

## The SS Collar

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*Lawyers who are familiar with the SS collar as a badge of office of the Lord Chief Justice of England have wondered why it should be worn by Sir Thomas More who was once Lord Chancellor but never Chief Justice. We are indebted to A. H. Ormerod, Esq., London, England for the following historical notes.*

# THE SS COLLAR

A. H. ORMEROD

THE HOLBEIN PORTRAIT of Sir Thomas More shows him wearing the collar of SS. The origin of this collar has been a common puzzle to antiquaries, and one of the mysteries is why Sir Thomas More is wearing it. It is familiar to all lawyers in England as on state occasions it is worn over his judicial robes by the Lord Chief Justice of England. He wears it as successor of the Chief Justices of the Common Law Courts. In its present form it is a chain of gold composed of 26 knots and 27 letters of S linked together alternately.

In the centre there is a Tudor rose attached on either side to a portcullis, the rose and portcullis being slightly larger than the other links. The collar which Sir Thomas More is wearing is rather different, being then in its later stage of development. The garter knots are not present, each letter being fastened by little chains or studs to its neighbour, and the rose, instead of being placed between the portcullises, is pendent to them.

The questions which have exercised historians, and the answers to some of which will probably never be known for certain, are:

- (1) What was the origin of the collar?
- (2) What is the significance of the letter S?
- (3) Who was entitled to wear it?
- (4) Why is Sir Thomas More wearing it?

## Origin of the SS Collar

Dugdale in his *Origines Juridiciales* professed himself quite ignorant on the subject of its origin.

That this ornament hath been very anciently used in England especially by knights we have sufficient testimony from monuments and tombs of near 300 years old; how long before that I dare not take upon me to say, but the original occasion of them is of much greater antiquity.<sup>1</sup>

<sup>1</sup> DUGDALE, *ORIGINES JURIDICIALES* 102 (3d ed. 1680).

Actually, the date of its introduction into England can be fixed with some certainty as November 1389, that is just about 300 years before Dugdale. The evidence for this is to be found in the Parliament Rolls. There is there recorded an altercation which took place between the Earl of Arundel and Richard II during the sitting of Parliament in 1394, and for which the Earl was required to solicit the pardon of John of Gaunt in the presence of the King and Lords in Parliament.

The record states that the Earl of Arundel had said to the King in the presence of witnesses that he had certain matters which lay so near to his heart that his conscience would not permit him in any wise to conceal them, for the honour and profit of his Lord the King and his Kingdom, which matters he then showed to our said Lord the King, and declared in particular as follows: First, that it seemed to him that it was contrary to the honour of our Lord the King that his uncle the Duke of Guyenne and Lancaster often went in hand and arm with the King: Item, that the King was wont to wear the livery of the collar of the Duke of Guyenne and Lancaster: Item, that the people of the King's retinue wear the same livery.

The King replied that as for the first article he himself had made, and makes, his uncle, as he does in the absence of that uncle his other uncles, to walk in his hand or arm: Item, as for the second article the King said that very soon after the return of his uncle when he came back from Spain into England he, the King, himself took the collar from his uncle's neck and put it on his own, and said that he would wear and use it in token of the entire and cordial

good love between them, as he did the liveries of his other uncles.<sup>2</sup>

The date of John of Gaunt's return from Spain is known, namely, November 1389. The above passage clearly shows that these collars were collars of livery,<sup>3</sup> and that John of Gaunt's brothers also bestowed them. It also indicates the spirit in which such emblems were assumed. This is the earliest mention of collars of livery in England.

There has been published in the *Ancient Kalendars and Inventories of the Treasury of the Exchequer*,<sup>4</sup> an inventory made in the first year of the reign of Henry IV enumerating the plate and jewels which had been the property of Edward III, Richard II, Queen Anne, the Duchess of York, the Duke of Gloucester and Sir John Golafre. In this inventory mention is made of collars of the livery of the King of France; collars of the livery of Queen Anne; collars of the livery of Mons. of Lancaster, and a livery (which was probably a collar) of the Duke of York. There are also mentioned the following:

Item, VIII letters of S for a collar each of XV pearls.

Item, a pair of gilt silver basins, one standing on a foot, with letters of S of the livery of Mons. de Lancaster, and the cover with a coronet above graven with letters of S around, and the arms of Mons. de Lancaster within.

This clearly shows that the collars of

<sup>2</sup> 3 ROTULI PARLIAMENTORUM 313 (1832?).

<sup>3</sup> 2 BOUVIER LAW DICTIONARY 2037 defines "livery" as "The delivery of possession of lands to those tenants who hold of the king *in capite* or by knight's service."

