



Condon, M., & Jones, E. T. Will of Hugh Say, mercer of London, 10  
December 1517

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**Margaret M. Condon and Evan T. Jones (eds.), ‘Will of Hugh Say, mercer of London, 10 December 1517’ (University of Bristol, ROSE, 2011)<sup>1</sup>**

The most important published discovery in twentieth-century Cabot scholarship was the letter from an English merchant, John Day, addressed to the ‘*almirante mayor*’ of Spain giving an account of the voyages of John Cabot in 1496 and 1497. The recipient of the letter was almost certainly Christopher Columbus.<sup>2</sup> The letter itself provides an extended description of Cabot’s two expeditions that was superior in many respects to any previously-found account. However, the veracity of the ‘John Day letter’ was initially questioned, in great part because its writer seemed not to be traceable in the historic record.<sup>3</sup> Both the finder of the letter, Louis-André Vigneras, and Dr Alwyn Ruddock (University of London), conducted further research on Day after the first publication of the letter text in 1956. Vigneras found evidence concerning his commercial activity in Spain;<sup>4</sup> Ruddock found firm evidence that the Bristol merchant, John Day, was in fact the London mercer Hugh Say.<sup>5</sup> The critical proof of this was found in the record of legal proceedings in the Court of Chancery. On the other hand, the will of Hugh Say, which described its author as ‘late of London mercer and nowe servaunt with the Lorde Mountioy’, provided a major plank in Ruddock’s argument. Her ‘John Day’ article thus included an extended discussion of the will, even though the full text remained unpublished.<sup>6</sup>

Say’s will shows that the once wealthy merchant died in debt and relative poverty. He had long ceased to trade. That he calls himself a servant implies that he wore the livery of

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<sup>1</sup> Entered in the registers of the Commissary Court of the Diocese of London, Register Bennett: London Metropolitan Archives [LMA], DL/C/B/004/MS09171/009, fos. 70-70v. The manuscript was formerly Guildhall MS 9171/9. The will is published with the permission of the Diocesan Registrar, and with that of the Corporation of London, with whom the will registers are deposited on long-term loan. The following conventions were employed when transcribing the document: the line spacing, spelling, capitalization, deletions, punctuation and emphasis follow the manuscript; reconstructions of suspensions are in italics; ‘u’ and ‘v’ have been rendered according to the document rather than to modern usage. Squared brackets indicate editorial interventions; apostrophes indicate unclear marks of suspension. This transcription was undertaken as part of the ‘Cabot Project’ (University of Bristol, 2009-15) funded by the British Academy (SG100194) and Gretchen Bauta, a private Canadian benefactor. We would like to thank Dr Jeff Reed and Dr Heather Dalton for commenting on a draft of this paper.

<sup>2</sup> L.-A. Vigneras, ‘New light on the 1497 Cabot voyage to America’, *The Hispanic American Historical Review*, xxxvi, (1956), 503-509; L.-A. Vigneras, ‘The Cape Breton landfall: 1494 or 1497?’ *Canadian Historical Review*, xxxviii (1957), 219-28; L.-A. Vigneras, ‘État présent des études sur Jean Cabot’, *Congresso Internacional de História dos Descobrimentos*, Actas, III (Lisbon, 1961), 655-667. Vigneras’s final statement on the subject remains unpublished, but in respect of Columbus merely amplifies his 1961 statement by adding full extracts to the references already published: L.-A. Vigneras, ‘John Day’s letter to the “Almirante Mayor”’ (unpublished article received from Dr Jeff Reed, Washington D.C.).

<sup>3</sup> A. A. Ruddock, ‘John Day of Bristol and the English Voyages across the Atlantic before 1497’, *Geographical Journal*, vol. 132, no. 2 (June 1966), 225. That Ruddock had written this article to refute suggestions that the Day letter was a ‘forgery’ was expressed, most clearly, in her private correspondence: Alwyn Ruddock to Genevieve Davey, University of Exeter Press, 17 July 1996. For further discussions of Ruddock’s later research on Day/Say, see: A. A. Ruddock to D. B. Quinn, 14 November 1986, in E. T. Jones (ed.), *The Quinn papers: transcripts of correspondence relating to the Bristol discovery voyages to North America in the fifteenth century*, p. 9 (2009): <http://hdl.handle.net/1983/1274> <accessed 10 June 2011>

<sup>4</sup> Vigneras, ‘État présent des études sur Jean Cabot’, 658-659, 666-67; Vigneras, ‘John Day’s letter to the “Almirante Mayor”’, pp. 1-2 and Appendices I-II.

