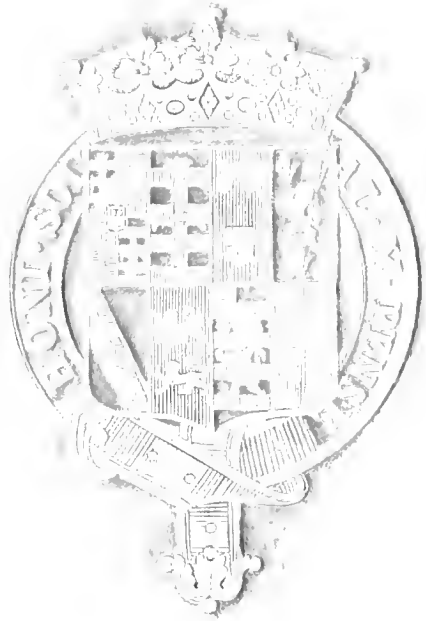


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UNIVERSITY OF TORONTO







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BARONIA ANGLICA CONCENTRATA;

OR,

A CONCENTRATED ACCOUNT OF ALL THE BARONIES COMMONLY CALLED

BARONIES IN FEE;

DERIVING THEIR ORIGIN FROM WRIT OF SUMMONS, AND NOT FROM
ANY SPECIFIC LIMITED CREATION;

SHEWING THE DESCENT AND LINE OF HEIRSHIP AS WELL OF THOSE FAMILIES MENTIONED BY SIR WILLIAM
DUGDALE, AS OF THOSE WHOM THAT CELEBRATED AUTHOR HAS OMITTED TO NOTICE,

(Interspersed with interesting Notes, and explanatory remarks,)

WHERE TO IS ADDED

The Proofs of Parliamentary Sitting,

From the Reign of Edw. I. to that of Queen Anne.

ALSO,

A GLOSSARY OF DORMANT ENGLISH, SCOTCH, AND IRISH PEERAGE TITLES,

WITH REFERENCE TO PRESUMED EXISTING HEIRS.

BY SIR T. C. BANKS, BART., N. S.,

Member of the Inner Temple, Law Genealogist, Author of the *Dormant and Extinct Baronage of England*, *Stemmata Anglicana*, *Honores Anglicani*, *History of the Marmyun Family*, and other Genealogical works.

VOL. I.

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MDCCCXLIV.

DEDICATION.

TO THE RIGHT HONORABLE THE LORD CHANCELLOR,

AND

THE LORDS' COMMITTEES FOR PRIVILEGES

IN THE HOUSE OF LORDS.

MY LORDS,

In thus assuming to dedicate to your Lordships the present work, I have been induced thereto from an observation once made to your Lordships by the late Lord Redesdale, when the Leigh peerage claim was pending before your Committees, "That it was much to be regretted that when such claims were brought forward for your consideration, you had only the ex parte statement of the claimant to guide your judgment; in which statement everything was excluded, saving what tended to show the claimant's descent as particularly confined thereto; and in many instances merely supported by personal testimony, where legal documentary evidence might be obtained, if not fearfully evaded to be researched after." Thus ancient wills, which might cast a light upon the claimant's deduction from the first baron, are seldom, if ever brought forward; which in some respect may arise from not knowing where they were to be found prior to a certain period; as, for instance, in the Registry of the Prerogative Court of the

Archbishop of York, the Index commences only with the reign of Richard II., though there are therein many wills of long antecedent date, which the Registrar will not permit to be inspected; and this may be the case in the courts of other bishops; and probably is so in that of Canterbury. Parochial registers are often said to be deficient, though research in the returns to the diocesan registry might not unfrequently supply the deficiency; as likewise researches in the various peculiar Jurisdictions might elicit proofs which are reputed not to be anywhere found. But these kind of researches might (if made) tend to place the line of a claimant in a very different course to the one he is desirous to establish. I might make reference to some titles, but it would be invidious to name them; and indecorous to your lordships, after having made your decisions in their favour.

The pages of this work are therefore (but not without diffidence) compiled to show the origin of every barony, from its first commencement by writ of summons to parliament, to the time when it became (as presumed) extinct, or terminated in an heir general in dormancy; or in coheirs general in abeyance between them; accompanied with such remarks as appear explanatory of their course of descent.

Sir William Dugdale, in his so highly estimated History of the Baronage of England, has omitted all account of divers eminent persons who sometimes were summoned to parliament for a shorter, or longer period, and their heirs occasionally after them for several parliaments, and then their descendants thereafter never any more summoned, although long continuing.

From your lordships' recorded decisions, that a writ of summons attended with a proof of sitting creates what is commonly called a barony in fee, it is to be inferred that many of these persons from whom descendants are existing, did, by virtue of their writs of summons, acquire such a barony as their said descendants, and extant representatives, may at this day be entitled to claim.

To supply the omission of Dugdale, the second volume of this work will be found to contain an account of these *barones pretermitti*, and in that respect never having been noticed by any genealogical author, before myself, I am emboldened to hope that the concentrated contents of the two volumes may be useful to your lordships, when claims to long dormant baronies shall be referred to you for investigation.

On these occasions it may be remarked, that the generality of claims are for title which during centuries have lain dormant, and unpretended to, although through that long period the heirs were in most instances persons of far superior estate to some of those who more recently have thought fit to seek their revival; a circumstance implying a doubt as to the said titles being personal descendable peerage honours; or casting a reflection upon their ancestors for the little estimation in which they held their right of lordly succession. But now the anxiety for peerage rank seems to rage like an influenza; which your lordships are brought to encounter, and decide whether it runs in the blood like an hereditary gout, or is the effect of pure imagination.

I have the honour to remain,

MY LORDS,

With all due respect,

Your Lordships' obdt. servt.,

York, March, 1844.

T. C. BANKS.

P R E F A C E.

So many claims to ancient peerages, many of which had been dormant for centuries, having of late years been preferred to the Lords' Committees of Privileges for decision, the subject has excited a doubt whether in some instances the claimants have not been induced to come forward, relying more upon their influence, than the merits of their pretensions. The most of these titles aspired to have been those denominated *Baronies by Writ*, or as usually styled *Baronies in Fee*: being descendable to the heir female of an elder, before the heir male collateral of a younger branch.

How sparing queen Elizabeth was in conferring the peerage honour is sufficiently manifested when it shall be stated that such men as Sir Nicholas Bacon, Lord Keeper in 1559; Sir Thomas Bromley, Lord Keeper in 1579; Sir Christopher Hatton in 1587, Sir John Puckering in 1592, Sir Thomas Egerton in 1596, Sir Francis Walsingham, Sir Francis Knowleys, Sir John Perrot, (supposed a natural son of king Henry VIII.), Sir Philip and Sir Robert Sydney, Sir Francis and Sir Horace Vere, Sir Fulke Grevill, Sir Walter Raleigh, Sir Francis Drake, Sir Robert Cecil, Sir Nicholas Throgmorton, Sir Walter Mildmay of Aphorp, Sir John Fortescue of Salden, Sir William Fitz William, Deputy of Ireland; Sir Thomas Smith, a most learned person; Sir Thomas Randolph, Sir James Croft, Governor of Berwick; Sir Henry Gates, Sir Roger Manwood, Chief Baron of the Exchequer; Sir Christopher Wray, a learned judge; Sir Henry Killigrew, Sir James Dyer, a judge; Sir William Pelham, Lord Justice of Ireland; Sir William Bingham, Marshall of Ireland; Sir Arthur Chichester, Sir Thomas Roper, Sir Henry Unton of Wadley, of the blood Royal; Sir Geffery Fenton, Sir Martin Frobisher, and Sir John and Sir Henry Hawkins, famous sea captains; with many other most eminent persons, distinguished by their merits, bravery, or their services, could never obtain promotion to the rank of Peerage Honour. But on the death of the Queen, and the

accession of king James I., new arrangement at Court, new distinctions, and new modes of life turned everything topsy turvy.^a

Since then, through the succeeding reigns, so large has been the number, and so indiscriminate the selection of Peers, most especially during late years, that there are few country gentlemen of tolerable fortune, and any ancient noble blood in their veins, who have not thought themselves qualified for similar distinction, and felt their pride excited by the exaltation of some less meritorious, and qualified of their acquaintance, and on this account I am prone to believe the information contained in these volumes, will be found interesting.

The subject of this work has been divided into two parts, viz., the first volume containing an account of those persons who are mentioned by Sir William Dugdale to have had summons to parliament as barons of the realm; the second volume embracing an account of divers eminent persons noticed in his Lists of Summons to have been similarly called to parliament by writ, and therein ranked among the earls and other barons, and yet totally passed over in the text of his celebrated *Baronage*.

The *Barony by Writ* being the most valuable portion of the peerage dignity, (though

^a In Gervase Holles's memoirs of his own family, speaking of his cousin John Holles (afterwards earl of Clare) he says,—“A bill having been filed against Sir John Holles, in the Star Chamber, for holding conferences with Gervais and Garnet, (two Jesuits,) at their execution, though he made his defence to the great satisfaction of his hearers, yet he was committed to the Fleet, where he continued a prisoner some weeks, until at last he came out a *baron of England*, being so created the 9th July, 1616. For this dignity he paid the then favorite, the duke of Buckingham, ten thousand pounds sterling: for after the entrance of king James, the sale of honours was become a trade at Court; and while the Duke lived, scarce any man acquired an honour, but such as were either kindred, or had the fortune or misfortune to marry with his kindred, or mistresses, or paid a round sum of money for it. Nor, indeed, did that way of merchandise cease all the reign of Charles I., which was one cause, and not the least of his misfortunes. I have heard the earl of Clare often inveigh bitterly against it: and he would usually call it *temporal simony*. I remember that I once took the liberty (hearing him so earnest on that subject) to ask him how he could purchase himself, seeing he condemned the king for selling? He said that *he observed merit to be no medium to an honorary reward: that he saw divers persons who he thought deserved as little as himself either in their persons or estate, by that means leap over his head, and therefore seeing the market open, and finding his purse not unfurnished for it, he was persuaded to wear his money as other men had done*. About eight years after his creation of baron, for five thousand pounds sterling he was advanced to the earldom of Clare. It was not a little considered at, that he could obtain this title as the lord Rich, when he was created, was desirous of it; and the king's council after several debates about it, concluded, that since the first earls of Clare determined, the honor of Clare had ever been conferred upon a Prince of the blood royal, and therefore not to be allowed to a meaner subject. But the power that procured the dignity, which was the duke of Buckingham, prevailed for the title. Whereupon the lord Rich was created earl of Warwick.”

not the highest in rank) as not limited to any specific course of succession, but open to be inherited by the heir male or female of the baron first summoned to parliament, has led to the compilation of these volumes, with a view that by the concentration of those mentioned by Dugdale, with those omitted by him, a more general history of the Barony by Writ may be set forth, than has hitherto been published in any printed peerage; so that by this concentration an information may be afforded to many of rights which before they were not aware to be vested in them.

I know that it has been asserted, that "*formerly the study of genealogy was almost exclusively confined to those to whom it professionally belonged.*" The truth of this assertion may be admitted so far, that it is certain they were the most fitting to make publication of genealogical works; but it is unfortunate for them, that such as any of them have published, have ever been more or less inaccurate, or defective, and contradictory to each other. On this point examples may be readily adduced in the animadversions of Brooke upon the errors of the learned Camden, the retort of Camden upon Brooke's ignorance, Vincent's bitter exposition of Brooke's blunders, and Hornby's severe remarks upon Dugdale's misrepresentations: even Milles's Catalogue of Honour, commonly called "Glover's Book," is not without many errors, although compiled from the MS. of that highly extolled herald, denominated par excellence "the Divine Glover," to whom Milles was nephew and executor.

The instance of Sir William Dethick, Garter King of Arms, who was found guilty of forging a false pedigree for Rotherham, against Anthony, Earl of Kent, for the barony of Grey de Ruthyn; (vide case in Collins's Baronies by Writ) and that of Mr. Radcliffe, the Herald, some years ago, furnish proofs that many of the MSS. in the College of Mystification are not so pure as to be relied upon without suspicion; and that the members of that Society, to which *the study of Genealogy did formerly exclusively belong*, are not more capable or competent to publish genealogical history than Collins, Edmondson, or the late Sir Egerton Bridges, who were never professionally of the Heraldic School, but whose Peerage editions stand prominent in public estimation.

Among the MSS. in the repertorium of the College of Absolute Wisdom and Exclusive Knowledge are the County Visitations made by the Heralds at sundry times, many of which are of a somewhat extraordinary nature as having very frequently blanks left

for the name, or christian names of the wives and children of persons whose pedigrees are certified therein. Yet it cannot be imagined that those who subscribed these entries of their families were unknowing of whom they married, or of the christian name of their own children. Why then should these frequent blanks occur? The reason may readily be conceived; that they were left to answer some future sinister purpose, as for example: when some one migrated from the counter to a title, should wish to have his descent drawn out, so as to show he was derived from some ancestor of noble or ancient lineage, these blanks could thereafter be filled up, and thus the vacuum be made to answer the interested cupidity of the herald, and the ambition of the party; which, thereby, could thenceforth pride himself with others of similar rank. The humorous dialogue of the Cow Dung and Apple swimming down the stream seems depictive of such a case, where the cow dung for the sake of courteous conversation says to its companion, "How we two apples swim."

I am not so presumptuous as to suppose these volumes are without errors; yet I trust they are not many; nor more than are to be found in works published by those *to whom the study of genealogy professionally belonged*. Dugdale I have most certainly followed, as considering him the most approved and appreciated author of genealogical history. Where I have differed from him, I have referred to the authorities for so doing, as I have for my statements in general; nevertheless, I fully expect the severe remarks of reviewers, and malignant critics—the heathen gods by whose capricious judgment poor authors may be sentenced to rise or fall. Besides these castigators, I have to look to the probability of being *Burked*^a at a future day; but whatever may take place, I have only to observe that with this edition I take my leave of the public as an author, and

“ Heralds and Critics, that abusive throng,
May as they please, speak of me right or wrong;
Their praise will never give me any pride,
Their spite, I heed not, and their snarls deride.”

In the Appendix to the second volume is an account of the first settlement of the Scots in Nova Scotia, the occupation of the country by them, and the institution of the

^a This is a cant term derived from a person of the name, who was executed at Edinburgh, some years ago, for making use of the living to the conversion of his own gain, and seems applicable to one who pirates the work of a living author, and palms it on the world as his own.

Order of Knights Baronets therein. No similar account has ever before been published; and, indeed, the several writers who have attempted to show the said first settlement, have made most erroneous representations in asserting that Sir William Alexander, after his grant from the crown, sold the country to the French, and that king Charles I., by the treaty of St. Germain, ceded it to them. The contrary of all this will be substantiated by the Documents herein set forth.

With regard to the Knights Baronets created in virtue of the powers given to Sir William Alexander by the charters of king James and Charles I., it will appear that they had confirmed to them the occupation of the lands from the acquirement whereof they derived their titles, with a special promise from the king, "*in verbo principis*," that if at any time they should be obliged by circumstances to yield their possession, they should have compensation made to them.

The usurpation of the territory by the French, which continued for many years, deprived the baronets from the enjoyment of the settlements they had made; and the distractions of the civil war otherwise embroiled them, and reduced many to poverty: so that denuded of their estates, few but the more opulent ever after assumed their titles. Such was the case with my family: nevertheless, length of time of non usage does not extinguish the inherent and hereditary right; while a new order of events has restored the country to the British sovereignty, and thereby revived the said rights of those baronets whose ancestors were first enfeoffed in their lands.

Particular circumstances taking me to America some years ago, I there became informed (by the inspection of the public records) of the mistaken notion that Sir William Alexander had ever sold Nova Scotia to the French, or that king Charles had ceded it to them; and after my return, making investigation into the records of Scotland, I therein found those documents which are now printed—showing that the territorial rights of the original baronets of Nova Scotia still attach, claimable by their descendants and heirs representative.

Having had the opinion of eminent American counsel, as well as English, on this important point, I made application some years ago to the then Lords of the Treasury, on the subject of claim; but most singularly the objections made by them were founded on the very same ground as the French commissioners, after the treaty of Utrecht, made

against the pretensions of the British Crown, which were so ably, and clearly nullified by the answers of the English commissioners, and completely sustained. Failing thus in my representation to the Lords of the Treasury, I was advised to present a petition to her Majesty, praying respectfully for a compensation, instead of making a demand for the restoration of right. The Petition was as follows :—

“ TO THE QUEENS MOST EXCELLENT MAJESTY.

“ THE PETITION OF SIR THOMAS C. BANKS, BARONET, N. S., HUMBLY SHEWETH—

“ That your petitioner’s ancestor, (whose heir he is,) Sir Walter Banks, (then bearing the name of Norton, by family settlements,) was created a baronet of Nova Scotia, the 18th June, 1635, with limitation ‘*Hæredibus suis masculis, et assignatis quibuscunque,*’ and with a grant of lands, pursuant to the reserved covenants in the charters of king James, and Charles I., by which the institution of the order of Nova Scotia baronets was first contemplated, and afterwards perfected; which lands erected into a barony are thus described in the registry of sasines, preserved and remaining in the office of Public Records at Edinburgh, viz :

“ ‘ Beginning from the west side of the land, and barony of Barnbow, belonging heritably to Sir John Gascoigne, of Barnbow, in the county of York, knight and baronet, and lying on the north side of the river called the Great Schibone, in Cape Breton, passing towards the west from the said barony, ascending the river for the space of three miles, keeping always the river for the boundary thereof on the south, and from thence passing northward for the space of six miles, keeping always three miles in breadth, and six in length, and the said barony for the boundary thereof towards the east.’

“ That after your petitioner’s ancestor the said Sir Walter Banks (otherwise Norton) had been so created a baronet, and had sasine of his barony aforesaid, he, as well as divers other Nova Scotia baronets, had their territories forcibly entered upon by the French, who took possession of, and retained the same till the peace of Aix-la-Chapelle, when Nova Scotia, with the Canadas, and Cape Breton, were finally quit-claimed, and restored to Great Britain: on which event the rights of the respective baronets returned

to the existing heirs of the original grantees ; the possession of the French being according to the opinions of Attorney-General, and Solicitor-General, York and Talbot, only a suspension of rights, and the re-acquirement by the crown of England, a restoration thereof.

“That your petitioner is advised that the length of time of non-claim which has passed over, either on the part of your petitioner or any of his predecessors, is no bar to his present right of recovery of his aforesaid barony, prescription being specially excluded in the original royal charters of institution, creation, and investiture.

“That your petitioner is by no means inclined to enter into controversy with your Majesty’s Government, in so much as to urge the words of lord Brougham (when a Commoner), ‘*the subject and the crown do not go into court upon equal terms.*’ But as there is at this time an immense extent of waste and uncultivated land both in the Canadas and Nova Scotia, he presumes to say, he should be satisfied by a grant of so much of the said lands in either district, as would be equivalent to the extent of those granted to his ancestor in Cape Breton.

“That although your petitioner is confident in the legality of his claim, as manifested in the proceedings of another baronet in the Court of Session at Edinburgh, yet he is equally aware that to enter into a suit with the crown is to incur enormous expense, vexation of mind, and the exhaustion of those years, which under the beneficence of the Almighty are better spent in peace than in litigation ; he having during a long life experienced that to urge claims upon the British Government through the medium of the law, is as vain as the endeavour of a man to roll a stone up to heaven. But he nevertheless feels consoled in his misfortunes, that if this his petition is not acceded to, he is only like those noble lords and others who hold an empty title without a fortune to support it ; depicting as it were a *caput mortuum*, where the brains, the intellectual part, are gone, and the skull, or worthless part still remains.

“Wherefore your petitioner humbly prays your majesty to take into your royal consideration that he is at the advanced age of seventy-three, has long been the author of many literary works, patronized by your excellent royal grandfather, by His Majesty George IV., and by your illustrious father the Duke of Kent ; that his family have served their county both on the sea and land service, and particularly his relative, Captain

Francis Banks of the Royal Navy, who commanded the reinforcement from America, which was the cause of taking the important city of the Havanna from the Spaniards, and was mentioned in high terms by Admiral Sir George Pocock, announcing its surrender; that though oppressed with severe misfortunes, accompanied with the most base ingratitude, he remains an Englishman, and your Majesty's loyal subject, and finally he humbly prays that your Majesty actuated by the principles of justice which he is certain you at all time wish to have exercised, will, out of your royal grace, cause to be conceded to him the restoration of the rights he has set forth, or a due compensation for them.

And your Majesty's petitioner will ever pray, &c.

(Signed)

T. C. BANKS.

To this petition the following answer was returned.

Downing Street, 12th September, 1837.

Sir,

I am directed by lord Glenelg to inform you that he has received, and has had the honour to lay at the foot of the throne, your petition to her majesty, of the 23rd ultimo, setting forth your title to certain lands in Nova Scotia in consequence of a grant to your ancestor in 1635, and praying that in order to avoid the necessity of litigation with the crown to establish your rights, you may have a grant equivalent to that which your claim, either in the Canadas, or Nova Scotia. In reply I am to acquaint you that it is not in the power of her Majesty's government to exempt you from the necessity of establishing by due course of law, your title to the property which you claim in Nova Scotia.

I have the honour to be

SIR,

Your most obedt. servt.

(Signed)

GEORGE GREY.

TO SIR THOMAS C. BANKS, BART., &c., &c.

To this answer I have only to observe, that if I proceeded by action against the Crown, and after an enormous expense, and delay, eventually succeeded, I certainly

should not be under any obligation to the crown, as I should then acquire the lands *ex jure*, and not *ex gratiâ*, and consequently not entertain those sentiments of respect which a contrary conduct might have impressed on me with a grateful feeling.

The approach to Majesty in England is very different to that which Frederick the Great allowed to the meanest of his subjects in Prussia; or Napoleon, the illustrious Emperor, to those in France.

In having made this lengthy dilation on the case of the Nova Scotia Baronets, I have been induced thereto from believing that they are not aware of the recoverable interests which they have under the grants made to their ancestors, and are now of a very valuable nature. Were they in a collective body to bring their claims before parliament, they might obtain a more favourable attention, than I, as an humble individual, divested of property, and without weight of influence to support me, have met with.

It is to be remembered that this fine colony was acquired to the British Dominions, not at the expense of the Sovereign, or of the country, but by the undertaking of an individual who ruined his fortune in the adventure; while those who, by the king's invitation, were drawn in to become his associates, and purchase portions of land to have an high hereditary honour conferred upon them, sacrificed their property for the same purpose, seduced by a promise in *verbo principis*, that they should have compensation made to them in case at any time they should be compelled to evacuate their possessions. An inherent right of territory therefore remains in the heirs representative of these persons. It is a debt due from the crown to them to discharge, and of a nature far more strongly founded in justice, than those grants which British ministers, from time to time have made to persons, without any other reason, than a bonus for their support and influence.

BARONIA ANGLICA CONCENTRATA.

DISSERTATION UPON THE ORIGIN

OF

NOBILITY AND HEREDITARY HONOURS.

WITHOUT entering too particularly into the History of the rise and progress of the Feudal law, it may be sufficient to observe, that according as at the time of the Conquest, it was understood and practised in France, it flourished in full vigour in Normandy; not that the customs of Normandy were entirely the same with those of France, each province of that kingdom having distinct and different customaries, though all founded upon the same principle.*

* Œuvres de
Basnag. vol. 1.

What were the Military Tenures in England, during the time of the Saxons, is not exactly ascertained, nor understood—that such kind of Tenures in England existed is beyond a doubt; and it is probable they underwent some, if not a very great alteration by the accession of William the Conqueror to the Throne, and that he established many feudal customs for law, which he brought with him from Normandy.^a

With respect to the orders and Titles of Dignity in England after the Conquest, they were for several centuries only of two kinds, viz. *Earls* and *Barons*: they were both founded similarly upon actual territorial possessions, though at this day, they have become merely personal honours, and names of dignity, shorn of their officary functions, and co-ordinate estates. Of this Nobility, the denomination of *Baron* is considered to have superseded and to have supplied the place of the Saxon Thane, and was introduced from France, where it denoted a person who held a *feudum nobile*, with the right of administering justice in criminal and civil causes; and here in England, signified a person

^a In the proem of the Customary of Normandy, which is intitled *Descriptio Normanniæ* it is asserted that Edward the Confessor, king of England, gave the English Laws to the Normans when he was so long sheltered there: this point is also witnessed by *Chronica Chronicorum*.—Vide Lord Whitelock's speech in 1650, printed in Whitelock's Memorials of English affairs.

holding his lands immediately of the king; and having a certain number of free tenants holding of him; with a court, in which he administered justice to his tenants. The words of Spelman are, viz: * “*Barones autem antique estimandi sunt qui in suis dominiis de libris cognoscebant, et latrocinii; consuetudines habentes, quas Sac, Soc, Team, Infangtheife, Outfangtheife, Furcas, &c. appellant* —.” Hence chief-justice Coke says,† that in ancient records “the baronage included all the nobility of England; because regularly all noblemen were barons, though they had a higher title.”

* Gloss. p. 79. Edit. 1626.

† 2 Inst. 6. Selden.

Some writers, (and, indeed, Spelman inclines to that opinion), have thought, that *baron*, and *tenant in capite*, were synonymous, yet probably, they were led into that notion from the representation of old historians and the ancient *modus*.‡ Thus, the tenure of thirteen knights’ fees, and a third part in capite of the crown, has been, by some, reputed to have constituted a baron of the realm. But, by reference to the public records, it will be seen, that it was always *the quality*, and not the *quantity* of the tenure, which gave right to the baronial honour; a fact, which the instances of Abergavenny and of Berkeley clearly evidence; for neither of those castles or territories, were holden in capite at even the service of *five knights’ fees*; they were, however, holden *per baroniam*, and that tenure § was admitted to render them, *ab origine*, feudal baronies and parliamentary dignities, by prescription, in the constant usage of writs of summons, as barons. Madox in his History of the Exchequer, observes that, the Tenure in Barony constituted the Peerage, not the number of knights’ fees: thus infeoffment without any special or formal words of creation, conferred the baronial dignity, which was fee simple, but liable to cessation on alienation of the lands; and therefore the dignity, or title of a baron was not descendable in the blood of the grantee after ceasing possession of the land.

‡ Mod. Tenen. Parl. MS. cap. de Laicis.

§ Vide Collins’s Parl. Preced.

Moreover, there is no foundation for thinking *barony*, and *tenure in capite*, to be terms *synonymous*, because, in the instance of Philip de Marmion, who died the 20 Edw. I. || it was found, that he died seised of the castle of Tamworth, holden in capite, by the *service of three knights’ fees*; and of the manor of Scrivelby in com. Linc., holden in *capite per baroniam*; which two tenures were distinct services,—the one being to find three men for forty days for the Welsh wars—the other being for general service in the field, or council, as the king should command. Furthermore, upon the authority of the case of Furnival, cited by Mr. Madox, in his History of the Exchequer, ¶ it appears, that, though every baron, properly so called, was a *tenant in capite*, yet a tenant in capite was not by reason of his tenure a baron, for the number of tenants in capite was *always increasing*, but that of the feudal barons *always decreased*.

|| Esch. 20 Edw. I. n. 36.

¶ p. 370.

It certainly is clear that the term, *tenant in capite*, is, or was, equally applicable to all services, for lands or seignories holden of the crown, since what distinguishes a baron from all other tenants in capite, cannot be the want of mesnalty between himself and the crown, for that is common to them all, but must be the reservation of some particular

services of a superior nature to the others, fit only to be performed by the person of a baron, and which were supplied in the phrase, “*tenere per baroniam.*” Thus in the instance of Philip de Marnion,* before cited, numerous documents in the public archives shew, that he held the manor of Serivelby “*per baroniam, and by the service of being champion to the kings of England, on the day of their coronation;*” a service which of all others, demanded one of a noble state and degree to execute; to which example may be added, that of Abergavenny, which appears to have been holden by barony and by serjeanty, as in Collins’s Parliamentary Precedents may be found very fully detailed.

* Esch. 20
Edw. I. n. 36.

That a barony was a tenure in capite, and immediately subject to the crown, is evident from the record, temp. Edw. III.† viz. “*Rex., &c. sciatis quod, &c. Richardus comes Arundel, 24^o Octobris, fecit nobis homagium pro baronia sua de Bromfield & Yale; quam idem comes de nobis tenet in capite tanquam coronæ nostræ Angliæ immediatè subjectam.*” And therefore, it often happened in the case of amerancements, that, when any man thought himself aggrieved by being *amerced as a baron*, he would plead, that he was *not a baron*, (though at the same time he would admit himself to be a *tenant in capite*,) “*quia nil tenuit per baroniam.*”

† Rot. Pat. 27
Edw. III. p. 3.
m. 3.

It may be observed, that the whole of parliamentary business, as attendant upon the service of the baron, is reducible to the heads of either advice or consent: the first of these is to be considered as a feudal service, performable to the king, as superior lord of their fiefs;—the second is extra-feodal,‡ and depends upon those principles of liberty, that were common to all the Gothic nations.

‡ West’s En-
quiry.

Every tenant *per baroniam*, did homage to the king, by virtue of which he was obliged, whenever summoned, to attend him. The profession of homage comprehended in it, that the tenant was obliged, *inter alia*, to serve his lord with his counsel and advice; and for this reason, most if not all of the ancient writs of summons run in these terms: *viz. Vobis mandamus fide et homagio quibus nobis tenemini*; which words Sir Henry Spelman,§ and lord chief-justice Coke|| think to relate only to the *feodal barons*. The chief-justice adds, that the reason why the barons are now summoned solely *in fide et ligeantiâ*, is, because that there are no feudal baronies extant, though it be certain that several barons who were feudal, have been also summoned *in fide et ligeantiâ*. Hence, though a summons *in homagio*, is an argument that they were *feodal barons*, a summons *in fide et ligeantiâ*, is no proof *they were not so*.

§ In Gloss.
|| 9 Inst. p. 5

Whatever notions are now entertained of an attendance in parliament as an honour, a privilege, &c., yet, in the earlier ages of our monarchy it was looked upon in a quite different light; and was esteemed to be a service—a burthen, incident to the tenure of their lands, from which many were desirous to be delivered. The clergy even complained of them as a burthen and imposition upon the church; and, therefore, when they were summoned to parliament, many of them would petition to be discharged from their

attendance, upon a suggestion that they held no lands per baroniam ; as in the case of the abbot of Leicester, who, by patent under the great seal, in the 26 Edw. III.,* was released from all attendance on parliament.

* Rot. Pat. 26 Edw. III. p. 2. m. 22.

† Selden's Tit. Hon.

Similar is the example of the abbot of St. James, Northampton,† who, being summoned to parliament the 12 Edw. II., petitioned to be discharged upon a suggestion, that he was not a tenant per baroniam : the words are, “ *Non tenet per baroniam, nec de rege in capite sed tantum in puram et perpetuam eleemosynam, &c. unde petit remediem, &c.*” Here it appears that (as before mentioned) the *tenants per baroniam*, as well as the other *tenants in capite* were obliged to attend in parliament when summoned ; but, nevertheless, the quality of their rank was defined by the manner in which they were distinguished, by the writ of summons addressed to them on such occasions.

At what precise time the form of creating a baron by writ first took place appears to be very equivocal, for certain it is that the 17th article of Magna Charta says, *viz.* “ And for the assessing of scutages, we shall cause to be summoned the archbishops, bishops, barons, earls, and *great barons* of the realm, *singly*, by our letters, &c.”

By this enactment of the great charter of liberties, it is manifested, that while the tenants in capite were confirmed in their right of attendance in parliament, yet there was a very particular distinction between the rank and privileges of the legislative body, The nature of this distinction seems well explained by Spelman,‡ who says, *viz.* “ *Barones minores, simpliciter sunt simplices villarum maneriorumque domini, de quocunque tenentes, qui sacham et sockham habent, id est, curiam et jurisdictionem super vassalis suis. Non autem summam justitiam quâ de vita et membris decernant ; sed humilitem illam, ad prædia pertinentem ex qua curiæ suæ. Base courts, i. e. infimæ nuncupantur. Itâ antiquitas barones majores à minoribus, distinxit, istis distribuens justiciam infimam, illis verò summam a. que regiam.*”

‡ Gloss. p. 83.

This article evidently shows that the great barons, or parliamentary lords of that day, claimed their right of summons *ex debito justitiæ*, not *ex debito gratiæ* : as a *matter of right*, not a *matter of favour*. Hence, it is plain, that the writ was not then considered as operative of a creation, but incidental to the fee, as a co-service, or privilege of inheritance following the same.

The statute of Magna Charta (so often evaded, and so often solemnly re-established,) by a slow and uniform progression, prepared the way for that memorable event, which at length began to have effect under Montfort, in the time of Henry III., and afterwards in the reign of Edw. I., became established.

It is to be remarked that Simon de Montfort, having the king in his power after the battle of Lewes, did in his name, summon a parliament to meet at London, which precept § is asserted to be the first to be found among our records, whereby the lords spiritual and temporal, and *the knights of the shires, citizens, and burghesses*, were called

§ Claus. Rot. 49 Hen. III.

together, according to the form now followed, of convocating the lords, and of electing the commons.

But this form, so adopted at a particular crisis, may admit of some question, as to its originality of being the most early precedent of similar convocation,^a certainly in the absence of a more ancient record it may be deemed the first; but the chasm of time by the probable loss of preceding rolls, seems to have given it the character ascribed to it, rather than the truth of history; for it is to be observed that the 16th and 18th articles of Magna Charta afford reason to believe, that the rebel barons did not assume altogether a new mode of assembling the parliament of 49 Hen. III., but merely exercised the usual practice of the existing law, except that, instead of causing to be summoned the *whole body of minor tenants in capite*, they directed the sheriffs of the counties to cause only *a certain number* to attend from their respective counties, as representatives for the others; which *innovation* upon the 18th article of Magna Charta, *then made*, thenceforth continued, and may be considered the origin of the knights of the shires. But with regard to any new introduction of form in *convocating of the lords spiritual and temporal*, there appears none; saving that, on this particular occasion, the nobility summoned were solely those of their own friends and supporters, as the list* of names, consisting but of five earls and eighteen great barons will prove.

* Dugd. List of Sum.

Now, with reference to any alteration in respect of the Commons or representatives of the cities, boroughs, and towns, there is no evidence from the precept of 49 Hen. III. That it directed any new mode either of delegations, or of the number of deputies, to be sent from the said respective places; the silence, therefore, in this instance, goes to warrant the assertion that the said cities, boroughs, and towns, were called upon to send

^a There was a general council or parliament holden at Westminster the 14 Will. Conq. where the king by his charter confirmed the liberties of that church, (Ex Cartulario Cænobii West. in Bibl. Cott. sub Effigie Faustine. A. 3.), after he had subscribed his own name with the sign of the cross, adding many of the great clergy and temporal nobility: and insted of *cum multis aliis*, says *Multis præterea illustrissimis virorum personis, & regni principibus diversi ordinis omïssis, qui similiter huic confirmationi piïssimo affectu, testes et Fautores fuerunt. Hiï autem illo tempore à regia potestate Diversis Provinciis, (i. e., Comitatus. tit. Hon. 273. Spelm. Gloss. 471), et Urbibus, ad Universalem Synodum pro causis injuslibet Christianæ ecclesiæ audiendis et tractandis ad præscriptum Celeberrimam Synodum* (Parliam. nuncup. Somn. Gloss.) *quod Westmonasterium dicitur, convocati, &c.*

In the margin of the book there is written this remark, viz. "Nota hic, hos omnes convocari à regia suâ auctoritate ad causas religionis tractandas, tam nobiles de Clero, quam *Principes regni, cum aliis inferioris gradus, convocatio quorum videtur esse parliamentum.*"

Again, by another record (Claus. 15 Joh. pt. 2. Dors. M. 7.) it appears, that before Magna Charta, the sheriffs of the counties were called upon to send their deputies or representatives to consult with the king upon the national affairs. The writ runs thus, *Rex Vice comiti Oxon, salutem precipimus tibi quod omnes milites ballivæ tuæ qui summoniti fuerunt esse apud Oxoniam ad nos à die omnium sanctorum in xv dies, venire facias cum armis suis; corpora vero Baronum sine armis singulariter; et iv discretos milites de comitatu tuo illuc venire facias ad nos ad eundem terminum ad loquendum nobiscum de negotiis reyni nostri, Teste meipso apud Witten xi, die Novembris.*

Eodem modo scribitur omnibus vicecomitibus.

their representatives as they had been theretofore accustomed, and as the 16th article of Magna Charta had defined their rights, viz.

ART. xvi.—“Furthermore we will grant that all other cities, and boroughs, and towns, and ports, shall have their liberties and free customs, and shall have the common council of the kingdom concerning the assessment of their aids,” &c., which, according to Br. Brady’s explanation, is “*that they shall send their representatives or commissioners to the common council of the kingdom.*”

Under these considerations, it becomes questionable whether any perfection of parliament was made at the 49 Hen. III. excepting (if it may be termed a perfection) that the innovation upon the hereditary rights of the minor tenants in capite, reduced that body to a state of representation, and by the omission at that time of summoning the whole of the nobility to a *free parliament*, gave to future kings a precedent for summoning, *ad arbitrium*, the great lords of the realm; so that in after times the crown was enabled, by the decay of old baronies, and the introduction of new ones, to call by writ any one it pleased into the house of peers, and thereby to acquire a race of nobility less formidable than the old feudal barons, and consequently less capable of opposing with any effect the royal will and pleasure.

It was about this period of the 49 or 50 of Hen. III., according to Camden, (whose authority to that purpose is cited by C. I. Coke,* in the Abergavenny case,) that a law was enacted, that only those should come to parliament in future who should be summoned by the king’s special writ. The words of Camden † are, “*Ille enim (rex scilicet Henricus III.) post magnas perturbationes et enormes vexationes inter ipsum regem, Simonem de Monteforti, et alios barones motas et sopitas statuit et ordinavit quod omnes illi comites et barones regni Angliæ, quibus ipse rex dignatus est, brevia summonitionis dirigere venirent ad parlamentum suum, et non alii, nisi forte dominus rex alia illa brevia eis dirigere voluisset.*”

* 12 Rep. 70.

† In Mag. Britan.

Under this pretended law, it is urged that the term *baron by writ*, first originated, because it was the king’s approbation which selected the party summoned to enjoy the rank of peerage, and not the right of the person to be called to parliament, merely because he was the king’s tenant per baroniam. But this doctrine is by no means warranted by the said pretended law, inasmuch as it does not propose to establish in the king a prerogative of creating any person *a baron of parliament by his writ*, whether he might be a tenant *per baroniam*, or otherwise; for the ordination extends *to earls* as well as *barons*, and there is said to be no precedent of an earl having at any time whatsoever been created *by writ*.^a

^a On this point some remarks may be found under the subsequently mentioned Titles of Monthermer, Strabolgi, and Umfraville.

The law in question, therefore did not affect the right of barony, any more than it did the right of earldom; though it introduced this rule for the future, that *neither the earls nor barons should come to parliament unless they were particularly summoned*.

This restriction, if it had any operation, was a virtual repeal of the before-recited articles of Magna Charta, which imperatively stipulated that for the assessment of aids, &c., the king should cause to be summoned *comites et majores barones regni sigillatim, &c.*, whereby the king was under a solemn engagement not to raise money or tax his subjects without the consent of his parliament, of which body he was obliged to summon the nobles as *an inherent right belonging to them, and not as a point of favor conceded by him*.

But the fact of such a law having been ever enacted is very doubtful: it has no place among the numerous ancient statutes of the realm, and can scarcely be imagined to have been sanctioned by the legislature, when the very persons who must have passed it, were in so doing casting their privileges prostrate at the foot of the crown, and disfranchising themselves of their ancient rights and immunities.

Instead of a statute, there more probably was a regulation made about the time alluded to, that the great nobles of the realm should not meet as they had been accustomed to do, both before and after the conquest, at certain fixed seasons of the year; on which occasion they assembled *de more*, without summons; but, as such assemblages, by the vast number of the tenants in capite who usually then came together, were found to be often tumultuous and sometimes too adverse to the arbitrary measures of the crown, it might, after the dissolution of Montfort, and the barons' power at Evesham, be deemed advisable to ordain, that from thenceforth the earls and barons should not come to meet the king, unless specially summoned by his writ, but which, nevertheless, did not thereby create a personal descendable barony in perpetuity to the heirs general of the body of the person so summoned.

OF THE COURTS DE MORE.

THE Courts *de More* of the Saxon kings were holden according *to custom* at the three great festivals of the year, when the nobles always attended the kings at their courts of residence from king Alfred's time. Then was the state of the nation considered, old laws altered, amended, or repealed, and new ones made. This court was also the supreme court of judicature, where the king, with his nobles, heard and determined appeals from the inferior courts of justice, similarly as the lords' house of parliament at this day is the ultimate court of appeal, even from the decrees of the lord high chancellor.

In order that the nobility might be under a certainty where the *Courts de More* should be holden, the conqueror fixed the times of his residence to be at his palace in

Gloucester, on the Christmas festival; at Winchester, on the Easter festival; and at Westminster, at Whitsuntide; at which times and places his barons and tenants in capite, attended in due course.

* P. 15.
 † Int. Cod.
 MS. in Bibl.
 Bod.

To this effect Dugdale, in his *Origines Juridiciales*,* cites an old chronicle,† written in the reign of king Stephen, which speaking of king Will. I. thus recites, viz. “also he was a person of great worth, (or honour) thrice he wore his crown, each year, as oft as he was in England; at Easter, he wore it at Winchester; at Whitsuntide, at Westminster; and at Christmas, at Gloucester; and then were with him all the wealthy (or potent) men throughout England; archbishops, bishops, earls, barons, and knights.” By which last designation may be understood the minor tenants in capite, who held by knights service, and who evidently were a body absolutely distinct in rank from the barons, and represented the common people in these parliamentary assemblies.

When affairs of state required the meeting of a parliament between the usual times of the *Courts de More* at the solemn festivals, then summons was issued, and in the writs the cause of the summons was expressed; according to the tenor of the articles before cited of Magna Charta.

The *Courts de More* were holden without interruption from the conquest, till the wars between Maud, the empress, and king Stephen, which made those regular assemblies impracticable. In the reigns of king Hen. II. and of Rich. I. the times being less tempestuous, the *Courts de More* were resumed; and in the *Chronicles of Matthew Paris*, and other ancient historians, there is contained an account of divers statutes and matters, which were then made and transacted.

The disputes between king John and his barons again interrupted these customary meetings, so that parliament mostly assembled only upon special summons. The eventful and turbulent reign of Hen. III. suspended also the regularity of the *Courts de More*; for as that weak monarch was seldom upon terms of amity with his nobility, and often tried to rule without a parliament, their right of meeting at those solemn festivals could be considered by him in no other light, than as an odious privilege, which afforded too frequent opportunities for them to express their generous sentiments in strong, and powerful opposition to the measures of his arbitrary government. From these causes, and the fortuitous circumstance of the unexpected, yet total defeat of the rebel barons at the battle of Evesham, which gave the king an absolute command of power, it may be concluded, he formed a regulation for the future convocation of his parliaments, and ordained that the constituent members, whether earls or barons, or others, instead of coming as they had been accustomed to do *without summons* to the *Courts de More*, should await his royal pleasure, and thenceforward should be convened at *what time and place* he might think proper to appoint, and never come, but when summoned by special writ, directed in the usual manner as set forth in the great charter.

Now, that all peers had of ancient right their particular summons, is evident from the testimony of Matt. Paris; who, speaking of the parliament holden at Westminster in 39 of Hen. III. states, that divers of the peers for want of summons were absent, and that the rest refused to answer the king's proposals then made to them for this reason, viz. "*Quod omnes tunc temporis non fuerunt, juxta tenorem Magnæ Chartæ vocatis, et ideo sine paribus suis tunc absentibus nullum voluerunt tunc responsum dare.*"

And forasmuch as from the words of Magna Charta, before expressed, it must be inferred that the same was no new grant, but a confirmation of ancient rights and liberties, it must necessarily follow, that the then existing nobility held their parliamentary privileges as appurtenant by prescription to their tenures in capite; *juxta formam domi*, according to the nature of the grant under which their lands had been given to be inherited and enjoyed.

That the pretended law of Hen. III. did not affect the state, dignity, and degree of the earls or barons of the realm, is evidenced by their being designated according to their distinction of rank; so that their right of seat and voice in parliament was not taken away, though they were proscribed from coming to parliament unless specially summoned.

With regard to the barons, as their estates were continually decreasing and the parliamentary attendance was a burthensome service, the despotism of the sovereign operated as a matter of grace; which was so well received, that the records furnish numerous instances of persons endeavouring to avoid the baronial honour, while there are not (till very late times) any examples of barons seeking the right of summons; indeed, in the progress of time, many of the least powerful having, by various alienations, dispossessed themselves of their *caput baroniæ*, became mingled with the common holders of landed property, and thus voluntarily contributed to their own disfranchisement; and lost a rank, which, at the present day, is solicited with eagerness, and the application (as it has been said) of every engine of corruption to obtain.

Thus far may be considered to apply to the *Barones Majores*, as distinguished by the nature of their tenures, and the definition of their privileges in the 17 art. of Magna Charta. But with reference to the *Barones Minores*, or under-tenants of the crown, there can be no doubt that after the 49 Hen. III., they never came to parliament as of right, in a collective body; inasmuch as by their continual subinfeudation they had become so multitudinous and turbulent, as equally to be too formidable to the crown, and to the great nobility; the restrictions put upon this class of persons, originated with the reforming barons in the particular writ of summons of 49 Hen. III., before mentioned. The success of the king, afterwards, at the battle of Evesham, having reduced many of those nobles who survived the slaughter of that day, to a state of imbecility, and the subsequent surrender of Kenilworth castle having brought their whole body to a submission to the royal power, the king continued the restriction begun by their own party;

by which precedent, representation came forward as a natural consequence, and the democratic branch of parliament, from having been composed of persons who once sate in their own right, thus became converted into a regular House of Commons, by elective representation.

The aristocratical part of the Constitution would have been utterly extinguished in the failure of the nobility by ancient tenure and prescriptive right, if the crown had not preserved it by the intervention of the prerogative power of creating peerages, and of conferring on those whom the king approved, an hereditary seat in the parliamentary assembly. The persons thus elevated to the rank of nobility, became ennobled in blood, because the writ of summons under which they were created, was the conferment of a personal honor, which being unattached to tenure, and unlimited in course of descent, was a fee tail-general inheritance in them, and their issue, so long as any should remain.

As this monarchical peerage emanated from the royal prerogative, it was consequently interested in support of the crown, from which it derived its lustre and peculiar privileges.

Until the period, therefore, of the latter end of the reign of Henry III. the baronage was absolutely territorial, as there are no records extant, within that time, of creation by personal writ of summons. From that æra, to the 11 Rich. II., it consisted of two descriptions, namely, the few who remained under the old tenure, and those who had been advanced by writ of summons. But, in the said 11 Rich. II., the old baronage having greatly decreased, and the inheritance, under the writ of summons, admitting of some doubt, a new mode of creation was adopted; which, by virtue of special letters patent, defined the particular degree of peerage, its place in parliament, and its course of descent. Thus we find baronies of three kinds, viz.:—

1.—The first by tenure, with certain prescriptive rights, founded upon possession of actual territory, by virtue of which the parliamentary privilege was attached to the fief.*^a The relief defined the quality; and homage, with livery of seisin, confirmed the succession to, and investiture into this dignity of peerage.

2.—The second, created by writ of personal summons. When the barony instead of being territorial, was rendered personal; the investiture into which honour was not perfect, so as to render it a descendable barony, until the party summoned had actually taken his seat in parliament, and thereby complied with the condition of his creation.† After when, it became a dignity, descendable‡ to the heirs-general of the body of the party thus created a peer of the realm: so that it was not fee-simple, but a *fee-tail* general.

† Coke's First Inst. 9, 16.
‡ Vide Wilmoughby de Broke; case in Collins's Parl. Preced.

3.—By letters patent, whereby the feudal territorial peerage was exploded, (though

^a Arundel, Abergavenny, Berkeley, and vide Lisle of Kingston Lisle.

a memento of it was preserved in the nature of creation money, and the name of place from which the title was taken,) and the ceremony of investiture began to be disused. By this mode, the person named in the letters patent, was immediately ennobled; for, according to the opinion of the lawyers, in the case of the lord Hay, of Sauley, 13 Jac. I., the delivery of the letters patent was sufficient, without any ceremony. Thus, the party, *ipso facto*, derived his honour from the instrument of creation, and had such an inheritance therein, as by the said instrument was limited, expressed, and declared.

But it is not a little singular, that Sir Robert Dormer, whose patent was dated the day after that of the lord Sauley, was created baron Dormer, with ceremony. So that it seems, in the first instance, the opinion of lawyers was given, but in the last not followed.

This state of the peerage, and its several æras of creation, has of late, (owing to the complexity of several claims founded upon tenure, and ancient writs of summons to parliament,) given occasion for the House of Lords, to appoint a special committee to search the journals of the house, the rolls of parliament, and other records and documents, for all matters touching the dignity of a peer of the realm. These committees have made several reports, the results whereof are far from being so conclusive as their lordships were sanguine to expect; and so far as they have gone, they have not established any certain principles to guide the house in their judgments on such cases as may hereafter come before them; but have left such cases as may occur, to be decided according to their several merits, and the peculiar circumstances which may attach to each individual case.

The lords' committees, in their second report, have said, "That, in prosecuting their enquiries, the committee have conceived the dignity of a peer of the realm must be viewed with reference to the character of lord of parliament, as appertaining to that dignity, and, consequently, as involving in some degree an investigation of the nature of the legislative assembly of the country, and of its constituent parts, previous to the time of the close of the reign of Hen. III. The committee have therefore thought it necessary to make some inquiry, what was the nature, and what were the constituent parts of such legislative assemblies. And, *although what they have hitherto found on the subject, has been so little satisfactory, that they cannot venture to offer to the house any report upon it; and are inclined to apprehend that no diligence which they can use will be sufficient to enable them at any time to give much information, yet, it has appeared to the committee, that the mere want of certainty on so important a subject, may of itself be deemed important; and that, therefore, if the labours of the committee should only tend to shew that the subject is involved in so much obscurity, that uncertainty must probably be the result of the most diligent research, their labours will not have been wholly in vain.*"

Again, the committee report, that in pursuing their investigation, "They have found contradictory assertions of law; and, where facts have been asserted as evidence, they

have found such assertions of fact to have been in some cases founded on mistake, and frequently made without reference to any sufficient authority; the committee have therefore, been induced to apprehend, *that the whole subject has long been involved in great obscurity, and that probably, in some cases, the house has proceeded without proper information—that the crown, in the exercise of its prerogative, has not always been fully instructed, and that even the whole parliament has given the sanction of legislative authority, where it may be doubted, whether, if rightly informed, that sanction would have been given;* and that, therefore the house may be compelled to decide between conflicting authorities, which to adopt, and which to reject, so as to establish clear and concordant principles, as guides for their future decisions.”

This section of the committee’s report is particularly deserving notice, inasmuch as, while it admits the inscrutable obscurity of the ancient state of the peerage, it calls in question the rectitude of judgment with which the house has hitherto decided on claims before them. Yet, their lordships’ journals bear ample proof that whenever their lordships have, on any occasion, been in doubt, they have called the learned judges to their assistance, and having heard their arguments and opinions, have conformed their resolutions to the principles of law and justice. Past ages have had characters as celebrated for their legal knowledge and integrity, as any of the highest names of more recent times; why, then, should it be presumed, that ignorance and inattention have hitherto prevailed, and that the subject is now likely to be comprehended with more profound wisdom, and better understanding?

The object of the lords’ committees of research has proceeded from an anxiety to explode the claim of barony by tenure; and of barony by personal writ of summons: the report most pointedly refers to the claim of the barony of Marmyon, of Scrivelsby, founded upon the ancient and never-forfeited tenure of that manor; which claim being before the lords’ committees of privileges, under an order of reference from the king the very singular and peculiar circumstances attached to the nature of its pretensions, called forth this committee of research, which, with all its powers for investigation, have *only conceived* that, *perhaps, inferences* may be fairly drawn from what has passed in a later period, to *induce a conclusion*, that whatsoever may have been the law in earlier times, that law is no longer in force. After all, it must be evident, that the nature of the dignity of the peerage must be deemed to be different, in different persons, according to the different means by which the rights to such dignities respectively may be supposed to have been acquired; and that, *as such*, a rule of law, which might be applicable to the dignity of peerage vested in one person, might not be applicable to the same degree of dignity vested in another.

Of the several degrees of the ancient peerage. and their respective natures, it may be necessary now to give some explanation.

BARONS.

NOTWITHSTANDING this degree of nobility is the junior, in point of rank, yet it is of the first degree in point of antiquity. The public records do not contain any evidence of absolute creation, as they do of the ancient earls, and consequently, the grant of lands, when specially limited to be holden by the service of barony, or, as it is termed in the old books, *per baroniam*, must be deemed to have conferred on the donee the dignity of a baron, to whom, in such character, the right of summons to parliament, in the mode it was then accustomed to be holden, became incident as a matter of privilege and distinction, co-equal with the tenure. In the characters of creation of the old earls, the grant of the third penny of the issues of the county, with the words *unde comes est*, have been taken as indicative of the creation and the girding with the sword, as the investiture into the earldom: *pari modo*; then the grant of lands to be holden *in capite. immediately of the crown, per baroniam*, may be considered the creation of the baronial honour, while livery of seisin may be esteemed the investiture into the actual barony, and homage may be looked upon as the royal acceptance of the service, and approbation of the dignity: for those who held of mesne lords were bound to the king only by the oath of fealty.

Among the companions of the Conqueror, were divers earls and barons of Normandy, on whom he bestowed vast possessions in England, where they, for the greater part, thenceforth thought proper to reside. These eminent persons cannot be imagined to have accepted their grants to hold of the crown in an inferior degree of rank, to that whereby they possessed their honour in their own country: they, *ipso facto*, were barons in virtue of their territorial acquisitions; and, till after 49 Hen. III., most unquestionably were accustomed to be called to the legislative assemblies of the nation, by reason of those tenures, of which, the parliamentary privilege was a franchise.

Those freehold tenures holden immediately of the crown, after the completion of the conquest, which were deemed lay fees, consisted of tenures by knights' service, tenures by serjeanty, and tenures of lands of the king's demesnes, paying only some certain rent or render. Knights' service was undoubtedly military service. Tenure, immediately of the crown, by serjeanty, was of two sorts: that denominated grand serjeanty, consisted of some service respecting the king's person or dignity,—as to be his constable, marshal, champion, chamberlain, butler, or similar service specially attached to, or performed about, the king's person. Petit serjeanty was some particular inferior service, not strictly military, or personal to the king, but esteemed of that species called tenure in socage,—a term applicable to all freehold tenure of the crown, which was not deemed military tenure. But *lands holden by grand serjeanty, were considered illustrious*,*

* Peerage
Rep. p. 31.

owning no superior but the king. These lands, upon the death of the ancestor, were upon inquisition, finding the tenure and death of the ancestor, seised into the king's hands. If the heir was under age, *i. e.* twenty-one, the king retained the possession, having the intermediate custody and marriage of the minor in wardship. If the heir was at the years of majority, he was intitled to demand livery of the lands by the king's officers, on paying a relief, and doing fealty and homage; the relief being fixed both by the Magna Charta of king John, and that of Henry III., at a certain rate, according to the rank of the person; *viz.* for an earl, *one hundred pounds*;^a for a baron, *one hundred marks*.—Thus, tenure *per baroniam*, comprehending a *certain degree of rank in the state*, was acknowledged by the provisions of the legislature.

In the reign of Henry II., that monarch had to maintain a contest with the usurpations of the see of Rome, which produced the Constitutions of Clarendon, which, according to the evidence of history, were made in an assembly or concilium, convened in the 10th of his reign.

* MS. Cott.
Claud. B. f. 26.

A copy of these constitutions is preserved in the British Museum: * they are in the form of a declaration and recognition, in the presence of the king, of a certain part of the customs and liberties and dignities of his predecessors. The 11th Article of this constitution provides, *viz.* “*Archiepiscopi, episcopi, et universæ personæ regni qui de rege tenent in capite, habent possessiones suas de domino rege sicut baroniam, et inde respondent iusticiis et ministris regis et secuntur et faciunt omnes, rectitudines et consuetudines regias, et sicut barones cæteri debent interesse iudiciis curiæ domini regis, cum baronibus usque perveniatur in iudicio ad diminutionem membrorum vel mortem.*”

From this article, it seems, that the persons therein styled “*Barones cæteri*,” were, as barons, bound to attend the king's supreme court of justice, and that the archbishops and bishops, and others of the clergy (abbots and priors), who had their possessions of the king in capite, *sicut baronias*, were bounden to attend the same court, *Sicut barones cæteri*, by reason of their tenures; from which it may be concluded, that it was by reason of *their tenures* that *other barons* were bounden to attend the king's court. Now, all those who held immediately of the crown by military service, held by honorable service, and might, therefore, be deemed the king's barons, though the extent of their possessions and number of knights' fees, for which they were bounden to perform military service, might be very different; yet, unless they held their said possessions *per baroniam*, or *sicut baronias*, it may be questionable how far they were bounden to attend the king's supreme court, as expressed in this article. By Domesday Book, the tenants of the crown appear to be above seven hundred; yet the number of earls and barons are, by

^a Si quis, &c. de comitat. integro per c. lib. hæres Baron, per C. Marcas. Hæres Mil. C. Solidos.—Mag. Chart. cap. 2.

Camden, stated not to have exceeded three hundred; so that it must be evident, that while the king's barons were tenants in chief of the king, all tenants in chief of the king were not the king's barons, or *barones regni*.

The charter of king John, requiring special writs to be sent to those persons designated as *majores barones*, must be viewed to have been adopted to distinguish such persons from others, to whom the word *barons* without distinction might have applied.^a Whether this distinction originated in that charter, or had a more early origin, there are no records to decide: yet, from the instrument itself, it may be presumed that the term *majores barones*, was a term and distinction then well understood, and, consequently, was not a *concession*, but a *confirmation* of an *antecedent right*.^b

The result of those documents affords reason to believe, that, from the conquest to the close of the reign of John, the great council of the nation consisted only of persons falling under the general denomination of barons, who, from being the military tenants of the crown, were accustomed to be summoned to perform the services, due by their tenures, in two ways—by special writs, and by general summons. That the persons, to whom the first kind of writs were directed, were such as, in the constitutions of Clarendon, were mentioned as holding their lands *sicut baronias*, in which distinction were included prelates, distinguished by their respective ecclesiastical dignities; and earls also, distinguished from the barons, by that particular title of dignity. Yet, in fact, though thus contradistinguished from each other, they were members of the supreme court, or legislative assembly, as barons, or peers to each other, in respect to their equality of holding their possessions *sicut baronias*. It is to be remarked, that notwithstanding the charter of 9 Hen. III., does not contain the clause of the Runnimede charter of king John, respecting the mode of summoning the tenants in capite of the crown to the *commune concilium*; yet, the form of convocating parliament has continued to the present day, in conformity to the said clause: the nobility or peers being summoned by *the special writs*, and the members of the lower house, or house of commons, by the *sheriff's writ, generally*.

^a The word *baro*, in many instances, included all the immediate tenants of the crown, by military service: and sometimes it was applied to the freehold tenants of a manor: but, in this instance, the denomination of *majores barones*, seems decidedly confined to those only, who were esteemed the *king's barons*, or *tords of parliament*; namely, persons, higher in dignity than those meant to be summoned by the writ addressed to the sheriffs of the counties.

^b The charter of 9 Hen. III., printed in the authorised collection of statutes, and which is deemed therefrom "the Great Charter of the Liberties of the Kingdom," omits, as the two preceding charters of Henry did, the clause in the charter of John, respecting the summoning "the Commune Concilium," for assessing aids and scutages, yet, it adds, (as in his second charter) "*Scutagium de cetero capiatur sicut capi solebat tempore regis Henrici avi nostri.*" Though the clause aforesaid is omitted, yet, by this insertion provided, the mode of summoning *majores barones* prevailed in the time of Hen. II., the privileges of the baronage became admitted; and indeed the right of the baronage, or commune consilium of king John, to be summoned for the granting of aids, may be justly appreciated as a right never attempted to be infringed, otherwise than by the false assumption of a despotic power, which, in the instance of Cha. I., in the case of ship-money, led the mistaken monarch to the block.

With regard to the law pretended to have been passed after the surrender of Kenilworth, that no earl or baron should come to parliament without being specially summoned thereto by the king, it has already been dilated upon, that while the law itself is very doubtful as to having been enacted, yet it never could be intended thereby to destroy the right of the tenant of the king, *per baroniam*. For, as the relief to be paid by the heir of an earl or baron comprised a part of the royal treasury fees, or rather revenue of the king, it cannot be supposed for a moment, that a man so continually in want of money as Henry was, should have consented to a law that must have affected his *droits of prerogative*. Nor can it be accredited that the spirited nobles of that day would have continued to have paid for earldoms and baronies, and yet have been deprived of the privileges attached to tenures, subject to so heavy an imposition. During the reigns subsequent to Henry, there are numerous instances of the respective monarchs taking the homage of their tenants in capite for their baronies; and on these facts it is to be observed, that if the baronies had not been derived from land, the escheator could not have executed the king's writ of inquisition on the death of the ancestor; nor could the king have had the custody and marriage of the heir in case of minority. On a personal barony, created by writ of summons, no custody could be had; for there was no revenues to benefit the royal coffers, and the escheator could not take into his hands that, of which no possession could be given.

Though, by a continual and progressive alienation of lands, many of the once great nobility of the realm contributed to their own disfranchisement; yet, there are, indubitably, some honours still remaining, whereof the descent has been founded on the right of tenure.

THE BARONY OF WAHULL.

It has been asserted by the lords' committees in various parts of their peerage reports, that the right of barony by tenure, *if it ever existed*, was completely exploded before the end of the reign of Edw. II. Now, had this been really the fact, it is strange that the crown, in the reign of Edw. III., should have directed writs of summons to parliament to several abbots, whose only right to be summoned could arise from their tenures, according to the assize of Clarendon. But the abbots *denying their tenures*, claimed exception.

The inclination of the clergy for power has generally been considered very cupidinous; and as such it might be inferred, that they would sooner have embraced, than have opposed, the writ which was to place them in the rank of spiritual peers.

Though very few of the ancient baronial tenures were remaining entire, and unalienated into the hands of strangers, yet had not the legislature believed there were rights,

either extant or dormant, of such a nature, why should the saving-clause (before cited) in the Act of Suppression of the Court of Livery and Wards, have been inserted? Even when the abolition of the Court was contemplated, the 8 James I.,* it was observed, that, though the tenure in grand serjeanty were taken away, the service of the honour should be saved, wherein the tenures, *per baroniam*, as it may concern bishops and barons, or men in parliament, should be considered.

* Jour. Dom.
Proc. vol. 2.
p. 574.

In the reign of James I. Sir Richard Chetwode, being seised of the manor, or castle, of Wahull or Woodhull (now called Odell), in Bedfordshire, claimed the dignity of a baron of the realm, founding his claim on his possession of the same, and its ancient tenure *per baroniam*. The claim is said to have been referred to the Duke of Lennox, the lord Howard, and the earl of Nottingham, as commissioners. Their certificate was as follows; viz.

“According to your Majesty’s direction, we have met and considered the petition of Sir Richard Chetwode, knight, and find that the petition is true; and that *before any usual calling of barons by writ, his ancestors were barons in their own right*, and were summoned to serve the kings in their wars with other barons, and were also summoned to parliament. And we conceive the discontinuance to have risen from the lords of the honour dying at one year of age, and the troubles of the time ensuing; but still the title of baron was allowed in all the reigns by the conveyances of their estates, and by pardon of alienation from the king’s own officers, and 9*l.* per annum, being the ancient fee for the castle Guard of Rockingham, was constantly paid, and is paid to this day; so that, *though there has been a disuse, yet the right so fully appearing, which cannot die*, we have not seen nor heard of any one so much to be regarded in grace, and in consideration of so many knights’ fees, held from the very time of the conquest, and by him held at this day, and a pedigree, both on the father and mother’s side, proved by authentic records from the time of the Conqueror, (which, in such cases, are very rare,) we hold him worthy the honour of a baron, if your Majesty thinks fit.”

This certificate certainly does not recommend that Sir Richard should be summoned to parliament as a baron by tenure, notwithstanding it suggests the propriety of granting to him the dignity of a baron.

The journals of the house of lords are silent as to the petition of claim; from which it may be inferred, that the reference made by his Majesty to certain persons, as commissioners, was similar to the practice of the present day, in referring such-like petitions to the previous consideration of the Attorney-general, for his opinion as to the merits thereof. Nothing, therefore, seems to have been done on this certificate, in the nature of an investigation before the lords’ committees of privileges, so as to obtain their lordships’ decision upon the question of right. But if the several observations of the commissioners, viz. that the *petition is true*; that *before any usual calling of barons by writ, his ancestors*

were barons in their own right ; that, though *there has been a disuse, yet the right so fully appearing, which cannot die, &c.*, are observations founded upon a correct impression of the subject, there seems to be, in the case of claim of *Marmyun of Scrivelsby*, most ample ground to believe that the claimant has made good his pretensions; or, at least is worthy the honour of a baron.

Many objections are made by the lords in their peerage reports, on the serious consequences which might attend on the allowance of a claim by tenure at this day; particularly such as might arise upon alienation of the baronial estate; but, for what reasons these consequences should be more serious now than in former times, may be somewhat difficult to define; inasmuch as, all decisions should be upon the question at issue, namely, *right, or no right*. All consequences as to alienation, such as *of lord, to-day, and not to-morrow*, may be readily settled by a parliamentary enactment, against the subsequent alienation of the land, when it has once been admitted to give right to dignity. It is beyond all doubt that the claims from tenure, dependent on the seisin of ancestral land, must be by far less numerous than those claims which are almost daily arising from their lordships' reiterated decisions, with regard to the descent of titles created by writ of summons. The benefit from one claim is to allow rank to persons of property: the evil from the other is, to allow rank to persons who may not have property to sustain it.

The principal inconvenience anticipated by the lords' committees (before mentioned) discloses itself in one part of their report,* that *dignities by tenure, must, on principle, have precedence of those who now enjoy the dignity of peerage, but whose titles can only be founded on evidence of the writs (or patents) now remaining on record*. And again in another part † viz. *That the existence of such a right, as inherent to land, would supersede the discretion of the crown in selecting persons, on whom it might be thought fit to confer the dignity of peer of the realm, &c.*^a

* Third Rep. p. 236.

† Rep. p. 397.

Before closing this dissertation, it may not be deviating too far from the subject to observe, that the right incident to the tenure of lord, bears some resemblance to the right of a bishop claiming also to be a lord of parliament. The dignity of a bishop, simply, is merely personal; but the right of a bishop to be a lord of parliament, is in the nature of a franchise annexed to the temporalities of his see: his dignity as a bishop is spiritual; his franchise of a lord of parliament is temporal, and arises from the possession of the temporalities of his see. He is a bishop from his consecration; but he is not a lord of parliament until invested with the temporalities of the see, to which he is promoted, and till then he cannot have a writ of summons to take his seat in parlia-

^a It is much to be regretted, that a certain extent of landed estate should not be settled to follow the inheritance of the peerage dignity; but that might be deemed to render the peerage too independent of the crown; while want of estate retains them subservient to it, in seeking from the sovereign pensions, places, and favour, which otherwise they would not seek to become the humble servants of a minister.

ment—the right thereto being attached to the temporalities, and not inherent to the spiritual dignity of the bishop. When translated from one see to another, his seat in parliament ceases, in consequence of his cession of that see, by his translation to another; and he does not become intitled to his seat again until invested with the temporalities of the new see, to which he has been translated, and receives a new writ of summons by the style of his new dignity. So, if any person is now intitled to a writ of summons to parliament, by virtue of tenure of land, he must claim that writ, as a franchise appurtenant to that land.

TENURE PERVERTED TO A PERSONALITY.

THE arbitrary and mercenary conduct of the monarchs of ancient times, especially when they wanted money, and had to seek a cause for extorting it, led the great barons by tenure to endeavour to evade these vexatious proceedings.

Barony, by tenure, was both burthensome in point of service, and expensive in point of rank; particularly, as amerciements, for often pretended offences, were, so far as related to them, of an exorbitant quantum. By clauses in the great charter of John, which were also in those of Hen. III. and Edw. I., it is provided, viz. “*comites et barones non amercientur nisi per pares suos,*” all other persons being to be amerced, “*per sacramentum proborum et legalium hominum de visneto.*”

The dignity of their rank being thus defined, the proof depended upon the nature of their tenure: and thus divers barons, as Furnival and Braose, though their ancestors had been summoned to parliament by special writ, did not consider that they were by such writs *created barons*, but that the said writs were appurtenant to the tenure of their lands, and, therefore, to avoid a fine in the character of a baron, or to extenuate the amount of relief, they pleaded they did not hold any lands of the king *by barony*. If the writ was creative, and not a franchise attached to the tenure, the record of the writ would have been evidence of barony.

The effect of charging persons holding by barony with amerciements and reliefs, *as barons*, induced a very general disposition to sub-infeudation, and this sub-division at length became so minute, that amercing of the multitude, who held small parcels of land by parts of a barony, would have been grossly oppressive, and probably was eventually found to be so, and at last abandoned without any express legislative provision on the subject. Licence for the alienation of crown tenures being a branch of the royal revenue, was, no doubt, then readily obtained; and it answered two purposes: it brought money to the royal treasury, and it rendered less sturdy and powerful the baron who made the alienation.

Property thus frequently changing owners, the baron who had at first been summoned to parliament in virtue of his tenure, continued afterwards (if summoned at all) to be summoned as of his own person, and thus from a baron, *great in his own right*, he became perverted to *a baron of grace*; and the emblem of territory was enveloped in a personal shadow.

OF DIGNITIES BY WRIT.

SELDEN observes, that, in consequence of the practice of summoning persons to parliament, who did not hold *per baroniam*, barons became divided into two kinds, viz: barons by writ and tenure, and barons by writ only. Barons by writ and tenure were such as, having possession of their ancient baronies, were called by several writs to parliament, according to the stipulation made in king John's Magna Charta, respecting the barones majores. Barons, by writ only, were such as were called by a like writ of summons, although they had no possessions of the description of land baronies. And Sir William Blackstone* observes, that, in consequence of this practice, actual proof of a tenure by barony became no longer necessary to constitute such a person a lord of parliament; but the record of the writ of summons, to him or his ancestors, was admitted as sufficient evidence of the fact.

* 1 Comm.
p. 400.

A writ of summons of this nature has not the effect of conferring a dignity on the person summoned, until he has actually taken his seat in parliament by virtue of the writ; so that, where the party was summoned and died before the meeting of parliament, it was held that he was not a peer.

† 12 Rep. 78.
1 Inst. 16. b.

In the parliament holden 8 Jac. I., a question† arose, whether Edward Nevill, who was called by writ to parliament the 2 & 3 Queen Mary, and died before that parliament met, was a baron or not. It was resolved by the lord Chancellor, the two chief justices, chief baron, and divers other justices, there present, "That the direction and delivery of the writ did not make him a baron, or noble, until he came to parliament, and there sate accordingly to the commandment of the writ; for, until that, the writ did not take its effect. And in 39 Hen. VI. he is called a peer of parliament, which he cannot be until he sits in parliament; and he cannot be of the parliament until the parliament begin."

"And forasmuch as he hath been made a peer of parliament, by writ, (by which implicitly he is a baron,) the writ hath not its operation and effect until he sit in parliament, there to consult with the king and the other nobles of the realm; which command, by his supersedeas, may be countermanded; or the said Edward Nevill might have excused himself to the king, or he might have waived it, and submitted to his fine, as one who is distrained to be a knight, or one learned in the law is called to be a serjeant:

the writ cannot make him a knight, or a serjeant. And when one is called by writ to parliament, the order is, that he be apparelled in his parliament robes; and his writ is openly read in the upper house, and he his brought into his place by two lords of parliament, and then he is adjudged in law *inter pares regni*."

The proof of a sitting in parliament under the writ of summons, must be by the records of parliament; for chief-justice Coke says,* "if issue be joined in any action, * 1 Inst. 16.b. whether a person be a baron, &c., or no, it shall not be tried by a jury, but by the record of parliament."

In the case † of Norborne Berkley, Esq., claiming to be one of the co-heirs of the ancient barony of Botetourt, created by writ 1 Edw. II., the proofs of the sitting consisted of ancient records of parliament; and the following observation on that evidence are stated in the case which is signed by the honourable Charles Yorke; viz. "If an objection can be framed to these records, as evidence of a sitting in parliament, such objection must be taken either to the competency or to the effect of such evidence; an objection to the competency of the evidence can only take its rise from its being usual in claims of this nature, to prove the sitting by the journals of the house of lords; from whence it may possibly be inferred that no other evidence is admissible to prove a sitting in parliament." † Coram.Dom. Proc.

Answer 1st.—"It has never been laid down, that the sitting in parliament must be proved by the journals of the house of lords; but all the authorities agree in establishing this rule, that the sitting must be proved by the records of parliament. The house of lords has, in questions of this nature, given credit to their journals, where a sitting could be proved by them. But that practice, which seems rather an indulgence to the claimant, can never be construed to establish the authority of the journals above the records; for, in strictness, journals are not records, but remembrances for form of proceeding to the record; they are not of necessity, neither have they always been; they are not any record, but notes and memorials for the clerks to perfect and enter the records. But the evidence here stated, is that of the records of parliament; the first record being strictly an act of parliament, and the others, full and complete records of transactions in parliament; all entered upon the proper rolls, and produced from the public archives.—It is, therefore, evidence, not only of an equal, but, in most cases, of a superior authority to the journals; and in this question, it is strictly and properly that evidence, which the law requires to support the inheritance of a peerage."

Answer 2nd.—"The state of the journals is such, that this objection could not be allowed without great danger to the ancient baronies; there are no journals before the reign of Henry VIII. nor are they regularly preserved since that reign; an ancient letter prefixed to the journal book of Hen. VIII. intimates, that several journals were taken away and suppressed by Cardinal Wolsey. It does not seem reasonable that either this

accident, or the neglect of a clerk to the journals, should be of any prejudice to the nobility in the inheritance of their honours; and yet if no barony could be claimed without proof of a sitting by the journals, all those ancient baronies which have been united with higher honours before the reign of Hen. VIII. or during those years of which the journals have been suppressed must be lost.”

* i. e. Grey,
of Ruthyn.

Answer 3rd.—“Baronies have, in fact, been allowed, though no sitting could have been proved by the journals. In the case of the barony of Ruthyn,* 1640, the claim to that barony was allowed, upon great deliberation, and very accurate enquiry; though it is evident, no sitting could have been proved by the journals, because there was no person summoned under that title, from the second year of Edw. IV.; the Lord Grey, of Ruthyn, being soon afterwards created earl of Kent.

“The barony of Moubray was revived without objection, in favour of Henry, eldest son of the earl of Arundel, though no person had been summoned under that title from 39 Edw. III.^a Algernon, duke of Somerset, took his seat in the house of peers, as baron Percy upon the death of his mother, in 1722, without objection,^b though no sitting could have been shewn from the journals, no person having sat in right of the old barony of Percy, from 50 Edw. III.; and lastly, no sitting can be proved by the journals in the case of the barony of Le Despenser.

† 1 Inst. 9 C.
16. 6.

Although the writs of summons to parliament, whether addressed to persons who were not at the time peers of parliament, or to ancient barons, (for in both instances the writ is similar,) do not contain words of limitation to the heirs of the person summoned; C. I. Coke † was clearly of opinion, as a point settled, that where a person is summoned by writ, and takes his seat, *his blood* is ennobled to him, and his heirs lineal.

‡ Enquiry,
p. 32.

This doctrine, however, has been controverted by Mr. Prynne, Mr. Elsynge, and Mr. West, the author of the “Enquiry into the Manner of Creating Peers,” in which treatise it is observed. ‡

That in order to judge more clearly what operation in law this writ would anciently have, it must be considered, that it could not possibly be directed but to three sorts of persons; that is, either to such as were *tenants in capite per baroniam*, or to such as were only *tenants in capite by knight's service, &c.*, or else to such as were *not the immediate tenants of the crown at all*.

As to the first of these, they were obliged to attend if summoned, and as they were already barons by their tenure, when they were in parliament, they had undoubtedly, in consequence of their writs, a right to vote in all questions whatsoever. As to the second,

^a As the question of right by descent never came before the house for enquiry in a committee of privileges, no objection could be offered. The seat was taken in obedience to the king's writ, and not under an order of reference upon claim.

^b This case is similar to the preceding.

they also, by virtue of their oath of fealty, were obliged to attend, if summoned; but then, when in parliament, it may be doubted, whether they had more than *a deliberate voice of counsellors*, or *if of voting*, whether only *pro hac vice*. As to the third, they were not by law obliged to obey the writ: but yet, if they voluntarily chose to attend, they, like the second, were in all probability no otherwise than as assistants to the house, or invested with any legislative privilege, further than as before observed, *pro hac vice*.

But, as the pretensions of these last described persons to the full rights of peerage, can only be by virtue of the writ that summons them to parliament, the question follows, how far the words of the writ are operative to confer upon the persons summoned by it, the right of barons *to them* and *their* heirs.

* It is a known rule in law, that the king's grant cannot enure to two intents, especially when one of them is clearly expressed, and the other is not. Now if this writ of summons does create any person a baron or peer, it operates by way of grant, which must be by the implication of an intent, which is not only not expressed, but which is also perfectly foreign to that which is, and which therefore (at least in every thing but this writ) could be in law only intended; for the intention of the king, clearly expressed in the writ, is *not to create* the person summoned *a baron*, but only to require that he should attend upon a certain day *to consult and treat* with him concerning the affairs of the nation,^a which certainly may be done without his being a baron.

* Plowd. 333.
4.—Coke, 1
Rep. 48, 32—
3 Rep. 73, 74,
&c.

Whoever shall look into the writ, will find it personal to the man to whom it is directed and that it is so far from creating him *a baron*, or hereditary peer of the realm, that neither the words *baron*, *barony*, nor *heirs*, are to be found in it. For the more clear explanation of the words of the writ, the following copies of several of them, both before and after the period of Magna Charta, and after *the perfection* of parliament, *as it is termed*, which is considered to have taken its commencement at the latter end of the reign of Henry III., and to have been established in that of Edw. I., are here inserted.

Claus Rot. 6 John, m. 3. p. Dors.

R. Ego salutem mandamus vobis rogantes quatenus omni occasione, et dilatione postposita sicut nos et honorem nostrum diligitis, sitis ad nos apud London die dominica

^a These terms in the writ evidently point out a degree of distinction between those who were the established barons or peers of the realm, and those persons who, for their wisdom or experience, were summoned to give advice. For, the former, by the hereditary tenures, were interested in the welfare of the nation and the preservation of their privileges and estates, in common with the crown itself, of whom they held them. They were hereditary lords and counsellors of the king: as such their writ was—*ex debito juris*. But the latter persons, summoned by the same writ, in the same words, and at the same time, appeared to be required to give their attendance *ad tractandum*, not by virtue of any interest *ex hereditate*, which they had in the affairs of the nation, but by reason that the king deemed their skill and abilities useful to the purposes of advice and deliberation. As such, their writ was *ex gratiâ*, and in that respect to be considered, *pro hac vice*. Vide Lord Holles's Remains; Second Letter, p. 21.

proxime ante ascensionem domini nobiscum tractaturi de magnis et arduis negotiis nostris et communi regni nostri utilitate, quin super his quæ à rege Franciæ per nuntios nostros et suos nobis mandata sunt, unde per dei gratiam bonum speramus provenire, vestrum expedit habere consilium et aliorum magnatum terræ nostræ quos ad diem illum et locum fecimus convocari vos etiam ex parte nostra et vestra abbates et priores, conventuales totius diocesis citari faciatis, ne concilio prædicto intersint, sicut diligunt nos et communem regni utilitatem.—T. &c.

* Tit. Hon. p.
708.

This writ^a appears to be the most ancient upon record, as Selden writes,* and was addressed to the bishop of Salisbury. But the roll that has this writ, has no such note of *consimilia*, to the rest of the barons, as is usual in other close rolls where summons to parliament are entered: but from the body of the writ it appears, that the rest were summoned.

Claus. 26 Hen. III., Dors. m. 13.

Henricus, &c. venerabili in Christo patri Waltero Eboracensi Archiepiscopo Salutem. Mandamus vobis quatenus nos et honorem nostrum paritè et vestrum diligitis et in fide quâ nobis tenemini, omnibus aliis negotiis omissis, sitis ad nos apud London à die 5 Hilarii in xv. Dies ad tractandum nobiscum, una cum cæteris magnatibus nostris, quos similiter fecimus convocari, de arduis negotiis nostris, statum nostrum et totius regni nostris specialitèr tangentibus et hoc nullatenus omittatis.—T. me ipso apud Windlesoram xiv. Die Decembris.

This writ is subscribed with eodem modo scribitur omnibus Episcopis, Abbatibus, Comitibus, et Baronibus.

Claus. 49 Hen. III. Dors. m. 11.

Henricus dei gratiâ Rex Angliæ Dom. Hybernæ et Dux Aquitaniæ, venerabili in Christo Patri R. eâdem gratiâ Episcopo Dunelm' Salutem. Cùm post gravia turbationum discrimina, dudum habita in regno nostro, chariss' filius Edw. primogenitus noster, pro pace in regno nostro assecurandâ et firmanda, obses traditus extitisset; et jam sedatâ (benedictus Deus) turbacone prædictâ super deliberationem ejusdem salubritèr providenda,

^a Although this writ is the earliest to be found among the records, it is certain that the same form of convocation was in use before then, for, though the writ cannot be found, yet there is evidence (Rot. Mag. 5 Ric. 1 M. Lond & Middx.) that Richard I. summoned a parliament to meet at Oxford, as, in the roll of the accounts of the sheriff of London and Middlesex, it is thus mentioned, (Rot. Mag. 5 Ric. 1. M. Lond. & Middx.), viz. "*Laurentio Ostiario xx. Solidos ad deferendas Summonitiones Regis per Angliam, pro concilio convocando apud Uxunford, per Breve Regis.*"

et plenâ securitate, tranquillitate et pacis ad honorem Dei, et utilitatem totius regni nostri firmandâ, et totalitèr complenda; de super quibusdam aliis regni nostri negotiis, quæ sine consilio vestro et aliorum prælatorum et magnatum nostrorum, nolumus expediri, cum eisdem tractatum habere nos oporteat: Vobis Mandamus, rogantes, in fide dilectione quibus nobis tenemini, quòd omni occasione postpositâ et negotiis aliis pretermisissis, sitis ad nos London' in octabis sancti Hillarii proximè futuris: nobiscum et cum predictis prælatis et magnatibus nostris, quos ibidem vocari fecimus, super præmissis tractaturi, et consilium impensuri: et hoc sicut nos et honorem nostrum et vestrum, necnon et communem Regni nostri tranquillitatem diligitis nullatenus omittatis. Teste Rege apud Wigorniam, 14 Die Decembris.

Item in formâ prædictâ Mandatum est Comitibus et aliis subscriptis Dat. apud Wodestock, 24 Die Decembris, viz. to five earls and eighteen barons only.

But the preceding exemplar writ to the bishop of Durham was *eodem modo*, addressed by consimilar ones to one hundred and twenty spiritual persons, bishops, abbots, priors, and deans.

Claus. 23 Edu. I. Dors. m. 9.

Rex dilecto et fideli suo Edmundo fratri suo, comiti Lancastriæ Sal^m. Quia super quibusdam arduis negotiis nos et regnum nostrum, ac vos cæterosque proceres et magnates de eodem regno, tangentibus, quæ sine vestrâ et eorum præsentia nolumus expediri, parliamentum nostrum tenere, et vobiscum super his colloquium habere volumus, et tractatum; vobis mandamus in *fide et homagio* quibus nobis tenemini firmitèr injungentes quòd sitis ad nos apud Westm' primo die mensis Augusti proximo futuro, vel saltèm infrâ tertium diem subsequentem ad ultimum, nobiscum super dictis negotiis tractaturi et vestrum consilium impensuri, et hoc nullo modo omittatis. Teste meipso apud Album Monasterium, xxij. die Junii, anno regni nostri xxij.

Per breve de privato sigillo-eodem modo, it was commanded by consimilar writs directed to ten earls and fifty-three others, whereof the heirs of not less than twenty-six are yet remaining.

The form of summons to the judges, &c. was—

Rex dilecto et fideli suo Gilberto de Thornton Sal^m. Quia super quibusdam arduis negotiis nos et regnum nostrum ac vos *cæterosque de consilio nostro* tangentibus quæ sine, &c. Ut suprâ, vobis mandamus in *fide et dilectione* quibus nobis tenemini, &c. Ut supra in mandato comitum et baronum usque in finem.—Test. &c.

By this exemplar writ, the distinction between the one to the nobles, and the other to the judges, is made manifest. But in the following exemplar writ, by which the *peers and judges*, &c. were alike summoned, no such distinction appears.

Claus. 9 Edw. II. Dors. m. 22.

Rex dilecto consanguineo et fideli suo Thomæ comiti Lancast' salutem. Quia super diversis et arduis negotiis, &c. Mandamus *in fide et homagio* quibus nobis tenemini, firmitèr injungentes, quòd dictis die et loco omnibus prætermissis *personaliter intersitis*, ibidem nobiscum et cum prælatis et *cæteris magnatibus et proceribus de regno nostro*, prædicto super dictis negotiis tractaturi vestrumque consilium impensuri, et hoc nullatenus omittatis; teste rege apud; decimo sexto die Octobris.

* Claus.
Illorum Ann.

The writs to the succeeding parliaments of 11, 12, 13, & 14 Edw. II.* are similar as to summoning the peers, justices, and king's council, without distinction.

At the æra when the first of these writs bears date, it is certain that none but peers by tenure had existence: it is equally certain, that at the time when the second was issued, the baronage of the kingdom was not in its nature altered. At the period when the third was sent, to call together the parliament, summoned by Simon de Montfort in the king's name, it is manifest that it was to a partial number of the nobility; and that as such, whatever might have been the express words of the writ, no title of creation to any dignity could be derived therefrom, more than from the writs of summons, or patents, whereby any of the persons advanced to the rank of peers, by Oliver Cromwell, were legally constituted hereditary barons of the realm.

With regard to the fourth writ of summons, which was addressed to divers persons who were not barons by tenure, as well as to divers others who were; it presents an extraordinary circumstance of difficulty to define, that if one description of persons summoned were hereditary peers, and the others not, by what sound argument it can be maintained, that the *same writ*, in *the same words*, confirmed to the old baron his ancient right; but, to the chevalier or commoner, conferred a new dignity.

It is agreed, that the king cannot by his letters patent create any man a peer, either for life or in tail, or in fee simple, without express words of creation in the patents for that purpose: it seems, therefore, reasonable and equally necessary, that special words of creation ought likewise to be inserted in the writ, or that otherwise the writ cannot operate so as to create an hereditary baron or peer,—such as, for instance, was adopted in the case of Sir Henry de Bromflete, who being summoned to parliament 27 Hen. VI., this clause was inserted into his writ; viz., "*Volumus enim vos et hæredes vestros masculos de corpore vestro legitime exeuntes barones de Vescy existere.*" This writ has generally been supposed to have been the creation of a new barony: but it seems rather to have been a determination of the abeyance of the barony of Vescy†, which having fallen among the three co-heirs of Aton‡, was now granted to Bromflete, derived from Anastasia the eldest co-heir, with a special limitation of descent to issue male, so as in default thereof to vest the reversion of the old barony in the representatives of the other two co-heirs.

† Banks's
Dorn. et Ext.
Bar. Vol. II.
‡ Tit. Aton.

My lord Chief-justice Coke says, in several places,* that the writ of summons to parliament is unalterable, otherwise than by authority of parliament; though (perhaps, if it was necessary) it might be shown, that till within the last three hundred years there scarcely ever was two of them together alike. And, indeed, he himself seems aware of this truth, for on another occasion he observes, that one of the differences between the writs to the lords, and those to the judges, was, that the writ to the lords ran thus; viz. “*Quod intersitis nobiscum ac cum cæteris prælatis, magnatibus, &c.*” And was peculiar to the peerage, the judges being only summoned: viz. “*Quod intersitis nobiscum ac cum cæteris de consilio nostro, &c.*”; and yet that word *cæteris*, is not in the writ, which in Nevill’s case he himself † commends as excellently well drawn.

* 4 Inst. 10
et Alibi.

† 12 Rep.

Others have thought that the putting in, or leaving out, the word *cæteris*, was the peculiar mark of difference; yet, in 25 Edw. I.,‡ the judges were summoned by directly the same writ, with the barons of parliament, as such, if the writ of that date was creative of a peerage honour to one party, it appears that it ought, with equal propriety, to be effective to the other.

‡ Rot. Claus.
25 Edw. I.
Dors.

In the 1 Edw. II.,§ after the writs to the barons, the same follow to above thirty other persons, as assistants, with this difference only, that the words *in fide et homagio*, are left out: the note,|| however, at the end of it, is remarkable; viz., *Nota quòd in hac summonitione justitiarü ac alii de concilio domini regis, intermixti tunc cum baronibus.*

§ Ibid. Edw. II.
Dors. m. 11.

|| Dudgd.
Summ.

In divers other years, during the reigns of Edward II. and III., the same writs are directed¶ to both barons and judges. To these, many other instances may be added; ** it remains then only to remark, that, if the king’s writ to the judges, contained in terms similar to the nobility, did not constitute them, or their heirs, peers of the realm; the same writ directed to other persons, otherwise than the *tenants per baroniam*, could not create them peers either for life or with an inheritable fee.

¶ Ibid.
** Ibid.

Now, if it be admitted for law, that the direction of a writ of summons to any person, with a sitting under it, renders him a peer of the realm, to hold to himself and his heirs, it follows, that every one to whom such writ was ever addressed, and especially where the same shall have been repeated in continuation to several parliaments, was thereby created a baron to him and his heirs, who had thenceforth a right to demand their writ of summons *ex debito justiciæ*. Yet, if the lists of summons†† from 49 Hen. III. to 23 Edw. IV. be examined, there will be found the names of innumerable laymen, who have been summoned to parliament, some only once, others several times in succession; yet these persons never seem to have imagined that they had acquired a degree of nobility in their own persons, transmissible to their issue general; indeed, there is better reason to believe that a writ of summons was not at first considered to have been creative of an hereditary peerage; and this opinion is greatly corroborated by the claim to the barony of Frescheville, hereafter mentioned.

†† Ibid.

* Hist. Hen.
II., Vol. 3.
p. 382.

Lord Lyttleton,* who studied the early part of our history with great attention says, that the omission in summoning persons, who had been called to parliament by writ, or their descendants, may, *in many cases*, be accounted for, from the frequent and necessary absence of many of the peers on the king's service abroad, while the crown had great dominions, and almost perpetual wars on the continent; for, on such occasions, the omitting to summon them to parliament was no encroachment on their rights, but a proper exemption from a duty they could not perform. It might also have been done, not improperly according to the notion of those times, when the lands that constituted a barony, were seised by the crown for any default or defect of service, during the life of the baron.

† Cap. 4.

It should also be considered, that an attendance on parliament, at the period referred to, was burthensome, and that men were so far from being fond of coming thereto, that even those who were actually summoned, and by virtue of their *tenures per baroniam*, were obliged to attend, did so frequently absent themselves, that it was found necessary to pass an act of parliament, to enforce obedience to the summons; and, accordingly, it was enacted by 5 Ric. II.,† “That if any person, which from henceforth shall have the said summons, be he archbishop, bishop, abbot, prior, duke, earl, or baron, and do absent himself, &c., he shall be amerced and otherwise punished, &c.”

It is no wonder, then, that it was common for persons, who were not considerable enough to dispute with the crown, upon their being either invested, or left out of the writ of summons; or who, though they might be summoned, were not very desirous of that honour, to do all that lay in their power to suppress so much as the very knowledge of their being tenants in capite per baroniam, and as such bounden to give their attendance.

‡ Cruise on
Dignity.

These circumstances evidently corroborate the argument, that the writ of summons was not originally deemed a creation of an hereditary peerage dignity; but, however strong these, with other points that might be cited, appear to be against the doctrine of Sir Edward Coke, there can be no doubt,‡ that it was fully settled, when he wrote, that a writ of summons to parliament, and a sitting in pursuance thereof (except in the case of a spiritual person), operated as a creation of a dignity, and rendered it descendable to the lineal heirs male or female of the person first summoned: and this notion has been confirmed by so many subsequent decisions,§ that it is not (probably) to be shaken.

§ Journ.
Dom. Proc.
|| Ibid Vol.
XIII. p. 154.

The case of Frescheville is, however, deserving particular attention,|| It arose just after a decision of the house of lords, as in the petition of the claimant is set forth. The petition was as follows; viz.

“To the King's Most Excellent Majesty, &c., &c.

“That, whereas your petitioner, as lineal heir male to Ralphe de Frescheville of Staveley, who had summons to parliament among the barons of the realm in the 25th of

king Edward the First, hath been (through your Majesty's special grace and favour) advanced to the title and dignity of a baron of this realm, by letters patent, bearing date the 16th of March, in the 16th year of your Majesty's reign: and whereas, upon a solemn debate in the house of peers, happening this present parliament, in the case of the lady Katherine O'Brien, lineal heir to Gervase lord Clifton, it was resolved, '*That the said Gervase Clifton being summoned to parliament by a special writ bearing date the 9th of July, in the sixth year of the reign of your royal grandfather king James, and sitting in parliament accordingly, was a peer and baron of this realm, and his blood thereby ennobled;*' your petitioner therefore conceiving, that, by *the same reason*, the blood of his lineal ancestor, by that summons and sitting in parliament in the time of king Edward the First, being then ennobled, and there never having since been any attainder in his family, which might legally intercept his claim to the honour of his said ancestor, so that he hath a just right and title thereunto, most humbly desires that he may be admitted to the same place and precedence in this present parliament, and in all other future parliaments, and other public convocations of the peers of this realm, as his said ancestor Ralphe de Frescheville anciently had enjoyed.'

This petition was referred by his majesty to the Attorney-general, who made the following report thereon; viz. "I have examined the contents of this petition, and do find by a copy of the record attested by the keeper of your Majesty's records within the Tower, that Ralphe de Frescheville was among other barons summoned by writ to the parliament held in the 25th year of the reign of king Edward the First. It also appears unto me, by several pedigrees of credit and antiquity, that the now lord Frescheville is lineally descended, as heir, both general and male, from the said Ralphe de Frescheville; but it doth not appear, by any evidence, that the said Ralphe or any of his descendants (till your Majesty's creation of the now lord Frescheville) were ever summoned or sat in parliament after the said parliament of 25 Edw. I. And, therefore my humble opinion to your Majesty is that you would be graciously pleased to refer the consideration of this petition to the peers now in parliament assembled."—(Signed) Wil. Jones. Dated 14 Feb. 1677.

The lords, on reference of this petition made to them by his Majesty, after hearing counsel for the petitioner, and the attorney-general for the king, resolved (without examining the truth of the pedigree asserted by the lord Frescheville) on the 6th of March, 1677,* *that they did not find sufficient ground to advise his Majesty to allow the claim of the petitioner.*

* Journ. Dom. Proc. vol. xiii. p. 154.

It does not clearly appear what were the grounds of this decision. It may be suggested, that, though Ralphe de Frescheville was summoned to parliament 25 Edw. I., it had not been proved that he sat therein. Also, that neither Ralphe being again summoned, nor any of his descendants after him, during so very great a length of time, it might be presumed, that, whether he ever sat in parliament or not, it was not conceived

at that time that a writ of summons and even sitting under it, would have the effect attributed to such writs in later times, as in the instance of Clifton.

Although the parliament rolls, or journals of the house of lords, do not afford proof that every person who had summons as a baron of the realm, did in virtue thereof, actually take his seat in parliament; yet in the default of this positive evidence, the next best *prima facie* proof may be deemed adequate thereto, so far as relates to the most ancient baronies, whether created by writ; or summoned by reason of their tenures.

Magna Charta, which is not a charter of new law, but declaratory of the old laws and customs of the realm, declares, what had been, and then was the rule in amerciaments; and that earls and barons shall not be amerced but by their peers.

* 3 Edw. III. Thus, in Edw. III.,* Stratford, bishop of Winchester, had an information exhibited against him, in the K. B., for absenting himself from parliament, without the king's licence, and he pleaded to the court,† “that if he had offended the king, by absenting from parliament, and not appearing in obedience to the king's writ, he was to answer the king in parliament, according to the law and custom of parliament,—and not an inferior court.”

‡ 5 Ric. II. cap. 4. This was before any act of parliament was made for the punishment of disobeying the king's writ, which positively commanded an appearance thereto. In the time of Rich. II.,‡ it was enacted, (as before mentioned), “If any person of the realm have summons to parliament—be he A. B., bishop, abbot, prior, duke, earl, baron, &c., do absent himself, and come not at the said summons, (except he may reasonably and honestly excuse himself to our lord the king,) he shall be amerced, or otherwise punished, according as of old times, hath been used to be done within the said realm, in the said case, &c.”

From these last words of the statute, it appears that peers were obliged to give their attendance and obedience to the king's writ, or be amerced, in fines, before that statute was made.

From this, it must be inferable, that where a writ of summons is upon the record, and no amerciament for non-attendance, the person summoned obeyed the writ, and took his seat in parliament accordingly.§

§ Vide Garron on Parls., pp. 349—56.

The writ of summons, of the 35 Edw. I., may be considered an exemplification of this statement, wherein those who attended are distinguished by the word *hic*; and the excuses of those who did not, by the cause of absence being noted.^a

King Cha. the II., after the restoration, sent a message to the house of lords, desiring that the lords created at Oxford may sit in the house; which being acquiesced in, the order for excluding them was vacated the 31st May, 1660.

^a The names of Lords present in Parliament were first entered in the Journals of the House of Lords 6 Feb. 1511. (3 Hen. VIII.)

OF THE WRIT OF SUMMONS, *JURE UXORIS*.

While dignities were annexed to the possession of particular lands, the husband of a woman having such lands was bounden to perform the services for which they were holden, and, among others, to attend the High Court of Parliament, so that he was entitled to the dignity during the joint lives of himself and his wife, as in several instances among the ancient earldoms may be perceived.*

But the first person mentioned by Dugdale, as summoned to parliament *jure uxoris* is Ralph Monthermer, by reason, as that author† relates, that he was seised in right of his wife (for term of her life,) of certain lands composing the earldoms of Gloucester and Hertford; but when she was dead, and her son the earl of Gloucester, came of age, he took his seat in parliament as earl, and Monthermer was thereafter only summoned to parliament as a baron.

* Mandevill, earl of Essex & Albermarle. Plantaganet, earl Warren & Surrey; cum aliis.
† Dug. Lists of Summ. p. 570.

In the reign of Henry VIII. Mr. Wymbush having married a lady entitled to the barony of Taylboys,^a who died before him without having had issue, a question arose, whether he ought to have the name of lord Taylboys in right of his wife, or not. On this occasion, after a solemn deliberation,‡ it was asserted that the husband who never had issue, had no interest in law in his wife's inheritance; and, accordingly, the king (Henry VIII.), who was present on the argument, for resolution, said, "That Mr. Wymbush nor any other, from thenceforth, should use the style of his wife's dignity, but such as by the courtesy of England had right to her possessions for term of life."

‡ Collins's Parl. Prec.

On comparing, however, the reason attributed to Monthermer's summons to parliament with that of Charles Somerset, as lord Herbert, there appears a great difference between the cause and the rule laid down; for Monthermer was earl of Gloucester *ratione possessionis uxoris suæ*. But the lord Herbert could not be a baron *ratione eadem*, because the barony of his wife's father was created by writ of personal summons, and as such could not be cast upon him *in her right*.

Chief-justice Coke asserts, "*That where no possession can be had, no curtesy can prevail;*" ergo, there can be no courtesy of a personal honour, as a barony by writ; for the custom applied solely to the ancient territorial barony.

Mr. Hargrave has observed, that he could not learn that there had been any claims of dignities by courtesy since lord chief-justice Coke's time; and from the want of modern instances of such claims, as well as from late creations, whereby women were made peeresses, in order that the families of their husbands might have titles, and yet the husbands

^a This barony is one of those omitted by Dugdale in his Peerage History. It was created by writ of summons, and sitting under the same anno (21 Hen. VIII.), in the person of Gilbert Taylboys, of Kyme, in com. Linc., to the ancient feudal barony of which name he was the direct heir.

themselves remain commoners; it seemed as if the prevailing notion was against curtesy in titles. However, he had not yet discovered whether this great question had ever formally been settled by any judgment of the house of lords.

Indeed, from after lord Herbert's time to the present, the practice of summoning to parliament, *jure uxoris* has ceased,—as the examples of Audley, Willoughby of Eresby, first in Bertie, (claimed and rejected * in 1580,) and last in Burrel, fully demonstrate. Indeed, it may be instanced in the cases of the late duke of Northumberland and the late Marquis of Townshend, that they respectively succeeded to the baronies of Percy and Ferrers of Chartley, upon the decease of their mothers, and in the life-time of their fathers; which would not have been allowed, if their said fathers had been entitled to an estate by the curtesy in those dignities.

Having thus descanted upon the custom which in former times prevailed, of the husbands sitting in parliament by virtue of their wives' feudal possessions, it may not be irrelevant to notice what information antiquity affords us, with respect to the share which females originally took in the great councils of the nation.

Plutarch says, that women had the prerogative to sit and deliberate in great councils, in cases relating to civil administration, and also in debates about peace and war.

Tacitus,† speaking of the Britons, says, *Sexum in imperiis non discernent*. And Cæsar says,‡ the British women were made use of in court, in council, and in camp.

The ladies of birth and quality sat in council with the Saxon witas; the abbess Hilda, as Bede§ writes, presided in an ecclesiastical synod.

In Wightred's great council at Beconceld, A.D. 694,|| the abbesses sat and deliberated, and five of them signed the decree of that council along with the king, bishops, and nobles.

In Ethelwolf's parliament at Winchester, A.D. 855, wherein the tenth part of the kingdom was given to the church, the law passed, says Ingulphus,¶ “Præsentibus et subscribentibus, archiepiscopis, et episcopis, Angliæ universis, nec non Benreddo rege Merciæ, et Edmundo East-Anglorum rege, abbatum et abbatissarum, ducum, comitum, procerumque totius terræ, aliorumque fidelium infinita multitudine, qui omnes regium chiragraphum laudaverunt, dignitates vero sua nomina subscripserunt.”

King Edgar's charter to the abbey of Crowland, A.D. 961, was, with the consent of the nobles and abbesses who subscribed the same.**

In the time of Henry III.†† and of Edward I. four abbesses had summons to parliament; viz. of Shaftsbury, Barking, St. Mary of Winchester, and of Wilton.‡‡

But the most memorable summons is that of 35 Edw. III., whereby divers countesses and baronesses were required to give their attendance, or send their proxies. This writ being so singular, the following copy thereof may not be considered unanalogous to the general subject.

* Collins's
Parl. Prec.

† In vitâ
Agricole.
‡ Comm. 117.

§ Bede Lib. 3.
cap. 25. p. 135.
Lib. 4, cap.
23, 4.
¶ Chron. Sax.
48.

¶ Savil. Edit.
Ingulph. 862.

** MS. pen.
lord keeper
Williams.
†† Tit. Hon.
p. 729.
‡‡ Pat. 5 Edw.
I. Dors. 11, et
Rot. Scut.
ejusd. an. m. 7.

Claus. 35 Edw. III. In Dors. m. 36.

“Rex dilecto sibi Mariæ comitissæ Norfolkicæ Sal^m. Quia terra nostra Hiberniæ per invalescentes à diu Hibernicorum inimicorum nostrorum, incursus, propter impotentiam fidelium nostrorum habitantium in eâdem; et pro eo quod magnates et alii de regno nostro Angliæ terras in eâ habentes, commodum dictarum terrarum suarum ab eâdem terrâ capiunt et defensionem aliquam non faciunt, jam cautè vastitâtis et destructionis miserie subjicitur; quod, nisi deus advertat et celerius succurrat eidem, ad totalem perditionem in proximo deducetur; per quod pro salvatione ejusdem ordinavimus; quod Leonellus comes Ultoniæ, filius noster charissimus, cum ingenti exercitu, ad terram prædictam, cum omni festinatione transmittetur: et quòd omnes magnates ac alii de dicto regno nostro terras in dictâ terrâ Hiberniæ habentes, quânto potentiùs potuerint, in comitivâ dicti filii nostri, proficiscantur, vel si debiles in corpore existant, loco suo alios sufficientes ibidem mittant pro repulsione ditorum inimicorum, et salvatione et defensione terrarum suarum, et succursu terræ supradictæ: et pro dicto negotio accelerando volumus eum magnatibus et aliis de eodem regno terras in dictâ terrâ Hiberniæ habentibus *colloquim habere et tractatum*; vobis in fide et ligentiâ, quibus nobis tenemini, firmitèr injungendo mandamus; quòd omnibus aliis prætermisissis, aliquem vel aliquos de quibus confiditis apud Westm^m. mittatis; itâ quòd sint ibidem in tribus septimanis Paschæ proximo futuro, ad loquendum nobiscum et consilio nostro, super dicto negotio, et illud concernentibus; et ad faciendum et consentiendum nomine vestro super hoc quod ibidem contigerit ordinari, et interim homines vestros quanto potentiùs et decentiùs poteritis, ad arma paratis, itâ quòd in vestri defectu progressus dicti filii nostri, et exercitus sui non retardetur; nec dicta terra amissionis periculo subjaceat ex hoc causâ; et hoc, sicut nos et honorem nostrum ac salvationem et defensionem terræ prædictæ diligitis, nullatenus omittatis, nos in cancellariam nostram de nominibus illorum, quos usque Westm’ ex causâ prædictâ duxeritis destinandos reddentes ad diem prædictum distinctè et apertè certiores; et habeatis ibi tunc hoc breve. Teste rege apud Westm’ xv. die Martii.”

Per ipsum regem et consilium.

Consimilia brevia diriguntur subscriptis sub eâdem datâ, de essendo coram rege et consilio suo ad dies subscriptos: viz.

Ad quindenam paschæ:

Mariæ comitessæ Norfolkicæ, Annæ Le Despenser,

Alianoræ comitessæ de Ormond.

Ad tres septimanas paschæ

Phillippæ Comitissæ de la March,

Margeriæ de Roos,

Johannæ Fitz-Wauter,

Matildæ comitissæ Oxon,

Agneti comitessæ Pembrochiæ,

Katarinæ comitissæ Atholl.

Mariæ de S. Paulo, comitis’ Pembr.

But it is to be noticed that these ladies were dowagers at that time,—and consequently had no husbands to be summoned in their right.

OF THE WRIT INTERMEDIATE OR ANTICIPATORY.

THE practice of summoning to parliament the eldest sons of peers, by the titles of their father's baronies, commenced, as Dugdale states,* the 22 Edw. IV.; but seems to have come into more general use in the latter end of the seventeenth century. In these cases, the parties summoned have been allowed to take their seats in parliament according to the precedency of the baronies, by the names of which they had summons.^a

* List of Sum.

But, with regard to the nature and operation of this intermediate or anticipatory writ, it has been questioned, whether the summons, by which the eldest son of a peer is called to the upper house by the title of his father's barony, turns that honour into a barony in fee?

This question, again, has created another, as to the operation of a writ of summons to the eldest son of a peer by the name of a barony vested in his father, and that of a similar writ by the name of a barony not vested in his father.

†Lords' Journ.
Vol. xxv. p. 11.
‡ Ibid, p. 112.

In the cases of the baronies of Strange† and Clifford claimed by the duke of Athol, and by the earl of Burlington; the former in 1736, and the latter in 1737,‡ the claimants stated, that the baronies, by the names of which they were summoned, were *not then* vested in their fathers. But there can be no doubt that, in these instances, the crown issued its summons upon the idea, that the baronies, by the names of which the persons were summoned, were then vested in their fathers; which proving an erroneous notion, the lords were, in a certain degree, obliged to admit, that the writs issued under the mistake, operated as new creations.

Now, with respect to the first question, it has been decided, by the doctrine laid down and adopted by the house of lords, in the following modern cases; viz.

King James I., by his letters patent, dated 13th May, 1603, created Sir Robert Sydney, knight, lord Sydney of Penshurst, to hold to him and the heirs male of his body, and afterwards advanced him to the dignities of viscount Lisle and earl of Leicester. These titles descended to his grandson Philip; whose eldest son, Robert, by courtesy styled viscount Lisle, was, in the 1st of Will. and Mary, summoned to parliament by writ, and sate and voted by the title of lord Sydney of Penshurst, in the lifetime of his

^a By the Statute of Precedency, the 31 Hen. III., it is settled, that the eldest sons of dukes, marquisses, or earls, have precedence before all barons in every public procession and solemnity; as such, it appears a mere moderating measure, to give them by summons a voice in parliament, with the privileges thereunto belonging, as, excepting those points of distinction, they were previously entitled to all others appertaining to their nobility of birth.

father. These titles descended to John Sydney, the son of the said Robert, which John died without issue, leaving his nieces, the daughters of his next brother, Thomas Sydney; viz. Mary and Elizabeth Sydney, his *heirs general*, and Joceline, his youngest brother, his *heir male*, who became earl of Leicester, and died, as it is said, without issue;^a whereby the titles created by the letters patent of James I. became extinct.

Upon the death of Mary Sydney, without issue, Elizabeth Sydney, her sister (who had married Mr. Perry,) claimed the barony of Penshurst, as sole heir of Robert Sydney, who was summoned to parliament by writ, as before mentioned, the 1st of Will. & Mary.

Mr. Wallace, the Attorney-general, in his report, stated that the petitioner claimed the barony of Sydney of Penshurst, as being the sole heir general of the body of Robert Sydney, who was called to parliament by writ, in *vitâ patris*, upon a supposition that the effect and operation of the writ of summons to parliament without letters patent, and having taken his seat in parliament, pursuant thereto, vested a title in him to the barony, descendable to his lineal heirs.

That a writ of summons to parliament, and a sitting in pursuance thereof, did certainly, in general cases, ennoble the person and his descendants; but he conceived that the effect of a writ of summons to the eldest son of an earl or viscount, by the title of his father's barony, or to *the elder son of a baron*, who had two or more baronies, to one of his father's baronies, was to accelerate the succession of the son to the barony, which on his father's death, would descend to him; and the extent of the inheritance depended upon the nature of his father's title to the barony, whether in fee, or in tail male.

That the usual manner of calling up the son of a peer in *vitâ patris*, was by writ of summons to the barony of the father; and the persons thus called had been constantly placed in the house of lords, according to the antiquity of their father's barony; although since the statute 31 Hen. VIII. (c. 10.) for placing the lords, whereby the precedency of peers was fixed and established, the right to such precedency had at different times come under the consideration of the house;* and, although it did not appear that the house had determined the point, yet it was highly probable that the lords had satisfied themselves, that the eldest sons of peers called up by writ into their father's baronies, were entitled to the same precedence and rights, which they would have been entitled to, if they had succeeded to the same by descent; and that the calling them up by writ in their father's lifetime, only accelerated the possession.

That he was of opinion, that the effect of the writ of summons to Robert Sydney (commonly called viscount Lisle) to his father's barony, gave to him the like inheritance

*Lords' Journ.
Vol. iv. p. 35.
Vol. xv. p. 523.

^a He had a son John, whose legitimacy, with an analogical reference to the case of the Banbury claim some time since before the Lords' Committee of Privileges, affords matter of important consideration.—*Vide* the printed account of the trial at bar, in the court of C. B. 11th February, 1782: John Sydney, earl of Leicester, &c. demandant; and Elizabeth Perry, widow, tenant.

his father had in the barony, which was restrained to heirs male; and that the petitioner was not, as heir general, entitled to the barony. But as the case appeared anomalous, and never to have been precisely determined, he thought it advisable to refer it to the house of peers.

The case was referred accordingly, and after having been fully heard, the house of lords resolved, *That the claimant had no right, in consequence of her grandfather's summons and sitting.*

After this solemn determination by the High Court of Parliament, the proper tribunal for hearing and adjudicating such questions, it certainly is the duty of every one to bow to so great an authority; but, nevertheless, there are some points which seem to occur in opposition to the doctrine embraced by the decision of the house, which now can only be introduced (with the utmost deference) for the sake of argument.

The question has been, whether a barony in fee tail male was, by the writ, turned into a barony in fee tail general? To this it is answered, that the writ is nothing more than simply anticipating the death of the father as to his barony only.

But by what power can the writ divest the father of his barony in favour of his son, though even the eldest, for the maxim of the law is, *Nemo est hæres viventis?*

Does the father surrender his barony into the hands of the king? If so, and he has a new grant in favour of his son, the summons becomes, as it would purport, a writ of creation to a new dignity. But, if the law admits of a surrender or conveyance of the barony from the father, the same principle might carry the surrender for the benefit of a second, third, or any other son, and thereby give the father (with the favour of the crown) an opportunity of introducing into the house of peers as many lords as he had baronies vested in him. With regard, however, to the power of surrendering an honour so as to extinguish it, or alter the course of descent, the decision made* in the lord Purbeck's case expressly declared, that *no fine or recovery or surrender could be made of an honour.* But this resolution may probably not be considered to go the length of declaring, that the father may not surrender his barony to his son and heir.

Yet to come a little nearer to the question, the following extreme case may be suggested.

George Finch is by letters patent created baron of Putney, with limitation to him and the issue male of his body. He has issue a son William, which William succeeds his father, and is advanced to the earldom of Wandsworth, with the like limitation to his issue male. He has issue two sons, Frederick and Thomas; of these, the eldest son, Frederick, styled by curtesy lord Putney, is, in his father's lifetime, called up by writ to the house of peers by the name of that barony. After this, his father the earl of Wandsworth, is attainted for high treason, and his honours forfeited by reason of his having been tried, found guilty, and executed.

*Lords' Journ.
anno 1678.

Upon the decease of the earl, it is certain that his son, the lord Putney, would not succeed to the earldom, but what would become of the barony of Putney? The son it is true would be undoubtedly in the possession thereof: but that possession would be by virtue of his anticipatory writ of summons, and not by reason of his being heir to his father, for the father's blood would, by the attainder, be corrupted, and his issue incapable of inheriting any thing from him.

It being then admitted, that the son could not take the honour *by descent* from his father, it follows, that he can only hold the barony in possession, *per formam doni*, which being then derived *à summonitione sed non patenti*, the operation of the writ must be the creation of a new barony, and that barony descendable to heirs general, contrary to the course of limitation of the previous barony.

Now supposing the old barony to have been kept alive in consequence of the implied surrender of the father, previous to his attainder; the question then arises, whether the said barony would, upon the death of the lord Putney without issue male, descend upon Thomas, his surviving brother and heir male?

In the case of the lord Clifford of Lanesborough, eldest son of the earl of Burlington, who was called by writ of summons into that his father's barony, but died in the lifetime of the said earl his father, leaving Charles his son and heir, a question arose, whether if a lord called by writ into his father's barony shall happen to die in the lifetime of his father, the son of that father so called be a peer, and hath right to demand his writ of summons? The lord president reported from the Lords' Committee of Privileges, to whom it was referred to consider, "That their lordship's find no precedent in this case." A debate arising, upon the question, the house at length resolved,* "That the said Charles lord Clifford hath right to a writ of summons to parliament, as lord Clifford of Lanesborough:" and he took his seat accordingly.

* Lords' Journ. vol. xxv. p. 11. 39.

The same point was determined in the case of lord Hervey†.

† Ibid.

This determination, however, which declares their lordships' opinion, that the son of the party so summoned *vitâ patris*, and dying in the lifetime of his father, would be entitled to succeed his departed father; yet does not go the length of deciding that the brother of the party summoned, in case he had died without issue, would have been similarly entitled to his writ of summons. Ergò, to return to the Putney case, it seems that if that baron died S.P.M., his brother would have no right to succeed him in the barony: and he could not make himself heir to his father, inasmuch as the corruption of blood by his father's attainder would be an impediment.

Thus then, the effect of the writ of summons, in the instance cited, must appear to have two contrary operations: the one that it preserved, notwithstanding the attainder, the descent of the barony in the male line of the person summoned;—the other, that though the barony with its ancient precedency was preserved, yet it was not rendered

descendable to the collateral heir male, who might eventually become the lineal heir male of the person first ennobled.

All these remarks, after a solemn determination of the house upon a question so particularly embracing the law of descent of their honours, certainly cannot be made, but with all due submission, and, as such, are here merely protruded, as matter of consideration, upon an extreme case, which has never yet been brought before their lordships for discussion, and which perhaps may never occur.

It has been but seldom that the eldest son of a baron has been summoned *vitâ patris* into the second barony of his father, the father being by inheritance possessed of two honours: the first instance was by Charles II., who, in the thirty-second year of his reign, by writ dated the 1st of November, 1680,* called the son of the lord Darcy to parliament, by the title of lord Conyers; shortly after which, he advanced the lord Darcy (the father) to the dignity of earl of Holderness.

* Journ.
Dom. Proc.

OF DIGNITIES BY LETTERS PATENT.

THE usual manner of creating barons other than those who were so by their feudal grants, after the 49 Hen. III., was, as before shown, by writ of summons; but in the 11 Rich. II. John Beauchamp de Holt, (a time-serving man and steward of the king's household,) was created baron of Kidderminster, by letters patent; † before whom, as lord chief-justice Coke says, ‡ there never was any baron created by that form; and, therefore, whenever a barony appears to have existed before that period, it must be taken to be a barony by tenure, or writ.

† Rot. Pat. 11
Ric. II. p. 1,
m. 12.
‡ 1 Inst. 16. b.

§ Vol.ii.p.195.

Dugdale observes, § that the solemn investiture of barons created by patent, was performed by the king himself, by putting on a robe of scarlet, &c.; which form continued till the 13 Jac. I., when the lawyers declared, that the delivery of the letters patent was sufficient without ceremony.

But though baronies were not created by letters patent before the reign of Richard II., divers earldoms had been so created, of which however, there are but few on record antecedent to the 11 Edw. III., and those are chiefly, if not all, of earldoms with the third penny of the pleas of the county annexed.

One of the most ancient of these patents, or charters, is that of the empress Maud to Geoffrey de Mandeville, of the earldom of Essex, in these words; viz. "*Ego Matildis, &c.; do et concedo Gaufrido de Magnavillâ, &c. ut sit comes de Essexia, et habeat tertium denarium vicecomitatus de placitis, sicut comes habere debet in comitatu suo:*" which show, that the sovereign did not anciently grant *nomen, stylum, et titulum comitis*; but *ipsum comitatum*, by which the *tertius denarius comitatus, unde comites erant*, passed, and the

parties were thereby earls, without any express words for the grant of the dignity,—as the case of Courtney, earl of Devon, more fully shows, viz. in the 8 Edw. III. Hugh de Courtney, heir general to Baldwin de Redvers, earl of Devon, represented to the king that he was seised of the *tertium denarium* of the county of Devon with divers lands, by inheritance, but that the same was refused to be paid to him, by reason he was *no earl*: whereupon the king, having upon investigation found the said representation to be true, by his letters patent, dated the 22nd Feb. 9 Edw. III., declared, that he thenceforth should assume the title of earl, and style himself earl of Devon, as his ancestors had done; and he afterwards sate in parliament by that title accordingly.

King John was the first who introduced the practice of granting them only a certain sum, viz. ten or twenty pounds, out of the third penny of the pleas of the county, and thereby reserving to himself the other profits.

With regard to John de Beauchamp of Holt, the person before named as the first who was created a baron by patent, it is rather singular that he was attainted the very same year, and though his name appears in the lists of summons to parliament of that year, he never sate. He was one of the accomplices of Michael de la Pole, the unpopular duke of Ireland, who, when the patent passed, had the keeping of the great seal, from which in the preceding parliament he had been removed, and declared incapable of having it again: the patent, therefore, was nothing more than a vain attempt at a creation, which never was perfected.

The author of the “Enquiry into the Manner of creating Peers” has observed* * p. 70. “That all the patents for baronies before 1 Hen. VII. are *per breve de privato sigillo et de auctoritate parliamenti*, and, consequently, had all of them the force of acts of parliament.”

But this doctrine seems erroneous, inasmuch as Selden† (mentioning the viscount Beaumont’s case) writes thus: viz. “The date is at Westm^r. 12 Martii, in the 23rd of the king; and the warrant is expressed by, *per breve de privato sigillo, et de datá predictá auctoritate parliamenti*; which last words, divers patents (of that age, and some that follow) have in the expressions of their warrants, by reason of the statute of 18 Hen. VI., cap. 1, by which it was enacted, that letters patent should be dated the same day wherein the warrant for them is received: as to this day, from that time and act, the law hath continued. † Tit. Hon. p. 764.

Again, the prince’s case‡ confirms this statement; viz. “Et quando exituræ sunt ‡ 8 Coke. sub billa signata, et sub sigillo etiam privato, tunc privatum sigillum manet domino cancellario, et billa signata manet clericis signaturæ, et hac allatum est domino privati sigilli extractum ad faciendum breve de privato sigillo; et tunc literæ patentes subscribuntur, per breve de privato sigillo; et si hac verba (scilicet auctoritate parliamenti) apponantur tunc exeunt secundum statutum de anno 27 Hen VIII. cap 11.”

* 1 Inst. 16. b.

Lord chief-justice Coke says,* that where a person is created a peer by letters patent, the state of the inheritance must be limited by apt words, or else the grant is void. The usual words are, to hold to the grantee, and the heirs male of his body: though sometimes it is for the life only of the grantee;† and sometimes, with remainder over in default of issue, to a collateral male relative:‡ though sometimes also, a remainder, by special favour, has been granted to the issue male of a daughter, where the party has only had female issue for his heirs,—as in the cases of the earls Howe and Wilton.

† Cornwayle
baron of Mil-
broke, Rot.
Parl. 20 Hen.
VI.

‡ Lowther
viscount Lons-
dale, Geo. III.

§ Ibid 12 Rep.
71.

In the cases of letters patent, the creation is perfect and complete, although the grantee should die before he has taken his seat in parliament.§ Thus Henry Waldegrave being, by letters patent, dated 1 Jac. II., created baron Waldegrave of Cheriton, to him and his issue male, died before he took his seat in parliament: but his son and heir, James, was afterwards introduced in his robes, and took his seat accordingly.||

|| Lords' Journ.
vol. xxi. p. 682.

Mr. Selden asserts, there was no instance of the grant of a dignity by letters patent to a person, and *his heirs generally*. But it nevertheless appears, upon reference to the Lisle case (already herein before noticed,) that the said barony was granted to John Talbot, *his heirs and assigns, lords of the manor of Kingston-Lisle*. It probably may be questioned how far this grant was a creation, or a confirmation, of a precedent right, as the ancestors of the said John Talbot had, as asserted in the patent to him, (though certainly untruly,) by long inheritance, been barons Lisle, by tenure and writ of summons. But, as *that actual barony*,—that is, *the feudal manor of Kingston-Lisle*, was in reality vested in his mother, he had no further interest in the honour than with her consent; and, by the declaration of the king, became conceded to him. The words of the patent for this purpose were “*Ad removendum omnem dubitationis scrupulum ipsum, &c.; creavimus, &c.*”

The most singular limitation of a dignity created by patent, next to that of Lisle, is that of the barony of Lucas of Crudwell. It was granted the 15 Cha. II. to Mary, countess of Kent, to hold to her and the heirs male of her body begotten by the earl of Kent: and for want of such issue, to the heirs of her body by the said earl; with a declaration, “That if, at any time or times after the death of the said Mary countess of Kent, and default of issue male of her body by the said earl begotten, there shall be more persons than one, who shall be co-heirs of her body by the said earl, the said honour, title, and dignity shall go, and be held and enjoyed, from time to time, by such of the said co-heirs, as by course of descent at the common law should be inheritable to other entire and indivisible inheritances, as, namely, an office of honour, and public trust, or a castle for the necessary defence of the realm, or the like; in case any such inheritance was given, or limited to the said Mary, and the heirs of her body by the said earl begotten.”—And by a private act of parliament, 15 Cha. II., this declarative clause is ratified and confirmed.

This is the only precedent among the grants of English peerages, where the title has been expressly defined to descend to heirs general, so as not to fall into abeyance, in case of there being more than one female co-heir. Among the Scotch honours, there is an instance of similar restriction, with regard to the earldom of Dysart, conferred by Charles II. on William Murray, and by one of his co-heiresses brought into the family of Tollemache.

It may not be irrelevant to remark, that the greater part of the Scotch peerages, the earldoms especially, are descendable as well to the female, as to the male line. In the cases before the lords' committee of privileges, upon a claim to the Roxburgh titles, there were exhibited extraordinary powers granted by the crown to an individual, with regard to nominating his successors to his honours. This kind of favour, sometimes conceded by the kings of Scotland, while that crown was a distinct kingdom, proceeded upon the feudal principle, that certain lands having been erected into an honour, either barony or earldom, which lands, according to common law, would have been descendable to heirs general, the same were, therefore, conferred upon a particular person, with the like power of ordering the course of succession, as he would have had, provided the lands had been a private estate of inheritance.

Previous to the Scotch union, the surrenders of charters of peerage grants, with re-grants, or charters of *novo-damus*, were very frequently made and obtained: but since the union, the course of succession to Scotch honours remains upon the letter of the charter under which they were inheritable at the time of the union. It is particularly noticeable of many Scotch titles, that they have been granted to heirs male whatsoever, and not like English honours, restricted to the issue male of the body of the patentee. Thus the baronies of Aston, and Kircudbright, were enjoyed by persons not descended from the body of the party first ennobled.

There is a very peculiar feature of the latitude granted by the Scotch sovereigns to those whom they have thought fit to dignify with peerages, running through the title of Oxfoord. By letters patent, dated in 1651, but which did not pass the great seal till 1660, Charles II. created Sir James Makgill, and *his heirs male of Tailzie, and provision whatsoever*,* viscounts of Oxfoord, and lords Makgill of Cousland. In 1662 this nobleman made a surrender of his estate to the crown, and obtained a new charter with a clause *de novo damus*, to himself, *for life*, remainder to Robert, his eldest son, by — Livingston his wife, and the heirs male of his body by her, remainder to the heirs male of his body by any other wife, remainder to such person or persons as *he had named and appointed, or should name and appoint by any writing under his hand*, default of which, *to his heirs male whatever*; which all failing, *to his heirs and assigns whatsoever.*”

* Journ. Dom.
Proc. vol. xxix.
p. 379.

In 1733 James Makgill, heir male of the patentee, claimed the peerage, and, on the 25th April, 1735, the claim was heard.† He was found to have half the character, but

† Ib. p. 532.

to want the other half. He *was heir male*; but he was *not heir of Tailzie and provision*: the claim was not allowed.

Somewhat similar to the preceding, was the grant made by king James I. under the great seal of Scotland, dated 20th Dec. 1607, of the title of lord Halyrudhous to Mr. John Boithwell (one of the senators of the college of Justice) and the heirs male of his body; which failing, to the heirs male of Adam Bishop of Orkney, his father; which failing to the *lawful and nearest heirs and assigns of the said Mr. John Boithwell*.*

* Journ. Dom. Proc. vol. xxix. p. 385.

The patent and charters granted in the instance of the English barony of Lisle, by Henry VI. and Edw. IV., which have been before cited, have nothing so extraordinary in them as is contained in these two creations of Oxfoord and Halyrudhous.

ON THE SURRENDER OF TITLES.

It has already been observed, that a resolution of the house of lords has declared that no title can be surrendered to the crown, so as to bar the right of any one entitled in the course of legal descent to the inheritance thereof: but neither the particular case or the principle of the decision having been fully stated, it may not be irrelevant to notice this interesting subject in a more detailed manner.

In 1619, the 17 James I., Sir John Villiers, knight, (one of the brothers to the great favourite George Villiers, duke of Buckingham,) was created baron Villiers of Stoke, and viscount Purbeck, by letters patent, with limitation of those honours to the heirs male of his body. Robert, his son and successor, in 1660 levied a fine of his honours, and died in France 1675; whereupon Robert, his son, assumed the title of viscount Purbeck, and claimed his seat as such in the lords' house of parliament; on which occasion,† it was solemnly determined, on the 18th of June, 1678, “*That no fine now levied, or at any time hereafter to be levied to the king, can bar such title of honour, or the right of any person claiming such title under him that levied, or shall levy such fine.*”

† Ib. vol. xiii. p. 253.

But this determination was not made without great opposition on the part of Sir William Jones, the king's attorney-general, who besides citing numerous precedents, remarked,‡ that, by the statute of 26 Hen. VIII. cap. 17, *a man attainted of treason shall forfeit his lands, tenements and hereditaments.*” Now, the word which here comprehends honours, must be *hereditaments*; ergò, if these words comprehend honours, the rule at common law, with regard to other estates, seems to apply to honours; for provided they are, although an estate tail, subject to be extinguished for an act unlawful, viz. treason, they are equally liable to be surrendered by act lawful, namely, fine or recovery. It appears a singular doctrine, that, like an hereditament, they should be forfeitable, and yet, like an hereditament, they should not be alienable.

‡ Collins's Parl. Prece. p. 305, 6.

The ingenious arguments of Mr. Attorney were, however, ably rebutted by the earl of Shaftsbury, and probably overruled by the sentiments of the lords, by reason that the honour and dignity of the peerage would have been reduced to the practice of the courts at Westminster-hall ; a point which, in the Banbury case some years afterwards, occasioned a long controversy between the judges and the lords.

During this discussion, the speech of the earl of Shaftsbury had the following noticeable passages, viz :—

“Your lordships did never suffer your honours to be tryed by the courts below, or anywhere but before yourselves ; although your other inheritances are tryed there, as well as other men’s ; for titles of honour are not dispensable as other inheritances ; neither will their descent be guided by the strict rules of the common law.

“Your lordships are the next thing to the crown—though that be far above us ; but those who reach at that, must take you in their way. Your lordships were voted useless and dangerous before the crown was laid aside ; and as, in the descent of the crown, the whole kingdom have such an interest as the king cannot alien, or surrender it, so in a proportionable degree, though far less, the king and kingdom have an interest in your lordships’ titles and dignities.

“It is granted, that honours may be forfeited, but it doth not therefore follow, that they may be extinguished,—there being two reasons for the forfeiture, which are peculiar to honours, viz:—

“First—Because there is a condition in law, that they shall be true and loyal to the crown and government.

“Second—Honours are inherent in blood, and when that is corrupted and stained, that which was inherent is likewise taken away ; but in the case of surrender, those reasons do not hold : here is no breach of any condition in law,—here is no corruption of blood. For these two reasons, felony without clergy forfeits honours ; whereas other inheritances, though fee-simple, are only lost for a year and a day ; so also are freeholds for lives ; which is another clear instance, that honours are not governed by the rules of the common law, as in other inheritances.”

With respect to the precedents quoted by the attorney-general, they either related to feudal honours, which while the peerage dignity was attached to the tenure of certain lands, passed according to the principles of common-law inheritances ; saving that, being tenures in capite, they required the king’s licence for the surrender or alienation ; or they referred to the surrender of earldoms,* and other honours, descendable in the blood, which were all *bare surrenders without fines* ; or were made by persons who had advantage by them, in having greater honours granted to them.³ The case of Roger

* Norfolk et Heref., temp. Edw. I.

³ William Paulet, earl of Wiltshire, on being advanced to the dignity of Marquess of Winchester.

Stafford, designated by my lord Shaftsbury "*Mr. Attorney's sole, single, and melancholy precedent,*" made in 1638, and condemned in parliament in 1640, forms a solitary subject for consideration; and the more so, because it is a case which neither historians, lawyers, or heraldic authors, have ever fairly set forth. It was this:—

Edward Stafford, duke of Buckingham, earl and baron Stafford, was indicted and arraigned for treason, and beheaded the 17th of May, 1521, (13 Hen. VIII.), after which he was attainted, whereby all his honours, &c., were forfeited. But Henry Stafford, his only son, was, immediately after his father's execution, restored in blood, though not to his honours or lands. The 20th of September, however, a small provision was made for him out of those immense estates which had been seized by the crown; and on the 5th of July, the 23 Hen. VIII., a further grant of the castle of Stafford, &c. was made to him; the yearly rent of all which together only amounted to 317*l.* 13*s.* 1½*d.*

The 1 Edw. VI. he was again restored in blood, says Dugdale, who cites the journals of that year; but in the Statute-book, no copy or title of such an act appears. From this act it is shown, that he had restitution of the barony of Stafford; yet, with a limitation of descent different to that of the ancient barony, which, originating by writ of summons, was descendable to *heirs-general*; whereas the title now conferred was to go only to *heirs-male*. The words of the act were, "That the said Henry lord Stafford, and the *heyres-male of his body*, may and shall be accepted, taken, known, reputed, called, and written, henceforth by the name of lord Stafford; and that the said Henry, and the *heyres male of his body* coming, shall have and enjoy, in and at all parliaments, and other places, *the name, roome, place,* and voice of a baron, &c."

This Henry thus restored baron Stafford to him and his heirs male, had issue four sons; viz. Henry, Edward, Walter, and Richard: of these, Henry and Edward were successively barons Stafford; the latter was father of another Edward, whose son, a third Edward, died before his father, having had issue a daughter Mary, and a son Henry, which Henry died unmarried; by which event Mary, his sister, who married Sir William Howard, a younger son, to Thomas earl of Arundel, became his heir general: but by reason that the inheritance of the barony was by the act of Edward VI. restricted to *heirs male*, she was incapable of succeeding to the said honour, as she would have been entitled to have done to the original barony, provided it had never been forfeited.

Thus the male line of Henry and Edward, the two eldest sons of Henry, the restored baron Stafford, having failed, the course of succession devolved upon Roger, the son of Richard Stafford the youngest brother to the aforesaid Edward, (the other brother Walter being dead, without issue,) which Roger immediately presented a petition for the barony; but, being of himself merely of slender fortune, (probably none at all) he was borne down by the weighty power of the Howards, who solicited the barony for the sister of the last lord Henry, and her husband, the before-named Sir William Howard.

Richard Stafford (before mentioned) died very poor: his son, the said Roger Stafford, was born at Malpas, in Cheshire; in his youth he went by the name of Fludd, or Floyde—for what reason has not yet been explained; perhaps, with the indignant pride, that the very name of Stafford should not be associated with the obscurity of such a lot! However, one Fludd or Floyde, a servant of Mr. George Corbett of Cowlesmore, near Lee, in Shropshire, (his mother's brother) is mentioned in a MS. which undoubtedly was once part of the Stafford collections; and it is not improbable, that this person was some faithful servant, under whose roof he might have been reared, or found a shelter from misfortunes, when all his great alliances, with an odious and detestable selfishness, might have forsaken him; and that he might have preferred the generous, though humble, name of Floyde, to one which had brought to him nothing but a keener memorial of his misfortunes.

At the age of sixty-five he became, by the early death of Henry, lord Stafford, (the great-grandson of his father's elder brother,) in 1637, heir male of the family; a circumstance which was to subject him to new mortifications.

The act of 1 Edw. VI. restored his grandfather in blood; gave to him and the heirs male of his body the rank of a baron, and enabled him and his successors to make jointures or grant a life estate to younger children; or dispose by will for advancing children, or paying of debts, to the amount of two-thirds of the parcels of the small lands restored by Hen. VIII. Yet Dugdale does not specify whether the entail was on the heir male, or heir general, except of a small part: but the entail of the peerage depended upon the act of Edw. VI., which decisively expressed it upon the heir male. Roger Stafford therefore, in 1637, became, beyond all doubt, entitled to be lord Stafford, and accordingly presented a petition of claim, and submitted his right to the king's judgment. Upon which submission his majesty declared his *royal pleasure*, that the said Roger Stafford, *having no parte of the inheritance of the said lord Stafford, nor any other landes or meanes whatsoever*—(a most honest and just reason certainly)—should make a resignation of all claims and titles to the said barony of Stafford, for his majesty to dispose of as he should see fit. In obedience and performance of which order, the said Roger Stafford did, by his deed enrolled, dated 7th Dec. 1639, grant and surrender unto his majesty, the aforesaid barony of Stafford, and the honour, name and dignity of lord Stafford in and by the act of Edw. VI. granted; together with all his right, &c. &c.: and covenanted before the end of Hilary term next, to levy a fine of the barony; which fine was accordingly levied. After which surrender made, and fine levied, the king, by patent, 12th Sept., 16 Car. I., created Sir William Howard, and Mary his wife, baron and baroness Stafford, with remainder to the heirs male of their bodies; remainder to the heirs of their bodies, with *such place and precedence as Henry, Lord Stafford, brother of the said Mary, had or ought to have as baron Stafford*: which latter clause

seems illegal: inasmuch as it would be a new creation, the limitations being different from those of the old honour: and no new creation can, without an act of parliament, *take precedence* of any older creation of the same degree.

Thus was this poor old man overpowered for ever, and the cruel and unjust result, aggravated if possible, by the illiberality of the manner, in words as base, as the decree was arbitrary and unprincipled! viz. “Roger Stafford, in his youth called Fludd, pretending himself to be descended from a younger son of the said Henry first lord Stafford, did claim the barony of Stafford, which title and dignity the said Sir William Howard, in right of his said lady did also claim ——.” By what intimidation this unhappy nobleman was influenced to surrender his rights, cannot now be known; but the validity of a fine has since been questioned, and entirely annulled, as before observed, in the Purbeck case.

In the 4 Edw. IV. John Nevill, lord Montague, was created earl of Northumberland, *per ipsum regem ore tenus*, which memorandum was probably added at the foot of the record in consequence of the patent having passed without a writ of privy seal, by the personal order of the king. In the 8th of the same king this writ was brought into chancery to be cancelled: and Nevill was created marquess of Montague.

In the 11 Edw. IV. Lodowic de Bruges was created earl of Winchester, to hold to him, and the heirs male of his body. In the 15 Hen. VII. the letters patent appear to have been restored to the king, to the intent that they might be cancelled; and, by a memorandum at the foot of the record, it seems, the inrolment was thereupon vacated. But these precedents were previous to the Stafford and Purbeck cases, and were not accompanied by any fine.

The resolution in the Purbeck title does not appear to have been meant to apply retrospectively.

FORFEITURE.

A DIGNITY or Title of Honor, whether holden in fee, in tail, or for life, is forfeited for ever, and lost by the attainder for treason or felony of the person possessed of it, and can only be again revived by a reversal of the attainder.*

* Cruise on Dignities.

Ralph, Lord Nevill of Raby, was created Earl of Westmoreland, to hold to him, and the heirs male of his body. From him descended Charles the sixth earl, who, in the 13th of Queen Elizabeth, was attainted of high treason, by outlawry and by act of parliament. He died s. p. m., upon which Edward Nevill, Lord Abergavenny, descended from a younger son of Ralph the first earl, claimed the title as heir male of the body of the first grantee of the earldom.

On hearing of his petition, it was resolved by all the Judges, that although the dignity was within the statute, *de donis conditionalibus*, yet it was forfeited by a condition in law, *tacite*, annexed to the estate of the dignity; for an earl has an office of trust and of confidence;^a and when such a person, against the duty and end of his dignity, takes not only council, but also arms against the king to destroy him, and thereof is attainted by due course of law; by that he hath forfeited his dignity in the same manner, as if tenant in tail of an office of trust misuse it, or use it not.^b These are forfeitures of such offices for ever, by force of a condition in law, *tacite*, annexed to their estates. It was also resolved, that if it had not been forfeited by the common law, it would have been forfeited by the 26th Henry VIII.^c

In the case of entailed titles, no corruption of blood takes place; and therefore a dignity in tail may be claimed by a son surviving an attainted father,* who never was in possession of such dignity; for the son may claim from the first purchaser of the dignity, *per formam doni*, as heir male of his body, within the description of the grant.

* Lords' Jour.
Athol case.

In the instance of a dignity descendable to heirs general, the attainder of any ancestor of a person claiming such dignity, through whom the claimant must derive his title (though the person attainted was never possessed of the dignity) will bar such claim—for the blood of the person attainted being corrupted, no title can come through him.†

† Lumley case.

Where a person is tenant in tail male of a dignity, with a remainder over in tail male to another, and such person is attainted of high treason, the dignity is forfeited as to him and his issue male; but upon the failure thereof, it becomes vested in the remainder man, or his male descendants.‡^d

‡ Northumb.
Earldom.

There is a difference, however, between an attainder for high treason, and an attainder for felony. Dignities, whether created by writ, or by patent, become forfeited by attainder, for high treason: but, by an attainder for felony, an entailed dignity is not forfeited, though one created by writ and descendable to heirs general is. Thus Mervin Touchet was baron Audley by writ, in England, and earl of Castlehaven in Ireland, by patent, with limitation to his issue male. In 1631 he was attainted of Felony, and was executed on charges found against him of an infamous nature. His barony of Audley was forfeited; but, according to modern principles his earldom was not affected.

^a Quæ. how far this would apply to the dignity of a baronet similarly entailed, who not being (like a peer) of the king's council, holds neither an office of trust nor confidence?

^b If a peerage be an office of trust, and forfeitable in the same manner as tenant in tail of an office of trust who misuses it, or uses it not, it seems to purport that the non-claim of a dignity, to which any one is heir for two or three hundred years, is a misuse, or non-use of the dignity descended to him; and is an abandonment of right, and, as such, within the Statute of Limitation.

^c A copy of Nevill's claim is in the Lansdown MSS., 254, p. 376. It is a very curious and interesting document.

^d Vide the interesting case of the Dukedom of Somerset, in the Third Peerage Report, p. 49.

In the case of Charles lord Stourton, who inherited that title under letters patent, the 26 Hen. VI., whereby his ancestor, Sir John Stourton was created a baron, with limitation to the heirs male of his body, it appears that, although the said Charles, Lord Stourton, was convicted and hung for one of the most foul, heinous, and premeditated murders ever perpetrated, his son was summoned to parliament without any act of restoration, either in blood, or honours having ever been passed. The same principle was also confirmed in the case of the Earl Ferrars, who was likewise hung (at Tyburn) in 1711, for shooting his steward.

In every attainder whereby a dignity has been forfeited, it is holden that the crown by virtue of its own prerogative, has not any power to restore the dignity, which can only be done by act of parliament, annulling and reversing the attainder. The king may grant a dignity of the same degree, and by the same name, without the reversal of the attainder, but the dignity so granted, will be a new one, and not the same which existed before the attainder.*

* Lords' Jour.
Lumley case.

In the Beaumont peerage claim by Mr. Stapleton, it was adjudged, that the attainder of one co-heir did not render the other a sole heir, it was only an impediment to the claim of the attainted party.†

† Lords' Jour.

In the claims to the Camois¹ and Bray peerages, (1839,) a question was raised, whether the attainder of one co-heir for high treason could affect the joint co-heirs, and occasion a forfeiture of the dignity? It was resolved by the judges that the attainder of one co-heir did not affect the rights of the rest.‡

‡ Ibid.

§ Chapt. i.

The 11 of Hen. the VII., enacts§ “that from thenceforth no person who attends upon the king, *for the time being*, and does |him true and faithful allegiance, shall be convicted or attainted of high treason.”^a This distinction between a king *de jure*, and a king *de facto*, might apply to those unfortunate persons who followed the fortune of their lawful sovereign, king James the II., when he left one part of his kingdom to set up his standard in another, (as he did in Ireland): but which retirement for his personal safety, was afterwards called an abdication. There was not then any king, *de jure*, who could complain that king James was an usurper, as in the contest between Hen. VI. and Edw. IV., who were alternately declared by parliament *rightful kings*, and usurpers.

^a Vide Sir William Blackstone's interpretation of this Statute,—4 Comm. 77, 78.—

Quæ. the Validity of the Peerages conferred by king James upon several persons, while king *de facto et de jure*, and resident in a part of his kingdom, which had not acknowledged the introvention of the Prince of Orange, and remained faithful to its sovereign.

LENGTH OF TIME.

PEERAGE dignities are not within the statute of limitations, and may be claimed at any time, however great the distance; for as a dignity cannot be aliened, surrendered, or extinguished, so neither can it be lost by the negligence of any person intitled to it.*

* Cruise on
Dign.

This has been exemplified in very many decisions by the Lords' Committees for Privileges, as testified† in the cases of Botetourt, Berners, Le Despenser, Camois, Bray, Vaux of Harrowden, Beaumont, &c. †Lords' Journ

But these claims were founded upon personal creations by writ of summons, and descending upon female co-heirs at the decease of the last male who had enjoyed the the dignity by virtue of summons to parliament; and as such, no question of abandonment could arise, as might, supposing a person had for divers years had writs of summons directed to him, and dying left a son and heir, who never had the like summons, and whose male issue long continued after, without ever claiming the dignity of his ancestor, Here is a clear and wilful abandonment of the dignity, very different to co-heiresses neither of whom had a special right in preference to the other, until the king might exercise his grace in behalf of one of them.

John ap Adam had summons to parliament, repeatedly in the reign of Edw. I., and was one of the barons summoned to attend the coronation of Edw. II. He died, leaving a son and heir who never had the like summons, and he had a son and heir, who also was never summoned to parliament. He sold, or alienated his baronial castle of Bevers-ton to the Lord Berkeley, and thus divested himself of any baronial tenure in capite; and his descendants thereafter intermixed with the commonalty of the kingdom. Now upon the precedents cited, if the first John ap Adam was created an hereditary baron by virtue of his repeated summonses to parliament, his heir general descended from him would be entitled thereto, notwithstanding a voluntary tacitness of claim for five hundred years.

In the earldom of Westmoreland case, the dignity is said to have been forfeited at common law, as *an hereditament*. If peerage be *an hereditament* at common law, then does it not bear to come within the statute of limitations, as an estate over which the common law has controul?

The most remarkable case respecting length of time of non-claim, with an apparent acquiescence of abandonment, is presented in that of the earldom of Devon. Edward Courtenay, son and heir of Henry Courtenay, earl of Devon, and marquess of Exeter, who was attainted and executed for high treason in 1538, was by queen Mary, in the first year of her reign, restored to the title of earl of Devon, by patent, limiting the same to him, *et heredibus masculis in perpetuum*, the words *de corpore suo*, being omitted; he died

a few years after, and the earldom was considered to have become extinct by his death, without issue male, or any issue at all—and thus continued, as a dignity which had expired in the Courtenay family, and vacant in the crown to grant to any other person.

Under this presumption king James I. conferred the earldom upon Charles Blount, baron Montjoy, who dying without legitimate issue, it once more terminated, and fell again to the crown; when king James in 1618, by letters patent, created William, lord Cavendish, earl of Devon, in whose descendants it thenceforth remained, till William, the fourth earl, was advanced to the title of duke of Devonshire, in 1694, when it became merged in the higher dignity, and is vested at the present day.

During all this period, the Courtenay family, though the heir male was possessed of a great estate, never assumed any claim, but permitted the earldom to be granted over twice to other families without complaining, and even accepted the very inferior honour of a baronetcy, which afterwards was advanced to the dignity of the peerage, by the title of viscount Courtenay, in 1762.

William, third viscount Courtenay, and grandson of the first, was, however, so fortunate at last to discover, (after a lapse of time of nearly two hundred and eighty years,) that the title of earl of Devon, restored by queen Mary, to Edward Courtenay, was not limited to the issue male of his body, but to his heirs male whomsoever, and that he was the heir male then entitled to the earldom. On this he presented a petition to the crown, claiming the said earldom, which petition, after having been referred to the attorney-general was reported by him favourably, and was thereupon referred to the house of lords, who in their committee of privileges resolved, that he, the viscount Courtenay, was entitled to the said earldom of Devon, which resolution was approved of by the king.

On this occasion their lordships observed that they were bounden in their decision by the letters patent, in which, whether the words *de corpore suo*, were accidentally left out, or purposely omitted, they could only be guided in their judgment, by the express words of the patent, *heredibus suis masculis in perpetuum*, which opened the right of succession to *heirs male whatsoever*. There cannot be a doubt but that the Courtenay family considered the earldom extinguished upon the death of earl Edward in 1566, s.p., or they never would have seen it granted over to the barons Montjoy, and Cavendish, without an interposition of their own right. However, of late years, many claims to Scotch peerages, similarly limited, having been preferred, and allowed to the respective claimants, this circumstance might have led to the enquiry into, and the discovery of the contents of queen Mary's patent, which forms an anomaly in the creation, or rather limitation of English peerages.

With reference to Scotch titles, to which Lord Brougham in the committee of privileges, alluded, by assimilating the earldom of Devon to that of Annandale;—it is to be observed, the Scotch charters generally, have words of express and decisive meaning, as

heredibus suis masculis quibuscunque in perpetuum, or heredibus suis masculis impertuum nomen et arma familiæ gerentibus; but no such comprehensive words are in the Devon patent; and as to the Annandale title, it was not then, nor as it since been determined, so that it would have no bearing upon Lord Brougham's analogy, which was a gratuitous recommendation in behalf of the claimant.

The first Scotch title of this description, brought before the house of lords in England for decision, was that of Kircudbright, respecting which, it appears that Sir Robert Maclellan, was by Charles I., in 1633, created a peer of Scotland, by the title of lord Kircudbright, to hold to him, *suisque heredibus masculis, cognomen et arma dicti Domini Roberti gerentibus*. He died in 1641 without issue male, whereupon he was succeeded by his nephew William Thomas, son of his brother William, who was second son of Sir Thomas, father of him, the said Robert lord Kircudbright. This Thomas, second lord Kircudbright, also dying in 1647 s. p., the title devolved upon his cousin John, eldest son of his uncle John, who was the third and youngest son of Sir Thomas, father of the first lord. At length by failure of all intervening heirs male, the title fell to be represented by John Maclellan, an officer at the time in the 30th regiment of foot descended from Gilbert Maclellan, second son of Sir Thomas, who was grandfather of Thomas Maclellan, the grandfather of Sir Thomas, the father of Robert first lord Kircudbright.

This John having presented a petition to his majesty, (Geo. III.) claiming the title, it was referred to the house of lords, by whom in May 1773, it was adjudged that he had a right to the title, honour, and dignity of lord Kircudbright, claimed in his petition.—He was lieutenant-colonel in the third regiment of foot guards, and retired from the service in 1789, and died in 1801, leaving two sons, who succeeded each other; but both deceased without leaving any issue male, so that the title is now dormant, though it cannot be deemed extinct so long as a male Maclellan can exist capable of proving a descent from the original stock.^a

The Scotch peerages in general, had from a very early period, a course, or line of limitation very different from those of English creation, in which respect, it would be inconsistent to adjudge an English title, by a presumed Scotch analogy; or a Scotch peerage by English precedent.

NEW LAW OF DESCENT.

(Section 5 and 6.—3 and 4 William IV., chap. 106.)

By these sections (5 and 6) it is enacted, "That no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from

^a When the editor was in America, in 1826, he was acquainted with a general Maclellan, in the service of the United States, who then told him he was descended of the house of Kircudbright. He was married and had male issue.

his brother or sister shall be traced *through the parent*, and that every lineal ancestor shall be capable of being heir to any of his issue; and in every case, where there shall be no issue of the purchaser, his nearest lineal ancestor shall be his heir, in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of there being no descendant of such lineal ancestor, so that *the father shall be preferred to a brother or sister, and a more remote lineal ancestor*, to any of his issue, other than a lineal nearer ancestor or his issue."

CONCLUDING OBSERVATIONS.

It is said to be doubtful whether a person can refuse to waive a dignity conferred upon him by the crown. Lord chief-justice Coke asserts "if the king calleth any knight or esquire to be a lord of parliament, he cannot refuse to serve the king there, *in illo communi concilio*, for the good of his country." This opinion Mr. Cruise says is contradicted by lord-chancellor Cowper, who held that the king could not create a subject a peer of the realm against his will, because then it would be in the power of the king to ruin a subject, whose estate and circumstances might not be sufficient for the honour. His lordship also held, that a minor might, when he came of age, waive a peerage granted to him during his infancy.

Lord Trevor was of a different opinion, and held in conformity with lord chief-justice Coke, that the king had a right to the service of his subjects in any station he thought proper; and instanced in the case of the crown's having power to compel a subject to be a sheriff, and to fine him for refusing to serve. He observed that in lord Abergavenny's case, it was admitted the king might fine a person, whom he thought proper to summon to the House of Peers,^a it being there said that a person might choose to submit to a fine; and if it were allowed, the king might fine one for not accepting the honour, and not appearing upon the writ, the king might fine toties quoties, where there was a refusal, and consequently might compel the subject at last to accept the honour.

This doctrine of lord Trevor, leads to the presumption, that formerly when the king summoned to parliament a person who did not hold by barony, but, nevertheless, was a tenant in capite of the crown, or otherwise a person of consummate judgment, whose advice he wished to have in common with the peers of the realm, such person could not

^a It does not follow because the king might think proper to summon a person once for his advice, he was bound to summon him thereafter;—the writ is merely mandatory, has nothing of peerage creation in it, inferring hereditary succession, which is only assumed to be meant by implication. Thus the records show that formerly the kings summoned divers persons to parliament for several succeeding years, and sometimes during life; but never after called their heirs and descendants to parliament by a continuance of similar writs.

waive the writ, but was obliged to attend, or submit to a fine, which being at that era a part of the royal revenue, would not be likely to be suspended in case of disobedience to the writ. Many of those whose baronies were of small extent, looking upon the attendance on parliament so frequently called, and at very distant places, to be a burdensome service, were more anxious to be omitted than summoned; and in such respect, would often endeavour to deny their tenure or liability, as is shown in the instances of Furnival, and the abbot of Leicester. This may in many respects account for some who were summoned to several parliaments, not being again summoned, or any of their descendants; unless it be supposed that the king did not by the writ confer on them an hereditary peerage.

As the fine was a penalty of non-attendance upon the summons, it follows to be assumed, that where no fine is to be found in the records of the exchequer, that those to whom writs were directed, did attend the parliament to which they were summoned: and although, the being appointed a trier of petitions may be a proof of sitting, it is not proof against the other persons named in the writ of summons being absent, for the triers could only be nominated by those who were present, which persons would be no others than those who were summoned.

In the summons of the 35 Edw. I., it is thus noticed, viz. *Reginaldus de Grey, venit per Tho. de Wymersham, attornatum*.^{*} This person was not a baron, he could not therefore be a peer's proxy, as of equal rank. He was the attorney for Reginald de Grey, and appeared for him, as it would seem, merely to save the penalty, or fine impossible for non-attendance to the mandate of the writ. * Dugd. Lists.

This indicates as strong a ground for believing the persons summoned always either personally attended, or by attorney or proxy, shewed cause for absence. Hence the argument must apply, that where divers summonses were addressed for several successive years to the same person, he was by virtue thereof an hereditary peer of parliament, unless it be considered that the king's writ was only mandatory *pro hac vice, toties et quoties*, and not creative of a descendable dignity.

REFERENCES TO THE PROOFS OF SITTING IN PARLIAMENT, TO THE 19 HEN. VII.

THE Rolls of Parliament commence only in the 6 Edw. I., A. D. 1278, from which period there are not any summonses to parliament upon record till the 22 Edw. I., so that, although several parliaments were undoubtedly holden in the interim, yet there is no evidence of the names of those who were summoned thereto.

The Claus. Rot., 6 Edw. I. (m. 5. in dorso), sets forth, Memorandum quòd in parli-

amento Regis Edwardi apud Westm^r in festo Sancti Michis anno regni ejusdem Regis Sexto in presencia Episcoporum Wynton', Dunelm', Hereford', Norwic', Prioris Provincial' ordinis fratrum predicatorum in Anglia, Decani Sarum, Magistri Thome Bek, Willielmi de Valencia, Avunculi regis, Comitum Cornub' Glouc' Waren' Warr' & de Karrick, with other names, which excepting Robert Fitz Walter, Robert de Tybetot, and John de Cobbeham, as barons thereafter mentioned in writs of summons to subsequent parliaments, are those of the judges of the several courts, officers of the palaces, and the court royal.

To this assembly came Alexander, king of Scotland, and acknowledged himself the liege man of king Edward, and did homage to him accordingly.

Anno 1290, the 18 Edw. I.: Memorandum quod in crastino San^c Trinitatis anno regni regis decimo octavo in pleno parlamento ipsius Domini regis Robertus Bathon' & Wellen's &c. Episcopi, Edmundus frater Domini regis, Willüs de Valenc', Comes Penebrok &c. Robertus de Tippetot, Reginaldus de Grey, Johannes de Hastings, Johannes de Sancto Johanne, Richardus filius Johannis, Willüs le Latymer, Rogerus de Monte Alto, Willüs de Brewose, Theobaldus de Verdun, Walterus de Huntercumb, Nichus de Segrave. Et cæteri magnates et proceres tunc in Parlamento existentes, pro se & communitate totius regni, quantum in ipsis est concesserunt Domino regi ad filiam suam primogenitam maritand', quod ipse Dominus rex percipiat & habeat tale auxilium, et tantum quale & quantum Dominus Henricus rex pater suus percepit & habuit de regno &c.

Of these persons mention is made by Sir William Dugdale in his Baronage, as among the barons who had summons to subsequent parliaments.

The parliament roll of the 20 Edw. I., A. D. 1292, follows the parliament holden at London.

This roll sets forth a great plea between the earls of Gloucester and Hereford, apud Bergaveny, and recites—viz. “Mandavit dominus rex per literas suas delectis & fidelibus Johanni de Hasting, Johanni fil' Reginaldi, Edmundo de Mortuo mari, Rogero de Mortuo mari Theobaldo de Verdun, Johanni Tregoz, Wiffo de Breuse, Galfrido de Cammill, &c.; quod intersint apud Brakennock &c.” Postea the said named attended; excepting William de Breuse, who excused himself on the ground that his lands in Wales were in the king's hands.

The earl of Hereford, with the above named persons (excepting William Breuse) attended; but the earl of Gloucester did not. Whereupon, “dictum est ex parte domini regis, Johanni de Hasting et omnibus aliis magnatibus supranominatis quod pro statu et jure regis, et pro conservatione dignitatis corone & pacis sue, apponant manum ad librum faciend' id quod eis ex parte domini regis injungetur.”

Rot. Parl. 21 Edw. I., A.D. 1293, Vol. I., p. 114-15.

Witnesses to a deed in the nature of a fine, between John Baliol king of Scots, and Edw. I., touching certain lands claimed by the said John Baliol.

R. Comite Pictav' et Cornub'.	Comite de Atthol.
W. Comite Warren'.	Comite de Ros.
J. Comite Linc' Constabular' Cestr'.	Willmo Lungespee.
W. Comite Albemarl'.	Radulpho de Thonny.
R. Comite Wynton.	W. de Ros.
S. de Monte Forti.	R. de Ros.
G. Mar' Com' Peubr'.	W. de Ferrar'.
Com. Patrie'.	R. Bertram.
Com' de Strathern'.	H. Paynel.
Comite de Lavenach.	G. de Umframvill.
Comite de Angus.	Amar' de Sancto Amando.
Comite de Mar.	Petro de Malo Lacu.

It is worthy of remark that the parliament roll does not notice the parliament at Lincoln, of the 29 Edw. I., when the famous letter from the nobles of England is said to have been subscribed by the peers, and sent to the pope, touching the supremacy of England over Scotland.

Parl. Rot. de Anne, 35 Edw. I., A.D. 1306, Vol. I., p. 188.

hic Edwardus Princeps. Wall' filius R.	Robtus de Veer Comes Oxon' excusat
hic Henr' de Laey Comes Lincoln'.	p R.
Radus de Monte Hermerii Comes	Gilb's de Umframvill Comes de Anegos.
Gloue' & Hertf'.	Henr' de Lancastr'.
Thomas Comes Lancastr'.	Adomarus de Valenc'.
Hunfrs. de Bohun Comes Heref. &	Jo'nes de Ferar'.
Essex.	Hen' de Perey.
Jo'nes de Warena Comes Surr' ex-	hic Hugo le Despencer.
cusat' quia in Wall' de Lie' R.	Robtus fil' Wal'fi veniet cum Card'.
Edmundus Comes Arundel.	Wiffo de Latim'.
Jo'nes de Britann' Comes Richemund.	Robtus de Clifford.
Guido de Bello Campo Comes Warr'.	Robtus de Monte alto.

	Joñes de Hastings.	Wiffs de Cantilupo.
	Joñes de la Mare.	Joñes Engaigne.
	Joñes de Ripar'.	Gilbtus Pecche.
	Joñes de Mohun.	Joñes de Claÿngg.
	Petrus de Malo lacu excusa' p Justic'.	Wiffs de Leyburn.
	Robtus fil. Pagani.	Joñes de Bello Campo de Soñs.
hic	Hugo de Courtenay.	hic Wiffs de Grandisono.
	Edmũs Deyncourt excusa' p Justic'.	Joñes Extraneus.
	Joñes de Sto Joñe de Lageham.	Joñes de Insula.
	Galfřs de Geynvill.	hic Joñes de Sudle.
	Thom' de Furnivall.	Simon de Monte Acuto excusa' quia in Scoc'.
	Robtus de Tony.	hic Waltus de Teye.
	Thom' de Berkele.	Edmũs de Hastings.
	Wiffs de Brewosa.	Joñes de Lancastr'.
	Petrus Corbet.	Joñes de Sto Joñe
	Wiffs Martyn excusa' p Justic'.	Henr' Tregoz.
	Thom' de Multon.	Joñes Lovel de Tychemereh.
	Joñes ap Adam.	Alanus la Zusche.
	Phus de Kyme excusa' p B.	Henr' Tyeys.
	Joñes de Seġve.	Nichs de Seġve.
	Robtus fil' Roġi.	Fuleo Filius Warini.
	Hugo de Veer.	Joñes filius Reginaldi.
	Waltus de Faucunberge.	Galfridus de Camvill excusatur p Regem ut testatur litera Domini Roberti de Cotingham.
	Radus Basset de Drayton.	Wiffs le Vavasour Justic' Trailb'.
	Roġus la Warre.	Wiffs de Ferar'.
	Joñes Paynel.	Robtus de Grendon.
	Alx' de Balliolo.	Edmũs Baro Staff'.
	Hugo Pointz.	Radus fil' Willi'
hic	Roġus de Mortuo mari.	Thom' de la Roche.
hic	Wiffs de Rithre.	Theobaldus de Verdon, Junior.
	Reginaldus de Grey ven' p Thom' de Wytnesham attorn'.	Wiffs Tuchet.
hic	Waltus de Muncy.	Henř Huse.
	Robtus de Scales.	
	Adam de Welles.	
	Almaric' de Scõ Amando.	

To this roll of earls and barons is to be added the Archbishop of York Angl' Primat and 19 bishops. But the Archbishop of Canterbury is not mentioned. 48 abbots.

Roḡs Brabazon.	Wiſts Inge excusatur p Traib.
Wiſts de Ormesby.	Maḡr Will' Pykering Archidiaç'.
Gilbtus de Roubury.	Notingh'.
Wiſts de Bereford.	Maḡr Robertus de Pykering.
Petrus Malorre.	Maḡr Thomas de Luggore.
Joſics de Berewyk.	Maḡr Johannes de Cadamo.
Joſes de Insula.	Maḡr Petrus de Dene.
Henricus Spigurnel	Maḡr Riçs de Plumstok.

N.B.—Mandatum fuit singulis Vicecomitibus qđ de quolibet comitatu duos milites, & de qualibet civitate duos ciues, & de quolibet Burgo duos Burgenses eligi, & ad dictum parliamentum venire facerent ad tractandum &c.

Appendix Rot. Parl. Vol. I. p. 267.—Claus. 33 Edw. I., m. 13, Dorso.

Ordinatio facta per Dominum Regem pro stabilitate terre scocie.

Names of Peers nominated, viz:—

Le Counte de Nicole (Linc.)	Mons' Roger Brabazun.
„ de Hereford.	Sir Rauf de Hengham.
Mons' Hugh le Despens'	Mons' William de Bereford.
„ Henry de Percy.	„ Roger de Hegham.
„ Johan de Hastings mes il ny poeit venir p la Maladie.	„ Johan del Isle.
„ Johan Boteturt.	Sir Johan de Benstede.
Mons' William Martyn.	„ Johan de Sandall.

(EDWARD II.)

Rot. Parl. 8 Edw. II., A.D. 1314-15, Ibid p. 325, (No. 173.)

Mem.—Quod rex vult quod Dñus Edmundus Deyncurt Joſes de Crumbwell & Joſes de Hotham & Lambertus de Thrykingham ^a assignentur ad audiend' & terminand' omnes querelas omnium conqueri volentium de &c. transgressionibus eis factis per Joſhem de Segrave &c. &c.

Ibid. No. 178.

Mem.—Quod per magnum consilium assignantur Joſes de Moubray Henr' le Scrop Joſes de Insula & Richardus Bernyngham ad omnes querelas omnium conqueri volumus de Gerardo de Salveyn &c. &c.

^a He was summoned as a baron 8 Edw. II.

Ibid. 9 *Edw. II.*, A.D. 1315, *Ibid.* p. 350. (No. 1.)

Verumptamen quia Thomas comes Lancast' et quidam alii Magnates de regno de quorum concilio Dñs rex voluit procedere in dñis arduis negotiis nondum venerant Dñus rex voluit differre exprimere negotia illa usq' adventum Procerum pred̄cor'—&c. injungtū fuit Johi de Sandall cancellar' quod ipse reciperet procuratoria & excusationes prelatorum & aliorum summonitorum ad dictum parliamentum & non venentium &c. et Dñus rex associavit ad hoc prefato cancellar' Walterum de Norwico Thes' Anglie et *Willm Inge*.

Die Jovis sequenti concordatum fuit quod super petitionibus procederetur usq; adventum prefati comitis Lanc' & aliorum procerum sic absentium et nominati fuerunt pro petitionibus Anglie. Edwardus Deyncourt, Johannes de Insula, Philippus de Kyme, Henricus L'Escrop.

Et pro petitionibus Wall' Hibn & Scot'.

Radus fit Wiffi.

Ibid. 352, (No. 2.)

Hugh le Despenser having been attached for insulting Sir John de Ros, in the presence of the king, in parliament, at Lincoln, the following were bail for his appearance, viz.:—

Robtus de Umfravill Comes de Anegous.	Radus Basset.
Rogerus Mortuo mari de Chirk.	Wiffus de Ferrariis.
Theobaldus de Verdon.	Robtus de Hastang.

And the following were mainprisors or bail for Sir John de Ros, who with Hugh le Despenser, was committed to the custody of the Mareschal, viz. :—

Adomarus de Valentia Comes Pembr'.	Gilbertus Pecche.
Johes de Warena Comes Surr'.	Thomas Latymer.
Edñs Comes de Arondell'.	Rogerus de Felton.

Rot. Parl. 14 *Edw. II.*, A. D. 1320.—(*Ibid.* p. 365.)

Triers of Petitions.

Johes de Soñry.	Wiffus Martyn.
Ricus de Grey.	Galfridus le Scrop. (?)
Wiffus de Herle. (?)	Walrus de Freskeneye. (?)
Hugo de Curteneye.	

Appendix Rot. Parl.—Ibid. p. 443, Claus. 3, Edw. II., m. 8, Dorso, (No. 3.)

The following names are recited in a letter from Robert, Archbishop of Canterbury, Primate of all England, to certain Bishops, and other magnates regni; viz.:

Gilbt de Clare de Glouc & de Hertford.	Robt de Clifford.
Thom' de Lanc'	Robt le Fitz Payn.
Henr' de Lacy de Nicole.	William le Mareschall.
Humfrei de Bohun de Heref' & Essex.	John Lovel.
John de Bretagne de Richeñd.	Rauf le Fitz Wiñ.
Aymañ de Valence de Pembrok.	Peyn de Tybotot.
Guy de Beauchamp de Warr'.	John Botetourte.
Esmon de Arundel (countes).	Bartelemeū de Badlesmere
Henr' de Lanc'.	John de Grey.
Henr' de Percy.	John de Crumwell.
Hugh de Veer.	Salutz en nre Seigñur.

Ibid. p. 447, Pat. 5, Edw. II. ps. 2, m. 17. Intus. (No. 11.)

Peers named to enquire respecting certain ordinances:—

Guidonis Ferre.	Wiffrid Deyncourt.
Johis de Crumbewell.	Henrici Spigurnel
Hugonis de Aldeley.	Henr' le Scroop.

Militum.

Ibid. p. 453-4, Claus 12 Edw. II., m. 22, Dorso. (No. 29.)

Memoranda de mora Prelatoñ Coñ & Barouñ juxta latus Regis.—This record contains the following names, viz:—

Les Countes Mareschall.	Sire Hugh le Despenser le fuiz.
Edmūd son Frere.	„ Johan de Grey.
Les Countes de Pembrok.	„ Richard de Grey.
„ „ Richemund.	„ Bartholm̄ de Badlesmere.
„ „ Hereford.	„ Robert de Mohaut.
„ „ Ulnester.	„ Rauf Basset.
„ „ Arundel.	„ Roger de Mortimer.
„ „ Anegos.	„ Johañ de Somery.
Sire Johan de Hastyngs.	„ Wauter de Norwich.
„ Johan de Segrave.	„ Hugh de Courteny.
„ Henr' de Beaumont.	

Ibid. p. 455, *Claus.* 14 *Edw.* II., *Dorso.* n. 7.

De essendo certo die apud Glouĉ ad tractandum

Rex dilecto & fideli Johanni de Hastyngs &c.

Eodem modo mandatam est subscriptis, mutatis competenter mutandis.

Humfrido de Bohun comiti Hereford & Essex.	Hugoni le Despenser Juniori.
Rogero de Mortuo mari de Wyggemore.	Johanni Giffard de Grimmesfeld (Brim?)
Rogero de Mortu mari de Chirk Justic'	Thome de Berkele.
Wallie.	Mauricio de Berkele.

Rot. Parl. 5 *Edw.* III. *A.D.* 1331, *Vol.* II., p. 61.

Peers appointed to treat about the affairs of France.

Les Countes Marėschal.	Monš Hugh de Courtenay.
„ de Garenne.	„ Geffrei le Scrop.
Monšr Henř de Beaumont.	„ „ de Montague.
„ Henř de Percy.	„ William de Herle. (?)

N.B.—In the same parliament the following came, and were mainprisors or bail, for Hugh le Despenser le puisne.

Mons' Eble Lestrangle.	Mons' Rauf de Nevill.
„ Rauf Basset.	„ Johaň de Verdon.
„ Johaň de Roos.	„ Thomas de Neumarche.
„ Richard Talbot.	„ Johaň Darcy.
„ Robt de Colevill.	„ Johaň de Rithre.

Triers of Petitions 6 *Edw.* III., *A.D.* 1332, *Ibid.* p. 68.

Monšr Hugh de Courtenay.	Monšr Rauf Basset de Drayton
„ William la Zousch de Ashby. (Barons.)	„ Richard de Grey. (Barons.)

N.B.—Monš Henri le Scrop, who was summoned as a baron, the 8 *Edw.* II., is here named one of the triers or receivers of Peřons: but is denominated as one of the justices; and Monš Geffrei le Scrop, another of the triers of petitions, is not noticed as a baron, though he was so summoned the 3 *Edw.* III., but is styled chief-justice, and le Tresorer.

In the same parliament the Countes de Garenne, (Warini) and de Warrewyk, and le Seigñ de Percy, Monšr Henri de Beaumont, Hugh de Courteneye, and William de

Clynton, barons, are appointed to treat upon other business. Their nominations appear to be similar to the Committees of the House, as appointed at the present day.

L'acord pris q. Le Roi soit aidez Rot. Parl. 13 Edw. III., A.D. 1339.—Ibid. V. II. p. 103.

Monšr le Duc de Cornwaill Gardeyn	Les Seignur de Moubray.
D'Engleterre	„ „ de Segrave.
Les Countes D'Arundel	„ „ de Berkele.
„ „ Warewyk.	Monšr Hugh le Despenser.
„ „ Glouč.	Le Seignur de Morle.
„ „ Oxenford.	„ „ de Bardolf.
„ „ Huntyndon	Monsr Gilbert Talbot.
„ „ Boghan.	„ Robert de Lisle.
Les Seignur de Wake.	„ William de la Pole.

Rot. Parl. 14 Edw. III., A. D. 1340.—(Ibid. p. 112, 13, 14.)

Peers present in the Great Hall at Westminster.

Le Countes de Derby.	Le Count de Anegos.
„ „ Northt'.	Seign de Wake.
„ „ Warrenn'.	„ de Wylughby.
„ „ Warrewyk.	Le Baron de Stafford.
„ „ Arondell'.	Monšr Rauf Basset.
„ „ Huntyngdon.	

Among the triers or receivers of petitions, Monšr William de la Pole is named for those from Flanders; but he appears to be the only baron among those appointed.

In the same parliament Les Seignurs de Percy, Monšr Rauf de Nevill, and Monšr Geffrai le Scrop, are named for other matters. Also Le Counte de Northt' and Monšr Henry de Ferrers, on other affairs. Le Counte de Anegos, Le Seignur de Percy, Monšr Rauf de Nevill, Monšr Antoigne de Luey, are appointed for the guard of the Marches of Scotland; to whose names are added, Monšr William de Felton, and Monšr Johaň de Stryvelyn; but, according to Dugdale's Lists of Summons, neither of these had summons to parliament before the 16 of Edw. III; though the name of Robert Felton is recited in the 6 & 7 of Edw. II.

For the guard of the isles and sea coast, there are mentioned:—

Les Countes de Garenne.	Monšr Robert de Bousser
„ „ de Arundel.	Monšr Constantyn de Mortimer.
Count de Huntingdon.	

Likewise, there are appointed to try the petitions for England, viz. :

Les Countes d' Arundel.	Le Seigñur de Berkele.
„ „ de Huntyngdon.	Monšr Nicol de Cantelu.
Le Seignur de Wake.	„ Richard de Wylughby. (?)

And for the petitions of Gascoigne, Gales, Irland, and Escoce.

Le Counte de Northt'.	Monšr Antoigne de Lucy.
Monšr Rauf Basset de Drayton.	Le Seignur de Wylughby. (?)
„ Roger de Grey.	

For the investigation of the accounts of de Seignur William de la Pole and others, there are assigned—

Les Countes de Derby.	Le Seignur de Wake.
„ „ de Arundel.	Monšr Rauf Basset de Drayton.
„ „ de Huntyngdon.	

And for petitions before the king—

Le Counte de Huntyngdon.	Monšr Thomas Wake de Lidel.
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Ibid. 14 *Edw.* III. *A. D.* 1340.—*Ibid.* p. 118-19., m. 2.

Le Count d' Arundell.	Monšr William de la Pole.
Monšr le Wak.	„ William Trussel.
„ Rauf Basset de Drayton.	„ Johan de Hardershull.
„ Bertlemeū de Burghash'.	„ Nicholas de la Beche.
„ Geffrai le Scrop'.	„ Johañ Molyms.

These are named as being present in parliament; but the lists of Dugdale do not notice Trussel, Hardershull, De la Beche, and Molyms, to have had summons before the 16 *Edw.* III.

Rot. Parl. 15 *Edw.* II. *A. D.*, 1341.—*Ibid.* p. 126

The purposes of the assembling of the parliament, were declared in the presence of divers prelates, and the following temporal nobility:—

Monšr Robert d'Artoys.	Des Countes de Pembrogge.
Des Countes de Northt'.	„ d' Anegos.
„ d' Arundell.	„ d' Oxenford.
„ de Huntyngdon.	„ de Devenshire.

Des Countes de Sarum.	Mon̄sr Hugh Le Despenser.
„ de Suff’.	„ Nicol de Cantelon.
Des Seignurs de Percy.	Le Seign’ de Segrave.
„ de Wake.	

Triers of Petitions, viz :

Le Counte de Northt’.	Le Seigñr de Wake.
„ d’Arundell.	Mon̄sr Thomas de Berkele.
„ de Huntyngdon.	„ Johañ de Cherleton.
„ de Devenshire.	

The following were appointed as a Committee to report on certain matters submitted to them.—(p. 127).

Les Countes D’Arundell.	Les Seignurs de Wake.
„ „ de Sarum.	„ „ de Percy.
„ „ de Huntyngdon	Mon̄sr Rauf de Nevill.
„ „ de Suff.	„ Rauf Basset de Drayton.

Under the same names, with that of Northampton instead of Suffolk, were appointed together with four bishops, to take into consideration some other business.—(p. 129.)

Ibid. 17 *Edw.* III. *A.D.* 1343.—*Ibid.* 135.

Les Countes de Warř.	Le S. de Percy.
„ „ Suff.	Mon̄sr Thomas de Berkele.
„ „ Huntyngdon,	„ Rauf de Neville.
„ „ Devonshire.	„ Antoigne de Lucy.

Item—assembled in the painted chamber with the king:—

Les Countes de Northt’.	Les Seigñ de Percy.
„ „ D’Arundell.	„ de Wake.
„ „ de Warř	Mon̄sr Rauf de Nevill.
„ „ de Hunř.	„ Hugh Le Despenser
„ „ de Devenshire	„ Thomas de Berkele,
„ „ de Suff.	Et ad autres Grantz, &c.

Ibid. 18 *Edw.* III. *A. D.* 1344.—*Ibid.* pp. 146-7-8.

Les Countes de Huntyngdon	„ „ de Suff.
„ „ de Devenshire	„ „ d’ Oxenford.

Le Seign' de Wake.	Le Seign' de Berkele.
„ de Perey.	Monšr Nicol de Cantelowe.

The parliament adjourned to another day, when there were assembled in the presenee of the king.

Le Princee de Gales.	Des Counts de Devenshire.
Des Counts de Northt'	„ „ de Anegose.
„ „ de Warr'.	Des Seigñ de Wake.
„ „ de Oxon̄.	„ „ de Perey.
„ „ de Pemb̄r.	„ „ de Berkele.
„ „ de Suff'.	Monšr Hugh Le Despenser.
„ „ de Hunt'	„ Rauf de Nevill.

Et autres Barons & Baneretts.

N. B. The above nobles, with the exeception of the princee of Wales, and the addition of Monšr Nicol de Cantelowe, were present on another day in La Chaumbre Blaunche, in the presenee of the king.

Also in the said parliament, at the prayer of the commons, a certain patent under the great seal was assented to by the prelates and peers, to which the earls of Northampton and Suffolk, Le Seignur de Wake, Monšr Johan' Darey, Chamberleyn, and Mestre, Johan' de Ufford Gardeyn du Prive Seal, were witnesses.

Ibid. 20 *Edw. III.*, A. D. 1346.—*Ibid.*, p. 157-8-163.

Triers of Petitions, viz :

Le Seigñ de Wake.	Monšr Thomas de Berkele.
Monšr William de Thorpe(?)	„ Richard de Wylughby(?)

Other peers in parliament:—

Mons̄r Barthelmeū de Burghersh.	Les Seignurs de Segrave.
„ Johan Darey Le Chamberleyn.	„ „ de Berkele.
Les Seignurs de Wake.	

Persons to whom, as Seignurs du Parliment, a letter was addressed by the king from before Caleys.

Les Countes de Northampton.	Les Count de Suff.
„ „ de Arundell.	Hugh Le Despenser.
„ „ de Warrewyk.	Seignur de Glamorgan and
Les Count d' Oxenford.	Morgannok.

Ibid. 21 *Edw. III.*, A.D. 1347, *Ibid.* p. 165.

Les Countes de Lancastr'.	Le Seign de Percy.
„ „ Arundell.	„ „ Berkele.
„ „ Huntyngton.	Monšr Rauf de Nevill.
„ „ Oxenford.	„ Richard Talbot.
„ „ Suff'.	„ Wauter de Manny.
„ „ Northt'.	„ William de Thorpe (?)
Le Seign de Wake.	Le Baroun de Stafford.

Ibid. 25 *Edw. III.*, A.D. 1350.—*Ibid.* p. 226.

Le Conte de Northampton.	Le Baron de Stafford.
„ „ Arundell.	Monšr Rauf Nevill.
„ „ Huntingdon.	„ Richard Talbot.
„ „ Lancastre.	„ Thomas Bradeston.
„ „ Warewyk.	„ Richard de Wylughby. (?)
„ „ Suff'.	

Ibid. 25 *Edw. III.*, A. D. 1351-2.—*Ibid.* p. 236.

Le Count de Northampton.	Monšr Rauf Nevill.
„ „ Arundell.	Le Sire de Bret. (who ?)
„ „ Huntyngdon.	Monšr Richard Talbot.
„ „ Warwyk.	„ Thomas Bradeston.
„ „ Stafford.	„ Richard de Wylughby. (?)
Le Seign de Percy.	

It is queried whether this ought not to be the 27th *Edw. III.*—(Vide Cotton's Abridgement, p. 78).

Ibid. 28 *Edw. III.*, A. D. 1354. *Ibid.* p. 254.

Le Duc de Lancastr'	Le Counte de Stafford.
Le Counte de Northampton.	Le Seign de Percy.
„ „ Arundel.	Monšr Rauf de Nevill.
„ „ Huntyngdon.	„ Guy de Bryan.
„ „ Warrewyk.	„ William de Thorp. (?)
Monšr Richard de Wylughby. (?)	

Ibid. 36 *Edw. III., A. D.* 1362. *Ibid.* p. 268.

Le Counte de Lancastre.	Le Sire de Nevill.
„ „ Arundel.	„ „ Manny.
„ „ Anegos.	Monšr Henry le Scrop.
„ „ Suff [?]	„ John Moubray.
„ „ Salisbirs [?]	Johan Knyvet. (?)

Ibid. 37 *Edw. III., A. D.* 1363. *Ibid.* p. 275.