<sup>4</sup> Vol. III, pp. 313-358.



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### **Thomas Knox Gordon**

*Chief Justice of South Carolina 1771-1775*

The above portrait, which hangs in the office of the Governor of South Carolina, State House, Columbia, South Carolina, indicates that the Chief Justices of the American Colonies wore the SS collar as an emblem of the office of Chief Justice. The SS collar was worn also by Irish Chief Justices as it is today by Lord Goddard. Possibly it has been worn elsewhere in the British Empire and Dominions.

the house of Lancaster were collars of S which were part of the livery. There is abundant further evidence of this. For example, a drawing still exists of a window of the old Cathedral of St. Paul's where the arms of John of Gaunt are placed within a collar of S. Records exist of the bestowal by his son, later Henry IV, of collars of livery during the lifetime of his father. In the earliest instance, occurring in 1391, the collar was formed on seventeen letters of S. There are in York Minster statues of Henry IV and Henry V showing them wearing the collar.

That the letter S was the device of the House of Lancaster may be accepted, but the significance of the letter has never been positively ascertained. There has, however, been no lack of theories.

#### Significance of the Letter S

The first is that letters SS were the initials of Sanctus Simplicius, a Roman senator who suffered martyrdom in 287 under Diocletian. The origin of this theory has been attributed to Wicelius, a German polemical writer of the sixteenth century. A passage from his *Historia de Divis tam veteris quam novi testamenti* published in 1557 is set out in Dugdale's *Origines Juridicales*.<sup>5</sup> It seems that Wicelius is writing of the lives of Simplicius and Faustinus who were brothers. He says that in the library at Fulda there was a description of a Society of St. Simplicius which was composed of noblemen. He continues: "It was the custom of these persons to wear about their necks silver collars composed of double SS which denoted the name of Sanctus Simplicius; between these double SS the collar contained 12 small

plates of silver in which were engraven the 12 articles of the creed, together with a single trefoil. The image of Saint Simplicius hung at the collar and from it seven plates representing the seven gifts of the Holy Ghost." Dugdale adds: "And the reason of this chain so used by such noble persons was in regard that these two brethren were martyred by tying a stone with a chain about their necks and casting their bodies into the river Tiber."

Of course, this all may be quite true. Collars of SS may have been worn in the early centuries of the Christian era by members of a Society of Saint Simplicius, but there is no evidence whatsoever that it has any connection with the English collar of SS. The first person to affirm that the SS on the English collar stood for Saint Simplicius was Nicholas Harpsfield who died in 1583 and whose "Ecclesiastical History" was published at Douia in 1622. The theory was obviously widely accepted as Camden says:

Neither will I speak of the Judges' red robes, and the Collar of SS. which they used in memory of *S. Simplicius*, a sanctified Lawyer, and Senatour of *Rome*.<sup>6</sup>

Dugdale in turn seems to have accepted the theory. This is not a bad example of how once a theory has been launched into the stream of history it just goes rolling on, repeated from time to time by various writers, none of whom pause to consider its inherent improbability.

The second theory, evolved by Favyn, is even less probable. He has apparently heard some anecdote of the collar con-

<sup>5</sup> DUGDALE, *op. cit. supra* note 1, at 102.

<sup>6</sup> CAMDEN, *REMAINES CONCERNING BRITAIN* 193 (1657).

nected with the battle of Agincourt, and on the strength of this asserted that the Knights of the S were founded by Henry V in honor of the martyrs of Soissons, St. Crispin and St. Crespian upon whose anniversary the battle of Agincourt was fought.<sup>7</sup> No time need be wasted on this, nor on the third theory, that of Menestrier, who asserted that the letter S was the initial of the Countess of Salisbury.

A fourth theory is that the S is the first letter of the Latin word "Signum" which signifies a badge of honour. This is respectable and restrained but otherwise seems to have little to recommend it.

The fifth theory seems of all the most probable, namely, that the S stands for "Souvenez." There is an inherent probability about this. If, as seems certain, these collars were party emblems then the S was likely to be a motto or slogan, and in a turbulent era of self-help and bloody revenge "Remember" seems as good a motto as could be found. There is, however, positive evidence that "Souvenez" was in fact the motto of the house of Lancaster and was worn in full on the collar. In the Issues of the Exchequer there is the following entry for the 3rd. November 1407:— "To Christopher Tildesly, a citizen and goldsmith of London. In money paid to him, by assignment made this day, in discharge of £385. 6. 8. which the Lord the King commanded to be paid to him for a collar of gold, worked with this motto 'soveigne' and the letter S and ten amulets, garnished with 9 large pearls, 12 large diamonds, 8 rubies, 8 sapphires, together with a great clasp in shape of a

triangle, with a great ruby set in the same and garnished with 8 great pearls . . .".<sup>8</sup>

It is known that on one occasion Richard II had a gown made on which this motto was embroidered to be used at the famous tilt in Smithfield.

