely, Gentlemen, that you should be benefitted by those who occasioned you to lose the very Rights and Privileges you want to have restored? No, Gentlemen; Hussars seldom give up their plunder!" So, the Club was determined to support *Gray* and *Olmius*, even though their friends "would not permit either to join the other."

It was the inn-keepers who by objecting to paying Foreign Fines precipitated the loss of the Charter in 1741. But *Olmius* now advertised his resentment of the injurious remarks about "many Persons for whom I have a particular Regard."

And (fortified by the wager of 500 gns) it may well have been Mayhew who on April 13 1754 inserted the following advertisement in the *Ipswich Journal*.

"The Free-burgesses of Colchester in the Interest of JOHN OLMIUS Esq: are desired to meet at some of the following Houses at Colchester on Monday next, being the day appointed for the Election, *in order to proceed thence to the Hustings.*

The *Queen's Head* in the High Street

The *Post House* (then the Old Three Crowns at the head of High Street)

The *White Bear* near the Hustings

The *Castle* at North Bridge (nowadays a restaurant or cafe)

The *Black Naggs* in Headgate Street

The *Fleece* in the same street (now Halifax Building Society)

The *Maidenhead*

N.B. The Poll to begin at Nine o'clock."

At the same time an "OUTCRY" was raised against Mr *Gray* for supporting an Act encouraging the Import of Irish Yarn. English spinners would suffer! *Gray* replied that the Act was to prevent Yarn going to France, whereby they would suffer far more. France would make more cloth than we did.

But the Outcry and the Running of Taps paid off. The result of the Poll was. OLMIUS, top, with 628: Isaac Martin Rebow, next, with 572: GRAY, bottom, 545.

For Mayhew, this was highly embarrassing. He was primarily agent for *Gray*. A SCRUTINY was immediately



asked for and granted. Rebow marched out in disgust. Olmius was docked of 55 votes, Rebow of 75, and Grey of only 30: by which means Gray came second with 515 to Rebow's 497 and was returned with Olmius.

Rebow petitioned against Gray, not Olmius. The 500 guineas were still safe.

The petition was heard in January 1755. Two excited letters from Mayhew to his Colchester partner Richard Freeman tell us something of them. Counsellor Pratt (later Lord Camden) was a very Cicero in support of Gray. Freeman must send up the parish officers to give evidence on voters receiving alms, &c. &c.

On 13 March the *House of Commons Journals* devote nine pages folio, and double columns, to the Report on the Petition. They are astonishing reading. Suffice it to say here that the case for Gray was based on the entry of free-burgesses in the Oath Book, but this was shown to be so higgledy-piggledy, and to have so many pages torn out, or re-numbered, that Mayhew, although affirming it had been no different when he was a scrutineer in 1734, had to admit that *some* Voters might have rights of which there was now no record.

When the Commons Committee began to accept voters on "parole evidence", i.e. on oath, counsell for Gray gave up, and said "he would trouble the Committee no further." So Rebow took his rightful seat. Not surprisingly, no Poll-Book was published. For the joy of his supporters, see Appendix.

But Mayhew was indomitable.

Hardly was Rebow safe in his seat, than he wrote to Olmius, urging that he and Rebow should combine in getting the Charter they had separately promised the free-burgesses they would do.

"If," says Mayhew, "Gentlemen had rather spend two or three Thousand Pounds in an Election and forfeit their Character, rather than assist them in their request, MERRY be their HEARTS, and let them be gone. But if they have a Mind to enjoy the Borough in Peace and quietness, let them join in getting a Charter, and I will heartily assist."

Moreover, if the M.P.s won't assist, the People will apply for a Charter without them, so it is their last chance to prove themselves. And Mayhew concludes by telling Olmius: "*As I am called upon as a Guarantee for you, / hope I shall have no Reason to complain of a Breach of Faith, but paint you in those Colours I always wish to see honest Men in, for it is Time to know who really are so, and who not!*"

OLMIUS did not mind how he was painted, and two years later, returning to the attack, Mayhew was very blunt. "Nothing," he wrote "renders a man so despicable as the breach of his promise ... If I hear not soon from you, I shall give directions" (to apply for a Charter) "and place it to the Account of your Note".

This time Olmius replied that if Mayhew had had only a fortnight's patience, he'd have heard from him.

And four days after, Olmius and Rebow having met out of harm's way at Witham, they announced their joint resolve to get a Charter "as soon as possible". This news, however, was not sent to Mayhew, but to Philip Havens, a Quaker, who belonged to the Charter Cookery Club. So

Mayhew told Olmius once again, no new fangled Charter would be accepted, even if obtained.