Le Duc de Lancastre.	Le Sire de Beaumont.
Le Conte de Herford.	„ „ Clifford.
„ „ Arundel.	Monšr Rauf de Nevill.
„ „ Suff [?]	„ Guy de Bryan.
„ „ Stafford.	Le Sire le Despenser.
„ „ Salisbirs [?]	„ de Roos.
„ „ Angous.	Monšr Waufr de Manny.
„ „ Cantebrigg.	„ Henry le Scrop.
Le Sire de Moubray.	„ Roğr de Beauchamp.
„ „ Percy.	Johañ Knyvet. (?)

Ibid. 38 *Edw. III., A. D.* 1364.—*Ibid.* 283.

Le duc de Lancastr [?] .	Le Sire de Percy.
Le Counte de Cantebrigg.	Monšr Rauf de Nevill.
„ „ Hereford.	„ Guy de Bryan.
„ „ Arundel.	Le Sire le Despenser.
„ „ Suff [?] .	Monšr Wauter et Manny.
„ „ Stafford.	„ Roger de Beauchamp
„ „ Salesbirs [?] .	„ Johan Moubray.
„ „ Devenshire.	„ Henry le Scrope.
„ „ Angos.	„ Johan Knyvet. (?)

Ibid. 40 *Edw. III., A. D.* 1366.—*Ibid.* p. 289.

The same names, except Henri le Scrop.

Ibid. 42 *Edw. III., A.D., 1368.—Ibid. p., 294.*

The same names excepting Le Despenser, and as before noticed **Henri le Scrop.**

Ibid. 44 *Edw. III., A. D. 1369.—Ibid. p. 229.*

Le Duc de Lancastre.	Le Counte D'Angos.
Le Counte de Hereford.	Le Sire de Percy.
„ „ Arundell.	Monſr Johan de Nevill.
„ „ Warrewik.	„ Guy Brian.
„ „ Suff'.	„ Roger de Beauchamp.
„ „ Salesbury.	„ Johan de Moubray.
„ „ Stafford.	„ Knyvet. (?)
„ „ Devenshire.	

Ibid. 45 *Edw. III., A. D. 1371.—Ibid. p. 303.*

Le Counte de Hereford.	Le Counte de Suff.
„ „ Arundel.	Le Sire de Latymer.
„ „ Pembrok.	Monſr John de Nevill.
„ „ la Marche.	„ Guy Brian.
„ „ Salesbirs'.	„ Roger de Beauchamp.
„ „ Stafford.	„ Wauter de Manny.
„ „ Warrewyk.	„ Rauf Basset de Drayton.
„ „ Devenshire.	„ John Moubray.
„ „ Angos.	„ John Knyvet. (?)

Ibid. 46 *Edw. III., A.D. 1372.—Ibid. p. 309.*

The duke of Lancaster king of Castile & Leon.

Le Conte de Cantebrig.	Le Conte de Suffolk.
„ „ Hereford.	Le S ^r Despenser.
„ „ d'Arundell.	„ de Roos.
„ „ la Marche.	Monſr Guy de Briane.
„ „ Saresbirs'.	„ John de Charleton de Powys
„ „ Warrewyk.	„ Rauf Basset de Drayton.
„ „ Stafford.	„ John Moubray.

Ibid. 47 *Edw. III., A.D. 1373.—Ibid.* p. 317.

Le Counte de Cantebrigg.	Monſr Guy de Brian.
„ „ d'Arundell.	„ Henry le Scrop.
„ „ Salesbirs'.	Le Sř de Clyfford,
„ „ la Marche.	Monſr Amary Seint Amand.
Monſr Willam la Zouche de Haryngworth.	„ Richard de Stafford.

Ibid. 50 *Edw. III., A.D., 1376.—Ibid.* p. 321.

Le Roy de Castelle & de Leon Duc de Lancastre.	
Le Cont de Cantebrugg.	Le Sř de la Zouche de Haryngworth
„ „ Marche.	Monſr Guy de Bryan.
„ „ d'Arundell.	Le Sř de Basset de Drayton.
„ „ Warr'.	„ Bardolf.
„ „ Suff'.	„ Clifford.
„ „ Stafford.	Monſr Guy de Bryene (? Junr.)
„ „ d'Angos.	„ Amory de Seint Amand.
Le Sř de Percy.	„ Henry le Scrop.
„ Roos.	„ Richard de Stafford.

Mem.—The earls of March, Warwick, Stafford, and Suffolk, and the lords Percy, Guy de Brian, Henry le Scrop, and Richard de Stafford were appointed to have a conference with the Commons respecting an aid and other matters.—*Ibid.*

N.B.—The lord Latymer having had certain charges preferred against him in parliament: the following peers were sureties for his appearance.

Le Count d'Arundell.	} S'il plest au roi.	Le Sire Bardolf s'il plest au Roi.
„ „ Saresbirs'.		„ „ Butetourte.
„ „ Stafford.		Monſr Johan d'Arundel.
Le Sire de Percy.		„ William Beauchamp.
„ „ Nevill.		„ Johan de Montagu.
„ „ Roos.		Monſr Robert de Ferrers.
„ „ Basset.		„ John Lovell.
„ „ Clifford s'il plest au Roi		„ William de Nevill.
„ la Zousche puratant come sa terre vaut pur un an.		„ Rauf Crumwell.
Le Sire Fitzwalter.		Le Sire de Berkele.
„ L'Estrange.		Monſr Michell de la Pole.
„ de Darcy.		„ Rauf de Ferrers.

Triers of Petitions 51 *Edw. III., A.D., 1376-7.—Ibid. p. 363.*

Le Roy de Castille & Leon Duc de Lancastre.

Le Conte d'Arondell.	Le Sř de Fitzwauter.
„ de Warr'.	Monřr Guy de Bryane.
„ „ Saresbirs.	Le Sř de Basset de Drayton.
„ „ Stafford.	„ Clifford.
„ „ la Marche.	Monřr Johan de Montagu.
„ „ Suff'.	Le Seigñr de Roos.
Le Seigñr de Percy.	Monřr Henř le Scrop.
„ „ Latymer.	„ Richard de Stafford.
„ „ Nevill.	„ John Knyvet (?)

Ibid. 1 Ric. II., A.D., 1377.—Ibid. Vol. III., p. 4-5.

Le Roi de Castille & de Leon Duc de Lancastre.

Le Counte de la Marche.	Le Sř de Cobham.
„ „ d'Arondell.	„ Fitzwauter.
„ „ Warr'.	Monřr Roger Beauchamp,
„ „ Staff'.	„ Johan Kynvet. (?)
„ „ d'Angos.	Le Sire de Roos.
„ „ Northumbr'.	„ „ Clifford.
„ „ Cantebrugge.	„ „ Bardolf.
„ „ Buckyngham.	Monřr Richard de Stafford. (?)
„ „ Salesbirs.	„ Johan Deverose. (?)
„ „ Suff'	„ Rauf de Ferrers. (?)
Le Sř Latymer.	„ Hugh de Segrave. (?)
„ Neville.	Le Sire de Basset.

Peers charged with other affairs :—

Le Conte de la Marche.	Le Sř de Nevill.
„ „ d'Arundell.	Monřr Henř le Scrop.
„ „ Warrewyk.	„ Richard de Scrop.
„ „ d'Angos.	„ Richard de Stafford.

Peers in parliament 28 Nov., 1 Ric. II., A.D. 1377, (p. 11).

Le Duc de Lancastr'.	Richard Counte d'Arundell.
Esmond Counte de Canteb'.	Thomas Counte de Warr'.
Esmond Counte de la Marche.	Hugh Counte de Staff'.

William Counte de Suff'.	Roger Sire de Clifford, & plusieurs
William Count de Sarlesbris.	autres Seignrs, Barons, & Ban-
Henry Counte de Northumbr'.	arettes esteantz au dit parlement.
Johan Sire de Neville.	

Ibid 2 Ric. II., A.D., 1378.—Ibid. p. 34.

Le Roi de Castille & de Leon Duc de Lancastre.

Le Conte de la Marche.	Le Sř de Latymer.
„ „ d'Arondell.	„ Cobham.
„ „ Warr'.	Monřr Henry le Scrop.
„ „ Stafford.	„ Roger de Beauchamp.
„ „ Northumbr'.	„ Richard de Stafford. (?)
„ „ Canteb'.	Le Sř Lestraunge de Knokin.
„ „ Buckyngham cones-	„ Fitz-Wauter.
table of England.	Monřr John Montagu. (?)
„ „ Salesbirs'.	„ Joħan d'Arondell. Mares-
„ „ Suff'.	chal d'Engl'.
Monřr Johan Devrose. (?)	Monřr Johan Knyvet. (?)

Idem. 2 Ric. II., A.D. 1379.—Idem. p. 56-7.

Le Roi de Castille & de Leon Duc de Lancastre.

Le Conte de Cantebrigg.	Monřr Roger de Beauchamp.
„ „ la Marche.	„ Richard de Staff. (?)
„ „ d'Arondell.	Le Duc de Bretagne Conte de
„ „ Warr'.	Richemond.
„ „ Northumbr'.	Le Conte de Staff'.
„ „ Buk' Conestable	„ „ Suff.
d'Engleterre.	Le Sř Lestrangle de Knokin.
Le Sř de Latymer.	„ „ Bardolf.
„ Joħan d'Arundell mares-	Monřr Johan Montagu. (?)
chal d'Engl'.	„ Johan Knyvet.
„ Cobham.	

N.B.—Names of peers appointed in this parliament to examine the revenue of the crown at the desire of the commons, viz :—

Le Conte de la Marche.	Monřr Guy de Brien.
„ „ Warr'.	„ Joħan de Cobham.
„ „ Staff'.	„ Roger de Beauchamp.
Le Sř de Latymer.	

Ibid. 3 Ric. II. A.D. 1379-80.—*Ibid.* p. 72-3.

Le Roi de Castille & de Leon Duc de Lancastre.

Le Conte de Cantebrugge.	Le Sř de Latymer.
„ „ d'Arundell.	„ Cobham.
„ „ Warr'.	Monř Richard Stafford. (?)
„ „ Northumbr'.	Le Sř Lestrangle de Knokin.
„ „ Buk' Conestable	„ de Bardolf.
„ „ d'Engleterre.	Monř Johan Montagu.
„ „ Staff'	„ Johan Knyvet.
„ „ Suff'	

N.B.—Peers named in a Comñin to examine into the state of the king's household,
&c.—(No. 15.) viz :—

Richard Arundell.	} comitibus.	William de Latymer.
Thome de Bello-campo.		Guydoni de Briene.
„ Warr'.		Johi de Monte-Acuto.
Hugoni Staff'.		Banerettis.

Ibid. 4 Ric. II. A.D. 1380.—*Ibid.* p. 88.

Le Roi de Castille & de Leon Duc de Lancastre.

Le Cont de Cantebrugge.	Le Sř De la Zouche.
„ d'Arundell.	„ de Bardolf.
„ de Warr.	„ Lestrangle de Knokin.
„ de Northumbr'	„ de Scales.
„ de Staff.	Monř Guy de Bryen.
„ de Salesbirs'.	„ Johan Montagu.

Monř Johan Knyvet.—(?)

Ibid. 5 Ric. II., A.D. 1381.—*Ibid.* p. 99.

Le Roi de Castelle & de Leon Duc de Lancastre.

Le Cont de Kent mareschall	Le Cont Suff'.
d'Engl'.	Monř Johan Cobham.
Le Conte d'Arondell.	„ Richard le Scrop.
„ „ Warr'.	„ Guy de Bryen.
„ „ Salesbirs'.	Le Sř la Souche.
„ „ Bukyngham conestable	„ Fitz-wauter.
d'Engleterre.	Monř Henry le Scrop
Le Cont de Staff'.	Le Sř de Wilughby.

Peers named (p. 100) to consult together on certain matters :

Duc de Lancastre.	Le Sř Fitzwauter.
Le Cont de Buk'.	„ La Zouch de Haryng- worth.
„ de Warr'.	„ de Wilughby.
„ d'Arondell.	„ Johan de Cobham.
„ de Suff.	„ Richard le Scrop.
„ de Northumbr'.	„ Guy de Bryan.
Le Sř de Nevill.	„ (Baneretts.)
„ de Clifford.	

Ibid. to confer with the Commons.—(p. 100) viz :—

Duc de Lancastre.	Le Sř de Nevill.
Le Cont D'Arondell.	„ de Grey de Ruthyn.
„ Warr.	„ Fitz-Wauter.
„ Staff.	Monř Richard Le Scrope.
„ Suff.	„ Guy de Brian.
„ Salesbirs'.	Et autres, &c.
Le Sř de la Zouche.	

Ibid. 5 Ric II., A.D. 1382.—Idem. p. 123.

Le Roi de Castell' & de Leon Duc de Lancastre.

Le Cont de Kent mareschall d'Engleterre.	Le Cont de Staff'
„ „ Arondell.	Le Sř de Nevill.
„ „ Salesbirs'.	Monř Johan Cobham.
„ „ Buckyngham Conesta- ble d'Angleterre.	„ Guy de Bryen.
	Le Sř Fitz-Wauter.
	„ de Wilughby.

Ibid. 6 Ric. II., A.D. 1382.—Idem. p. 133.

Le Roi de Castell & de Leon Duc de Lancastre.

Le Cont de Kent marschal d'Engleterre.	Le Cont de Staff'.
„ „ d'Arundell.	Le Sř de Nevill.
„ „ Salesbirs,	Monř Johan Cobham.
„ „ Buk' Conestable d'Angleterre.	„ Guy de Bryene.
	Le Sř Fitzwauter.
	„ de Wylughby.

N.B.—In a second parliament this year, (6 Ric. II.) the same names are contained, with the addition of the Earl of Cambridge, and Monř Richard le Scrop; but that of Le Sř de Willughby is omitted.—(p. 145).

Ibid. 7 Ric. II., A. D. 1383.—*Ibid.* p. 151.

Le Roi de Castille & de Leon Duc de Lancastre.	
Le Cont de Kent, Mareschal d'Engleterre	Le Cont de Staff ,, ,, Salesbirs
Le Cont d'Arrundell	Le Sř de Nevill
,, ,, Northumbr'	Monř Ric' le Scrop
,, ,, Cantebrugg	,, Guy de Bryen
,, ,, Buk', conestable d'Engleterre	Le Sř Fitzwauter Monř Johan de Cobham de Kent

Ibid. 7 Ric. II., A. D. 1384.—*Ibid.* p. 167.

Le Cont d'Arondell	Le Sř le Zouche
,, ,, Staff'	,, de Nevill
,, ,, Oxenford	,, ,, Cobham
,, ,, Saresbirs'	Monř Guy Brien

Ibid. 8 Ric. II. A.D. 1384.—*Ibid.* p. 185.

Le Roi de Castill & de Leon, Duc de Lancastre.	
Le Count de Kent, Mareschal D'Engleterre.	Le Count de Staff. ,, de Salesbirs'.
Le Count d'Arundell.	Le Sř de Nevill.
,, Warr.	,, Fitz-Wauter.
,, Northumbr'.	Monř Richard le Scrop.
,, Cantebrugg.	,, Guy de Brien.
,, Bukyngham conc- stable D'Angleterre.	,, Johan de Cobham de Kent.

Ibid. 9 Ric. II., A.D. 1385.—*Ibid.* p. 203-4.

Le Roi de Castill & de Leon, Duc de Lancaster.	
Le Count de Kent.	Le Duk de Gloucestre.
,, ,, Arundell.	Le Sř de Nevill.
,, ,, Warr'.	,, Fitz-Wauter.
,, ,, Northumbr'.	Monř Richard le Scrop.
,, ,, Staff'.	,, Guy de Brien.
,, ,, Saresbirs'.	,, Johan de Cobham de Kent.
Le Duk D'Everwyk.	

Ibid. 10 *Ric. II.*, A.D. 1386.—*Ibid.* p. 215, 16.

Le Duk D'Everwyk.	Le Count de Salesbirs'.
„ de Gloucest'.	Le Sř de Nevill.
Le Count de Kent.	Monř Richard le Scrop.
„ d'Arundell.	„ Guy de Brien.
„ de Warr'.	„ Johan de Cobham de
„ de Northumbr'.	Kent.

Ibid. 11 *Ric. II.*, 1387.—*Ibid.* p. 228.

Le Duk D'Everwyk.	Le Count de Salesbirs'.
„ de Gloucestre.	„ de Devenshire.
Le Count de Derby.	Le Sř de Nevill.
„ de Kent.	Monř Richard le Scrop.
„ d'Arundell.	„ Johan de Cobeham de
„ de Warr'.	Kent.
„ de Northumbr'.	

N.B.—John Sř de Cobham, Messrs. Richard le Scrop, and John Deverose, with certain earls, appointed commissioners upon the impeachment of Robert de Veer, duke of Ireland, and others.—(p. 229).

Ibid. 13 *Ric. II.*, A. D. 1389.—*Ibid.* p. 257.

Le Due de Lancastre	Le Count Mareschal
„ Gloucestre	„ de Devenshire
„ Everwyk	Le Sř de Wilughby
Le Count de Kent	„ Lovel
„ „ Arundell	Monř Johan de Cobeham
„ „ Warrewyk	de Kent.
„ „ Salesbirs'	Monř Richard le Scrop
Le Count de Northumbr'	

Ibid. 14 *Ric. II.*, A. D. 1390.—*Ibid.* p. 277-8.

Le Due de Guyen & de Lancastre	Le Count d'Evewyk
„ Gloucestre	„ „ Kent

Le Count d'Arundell	Le Sř de Wylughby
„ „ Warrewyk	Monř Richard le Scrop
„ „ Saresbirs'	Le Sř de Lovell
„ „ Northumbr'	Monř Johan de Cobeham
„ „ Mareschall	de Kent

Ibid. 15 *Ric. II., A. D.* 1391.—*Ibid.* p. 284-5.

Le Duc de Guyen & de Lan- castre	Le Count de Northumbr'
Le Duc D'Everwyk	„ „ Kent
Le Count de Derby	„ „ Salesbirs'
„ „ D'Arundell	Le Sř de Wylughby
„ „ Warrewyk	Monř Richard le Scrop
	„ Johan Lovell

Ibid. 16 *Ric. II., A. D.* 1392-3.—*Ibid.* p. 300.

Le Duc de Guyen & de Lan- castre	Le Count de Saresbirs'
Le Duc de Gloucestre	Le Sř Grey de Ruthyn
„ d'Everwyk	„ „ Willughby
Le Count D'Arundell	Monř Richard le Scrop
„ Warrewyk	„ Philipp Spenser
„ Kent	„ Johan Lovell

Ibid. 17 *Ric. II., A. D.* 1393-4.—*Ibid.* p. 309.

Le Duc de Guyen & de Lancastre.	Le Count de Northumbr'.
„ „ Gloucestre.	Le Sř de Wilughby.
„ „ Everwyk.	„ Grey de Ruthyn.
Le Count d'Arrundell.	Monř Richard le Scrop.
„ „ Warr'.	„ Philipp Spenser.
„ „ Kent.	Le Sř de Cobbehame

Ibid. 18 *Ric. II., A. D.* 1394-5.—*Ibid.* p. 329.

Le Duc de Gloucestre.	Le Sř de Wilughby.
Le Cont de Derby.	„ Zouche.
„ „ Arundel.	„ Cobbehame.
„ „ Warrewyk.	Monř Richard le Scrop
„ „ Saresbirs'	„ Philipp Spenser

Ibid. 20 Ric. II., A. D. 1397.—*Ibid.* p. 337.

Le Duc de Guyen & de Lancastre	Le Counte Mareschal
„ „ Gloucestre	„ „ de Northumbr'
„ „ Everwyk	Le Sire de Nevill
Le Counte de Derby	Le Sire Despenser
„ „ Arundell	Le Sire de Grey de Ruthyn
„ „ Warr'	Monſr Richard le Scrop
„ „ Rotel'	„ Phillipp Spenser

Ibid. 21 Ric. II., A. D. 1397.—*Ibid.* p. 348.

Le Duc de Guyen & de Lancaster	Le Counte Mareschal
„ d'Everwyk	„ „ de Northumbr'
Le Counte de Derby	Le Sire de Nevill
„ „ Kent	„ „ Grey de Codenore
„ „ Huntyngdon	„ „ Lovel
„ „ Somersete	„ „ Le Despenser
„ „ Salesbirs'	„ „ Grey de Ruthyn
„ „ Rotel'	

Lords Temporal in the presence of the King, 21 Ric. II.—*Ibid.* p. 336.

Le Duc de Guyen & de Lancastre	Le Sire de Camoys
„ Everwyk	„ Bourghchier
„ Hereford	„ Powys
„ Aumarle	„ Fitzwauter
„ Surr'	„ Roos
„ Exceestre'	„ Haryngton
„ Norff	„ Burnell
Le Marquys de Dors'	„ Berklee
Le Cont d'Oxenford	„ Darey
„ Staff	„ Wilughby
„ Northumbr'	„ Grey de Codnore
„ Saresbirs'	„ Grey de Ruthyn
„ Gloucestre'	„ Scales
„ Westmerl'	„ Seint Amand
„ Wircestre'	„ Furnival
„ Wiltes'	„ Ferrers

Le Sire de Seymour	William Beauchamp S ^r de Bergeveny
„ Lovel	Rauf de Cromwell
„ Bardolf	Rauf de Lomley
„ Morley	Phelipp le Despenser

Lords Temporal who were for the repeal of the Patent of the Duke of Hereford, in the parliament, 21 Ric. II.—*Ibid.* p. 372.

Edward Duke of York	Henry Earl of Northumberland
Edward Duke of Aumarle	Thomas Earl of Gloucester
John Duke of Exeter	Thomas Earl of Worcester
John Marques of Dorset	William Earl of Wiltshire
John Earl of Salisbury	

Lords temporal who were for the repeal of the patent of the duke of Norfolk, in the the parliament 21 Ric. II.—*Ibid.* p. 373.

Le Duc de Everwyk	Le Cont de Westmerland
„ d'Aumarle	„ Wircestre
„ d'Exceestre	„ Wiltes—Tresorer
Le Markys de Dors'	„ Suff
Le Cont de Staff	Le Sire de Grey de Ruthyn
„ Sarum	„ Ferrers de Groby
„ Northumbr'	„ Lovel
„ Gloucestre	„ Camoys

Peers, accusers of treason against Thomas duke of Gloucestre, Richard earl of Arundel, Thomas earl of Warwyk, and Thomas Mortimer, in parliament 21 Ric. II.—(*Ibid.* p. 374,) viz. :

Edward earl of Rutland, Thomas earl of Kent, John earl of Huntyngdon, Thomas earl of Nottingham, John earl of Somerset, John earl of Salisbury, Thomas Sire Despenser, and William le Scrop, chamberlain.—(*Vide Ibid.* p. 377.)

Members of the king's council.—*Pat.* 1 Ric. II., pars. 1 m. 16.—*Ibid.* Appendix p. 386, No. 1.

Esmon' Count de la Marche, & Richard Conte D'Arundel, William Sire Latymer, & Sire John de Cobeham, (barons).—Roger de Beauchamp and Richard de Stafford, (banerets).—John Knyvet, Rauf de Ferreres, John Devereux, & Hugh de Segrave,—(bachilers.)

Witnesses to a Deed produced in the parliament 8 Ric. II. A.D. 1384, executed by Richard, Lord Lovel, of Carycastell, respecting a quit claim of certain lands to the Priory and Convent of Monte acuto.—(*Rot. Parl. v. 3. p. 192.*)

Nobili viro Dño Thomas	Dño Fulco filio Warini
Comite Lancastrie	„ Gerardo Salveyn
Dño Johē Comite Richemond	„ Wiffo Tuchet
„ Roberto de Holand	„ Johē Beek
„ Wiffo de Latymer	„ Wiffo Trussell
„ Fulcone Lestraunge	„ Johē de Kynerdesey
„ Nicho de Segrave	„ Miche de Melden
„ Johē de Claveryng	

Names of the Peers in parliament, approving the acceptance of the crown by Hen. duke of Lancaster, &c.

Rot. Parl. Vol. 3., p. 427, A.D. 1399.—(1 Hen. IV.)

Le Prince

Duke.—York.

Earls of Arundel, Warwick, Stafford, Northumberland, Suffolk, Worcester.

Le Srs de Roos, Grey de Ruthyn, de Cherlton, Bardolf, Wilughby, Furnyvall, Ferrers, Beaumont, Berkeley, Fitz-Wautier, de Mauley, Scales, Morley, Burnell, Lovel, Camoys, Seymour, Crombwell, Cobham.

Monŕ Henry Percy
Monŕ Richard Scrop
Le Sř Fitz-Hugh
Le Sř de Bergeveny

Le Sř de Lomley
Le Baron de Greystok.
Le Baron de Hilton.

N.B.—The above named Nobles, with the archbishop of Canterbury and York, 13 bishops, and 7 abbots, approved the commital of the person of king Richard II. to safe custody, upon the question put by the earl of Northumberland for approbation.

Names of Peers present in parliament on the question of the attainders of Thomas Holland, earl of Kent; John Holland, earl of Huntingdon, &c., &c.

Rot. Parl. Vol. 3., p. 439, A.D. 1400-1.—(2 Hen. IV.)

Henry Prince of Wales
Edmond Duke of York
Edward Earl of Rutland
Thomas Earl of Arundel

John Earl of Somerset
Edmond Earl of Stafford
Henry Earl of Northumberland
Ralph Earl of Westmorland

Michael Earl of Suffolk.	John Sire de Beaumont
Richard Sire de Grey.	William Sire de Wilughby
Thomas Sire de Berkeley	Hugh Sire de Burnell
John Sire de Charleton	William Sire de Ferrers de Groby
Reynald Sire de Grey de Ruthyn	William Sire de Bergeveny
Thomas Sire de Camoys	John Sire de Lovell
Thomas Sire de Furnyvall	Robert Sire de Haryngton.
Robert Sire de Scales	Richard le Scrop

Triers of Petitions, 1 Hen. IV., A. D. 1399.—Rot. Parl. Vol. 3. p. 416.

Le Duc d'Everwyk	Le Sire de Roos
Le Cont de Warr'	„ Cobham
„ Northumbr'	„ Berkeleye
„ Westmerland	„ Wilughby

MEM.—Le record & prouces del renunciacion du Roy Ric. II. & de L'acceptation de menne la renuntiation, inter cæteros Ric' le Scrop Archiep̄us Eboracen', Joñes Ep̄us Hereforden' Henrieus Comes Northumb' & Radulphus Comes Westm̄ilandie Hugo Dñus de Burnell, Thomas Dñus de Berkeley, Prior Cantuarien', & Abbas Westmonasterii &c. venerunt ad presentiam Dñi Regis in Turri p̄dca Dñis de Roos, de Wiloghby, de Bergeveny & pluribus aliis tunc ibidem p̄sentibus &c. &c.

Triers of Petitions, 2 Hen. IV. A. D. 1400-1.—Ibid. p. 455.

Le Duc d'Everwyk	Le Sire de Roos
Le Cont de Northumbr'	„ Cobham
„ Warr'	„ Berkeley
„ Westmerland	„ Wilughby

Ibid. 4 Hen. IV. A.D. 1402.—Ibid. p. 486.

Le Cont de Northumbr'	Le Sire de Roos
„ Wircestre	„ Lovell
„ Somerset	„ Berkeley
„ Westmerland	„ Wilughby
Le S̄r de Bergeveny	

Ibid. 5 Hen. IV. A.D. 1403-4.—*Ibid.* p. 523.

Le Cont. de Somerset	Le Sire de Burnell
„ Westmerl'	„ Lovell
„ Arondell	„ Berkeley
„ Suff'	„ Wilughby

Members of the King's Council, 5 Hen. IV.—Ibid. p. 530.

Le Duc d'Everwyk	Le Gardien du Prive Seal
Le Cont de Somers'	Le Sī de Berkeleye
„ Westmerl'	„ Wilughby
Le Sire de Roos Tresorer	„ Furnyvall
d'Engleterre	„ Lovell

Triers of Petitions, 6 Hen. IV., A. D. 1404.—Ibid. p. 545.

Le Cont de Westmerl'	Le Sire de Lovell
„ Arondell	„ Berkeleye
„ Warrewyk	„ Wylughby
Le Sire de Burnell	

Ibid. 7 & 8 Hen. IV., A. D. 1405-6.—*Ibid.* p. 567-8.

Le Cont de Warr'	Le Sire de Burnell
„ Westmerl'	„ Lovell
„ Somersete	„ Roos
„ Arundell	„ Berkeley

Peers present in the parliament 7 and 8 Hen. IV. (1406.)

Rot. Parl. Vol. 3., p. 376.

Besides certain bishops, abbots, viz :—

Edw. Duke of York	Thos. Earl of Arundel
John Earl of Somerset	Rich. Earl of Warwick
Edm. Earl of Kent	Michael Earl of Suffolk

Wm. Lord de Roos	John Lord Darcy
Rich. Lord de Grey de Codenore	John Lord Lovell
Henry Lord Beaumont.	Bartholomew Lord Bouchier
Regin. Lord Grey de Ruthyn	Gilbert Lord Talbot
Willm. Lord de Ferrers	Willm. Lord la Zouche
Thos. Lord Furnivall	Thomas Lord de Camoys
Willm. Lord Wylughby.	Richd. Lord Seymour.
Hugh Lord Burnell	Henry Fitz-Hugh.
Willm. Lord Clynton	Henry le Scrop de Masham
Thomas Lord Morley	

N.B.—The above witnesses to the crown on the event of the death of Hen. Prince of Wales, s.p.m., then to the second or third sons of king Henry in tail male, &c. ; but not if Prince Henry should have any male issue.

The above witnesses to another instrument in parliament, (*Ibid.*) dated the same day in presenti parlamento apud Palatium Westm: 17 June, A.R. 7th.

The following earls and barons, witnesses in parliament to another instrument, in the present parliament, at Westminster, 22 Dec. A. R. 8 Hen. IV.—(*Rot. Parl. v. 3. p. 582-3.*)

Edward duke of York	Hugh lord Burnell
John earl of Somerset	William lord Clynton
Edmund earl of Kent	Thomas lord de Morley
Thomas earl of Arundel	John lord Darcy
Richard earl of Warw'	John lord Lovell
Edward earl of Devon	Bartholomew lord Bouchier
Michael earl of Suffolk	Gilbert lord Talbot
Richard earl of Oxford	William lord la Zouch
Ralph earl of Westmoreland	Thomas lord Camoys
William lord de Roos	Richard lord Seymour
Richard lord Grey de Code- nore	Henry Fitz-Hugh
Henry lord Beaumont	Henry le Scrop de Masham
Reginald lord Grey de Ru- thyn	John de Welles
William lord de Ferrers	John Cobham
Thomas lord Furnivalle	Peter de Malolacu
William lord Wylughby	John de Latymer
	Edward Charleton de Powys
	Mag' Thomas de la Warre

Thom ^s Berkeley de Berkeley	John Tochet
Ralph de Crumbwell	Robert Ponynges
Ralph de Greistok	John de Haryngton, ^a and
William Beauchamp de Ber- gavenny	Richard le Straunge

Triers of Petitions, 9 Hen. IV., A.D. 1407.—Ibid p. 608-9.

Le Count de Warrewyk	Le Sire de Burnell
„ „ Westmorl ^s	„ Lovell
„ „ Somersete	„ Roos
„ „ Arundell	„ Berkeleye

Ibid 11 Hen IV., A.D. 1409-10.—Ibid p. 623.

Le Count de Warrewyk	Le S ^r de Burnell
„ „ Westmerl ^s	Le Sire de Morley
„ „ Somers ^s	Le S ^r de Roos
„ „ Arundell	„ Berkeley

Ibid 13 Hen. IV., A.D. 1411.—Ibid p. 648.

Le Count de Warrewyk	Le Sire de Burnell
„ „ Westmerl ^s	„ Morley.
„ „ Oxenford	„ Roos
„ „ Suff ^s	„ Berkeley

Ibid 1 Hen. V. A.D. 1413.—Ibid Vol. IV., p. 4.

Le Cont de Warrewyk	Le S ^r e de Burnell
„ „ Westmerl ^s	„ Ferrerys
„ „ Sarum	„ Roos
„ „ Suff ^s	„ Berkeleye

Ibid 2 Hen. V., A.D. 1414.—Ibid p. 35.

Le Duc de Clarence	Le Duc d'Everwyk
„ „ Bedeford	Le Count de la March
„ „ Gloucestr ^s	„ „ Warr ^s

^a He appears to be constantly summoned by the name of *Robert*; but his real name was *John*, as here mentioned in the Rolls of Parliament. His father Robert died the 7 Hen. IV.

Le Count de Dorsete	Le S ^r de Morley
„ „ Westmerland	„ Powys
„ „ Saresbirs	„ Grey de Ruthyn
„ „ Mareschall	„ Lescrop
„ „ Suff ^r	„ Haryngton

Le S^r de Berkeleye

Ibid 3 *Hen. V. A.D.* 1415.—*Ibid* p. 63.

Le Sire Grey de Ruthyn	Le Sire de Talbot
„ de Powys	„ Ponynges

Ibid 3 *Hen. V., A.D.* 1415.—*Ibid* p. 71.

Le Due de Clarence	Le Count de Saresbirs
„ Bedeford	Le S ^r Gray de Ruthyn
„ Gloucestre	„ de Berkeleye
Le Count de la March	„ Ponynges
„ „ Westmerland	

Ibid 4 *Hen. V., A.D.* 1416.—*Ibid* p. 95.

Le Due de Clarence	Le Cont de Saresbirs ^r
„ „ Bedeford	Le Sire de Gray de Ruthyn
„ „ Gloucestre	„ Berkeley
Le Cont de la Marche	„ Ponynges
„ „ Dorsete	

Peers in parliament 4 *Hen. V.*—*Ibid* p. 96.

Le Duc de Clarence	Le Count de Westmerland
„ Bedeforde	Le S ^r de Grey de Ruthyn
„ Gloucestre ^r	„ Bourcher
„ Excetre ^r	„ Haryngton
Le Count de la Marche	„ Clynton
„ „ Warr ^r	„ Camoys
„ „ Mareschall	„ Ponynges
„ „ Saresbirs	„ Fitz-Hugh
„ „ Northumbr ^r	

Triers of Petitions 5 *Hen. V., A.D.* 1417.—*Ibid* p. 107.

Le Duc d'Excetre	Le S ^r de Gray de Ruthyn
Le Count de Northumberland	„ Ponynges
„ „ Westmerland	

Ibid 7 Hen. V., A.D. 1419.—*Ibid* p. 116.

Le Sire de Camoys Le Sire de Ponynges

Peers in Parliament, Ibid p. 118.

Le Count de Westmoreland.

Le Sire de Grey de Ruthyn	Le Sire de Clynton
„ Ferreres de Groby	„ Ponynges
„ Camoys	„ Botreaux

Triers of Petitions 8 Hen. V., A.D. 1420.—*Ibid* p. 123.

Le Sire de Gray de Ruthyn Le Sire de Ponynges

Ibid 9 Hen. V., A.D. 1420.—*Ibid* p. 129.

Le Duc de Gloucestre	Le Sř de Grey de Ruthyn
Le Count de la Marche	„ Ponynges

Ibid 9 Hen. V., A.D. 1421.—*Ibid* p. 150-1.

Le Sř de Gray de Ruthyn Le Sire de Clynton

Triers of Petitions 1 Hen. VI., A.D. 1422.—*Ibid* p. 170.

Le Duc d'Excetre'	Le Sire de Crumbewell
Le Count de Warwyk	„ Ponynges

Peers in Parliament nominated to be of the king's council.—*Ibid* p. 175.

Le Duc de Gloucestre	Le Count de Westmer'
„ Excetre	Le Sire Fitz-Hugh
Le Count de la March	Monř Rauf Crumwell
„ de Warrewyk	„ Wauter Hungerford
„ Mareshall	„ John Tiptoft
„ de Northumbr'	„ Wauter de Beauchamp

Triers of Petitions 2 Hen. VI. A.D. 1423.—*Ibid* p. 198.

Le Count de Warrewyk Le Sire de Grey Le Sire de Crumwell

Peers of the King's Council, Ibid.—p. 201.

Le Duc de Gloucestre	Le Duc D'Excetre
Le Chaunceller	Le Count de March
Le Tresorer	„ Warrewyk
Le Gardein du Privee Seal	„ Mareschall

Le Count de Northumbr'	Le Sire de Bourghchier
„ Westmerland	„ Scrop
Le Sire de Crumwell	Monſr Walter Hungerford
„ Fitz-Hugh	„ John Tiptoft

Triers of Petitions 3 Hen. VI. A.D. 1425.—Ibid. p. 261.

Le Duc de Gloucestre	Le Sire de Crumwell
„ Excestre'	„ Bourghchier
Le Count de Warrewyk	„ Scrope

Ibid. 4 Hen. VI. A.D. 1425.—p. 295-6.

Le Duc de Bedeford	Le Sř de Scrop
„ Excestr'	Le Sire de Bourchier
Le Count de Northumbr'	„ Ferrers de Groby
Le Sř de Crumwell	

Ibid. 6 Hen. VI. A.D. 1427.—Ibid. p. 316-17.

Le Duc de Gloucestre	Le Sire Bourchier
Le Count de Huntyngdon	„ de Tiptoft
„ Stafford	„ Crumwell

Nomina Dominorum Subſcribentium manibus ſuis de potestate Protectoris &c. in eodem parlamento 6 Hen. VI. A.D. 1427.—*Ibid. p. 327.*

Johannes Dux Norff'	Johannes P'Escrop
Johannes Comes Huntyndon	Radulfus de Cromwell
Humfridus Comes Stafford	Walterus Hungerford, (Theſaurarius Angliæ)
Thomas Comes Sarum	Johannes de Tiptoft
Jacobus de Audeley	Robertus de Ponynges
Lodowicus de Bourghchier	
Reginaldus le Warr'	

Triers of Petitions 8 Hen. VI. A.D. 1429.—Ibid. p. 335.

Le Duc de Gloucestre	Le Sire de Cromwell
„ Norff'	„ Roos
Le Count de Warrewyk	„ le Scrop

Nomina Dominorum Subſcribentium, &c. in eodem Parlamento 8 Hen. VI.—*Ibid. p. 344.*

Humfridus Dux Gloucestr'	Ricardus Comes Warr'
Johannes Dux Norff'	Humfridus Comes Staff

Lodowicus Robessart	Walterus Hungerford, (The- saurarius Angliæ)
Radulphus Cromwell	Johannes Tiptoft
Johannes le Scrop	

Triers of Petitions 9 Hen. VI. A.D. 1430-1.—Ibid. p. 368.

Mouſr John Tiptoft	Le Sire le Scrop	Lc Sire de Ponyngs
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Peers of the King's Council,—Ibid. p. 374.

Richard Counte de Warr'	Humfrey Count de Stafford
John Count de Huntyngdon	Rauf Sire de Cromwell
Wauter Sire de Hungerford, (Tresorer D'Engleterre)	John Sire L'Escrop
	Johan Sire de Tiptoft

Triers of Petitions 10 Hen. VI., A.D. 1432.—Ibid. p. 388.

Le Duk de Gloucestr'	Le Count de Suffolk
„ Norff'	Le Sire de Beaumont
Le Count de Huntyngdon	„ Hungerford
„ Stafford	„ Ponynges
„ Oxenford	

Ibid 11 Hen. VI., A.D. 1433.—Ibid p. 419.

Le Duc de Bedford	Le Count de Salesbury
„ Gloucestre	„ „ Northumbr'
„ d'Everwyk	Le Sir de Cromwell.
Le Count de Warrwyk	„ Hungreford
„ „ Stafford	„ Lovell
„ „ Suffolk	„ Tiptoft.

Peers in Parliament 11 and 12 Hen. VI., A.D., 1433.—Ibid p. 422.

Johannes Dux Bedford	Johannes Comes Oxon'
Humfridus Dux Gloucestr'	Willielmus Comes Suff'
Ricardus Dux Eborum.	Edmundus Comes Moriton
Johannes Dux Norff infra ætatem	Comes Devon infra ætatem
Ricardus Comes Warr'	de Beaumont Chivaler
Johannes Comes Huntyngdon	Willielmus de Ferrariis de Groby
Humfridus Comes Stafford	Chivaler
Ricardus Comes Sarum	Willielmus le Zouch Chivaler
Henricus Comes Northumbr'	Thomas de Morley Chivaler

Radulphus Cromwell Thesaurarius Anglie	William de Lovell Chivaler
Jacobus de Berkeley Chivaler	Walterus Hungerford Chivaler
Henricus de Grey de Codenore Chivaler	Johannes de Tiptoft Chivaler
Henricus le Bouchier Chivaler	Johannes Cornwayll de Faunhope Chivaler
Johannes de Latymer Chivaler	Johannes le Scrop de Masham Chiv'r promisit in Camera sua pro- pria quia infirmus in manus Cancellar' quinto die Decem- bris
Robertus de Ponynges Chivaler	
Thomas de Dacre Chivaler	
Johannes de Welles Chivaler de Fauconberge Chivaler	

Triers of Petitions 14 Hen. VI., A.D. 1435.—Ibid p. 482.

Le Due de Gloucestr'	Le Count de Northumbr'
„ Everwyk	Le Sir de Tiptoft.
Le Count de Huntyngdon	„ Faunhope
„ „ Warrewyk	Le Sire de Ponynges
„ „ Oxenford	

Ibid. 15 Hen VI., A.D. 1436.—Ibid p. 496.

Le Duk de Gloucest'r	Le Sire de Tiptoft
Le Count de Stafford	„ Serop
„ „ Warrewyk	„ Ponynges
„ „ Devonshire	

Ibid 18 Hen. VI., A.D. 1439.—Ibid Vol. 5, p. 4.

Le Due de Gloucestr'	Le Count de Suffolk
Le Count de Northumbr'	Le Sř de Berkeley
Le Sř de Beaumont	„ Seroop
„ Audeley	„ Faunhope

Ibid 20 Hen. VI., A.D. 1441.—bid p. 36.

Le Due de Gloucestr'	Le Sř Gray de Ruthyn
Le Count de Huntyngdon	„ Serop de Bolton
„ „ Devenshire	„ Hungerford
„ „ Northumbr'	„ Faunhope
„ „ Suff'	„ Dudley
„ „ Stafford	„ Morley
„ „ Dorset.	„ Seroop de Masham

Ibid 23 *Hen. VI., A. D.* 1444.—*Ibid* p. 66.

Le Duc de Glouc'	Le Count de Saresbirs
„ Norff'	Le Sire Grey de Ruthyn
„ Excestre	„ „ Dudley
Le Marques de Dorset	„ „ Fauconberge
Le Count d'Arundel	„ „ Cromwell
„ Oxenford	„ „ Latymer

Ibid 25 *Hen. VI., A. D.* 1447.—*Ibid* p. 129.

Le Duke d'Everwyk	Le Counte de Northumbr'
„ Excestre	Le Viscount Beaumont
„ Bokingham	Le Sire de Scrope de Masham
Le Marques de Dorset	„ Dudley
Le Marques de Suff'	„ Cromwell
Le Counte d'Arundel	„ Sudley
„ de Salesbirs	

Ibid 27 *Hen. VI., A. D.* 1449.—*Ibid* p. 141.

Le Duke de Bokingham	Le S ^r de Cromwell
„ Suff'	„ Molyns
Le Count d'Arundel	„ Grey
„ Devonshire	„ Dudley
„ Oxenford	„ Sudeley
Le Viscount Bourghchier	

Ibid. 28 *Hen., VI., A.D.* 1449.—*Ibid.* p. 171

Le Duc de Bokingham	Le S ^r de Lisle
„ Suff'	„ Fitzhugh
Le Count d'Arundel	„ Sudeley
„ Salisbury	„ Cromwell
„ Wiltshire	„ Say de Sele
„ Worcestre'	

Ibid. 28 *Hen. VI., A. D.,* 1450.—*Ibid.* p. 182.

The duke of Suffolk having been impeached of certain high crimes and misdemeanours, was sent for to appear before the king and the lords spiritual and temporal the

13th of March, the 28 Hen. VI.; and on Tuesday, the 17th day of the same month, he made his second appearance in parliament, where, besides divers spiritual lords, the following temporal were present, viz.:

Duke of Buckingham	Barons—Lisle
Earls of Warrewyk	„ Ferrers de Groby
„ Devonshire	„ Cobham
„ Oxenford	„ Dudley
„ Northumberland	„ Sudeley
„ Wiltshire	„ Beauchamp
„ Worcestre	„ Say
Viscounts—Beaumont	„ Seint Amond
„ Bourghier	„ Hastynges
Barons—Roos	„ Moleyns
„ Grey de Ruthyn	„ Stourton
„ Wellys	„ Ryvers
„ Scales	„ Vessy
„ Cromwell	

Ibid. 29 Hen. VI. A. D. 1450.—*Ibid.* p. 210.

Duke of Buckingham	Viscount de Bourghier
„ Somerset	Le Sire de Cromwell
Earl of Arundel	„ Ferrers de Groby
„ Salisbury	„ Welles
„ Devonshire	„ Roos
„ Wiltshire	„ Lisle
Viscount de Beaumont	

Ibid. 31 & 32 Hen. VI., A. D. 1453.—*Ibid.* p. 227.

Duke of Norfolk	Le Sire de Grey de Ruthyn
Earl of Warwick	„ Graystock
„ Devon	„ Fitz Hugh
„ Oxenford	„ Cromwell
„ Salisbury	„ Duddeley
„ Salop	„ Seint Amond
„ Wurcestr'	

Ibid. 32 Hen. VI., A. D. 1454.—*Ibid.* p. 240.

Lords assigned to attend the king at Windsor, on certain matters:—the earls of Warw', Oxon', Salop; viscounts Beaumont & Bourchier; lords Fauconberge, Duddeley, & Stourton. 23 March, 1454.

Peers in Parliament who subscribed the Creation of Prince Edward, son of Hen. VI. to be Prince of Wales, and Earl of Chester, 32 Hen. VI. A.D. 1454.—*Rot. Parl v. 5. p. 249.*

R. Eborum	} Duces.	Wiltshire—Comes.
H. Buk'		Beaumont
Jasper Pembr'	} Comites.	Bourchier
Warrewyk		Fauconbergh
Oxenford		Willughby
Salisbury		Stourton
		} Vicecomites.
		} Milites.

Triers of Petitions 33 Hen. VI., A.D. 1455.—*Ibid.* p. 278-9.

Duke of York	Earl of Wircestre
„ Buk'	Le Viscount Bourchier
Earl of Pembroke	Le S ^r de Faukenbrigge
„ Warrew'	„ Cromwell
„ Salisbury	„ Bonvyle
„ Salop	„ Berners

Lords in Parliament 33 Hen VI. appointed to inquire into the King's Household, &c., viz.:

Pro Hospitio Regis.—Earl of Worcester, Vicecomes Beaumont, Dominus de Cromwell & de Sudeley.

Pro Cales' & Berewico.—Duke of Buckingham, Earls of Warwick, Sarum, & Salop, Dominus de Fauconberge, & de Stourton.

Pro Custodià Maris.—Comes Oxon, Dominus de Scales, Dominus de Fitzwareyn, Dominus de Bonevyle.

Pro Auro et Argento, &c.—Comes Wygorn

Lords, who, the 24th of July, 33 Hen. VI., in Parliament, swore to be loyal to the king.—*Ibid.* p. 282-3.

Dux Eborum	Comes Oxon
„ Buk'	„ Salop
Comes Pembroeh'	„ Wygorn
„ Warr'	Vicecomes de Beaumont
„ Sarum	„ „ Bourchier

Dominus de Gray de Ruthyn	Dominus de Clynton
„ „ de Faukenberge	„ „ Say
„ „ de Seales	„ „ Fitzwareyn
„ „ de Cromwell	„ „ Bonvyle
„ „ Ferrers de Groby	„ „ Ruggemond Gray
„ „ de Sudeley	„ „ Berners
„ „ de Beauchamp	„ „ Clifford
„ „ de Serop de Bolton	„ „ Powes
„ „ de Stourton	

N. B. The archbishop of Cant. & York, eleven bishops, eighteen abbots, and the prior of Coventry and St. John of Jerus. in Angl., included in the said oath or protestation of allegiance.

Triers of Petitions 38 Hen. VI., A. D. 1459.—Ibid. p. 345.

Duke de Buk'	Le S ^r de Lovell
Le Count de Salop	„ Dacre de Gilleslond
„ Wiltes'	„ Dudley
Le S ^r de Clyfford	„ Beauchamp
„ Fitz-Hugh	„ Berners

Oath of Allegiance taken by the lords, 11 December, 38 Hen. VI. in the Parliament Chamber at Coventry.

Duc Exon'	Dominus Grey de Ruthyn	Dominus Beauchamp
„ Norff'	„ Grey	„ Rugemond Grey
„ Buk'	„ Wellys	„ Bonvyle
Comes Pembrochie	„ Greystok	„ Scroope de Masham
„ Arundell	„ Fitz-Hugh	„ Stourton
„ Northumb'	„ Dacre	„ Egremond
„ Salop	„ Dacre de Gilleslond	„ Berners
„ Wiltes'	„ Scales	„ Willughby
Viccomes Beaumont	„ Bergavenny	„ Stanley
„ Bouchier	„ Dudley	„ Nevill
Dominus Clyfford	„ Sudeley	

The 2 archbishops, 16 bishops, 14 abbots, the prior of Coventry & St. John of Jerusalem.

Triers of Petitions 39 Hen. VI. A.D. 1460.—Ibid. p. 373.

Le Count de Warwyk	Le S ^r Fitz-Waryn
„ Saresburg	„ de Serop
Le Viscount de Bourgehier	„ Bonevyle
Le S ^r Grey de Ruthyn	„ Berners
„ de Dacre	„ Rugemond Grey

Anno Quinto Hen. VI.—Ex. Bib. Cott. Titus E. V.—Ibid. p. 407.

Lords of the Kynges Counsaile

The Duc of Bedford	The Erle of Salesbury
„ Gloucestre	„ Northumberland
„ Excestre	The Lord Cromwelle
„ Norfolk	„ Scrop
The Erle of Huntyngdon	„ Bourghier
„ Warwyk	„ Hungerforde
„ Stafford	„ Typtot

Ibid. p. 409.—Peers in Council at Reding, 24 Nov. 5 Hen. VI.

Johan (<i>i. e.</i> Duke of Bedford)	Cromewell
H. Gloucestre & J. Norff'	Scrope
J. Huntyngdon	Hungerford
H. Stafford	L. Bouchier
T. Salisbury	Tiptot
H. Percy	

Ex Bibl. Cott. Titus E. V., No. 38.—Ibid 450.

Peers in the Council Chamber at Westm : 30 Mar., 32 Hen. VI.

R. York, H. Bukingham, R. Warrewyk, J. Worcestre, Devon, R. Salisbury, Beaumont, Bourghier, W. Fauconberge, Scales, J. Duddeley, W. Ferys, Ebergavenny.

Ex. Bibl. Cott. Titus, E. VI., 34 Hen. VI.—Ibid. p. 453.

Peers in the Star Chamber at Westm : 10 Nov. 34 Hen. VI.

H. Bukingham, R. Warrewyk, J. Worcestre, R. Salisbury, Bourghier, Arundel, W. Fauconberge, W. Scrop, Grey Rychemont, Fitzwaryn, Stourton.

At Westm : 11 Dec. 34 Hen. VI.—R. York, H. Bukingham, R. Warrewyk, R. Salisbury, Arundel, J. Worcestre, Oxenford, Fauconberge, Bourghier, Fitzwaryn, Stourton, Berners.

Triers of Petitions 1 Edw. VI., A. D. 1461.—Ibid. p. 461.

Le Duc, Le ———, Le Count de Warr, Le Count de Worcestre, Le Count ———, Le Count de Essex, Le Count de Kent, Le Sř de Audeley, de Grey Ruthyn, de Grey-stock, de Clynton, de Scrop, de Stourton, de Hastynges, de Suthwyk, Le Sř Fitz-Hugh, Le Sř Scrop de Upsale, Le Sř de Cobham, Le Sř de Dacre.

Ibid. 3 *Edw. IV., A. D.* 1463.—*Ibid.* p. 496.

Le Duc de Suff ^r	Le S ^r de Wenlok
Le Count de Warewice	„ Suthwyk
„ Essex	„ Willughby
„ Worcestre ^r	„ Montegue
Le S ^r de Berners	„ Herberd
„ Audeley	„ Dacre
„ Hastynges	

Ibid. 7 & 8 *Edw. IV., A. D.* 1467-8.—*Ibid.* p. 571.

Le Duc de Clarence	Le S ^r de Audeley
Le Count de Arundel	„ Hastynges
„ Worcestre	„ Scales
„ Essex	„ Dudeley
„ Ryvers	„ Dacres
Le S ^r de Berners	

Ibid. 12 & 13 *Edw. IV., A. D.* 1472-3.—*Vol.* 6, p. 3.

Le Duc de Clarence	Le S ^r de Hastynges
Le Count d'Arundel	„ Mountjoye
„ „ Sherosbery	„ Strange
„ „ Wiltshire	„ Dacre
Le S ^r de Stourton	

Ibid. 17 *Edw. IV., A.D.* 1477.—*Ibid.* p. 167.

Le Duc de Gloucestre	Le S ^r de Stanley
„ „ Bukyngham	„ „ Hastynges
Le Counte d'Arundel	„ „ Dynham
„ „ Essex	„ „ Beauchamp
„ „ Rivers	„ „ Ferrers

Ibid. 22 *Edw. IV., A. D.,* 1482.—*Ibid.* p. 196.

Le Duc de Buk ^r	Le S ^r Hastynges
Le Counte de Huntyngdon	„ de Dacre
Le Marques de Dorset	„ „ Dudley
Le Viscounte Lovell	„ „ Fitz Hugh
„ Berkeley	„ „ Scrope
Le S ^r Stanley	

Rot. Claus. 11. Edw. IV. m. i., Dors. Rot. Parl. Vol. 6, p. 234.

Names of those who, in the parliament chamber at Westminster, 3 July, the 11 Edw. IV., made protestation of oath, and subscribed *corum manib' propriis*, the recognition of Edward Prince of Wales, eldest son of king Edward, viz:—

G. Clarence	J. Duddleley	— Duras
R. Gloucestre	J. Audeley	J. Fenys
— Norff'	— Dacre	R. Beauchamp
H. Bukynghame	E. Bergevenny	Sir Robert Fenys
J. Suffolk	J. Straunge	— Bourghier
— Arundel	J. Scrop	T. Bourghier
H. Essex	W. Ferrers	W. Par.
E. Kent	— Berners	J. Pilkynghon
— Rivieres	— Hastynges	W. Brandon
J. Wiltshire	— Montejoye	Wilm Courtenay
E. Arundel Maltravers	— Dynham	Thomas Molyneux
A. Grey	— Howard	Rauff Asheton

N.B.—The two archbishops; eight bishops, and the prior of St. John.

Triers of Petitions 1 Ric. III. A.D. 1483.—Ibid. p. 237.

Le Duc de Norfolk	Le S ^r de Grey
Le Count de Kent	„ Audeley
„ Surr'	„ Powyk
Le Viscount Lovell	

Ibid 1 Hen. VII., A. D. 1485.—Ibid. p. 268.

Le Duc de Bedford	Le Count de Devon
„ „ Suffolk	Le S ^r de Bergevenny
Le Count d'Arundell	„ „ Cobham
„ „ Oxenford	„ „ Beauchamp
„ „ Nottingham	„ „ Fitzwauter
„ „ Derby	„ „ Dudley

Names of lords temporal who in the parliament chamber at Westminster made oath to observe certain articles then and there propounded to them.—1 Hen. VII., A.D. 1485, *Ibid p. 288.*

Duces—Bedford & Suff'	Comites—Salop
Comites—Lincoln	Nottingham
Arundel	Pryvers
Derby	Devon

Comes Wilts	Barones Fitz-Walter
Viscount de Beaumont	Grey de Wilton
Barones Grey	Beauchamp
Dudley	Hastinges
Bergeveny	

Triers of Petitions 3 Hen. VII., A.D. 1487.—Ibid. p. 385.

Le Duc de Bedford	Le S ^r de Audeley
„ Suffolk	„ Bergevenny
Le Count d'Oxford	„ Gray
„ de Nottingham	Le Sire Fitzwauter
„ de Ryvers	„ Straunge

Ibid. 4 Hen. VII., A. D. 1488.—Ibid. p. 410.

Le Counte d'Arundel	Le Sire de Bergevenny
„ d'Oxford	„ d'Audeley
„ de Derby	„ d'Ormond
„ de Notyngnam	Le S ^r Dynham
„ de Wiltshire	„ De la Warre
Le Viscounte Lisle	Le Sire Dudley

Ibid. 7 Hen. VII., A. D. 1491.—Ibid. p. 441.

Dux Bed ^r	Dñus Dynham Miles
Marchio Berkeley	Wiltus Huse Miles
Comes Wiltes ^r	Dñus Scrop de Bolton
Vicecomes Wellys	„ Audeley

Ibid. 11 Hen. VII. A.D. 1495.—Ibid. p. 458.

Comes Oxon	Comes Suff ^r	Dñus Dudley
„ Derby ^r	„ Essex	„ Daubeney
„ Surr ^r	Vicecomes Wellys	„ Bergevenny
„ Arundel	Dñus de Ormond	„ Straunge
„ Kanc ^r	„ de la Warre	„ Audeley

Ibid. 12 Hen. VII., A.D. 1496.—Ibid. p. 509-10.

Le Counte de Oxford	Le Sñr Beauchamp
„ „ Derby	„ Daubeney
„ „ Salop	„ Broke
„ „ Essex	„ Dynham
„ „ Kent	„ Hastynges
Le Viscount Wellys	

Ibid 19 *Hen. VII.*, A.D. 1503.—*Ibid.* p. 521.

Le Duc de Bukyngham	Le S ^r Hastings
Le Counte de Shrewesbury	„ Herberd
„ „ Surrey	„ Burgavenney
„ „ Arundel	„ Dacre de Dacre
„ „ Northumberland	„ Mountjoye
Le S ^r Daubeney	

N.B.—The preceding proofs of barons sitting in parliament have been extracted from the printed Rolls of Parliament for the purpose of affording a facility of reference from the account given in the following pages of those eminent persons who were created by writ of summons, and to distinguish the periods of their presence and exercise of the peerage rights in their Lords' House of parliamentary legislation.

THE NAMES OF PERSONS MENTIONED BY DUGDALE TO HAVE
BEEN SUMMONED TO PARLIAMENT.

ABERGAVENNY SIVE BERGAVENNY.

THIS barony is of a very peculiar nature, embracing the two attributes of barony by tenure, and by writ of summons.

The castle of Abergavenny (or rather Bergavenny as then called) was built by Hamelin de Balun, first lord of the territory of Over-Went, or Wentland, in Wales, after the Norman conquest. Not having any issue, he gave his said territory of Over-Went, in which the castle of Bergavenny was situate, to his nephew Brian, son of his sister Lucie, who was countess of the Isle. From this Brian (Fitz-Count) the lands of Over-Went, and castle of Bergavenny, came to Walter of Gloucester, whose son Milo was created earl of Hereford, and having had five sons, who all died s.p.; their three sisters became their heirs and divided the inheritance. Of these, Berta the second sister, married William de Broase, and had the lordship of Brecknock, with the lands of Over-Went, and the castle and seigniori of Bergavenny. But Brecknock being the largest seigniori, the title of Bergavenny was never used by him or his descendants, they writing themselves lords of Brecknock only. The male line of Braose terminated in three daughters and co-heirs, whereof, Eve, the second, married William de Cantilupe, and had in the division of the inheritance, the lands of Over-Went, and castle, and seigniori of Bergavenny.

It was in the person of this William de Cantilupe that the style of Bergavenny is said to have been first used. He, according to some authorities,* having been summoned to parliament by king Hen. III.; but there is not any record to sustain that assertion.

* Collins's
Parl. Preced.
p. 76.

George de Cantilupe, only son of Sir William, dying s.p., his two sisters became his co-heirs: of these Joane married Henry de Hastings, who thereby in the division of his estates, obtained the castle and territory of Bergavenny.

John de Hastings, his son and heir, had summons to parliament from the 22 Edw. I. to the 6 Edw. II. In the 29 Edw. I., by the designation of *John de Hastings Dominus de Bergavenny*, he was one of those barons who in the parliament at Lincoln, subscribed the famous letter to the Pope,—thereby intimating that *Bergavenny* was the name of his barony, though *Hastings* was his surname.

Lawrence Hastings, his grandson, was created earl of Pembroke, by king Edw. III. ; so that the title of baron Hastings, or Bergavenny was merged in that higher dignity. John his son, the second earl, having a great dislike to Reginald lord Grey, his cousin, and to Hugh Hastings his next heir male, made a feofment the 43 Edw. III., whereby, (according to Dugdale,) in case he should die without issue of his body, he settled the town and castle of Pembroke upon the king, his heirs, and successors, and the castle of Bergavenny, and other lands in England and Wales, upon his mother's sister's son, William de Beauchamp.

John, third earl of Pembroke, only child of the said Earl John, dying s.p. the 13 Rich. II., the title of earl of Pembroke ceased, and the castle and barony of Bergavenny passed by virtue of the feofment to William de Beauchamp, who being so seised thereof, was in the 16 of Rich. II. summoned to parliament by the style of *William Beauchamp de Bergavenny*.

Richard Beauchamp, his only son and heir, was never summoned to parliament by the same description, being shortly after he had acquired his majority, created earl of Worcester, in 1420, and dying in 1451, s.p.m. his earldom became extinct, but the barony created by the summons to parliament of his father, the 16 Rich. II., remained in the heir general of his body. He married Isabel, daughter and heir of Thomas, lord Le Despenser, by whom he had an only daughter and heiress, Elizabeth, who married Edward Neville, a younger son of Ralph Neville, first earl of Westmorland: this lady was therefore heiress of the two baronies of Le Despenser, and of Beauchamp de Bergavenny.— But it does not appear that her husband Edward Neville, was immediately summoned to parliament, *jure uxoris*, as the usual practice then was, to either barony; on the contrary, William de Beauchamp, grandfather of the said lady Elizabeth, is said by Dugdale, to have settled the castle of Bergavenny, &c., upon Joan, his wife, and the heirs male of the body of the said William, with remainder, for default of such issue, to the heirs male of Thomas, earl of Warwick, his brother; which heirs male failing, the said Edward Neville, and Elizabeth, his wife, upon their humble remonstrance, obtained in the 27th of Hen. VI. livery thereof, and thereupon, according to Dugdale,* (before cited,) was styled lord Bergavenny, and the 29th of Hen. VI. was summoned to parliament by that title.

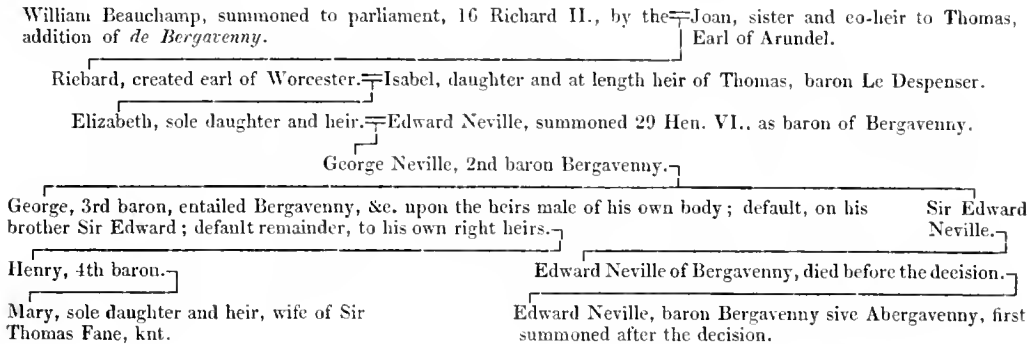
* Dugd. Bar. Vol. I. p. 309.

Henry, great grandson of the said Edward lord Bergavenny, deceasing in 1586, left one sole daughter and heiress Mary, who married Sir Thomas Fane, knight, and thereupon claimed the barony of Bergavenny against Edward Neville, son of Edward, a younger brother of the before mentioned Henry, on whom the castle of Bergavenny had been settled both by testament and act of parliament. This claim after a long contest, and very learned arguments, was not determined until the 25th of May, 1 Jac., when by judgment of the house of lords, and order of the commissioners for executing the office

of earl Marshall, the title of Bergavenny was decreed for the heir male, and the king gave the barony of Le Despenser to the heir female (the claimant Mary) and her heirs.

Here it must be observed that the barony of Bergavenny, if created by writ, could not claim precedency further back than either the 29 of Hen. VI., or 16 Ric. II.; but if it was a barony by prescription or tenure, every person who had been in possession of the castle, being reputed *ratione possessionis*, a baron, then its precedence would be from Hamelin de Balun, the first builder and Norman baron after the conquest. Had this not been so considered by the claimant, it appears rather singular she should have sought this barony in preference to that of Le Despenser, which was of more antiquity, as dateable from its first writ of summons. Again, if the summons to William de Beauchamp was merely personal, and the additament of *de Bergavenny* put to distinguish him from other barons of the same name, he was only *baron Beauchamp*; but if the additament was meant as a creation of *baron Bergavenny*, then it clearly referred to the possession of that castle, as a barony by prescription, appertaining to its possessors, similarly as to the possessor of Arundel castle. But the decision left the question undecided, and partook of the character of a compromise, but not a declaration of the law; the singular point is, that the claimant did not obtain what she sought; but got that which she never applied for, and in fact was a forfeited title.*

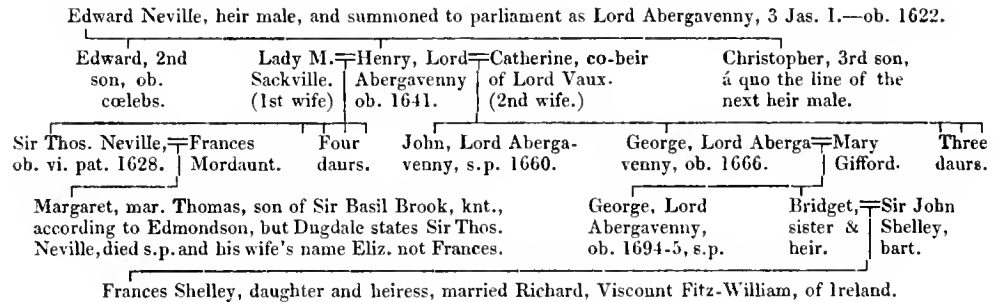
* Vide Le Despenser.



But notwithstanding this compromise, by which both parties were ennobled, there remains an important point for consideration, as to what effect it had with respect to the barony of Bergavenny, (or Abergavenny as now called,) either to establish it as a barony by writ; or as a barony by virtue of the possession of the castle, and founded upon prescription. If the latter, the precedence would be before that of Le Despenser, and therefore, the placing it below that barony was inconsistent. If it was a barony first recognised by writ in the person of John de Hastings, denominated *Dominus de Bergavenny*, the 29 Edw. I., then neither Beauchamp, nor Neville, who took through Beauchamp, were descended from Hastings, and could not have any pretension of descent in

the character of heirship. Under this view it would seem, that the writ of summons to Edward Neville, after the compromise, was the creation of a new barony, which by virtue of the writ, was rendered a peerage descendable to the heirs general of the body of the said Edward Neville, although the castle of Bergavenny still remained under the entail to heirs male. The writ of summons could not have the retrospective effect of placing him next to Despenser, unless he had been entitled to a barony, of which some ancestor to whom he was heir, had been called to parliament with that precedence; which not being the case, the highest date he could refer back to, was that of William de Beauchamp, temp. Ric. II. and to that he was not heir, for lady Mary Fane was the heiress general; and moreover, the precedence given to him was contrary to that statute of 31 Hen. VIII. as referred to by the lords in protesting, to the precedence given in the creation by Charles I. to William, the first earl of Banbury.* If the barony then be deemed created by writ, the succession, or right of succession, would be vested according to the under table of descent:—

* Journ.Dom.
Proc.



ALDITHLEY SIVE AUDLEY, OF HELEIGH.—(25 EDW. I.)

THIS barony of ancient date, and of great fame in its early lords, being an existing title, of which an elaborate account may be found in the various editions of Collins's peerage, and the peerages of the day, a lengthened account of it is here unnecessary to be entered into, and as such it may suffice to say, that

Nicholas de Aldithley, or Audley, was first summoned to parliament the 25 Edw. I. But Sir Harris Nicolas, in his Peerage Synopsis says, it is doubtful if that writ can be considered as a regular summons to parliament: yet, whatever the opinion of that learned gentleman may be, it appears that a parliament was holden in that year, in which the *great charter, and charter of the forests was confirmed*.† He died in 1299, and was succeeded by his son,

† Vide Appen-
dix.

Thomas, second lord Audley, who died shortly after in 1307, under age. and without issue, (according to Dugdale) leaving Eve his wife surviving (who was daughter and eventually heir of John lord Claving) and Nicholas, his brother and heir, which

Nicholas, third lord Audley, had summons to parliament from the 6 to the 12 Edw. II., and died the year following, (1319)^a leaving Joane his wife surviving, (who was widow of Henry Lacy, earl of Lincoln, and sister and co-heir of William Martin, baron of Kameys) and James his son and heir,^b which

James, fourth lord Audley, was then not fully three years of age, who afterwards became one of the most eminent noblemen of his day, and was particularly famous for his martial exploits at the ever memorable battle of Poitiers, having had summons to parliament from the 4 Edw. III. to the 10 of Ric. II. He died the same year, being then one of the knights of the illustrious order of the Garter. He married 1st Joan, daughter of Roger Mortimer, earl of March, by whom he had Nicholas his son and heir, and two daughters, viz. Margaret and Joan. To his second wife he married Isabel, one of the daughters and co-heirs of William Malbank, by whom he had a daughter also named Margaret, who married Fulk Fitz-Warine.

Nicholas, fifth lord Audley, survived his father only a short time. He married Elizabeth, daughter of Alice de Beaumont, countess of Boghan, (Buchan), and having been summoned to parliament from the 11 to the 14 Ric. II., died shortly after (1392) without issue, leaving John Tuchet, grandson of Joan his eldest sister, and Margaret the wife of Sir Roger Hilary his other sister, his co-heirs of the whole blood. The said

John Tuchet was afterwards summoned to parliament from the 7 to the 9 Hen. IV. as "Johanni Tuchet," and died the following year, leaving James Tuchet his son and heir, which

James Tuchet had summons to parliament from the 8 Hen. V. to the 33 Hen. VI. as "Jacobo de Audley," by which description, John his son and heir was summoned from the 1 of Edw. IV. to the 1 of Ric. III. He died in 1491, and was succeeded by his son and heir,

James Tuchet who had summons from the 7 to the 12 of Hen. VII., but was beheaded and attainted in 1497.

John his son and heir was restored in blood, and to his honours in 1512, and was afterwards summoned to parliament from the 6 of Hen. VIII., to the 1st of Queen Eliz.: he died circ. 1559, leaving

^a Dugdale in his *Baronage*, p. 748. says he died the 10 Edw. II., but his name appears in his *Lists of Summons*, in the above said 12 Edw. II.

^b On a brass plate fixed on an altar tomb in the nave of Audley church, co. Staff., is the following inscription: Icy gist Mons. Thomas D'Audeley Chivaler fra Mons. James D'Audeley, Seign'r de Heleigh de Rouge Chastell q̄i moruit Le xxiv. die Januari L'An. de gra' M^o cclxxxv.—qui vit: de q̄i alme Dieu p' sa pite eit merci.—АМѢН.

Above the inscription, on a distinct brass plate, is the figure of the knight in armour.

George his son and heir, who was never summoned, nor Henry his son and heir, who died circ. 1564, leaving George his son and heir, which

George had summons to parliament from the 8 of 2 Eliz. to the 12 of Jas. I., and was advanced to the title of earl of Castlehaven in Ireland, and died in 1617; his son and heir

Mervin Tuchet, second earl of Castlehaven, was attainted and beheaded in 1631, having been tried by his peers, and found guilty of divers infamous charges preferred against him, on which occasion his honours were forfeited; but his son and heir

James Tuchet was created baron Audley, and earl of Castlehaven, in Ireland, and restored to the barony forfeited by his father, with remainder to the heirs of his body; remainder to Martin Tuchet his brother, and the heirs of his body; remainder to the daughters of his father, and their heirs, by act of parliament, anno 1678, deceasing s.p. in 1684, the said honours devolved upon

Martin Tuchet his brother and heir, who died in 1686, leaving

James his son and heir, baron Audley, in England, and earl of Castlehaven, in Ireland; he died in 1700, and was succeeded by his son and heir

James, who deceased in 1740, leaving two sons, whereof James the eldest was his successor, but dying in 1769, s.p.: his brother,

John Talbot Tuchet became his heir, and was the last of the Tuchet name, baron Audley, and earl of Castlehaven, and departing this life in 1777, s.p., the earldom of Castlehaven became extinct; but the barony of Audley descended to his nephew George Thicknesse, son of his sister Elizabeth Tuchet, by Philip Thicknesse, Esq., her husband, governor of Languard Fort; which

George Thicknesse, on succeeding to the barony of Audley, assumed the name of Tuchet, and dying in 1818, left

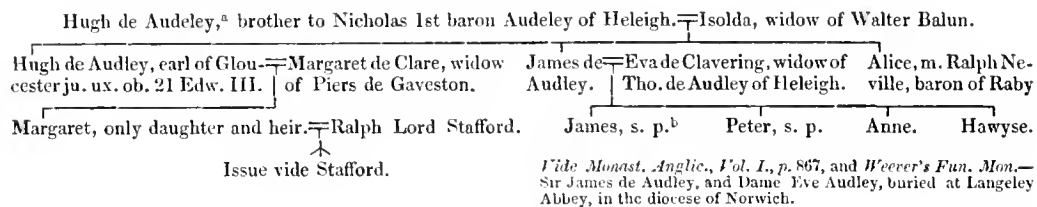
George John Thicknesse Tuchet, his son and heir, the next baron, father of the present lord Audley.

JOHN DE AUDELE.—(6 EDW. III.)

DUGDALE, in his Lists of Summons, mentions a John de Audele to have had summons to parliament the 6 Edw. III.; and on looking into the writ, this name is therein recited, as well as that of James de Audele; but who this John was, Dugdale, in his historical account of the family, has not made the least mention;—yet the name of this John de Audele is twice repeated in the writs of summons of the 6 Edw. III.; the first to a parliament at Westminster, the second to a parliament at York.

AUDLEY, AND EARL OF GLOUCESTER, (11 EDW. II).

HUGH DE AUDLEY, supposed by Dugdale to be a younger brother to Nicholas, the second of his name, Baron Audley (of Heleigh) was summoned to parliament the 14 Edw. II., as Hugh de Audley, Senr., but his son Hugh had summons in his life time, the 11 Edw. II., as Hugh de Audley, Junr., and had further summons from the 20 Edw. II. to the 10 Edw. III. Having married Margaret, one of the daughters and co-heirs of Gilbert de Clare, earl of Gloucester (relict of Piers de Gavestone), he was created earl of Gloucester in 1337, and by that title afterwards summoned to parliament till his death in 1347, when not having any male issue, Margaret his only daughter became his heir.^a She married Ralph Lord Stafford, and the barony of Audley under the writ of the 11 Edw. II., as also that of the 14 Edw. II. to Hugh de Audley, Senr., merged in the Stafford family, and became forfeited with all the Stafford honours on the attainder of Edward Duke of Buckingham, temp. Hen. VIII.



^a In an old MS. penes, auct. intitled lord Brudenell's Book (B) de cartis de Bogenh'm, in parochia de Horton in Comit de Staff, this Hugh is made son of Adam de Aldithley, brother to Henry, grandfather to the first Nicholas.

^b James, son of James de Audley, the custody of the castle of Gloucester.—*Esch.* 45 Edw. III., No. 1.—*Weever*, p. 323.

ANGUS.—(25 EDW. I.)

This was an earldom created by writ of summons to parliament, the 25 Edward I., in the person of Gilbert de Umfraville, and though the name of a Scotch title, yet the said Gilbert, and his successors, were all summoned to parliament as English earls, and named as such with the other earls of the realm.

Gilbert de Umfraville who married Matildis, the daughter and heiress of Malcolm, earl of Angus, in Scotland, was one of the most illustrious among the English barons, as recited by Dugdale,* citing Matthew Paris, and was lord of Herbottil, Prudhoe, &c., in the county of Northumberland. He was married in 1243,† and deceased shortly after in 1245, leaving the countess Matildis (or Maud) surviving, and Gilbert his son and heir of very tender years. This

* Bar. Vol. I.
p. 504.
† Sutherl.
Add. Case.

^a The earl of Gloucester with Margaret his countess, and their daughter Margaret, as also her husband the lord Stafford, were interred at Tunbridge in Kent.—(*Weever*, p. 323.)

Gilbert de Umfraville on attaining his majority became a person of very considerable note, and in the 51 of Hen. III. obtained a grant for a weekly market, and a yearly fair at Overton in the county of Rutland, in which grant he is styled earl of Angus,* which was long before he was summoned to parliament by that title; for he was first summoned in the 22 and 23 of Edw. I. only as a baron, by the name of Gilbert de Umfraville. However in the 25 of Edw. I., he had summons by the title of earl of Angus, when the English lawyers somewhat startled, at first refused in their briefs and law instruments to acknowledge him as earl by reason Angus was not within the realm of England, until he had openly produced in the face of the court, the king's writ whereby he was summoned by that title, and created an earl in the British peerage. From this time he continued to be summoned till his death, the 1 Edw. II. He married the third daughter of Alexander Cumin, earl of Buchan,† and had three sons, viz. Gilbert the eldest, who died in his lifetime, 31 Edw. I., s.p.; Robert his successor, and Thomas who was a servant in the court of Edw. I., and to whom he gave lands in Redesdale.

* Cart. 51.
Hen. III.

† Douglas
Vol. I., p. 65.

Robert de Umfraville, second earl of Angus, was by that title regularly summoned to parliament during his lifetime, and by the rolls of parliament appears to have been present therein. He died about 1325 or 6. He was twice married; his first wife was Lucia (or Lucy) daughter of Philip de Kyme, a great baron in the county of Lincoln, eventually sister and heiress of her brother William de Kyme, by which heiress he had a son Gilbert his successor, and a daughter Elizabeth who married Gilbert de Burdon, (or Barradon).

His second wife was Eleanora, who brought him two sons, whereof Robert the eldest died s.p., Thomas the second son, and a daughter named by Dugdale‡ Anora, wife of Stephen, son and heir of Sir Richard Waleys.

‡ Dugd. Bar.
Vol. I. p. 507.

Gilbert de Umfraville, 3rd earl of Angus, succeeded his father, and had summons to Parliament by that title from the 5 Edw. III. to the 4 Ric. II., being occasionally a trier of petitions.§ He married Maud, sister of Anthony de Lucy, and aunt and heir of Joan, daughter of the said Anthony de Lucy; which Maud after his death remarried Henry Percy, 1st earl of Northumberland: by her he had a son Robert who predeceased him, and thus not having any surviving issue, Alianore, his niece, became his heir, who was daughter of Elizabeth, his sister, wife of Gilbert Burdon, (or Barroden,) and then wife of Henry Talboys. But she, though his heir of the whole blood, was only heiress to the barony of Kyme, as descended from her grandmother Lucia de Kyme, but was not heiress to the earldom of Angus; for Gilbert, the last earl, had, as before mentioned, two brothers of the half blood, namely, Sir Robert de Umfraville, the eldest, who died in his lifetime, s.p., and Thomas, which

§ Rot. Parl.

¶ Dugd. Bar.
Vol. II. p. 508.

Thomas de Umfraville, as his next heir male, in the 4 of Ric. II.,|| doing his homage

had livery of the castle of Herbotill, and the manor of Otterburne, which by virtue of a special entail descended to him by the death of earl Gilbert, s.p., but he never had summons to parliament either as earl of Angus, or as a baron, though it must be evident he was as much entitled thereto as his father, or any of his predecessors, and was *jure legitimo*, heir thereto.* But he did not long survive his half brother, deceasing 10 Ric. II. By Joane, daughter of Adam de Rodam, he had two sons, both knights, viz. Sir Thomas, and Sir Robert a knight of the garter, temp. Hen. IV., who died in 1436.

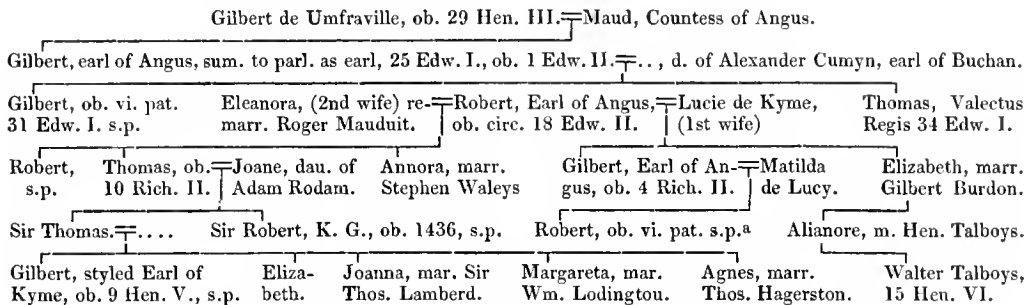
* Hastings Nuper. Cor. Dom. Proc.

Sir Thomas de Umfraville had issue a son Gilbert; which Gilbert has been styled earl of Kyme, though on what authority there is no record to show: but it is probable it was an assumption from the tenure of the ancient baronial castle of Kyme, similarly as the Albini's, earls of Sussex called themselves earls of Arundel, from possessing that castle, though there never was any creation of that title.

This Gilbert, so styled earl of Kyme, was slain at the battle of Baugy, in France, with the duke of Clarence and others of the English nobility, s.p., leaving his four sisters his co-heirs to the earldom of Angus, and barony of Umfraville, as is set forth in the table of descent.

It must here be observed that his uncle, Sir Robert Umfraville, was his next heir male, by virtue of a fine levied the 1 Ric. II., between Gilbert, then earl of Angus, plaintiff, and John de Habrough Clerk, deforciant: whereby, for want of issue of him, the said earl the castle and manor of Herbotill, and manner of Otterburne, were to devolve to Sir Robert Umfraville, knight, and to the heirs male of his body—remainder to Thomas, brother of the said Robert, and the heirs male of his body—default thereof to Thomas Umframville son of Joane, daughter of Adam Rodam and the heirs male of his body—with remainder to Robert, son of the said Joane, and the heirs male of his body—and for default of such issue, to the right heirs of the said earl. This Sir Robert dying s. p., the aforesaid castle, &c. came by reason of the said entail, to Walter Talboys, grandson of Alianore, daughter of Elizabeth sister to him the said earl the settler; which Walter, the 15 Hen. VI., had livery accordingly.†

† Rot. Fin. 15 Hen. VI. m. 13.



Vincent in his Corrections of Ralph Brooke, says that Sir Thomas Umfraville, father of Gilbert, had also five daughters, married to Elmedou, Rither, Lambert, Lodington, and Haggerston.

^a According to Douglas, he married Margaret, daughter of Henry, Lord Percy, who, after his death, married William de Ferrers.

AP ADAM.—(25 EDW. I.)

JOHN AP ADAM having married Elizabeth daughter and heir of John de Gourney, baron of Beverston, in com. Gloucester, had livery of her lands the 19 Edw. I.; and the 25 of the same reign had summons to parliament; as also in the 27 and in the various other parliaments to the 3 of Edw. II. In the 29 of Edw. I. he was one of the barons, who, in the parliament at Lincoln, subscribed the letter to the Pope,—on which occasion he was designated—“John Ap Adam dominus de Beverston.” He was also one of the barons summoned to attend the coronation of Edw. the II., shortly after when, he died circ. 3 Edw. II., leaving Thomas Ap Adam his son and heir, then in minority; which

Thomas Ap Adam never had the like summons, but is said to have sold the castle and manor of Beverston to Thomas de Berkeley and Margaret his wife, and their heirs, whereby, having dispossessed himself of his baronial estate, he was no longer considered of baronial dignity: yet if the writs of summons of his father, his being present in the parliament at Lincoln, and being summoned also to attend the coronation of Edw. the II., be deemed to have created, and recognised in him a baronial peerage descendable in his blood, the heir general who may be representative of him at the present day, must be intitled thereto, notwithstanding the alienation of Beverston, and the length of time which has since elapsed.

The posterity of this Thomas continued long after his decease, and subsequently dropped the *Ap* from their name.

§ Vol. ii., p. 5. Fosbrooke in his history of Gloucestershire,* says John Ap Adam had lands in Redwiche and Northwiche, part of which descended to John Ap Adam, who died the 3 of Hen. VI., leaving his sister and heir Elizabeth mother of John Huntley.

ARCHDEKNE.—(14 EDW. II.)

THOMAS LE ARCHDEKNE, in the 35 Edw. I., was of Shepestall in the county of Cornwall, and the 6 Edw. II., governor of the castle of Tintaget. He had summons to parliament from the 14 to 18 Edw. II., both inclusive; and by Elizabeth, or Alice his wife, daughter to Thomas de la Roche, a baron of parliament,* had issue John his son and heir, which

* Vide De la Roche.

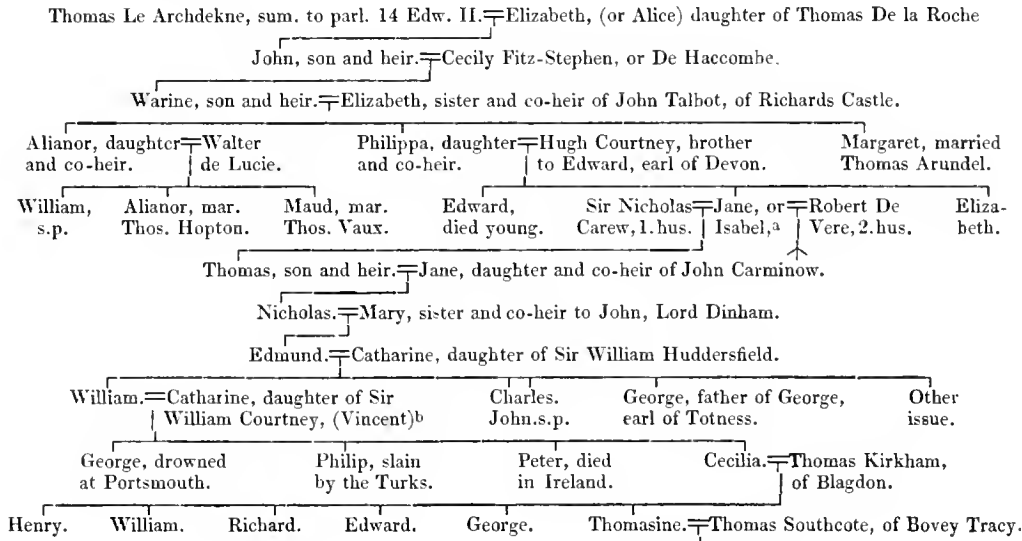
John le Archdekne was in the wars of France, temp. Edw. III., in the 16th of whose reign he had summons to a great council to be holden at Westminster, his name being included amongst those of the earls and other barons then convened; but he never after had the like summons. He married Cecily daughter and heir to Sir Jordan Fitz-Stephen, of Haccombe, knight, according to Dugdale; but Ralph Brooke says† that the families of Fitz-Stephen and Haccombe were several, and bore different arms; and that

† Discov. of Errors, p. 9.

Fitz-Stephen was always settled at Norton, in com. Devon; but that there was one Stephen de Haccombe who there dwelt: by the said Cecily John le Archdekne had issue a son,

Warine le Archdekne. He never had summons to parliament. His wife was Elizabeth, one of the sisters and co-heirs of John Talbot, of Richards Castle,* by which Elizabeth he had three daughters his co-heirs, viz.: Alianor, who was wife of Walter de Lucie, and had issue; Philippa, who married Hugh Courtenay; and Margaret, who wedded Thomas Arundel.

* Vide Talbot of R. C.



^a Visitation co Devon, per Henry St. George, 1620, but called Joan by Vincent.

^b Called Johanna, daughter of Hugh Courtney, by Henry St. George.

ARGENTINE.—(25 Edw. I.)

REGINALD DE ARGENTINE was summoned to Parliament the 25 Edw. I., but never after, nor any of his descendants. His ancestor Reginald de Argentine is said to have married the daughter and heir of Fitz Tek, and thereby to have acquired the manor of Wymondele in Cambridgeshire, holden in capite by grand serjeanty, viz., “to serve the king on his coronation day with a silver cup.” By the heir general this manor came in marriage from the Argentines to William Alington, temp. Edw. IV., by virtue whereof Giles lord Alington, the descendant of the said William, claimed at the coronation of king Jas. II. to serve his majesty with a silver cup; which claim was admitted, and the service

performed by Hildebrand Alington his uncle, by reason of the minority of the said lord, on which occasion the silver cup and cover, allowed, were curiously enchased, and gilt of the weight of thirty-two ounces.

The present earl Howe is believed to be one of the heirs general of the two families of Argentine, and Alington, being descended from Johanna, daughter of William the first lord Alington, by his second wife; who by his third wife had also two daughters, viz: Diana, married to Sir George Warburton, bart., of Arley in Cheshire; and Catharine, who married Sir Nathaniel Napier, bart., of Middlemersh Hall, in the county of Dorset—co-heirs with their sister Johanna, who was wife of Scroope Viscount Howe. Sir George Warburton left an only daughter, Diana, his heir, who was second wife to Sir Richard Grosvenor, bart., who performed the service of the manor of Wymondele, at the coronation of king George II., and died s.p., by the said Diana Warburton.

ASTLEY.—(23 EDW. I.)

ANDREAS or Andrew de Astley, great grandson of Thomas de Astley,^a married Maud, one of the sisters and co-heirs of Roger de Camville of Creek, and Granddaughter of Richard de Camville, founder of Combe Abbey, had summons to parliament from the 23 to the 34 of Edw. I., at least his name appears in the writs to that year inclusive, though Dugdale in his Baronage states that he died the 29 Edw. I., (citing the Escheat Roll of that year),* and that he left Nicholas his son and heir æt. twenty-four, which

* Esch. 29
Edw. I., n. 55.

Nicholas has his name mentioned in the writ of summons to a parliament to be holden at London the 30 Edw. I., and again in another writ of the same year for another parliament to be holden at London, in which last writ the name of Andreas or Andrew, his father, is also mentioned; but from that year till the 2 Edw. II. his name is not contained in any of the writs excepting those of the 2 and 3 Edw. II.: when he died is uncertain, some accounts stating that he was taken prisoner, and others that he was slain in the battle of Bannockburn. Not having any issue he was succeeded by his nephew,

Thomas de Astley, son of his younger brother Giles. This Thomas was not immediately upon his succession, summoned to parliament, his first writ being the 16 Edw. III. He was again summoned the 22 and 23 Edw. III., but never afterwards, though he did not die till about the 33rd of that reign.

William his son and heir was never summoned, and died temp. Hen. VI., leaving an only daughter and heiress Joane, married first to Thomas Raleigh, of Farnborough in

^a Dugdale says that the name was taken from the manor of Astley in com. Warw., which was holden by his ancestor, of William, then Earl of Warwick, (temp. Hen. II.) by the service of *laying hands on the earl's stirrup when he did get upon or alight from horseback.*

com. Warwick, by whom she had not any issue, and second to Reginald lord Grey of Ruthyn, to whom she was second wife, and had issue by him a son Edward, who was afterwards summoned to parliament as lord Grey of Groby, with which barony that of Astley (if it may be deemed one, there not being any proof of a sitting) became coalesced, and descended to Henry Grey, duke of Suffolk, who was attainted in 1554, and all his honours forfeited, as under the article of Grey of Groby is hereafter shown.

From Thomas, father of Andrew first lord Astley, by Edith his second wife, daughter of Peter Constable of Melton in the county of Norfolk, is descended Sir Jacob Astley, bart., of Melton Constable, who has recently made good his claim to the ancient barony of Hastings, and been summoned to parliament accordingly.

ATON.—(18 EDW. II.)

WILLIAM DE ATON in the 24 Edw. I., had summons to attend a great council to be holden at Newcastle-upon-Tyne; but this does not appear to have been to a parliament. His son.

Gilbert de Aton, in the 9 of Edw. II., was found to be heir of William de Vesci senr., viz.: Son of William, brother of Gilbert, who died s.p., son of William, son of Margery, daughter and heir of Warine de Vesci, brother of Eustace, father of William, Father of John and William, (called William de Vesci, of Kildare,) who died without legitimate issue. This Gilbert de Aton had summons to parliament the 18 Edw. II. and the 1 and 16 Edw. III.

William de Aton his son, according to Dugdale, had the like summons the 44 Edw. III., but no more. By Isabel his wife, daughter of Henry lord Percy, he had a son William, who died in his lifetime; and three daughters who became his co-heirs: of these, Anastasia married Edward de St. John; Catherine, Sir Ralph de Eure; and Elizabeth first William Playz, second John Coniers; the representatives of which co-heirs were in 1828, Edward lord de Clifford, James Brownlow, William, Gascoigne, the marquess of Salisbury, John Gower, esq., and Isabella countess dowager of Egmont, descended from Anastasia the eldest daughter; Sir William Strickland, bart., from Catherine; and Thomas Stonor, esq., from Elizabeth.

The writ of summons whereby he was first summoned, appears like others to have, been personal, and as such, it is questionable whether it was in consequence of being heir to de Vesci, or as a creation of baron de Aton. Alnwick, the old barony of de Vesci, had been alienated when Aton became heir to the family.

ATHOL.—(15 EDW. II.)

THIS is the name of a Scotch earldom, which having been acquired by the marriage of David de Hastings, an Englishman, with Fernelith countess of Athol, third daughter and at length sole heiress of earl Henry, the said David had the title,* but died in the crusade, under Lewis the IX., at Tunis, anno, 1269.^a They had issue one daughter,

* Rymer's
Foed. Vol. I.
428.—D.

Auda Countess of Athol, married to John de Strathbogie, who in her right became eighth earl of Athol^b; and died about the year 1283-4, having had issue a son David, which

David de Strathbogie having married Isabel one of the co-heiresses of Richard de Chilham, of Chilham Castle, in Kent, by Roese de Dover, his wife,† acquired great possessions in England, and died not long after his father, leaving Isabel his wife surviving, (who re-married Alexander de Baliol, brother to John king of Scotland,) and John his son and heir; which

† Dug. Bar.
Vol. II., p. 95.

John de Strathbogie (10 earl of Athol in Scotland) having sworn fealty to Edw. I., nevertheless espoused the cause of Robert de Bruce, and assisted at his coronation at Scone. Hereby he brought on him the great wrath of king Edward, and having been taken prisoner, he was condemned to death at Westminster, the 7 Nov. 1306, and executed the same day, upon a gallows thirty feet higher than ordinary. His earldom was forfeited, and given to Ralph de Monthermer, then bearing the title of earl of Gloucester; but Monthermer, in consideration of five thousand marks, afterwards resigned the same in favour of David, son and heir of earl John, who obtained the king's confirmation to him and his heirs.

David earl of Athol, thus reinstated, was first summoned to the English parliament the 15 Edw. II., as earl of Athol, and his name inserted among the earls, before all the barons. As a Scotch earl he could have no right to sit in the parliament of England; and in Scotland all his honours and estates had been forfeited by Bruce. Under this view of the case, it must be considered that the writ of summons created him an English earl, and the earldom descendable like all titles so created. From the 15 to the 20 Edw. II., his name appears in all the writs of summons, with the distinction of earl of Athol. He married Joane daughter of John Cumyn, of Badenach, (killed by Bruce at Dumfries, in 1306,) sister and co-heir of John Cumyn, of Badenach, cousin and one of the heirs

^a Fernelith Countess of Athol made a grant to the abbey of Cupar, "pro salute animæ suæ et animæ domini de Hastings quondam viri mei, comitis Atholiæ."—(*Sutherland Add. Case v. 9.*)

^b Duncan 6th earl of Fife, his Grandfather having obtained the lands of Strathbogie from King William, the Lyon of Scotland, settled them on his 3rd son David, who assumed his name therefrom, and was father of the said John de Strathbogie.—(*Ibid.*)

of Adomare de Valence, earl of Pembroke. He died 20 Edw. II., and was succeeded by his son and heir

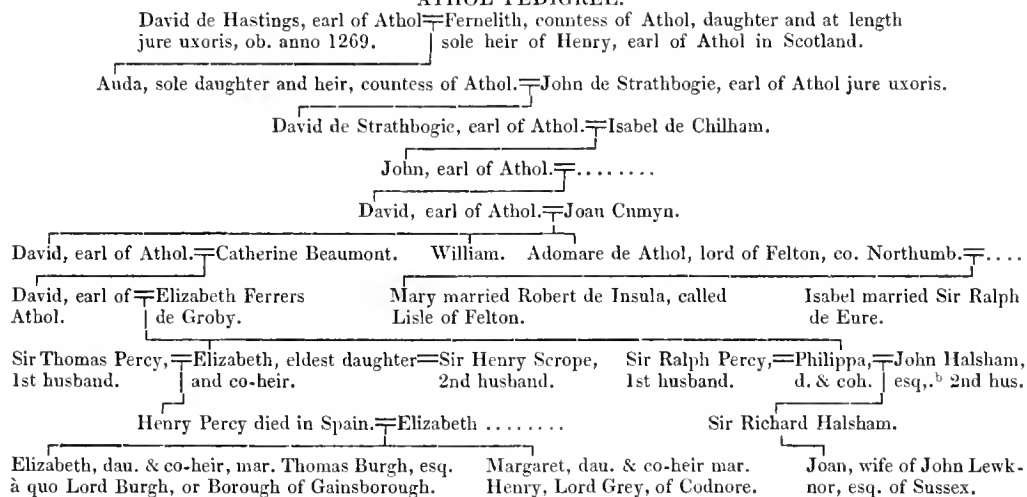
David, second earl of Athol, of the English creation, who by that title was summoned to the parliaments of the 4, 5, 6, 7, and 8 of Edw. III.; and was slain in Scotland the following year, 30 Nov. 1335, in the twenty-eighth year of his age. He married Catherine,^a daughter of Henry lord Beaumont, and earl of Buchan, by which lady, who survived him, he left

David, third earl of Athol his only son and heir, then three years of age; which David was summoned to parliament as earl of Athol, in the 35, 39, 42, and 43 of Edw. III., in which year he deceased æt. forty-three. His countess was Elizabeth, daughter of Henry lord Ferrers, of Groby,^b by whom he left issue two daughter his co-heirs, then in minority, viz.: Elizabeth, æt. sixteen, who married, first, Sir Thomas Percy, and secondly, Sir John Scrope; and Philippa, æt. . . . , who married, first, Sir Ralph Percy, and secondly, John Halsham, esq.: in the co-heirs general of which daughters, the earldom of Athol is presumed to be vested, and now in abeyance.

Sir William Dugdale states,* that David de Strathbogie was summoned as a baron, but in all the writs where the name is mentioned, it is constantly David de Strathbogie earl of Athol.

* Dug. Bar. vol. ii.

ATHOL PEDIGREE.



^a Vincent says she married a third husband Robert de Thorley.—(Vincent's Corrections of R. Brook).

^b Dugdale calls him a knight, the tombstone inscription at West Greested shews the contrary, viz:—Hic jacet Philippa quondam uxor Johannis Halsham, Armigeri, etiam filiarum et hæredum Davidis de Straboly nuper comitis de Athol qui obiit primo die Novembris A.D. 1395.

^a This lady surviving her husband is named in the writ of summons, 35 Edw. III., as countess of Athol., being then required with the other ladies therein summoned to furnish her quota for the affairs of Ireland. (Dugdale's Sum. 35 Edw. III).

^b She was buried at Ashford in Kent with this inscription; "Icy giste Elizabeth Counte d' Athols le file Seigneur de Ferrers que dieu assoit que mourust le xxii. jour d'October L'an de grace 1375".—(Weaver's Fun. Monum).

BADLESMERE.—(3 EDW. II.)

GUNCELINE DE BADLESMERE was chief-justice of Chester, temp. Edw. I. He was seised of the manor of Badlesmere, holden of the king in capite, as of the barony of Crevequer. He married Margaret, daughter and heir to Thomas Fitz-Bernard, (or Bar-

* Vide vol. ii. nard,) the baron.*

Bartholomew Badlesmere, his son, was summoned to parliament from the 3 to the 14 of Edw. II. ; but being in the insurrection of Thomas earl of Lancaster, he was taken prisoner, and afterwards executed, anno 1321. He married Margaret daughter and co-heir of Thomas, third son of Thomas, second son of Richard de Clare earl of Gloucester, by whom he had four daughters, and a son Giles, which

Giles de Badlesmere had summons to parliament from the 9 to the 12 of Edw. III., when he died s.p., leaving his four sisters his co-heirs, viz : Margery, married to William de Roos, æt. thirty-two ; Maud, æt. twenty-eight, first married to Robert Fitz-Pain, s.p., and secondly to John de Vere, earl of Oxford ; Elizabeth, æt. twenty-five, married, first, to Edmund Mortimer de Wigmore, and after to William de Bohun, earl of Northampton ; and Margaret, æt. twenty-three, wife of John de Tiptoft ; which co-heirs divided the great inheritance. As to the barony, it is questionable whether it was not forfeited in the person of Bartholomew, the father of Giles de Badlesmere ; and if so, the co-heirs could not derive any baronial interest from the summons to parliament of their brother.

The co-heirs of Margery the eldest sister, are represented in chief, by the present lord de Roos, the earl of Essex, and Sir — Hunloke, bart. The representatives of Maud the second sister, are very numerous, as derived from the three sisters and co-heirs of John de Vere, earl of Oxford, who died s.p., temp Hen. VIII.* The line of Elizabeth the third sister merged in the crown, on the accession of Edw. IV., through the heir of Edmund Mortimer : and the issue of Margaret, the fourth sister, wife of Tiptoft, was a son Robert, who left three daughters his co-heirs, viz. : Margaret, who married Roger lord Scrope of Bolton, whose heir lately was Charles Jones, esq., a captain in the first dragoon guards, but now deceased ; Milicent, the second daughter, married Stephen le Scrope ; whose heiress married Mr. Powlett Thompson, who, in 1821, took, the name of Scrope ; Elizabeth, the youngest daughter, married Philip le Despenser, and is represented by the present baroness Wentworth, and Ann Isabella, lady Byron. The title of Badlesmere was for a long time used by the earls of Oxford, but there never was any determination of the abeyance, if it ever was a barony descendable to heirs general.

* Vide Latimer.

BARDOLF.—(27 Edw. I.)

DOWN BARDOLF married Beatrix, daughter and heir of William de Warren, and with

her acquired the barony of *Wirmegay* in Norfolk, of which (in the 29 Edw. I.) his great-grandson, Hugh Bardolf, is denominated *dominus de Wirmegay* in the letter subscribed by the barons in the parliament at Lincoln, addressed to the pope. The said

Hugh Bardolf was first summoned the 22 Edw. I., and afterwards from the 27 to the 30 Edw. I.

John Bardolf, grandson of Hugh, and the third baron by writ, had summons from the 9 to the 37 Edw. III., and in the latter writs with the addition of *Wirmegay*. He married Isabel or Elizabeth, daughter and heir of Roger d'Amorie, a great baron, and also baron of Armoy, in Ireland.^a William, his son, and Thomas his grandson, were also similarly summoned during their lives, and with the additament of *de Wirmegay*. But this last baron Thomas being attainted and executed, his honours became forfeited. He had issue two daughters, whereof Anne married, first, Sir William Clifford, and secondly Sir Reginald Cobham, and Joan was the wife of Sir William Phelip, K.G., who, temp. Hen. VI. was styled* lord Bardolf, but he never was summoned to parliament, nor is there any record of his creation by letters patent, nor any act of the reversal of the attainder of Thomas, lord Bardolf. The heirs-general of these two daughters would be intitled to the barony, if this impediment did not interfere. Sir William Phelip had issue a daughter and heir, Elizabeth, wife of John, Viscount Beaumont, whose heirs-general are, the lately allowed baron Beaumont, and the earl of Abingdon.

* Vide Cat. of Patent Rolls, pp. 295, 296, 304.

BALIEL.—(28 Edw. I.)

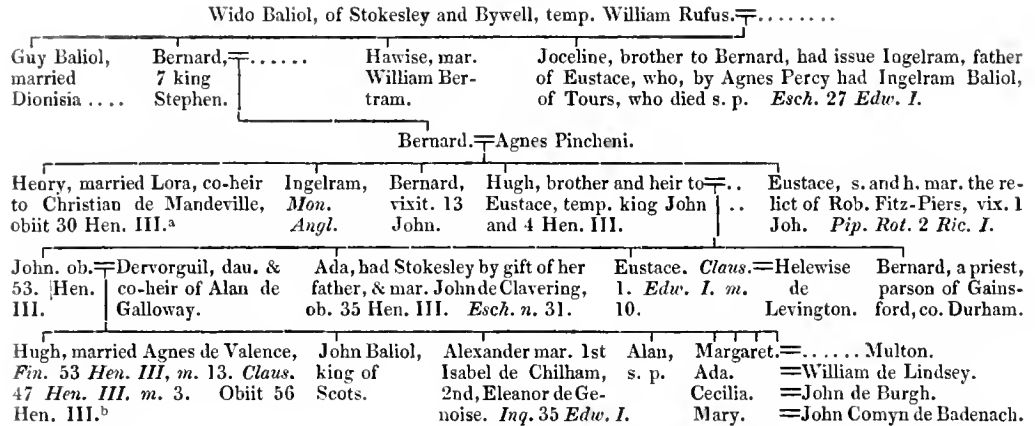
ALEXANDER BALIEL, brother to John king of Scotland, married Isabel, daughter of Richard de Chilham and widow of David de Strabolgi, earl of Athol. He had summons to parliament from the 28 to the 35 Edw. I. He was one of the barons who had summons to the parliament at Lincoln, the 29 Edw. I., but did not subscribe their names, nor seals to the letter, then addressed to the Pope, touching the supremacy of England over the realm of Scotland. His death was circ. 5 Edw. II.,[†] when not having any issue, his barony (if any was created by the several writs of summons) became extinct.^b

† Esch. 5 Edw. II.

In order to reconcile the previous account of this family, once so eminent in point of rank, of which Dugdale has made no just connection, the following table of descent from the MSS. of the late J. C. Brooke, Esq., (in the College of Arms,) is submitted as a more accurate and elucidatory statement of the respective branches.

^a She is called by Dugdale, v. i., p. 682, Elizabeth, and at p. 475, Isabel.

^b Among those who were summoned to attend the coronation of Edw. II., (Coron. Rot. 1. Edw. II.), mention is made, viz.: *Thomæ de Bailliol et cons sue*. He is represented as of Kent, but no name of any Thomas has place in the Baliol Pedigrees. He might be a natural son of Alexander, who was of Chilham Castle, Kent, jure uxoris.



^a Parkins, in his Topography of Freebridge, county of Norfolk, p. 50, states, that this Henry, by Lora, his wife, had a son Alexander, living 56 Hen. III.; as also a son, Guy Baliol.

^b Chauncey, in his History of Hertfordshire, says this Hugh had a son Alexander, who claimed the manor of Box, as is shown by Quo Warranto, 6 Edw. I., Rot. 37, in Curiâ Seacc. He died in the 7 Edw. I. s. p.

EVIDENCES.—Vt. 101, 123, 2, 30. B. B. —, 30. C. 13, 210. Deeds concerning Baliol and Stokesley.

BASSET OF DRAYTON.—(49 HEN. III. & 22 EDW. I.)

THE first of this line was Ralph, second son of Richard Basset, and Maud daughter of Geoffrey Ridell, his wife. His son Ralph Basset of Drayton, in com. Stafford, had issue Ralph Basset, summoned to parliament 49 Hen. III.; and slain after at the battle of Evesham; whose son, another

Ralph, had summons the 22 Edw. I.,^a to attend the king at Portsmouth, and the 23 and 27 Edw. I., as Ralph Basset *de Drayton*, was summoned to parliament.

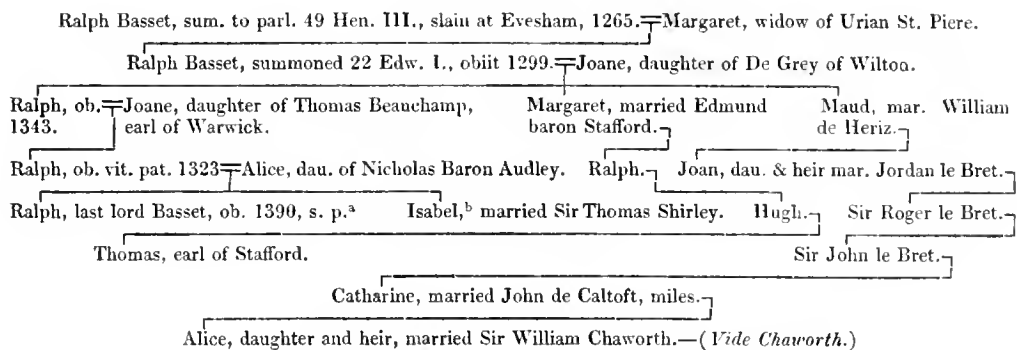
Ralph Basset his son and heir was summoned to parliament from the 28 Edw. I., to the 16 Edw. III., inclusive; and was summoned to the coronation of Edw. II.

Ralph Basset, grandson and heir, (*i. e.*, son of Ralph, eldest son of the last baron, and who died vi. pat.) had also summons from the 31 Edw. III., to the 13 Ric. II., inclusive, and died the year following, s. p., leaving, according to some authorities, Thomas earl of Stafford, great grandson of Margaret Basset, sister of his grandfather, his heir; and by another inquisition, the said earl of Stafford, and Alice wife of William Chaworth descended from Maud, sister of the said Margaret, his co-heirs. But notwithstanding these two inquisitions, Sir Hugh Shirley, son and heir of Sir Thomas Shirley,

^a Though no place is mentioned in this writ, where the barons should meet, yet a parliament was holden at Westminster in the said year; and there is not any other writ of summons upon record showing that the said parliament was convened by a subsequent one.—(*Vide Parl. Rot. v. i.*)

by Isabel Basset, reputed to have been the sister of the last baron, is by some writers said to have been his nephew and heir : but on this point there seems great doubt,—for had she been legitimate, the two inquisitions can hardly be supposed to have been both erroneous, and not to have noticed her. It is, however, also said that the said Isabel was daughter of the baron's father, by a second wife:—which if so, manifests she was legitimate, and heir to the barony, though the Staffords and Chaworth being of the whole blood, might be heirs to the estate. The present marquess of Townshend, and the duke of Buckingham, are the co-heirs of the said Isabel Basset.

BASSET OF DRAYTON.



^a By his will dated 16 January, the 13 Ric. II., he gave certain manors and lands to Sir Hugh Shirley, styled his nephew, and to the heirs male of his body, on condition of bearing his name and arms; default thereof, to other persons mentioned therein, on the same conditions.

^b She is said to have been sister of the half blood to lord Basset, i.e., daughter of his father by another wife: but Glover expressly calls her *soror naturalis*.

BASSET OF SAPCOATE.—(49 HEN. III. & 22 EDW. I.)

WILLIAM BASSET, third son of Richard and Maud Ridell, was the founder of this house. His great-grandson, Ralph Basset, was summoned to the parliament of the 49 Hen. III., with the addition of *de Sapcoate*, as his eldest brother Ralph was to the same parliament, by the distinction of *de Drayton*. He married Elizabeth daughter of Roger, and one of the sisters and co-heirs of Robert lord Colvile, and had issue,

Simon Basset his son and heir, who was summoned to Portsmouth the 22 Edw. I., and had issue Ralph Basset, his son and heir, who the 44 and 46 Edw. III. had summons to parliament as *Ralph Basset de Sapcoate*, but never after. He died the 2 Ric. II., leaving issue by Sybil his first wife, Alice, who married Sir Robert Moton; and by Alice his second wife, a daughter Elizabeth, who married Richard de Grey, of Codnore, his daughters and co-heirs.

Reginald Moton, great grandson of Sir Robert, had two daughters, his co-heirs; whereof Anne married William Grimsby, whose daughter and heir Anne married Richard Vincent of Massingham, co. Linc., father of George Vincent of Peckleton, great-grandfather of Marmaduke Vincent of Smeton in Yorkshire, who died s. p. m., leaving only female issue; whereof, Mary one of his daughters and co-heirs, married Joseph, second son of Sir Edward Peyton of Isleham, bart., by his third wife, and had a son Vincent Peyton. Elizabeth, the other daughter and co-heir of Reginald Moton, married Ralph Pole of Radborne, in com. Derby, Esq., whose heir male is the present Edward Sacheverell Chandos Pole, esq., of Radborne; but whose heir general is the representative in the female line, of Francis, eldest great-grandson of the said Ralph Pole. In these co-heirs are combined the baronies of Basset of Sapcoate, and Colvile of Castle Bytham. The estates of Sapcoate and Castle Bytham were long possessed by the ancestors of Mr. Pole, but sold by them about a century ago.

BASSET, OF WELDON.—(25 EDW. I.)

SIR WILLIAM DUGDALE, in his *Baronage*, (p. 378,) says that Richard Basset, by Maud Ridell, his wife, had issue, Geoffery, surnamed Ridell, whose son Richard, re-assuming the name of Basset, seated himself at Weldon; yet, in his *Usage of Arms*, (p. 20), he writes that Richard was the second son, to whom Maud Ridell, his mother, gave the barony of Weldon. It would therefore rather seem that Richard Basset and Maud Ridell had four sons, viz. Geoffery the Troubadour, who took the name of Ridell; Richard of Weldon; Ralph of Drayton; and William of Sapcoate,—but this matters not at the present day; it may suffice to say, that descended from Richard of Weldon, was

Richard Basset, the first of this line, who in the 25 and 27 Edw. I. had summons to parliament, but neither he nor any of his descendants were ever after summoned, though Ralph his son and heir had summons the 1 Edw. III. to be at Newcastle, *cum equis et armis*: a further account of the family is therefore unnecessary, it not being considered among the barons of the realm; though if the two summonses were regular ones, and a sitting could be proved under either, a descendable barony would be vested in his heirs, i. e. of his body.—(Vide Resolution of the lords on the Clifton case.) These heirs in such respect, would be the issue general of his granddaughters, viz. Joan and Alianore, daughters of his son Ralph, whose grandson Richard Basset, dying s. p. the 10 Hen. IV., Sir John Aylesbury, knt., son of Joan, and John Knyvett, son of Alianore, the sisters of Ralph, the father of Ralph, father of the said Richard were found his cousens and heirs.

The issue of Sir John Aylesbury was Sir Thomas, who had two daughters, co-heirs,

viz., Isabel, wife of Sir Thomas Chaworth (ancestor to Sir George of Wiverton, co. Nottingham); and Eleanor, who married Humphrey Stafford, of Grafton. For the heirs of Knyvett, vide Knyvett and Clifton.

BAVENT.—(6 EDW. II.)

DUGDALE in his account of this family is very brief, and merely states that Robert Bavent in the 30 Edw. I., had licence for a weekly market at Marom in com. Lincoln, as also free-warren for his demesne lands at Billesby and Miceby in the same county; and had summons to parliament the 6 and 7 Edw. II., to whom succeeded

Thomas Bavent, who the 4 Edw. III. obtained a licence for a weekly market at Eston Bavent, in Suffolk, whose successor was Peter, who dying the 44 Edw. III., left Eleanor and Cecily, his daughters and heirs,* who had livery of their lands, their homage being respited.

Thus far according to Dugdale in his Baronage, † but on referring to the writs of summons for the 6 and 7 Edw. II., the name of Robert Bavent is not in them, nor is it mentioned at all in his Index to his Lists of Summons: on the contrary, the name of Roger Bavent is alone inserted, and that in the 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 Edw. II.; and if it be the same Roger, it is again in the writs of the 6, 7, and 8 Edw. III.

A pedigree penes auctore, recites, viz:—

Adam de Bavent married the daughter and heir of William de Westoneston, or Wiston, and had issue another Adam, lord of the manor of Clapkin, and of other manors in Sussex, temp. Edw. I., which last

Adam Bavent married Alice, daughter and heir of Peter Escudamore (son of Maud, wife of Geoffery Escudamore, one of the aunts of John the last lord Gifford, of Brimsfield), and had issue Roger Bavent, who by Lettice his wife had another Roger, who by Hawyse his wife had John his son and heir, living the 22 Edw. III., who dying s.p., left Eleanor his sister and heir; which Eleanor married William de Braose, and had issue Peter,^a to whom Edw. the III. confirmed the manor of Wiston in Sussex, and Wedenshall in com. Buckingham—which Peter had John de Braose, whose wife was Margaret, daughter of

^a Grant to Peter de Brews and Joan his wife, in tail general, of Westneston (or Wiston), &c.; remainder to Peter son of Thomas de Bavent, knight, in tail male; remainder to Peter de Brews, in fee.—(*Rot. Pat.* 31 *Edw. III. m. i. pars. 3.*)

Roger Bavent made a grant to the king in fee of divers lands in the counties of Dors., Wilts., Kent, Suss., Suff, and elsewhere in England and Wales.—(*Rot. Pat.* 20 *Edw. III., m. 29, pars. 2.*)

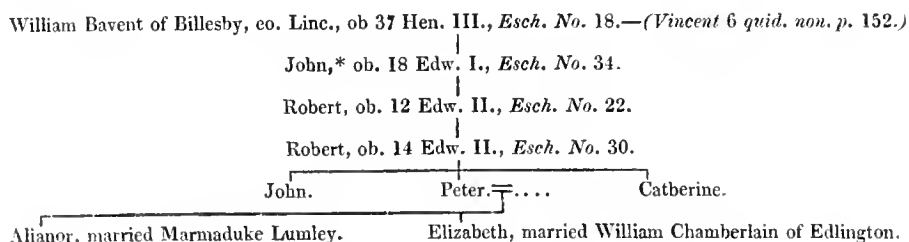
Roger Bavent enfeoffed Roger his son, and Hawyse his wife, of Fifhyde, &c.—(*Esch.* 22 *Edw. III., No. 21. Second Nos.*)

* Origin. 44
Edw. III. Rot.
2, Linc.
Partition.
† Dug. Bar.
Vol. ii., p. 64.

Thomas Poynings, lord St. John ; but this John Braose died s. p. 5 Hen. VI., leaving Beatrice his sister and heir, æt. 60, who married Hugh Shirley, of Etingdon, and of Shirley, in com. Warwick and Derby.

The several pedigrees of this family are so variant from each other, that to endeavour to reconcile them with the records, would be an almost indefinite task, unless for any one who in the character of heir general, may conceive a baronial claim to be derivable under, and by virtue of the writs of summons before cited.

Two pedigrees have been here given, the following forms a third, differing from the other two.



* Named Jollan in *Esch. 18 Edw. 1.*

BEAUCHAMP, OF ABERGAVENNY.—(16 RIC. II.)

WILLIAM BEAUCHAMP, fourth son of Thomas, earl of Warwick, by Katherine, daughter of Roger Mortimer, earl of March, and sister to Agnes, wife of Laurence Hastings, earl of Pembroke, baron of Bergavenny, having acquired the possession of that castle, after the death of the said earl, was summoned to parliament the 16 Ric. II., by writ directed “*Willielmo Beauchamp de Bergavenny,*” as under the article of Abergavenny, has been already noticed.*

*Vid. Abergav.

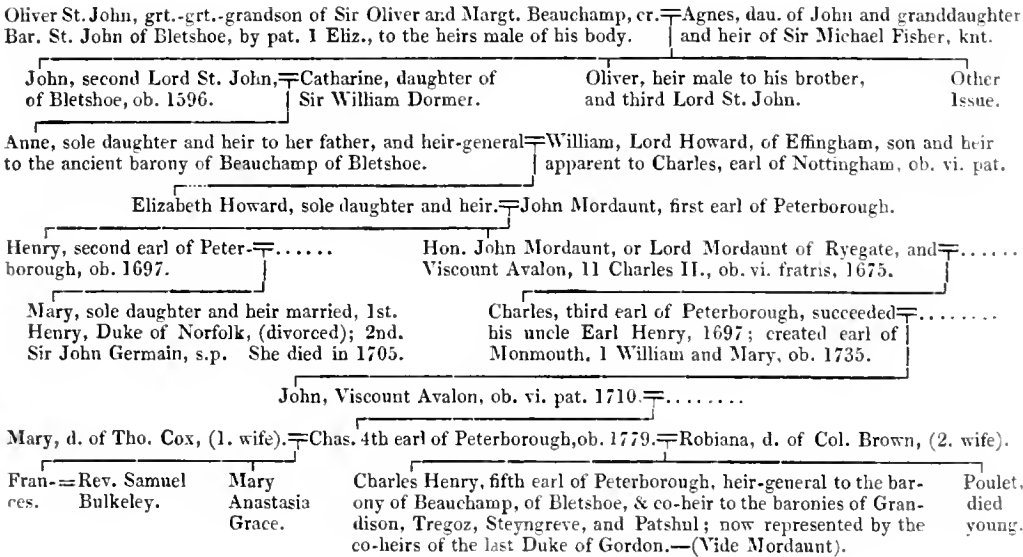
BEAUCHAMP, OF BLETSHOE.—(37 EDW. III.)

ROGER DE BEAUCHAMP, grandson of Walter, (a brother to William the first Beauchamp, earl of Warwick), married Sibyl, eldest sister, and co-heir to William de Patshull, and on partition of the inheritance, became possessed of the manor of Bletshoe, in com. Bedford.^a He was summoned to parliament from the 37 Edw. III. to the 3 Ric. II., in

^a Lysons, in his History of Bedfordshire, p. 58, states that Bletsoe was of the possession of Hugh de Beauchamp of Bedford ; and passed to the family of Patshull, and from it again (as before mentioned) into the family of Beauchamp.

which year he died, leaving Roger his grandson and heir; ^a but neither he nor any of his descendants had the like summons. The said Roger had issue a son John, who died temp. Hen. IV., leaving a son John, and a daughter Margaret, who became heir to her brother, and married first, Sir Oliver St. John; secondly, John Beaufort, duke of Somerset; and thirdly, Leo lord Welles. From her first husband, Sir Oliver St. John, is descended in the male line, the present lord St. John, of Bletshoe; but the barony of Beauchamp, if any was created under the writs of summons, is now vested in abeyance with the sisters and co-heiresses of the late duke of Gordon, or their heirs representative, as also a co-inheritance of the baronies of Patshull and Grandison, supposing they were baronies.

BEAUCHAMP, OF BLETSHOE.



BEAUCHAMP.—(24 EDW. III.)

JOHN BEAUCHAMP, a younger son of Guy, (ninth earl of Warwick) was summoned to parliament from the 24 to the 34 Edw. III., as *John de Beauchamp de Warrewyk*, but died s.p.

^a Roger Beauchamp, son of Roger, son of Sibilla, daughter of Mabel, sister of Otto, father of Thomas de Grandison. Livery of lands.—*Vide Originalia*, 50 *Edw. III.*, *Rot.* 2, 3, 6. *Esch.* 7 *Ric. II.*, *No.* 22.)

BEAUCHAMP OF HACCHE.—(25 EDW. I.)

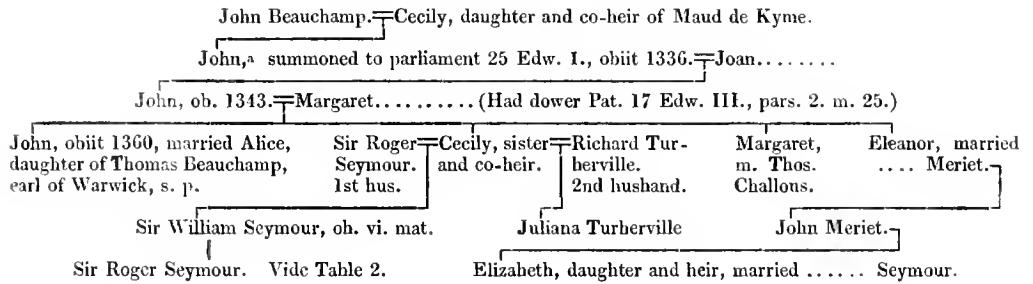
JOHN DE BEAUCHAMP was summoned to parliament the 25 Edw. I., and afterwards from the 28 Edw. I. to the 9 Edw. III., as John de Beauchamp de Somerset.^a

John his son and heir had similar summons, from the 10 to the 17 Edw. III., as also had John his son and heir, from the 25 to the 35 of Edw. III.; but he dying s. p., his sisters became his co-heirs; viz. Cecily, who married first Sir Roger Seymour, ancestor to Seymour, duke of Somerset; and secondly, Richard Turberville; Margaret, who married Thomas Challons; and Eleanor, who married ——— Meriet, between whom the barony fell into abeyance, and does not appear to have been ever taken thereout, and as such, is considered to remain among their heirs general representative.^b

Eleanor Beauchamp, after the death of her husband, ——— Meriet, married secondly, Walter Blount, great-grandfather of Walter first lord Montjoy; and thirdly, Sir Henry Luvet.

On the partition of the manors, those of Hacche, Shepton-Beauchamp, and others were assigned to Cecily the wife of Sir Roger Seymour.—(*Origin. 36 Edw. III., Rot. 3.*)

BEAUCHAMP OF HACCHE. TAB. I.

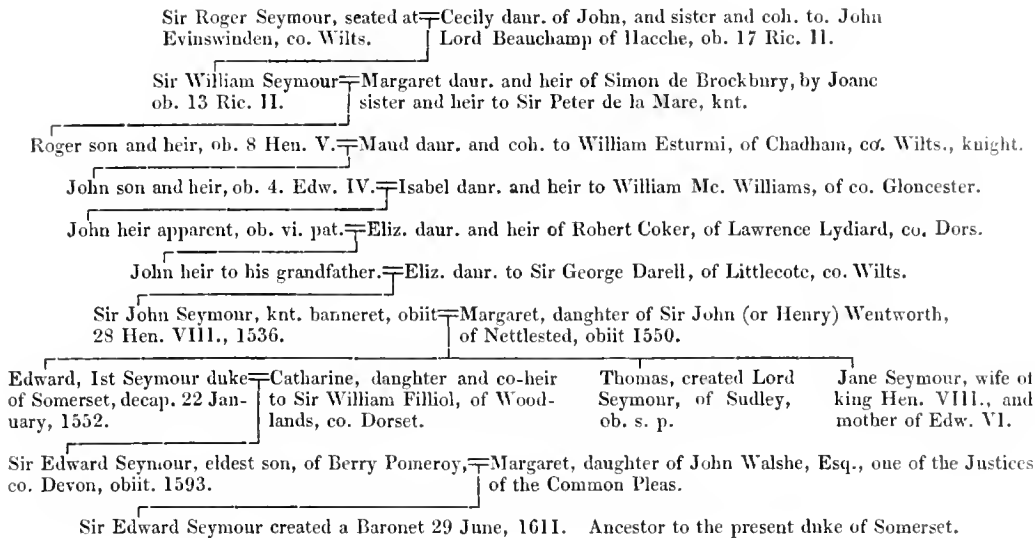


^a He founded and endowed a College or Chantry, at Stoke, in com. Somerset, for five chaplains to pray for the souls of John lord Beauchamp his father, and Cecilia, his mother, Robert his brother, the lady Joan his wife and their children, and for all his relations and friends.—Dat. at Barnwell, 4 nones Octo. 1304. (ex Registro de Drokenford ep. Bath & Wells.

^a He subscribed the letter to the Pope in the parliament at Lincoln, 29 Edw. I., and is there designated *Johannes de Bello Campo Dominus de Hacche*. (On which occasion there is also named a *Walter de Bello Campo Dominus de Alcester*, who though not summoned, had his seal affixed to the letter then written to the pope.) He was likewise summoned to the coronation of Edw. II.

^b Edward Seymour, first duke of Somerset, descended from the said Cecily Beauchamp, was beheaded 23 January, 1552, and all his honours forfeited.

BEAUCHAMP OF HACCHE.—(TAB. II.)



BEAUMONT.—(2 Edw. II.)

HENRY BEAUMONT, styled *Consanguineus Regis*, was summoned to parliament from the 2 Edw. II., to the 6 Edw. III., as a baron; and from the 7 Edw. III., to the 13, as *Henry de Beaumont earl of Boghan*, he having married Alice, daughter, and at length heir of Alexander Comyn earl of Boghan, in Scotland. This denomination did not, however, give him any other rank than as a baron in the English peerage, as has been presumed.* * Vide Boghan

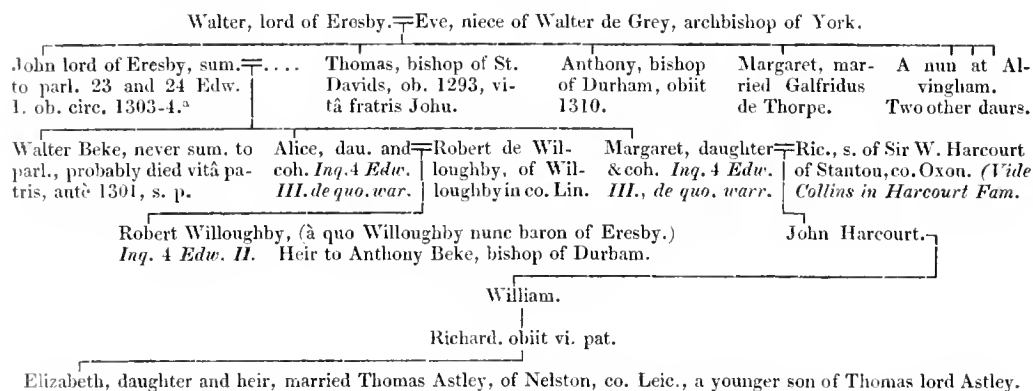
John Beaumont, his son and heir, never used the title of earl of Boghan, and was summoned to parliament only as *John de Beaumont*, as were also his successors, till John de Beaumont, the sixth baron, was created by king Hen. VIII., viscount Beaumont; whose son William the second viscount, died s.p., when the viscounty became extinct, and Joan was his sister, heir to the barony, who married, John Lord Lovel; whose son Francis Lord Lovel dying s.p., his two sisters, whereof Joan married Sir Brian Stapleton, of Carlton, county of York, knight, and Frideswide, Sir Edward Norris, knight, were his co-heirs to the barony; and also to the baronies of Lovel, and of Bardolph, which last was acquired by the marriage of John, the first viscount Beaumont, with Elizabeth daughter and heir of Sir William Phelip, lord Bardolph.—(*Vide Bardolph.*)

The barony of Beaumont being thus in abeyance between the two sisters and co-heirs of Francis lord Lovel, has been lately allowed to Mr. Stapleton, descended from Joane Lovel; and therefore being now among the existing peers, renders any account

further, unnecessary. On the hearing of Mr. Stapleton's claim before the lords' committees for privileges, on his petition, stating that he was sole heir, by reason that the attainder of Henry, son of Sir Edward Norris, excluded his descendants, the house of lords, resolved, that "*the attainder of one of two co-heirs, does not determine an abeyance.*"

BEC SIVE BEKE.—(23 EDW. I.)

JOHN BEC, or Beke, descended from Walter Bec, a Norman, who upon the conquest, obtained, among other manors, that of Eresby in the county of Lincoln, was summoned to parliament the 23 and 24 Edw. I.: but Walter his son and heir never had summons. He died s.p., leaving Alice wife of Robert de Willoughby, and Margaret wife of Richard Harcourt, his sisters and co-heirs. If this was a parliamentary barony, the abeyance may be considered to have been determined by the summoning to parliament of the said Robert de Willoughby, the 7 Edw. II.; who, though the writ is personal, was evidently summoned by reason of his having obtained the manor of Eresby; the barony has ever since been enjoyed by his heirs, and is now vested (by determination of an abeyance) in the family of Burrell, by the title of *Willoughby of Eresby*, coalesced at present with the barony of Gwydir.



^a Will dated 1301, gave Eresby to his grandson Robert de Willoughby.

BENESTED.—(8 EDW. II.)

JOHN DE BENESTED, who possessed considerable manors in the counties of Cambridge, Suffolk, Surrey, Hertford, and Worcester, was one of the justices of the common pleas, the 3 Edw. II., and had summons to parliament from the 8 to the 12 of Edw. II., but never after, nor any of his descendants. His grandson John (son of his son Edward

had a son William, who dying s.p., left his aunt Eleanor his heir, who sold the manor of Benington, (their chief seat) in Hertfordshire, to Sir William Say, knight, of Sabridge-worth, in the same county.

BENHALE.—(34 EDW. III.)

ROBERT DE BENHALE was summoned to parliament the 34 Edw. III., but never after: he was the fourth husband of Eva, daughter and heir of John baron Clavinger, and probably (as the custom then was) had summons *jure uxoris*, though the writ was personal, without any reference to a barony. He was interred in the abbey of Langley, where Eva, his wife, at her death, was also buried. He died s.p.

BERMINGHAM.—(1 EDW. III.)

WILLIAM DE BERMINGHAM had summons to Carlisle, *equis et armis*, the 1 Edw. III., but not after. Thomas his grandson left issue a sole daughter and heir Elizabeth, who married Thomas de la Roche,* and had two daughters, who were her co-heirs; whereof, Elena married, first, Edmund lord Ferrers, of Chartley, and, secondly, Philip Chetwynd; and Elizabeth married George Longville, esq., ancestor to Charles Longville, who became baron Grey, of Ruthyn. Dugdale does not mention the family of Roche in his Baronage, though he recites in his Lists of Summons to parliament the name of Thomas de la Roche, from the 28 Edw. I. to the 8 Edw. II.

* Vide Ed. die,
vol. ii.

BERKELEY.—(23 EDW. I.)

THOMAS DE BERKELEY, of Berkeley castle, whose ancestors were long before barons of Berkeley, by tenure in capite of that castle, was the first who had personal summons to parliament, from the 23 Edw. I. to the 14 Edw. II. Maurice his son, and his successors to Thomas, great-grandson of the said Maurice, had the like writs during their time; but Thomas who was the fifth baron by writ, and married Margaret, daughter and heir of Warine lord Lisle, of Kingston Lisle, dying s. p. m., his only daughter became his heir; and, according to the principle of baronies by writ, carried the barony of Berkeley to her husband, Richard Beauchamp, earl of Warwick, by whom she had three daughters, her co-heirs, viz. Margaret, wife of John Talbot, earl of Shrewsbury; Eleanor, who married first, Thomas lord Roos, secondly, Edmund duke of Somerset; and Elizabeth, who wedded George Neville lord Latimer. Among the heirs general of these three co-heirs, the barony of the 23 Edw. I., must in conformity to modern decision, be now in abeyance. But nevertheless, James de Berkeley, nephew of the last baron Thomas,

having the castle of Berkeley by virtue of an entail made by Thomas the third baron, on the heirs male of his body, was summoned to parliament the 9 Hen. V., whereby a new barony was created; unless the summons be considered as applying to the tenure of the possession of Berkeley castle, whereof the possessors had been from time immemorial barons, without any other form of creation than livery and seisin. If the barony had emanated from the writ of summons of the 23 Edw. I., it certainly terminated in abeyance between the three daughters and co-heirs of Richard Beauchamp, earl of Warwick, which abeyance has never been determined. It is the barony of the 9 Hen. V. which is now in earl Berkeley.

It however would certainly seem as if the tenure or possession of Berkeley castle was then conceived to give the right of barony to its owner; which is more particularly confirmed from the circumstance that William lord Berkeley, son and heir of James, summoned as aforesaid, 9 Hen. V., having been created viscount Berkeley earl of Nottingham, and marquess of Berkeley, died s.p.s., when those titles became extinct, and the barony of Berkeley being, as marquess William considered, attending upon the possession of the castle; and he having conceived some displeasure against his brother Maurice Berkeley, with a view to disappoint him of the succession, gave the said castle by indenture, dated 10 December, 3 Hen. VII., for want of issue of his own body, to the said king Hen. VII., and the heirs male of his body, and for default of such issue, to his own right heirs.* Thus upon his decease the 7 Hen. VII., without surviving issue, the castle of Berkeley, manor, &c., passed to the said king, and his brother Maurice was disappointed of the inheritance.

* Dug. Bar.
vol. i. p. 365.

Though thus excluded the barony of Berkeley if attached to the tenure of the castle, yet, the said Maurice Berkeley (his brother) was entitled to have succeeded to the barony under the writ of summons of the 9 Hen. V.; but he was never summoned to parliament, and died leaving three sons, viz. Maurice, Thomas, and James. Of these

Maurice the eldest, had summons to parliament, the 14 Hen. VIII., when he is said to have sate only as a new junior baron,^a which indicates that the writ of the 9 Hen. V. was not a summons creative of a new barony, but had emanated solely because lord James was in possession of Berkeley castle, and was baron thereof by prescription, as his ancestors had been for time immemorial. This Maurice died s.p., and was succeeded by his brother, and heir,

Thomas Berkeley, who had summons to parliament the 21 Hen. VIII.;^b he died shortly after in 1532, leaving a son Thomas his heir, which

^a His name does not appear in the writ of the 14 Hen. VIII., as printed in Dugdale's Lists of Summoned, though mentioned by him in his Baronage to have been summoned in the said year.

^b In this writ he is styled Thomas Berkeley de Berkeley, chivalier, and is noted to have made his first entry then in parliament, and to have paid to the Heralds xx. s. (Dugdale citing an old book in the college of arms.)

Thomas lord Berkeley, died two years after, (in 1534) leaving Anne his wife then pregnant, who was delivered of a son, born nine weeks and four days after his decease, named Henry, which

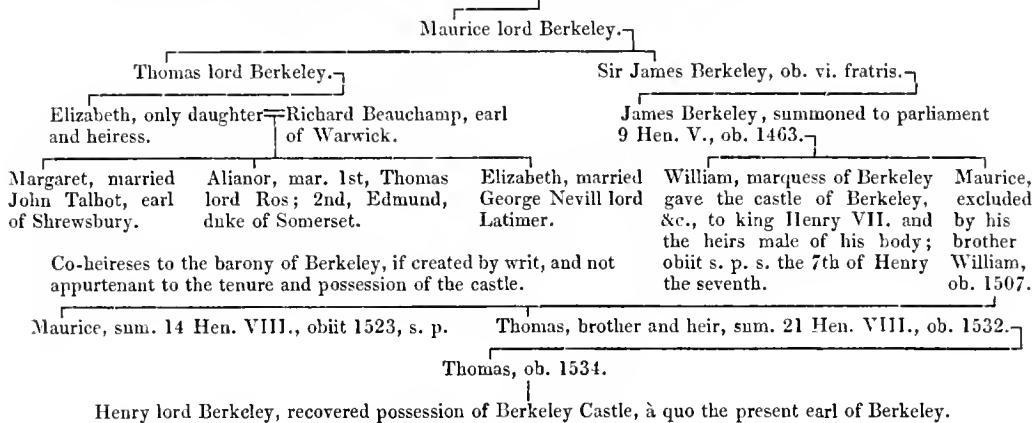
Henry, only, and posthumus son, upon the death of king Edw. VI., the last heir male to Henry the VII. became entitled to the re-possession of Berkeley castle; and by petition of right recovered the same—and thus re-acquiring the old barony of his ancestors was, (according to Dugdale, citing the Journals of parliament)* summoned by writ, the 4 and 5 Phil. and Mary, and there placed the 25th January.

* Dug. Bar. Vol I., p. 368.

From this Henry is descended the present earl of Berkeley; but he not possessing the castle of Berkeley, cannot be deemed to have any other barony than the one derived from the writ of summons of the 9 Hen. V., which being so derived, is descendable to the heirs general of the body of James lord Berkeley, then so summoned.

With regard to the castle of Berkeley, it is possessed by the present earl Fitz-Harding, who under the supposition of its giving right to the ancient barony of that name preferred a claim thereto, which obtained several hearings before the lords' committees for privileges, but their lordships never came to any decision thereon. The claimant, Col. Berkeley, eldest son of the late earl Berkeley, born before marriage,^a was first advanced to the peerage by the title of baron Segrave, and subsequently promoted to the dignity of earl Fitz-Harding.

Thomas lord Berkeley entailed the castle and manor of Berkeley on Maurice his son, and the heirs male of his body, &c., by fine levied 23 Edw. III.



^a The controversy respecting the marriage of the earl has occasioned much doubt. He married the lady, mother of the colonel and of other children, subsequently to his, and their birth; but a marriage prior to their birth is said to have privately taken place, and the subsequent one for the purpose of confirmation. The subject was investigated before the house of lords, when their lordships negatived the first marriage. Lady Berkeley afterwards published an appeal to the house of lords, with very interesting comments upon the evidence brought forward on that occasion.

BERNERS.—(33 HEN. VI.)

IN the reign of Henry V., Richard Berners of West Horsley, in the county of Surrey, had, according to Dugdale, the reputation of a baron; but there is not any record of his having ever been so created, or had summons to parliament. He left issue by Philippa his wife, Margery his only daughter and heir, who by her first husband, John Fereby, had not any issue. Her second husband was John Bouchier, fourth son of William earl of Ewe, by Anne, daughter of Thomas of Woodstock, duke of Gloucester; which

John Bouchier was summoned to parliament by the title of *John Bouchier de Berners, chevalier*, from the 33 Hen. VI., to the 12 Edw. IV., shortly after when, he died, and was succeeded by his grandson John, (son of Humphry his eldest son, who died in his lifetime); which John, second lord Berners, died in 1532, leaving two daughters his co-heirs, viz.: Jane, who married Edmund Knyvet, esq.; and Mary, who married Alexander Unton, esq. From this period to the year 1717, a space of one hundred and seventy-five years, the barony remained dormant, when Catharine Knyvett, then wife of Richard Bokenham, esq., preferred a claim, which was afterwards allowed by the house of lords. This lady died s.p., in 1743, when the barony fell into abeyance;* and so continued till it was lately claimed and allowed to Mr. Wilson, as may be seen in the printed histories of the present peers,† who took his seat as lord Berners, accordingly, in the house of lords, in May 1832.

* Vide the co-heirs in Banks's Dormant and Extinct Baronage, v. ii. p. 51, ped.
† Vide Lodge.

The determination of this abeyance, in favour of Mr. Wilson, did not affect the other co-heirs as to any interest of co-heirship, they might have in the barony of Borough, or in any other barony.

BLOUNT.—(20 EDW. II.)

THOMAS LE BLUND, or Blount, supposed to be of the same family as Robert le Blund, who lived temp. Will. I., married Julian, daughter of Thomas de Leiburne, (widow of John lord Hastings, of Bergavenny), was summoned to parliament the 20 Edw. II., and 1 and 2 Edw. III. After when, Dugdale observes, "*I have seen no more of him.*" He probably was summoned *jure uxoris*,—his wife Julian being daughter and heiress of Thomas de Leiburne, whose father William had been summoned as a baron from 27 Edw. I. to the 3 Edw. II.

WILLIAM LE BLOUNT.—(1 EDW. III.)

WILLIAM LE BLOUNT, who married Margery, one of the daughters and co-heirs of Theobald de Verdon, a great baron, was summoned to parliament from the 1 to the 11 Edw. III., inclusive, in which year he died, s.p. His summons, like that of Thomas,

(before mentioned,) was most likely *jure uxoris*: for at that period, though the writs were personal, without any reference to a particular barony, yet they were chiefly founded on the possession of some baronial estate, which ceasing to remain in the inheritance of their descendants, such descendants were no longer reputed barons, nor had further summons directed to them.

BLOUNT.—TABLE I.—(Ex. MS. Pedigree per Henry St. George.)

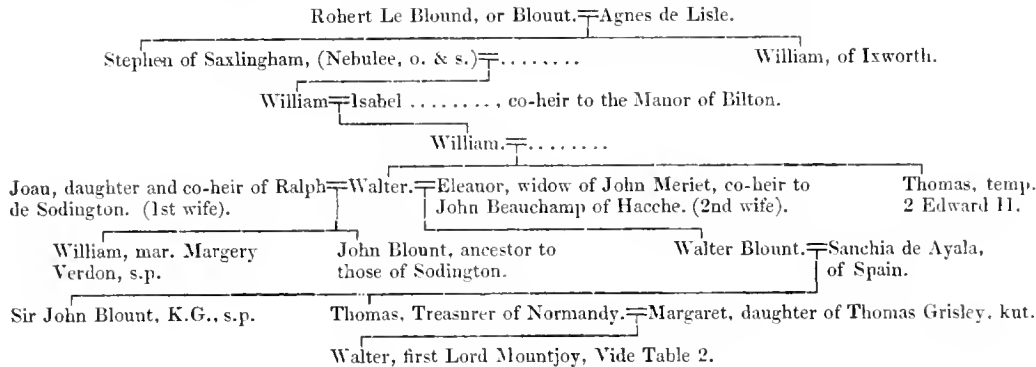


TABLE II.

Anne, Duchess of Bucks., d. of Ralph, first earl of Westmorland, = Walter Blount, = Eleanor, d. of Sir John Byron, relict of Humphry, Duke of Bucks, s.p., ob. 20 Edw. IV. (2. wife). Lord Mountjoy. of Clayton, co. Lanc. (1. wife).

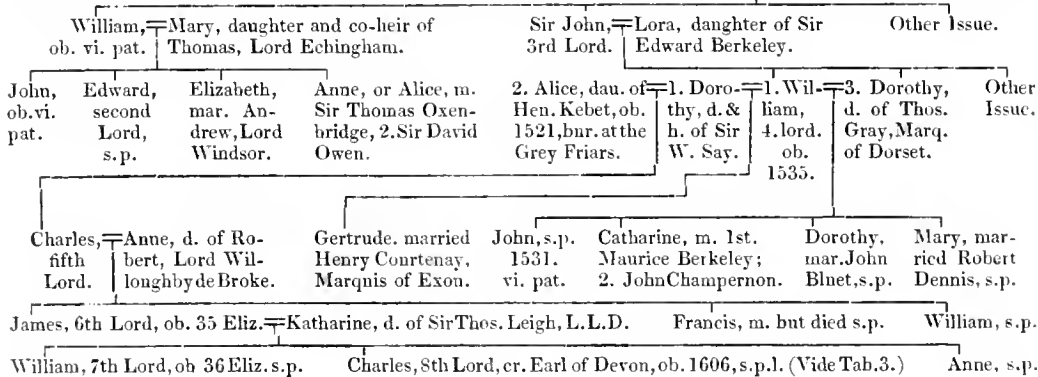
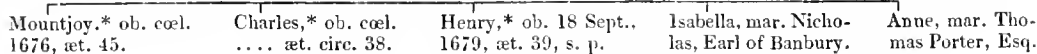


TABLE III.

Montjoy Blount, bastard son of Charles lord Montjoy and earl of Devon, = Anne, niece to the dnke of Bucks & dau. created baron Montjoy of Thurveston, ob. circ. 1665. of John lord Boteler of Bramfield.



* These three brothers were all born at Newport House, in the Parish of St. Martins, in the Fields, and were all idiots.

At St. Saviour's Church, in the borough of Southwark, is the following entry, viz: "4th May, 1595, a search was made for the burial of Francis Blunt, gentleman, by one whose name was Thomas Earnley, who, when the thing was found, seemed discontent that it was not said who the man was, being buried in the evening, obscurely: and therefore desired that it might be added that he was uncle to Charles lord Montjoy, then living, that so it might after appear of what place, and state the man was: but whether his information were true, or so, this book can be no warrant. True it is, that one of that name was buried."

BOGHAN, OR BUCHAN.—(7 EDW. III.)

* Vide Beaumont.

† Dug. Lists of Summons.

It has before been noticed under the article of Beaumont,* that Henry, the first baron Beaumont, was summoned to parliament the 7 Edw. III., by the title of earl of Boghan, he having married Alice, eldest of the two daughters, and eventually heirs of Alexander Comyn, earl of Boghan or Buchan, in Scotland, from the said 7 to the 14 Edw. III.† He continued to have summons by the same title, and by that designation was also a trier of petitions in parliament, which consequently indicates his sitting and presence therein; but after his death, which was in 1340, the 14 Edw. III., none of his descendants had summons by the title of earl, they only being summoned as barons, till John, the sixth in succession, was created a viscount by king Hen. VI.

It is here to be considered how far the writ of summons of the 7 Edw. III., created Henry lord Beaumont an earl of England, by the title of Boghan, a title by which he continued to be summoned, and sit in parliament until his death. As a Scotch earl he could have no right to sit in an English parliament; and being one of the Scotch disinheritees, his Scotch earldom had become forfeited in that kingdom. According to modern practice, ever since the union with Scotland, no Scotch nobleman can sit in the house of lords by his national title, other than one of the sixteen representatives. He can be known there only by some English peerage conferred upon him, and by the description of which he is named in the roll of parliament. Thus the duke of Hamilton in Scotland is duke of Brandon in the English peerage; the duke of Buccleugh, only earl of Doncaster; the duke of Montrose, earl Graham; the duke of Athol, earl Strange; the duke of Leinster, in Ireland, viscount Leinster. Similarly are the Scotch earls only peers in the house of lords by the title of their English creations.

Upon this view of the case it would seem that the lord Beaumont being called by writ to take his place and precedence as an earl among the English nobility, was by the operation of the writ of summons created earl of Boghan, as an English honour descendable to the heirs general of his body, and though the usage of the title has so long remained dormant, it nevertheless is presumed claimable by his aforesaid heirs.

The various decisions that a writ of summons to parliament, with a sitting under it, (which is provable in this instance) constitutes a personal and inheritable title, must be here deemed applicable to the earldom of Boghan. Many of the barons summoned in the reigns of Edw. I, II, and III, were certainly only summoned by reason of their tenures, as a service due therefrom; and the alienation of their lands put an end to their nobility.‡ Yet proving a sitting under any of these writs, has been allowed to have created a personal honour in the person so summoned, and sitting. If the writ could be so construed to create a barony, the same rule and principle go to the creation of an earl by writ.

‡ Vide Ap Adam.

BOHUN, OF MIDHURST.—(37 EDW. III.)

JAMES, or John de Bohun,* grandson of Franco de Bohun, who married Sibilla, one of the daughters and co-heirs of William de Ferrers, earl of Derby, by Sibilla his wife, sister and co-heir to Anselm Marshall, earl of Pembroke, married Joan, one of the daughters and co-heirs of William lord Broase of Gower, and had issue

* Dugd. Bar, Vol. I. pp. 188, and 421.

John de Bohun, who was summoned to parliament the 37, 38, and 39 Edw. III., and died shortly after, viz. the 41 of Edw. III., leaving by Isabel his first wife, two daughters, viz. Joane, wife of John de l'Isle of Gatcomb, in the isle of Wight;^a and Eve a younger daughter; and by Cecily his second wife, a son and heir John;^b but neither he, nor his descendants were ranked, as Dugdale relates, among the barons of the realm, thus showing in Dugdale's opinion, that *a writ of summons* was not then conceived to create *an hereditary dignity*. For if it did so create, then the issue of this John would become co-heirs to the barony of Braose of Gower, as well as to that of Bohun. The said John de Bohun had a son Humphry, whose son another John, had issue two daughters his co-heirs, whereof Mary married David Owen, a natural son of Owen Tudor; and Ursula married Robert Southwell, but had not any issue.

Sir David Owen, by Mary his wife, had Henry his eldest son, who was a great spendthrift, and sold the reversion of the manor of Cowdry, co. Sussex, &c., after his father's death, to Sir William Fitz-William, for two thousand one hundred and ninety-three pounds, six shilling, and eight-pence.† He anticipated also the greatest part of the Bohun inheritance to the same Sir William. By Dorothy daughter of Thomas West, lord de la Warre, he had three daughters, viz.: Mary, aged thirty-eight, anno 1544, who married John Warnet, of Hemsted, co. Suss.; Elizabeth, who married Nicholas Dering, and had a son Thomas, aged twenty-four, anno 1554; and Anne, aged thirty-six, anno 1554, who married James Gage. It would seem from this, that Elizabeth was the eldest daughter, but then dead, *i. e.*, 1554.

† Ex Evid. Familæ penes Auct.

BONVILE.—(28 HEN. VI.)

WILLIAM BONVILE, of an ancient family in the county of Devon, had summons to parliament from the 28 to the 38 Hen. VI., as lord Bonvile; but in the year following, viz., 39 Hen. VI., he lost his head after the battle of St. Albans, leaving Cecily his great granddaughter his heir, a very singular and almost unparalleled course of descent.—

^a John de Lisle, of Gatcombe, had issue a son John who died s.p., and two daughters co-heirs, viz.: Elizabeth who married John Bremshot, of Bremshot, Hants.; and Lora, who married Sir John Barford, knight, à quo Covert.

^b Johannes fil. & hæres Johannis de Bohun, mil' de Midhurst, et Cecilia ejus. Breve tantum, *Inq. 7 Ric. II.*, No. 11.—(*Appendix*, p. 459).

William his eldest son, died before him, having married Elizabeth daughter and heir of William lord Harrington; his son, another William, commonly called lord Harrington, in right of his mother, was slain in the lifetime of his grandfather, at the battle of Wakefield, leaving by his wife Catherine, daughter of Richard Nevill, earl of Salisbury, an only daughter Cecily his heir, and heir, as before mentioned, to her great-grandfather William lord Bonvile. She married Thomas Grey, marquess of Dorset, by whom she had issue Thomas, the second marquess, father of Henry, created duke of Suffolk, by whose attainder the baronies of Bonvile, Harrington, Astley, and Grey alias Ferrers of Groby, merged in the said duke, became forfeited.*

* Vide Grey sive Ferrers of Groby.

BOTELER OF WERINGTON.—(22 EDW. I.)

THIS family was so named from being *Botelers* or *Butlers*, to Ranulph or Ralph earl of Chester, and is totally different in origin and descent from the great house of Butler, earl of Ormond.

William le Boteler was summoned to parliament the 22, 23, and 24 Edw. I., and in the 25, as *William le Boteler de Warrington*. He was succeeded by John his son and heir, who is mentioned in Dugdale's Index of Summons to have had a similar writ the 14 Edw. II.; but his name does not appear in his text: however, whether so summoned or not, Dugdale makes no further mention of him, as not being reputed afterwards among the barons of the realm.

BOTELER OF OVERSLEY AND WEMME.—(24 EDW. I.)

THIS family also took its name from Ralph Boteler, who filled the similar office of *Boteler* or *Butler* to Robert earl of Leicester, and was possessed of the manor of Oversley, in the county of Warwick. From this Ralph, through several successions, descended

William Boteler, who being possessed of the manor of Oversley, as also of the great manor of Wemme in Shropshire, acquired by the marriage of one of his ancestors with the daughter and heiress of William Pantulf, a great feudal baron in that county, whose *caput baroniæ* that manor was, had summons to parliament from the 24 Edw. I., to the 1 Edw. III. William his son was never summoned; but William his grandson was so in the 42 and 43 Edw. III.; dying s.p.m., Elizabeth his only daughter was his heir, who was three times married—first, to Robert Ferrers—secondly, to Sir John Say—thirdly, to Thomas Molinton, but by her last two husbands does not appear to have had any issue.—(*Vide Ferrers of Wemme.*)

The account of the descent of this family, by Dugdale, is very complicated and confused. Several MS. pedigrees, *penes auct.*, are likewise far from being concordant.

BOTETOURT.—(1 EDW. II.)

JOHN DE BOTETOURT had summons to parliament from 1 to 18 Edw. II.* He married Maud sister and heir to Otto, son and heir of Beatrice de Beauchamp, one of the co-heirs of the barony of Beauchamp of Bedford, which barony was holden in grand serjeanty, by the service of being almoner to the kings of England, on the day of their coronation.†

* Etiam. 33
Edw. I. Dugd.
Lists of Sum.

John de Botetourt his grandson (being son of Thomas, his eldest son, who died vi. pat.) had also summons from the 16 Edw. III., to the 9 Ric. II. His mother was Joane, one of the daughters and co-heirs of John de Somery baron of Dudley, in virtue whereof, he was a co-heir of that ancient barony. He died very aged, in 1385, leaving Joice the wife of Hugh Burnell, daughter of John his eldest son, who died vi. pat., his granddaughter and heir. But she dying s.p., the barony fell into abeyance between his three daughters, viz: Alice, who married ——— Kyriel; Joice, wife first of Sir Baldwin Frevil, secondly of Sir Adam de Peshall; and Catherine who married Maurice Berkeley.

† Vide
Banks's Dorm.
and Extinct
Baronage,
p. 26.

The barony thus continued in abeyance till 1764, when it was claimed by Mr. Norborne Berkeley, descended from the said Maurice; and after due investigation before the house of lords, was adjudged to him, and he had summons to parliament as baron Botetourt accordingly. He dying in 1776, s.p., it fell again into abeyance, and so continued till 1803, when the abeyance was terminated in favour of Henry fifth duke of Beaufort, as son and heir of Elizabeth, sister and heir of the before mentioned Norborne Berkeley, by her husband Charles fourth duke of Beaufort.

BOTREAUX.—(42 EDW. III.)

WILLIAM BOTREAUX was summoned to parliament from the 42 of Edw. III. to the 15 Richard II.^a He was son and heir of William de Botreaux, who married Isabel, one of the daughters and co-heirs of John de Moels, a parliamentary baron, who died the 11 Edw. III., leaving the said Isabel, and Muriel the wife of Sir Thomas Courtenay, his co-heirs to the said barony; from which it may be inferred, that the abeyance thereof was determined in favour of William Botreaux, as son and heir of Isabel, and that he had summons to parliament accordingly, although the writ was personal to him without naming the real barony of Moels therein; and if so, Botreaux was not a creation, but a continuation of Moels. Whether William his son was ever summoned is uncertain; unless the writ of the 15 Ric. II. was addressed to him, and not to his father, as he died in August, and that writ was 7th September, 1391, the same year. However the said William

^a He married Elizabeth, daughter of Sir Ralph D'Aubeny, by Catherine his wife, sister and heir to Thomas de Twenge.

died in May, the year following, viz. 1392, leaving a son William only five years old; who on attaining his majority, was afterwards summoned to parliament from the 14 Hen. IV. to 1 Edw. IV. He died the year following, leaving Margaret his daughter and heir, who styled herself *Margareta Dn'a Botreaux*, and married Sir Robert Hungerford, knight, by which marriage the said barony came into that family, and from it to that of Hastings, earl of Huntingdon, and is now in the present marquess of Hastings.—(*Vide Moels and Hungerford.*)

BOURCHIER.—(16 EDW. III.)

ROBERT BOURCHIER was summoned to parliament the 16, 22, and 23 Edw. III., as was his son John, from the 5 Ric. II. to the 1 Hen. IV., and his son Bartholomew from the 1 to the 10 Hen. IV., when he died, leaving an only daughter Elizabeth his heir, who married first, Sir Hugh Stafford and secondly, Sir Lewis Robessart, K. G., both which husbands were successively summoned to parliament without any designation, showing that they were summoned as barons Bouchier,—though it is certain that each was so *jure uxoris* They both dying s. p., the barony upon her death, in 1432, s.p., devolved upon

Henry Bouchier, earl of Ewe in Normandy, great-grandson of Robert the first baron, by his second son William Bouchier;^a which Henry was summoned to parliament from the 13 to the 23 Hen. VI., sometimes as Henry Bouchier, earl of Ewe; at others, as Henry Bouchier de Bouchier, or chevalier. He was however afterwards created viscount Bouchier, and lastly earl of Essex, whereby the barony was merged in the higher dignity, and so continued to the death of Henry the second earl, when it descended to Anne his only daughter and heir, who married William Parr, earl of Essex, but her issue being illegitimated by act of parliament, the barony on her decease, devolved upon Walter Devereux, baron Ferrers of Chartley, son and heir of John Devereux, baron Ferrers, by Cecily sister and finally heir of Henry, the second Bouchier earl of Essex. It is now in abeyance between the present duke of Buckingham and the marquess Townshend, the co-heirs general of Robert the last Devereux, earl of Essex, and co-heirs of Walter his ancestor, son of Cecily Bouchier before mentioned.

BRADESTON.—(16 EDW. III.)

THOMAS DE BRADESTON held Bradeston and other manors in Gloucestershire, temp.

^a This William Bouchier married Alianore, daughter and eventually sole heir of John de Lovaine; and from that marriage his descendants have assumed the titles of barons Lovaine, as may be further seen on reference to that article.

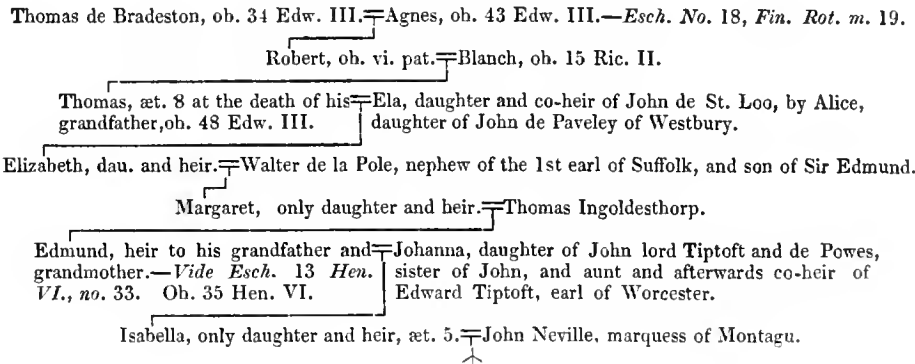
Edw. II. by knight's service; he was summoned to parliament, from 16 to 34 Edw. III. when he died, leaving Thomas, (son of Robert his eldest son, who died vi. pat.) his grandson, and heir, but the said Thomas never had summons to parliament; he married Ela daughter and co-heir (with Joane her sister, who married John Chidyock,) of John de St. Loo, by Alice, his wife, daughter of John de Pavely, of Westbury, in com. Wilts., and left issue an only daughter Elizabeth, his heir, who married Walter de la Pole, whose daughter and heir Margaret, became wife of Ingoldesthorpe, whose granddaughter Isabel, married John Nevill, marquess of Montacute, slain at the battle of Barnet; by whom she had two sons, George and John; and five daughters, eventually her co-heirs, wherefore the barony of Bradeston vested in them in abeyance.

King Henry VIII., by act of parliament, exchanged and settled certain lands in recompence to the five heirs of the marquess of Montacute, for five hundred marks per annum, granted by Edw. III., to Sir Thomas of Bradeston; who, by letters patent, dated at Orygue-upon-Oyse, 15 Octo., 13 Edw. III., was advanced to the estate of a banneret.—(*Ex. Eviden' penes Auct.*)

It is to be observed that Thomas de Bradeston, was one of the triers of petitions in the two parliaments of 25 Edw. III. which proves his presence and sitting therein, and gives to the five daughters and co-heirs of the marquess of Montacute the barony as not affected by the attainder of their father, their right being acquired by descent from their mother, heiress of Ingoldesthorpe, heir-general of the said Thomas de Bradeston.*

* Vide Nevill de Montague.

BRADESTON AND NEVILL, DE MONTAGU.



BRAOSE, OF GOWER.—(22 EDW. I.)

WILLIAM DE BRAOSE (of a different family to that of Brus, or Bruce, which became kings of Scotland,) was summoned to parliament the 22 Edw. I., and afterwards from

the 25 Edw. I. to the 16 Edw. II. In the 29 Edw. I. he was one of the barons summoned to the parliament at Lineoln, and then subscribed the famous letter written to the pope, asserting the supremacy of England, over the realm of Scotland, being then denominated, *Willielmus de Breuhosa Dominus de Gower*. The 35 Edw. I. he paid one hundred marks relief for the castle and barony of Brembre, in Sussex, and one hundred shillings for the land of Gower, in Wales, holden in capite, by the service of one knight's fee, thus showing the difference between *barony* and mere *military service*,* dying s.p.m. his two daughters by Aliva his wife, daughter of Thomas de Multon, became his co-heirs, of which, Aliva married John de Mowbray, and Joane, John (or James) de Bohun, of Midhurst, between whose heirs-general the barony of Braose of Gower is in abeyance, if the summons of Bohun the 37 Edw. III. be not considered a determination of it in his behalf; Mowbray being a baron long before. But a writ of summons at that period, was certainly not then looked upon as a personal creation of a barony, descendable in blood to the heirs-general of the person summoned to parliament, without a territorial holding in capite of the crown, either by barony, or a number of knights' fees, equivalent thereto.

* Trin. Fin. 35
Edw. I. Rot.
66.

This barony of Braose of Gower has by the several printed Peerages of Collins and other authors, been ranked among the numerous titles of the duke of Norfolk; but as appears, evidently without reason. On the death of William de Braose without issue male, his two daughters, the one married to Mowbray, and the other to Bohun, became, his co-heirs; and if it was a descendable barony, it then fell into abeyance between them; and unless the subsequent writ of summons to John de Bohun may be considered a determination of the abeyance, as Mowbray was a baron of long previous standing, it still remained so. Upon the decease of Thomas de Mowbray, duke of Norfolk, descended from the said John lord Mowbray, and Aliva de Braose, the moiety of Mowbray fell into abeyance between the two daughters and co-heiresses of the duke, whereof one married Sir John Howard (who was afterwards created duke of Norfolk), and the other married James lord Berkeley.

From John, first Howard, duke of Norfolk, descended Edward, the eleventh duke, who died in 1777, s.p., when whatever baronies by writ to which he was entitled, fell into abeyance between the two daughters and co-heiresses of lord Philip Howard, his brother, viz. Winifred the eldest, who married William lord Stourton; and Anne the youngest, who married Robert lord Petre, so that at this time the Howard moiety of the baronies of Braose of Gower, and of Segrave, do not rest in any way in the present duke of Norfolk, who derives his descent from a very junior branch of the male line of the Howard family.

THOMAS DE BROASE.—(16 EDW. III.)

WILLIAM, the last lord Braosc, of Gower, having died, leaving only issue female, Peter, his brother, was his next heir male,* but he dying s.p., Thomas, the third brother, became his heir: which

* Dugd. Bar. v. i., p. 420.

Thomas de Braose had summons to parliament the 16, 22, 23, 26, and 27 Edw. III., and deceased the 35 Edw. III., leaving, by Beatrix, his wife, daughter of Roger Mortimer, (widow of Edward, son of Thomas of Brotherton,) two sons, John, and Thomas, but neither of them ever had summons to parliament: of the sons

John de Braose was twenty-two years of age at his father's decease; and married Elizabeth, daughter of Edward de Montague, but died s.p.,† leaving Thomas, his brother and heir, which

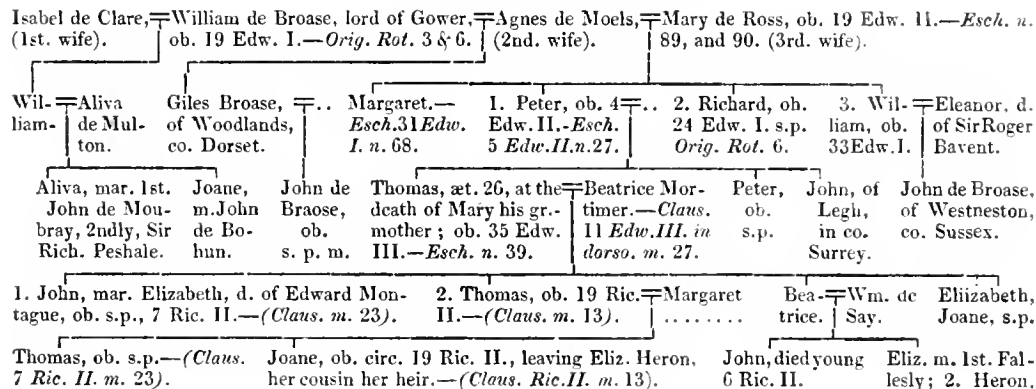
† Claus. 7 Ric. II. m. 23.

Thomas de Braose is stated by Dugdale to have died in his minority, leaving Joane, his sister and heir to his estate; which Joane also dying issueless, Elizabeth, the wife of Sir William Heron, knight, came to be her heir, being daughter of Beatrix, sister to Thomas, father of Thomas, brother of her, the said Joane de Braose; which Beatrix married William lord Say, and had issue Elizabeth, his daughter and heir, who married the said Sir William Heron.‡

‡ Vide Say.

In this instance the barony became extinct, although Dugdale states the succession as above mentioned, and makes Peter de Braose to have died s.p., leaving Thomas, his brother and heir; yet from the following pedigree, it will be seen, that Thomas was son of Peter, and not brother. In point of baronial interest, the difference is not material; it only shows the conflicting authorities respecting this once eminent and ancient baronial family.

BROASE OF GOWER.



BRAY.—(21 HEN. VIII.)

SIR EDMUND BRAY, knt., was summoned to parliament from the 21 to the 28 Hen. VIII. His son John had also summons from the 37 Hen. VIII. to the 2 of queen Mary, but died s.p., leaving his six sisters his co-heirs, and the barony in abeyance between them. Of these ladies, Anne married George Brooke, lord Cobham; Elizabeth was wife first of Sir Ralph Verney, secondly of Richard Catesby, and thirdly of William Clark esq.; Fridiswide married Sir Percival Hart, knt.; Mary, Sir Robert Peckham; Dorothy married first Edmund Bridges lord Chandoz, secondly William lord Knollys, K.G.; and Frances was wife of Thomas Lifield, of the county of Surrey, esq.

From the death of John, the second lord Bray, the barony remained dormant, till it was lately claimed by Mrs. Otway Cave, descended from Elizabeth, who married Sir Ralph Verney, who having established her descent before the lords' committees for privileges, her majesty queen Victoria was pleased to determine the abeyance in her favour, in September 1839.

The barony being thus revived, an account of it may be found in the printed Peerages of the day, and in such respect is not necessary to be here further entered into. The lady was very fortunate in her obtainment of it, when there were so many co-heirs of high distinction equal competitors in point of descent. But there is a time and season for all things.

BROMFLETE.—(27 HEN. VI.)

HENRY, son and heir of Sir Thomas Bromflete, by Anastatia, daughter and heir of Sir Edward St. John, by Anastatia his wife, daughter and co-heir of William de Aton,^a was summoned to parliament the 27 Hen. VI. by a special writ directed "*Henrico Bromflet Militi Domino de Vessy*," with limitation of that honour to the heirs male of his body, being the first and only instance of such a kind of writ. He was further summoned to the 6 of Edw. IV. Dying s.p.m. the barony became extinct: but leaving an only daughter Margaret his heiress, whatever interest was in him as to the barony of Aton, descended to her. She was twice married, first, to John lord Clifford; and secondly, to Sir Lancelot Threlkeld, knt., by both of which husbands she had issue, but in the heir-general of the first the baronial interest is vested; the principal representative of which is the present baroness de Clifford. But the barony of Aton still remains in abeyance between the heirs of the three daughters of the last baron de Aton.

^a The writ of the first baron de Aton was personal, without any reference to the barony of de Vesey; for though he was found heir to certain lands of that barony, he was not heir to any barony created by writ of summons.—(*Vide Aton and de Vesey.*)

PETER DE BRUS.—(45 HEN. III.)

PETER DE BRUS, the last baron of Skelton, had summons to that parliament convened to meet in London the 45 Hen. III.,* but died in 1271, the 56 Hen. III., before any regular writs of summons are upon record; not having any issue his four sisters were his co-heirs.† Of these, Margaret married Robert de Ross, or Roos; Agnes, Walter de Fauconberge; Lucia, Marmaduke de Twenge; and Laderina, John de Bella-Aqua; under which respective titles their descendants may be seen, having all had summons to parliament.

* Claus. Rot. m. 3.

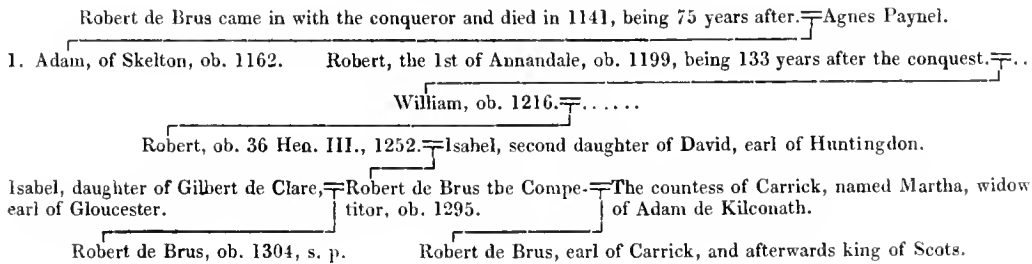
† Dorm. and Ex. Baronage, Vol. 1.

BRUS, OF ANNANDALE.—(23 EDW. I.)

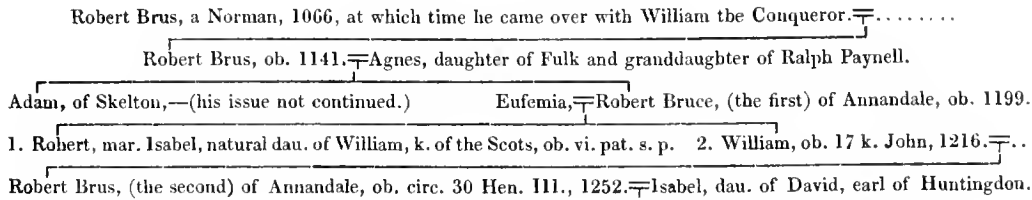
ROBERT DE BRUS was summoned to parliament the 23, 24, and 25 Edw. I. He was of the line of Annandale, but died 32 Edw. I., without issue, leaving Robert his brother, earl of Carrick, his heir, who reviving the family claim to the throne of Scotland, was afterwards crowned king, and thus terminated the Brus connection as among the barons of England.

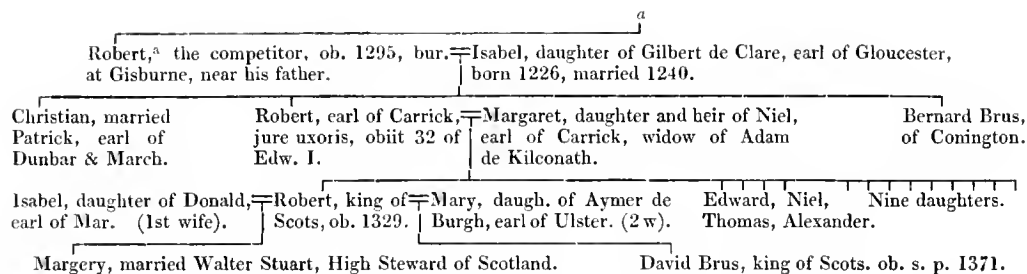
Mr. Hornby having been very severe in his remarks upon Dugdale's account of this great house of Brus, their statements are here given for the better illustration of their respective assertions.

BRUS, ACCORDING TO DUGDALE.



BRUS, ACCORDING TO HORNBY.





^a *Quære* a wife Christiana, who survived him? named in Burns's Cumberland, (vol. ii. p. 198), widow of Thomas Lascelles, and daughter of — Ireby.

BRYAN.—(24 EDW. III.)

THE early part of the genealogy of this family is very contradictorily given in the several pedigrees relating to it; but as no parliamentary barony was acquired by it before the reign of Edw. III., it is not necessary to endeavour to reconcile the discordant statements.

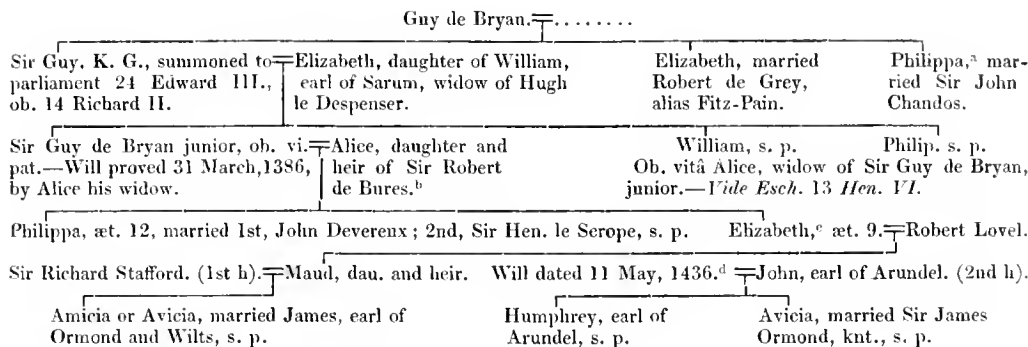
Guy de Brian, son and heir of a preceding Guy, was first summoned to parliament the 24 Edw. III., and from thence to the 13 Ric. II., the year after which he died.* During his life he was a very eminent and distinguished person and military commander, was created a knight of the garter by king Edw. the III., and was in great favour with that warlike monarch. He had issue a son Sir Guy de Bryan, junr., who died in his lifetime, leaving two daughters his co-heirs, and co-heirs to their grandfather the baron at the time of his death, the 14 Ric. II. Of these daughters, Philippa the eldest, married first, John, son of Sir John Devereux, knt.; and secondly, Sir Henry le Scrope, knt., but had no issue. Elizabeth, the youngest daughter, married Robert, son of Sir John Lovel, knt., between which daughters the estates were divided.†

* Esch. 14 Ric. II., no. 8.

† Dug. Bar. Vol. ii., p. 153-3.

Here it is to be observed, that Sir Guy de Bryan the baron had two sisters, viz. Elizabeth, who married Robert Fitz-Pain; and Philippa, who wedded Sir John Chandos, neither of whom could have any pretension to the barony, as not being descended from the baron; as such, the attributing the barony of Bryan to the Percy family is erroneous; and consequently it cannot be vested in the duke of Northumberland, though flatteringly ascribed to him by various peerage writers: but even had the barony been one descendable to the house of Percy, it would have been forfeited by the attainder of Thomas the seventh earl of Northumberland; and if not forfeited, would, with the barony of Percy and other baronies, have fallen into abeyance between his five daughters and co-heiresses, from none of which the present duke is descended.‡

‡ Vide Percy.



^a There is said to have been another sister Margaret, who married John Erleigh, probably of the half blood.

^b Her portraiture in brass, in Aketon church, in co. Suff. Ob. 7 March, 13 Hen. VI., Elizabeth, late wife of Robert Lovel, her heir. at 48.—*Inq. at Glouc.*

^c Called Alicia in *Esch. 35 Hen. VI., No. 18.*

^d In her will dated 11 May, 1436, she mentions Humphrey her son; and leaves to *Avicia*, her daughter, wife of Sir James Ormond, knight, her French book, and desired to be buried in the Abbey of Abbotsbury.—Lodge, in his *Peerage of Ireland*, says that James Butler, earl of Ormond and Wiltshire, married to his first wife Avitia, daughter to John earl of Arundel, heir to her brother Humphrey; and to his second, Avicia, daughter of Sir Richard Stafford, a great heiress.

BULLEN.—(7 HEN. VIII.)

THOMAS, son of Sir William Bullen, (or Boleyne) of Blickling in the county of Norfolk, by Margaret, daughter and co-heir of Thomas Butler, earl of Ormond, who from the 11 Hen. VII. to the 6 Hen. VIII. had been summoned to parliament among the barons of England, by the designation of *Thomas Ormond de Rochford, Chev'*, and grandson of Sir Geoffrey Bullen, (Lord Mayor of London) by Anne his wife, one of the daughters and co-heirs of Thomas lord Hoo, and Hastings;* had summons to parliament among the barons of the realm the 7 Hen. VIII. by the title of *Thomas Bullen de Ormond Chev'*. In the 21 of the same reign he had summons as Thomas viscount Roehford, and in the 25 Hen. VIII. as Thomas earl of Wiltshire,† the king having created him earl of Wiltshire to the heirs male of his body, and of Ormond to his heirs general.‡

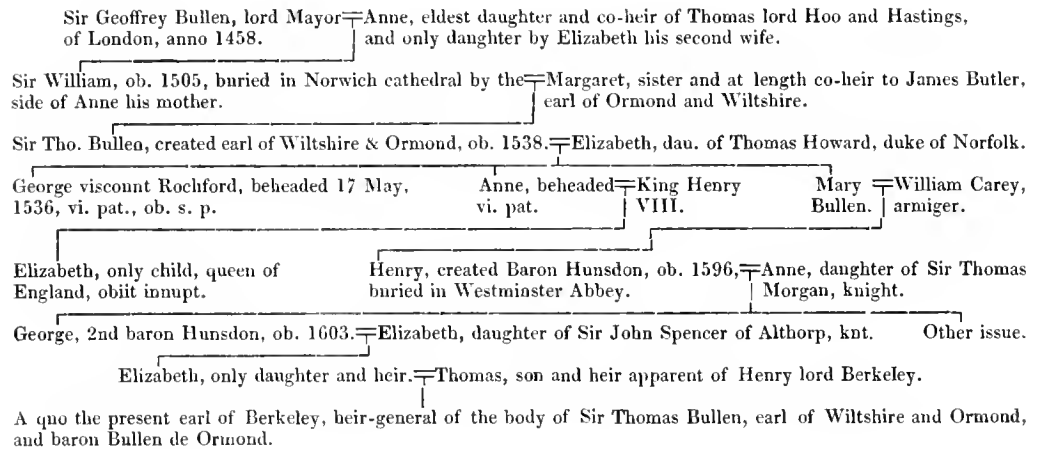
* *Dug. Bar. vol. ii. p. 306.*

† *Dug. Lists of Sum. Pat. 21 Hen. VIII., p. 2.*

He married Elizabeth, daughter of Thomas duke of Norfolk, and died the 30 Hen. VIII., having had issue George viscount Roehford, his only son and heir apparent; Anne, the unfortunate wife of king Hen. the VIII.; and Mary, who married William Carey, esq., who by her was father of Henry, created lord Hunsdon by his cousin queen Elizabeth.