<sup>5</sup> Ruddock, ‘John Day of Bristol’. For discussions of Ruddock’s later research on Day, see: A. A. Ruddock to D. B. Quinn, 14 November 1986, in E. T. Jones (ed.), *The Quinn papers: transcripts of correspondence relating to the Bristol discovery voyages to North America in the fifteenth century*, p. 9 (2009): <http://hdl.handle.net/1983/1274> <accesssed 10 June 2011>.

<sup>6</sup> It should be noted that the archival reference cited by Ruddock is now obsolete, partly as result of the merger of the Guildhall Library with the London Metropolitan Archives. Ruddock gives only the ‘ecclesiastical’ reference’, and does not even name the archive in which she found it.

William Blount, Lord Mountjoy. The will is important, because it enables the disparate halves of Say's career to be bridged and connected. Two Chancery Proceedings of 1502 confirm his alias of John Day, the name by which he introduced himself in Bristol as a London mercer, and by which he is best known.<sup>7</sup> The will notes his direct descent from a wealthy London ironmonger, Robert Colbrooke, 'my greatte Graunser by my father moder.' This clue enabled Alwyn Ruddock to construct a plausible genealogy. As Ruddock pointed out, Say's reference to chapel goods, and his descent or association with two leading merchants of the city, imply a privileged background. Colbrooke was one of the wardens of London Bridge, while the mercer Hugh Wyche became stepfather to Colebrooke's daughter, Say's grandmother. Wyche was Lord Mayor of London 1461-2, and enjoyed close connections with the Yorkist court. Given Wyche's close and long association with Sir John Say, who became a leading servant of Edward IV, Ruddock postulated a marriage between Colebrooke's daughter and a member of the Say family. Robert Say, thought by Ruddock to be the father of Hugh, was Wyche's apprentice, and followed him into the Mercers Company. This, in turn, would have enabled Hugh Say's admission to the Mercers by right of patrimony.<sup>8</sup> Such connections helped, in turn, to explain John Day's possession of two important texts of travel and exploration, which he offered to loan to Columbus. The first of these was Marco Polo's *Travels*, with its tales of 'Cipango' [Japan], and the land of the Great Khan [China]; the second was the influential *Inventio Fortunata*, of which no copy is known to survive, but was replete with stories of North Atlantic exploration.

The most striking feature of the will is the extraordinary outburst with which it ends. Here Say makes provision for a house that John Sabbe held by virtue of a title extracted, Say alleges, under force of imprisonment and by the unlawful support of the notorious Edmund Dudley. The latter was a former minister of Henry VII, widely hated for his fiscal exactions on behalf of the Crown, which led to him being executed on a manufactured charge of treason in 1510.<sup>9</sup> Say's will suggests that the loss of the house was a hurt that ran deep, and was life-changing. Ruddock was able very precisely to date to 1505 this major turning point in the life of John Day/Hugh Say, which marks the probable watershed between his life as a merchant and that as a high-ranking servant of William Blount, Lord Mountjoy. Say claimed wrongful dispossession from his London house, in part because of malpractice by Dudley, whose name, in 1517, would still have had emotive overtones. The house, a substantial property in Thames Street, with a private quay on the waterfront, had come to Say by descent from Robert Colbrooke, his great-grandfather. As such it would have been a very visible symbol of Say's status and prosperity. The allegation made in the will is that, in effect, the house was only mortgaged to the London grocer, John Sabbe, until he had been repaid for a loan he had made to Say: but that both imprisonment, and the unlawful intervention at law by Dudley and others, had resulted in Say's forceful and permanent dispossession in a court of law. This account is at odds with the formal record of the London Court of Husting, in which Sabbe used a 'writ of right' to break the entail restricting possession to Colbrooke's male heirs and thus obtain permanent possession of the property.<sup>10</sup> The court record implies all this had taken place with Say's consent. Say would presumably have claimed that his 'consent' had been extracted under duress.

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<sup>7</sup> Ruddock, 'John Day', 225-226; J. Vanes (ed.), *The Overseas Trade of Bristol in the Sixteenth Century* (Bristol Record Society publications, xxxi, 1979), 137.

<sup>8</sup> Ruddock, 'John Day', 228-229. She also suggested that a close association between Robert Say and Hugh Wyche could explain how Hugh Say acquired his Christian name.

<sup>9</sup> S. J. Gunn, 'Edmund Dudley, c. 1462-1510', *Oxford Dictionary of National Biography*, 2010; S. J. Gunn, 'The Accession of Henry VIII', *Historical Research*, vol. 64 (1991), 284-87.