But it is evident that both M.P.s had decided to rely on other support.

Prebendary Boggis, who collected the history of that family, has a note of declaration by Olmius and Gray which appears to date from this time.

In it they deny that they "are aiming to place whole Power in the Magistrates and the House and so take away the Rights of the rest of the Free-burgesses": witnesses:-

John Olmius	Phil. Havens	Will. Rowght
Cha. Gray	Mich. Hills	Isaac Boggis
Jere. Daniel	John Wall	Will. Bloys

the last six all haymakers

In November, when Mayhew wrote again, Olmius replied from Parliament Street as follows:

Dear Sir,

Your letter has greatly surprised me. You must be sensible in the present state of affairs, it's impossible any answer can be given you by, Sir, Your most Humble Servant,

J. Olmius

To which Mayhew replied with an ultimatum. Either Mr Olmius was to put down 100 gns towards obtaining the Charter, or "pay the 500 gns I have your promissory note for."

IN FACT on 3rd November, the Privy Council HAD been presented with a humble petition from Colchester, and this had been referred to the Attorney and Solicitor-Generals for Action.

On 9th February 1758, another Petition followed on its heels, and was similarly referred. For lack of evidence one can only guess that Petition No. 2 was from Mayhew and Co. and against Charter cookery.

Anyway, the Law Officers took their time.

In 1760 the death of George II meant that negotiations had to begin all over again. But now the wind was at last in Mayhew's favour.

For one thing, Olmius, who had re-applied for a peerage in 1757 (as a reward for his constant support of all governments) was now in hopes of getting one at the Coronation. He duly became Baron Waltham in July 1762, though it was only an Irish title, with no seat in the Lords.

Meantime, in the Election occasioned by the Accession, Gray and Rebow went all out for a Compromise. In March 1761, they attended a meeting of the King's Head Club and promised 'to persecute with Vigour and Measures already begun for the Renewal of their Charter', for which 'a proper Deposit is already made in the hands of Wm. Round Esq.' one of the County Treasurers. So Gray (Tory) and Rebow (Whig) were returned unopposed. And their pockets being reasonably intact, they were as good as their word.

On 21st December 1761 the Attorney and Solicitor-Generals reported to the Privy Council that they had been attended by 'the Agent for the Petitioners' and they recommend no alteration in the former Manner of electing the Mayor, which was by Nomination of two out of the twelve

Aldermen, for choice of one by the Mayor and residue of the said Aldermen, or the major part of them. The alteration proposed (here we come to part of the Cookery?) was that such election could be done even if those present were not the major part. The Attorney and Solicitor General do not think this alteration is necessary as there are so few Aldermen anyway and they say 'they are the more confirmed in this Opinion, as the Petitioners did not seem anxious for obtaining the Alteration proposed.'

Hence in January 1762 the Privy Council orders the Charter to be prepared, and in December a draft list of reliable local persons was proposed to hold office: and quickly approved.

The Law continued to take its time to write everything out but at the end of September 1763, Gray and Rebow were met at Lexden by the new Corporation and a wildly cheering crowd. The M.P.s had the Charter with them, for which they had waited 21 years. Upon reaching the Moot Hall, it was read out aloud by William Mayhew, junior, Deputy-Recorder, and accepted without dissent.

The Charter was perfect in every way, an exact replica of that of William and Mary, except for naming new officers, and being in English instead of Latin. Latin had ceased to be the official language in 1731.

As for the Officers, the High Steward was the Earl of Rochford and the Recorder was Isaac Martin Rebow. Charles Gray was content to be an Alderman, and so was William Mayhew senior.

The Mayor was a Whig, Thomas Clamtree, supervisor of the riding officers of the county, who was eventually Mayor six times. King Coel's Pump at the top of the High Street was quickly repaired and adorned with his name. A new Theatre was built behind the Moot Hall. Attempts were made to put some order into the Town's estates.

Mayhew 'by whose unremitting and persevering conduct the Charter had been obtained' died the next year, Tuesday, 21st August 1764, aged 58, before the charms of the Charter began to wear off. This happened when Lord Justice Mansfield found that the debts of the old Corporation would still have to be paid. That discredited Body was apparently not dead: it had merely been through a period of suspended animation. By 1768 the anti-Corporation party was so strong it could nearly win a seat in the Election.

The Corporation would not pay its debts to the former High Constable, William Seaber, so his son of the same name defeated a compromise by introducing a third candidate, the Scottish Banker, Alexandra Fordyce, very popular and open handed. Gray and Rebow survived by a few votes, but continued thereafter without much trouble till 1780.