George viscount Rochford was one of the most accomplished noblemen of the court, and had summons to parliament in the lifetime of his father, but fell a victim with his sister queen Anne to the sanguinary jealousy of the libidinous king. He was com-

mitted to the tower the 2nd of May, arraigned and beheaded the 17th of the same month, anno 1536. He married Jane, daughter of Henry, eldest son and heir apparent of Henry Parker lord Morley, a most infamous woman, but died without issue, leaving his father to lament in deep sorrow, and melancholy, the execrable immolation of his two accomplished children.



BULMER.—(16 EDW. III.)

RALPH DE BULMER, SON of John de Bulmer, by Theophania his wife, one of the daughters and co-heirs of Hugh de Morewyke, reputed a baron in the county of Northumberland, had summons with the earls and barons, equis et armis, to a great council at Newcastle-upon-Tyne, the 1 Edw. III., and after to several parliaments from the 16th to the 23rd of the same reign;* he died the 31 Edw. III., leaving

* Dugd. Bar. and Lists of Summ.

Ralph Bulmer, his son and heir, aged sixteen, who the 36 Edw. III. making proof of his age, and performing his homage, had livery of his lands, but died about four years after, the 40 Edw. III., without having been called to parliament, leaving his wife Margaret surviving, and Ralph his son and heir little more than twelve months old; but neither he, nor any more of the family ever had summons to parliament, though the male line long continued, till Sir John Bulmer, who was concerned in the pilgrimage of grace, was attainted;^a but Sir Ralph his son, was restored, which

Sir Ralph Bulmer married Anne, daughter and heir of Sir Thomas Tempest of Brough, and died leaving only female issue, seven or eight daughters, whereof he only

^a He was hung at Tyburne, and his wife burnt in Smithfield.—(Vide F. Thynne's Chronicle.)

acknowledged three, viz: Joan, who married Francis Cholmley, of Roxby, s.p.; Frances, who married — Constable, of Cliffe, and had issue; and Milicent, who wedded Thomas Grey of Barton; but the other daughters, Hutchinson in his History of Durham asserts, he would not acknowledge.

BURGH.—(1 EDW. III.)

WILLIAM DE BURGH had summons to a parliament to be holden at York, the 1 Edw. III., and to another parliament in the following year,* but never after, nor any of his descendants, if he left issue; but who he was no mention is made by Sir William Dugdale, in his Baronage, the name only appearing in his Lists of Summons. * *Dug. Lists.*

On referring to the account of the De Burgh family in Lodge's Irish Peerage, it is stated that Richard de Burgh, second earl of Ulster, by Margaret his wife, daughter to John de Burgh, baron of Lanvallei (son of John, son of John, son of Hubert de Burgh, earl of Kent,) had five sons, whereof William the fifth son died after the year 1337, which leads to a surmise that he might be the William summoned in the 1 and 2 Edw. III., annis 1327-8. William de Burgh, his nephew, (son of his elder brother John, who died *vitâ patris* earl Richard,) became the third earl. He was born in 1312, so that he could not be above fifteen years old at the date of those summonses, a period rather too early to suppose they were addressed to him; yet Lodge says, he was knighted at London on Whitsunday, 1328. and the next year sat in the parliament holden in Dublin. He was assassinated in June 1333, being then only twenty-one years of age. His mother was Elizabeth, third daughter of Gilbert de Clare, earl of Gloucester, by Joane of Acre, his second wife, daughter of king Edw. I., so that he was nearly allied to king Edw. III., and in such respect might obtain so premature a mark of honour.

BURGH, OR BOROUGH.—(3 HEN. VII.)

THOMAS BURGH, or Borough, (son of Thomas by Elizabeth his wife, one of the daughters and co-heirs of Sir Henry Percy, son of Sir Thomas Percy by Elizabeth his wife, daughter and co-heir to David de Strabolgi, earl of Athol† in Scotland)^a was summoned to parliament the 3 Hen. VII., as *Thomas Burgh, Chevalier*, and had further summons to the 11 Hen. VII., shortly after which he died. Edward his son and heir does not appear to have had the like summons. He married Anne, daughter and co-heir to Thomas lord † *Vide Athol.*

^a By this alliance the manor of Gainsborough came to the Percy family: and from thence to the Burgh's or Borough's.

* Vide Banks' Dorm. & Ex. Bar., vol. i. p. 270.

Cobham, of Sterborough, and thereby acquired to his heirs a claim to that barony; * by her he had issue Thomas, the next baron, summoned to parliament from the 21 Hen. VIII to the 6 Edw. VI., whose son William succeeded to the barony, and was summoned from the 1 queen Mary to the 1 queen Elizabeth. Thomas his son was summoned from the 5 to the 39 queen Elizabeth. Robert his son and heir dying young left his sisters his co-heirs, and the baronies of Cobham of Sterborough and of Burgh have ever since remained in abeyance between their descendants. Of these sisters, Elizabeth married George fourth son of the lord Cobham, and is represented by the heirs-general of Alice Brooke, who married Sir William Boothby; Anne married Sir Drew Drury; and Frances, Francis Coppinger, Esq., whose descendant sometime since took the name of Burgh by royal license; and Catherine married Thomas Knevet, esq., represented by the present lord Berners and the other co-heirs of that barony.

It is here to be remarked, that Dugdale asserts that Thomas, the fourth lord Borough, married Elizabeth, daughter of Sir David Owen, and in the 34 Hen. VIII. obtained a special act of parliament to bastardize her issue, as being begotten by some other person, but on referring to the act, it appears that they were described as the children of Sir Thomas Borough, then deceased, thereby manifesting that it was his eldest son Thomas, who died in his lifetime, who married the said Elizabeth, and not he himself; the object therefore of the act was to bar the succession of the said children upon his decease.

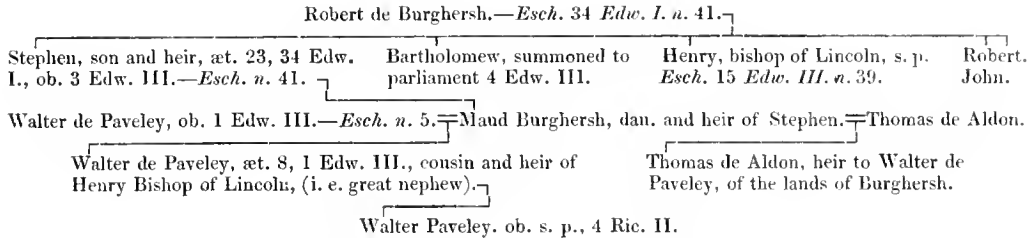
BURGHERSH.—(32 EDW. I.)

ROBERT DE BURGHERSH, warden of the Cinque Ports, temp. Edw. I., had summons to parliament the 32 and 33 of that reign, if they are to be considered regular writs. He died the following year, leaving Stephen his son and heir, who never was summoned.

Bartholomew Burghersh, son of Stephen, married Elizabeth, one of the daughters and co-heirs of Theobald de Verdon, a very great and powerful baron, and thereby brought into his family a co-inheritance to that title. He had summons to parliament from the 4th to the 28 Edw. III. He was succeeded by his son and heir, another Bartholomew, who had summons only in the 41 and 42 Edw. III., and died the year following, leaving Elizabeth, his sole daughter and heir, married to Edward lord Le Despenser, with which barony that of Burghersh thereby became united; but as the barony of Le Despenser became afterwards attainted, all the other dignities united in it were forfeited, and unless there was a reversal of the attainder, they, strictly speaking, now remain so extinguished.—(Vide Despenser.)

The barony of Burghersh, now in the earl of Westmorland, was not created by writ, but by patent, with limitation to issue male.

Though Stephen has been made the father of the first Bartholomew de Burghersh, by following Dugdale's account of the family, there is reason to believe the subsequent descent is the most correct.



Besides Bartholomew de Burghersh, before noticed, there was a Robert de Burghersh, probably brother to Bartholomew, and to Henry the bishop, at whose feet he was buried in Lincoln cathedral. He had a son Bartholomew, buried at Lincoln, where they founded a grammar school for five priests, and five poor scholars. There was likewise an

Henry de Burghersh, a knight in the 21 *Edw.* III.,* who married Isabel, one of the sisters and co-heirs of Edmund de St. John, of Basing in com. Southampton, and died the 23 *Edw.* III., leaving Bartholomew his brother and heir, æt. 26, and Isabel his wife surviving, who afterwards married Lucas de Poynings.

* Dugd. Bar. Vol. II. p. 36.

Of this family, (continues Dugdale)† was John de Burghersh, who married Maud, † *Ibid.* one of the daughters and heirs of Edmund Bacon of —, in com. Essex, and died before the 31 *Edw.* III., leaving a son John, then in minority, who claimed to be cousin and heir to William de Kerdeston, his grandfather; but this claim being controverted by William de Kerdeston as son and heir of the said William, he the son prevailed therein. This John died circ. 19 Ric. II., leaving by Ismania his wife, daughter of — Hanham, in com. Glouc. two daughters his co-heirs, viz. Maud, who married Sir John Grenevil, knt.; and secondly, Sir John Arundel; and Maud the wife of Thomas Chaucer. But none of this line of Burghersh had ever summons to parliament.

BURNELL.—(5 *Edw.* II.)

EDWARD, son of Philip Burnell, of a very ancient family, was summoned to parliament from the 5 to the 8 *Edw.* II., and died the following year s.p., leaving Maud, then the wife of John de Handlo, (and widow of John Lovel of Tichmersh) his sister and heir, on whom he settled his baronial lands, and whose descendants thereupon assumed the name of Burnell.‡

‡ Vide Handlo

HANDLO BURNELL.—SECOND BARONY.—(24 EDW. III.)

NICHOLAS, second surviving son of John de Handlo and Maud Burnell his wife took the surname of Burnell, and by that title had summons to parliament from the 24 Edw. III. to the 6 Ric. II., when he died, leaving Hugh his son and heir, æt. 36;* which

* Dug. Bar.
Vol. ii. p. 62.

Hugh, second baron Burnell, had summons from the 7 Ric. II. to the 8 Hen. V., in which year he died. He married, according to Dugdale,† Joice, daughter of John Botetourt, grandchild and heir of Sir John Botetourt, and had issue a son Edward,^a who died in his lifetime, leaving by Alice, daughter of — lord Strange, three daughters, co-heirs to their grandfather, viz. Joice, æt. 24, who married Thomas Erdington, junr. : Catharine, æt. 14, who married Sir John Ratchiffe; and Margaret, æt. 11, who became the wife of Edmund, son of Sir Walter Hungerford, of Down Ampney, knt., of which Edmund descended the family of Dunch, hereafter mentioned.

† Ibid.

BURNELL.—THIRD BARONY.—1658.

FROM the time of the death of Hugh lord Burnell, the 8 Hen. V., the barony remained in abeyance, till in 1658, its name was revived in the person of Edmund Dunch, who married Bridget, sole daughter and heir of Sir Anthony Hungerford, of Down Ampney, in the county of Wilts, lineal heir of the body of Edmund Hungerford, who married Margaret, one of the three granddaughters and co-heirs of Hugh the last lord Burnell. This

Edmund Dunch was son and heir of Sir William Dunch, by Mary, youngest daughter of Sir Henry Cromwell, grandfather to the protector Oliver,‡ by which alliance he was nearly related to him, and much beloved and respected by him. The protector created him baron Burnell, of East Wittenham, in the county of Berks,^b to his heirs male for ever, teste 26 April, 1658; a title to which his wife had an unexceptionable claim, and as such the creation was not a disparagement to Cromwell's conferring on him the dignity, any more than that of creating colonel Charles Howard, baron of Gillesland and viscount Morpeth. After the restoration he had expected his patent to have been confirmed, but his influence was not like that of the Colonel, who was re-created into the

‡ Noble's
Mem. of Crom-
well Fam. Vol.
ii., p. 195.

^a In the claim of Mr. Norborne Berkeley to the barony of Botetourt, it seems to have been there considered that this Joice Botetourt died s.p., so that Edward must have been a son of Hugh lord Burnell by some other wife, for otherwise he would have had a preferable claim to that of Mr. Norborne Berkeley.

^b His seat was not at East, but at Little Whittenham, at which place are many monuments of the family.

same Cromwellian honours. The name of his son Hungerford Dunch, was however set down for a knight of the Royal Oak, had that institution taken place.*

In considering the legality of the peerages created by Cromwell, much observation may be made. It has ever been deemed a vested power in the sovereign *de facto*,† to create honours; and incumbent on the people to obey the ruling prince, in possession of the government. The kings Henry IV., V., and VI., were usurpers; they were declared so by parliament, and they were attainted:‡ but the titles conferred by them were never declared void. Richard III. was an usurper, but he created John lord Howard, duke of Norfolk; and his son, earl of Surrey. King William III., was not king *de jure* of inheritance, he was merely so by the force which compelled king James to retire; yet he conferred numerous honours remaining at this day. Upon a parity of argument, or reasoning, it may be asked, if the restoration of Cha. II. cancelled all the acts of prerogative power, which Cromwell as protector of the Commonwealth of England was duly authorized to exercise, what would be the consequence of re-action upon the restoration of the right heirs of the Stuart family? The government was conferred upon Cromwell by the people, the fountain of power; but the so doing has been called rebellion, and that great man an usurper. Admitting this to be true, what then was the revolution of 1688? The term may sound better than rebellion, yet in act and fact, the one is synonymous with the other, and the same opprobrious denomination of usurper respectively applicable. However what is in the womb of time no one can tell or foresee.

* Banks's Hon. Anglic.

† Act of Parl. 11 Hen. VII.

‡ Prynne's Abridg. of Tower Records

BURNELL BARONY.

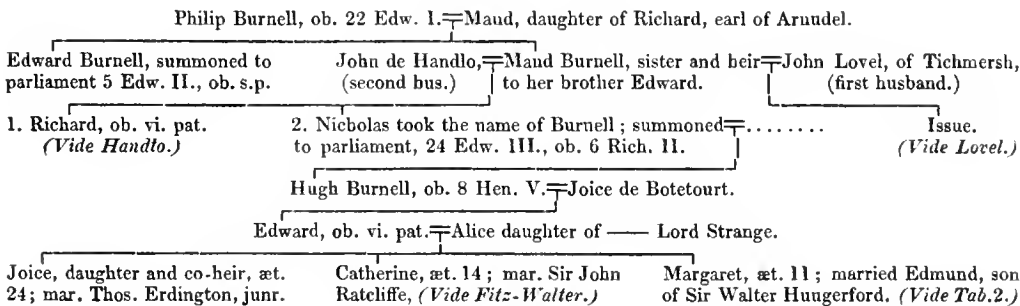
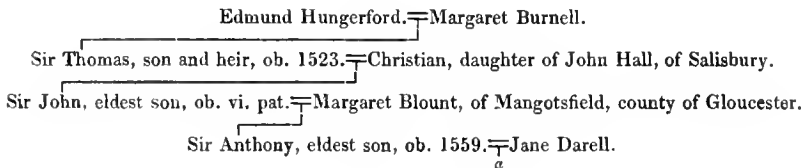
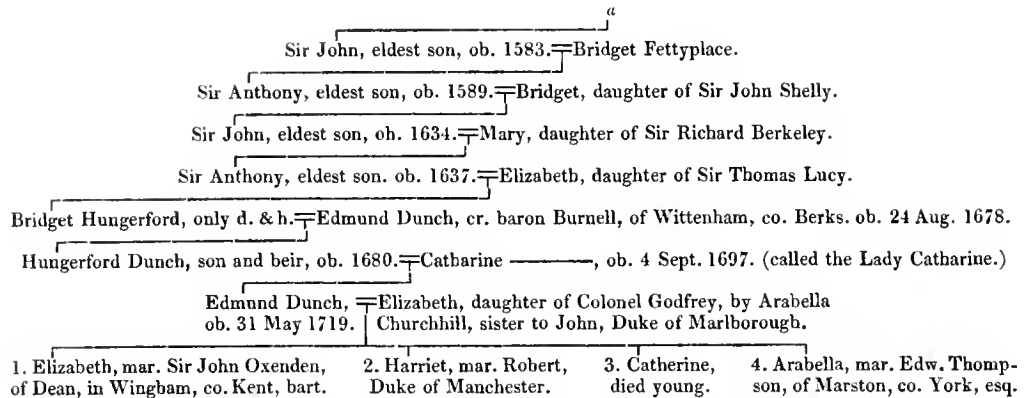


TABLE 11.





N.B.—1, 2, 4. See these daughters named in the Journals of the House of Lords, Vol. xxi., p. 170.

BUTLER OF SUDLEY.—(VIDE SUDLEY.)

SIR WILLIAM DUGDALE in his Baronage, asserts that William Boteler, or Butler, who married Joan, sister and heir to John lord Sudley had summons to parliament the 42 and 43 Edw. III.; but on referring to the List of Summonses, it appears that it was his half brother William Boteler, of Wemme, who was summoned in those years, and consequently that he never was at all summoned. This William, by the said Joan Sudley, his wife, had issue a son

Thomas Boteler, who the 4 Ric. II., making proof of his age, had livery of the lands of his mother's inheritance; but was never summoned to parliament; he died the 22 Ric. II., leaving

John Boteler, his son and heir, who never had summons, and dying s.p., was succeeded in the inheritance by his brother

Ralph Boteler, who became a person of great eminence in his time, so much so, that in September, the 20 Hen. VI., he was created a baron of the realm, by the title of lord Sudley, of Sudley, in the county of Gloucester, to hold to himself, and the heirs male of his body.* Although a strenuous supporter of the House of Lancaster, yet upon the fall of Hen. VI., he obtained so much favour from king Edw. IV., as to have the king's letters patent to excuse him from attending parliament during his life.† But afterwards the king caused him to be attached and brought to London, when it is asserted that as he was on his way, he looked back from a hill upon Sudley castle, and exclaimed "*Sudley castle thou art the traitor not I.*" Dying without surviving issue, his barony by patent became extinct: but whatever claim he might have to the ancient barony of

* Pat. Rot. 20 Hen. VI. m. 28, p. 1.

† Rot. Pat. 1 Edw. IV. p. 3, m. 24. Vide Rot. Parl. Vol. vi. p. 227.

Sudley by writ, descended upon his sisters and co-heirs, whercof Elizabeth married Sir Henry Norbury, and Joan, the other, Hamon Belknap, esq.

He had two sons, of which Ralph died young; and Thomas married Eleanor, daughter of John Talbot, first earl of Shrewsbury, but died *vi. pat. s.p.*, leaving the lady Eleanor, his wife surviving, who was the lady which king Ric. III. pretended his brother Edw. IV. had been married to before, and at the same time that he contracted himself to the lady Elizabeth Grey.

BUTLER, OF MORE PARK.—(31 CAR. II.)

THOMAS, eldest son of James Butler, first duke of Ormond, was summoned to parliament 31 Car. II., as baron Butler, of More Park, in the county of Hertford. He died *vi. pat.*, leaving James, his son and heir, who succeeded his grandfather as second duke of Ormond, in 1688, and was afterwards attainted in 1715, when all his honours became forfeited.

CAILLI.—(2 EDW. II.)

THOMAS DE CAILLI was summoned to parliament the 2, 3, and 4 Edw. II., and dying the 10 Edw. II., *s.p.*, the barony, if any was created by the said writs of summons, became extinct. He was the son of Sir Osbert de Cailli, by Emme, eldest sister and co-heir to Robert de Tatshall, and thereby obtained the manor of Buckenham in Norfolk, which had come to the Tatshall family, by marriage with one of the four co-heirs of Hugh, the last Albini earl of Arundel.—(*Vide Tatshall.*)

CAMOIS.—(49 HEN. III.)

RALPH DE CAMOIS was summoned to that parliament which was called in the king's name by Simon de Montfort, the 49 Hen. III.; but this summons cannot be esteemed the creation of any descendable barony, for it did not comprehend the chief body of the earls and barons, but only a few, and those not the king's friends. John his son and heir never had summons; but Ralph de Camois, his son, had summons from 7 Edw. II., to the 9 Edw. III. Thomas son of Ralph never was summoned, whose son and heir apparent, Ralph, died *vi. pat.* Thus there was a dormancy from 9 Edw. III., to the 7 Ric. II., when

Thomas de Camois, son of John, represented to be second son to Ralph, summoned the 7 Edw. II., was called to parliament, and had summons from the said 7 Ric. II., to the 8 Hen. V.; which, if a creation at all, must be considered as one *de novo*, for there is no proof of a sitting in the person of his grandfather Ralph, summoned the 7 Edw. II., whose son was never at all summoned.

Thus it would appear that the summons to Thomas de Camois was like others customary in those days, not meant as a creation of a personal descendable honour, but as incident to a tenure in capite, where the king *ad arbitrium suum*, could summon any particular tenant for advice in parliament, without being obliged to call his heirs and successors in descent.

This Thomas had a son Richard who died before him, leaving a son Hugh heir to his grandfather, but who died in minority, 4 Hen. VI., s.p., when his sisters, Margaret, who married Ralph Rademill, and Eleanor (or Alianora) who married Roger Lewknor, became his heirs.

Thus, from the 4 Hen. VI., to 1838, a period upwards of four hundred years, this barony, if it ever was one descendable, undivested of territorial possession, has remained to this age of old peerage claiming, dormant; and has only recently been thought of; political influence most probably inducing a claim thereto. After a long investigation before the lords' committees of privileges, it was resolved to be in abeyance among divers co-heirs, descended from the before named Margaret Rademill, and Eleanor Lewknor. Of these, Thomas Stonor, of Stonor, co. Oxon., esq., a roman catholic gentleman of very ancient family, descended from Margaret Rademill, was by her majesty queen Victoria selected to have the barony, and the abeyance was determined accordingly, in his favour.

The other co-heirs descended from Margaret Rademill, were Anthony George Wright, who had taken the name of Biddulph; Henry L'Estrange Styleman, of Hunsanton, co. Norfolk, esq.; and Sir Jacob Astley, of Melton Constable, bart., now lord Hastings.

And those from Eleanor (or Alianora) Lewknor, were Harriet Anne, baroness Zouche and her sister Katharine, wife of Capt. G. R. Pechell, R. N., and Sophia, widow of the chevalier Ferdinand de la Cainea, sole surviving daughter and heiress of Sir Richard Mill, the sixth baronet.

CAMVILLE.—(22 EDW. I.)

GEOFFREY DE CAMVILLE had summons the 22 Edw. I., to attend the king at Portsmouth, and summons to parliament from the 23 to the 35 Edw. I., and died 2 Edw. II., being then seised in right of Maud his wife, daughter and heir of Guy de Bryan, by Eve,

his first wife, daughter and heir of Henry de Tracy, of the lands in barony of the said Henry de Tracy, which came to her in partition of that barony.

William de Camville his son and heir had also summons to parliament the 2 and 4 Edw. II., but not afterwards. He had only female issue; whereof the record* thus recites, viz:—"Pro Matilda que fuit uxor Ric'i de Vernon, et Eleanora sorore ejus, filia-bus et hæred' Will'i de Campvill, pro Man' de Lanstephen, in com. Carnar' in Wallia'." Another authority represents,† that he had five daughters his co-heirs, viz:—first, Maud the eldest, wife of Sir William Vernon, of Haddon, co. Derby; second, Isabella, married first to Sir Richard Stafford, and after to Gilbert de Bermingham; third, Eleanor; fourth, Nichola wife of John St. Clere; fifth, Catharine, wife of Roger (or Robert) Griesly.—(*Esch. Walliæ anno 12 Edw. III.*)^a

* Rot. Pat. 11 Edw. III. m. 27, pars. 2.

† Dr. Vernon in a MS. in Bibl. Mr. Astle.

However, whether he had only two or five daughters, his barony, if any was created, by either the writs of his father, or those continued to himself, as it would seem in right of succession, has continued ever since his death unclaimed; though the heirs representatives of the aforesaid two or five daughters might have as good a pretension to the dignity as the heirs of Camois. Length of time is no bar to the contrary,—the proof of a sitting may be different; but, though an entry that a certain person summoned was appointed a trier of petitions is evidence of his being present, it is no evidence that the other persons named in the same writ were not also present, for by whom were the triers nominated, but by other earls and barons then assembled? and they liable to be fined for non-attendance.‡

‡ Vide Stafford of Clifton.

CANTILUPE.—(28 Edw. I.)

WILLIAM DE CANTILUPE, son and heir of Nicholas who married Eustachia, sister,^b and at length heir, according to Dugdale, of Hugh Fitz-Ralph, lord of Gresely, in the county of Nottingham, and heir also of Peter de Hay, was summoned to parliament from the 28 Edw. I. to the 2 Edw. II., inclusive, also to the coronation of Edw. II., and died the year following, leaving a son William who died s.p. and Nicholas heir to his brother; which

Nicholas de Cantilupe had summons to parliament from the 11 to the 28 Edw. III., and in the 18 Edw. III. was appointed one of the barons triers of petitions.§ He died the 29 Edw. III., according to one inquisition, leaving William his son and heir then thirty years of age; and according to another inquisition he died 45 Edw. III., William

§ Rot. Parl. Vol. ii. p. 147.

^a Erdswic gives him only one daughter, Maud, married first to Vernon, and after to Stafford. Burton gives two in his History of the county of Leicester.

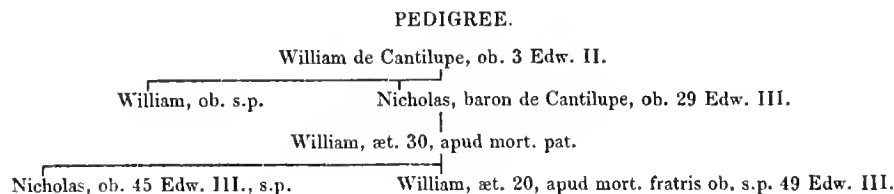
^b Eward, daughter of Hugh Fitz-Ralph de Gresely.—(*Origin. 45 Hen. III.*)

his next heir then twenty years old. But the first seems the most correct, as Joan his widow is said to have founded a chantry for the good of his soul. However, in whatever year he died, neither his son nor any of his descendants ever had further summons to parliament, of whom no mention is made by Dugdale; yet, in accordance with late decisions, this barony is a claimable one, a sitting being on record of Nicholas de Cantilupe, as before mentioned in the 18 Edw. III.

The family of West descended from Dr. Gilbert West, who married Mary, sister to Sir Richard Temple, lord Cobham is considered to be an heir to this barony. ^a

The title of Cantilupe in the earl Delawarr has not any connection with this barony.

Having before observed that there were two inquisitions appearing at variance with each other, the following pedigree may explain the same, showing that the last inquisition applied to Nicholas the grandson of the first named Nicholas.



After the death of William de Cantilupe, s.p., the 49 Edw. III., upon a partition of lands in the reign of Ric. II., the manor of Middle-Clayton and others in the county of Buckingham, &c., passed to the Zouches.—(*Rot. Fin. 14 Ric. II., m. 12, Ebor.*) But this seems in virtue of some entail in default of male issue, as the record before cited manifests, that Thomas Astley was cousin and heir of William de Cantilupe, but as heir-general in the female line.

The first William de Cantilupe, in the 29 Edw. I., was one of those barons whose seal was affixed to the letter then written to the pope, being styled, “*Willielmus de Cantilupo Dominus de Ravensthorpe.*”

CHAUVENT OR CHAMPVENT.—(28 EDW. I.)

PIERS sive Peter de Chauvent is mentioned to have been summoned to two parliaments in the 28 Edw. I., the one to meet at London, the other at Lincoln. In the parliament at Lincoln he is named as one of those barons, who though summoned, did not

^a Rex confirmavit Thomæ Astley arm. consanguineo et heredi Willi de Cantilupo per ampla libert' infra omnia dominia maneria et hereditam' sua infra regnum dicto Will'o concess per 24 Chart. Hen. III.—(*Pat. Rot. 26 Hen. VI., p. 2, m. 27.*)

affix their seals to the letter then sent to the pope touching the supremacy of England over the realm of Scotland. But after this period his name does not appear in any subsequent writs of summons, nor is any further account to be found of him as to any wife or issue. It is to be observed that in the writ of summons of the 26 Edw. I., to the earls and barons to attend at Carlisle *equis et armis*, they are particularly distinguished by their ranks, viz., *comites et barones*: among the latter whereof is the name of *Piers de Chauvent*.

CHANDOS.—(11 EDW. III.)

ROGER DE CHANDOS, whose ancestors are said to have holden the barony of Snodhull, had summons to parliament from the 11 to the 29 Edw. III., about which time he deceased, leaving Maud his wife surviving, and Thomas his son and heir who never had the like summons to parliament. He died the 49 Edw. III., æt. 43, when by the inquisition taken it was found that John Chandos was his son and heir.

This John Chandos was a knight, and died the 8 Hen. IV., 1407, s. p., leaving Alice, the wife of Thomas Brugge, (or Brydges as supposed) and Margaret the wife of Nicholas Mattesden, his nieces and coheirs, being daughters of his sister Margaret who died before him, widow of Sir Thomas Berkeley, of Coberly, knight.

The heir-general of this barony, if it is to be considered one, is the duke of Bedford, through Brugge or Brydges, provided the family of Brydges, created baron Chandos by patent, and afterwards advanced to the title of duke of Chandos, be descended from the said Thomas Brugge and Alice Chandos his wife.

CHAWORTH.—(22 EDW. I.)

THOMAS DE CHAWORTH, son of William by Alicia, daughter of Robert, and sister and co-heir (with Joane her sister, wife of Robert de Latham of the county of Lancaster) to Thomas de Alfreton, had summons to parliament among the barons of the realm, in the 22, 25, and 27 of Edw. I., but was not summoned to the parliament at Lincoln, 29 Edw. I., wherein the famous letter to the pope was then agreed upon and subscribed, although his seal was thereto affixed, and he on that occasion was designated *Thomas de Chaurcis de Norton*. But neither he nor any of his family had the like summons, though they long flourished in the counties of Derby and Nottingham.

CHERLETON.—(7 EDW. II.)

JOHN DE CHERLETON having married Hawise, sister and heir of Griffin ap Owen, otherwise Griffin de la Pole, so denominated from his residence at *Pole*, commonly called *Welch Pole*, in her right among other lands obtained the lordship of Powys, in the county of Montgomery. He had summons to parliament from the 7 Edw. II. to the 27 Edw. III., inclusive.

John his son and heir had the like summons from the 28 to the 34 Edw. III., as *John de Cherleton*; and from the 36 to the 47 Edw. III., as *John de Cherleton de Powys*.

John his son and heir, by the same distinction, was summoned from the 2 Ric. II. to the 2 Hen. IV., inclusive, when he died s.p., leaving Edward his brother and heir, which

Edward, the fourth baron, was summoned from the 3 Hen. IV. to the 9 Hen. V., as *Edward Cherleton de Powys*. He died the following year, 1422, leaving his two daughters his co-heirs, viz. Joane the eldest, married to Sir John Grey, knt.; and Joice, who became the wife of Sir John Tiptoft, and according to Dugdale, was summoned to parliament by the title of *Lord Powys*. But of this there is not any evidence, as although he had summons to parliament, the writ was merely personal, without any reference to the designation of Powys: on the contrary, the lordship of Powys became the property of Joane the eldest daughter, and therefore not being in the possession of Tiptoft could not convey to him any pretence for being so summoned to parliament by that description. The first summons to Cherleton was personal, and if creative of a barony, it could only be by that description. But query how far the barony of Tiptoft became forfeited in Tiptoft, earl of Worcester.—(*Vide Tiptoft and Grey of Powys.*)

CLAVERING.—(28 EDW. I.)

ROGER FITZ-RICHARD was the first baron Warkworth, in the county of Northumberland, and by grant of Hen. II. had the manor or barony of Clavering in Essex.^a He married one of the daughters and co-heirs (as it is said) of Henry de Essex, feudal baron of Raleigh, and by her had Robert his successor, whose son John had several sons, whereof Hugh the second having the manor of Eure, was ancestor to the barons Eure of that name.

Roger Fitz-John, the eldest son, baron of Warkworth and also of Clavering, died

^a Rob'tus Fitz-Rogeri tenet Clavering de dono Reg' H. scd'i de feod' Hen' de Essex p' unu' milite'.—*Test. de Ner. p. 269.*

33 Hen. III., leaving his son and heir Robert, which Robert called Fitz-Roger, had summons to parliament from the 23 Edw. I. to the 3 Edw. II., in which year he died, leaving John his son and heir, who took the surname of Clavering.

This John de Clavering had summons to parliament in the lifetime of his father, being summoned by the name of Clavering from the 28 Edw. I. to the 5 Edw. III.^a But it was his father who was one of the barons summoned to the parliament at Lincoln, and by the description of *Robert Fitz-Roger Dominus de Clavering*, affixed his seal to the memorable letter then subscribed by the barons to be sent to the pope, touching the supremacy of England over the realm of Scotland. This may tend to show that although John de Clavering had summons as before mentioned vitâ patris, yet the barony of Clavering was not in him at the time of his summons the 28 Edw. I. It is related by Dugdale that this John de Clavering being doubtful of having male issue, made a feofment to Stephen de Trafford, whereby he vested among other lands and hereditaments, the inheritance of his castle and manor of Warkworth in the said Stephen, conditioned to reconvey the same unto him the said John de Clavering for life, with remainder to the king and his heirs; which castle, &c., thereupon coming to the crown by default of male issue, were given by king Edward to the Percy family, now represented by the duke of Northumberland.

John de Clavering deceased about the 5 Edw. III., leaving an only daughter Eve (or Ela) his heir. She is stated* to have had four husbands, viz. first, Thomas de Audley, by whom she had not any issue; secondly, Ralph de Ufford, by whom she had issue;†^b thirdly, James de Audley, by whom also she had issue, viz. James, Peter, Avicia, and Hawyse;‡ fourth, Sir John de Benhall, but by him had not any issue. On her decease 45 Edw. III., she was interred in the Abbey of Langley, where her last husband Benhall was also interred. The barony has ever since remained unclaimed, or even pretended to be coalesced with any other, or merged in any superior title. Dugdale recites in his lists of summons that this John de Clavering was summoned to the parliament at Lincoln 29 Edw. I., but did not affix his seal to the letter then written to the pope.§

* Blomf. Norf.

† Vide Ufford.

‡ Monast. Ang. p. 867.

§ Lists of Sum

In a recently published work, entitled “Collectanea Topographica et Genealogica,” which assumes the correction of Dugdale’s errors, it doubts the four husbands of Eve de Clavering. It names the one *Thomas*, and not *Ralph* de Ufford, as recited by Dugdale, and other authorities; and it says that James, lord Audley, of Heleigh, was found her son and heir, by Thomas, lord Audley, her first husband, but as Dugdale states in the Audley family that Thomas died s.p., and was succeeded by his brother Nicholas, whose

^a He was summoned to Carlisle equis et armis, the 26 Edw. I., on which occasion those to whom the writ was addressed, are distinguished by their ranks, viz. *Comites et Barones*, in which latter class *John de Clavering* is named.

^b Dugdale under Clavering says she had issue both by Ufford and Audley; yet under Audley he states that Thomas de Audley died s.p., and was succeeded by his brother Nicholas de Audley.

name is contained in all the writs of summons, and who was father of James the next baron, this assertion appears not to be warranted.

The Norwich Monasticon,* gives the foundation of Langley Abbey, in the diocese of Norwich, to Robert Fitz-Roger de Clavering, lord of Horsford, circ. anno 1198, and mentions the following persons to have been benefactors thereto, and there interred, viz., Sir John de Clavering, buried in 1332, Dame Agnes Clavering, Sir James de Audley, Dame Eve Audley, Sir Robert de Benhall, Sir Thomas de Ufford, knight, and Dame Jane, daughter of Sir Robert Ufford. Weaver adds others of the Ufford family, as will be noticed under that head.†

* P. 33, etiam
Weaver Fun.
Mon.

† Vide Ufford.

It has been mentioned that John de Clavering made an infeofment by virtue whereof the castle of Warkworth, after his death was to revert to the king; this taking place, it may be considered that Warkworth being the barony from the tenure, whereof the writs of summons to Robert Fitz-Roger first were directed to him, they were writs of service, and not of creative nobility descendable in blood, undivested of the land territory, in which respect Warkworth ceasing to be possessed by his heirs, the barony became extinguished: a point which may apply to many other ancient baronies, whereof the tenants in capite, who were first summoned, had not the like summons continued to their descendants, of whom Dugdale, so frequently observes, that "*he does not make mention, by reason they were not reputed barons.*"

CLIFFORD, OR DE CLIFFORD.—(28 EDW. I.)

ROGER DE CLIFFORD married Isabella daughter and co-heir of Robert de Vipont, a great feudal baron, hereditary sheriff of Westmorland, and had a son John, who died in his lifetime; and another son Robert, who, the 13 Edw. I., being found cousin and heir to Ralph de Gauge, baron of Slesmouth, paid his relief, and had livery of the lands of that inheritance. In the 25 Edw. I., on the death of Richard Fitz-John, (a great baron in Essex), as son of Isabel, daughter and co-heir of Robert de Vipont, by Isabel his wife, sister and co-heir to Richard Fitz-John, he was found by inquisition to be one of the cousins and next heir to the said Richard Fitz-John.

This Robert de Clifford had summons to parliament from the 28 Edw. I. to the 7 Edw. II. (1313) and to the coronation of that king. In the 29 Edw. I., he was one of the barons whose seal was affixed to the letter then agreed upon in the parliament at Lincoln, to be written to the pope, on which occasion he was described, "*Robertus de Clifford, Castellanus de Appelby.*" He married Maud daughter and co-heir of Thomas, second son of Richard de Clare, earl of Gloucester. His successors continued to be summoned, till John de Clifford, the eighth baron from him, was attainted the 38 Hen. VI., and his honors forfeited.

Henry de Clifford, his son and heir, was afterwards restored in blood and honors, and had summons to parliament from the 1 to the 7 Hen. VII., and his son Henry was advanced to the dignity of earl of Cumberland, 18 June, 1525.

George, third earl of Cumberland, grandson of earl Henry, died s. p. m., leaving an only daughter Anne Clifford, who became heir to the barony, the earldom becoming extinct. This great heiress was twice married, but had issue only by her first husband Richard, earl of Dorset. She claimed the barony of De Clifford, in 1628, and her petition was appointed to be heard in the following session of parliament; but no further proceedings were made thereon, and she died without having any declaration made on her claim.

In 1691, Thomas Tufton, earl of Thanet, son, and ultimately heir of John, the second earl of Thanet, by Margaret, daughter, and eventually (on the failure of issue from her sister Isabella, countess of Northampton) sole heir of Richard earl of Dorset, by the said Anne Clifford, claimed, and was allowed the barony. He died in 1729, s. p. m. s., when the barony fell into abeyance between his daughters and co-heirs, viz: Catharine, wife of Edward, viscount Sondes; Anne, wife of Thomas earl of Salisbury; Margaret wife of Thomas Coke, earl of Leicester; Mary who married, first, Anthony, son of Henry Grey, duke of Kent, secondly John earl Gower; and Isabella, who married, first, lord Nassau Paulet, and secondly Sir Francis Delaval, K. B. But in 1734, the king was pleased to terminate the abeyance, and confirm the barony by patent, 13 Aug., 1734, to Margaret, the wife of the earl of Leicester. This lady dying without surviving issue, in 1775, the barony again fell into abeyance; but in the year following (1776) his majesty again terminated it in favour of Edward Southwell, son and heir of Edward Southwell, who married Catharine, sole daughter and heiress of Catharine Tufton, the wife of Edward viscount Sondes. He died in 1777, and his son Edward Southwell, second lord de Clifford, died s. p., in 1832, when the barony again fell into abeyance between his sister's representatives; and in 1833 was determined in behalf of Sophia, wife of ——— Russell, a commander in the R. N., as eldest co-heir to the late baron. It is to be observed that the titles of baron de Vipont, and de Vesey, have been attributed to the barons de Clifford, and earls of Cumberland; but those were never baronies created by any writ of summons, to render them descendable as personal honours; though the lands of them, in great part, were inherited by the Clifford family.

CLIFFORD.—(3 CAR. I.)

WHERE the eldest son of an earl is called up to parliament by writ, by a title not vested in his father, such writ operates as the creation of a new barony, and the person so summoned has no seat higher than the date of his writ:* thus upon the death of George

* Cruise on Dignities.

Clifford, third earl of Cumberland, s. p. m., the title of earl devolved upon his brother Francis, as the fourth earl; but the barony of De Clifford having been created by writ of summons descended unto Anne, the sole daughter and heir of earl George;* howbeit,

* Cruise on Dignities.

Henry Clifford, eldest son and heir apparent to earl Francis, was summoned to parliament *vita patris*, the 3 Car. I., by writ directed "*Henrico Clifford chev'r primogenito, Francisci comitis Cumb'.*" now the old barony of De Clifford, not being at this time in the father, the said writ of summons to the son could not operate otherwise than as a *new creation*. The said Henry afterwards became earl of Cumberland, and died leaving an only daughter, married to Richard Boyle, earl of Cork, in Ireland, who was the 20 Car. I., created by letters patent *baron Clifford, of Lanesborough*; and the 16 Car. II., earl of Burlington.

Richard Boyle, third earl of Burlington, in 1737, claimed the barony of *Clifford, created by the writ of 3 Car. I.*: and the house of lords resolved that he was entitled thereto. He died, leaving only female issue, which by marriage, carried this barony of Clifford into the family of Cavendish, duke of Devonshire, and is now vested in the present duke; but on his decease s. p. m., will fall into abeyance between the earl of Carlisle, and earl Granville.

CLIFTON.—(50 EDW. III.)

ROGER DE CLIFTON married Margery, sister and heir to Thomas de Caili,† a baron by summons 2 Edw. II., who died s. p. Her mother (as mentioned under Caili) was Emme, one of the sisters and co-heirs to Robert de Tatshall, and carried to her husband Caili the manor of Bokenham, holden in grand sergeanty, in parcenery with other manors, parcel of the barony, and earldom of Hugh de Albini, earl of Arundell.‡

† Vide Caili.

‡ Vide Tatshall.

John de Clifton, great-grandson of the aforesaid Roger, being seised of the manor and lordship of Bokenham and other considerable estates by the course of his inheritance, was most probably, in virtue thereof, summoned to parliament from the 50 Edw. III. to the 12 Ric. II., 1388, about which time he died, leaving a son and heir by Elizabeth his wife, one of the co-heirs to Ralph lord Cromwell, named Constantine, which

Constantine de Clifton had summons to parliament in the 17 and 18 Ric. II., but never after; wherefore, says Dugdale, "*I shall here put an end to my discourse of him;*" thus evidently showing that eminent baronagian did not consider a writ of summons as creative of a descendable personal honour, but merely a writ of service incident to a *tenure in capite, but ad arbitrium regis*. The said Constantine had issue a son John, and a daughter Elizabeth, wife of John Knevet.

John de Clifton, the son, married Joane, daughter and co-heir of Edmund de Thorpe, of Ashwell Thorpe in the county of Norfolk, by whom he had a daughter Margaret, who married Sir Andrew Ogard, whose son Henry was aged four years at his father's death, but most likely afterwards died young, as the Knevet family came to the possession of Bokenham, in whose heir general this barony may be considered to lay dormant, and for whom vide Cromwell of Tatshall.

CLIFTON, CROMWELL OF TATSHALL, AND BASSET OF WELDON.

Sir John Clifton, great-grandson of Roger de Clifton, by Elizabeth, daughter of Ralph lord Cromwell, (by Maud Margaret, daughter and at length heir of Sir Osbert de Cailli, by Erme his wife, one of the sisters and co-heirs to Robert, baron of Tatshall; summoned to parliament from 50 Edw. III. to 12 Ric. II.; ob. 1388.) his wife, daughter and heir of John Bernake, great-grandson of Joane, one of the sisters and co-heirs to Robert, baron of Tatshall), and at length one of the co-heirs to the ancient barony of Cromwell of Tatshall.

Constantine Clifton, æt. 16, anno 1388, had livery of his lands 1393, summoned to parliament the 17 and 18 Richard II. Elizabeth, dau. of Robert lord Scales.—*Blomef. Hist. Norf. vol. i. page 376.*

Sir John Clif. Joane, dau. & co-heir to Elizabeth, aunt & heir to Margaret Sir John Knevet, grandson to Sir John ton, ob. circ. Edmund de Thorpe, of Clifton, and at length sole heir to Knevet, by Eleanor his wife, one of the cohs. to Ralph, Lord Basset of Weldon.

Margaret, sole daughter and heir apparent, married Sir Andrew Ogard, knt., and died s.p.s. Sir John Knevet, (Mon. at Buckenham.) Alice, daughter and heir of William Lynnes, (Mon. at Buckenham.)

Sir William Knevet, attained 1 Ric. III., but afterwards restored. Alice, daughter of John, brother to Reginald, Lord Grey, of Ruthyn.

Sir Edmund Knevet, drowned in a sea-fight, temp. Henry VIII. Eleanor, dau. of Sir William Tyrrel, knight.

Sir Thomas Knevet, standard-bearer to Henry VIII. Muriel, daughter of Thomas, duke of Norfolk. Edmund Knevet, married Jane, heiress of Lord Berners.—(Vide Berners.) Other sons.

1. Sir Edm. Knevet. Joane, dau. of Sir John Shelton. 2. Ferdinando. 3. Henry Knevet, mar. Anne, dau. and heir of Sir Christopher Pickering, and had issue Thomas lord Knevet, of Escrick.

Sir Thomas Knevet, ob. 22 Sept., 1569. Catharine, dau. of, earl of Derby. Anthony. Edmond. Henry.

Sir Thomas Knevet, ob. 1594. Catharine, daughter of Sir Thomas Lovel, of East Herling. Henry. John.

Sir Philip Knevet, created a baronet 22 May, 1611, ob. circ. 1634-5. Katherine, daughter and heir of Charles Ford of Butley Abbey, in co. Suffolk, Esq.

Philip, bap. 24 April, 1609.* William, bap. 28 June, 1610, bur. 1615.* Dorothy, bap. 15 Sept., 1611.* Katherine, bap. 2 June, 1614.* Robert, bap. 23 Jany., 1615.* John, bap. 1616.*

* Ex Reg. Buckenham, co. Norfolk.

CLIFTON OF LEIGITON BROMSWOLD.—(7 JAC. I.)

SIR GERVASE CLIFTON was summoned to parliament from the 7 to the 12 Jac. I., as "*Gervase Clifton de Layton Bromswold, chev'r.*" He married Catharine daughter and

heir of Sir Henry Darcy, of Leighton Bromswold, and died in 1618, leaving Catharine his sole daughter and heir, who married Esme Stuart, lord Aubigny, and third duke of Lenox, in Scotland, and had issue a son George, whose daughter Catharine, by the death of her only brother Charles, sixth duke of Lenox, s.p., became heiress to the barony of Clifton.

She married Henry O'Brien lord Ibraehan, who died in the lifetime of his father, Henry earl of Thomond, leaving a daughter Catharine, who became heiress to her mother, and married Edward Hyde, earl of Clarendon. She claimed, and was allowed the barony of Clifton, in 1674. Her daughter Theodosia eventually became her heir, and marrying John Bligh, esq., afterwards earl of Darnley, carried the barony into his family, with which it now remains, coalesced with the earldom of Darnley.

CLINTON.—(27 EDW. I.)

JOHN DE CLINTON was summoned to parliament the 27 Edw. I.,^a but never after. He married Ida, eldest daughter and co-heir of William de Odingsells,* of Maxtock, in com. Warwick; which William was one of the co-heirs of the more ancient barony of Limesi. By her he had issue two sons, whereof, William, the second, was afterwards created earl of Huntingdon; but his successor was his eldest son.

* Vide Odingsells, vol. ii.

John de Clinton, who had summons from the 6 to the 9 Edw. III., to the last writ *mortuus est* is added; showing he was then dead.

John his son was summoned from the 31 Edw. III. to the 21 Ric. II. He married Idonea, sister and co-heir of William baron de Say, which barony thereafter was attributed to his descendants.

William, his grandson, had similar summons from the 23 Ric. II. to the 9 Hen. VI., as had John his son from the 29 to the 38 Hen. VI.; but being attainted in the same year, his honours were forfeited: but he was shortly after restored in blood and honours, and was summoned to parliament the 1 and 2 Edw. IV. His son John was never summoned, and died in 1514, in which year Thomas his son was summoned, but died in 1517, leaving

Edward Clinton his son and heir, who, by queen Elizabeth, was advanced to the dignity of earl of Lincoln, from which period, till the death of Edward the fifth earl, the barony of Clinton continued merged in the earldom, the said Edward, fifth earl of Lin-

^a Dugdale, in his baronage, does not notice this summons, which renders it doubtful whether it applied to him, or to John his uncle, of Coleshill, who was then living: for he expressly states the said John was a knight of the shire for *Warwickshire*, the 29 Edw. I., which militates against his having been summoned as a baron the 27 Edw. I.

coln deceasing s.p., the earldom descended upon the next heir male; but the barony of Clinton became in abeyance between his aunts, or their representatives. Of these, Catharine married Sir George Booth, (afterwards lord Delamere,) and had an only daughter, Vere, who died unmarried, in 1717, aged seventy-four. Arabella married Robert Rolle, esq., from whose daughter Bridget, who married Francis Trefusis, esq., is descended the present baron Clinton. Margaret married Hugh Boscawen, esq., and had a daughter Bridget, her heir, who married Hugh Fortescue, esq., and was mother of Hugh Fortescue who was allowed the barony of Clinton, but died s.p., in 1751, whereby the barony again fell into abeyance, and so remained till it was allowed on petition to Robert William Trefusis, esq., who, in 1794 was summoned to parliament as baron Clinton, being descended from Bridget, only child from whom there is any issue remaining of Arabella, wife of Robert Rolle, esq., before mentioned.

WILLIAM CLINTON.—(4 EDW. III.)

WILLIAM DE CLINTON, second son of John, by Ida de Odingseles, had summons to parliament from 4 to 10 Edw. III.: after when, he was created earl of Huntingdon; but dying s.p., in 1354, his honors became extinct.

COBHAM.—(6 EDW. II.)

JOHN COBHAM, of Cobham in Kent, by his first wife, daughter of Warine Fitz-Benedict, had two sons, John his heir, and Henry of Rundell; and by his second wife, daughter of Hugh de Neville, a son Reginald, from whom sprang the Cobhams of Sterborough. John the eldest son was father of

Henry de Cobbeham, or Cobham, who had summons to parliament from the 6 Edw. II. to the 9 Edw. III. His son John, according to Dugdale's lists of summons, was called to parliament from the 16 Edw. III. to the 8 Hen. IV.; which long period of above sixty years, gives reason to believe that a descent has been omitted by Dugdale, which is indeed supplied by Hollinshead,^a who says that John the second baron, upon his death, was succeeded by his only son John, who had summons from the 1 Ric. II. to the 8 Hen. IV., sometimes with the addition of Kent: though Dugdale may be most correct, yet there is a degree of dubiety upon the point, especially as Hollinshead is supported by Vincent, a most esteemed, and considered a very accurate herald.

This John lord Cobham, who died in 1407, s. p. m., had a daughter and heiress

^a Vide Hollinshead's castrated sheets, p. 1503.

Joane, who married Sir John de la Pole, knight, and had issue an only daughter Joane, who married Sir John Oldcastle, knight,^a which Sir John had summons to parliament from the 11 Hen. IV. to the 1 Hen. V., *jure uxoris*, though the writs appear to have been directed "*Johanni Oldcastle, Chev'.*" He however had the designation of lord Cobham, but being accused of a conspiracy against the king (being at that time one of the principals of the religious sect denominated Lollards) he had judgment of death pronounced against him, and was executed accordingly, circ. 1417.^b

By a former husband, Sir Reginald Braybroke, knight, the said Joane baroness Cobham,^c had two sons who died young, and a daughter Joane, her heiress, who married Sir Thomas Brooke, knight, and their eldest son,

Edward Brooke, was summoned to parliament as "*Edward Broke de Cobham, Chevalier,*" from the 23 to the 38 Hen. VI. John, his son, had the like summons from the 12 Edw. IV. to the 12 Hen. VII. His son and heir Thomas had summons from the 1 to the 8 Hen. VIII., but in those years, the writs were directed to *John Cobham*, as distinctive of the title.

George Brooke lord Cobham, son and heir of Thomas, married Anne, daughter and eventually coheir of Edmund lord Bray, whereby their descendants acquired an interest in that barony.^d He had summons from the 21 Hen. VIII. to the 4 and 5 Philip and Mary. William, his eldest son and heir, was summoned from the 5 and 6 Philip and Mary, to the 35 Elizabeth. His successor was Henry, his eldest surviving son, who had summons the 39 Elizabeth, but afterwards, in the reign of James I., engaging with his brother George, in what was called *Rawleigh's Conspiracy*, they were both tried, found guilty, and had judgment of death pronounced against them, but George only suffered, and was beheaded; and this Henry reprieved, who lingered out a miserable life in imprisonment, and died in 1619. s.p., whereupon William, son of his brother George, by Elizabeth, daughter and coheir of Thomas lord Borough, would have succeeded to the title, had it not been for the forfeiture of his father and uncle; he however was restored in blood, but not to the enjoyment of the title, without the king's special grace, which was never extended to him. By Penelope, his wife, daughter of Sir Moses Hill, knight, he had two daughters, his coheirs, viz., ——— Brooke, who married Sir John Denham, the poet; and Hill Brooke, who married Sir William Boothby, ancestor of the present baronet,^e to which daughters, king Charles II., by letters patent, in 1665, granted the

^a Vide Banks's Dormant and Extinct Baronage, Vol. II. p. 111.—Pedigree of Cobham.

^b Henry Oldcastle, son and heir of John lord Cobham.—*Vide Pat. 7 Hen. VI., à tergo.*

^c She died in 1433, and was buried in Cobham Church.

^d Vide claim of Mrs. Otway Cave, to the barony of Bray, *Coram. Dom. Proc.* 1839.

^e Sir William Boothby is not the heir-general of Hill Brooke, though descended from her in the male line; the co-heirs are Dr. Thorpe, M.D., of Leeds, Dr. Alexander, Mrs. Lucy Letham, and Mrs. Harriett Lunn.

precedency due to the daughters of barons, notwithstanding the attainders of the said Henry lord Cobham, and George his brother. Thus the old barony of Cobham expired; but the interest which the said daughters had in the barony of Borough, not being derived from Henry lord Cobham, or George his brother, but from Elizabeth, (the wife of the said George) their grandmother, may be considered to remain as not affected by either attainder.

COBHAM OF STERBOROUGH.—(16 Edw. III.)

REGINALD DE COBHAM, son of John the second baron by his second wife, had summons to parliament from the 16 to the 35 Edw. III.; Reginald his son was also summoned in the 44 and 46 Edw. III., and died in 1375, leaving a son Reginald, who, nor any of his descendants ever had a similar summons to parliament. This last Reginald had a son Reginald who died in his lifetime, having issue an only daughter Margaret, who married Ralph Nevill, second earl of Westmorland, by whom she had a daughter who died young. Thomas, the second son by Anne, daughter of Humphrey Stafford, Duke of Buckingham, had an only daughter Anne, who married Sir Edward Burgh or Borough, whose son Thomas was summoned to parliament as lord Borough, temp. Hen. VIII., in whose co-heirs general this barony of Cobham rests in abeyance.

COBHAM OF RUNDALL.—(20 Edw. II.)

STEPHEN DE COBHAM, son of Henry, half brother to the first Reginald of Sterborough, had summons to parliament from the 20 Edw. II. to the 7 Edw. III., in which year he died, leaving John his son and heir, but who, nor any of his descendants were ever after summoned to parliament, although, according to Hollinshead, they long continued.

RALPH COBHAM.—(18 Edw. II.)

RALPH COBHAM, brother of Stephen (before mentioned) was summoned to parliament the 18 Edw. II., but never after, nor any of his descendants. He had a son John,* and also (according to Hollinshead) a son Thomas, who was bishop of Winchester. But as this solitary writ of summons cannot be assumed to have created a descendable barony, without any proof of sitting, any further account of the family seems unnecessary.

* Rot. Parl.
1 Ric. II., vol.
iii., p. 8.

COLUMBERS.—(22 EDW. I.)

PHILIP DE COLUMBERS held Nether Stowey, and eleven knights' fees, in the county of Somerset, temp. Hen. II.,* *jure uxoris* Maud, daughter and heir of Walter de Candos of Stowey.

* Lib. Nig.
Seacc.

John de Columbers, great-grandson of Philip, in the 5 Edw. I., paying £100 for his relief for all the lands which he held by barony, had livery of the same, and the 22 Edw. I. had summons to a parliament, but for the meeting whereof, neither time nor place were appointed. He was never summoned to any other parliament, and died circ. 34 Edw. I., leaving, by Alice his wife, one of the daughters and co-heirs of Stephen de Penchester, several sons, whereof the eldest,

Philip de Columbers, had summons to parliament from the 8 Edw. II. to the 15 Edw. III. He married Alianor, one of the sisters and coheirs to William, son of William Martin, baron of Kemeys, but dying s.p., the Columbers interest in the barony of Martin became terminated, and the Columbers barony extinct.^a Thomas, John, and Stephen de Columbers, brothers to the said Philip, dying s.p., their sister Joan, who married Geffery Stawel, ancestor of the lord Stawel, is said to have become their heir, and to have carried a great estate in the county of Somerset to that family, but which never had any summons to parliament, though in 1683 it was raised to the peerage by patent, by the title of baron Stawel, of Somerton, in the county of Somerset, and in 1742, became extinct, for want of male issue.

COLVILE.—(49 Hen. III.)

WALTER DE COLVILE was one of the barons summoned the 49 Hen. III. to the parliament then called by Simon de Montfort in the king's name; but neither Roger his son, nor Edmund his grandson, had a similar summons during their lives.

Robert de Colvile, son of Edmund, had summons to parliament from the 16 to the 39 Edw. III., and died the 41 Edw. III., leaving Walter his son and heir, who had a son Robert who died s. p., leaving (as Dugdale writes) Ralph Basset of Sapcoate, and John Gernoun (sons of the sisters of Edmund) his next heirs; which account, if to be relied upon, would make the barony, if any was created by the writs of summons of Robert de Colvile, *extinct*. But by deeds in the possession of the Pole family, of Radbourne, in the county of Derby,* it appears that Robert Colvile, and Cecily his wife,

* Ex. Evid.
penes Auct.

^a That is to say extinct, provided the writ of the 22 Edw. I., be not allowed as a valid one, but which was received as a parliamentary one by the House of Lords in the De Roos case.

were seised of the castle of Bytham, the *caput baronie* of the Colviles, and other great estates, and so seised, settled the same in tail upon the heirs of their bodies lawfully begotten; which Robert and Cecily had issue, Sir Hugh Colvile, knight; which Hugh had issue Sir Walter; he had issue Sir Hugh, who had issue Sybyl, who married Ralph Basset, which Ralph and Sybyl had a daughter called Alice, who married Sir William Moton, knight, from whom descended Reginald Moton, who had issue Anne Grymesly, and Elizabeth Pole; and by virtue of this descent the castle of Bytham, and other premises came into the possession of the Pole family, by which they were afterwards sold.

COMPTON.—(14 QUEEN ELIZABETH.)

SIR HENRY COMPTON was summoned to parliament from the 14 to the 31 queen Elizabeth, as *Henry Compton de Compton Chev'*. William, his son, had the like summons from the 35 queen Elizabeth, to the 12 James I., after when he was created earl of Northampton, in August 1618, whereby the barony of Compton was merged in the higher dignity of the earldom.

James Compton, his grandson, third earl of Northampton, married Mary, daughter and heir of Baptist Noel, viscount Campden, by Hester, his second wife, one of the daughters and coheirs of Thomas, lord Wotton, and by her had George the fourth earl, father of James the fifth earl, who married Elizabeth, sister and heir of Robert viscount Tamworth, grandson of Robert Shirley, earl Ferrers, which lady, by descent, was baroness Ferrers, of Chartley; by her the earl had James his son and heir apparent, who died in his lifetime unmarried; and several daughters, whereof Jane and Anne died unmarried, and Charlotte became eventually his sole heiress, and heir also of her mother Elizabeth, baroness Ferrers, of Chartley. She married George, viscount Townshend, afterwards created marquis; in whose grandson, the present marquis, the two baronies of Ferrers, of Chartley, and Compton, are vested.

CONIERS OR CONYERS.—(1 HEN. VIII.)

WILLIAM CONYERS, son and heir of Sir John Conyers, K. G., eldest son of Sir John
 * Vide Darcy. Conyers, by Margery his wife, second daughter and coheir of Philip baron Darcy,* was summoned to parliament from the 1 to the 6 Hen. VIII. as "*William Conyers de Conyers Chevalier.*" The said Sir John his father, who was a Knight of the Garter, married Alice, one of the daughters and coheirs of William Nevill baron Fauconberg, whereby his son

William was one of the coheirs to that barony, as he was also to that of Darcy, in right of his grandmother Margery.

Christopher Conyers, son and heir of William, had summons from the 21 to the 25 Hen. VIII. His son John had the like summons from the 36 Hen. VIII. to the 3 and 4 of Philip and Mary; but dying shortly after without issue male, the barony fell into abeyance among his daughters, of whom Elizabeth married Thomas Darcy; Anne married first, Anthony Kemp, and secondly Arthur Cope, esq.; Catharine married John Atherton; and Margaret died s.p. He had also two sons, John and Henry, who died before him infants. From these daughters there was not any issue remaining in 1640, excepting from Elizabeth, who was the wife of Thomas Darcy, whose son Conyers Darcy was thus *jure matris*, heir of the barony of Conyers, and coheir of the barony of Darcy, created by writ the 6 Edw. III., and thereby invested the same in his family, as under the article *Darcy*, may be seen more at large. The barony of Conyers is in the present duke of Leeds, under which title an account of his descent is to be seen in the several editions of Collins's Peerage, and the other printed peerages of the day, as also in the second volume of Banks's Dormant and Extinct Baronage, page 143.

CORBET.—(22 EDW. I.)

PETER, son of Thomas Corbet,^a who married Isabel, one of the next heirs to Roger de Valletourt, a great feudal baron in the West, had summons to parliament from the 22 to the 28 Edw. I., to whom succeeded another Peter, his second but eldest surviving son, who had summons from the 30 Edw. I. to the 15 Edw. II., but died s.p., leaving John Corbet his brother his next heir, but who never had the like summons, and died also s.p.,* leaving the descendants of his aunts] Alice, Emma, Winnervine, and Venice his coheirs; but they not being issue of Peter the first baron, had no claim to the barony created by any of his writs of summons, and as such the barony of Corbet may be deemed extinct.

* Rot. Parl.
Vol. ii. p. 438,
No. 78.

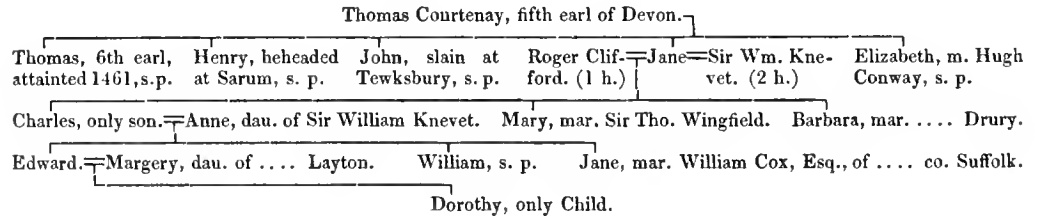
COURTENAY.—(27 EDW. I.)

HUGH DE COURTENAY had summons to parliament from the 27 Edw. I. to the 8 Edw. III., in the latter writs with the addition of *senior*; but in the year following he was allowed the earldom of Devon, (1335) in which higher dignity it remained merged, till by the attainder of Thomas the sixth earl in 1461, it with his other honours became

^a He was summoned to parliament the 45 Hen. III.

forfeited. He, and his brothers Henry and John, dying s.p., the earldom and barony of Courtenay would have fallen, had not the attainders interrupted the descent, unto Jane and Elizabeth their sisters, whereof the latter married Sir Hugh Conway, s.p.; and the former (Jane)* married first Sir Roger Clifford, and secondly Sir William Knevit.

* Vide Devon.



CRESSIE, OR CRESSY.—(22 EDW. I.)

WILLIAM DE CRESSY had summons to parliament the 22 and 25 Edw. I.; but Sir Harris Nicolas, in his Peerage Synopsis, doubts whether they were either of them regular writs of summons. That of the 22 Edw. I. was admitted in the Roos case, and a parliament was certainly holden at Westminster in the said year, when a great plea between William de Vesey and John Fitz-Thomas was brought forward.† Also a parliament was holden the 25 Edw. I., in which the great charter, and charter of the forests was confirmed. Whether the said William de Cressy was present therein, there is no evidence to show beyond the writ calling him thereto, and the presumption that he would have been fined as a baron had he not attended, of which there is not any mention in the Records of the Exchequer. But he was never again summoned to any other parliaments, and died s.p.

† Rot. Parl.
Vol. i. p. 127.

| CRETING.—(6 Edw. III.)

JOHN, son of Adam de Creting, who was slain in the wars of Gascony the 22 Edw. I., having also served himself in the same wars, and likewise in those of Scotland, in the 4 Edw. III., obtained a charter for free warren in all his demesne lands at Great Stockton, in the county of Huntingdon, and the 6 Edw. III. had summons to parliament by several writs for the same year, but not after, nor any of his descendants; so that Dugdale observes "I have no more to say of him."

‡ Vol.ii.p.221.

In Noble's Memoirs‡ of the Cromwell family, he states that the heiress of Adam de Creting, of Cretingsbury, married into the knightly family of De Wauton, seated at

Great Stoughton, in the county of Huntington, of which was Valentine Wauton, a distinguished officer under Cromwell. This Adam was most likely a descendant from John de Creting, the baron.

CRIOL.—(22 EDW. I.)

THE family of Criol was one of great consequence and possessions in the counties of Kent, Essex, and Hertfordshire, its chief seat being at Ostenhanger in Kent.

Nicholas de Criol was warden of the cinque ports; and by Joane his wife, daughter and heir of William de Auberville, a baron of great feudal estates, (which Joane afterwards remarried Henry de Sandwich,*) had issue

Nicholas de Criol, who was summoned to the two so much doubted, (by Sir Harris Nicolas) regular parliaments of the 22 and 25 Edw. I., but never after. He married Margery, daughter of Gilbert Peche, and had a son Nicholas, who was never summoned to parliament, but whose issue male (though all unnoticed by Dugdale) long continued to Sir Thomas Criol, slain at the battle of St. Albans, 38 Hen. VI., leaving two daughters his coheirs; of which, Elizabeth married John Bourchier, esq.; and Alice wedded John Fogge, esq.

* Orig. 32
Hen. III. Rot.
3. Kanc.

CROMWELL.—(1 EDW. II.)

JOHN DE CROMWELL had summons to parliament among the barons of the realm, from 1 Edw. II. to 9 Edw. III., about which time he died. He married Idonea, second daughter and coheir of Robert de Vipount, a great feudal baron, the widow of Roger de Leybourne; but not having any issue by her, the inheritance of Vipount passed into the family of De Clifford, descended from Isabel the other daughter and coheir of Robert de Vipount, who married Roger de Clifford.

Ralph Cromwell, successor to John, had summons from 49 Edw. III. to 23 Ric. II., and died 1398. This Ralph is said by Dugdale^a to have been son and heir of John; but, unless he was son by another wife, he could not be so by Idonea de Leybourne, for the reason before given; and if he was a son by another wife, he must have been very young at his father's death, circ. 9 Edw. III., 1335: for the period from that time to 23 Ric. II., the date of his last writ of summons is above sixty years. He could scarcely

^a All authorities excepting Dugdale represent John de Cromwell to have died s.p., and the next summoned to have been Ralph Cromwell, by some called his brother. In Thoroton's Nottingham, vol. iii., p. 170, is a pedigree of Cromwell, showing John to have died s.p.; and a MS. per T. C. Brooke, in the College of Arms, states the same.

be brother, for then supposing he was only twenty years old at the death of John, he would have been between eighty and ninety years old; certainly not impossible, but rather improbable: the point is of this effect, viz. if John died s.p., his barony became extinct with him, and then a new barony was created in Ralph, taking its date from his first writ of summons, the 49 Edw. III.

From a pedigree, (*penes auct.*) it would seem he was great-nephew to John, and was only his successor so far that he was next of the family summoned to parliament, and was the founder of this barony; his call to parliament being probably in virtue of descent from Robert de Tatshall, a baron lord of Tatshall, in the county of Lincoln. He married Maud, daughter of John, and sister and heir to her brother William de Bernake; which John was son of Alice, wife of Sir William Bernake, daughter and heir of Robert Driby by Joane his wife, one of the sisters and coheirs of Robert de Tatshall, by which marriage the castle of Tatshall and other great property was acquired to the Cromwell family. He died in 1398, leaving Ralph his son and heir, who had summons from the 1 Hen. IV. to the 4 Hen. V. Ralph his son and heir had the like summons from the 1 to the 33 Hen. VI., and died in 1455, s.p., leaving Maud his sister and heir, who married Sir Richard Stanhope, and by him had two daughters, her coheirs; viz., Maud, who married Robert lord Willoughby de Eresby, and had issue, now extinct; and Joane, or Jane, who married Humphrey Bouchier, hereafter mentioned.

The following pedigree, though differing from Dugdale's statement, accords more correctly with the public records relating to the family.

TABLE I.

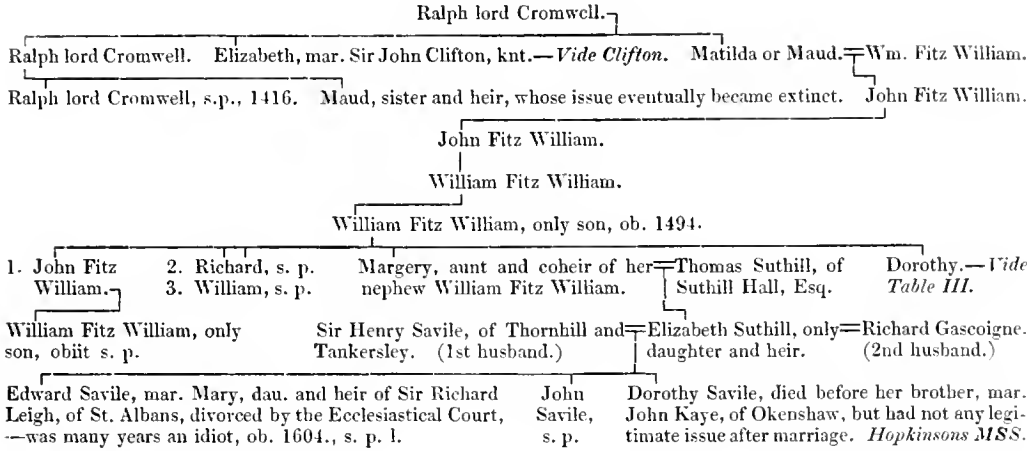
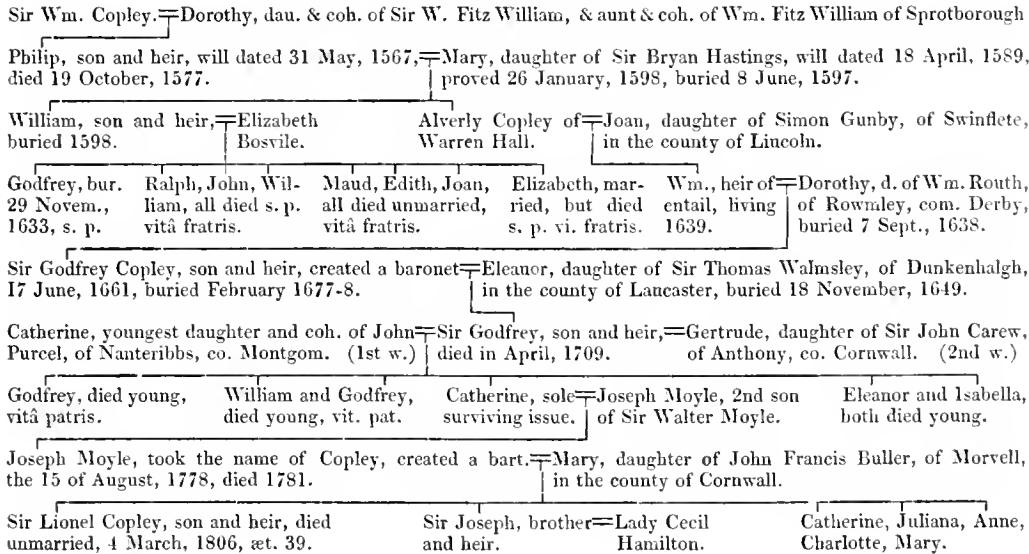
MS. No. 8, per T. C. Brooke, in Coll. Arm.

Ralph Cromwell, married Margaret, daughter and coheir of Roger de Someri.— <i>Claus. 2 Edw. I.</i>				
John Cromwell, married Idonea de Leyburn, summoned to parliament 1 Edward II., s. p.		Ralph Cromwell, ob. circ. 9 Edward III. = Joane de la Mare, ob. 9 August, 1348.		
Ulcher, 18 Edward III.	Ralph, ob. 1355. = Amicia, dau. and at length coheir of Roger de Bellers, 24 Edw. III			
Ralph Cromwell, summoned to parliament 49 Edward III., obiit 1398.	= Maud de Bernake, heiress of Tatshall, ob. 1419.		Sir Richard, 9 Richard II.	Margaret. Joan.
Ralph, æt. 30, an. 1398, obiit 1416, vitâ matris.	= Johanna . . . a widow the 5 Hen. V.	Maud, mar. Sir William Fitz William, of Sprothorough.	Hawise, mar. Thomas lord Bardolf. <i>Vide Bardolf.</i>	Elizabeth, mar. 1st Sir John Clifton, 2nd Sir Edward Benstead.
Ralph, third lord Cromwell, æt. 26, anno 1419, mar. Margaret, dau. of John lord D'Eincoart, ob. 1455, s. p.; both buried at Tatshall.— <i>Mon. ibidem.</i>			Maud, sister and heir = Sir Ric. Stanhope, knight.	
Henry, obiit 1453, s. p.	Maud, mar. 1st Robert lord Willoughby,* 2nd Sir Ger-vase Clifton, s.p., 3rd Thomas Nevill, s. p.		Joane,† mar. 1st Sir Humphrey Bouchier, 2nd Sir Robert Ratcliffe. s.p.(?)	

* *Vide Willoughby of Eresby.* Had issue, long since extinct. This lady Willoughby is buried at Tatshall.

† She is buried at Tatshall, ob. 10 March, 1479.

TABLE II.

TABLE III.
COPLEY OF SPROTBOROUGH.

BOURCHIER LORD CROMWELL.—(1 EDW. IV.)

SIR HUMPHRY BOURCHIER, third son of Henry, earl of Essex, was summoned to parliament, sometimes as *Humphry Bouchier de Cromwell*, at others as *Humphry Dom. Cromwell*,

Chiv', or as *Humphry Cromwell. Chiv'*, from the 1 to the 9 Edw. IV. He died s.p., in 1471; and on the death of the lady Joane, his wife, in 1479, the barony of Cromwell is considered to have fallen into abeyance among the representatives of her mother's aunts, viz., Maud, who married Sir William Fitz-William, of Sprotborough, in the county of York; Hawyse, who married Thomas lord Bardolf; and Elizabeth, who married first Sir John Clifton, and secondly Sir Edward Benstead, knight.

Of these ladies, Maud had issue a son, Sir John, whose male line continued for several successions until it terminated^a in two daughters, coheirs; viz., Margery, who married Thomas Suthill, and had an only daughter and heir Elizabeth, who married Sir Henry Savile, of Tankersley, knight; and Dorothy, who married Sir William Copley, of Copley, in the county of York, whose descendant in the eldest line, Sir Godfrey Copley, was created a baronet in 1661, who by his first wife had a son Sir Godfrey, the second baronet, who died in 1709, when the title became extinct; and by his second wife had three daughters, whereof Dorothy married Sir Michael Wentworth; Elizabeth, William Wombwell, of Wombwell, esq.; and Catharine married Sir George Cook, bart.

Of the issue of Hawyse, who married Thomas lord Bardolf, mention is made under that article; but it is to be observed, that though the attainder of lord Bardolf affected that barony, yet the interest in the barony of Cromwell, being derived from their mother, could not be affected thereby, and as such remains vested in her coheirs general, the present lord Beaumont, and the earl of Abingdon.

Of Elizabeth, the third daughter, wife of Sir John Clifton, it has been noticed under that head, that her heir general was the heir general of Knevet. Sir William Knevet, grandson of Sir John Knevet, who married Elizabeth, daughter of Constantine, son and heir of Sir John Clifton, by Elizabeth Cromwell, was attainted in 1483; but his descendant Sir Philip was created a baronet in 1611, with whose son Robert, the second

* Vide Clifton. baronet, the title became extinct, circ. 1699.*

CROMWELL, OF WIMBLEDON.—(28 HEN. VIII.)

THOMAS CROMWELL was summoned to parliament the 8th of June, 28 Hen. VIII., as *Thomas Cromwell, de Wimbleton, Chiv'*, and on the 18th of July, the last day of the parliament, 28 Hen. VIII., is recited by Dugdale to have been admitted by writ and patent. He was afterwards created earl of Essex, and the following year attainted and beheaded, and his honours forfeited.

Gregory Cromwell, son and heir of the said earl Thomas, had summons to parlia-

^a Vide Banks's *Dormant and Extinct Baronage*, and Collins's *Peerage*, sub titulo Fitz-William.

ment from the 31 Hen. VIII., to the 2 Edw. VI., as *Gregory Cromwell, Cliv'*. Henry Cromwell, his son, who had the like summons, from the 5 to 31 queen Elizabeth, ob. 1592. Edward, son and heir of Henry had summons from the 35 queen Elizabeth, to the 3 James I., and died 1607.

Thomas, son and heir of Edward, does not appear to have been ever summoned but was created earl of Ardglass, in Ireland, and died 1653. Wingfield Cromwell, second earl of Ardglass, had summons the 13 Charles II., to the English parliament. He died in 1668, leaving Thomas his son and heir, the third earl; who had the like summons the 31 and 32 Car. II.; dying s.p., he was succeeded by his uncle Vere Essex, brother to Wingfield, the third earl. This Vere Essex was summoned to the English parliament 1 Jac II.; but dying in 1687, without issue male, the earldom of Ardglass became extinct, and the right to the barony of Cromwell devolved upon his only daughter and heir Elizabeth, who married Edward Southwell, esq., whose eldest grandson Edward Southwell, being one of the coheirs of the ancient barony of De Clifford, had the same allowed to him; but Edward his son, the next baron, dying in 1832, s.p., the barony of De Clifford fell into abeyance between the issue of his sisters, his coheirs; and with it also this barony of Cromwell. The abeyance of the barony of De Clifford has since been determined; but that termination is not considered to have affected this barony, which still remains open to a similar favour from the crown.

DACRE.—(14 EDW. II.)

RALPH DE DACRE, according to Dugdale, had summons to parliament from the 28 Edw. I. to the 12 Edw. II.; but militating not a little against the accredited accuracy of that eminent baronagian, the name of Ralph de Dacre does not appear in the summonses of those years. However, from the 14 Edw. II. to the 20 Edw. II., it is mentioned, and also to the 12 Edw. III., in the year following of which he died. He married Margaret, daughter and heir of Thomas de Multon, baron of Gillesland, and thereby acquired that ancient baronial territory. William his son and heir had summons from the 24 to the 34 Edw. III., the year following of which he died, s.p., leaving Ralph his brother and heir,^a summoned from the 36 to the 47 Edw. III.; soon after when he died, (1375) leaving Hugh his next brother his heir, summoned from the 50 Edw. III. to the 7 Ric. II., in which year he died, and was succeeded by William his son, who had summons from the 7 Ric. II. to the 5 Hen. IV.; his son and heir,

Thomas de Dacre had summons the 14 Hen. IV.; in which writ, for the first time,

^a At the time of succeeding to the barony he was a priest, and rector of the church of Prestecote.

the addition of *Gillesland* is inserted, indicating thereby that although Ralph, the person summoned the 14 Edw. II., was so summoned, probably jure uxoris Margaret, the heiress of Thomas de Multon, yet the operation of the said writ would create a distinct barony, it being personal, and not bearing any allusion to the barony of Multon: nevertheless, the two baronies would become descendable in the same course of inheritance, and combined together, unless the one could be considered as a continuance of the other, as the possession of Gillesland seems to have carried with it the baronial right of parliamentary summons. From the aforesaid 14 Hen. IV., Thomas de Daere continued to be summoned to the 33 Hen. VI., inclusive, (1455), with the same addition of *Gillesland*. This Thomas died the 36 Hen. VI., having had issue three sons, viz: Thomas, Ralph or Ranulph, and Humphry. Of these Thomas died *vi. pat.*, leaving a daughter Joane, heiress to her grandfather in the barony of Daere. But it appears that by virtue of a fine levied by Thomas her grandfather, and an entail made thereon, of the baronial territory of Gillesland, and other capital manors, &c., in favour of the heir male of his family, Ranulph de Daere was found, upon his death, to be his next heir male, and thereupon had summons to parliament the 38 Hen. VI., as *Ranulph Daere de Gillesland*; while in the same year, Richard Fiennes, who had married Joane, the granddaughter and heiress, as before mentioned, of Thomas the baron, who died the 36 Hen. VI., had also summons by writ, directed "*Richard Fenys, Domino de Daere, Militi.*" Thus the barony of Daere, under the writ of summons of the 14 Edw. II., was acquired by the Fenys, or Fiennes family.

John, eldest son and heir apparent to this Richard, the first Fiennes lord Daere, died *vi. pat.*, leaving by Alice his wife, daughter and coheir of Henry lord Fitz-Hugh, Thomas, successor to his grandfather, in the barony of Daere, and a coheir to the barony of Fitz-Hugh. He had summons to parliament as "*Thomas Fiennes de Daere,*" from the 11 Hen. VII. to the 25 Hen. VIII. Thomas, his eldest son and heir apparent died in his lifetime, leaving another Thomas, successor to his grandfather, who in 1541 was executed and attainted. He had issue a son Thomas, who died young, and a son Gregory, who with his sister Margaret were restored by act of parliament. This

Gregory lord Daere was summoned to parliament from the 5 to the 35 queen Elizabeth, but died the year following, *s.p.*, leaving Margaret his sister and heir, who married Sampson Lennard, esq. and transferred to his family this barony of Daere.

From the family of Lennard, the barony of Daere, through the heir female, has passed to that of Roper, and lastly into that of Brand, which now enjoys it, and being an extant barony, its descent may be found in the printed peerages of the day. One remark however only remains for observation, as to its legal precedency; the first Ralph Daere had summons to parliament personally, without any distinction of barony, the 14 Edw. II.; the same form of writ continued to his successors until the 14 Hen. IV., when

Thomas, then lord Dacre, was summoned with the addition of *Gillesland*, thereby intimating that was his barony, following the territorial possession of the baronial land; that land passed by licence of the crown to the heir male Ranulph, who thereupon had summons to parliament as lord Dacre of Gillesland; but the heir general of Ralph the baron, 14 Edw. II., married Richard Fiennes, who had not any blood of Dacre in him. He was summoned to parliament as *Richard Fenys lord Dacre*. This summons *created him lord Dacre*, which would seem to be a new barony in him; for though his wife was heiress of the personal honour, there was no courtesy of that personal title; courtesy only appertaining to property, and the baronial property was not in her. She was heiress to the barony of *Multon of Gillesland*; if that barony be not considered to have emanated from, and have attended upon the possession of that territory.

DACRE, OF GILLESLAND.—(38 HEN. VI.)

RANULPH DACRE, brother and heir male of the last Thomas, having succeeded to the possession of Gillesland, was summoned to parliament (as before mentioned) the 38 Hen. VI. by the same designation as his brother Thomas, viz., *Ranulph Ducre de Gillesland*. He was afterwards slain in the battle at Towton, and by act of parliament attainted the 1 Edw. IV. But as the baronial land of Gillesland stood entailed to heirs male, the same was not affected legally by his attainder; and he dying s.p., his brother Humphrey became heir thereto. But this

Humphrey Dacre stood also attainted, whereby his right was also forfeited. He however obtained so much favour thereafter, that the 13 Edw. IV. he was restored in blood and lands, and the attainders against himself and his brother Ranulph were made void; and at the same time sundry entails of many manors, as well to the lord Dacre, the heir male, as to Fenys the heir general, were conferred; wherein according to Prynne^a is to be noted a pedigree for the line of the lord Dacre. Moreover in the 22 Edw. IV., and 1 Ric. III., he had summons to parliament as lord Dacre of Gillesland. He died the 1 Hen. VII., leaving

Thomas his son and heir, who had summons in the 1, 3, 6, and 7 Hen. VIII., as *Thomas Dacre de Dacre*, when also was summoned *Thomas Fenys de Dacre Chiv'*. He died in 1525, having married Elizabeth, granddaughter and heir of Ralph lord Grey-stoke, by which marriage he brought that barony into his family.^b

^a Prynne's Abridgement of the Tower Records, p. 691.

^b He acquired also a moiety of the ancient baronies of Bolebec and Boteler of Wemme, a fourth of Montfichet, and a third of a moiety of the old barony of Merley of Morpeth.

William Dacre his son and heir, the 21 Hen. VIII. had summons to parliament among the barons, in which summons he is styled "*William Dacre de Dacre & Greystock Chiv'.*" He was afterwards summoned in the 25 Hen. VIII. as *William Dacre de Gillesland*, without the addition of *Greystock*. In the 28 Hen. VIII., he is mentioned to have sate as *lord Dacre of Greystock*, and Fenys as *lord Dacre of the South*. In the 31 Hen. VIII. he is named *lord Dacre of the North*, and placed next below Fienes, styled *Dacre del South*. In the 33 and 35 Hen. VIII., he is denominated only *William Dacre Chev'*. Thus, with these various descriptions, he continued to be summoned till the 5 and 6 Phil. and Mary. He died in 1563, having had issue four sons, whereof Leonard and Edward were attainted and died s.p., temp. queen Elizabeth. Francis the youngest was also attainted, and died circ. 8 Car. I., leaving a son Ralph or Randal, as named in the Parish Register of Greystoke, who died s.p., in 1634, and was buried at Greystoke, being the last heir male of this line.

Thomas, the eldest son of William lord Dacre, succeeded his father, but never had summons to parliament. He died in 1569, leaving one son George and three daughters, of which Anne married Philip, earl of Arundel; Mary, Thomas lord Howard, of Walden, s.p.; and Elizabeth wedded lord William Howard, half brother to Philip, earl of Arundel.

George, the only son, and last lord Dacre of Gillesland, had summons to parliament the 3 queen Eliz., but is stated to have been then *infra etatem*. He died s.p., and the Dacre estate was divided between his sisters and coheirs, in which partition the earl of Arundel got the possession of Greystock, and lord William Howard obtained Naworth, &c. If this barony of Dacre be considered to have been created by writ of summons, the lords Stourton and Petre are the coheirs general of Anne, the wife of Philip, earl of Arundel; and the earl of Carlisle is the heir general of Elizabeth, the wife of lord William Howard; and in these noblemen is similarly vested in abeyance the ancient barony of Greystock, so far as it was acquired by the marriage of Thomas, second baron Dacre of Gillesland, with Elizabeth the heiress thereof, and the summons to parliament of William his son, by that title the 21 Hen. VIII. But as the territory of Gillesland stood limited to heirs male, and that limitation, or entail, was confirmed by Edward IV. when the attainder of Humphrey Dacre was made void, it would seem the descent of the barony was governed thereby: yet upon the reerfence of the case to the commissioners appointed to determine the claim of Leonard Dacre as heir male, and the sisters of George Lord Dacre as coheirs general, the barony was decided to be vested in them, and in abeyance.

It may here be observed, that Charles Howard, great grandson of lord William Howard, was a colonel in the parliament army under Oliver Cromwell; and was one of those whom the protector created to take place as lords, and have that dignity in all commissions, by the title of baron Gillesland, and viscount Howard of Morpeth, July 20th, 1657.* In which titles, after the restoration, he was so far confirmed, that he was

* Morgan's
Phoenix Bri-
tanicus.

created baron Dacres, viscount Morpeth, and earl of Carlisle, by patent 20 April, 1661, being the only person, excepting general Monk, who appears to have had the Cromwelian honours recognized, or regranted.

COPY OF THE WRIT

BY WHICH CROMWELL'S LORDS WERE CALLED TO PARLIAMENT.

OLIVER, Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions and Territories thereunto belonging, To OUR TRUSTY and beloved son Lord Richard Cromwell GREETING.

WHEREAS, by the Advice and Assent, our Council for certain great and weighty affairs concerning us, the state and defence of the said Commonwealth, we ordained our present parliament to be held at our City of Westminster, the 17th day of September, in the year of our Lord 1656, and there to consult and advise with the Knights, Citizens, and Burgesses of our said Commonwealth, which Parliament was then and there held and continued until the 26th day of June last past, and then adjourned until the 20th day of January now next coming. Therefore we command and firmly enjoin you, that, considering the difficulty of the said affairs, and imminent dangers, all excuses being set aside, you be personally present at Westminster aforesaid, the said 20th day of January next coming, there to treat, confer, and give your advice with us, and with the great Men and Nobles, in and concerning the affairs aforesaid. And this, as you love our honour and safety, and the defence of the Commonwealth aforesaid, you shall no wise omit.

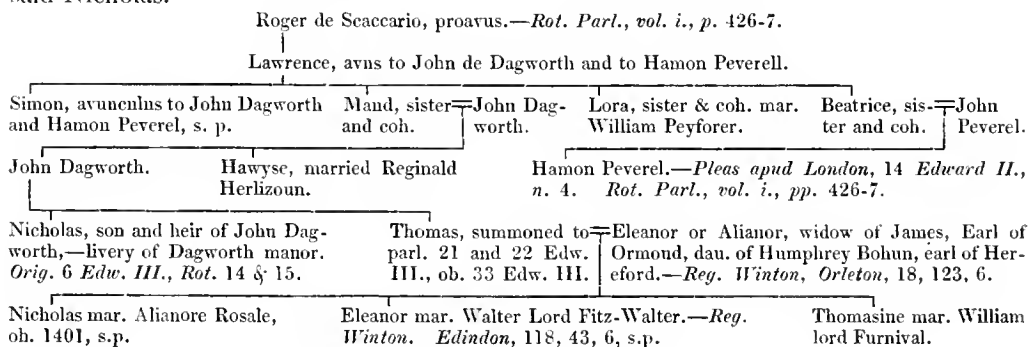
WITNESS ourself at Westminster the 10th day of December, 1657.

DAGWORTH.—(21 EDW. III.)

THOMAS DE DAGWORTH, an eminent commander in the wars of France, temp. the martial reign of Edw. III., had summons to parliament the 21 and 22 Edw. III., but never after, which might be from his being so continually employed in the military affairs with that country, where after so many glorious exploits he had at last the misfortune to be slain in an engagement with the French, the 33 Edw. III. He married Eleanor, widow of James Butler, earl of Ormond, daughter of Humphry Bohun, earl of Hereford, by Elizabeth his wife, daughter of king Edward I. by his second queen; to whom succeeded, as said by Dugdale,

Nicholas de Dagworth his son, who like his father was famous for his military achievements in France, but was not very popular in the reign of Richard II. He never had summons to parliament; nor is it noticed by Dugdale when he died, nor whether he was married, or had issue. According to Blomfield, in his history of Norfolk,* he married Alianor, daughter of Walter, and sister and coheir to Sir John Rosale, of Shropshire, knt., but died in 1401, and was buried at Blickling church, in Norfolk, leaving Thomasine his sister and heir, who married William lord Furnival, who thereby obtained the manor of Dagworth. If this Nicholas was son of Thomas de Dagworth, he had another sister Eleanor, who was the first wife of Walter lord Fitz Walter, but died s. p., before the said Nicholas.

* Vol. 3.
p. 68, S.
Erp. H.



D'AMORIE.—(11 EDW. II.)

SIR ROGER D'AMORIE had summons to parliament the 11, 12, 13, and 14 Edw. II. He married Elizabeth, one of the sisters and coheirs of Gilbert de Clare, earl of Gloucester, who had before been married to John de Burgh, earl of Ulster, and to Theobald de Verdon,—by which lady he had an only daughter and heir *Elizabeth*,† who married John lord Bardolf; whose grandson Thomas lord Bardolf was attainted‡, whereby all his honours were forfeited. Collins, and the Irish Compendium, mention another daughter Eleanor, who married John de Raleigh: but Dugdale states§ her to have been named Agnes in the will of her mother, Elizabeth de Clare; and her sister Isabel Bardolf, and not Elizabeth, as before mentioned.

† Dug. Bar.
v. i. p. 682.
‡ Vide Bardolf

§ Dug. Bar.
v. i. p. 475.

RICHARD D'AMORIE.—(20 EDW. II.)

RICHARD, presumed to be Nephew of Roger, baron D'Amorie (*i. e.* according to Collins, son of his brother Nicholas D'Amorie) had summons to parliament from the 20 Edw. II. to the 4 Edw. III., and died circ. the latter year, leaving

Richard D'Amorie his son and heir, but he never had summons to parliament, and dying in 1375, s.p., the barony became extinct. Dugdale states, that upon his death, Elizabeth, and Alianor, sisters to Sir John Chandos, and Isabel, daughter of Margaret, the third sister, then the wife of Sir John Annesley, knight, were his heirs, but does not mention in what manner they were so. This is somewhat explained by Lodge, in his *Peerage of Ireland*,* under the title of "*Annesley Viscount Valentia*," wherein he says that the said Sir John Annesley, in right of Isabel his wife, in 1376 had livery of the manor of Hedyngton and hundred of Belyndon, and Northgate in Oxfordshire; which Sir Richard D'Amory, who died 1375, held for life in fee-farm. Still it does not appear how these coheirs of Sir John Chandos were connected with the family of D'Amory.—Vide *Originalia*, 50 Edw. III., Rot. 6.: viz., Elizabeth Chandos, Roger Colyng, and Alianor his wife, John Annesley, and Isabel his wife, coheirs to Sir John Chandos, for the manor of Hedyngdon, &c., in the county of Oxford.

* Vol. ii.
p. 270-1.

D'ARCIE, OR DARCY.—(45 HEN. III., AND 22 EDW. I.)

PHILIP D'ARCIE, fifth in descent from Norman D'Arcie, who at the general survey held thirty-three manors in the county of Lincoln, married Isabel one of the sisters, and eventually coheirs to her brother Roger Bertram, of Mitford, an eminent northern baron, in the county of Northumberland, had summons to the parliament convened by the king to meet in London, the 45 Hen. III.;† shortly after when he died, the 48 Hen. III., leaving issue,

† Claus. Rot.
45 Hen. III.

Norman D'Arcie his son and heir, who had summons to parliament the 22 Edw. I., but in the writ no time, nor place is mentioned for meeting; but nevertheless a parliament was holden at Westminster in that year,‡ which as no other summons appears on record, must be considered to be holden in pursuance of the said writ. He died the 24 Edw. I., leaving his son and heir

‡ Rot. Parl.

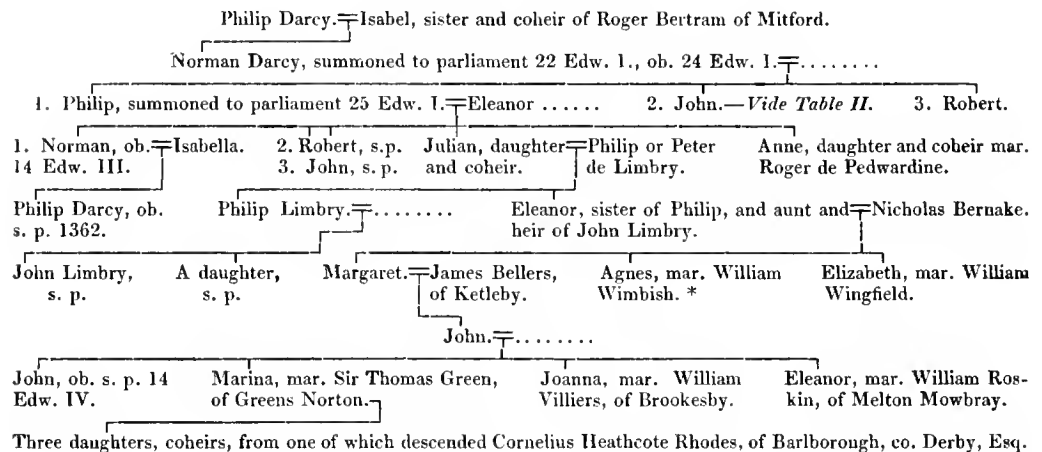
Philip Darcy, a person of great action in his time, and in eminent employments during the reigns of Edw. I. and II., and said by Dugdale to have been summoned to parliament from the 25 to the 34 Edw. I. Yet, in his *Index of Lists of Summons*, the name of Philip is further noticed; viz., in the 20 Edw. II., and the 1, 2, 4, 5, and 6 Edw. III., when he must have been an aged man, if, as Dugdale writes, he was forty years old on the death of his uncle Thomas Darcy, the 27 Edw. I.

When he died, or whom he married, the same author does not mention, but that he had three sons, Norman, Robert, and John, which last two died s.p., and two daughters, namely, Julian, who married Sir Peter de Limbery; and Agnes, who married Sir Roger Pedwardine.

Norman Darcy, the eldest son, succeeded his father, with whom he was in the insurrection of Thomas, earl of Lancaster, temp. Edw. II., but obtained his pardon, though it does not appear that he ever had summons to parliament. He died circ. 14 Edw. III., leaving a son Philip, who died soon after, *infra aetatem*, s.p., whereby his aunts Julian and Agnes, became his coheirs; with whose representatives the barony is in abeyance, provided the writs of summons of their father Philip may be deemed the creation of a personal descendable honour.

TABLE I.

DARCY.—(FIRST BARONY.)



* The line of Wimbish continued for five descents, and ended in two sisters, coheirs of Thomas Wimbish, temp. queen Elizabeth Frances married Sir Richard Townley, of Townley; and Ethelred married Francis Norton, whose daughter Elizabeth married Sir Edward Barton, of Whenby, co. York.

JOHN DARCY.—SECOND BARONY.—(6 EDW. II.)

JOHN DARCY, second son of Norman, and next brother to Philip, the baron before mentioned, had summons to parliament the 6 and 7 Edw. III. as *John Darcy Le Cousin*; in the 16th as *John Darcy* only. He died in 1347, and was succeeded by John his son and heir, by Emeline his first wife, daughter and heir of Walter Heron.

John, next lord Darcy, had summons to parliament, from the 22 to the 28 Edw. III., as *John Darcy de Knayth*. He married Elizabeth, daughter and heir of Nicholas baron Meynill. John, his eldest son, died *infra aetatem*, s.p., wherefore Philip his brother was the next baron, and had summons to parliament from the 1 to the 21 Richard II., as

Philip Darcy. His son John had the like summons from the 23 Ric. II. to the 12 Hen. IV. (1411), in which year he died, leaving Philip his son and heir, who died in 1418, under age, leaving Elizabeth, who married Sir James Strangways, and Margery, who became the wife of Sir John Conyers, his two daughters and coheireses, and the barony in abeyance between them.

TABLE II.

DARCY.—(SECOND BARONY.)

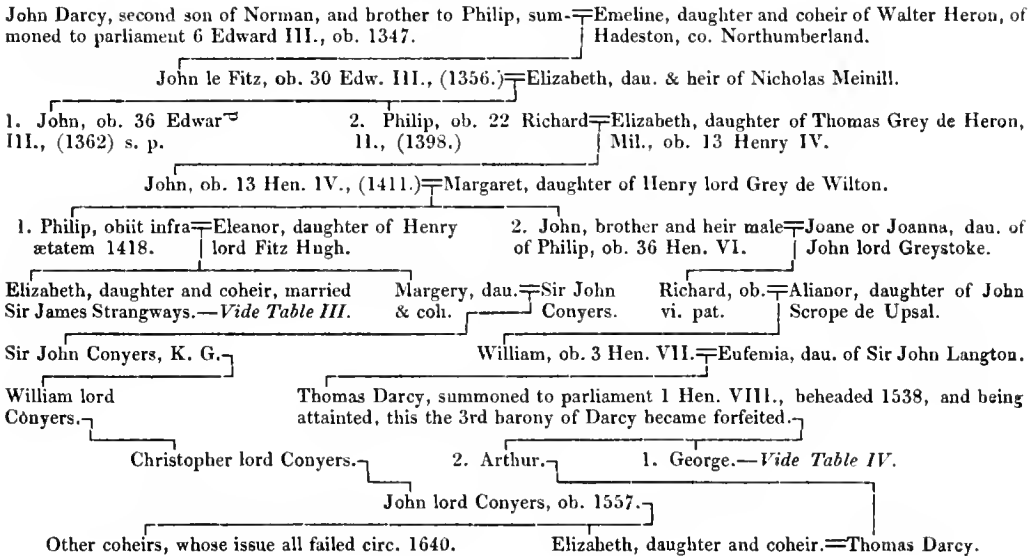
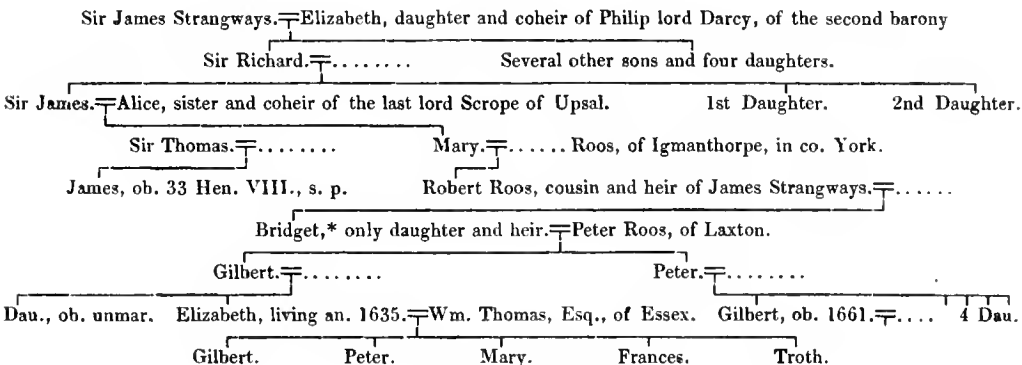


TABLE III.



* Vide Thoroton's Notts., p. 376.

On the death of the last earl of Holderness, s.p.m., the effect of the patent of king Charles I., in 1641, ceased entirely; and it remains to be considered whether the barony of Darcy did not then fall again into abeyance; i.e., between the heirs representative of Elizabeth the wife of Sir James Strangways, and of Margery the wife of Sir John Conyers, mentioned in Tab. 2.

THOMAS DARCY.—THIRD BARONY.—(1 HEN. VIII.)

THE male line of the eldest branch having thus terminated in female issue, and thereby vested the barony in abeyance between the coheirs general, it remains to be observed that the next heir male was John Darcy, second brother to Philip the last baron. This John had issue Richard, who died in his lifetime, father of William, whose son

Thomas, was summoned to parliament as "*Thomas Darcy de Darcy Chivalier*," from the 1 to the 21 Hen. VIII., and with the addition of "*De Temple Hirst*;" demonstrating thereby, that it was a new barony; but in his after summonses to the 28 Hen. VIII., he was simply described as "*Thomas Darcy, Chiv'*." But he was beheaded and attainted two years after (1538), and his peerage forfeited.

GEORGE DARCY.—FOURTH BARONY.

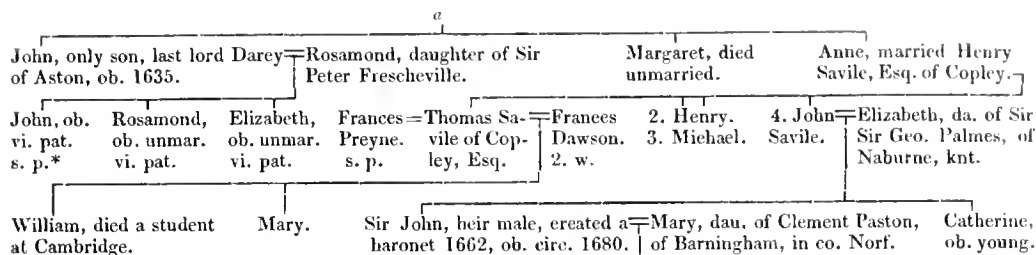
GEORGE D'ARCY his son and heir, was afterwards restored in blood, with the dignity of baron Darcy, to him and the heirs male of his body, by act of parliament, the 2 Edw. VI. His great-grandson John had summons to parliament from the 3 James I. to the 4 Charles I., as "*John Darcie and Meinill, Chiv'*;" but this addition of Meynill was an assumption, it would seem, not at all warranted, as whatever interest appertained to a descent from that barony, had become vested in the coheirs general of Philip the last lord Darcy, of Knayth. But it nevertheless may be a question, how far that summons created in him a new barony by writ; which if so, as his son died unmarried, (vi. pat.) and with him terminated the barony of Darcy conferred on George lord Darcy by patent, 2 Edw. VI., by failure of male issue, then the said barony of Meynill would have fallen into abeyance between his two daughters, Rosamond, and Elizabeth, had they been living; but they died young, vitâ patris, and thus both titles became extinct in his line.

TABLE IV.—(FOURTH BARONY.)

George Darcy, eldest son of the attainted baron Thomas, restored in blood and created lord Darcy to him and the heirs male of his body, ob. 1557.	} Dorothy, dau. and heir of Sir John Melton, of Aston, co. Derby, who brought her husband the manor of Aston, and who was heirress to the barony of Lucie of Cockermouth.
---	---

John, only son, ob. 1602, buried at Aston.	} Anne, daughter of Thomas Babington, of Dethick.
--	---

Michael, only son, ob. vi. pat.	} Margaret, daughter of Thomas Wentworth, Esq.
---------------------------------	--



Elizabeth Maria, sole daughter and heiress, married lord Thomas Howard, father of Thomas and Edward, successively dukes of Norfolk, who through this descent were heirs to the barony of Lucie of Coekermouth; and whose heirs general are now the Lords Petre and Stourton.

* With the above named John ended the fourth barony of Darcy, limited to the heirs male of the body of George the restored baron. The barony by writ to Thomas his father, remaining forfeited to the crown.—(*Lumley (usc.)*)

ARTHUR DARCY.—FIFTH BARONY.—(1 QUEEN ELIZABETH.)

SIR ARTHUR DARCY, second son to Thomas lord Darcy, had summons to parliament the 1 and 5 queen Eliz. as "*Arthur Darcie de Darcie Chev.*"* He died in April 1561,^a and was buried at St. Botolph, without Aldgate, near his father Thomas lord Darcy. By Mary, daughter of Sir Nicholas Carew, of Bedington, in the county of Surrey, K.G., and sister and coheir to her brother Sir Francis Carew, he had a numerous family of sons and daughters. Of the sons,

* Dug. Sum.

Sir Henry Darcy, the eldest, was of Brimham in the county of York, and of Leighton Bromeswold in the county of Huntingdon. By his first wife he had not any issue; but by his second, lady Catherine, daughter and heir of Sir Robert Tyrwhitt, of Leighton Bromeswold, he had a daughter and heir Catherine, who became the wife of Sir Gervase Clifton, afterwards summoned to parliament the 7 Jac. I., as "*Gervase Clifton de Layton Bromswould Chiv*"; which writ of summons, though personally directed, appears to have been in consequence of his wife's baronial descent.—(*Vide Clifton.*)

Thomas Darcy, second son of Sir Arthur, married Elizabeth, daughter and coheir of John lord Conyers, as mentioned before under that title.† He died 3 Jac. I., leaving Sir Conyers Darcy his son and heir, who being the principal male heir of the Darcy

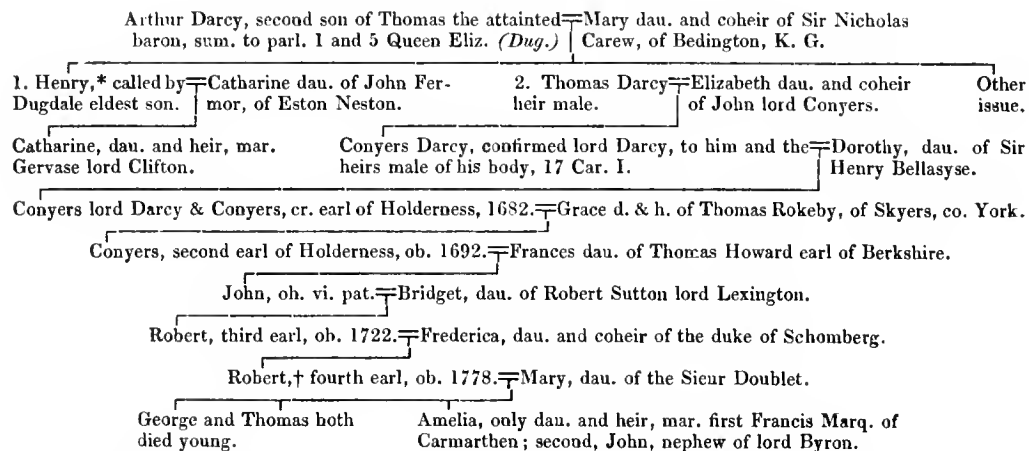
† Vide Conyers

^a If this Arthur Darcy was ever summoned, as Dugdale says, to the parliaments of the 1 and 5 queen Eliz., it is certain he never took his seat therein; for the Journals of the House of Lords state that *John lord Darcy de Darcy took his seat the 25 January, 1 queen Elizabeth*, and not any name of Arthur is to be found throughout them. If he died, according to Dugdale, in 1561, that was in the 3, and not the 5 queen Eliz. It is considered to be a misprint of name for his nephew John, son of his elder brother George, the restored baron: for the name of John is not in the writ of summons of the 1 queen Eliz., though as before noticed, he took his seat in the House of Lords in the said year.

family, and son and heir of Elizabeth, daughter and coheir of John lord Conyers, lineal heir to Margery, daughter and coheir to Philip lord Darcy, son of John lord Darcy, a baron temp. Hen. IV., prayed his majesty king Cha. I. to declare, restore, and confirm to him and the heirs male of his body the dignity of lord Darcy, with such place and precedency as the said John lord Darcy, and by right from his ancestors then enjoyed; all which the king, by letters patent dated at Westminster 10 August, 1641, was pleased to grant, whereupon he had summons to parliament accordingly, as "*Conyers Darcie de Darcie & Conyers Chiv'*. *Teste August, 17 Car. I.*" But it is considered that this creation, by its limitation to heirs male, did not take the old barony out of abeyance, but was a creation *de novo*, and that the precedency assigned to it was illegal according to the modern doctrines on the subject.

Conyers Darcy his son, had summons from the 13 to the 32 Car. II., as *Conyers Darcy de Darcy*, and in the last two, with the addition of *de Meynill*. In 1682, he was created earl of Holderness, by reason whereof, his baronial honours became merged in the superior dignity, and so continued till the death of Robert the fourth earl, s.p.m., when the earldom expired, as also the barony of Darcy created by the patent of 1641. But the barony of Conyers, and that of Meynill, if one was created by the writs of summons 31 and 32 Car. II., descended upon his only daughter and heiress Amelia, who married the marquis of Carmarthen, eldest son of the then duke of Leeds, and are now vested in the present duke.

TABLE V.—(FIFTH BARONY.)



* If this Henry was eldest son of Arthur, as stated by Dugdale, the barony created by the writs of summons of the 1 and 5 queen Elizabeth would now be vested in the earl of Darnley, heir general of Gervase lord Clifton, by Catharine Darcy.

† By his death without surviving male issue, it is presumed the barony limited to the heirs male of the body of Conyers lord Darcy, 17 Car. I. terminated; and the barony of Darcy returned into abeyance between the coheirs of Philip lord Darcy, who died in 1418.— (*Vide Tab. 2.*)

D'AUBENEY.—(23 Edw. I.)

ELIAS D'AUBENEY^a had summons to parliament in the 23, and from thence to the 33 Edw. I., inclusive. In the 29 Edw. I., though summoned to the parliament at Lincoln, he was one of those who did not affix their seals to the memorable letter then addressed by the barons to the pope.* To him succeeded

* Dug. Lists of Sum.

Ralph D'Aubenev, his son and heir, who had summons the 16 Edw. III. to a great council called to meet at Westminster, but which was prorogued, † and he was never summoned after. By Catherine his first wife, one of the sisters and coheirs of Thomas baron de Thwenge, he had an only daughter Elizabeth, who on the part of her mother, became one of the coheirs to the barony of Thwenge, and married William Botreaux; but by Alice his second wife, daughter of the lord Montacute, he had Sir Giles D'Aubenev, his son and heir, ancestor to Sir Giles created a baron by king Hen. VII., and his son Henry afterwards advanced to the title of earl of Bridgewater by king Hen. VIII.

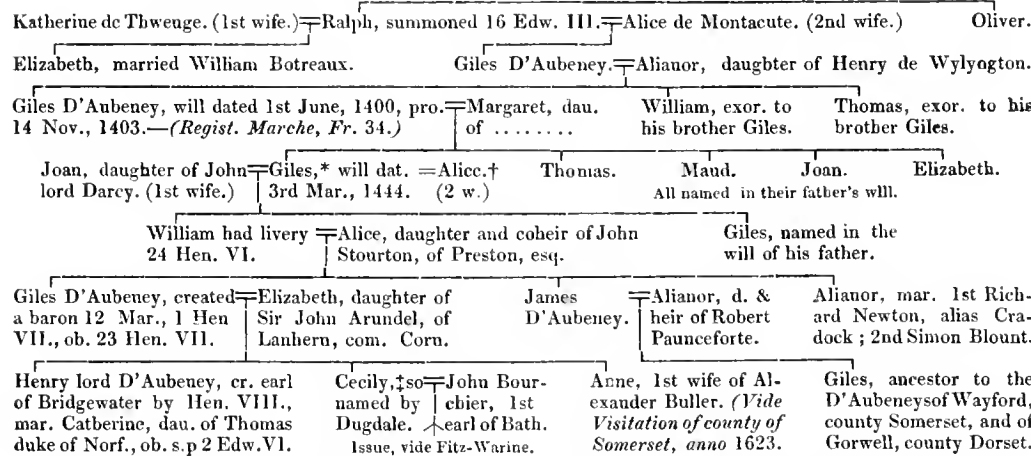
† Ibid.

Of the name of D'Aubenev, it is recorded that John D'Aubenev held the manor of Kingsham in the county of Gloucester, by the service of keeping the king's pantry door, which service he performed at the coronation of Edw. I. ‡

‡ Placit. Coro. 15 Edw. 1. Glouc.

Another Record recites, viz.: Elias, son and heir of John D'Aubenev, had livery of Kingsham, in the county of Gloucester, *Ten' in cap' p' ser'cium custodiendi ostium pan-tarie R. die coron. R.—(Orig. 19 Edw. III., Rot. 10, Glouc.)*

Elias D'Aubenev, summoned to parliament 23 Edw. I., ob. circ. 33 Edw. I. — Hawyse . . .



* He had an elder brother John, not mentioned in his father's will, but noticed by the inquisition, 4 Hen. IV., as son and heir, et. 14: he died in his minority; Giles his brother and heir.

† She was his third wife: his second was Mary, daughter and coheir of Simon Leake, of Cotham, co. Notts., by whom he had a daughter, heir to her mother, and who married Robert Markham.

‡ She is named Florence in the inquisition of her brother.

^a He was descended from Ralph D'Albini, son of William D'Albini, surnamed Brito.—(Vide Dug. Bar. vol. i., p. 116.)

D'AUNEY.—(1 EDW. III.)

NICHOLAS D'AUNEY, lord of the manor of Shunock, in Cornwall, had summons the 1 Edward III. among the earls and barons to attend at Newcastle, *equis et armis*, but his name is not mentioned in either of the writs of summons of the same year to the parliaments at Lincoln or York; so that it cannot be inferred from this single writ, that he was thereby created a baron of the realm; though Dugdale has given him a place in his History of the Baronage. And here it may be observed that the names of Robert de Arderne, and Galfrido Wyth,* are recited in the very same writ of summons, and yet are omitted all notice by the said baronagian in his historical detail.

* Vide vol. ii.

John D'AuneY son of Nicholas had a daughter and heiress Emma or Emmeline, who married Edward, eldest surviving son of Hugh, the second Courtenay earl of Devon. But from Thomas, brother to this John, and called by him the eldest, Lodge in his History of the Irish Peerage,† derives the family of Dawncey viscount Downe, in Ireland.

† Vol. iii.,
p. 103-4.

D'EINCOURT.—(22 EDW. I.)

OF this very ancient and eminent family was Oliver D'Eincourt, who married Nichola, granddaughter and heiress of Nichola de Haya, (a great woman in Lincolnshire,)‡ and by her had issue, John, father of Edmund D'Eincourt, which

‡ Vide Dugd.
v. i. p. 387,
and Blore's
Rutland, p. 150

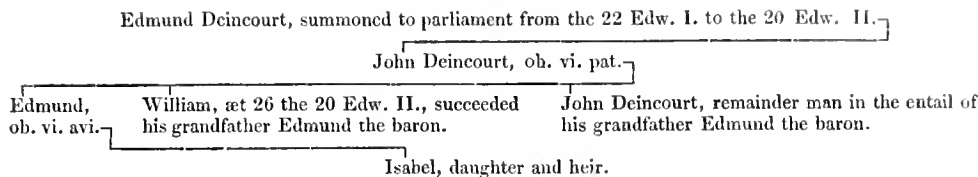
Edmund D'Eincourt had summons to parliament the 22 Edw. I., and afterwards from the 27 Edw. I. to the 20 Edw. II. In the 29 Edw. I., he was one of the barons, who, in the parliament at Lincoln, subscribed their names and seals to the famous letter to the pope, asserting the supremacy of England over the realm of Scotland, on which occasion, he was written "*Edmundus de Eyncourt Dominus de Thurgarton.*" The 1 Edw. II., he was one of the nobles summoned to attend the coronation of that monarch.§

§ Coron. Rot.
1 Edw II.

This Edmund had a son John, who died before him, leaving a son Edmund, who also deceased in his lifetime, and William another son, who survived his grandfather; but the said last named Edmund, (the grandson,) had issue an only daughter Isabel,|| who was his heiress, and upon the death of Edmund the baron, her great-grandfather, was his heir general, and as such intitled to the succession of the barony created by the writs of summons. He however, considering that his name and arms thus descending to her, would be extinguished, petitioned king Edward for liberty to assign his manors and arms, to whomsoever he pleased; which request the king complied with, and gave him letters patent to that effect,¶ by virtue whereof, the said Edmund settled his manors, lands, &c., on William, the second son of John Deincourt, and to his heirs begotten, &c.; and in default thereof, to John, brother of the said William.

|| Esch. 20
Edw. II., No.
39.

¶ Rot. Pat. 7
Edw. II. Pars.
2, m. 21.



WILLIAM DEINCOURT.—(6 EDW. III.)

THIS William, succeeding his grandfather according to the settlement and entail before mentioned, had summons to parliament from the 6 to the 37 Edw. III., and had livery of the manor or barony of Blankney, in the county of Lincoln, and various others. He died circ. 3 Ric. II., when William his grandson, (son of William his son, who died vi. pat.) was found his heir. This

William, second baron Deincourt, (of the second creation) is so named by Dugdale in his Baronage, and is said to have been summoned to parliament the 4 and 5 of king Richard II., but in those writs the christian name is printed *John* and not *William*.^a He died about 5 Ric. II., leaving Ralph his son and heir, who died 3 Hen. IV., under age, s.p., leaving John his brother and heir, who never had summons to parliament, and died at an early age, the 7 Hen. IV. He married Joane, daughter and heir of Robert lord Grey, of Rotherfield, and had issue William his son and heir, and two daughters, Alice and Margaret: the said William, the son, died the 1 Hen. VI., *infra etatem*, s.p., leaving his two sisters his coheirs; of these, Alice married first, Ralph Boteler of Sudley, s.p., and secondly, William lord Lovel of Tichmersh;—and Margaret married Ralph lord Cromwell, and died s.p. The descent therefore of the barony became vested in the issue of lord Lovel, by Alice his wife, sole heir as well to the barony of Deincourt as to that of Grey of Rotherfield; but Francis, baron and viscount Lovel, her grandson, being attainted in 1487, these baronies, together with all his honours, were forfeited.

D'EIVILL.—(49 HEN. III.)

JOHN D'EIVILL descended from Robert D'Eivill, who in the time of Hen I. was enfeoffed of the manor of Egmonton in the county of Nottingham, was a person of considerable

^a A MS. Ped. penes auctore, calls him *John*, and not *William*, which appears the more probable, as his second son was named *John*, who succeeded his elder brother Ralph. The same pedigree states that William who died *vi. pat.*, had two sons, William who died young, and John who succeeded his grandfather.

note in the reign of Hen. III., by whom he was constituted Warden of all the forests north of Trent the 44 Hen. III., governor of York castle the 47 Hen. III., and governor of the castle of Scarborough; but nevertheless, he became one of those who strongly adhered to Simon de Montfort, and the other barons in arms against the king; and on the calling of that parliament in the king's name, the 49 Hen. III., he was one of the barons summoned thereto; but at length he made his peace, and taking the benefit of the *Dictum de Kenilworth*, had restitution of his land, but never after had summons to parliament, nor any of his descendants. He married Maud, the widow of Sir James de Aldithley, which is all Dugdale notices of him.

DE LA BECHE.—(16 Edw. III.)

NICHOLAS DE LA BECHE, an eminent person in the wars of France, temp. Edw. III., had summons the 16 of the same reign, to a great council to be holden at Westminster, but never after had any similar summons; yet while Dugdale only mentions this solitary summons, it appears by the rolls of parliament, that *Nicholas de la Beche*, was one of *the triers of petitions in parliament* the 14 Edw. III., with the several earls and barons nominated to the same purpose. Mr. Lysons in his *History of Berkshire*,* states that he died s.p., and that his estate at Aldworth (where he had a castle) passed to the sisters of John de la Beche, who was probably a brother to Nicholas.

* P. 232.

DE LA MARE.—(27 Edw. I.)

JOHN DE LA MARE, of Gersyndon in the county of Oxford, had summons to parliament from the 27 Edw. I. to the 7 Edw. II., to whose coronation he was summoned, among others of the nobles to attend.† In the 29 Edw. I., though summoned to the parliament at Lincoln, he was one of those who did not affix their seals to that memorable letter which was addressed by the barons to the pope. He had a daughter and heir Florence, who married Philip Orreby, whose son John died circ. 27 Edw. III., leaving Joane his daughter and heir, who married Henry Percy, and had a son Henry and a daughter Mary, who both died s.p.

† Coron. Rot.
I Edw. II.

DE LA POLE.—(39 Edw. III.)

MICHAEL DE LA POLE, son of Sir William de la Pole, (a rich merchant at Hull, who had lent the king several thousand pounds of gold when at Antwerp, and was by him made a

banneret) had summons to parliament as a baron the 39 Edw. III., and from thence to the 8 Ric. II., the year after which he was advanced to the dignity of earl of Suffolk, whereby the barony became merged in the superior title. As his rise to honour and power was rapid, so his fall was sudden; for having from his great influence with the young sovereign made himself unpopular, and odious to the nobility, he was accused in parliament of divers misdemeanours, and of treason; to avoid which charges he withdrew himself abroad, and died an exile in France, the 12 Ric. II., being outlawed.

Michael de la Pole, his son and heir, obtained the judgment against his father to be annulled, and the 1 Henry IV. was fully restored* to the lands of his father, and to the earldom of Suffolk, with a declaration that if he died without issue male, the said inheritances should resort to the next heir male of the body of Michael his father. He died the 3 Hen. V., leaving

* Pat. Rot. 1
Hen. IV, m. 4
pars. 4.

Michael de la Pole, his eldest son and successor, who shortly after was slain in the battle of Agincourt, in October the same year, the 3 Hen. V. Having only issue female, the earldom of Suffolk devolved on William his brother and heir male; but the barony of De la Pole fell to his three daughters and coheirs general: of these, Catherine was a nun, and Elizabeth and Isabel both died unmarried, before the 10 Hen. V., as said by Dugdale. But Collins, in his Parliamentary Precedents,† asserts that Elizabeth married John de Foix, earl of Kendal, and died s. p.; and Isabel married Thomas lord Morley, and deceased also s. p. Yet Lodge, in his Peerage of Ireland,‡ says she had issue.§

† P. 216.

+ V. ii., p. 167
§ Vide Rot.
Fin., 1 Hen.
VI, m. 5.

William de la Pole, heir male to his brother Michael, was advanced by king Henry VI. to the dignity, first of Marquess, and next of duke of Suffolk; but he eventually was beheaded, (though illegally) and attainted.

John de la Pole, his son and heir, was restored, and married Elizabeth, sister to Edw. the IV.; but Edmund his son and heir, the third duke, was beheaded and attainted, with whom all his honours became finally forfeited.^a

DE LA WARDE.—(28 EDW. I.)

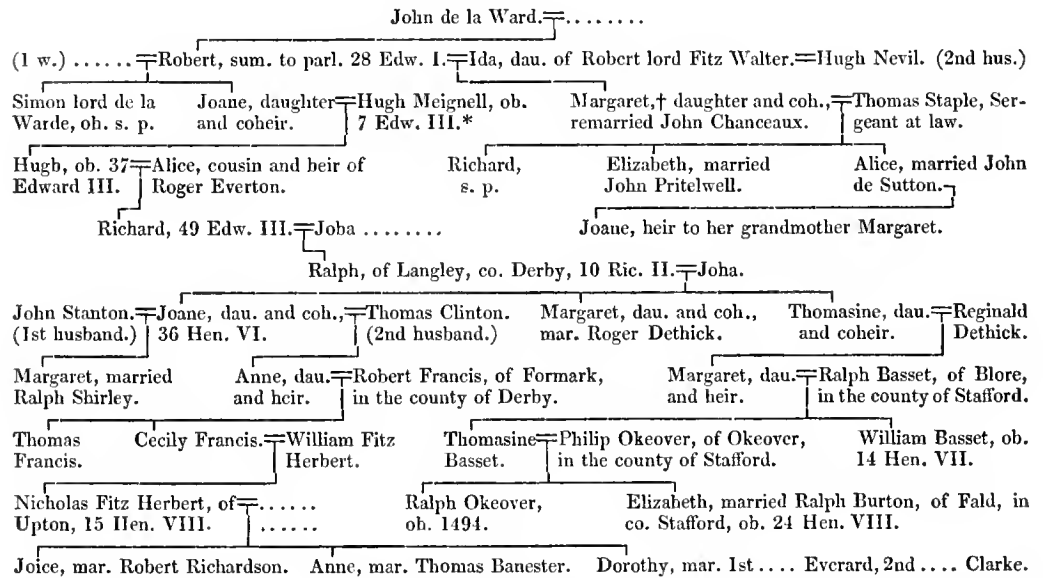
ROBERT DE LA WARDE had summons to parliament from the 28 to the 34 Edw. I. In the 29 Edw. I. he was one of those eminent men who affixed their seals, in the parliament at Lincoln, to the letter then addressed by the barons to the pope, being written "*Robertus de la Warde Dominus de Alba Aula.*" His son and heir,

^a Commissio Jacobi regis Scotiæ super sponsalibus et matrimonium inter Jacobum primogenitum et Dominam Annam nepotem dicti regis Angliæ filiam unicam Johannis Ducis Suffolciæ. Dat. 29 Aug., 2 Richardi III.—(*Ayscough's Catalogue of Charters and Scotch Records*, p. 312.)

Simon de la Warde was summoned from the 18 Edw. II. to the 8 Edw. III. He died s.p., his sisters being his coheirs; whereof Joane, the eldest, married Sir Hugh Meynill; and Margaret (who was by the second wife of Robert de la Warde)* married Thomas Staple, sergeant at arms to king Edw. III. The said Margaret on the death of Thomas Staple, remarried with Sir John Chanceaux, and died in 1389. † By her first husband Staple, she had a son Richard who died s.p., and two daughters, of which Elizabeth married John Pritelwell; and Aliee married John de Sutton, and had a daughter Joane, one of the coheirs to Margaret De la Warde. ‡

* Esch. 39, Edw. III and Orig., Rot. 13, Essex.
† Esch. 13 Ric. II.

‡ Ibid.



* He was of Langley Meynell in the county of Derby, and of Newton in the county of Warwick. His issue by Joane De la Ward assumed the arms of De la Ward, which the Meynells of Derbysbire thereafter continued to bear.—(*Brook's MS. Baron.*)

† An entry in the College of Arms by T. C. Brooke, Somerset Herald, (no. 6) makes Simon and Joane to be the issue of Robert De la Ward by Ida Fitz Walter, but the following record cited by Morant in his history of Essex (vol. I., p. 309) shows they were issue by his first wife, viz.; "Shaplant Manor in com' Essex datum fuit per Robt. Fitz Walter cum Ida filia Roberto De la Ward tentum in capite de honore Bolonie. Ida (sive Idonea) fuit uxor secunda Prædicti Roberti per quam Margareta filia et cohæres per primam uxorem habuit Johannan filiam nuptam Hugoni de Meynell." Morant then says the said Margaret married Thomas Staple, and they two held jointly along with Joane and Hugh Meynill a moiety of the manor of Shaplant. Thomas Staple, Serjeant at Arms to king Edw. III., ob. 1372, and was buried at Shaplant. Margaret re-married Sir John Chanceaux, ob. 1389.—(*Esch. 13 Ric. II.*)

DE LA WARRE.—(22 Edw. I.)

ROGER LA WARRE had his first summons to parliament the 22 Edw. I.; but, although no place nor time of meeting was appointed in the writ, yet is certain a parliament was holden in that year, at Westminster. § After this, he had summons from the 27 Edw. I. to the 4 Edw. II., to whose coronation he was also summoned. ||

§ Placita in Parl. 22 Ed. I.
|| Coron. Rot. 1 Edw. II.

In the 29 Edw. I., he was one of those who in the parliament at Lincoln signated the letter then addressed by the earls and barons of England to the pope, being then written "*Rogerus de Warre, dominus de Isefield.*" He married Clarice, eldest of the daughters and coheirs of John de Tregoz, baron of Ewyas Harold, in the county of Hereford, and dying circ. 14 Edw. II., was succeeded by

John le Warre,* his son and heir, who had summons vitâ patris, the 1, 2, and 3 Edw. II. The 5 Edw. II. he is styled a baron, the writ of that year distinguishing the persons summoned by their respective ranks, viz: *comites et barones.*† From this period he continued to be summoned to the 16 Edw. III., and died the 21 of the same reign. He married Joane daughter of Robert, and sister and heir of Thomas de Grelle, or Gresley, and thereby acquired the manor of Manchester, in the county of Lancaster. He had a son John, his eldest son, who died in his lifetime, leaving by Margaret his wife a son Roger, heir to his grandfather, which

Roger, third lord De la Warre, had summons the 36 and 37 Edward III. He was in the celebrated battle of Poitiers, where John the French king was taken prisoner, the honour of whose capture was given to him and Sir John Pelham, and they had each a badge of distinction granted to them, to be borne in their arms in commemoration of so signal an action. He died the 44 Edw. III. By Elizabeth his first wife, daughter of Adam lord Welles, he had two sons, John and Thomas, whereof,

John le Warre, the eldest, was his successor, and had summons to parliament from the 44 Edw. III. to the 21 Ric. II., the year after which he died, s.p., leaving Thomas his next brother his heir, which

Thomas le Warre was a priest, rector of the church of Manchester, and had summons to parliament from the 23 Ric. II. to the 4 Hen. VI., by the appellation of "*Magistro Thomæ de le Warr,*" the year which he died, s.p. With him terminated the male succession of Le Warre; but Roger le Warre, father of the last barons, John and Thomas, had by his second wife Eleanor, daughter of the lord Mowbray, an only daughter Joane, who married Thomas lord West, whose son Reginald West, by reason of this descent, was afterwards summoned to parliament as "*Reginaldo la Warre, chiv.*" The ground of this succession is thus recited, in Dodderidge's Treatise of Nobility, viz: "that Thomas lord de la Warre being seised in fee tail of certain demesnes, under a fine levied in the time of his ancestors, of the barony of De la Warre, had died s.p.; and Reginald West, of the half blood, was next heir, by reason of the entail." From this it is to be deduced, that the succession to the barony was in this instance governed by the succession of the baronial estate, and not by any right derivable from the writs of summons as creative of a personal descendable dignity.

Mr. Edmondson in his "*Baronagium Genealogicum,*" recites the Inq. p. m. of the 5 Hen. VI., on the death of Thomas, the last lord De la Warr, to run, viz: "That

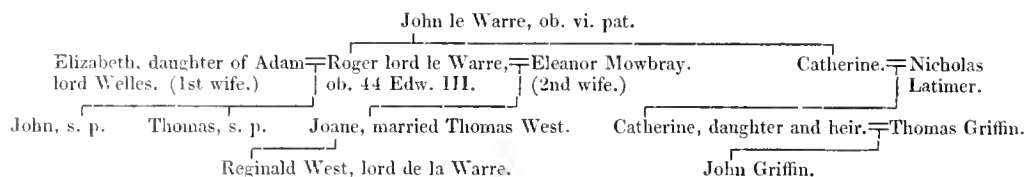
* Dugd. Lists of Summ.

† Ibid.

John Griffin was the heir general of Thomas lord De la Warre, viz.; son of Thomas, son of Catherine, daughter of Catherine, sister to John, father of Roger, father of the said Thomas lord De la Warre, and then thirty years of age and upwards.”

* P. 228.

Mr. Collins, in his *Baronies in Fee, or Parliamentary Precedents*,* makes the descent of John Griffin very differently, which is the same as in *Doderidge's Treatise*; they both stating it as under :

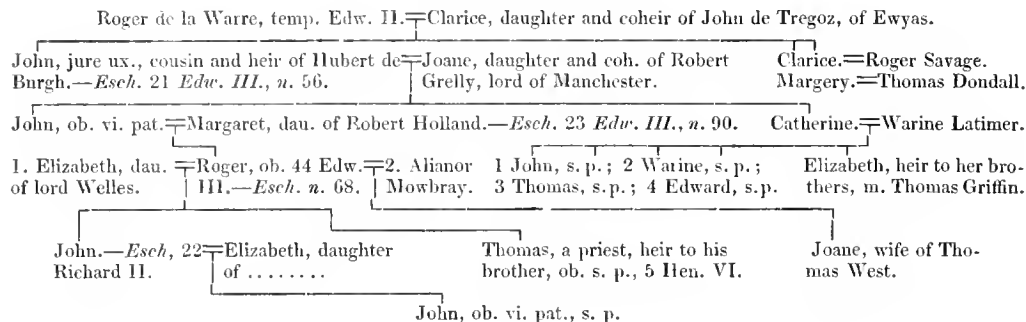


Collins's statement was most probably copied from *Doderidge*.

The following pedigree by Vincent more accords with the *Inq. p. m.*, cited by Edmondson; but makes Catherine Le Warre to have married Warine Latimer, whose daughter, and eventually heiress, Elizabeth, married Thomas Griffin.†

† Vid Latimer of Braybroke.

DE LA WARRE.—VINCENT, 284.



After the succession of the family of West to the barony of De la Warre, it appears that Thomas West, grandson of Reginald, and the third of his name baron, by his first wife, Elizabeth Mortimer, had a son Thomas, the next and fourth baron, who died s.p., and by his second wife Eleanor Copley, had three sons, viz., Owen, George, and Leonard. Of these Owen, the eldest, left a daughter, and eventually sole heiress, who married Sir Adrian Poynings, and after his death, Sir Richard Rogers, knight. By Sir Adrian she had issue three daughters, coheiresses as it may be considered to the baronies of *West*, and *West Delawarre*; and between their representatives still extant. Those baronies on the precedents of modern decisions remain in abeyance; nevertheless the

barony of De la Warre, on the death of Thomas the fourth baron, went to the issue of his half brother George, younger brother of Owen West. On the legal ground of succession, Mary, daughter and heiress of Owen West, was entitled thereto, and her daughters were her coheirs; but it is said that Sir Adrian Poynings, her first husband, was an *alien born*; which may account for the otherwise passing over her interest to the next male line.

Sir Harris Nicolas† observes, it is a singular fact, that in the proceedings on this barony, temp. Eliz., no allusion is made to this Mary, or her descendants; and in the last report of the Committee of the House of Lords, on the dignity of a peer of the realm, it is also silent on the subject.

* Peerage
Synopsis vol. i.
p. 184.

DENNY.—(2 JAMES I.)

SIR EDWARD DENNY, OR DENNEY, had summons to parliament by writ directed “*Edwardo Denney de Waltham, Chiv. teste &c. 27 Oct., 2 James I.*,” and from thence to the 1 Charles I. He was afterwards created earl of Norwich, in 1626, and died in 1630, without issue male, whereby his earldom became extinct; but the barony devolved upon his daughter and heiress, who married James Hay, who the 13 James I. was created lord Hay, of Sauley, in the county of York; and afterwards viscount Doncaster, and earl of Carlisle. By Honoria Denny he had issue a son James, second earl of Carlisle, and also a daughter Anne, who died young. James the earl dying s.p., the barony of Denny, and all the other titles became extinct.

DESPENCER.—(49 HEN. III.)

HUGH DESPENCER was chief-justiciary of England, and one of the principal barons who sided with Simon de Montfort against Hen. III., and was summoned to the parliament called by the confederate lords in the king's name, the 49 Hen. III. He was afterwards slain with Simon de Montfort, in the battle of Evesham.

Hugh Despencer his son, was summoned to parliament from the 22 Edw. I. to the 15 Edw. II.,^a when he was created earl of Winchester;* but in the several writs from the 8 Edw. II. he was styled *Senior*, to distinguish him from his son Hugh, styled *Junior*, who had summons until the 19 Edw. II., when they were both executed, the father at Bristol, being then 90 years of age, and the son at Hereford.

† Chart. 15
Edw. II.

^a As Hugh le Despencer he was summoned to the coronation of Edw. II.

Hugh, son of the last named Hugh, however found so much favour from Edw. III., that he had summons to parliament from the 12 to the 22 Edw. III., but died the same year, s.p., leaving Edward his nephew, (son of his brother Edward deceased) his next heir, which

Edward had summons from the 31 to the 39 Edw. III., and dying the 49 Edw. III., was succeeded by his son Thomas, who had summons in the 20 and 21 Ric. II., and was created earl of Gloucester, by which title he thenceforth had summons to parliament: but he was afterwards degraded from his title of earl of Gloucester, beheaded and attainted the 1 Hen. IV., and his honours became forfeited. He had a son Richard, and two daughters, Elizabeth and Isabel. Richard the son died infra ætatem, s.p.; and Elizabeth having also died young, Isabel became sole heir, and married Richard Beauchamp lord Abergavenny, and earl of Worcester, by whom she had an only daughter and heiress Elizabeth, who married Edward Neville, as under the article Abergavenny, has been before noticed.* The barony of Despencer thus remained dormant, as one forfeited, till Mary, sole daughter and heir of Henry Neville, fourth lord Abergavenny, claimed that barony, which being confirmed to the heir male possessor of the castle of Abergavenny, she, as an equivalent, had conferred upon her the barony of Despencer, though it was not claimed by her, and was at that time forfeited. It is rather matter for observation, that on this occasion she had the precedence given to her above Abergavenny; whereas the barony of Despencer could not claim prior to the 49 Hen. III., which writ could not be considered a summons to a regular parliament, and therefore not creative of any hereditary dignity; while on the contrary, Abergavenny was a barony by prescription, whereof every possessor from the time of the conquest had the reputation of a baron, and had been summoned to parliament after that form was brought into practice.

* Vide Abergavenny.

This lady married Sir Thomas Fane, whose grandson Mildmay was created earl of Westmorland, from which title the barony of Despencer separated on the decease of John, the seventh earl, s.p.m., when his two sisters, Mary married to Sir Francis Dashwood, and Catherine to William Paul, esq., became his coheirs general. The abeyance was determined in favour of the Dashwood family; which, failing of issue, the barony was thereafter given to Sir Thomas Stapleton, bart., grandson of Catherine Paul, and in his heirs general it now remains.

PHILIP DESPENCER.—(11 Ric. II.)

PHILIP DESPENCER (presumed of the same family)^a had summons from the 11 Ric. II. to the 2 Hen. IV. He married Elizabeth, the youngest of the three daughters and heirs

^a He is said to have been grandson and heir of Philip Despencer, a younger son of Hugh earl of Gloucester.

of Robert de Tibetot, and had a sole daughter, Margery, who married Roger Wentworth, esq.; of whose descendants Dugdale does not make mention; but in whom this barony is vested.

This Margery (though unnoticed by Dugdale) was first married to John lord Roos, who was slain, with the duke of Clarence, at Baugy Bridge, temp. Hen. V., s.p., and leaving her a young widow, she had dower in the castle of Hamlake and other lordships in the county of York, and married Roger Wentworth to her second husband,* by whom she had issue† Sir Philip, of Nettlested, from whom is descended the present baroness Wentworth, of Nettlested; and Henry Wentworth, of Codham, in Essex, esq.—(*Vide Wentworth of Nettlested.*)

* Vide Esch. 2
Hen. VI.
† Inq. 18 Edw.
IV.

DEVEREUX.—(27 EDW. I.)

WILLIAM DEVEREUX had summons the 27 Edw. I., as *William de Ebroicis*, but never after; but in 1384, John Devereux, who appears to have been his grandson, had summons from the 8 to the 16 Ric. II. He died in 1394, leaving John his son and heir, who died *infra ætatem*, s.p., leaving Joan his sister and heir, who married Walter lord Fitz Walter, and thereby united this barony therewith.

DEVON.—(1 QUEEN MARY.)

THIS title being one of an earldom may be considered as not properly coming within the subject of this work, with reference to baronies by writ; but, being an anomaly in the usual limitation of the descent of English peerages, it forms an interesting topic for notice.

The earldom of Devon came into the family of Courtenay by female succession, as heir general to Richard de Redvers, who had the earldom of Devon granted to him and his heirs, by king Henry I.; who dying in 1262. s.p., his sister Isabel was his heir, who styled herself countess of Devon, and married William de Fortibus, earl of Albemarle; whose only issue which survived, was Aveline daughter and heir, who married Edmund Plantagenet, earl of Lancaster, and died s.p.; whereupon Hugh Courtenay became next heir to the said Aveline, and Isabel de Fortibus her mother: viz., son and heir of Hugh eldest son of John, son and heir of Robert de Courtenay by Mary, sister of Baldwin de Redvers, (who died *vita patris* William the sixth earl), father of Baldwin the seventh earl, grandfather to the said Isabel. To this Hugh Courtenay king Edward III. allowed the earldom of Devon, with the third penny of the issues of the county whereof he was earl.

From this Hugh descended Thomas Courtenay, the sixth earl of Devon, who was attainted and beheaded in 1461, when his honours became forfeited. Afterwards in the

first of King Henry VII., Edward Courtenay, son and heir of Hugh, eldest son and heir of Hugh Courtenay next brother of Edward the third earl, was created earl of Devon, to him and the heirs male of his body. This was a new creation, because the attainder of earl Thomas remained not reversed. This new earl died in 1509, leaving a son and heir William, who having been attainted in his father's lifetime, could not inherit the earldom; but having married the lady Katharine Plantagenet, daughter and coheir of king Edward IV., and sister of the queen consort, mother of king Henry VIII., he was by that king created earl of Devon 10th May, the 3 Henry VIII., to hold to him and the heirs male of his body. He died the same year, and left issue a son Henry, which

Henry succeeded to the earldom created in the person of his father; and having obtained the reversal of his father's attainder, he became earl of Devon, also under the patent of the 1 Henry VII. to his grandfather; after which, the 17 Henry VIII., he was created marquis of Exeter, to hold to him and the heirs male of his body; but, nevertheless, in the 31 Henry VIII., he was attainted of high treason and beheaded, which attainder has never been reversed.

Sir Edward Courtenay his son and heir, in consequence of this attainder, did not succeed to his father's honours; but on the accession of queen Mary, he was by patent, dated 3rd September, 1553, (1 queen Mary) created earl of Devon, to hold to him and his *heirs male for ever*—a very unusual limitation in English peerages. In the October following, he was fully restored in blood, but his father's attainder still remaining unreversed, he could not succeed to the earldom of Devon, created either by the patent of the 1 Hen. VII., or that of the 3 Hen. VIII., or to the marquisate of Exeter. Dying afterwards at Padua, in Italy, 18th September, 1556, unmarried, the issue of his great aunts, Isabel Mohun, Maud Arundel, Elizabeth Trethurffe, and Florence Trelawney, the sisters of Edward, created earl of Devon the 1 Hen. VII., were found his next heirs. But Sir William Courtenay, of Powderham, lineally descended from Sir Philip Courtenay, of Powderham, a younger son of Hugh, the second earl of Devon, who died the 51 Edw. III, was his then next heir male, he died shortly after earl Edward, viz., 29th September, 1557,* leaving William his son and heir, who, nor any of his male issue ever assumed to claim the earldom, till the late viscount Courtenay preferred his petition to be allowed the same, after a lapse of above two hundred and fifty years, and during which time they had seen the title granted by the crown, first to Blount lord Montjoy, and upon his death s.p.m.l., to the lord Cavendish, in whose family it still remains merged in the higher dignity of duke of Devonshire. Had not the earldom been deemed extinct upon the death of earl Edward Courtenay, s.p. in 1556, it can scarcely be supposed it would have been conferred on other noblemen who were not in any way connected with the Courtenay family.

* Devon Case.

It was suggested in the case submitted to the lords' committees of privileges by lord Courtenay, that the patent itself was presumed to have passed with the title deeds of the lands to the heirs of the earl, and did not fall into the hands of the heir male.

Assuming this to be true, there nevertheless was a course to have been adopted to discover it by a research at the record office, from which the copy brought forward on this occasion was obtained.

Yet, the idea of any right vested in the heir male, seems totally to have been unthought of, not imagined, or the heir male of this ancient and proud family would not have subsequently condescended to accept the very inferior title, first of a baronet, and afterwards of a viscounty of so late a creation. The many claims to Scotch peerages, which have been preferred to the House of Lords, whereof the titles had been granted by the kings of Scotland to heirs male, without the words *de corpore*, to confine the descent to the male issue of the party ennobled, were referred to, as precedents similar to the words *heredibus masculis in perpetuum*, recited in the patent to earl Edward Courtenay. But it is to be observed, that in the Scotch charters of peerage creation, the words generally are "*heredibus suis masculis quibuscunque*," or "*heredibus masculis nomen et arma familie gerentibus*" thus clearly declaring to what heirs male the same should descend; which words not being in the Courtenay patent, leaves it rather to be believed that the words *de corpore suo*, were left out by accident on the part of the copying clerk, and were not so by design or intention of the queen.

One point remains deserving particular notice, which is, that the viscount Courtenay, the petitioner, was at the time of bringing forward his claim, labouring under the imputation of an infamous crime, for which a true bill of indictment had been found against him; to which instead of remaining to face the accusation, and have his innocency tried, he had left the kingdom, and for many years resided abroad. Being thus an exile from the House of Lords in which he had a seat, and yet dared not take it, the assumption of seeking an higher dignity in the same parliamentary assembly, is probably an instance of setting law at defiance rarely known.^a

Had such a claim, however well founded, been brought forward by a person in more humble life, and less powerful connexion, labouring under a similar imputation, which he had not ventured to meet, it may be doubted whether he would even have obtained an attorney-general's report, much less the approbation of the House of Lords.

DINAN.—(23 EDW. I. AND 6 EDW. IV.)

OLIVER DINAUNT, OR DINAN, had summons to parliament from the 23 to the 28

^a Sometime after the imputation against lord Courtenay had become a subject of public talk, the then marquis of Carmarthen brought it forward in the House of Lords, but their lordships deeming that to entertain any motion on so delicate an affair, would reflect no honour upon their body, the motion of the marquis was not pressed to the adoption of any proceedings.—(*Vide the Diurnal Papers of the day.*)

Edw. I.,^a but not after. He had issue Josce his son and heir, but neither he nor any of his descendants had the like summons till the reign of Edw. IV., when

John, (then written Dynham) supposed to be the great-great-grandson, was called to parliament by writ directed "*Johanni Dinham de Care Dinham, Chiv'*," from the 6 Edw. IV. to the 12 Hen. VII. He died circ. 1509, in which year his will was proved, dated 7 January 1505; not having any legitimate issue, the barony, considered to be one *de novo*, expired with him. But nevertheless presuming him to have been the heir representative of Oliver, summoned the 23 Edw. I, then any barony created by that writ, did upon his death s.p.l., become in abeyance among his sisters and coheirs; whereof Elizabeth married first, Fulke lord Fitz Warren—secondly, Sir John Sapcoate, knight; Joane married John lord Zouche of Haryngworth; Margaret, Sir Nicholas Carew, knight; and Catherine, Sir Thomas Arundel, knight.

Respecting this lord Dynham it is to be observed that Francis Thynne, in his Catalogue of lord Treasurers, p. 1254, says he was created lord Dynham in the 1 Edw. IV., shortly after his coronation, and that he died the 16 Hen. VII., on the 30th January, 1500, and was buried in the Grey Friars, London,^b that he married Elizabeth, daughter of the lord Fitz Walter, and had issue George, Philip, and four daughters, viz.; Margaret, Joane, Elizabeth, and Catherine. Dugdale, on the authority of Stow, says the lord Dynham died the 17 Hen. VII., 1501.

Lysons mentions in the first volume of his Environs of London, page 284, that there was a tomb formerly in the chancel of Lambeth church for George, son of John lord Dynham, who died in 1487, and for Philippa his daughter, who died in 1485.

At Radnage, in the county of Buckingham, is the following monumental inscription, viz.: "*Here lieth William Tyer, Preacher of God's worde, late Parson of Radnage, who took to wife Jane, daughter of George Dynham, Son of Sir Thomas Dynham, Knt., Son and heir of John lord Dynham, and departed this life the 3rd day of August, A. D. 1605.*" This Thomas is however stated to have been a *natural son* of the lord Dynham; yet, under these conflicting statements, the true fact is rather difficult to be ascertained. It is to be noticed, notwithstanding that the barony of Dynham may be considered to have expired, there was a baronial descent vested in his coheirs, derived from the marriage of John Dinan, or Dynham, his great grandfather, with Joan (or Muriel), daughter and coheir of Sir Thomas Courtenay by Muriel his wife, one of the daughters and coheirs of John baron de Moels, who died the 11 Edw. III.—*Vide Moels*.

^a Though his name is included in the first writ of this year to a parliament at Westminster, it appears he died the 27 Edw. I., when Josce his son and heir had livery of his lands.—(*Originalia* 27 Edw. I., Rot. 6.)

^b Ex Reg. Grey Friars. D'us Joh'is Dennha' Baro qui ob. 28 January, 1501.

DUDLEY.—WARD.—(3 WILL. III.)

THIS is a most ancient barony, which by the possession of the castle of Dudley, passed by an heir female of Paganel to the family of Someri,* and in like manner from Someri to Sutton; † and by the marriage of the heir general of Sutton into the family of Ward; but it is questionable, whether, as a barony by the title of Dudley, it ever was specifically used, or allowed, till it was so recognised in the name of Ward.

* Vide Someri.

† Vide Sutton.

Sir Humble Ward, in the time of Cha. I., married Frances, granddaughter and then sole heiress apparent to Edward *lord Sutton de Dudley*, and was created baron Ward, of Birmingham, in the county of Warwick, March, 1643-4. His son

Edward Ward, upon his father's death, sat first in parliament, 5 Dec., 1670, as lord Ward; and upon the decease of his mother, sat first in parliament, the 28 Jan. 1697, as lord Dudley and Ward. He died in 1701, and was succeeded by Edward his grandson, (son of William his eldest son, who died vi. pat.,) which

Edward, second lord Dudley and Ward, died in 1704, leaving Edward his only son and heir, baron Dudley and Ward, who died unmarried, in 1731, whereupon the said baronies devolved upon his uncle William, which

William, fourth baron Dudley and Ward sat first in parliament, 2 May, 1735, but died unmarried, in 1740, on which event the two baronies separated; that of Ward being limited to the issue male of Humble the first lord Ward, devolved upon the next heir male, John Ward, of Sedgley Park, in the county of Stafford, esq.; and the barony of Dudley descended to the issue of Frances (then dead) sister and heiress to the deceased baron. She married William Lea, of Hales Owen Grange, in the county of Salop, esq., and had

Ferdinand Dudley Lea, her son and heir, who having had summons to parliament, took his seat as baron Dudley, 26 Nov., 1740. He died in 1757, unmarried, as did his brother William—whereby the barony fell into abeyance, and so remains between their five sisters and coheiresses, or their present representatives:—of these sisters, Anne married William Smith, of Ridgeacre, in the county of Salop, esq., and had issue; Frances married Walter Woodcock, esq., and had issue; Mary married — Harvey, esq.; Catherine married Thomas Jordan, esq.; and Elizabeth wedded the Rev. Benjamin Briscoe.

ECHINGHAM.—(5 EDW. II.)

ECHINGHAM is the name of a manor in the county of Sussex, in which the ancestors of this family were stewards of the Rape of Hastings, and held the said manor with its

members by the service of five knight's fees, and a third part; but none of the family are noticed as having had summons to parliament before the reign of Edw. II., when

William de Echingham is mentioned as having been summoned from the 5 to the 15 Edw. II. inclusive,* but when he died, who he married, or had issue, Dugdale is silent. By some authorities he is stated to have deceased the 20 Edw. II. s.p.; but according to Vincent,† and a pedigree among the Harleian MSS.,‡ he is represented to have married and had issue; and Camden recites that the inheritance of the Echingshams by heirs female, passed to the barons Windsor, and the Tirwhitts; but none of his issue ever had summons to parliament.

* Dug. Sum.
 † Vincent
 Quid. non No.
 6, in Coll. Ar.
 ‡ No. 1174, p.
 85.

ROBERT ECHINGHAM.—(1 Edw. III.)

THIS Robert de Echingham is mentioned by Dugdale to have had summons to parliament the 1 Edw. III., and to have died the following year, leaving Simon, his brother and heir, who never had any summons, nor any other of the Echingham name, excepting the before mentioned William.

On referring to the writ of 1 Edw. III., it purports to be a summons *equis et armis*, but not to a parliament; the name is certainly among those of the earls and barons, and in such respect intimates him to be one, as Dugdale citing *Esch. 2 Edw. III. n. 18*, says Robert de Echingham died seised of the manor of Echingham, with its members, which he held by the service of five knight's fees, and a third part. There seems to be reason to believe that William the baron died s.p., according to the following pedigree:—

William de Echingham, ob. 21 Edw. I.

William, ob. 20 Edw. II., s. p. Robert, bro. & heir, ob. 2 Edw. III., s. p. Simon, bro. & heir, ob. ante 15 Edw. III.

In the Harleian MSS., at the British Museum, is a pedigree of this family, as also one in the College of Arms, nearly agreeing with it, from which it might be assumed that the baron left issue a son Thomas, he being styled *Baro de Echingham*. Yet after William none had summons to parliament, but Robert; if that summons of the 1 Edw. III., can be allowed to be one. He however died s.p., which terminated any baronial claim derivable from him. These pedigrees, therefore, are merely given to be estimated so far as they may go to show a supposed baronial continuation of the family, till it terminated in female coheirs.

The name has sometimes been written *Echingham*, and *Itchingham*.

ECHINGHAM.

William de Echingham, of Echingham, in the county of Sussex.—*Vin. 6. Quid Non. (43) in Coll. Arm.* } Joane, daughter of John de Arundell,
lord Maltravers.

Thomas, baron of Echingham,, daughter of Knevet, of Norfolk.

1. Margaret, dau. of . . . West, lord De la Warr. } Thomas de Echingham. } 2.—*Harl. MSS., no. 1174 (85.)*

Margaret, married William, son of Walter Blount, lord Montjoy.* } Anne, married first Roger Fienes, } } Anne, daughter
secondly Godard Oxenbridge.† } Echingham. } of Pigot.

John Echingham, of Bassam, in the county of Sussex. } Anne, dau. of Sir John Wingfield.

Edward Echingham, of Bassam, knt. } Anne, widow of Lewknor.

. . . wife of Owen Hopton, lieutenant of the Tower, } . . . , wife of John Blenherhasset, of . . . , in co. Sussex

* The Harleian MS. differs from Vincent, and states her to have married, first, Edward Blount; and secondly, Sir John Elrington. These daughters were coheirs to their mother, but not to their father in the barony of Echingham. But Edward is certainly erroneous, as William was the right name, and so mentioned in the will of his father Walter Blount, lord Montjoy.

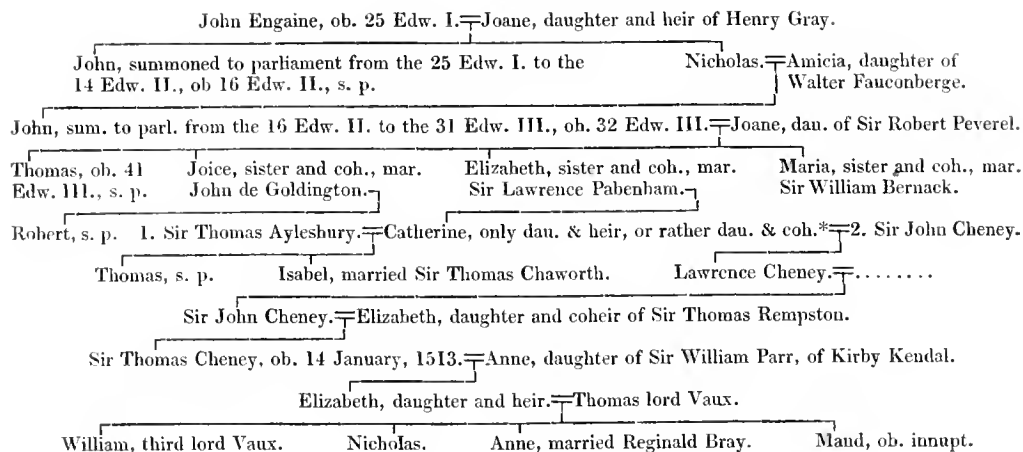
† She had issue by Roger Fienes, whereof a daughter Anne married Robert Hawley, of Ore and Guesting in Sussex.—(*Berry's Sussex, Genealog*) And by Oxenbridge also issue, from which came Elizabeth, the wife of Sir Robert Tirwhitt, whose daughter and heiress Catherine married Sir Henry D'Arcie, knight.

ENGAINE.—(25 EDW. I.)

JOHN D'ENGAINE, lord of Blatherwick in the county of Northampton, had summons to parliament from the 25 Edw. I. to the 14 Edw. II., and died the 16th, s.p. He was one of those who in the parliament at Lincoln, the 29 Edw. I., subscribed his name and seal to the letter to the pope, being then written "*John de Engaine Dominus de Colum.*" He was also summoned to the coronation of Edw. II.

John Engaine, nephew to the preceeding John, (being son of his brother Nicholas) had summons to parliament from the 16 to the 34 Edw. III., though Dugdale in his Baronage states he died 14 February, 1358., which would be the 32 Edw. III., thereby contradicting his Lists of Summons, which contain his name in that of the 20 November, 34 Edw. III. He left issue one son Thomas, and three daughters, named in the record Jocosa, Elizabeth, and Maria, which Thomas was never summoned to parliament, and died s.p., 41 Edw. III., leaving his three sisters before named his coheirs, in whose representatives the barony may be considered in abeyance;^a of these ladies, Jocosa married John de Goldington; Elizabeth, Sir Lawrence Pabenharn; and Maria, Sir William Bernack, knight.

^a Vide Harl. MSS. No. 1995. Mrs. Jane Shelley, heiress to the barony of L'Engaine.—(*Fol. 35, et seq.*)



* Monumental inscription at Launde, in the county of Leicester, of Sir Thomas Chaworth, names her daughter and coheir of Sir Lawrence de Pabenham.

ERDINTON.—(9 EDW. III.)

HENRY DE ERDINTON, whose name was assumed from the manor of Erdinton, in the county of Warwick, which manor his ancestors had by the grant of Gervase Paganel, baron of Dudley, married Maud, one of the daughters and coheirs of Roger de Somery, by Nichola his first wife, one of the sisters and coheirs of Hugh de Albini, earl of Arundel, and by her had issue Henry his son and heir, which

Henry de Erdinton, in the 34 Edw. I., was created a knight by the ceremony of bathing, at the same time with prince Edward, the king's eldest son. Having served in the wars of Scotland, he was summoned to parliament among the earls and barons, the 9 Edw. III., but never after, nor any of his descendants. He married Joane, one of the daughters and coheirs of Sir Thomas de Wolvey, of Wolvey, in the county of Warwick, and had issue Giles his son and heir, whose son and heir Thomas was father of another Thomas, and he of a third Thomas living in the time of Hen. VI., who, Dugdale in his antiquities of Warwickshire, asserts was the last of the family which possessed the manor of Erdinton, or Erdington.

EVERINGHAM.—(2 EDW. II.)

ROBERT DE EVERINGHAM married Lucia, daughter and heir of Robert de Thwenge, and had issue Adam his son and heir, which

Adam de Everingham (of Everingham in the county of York) had summons to parliament from the 2 to the 9 Edw. II.; but, although he lived many years after, was never summoned again. This Adam entailed his manor of Laxton (or Lexinton) on Adam his eldest son, and in default of issue male, on Robert, Edmund, Alexander, and Nicholas, his younger sons successively. He died 15 Edw. III., (1341).*

* Esch. no. 33

Adam, his eldest son, was summoned to parliament the 44 Edw. III., as *Adam de Everingham de Laxton*, in which year he died, leaving Robert (son of William, who died in his lifetime) his grandson and heir;† which Robert never had summons to parliament, but died s.p., his sisters being his heirs; whereof, Joane married Sir William Ellys, knt., and Catherine John, the son of Thomas Elton, esq.; Joane who married Ellys, is said to have been married secondly to John Waterton.

† Esch. 33
Ed. III., no. 50

Whatever barony of Everingham might be acquired from the aforesaid writs of summons, became vested in the descendants of these coheireses. But the ingenuity of a deceased learned herald,‡ with a view to gratify the ambition of a Scotch nobleman,§ to be a peer of England of ancient descent, made a pedigree for his lordship, which in Wood's edition of Douglas's Scotch Peerage is thus set forth.||

‡ Francis
Townshend,
W. H.
§ Earl of
Rosebery.
|| Vol. iv.
407-8.

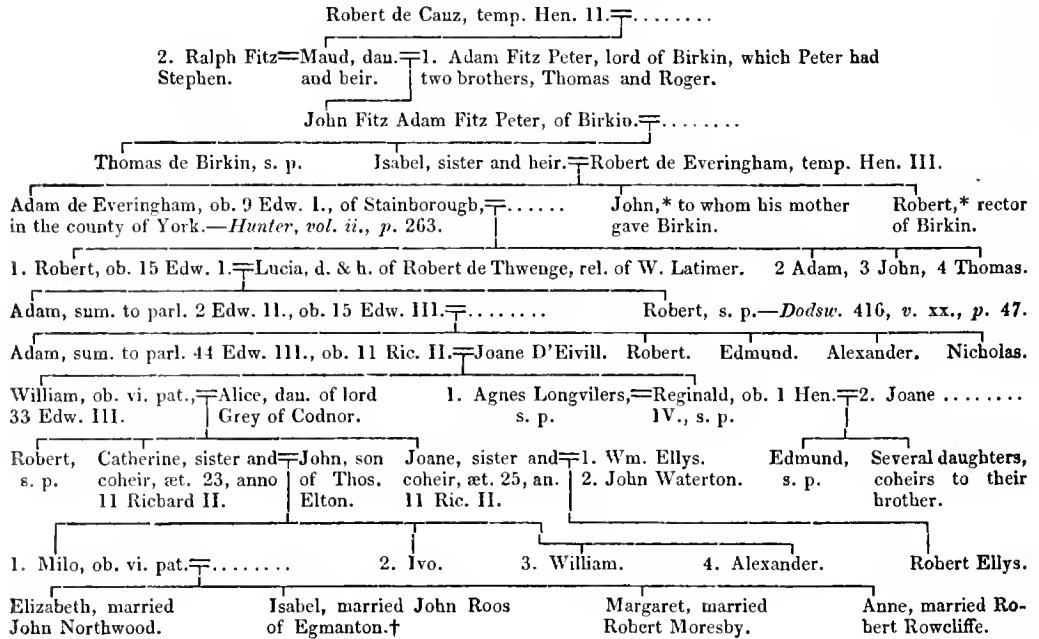
“Mr. Townshend, Windsor herald, made a report that William de Cressy was summoned to parliament in the 22 and 25 Edw. I.; and the earl of Roseberry is, by his grandmother Dorothea Cressy, lineally descended from, and heir general of the family of Cressy of Birkin, in the county of York, who doubtless came originally from the same stock, *though I do not find the descent expressly set down; yet it is certain that they always bore the same arms.* I find also that Adam de Everingham, knt., was summoned to parliament from the 2 to the 9 Edw. II., as was his son, in the 44 Edw. III.; that the said Adam de Everingham was nephew of John de Everingham, of Birkin, in the county of York whose lineal descendant, and heir general, Eleanor Everingham, married in 1587, to Gervas Cressy, and was great grandmother of Everingham Cressy, of Birkin, whose daughter and sole heir, Dorothea, became the wife of Archibald Primrose, earl of Rosebery, and was grandmother of the present earl, who by virtue of this descent is now heir general of the said families of Cressy and Everingham, and also to those of Birkin, Cawz, and Normanville,^a through Isabel de Birkin, mother of the said John de Everingham, and grandmother of the said Adam; but I do not find that either Birkin, Cawz, or Normanville were summoned to parliament. In virtue of this descent the earl of Rosebery is entitled to quarter the arms of these families with his own.”

After this laboured and farstretched statement, Mr. Townshend concludes merely with saying the noble earl is entitled to quarter the arms of these families; but cautiously avoids stating that he is entitled to the barony of Everingham, although he says that by

Dugdale does not mention this name in any part of his Baronage.

virtue of this descent, the earl is *heir general of the families of Cressy and Everingham*, both of which he commences with describing as having had summons to parliament, and thereby speciously intimating a right thereto.

CAUZ, BIRKIN, AND EVERINGHAM.



* Vide Dugd. Bar., v. ii. p. 55.

† His issue failed in the eldest male line, in the sixth descent from him, when William Roos of Egmonton left a daughter and heir Sarah, who married Edmund Laycock, and had issue, Richard, s. p., and two daughters; of which, Elizabeth married J. Dickinson, of Claypole, in the county of Lincoln; and Deborah, who married J. Onseley, Rector of Panfeld in Essex.

FALVESLE.—(7 Ric. II.)

JOHN DE FALVESLE, lord of Falvesle, in the county of Northampton, had summons to parliament from the 7 to the 16 Ric. II., inclusive, about which time he died. He married Elizabeth sister and heir to John, son and heir of William lord Say, and is considered to have been summoned *jure uxoris*; but the writs being addressed *Johanni de Falvesley, chivalier*, they do not support that supposition: he however died s. p., which rendered the barony extinct in him, whether summoned as a personal creation, or in right of his wife.

FAUCONBERG.—(22 EDW. I.)

WALTER DE FAUCONBERG married Agnes, one of the sisters and coheirs of Peter de Brus,* lord of Skipton castle, in the county of York, and thereby acquired that baronial seat. His son

Walter de Fauconberg was summoned to parliament from the 22 to the 30 Edw. I. In the 29 Edw. I. he was one of those who in the parliament at Lincoln subscribed the letter to the pope, asserting the supremacy of England over the realm of Scotland, being then named "*Walterus dominus de Fauconberg.*" His son and successor was another Walter, which

Walter de Fauconberg had summons from the 32 Edw. I. to the 12 Edw. II., about which time he died.^a John his son and heir also had summons from the 9 to the 23 Edw. III., and died the same year.

Walter, son and heir of John, had summons from the 24 to the 36 Edw. III., when he died, leaving by Maud his wife, sister and coheir to William baron de Pateshull,† Thomas his son and heir, who does not appear to have been ever summoned to parliament. He had issue a son John, who died in his lifetime, s. p., and also a daughter Joane, who became his sole heir, and married William Nevill, a younger son of Ralph, first earl of Westmorland. This

NEVILL LORD FAUCONBERG.—(7 HEN. VI.)

WILLIAM NEVILL had summons to parliament from 7 Hen. VI. to 1 Edw. IV.; but in every writ till the 33 Hen. VI. he is only styled "*William Nevill, chiv*" in that, and in all subsequent writs he is called "*Willielmus Nevill de Fauconberge, chiv*." He was created earl of Kent in 1461, but died in 1463, s.p.m., leaving three daughters his coheirs, viz: Joan, who married Sir Edward Bedhowing; Elizabeth, who married Sir Richard Strangeways; and Alice, who married Sir John Coniers; between whose heirs general representative the barony of Fauconberg is in abeyance.

Dugdale mentions a William Fauconberg to have been summoned the 28 Edw. 1.; but no such name appears in the writ of that year.

FELTON.—(6 EDW. II.)

ROBERT DE FELTON had summons to two parliaments, in the 6 and 7 Edw. II., but not after, as he died the same year, leaving John his son and heir, who never had sum-

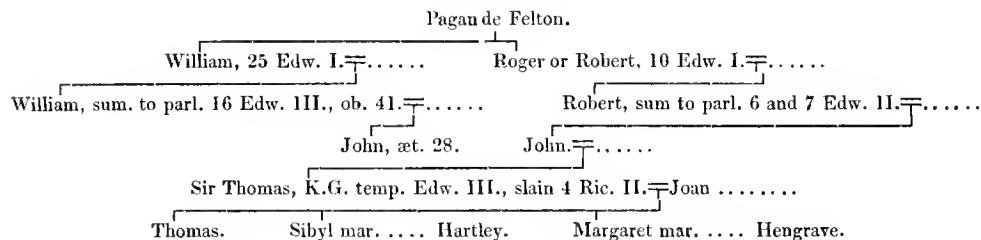
^a He was among the nobles summoned to the Coronation of Edw. II.

* Ex Segar's
MSS. in Cott.
Bibl.

mons,^a which John, by a pedigree *penes auct'*,* is stated to have had issue Sir Thomas Felton, K.G., temp. Edw. III., who, by Joan his wife, had a son Thomas, and two daughters; whereof Sibyl married — Hartley; and Mary, — Hengrave.

Dugdale mentions a William Felton to have been summoned to a great council, the 16 Edw. III. By the same pedigree he is stated to have been first cousin to Robert, viz., son of William brother to Roger or Robert, father of the said Robert. This William died the 41 Edw. III., leaving a son John, aged twenty-eight, who never had summons.

FELTON.—*Ex Segars MSS. in Coll. Arm.*



FERRERS OF CHARTLEY.—(27 EDW. I.)

AFTER Robert de Ferrers, the sixth and last earl of Derby, had been divested of his earldom and honours by Hen. III., anno 1265, his son and heir

John de Ferrers, who inheriting the barony of Chartley from his great grandmother, one of the coheirs of Ranulph earl of Chester, had summons to parliament from the 27 Edw. I., to the 5 Edw. II., inclusive, by the name of *John de Ferrers*, but without any distinction of *Chartley*.^b He married Hawyse, daughter and heir of Robert de Muscogros, lord of Charlton, in the county of Somerset, and dying circ. 1324, was succeeded by Robert his son and heir, which

Robert de Ferrers had summons to a great council, the 16 Edw. III., by the denomination of *Robert de Ferrers*; but he never was summoned after. He died 1350, leaving two sons, whereof Robert, the youngest, married Elizabeth, daughter and heir of William Boteler, baron of Wemme; and John, the eldest, was his successor; but neither this

John, nor Robert his son, Edmund his grandson, nor William his great grandson, were ever called to parliament. Edmund the grandson, married Helen daughter and

^a Dugdale in his Baronage, says he had summons to parliament the 16 Edw. III., but his name is not mentioned in the writ which was for a great council. The name of William is however therein.

^b Vide Coronation Roll of Edw. II.—*Joh'i de Ferrar*.

coheir of Thomas De la Roche,* by Elizabeth, daughter and heir of Thomas De Bromwich, whereby William his son acquired an interest in those baronies; assuming they were descendable honours. This last named William left an only daughter and heiress Anne, who married Walter Devereux, esq., and conveyed to him the castle of Chartley, and manors composing the baronial honour of her father, though for four successions not one had been recognised by summons to parliament subsequent to the 16 Edw. III.

* Vide Roche
in vol. ii.

DEVEREUX, SIVE FERRERS.—(1 EDW. IV.)

WALTER DEVEREUX having married Anne daughter and heiress of William lord Ferrers, had summons to parliament the 1 Edw. IV. by writ directed "*Waltero Devereux de Ferrers, Militi*," and the 2 Edw. IV., by writ addressed, viz., "*Waltero D'Evereux Domino de Ferrers, Chiv.*," and from thence to the 1 Richard III. inclusive; but in no instance is the addition of *de Chartley* given. His son and heir,

John, had summons from the 1 the 12 Hen. VII., as "*John Devereux de Ferrers, Chiv.*" He married Cicely, daughter and heir of Henry Bouchier, earl of Essex, and thereby brought the barony of Bouchier into his family. He died circ. 1497.

Walter Devereux, his son and heir, had summons from the 1 Hen. VIII., to the 2 Edw. VI., (1548), and in 1550 was created viscount Hereford. Richard, his son, dying in his lifetime, left a son Walter, heir to his grandfather, which

Walter was created earl of Essex, and was father of Robert the second earl of Essex, the great favourite of queen Elizabeth, and beheaded in 1600, when all his honours became forfeited. He had issue a son Robert and two daughters; which

Robert the third earl of Essex, was restored together with his sisters, in blood and honours, by act of parliament, in 1603. He was the parliamentary general at the breaking out of the civil war, and died s.p., whereby the earldom of Essex became extinct; the viscounty of Hereford devolved upon his next heir male; and the baronies of De Ferrers and Bouchier fell into abeyance between his two sisters and coheirs; of which, Frances married William Seymour, marquis of Hertford; and Dorothy Sir Henry Shirley, bart., whose grandson

Sir Robert Shirley was summoned to parliament, and took his seat the 28th of January 1677-8, as baron Ferrers. He was afterwards created earl Ferrers; and Robert his son and heir apparent, dying before him, left a daughter and heiress, Elizabeth, who upon her grandfather's decease was his heir to the barony of Ferrers. She married James Compton, earl of Northampton, whose sole surviving daughter, Charlotte, became eventually heiress of her mother, in the barony of Ferrers, and married George Townshend, then viscount, but afterwards created marquess Townshend, whose son George,

upon the decease of his mother, was admitted to the barony, vitâ patris, and took his seat as lord de Ferrers, the 28th of April, 1774. In his son the barony is now vested.

It is to be noticed, that the barony of Bourchier is considered to remain in abeyance between the heirs general of Frances and Dorothy, the two sisters of Robert, the last Devereux, earl of Essex; Frances being represented by the present duke of Buckingham; and Dorothy by the marquess of Townshend, as before mentioned.

It may be queried as to the precedency of this barony, whether it can be assumed from the writ of the 27 Edw. I. to John de Ferrers, of whose sitting there is not any evidence from the rolls of parliament; whose son Robert was only summoned to a great council the 16 Edw. III., but never after, nor any of his descendants, till Walter Devereux, who married Anne, the sole daughter and heir of William, the great-great-great-grandson of John the first Ferrers, was summoned to parliament as *Walter Devereux de Ferrers, chiv'*; which indicates that the descendable barony was first created in him, by virtue of his said writ, the 1 Edw. IV.

FERRERS OF GROBY.—(25 EDW. I.)

WILLIAM DE FERRERS, a younger brother to Robert, earl of Derby, and uncle to John de Ferrers of Chartley, had by the gift of his mother, Margaret, one of the daughters and coheirs of Roger de Quinci, earl of Winchester, the manor of Groby, in the county of Leicester. He died circ. 16 Edw. I., leaving

William de Ferrers his son and heir, who had summons to parliament from the 25 Edw. I., to the 18 Edw. II., as also to that king's coronation.* In the 29 Edw. I., he was one of the barons, who in the parliament at Lincoln, subscribed the letter to the pope, touching the supremacy of England over the realm of Scotland, being then written "*Willielmus de Ferrariis dominus de Groby.*"

* CORON. ROT.
EDW. II.

Henry, son of William, had summons from the 4 to the 16 Edw. III. He died the year following, 1343, leaving by Isabel de Verdon, his wife, one of the daughters and coheirs of Theobald de Verdon, William his son and heir, and one of the coheirs of the barony of Verdon, which

William de Ferrers was summoned from the 28 to the 43 Edw. III. He married Margaret, daughter and coheir of Robert de Ufford, earl of Suffolk, and by her had Henry his successor, summoned from the 1 to the 11 Richard II., whose son,

William de Ferrers, was summoned from the 20 Richard II. to the 23 Hen. VI. He had issue two sons, whereof, Thomas the second, married Elizabeth, one of the sisters and coheirs of Baldwin de Freville, called baron of Tamworth, in the county of Warwick; and Henry the eldest dying vi. pat., left an only daughter Elizabeth, heiress to her grandfather, in the barony of Groby, who married Sir Edward Grey, knight.

GREY OF GROBY, SIVE FERRERS.—(25 HEN. VI.)

THIS Sir Edward Grey, in consequence of his said marriage, was summoned to parliament from the 25 to the 33 Hen. VI., by writ directed “*Edwardo de Grey, Militi, Dominus de Groby.*” His son

John Grey was never summoned, and was slain on the king’s part, in the battle of St. Albans, 39 Hen. VI., leaving Thomas his son and heir; which

Thomas was first created earl of Huntingdon, and afterwards marquess of Dorset, by king Edw. IV. He married Cecily, daughter and heir of William lord Bonville, and was succeeded by his eldest surviving son Thomas, the second marquess of Dorset; whose son

Henry, the third marquess, was by Edw. VI. created duke of Suffolk. He married Frances, eldest daughter and coheir of Charles Brandon, duke of Suffolk, by Mary the French queen, youngest sister to king Hen. VIII., by which great lady he had issue three daughters, viz: the lady Jane Grey, who married lord Guildford Dudley, and was beheaded temp. queen Mary; Lady Catherine, who married first Henry lord Herbert, from whom she was divorced, and secondly Edward Seymour, earl of Hereford, now represented by the duke of Buckingham, as her heir general; and lady Mary Grey, who married Martin Keys, groom porter to Queen Eliz., but died s.p.

The tragical death of the duke of Suffolk, and of his unfortunate daughter, the lady Jane Grey, are too well known subjects of history to be here mentioned; it may suffice therefore to say, that he was beheaded in 1554, the 2 queen Mary; and being attainted, all his honours, together with his vast estate, became forfeited, or otherwise the present duke of Buckingham, on the part of his mother, would be the heir general.

FERRERS OF WEMME.—(49 EDW. III.)

ROBERT FERRERS, a younger grandson of the first John de Ferrers of Chartley, married Elizabeth, daughter and heir of William Boteler, baron of Wemme, and had summons to parliament from 49 Edw. III., to 2 Richard II., by writ directed, viz., “*Roberto de Ferrers, de Wemme.*” He died 4 Richard II., leaving Robert his son and heir, and Elizabeth his wife, surviving; which Robert never had summons, but died vitâ matris, having had issue two daughters, his coheirs, viz; Elizabeth, who married John son of Ralph lord Greystock; and Mary, who married Ralph Neville, a younger son of Ralph earl of Westmorland; between the heirs general of which daughters the barony of Ferrers of Wemme, or of Boteler of Wemme, remains in abeyance; which heirs general are considered the earl of Carlisle, and the lords Stourton and Petre, from Elizabeth; and the baroness de

Clifford, Sophia daughter of Thomas viscount Sydney, Mary Elizabeth, her sister, wife of George James Cholmondeley, esq.; and Augustus lord Bury, son of Elizabeth Southwell, by William Charles, earl of Albemarle, from Mary who married Ralph Neville.

FITZ ALAN OF BEDALE.—(23 EDW. I.)

BRYAN FITZ ALAN had summons to parliament from the 23 to the 33 Edw. I. In the 29 Edw. I. he was one of the barons who at the parliament at Lincoln subscribed the letter to the pope, asserting the supremacy of England over the realm of Scotland, by the name of "*Bryanus filius Alani, dominus de Bedale.*" He died the 33 Edw. I., leaving two daughters, his coheirs, viz; Agnes, who married Sir Gilbert Stapleton; and Catherine, who married John lord Grey, of Rotherfield.* Sir Gilbert Stapleton had issue Miles, his eldest son, father of Bryan, whose son, Sir Miles had issue two daughters his coheirs, viz; Elizabeth, who married ——— Calthorpe; and Joane, who married Christopher

* Vide Grey, of Rotherfield.

† Vid. Ingham Harcourt. †

FITZ HUGH.—(14 EDW. II.)

HENRY FITZ HUGH was summoned to parliament from the 14 Edw. II. to the 25 Edw. III. He died in 1356, and Henry his son having died before him, he was succeeded by his grandson

Henry Fitz Hugh, who had summons from the 1 to the 10 Richard II.; his son, another Henry, had summons from the 11 Richard II., to the 2 Hen. VI. He married Elizabeth, daughter and heir of Robert, son and heir of John lord Grey, of Rotherfield, by Avice, sister and heir to Robert lord Marmion, his second wife.