<sup>10</sup> Ruddock, 'John Day', 227-228.

Another significant feature of the will is its elliptical reference to former wrongs committed by Say. Expressions of remorse for past actions, and requests for executors to make reparation, are fairly conventional. Say expresses himself unusually strongly, however. While Ruddock speculated on some form of criminal act, it is also possible that his misdeeds related to past trading activities – there being some evidence of harsh practice in Say’s dealings with his fellow merchants.<sup>11</sup> Either way, he clearly felt that his only recourse was to seek God’s pardon through his charitable bequests, which follow the conventions of his day. Say died in debt. His household goods, clothing, and armour were to be distributed amongst his creditors in the due proportion of his debts to them, in so far as those goods would stretch. In effect he was bankrupt, and his executors refused to accept administration of the will.

There are clearly some errors in the original copying of the will by the clerk of the probate court. Some out-of-place words are visibly corrected in the register by deletion. But the reference to the priest William Atkinson only makes sense if Say was appointing him as his executor and then petitioning William Blount, Lord Mountjoy, that he would ensure that the various provisions of the will were put into effect. This, too, would be conventional. Given the disparity in their social status, and the small amount of the estate, it is unlikely that Mountjoy would be appointed, or would accept, a formal appointment as overseer; but Say could legitimately hope that he would take some interest as a last act of charity towards a faithful servant. That hope was almost certainly in vain.<sup>12</sup>

### *The Will*

(fo. 70r)<sup>13</sup>

**In the name of god Amen.** The x<sup>th</sup> day off Decembre The yere off our Lorde god m<sup>l</sup>v<sup>c</sup>xvij<sup>14</sup> / And yn the ix<sup>th</sup> yere off the Reygne off kyng henry the viij<sup>th</sup> I hugh Say late off London mercer and nowe *servaunt* with the Lorde Mountioy<sup>15</sup> beyng hole off mynde and yn good memorye thankyd be god make & ordeyn thys my *present testament* & last wyll yn maner and forme folowyng that ys to wyte Fyrst I Recommend my soule unto allmyghty god my creator and saviour to *our* blessyd Lady Seynt mary virgin hys glorious moder and to all the holy *company* off heuyn And my body to be buried yn the *paryssh* church off Seynt Benettes besyde poules<sup>16</sup> wharff yn London<sup>17</sup> Item I wol that all such thynges as I haue whiche *apperteyneth* to a chappell as appereth yn a byll theroff made<sup>18</sup> t̄ be sold to the best valure that may be / And the money theroff *commyng* I woll that yt be ~~sold~~ Orderyd after thys *fourme* folowyng<sup>19</sup> / That ys to say

<sup>11</sup> TNA:PRO, C1/265/2; C1/268/1; C1/271/29. Noticed Ruddock, ‘John Day’, 226.

<sup>12</sup> A further article on John Day/Hugh Say is currently (2011) in course of preparation as an output of the ‘Cabot Project’.

<sup>13</sup> Marginated ‘*Testamentum Hugonis Saye*’.

<sup>14</sup> 10 December 1517.

<sup>15</sup> Lord Mountjoy: P. Carley, ‘Blount, William, fourth Baron Mountjoy (c.1478–1534)’, *Oxford Dictionary of National Biography* (OUP, 2004).

<sup>16</sup> This final ‘s’ is actually a yogh, but has been rendered conventionally for on-line publication.

<sup>17</sup> St Benet Pauls Wharf (Queen Victoria Street) is now the Welsh Church. The medieval church was destroyed in the Great Fire of 1666, and the present structure is largely as built by Sir Christopher Wren. Since 1555 it has also been the church of the College of Arms.

<sup>18</sup> This implies that an inventory had been made of the chapel goods.