Another theory is that it stands for Soverayne. This is based on the fact that Soverayne was Henry IV's motto. To establish this theory, however, it would be necessary to show that "Soverayne" was Henry's motto while he was still a subject of Richard II, the son and heir apparent of the Duke of Lancaster. The probabilities are all to the contrary. It is true that the Duke of Lancaster from 1372 to 1389 assumed the title of sovereign as King of Castile and Leon, but at the time of his return from Spain to England in 1389 he had just ceased to style himself sovereign of that country. The motto, therefore, if originally allusive to the sovereignty of Castile and Leon had become unmeaning with regard to these foreign dominions, and would have been treasonable if it had been intended to assert sovereignty at home. If it had been so intended it seems incredible that Richard II should have shown such complaisance to his uncle.

A last theory is that S stood for Seneschallus or Steward. This is based on the fact that the Duke of Lancaster became entitled to the office of Lord High Steward in 1361 in right of his wife on the death of his father-in-law, Henry Duke of Lancaster. The theory is possible, but there is no real evidence to support it.

### Right to Wear the Collar

The next question is who was entitled

<sup>7</sup> FAVYN, LE THEATRE D'HONNEUR ET DE CHEVALERIE 1038 (Paris 1620).

<sup>8</sup> *Issues of the Exchequer*, PELL RECORDS 305 (1407?).

to wear the collar. The theory that it belonged to the degree of knight seems to be contradicted by two facts. The first is that of the numerous brasses<sup>9</sup> which remain of those who held that degree the great majority are undistinguished by the collar. The second is that in 1533 an Act was passed "for Reformacyon of Excess in Appayrale."<sup>10</sup> By this it was enacted that "no man oneless he be a knight weare any color of Gold named a color of S." From this it is clearly to be inferred that at that time the collar was being assumed by persons other than knights. It leaves us in the dark, however, as to those who were privileged to wear it in the intervening period.

It appears from the proceedings in Parliament in 1388 against the Archbishop of York and others<sup>11</sup> that Richard II was the first of the Kings of England to give badges to his retainers. These badges, whether a collar or in some other form, became a party symbol, and the usurpation of the throne by Henry IV would naturally lead to the usurpation of the livery of the House of Lancaster by all who wished to be thought friends to the cause. That these formed so numerous a class as to become a nuisance is evident from an Ordinance made in Parliament in 1400<sup>12</sup> prohibiting the wearing of all liveries and badges except by the King's sons and peers who were allowed to use the livery

<sup>9</sup> A "brass" is defined by Webster's as: "A brass plate engraved with a figure or device; esp., one placed in a church as a memorial to the dead." WEBSTER'S NEW INTERNATIONAL DICTIONARY 327 (2d ed. 1954).

<sup>10</sup> 24 HEN. VIII, c. 13.

<sup>11</sup> 1 Howell's State Trials 106 (1388).

<sup>12</sup> 3 ROTULI PARLIAMENTORUM 477 (1832?).

of the King *de la Coler* at all times, and by Knights and Esquires who were allowed to use it in the King's presence.

On the accession of Edward IV the Yorkist collar of roses and suns was adopted. The white lion of the house of Marche was commonly attached to the clasp.

The collar of SS was revived by Henry VII. In his reign there were frequent insurrections, and the natural result of this was that his partisans were induced to distinguish themselves by wearing his emblem. The consequence was that it was assumed by unprivileged persons, and when more settled times returned it was found expedient to limit the class of persons entitled to wear it; hence the statute of 1533.

Gradually the knights ceased to wear it, and its use became confined to certain persons in official positions who alone were privileged to wear it, either in gold or silver according to their grade in the Royal household.

A collar was bestowed by Henry VIII on the Lord Mayor of London and later sovereigns bestowed them on other Lord Mayors, and it is believed that they are still worn. It is also worn by officials of the College of Heralds. These collars, however, are of different design from the judicial collar.

The puisne judges of the Courts at Westminster never wore it, but at some date it was assumed by the Chief Justices and the Chief Baron. It is possible that the first Chief Justice to wear it was Sir Richard Newton, Chief Justice of the Common Pleas, 1439-1449. There is, or was, in Yatton Church, Somerset, an uninscribed monument of a judge with the collar, and it is thought that it is a monument

of Sir Richard Newton. It is certain, however, that Sir Richard Lyster, Chief Justice of the King's Bench, 1547-1552, wore it, for there is an effigy of him in St. Michael's, Southampton, showing him with the collar. The earliest Chief Baron known to have worn it is Sir Roger Manwood, Chief Baron of the Exchequer, 1578-1593. It is in the reign of Elizabeth I that we first get paintings of judges, and in these the Chief Justices and the Chief Baron are invariably shown wearing it.