The years that followed were factious and stormy dominated by a terrible Town Clerk, Frank Smythies. But there were still those who recalled the fight for the Charter in heroic terms. Thus Benjamin Strutt, later clerk to William Mayhew junior, writes in his *History of Colchester* (1803) p.133.

'Under the Charter of William and Mary, the corporation continued to act till the year 1741, when some of the officers not having been elected according to the

directions of the charter, and vexatious prosecutions being commenced against several of them, they disclaimed upon record in the courts at Westminster: thus surrendering up a post and the liberties of their brethren upon the onset, without daring to wait the issue of a conflict; and delivering up a station when fortune might have continued them in possession of it.

'Yet though the charter, and of course the corporate body, was extinct and dead, public spirit, and the generous ardour of British liberty were not expired, but burned in the breasts of many whose names the burgesses of Colchester have reason ever to remember with gratitude. These first attempted, and through the course of twenty years persevered in the design of getting their brethren restored to their ancient liberties, yet so difficult was the task that it was not 'till the year 1763 a renewal of their lost charters could be obtained.

'This was done by the letters patent of George III, dated the 9th of September, 1763, which are almost literally the same as the charters of Charles II and William and Mary, and are in effect a complete and full renewal of all rights, liberties, and privileges which the burgesses of Colchester ever had, claimed, or enjoyed.'

A curious reluctance to give any names afflicts local literature after 1800. Otherwise we might know more of those to whom the town should have been so grateful.

Only William Mayhew is omnipresent. But he was a Tower of Strength as well as being a Law unto himself!

#### **The First Chap'. of the Second Epistle of Elections**

This Manuscript, to which Mr. Philip Gifford, Local Studies Librarian in Colchester Library, kindly drew my attention in 1983, was evidently prepared for printing during the 1753 election, and demonstrates the opposition to Mayhew's activities, and acknowledges Charles Gray's embarrassment by them. The original is in one hand, with corrections in another.

The biblical form partly acknowledges the alliance of Whig and Dissenter, always present in Colchester. It recurs in a printed broadsheet 'The Acts' of 1787, attacking the Town Clerk, Frank Smythies, when he was disputing the Recordship with Grimwood.

- Verse 3 'The Man from the West', is Olmius, from New Hall, Boreham  
Verse 6 Mayhew's wager with Olmius, evidently widely known.  
Verse 9 'The good old Friend' is Charles Gray b.1696.  
Verse 11 'The Young Man from the East' is Isaac Martin Rebow, b.1731.  
Verse 16 The curious expression: 'he put forth his finger' etc. is explained by *Isaiah* ch.58, verses 8-9; the Elder is 'seeing the light' and *not* putting forth his finger, which is a rude gesture.  
Verse 21 'The Judge of the Cause' is Richard Benyon, High Sheriff.  
Verse 26 'The Judges and Rulers of the People' are the Commons Committee of Privileges and Elections.  
Verse 54 'The Pavement Act' is the Paving Act of 1750, tacked on to the Channel Act Geo.II. 23, 3rd session, allowing the Commissioners to raise parish rates for the purpose, in the absence of the Corporation.

Unidentified so far-

- Verse 7 The two kinsmen who had taken wives from among their enemies.  
Verse 30 The Sons of Belial are probably Mayhew and George Pickard, winermerchant, who was linked to Rigby.

#### **The 1st Chap' of the second Epistle of Elections**

Verse  
the

- 1 And it came to pass in the days of George the second, in the 27th

year of his Reign, that the people cried out with a loud Voice, saying, "Let us chuse ourselves rulers over us, to make us Statutes and Laws, as are meet for us."

2 And the mighty men of C—r gather'd themselves together, even at the Kings head assembled they themselves.

3 And they commun'd together and said, "Behold here cometh a man from the West. Mighty is he in riches, so y' there is none in all y' Country like unto him.

4 Let us now therefore make profit unto ourselves, for surely he will buy the Town at a great price.

5 And we will show him unto the people as their Ruler, & one who will promise to make them a free people."

6 And the chief Captain covenanted & sold the Town for 500 p' of gold, Changes of Raiment, & much eating and Drinking.

7 And Behold there were join'd unto these People two Men (& they were Kinsmen) who had taken to themselves wives from among their Enemies & had alienated their hearts from their own people.