I beqweth to the hygh aulter<sup>20</sup> off the paryssh churche off Seynt Benettes  
 afor sayd for oblacyons<sup>21</sup> iij<sup>s</sup> iiij<sup>d</sup> / Item I beqweth towards the byldyng off  
 our mother churche Seynt peters at Rome to haue pardon for wronges doon / whych  
 I know nott how to make restitucion<sup>22</sup> xiiij<sup>s</sup> iiij<sup>d</sup> / Item I beqweth to the Redemyng  
 off chrysten people that be yn captyuyte off the ynfideles<sup>23</sup> vj<sup>s</sup> viij<sup>d</sup> / Also I wyll  
 that the charges off my buriall be doon off the forsaid thynges apperteynyng to  
 the chapell and that yt may be but meanly doon / to thentent to spare  
 as moche as money off the forsaid Stuff bylongyng to the capell<sup>24</sup> as  
 may conveyently be / wych money so sparyd I wyll that yt be distributyd  
 amonges pore people<sup>25</sup> Item where Syr James Darell knyght<sup>26</sup> oweth to me by  
 a byll obligatory<sup>27</sup> x<sup>li</sup> sterling ffor the whych x<sup>li</sup> he stondest aswell bound  
 to my forsaid lorde as to me / And I haue a graunte off my sayd lorde that  
 he will see yt payed<sup>28</sup> / The Whych forsaid x<sup>li</sup> with also such redy money as  
 shall remayn off myn after my deceasse / I gyve and beqweth to my three ~  
 chylderen to be distributed a mongest them by the dyscrecyon off my seyde  
 lord / Item all such houshold stuff as I haue with also rayment and harnys<sup>29</sup> / I will  
 it be dystributyd amonge my Creditours as it will streghe a mongest them  
 after theyr porcyons / Reseruyng only the valure of xl<sup>s</sup> to ser William Atkynson<sup>30</sup>  
 prest<sup>31</sup> / Whom I make & ordeyn my forsaid Lord montioy to see the

<sup>19</sup> i.e., this was how the money coming out of the sale was to be spent.

<sup>20</sup> 'hygh aulter': high altar. This was the main altar of the church, rather than a side chapel or chantry. Say may have hoped to be prayed for publicly in return for his offering.

<sup>21</sup> 'oblacyons': oblations – i.e., in context, an offering of money for the use in God's service (*OED*). Costs of maintaining service at the altar would have included, for example, the purchase of candles.

<sup>22</sup> As already noted, 'restitution', or a request to executors to repair wrongs done in life, if they could be proven, is not wholly unusual: but here it is particularly strongly expressed. The implication of the whole phrase is that, since Say's circumstances meant that he was not in a position to make any sort of reparation, but was contrite and showing due remorse, he desired his executor to make a charitable gift towards the building of St Peter's church in Rome. This would almost certainly have earned him a plenary indulgence, by which the pope as vicar of Christ, and those to whom he had delegated powers, could absolve Say from his sins and remit his time in Purgatory. For an example of such an indulgence, running in 1508 under the name of William Warham, archbishop of Canterbury, and given in return for offerings towards the building of St Peter's Basilica, *English Short Title Catalogue* (STC) (2<sup>nd</sup> edn.) 14077c.105A; STC (2<sup>nd</sup> edn.) 14077c.103b; and the 'Great Indulgence', again offering plenary remission, printed by Richard Pynson in 1516, STC (2<sup>nd</sup> edn. 14077c.102).

<sup>23</sup> 'yn captyuyte off the ynfideles': in captivity of the infidels. In practice this referred primarily to Christians taken captive by Moorish pirates, either on the high seas or following raids on coastal communities. This almsgiving may also have earned a limited indulgence of the sort offered after the capture and ransom of Sir John Pyllet, for which the promise of an indulgence was offered in 1517: STC (2<sup>nd</sup> edn. 14077c.131).

<sup>24</sup> 'capell': chapel.

<sup>25</sup> This would have been a very practicable way of performing three of the deeds of mercy – feeding the hungry, giving drink to the thirsty, and clothing the naked – that would again have earned Say remission of his sins. In one form or other, it was a very common provision as a deathbed deed of charity.

<sup>26</sup> Sir James Darrell, d. 1521. According to the inscription on his tomb, James had been knighted at Tournai, where Say had been employed by Lord Mountjoy from 1515 to c.1 December 1516: L. L. Duncan, *Monumental Inscriptions in the Church and Churchyard of Little Chart, Kent* (1920); Ruddock, 'John Day' p. 227; *Letters and Papers, Henry VIII*, II, no. 2622.

<sup>27</sup> 'byll obligatory': bill obligatory – i.e. a written bill of debt in which the debtor typically agreed to pay back a given sum at a given place and time.

<sup>28</sup> Say was not Darrell's only creditor: between 1514 and 1524 (by which time he was dead) a number of writs issued against him for default on bonds of Statute Staple: TNA:PRO, C131/100/23; C131/107/16, 22; C131/261/19; C131/267/16; see also C1/496/28. Knighted at Tournai in 1513, in 1514 he was recorded as a debtor of Henry VIII for £100, payable in instalments of 50 marks, *L&P Henry VIII*, I pt 2, Appendix 26 and no.3483: SP1/9, fo.147 [f.182]; Addenda, Vol. 1 pt1, no. 119: TNA:PRO, SP1/231, fo. 239.