William, his son and heir, was summoned from the 7 to the 29 Hen. VI., and died the 31 of the same reign, leaving Henry his son and heir, who had summons from the 33 Hen. VI., to the 10 Edw. IV., and was succeeded by

Richard his son and heir, who was summoned from the 22 Edw. IV., to the 3 Hen. VII., and died circ. 1508, having had issue George, the seventh parliamentary baron, who had summons from the 1 to the 3 Hen. VIII., and died the year following (1512) s.p.; when Alice, wife of Sir John Fienes, father of Thomas lord Dacre, and Sir Thomas Parr, son of Elizabeth, wife of Sir William Parr, knight, were found his next heirs: the said Elizabeth and Alice being his aunts, viz., daughters of Henry the fifth baron.

The barony of Fitz Hugh has ever since remained in abeyance between these two sisters; of which, Alice is represented by the present lord Dacre; and Elizabeth by the marquess of Bute.

FITZ PAIN.—(25 EDW. I.)

ROGER or ROBERT FITZ PAIN* married Margaret (or Margery), one of the sisters and coheirs of Alured de Lincolnia, a great feudal baron, whose ancestor Alured de Lincoln at the time of the general survey held fifty-one manors in the county of Lincoln. Robert his son, who died the 9 Edw. I., left issue Robert his son and heir, which

* Dudg. vol. i.
p. 572.

Robert Fitz Pain had summons to parliament from the 25 Edw. I. to the 8 Edw. II., to whose coronation he also had summons.† In the 29 Edw. I., he was one of the barons in the parliament at Lincoln who subscribed the famous letter to the pope, being then designated "*Robertus filius Pagani Dominus de Lanwor.*" He died the 9 Edw. II., leaving by Isabel his wife,

† Coron Rot.
1 Edw. II.

Robert Fitz Pain his son and heir, who had summons from the 1 to the 25 Edw. III., and died the 28 Edw. III.,‡ leaving Isabel his daughter and heir, who married John Chidiock, as the following record shows: §

‡ Esch. n. 41.
§ Orig. 29
Edw. III.
Rot. 2.

"Isabella, daughter and heir of Robert Fitz Pain, wife of John Chidiock, livery of the manor of Chelburgh with other lands in the counties of Dorset and Somerset, Isabella æt. xxx. et amp."

This Isabel (or Isabella) it would seem was his only child, and by a former wife whose name is not mentioned; for at the time of his death he left Ela his wife surviving, who had been previously the wife of John Mareschal of the county of Norfolk,|| with which Ela, at the time of his death, he was jointly seised of certain manors in the counties of Dorset and Somerset, with remainder to the heirs of their two bodies lawfully begotten; default thereof, the remainder to Robert, the son of Richard de Grey of Codnor, and Elizabeth his wife, and the heirs of the said Robert, son of Richard, which Robert, upon the death of Robert Fitz Pain without issue by the said Ela, succeeded to the manors accordingly, and being thus made heir of entail, assumed the name of Fitz Pain.

|| Rot. Pat. 1
Edw. III. m.
8. part 2nd.

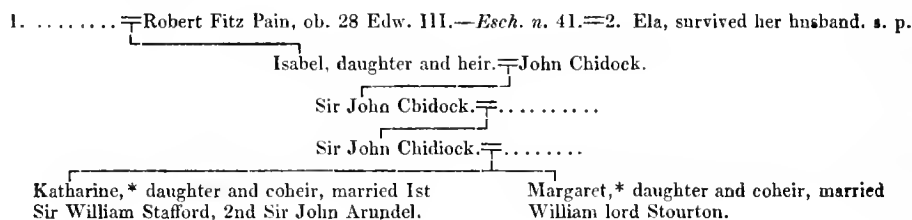
ROBERT DE GREY, ALIAS FITZ PAIN.

DUGDALE relates that this Robert Fitz Pain was summoned to parliament the 43 Edw. III.; but from the Lists of Summons, sometime since printed by order of the House of Lords, the name of Robert Fitz Pain does not appear in the writ of that year, nor in any after summons whatsoever; so that no barony of Fitz Pain was created in him, and he was not heir of the previous old barony.

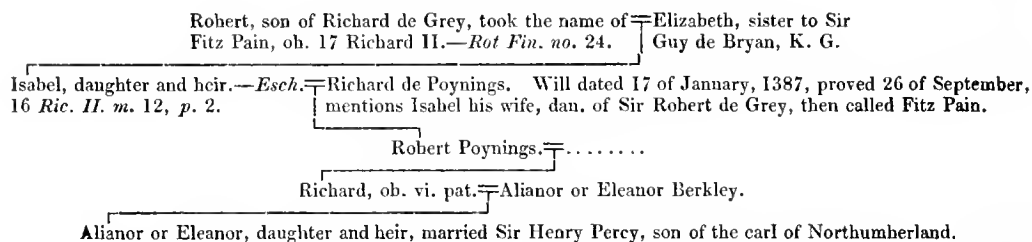
Under this circumstance there was not any barony of Fitz Pain which could descend to his daughter Isabel who married Richard de Poynings; nor through the said Richard and Isabel to Alianor or Eleanor, their great-granddaughter, who married Henry

Percy. As such the assumption of the title by the earls of Northumberland was unwarranted; and even if warranted, would not now be vested in the present Seymour Smithson family of Percy, duke of Northumberland; for by the death of Henry, the sixth earl of Northumberland, s.p., and the attainder of Sir Thomas Percy his brother, who would have been his heir, they with his other honours became forfeited. And again, had they not been forfeited, they would ultimately have fallen into abeyance between the daughters and coheiresses of Thomas the seventh earl, who however was attainted and his attainder never reversed.*

* Vide Percy.



GREY FITZ PAIN.



* Between the representatives of these two daughters and coheiresses the old barony of Fitz Pain is in abeyance.

FITZ WALTER.—(23 Edw. I.)

ROBERT FITZ WALTER^a was the principal commander of the barons' army, and appointed to observe the observation of the famous Magna Charta (now a dead letter) of king John. His grandson

Robert had summons to parliament from the 23 Edw. I. to the 19 Edw. II.^b In

^a The potency of this eminent person is manifested in the Liber Niger Scaccarii, wherein his father Walter states his knights' fees to be sixty-three and one half de veteri feoffamento; and three and a fourth part de novo.

It was Mande, the beautiful daughter of this baron, residing at Dunmow, whose chastity king John solicited, and thereby brought on him the wrath and indignation of her father, who then roused the barons to arms.—(*Vide Drayton's Heroick Epistles.*) But this is rather considered a fabulous story.

^b He was present in the parliament of the 6 Edw. I. at Westminster, when Alexander king of the Scots did homage for his kingdom; but no writ of summons is extant for that year.—(*Vide Rot. Parl., vol. i., p. 224.*)

the 29 Edw. I. he was one of the barons in the parliament at Lincoln who subscribed the memorable letter to the pope, asserting the supremacy of England over the realm of Scotland, being then written "*Robertus filius Walteri Dominus de Wodeham.*" He died circ. 19 Edw. II, having married Dervorguil, one of the daughters and coheirs of John de Burgh, and had issue

Robert his son and heir, who never had summons to parliament. He died the 2 Edw. III., leaving by Joane his wife,* one of the daughters and coheirs of John de Multon of Egremont, a feudal baron of great estate, John his son and heir, which

* Orig. 39
Edward III.,
Rot. 2.

John had summons from the 15 to the 34 Edw. III., inclusive, and died the year following (1361), to whom succeed Walter,^a his son, summoned from the 43 Edw. III., to the 9 Richard II., and died the following year, leaving at that time,

Walter, his son and heir, summoned from the 14 Richard II., to the 5 Hen. IV.—He married Joan, daughter, and ultimately heir of John baron Devereux, and by her had Humphry, who died *infra ætatem*, s.p., and Walter, the next baron, heir to his brother, which Walter, the last of his name, was summoned from the 7 to the 9 Hen. VI., and died anno 1432, s.p.m., leaving Elizabeth his daughter and heir, who married Sir John Ratcliffe, knight, son of Sir John Ratcliffe, who married Catherine, one of the grand-daughters and coheirs of Hugh baron Burnell.†

† Vide Burnell.

RATCLIFFE BARON FITZ WALTER.—(1 HEN. VII.)

THIS Sir John Ratcliffe, by the said Elizabeth Fitz Walter, had John his son and heir, who was summoned from the 1 to the 11 Hen. VII.; but was afterwards beheaded and attainted in 1495, when his honours became forfeited.

Robert Ratcliffe, son and heir, was afterwards, by act of parliament, the 1 Hen. VIII., restored in blood and honours, and had summons to parliament from the 3 to the 14 Hen. VIII., by writ directed "*Roberto Ratcliff de Fitz Walter, Chiv.*" In 1525 he was created viscount Fitz Walter; and in 1529 earl of Sussex, in which superior dignities the barony of Fitz Walter remained merged for several successions. He had issue two sons, Henry and Humphry.

Henry, the eldest, was next earl of Sussex, and was twice married, first to Elizabeth Howard, and secondly to Anne Calthorpe. By his first wife he had issue two sons, Thomas the third earl, who died s.p., and Henry, the fourth earl, heir to his brother; by his second wife he had a daughter Frances, who married Sir Thomas Mildmay.

* He is stated by Dugdale to have married Philippa, daughter and coheir of John de Mohun, of Dunster, and to have had by her Walter his successor; but this seems erroneous, as it was Robert his eldest brother who married her, and died vi. pat. s.p.—*Vide Peter Le Neves's Collections, and Blomefield's Norf., vol. i., p. 9.*

Henry, the fourth earl, was succeeded by his only son Robert, the fifth earl, who died s.p., in 1629, whereupon the barony of Fitz Walter devolved on the issue of Frances Mildmay, his aunt of the half blood; but the titles of viscount Fitz Walter and earl of Sussex descended to Edward Ratcliffe, his cousin, son of Humphry, next brother to Henry the second earl, but this Edward, the sixth and last earl, dying s.p., in 1641, those titles became extinct.

MILDMAY BARON FITZ WALTER.

* Vide Banks's
Dorm. and Ex.
Bar. vol. ii.

SIR HENRY MILDMAY, son of lady Frances Ratcliffe, by Sir Thomas Mildmay, claimed the barony of Fitz Walter,* in right of his mother, in 1640, but died in 1654, leaving Robert his son and heir, who by Mary his wife, daughter and coheir of Sir Thomas Edmonds, knight, had two sons; Henry, who died s.p., and Benjamin; also a daughter Mary who married Henry Mildmay, of Graces, esq. This

† Journ. Dom.
Proc.
‡ Ibid.

Benjamin Mildmay, great-grandson of the lady Frances renewed the claim of his grandfather, and was allowed the barony, and took his seat as baron Fitz Walter the

14th February, 1669.† He had issue two sons, Charles and Benjamin.

Charles, second Mildmay lord Fitz Walter, took his seat the 6th November, 1691;‡ but dying s.p. he was succeeded by his brother Benjamin, which

§ Ibid.

Benjamin, third baron, took his seat the 28th of January, 1727.§ He was afterwards created viscount Harwich and earl Fitz Walter, and died in 1756, s.p., when these dignities became extinct, and the barony of Fitz Walter fell into abeyance between the daughters and coheirs of Mary, the wife of Henry Mildmay, of Graces before mentioned. These daughters were Mary, who married Charles Goodwin, esq.; Lucy, Thomas Gardiner, esq.; Elizabeth, Edmund Waterson, s.p.; Frances, Christopher Fowler, merchant of London; and Catherine, colonel Thomas Townshend.

The barony is now under claim before the lords' committees for privileges by Sir Brook Wm. Bridges bart. descended from Frances Mildmay who married Christ. Fowler.

|| Vol. i. p. 224

Although no writ of summons is upon record for the parliament of the 6 Edw. I., yet it appears from the rolls of parliament that|| one was holden in that year, at which Alexander king of the Scots did homage to king Edward, and acknowledged himself his liege man, and at which Robert Fitz Walter was one of those who were present.

FITZ WARINE.—(45 HEN. III. AND 22 EDW. I.)

¶ Claus. Rot.
m. 3. in Dors.

FULKE FITZ WARINE was one of those who in the character of a baron had summons to the parliament convened to meet in London by writ the 45 Hen. III.¶ His son and heir,

Fulke Fitz Warine had summons to parliament from the 22 Edw. I. to the 8 Edw. II., inclusive. The 29 Edw. I. he was one of the barons in the parliament at Lincoln who subscribed and sealed the famous letter to the pope;* and the 1 Edw. II. was summoned to that king's coronation.† In the two last years of his summons to parliament he is styled *senior*, which designation is continued from the 9 to the 13 Edw. II., in the several writs, yet considered as an error for Fulk his son, as he died circ. the 8 Edw. II. (1314).

* Dugd. Lists of Summ.
† Coron. Rot. 1 Edw. II.

Fulke Fitz Warine, his son and heir, had summons from the 14 Edw. II. to the 9 Edw. III., inclusive, as Fulke Fitz Warine: and if the writs before observed upon were erroneous, then he had summons from the 9 Edw. II.

Fulke Fitz Warine his son and heir, had never summons to parliament, and died circ. 47 Edw. III., leaving another Fulke his son and heir, which

Fulke Fitz Warine never had summons to parliament, and died the 1 Ric. II., leaving Fulke Fitz Warine his son and heir, who also never had summons to parliament. This Fulke married Elizabeth, sister and heir of John, son and heir of Sir William Cogan, knight,‡ and died the 15 Ric. II., having had issue a younger son John, who died s.p. the 2 Hen. V., and

‡ Vide Cogan, vol. ii.

Fulke his son and heir, who was never summoned, and died the 9 Hen. IV., having had issue a son Fulke who died *vitâ patris* the 8 Hen. IV., leaving issue a son Fulke and a daughter Elizabeth, which

Fulke Fitz Warine died in his minority the 8 Hen. V., s.p., leaving his only sister Elizabeth his heir, who married Richard Hanckford, esq., and had issue Elizabeth, who died s.p.; and Thomasine, hereafter mentioned.

BOURCHIER LORD FITZ WARINE.—(27 HEN. VI.)

SIR WILLIAM BOURCHIER, a younger son of William, earl of Ewe, having married Thomasine, only surviving daughter and heir of Richard Hanckford by Elizabeth his wife, sister and sole heiress of Fulke Fitz Warine, was summoned to parliament as "*Filialmo Bouchier Militi Domino de Fitz Warine*," from the 27 Hen. VI. to the 9 Edw. IV. §

§ Dugd. Lists of Summ.

Fulke Bouchier, his son and heir, was summoned only in the 12 Edw. IV. He married Elizabeth, one of the sisters and coheirs of John lord Dynham, and had issue

John Bouchier lord Fitz Warine, who was summoned from the 7 Hen. VII. to the 28 Hen. VIII., and was afterwards created earl of Bath, 9th July, 1536, shortly after which he died, leaving by Cecily (or Florence) his wife, sister and heiress to her brother Henry D'Aubeney,|| earl of Bridgewater,

|| Vide D'Aubeney.

John Bouchier, second earl of Bath, his son and heir; whose son and heir apparent

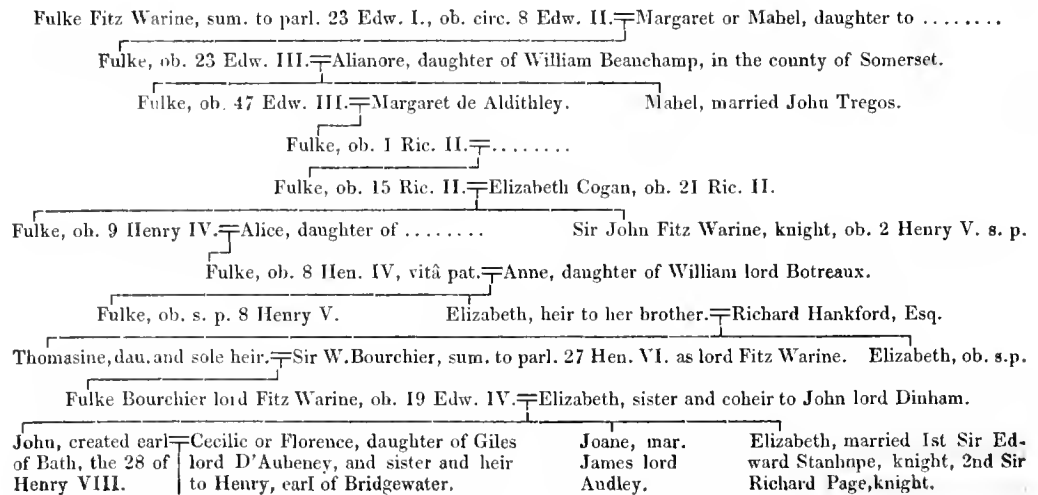
John, deceasing in his lifetime, left a son William, who upon the death of his grandfather in 1560, 3 queen Elizabeth, succeeded to the earldom and barony. This

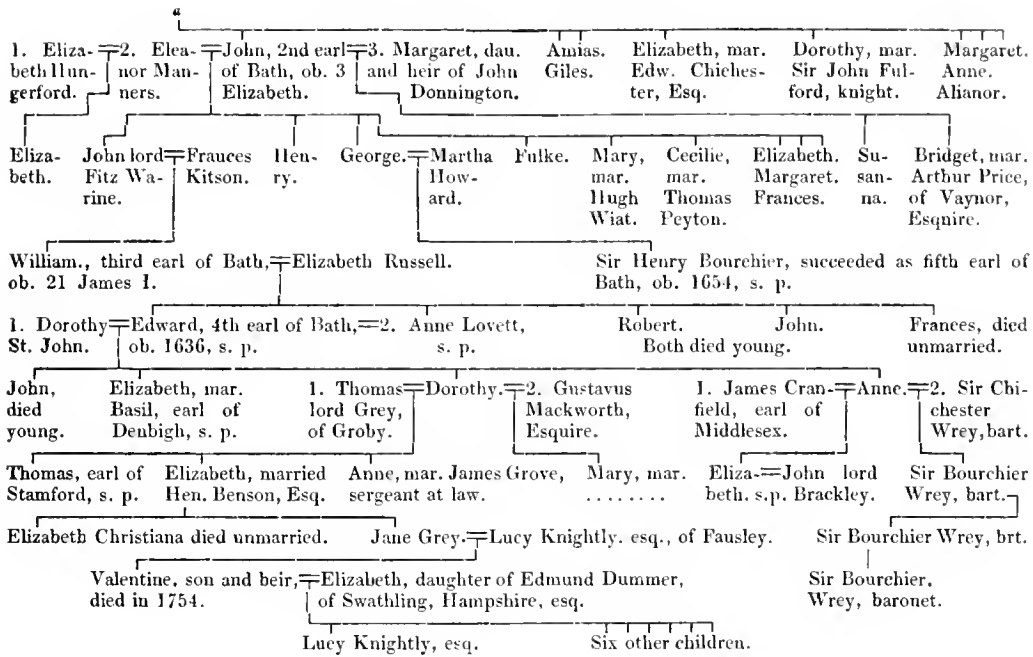
William, third earl of Bath, died the 21 James I., 1623, and was succeeded by his son and heir

Edward, the fourth Bouchier earl of Bath, and sixth of his name, baron Fitz Warine. He dying in 1636 without issue male surviving, the earldom of Bath became extinct, and the barony of Fitz Warine fell into abeyance between his three daughters and coheirs.

Of these, Elizabeth married Basil, earl of Denbigh, s.p.; Dorothy married, first, Thomas lord Grey of Groby, heir apparent to the earl of Stamford, and had issue Thomas, earl of Stamford, s.p., and two daughters; whereof, Elizabeth was wife of Henry Benson, esq.; Anne married, first, James Grove esq., serjeant at law, and secondly, Gustavus Maekworth, esq., by whom she had a daughter Mary; Anne Bouchier, the third daughter, married, first, James Cranfield, earl of Middlesex, and had a daughter Elizabeth who wedded John lord Brackley, s.p.s., and secondly, Sir Christopher Wrey, bart., great-grandfather of Sir Bouchier Wrey, bart.

It has been well remarked by Sir Harris Nicolas in his Peerage Synopsis, that only two of the Fitz Warine name had summons to parliament; and that no sitting under their writs appears from the rolls of parliament, otherwise than in the parliament at Lincoln the 29 Edw. I., while it is shewn that through divers descents from the 9 Edw. III. to the 27 Hen. VI. none were again summoned. Hence it may be inferred, that Sir William Bouchier was the first who acquired an inheritable barony of Fitz Warine by that designation under his writ of summons in the 27 Hen. VI.





WILLIAM FITZ WARINE.—(16 EDW. III.)

WILLIAM FITZ WARINE, supposed to be a younger brother to the second Fulke, had summons the 16 Edw. III. among the earls and barons to attend a great council to be holden at Westminster, but which is not denominated in the writ, a parliament.* He was never again summoned, nor any of his descendants. He died circ. 1361, leaving a son named Ivo, of whom no further mention is made, than that he died the 2 Hen. V., having had issue by Maud his wife, daughter of Sir John Argentine, a daughter and heir Elizabeth, who was second wife to Sir John Chidoock.†

* Dng. Lists of Summons.

† Fosbr. Glouc. vol. i., p. 328.

JOHN FITZ REGINALD.—(22 EDW. I.)

FOR an account of this eminent person vide Vol. II.

FITZ WILLIAM.—(1 EDW. III.)

WILLIAM FITZ WILLIAM, whose ancestor is said to have attended the conqueror into England, though none of them are before noticed by any parliamentary writs of summons, was called by writ to attend at Newcastle-upon-Tyne with divers earls and barons,

equis et armis, the 1 Edw. III.; but his name is not mentioned in the writs of summons to parliament the same year which were convened to meet at Lincoln and York. After this time, it does not appear that either he or any of his descendants were again summoned.

FOLIOT.—(23 EDW. I.)

THE account of this family by Dugdale is very confused and unconnected. But the only one of the name who appears to have had summons to parliament was

Jordan Foliot, who was called by writ in the 23 and 25 Edw. I., but never after, nor any of his descendants, which in the female line, by two coheirresses, viz., Margery, who married Hugh de Hastings;* and Margaret, who married John de Camois,† are now represented by Sir Jacob Astley, bart., lately allowed lord de Hastings, and Henry L'Es-trange Styleman, esq., coheirs general of the said Hugh de Hastings; and by Mr. Stonor, lately allowed the barony of Camois, and his coheirs in the said barony as coheirs general of Margaret Foliot, the wife of John de Camois.

* Vide Hast-ings.
† Vide Camois.

FRESCHVILLE.—(45 HEN. III. AND 25 EDW. I.)

AUCHER DE FRESCHVILLE was one of those, who in the character of barons, were summoned the 45 Hen. III.‡ to a parliament convened by the king (then a free man, and not in custody of Simon de Montfort) to meet in London. He died the 54 Hen. III., at which time he held the manor of Boney, in the county of Nottingham, per baroniam; and likewise the manor of Cryche in the county of Derby, which his grandfather Aucher had acquired by marriage with Julian, daughter and coheir of Herbert Fitz Ralph, baron of Cryche. This Aucher married Amice or Amicia, eldest daughter of Nicholas, and sister and coheir to Nicholas Musard, lord of Stavely in the county of Derby, and had issue

‡ Claus. Rot. No. 3 in Dors.

Ralph Frescheville, who was summoned to parliament with the earls and barons the 25 Edw. I., but never after. His descendants long continued in succession without being summoned, or claiming so to be, until the reign of king Charles II., when in 1677,

John, son and heir of Sir Peter Frescheville, of Staveley, preferred a claim to the barony, founded on the before mentioned writ of summons to his ancestor Aucher de Frescheville. The validity of this writ was not objected to; but as not any proof of a sitting under it could be established, his claim was not allowed. He had been before, in 1664, by letters patent, created a baron by the title of baron Frescheville,

of Stavely, in the county of Derby, to him and the heirs male of his body; but dying in 1682 s.p.m., his peerage became extinct. By his first wife, Sarah, daughter of Sir John Harrington, he had three daughters, viz.; Christian, who married Charles, duke of Bolton, and had a son John who died in his infancy; Elizabeth, who wedded, first, Philip, son and heir of Sir Philip Warwick, knight, and secondly, Conyers Darcy, earl of Holderness, to whom she was fourth wife, but died s.p.s.; Frances, the third daughter, married colonel Thomas Colepeper. The second wife of lord Frescheville was Anna Charlotta, daughter and heir of Sir Henry Vick, knight, but by her he had not any issue.

Among the Harleian MSS. in the British Museum, is a curious collection* showing that colonel Thomas Colepeper, in right of his wife Frances, at length sole daughter and heir of lord Frescheville, had a right to sit in parliament. Among those MSS. are letters of lord Frescheville, his second lady, his daughters, and their husbands, particularly lady Warwick, and colonel Colepeper.

* Vide Nos.
6833 & 7005.

FREVILLE.—(1 EDW. III.)

ALEXANDER FREVILLE married Joane, daughter of Mazera, who was the second daughter and coheir of Philip de Marmyun, lord of Tamworth castle, and baron of Scivelby, in the county of Lincoln, by Joane his first wife, daughter and heir of Hugh de Kilpec, which Mazera married Ralph de Cromwell. This Alexander had summons the 1 Edw. III., by the same writ as was addressed to the earls and barons to attend at Newcastle-upon-Tyne *equis et armis*;† but his name is not included in either of the parliamentary writs to Lincoln and York of the same year. After this time he never was again summoned, nor any of his descendants, who long continued in the male line.

† Dug. Lists
of Summons.

Baldwin de Freville his grandson, was married three times, and by Elizabeth his first wife, sister and coheir to John de Montfort,‡ of Beldesert, in the county of Warwick, had issue Baldwin his son and heir, which

‡ Vide Mont-
fort.

Baldwin de Freville, at the coronation of Richard II., claimed§ to perform the office of king's champion in virtue of his possession of Tamworth castle; but the commissioners adjudged the right of performing that high office to Sir John Dymoke, in right of the manor and barony of Scivelby, which had descended to him from Philip de Marmyun, who died seised thereof the 20 Edw. I., *holden in capite de rege* by that distinguished service, and *per baroniam*. He died the 11 Richard II., leaving

§ Coron. Rot.
1 Ric. II.

Baldwin de Freville his son and heir, who died the 2 Hen. IV., leaving Baldwin his son and heir, and three daughters; which Baldwin dying the 6 Hen. V. s.p., his three sisters became his coheirs: of these, Elizabeth married Thomas, second son to William

lord Ferrers of Groby; from which Thomas, through a long line, descended Anne, eventually sole heiress, who married Robert, eldest son of Robert Shirley the first earl Ferrers of that surname, by whose heiress general the castle of Tamworth came to the possession of George, eldest son and heir of George viscount Townshend; which George, in right of his mother, claimed and was allowed the barony of Ferrers of Chartley, and was afterwards created earl of Leicester.

Margaret, second sister and coheir to Baldwin de Freville, married, first, Sir Hugh Willoughby, knight; and secondly, Sir Richard Bingham, knight.

Joice, the other sister and coheir, married Roger Aston, esq., ancestor to the lord Aston of Forfar in Scotland, and the baronet's family of that name in England.

FURNIVAL.—(22 EDW. I.)

THOMAS DE FURNIVAL had summons to parliament from the 22 Edw. I. to the 6 Edw. III.; but from the 12 Edw. II. with the addition of *senior*: the 29 Edw. I. by the designation of "*Thomas de Furnival Dominus de Sheffield.*" He was one of the barons who in the parliament at Lincoln, subscribed their names, and affixed their seals to the letter then written to the pope, and the 1 Edw. II. was summoned to the coronation of that king.* Dugdale remarks of this Thomas, that he *was not a baron*, i.e., *did not hold his lands by barony*, for which he cites as authority, "*Communia de Term Mich., 19 Edw. II., Rot. 3,*" thereby intimating that his summons to parliament did not create him an hereditary baron; but was a writ of service for advice in council, which the king at his pleasure might require, *pro hac vice*, from his *tenants in capite*.

* Coron. Rot.
1 Edw. II.

Thomas de Furnival his son, and then heir apparent, had summons in his father's lifetime by the distinction of *Thomas Furnival, junior*; and after the death of his father, to the 12 Edw. III. as *Thomas Furnival*. He married Joane, eldest of the sisters and coheirs of Theobald de Verdon, a great baron,† by which alliance he greatly enlarged his family inheritance. He died the 13 Edw. III. and was succeeded by his eldest surviving son,

† Vide Verdon.

Thomas de Furnival, who was then in minority; but afterwards, on proof of his age, had summons to parliament from the 22 to the 38 Edw. III. Dying s.p., William his brother became his heir, which

William de Furnival had summons from the 39 Edw. III. to the 6 Richard II., when he died. He married Thomasine, one of the daughters of Thomas, and sister and coheir of Nicholas de Dagworth, and by her left an only daughter and heir Joane, who became the wife of Thomas Nevill, brother to Ralph first earl of Westmorland.

NEVILL LORD FURNIVAL.—(7 RICHARD II.)

THOMAS DE NEVILL having married the said Joane, heiress of the barony of Furnival, was thereupon summoned to parliament the 7 Richard II., by the designation of *Thomas de Nevill de Halunshire*; and from thence by the same designation to the 14 Hen. IV., which suggests a doubt as to how far he may be deemed under these writs entitled to the honour of baron Furnival. But, nevertheless, in the rolls of parliament he is always styled *Le Sire de Furnival*. The probate of his will bears date in 1406, whereas the last summons to him, the 14 Hen. IV., was in 1412, which indicates a discrepance between them. Dying s.p.m., his daughters Maud and Joane were his coheirs; whereof, Maud married Sir John Talbot; and Joane, Sir Hugh Cokesey, knight. But though these two daughters were his coheirs at law, they were not so as to the barony of Furnival; for Maud was by his first wife Joane de Furnival; and Joane was by Ankaret, a second wife,* not having any blood of Furnival in her. But if the writ to their father created a new barony of *Nevill of Halunshire*, then were they joint coheirs thereto.

* Vincent on Brooke, p. 463.

TALBOT LORD FURNIVAL.—(12 HEN. IV.)

SIR JOHN TALBOT having married Maud, the heiress of Furnival, was summoned to parliament the 12 Hen. IV., as *John Talbot de Furnivall*. In the first writ of Hen. V., he is styled *John Talbot de Halomshire*; in the 2 Hen. V., *John Talbot de Furnival*; in the 4 Hen. V., *Johanni Talbot Domino de Furnivall*; and having at length been advanced to the dignity of earl of Shrewsbury, temp. Hen. VI., the barony of Furnival became merged in that earldom, and so remained till the decease of Gilbert, the seventh earl, s.p.m., the 14 James I., 1616, when it fell into abeyance between his three daughters and coheirs, viz: Mary, who married William earl of Pembroke; Elizabeth, who wedded Henry, earl of Kent; and Alatheia, who became wife of Thomas, earl of Arundel. But Mary and Elizabeth dying s. p., Alatheia became sole heir of the Furnival and Talbot baronies; the right whereto is vested in her coheirs general, represented by the present lords Stourton and Petre. But the titles of Lovetot, Comyn of Badenach, and Montchensy, attributed by Collins and others to the earls of Shrewsbury, along with Furnival, &c., were names of baronial families, not of parliamentary baronies at any time created by writ of summons.

GANT OR GAUNT.—(45 & 49 HEN. III.)

GILBERT DE GANT descended from Gilbert de Gant, a younger son of Baldwin, sixth earl of Flanders, had summons to the parliament convened by the king's writ* to meet in London the 45 Hen. III.; and by another summons to the parliament called by Simon de Montfort, and the confederated barons in the king's name, after the battle of Lewes, the 49 Hen. III.† He died the 2 Edw. I., leaving Gilbert his second son (Robert the eldest having died vi. pat., s.p.) to succeed him; which

Gilbert de Gant had summons from the 22 to the 25 Edw. I., but died s.p., in 1297, leaving Roger son of William de Kerdeston,‡ by Margaret his eldest sister; Peter son of Peter de Mauley, by Nichola his second sister; and Julian de Gant, his third sister, his coheirs; which Julian died unmarried.

GENEVILL.—(27 EDW. I.)

§ Pat. Rot. 37 Hen. III. GEFFERY DE GENEVILL married§ Maud granddaughter and coheir of Walter de Lacy,^a and with her acquired the castle of Ludlow in Wales, and a moiety of Meath in Ireland, afterwards called the lordship of Trim. He had summons to parliament in the 27 Edw. I., and from thence to the 35, in which last year he seems to be one of those mentioned to have been present. He had issue three sons, Geffery, who died s.p., Peter, and Simon.

Peter de Genevill was successor to his father, but never had summons to parliament. He married, according to Dugdale, Joane, a daughter of Hugh le Brune, earl of Angolesme, and had issue three daughters; whereof Joane married Roger Mortimer, earl of March; whereby the whole inheritance of Genevill, and half the lands of Lacy came to that family, and by its heiress eventually to the crown, in the person of king Edw. IV; the other two daughters of Peter de Genevill became nuns at Aconbury.

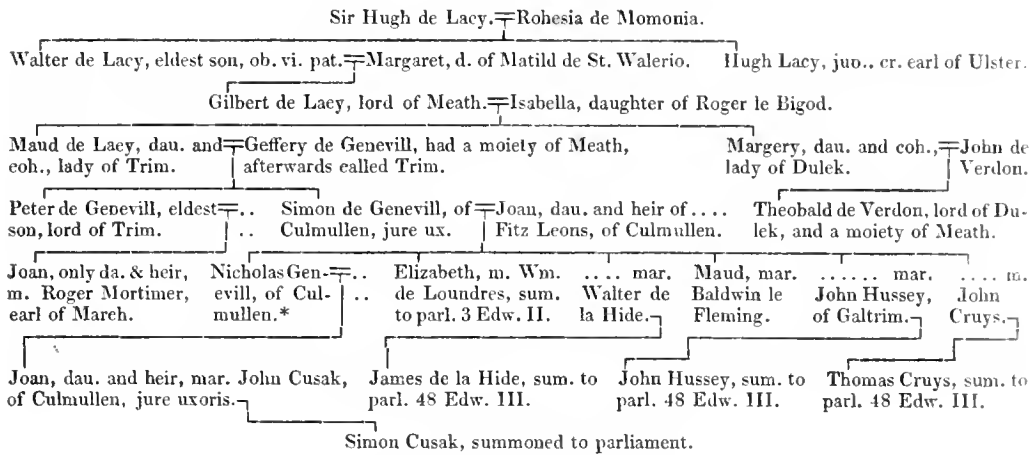
The annals of Ireland recite that in 1308 Roger Mortimer, and his lady the right heir of Meath, daughter of Peter, son of Geffery de Genevill, arrived in Ireland and took possession of Meath, which Geffery Genevill ceded to him, and entered himself into the order of the Friars Preachers, at Trim. After this it is recited, that in 1313, died Sir Geffery Genevill, a Friar, on the 12th before the calends of November, and was buried in his order of the Friars Preachers, at Trim. This statement would rather intimate that Peter was at that time dead, and that it was Geffery his brother who thus

^a Dugdale in his Baronage relates that Peter de Genevill married Maud, niece and one of the coheirs of Walter de Lacy, and had issue Geffery; but in this he is contradicted by the Monasticon, which states that it was *Geffery*, and not *Peter*, who married the said Maud de Lacy.

ceded the lands of Meath to his niece the wife of Mortimer, and daughter and heir of Peter: for if Peter was then living, she could not be right heir.

The following pedigree as submitted to the House of Lords on the claim to the Irish barony of Slane, may more clearly explain the descent.

PEDIGREE ON SLANE CLAIM COR. DOM. PROC., 1835.



* The annals of Ireland state that anno 1324 Nicholas Geneville, son and heir of Simon, died and was buried in the church of the Fryars Predicants at Trim. In the account given in Collins's Peerage of the lord Beaulieu's family (Hussey) it is mentioned, that a John Hussey married Marian, daughter and heir of Simon Genevill, of Culmullen. But from this pedigree it is evident she was one of the daughters and coheirs.

GHISNES.—(23 EDW. I.)

INGELRAM DE GHISNES (sometimes called de Coucy, from his being of Coucy, in France,) had summons to parliament from the 23 Edw. I. to the 15 Edw. II., and died about two years after, leaving Christian his wife surviving, who was, according to Dugdale, daughter and heir of William de Lindesey, descended from Alice, one of the three sisters and coheirs of William de Lancaster, baron of Kendal. He had issue three sons, viz: William, Ingelram, and Robert, whereof none were ever summoned to parliament.

William, the eldest, was born in France, and inherited the estates there, and Ingelram, the second son, was born in England, and, as Dugdale relates, became heir to his brother William, who died s. p. This statement is however controverted in Burn and Nicholson's History of the counties of Cumberland and Westmorland, who affirm that Ingelram de Ghisnes, by his wife Christian de Lindesey, had issue William, their eldest

son, born in France, who inherited the estates there; and Ingelram, their second son, born in England, who died s. p. : wherefore, William being an alien, the estates escheated to the crown. But the said William had two sons, both born in France, of which the eldest, Ingelram, enjoyed the paternal inheritance there; and William, the youngest son, by favour of the king, had his grandmother Christian's estate in England granted to him, but died s. p., whereby the said estate again escheated to the crown. After this king Edw. III., the twenty-first of his reign granted certain manors, lands, and tenements to John Coupland for his service in taking David king of Scots prisoner at Durham, to hold to him the said John, and Joan his wife, for life: after when, upon the death of Joan Coupland, the same were given to Ingelram, earl of Bedford, and Isabel his wife.*

* Pat. Rot. 41 Edw. III., m. 2, pars. 2.

This Ingelram de Ghisnes, otherwise de Coucy, was lord of Coucy,—his paternal inheritance in France; and was grandson of William de Ghisnes by his eldest son Ingelram, before mentioned. He was created earl of Bedford by king Edw. III.,† and having married the princess Isabel, one of his daughters, had issue by her Mary, who married Henry (Sandford names him Robert) de Barre; and Philippa who was wedded to Robert de Vere, earl of Oxford, afterwards marquess of Dublin and duke of Ireland. Hollinshead asserts ‡ the earl had another wife named Isabel de Lorraine, and had by her a daughter called after her mother, which appears in an exemplification § of an agreement made between Mary and Philippa, his two daughters by the other wife, for the county or earldom of Soissons and other lands abroad. Milles in Glover's book gives a second wife, whom he names Elizabeth de Lorraine, but does not notice any issue by her.

† Chart. Rot. 40 Edw. III., No. 12.

‡ P. 197. Col. I

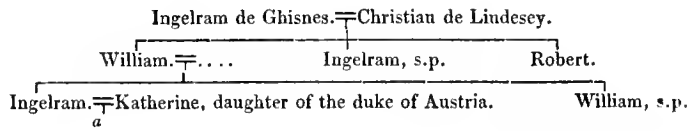
§ Pat. 2 Hen. IV. m. 16. pars. 4.

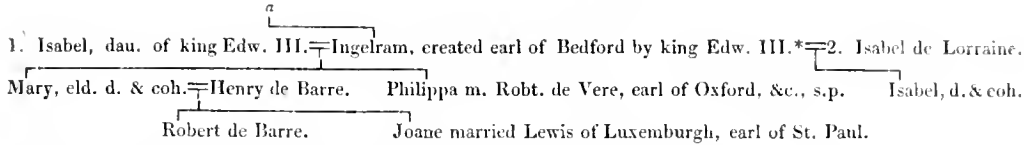
Sir Harris Nicolas in his Peerage Synopsis says,|| “this barony is now vested in the descendant and representative of Ingelram who was summoned to parliament 23 Edw. I.” The correctness of this assertion may easily be appreciated without reference to the opinion of counsel, upon only attending to its course of descent, and the alien parties who might be in such respect the heirs thereto, supposing that a sitting under any of the writs of summons to the said Ingelram could be proved, which according to the law of the day is required, and necessary to establish an inheritable barony created by writ of summons to parliament in the person of an ancestor, from whom the claimant shall be descended. But whoever may be the heirs ought to be greatly obliged to Sir Harris for his gratuitous opinion in favour of their right. It may be questioned whether the earl of Bedford ever was present in parliament; he was only summoned once, and then the

|| Vol. i., p. 264.

¶ Dug. Lists of Summ.

43 Edw. III.¶





* Ralph Brooke and Milles mention that he had a natural daughter Maud, who married ——— lord Strange, and had a daughter Ankaret, the wife of Sir Henry Insee, knight.—Vincent on Brooke's notes, viz.; *Prebetur quasi*.

GIFFORD.—(23 EDW. I.)

JOHN GIFFORD,^a lord of Brmsfield in the county of Gloucester, had summons to parliament from the 23 to the 27 Edw. I., and died the same year, leaving another John his son and heir; which

John Gifford had summons from the 5 to the 14 Edw. II., being in the writ of the 5 Edw. II. styled a baron, and named "*Johanni Giffard de Brymnesfeld.*" He was afterwards concerned in the insurrection of the earl of Lancaster, and being taken prisoner at the defeat of the earl at Boroughbridge, received judgment of death, and was executed accordingly. Dying s. p., the barony devolved upon his half sisters, viz: the daughters of his father John Gifford, by Maud de Clifford, widow of William de Longespe, earl of Salisbury, namely, Catherine, grandmother of James de Aldithle; and Alianore, mother of John, son of Fulke le Strange. But this depends, first, whether there was any restitution in blood and honour of the said executed John de Gifford; and supposing that there was, (inasmuch as the adherents of the earl of Lancaster had all proceedings against them reversed,*) then, whether the writs from the 23 to the 27 Edw. I., to the father, created any descendable barony, without proof of a sitting under them, the barony, presuming it to be one, has been erroneously attributed to the earls of Shrewsbury: for it is evident that it was in abeyance between two coheiresses, and the abeyance never since determined in favour of either.

* Prym s
Parliamen.
Abridg.

GORGES.—(45 HEN. III AND 2 EDW. II.)

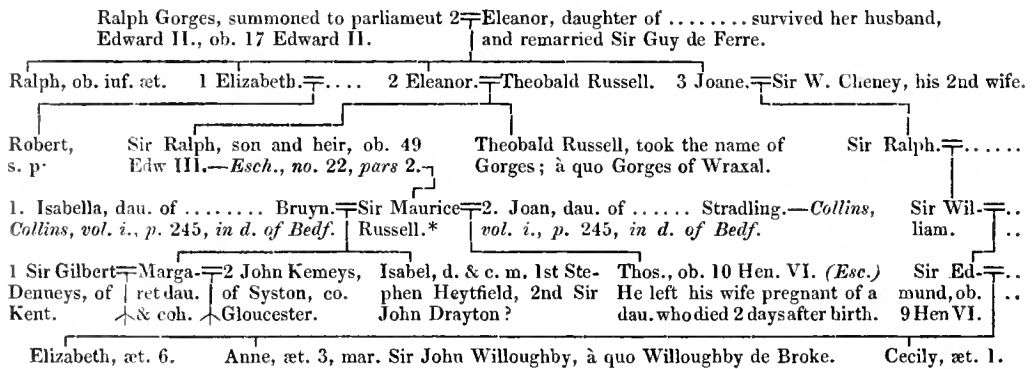
RALPH DE GORGES in the reign of Hen. III. was governor of Shireburne, and Exeter castles, and also sheriff of the county of Devon. He had summons to the parliament called by the king's writ to meet in London the 45 Hen. III.,† after which he died, the 56 Hen. III. According to Collinson's history of the county of Somerset,‡ he married Elena, daughter of John de Moreville, and thereby acquired the manor of Wraxhall.

† Claus. m.
3. in Dorso.
‡ V. iii. p. 156

^a This is probably the same John who was summoned by the king's writ to the parliament convened to meet in London 45 Hen. III.—(*Claus. Rot., m. 3, in Dorso.*)

Ralph Gorges, his son and heir, was in the wars of Scotland, and also marshall of the king's army in Gascoigne. He had summons to parliament from the 2 the 16 Edw. II., inclusive, but never after, nor any of his posterity. He died 17 Edw. II.; and by Eleanor his wife, daughter of ——— who survived him,* and remarried Sir Guy de Ferre, had issue a son Ralph, who died infra ætatem, and three daughters, Elizabeth, Eleanor, and Joan, as mentioned in the table of descent. Of these, Eleanor married Sir Theobald Russel, of Kingston, in the county of Dorset, and had issue Sir Ralph Russel, and Theobald, second son, who took the name of Gorges, and from whom descended the Gorges of Wraxall. And of the same line Sir Ralph Gorges, of Langford in Wiltshire, first created a baronet, and afterwards baron of Dundalk in Ireland, by king Jas. I.; with whose son Ralph the baronetcy and barony became extinct.

* Esch. 19 Edw. III., no. 19, Linc.



* Collin's in his account of the Russel family, duke of Bedford, makes him son of John, eldest son of Theobald by Eleanor Gorges. (*Vol. i.*, p. 245.)—(*Vide Collectanea Topographica et Genealogica, Vol. iv.*, p. 366.)

GRANDISON.—(27 EDW. I.)

OTTO DE GRANDISON had summons to a great council to be holden in London, by writ dated at Ledes, 21 Sep., 27 Edw. I., and afterwards to parliament the 28, 32, and 33 Edw. I. When he died seems uncertain;† but as he is said to have deceased s.p., it is immaterial, as whatever barony he might have acquired by his writs of summons became extinct.

WILLIAM DE GRANDISON.—(27 EDW. I.)

WILLIAM DE GRANDISON, brother to the before mentioned Otto, married Sibilla, youngest daughter and coheir of John de Tregoz, a great feudal baron, and had summons

to parliament from the 27 Edw. I. to the 19 Edw. II., inclusive,* to whose coronation he had summons among the other barons of the realm.

* Vide Esch. 9 Edw. III. n. 35.

In the 29 Edw. I. he was one of those who being summoned to the parliament at Lincoln† did not affix his seal to the memorable letter sent to the pope, touching the supremacy of England over the kingdom of Scotland. He had three sons, Peter, John, and Otto; as also four daughters, viz.; Agnes, Mabel, Matilda, and Catherine. Of the sons,

† Dugd. Lists of Summ.

Peter, the eldest, had summons to parliament the 11, 22, and 23 Edw. III., and died s.p., the 30 Edw. III.,‡ whereupon

‡ Esch. n. 32.

John de Grandison, his next brother, became his heir. He was bishop of Exeter, and as such sat in parliament by virtue of his bishoprick, and consequently never had summons as a baron. He died about the 43 Edw. III.,§ and was succeeded by his nephew Thomas, son of his younger brother Otto, who died in his lifetime,|| having had issue by Beatrix his wife, one of the daughters and coheirs of Nicholas de Malmaims, of Ockley in the county of Surrey,^a besides the said Thomas, a daughter Elizabeth, named in his will, dated 1358, (32 Edw. III.)

§ Fin. Rot. 43 Edw. III.
|| Esch. 33 Edw. III. n. 41.

Thomas, son and heir of the aforesaid Otto, succeeded his Uncle John de Grandison, the bishop, but was never summoned to parliament, and died the 49 Edw. III., s.p.,¶ according to Dugdale; though some authors affirm he had issue, *Margaret, the relict of Thomas Grandison, died about the 18 Richard II.***

¶ Esch. n. 47.

** Esch.

The barony of Grandison thus appears to be in abeyance among the heirs representative of the four daughters of William de Grandison, who was first summoned to parliament the 27 Edw. I., concerning whom the following statement from Leland*† may tend to explain and set forth their descent.

*† Vol. iii., p. 66-7.

Ex Tabula quadam de Genealogia Joannis Grandisoni ep̄i, Exon.

Hic erat filius Guł. Grandisoni de genere imperatoris, qui frater fuit nobilissimi Dñi Othonis de Grandisono in Burgundia diocesis Laucenensis ubi Castrum de Grandisono est situm firmis saxis.

Mater istius episcopi erat Dña Sibilla filia & semiheres Domini Joannis Tregoz decora, Dñi Castri de Ewyas Herefordiam juxta, ubi terras, Dominia possidebat & castra.

Qui Tregoz fuit filius Dñæ Julianæ sororis S^{ci} Thomæ de Cantilupo ep̄i Herefordensis.

Idem Joannes Grandison habebat quatuor fratres germanos nobiles, Petrum & Otho-nem milites, Thomam ac Gulielmum clericos spir̄ituales, temporalia & spir̄itualia strenue regentis.

^a Otto de Grandison, livery of Malmaims lands.—(Orig. 24 Edw. III., Rot. 3 and 41.)

Insuper idem episcopus quatuor sorores habebat, Agnetam quæ Dño Joanni de Norwode nubebat, Mabillam secundam Dñs Joannes de Pateshul ducebat, qui multos viriliter bellando devincebat. Matildam tertiam Monialem ac priorissam de Acornebyri, et vitam semper devotissimam. Catarinam quartam Dño Gulielmo spetiosam de Monte acuto comiti sic Sarum nuptam de qua duos filios cito progenuit, Gulielmum qui unicam filiam maritavit Dñi Edmundi nobilis comitis tunc Cantiaë, fratris Edwardi Regis utentis tunc coronam Angliæ: Edwardus Rex a conquestu 2. erat iste.

Joannes secundus filius audacitatis miræ Dñi Thomæ de Monthermer uniam filiam duxit, cujus mater Joanna comitissia Glouerniæ fuit soror prædicti Edwardi Regis militiaque floruit.

Ex eadem Catarina Gulielmus 3. filias genuit. Prima erat Elizabetha formosa vocabatur. Dño Egidio de Badlesmere statim maritatur; et post mortem illius Dño Hugoni Spenser sponsatur. Qui in suis actibus militiosus vocabatur. Secunda filia nomine vocata Sibilla Edmundo filio & hæredi libere fuit data comitis Arundeliæ & tertia Philippa, Rogero de Mortuamari quam cito conjugata.

Obiit Joannes Graunson præsul Exōn aº milleno ter centeno sexageno undeno.

GRENDON.—(28 EDW. I.)

RALPH DE GRENDON, of Grendon, in the county of Warwick, had summons to parliament the 28, 32, and 33 Edw. I. In the 29 Edw. I. he was one of those who in the parliament at Lincoln subscribed the letter to the pope, asserting the supremacy of England over the realm of Scotland, being then written "*Radulphus dominus de Grendon,*" He had issue a son Robert, as also a daughter Joane, who married John de Rochford.

Robert de Grendon never had summons to parliament, unless he be considered the same Robert whom Dugdale in his lists of summons mentions to have been called by writ to parliament in the 34 and 35 Edw. I., but of whom he does not make any notice in his baronage. If he be the son of Ralph, he must have had summons in his father's lifetime, who is said to have died the 5 Edw. III.; but it is not improbable that the name of Robert is a misprint of Ralph, a typographical error which is too frequently apparent in Dugdale's printed lists. This Robert is represented to have been a man of very weak understanding, and to have died about the 22 or 23 Edw. III., s.p.; whereby the lands of inheritance passed to his sister Joane; whose son, Sir Ralph Rochford, came to possess the same, and made an entail thereof upon the issue of his body, by Joane his wife, daughter of Sir Hugh Meynill, with remainder to his three sisters, successively and then to Sir Richard Stafford, and his heirs. Sir Ralph died about the 8 Ric. II., leaving a daughter and heir Margaret, who is mentioned by Blomefield* to have married Hugh de Askeby.

* History of Norfolk, vol. ix., p. 107., 8vo. edit.

GRELLE.—(1 EDW. II.)

ROBERT DE GRELLE married Hawyse, one of the three daughters and coheirs of John de Burgh, son of John,^a son of Hubert de Burgh, earl of Kent, and died the 12 Edw. I., leaving

Thomas de Grelle his son and heir, then in minority, who in the 34 Edw. I. was made a knight, with prince Edward and others, by the ceremony of Bathing: he afterwards had summons to parliament the 1, 2, 3, and 4 Edw. II. among the barons; but dying s.p. his barony became extinct, and Joane his sister became his heir, who married John, son of Roger lord de la Warre, to whom she brought a great inheritance with the manor of Manchester, in Lancashire.

GREY OF CODNOR.—(22 EDW. I.)

THE first of this very eminent family with whom Dugdale commences his account, is

Henry de Grey, to whom Ric. I. gave the manor of Thurrock (or Turroc) in Essex, which grant king John afterwards confirmed. He married Isolda, a niece and coheir of Robert Bardolf,^b and shared in the inheritance of his lands, among which was Codnor in the county of Derby, the principal seat thereafter of this line of his family. By the said Isolda he had issue six sons,* viz., Richard; John, sometime justice of Chester, progenitor to the lords Grey of Wilton, and Ruthyn; William, of Langford in the county of Nottingham, and Sandiacre in the county of Derby; Robert of Rotherfield; Walter, archbishop of York; and Henry.^a

* Dug. Bar.,
vol. i., p. 709.

Richard de Grey, eldest son, married Lucia, daughter and heir of John de Humez, and had with her certain lands in Norfolk. He and John, his son and heir apparent,

^a He was son of Hubert de Burgh by his first wife Margaret, daughter of Robert de Arsic, and married Hawyse, only daughter and heiress of William de Lanvallei, who, temp. king John, was one of the twenty-five constituted by the barons to govern the realm. John his son, above named, left three daughters his coheirs, whereof Hawyse married Robert de Gresley; Devorguil wedded Robert Fitz Walter; and Margery was a nun at Chicksands. *Hasted*, (vol. i., p. 84, *Kent*.) says she married, first, Sir Stephen de Penchester, and had two daughters, Joane, wife of Henry de Cobham, of Rundale; and Alice, wife of John de Columbers; secondly, Robert de Orreby, by whom she had a son John de Orreby, (Clerk).—(*Vide Esch. of Margery 2 Edw. II. and History of Tunstall*, p. 15.)

^b Blomefield, in his History of the county of Norfolk, says she was one of the five sisters and coheirs.

^c Collins, in his Peerage, vol. ii., pp. 373-4, controverts this statement of Dugdale, and states that John de Grey, by Hawyse his wife, had issue Robert de Grey of Rotherfield, his eldest son; Walter de Grey, archbishop of York; and Henry de Grey who obtained Thurrock. Thus it would appear that Robert of Rotherfield, and Walter the archbishop were brothers, and not sons of Henry of Thurrock. But Collins agrees with Dugdale as to the barons of Codnor and Wilton being derived from the said Henry.

were on the part of the rebel barons under Simon de Montfort, and were surprised and taken prisoners by a detachment from the royal army under prince Edward, but were admitted under the Dictum de Kenilworth to make their fines. When he died does not appear; but John his son and heir died the 56 Hen. III., leaving by his wife Lucia, daughter of Reginald de Mohun of Dunster, Henry his son and heir, which

Henry de Grey had summons to parliament the 22 Edw. I.; which parliament, though not mentioned in the writ where to meet, was nevertheless afterwards assembled at Westminster.* He was subsequently summoned from the 27 Edw. I. to the 2 Edw. II., in which year he died. In the 29 Edw. I. he was one of the barons who in the parliament at Lincoln had affixed their seals to the letter then written to the pope, although they were not summoned thereto,† being designated "*Henricus de Grey, Dominus de Codnoure.*"^a By Eleanor his wife, daughter of Hugh de Courtenay, he had Richard, his son and heir, and Nicholas, to whom he gave the manor of Barton, in Ridale, in the county of York, whose descendants long continued there.

Richard de Grey succeeded his father, and had summons to parliament from the 2 Edw. II. to the 9 Edw. III., when he died, leaving John his son and heir æt. thirty, and Robert a younger son, who being made heir of entail of Robert Fitz Pain, afterwards assumed that surname.‡

John de Grey, upon the death of his father, had livery of his lands, saving to Joane his mother, then surviving, her reasonable dower. He had summons to parliament from the 9 Edw. III. to the 16 Richard II., as "*Johanni Grey de Codnoure,*" and in several writs as "*Johanni filio Ricardi Grey de Codnoure.*" In the 45 Edw. III., being very aged, Dugdale says§ he had a special dispensation from the king to exempt him from coming to parliament and councils. The time of his death seems uncertain, for Dugdale observes that he had not seen it. Henry his eldest son having died in his lifetime, left issue by Joane his wife, daughter of Reginald de Cobham of Sterborough, a son

Richard de Grey, heir and successor to his grandfather, who had summons to parliament as *Richard de Grey de Codenore* from the 17 Richard II. to the 4 Hen. V., and died the year following.|| He married Elizabeth, one of the daughters and coheirs of Ralph Basset, of Sapcoate, by Alice his second wife, and by her, whom he left surviving, had John his son, æt. 22, which

John de Grey had summons from the 8 Hen. V. to the 7 Hen. VI., as *Johanni Grey de Codenore Cher.*, and died the 9 Hen. VI.,¶ s. p., leaving

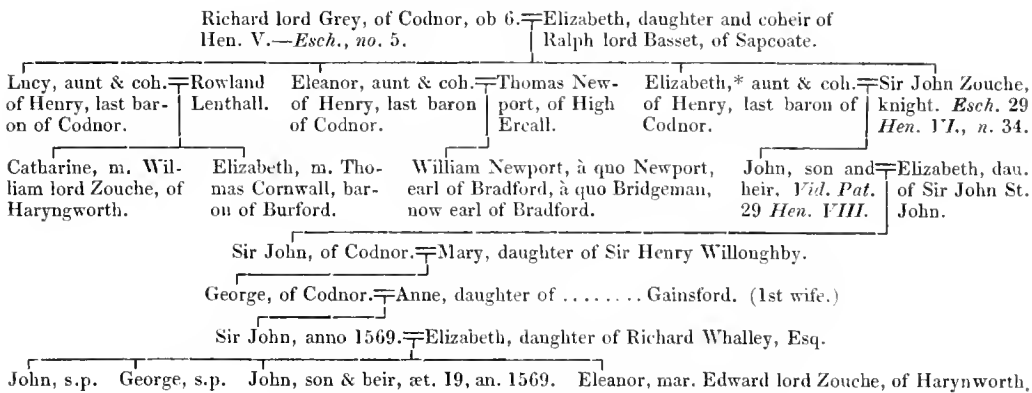
* Rot. Parl.
 † Dug. Lists of Summons.
 ‡ Vide Fitz Pain.
 § Dug. Bar., vol. i., p. 711.
 || Esch. 6 Hen. V., no. 5.
 ¶ Esch. No. 15.

^a Dugdale in his Lists of Summons to parliament recites the name of John de Grey, the 25 Edw. I.; and in his Index adds *de Grey of Codnor*; but this is probably a mistake for *John de Grey of Rotherfield*; who in his said Index he mentions by that distinction; yet in the summons, the name appears *John de Grey* only, without any addition.

Henry de Grey his brother and heir, who had summons from the 9 to the 20 Hen. VI., and died the 22nd, 1443,* leaving by Margaret his wife, one of the daughters and coheirs of Sir Henry Percy of Athol, Henry his son and heir, and according to an Harleian MS.,† a daughter Elizabeth, who married John Welles.

Henry, the last lord Grey of Codnor, had summons to parliament from the 38 Hen. VI. to the 11 Hen. VII., the writs addressed to *Henrico Grey, Militi*, but never with the addition of *Codnor*, as had been given to his predecessors. He was married three times, but died without legitimate issue,^a leaving his aunts, or their issue, his coheirs; of these Luey married Sir Rowland Lenthall, and had two daughters, whereof Catherine married William lord Zouche, of Haryngworth; and Elizabeth wedded Thomas Cornwall, titular baron of Burford; Eleanor married Thomas Newport, of High Ercall in the county of Shropshire; and Elizabeth married Sir John Zouche, knight; Between the representatives of which coheirs the barony is presumed to be now in abeyance, together with a moiety of the barony of Basset of Sapcoate.

COHEIRS OF THE BARONY OF GREY OF CODNOR.



* She appears to have had a prior husband Richard Vernon, 21 Hen. VI.

Among Vincent's MSS. in the College of Arms, is this statement. viz:—

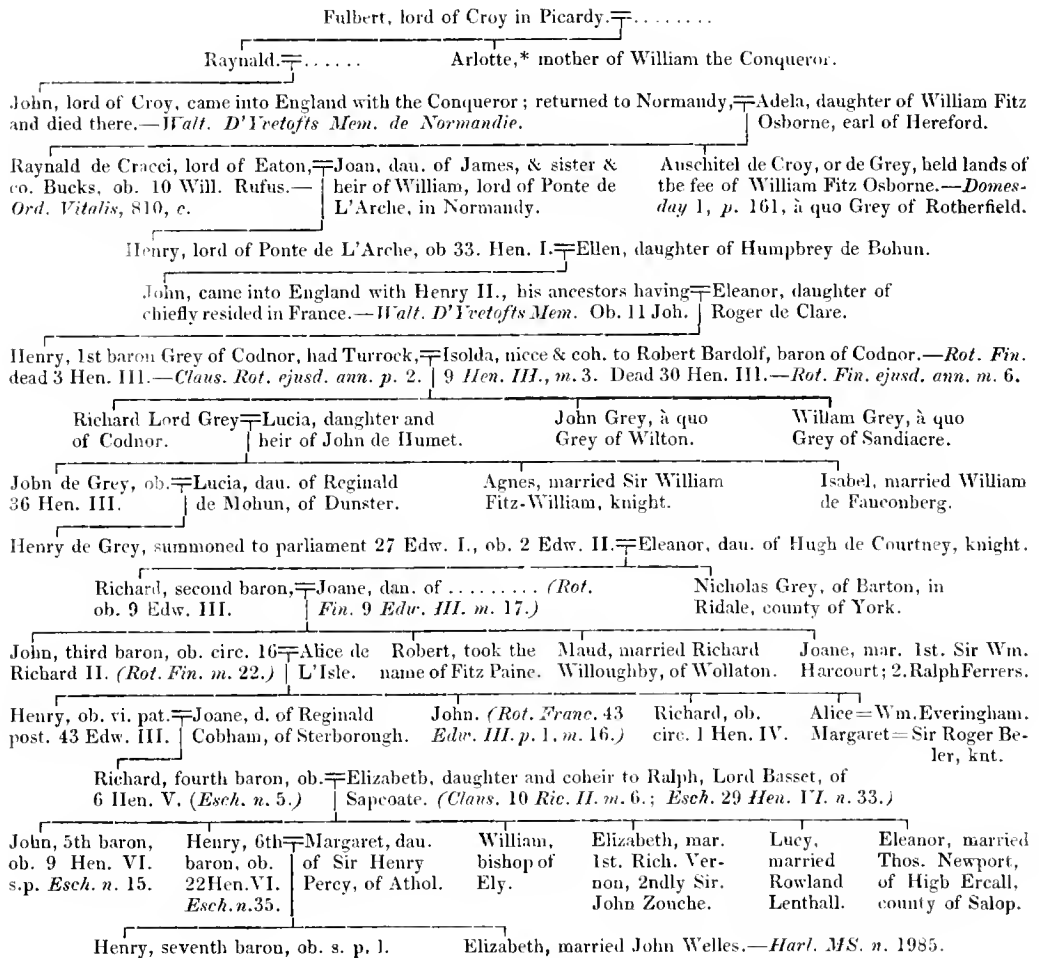
Sir John Zouche, knt., of Codnor in the county of Derby, sold all his lands in England and died in Ireland, an...
 ... dau. = Robert, second son of Sir ... dan. = ... dau. = John Walker, of Quarne,
 and coheir. † John Milward, knight. † and coheir. † Ouseley. and coheir. in the county of Derby.

† In Dugdale's Visitation of the county of Derby, anno 1654, in the pedigree of Milward, of Eaton, it appears that Robert Milward, who was second Justice of Chester, and who certifies the pedigree, married Isabella, eldest daughter and coheir of Sir John Zouche, of Codnor, had at that time eight children living, of which the eldest was aged 12. (c. 34—85.)

^a By his will, dated 10 September, 8 Hen. VII., he gave to Richard Grey his bastard son, the manor of Ratcliffe on Trent, in the county Nottingham, and appointed that his other bastard son Henry, whom he had by Catherine Finderne, should marry Cecile Charleton. From this Henry the Greys of Langley, in the county of Leicester, are descended.

The following pedigree (in the very early part) of this certainly ancient family, having been given by the indefatigable Mr. Blore,* so very differently from any other antiquary or genealogist, and yet vouched by authorities, it is considered that it may be worthy of observation, to be compared with the accounts of Dugdale, Collins, Edmondson, and other eminent heraldic authors.

TABLE I.



* Fapin, and other historians, state this Arlotte to have been a low skinner's daughter; but probably her father was exalted after the honour the duke of Normandy had done to his family.

GREY OF WILTON.—(23 EDW. I.)

JOHN DE GREY, second son of Henry de Grey of Thurrock, died the 50 Hen. III., leaving a son and heir

Reginald de Grey, who in the 9 Edw. I., was justice of Chester, and in consideration of his services, obtained from that king a grant of the castle of Ruthyn, and other lands. He married Maud, daughter and heir of William Fitz Hugh, by Hawyse, daughter and heiress of Hugh (or Henry) de Longchamp, a great baron, whose principal seat was at Wilton, in the county of Hereford, which thereby was acquired to this family, and became the designation of its parliamentary barony. This Reginald had summons from the 23 Edw. I. to the 1 Edw. II., and was one of the barons in the parliament at Lincoln the 29 Edw. I., who affixed their seals to the letter to the pope, asserting the supremacy of England over the realm of Scotland, being designated *Reginaldus de Grey Dominus de Ruthyn*. He died the 1 Edw. II., having had issue by Maud his wife,

John de Grey, summoned to parliament from the 2 to the 16 Edw. II., as *John de Grey*. He died the 17 Edw. II., leaving by Anne his first wife, Henry his successor; and by Maud Basset his second wife, a son Roger, who was summoned to parliament as baron Grey de Ruthyn.*

* Vide Grey de Ruthyn.

Henry de Grey, eldest son of John was summoned from the 18 Edw. II. to the 16 Edw. III., as *Henry de Grey*, in which year, 1342, he died, leaving

Reginald de Grey his son and heir who had summons from the 17 to the 34 Edw. III., as *Reginald de Grey*; but after the 23 with the addition of *senior*, but for what reason does not appear, for there was not any other Grey of the name of Reginald in any of the said summonses. To him succeeded Henry his son, by Maud his wife, one of the daughters and coheirs of John de Botetourt,^a which

Henry had summons from the 1 to the 18 Richard II. as *Henry Grey de Wilton*, when the other barons of the Grey family were distinguished by their additions of *de Codnor* and *de Ruthyn*; but in the 50 Edw. III. he was summoned by the designation of *Henry Grey de Shirland*, being the only occasion when he is so described. He died in 1395, leaving

Richard his son and heir then very young, who was never summoned to parliament. He died in 1442, and was succeeded by his son

Reginald de Grey, who had summons from the 23 Hen. VI. to the 11 Hen. VII., as Reginald Grey de Wilton. He married Tacina, daughter of Owen Tudor, by Catherine the French princess, widow of king Hen. V.; and was succeeded by his son and heir,

^a In Dugdale's pedigree of Botetourt, she is called Abbess of Polesworth; but as she survived him, she probably became abbess after his death; yet if she is the same Maud, wife of Reginald de Grey, her descendant heirs would have been coheirs to the barony of Botetourt, which does not appear in the claim of Mr. Norborne Berkely to that title.

John de Grey, who was summoned to parliament the 12 Hen. VII., but never at any other time.

Edmund de Grey, son and heir of John, was summoned the 1 Hen. VIII., but died soon after, viz., the 3 Hen. VIII., 1511. By Florence his wife, daughter and coheir of Sir Ralph Hastings, he had four sons, viz: George, aged seventeen, the 3 Hen. VIII., who died s.p.; Thomas, aged eighteen, the 7 Hen. VIII., who died the 9 Hen. VIII., s.p.; Richard, aged twelve, the 10 Hen. VIII., who also died s.p.; whereby, William, the youngest son, eventually, by the decease of his brothers, succeeded to the barony. This

William de Grey had summons from the 21 Hen. VIII. to the 6 of Phil. and Mary, and died the 5 Queen Elizabeth, 1562, leaving

Arthur lord Grey de Wilton, his son and heir, summoned from the 8 to the 35 queen Eliz. He was twice married. His first wife was Dorothy, a natural daughter of Richard lord Zouche, of Haryngworth, by whom he had a daughter Elizabeth, who married Sir Francis Goodwin, knight, and had a son Arthur, who left an only daughter and heir Jane, who married Philip lord Wharton. His second wife was Jane Sibilla Morison, by whom he had Thomas his son and heir; William, who died s.p.; and a daughter Bridget, who married Sir Rowland Egerton, bart. He died in 1593, when

Thomas succeeded his father, and was the last baron of this eminent family. He had summons in the 39 and 43 of Queen Eliz.; but being accused of being concerned in Raleigh's plot, he was tried by his peers, found guilty, and had sentence of death passed upon him; but was pardoned as to life, and died in the tower, in 1614. Being attainted, all his honours became forfeited, which otherwise would have been in abeyance between his two sisters, Elizabeth, and Bridget, before mentioned.

In 1784, Sir Thomas Egerton, bart., great-great-grandson of Sir Rowland Egerton, and Bridget Grey, his wife, was created baron Wilton; and by other letters patent, dated June, 1801, was advanced to the title of earl Wilton, with remainder in default of issue male, to his grandson, Thomas Grosvenor, second son of Eleanor, his daughter, wife of Robert, then viscount Belgrave, afterwards earl Grosvenor, and now marquess of Westminster; which Thomas Grosvenor, on the decease of the earl of Wilton, succeeded accordingly, and has taken the name of Egerton. The barony created in 1784 became extinct; but the viscounty and earldom have a fair prospect of long continuance, being limited in failure of issue male of Thomas Grosvenor, to the third fourth, and every other son of the said Eleanor, and their issue male, successively and respectively.

GREY OF RUTHYN.—(18 EDW. II.)

THIS barony commenced in the person of Roger de Grey, son of John lord Grey of Wilton, by Maud Basset his second wife, which Roger was summoned to parliament from the 18 Edw. II. to the 25 Edw. III., as *Roger de Grey*. He married Elizabeth, daughter of John lord Hastings by Isabel his wife, one of the daughters and coheirs to William de Valence, earl of Pembroke, and by her had a son John who died before him, and Reginald who was his successor, which

Reginald de Grey had summons from the 28 Edw. III. to the 11 Richard II., as *Reginald Grey de Ruthyn*. He died in 1388, and was succeeded by his son and heir, another

Reginald, who had summons from the 13 Richard II. to the 18 Hen. VI., inclusive.^a He died the following year, 1440, having been twice married: first, to Mary, daughter of William lord Ross, by whom he had a son Sir John Grey who died in his lifetime, leaving by Constance his wife, daughter and coheir of John Holland, duke of Excter, a son Edmund, who was the next baron.^b His second wife was Joane, daughter and coheir of William lord Astley, by which lady he had Edward Grey his son, who, having married the heiress of Ferrers of Groby, had summons to parliament by that designation.*

* Vide Ferrers, sive Grey, of Groby.

Edmund de Grey, fourth baron of Ruthyn, and heir to his grandfather, was summoned to parliament from the 23 Hen. VI. to the 2 Edw. IV., as *Edmund Grey de Ruthyn*. But in the 5 Edw. IV. he was advanced to the dignity of earl of Kent, and died shortly after, viz., in 1488. He had issue a son Anthony, who died before him, as said, s.p.,^c and George his successor, in whose issue of male continuation of the earldom of Kent, the barony of Ruthyn remained merged till the death of Henry, earl of Kent, his great-great-grandson, in 1639, when dying s.p., the barony of Grey of Ruthyn devolved upon his sister and heir Susan; and the earldom of Kent upon Anthony Grey, the next heir male, grandson of Anthony Grey of Branspeth, younger brother to Sir Henry Grey of Wrest, in the county of Bedford, great-grandfather of the deceased Henry who died in 1639.

^a He had the famous contest in the Court of Chivalry with Sir Edward Hastings, respecting the arms of Hastings, which were adjudged in his favour. In the rolls of parliament, vol. iv., p. 312, he is styled lord Hastings, Weysford, and of Ruthyn, 4 Hen. VI., anno 1425.

^b He had also a son Thomas, who was created lord Grey of Rugemont, but died s.p. in 1461, and having been attainted his title was forfeited.

^c In Collins's Parliamentary Precedents may be seen the accusation of Sir Gilbert Dethick, Garter king of arms, for making a false pedigree, stating that this Anthony, eldest son of Edmund, first earl of Kent, left a daughter Catherine who married one Rotheram, and as such was entitled to the barony of Grey of Ruthyn. Dethick was found guilty and committed to the Marshalsea. The officers of arms, it thereby seems, are not always pure and immaculate.

LONGUEVILLE, BARON GREY DE RUTHYN.

SIR MICHAEL LONGUEVILLE^a having married Susan, daughter of Charles, and sister and heir to Henry, earl of Kent, had issue Charles, his son and heir, which

Charles Longueville claimed, and was allowed the barony of Grey de Ruthyn, in 1640, and was introduced into House of Lords the 10th of February 1640;* but he did not enjoy the peerage long, deceasing in 1643, in the king's garrison at Oxford. He married Frances, one of the daughters and coheirs of Edward Neville, esq., and left issue an only daughter and heiress Susan, who married Sir Henry Yelverton, bart.

* Journ.Dom. Proc.

YELVERTON, BARON GREY DE RUTHYN, AND EARL OF SUSSEX.

SIR HENRY YELVERTON died in the flower of his age,—3rd Oct., 1670, leaving, by the aforesaid Susan, baroness Grey de Ruthyn, his wife, who died the 28th of January 1676, three sons, as also a daughter, who married Christopher, viscount Hatton. Of the sons, the eldest,

Charles Yelverton, succeeded his father in his baronetcy, and on the decease of his mother, in 1676, became baron Grey de Ruthyn, and sat first in parliament, the 21st of October, 1678,† but died shortly after, the 17th of May, 1679, of the small-pox; when being unmarried, the title fell to his next brother Henry, which

† Ibid.

Henry, second Yelverton baron Grey de Ruthyn, does not appear to have ever taken his seat in the House of Peers, by that title,^b but having been advanced to the dignity of viscount Longueville, the 2 William and Mary, he was introduced therein as viscount, the 29th of April, 1690.‡ He died the 24th of March, 1703-4, aged 40, leaving by Barbara his wife, daughter of John Talbot, of Laycock, two sons, viz., Talbot, and Henry, and also five daughters. Of the sons,

‡ Ibid.

Talbot, second viscount Longueville, at the coronation of George I., carried the golden spurs, as his father had done at the coronation of king William and Mary; it being an high service derived by inheritance from the family of Hastings, earls of Pembroke. In 1717 he was further advanced to the dignity of earl of Sussex,^c and took his

^a Sir Michael was descended from Sir George Longueville, who married Elizabeth, one of the daughters and coheirs of Thomas de la Roche, whose family, though omitted notice in Dugdale's Baronage, had summons to parliament in many years in the reign of Edw. I.—(*Vide De la Roche, in Vol. II.*)

^b He was under age at the time of his brother's death.

^c Sir Harris Nicolas, in his Synopsis, says he was created with a special remainder, but does not mention what that remainder was. Collins says it was in default of issue male, to his brother Henry and the heirs male of his body; but he died s. p.

seat the 21st of November.* He died in 1731, having had issue by Lucy his wife, daughter of Henry Pelham, esq., two sons, George Augustus, and Henry. Of these, * Journ.Dom. Proc.

George Augustus, second earl of Sussex, first sat in parliament 16 November, 1749,† † Ibid. and died unmarried in 1758, when Henry his brother became his heir and successor, this

Henry, third earl of Sussex, and fifth baron Grey de Ruthyn of his family, took his seat 31st January, 1758.‡ He married, first, Hester, daughter of John Hall, of Mansfield Woodhouse, in the county of Nottingham, esq., and by her, who died in 1777, had an only daughter Barbara.^a His second wife was Mary, daughter of John Vaughan, esq., of Bristol, but by her he had not any issue;^b and deceasing in 1799 without issue male, the titles of viscount Longueville and earl of Sussex became extinct; but the barony of Grey of Ruthyn devolved upon the issue of his daughter Barbara, before mentioned, who died in his lifetime, having married Edward Thoroton Gould, esq., colonel of the Nottingham militia. ‡ Ibid.

GOULD, BARON GREY DE RUTHYN.

EDWARD THOROTON GOULD, esq., who married Barbara, only daughter and heir of Henry Yelverton, earl of Sussex, eloped with her from an Inn at Barnet, and thence proceeded to Gretna Green. This marriage brought on her all the displeasure her father could evince against her. By the colonel she had issue a daughter Barbara, born 25th January, 1777; Mary, born 5th May, 1778; and a son Henry Edward, born in September, 1780, which

Henry Edward Gould, on the decease of the earl of Sussex in 1799, became baron Grey de Ruthyn, and took his seat in parliament 1st April, 1802.§ He deceased in 1810, § Ibid. leaving an only daughter and heiress Barbara, then very young, who married the present marquess of Hastings, and carried with her the ancient barony of Grey de Ruthyn.

GREY SIVE FERRERS OF GROBY.—(25 HEN. VI.)

Sir Edward Grey, knight, eldest son of Reginald, third baron Grey of Ruthyn, by his second wife Joan, daughter and coheir of William, son and heir of Thomas lord Astley, having married Elizabeth, daughter and heir of Henry, eldest son (who died vitâ

^a He had a son Henry Talbot, who died an infant, born and baptized the 19th of August, and buried at Mansfield Woodhouse, the 20th of September, 1757.

^b The earl is said to have married this second wife, who was a young woman, he being in the decline of life, in hopes of having other issue to perpetuate his resentment against his daughter, and disappoint her expectations.

patris) of William lord Ferrers of Groby, had summons to parliament the 25 Hen. VI. the writ being directed "*Edwardo de Grey Militi, Domino de Ferrers de Groby.*" His designation therefore was lord Ferrers de Groby, as a distinction from Ferrers of Chartley; but his descendants have generally styled themselves, as it would seem improperly, barons *Grey of Groby*.—(Vide Ferrers of Groby.)

GREY OF ROTHERFIELD.—(25 EDW. I.)

THE first of this family who became a baron by writ of summons was John de Grey, descended from Robert, a younger son of Henry of Thurrock, according to Dugdale; but from Robert, elder brother of the said Henry, according to Collins and others; and according to Mr. Blore; which

* Vide Odingesells, vol. ii.

John de Grey had summons to parliament the 25 Edw. I., and afterwards died the 5 Edw. II., without being again summoned. He married Margaret, one of the daughters and coheirs of William de Odingesells, of Maxtock in the county of Warwick,* whom he left surviving, and John his son and heir; which

† Vide Marmion.

John de Grey was summoned from the 12 to the 31 Edw. III., as "*John de Grey de Rotherfield.*" He was twice married, first to Catherine daughter and coheir of Bryan Fitz-Alan, of Bedale, in the county of York; second to Avice, daughter and coheir to John lord Marmion, by whom he had two sons, John and Robert, who took their mother's surname of Marmion.† He died the 33 Edw. III., when

John de Grey, his son, by Catherine his first wife, was the next baron, and summoned to parliament from the 34 to the 47 Edw. III. He died the 49 Edw. III., leaving Bartholomew his grandson and heir, viz., son of John his eldest son, who died vi. pat.; which

‡ Rot. Fin. m. 29.

Bartholomew never had summons to parliament, but died s.p., the 50 Edw. III.,‡ leaving his brother

§ Esch. no. 38.

Robert de Grey his heir, who, though mentioned by Dugdale in his index to his writs of summons to have been summoned the 1 Ric. II., yet has not his name mentioned in the writ itself. This Robert died the 11 Ric. II.,§ leaving, according to Dugdale, Joane his daughter and heir, by Elizabeth his wife, daughter and coheir of William de la Plaunche, of Haversham, in the county of Buckingham; which Joane married^a Sir John

^a She is said to have married a second husband, Sir Ralph Boteler, who died s.p.s.; but in Collins's Peerage Edit., 1768, vol. vi., p. 38, she is stated to have been *daughter and heir of Thomas Grey, son and heir of Robert lord Grey of Rotherfield, by Elizabeth de la Plaunche*; and to have married Guy de Bretton, serjeant at law, one of whose two daughters and coheirs, Mand, married John Boteler, &c. And in Collins's Baronetage, vol. i., p. 307, it is recited, that Thomas Littleton married Mand, daughter and heir of Richard Quatermain, of a large estate at Rycote and North Weston, in the county of Oxford, by Joane his wife, daughter and coheir of Grey of Rotherfield, in that county.

Deincourt, knight, and had by him two daughters and coheirs, whereof, Alice married William lord Lovel; and Margaret, Ralph lord Cromwell; but she dying s.p., the barony vested in John lord Lovel, son of the said Alice; and Francis viscount Lovel, her grandson being afterwards attainted in 1487, the barony and all his other honours became forfeited. It, however, is said by other authorities, that Robert Grey of Rotherfield had another daughter Julian, who was coheir with Joane, and married Edmund Mussenden, and had issue Bernard Mussenden, whose daughter and heir married John Spigurnel, who had a daughter and heir Agnes, who married John Frome. Assuming this statement to be correct, the barony of Grey of Rotherfield was not forfeited by the attainder of Francis viscount Lovel, but only his moiety; and therefore the barony remains in abeyance. The coheirs of the Lovel's moiety are the present lord Beaumont, and the earl of Abingdon.

GREY OF POWYS.—(22 EDW. IV.)

THE occasion whereby this family of Grey became ennobled, was from the marriage of Sir John Grey, knight, with Jane, eldest of the two daughters and coheirs of Edward de Cherleton,* who was summoned to parliament from the 3 Hen. IV. to the 9 Hen. V., as *Edward Charleton de Powys*; though the first summons of his great-grandfather John de Cherleton, the 17 Edw. II., was only as *John de Cherleton*, the subsequent addition of *de Powys* being merely nominal, as referring to the baronial land of which he was possessed; and not creating a title for that was personal under his first writ of summons. This

* Vide Cherleton.

Sir John Grey, having greatly distinguished himself in the wars of France, had a grant from king Hen. V. of the earldom of Tankerville, to hold by homage and delivery of an helmet at the castle of Roan on the feast day of St. George. He was afterwards slain with the duke of Clarence, and divers of the English nobility, in the disastrous battle at Baugy Bridge. By Joan de Cherleton his wife, he had

Henry Grey, his son and heir, who died the 28 Hen. VI., having married Antigone, natural daughter of Humphrey, duke of Gloucester, and had issue a son Richard, and a daughter Elizabeth who married Roger Kynaston, a younger son of Griffin Kynaston, of Stokesay, in the county of Salop, esq., which

Richard Grey is supposed to have sat in parliament the 33 Hen. VI., as according to the rolls of parliament there is mentioned "*Dominus de Powys*" to have been a trier of petitions; yet in the writs of summons of that year, there is not contained the name of either *Cherleton* or *Grey*, as *Dominus de Powys*; therefore, who was the *Dominus de Powys* of that time remains unexplained, unless it alluded to this Richard. Being an

adherent to the House of York, he was attainted the 38 Hen. VI., and deceased the 6 Edw. IV. By his attainder he forfeited his coheirship in the barony of *Cherleton of Powys*, and the earldom of Tankerville; which last, as France had been lost to the crown of England, became a nullity. But it appears that the said Richard, by the name of *Richard lord Powys*,^a with several others, were pardoned, and all their hereditaments and profits only forfeited. This Richard, besides a son John, his successor, is asserted to have had a daughter Elizabeth, who married Sir John Ludlow, and by him had two daughters his coheirs, viz., Anne and Alice, who married Thomas and Humphrey Vernon.

John, son of Richard, was the first who appears to have been summoned to parliament, viz., from the 22 Edw. IV. to the 12 Hen. VII., as *John Grey de Powes*, in which year he died, leaving a son John, who dying in his minority never had summons to parliament, but who at his death, in 1504, left an only son Edward, then only one year old, which

Edward had summons from the 21 Hen. VIII. to the 5 Edw. VI., when he deceased without legitimate issue; and when, if the summons to parliament of his grandfather John, the 22 Edw. IV., created a new barony of Powys, and was not a continuation of the ancient barony of *Cherleton de Powys*, the same became extinct.

In 1732 a claim was preferred by John Kynaston, esq., descended from Elizabeth, sister to Richard the father of John Grey, summoned the 22 Edw. IV., which claim was opposed by Sir Nathaniel Curzon, bart.; assuming a descent from Anne daughter of Sir John Ludlow, by Elizabeth the *presumed daughter* of the said Richard Grey: but in both these claims it is to be observed, that neither party was descended from John, who was first summoned to parliament as *lord Grey de Powys*. In 1800* this claim was again revived by John Kynaston Powell, esq., grandson of John, the petitioner in 1732, and was similarly opposed by the Curzon family: but the question has not ever been determined by the house of lords; which leaves the barony of *Cherleton de Powys* of 7 Edw. II. in abeyance, of which, however, either the family of Kynaston, or of Curzon, is one of the coheirs.

There however appears another party not hitherto noticed, which has preferred a claim militating against that of Kynaston and Curzon, which is thus set forth in a petition submitted to the house of lords, in May 1800.†

Dom. Proc. 5 May, 1800.

“Upon reading the petition of the Right Honourable Thomas Lord Lilford, and of Henrietta Maria Lady Lilford, his wife, and the humble petition of Elizabeth Atherton, of Tulketh, in the county of Lancaster, spinster, setting forth that John Kynaston

* Journ.
Dom. Proc.

† Ibid.

^a Vide Prynne's Abridgment of the Tower Records, p. 663.

Powell, of Hardwick, in the county of Salop, esq., having preferred a petition to his majesty, stating his claim to the ancient barony of Powis; and his majesty having been pleased to refer the matter of the said petition to their lordships, the petitioners beg leave humbly to represent to their lordships that the barony of Powis is a barony in fee, descendable to the heirs general, and was created the 7 of Edw. II., by writ of summons directed to John de Cherleton; that from John de Cherleton, the said barony descended to his heirs in succession, but his great-grandson Edward de Cherleton, lord Powis, dying without male issue, left two daughters and coheirs, viz., Joan, who married Sir John Grey, knight, and Joice, who became the wife of John lord Tiptoft, and it is presumed that the said barony fell into abeyance, or suspence, amongst the issue of the said Joan and Joice: but the crown was pleased to confer the said honour upon the line of the eldest daughter Joane Grey, whose grandson Richard Grey appears to have sat in parliament as baron Powis; but John Grey, his son and heir, was summoned to parliament the 22 Edw. IV. as lord Powis; and that Edward Grey, the last lord Powis, grandson of the said John Grey, dying the 5 Edw. VI., without lawful issue of his body, the said barony fell again into abeyance among the issue of his great aunt Elizabeth, daughter of the said Richard Grey, lord Powis, and wife of John Ludlow, of Stokesay, in the county of Salop; that the said Elizabeth, by the said John Ludlow, left issue two daughters and coheirs, viz: Anne, the wife of Thomas Vernon, of Stokesay; and Alice, the wife of Humphry Vernon, of Hodnet, in the said county of Salop, as appears by sundry evidences which prove that Henry Vernon, grandson of the said Anne Vernon, and Richard Vernon, grandson of the said Alice Vernon, were next cousins and heirs at law of the said Edward, the last lord Powis; that the petitioners, the said Henrietta Maria lady Lilford, and Elizabeth Atherton, and Hesther Atherton, are the lineal descendants and heirs of the body of the said Alice Vernon, the youngest daughter and coheir of the said Elizabeth Grey and John Ludlow, viz: the daughters and coheirs of Robert Vernon Atherton, late of Atherton, in the county of Lancaster, esq., (who assumed the surname of Atherton instead of that of Gwyllim), the son and heir of Robert Gwyllim, esq., by Elizabeth his wife, sole daughter and heir of Richard Atherton, esq., who was the son and heir of John Atherton, esq., by Elizabeth his wife, only child and heir of Robert Cholmondeley, esq., by Elizabeth Vernon his wife, sister of Sir Thomas Vernon, bart., whose issue became extinct, and daughter of Sir Henry Vernon, bart., the son and heir of Sir Robert Vernon, knight, who was the son and heir of John Vernon, esq., the brother and heir of Richard Vernon, and son of George Vernon, esq., who was the son and heir of Humphry Vernon, of Hodnet, aforesaid, esq., by Alice Ludlow, above mentioned; the petitioners therefore trust that it will appear that the said barony of Powis is not in abeyance between the representatives of the said Anne Vernon, who, as the petitioners are informed, is the Right Honourable Nathaniel Curzon, lord Scarsdale, and the peti-

tioners, the said Henrietta Maria lady Lilford, Elizabeth Atherton, and Hesther Atherton, as representatives of the said Alice Vernon, the other daughter and coheir of the said John Ludlow and Elizabeth Grey, and consequently that no legal claim can be made to the said barony by any other person, or persons, whatsoever, and therefore praying their lordships that they may be heard by council against the claim of the said John Kynaston Powell, esq., to the said barony of Powis."

It is ordered that the said petition be referred to the Committee for Privileges, to whom the petition of John Kynaston Powell, esq., to his majesty, claiming the barony of Powis, stands referred; with liberty for the petitioners to be heard by their counsel against the said claim as desired before the said committee.

The Lords' Committee for Privileges sat several times, but no final decision of this controverted barony has ever been made. At one of the sittings the attorney-general stated that he had been informed that there were coheirs of John Tiptoft, earl of Worcester, still extant, who in the pedigree of one of the claimants, had been stated to be dead in 1740, but their names had not been made known to him, as such, he thought notice should be given to them; which was ordered by the committee to be given accordingly, 20th June, 1800.

GREY OF ROLLESTON.—(25 CAR. II.)

CHARLES NORTH, son and heir apparent to Dudley, the fourth baron North, having married Katherine, daughter of William lord Grey of Werke, was summoned to parliament by special writ the 17th October, 1673, and was introduced the 27th October, by the title of Charles lord Grey.* In Dugdale's Lists of Summons, the 17th October, 31 Car. II., he is mentioned as *Charles North Grey de Rolleston Chiv.* He had two sons, William his successor, and Charles who died unmarried; also two daughters who died in their infancy. He succeeded his father as fifth baron North, in 1677, and died in 1690.

William, sixth lord North, and second lord Grey, sat first in parliament by the titles of North and Grey, 16th January, 1698;† but died s.p. in 1734, when the barony of Grey of Rolleston became extinct.

* Journ.
Dom. Proc.

† Ibid.

GREYSTOCK.—(22 EDW. II.)

WILLIAM DE GREYSTOCK, great-grandson of Ranulph, lord of Greystock, in the county of Cumberland, married Mary, eldest of the three daughters and coheirs of Roger de

Merley, of Morpeth, an eminent feudal baron in Northumberland, and thereby acquired the baronial manor of Morpeth in that county; dying circ. 17 Edw. I., he was succeeded by

John de Greystock his son and heir, who had summons to parliament from the 22 to the 33 Edw. I., being in the writ of the 22 Edw. I. styled *baron de Greystock* only; but in the following one of the 23 *John baron de Greystok*; and in others subsequent, sometimes *John baron de Greystok*, and only *John de Greystok*. In the 29 Edw. I., though not summoned to the parliament at Lincoln, he had his seal appended to the letter then written by the barons to the pope, being designated *Johannes de Greystoke Dominus de Morpeth*. He died 34 Edw. I., but not having any issue his barony became extinct as a parliamentary one created by virtue of his writs of summons. His brothers and uncles being all dead without issue male, he settled* his manor and barony of Greystok, with other lands, with all his purparty of the manor of Morpeth, upon Ralph, the son of William Fitz Ralph, (lord of Grimethorpe in the county of York) by Joane his aunt, which Ralph Fitz William succeeded thereto accordingly.

* Dugd. Bar. vol. i., p. 740.

RADULPH, OR RALPH FITZ WILLIAM DE GREYSTOK.—(23 Edw. I.)

THIS Ralph Fitz William, before the said settlement, had been summoned to parliament from the 23 Edw. I., as *Ralph Fitz William*, and by the same description from thence to the 9 Edw. II. In the 29 Edw. I., he was one of the barons in the parliament at Lincoln who subscribed his name and appended his seal to the famous letter then written to the pope, being designated "*Radulphus filius Willielmi Dominus de Grimthorp.*" In the 24 Edw. I. he was found brother and heir to Geffery Fitz William, of Yorkshire,† and had livery of his lands. He married Margery, widow of Nicholas Corbet, daughter and coheir of Hugh de Bolebec, and in her right acquired a moiety of the barony of Bolebec, in the county of Northumberland. Dying an aged man, circ. 9 Edw. II., he was succeeded by Robert his second son, William his eldest having died in his lifetime, s.p., which

† Rot. Fin. 24 Edw. I., m. 6.

Robert survived his father only a short time, dying the following year, 10 Edw. II., without having been ever summoned to parliament, and leaving Elizabeth his widow, and Ralph his son and heir, æt. 18; which

Ralph^a was the first of this family, who after it had succeeded to the Greystock estates, took the name of Greystock, by which he was summoned to parliament from the 14 to the 16 Edw. II., the year after which he died, and was succeeded by

^a As he and all his successors were summoned to parliament by the title of Greystock, it may be questioned whether he did not thereby originate a second barony in his own person, distinct in name from that of his grandfather Ralph Fitz-William, although they were both merged in the same course of descent.

William de Graystock his son and heir, then very young, who had afterwards summons to parliament from the 22 to the 31 Edw. III., and latterly as *William baron de Graystok*. He died in 1358, 32 Edw. III., leaving then in minority,

Ralph his son and heir, summoned from the 49 Edw. III. to the 5 Hen. V., as *Ralph baron de Graystok*, in which year he died and was succeeded by his eldest son John, then 28 years of age, which

John de Greystock had summons from the 7 Hen. V. to the 13 Hen. VI., inclusive, as *John baron de Greystok Chiv'*. He married Elizabeth, one of the daughters and co-heirs of Robert Ferrers, of Wemme, by Elizabeth his wife, daughter and heir of William lord Boteler, of Wemme, and had issue by her several sons, whereof

Ralph the eldest, was summoned from the 15 to the 18 Hen. VI., and afterwards to the 1 Hen. VII., as *Ralph* (not baron) *de Greystoke Chiv'*. He died the 2 Hen. VII., 1487, leaving Elizabeth his granddaughter and heir, being sole daughter and heir of Robert his eldest son, who died vi. pat. ;^a which Elizabeth married Thomas lord Dacre,

* Vide Dacre. of Gillesland, as mentioned under that title,* and whose heirs general are as therein mentioned, viz., the lords Stourton and Petre, and the earl of Carlisle.

HACCHE.—(26 & 27 Edw. I.)

EUSTACE DE HACCHE, of Hacche, in the county of Wilts, had summons the 26 Edw. I. to attend at Carlisle, equis et armis ; in which writ the earls and barons being distinguished by their respective ranks, he is mentioned as a *baron*. In the following year, the 27 Edw. I., he had summons to parliament ; and from thence to the 33 Edw. I., inclusive.

In the 29 Edw. I. he was one of the barons in the parliament at Lincoln, who signated the letter from the nobility of England to the pope, being then designated "*Eustachius Dominus de Hacche*." †

† Dugd. Lists
of Summ.

Dugdale recites, that in the 7 Edw. I. he was a *menial servant* in the household of the king, and became greatly distinguished by his services in the wars of Scotland ; from which it may be inferred, that his merits caused him to be called to the rank of a baron, and not from any pretension thereto, as a baron by tenure.

He died the 34 Edw. I., leaving by Amicia his wife, ‡ a daughter and heir Julian, who married John Hansard. §^b

‡ Orig. 2 Edw.
II., Rot. 2.
§ Gross Fin.
34 Edw. I.
Rot 14.

^a He married Elizabeth daughter of Edmund De Grey, earl of Kent, and died the 15th of July 1483, 1 Ric. III.

^b A Gilbert de Hansard was among those who were summoned as barons the 45 Hen. III., to the parliament then called by the king to meet in London.—(Vide copy of the Exemplar Writ, and Consimilar of names in vol. ii.)

HANDLO.—(1 Edw. III.)

JOHN DE HANDLO had summons, *equis et armis*, the 1 Edw. III. to Newcastle-upon-Tyne; and in the 16 Edw. III. to a great council to be holden at Westminster, but which was afterwards prorogued,* and as he never after had any summons, it does not seem that he had at any time acquired a parliamentary descendable barony. He married Maud, widow of John Lovel, sister and heir of Edward Burnell, and had issue two sons, viz., Richard and Nicholas, which Nicholas having succeeded to the possession of the barony of Holgate, Acton Burnell, and other lands, by virtue of a certain fine levied with a remainder to him, assumed his mother's name of Burnell, and had summons to parliament, as under that title has been before noticed.†

* Dugd. Lists of Summ.

† Vide Burnell.

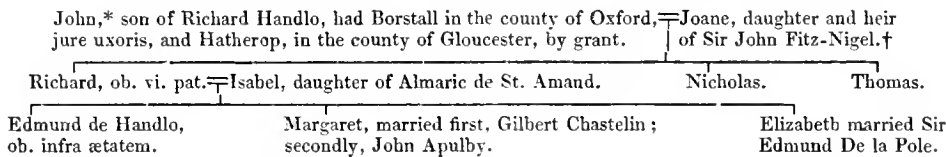
Richard, eldest son of John de Handlo, died *vitâ patris*, leaving a son Edmund heir to his grandfather, but who never had summons to parliament, dying in his minority, s.p., and leaving his sisters his coheirs; of which, Joan died unmarried; Elizabeth married Sir Edmund de la Pole, knight; and Margaret married, first, Gilbert Chastelin, s.p., and secondly, John Apleby; between which coheirs partition was made, as appears by the patent rolls,‡ viz: "Partition of the manors and lands belonging to Richard de Handlo and Edmund his son and heir, between Margaret, the wife of John Apleby, and Elizabeth, the wife of Edmund de la Pole, daughters and heirs of the said Richard, and sisters and heirs of the said Edmund de Handlo."

‡ Pat. Rot. 40 Edw. III., m. 1

In the rolls of parliament § mention is made of Edmund, son of Richard de Handlo, and Alice his wife; also John, son of Richard de Handlo, and Joane his wife, daughter of John Fitz Niel. But as no inheritable right of barony, founded upon the two writs of summons to John de Handlo, the 1 and 16 Edw. III., can be supported therefrom, any further account would be an irrelevant detail; though Margaret, the wife of Apleby, left issue, as did Elizabeth, the wife of Sir Edmund de la Pole.

§ Rot. Parl. v. ii., p. 215, no. 53.

Atkins, in his History of the county of Gloucester|| gives the following descent:— || P. 223.



* He levied a fine of Hatherop to himself for life; remainder to Richard his son, and Isabel his wife, in special tail; remainder to Nicholas and Thomas the brothers to Richard in tail; remainder to his own right heirs, the like fine of Coln St. Alwyns. John Apulby had Hatherop, and Coln St. Alwyns.

† Vide Lysons' Mag. Brit. vol. i., p. 517. Borstall in the county of Buckingham.

HARINGTON.—(18 Edw. II.)

JOHN DE HARINGTON, or Haverington, by which last name he is called in the early writs, had summons to parliament from the 18 Edw. II. to the 21 Edw. III. But it is to be observed that the first summons, the 18 Edw. II., is to a *great council* to be holden at Westminster, but is not called a *parliament*. His name appears in a writ of the 17 Edw. II., directed to William de Bereford, summoning the king's council, when he, with a few others are denominated *barones*. He had issue Robert his son, who died in his lifetime, leaving by Elizabeth his wife, sister and coheir to John de Multon, baron of Egremond, several sons ; whereof,

John de Harington, the eldest, succeeded his grandfather, and was summoned to parliament in the 22 and 23 Edw. III. ; but in those years only, though he did not die till the 37 Edw. III., (1363,) at which time he was seised of the third part of the manors of Multon and Egremond, and other lands, parcel of the barony of Multon of Egremond, Robert his son and heir being then in minority ; which

Robert, the 51 Edw. III., making proof of his age, and doing his homage, had livery of his lands ; and having been summoned to parliament from the 1 Ric. II. to the 4 Hen. IV., died the 7 of the same reign, (1405,) leaving by Isabel his wife, daughter and coheir of Sir Nigel Loring, K. G., John his son and heir ; which

John de Harington is stated in the rolls of parliament to have been present therein, the 22 Dec., 1406, (8 Hen. IV.): it is then evident that all the writs after the 7 Hen. IV., as mentioned in Dugdale's lists of summons to bear the name of Robert, to the 4 Hen. V., must be an error on the rolls, and ought rather to have been written John. He died in 1418, s.p., and was succeeded by his brother

William de Harington, who had summons from the 8 Hen. V. to the 18 Hen. VI., but not afterwards, though he lived some years, not dying till the 36 of the same reign, (1457,) when he left William Bonville, son of his daughter Elizabeth, (who deceased before him,) his grandson and heir ; which William lord Bonville and Harington, (jure matris,) left an only daughter Cecily, his heir, who married Thomas Grey, marquess of Dorset ; whose grandson, Henry, duke of Suffolk, being afterwards attainted in 1554, the baronies of Bonville, Harington, and all the other honours of that noble family became forfeited : to which, otherwise the present duke of Buckingham and Chandos, in right of his mother, would be heir general ; and the present earl of Stamford and Warrington, heir male.

The following pedigree in the possession of the author differs from the preceding statement, viz :

Sir William Harrington, K. G. — Margaret, sister to Thomas, son of Sir Robert Nevill, of Hornby, and aunt and coheir of Margaret, duchess of Exeter.—(*Vide Robert Nevill ut antea.*)

Sir Thomas Harrington, knight, of Hornby, æt. 40, ao. 19 Hen. VI., ob. the day after the battle of Wakefield, of his wounds received therein. — Elizabeth, dau. of Thomas lord Dacres.

Sir John Harrington, slain at the battle of Wakefield. — Maud, dau. of Thos. lord Clifford.

Anne, eldest dau. and coh., æt 5, anno 1460, mar. Edw. — Elizabeth, youngest dau. and coh., æt. 4, anno 1460, mar. Stanley, lord Monteagle, ob. s.p., 5 Aug., 4 Hen. VII. — Ist., John Stanley, 2udly, Rich. Beaumont, of Whitley.

HASTANG.—(5 EDW. II.)

THIS family was anciently seated at Leamington, in the county of Warwick, thence called Leamington Hastang.

Robert de Hastang, in the 41 Hen. III., gave a mark in gold for respiting his knighthood. He married Joane,* daughter and coheir of William de Curli, and had issue another

* Chart. Rot. 37 Hen. III., m. 5.

Robert de Hastang, who, though not summoned to the parliament at Lincoln the 29 Edw. I., yet was one of those who subscribed their seals to the letter then written to the pope,† being then designated “*Robertus Hastang Dominus de Desiree.*” The cause of his not being summoned was probably from his being in Scotland, and at that time constable of Roxburgh castle.‡ The 5 Edw. II. he had summons to the parliament at Westminster; and in the writ is styled a baron; the earls and barons being distinguished by their respective ranks:§ but this meeting was prorogued, and another parliament summoned to meet at Lincoln, in the writ whereto his name is not mentioned. After this he was never again summoned.

† Dugd. Lists of Summ.

‡ Lib. Quotid Contrarot. Gard. 28 Edw. I.

§ Dugd. Lists of Summ.

THOMAS DE HASTANG.—(16 EDW. III.)

THOMAS DE HASTANG (his grandson) had summons the 16 Edw. III., to a great council to be holden at Westminster;|| and as Dugdale asserts, was summoned to parliament the 5 Edw. III.: his name, however, does not appear in any writ of that year.

|| Ibid.

John de Hastang his son was never summoned. He had issue two daughters and coheirs, viz.; Maud, who married Sir Ralph Stafford; and Joane,¶ not Isabel, as said by Dugdale) who married Sir John Salisbury, which Sir John was afterwards attainted and decollated.** Sir Humphrey Stafford, great-grandson of Sir Ralph, was also attainted the 1 Hen. VII., but his son Sir Humphrey Stafford was restored the 19 Hen. VII.

¶ Orig. 49 Ed. III., Rot. 23.

** Esch. 11 Ric. II., n. 69 Claus. 12 Ric. II., m. 44 .

HASTINGS.—(49 HEN. III.)

HENRY DE HASTINGS^a married Ada, fourth daughter of David, earl of Huntingdon, by Maud his wife, one of the sisters and coheirs, eventually, of Ranulph, earl of Chester, and shared in the division of that great inheritance. He died 1250, leaving

Henry de Hastings his son and heir, who was one of the principal of the barons adhering to the party of Simon de Montfort, earl of Leicester, and had summons to the parliament called by them in the king's name the 49 Hen. III. He was the resolute governor of Kenilworth castle which held out so long against the king's army, and when it did surrender, was excepted out of the Act of Grace, called the Dictum de Kenilworth. He, however, afterwards made his peace, and was admitted to the benefit of that decree. By Joane his wife, daughter of William, sister and at length coheir to her brother George de Cantilupe, baron of Bergavenny, he had two sons, viz., John and Edmund, whereof the eldest,

John de Hastings succeeded his father, and had summons to parliament from the 23 Edw. I. to the 6 Edw. II.^b In the 29 Edw. I. he was one of those who subscribed the famous letter sent by the barons to the pope, on which occasion he is denominated "*Johannes de Hastings, Dominus de Bergavenny*," thereby intimating that *Bergavenny* was the name of the barony by virtue of which he was called to parliament. He died circ. 1315, having been twice married. By Isabel his first wife, daughter of William, and sister and coheir to Aymer de Valence, earl of Pembroke, he had John his son and heir;^c also two other sons who died s.p.; and three daughters, of which, Elizabeth married Roger lord Grey of Ruthyn. By Isabel his second wife, daughter of Hugh Despenser, earl of Winchester, he had two sons, Hugh and Thomas, which Hugh was of Gressing Hall, in the county of Norfolk.*

* Vide Hugh de Hastings.

John, next baron Hastings, had summons to parliament from the 6 to the 18 Edw. II., when he died, leaving by Julian his wife, daughter and heir of Thomas, and granddaughter and heir of William baron de Leyburn, Lawrence his son and heir, which

Lawrence de Hastings, by reason of his descent from Aymer de Valence, earl of Pembroke, was advanced to that title, the 13 Edw. III. He died in 1348, and was succeeded by his only son John, born after his decease. This

^a In Camden it is related that at the beginning of the Norman Conquest there were great men in Sussex, surnamed De Hastings; one of whom, Matthew de Hastings, held the manor of Grenale by *the tenure that he should find at the haven of Hastings an oar whenever the king should cross the sea.*

^b He was present in the parliament of the 18 Edw. I., when the earls and barons gave an aid to the king for the marriage of his eldest daughter. But there is not extant any writ of summons for that year.—(*Vide Rot. Parl. vol. i. p. 25.*)

^c *Vide Rot. Pat. 25 Edw. I., Pars. 2, m. 2., viz.:*—Maritagium inter Willielmum de Hastings fil. & hæred. Johannis de Hastings D'ns de Abergenny & Alianor' filiam seniore Will'mi Martin D'ni de Kameys, ac Edd'um filium et heredem d'ci Will'i & Jonett filiam seniore dicti Joh'nis.

John, second earl of Pembroke, died 49 Edw. III., (1375), having, as stated by Dugdale, in the 43 Edw. III. made a feoffment by the king's licence of all his castles, lordships, manors, &c., in England and Wales, to certain uses; which feoffment on his death was found to be, that provided he died without issue of his body, the town and castle of Pembroke should come to the king, his heirs, and successors; and the castle and lordship of Bergavenny, and other lands in England and Wales to his cousin William de Beauchamp, his mother's nephew, in fee. At his decease, his only son John was under three years of age; which

John, third earl of Pembroke, the 13 Ric. II., was unfortunately so wounded by a lance, at a tilt, that he died thereof, being then only about seventeen years old, dying s.p., the earldom of Pembroke ceased; but the barony of Bergavenny, with the castle &c., passed to William de Beauchamp, who was a stranger in blood to the Hastings' family.

It is here to be considered how far the barony of Hastings may be deemed a personal barony, created by the writ of summons of Henry de Hastings, the 49 Hen. III., or as a barony attached to the tenure and possession of the castle of Bergavenny, which, in the parliament at Lincoln, the 29 Edw. I., John de Hastings (son of Henry) appears to have denominated his baronial honour.

The writ of the 49 Hen. III. can scarcely be imagined to have created an hereditary barony. There is no proof of a sitting under it; there is wanting proof that the parliament then summoned ever met. It was called by the rebel barons in the king's name; but he was then in duress, and in their power. The persons summoned were a partial few, the friends of the rebel barons; the king's friends were excluded. The subsequent battle of Evesham, and the surrender of Kenilworth castle put an end to the supremacy of the rebel barons' power, while the dictum de Kenilworth enacted, that no earl or baron should after come to parliament, unless specially summoned thereto. There is not any evidence of any Hastings being so summoned before the 23 Edw. I., (though, no doubt parliaments were holden in the intermediate time,) but it is only in the 29 Edw. I. that there is a manifest of the names of the baronies which the persons then summoned possessed. Barony at that time was a service of council incident to tenure, which the crown could require, or omit; but the writ was not creative. If then the barony of Hastings was connected with Bergavenny, it terminated with the alienation to Beauchamp; if referred to under the writ of the 49 Hen. III., it seems as void as the creation of any of Oliver Cromwell's peers. The house of lords has, however, by a recent resolution (1841) allowed the barony on claim to Sir Jacob Astley, bart., a coheir representative of Hugh de Hastings, brother of the half blood to John father of Lawrence, first Hastings earl of Pembroke; and right lawful heir to Henry summoned the 49 Hen. III., and to John his son, summoned the 23 Edw. I.

EDMUND DE HASTINGS.—(28 EDW. I.)

EDMUND DE HASTINGS, a younger son of Henry, by Joane his wife, daughter and coheir to William de Cantilupe, baron of Bergavenny, and coheir to her brother George de Cantilupe, had summons to parliament from the 28 Edw. I. to the 7 Edw. II.; in the 29 Edw. I. by the designation of "*Edmundus de Hastings, Dominus de Enchinchelmock.*" He was one of those who subscribed the famous letter to the pope, and had his seal affixed thereto. Dugdale and other authors being silent as to whether he had any issue, it is inferred that he died s.p. Francis Thynne notices a wife Isabel, but does not mention whether any issue or not by her. He had great estates in Wales, probably part of the De Braose and Cantilupe lands in that country.*

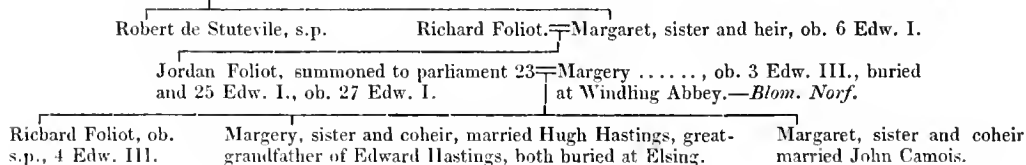
* Vide vol. ii.

HUGH DE HASTINGS.—(16 EDW. III.)

HUGH DE HASTINGS, grandson of Hugh, son of John de Hastings by his second wife Isabel Despenser, had summons to a great council, or parliament, the 16 Edw. III., but never after. Upon the death of John, the last Hastings, earl of Pembroke, in 1389 s.p., Reginald lord Grey of Ruthyn, eldest son of Roger de Grey of Ruthyn, by Elizabeth his wife, daughter of the same John de Hastings, by his first wife Isabel de Valence, was found his heir of the whole blood, and the said Hugh de Hastings was found his heir, but of the half blood; between whose son Edward Hastings, and the said Reginald de Grey, a long controversy took place for the arms of Hastings, the right whereto was at last decided in favour of De Grey. This decision, so contrary to law, so much incensed Hastings, that he is said to have left his curse upon his family if they did not attempt to recover their right. This has eventually come to pass, and Sir Jacob Astley, bart., one of the coheirs general of the before named Edward, has recently (1841) been declared by the House of Lords right heir to the ancient barony of Hastings, and taken his seat among the peers of the realm accordingly, whose descent being now contained in the printed peerages of the day, renders a further account here unnecessary.

Dugdale observes that Edward Hastings assumed the title of lord Hastings and Stuteville, as appears by a deed under his seal of arms, dated 4th November, the 8 Hen. IV., but by what authority is not mentioned. The following pedigree may explain the same, and show that he might also have assumed the title of lord Foliot.

William de Stuteville. — Margaret, dau. and heir of Hugh de Say, of Richard's castle. — (Widow of Robert Mortimer.)



On the gravestone of Sir John de Hastings, in the chapel of Hastings, at Elsing in Norfolk, were the following verses, which began the epitaph, viz:—

Hic stratus, si quo sit natus sanguine quæris :	Hugonem ; sed huic Everingham nata potentis
A proavo genitum noscas cuj nupserrat hæres	Nupsit, et Hugonis sit mater arma valentis,
Pembrokia Comitum, Vallensis origine nata ;	Nata cuj D'ni Spencer tedis generavit
Hinc Comites plures, donec crudelia fata	Edwardum, cui John Dinham natam sociavit.
Extulerant pestem (Woodstock) te convoco testem,	E quibus hoc tumulo stratus sit origo Johannes
Qui nece sub mœsta cecidit dum frangitur hastem.	Cui requies detur cunctis viventibus annis,
Hugo successit, miles, sibi qui sociavit	Hugo, Roberte quibus Edmundus frater habetur
Jordani Foliot natam ; de quâ generavit	Poscatis precibus celis requiescere detur.

WILLIAM HASTINGS.—(1 EDW. IV.)

WILLIAM DE HASTINGS, descended from a younger son of William de Hastings, steward to king Hen. II., and ancestor to the Hastings, earls of Pembroke, (before noticed) was summoned to parliament from the 1 to the 22 Edw. IV., as “*Will'o Hastings Militi Domino Hastings de Hastings.*” He was the lord Hastings of Shakespeare in his Tragedy of Richard III., by whose command he was so harshly beheaded, (1483).

Edward Hastings, his son and heir, having married Mary, daughter and heir of Thomas, son and heir of Robert lord Hungerford, was summoned to parliament from the 22 Edw. IV. to the 12 Hen. VII., as “*Edwardo Hastings de Hungerford.*” He died in 1507, but does not appear to have had the title of Hastings after his father's death.

George, son and heir of Edward lord Hungerford, had summons from the 1 to the 21 Hen. VIII., as “*Georgio Hastynges de Hastynges,*” shortly after when, 8 December, 1529, he was created earl of Huntingdon ; from which period this barony of Hastings became merged in the earldom, and so continued till the death of Francis the tenth earl, in 1789, s.p., when the earldom devolved upon the next heir male ; and the barony of Hastings, with that of Hungerford, as also the baronies of Botreaux, Molines, the sole heirship of one moiety, and a coheirship of the other moiety of the barony of Moels, descended to Elizabeth, sister and heir to earl Francis ; which Elizabeth married John Rawdon, earl of Moira in Ireland, whose son and heir Francis, after the death of his mother, in 1808, claimed the barony of Hastings, which was allowed to him, and in 1816, he was created marquess of Hastings, a degree of honour which none of the Hastings family had ever before attained. His son, the present marquess, therefore possesses all the titles of his father.^a

^a Dugdale in his account of this family says, that the first lord William was advanced to the degree and dignity of a baron, thereby intimating that it was by patent, and not by writ of summons.—(*Bar. vol. i., p. 581.*) But in that respect was in error.

RICHARD HASTINGS.—(22 EDW. IV.)

RICHARD HASTINGS, brother to William lord Hastings, having married Joan, sister and heir of Robert lord Welles, was summoned to parliament the 22 Edw. IV., and 1 Ric. III., as "*Ricardus Hastings de Welles, Chivalier.*" He had an only son Anthony, who died s.p., and thus terminated this barony.—(*Vide Welles.*)

HAUSTED.—(6 EDW. III.)

JOHN DE HAUSTED in the 1 Edw. II. had a grant to himself and the heirs of his body, of the manor of Deshangre, and other lands in the county of Northampton. The 1 Edw. III. he was seneschal of Gascoigne, and the 6, 8, and 9 Edw. III. had summons to parliament, but never after, nor is any further mention made of him by Dugdale, either as to any wife or issue. He appears to have died shortly after his last writ of summons.*

* Orig. 10
Edw. III. Rot.
18.

John de Hausted died seised of Deshangre, 10 Edw. III.—*Escheat, No. 43.*—.....

William, son and heir, æt. 30, et amp. ob. ante Edw. III.	Amicia, dau. of <i>Esch. 2 Hen. IV.</i>	John Hausted, to whom his father gave the manor of Adstock, in co. Bucks.— <i>Claus. Rot. 8 Edw. III.</i>	Elizabeth, daughter of John, and sister and heir to William.
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HERBERT DE HERBERT.—(1 EDW. IV.)

WILLIAM HERBERT had the lordship of Ragland in the county of Monmouth, which he enjoyed from Maud his grandmother, daughter and heir of Sir John Morley, knight, the hereditary owner thereof. The 1 of Edw. IV., he had summons to parliament by writ directed to *Willielmo Herberd de Herberd*, and afterwards to the 6 of Edw. IV., as *Willielmo Domino Herbert Chiv.*, or as *Willielmo Herbert Chiv.* In 1468, he was created earl of Pembroke, but the year following, 1469, was beheaded by order of the duke of Clarence, and the earl of Warwick; who, having revolted against king Edward, had taken him prisoner in an engagement, where he having the command of the royal army, was utterly defeated by the insurgents. He was twice married, first, to Anne daughter of Sir Walter, and sister to Walter D'Evereux, baron Ferrers of Chartley, and by her had William his eldest son, and other children; his second wife was Maud, daughter and heir to Adam ap Howel Graunt, by whom he had Richard Herbert, of Ewyas, ancestor to the present earl of Pembroke, and Sir William Herbert, of Troye.

William Herbert, eldest son by the first wife, succeeded his father, but king Edward being desirous to have the earldom of Pembroke in his own hands, got him to make

resignation thereof, and in exchange created him earl of Huntingdon. He was first contracted (as it is said) by king Richard III. to marry his daughter Catherine Plantagenet, but dying in her early years, the marriage did not take place, and he wedded one of the five sisters and coheirs of Richard Widville, earl Rivers, by whom he had an only daughter and heir Elizabeth, who married Sir Charles Somerset, a natural son of Henry Beaufort, the last duke of Somerset of that surname. Not having any male issue, the earldom of Huntingdon became extinct upon his death; but the barony of Herbert devolved on his said daughter Elizabeth, whose husband Sir Charles Somerset was created by patent, 22 Hen. VII., baron Herbert of Ragland, Chepstow, and Gower, and afterwards in 1526, earl of Worcester. From him is descended the present duke of Beaufort, heir of the before named baronies, and other dignities.

HERON.—(44 EDW. III.)

WILLIAM, grandson of Jordan Hairun, or Heron, who lived in the time of king John, married Mary, daughter and heir of Odonel de Ford, of Ford castle, in the county of Northumberland, and had issue William his son and heir, who married Christiana, daughter and heir of Roger de Notton, and by her had three sons, viz.; Walter, who died vi. pat., leaving a daughter and heiress Emeline, who married John Lord Darcy; Roger, second son; and Odonel, third son.

William Heron, son and heir of Roger, had summons to parliament the 44 Edw. III., but not afterwards, and has no further mention made of him, or of any descendants from him.

HERON.—(17 Ric II.)

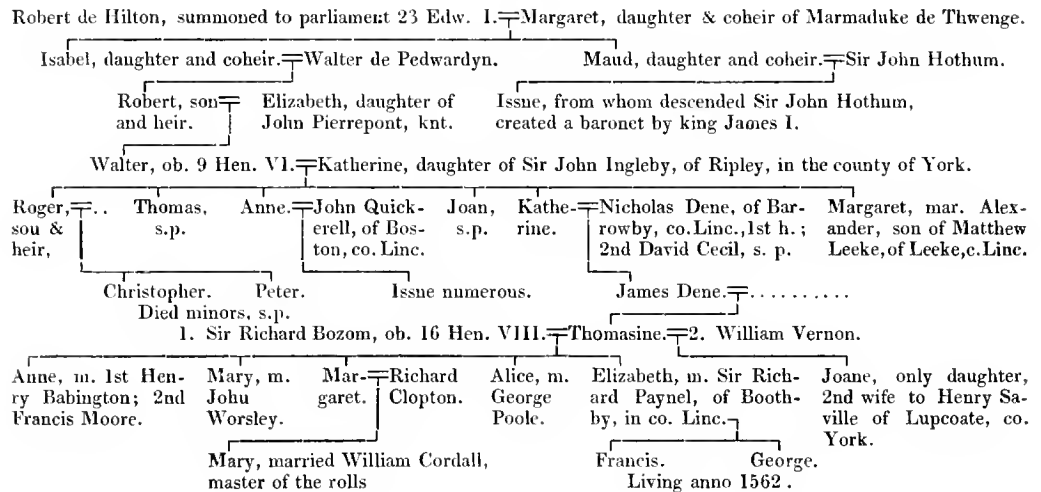
WILLIAM HERON, grandson of Odonel, before mentioned, had summons to parliament from the 17 Ric. II. to the 5 Hen. IV., as *Willielmo Heron Chiv'*; though it is certain that he was summoned *jure uxoris*, as lord Say: for in a charter dated 1 Hen. IV., to which he was a witness, he is styled *Willielmo Heron Dominus de Say, Seneschallus Hospitii Regis*. If any barony, distinct from that of *Say*, was created by his personal writ the 17 Ric. II., and confirmed by those subsequent, such barony terminated on his decease in 1404, s.p.

HILTON.—(23 EDW. I.)

ROBERT DE HILTON, of a very ancient family, whose chief seat was at Hilton Castle in the county of Durham, had summons to parliament the 23, 24, and 25 Edw. I., and in

* Dug. Lists
of Summons.

the 26th also a summons *equis et armis* to Carlisle; on which occasion he is denominated a *baron*; the earls and barons then summoned being all distinguished in the writ by their respective ranks.* He married Margaret, one of the three daughters, and eventually coheirs of Marmaduke de Thwenge, a great parliamentary baron, and had issue two daughters and coheirs, of which Isabel married Walter de Pedwardine; and Maud was wife of Sir John Hothum, knight.



ALEXANDER HILTON.—(6 EDW. III.)

ALEXANDER DE HILTON is presumed to be of the same family as Robert, but certainly not his son, as set forth in the printed laboured pedigree of the Hilton family. He had summons to parliament the 6, 7, 8, and 9 Edw. III., but never after, of whom further, or of his descendants, Dugdale does not take any notice. But in the parliament rolls the 1 Hen. IV.† among the nobles and great men then present, *Le baron de Hilton* is mentioned; yet in the writ of summons of that year, no such name is contained therein. In the said parliament rolls, in another part,‡ is recited *Mons'r William baron de Hilton*.

It is to be observed that the Hiltons from a long period back (tradition takes them to the time of king Athelstan) possessed Hilton castle, and were titular barons thereof, as holding it of the Palatinate of the bishoprick of Durham, so similarly styled as the barons of Chester were who held under the Palatinate of Hugh Lupus, earl of Chester.

This Alexander is said to have married Maud, daughter and coheir of Richard de Emeldon (widow of Richard Acton) and to have had a daughter Elizabeth who

† Vol. iii., p. 427.

‡ Vol. iii., p. 129, No. 12.

married Roger Widdrington, ancestor to the lords Widdrington, of whom, on the death of the last lord in 1774, s.p., his nephew Thomas Eyre of Hassop, son of his sister Mary, was his heir; but he dying s.p., the inheritance passed to the late Charles Towdley, esq., in right of his grandmother Mary Widdrington, who was aunt of the last lord and of the said Mary Eyre; and by his death, unmarried, in 1807, his only sister Cecilia became his heir, who married, first, Charles Strickland, esq.; and secondly, his cousin Jarrard Strickland, esq.

In the printed pedigree of this family, which is very fully given in Hutchinson's History of Durham, it is to be remarked that this Alexander de Hilton is stated to have had summons to parliament in the year before mentioned, and to have died the 42 Edw. III. that he married Alianor, daughter of William, and sister and coheir of Sir William Felton, of Felton, in the county of Northumberland, knight, and had issue Robert, who died in his lifetime, leaving a son William æt. eleven, the 42 Edw. III., heir to his grandfather; which William had issue a son William, who died 26th May, 1435, 13 Hen. VI.: of these two Williams it is probable the father is the person alluded to in the rolls of parliament before cited.

In this pedigree not any notice is made of Robert Hilton, of Swine, who married Matilda, one of the daughters and coheirresses of Roger de Lascelles, of Escrick.* But the whole deduction is confined to the male line of the Hiltons from Alexander, living the 19 Hen. II., apparently for the purpose of showing the descent of Sir Wastel Brisco, bart., and Hylton Jollyffe, esq., (now Sir Hylton) from Alexander the baron, and exhibiting a colourable pretension for claim to that barony.

* Vide Lascelles.

HOESE.—(22 EDW. I.)

MATHEW, son of Henry Hoese, of Hering, in the county of Sussex, had issue Henry, who married Joan, daughter of Alard Fleming, niece to John Maunsel provost of Beverley,† who upon the death of the said Matthew, circ. 39 Hen. III., gave six hundred marks for the wardship of Henry his son and heir, with the custody of his lands, he being then in minority; which

† Dug. Bar. vol. i., p. 623.

Henry was afterwards one of those in arms against the king, 49 Hen. III. He died the 18 Edw. I.,‡ being then seised of divers manors in the county of Kent, and of Herting, in the county of Sussex, leaving Henry his son and heir æt. twenty-four, who doing his homage the same year, had livery of his lands;§ which

‡ Esch. 18 Edw. I., No. 36.

§ Rot. Fin. 18 Edw. I., m. 5.

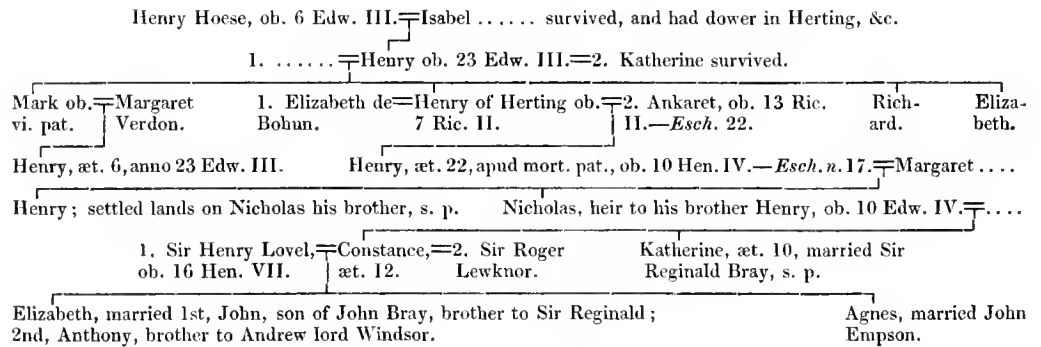
Henry Hoese the 22 Edw. I. had summons to parliament, though the place of meeting was not named in the writ, but which afterwards was assembled at Westminster,|| and from that time had summons to all the parliaments of that reign to the 6 Edw. III.,

|| Rot. Parl.

when he died, leaving Henry his son and heir, aged thirty, and Isabel his wife surviving, who had dowry in Herting, and in other manors in several counties; which

Henry had summons to parliament from the 11 to the 23 Edw. III., about which time he died, leaving Henry his grandson (son of Matthew his eldest son, who died vi. pat.) his next heir, then six years of age, and Catherine his second wife surviving; which Henry, the 7 Ric. II., doing his homage, had livery of his lands;* but was never summoned to parliament; and by reason thereof, Dugdale closes all further account of this line of the Hoese, or Huse, or Hussey family.

* Rot. Fin. 7 Ric. II., m. 27.



HOESE, OR HUSE, OF BEECHWORTH.—(22 EDW. III.)

ROGER, son of John Hoese, or Huse, of the same family, as supposed by Dugdale, with the one before mentioned, was of Beechworth, in the county of Surrey, which with other considerable lands, he acquired as cousin and heir of John de Berewyk, who died temp. Edw. II.† In the 22 and 23 Edw. III. he had summons to parliament, but never after, nor any of his descendants. He died 35 Edw. III., leaving by Margery his wife, widow of Herbert St. Quintin,‡ John his son and heir, æt. forty, of whom no further mention is made by Sir William Dugdale. This

† *Esch.* 6 Edw. III., No. 43.

‡ *Esch.* 35 Edw. III., No. 99.

John Hoese appears to have been married, as in *Esch.* 44 Edw. III., No. 33, notice is made of John Husee and Isabel his wife, as to the manor of Burton Sacy; and in *Originalia*, 48 Edw. III., No. 34, is recited John, son of John Husee, Burton Sacy, in the county of Southampton.

Collins, in his peerage account of the earl of Portsmouth's family, states that John Husee left a daughter Alice, who married Richard Wallop, ancestor thereof; but Vincent asserts she is called daughter of Roger; yet whether daughter of Roger or of John, would still vest whatever right of barony there might be in the descending heir or heirs

from Richard Wallop. In Hutchins's History of the County of Dorset* may be found * Vol. i. p. 152 many records cited, which are variant to each other.

HOLLAND.—(8 EDW. II.)

ROBERT DE HOLLAND, OR HOLLAND, from the humble origin of a poor knight, and secretary to Thomas Plantagenet, earl of Lancaster, became of such importance as to be summoned to parliament among the nobles of the realm from the 8 to the 14 EDW. II.; but in the year following, on the insurrection of the said earl of Lancaster, made more against the Gavestones than the king, he failed the noble earl (his benefactor) in his promises of assistance, whereby he incurred the hatred of the people; and being taken afterwards in a wood near Henley park, he was without trial beheaded. He married Maud, one of the daughters and coheirs of Alan baron Zouche, of Ashby, and by her had four sons, viz., Robert, his successor; Thomas, who became earl of Kent; Alan and Otho, who died s.p.

Robert Holland, the eldest son, had summons the 16, and afterwards from the 37 to the 46 EDW. III., and died the year following, 1373, leaving Maud his granddaughter and heir, viz.; daughter of Robert Holland his eldest son, who died vi. pat.; which Maud married Sir John Lovel, and carried the barony of Holland into that family, wherein it so remained till the attainder of Francis viscount Lovel, when the same, with all his other honours became forfeited to the crown; which otherwise would have fallen into abeyance between his sisters, of whom Joane, or Jane, married Sir Bryan Stapleton; and Fridiswide, Sir Edward Norris, knight.† The first now represented by the lately † Vide Lovel. acknowledged lord Beaumont; and the other by the present earl of Abingdon.

HOLLAND.—(27 EDW. III.)

THOMAS HOLLAND, second son of Robert the first baron Holland, before mentioned, had summons to parliament from the 27 to the 31 EDW. III. inclusive. Having married Joane, heiress to her father Edmund, and her brothers Edmund and John, earls of Kent, he in her right assumed that title, and was thereby summoned to parliament the 34 EDW. III., but to no other subsequent parliaments, as deceasing the same year.

Thomas, his eldest son, became his successor, and the 9 RICH. II., his mother Joane being then dead, he had a special livery of the lands of her inheritance. He was half brother by his mother to king Richard II., and by that title, viz., *Carissimo Fratri Regis Thomæ Com' Kanc.*, had summons to parliament the 6 RIC. II., and to other subsequent

parliaments of the same reign. He died the 20 Ric. II. His wife was Alice, daughter of Richard, earl of Arundel, by which lady he had two sons, Thomas and Edmond, successively earls of Kent; and two other sons, John and Richard, who both died s.p.; also six daughters, whereof Eleanor married, first, Roger Mortimer, earl of March, secondly, Edward Cherleton de Powys; Margaret married, first, John Beaufort, marquess of Dorset, and next, Thomas, duke of Clarence; Joane was wife, first, of Edward, duke of York, secondly, of William lord Willoughby, thirdly, of Henry lord Scroope, and fourthly, of Sir Henry de Bromflete; another Eleanor wedded Thomas, earl of Salisbury; Elizabeth married Sir John Neville knight; and Bridget was a nun at Berking.

Thomas Holland, the eldest son, was upon the death of his father summoned to parliament the 21 Ric. II., as earl of Kent; but having been created duke of Surrey, he was in the next parliament of the same year summoned, viz: "*Charissimo Consanguineo suo Thomæ Duci Surr.*" But this honour was of short duration; for Henry, duke of Lancaster having seized the crown, he, with the earl of Salisbury and other nobles, took arms to restore king Richard, in which attempt he and the confederate lords were suddenly surprised and overpowered at Cirencester, and were seized and beheaded by the townsmen; and in the parliament holden the next year he was attainted and his lands forfeited. Not having any issue his dukedom of Surrey became extinct.

Edward Holland, his brother and heir, who was then in minority, had afterwards great favour shown him, and had a special livery of divers castles, manors, &c., which devolved upon him under some old entail theretofore made by his ancestors; and furthermore had summons to parliament as earl of Kent the 7 Hen. IV., as also in the following year: but shortly after then, circ. 9 or 10 Hen. IV., died without leaving any legitimate issue, whereby the earldom of Kent became extinct; and the barony of Holland, if not affected by the attainder of the duke of Surrey, fell into abeyance between his six sisters, or their representatives, whose marriages have been before mentioned.

HOTHUM OR HOTHAM.—(8 EDW. I.)

John, the son of Peter de Hothum, brother to John, bishop of Ely, who was also twice Lord Chancellor, had summons to a parliament convened to meet at York, the 8 Edw. II., but in that writ it is observed that the names of the justices, and others of the king's council were intermixed with the earls and barons, and in a writ of the same year for a parliament to meet at Westminster; * his name is then recited among the justices and others of the king's council, so also in the 9 and 11 Edw. II., but after, his name is not included in any other writs of summons.

* Dugd. Lists of Summ.

From this statement there is not anything to warrant his being considered to have been a baron by virtue of the aforesaid writs of summons. He had issue a son John, who had two daughters, viz., Alice and Catherine; whereof, the former is said to have married, first Hugh Despenser, and to have had a son Hugh who died s.p., and a daughter Anne who married Edward Boteler, who died s. p., 10 Hen. IV. Her second husband was John Trussel, by whom she had a son Sir John Trussel, knight, who died s. p. Thus, by failure of issue surviving from John so summoned, the 8 Edw. II., Edmund Skerne, descended from Peter next brother to the same John, was upon claim to certain lands in the county of Warwick, the 38 Hen. VI., found to be heir to John Hothum bishop of Ely, and chancellor of England.

There was a John Hothum who married Maud, one of the daughters and coheirs of Robert de Hilton,* who, by the printed baronetages of the Hothum family is represented to have descended from Thomas Hothum, another brother of the said John, and nephew to the bishop of Ely; which Thomas must have been a younger brother, or the issue from Peter could not have made good the claim preferred as heir to the bishop. * Vide Hilton.

HOWARD.—(49 HEN. VI., AND 9 AND 10 EDW. IV.)

THE rise of this distinguished family, now holding the highest rank among the nobility of the kingdom, and embracing in its name as members of it, so many titles in the peerage of the realm, owes its first origin to the fortuitous circumstance of an illustrious marriage made by Sir Robert Howard with Margaret, eldest daughter (as called by Collins) and coheir^a of Thomas de Mowbray, duke of Norfolk, by Elizabeth his wife, daughter and coheir of Richard Fitz Alan, earl of Arundel, and cousin and coheir of John, the last Mowbray duke of Norfolk.

Sir John Howard, only son and heir of Sir Robert, by this fortunate alliance, was first raised to the dignity of a baron, by writ of summons to parliament, the 49 Hen. VI., (or rather the 9 and 10 Edw. IV.,) addressed, "*Johanni Howard de Howard, Militi,*" and from thence to the 22 Edw. IV.; after when, in 1483, he was created duke of Norfolk, by king Richard III., to whom, much to his honour, he steadfastly adhered, and with him was slain at the battle of Bosworth. The barony of Howard, by the subsequent advancement to a higher dignity, became merged in the dukedom of Norfolk, and so continued, though with divers alternate forfeitures, and restorations, till the death of Edward the 11th duke, in 1777, s.p., when it, with other baronies, fell into abeyance between the two daughters and coheirs of his brother lord Philip Howard; of which, the

^a Isabel the other daughter and coheir married the lord Berkeley.—(Vide Berkeley.)

eldest married the lord Stourton, and the youngest the lord Petre; whose representatives, the present barons Stourton, and Petre, are the coheirs in the said abeyance.*

* Vide Mowbray.

It may be observed that the origin of the family of Howard is of itself involved in great ambiguity of descent, notwithstanding the illustrious lineage attributed to it by Collins, and various other genealogical writers, and the ingenuity of flattering heralds. Sir William Dugdale with much candour assumes only to deduce it from Sir William Howard, a judge in the court of the Common Pleas, temp. Edw. I., and he confesses his inability to go further back; but by a MS. in the possession of the author, under the attestation of Sir William, that learned baronagian regrets he had not seen the record from whence it is copied, before he had published his celebrated work. He says, that from the evidences therein cited, he is perfectly well satisfied that the pristine name was *Haward*, and the judge descended of the family of that name in Lancashire: indeed, on referring to the writs of summons† by which William the judge was in that capacity called to parliament, the name is written *Haward*, and not *Howard*. In the 21 of Edw. I., by the name of William *Haward*, he was one of the justices of assize ‡ for the counties of Lancaster, Nottingham, and Derby: but, in the 25 Edw. I., being made one of the justices of the King's Bench, his name is thus noted,§ viz: *Will' Howard admissus & sacramentum prestitit, 11 Oct.*; and by the name of *Howard* had his summons to parliament in that year; yet in all the subsequent years he is called *Haward*.

† Dug. Lists of Summ.

‡ Dug. Origines, p. 31.

§ Ibid, p. 32.

From this it would seem that *Haward* and *Howard* were synonymously used as applying to the same person; but it nevertheless divests the Howard family of its far-famed genealogical descent from the Norman earls of Passy, and leaves Sir John Howard to be the founder of his own nobility, far later than many others of inferior rank in point of dignity: with reference to whom he might say, as Ajax retorted to Ulysses:

“ Nam genus, et proavos, et quæ non fecimus ipsi.

“ Vix ea nostra voco.”

HOWARD DE WALDEN.—(39 ELIZ.)

THIS title, now extinct in the Howard name, first commenced in the person of Thomas Howard, eldest son of Thomas fourth duke of Norfolk, by his second wife Margaret, daughter and heiress of Thomas lord Audley, of Walden, who had been so created in 1538, with remainder to his issue male; for want, whereof, the title upon his decease in 1544 became extinct: which

Thomas Howard had summons to parliament the 39 Eliz., the writ being addressed to him, viz: “*Thomæ Howard de Walden Chevalier*.” the like summons he also had the

43 Eliz.; but after then he was advanced to the title of earl of Suffolk, the 1 James I., and by that title had summons to parliament the same year, though it is not mentioned in the Lords Journals when he took his seat either as lord Howard de Walden, or as earl of Suffolk. He died in 1626, and was succeeded by his eldest son,

Theophilus Howard, second baron, and earl of Suffolk, who in his father's lifetime had been called by writ to parliament, by the description of "*Theophilus Howard de Walden Chiv' primogenito Tho' Comitiss Suff'*"; but it does not appear that he took his seat at this time, the journals* first noticing his name viz: "Theophilus lord Howard of Walden introduced, being summoned by writ, 9 Feb., 1609." By Dugdale's Lists he is stated to have been again summoned the 7, 8, 12, 18, 19, and 21 Jac. I., and 1 Car. I.; after when he became earl of Suffolk. He died in 1640, having had issue by Elizabeth his wife, daughter and coheir of George lord Hume, of Berwick, (earl of Dunbar in Scotland) several sons; whereof James the eldest succeeded his father; which

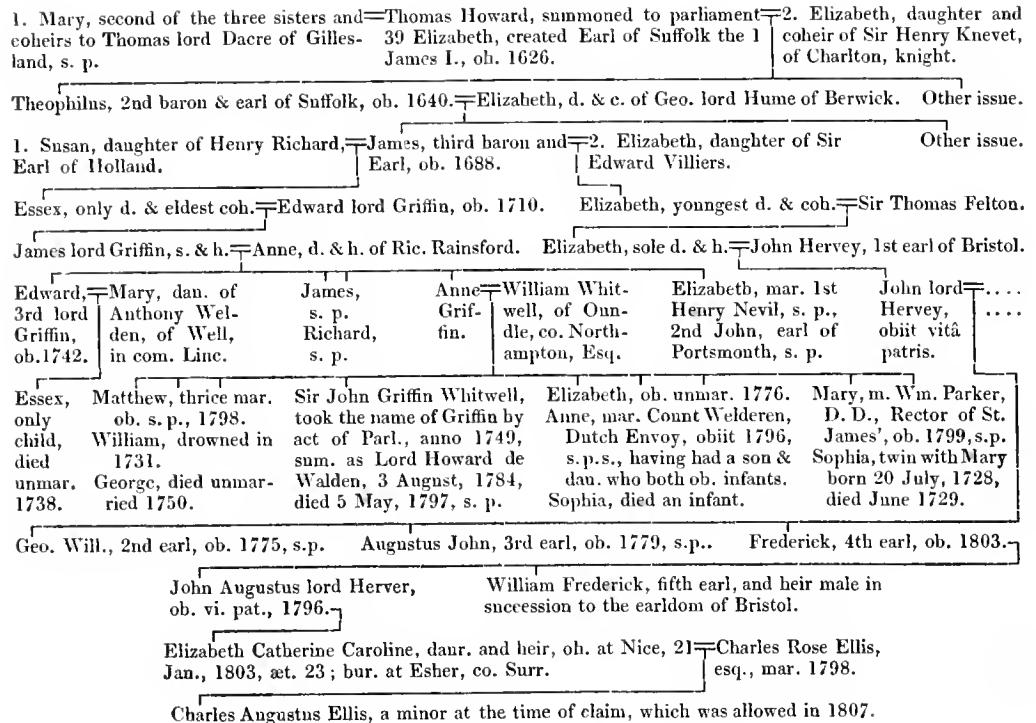
* Journ.
Dom. Proc.

James, third lord Howard, and earl of Suffolk, by Susan his first wife, daughter of Henry Rich, earl of Holland, had an only daughter Essex Howard, who married Edward lord Griffin; and by Barbara his second wife, daughter of Sir Edward Villiers, had also an only daughter Elizabeth, who married Sir Thomas Felton, of Playford, in the county of Suffolk. Dying in 1688, without issue male, the earldom of Suffolk devolved upon his brother George Howard, and the barony of Walden fell into abeyance between his two daughters before mentioned; and so remained till upon the claim of Sir John Griffin Whitwell, who had taken the name of Griffin, descended from lady Essex Howard, the eldest coheir before mentioned, the abeyance was determined by the king, in his favour, and he accordingly had summons to parliament as lord Howard of Walden, and took his seat in the House of Lords the 9th of August 1784.†^a Deceasing in 1797, without issue, and all the issue of lady Essex Howard being extinct; the barony then devolved upon the heir representative of the lady Elizabeth Howard, who married Sir Thomas Felton, viz: Charles Augustus Ellis, son and heir of Elizabeth Catherine Caroline, wife of Charles Rose Ellis, esq., daughter and heir of John Augustus Hervey, who died in the lifetime of his father Frederick, fourth earl of Bristol; son of John lord Hervey, who died in the lifetime of his father John Hervey, first earl of Bristol, who married Elizabeth, sole daughter and heir of Sir Thomas Felton, by Elizabeth his wife, second daughter and coheir of James third baron Howard, of Walden, and earl of Suffolk.

† Ibid.

^a There seems some doubt as to the creation of this barony by writ in the person of lord Thomas Howard, the 39 Q. Eliz. The Lords Journals do not shew that he ever took his seat as lord Howard de Walden, the first mention therein of such a title being that of Theophilus his son, after his father had been created earl of Suffolk; from which circumstance it may be inferred, that the barony was incorporated in the patent of the earldom of Suffolk, limited to issue male.—*Vide some interesting remarks respecting this subject in the Sydney papers, vol. ii: and in a note in Banks's Darmant and Extinct Baronage, vol. ii., p. 278.*

HOWARD OF WALDEN.



HUNGERFORD.—(14 HEN. VI.)

WALTER HUNGERFORD, of a very eminent family and ancient descent, was first summoned to parliament the 14 Hen. VI., and from thence to the 27 of the same reign; about which time he died. By Catherine his first wife, who was one of the daughters and coheirs (with Alianor her sister, wife of William Talbot,) of Thomas Peverell, by Margaret his wife, daughter of Thomas Courteney, by Muriel his wife, one of the daughters and coheirs of John lord Moels,* he had issue three sons, viz.: Walter who died vi. pat., s. p.; Robert his successor, and Edmund who married Margaret, daughter and coheir of Edward, son and heir apparent of Hugh lord Burnell,† but died vi. pat., and by her was ancestor to the Hungerfords of Down Ampney, in the county of Wilts.

* Vide Moels.

† Vide Burnell

Robert, eldest surviving son of Walter, was the second baron Hungerford. In the 17 Hen. VI., upon the death of Alianor Talbot, his mother's sister, he was found to be her heir, and thereupon had livery of her inheritance; acquiring by her death s. p., one

moiety, and a coheirship in the barony of Moels. He had summons to parliament from the 29 to the 33 Hen. VI., and deceased the 37, (1459,) leaving by Margaret his wife, sole daughter and heir of William lord Botreaux,* Robert his son and heir, which

* Vide
Botreaux.

Robert, third lord Hungerford, having married Alianor, daughter and heir of William lord Molines,† had in his father's lifetime, summons to parliament from the 23 to the 31 Hen. VI., as "*Roberto Hungerford, Militi Domino de Moleyns;*" but he does not appear to have been ever summoned after his father's death as lord Hungerford. Being on the part of king Henry, at the battle of Towton, he was attainted in the parliament of the 1 Edw. IV.: after this, still adhering to the Lancastrian side, he was taken prisoner on their defeat at the battle of Hexham, and being conveyed to Newcastle, was beheaded, (1463). By the said Alianor Molines, his wife, he had issue three sons, Thomas, Walter, and Leonard: of these,

† Vide Moline.

Thomas Hungerford, his son and heir, for a time supported king Edward; but afterwards endeavouring the restoration of king Henry, he was seised, tried at Salisbury, condemned as a traitor, and beheaded. His wife was Anne, daughter of Henry earl of Northumberland, by whom he had a sole daughter and heir, Mary, who married Edward, son and heir apparent of William, then lord Hastings: which Edward, notwithstanding the attainders of his wife's father and grandfather were not reversed, obtained so much favour from king Edward, that he was summoned to parliament the 22 Edw. IV., as "*Edwardo Hastings de Hungerford, Chiv.;*" and again by the same description the 1 Ric. III.; but in the 1 Hen. VII., those attainders were reversed, and he continued to be summoned by the same style. His son George was created earl of Huntingdon; when the baronies of Hungerford, Molines, and Botreaux became merged therein, as under Hastings has been before noticed,‡ and are now vested in the present marquess of Hastings.

‡ Vide
Hastings.

HUNGERFORD OF HAYTESBURY.—(28 HEN. VIII.)

WALTER HUNGERFORD, son of Sir Edward, and grandson of Walter, next brother to Thomas, beheaded at Salisbury, and heir male of Walter the first lord Hungerford, was summoned to parliament the 28 Hen. VIII., as "*Walter Hungerford de Haytesbury Chiv.;*" and took his seat the 8th of June, the same year; but in the 31 Hen. VIII., he was attainted in parliament, and the following year suffered death on Tower Hill. The crimes laid to his charge seem to have been of a trifling nature, rather preferred to get possession of his great estate, than for the seriousness of their offence; unless that of the practice of an unnatural crime be considered, of which he was accused, and which led to the

judgment given against him : thus his barony became forfeited.^a By Susanna Danvers, his first wife, he had issue Walter his son, hereafter mentioned, and three daughters, whereof Susan married first, Michael Ernly, whose heir or coheir general was the late Mrs. Earle Drax Grosvenor ; secondly, John Moring ; and thirdly, Sir Crew Reynolds ; Lucy the second daughter, married first, Sir John St. John, and secondly, Sir Anthony Hungerford, of Black Bourton, in the county of Oxford, second son of Sir Anthony Hungerford, of Down Ampney ; and Jane the third daughter, married Sir John Kerne, knt. The said lord Hungerford, by Alieia Sandys his second wife, had issue Sir Edward Hungerford, who was twice married, but died in 1608, s.p. ; also two daughters, viz. : Mary, who married first, Thomas Baker, and secondly, Thomas Shaa ; Anne, the other daughter, died unmarried. He is said by Leland* to have had a third wife, Elizabeth, daughter of John lord Hussey : but Sir Richard Colt Hoare, in his *Hungerfordiana*,† names her Isabel, and does not give any issue from her.

* Vol. ii., pp. 59-60.
† P. 11 et sequens.

‡ Rot. 32.

Walter, only son and heir of the attainted lord, was restored, not in queen Mary's reign, but in the 34 and 35 Hen. VIII. :‡ the act, however, is a mere restoration in blood, specially excepting the title, and the castles, manors, &c., of this great inheritance : as such, without a reversal of the attainder, no baronial claim can be maintained by his descendant heirs general. This Walter was first married to Anne Basset, but had not any issue by her ; his second wife was Anne Dormer, by whom he had a son Edmond, who died s.p. : whereby, upon his own death, his sisters, or their representatives became his coheirs.

HUNTERCOMBE.—(45 HEN. III., AND 23 EDW. I.)

WILLIAM DE HUNTERCOMBE, married Isabel, one of the daughters and coheirs of Robert de Muschamp,§ called by Matthew Paris, a man of great note in the North, where he held in *capite per baroniam*, and was summoned as a baron to the parliament called to meet in London by writ, the 45 Hen. III.||

§ Vid. Banks's Dorm. & Ext. Baron., v. i., p. 146.
|| Claus. Rot. m. 3, in Dorso.

Walter de Huntercombe, his son and heir, had summons to parliament from the 23 Edw. I. to the 4 Edw. II.^b In the parliament at Lincoln the 29 Edw. I., he is mentioned by the name of *Walterus de Huntercombe*, as one of those barons who subscribed their

^a The parliament was assembled 28 April, 31 Hen VIII, and afterwards by prorogation continued to the 20 April, 32 Hen. VIII, and after by other prorogations to the 24 July, when the attainder was made. (*Rot. Parl. in the Rolls Chapel.*) The great Cromwell, earl of Essex, was tried at the same time, found guilty and beheaded ; but it is remarked that he was not allowed to make any defence, and the legality of the conviction of these two peers is very much questioned.

^b Although there is not any writ of summons upon record, yet it appears from the Rolls of Parliament that he was present therein, the 18 Edw. I., when an aid was granted for the marriage of the king's eldest daughter.

names, and affixed their seals to the memorable letter then written to the pope. He died circ. 6 Edw. II., when his barony under his writs of summons became extinct, and Nicholas Newbaud, son of Gunnora his sister, by Richard de Newbaud, became his nephew and heir. Yet, it would seem there was as good a right derivable from the writ of the 45 Hen. III. to his nephew, as any pretended to be claimed by the descendants of those who were summoned to the parliament called by the rebel barons the 49 Hen. III.

This Walter married Alice, one of the daughters and coheirs of Hugh de Bolebec, a great feudal baron in the county of Northumberland; but not having any issue by her it appears that the king took the homage of Thomas de Lancaster, cousin and next heir of Alice, who was the wife of Walter de Huntercombe, deceased, as to those lands which the said Walter, by the law of England, held of the inheritance of his wife, in the county of Northumberland.*

* Orig. 7 Ed.
II., Rot. 6.,
Northumb.

HUNTINGFIELD.—(45 HEN. III. AND 22 EDW. I.)

WILLIAM DE HUNTINGFIELD, in the time of king John, was one of the twenty-five barons appointed to enforce the observance of Magna Charta, which shows the eminent degree of rank and importance in which he then was esteemed.^a

Roger de Huntingfield, his son and heir, died the 41 Hen. III.,[†] leaving Joane, his wife, one of the daughters and coheirs of William de Hobrugg, and William his son and heir surviving, which

† Esch. Rot. 29

William de Huntingfield was one of those who as a baron had summons to that parliament which the king called to meet in London the 45 Hen. III.[‡] He died the 11 Edw. I., and was succeeded by his son

‡ Claus. m. 3,
in Dorso.

Roger de Huntingfield, who had summons to parliament the 22 and 25 Edw. I. Though not summoned to the parliament at Lincoln the 29 Edw. I.,[§] he was one of those nobles who had his seal appended to the famous letter then written to the pope, on which occasion he is designated *Rogerus de Huntingfelde Dominus de Bradenham*. He

§ Dugd. Lists
of Summ.

^a Sir Harris Nicolas, in his Peerage Synopsis, makes a note that Dugdale did not consider this family to obtain baronial rank until the summons of the 25 Edw. I.: but, from the circumstance of having been one of the twenty-five barons appointed to enforce the observance of Magna Charta, it was pretty evident it should be considered as possessed of that dignity. Taking this observation to be correct, it follows that the descendants of the said William were to be similarly considered, and that their baronial rank was founded on tenure, but was not acquired by creation by writ; their right of summons to parliament being incident to their tenure, as confirmed by Magna Charta. Any summons, however, which might be directed to them after the alienation, or divisional dismemberment of their baronial lands, would be creative of a personal descendable barony.

* Esch. 31
Ed. I., no. 31. died circ. 30 Edw. I., leaving Joice,* daughter of John de Engaine, and William his son and heir, which

William de Huntingfield does not appear to have ever been summoned to parliament. He died the 7 Edw. II.,† leaving Roger his son and heir, then in minority, and Sybilla his wife surviving, who remarried William le Latimer.

Roger de Huntingfield never had summons to parliament, and deceased the 11 Edw. III., leaving issue, according to Dugdale, by Cecilie his wife, daughter of Sir Walter de Norwich, knight,

William de Huntingfield his son and heir, then under eight years of age, who, the 25 Edw. III., making proof of his majority, had livery of the lands of his inheritance, and had summons to parliament from the 25 Edw. III. to the 49, inclusive, and died the year following, leaving, says Dugdale, Alice the widow of Sir John Norwich, his kinswoman and next heir; but Morant, in his History of Essex, asserts‡ that he left two daughters his coheirs, viz.: Alice, wife of Sir John Norwich; and Mariona, who married first, John de Huntingfield, and secondly, Stephen le Scrope.

On considering these two contradictory statements, that of Morant inclines most to be correct; with the exception only, that it was the William summoned to parliament from the 25 to the 34 Edw. III., who left these daughters, and not William whose name appears from the 44 to the 49 Edw. III., and who is rather indicated, from the inspection of the succession of the writs of summons, to have been son and heir of John de Huntingfield, by Mariona before mentioned; for thus Dugdale recites the several writs,§ viz.: William de Huntingfield, from the 25 to the 34 Edw. III.; John de Huntingfield, from the 36 to the 43 Edw. III.; William de Huntingfield, from the 44 to the 49 Edw. III.

§ Dugd. Lists
of Summons.

|| Vol. xi. p. 18

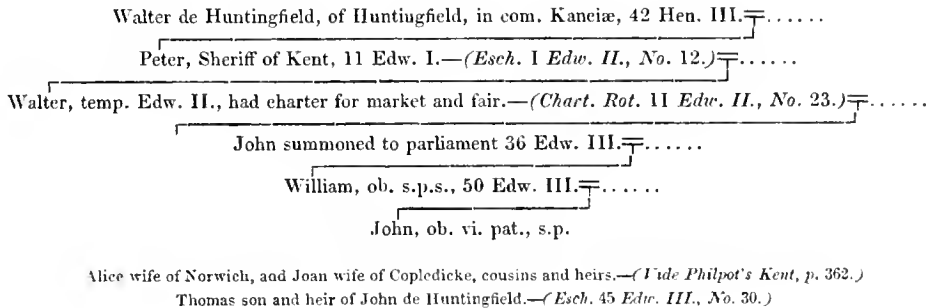
In Blomfield's Norfolk, continued by the Rev. Charles Parkin,|| he states that William, son and heir of Roger, son of William de Huntingfield, died the 7 Edw. II., and in the 13 of that king, Walter de Norwich, a baron of the exchequer owed £18 for the farm of the custody of the third part of the manor of Huntingfield in Suffolk, late William Huntingfield's, which Sibilla his widow held in dower, after whose death it was in the king's hands by the minority of Roger his son and heir.

In the 3 Edw. III., Roger de Huntingfield and Alianor his wife were found to hold of queen Isabel, as of the honour of Eye, half a fee in Barton, and Roger was their son and heir as appears by the Escheat Rolls; and the 17 of that king, Richard de Keleshull, who had married the said Alianor, conveyed by fine to Thomas de Sywardeby and Elizabeth his wife, the moiety of divers lands, to be enjoyed after the death of Alianor, widow of Roger de Huntingfield, by Richard de Keleshull for life, remainder to Thomas and Elizabeth Sywardeby and their heirs; the said Elizabeth being probably sister and heir to Roger.

JOHN DE HUNTINGFIELD.—(36 EDW. III.)

JOHN DE HUNTINGFIELD had summons to parliament from the 36 to the 43 Edw. III., but who he was, how descended or connected with the branch before noticed, Dugdale does not notice, nor give any account of him; nor does Sir Harris Nicolas in his Peerage Synopsis attempt to explain.

The following pedigree may in some respect show his descent, though it does not the connection with the other family.



HUSSEY OF SLEFORD.—(21 HEN. VIII.)

JOHN, son of Sir William Hussey, chief-justice of the King's Bench, temp. Hen. VII., first entered the parliament chamber as a baron the 21 Hen. VIII.: his name does not appear in the writs of summons of that year, from which it may be inferred that it was not till after the session had commenced that he was called thereto. In the next parliament, convened the 25 Hen. VIII., his name is written in the writs, *Johanni Hussey (de Sleaford) Chivalier*; so also in the 28 Hen. VIII. But shortly after engaging in that insurrection on account of religion which then broke out, he was attainted of high treason, his manor of Sleaford, with other lands to the value of five thousand pounds per annum confiscated, and he himself beheaded at Lincoln anno 1537: thus his barony became forfeited. His children were however afterwards restored in parliament the 5 queen Elizabeth; but neither his estates nor the title were granted to his heirs. He was twice married; first, to Margaret, daughter and heir of Simon Blount, of Mangotsfield, and relict of Sir John Barrs, of Barrs Court, in the county of Gloucester, by whom he had Sir William Hussey, of Beauvale, who by Ursula his wife, daughter and coheir of Sir Robert Lovell, left issue (at his death 19th January, 1555-6) two daughters his coheirs, viz: Nella, æt. forty-one, who married Richard Disney, of Norton Disney, in the county

of Lincoln; and Anne, æt. forty, who married Francis Columbello, of Darley, in the county of Derby.* The second wife of lord Hussey was Anne, daughter of George, earl of Kent, by which lady he had Sir Giles Hussey, of Caythorpe, in the county of Lincoln, and other issue. Dugdale in his Baronage makes this lady his first wife, but in this he was evidently wrong, as lord Hussey's grandchildren, through Margaret Blount, were older than his eldest daughter by lady Anne Grey. The heirs representative of Disney and Columbello would be coheirs to the barony were it not for the attainder. Sir William Hilary is presumed the heir of the Disney line.

INGE.—(8 EDW. II.)

WILLIAM INGE was appointed king's serjeant the 21 Edw. I., and the 8 Edw. II. had summons to parliament; but in that year, the justices and others of the king's council were intermixed in the same writ with the earls and barons,† so that it cannot be considered that he was thereby ennobled with a barony descendable to his issue. He was afterwards summoned only as other of the king's council and justices were.

In the 9 Edw. II. he was made a justice of the Common Pleas, and in the 11 Edw. II. chief-justice of the King's Bench,‡ but never was again summoned among the barons of the realm.

He married Margery, one of the daughters and coheirs of Henry Grapenell, and died circ. 1321,§ leaving female issue, of which Joan, a daughter, married Eudo, son and heir apparent to William lord Zouche, of Haryngsworth, who died in the lifetime of his father.

INGHAM.—(2 EDW. III.)

JOHN DE INGHAM, of Ingham, in the county of Norfolk, married Albreda, one of the daughters and coheirs of Walter (or William||) Waleran, a great feudal baron, and was according to Dugdale,¶ grandfather of

John de Ingham, who, the 26 Edw. I., had summons to Carlisle, equis et armis, being in the writ styled a baron, the earls and barons being therein distinguished by their respective ranks.** He died the 2 Edw. II., leaving Margery his wife surviving, and Oliver his son and heir æt. twenty-three, which

Oliver de Ingham became a person of great note, and in the 2 Edw. III. had summons to parliament; also in the 4th to another parliament at Winchester, and the same year to a great council to be holden at Oseney, as likewise to one to be holden at Nottingham.

* Harl. MS. n. 756., pp. 465-6

† Dugd. Lists of Summ.

‡ Chronica Juria.

§ Esch. 15 Edw. II. n. 42.

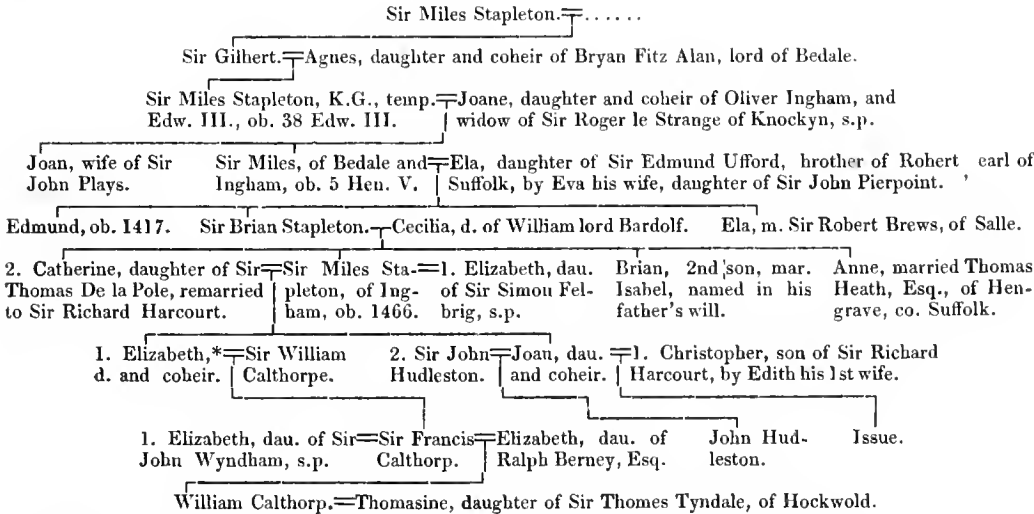
|| Harl. MSS. n. 807, (54) fol. 64.

¶ Baron. vol. ii., p. 104.

** Dug. Lists of Summ.

In the 16 Edw. III. he was again summoned with the earls and barons to a great council to be holden at Westminster, shortly after which he died, circa 18 Edw. III.,* never having been again summoned, leaving Joane, the wife of Roger le Strange, of Knokyn, his youngest daughter, then living, æt. twenty-six; and Mary, the daughter of John Curzon, (by Elizabeth his eldest daughter, deceased) then nine years of age, his next heir;^a which Joane afterwards became the wife of Milo de Stapleton. Elizabeth, the wife of the said Oliver de Ingham, still surviving, had dowry in certain lands in the counties of Norfolk, Sussex, and Wilts.

* Orig. 18 Edw. III., Rot. 2.



* On the death of Sir William Calthorp, she is said to have remarried Sir John Fortescue, chief-justice of the Court of King's Bench, who with her resided at Ingham. On his death, she was again married to Sir Edward Howard, Lord High Admiral.

The following inscriptions, on several gravestones in the chancel of the church at Ingham, support the accuracy of the Stapleton pedigree.

Under an arch on the north side lie the effigies of Sir Oliver Ingham in complete armour, also twenty-four mourners about his monument and the sides of it:

“Mounsier Oliver de Ingham gist icy, et Dame Elizabeth sa compagne que luy Dieux de les almes eit mercy.”

On the pavement of the chancel a portraiture of a knight in complete armour, and his lady on the right hand in brass: round the gravestone:

“Priez pour les almes Monsieur Miles de Stapleton et Dame Johanne sa femme, fille de Monsieur Olivier de Ingham, fondeurs de ceste mayson, que Dieu de leur almes eit pitee.

^a He had a son John de Ingham, who died in his lifetime, the 12 Edw. III., s. p.

On another gravesone, the portaitures in brass of a knight in armour, with his lady and this epitaph :

“Iey gist Monseur Miles de Stapleton fils al Foundeur de ceste Mason, et Dame Ela sa compagne, &c.”

On another, a knight and his lady, with this inscription :

“Hic jacet Dñs Brianus Stapleton fil Dñi Milonis Stapleton filii Fundatoris qui ob. 29 Die mensis Augusti anno quadringentesimo et Dña Cecilia filia Dñi Bardolf uxor ejusd Dñi Briani que ob. 29 die Septembris anno Dñi 1452 quoz aĩab^o ppitietur Deus.”

On a like stone, the portraitures of a knight and his two wives :

“Orate p aĩa Dñi Milonis Stapleton militis filii Dñi Briani Stapleton filii Dñi Milonis Stapleton, filii Dñi Milonis Stapleton mit Fundatoris ecclie hujus qui ob. 1 Die Octob anno Dñi 1466 et p aĩa Dñe Catherine filie Dñi Thomæ Pole fit Michaelis nup comitis Suffolk, et Eliž filie Dñi Simonis Felbrigg mit consortium primi p̄ missi Dñi Milonis.”

On a gravestone with the pourtraiture of a lady in brass :

“Iey gist Jone, jadis femme a Mounseur John Plays, fille a Mounseur Miles de Stapleton que amourout le second jour de Septemb.”

On another, a lady in brass, the epitaph re-added with the arms of Ufford, which purports to be for Ela, the daughter of Sir Edmund Ufford.

Also on another stone :

“Hic jacet venerabilis Edmund Stapleton armiger quondā camerarius serenissimi principis Jofis Ducis Norf et filius Milonis Stapleton, fit Fundatoĩ hujus Domus, qui oĩ. 1462 et Dña Matilda consors ejus, uxor quondam Hugonis Fastolf mit que oĩ anno 1435.”

The priory of Ingham was founded by Sir Miles Stapleton and the lady Joan his wife, daughter and coheir of Sir Oliver de Ingham, in the 34 Edw. III. : the friars to pray for the souls of king Edw. III., Sir Miles Stapleton and the lady Joan, the founders, Sir Brian Stapleton and the lady Alice his wife, Sir Miles Stapleton de Hathesy in Yorkshire, John de Boys, and Roger de Boys his brother, Mr. Laur de Thornhill, Clerk, William de Hemelesey and Catherine his wife, and Reginald de Eecles, then living ; and for the souls of Sir Gilbert de Stapleton and the lady Agnes, father and mother of Sir Miles the founder, Sir Oliver de Ingham and the lady Elizabeth, Sir Nicholas Stapleton and the lady Catherine Boys, deceased.

This lengthy account of the Stapletons of Ingham has been so fully given, inasmuch as Dugdale in his Baronage has much confused and misrepresented them; which on reference to that work will be readily perceived.

KERDESTON.—(6 Edw. III.)

WILLIAM, son of Roger de Kerdeston, married Margaret,^a daughter and coheir of Gilbert de Gaunt, lord of Folkingham, in the county of Lincoln, who died the 3 Edw. I., and sister and coheir of Gilbert de Gaunt, who died circ. 26 Edw. I., s.p.

Roger de Kerdeston, son and heir of William, was summoned to parliament from the 6 to the 10 Edw. III., and dying the following year,^b was succeeded by his son

William de Kerdeston, who had summons from his father's death, (11 Edw. III.,) to the 34 Edw. III.,^c and died the year following; but none of his posterity were after summoned, arising most probably from the questionable right as to who was his next legal heir; for on this there was a great controversy between John de Burghersh, found by one inquisition to be his cousin and heir, and William de Kerdeston, found by another inquisition to be his son and heir, who, making his appeal to the Court of Chancery, obtained the inheritance.*

In Morant's Essex† it is stated, and partly confirmed by a MS. ped. in Coll. Ar-morum, that William the baron was twice married; and by Margaret Bacon, his first wife, had issue two daughters, viz.: Maud, who married John de Burghersh, and had a son John, who dying the 19 Ric. II., left two daughters his coheirs; whereof, Margaret married first Sir John Grenville, and secondly John Arundel; and Maud, the other daughter, wedded Thomas, son of Geoffrey Chaucer, the poet, by whom she had a daughter Alice, who was thrice married. Margaret, the other daughter of William de Kerdeston and Margaret Bacon, married William Tendring; whose son William left two daughters, coheirs; of which, Alice was wife of Sir John Howard, and Elizabeth was the wife of Simon Fincham.

The second wife of William the baron was Alice, or Blanch Norwich, (called his concubine), by whom he had the controverted son William, as before mentioned. This

^a She died in 1321, and was buried at Langley, in Norfolk, viz: Anno Dom. 1321, obiit Margareta, quondam uxor domini Willielmi filii Rogeri de Kerdeston, Militis, et jacet in Ecclesia Abbatiae Langeley, ante Altare Crucis juxta Dominum Thomam de Kerdeston Archidiaconum Norf., ex parte Aquilonari, qui Thomas ob. 1220.

^b Anno Domini 1337 obiit Dominus Rogerus de Kerdeston miles, et sepelitur in Ecclesia Abbatiae de Laageley, juxta matrem suam ex parte australi.

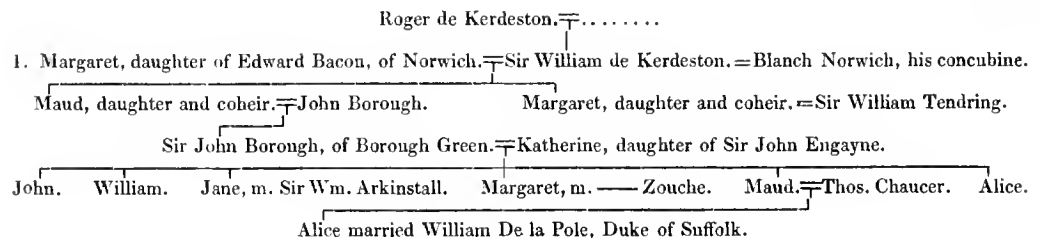
^c In the writ of summons of the 11 Edw. III., in a parenthesis, is noted "*Vacat quia restitutus fuit, et alibi in obsequio regis.*"

* Vide Rot. Parl. 44 Edw. III., m. 8, pars tertia.
† Vol. ii., p. 129.

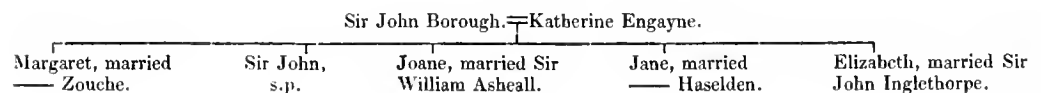
William de Kerdeston, so acknowledged to be lawfully born, by Cecilia de Brews, his wife, had issue Sir Leonard Kerdeston, whose son, Sir Thomas, died 20 July, 1446; having had issue by Elizabeth his wife, a daughter and heir Elizabeth, who married Sir Terry Robsart, and had issue by him a daughter Lucy, who married Edward Walpole, and two sons, William and John; which John Robsart, by Elizabeth, daughter of John Scot, of Camberwell, in the county of Surrey, had an only daughter and heir Anne, who was first wife to the celebrated Robert Dudley, earl of Leicester, the great favorite of queen Elizabeth, and had the misfortune to break her neck by a fall down stairs, not accidentally, but wilfully caused, as generally supposed by the contrivance of the earl, her very infamous husband.

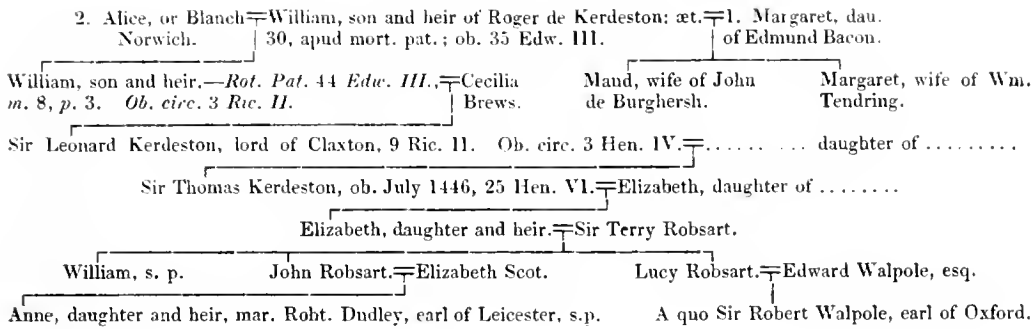
Sir Harris Nicolas, in his Synopsis, says, "the barony of Kerdeston, on the failure of the issue of William de Kerdeston, the reputed son of the last baron, fell into abeyance between his half sisters, or their descendants, and is presumed to be now vested in their representatives," which would be on the part of Margaret Kerdeston, who married John Arundel, the coheirs of Richard Arundel Bealing. But the issue of the said William de Kerdeston did not fail as herein before mentioned, his grandson Thomas leaving a daughter and heiress Elizabeth, who married Sir Terry Robsart, whose daughter, and eventually sole heiress, Lucy, married Edward Walpole, esq.; from whom descended Sir Robert Walpole, first earl of Orford, in whose heirs general the right of the barony of Kerdeston may be considered now vested.

It has been stated that Maud Kerdeston married *John de Burghersh*; but in the visitation of the county of Cambridge, by Henry St. George, anno 1619, the name is called *Borough*, and not *Burghersh*, viz :



But in another statement in the same Visitation, in the pedigree of his own family, St. George gives the issue of John Borough, as under :—



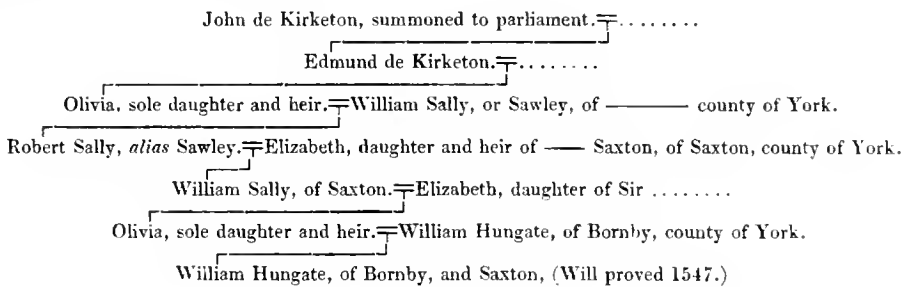


KIRKETON OR KERKETON.—(37 EDW. III.)

JOHN DE KIRKETON, or Kerketon, in that part of Lincolnshire called Holland, the 16 Edw. III. being possessed of the manors of Tatshall and Tumby, in that county, made a feoffment thereof to Adam de Welles and others, to stand seised of the same to the use of himself, and Isabel his wife,* and to the heirs of their two bodies, with divers remainders; and having had summons to parliament the 36 and 37 Edw. III., died the 41 of the same reign,† leaving, according to Dugdale, Sir John Tudenham, knight, Richard de Lina, John de Tilney, and William de Sutton, rector of the church of Whitwell, his next heirs.

* Vide Esch. 43 Edw. III. part. 1. n. 60.
 † Esch. No. 38.

But, among the Dodsworth MSS., at Oxford, there is a pedigree which differs much from this statement, if the John therein mentioned be the same who had summons to parliament the 36 and 37 Edw. III.



THOMAS KIRKETON.—(16 EDW. III.)

THOMAS DE KIRKETON had summons to a great council to be holden at Westminster, the 16 Edw. III., which though it purports from the words *pro arduis negotiis, &c., ibi*

tractatum, yet does not appear to have been for the holding a regular parliament; but as it was afterwards prorogued, the summons cannot be considered to have created any baronial right. As to who he was, of what family, whether connected with the preceding John de Kirketon, or had any wife, or issue, Dugdale is silent; and his name does not have notice in any other genealogical author.

* Vol. i., p. 248.

Thoroton, in his History of Nottinghamshire,* indeed mentions a family of the name, whereof a Robert de Kirketon, (a place so named in that county,) by Beatrix his wife, had a son Thomas, living the 17 Edw. III., who by Margareta his wife, left a daughter and heir, who married John de Stockton, (45 Edw. III.) from whom came Avicia, wife of William de Leek, or Leek. This might be the aforesaid Thomas, summoned the 16 Edw. III.; and his not being again summoned might arise from his decease, the 17 Edw. III.

† Dug. Lists of Sum.
‡ Chron. Jurid.

There was a *Dominus Robertus de Kirketon* summoned generally among the barons and others equis et armis to Newcastle-upon-Tyne, the 24 Edw. I.;† and there was a Roger de Kirketon, a Justice of the Common Pleas, the 40 Edw. III.‡

KNOVILL.—(23 EDW. I.)

BOGO DE KNOVILL had summons to parliament from the 23 to the 34 Edw. I. In the parliament at Lincoln the 29 Edw. I., he was one of those barons who subscribed the letter to the pope, asserting the supremacy of England over the realm of Scotland, when his name was written, "*Bogo de Knovill, Dominus de Albomonasterio.*" In the 26 Edw. I. he had summons to be at Carlisle, equis et armis; and it is to be remarked, that in this writ, all summoned were denominated by their respective ranks of earls, and barons, in which last character he is included. He died, as it is said, the same year as his last writ of summons; and not having his name mentioned in the writ of the 35 Edw. I. it leaves it to be inferred that he was not summoned from the 23 Edw. I. to the 1 Edw. II., as stated by Sir Harris Nicolas;§ but that the said writ of 1 Edw. II. was to his son Bogo, which

§ Synopsis, v. i., p. 357.

Bogo, the second of his name, so summoned to parliament the 1 Edw. II., was also summoned the same year to attend the coronation of that monarch,|| but he was not ever after summoned to parliament. In the 15 Edw. II. he was concerned in the insurrection of the earl of Lancaster, and was taken prisoner with divers others of the nobility at Boroughbridge; but further of him, not any mention is made by Dugdale, or of his descendants, in whom, if not forfeited in the person of this Bogo, the barony may probably still remain vested. He, if it be the same Bogo, died the 12 Edw. III.,¶ leaving John his son and heir, aged twenty-three; but neither he nor any of his descendants ever after had summons.

|| Coron. Rot. 1 Edw. II.

¶ Esch. No. 33, Fin. 13 Edw. III.

KNYVET.—(5 JAMES I.)

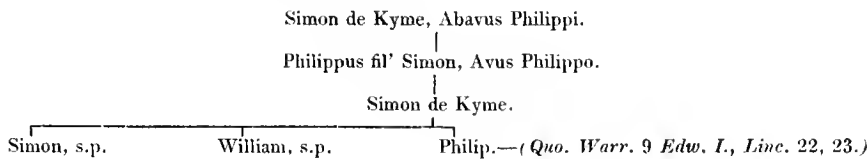
THOMAS KNYVET, a younger son of Sir Henry Knyvet by Anne his wife, daughter and heir of Sir Christopher Pickering, to whom, by an heir female of Lascelles, the manor of Eserick, in the county of York, had devolved, was summoned to parliament from the 7 to the 19 James I. as *Thomæ Knyvet Chir'*. The Journals of the House of Lords thus making mention of him, viz: "*Thomas lord Knyvet, of Eserick, was introduced, being called by writ 4th July, 1607.*" Dying without issue his barony became extinct; but the manor of Eserick descended to Elizabeth his niece, daughter and coheir of Sir Henry Knyvet, of Charlton, which Elizabeth married Thomas Howard, earl of Suffolk, whose son Sir Edward Howard was created baron Howard, of Eserick, 4 Car. I., which title is now extinct.

KYME.—(23 EDW. I.)

PHILIP DE KYME, descended from William de Kyme, so named from a lordship in Kesteven, in the county of Lincoln, temp. king Stephen, had summons to parliament from the 23 Edw. I. to the 7 Edw. II. In the 26 Edw. I. being summoned, equis et armis, he is in the writ denominated *a baron*. In the 29 Edw. I. he was one in the parliament at Lincoln who subscribed the famous letter to the pope, being then designated, *Philippus Dominus de Kyme*. In the 35 Edw. I., he is mentioned in the writ as *excused by the king his attendance*. In the 1 Edw. II., he had summons to that king's coronation. He died circ. 16 Edw. II., leaving by his wife, daughter of Hugh Bigot, a daughter Lucy de Kyme, and a son William, which

William de Kyme had summons to parliament from the 17 Edw. II. to the 9 Edw. III., and died the 12th of the same reign s.p.; whereby his sister Lucy, or Lucia, became his heir who married Gilbert de Umfravill, styled earl of Angus, to whom she was first wife, as under that title is further stated.*

* Vide Umfravill.



LANCASTER.—(25 EDW. I.)

ROGER DE LANCASTER, bastard brother to William de Lancaster, the last baron of Kendal, married Philippa one of the four daughters and coheirs of Hugh de Bolebec, a great feudal baron in the county of Northumberland; and dying circ. 19 Edw. I., † left issue

† Weever, p. 654.

John de Lancaster his son and heir, and also two other sons, William and Christopher. This John had summons to parliament from the 25 Edw. I. to the 3 Edw. II. In the 29 Edw. I., at the parliament at Lincoln, being then designated "*Johannes de Lancastre Dominus de Grisdale*," he was one of those who affixed their seals to the letter from the barons to the pope. Dying s.p. his barony became extinct.

LANCASTER.—(27 Edw. I.)

HENRY PLANTAGENET, brother to Thomas, earl of Lancaster, son of Edmund, earl of Lancaster, second son of king Hen. III., was summoned to parliament the 27 Edw. I., as "*Henrico de Lancastre nepoti Regis*;" and as "*Henrico de Lancastre*" from that year to 17 Edw. II. But having been restored to the earldom of Lancaster, which had been forfeited by the attainder and decapitation of his elder brother, earl Thomas, in 1321, he thence bore the title of earl till his death, in 1345.