In Popham's reports, it is expressly stated that at the call of Serjeants in Easter 1594 "the Chief Justices and the Chief Baron met in Middle Temple Hall in their scarlet robes and their collars of SS."<sup>13</sup>

At some stage it was also assumed by the Chief Justices of the Colonies. Until recently there was in the Bar library in the Royal Courts of Justice a portrait of Chief Justice Gordon, who was appointed Chief Justice of South Carolina in 1771, showing him wearing the collar. It is believed that this portrait is now in South Carolina.

The early collars were small, fitting closely to the neck, with the letter S placed at equal intervals on a stiff band of dark colour the ends of which bent outwardly and were united by a chain. In the reign of Henry VII the collar was increased in size, hanging lower down the neck, with the letters placed more closely and bordered by a fillet of gold, not divided at the end, but having that King's Beaufort badge, a portcullis, pendent with a rose attached to it.

Up to this time the letters were invariably placed on a band, but they next

appear set transparently, each letter being fastened by little chains or studs to its neighbour. The size also was greatly increased so that the collar hung over the shoulders, and the ends were united by two portcullises, not pendent, but with a rose pendent to them. This is the collar worn by Sir Thomas More.

In the portrait of Sir James Dyer, Chief Justice of the Common Pleas, 1559-1582, the rose, instead of being pendent, is placed between the portcullises. The next and last change was made in the same reign when a garter knot was introduced between each of the letters S.

Until 1640 the rose was always jewelled, but since then it has been without jewels.

The collars seem to have been treated by the Judges as their own private property, and on retirement were either retained by them or sold to their successors. Johnson in his life of Coke includes a letter from Chamberlain to Sir Dudley Carton dated the 23rd. November 1616, about a week after Coke's retirement from the bench, which recounts that Coke gave a good answer to the new Chief Justice who sent to him to buy his collar. He said he would not part with it, but leave it unto his posterity that they might one day know that they had a Chief Justice to their ancestor.<sup>14</sup>

This seems to show that by the seventeenth century the wearing of the collar had gone generally out of fashion and had become confined exclusively, or almost exclusively, to the Chief Justices and the Chief Baron. It has so continued to the present day. This seems to be an example of which there are many other instances,

<sup>13</sup> 1 Pop. Reports 43, 79 Eng. Rep. 1161 (1594).

<sup>14</sup> 1 JOHNSON, LIFE OF COKE 341 (1845).



the wig being one, of conservatism in judicial dress. Again and again through the centuries one can see it happening; an article of dress is assumed by the Judges at a particular time simply because it is then in general use or fashion. Gradually as fashion changes it goes out of general use, but nevertheless it continues for centuries to be worn by the Judges and becomes part of their traditional attire.

The collar which is worn today by the Lord Chief Justice of England was made to the order of Sir Alexander Cockburn, who was Chief Justice of the Court of Common Pleas, 1856-1859, and Chief Justice of the Court of Queen's Bench, 1859-1876, and Lord Chief Justice of England, 1876-1880. It has since been handed down to successive Chief Justices.

The final problem is why Sir Thomas More is wearing it. It can be stated with certainty that he is not wearing it in right of being Chancellor. Apart from anything else, the portrait was painted before he became Chancellor. Holbein visited England in 1527 and returned to Basil in 1528. More did not become Chancellor until October 1529. A reasonable conjecture is

that it was bestowed upon him in his sunshine days as a personal gift by Henry VIII as a mark of the Royal favour, perhaps when he was knighted. But, as the statute of 1533 indicates, the collar was at that time worn somewhat indiscriminately by large numbers of people, and there can be no certainty how he acquired the collar or why he wore it.

Perhaps the truth is that there is no real mystery about the matter at all. To the question "Why is he wearing the collar?" the proper answer may well be, "Why should he not be wearing it?" The perplexity which has been expressed in latter days as to why a Chancellor should be wearing the emblem of a Chief Justice springs from a mistaken assumption that the collar always was an emblem of high judicial office, and that therefore Sir Thomas More must be wearing it in right of being Chancellor. In fact, as we have seen, it is only in the last three hundred years that the collar has become the emblem of the Chief Justice. In origin, and in the sixteenth century, or at any rate in the first half of the century, it was no such thing.

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