8 And the Chief priests and Tradesmen gathered themselves together also, & cried out with a loud Voice unto the Assembly at the Kings head saying

9 "O ye Freemen & thou M—w that hast the Chief rule, we pray you take heed of our good old Friend who has so long serv'd us, for he is a meek & good man & will do for us whatsoever we Desire."

10 And they answer'd and sayd fear not it shall be well with him.

11 And it came to pass while they were yet speaking that there came a young man from the East, even of the Family of Honour & Honesty. And he spake unto the people saying, "Behold I offer myself for a Law giver unto this Town.

12 And I will walk in the steps of my fore-fathers, & will consult your good in whatsoever I do.

13 I will also restore unto you the Priviledges which my Ancestors procures for you, even for your freedoms will I exert myself."

14 But the Chief priests and the Rulers of the People cried out with a loud Voice saying he shall have no place with us.

15 And behold the glad Tidings thereof were told unto an Elder of the people y' a Young Man from the East had offer'd himself to be a Law giver unto this Town.

16 And he put forth his finger even unto his ear, and said it pleaseth me much for well I knew his Forefathers. They were good men & there hath not been such Lawgivers for this Town even to this day.

17 And when the Day of Election drew nigh the Chief Priests spake unto the People saying, "Take not we pray you silver nor gold nor Meat nor Drink nor Changes of Raiment least peradventure it should be accounted a bribe."

18 Notwithstanding they withheld not their hands themselves but gave unto the people of the good things of this World, & it was not counted a bribe.

19 And the people shout' with mighty shouts saying, "We will not have a Boy to rule over us (even so of old spake Saul of David)."

20 And it came to pass on the Evening of the Day of Election that they cried out with a loud Voice saying the good old man for ever.

21 But while they were yet shouting a Man appeared unto the people even the Judge of the Cause.

22 And he spake unto y' people by the mouth of his Servant saying, "The young man, even the young man of the East, hath the greater Number of Voices."

23 And the Chief priests Lawyers & Tradesmen were in great wrath for they had lost their good old man.

24 And they communed together and said we will surely hath a Scrutiny, and thereby secure our old Friend.

25 And thus it shall be done, we will take the Town books & cut out leaves thereof & such of, the Antient Records as will not answer our purpose will we Destroy.

26 "For surely", said they, "the Birthrights of their old Men will we take away & well establish such of their Children as shall serve our Turn.

27 Moreover we will prepare the Judge of the Cause to do for us whatsoever we would have him to do. By his Advisers will we prepare him.

28 And in their Mouths will we put a lying Spirit which for Lucre sake will they say is the Spirit of Truth.

29 And they will Deceive him (for he is a Weak man) and we know they are Men favouring our Cause."

30 And it came to pass that these two Men (Sons of Belial) did according to all those things that were said unto them.

31 And they prevail'd over the Weak judge to take away the Birthrights of many & then declare their good old man our Lawgiver contrary to Justice & the Oath he had taken & they also told him no harm should come unto him.

32 And it came to pass when the young men of the East heard these things, he answer'd them. Saying, "I cannot see the Birthrights of my Friends taken away but will surely Defend them, even before the great Senate house of this Nation."

33 Notwithstanding which they hearkened not unto his Voice, but persever'd in their Resolution till they had finish'd.

34 And it came to pass when they had quite done y' that they put their Darling old Man into a Chair and carried him thro' the Streets of the Town with Musick and Dancing as if they had obtain'd an honourable Victory.

35 But the young Man tarried not but hastened up to the great City.

36 And it came to pass when the Judges & Rulers of the People were gather'd together. The young man presented himself before them. And behold he spake unto them Saying, "Hear me O ye Judges and Rulers and ye Counsellors Plead my Cause for I am much Injur'd."

38 And they said speak on for we will hear you.

39 And the young Man told them saying, "The good people of C—r have chosen me for their Lawgiver, but the Chief priests, Lawyers & Tradesmen of the Town have made Bondmen of Freemen & Freemen of Bondmen And behold they have taken away my Seat in this House."

40 And they answer'd him Saying, "Fear not young Man you shall have justice done you.

41 Attend you and your Counsellors & your Witnesses her on the first Month on the 22' of y' Month & your Cause shall be heard."

42 And it came to pass when the Day of Tryal was fully come, the Senate assembled themselves together to hear the Cause Debated on both sides.

43 And they heard the young Mans Objections first which made their good old man sore asham'd for he wot not what to say by way of reply (which made a great noise through all the Coasts of Essex) (passage in brackets is crossed through).

44 Then did the good old man make his objections, assisted by Ignorance, Ingratitude, Bribery, Perjury & foulmouth Scandal, to the great Concern of all those who had formerly conceiv'd a good Opinion of him.