Henry his son and heir had summons to parliament vi. pat., the 9 Edw. III. (1335.) In 1337 he was created earl of Derby; and in 1345 succeeded his father in the earldom of Lancaster, and in 1354 was created duke of Lancaster; but dying in 1361, without issue male the barony fell (as it is termed) into abeyance between his two daughters, whereof, Maud was twice married; but deceased s. p.; and Blanch married John of Ghent, afterwards duke of Lancaster, whose son and heir Henry eventually ascending the throne, by the title of king Hen. IV., the barony with all the other honours merged in the crown.

LANSLADRON.—(28 Edw. I.)

SERLO DE LANSLADRON, of whom Camden observes that he was summoned to parliament *when the wise and good were, and their posterity omitted if incapable, or deficient in knowledge*, had summons to parliament the 28, 30, 32, 33, and 34 Edw. I. He had issue Henry, and a daughter Miranda, who married John, the son of Robert de Govely, lord of Govely, in the county of Cornwall.

Henry, son of Serlo de Lansladron, was never summoned to parliament. He had a son Sir Odo Lansladron, who never had summons, nor William the son of Sir Odo; which William dying s. p., the posterity of Miranda, his great aunt, became his heirs. She had issue Rose de Govely her daughter and heir, who married Sir Otes de Trerise, lord of Trerice, near Columb-major, in com. Cornub., (living 17 Edw. II.,) and had a son Michael de Trerise, (living 15 Edw. III.,) who, by Alice de Flamock, his wife, had an only daughter and heir Joane, who married, first, Sir Ralph Arundel, of Kenvelhelves; and secondly Sir John Arundel, of Lanherne, knight. But, by her first husband, Sir Ralph Arundel, she had a son Nicholas Arundel, of Trerice, and Govely, in her

right; from which Nicholas descended the barons Arundel of Trerise, a title now considered extinct: but this family of Arundel seems, as the heir general of Lansladron, to have inherited its estates; and if any barony of Lansladron was created under the writs of summons to Serlo de Lansladron, the right thereto would be vested in the heir general representative of, and descended from, Sir Ralph Arundel.

The pedigrees of the Arundels of Wardour and Trerise are very differently given by Edmondson and Collins, with great contrariety to each other.

LASCELLES.—(22 EDW. I.)

OF this very ancient family in the county of York, the first person summoned to parliament was

Roger de Lascelles, the 22, 23, and 24 Edw. I., but never after, nor any of his family, which, in the male line was long continued; but that from Richard his brother terminated in coheirs; whereof, Margaret, one of them, married James Pickering, of Winderwash, in the county of Westmorland; from whose heiress the manor of Eserick was carried by marriage into the family of Knyvet; of which, Sir Thomas Knyvet was summoned to parliament, and took his seat as baron Knyvet, of Eserick, 7 Jac. I., as herein before mentioned.*

* Vide Knyvet

The said Roger de Lascelles died shortly after his last writ of summons. He married Isabel, daughter and heir of Thomas Fitz Thomas, who survived him; and died 23 May, 1326, (16 Edw. II.) By her he had issue four daughters his coheirs; whereof

Matilda married first Robert de Hilton, of Swine, in Holderness, and had a son Robert de Hilton, called *son of Matilda*, in the Mauley pedigree, who married Constance, daughter of Peter de Mauley, by Constance his second wife. The said Matilda married secondly Sir Robert Tilliol, 28 Edw. I.†

† Ex. MS.
General in Coll.
Arm.

Theophania, 30 Edw. I., wife of Ralph Fitz Randolph.

Johanna, 30 Edw. I., first wife of Thomas de Culwen.

Avicia, marriage covenant dated 10 Edw. I., vixit 30 Edw. I., married Sir Robert le Constable, of Halsham, and had a son John de Constable of Halsham.

LATIMER.—(28 EDW. I.)

WILLIAM LE LATIMER^a had summons to parliament from the 28 to the 33 Edw. I., as William le Latimer, senior. In the 29 Edw. I. he was one of those who in the parlia-

^a The origin of the name is attributed to Wrenoc, the son of Meuric, who held certain lands by the service of being *Le Latimer*, or *Interpreter* between the English and the Welch.

ment at Lincoln subscribed the letter to the pope, being then designated "*Willielmus le Latimer Dominus de Corby.*" He died the same year as his last writ of summons, being then jointly seised with Alice his wife, one of the daughters and coheirs of Walter Ledet,* of the one half of the barony of Waldon, in the county of Northampton, as also of the moiety of the town, and whole hundred of Corby, in the said county, of her inheritance. To him succeeded

* Vide Banks's
Dorm. & Ext.
Bar. vol. i.

William le Latimer, then his son and heir, (John the eldest having died vitâ patris, s.p.) ; which William had summons in the lifetime of his father, and one year before his death, viz. 27 Edw. I., and from thence to the 33 Edw. I., as *William Latimer, junior* ; but after his father's death, to the 20 Edw. II., as *William Latimer* only. The 1 Edw. II. he was one of the barons summoned to the king's coronation.† He was twice married, first to Lucie de Thwenge, from whom he was divorced ; and secondly to Sibill, widow of William de Huntingfield ; and died 1 Edw. III., leaving William his son and heir then twenty-six years of age ; which

† Coron. Rot.
1 Edw. II.

William le Latimer, the third of his name, doing his homage, had livery of the manor of Danby, and all other, the lands of his inheritance, and had summons to parliament from the 1 to the 9 Edw. III ; when, dying the same year, he left by Elizabeth his wife, daughter of the lord Botetourt, William his son and heir, then only six years old, and the said Elizabeth surviving.

William, the fourth of his name, and fourth baron Latimer, had summons to parliament from the 42 Edw. III., to the 3 Ric. II., inclusive, and died the year next ensuing (1380) without issue male, but leaving by Elizabeth his wife, daughter of Edmond, earl of Arundel, an only daughter and heir Elizabeth ; which

Elizabeth Latimer became the second wife of John lord Nevill of Raby, father of Ralph Nevill, the first earl of Westmorland, of his family, and by the said John lord Nevill had issue a son John, and two daughters, Elizabeth and Margaret, which latter died unmarried, and the former became eventually sole heiress to her brother, and to the barony of Latimer created by writ in the persons of William, the first and second barons, the 28 and 27 Edw. I.

JOHN NEVILL LORD LATIMER.—(5 HEN. IV.)

JOHN NEVILL, son and heir of Elizabeth Latimer, by John lord Nevill, of Raby, had summons to parliament from the 5 Hen. IV. to the 9 Hen. VI., inclusive, by writ directed "*Johanni le Latimer,*" and died the same year, leaving Elizabeth and Margaret his sisters, (before mentioned,) his coheirs. Of these, Elizabeth, by the death of Margaret, unmarried, became the sole heiress of her mother's barony, and married Sir Thomas Willoughby, knight, whose descendant Robert lord Willoughby de Broke, her great

grandson, claimed * by virtue of this descent, the barony against Richard Nevill, grandson of George Nevill, who had been summoned to parliament (as hereafter noticed) as baron Latimer, by writ, 10 Hen. VI., the said George Nevill, being son of Ralph Nevill, earl of Westmorland, son of John lord Nevill, by his first wife, Maud, daughter of Henry lord Percy, and not by his second wife Elizabeth Latimer; so that the said George had not a particle of the Latimer baronial blood in him. The lord Broke, however, failed in his claim, it being urged against it, that divers lordships and lands, whereof the said John Nevill, lord Latimer, was seised, being, for want of issue male of his body, entailed upon Ralph Nevill, earl of Westmorland, his elder brother, of the half blood, the said Ralph settled them by feofment upon George Nevill, one of his sons, by Joane his second wife, an illegitimate daughter of John of Ghent, duke of Lancaster, who thereupon had been summoned to parliament as lord Latimer: but, it is here rather a singular circumstance, that the said George Latimer did not come into possession of these lands till after his writ of summons. The determination against the lord Willoughby de Broke thus purports that the barony followed the possession of the lands: yet, upon the present doctrine, respecting the descent of baronies by writ, it must be evident the ancient barony of Latimer is legally vested in the now lord Willoughby de Broke, as the heir general thereto.

* Vide Collins' Parl. Preced.

GEORGE NEVILL LORD LATIMER.—(10 HEN. VI.)

GEORGE NEVILL having in manner aforesaid acquired the lands of Latimer, had summons to parliament by writ addressed "*Georgio Latimer Chiv*", † the 10 Hen. VI., and from thence to the 9 Edw. IV.; whereby a new barony of Latimer was created in him. He married Elizabeth third daughter and coheir of Richard Beauchamp earl of Warwick, and coheir to her mother Elizabeth, daughter and heir of Thomas lord Berkeley, whereby his issue by her became coheirs to that barony. Sir Henry Nevill, his eldest son, having died before him, he was succeeded upon his death, in 1469, (9 Edw. IV.,) by his grandson Richard, who was then in minority, about two years old; which

† Dugd. Lists of Summ.

Richard Nevill, second lord Latimer of the new creation, after his coming of age, had summons to parliament the 7, 11, and 12 Hen. VII., and the 1, 3, 6, 7, 14, and 21 Hen. VIII. It was this Richard who had the contest with the lord Willoughby de Broke, touching the barony of Latimer, on which occasion Collins says, ‡ "The lord Willoughby was informed by an herald, that Sir George Nevill, grandfather to Richard, was created lord Latimer by a new title, and that the lord Broke had made a wrong claim, who ought to have claimed his style from William lord Latimer, temp. Edw. I.—On this the lord Broke perceiving his error, and having a title of his own, was contented to conclude a match between their children: and Richard suffered a recovery on certain

‡ Parl. Preced. p. 211, & seq.

manors, and lordships, demanded by the lord Broke, with which adjustment both parties were satisfied."^a After this he died, the 22 Hen. VIII., having had by Anne his wife, daughter of Humphrey Stafford, of Grafton, a numerous issue, whereof

John Nevill, his eldest son, was his successor, and the third baron. He had summons to parliament the 25, 28, 31, and 33 Hen. VIII., and the next year departed this life, leaving by Dorothy his first wife,^b one of the daughters and coheirs of John Vere, earl of Oxford, John his son and heir, which

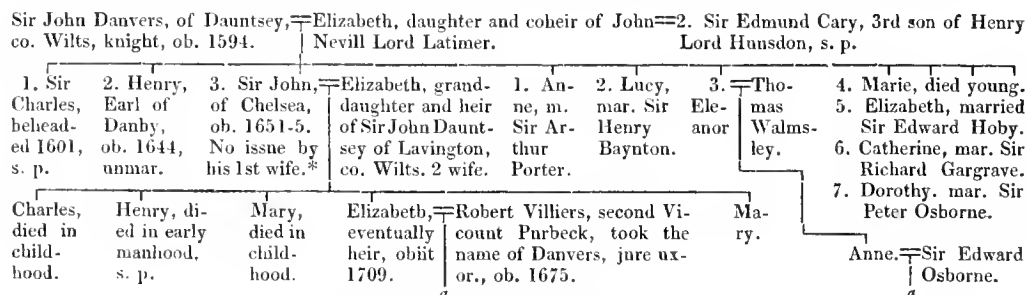
John Nevill, fourth lord Latimer, was the last of his family. He had summons to parliament from the 35 Hen. VIII. to the 23 queen Elizabeth, about which time he deceased, having had issue by Lucy his wife, daughter of Henry, earl of Worcester, four daughters his coheirs, whereof Catherine married Henry Percy, earl of Northumberland; Dorothy was wife of Thomas, eldest son of William Cecil, the famous lord Burleigh; Lucy married Sir William Cornwallis; and Elizabeth married, first, Sir John Danvers, by whom she had three sons, and seven daughters, and secondly, Sir Edmund Carey, but by him had not any issue.

Of the sons of Elizabeth, who married Sir John Danvers, Sir Charles was attainted the 43 queen Elizabeth; Sir Henry was afterwards created earl of Danby, and died anno 1643, s.p.; and Sir John Danvers, the other son, was one of the judges upon king Charles I., from whom descended Lewis Villiers, esq.: as such, while any issue remains from this Sir John Danvers, there cannot be any interest in the barony of Latimer vested in the duke of Leeds, as descended from Eleanor,* one of the sisters of the said Sir John.

* Sic. in Mon.
Insc. at Stow.

The heir general of Lucy, who married Sir William Cornwallis, is the lord Rollo, of Duncrub, a peer of Scotland.

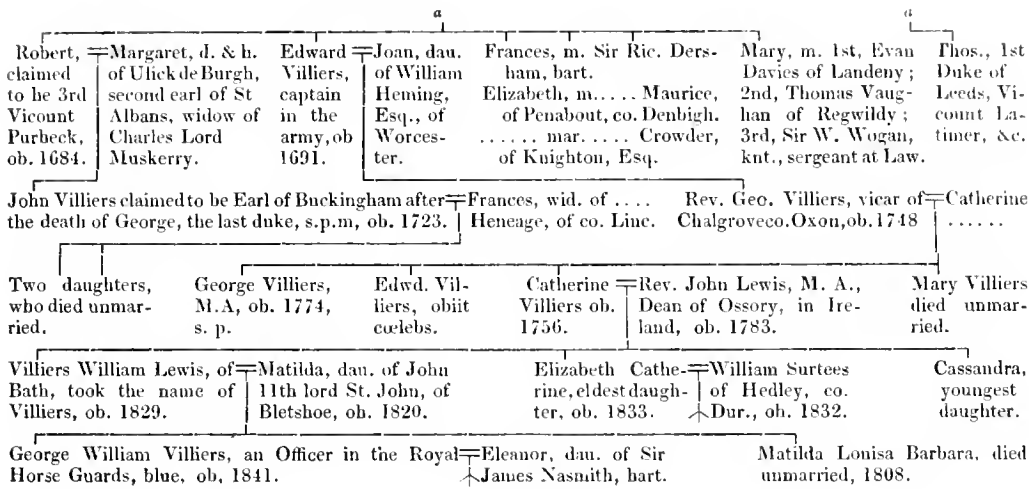
The Duke of Northumberland is not lord Latimer, as frequently erroneously stated, but only a coheir through Catherine, who married Henry, earl of Northumberland.



* He had a third wife, Grace Hewes, and had a son John, supposed to have died young.

^a This compromise by no means extinguishes the right of the lord Willoughby de Broke to the old barony of Latimer.

^b His second wife was Catherine, the daughter of Sir Thomas Parr, of Kendal, knt., by whom he had not any issue; and she became afterwards the last wife of Hen. VIII.



LATIMER OF BRAYBROKE.—(28 EDW. I.)

JOHN LATIMER, brother of William, who married Alice one of the two daughters and coheirs of Walter Ledet,* a great baron in Northamptonshire,^a married Christian the other daughter and coheir, and died the 11 Edw. I., leaving

Thomas Latimer, his son and heir, who the 26 Edw. I. had summons to Carlisle, *equis et armis*, and in that writ was designated a baron; the great men then summoned being specially mentioned by their degrees of rank, viz: *Comites et Barones*, in which latter his name was included; † afterwards he had summons to parliament from the 28 to the 34 Edw. I., and in the 1, 2, and 4 Edw. II., to whose coronation, in the character of a baron, he was also summoned. ‡ In the 29 Edw. I., though summoned to the parliament at Lincoln, he was one of those who did not sign the famous letter then written to the pope.§ He died circ 8 Edw. II., being then seised among other manors and lands, of Wardon, and Braybroke, in the county of Northampton, leaving

Warine Latimer, his son and heir, who never had summons to parliament. He married Catherine sister of John, father of Roger lord De la Warre, who died the 44 Edw. III.; || and according to Vincent's pedigree of the De la Warre family, ¶ had by

* Henry Braibroc, or Braybroke married Christian, daughter and heir of Wischard Ledet, and by her had two sons, viz., Wischard and John, whereof, the former took his mother's name, and was father of the above mentioned Walter Ledet; John, the younger son, retained his paternal name of Braibroc; from whom descended Sir Reginald Braibroc, who married Joane de la Pole, and had Joane his daughter and heir, wife of Thomas Broke, in her right lord Cobham.

* Vide Banks's Dorm. & Ext. Baron. vol. i.

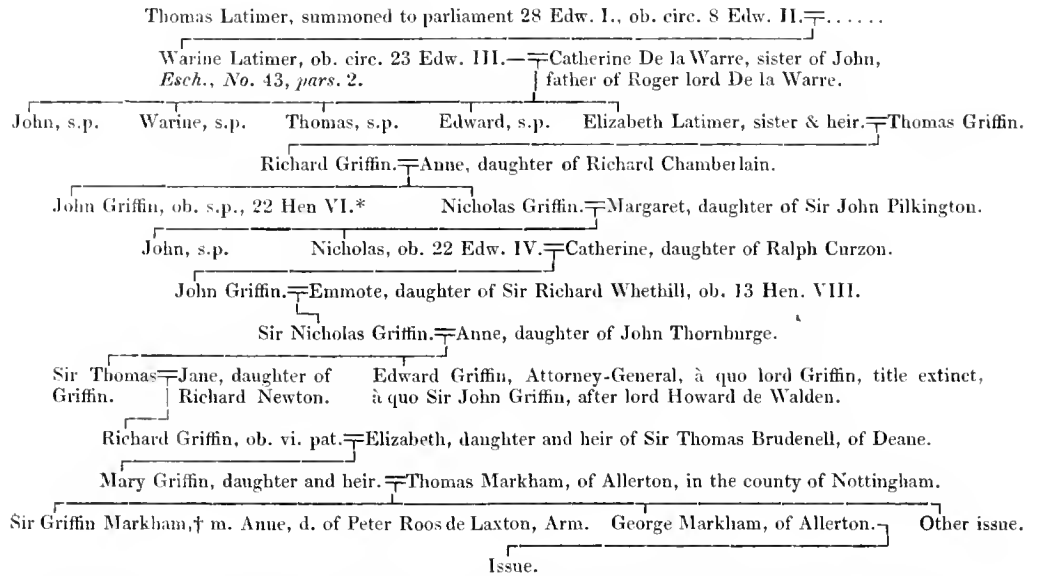
† Dugd. Lists of Summ.

‡ Coron Rot. I. Edw. II.

§ Dng. Lists of Sum.

|| Vide de la Warre. ¶ Ibid.

her four sons, John, Warine, Thomas, and Edward, none of whom were ever summoned to parliament, and all died s.p.; whereby Elizabeth, their sister, became eventually their heir, and married Thomas Griffin.



* Query.—This John, elder brother to Richard, and not son, to accord with the claim noticed in the De la Warre barony. Query also, whether *Elizabeth* Latimer should not be *Catherine* for the same purpose, but Vincent names her *Elizabeth*.
 † He was knighted at Rouen, but afterwards banished.—(Vide *Thoroton's Nottingham by Throsby*, vol. iii., p. 348.)

LEIBURNE.—(27 EDW. I.)

WILLIAM DE LEIBURNE, or LEYBURN, had summons to parliament from the 27 Edw. I. to the 4 Edw. II., to whose coronation he had also summons to attend.* He was one of the barons in the parliament at Lincoln, 29 Edw. I., who then subscribed with their seals the famous letter from the nobles of England to the pope, his name being then written "*Willielmus Dominus de Leyburne*." He died circ. temp. of his last writ of summons, leaving Julian, daughter of his son Thomas, † who deceased in his life time, his next heir; which Julian married John de Hastings, and had issue Laurence Hastings, first earl of Pembroke of his name, whose grandson, John, the third Hastings, earl of Pembroke, died s.p., whereby there was a failure of issue from this her first husband; as there also was from her second husband, Thomas le Blount; and her third, William de Clinton, earl of Huntingdon.

The said Julian Leyburne married, secondly, William de Clinton, earl of Huntingdon, who died s.p. By some authorities ‡ she is stated to have married Sir Thomas Blount, steward of the household to king Edw. II., before Clinton, who was her third

* Coron. Rot.
 † Edw. II.

† Vide Orig. 6
 Edw. III., Rot.
 2, Kane.

‡ Milles' Cat.
 of Hon.

husband; but not leaving any issue continuing through her, the barony of Leiburne became extinct.

JOHN DE LEIBURNE.—(11 EDW. III.)

JOHN DE LEIBURNE had summons to parliament from the 11 to the 22 Edw. III., about which time he died, s.p., and his barony became extinct. Who he was, or whether related to, or of the same family as William before mentioned, is not stated, Dugdale merely mentioning that his mother was Lucia, sister and next heir to John le Strange, of Cheswardine, in Shropshire.

Among the Cottonian MSS.* there is much mention of this family; but differing in various respects from other accounts given in several local topographical histories. In *the Collectanea Topographica et Genealogica*† it is stated that Simon Leybourne, who died † Vol. 8, p. 178 2 Edw. II.,‡ had issue Sir John Leybourne, who held jointly with his father the manor of Berewick, in the county of Salop; and had two sisters, Katherine and Maud; which Katherine, sister and heir of John, married ---- Lucy, summoned to parliament 25 Edw. I. But, as whatever barony this John de Leybourne might have by virtue of his writs of summons, terminated with his death, s. p., any attempt to reconcile discordant statements is not necessary. Sir Harris Nicolas, in his Synopsis, has not thought it requisite to take up the subject.

LISLE, OF THE ISLE OF WIGHT.—(22 EDW. I.)

OF this name, according to Dugdale, there were several families, one taking that denomination from the Isle of Ely, (as it is believed,) and the other from the Isle of Wight; of which last mentioned, after several descents, was^a

John de Insula, or L'Isle, governor of the castle of Carisbrooke, in the Isle of Wight, temp. Edw. I. The 22 Edw. I., he had summons to parliament; and the 26 was summoned to Carlisle equis et armis; on which occasion his name is mentioned in the writ *as a baron*, those summoned being distinguished by their ranks, viz., *Comites et Barones*. The 28 Edw. I. he was summoned to the parliament to meet in London; and by another summons to the parliament to meet at Lincoln; in which he was one of the barons who affixed their seals to the letter written to the pope, being designated "*Johannes de Lisle Dominus de Wodeton*." His name appears again in the writs of summons of the 30 and 32 Edw. I.; in which last year he died, leaving John his son and heir,^b and another son, Walter de Insula; which

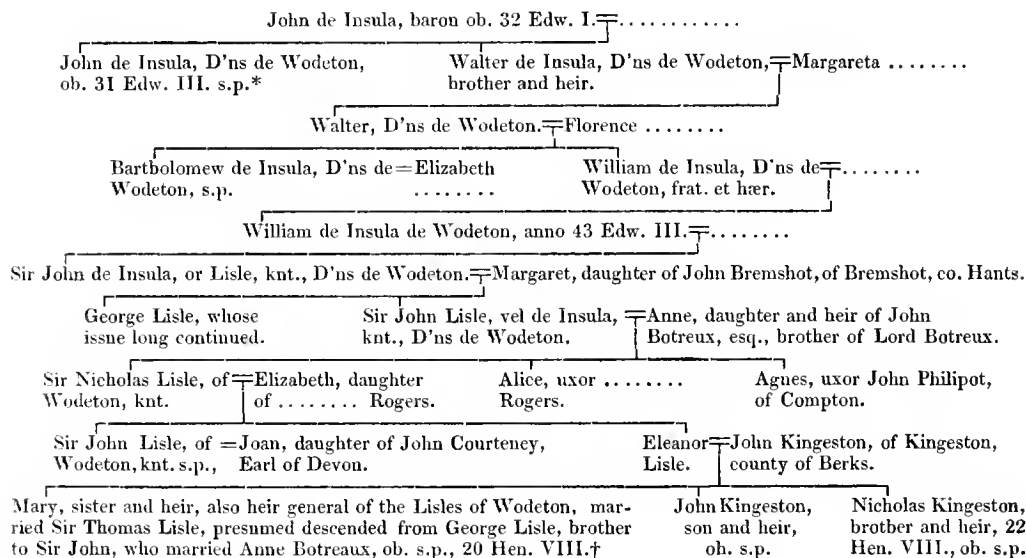
^a It seems probable this family was derived from Baldwin de Redvers, Earl of Devon, and Lord of the Isle of Wight, for in a MS. pedigree in the College of Arms it is stated that "Geffery de Insula, son of Jordan de Insula, temp. Hen. I. and Stephen, *dedit terras in puram elemosin' p' a'ia Com' Baldwin Devonsciorre*."

^b Had livery of his lands as John son and heir of John, son of William de Insula.—(*Orig. 32 Edw. I. Rot. 10. Suth'*.)

John de Insula had summons to parliament the 33, 34, and 35 Edw. I.; and in the writs of the 1, 2, 4, and 5 Edw. II. as "*Johanni de Insula Vecta*;" and in the said writ of the 5 Edw. II., the earls and barons being distinguished by their ranks of *Comites et Barones*, his name is written *inter Barones*. In the 8 Edw. II. he is again mentioned as summoned to parliament as *Johanni de Insula*, but not *Insula Vecta*, as in the preceding writs; which leaves it to be doubted whether this last writ applied to him, or to a *John de Insula*, a baron of the *Exchequer*,* who had theretofore been summoned among the king's justices and council from the 23 Edw. I. to this same year, the 8 Edw. II., in which the justices and king's counsel are intermixed in the same writ with the earls and barons. Howbeit, he never had writ of summons after this period, and died s.p., leaving Walter his brother and heir.

* Chron. Jurid

How far the right of barony devolved upon Walter, or became extinct upon the death of the last John, must depend upon whether the writs of summons from the 28 to the 32 Edw. I. applied to himself, or to his father; if to the latter, then Walter was heir thereto: but in the MS. pedigree in Coll. Arm., all the writs from the 28 Edw. I. are attributed to the son; yet as the father was living till the 32 Edw. I., and the name is written *John de Insula*, without distinction of senior or junior, they bear rather to belong truly to him, as the first baron; and the writs from the 32, to John his son, as the second baron.



* This pedigree, taken from a MS. in Coll. Arm., and sent to the Editor by the late Sir William Woods, appears not to be much to be relied upon. If this John, summoned as said from the 28 Edw. I., did not die till the 31 Edw. III., he must have been an aged man.

† If this Mary died the 20 Hen. VIII., she could not be heir to Nicholas her brother, who died the 22 Hen. VIII., for he was heir to her. There is some error in the dates.

LISLE OF RUGEMONT.—(5 EDW. II.)

ROBERT DE LISLE,^a of Rugemont, in the county of Bedford, had summons to parliament the 5 Edw. II., by the designation of *Robert de Insula*, and in the writ he is named among those styled *barones*, the earls and barons being then specially mentioned by their degrees of rank, viz: *Comites et Barones*.^{*} From this period to the 16 Edw. III., his name appears in a regular series of summonses; but it seems that before his death he entered into the habit of religion.^b He settled certain manors in the county of Cambridge upon Alice, the daughter of Robert de Lisle, Elizabeth Peverell, and Richard Bayeaux, for life, with remainder to John, the son of Robert de Lisle and his heirs; after when he died, the 16 Edw. III., leaving[†]

* Dug. Lists of Summons.

John de Lisle his son and heir, twenty-four years of age at the time of taking the inquisition:‡ which John became highly distinguished for his valour and military achievements in the warlike reign of Edw. III., and by that king was made one of the Knight's Companions of the order of the Garter on its first foundation. Dugdale observes§ that it is said by some, that after the battle of Crecsey, the king *created two barons*, viz: Alan Zouche and John L'Isle. But if the writs of summons of his father, for upwards of thirty years in regular succession, can be deemed to have conferred an inheritable barony by writ, then the said John was a baron without this alleged creation, for which no record of patent or charter is cited; all that can be assumed from it seems to be that it was a confirmation of his previous rights, for afterwards he had summons to parliament from the 24 to the 28 Edw. III.,^c and died circ. 29 or 30 Edw. III., leaving

† Dug. Bar., vol. i., p. 738.

‡ Esch. 16 Edw. III., n. 40.

§ Bar., vol. i., p. 739.

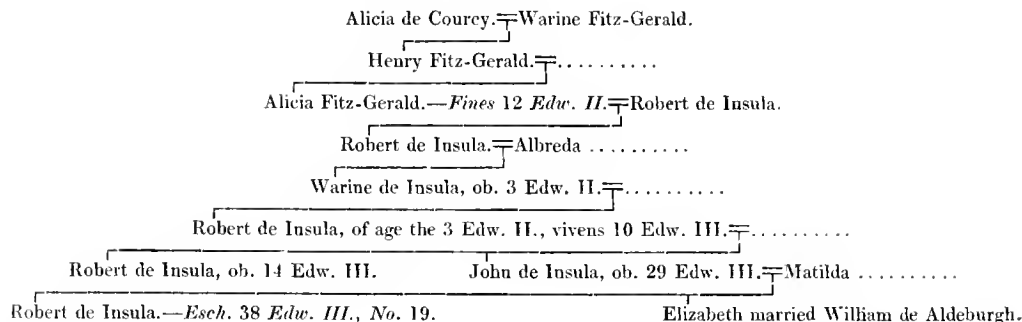
Robert de Lisle his son and heir, who had summons in the 31 and 34 Edw. III., but not afterwards, by reason whereof Dugdale says he need not pursue the account of them any further; yet, if the family acquired any barony by the writs of summons to Robert, temp. Edw. II. and III., or from the alleged creation of John by Edw. III., it must be presumed an inheritable dignity was vested in his posterity which still remained, as the following pedigrees will show.

^a This is the family which is supposed to have taken its name from the isle of Ely, and which held very considerable lands in Cambridgeshire, where the male line long continued.

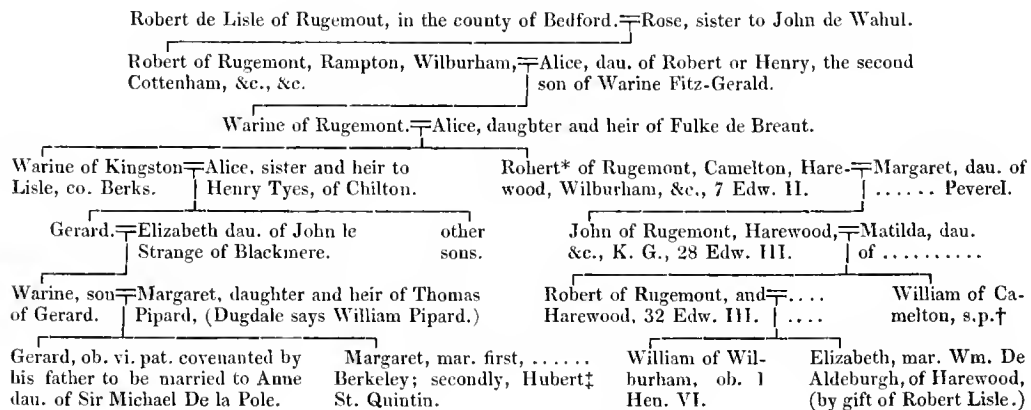
^b The Register recites, viz: Robert lord Lisle, who became a Fryar, died 4th January, 1343, and was buried in the Grey Friars, London, having entered into the holy brotherhood after the death of his wife. In the same Register is entered among the burials, *Dn's Robert de Lyte filii et hæred' p'fati D'ni*: which rather indicates that Robert, the Fryar, had a son Robert who died in his lifetime, leaving a son John successor to his grandfather; and this seems to be inferable from the settlement above alluded to, wherein Robert, the Fryar, limits the remainder in his Cambridgeshire manors to *John, son of Robert de Lisle*.

^c His name appears only in the writs of the 24, 25, 26, and 28 Edw. III., as *John de Insula de Rubeo Monte*. It is again similarly mentioned in the writ of the 31 Edw. III., but that is considered an error for Robert. In Dugdale's Index to his Lists of Summons, the name of this John is totally omitted.

LISLE.—DODSWORTH, VOL. V., P. 21.



LISLE OF RUGEMONT.—B. B. IN COLL. ARM. 553.



* Robert de Lisle claims Free Warren by charter of king Henry, proavus Edw. III., who gave to Warren Fitz-Gerald, ancestor of the said Robert de Lisle, from which Warren it descended to Henry, as son and heir; and from the said Henry to Warren, as his son and heir; and from the said Warren to Robert, his son and heir; and from the said Robert to Alicia *ut fil. et hæres*; and from the said Alicia to Robert, his son and heir; and from the said Robert to Robert, who now claims as son and heir. *Placit de quo warranto temp. Edw. III., pro manerio de Camelton, Bedf.*

† *Vide Rot. Parl., Vol. iii., p. 310.*—The petition of John Wyndesor, respecting the manors of Rampton, Cottenham, and Westwyk; William, brother of Robert de Lisle, and William, son of the said Robert. The pedigrees of this family are very discordant to each other, as may be seen in Chauncey, Blomefield, and other county historians, as well as in the College of Arms.

‡ This is certainly wrong as she died *vitâ* Lord Berkeley.

LISLE OF KINGSTON LISLE.—(31 EDW. III.)

GERARD DE LISLE, son and heir of Warine de Lisle, by Alice, sister and heir of Henry Tyes, (which Warine was hung at York for being concerned in the insurrection of the earl of Lancaster, temp. Edw. II.) had summons to parliament the 31 Edw. III., as *Gerard de Insula*, but without any additament of *Kingston Lisle*, and he died without

being ever again summoned to parliament, though he lived several years after. He married Elizabeth, the widow of Edmund de St. John,* by which lady he left^a

* Dug. Bar.,
vol. i., p. 738.

Warine de Lisle his son and heir, who had summons to parliament from the 43 Edw. III. to the 5 Ric. II., as *Warine de Insula*, but also without any additament of *Kings-ton Lisle*. He died, according to Dugdale,† 28 June, the 6 Ric. II., leaving by Margaret his wife, daughter of William Pipard,‡ Margaret his daughter and heir, then the wife of Thomas lord Berkely, twenty-two years of age, Gerard his son having predeceased him s.p.

† Ibid.

‡ Ibid.

Margaret de Lisle, by Thomas lord Berkeley, had a daughter and heiress Elizabeth, who became the wife of Richard Beauchamp, earl of Warwick, by whom she had three daughters and coheirs, of which,

Margaret was second wife of John Talbot, first earl of Shrewsbury; Eleanor married, first, Thomas lord Roos, and secondly, Edmund, duke of Somerset; and Elizabeth, the other daughter, married George Nevil lord Latimer; between whose descendants and representatives, the barony of Lisle commencing with the writ of summons of the 31 Edw. III., (if it created any) may be presumed to be now in abeyance; which representatives in 1822 were Sir John Shelley Sidney, claiming to be heir of the body of Margaret, who married John Talbot, earl of Shrewsbury.

The coheirs of Eleanor lady Roos, viz: the then earl of Essex; Sir Henry Hunlocke, bart.; and the baroness de Roos.

The coheirs of Elizabeth lady Latimer, viz: the duke of Northumberland; Winchcomb Henry Howard Hartley, esq.; Sir Charles Knightley, bart.; Grey Jernyn Grove, esq.; George William Villiers, esq.; the earl of Abingdon; Sir Francis Burdett, bart.; William Fermor, esq.; and lord Rollo of Duncrub, N. B., a peer of Scotland.

TALBOT LORD LISLE.—(22 HEN. VI.)

JOHN TALBOT, son and heir of Margaret, second wife of John, first earl of Shrewsbury, before mentioned, eldest daughter and coheir of Warine, the last baron Lisle, was by one of the most extraordinary patents on record, created baron Lisle, 26 July, 22 Hen. VI., limiting that dignity to the said John and to his *heirs and assigns* for ever; being tenants of the manor of Kingston Lisle, which manor his mother had resigned into his possession.

Concerning this manor it is recited in the patent as a fact, "That Warine de Lisle and his ancestors, by reason of the lordship and manor of Kingston L'Isle, had from time,

^a Dugdale says he married her the 28 Edw. III., and died the 34, leaving Warine his son of *full age*, who, if so, must have been by a former wife.

whereof the memory of man was not the contrary, the name and dignity of barons and lords L'Isle, and by that name had seat in parliament, &c., as other barons of the realm had;" an assertion perfectly untrue, for the first writ of summons on record in which the name of *de Insula* or L'Isle appears, is that of the 22 Edw. I. to *John de Insula*, who was of the Isle of Wight, and from thence summoned, and his son John to the 8 Edw. II.

After him, the next person of the name summoned was Robert de Insula, or L'Isle, the 5 Edw. II., whose son John, and grandson Robert, are specially designated in their writs as *de Rubeo Monte*; and the first Gerard de Lisle and his son Warine are only summoned by their respective names, without any additament of *Kingston L'Isle*; thus clearly showing that none of the ancestors of Warine had ever had seat in parliament by reason of the lordship and manor of Kingston L'Isle as recited in the said patent, an assertion satisfactorily proved by the lords' committee, on the dignity of a peer of the realm, in their third report, to have been entirely without foundation, for the said manor had never been holden in capite of the crown, but was holden, as mentioned in the *Liber Fœdorum*,* by the then Warine de L'Isle or Robert de L'Isle, of *Rugemont, or Rubeo Monte*.

* Testa de Nev., Oxon. & Berks.

This patent therefore conferring a barony of L'Isle on John Talbot, must be looked upon as a new creation, distinct from the barony acquired by Gerard de L'Isle, father of Warine, by virtue of his writ of summons the 31 Edw. III.; and in that respect, not to be a determination of the abeyance among his eventual coheirs before mentioned.^a For chief-justice Coke says,† that the letters patent of Hen. VI. to John Talbot, that *he and his heirs, lords of the manor of Kingston L'Isle, should be thenceforth barons and lords L'Isle, was a fee simple qualified in the dignity, determinable upon his or their ceasing to be lords of the said manor.*

† Inst. 27 a. ante SS. 45.

Sometime after this creation of baron L'Isle, the said John Talbot was advanced to the title of viscount L'Isle, with remainder to the heirs male of his body. The 23 Hen. VI. he had summons to parliament by writ directed "*Johanni Talbot de Lisle, Chev.;*"‡ and from thence to the 29 Hen. VI., but without any additament of *Kingston L'Isle*. The 31 Hen. VI. he was summoned as viscount L'Isle,§ but in the unfortunate battle of Chastillon he was there slain with his father, the brave and aged earl of Shrewsbury, leaving

‡ Dugd. Lists of Summ.

§ Ibid.

Thomas Talbot his son and heir, second baron and viscount L'Isle, who lost his life in a skirmish between him and lord Berkeley, and their followers, at Wotton-under-Edge, in the county of Gloucester. Not having any issue his two sisters became his coheirs, viz., Elizabeth, first wife of Sir Edward Grey, second son of Edward lord Ferrers, of Groby; and Margaret, who married Sir George Vere. The viscounty of L'Isle became

^a Warine de L'Isle, father of Gerard, and having married the heiress of the barony of Tyes, it is more probable his son Gerard had summons to parliament, as heir thereto, rather than because he had the manor of Kingston L'Isle. The writ was personal, without any allusion to any ancestral right of succession, and therefore leaves the point open.

extinct for want of issue male, but the barony it is presumed became suspended; for though Elizabeth was possessed of the manor of Kingston L'Isle, she was not sole heir of her brother, or father, and had not in her the constituent qualifications necessary to entitle her to the barony. Upon the death of her sister Margaret lady Vere, s.p., she then became sole heir, and acquired all the qualifications recited in the patent granted to her father.

GREY, BARON AND VISCOUNT L'ISLE.

SIR EDWARD GREY having married (as before mentioned) Elizabeth, eventually sole heir to her brother Thomas and father John Talbot, barons and viscounts L'Isle in the 15 Edw. IV., was created baron L'Isle by a charter, which mutatis mutandis contains the same introduction and recital as the patent granted by king Hen. VI. to John Talbot, habendum to him and his heirs of the body of the said Elizabeth begotten, but without the words *assignatis suis, &c.* He had summons to parliament the 22 Edw. IV., as *Edward Grey de L'Isle*.* The 1 Ric. III. he was created viscount L'Isle, and the same year had summons to parliament by that title,† as also in the 1, 3, and 7 Hen. VII.

* Dugd. Lists
of Summ.
† Ibid.

John Grey, his only son and heir, second baron and viscount L'Isle of the Grey creation, died without issue male, but left an only daughter and heir Elizabeth, so that the viscounty became extinct. She, however, being heir to her father, and also tenant of the manor of Kingston L'Isle, may be considered to have had the barony devolved upon her. She was affianced to

BRANDON, VISCOUNT L'ISLE.

CHARLES BRANDON, (afterwards duke of Suffolk) who was thereupon created viscount L'Isle, 15 May, 1513, with remainder to the heirs male of the body of the said Elizabeth;^a but she being then of too tender years for marriage, refused upon coming of age to marry him: the patent was cancelled. She afterwards married Edward Courtenay, earl of Devon, but died s.p., circ. 1526, leaving her aunt Elizabeth, her father's only surviving sister, her heir, who married, first, Edmund Dudley; and secondly, Arthur Plantagenet.

PLANTAGENET, VISCOUNT LISLE.

ARTHUR PLANTAGENET was a natural son of king Edward IV. by the lady Elizabeth Lucy, and after the surrender of the patent of viscount by Charles Brandon, was by king

^a "Sibi et hæredibus masculis de corpore Eliz. Grey, vicecomitessæ Lisle per prefatum Carolum procreatis 15 May, 5 Hen. VIII.—(*Lisle case.*)

* Vide Banks' *Dorm. et Ext. Baron.*, v. ii.

Hen. VIII. created viscount Lisle, with ^a remainder to the heirs male of his body by the said Elizabeth his wife; but dying without male issue in 1541, the viscounty became extinct. He had several daughters,* but although they were heirs to him, as their father, they were not so as to their mother in the barony of Lisle, she having male issue by her first husband Edmund Dudley.

By an indenture between this Arthur and Elizabeth his wife of the one part, and several other persons of the second and third part, dated 17 Nov., the 14 Hen. VIII., reciting a recovery against the said Arthur and his wife, of the manor of Kingston L'Isle, and divers other lands, it was declared that the recovery should be to the use of the same lady Elizabeth, for her life; and, after her death, as to Kingston L'Isle, and some other lands, to the use of John Dudley, her son and heir apparent, by her first husband, and to the heirs of his body. The limitation of the viscounty of L'Isle, made to the heirs male of the body of Arthur viscount L'Isle, by Elizabeth his wife, seems to infer that he thought himself no ways entitled to the barony of L'Isle, being seised only of that manor *jure uxoris*; which, by this settlement on her decease, was to descend to her son, by her former husband; and, consequently the title and honour of a baron would accompany it. Thus it is probable the creation of the viscounty was made, by this method of entail, to satisfy all parties.

DUDLEY, VISCOUNT LISLE.

‡ *Dugd. Lists of Summ.*

IN 1541, shortly after the decease of Arthur Plantagenet, John, son and heir of Elizabeth, by her first husband, Edmund Dudley, was by king Hen. VIII. created viscount L'Isle, and by that title summoned to the parliament the 16th of January, the 33 Hen. VIII.,† as also to the parliaments of the 35, 37, and 38 Hen. VIII., with the addition to his name of *Magno Admirallo Angliæ*. In the 1 Edw. VI. he was created earl of Warwick; and by that title called to the first parliament of Edw. VI., 4 Nov., 1547, with the addition to his name of *Magno Camerario Angliæ*. Finally, he was created duke of Northumberland by Edw. VI.; and by that title summoned to parliament the 5 and 6 Edw. VI.: but, after all his great advancement to honours, he was, on the accession to the crown by Queen Mary, taken, beheaded, and attainted, and thereby all his honours forfeited.

It is here to be observed, that some time before his death, by indenture 27 March, 29 Hen. VIII., being then Sir John Dudley, he bargained and sold to William Hyde, esq.,

^b Sir Harris Nicolas in his *Synopsis*, (vol. i., p. 383), states that his creation was the 26 April, 1533; but by Dugdale's *Lists of Summons*, his name appears in the writ of the 14 Hen. VIII., 1522, and again the 3rd of Nov., 1529, the 21 Hen. VIII.

and his heirs, the manor and lordship of Kingston L'Isle; which Arthur Plantagenet, then lord L'Isle, held for term of his life. From this William Hyde, the said manor and lordship descended in lineal succession to John Hyde, esq., who died seised thereof circ. 11 May, 1745; and, his widow in 1749 sold the same to Abraham Atkyns, of Clapham, in the county of Surrey, esq, possessor thereof, in 1790. In behalf of this possessor a very able and interesting case was compiled by the Hon. Hume Campbell, by which it is shown that Mr. Atkyns was tenant of the manor and lordship of Kingston L'Isle under the singular patent granted by king Hen. VI. to Talbot as *assignee*, but then he had not the other co-qualification of *heir*, the joint terms being as supposed, necessary to constitute a right to the barony in virtue of the possession of the manor and lordship.

If no right as assignee vested in Mr. Atkins, no right can vest in the heir who is not possessed of the territory, the possession and heirship being made by the patent co-ordinate and inseparable.

Dudley, duke of Northumberland had eight sons, whereof Henry died before him; John the second son had summons to parliament the 6 Edw. VI., as lord L'Isle and deceased in his lifetime, and Ambrose and Robert the third and fourth sons became two of the greatest minions of court in their day, which

Ambrose was restored in blood by Queen Elizabeth, and was first created baron L'Isle, in 1561 (42 Eliz.), and afterwards earl of Warwick,* but he died s.p. in 1589, when all his honours became extinct; but his brother Robert Dudley, earl of Leicester, was his heir, who dying as reputed at the time, without legitimate issue, his sister Mary, who married Sir Henry Sidney, was his heir,† that is to say his eldest sister, for the duke of Northumberland his father had five daughters, viz., the said Mary, Margaret, Catherine who married Henry, earl of Huntingdon s.p., Frances, and Temperance.

* Banks's
Dorm. & Ext.
Baron., v. iii.

† Ibid.

SIDNEY, VISCOUNT LISLE.

ROBERT SYDNEY, second, but eldest surviving son of^a Sir Henry Sidney, by Mary, sister to Robert Dudley, earl of Leicester, and his heir if he died without legitimate issue, and heir also of Margaret, countess of Shrewsbury, the eldest great-granddaughter and co-heir of Warine lord L'Isle, was first created lord Sydney, of Penshurst, by king James I., afterwards advanced to the title of viscount L'Isle, and lastly created earl of Leicester. From him descended Joceline Sydney, the seventh and last viscount and earl of his family,‡ who deceased without legitimate issue, (as supposed) whereby his peerage † Ibid

^a The much celebrated sir Philip Sydney was the eldest son, but died without issue male leaving an only daughter Elizabeth, who married Roger, earl of Rutland, which Roger died s.p., in June 1612.—(Vide Banks's *Dormant and Extinct Baronage*, vol. iii.)

honours became extinct; and his two nieces, daughters of his eldest brother, the Hon. Thomas Sydney, became his coheirs; of these, Mary married Sir Brownlow Sherard, bart., but died s.p.; and Elizabeth married William Perry, of Turvile Park, in the county of Buckingham, esq., and had issue William Sydney Perry, Algernon Perry, Mary, Elizabeth Jane, Anne, and Frances; of these daughters, Elizabeth Jane became the sole surviving one, and heiress of her mother, and married Sir Bysshe Shelley of Castle Goring, in the county of Sussex, bart., to whom she was second wife, and by him had issue a son John, who took the name of Sydney as heir to his mother, which

SHELLEY SIDNEY, CLAIMANT TO THE BARONY OF LISLE.

SIR JOHN SHELLEY SYDNEY, in 1822, claimed to be heir of the body of Margaret, countess of Shrewsbury, and in such capacity, prayed by petition to his majesty that he would exercise the grace of the crown by terminating the abeyance in his favour. The petition, upon the attorney-general's report was referred to the Lords' Committee for Privileges, before which, much evidence was entered into. It is however here to be observed that the case of Sir John did not notice two very important points which were requisite to be explained, viz: first the legitimacy of Sir Robert Dudley, son and heir of John Dudley, duke of Northumberland; and secondly, the legitimacy of John Sidney, claiming to be the legitimate son of Joceline Sidney, last earl of Leicester.*

* Banks's
Dorm. & Ex.
Bar. vol. iii.

With regard to the first point, the legitimacy of this eminent person was strongly contended against by his adversaries, but it was afterwards so fully and clearly established, that king Charles I., as a compensation for the great injustice which had been done him, advanced his widow Catherine, daughter of Sir Thomas Leigh, bart., to the rank of duchess of Dudley,† and her daughters to the distinction of duke's daughters, which honours were confirmed by king Charles II. But with respect to this lady, Sir Robert Dudley, her husband, who had retired into Italy, where by the emperor Ferdinand II, he was created a duke by the title of Northumberland, to be used by him and his heirs through the dominions of the sacred empire, alleged his marriage with her to have been illegal by the canon law, he having had carnal knowledge of her during the life of his first wife.

† Ibid.

On his retirement into Italy he took with him a very beautiful lady, the daughter of Sir Robert Southwell, of Wood Rising, in Norfolk, whom he married, and had by her many children; of which, Charles the eldest son, bore like him the title of duke of Northumberland in that country.^a

^a Charles Dudley, the titular duke of Northumberland, was found guilty in 1658 of forging an entry of marriage in the Register Book of East Greenwich, in Kent, and was fined two hundred marks. The dictum of chief-justice Glynn is recorded in Siderfin's Reports, part. 2, p. 71.

Of this Sir Robert Dudley, the case of Sir John Shelley Sydney, it may be presumed ought to have made some notice, as interfering with his descent, till satisfactorily explained or removed.

In reference to the second point of Mr. John Sydney, it appears by a trial at bar, on a writ of right and proceedings, before the grand assize in the Court of Common Pleas at Westminster, the 11 February, 1782, for the manor of Penshurst Place, park, and premises in the county of Kent, that he founded his pretensions of being son and heir of Joscelyne, seventh and last earl of Leicester, deceased, who never having being divorced from his wife, with whom during his life he had much legal controversy, he, the demandant, was in the eye of the law legitimate son and heir of the said earl Joscelyne. But having made an error in his claim by alledging that the earl his father was seised in fee, instead of tenant for life, with remainder over to his issue male, (which was the fact), the tenant being in possession, had in the opinion of the court the better right, and therefore the jury, under the direction of the judges, gave their verdict for the tenant Mrs. Perry, the sister of earl Joscelyne.*

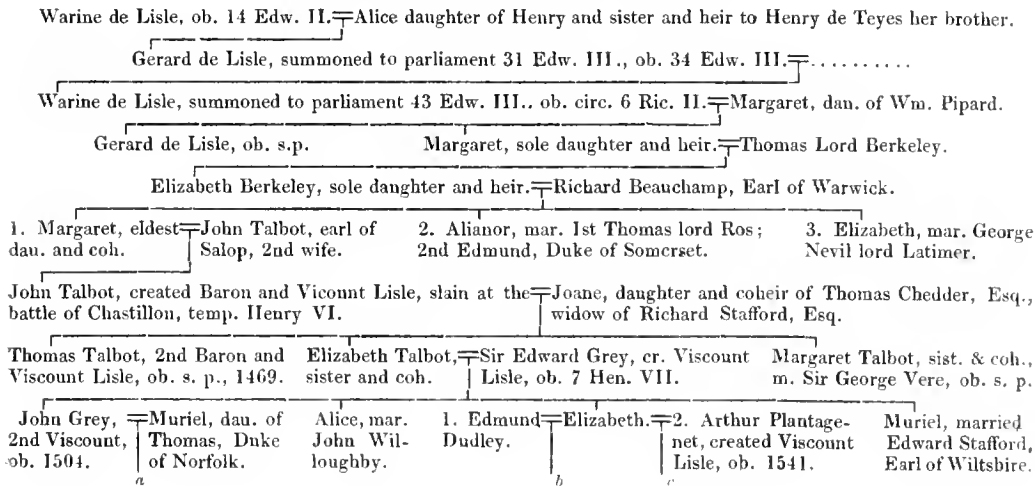
* Printed case, penes auct.

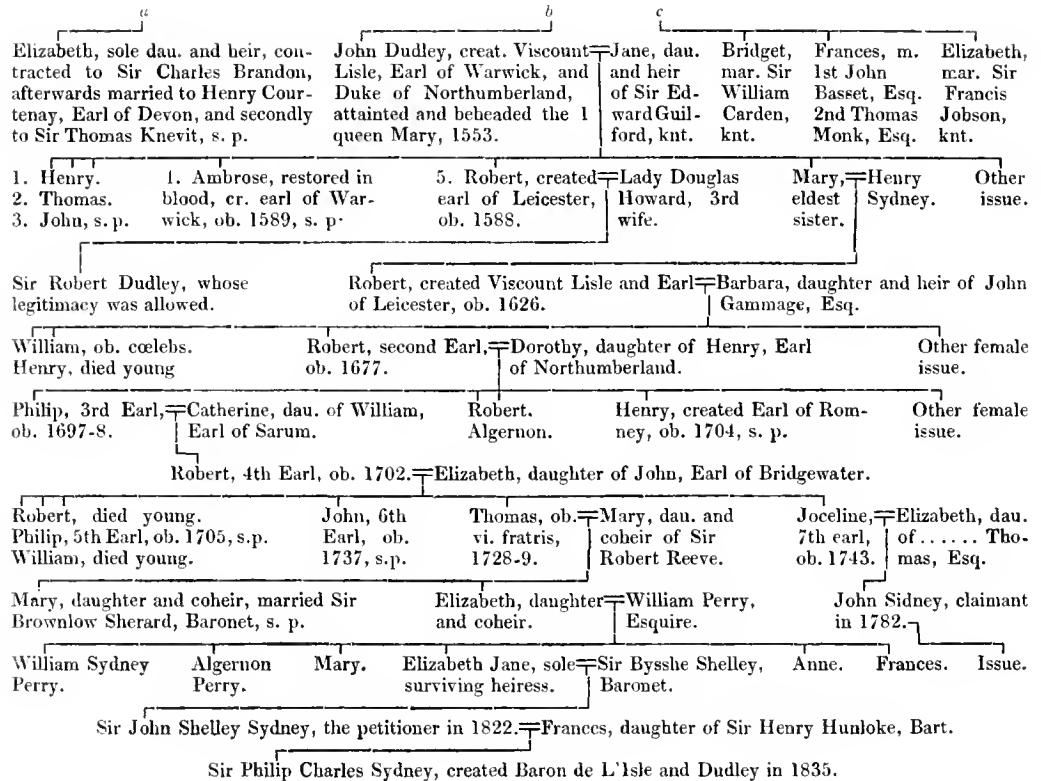
Thus the question of legitimacy was not controverted; Mr. Sydney left issue male and female; but the case of Sir John Shelley Sydney made not any allusion to this interesting point.

In 1835 his Majesty was pleased by letters patent, to create Sir Philip Charles Sydney G.C.H., only son of Sir John Shelley Sydney, bart., of Penshurst Castle, in the county of Kent, baron de L'Isle and Dudley of Penshurst, and the heirs male of his body† lawfully begotten.

† Gaz. 9 Jan. 1835.

LISLE OF KINGSTON LISLE.—(31 Edw. III.)





LONGVILLERS, (16 EDW. III.)

THOMAS DE LONGVILLERS had summons to attend a great council at Westminster, the 16 Edw. III. but never after, though he lived very many years; as this solitary summons cannot be considered a call to parliament, and as he died s.p., any further account of him or of his family is not necessary. According to Dugdale, Agnes his sister was his heir, who married Robert son of Ralph Cromwell.

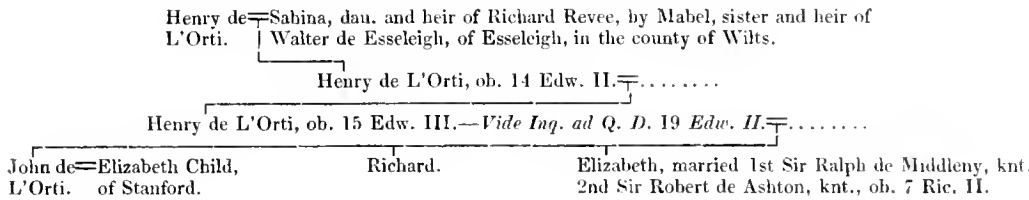
L'ORTI, OR DE URTIACO, (22 EDW. I.)

HENRY L'ORTI, lord of Esseleigh, in the county of Wilts, had summons to parliament the 22, 25, and 27 Edw. I., being designated in the several writs "*Henrico de Urtiaco*;" Dugdale states that he died the 15 Edw. II., 1321, but the name of *Henry de Urtiaco* is

subsequently contained in the writ of summons the 19 Edw. II., 1325, which provided he deceased in 1321, leaves it to be inferred that the last mentioned writ was addressed to Henry his son, who is unnoticed in Dugdale's account, that author making him to be succeeded by John his son and heir who never had summons to parliament, and died leaving issue two daughters, viz., Sibyl who married Sir Lawrence de St. Martin, and Margaret who wedded Henry de Esturmie,^a in whose representatives, sir Harris Nicholas states* *the barony is now in abeyance.*

In Collinson's Somerset† the following pedigree of De L'Orti is given.

* Peccage Sy-nopsis, vol. i., p. 389.
† Vol. iii., pp. 50 & 130.



LOVAINE OR LUVEINE, (45 HEN. III., AND 22 EDW. I.)

In the time of Hen. II., Joceline de Luvein held five knights' fees and one half in the county of York,[‡] of whom no mention is made by Dugdale.

[‡] Hearne's Lib. Nig. Scac. vol. i. p. 327.

In the 2 of king John, Godfrey de Lovaine (called brother to Henry, duke of Brabant) gave 400 marks for the land, and widow of Ralph de Cornhill^b whose name was Delicia, daughter and heir of Robert de Hastings, by his wife daughter and heir of William de Windsor, and by this marriage acquired the manor of Estaines holden by barony.

Matthew, son and heir of Godfrey de Lovaine, was one of those barons summoned to a parliament convened to meet in London, by writ dated the 18th of October, the 45 Hen. III;§ he died shortly after in 1261 (46 Hen. III) seised of the manor and barony of Estaines, leaving

[§] Claus Rot. m. 3, in Dorso.

Matthew de Lovaine his son and heir, who had summons to parliament the 22 Edw. I.,|| but was never again summoned. He died the 30 Edw. I., when

^{||} Dugd. Lists of Summ.

^a Collins in his peage account of the duke of Somerset's family, recites that Roger Seymour married Maud, daughter and coheir of Sir William Esturmi, of Chadham, in the county of Wilts., lord of Wolf Hall, in the said county; whose ancestors were guardians of Savernake forest, by inheritance.—(Vide Camden's Britannia, in com. Wilts.) The family were founders of the hospital of the holy trinity, at Easton, near Marlborough, of which, in the year 1363, and 1368, Henry son of Henry Esturmi, was acknowledged patron by the then bishop of Salisbury.

^b The said widow fined two hundred marks to the king for license to marry according to her own pleasure, but not Godfrey de Loveine. Godfrey however fined in double the amount, to marry her, and have her lands, if she could show no good reason for refusing him. In this record, she is called relict of Ralph, and not Richard de Cornhill.—(Vide Mag. Rot. 2 John. Rot. 3, 6, Essex and Herts.)

Thomas de Lovaine was only twelve years of age; with whom Dugdale closes his account of the family, by reason, he observes neither he, nor his descendants had summons to parliament.

* Morant's
Essex, vol. i.,
p. 166.

This Thomas de Lovaine had a son John, who died in 1347,* leaving two daughters, viz., Alianore and Isabel, who died in 1359, s. p., when Alianore, the sole surviving daughter and heir carried her great inheritance to her husband, Sir William Bouchier; who, by her, was father of William Bouchier, earl of Eu, in Normandy; who, by Anne, daughter of Thomas Plantagenet, duke of Gloucester, had issue Henry, who was first created viscount Bouchier, and afterwards earl of Essex, by king Edw. IV.; in whose coheirs general the present duke of Chandos, and the marquess of Townshend, the barony of Bouchier created by the writ of summons of Robert de Bouchier, the 16 Edw. III.,† may be considered vested. But with regard to any barony of Lovaine, there does not appear any ground maintainable for its assumption, though it has frequently been styled as one pertaining to the descent of the said coheirs, and by the late marquess of Townshend was ranked with his barony of Ferrers of Chartley.

† Vide Bour-
chier.

LOVEL, OR LUVEL, OF KARI.—(22 EDW. III.)

WILLIAM the son of Ascelin de Gouel, and grandson of Robert, lord of Breherval and Yvery, in Normandy, assumed the name of Lovel, and was lord of Kari and Harpetre, in the county of Somerset, and other great possessions in other counties.^a From him descended

Richard Lovel, who, the 22, 23, and 24 Edw. III. had summons to parliament, but died the year following. By Muriel his wife, (said by Dugdale‡ to have been the daughter of an earl of Douglas, in Scotland,^b) he had issue an only son James, who deceased in his lifetime, viz., 16 Edw. III., leaving by Isabel his wife a son Richard, then aged eight, who died under age, s. p., in the lifetime of his grandfather; and a daughter Muriel, who, surviving her grandfather, became heir to his estate, and to the barony of Lovel, provided the writs of the 22, 23, and 24 Edw. III. created any such descendable honour. At the decease of her grandfather she was aged nineteen, and then the wife of Nicholas St. Maur; whose heirs general are the coheirs in the barony of St. Maur, and Zouche of Haryngworth.§

‡ Dug. Bar.,
vol. i., p. 558.

§ Vide St.
Maur & Zouche
of Haryng-
worth.

^a A very interesting work, entitled the History of the House of Yvery, in 2 vols, 8vo., has a most elaborate account of the origin and connections of this family; a great portion of which is incorporated in Collins's Peerage, under the article of Perceval, lord Lovel, and Holland: subsequently advanced to the dignity of earl of Egmont.

^b No such marriage is mentioned in any of the Scotch Peerages of the earls of Douglas. But, a record, viz., Pat. Rot., 4 Edw. II., m. 4., recites, viz: "Rex concessit Ric'o Lovel, in generalli tallio maner' de Wynefrith Eagle, in excambio pro maner' de Veteri Rokesburgh quod fuit Murielle uxoris ejus, filie & hæredis Joh'n'is Soules, pro servic' deb' revertere Regi."

LOVEL OF TICHMERSH.—(25 EDW. I.)

THIS branch, though a younger one to that of Kari, yet had summons to parliament long before it.

John Lovel descended from William Lovel, lord of Minster Lovel, in the county of Oxon, and Tichmersh in the county of Northampton, who was brother of Henry, brother and heir of Ralph, eldest son of William of Kari, had summons to parliament in the 25 and 27 Edw. I., as *John Lovel*; and afterwards as *John Lovel de Tichmersh*, from the 28 Edw. I., to the 4 Edw. II.; at whose coronation, by that description, he was summoned to attend. In the parliament at Lincoln, 29 Edw. I., he was one of those barons who affixed their signature and seals to the letter then written to the pope, being designated *Johannes Lovel Dominus de Berekingg*. He was twice married: his first wife was Isabel de Bois, by whom he had a daughter, who married William lord Zouche, of Harringworth; his second was Joane, daughter of Robert lord Roos; and by her he left, at his decease the 4 Edw. II.,*

* Esch. n. 33

John Lovel his son and heir, who had summons to parliament from the 6 to the 8 Edw. II., when he died.† He married Maud, sister and heir to Edward lord Burnel, and had issue a daughter Joane, called by Dugdale his heir, aged two years,‡ who died young. At this part, Dugdale rather abruptly breaks the thread of narration, proceeding to mention a John Lovel, who the 8 Edw. III. was in an expedition into Scotland; but who this John was the son of, he does not in the least make allusion. He has before stated that John lord Lovel had died the 8 Edw. II., leaving a daughter and heir Joane very young: he does not then assume a first wife, or any son; so that who was this John, the military man of the 8 Edw. III., is left to surmise. This, by Mr. Parkins, is apparently explained,§ who states him to be the son of Thomas Lovel, (by Maud his wife); but how nearly allied to John, he does not mention.

† Ibid., 8 Ed. II., n. 49.
‡ Dugd. Bar. vol. i., p. 558.

§ His. of Norf. vol. x., p. 363.

In Anderson's History of the House of Yvery, it is asserted that John Lovel, by Maud Burnel, left issue, John his son and heir, *aged two years*; which is the *same age* which Dugdale has attributed to Joane his daughter, called by him also, *his heir*:^a whether son of Thomas, or of John, the said

John Lovel was never summoned to parliament, and died the 21 Edw. III., having had by Isabel his wife (named by some as a daughter of William lord Zouche) two sons, both named John; of these the eldest

John lord Lovel was only six years old at his father's death, and died in his minority the 35 Edw. III. s.p., leaving his brother John his heir, aged nineteen, which

^a It seems most likely that the statement in Dugdale, that Joane was *daughter and heir, aged two years*, was an error of the press for *John, son and heir, aged two years*. By the fine levied by Maud his widow, and John de Handlo her second husband, it appears she had a son John by her first husband John Lovel.

John lord Lovel attaining his majority the 37 Edw. III., had livery of his lands, his homage being respited, and was afterwards a person of great note, and was elected a knight of the noble Order of the Garter. He had summons to parliament from the 49 Edw. III. to the 8 Hen. IV., and probably died the next ensuing year: his will being dated the 12th of September following. His wife was Maud, granddaughter and heir of Robert lord Holland,* by whom he left issue,

* Vide Holland.

John lord Lovel, his son and heir, who had summons from the 11 Hen. IV. to the 2 Hen. V., inclusive, in which year he died, leaving by Alianora his wife, daughter of William lord Zouche, of Haryngworth, William his son and heir, which

William lord Lovel had summons from the 3 to the 33 Hen. VI., as *William Lovel, Chiv.*^c without the additament of *Tichmersh.*^a He married Alice, daughter, and heir eventually, of John lord D'Eincourt,† by Johanna, daughter and heiress of Robert lord Grey of Rotherfield, by which heiress he had issue, John his successor; William who became lord Morley, jure uxoris;‡ and another son Robert.^b He died the 33 Hen. VI., leaving Alice his wife surviving.

† Vide Deincourt.

‡ Vide Morley

John the next lord Lovel, had summons from the 38 Hen. VI. to the 2 Edw. IV., as *John Lovel, Chiv.*, and died the fourth of the same reign. His wife was Joane, sister and heir of William viscount Beaumont,§ by whom he had a son Francis, his successor, and two daughters, eventually coheireses to their brother, viz: Joane, who married Sir Brian Stapleton; and Fridiswide, who married Sir Edward Norris, ancestor to the present earl of Abingdon.

§ Vide Beaumont.

Francis, next lord Lovel, had summons the 22 Edw. IV., as *Francis Lovell de Lovell Chev.*; and the 1 Ric. III. was created viscount Lovel, and summoned to parliament by that title. He was a strenuous supporter of that king, and fought with him at the fatal battle of Bosworth, where Richard was slain; he himself however escaped with life, and having got out of the kingdom, remained abroad for some time; but afterwards returning into England with John de la Pole, earl of Suffolk, and a body of soldiers under Martin Swartz their commander, he was slain as it is generally represented|| at the battle of Stoke, the 3 Hen. VII., where their army was defeated. Being thus dead and attainted, all the baronial honours which were concentrated in him became forfeited, and the viscounty extinct, he dying s.p.

|| Vid. Banks's Dorm. & Ext. Bar., vol. ii.

Among the baronies, that of Burnell has been set down as one; but on referring to the Burnell title, it will be seen that Edward Burnell, who was summoned to parliament

^a Though summoned to the 33 Hen. VI., inclusive, he is said to have obtained the 24 Hen. VI. a special exemption from attending parliament (in consideration of his services in foreign parts, and infirmity of body) for the term of his life.—(*Anderson's House of Yvery.*)

^b He died s.p. There was another son Henry who was buried in the Cruched Friars, of whom nothing is known.

from the 5 to the 8 Edw. II., died s.p., and therefore if any barony was created in him by virtue of these writs, the same became extinct upon his death, and consequently his sister Maud, although his heir to lands, could not take any barony to hand down to her issue by John Lovel her husband.

THOMAS LOVEL.—(16 EDW. III.)

THOUGH not mentioned by Dugdale in his Baronage, yet in his Lists of Summons the name of Thomas Lovel is noticed as being summoned to attend a great council to be holden at Westminster the 16 Edw. III.,* but never after; who he was does not appear, nor is his name contained in Anderson's House Yvery. * Dug. Lists of Sum.

John Lovel, who died the 15 Edw. I., married Maud, daughter and heir of ——— Sydenham, and by her acquired the manor of Tichmersh, and had issue John his eldest son, thereafter summoned to parliament; and Thomas, who had the manor of Tichwell for his portion, and is said to have borne *a Bend Azure* over his coat, for a difference.

LUCAS.—(20 CAR. I. AND 15 CAR. II.)

ALTHOUGH this peerage has not its origin from writ of summons, but from a special patent, yet the limitations are so analogous to the course of descent of a barony by writ, that it may not be irrelevant to notice it here.

Sir John Lucas, a distinguished officer under Charles I., during the civil war, was in consideration of his eminent services created baron Lucas of Shenfield, in the county of Essex, the 20 Charles I., with remainder, in default of issue male, to his brothers Sir Charles, and Sir Thomas Lucas respectively, and their issue male.^a

This lord Lucas married Anne, daughter of Sir Christopher Nevill, of Newton St. Lo, in the county of Somerset; by whom he had an only daughter Mary, who became the wife of Anthony Grey, earl of Kent. Thus, not having any issue male, and his brother Sir Charles having died s. p., he obtained other letters patent, dated the 15 Car. II.: whereby his said daughter Mary was created baroness Lucas, of Crudwell, in the county of Wilts, with the singular and unprecedented remainder of the barony to her heirs male, by the earl of Kent; failing which, the title not to be suspended, but to be enjoyed by such of the daughters and coheirs, if any shall be, as other indivisible inheritances by the common law of this realm are usually possessed. He died in 1670, s.p.m.; and was succeeded in the barony of Lucas of Shenfield by his nephew.

^a He was elder brother of Sir John the baron, but born before marriage.

Charles Lucas, son and heir of his brother Sir Thomas Lucas ; he married Penelope, daughter of Francis Leke, earl of Scarsdale, and had issue two daughters his coheirs, whereof ——— married the honourable ——— Carey; and Penelope married Isaac Selfe, esq., and had two sons Lucas, and Jacob, who both died s.p., and a daughter Anne, who married Thomas Methuen, esq., whose heir is the present lord Methuen; not having issue male, he was, on his death in 1688, succeeded by

Thomas, his brother, third lord Lucas, of Shenfield, who dying s.p.m. in 1705, the barony became extinct ; but the barony of Lucas of Crudwell being a distinct creation, still remains, and has followed the course of limitation, through the heir female to the present earl De Grey.

LUCY OF COCKERMOUTH.—(14 Edw. II.)

RICHARD DE LUCIE, son and heir of Reginald de Lucie, lord of Egremont, in the county of Cumberland, left issue two daughters his coheirs, whereof Annabel married Lambert de Multon ; and Alice wedded Alan de Multon, by whom she had Thomas de Multon, her son and heir, which

Thomas assumed his mother's name of Lucie, or Lucy, and the 16 Edw. I., had livery of the lands of her inheritance. He married Isabel, one of the daughters and coheirs of Adam de Bolteby, a great baron in Northumberland, and dying the 33 Edw. I., left Thomas his son and heir, who dying s.p. was succeeded by his brother and heir,

Anthony de Lucy, who had summons to parliament from the 14 Edw. II., to the 17 Edw. III. inclusive, in which year he died, leaving Thomas his son and heir, and a daughter Joane, who married William de Multon.

Thomas de Lucy had summons to parliament in his father's lifetime, the 15, 16, and 17 Edw. III., and from thence to the 38th of the same reign ; the year following of which he died. He married Margaret the third sister and coheir of John de Multon, of Egremont, who was great-grandson of Lambert de Multon, by Annabel, daughter and coheir of Richard de Lucie, and sister of Alice de Lucie, his great-grandmother ; by this Margaret he had issue a daughter Maud, and a son

Anthony de Lucy, who died shortly after him, the 42 Edw. III., but never had summons to parliament. He had issue an only daughter Joane de Lucy, who dying under three years of age, Maud her aunt, sister of her father, became her heir.

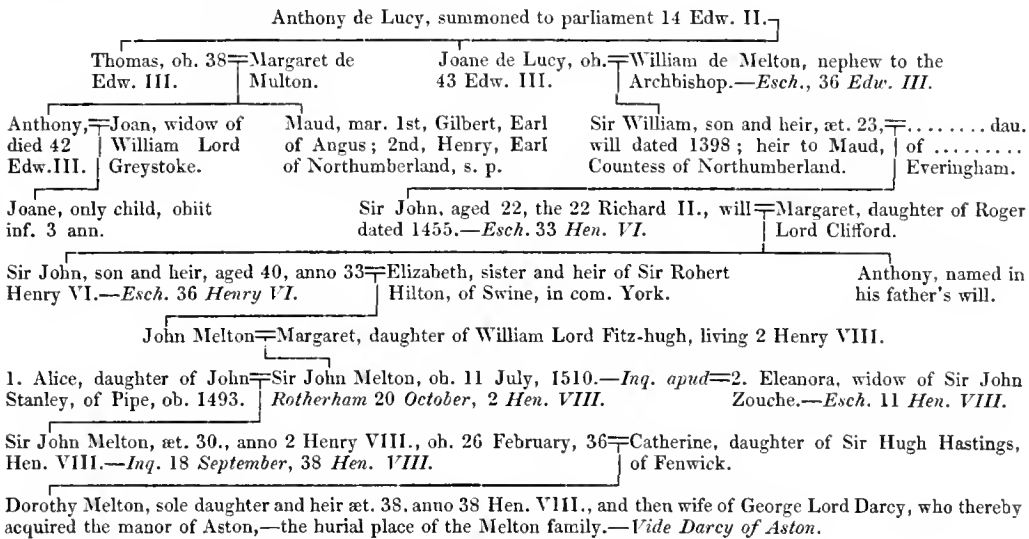
This Maud de Lucy was first married to Gilbert de Umfraville, earl of Angus ; and secondly to Henry the first Percy earl of Northumberland, but had not any issue by either husband : she however by a fine levied the 8 Richard II., settled the castle and honor of Cockermouth, with other great estates upon the said Henry earl of Northumberland, and herself, and the heirs male of their two bodies ; and in default thereof, on

the heirs of her own body; and in default, on Henry lord Percy, son and heir of the said earl by his first wife, and the heirs male of his body, on condition of quartering the arms of Percy with those of Lucy, and in default of issue male of Henry lord Percy, then upon other male branches of the Percy family, upon the like condition.

Dying s.p., the said estates passed into the Percy family, but the right to the barony of Lucy vested in Sir William Melton, son and heir of Joane, aunt and heir of blood to her, the said Maud; and sister and sole heir to Thomas de Lucy her father.

Thus it is evident no right to this ancient barony of Lucy attaches to the Percy family, which has not a particle of Lucy blood in it, so that the assumption of it is without the slightest foundation.

Thomas Percy son and heir of Sir Thomas, who was attainted, the brother and heir of Henry the sixth earl of Northumberland, was created baron Percy, baron Poynings, Lucy, Bryan, and Fitz-Payne, with remainder failing issue male to his brother Henry, and his issue male, created earl of Northumberland, with same limitation, 1 May 1557: thus the name of these baronies merged in the earldom, till the death of Josceline the eleventh earl of Northumberland, in 1670, s.p.m., when they all became extinct, so far as they were created as before mentioned.



GEFFERY DE LUCIE.—(49 HEN. III.)

OF this name, it appears there were two very eminent branches, though probably emanating from one parent root, of which no mention is made: so that whether Reginald de

Lucie, who married Annabel, one of the daughters and coheirs of William Fitz-Duncan, by Alice, the heiress of Egremont, which barony he thereby acquired, and passed, as already mentioned, into the family of Multon, was related to Richard de Lucie, to whom king Henry I. gave the manor of Disce, in Norfolk, and who in the reign of Hen. II. was appointed to the great office of Justice of England, is uncertain. Dugdale observes,* he could never yet discover the parentage of the former, nor does he give any account of the origin of the latter. Similarly uncertain is the the parentage of

* Dugd. Bar. v. i., p. 566.

Geffery (by some called Godfrey) de Lucie, who at the coronation of king Richard I. bore the cap of state.† He was a person of great action, and consequence in his day, and dying the 36 Hen. III., left Geffery his son and heir, which

† Ibid.

Geffery de Lucie, taking part with the barons under Simon de Montfort, was one of those called to the parliament summoned by the confederated lords in the king's name to meet at London the 49 Hen. III.‡ After their defeat at Evesham, he made his peace and became a loyal subject. He died circ. 12 Edw. I., leaving Elianore his wife surviving, and Geffery his son and heir, then in minority, which

‡ Dugd. Lists of Summ.

Geffery de Lucie on attaining his majority, and doing his homage, had livery of his inheritance, the 16 Edw. I., and had summons to parliament the twenty-fifth of the same reign, but never after; so that Dugdale says, "*further I cannot say of him;*" nor indeed does it seem needful, as no baronial inheritance can be supposed acquired from the two writs of summons before mentioned.

In the much laboured account of the family of Lucy, which obtained the honour of a baronet's patent, and was seated at Broxburn, the connection with the aforesaid families is not shown, though a very illustrious lineage is endeavoured to be set out. The name is presumed to have been taken from some place in Normandy.

LUMLEY.—(8 Ric. II.)

THIS family, undoubtedly of very great antiquity, as elaborately set forth in Mr. Collins's Peerage,^a yet did not attain to the rank of Nobility till the time of Ric. II., when

Ralph de Lumley had summons to parliament among the barons of the realm, the 8 Ric. II., and from thence to the 1 Hen. IV. when being concerned with divers others of the nobility to restore king Richard, he was slain at Cirencester, and being attainted, his newly created honour was forfeited.

^a An anecdote is related of king James I. that when on his route from Scotland to take possession of the English throne, he stopped at Lumley Castle, and was there entertained by the noble baron, who conducted his majesty through the long gallery containing the portraits of the Lumley family for many generations, which so surprised the king, that he exclaimed, "*He had never heard before that the surname of Adam was Lumley.*"

Thomas de Lumley, grandson of the last baron, being son and heir of John de Lumley who was restored in blood by parliament in 1411, brother and heir of Thomas (who died *infra ætatem* in 1404), eldest son of Ralph the first baron, obtained an act of parliament in 1461,* reversing the attainder of his grandfather, and was thereupon summoned to parliament from the 1 Edw. IV. to the 12 Hen. VII., about which time he deceased, 1497.

* Rot. Parl.
1 Edw. IV.,
vol. v., p 486.

George Lumley, son and heir of Thomas, was never summoned to parliament, and died in 1508, leaving

Richard Lumley his grandson and heir, (who was son and heir of Thomas Lumley, his eldest son, who died *vi. pat.*), which Richard had summons from the 1 to the 3 Hen. VIII.: to the said last writ it is noted on the roll *mortuus est, ut dicitur*.

John Lumley, his son and heir, succeeded to the barony, and had summons the 6 Hen. VIII., and in divers parliaments afterwards. In the 28 Hen. VIII. he was in that insurrection called the Pilgrimage of Grace, but on a pardon being offered, the insurgents delegated him to treat with the duke of Norfolk, the king's general, when he so well accommodated all matters with the duke, that all concerned in the rising were permitted to go home without being questioned for their offence. Thus he so far saved himself; but his son George being concerned in another insurrection with the lord Darcy and others, was apprehended, committed to the Tower, and being arraigned and found guilty of high treason suffered death the 29 Hen. VIII., *vi. pat.*

By this unhappy event the barony became forfeited to the crown, so that upon the decease of John lord Lumley, it could not descend to the children of George, who had issue a son John and two daughters, viz: Jane, who married Geffery Markham, esq., and died *s.p.*; and Barbara, who married Humphrey Lloyd, esq., hereafter mentioned.

John Lumley, son and heir of the attainted George, at the death of his grandfather was an infant; but on his petition the 1 Edw. VI., he was restored in blood by act of parliament, 1547, whereby it was enacted "*that he and the heirs male of his body should have, hold, enjoy, and bear the name and dignity, state and pre-eminence of a baron of the realm;*" whereby a new barony of Lumley was created, and limited by express words to the said John in tail male; the ancient barony remaining vested in the crown, by reason of the attainder of George his father.

This John lord Lumley, afterwards lived in great honour and public estimation: his first wife was Jane, eldest of the two daughters and coheirs of Henry Eitz-Alan, earl of Arundel, by which lady he had issue Charles, Thomas, and Mary, who died in their infancy; his second wife was Elizabeth, daughter of John lord Darcy, of Chich, who survived him *s. p.*; not having any surviving issue, the barony created in him upon his death in 1609 became extinct.

In March, 1723, the Rev. Dr. Lloyd, of Cheam, Surrey, as heir general of Barbara

Lumley, sister and heir of the aforesaid John lord Lumley, by her husband Humphrey Lloyd, esq., claimed the barony of Lumley, setting forth that he was heir general in descent from Ralph Lumley, summoned to parliament by writ the 8 Ric. II. His petition was referred to the house of lords, when their lordships resolved "that he, the petitioner, had not any right to a writ of summons to parliament as prayed by his petition."

The report of their lordships, recites, viz: "That by the act of parliament of 1 Edw. VI., a new barony of Lumley was created, and limited by express words to John lord Lumley, in tail male; and that upon his death without issue male, it became extinct."

"That the attainder of George Lumley is not reversed by the said act, but remains yet in force, and that the restitution of John lord Lumley in blood only, while the attainder remains unreversed, could not possibly revive the ancient barony, which was before merged in the crown, in consequence of that attainder."

Dr. Lloyd having been opposed by the earl of Scarborough, the heir male of the Lumley family, the following extract from the codicil to his will, dated 29 Dec., 1729, will show how he resented that opposition, viz: "I give to the right hon. the earl of Scarborough the body of Richard Lumley, knight, late viscount Waterford, in Ireland, with the leaden coffin in which the same is enclosed, now deposited in the vault, or burying place belonging to our family, in or near the parish church of Cheam aforesaid; with full liberty to transport and carry away the same, and make such use thereof as he shall think fit."

Dr. Lloyd had three sisters, Elizabeth, Susan, and Catharine; in whom, with himself, was centred the representation of the elder branch of the Lumley family.

LUTEREL.—(45 HEN. III. AND 22 EDW. I.)

* Claus., 14
Hen. III., m.
20.

† Claus. Rot.
m. 3., in Dorso

ANDREW, son and heir of Geffery Luterel* by Trethesenta his wife, daughter and coheir to William Pagnel, lord of Irnham, in the county of Lincoln, by Avicia his wife, widow of William de Courcy, was one of those eminent persons, who as a baron, was summoned to attend a parliament called by the king's writ to meet in London the 45 Hen. III.† He died shortly afterwards, 49 Hen. III., and was succeeded by

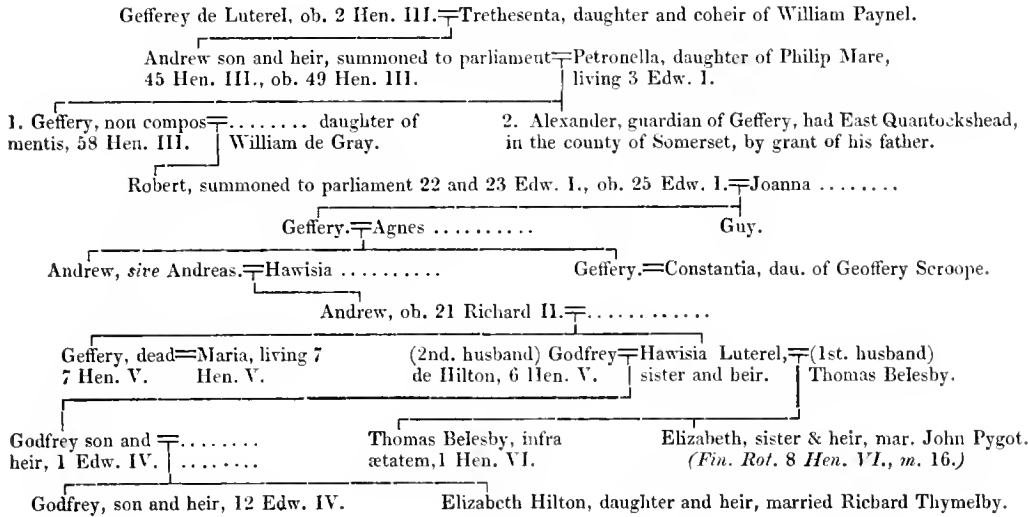
Geffery de Luterel his son and heir, who not being *compos mentis*, the custody of his person was given to Alexander his brother; and William de Gray, whose daughter he had married, had the tuition of his children.

‡ Dugd. Lists
of Summ.

Robert de Luterel, his son and heir, held Irnham per baroniam, and had summons to parliament the 22 and 23 Edw. I.; but this last parliament was prorogued, of which he was informed.‡ Shortly after this he deceased, the 25 Edw. I., being then seised of Hoton Painell, in the county of York, and of Irnham, in the county of Lincoln.

Geffery Luterel, his son and heir, never had summons to parliament, nor any of his descendants; but in 1768, a junior branch of this family,

Simon Luterel, whose sister married His Royal Highness the duke of Cumberland, brother to his majesty George III., was created baron Irlham, of Luttrellstown, in Ireland; in 1781 was made viscount Carhampton, of Castlehaven; and 1785 was advanced to the dignity of earl of Carhampton.



MALTRIVERS.—(4 EDW. III.)

THE account of this family in Dugdale's Baronage is very unconnected, as observed by Mr. Hutchins, in his History of Dorsetshire,* who says, it is not drawn up with the usual accuracy of that celebrated baronagian. But, as to reconcile differences of statement with regard to the more early descents, before any one had summons to parliament to obtain baronial rank, is not relevant to the subject of this work, it may suffice to state that

John Maltravers, and John his son, were both summoned by the distinctions of senior and junior, to attend at Carlisle, *equis et armis*, the 1 Edw. III.; † but that summons was manifestly not a call to parliament. In the 4 Edw. III., by writ dated 25 of January, John Maltravers, with the addition of junior, was summoned to a parliament to assemble at Winchester, and by a writ dated the 15 of June, the same year, John Maltravers, *without distinction*, was summoned to a great council to be holden at Oseney, ‡ which seems to indicate that it was *the father*, and *not the son*, to whom that writ was addressed; and by another writ dated 23 October, the same 4 Edw. III., John Maltravers, with the addition of junior, was summoned to a parliament to meet at Westminster. §

* V. ii., p. 113

† Dugd. Lists of Summ.

‡ Ibid.

§ Ibid.

Thomas earl of Arundel had summons to parliament in the lifetime of his father, by writ, "*Thomæ Arundel de Maltravers Militi*," in the 22 Edw. IV., the 1 Ric. III., and the 1 Hen. VII., being the first connection of the name of Arundel with that of Maltravers. He died in 1524, leaving

William Fitz-Alan, earl of Arundel, his son and heir, who died in 1543, having had issue Henry his son and heir, who, in his lifetime had summons to parliament from the 25 to the 35 Hen. VIII., as "*Henry Fitz-Alan de Maltravers*." This

Henry having succeeded his father in the earldom of Arundel, was the last earl of his name and family. He died in 1579, leaving only female issue, two daughters, who were his coheirs: of these, Joane married John lord Lumley, and had two sons and a daughter, who died in their infancy; Mary the other daughter and coheir married Thomas Howard, fourth duke of Norfolk; and, having by the failure of issue from her sister Joane, lady Lumley, become sole heir of Henry earl of Arundel, and baron De Arundel, de Maltravers, she carried the earldom and that barony into the Howard family.^a

Thomas duke of Norfolk being afterwards beheaded and attainted, all his honours became forfeited; but the earldom of Arundel, annexed to the tenure and possession of the castle, with the barony of Arundel de Maltravers, belonging to the inheritance of his wife, descended to her son and heir

Philip Howard, who thereupon became earl of Arundel. He was attainted in 1590, but was not executed, and died a prisoner in the Tower.

Thomas, son and heir of Philip, was restored in blood to all such honours as his father had enjoyed; and likewise as earl of Surrey; and to such dignities of baronies as Thomas duke of Norfolk, his grandfather, lost by his attainder. And by act of parliament the 3 Car. I., (1627,) the earldom of Arundel, with the titles and dignities of the baronies of Fitz-Alan, Clun, and Oswaldestre,^b and Maltravers were annexed to the title, honour, and dignity of the earl of Arundel, and together with the earldom, were settled upon him and the heirs male of his body; and in default upon the heirs of his body; and in default upon a series of heirs male of other branches of the Howard family: and under these limitations the aforesaid titles and honours have since continued to descend.

It may here be considered how far the barony of Arundel de Maltravers, or Maltravers, (which are the same,) having its origin by writ of summons, and as such descendable

^a It does not appear how, or when, the castle of Arundel was made descendable to an heir female, it having come to John Fitz Alan, grandson to John who married the heiress of Maltravers, by virtue of a fine and settlement made in favour of the heir male, in prejudice to the daughters and coheirs of Richard, earl of Arundel, and sisters and coheirs to Thomas, earl of Arundel, who died s.p. the 3 king Hen. V.

^b Fitz-Alan, Clun, and Oswaldestre were never distinct baronies. Fitz Alan was the mere name of the lord of these territories; and Fitz Alan was never summoned to parliament so as to acquire a barony by writ descendable in blood. All the territorial lordships of the family might have been designated with equal propriety of dignities.

to heirs general, is affected by the annexation of it to the course of limitation prescribed by the act of parliament; and whether such limitation by making a different course of descent is not thereby the creation of a new barony of Maltravers. Under the original descent, the lords Stourton and Petre would be the coheirs thereto.

Thomas Howard, grandson of the said Thomas earl of Arundel, by act of parliament 29 Dec., 1660, was restored to the dukedom of Norfolk, with the precedence of his ancestor John duke of Norfolk, first created by king Richard III.; which act was afterwards confirmed by another act, settling the succession upon the heirs male of the bodies of numerous branches of the Howard family.*

* Vide Coll. Peer., vol. i., all editions.

MANNERS OF HADDON.—(31 CHARLES II.)

JOHN MANNERS, son and heir apparent of John, eighth earl of Rutland, had summons to parliament *vita patris*, as "*John Manners de Haddon Chiv'*," and was introduced, and took his seat 2 May, 1679.† This summons of creation appears to have originated from the barony of Ros, having been separated from the Manners family, in the way which will be found detailed under the article of Ros.‡

† Journ. Dom. Proc.

‡ Vide Ros.

This John succeeded his father as the ninth earl of Rutland, and was afterwards, in 1703, created marquess of Granby, and duke of Rutland, in which dignity this barony is now merged.

MANNY.—(21 EDW. III.)

WALTER DE MANNY, (an alien in the diocess of Cambay) was one of the most eminent commanders in the wars of France, temp. Edw. III., was in the famous battle of Cressy, and at the winning of Calais, where the king himself, and the prince, fought under his banner. He was a knight of the Garter, and had summons to parliament among the barons of the realm from the 21 to the 44 Edw. III., and dying the 46 of the same reign, was buried in the monastery of the Carthusians (now commonly called the Charter House) which he had founded.§ He married Margaret, daughter and coheir of Thomas of Brotherton, earl of Norfolk, (widow of John de Segrave) and had issue a son Thomas, (unnoticed by Dugdale) who was drowned in a well at Deptford in his childhood,|| and a daughter Anne, his heir, who married John de Hastings, second earl of Pembroke, whose son John, the third earl, dying s.p., the barony of Manny became extinct.

§ Dug. Bar. vol. ii., p. 150.

|| Sandford's Geneal. Hist. etiam Weever, p. 433.

MARMYUN OF SCRIVELSBY.—(45 HEN. III.)

PHILIP DE MARMYUN had summons to that parliament which was called by writ to meet in London the 45 Hen. III.,¶ but died the 20 Edw. I., before any regular series of

¶ Claus. Rot. m. 3 in Dors.

summons is to be found on record. He steadily supported the king during his contention with the rebel barons under Simon de Montfort; and on the surrender of Kenilworth castle was appointed governor thereof. At the time of his decease he was found by inquisition* to hold the castle of Tamworth by knight's service, finding three soldiers for thirty days at his own expense for the wars in Wales; and to hold the manor of Scrivelsby in the county of Lincoln, *per baroniam*, and in grand serjeanty, by the service of being champion to the king's of England on their coronation day. By his first wife Joane, youngest daughter and coheir to Hugh de Kilpee,† he had issue Joane, who married William Mortein, s.p.; Mazera, who married Ralph de Cromwell; and Maud, who married Ralph Boteler. By his second wife, Mary Cantilupe, he had issue an only daughter, also named Joane, æt. eight at her father's death; to her, in the division of the estates, the manor and barony of Scrivelsby was assigned. She married to her second husband, Henry Hilary; but to her first husband, Sir Thomas de Ludlowe, by whom she had issue a son and heir Thomas, whose only daughter and heir Margaret married Sir John Dymoke, knight, who thereby acquired the manor and barony of Scrivelsby, in right whereof he performed the office of king's champion on the coronation day of Ric. II.‡ From that period to the present day the manor and barony of Scrivelsby have continued in the possession of the Dymoke family, and the office of king's champion has been executed personally by them at every coronation which has been celebrated.§

* Esch. 20
Edw. I., n.36.

† Fin. Rot. 23
Hen. III. m. 9.

‡ Coron. Rot.
I, Ric. II.,
vide vol. ii.

§ Vide Coron.
Rot. Regum.

MARMYUN OF WITRINGHAM.—(22 Edw. I.)

JOHN MARMYUN, grandson of Robert Marmyun, a younger half brother of Robert the father of Philip, held Witringham and other lands in the county of Lincoln; and also West and East Tanfield, with divers manors in the county of York. He had summons to parliament the 22 and 25 Edw. I., and afterwards from the 7 to the 20 Edw. II., according to Dugdale's Index to his Lists of Summons; but on referring to the writs of the several intervening years, the name of John Marmyun only appears in the 7, 14, 15, and 20 Edw. II.,|| as he is said to have died the 16 Edw. II., the summons of the 20th must apply to John his son, which

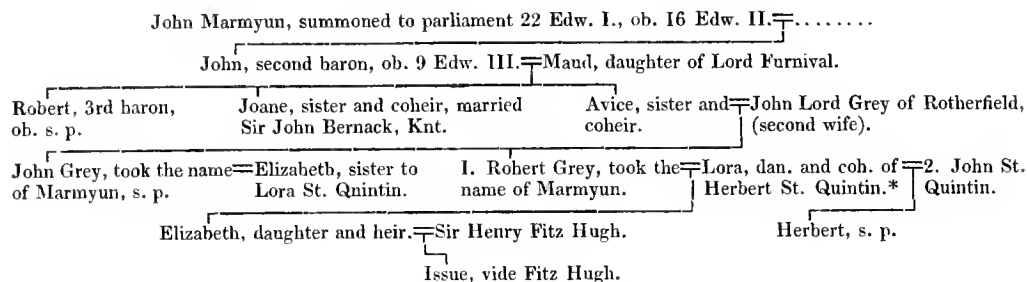
|| Dug. Lists
of Sum.

John Marmyun had summons from the said 20 Edw. II. to the 9 Edw. III., inclusive, about which time he deceased, leaving two daughters, and

Robert his son and heir, who never had summons to parliament, and died s.p., when his two sisters became his coheirs; of which, Joane married Sir John Bernack, knight, and Avice married Sir John Grey, of Rotherfield,¶ to whom she was second wife. The said Robert Marmyun being very infirm, and not having any issue, and being desirous for the continuance of his name, by the advice of his friends, married his sister Avice to Sir

¶ Vide Grey
of Rotherfield.

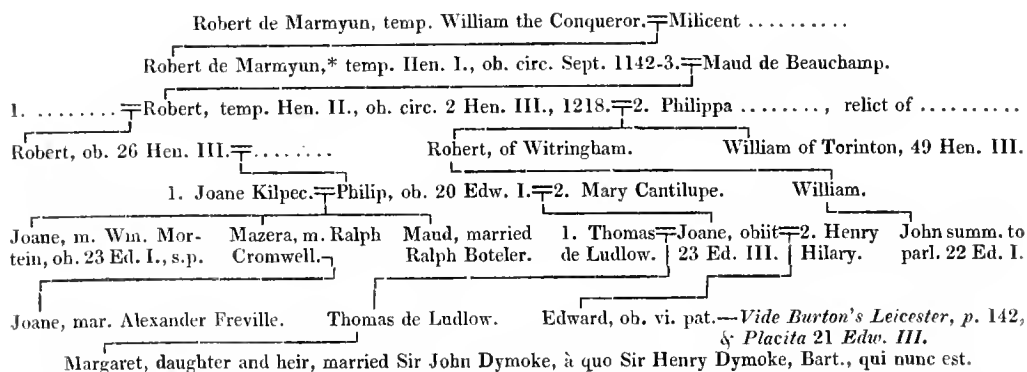
John Grey, and settled his lands on condition that their issue should take the name of Marmyun. None of this line however had summons to parliament by the Marmyun title.



* *Vide Originalia 23 Edw. III., Rot. 22, Ebor.*—Lora, and Elizabeth daughters and heirs of Herbert de St. Quintin.
N.B.—In West Tanfield Church, are, or were several monuments for the Marmyun family.

MARMYUN OF TORINGTON.—(49 HEN. III.)

WILLIAM MARMYUN, next brother to Robert, the grandfather to John of Witrington, before mentioned, had Torington, in the county of Lincoln, and taking part with the confederated barons under Simon de Montfort, was so highly estimated, that he was one of those who was summoned to that parliament which they in the king's name called by writ to meet in London the 49 Hen. III., after which time no further mention occurs of him, either as to the period of his death, of any marriage, or of any issue; but under the aforesaid summons, no parliamentary barony can be considered to have been created in him.



* He held the Castle of Fontney in Normandy, temp. king Stephen; there is a small town called *Fontney le Marmyun*, near Caen.

MARESCHALL, OR MARSHALL, OF HENGHAM.—(45 HEN. III.
AND 2 EDW. II.)

JOHN MARESCHALL, called by Dugdale nephew to William, earl of Pembroke, married Aliva, one of the daughters, and coheirs of Hubert de Ric, baron of Hengham, in the county of Norfolk, and thereby acquired that lordship or barony. He had issue John his successor, who died s.p., and William, heir to his brother,* which

* Blom. Norf.
v. i., pp. 223-4
edit. 8vo.

William Mareschall had summons to that parliament which was called by the king's writ to meet in London the 45 Hen. III.† He adhered to the rebel barons under Simon de Montfort, and circ. 50 Hen. III. died, leaving John his son and heir, which

† Claus. m. 3,
in Dorso.

John Mareschall was never summoned to parliament, dying the 12 Edw. I.,^a before any writs are upon record, to evidence such a summons.

William his son and heir, at his father's death, was about five years of age; but after attaining his majority, was, in the 34 Edw. I., in the wars of Scotland; and afterwards had summons to parliament from the 2 to the 7 Edw. II.,^b when he died, leaving John his son and heir, who died three years after, in the 10 Edw. II., s.p., leaving Ela his wife surviving, who re-married Robert Fitz Paine, (to whom she was second wife,) and Hawyse his sister and heir; which

Hawyse Mareschall married Robert de Morley,‡ and with a great inheritanee carried to him also the marshalship of Ireland, which had been granted in fee to her ancestor, John de Mareschall, by king John.§

‡ Rot. Parl.
1 Edw. III.,
m. 8, pars. 2.
§ Cart. 9 Joh.
m. 32.

MARTIN.—(23 EDW. I.)

NICHOLAS MARTIN (descended from Martin de Tours, a Norman, who, making a conquest of Kemeys in Pembrokeshire, obtained that territory) married Maud, daughter of Guy de Brian, by Eve his wife, daughter and heir of Henry de Traci, and by this marriage became lord of Barnstaple, and other large possessions in the county of Devon. His grandson,

William Martin (son of Nicholas, who died vi. pat.) had summons to parliament

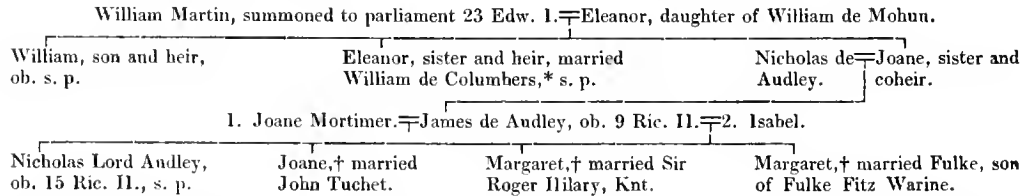
^a In Salmon's Hertfordshire, (p. 192,) it is said that Christian, daughter and heir of Robert Fitz Walter, by Devorguil, daughter and coheir of John de Burgh de Lanvallei, married ——— Mareschall; whose son William had issue John, s. p.; and, Hawyse, who married Robert Morley.

^b Though the name of William Mareschall does not appear in any writ of summons during the reign of Edw. I., yet he is mentioned as having subscribed the letter to the pope, in the parliament at Lincoln, 29 Edw. I., being then designated "*Willielmus Mareschallus Dominus de Hengham.*"—(Yide Dugdale's Lists of Summons.)

* Coron. Rot.
1 Edw. 11.

from the 23 Edw. I. to the 18 Edw. II., at whose coronation he was one of the nobles summoned to attend.*

In the 29 Edw. I. he was among those who at the parliament at Lincoln subscribed the famous letter to the pope, being then designated "*Willielmus Martin Dominus de Comesio*." He died circ. 18 Edw. II., leaving^a William Martin his son and heir, who, unless the summons of the 19 Edw. II. applied to him, never had summons to parliament, but died s.p., according to Dugdale, the next year, (i. e., after his father) leaving Eleanor his sister then married to William de Columbers, aged forty, and James the son of Nicholas de Audley, by Joane his other sister, at that time aged fourteen, his heirs.



* The name of *William Columbers* is here mentioned from Dugdale having so stated it under the article of Martin; while under *Columbers and Audley* he expressly calls him *Philip*: which more correctly is considered to have been his right name.—(Vide *Philip de Columbers Estreats 19 Edw. II.*) Sir Harris Nicolas in his Synopsis has followed Dugdale in the name of *William Columbers*.

† Between the heirs representative of these three daughters and coheirs the barony of Martin is in abeyance, it never having been determined by the Audley barony going into the descendants of Sir John Tuchet.

MAUDUIT, WILLIAM.—(45 HEN. III.)

OF this family there were divers branches, but their connection with each other is very confusedly given by Dugdale.

† Dug. Bar.,
v. i., p. 398.

William Mauduit was chamberlain to king Hen. I., and marrying Maud, daughter of Michael Hanslape, acquired with her the barony of Hanslape, in the county of Buckingham.† He most probably was the progenitor of all the other houses, and by his great power enabled to settle them in the large possessions which they held in divers counties. From him descended

William Mauduit, who married Alice, daughter of Walteran earl of Warwick, and ‡ Esch. n. 22. died the 41 Hen. III., ‡ leaving William his son and heir, which

^a Vide *Pat. Rot., 25 Edw. I., m. 1., part 2*.—A treaty for marriage of Edward, son and heir of William Martin, lord of Keneys, with Janetta, daughter of John Lord Hastings; and of Alianore, daughter of the said William, with William son and heir of the said Lord Hastings; it may therefore be assumed that the said Edward died *vitâ patris*, before any marriage took place; or otherwise s.p.

It also appears that this William had a second wife, Margaret, who survived him, and re-married with Robert de Wateville; unless William his son, who died so soon after him.—(*Estr. 19 Edw. II., Rot. 28.*)

William Mauduit appears to be the same who by the name of *William Mauduit de Helmsley*, had summons to that parliament which was called by writ to meet in London the 45 Hen. III.,* after which in right of his mother he became earl of Warwick, but died the 52 Hen. III., when William Beauchamp, son of his sister Isabel, succeeded him in the inheritance of the earldom of Warwick, as also of his other estates.

* Claus. m. 3
in Dorso.

MAUDUIT, (JOHN).—(16 EDW. III.)

OF this John Mauduit, Dugdale observes,† that he was cousin and heir to another John, but who that John was, he makes not any mention. By the name of John Mauduit he had summons to a great council to be holden at Westminster, the 16 Edw. III.,‡ after when he is not any more noticed by any similar writ, nor any of his descendants. He died the 21 Edw. III., being then seised, with Agnes his wife, of the manor of Somersford Mauduit, in the county of Wilts, where his residence was, and of other lands in the same county, leaving John, his son and heir, aged fifteen.

† Dug. Bar.,
vol. i., p. 399.

‡ Dug. Lists
of Sum.

MAULEY.—(45 HEN. III., AND 23 EDW. I.)

PETER DE MAULEY, a Poictevin, obtained the barony of Mulgrave, in the county of York, by marriage with Isabel, daughter and heir of Robert de Turnham, by Joan his wife, daughter and heir of William Fossard, lord of Doncaster, in the county of York, which lordship the said Peter also acquired.

Peter de Mauley, his son, (called Peter the second) married Joan, daughter of Peter de Brus, of Skelton, and died the 26 Hen. III., leaving

Peter de Mauley, (the third) his son and heir, who was summoned to that parliament called by the king's writ§ to meet in London the 45 Hen. III. He married Nichola, daughter of Gilbert, son of Gilbert de Gant, earl of Lincoln, and was succeeded by his son and heir

§ Claus. m. in
Dorso.

Peter de Mauley, (the fourth) who the 7 Edw. I., doing his homage, and paying one hundred pounds for his relief, had livery of all his lands, which he held of the king in capite, by barony of the inheritance, of William de Fossard, and had summons to parliament from the 23 Edw. I. to the 3 Edw. II., at whose coronation he was one of the barons summoned to attend.

In the 29 Edw. I. though not summoned to the parliament at Lincoln, he was among those who had their seals affixed to the letter to the pope, being designated "*Petrus de Malolacu de Mulgrave.*" He died 3 Edw. II., leaving by Eleanor his wife, daughter of Thomas lord Furnival.

Peter de Mauley (the fifth) his son and heir, who had summons to parliament from the 5 Edw. II. to the 9 Edw. III. as Peter de Mauley; and from the 9 to the 28 Edw. III. as Peter de Mauley *Le quint*.^a He died the 29 Edw. III., having had issue by Margaret his wife, daughter of Robert lord de Clifford, who survived him.*

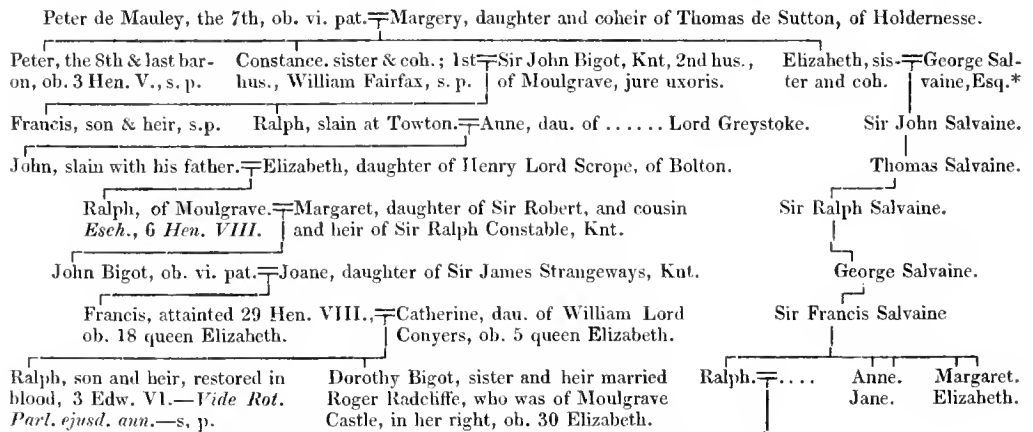
* Orig.
16 Edw. III.,
Rot. 37, Ebor.

Peter de Mauley, his son and heir, who had summons to parliament from the 29 Edw. III., to the 6 Richard II., as *Peter de Mauley le sisme*, (the sixth) excepting in some of the latter writs.

† Vide
Sutton, vol. ii.

He was twice married; his second wife was Constance, one of the daughters and coheirs of Thomas de Sutton, of Holderness,† whom he left surviving; his first wife was Elizabeth, daughter of Nicholas lord Meinell, widow of John lord Darey, by whom he had a son Peter, who died in his lifetime, leaving by Margery his wife, another of the daughters and coheirs of Thomas de Sutton, of Holderness, a son Peter and two daughters, viz: Constance and Elizabeth. Deceasing the 6 Ric. II. he was succeeded by the said

Peter de Mauley his grandson and heir, who had summons from the 22 Ric. II. to the 3 Hen. V., when he died. He married Maud, daughter of Ralph Nevill, earl of Westmorland; but not having any issue, his two sisters, (before mentioned) became his coheirs in the barony of Mauley of Mulgrave, and in the moiety of the barony of Sutton of Holderness; of these, Constance married, first, William Fairfax, s.p.; and secondly, Sir John Bigot, knight, and had issue; and Elizabeth married George Salvain, or Salvaine, esq., and also had issue.



Ralph Salvaine, of Ugthorpe, claimed in 1623 the manor of Doncaster against the burgesses, which claim was compromised.—*Vide Hunter's Deanery of Doncaster, vol. I., p. 24.*

* In the division of the inheritance it appears that Sir John Bigot had Moulgrave Castle, &c.; and George Salvaine the manor and lordship of Doncaster, which had been the barony of Fossard. Wainwright, in his history of Doncaster, (p. 26.) states that Sir John Salvaine, of New Biggin, (son of George) who died in 1471, sold Doncaster to Henry Percy, second earl of Northumberland.

^a This distinction did not mean the fifth baron, but the fifth of the name of *Peter*, which was the continued name of the family.

MEINILL.—(22 EDW. I.)

NICHOLAS MEINILL held the manor and castle of Wherlton, in the county of York, per baroniam, and had summons to parliament from the 22 to the 25 Edw. I. In the 26 Edw. I. he had summons equis et armis to Newcastle-upon-Tyne, being in the writ styled a baron, those who were then summoned being on that occasion designated by their rank of carls, or barons. He was again summoned the 27 Edw. I., and died about that year,* leaving by Christian^a his wife, who survived him, Nicholas, aged twenty-four, and John, afterwards heir to his brother, which

* Esch.,
28 Edw. I.,
n. 38, Ebor.

Nicholas Meinill had summons from the 6 to the 15 Edw. II. inclusive, in which year he died, leaving John his brother and heir, aged forty.† By Lucie, daughter and heir of Robert de Thwenge, his concubine, he had a son Nicholas, who was the founder of the next barony of Meinill.

† Esch.,
15 Edw. II.,
n. 21.

NICHOLAS MEINELL (NOTHUS).—(9 EDW. III.)

NICHOLAS MEINILL, natural son of the last baron, had summons to parliament from the 9 to the 16 Edw. III. inclusive, and died the same year, leaving issue by Alice his wife, daughter of William lord Ros, or Roos, of Hamlake, Elizabeth his daughter and heir, which

Elizabeth Meinill married first, John lord Darcy, and secondly, Peter de Mauley le sisme,‡ and had issue by both husbands. She died the 42 Edw. III., leaving Philip Darcy, her son and heir, aged fifteen, whose great-grandson Philip left issue two daughters and coheirs, whereof, Elizabeth married Sir James Strangeways; and Margaret married Sir John Coniers; between whose descendants the barony of Meinill, if it can be considered one created by the writs of summons to Nicholas Meinill, the bastard, in the reign of Edw. III., may be deemed to be in abeyance,§ and that abeyance not terminated, though Conyers Darcy, the second baron Darcy, under the patent of 10 August, 1641, and baron Coniers in right of his grandfather, was styled *Baron de Darcie and Meinill*, probably from a supposition that the patent which restored the barony of Darcy, comprehended also that of Meinill. The assumption therefore of the Meinill title seems manifestly without any legal authority.

‡ Vide Mauley

§ Vide Darcy.

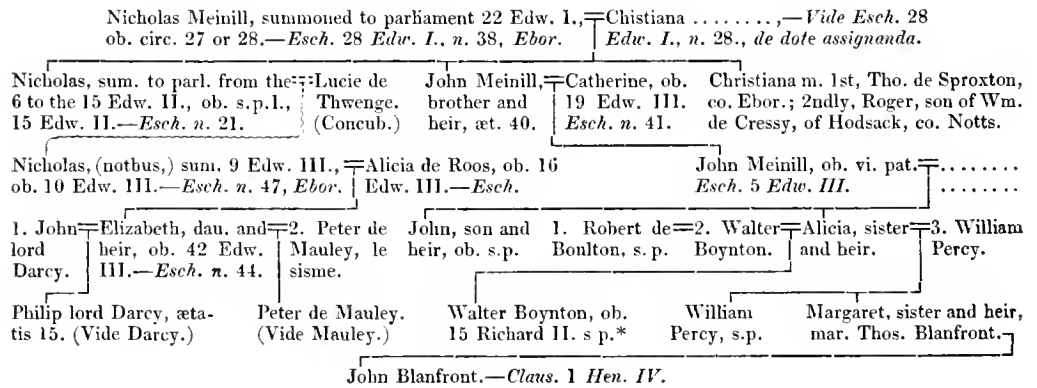
Sir Harris Nicolas, following Dugdale,|| has in his Peerage Synopsis made three baronies

|| Dugd. Bar.,
v. ii., p. 110.

^a She was accused by her husband with an attempt to poison him; but she proved her innocence, though he would not be reconciled to her, and she was obliged to sue for alimony.—(Vide Esch., 28 Edw. I., n. 28. *De dote assignanda.*)

* *Synop.*,
v. ii., p. 422.

of Meinill, viz: the first in Nicholas, summoned the 22 Edw. I., who he says died s.p.; the second in Nicholas, called by him* natural son of the preceeding, and who he says died s.p.; the third barony in this Nicholas, whose connection with the others is not mentioned. But as Nicholas who was summoned the 22 Edw. I. had issue as before stated, a son Nicholas, who was also summoned to divers parliaments, and died s.p.l., leaving John his brother and heir, this first barony may be presumed to be equally as much a personal and descendable honor, as that of the illegitimate Nicholas, summoned the 9 Edw. III.



* He had the manor of Castle Levington, but dying s.p., it went to his half brother, William Percy, who dying also s.p., his sister Margaret became his heir.—*Vide Vincent*, b. 2. 179, in *Coll. Arm.*, and *Brook's MSS.*

HUGH DE MEINELL.—(1 Edw. III.)

† *Bar.*, v. ii.,
p. 3.

DUGDALE† notices a Hugh de Meinell, who the 18 Edw. II., received the order of knighthood by bathing; and the 1 Edw. III. had summons to parliament among the barons of the realm, but not after. On referring to the writ this appears erroneous, as the name of Hugh de Meinell does not have place in either of the writs of summons to parliament of that year, and is only contained in the writ *equis et armis* to Newcastle-upon-Tyne.

Who he was, or how descended, the same author does not state, but says "*I presume he was of this family,*" (i. e. the barons before noticed) "*but further I cannot say of him, than that he married Alice, widow of Ralph lord Basset.*"‡

‡ *Ibid.*

In the early part of the pedigree of the family, there is mention of Hugh de Meinell,

of Hilton, as uncle to Nicholas, the first summoned to parliament the 22 Edw. I.; but he, from length of time, could not be this Hugh, who, not improbably, was a son of Hugh, of Hilton, who by grant of his brother William, dated in 1203, obtained that manor juxta Rudby.

MOELS.—(25 Edw. I.)

NICHOLAS DE MOELS having married Hawyse, daughter and coheir of James de Newmarch, became possessed of the lordships of Cadebury and Maperton, in the county of Somerset, as also of other lands and manors in several counties, part of the barony of Newmarch.* He was a great soldier and statesman temp. Hen. III.

* Testa de Nevil, p. 172.

John de Moels, grandson of Nicholas, was first summoned to parliament the 25 Edw. I.,^a and again the 27th; but was not summoned after in that reign. He was not summoned to the parliament at Lincoln the 29 Edw. I.,^b yet his seal was affixed to the memorable letter then written to the pope, on which occasion he is styled "*Johannes de Moels de Cadbury.*" His name appears in the writs of summons of the 2, 3, and 4 Edw. II.; but according to Dugdale,[†] citing the Escheats of that year,[‡] he died the 3 Edw. II., leaving

† Bar., v. i., p. 620.
‡ No. 32.

Nicholas de Moels his son and heir æt. twenty, who the next year doing his homage, had livery of his lands, and had summons to parliament the 5, 8, and 9 Edw. II., in which last year he deceased, leaving Margaret his wife, daughter of Sir Hugh Courtenay (sister to Hugh, earl of Devon), surviving, and Roger his son and heir æt. twenty;^c which Roger died the 19 Edw. II., s.p.,[§] leaving

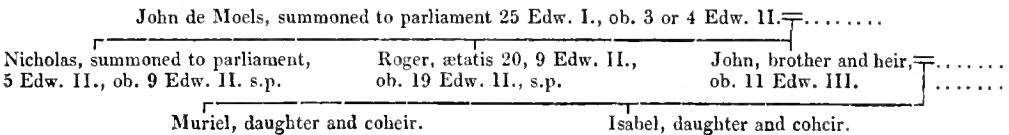
§ Dug. Bar., v. i., p. 620.

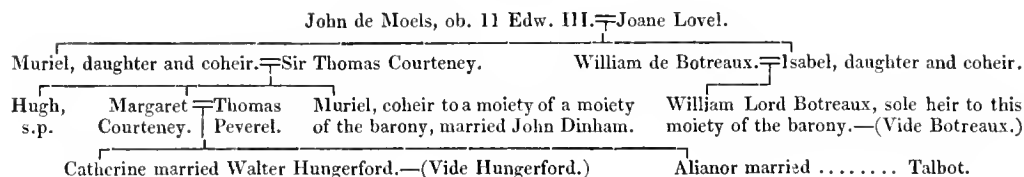
John de Moels his brother and heir, who never had summons to parliament. He married Joane, daughter of Sir Richard Lovel of Castle Cary, and died the 11 Edw. III., leaving Muriel and Isabel his daughters and coheirs, in whose representatives the barony is in abeyance, the same never having been determined.

^a Sir Harris Nicolas, in his Synopsis, says it is doubtful if that writ was a regular summons to parliament; but it appears there was a parliament holden the 25 Edw. I., in which the great charter, and charter of the forests were confirmed.

^b At this time he was in the wars of Scotland.

There appears a great doubt as to Roger being the son of Nicholas; for if Nicholas was only aged twenty the 3 Edw. II., he could not have a son Roger to be twenty years old, when he the said Nicholas died the 9 Edw. II.—The descent more likely is:—





MOHUN.—(27 Edw. I.)

WILLIAM DE MOHUN, the first of the family of whom mention is made, came over with the Conqueror, and for his services obtained among other grants the castle of Dunster, and fifty-five manors or lordships in the county of Somerset, and in other counties.

William de Mohun, his grandson, espousing the part of Maud, the empress, in her contention for the crown with king Stephen, is said to have been created by her, earl of Dorset; but as she was never queen *de facto*, such creation could not be valid. From him through several successions,* came

John de Mohun (called John the second), who served often in the wars of Scotland, and had summons to parliament from the 27 Edw. I. to the 4 Edw. III. In the 29 Edw. I. he was one of the barons who in the parliament at Lincoln subscribed the letter to the pope, being then designated "*Johannes de Mohun Dominus de Dunsterre.*"† At the coronation of Edw. II. he was one of the nobles summoned to attend.‡ He was also summoned to Carlisle, *equis et armis*, the 26 Edw. I., being in the writ styled a baron, for in that writ the earls and barons were specially distinguished by their respective ranks. He married Auda, daughter of Robert de Tibetot, and dying the 4 Edw. III. was succeeded by

John de Mohun, his grandson and heir, (viz., son of John, his eldest son, who died in his lifetime,) at that time in minority, and in ward to Bartholomew de Burghersh, whose daughter Joan he afterwards married. During the reign of Edw. III. he served often in the wars of France and Scotland. He had summons to parliament from the 16 to the 47 Edw. III.; but after the 22 to his last summons, with the addition of *De Dunsterre*. When he died does not certainly appear; he, however, had not any issue male, and left three daughters coheireses to his barony. Of these, Philippa married first Edward Plantagenet, duke of York, s.p.;^a Elizabeth married William de Montacute, earl of Salisbury, and had a son William, who died s. p.; Maud, the other daughter, married

^a According to the inscription on her tomb, in Westminster Abbey, she married, first, the lord Fitz-Walter; secondly, Sir John Golafre, knight; thirdly, Edward, duke of York.—Leland, (v. iv., p. 5,) states that Sir John Golafre was a bastard, and died at Wallingford, A.D. 1396, and was buried in Westminster Abbey.

* Banks's
Dorm. et Ext.
Bar. v. i.

† Dug. Lists
of Sum.
‡ Coron. Rot.
1 Edw. 11.

John lord Strange, of Knokyn, in whose heirs general the barony of Mohun, by the failure of issue from Philippa, and Elizabeth Mohun is now vested.*^a

* Vide Strange of Knokyn.

MOLINES.—(21 EDW. III.)

JOHN, son of Vincent Molines and Isabel his wife, of French extraction, and so called from a town of that name, in the Bourbonnois, had summons to parliament the 21 Edw. III., but never after; which leaves it doubtful whether any barony was acquired by virtue thereof, it having been decided that a single summons without proof of a sitting under it, did not constitute a descendable barony, or what is termed a barony in fee.† He married Egidia, cousin and heir of John Mauduit, of Somerford Mauduit, in the county of Wilts, by Margaret his wife, daughter and coheir of Robert Pogeys, of Stoke Pogeys, in the county of Buckingham, and died the 41 Edw. III.

† Vide Prescheville.

William, son and heir‡ of John, was never summoned to parliament. He died circ. 4 Richard II., having had issue by Margery his wife, daughter and coheir of Edmund Bacoun, (with her sister Maud, wife of John de Burghersh,) Richard, his son and heir, which

‡ Orig. 41 Edw. III., Rot. 1, Bucks.

Richard Molines never had summons to parliament, and died shortly after his father, circ. 8 Richard II., leaving

William Molines, his son and heir, who never had summons to parliament, though it is to be observed, that each of the descendants from John, had the title of lord Molines attributed to him. He died the 3 Hen. VI., leaving William his son and heir, which

William Molines was afterwards unhappily slain at the seige of Orleans, bearing then the title of lord Molines, (7 Hen. VI.), leaving Alianore, his daughter and sole heir, then only three years old, which Alianore, the 19 Hen. VI., was wife of Robert Hungerford, son and heir apparent of Robert, second baron Hungerford; after whose death she married Sir Oliver Manningham, knight, and lies buried at Stoke Pogeys.

HUNGERFORD LORD MOLINES.—(23 HEN. VI.)

ROBERT HUNGERFORD having married Alianore Molines, had summons to parliament the 23 Hen. VI., by writ addressed "*Roberto Hungerford, Militi Domino de Moleyns,*" and similarly in the 25, 27, 28, 29, and 31 Hen. VI., being, as mentioned in the rolls

^a There appears to have been a contention between the coheirs and John Luterell, temp. Hen. IV., for the castle of Dunster, which was given in favor of Lutterell, whose family afterwards continued to possess the same.—(Vide Rot. Parl. v. iii, p. 577, (46) A.D. 1406. The 6 and 7 Hen. IV.)

of parliament, *lord Molyns in right of Alianor his wife, daughter and heir of Sir William Molyns, late lord Molyns, deceased*.* It has been before observed, that there never was but one writ of summons to John Molines, the first of the family of whom memorable notice is made; and that none of his descendants were ever after summoned to parliament, in which respect it would seem there was not any barony descended to his eventual heiress Alianor; and even had there been one, then being a personal honor, according to the modern practice, there could not be any courtesy to her husband.^a

* Rot. Parl. v. vi, p.131.

His summons may on this ground be deemed the first creation of an inheritable barony of Molyns. Upon the death of his father, he succeeded to the barony of Hungerford, and thus the barony of Molyns became coalesced therewith, and so descended, after several attainders and restorations into the family of Hastings, in which, in the person of the present marquess of Hastings, it is now vested, along with that title, and the baronies of Botreaux and Hungerford, with one moiety, and the half of another moiety of the barony of Moels.†

† Vide Hastings, Botreaux Hungerford, & Moels.

MONTACUTE.—(22 EDW. I.)

SIMON DE MONTACUTE, presumed to be descended from Drogo de Montacute, living temp. Hen. II., was a very eminent person in the reign of Edw. I., and had summons to parliament the 22 Edw. I.; and afterwards from the 28 to the 9 Edw. II., at whose coronation he was also summoned to attend.‡ In the 29 Edw. I. he was one of the barons who in the parliament at Lincoln subscribed and affixed their seals to the famous letter to the pope,§ being then designated "*Simon Dominus de Monte acuto*." When he died does not appear in Dugdale, but it was not long after his last writ of summons. He is said to have married|| Aufrica, a daughter of Fergus, and sister and heir to Orry, king of Man, by whom he had issue William and Simon; which

‡ Coron. Rot. 1 Edw. II.

§ Dugd. Lists of Summ.

|| Collins in Manch. Dukedom.

William de Montacute was in the wars of France and Scotland in the lifetime of his father; and succeeding him, had summons to parliament in the 11 and 12 Edw. II.; shortly after which he died, in Gascoigne, but his body was brought over, and buried at St. Frideswide, (now Christ Church,) Oxford, in the year 1320. By Elizabeth his wife, daughter to Peter de Montfort, he had a numerous family: whereof,

William de Montacute, his second but eldest surviving son and heir, had summons to parliament from the 5 to the 10 Edw. III.; the year after which he was created earl of Salisbury;¶ whereby the barony became merged in the higher dignity. Furthermore,

¶ Chart. 11 Edw. III., n.55

^a Alianor having a great estate, the courtesy thereof belonged to her husband. The Record says that *William, son and heir of John Molyns, deceased, was seised of the manors of Aston Bernard and Imer, in the county of Buckingham, holden by the service of being falconer to the king.*"—(Orig. 41 Edw. III., Rot. 1, Bucks.)

Dugdale says,* that in 16 Edw. III., having conquered the Isle of man, the king having given him the inheritance of it, crowned him king thereof; but he deceased the next year, (17 Edw. III.) leaving by Elizabeth his wife, daughter of William de Grandison,† and sister and coheir to Otto de Grandison, William his son and heir, John de Montacute, and other issue. Of which,

* Bar., v. i.,
p. 646.

† Vide
Grandison.

William de Montacute, the eldest son, succeeded as second earl of Salisbury, and was famous for his military prowess, it being said of him that his life was a perpetual campaign. He was twice married: his first wife was Joane, daughter of Edmund Plantagenet, earl of Kent, from whom he was divorced;^a his second wife was Elizabeth, daughter and coheir of John lord Mohun, of Dunster;‡ by whom he had a son William, who was most unfortunately killed by him (his father) in a tilting, at Windsor, 6 Ric. II., s. p. Thus, not having surviving issue, and dying the 20 Ric. II., he was succeeded by his nephew John, son of his next brother John, by Margaret his wife, daughter and heir of Thomas lord Monthermer; which

‡ Vide Mohun

John de Montacute, third earl of Salisbury, was almost the only temporal nobleman who remained firm to king Richard when he was deposed by the duke of Lancaster; and joining afterwards with some others for his restoration, was seized by the rabble, at Cirencester, who struck off their heads, and sent them to London, in the year 1400. All his honours were forfeited, but certainly not legally.

Thomas de Montacute, his son and heir, was afterwards fully restored in blood and honours, the 9 Hen. V. He was most conspicuous for his military achievements; and, being the commander of the English army, at the siege of Orleans, in 1428, was there killed; after when the English affairs in France continually declined. By Eleanor his first wife, daughter of Thomas, and sister and coheir to Edmund, earl of Kent, he had an only daughter and heir Alice, who married Richard Nevill, son of Ralph, earl of Westmorland, by Joane, his second wife; but by Alice his second wife, daughter of Thomas Chaucer, esq., and widow of Sir John Philips, he had not any issue: she surived him, and about two years after married William de la Pole, earl of Suffolk.

NEVILL, EARL OF SALISBURY.

RICHARD NEVILL, eldest son of Ralph, earl of Westmorland, by Joane Beaufort his second wife, having married Alice, only daughter and heir of Thomas the last Montacute, baron Montacute, Monthermer, and earl of Salisbury, had that earldom granted

^a On account of precontract with Sir Thomas Holland, whom she married, and on his decease became the wife of Edward the Black Prince, and by him mother of king Richard II.

* Pat. 20 Edw. VI. pars. 4. m. 11.

† Banks's Dorm. & Ext. Bar. vol. iii., p. 651.

to him, and also to the heirs of the said Alice.* He was attainted in 1459, but it appears he was restored the following year, before the end of which he was made prisoner at the battle of Wakefield, and afterwards beheaded. He had a numerous issue of sons and daughters; † of the former,

Richard Nevill, the eldest son, bore the title of earl of Warwick in his lifetime, having married the heiress of that earldom; and on his father's death became also earl of Salisbury, being *jure matris*, baron Montacute and Monthermer. He was the famous earl of Warwick, styled the king maker, and was slain at the battle of Barnet, when being attainted all his honours became forfeited.

This great earl had two daughters his coheireses; whereof, Anne married, first, Edward, Prince of Wales, son of king Hen. VI., s.p., and secondly, Richard, duke of Gloucester, (afterwards king Richard III.), by whom she had a son Edward, created earl of Salisbury by his uncle king Edw. IV., and in the first of his father's reign Prince of Wales, but he died about nine years of age; Isabel, the other daughter and coheir, married George, duke of Clarence, (brother to king Edw. IV.) who was drowned, according to tradition, in a butt of Malmsey. He was attainted in 1477, having had issue a son Edward, who was styled earl of Warwick, was long a prisoner in the Tower, and at last accused of treason, was attainted in 1499, and beheaded, s.p.; and a daughter Margaret, who on her petition was restored countess of Salisbury, but was afterwards attainted in 1539, and beheaded in 1541, being at that time grey with age. She married Sir Richard Pole, (born in Wales), and had issue Henry Pole, hereafter mentioned, cardinal Pole, and other children.

POLE, LORD MONTAGU.—(4 HEN. VIII.)

‡ Dugd. Lists of Summ.

HENRY POLE, eldest son of Margaret, countess of Salisbury, by Sir Richard Pole her husband, was summoned to parliament the 21 Hen. VIII., when he first made his entry into the parliament chamber by the title of *lord Montagu*.^a ‡ In the 25 and 28 Hen. VIII. he was summoned as *Henry Pole de Montagu Chevalier*; but afterwards, under the pretence that he was combining with others to depose the said king Henry, he was accused and convicted of high treason, and beheaded on Tower Hill, anno 30 Hen. VIII.,

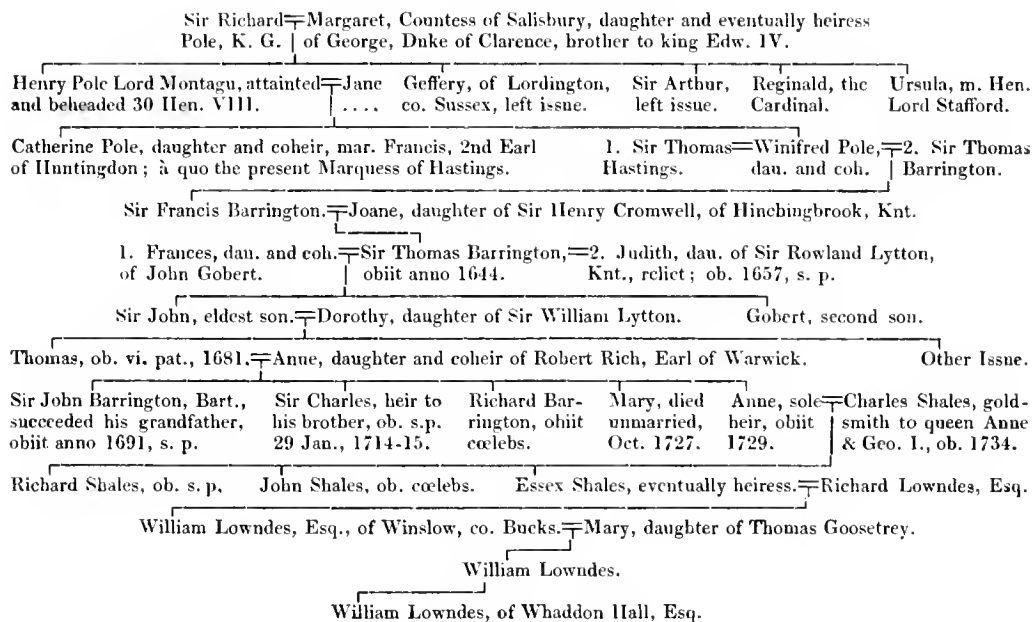
^a Dugdale in his Lists of Summons, (p. 500) has the following entry, viz :

The names of the barons as they sat and entered in the parliament in order, in the xxviii year of the reign of king Henry the eighth.

“ Lord Montagu restored and admitted the first day of December, anno xxi.”

Sir Harris Nicholas in his Synopsis, (vol. ii., p. 434) states that he was summoned the 5 January, the 24 Hen. VIII., 1533; but that was the date of the parliament of the 25 Hen. VIII., which was a continuance of prorogation from the 21, for there is not printed in Dugdale any summons between the 21 and the 25 Hen. VIII.

in the lifetime of his mother, the countess Margaret. Being attainted his barony became forfeited. By Jane his wife, daughter of George Nevill, lord Abergavenny, he had two daughters his coheirs, whereof Catherine married Francis, second earl of Huntingdon, now represented by the marquess of Hastings; and Winifred married, first, Sir Thomas Hastings, and secondly, Sir Thomas Barrington: which daughters were fully restored in blood by act of parliament the 1 Philip and Mary.



NEVILL DE MONTAGU.—(1 EDW. IV.)

JOHN NEVILL, second son of Richard Nevill, earl of Salisbury, by Alice his wife, daughter and heir of Thomas the last Montacute, earl of Salisbury, and brother to Richard Nevill, earl of Warwick, (the king maker), was first summoned to parliament the 38 Hen. VI., as *Johanni Nevill Domino Nevill Chiv'*; but afterwards in the 1 and 2 Edw. IV., as *Johanni Nevill Domino de Montagu*, and as *Johanni Nevill de Montagu*.* In 1467 he was created earl of Northumberland, which title he sometime after resigned, and was advanced to the dignity of marquess Montagu; but taking part with his brother the earl of Warwick in the attempt to restore king Hen. VI., he was attainted, and was with him slain in the battle of Barnet, on Easter-day, the 14 April, 1471.

He married Isabel, daughter and heiress of Sir Edmund Ingoldesthorpe, and had issue two sons, George and John, and five daughters, hereafter mentioned.

* Dugd. Lists of Summ.

George Nevill the eldest son, in the lifetime of his father was created duke of Bedford, with an intention on the part of the king to marry him to his daughter the princess Elizabeth; but after his father's attainder, he was by act of parliament degraded from all his dignities; and dying s.p. in 1483, 1 Edw. V., was buried at Sheriff Hoton. He and his brother John thus deceasing s.p., their five sisters became the coheirs general; and though, by their father's attainder, they could not inherit any of his honours, yet were they entitled to those rights of barony which were derivable from their mother Isabel Ingoldesthorpe, as to the baronies of Bradeston,^a Powys, Tibetot earl of Worcester, &c. Of these five daughters:

* Vide Wentworth.
† Vide Scrope, of Upsal and Bolton.

First.—Anne married Sir William Stonor, knight.*^b

Second.—Elizabeth married Thomas lord Scrope, of Upsal.†

Third.—Margaret married, first, Sir John Mortimer; secondly, Robert Horne; and thirdly, it is said, Robert Davis, who survived her.

Fourth.—Lucy married, first, Sir Thomas Fitz William, of Aldwarke, knight; and secondly, Sir Anthony Browne, knight, grandfather of Sir Anthony Browne, the first viscount Montague.

Fifth.—Isabel married Sir William Huddleston, of Sawston, in the county of Cambridge, knight: but by some authorities is said to have married, first, a lord Dacre; and lastly, William Smith, and to have died 12 Nov., 8 Hen. VIII.

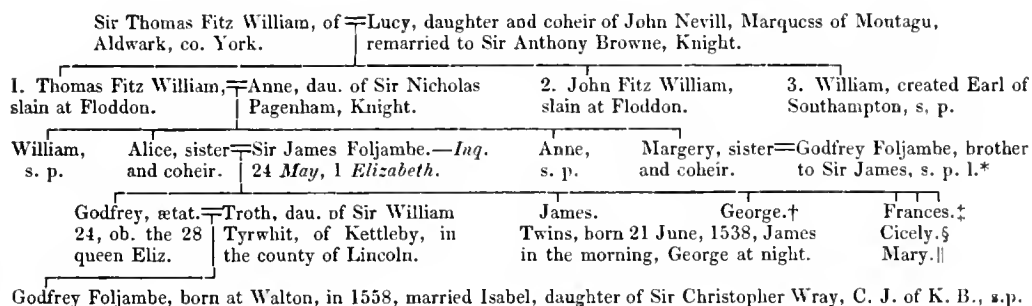
Sir John Ingoldesthorpe, will dated anno 1419.	Elizabeth, dan. of Sir John de Burgh, of Burgh Green, co. Camb., sister and coheir to Sir Thomas her brother.
Thomas, ætat. 19 apud mort. pat., ob. inf. ætat., 1 Hen. VI.	Margaret, daughter and heir of Walter de la Pole, of Sawston, co. Camb., by Elizabeth, daughter and heir of Thomas de Bradeston.
Edmund, ætat. 1 an. apud mort. pat.; will dated 4th August, 1456, ob. Sept. eod. an.	Joane, daughter of John Lord Tibetot, and aunt and coheir of Edward Tibetot, 2nd Earl of Worcester.
1. John Nevill, Marquess of Montagu.	Isabel, only d. & heir, æt. 15 apud mort. pat.
	2. Sir Wm. Norris, of Rycot.
	Five daughters and coheirs.

Margaret, third daughter and coheir of John Nevil, marquess of Montagu, by her second husband Robert Horne, is said to have had an only daughter Anne her heir, who married Sir James Framlingham, of Crowes Hall, in Suffolk, whose grandson, Sir Charles Framlingham, died in 1596, having had a son Clement, who died before him s.p., and a daughter Anne, who also died before him, having married Sir Bassingbourne Gaudy,

^a Vide act of parliament of king Hen. VIII., for recompense to the five daughters and coheirs of the marquess of Montagu, for five hundred marks per annum, granted by king Edw. III. to Sir Thomas of Bradeston.

^b By Sir William Stonor she had issue a daughter Anne, married to Sir Adrian Fortescue, who was attainted and executed the 10th July, 1539, and a son John Stonor, who died s.p.

knight, and had issue two sons Framlingham and Charles Gaudy. From Framlingham descended Sir Bassingbourne Gaudy, bart., whose great-grandson and heir, died unmarried in 1723, leaving three nieces his coheirs, daughters of his only sister Anne, who married Oliver le Neve, of Great Wichingham, esq., and had issue nine children, whereof only three survived, viz: Isabel; Anne, who married John Rogers, esq.; and Henrietta, who was wife of Edward le Neve, esq., both which ladies had issue living in 1725.



* He had, by ———— Browlow, a natural son Godfrey Foljambe of Croxdon.

† He was of Brimington, and is said to have married Ursula, daughter of Richard Whalley of Scruton, in the county of Nottingham, and to have had a daughter and heir Troth, who married Edward Bellioghham of New Timber, in the county of Sussex. He died 15th of March, 1588.

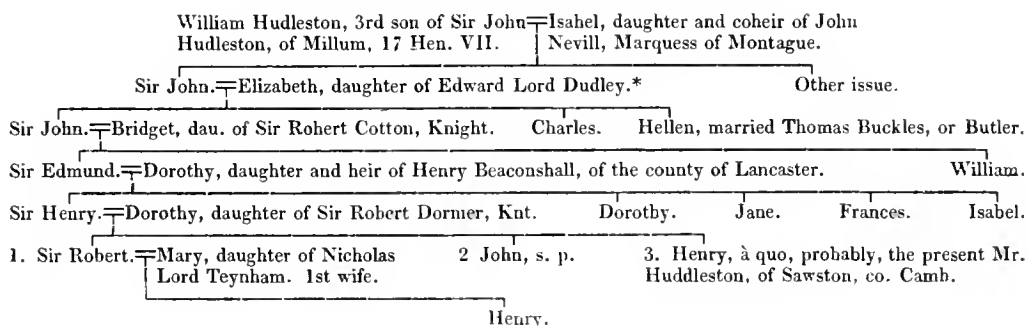
‡ Married John Thorn, of ————, born 21 Henry VIII.

§ Called Lucy, in a copy out of the Registry of Chesterfield, born 22 Hen. VIII., married Roger, son and heir of Roger Greenhough, of Tevershall in the county of Nottingham.

|| Married Vincent Fearn, Esq., or Harris.

Ex Gough's Yorkshire MSS., No. 5, in Bib. Bodl. Oxon.—Historical account of the family of Foljambe, 1704, by N. Johnston, M.D., of Pontefract.

Visitation of co. Cantab., per Henry St. George, anno 1619.



* Though named Elizabeth by Dugdale and St. George, she is called *Dorothy* in Burke's *Commoners*, who states *Elizabeth* to be an error. It possibly may be so; but his *ipse dixit* who metamorphoses Tradesmen into the *Landed Aristocracy* of the Country is an authority without something better than his name being cited.

EDWARD DE MONTACUTE.—(16 EDW. III.)

SIR EDWARD DE MONTACUTE, a younger brother to William, the first earl of Salisbury, had in the 11 Edw. III. the honour of knighthood conferred upon him; and afterwards was summoned to a great council at Westminster, in the 16 Edw. III.,* and from the 22 to the 34 Edw. III.^a was summoned to parliament among the barons of the realm. He died the following year, having greatly distinguished himself as a most eminent commander in the wars of Scotland and France.

* Dugd. Lists
of Summ.

He married Alice, daughter and coheir of Thomas of Brotherton, earl of Norfolk, (eldest son of Edw. I. by his second wife) and had issue a daughter and heir Joane, who married William de Ufford, earl of Suffolk, but died s.p.s.

JOHN DE MONTACUTE.—(31 EDW. III.)

JOHN DE MONTACUTE, next brother to William, second earl of Salisbury, had summons to divers parliaments from the 31 Edw. III. to the 13 Richard II.,† as *John de Montacute*, in which year, according to Dugdale, he deceased, leaving issue by Margaret his wife, granddaughter and heiress of Ralph baron Monthermer,‡ John his son and heir, aged thirty-nine, which

† Ibid.

‡ Vide Mon-
thermer.

John de Montacute, by that name, had summons to parliament from the 16 to the 20 Richard II., when he succeeded his uncle William as third earl of Salisbury, and carried to that title the barony of Monthermer, which accrued to him in right of his mother, and has been before noticed under the Salisbury detail.

MONTALT.—(22 EDW. I.)

THE family of Montalt was so called from a village of that name in Flintshire, and were barons of the palatinate earls of Chester.

Robert de Montalt, lord of Montalt, was living in 1160, from whom descended

Roger de Montalt, who married Cicely, one of the sisters and coheirs of Hugh de Albini, earl of Arundel, and dying the 44 Hen. III., left issue two sons, John and Robert; but John dying s.p., his brother

Robert became his heir, and was father of Roger and Robert de Montalt, which

Roger de Montalt had summons to parliament the 23 Edw. I., shortly after when he died, the 25 Edw. I., s.p.,§ leaving Robert his brother and heir, which

§ Esch. 26
Edw. I., n. 37,
and 102.

^a Sir Harris Nicolas in his *Peerage Synopsis*, (vol. ii., p. 436.) says, he was summoned only from the 25th of February, 26 *Edw. III.*, which date applies to the writ of the 16 *Edw. III.* It rather seems to be a typographical error, which too often escapes the eye in the overlooking of the printer's proof sheets.

ROBERT DE MONTALT.—(27 EDW. I.)

ROBERT DE MONTALT had summons the 26 Edw. I. to attend at Carlisle *equis et armis* being in the writ styled a baron, by which distinction, or of earls, the persons summoned are particularly noted.* After this he had summons to parliament from the 27 Edw. I. to the 3 Edw. III.^a In the 29 Edw. I. by the designation of "*Robertus de Monte Alto Dominus de Hawardyn*," he was one of those who signited the letter to the pope,† and the 1 Edw. II, was summoned to attend the king's coronation.‡ He died circ. 3 Edw. III. s.p., having, according to Dugdale, settled his lands for want of issue male by Emme his wife, on queen Isabel, mother of Edw. III., for life, and after her death, on John of Eltham, brother of the king, and his heirs for ever.^b

* Dug. Lists of Summ.

† Ibid.

‡ Coron. Rot. 1 Edw. II.

There was an Henry de Montalt summoned the 1 Edw. III. to Newcastle on Tyne *equis et armis*, of whom Dugdale does not make mention.

MONTEAGLE.—(6 HEN. VIII.)

IN the 5 Hen. VIII. Sir Edward Stanley, a younger son of Thomas, first earl of Derby, highly distinguished himself at the battle of Floddon, where the Scots were so signally defeated; in consideration of his conduct on that day, and that he won *the Hill*, and that his ancestors bore the *Eagle* in their crest, the king was pleased to create him a baron of the realm, and he was specially summoned to parliament the 6 Hen. VII. as "*Edward Stanley de Montegell, Chiv*,"§ and by the same description was summoned again the next year.

§ Dugd. Lists of Summ.

It was said of this eminent person that *the camp was his school, and his learning a pike and a sword*, and that whenever the king met him, his greeting was "Ho! my soldier." He died circ. 1524; his wife was Anne, daughter and coheir of Sir John Harrington, knt.,|| by whom he had issue^a

|| Dugd. Bar.

Thomas, second lord Monteagle his son and heir, who had summons to parliament from the 21 Hen. VIII. to the 1 queen Eliz., inclusive. He was twice married as Dugdale

^a Sir Harris Nicolas, in his Synopsis, (vol. ii., p. 439), states that he was summoned from the 27 Edw. I., to the 13 Edw. III.; a typographical error for the 3 Edw. III.

^b Vide Robert Morley, cousin and heir to Robert de Montalt,—(*Pat. 9 and 11 Edw. III., m. 3 and 17.—Etiam Rot. Parl., vol. ii., p. 49, no. 74, A.D. 1330.—Vide Rot. Parl., vol. i.*—Roger Montalt, of Hawarden, grandson of Roger de Montalt.

^c She was rather his first wife, and died the 4 Hen. VII. s.p.—*Vide Pedigree in Harrington.* As such his issue must have been by another wife, whose name is not mentioned by Dugdale.

relates, first to Mary, daughter of Charles Brandon, duke of Suffolk, by which lady^a he had three sons, viz., William, Charles, and Francis, and also three daughters; secondly to Helen, daughter of Thomas Preston, of Levens, in the county of Westmorland, Esq., but had not any issue by her. He died 2 Eliz., 1560, and was succeeded by

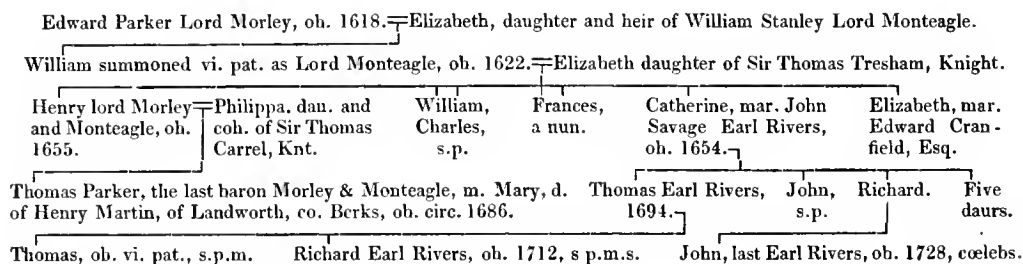
William, third baron Monteagle, his eldest son and heir, who had summons to parliament from the 5 to the 23 queen Eliz., and died in 1581, leaving Elizabeth his sole daughter and heir, who married Edward lord Morley.

PARKER BARON MORLEY AND MONTEAGLE.—(3 JAC. I.)

WILLIAM PARKER, son and heir apparent of the said Edward lord Morley and Elizabeth Stanley his wife, had summons to parliament *vitâ patris* as "*William Parker de Monteagle, Chiv.*," from the 3 to the 12 Jac. I.; and having afterwards succeeded his father in the barony of Morley, was summoned to parliament the 18 Jac. I., as "*William Parker de Morley and Monteagle, Chiv.*," and died^b shortly after, in 1622, leaving

Henry Parker his son and heir, who the 21 Jac. I., 1623, was summoned to parliament by the said titles of Morley and Monteagle, as also in the 1, 3, 4, and 15 Car. I. He died in 1655, leaving issue an only son and heir

Thomas baron Morley and Monteagle, who after the restoration had summons to parliament the 13, 31, and 32 Car. II., and 1 Jac. II.; he died circ. 1686, s.p.s., when the baronies of Morley and Monteagle fell into abeyance between the issue of his auuts, viz: Catherine, who married John Savage earl Rivers; and Elizabeth, who married Edward Cranfield, esq., in whose descendants and heirs representative they still remain without any determination.



^a In Seacomb's Memoirs of the House of Stanley, (p. 49) he states that this lady was the wife of his father, and not of him; and that Anne, daughter of Sir John Spencer, of Althorpe, was wife of Thomas lord Monteagle, by whom he had William his son and successor.

^b He was the lord Monteagle to whom the letter was written whereby the Powder Plot was discovered.

John earl Rivers having married Catherine, one of the aunts and coheirs of Thomas, the last lord Morley, had issue by her five daughters and three sons,* viz; Thomas, John, and Richard, whose issue all eventually failing, the issue proceeding from his daughters may now be considered as the coheirs of Catherine countess Rivers. Of these daughters, Elizabeth married William lord Petre, s.p. Jane married, first, George lord Chandos, who died in February 1655, s.p., leaving his estate of Sudley Castle and other property to her, who in the October following married secondly Sir William Sidley, who dying in 1656 s.p., she married thirdly George Pitt, esq., of Stratfieldsea, in the county of Southampton, whose grandson George was father of George Pitt, created baron Rivers of Stratfieldsea in 1776, who had issue George the second baron, who died s.p. in 1829, and three daughters, viz: Penelope, who was the notorious countess Ligonier, and died s.p.l.; Louisa, who married Peter Beekford, esq.; and Marcia, who married James Fox Lane, of Bramham Park, esq. The coheirs representative of lady Jane Savage. Lady Catherine Savage married Charles Sidley, brother of Sir William, and had issue an only daughter Catherine, mistress to king Charles II., and by him created countess of Dorchester.† She afterwards married David Colyear, the first earl of Portmore, and had issue, whose descendants are also coheirs of the baronies of Morley and Monteagle. Lady Mary Savage married Henry Killigrew, esq.; and Frances died young. Of the issue (if any) from Elizabeth Parker, who married Edward Cranfield, there is not any account.

* Vide Bank's
Dorm. et Ext.
Bar., vol. iii.

† Ibid. v. iii.

MONTFORT.—(23 EDW. I.)

JOHN, grandson of Peter de Montfort, who was slain at the battle of Evesham, had summons to parliament the 23 Edw. I., but died the year following. By Alice his wife, daughter of William de la Plaunche, he had two sons, John and Peter, and two daughters, Elizabeth and Maud.

John de Montfort, the eldest son, was summoned to parliament the 7 Edw. II.; but was slain in the battle of Stryvelin against the Scots, s.p., leaving

Peter de Montfort his brother and heir, who was first a priest, but succeeding to the inheritance, his sacred function was dispensed with, and he had summons to parliament in the 9, 16, 22, and 23 Edw. III.;^a after which he died, the 31 Edw. III., without any

^a Sir Harris Nicolas, in his *Peerage Synopsis*, (v. ii., p. 441.) states that he was summoned from the 9 to the 23 Edw. III.; but, on referring to the intervening writs, his name is only contained in those of the years above mentioned.

legitimate issue, leaving his sisters his heirs, viz: Elizabeth, who was wife of Sir Baldwin de Freville; and Maud, who was wife of ——— Sudley: but they could only claim from the writ of the 23 Edw. I., if that single writ can be considered to have created any descendable barony.* He is said to have married Margaret, daughter of ——— lord Furnival, and to have had a son Guy, who married Margaret, one of the daughters of Thomas Beauchamp, earl of Warwick, and died s.p. By an old concubine, Lora, daughter of Richard Astley, of Ullinhale, in the county of Warwick, he had a son Sir John Montfort, whose male line flourished for many years at Coleshill, in the county of Warwick, till the attainder of Sir Simon de Montfort, temp. Hen. VII., whose descendants continued at Bescote, in the county of Stafford.

* Vide
Frescheville.

MONTHERMER.—(2 EDW. II.)

RALPH DE MONTHERMER (of whose origin Dugdale does not make mention) was an esquire in the household of Gilbert de Clare, earl of Gloucester and Hertford, who had married Joane of Acres, daughter of king Edw. I. Upon the death of the said earl, his widow Joane married secondly this Ralph de Monthermer, who in regard he possessed the lands of those earldoms, to which his wife was entitled for term of life, was summoned to parliament as earl of Gloucester and Hertford from the 26 to the 35 Edw. I., inclusive. In the 29 Edw. I. he was one of those nobles who in the parliament at Lincoln subscribed† the famous letter to the pope, being then styled “*Radolphus de Monte Hermerii Comitis Gloucestr et Hertford;*” but his wife, the countess, dying the 1 Edw. II., he never thereafter had the title of earl, and was summoned to parliament as a baron only from the 2 to the 18 Edw. II., inclusive, by the designation in the respective writs, “*Radulpho de Monthermer, or Monte Hermerii.*”

† Dug. Lists
of Sum.

After the death of the princess Joane, the countess, he married Isabel widow of John de Hastings, (sister and coheir to Aymer de Valence, earl of Pembroke), and deceased, having had issue two sons, Thomas and Edward:‡ of which, Dugdale states, that Thomas never had summons to parliament, and was slain in a sea fight^a with the French, in the year 1340, (14 Edw. III.,) leaving Margaret his daughter and heir, who married John de Montacute, second son of William, first earl of Salisbury; and had by him a son John, who succeeded as heir to his uncle, and became third earl of Salisbury, and thereby blended the baronies of Montacute and Monthermer in that inheritance.§

‡ Dugdale, v. i.
p. 217; etiam
Sauf. Geneal.

§ Vide
Montacute.

From the preceding statement it appears that the writs of summons to Ralph de

^a Sir Harris Nicolas asserts that Thomas de Monthermer ob. vi. pat., (*Synopsis, v. ii., p. 443*), and calls him heir, which he could not be, if he died before his father.

Monthermer, as earl of Gloucester and Hertford, did not invest him with any descendable earldom, notwithstanding, that by reason of those writs of summons he sate in parliament as a peer, and exercised all the legislative functions appertaining to that degree of honour. He was therefore a merely titular earl, of precarious continuance, depending on the life of his wife, and in such respect, solely her proxy in the parliamentary assemblages. It is the only precedent of the kind where the wife herself was merely tenant for life of the honour or title.

EDWARD DE MONTHERMER.—(11 Edw. III.)

EDWARD DE MONTHERMER had summons by writ, dated the 23rd of April, 11 Edw. III., to attend a council at Stamford, in which his name is inserted next to the earl of Oxford, and before all the other barons mentioned therein. By another writ, dated the 21st of June the same year, he had summons to attend a great council to be holden at Westminster; and his name is therein placed next to Henry Beaumont, earl of Boghan, and above all other barons;* but, excepting on these two occasions, his name does not appear in any other subsequent writs of summons.

* Dugd. Lists of Summ.

The precedency given to him in the said writs, may be inferred to arise from his near relationship to the king, as grandson of Edw. I, (by his daughter Joane, of Aeres), grandfather of Edw. III; for both Dugdale, and Sandford (in his genealogical history of the royal families) state that Ralph de Monthermer had issue by the princess Joane, two sons, viz., Thomas, and Edward, who by Milles and Brooke is represented to have been the eldest.†

To this Edward, the king (his uncle) Edw. II. granted in tail general the manor of Warblington, to revert to the king in fee:‡ but though doubted by Sir Harris Nicolas§ whether he was son of Ralph de Monthermer, yet, as there was not any other family of the same name, there does not appear any ground to suppose him not to be the Edward mentioned by Dugdale and Sandford; and who Milles and Brook, in their Catalogues of Honor, say, died without issue; the last adding (uncontradicted by his bitter critic Vincent,) *and was buried at the Augustine Fryars, at Clare.*||

† Milles and Brooke's Cat. of Hon.
‡ Pat. Rot. 4 Edw. II. m. 2.
§ Synopsis vol. ii., p. 443.

|| Brook's Cat. of Hon.

MORDAUNT.—(24 HEN. VIII.)

FROM the records of this family, collected in the reign of Charles II., and printed at the expense of Henry, then earl of Peterborough, it seems that it is of very ancient standing: but without going so far back as the time of the conquest, it may be sufficient here to commence it with the first person who attained to the rank of a peer of the realm.

John Mordaunt, a person of great eminence, and highly in favour with Hen. VIII., was admitted into the house the 4th day of May, the 24 Hen. VIII.,* and afterwards had summons to parliament during his life. By his will, dated the 1st of August, 1560, he styles himself *Lord Mordaunt of Turvey*, which would rather intimate that he was created by patent, than by summons; for in the writs of summons he is designated *John Mordaunt, Chiv'*, without any addition of *de Turvey*. The writs would be consequent to his creation, if by patent; it could therefore only be by patent that he was styled baron of Turvey. The probate of his will is tested 1st September, 1562, from which it may be considered that he died in that year. His wife was Elizabeth, daughter and heir of Henry Vere, lord of Drayton, and Adington, in the county of Northampton;† by which lady, besides other issue, he had John his son and heir, which

* Dugd. Lists of Sum.

† Dugd. Bar. vol. ii., p. 311.

John, second lord Mordaunt, died circ. 14 Elizabeth; the probate of his will being dated the 19th of October that year. He married Ellen, cousin and heir of Richard Fitz Lewis, of West Thornton, in Essex, a rich heiress, for whose wardship, Morant in his history of Essex,‡ says, he gave king Henry thirteen hundred marks. His son and heir

‡ Vol. i. p. 213

Lewis, third lord Mordaunt died the 16th of June, 1601, and was buried at Turvey, the 29th of July following. By Elizabeth his wife, daughter of Sir Arthur Darey, knt., he left issue

Henry his son and heir, fourth lord Mordaunt, who by Margaret, daughter of Henry lord Compton, had issue

John, fifth lord Mordaunt, who by letters patent (9 March, 3 Chas. I.) was advanced to the dignity of earl of Peterborough: but though he was thus indebted to his majesty for promotion of honour, he nevertheless held a commission in the parliament army, under the earl of Essex, being general of the ordnance, and colonel of a regiment of foot,§ in 1642, in which year he died, and was buried at Turvey, in the county of Bedford, with his ancestors. He married Elizabeth, sole daughter and heir of William lord Effingham, son and heir apparent to Charles Howard, earl of Nottingham, by Anne his wife, daughter and sole heir of John lord St. John, of Bletso,|| by which alliance the barony of Beauchamp, of Bletso, was brought into the Mordaunt family. By her he had issue two sons, viz: Henry his successor, and John created viscount Mordaunt, as hereafter mentioned.

§ Army List printed by T. Partridge, 1642.

|| Dugd. Bar. vol. ii. p. 312.

Henry, second earl of Peterborough, and sixth baron Mordaunt, was a staunch loyalist, and was wounded on the king's side, at the battle of Newbury. He was much distinguished for his antiquarian knowledge, and with a desire to preserve the records of his family, which induced him to compile the scarce folio volume, entitled, "*Halstead's Genealogies*." He died the 19th of June 1697, and was buried at Turvey; but not having any male issue, the earldom of Peterborough devolved upon his nephew Charles, son and heir of his brother John viscount Mordaunt, and the barony of Mordaunt being

created by writ, descended to his only daughter, the lady Mary Mordaunt, by Penelope his wife, daughter of Barnabas, earl of Thomond, in Ireland.

MARY, BARONESS MORDAUNT.

THIS lady, sole heiress of her father in the barony of Mordaunt, and of Beauchamp, of Bletso (or Bletshoe), was twice married, first to Henry, duke of Norfolk, from whom she was divorced; and secondly to Sir John Germaine, bart., to whom, at her death, in 1705, she left her magnificent seat at Drayton, in the county of Northampton, which on his death, in 1718, he gave to his second wife, Elizabeth, daughter of Charles, second earl of Berkeley; which lady, at her decease, gave it to lord George Sackville, who took the name of Germaine, and was afterwards, in 1782, created viscount Sackville: thus not having issue, the barony of Mordaunt, and of Beauchamp of Bletso, on her decease, reverted to her cousin Charles, earl of Peterborough and Monmouth.

MORDAUNT LORD MORDAUNT.

IT has been before stated, that Henry, second earl of Peterborough had a younger brother John, which John having married Elizabeth, daughter and heir of Thomas Carey^a second son of Robert, earl of Monmouth, was by letters patent the 10th of July, the 11 Chas. II, created baron Mordaunt of Ryegate, in the county of Surry, and viscount Mordaunt of Avalon, in the county of Somerset; he died in the lifetime of his brother earl Henry, in 1675, and was succeeded by

Charles, his son and heir, who, in April 1689, was advanced to the title of earl of Monmouth, and in 1697 succeeded his uncle Henry, as earl of Peterborough, and in 1705 succeeded his cousin lady Mary in the baronies of Mordaunt and Beauchamp, of Bletso; thus uniting together all the honours of the Mordaunt family. His enmity to the duke of Marlborough, and friendship for Pope, as observed by the earl of Orford* “will preserve his name, when his genius, too romantic to have laid a solid foundation for fame, shall be forgotten: he was a man who would neither live, nor die like other mortals;” he died at Lisbon, in 1735, aged 77. By Carey, his first wife, daughter of Sir Alexander Fraser, of Dores, in Scotland, he had two sons, John and Henry, and a daughter Henrietta, who married Alexander, second duke of Gordon; Henry the youngest son died of the small pox, unmarried, vi. pat., and

* Horace
Walpole.

John, the eldest — viscount Avalon (or rather Mordaunt of Avalon), also died of

^a So named by Dugdale.—(*Vol. ii. p. 312.*) but called *Robert Carey* by Sir Harris Nicolas.—(*Synopsis vol. ii. p. 432.*)

the small pox vitâ patris, the 6th of April, 1710, leaving by lady Frances Paulet, daughter of Charles, duke of Bolton, two sons, Charles and John.

Charles, the eldest son, succeeded his grandfather as fourth earl of Peterborough, and second earl of Monmouth; he married first, Mary daughter of Thomas Cox, esq., and by her, who died in November 1756, had issue Frances, who married, in October 1765, the Rev. Samuel Bulkeley, of Hatfield, in the county of Hertford, and Mary Anastasia Grace, born the 5th of June, 1738. His second wife was Robiana, daughter of colonel Brown, by whom he had two sons, Charles Henry, born in 1758, and Paulet, born in 1759, who died young. Deceasing the 1st of August, 1777, he was succeeded by

Charles Henry, his only surviving son, and last earl of his family, who dying unmarried, in 1814, the earldoms of Peterborough and Monmouth, the viscounty of Mordaunt, of Avalon, and barony of Mordaunt, of Ryegate, are presumed to be extinct, or dormant, till some heir male can establish a right thereto; but the barony of Mordaunt, created the 24 Hen. VIII., devolved upon

LADY MARY ANASTATIA GRACE, BARONESS MORDAUNT.

THIS lady was daughter, as before noticed, of Charles, fourth earl of Peterborough, by his first wife; and by the death of her half brother Charles, the fifth earl, in 1814, s.p., became entitled to the succession of the barony of Mordaunt, and the presumed barony of Beauchamp, of Bletso; but deceasing s.p., in 1819, they then fell to Alexander, duke of Gordon, in Scotland, grandson and heir general of the body of lady Henrietta Mordaunt, only daughter of Charles, third earl of Peterborough, from whom not any issue remained.

GORDON, BARON MORDAUNT.

ALEXANDER fourth duke of Gordon, having thus become heir general to the barony of Mordaunt, it merged in his higher dignities; but with respect to the barony of Beauchamp, of Bletshoe, it may be questioned how far it was ever recognized as a descendable barony. Roger de Beauchamp married the eldest sister and coheir of William de Pateshull, and in the partition of the inheritance, obtained the manors of Bletshoe, and Caysho, in the county of Bedford.* He had summons to parliament for divers years, as *Roger de Beauchamp*, but none of his descendants had the like summons after him.—Margaret de Beauchamp, daughter and heiress of John, his great-grandson, married to her first husband, Sir Oliver St. John, from whom descended Sir Oliver St. John, created by patent in 1559, baron St. John of Bletshoe, with limitation to the heirs male of

* Lysons in
Com. Bedf.

his body: thus there was not any allusion to the ancient barony of Beauchamp, though there was in him an heirship in blood, by descent from Roger de Beauchamp, the first and only one of the family summoned to parliament.

Alexander, duke of Gordon, died in 1827, leaving issue five daughters, viz: Charlotte married to Charles duke of Richmond; Madelina married first to Sir John Sinclair, bart.; and secondly to Charles Palmer, esq., of Lockley Park, county of Berks; Susan married to William, duke of Manchester; Louisa married to Charles, second marquess Cornwallis; Georgiana married to John, fifth duke of Bedford. Duke Alexander also had two sons; Alexander the youngest died *vitâ patris*, unmarried; and George his eldest and only surviving son was his successor; which

George, fifth duke of Gordon and, second baron Mordaunt, died s.p., in 183—, when the barony of Mordaunt, and interest in the barony of Beauchamp, of Bletshoe, fell into abeyance between his five sisters and coheireses.

MORLEY.—(28 EDW. I.)

WILLIAM DE MORLEY, a distinguished commander in the wars of Scotland, had summons to Carlisle the 26 Edw. I., *equis et armis*, being named in the writ *a baron*, the earls and barons therein mentioned having their ranks distinguished by their respective degrees;* after this he had summons to parliament the 28, 32, 33, and 34 Edw. I., inclusive. His son and heir,

* Dugd. Lists of Summ.

Robert de Morley, married Hawyse, daughter, and at length heiress of William le Mareschall, baron of Hengham, in the county of Norfolk, and marshal of Ireland,) sister and heiress to her brother John Mareschall,) by which alliance he acquired that high hereditary office. He was admiral of the English Fleet, and had other eminent offices, and was summoned to parliament from the 11 Edw. II. to the 31 Edw. III., in whose 34th year he died, full of honour.

William de Morley his son and heir, had summons from the 38 Edw. III. to the 2 Ric. II., and died circ. the 4th, leaving Cecily his wife, daughter of Thomas lord Bardolph, surviving, and

Thomas de Morley his son and heir,^a who had summons from the 5 Ric. II. to the 4 Hen. V., about which time he deceased. He married Anne, daughter of Edward lord Despenser, by which lady he had issue Robert his son and heir apparent, who died in his lifetime, having married Isabel, daughter of John lord Molines, and had issue a son Thomas, successor to his grandfather; which

^a *Vide Rot. Parl. vol. iii. p. 130, no. 16.*—Petition of Thomas, son and heir of William de Morley, to execute the office of Marshall of Ireland by deputy.

Thomas de Morley had summons to parliament from the 5 to the 13 Hen. VI.; and died shortly after.^a He married Isabel, daughter of Michael de la Pole, earl of Suffolk;^b and had issue

Robert de Morley, his son and heir, then aged seventeen, who, the 20 Hen. VI., had summons to parliament, and died the year following, leaving, by Elizabeth his wife, daughter of William lord Roos, an only daughter and heir Alianore only six months old, who afterwards married William Lovel, second son of William lord Lovel, of Tichmersh.

LOVEL BARON MORLEY.—(9 EDW. IV.)

WILLIAM LOVEL having married the said Alianore, daughter and sole heir of Robert lord Morley, had summons to parliament in her right the 9 Edw. IV., by the title of "*William Lovel de Morley Chivalier*," and also the 49 Hen. VI. After when he died, in July, 1476, leaving Alianore his wife surviving, and two children, viz., Henry and Alice Lovel; which

Henry Lovel, second of his family lord Morley, was then in minority; and on arriving at full age had in 1489 special livery of all his lands; but was never summoned to parliament. He was slain at Dixmude, in Flanders, the 4 Hen. VII. He married Elizabeth, daughter of John de la Pole, duke of Suffolk, by Elizabeth Plantagenet, daughter of Richard duke of York, father of king Edw. IV.; but not having any issue, the barony of Morley devolved upon his only sister and heiress Alice, who married, first, Sir William Parker, knight; and secondly Sir Edward Howard, (second son of Thomas, duke of Norfolk,) whom she survived, but had not any issue by him.

PARKER BARON MORLEY.—(14 HEN. VIII.)

SIR WILLIAM PARKER, who thus married the heiress of the last Lovel lord Morley, was standard bearer, and of the privy council to king Ric. III., and died in 1510, leaving by Alice his wife,

Henry Parker his son and heir, who, the 14 Hen. VIII had summons to parliament by the name of "*Henry Parker de Morley Chivalier*;"^{*} and from thence to the 3 Phil. and Mary, inclusive. In the 25 Hen. VIII. he had a controversy with the lord Dacres, of Gillesland, for precedence, which was adjudged to him. He married Anne, daughter of Sir

* Dug. Lists
of Sum.

^a In Dugdale's printed Lists of Summons there appears an error, (probably typographical) in reciting the name of *John de Morley*, instead of *Thomas*, as summoned the 11 Hen. VI.

^c In Lodge's Peerage of Ireland, (vol. ii., p. 167,) there is a note which makes this Isabel daughter and sole heir of Michael De la Pole. In De la Pole, Dugdale says she died before the 10 Hen. V. unmarried, citing Claus 10 Hen. V.

John St. John, of Bletshoe, and had by her a son Henry, created a Knight of the Bath at the coronation of queen Anne Bullen, who died before him, leaving by Graee his wife, daughter of John Newport, esq., a son Henry, who on his death, the 3 Philip and Mary, was his successor. This

Henry, second Parker lord Morley, having succeeded his grandfather had summons to parliament to the 14 Elizabeth, inclusive. By Elizabeth his wife, daughter of Edward, earl of Derby, he had issue

Edward, the third Parker baron Morley, his son and heir, who had summons to parliament from the 23 Elizabeth, to the 12 James I., and died the 16 of the same reign. In the 29 of queen Elizabeth he was one of the peers who gave judgment of death against Mary queen of Scots; so likewise was he one of the peers, who, the 32 Elizabeth, gave similar judgement upon Philip, earl of Arundel; as also in the 43 Elizabeth upon Robert, earl of Essex. He married Elizabeth, sole daughter and heir of William Stanley lord Monteagle, and by her had William his son and heir, which

William, fourth Parker baron Morley, had summons vitâ patris as lord Monteagle, and succeeding his father coalesced the barony of Morley with that of Monteagle, as under the said title has been before mentioned.*

* Vide
Monteagle.

MORTIMER.—(22 EDW. I.)

THIS is one of the many eminent Norman families which came over with the Conqueror, and assisted him in his proud acquirement of the English throne,^a and according to heraldic story, is represented to have been by consanguinity allied to him;† though, according to the law, bastards are not considered to have any legal relatives.

† Dugd. Bar.
vol. i. p. 138.

Roger, or Ralph de Mortimer, the first who came into England, obtained by force of arms the castle of Wigmore, in the Marches of Wales, which with very numerous manors in divers counties, he possessed at the time of the general survey. From him, after several successions, descended

Roger de Mortimer, famous for the tournament he held at Kenilworth, temp. Edw. I., where he sumptuously entertained for three days one hundred knights and as many ladies, the like whereof had never before been known in England. He died circ. 10 Edw. I. having married a great coheiress, Maud, one of the daughters of William de

^a No conquest was ever more complete. The crown of England has continued ever since in his descendants; and the nobility boast with pride their lineage from some one of those who were in his retinue; whereas notwithstanding the glorious victories of the British arms to conquer France, they were eventually totally driven out, and England cannot show that she retains a single village, or an acre of land in that country, as the result of her pretended conquest. If conquest imports acquisition, the glory is to France. If it imports merely victory, the shadow of it is with England.

Braose, of Brecknock, by Eve his wife, one of the sisters and coheirs of Anselm Mareschall the last of his name earl of Pembroke. By her he had issue several sons, whereof, Sir Ralph, the eldest, died before him; Edmund was his successor; Roger was lord of Chirke;* Sir William died s.p.; and Sir Geffery died vitâ patris.

* Vide
Mortimer of
Chirke.

Edmund de Mortimer, eldest surviving son of Roger, had summons to parliament from the 22 to the 30 Edw. I., inclusive, shortly after which he died, leaving

Roger Mortimer his son and heir, who had summons to parliament from the 27 Edw. I. to the 30th, in the lifetime of his father. In the 29 Edw. I. he was one of those who in the parliament at Lincoln subscribed the famous letter to the pope, being then designated "*Rogerus de Mortuo mari Dominus de Penkellyn*,"† to which parliament his father Edmund being also summoned, subscribed the said letter by the denomination of "*Edmundus de Mortuo mari Dominus de Wigmore*." He was afterwards summoned to the

† Dugd. Lists
of Summ.

35 Edw. I.; but in the 1 Edw. II. (to whose coronation he had summons,)‡ he had the addition of *de Wigmore* to his name, and the same in the subsequent writs to the 10 Edw. II., from which time he was not again summoned till the 20th: after then he was created earl of March, by which title he was summoned to a great council at Westminster the 3 Edw. III.,§ having been summoned till then as Robert Mortimer de Wigmore. His earldom however was of short duration; for being, as the general Histories relate, the great favourite of Isabel, the adulterous queen of Edw. II., he was suddenly surprised at the castle of Nottingham, was secured, and being accused in parliament of certain high crimes and found guilty, he was ignominiously executed on the common gallows near Smithfield, and being attainted all his honours were forfeited. He married Joane, daughter of Peter, son of Geffery de Genevil, lord of Trim in Ireland, and thereby on her death, that lordship and other great estates came into his family.

‡ Coron. Rot.
1 Edw. II.

§ Dugd. Lists
of Summ.

Edmund his eldest son, had not his father's title of earl, by reason of his attainder, but he was summoned to parliament as *Edmund de Mortimer* the 5 Edw. III., and died in the flower of his age the same year, leaving by Elizabeth his wife, one of the daughters and at length coheirs of Bartholomew lord Badlesmere, (who survived him, and remarried William de Bohun, earl of Northampton,) Roger his son and heir, which

Roger Mortimer was then only three years old; but in the 20 Edw. III., though he had not fully come to his majority, the king was pleased to take his homage and give him livery of his lands, and he had summons to parliament from the 22 to the 28 Edw. III. as *Roger Mortimer*, excepting in the 24, 25, and 27, with the addition of *de Wigmore*. Having obtained the full reversal of his grandfather's attainder, he was summoned to parliament the 29 Edw. III. as earl of March, which title he thenceforth continued to enjoy till his death, the 34 Edw. III. By Philippa his wife, daughter of William de Montacute, earl of Salisbury, he had a son Roger, who died before him, and

Edmund Mortimer, earl of March, his surviving son and heir, who died the 5 Ric. II.,

being only twenty-nine years of age. He married Philippa, daughter and heir of Lionel, duke of Clarence, son of king Edw. III., by Elizabeth his wife, daughter and heir of William, son and heir of John de Burgh, earl of Ulster, in Ireland, by which match he acquired the third part of the earldom of Gloucester, in England, with the county of Ulster, and dominion of Connaught, in Ireland. By this great heiress he had issue, Roger, his successor; Sir Edmund, who married the daughter of Owen Glendour; and Sir John, who was executed for treasonable practices, temp. Hen. VI.

Roger, next earl of March, son and heir of earl Edmund, died the 22 Richard II., leaving by Alianor his wife, daughter of Thomas Holland, earl of Kent, Edmund his son and heir; Roger who died s.p.; and two daughters, Anne, and Alianor, which last married Edward, son of Edward Courtenay, earl of Devon, and died s.p.

Edmund, who succeeded his father, was the last earl of his family, and died the 3 Hen. VI., s.p., being then aged about twenty-four years, according to Dugdale;* but as the same learned herald has before stated that he was born on St. Leonard's day, the 15 Richard II., he must have been aged about thirty-four, rather than twenty-four^a years; whereupon Richard, duke of York, son of Anne his sister, by Richard, earl of Cambridge, her husband, was by inquisition found to be his heir, and at that time fourteen years of age.†

* Dugd. Bar.,
vol. i. p. 151.

† Ibid.

This Richard, duke of York, was father of Edward, afterwards king Edw. IV., and thus the great inheritances of the Mortimer family merged in the crown.

MORTIMER OF RICHARDS CASTLE.—(25 EDW. I.)

ROBERT MORTIMER of the same family as the preceding, married Margery, daughter and heir of Hugh de Say (relict of Hugh, son of Walcheline de Ferrers),‡ and thereby acquired Richards Castle.^b In the 12 Henry II. he certified the knights' fees of this honour to be twenty-three; his grandson

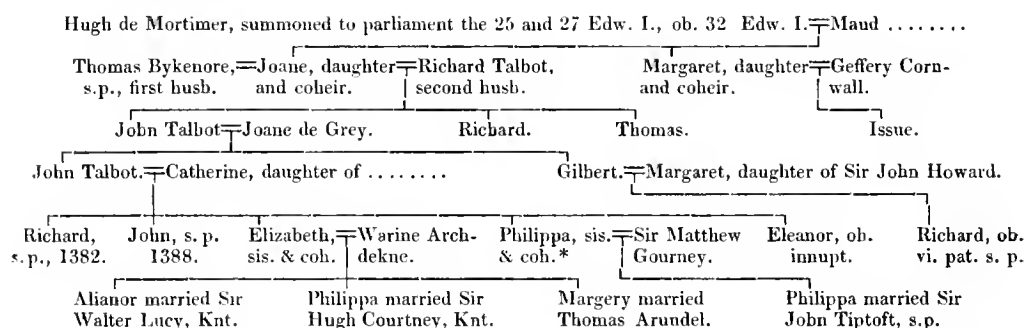
‡ Morant,
vol. i., p. 341.

Robert de Mortimer married Joyce, the daughter and heir of William le Zouche, and died the 15 Edw. I. leaving his wife surviving, and Hugh, his son and heir, as also a younger son William, who took the name of Zouche, and was thence denominated Zouche of Mortimer.

^a King Richard reigned twenty-two years; Hen. IV. nearly fourteen; Hen. V. nearly ten. Therefore allowing for the interstices of time, from the birth of earl Edmund, the 15 Richard II. to the 3 Hen. VI., he must have been then thirty-four years old at the time of his death, or nearly that age.

^b Dugdale in his account of the Says of Richards Castle, (vol. i., p. 454,) differs from his account above mentioned, under Mortimer, and states that the daughter and heir of Hugh de Say, married Hugh de Ferrers, whose daughter and heir Margery married Robert Mortimer, and afterwards William de Stutevill.

Hugh de Mortimer, the eldest son, was summoned to parliament the 25 and 27 Edw. I., as *Hugh de Mortimer*, without any distinction of place; he was also summoned equis et armis to Carlisle the 26 Edw. I., being in the writ styled a *baron*, when the earls and barons therein mentioned were all distinguished by their respective ranks; but he was never summoned after the 27 Edw. I. He died the 32 Edw. I., leaving Joane his eldest daughter, aged twelve, Margaret his youngest, eight years of age, and Maud his wife surviving; of which daughters, Joane married Thomas de Bykenore, and after his death s.p., Richard, a younger son of Richard lord Talbot, of Eccleswell, in the county of Hereford, who with her had Richards Castle; Margaret, the youngest, married Geffery Cornwall; but not any of the descendants from either coheir were ever summoned to parliament.



* Flore, p. 44. Rutland, says she married Sir John Tiptoft, citing Esch. 18 Richard II., n. 53, and Pat. 9 Hen. IV., p. 1, m. 3.

MORTIMER OF ATTLBERGH.—(22 EDW. I.)

WILLIAM DE MORTIMER, of Attilbergh, in the county of Norfolk, had summons to parliament the 22 and 25 Edw. I., by the description of *William de Mortimer de Attilbergh*; but having been taken prisoner in France, he was carried to Paris, where, according to Dugdale, he died,* being then called *William de Mortimer, of Kingstone*. By Alice his wife, he had issue,

* Esch. 25 Edw. I., n. 45, Dugd. Bar., vol. i., p. 154.

† Blomefield's Norfolk.

Constantine Mortimer his son and heir, who at his father's death was in minority, and died in 1334,† and was interred in Mortimer's chapel. By Sibyl his wife he had issue Constantine, Robert, and Thomas: of these sons,

‡ Dugd. Lists of Summ.

Constantine was his successor, and the same it is presumed, who the 16 Edw. III., had the summons to a great council to be holden at Westminster, but the meeting of which was prorogued,‡ and he never after had the like summons. He died s.p., leaving

Robert Mortimer his brother and heir, who never had any summons. By Margery his wife he had two sons, viz. : Thomas and Constantine ; which last was of Great Elingham and Bernham, in the county of Norfolk. The eldest son,

Thomas Mortimer, died in the lifetime of his father, having married Mary, daughter of Nicholas Park, (mother, by a former husband, of the celebrated Sir John Falstaff,) and by her had three daughters his coheireses, viz :*

Elizabeth, married first to Ralph Bigot, of Stockton ; secondly to Henry Pakenham ; and thirdly to Thomas Manning, and had issue by her first and last husband.