<sup>29</sup> 'rayment and harnys': raiment and harness – i.e. clothing and armour.

<sup>30</sup> Word split over two lines.

premisses to be don / Item as to my place whiche lyeth yn Sent Dunstans  
 yn the Est That John Sabbe grocer<sup>32</sup> holdeth and such writings as he  
 hath theroff be made by force off prysonment & by mayntenaunce<sup>33</sup> of Dudley<sup>34</sup>  
 & other & nott off Ryght ffor off ryght he shuld hold the sayd place but as  
 a plege tyll he be payed off the Rentes therof off such duetye as is betwene  
 hym and me / Whych will now be exsperyd<sup>35</sup> withyn two or three yerys<sup>36</sup> // the  
 sayd place is strongly entaylyd to the heyres males<sup>37</sup> And now I haue but  
 on' Son alyve & yff he dye withoute yssue male<sup>38</sup> then the parysshens<sup>39</sup> off seynt

(fo 70v)

dunstans and the mayre and recorder<sup>40</sup> off London' muste enter upon the same place  
 and make sale theroff accordyng to the will off Robert Colbrok' my greatte Graunser  
 by my father moder<sup>41</sup> / Item I beqweth to Nicholas Hewes my keper<sup>42</sup> the valure off  
 xx<sup>s</sup> Wytnesses to thys present Testament William Baker cytezen and scryuenar<sup>43</sup>  
 off London Richard Clerk and Nicholas Hewes ///.

[added in place of probate clause]

Renunciatum<sup>44</sup>

<sup>31</sup> 'ser William Atkynson prest': Sir William Atkynson, priest. 'Sir' was the normal title given to ordinary priests.

<sup>32</sup> John Sabbe's will was made 3 January 1518, proved 15 February, requiring burial in St Dunstan's, TNA:PRO, PROB11/19 fos. 36v-37.

<sup>33</sup> 'mayntenaunce': maintenance – i.e. the action of wrongfully aiding and abetting litigation; specifically, the support of a suit or suitor at law by a party who has no legally recognized interest in the proceedings (*OED*).

<sup>34</sup> Edmund Dudley, lawyer, former under sheriff of London (until 1502) and councillor of Henry VII. The best known instances of imprisonment involving Dudley, imposed in order to achieve other ends, are those of Thomas Sunnyff and the wealthy merchant William Capell: D. Brodie, 'Edmund Dudley, Minister of Henry VII', *Transactions of the Royal Historical Society*, (4<sup>th</sup> Series, xv, 1932), 153-154; an instance of maintenance which offers parallels to Say's disseisin is also cited, *ibid.*, 147.

<sup>35</sup> 'exsperyd': expired.

<sup>36</sup> In other words Say claims that Sabbe only has the right to the tenement as security for a loan or a debt still owed, until, until the money has been completely paid off though rents arising out of the property. This will happen in 2-3 years time – i.e. c. 1520. According to their original agreement the tenement would then revert to Say or to his heirs male.

<sup>37</sup> 'entaylyd to the heyres males' entailed to the male heirs – i.e. it can only be inherited through the male line.

<sup>38</sup> 'yff he dye withoute yssue male': if he dies without issue male (i.e. without a male heir).

<sup>39</sup> 'parysshens': parishioners.

<sup>40</sup> 'mayre and recorder': mayor and recorder. The recorder was the chief legal officer of the city.

<sup>41</sup> A plausible line of descent from Colbrook's daughter is argued in Ruddock, 'John Day', 228.

<sup>42</sup> 'keper': keeper. Presumably, in this sense a nurse or carer (*OED*).

<sup>43</sup> 'Scryuenar': scrivener – i.e. a professional writer or scribe. The word is split over two lines. In practice, within the city of London, the term is synonymous with 'notary'. The 'Writers of the Court Letter' were one of the London guilds, becoming incorporated as the Scriveners Company in 1617. William Baker is recorded as an apprentice of Thomas Masse, a 'writer of the court letter', in 1478, *Scriveners Company Common Paper, 1357-1628*, ed. F. Steer (London Record Society, 1968), 17. Baker's presence as a witness implies that he wrote out the will on Say's behalf: Say would then have signed or sealed it. This, from the evidence of registered copy wills, was a fairly common practice.

<sup>44</sup> Indicates that the executor refused to accept administration of the will, a common occurrence when the testator's debts were likely to exceed the assets.