45 And there was heard a mighty noise like the Sound of great Displeasure.

46 Then did the young Man like the Sun rising in the east disperse all those Clouds y' Malice & Envy had spread over him.

47 And behold his Enemies fled before him and all those y' rose up against him hid their faces.

48 Their good old Man also was siez'd with horror insomuch y' he could not look this excellent young Man in the face.

49 Moreover when the young man came to answer the old mans objections, lo their good man could not stand the clearing twelve of them, but with shame and confusion of Face, quitted that which he had so unjustly obtain'd.

50 And it came to pass when the Senators saw this they cried out with a loud Voice, saying, "Hear O ye Priests & ye free men of C—r give ear & behold the Justice of the young Mans cause.

51 Now go ye therefore every Man to his own House & the young Man shall be your Lawgiver, and it shall be call'd from this Day Virtue Rewarded or Vilany Detected."

52 And when the Chief Priests, Lawyers and Tradesmen of the Town heard this, they hid themselves in holes & corners & Mourned in Sack Cloth & Ashes.

53 And all the days of the good old Man in the house were thirteen years and upwards, and he returned to his own home full of Shame and Grief.

54 Now all the Services that this good old man did for the Town of C—r from first to last and his kindness to the Poor Workmen, are they not written in the Pavement Act, Land tax Acts, & the Tryal at the County Town.

F I N I S

#### Acknowledgements

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Over the years since then the scholarly staffs of the Essex and Suffolk Record Offices have been invariably helpful, and now we are fortunate in having the Local Studies section in our Trinity Street Library, and the Colchester Branch Record Office at Stanwell House.

#### References

The Editor regrets that, for reasons of space, the transcripts of letters quoted are omitted. Photocopies have been supplied to the Society's library, the Essex Record Office, Colchester branch, and the local studies section of the Colchester Public Library.

#### PUBLIC RECORD OFFICE, Chancery Lane

For Mayhew's private family affairs:-

*Chancery Proceedings:* 1753 Harrison v. Mayhew C11 9/592  
1764 Bennet v Mayhew (Holford's report)  
C38/591

For Loss of Charter:-

*Kings Bench Rule Book* KB21/35, *Indictments* KB 11/35 pt.II and *Crown Rolls* KB28/159

*Wills:* P.C.C. Ref. PROB II  
Thos. Harrison, gent 1737/8 64 Brodrigg  
Thos. Mayhew, attorney 1716-8/28 216 Brook  
Thos. Mayhew, son of above 1736/9 701/82  
WILLIAM MAYHEW 1758/64 360 Simpson  
William Mayhew, son of above, 1787/8 32 Calvert  
Recorder of Colchester, &c.  
Isaac Boggis, haymaker 1761/2 882/492

#### BRITISH LIBRARY, London

*Official Publications Dept.*  
House of Commons Journals.  
Subject Index. 1714-1774 (1778)  
Report on 1753 Election. Vol. xxvii pp.19, 21, 199, 205-13.  
Paving Bill, 1736 Vol. xxii p.789.

#### COLCHESTER PUBLIC LIBRARY, Local Studies Section

*Essex Review*. XII. p.105 L.C. Sier on Wyncoll family. Higham & Others v. Bacon.

#### POLL BOOKS

IPSWICH JOURNAL on microfilm.

MSS. 'The First Chapter of the Second Book of Elections'  
Crisp's Marriage Licences, 6 vols, and Index of wives.  
Rickword papers, annual register, etc. in bound volumes.

#### ESSEX RECORD OFFICE, County Hall, Chelmsford

*Wills:* Susannah Newton, spinster 1741/43 147 CR 15  
Anna Mayhew, spinster 1752/53 130 BR 24  
Elizabeth Mayhew, widow,  
mother of William 1742 449 BR 22  
Elizabeth Mayhew, widow  
of William 1767/87 40 BR 28  
Dr. Robert Potter, surgeon 1752 108 BR 24

#### E.R.O. Colchester Branch Office, Stanwell House

Borough Assembly Books  
Borough Apprenticeship records, and Admissions of Freeburgesses  
Mayhew's correspondence  
COURT BOOKS St Osyth D/DCr M2  
Clacton C/CCr M20  
Kirby le Soken D/DBm 207  
DEEDS Kings Head Meadow (Hallam Estate) D/DU 116/12 (1767)  
30 High Street, St Runwalds parish. CPL 619 for  
Thomas Harrison and daughter.  
Precedent Book. Col. MSS. VI. 6.