Cecily, married first to John de Herling ; and secondly to Sir John Ratcliffe, by both of whom she had issue.

Margaret, wedded Sir John Fitz-Ralph, whose grandson, another John, left two daughters his coheirs ; whercof, Elizabeth married Robert Chamberlayne ; and Maud, Sir Robert Conyers.

* Blomefield's
Norfolk, vol. i.
p. 346. fol. ed.

MORTIMER OF CHIRKE.—(1 EDW. II.)

ROGER DE MORTIMER, a younger son of Roger lord Mortimer, of Wigmore, by Maud, (or Matilda,) daughter of William de Braose, of Brecknock, had summons to most of the parliaments from the 1 to the 14 Edw. II., as *Roger de Mortimer de Chirke* ; and in the writ of the 5 Edw. II. is styled a baron ; the earls and barons being designated therein by their respective ranks. He deceased the 10 Edw. III., leaving, by Lucia his wife, daughter of Sir Robert de Wafre, a son,

Roger de Mortimer, who was never summoned to parliament. He married Joane (or Juliana) de Turberville, and had a son John, who sold the lordship of Chirke to Richard Fitz-Alan, earl of Arundel,† and after that period, though his posterity long continued in the male line, none were ever summoned to parliament. † Ibid. p. 155.

SIMON DE MORTIMER.—(24 EDW. I.)

FOR this person, unnoticed by Dugdale, vide Vol. II.

MOUBRAY.—(22 EDW. I.)

THE first person mentioned of this name was Robert de Moubray, (or Mowbray) earl of Northumberland, temp. William Rufus, nephew of Geoffrey, bishop of Constance,‡ but

‡ Dugd. Bar.,
vol. i., p. 56.

whence the name originated does not appear. This earl Robert being in rebellion against king Hen. I., had his earldom and lands forfeited, which last were given by the king to Nigel de Albini, whose father Roger is said to have married Amicia de Moubray, sister to earl Robert.

Roger de Albini, son and heir of Nigel, becoming possessed of the lands of Moubray, by the special command, as it is related,* of king Henry, took the surname of Moubray, and was progenitor of the succeeding dynasty.

* Dug. Bar.,
vol. i., p. 56.

William, grandson of Roger, was one of the celebrated twenty-five barons appointed to enforce the observation of the Magna Charta, temp. king John. His eldest son and heir Nigel dying s.p., he was succeeded by his brother Roger, father of another

Roger de Moubray, who had summons to parliament the 22, 23, 24, and 25 Edw. I., and died the year following, leaving John his son and heir, which

John de Moubray had summons from the 1 to the 14 Edw. II., as *John de Moubray*. He married Aliva, daughter and coheir of William de Braosc, of Gower,^a and thereby acquired that inheritance. Having joined in the insurrection under the earl of Lancaster, he was among those who were taken prisoners at Boroughbridge, and was afterwards hanged at York, 15 Edw. II. His son and heir,

John de Moubray, found great favour from Edw. III., and had livery of his lands before he came at full age. He was summoned to parliament from the 1 to the 34 Edw. III., and died the year following, having had issue by Joane his wife, one of the daughters of Henry, earl of Lancaster.

John de Moubray, the fourth baron, who had summons from the 36 to the 39 Edw. III., as "*John de Moubray, de Axiholm*," but was slain near Constantinople, on his way to the Holy Land, the 42 Edw. III. He greatly advanced his family by marriage with Elizabeth, daughter and heir of John lord Segrave, by Margaret his wife, daughter and coheir of Thomas of Brotherton, earl of Norfolk, and marshal of England, son of king Edw. I., by his second queen. By this great lady he had issue two sons, whereof,

John, fifth lord Moubray, his eldest son and heir, at the coronation of Richard II. was created earl of Nottingham, but died soon after, unmarried, leaving

Thomas de Moubray, his brother and heir, who the 6 Richard II. was created earl of Nottingham, and three years after was constituted Earl^b Marshall of England for life. After when, the 20 Richard II., he obtained a confirmation† of the office, with the name and honour of Earl Marshal of England, to him and the heirs male of his body, and that they by reason of the said office, should bear "*a golden truncheon enamelled with black*

† Rot. Parl.,
20 Ric. II., v.
iii., pp. 343-4.

^a This barony (if it was one) fell into abeyance between Moubray and Bohun of Midhurst, which does not appear to have been ever determined, though the family of Howard, eventually coheirs to Moubray, included it with their Norfolk honours.

^b Sandford says he was the first earl Marshal; for before him they were only Marshals.

at each end, having at the upper end the king's arms; and at the lower, their own arms engraven thereon."

Moreover, the 21 Richard II. he was created duke of Norfolk; and his grandmother, the countess Margaret (then living) was at the same time created duchess of Norfolk.* But after all this greatness he fell into disgrace,† for being accused by Henry, duke of Hereford (afterwards king Hen. IV.) of having spoken words disrespectfully of the king, a challenge thereupon ensued; a day for combat was appointed; the noble dukes entered the lists;‡ but the king, when they were about to engage, forbade the combat. The duke of Norfolk was banished for life, the duke of Hereford for ten years. The duke of Norfolk retired abroad, and died at Venice of the pestilence; but according to Sandford‡ of grief, anno 1400, 1 Hen. IV. By his second wife, Elizabeth, sister and coheir of Thomas Fitz Alan, earl of Arundel, he had two sons, Thomas and John; also two daughters, Isabella (or Isabel) who married Sir James Berkeley, knight; and Margaret, Sir Robert Howard, whose issue became eventually his coheirs.

Thomas, the eldest son, was in minority at his father's death. He never had the title of duke, and Dugdale says, nor any other but that of Earl Marshal; but taking part in a conspiracy to dethrone the king, he with others was beheaded at York the 6 Hen. IV., but not having any issue he was succeeded by

John de Moubray, his brother and heir, who, the 1 Hen. V., by writ addressed *Johanni Comiti Mareschallo*, was summoned to parliament; and from thence, by the same title, to the 3 Hen. VI., inclusive;§^b but in the next year, 4 Hen. VI., he had summons as duke of Norfolk,|| having, in the words of Dugdale, *been restored to that dignity in the parliament holden at Westminster the 3 Hen. VI.*¶ But as the act of banishment against his father was not attended with any attainder, there was no forfeiture incurred, and therefore it does not appear that, although his elder brother Thomas only used the title of Earl Marshal, he was incapable to succeed his father in the dukedom. The proceedings in the parliament at Westminster do not contain any enactment of restoration, the decision was merely a *recognition of right*; they originated in a controversy between this John, Earl Marshal, and the earl of Warwick for precedence; the Earl Marshal alledging that he was earl of Norfolk by descent, as heir as well to that title as to the arms royal of England, from Thomas of Brotherton, earl of Norfolk, younger son of king Edw. I., and so created by his brother of the half blood, Edw. II., anno 6 of his reign, to him and his heirs for ever. But this dispute, after divers hearings, was terminated by reason that the said John, Earl Marshal, was heir to the dukedom of Norfolk, and as

* Rot. Parl.,
21 Ric. II.,
v. iii., p. 355.
† Banks's
Dorm. & Ext.
Baron., vol. ii.

‡ Sandford's
Gener. Hist.

§ Dugd. Lists.
of Summ.
|| Ibid.

¶ Dug. Bar..
vol. i., p. 130.

^a Vide a detailed account of the splendid entry of the two distinguished combatants into the lists prepared for their encounter, in Smollet's History of England, under the reign of Richard II.

^b In Dugdale's Writs of Summons the 1 and 2 Hen. VI., the name is printed *Thomas*, instead of *John*, *Earl Marshal*, but in the 3 Hen. VI., it is then printed *John*.

such was adjudged to bear that title with a reservation to his heirs, as to the question of precedence as earl of Norfolk*

* Rot. Parl.,
vol. iv., á p.
267, ad p. 275.

Having thus had the title of duke of Norfolk confirmed to him, he thenceforth bore the same, and had summons to parliament by it till his death the 11 Hen. VI.

By Katherine his wife, daughter of Ralph Nevil, earl of Westmorland, he left issue John his only son and heir, which

John de Moubray, duke of Norfolk, died the 1 Edw. IV., leaving by Eleanor his wife, daughter of William lord Bouchier, an only son and heir,

John de Moubray, the last duke of Norfolk of his family, who, the 29 Hen. VI., in the lifetime of his father, had been created earl Warren and Surrey, titles which had been enjoyed by the Fitz Alan family; whereof Thomas de Moubray, the first duke of Norfolk, had married Elizabeth, one of the sisters and coheirs to Thomas, earl of Arundel and of Surrey.† He died circ. 15 Edw. IV., having married Elizabeth, daughter of John Talbot, earl of Shrewsbury, and had issue an only daughter and heiress, Anne, which

† Banks's
Dorm. & Ext.
Bar., vol. iii.

Anne Mowbray, by reason the titles of duke of Norfolk, and earl Warren and Surry, were limited to issue male, could not succeed to either; but the baronies of Moubray and Seagrave, with a moiety of the barony of Braose of Gower, being derivable from writ of summons, devolved upon her, as heiress general of her family. She was contracted in marriage to Richard, second son of king Edw. IV., who by special charter created him duke of Norfolk, and earl Warren, to hold to him and the heirs male of his body;‡ but the fate of this young prince is well known, that he and his brother Edward V. were both smothered in the tower, s. p. Thus the marriage was never consummated; and there not being any issue of the body of this lady Anne, the baronies of Moubray and Seagrave fell into abeyance between the families of Berkely and Howard, descended from Isabel and Margaret, the two daughters, and at length coheirs of Thomas de Mowbray, first duke of Norfolk. The abeyance of the barony of Seagrave does not appear to have been ever determined. But the 15 Cha. I., Henry, eldest son of Thomas Howard, earl of Arundel, had summons to parliament by writ, viz: *Prædilecto et fideli suo Henrico Moubray Chiv' (primogenito Thomæ Comitis Arundelie.)* Teste &c., 21 Martii.§

‡ Chart. 16
Edw. IV.

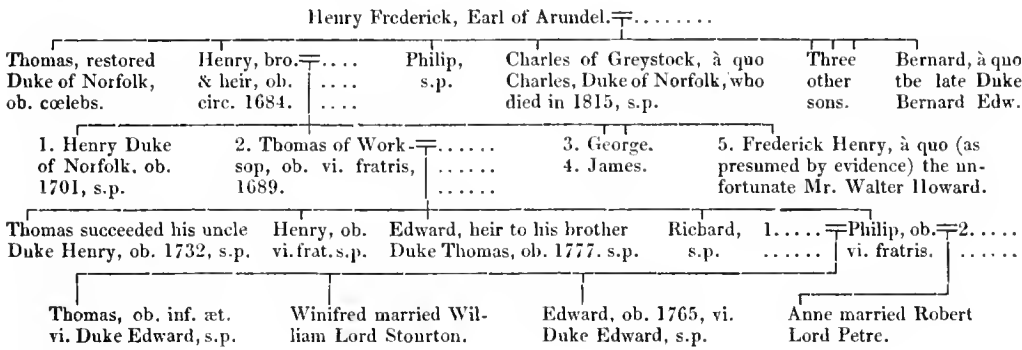
§ Dugd. Lists
of Summ.

In the 31 and 32 Car. II., Henry, eldest son of Henry, duke of Norfolk, had summons by writ directed, "*Henrico Moubray, Che'r primogenito Henrici Ducis Norff'?*" and was introduced and placed in the upper end of the barons' bench, 28 January, 1677.¶ This barony of Moubray, with the coheirship to the baronies of Seagrave, and Braose of Gower, continued in the Howards, dukes of Norfolk, until the death of Edward the duke, in 1777, s.p., when all the baronies in fee fell into abeyance between the daughters and coheirs of lord Philip Howard, his brother, viz: Winifred, the eldest, who married William lord Stourton; and Anne, the youngest, who married Robert lord Petre. The dukedom of Norfolk, with the earldom of Arundel, and the other honours annexed,

¶ Journ. Dom.
Proc.

thereto, by the act of parliament of the 3 Car. I., and by various subsequent acts, settlements, and patents, devolved upon the next heir male, in the person of Charles, grandson of Charles Howard, of Greystock, brother to Henry, grandfather of him the said duke Edward^a; which

Charles Howard, so succeeding to the dukedom of Norfolk, and the entailed honours, died in 1786, leaving Charles his only son and heir, the next duke; who died in 1815, s.p., when the Norfolk honours again reverted to a collateral younger branch of the family in Bernard Edward Howard, the fag end of an old stock nearly worn out by decrepitude; which Bernard Edward, late duke of Norfolk, left issue an only son his successor, and now duke; concerning whose legitimacy, much may be seen by the perusal of the evidence given on the action for adultery brought by his father against colonel Bingham, afterwards earl of Lucan.



MULTON OF GILLESLAND.—(1 Edw. II.)

THOMAS DE MULTON having given one thousand marks to the king (John) for the wardship of the two daughters and coheirs of Richard de Lucie, baron of Egremont, in the county of Cumberland; afterwards married them to his two sons Lambert and Alan, whom he had by ——— his first wife. Of these sons, Lambert married Annabel the eldest daughter, and had a son Thomas, who continuing his paternal name, was called *Thomas de Multon, of Egremont*. Alan the other son, married Alice the other daughter and coheir of Richard de Lucie, and had a son also called Thomas, who assumed his mother's name of Lucie, as has before been mentioned under that article.*

* Vide Lucie.

^a Vide Memoirs of Walter Howard, and the way in which his nearer consanguinity to the right of succession upon the death of duke Edward, in 1777, was resorted to, for the purpose of mystifying his descent; a curious and very interesting pamphlet; 8vo., very scarce.

The said Thomas, father of Lambert and Alan de Multon, married to his second wife, Ada, widow of the aforesaid Richard de Lucie, and daughter and coheir of Hugh de Morville, by Ada his wife, daughter and heir of William Engayn, by Ibría his wife, daughter and heir of Robert D'Estrivers, baron of Burgh-upon-the-Sands, and hereditary forester of Cumberland. By this great heiress he had Thomas his son, who on his death, the 24 Hen. III., was the heir to his mother's inheritance. This

Thomas de Multon married Maud, daughter and heir to Hugh de Vaux, baron of Gillesland, and dying the 55 Hen. III., was succeeded by

Thomas de Multon, his son and heir, who died the 21 Edw. I., leaving a son and heir

Thomas de Multon, who deceased very shortly after his father, viz., the 23 Edw. I., leaving Thomas his son and heir, aged thirteen, and Isabel his wife surviving, which

Thomas paying his baronial relief of one hundred pounds, when he came of age, had livery of his lands, and had summons to parliament from the 1 to the 7 Edw. II. inclusive, as *Thomas de Multon, de Gillesland*, by which denomination he also had summons to the coronation of king Edw. II.* He died soon after his last writ of summons, leaving by Margaret his wife, a sole daughter and heiress Margaret, who married Ranulph de Dacre, and carried the barony of Gillesland into that family, which is now represented by the present Baron de Dacre, heir general of Multon and De Dacre.†

* Coron. Rot.
1 Edw. II.

† Vide Dacre.

MUSGRAVE.—(24 Edw. III.)

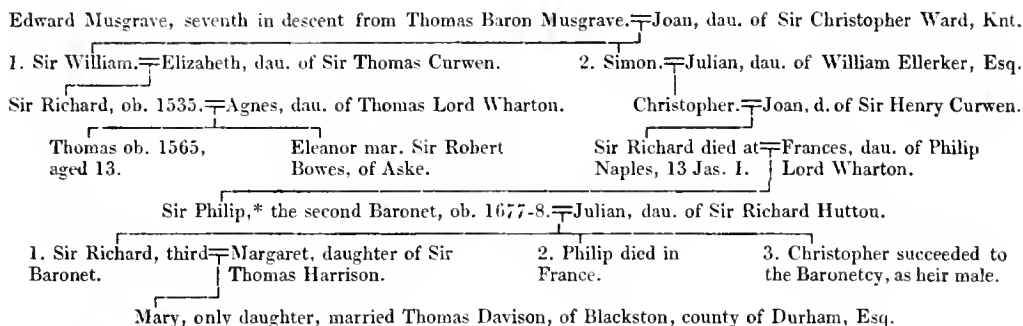
THOMAS MUSGRAVE, of a very ancient family, though none were ever before called to parliament, had summons thereto from the 24 to the 47 Edw. III.; but never after, nor any of his descendants, who continued long after. He was a very distinguished commander in the wars of Scotland, but the 2 Ric. II. had the mischance to be taken prisoner, when he gave mainpevnors, or securities, for the payment of his ransom: yet when the time for payment became due, he refused to make it; so that it fell to his mainpevnors to discharge it; of which complaints being made to the king, he ordered his lands to be seised. This detracts not a little from his character as a baron of the realm, and a soldier; but if this barony is one claimable at this day, it is to be hoped more honour runs in the blood of the heir thereto, who is said to be Thomas Davison Bland, esq., of Kippax Park, in the county of York.‡

‡ Ex. MS.
Inf. Wm. Penn.
Arm.

He died circ. 7 Ric. II., leaving male issue; from whom descended Sir Richard Musgrave, of Hartley Castle, the third baronet, whose only daughter and heir general, Mary, married Thomas Davison, of Blackstone, in the county of Durham, esq. Dugdale only notices one wife of Thomas the baron, namely, Isabel, widow of Robert, son of

Robert lord Clifford; but other authorities assert she was his third wife;* and which, by perusal of Dugdale's account of the family,† and that he married her the 44 Edw. III., and had a son Thomas, a knight, the 2 Ric. II., who was taken prisoner with his father, appears the most correct.

* Kimber's Baronetage, v. i., p. 45.
† Baron. v. ii., p. 153.



* He is said to have had a warrant for creating him Baron Musgrave, of Hartly Castle, but never took out the patent,—but query this fact.

NEREFORD.—(22 EDW. I.)

WILLIAM DE NEREFORD had summons to parliament the 22 and 25 Edw. I., but never after. He died the 29 Edw. I., having married Petronilla, one of the daughters and co-heirs of John de Vaux, who survived him, and died anno 1326.

John de Nereford, his son and heir, was never summoned. He died s. p., leaving Thomas his brother and heir, who was never summoned. He left issue,

Sir John de Nereford, who was slain in France circ. 38 Edw. III., leaving Margaret his sole daughter and heir, who died unmarried, anno 1417.^a

MUNCHENSI.—(45 AND 49 HEN. III.)

WILLIAM DE MUNCHENSI, son and heir of Warine de Munchensi, a great and powerful baron, was one of those summoned to the parliament convened to meet at London,

^a *Vide Rot. Parl., v. iii., p. 39, m. 4.*—Petition of Alice Nevil, widow of Sir John Nereford, (who after his death had married Sir John Nevil, of Essex,) respecting the forcible seizure of Margaret, her daughter, from the house of her grandmother Alice, i. e., mother of John Nereford, father of her the said Margaret.

Maud de Nereford, concubine to John the last earl Warren, by whom he had two sons, who bore the name of Warren, is supposed to have been a daughter of William de Nereford.—(*Vide Dugdale and Banks's Dormant and Extinct Baronage.*)

* Claus. Rot.,
m. 3., in Dors.

† Dug. Lists
of Sum.

‡ Weaver's
Fun. Mon.

by the king's writ, the 45 Hen. III.*; and being one of those great men in arms against the king, under Simon de Montfort, had summons to that parliament which was called by them in the king's name to assemble in London the 49 Hen. III.† He was taken prisoner by the king's forces a little before the battle of Evesham, and his lands were seized; but afterwards, on the accession of king Edw. I., he obtained his pardon. He died circ. 17 Edw. I., leaving an only daughter and heir Dionysia, who married Hugh de Vere, a younger son of Robert, earl of Oxford. Dionysia, his wife, was buried in the Grey Friars, London.‡

MUNCHENSI.—(45 HEN. III.)

§ Baron.,
v. i., p. 565.

|| Claus., m. 3,
in Dorso.

BESIDES the before named William, there was another William de Munchensi, (or Monte Canisio, as sometimes written,) who, according to Dugdale,§ was of Edwardston, in the county of Suffolk, and was a younger brother to Warine, father of the first named William. His name appears also in the writ of summons to the parliament called by the king the 45 Hen. III.|| He married one of the daughters and heirs of William de Beauchamp, baron of Bedford, and had male issue, but none of them ever had summons to parliament.

MULTON OF EGREMONT.—(25 EDW. I.)

IN the time of king Hen. I. mention is made of Thomas de Multon, so named from the place of his residence, at Multon, in the county of Lincoln. From whom descended

Lambert de Multon, who married Annabel, eldest of the two daughters and coheirs of Richard de Lucie, (or Lucy) baron of Egremont, in the county of Cumberland; and had issue,

Thomas, called Thomas de Multon, of Egremont, from having acquired that manor, or barony. He left a son of his own name,

Thomas de Multon, who had summons to parliament from the 25 Edw. I. to the 14 Edw. II. He was one of those who in the parliament at Lincoln, the 29 Edw. I., subscribed the letter to pope Boniface, by the description of "*Thomas de Multon, Dominus de Egremont;*" and by the same denomination had summons to the coronation of king Edw. II.¶ From the 1 Edw. II. to the 14, he was stiled in the writs of summons "*Thomas de Multon de Egremont;*"** and in the writs of the 5 Edw. II. he is distinguished as *a baron*; the earls and barons then summoned being therein noted by their respective ranks.†† He died the 15 Edw. II., and was succeeded by

¶ Coron. Rot.
1 Edw. II.
** Dug. Lists.
of Summ.

†† Ibid.

John de Multon, his son and heir, who had summons from the 6 to the 8 Edw. III., but died shortly after, in the same year, s.p., leaving his three sisters his coheirs,

viz: Joan, wife of Robert lord Fitz Walter; Elizabeth, wife of Walter de Bermingham; and Margaret, wife of Thomas de Lucie; in whose descendants and representatives the barony remains in abeyance, never yet determined.

NEVILL OF RABY.—(22 EDW. I.)

THIS very noble and ancient family in the male line is descended from Robert Fitz Maldred, lord of Raby, in the county of Durham, traditionally sprung from Uchtred, earl of Northumberland, in the days of king Edmund Ironside.* This

* Dugd. Bar.,
vol. i., p. 291.

Robert Fitz Maldred married Isabel, sister and heir to Henry Nevill, and only daughter and heir of Geoffrey Nevill, by Emma his wife, daughter and heir of Bertram de Bulmer, lord of Branspeth, in the county of Durham; which Geoffrey, on the authority of the heralds, was grandson of Gilbert de Nevill, admiral of the fleet of William the Conqueror.

Geoffrey, son and heir of Robert Fitz Maldred, and Isabel Nevill, assumed his mother's name, and had issue Robert, whose grandson Ralph, (son of his son Robert, who married Mary, daughter and coheir to Ralph Fitz Randulph, lord of Middleham, and died *vitâ patris*.) was successor to him the said Robert, his grandfather; which

Ralph de Nevill had summons to parliament from the 22 Edw. I. to the 5 Edw. III.; but he was not summoned to the parliament at Lincoln, the 29 Edw. I., though his seal was affixed to the letter then written to the pope, being described "*Ranulphus Nevill de Raby.*†" He died in 1331, and was succeeded by

† Dug. Lists
of Sum.

Ralph, his second surviving son and heir, (Robert, his eldest, having died before him, *s.p.*.) who had summons from the 5 to the 39 Edw. III., and died the next year, (1367,) leaving

John de Nevill his son and heir, who was summoned from the 42 Edw. III. to the 12 Ric. II., as *John Nevill de Raby*. He was twice married: his first wife was Maud, daughter of Henry lord Percy, by which lady he had Ralph, his son and heir; and Thomas, who having married the heiress of the barony of Furnival, was summoned to parliament, as under that title has been before mentioned.‡ His second wife was Elizabeth, daughter and heir of William lord Latimer, and by her he had a son John Nevill, who was called to parliament by that title; of which notice has before been taken under that article.§

‡ Vide Furnival.

§ Vide Latimer

NEVILL, EARL OF WESTMORLAND.

RALPH, eldest son and heir of John lord Nevill, by Maud Percy, had summons to parliament from the 13 to the 20 Ric. II., as *Ranulph de Nevill de Raby*; and the following

year, 21 Ric. II., was created earl of Westmorland. He was a shrewd politician and very artful man, took advantage of the times, interposed (as his interest served him) between the fluctuating parties of the day, and so managed to preserve himself in place, power, and favour. He married two wives, and had by them so many sons and daughters that the family of Nevill became the greatest house of alliance of any subjects in the whole kingdom. He died very old, circ. 4 Hen. VI. His first wife was Margaret, daughter of Hugh, earl of Stafford; his second, Joane Beaufort, natural daughter of John of Ghent, duke of Lancaster, by Catherine Swinford, by which Joane he had issue, first, Richard, who became earl of Salisbury,* and was father of Richard Nevill, the famous earl of Warwick, slain at Barnet; second, William, who was summoned to parliament *jure uxoris*, lord Fauconberg,† and was afterwards created earl of Kent; third, George, who was lord Latimer‡; fourth, Edward, who became lord Bergavenny,§ and whose male line still continues under the now title of earl of Abergavenny; and fifth, Cuthbert, who was bishop of Durham; and three other sons, who are said to have died s.p.

* Vide
Montagu.

† Vide
Fauconberg.

‡ Vide
Latimer.

§ Vide
Abergavenny.

His daughters by Joane Beaufort, were, Catherine, who married first, John Moubray, duke of Norfolk, and secondly, Sir John Widvile; Elizabeth, or Eleanor, who married, first, Richard lord Spencer, and secondly, Henry Percy, earl of Northumberland; Anne, who married, first, Humphrey Stafford, duke of Buckingham, and secondly, Walter Blount lord Montjoy; Jane, a nun; and Cecily, who married Richard, duke of York, father of the kings Edw. IV. and Richard III.^a

|| Vide Ferrers
of Oversley.

The issue of this great earl, by Margaret his first wife, was two sons, viz: John, who died before him, leaving a son Ralph the next earl; and secondly, Ralph, who married Margery, daughter and coheir of Sir Robert Ferrers of Oversley;|| also seven daughters, of which two were nuns, and the others married into the principal houses of the nobility.

Ralph, second earl of Westmorland, and grandson of Ralph, the first earl, had a son John, who died vi. pat. s.p., and therefore deceasing s.p.s., was succeeded by his nephew Ralph, son of his brother John, slain at Towton, 1461.

Ralph, third earl of Westmorland, had issue Ralph, his only son and heir apparent, who died before him, leaving Ralph his son and heir, which

Ralph, upon the death of his grandfather in 1523, succeeded as fourth earl of Westmorland, and left issue,

Henry, his son and heir, the fifth earl, whose son and successor, Charles, was the last earl of the great Nevill family. This

Charles, sixth earl of Westmorland, joining with the earl of Northumberland and others, in the insurrection the 13 Eliz., was attainted, and all his honours and very great

^a Vide an interesting and historical novel, entitled "*Cecily, or the Rose of Raby.*"

possessions forfeited. His life was saved and he retired abroad, where he lived to a very great age.

In an account of the pilgrims from England to Rome, it is mentioned, viz: "Anno 1581, May 22, Comes Westmorlandie Anglus Dioc. Dunelmensis receptus fuit in hospitio cum tribus famulis." He was the last of the Nevills, earls of Westmorland, and was attainted for the rebellion in 1569. He died s.p.m., leaving four daughters, viz: Catherine, married to Sir Thomas Grey, of Chillingham; Elizabeth died unmarried; Margaret was wife of Nicholas Pudsey; and Anne married David, brother to Sir William Ingleby, knight; among which daughters the barony of Nevill, of Raby, would have fallen into abeyance, and the earldom of Westmorland have gone to the next heir male, had not the attainer confiscated all these honours.

The earldom was afterwards claimed by Edward Nevill lord Abergavenny, but it was adjudged against him the 2 James I., the decision being grounded on the statute of the 26 Hen. VIII., (c. 13), by which it is enacted, that in cases of treason the offender shall forfeit all such lands, tenements, and *hereditaments wherein he shall have any estate of inheritance*; thus making titles of dignity to come within the words *hereditaments and estate of inheritance*.

NEVILL OF ESSEX.—(9 EDW. III.)

SIR WILLIAM DUGDALE, in his account of this eminent family, notices many of the name, but without showing their connection (if any) with each other; though probably all descended from the same common ancestor. Yet it may be much doubted whether the Gilbert de Nevill, who, on genealogical story, is said to have come into England with the Conqueror, and to have been admiral of his fleet, ever filled that high command, as he does not appear to have had any lands at the general survey, which it might be presumed he would have obtained, provided he had been so distinguished an officer at that memorable period. He might have been pilot of the expedition, or boatswain of the Conqueror's own vessel.

Be that as it may, among others of the name, particular mention occurs of

Jollan de Nevill, a justice itinerant, temp. Hen. III.; by reason whereof, says Dugdale,* that MS. book in the exchequer (with the king's Remembrancer) containing the knights' fees throughout the greatest part of England (then certified) bears still the name of "*Testa de Nevill*."

* Baron, vol. i., p. 288.

A Hugh de Nevill was about the same time,† who married Joane, granddaughter and coheir (with Margaret de Ripariis, her sister,) of William de Courcy, a great baron. His son and heir, John de Nevill, was justice of all the forests throughout England, but eventually died in disgrace, and was buried near his father's tomb, at the abbey of Wal-

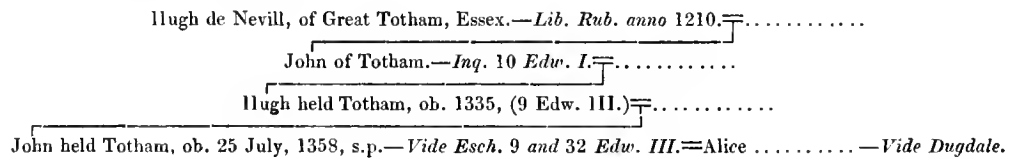
† Ibid.

* Baron.
vol. i., p. 289.

tham, in Essex, leaving a son Hugh, from which Hugh, says Dugdale, I *ghess** descended John de Nevill of Essex, (*for his father's name was Hugh*) which John had summons to parliament the 9 Edw. III., as *John de Nevill*, but in the 10, and afterwards to the 23 Edw. III. inclusive, with the addition of *De Essex*. He died the 32 Edw. III., s.p., when William, the son of John Senior, of Sylum, was found his kinsman, and next heir.

It is here to be observed, that Dugdale in his Baronage, does not take any notice of Hugh de Nevill, who in his Lists of Summons, is mentioned to have been summoned to parliament the 5 Edw. II., being in the writ styled *a baron*; the earls and barons having their respective ranks particularly distinguished therein.

From the 5 to the 19 Edw. II., inclusive, he was again summoned, and also the 6, 7, 8, and 9 Edw. III., (if he be the same Hugh) which last writ is tested the first of April, to a parliament at York. This Hugh seems to have been the before named father of John, and probably died about that time; being succeeded by his said son John, whose first writ is dated the twenty-second of January, then next ensuing, to a parliament to be holden at Westminster.

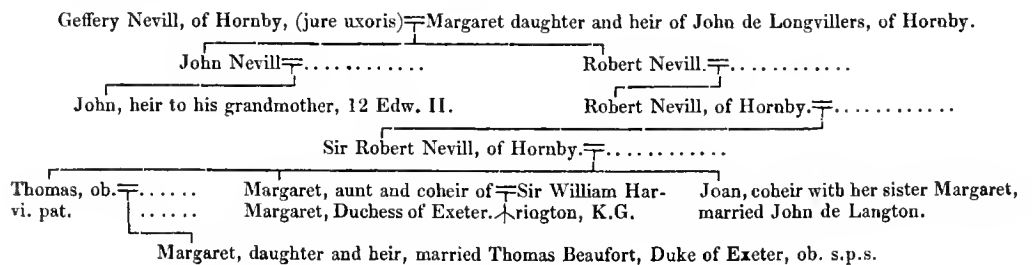


ROBERT DE NEVILL.—(16 Edw. III.)

THERE was a Robert de Nevill, of whom no mention is made by Dugdale, who had summons to a great council to be holden at Westminster, the 16 Edw. III., but which was afterwards prorogued,† and he was never again summoned, of whom Sir Harris Nicolas, in his Peerage Synopsis, says, *nothing farther is known.*‡

† Dug. Lists
of Sum.
‡ Synop,
v. ii., p. 464.

To adopt the words of Dugdale, which he sometimes uses, when uncertain of the correctness of his statement, *it may be ghesed*, that the following pedigree may probably show who he was:—



NEWMARCH.—(45 AND 49 HEN. III.)

SIR WILLIAM DUGDALE in his *Baronage* has given an account very confused and unconnected of this most ancient and eminent family, the principal branch of which seems to be the one which forms the subject of this notice.

Adam de Newmarch, according to Dugdale, was one of the rebel barons in the time of Hen. III., who had summons to the parliament of the 49 Hen. III., called by them in the king's name to meet in London;* but while this summons is thus mentioned, it is passed over that he was summoned to the parliament convened by the king himself (when not under duress) to meet in London anno the 45 Hen. III.,† four years antecedent; to which parliament, it is stated by Hollinshead, that the barons refused to attend, because it was not at Westminster, the usual place of assembling: yet this is a somewhat extraordinary objection, inasmuch as the place of meeting was the same as that appointed by the barons in their own writ of summons. The two summonses, however, manifest the degree of rank of the persons therein named. With this Adam de Newmarch Dugdale closes his account of the family, stating his so doing to be by reason neither he nor any of his descendants were ever again called to parliament.

* Claus. in Dorso., m. 1.

† Ibid., m. 3.

But from this stem it appears that Sir Thomas Wentworth, when he was created earl of Strafford, thought fit to assume the title of *baron Newmarch* among his honorial dignities, although it does not appear that any of the family of Newmarch ever had summons to any parliament, excepting Adam in the years before mentioned.

In this respect however the earl had precedents to follow. The earls of Oxford assumed the names of Sandford and Bolebee, as baronies vested in them, though no Sandford nor Bolebee was ever a baron by parliamentary writ.

The earls of Arundel similarly adopted the titles of barons Fitz Alan, Clun, and Oswestry, yet no such baronies ever existed by a parliamentary summons; and even had there been a summons, it could only have been Fitz Alan, lord of Clun and Oswestry, one barony, but not three. The dukes of Norfolk, heirs to the earls of Arundel, have incorporated the same titles with their dukedom, and to render the farce of dignity more evident, got them comprehended in an act of parliament for the entail to heirs of an almost interminable extinction. The earls of Northumberland in like manner assumed the title of baron Lucy, because they acquired the lands of Lucy; still they were not even descended from the blood of the barons Lucy, and had not the like descents as the earls of Oxford and Arundel had from Sandford and Bolebee. Tenures in capite being abolished by the act of parliament of Charles II., the continuance to use titles which were appurtenant to land, and that land most probably no longer in the

possession of those who take upon them to bear such titles, must surely in these days be deemed a mimickry of nobility. How many are there among the great landholders in England, who possess by descent the ancient baronial lands of their ancestors, and yet do not pretend to style themselves barons, and even were they so to do, would not be allowed the high distinction of a parliamentary peerage. Of this there is a particular instance in the case of the Dymoke family, still holding their baronial manor of Scrivelby, and its dignified concomitant office of champion to the sovereigns of England on their coronation day,—the office allowed, and the title of baron negatived. The Boyntons still possess Burton-Agnes, in the county of York, descendable to them through the Somervilles, from the Stutevilles; but do not assume the title of barons Somerville, or Stuteville.

NORFOLK.—(6 EDW. II.)

THOMAS PLANTAGENET, (surnamed of Brotherton, from the place of his birth) son of king Edw. I. by his second wife, was by his half brother king Edw. II. created earl of Norfolk, to hold *to him and the heirs of his body*, in the sixth year of his reign;* and afterwards the 9 Edw. II. had the office of Marshall of England given to him, to hold to him and the *heirs male of his body*.† He married Alice, daughter of Sir Roger Halys, and had issue a son Edward, and two daughters, Margaret and Alice. Edward dying s.p., his two sisters were his coheirs; of these, Alice the youngest, married Edward de Montacute; and Margaret the eldest, married, first, John lord Segrave, and secondly, Sir Walter Manny, which Margaret styled herself countess of Norfolk, and was afterwards, by king Richard II.,^e created duchess of Norfolk, for life.‡ She lived to a great age, and dying the year after her creation, was buried at the Fryers Minors in London.

This great lady having, by the failure of all issue from her sister Alice, become sole heiress of her father Thomas of Brotherton, earl of Norfolk, which earldom upon her decease, devolved upon her grandson Thomas, duke of Norfolk,§ in whose line it continued till the death of John, the fourth duke, whose only daughter and heiress, Anne, contracted in marriage to Richard, second son of Edw. IV., dying s.p., the earldom (for the dukedom had become extinct) fell into abeyance between the issue of Margaret and Isabel, the great aunts, and eventually coheirs of John, the fourth and last duke,^a which abeyance has never been determined, the advancement of Sir John Howard by king Richard III., being confined to the dukedom of Norfolk only. If the creation of

* Chart. 6 Edw. II., n. 30.

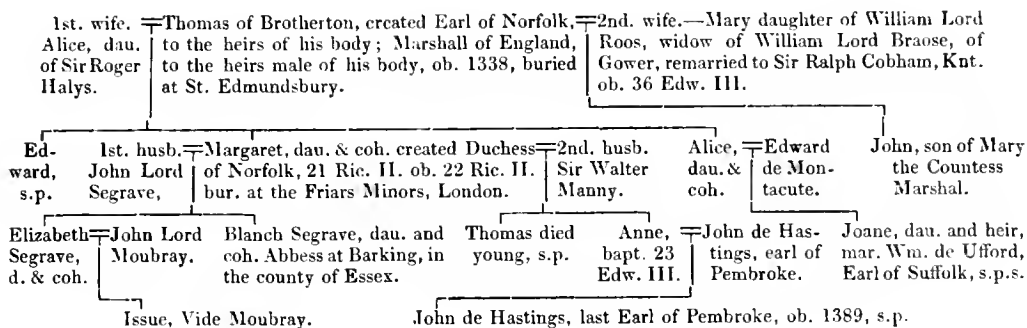
† Ibid. 9 Edw. II., n. 32.

‡ Chart. 21 Ric. II.

§ Vide Moubay.

^a Sir Harris Nicolas, in his Synopsis, (v. ii., p. 471,) says that the earldom became extinct on the death of Thomas of Brotherton, s. p. m.; but this is contradicted by the claim of John, the duke, in parliament, temp. Hen. VI., for precedence as earl of Norfolk, by descent over the earl of Warwick.

Thomas Howard, earl of Arundel, in 1644, to be earl of Norfolk, with limitation to the heirs male of his body, is not to be considered a determination of the abeyance of the old earldom of Norfolk; thus the Howard moiety of the earldom is now in abeyance between his coheirs general, the lords Stourton and Petre.



NORRIS.—(14 ELIZABETH.)

SIR EDWARD NORRIS, son of Sir William by Jane his second wife, daughter of John de Vere, earl of Oxford, married Frideswide, sister and coheir of Francis viscount Lovel,* and was grandfather of

Sir Henry Norris, who had summons to parliament from the 14 to the 39 queen Elizabeth, as *Henrico Norris de Rycote Ch'Pr.* He married Margery, daughter and coheir of John lord Williams of Thame,† and had issue William, who died before him, leaving by Elizabeth his wife, daughter of Sir Richard Morrison, a son

Francis Norris, successor to his grandfather, and summoned to parliament as lord Norris, from the 43 Elizabeth, to the 12 James I.; after when, in the 18 James I. he was created viscount Thame, and earl of Berkshire. Being a man of an haughty and violent temper, he was caused thereby to terminate his life, in a desperate suicide, at his house at Rycote, in the county of Oxford, in 1620.^a By Bridget his wife, daughter of Edward de Vere, earl of Oxford, he had a sole daughter and heir Elizabeth, who married Edward, a younger son of Sir Edward Wray, of Glentworth, in the county of Lincoln, and by him had issue an only daughter and heir Bridget, who married, first, Edward, second son of Edward Sackville, earl of Dorset, but had not any issue by him. She married secondly, Montague Bertie, earl of Lindsey, to whom she was second wife, and had issue

^a Vide Banks's *Dormant and Extinct Baronage*, vol. ii. pp. 396-7-8, for interesting anecdotes of the Norris family.

James Bertie, her eldest son, who, in her right, was summoned to parliament as baron Norris of Rycote, the 31 and 32 Charles II., and was afterwards created earl of Abingdon, in which title the barony of Norris now remains vested.

NORTH.—(1 QUEEN MARY.)

IN the time of king Hen. VIII. Edward North became greatly in favour with that capricious monarch, and was so fortunate as to enjoy it to the last moments of the king, who constituted him one of his executors, and appointed him to be of council to his son, and successor Edw. VI.; after whose death on the accession of queen Mary, he was summoned to parliament as a baron of the realm by writ, as *Edward North de Kirtling, Chiv'*, and took his place, and his writ was entered the 7th of April, 1 Maria.* He died the 7 Elizabeth, and was succeeded by

* Journ. Dom. Proc.

Roger North, his eldest son, second baron, who died the 22nd of December the 40 queen Elizabeth,† and was succeeded by his grandson Dudley North, who was son of his eldest son John, who died before him, which

† Dug. Bar.

Dudley, third lord North, upon the death of his grandfather, had summons from the 3 James I. to the 13 Charles II., and died in 1666, being eighty-five years of age, leaving his son and heir,

Dudley, the fourth baron, who was never summoned to parliament. He had issue six sons, whercof Charles was his successor; and Francis the second son, was attorney-general to king Charles II., and afterwards became lord keeper of the great seal, and was created a peer, by the title of baron of Guilford, in the county of Surrey, the 27th of September, 1683.

Charles, the fifth lord North, married Catherine, daughter of William lord Grey, of Werke, and in his father's lifetime was by a special writ of summons, called to parliament the 17th of October, the 31 Charles II., as "*Carolo North, Grey de Rollestone,*" and being introduced, took his seat in the house of lords then accordingly.‡ He died in 1691, leaving

‡ Journ. Dom. Proc.

William his son and heir, sixth baron North, and second lord North and Grey, who dying in 1734, s.p., the barony of North and Grey, became extinct; and the barony of North devolved upon his cousin Francis lord Guilford, (grandson of Francis lord Guilford, before mentioned, the next brother of Charles lord North and Grey, his father). This

Francis, seventh lord North, and third lord Guilford, was advanced to the title of earl of Guilford, in 1752, and dying in 1790, was succeeded by his son,

Frederick lord North, who for so many years was the unpopular minister of his

majesty George III., during the American war. He enjoyed the earldom but a short time, dying in 1792, and leaving three sons, George Augustus, Francis, and Frederick. Of these

George Augustus succeeded his father as third earl of Guilford, and ninth baron North. He died in 1802, without issue male, leaving by Maria Frances Mary, his first wife, daughter of George earl of Buckinghamshire, an only daughter Maria, who married John marquis of Bute; and by Susan, his second wife, daughter of Thomas Coutts, esq., the banker, two daughters, viz., Susan, (or Susanna) who married —— Doyle, esq.; and Georgiana, who died unmarried in 1835: thus the barony of North fell into abeyance between these coheiresses; and the barony and earldom of Guilford devolved on Francis, next brother of the said George Augustus, and heir male thereto, under the limitation of their creations, as may be more fully seen in the various printed peerages of the day.

NORTHWODE.—(22 EDW. I.)

JOHN DE NORTHWODE, son of Roger,^a sheriff of Kent, temp. Edw. I., and who died about the 13th of that reign, had summons to parliament the 22 Edw. I.,*^b and afterwards from the 6 to the 12 Edw. II., shortly after which he died. His wife was Joane de Badlesmere, by whom he had issue a son John, who died in his lifetime, having married Agnes de Grandison, and had issue Roger, successor to his grandfather,^c which

* Dugd. Lists
of Summ.

Roger de Northwode was summoned to parliament the 34 Edw. III., but no more, as he died the following year, leaving by Julian de Say his wife,

Sir John de Northwode his son and heir, who had summons from the 37 to the 49 Edw. III., inclusive, and died the 2 Richard II., having had issue by Joane, daughter of Robert Hert, of Faversham in Kent, Roger his son and heir, who never had summons to parliament; and with whom, for that reason, Dugdale closes all further account of the family

^a The name is said by Hasted, in his history of Kent, to have been assumed from a manor so called in that county, of which, in early times, Jordan de Shepey was possessed, whose son Stephen having made his residence there was from thence cognominated. Jordan is buried in the Minster church, where also Roger de Northwode, his grandson (son of Stephen) lies interred with the figures of himself and Bona, his wife, sister and heir of John de Wantham, of Shorne, in brass with their arms on the gravestone.

^b Though no place for meeting was named in the writ, yet from the Rolls of Parliament, *v. i.*, *p.* 127, it appears that a parliament was holden at Westminster in the said 22 Edw. I., anno 1294, at which a great plea was entertained between William de Vesey and John Fitz Thomas.

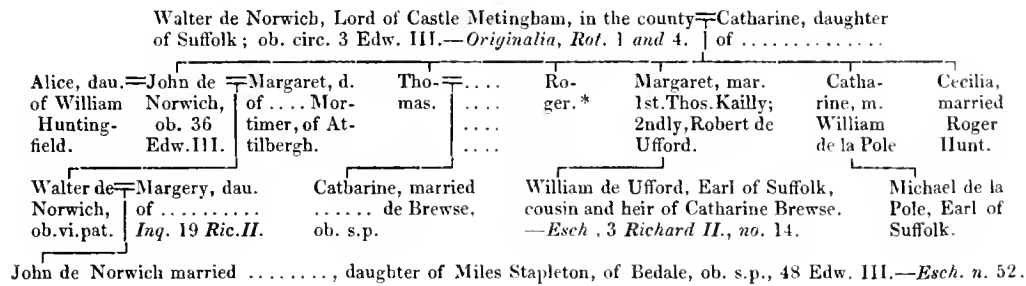
^c From the Coronation Roll of Edw. II., it appears that John de Northwode and his consort; and John de Northwode, Junr. and his consort were both summoned by the sheriff of Kent to attend that solemnity.—(*Vide Roll* *i*n *vol. ii.*)

was always included among those of the justices and others of the king's council. He died circ. 3 Edw. III.* and was succeeded by his son,

* Orig. 3 Edw. III., Rot. 1.

Sir John de Norwich, who had summons with the earls and barons to a great council at Westminster the 16 Edw. III., and again similarly to a parliament at Westminster the 34 Edw. III., but never to any subsequent parliament. Walter his son having died in his lifetime, left issue a son

John de Norwich heir to his grandfather, who, the 36 Edw. III. making proof of his age, had livery of his lands, and afterwards was made a knight; but he died the 48 Edw. III., s. p., leaving Catherine de Brewse, daughter of Thomas, brother to John his grandfather, his cousin and next heir, who before she died became a nun at Dartford in Kent, and deceased s.p.



* This Roger, circ. 1374 conveyed the Lordship of Kimberley, in the county of Norfolk, to his niece Catharine de Brewse, who, 49 Edw. III. confirmed the grants of her ancestors to Raveningham College.

By a fine levied between John de Norwich, querent, and others, deforciant, certain manors in Norfolk were settled, after the death of Catharine, widow of Walter de Norwich, on Sir John and his heirs male; remainder to Thomas, his brother, and his heirs male; remainder to Roger, brother of Thomas, and his heirs male.—(*History of Norfolk, vol. vii., p. 88. Ibid. vol. ii., p. 75.*)

OGLE.—(1 Edw. IV.)

ROBERT DE OGLE, of a family of great antiquity in the county of Northumberland, married Helene, daughter and heir of Sir Robert Bertram,† baron of Bothal, in the county of Northumberland, (by Constance his wife, one of the daughters and coheirs of William de Felton), and had issue a son Robert, from whom descended

† Vide vol. ii.

Robert de Ogle, who, the 1 Edw. IV., had summons to parliament by writ‡ addressed *Roberto Ogle Domino Ogle*, and from thence to the 9th of the same reign, about which time he deceased, leaving

‡ Dug. Lists of Sum.

Owen his son and heir, who had summons from the 22 Edw. IV. to the 1 Hen. VII., and was succeeded by his son and heir,

Ralph, summoned the 1 and 3 Hen. VIII., who died the year following, as appears by the inquisition taken after his decease at Morpeth, 16 March, 4 Hen. VIII. His son and heir,

Robert, fourth lord Ogle, had summons from the 8 to the 21 Hen. VIII., and was slain in a battle with the Scots the 31 Hen. VIII., leaving

Robert, fifth lord Ogle, his son and heir, who does not appear to have been ever summoned, and was also slain in an engagement with the Scots circ. 36 Hen. VIII. He was twice married. By his first wife he had Robert, his successor, and by his second, Cuthbert, hereafter mentioned.

Robert, sixth lord Ogle, was summoned from the 2 to the 5 and 6 queen Mary; but dying s.p., he was succeeded by his half brother,

Cuthbert, seventh and last lord Ogle in the male line, whose name is mentioned in Dugdale's Lists of Summons, from the 5th to the 43 queen Elizabeth, being four years longer than he lived; yet Dugdale in his Baronage affirms that he died the 39 queen Elizabeth, and Collins confirms the same, and that he was buried at Bothal, 16 March, the same year. Not having any male issue his two daughters became his coheirs; of which, Joane married Edward, a younger son of George Talbot, earl of Shrewsbury, and died s.p.; and Catherine married Sir Charles Cavendish.

CAVENDISH, BARONESS OGLE.

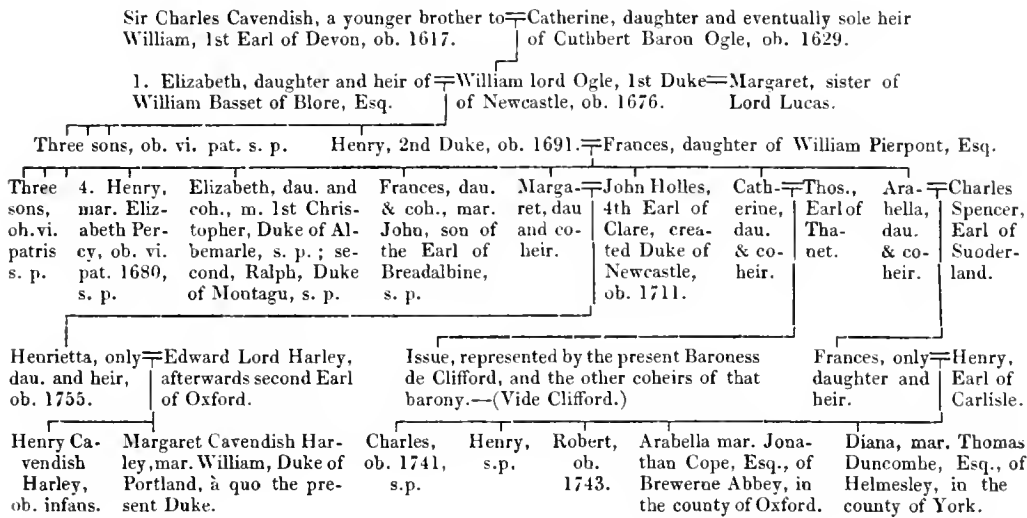
CATHERINE OGLE having by the death of her sister Joane, wife of Edward Talbot, s.p., become sole heiress of her father, Cuthbert, the last lord Ogle, was, by letters patent, dated 4 December, 1628, declared baroness Ogle, with a ratification of the said barony to her and her heirs for ever. She died the following year, leaving by Sir Charles Cavendish her husband (who predeceased her in 1617), two sons, William and Charles; whereof the eldest,

William Cavendish, was in the lifetime of his mother created baron Ogle of Bothal, and viscount Mansfield,* by which title he had summons to parliament† the 19 James I. (1621); after which, the 3 Charles I., he was created baron Cavendish of Bolsover, and earl of Newcastle-upon-Tyne.‡ In 1629, upon the death of his mother, Catherine baroness Ogle, he succeeded to that barony, created as before mentioned, by writ of summons the 1 Edw. IV. In 1643 he was advanced to the dignity of marquess of Newcastle, by which title he was the distinguished commander of the royal army during a part of the civil war. After the restoration he was by king Charles II. created earl of Ogle and duke of Newcastle: his services and his losses during the time of the

* Pat. 18 Jac.
I.
† Dug. Lists
of Sum.
‡ Dug. Baron.

rebellion (so called by historians) well entitling him to such honours and reward.^a He died in 1676 at the advanced age of eighty-four, and was interred in Westminster Abbey, where a costly monument remains erected to his memory.

Henry Cavendish, duke of Newcastle, his only surviving son, had issue several sons, of which three died young, and Henry, the only surviving one, married Elizabeth, daughter and heir of Joceline, the last Percy, earl of Northumberland, but died s.p. vitâ patris, so that upon the death of the duke in 1691, without surviving male issue, all his titles limited to issue male became extinct, excepting the barony of Ogle created by the writ of the 1 Edw. IV., which fell into abeyance between his five daughters and coheiresses, and still continues so among their heirs representative.



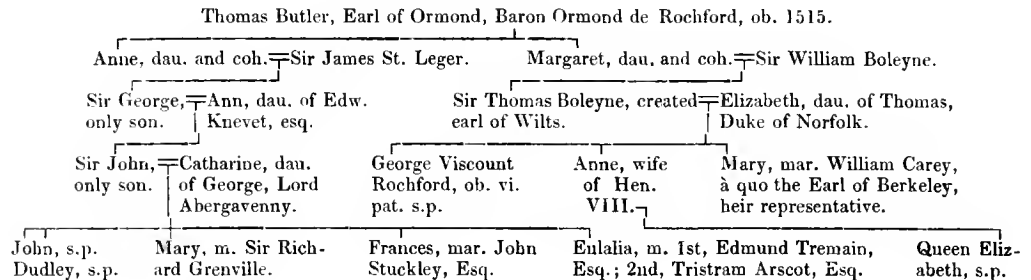
ORMOND DE ROCHFORD.—(11 HEN. VII.)

THOMAS BUTLER, seventh earl of Ormond, in Ireland, had summons to parliament as a baron, in the peerage of England, from the 11 Hen. VII. to the 6 Hen. VIII., by writ addressed "*Thomæ Ormond de Rochford Chev'*"; and died in 1515, leaving two daughters his coheirs, viz: Anne, who married Sir James (or John) St. Leger; and Margaret, who married Sir William Boleyne, knight, by whom she had Sir Thomas Boleyne, in whose favour the abeyance of the barony of Ormond de Rochford appears to have been

^a The damages and losses sustained by the duke during the civil war were computed by the duchess of Newcastle to have surpassed, rather than have fallen short of the great sum of £733,579. 0s.

determined, as upon the decease of the earl of Ormond, he was summoned to parliament the 7 Hen. VIII., by writ addressed, viz: "*Thomæ Bullen de Ormond Chiv*"*; and the 21 Hen. VIII as "*Thomæ Vicecomiti Rochford*."†

* Dugd. Lists of Summ.
† Vide Boleyne



ORREBY.—(2 EDW. II.)

JOHN DE ORREBY, of an ancient family in the county of Lincoln, had summons to parliament the 2, 3, and 4 Edw. II., and died the 11th of the same reign, leaving Edmund Somerville, Alured de Sulney, and John, the son of Robert Willoughby, his next heirs, between whom his lands were divided, the barony becoming extinct.

PAGET.—(5 EDW. VI.)

WILLIAM PAGET, a man of mean parentage, as Sir William Dugdale states, and son of one Paget, a sergeant at mace, in the city of London,^a rose from that very low origin to great importance, in the reign of Hen. VIII.; his pliancy and natural excellent talents, according with the principles of that capricious monarch, recommending him to high preferments, whereby he became enriched. Such was the favour he experienced from the king, and the confidence placed in him, that he was appointed in the king's will to be one of his executors.

After the accession of Edw. VI. he was advanced to the peerage, by writ of summons addressed, "*Willielmo Paget (de Beaudesert) Chiv'r*," the 5 Edw. VI. In the next year his writ was addressed "*Willielmo Paget (Domino de Beaudesert) Chiv'r*,"[†] by which denomination he continued to be summoned to his death, the 5 Queen Elizabeth.^b He was succeeded by his eldest son,

Henry, second lord Paget, who was summoned to parliament the 8 Queen Elizabeth,

^a A sergeant at mace at the present day is a bailiff to the sheriff of London, an office not very popular, or their persons much respected.

^b His name does not appear in any of the summonses of Queen Elizabeth printed in Dugdale's Lists.

† Dugd. Lists of Summ.

as "*Henry Paget Ch'Pr,*" without the additament of "*Domino Paget de Beaudesert.*" He died in 1569, without issue male, leaving an only daughter Elizabeth his heir, who married, as Dugdale asserts,* Sir Henry Lee: but Collins and Edmondson state she died the 29 June, 1571, about three years of age; yet, whether Dugdale be in error, and Collins and Edmondson correct, it appears she survived her father, and in such respect was entitled to the barony of Paget, created by the writ of summons of the 5 Edw. VI. Nevertheless, it seems that her unele,

Thomas Paget, was summoned to parliament by writ dated the 2nd of April, the 13 Queen Elizabeth, as "*Thomas Paget Ch'Pr,*" which was before the time of her asserted death (as before mentioned) the 29 June, 1571.

This circumstance, however, is somewhat explained in Collins's Parliamentary Precedents,† wherein he states, "that William lord Paget, of Beaudesert, by fine, the 1 Queen Mary, being seised in fee of the baronies of Longden and Beaudesert, and of the manors of Beaudesert, Longden, &c., entailed the same to him and the heirs male of his body issuing; whereby, on his decease, Henry his son succeeded to them; and on his decease without issue male, Thomas his brother became entitled thereto." But though Thomas might have a right to the said lands, as heir male, he could not have a right to the barony under the writ of summons, as descendable to heirs general, and at the time of his writ of summons, the 2nd of April, 1571, he did not stand in that character.

Dugdale, in his Baronage, has observed,‡ that William lord Paget, on the 3rd Dec., 4 Edw. VI., was called to parliament by the name of "*Lord Paget of Beaudisert*" and took his place there amongst the rest of the peers; and upon the 19th of January, next ensuing, had his *solemn creation to that honour*; which words seem to purport that he then had a patent with limitation of the course in which the honour was to descend; in conformity to which he made the entail of his lands as before recited; and the distinction between his first summons and his second, wherein he is called *Dominus Paget de Beaudisert*, which *Dominus* is not in the first writ, goes to the belief that his *formal creation* was to issue male.

This Thomas, third lord Paget, had summons to the 23 Queen Elizabeth; but some time after was attainted, and died at Brussels the 32 Queen Elizabeth.

William, fourth lord Paget, his son and heir, was restored to his father's honours the 1 Jac. I., and had summons from the 3 Jac. I. to the 8 Car. I., and died the year following, 1629, leaving

William his son and heir, fifth baron, who was summoned from the 15 Car. I. to the 13 Car. II., and died in 1678. He had three sons, whereof, Thomas, the youngest, died unmarried; William, the eldest, was his successor; and Henry, the second son, was father of Thomas, a brigadier-general, who left an only daughter and heir Caroline, eventually heiress general to the barony of Paget.

* Dug. Barou.

† P. 116.

‡ Tom. 3, p. 390.

William, sixth lord, died at an advanced age, in February, 1712-13, and was succeeded by his only surviving son,

Henry, seventh lord Paget, who, in the lifetime of his father, was created a peer, by the title of baron Paget, of Burton, in the year 1711; and in 1714, after his father's death, was advanced to the dignity of earl of Uxbridge. He was twice married: by his second wife, Elizabeth, daughter of Sir Walter Bagot, baronet, he had an only son Henry, baptized at Isleworth, 22 January, 1719, who died young; but by Mary, his first wife, daughter and coheir of Thomas Catesby, of Whiston, in the county of Northampton, esq., he had a son Thomas Catesby, lord Paget, who died before him, in February, 1741-2, having had issue two sons, viz: Henry, successor to his grandfather; and George, who died at Colchester, in 1737, aged seventeen. Upon the death of the said earl Henry, in 1743,

Henry, his grandson, became second earl of Uxbridge; but deceasing unmarried, in 1769, the barony of Paget, of Burton, and earldom of Uxbridge became extinct; but the barony of Paget of Beaudesert devolved upon Henry Bayley, eldest son and heir of Sir Nicholas Bayley, by Caroline, his wife, daughter and sole heir of brigadier-general Thomas Paget, youngest son of William, the fifth baron, as before mentioned.

Which Henry Bayley, lord Paget, took the name of Paget, and in 1784 was created earl of Uxbridge; whose son and successor is the present marquess of Anglesey.^a

PATSHULL.—(16 EDW. III.)

SIMON DE PATSHULL^b held the barony of Bletshoe, in the county of Bedford, temp. Edw. I.; and married, as Dugdale states,* Isabel, daughter and heir of John de Steyngreve, who had summons to parliament the 22 Edw. I.; but of whom that author does not take any notice.† To which Simon succeeded

John de Patshull, who the 16 Edw. III. had summons to a great council at Westminster; the meeting of which was afterwards prorogued, and he was never again summoned, though he lived many years after, and died circ. 23 Edw. III.‡

William de Patshull, his son and heir, was never summoned, and died s. p., circ. 34 Edw. III., leaving Sibyll, wife of Roger de Beauchamp§; Alice, the wife of Thomas Wake, of Blisworth; Thomas, the son of Walter de Fauconberge, by Matilda, lately his wife; and Catherine, the wife of Sir Robert de Tudenham, knight, his sisters and next heirs.||

* Baron, vol. i., p. 143.

† Vide vol. ii.

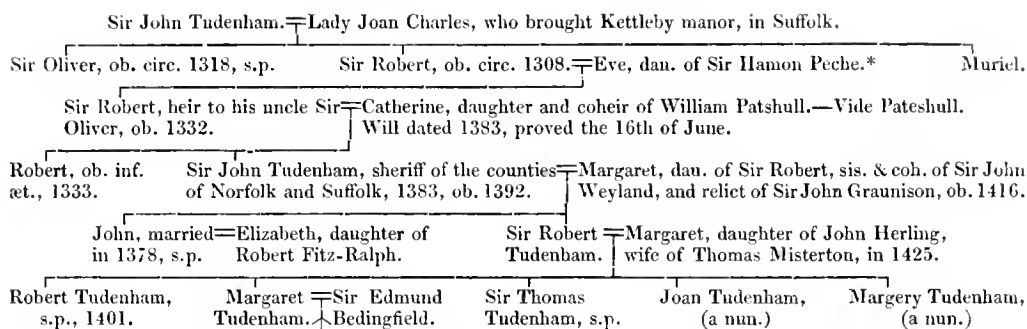
‡ Orig. 24 Edw. III., Rot. 13.

§ Vde Beauchamp.

|| Orig., 34 Edw. III., Rot. 1.

^a Vide memoirs of the Paget family in Banks's *Dormant and Extinct Baronage*, v. ii., pp. 408-9-10-11.

^b In 1232 (17 Hen. III.) a Simon de Patshull, was Justiciar of the whole kingdom. In 1233 Hugh the son of Simon de Pateshull, had the same high office, (*Chronica Juridicialia*).



* Some authorities makes this Eve, daughter of Sir Ralph de Rochester, by Maud, daughter of Sir Hamon Peche. She was aunt and heir of Sir Hugh Peche, and relict of Sir Ralph de Rochester, of Ereswell, in the county of Suffolk.

PECHE.—(28 EDW. I.)

HAMON PECHE, in the time of Hen. II, was sheriff of Cambridgeshire, and married Alice, daughter of Pain and sister and coheir to William Peverel, baron of Brunne, in the county of Cambridge, her brother* ; from this Hamon descended

* Lib. Nig. Scacc. p.251-2

Gilbert Peche, who in the 26 Edw. I., had summons *equis et armis* to Newcastle, and in the writ is styled *a baron*,† the earls and barons being therein distinguished by their respective ranks. In the 28 Edw. I. he had summons to parliament, and from thence to the 34 Edw. I., but not again till the 15 Edw. II. In the 29 Edw. I. he was one of those who at the parliament at Lincoln subscribed the famous letter to the pope by the designation of "*Gilbertus Peche Dominus de Corby*;" he died circ. 15 Edw. II., having been twice married, first, to Maud de Hastings, and secondly, to Joane, daughter of Simon de Grey: by his first wife he had two sons, John and Edmund, unto whom he left very little, giving the most of his estate to his children by the second wife ; but, nevertheless his sons by his first wife were heirs to the barony, if any can be considered created under the writs of summons to him, as before noticed. Neither of the sons were ever summoned to parliament, and further of them Dugdale does not make mention.

† Vide Writ in vol. ii.

There was a Gilbert Peche, who had summons to the parliament called by the king's writ to meet in London, the 45 Hen. III.,‡ he was probably the father of this Gilbert, and died the 19 Edw. I.§

‡ Ibid. § Esch. 20 Edw. I., n. 43.

JOHN PECHE.—(14 EDW. II.)

JOHN DE PECHE was of Wormleighton, in the county of Warwick, but how, or whether of the same family as Gilbert is not certain. He had summons to parliament from the

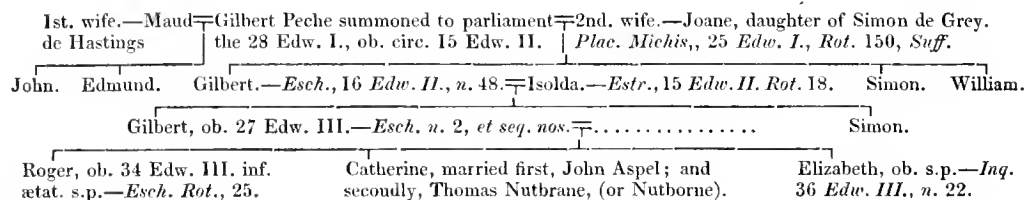
14 Edw. II. to the 9 Edw. III., and died circ. 11 or 12 of the same reign an aged man, leaving

John Peche, his grandson and heir, viz., son of John, his eldest son who died before him; but neither this John, nor any of his descendants had ever summons to parliament. He died circ. 50 Edw. III,* leaving another John his son and heir, who was never summoned, and died circ. 9 Ric. II., leaving two daughters his coheirs, viz.: Joane, who died s.p., and Margaret, who married Sir William Montfort, of Coleshill, in the county of Warwick, knight, in whose heirs representative this barony, if it can be deemed one, is vested.

* Esch. 50
Edw. III., n.
51.

ROBERT PECHE.—(14 EDW. II.)

FOR this Robert, unnoticed in Dugdale's Baronage, the reader is referred to the second volume of this work.



PERCY.—(27 EDW. I.)

THE antiquity and illustrious descent of this noble family is unquestionable, and not merged in that obscurity and uncertainty which attaches to the origin of the so much boasted House of Howard. Mr. Collins, in his account of it, seems to have investigated the subject with great labour, and though he differs much from Dugdale, he does not appear to be the less correct.

It may be sufficient here to observe that the founder of the present dynasty was Josceline de Lovaine, a younger son of Godfrey, duke of Brabant, and brother of the half blood† to queen Adeliza, consort of Henry I. This

† Betham's
Royal Geneal.

Josceline de Lovaine upon his marriage with Agnes de Percy, daughter and eventually sole heiress of William de Percy, the last baron of the Norman race, conditioned to take the name of Percy but to retain the arms of Brabant. His issue by her thus became pre-eminent among the most potent of the barons of the realm, as well in honours, as in extent of possessions.

Henry Percy, great great grandson of Josceline de Lovaine, had summons to parliament the 27 Edw. I., and from thence to the 8 Edw. II., the year after which he died. In the 26 Edw. I. he was summoned to Carlisle *equis et armis*; and the earls and barons in that writ being styled by their respective ranks, he is therein named as a baron. In the 29 Edw. I. he was one of those great men who subscribed the famous letter to the pope in the parliament at Lincoln, on which occasion he is written, "*Henricus de Percy Dominus de Topcliffe*," and in the 1 Edw. II. he had summons to that king's coronation.*

* Coron.
Rot., 1. Edw.
II.

Henry, the fourth lord Percy, his great grandson, was created earl of Northumberland the 16 July, 1 Richard II., *sibi et heredibus suis*; but after the accession of Hen. IV., taking arms against that king, along with Henry lord Percy his eldest son, surnamed Hotspur, the latter was slain in his lifetime at the battle of Shrewsbury, and the earl himself sometime after at Bramham Moor, when being attainted, all his honours became forfeited.

Henry Percy, grandson and heir of the earl (i. e. son of Henry Hotspur), in the 3 Hen. VI. obtained a charter for the earldom,† *sibi et heredibus suis*, and was restored in parliament to all the honours of his family. He was slain in the battle of St. Albans in 1455, and was succeeded by his son Henry, which

† Rot. Cart.,
3 Hen. VI.,
n. 6.

Henry, third earl of Northumberland, having married Eleanor, granddaughter and sole heiress of Robert lord Poynings,‡ was in his father's lifetime summoned to parliament, as "*Henrico de Percy Ch'vr Domino de Poynings*," from the 25 to the 33 Hen. VI., when by the death of his father he became earl. He was slain in the battle at Towton, anno 1461; and being attainted, his honours were once more forfeited.

‡ Vide Poy-
nings.

Henry Percy, his son and heir, was afterwards restored in blood, though it does not appear that any reversal of his father's attainder took place till some time after, circ. 12 or 13 Edw. IV. § but in the 12 Edw. IV., his name is in the writ of summons to parliament.||

§ Rot. Parl.
v. 6, p. 16.
|| Dugd. Lists
of Summ.

Henry Algernon Percy, his son and heir, the fifth earl, had three sons, viz: Henry, his successor; Sir Thomas Percy, who being concerned in Aske's conspiracy, was executed and attainted the 29 Hen. VIII., leaving two sons, Thomas and Henry, successively earls of Northumberland; Sir Ingelram, the third son, is said to have died s.p. This Henry, the fifth earl, had the happiness to die in his bed, which none of the preceding earls had ever done. He was succeeded by

Henry Algernon, his eldest son, the sixth earl, who dying in 1537 s.p., his brother Sir Thomas, had he been living and not attainted, would have succeeded to his honours, but they by his attainder were suspended in the crown: nevertheless,

Thomas Percy, eldest son of the said Sir Thomas, was by an express creation on the 30th of April, the 3 and 4 Philip and Mary, made a baron by the title of baron Percy, of Cockermouth, and Petworth, baron Poynings, Lucy, Bryan, and Fitz Payne, with

limitation to the heirs male of his body ; and in default thereof to Henry his brother, and his issue male ; and the day after, viz : 1 May, he was created earl of Northumberland with the same remainder. He was however in 1571 attainted, and afterwards beheaded in 1572, and as it would seem without any form of trial.^a

Thus the name of the Percy honours would once more have been lost, had it not been for the remainder before mentioned, which vested them on his death without issue male in his brother Henry Percy. But he had issue female who were his coheirs at common law ; and who, although deprived by the several attainders and subsequent regrants limited to the male line, from inheriting the ancient earldom and baronies of Percy and Poynings, are nevertheless the first representatives in blood and priority of descent of the noble and illustrious house of Percy.

The daughters of earl Thomas are stated by Dugdale (followed by Collins) to have been five, viz : Elizabeth, who married Richard Woodroffe of Wolley, in the county of York, esq. ; Mary, who married Sir Thomas Grey, of Werk, knight ; Lucy, wedded to Sir Edward Stanley, K.B. ; Jane, wife of Sir Henry Seymour, second son of Edward I., duke of Somerset, by his second wife ; and Mary, prioress of the nunnery at Brussels. But other authorities* mention only four ; yet all married, as stated by Dugdale, omitting the name of Mary the prioress. Vincent however in his coarse and virulent corrections (as he terms them) of Brooke's errors, asserts that *Mary the fourth daughter was never married to Grey, but was lady prioress of the English nunnery now at Brussels, anno 1621.*

* Ralph Brooke, Miles, & Yorke's Union of Honour.

Sir Cuthbert Sharp in his Memorials of the Northern Rebellion in 1569, cites a letter from Sir Henry Cobham to Cecil, dated from Antwerp, 4 Sept., 1570, saying that the countess of Northumberland, with the lord Seton, arrived at Bruges on the 31st of August. On her arrival in Flanders she suffered great privations ; and lord Seton states in a letter to the queen of Scots, (19 September, 1570), that the countess of Northumberland and the earl of Westmorland "*Have neither penny nor half penny.*" She is represented to have died at Namur, 17 October, 1576. The children of the earl and countess were of tender age at the time of the rebellion.

Mary the youngest daughter, on the authority of a MS. belonging to the English Benedictine Dames, formerly at Brussels, (now at Winchester), printed in the Catholic Magazine for August 1838, was born on the 11th of June, 1570. After the death of the countess she came into the low countries to take possession of what was left her by her mother, but more by her desire to dedicate herself to the service of Almighty God in

^a He was buried at St. Crux church at York, in which city, at the church of St. Dionyse, there is a window with stained glass, whereon is represented the portraits of George Percy lord Egremont, his wife and children ; thereby showing that Thomas Percy lord Egremont did not die without wife or issue, as stated by Dugdale.

holy religion ; having formerly vowed virginity, and also to be religious ; and became the founder of the Benedictine Dames at Bruxelles.

A MS. now in the possession of the editor, relates that she founded the nunnery in 1599, and died prioress in 1642, as appears* from the Church History of England. About the same time there were in Belgium two priests, named William and John Percy, who came out of Yorkshire. In 1837 there was a Mr. Percy, who then resided in Paris, by whom the said MS. was transmitted to the editor of this work.

* 3 vols. fol.
Bruss. 1737.

In the Harleian Collection, at the British Museum, is a MS. entitled Percy (Mary) Benedictine Nun's Case.

Sir Harris Nicolas has well observed† that the creation of the baronies of Percy of Cockermouth, Poynings, &c., to earl Thomas, must be considered as a creation *de Novo*, and would have been forfeited otherwise than for the limitation to his brother Henry, who could only take them in virtue thereof ; but the ancient earldom, and baronies still remained suspended in the crown.

† Synopsis,
vol. ii. p. 511.

Henry Percy, second earl of Northumberland, baron Percy of Cockermouth, &c., of the new creation, married Katharine, one of the daughters and coheirs of John Nevill, lord Latimer, and thus brought into this second line of Percy a right to a moiety of that barony. He died in 1585 ; and was succeeded by

Henry Percy, his son and heir, third earl, who obtained a confirmation by patent, 4 Charles I., to him and the heirs male of his body, of the title of *baron Percy, in such manner as any of his ancestors had enjoyed the same* : but which patent, Sir Harris Nicolas remarks‡ would decidedly be deemed illegal at the present day, an act of parliament alone having the power to give a precedency beyond the date of the patent of creation.^a He died in 1632, leaving

‡ Ibid.

Algernon Percy, his son and heir, the fourth earl : who by writ in his father's lifetime, was summoned to parliament as "*Algernon Percy Ch'Pr,*" the 3 & 4 Chas. I. ;§ and is thus entered in the Lord's Journals, viz: "*Algernon lord Percy introduced (called by writ) 28 March, 1626.*" But this summons may be questioned as to being the creation of a barony in fee ; inasmuch as his father was baron Percy, by patent, with limitation to issue male, and being so called by summons, was not an enlargement of the barony.^b

§ Dugd. Lists
of Summ.

Josceline Percy, on the death of his father Algernon, in 1668, succeeded to all his honours, and was the fifth and last earl of his family : for, dying in 1670, s. p. m., the earldom with all the titles, granted by the patent of Queen Mary, became extinct ;^c but

^a Vide Journals of the House of Lords on the Precedency given by Charles I. to the earl of Banbury.

^b Vide Sydney case, coram. Dom. Proc., resolved 17 June, 1782.

^c This is very doubtful, notwithstanding Mr. James Percy, the Trunk-maker, and Mr. Percy the Stone-cutter, were overborne by the hand of power.—*Vide Banks's Stemmata Anglicana.*)

nevertheless the barony of Percy, assumed to have been created by the writ of summons of the 3 Charles I., by reason of earl Josceline leaving an only daughter and heiress Elizabeth, has been supposed to have descended to her.

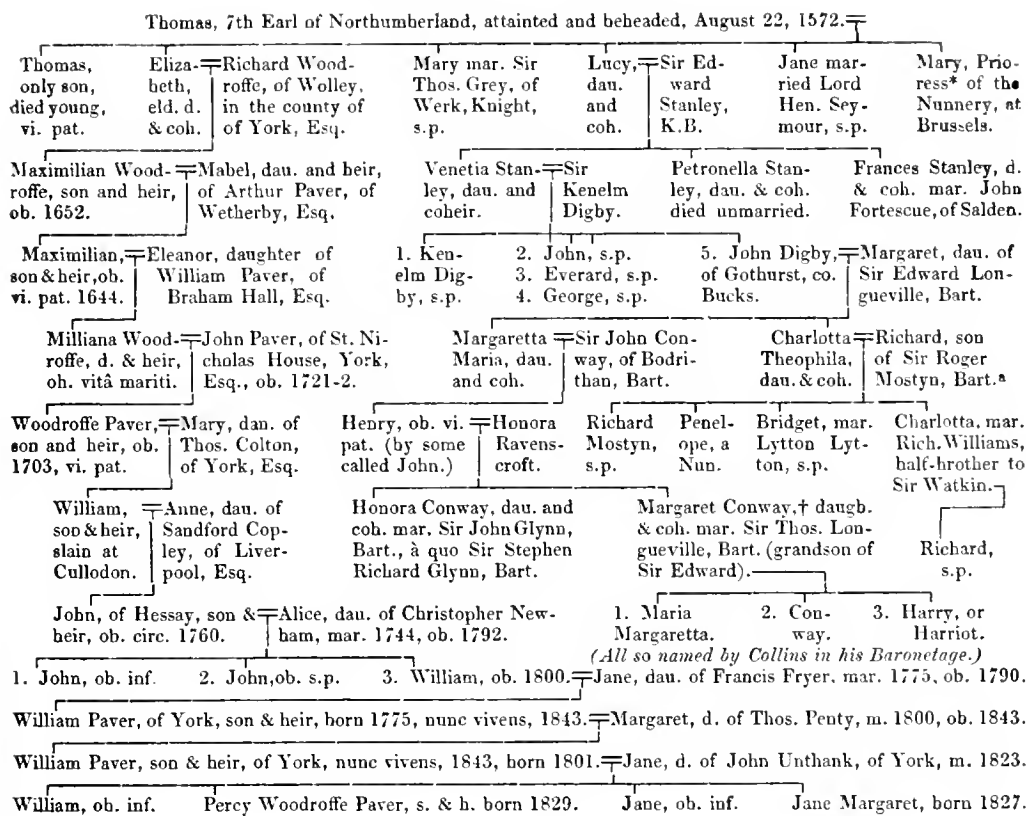
This lady Elizabeth Percy married Charles Seymour, duke of Somerset, by whom she had issue Algernon Seymour, who, on the death of his mother, in 1722, was summoned to parliament, as appears from the following entry, in the lord's journals, viz : "*Lord Algernon Percy sat first in parliament 21 January, 1722.*" He afterwards succeeded his father as duke of Somerset; and in December, 1748, was created baron Warkworth, of Warkworth, in the county of Northumberland, and earl of Northumberland, in October, 1749; with remainder failing his issue male to his son-in-law, Sir Hugh Smithson, baronet, and to the heirs male of his body, by Elizabeth his wife, daughter of him the said duke of Somerset; as such, upon his decease in 1750, s. p. m., the barony of Warkworth, and earldom of Northumberland, devolved upon Sir Hugh Smithson, aforesaid, who, in October, 1766, was created earl Percy, and duke of Northumberland, whose representative is the present duke.

The only barony of Percy, as a barony by writ, thus appears to be derived from the summons of Algernon lord Percy, the 21 January, 1722. But the duke nevertheless is a coheir in the baronies of Berkeley, Warine de Lisle, Latimer, Scales, Playz, and Badlesmere; also in the barony of Ufford and earldom of Suffolk.

The fortune of families in their rise and fall affords [sometimes singular instances of the ordinations of Providence.

It is here shown that the Smithson's of no peculiar distinction in the annals of Genealogy, have acquired the splendid estates of the once illustrious house of Percy, and with a superior degree of rank; while the heirs representative of its elder branch have not a particle left to them of their ancestors' patrimony; and alone possess the honor of priority of blood over the present bearer of their ancient dignities. But are the virtues of the Smithson's only Percys by adoption of name, engendered in them by the act of parliament? Certainly not. The high title of duke makes him not superior in the eye of the Almighty, though it may in the eye of sovereigns, to the humble, and depressed first coheir of the unhappy earl Thomas, who, without the form of trial, (as before mentioned) was executed at York, in 1572.^a The following table of descent will show this person to be as much respected for his exemplary conduct, and exertions in private life, as the pompous occupier of Northumberland House, and Alnwick Castle.

^a Vide the case of the earl of Arundel in parliament temp. Edw. III., respecting the illegal execution of his father without trial by his peers, according to the law of Magna Charta. The Editor having in his possession some interesting MSS. relative to the Percy family will, most probably, very shortly publish these curious memoirs.



* Milles in his Catalogue of Nobility does not mention this Mary, who is the same as is erroneously said to have married Sir Thomas Grey, and after his death retired to Brussels, where she became the Prioress.—(MS. penes Auctore.)

† In 1824, Mr. Longueville Jones was lineal descendant, and representative of this lady.—(MS. Ped. penes Auctore.)

Mr. Paver, it is to be observed, is the eldest coheir of the Baronies of Percy and Poynings, and holds one entire moiety of the same, whereas the moiety of lady Lucy, wife of Sir Edward Stanley, is divided and subdivided among several representatives of her.

Mr. Maximilian Woodroffe, son of Richard and Lady Elizabeth Percy, went to Virginia, where his cousin George Percy, brother to Henry, ninth Earl of Northumberland, had gone, and in a MS. entitled, *Indigested Chronology*, among the Stirling Papers in the Historical Library at New York, is said to have planted Virginia, and to have discovered *Powhatan*, now called *James River*.

In Campbell's History of Virginia, (1813) p. 49, it is stated that Mr. George Percy was left in direction of the colony of Virginia on the departure of Lord De la Warre.

In 1827, when the Editor was in the United States, he met two brothers of the name of Percy, who held lands in Virginia, and claimed descent from the said Mr. George Percy; in which respect they would be the right male heirs of the earldom of Northumberland, of the de novo creation, the ancient one being superseded in the crown.

At *Nannerch Church, county of Flint*:—Here lieth the body of Charlotta Theophila, wife of Richard Mostyn, of Penbedw, daughter and coheir of John Digby, of Gothurst, by Margaret, daughter of Sir Edward Longueville, son and heir of Sir Kenelm Digby, by Venetia, daughter of Sir Edward Stanley (son of Thomas second son of Edward, Earl of Derby,) by Lucy his wife, daughter and coheir of Thomas, Earl of Northumberland. She died 17 March, 1693-4.

ª Catherine, youngest daughter of Richard Mostyn and Charlotta his wife, died 22 December, 1693.

PINKNEY.—(25 EDW. I.)

* Vide Banks's
Dorm. & Ext.
Baron., vol. i.

HENRY DE PINKNEY* had summons to parliament the 25 Edw. I.; and in the next year had summons to Carlisle *equis et armis*, being then styled a baron, the earls and barons having their names inserted in the writ according to their respective ranks. He was also summoned to parliament the 27 and 28 Edw. I.; and was one of the barons in the parliament at Lincoln, the 29 Edw. I., who subscribed their seals to the letter addressed to the pope,^a when he was designated "*Henricus de Pynkeney Dominus de Wedone.*" Dying without issue, his barony became extinct; and the greatest part of his lands he left to the king, and his heirs for ever.

PIPARD.—(25 EDW. I.)

RALPH PIPARD had summons to parliament from the 25 to the 30 Edw. I. In the 26 he had summons to Carlisle *equis et armis*, and in the writ was styled a baron; the earls and barons then summoned being distinguished by their respective ranks. In the 29 Edw. I. he was one of the barons who in the parliament at Lincoln subscribed the letter to the pope, being then designated "*Radulphus Pypard Dominus de Lanford.*" He died circ. 1309, leaving

John Pipard his son and heir, aged thirty, but neither he nor any of his descendants had ever the like summons, and with him Dugdale closes his account of the family.

† P. 118.

Atkyns in his History of the County of Gloucester,† states that he held Aston-Cold in that county; and in the 4 Edw. II. levied a fine thereof. From the Pipards, the said manor passed to Edmund le Boteler, who married the heiress, and held the same with free warren the 9 Edw. II.

PIPE.—(1 EDW. III.)

OF this name it is only mentioned by Dugdale that Thomas de Pipe had summons to parliament among the barons the 1 Edw. III., but no more, nor any of his posterity; but on referring to the writ it appears not to have been a summons to parliament, but only a summons *equis et armis* to Newcastle-upon-Tyne.

In Tong church, in the county of Stafford, is the following inscription, viz :

^a Sir Harris Nicolas says he was present in the parliament at Lincoln; but Dugdale in his Lists of Summons states he affixed his seal, though he was not summoned to that parliament.

“Hic jacent Dñs Willielmus Vernon Miles, quondam Constabularius Angliæ filius et hæres Dñi Ricardi Vernon Militis, qui quondam erat Thesaurarius Calesiæ qui quidam Dñs Willielmus obiit ultimo die mensis Junii anno Dñi 1477, et Margareta uxor dicti Willii filia et hæreditar̄ Dñi Roberti Pypis et Spernoris Militis, quæ quidem Margareta obiit anno Dñi millesimo.”

PLAYZ.—(22 EDW. I.)

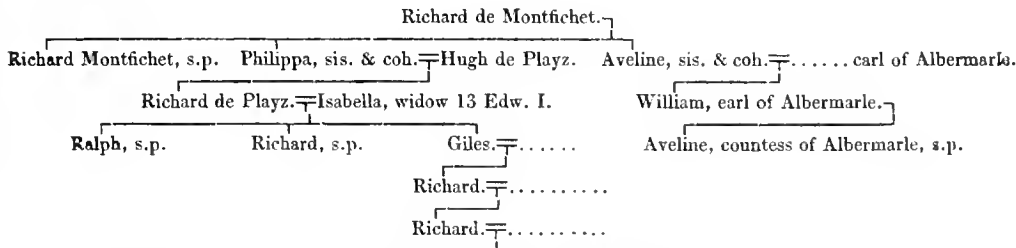
EGIDIUS, OR GILES DE PLAYS, descended from Hugh de Plays, who married Philippa, one of the sisters and coheirs of Richard de Montfichet, a great baron in Essex,* had summons to parliament the 22 and 25 Edw. I., but no more. He died 31 Edw. I., leaving

* Vide Banks's Dorm. & Ex. Baron. vol. i.

Richard de Playz his son and heir, who had summons from the 11 to the 15 Edw. II., inclusive, to whom succeeded

Richard de Playz his son and heir, who never had summons, nor John his son and heir, who deceased leaving an only daughter Margaret, who was the first wife of Sir John Howard, (grandfather, by his second wife, of John, the first duke of Norfolk), by whom she had issue Sir John Howard, whose daughter and heir Elizabeth married John Vere, twelfth earl of Oxford, in which title this barony continued merged till the death of John, the fourteenth earl, in 1526, when it fell into abeyance among his three daughters and coheirs, viz: Dorothy, who married John Nevill lord Latimer;† Elizabeth, who married Sir Anthony Wingfield, (represented in 1825 by Francis Dillon, a baron of the Roman empire); and Ursula, who married George Windsor, and secondly, Sir Edmund Knightley, s.p.

† Vide Latimer.



John de Playz, the petitioner temp. Ric. II. as cousin and heir to Aveline, countess of Albermarle. (Vide Rot. Parl. 7 Ric. II., vol. iii., p. 175, etiam Rot. Parl., 21 Edw. III., vol. ii., p. 182-3.

PLESSETIS.—(25 EDW. I.)

HUGH DE PLESSETS, son of John de Plessets, or Plessetis, earl of Warwick, by his first wife Christian, daughter and heir of Hugh de Sandford, had the manor of Hokenorton

and other manors in the county of Oxford, which were of his mother's inheritance; and the 5 Edw. I. was summoned with the earls and other barons to be at Worcester,* *equis et armis*, to march against the Welch. He died circ. 20 Edw. I.† and was succeeded by Hugh de Plessets, his son and heir, who, the 25 Edw. I., had summons to a parliament at Salisbury; and the 27 Edw. I., to a parliament at London,‡ but not after, and died circ. 29 Edw. I., seised of the manors of Hokenorton, Missenden, etc.,§ leaving Hugh de Plessets his son and heir, who never had summons to parliament, nor any of his posterity, of whom Dugdale does not make further notice, as not considered in the rank of barons.^a

* Dug. Lists of Sum. † Esch. 20 Edw. I., n. 156.

‡ Dug. Lists of Sum. § Esch. 29 Edw. I., n. 54.

PLUGENET OR PLUKENET.—(23 EDW. I.)

ALAN DE PLUGENET, a person of much estimation for his wisdom and military exploits, had summons to parliament the 23 and 25 Edw. I. In the 26 he was summoned *equis et armis* to Carlisle, in which writ the earls and barons being distinguished by their respective ranks, he is denominated as one of the latter degree,|| he died the year following, leaving Joan his wife surviving, and

|| Dugd. Lists of Sum.

Alan de Plugenet his son and heir, who had summons to parliament the 5 Edw. II., and in the writ is designated a baron,¶ as his father was, (as before noted in the 26 Edw. I.), but he was never again summoned to parliament. He seems to have died circ.** 19 Edw. II., s.p., leaving Joan de Bohun his sister and heir, whereby on his decease without issue, the inheritance passed to Sir Richard de la Bere, her father's brother's son by the whole blood, i. e. son of Richard de la Bere, brother of the whole blood to Alan Plugenet her father††

¶ Vide writ in vol. ii. ** Fstr. 19 Edw. II., Rot. 5.

†† Mag. Brit. Wilts.

The 1 Edw. III. Joan Bohun at her death held a moiety of Kington Plukenet manor, in the county of Dorset, and the reversion of the other moiety, which Sibyl the widow of Alan Plugenet held in dower; Richard de la Bere her cousin and heir aged 30; the 19 Edw. III., Richard de la Bere and Claricia, his wife, died seised of the same; Thomas their son and heir, to which Thomas the record†† recites, viz.: "Rex confirmavit Thomæ de la Bere consanguin^o Alani de Plugenet in feodo man^o de Haselbere."

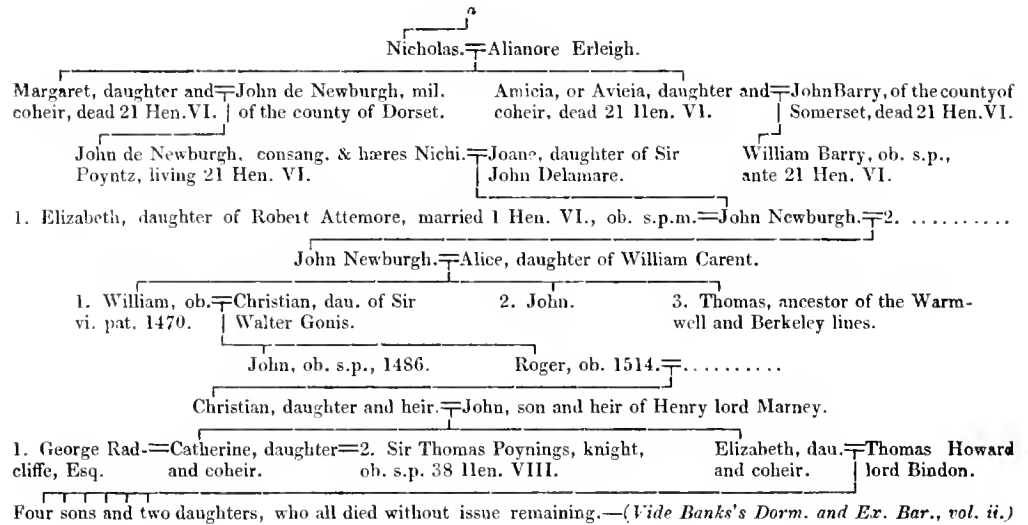
†† Rot. Pat. 25 Edw. III., m. 9, Para. 3.

POYNTZ.—(45 HEN. III. AND 23 EDW. I.)

HUGH DE POYNTZ married Helewyse, sister and coheir to William Malet, baron of Cory Malet, in the county of Somerset, and died circ. 4 Hen. III., leaving§§§

§§ Dugd. vol. ii., p. 1.

^a Leland, vol. ii., p. 46, f. 20, says, "There is buried at Osenev yn our lady chapelle, a nobleman of the Placetes, in a fair tumbe, with an image."



POYNINGS.—(22 EDW. I.)

THOMAS DE POYNINGS held ten knights' fees in Poynings, in the county of Sussex, and had two sons, Michael and Lucas,* of these

* Dugd. Bar., vol. ii, p. 133.

Michael de Poynings had summons to parliament the 22 Edw. I., but his name does not appear in any subsequent writ of summons.

† Ibid. p. 134.

Thomas, his son and heir, (for so Dugdale says† *I gness*) had summons to parliament the 11 Edw. III., but he was slain shortly after in the great sea-fight with the French near Sluys, the 13 Edw. III.; he married Agnes, one of the coheirs to John, the son of Bartholomew‡ de Criol,^a and left issue Michael, his son and heir, aged 22, which

‡ Ibid.

Michael de Poynings had summons to parliament from the 16 to the 42 Edw. III. inclusive, and died the year following, leaving Joan his wife, widow of Sir John de Molyne, knight, surviving, and

Thomas de Poynings, his son and heir, who was never summoned, but died the 49 Edw. III., s.p., leaving Blanch de Mowbray, his wife, surviving, and

Richard de Poynings, his brother and heir, which Richard had summons to parliament the 6, 7, 8, and 9 Ric. II.; he married Isabel, daughter and heir of Sir Robert de Grey, then called Fitz Payne, and dying the 16 Ric. II. left

Robert de Poynings, his son and heir, who was summoned to parliament from

^a In Hasted's Kent (vol. viii., p. 69, edit. 8vo.), this Agnes is called daughter and heir of Sir Richard Rokele, by Joane, daughter and heir of Bertram de Criol, and sister and heir to John and Bertram her brothers.

the 5 of Hen. IV. to the 23 Hen. VI., after which he was slain at the siege of Orleans, in France, 2 October, 25 Hen. VI.,* leaving Alianore, the wife of Sir Henry Percy, knt., his granddaughter and next heir, viz., daughter and heir of Richard de Poynings, his eldest son, (who died before him) by Alianore his wife, daughter to Sir John Berkeley, of Beverston, knight, which

* Dugd. Bar.,
vol. ii, p. 135.

Sir Henry Percy, afterwards earl of Northumberland, was in his father's lifetime summoned to parliament as lord Poynings, and on succeeding to the earldom, merged therein the said barony, which thereafter became forfeited with the other of the Percy titles.†

† Vide Percy.

LUCAS DE POYNINGS.—(42 EDW. III.)

LUCAS DE POYNINGS, younger brother to Michael the second baron Poynings, before mentioned, had summons to parliament from the 42 to the 49 Edw. III.^a He married Isabel, one of the daughters and coheirs of Hugh, but sister and coheir of Edmund de St. John, of Basing, which Isabel was widow of Henry de Burghersh, and eventually sole heir of Edmund de St. John her brother, but in the writ of summons to Lucas de Poynings it is merely personal, viz., "*Lucy de Poynges*," without any reference to the barony of St. John; when he died does not appear, but if he was the same Lucas, who was brother to Michael, who had summons to parliament the 22 Edw. I., and did not die before the 9 of Ric. II., he must have been a very aged man, that interval of time being upwards of 90 years; by the said Isabel who survived him, and deceased the 17 Ric. II.,‡ he left issue

‡ Dug. Baroa.
vol. ii., p. 137.

Thomas de Poynings his son and heir, aged thirty-six, which Thomas was styled "Lord St. John," but never had summons to parliament. By his testament, dated upon the eve of St. Thomas the apostle, anno 1428, 7 Hen. V., he desires to be buried in the choir of the priory of Borgrave in Sussex, on the north part of the tomb of the lady Philippa, sometime countess of Arundel and Pembroke, his wife, daughter to Edmund Mortimer, earl of March. To Isabel his daughter, he left one dozen of silver vessels, and constituted Maud his wife, with Sir John de Bohun, knight, his executors; after which, on the 7th of March, he died, leaving Constance, the wife of John Paulet; Alice, wife of John Orrel; and John Bonvile, his next heirs, viz: the said Constance and Alice, the daughters of Hugh his son (who died in his lifetime), and John Bonvile, son of Joane the third daughter. Constance then aged twenty, Alice nineteen, and John Bonvile aged sixteen. Maud his widow having an assignation of dower.

^a Dugdale in his Baronage says he was summoned from the 42 Edw. III. to the 9 Richard II. inclusive; but his name is not in any writ after the 49 Edw. III.

Mr. Berry in his *Sussex Genealogies*, p. 61, asserts that the lady Philippa was his second wife, and Joane, daughter of *baron Strange*, was his first, by whom he had Hugh, who died s.p.; Jane, the wife of Sir John Bonvile; Constance, of Sir John Paulet; and Alice, wife of John Kingstone, by whom she had a son Thomas Kingstone. The inaccuracy of this statement is sufficiently apparent from the ages of the respective persons before given. Mr. Blore in his *Rutland*, a work compiled with great sedulousness and research, p. 228, says that Janet, daughter of Roger lord Strange, married Thomas Poynings lord St. John. From these statements it would seem that Thomas lord Poynings (or St. John) had three wives, viz: Joane (or Janet) Strange, Philippa Mortimer, and Maud who survived him.

* V. ii., p. 178
Edit., 8vo.

Blomfield in his *History of Norfolk*,* makes mention of a Lucas de Poynings, who married Isabel, one of the four daughters and coheirs of Robert de Aguillon, by Agatha his wife, one of the daughters and coheirs of Fulk de Beaufo, and thereby acquired Poynings manor in that county. This rather intimates some great discrepance in the early account of the Poynings family given by Dugdale, particularly where he says "To this Michael succeeded another Thomas, *his son and heir, as I gness.*" But as to reconcile any discrepance would not affect the course of the barony, it is not necessary to be here entered into.

From Constance, the wife of John Paulet, descended Sir William Paulet his great grandson, who, the 30 Hen. VIII., was by patent created baron St. John, but not with the addition of *Basing*, with limitation to the issue male of his body. He was afterwards, in the 3 Edw. VI., created earl of Wiltshire; and finally, the 5 Edw. VI., was advanced to the dignity of marquess of Winchester.

† Dugd. Lists
of Sum.

It is rather singular, that though in the patent of his creation to the title of lord St. John, it is without the additament of Basing: yet, in his writ of summons to parliament the following year (31 Hen. VIII.) he is there written "*Willielmo Paulet de St. John (de Basing) Cl'Pr;*"† and similarly to the 2 Edw. VI., there not being any writ to parliament between the 2 and 5 Edw. VI. He is not noticed as earl of Wiltshire; but in the writ of the 5 he is there summoned as marquess of Winchester, "*Thesaurario Anglie.*"

‡ Vide Banks'
Dorm. & Ext.
Baron. vol. ii.

Charles, the sixth marquess, was created duke of Bolton by king William III., in 1689; whose great grandson Harry, the sixth duke, dying s.p.m., in 1791,‡ the title of duke of Bolton became extinct. The barony of St. John, and the earldom of Wiltshire, with the marquesite of Winchester, devolved upon the next heir male, George Paulet, esq., of Amport House, in the county of Southampton, grandfather of the marquess, (1844,) and the barony of St. John, of Basing, and barony of Lucas Poynings, if it be considered distinct from that of St. John, of Basing, fell into abeyance between the three daughters and coheirs of Harry, the sixth and last duke of Bolton, viz: Mary Henrietta,

who married viscount Hinchingbroke, afterwards earl of Sandwich, eldest daughter of the duke, by his first wife; and Catharine, who married lord Barnard, afterwards earl of Darlington, and late duke of Cleveland; and lady Amelia Paulet, unmarried; which Catharine and Amelia were daughters of the duke, by his second wife, Catharine, daughter of Sir James Lowther, baronet, who was subsequently created earl of Lonsdale.

It is worthy of remark, that Sir William Paulet, on being advanced from the earldom of Wiltshire to the title of marquess of Winchester, resigned the earldom: of which the patent was cancelled, (a proceeding not then uncommon, as the case of Pembroke, temp. Edw. IV.,) and it seems the vacancy was so looked upon by Queen Elizabeth, who, according to Naunton, is said to have offered the earldom to her cousin, the lord Hunsdon, at his dying moments, which he had much desired and long solicited, but then declined, as coming too late to a broken heart of one, who, when in full life, had been refused his request.

ROS, OR ROOS.—(45 HEN. III.)

PETER DE ROS, who lived in the reign of king Hen. I., is supposed to have taken his surname from the lordship of Ros, in Holderness waptentake, in the county of York. He married Adeline, one of the sisters and coheirs to the famous Walter Espec,* baron of Helmesley, or as sometimes called Hamlake, in the county of York.

* Vide Banks's
Dorm. & Ext.
Baron., vol. i.

Everard de Ros, his grandson, married Rose, one of the three daughters and coheirs, and eventually sole heiress of William Trusbut,† who held a baronial estate called Trusbut, and also Wartre; and dying circ. 1186, was succeeded by

† Ibid.

Robert de Ros, his eldest son, who was one of the twenty-five celebrated barons appointed to enforce the observance of Magna Charta: by Isabel his wife, daughter (but considered illegitimate) of William, surnamed the Lion, king of Scotland, he had two sons, William and Robert; to which last he gave the castle of Werke. Having become a Knight Templar, he was buried in the temple church, anno 11 Hen. III.

William, the eldest, was his successor; and having by the death of his two great aunts, the sisters of Rose, his grandmother, s. p., become sole heir of the baronial estate of Trusbut, he had livery thereof accordingly. He died the 42 Hen. III., leaving

Robert de Ros his son and heir, who married Isabel, daughter of William de Albini, (grandson of Robert de Todeni, lord of Belvoir, in the county of Leicester.‡

‡ Ibid.

In the 45 Hen. III. he was summoned by the name of "*Rob'o de Ros de Belv'r*," to that parliament which was then called by the king to meet in London.§ Afterwards, being on the part of the confederated barons, under Simon de Montfort, he was of those

§ Claus. m. 3,
in dors.—Vide
Writ in vol. ii.

select persons who had summons to the parliament convened by them in the king's name the 49 Hen. III. He died circ. 13 Edw. I., leaving

William de Ros his son and heir, who was one of the competitors for the crown of Scotland, along with Baliol, Bruce, and others, claiming as great grandson and heir of Isabel, daughter of king William the Lion, as before mentioned; but his pretension was not allowed. At the parliament at Lincoln, the 29 Edw. I., though not summoned thereto, he subscribed the famous letter to the Pope, being designated "*Willielmus de Ros Dominus de Hamlake.*" In the 22 Edw. I. he had summons by the name of "*Willielmus de Ros*" only; but in the following year, the 23 Edw. I., as "*Willielmus de Roos de Helmesly;*" by which description he continued to be named in all the subsequent parliaments to which he was summoned*, till the 9 Edw. II.; to whose coronation† he was similarly summoned. He died the 10 Edw. II., leaving by Maud, his wife, one of the daughters and coheirs of John de Vaux, two sons, viz., William, his successor, and John, a younger son, a person of considerable eminence in his time, who had summons the 1, and after, from the 6 to the 12 Edw. III.; but dying s.p. his elder brother, William, became his heir: which

* Dugd. Lists of Summ.
† Vide Coron. Rot. in vol. ii.

William de Ros having succeeded his father, had summons from the 11 Edw. II. to the 16 Edw. III.; and died the following year, leaving by Margery his wife, one of the sisters and coheirs of Giles lord Badlesmere, two sons, William and Thomas.

William de Ros, eldest son, succeeded his father, and had summons to parliament the 24 and 25 Edw. III., but died the next year, s.p.; whereby,

Thomas de Ros, his brother, became the next baron, who had summons from the 35 Edw. III. to the 7 Ric. II., inclusive, in which year he deceased, having had issue several sons; whereof, the eldest,

John de Ros, had summons from the 10 to the 17 Ric. II., when he died s. p., and was succeeded by his brother,

William de Ros, who had summons from the 18 Ric. II. to the 1 Hen. V., and died the next year, at Belvoir, where he was buried. In the 4, 7, 8, 12, and 13 Hen. IV. he is mentioned in the Rolls of Parliament as a trier of petitions, by the description of "*Seigneur de Roos.*"

John de Ros, his son and heir, never had summons, and died under age, s.p., leaving Thomas his brother, then a minor, his next heir; which

Thomas de Ros had summons the 7 Hen. VI., but died shortly after, 18 August, the 9 Hen. VI., leaving a son Thomas then only about four years old, who, the 24 Hen. VI., although not at full age, was permitted to have livery of his lands. This

Thomas de Ros had summons from the 27 to the 38 Hen. VI.; but the next year was attainted in the parliament of the 1 Edw. IV., for his faithful adherence to the House of Lancaster; and in the same year died; having had issue by Philippa his wife,

one of the sisters and coheirs to John Tiptoft, earl of Worcester, according to Dugdale, two sons, viz: Edmund and John;^a and three daughters, Eleanor, Isabel, and ^bMargaret.

Edmund de Ros, son and heir of the attainted baron, Thomas, in the 1 Hen. VII. obtained an act of parliament annulling and making void the act of attainder against his father; after which he lived some years, but never had summons to parliament. He died the 24 Hen. VII., at Enfield, in Middlesex, where he was buried in the parish church; and not having any issue, his sisters became his coheirs; and, by virtue of the act of restitution, entitled to inherit the ancient barony of Ros: of these sisters, Eleanor, the eldest, married Sir Robert Manners; Isabel, as Dugdale asserts,* married Thomas Grey, a younger son of Sir Ralph Grey, of Werke: but, according to other authority,† Sir Robert Lovel, she however died s. p.; Margaret, the third sister, is supposed to have died unmarried, no mention further of her being noticed.

* Baron. vol. i.,
p. 559.
† Collins's
Parl. Prec.
p. 163.

MANNERS BARON DE ROS.

SIR ROBERT MANNERS by the said Eleanor de Ros, who died in 1487, had issue several children, whereof

Sir George Manners, the eldest son and heir, in the inscription on the monument to his memory in St. George's Chapel, Windsor, is styled "*Lord Roos*", yet it does not appear that he ever had summons to parliament.

Thomas Manners, his eldest son, having by the death of his two great aunts, Isabel and Margaret, s.p., become sole heir of the barony of Ros, had summons to parliament the 7 Hen. VIII. as "*Thomæ Maners de Rosse Ch'vr*," and as appears from the Lords' Journals, was placed with reference to the antiquity of the said barony. In the 17 Hen. VIII. he was advanced to the dignity of earl of Rutland, whereby the barony of Ross or Roos became merged in that higher title; his grandson

Edward Manners, third earl of Rutland, dying s.p.m., the earldom of Rutland devolved upon his next brother, John Manners; but the barony of Ros descended to his sole daughter and heiress Elizabeth, which

CECIL BARON DE ROS,

LADY ELIZABETH MANNERS, married William lord Burleigh, eldest son and heir apparent to Thomas Cecil, earl of Exeter, and about the year 1591 died vitâ mariti, leaving an only son and heir

^a In the printed case of the claimants to the barony in 1803, this John is omitted, as also the name of Margaret his youngest sister.

^b In Blomfield's Norfolk, (vol. iii., p. 43, edit. 8vo.) there is mentioned a fourth daughter Joan.—*Vide Monast. Angl. vol. i., p. 728, old edit.*)

William Cecil, who in her right, was entitled to the barony of De Ros; but this title was controverted by Francis, then sixth earl of Rutland, on the ground that the barony was attracted to the earldom, and similarly descendable to heirs male only, and was not Ros or Roos solely, but Roos of Hamlake, Trusbut, and Belvoir, the estates of which denomination were then in his possession; this controversy was, however, determined by letters patent 22 July, the 14 James I., which declared that the said Francis, earl of Rutland, and his issue male should be called lord Roos of Hamlake, and enjoy the name, title, and dignity of lord Roos of Hamlake, Trusbut, and Belvoir, in all parliaments and assemblies, and that the said William Cecil should enjoy the ancient seat and place of lord Roos in all parliaments and assemblies.

Cecil lord Roos, thus confirmed in the barony, was never summoned to parliament, and dying shortly after in June 1618, s.p., the barony reverted to the said Francis, sixth earl of Rutland. This

Francis, earl of Rutland, baron Roos, of Hamlake, and baron Ros, dying in 1632, s.p.m.s., a new separation again took place. By his first wife he had an only daughter Catherine, and by his second wife two sons, who both died s.p., in his lifetime, so that Catherine became his sole heiress, who married George Villiers, first duke of Buckingham.

VILLIERS BARONESS DE ROS.

THE LADY CATHERINE MANNERS on the death of her father Francis, earl of Rutland being his only surviving child, was as such, legally entitled to the adjudged barony of De Ros. The duke of Buckingham, her husband (who was assassinated by Felton) died before her, having had issue Charles, who died an infant; George, the next duke; Francis, who died s.p.; and Mary, who married James Stuart, duke of Richmond, and had issue Esme Stuart, duke of Richmond, who died s.p.; and Mary, who married Richard, earl of Arran, s.p. On the death of the baroness, dowager Duchess of Buckingham, circ. 1666, the barony of Ros descended to her only surviving son

George Villiers, second duke of Buckingham, but he nevertheless had a competitor for the barony in John, the then earl of Rutland, and counsel on both sides were heard at the bar of the House, when after much and serious debate, it was proposed to make a representation to the king for the compromising the differences between the duke and the earl; but whether the recommendation agreed upon was ever presented, or if it was, what was the answer of his Majesty, is not traced; the duke died in 1687, s.p., and his sister Mary, duchess of Richmond, about two years before. Thus the barony of De Ross fell into abeyance between the sisters and coheirs of George, seventh earl of Rutland, brother and heir male of Francis, the sixth earl, before mentioned.

Of these coheirs, Bridget, the eldest, married — Tyrwhitt, Esq., whose grandson Francis, left issue Catherine Tyrwhitt, wife of Sir Henry Hunloke, grandfather of Sir Henry Hunloke, baronet, eldest coheir in 1803; Elizabeth, countess of Sunderland, died in 1653, s.p.; Mary died an infant; and Frances married the lord Willoughby, of Parham, whose son Francis lord Willoughby left three daughters his coheirs, viz.: Diana, countess of Winchelsea, who died in 1648, s.p.s.; Frances lady Brereton, whose three sons died s. p.; and Elizabeth lady Ranelagh, whose eldest daughter Elizabeth, countess of Kildare, died in 1748, s. p.; Katherine, her third daughter, unmarried, in 1746; and Frances lady Coningsby, her second daughter, who had issue Margaret, who died s.p., circ. 1760; and Frances, who married Sir Charles Hanbury Williams, by whom she had Frances, the wife of the earl of Essex, (whose issue was George, earl of Essex, and Elizabeth, lady Monson, both living in 1803;) and Charlotte, who married the Hon. Robert Boyle Walsingham; and had issue Charlotte, who married lord Henry Fitz Gerald, fourth son of James, first duke of Leinster: which Charlotte Fitz Gerald, in 1803, preferred her petition to the king, to terminate the abeyance of the barony of De Ros. This petition was referred to the Attorney General, and on his report to a committee of privileges, in the house of lords, by whom, in 1806, it was resolved that the said barony was in abeyance between Sir Henry Hunloke, of Wingerworth, in the county of Derby, baronet; George, earl of Essex; and her the petitioner, lady Charlotte, otherwise lady Henry Fitz Gerald. Afterwards, in October 1806, His Majesty was pleased to determine the abeyance in her favour, and she was accordingly declared baroness de Ros.

Sir Harris Nicolas, in his *Peerage Synopsis*,* has remarked, that lady Henry Fitz Gerald, as youngest daughter, was only coheir of a moiety of the barony, the entire representation of the eldest coheir being vested in Sir Henry Hunloke; and that he was not aware of any similar instance of the grace of the crown having been exercised in favour of a coheir, who did not wholly possess one moiety of the dignity. But the influence of the Fitz Gerald family, in parliamentary power, and family connection, was far above that of Sir Henry Hunloke.

It may deserve observation, that when the barony was assigned to Cecil, against Francis, earl of Rutland, it was because Robert de Ros had been summoned to parliament the 49 Hen. III., nominatim, without any distinction of barony. Yet that summons can scarcely be deemed the creation of a peerage dignity, when the writ admits of a doubt whether it was a call to a legal parliament, the persons summoned being only a small portion of the peerage, and that portion composed of the rebellious barons, and not of the king's friends. At the same time it has been here shown, that he had been four years before, viz., the 45 Hen. III., summoned by the king's writ, while a free man, (not in the custody as a prisoner to Simon de Montfort,) to a parliament at London, by the description of "*Robert de Ros de Belvoir*."

* Vol.ii.p.550

WILLIAM DE ROS DE IGMANTHORPE.—(22 EDW. I.)

OF this William de Ros, Sir William Dugdale has not in his Baronage made any mention; but from his Lists of Summons it appears that he was called by writ in the 22 Edw. I.* to a parliament, for the time and place for the meeting whereof not any mention was made therein, though a parliament was holden at Westminster in that year. He was also summoned in the 24 Edw. I., along with Robert de Ros, of Werke, (who, by Dugdale, under the article of Ros, of Werke, is called his brother,)[†] to attend equis et armis at Newcastle-upon-Tyne, and to a great council to be holden there; but his name does not appear in any subsequent writs of summons, nor any of his posterity, which long continued in the male line, and of whom some account may be found in Thoroton's History of Nottinghamshire; as however they were not considered within the rank of barons, the further mention of them is here unnecessary. Sir Harris Nicolas, in his Peerage Synopsis,[‡] attributes the summons of the 22 Edw. I., by the description of "*William de Ros de Iymanthorpe*," to apply to *William de Ros, of Helmesley*; yet, on reference to the writ, it will seem that the two Williams are therein distinctly named, and therefore could not be one and the same person.

* Dugd. Lists of Summ.

† Baron., v. i. p. 554.

‡ Vol.ii. p.547 (note)

ROBERT DE ROS DE WERKE.—(22 EDW. I.)

ROBERT DE ROS, of Werke, was the younger son of Robert de Ros, of Helmesley, by Isabel, his wife, daughter of William, the lion king of Scotland, and by gift of his father obtained the castle and barony of Werke. This Robert is, by Dugdale and Sir Harris Nicolas, made to be the same person as had the summons to parliament the 22 Edw. I.; but on the comparison of dates, it will rather seem that it was Robert, his son, who was so summoned; the interval between the writ of the 22 Edw. I., and the death of Robert, his father, the 11 Henry III., who gave him the castle of Werke, being nearly sixty-seven years, and supposing him at that time under twenty years old, his elder brother William, of Helmesley, being then of full age, he must have been nearly if not upwards of eighty years old; be it as it may

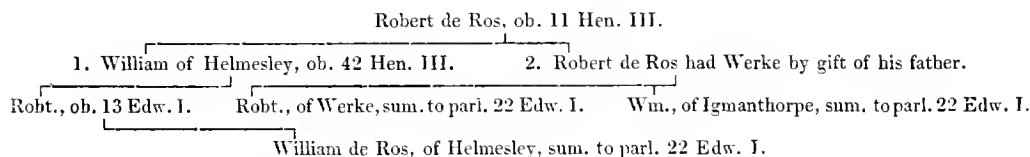
Robert de Ros, along with William de Ros, of Helmesley, and William de Ros, of Igmanthorpe, had summons to parliament the 22 Edw. I. as "*Robertus Ros de Werke*," and again[§] to two parliaments by the same description the 23 Edw. I.; also the 24 Edw. I. equis et armis to Newcastle-upon-Tyne, and a great council to be there holden; after which he was never again summoned, nor any of his posterity, and being accused of treason, his lands and honours became forfeited.

§ Dugd. Lists of Summ.

He married Margaret, one of the sisters and coheirs to Peter, the last Brus, baron of Skelton, son of Peter de Brus, by Helewisia his wife, sister and coheir to William de Lancaster, baron of Kendal in the county of Lancaster, whereby the castle of Kendal was acquired, which the said Margaret gave to William her son, who died the 3 Edw. II., leaving Thomas his son and heir, who had issue John, who dying the 32 Edw. III. s.p.m., left Elizabeth his daughter and heir, then an infant, who afterwards became the wife of Sir William Parr, knight, from whom descended the Parrs of Kendal.

But it is to be observed that records differ, for by one inquisition,* it was found that he had issue the son William, before mentioned; and by another,† that he had two daughters, heirs to their mother, viz., Margaret the wife of John Salvain; and Isabel the wife of John de Knock; which Isabel lived not long, as it seems that the 6 Edw. II., Margaret called herself daughter and heir of Robert de Ros of Werke, and petitioning the king for pardon of her father's forfeiture, had letters patent granted to her in terms of her request.

* Esch. 35
Edw. I., n. 31.
† Esch. 2
Edw. II., n. 42.



RYTHRE.—(28 EDW. I.)

WILLIAM DE RYTHRE, lord of Rythre, in the county of York, in the 26 Edw. I. had summons to Carlisle equis et armis, but though not a summons to parliament, yet in the writ he is *designated a baron*, the earls and barons then summoned being respectively distinguished by their rank.‡

After this he had summons to parliament from the 28 Edw. I. to the 1 Edw. II. inclusive. Though summoned to the parliament at Lincoln the 29 Edw. I., he is mentioned§ as one who did not subscribe the letter then written to the pope, but in the 35 Edw. I. his name appears in the writ, as then present in parliament, those who were excused attendance having the same specially noted.|| To him succeeded

‡ Dugd. Lists of Sum. Vide writ in vol. ii.

|| Ibid.

John de Rythre,^a governor of Skipton Castle the 11 Edw. II., with whom Dugdale concludes his account of this family, observing that neither the said John nor any of his descendants ever after had summons to parliament. His representatives however appear

^a Of this name was a William Rider, an apprentice on London Bridge, who was the first to knit worsted stockings in England; a pair of which he presented to William, Earl of Pembroke, anno 1564.

* Dugd. Lists
of Sum., v. ii.

to have obtained by marriage a coheirship in the barony of Aldeburgh,* and if a succession of writs of summons can be considered to have created a personal barony descendable unconnected with the tenure in capite of land, these representatives may be deemed to have as good pretension to a seat in the house of lords, as some others to whom such a right has been allowed.

† Vide vol. ii.

Although Dugdale has stated that William de Rythre was succeeded by John, he has not stated whether as son and heir. He might be so, and if not, a misnomer for *Robert*, might die s.p. This inference is drawn from Nalson's MS. pedigrees in the Minster Library at York, which appear to be a transcript from an Harleian MS. in the British Museum, No. 4630, and recite that William Rythre (or Ryther) of Ryther, married Ellinor, daughter of John Fitz William, of Sprotborough, and had issue Robert, father of Robert, father of a third Robert, who married Anne, daughter and heir of Sir William Tunstall, and had issue William, who married Isabel, (rather Sibilla), daughter of Sir William Aldeburgh, as mentioned in the second volume of this work.† It is to be regretted that in these pedigrees, dates are not given, which is a defect too frequent in most MSS. of ancient families, thereby occasioning many anomalies and great confusion. The chief excuse to be offered for the multifarious contradictions of heralds, as leaving the door open for *ghess* and *construction*.

SANDYS OF THE VINE.—(21 HEN. VIII.)

THE first of this family raised to the rank of a baron of the realm, (though it long before was of considerable note in Hampshire), was

Sir William Sandys, who, for his eminent services temp. Hen. VII. and Hen. VIII., was made a Knight of the Garter, and according to Dugdale, was advanced to the peerage by the title of "*Lord Sandys*," 27 April, 1523; but there is not upon record any patent showing this creation, which as the date implies, was six years before he had summons to parliament, his first writ being November 3, the 21 Hen. VIII., anno 1529, directed "*Willielmo Sandys (de Vine) Chivalier*;" after when, in the 28, 31, and 33, he was again summoned, and died the year following, 1542, leaving by Margery his wife, only daughter of John Bray, (brother and heir to Reginald Bray), Thomas his son and heir, and four daughters whose names are not mentioned by Dugdale,^a which

^a Of these daughters Mary married, first, Sir William Pelham, and secondly, John Palmer, of Angmering; Anne, or Alice, married Walter lord Hungerford, of Haytesbury (his second wife); Elizabeth, Sir Humphrey Forster; and Margaret, or Margery, Sir Thomas Essex. He is also said to have had two sons, viz: Reginald and John, both priests, who died s.p.—(*Harl. MS.*, No. 1160, (39)).

Thomas, second lord Sandys,* had summons to parliament from the 35 Hen. VIII. to the 6 Philip and Mary; to whom succeeded^a

* Vide Banks's Dorm. & Ext. Bar. vol. ii.

William, third lord Sandys, his grandson, (being son and heir of Henry his eldest son, who died in his lifetime); which William had summons to parliament from the 14 queen Elizabeth to the 19 James I., and died shortly after. He was twice married, first to Christian, daughter of Bryan Annesley, esq.,† by whom he had one son William, his heir; secondly to Catherine, daughter of Edmund Bridges lord Chandos.‡ by which lady he had an only daughter Elizabeth, who married Edwin, son of Sir Miles Sandys, of Latimers, in the county of Buckingham.

† 2nd. wife, Harl. MS. no. 1160.

‡ Vide Mem. of Peers temp. James I., per Egerton Bridges, Esq.

§ Anno 1629, Harl. MS. no. 1160, (39)

William, son and heir, fourth lord, was never summoned, and dying s.p.,§ was succeeded by his half nephew, Henry, son and heir of Edwin Sandys, by Elizabeth his half sister, before mentioned, which

Henry, fifth lord Sandys, though heir to the barony, was never summoned, by reason of the interruption of the civil war, during which he was mortally wounded in the battle of Bramdene, near Alresford, and died the 6 April, 1644, leaving

William his son and heir, who after the restoration was summoned to parliament the 13 Charles II., and died in 1668, s.p.; whereby his next brother

Henry succeeded to the barony, and had summons the 31 and 32 Charles II., but died in 1680, s.p.; when

Edwin his brother became the next heir. He however does not appear to have been ever summoned, and is said to have also died issueless, circ. anno 1700, leaving his six sisters, or their representatives, his coheirs, in whom the barony now remains in abeyance; of these

Hesther married Humphrey, son of Sir William Noy, attorney-general to king Charles I., represented now (as said) by Davies Giddy, esq., M.A., F.R.S.; Alathea married Francis Goston, esq.; Mary, Dr. Henry Savage, principal of Baliol College, Oxford; Jane married John Harris, esq., of Woodstock; Margaret married Sir John Mill, represented by Madam Sophia Della Cainea, sole surviving daughter and heir of Sir Richard Mill, bart., great-grandson of Sir John Mill by Margaret Sandys his wife; and Margery the sixth daughter married Sir Edmund Fortescue, of the county of Devon, bart.

SAY.—(45 HEN. III. AND 22 EDW. I.)

WILLIAM DE SAY, (whose ancestor Picot de Say, lived in the time of the conqueror) was one of the barons summoned to the parliament called to meet in London the 45

^a Leland, (vol. iv. p. 10,) says this Lord Sandys had four sons and six daughters yet living by her. But Dugdale does not notice the same. In Thynne's Chronicle, it is mentioned that a younger son of the Lord Sandys was executed at St. Thomas Waterings, for a robbery committed by him and others to the value of £3000, June 18, 1556.

* Claus. m. 3, Hen. III.* He was on the king's part at the battle of Lewes, and died the 56 Hen. III., dorso.—Vide leaving a son
Writ in vol. ii.

William, who, the 22 Edw. I., had summons to parliament, but died in the following year, and was succeeded by

Geffery de Say his son and heir, then aged fourteen, who, the 34 Edw. I., attaining his majority, had livery of his lands on doing his homage. Afterwards he had summons to parliament from the 7 to the 14 Edw. II., the year ensuing of which he died, leaving

Geffery de Say his son and heir, aged seventeen, who, the 19 Edw. II., performing his homage had livery of his lands. The 10 Edw. III. he was constituted admiral of the king's Fleet from the Thames westward, and was employed in the wars of France and Scotland, but died the 33 Edw. III., having been summoned to parliament in the years 16, 22, 23, 26, and 27 of that reign. By Maud his wife, daughter of Guy de Beauchamp, earl of Warwick, he had issue three daughters, viz: Idonea, who married John de Clinton, of Maxtock, in the county of Warwick, knight; Elizabeth, who married John de Aldone; and Joane, who married, first, William Fienes, and secondly, Stephen de Valoines; and a son William who was his successor,^a which

William de Say does not appear to have been a person who made any great figure in his time, but had summons to parliament from the 36 to the 47 Edw. III. He married Beatrice, daughter of Thomas de Braose,† and had issue a daughter Elizabeth, and a son

+ Jones's Brecon, vol. i. app.

John de Say, who never had summons to parliament, and died under age, s.p., leaving his sister Elizabeth his heir, who married, first, Sir John de Fallesle, knight, and secondly, Sir William Heron, knight, both which husbands were successively summoned to parliament, and most probably in her right; but their writs being personal, without any reference to the title of Say, they cannot be here recited as barons de Say: they however both died s.p., so that there not being any issue from the said Elizabeth, her three aunts, or their representatives, became coheirs, and the barony fell into abeyance. Of these ladies, Elizabeth, the wife of John de Aldone, had two daughters, whereof Mary married Otho de Worthington, s.p., and Maud her sister also married but died s.p., the abeyance therefore became between the issue of Idonea de Clinton and Joane de Fienes.

CLINTON BARON SAY.—(1 JAMES I.)

EDWARD DE CLINTON, sixth in descent from the said Idonea de Say, was created earl of Lincoln the 4th of May, 1571, and died in 1584, leaving

^a There is said to have been two other sons, viz., Thomas, and John, who probably died young, or vitâ patris, s.p.; for had they lived to have had issue, such issue would have had precedence of right to the said three daughters.

Henry his son and heir, second earl of Lincoln, whose eldest son and heir apparent, Thomas de Clinton, was called to parliament vitâ patris, by writ* the 1 James I., directed "*Thomæ Clynton (de Say) primogenito comitis Lincoln. Teste, &c., 18 February, anno 1 James I.*" He is thus described in the Journals of the House of Lords, viz: "*Thomas lord Clinton introduced, being summoned by writ, the manner whereof is particularly expressed 2 June, 1610.*"

* Dugd. Lists of Summ.

The heir general of this Thomas lord Say is the present lord Clinton,† who with that title also combines that of the barony of Say.

† VideClinton.

Sir Harris Nicolas in his Peerage Synopsis,‡ has observed that on the creation of Sir James Fienes to be lord Say and Sele, in 1447, John, then lord Clinton, relinquished all claim to the barony and arms of Say; but according to the decisions relative to the surrender of dignities, it seems that the act of the said lord Clinton could not affect the interests of his representatives to that dignity, which in fact appears to be shown by the beforesaid writ of summons of lord Thomas Clinton.

‡ Vol.ii. p.575

SAY AND SELE.—(27 HEN. VI.)

SIR WILLIAM FIENES, by Joane his wife, sister and coheir to William baron Say, and aunt and coheir of Elizabeth baroness de Say, had issue William Fienes, who had two sons, whereof Sir Roger, the eldest, was father of Sir Richard Fienes, who was summoned to parliament, jure uxoris, as baron Daere,§ and

§ Vide Daere.

Sir James Fienes, the youngest, was summoned to parliament the 27 Hen. VI., by writ directed "*Jacobo de Fynes militi, Domino Say, and de Sele Chiv'*," the same summons he also had in the following year; but Dugdale|| says he was created baron Say and Sele 5 March, 1447, with *remainder to the heirs male of his body*, yet nothing of this creation is to be found either in the Clause or Patent Rolls, which leaves it to be considered that his elevation to the peerage was by personal writ of summons. He however became very unpopular, and in the insurrection of the Kentish men under Jack Cade was seized by them, and had his head chopped off at the Standard in Cornhill,¶ in 1451. His son

|| Baron., v. ii. p. 245.

William Fienes, second baron Say and Sele, was summoned to parliament from the 29 Hen. VI. to the 9 of Edw. IV., sometimes as *Willielmo Fenys militi Domino Say*, or as *Willielmo Fenys de Say*. He was slain at the battle of Barnet, in 1471, on the part of king Edward; he married Margaret, daughter and heir of William Wickham, son and heir of Sir Thomas Wickham, son of William Perot by Alice his wife, daughter of William Champnies by Agnes his wife, sister to William of Wickham, the famous bishop of Winchester, founder of Winchester College and of New College, Oxford, by which marriage he acquired the castle of Broughton, in the county of Oxford, and his descendants a right of founder's kin to those celebrated colleges.

¶ Vide Bauks' Dorm. & Ext. Baron., vol. ii.

Henry, his son died in 1476, but was never summoned to parliament, nor was Richard his son, who died under age, though they were called lord Say.

Edward, his son and heir, never used the title, and died in 1529, nor was Richard, his son, ever summoned to parliament; but his son, another

Richard, is said to have obtained a confirmation of the title of baron Say and Sele to him and the heirs of his body, by patent the 9th of August, 1603, and had summons to parliament the 1 of James I.* as "*Richardo Fynes de Say and Sele Chiv.*," after this

* Dugd. Lists.
of Summ.

Sir William Fienes, his son and heir, was by other letters patent 22 James I. advanced to the title of viscount Say and Sele, and by that title introduced into the House of Lords 22 June, 1625;† he was, according to lord Clarendon, of a close and reserved nature, of a mean and narrow fortune, but of great parts and of the highest ambition,—he was poor, proud, and discontented. He was made by Oliver Cromwell, one of his lords,‡ and lived to see the restoration, and rather strange to say, to be made lord Privy Seal; he died 14 April, 1662, and was succeeded by

† Journ Dom.
Proc.

‡ Vide Banks'
Dorm. & Ext.
Baron.

James, his son and heir, second viscount Say and Sele, who married Frances, one of the daughters and coheirs of Edward Cecil viscount Wimbledon, and had issue John and William, who died in their infancy; also another William, who died in France, s.p.; and two daughters hereafter mentioned. Dying thus, in 1673, without issue male surviving, the viscounty of Say and Sele devolved upon his nephew William Fienes, only surviving son of his brother Nathaniel Fienes, and the barony of Say and Sele fell into abeyance between his two daughters, whereof Frances, the youngest, married Andrew Ellis, of the county of Flint, esq., and died leaving an only daughter, Cecil, who married first, Sir Richard Langley, and secondly, William Fienes, but died s.p., in 1715,§ whereupon the abeyance of the barony of Say and Sele was determined.

§ Mon. Inscr.
apud Brough-
ton.

Elizabeth Fienes, eldest daughter and coheir, and thus eventually sole heiress of James viscount Say and Sele, married John Twisleton, of Horseman's Place, in the parish of Dartford, in the county of Kent, esq., by whom she had issue two sons and a daughter, who died in their infancy,|| and one daughter Cecil, who survived her; she died the 8th of March, 1673, and was interred in Bunhill Fields burying ground, London.¶

|| Ibid.
apud Dartf.
¶ Ibid. Bun-
hill Fields.

Cecil Twisleton, only surviving issue and heir of the said Elizabeth, married, first, George Twisleton, of Woodhall, in the parish of Wormersley, in the county of York, esq., and secondly, Robert Mignon, esq. By her first husband she had issue a son

Fienes Twisleton, who was a colonel in the army, and died 4 September, 1730, leaving

John Twisleton, his son and heir, who, in 1733 presented a petition to his majesty George II. claiming the barony of Say and Sele as heir general of the body of Sir Richard Fienes (or Fenys); which petition, on the attorney-general's report, was referred to

the house of lords, who sat in committee thereon several times, but the further hearing being on the 1st of April, 1734, adjourned for a fortnight, the parliament was prorogued on the 16th, and was immediately dissolved. After which it does not appear that Mr. Twisleton ever took any further proceedings, though he lived long after, and did not die till the year 1763.

He married, as it is said *on the faith of a Fleet Register*, 30 Dec., 1733, a female named Anne Gardner, (of humble rank,) by whom, with other issue, he had

Thomas Twisleton his eldest surviving son, who renewed the claim of his father, and after having gone through the Lords' Committees of Privileges, had the barony reported in his favour, and he was accordingly summoned to parliament as baron Say and Sele, 29 June, 1781.

In this case a great deal of evidence was given that Mr. Twisleton and Anne Gardner had the reputation of being married, and as such were visited by the earl of Guilford, and others of the first families in Oxfordshire, which seemed necessary to be brought forward to controvert a belief entertained by many to the contrary. That such a marriage might take place, may be admitted; but this gives not any proof that the children were not born before the marriage.

The printed case rather singularly states, that "*Parol evidence will be given of the birth of Colonel Thomas Twisleton in 1735.*" This date is subsequent to the marriage undoubtedly; yet if he had not been born prior, it seems not a little extraordinary that a parochial register of baptism could not be produced instead of parol testimony. If Mr. Twisleton was so careful and anxious about the copy of his Fleet marriage, as to preserve it, and desire it to be taken care of, as appears among his papers, it might be well imagined he would have been equally careful to have had the birth of his sons properly entered in the register of baptisms of the parish wherein they were born, to corroborate the proof of his actual and antecedent marriage. A Fleet certificate antedated was of easy acquirement. This case may form an analogy to that of Berkeley, the difference only, that it was successful, which result seems to meet the remark contained in one of the reports of the Lords' Committees for Inquiry, touching the dignity of the peerage, viz.: "*That it may be doubted whether the House has not in some cases been induced to their decision by influence, or by party motives.*" Upon the whole it would seem that a more rotten case, seldom, if ever before, came under their consideration.

SCALES.—(27 EDW. I.)

ROBERT DE SCALES, (said* to be descended from Harlewin de Scalariis, lord of Waddon in the county of Cambridge, at the conquest), had summons to parliament from the 27

* Parkins's
Topog. of
Freeb. Hund
and Half co
Norf.

to the 33 Edw. I., inclusive, and died the same year. In the 29 Edw. I. he was one of the barons who in the parliament at Lincoln subscribed the letter to the pope, being then written "*Robertus de Scales Dominus de Neuseles.*"^a

Robert de Scales, his son and heir, had summons to attend the coronation of Edw. II.,* and was called to parliament from the 34 Edw. I. to the 15 Edw. II., and died circ. the 18th of the same reign, leaving his son and heir Robert in minority; for whose wardship Egelina his mother, daughter of Hugh, and sister to Hugh de Courtenay, earl of Devon, paid two hundred marks fine to the king. This

* Copy of Writ in vol. ii.

Robert, third lord Scales, after having attained his majority, and had livery of his lands, distinguished himself in the wars of France and Scotland, and had summons to parliament from the 16 to the 43 Edw. III., inclusive, in which year he died, leaving by Catherine his wife, daughter of Robert, and sister and coheir to William de Ufford, earl of Suffolk,† Roger his son and heir, fourth lord Scales, aged twenty-two, and two daughters, viz: Margaret, who married Sir Robert Howard; and Elizabeth, who wedded Sir Roger de Felbrigg, which

† Vide Ufford.

Roger, fourth lord Scales, the 5 Richard II., was found by inquisition to be one of the coheirs to William, earl of Suffolk; and having had summons to parliament from the 49 Edw. III. to the 9 Richard II., inclusive, died the next year, leaving Joane his wife, daughter and heir of Sir John de Northwode, surviving, and

Robert de Scales his son and heir, fifth baron, who the 1 Hen. IV., was one of the lords in parliament who voted for the safe custody of the deposed king Richard II. He had summons from the 20 Richard II. to the 3 Hen. IV., and died soon after, viz: the 4 Hen. IV., leaving two sons, Robert and Thomas, whereof the eldest,

Robert de Scales, the sixth lord, was never summoned, but died unmarried the 7 Hen. V., whereby his brother Thomas became his successor, which

‡ Stow's Anals, & Hall's Chron.

§ Morant and Parkins.

Thomas, seventh lord Scales, had summons from the 23 to the 38 Hen. VI., but lost his life in support of the Lancastrian cause, 25 July, 1460.‡ By Emma his wife, daughter of Sir Simon Walesburgh,§ he had a son Thomas who died before him, and an only daughter and heiress Elizabeth, who married, first, Henry Bouchier, second son of Henry, earl of Essex, s.p., and secondly, Anthony Widville, son and heir apparent of Richard Widville earl Rivers.^b

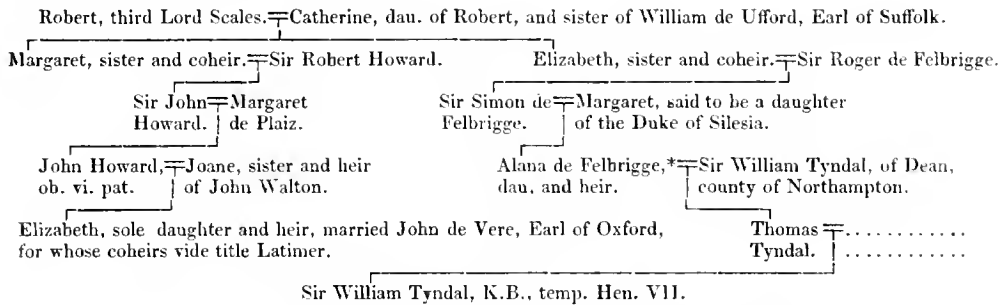
^a This manor was acquired by the marriage of his grandfather Robert de Scales with Alice, daughter of Sir Ralph de Rossa, sister and heir to her brothers Wilham and Peter de Rossa, or Roucester. Dugdale only mentions her christian name.

^b Thus terminated the male line of the ancient and noble family of Scales. Their castle at Middleton, near Lynn, in Norfolk, was a magnificent building; and though now in ruins, yet they bespeak the dignity and power of the founder, and the difference between ancient and modern nobility.—(Vide Banks's *Dorm. and Ex. Baronage*, vol. ii., Scales.)

WIDVILLE LORD SCALES.—(2 EDW. IV.)

ANTHONY WIDVILLE, son and heir apparent of Richard earl Rivers, had summons to parliament the 2 and 6 Edw. IV., vitâ patris, as “Antonio Wydevile Domino Scales.” He succeeded his father as second earl Rivers, but was beheaded in 1483, being one of the most accomplished noblemen of his day.* His sister Elizabeth was the wife of king Edw. IV. Dying s.p.l.,^a the barony of Scales devolved in abeyance between the issue before mentioned of Margaret and Elizabeth, the two sisters, and eventually coheirs, of Roger, fourth lord Scales.

* Vide Walpole's Nob. Auth. and Banks's Dorm. and Ext. Bar. vol.iii. Rivers.



* In 1431 she was wife of Sir Thomas Wanton, and is so named in her father's will, dated September, 1432.

SCROPE OF BOLTON.—(8 EDW. II.)

HENRY LE SCROPE,^b or Scroope, was appointed a justice of the common pleas, in the 3 Edw. II., and in the 10 was made chief-justice of the king's bench, in the room of William Inge.† In the 8 Edw. II. he had summons to parliament among the earls and barons; but in that writ the king's justices, and others of the king's council were intermixed with the barons;‡ after when, to the 19 Edw. II., he was only summoned along with others the king's justices. He died circ. 10 Edw. III., and was buried at St. Agatha's, near Richmond, in the county of York, where divers of the family were interred.§ He was seised of East Boulton, Little Boulton, and other Lands in the county of York.

† Chron. Jurid.

‡ Dugd. Lists of Summ.

§ Leland vol. viii. p. 13.

William le Scrope, his son and heir, was never summoned, and died s.p., leaving Richard le Scrope, his brother and heir, who was summoned to parliament from the 44 Edw. III. to the 3 Hen. IV., and died the year after, leaving Roger le Scrope, his son and heir, who had summons only in the 5 of Hen. IV.,

^a By a beloved mistress named Gwentlian, daughter of Sir William Stradling, he had a daughter Margaret who married Sir Robert Poyntz of Acton Iron, county of Gloucester.—*Blomfield's Norfolk*, vol. ix., p. 26, 8vo. edition.

^b Dugdale's account of the early part of this family is very unconnected; but in Leland (vol. viii., p. 13), there appears more consistency of information.—(Vide Banks's Dorm. and Ex. Baron., vol. ii.)

and died the next year, leaving by Margaret, his wife, one of the daughters and coheirs of Robert de Tibetot,*

* Vide Tibetot.

Richard le Scrope, his son and heir, who never was summoned, and died at an early age, circ. 8 Hen. V.,† leaving

† Esch. 9 Hen. V., m. 27.

Henry le Scrope, his son and heir aged three years, who after attaining his majority had summons to parliament from the 20 to the 33 Hen. VI. as "*Henrico le Scrope (de Bolton), Ch'vr.*," being the first time of being so distinguished. He died the 37 Hen. VI., leaving by Elizabeth, his wife, daughter of John lord Scrope, of Masham,

John le Scrope, his son and heir, whose name is contained in the writs of summons from the 38 of Hen. VI. to the 12 Hen. VII.,‡ though Dugdale asserts he died the 12 July, 1494.^a By Joane, his first wife, daughter of William lord Fitz Hugh, he had issue

‡ Dug. Lists of Sum.

Henry le Scrope, his son and heir, who was never summoned to parliament. According to Dugdale,§ he is said to have been twice married, first, to Elizabeth, daughter of Henry Percy, earl of Northumberland, by whom he had Henry, his son and heir; and secondly, Alice sole daughter and heir of Thomas lord Scrope, of Upsal,^b by whom he had a daughter Elizabeth, married to Sir Gilbert Talbot. He died circ. 22 Hen. VII., and was succeeded by

§ Baron., vol. ., p. 657.

Henry le Scrope, his son and heir, who had summons from the 6 to the 21 Hen. VIII., but it is to be observed, that in the writs of the 6 and 7 Hen. VIII.|| he is erroneously named *Richard*, an error probably in transcribing the list from the rolls of those years, which in the subsequent writs was corrected. By Mabel, daughter of Thomas lord Dacres, he had issue

|| Dug. Lists of Sum.

John le Scrope, his son and heir, who had summons from the 25 Hen. VIII. to the 6 Edw. VI., and died circ. the following year, 1554, leaving by Catherine, daughter of Henry, earl of Cumberland,

Henry le Scrope his son and heir, who had summons from the 2 Philip and Mary to the 31 queen Elizabeth, and died circ. the 34 of the same reign. He was twice married, first to Margaret, daughter of Henry Howard, earl of Surrey,¶ by whom he had Thomas and Henry, s.p.; and secondly, to Alianor, daughter of Edward lord North, and by her had a daughter Mary, who wedded William Bowes of Strettham, in the county of Durham; but Sir Harris Nicolas calls her the first wife,** as does an Harleian MS.††

¶ Dug. Bar., vol. i., p. 657.

** Synopsis vol. i. p. 22, Addend.
†† No. 1160.

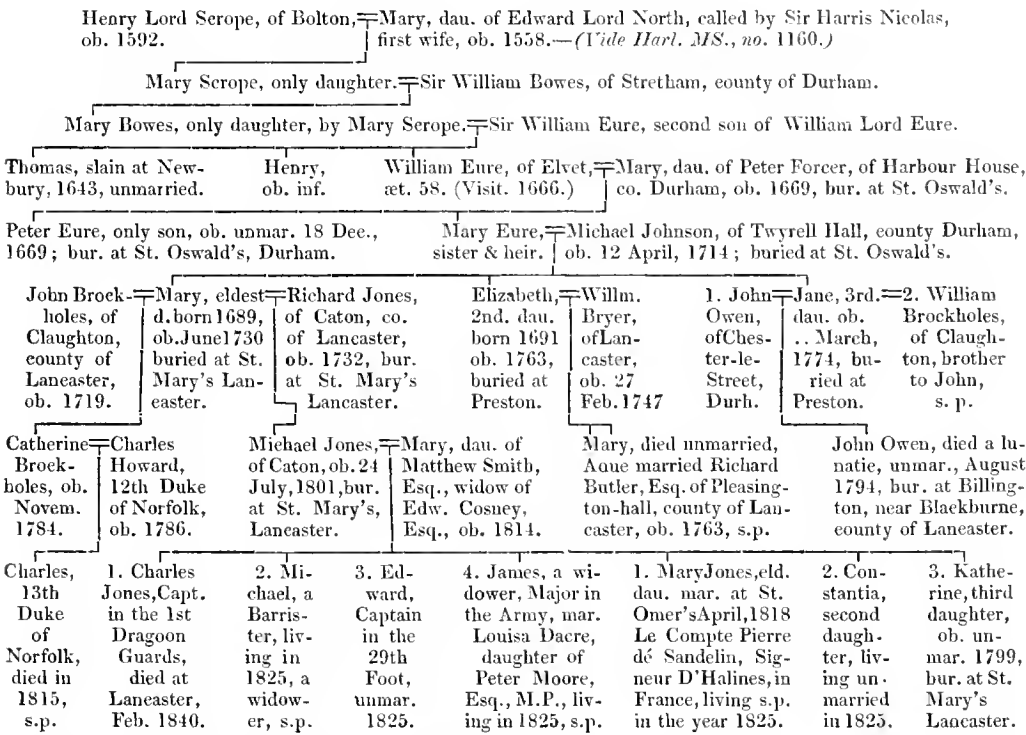
^a Dugdale only notices this Joane, and Anne as a second wife, but she was his third wife, and his widow, s.p. His second was, as stated by Hunter in his Deanery of Doncaster (vol. i., p. 92), Elizabeth, daughter of Sir Oliver St. John, relict of John lord Zouche. He died 12 July, 1494, and as desired by his will, dated in that year, was buried in the Black Friars church at Thetford.

^b Leland (vol. viii., p. 65), mentions Henry Scrope, the fourth, and his wife, daughter to the lord Scrope of Upsal, and his second wife, daughter to the lord Dacre and Greystoke. This Henry had no issue by his first wife, but he had the lord Scrope, that is now, by his second wife. This statement makes her the wife of his son, and not of him.

Thomas, his eldest son, the next baron, had summons to parliament from the 35 Elizabeth to the 8 James I., inclusive, and died about two years after, 1612, leaving issue

Emanuel Scrope his son and heir, who having had summons from the 12 James I. to the 1 Charles I., (1625) was in 1627 created earl of Sunderland. He married Elizabeth, daughter of John Manners, earl of Rutland, but had no issue by her, and dying circ. 1631, s.p.l., the earldom became extinct; but the barony of Scrope of Bolton devolved, as it is considered, upon the heir representative of Mary the wife of William Bowes, before mentioned.

The earl had three natural daughters, of which, Mary married, first, Henry, second son of Henry Carey, earl of Monmouth; and secondly, Charles, marquess of Winchester, who thereby acquired the estate of Bolton, and was afterwards created duke of Bolton.^a Annabella married John Grubham Howe, esq., ancestor of the late earl Howe; and Elizabeth married Thomas Savage, earl Rivers. These ladies were afterwards legitimated, and had the rank of earl's daughters given to them: the power of prerogative superseding the law of the church, and rendering bastardy more an honour than a disgrace.



^a It is not a little curious that as the estate of Bolton, with the assumption of title, came into the Paulet family by a *bastard*, so they similarly went out of it by *another*, to the family of Orde.

SCROPE OF MASHAM.—(16 EDW. III.)

* Vol. viii.,
p. 54.

GEFFERY LE SCROPE, the founder of this family, was, according to Leland,* brother to Henry lord Scrope of Bolton; but Dugdale does not so mention, only stating he was of the same family. That he was contemporary appears from both of them being inserted in the same writs by which they were frequently summoned ex officio among the king's justices. The 17 Edw. II. he was chief-justice of the King's Bench, though afterwards removed; but was again appointed the 3 Edw. III.,† in which year he had summons among the earls and barons to a great council to be holden at Windsor;‡ but thereafter was only summoned along with the king's justices. In the 2 Edw. III. he had a charter for free warren in all his demesne lands at Masham, and elsewhere in the

† Chron. Jur.

‡ Dugd. Lists
of Summ.

county of York;§ and according to Dugdale was advanced to the dignity of a *banneret*, with two hundred marks per annum for the support of that honour.^a He died the 13 Edw. III., leaving by Rametta or Ivetta his wife, daughter of William de Ross of Igmanthorpe,

§ Cart., n. 17.

|| Vide Athol.

Henry le Scrope his son and heir, and a younger son John, who married Elizabeth, daughter and coheir of David de Strabolgi, earl of Athol.|| This Henry had summons to parliament from the 16 Edw. III. to the 15 Richard II., in which year he deceased, leaving Stephen his son and heir, aged forty; which

¶ Dugd. Lists
of Summ.

Stephen le Scrope had summons to parliament the 16 Richard II., as "*Stephen le Scrope, de Masham*," and from thence by the same designation to the 7 Hen. IV. inclusive,¶ in which year he died, leaving by Margery his wife, daughter of John lord Welles, and widow of John de Huntingfield, several sons; whereof

** Rapin,
Smollet, &c.

Henry, the eldest, was his successor, and had summons from the 8 Hen. IV. to the 2 Hen. V., as lord Scrope de Masham; but being implicated in the conspiracy of the earl of Cambridge and others, to take away the life of that king, and being found guilty, he was beheaded,** and his barony forfeited:^b dying s.p., his brother

^a In the Camois case lately before the House of Lords, this dignity of a *Banneret* was much canvassed as to its import; whether an hereditary honour or merely personal; and whether implying a baronial creation, as contended ex parte the claimants.

^b In Prynne's abridgement of the Tower Records (p. 569) it is said by the duke of Exeter that the king (Hen. V.) did much repent taking away the lands of the lord Scrope, on the attainder of the last lord, as they were entailed to his brothers Geffery, Stephen, and John le Scrope; and that the lord Fitz-Hugh and William Porter, to whom they were given, were contented to restore them on proof of the entail. His first wife was Philippa, daughter of Sir Guy de Bryan, knight, who died s.p., and was buried in Scrope chapel, York Minster. His second was Joan, sister and coheir to Edmund Holland, earl of Kent, relict of Edward, duke of York, and of William lord Willoughby also, s.p.

Stephen le Scrope became his next heir. He was arch-deacon of Richmond, and dying about the 2 Hen. VI., his brother and heir John, had livery of his lands;* which

* Vide
Rot. Parl.,
vol. v., p. 43.

John le Scrope wrote himself of Masham and Upsall, where he had two eminent seats, and had summons to parliament from the 4 to the 33 Hen. VI. inclusive, as "*Johanni le Scrope, de Masham*," and died the year following, leaving Thomas his surviving son, his successor; Henry, the eldest, having died young,† and John, the second son, having predeceased him, s.p.; which

† Inscip.
Scrope Chap.
York Minster.

Thomas le Scrope had summons from the 38 Hen. VI. to the 12 Edw. IV. by the same designation as his father, and died about the fifteenth of the same reign, having had issue by Elizabeth his wife, daughter of Ralph lord Greystoke, four sons, Thomas, Henry, Ralph, and Geffery, and three daughters, hereafter mentioned.

Thomas le Scrope, the eldest son, had summons from the 22 Edw. IV. to the 7 Hen. VII., as lord Scrope de Masham, and died shortly after, about the 9 Hen. VII.—He married Elizabeth, one of the daughters and coheirs of John Neville, marquess of Montague,‡ and had issue an only daughter Alice, who married Henry lord Scrope, of Bolton, whereby the barony of Scrope of Masham, descended upon her,^a but she dying s.p.s.,§ it reverted again upon her uncle and heir,

‡ Vide
Montague.

Henry le Scrope, who had summons to parliament the 3 Hen. VIII., as "*Henrico Scrope de Scrope et Upsall, Ch'vr.*" He died soon after, s.p., and was succeeded by his brother and heir,

§ Note per
T. C. Brooke,
no. 8.

Ralph le Scrope, who is said by Dugdale|| to have been summoned to parliament the 6 Hen. VIII., but his name does not appear in the writ for that year, though it is inserted in the index to his writs of summons. In the writ of the 7 Hen. VIII., there is named *Richard le Scrope, Ch'vr*" which not improbably may be an error, and meant for *Ralph*; there not being at that time any *Richard Scrope of Bolton*, existing. This Ralph also died s.p.; his will is dated 10 August 1515; proved the 18th of March following, wherein he mentions *Johanna* his wife, and Geffery Scroope, Clerk, his brother and heir, which

|| Bar., v. i.,
p. 661.

Geffery le Scrope was his successor, but never had summons to parliament, and dying s.p., 9 Hen. VIII., his three sisters, or their representatives became his coheirs, and the barony fell into abeyance between them. Of these sisters,^b

^a In a note by the late Mr. Francois Townshend, Windsor Herald, she is said to have had two daughters, Mary and Elizabeth; the first died before her mother, who died in the birth of her second, which died shortly after.

This Alice was probably not his daughter by Elizabeth Neville, but by a former wife Alice, daughter of Sir Walter Wrottesley, knight, and was so named after her mother. This wife is not noticed by Dugdale.—(Vide *Collins's Baronetage in Wrottesley Family.*)

^b Leland (vol. iv., p. 3), says of these, that one married Strangeways, of Harlescy; another Danby; the third, Strelly, of Nottingham, of whom came two daughters, whereof one married Bingham, the other Wyvell, who by her had the house or estate at Clifton.

Alice married Thomas Strangeways, esq. Mary married Sir Christopher Danby, knight, of Farnley, in the county of York, who had issue a son Sir Christopher, who married Elizabeth, daughter of Richard Nevill lord Latimer, and had Sir Thomas Danby, and five other sons, and eight daughters, who all married :* which Sir Thomas was great-grandfather to Thomas Danby, first mayor of Leeds, who by Margaret his wife, daughter and coheir of Colonel William Eure, second son of William lord Eure, and coheir to her cousin Ralph lord Eure, had issue two sons, Thomas, who died young, and Christopher, slain at Watless Moor; as also a daughter Mary, baptized May 2, 1661. Christopher Danby, brother to Thomas the mayor of Leeds, and also great-grandson of Sir Thomas and Elizabeth Nevill, was father of Sir Abstrupus Danby, whose son Abstrupus was living in 1712, whose heir general in 1829, was presumed to be the countess of Harcourt, then wife of William the last earl Harcourt.

* Thoresby's
Leeds, p. 202.

Elizabeth Scrope, the third sister and coheir married Sir Ralph Fitz Randolph, of Spenthorne, in the county of York, knight, who had a son John, s.p., and five daughters, whereof Elizabeth married Hugh Strelly, of the county of Nottingham. Alice married Charles Dransfield, esq., and had a son Ralph, who died s.p., and four daughters, of which Isabel married John Swale, of Swinton; Elizabeth, ——— Warcop, of Sandall; Anne, Francis Percy of Scotton;^a and Dorothy wedded John Forster, of Leyburn.— Mary Fitz Randolph married Ralph Batty, s.p.; Dorothy married Lancelot Ashe, and had issue; and Agnes the fifth daughter was the wife of Marmaduke Wyvell, of Little Burton, esq., and had issue Christopher, who married Margaret, daughter of John, a younger son of Henry lord Scrope, of Bolton, by Elizabeth, daughter of Henry, earl of Northumberland, which Christopher was father of Sir Marmaduke Wyvell, the first baronet, whose wife Magdalen was a daughter of Sir Christopher Danby, of Thorpe Park, in the county of York, knight, by which lady he had six sons, and two daughters.†

† Monnm.
Inscrip. apud
Masham.

Thus the coheirs to this barony are of very extended ramification.

SEGRAVE.—(23 EDW. I. AND 49 HEN. III.)

GILBERT DE SEGRAVE was lord of Segrave, the 12 Hen. II., whose great-grandson

Nicholas de Segrave, taking part with Simon de Montfort, and the confederate barons, was by the citizens of London, constituted their general, and commanded their troops at the battle of Lewes, where the royal army was defeated, and the king himself, and prince Edward his son, taken prisoners; after which, the barons calling a parliament in the king's name, he was one of those eminent men summoned thereto, the 49 Hen. III.‡ But at the battle of Evesham, so fatal to the barons, he was wounded, and taken

‡ Dugd. Lists
of Summ.

^a This family of Percy was seated at Scotton from a very early period, and is supposed to be descended from that ancient house before the marriage of the heir female with Josceline of Lovaine. He had issue.

prisoner: however, he was afterwards admitted to take the benefit of the Dictum de Kenilworth; and became so much in favour as to obtain a free pardon, and to be summoned to parliament the 23 Edw. I.;^a in which year he died, leaving by Matilda de Lucy, his wife, (whose name is not mentioned by Dugdale,) five sons, viz: John, Nicholas, Geffery, Peter, and Gilbert: whereof, the eldest.

* Dug. Lists of Sum.

John de Segrave was the next baron; and had summons to parliament from the 24 Edw. I. to the 18 Edw. II., and was summoned to the coronation of that king.[†] He died circ. 18 Edw. II., having had issue by Christian de Plesssets, his wife, a son Stephen, and four daughters, Eleanora Kiriel, Margareta, Alicia, and Christiana de Moune.[‡] The said Stephen died before his father, having married Alicia de Arundel, and had issue a son Edmund who died young, and

† Coron. Rot. 1 Edw. II.

‡ Ex. MS. pen. Dom. Will. Howard de Naworth.

John de Segrave successor to his grandfather Nicholas. He had summons from the 10 to the 25 Edw. III., and died circ. the 27 of the same reign, leaving by Margaret his wife, daughter and coheir of Thomas de Brotherton, earl of Norfolk, (eldest son of king Edward I., by his second wife, Margaret,) an only daughter and heir Elizabeth.^c who married John, baron de Mowbray, and had issue John, earl of Nottingham; and Thomas, his brother, afterwards created duke of Norfolk; § in whose coheirs general (as noticed under the article of Mowbray) the barony remains in abeyance, viz: the earl of Berkeley, and the lords Stourton and Petre.

§ Vide Mowbray.

NICHOLAS SEGRAVE.—(23 EDW. I.)

THIS Nicholas was the second son of the before named Nicholas, and was of Barton Segrave, in the county of Northampton, which he had by the gift of Nicholas his father, in whose lifetime he was also summoned to parliament the 23 Edw. I., by the distinction of *Nicholas de Segrave, Junior*, as his father was by that of *Nicholas de Segrave, Senior*. He was afterwards summoned from the said year to the 14 Edw. II., and to the coronation of that king, as was his brother John. || In the 29 Edw. I. he was one of the barons who in the parliament at Lincoln subscribed the letter to the pope, being then written

|| Coron. Rot. 1 Edw. II.

^a From the Rolls of Parliament it appears that in the 18 Edw. I., in a parliament then holden, the summons whereto is not upon record, he was one of those appointed to treat of the affairs of Scotland; but this record has been refused as evidence of a sitting by the house of Lords, on the ground that it was not written on the Clause Roll but tacked thereto, and in a different handwriting from the Roll.—(Vide *Botetourt claim, coram Dom. Proc.*)

^b He was one of the barons who in the parliament at Lincoln, (29 Edw. I.) subscribed the letter to the pope, being designated "*Johannes Dominus de Segrave.*"

^c He had a son John, who married Blanch, a daughter of John, Lord Mowbray, whose son John married the said Elizabeth Segrave, who by the death of her brother John s.p., became the sole heiress of her father.—(Ex. MS. pen. Dom. Will. de Howard de Naworth.)

“*Nicholaus de Segrave Dominus de Stowe.*” He died circ. 15 Edw. II., without male issue, leaving Maud his daughter and heir married to Edmund de Bohun, in whose representatives (if any) the barony may be considered now vested.

* Rot. Pat. 5 Ric. II., pars. 2, m. 11.

† Ibid 4 Ric. II., pars. 3, m. 19.

‡ Rot. Parl. v. iii., p. 4.

Of this name was Hugh de Segrave, to whom king Richard II.* granted in fee the manor of Overhall, with its appurtenances in Liston, in the county of Essex, to hold by the service of making wafers, and serving the king therewith on the day of his coronation. The said Hugh was treasurer of the exchequer;† and in the 1 Ric. II. is mentioned to have been a *trier of petitions*, with divers earls and others,‡ though his name does not appear in any writ of summons to have been called to parliament; his presence must be presumed to have been *ex officio*.

SOMERI.—(1 EDW. II.)

JOHN DE SOMERI, in the time of Henry II., having married Hawyse, sister and heir of Gervase Paganel, lord of Dudley, in the county of Stafford, thereby acquired that barony; and was succeeded therein by Ralph de Somerie, his son and heir: from whom descended

John de Someri, who had summons to parliament from the 1 to the 15 Edw. II., as *Johanni de Somery*, but without any allusion to the title of *Baron de Dudley*, though it may be presumed that it was the possession of the lands of Dudley, which caused him to be summoned; yet as the writ was merely personal, the name of his barony appears rather to be more appropriately, *Someri*, than *Dudley*. He died circ. 15 Edw. II., leaving Margaret, wife of John de Sutton, and Joane, wife of Thomas de Botetourt, his sisters and coheirs, and Lucia his wife surviving. On partition of the inheritance the castle of Dudley was assigned, together with the town of Dudley, and other considerable lands, to Margaret the wife of Sutton, whose son and heir John de Sutton was afterwards summoned to parliament, as under the article of Sutton will be hereafter noticed.§

§ Vide Sutton.

Edmondson in his *Baronagium* asserts that these coheirs were *daughters* and *not sisters* to John de Someri; yet the Escheat Rolls prove they *were sisters* and *not daughters*; in which instance the barony under the writs of summons of Edw. II. became extinct, and did not continue as Edmondson would infer.

SOMERVILLE.—(1 EDW. III.)

SIR WALTER DE SOMERVILLE, the founder of this family, according to Dugdale, was a Norman; and coming over with the conqueror, had by his gift the lordship of Whichnovre, in the county of Stafford. From him, after a long lapse of time, descended

Robert de Somerville, who married Isabel, one of the daughters and coheirs of Roger de Merley,^a a great feudal baron, lord of Morpeth, in the county of Northumberland, and had issue five sons, viz: Robert, Roger, John, who died in the same year with his father the 11 September, 1297,* Adam, and Philip, and a daughter Isabel who died 15 February, 1304.† Of these sons, who all died without issue male,

* Wallis's
Northumb.,
vol. ii., p. 291.
† Ibid.

Roger and Philip de Somerville were summoned among divers earls and barons to attend, equis et armis, a great council to be holden at Newcastle-upon-Tyne, the 1 Edw. III.;‡ but their names are not included in any of the writs of summons to parliament either to Lincoln or York of the same year, nor are they mentioned in any subsequent writs of summons.

‡ Dug. Lists
of Sum.

Roger de Somerville died the 10 Edw. III., leaving Philip his brother and heir; but Agnes the wife of Roger surviving, and being then pregnant, livery to Philip was temporarily suspended.§

§ Orig. 11
Edw. III.,
Rot. 6, Ebor.

Philip de Somerville died 29 Edw. III. s.p.m., when Rhese Ap Griffith, husband to Joan, and John Stafford, husband to Maud, daughters and coheirs of Philip de Somerville, had livery of his lands.||^b

|| Orig. 29
Edw. III.,
Rot. 3, North-
umberland.

From the said Rhese Ap Griffith descended Sir Rhese Ap Griffith, whose sister and heiress Frances married Sir Matthew Boynton, the first baronet, who thereby obtained Burton-Agnes, in the county of York, the present seat of the Boynton family, which was first acquired by the marriage of Robert de Somerville with the coheiress of Merley, and by the Merleys, similarly by marriage with Alice, daughter and coheir of Robert de Stuteville, lord of Burton-Agnes, son of Osmund, second son of Robert de Stuteville, baron of Cottingham.

Sir Matthew Boynton, by Frances Ap Griffith his wife, had issue Francis his son and heir, the second baronet, whose grandson,

Sir Griffith Boynton dying s.p., his sister Constance would have been his heir; but she died in his lifetime, having married Richard Kershaw, D.D., Rector of Ripley, in the county of York, whose issue, if any,^c would now be the heir general of the families of Ap Griffith and of Somerville. He was succeeded in the baronetcy by his cousin Francis, son of his uncle Henry Boynton, from whom is descended the present baronet.

^a *Rot. Pat. 3 Edw. I., m. 25.*—*Maria uxor Will'i filii Thomæ de Greistock primogenita, et Isabella uxor Roberti de Somervill, altera filiarum et hæred' Rogeri de Merlay.* But Wallis (p. 291) citing a very ancient autograph, says her name was *Johanna*, wife of Robert de Somerville.

^b In Glover's Visitation of the county of Chester, A.D. 1580, he gives four daughters of Philip de Somerville, viz., Joane wife of Rhese Ap Griffith; ——— wife of Robert Willoughby; Matilda wife of ——— Inteo; and Elizabeth wife of John Stafford.

^c She died in 1705, having had issue three sons, viz: Boynton, died an infant; William s.p.; John, died an infant; and a daughter Elizabeth.—(*Thoresby's Ducatus Leodiensis, p. 22.*) Dr. Kershaw remarried Rebecca Sykes, and had issue, and died in 1736.

Mr. Betham and Playfair, with the genuine spirit of bombast and genealogical flattery, represent this family to be descended through the Ap Griffith alliance, from a race of kings, princes, dukes, &c., both before and after the conquest; yet they have omitted the name of king Solomon, who having several hundred wives and concubines, and he so famous for his wisdom, a descent from him would have much added to the heraldic glory of the family. The calamity of the great flood may be presumed to have destroyed the evidence of descent from Adam, the sole and first monarch of the earth, or those proficient gentlemen would doubtless have referred to him as a rare instance of family lineage and antiquity.

ST. AMAND.—(28 Edw. I.)

RALPH DE ST. AMAND, who lived in the time of Henry III., married Asceline, sister and coheir to Robert de Albini, baron of Cainho, in the county of Bedford, and was grandfather to

Almaric de St. Amand, who had summons to parliament from the 28 Edw. I. to the 4 Edw. II., to whose coronation he was also summoned.* In the 29 Edw. I., he was one who in the parliament at Lincoln subscribed the letter to the pope, being then

written,† “*Almericus de S. Amando Dominus de Wydehay.*” He died circ. 3 Edw. II.,‡ s.p., when his barony became extinct, and

John de St. Amand, his brother and heir, who by writ addressed “*Johanni de S. Amando,*” had summons from the 6 to the 19 Edw. II. inclusive, shortly after which he died, leaving

Almeric de St. Amand, his son and heir, who does not appear to have been summoned till the 44 Edw. III.; but it may be observed, that he was much engaged in the wars of France and Scotland, and was for some time justice in Ireland. He was summoned from the 44 Edw. III. to the 5 Ric. II., in which year he is said to have died, when he was succeeded by

Almeric, his son and heir, who had summons from the 6 Ric. II. to the 3 Hen. IV. inclusive, and died the year following,§ leaving Gerard Braybroke, son of Alianor, his only daughter by Ida his first wife, and Ida, his daughter by Alianor his second^a wife, his coheirs; which Ida afterwards married Sir Thomas West, but by him had not any issue, whereby the inheritance vested in abeyance eventually in the three daughters and coheirs of Alianor de Braybroke; of these, Elizabeth married William de Beauchamp, grandson of John de Beauchamp, of Powyk; Maud wedded John Babington, and died s.p.; as did Alianor Braybroke, the third daughter.

^a She was heiress of the family of St. Elen.—(*Lyson's Mag. Brit.*, vol. i., p. 228.)

BEAUCHAMP LORD ST. AMAND.—(27 HEN. VI.)

WILLIAM DE BEAUCHAMP, having thus in right of his wife, Elizabeth Braybroke, become ultimately sole heir to the barony of St. Amand, was by writ summoned to parliament from the 27 to the 33 Hen.^a VI. inclusive,* as “*Willielmo Beauchamp Domino de S. Amando;*” shortly after which he died, the 35 Henry VI.,^b leaving Elizabeth, his wife, surviving, who is said to have remarried Roger Tuchet, and

* Dugd. Lists of Summ.

Richard de Beauchamp, his son and heir, aged 4. In the 1 of Ric. III., he was attainted and his honors thereby forfeited, but he was fully restored the 1 Hen. VII., and had summons to parliament by the same description as his father, in the 12 Hen. VII., after when he does not appear to have been again summoned. He died in 1508, without legitimate issue; when the barony of St. Amand is presumed to have become vested in the descendants, if any, of Isabella, sister of Almaric, the second of his name, baron St. Amand, which Isabella married, first, Richard de Handlo; and secondly, Robert de Ildesle.†

† Nicolas's Synopsis, v.ii., p. 558.
‡ Ibid.

Sir Harris Nicolas in a note in his Synopsis, remarks,‡ that in the will of this Richard lord St. Amand, he leaves a cup to his *neice Leverseye*, which was probably meant for his wife's niece, as if a daughter of *his own sister*, she would have been in the course of succession to the barony. The name of his wife was Anne,§ daughter of Sir Walter Wrottesley, knight. She had two sisters named in Collins's Baronetage, but the name of *Leverseye* does not appear among the issue of either of them, or of either of her brothers.

§ Brooke on Camd. err., p. 26.

The family of Baynton, of Bromham, in the county of Wilts, became the heir *ex parte paternâ* of the Beauchamps, which intimates a failure of descendants of the blood of St. Amand.||

|| Vide Bank's Dorm. & Ext. Baron. vol.ii., p. 508.

ST. JOHN OF BASING.—(28 EDW. I.)

THE paternal name of this family was *Port*; but Adam, (great-grandson of Hugh de Port, who at the time of the general survey held fifty-five knights' fees in the county of Southampton, where Basing was the head of his barony), having married Mabel, daughter of Reginald de Aurevalle, by Muriel, daughter and heir of Roger de St. John (of Stanton), by Cecily his wife, daughter of Robert de Haya, lord of Halnac, in Sussex. His son and heir,

^a *Vide Pat. Rot. 29 Hen. VI. m. 8.*—“*Will'us Beauchamp Miles D'nus de St. Amando.*”

^b Dugdale in the Index to his Writs of Summons, recites the name of *William de Beauchamp, de St. Amand*, in the 38 Hen. VI., and the 1, 2, 6, 9, and 12 Edw. IV. But the name of William de Beauchamp is not contained in any one writ of those years.

William de Port assumed the surname of St. John, writing himself, "*Willielmus de Sancto Johanne filius et hæres Adæ de Port*, and the 15 king John gave five hundred marks to the king for livery of the lands of Adam de Port his father.

Robert, his son and heir, died circ. 51 Hen. III., leaving by Agnes his wife, daughter of William de Cantilupe,

John de St. John his son and heir, who was an eminent soldier in his day, and distinguished in the wars of France and Scotland; he was an ambassador to France, and died circ. 30 Edw. I., leaving by Alice, daughter of Reginald Fitz Piers, John his son and heir; and according to Collins, William his second son, ancestor to the viscounts Bolingbroke, and barons St. John, of Bletsboe.

John de St. John, the eldest son, in the lifetime of his father, had summons the 26 Edw. I. to Carlisle, *equis et armis*, in which writ he is styled *a baron*, and as "*Johan' de Seint John le fuiz*;" the earls and barons in that writ being all distinguished by their respective ranks.* In the 28 Edw. I. he had summons to parliament as "*Jo' de Sancto Johanne, juniori*,"† his father being then still living. In the 29 Edw. I. he was one of those who in the parliament at Lincoln subscribed and affixed their seals to the famous letter to the pope, by the designation of "*Johannes de S. Johanne Dominus de Hanak*,"‡ but after this time, from the 32 Edw. I., his father being dead, he was only summoned by the name of "*Johannes de Sancto Johanne*," but from the 15 to the 19 Edw. II. with the addition of De Basing. Dugdale states that he died the 12 Edw. II., which appears an error from the writs of summons addressed to him, for so many as eight years after that date, viz., to the 20 Edw. II. inclusive,§ he most probably deceased circ. 3 Edw. III., leaving by Isabel, his wife, daughter of Hugh de Courtney,

Hugh de St. John, his son and heir, aged 26, who never had summons, and died circ. 11 Edw. III., leaving Mirabel, his wife, surviving; and Edmund, his son and heir; as also two daughters, viz., Margaret and Isabel; which

Edmund de St. John was then only four years of age, and died in his minority, and in ward to the king, the 21 Edw. III., s.p.,|| leaving his two sisters, before mentioned, his coheirs, whereof

Margaret St. John married John St. Philibert,¶ and had a son John, who died s.p.; and Isabel married, first, to Henry de Burghersh, s.p.; and secondly, Lucas de Poynings, who eventually became sole heir to the barony,** in right of Isabel his wife, and having issue by her, and doing his homage, had livery of all the lands so descended.*†

^a His name does not appear in the writ of summons, tested the 26th of September, to the parliament at Lincoln, though it is mentioned in the previous one, tested 29 December, 28 Edw. I., to the parliament at London, which leaves it to be considered whether it was not his father who subscribed the letter as *Dominus de Hainac*, and was then alive.

* Dug. Lists of Sum.
† Ibid.

‡ Ibid.

§ Ibid.

|| Orig. 21 Edw. III., Rot. 21.

¶ Vide St. Philibert.

** Vide Poynings.

*† Dug. Bar.

Mr. Berry in his *Sussex Genealogies*,* has given a third sister Alice, married to John Kingstone, by whom she had a son Thomas Kingstone. * p. 61.

There was a Roger de St. John, who with his consort, had summons to the coronation of Edw. II.;† but his name is unnoticed by Dugdale, nor is it recited in any pedigrees of the family. He probably was the eldest son of the baron, and had summons in that character, and might die vitâ patris, s.p., as the baron lived to the 20 Edw. II. This may account for his name being passed over by Dugdale. † Vide Copy of Coron. Rot. in vol. ii.

ROGER DE ST. JOHN.—(49 HEN. III.)

BESIDES the family of St. John of Basing, Dugdale states‡ there was another of that name seated in the county of Oxford, but he does not intimate how far the one was connected or related with the other; and his account is altogether much confused; but Mr. Collins in his peerage of the viscount Bolingbroke, asserts that Roger de St. John, who married Cecily de Haya, (as noticed under St. John of Basing) was brother to Thomas de St. John, lord of Stanton St. John, in the county of Oxford. From which Thomas descended ‡ Baron., v. i., p. 539.

Roger de St. John, who was one of the barons in arms with Simon de Montfort and the other confederate lords, and was summoned to that parliament called by them in the king's name the 49 Hen. III. § He was afterwards slain in the battle of Evesham. He married one of the sisters of Richard de Lucie of Egremont, and had issue a son John, with whom Dugdale closes his account of this family, by reason he says, || *"I do not find any of this line summoned to parliament;"* yet in the second volume of his *Baronage* ¶ he deduces the family of *St. John of Lageham*, from the very same line as hereafter mentioned. § Dugd. Lists of Summ. || Baron. v. i., p. 539. ¶ Ibid vol. ii., p. 9.

ST. JOHN OF LAGEHAM.—(25 EDW. I.)

ROGER DE ST. JOHN, (before mentioned), obtained from Richard de Lucie, with the marriage of Lucy his sister, a moiety of the lordship of Wolenestede, in the county of Surrey; ** and the 46 Hen. III. had a licence to fortify his house of Lageham in that county, near Wolenestede.*† ** Ibid vol. i., p. 539. *† Vol. ii., p. 9.

John de St. John, his son and successor, in the 24 Edw. I. had summons to Newcastle-upon-Tyne equis et armis, and to a great council to be there holden,*‡ as *"Johanni de Sancto Johanne de Lageham,"* and the next year, 25 Edw. I., he had summons to a parliament at Sarum, by the same description; *¶ also similarly the 28 Edw. I. to a parlia- *‡ Dugd. Lists of Summ. *¶ Ibid.

ment at London, and to the parliament at Lincoln; but his name does not appear among those who in that parliament subscribed the letter to the pope. By the same denomination he continued to be summoned to the 35 Edw. I., inclusive. In the 1 Edw. II. he is named *Johanni de Sancto Johanne*, without the distinction of Lageham; but after then his name is not included in any writ of summons till the 6 Edw. II., when it again is mentioned with the addition of *de Lageham*,^a and so continued till his death, circ. 10 Edw. II., being then seised of Lageham and of the manor of Stanton, (otherwise called Stanton St. John), in the county of Oxford. His son and heir,

John de St. John, had summons from the 11 to the 16 Edw. II. with the addition

* Dugd. Lists
of Summ.

of de Lageham,* and died in that year, leaving

† Ibid.

John de St. John his son and heir, who was summoned the 1, 2, 4, and 5 Edw. III., but without the distinction of de Lageham.† He married Catherine, daughter of Geffery de Say, and died circ. 23 Edw. III., being then seised of Lageham, in the county of Surrey, and of Staunton St. John, in the county of Oxford, leaving

‡ Dugd. Bar.,
v. ii., p. 10.

Roger de St. John his son and heir, who was never summoned, and died the 27 Edw. III., s.p., having released to Sir Nicholas de Lovaine, knight, and Margaret his wife,‡ all his right in the manor of Lageham. Peter de St. John, being (according to Dugdale) his kinsman and heir, aged forty; which Peter, by the following pedigree appears to have been his uncle.

Roger de St. John, had Lageham, by gift of Richard de Lucie, slain at Evesham. — Lucy, sister to Richard de Lucie.

John de St. John, ob. 10 Edw. II.—(*Esch. n. 73-4, Jahn, son and heir, atat. 30.*) —

John de St. John, ob. 23 April, 16 Edw. II.—Margery, survived and remarried John de — (*Esch. n. 12, Jahn, son and heir, at. 15.*) | Ifield, ob. 20 Edw. III.—(*Esch. n. 35.*)

John de St. John, ob. 23 Edw. III.—(*Claus.* — Catherine, daughter of Lord Say. | Peter de St. John, uncle and heir to Roger.—*n. 163, pars. 2, Roger, son and heir, at. 20.*) | *Vide Manning and Bray's Surry, vol.ii.p.825.*

Roger de St. John, ob. 28 March, 27 Edw. III.—(*Esch. n. 27, s.p.*)

ST. MAUR.—(8 EDW. II.)

NICHOLAS, son and heir of Lawrence de St. Maur, of Rode, in the county of Somerset, had summons to parliament the 8 and 9 Edw. II., and died the next year, leaving by Eve de Meysy his first wife, a son Thomas, and by Helen, daughter and coheir of Adam le Zouche, of Asheby, his second wife, (who survived him) a son Nicholas.

^a In the writ of the 1 Edw. II. two names of *John de St. John* are mentioned, which purport to apply to St. John of Basing, and to this St. John of Lageham; but in the subsequent writs to the 6 of Edw. II., only one is noticed, which leaves it doubtful to which of the two it appertained.

Thomas de St. Maur was never summoned to parliament, and died s.p., but his half brother,

Nicholas de St. Maur, had summons from the 25 to the 34 Edw. III., inclusive, as "*Nicholas de St. Mauro*," and died the following year, leaving by Muriel his wife, granddaughter and heiress of Richard lord Lovel, of Kari,* two sons, Nicholas and Richard. * Vide Lovel.

Nicholas de St. Maur, the eldest, dying in his minority, s.p., was succeeded by his brother,

Richard de St. Maur, who was summoned from the 4 Richard II. to the 2 Hen. IV., as "*Ricardo Seymour*," and died the next year, when

Richard de St. Maur, his son and heir, became the next baron, and had summons from the 3 to the 8 Hen. IV., similarly named as his father. He died the 10 Hen. IV., leaving his wife Mary then pregnant, who was afterwards delivered of a daughter, named Alice, who became the wife of William, the fifth lord Zouch, of Haryngworth; and being his only child and heiress, carried the barony of St. Maur into the Zouche succession, with which it continued blended till the death of Edward, the twelfth lord Zouche, of Haryngworth, in 1625, when they both fell into abeyance between his two daughters and coheiresses, Elizabeth and Mary, as under that article will be found detailed.†

† Vide Zouche of Haryngworth.

WILLIAM DE ST. MAUR.—(11 Edw. II.)

WILLIAM DE ST. MAUR, by the designation of "*De Sancto Mauro*," had summons to parliament the 11, 12, 14, and 15 Edw. II.,‡ but no more, nor does Dugdale in his Baronage make any mention of him.

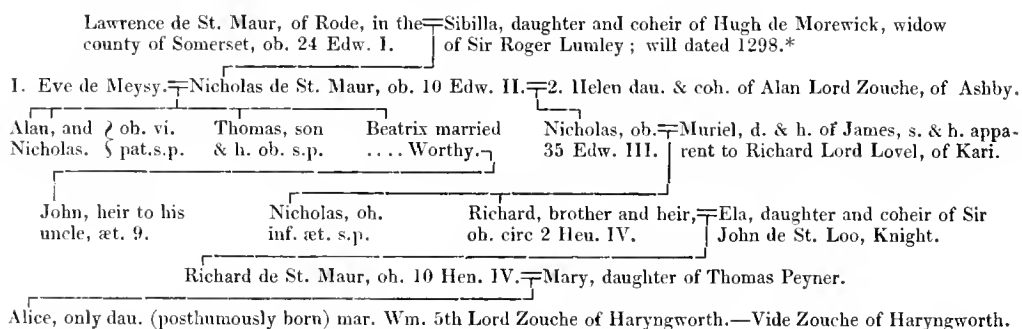
‡ Dugd. Lists. of Summ.

From the circumstance of his first writ of summons being so immediately after the death of the first Nicholas, the 10 Edw. II., it would almost infer that he was his son and successor, and the elder brother of Nicholas, who was not summoned till the 25 Edw. III., and that the said William and Nicholas were both the sons of the said first Nicholas, by his second wife Helen, daughter and coheir of Alan lord Zouche, of Asheby.—Dugdale when uncertain, not unfrequently, says "*I ghes*." If a ghes, therefore, may be allowed, there appears ground for one in this case.

Collins in his account§ of the baronet family of Long, of Draycote, in the county of Wilts, recites a letter from Sir James Long to a Mr. Panchrinch, dated 16 October, 1688, wherein giving a detail of the descent of his family, he states that "*Roger de Long married the daughter and heir of St. Maur, by whom he had many great manors and lands, some of which I now possess. Her mother was Zouche, a great heiress*." The family quarters, among others, the St. Maur and Zouche arms. Assuming this statement to

§ Vol. iii., p. 379.

relate to William de St. Maur, it places the barony in a different point of view to the one ascribed to it hitherto by the heralds.



* In her will she names her son Nicholas St. Maur, and her son Robert Lumley, whom she appoints her executors; and gives the residue of her goods to her four daughters, Sybill, Margery, Joan, and Marion, but does not mention by which husband they were, or by both.

ST. PHILIBERT.—(27 Edw. I.)

HUGH DE ST. PHILIBERT had summons the 27 Edw. I. to a parliament at London, as "*Hugoni de Sancto Philiberto*," but never after. Dugdale does not notice his having been so summoned, though he recites his name in the writ of summons for that year. He only slightly mentions him in his baronage;* adding to which, Hugh succeeded

* Baron. v. ii., p. 150.

John de St. Philibert his son and heir, who, the 7 Edw. II., making proof of his age, and doing his homage, had livery of his lands. He died the 7 Edw. III., never having been summoned, leaving Ada his wife surviving, and

John de St. Philibert his son and heir, who married Margaret, one of the two sisters and coheirs of Edmund de St. John of Basing,† and had partition with her sister Isabel in the lands of that barony. This John de St. Philibert had summons to parliament the 22 and 23 Edw. III., but no more, though he survived many years, not dying till the 33 Edw. III.; when not having any surviving issue, it is presumed the barony became extinct; unless it can be supposed that the writ of summons the 27 Edw. I. (a solitary writ) created a descendable barony in Hugh his father, of whose issue, besides this John, there is no mention.

† Vide St. John.

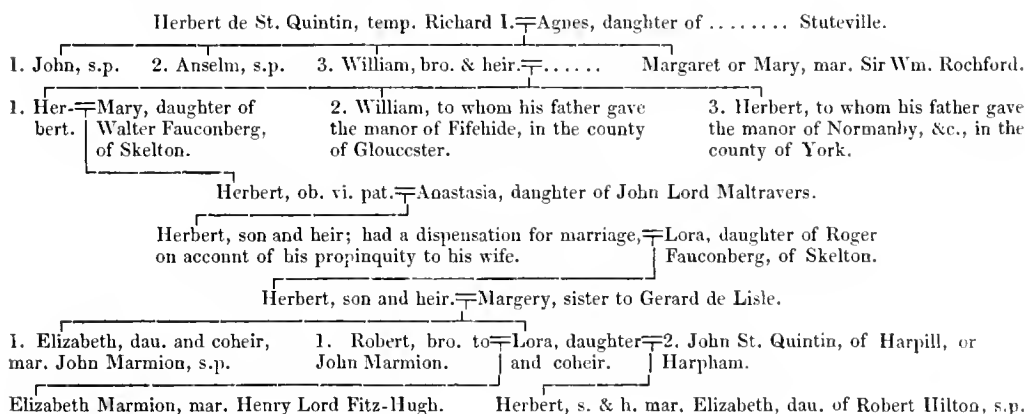
ST. QUINTIN.—(22 Edw. I.)

THIS ancient family is said to have been so named from St. Quintin the capital of Lower Picardy in France, and to have entered England with the Conqueror; but Dugdale has not given it a place in his Barons, though in his Writs of Summons he has included

Herbert de St. Quintin as summoned to parliament the 22. Edw. I.; but never after, nor any of his descendants, so that it scarcely can be considered any inheritable barony became vested in them; which leaves the assumption of such a title by the earls of Pembroke to be groundless, and without any legal pretension thereto.

The following pedigree was copied from a very ancient record in the Tower of London,* some years ago.

* Per Editor.
20 Feb., 1813.



ST. WALERIE.—(22 EDW. I.)

RICHARD DE ST. WALERIE, by the description of "*Ric' de S. Walerio*," had summons to parliament the 22 Edw. I., but never after. His name is not mentioned by Dugdale in his baronagian account of that family, and only has notice in his Lists of Summons to Parliament; in which respect, who he was, or how descended from, or connected (if at all) with that eminent family, of which Ranulph de St. Walerie† held divers lordships in the county of Lincoln at the time of the general survey, must remain *in nubibus*; but as no inheritable barony can be considered to have been acquired under that solitary writ of summons, it is not material to endeavour to trace his origin, or descendants.

† Dugd. Bar.
vol. i., p. 454

Sir Harris Nicolas, in his Peerage Synopsis,‡ says, he probably was a nephew of Thomas de St. Walerie, who was son of Bernard, son and heir of Reginald de St. Walerie, lord of Haseldine, in the county of Gloucester, living temp. king Stephen, circ. an. 1164.§^a But this supposition time will not warrant, unless it be admitted he was at a very advanced age when summoned to parliament.

‡ Vol. ii., p.
567.

§ Vide
Dugd. Barou,
vol. i., p. 454

^a In a MS. note in an edition of Dugdale (pen. auctore) it is written (in an old hand) that Ranulph de St. Walerie married Maud, daughter of Richard, the third duke of Normandy, and was father to Reginald: but it is to be observed that Dugdale states Reginald to be a son of Guy de St. Walerie, and not to have possessed any of the lands of Ranulph, in the county of Lincoln.

STAFFORD.—(27 Edw. I.)

ROBERT DE STAFFORD, at the time of the general survey, held very numerous manors; whereof, eighty-one were in Staffordshire; twenty-six in Warwickshire; twenty in Lincolnshire; two in Suffolk; and one in Worcestershire,* a good specimen of the power of the ancient barons. Robert his great-grandson dying s.p., Milicent his sister became his heir, who married Hervey Bagot; and their son Hervey relinquishing his paternal surname, assumed that of his mother, and wrote himself *Hervey de Stafford*. From which Hervey de Stafford, descended

* Dugd. Bar.,
vol. i., p. 156.

Edmund de Stafford his great-great-grandson, who, the 26 Edw. I. had summons to Carlisle equis et armis, being designated in the writ *a baron*, by the description of "*Emon' de Estafford*."† In the 27 Edw. I. he had summons to parliament as "*Edmondo Baroni Stafford*;" and from thence to the 1 Edw. II., by the same denomination, as also to the coronation of that king.‡ In the 29 Edw. I. he was one of the barons who subscribed the letter to the pope in the parliament at Lincoln, being then written "*Edmundus Baro Stafford*." He died the 2 Edw. II., leaving by Maud his wife, daughter of Ralph lord Basset, of Drayton,§ Ralph his son and heir, and Richard, who marrying Maud daughter and heir of Richard de Camville, of Clifton, was called Sir Richard Stafford, of Clifton.||

† Dugd. Lists
of Summ.

‡ Coron. Rot.
1 Edw. II.

§ Vide Basset
of Drayton.
|| Vide Stafford
of Clifton.

Ralph de Stafford, son and heir of Edmund, had summons to parliament from the 10 to the 22 Edw. III., as "*Radulpho de Stafford*;" but by another writ in the same year to a parliament at Westminster by the distinction of "*Radulpho Baroni de Stafford*;" and similarly to the 24 Edw. III., when he was created earl of Stafford, and by that title summoned to parliament the 27 Edw. III. He married Margaret, daughter and heir of Hugh de Audley, (baron Audley by writ¶) and *jure uxoris* earl of Gloucester, by Eliza beth his wife, granddaughter of king Edw. I., and dying the 46 Edw. III., was succeeded by

¶ Vide Audley

Hugh de Stafford his then next son and heir, Ralph his eldest son having predeceased him s.p. This Hugh was probably summoned to parliament the 44 Edw. III.,** in the lifetime of his father, though Dugdale does not notice the same, but both names appear in the same writ. He had issue several sons, whereof Ralph the eldest, died before him; Thomas was his successor; William heir to his brother Thomas; Edmund heir to his brother William; and Hugh, who *jure uxoris* became lord Bourchier.*†

** Dug. Lists
of Sum.

*† Vide
Bourchier.

Thomas, third earl of Stafford, died s.p., anno 1392, and was succeeded by his brother William, fourth earl, who also died s.p. shortly after, in 1295, when his next brother Edmund, became the fifth earl. He married Anne Plantagenet, daughter, and eventually heiress, of Thomas, duke of Gloucester, youngest son of king Edw. III. He was slain at the battle of Shrewsbury the 4 Hen. IV., leaving

Humphrey his son and heir, the sixth earl, who, the 23 Hen. VI., was created duke of Buckingham, and the 38 Hen. VI. was slain at the battle of Northampton, on the king's part. Humphrey, his eldest son and heir apparent, (styled earl of Stafford) was slain in his lifetime at the battle of St. Albans. He married Margaret, daughter and coheir of Edmund Beaufort, duke of Somerset, and had issue by her, Henry his son and heir, which

Henry, on the death of his grandfather, succeeded as second duke of Buckingham, though very little notice occurs of him during the reign of Edward IV. He became a prominent actor in raising Richard III. to the throne. However, afterwards being disappointed in his expectations of reward, (as it is said,) he entered into a design, along with others, to dethrone him,—the attempt failed, and he repaired for safety to the house of a person for whom he had been a great benefactor, and in whom as such he confided: but this man in hopes of getting the reward offered by proclamation for his apprehension, basely betrayed him;^a whereupon king Richard ordered him to be beheaded without any arraignment, or legal form of proceeding. He was Shakespear's Buckingham, in his celebrated tragedy of king Richard III., so finely represented on the stage by many eminent actors.

Edward, son and heir to the duke, was restored to all his father's honours by Hen. VII.; but in the reign of Hen. VIII. he fell a sacrifice to Cardinal Wolsey's jealousy and enmity; and to his own indiscretion;^{*} and upon an accusation preferred against him, was arraigned at Westminster, before the duke of Norfolk, then lord high steward for the occasion. The duke pleaded his own cause with great judgment, and elegance of language, showing the falseness of the indictment, and incompetency of the evidence: but he was nevertheless found guilty, and was thereupon beheaded on Tower Hill, 7th May, 1521, (13 Hen. VIII.,) when all his honours, dignities, and great estates became forfeited.^b

* Vide Banks' Dorm. & Ext. Baron., v. ii.

Henry, only son and heir of the unfortunate duke, was, as Dugdale states,[†] restored in blood the following year (1522); but on reference to the authorized collection of the statutes, it appears, that the said Henry, and Ursula his wife, were merely enabled by letters patent dated 20 Dec., 14 Hen. VIII., (1522,) to take and enjoy to the heirs of their bodies certain very small portions of that great estate which the duke his father had possessed. The 1 Edw. VI., an act passed, whereby it was enacted, "That the said Henry, and the heirs male of his body coming, may be taken, and reputed as lord

† Bar., v. i.

^a This man, whose name was Banister, as well as his father, owed their rise to the duke and his family. He never obtained the bribe of his treachery,—the king justly observing "*That he who could be so untrue to so good a friend, would be false to all other.*" It is said he was afterwards executed for manslaughter, and that all his family became very miserable; and his name a term of reproach to its bearer.

^b When the emperor Charles V. heard of his fall, he is said to have exclaimed, "*A butcher's dog has killed the finest buck in England.*" alluding to Cardinal Wolsey, the reputed son of a butcher.

Stafford, with a seat and voice in parliament; and further, that the said Henry be restored in blood, as son and heir of Edward, late duke of Buckingham, &c.” Thus this Act was not a restitution to the ancient barony of Stafford, but the creation of a new barony, with a special limitation to the heirs male of his body only; and to this new barony he was summoned to parliament the 2 Edw. VI., and his name inserted in the writ as the last baron. He afterwards had summons to the 5 and 6 Philip and Mary, and the 1 queen Elizabeth. His wife was Ursula, daughter and heir of Sir Richard Pole, K. G., by Margaret Plantagenet, countess of Salisbury, daughter and heiress of George, duke of Clarence, eldest brother to king Edw. IV. He died the 5 queen Elizabeth, 1562, and was buried at Worthen, in the county of Salop.*

* Parochial Register.

Edward, second lord Stafford, of the new creation,^a had summons from the 8 queen Elizabeth to the 1 James I., 1603, in which year he died, leaving

Edward, the third baron, his son and heir, who had summons from the 3 to the 21 James I., and died in 1625, leaving Henry his grandson and heir, son of Edward his only son, who died in his lifetime: which

Henry, fourth lord Stafford, died under age, unmarried, leaving Mary his only sister his heir, who married Sir William Howard, as hereafter mentioned. But the barony of Stafford, under the act of parliament of the 1 Edw. VI., did of right descend upon the next heir male, who then was Roger Stafford, son and heir of Richard Stafford, second son of Henry the first baron of the new creation made by the aforesaid act of the 1 Edw. VI. This

Roger Stafford was then at the advanced age of sixty-five, and though the descendant of kings and princes had through obscurity and poverty to trace and maintain his right of succession against the all-powerful house of Howard; he however submitted his right to the king's judgment, upon which submission his majesty declared his royal pleasure, “*That he, the said Roger Stafford, having no part of the inheritance of the said lord Stafford, nor any other lands or means whatsoever, should make a resignation of all claim and title to the said barony of Stafford, for his Majesty to dispose of as he should think fit.*” In obedience whereto, he did by his deed enrolled 7 December, 1639, surrender the said

^a The printed case on the Jerningham Stafford claim, gives a Henry to have succeeded, and to have been summoned to several parliaments, on Dugdale's statement of *Henry* instead of *Edward*, in his Lists of Summons, contrary to his statement in his Baronage, (vol. i., p. 171,) where he says *Edward succeeded his father Henry*. The printed case does not mention when this presumed Henry died: but supposes that he died unmarried, and was succeeded by his brother Edward. The error (if one) appears to have arisen from the misnomer of *Henry* for *Edward* in the four writs of summons of the 8, 13, 14, and 18 queen Elizabeth. Sir Harris Nicolas, in his Peerage Synopsis, (vol. ii., p. 600,) has a note under the title of Stafford, upon this point, made with his usual acumen of remark. But it nevertheless is said, that by a MS. which undoubtedly was once in the Stafford family, that a Henry, although unnoticed by Dugdale in his Baronage, was the successor to his father, who had four sons, Henry, Richard, Edward, and Walter.

barony, honour, name, and dignity of lord Stafford, and all his right thereto, and covenanted before the end of Hilary Term to levy a fine of the said barony, which fine was levied accordingly.

It may here be asked, how could he surrender what he was not entitled to, and how levy a fine of what he did not possess? If he was entitled, the compulsion to surrender his right was as arbitrary and unjust as many others, for which his majesty thereafter found that his subjects were not all inclined patiently to endure; and received a lesson that sovereigns are as answerable to the people for their misdeeds, as the people are to them for their illegal actions,—a lesson, which his son James II. (though not similarly) experienced.

This insulted and unfortunate old man dying shortly after, circ. 1640, unmarried, the heirs male of the body of Henry, son and heir of Edward, the last duke of Buckingham, ended, and the male barony of Stafford became extinct.

HOWARD, BARON AND BARONESS STAFFORD.

THE barony of Stafford having been thus extorted from Roger Stafford, the heir male, to whom it rightfully belonged, was conferred upon Sir William Howard, a younger son of Thomas, the tenth earl of Arundel; which

Sir William Howard having married Mary, sister and sole heir of Henry, the fourth baron of the new creation, they, the said William and Mary his wife, were created baron and baroness Stafford, with remainder to the heirs male of their bodies; and in default thereof to the heirs of their bodies, the 12th of September, 1640; and in the November following he was created viscount Stafford, with remainder to the issue male of his body. But this ill acquired barony with his viscounty prospered not in him, for in 1678 he was accused of a concern in the popish plot, and being found guilty, on trial by his peers, he was beheaded on Tower Hill, in December 1680, and being attainted his honours were forfeited. Mary baroness Stafford his wife surviving him, was afterwards, in 1688, created countess of Stafford for life. She died in 1693, when her dignity of countess became extinct; and her husband having been attainted, her issue by him could not succeed to the barony; though had she remarried, and had issue, such issue would have been heirs to her, and not affected by the Howard attainder.

Henry Stafford Howard, eldest son of the Viscount and Mary his wife, was never restored, nor the attainder of his father reversed, but he was created earl of Stafford in 1688, with remainder failing his issue male, to his brothers John and Francis, and their issue male respectively. He died in 1719, s. p., when his nephew

William Stafford Howard, son of his brother John, became the second earl. He died in 1734, and was succeeded by his son and heir,

William Mathias Stafford Howard, third earl, who deceasing in 1751, s. p., the earldom devolved upon his uncle and heir,

John Paul Stafford Howard, next brother to William, the second earl. He dying in 1762, also without issue, the earldom of Stafford became extinct for want of male issue, under the patent of creation the 5 October, 1688.

The male issue of Sir William Howard, first baron and viscount Stafford, by Mary his wife, having thus all become extinct, the inheritance of the barony limited to the heirs of the bodies of the said Sir William and Mary his wife, failing their issue male, would have descended upon Sir William Jerningham, bart., eldest son of Sir George Jerningham, by Mary, sole daughter and heir of Francis Plowden, by Mary Stafford his wife, sister and eventually sole heir of John Paul, the last earl of Stafford, and in such respect heir general of the body of Sir William Howard, the first baron, and Mary baroness Stafford his wife. But the attainder of Sir William precluded an inheritance under this right of descent.

Sir William Jerningham however preferred a claim to the barony, which on reference to the House of Lords was for a long time pending before their Lordship's Committees of Privileges, and in 1824 an act of parliament was passed, reversing the attainder of William Howard, baron and viscount Stafford, in 1680. The barony has since been allowed to Sir George Jerningham, son and heir of Sir William, who has thereupon taken his seat in the House of Peers, which renders any further account unnecessary.*

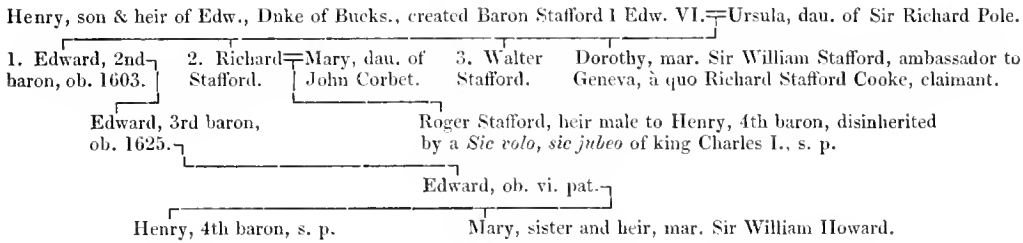
* Vide Lodge's
Annl. Peerage.

The claim, however, of Sir William Jerningham was controverted by a Mr. Richard Stafford Cooke, deriving himself from Dorothy Stafford, sister to Richard, father of Roger Stafford, who was so unjustly compelled to surrender his rights. The pretensions of this person, so descended, do not appear to be founded on any maintainable ground; as he was neither heir general of the body of the attainted duke, (whose attainder was never reversed) nor heir general of the body of Henry, the duke's eldest son, to whom, by the letters patent, and the act of parliament of the 1 Edw. VI., a new barony of Stafford was granted, specially limited to the heirs male of his body; and he was not in any way descended from Sir William Howard and the lady Mary his wife, whom king Charles I. had created baron and baroness Stafford. But the argument of Mr. Cooke rested upon the point that "*The attainder of William baron and viscount Stafford, had created a corruption of blood, and his issue was thereby incapable of claim, being dead in law, and as such the same as if they had never been born.*" So far this position of his case was very feasible: yet it did not constitute in him a legal right, for while issue remained from William baron and viscount Stafford, though they were incapable of inheriting till reversal of the attainder, they nevertheless were an impediment to Mr. Cooke's right of succession, because reversal of the attainder would remove the obstacle against them,—a point which was resolved by the Lords in the case of Mr. Stapleton, claiming to be sole heir to the barony of Beaumont,† against the other coheir Norris, whose blood stood attainted.

† Vide Beau-
mont.

The claim of Mr. Cooke, as to the old barony of Stafford, was clearly vague ; as that barony still remained in the crown under the attainder of the duke of Buckingham ; and was not regranted by the letters patent of Hen. VIII., or the act of parliament of the 1 Edw. VI. The case of Dr. Lloyd claiming the barony of Lumley,* was adjudged by the lords against him on this principle. * Vide Lumley

The descent of Mr. Cooke was derived thus, viz: Richard Stafford Cooke, (the claimant), son of John, son of John by Catherine his wife, daughter of Richard, son of John, son of William, son of William Stafford, second son of Sir William Stafford, (ambassador to Geneva), and Dorothy his wife, daughter of Henry, the restored baron Stafford, son and heir of Edward Stafford, duke of Buckingham, earl and baron Stafford, &c., attainted and executed 13 Hen. VIII.



STAFFORD OF CLIFTON.—(44 Edw. III.)

SIR RICHARD STAFFORD, a younger brother of Ralph, first earl of Stafford, having married Maud, daughter and coheir of William baron de Camville, of Clifton,† was styled thereof by reason of acquiring that lordship.^a He had summons to parliament from the 44 Edw. III. to the 3 Ric. II., inclusive, and died circ. 1381, leaving issue two sons, Edmund and Thomas: which † Vide Camville.

Edmund de Stafford was a priest, and was afterwards bishop of Exeter ; so that if summoned to parliament, it was in his character of bishop ;—not having any issue his brother

Thomas de Stafford was his heir, who was never summoned to parliament ; and died, leaving a son Thomas, and a daughter Katherine ; which

Thomas de Stafford never had summons ; and dying s.p., his sister Katherine became his heir, who married Sir John Arden, or Arderne, knight, and succeeded to the

^a Dugdale in his account of the Stafford family states that he had a son Richard, who was the Richard summoned to Parliament ; whereas in the printed pedigree on the Jerningham Stafford claim before the House of Lords, there is only one Richard noticed, as is here followed.

frido Stafford de Suthwyk Militi;” and was by patent, 1464, created lord Stafford of Suthwyck.* After when, in 1469, the 9 Edw. IV., he had conferred upon him the title of earl of Devon; but this earldom was of short duration, for the very same year, having been sent with a body of Archers to join with the earl of Pembroke, in the suppression of the northern insurrection under Sir John Conyers, he for some offence given him, as he considered by Pembroke, deserted him, whereof, the king being informed, gave command to the sheriffs of Somerset and Devon for his apprehension, without delay, and to put him to death: whereupon, being taken, he was carried to Bridgewater, and was beheaded 17 August, 9 Edw. IV. Dying s.p., all his honours became extinct.

* In Tail. Gen. Pat. 4 Edw. IV., m. 17.

STANLEY.—(34 HEN. VI.)

THE original surname of this family is said to have been Aldithle, or Audley, but afterwards changed by reason that William de Audley received from his cousin Adam the manor of Stanleigh, or Stanley, and thenceforth the descendants of William assumed that name; but it was long before any of them acquired baronial rank.

Sir Thomas Stanley was first summoned to parliament by a special writ, tested the 34 Hen. VI., addressed “*Thomæ Stanley Domino de Stanley*,”† but never after, and died circ. 1458-9, leaving by Joan, daughter and coheir of Sir Robert Goushill, of Hoveringham, in the county of Nottingham, knight, by Elizabeth his wife, daughter and at length one of the coheirs of Richard Fitz Alan, earl of Arundel.

† Claus. in dorso., m. 12.

Thomas Stanley, his eldest son and heir, who had summons to parliament from the 38 Hen. VI. to the 1 Richard III., after whose death, for his very meritorious service at the battle of Bosworth, on the termination of which, he placed the crown of the slain monarch on the head of the victor, he was advanced by king Hen. VII. to the dignity of earl of Derby, 27 October, 1485. From this period the barony of Stanley became merged in the higher title of earl of Derby,‡ till by the demise of Ferdinando, the fifth earl, without issue male, it fell into abeyance among his three daughters and coheireesses, viz: Anne, married, first, to Grey Bridges lord Chandos, and secondly, to Mervyn Touchet lord Audley; Frances, to John Egerton, earl of Bridgewater; and Elizabeth, to Henry Hastings, earl of Huntingdon, in the representatives of which coheirs, the barony of Stanley, with that of Strange of Knokin, still remains suspended. The earldom of Derby devolved upon his brother and heir male William, who became the sixth earl, and whose son and heir apparent James, had summons to parliament *vitâ patris* by writ the 3 Charles I.,§ addressed “*Jacobo Stanley de Strange Ch’r primogenito Willielmi Comitis Derbiæ*,” also the 4 and 15 Charles I. by the same description.

‡ Vide Collins’s Peer. Sir Egert Brydges.

§ Dugd. Lists. of Summ. and Lords’ Journ.

It is to be observed that Henry, fourth earl of Derby, father of Ferdinando, married

Margaret, only daughter of Henry Clifford earl of Cumberland, by Elianor his wife, daughter and coheir of Charles Brandon, duke of Suffolk, by Mary, dowager queen of France, relict of Lewis XII., and youngest daughter of king Hen. VII.; by virtue of which descent, the daughters and coheirs of earl Ferdinando, became under the will of king Hen. VIII., (which he was empowered by the parliament to make, and thereby settle the succession to the crown), preferable to the issue of Margaret, eldest daughter of king Hen. VII., in the inheritance of the throne, after the deaths of Edw. VI., queen Mary, and queen Elizabeth, s.p. The present duke of Buckingham and Chandos, and the present marquess of Hastings, are the heirs representatives of the ladies Anne and Elizabeth Stanley; and the duke of Sutherland heir general of the late duke of Bridgewater, of the lady Frances Stanley.^a

Sir Thomas Stauley, summoned to parliament 34 Hen. VI. = Joan, daughter and coheir of Sir Robert Goushill.
 Thomas, 2nd baron, created Earl of Derby, ob. 1504. = Eleanor, daughter of Richard Neville, Earl of Salisbury.
 George, summoned to parliament as Lord Strange of Knokyn, jure uxor., 22 Edw. IV., ob. vitâ patris, 5 December, 1497. = Jane, daughter and heir of John Lord Strange of Knokyn.
 Thomas, 2nd Earl, succeeded his grandfather in 1504, ob. 1521. = Anne, daughter of Edward Lord Hastings.
 Edward, 3rd Earl, ob. 4 December, 1574. = Dorothy, dau. of Thomas Howard, Duke of Norfolk, by his 2nd wife.
 Henry, 4th Earl and 4th Lord Strange, obiit 1592, buried at Ormskirk. co. Lancaster. = Margaret, only daughter of Henry Clifford, Earl of Cumberland, by Alianore, daughter and coheir of Charles Brandon, Duke of Suffolk, by Mary, dowager queen of France, youngest daughter of king Henry VII.
 Ferdinando, 5th Earl, ob. 1594. = Alice, daughter of Sir John Spencer, of Althorpe, in the county of Northampton. = William, 6th Earl, heir male to his brother.—*Vide Strange*.
 Anne, dau. and coh., aged 13 years 11 months, mar., 1st, Grey Bridges Lord Chandos, 2nd, Mervyn lord Audley, represented by the Duke of Buckingham. = Frances, dau. and coheir, aged 11 years 4 months, m. John Egerton, Earl of Bridgewater, ob. 1635, repres. by the Duke of Sutherland. = Elizabeth, dau. and coheir, aged 7 years 8 months, mar. Henry Hastings, Earl of Huntingdon, represented by the Marquess of Hastings.

STANLEY LORD STRANGE.—(3 CHARLES I.)

FERDINANDO, fifth earl of Derby having deccased without issue male, William his brother, succeeded to the earldom as heir male, under the limitation of the patent of creation, and became the sixth earl of Derby. He died in 1642, and was buried at Ormskirk. His son and heir

James, seventh earl of Derby, was in the lifetime of his father summoned to parliament as lord Strange, the 3 Charles I., and to other parliaments,* till he succeeded to the earldom, by virtue of which writs he acquired a barony of Strange, distinct from that which had descended in abeyance to the daughters and coheirs of his uncle earl Ferdinando. This James is the earl of Derby so famous for his loyalty in the service of king

* Dug. Lists of Summ. and Journ. Dom. Proc.

^a Vide certificate under the hand and seal of Sir Isaac Heard, Garter principal king of arms, dated College of Arms, 12 February, 1806.

Charles I., in whose cause he lost his life, being taken prisoner at the disastrous battle of Worcester, 3 September, 1651, and afterwards beheaded. He was succeeded by

Charles his son and heir, eighth earl, who died in 1672, leaving

William Richard George his son and heir, ninth earl, who dying in 1702, without surviving issue male, was succeeded by his brother James in the earldom; but the barony of Strange fell into abeyance between his two daughters and coheirs, Henrietta, and Elizabeth who died unmarried in 1714, whereby Henrietta became sole heir. She was twice married, but had issue only by her second husband, John lord Ashburnham, a daughter Anne, who died unmarried in 1732, so that the barony of Strange then fell to her uncle James, earl of Derby, which

James, tenth earl, died in February 1735, without surviving issue, and the earldom devolved upon the next heir male, in the person of Sir Edward Stanley, Bart., descended from James, third son of George lord Strange, of Knokyn, who died vitâ patris Thomas, the first earl of Derby, from which Sir Edward Stanley is descended the present earl; but the barony of Strange descended to the duke of Athol as eventually heir general of the body of James, seventh earl, in whom, as before mentioned, it was created by writ of summons, the 3 Charles I., which duke was descended from lady Amelia Sophia Stanley, daughter of the said earl James, and who married John Murray, then marquess of Athol, whose son and heir John was created duke of Athol, and had issue James, the second duke, who claimed, and was allowed the barony, 14 March, 1737, and died in 1764, leaving a daughter Charlotte, who married her cousin John, third duke of Athol, and had issue John, the fourth duke, who succeeded his mother in the barony of Strange, in 1805; but before then, in her lifetime, he was created earl Strange, and baron Murray, of Stanley, in the county of Gloucester, 8 August, 1786. By this title of earl Strange, the duke of Athol has his seat in the house of lords as an English peer.*

* Vide Coll.
Peer. per Sir
Eger. Bridges.

STAPLETON.—(6 EDW. II.)

OF this very ancient and eminent family, divided into several branches, it appears that only one was ever summoned to parliament, of which Dugdale says,†^a

Miles de Stapleton was summoned the 6 and 7 Edw. II., the writ being directed ‡
“*Miloni de Stapilton.*” He was much distinguished in the wars of Gascoigne, and Scotland, and died the year following his last writ of summons. His wife was Sibill, one of the daughters and coheirs of John de Bella Aqua, by Laderina his wife, one of the sisters

† Baron, vol.
ii., p. 70.
‡ Ibid. Lists
of Sum.

^a In the 6 Edw. I., (*Claus m. 5, Dorso., Rot. Parl., vol. i., p. 224*), the name of Nicholas de Stapleton is mentioned as present in that parliament when Alexander, king of Scotland, did homage to Edw. I. But not any writ of summons is extant for that year. He probably was present as one of the *king's justices*, and not as a *baron*; being at that time one of the justices of the king's bench.—(*Vide Chronica Juridicialia.*)

and coheirs of Peter de Brus, the last baron of Skelton; which John de Bella Aqua, in the division of the Brus inheritance, obtained the manor of Carleton, in the county of York, with other considerable lands, and was summoned to parliament the 22 Edw. I.;* as appears in Dugdale's Lists of Summons, though unnoticed by him in his Baronage. By this great heiress,^a Miles de Stapleton left issue Nicholas his son and heir, who, on his father's death, had livery of his lands, the dowry of Joane, the widow of Miles, excepted,† who must have been a second wife; which

† Dug. Bar.,
vol. ii.

‡ Dug. Lists
of Sum.

Nicholas de Stapleton was in the insurrection made by the earl of Lancaster, the 15 Edw. II., for which offence he was fined two thousand marks, which were afterwards remitted. He was never summoned till the 16 Edw. III.,‡ when he had summons along with the earls and barons to a great council to be holden at Westminster, which was afterwards prorogued, and he was not summoned again; dying not long after, circ. 17 Edw. III., leaving

§ P. 47.

|| Baron., vol.
ii., p. 70.

¶ Vide Ingham

Miles de Stapleton, his son and heir, who is not mentioned by Dugdale to have been ever summoned, but Mr. West (lord chancellor of Ireland) in his Inquiry§ into the Origin and Manner of creating peers, says, "that *he was summoned the 32 Edw. III.*," for which year and the following, Dugdale could not find the bag, and therefore in his printed lists of summons inserted for those years *nullæ summonitiones*. This Miles de Stapleton is recited by Dugdale|| to have married Joane, daughter and heir of Oliver de Ingham, widow of Roger le Strange; but this is very erroneous, as Miles de Stapleton, who married Joane de Ingham, was son of Gilbert de Stapleton by Agnes his wife, daughter and coheir of Brian Fitz Alan, of Bedale, as under the article of Ingham has been fully shewn and exemplified by the monumental Inscriptions;¶ the said

** Synopsis,
vol. ii., p. 608.

Thomas de Stapleton died circ. 47 Edw. III., but was never summoned to parliament; not having any issue, his sister Elizabeth became his heir, and heir general of the body of Miles de Stapleton, summoned to parliament the 6 and 7 Edw. II., her great-grandfather. She married Thomas Metham, and in her representatives, Sir Harris Nicolas says,** "*the barony is now vested;*" of which representatives, Mr. Dolman, a gentleman at York, is the heir, and has accordingly presented a petition to her majesty, and obtained an order of reference thereon to the attorney-general.^b

It is to be observed that this barony, though dormant, is not in abeyance, Mr.

^a It may be considered that Miles was summoned in virtue of his wife's inheritance, inasmuch as Aucher Fitz Henry, who married Joane, another daughter of John de Bella Aqua, and sister to Sibill de Stapleton, was also summoned to parliament in the 2 Edw. II., and from the 6th to the 19th of the same reign; but Miles de Stapleton deceased the 8th.—(*Esch. n. 17.*)

^b This is to be considered on the authority of Mr. Burke, the author of the *Plebs*, or what he terms the *Landed Aristocracy*, who, in one of his peerage editions, has stated such petition to have been presented, and order of reference obtained, awaiting proceedings thereon.

Dolman being the sole heir representative of Miles de Stapleton, the first baron summoned to parliament.

Miles de Stapleton, sum. to parl. 6 & 7 Edw. II., ob. 8 Edw. II. — Sibill or Sibylla, d. & c. of John de Bella Aqua.
 Nicholas Stapleton, ob. 17 Edw. III. — *Esch.*, no. 43.*
 Miles Stapleton, ob. 46 Edw. III. — Isabella — Vincent, 6 *Quid non*. p. 101.
 Thos. Stapleton, ob. 47 Edw. III. s.p. Elizabeth Stapleton, s. & h. † — Thos. Metham, ob. 4 Hen. IV. — *Esch.*, u. 16.
 Alexander Metham, ob. 4 Hen. V. — Elizabeth, daughter of Lord Darcy, ob. 9 Hen. VI.
 Thomas Metham, ob. 12 Edw. IV. — Mundana, daughter of Sir John Waterton, of Medley Castle, Knight.
 Richard Metham. — Margaret, daughter of Ralph Babthorpe, Esq.
 Sir Thomas Metham, Knight. — Anne, daughter of Sir John Tempest of Bolling.
 Sir Thomas Metham, Knight. — Elizabeth, daughter of Sir Robert Constable of Flamborough, Knight.
 Sir Thomas Metham, Knight. — Maud, daughter of Sir John Hothum, Knight.
 Thomas Metham. — Grace, daughter of Thomas Pudsey of Barforth.
 Sir Thomas Metham, Knight. — Dorothy, daughter of George Lord Darcy.
 Thomas Metham, ob. 1610. — Katherine, daughter of Sir William Bellasis.
 Sir Thomas Metham, æt. 10, anno 1585, slain at Marston Moor. — Barbara, dan. of Philip Constable, Esquire.
 Thomas Metham, Catherine, sister and coheir, Barbara, sister and — Thomas Dolman, Esq. of Badsworth and
 ob. cœlebs. mar. Edw. Smith, Esq., s.p. coheir, ob. 1626. } Pocklington, in the county of York.
 Robert Dolman, of Badsworth and Pocklington, Esq. — Catharine, dau. of Edmund Thorold of Hough, co. Linc., Esq.
 Two sons, ob. s. p. William Dolman, only surviving son and heir. —
 Robert Dolman of Pocklington, Esq., son and heir. — Anne, dau. of Richard Brigham of Brigham, Esq.
 Robert Dolman of Pocklington, M.D., s. & h. — Peggy, only d. & h. of Thos. Reynolds of Mauraugh, in co. Notts, Esq.
 Thomas Dolman, Esq., s. & h. the petitioner, died 184. . — Martha Leach, d. of John Griffith, of St. Briavell's, co. Glouc.
 John Thomas Dolman, son and heir, nunc, 1844.

* Cousin and heir of Laderina, mother of Sibilla Bellew. — (*Esch.* 4 *Edw.* II.)

† *Michil. Fin.*, 3 *Ric.* II., f. 257, *Ebor.* — Thomas de Metham, and Elizabeth his wife, sister and heir to Thomas Stapleton, in lands in Southborne, Tibthorpe, and Carleton, per Serv' eighth part of the barony of Brus of Skelton.

STRABOLGI.—(15 EDW. II.)—(VIDE ATHOL.)

STRANGE OF KNOKIN.—(45 HEN. III. AND 28 EDW. I.)

JOHN LE STRANGE,^a lord of Knokyn, had summons to that parliament called to meet in London, the 45 Hen. III.,* by the description of "*Joh'i Estrange, senior.*" He died the 53 Hen. III., 1269, leaving

* Vide copy of writ in vol. ii.

^a For the origin of the name vide Dugdale, vol. i., p. 663, and Banks's *Dormant and Extinct Baronage*, vol. ii.

John le Strange, his son and heir, who married Joane, one of the daughters and coheirs of Roger de Someri,* by Nichola his first wife, one of the sisters and coheirs of Hugh de Albini, earl of Arundel, and died the 4 Edw. I.; when he was succeeded by his son and heir

* Vide Someri.

John le Strange, who the 26 Edw. I. had summons to Carlisle equis et armis, as *Johan' le Straunge*, and in the writ was styled a *baron*, the persons so summoned being distinguished by their respective ranks.† He was afterwards summoned to parliament as "*Johanni le Strange*" from the 28 Edw. I. to the 2 Edw. II., but in that year and the next, with the addition of "*de Knokyn*." To the coronation of Edw. II., he was summoned as "*Joh'i Exl'neo*."‡ The 29 Edw. I., he was one of those in the parliament at Lincoln who subscribed the letter to the pope by the designation of "*Johannes le Estraunge Dominus ds Cnokyn*."§ He died the 3 of Edw. II., leaving by Maud his wife, daughter and heir, according to Dugdale,^a of Roger D'Eiville, John, Eubolo, and Hamon, ancestor to the family of Le Strange, at Hunstanton, in Norfolk; of these sons

† Dugd. Lists of Summ. and copy of writ in vol. ii.

‡ Coron Rot., 1 Edw. II. copy of writ in vol. ii.

§ Dugd. Lists of Summ.

John le Strange, the eldest, succeeded his father, and had summons to parliament the 4 Edw. II., in or about which year he died, leaving by Isolda his wife, daughter and heir of John de Walton, of Walton D'Eiville, in the county of Warwick,

John le Strange his son and heir, who was summoned the 6 and 7 Edw. II., but dying s.p., he was succeeded by his brother

Roger le Strange,^b who had summons the 22 and 23 Edw. III., in which year he died. He is said, by Dugdale,|| to have married Joane, daughter and coheir of Oliver de Ingham, and at the time of his decease to have been seised of the manor of Middleton and other lands jointly with Maud, his wife, which if so, shows that Joane de Ingham must have been the widow of Miles de Stapleton, and he not her first husband.¶ Mr. Blore asserts that he had not any issue by Joane de Ingham, but had by Maud, his first wife,** Roger his son and heir, which

|| Baron vol. i. p. 665.

¶ Vid. Ingham

** Blore's Rut. p. 228.

*† Ibid.

Roger le Strange had summons to parliament from the 29 Edw. III. to the 6 Ric. II., about which time he died, leaving Aliva, or Alleyne, his wife, daughter of Richard,*† earl of Arundel, surviving, and

John le Strange his son and heir, aged thirty, who had summons from the 7 to the 21 Ric. II., and died circ. 1398. He married Maud, daughter and eventually one of the coheirs of John de Mohun, of Dunster,*‡ by which Maud he left issue,

** Vide Mohun.

^a Blore in his Rutland states that she was daughter and heir of Eubolo de Montihns, lord of Kelton, which, from one of his sons being named Eubolo, seems to warrant Mr. Blore's assertion.—(p. 228).

^b In a note written in Dugdale's Baronage (*pen. auct.*), it is mentioned on the authority of Cooke (*Clarencieux*), that he was not brother of John, but son of Eubolo, for which it is cited that his son Roger died seised of Halton, in Lincolnshire, which was part of the Lacie inheritance. Dugdale recites that this second Roger died seised of Halton.—(p. 665.)

Richard le Strange, his son and heir, who was summoned to parliament from the 5 Henry IV. to the 27 Henry VI., a period of time longer than any of his predecessors, though rather a boisterous period. He was twice married, first, to Constance, daughter of ———, whose will is dated 17 Hen. VI.; and secondly, to Elizabeth, daughter of Reginald lord Cobham, of Sterborough, by whom he left

John le Strange, his son and heir, summoned from the 6 to the 12 Edw. IV. He married Jaquetta, daughter of Richard Widville earl Rivers, sister to Elizabeth queen of Edw. IV. He deceased the 15 of October, 17 Edw. IV., leaving issue an only daughter and heir

Johanna le Strange, who married George Stanley, son and heir apparent of Thomas, first earl of Derby, and carried the barony of Le Strange, of Knokyn, into the Stanley family, as under that article has before been shown.*

* Vide Stanley

STRANGE OF BLACKMERE.—(2 EDW. II.)

ROGER LE STRANGE, of Knokyn, who died the 53 Hen. III., by Amice, his wife, had five sons, viz., John, his successor in Knokyn; Hamon, who had Ellesmere; Robert, who married Alianore, one of the sisters and coheirs of William de Blancminster, (alias Whitchurch); Roger, who had Ellesmere by gift of his brother Hamon; and William, who died young.† Of these sons,

Robert le Strange, the third, was succeeded by his son John, called Le Strange, of Blackmere, who died the 11 Edw. I., s.p., leaving his brother

† Blom. Norf. v. ix., pp. 36, 37, 8vo. Edit.

Fulk le Strange his heir, who though not summoned to the parliament at Lincoln the 29 Edw. I., yet is mentioned to have had his seal affixed to the letter then addressed by the nobles to the pope,‡ being styled "*Fulco le Straunge Dominus de Corfham.*" He was afterwards summoned to parliament from the 2 to the 18 Edw. II., as "*Fulco le Straunge;*" about which time he deceased, leaving by Alianore his wife, daughter and coheir of John Gifford, of Brimsfield,

‡ Dug. Lists of Summ.

John le Strange, his son and successor, who from the 4 to the 17 Edw. III. was summoned as John le Strange; but, in the 22 and 23 Edw. III., with the addition of "*de Blackmere.*"§ He married Ankaret, one of the sisters and coheirs to Edward Bote-
ler, of Wemme; and dying circ. 23 Edw. III., was succeeded by his son

§ Ibid.

Fulk le Strange, who does not appear to have been ever summoned; dying in his minority, s.p., and leaving his brother

John le Strange his heir, who had summons only in the 34 Edw. III., and died the year following, leaving

John le Strange his son and heir, then only six years old, who afterwards died the

49 Edw. III., at about twenty-one years of age, never having been summoned to parliament. Here it is to be observed that there was a Roger le Strange, who, the 44, 46, and 47 Edw. III., had summons* to parliament as "*Roger le Straunge de Blakemere*," of whom Dugdale does not take any notice, which creates a vacuum in the course of this descent, not readily to be accounted for. The last mentioned John le Strange left an only daughter and heiress

* Dugd. Lists of Summ.

Elizabeth le Strange, who married Thomas Mowbray, earl of Nottingham; but dying s.p., her aunt Ankaret, sister to John her father, became her heiress, and married Richard, son and heir apparent of Gilbert lord Talbot, which

TALBOT LORD STRANGE OF BLACKMERE.—(7 Ric. II.)

RICHARD TALBOT had summons to parliament from the 7 to the 11 Richard II., as "*Richardo Talbot de Blakemere Ch'v'r*," when he succeeded his father as lord Talbot; from which period the barony followed the course of succession of the Talbot barony, as

† Vide Talbot. coalesced therewith.†

STRANGE OF ELLESMERE.—(23 Edw. I.)

ROGER LE STRANGE, of Ellesmere, obtained this manor from his brother Hamon, who died s.p., and is presumed to be the same Roger who had summons to parliament the 23, 24, and 25 Edw. I.; and though not summoned to the parliament at Lincoln the 29 Edw. I., was one of those who had their seals affixed to the letter then written to the pope,‡ being designated "*Rogerus le Estraunge Dominus de Ellesmere*;" but after this no further mention occurs of him, nor any descendants from him, and he probably died s.p.

‡ Dugd. Lists of Summ.

EUBOLO LE STRANGE.—(20 Edw. II.)

EUBOLO LE STRANGE was a younger son of John lord Strange, of Knokyn, by Maud D'Eiville (or de Montibus). He married Alice, daughter, and eventually heiress, of Henry de Lacie, earl of Lincoln, (widow of Thomas, earl of Lancaster), and in her right assumed the title of earl of Lincoln. He however was only summoned to parliament as a baron, by the style of "*Euboloni le Estraunge*," from the 20 Edw. II. to the 9 Edw. III., inclusive, in which year he died, as is generally stated, s.p.; though Cooke (Clarencieux), by a note mentioned under the article of Strange, of Knokyn, quæries his having a son

Roger, whose son Roger Strange, of Knokyn, died seised of the manor of Halton, in the county of Lincoln, part of the Lacie inheritance. But it seems the most correct that he died s.p., and that Roger le Strange, of Knokyn, was his cousin, or rather nephew and heir.

STRYVELIN.—(16 EDW. III.)

JOHN DE STRYVELIN had summons the 16 Edw. III. along with divers earls and barons to a great council to be holden at Westminster, which was afterwards prorogued.* Subsequently he was summoned from the 37 to the 44 Edw. III. to the respective parliaments of those years. He was a Scotchman, and much employed in the affairs of that kingdom, and the 10 Edw. III. had the custody of the castle of Edinburgh committed to him, and was constituted sheriff of Edinburgh.† But Dugdale says, “Further I shall not say of him, none of his posterity having been summoned to parliament.” He is stated to have married Barbara, sister and coheir of Adam de Swinburn,‡ and to have had a daughter Christian eventually his heiress, who married Sir John Middleton, of Belsay castle, county of Northumberland, who with her obtained a large inheritance. She died circ. 9 Hen. V.§ seised of the manor of Burneton, in the county of Northumberland. Sir Harris Nicolas observes,|| “*If this statement be correct, this barony is vested in her descendants and representatives.*”

Wallis in his History of Northumberland,¶ states that Burneton was given by patent (which he cites) the 34 Edw. III., to Sir John de Stryvelin, and that John de Middleton, and Christian his wife, were jointly seised of the same, viz: “*Dicunt Juratores, &c., quòd Christiana nuper uxor Johannis de Middleton, militis, defuncti tenuit die quo obiit communiter feoffata cum pradieto Johanne, nuper viro suo, manerium et Villam de Burnton juxta Barnbrugh, in comit. Northumb. et advocationem cantariæ capellæ dicti manerii, &c. Et dicunt quod Johannes Middleton, miles est hæres propinquior, et filius dictorum Johannis Middleton, militis, defuncti, et Christianæ, uxoris ejus, et est ætatis lx. et amplius.*”**

* Dugd. Lists of Summ.

† Ayloffes' Scotch Charts. p. 169.

‡ Collins's Bart., vol. iii., p. 167.

§ Esch. n. 54.

|| Synopsis vol. ii. p. 618.

¶ Vol. ii., p. 540.

** Esch. 10 Hen. V., n. 54.

SUDLEY.—(28 EDW. I.)

HAROLD, son of Ralph, earl of Hereford, according to Dugdale, but according to other writers, base son of king Harold, held divers manors at the time of the general survey, whereof Sudley was one, from which his son and heir

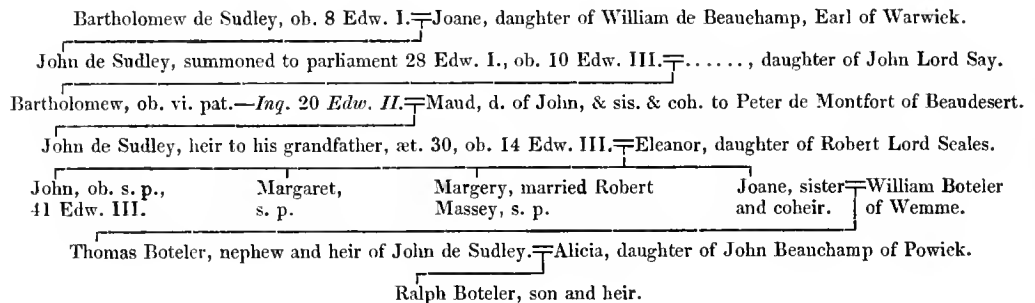
John assumed the name of Sudley; as Robert his brother did that of Ewias from residing at that place. From the said John descended through several mesne descents,

* Orig. 8 Edw. I., Rot. 13, War. & Glou.

Bartholomew de Sudley, who died the 8 Edw. I.,* leaving John his son and heir, which

John de Sudley had summons to parliament from the 28 Edw. I. to the 14 Edw. II., and was summoned to the coronation of that monarch; but never had summons after the 14th, though he did not die till the 10 Edw. III. In the 26 Edw. I. (if he be the same^a person) he was summoned to Carlisle, equis et armis, by the name of "*John de Suley*, and in the writ was denominated *a baron*, the persons then summoned being distinguished by their respective ranks. In the 29 Edw. I. he was one who in the parliament at Lincoln affixed their seals to the letter to the pope, being then written "*Johannes Dominus de Sulle*. None of his descendants were ever after summoned, and the barony

eventually passed by an heir general into the family of Boteler.†



SUTTON DE DUDLEY.—(16 EDW. III.)

JOHN DE SUTTON, who married Margaret, one of the sisters and coheirs of John de Someri,‡ lord of Dudley—and in the partition of the inheritance acquired the castle of Dudley—was of a perfectly distinct family from that of Sutton of Holderness, in the county of York.§ He was son of Richard de Sutton, by Isabel his wife, daughter of Rotheric, the son of Griffin;|| which Richard was son of Hugh de Sutton, who married Elizabeth, daughter and heir of William Patriek, lord of a moiety of the barony of Malpas,¶ one of the palatinate baronies of the earldom of Chester. This John de Sutton was succeeded by his son

‡ Vide Someri.

§ Vide Sutton, vol. ii.
|| Vide Banks' Dorm. & Ext. Baron., vol. i. and ii.

¶ Egerton General., pen Sir J. G. Egerton, bart.

John de Sutton, who, the 16 Edw. III. had summons among the earls and barons to a great council to be holden at Westminster, and in the writ is styled "*Johanni de*

^a There was a *John de Sulley* the king's Chamberlain.—(*Pat. Rot.*, 34 Edw. I., m. 10.) He was one of the coheirs of the barony of Toriton, co. Devon, and might be the person then summoned, and not *Sudley*.

Sutton de Duddle,” as the other John in the same writ* is styled “*Johanni de Sutton de Holderness*;^a” but he was not again summoned, and died the 33 Edw. III., leaving

John de Sutton his son and heir, who never had summons; nor had John his son and heir, who died the 8 Hen. IV., leaving

John his son and heir, according to Dugdale; but as other authorities state,† his grandson and heir being son of John his eldest son, who died before him, in 1401; which

John de Sutton was at his grandfather’s death in minority. He afterwards became a person of much action in his time; and by Hen. VI. was made a Knight of the Garter. He had summons to parliament from the 28 Hen. VI. to the 22 Edw. IV., and died about that year, when he was succeeded by his grandson and heir,

John de Sutton, who was son of Edmund his eldest son, who died *vitâ patris*. This John had summons to parliament from the 1 Richard III. to the 3 Hen. VII. by the same denomination as his grandfather, viz: de Dudley. He died shortly after, circ. 1487, leaving

Edward de Sutton his son and heir, who had summons from the 7 Hen. VII. to the 21 Hen. VIII., and deceased the year following, when he was succeeded by

John de Sutton, his son and heir, who sold the castle of Dudley to John de Dudley, lord L’Isle, (after duke of Northumberland,) who much coveted the same, and taking advantage of the weak intellects of its possessor, and the debts with which he had entangled himself, thereby achieved his object. Thus he was never summoned to parliament,^b and thenceforth bore the name of *the lord quondam*, an instance that title is no longer respected than when attended with property.

^a Sir Harris Nicolas in his notes on this family, (*Synopsis*, vol. i., p. 206), observes that it is presumed the *John de Sutton*, who, without addition to his name, was summoned to parliament the 17 and 18 Edw. II., was the husband of Margaret de Someri, and summoned *jure uxoris*. It might be so, but it is certain that none of the Suttons, of Dudley, were summoned as of *Holderness*, though Sir Harris Nicolas (*Synopsis*, vol. ii., p. 629) presumes they were. The mystification followed by the author in the second volume of his *Dormant and Extinct Baronage*, arising from Dugdale not having given any account of the family of Sutton, of Holderness, though the writ of the 16 Edw. III., shows they were two families. The surmise of Sir Harris appears so far well founded, that it was John de Sutton, the husband of Margaret de Someri, who was summoned the 17 and 18 Edw. II. In as much as Dugdale says that the 19 Edw. II., he passed away the castle and manor of Dudley to Hugh, son of Hugh Despencer, so that being then dispossessed of the barony, he was not summoned after. But the 1 Edw. III. he had restitution of it, and his successors had summons accordingly.

^b From this John never being summoned to parliament after his alienation of Dudley Castle, it may be inferred that the barony was considered as one by prescription, the right whereto had descended in succession to each possessor from the time of Gervase Paganel: for if it was a barony first created by writ of summons, he was entitled to be called to parliament, whether or not he possessed Dudley Castle, or any property whatsoever. It would be invidious to name certain noblemen who at present sit, without having an acre of the baronial land which once was holden by their ancestors. Their rank obtains for them many useless places, and appointments, as it obtains for them an interesting influence with the ministers of the day, to have pensions conferred on them, which an overburthened people have to pay.

Edward de Sutton, his son and heir, was restored to the castle of Dudley by letters patent, dated 4 November and 31 December, the 3 and 4 Philip and Mary, the same having come to the crown by the attainder of the duke of Northumberland, and he had summons to parliament from the 1 and 2 Philip and Mary* to the 28 queen Elizabeth, when he died, leaving

* Dugd. Lists of Summ.

Edward de Sutton, his only son, to succeed him, who had summons from the 35 queen Elizabeth to the 15 Charles I., and died circ. 1643. His only son Ferdinando having died in his lifetime, left issue a sole daughter and heiress Frances, who on the death of her grandfather became entitled to the barony. It is stated that the lord Dudley being much embarrassed in his fortune, made application to a Mr. William Ward, a rich citizen of London, who by a peculiar fortuitous circumstance in trade had become extremely wealthy,^a to advance him a sum of money, which the crafty and aspiring citizen consented to do, on condition of the marriage of the lord's granddaughter, and baronial heiress, the aforesaid Frances Sutton, with his (Mr. Ward's) eldest son, Mr. Humble Ward. Thus the barony of Dudley came into the Ward family, as under the title Dudley has already been shown.†

† Vide Dudley

SWILLINGTON.—(20 Edw. II.)

ADAM DE SWILLINGTON, so named from the lordship of Swillington, in the West Riding of the county of York, had summons to parliament from the 20 Edw. II. to the 2 Edw. III.,‡ but never after, nor any of his descendants, of whom no account is to be found in Dugdale's Baronage, nor in Sir Harris Nicolas's Synopsis.

‡ Dugd. Lists of Summ.

§ P. 36.

Mr. Blore, in his History of South Winfield,§ gives a short pedigree of the family, by which it appears that Adam de Swillington had a son Robert, whose son Thomas de Swillington left a daughter and heiress Elizabeth, who married Robert Sampson, of the county of Suffolk, and was aged twenty-one and upwards the 8 Hen. VI., in whose heirs representatives the barony of Swillington, if any can be deemed created by the writs of summons to Adam her great-grandfather, may be presumed to be vested.

SWYNERTON.—(11 Edw. III.)

ROGER DE SWYNERTON, whose name is supposed to have been assumed from the lordship of Swyerton, in the county of Stafford, was summoned to parliament the 11 Edw. III.,|| by writ dated 18 August, but previous thereto he had been summoned to a council

|| Dugd. Lists of Summ.

^a Vide this circumstance in Banks's "*Grandeur of Trade and Commerce*," or "*History of Mercantile Nobility*."

at Stamford, by writ dated 23 April, and had also a summons to a subsequent one, to be holden at Westminster, by writ dated 21 June; but excepting in these three writs of summons, there is not any further mention made of his name in a baronial character.

An old Visitation of the county of Chester states that Sir Roger de Swynerton, by Matilda his wife, had issue Sir Thomas, who married Matilda (or Maud), daughter of Sir Robert Holland, and was father of Robert who by Elizabeth his wife, daughter of ——— Booth had Sir Robert, whose wife was Elizabeth, daughter and heir of Sir Nicholas Beke, by whom he left Maud his daughter and heir, who married first, William Ipstone, by whom she had issue William who died s.p., Christian, aged six the 1 Hen. IV., and Alicia, aged three; her second husband was Humphrey Peshall, and her third, Sir John Savage of Clifton.

TALBOT.—(4 Edw. III.)

WHETHER this ancient family was in England before the conquest, according to Mr. Lodge,* or only became settled there about that era, is of little consequence. It has flourished ever since in that high rank of nobility, and with the very rare instance of a continued race of male descendants to the present day.

* Irish Peer-
age v. i. p.333.

Gilbert Talbot, in the time of Edw. I., having married Guentlian, daughter, and eventually heir of Rhue Ap Griffith, prince of South Wales, his son

Richard Talbot relinquished his own coat armour, and assumed that of his mother, viz: "*G., a Lion rampant within a Bordure, Or.*" Though not summoned as a baron to the parliament at Lincoln the 29 Edw. I., he nevertheless was one of those who affixed their seals to the memorable letter to the pope,—being written, "*Ricardus Talbot de Eccleswell.*"†

† Dugd. Lists
of Summ.

Gilbert Talbot, his son and heir, had summons to parliament the 4 Edw. III., as "*Gilbert Talbot;*" and in the same writ‡ is mentioned the name of "*Richard Talbot.*" He was afterwards summoned by the same description to the 17 Edw. III.; and died circ. 20 Edw. III., leaving

‡ Ibid.

Richard Talbot his son and heir, who in his lifetime had also been summoned to parliament in and from the said 4 Edw. III.; and after his father's death to the 29 Edw. III., inclusive, shortly after when he deceased, the 30 Edw. III. He married Elizabeth, daughter and coheir of John Comyn, of Badenagh, by Joan his wife, sister and coheir of Aymer de Valence, earl of Pembroke;§ and left issue

§ Vide Dorm.
and Ext. Bar.,
vol. iii.

Gilbert Talbot, his son and heir, who had summons from the 36 Edw. III. to the 10 Ric. II., inclusive; and died the following year, 1387, leaving, among other issue,

Richard Talbot, his son and heir, who having married Ankaret, sister, and eventually

* Vide Strange of Blackmere.

sole heir of John baron le Strange, of Blackmere,* had summons to parliament vitâ patris, from the 7 to the 11 Ric. II., as "*Richardo Talbot de Blackmere Ch'v'r.*" It is rather singular that in the said writ of the 11 Ric. II. (having succeeded his father) he is twice mentioned; first as "*Richard Talbot de Goderche Castle;*" and secondly as "*Richard Talbot de Blakemere;*" but in the following years, to the 17 Ric. II., inclusive, as "*Richard Talbot de Goderiche Castle.*" He died in 1396, and was succeeded by his son and heir,

† Lodge's Irish Peerage, Dug. vol. i., p. 328.

Gilbert Talbot, who had summons from the 5 Hen. IV. to the 5 Hen. V., as "*Gilbert Talbot,*" without any addition to his name. He was twice married; but by his first wife, Joan, second surviving daughter of Thomas Plantagenet, duke of Gloucester, had issue only a daughter Ankaret, who dying an infant in the fourth year of her age,† his honours, for want of surviving issue, devolved upon

‡ Vide Banks' Dorm. & Ext. Baron. & Collins's Peerage.

John Talbot, his next brother and heir; who having married Maud, eldest daughter and coheir of Thomas Neville lord Furnival, was summoned to parliament (vitâ fratris) from the 11 Hen. IV. to the 8 Hen. V., as "*Johanni Talbot D'n's de Furnyval;* and from the 3 to the 13 Hen. VI., as "*Johanni Talbot Militi.*" He was afterwards created earl of Shrewsbury by Hen. VI.; from which period his baronial honours became merged in the higher dignity, and so continued, till by the death of Gilbert, the seventh earl of Shrewsbury,‡ without issue male surviving (anno 1616) the earldom devolved upon his brother and heir male, Edward; and the baronies of Talbot, Strange of Blackmere, and Furnivall fell into abeyance between his three daughters and coheirs, viz: Mary, who married William, earl of Pembroke; Elizabeth, who married Henry Grey, earl of Kent; and Alatheia, who wedded Thomas Howard, earl of Arundel.

The issue of Mary and Elizabeth failing, the abeyance is presumed to have become terminated, and the aforesaid baronies to be in abeyance between the coheirs general of the said Thomas, earl of Arundel, who now are the lords Stourton and Petre.

TALBOT OF RICHARDS CASTLE.

RICHARD TALBOT, a younger brother to Gilbert, who was summoned to parliament the 4 Edw. III., married Joan, daughter and coheir of Hugh Mortimer, of Richards Castle, in the county of Hereford, and in the partition of the inheritance acquired that seignory; but neither he nor any of his descendants were ever summoned to parliament. It is, nevertheless, to be considered, whether as Hugh de Mortimer was summoned to parliament the 25 and 27 Edw. I., provided those writs created a descendable barony, an interest therein is not vested in the heirs representative of the said Richard Talbot, of whom an account has been before given.§

§ Vide Mortimer.

TALBOYS.—(21 HEN. VIII.)

GILBERT TALBOYS was summoned to parliament the 21 Hen. VIII., as lord Talboys of Kyme; and then making his first entry into the parliament chamber, paid the demand made by the Garter king of arms for ordering the lords' seats, and registering their names.* He was son of Sir George Talboys, knt., lineally descended from Sir Henry Taylboys, by Elizabeth his wife, daughter and heir of Gilbert Burdon, (or Barrodon,) by Elizabeth his wife, sister and heir to Gilbert de Umfraville, earl of Angus,† and daughter of Robert, earl of Angus, by Lucy his wife, sister and heir to William baron de Kyme, in the county of Lincoln.‡

* Dug. Lists of Sutun. pp. 497—500.

† Vide Angus.

‡ Vide Kyme.

This Gilbert lord Taylboys married Elizabeth, daughter of Sir John Blount;^a and had two sons, George and Robert, who both died s. p., and a daughter Elizabeth, who became his heir. This lady married, first, Thomas Wimbish, esq.; and secondly, Ambrose Dudley, earl of Warwick, but had not any issue by either of her husbands; and as such, on her death, the barony created by the writ of summons to Gilbert her father became extinct: but such interest as he had in the ancient barony of Kyme devolved in abeyance between his three sisters, or their heirs representative; of which sisters, Elizabeth married Sir Christopher Willoughby, knight; Cecelia married, first, William Ingleby, of Ripley, in the county of York, esq.; and secondly, John Torney, esq.; Anne married first, Sir Edward Dymoke, knight; and secondly Sir Robert Carr, knight. In the partition of the lands, the old castle of Kyme came into the Dymoke family, and long continued in it, till in the last century, it was alienated into the possession of strangers. The present Sir Henry Dymoke is not the immediate heir to the Kyme barony, the Dymoke interest therein being vested in the family of Heywood; or if extinct, then in the heirs representatives of the sisters and coheirs of Champion Lewis Dymoke, who died in 1760, s.p.§

§ Vide Banks's Hist. of Mar- myun.

It is here to be observed that Mr. Wymbish having married the daughter and heir of Gilbert lord Talboys, claimed to be *jure uxoris*, lord Talboys; but upon solemn argument, the king himself being present, it was resolved—

“That no man, husband of a baroness, in her right should use the title of her dignity until he had a child by her, whereby he should become tenant by curtesy of her barony:” whereupon, Mr. Wimbish failed in his demand.

On this occasion it is said that the king moved this question, viz:—

“If the crown of England should descend to his daughter, whether her husband should use the style of England?”

^a She survived him, and remarried Edward Clinton, first earl of Lincoln; but by king Hen. VIII. had a natural son Henry Fitz Roy, whom his father created duke of Richmond in the seventeenth year of his reign, which intimates that the lord Talboys owed his creation to having married the king's concubine, his writ of summons being the 21 of Hen. VIII.

The Chief-justice answered: not by *right*—but by *grace*; because the crown of England is out of the law of curtesy; but if it were subject thereto, then it *was clear*.

TATSHALL.—(45 HEN. III., AND 23 EDW. I.)

EUDO, a Norman adventurer, acquired the lordship of Tatshall, in the county of Lincoln, temp. William the Conqueror, from which his family became cognominated. From him descended

Robert de Tatshall, who married Mabel, (or Amabel,) one of the sisters and coheirs to Hugh, the last Albini, earl of Arundel; and in the partition of the inheritance had the manor and castle of Buckenham, in the county of Norfolk. This Robert, according to Dugdale,* died 33 Hen. III., leaving Robert his son and heir aged twenty-six; who, paying one hundred pounds for his relief, had livery of his inheritance. This

* Baron vol. ii.
p. 440.

Robert de Tatshall (to follow the words of Dugdale) in the 54 Hen. III., upon partition of the lands of Ralph Fitz-Ranulph, lord of Middleham, in the county of York, had in right of *Joan his wife*, second of the three daughters of the said Ralph, the manor of Well, and a moiety of the woods belonging to the lordship of Snape, and died in the 1 Edw. I., seised of Buckenham, with the castle; as also of Tatshall, with the castle, &c., leaving

Robert de Tatshall, his son and heir, then twenty-four years of age, who doing his homage, had livery of his lands. This Robert died the 26 Edw. I.,* being seised of a moiety of the manor of Well, &c., in right of *Joan his wife, daughter and coheir of Ralph Fitz-Ranulph*, above mentioned,^a (who it is to be observed, he had before made the wife of his father) leaving Robert his son and heir, then aged twenty-four years, who in his childhood, took to wife Eve, the daughter of Robert de Tibetot, and the 26 Edw. I., doing his homage, had livery of his whole inheritance, saving to *Joan* his mother, her reasonable dower. He afterwards died the 31 Edw. I., leaving Robert his son and heir, *fifteen years of age*. Now, if Robert was only twenty-four years of age at his father's death, the 26 Edw. I., he could only have been in his thirtieth year at the time of his own decease, the 31 Edw. I.; when, to have left a son aged *fifteen*, must have been a very nimble course of generation. This son is said to have died the 34 Edw. I., s. p., when Dugdale proceeds to say, that Thomas, the son of Adam de Caily, then aged twenty-four; and Isabel, the wife of John Orreby, aged twenty-nine, were found his next heirs.

Through all this statement Dugdale has not once alluded to any one of the Roberts

^a A MS. pedigree, penes auctore, names her *Joan*, daughter of ——— Nevill.

having at any time been summoned to parliament, whereas it appears from the respective Clause Rolls,* that

* Dugd. Lists of Summ.

Robert de Tatshall had summons to the parliament called by the king's writ to meet in London the 45 Hen. III.,† which Robert was probably the same who died the 1 Edw. I. After him, another

† Vide Copy of the Writ in vol. ii.

Robert de Tatshall is mentioned to have been summoned to parliament the 23, 24, and 25 Edw. I.,‡ and the name of Robert is also contained in the writ *equis et armis* to Carlisle the 26 Edw. I., where he is designated *a baron*; those then summoned being all distinguished by their respective rank of *comites vel barones*; but if he was dead in the said 26 Edw. I., the writ might refer to

‡ Dugd. Lists of Summ.

Robert de Tatshall, his son, who had summons the 27, 28, and 30 Edw. I., and was one of those who in the parliament at Lincoln the 29 Edw. I., affixed his seal to the letter to the pope,§ being then styled "*Robertus de Tatteshalle, Dominus de Buckenham.*"

§ Ibid.

This Robert deceased, as before mentioned, the 31 Edw. I., leaving his early begotten son

Robert de Tatshall, who died 34 Edw. I., s.p., when the inheritance became divided, as recited by Dugdale, and in the heirs representatives of those coheirs, the barony, if any was created by the writs of summons, may probably be considered as now vested.|| But if the writs of summons from the 23 to the 30 Edw. I. be looked upon as relating to one and the same person, then the barony would be extinct.

|| Vide Clifton, Cromwell, Knevet, &c.

Dugdale has omitted a third coheir, viz: Joan, who married — Driby, from whom descended the lords Cromwell, of Tatshall.¶

¶ Vide Cromwell.

THWENGE.—(22 EDW. I.)

OF this ancient family which were lords of Kilton castle, in Cleveland, in the county of York, was

Marmaduke de Twenge, who married Lucia, one of the sisters and coheirs of Peter, the last Brus baron of Skelton, in the county of York, and had summons to parliament the 22 Edw. I., but no more. By the said Lucia de Brus his wife, he had issue several sons, whereof the eldest,

Robert de Twenge, never had summons to parliament, and died leaving a daughter and heiress Lucie, who married William le Latimer, from whom she was divorced, and afterwards married Nicholas de Meinill, or rather, as it is said, was his concubine, and had by him a bastard son Nicholas.** She was again married to, or became the concu-

** Vide Meinill

bine successively of, Bartholomew de Fancourt and Robert de Everingham.

Marmaduke de Twenge, brother and heir male to Robert, was a famous soldier, and

a person of special note in his time, and had summons to parliament from the 35 Edw. I.* to the 16 Edw. II., inclusive, about when, or shortly after, he died, leaving by Isabel his wife, daughter of Robert de Ross, of Igmantorpe, three sons, viz: William, Robert, and Thomas; and also three daughters, Lucy, Margaret, and Catherine. Of the sons,

* Vide copy of writ in vol. ii.

William de Thwenge had summons the 18 Edw. II., but never after, and died the 15 Edw. III., s.p., leaving

Robert de Thwenge his brother and heir, who was a priest, and died soon after in the 18 Edw. III., being succeeded by

Thomas de Thwenge his next brother, also a priest, and rector of the church of Lythum, where he founded a chantry in the parochial church for twelve priests to pray for the souls of himself and ancestors, and the souls of William, Robert, *John*, and *Nicholas*, his brothers, being the only mention made that he had such brothers, who probably died young in their father's lifetime. He died the 48 Edw. III., when the descendants of his three sisters, whereof Lucy married Sir Robert Lumley, knight; Margaret, Sir Robert de Hilton, knight; and Catherine, Sir Ralph D'Aubenie, knight, became his coheirs, and in their heirs representative the barony of Thwenge may be considered vested in abeyance.†

† Vide Lumley case of Dr. Lloyd.

TIBETOT.—(1 EDW. II.)

ROBERT DE TIBETOT, in the 6 Edw. I., is recorded‡ to have been in the parliament at Westminster, in that year when Alexander, king of Scotland, did homage to king Edward.^a He was also in that parliament the 18 Edw. I., when the barons granted to the king such aid for the marriage of his daughter, as his father, king Henry, had in time before;§ but there is not upon record any writs of summons to the said parliaments.^b This Robert died circ. the 26 Edw. I., and was succeeded by his son

‡ Rolls of Parl. vol. i., p. 224.

§ Ibid. p. 25.

Pain de Tibetot, who had summons to parliament from the 1 to the 7 Edw. II., and by Agnes his wife, daughter of William de Ross, of Hamlake, left

John de Tibetot his son and heir, who was summoned from the 9 to the 39 Edw. III., inclusive, and died the 41. He married Margaret, sister and coheir of Giles lord Badlesmere, by whom, in the division of that great inheritance, he considerably increased his estate. His eldest son John having predeceased him, he was succeeded by

^a Quinzim de St. John Baptist (1278) the Statutes of Gloucester were made 4 October.—(Parliamentary Report of the commencement, adjournment, and prorogation of parliaments from the 9 Hen. III. to the 2 William and Mary, anno 1690).

^b Post Festum St. Hillarii et post Pascha (1290) parliament at Clyston à die St. Michaelis in unum mensem.—(Ibid.)

Robert, his next surviving son and heir; which Robert was summoned in the 42 and 44 Edw. III.; and deceased the 46, leaving Maud^a his wife, daughter of William lord Deincourt surviving, and three daughters his coheirs, viz: Margaret, who married Roger, second lord Scroope, of Bolton, lately represented by Charles Jones, esq., (deceased 1843); Milicent, who married Stephen le Scroope, (brother to Roger,) represented by William Scroope, of Castlecomb, in the county of Wilts, esq.;^b and, Elizabeth, who married Philip le Despenser,^c represented by the now baroness of Wentworth; and Anne Isabella lady Byron.

TIBETOT—(4 HEN. VI.) EARL OF WORCESTER.—(27 HEN. VI.)

JOHN DE TIBETOT, son and heir of Pain de Tibetot, a younger son of John de Tibetot, by Margaret de Badlesmere, (but according to Blore, not by her, but by another wife, Elizabeth, widow of Sir Thomas Wauton,) had summons to parliament from the 4 to the 20 Hen. VI., as "*Johanni Tiptoft Ch'lr.*" Dugdale affirms that he bore the title of "*Lord Tiptoft and Powys*:" yet the writs of summons never mention him by that latter designation;* though it is probable his being called to parliament was in consequence of his having married Joice, one of the sisters and coheirs of Edward baron Cherleton, who was lord of Powys, in Wales;† by which marriage he obtained a considerable inheritance. He died the 21 Hen. VI.; and was succeeded by

* Dugd. Lists of Summ.

† Vide Cherleton.

John de Tiptoft, (or Tibetot,) his son and heir, then in minority; who was created earl of Worcester the 27 Hen. VI., having just become of age. He was a person of very great acquirements, and held many high offices in the time of Hen. VI. and Edw. IV. and was a Knight of the Garter: yet, after all, having become obnoxious to the Lancastrians, and acquired the envy of the Yorkists, he fell a sacrifice to party,‡ and was eventually beheaded on Tower Hill, and buried at the Black Friars, in London, the 10 Edw. IV. He was twice married; first to Elizabeth, daughter of Robert Greyndour, by whom he had a son John, who died the day he was born—as did his mother; his

‡ Vide Banks' Dorm. & Ext. Baron., vol. ii.

^a This Maud is called Margaret by Hunter in his Deanery of Doncaster, (vol. i., p. 325), who states that she is said to have remarried John Cheney.

^b His only child Emma Phips Scroope married, in 1821, George Julius Buncombe Powlett Thompson, esq., who thereupon had the royal licence to take the name of Scroope.

^c Leland and Collins assert that she married, first, William le Scroope, earl of Wiltshire, and secondly, Philip le Despenser. In Blomfield's Norfolk, (folio edition, vol. v., p. 1550) Margaret Tibetot is said to have remarried John Nicandser, and Milicent Tibetot to have remarried Sir John Falstoff, K.G., the espousals being made in Ireland, when Sir John and Sir Gilbert Umfravill were bound in a bond to Stephen Scroope, archdeacon of Richmond, to pay her one hundred pounds a year for life.

second wife was Elizabeth, widow of Sir Roger Corbet, daughter of Thomas, and sister to Sir Walter Hopton, and one of the heirs of Sir William Lucy, knt.,* by which wife he had issue Edward, his son and heir, but having been attainted his honours were forfeited.

* Hearne's
Lib. Nig., v. ii.,
p. 511.

Edward de Tiptoft, his said son and heir, was restored in blood, but he died unmarried in 1485, whereby his aunts (sisters to John his father) became his coheirs, viz.: Philippa, who married Thomas lord Roos, represented by the present lord de Roos, and the other coheirs of the barony of de Roos; † Joan, who married Sir Edmund Ingoldes-
 † Vide Roos. thorpe, represented by the coheirs of John Nevill, marquess of Montague; ‡ and Joice,
 ‡ Vide Mon- tague. who married Edmund, son and heir of John lord Dudley, represented by the coheirs of the barony of Dudley. §

§ Vide Dudley.

MEMORIALS OF THE TIPTOFTS,

In the Grey Friars, at Norwich, founded by the lord Tiptoft.

Buried—Sir Robert Tiptoft, knt., and Dame *Una*, his wife; Sir Robert Tiptoft, the younger; Margaret, wife of Sir John Tiptoft; Robert Tiptoft, Esq.; Elizabeth Lady Spencer, wedded to Sir Philip Spencer, daughter of Robert Tiptoft; Philip, George, and Elizabeth, children of Sir Philip Spencer; Joan, daughter of Sir Hugh Spencer.

DEANE MICHAEL, CO. GLOUC.

JOHN TIPTOFT, earl of Worcester, married Elizabeth, daughter of Robert, only son of Sir John Greyndour, on whose attainder and death, in 1471, the manor reverted to Alice, second wife of Thomas Baynham, daughter of William Walweyne, grandson of Sir John Greyndour.

TONI.—(27 EDW. I.)

RALPH DE TONI is said to have been standard bearer to William the Conqueror, at the great and decisive battle of Hastings, and as a reward for his eminent services had given to him divers lordships in several counties; from him descended

Robert de Toni, who the 26 Edw. I. had summons *equis et armis* to Carlisle, and in the writ is denominated a baron, those summoned on that occasion being all styled by their respective ranks of *comites vel barones*.|| He had afterwards summons to parliament from the 27 Edw. I. to the 4 Edw. II. inclusive, and was summoned to that king's coronation.¶ In the parliament at Lincoln, the 29 Edw. I., he was one of those eminent persons who affixed their seals to the letter written by the barons to the pope,** by the designation of

|| Dugd. Lists
of Summ.

¶ Coron. Rot.
I Edw. II.,
vide vol. ii.

** Dug. Lists
of Summ.

“*Robertus de Tonny Dominus de castro Matildis.*” He died circ. 4 Edw. II., s.p., leaving Alice, his sister and heir, who married, first, Thomas Leybourne; secondly, Guy de Beauchamp, earl of Warwick, and surviving him, is said to have married thirdly, William le Zouche, of Ashby. Dugdale has not noticed this Robert to have been ever summoned to parliament; but Banks, in his *Baronage*,* has remarked this, and mentioned the several parliaments to which he was summoned; this remark Sir Harris Nicolas in his *Synopsis*,† has adopted as a shrewd observation of his own.

* *Dorm. and Ext. Bar.*, v. i., p. 421.
 † *Vol. ii.*, p. 645

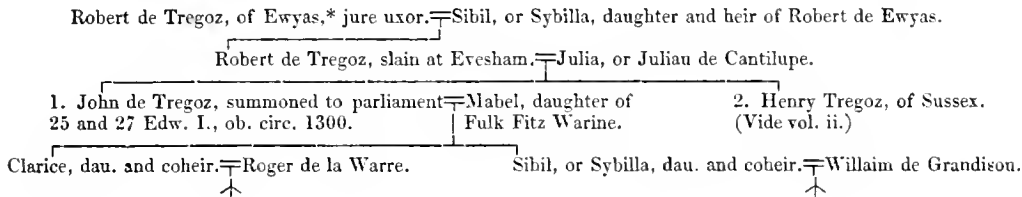
TREGOZ.—(25 EDW. I.)

ROBERT TREGOZ had summons to that parliament called by the king’s writ to meet in London the 45 Hen. III.‡ He was afterwards slain in the battle of Evesham. His son

‡ Copy of Writ in vol. ii.

John de Tregoz had summons to parliament in the 25 and 27 Edw. I., but no more, and died leaving two daughters his coheirs, viz: Clarice, who married Roger de la Warre,§ and Sybil, who was wife of Sir William Grandison.

§ *Vide De la Warre, and Grandison.*



* *Vincent*, p. 285.

TRUSSEL.—(22 EDW. I.)

WILLIAM TRUSSEL is mentioned among those who had summons to parliament the 22 Edw. I.;|| but the name does not again appear in any writs of summons till the 16 Edw. III., when another

|| *Dugd. Lists of Summ.*

William Trussel (for from the length of time he cannot be considered the same person) had summons with divers earls and barons to attend a great council to be holden at Westminster,¶ but which is not called a parliament, though the words of the writ import it to be, to give advice on the urgent affairs of the realm. His name however is not again recited in any subsequent writs of summons, so that it cannot be inferred that any inheritable barony was acquired under, or by virtue of, either of the said writs of summons, and in such respect a further account of the family appears unnecessary.**

¶ *Ibid.*

***Vide Bank's Dorm. & Ext. Baron.*

TUCHET.—(28 EDW. I.)

WILLIAM TUCHET had summons to parliament from the 28 to the 35 Edw. I. In the 26 Edw. I. he had summons to Carlisle *equis et armis*, and in the writ he is styled a baron,* as all who were then summoned were distinguished by their respective ranks. In the 29 Edw. I. he was one of the barons who in the parliament at Lincoln affixed their seals to the letter then written to the pope, being styled "*Willielmus Touchet Dominus de Leventhales.*" But his name is not included in any writs of summons after the 35 Edw. I. It is presumed that he was ancestor to Sir John Tuchet, who married the coheirss of Audley,† or that they were of the same family; but the connexion has by no means been ever clearly shown. It is most probable that the immediate line of this William merged in female heirs.

* Dugd. Lists of Sum.

† Vide Audley

HENRY DE TYES.—(22 EDW. I.)

THE origin of this family is much controverted by Hornby in his animadversions on Dugdale's Errors;‡ but whether Hornby or Dugdale be the most correct is of little consequence as regards the period when it first obtained baronial rank by being called to parliament.

‡ P. 241, et sequens.

Henry de Tyes had summons to parliament the 22 Edw. I., and from thence to the 1 Edw. II. In the 26 Edw. I. he had summons *equis et armis* to Carlisle, and by the name of "*Henr' Tyeis*" is styled a baron, those who were then summoned being all distinguished by their respective ranks.§ In the 29 Edw. I., by the denomination of "*Henricus de Tyes Dominus de Chilton,*" he was one of those who in the parliament at Lincoln subscribed the letter to the pope,|| after when he died circ. 1 Edw. II., and was succeeded by his son

§ Dugd. Lists of Sum.

|| Ibid.

Henry de Tyes, who had summons from the 6 to the 14 Edw. II., but being concerned in the insurrection under the earl of Lancaster, he, with that earl, and divers other eminent persons, was taken prisoner at Boroughbridge, and was executed for his treason, at London, anno 15 Edw. II., leaving Alice his sister and heir, who married Warine de Lisle, in whose coheirs descendants the representation of this barony, if not

¶ Vide Lisle.

affected by the aforesaid execution is now vested.¶

WALTER DE TYES.—(27 EDW. I.)

OF this Walter no mention occurs as to his connection with the family of Henry de Tyes,** or whether of a distinct origin. He married Isabel de Steingreve, (or Steingrene)

** Vide Hornby, pp. 245-6.

daughter of John de Steingreve,* (or Steingrene) by Ida his wife, one of the coheirs of Joan de Beauchamp, coheiress of the last Beauchamp, baron of Bedford.† In the 26 Edw. I. he had summons to Carlisle equis et armis, and in the writ, where all summoned were distinguished by their respective ranks,‡ was styled *a baron*. In the 27 Edw. I. he had summons to parliament, and from thence to the 1 Edw. II. inclusive, as also to the coronation of that king.§ In the 29 Edw. I. in the parliament at Lincoln, by the description of "*Walterus de Tye, Dominus de Stangrove*," he affixed his seal to the letter then written to the pope. He died s.p. circ. 18 Edw. II.,|| leaving his niece Margaret, daughter of his brother Roger de Tyes, his next heir; but the barony created in him became extinct. Dugdale has not noticed this Walter de Tyes to have been ever summoned to parliament, though in his Lists of Summons he has included his name.

* Vide Steingreve, vol. ii.
 † Vide Parks-Dorm. & Ext. Baron, vol. i.
 ‡ Dugd. Lists of Summ.

§ Coron. Rol in vol. ii.

|| Orig. 18 Ed. II., Rot. 3, Bedf.

UFFORD.—(2 EDW. II.)

OF this family, according to Dugdale and other authorities,¶ Robert, a younger son of John de Peyton, of Peyton, in the county of Suffolk, becoming possessed of the lordship of Ufford, in the said county, therefrom assumed his surname, which

¶ Camden. Collins, &c., in Peyton, bart.

Robert de Ufford was for sometime Justice of Ireland, and died the 26 Edw. I., leaving by Mary his wife, widow of William de Say, Robert his son and heir, and Thomas a younger son, (unnoticed by Dugdale), who married Eve, daughter and heir of John baron de Clavering.** The said

** Vincent.

Robert de Ufford had summons to parliament the 2, 3, 4, and 5 Edw. II., being the first of his family in the character of a baron. He died the 10 Edw. II., having married Cecily, one of the daughters and coheirs of Robert de Valoines, by whom he had issue Robert his son and heir, Ralph, and Edmund,*† and another son who was archbishop of Canterbury, elect, but whose name is not mentioned by Dugdale.

*† Dugd. Bar. vol. ii., p. 47.

Robert, the eldest son and heir, was summoned to parliament from the 6 to the 10 Edw. III., and in the following year was, by charter dated the 16 March,*‡ 1336, created earl of Suffolk, with an habendum "*sibi et heredibus suis*," thereby conferring upon him an earldom descendable to his heirs general. He was a person of high note, eminent talents, and of great prowess,—very popular, in great favour with his sovereign, and seldom out of some distinguished employment. He married Margaret, daughter of Sir Walter de Norwich,*§ and had issue Robert his eldest son and heir apparent, who died before him s.p., having been summoned to parliament (or great council)*|| the 16 Edw. III., by the description of "*Robertus le Ufford le Fitz*." He had issue also two other sons, viz: William his successor, and Thomas*¶ who died s.p., and three daughters hereafter mentioned. Upon his death the 43 Edw. III., he was succeeded by

*‡ Chart. 11 Edw. III., nos. 51 & 52.

*§ Vide Norwich.

*|| Dug. Lists of Summ.

*¶ Milles and Yorke's Union of Honor, p. 282.

William de Ufford his eldest surviving son, the second earl, who in his father's lifetime had been summoned to parliament the 38 and 39 Edw. III. This earl like his father was a very popular man, and much regarded by the nation and the king, and died very suddenly as he was ascending into the parliament chamber, the 15 February, the 5

* Esch. no.57. Richard II., anno 1381.* He was twice married, first to Joan, daughter of Edward de Montacute, by Alice his wife, daughter and coheir of Thomas of Brotherton, earl of Norfolk, and secondly to Isabel, daughter of Thomas de Beauchamp, earl of Warwick. By his first wife he is said† to have had four sons, viz: Robert, Thomas, William, and Edward, who all predeceased him s.p.,^a whereby on his decease s.p.s., his sisters became his coheirs, of which

† Milles, Brooke, and York's Union of Honor.

Cecily de Ufford married John lord Willoughby of Eresby, represented by the present lord Willoughby and the marquess of Cholmondeley; Catherine de Ufford married Robert lord Scales; ‡ and Margaret de Ufford married William lord Ferrers, of Groby.§

‡ Vide Scales.
§ Vide Ferrers of Groby.

Thus the barony of Ufford fell into abeyance between the heirs general representative of these three ladies; and the earldom of Suffolk, by virtue of its charter of creation, and limitation to Robert de Ufford, habendum "*Sibi et heredibus suis*," must be considered to be similarly vested; although no peerage author has hitherto made any remark thereon. The late decision of the earldom of Devon|| forms a precedent that the descent of a title must be guided by the words of the charter, or patent, which first created the dignity.

|| Vide Devon.

JOHN DE UFFORD.—(34 Edw. III.)

¶ Synopsis, vol. ii., p. 654.

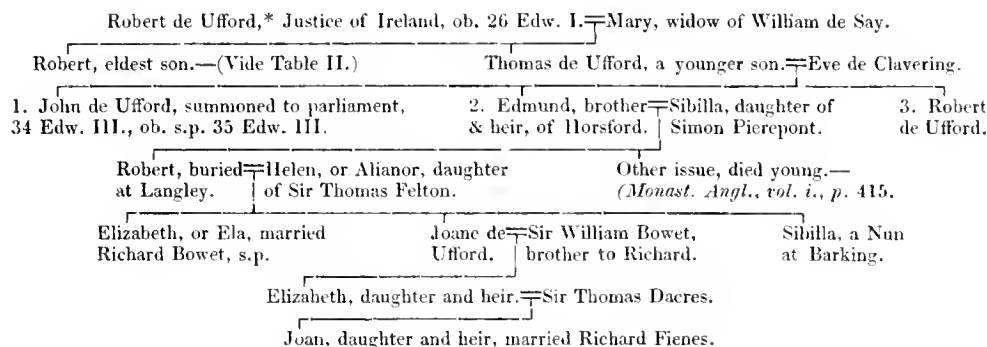
JOHN DE UFFORD, called by Dugdale, and adopted by Sir Harris Nicolas, ¶ son of Ralph de Ufford, (brother to Robert, first earl of Suffolk,) by Eve his wife, daughter and heir of John baron de Clavering, had summons to parliament the 34 Edw. III., but died the year following, s.p., leaving Edmond de Ufford his brother and heir.**

** Esch., 35 Edw. III.

This statement is, however, controverted by Vincent, who says this John was son of Thomas, a younger son of Robert, the justice of Ireland, who was grandfather of Robert, the first earl of Suffolk, and which Thomas, and not Ralph, married the said Eve de Clavering. This, indeed, appears evident from the Clause Rolls of the 2 Edw. II.; which recites, viz: "*Thomas de Ufford et eandem Exam quam idem Thomas duxit in uxorem nono die Marcii a^o 2^{do}.*" It is also evident that Ralph could never be the husband of Eve, inasmuch as he died in the lifetime of Maud de Lancaster, (the widow of William de Burgh, earl of Ulster,) whom he married; and by her had a daughter Maud, who mar-

^a Vide Vincent's severe animadversions upon Ralph Brooke, in the article of Suffolk, p. 498.

ried Thomas, earl of Oxford. Thus, if Eve had been a former wife, she must have died before him; and if she had been his second wife (as said by Dugdale,) he could not have deceased before the said Maud.



* Vincent, 396 in Coll. Arm.

MEMORIALS OF THE UFFORD FAMILY.

Grey Friars, Norwich.—(Weever, 750.)

Dame Elizabeth, wife of Sir Thomas Ufford, daughter of the earl of Warwick.

The heart of Dame Petronil Ufford; Dame Margery, aunt of Sir Robert Ufford; Elizabeth Ufford.

Campsey.—(Ibid. 775.)

Maud, sister to Henry, earl of Lancaster, first married to William de Burgh, earl of Ulster; and after to Ralph de Ufford, C. J. of Ireland, founded a chantry, to pray for the souls of the said William de Burgh, and Ralph de Ufford, whose body was here interred.

Woodbridge.—(Ibid. 752-3.)

Buried in the Priory Church, viz, Joan St. Philibert, daughter of the earl of Suffolk; Sir Robert de Ufford, and Dame Cecily his wife; Robert de Ufford, earl of Suffolk, and Dame Margaret his wife; Sir William de Ufford, second earl of Suffolk, and Isabel his wife.

Langley.—(Ibid. 825-6.)

Sir John Clavering obiit 1332; Sir John Ufford; Sir Robert Ufford; Sir Thomas Ufford; Sir James Audley; Dame Agnes Clavering; Dame Eve Audley; Dame Joan, daughter of Sir Robert Ufford, uxor Willielmi Bowet; Sir Edmund Ufford; Sibilla, wife of Sir Edmund Ufford.

Augustine Friars.—(Weever, 804.)—Sir Robert Ufford.

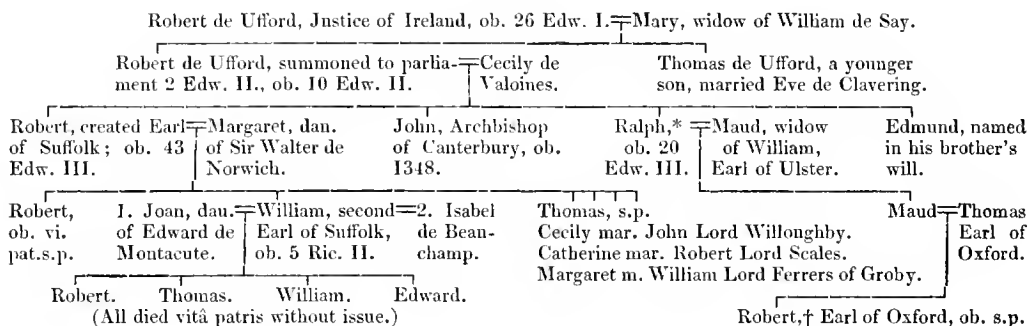
Black Friars, Dunwich.—(Ibid. 720.)

Sir Ralph Ufford, and Dame Joane his wife; Dame Joan Neyland, sister of the earl of Suffolk.

Canterbury.—(Ibid. 222.)

Here lieth obscurely buried John Ufford, brother to Robert, earl of Suffolk, Archbishop of Canterbury, but died of the plague before he received the Pall, or Consecration, June 7, anno 1348; Andrew Ufford, Arch-Deacon of Middlesex, was his Administrator.

TABLE II.



* It would appear from Blonfield's Norfolk that he had a son John Ufford, rector of Hingham, who by his will left a legacy to his sister Maud, a nun at Campsey.

† In the work intitled "Collectanea Topographica et Genealogica," it is questioned how upon the death of this earl Robert s.p., Sir Robert Willoughby could be heir to Maud, countess of Oxford; but it may be readily seen by referring to this pedigree.

UGHTRED.—(17 EDW. III.)

UCTREDUS, supposed to be of Saxon origin, held lands in Scardeburgh (now Scarborough) temp. Hen. III., from whom descended

Robertus Ughtereth, who, the 24 Edw. I., had summons to attend at Newcastle-upon-Tyne, equis et armis, and to a great council to be there holden:* to whom succeeded

Thomas Ughtred his son, who during a great part of the reigns of Edw. II. and III. was famous for his services in the wars with Scotland, and had summons to parliament from the 17 to the 38 Edw. III., † in the year following of which he died, leaving by Margaret his wife, daughter and heir of Brian Burdon, lord of Kexby, ‡ in the county of York, which manor was thereby acquired.

* Dug. Lists of Summ.

† Ibid.

‡ Dodsw. MS. in Bodl. Bib. ap. Oxon.

Thomas Ughtred his son and heir, who was also a military man of much renown, but was never summoned to parliament. He died the 3 Hen. IV., leaving Thomas the son of William, who died in his lifetime, his grandson and heir, which

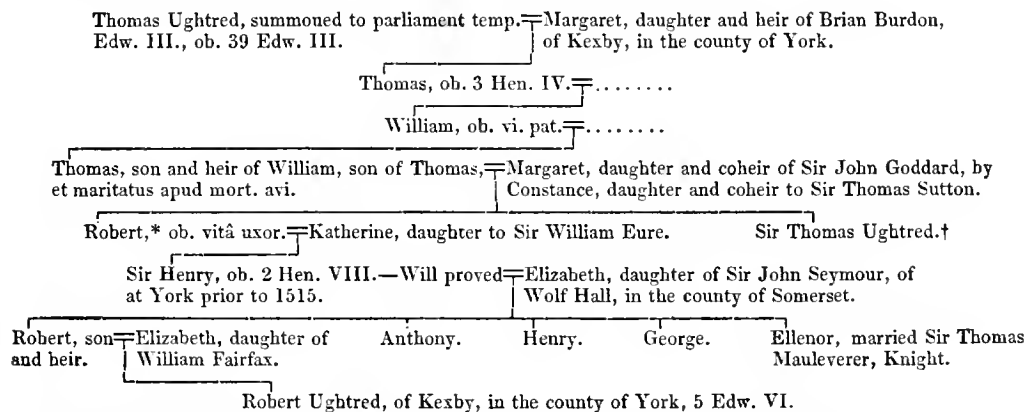
Thomas Ughtred never had summons to parliament. He married Margaret, daughter and coheir of Sir John Goddard by Constantia his wife, one of the daughters and coheirs of Thomas de Sutton, of Holderness, (the relict of Peter de Mauley),* and had issue two sons, Robert and Thomas, which Robert died temp. Edw. IV., leaving issue, Henry his son and heir; but as none of the family were ever after summoned to parliament it is not necessary to continue their descent, only observing that if Thomas Ughtred, by his repeated writs of summons, temp. Edw. III., acquired thereby a descendable barony, the same is vested in his heirs representative, together with a coheirship in the barony of Sutton of Holderness.†

* Vide Mauley and Sutton in vol. ii.

† Vide Sutton vol. ii.

In the will of Sir Henry Ughtred, knight, of Kexby, proved previous to 1515, he names Anthony Ughtred his son, Henry and George his sons, and Robert his son and heir, and brother William Fairfax, who by such expression may be considered to mean *brother in law*.

UGHTRED.—(17 Edw. III.)



* Robert Ughtred, Ch'r, consang. et hæres Thomæ Sutton, Militis, Mich. Fines 26 Hen. VI.—(Ex. MS. in Bib. Bodl. apud Oxon.)
 † Thomas Ughtred, Ch'r, consang & hæres. Jo. Goddard, Ch'r. recuperacem Term. Trin. 24 Hen. VI.—(Ibid.)

UMFRAVILLE.—(VIDE ANGUS.)

VALENCE.—(25 Edw. I.)

AYMER DE VALENCE, son and heir of William de Valence, who married Joan, sister and heir of William de Montchensy,‡ (which William de Valence was son of Hugh le

‡ Vide Montchensy.

Brun, earl of Marche, in France, by Isabel his wife, widow of king John, and mother of king Henry III.), had summons to parliament from the 25 to the 35 Edw. I.,* as "*Adomarus de Valencia*," and in the 29 Edw. I. was one of those who in the parliament at Lincoln subscribed the letter to the pope, being then styled "*Adomarus de Valencia Dominus de Montiniaco*;"†^a but though his father, William de Valence, is said to have been created earl of Pembroke, he did not have that title upon his father's death, in 1296, (23 Edw. I.) but appears to have first had it in the 1 Edw. II., when by writ of summons he was called to parliament‡ as "*Adomari de Valencia Comiti Pemb'*," and by the same description to the coronation of that king.§ He was much in the royal favour, but not popular to the nation. He was thrice married, but had not issue by any of his wives, and dying the 17 Edw. II., s.p., his titles became extinct, and the inheritance divided among his sisters and coheirs, or their representatives; of these sisters,

* Dugd. Lists of Summ.

† Ibid.

‡ Ibid.

§ Vide Coron. Rot. in vol. ii.

|| Vide Hastings.

Isabel de Valence married John lord Hastings;|| Joan was wife of John Comyn, lord of Badenagh; and Agnes (or Anne) married, first, Maurice Fitz Gerald, next, Hugh de Baliol, and lastly, John de Avennes, but is said not to have had issue by any of these husbands.

VAUX OF HARWEDON.—(15 HEN. VIII.)

NICHOLAS VAUX, a descendant from the ancient house of Vaux, baron of Gillesland, in the reign of king Stephen, was according to Dugdale,¶ created a baron of the realm, by the title of baron Vaux, of Harwedon, the 15 Hen. VIII.; the solemnity of his creation being upon the authority of Stow, at the palace of Bridewell. By this statement it would seem that he was created by patent, and that Dugdale so considered it, as he recites it in that part of his Baronage which specially treats only of persons so created.^a He however never took his seat in parliament as he died the same year, before any parliament was holden. But if the solemnity of his creation took place at Bridewell, it is evident he was not created by summons to parliament; and as he died so soon after his said creation, there could not be any barony descendable to his son and heir, as derivable from any writ of parliamentary summons. The Journals of the House of Lords are wanting from the 7 to the 25 Hen. VIII., therefore there is not any evidence that this Nicholas Vaux was a peer of the realm; and the manner in which he was so created being only stated by Dugdale, on the authority of Stow, is not supported by any patent to be found recorded, or enrolled.

¶ Baron., vol. ii., p. 304, citing Stow.

^a This may very likely be meant for the barony of Montchensy, which the Hastings family as heirs to Valence assumed among their titles, though Montchensy was never a parliamentary barony.

^b These kind of creations appear to have been by investiture; the person intended to be created being then introduced in the robes of the rank meant to be conferred upon him, which was formally expressed after, either by letters patent, charter, or summons to the next ensuing parliament.

Thomas Vaux, his son and heir, was present in parliament the 27th of January, the 25 Hen. VIII.,* from which it is presumed that he must have had a summons antecedently to that time, although no evidence of such writ is now to be found among the records. After this period his name is included in the general writs of summons during the remainder of the reign of Hen. VIII., and the reign of Edw. VI.; but it does not appear that he sat in parliament after the 25 Hen. VIII. till the 1 queen Mary, in whose fourth year he deceased, leaving

* Vaux case
Cor. Dom.
Proc.

William Vaux, his son and heir, who the 20th of January, the 4 and 5 Philip and Mary,⁶ delivered his writ of summons, and sat first in parliament.† He was succeeded on his death, 37 queen Elizabeth (1595) by † Lords' Jour.

Edward Vaux, his grandson and heir (son of George who predeceased him) who died in 1661, without legitimate issue, leaving

Henry Vaux, his brother and heir, to whom, in his will,‡ he left a legacy of ten pounds, having by deed of settlement in 1646 settled his family estates, after a life use to himself, and the countess of Banbury his wife, on Nicholas, son of the said countess; theretofore called Nicholas Vaux; or by whichever name or description the said Nicholas be, or hath been called, reputed, or known. This Nicholas, with another son Edward, were considered sons of the said Edward lord Vaux, born of the infamous countess, his wife,^a in the lifetime of her husband William, earl of Banbury.§ Thus Henry his brother was deprived of the family estates; and dying s. p., the male line of Vaux^b became extinct; and his sisters, or their representatives, became his coheirs general. ‡ Vaux case.

§ Vide Banks'
Dorm. & Ex.
Bar., vol. iii.,
p. 44.

Of these sisters, Mary married Sir George Simeon, represented by Charles Mostyn, of Kiddington, in the county of Oxford, esq., sole heir; Joyce, a nun, died in 1667; and Catherine married Sir Henry Neville, afterwards lord Abergavenny, represented by Robert, earl of Pembroke, and Edward Bouchier Hartop, esq., coheirs to the barony of Vaux, in abeyance; but this abeyance has been determined on claim referred to the house of lords, in favour of Mr. Mostyn, as may be more fully seen in Lodge's Annual Peerage, and other printed peerages of the day.

^a She is said to have destroyed the patent of creation of Nicholas Lord Vaux (which was never enrolled) together with divers deeds relating to the entailed estates, to secure them to her bastard sons, and thereby prevent Henry the last lord succeeding to them.

^b He was buried at Eye in Suffolk, with this inscription:

“Exiit Ultimus Baronu' de Harrowden
+ Henricus Vaux +
Sept. 20, Anno D'ni MDC LXIII.
+”

VAVASOR.—(27 EDW. I.)

WILLIAM LE VAVASOR (or Vavasour) was summoned to parliament from the 27 Edw. I. to the 6 Edw. II. inclusive; but his name is omitted in Dugdale's Index, though contained in his Lists of Summons for those respective years.* In the 26 Edw. I. he had summons to Carlisle, equis et armis, and in the writ was styled a baron, as those summoned at the same time were all distinguished by their several titles of *comites vel barones*. He was also summoned to the parliament at Lincoln, the 29 Edw. I., but was one of those who did not affix their seals to the letter to the pope; † he was likewise summoned to the coronation of Edw. II. ‡

* Dugd. Lists of Summ.

† Ibid.

‡ Coron. Rot. in vol. ii.

§ Baronetage, vol. ii., p. 130. || Glover, 207.

¶ Orig. 23 Edw. I., Rot. 13.

** Esch. no. 40.

*† Collins & Minster MS.

*‡ Esch. no. 60.

*§ Harl. MS. no. 807. *|| Vol. ii., pp. 219 & 220.

Dugdale states him to have been son of Robert le Vavasor, by Juliana, daughter of Thomas de Multon; but, according to Collins, § he was son of John le Vavasor, by Alice, daughter of Robert de Cockfield, || which seems confirmed by a MS. pedigree of the family, in the minster library, at York, as also the Originalia Record, ¶ that as son and heir of Alice, he did homage for the lands of his mother, which she held of the barony of Baieux.

The said William le Vavasor died the 6 Edw. II. ** His wife was Nichola, daughter of Sir Stephen, and sister to Sir Richard Waleys, of Newton, by whom he had three sons, Robert, Henry, and William, *† but neither appear to have been ever summoned to parliament.

Robert le Vavasor, the eldest son, died the 16 Edw. II., *‡ having had issue two daughters, Elizabeth and Anne; whereof, Elizabeth married Robert Strelley, of the county of Nottingham. *§ In Thoresby's edition of Thoroton's Nottinghamshire, he mentions, *|| that Sir Robert Strelley (aged thirty the 12 Edw. I.) married Elizabeth, daughter and heir of William Vavasor, of Shipley, in the county of Derby, from whom descended John Strelley, aged forty, the 4 Hen. VII., who left four daughters and coheirs; whereof, Isabella, the eldest, married Clement Low, and had a daughter and heir, who married William Sacheverell, second son of Sir Henry Sacheverell, of Morley, in the county of Derby; from whom, by an heir female, descended the late Sacheverel Chandoz Pole, esq., of Radborne, in the county of Derby,

WALTER VAVASOR.—(7 EDW. II.)

COTEMPORARY with the before mentioned William, was, according to Dugdale,

Walter le Vavasor, who was in the wars of Scotland, and had summons to parliament the 7 Edw. II., *¶ but never after. Who he was, or how, if at all related to William, is in no respect noticed by Dugdale, nor is in any mention to be found in any of the printed

*¶ Dug. Lists of Sum.

baronetages of the family, of the name of Walter, at that period of time: but these baronetages state, that Robert le Vavasor was in the wars of Scotland, and had summons to parliament the 7 Edw. II.* This leads to an inference that in the summons of that year, the name of *Walter* is misprinted for *Robert*, in the writ; which Robert was (as before mentioned) eldest son of William the baron.

* Collins, vol. ii., p. 131.

VERDON.—(22 EDW. I.)

BERTRAM DE VERDON, (probably so named from a town in France),^a at the time of the general survey held Farnham Royal, from whom descended

Nicholas de Verdon, who dying s.p.m., left Rohese his daughter and heir, which lady married Theobald le Boteler, but being a very great heiress retained her own name, which was continued by her posterity. She died circ. 1247, leaving

John de Verdon her son and heir, who married, first, Margaret, daughter to Gilbert, and heir of Walter de Lacy, whereby the castle of Webbeley, in the county of Hereford, was brought into the family. His second wife was Alianore, daughter of ————, whom he left his widow at his decease the 2 Edw. I.†

† Esch. n. 34.

Theobald de Verdon, his son and heir, was present in the parliament of the 18 Edw. I., when an aid was granted for the marriage of the king's eldest daughter.‡ In the 26 Edw. I. he had summons equis et armis to Carlisle, by the designation of "*Thebaud de Verdon le Peer*," his son being in the same writ summoned as "*Thebaud de Verdon le Fuiz*," both being denominated barons.§ as all then summoned were distinguished by their respective ranks. In the 29 Edw. I. he was one of those, who though not summoned to the parliament at Lincoln,|| affixed their seals to the letter to the pope, by the name of "*Theobaldus de Verdon Dominus de Webbele*." In the writs of the 22 and 23 Edw. I. he is written only *Theobaldus de Verdon*, but in the summons to the parliament at London the 28 Edw. I. he has the additament of *senior*, his son Theobald by the additament of *junior* being summoned at the same time.¶ In the writs of the 30, 32, 33, and 34 Edw. I. he is similarly distinguished, but in the 35 his name does not appear, that of Theobald junior being only mentioned. He died the 3 Edw. II., and was succeeded by Theobald his son and heir, John his eldest son having predeceased him long before, in Ireland, the 25 Edw. I.;** which

‡ Rot. Parl., vol. i. p. 25.

§ Dugd. Lists of Summ.

|| Ibid.

¶ Ibid.

** Orig. 25 Edw. I., Rot. 16.

Theobald de Verdon (as before noticed) was summoned to parliament in his father's lifetime, and afterwards to the 9 Edw. II. as Theobaldus de Verdon. He was twice married, first to Maud, daughter of Edmund Mortimer, lord of Wigmore, and had issue by her three daughters, viz: Joane, who became the wife of Thomas, son of Thomas lord Furnival; Elizabeth, who married Bartholomew de Burghersh; and Margery, who married,

^a Verdon, or Verdun, during the late war, was the place where the British prisoners were confined.

* Vide Blount and Hussey.
† Vide Crophul, vol. ii.

‡ Hornby on Dugd. Errors.

§ Vide D'Amory.

first, William le Blount,* secondly, Mark Hussey, and thirdly, John Crophul.† His second wife was Elizabeth, daughter of Gilbert de Clare, earl of Gloucester, (by Joan of Acres his wife, daughter of king Edw. I.) and widow of John de Burgh, son of Richard, earl of Ulster,‡ by whom he had a posthumous daughter Isabel, who married Henry lord Ferrers of Groby.^a He died circ. the 10 Edw. II., leaving the said Elizabeth de Clare surviving, who afterwards married Roger D'Amory.§ He had two sons, John and William, who both predeceased him s.p., and thus not having any surviving male issue, his great inheritance fell to be divided among his daughters and coheirs, in whose representatives the barony of Verdon is in abeyance.

JOHN DE VESCI.—(49 HEN. III.)

YVO DE VESCI married Alda, daughter and heir of William Tyson, lord of Alnwick, in the county of Northumberland, and in her right, at the time of the general survey, held very numerous lordships. He had issue an only daughter and heir Beatrix, who married Eustace Fitz John (nephew and heir of Serlo de Burgh, founder of Knaresborough castle), and had issue a son William, who assumed his mother's name of de Vesci,|| which

|| Vide Banks' Dorm. & Ex. Bar. vol. ii.

William de Vesci married Burga, daughter of Robert de Estoteville (or Stuteville), lord of Knaresborough, and had issue

Eustace de Vesci, one of the twenty-five celebrated barons appointed to enforce the observation of the famous Magna Charta of king John, formerly considered the palladium of British rights and liberties, but now existing only in the document which bears its name.^b He married Margaret, one of the natural daughters of William, king of Scotland, and had issue William, whose eldest son,

John de Vesci, was one of the confederate barons under Simon de Montfort, earl of Leicester, and after their success at the battle of Lewes, was one of those summoned to the parliament called by them in the king's name the 49 Hen. III.¶ He died s.p., and was succeeded by his brother and heir William, which

¶ Dugd. Lists of Summ.

WILLIAM DE VESCI.—(23 EDW. I.)

** Ibid.

WILLIAM DE VESCI was summoned to parliament the 23 Edw. I.,** but no more. He was one of the competitors for the crown of Scotland, with Bruce, Baliol, and others, under

^a Vide Pleas de Quo Warranto Coram. Rege, Anno 2 Edw. III., Rot. 128, pro lib' de Trim in Hiberniâ.—The daughters Elizabeth, Margery, and Isabel, under age, wherein is mentioned a daughter Catherine, unnoticed by Dugdale, or Sir Harris Nicolas.

^b It is said that on the accession of George I., this charter was offered to be translated into German by a very distinguished nobleman for his majesty's information, but the king declined the offer, observing that he did *not want to know anything about such obsolete matters.*

pretence of claim derived from his grandmother, Margaret daughter of William king of Scotland, whose right, had she been legitimate, would have been preferable to the pretensions of Bruce and Baliol, who deduced them from two daughters of David the younger brother of king William. This William de Vesci died the 25 Edw. I. without any lawful issue surviving; John his son and heir apparent having predeceased him, s.p. But he had a bastard son William, in whose behalf he enfeoffed Anthony Beke, bishop of Durham, in the castle of Alnwick, together with other lands; but the bishop is by historians said to have betrayed his trust, and to have sold Alnwick for a sum of ready money to William Percy, (ancestor to the earls of Northumberland) in whose family it thenceforth became vested, and is still retained.

William de Vesci, the bastard, who was called William de Kildare, had summons to parliament the 6, 7, and 8 Edw. II., but was slain at the fatal battle of Bannockshourne, when dying s.p., this barony became extinct, and the lands, which for want of issue from him, were to revert to the right heirs of William his putative father, descended to Gilbert de Aton, viz: son and heir of William, son and heir of Gilbert, by Margery his wife, daughter and heir of Warine de Vesci, brother of Eustace, father of William, father of John and William de Vesci, which last William was the putative father of him the said bastard, who deceased s.p.*

* Vide Aton, vol. ii.

The family of Aton, though thus descended, did not acquire any right of parliamentary barony by virtue of any of the writs of summons to John, or either of the Williams de Vesci.

WAHUL (WALTER)—45 HEN. III.

OF this family, which derived itself from Walter de Flanders, who came in with the Conqueror, and at the general survey held, among other manors and lordships in the counties of Bedford and Northampton, the manor of Wahul (subsequently called Wodhull, or Odhull) in the former county, was

Walter de Wahul, who had summons to that parliament called by the king's writ to meet in London the 45 Hen. III.,† his grandson

† Claus. Rot. m. 3, in Dors.

THOMAS DE WAHUL.—(25 EDW. I.)

THOMAS DE WAHUL was summoned to parliament the 25 Edw. I.,‡ but never after, nor any of his posterity, which long continued in the male line of succession, till the time of Hen. VIII., when

‡ Dug. Lists of Sum.

Anthony Wahul, about the 33 Hen. VIII., died, leaving by Anne his wife, daughter of Sir John Smith, an only daughter and heiress Agnes Wahul, who married first, Richard Chetwode; and secondly, Sir George Calverly, knight, by whom she had two sons, who died before her. She died the 18 of queen Elizabeth, leaving

Richard Chetwode (afterwards Sir Richard) her son and heir, who temp. James I. preferred a claim to the barony of Wahul, when his petition was referred to a committee of lords,* who reported, viz: "According to your Majesty's direction we have met and considered the petition of Sir Richard Chetwode, and find that the petition is true; and that before any usual calling of barons by writ, his ancestors were barons in their own right, and were summoned to serve the kings in their wars with other barons, and were also summoned to parliament: and we conceive the discontinuance to have risen from the lords of the honor dying at one year of age, and the troubles of the time ensuing; but still the title of baron was allowed in all the reigns by conveyance of their estates, and by pardon of alienation from the crown, by the king's own officers, and £9 per annum, being the ancient fee for the castle guard of Rockingham, was constantly paid, and is paid to this day; so that though there has been a disuse, yet the right so fully appearing, which cannot die, we have not seen, nor heard of any one so much to be regarded in grace, and in consideration of so many knight's fees, held from the very time of the Conquest, and by him held at this day, and a pedigree both on the father and mother's side, proved by authentic records from the time of the Conquest, (which in such cases are very rare) we hold him worthy the honour of a baron, if your Majesty thinks meet."

(Signed)

LENOX,
HOWARD,
NOTTINGHAM.

It does not appear that this report of the lord's commissioners was any decision of right, but a recommendation for grace to be shown by his majesty to the petitioner, who is said to have been offered a patent for the said barony, but refused it, as considering it a derogation to his claim.

From the time of the said report till lately, no further proceedings were had thereon; but some time since the claim has been revived by Jonathan Chetwode, esq., of Woodbrook, son of Valentine Knightley Chetwode, by Henrietta Maria, daughter of Sir Jonathan Cope, bart., aunt of the late Arabella, duchess of Dorset, and countess Whitworth; which Valentine was grandson of John, grandson of Richard Chetwode, by Anne his wife, daughter and coheir of Sir Valentine Knightly; which Richard was son of Sir Richard Chetwode, the petitioner, temp. James I.

In the *Morning Herald* of the 17th of May, 1832, it was thus announced, viz:—"The Attorney-general, pursuant to an order of reference on the clam of Jonathan Chetwode, of Woodbrook, esq., has reported the claimant to be lineal and sole heir of the

* Vide Banks' Dorm. & Ext. Bar., vol. i. p. 439.

barons Wahul, who were summoned to parliament among the most ancient barons of the realm."

WAKE.—(23 EDW. I.)

ACCORDING to Mr. Camden, and many other authors, and Mr. Collins,* in his Baronetage, this family was of eminent degree at, or even before the conquest; but as so abstruse a genealogy is not important to be here entered into, it may be sufficient merely to say, that

John Wake was first summoned to parliament the 23 Edw. I., and in the 26 had summons to Carlisle equis et armis, being in the writ styled a baron; † all then summoned being designated by their respective ranks. He had summons to parliament from the 23 to the 28 Edw. I., about which time he died, leaving Joane his wife surviving, and

John Wake his son and heir, who was never summoned, but did not live long, so that (as Dugdale says ‡) Thomas, his brother, became heir to the estate and honour; which

Thomas Wake was a person of considerable note in the reigns of Edw. II. and III., and had summons to parliament from the 11 Edw. II. to the 23 Edw. III., inclusive; in the first reign as "*Thomas Wake*;" but in the latter, from the 5 to the 23, as "*Thomas Wake de Lydell*," during when he was several times a *Trier of Petitions*. § He married Blanch, daughter of Henry, earl of Lancaster; but deceased 23 Edw. III., s. p., leaving Margaret his sister, widow of Edmund of Woodstock, earl of Kent, his next heir, aged forty; || which

Margaret, dowager countess of Kent, performing her fealty, had livery of the lands of his great estate accordingly, saving the dower of Blanch, his widow, surviving. This Margaret, by the earl of Kent, had two sons, Edmund and John, successively earls, who both died s.p.; and a daughter,

Joan Plantagenet, heir to her brothers, and for her admirable beauty called "*the Fair Maid of Kent*." She married, first, William de Montacute, earl of Salisbury; ¶ but from him was divorced; ^a she married, secondly, Sir Thomas Holland, and had issue, ** and surviving him, retained so much beauty as to captivate Prince Edward of Wales, (surnamed the Black Prince), and by him was mother of the ill-fated monarch, king Richard II., in whose reign she died, and was buried in the Friars Minors, at Stamford.

WELLES.—(27 EDW. I.)

ADAM DE WELLES, of a very ancient family—of which Camden says *† a Richard de Welles held the manor of Welles, in the county of Lincoln, ever since the conquest, by

* Said to be on account of precontract to Holland.

* Vol. ii. p. 465

† Dugd. Lists of Summ.

‡ Baron., vol. i., p. 541.

§ Rot. Parl.

|| Dugd. Bar. vol. i., p. 541.

¶ Vide Montacute.
** Vide Holland.

*† Cam. Brit. p. 58.

the service of being *Baker to the King*—had summons to parliament from the 27 Edw. I. to the 4 Edw. II., inclusive, and was summoned to the coronation of that king.* The 26 Edw. I. he had summons to Carlisle equis et armis, and was named in the writ as a baron, all then summoned being therein designated by their respective ranks of nobility. In the 29 Edw. I. he was one of those who in the parliament at Lincoln affixed their seals to the famous letter to the pope, by the designation of "*Adam Dominus de Welle*." He deceased circ. 4 Edw. II.,† being seised of the manor of Welle, in the county of Lincoln, leaving Joane his wife surviving, who was daughter of John, son and heir of Oliver Engaine, of Grainsby, in the county of Lincoln;‡ and

* Vide Coron. Rot. in vol. ii.

† Esch. 5 Edw. II., n. 68.

‡ MS. Ped. Pen. Auct. * Esch. no. 36.

Robert de Welles, his son and heir, who deceased the 14 Edw. II., s. p.,§ never having had summons to parliament, and was succeeded by

Adam de Welles, his brother and heir, as Dugdale states,^a then under age, who, after attaining his majority, had livery of his lands, and served in the wars of Scotland and France, and had summons to parliament from the 6 to the 17 Edw. III., inclusive, and died the 19th of the same reign, leaving

John his son and heir, who had summons the 31 and 34 Edw. III., and died the next year, when he was succeeded by

John his son and heir, then in minority, who coming at age, became very eminent for his valour, and distinguished for a memorable encounter with David, earl of Crawford, a Scotch nobleman. He had summons to parliament from the 49 Edw. III. to the 8 Hen. V., inclusive; and shortly after deceased, though his name is continued in the lists of summons|| to the 7 Hen. VI., leaving Leo,^b his grandson and heir, (son of Eudo, his eldest son, who died in his lifetime;^c) which

|| Dugd. Lists of Summ.

Leo lord Welles, making proof of his majority the 6 Hen. VI., had livery of his lands—his homage being respited. He was lieutenant of Ireland for seven years, and had summons to parliament from the 10 to the 38 Hen. VI.; but was slain at the battle of Towton, and buried in Waterton Chapel, at Methley, in the county of York. Being attainted by Edw. IV., his barony became forfeited.^d He was twice married; first to

^a Vide Originalia 20 Edw. II., Rot. 4.—*Son and heir*, R' cepit homag' Ade de Welle fil. & hæ. Rob'ti de Welle def. de om'bus tri's &c., man'at &c.

^b Many instances are to be found in Dugdale of writs of summons being directed to persons long after their decease; of which, those to Maurice lord Berkeley, for twelve years after his decease, form a particular one. This continuance might arise from ignorance of their decease, particularly if the next heir was a minor; as in the case of this grandson.

^c This Eudo had also a son Sir William Welles, who was lord chancellor of Ireland, 8 July, 1461. He had issue several children.—Vide *Lodge's Peerage of Ireland*.

^d It may be considered that his attainder would not be now deemed operative against his heirs general, as he was then by his allegiance serving the king *de facto*.—Vide the subsequent Act of Parliament of the 11 Hen. VII. on this point.

Joane, (or Jane,) daughter of Sir Robert, and sister and heir (or coheir) to her brother Sir Robert Waterton, jun.; by whom he had Sir Richard Welles, his son and heir, and four daughters. His second wife was Margaret, widow* of John Beaufort, duke of Somerset, by whom he had John viscount Welles, hereafter mentioned.

* Vide Beauchamp of Bletshoe.

Sir Richard Welles, his son and heir, having married Joan, daughter and heir of Robert, sixth lord Willoughby, of Eresby, had summons to parliament by that title,† the 33 and 38 Hen. VI., in his father's lifetime; and afterwards in the 1, 6, and 9 Edw. IV.; and had restitution of the manor of Welles, and divers others,‡ and was restored in blood.§ But the 9 Edw. IV. his son Sir Robert Welles being in arms with the earl of Warwick for the restoration of king Henry, the king sent for this Richard (bearing then also the title of lord Welles) to command his son Robert to lay down his arms; which, having attempted in vain, king Edward grew so enraged, that—contrary to his promise of safety—he caused him to be beheaded: whereupon, Sir Robert Welles, in revenge for the barbarous execution of his father, without waiting the coming up of the earl of Warwick, engaged the royal army, but was defeated, taken prisoner, and beheaded.

† Dugd. Lists of Summ.

‡ Rot. Parl. 7 & 8 Edw. IV., vol. v., p. 618.
§ Prymme's Abridg. p. 681.

Richard lord Welles and Willoughby, and his son Sir Robert, being thus dead, Joan, the daughter of lord Richard, and sister to Sir Robert, became heir general to her father and brother. She was then married to Richard, brother to William lord Hastings, which

HASTINGS LORD WELLES.

RICHARD HASTINGS had so much favour from king Edward, that he obtained a special livery of divers manors, lands, &c., whereof the father and brother of his wife had been possessed,|| and moreover had summons to parliament the 22 Edw. IV. and 1 Richard III., as "*Ricardus Hastings de Welles Ch'v'r*", but was never summoned after, though it appears by his will, dated 18 March, the 18 Hen. VII., he lived some years. At his death he was buried in the Grey Friars at London, along with Joan his wife, where is the following entry, viz: "*D'n's Ric. Hastyng D'ni de Wyllybi et de Welle, qui ob. Sept. 1503, et D'na Joha' ux. sui. que ob. Marcii*"

|| Rot. Parl. 14 Edw. IV., vol. vi., p. 148.

The said Richard, and Joan his wife, had issue a son Anthony, their only child, who died in their lifetime s.p.; as such, upon their decease without surviving issue, the barony created by the writs of summons of the 22 Edw. IV. and 1 Richard III. may be considered to have become extinct, as one *de novo*, the attainders of Richard lord Welles and Sir Robert, the father and brother of Joan Hastings, not having been at that time reversed. But if it be deemed a continuation of the old barony of Welles, then whatever right there might be thereto, devolved upon the two daughters and coheirs of John viscount Welles, if then living, their father having died in the lifetime of Richard Hastings and Joan his wife.

JOHN VISCOUNT WELLES.

THIS John Welles was only son of Leo lord Welles, by Margaret, dowager duchess of Somerset, his second wife. Espousing the cause of Henry VII. against king Richard, he was, after the accession of king Henry, created viscount Welles, and though the date of his creation does not appear, he had summons to parliament by that title in the 3, 7, 11, and 12 Hen. VII.* He married Cecily, daughter of king Edw. IV., and is said to have had issue two daughters, Anne who died an infant, and Elizabeth who died s.p.† He died the 14 Hen. VII., when his viscounty became extinct.

* Dugd. Lists of Sum.
† Sand. Geneal.

The issue which continued in descent from Leo lord Welles was from his four daughters by Joan (or Jane) Waterton, his first wife: of these, Ellinor (or Alianor) married, first, Sir Thomas Laurence, and secondly, Thomas lord Hoo and Hastings; Margaret, Sir Thomas Dymoke; Cecily, Sir Robert Willoughby; and Catherine who married, first, Sir Thomas de la Launde, and had issue two daughters and coheirs, viz: Joan, who married William Denton, esq., and had a son John; and Margaret, who married Thomas Berkeley, esq., and had two sons, William and Maurice: ‡ the second wife of Catherine Welles was Robert Tempest. It would however seem that Ellinor had a former husband before the lord Hoo, of the name of Laurence, for according to the Rolls of Parliament, § William lord Willoughby of Eresby, Sir Robert Dymoke, Thomas Laurence, and Catherine, daughter of Leo lord Welles, then wife of Robert Tempest, were in the 19 of Hen. VII. found the *Heirs of Leo Lord Welles, and of Richard and Robert Welles*.

‡ Harl. MS. n. 1233.
§ Vol. vi., p. 544.

Of these persons the representatives are the marquess of Cholmondeley, and lord Willoughby of Eresby, from Cecily; the representatives of Robert Heywood, from Margaret, the wife of Sir Thomas Dymoke, if any exist, || if not, then the representatives of the sisters and coheirs of Champion Lewis Dymoke, who died in 1760, s. p. l.; the issue of Thomas Laurence, if any exist, ¶ if not, the issue from the daughters and coheirs of Thomas lord Hoo, hereafter mentioned; the issue of William Denton, and of Thomas Berkeley, from Joan and Margaret, the daughters and coheirs of Catherine Welles, by her first husband Sir Thomas de la Launde.

|| Vide Banks's Hist. of Mar- myun.

¶ Vide Hop- kinson's MSS. vol. ii., n. 378, & Fosb. Glouc. vol. ii., p. 443.

The lord Hoo and Hastings, who married Ellinor, daughter of Leo lord Welles, (relict of Sir Thomas Laurence) had issue three daughters, and coheirs to their mother, viz: Eleanor, who married Sir James Carew, of Bedington, in the county of Surry; Jane, who married Sir Roger Copley, now represented by Sir Joseph William Copley, of Sprotborough, in the county of York; and Elizabeth, who married Sir John Devenish, of Hellingley, in the county of Sussex, of whom (by a coheiress general, Elizabeth, married to Henry Walrond, of Sea, esq.) Bethel Walrond, of Dulford House, in the county of Devon, esq., claims to be the heir representative, but is counterclaimed by Samuel

Barwick Bruce, of Ripon, in the county of York, esq., M. D., as descended of an elder branch of the Walronds; but Salmon, in his History of Hertfordshire,* asserts that Ellenor Hoo first married Thomas Echingham, and that Elizabeth Hoo first married Thomas Massingberd, of London. * P. 152.

It is said† Mr. Bethel Walrond presented a petition to his Majesty in 1832, and obtained an order of reference to the Attorney General, but no proceedings seem to have followed the Attorney General's report, if any was ever made. † Burke's Commoners.

WENLOK.—(1 EDW. IV.)

JOHN WENLOK had summons to parliament the 1, 2, 6, and 9 Edw. IV., as "*Johanni Wenlok de Wenlok Militi*," but his name is inserted by Dugdale‡ among those who were created by patent; and he does not allude to how he was created, merely observing that *the Record calls him Lord Wenlok*, and that he died the 11 Edw. IV. without wife or issue. Under this statement it matters not whether he was created by patent or by writ, as the barony expired with him. But Mr. Lysons, in his Magna Britannia,§ mentions his wife to have been Elizabeth, daughter and coheir of Sir John Drayton, and that she was buried in the Wenlok chapel at Luton Hoo, in the county of Bedford. Lord Wenlok was interred at Tewksbury. The family of Lawley appears to have been his heir general.||

‡ Baronage, Tome 3.

§ Vol. i.

|| Vide Coll. Bart.

WENTWORTH.—(21 HEN. VIII.)

THOMAS, son of Sir Richard Wentworth, of Nettlested, in the county of Suffolk, was first admitted into the parliament chamber the 21 Hen. VIII.,¶ and continued after to be summoned till his death, the 3 Edw. VI. He married Margaret, daughter of Sir Adrian Fortescue, by Anne his wife, daughter and coheir of Sir William Stonor, by Anne his wife, one of the daughters and coheirs of John Neville, marquess of Montagu,** and had a very numerous issue, of which,

¶ Dugd. Lists of Summ.

** Vide Montagu.

Thomas, the eldest son, was the next baron, and had summons to parliament from the 3 Edw. VI. to the 31 queen Elizabeth, and died the 33 of the same reign. He was governor of Calais in the time of queen Mary, when that important place was reconquered by the French. The loss of this celebrated town which had been so long in possession of the English led to an accusation against him of cowardice, on which charge he

was brought to trial by his peers, but was very honourably acquitted. His eldest son having died in his lifetime, s. p., he was succeeded by

Henry, his second son, third baron, who had summons the 35 Elizabeth, and died the next year, leaving

* Dugd. Bar.,
Tom.iii.p.310.

Thomas his son and heir, who, the 8 James I., was created* lord Wentworth of Nettledsted, in the county of York; and the 1 Charles I. was advanced to the title of earl of Cleveland. During the civil war he courageously and loyally adhered to his sovereign, and lived to see the restoration; after when he died in 1667 at the advanced age of

† Paroch.Reg.

seventy-six, and was buried at Toddington, in the county of Bedford.† Dying without surviving issue male, the earldom of Cleveland became extinct; but Thomas his son and heir apparent, who in his lifetime had been summoned to parliament as lord Wentworth‡ the 15 Charles I.§ having predeceased him, left issue an only daughter and heiress, Henrietta Maria, who on her grandfather's death became his successor in the barony of Wentworth, which

‡ Dugd. Lists
of Sum.
§ Journ.Dom.
Proc. 1640.

Henrietta Maria, at the coronation of James II., walked in the procession as baroness Wentworth. The reciprocal attachment between the duke of Monmouth and her was of the most tender nature. On the scaffold he vindicated her honour, admitting that they lived together as man and wife, and refusing to acknowledge to the divines who attended his execution, that he was lawfully married to any other wife, the marriage with his duchess having been made when he was not of lawful age to give his consent.

|| Paroch.Reg.

Lady Wentworth only survived his execution a few months, dying as it is said of grief at his untimely end. She died 23 April, 1686, and was buried at Toddington.|| By the duke of Monmouth she had a son, aged two years at her decease, who was taken under the care of a colonel Smyth, who had been an aid-de-camp to the duke, which worthy gentleman brought him up as his own child, and upon his decease left him his property, and he assumed the name of his foster father and benefactor. He married Maria Julia Dalziel, granddaughter of general James Crofts, natural son of the duke of Monmouth, by Eleanor, daughter of Sir Robert Needham of Lambeth: by her he had a son Ferdinand Smyth, who afterwards took the name of Stuart, whose services and losses as an active loyalist in the American war, were long a subject of vain memorial for compensation to the lords of the Treasury, like too many others which have not an adequate influence to support them.¶ He was a man of talent, energy, and enterprise, whose birth and military brave conduct in an arduous warfare, entitled him to a better recompense, and more notice, than he experienced at the hands of that government he had served with so much zeal and honour.

¶ MS. Case,
pen. Auct.

Upon the death of lady Henrietta Maria Wentworth without legitimate issue the barony of Wentworth devolved upon her aunt,

LOVELACE BARONESS WENTWORTH.

ANNE, sister to her father Thomas, which Anne married John lord Lovelace, and had issue a son John, who died in her lifetime, anno 1693, having had issue a son John, who died young, vitâ patris, and three daughters, whereof Anne and Catherine both died unmarried in the lifetime of their grandmother, and Martha alone survived, who on the death of her said grandmother in 1697, became entitled to the barony. This

JOHNSON BARONESS WENTWORTH.

MARTHA LADY WENTWORTH married Sir Henry Johnson, of Bradenham, in the county of Buckingham, knight, a rich ship builder, who died s.p., in her lifetime, 29 Sept., 1719. She claimed, and was allowed the barony by descent, in 1702;* and at the coronation of queen Anne, walked in the procession as baroness Wentworth. Upon her death in 1745, s.p., the barony became vested in the descendants of Sir William Noel, of Kirkby Malory, in the county of Leicester, bart., by Margaret his wife, eldest daughter of John lord Lovelace, and Anne his wife, daughter of Thomas, earl of Cleveland, and sister to Thomas lord Wentworth, father of lady Henrietta Maria, baroness Wentworth, before mentioned.

* Journ.Dom.
Proc.

NOEL BARON & VISCOUNT WENTWORTH.

SIR EDWARD NOEL, great-grandson and heir of the said Sir William and Margaret Wentworth his wife, thus succeeded to the barony, and in 1762 was created viscount Wentworth, of Wellesborough, in the county of Leieester. He died in 1774, having had issue Thomas, his successor, and three daughters, viz: Judith, who married Sir Ralph Milbank, bart.; Elizabeth, who married John Bland Burgess, esq., s.p.; and Sophia Susanna, who married Nathaniel Curson, son and heir apparent of lord Searsdale.

Thomas, second Noel, baron and viscount Wentworth, married, but died s. p., in 1815, when the viscounty became extinct; and the barony fell into abeyance between his eldest sister, Judith lady Milbank, and his nephew, Nathaniel Curson, son of his youngest sister, Sophia Susanna.

The abeyance has since been determined, as may be seen in Lodge's Peerage, and other, the minor printed peerages of the day.

WEST.—(16 EDW. III.)

THOMAS WEST had summons to a great council to be holden at Westminster the 16 Edw. III., which was afterwards prorogued;* and his name does not appear in any of the subsequent writs of the same year; but it seems he died shortly after.

* Dugd. Lists of Summ.

Thomas, his son and heir, was never summoned. His son and heir, another

Thomas West had summons the 3 and 5 Hen. IV., (1404.) He married Joan, daughter, and eventually heiress of Roger, baron De la Warr, and died in 1405, leaving a son Thomas, who married Ida, daughter and coheir of Almaric, baron St. Amand,† but was never summoned to parliament, and died s.p., leaving

† Vide St. Amand.

Reginald West, his brother and heir, who had summons to parliament as baron De le Warre, jure matris, from which period the baronies of West and De la Warre became coalesced in the same descent;‡ and as Sir Harris Nicolas, in his Synopsis,§ observes, *are now vested in the descendants and representatives of Sir Owen West, half brother of Thomas West, ninth baron De la Warr.*

‡ Vide De la Warre. § Vol.ii.,p.685

WHARTON.—(36 HEN. VIII.)

SIR THOMAS WHARTON, descended from a very ancient family, which is supposed to have taken its name from a lordship so called in the county of Westmorland, having distinguished himself in the wars of Scotland, was summoned to parliament the 36 Hen. VIII., and from thence to the 8 queen Elizabeth,|| by writ directed "*Thomæ Domino Wharton Ch'Pr.*" He died circ. 10 queen Elizabeth, and was succeeded by his son and heir

|| Dugd. Lists of Summ.

Thomas, second lord Wharton, who had summons the 13 and 14 Elizabeth, 1572, in which year he deceased, leaving

Philip his son and heir, third baron, who had summons from the 23 Elizabeth to the 1 Charles I., about which time he died. By Frances his wife, daughter of Henry Clifford, earl of Cumberland, he had two sons, Sir George and Sir Thomas; of these Sir George, the eldest, was slain in a duel with James Stuart (son of the first lord Blantyre) who was also killed, and they were both buried in one grave at Islington, in the county of Middlesex, 10 November, 1609.¶ Sir Thomas the second son, died likewise in the lifetime of his father, anno 1623, leaving issue two sons, Philip and Thomas, whereof

¶ Paroch.Reg.

Philip, the eldest, succeeded his grandfather as fourth lord Wharton, and had summons to parliament from the 15 Car. I. to the 1 Jac. II., and died in February 1695-6.**

** Vd. Wharton notes.

He was thrice married, first to Elizabeth, daughter of Sir Rowland Wandesford, by whom he had a daughter Elizabeth, who married Robert Bertie, third earl of Lindsey; his second wife, who died 23 April, 1658, was Jane, daughter and heir of Arthur Goodwin, of Winchendon, in the county of Buckingham, esq., by whom he had Thomas his successor, Arthur, baptized* 2 June, 1641, buried 15 March following, and Goodwin, born the 8th and baptized the 28 March, 1652, who died in 1704, leaving a son Hezekiah, who died s. p.† in 1711, also it is said a son Henry, who died at Dundalk, in Ireland, a colonel in the duke of Seomberg's army,^a and four daughters hereafter mentioned; his third wife was Anne, daughter of William Carr, Groom of the Bedchamber to king Jac. I, and widow of Edward Popham, esq., by whom he had a son William, who was killed in a duel with Mr. Wolsey, and died 14 December, 1687, aged twenty-six, unmarried.

* Woburne,
Par. Reg.

† Vide Whar-
ton Notes.

Thomas, eldest son, fifth lord Wharton, was by queen Anne, in 1706, created viscount Winchendon, and earl of Wharton, and in 1714, by king George I., was further advanced to the dignity of marquess of Wharton, as also created a peer of Ireland,‡ by the title of baron of Trim, earl of Rathfarnham, and marquess of Catherlough: but these honours he did not long enjoy, dying shortly after, in 1715. He was twice married, first to Anne, daughter and coheir of Sir Henry Lee, of Ditchley, in the county of Oxford, but had not any issue by her; secondly to Lucy, daughter of Adam Loftus lord Lisburne (in Ireland), by whom he had issue two daughters, Jane and Lucy, and a son

‡ Beatson,
Pol. Index.

Philip his successor in all his honours, who was still further advanced in dignity, being by George I., in 1717, created duke of Wharton. But notwithstanding all the favours he received from the king, this extraordinary man, of the most commanding talents, having wasted a great estate, turned papist, acted for the Pretender, was a volunteer in the Spanish army, before Gibraltar, in 1727, then retiring into a monastery, died there s.p., in 1731. He was twice married, first to Martha, daughter of major-general Holmes; and secondly to Maria Teresa O'Neale, but not having issue by either lady, his two sisters became his heirs; of these, lady Jane married first, John Holt, esq.; and secondly Robert Coke, esq., brother to Thomas, earl of Leicester, but died s.p. Lady Lucy married Sir William Morice, from whom she was divorced, and died at Bath, in Feb. 1738-9. The issue of these ladies thus failing, the aunts of duke Philip (the daughters of Philip, fourth baron Wharton) or their heirs representative became the coheirs general to the barony of Wharton, all the other titles of the duke becoming extinct for default of male issue: but as the duke was attainted, and his attainder never reversed, it may be considered that the barony being affected thereby, now remains in the crown a forfeited honour, though capable by reversal of being restored in behalf of either of these coheirs, whereof

^a In the reign of James II., when Tyrconnel was governor of Ireland, it is related of him, that he assumed the habit of a player, and sung before the king in the playhouse, the famous party song of "*Lillibullero*."

Elizabeth, daughter of Philip fourth lord Wharton, by his first wife, married Robert Bertie, third earl of Lindsey, and is now represented by the marquess of Cholmondeley, and lord Willoughby of Eresby.

Anne, daughter of the same lord Philip by his second wife, married William Carr, esq., who died the 17th of June 1689, and she the 26th of May preceding.

* Vide Wharton Notes.

Margaret married major Dunch, and had issue,* Wharton Dunch, who died unmarried in 1705; Jane who married Francis Keck, of Tew, in the county of Oxford, esq., who died the 29th of September, 1728, and was buried at Blunsdon in the county of Wilts, where she who died before him was also buried; and Margaret Dunch, who died in 1690, aged sixteen. The said Margaret Wharton, after the death of major Dunch, is said to have married Sir Thomas Sulyard, of Berbey Abbey, in Kent, and to have had a daughter Philadelphia, who died unmarried in 1731; her third husband was William lord Ross, s.p.

Mary Wharton married, first, Edward Thomas, of Ruperra, in the county of Glamorgan, esq., and had issue a son Sir Edward, of Ruperra, knight, who died s.p., in 1692-3, and a daughter Anne, who died unmarried before 1699; her second husband was Sir Charles Kemeys, bart., of Kever Mabley, in the county of Glamorgan, who died in 1703, now represented by Charles Kemeys Tynte, esq.

Philadelphia Wharton married first, Sir George Lockhart, president of the court of session in Scotland, by whom she had issue; and secondly captain John Ramsay, by whom she also had issue.^a

WHARTON NOTES.

1.—Philip, fourth lord Wharton, by will dated 1st February, and proved the 21st, anno 1695-6, gives a legacy to his second son Goodwin.

2.—Thomas, fifth lord, in his will 13th September, 1715, mentions his daughters Jane and Lucy, his niece, Margaret Ramsay, daughter of his sister, lady Lockhart, his nephews Anthony and John Keck, sons of Francis Keck, of Great Tew, in the county of Oxford, esq.

3.—Lucy lady Wharton, relict of the fifth lord, in her will, proved 20th February, 1716-17, names her daughters Jane and Lucy.

4.—Goodwin Wharton, by his will dated 30th September, 1704, proved 19th March following, gives his estate in the county of Cumberland to his son Hezekiah *law-*

^a The family of Wharton is capable of much more illustration than any printed peerages have given it; but as all the titles limited to issue male, are absolutely extinct, and the barony under forfeiture, the present account may be deemed sufficient to show in whom the barony would otherwise be vested.

fully begotten. This will was disputed, but the 16th March, 1704-5, was established, and on the nineteenth administration was granted to the guardian of Hezekiah, calling himself Wharton alias Knowles.

5.—Major Dunch, first husband of Margaret Wharton, by his will proved 4th March, 1679, appoints the honourable Thomas Wharton, his wife's brother, trustee, and his dear wife Margaret sole executrix—names his two daughters and the child she was then big with. N.B.—this child appears to have been a son, Wharton Dunch, mentioned in a preceding account.

6.—Sir George Lockhart, first husband of Philadelphia Wharton (whose marriage settlement is dated the 2nd September, 1679, died circ. 1703, when administration was granted to George his son the 19th of November.

7.—June the 16th, 1688, administration of the effects of William, fourth son of Philip lord Wharton, was granted to his father.

8.—Maria Teresa O'Neal, duchess of Wharton, and relict of duke Philip, by her will dated 23rd December, 1775, and proved 26th February, 1777, gives legacies to her kinswoman Mrs. Vickers, her niece Mrs. Eleanor O'Beirne, also gives the remainder of her fortune among Francis, Joseph, John, and Frances Magdalen, the four children of her deceased brother Cammerford, and appoints her nephews Francis and Hugh Hammersley, of Spring Gardens, esquires, executors. She was buried at St. Pancras, 20th February, 1777.

9.—Lady Lucy Wharton, wife of Sir William Morice (but divorced) died 2nd February, 1738-9, and on the 2nd of March administration of her goods was granted to her sister lady Jane Coke. She was buried at Hammersmith, 11th February, 1738-9.

10.—The 20th February, 1728-9, administration of the goods of John Holt, esq., was granted to his widow lady Jane, formerly Wharton, and after married to Robert Coke, esq., at Hillingdon, in the county of Middlesex, 13 June, 1733.

11.—Lady Jane Coke, by her will, dated 22nd September, 1757, and proved the 19th of January 1761, bequeaths her estate to Anna Maria Draycot, spinster of Clarges-street, Piccadilly, who afterwards married the earl of Pomfret; buried at Sunbury.

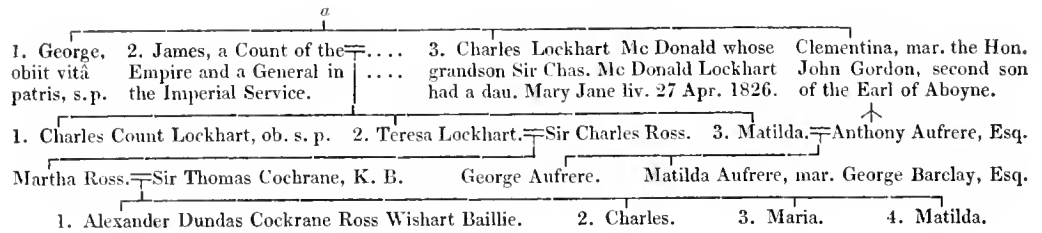
12.—On the death of Hezekiah, son of Goodwin Wharton, administration, with will annexed, was granted the 7th of December 1711, of his goods, to Elizabeth Lloyd, widow.

Sir George Lockhart, of Carnwath, N. B., = Philadelphia, daughter of Philip, 4th Lord Wharton, President of the Court of Session. } died 3 July, 1722, buried at Chelsea.

George Lockhart, son and heir. = Euphemia, daughter of Alexander, Earl of Eglington.

1. George, admitted coheir to Lady Jane Coke in the manor of Colkennington, co. Middx., 5 April, 1763	2. Alexander, after Lord Corrington: Issue, three sons and four daughters.	3. Thomas, s. p.	4. James, s. p.	5. William, s. p.	6. Philip, s. p.	Female issue.
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Devises in the will of the Duke of Wharton, 1731



WILLIAMS OF THAME.—(1 QUEEN MARY.)

* Baron.,
Tom. iii.,
p. 393.

† Journ. Dom.
Proc.

‡ Dugd. Lists
of Summ.

SIR JOHN WILLIAMS of the same parentage (as Dugdale recites*) with Sir Richard Williams, who assumed the surname of Cromwell, temp. Henry VIII., was second son to Sir John Williams, of Burfield, in the county of Berks., by Elizabeth his wife, daughter and coheir to Richard More, of Burfield, esq. This Sir John having been made a knight by king Henry VIII. enjoyed many high employments and places during his reign, and in the 38 Henry VIII. was constituted treasurer of the court of augmentations. Upon the death of king Edward VI., he was among the first who appeared in arms for the succession of queen Mary, by whom, in consideration of his services, he was solemnly created lord Williams of Thame, at her palace of St. James's, on the 5th of April, in the first year of her reign, having also his writ of summons to parliament, where he took his place on the same fifth day accordingly,† his writ being directed "*Johanni Williams de Thame, Ch'lr.*" and in the 1 and 2 Philip and Mary, similarly, with the addition of "*Camerario Hospiti.*"‡ In the reign of queen Elizabeth he was also in high favour, and having been summoned to parliament from the 1 to the 5 and 6 queen Mary, died the 1 queen Elizabeth, at Ludlow, being then lord president of her council in the principality of Wales.

He was twice married, first to Elizabeth, widow of Andrew Edmonds, of Cressing Temple, in the county of Essex, and daughter and coheir of Thomas Bledlow, by Elizabeth his wife, one of the daughters and coheirs of Sir Humphrey Starkey, chief baron of the exchequer, by which Elizabeth, who died before him, in 1556, the 3 and 4 Philip and Mary, and was buried at Ryeote, he had two sons, Henry, and Francis, who died in his lifetime, s.p., and two daughters, Isabel, and Margery. His second wife (who survived him) was Margery, daughter of Thomas lord Wentworth, but by her he had not any issue.

Dugdale has mentioned (as before observed) that lord Williams was solemnly created, and has inserted his name in that part of his Baronage which treats of creations by letters patent, but at the same time has stated, that *no patent is enrolled*, hence it is to be concluded that he was *a baron by writ of summons*; and on the precedent of the lately

adjudged case of the barony of Vaux, of Harroden,* the barony on his decease without surviving issue male, fell into abeyance between his two daughters and coheirs, Isabel and Margery (or Margaret), which latter married Henry Norris, and in the partition of the inheritance obtained the lordship of Rycote, in the county of Oxford, and in her moiety of the barony of Williams, of Thame, is represented by the earl of Abingdon, her heir general.

* Coram
Dom. Proc.

Isabel the eldest daughter and coheir, had Thame, and married Sir Richard Wenman, whose grandson Sir Richard, was knighted at the taking of Cadiz, temp. queen Elizabeth, and was afterwards by king Charles I., anno 1628, by letters patent, created baron Wenman of Kilmaynham, and viscount Wenman of Tuam, in the kingdom of Ireland.† In 1603, after the accession of James I. he is said to have presented a petition to the king for the barony of Thame, conceiving that he had a right thereto by descent from his grandmother Isabel Wenman, but as it was not determined the title still remains dormant. He died and was buried at Twyford, in the county of Buckingham, in 1640, leaving

† Beatson's
Pol. Index.

Thomas his son and heir, second viscount Wenman, who married Margaret, daughter and heir of Edmund Hampden, of Hartwell, in the county of Buckingham, by whom he had an only son Richard, who died in his lifetime in 1646, s.p., and six daughters, which on his decease in 1664 became his coheirs. Of these,

Frances Wenman married Richard Samwell, of Upton, in the county of Northampton, by whom she had a son Thomas, created a baronet in 1675, and several daughters;‡ Margaret and Agnes Wenman died young; Penelope married Thomas Cave, of Stamford, in the county of Northampton, created a baronet in 1641;§ Elizabeth married Grevile Verney, esq.; and Mary married Francis Wenman, of Caswel, esq., and died in 1657, aged twenty-four, having had issue four sons and a daughter Elizabeth.|| Among the descendant representatives of these daughters of Thomas, second viscount Wenman, the moiety of Isabel, eldest daughter and coheir of John lord Williams, of Thame, is vested in abeyance.

‡ Vide Baron-
etage.

§ Ibid.

|| Mon. Inscr-
apud Witney.

WILINTON, OR WYLINGTON.—(3 EDW. III.)

JOHN DE WILINTON had summons to parliament the 3, 4, 10, 11, 12, and 13 Edw. III.,¶ to whom succeeded

¶ Dugd. Lists
of Summ.

Ralph de Wilinton his son, who had summons the 16 Edw. III. to a great council to be holden at Westminster, which was afterwards prorogued,** and his name is not again mentioned in any subsequent writs of summons. Dugdale says*† he died the 22 Edw. III., s.p., leaving Ralph de Wilinton his uncle and heir, aged fifty. In which respect the barony may be presumed to have become extinct.

** Ibid.

*† Baron., vol.
ii., p. 140.

The 1 Richard II. a John de Wilinton is named among the peers present at the coronation of that king.* The 20 Richard II., John, brother and heir of Ralph, son and heir of John de Wilinton, held the manor of Knighton, in the county of Dorset, and lands and manors in other counties, Isabel wife of William Beaumont, and John Wroth, junior, being his next heirs. In the 2 Hen. VI. Isabel, wife of William Beaumont, held Knighton, and other lands and manors in Wiltshire, Berkshire, &c.—Vide Lysons' Magna Britannia,† citing Escheats 20 Richard II. and the 2 Hen. VI.

WILLOUGHBY DE ERESBY.—(7 EDW. II.)

‡ Baron. vol. ii., p. 83. SIR WILLIAM DUGDALE, citing Glover, asserts‡ that William de Willoughby married Alice, daughter and coheir of John Bec, lord of Eresby, in the county of Lincoln, and had issue Robert, who the 4 Edw. II. was found heir to Anthony Bec, bishop of Durham, viz: son and heir of Alice, daughter of John, brother to that bishop, and then aged forty; but Sir Harris Nicolas§ states that Robert Willoughby married the said Alice,^a which

§ Synopsis vol. ii. p. 690. Robert Willoughby was summoned to parliament the 7 Edw. II. (1313), and died in 1316, leaving Margaret his wife, daughter of the lord Deincourt, surviving, and John de Willoughby his son and heir, who had summons from the 6 to the 23

|| Vide vol. ii. Edw. III., in which year he died, having married Joane, one of the sisters and coheirs|| of Thomas de Roscelyn, and had issue John de Willoughby his son and heir, who had summons from the 24 to the 44 Edw. III., and died the 46th, leaving by Cecily his wife, daughter of Robert, and one of the sisters and coheirs of William de Ufford, earl of Suffolk.¶

¶ Vide Suffolk Robert de Willoughby his eldest son and successor, a distinguished commander in the wars of France, he had summons from the 24 Edw. III. to the 18 Richard II., and died the 20th. In the 5 Richard II. he was found upon the death of William, earl of Suffolk, to be one of his coheirs,** whereby he became entitled to a moiety of that earldom, which is considered to have been created by writ. He was thrice married. By his first wife, Alice Skipwith, he had a son William his successor; and by Elizabeth, another wife, widow of John Nevill lord Latimer,*† four sons, viz: Robert, who died young; Thomas, ancestor of lord Willoughby de Broke; John; and Bryan.^b

^a Upon the presumption of the accuracy of that learned critic, Sir Harris Nicolas, the name of Robert Willoughby has under the article of Bec been given as the husband of Alice Bec, although differing from Dugdale and Collins, and from the former statement of the Editor in the second volume of his Dormant and Extinct Baronage.

^b In Longmate's Supplement to Collins's Peerage he asserts all his issue to have been by his first wife Alice Skipwith, which is also so stated in a MS. pedigree of nobility by Henry St. George, who names his three wives, viz: first, Alice Skipwith, by whom he had his children; second, Margaret Zouche; third, Elizabeth Latimer. In this instance Dugdale was in error; and the following of his statement as above, is merely to show the authority on which it is corrected.

William, fifth lord Willoughby, was summoned from the 20 Richard II. to the 11 Hen. IV., in which year he died, having had issue by Lucy, daughter of Roger lord Strange, of Knokyn, Robert his son and heir, and Thomas a second son, father of Robert Willoughby hereafter mentioned.

Robert Willoughby, son and heir, sixth baron, had summons from the 12 Hen. IV. to the 29 Hen. VI., and died the year following. He married Maud, daughter and co-heir of Sir Richard Stanhope, by Maud his wife, sister and heir to Ralph the last lord Cromwell of Tatshall,* and by her left issue a sole daughter and heiress Joan,† who married Sir Richard Welles, son and heir apparent of Leo lord Welles, which

* Vide Cromwell.

† Pat. Rot. 31 Hen. VI., m. 2.

WELLES LORD WILLOUGHBY.

SIR RICHARD WELLES, as before mentioned,‡ was summoned to parliament as lord Willoughby vitâ patris, and had issue a son Robert who died s.p., and a daughter Joan, heir to her brother, who married Richard Hastings, summoned to parliament as lord Welles, and had a son Anthony who died vitâ patris, s.p., whereby, all issue of Sir Richard Welles lord Willoughby having failed, the barony of Willoughby reverted to the next heir, in the person of William Willoughby, which

‡ Vide Welles.

WILLOUGHBY REVIVED.

WILLIAM WILLOUGHBY was grandson of Robert Willoughby, son and heir of Thomas, uncle to the aforesaid Joan, wife of Sir Richard Welles, which Robert married Cecily, one of the daughters and eventually coheirs of Leo lord Welles, and thus rather singularly, by this alliance brought into his family a moiety of the barony of Welles, which family had before acquired the barony of Willoughby. The said

William Willoughby, the 19 Hen. VII., was found one of the coheirs of Leo lord Welles, as also of Sir Richard and Sir Robert Welles. and shared in the partition of their estates.§ He had summons from the 1 to the 14 Hen. VIII., and died the 17th, leaving issue one sole daughter and heir Catherine, which

§ Ibid.

BERTIE LORD WILLOUGHBY.

CATHERINE BARONESS WILLOUGHBY married, first, Charles Brandon, the famous duke of Suffolk, and had two sons who died at an early age, s. p. : her second husband was Robert Bertie, esq., by whom she had||

|| Vide Banks' Dorm. & Ex. Bar.

Peregrine Bertie, her son and heir, who on the decease of his mother claimed, and was allowed the barony of Willoughby, and had summons to parliament from the 23 to the 39 queen Elizabeth. He died circ. 1601, leaving

Robert Bertie, his son and heir, who by the description of "*Roberto Bertie Domino Willoughby (de Eresby) Ch^rr*" had summons to parliament from the 3 James I. to the 1 Charles I., after when, in 1626, he was created earl of Lindsey, and was, as such, introduced into the House the 20 March, 1627.* From this period the barony became merged in the earldom, and so continued till Robert, his great-grandson, the fourth earl, was advanced to the dignity of duke of Ancaster, whose great-grandson Robert, the fourth duke, dying s. p., in 1779, the earldom and dukedom devolved upon the next heir male, and the barony of Willoughby of Eresby fell into abeyance between his two sisters and coheirs, viz: Priscilla Barbara Elizabeth, who married Peter Burrell, esq.; and Georgiana Charlotte, who married George James, fourth earl of Cholmondeley, which

* Journ.Dom.
Proc.

BURRELL LORD WILLOUGHBY.

LADY PRISCILLA BARBARA ELIZABETH BERTIE in 1780 had the abeyance of the barony determined in her favour. Upon her death it descended to her son, the present baron Willoughby of Eresby, and baron Gwyder in right of his father, who had been so created during the lifetime of his lady, the baroness; with reference whereto the reader may find an account in the Peerage of the sagacious Mr. Burke, or in Lodge's more accurate and erudite edition.

WILLOUGHBY DE BROKE.—(7 HEN. VII.)

THOMAS WILLOUGHBY, a younger son of Robert, fourth baron Willoughby of Eresby, married Elizabeth, sister and coheir to John Neville lord Latimer; † and from him descended

Robert Willoughby, who the 7, 11, and 12 Hen. VII. had summons to parliament by writ directed "*Roberto Willoughby de Broke Ch^rr*;"^a and died circ. 17 Hen. VII., leaving

Robert his son and heir, who had summons the 3 Hen. VIII., as "*Roberto Willoughby de Brook Ch^rr*," in the 6th as "*The Lord Brooke, Sir Robert Willoughby*," and the 7th

^a Dugdale, in his index to his Writs of Summons has omitted the name of this Robert, though he has recited it in the writs of the years above mentioned. Sir John Willoughby, his father, married Alice, daughter and heir of Sir Edmund Cheney, of Brooke, (or Broke,) in the county of Wilts; and he was son of Sir John Willoughby, by Joan, his wife, daughter of . . . Welby; which Sir John was son and heir of Thomas, by Elizabeth Latimer, his wife.—Robert was therefore great-grandson, and not grandson, as called by Dugdale and Sir Harris Nicolas.

as "*Roberto Willoughby de Brooke Ch'Pr.*"* It was this lord who had the contest with Richard Nevil lord Latimer for the barony of Latimer, as noticed under that article.† He was twice married; first to Elizabeth, eldest daughter and coheir of Richard lord Beauchamp de Powyke,‡ by whom he had Edward, his son and heir apparent, who predeceased him, leaving by Margaret his wife, daughter of Richard Nevil, three daughters his coheirs, hereafter mentioned; his second wife was Dorothy, daughter of Thomas Grey, marquess of Dorset, by whom he had two sons, Henry and William, who died of the sweating sickness, s.p., and two daughters, viz., Elizabeth, who married John, son and heir apparent of William Paulet, first marquess of Winchester; and Anne, who married Charles, son and heir apparent to William Blount lord Montjoy. Deceasing the 13 Hen. VIII., without surviving issue male, the barony fell into abeyance between the three daughters and coheirs of Edward, his eldest son, before named.^b Of which daughters,

Elizabeth Willoughby married Sir Fulke Greville; Anne died young; and Blanch became the wife of Francis, or Sir Francis Dawtrey, and died s.p.

In 1695 the barony was claimed by and allowed to Sir Richard Verney, as eventually heir of the body of the said Elizabeth Willoughby by her husband, Sir Fulke Greville.§ By this family of Verney, the barony is now possessed, as may be seen in the printed peerages of the day.

* Dug. Lists of Sum.
† Vide Latimer.

‡ Vide Banks's Dorm. & Ext. Bar., vol. iii.

§ Journ. Dom. Proc., 27 Feb. 1695.

WINDSOR.—(5 Ric. II.)

WILLIAM DE WINDSORE, or Windsor, said to be descended from William Fitz Other, who at the time of the general survey held divers lordships, and being castellan of Windsor assumed that surname, married Alice Perers, or Piers, the notorious concubine of king Edward III., in his dotage, and had summons to parliament the 5, 6, and 7 Ric. II., as "*Williclmo de Wyndesore,*" but never after. His name is omitted in Dugdale's index to his writs of summons, though mentioned in the body of the writs for the aforesaid years.

Whether he died s.p. seems controverted. Dugdale, in his Warwickshire,|| states that his three daughters became his coheirs, of which Joane, the elder, married Robert Skerne, of Kingston-upon-Thames, who in her right possessed Compton Murdac in that county, (Warwick), and in *Collectanea Topographica et Genealogica*¶ it is also recited that he left three daughters coheirs, and that his lands were in Wilts, Kent, Somerset, and Dorset; but against this, Collins** asserts that he died the 15th of September, 8 Richard II., leaving his three sisters his heirs, viz: Isabel, aged thirty-eight; Christian, wife of Sir

|| P. 435.

¶ Vol. iv., p. 357.

** Edit. 1768

^b Vide Rot. Parl. 27 Hen. VIII., for settlement of the lands of lord Willoughby, act penes auctore.

* Esch. 8,
Ric. II.

† Vol. iii.,
p. 327.

‡ Synopsis,
vol. ii., p. 699.

§ Vid. Morant,
vol. i, p. 373.

William Morleux, aged thirty-four; and Margery, wife of John Duket, aged thirty-two;* moreover, that Joan was daughter of Alice Piers, by another husband. The parliament rolls of 17 Richard II.† recite a petition from Joan, daughter of the said Alice Perers, alias Wyndesore, touching certain rights therein mentioned, as appertaining to her the said Joan.

It is said by Sir Harris Nicolas,‡ that the nuncupative will of lord Windsor, supports the opinion that he died s.p.; but Alice his widow in her testament, dated anno 1400, speaks of three daughters, Joan, Jane, and another daughter Joan, to the latter of which (whom she describes as her youngest) she gives her manor of Gaines in Upminster, county of Essex,§ and to her other daughters all her manors, which John Windsor, or others by his consent, had usurped. It is therefore very doubtful whether he died with or without lawful issue; and consequently whether the barony is extinct or dormant in his descendants.

WINDSOR OF STANWELL.—(21 HEN. VIII.)

IN Collins's Peerage is a very elaborate account of the origin of this ancient family; but Dugdale not indulging in so long a detail, begins this branch with stating, that

Thomas de Windsor, only son and heir of Miles de Windsor, grandson of Bryan, who was grandson of Sir James, brother of Sir William, who had summons to parliament (as before mentioned) the 5 Ric. II., married Elizabeth, daughter and coheir of John Andrews, of Baylham, in the county of Suffolk, esq.; and had issue

Andreas (or Andrews) Windsor, who was summoned to parliament the 21 Hen. VIII., and being then introduced therein, paid the usual fee of twenty shillings, demanded by the Garter King of Arms.|| He was also summoned in the 25 and 28 Hen. VIII., with the addition of "*De Stanwell*" to his name. He died circ. 35 Hen. VIII., having had issue by his wife, Elizabeth, sister and coheir to Edward Blount lord Montjoy, several sons, whereof George, the eldest, having predeceased him, s.p.,¶ he was succeeded by

William his second son, who according to Dugdale's Lists of Summons, was called to parliament from the 31 to the 35 Hen. VIII., but as his father was not then dead, there appears to have been an error in the substitution of the name of William for that of Andreas, or Andrews. He was afterwards summoned to the 6 Philip and Mary 1558, in which year he deceased, and was succeeded by^a

^a He had several other sons elder to Edward, all of which died in his lifetime; of these Thomas married Dorothy, daughter of Thomas lord Daere, and as appears by his will dated in 1552 (6 Edw. VI.), is styled of Princes Risborough, in the county of Buckingham, and had a daughter Anne, who by Lysons, (*Mag. Brit.*, vol. i., p. 688), is stated to have married Sir Henry Grey, which if so, and she had had any issue, such issue would have been entitled to the succession of the barony before Edward, her father's younger brother.

|| Dugd. Lists
of Summ.

¶ Buried at
Hounslow
Chapel.—
Weever, p. 529

Edward, his eldest surviving son and heir, who had summons from the 5 to the 18 of queen Elizabeth, and died abroad. By his will he directed that his body should be buried at Leige, and his heart at Bradenham, which was performed, and contained in an oval shaped leaden case, occupies a niche in the vault beneath the patron's chancel at Bradenham, and bears the following inscription, viz: "Herein is the heart of Edward lord Windsor who died at Spa, January 24, 1574."

Frederick, his eldest son, was his successor, and had summons to parliament the 23 queen Elizabeth, and died the 28 Elizabeth, s.p., unmarried, when the barony devolved upon.

Henry his brother and heir,^a who was summoned from the 28 queen Elizabeth to the 1 James I., and died in 1605, having had issue by Anne his wife, daughter and co-heir of Sir Thomas Rivet, of Chippenham, in the county of Cambridge, four sons and five daughters, whereof three only lived to maturity, Thomas his successor, and two daughters; of which, Elizabeth, senior, married Dixie Hickman, esq., and Elizabeth, junior, married her cousin Andreas Windsor, esq.^{*b}

* Mon. Insc.
apud Tarbick.

Thomas, only surviving son, sixth baron, is remarkable for the sumptuous entertainment he gave to the Grandees and Court of Spain, when, in 1623, he was sent rear-admiral of the fleet, to bring back prince Charles from that country. His equipage and expenses in that employment standing him in, at his own charge, no less than fifteen thousand pounds, a rare instance of munificence for the honour of his country, and certainly not followed at the present day, by those, who, appointed to such like offices, rather seek them for emolument than for national glory. Having been summoned to parliament from the 18 James I. to the 15 Charles I. he died soon after, in 1642, s.p., having settled his whole estate on his nephew Thomas Windsor Hickman, (which christian name he gave to him at his baptism) upon condition that he assumed the name and arms of Windsor.

WINDSOR HICKMAN, BARON WINDSOR.

To this Thomas Windsor Hickman, and his heirs, his majesty Charles II. confirmed the barony of Windsor, with such place in parliament as his predecessors had enjoyed, by patent dated the 12th of August, anno the 12th of his reign; and he had summons to

^a Edward, next brother to this Henry, has the following notice taken of him by Dr. Rawlinson, viz: "Habuit permultos filios filiasque; sed veneciã arte usus ne Thomas Sextus Baro Windsor (sui nepos) haberet exitum ipsemet dei judicio cum namerosâ prole perit."

^b Collins (edition 1768) says she had not any issue by him, and married secondly, Sir James Warr, auditor-general of Ireland, and that descendants from her were still existing.

parliament the 13, 31, and 32 Charles II., after when, in 1682, 34 Charles II., he was advanced to the dignity of earl of Plymouth. He died in 1687, and was succeeded by his grandson,

Other Windsor, son and heir of his eldest son Other, who died *vitâ patris*, which Other, second earl, died in 1727, leaving

Other Windsor his son and heir, third earl, who deceased in 1732, and was succeeded by his son and heir

Other Windsor, fourth earl, who died in 1771, leaving his son and heir,

Other Hickman Windsor, the fifth earl, who died in 1799, leaving by Sarah his wife, eldest daughter and coheir of Andrew the last lord Archer, a son Other Archer, his successor, and two daughters, viz: Maria, who married Arthur Hill, marquess of Downshire; and Harriot, who married the Honourable Robert Henry Clive, second son of Edward, earl of Powys, which

Other Archer, sixth earl of Plymouth, dying in 183—, *s. p.*, the earldom devolved upon his uncle Andrew, as next heir male, but the barony of Windsor fell into abeyance between his two sisters before named.

The earldom of Plymouth has however lately become extinct, as presumed for want of issue male; but there is reason to believe that such issue male still exists in some individual, though of very distant lineage.

THOMAS WINDSOR.—(5 AND 6 PHILIP AND MARY.)

THE name of Thomas Windsor appears with that of William Windsor in the writ of summons to parliament the 5 and 6 Philip and Mary;* but Sir Harris Nicolas, in his Synopsis, remarks that the insertion is probably an error by the person who transcribed the lists from the roll;† yet, as the name of William his brother has place in the same writ, it would seem that his name was not inserted erroneously. In the will of Andreas, the first baron, he mentions this Thomas as his fourth son, and gives legacies to his daughters Anne and Ursula, and in default of issue to Peter, Miles, and Andrews Windsor. This Thomas married Mary, daughter and heir of Thomas Bokenham, of Berkshire, esq, and had issue two daughters and three sons, but Collins says‡ no issue is remaining from them.

* Dugd. Lists of Summ.

† Synopsis, vol. ii., p. 701.

‡ Vol. iii., p. 71, Edition 1768.

WODESTOCK.—(14 EDW. II.)

EDMUND PLANTAGENET, youngest son of king Edw. I., had summons to parliament the 14 Edw. II., as "*Edmund de Wodestok*," but was not included in the next writ, being

then created earl of Kent, by which title he was summoned the 15 Edw. II.* He married Margaret, sister and heir to Thomas lord Wake, but was attainted and his honours all forfeited.

* Dug. Lists of Sum.

Edmund his son and heir was restored, and died in 1333, s.p., leaving John, his brother and heir, who also died s.p. in 1352, when Joan his sister, became his heir, who, jure matris, was entitled to the barony of Wake,† as also to that of Wodestock, if any was created by virtue of the writ of the 14 Edw. II. This great heiress called from her beauty, “*the Fair Maid of Kent*,” married Sir Thomas Holland, K.G.,‡ and afterwards Edward the Black Prince, by whom she was mother of king Richard II.

† Vide Wake.

‡ Vide Holland.

ZOUCHE OF ASHBY.—(25 EDW. I.)

THE family of Zouche is represented by the heralds to be derived from the earls of Britany, though as Dugdale observes,§ they do not all deduce the line of descent in every point alike; which, if these learned persons do not concord with each other, they then can have little reason to accuse modern authors for inaccuracy, who look to them for authority.

§ Baron., vol. i., p. 688.

Roger le Zouche, living in the time of king John, was father of Alan le Zouche, who married Elene, one of the daughters and coheirs of Roger de Quinci, earl of Winchester, and had issue Roger, his heir, and Eudo le Zouche, of Haryngworth, hereafter mentioned, which Roger died circ. 13 Edw. I., leaving

Alan le Zouche, his son and heir, who had summons to parliament from the 25 Edw. I. to the 7 Edw. II. In the 26 Edw. I. he was summoned to Carlisle equis et armis, and in the writ was styled a baron,|| those then summoned being all distinguished by their respective ranks. In the 29 Edw. I. he was one of those barons who subscribed the letter to the pope, being designated “*Alanus le Zouche, Dominus de Ashby*,” and in the 1 Edw. II. had summons to his coronation.¶ At his decease circ. 7 Edw. II., he left three daughters his coheirs, whereof Elena (or Eleanor) married, first, Nicholas de St. Maur, and secondly, Alan de Charlton: Maud, Robert de Holland; and Elizabeth, the youngest, was a nun at Brewode, in the county of Stafford. Thus, not having any issue male, his barony fell into abeyance, in which it still remains, among the descendants and representatives of his two daughters** Eleanor and Maud.

|| Dug. Lists of Sum.

¶ Vide writ in vol. ii.

** Vide St. Maur & Holland.

ZOUCHE OF HARYNGWORTH.

EUDO LE ZOUCHE, uncle of the before mentioned Alan, married Milicent, relict of Roger de Montalt according to Dugdale, but of *John* de Montalt according to Sir Harris

* Synopsis,
vol. ii., p. 709.

Nicholas,* sister and coheir to George de Cantilupe, baron of Bergavenny, on the partition of whose lands he obtained the manor of Haryngworth, in the county of Northampton. The said Milicent deceasing circ. 27 Edw. I., her son and heir,

† Dug. Lists
of Sum.

William le Zouche, doing his homage, had livery of her inheritance, and had summons to parliament from the 2 to the 17 Edw. II., as William le Zouche;† but in that year, and from thence to the 26 Edw. III., with the addition of "*de Haryngworth.*" But it is to be noticed that in the writs of the 20th of November, 22 Edw. III., the 25th of November, the 24 Edw. III., and the 15th of November, the 25 Edw. III., the name of William le Zouche de Haryngworth has *Junior* added to it,‡ which seems to intimate that his son and not himself was summoned in those years; but this is not of any importance with reference to the descent of the barony. He married Maud, daughter of John lord Lovel, of Tichmersh, and had issue a son Eudo, who predeceased him the 19 Edw. II.,^a leaving by Joan his wife, daughter and eventually heiress of William Inge,§ a son William, heir and successor to his grandfather, which

‡ Ibid.

§ Vide Inge.

William le Zouche had summons till his death the 5 Richard II., when he was succeeded by

William le Zouche his son and heir, who was summoned from the 6 to the 18 Ric. II.; and in the 15 Ric. II. was by some inquisitions found next heir to John de Hastings, earl of Pembroke, viz: son and heir of William, son of Eudo, son of William, son of Milicent, daughter and one of the heirs to William de Cantilupe, brother to Nicholas, father of William, father of Nicholas, father of William, father of another William who died s.p. His son and heir

William le Zouche, fourth baron, had summons from the 20 Ric. II. to the 2 Hen. V.; and dying the next year, was succeeded by another

|| Vide St.
Maur.

William, the fifth baron, summoned from the 4 Hen. VI. to the 2 Edw. IV. He married Alice, daughter and heir of Richard baron St. Maur,|| and thereby brought that barony to be coalesced with Zouche.

¶ Dug. Sum.
** Synopsis,
vol. ii., p. 710.

William, his son and heir, was summoned to parliament the 6 Edw. IV., as "*William Zouche de Haryngworth Ch'Pr.*"¶ But Sir Harris Nicolas states** that he was summoned as "*Baron St. Maur, jure matris.*" He died the following year, leaving

John his son and heir, seventh baron, who had summons the 22 Edw. IV. and 1 Ric. III., with whom taking part, he was attainted the 1 Hen. VII.; but the attainder was reversed afterwards, and he had summons to parliament from the 1 to the 7 Hen. VIII.

*† Vide Dyn-
ham.

He married Joan, one of the sisters and coheirs to John lord Dynham,*† and dying circ. 18 Hen. VIII., left another

John, his son and heir, the eighth baron, who had summons from the 21 Hen. VIII.

^a He died at Paris.—(Vide Rot. Parl., vol. ii., p. 432, No. 29.)

to the 2 Edw. VI.; and by his will dated the 4 Edw. VI. desired to be buried in the chapel at Haryngworth, where other of his ancestors lay interred.

Richard le Zouche, his son and heir, was summoned the 5 Edw. VI., and died the next year, leaving

George his son and heir, the tenth baron, who had summons from the 6 Edw. VI. to the 8 queen Elizabeth, and died the 11th, being succeeded by his son and heir

Edward, the eleventh and last lord Zouche of Haryngworth, who had summons from the 13 queen Elizabeth to the 1 Charles I., 1625, when he died without issue male, leaving two daughters his coheirs: whereof, Elizabeth married^a William Tate, of De la Pre, in the county of Northampton, gent., (afterwards Sir William;) and Mary, who married first Thomas Leighton, esq., by whom she had issue;^b and secondly to William Connard, esq., s.p.

From this period, 1625, the barony remained in abeyance until Sir Cecil Bishop, bart., descended through the family of Hedges, from Elizabeth Zouche, wife of William Tate, preferred a claim, which, after much delay, difficulty, and discussion, was reported by the the lords' committee of privileges in his favor, and the king, in August 1815, was pleased to determine the abeyance in his behalf.

Sir Cecil, thus admitted as lord Zouche, died in 1828, s. p. m. s., when the barony fell into abeyance between his daughters, and has since been determined.*

The abeyance determined in the case of Sir Cecil, by the house of lords, was, viz :

Sir Cecil Bishop, heir of Catherine Tate, eldest daughter of Bartholomew Tate; and Mrs. Oliver, Mrs. Hemmings, and Mrs. Howell, coheirs of Mary, the youngest daughter of the said Bartholomew Tate; and the descendants (if any) of Mary, the youngest daughter and coheir of Edward, the last lord Zouche.

* Vide the Annual Peerages.

^a In Walker's account of the sufferings of the clergy in the time of the great rebellion, the family of Tate is not only illegitimately, but most contemptuously mentioned, and that Elizabeth Zouche, would not have been given to such a man as Tate had she not been before pregnant.

^b Sir Harris Nicolas in his Synopsis, vol. ii. p. 711, in a note has observed, that no issue of this Mary could be traced after the time of the Commonwealth: but this is not correct; for the Editor, when the claim of Sir Cecil Bishop was before the house, communicatad to a deceased herald, then concerned for Sir Cecil, that he was a descendant, and being asked to show in what line, he did so; which the herald said was satisfactory, and then asked would he give his consent to the determination of the abeyance? which declining to do, the said herald afterwards, on his examination before the Committee of Privileges, stated that he had received from the Editor, a claim, but that he would not support it. The perfidy of this person in other instances he also experienced. However after then, the editor, the 10th of May, 1825, presented a petition to his Majesty, for the barony of St. Maur, as coalesced with that of Zouche, but not affected by the determination of its abeyance; and thereon, the 13th of May, obtained an order of reference to the Attorney-general (then Sir John Copley) and left it in his office, with an intention of proceeding therewith: but being disappointed of a considerable estate which a relation had given him reason to expect, he has not made any further proceedings; poverty being a great impediment to the obtainment of right.

ZOUCHE OF MORTIMER.—(17 EDW. II.)

THE paternal name of this family was Mortimer, and commenced in William, a younger son of Robert Mortimer, of Richards Castle, by Joice his wife, daughter and heir of William le Zouche, who was a younger brother to Alan, who married Elene de Quincy,* and coming to possess the lordship of Ashby, assumed his mother's surname, and was therefore commonly distinguished as "*William Zouche of Mortimer.*" This

* Vide Zouche of Ashby.

William was at first summoned to parliament as William le Zouche, the 17, 18, and 19 Edw. II.; in the 1 and 2 Edw. III. as "*William la Zouche de Castro Richardi;*" and in a subsequent summons the 2 Edw. III., as "*William la Zouche de Mortuomari;*" and from thence to his death, the 10 Edw. III., by the same distinction.† He was twice married: his first wife was Alice de Tony, widow of Guy de Beauchamp, earl of Warwick, by whom he had a son Alan his successor; his second wife (whom he left surviving) was Alianore, daughter of Gilbert de Clare, earl of Gloucester, and widow of Hugh le Despenser, by whom he had a son Hugh.

† Dugd. Lists of Sum.

Alan le Zouche, his son and heir, was never summoned to parliament, and died circ. 20 Edw. III., leaving

Hugh le Zouche, his son and heir, who never had summons, and died, as is said by Dugdale‡ leaving a son Hugh, and a daughter Joice, who by the decease of her brother Hugh, s.p., became his heir, and married John de Botetourt of Weoley Castle, in the county of Wigorn. With this statement Sir Harris Nicolas, in his Synopsis,§ agrees, adding that in the descendants and representatives of the aforesaid William baron Zouche of Mortimer, the barony is presumed now to be in abeyance.

‡ Baron., vol. i., p. 154.

§ V. ii., p. 712

Burton, however, in his history of the county of Leicester, differs from Dugdale, and asserts that Joice, the wife of Botetourt, was daughter of William, and sister to Alan, his son.

This leads to an inference, that upon the decease of Alan, he was succeeded by his half brother Hugh; whose son Hugh dying s. p., the said Joice became heir to the barony as sister to Alan, and daughter and eventually heir of William her father.

The heirs of Joice may be seen under the article of Botetourt.

THE END.

ADDENDA.

VOL. I., P. 279.—(LATIMER.)

IN the pedigree of Latimer—after the two daughters of John viscount Purbeck, and earl of Buckingham, who died in 1723—add

Of these daughters, lady Mary Villiers died vitâ patris, and was buried at Merton, in Surry, 18 May, 1703.—(*Lyson's Environs*, v. i., p. 349.)

Lady Elizabeth Villiers died at an advanced age in Tavistock Court, Tavistock Street, Covent Garden, the 4th July, 1786. She was the last child who survived her father.—(Vide the *Annual Register*, and *Gentleman's Magazine* for July 1786.)

VOL. I., P. 306.—(MALTRAVERS.)

UNDER this article it has been stated that the barony, together with the baronies of Fitz Alan, Clun, and Osweldestrie were annexed to the title of earl of Arundel, and were settled by act of parliament on Thomas Howard, then earl of Arundel, with remainder to his issue male; and in default, with similar remainder to divers other members of the Howard family: whereby it would seem that the barony of Maltravers was from a barony originally by writ, descendable to heirs general, converted into a barony de novo, confined in succession to heirs male only.

In 1841, the earl of Surry, eldest son of the present duke of Norfolk, was summoned to parliament* as lord Maltravers (vitâ patris); which bears to the question, whether by such writ of summons he has acquired a barony in fee, as referring to the ancient barony, or whether his summons applies only to the barony in tail male, vested with the title of earl of Arundel, as possessed by his father. The old barony still remains, as presumed, in abeyance between the lords Stourton and Petre, never having descended to the present duke of Norfolk.

* Gazette,
11 Aug., 1841

ERRATUM.—VOL. II.

The last line at the bottom of page 210 ought to follow the last line at the end of the next page, 211. The erratum may be readily perceived, as having inadvertently been misplaced.

BARONIA ANGLICA CONCENTRATA;

OR,

A CONCENTRATED ACCOUNT OF ALL THE BARONIES COMMONLY CALLED

BARONIES IN FEE;

DERIVING THEIR ORIGIN FROM WRIT OF SUMMONS TO PARLIAMENT, AND NOT FROM
ANY SPECIFIC LIMITED CREATION.

SHOWING THE DESCENT AND LINE OF HEIRSHIP AS WELL OF THOSE FAMILIES MENTIONED BY SIR WILLIAM
BUGDALE, AS OF THOSE WHOM THAT CELEBRATED AUTHOR HAS OMITTED TO NOTICE.

(Interspersed with interesting Notes, and explanatory remarks.)

WHEREUNTO IS ADDED

The Proofs of Parliamentary Sitting,

From the Reign of Edward I., to that of Queen Anne.

ALSO,

A GLOSSARY OF DORMANT ENGLISH, SCOTCH, AND IRISH PEERAGE TITLES,

WITH REFERENCE TO PRESUMED EXISTING HEIRS.

BY SIR T. C. BANKS, BART. N.S.,

Member of the Inner Temple, Law Genealogist, Author of the Dormant and Extinct Baronage of England, *Stemmata Anglicana*, *Honores Anglicani*, *History of the Marmyun Family*, and other Genealogical works.

VOL. II.

RIPON:

PRINTED FOR THE AUTHOR BY WILLIAM HARRISON, MARKET-PLACE.

LONDON: SIMPKIN AND MARSHALL.

MCCCXXXII.

P R E F A C E .

AFTER the publication of the *Dormant and Extinct Baronage of England*, in 3 Vols. 4to. in the years 1807, 8, and 9, the interest which they had excited, led me to imagine that as not any account had theretofore been ever printed of many eminent persons who had been Summoned to Parliament, either as, or among the Earls and Barons of the realm, but whose names alone were to be found in Dugdale's Lists of Summons, without any mention of them in his *History of the Baronage*, it might be a desirable addition to the preceding Volumes, to bring them into notice, and with that view I published in 1825, a supplement intitled *Stemmata Anglicana*.

As Piracy, or Plagiarism among Authors has been a pretty usual practice, it is not matter of surprise to me, that what I have brought forward should be adopted by any of them as their own—thus whosoever shall peruse Mr. Burke's Octavo Edition, of what he is pleased to denominate the *Dormant and Extinct Baronage*, will find it almost a literatim Copy of my previous publication, and in such respect a *base plagiarism*, but when a man is destitute of gratitude to those who may have rendered him services, he is generally a stranger to the principles of honour. Yet as he has added to his work the Titles of the *Dormant and Extinct Peerage of Scotland, and Ireland*, I am most willing to give him due credit for that useful addition; and had he corrected the Errors I may have committed, by following with too much confidence the authority of Dugdale, and other Heraldic Authors, he would have had my approbation, notwithstanding the flagrancy of his Piracy; which probably he reconciles as a Highwayman would the Robbery he had made upon another's property; but if he himself was afterwards robbed, he would complain of it as an heinous offence.

So far with respect to Mr. Burke.—I must now turn to a Gentleman of much higher note, of whom I would wish to say something more favourable than he deserves

at my hands. I mean the learned, and indefatigable Sir Nicholas Harris Nicolas, who having seen my *Stemmata Anglicana*, was pleased very speedily after to adopt its arrangement and contents, in a very considerable degree into a work of his own, intitled, "*A Synopsis of the Peerage of England*," and therein to incorporate a notice of those very persons of whom (as before observed) I was the first to give any account to the public. In his remarks on some of them, he condescends occasionally to cite my name: while in the others whom he mentions, he states that no Genealogical Author has given any account of them, though an account was to be found in the *Stemmata* from which he had plagiarised their Titles. As no Genealogical Author, according to his assertion had noticed them; it would have added much to his own credit to have been the first to have brought them forward, and have rendered his own work more novel and interesting—the sinister motive for mentioning me in some instances, and omitting me in others where I might have had some credit for priority of information, requires no comment, as being too evident.

Mr. Hunter in his Deanery of Doncaster, considers that the silence of Sir Harris Nicolas in his *Synopsis*, of that very eminent Statesman and Ecclesiastic, Sir John de Sandale, is much to be regretted. But had Mr. Hunter looked into my *Stemmata*, he might have seen an account of the subject of his lamentation. I will only add, that although I deem myself rather scurvily treated by Sir Harris, I give him with much pleasure, the highest commendation for his very many erudite, meritorious, and estimable publications.

I must confess myself to have been greatly obliged to the late Sir George Nayler, Garter King of Arms, and to Sir William Woods, also Garter King of Arms, for the kind and friendly readiness with which they allowed me the inspection of their office books, which would have been to a more extended degree, had it not been circumvented by the malignant interposition of Mr. Francis Townshend, the then Windsor Herald, who owed me rather a better return for favors done to him and his Rev. Brother, Mr. Thomas Townshend, by my father; but this evil spirit of the Herald is easily explained by my having communicated to him my intention of bringing out the *History of the Dormant and Extinct Baronage of England*, after Dugdale's precedent. On this intimation, his Letter in answer said, that he himself had been for upwards of twenty years

contemplating the same work, but whenever he referred to his MSS. his Errors so stared him in the face, that he was deterred from the undertaking, and advised me against it. I however embarked in a Sea, where he was afraid to venture.

To any other Members of the College of Arms I am not under the smallest obligation; unless it may be when for the purpose of casting some obloquy upon me, they have done me the honor to mention my name, thereby showing that I was an object of their notice. But their detraction I as little regard, as I would the ravings of disappointed Placemen; or the howling of a madman at Calcutta. These Gentlemen of Arms are well known for the Harmony of their association, and kindly feelings towards each other.

With reference to the Contents of this Volume, a portion of it was printed in the *Stemmata Anglicana*, but much is herein added, with appendixes not before published, together with many notes, and other elucidatory matter, which combined with the Contents of the other Volume, I trust will be found an aggregate of more general interest to the public at large, than the Peerage Histories hitherto published have developed.

T. C. BANKS.

BARONIA ANGLICA CONCENTRATA.

ORIGIN OF NOBILITY.

GENERAL OBSERVATIONS.

With respect to the estate, which may be had in a title of honour, while the dignity was annexed to the land, and held by tenure, the person in possession of the estate, if he was tenant in fee simple, would, it is presumed, have an estate equal in dignity.

These kind of territorial dignities, or land baronies, were anciently allowed to be aliened by the possessor, provided such alienation was made with the king's licence.* Collins, in his Parliamentary Precedents,† cites various examples to this effect; and Dugdale, in his History of the Baronage,‡ notices the same.^a

As to dignities derived from writs of summons, they have generally been said to be holden in fee; but this is deemed an erroneous doctrine.§ A person having a barony of this kind, is not tenant in fee simple of it: for, in that case, it would descend to the heirs general, lineal or collateral, of the person last seised: whereas a dignity of this species is only inheritable by such of the heirs as are lineally descended from the person first summoned to parliament, and not to any other of his heirs. It is, in fact, a kind of estate, not known to the law in any other respect or instance, excepting in that of an honour.

These dignities, created by writ, (and the same rule applies to those created by

^a All amerciements were estreated into the exchequer, and were of a fixed amount. As he, who holdeth an entire Earldom, 100 pounds; and a Baron for a barony, 100 marks. He who holdeth less, or more, according to the extent of the Tenure. And this defines the difference of rank between an Earl, a Baron, and a minor tenant, in capite.

* Vid. Mirror of Justice.

† p. 114, 116, et alibi.

‡ Vol. 1, p. 385, et alibi.

§ Cruise on Dignities, p. 55.

* Purbeck case. Cor. Dom. Proc. anno 1678.
 † Lords' Journ. Vol. IV. p. 150.

patent,*) are unalienable; being an hereditament in the blood of the grantee and his descendants. And in the case of the barony of Grey of Ruthyn, in 1640, the house of lords made† the following resolution; viz. "Upon somewhat, which was spoken of in the argument, concerning a power of conveying away an honour, it was resolved upon the question, *nemine contradicente*, that no *person that hath any honour in him, and a peer of this realm, may alien or transfer the honour to any other person.*"

‡ Ibid. Vol. II. p. 196—7.
 § Collins's Parl. Prec. p. 122, 3
 || Ib. p. 321.

It was doubted formerly, whether a barony by writ was not extinguished by the acceptance of a new barony of the same name. But, in the case of Lord Delaware, it was resolved‡ in parliament, 39th of Elizabeth, that a grant of a new barony of Delaware to William West, who was not then in possession of the old barony of that name, did not merge or extinguish the ancient dignity.§ The same doctrine was also established in the barony of Willoughby de Broke,|| claimed by Sir Richard Verney.

¶ Ib. p. 195. Lords' Journ. Vol. IV., p. 149.
 ** Ib. p. 286.

It was also formerly questioned, whether a person having a barony by writ, and being afterwards advanced to an earldom, to him and his issue male, did not thereby so merge the barony in the higher honour, as that it could not afterwards be separated from it. But this doctrine was fully exploded in the cases¶ of the baronies of Grey of Ruthyn, and of Fitz-Walter; in which latter case, another point was embraced by the determination, namely,** that, though the earldom or higher dignity should become extinct, the barony by writ, will, notwithstanding, descend to the heir general.

The descent of dignities by writ, is in some respect different from that of lands; for possession does not affect the descent of a dignity: for every person claiming an honour created by writ, must make himself heir to the person *first summoned*, not to the person

†† 1 Inst. 15. b. 3 Rep. 42. a.
 ‡‡ Collins's Parl. Prec. p. 195.

last seised.†† Thus, in the case of the barony of Grey of Ruthyn,‡‡ before mentioned, it was stated, that it was a barony by writ; that lord Grey died, leaving a son and daughter by one venter, and a second son by another venter. The barony descended to the eldest son, in due course, who sat in parliament, and afterwards died without issue: the question was, whether the second son should inherit the barony, or the sister?

The opinion of the judges was required, who resolved, that there was no *possessio fratris* of a dignity; but it should go to the younger son, who was *hæres natus*; and the sister was only *hæres facta*, by the possession of her brother, of such things as were *in demesne*, but *not of dignities*, whereof there could be an acquisition of the possession.

§§ 1 Inst. 15. b. n. 3.

But lord chief justice Hale, in his Notes to the First Institute,§§ published by Mr. Hargrave, observes, on this case, that, if it was a feudal title of honour, as of the earldom of Arundel, or barony of Berkeley, there *possessio fratris* should hold well; because the title is annexed to the land.

||| Cruise on Dig.

The right of primogeniture takes place between males, in the descent of dignities;||| and, therefore, where a person possessing an honour in tail male, dies, leaving several sons

it descends upon the eldest: but where a person seised of an honour in fee, dies, leaving daughters, sisters, or other female co-heirs, no right of primogeniture prevails; for they altogether are *unus heres, unum corpus*: their heirship is *unitas juris*; the whole body* of co-heirs, however numerous, must unite to constitute *the heir*.

† Coke on Litt. sect. of Coparc.

Lord Chief-justice Coke has stated a case in his Institute† in these words: “Note.—If the earldom of Chester descend to coparceners, it shall be divided between them, as well as other lands; and the eldest shall not have this seignory and earldom entire to herself, *quod nata*, adjudged, *per totam curiam*,” And his lordship makes the following observations on this case. “By this, it appeareth, that the earldom—(that is, the possessions of the earldom)—shall be divided; and that, where they be more daughters than one, the eldest shall not have the dignity and power of the earl, that is, to be a Countess. What, then, shall become of the dignity? the answer, is, that, in that case, the king, who is sovereign of honour and dignity, may, for the uncertainty, confer the dignity upon which of the daughters he please; and this hath been the usage, since the conquest, as it is said.”

† 1 Inst. 165. a. tit. Præscr. 18.

This doctrine, laid down by lord Coke, was fully established and acted upon both before and in his time. Thus, in the case of the earldom of Oxford, the house of lords certified‡ that the earldom was descended to the heir male; but, as to the baronies of Bulbeck, Sandford, and Badlesmere, “they being entire, and not dividable, they became incapable of the same, otherwise than by gift from the crown; and they in strictness of law, reverted to, and were in the disposition of king Henry VIII.”

‡ Lord's Jou. Vol. III. p. 535.

A learned author, however, has observed,§ that the expression, that “*Baronies in abeyance are wholly at the disposal of the crown, is too general; for it is not in the power of the crown to dispose of such baronies to a stranger*.” But the decision || on the barony of Latimer, temp. Hen. VI. rather rebuts this assertion.

§ Cruise on Dignities.

|| Collins's Parl. Prec.

When Ranulph earl of Chester¶, died, (16 Hen. III.) without issue, his four sisters became his co-heirs; and in the partition of that vast inheritance, John le Scot, son of Maud the eldest sister, (his mother being dead) had for his part the whole county of Chester, and by reason thereof, most probably, was allowed to bear likewise the title of that earldom. But when the said John le Scot deceased, without issue, 21, Hen. III., leaving his four sisters, or their representatives, his co-heirs, the king took the earldom of Chester *into his own hands*,** and afterwards annexed it to the crown, granting to the co-heirs certain other lands in the lieu thereof.

¶ Dudg. Baron, Vol. I. p. 44. et seq.

** Dugd. Camden, R. Brooke, Milles, et alibi. †† Lib. 2.c.34. 76. a & b.

Bracton†† treats of the partition of estates among co-parceners; and observes, that where a mansion-house was *caput comitatûs seu baroniae*, it was not devisable, *propter jus gladii, quod dividi non protest*; for, by that means, earldoms and baronies would come to nothing: *per quod deficiat regnum, quod ex comitatibus et baroniis dicitur esse constitutum*.

* Cruise on Dignities.

† Collins's Parl. Prec. p. 222-3, et alibi.
‡ Dugd. Baron. Vol. I. p. 121.
§ Ib. p. 119.
|| Rot. Pat. 28 Hen. III. m. 12.

Now, provided the eldest daughter had a right, as some assert,* to the principal mansion, if it was a *caput comitatus*, sive *caput baroniæ*, she would in those times, have been entitled to the dignity annexed to it; and this appears to have been the case in divers baronies† noticed as having been given to the eldest of several co-heirs; yet, in the instance of the division of the great inheritance of Hugh de Albini, earl of Arundel and Sussex, among his sisters and co-heirs,‡ or their representatives, it seems that the dignity of Earl of Sussex, (whereof the Albini's were earls *per tertium denarium comitatus unde comes est*§) was not granted to any one of the co-heiresses, but the castle of Arundel, which was the *caput comitatus*, was given to John Fitz-Alan, son of Isabel, the second sister|| of earl Hugh; the descendants of which John Fitz-Alan, by reason of the possession of the said castle, have been earls of Arundel to this day.

Where the king terminates the abeyance of a dignity in favour of a commoner, he issues a summons to him by the name of the honour which was in abeyance; as in the cases of Le Despenser, and Botetourt. But, where the person, in whose favour the abeyance is terminated, is already a peer, and has a higher dignity, there the king makes a declaration under the great seal, confirming the barony to him; and in the case of a female, the abeyance is also terminated by a declaration.

With regard to the effect of terminating the abeyance or suspension of an honour, by the nominating of any one of the co-heirs to it; such nomination operates not as a new creation of a dignity, but as a revival of the ancient title, according to the date of its standing, and the nominee has thenceforth an inheritance in the barony or honour so revived, to hold to the heirs of his, or her body; but in case of failure of heirs of the said nominee, the barony or honour will again fall into abeyance¶ among the remaining heirs-representative of the original co-heirs, and so continue until the crown may be pleased to make a new termination; or until, by the death of all the co-heirs, but one, and the extinction of their respective lines, there shall remain only one sole heir to the dignity, who then becomes entitled to the inheritance *ex debito juris*, as a matter of right; not *ex debito gratiæ*, as a matter of favour from the crown.

¶ Argument of chief-jus. Eyre, on the case of the barony of Beaumont; Cor. Dom. Proc. anno 1795.

** Coram Dom. Proc. an. 1794-5.

The house of Lords, in the case of the barony of Beaumont, claimed** by Mr. Stapleton, has decided, that where a barony by writ was in abeyance between two persons, the attainder of one of them for high treason, did not terminate the abeyance, and give to the other a sole right to the barony.

In the case of an original barony by tenure, where the party seised thereof has continued to have summons to parliament for divers descents, until the male line has ceased, and only female co-heirs been left to the inheritance; there does not appear to have been ever any decision, whether such barony would be in *abeyance* among the co-heirs, or *extinguished*, provided the *baronial lands*, which had at first moved the writ, were sold or alienated by the last male possessor previous to his death, at which time his sisters, or any other females should become his co-heiresses.

From the determinations made in the Berners, Botetourt, and several other cases,* it is settled, that dignities are not within the Statute of Limitations; and, therefore, no length of time of non-claim can bar the right of any one entitled to a descendable honour.

* Lords' Journ. Collins's Skin. Rep. &c.

With regard to dignities, created by letters patent, they are not open to so many questionable points of law, with relation to their descent, as those honours are, which derive their origin from the writ of summons, for the express words of their patents define their course.

It was an opinion, that a title must be created of some place, in order that it might appear to be annexed to land, and thereby become a real hereditament. This opinion strongly coincided with the ancient notion of baronial tenures. But in the case of Mr. Knollys, who claimed to be earl of Banbury, and was indicted by that title, and a plea put in, that it did not appear that Banbury was in England, chief-justice Holt was of opinion, that the place from whence a patentee took his title, need not be in England; nor, in reality, was there a necessity that there should be any place. Albemarle was not in England, and, nevertheless, several persons, prior† and subsequent to Magna Charta, have been earls‡ and dukes§ of that place; and the title of earl of Albemarle is, even at this day, one belonging to a peer of parliament||. In the case of sir Thomas Gerard, who was created lord Gerard, of *Gerards Bromley*, by letters patent, (he being then resident with his family in the said capital messuage), a question arose,¶ whether the said capital messuage became thereby *caput baroniæ*; and it was held that it did not: for the *caput baroniæ* only applied to those barons of antiquity who had jurisdiction, and presided ministerially in *aulis suis*.

† Dugd. Vol. I. p. ‡ De Fortibus, et alii. § Plantag. and Monck. || Keppel. ¶ Gerard r. Gerard, 5 Mod 61.

A dignity may not only be entailed at its first creation, but also, a dignity which was originally descendable to heirs general, may be entailed by parliament on the heirs male of the person seised thereof. But, in this respect, the cases of the earldom of Oxford, and the baronies of Lumley and Percy, show, that such entails were in the nature of re-grants of the ancient honours, which theretofore had been forfeited by attainder, and were now restored in name and rank, but under certain new limitations of descent.

A dignity, whether holden in fee, fee-tail, or for life,** is forfeited and extinguished by the attainder for treason or felony of the person possessed of it at the time of committing the offence; and cannot be again revived, otherwise than by reversal of the attainder. In the cases of Stafford and Lumley, the heirs were restored in blood, but the baronies were given, with new limitations, to issue male, being different to their original course of descent, which was to heirs general.††

** Cruise on Dignities.

†† Journ. Dom. Proc.

Charles Nevill, sixth earl of Westmoreland, (whose ancestor Ralph was so created by letters patent, to hold to himself and the heirs male of his body), in the 13th of Elizabeth, was attainted of high treason, by outlawry, and by act of parliament, and died without issue male: whereupon the title was claimed by Edward Nevill, lord Abergavenny, as heir male of the body of Ralph Nevill, the first grantee of the earldom.‡‡

‡‡ Collins's Parl. Pecc.

It was resolved by all the judges, that, although the dignity was within the statute *de donis conditionalibus*, yet it was forfeited by a condition in law *tacitè*, annexed to the estate of the dignity: for an earl has an office of trust and confidence; and when such a person, against the duty and end of his dignity, takes council, as well as arms, against the king, to destroy him, and thereof is attainted, by due course of law; by that he hath forfeited his dignity, in the same manner as if tenant in tail of an office of trust misuse it, or use it not; these are forfeitures of such office, for ever, by force of a condition in law *tacitè* annexed to their estates. It was also resolved,* that, if it had not been forfeited

* Nevill's Case
7 Rep. 33.

† Opinion of
the judges in
Airlie case,
1818. Cor.
Dom. Proc.

by the common law,† it would have been forfeited by the 26 Hen. VIII. ^a

But, nevertheless, a dignity *in tail* may be claimed by a son surviving an attainted father, who *never was in possession* of such dignity; as in the case of the duke of Athol, in which it appeared, that John Murray, marquess of Athol, was created duke of Athol, to hold to him and the heirs male of his body. He died in 1725, leaving James, his eldest son and successor, and George, a younger son, the petitioner's‡ father.

‡ Lord's
Journ. Vol.
XXX. p. 466,
et seq.

The said lord George Murray in 1745 was attainted of high treason, by act of parliament, and died in 1760, leaving the petitioner, his eldest son. James duke of Athol afterwards died in January, 1764, without male issue, whereby the said John became next heir male to duke James his uncle, and was admitted as such accordingly.§

§ Ibid.

|| 7 Rep. 34. d.

But where a dignity is entailed over to another person,|| in default of issue male of the grantee, such dignity is not affected by the treason, felony, or attainder of the said grantee. Thus Thomas Percy was restored to the ancient barony of Percy and earldom of Northumberland, in the time of Philip and Mary,¶ with a limitation of those honours to him and his issue male-descendants, remainder to Henry Percy, his brother and his issue male. The said Thomas, baron Percy and earl of Northumberland, was afterwards attainted and beheaded: but the honours entailed as before mentioned, descended to his brother sir Henry Percy, by virtue of the said entail.**

¶ Pat. 3 & 4
Phil. & Mary,
p. 10.

** Dng. Bar.
Vol. I. p. 284.

Where a person who has an honour marries, his wife becomes entitled to the same during her life, unless she afterwards marries a commoner.†† Thus Ralph Hayward, esq., who married Anne, widow of the lord Powys, having brought an action against the duke of Suffolk, by the name of Ralph Hayward, esq., and the lady Anne Powys, his wife, an exception was taken for a *misnoma*, because she ought to have been named by the name of her husband, and the said exception was allowed by the court.‡‡ The same doctrine was laid down in the case of the duchess of Suffolk, who, in her widowhood, married Adrian Stokes. And many other precedents§§ may be cited.^b Courtesy, however, admits what the letter of the law denies.

†† 1 Inst. 16 b.

‡‡ Dyer, 79.

§§ Digest, Lib
1. tit. 9. Lege.
8. Doddridge,
p. 107.

^a Sir William Jones, attorney-general, in his argument upon the Purbeck case, cursorily remarks, that *he had been told Nevill's case was not law.*—Collins's Parl. Preced. p. 298.

^b In 33 Cha. II. lady Elizabeth Grey, daughter to Henry earl of Kent, having married Banastre Maynard,

In 1661, upon the report from the Lords' Committees of Privileges, to whom was referred the consideration of the lady Dacre's petition, claiming the privilege of parliament, the house declared,* (having received the opinion of all the judges now present), "that the lady Dacres, by marrying Mr Chute, a commoner, hath forfeited and lost her privilege of peerage in law; and it is ordered, that the trial at law do proceed, notwithstanding any claim of privilege by the said lady Dacres." And it was again declared and made a standing order of the house, 21st of February, 1692, "that if the widow of any peer shall be married to a commoner, she shall not be allowed privilege of peerage." The courtesy, however, allows the assumption of the name of honour, though the law denies any rights to be derivable therefrom.

* Journ. Dom. Proc. Vol. XI p. 298.

Thus the eldest son of a duke, by courtesy, bears the title of his father's second honour; but in law he is only a commoner, and indictable by his christian and his family surname.

But, where a woman, who has a dignity in her own right, marries a commoner, she still retains her name of dignity, for she is *nobilis nata, † non facta; est character indebilis.*

† Coke, 4 pt. 118. b. 6 pt. 53. b. ‡ Inst. 16. b. n. 6.

Chief-justice Coke says, ‡ if a duchess by marriage afterwards marries a baron, she remains a duchess, and does not lose her name, because her husband is noble. Mr. Hargrave, however, in a note on this passage, observes, that in some books, it is said, if a woman, noble by birth, marries one of the inferior nobility, she shall be styled by the dignity of her second husband.^a At the coronation of his majesty Geo. III., the duchess-dowager of Leeds, then the wife of the earl of Portmore, claimed to walk as a duchess, but her claim was rejected: she was not noble by birth, but was the daughter of a private gentleman, Roger Hele, of Halewell, in com. Devon, esq.

In this case of acquired nobility by marriage, Doddridge observes, § that if an issue be taken upon the question, that is to say, duchess or not duchess, countess or not countess, baroness or not baroness, the trial shall be not by record, but by a jury of twelve men; and the reason is, because, in this case, the dignity is accrued to the woman by marriage, which the lawyers term matter in fact, and not by any record. ||

§ Treatise on Nobility, p. 108.

|| Coke, 6 pt. 53. a.

Justice Doddridge says, ¶ that it has been a matter of question, whether a person can refuse or waive a dignity conferred on him by the crown. Chief-justice Coke says, **

¶ Treatise on Nobility, p. 162. ** 4 Inst. 44.

esq., eldest son of William lord Maynard, his Majesty, in order to prevent all disputes which might occur by reason that every daughter of an earl marrying a peer, has only the place and precedency of that peer, unless, by special dispensation, her native right be preserved and continued, was pleased to grant his warrant, that the said Lady Elizabeth Grey should have the precedency, &c. of an earl's daughter, notwithstanding her said marriage. Dated at Whitehall, 11th March, 1680—1.—Ex Orig. penes Coll. Armor.

a This doctrine is shown in the case of Sarah duchess-dowager of Somerset, relict of John duke of Somerset then late deceased, who, in order to preserve the place and precedency due to her from the duke, her husband, obtained the king's royal licence and authority to retain the said place and precedency, notwithstanding any marriage she might thereafter contract with any person whatsoever; by warrant dated at Whitehall, 21st April, 1682, (34 Cha. II.)—Ex. Orig. penes Coll. Armor.

that, "If the king calleth any knight or esquire to be a lord of parliament, he cannot refuse to serve the king there, in *illo communi concilio*, for the good of his country."

* P. Wins. 592. This opinion, however, is contradicted by Lord chancellor Cowper, who held,* that the king could not create a subject a peer of the realm against his will; because then it would be in the power of the king to ruin a subject, whose estate and circumstances might not be sufficient for the honour. His lordship also held, that a minor might, when of age, waive a peerage granted to him during his infancy.

† Idem. Lord Trevor† was of a different opinion, and held, in conformity with lord chief-justice Coke, that the king had a right to the service of his subjects in any station he thought proper; and instanced in the case of the crown's having power to compel a subject to be a sheriff, and to fine him for refusing to serve. He observed, that in lord Abergavenny's case, it was admitted, the king might fine a person whom he thought proper to summon to the house of peers, it being there said, that a person might choose to submit to a fine; and, if it were allowed, the king might fine one for not accepting the honour and not appearing upon the writ: the king might fine *toties quoties*, where there was a refusal; and, consequently, might compel the subject to accept the honour. And, that it was not to be presumed the king would grant a peerage to any one, to his wrong, any more than that, he would make an ill use of his power of pardoning: all which were supposititious, contrary to the principles upon which the constitution was framed, which depended upon the honour and justice of the crown.

A *volumus* of precedence is contrary to the statute. Mountjoy Blount was created baron Mountjoy, of Thurveston, 5 June, 1627, with an express clause of *volumus* in his patent, to have *locum et precedentiam præ omnibus aliis baronibus quibuscunque hujus regni nostri Angliæ per nos post vicissimum diem Maii jam ultimo præteritum factis sive creatis aliquo, etc. in contrarium in aliquo non obstante*. The lord Fawconbridge, who had been created the 25th of May, and the lord Lovelace, on the 27th of May, complained of Mountjoy's precedence, and the point was referred to the Lords' Committee of Privileges, who, on the 29th of April, 1628, by the lord president reported,‡ "that the committee had considered thereof, and are of opinion, that, according to the statute of 31 Hen. VIII., and according to a former judgment of this house, this parliament (10 April), in the like case of precedency granted to the earl of Banbury, that the said baron Fawconbridge, and the said baron Lovelace, are to have place and precedency according to the ancienties and dates of their several patents, before the said baron Mountjoy, whose patent of creation bears date afterwards, notwithstanding the said clause in his patent to the contrary."

‡ Journ.
Dom. Proc.
Vol. III.
p. 775.

Where a patent is lost or not forthcoming, a *constat* out of the Rolls, (or office of public record), will be received as evidence of the original creation. The lord Brudenell,§ the 4th of May, 1640, not having his patent, delivered a *constat* out of the Rolls, and took his seat in the house, according to the date of his patent.

§ Journ.
Dom. Proc.
Vol. IV.
p. 80.

In 1640, the 16 Car. I., the lord Cottington having been created since the last parliament,* and never sitting in the house before, should have presented his writ or patent; but not having his writ nor patent present, he was excused; but it was ordered, upon motion of some lords, that this should not be a precedent for hereafter, being done out of favour to him.

* Journ. Dom. Proc. Vol. IV., p. 55.

In the case of a writ or summons of the same title issued on error, such writ is not to be prejudicial to the heirs of the ancient honour. In 1628, 4 Cha. I., the lord president declared to the house of lords,† “That his Majesty hath granted his writ of summons to this parliament unto James, the son and heir-apparent of William, now earl of Derby, by the name of *James Strange, chr.*, and that the heralds have ranked the said James in the place of *the ancient barons of Strange*. And his lordship showed, that Anne, countess of Castlehaven, the eldest daughter and one of the co-heirs of Ferdinando, late earl of Derby, deceased, doth claim the name and title of the said barony of Strange. It is ordered, the said writ of summons, and the said rank and place of the said James shall be in no way prejudicial unto the right and claim of the said Anne, countess of Castlehaven, nor unto any of the rights and claims of any of the daughters and co-heirs of the said Ferdinando, late earl of Derby, deceased.

† Ibid. Vol. III. p. 341.

A mistake in a writ of summons may be amended. In 1689 (10 Aug.) the house of lords was moved, *viz.*‡ “That in this parliament it pleased the King to grant his writ of summons to call Charles, lord Clifford of Lanesborough, to sit in parliament, and to take his place as the barony of his father; but by *a mistake*, the writ of summons under the great seal, calls him by the title of Lord Boyle; *for rectifying of this mistake*, the king hath been pleased to pass a warrant under his hand and seal, for amending the writ, and making it to bear the title of lord Clifford of Lanesborough, to be passed under the great seal of England; and that the clerk of the parliaments, in whose custody the first writ is, is hereby directed to deliver the same to his lordship for putting in the title of lord Clifford of Lanesborough.”

‡ Ibid. Vol. XIV. p. 307.

In 1794 the house of lords, being informed that the lord Clinton, in proving his pedigree before the committee for privileges, had omitted, by mistake, to insert the names of his lordship's brother, John Trefusis, (a student of Oriel College, Oxon), who was unmarried, and of his sisters, Elizabeth, Anne, and Barbara Crowley, of whom Elizabeth and Barbara are unmarried, and Anne is the wife of Thomas Maxwell Adams, of the island of Barbadoes, esq. It was ordered,§ “That the lord Clinton do deliver in a new pedigree before the committee for privileges, supplying the said omissions.”

§ Ibid. Vol. XL. p. 68.

In 1793 it was moved in the house of lords, “That it be referred to the committee of privileges to consider and report to this house, whether, when any title of honour has been conferred on any person by letters patent, under the great seal, to be holden in or with any given rank of peerage, the same specific individual title can be conferred on

another person, to be holden in or with the same or any other rank of peerage, during the subsistence of the limitations of such first grant." This motion being objected to, after debate, the question was put thereupon, and was resolved in the negative.

The circumstance arose from his majesty having created Thomas, viscount Weymouth, marquess of Bath, by patent, dated the 25th of August, 1789; and having afterwards advanced Henrietta Laura, daughter of William Pultney, esq., to be a baroness of the realm, by the same specific title of Bath, in the county of Somerset, by other letters patent, dated July, 1792. The rejection of the said motion was followed by a very well-conceived and spirited protest on the part of the earls of Radnor and Leicester; who, among many most pointed observations, stated, "That, when the duke of Buccleugh obtained from the crown, in 1743, the honour of its recommendation to be restored to the hereditary seat in this house, forfeited by the attainder of his ancestor the duke of Monmouth, that favour was *confined to such titles as were not vested in other families*; and, consequently the title of Monmouth was omitted." But here it is to be remarked, that the said title, after the decapitation of the duke, had been conferred on the family of Mordaunt, in the person of Charles, son and heir of John, viscount Avalon, by Elizabeth his wife, sole daughter and heir of Thomas Carey,* second son of Robert, earl of Monmouth, who had possessed that name of honour before the duke. The said noble earls also stated, that they protested, "Because, upon the doctrine of the hour (for of the hour only we trust it is), the minister, for the time being, stands complimented by the house with a more powerful instrument of mortifying individuals, than any known prerogative of the crown, or, in our opinion, the court of Wards and Liveries itself, ever furnished. The grievances of the latter were heavy, but temporary: the injury occasioned by this modern invention is perpetual, and claimed by its patrons as irremediable."

* Collins's
Peerage.

After this it was moved, that an address should be presented to his Majesty, to represent, among other points, "That the house, forbearing to question the validity of the grant made to the said Henrietta Laura Pulteney, but greatly concerned that his Majesty has been advised to make the same, does humbly and earnestly request of his Majesty, that the same may not be drawn into example, and that the members of this house, honoured by the favour of the crown, may, severally, for the future enjoy unmolested, and exclusively, their several and respective honours." Which being objected to, the question was put thereupon, and resolved in the negative. This again occasioned a further protest from the noble earls before mentioned, which was as follows, *viz.*: "Because, though we adhere to the motion last negatived, and trust that our opinion will prevail, in case a seat in this house, by virtue of this patent, shall ever be claimed, believing the grant to be unauthorized by custom or precedent, and void in law, as it is upon every principle of justice and decorum; yet, as the house had refused to question the power of the crown to confer the title, we waived our own opinion, so far as to endeavour to

induce the house to mediate with the crown graciously to remit the exercise of such power, being, as we conceive, incompatible with the honour of the house, and the vested rights of the individual member.”

“The act for regulating the precedency of the peers obviated those grievances which partial or temporary favour might occasion; but the grievance, arising from precedence given arbitrarily, though it had also been given in perpetuity, could not, in any degree, be compared to this. An instance, infinitely short of this, in our opinion, is pronounced by the lord chancellor Clarendon in his history, *to be the most unnecessary provocation he had known*, and, in his belief, the chief occasion of lord Strafford’s execution.”

This last citation seems to allude to the lord Strafford having taken the title of Raby, from Vane’s seat at that place; a circumstance, certainly, very well known.

In 1689 the lord viscount Preston, of Scotland, was attached for claiming privilege of peerage under a patent from king James, after his abdication, dated at St. Germain en Laye, the house resolved,* that *the patent was null and void*, and ordered, that the attorney-general should prosecute him for a high misdemeanour, in claiming to be a peer of the realm, by his pretended patent.

* Collins’s
Peerage
Vol. XIV.
p. 338.

Their lordships in various instances, with reference to persons taking upon themselves names of dignities, particularly of Scotch titles, have decided,† that no one shall assume such titles until allowed to them in a due course of law, upon claim made thereto. By analogy, the same rule applies to English honours.

† Ibid.
Vol. XXX.
pp. 119, 131,
191.

By an order of the house of lords, of the 8th of May, 1663, it was referred to the Committee of Privileges to report concerning the introduction of peers by descent, by Garter King of Arms, and such other concomitants as is now used to such as are newly-created peers. The report ‡ contains, among a variety of exemplary matter, the following points; *viz.* “It doth not appear to this house, that anciently any peer was introduced into this house, no, not when created.”

‡ Ibid.
Vol. XI.
p. 575-6

“The committee heard at large all *Garler’s pretences*, and weighed thoroughly all his evidences, and discharged all that he could say as to any pretence of right, by this bottom of reason. *All right must be founded either upon prescription, which looketh back so far as the time of K. Ric. the I., or upon some parliamentary acts or constitutions.* By the first, *Garter cannot claim*, because that office *had not a beginning* till the time of king Henry V.; and for the latter, let him show that can find it: the committee return a *non est inventus*; and they think their search has been so exact, as may excuse your lordships from the trouble of a *melius inquirendum*.

“In the time of Henry VIII., the eldest son of the then duke of Norfolk was, by that king, created earl of Surrey, when his father, the duke of Norfolk, sate in parliament also. The said earl contended with some others for precedence, as being the eldest son of a duke: the matter was debated before the lords, but, before a decision, the earl

submitted, and signified it by the lord chancellor, to take his place only by creation; which shows there was no introduction used in those days; for, had there been, that earl could not have been to seek where he ought to sit: 'tis true, *the use hath been upon creation*, and sometimes to such *as come in by descent*, to bring in their writs of summons. The *mistake of that*, (for the introducing of the persons might give *some shadow*), to delude such eyes as were willing, with *Æsop's dog, to catch at any thing for their own advantage.*"

Upon the whole the committee were of opinion *nem. con.*; which was agreed to by the house, and ordered accordingly; *viz.*

First: "That all peers of this realm by descent, being of *the age of twenty-one*, or upwards, have right to come, and sit in the house of peers *without any introduction.*

Second: "That no such peers ought to pay any fee or fees to any heralds, upon their first coming into the house of peers.

Third: "That no such peers may or shall be introduced into the house of peers by any herald, or with any ceremony, though they shall desire the same."

By the second of these resolutions it is noticeable, that the age of twenty-one is mentioned as the age when peers are capable of being admitted to take their seats; yet, in 1667, the earl of Mulgrave, being under that age, had a writ of summons to parliament. This led the house to address his majesty, to beseech him, *to be sparing of writs of this nature for the future*; and the subject was referred to the Committee for Privileges, to report thereon.

It was, however, finally ordered, that, "No lord under the age of twenty-one shall be permitted to sit in this house."*

Every peer claiming, by virtue of a special limitation in remainder, and not claiming by descent, shall be introduced. This resolution † was ordered the 28th of June, 1715.

On restitution, introduction seems necessary. In 1640, the 16 Car. I., the lord Audley was introduced with ceremony, ‡ between the lords Strange and Newnham Paddox; and, as it was upon restitution, his patent was thought fit to be read, which was tested 3rd June, the 9 Car. I.

The nobility of this kingdom, and lords of the upper house of parliament, are, of ancient right, to answer or be examined in all courts, upon *protestation of honour* only, and not upon the common oath. This resolution was made a standing order of the house, 6th May, 1628; § recognized again 31st Dec. 1640, and likewise in 1667. ||

On one of these occasions, the king, having been attended upon by the Lords' Committee of Privileges, his Majesty was pleased to ask their lordships which they considered to be most binding upon their conscience, to answer upon oath, or upon honour?— Their lordships replied, *to answer upon honour*: thus most delicately expressing, how much their words were to be appreciated before the *oaths of common men!*^a

* Journ.
Dom. Proc.
Vol. XIV.,
p. 10.
† Ibid.

‡ Ibid.
Vol. IV.
p. 57.

§ Ibid.
Vol. III.
p. 782.
|| Ibid.
Vol. XII.
p. 135.

^a Quære, this the origin of the adage, *My word is my bond?*

REMARKS WITH REGARD TO THE TRIAL OF PEERS.

IN the time of William the Conqueror, the earl of Hereford, for conspiring to receive the Danes into England, and depose the king, was tried by his peers, and found guilty of the treason,* *per judicium parium suorum*. In the time of Edward II. Edmund, earl of Arundel, was beheaded and attainted without trial; but Richard, his son, in the following reign, was restored to his father's earldom: and the lords declared, that earl Edmund had been put to death illegally, not having been tried by his peers, according to the law and *Magna Charta*.†

* 2 Inst. 50.

† Mag. Ch.
c. 29.
15 Edward III
c. 2.

In the reign of Henry VI. the duke of Suffolk, being accused of high treason by the Commons, put himself upon the king's grace, and not upon his peers, and the king alone adjudged him to banishment: but he sent for the lord chancellor, and all the lords that were in town, to his palace at Westminster, and also the duke, whom, in their presence, he ordered to quit the kingdom. The lords, however, entered a protest to save the privilege of their peerage, as the act of the king was deemed an illegal sentence of banishment, made extra-judicially, and without any lawful trial.

The case of the lord Cromwell, in the time of Henry VIII., was particularly extraordinary, inasmuch as he was attainted in parliament, and condemned and executed, without being allowed to make any defence.

In Salkeld's Reports, it is stated,‡ “that a person petitioned the lords in parliament to be tried by his peers: the lords disallowed his peerage, and dismissed his petition;” and it was held in this case, that the defendant's right stood upon his letters patent, which could not be cancelled but by a scire facias, and that the parliament could not give judgment in a thing which did not come in a judicial way before that court.§ This was in the case of Mr. Knollys claiming to be earl of Banbury, (temp. William and Mary. ||)—

But the report in Salkeld is not correct; inasmuch as the lords did not disallow his peerage, the petition not calling upon them to decide upon the question of right; but, by reason that the house of lords had no original jurisdiction over the right of a peerage, except incidentally, as for purposes of privilege and precedency, and could not take judicial cognisance of such a right, without delegation, by reference from the king, on petition made to his majesty by the claimant, the house dismissed the petition before mentioned, because it was not made for an adjudication on the petitioner's right to the Banbury earldom, but was merely for his being tried as a peer, a rank to which he had not previously been admitted, and which was, in fact, a point not established, and not on the journals of the house.

‡ 3 Salk. 243.

§ 2 Salk.

|| An. 1692.

On the trial of peers in criminal matters, all the peers, who have a right to sit and vote in parliament, are to be duly summoned twenty days at least before the trial, to

appear and vote at the same; every such peer first taking the oaths required by the act of William and Mary, &c. When the peer has been indicted for the treason or felony, before commissioners of oyer and terminer, or in the King's Bench, if the offence be committed in Middlesex, then the king by commission under the great seal, constitutes some lord (generally the lord chancellor) lord high steward^a or judge for the particular occasion: and the peers of the realm are, by the commission, commanded to be attendant on him, as also is the lieutenant of the tower of London, with the prisoner. A certiorari is awarded out of the Chancery, to remove the indictment before the high steward; and another writ issues to bring the prisoner, and the lord high steward makes his precept for that purpose, assigning a day and place, as in Westminster hall, inclosed with scaffolding, &c.; and for summoning the peers, who are to be twelve, and above, at least present. At the door, the high steward takes his place under a cloth of state; his commission is read by the clerk of the crown, and he has a white rod delivered him by the usher, which being returned, proclamation is made, and command given, for certifying the indictment, &c., and for the lieutenant of the tower to return his writ, and bring the prisoner to the bar: after this, the serjeant-at-arms returns his precept, with the names of the peers summoned, who are called over, and answering to their names, are recorded, and take their seats accordingly. The ceremony thus adjusted, the high steward declares to the prisoner the cause of the court's assembling; the clerk of the crown reads the indictment, and arraigns the prisoner; and the high steward delivers his charge to the noble jurors. This being over, the king's counsel produce their evidence for the crown, and if the prisoner has any matter of law to plead, he shall be assigned counsel; but if he pleads Not guilty, and has nothing further to allege, he is not allowed counsel; for the court is considered to be all-component in that respect, and impartial and just in its adjudication.

After the evidence is closed on the part of the king, and the prisoner's defence is heard, he is withdrawn from the bar, and the lords, who are triers, retire to their own chamber, to consider of the evidence: but the lords can admit of no evidence otherwise than in the hearing of the prisoner: they cannot have conference with the judges (who attend upon the lord high steward, and are not to deliver their opinions beforehand), but in the hearing of the prisoner; nor can they send for the opinion of the judges, or demand it, but in open court; and the lord high steward cannot collect the evidence, or confer with the lords, but in the prisoner's presence, who is at first to require justice of their lordships, and that no question or conference be had only before him. Nothing is

^a This office was anciently annexed to the tenure of the manor of Hinckley, in Leicestershire, and came to the crown with the earldom of Leicester, in the person of Henry duke of Lancaster, afterwards king Henry IV. On the trial of the earl of Strafford, (temp. Car. I.) the lord steward of the king's household was appointed and sate as lord high steward.

to be done in the absence of the prisoner until the lords come to consider of their verdict : and then, if they retire, they are to be together, as juries are, till they are agreed.

When they return into court, and take their places, the lord high steward publicly demands (beginning with the puisne lord) whether the prisoner be guilty or not of the charge whereof he stands arraigned.

Their lordships having answered, *upon their honour*, and the prisoner having been found guilty by a majority of votes (more than twelve), is brought to the bar again, when the high steward acquainting him with the verdict of his peers, gives judgment, and passes sentence accordingly : after which an *O yes!* is made for dissolving the commission, and the white rod is broken by the high steward, and the solemn and august court is broken up.*

* 2 Hawk.
P. C. 421.
422, &c.

The lord high steward does not vote himself on a trial by commission, but only on a trial by the house, while the parliament is sitting. When a peer is tried by the lords in full parliament, the house may be adjourned as often as there is occasion, and the evidence may be taken by parcels ; and it has been adjudged, that where the trial is by commission, the lord high steward, after a verdict given, may take time to advise upon it ; and his office continues till he has given judgment. But the lord's triers may not separate upon a trial by commission, after the evidence is given for the king ; for it has been resolved by all the judges, that the peers, in such case, must continue together till they agree to give a verdict.†

A peer of the realm, arraigned in parliament, must be tried before a lord high steward, and, if he appear not, he shall be outlawed : and he cannot waive a trial by his peers ; for, if a peer, on arraignment before the lords, refuse to put himself upon such trial, he shall be proceeded against, as one who stands mute. But, if one, who has a title to a peerage be indicted and arraigned as a commoner, and plead not guilty, and put himself upon his country, it hath been held, that he cannot afterwards suggest that he is a peer, and pray trial by his peers.‡

† State
Trials,
Vol. II.
p. 702 ;
Vol. III.
p. 657.
‡ Hawk. 425.

The sentence against a peer for high treason, is the same as against a common subject, though the king forgives all but beheading ; which is a part of the judgment. For other capital crimes, beheading is also the general punishment of a peer, which is by the special grace of the king, and not *ex debito*.§ Thus, in the 33 Hen. VIII. the lord Dacres was attainted of murder, and had judgment to be hanged. Also in the 3 & 4 Phil. and Mary, the lord Stourton, for a like offence, had the same judgment ; which sentences were both executed. And the 34 Geo. II., Lawrence, earl Ferrers, was hung at Tyburn for the murder of his steward. If execution be not performed, the lord steward may by his precept command it to be done.||

‡ 3 Inst. 30.
Kel. 57.
Dalis 16.

§ Brook.
tit. Jury, 48.

When a peer of the realm is arraigned in appeal of felony, he shall not have the privilege to be tried by his peers, as he should in case of indictment, but must undergo the ordinary trial¶ of twelve men. Also, in case of indictment, though a peer of the realm

|| 3 Inst. 31.

¶ Stamford
Pleas of the

Crown.
lib. 3. c. 1.
Brook, 142.
Perdin Poul-
ton, 188. b.
Book of
Entries, tit.
Appeals, tit.
sect. 7

he may not challenge any of his triers, either peremptorily or upon causes, which, in like case, is permitted to all other common persons.

FORM OF THE PROCEEDINGS ON THE KING'S WARRANT FOR SUMMONING OF A PARLIAMENT.

THE king, by his prerogative, has in himself the power of summoning, as also to appoint the times of beginning, continuing, discontinuing, or dissolving of parliaments.*

* Pettus on
Parliament,
edit. 1680.

This summoning is performed by the king's warrant, in his name; and by his authority; and from this warrant all writs of summons for a parliament are derived.

The warrant is in English, signed by the king's own hand, and sealed with his privy seal, or signet. But the writs are always in Latin, (or anciently some few in French), and are sealed with the king's great seal in his name, with a teste of his approbation, though not manually signed or sealed by him.

The warrant is general; *viz.* for summoning the nobility: as also, for the election of knights, citizens, and burgesses. But the writs derived from these warrants are to particular persons, of particular degrees. Before this warrant was issued, the kings advised with their privy council, which is manifested by the words of the warrant; *viz.* "*Whereas We, by our Council, &c.*" Yet, if these words had been omitted at any time, the warrant was still held good and sufficient for due summons.

The council so called privy, is the king's constant or standing council, as well in time of parliament as when there is none sitting: so as before a parliament is summoned, this privy council consults and deliberates concerning the motives and reasons for calling it; and, after such deliberation, advises the king to issue the warrant.

After the warrant is signed and sealed by the king, it is sent from the Signet office to the lord chancellor, or lord-keeper, who upon receipt thereof, issues out his warrant: also to the master of the Rolls, who likewise, upon receipt thereof, (as the chief clerk of the Petty Bag office), by the assistance of the former precedents, of writs, (and formerly by the help of the masters in Chancery), and by advice with the heralds as to titles and true names of persons, causes a schedule or digest of form of writs to be issued.

This schedule or digest is fairly engrossed on parchment, as a record in this office; and this record is then entitled *The Parliamentary Pawn*, which is, as it is said, the awarding of several writs for a parliament.

Formerly these *pawns*, or *records*, some time after the dissolution of every parliament were carried to the Inrolment office, and then, among many other parliamentary matters *transcribed* into parchment rolls, and from thence, for more safety, carried to the Tower

where they lost *the name of pawns*, and were, and are still called *Parliament Clause* (or close) *Rolls*.

It is to be observed, that, in the writs to the dukes, they were summoned to be present in parliament, *cum magnatibus et proceribus*; and so are the marquesses, earls, viscounts, and barons: yet the patents to the dukes place them, *inter proceres et magnates*, or lords,—putting *proceres* or *peers* before *magnates* or *lords*. And in the patents to marquesses, they are placed *inter alios marchiones*: the earls, *inter alios comites*; the viscounts, *inter alios vicecomites*; and the barons *inter alios barones*.

But none of the lords *patentees*, (except the dukes, in relation to their places), take any notice of the position *inter proceres et magnates*. For the earls' and barons' patents have reference only to *their own degrees*, and not to the three other degrees; so as *proceres* or *peers* is applied, as it would seem, only to the dukes, in their patents of creation.

FORMULÆ OF PRACTICE ON CASES OF PEERAGE CLAIMS BEFORE THE ATTORNEY-GENERAL AND THE LORDS' COMMITTEES OF PRIVILEGES.

On all cases of claim^a to the peerage dignity, a petition to his majesty must be presented by the claimant at the office of the Secretary of State for the Home Department, who endorses thereon an order of reference from his Majesty to the Attorney-General, which is usually made in the following words; *viz.*

“ Whitehall,————

“ His Majesty is graciously pleased to refer this Petition to Mr. Attorney General, to consider thereof, and report his Opinion what may be properly done therein: whereupon his majesty will declare his further Pleasure.

“ SIDMOUTH.”

But though this is the general practice of the present day, it was not always so; for some petitions made formerly, were referred by the king to special commissioners, as in the *Wahul* and *Berner's* cases, (temp. *Jas. I.*) In the *Berner's* case, anno 1717, to the

^a In the report by the Lords' Committee to inquire into all matters relating to the state of the peerage; it is thus mentioned, *viz.*: whoever has claimed a Dignity, has sued for it to the Crown by Petition, which is in the nature of a Petition of right, now commonly referred by the King to the house of lords, for the advice of the house what ought in justice to be done upon the petition. This mode of proceeding is necessary because if the right heir has not possession of the dignity, it is in possession of no one. It is not in the King's hands; and the ordinary proceedings, if the King upon misrepresentation seized lands entailed to the prejudice of the person entitled to the lands by force of the entail, would not apply.

Earl Marshal, and also to the Attorney-general; and sometimes to the Lords' Committees for Privileges, as in the Roos and Fitz-Walter cases, annis 1666 and 1667; and in the barony of De Clifford, anno 1690.

In the instance of Mr. Wymbish, claiming to be (by curtesy) lord Taylboys, king Henry VIII. himself, with the two chief justices—Dr. Gardiner, bishop of Winchester, and Garter King of Arms—heard, and decided upon the claim.*

* Collins's
Parl. Proc.
p. 11.

The petition should set forth the nature of the creation of the title claimed, and the course of descent through which the claimant assumes to be heir, which heirship must not be to the person last seised of the honour, but to the person first ennobled, unless there are special limitations in the patent, or charter of creation, in which respect, the said limitations or entail must be specifically noticed and followed.

After the reference has been made to the Attorney-general and the order left in his office, he is attended (upon an appointment made) by the counsel and agent of the claimant, and the evidence is submitted to his consideration: before him, office-copies of public records, wills, &c. are sufficient; copies of parochial registers, signed by the ministers, and monumental inscriptions, &c., certified by affidavit of the persons who made them, are received.

Extracts from the archives of foreign monasteries, &c. were admitted in the Beaumont† and Stafford cases, upon the oath of the person who had made them, that they were correctly and faithfully taken. A monumental inscription, once existing in a monastery in France, was allowed (in the Beaumont case) to be read from a printed book, entitled, "*Memoires des Constitutions des Benedictins Anglois*," on its being proved, that there was still remaining in the said monastery a stone, on which, though then applied to other purposes, and in great part defaced, were still legible letters exactly corresponding with the incipient letters of several lines in the printed inscription.

† Coram
Dom. Proc.
1795 & 1796.

Depositions on oath have been received by the Attorney-general;‡ inasmuch as that officer can neither examine parties on oath, nor compel the attendance of reluctant witnesses. But depositions are not receivable before the house, where the parties are alive, and are under no incapacity of attending; for their attendance can be enforced by the order of the house.

‡ Somerset
case, cum
mult. aliis.

Where a second petition is presented and referred, though no new matter is alleged, it has been decided that the Committee of Privileges could not be guided by what had been done by any former committee, and, therefore, that all the evidence must be given again, except in the case of parole testimony, where the witness was dead; and then, upon proof of such death, the former evidence might be read. Thus, Mr. Stapleton having received the opinion of the house of lords, that he was not sole heir to the barony of Beaumont, claimed by him on the ground that the blood of the other co-heir was attainted, and, as such, dead in law, the same as if the party had died without issue,—

presented a second petition, to be declared one of the two co-heirs: the petition, like the former, was referred, first to the Attorney-general, and then to the house of lords, when their lordships resolved as before mentioned.*

On the Berkeley peerage claim,† in 1810, the Attorney-general (Sir Vicary Gibbs) thus expressed himself in his report; *viz.* “I was also informed, that the petitioner had much *parole testimony* to bring forward, for the purpose of explaining the fact of this second marriage, and establishing the validity of the first. Under these circumstances, *having no power to examine* the witnesses, who might be called before me, *upon oath*; and seeing that, *without such an examination*, the validity of the first marriage, upon which the claim of the petitioner altogether depends, cannot be brought to a satisfactory decision, I have followed the usual practice of my predecessors in office, where the case before them has been attended with doubt or difficulty, and humbly advise your Majesty to refer the annexed petition to the house of lords.”

From this inability to examine upon oath, it is manifest, that depositions are the best evidence of parole testimony, which, in the first instance, can be brought forward; for, although the parties are not liable to an indictment for perjury on a voluntary affidavit, yet the solemn manner in which the affidavit is sworn, cannot but be considered as a correct and deliberate declaration of the deponent's knowledge of the points in question, and, consequently, more satisfactory than a personal examination, where no oath can be administered. These depositions being left with the Attorney-general, they are (provided the case goes before the house of lords), afterwards required to be verified before the Lords' Committees of Privileges; and the deponents being then sworn at the bar of the house, are examined as to the facts asserted by them, and thenceforth, on prevarication, are open to indictment. In the Berner's case,‡ the house being informed that colonel Thomas Earle, was at the door, and desired *to prove his affidavit* of the death of captain Thomas Glemham, in order to be made use of at the Committee of Privileges (to whom the claim was referred), he was thereupon called in, and *owned the same at the bar*, and then withdrew.

The report of the Attorney-general may, in some instances, be final and conclusive, as was that of Sir Samuel Shepherd on the claim of Mr. Hastings to the title of earl of Huntingdon in 1819; and of Sir Robert Gifford in 1823, on the claim to the title of lord Dormer.

When the Attorney-general reports for a further reference to the house of lords, the form of granting it is thus; *viz.* “His Majesty has been pleased to refer the said petition, together with the said report of the Attorney-general, to the right honourable the House of Peers, to examine the allegations thereof, as to what relates to the claimant's title therein mentioned, and to inform his Majesty how the same shall appear to their lordships.”

* Journ. Dom. Proc. 1795-6.

† Printed case. Cor. Dom. Proc.

‡ May 2. 1729. Cor. Dom. Proc.

After this reference, and the same has been moved in the house of lords, and by them referred to their Committees for Privileges, the claimant's printed cases, signed by two counsel at least, must be sent to the clerk of parliament for the use of their lordships, fourteen days before the sitting of the committee: their lordships are then to be moved, on petition, to appoint a day for hearing the case in their committees; on this occasion, original wills, the parish register-books, and the records from the public offices, must be all produced by some officer from the respective depositaries, and an order of the committee should be moved for, to be served on the respective parties for their attendance, and production of the original documents and instruments wanted. The usual form of an order of this kind, is as follows:—

“ Die —, 18 .

“ Ordered by the Lords Spiritual and Temporal in Parliament assembled, that the Reverend ——— do attend on ——— next, to be sworn, in order to give Evidence, and produce the original Registry-Books of Baptisms, Marriages, and Burials of ———, on ——— next, before the Committee for Privileges, to whom the petition of ———, claiming the Barony of ———, with his Majesty's Reference thereof to this House, and the Report of his Majesty's Attorney-general, thereunto annexed, stands referred.

A. B. Cler. Parliamentor'.”

When the counsel for the claimant has opened the case, the evidence on his behalf has been completed, and his counsel has summed up the same, the Attorney-general (who always opposes on the part of the crown), is heard in answer thereto, and when he has concluded his objections, the leading counsel for the claimant makes his general reply.

Whereupon their lordships, having considered as well of what was offered by the petitioner's counsel, as by the counsel on his Majesty's behalf, and the several proofs adduced on the case, resolve that the petitioner has, or has not proved his claim; and has or has not a right to the peerage in question. This report having been read, and agreed to by the house, it is then resolved and adjudged by the lords spiritual and temporal in parliament assembled, that the said *A. B.* hath a right, or hath not, to the said barony of *C*——.

It is then ordered, that the lords with white staves attend his Majesty with the said resolution and judgment, who, having so done, afterwards report to the house his Majesty's approbation of their lordships' resolution and judgment.

REFERENCE TO CASES AT COMMON LAW, &C., AS TO POINTS OF EVIDENCE
IN SUPPORT OF PEDIGREE.

1. Exemplifications of letters patent, 3 Woodd. 324, 3 & 4 Edw. VI. c. 4; 13 Eliz. c. 6.

2. Grant of land before inquisition void, 18 Hen. VI. c. 6.
3. Bankruptcy does not affect the estate, 21 Jac. I. c. 19. s. 12.
4. A general history of a public matter. Woodd. 322; 1 Salk. 281; Skin. 15. 624; 12 Mod. 86; T. Jones, 164; Burn's Ind. 155. pl. 3; Bull. N. P. 248.
5. The rolls or ancient books of the Herald's office. 1 Salk. 281; T. Jones, 224; Cowp. 63; Str. 161; 3 Woodd. 321; Bull. N. P. 248.
6. The original will or ledger-book, proof of relationship. Raym. 744; Bull. N. P. 246.
7. Proof of heirship to person last seised. 8 Co. 88. b.; Bull. N. P. 116.
8. Comparison of hand-writing and seals. Bull. N. P. 236; Hard. Ch. Dec. 1746; Mod. 117; Lev. 25; Palm. 427; Bac. Abr. 660; Bull. N. P. 252; 3 Woodd. 329. By inspectors of franks. 4 T. R. 497; 4 Esp. 117.
9. Affidavits of persons deceased, where extra-judicial and the party deceased. Str. 35; 3 Woodd. 311. Where Hearsay, and the party refused to be sworn. 2 Term. Rep. 203-4. n.; 3 Woodd. 311. n.
10. Declarations of uninterested persons who are dead. Burr.; Settl. Cases, 243. 701; 3 Term. Rep. 720, *Ashurst*, j.; 2 Bac. Abr. 663.
11. Declarations of members of a family, and others who are intimate. 3 Term. Rep. 721, *Kenyon*, c. j.
12. Entries in bibles, and tradition. 1 Cowp. 591-10; East, 120, *Le Blanc*, j.
13. * Hearsay and reputation. Bull. N. P. 294; 3 Term. Rep. 709, *Grose*, j.; 3 Term. Rep. 719, *Buller*, j. Though from a stranger. 15 East, 293. By a relation.
14. Letters of a steward deceased, to explain a deed. 1 Barn. & Ald. 247.
15. Documentary, wills, declarations of relations. 18 Ves. 445, *Eldon*, C.
16. Secondary evidence. 13 Ves. 143, *Erskine*, C.
17. Presumptive in matters of antiquity. 12 Ves. 265-6, *Erskine*, C. Of enfranchisement against, and grant from the crown, 11 East, 280. 488; Cowp. 102, and 1 Fonbl. E. 329; Cowp. 217; Burr. 433. Of formal ceremonies; as Livery, &c. 2 Freem. 106, and 1 Vern. 32. 195; 2 Vern. 516; 3 Brown. 516; Cowp. 595; 2 Bac. Abr. 660. Of death without issue. 1 Black. Rep. 401; 2 Black. 1228; 1 Term. Rep. 270 4 Term. Rep. 682; 11 Ves. 350.

In the Huntingdon peerage claim before the Attorney-general, letters from a former earl to the then claimant's father, *proved by comparison of hand-writing with the signature to the will of the same earl*, were received in evidence. Also, the affidavits of a stranger, as to the reputation of the county in favour of the claimant's descent and family connexion, were received as evidence to confirm the pedigree, and the like affidavits to prove other facts.†

It may not be irrelevant to observe, that the same rule, with regard to evidence, has not been followed by every Attorney-general; one sometimes requiring what his predecessor had rejected.‡

* Doe. v. Lord.
2 Blak. Rep.
1099-10 East.
120

† Bell's Earld.
of Hunts, pp.
342-359.

‡ Montague &
Leigh Cases.

THE FOLLOWING OBSERVATIONS WITH REFERENCE TO PAROCHIAL REGISTERS,
THEIR ADMISSIBILITY, AND UTILITY MAY DESERVE NOTICE.

THESE registrations generally constitute a material point of evidence in peerage claims, and claims to property; and there has been scarcely any case in which these records have not been more or less referred to. The lord chief justice Best in his charge to the jury, in the case of the Attorney-general *v.* Oldham, observed, "All the property in this country, or a large part of it, depends on registers; and we must see our way clear, before we shake the authenticity of registers."

In questions of legitimacy, however, it is to be observed, that the entry of the baptism of a child, who is described as the son or daughter of James Jones, and Mary his wife, would not be evidence of legitimacy, for it may have been so entered of a child born before the marriage of the said parties; but provided the day of birth were added, then it might be evidence, because the time of marriage of the parties might be ascertained by reference to its registration. The marriage is first requisite to be shown; and then the baptism, or rather birth of the child; for it might be born, long before baptism, which is no unfrequent case.

To prove the fact of death, the register of burials is generally produced; but it not uncommonly happens that families are scattered abroad, and if persons of no high consideration in life, have not kept up correspondence with their friends, or connections at home; and therefore their existence or death is unknown: in such instance, reputation of their having gone abroad, and not heard of subsequently, becomes the only evidence, or rather presumption of their decease;* and in *Dore v. Jesson*,† the court held that absence for seven years was sufficient.

* Peake on Evidence.
† 6. East. 80.

The register of the navy office has been admitted evidence to prove the death of a sailor;‡ and similarly the returns of the war office, may be deemed evidence of the death of a soldier.^a

‡ Bull, N. P. 249.

With respect to the Fleet, May Fair, and other irregular places of marriage, it is to be remarked, that in the case of *Dore ex. dem. Orrell v. Maddox*, lord Kenyon, in summing up, observed, "That he admitted in evidence the register of the Fleet marriages, because former judges had done so; but he desired that his having done so, should not be understood, as thereby sanctioning their admission; nor should his authority be cited in future for that purpose, as he was of opinion they were liable to many objections."—

^a There can be no burial registers of those who fell at Waterloo; nor those who were lost on board the President Steam Packet; the place in which she was lost being unknown, or by what misfortune the catastrophe occurred.

And in *Read v. Passer*,* his lordship, after referring to what took place on the above occasion, said, that “in a case at Shrewsbury assizes, in 1794, the Fleet registers had been admitted by Mr. Justice Heath; but notwithstanding his respect for that learned judge’s opinion, he thought himself bound to dissent, and to give it as his settled opinion, that they were a species of evidence which ought never to be admitted.”^a

Peck N. P.
231.

In a case before lord Hardwick, where a book of this sort was offered in evidence, he tore it, and said, such evidence should never be admitted in a court of justice, and that lord C. J. de Grey had been of the same opinion. In the case of *Lloyd v. Passingham* in 1809,† lord Eldon said, “I give no opinion that the Fleet register is evidence as a register; but I am not prepared to say it may not be received as evidence of a fact, and I can suppose a case in which such evidence might be received,—on a question of pedigree would not that entry be admitted, not *as a register*, but *as a declaration under the hand of a party?*”^b

† 16 Ves. 759

In *Northey v. Cook*, the marriage in question took place before the marriage Act, when marriages were not solemnized, or registered with the regularity required by that act. In this case it was stated, that to hold the certificate of the marriage registry indispensable, would be absurd; reputation, cohabitation, and mutual acknowledgements sufficiently proving such a marriage. The marriage act having been repeatedly held not to take away the ancient mode of proving a marriage by presumptive evidence:‡—and lord Kenyon, in a case at *nisi prius* said, that though the marriage act introduced a register of marriages; yet registration made no part of the validity of a marriage, but only went in proof of it.§

‡ Vide Bl. 1.
Rep. 367.—
Douglas 171.

§ Rep. 1. 214.

In the case of the *Attorney-general v. Oldham*, counsel objected to the evidence of bishop’s transcripts, as being *copies*, not *duplicates*; but baron Gurney considered he was bound to receive it, because it came from the proper custody, and purported to be an

^a Charles, Duke of Bolton was married to Mrs. Mary Brown, at May Fair Chapel,—the entry was abstracted,—the cause is well known. The duke’s demise, by his own hands, followed not long after. His daughter by Mrs. Brown, was the mother of the present Lord Bolton.

^b In the claim to the Barony of Say and Sale, by the father of the present Lord, the marriage of Colonel Twisleton, the claimant’s father, depended upon a Fleet register; but which was supported by reputation, cohabitation, and the testimony of several persons of high distinction, who visited his family, and would not have so done, had they not believed the Colonel to have been married.

The Editor has here to mention, a circumstance probably never yet known to the public. William, Viscount Poultney, only son of William, Earl of Bath, (who died *vitâ patris*), was married at the Fleet to a woman of very low degree; and shortly after, being sorry for his imprudence, mentioned what he had done to his (the editor’s) late father, who was very intimate with him. It was then agreed upon between them, to endeavour to get the registration erased; for which purpose the editor’s father went to the Fleet clerk, and offering him a guinea for the erasure; the clerk tore out a whole leaf, on which were entered many more marriages. Some years ago, a person assumed to be the son of that marriage, and laid claim to a considerable part of the Bath estate, which led to the editor’s father mentioning the circumstance.

instrument required by law to be deposited there; and that the object of these transcripts would be lost, were they not receivable in evidence.

Upon a question of pedigree, (*Walker v. Wingfield*—18 Vesey 443.) lord Eldon observed, that the canon provides the mode in which registers are to be kept, and according to the sort of registers that are received, it is difficult to say why the Fleet registers are rejected. It is difficult to say upon what principle a copy is received, except that the register cannot conveniently be spared from the place where it is supposed to be deposited. I know, continued his lordship, that instances have occurred of an estate being recovered by producing the copy of a register, when no credit was due to the original,^a and am satisfied, that the security of title is best preserved by the production of the original register, and not admitting a copy, than by any other rule guarding the inheritance.

In a case, “the King *v.* Clapham” (4 Carrington and Payne, 29) that an entry of the day of baptism of a person, and the day also on which such person was born, it was observed by lord Terterden, C J., to be no evidence of birth, but a proof of baptism.

In claims to English Peerages, the Rule of the House of Lords has been ever since the Chandos case, not to receive copies of registers, but to require the original parochial registers to be produced, excepting that the same rule, has not yet been applied to Scotch and Irish peerage cases, in which copies have only been taken and received *de bene esse*.*

* Marchmont
and Rosecom-
mon Cases, co-
ram DomProc.

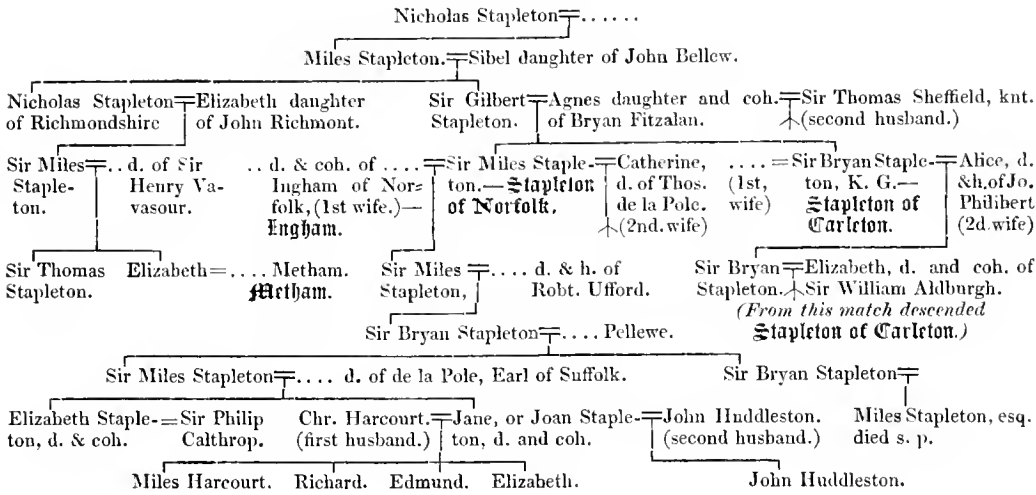
There was a person professing to be connected with the family of Derwentwater, who, on an occasion produced the supposed copy of a register which gave him a connection with that family, and a claim to a very large estate. The case went on for some time, and the register was conceived at the College of Arms to be genuine; but at last the original was seen, and the copy had no validity.

The Visitations in the College of Arms, have frequently been brought forward in evidence of family descent. But these visitations differing often from each other, according to the times they were made, are not always deserving much credit. The following copies of one in 1612, and of another in 1665, respecting the family of Stapleton, may serve as a specimen of contradictory statements: when these kind of genealogical documents, composing what are called the Records of the College of Arms, are brought forward on peerage claims; it seems that it would be expedient not to rely upon any one, without ascertaining whether there was any other relating to the same family.

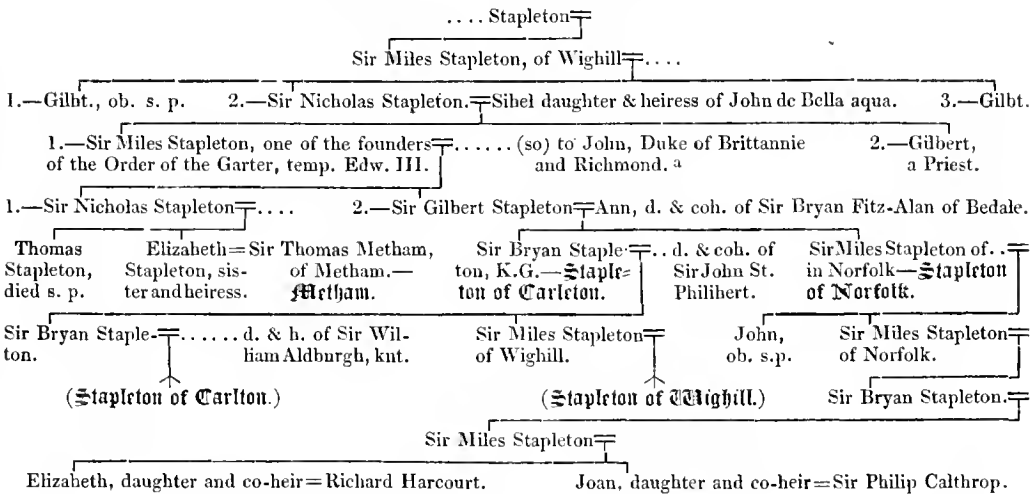
The fabrication made by young pupils, has probably been followed by them, from the practice of their old masters: or why should apprenticeship to a calling be necessary unless it were to learn the art, and mystery of that calling?

^a Even where an original Parochial Register, or one purporting to be so, is produced, it might be well to require also the bishop's transcripts, to see how far they corresponded; for in many instances they have been found not to agree, whereby false entries in the parochial entries have been detected.

STAPLETON.—VISITATION, 1612.



STAPLETON.—VISITATION, 1665.



^a This statement, though made in this Visitation, and similarly in a Pedigree in possession of the Editor, is very questionable.

AN ACCOUNT
OF
DIVERS EMINENT PERSONS

WHOSE NAMES ARE MENTIONED IN DUGDALE'S PRINTED LIST OF SUMMONS
TO PARLIAMENT; BUT WHOSE FAMILIES ARE NOT NOTICED IN THE
BARONAGE, OR PEERAGE HISTORY, OF THAT CELEBRATED
HERALD, OR OF ANY OTHER GENEALOGICAL WRITER.

PRELIMINARY OBSERVATIONS.

IN presenting to the public the following account of some very eminent persons, of whom no mention has been hitherto made in any genealogical work, it is to be observed, that Sir William Dugdale, in his Preface to his celebrated Baronage, has stated; *viz.*

* Rot. Vasc.

“But to point out who they were that had their first rise by writ of summons until * the 22 Edw. I. and afterwards, passeth my skill, there being no public record that doth make mention of them till then, excepting^a that of 49 Hen. III., which only taketh notice of those who were in the king's name summoned by the rebellious barons to that parliament which they held, whilst he was their prisoner.

“Perhaps it may be doubted by some, whether every family, of whom I have discoursed in this first tome, were strictly barons by tenure or not, because nothing doth appear by inquisition, of some, that they held by barony, or by any other memorial of their reliefs; to satisfy, therefore, the curiosity of such, I say, that, having found, from the notes of some former judicious antiquaries, that they were so reputed, I deemed it a safer error to take notice of them in that qualification, than by their omission tacitly to conclude them otherwise.”

^a The writ of the 45 Hen. III., with the names of those who were then summoned to attend a parliament or great council, called by the king to meet at London, presents rather a disproof of this assertion with regard to the silence or deficiency of the public records.

Now, by these precursory remarks, it is evident, that Dugdale was by no means ascertained as to *the quality* of the parties forming the subject of the early part of his history, and has therefore given place to some who probably had no right to such distinction; while he has omitted others who ought to have been noticed, and has done all this at the same time that he was giving reasons for making, as it were, a *general comprehension* of baronial families.

On referring to divers persons mentioned by that famous herald, it certainly will be evident, that several of them had less reason for being treated of, than some of those who stand mentioned in the following pages, for being passed over in silence by him. Indeed, it is not a little singular, that Sir William should have recited, in what is termed his *Lists of Summons to Parliament*, many writs, as the 24, 26, & 29 Edw. I., the 1 & 35 Edw. III. (which, in fact, are only writs of service), while he has left out innumerable others between the 6th of king John, and 22 Edw. I., which were equally as much entitled to have been set forth. If he meant to intimate that those persons who had summons, from the 49th Hen. III. and 22d. Edw. I. had their writs addressed to them in the character of barons, then ought they to have been noticed by him in such character: but, if the writs of summons were not addressed to them in the said degree, and were not summonses to parliament, but merely summons of service, then were they as irrelevant to recite, as those which for that cause previous to 49 Hen. III. he has suppressed.

Thus, in his said lists, he has not given that writ of 45 Hen. III., by which the king summoned his faithful nobles to assemble at London, to consult with him upon the then perturbed state of the nation, and to do those things which might be most expedient and fitting for the occasion; which summons not only has the names of those persons who by the consimilar writ were required to attend, but has words of legislation in it, which are not contained in those of the 5, 24, 26, and 29 Edw. I., or of the 1, and 35, Edw. III.: the copy of the writ itself will, however, best explain its import and nature.

Anno 45 Hen. III. Rot. Claus. m. 3 Dorso.

“ Rex Wiffo de Bello Campo de Aumeri, saluam mandamus vob̄ in fide & homagio quib; nob̄ tenemini firmit̄ injungentes q̄d omnib; aliis p̄termisissis ad nos sitis Lond̄. in crastino Ap̄toꝝ Simonis & Jude Absq; difone ultiori cum equis & armis & cum posse v̄ro tam de servicio v̄ro nob̄ debito quam de subven̄coe amicoꝝ v̄roꝝ pro quib;dam urgentib; negociis p̄sonam n̄ram specialit̄ & statum corone n̄re contigentib;. Et hoc sicut de v̄ra fidelitate & dilec̄coe confidentiã ḡimus, specialem nullatenus omittatis. Quia subven̄coem quã nob̄ & corone n̄re p̄ter servicium nob̄ debitum ad p̄sens fec̄itis in consequenciam trahi nolumus, nec vob̄ p̄ hoc ullo tempe derogari. Talit̄ vos heatis in hac pte q̄d d̄co die absq; defalta ad nos sitis, itã q̄d vob̄ exinde perpetuo teneamur ad grates. T. R. apud turrem Lond̄ xvij die Octobr̄.”

Eodem modo mandatum est :

Pho Basset	Johi Estrange Senior
Wiffo Mauduit de Helmsley	Robo de Nevill
Henř de Pynkeny	Nicho de Bolteby
Wiffo Marescallo	Riçõ de Tani
Robo de Sçõ Johe	Wiffo de Kaynes
Reginaldo de Pavely	Wiffo de Furnival
Riçõ de Munfichet	Nicho de Bolevill
Mauř de Berket	Robo Aguylyn
Riçõ Basset de Weldon	Wiffo de Harecourt
Huğ de Nevill	H. de Ver, com. Oxon
Walfo de Dunstavill	Wiffo le Moyne
Johi de Muscegros	Philippo Marmyun
Rađo Gernun	Robo Tregoz
Rađo Basset de Sapecoř	Griffio fil Wennuwen
Robo de Tatteshal	Henř de Tracy
Henř Engayne	Johi Giffard
Roğo de Maubray	Gilbo Peché
Petro de Malo Lacu	Rađo Saunzav
Johi de Baillol	Rađo Musard
Andř. Lutterel	J. de Plesset
Thořn de Furnival	Wiffo Bardulf
Huğ. de Cressy	Robo de Ros de Belvo
Walř de Wahull	Gilbo de Gaunt
Rađo Basset de Draiton	n ^o Rogo Bertram de Bothal
Wiffo de Oddingesel	n ^o Petro de Brus
Walfo de Clifford	Wiffo de Munchenesy
Hugh Peverell de Saunford	Wiffo le Blund
Wiffo de Wilton	Jacobo de Paunton
Hamõi de Creuequer	Henř de Erleye
Rađo de Kameys	Robo de Bello Campo
Andř Pevēl	Henř de la Pomeray
Henř de Novo Burgo	Henř de Hasting
Almarico de Sçõ Amando	Fulcõi fil. Warini
Pho de Arey	Wiffo de Monte Canisio
Wiffo de Sey	Nicho Poynz
Jacobo de Aldithet	Johi de Baalun
Riçõ de Grey	n ^o Robo de Caunvill

	Wilfo de Breus	Johi de Curtenay
	Reĝ fit Petri	Rog'lo de Sĉo Joſe
	Thomñi Corbet	Johi de Wauton
	Fraĉoi de Boun	Egidio de Clifford
	Robto fit Nichi	Ade de Peryton
	Ade de Novo M'cato	Galfro de Maundevill
n ^o	Rado le Botyler	Johi fit Alani
	Wilfo de Ros	Ade le Despens'
n ^o	Roĝ Bertam de Mideford	Rado de Gorges
	Hugĝ de Bolebek	Arnaldo de Bosco
n ^o	Gilbo Hansard	Johi fit Phi
	Wilfo de Huntingfeud	Robo Veti Ponte
	Robo de Ferar	Henř de Percy
	Matſio Loveyn	Wilfo de Huntcūbe
	Baldewino de Insula com. Devon	R. de Quency, coñ Winton
	Humfro de Bohū, com. Heref.	Ankeř de Freschenvill
n ^o	Guidoi de Brunic	Baldewino Wak'.

Et Abbi de Burgo Sĉi Petri salm mandañ voſ in fide & dilecōne quib; noſ teneñi
 ſmit^o injungentes qđ omib; aliis p̄termissis mittatis noſ s^o viciū vřm quod noſ debetis.
 Ita qđ sit ad nos in crastino Sĉi Martini absq; defalta p quib;dam urgentib; negociis
 psonam nřam specialit^o & statū regni nři tangentib;. Et hoc sub debito fidelitatis qua
 noſ teneñi nullateñ omittatis. T. ut s^o.

Abbi de Rammiseye	Abbi Sĉi Benedĉi de Hulñ
Abbi de Thorneye	Abbi Sĉi Petri Glouĉ.
Abbi de Sĉi Aug ^t ini Canĉ	Abbi de Malmisbiř
Abbi Sĉi Albani	Abbi de Schireburñ
Abbi de Bardeneye	Abbi de Middiltoñ
Abbi de Tavestok'	Abbi de Radingĝ
Abbi Sĉi Edmundi	Abbi de Michilney
Abbi Westñi	Abbi de Abendoñ
Abbi de Certes'	Abbi de Cerñe
Abbi de Hida	Priori de Coventř
Abbi de Colecestř	Abbi Eboř
Abbi de Bello	Abbi de Eynesham
Abbi Abbotisbiř	Abbi de Witeby
Abbi de Wincheūbe	Abbi de Croiland
Abbi de Psore	Abbi de Waltham

Abbi de Evesham
Abbi de Osñ
Abbi de Dunstaplf

Abbi Cestr̄
Abbi Saloþ
Abbi Leiç.

That these writs of summons were to parliament, is rendered evident from the following notice made by Holinshed,* of the circumstances attendant upon that affair; *viz.*
* Holinshed's
Chr. Vol. II.
p. 454—460,
new edit.

Anno 45 Hen. III. A.D. 1261.

“After Christmas, the king coming into the Tower of London, fortified it greatly, and caused the gates of the city to be warded, *sending forth commandment to the lords* that they should come to the Tower, there *to hold a parliament*: but they flatly denied so to do, sending him word, that, if it pleased him, they would come to Westminster, where usually *the parliament* had been kept, and not to any other place. Whereupon there rose great dissensions between him and his barons.”

The nature of this writ being considered, with the observations of Hollinshead upon it, there appears every reason to conclude, that the persons to whom the same was addressed, were then reputed *as nobles of the realm*; which, if so,—(for what other persons could be summoned to parliament by the same writ *singulatum* as the lords?)—there seems no reason why Dugdale should have passed over this writ in his lists of summons, while he has thought fit to notice such writs as the 5 Edw. I. and 1 & 35 Edw. III., which merely, in the two first cases, were *writs of service*; and in the last instance, was a *convention of a council for a particular and distinct occasion*, in relation to the affairs of another kingdom.

The following is the copy of a writ of summons, mentioned in Dugdale's list, whereby certain persons, to whom the same was addressed, were required to give their attendance at a great council, summoned to meet at Newcastle-upon-Tyne, anno 24 Edw. I.; *viz.*

Claus. in Dorso. m. 12.

“Rex dilecto et fidei suo Rog^o le Bigot, com̄ Norff et Maresc̄ Angl̄ salutem. Quia Joannes Rex Scotiæ aliqua contra fidelitatis suæ debitum, in læsionem coronæ regni nostri, ad quam integram et illæsam conservandam et defendendam, sacrament vinculo astrieti estis, jam de novo (ut accessimus) perpetravit; per quod ad partes Scotiæ in brevi, iter arripere intendimus, ad apponendum contra hujusmodi perpetrata remedium, quod de nostro consilio viderimus opportunum; vobis mandamus, rogantes in fide et dilectione quibus nobis tenemini, firmiter injungendo: quatenus primo die mensis Martii proximo futuro sitis ad nos apud *Novum Castrum super Tynam*, cum *Equis et Armis*, quantò decentiùs et honorabiliùs poteritis parati, et prompti, *ad faciendum ea, quæ tunc temporis de nostro consilio duximus injungendum*, ità quòd vobis inde grates referre meritò

teneamur; quid ante super hiis duxeritis faciendum nobis quàm citiùs nuncieritis. Teste Rege apud Westm̄ xvj. die Decembris.”

Consimiles literæ diriguntur subscriptis; *viz.* &c.

Now, of thirty-seven persons to whom these consimiliar letters or writs were addressed, the twenty-two names hereafter mentioned, are unnoticed by sir William Dugdale in his History of the Baronage of England.

Roberto filio Walteri (de Daventre)	Radulpho filio Bernardi
Roberto Hastings	Almarico de Nodariis
Johi Peyvre	Laurentio de Pavelly
Richardo de Coleshull	Johanni de Pabenham, jun.
Willielmo Bouteveleyn	Johanni de Morteyn
Waltero de Pavilly	Roberto Russell
Galfrido de Stowey	Ranulpho de Ry
Johi Cogan	Thomæ de Wyneslee
Radulpho Wake	Nicholao filio Radulphi
Richardo de Wyndesor	Richardo de Ken
Roberto de London	Johauni de Acton

Having thus stated the names of those persons who are unnoticed in Dugdale’s Baronage, but to whom writs of summons consimilar to that addressed to Roger Bigot, earl of Norfolk, was directed as before mentioned in the 24 Edw. I., it remains to make a few observations upon the writ itself.

By the 17th and 18th Articles of Magna Charta it is stipulated and conceded, that the *great barons*, upon all occasions of summons, shall be called together by the *king’s writ*, addressed to them *singulatim*; but that the other *tenants in capite* shall be summoned by the *king’s writ* addressed to the *sheriff of the county*.

Now, it appears that, on this particular occasion, the *Exemplar writ* was addressed to *Roger Bigot, earl of Norfolk*; and the *Consimilar writs* were directed to some certain persons who are noticed by Dugdale *as barons of the realm*; and to certain other persons, who, although *unnoticed* by Dugdale, in his Peerage History, *as barons*, are yet, nevertheless, included *in the same list, as those very barons’ peers*.

From this circumstance it would seem, that the parties in question were either actual barons, or had the reputation of being such: and this point obtrudes itself as so much the more evident, because divers other persons in the capacity of great landholders are on the very same occasion required to give their attendance at Newcastle-upon-Tyne, by virtue of a *general precept*, thus* set forth; *viz.*

* Dugdale’s
Lists Sum.
p. 16, 17.

“Sub eadem formâ scribitur *magistro Willielmo de Bosco*; sub istâ tamen mutatione; quòd ubi dicitur *suprà scriptis, quòd sint, &c.* Scribitur ei *quòd mittat aliquos de hominibus suis* apud novum castrum cum equis, &c. ut *suprà, ad faciendum ea quæ eis tunc temporis, &c. ut suprà.*”

Somers'.

Dominus Johannes de Shor
 Dominus Mattheus de Furneis
 Dominus Willielmus de Estotvill
 Dominus Simon de Rale
 Dominus Johannes le Waleis
 Dominus Hugo le Prouz

Glouc'.

Dominus Roger Perceval
 Dominus Petrus Crok
 Dominus Robertus le Veel
 Dominus Thomas de Berkele
 Dominus Nicholaus de Ba
 Dominus Robertus de Berkele

Leic'.

Dominus Robertus Ros de Gedney
 Dominus Roger de Huntingfield
 Dominus Robertus de Kirketon
 Dominus Thomas Bardolf

Wills.

Dominus Nicolaus de Hoese
 Dominus Johannes de Holt

Devon.

Dominus Henricus de Rale
 Dominus Gilbertus filius Stephani
 Dominus Willielmus le Prouz

Cornub'.

Dominus Radulphus de Bloxho
 Dominus Walt. de Treverbyn
 Dominus Richardus Hywis
 Dominus Roger Carminou
 Dominus Willielmus de Chambernoun
 Dominus Richardus de Buslingthorp

Dominus Phillippus de Theford
 Dominus Jo. de Albaniaco
 Dominus Radulphus Paynell
 Dominus Jo. Marmyon
 Dominus Jo. de Staunton
 Dominus Alexander de Montfort
 Dominus Radulphus de Freskeny
 Dominus Adam de Arderne
 Dominus Robertus de Brakenbergh
 Dominus Alexander de Botheby (de Kesteven)
 Dominus Thomas filius Eustach'
 Dominus Radulph' de Sancto Laudo
 Dominus Galfridus de Brunne
 Dominus Gregor' Duk
 Dominus Walranus de Mortuomari
 Dominus Jo. Goubard
 Dominus Willielmus Disney
 Willielmus de Basage
 Dominus Phillippus de Gayton
 Dominus Johannes de Bosco
 Dominus Petrus de Giphthorp
 Dominus Simon filius Radulphi
 Dominus Willielmus de Chadworth
 Dominus Hugo de Gorham
 Robertus Salman
 Dominus Jo. le Chamberleyn
 Thomas de Cadwrey
 Radulphus de Frescheville
 Rob. de Ros, Frater Will' de Ros
 Petrus Loreng
 Johannes filius Simonis
 Willielmus de Bretoun

Willielmus de Wilighby	Alexander Quintyn
Thomas de Nevill	Willielmus fit Radulphi
Richardus de Draycot (Dominus de Wyleton)	John de la Mare (de Peryndon)
Johannes de Wadhill	Ricardus de Frevylle
Richardus de Gobiun	Nicholaus de Oddingsele
Willielmus de Hotot	Gerard de Braybroke
Galfř fit Roberti (Dom. de Daventre)	Johannes Ayvell
Joñ de Rydell	Thomas de Lysurs
Robertus de Hoo	Petrus Pycott
Johannes de Nevyll	Robertus de Percy
Rogerus de Bello Campo	Johannes de Mews
Johannes Neyrnuyt	Willielmus de Aton
Robertus de Gotez	Johannes de Fauconberge
Gilbertus de Houby	Willielmus de Coleville
Robertus de Gravelee	Arnald de Percy
Oliverus le Zouche	Richardus de Romundby
Johannes de Grimstede	Thomas de Hettengtoñ
Andř de Grimstede	Walterus de Gousill
Walterus de Geddinges	Robertus Ugthereth
Johannes de Cantilupe	Johannes Sampson
Osbertus Gifford	Thomas de Chauncy
Egidius de Playz	Johannes de Pothon
Thomas de Mandevill	Johannes Coyners
Nicholaus de Wokindon	Robertus de Flyxthorpe
Jō de Beauchamp (de Fifhide)	Alexander de Ledes
Richardus filius Simonis	Johannes de Seton
Mattheus de Loveyn	Nicholaus de la River
Drogo de Barentyne	Roger Gruneth
Alanus de Goldyngham	Johannes de Hotham
Richardus de Sutton	Richardus Benteley
Richardus de la Rokele	Simon de Pateshull
Radulphus Perott	Gerard Salveyn
Egidius Munpynzan	Johannes de Barton
Robertus de Baiuse	Johannes de Heslarton
Johannes de Lovetot	Arnald de Bulketon
Henř la Moyne	Thomas de Honton
Thomas de Grauncurt	Alexander de Cave
	Willielmus Grimbald

Robertus de Botheby	Robertus de Somerville
Hugo de Menill	Walterus de Faucunberge
Johannes de Rosse	Johannes de Bulmer
Rogerus de Grimeston	Nicholaus de Meignill
Hugō filius Henrici	Robertus de Tateshale
Radulphus filius Ranulphi	Willielmus de Ros (de Ygmanthorpe)
Rogerus de Lasseles	Johannes de Caunsefeld
Adam de Everingham	Willielmus de Cressy
Johannes de Belew	Ranulphus de Nevyle
Robertus de Berlay	Johannes de Lancaster
Herbert de S. Quintino	Robertus Ros (de Werke)
Willielmus de S. Quintino	Johannes Baro (de Greystoke)
Johannes de Hodeleston	Robertus Bertram
Thomas de Corewenne	Robertus de la Vale
Robertus de Haverinton	Johannes le Caumberleyn
Hubertus de Moletone	Thomas de Saunford
Hugo de Moletone	

The writ of 26 Edw. I. next presents itself, as no more of a parliamentary nature than the one of the 24th., being a summons merely to attend *equis et armis*, at Carlisle : but this writ is likewise in *the Exemplar* directed to Roger Bigot, earl of Norfolk, and marshall of England, and the persons to whom the *Consimular* are addressed, are eleven earls, and a hundred and six *barons, who are so particularly denominated* ;* of this number the following are unnoticed in Dugdale's History of the Peerage ; viz.

* Vide Dug.
List of Sum.
p. 21.

Johan. de Ryveres	Richard Syward
Johan. de Hudleston	Simon Fresell
Wauter. de Mouncey	William Sampson
Johan. de Cantelo	Thomas de la Roche.

Of these eight, John de Cantelo (or Cantilupe), Richard Syward, and Simon Fresell, † Claus. Rot. had the like summons, 27 Edw. I. ; † but John de Ryveres, John de Hudleston, Walter in Dor. m. 14. de Mouncey, William Sampson, and Thomas de la Roche, had summons to divers parliaments in after-years ; and, in such respect, were, by reason of their repeated calls to successive parliaments, (holden for the purposes of legislation,) as much *barons by writ*, and *peers of the realm*, as many of whom Dugdale has made mention in his Baronage ; though, in his list of summons of 24 Edw. I., before mentioned, he has included several of them among the *barones minores*, or inferior tenants in capite of the crown.

The writ of 35 Edw. III. appears to have been not a summons to parliament, but the call of a great council, for the mere purpose of taking into consideration the affairs of Ireland; whereunto were summoned only certain persons, either holding lands in that kingdom, or so far interested therein, as by his Majesty to be deemed proper persons to give their advice, and be consulted, on that important occasion. But the words of the writ will best explain its import and effect.

Anno 35 Edw. III. Claus. in Dors. n. 36.

“Rex dilecto et fideli suo Humfrido comiti Northamptoniæ salutem. Quia terra nostra Hiberniæ per invalescentes à diu Hibernicorum inimicorum nostrorum incursus, propter impotentiam fidelium nostrorum habitantium in eadem; et pro eo quod magnates et alii de regno nostro Angliæ terras in eâ habentes, commodum dietarum terrarum suarum ab eadem terrâ capiunt, et defensionem aliquam non faciunt, jam eadè vastitatis et destructionis misère subjeitur; quod, nisi Deus advertat, et celerius succurrat eidem ad totalem perditionem in proximo deducetur: per quòd pro salvatione ejusdem ordinavimus; quod Leonellus comes Ultoniæ filius noster charissimus, cum ingenti exercitu, ad terram prædictam, cum omni festinatione transmittetur: et quòd omnes magnates ac alii de dicto regno nostro terras in dictâ terrâ Hiberniæ habentes, quantò potentiùs potuerint, in comitivâ dicti filii nostri proficiscentur, vel si debiles in corpore existant, loco suo alios sufficientes ibidem mittant pro repulsione dietorum inimicorum, et salvatione et defensione terrarum suarum, et succursu terræ supradictæ; et pro dicto negotio accelerando, volumus vobiscum et cum aliis de eodem regno terras in dictâ terrâ Hiberniæ habentibus colloquium habere et tractatum, vobis in fide et ligeanciâ quibus nobis tenemini, firmiter injungendo mandamus; quòd omnibus aliis prætermissis, sitis personaliter apud Westm. in quindenâ Paschæ proximâ futurâ, ad loquendum nobiscum et consilio nostro super dicto negotio, et illud concernentibus, ad faciendum et consentiendum super hoc, quod ibidem contigerit ordinari; et interim vos, et homines vestros, quantò potentiùs et decentiùs poteritis, ad arma paretis, ità quod in vestri defectu progressus dicti filii nostri et exercitus sui non retardetur; nec dicta terra omissionis periculo subjaceat ex hâc causâ: et hoc, sicut nos et honorem nostrum ac salvationem et defensionem terræ prædictæ diligitis, nullatenus omittatis, et habeatis ibi hoc breve. Teste rege apud Westm’ xv die Martii.”

Per ipsum regem et consilium.

Consimilia Brevia diriguntur subscriptis, de essendo coram rege et consilio suo ad dies subscriptos; viz.

Ad quindenam Paschæ:

Radulpho comiti Stafford
Thomæ com’ Oxon’

Edwardo le Despenser
Waltero de Manny

Edwardo de Mountague	Waltero de Bermyngeham
Almarico de S. Amando	Johanni Comyn
Bartholomeo de Burghersh	Johanni Wagan
Johanni de Crophull	David Barry
Nicholas de Gernon	Johanni Cornewaille
Johanni de Bohun (de Midhurst)	Petro Malure
Johanni de Carreu	Johanni Mautravers.
Willielmo la Zouche (de Haryngworth)	

“Rex vicecomiti Nottinghamiæ et Derbiæ salutem. Quia (&c.) *ut supra usque ibi* terræ supradictæ *et tunc sic* tibi precipimus firmiter injungentes; quod præmunire facias hæredes de Caumvyll terras et tenuram in Hiberniâ habentes; quòd sint apud Westm’ in *tribus septimanis Paschæ* proximò futuris ad loquendum (&c.) *ut supra usque ibi* contigerit ordinari; *et tunc sic*; et habeas ibi nomina illorum per quos eos præmuniri fueris, et hoc breve. Teste, *ut supra.*”

Consimile breve dirigitur vicecomiti Staffordiæ.

Ad tres septimanas Paschæ :

David de Strabolgi comiti Athol’	Johanni de Erles
Thomæ de Ros	Johanni de Bromwich’
Rogero de Clifford	Jacobo de Stafford
Thomæ de Furnival	Stephano Mareys
Thomæ de Lucy	Willielmo de Morle
Edmundo Laurence	Richardo de Stafford
Johanni de Tibetot	Willielmo de Ferrers.

The most material part of this summons is, how far those nineteen persons, to whom the consimilar writ of *the king* was addressed, may be entitled to be considered in the quality of barons; and if entitled to that consideration, then for what reason nine of them should have been passed over in Dugdale’s history of those persons, who were barons or reputed barons of the kingdom.

It certainly appears, that this convocation was not the calling together of a parliament, but of a mixed council of certain great men in the two kingdoms of England and Ireland; but, as Dugdale has thought proper to include this summons among those of the summonses to parliament, it would seem that the parties thus convened, ought to have formed as much the subject of notice in his *Baronage*, as in his *Lists of Parliamentary Summons*.

It has before been observed, this celebrated author considered it necessary to premise

his Peerage History with saying, *That he deemed it a safer error to take notice of some persons in their qualification of barons, than by their omission tacitly to conclude them otherwise.* Now, on the same ground, it appears, that the history of the families contained in the following pages, is founded upon much better pretensions to notice, than the herald could suggest reason for passing them over in silence.

Upon the whole, it probably may be considered, that, until the time of Richard II., when the first baron was created by letters patent, thereby expressing and limiting not only his degree and right of seat in parliament, but the course of descent of his honour, that the crown summoned to parliament those whom it pleased of the great tenants in capite, who held by barony; and many who held by parts of a barony; as in the case of being representatives of one who had holden by an entirety, but whose baronial lands had become divided by co-heirship; or that, the crown still viewing the possession of lands as the basis of parliamentary dignity, continued to summon persons who were possessed of a certain number of knight's fees holden immediately of the crown, which number amounted to thirteen and a half—a quantum defined by some authors as the qualification of a barony.

But inasmuch as it has already been stated, that the indifference of the clergy and laity had manifested itself on various occasions, to avoid attendance upon a parliamentary summons, as an expensive and burthensome tenure; so, while their apathy to legislative honour contributed to the abdication (if it may be so termed) of their baronial privileges, the ambition of another class of personages brought themselves forward, and thus a new series of nobility became coalesced and intermixed with the old peerage; which, gradually decaying in point of property, but, nevertheless, in some instances, continuing to be summoned to parliament after their caput baroniæ had passed away, these persons remained barons, not by virtue of their tenures, but of their writs, and thus left to their heirs a right of succession, founded on the prescriptive usage of those writs under which they had been called to parliament as before mentioned.

In the account of the families, forming the subject of the following pages, it is rather to be imagined, that the manner in which they became noticed in any parliamentary summons, was by reason of their tenure of certain lands, but that they were no further noble than their tenure gave them right of distinction: yet if the decision, which the lords have so often sanctioned in the resolutions of their Committees of Privileges,* is to be deemed a rule of law, that a person having been once summoned to parliament and taken his seat accordingly, has thereby acquired a barony descendable to the heirs general of his body, then the many of those names omitted by Dugdale in his Peerage History, and hereafter noticed, were as much barons of the realm as the lord Clifton, who was only once summoned to parliament, took his seat, but was shortly after a *felo de se*.

* Clifton, &c.
cor.Dom.Proc.

EMINENT FAMILIES OMITTED BY DUGDALE.

ACTON.—(24 EDW. I.)

JOHN DE ACTON, in the 24 Edw. I., was one of those eminent persons, who had summons by a consimilar writ,* with divers barons, to attend, with horse and arms, a great council, convened to assemble at Newcastle-upon-Tyne, on the subject of an expedition intended to be made into Scotland.

† Vide Prefatory Observ. On this occasion, the writ was evidently a summons of service,† and not a parliamentary summons *ad tractandum de arduis negotiis regni*, whereby any hereditary baronial dignity was created or acquired.

‡ Esch. 6. Edw. II. n. 55. The family of Acton appears of very ancient standing, and seated at Iron-Acton, in the county of Gloucester. The aforesaid John de Acton was probably the same, who, with Sibilla his wife, was possessed of the manor ‡ of *Irene Acton*, in Gloucestershire; lands at Frampton Cotell, in the same county; the manors of *Coverne* and *Yanefore*, in Herefordshire; the manor of *Penyton*, in the county of Southampton; and the manor of *Coddre*, with other lands at *Abre*, and *Stache*, in Somersetshire.

§ Originalia. 6 Edw. II. Rot. 5. He died about the 6 Edw. II., as in that year the king's cseheator had a writ to take into his hands, the lands and tenements whereof John de Acton had died seised.§

|| Fosb. Glouc. Vol. II. p. 525,-6. The heiress general of this family carried the manor of Iron-Acton, with other considerable estates, into the family of Poinz, or Poyntz, by marriage ||

ALDEBURGH SIVE ALDBOROUGH.—(44 EDW. III.)

¶ Dugd. List Sum. Sir William de Aldeburgh had summons to Parliament from the 44 Edw. III.¶ to the 10 of Richard II., the year following of which he died. His summons appears to be from his marriage with Elizabeth, daughter and heir of Robert, Lord Lisle, of Rougemont,** who, as his ancestors had been, was repeatedly summoned to Parliament among the earls and barons of the realm. By this marriage he acquired the manor or barony of Harewood, which had come to the said Robert de Lisle, by descent from the heiress of

** MS. Ph. marked Lozenge in Coll. Arm. William de Courey, theretofore possessor of the same.†† By Elizabeth de Lisle, he had issue, William, his son and heir; and two daughters, viz., Elizabeth, and Sybill.

†† Rot. Pat. 23 Hen. VI. m. 20. William de Aldeburgh, the second, did not long survive his father, but died the

15 Richard II. without issue,* or at least without any which survived him; for according to his Will, proved in 1391, it seems he had an infant child whose name is not mentioned, but merely cursorily referred to, as well as Margery, or Margaret, his wife, in the words, '*Margeria ma feme mon infans.*' This Margery his wife, (who was widow of Peter de Maulay, son and heir apparent to Peter the 6 Maulay, and died in his father's life time) was one of the daughters and co-heirs of Sir Thomas Sutton, of Holderness, and outlived her husband Aldeburgh, but died shortly after him; her Will being proved in the same year 1391, in which she mentions her son Peter Maulay, her son John Maulay, and her daughters Constance and Elizabeth Maulay; she also mentions Elizabeth Stapleton.— She was buried with her last husband in the church of the Dominican Friars at York. †

* MS. Voecat B.B. p. 553 in Coll. Arm.

Of the sisters and co-heirs of William de Aldeburgh, Elizabeth was ætat 28, and then the wife of Bryan Stapleton, the younger. ‡ Sibilla, the other sister and co-heir, was ætat 25, and wife of William Ryther.

† Drake's Antiquities of York.

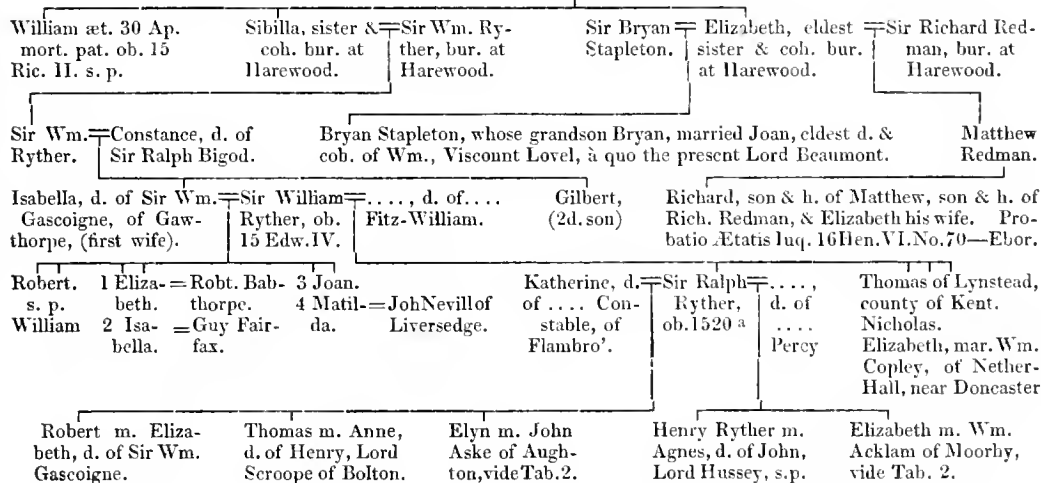
‡ Esch. 15 Richard II.

Elizabeth, after the death of her husband Stapleton, re-married Sir Richard Redman, and had issue by him, as stated in the table of descent, which issue had the Harewood estate, and afterwards divided the same with the Ryther family, § which circumstance gives reason to believe that she had not any issue by her first marriage with Stapleton, or otherwise that issue would have succeeded to Harewood; but inasmuch as some heralds have derived the Stapletons of Carlton from the said marriage, that line has been inserted in the table to be received *de bene esse*.

§ Rot. Pat. 23 Hen. VI. m. 20.

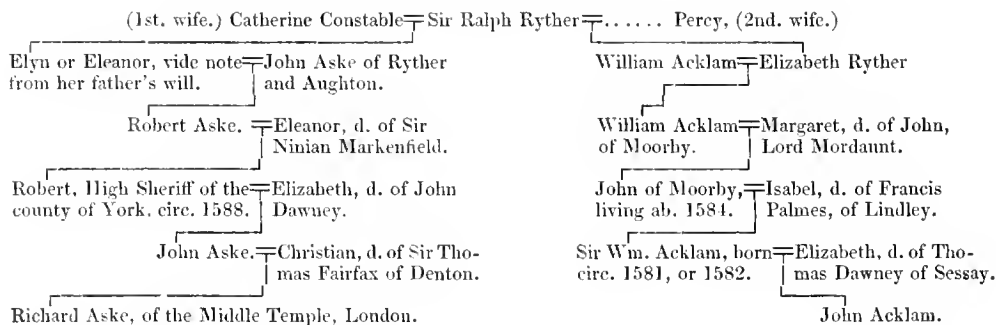
ALDEBURGH, VEL ALDBOROUGH.

William de Aldeburgh, Lord of Harewood, Summoned to Parliament 44 Edw. III., ob. 10 Richard II., bur. in the Church of the Dominican Friars at York. = Elizabeth, d. of Robert, Lord Lisle of Rugemont, bur. in the Church of the Dominican Friars at York.



In his Will, dated 26 March, pro. 26 April 1520, he names his daughter Elizabeth, Thomas, his son and heir, and his daughter Elyn Aske.

ALDEBURGH VEL ALDBOROUGH.—TABLE II.



NOTE.—In Philpot's Yorkshire, folio 70, it is said that Sir William was elder brother to Sir Ralph Ryther, which is correct, as being half-brothers, and William by the first wife. In this case if William had issue as contended, the Plumpton's would be heirs of Aldeburgh, before the Askes and Acklams.

A MS. in the Bodleian Library at Oxford,—Dodsw. vol. 5.—states that a Sir Edward Redman of Harewood Castle, married Elizabeth daughter of William Huddleston, and had issue, Henry Redman, and Richard, a second son; which Henry had female issue, whereof Jane, one of his daughters, and co-heirs, married Marmaduke, fourth son of Sir William Gascoigne, of Gawthorpe. The Redmans having Harewood, gives reason to believe that, although Stapleton was married to Elizabeth Aldeburgh, his issue was by a former wife, and not by her.

ARDERNE.—(1 EDW. III.)

Robert de Arderne, in 1 Edw. III., had summons by a consimilar writ, with divers earls and barons, to attend at Newcastle-upon-Tyne, cum equis et armis, but it does not appear that the said writ had any words of summons for parliamentary legislation; nor does the name of Arderne have place in any subsequent writs of summons to parliament.

It is probable he died shortly afterwards; as, in the 5 Edw. III.* the king's escheator had command to take into his hands the lands of Robert de Arderne, then deceased.

* Originalia, 5 Edw. III. Rot. 17.

† Dugd. Antiq. War. p. 679.

If the name of *Arderne* and *Arden* are synonymous,^a then the said Robert de Arderne appears to be the same, as mentioned by Dugdale in his Warwickshire, where he states,† that Robert, in the 15 Edw. II.^b was governor of Banbury castle, and died the 5 Edw. III., being then seised of the manor of Wykham (where he resided), and of several other manors in Oxfordshire, Northamptonshire, and Sussex; whose grandson, Giles, being the last male of his branch, left an only daughter and heiress, Margaret, who married Lodowick Grevill, Esq., from whom is descended the family of Grevill, earl Broke, and of Warwick.

^a This seems to be well warranted, as Dugdale in his Warwickshire calls him *Robert de Arden*, and says he died the 5 Edw. III.; and the Originalia Roll of that year denominates him *Robert de Arderne*.

^b A Sir John de Arderne was one of those eminent men at the great Tournament at Stebenhithe, (Stepney), the 2 Edw. II., when he bare for Arms, "10 Cross Crolets, 4, 3, 2, and 1, and a Chief or."

The traditionary account of the origin of this family, is from Turchetil, son of Alwyn, officary earl of Warwick, in the time of Edward the Confessor; which

Turchetil succeeded his father as earl of Warwick, but being afterwards deprived of the earldom by William the Conqueror, retired to the woody part of the country, and assumed the name * of Arderne, or Arden. From this stem descended

* Camd. Brit.

Henry de Arden, who, 12 Henry II., on the assessment of aid for the marriage of Maud, the king's daughter, was certified to hold † five knights' fees of William, earl of Warwick. At which time, also,

† Ex Chart. Will. com. Warw. in Lib. Nig. Scacc.

Hugh de Arden was likewise certified to hold five knights' fees, and a third part of the same earl. ‡

‡ Ibid.

Of this name was Ralph de Arderne a co-heir to Glanville: likewise Ralph Arderne a co-heir to Beauchamp, of Essex.

BANYARD, OR BAYNARD.—(6 EDW. II.)

It has been observed by Dugdale, § that William Baynard, who took part with Helias, earl of Mayne, and others, in their conspiracy to dethrone Henry I., lost his barony of Baynard's Castle, which, with the chief part of his great estate, was, upon his forfeiture, given by the king to Robert, a younger son of Richard Fitz-Gilbert, progenitor to the ancient earls of Clare || and Hertford, from which Robert descended the family of the barons Fitz-Walter.

§ Dug. Bar. Vol. I. p. 461.

|| Ibid.

But though the elder house was thus disinherited, there remained a younger branch, to which divers manors were given ¶ before the forfeiture, and which, as such, were not affected by that unfortunate event. Of this line—

¶ Hist. of Norf. V. IX. p. 46. Wayland.

Robert Baynard, cousin to William the attainted baron, was lord of Merton, and of divers other manors, in the county of Norfolk,** which had been part of the possessions of Ralph Baynard, at the time of the general survey. †† He was a great benefactor to the monks at Lewes, making them divers grants; all which, by Fulk Baynard, his son, were confirmed. This

** Ibid.

†† Domsd. in com. Norf.

Fulk Baynard appears to be the same, who 12 Hen. II., upon the assessment of aid for marriage of the king's daughter, was certified ††† to hold eight knights' fees and a half in Merton, Hadeston, &c., of Robert Fitz-Walter, as of his barony of Baynard's Castle.

††† Lib. Nig. Scacc. Vol. I. p. 231.

He had issue two sons, whereof Geffery, the second son, was a priest, and farmed all the priors' lands in Merton, paying to the chief lord four shillings, and two pounds of wax annually.

Fulk Baynard, the eldest son, succeeded §§ his father in the inheritance, and was grandfather probably, to

§§ Esch. 33. Edw. I. n. 58.

Robert Baynard, a person of great note in the time of Edward II., in whose reign (if he be the same Robert), he had committed to his charge* the custody of the counties of Norfolk and Suffolk, as also the castle of Norwich. And furthermore, in 6 & 7 Edw. II., had summons to parliament† among the barons of the realm, and therein was denominated *a baron*. Moreover, he was likely the same Robert, who, being one‡ of the justices of the King's Bench, in that capacity had summons§ to parliament, 2 & 3 Edw. III., among the judges, and the rest of the king's council.

Fulk Baynard was son and heir to this Robert, as the History of Norfolk asserts,|| and left issue three daughters, his co-heirs; *viz.* Isabel, Emma, and Maud; whereof Isabel married Sir Thomas de Grey, knight, and had Merton, Bunwell, &c. for her share of the inheritance; the former of which places is now the property and residence of lord Walsingham, the heir-male representative of the said Sir Thomas de Grey, knight.

But it seems; that there was a Robert Banyard, who, 6 Edw. II., had license¶ to embattle his mansion-house at Hautboys, in Norfolk: the history, however, of that county, relates,** that the said Robert left *Thomas*, (not Fulk), *his son and heir*, who sold the reversion, after the death of his mother, to sir Thomas Roscelyn, knight.

From this statement it appears, that Robert Banyard, of Merton, and Robert Baynard, of Hautboys, were contemporaries; a circumstance, which, while it tends to point out two distinct persons, leaves a degree of doubt as to which was the identical Robert, who had the summons to parliament among the barons of the realm, as before mentioned. This last named Robert of Hautboys, according to the authority of the history of Norfolk, before cited,†† married Maud, one of the six sisters and co-heiresses of Sir Thomas Roscelyn, knight, son of Sir Peter Rosceylin, who had summons to parliament‡‡ among the barons of the realm, 22 Edw. I., as under that article, is elsewhere detailed.§§ But the said Maud, it seems, was his second wife, who, upon his death, 4 Edw. III.,||| had her dower in the manors of Hautboys and Whetacre, and having survived him many years, deceased about the 23 Edw. III.¶¶ His first wife, according to the History of Norfolk,*† before cited, was Lucia, daughter and heir of Sir Roger de Fraxino, or Atte-Ash, by which lady he obtained the manor of Colkirk in that county and had a son, Thomas, who died without issue,; and a daughter, Joane, who was heir to her brother; and marrying Edmund de Thorpe,*‡ the said Edmund in her right enjoyed the manor of Colkirk, before mentioned.*§

BARRY.—(35 EDW. III).

Camden, in his *Britannia*, says, that this name is derived from the island of Barry, in Glamorganshire, (so called from Baruch, a holy man buried there); but the common ancestor is considered to be

* Origin. 5 & 6 Edw. II. Rot. 9 & 4.

† Dugd. Lists Sum.

‡ Chronica Juridicalia.

§ Dugd. Lists Sum.

|| Vol. IX. p. 46, 7. Wayland.

¶ Rot. Pat. 6 Edw. II. p. I. m. 18.

** Vol. III. p. 150. South. Erpingh.

†† Ibid.

‡‡ Rot. Vasc. 22 Edw. I. m. 8. In Dors.

§§ Vide Roscelyn.

||| Esch. 4. Edw. III. N. 28.

¶¶ Ibid. 23. Edw. III. N. 7.

*† Vol. VIII. p. 23. 4.

*‡ Ibid.

*§ Vide Thorpe.

William Barry,* (otherwise de Barri), who married Angareth, daughter to Nesta,^a the daughter of Rhese ap Griffith, prince of South Wales), and sister to Robert Fitz-Stephen and Maurice Fitz-Gerald, two persons of great eminence in the annals of Ireland. By her the said William had issue several sons; *viz.* Robert, Philip, Walter, and Gerald, or Gerard Barry, well known by the name of Giraldus Cambrensis, and so denominated from the word Cambria, the ancient name of the county of Pembroke, within which he was born at Tenby, about the year 1146. He was afterwards bishop of St. David, and wrote a description of England, Ireland, and Wales.

^a Lodge's
Irish Peerage.

Robert Barry, the eldest son of William, was a young knight of great courage and resolution, which, on divers occasions, he particularly displayed in the conquest of Ireland, under his maternal uncle, Robert Fitz-Stephen.

Cambrensis, his brother, gives him a great character, and says, that he was the first that ever manned a hawk in Ireland. After his services in that kingdom, he is represented to have seated himself at Sevington, in Kent; † but however that may be, he returned again to Ireland, and about the year 1185, was killed at Lismore, in the county of Waterford.

† Mag. Brit.
p. 1125.

Philip, second son of William, had a grant ‡ of three contreds of land in the county of Cork, from his uncle, Robert Fitz-Stephen, whose daughter, it is said, he married. This Philip built the castle of Barry's Court, and endowed the friery of Ballybegg, in the county of Cork, in memory whereof his effigies on horseback were cast in brass, and set up in the church there. He had two sons, William and Robert; to which

‡ Ex. Vet.
Chart.

William Barry, king John confirmed § his uncle's gift of lands, as before mentioned. He is said to have been one of the *Recoñitores Magnæ Assizæ* of the county of Kent, and to have lived at the Moate, || where several of his successors, who were lieutenants of Dover castle, and conservators of the peace in that county, had their residence.^b But it seems, that

§ Chart. Rot.
7 Joh. in
Dorso. m. 5.
48, 49.
|| Mag. Brit.
p. 1125.

Robert Barry, younger brother to William, founded the honours of his family, and had his chief residence in Ireland, where, by assignment from his brother, ¶ he became possessed of the patrimonial estates. He had two sons, David and Philip, of these

¶ Lodge's
Irish Peerage.

David Barry succeeded his father, Robert, and had a royal license, dated at Merleburgh 26th September, 1234, for a saturday market at his manor of Buttevant, and an annual fair there, to continue for eight days. He died about the year 1262.

^a This Nesta had been a concubine to Henry I., and afterwards married Stephen, constable of the castles of Cardigan and Pembroke; by which Stephen she had a son, Robert Fitz-Stephen, and a daughter, the above-named Angareth. She also married Gerald Fitz-Walter, and by him had issue Maurice Fitz-Gerald, progenitor of the duke of Leinster, and of other great families in Ireland.

^b The Magna Britannia, p. 1125, relates, that the daughter and heir of Robert Barry, of this line, carried the manor of Sevington, by marriage, into the family of Ratcliffe.

* Lodge's
Irish Peerage.

David Barry, his son and heir, was styled* the first lord Buttevant, and was appointed by Henry III., in 1267, Lord Justice of Ireland. In 1273 king Edward I., granted him free warrant in all his lands, at which time he was lord of Buttevant, and styled a *rich noble baron*; but this eminent person died shortly after, in 1278, and was there buried, where a tomb was erected for him in the choir, opposite the altar.

David-oge Barry, son and successor to his father, was founder of a Monastery of Minorites, at Buttevant, in 1290, and by Maud (or Joan), his wife, had issue.

† Ibid.

William Barry, his son and heir, who, according to Lodge,† had issue Laurence father of John, whose son David had issue another David,^a which David was father of another.

‡ Dugd. Lists
Sum.

David Barry, who, in 35 Edw. III., being one of those persons who was possessed of a great estate in Ireland, had summons‡ to attend with divers others, (similarly circumstanced), a great council to be holden at Westminster, touching the disturbed state of affairs in that kingdom. But this summons does not appear to have been addresssed to him, as to an English baron, but in his capacity of *an Irish Landholder*; in which quality a similar writ§ was sent to Mary, countess of Norfolk; Alianor, countess of Ormond, and several other distinguished females, to attend the council at Westminster, either by themselves, or their proxies.||

§ Ibid.

|| Ibid.

Though Sir William Dugdale has included this summons for an extraordinary council among his lists of summons of the barons to parliament, it cannot be from thence concluded, that David Barry has any pretention to be ranked in the number of English nobility: as such, it may suffice to observe, that from him descended the family of Barry, earl of Barrymore in Ireland; a title now considered extinct, at any rate dormant.

BELLA AQUA, SIVE BELLEW.—(22 EDW. I.)

This family is considered to be of Norman extraction, its name being mentioned in the famous Battle Abbey Roll; but as that roll is not without suspicion of much falsification, it may be sufficient here to remark, that

¶ Rot. Vasc.
22 Edw. I. m.
8 in Dor.

John de Bella Aquâ or Bellew, in 22 Edw. I., had summons¶ to parliament among the barons of the realm; as also in the 24th of the same reign, to a great council to be holden at Newcastle-upon-Tyne: but only in those years, and not afterwards. He

^a The number of descents here related, and so closely succeeding to each other, compared with the chronological succession of the kings, during the same period of time, creates a suspicion, that there is some inaccuracy or other in Mr. Lodge's statement; but which, under the circumstances of the case, is not a point of any material importance to require here a minute enquiry.

married Laderina, youngest* of the four sisters, and co-heirs of Peter, the last Lord Brus of Skelton; and in her right, upon the partition of that inheritance, had the lordships of Carleton in Balne, Ramlesforth, Thorpe-Arches, Tibthorpe, and certain lands in Sethbarne—all in the county of York.^a They had issue three daughters and co-heirs; *viz.* † Alicia, who married William Hunke, but died without issue; ‡ Sibilla, who married Milo de Stapleton; and Joan, who wedded Aucher Fitz-Henry, of Copped Hall, in Essex; which last mentioned two co-heirs divided the share of Laderina, when in the division the manor of Carleton fell to the family of Stapleton; which afterwards had summons to parliament among the barons of the realm.

* Dugd. Baron. Vol. 1. p. 119.

† Bourne and Nicholson's Hist. Cumb. and Westm. Vol. I. p. 11. 64.
‡ Vide Mon. Angl. Vol. 11. p. 1191.

But according to a MS. in the Bodleian Library, (Dodsw. V. 8. No. 5022. p. 176.) he had two other daughters, namely, Alicia, and Lucia; of which, the latter married Sir Thomas Burgh, who had issue John Burgh, or Borough, who had a daughter Margaret, who married Sir John ———, and had a daughter, Elizabeth, wife of Sir ——— Bowets, by whom she had a daughter, also named Elizabeth, who married Sir John Dunsom, and had issue a son, Sir John Dunsom.

Alicia the other daughter of John de Bella Aquâ, appears to have died unmarried, and to have been buried at the Church of the Dominican Friars, York; being thus described, *Dame Alys de Bella Aqua.*

In the same Church are also interred two others of the Bella Aquâ family, *viz.* Thomas de Bella Aquâ, Chev., and Thomas de Bella Aquâ

The said John de Bella Aquâ died 29 Edw. I. :§ for, in that year, the king's escheator had a precept to take into his hands || all those lands whereof the said John was seised, and which he held by the law of England in right of Laderina his wife.

§ Esch. 29 Edw. I. n. 57.
|| Original, 29 Edw. I. Rot. 16.

BEREFORD.—(8 Edw. II).

ARMS. Crusuly, fitchee, three Fluers de lis, S.

^b William de Bereford, an eminent lawyer of his time, and a justice of the Common Pleas, had summons ¶ to parliament among the king's counsel and the judges, in 23 Edw. I., and from that time, in a similar quality, to the 8 Edw. II., in which year (being then Chief Justice of the Common Pleas) he had summons by the same writ,** as the barons and peers of the realm were called together; but in this writ, it is to be observed, that

¶ Dugd. Lists Sum.

** Ibid.

^a William de Bella Aquâ, 12 Hen. II., held one knight's fee of the A.B. of York.—Hearne's Lib. Nig. Vol. I. p. 304. Ebor.

^b There was a Sir Robert de Bereford, who at the famous tournament at Dunstable, the 7th Edw. II. was one of the tilters, bearing for his Arms *Sable, ove un Bend Engrele Arg.*

* Dugd. Lists Sum. Dugdale states,* *the barons* and the *king's justices* were intermixed; so that it does not appear he was thereby created a baron of the realm: besides, after this, he was, in several subsequent parliaments, summoned among the justices; and from the 14th to the 19th Edw. II., both inclusive, had the Exemplar writ of summons for the king's justices addressed† to him.

† Ibid.
‡ Esch. 20 Edw. II. n. 45.

If this is the same person, he seems to have died about the 20th Edw. II.,‡ when the record states, that he and Margaret, his wife, held very considerable lands and manors in the counties of Derby, Leicester, Warwick, Stafford, Northampton, Oxford, Berks, &c.; and that, Edmond, his son and heir, had thereupon livery§ of his inheritance, holden of the honours of Pynkeney, Wallingford, and Tutbury.

§ Originalia 20 Edw. II. Rot. 6.

The name of Bereford, and Beresford, has been stated by many writers as synonymous: and at various times to have been differently written; and that this family, from the nature of their possessions in the several counties before mentioned, appears to be the same with that, from which the marquess of Waterford, and the Beresford's of Ireland claim their descent.|| But Burton, in his History of Leicester, denies this position, and states,¶ that this family of Bereford took its name from a manor so called in the county of Warwick: whereas the family of Beresford, commonly called Basford, took that name from a town in Nottinghamshire, near Derbyshire, as is evident from a visitation made by the judicious Robert Glover, Somerset Herald, anno 1583.

|| Vide Lodge's Irish Peerage.
¶ Burton's Leicester, p. 246.

Furthermore: Burton, in his Leicestershire, asserts, that the heiress-general of Chief Justice Bereford, *viz.* Petronel, daughter and heir of Simon Bereford of Snareston, in the county of Leicester, married** William, a younger son of William Charnells of Elmesthorpe, in the same county. But, it seems, that, besides his son and heir Edmund, Chief Justice Bereford had issue†† four daughters, whereof Joan married Gilbert de Ellfield; Margery, James de Andele (or Audele); Agnes married, first, Reginald de Argentine—secondly, John de Neirford—and thirdly John Lord Maltravers; and Alice wedded Galfridus Gamell.

** Ibid. p. 92.

†† M.S. Vinc. Quid non. p. 321. In Coll. Armo.

Edmund Bereford, son and heir of the chief-justice, had issue, according to an authority cited among the MSS.‡‡ in the college of Arms, a son Baldwin, who died without issue; also a son John, who married Margaret Darcy; and a natural son likewise, named John, who married Alianor, daughter of Richard Fitz-Alan, earl of Arundel, but died in Gascoigne, circ. 30 Edw. III. s.p.

‡‡ Vincent Quid non. 6. p. 696. Ex Rot. vet.

BERMINGHAM.—(35 Edw. III).

Walter de Bermingham is noticed by Dugdale, in his Index to his Lists of Summons to Parliament, as having been summoned in 35 Edw. III.; but, on referring to the

summons, his name does not appear among those who were summoned by the Consimilar writ to the barons: it was to a great council on the affairs of Ireland.

The Bermingham family has already been mentioned in the first volume of this Work,* and is to be found fully detailed in the Irish Peerage, under the ancient title of Athenry.† They were among the first settlers in Ireland, in the reign of Henry II., and very early attained baronial rank in that country.

* Dorm. et
Ext Baron,
Vol. I.
† Lodge's
Irish Peerage.
‡ Ed. 1712.

Camden, in his Annals of Ireland,‡ writes, that “Walter, Lord Bermingham, the younger, died in 1361, on St. Laurence’s day, and left his estate to be divided among his sisters, one of whom, Margaret, married Robert, Lord Preston.

This line of the Berminghams, appears to be the same whereof Walter de Bermingham married one of the coheireses of the barony of Multon of Egremont, in the county of Cumberland, and in partition of that inheritance had a third part of very considerable lands in England and Ireland.

In an interleaved copy of Erdswick’s History of Staffordshire, Dr. Vernon, rector of Bloomsbury, is stated§ to have remarked that one *Gilbert Bermingham* married the relict of Sir Richard Stafford, knight; which lady was one of the daughters and coheireses of William Camville of Clifton. This Gilbert is nowhere mentioned either by Dugdale, or Lodge, in their several accounts of the Bermingham family, either of the English or Irish branches.

§ Topogra.
Vol. II. p. 2.

BERTRAM OF MITFORD.—(45 HEN. III).

Roger Bertram de Mideford was summoned to a parliament by writ dated at the Tower of London, the 18th of October, the 45 Hen. III.|| convened to meet in London; but according to Hollinshed the barons refused to attend, by reason it was not called to Westminster, the usual place of assembling.

|| Claus. Rot.
m. 3 Dorso.

This parliament is not mentioned in Dugdale’s Lists of Summons, but it appears to be the most early on record, where the names of the earls and others summoned, are recited with the exemplar for it.^a

This Roger Bertram was succeeded by another Roger, who dying the 5 of Edw. I. left an only daughter and heir, Agnes, who dying s.p., the issue of his four sisters became his co-heirs, as set forth by Dugdale, *viz.* William, son of William, son of Thomas Fitz-William of Sprotborough, who married Agnes, the eldest,—Philip, son of Norman Darcy, son of — Darcy and Isabel his wife, the second sister,—Elias de Pencilbury, the son

^a This writ was produced by the author, before the Lords’ Committee of Privileges on the claim of Mr. Champion Lewis Dymoke, to the Barony of Marmyun.

of Christian de Ros the third sister, and Gilbert de Aton, son of Isabel, daughter of Ada de Vere the fourth sister.

Roger Bertram of Bothall had summons to the same parliament of the 45 of Hen. III., as his namesake Roger of Mideford. Robert, his son, held the castle of Bothall, the 28 Edw. I.* He married Margaret, one of the daughters and co-heirs of William Felton, and at his decease left an only daughter and heir, Helen, who became the wife of Sir Robert Ogle, knight; from whom descended the barons Ogle, afterwards summoned to Parliament.

* Pat. Rot.
28 Edw. I.,
m. 7.

BODRIGAN.—(3 Edw. II.)

† Testa de
Nev. in com.
Cornub.
‡ Rot. Chart.
21 Hen. III.
m. 3.

The name of Bodrigan, or Bodrugan, is very ancient,† and is said to be derived from a manor so denominated in the county of Cornwall.

Henry de Bodrigan, in the reign of Henry III., had a grant ‡ of a market and fair at Pendrun, in Cornwall; after whom, was another

§ Original. 17
Edw. I. Rot. 6.
Bedf.
|| Esch.
1 Edw. II. n.
10.

Henry de Bodrigan, who, having married Sibylla, sister and heir to Walter de Maundeville, had livery of her lands, 17 Edw. I.;§ afterwards, 2 Edw. II. He was found heir to his uncle William Bodrigan, who died the year before,|| and, performing his homage, had livery of the inheritance,¶ which had so devolved upon him; but this Henry appears to have died in the same year; for then the king's escheator had command** to

¶ Original. 2
Edw. II. Rot.
2. Dev.

take into his hands all such lands, whereof the said Henry was seised at the time of his death, which, from the record,†† must have been of great extent; comprehending, among others, the manor of Bodrigan; as also those of his uncle William, and such as were the inheritance of his wife Sibylla, in the county of Bedford.‡‡

** Ibid. Rot.
10.

†† Esch.
2 Edw. II.
n. 71.
‡‡ Ibid.

But as this Henry deceased in 2 Edw. II., he cannot be the person who had summons to parliament in the year following, unless it be considered, that, according to the then computation of time (old style), his death and the writ of summons were of cotemporaneous date, which queries whether he ever took his seat under the writ of summons, and, as such, ever became a baron, so as to render his posterity entitled to claim that degree of dignity from the writ, which bears evidence that it was of a parliamentary nature. Any further account, therefore, of this family, becomes unnecessary, though it may be observed, that

§§ Original.
20 Edw. II.
Rot. 8.
||| Esch.
5 Edw. III.
n. 78.
¶¶ Original.
5 Edw. III.
Rot. 22.

Otto de Bodrigan, 20§§ Edw. II., had the custody of the island of Lunday committed to his charge, together with its appendages; and when he died, was seised of a very considerable estate at Bodrigan, and elsewhere, in the county of Cornwall, anno 5 Edw. III.,||| at which period, Henry Bodrigan, his son is likewise named, and mentioned to be deceased.¶¶¶

BOLEBEC.—(45 HEN. III).

Hugh de Bolebek had summons to the parliament with the earls and other barons named in the writ* convened to meet in London, the 45 Hen. III.; but is not mentioned to have been so summoned in Dugdale's list of summons. He appears to have been the son of Walter de Bolebec, by Margaret, one of the three sisters and co-heirs of Richard de Montfechet, the chief seat of whose barony was at Stansted Montfechet, in Essex,—and dying without issue male, his four daughters became his co-heirs; whereof Philippa married Roger de Lancaster; Margery—first, Nicholas Corbet—secondly, Ralph, son of William, Lord of Grimthorpe; Maud was wife of Hugh de la Val; and Alice of Walter de Huntercombe. But Lysons in his History of Cambridgeshire, p. 85, says that Hugh de Bolebec married Margaret Montfechet, and that all his daughters died s. p. except the wife of Lancaster.

* Claus. Rot.
45 Hen. III.
m. 3. Dorso.

BOLTEBY.—(45 HEN. III).

Nicholas de Bolteby had summons to the parliament summoned to meet in London, the 45 Hen. III.; his name being mentioned in the consimilar writ of the earls and barons therein convened. He married Philippa, daughter and heir of Adam de Tyndale, baron of South Tyndale, in the county of Northumberland. Adam, his son, died the 10th of Edw. I., before any regular continuation of summons to parliament is on record. He left only female issue, whereof Isabel, his eldest daughter and co-heir, is said to have married—first, Adam de Multon, then bearing the name of Lueie; and afterwards William Tunstall. The other daughter and co-heir married—first, William de Cantilupe—and secondly, Alan de Walkringham.—(Vide Estreat, p. 204, Rot. II., Anora wife of Adam de Bolteby).

BOUTEVELEYN.—(24 EDW. I).

Of this name it appears, that Robert *Butevilein*, in the time of Hen. II.,† held two knights' fees of Walter de Wahull, and three of Roger Bigot, earl of Norfolk,‡ which fees were afterwards holden by

William Butevilein, his son, who founded § Pipewell Abbey, in Northamptonshire, in which county he held lands, at Pipewell and elsewhere.|| He was in great favour with Henry II., who, upon going into Normandy, gave him a writ, directed to the bishops of Lincoln and Norwich, and to all his liege people, English and Normans, of

† Hearne's
Lib. Nig.
Seacc. Vol. I.
p. 201.
‡ Ib. p. 284.
§ Mon. Ang.
Vol. I. p. 817.
Camden In
Britannia.
|| Lib. Foed.
Vol. I. p. 117.

Northamptonshire, Norfolk, and Suffolk, granting him all the lands, and other liberties which his father had enjoyed. He married, according to the History of Norfolk,* Joan, daughter of Sir Ralph Camois, knight, and had issue Robert, father of another

* Vol. VII.
p. 32.
Humbleyd.

Robert Butevilein, his son and heir, who is, probably, the same person, called by Matthew Paris, Roger,† and who was taken in arms against the king at Northampton, 48 Hen. III., (1264), but was afterwards pardoned.

† p. 852.

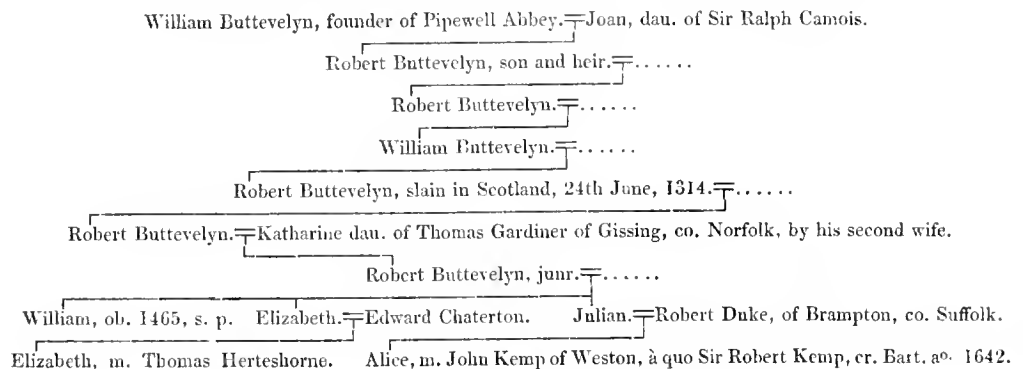
‡ Dugd. Lists
Sum.

William Bouteveleyn, successor to Robert, was, 24‡ Edw. I., one of those considerable men who had summons to attend the great council, then appointed to convene at Newcastle-upon-Tyne, upon the subject of an expedition against the Scots. But after this period the name^a of Bouteveleyn is no more noticed upon any similar occasion, although the posterity of this William long continued to possess considerable estates in Norfolk,§ Northamptonshire,|| and elsewhere; which at length came to two sisters, who, in their issue, were the co-heirs to their brother, William Bouteveleyn, who died without issue circ. 1465. Of these ladies,¶ Elizabeth married Edmund Chaterton, and left an only daughter, who wedded Thomas Hertshorne, of Gissing, esq.; Julian became the wife of Robert Duke, of Brampton in Suffolk, esq., and left an only daughter Alice, who espoused John Kemp, of Weston, esq.; between which John, and Thomas, the inheritance was afterwards divided. John Kemp had a son, Robert, from whom descended Sir Robert Kemp, created a Bart. in 1642.

§ Hist. of Norf.
Vol. VII. p. 32.
Humbleyd.
|| Bridge's
Hist. North.
¶ Hist. of Norf.
ut antea Vol. I.
p. 177-9.

^a A Robert Boutevilain is mentioned in the roll of those who were tilers at the tournament at Stebenhithe (Stepney), or Dunstable, the 2 Edw. II., and bore for Arms, viz. *Arg. 3 Crescents Gu.*

B U T T E V E L Y N.—(ARMS. Argent, three Crescents Gules).



BRABAZON.—(8 Edw. II.)

This name is considered to have been assumed,* from the province of Brabant, in Flanders, out of which country the ancestor of this family is asserted to have come over with William the Conqueror.† Be this point, however, as it may, certain it is that

Roger le Brabazon, in the time of Hen. III., held lands at Moseley, (sive Musely), in Leicestershire; and, according to Mr. Lodge,‡ married Beatrix, one of the sisters and co-heirs to Manser Biset, relict of William Keleby,§ and by her had issue two sons, Roger and Matthew: of these,

Roger le Brabazon, the eldest, 28 Edw. I.,|| had a license for a market and fair, at his manor of Sibertoft, in the county of Northampton; as also for free warren there, and at his lands in Leicester, Derby, and Nottinghamshire: the like privilege he also obtained in 35 Edw. I.¶ for other lands at Pickwell, in Leicestershire; Rowlandrich, in Oxfordshire; and Kneveton, in Derbyshire.

This Roger was a person of great note, and was made one of the judges of the court of King's Bench, 18 Edw. I.** after when, in the 24th of the same reign, he was constituted Chief Justice of the Common Pleas;†† in which capacity of one of the king's judges, he had summons to parliament‡‡ from 23 Edw. I. to the 8 Edw. II.; but in that year, and in several preceding years he had summons among the barons of the realm; for, it seems, that the parliament in those days was (not unfrequently) called together by a consimilar writ,§§ directed as well to the nobles as to the king's justices, which latter were not, on these occasions, distinguished from the barons as *ceteris de consilio nostro*.^a

At length, having served the crown to a very old age,||| he was allowed to retire from his seat on the bench; but the king nevertheless retained¶¶ him as one of his council.

He married Beatrix,*** daughter and heir to Sir John Sproxton, of Sproxton, in the county of Leicester; but Lodge**† says he died without issue, and was succeeded in his inheritance by Matthew, his brother and heir before mentioned; which Matthew^b was ancestor to the Brabazons earls of Meath in Ireland. However, if Burton**‡ is to be ac-

^a It may be observed, that some of the Justices and king's counsel were considerable tenants in capite de Corona; which may account for their being occasionally summoned by the same writ as the barons; though afterwards included in the summons with the other judges.

^b Mr. Lodge, for the truth of his statement, cites an inquisition taken the 19 Edw. II. (Esch. n. 52), proving him heir to his brother; and that by Sarah, his wife, he had two sons; viz. William, his heir, and Roger, prior of Tinmouth. William lived at Garthorpe, county of Leicester, which manor, with that of Sproxton, were given him by his uncle Roger, the judge. This William married the daughter of Trussel, and had issue two sons, John, his heir, and Thomas, ancestor to the earl of Meath: John married Agnes Watton, and had a daughter and heir, Joan as above mentioned. The material point of this difference between Burton and Lodge is, that, if any baronial honour was vested in the judge, it passed to his issue according to Burton; but, if he had no issue, as Lodge asserts, then it became extinct. Lodge, however, seems wrong in making Thomas a brother of John, unless he was a son by a second wife.

* Lodge's Irish Peerage.

† Battle Abbey Roll.

‡ Lodge's Irish Peerage.
§ Original. 21 Edw. I. Rot. 7

¶ Rot. Char. 28 Edw. I. n. 6.

¶ Ibid. 35 Edw. I. n. 39.

** Chron. Jurid.
†† Ibid.

‡‡ Dugd. List. Sum.

§§ Ibid.

||| Chron. Jurid.

¶¶ Rot. Pat. 9 Edw. II. m. 31.

*** Esch. 11 Edw. II. n. 42.
**† Lodge's Irish Peerage. Vol. I. p. 177.
**‡ Hist. of Leic. p. 250.

credited, he had issue a son, William Brabazon, who married Jenet, daughter of William Trussel, and had a son, John Brabazon, who by Agnes his wife, daughter of Richard Whatton, had Joan, his sole daughter and heir, who carried the said manor of Sproxton in marriage to William Woodford.

* Inq. ad Quod Dam. 9 Edw. 11 n. 150. 200.
 † Ibid. 10 Edw. 11. n. 73.
 This Roger le Brabazon is recorded as a great benefactor* to several religious houses; viz. the abbey of Newborough, the priory of Tickford, and the abbey of Westminster.†

BRITANNIA.—(33 EDW. I).

‡ Dugd. Lists Sum.
 The name of John de Britannia occurs in the writ of summons to parliament of 33 Edw. I. ‡ in which writ he is denominated *John de Britannia, junior*, this was by reason that his father John, duke of Brittain, or de Britanniâ, was then living. This

§ Mille's Cat. of Hon. || Sandford's Genral Hist.
 John de Britannia, junior, appears to be a younger son § of John de Dreux, duke of Brittain, and earl of Richmond; which duke John married || Beatrice, daughter of king Henry III., and had issue several sons. Of these,

¶ Mille's ut suprâ. *† Ibid.
 Arthur, the eldest, succeeded him in the dukedom; and John, the second son, by the favour¶ of king Edward I. and the surrender of his father, obtained*† the earldom of Richmond, of which title he is mentioned in the writ of summons of 34 Edw. I. and by which dignity he afterwards continued to be called to parliament.

*‡ Cat. of Nob. per R. B. *§ Mille's Cat. of Hon.
 He is stated to have built the body of the church of the Grey Fryers, in Newgate-street, in 34 Edw. I., where, upon his death, he was buried, according*‡ to Ralph Brooke; but Milles, in Glover's book, says that he died in Little Brittain, and was interred*§ at Vanys, anno 1334.^a

He had no issue; on which his title of earl of Richmond was given to John, his nephew and heir, son of Arthur, duke of Brittain, (or Brittany), before mentioned.

*|| Rot. Pat. 33 Edw. I. m. 6. *¶ Ibid.
 It appears, that the said John de Britanniâ, by the addition of *junior*, was, 33 Edw. I., appointed*|| the king's locum tenens in Scotland, with a grant of three thousand marks per annum*¶ out of the issues of that kingdom.

BRITON, OR BRETUN.—(29 EDW. I).

Of this name, there are noticed several very eminent persons; whereof,

*** Hearne's Lib. Nig. Seacc.
 Walter Briton, in 12 Hen. II., upon the assessment of aid for marriage of Maud, the king's daughter, certified*** that he held fifteen knights' fees, de veteri feoffamento, of the

^a Leland also states, that he died in Brittain, and was buried at Vanes, but says anno 1330.

earl of Moreton, and that William Briton held of him one knight's fee. Of this barony a moiety afterwards came to Walter Croc, nephew of the said Walter Briton; which Walter Croc, in the 2nd of king John, surrendered the same to the king, to the end that he would enfeoff Richard Briwere thereof, to hold the said moiety to him and his heirs, of the king and his heirs in capite.*

Thomas Briton is another person, who was of great consideration in his time, and, along with Alice his wife, was found one of the co-heirs to Bryan de Lisle,† and had accordingly, livery‡ of such part of the inheritance, as in the division was allotted for their share. This Thomas Briton seems to have been the son and heir of a William de Briton; for Hutelin, in his History of Dorset, states§ that, in the 3rd of king John, Brian de Lisle, of Brienston, in the said county, (whose chief seat was in Yorkshire), paid a fine of one hundred and twenty marks for the wardship and marriage of the heir of William Briton. From this line, likely, descended Philip Briton, who, 35 Edw. I.,|| was seised of a considerable estate in the county of York. Contemporary with this Thomas, was

Ranulph Briton, who, 11 Hen. III.,¶ held to him and his heirs certain lands at Blatherwick, in Northamptonshire; and the 12th of the same reign, had of the grant of the prior of Longa-Villa** certain lands and privileges in a place called Kingescrabbe, and Stocholt, in the said county; where, also, in 15 Hen. III.,†† he had the manor of Oxe-thorpe. This Ranulph was a person of consideration, and was Chancellor as well to the king as to the queen,‡‡ in which office§§ he died of an apoplexy, circ. anno 1247, the 31 Hen. III.||||

John Briton (another person of great eminence), was bishop of Hereford, and is represented to have been a great lawyer, which, if so, he may have been the same who, 53 Hen. III.,¶¶ was made one of the king's justices. He is asserted by some to have written an excellent treatise upon the laws; but as the bishop died early in the reign of Edward I., and the book notices several statutes subsequent to that time, it is considered by bishop Nicholson*† to have been compiled by that John Briton, the judge,*‡ who was living in 1 Edw. II.

William Briton, a person also of some note (coeval with Ranulph and the bishop), in 15 Hen. III.,*§ held lands at Dudinton, in Northamptonshire, and in the following year had a license*|| for his dogs to hunt the fox, &c. He died about the 45 Hen. III.,*¶ being then seised of divers lands and manors at Boxted and Stanway, in Essex; Dodinton, Blatherwick, &c., in Northamptonshire; Cranden, in Cambridgeshire; and at Westleye, Burgh, Dollingham, and elsewhere on this side the Trent, holden of the king in capite.

John Briton son and heir of William, had livery*** of his inheritance in the same year of his father's death. He had issue**† another John,**‡ who died about the 34 Edw. I.,**§ leaving issue a son John, who died under age the 4 Edw. II.,**|| and a daughter Maud, who became heir to her brother, and had livery of her lands the same year, being

* Mag. Rot.
2. Joh. Rot.
7. a. Dors. & Somers.

† Vide Hutelin's Hist. Dors. Vol. I. p. 84.
‡ Mag. Rot. Scacc. 19 Hen. III. Dors. and Som.
§ Vol. I. p. 84.

|| Esch. 35 Edw. I. n. 22.

¶ Char. Rot. 11 Hen. III. n. 26.

** Ibid. 12 Hen. III. n. 2.
†† Ibid. 15 Hen. III. n. 6.

‡‡ Chron. Jurid.

§§ Ibid.
|| Matt. Par. anno 1247, p. 627.

¶¶ Rot. Pat. 33 Hen. III. m. 1. n. 2.

*† Nicholson's Hist. Librar.
*‡ Chro. Jurid.

*§ Chart. Rot. 15 Hen. III. n. 6.

*|| Ibid. 16 Hen. III. n. 19.

*¶ Esch. 45 Hen. III. n. 18

*** Original 45 Hen. III. Rot. 5.

**† Lib. Fœd. Mil. 24 Edw. I.

**‡ Original. 45 Hen. III. Rot. 5.

**§ Esch. 34 Edw. I. n. 29.

**|| Ibid. 4 Edw. II. n. 32.

* Original. 4 then* of full age, and the wife of Richard de la Rivere, by whom she had a daughter
Edw. II. Rot. Margaret,† who married Sir Edmund de Thorpe; as also several other daughters, whereof
16. Ess. one married Sir Robert Swillington; another John Garleke, and another Sir Robert
† Esch. 49 Corbet.‡ The before said
Edw. III. n.
32. 2d No.

‡ Hist. of Norf. John Breton is mentioned in 17 Edw. I., when he had committed to his charge§
Vol. VIII. p. 37. the custody of the city of London, which for divers causes, the king had seized into his
§ Original. 17 own hands; which charge was again granted to him in the 21st|| of the same reign;
Edw. I. m. 13. after when, in 25 Edw. I., he was directed to amerce the aldermen, sheriffs, and other
|| Rot. Pat. 21 magistrates of the said city, by further letters patent¶ dated at Tunbridge, the 5th of
Edw. I. m. 13. August, in the year aforesaid.

¶ Ibid. 25
Edw. I.

** Dugd.
Lists Sum.

In 29 Edw. I. the name of John Breton is again noticed on a particuar occasion, at
which period he was one of those great men, who, though not having had summons** to
the parliament at Lincoln, nevertheless affixed his seal to that memorable letter which
was sent to the pope, asserting the king's supremaey over the realm of Scotland: at
which time he was denominated "*Johannes le Briton, Dominus de Sporle.*"

†† Chron.
Jurid. etiam.
Dugd. Lists of
Summ.

Whether he was the same person who was the judge†† and wrote the Dissertation
upon the Laws, as before observed, is not certain; but according to Bloomfield, though
he was one of the justices of *Trail Barston*, in the 33 Edw. I., it does not follow that he
was the author.

‡‡ Hist. Co. of
Norf. Vol. VI.
p. 118. S.

This John le Breton,^a styled *Dominus de Sporle*, appears to be of that branch which
had estates in the county of Norfolk, where Sporle is the name of a manor‡‡ in the
Hundred of South Greenhoe, near Swaffham.

Greenh.
§§ Ibid. Vol.
VIII. p. 141.
Shrop.
||| Mad. Bar.
Angl. p. 54.
citing Hil. Fin.
18 Ric. II.
Rot. I. b.
¶¶ Vol. III.
p. 116-17.
Eynsford.

Of this family the history of Norfolk§§ relates, that Peter le Breton, of Shropham,
obtained by grant from John le Veyle, of Barningham, a manor called Breton's, or
Pakenham's manor, in the Hundred of Shropham, which afterwards came to be divided|||
among the two sisters and co-heirs of Henry de Breton; of which, Lettice married John
Herring, of Thompson, and Agnes wedded Henry Pakenham.

With regard to this ancient family of Breton, the History of Norfolk¶¶ further
observes, that

Thorald le Breton was living at Witchingham, in that county, the 31 Hen. III.: he
married Aveline, daughter or sister to Ralph le Vilechen, of Holkham; after whom, was

Edmund le Breton, of Witchingham, who, by Ermentrude his wife, was father of
William Breton, who lived in the time of Edward I., and married Elizabeth, daughter
and co-heir to — Yarmouth, by whom he had William, his son and heir; who, accord-
ing to the same authority,*† was father or grandfather to John Breton of Witchingham,

*† Ibid.

^a Styled a Parliamentary Baron by Bloomfield, vol. 5. p. 987, fol. edit. Norf. vide 8vo. edit. vol. 9. p. 478. He had a son John who died in 1311, leaving Maud his sister and heir, the wife of Richard de la Rivere, of Aungre, in Essex, who in her right had Sporle.—*Vide Ripariis.*

who married Mary, daughter and co-heir to Sir Hamon Felton, and had issue John Breton, whose posterity long continued to possess Witchingham. Of this family, says the same history,* was the famous John Breton (before mentioned), bishop of Hereford.

* Vol. III. p. 116-7. Eynsford.

It should, however, not pass unnoticed, that there was a William Breton, who, 24 Edw. I., had summons† to attend a great council at Newcastle-upon-Tyne, well furnished with horse and arms to march against the Scots: but who the said William was, is not satisfactorily established: he might be the first William, before mentioned. The writ, however, was not addressed to him in the capacity of ♦ baron.

† Dug. Lists of Summ.

BROMWICH.—(35 EDW. III.)

John de Bromwich, 35 Edw. III., had summons to attend a great council at Westminster, touching the affairs of Ireland; but it is doubtful how far he was summoned either as a baron, or in the capacity of a baron of England, or of Ireland. He, not unlikely, was the same John who married Elizabeth, widow of Richard, lord Talbot, and daughter (and at length one of the co-heiresses) of John Comyn de Badinach.‡

‡ Vide Dorm. and Ext. Bar. Vol. I. p. 35. § Dugd. Antiq. War. p. 648.

The family of Bromwich was of high repute, and settled at Castle Bromwich in Warwickshire:§ of which line was Henry de Bromwich, 16 Edw. II., whose daughter and heiress Isabel, married, first, William de Peto, who died s.p.; and secondly, John de la Roche, by whom she had a son Thomas, who had issue two daughters, his coheir-esses,—as, under the article De la Roche, is more fully set forth.

BRUNE, OR BRUYN.—(6 EDW. II.)

This family is certainly of very ancient date, and eminent degree; but from whence originally derived, is not ascertained.

Milles, (the nephew and executor of the celebrated Robert Glover, Somerset Herald), states,|| that Hugh le Brun, earl of the marches of Aquitaine, and lord of Lusignan and Valence, in Poitou,¶ married Isabel, daughter and heir of Aymer, earl of Angouleme, relict of king John, and by him had issue divers children, who were much advanced to honours and preferments by their half brother, king Henry III. But, as the name was of some note in England prior to that æra, there is nothing to warrant a deduction of the family from that stock.

|| Mille's Cat. of Hon. ¶ Cat. of Noc. per R. B.

Brune is the name of a hundred in Lincolnshire, where according to the Testa de Nevile,

Geffery, the son of Josce de Brune, in the time of Henry III., held** the third part

** Lib. Feod. Vol. II. p. 443.

of a knight's fee of Ralph de Gousele. This purports him to be the same who, by the denomination of *Dominus Galfridus de Brunne*, was called upon by a summons* of service, 24 Edw. 1., to attend with horse and arms, at Newcastle-upon-Tyne, preparatory to an expedition against the Scots.

But there appears to have been a more ancient family of this name, whereof

Gamel le Brun,† in the time of Henry I., had a grant from Waldieve, son of Gospatric, earl of Dunbar, of the lordships of Bothill, Beaumont, Glasson, Drumbugh, and Bowness, in the demesne of Allerdale, below Derwent. The posterity of Gamel for a long time, inherited these possessions.

Richard le Brun died, seized of them, 6 Edward II.,‡ and then Robert le Brun, his son, had livery§ of his father's lands. At length, the estate fell to another Richard le Brun, who had three daughters and co-heirs, of which, one married Nicholas Harrington; another, William Culwen, of Workington; and a third, Thomas Bowet, of ———.

Of this family, Robert, (*written le Bruyn*), of Drumbugh Castle, was sheriff of Cumberland, 19 Edw. II.,|| and also one of the knights of the shire¶ for the said county, 10 & 20 Edw. II., and 1 Edw. III.

Of this name, likewise was Richard le Brun, who married Albreda,** daughter of Walter de Cormeiles, a considerable baron in the counties of Hereford and Gloucester, whose lands were holden from the time of the conquest†† of the king in capite *per baroniam*.‡‡ This Richard had issue

John le Brun, who, after the death of Walter de Cormeiles, 2 Hen. III., was found one of his co-heirs,§§ and in such capacity became possessed of certain parts of that inheritance in the counties before mentioned. To this John, who deceased about 30 Hen.

III.,||| succeeded another

John le Brun, who 31 Edw. I.,¶¶ had license to enfeoff John de Acton, of the manors of Elkeston and Wyneston, with other lands in the county of Gloucester; and, in the same year, being then denominated *John le Brun de Elkeston*, (parcel of the Cormeiles' barony), had license along with Margery*† his wife, to give certain lands to the abbey of Wynchecumbe, in Gloucestershire. After this, he died, about 33 Edw. I.,*† being then seized of the manor of Tadynton, the village of Bollynhope, and fifteen free tenants in Cleyhangre, in the county of Hereford.

But the principal person of this name, who attained to parliamentary distinction, was

Sir William le Brun, knight, who, in 5 Edw. I., had a grant*§ of the manors of Fordingbridge and Rownore, in Hampshire; and of Randolveston, in the county of Dorset, to hold to himself and his heirs for ever; where, and at Midgham, and Rerley, in Hants, he had a license for free warren, 11 Edw. I.*||

This Sir William, by some authorities, is stated*¶¶ to have married Isolda, daughter

* Dugd. Lists Sum.

† Nicholson & Burn's Hist. of Cumb. and Westmorland Vol. II. p.123.

‡ Esch. 6 Edw. II. n. 38. Cumb. § Original. 6 Edw. II. Rot. 13.

|| Nicolson & Burn, ut supra 567.

¶ Ibid. 576. ** Dug. Bar. Vol. I.

†† Lib. Fœd. Vol. I. p. 308, ‡‡ Ibid.

§§ Ibid. 318.

||| Esch. 30 Hen. III. n. 53. ¶¶ Ibid. 31 Edw. I. n. 169

*† Ib. n. 163.

*‡ Ibid. 33 Edw. I. n. 27.

*§ Rot. Cha. 5 Edw. I. n. 19.

*|| Ibid. *¶ Morant's Essex. Vol. I. p. 99.

and heir of Philip Rokesle, of Okendon, in Essex: ^a which Isolda was one of the maids of honour to queen Eleanor, wife of Edward I. He died 29 Edw. I.,* leaving

* Esch. 29
Edw. I. n. 44.

Maurice de Brune,^b his son and heir, who became a person of considerable note, and had summons to parliament among the barons of the realm, from the 6th to the 15 Edw. II., both inclusive; † as also in the 1 Edw. III.

† Dugd. Lists
of Sum.
‡ Esch. 29
Edw. III. n. 33.

This Maurice (written often *de Bruyn*;) deceased the 29 Edw. III., being then ‡ seised of very extensive estates in the several counties of Southampton, Dorset, and Essex. He married Maud, daughter and heir of Sir Philip Rokelle, knight, and thereby greatly augmented his estate.

William le Bruyn, son and heir of Maurice, was successor to his father's lands, but is not stated to have had the like summons to parliament. In the 20 Edw. III. he gave § a fine of forty shillings for the king's license to his father to enfeoff him of the manor of Randolveston, to hold to himself and his heirs for ever. He died about the 36 Edw. III.,|| being then seised of the said manor, with divers others in Dorsetshire, Hampshire, Essex, and elsewhere.^c

§ Original 20
Edw. III.
Rot. 35.

|| Esch. 36
Edw. III. n. 31.

He married Alice, daughter of Richard Layer, alderman of London, (who survived him, and re-married Sir Robert Marney, knight), by whom he had two sons, Ingelram and Richard;^d of these,

^a In the authorities stating the marriages of William le Brun, and Maurice his son, there occurs a great degree of contradiction; for, exclusive of their being both made to marry the daughter of *Philip de Rokesle*, the said authorities differ as to the name of William de Bruyn's wife.

In the 4 Edw. I. the record mentions one *Acheline*, wife to a William le Brune; which Acheline was one of the daughters and co-heirs of Eustace de Watford, of Watford, in the county of Northampton, and had livery then made to her of her portion of her father's inheritance.—Originalia, 4 Edw. I. Rot. 12. Northamp.

^b He is probably the same mentioned as *Sir Moryns le Broun*, one of the tilers at the tournament at Stehenhithe, (Stepney), or Dunstable, the 7 Edw. II., when he bore for arms, viz. *Arg. a Cross Moline, Or.*

^c Vide Rot. Parl. 13 Edw. IV. A.D. 1473. v. 6. c. 70.—William son of Piers, son of Edward Shetford, cousin and heir to Joan, one of the sisters and heirs of Sir William Bruyen, knight, also Thomas Bodulgate, cousin and heir to Alice, and sister of the said Sir William Bruyen.

^d Hutchios, in his History of Dorsetshire, (Vol. II. p. 320), asserts, that William le Bruyn left *a daughter and heir*, Joan, wife of Thomas Overton, who, 45 Edw. III., released to Sir Robert Marney, knight, and Alice his wife, and to Ingelram and Richard, *her brothers*, her right in the manors of Randolveston, South Okendon in Essex, and Bekenham in Kent, and Rownore and Midgham in Hants. This rather intimates that the said Joan must have been the issue of a former wife, and entitled to the manors here recited, under some settlement or other, and as such, that Ingelram and Richard were her half-brothers.

N.B.—Philpot in his History of Kent, (p. 63, Bekenham near Bromley,) says the name in Latin records was *de rupella*; in French, *De la Rochel*; in English, Rokely, (derived from Rochel in France,) that Richard de Rokely died seised of Bekenham int. alia, 5 Edw. I. (Esch. no. 6) and was succeeded by Philip de Rokely, who left an only daughter Isolda, who married William Bruin; and had Sir Maurice, chamberlain to Edw. III., and summoned to parliament as a Baron. He died the 29 Edw. III.—no. 38. Philip de Rokely died 23 Edw. I.—Esch. no. 39.

Ingelram le Bruyn, the eldest, married Elizabeth, daughter of Sir Edmund* de la Pole, (one of the co-heirs of the barony of Handlo,) and had issue,^a

* Morant's
Essex.
† Rot. Pat. 13
Hen. VI. n. 14.
‡ Rot. Cha.
38 and 51
Hen. III.

Sir Maurice le Bruyn, knt., who, 13 Hen. VI., obtained† a confirmation of those charters of free warren for his lands in Kent, Wiltshire, and Essex, which were granted by Henry III. ‡ to his ancestor Richard de la Rockele. He married Elizabeth, daughter of Sir Henry Radford, (or Ratford), knight, and had issue two sons, Henry and Thomas, hereafter named.

Henry le Bruyn, the eldest son, died in his father's lifetime, having married Elizabeth, daughter and co-heir of Sir Robert Darcy, of Maldon, § in Kent, and had issue by her, two daughters, who became his co-heirs. and the co-heirs general of Sir Maurice le Bruyn their grandfather; and in such capacity became also the heirs general to the barony (if any was created), arising from the personal writ of summons of their ancestor Maurice le Brune, (or Bruyn), to parliament in the reign of Edward II., as before mentioned. Of these two co-heirs,

§ Morant's
Essex.

Alice le Bruyn, the eldest, married, first, || Sir Robert Harleston, by whom she had a son John; secondly, John Heveningham, by whom she had a son George; and thirdly, according to Morant, ¶ William Berners, Esq.

| Hutchin's
Dorset.

¶ Morant's
Essex.

Elizabeth le Bruyn, the second co-heir, married, first, Thomas Tirrel, of Herons and Okendon, in Essex, by whom she had issue William and Hugh** ; secondly, Sir William Brandon, knight, by whom she had the famous Charles Brandon duke of Suffolk; thirdly, William Mallory, esq.; but this gentleman is by some authorities †† represented as the first husband of Elizabeth.

** Ibid.

†† Ibid.

The Eldest male line of the Le Bruyns, having thus terminated in female issue, Thomas le Bruyn, second son of Sir Maurice, was the male continuator of the family, and as such, 21 Edw. IV., had license †† to enter upon the entailed lands. He married Elizabeth, cousin and co-heir of William Sturmy, of Wolf-hall, esq., and had issue John, father of another John, whose son

†† Rot. Pat.
21 Edw. IV.
m. 1.

Henry Brune, by Elizabeth, daughter and co-heir of Nicholas Martin, of Athelhampston, of an ancient baronial family,^b had issue John, who married Bridget, daughter of Sir Edward Seymour, of Berry Pomeroy, in Devonshire, but died without issue, circ. 1639: and

Charles Brune, who was of Plumber, in the county of Dorset; and by Mary, the

^a Some authorities make a John to be son of Ingelram, and to have left a daughter and heir Margery, who by Arches, had Margery Shakyll, her daughter and heiress.

^b This Nicholas Martin married Margaret, daughter and heir of John, and sister of Nicholas Wadham, of Mertryfield, in the county of Somerset. The said Nicholas Martin was son of Robert, by Elizabeth, daughter and heir of John Kelway, of Rockburne, in Hampshire; which Robert was son and heir of Thomas Martin, by Mary daughter of James, brother to Giles, lord Daubeney.

daughter of Robert Coker, of Mapauder, esq., had two sons; *viz.* John and Charles; of these, the eldest

John Brune, died circ. 1645, having had issue by Mary his wife, daughter of Edward Hooper, of Boveridge, esq., an only daughter Mary, who married Sir Ralph Bankes, knight, of Corfe Castle, in the county of Dorset, ancestor of the present Henry Bankes, esq., of the same place, and of Kingston Hall, in the county aforesaid, who is now the lineal heir general descended from Thomas, second son of Sir Maurice Bruyn, great-grandson of Maurice, the baron who had summons to parliament in the reign of Edward II.

Charles Brune, esq., youngest son of Charles and Mary Coker, was twice married, and by Jane, daughter of Henry Collier, of Hermitage, esq., his second wife, had issue Charles, who, by Betty, (or Elizabeth), daughter and heir of Mr. Jeffery, of Bagboro' in Somersetshire, had several sons who died issueless,* and three daughters, Betty, Jenny, and Mary; whereof Betty married Morton Pleydell, of Shitterton, esq., and had issue a son, Charles Pleydell Brune, esq., living anno 1770.

* Hutchin's
Dorset, Vol. II.
p. 358.

BUSCY.—(1 Edw. III).

Roger de Buisli, Bussei, or Bussey, at the time of the general survey,† held divers lordships in different counties, particularly in Derbyshire, Leicestershire, Yorkshire, and Nottinghamshire; his chief residence being at Tickhill Castle, in Yorkshire, and at Blythe, on the confines of Nottinghamshire.

† Domesd.

By Idonea, the daughter and heir of John de Buisli, grandson (according to Dugdale)‡ of the aforesaid Roger,^a the estate of Tickhill, with a great inheritance, passed into the family of Vipount, and thus the first male branch of this house terminated in female issue; but the male line appears nevertheless still to have continued in some collateral or younger representatives. Of these

‡ Dug. Bar.
Vol. I. p. 455.

Hugh de Bussey (or Buissent), 12 Hen. II., was certified§ to hold three knights' fees of Robert, then bishop of Lincoln; of whom, also, it was at the same time|| certified, that the son, (the name unmentioned) of William de Buissent held six knights' fees.

§ Hearne's
Lib. Nig. Seace
Vol. I. p. 260.
|| Ibid.

Robert de Bussey (but from whence descended is not related), is said to have been lord of Weldon, in Northamptonshire, and to have had a daughter, who, by Hugh Lupus, earl of Chester, had a daughter Geva, afterwards married to Gefferey Ridel, whose daughter and heiress, by her marriage with Richard, the son of Ralph Basset, carried the Weldon estate into that family.¶

¶ Vide Basset
of Weldon.

^a According to other accounts, the said John de Buisli (or Bussey), was son of Richard, son of Jordan, son of Ernald, brother to the said Roger, who by Muriel his wife, had a son Roger, who died s.p. temp. Henry II., and had a daughter Beatrix, whose husband was William, earl of Ewe, from whom descended that John, earl of Ewe, who, 18 Edw. I. was claimant to the honour of Tickhill.

* Leland,
Vol. I. p. 102,
f. 107.
† Mag. Rot.
4 Hen. II.
Rot. 4. a.

A William de Bussey* married Hawyse, one of the sisters and co-heirs to Walter Espee, a great and famous baron, and fined† one hundred marks of silver to have a partition of the lands of that inheritance, along with Robert de Ros and Nicholas Traili, the other co-heirs.

But the branch of the Busseys which seems to have continued the longest, and to have been in later times of the most eminent degree, had their chief seat in Lincolnshire: of which stock was

‡ Rot. Char.
41 Hen. III
(In alio loco)
m. 6.

Hugh, the son of Lambert de Bussey, who, 41 Hen. III.,‡ had a charter for free warren in his lands at Acham, in the county of Lincoln and at Wigesil, in Nottinghamshire. Afterwards, 22 Edw. I., he, or another Hugh de Bussey had livery of the lands of Elizabeth, his mother, who was then the widow of John de Albiniaco.§ This Hugh, imports to be the same who died the 34 Edw. I., being then seised || of the manors of Balderton and Wigglesley, in the county of Nottingham; together with the manor of Haghham (or Acham), and divers other lands in the county of Lincoln.

§ Original. 22
Edw. I. Rot 3
and 14 Line.
|| Esch. 34
Edw. I. p. 45.

¶ Madox Ba-
ronia Ang. p.
182.

** Trin. Fines,
35 Edw. I.
Rot. 66. a.
Linc.
†† Dug. Lists
of Summ.

John de Bussey, son and heir of Hugh, 35 Edw., I., held of the king in capite,¶ two knights' fees of the barony of Gaunt, which being in the king's hands, he was then impleaded for his relief.** This John is most likely the same who, 1 Edw. III., had summons,†† along with divers of the nobility and great men of the realm, to attend the king, with horse and arms, at Newcastle-upon-Tyne, to march against Robert de Brus, king of Scots. But this summons does not purport to be a summons to parliament; for the writ does not contain the words "*de negociis supradictis tractaturi vestrumque consilium impensuri*;" so as to shew that the convocation was considered for the purposes of legislation, but for the purpose of a military expedition.

‡‡ Ibid.

This writ, however, is the only one in which the name of the Bussey family has place; and in the other writs of the same year,‡‡ which are expressed for the meeting of a parliament, the name of John de Bussey (or Busey) is not included.

§§ Leland's
Itiner. Vol. VI.
p. 65, f. 68.

As it is manifest that this family was not of baronial degree, nor advanced to that rank by the summons referred to, a detailed narration of further genealogy becomes unnecessary, and it may, therefore, suffice to conclude, with what the celebrated Leland§§ observes of it; *viz.*

"The gentilmen comunely called Busseys, cam with the Conqueror out of Normandi. Bussey that was so greate in king Richard the second's dayes, and was behedid at Brightstor, had his principal howse and manor-place at Hougeham, a 3 myles from Grantcham. Busses wife that was behedid at Brightstow lyith at Howheham, and divers of the Busses in the same parochē chireh. Bussey now alive, is the 5 or 6 in descent from great Bussey that was behedid, and is the laste heir male of this house. This Busses daughter and heire is marriede onto the sunne and heire of Brightenel of Northamptonshir."^a

^a She is named Agnes, wife of Edmund Brudenell, s.p.—Thoroton's Nottingham. v. i., p. 360.

CANCI SIVE CHANCI, OF YORKSHIRE.—(25 Edw. I.)

Walter^a de Canci, lord of Schirpenbec, in the county of York, the 5th of Stephen, gave fifteen pounds' fine for license to marry whom he should please; but whom he married, Dugdale is silent, merely stating, that he was a benefactor to the monks of Whitby, and was succeeded by

Anfrid de Canci, his son and heir, who, 12 Hen. II.,* upon the assessment of aid for marrying the king's daughter, certified that he held five knights' fees, for which he paid five marks on the collection of the aid aforesaid, 14 Hen. II. After, when he died, 6 Ric. I., leaving his heir in minority, for whose wardship Hugh Murdae gave one hundred marks; but who this heir was, the Baronage does not notice,† concluding here its account of this branch of the family; which is, however, supplied by Sir Henry Chauncy, in his History of Hertfordshire,‡ most minutely; viz:

Walter de Canci, son and heir of Anfrid, came of age about 8 Ric. I., and confirmed the gift^b of his father to the canons of St Peter, in York, and married, as it is related, Agnes de Athewick, but died without issue, leaving

Roger de Chauncy,§ his brother and heir, who married Preciosa, daughter of——, and had issue Robert and Hugh, which Hugh, (or, probably, from the length of time, his son) 14 Edw. II., was lord of the manor of Upton, in the county of Northampton.

Robert de Chauncy (or Canci), son and heir of Roger, was of full age at his father's death, and, in 23 Hen. III., accounted for five knights' fees for the barony of Schirpenbec, which his father held of the king in capite. This Robert left

Thomas, his son and heir, twenty-three years old, whose homage, in the 52 Hen. III., the king received. He married Isabel, the daughter of Philip Chauncy, of Willughton, in the county of Lincoln, by Isabel his wife, daughter and heir to Thomas de Marsey. The 25 Edw. I. he was one of those great men who were summoned to attend the king, to go upon an expedition ||; but as it does not appear that either he, or his descendants had ever afterwards summons to parliament among the barons of the realm, to give any further account of them here becomes unnecessary: yet, on this occasion, it is to be observed, he was styled *Baron de Skirkenbek*.

^a This is the first of the family named by Dugdale; but Sir Henry Chauncy (Hist. of Hertf. p. 55.) states, "That Chauncy de Chauncy, near Amiens, in France, came over with the Conqueror, anno 1066, whose sons, William and Auschar de Chauncy, both flourished temp. Hen. I. William, the eldest, purchased the manor of Schirpenbec, in Yorkshire, of Odo Balistarius, a great Norman, who held it by grant of William the Conqueror; (Domesd. Ebor. xxiv.) and this William lived there with Walter his son, above mentioned, who was his successor."

^b Chauncy recites, (Domesd. Ebor. xxiv. p. 56.) that "Anfrid, the son of Walter, the son of William de Canci, by the consent of Walter and Roger his sons, gave to the canons of St. Peter, in York, one carucate of land in Schirpenbec; and by another deed, with the consent of Maud his wife, gave also one carucate to the hospital of St. Peter's, in the same city."

* Hearne's Lib. Nig. Vol. I. p. 318.

† Dug. Bar. Vol. I. p. 626.

‡ p. 25, and pag. subseq.

§ p. 56.

|| Clau. Rot. 25 Edw. I. in Dors. 15.

From this ancient and distinguished house descended the learned Sir Henry Chauncy, knight, serjeant-at-law, eminent as an antiquary, and famous for his History of the county of Hertford. He bore for arms :* *viz.* Chauncy of Yorkshire,

* Hist of Hert. p. 59.

“ G. a Cross patonce Arg. on a Chief Az. a Lion passant, O.”

Chauncy of Lincolnshire : *viz.*

“ Arg. a Chevron G. within a Border, S. charged with 8 Bezants.”

CANCI, SIVE CHANCI, OF LINCOLNSHIRE.

+ Dug. Bar. Vol. I. p. 627.
‡ Chauncy's Hert. p. 60.

Simon de Canci, according to Dugdale,† was cotemporary with Anfrid, the son of Walter de Canci. But Chauncy, in his account of Hertfordshire, and pedigree of the family,‡ makes him brother to the said Anfrid. This Simon, 12 Hen. II., on the assessment of aid for marriage of the king's daughter, certified his knights' fees to be five, *de veteri feoffamento* :§ for which, on the collection of that aid, the 14 Hen. II., he paid five pounds. He was a considerable benefactor to the Knights Templars, and gave to them the church of Wylughton, in the county of Lincoln. His wife was Helewise de Swinope (a Fleming), who probably brought him the manor of Swinope, with several others in the county of Lincoln, which were possessed by his descendants. But, on or before the 30 Hen. II., he died, leaving the said Helewise his wife surviving, and Simon his son and heir, which

§ Hearne's Lib. Nig. Scacc. Linc.

Simon de Canci, the 6 Ric I., upon the collection of the aid for that king's redemption, paid five pounds for the knights' fees he then held. But, the 17th of John, being one of those great men who were in arms for the redress of the national grievances, he was termed a rebel, and his lands were seized, and given to Richard de Gray. After, when no further mention is made of him in the Baronage.|| Sir Henry Chauncy, however, in his History of Hertfordshire (p. 60), continues the account of his family, and recites, that the said Simon^a married Maud, the youngest sister and heir of Geoffery de Beningwal, and had issue

|| Dug. Bar. p. 627.

^a Chauncy also asserts, that Philip de Canci was a younger brother of Simon; which Philip, for his inheritance, had given him the lordship of Swinope, with others in the county of Lincoln: for it appears that, 47 Hen. III., a Philip de Chaney was seized of the said manor, &c. (Inq. P. M. 47 Hen. III., n. 30.);—also, that, 35 Edw. I., another Philip held the same; (Inq. P. M. 35 Edw. I. n. 37), and 4 Edw. II., William, son and heir of Philip de Canci (sive Chauncy) was possessed of the manors of Swinchope, Cotes, Scraythfeld, and Billingeeye, in the said county of Lincoln, (Inq. P. M. 4 Edw. II., n. 46); at which time, on his decease, Walter de Gloucester, the king's escheator, had command to take into his hands the lands whereof the said William de Canci (or Chauncy) died seized, (Rot. Orig. Scacc. 4 Edw. II. Rot. 3).

William de Canci, who, by Isabel his wife, was father of Sir Philip de Canci; which Sir Philip de Canci married Isabel, daughter and heir of Thomas Marsey, and had a daughter Isabel, who became the wife of Thomas de Canci, of Schirpenbec: also a son,

Gerard de Canci, his heir and successor, who had an only daughter Isabel, who died issueless; so that Isabel, her aunt, became the heir of this house, who was married, as before mentioned, to Thomas de Canci, of Schirpenbec. This Gerard died 15 Edw. II.,* caving Ada his wife surviving; who, the same year, had an assignment of dower in the lands of Wylughton and elsewhere, in the county of Lincoln,† and likewise in the manor of Hoghton, in Nottinghamshire.

* Inq. P. M.
15 Edw. II.
n. 45.

† Rot. Orig.
15 Edw. II.
Rot. 14.

CANTELO, SIVE CANTILUPE.—(24 EDW. I).

This house was a younger branch of the Cantilupes, of Aston-Cantilupe, in the county of Warwick, and commenced in the person of John, third son (according to Dugdale ‡) of William de Cantilupe, lord of Aston-Cantilupe, and sheriff of the counties of Warwick, Leicester, Worcester, and Hereford, in the reign of king John and Henry III., which

‡ Dug. Bar.
Vol. I. p. 732.

John de Cantilupe (sometimes written Cantelo) had a charter for free warren in his lands at Funtel, in Wiltshire, 41 Hen. III. § and, in the same year, had a charter for his manor of *Saytenfeud*,|| otherwise Sniterfield, in the county of Warwick, which was solden of Thomas de Clinton, by the service of one knight's fee.¶ He married Margey, daughter and heir to William Cummin, of Sniterfield, and had issue John, his successor, and Walter, who was a priest and rector of Sniterfield. He died about the 16 Edw. I.; for in that year,** the king's escheator had command to take into his hands the lands whereof the said John had died seised.

§ Rot. Char.
41 Hen. III.
m. 1.
|| Ibid. m. 2.
¶ Lib. Feod.
Vol. I. p. 443.

** Original.
16 Edw. I.
Rot. 1.

John de Cantilupe, heir to his father, in 24 Edw. I., was one of those who had summons†† to attend, with horse and arms, at Newcastle-upon-Tyne, preparatory to an expedition against the Scots: also, 26 Edw. I., had summons to attend with horse and arms, at Carlisle; on which occasion‡‡ he is denominated a *baron*. He married, according to Collins,§§ Margaret, daughter of John, lord Mohun, of Dunster, and had issue||| a son John, who died before him, and a daughter Eleanor, who became the wife of Thomas West, ancestor to the present viscount Cantilupe and earl Delawar, which Thomas thereby added the Cantilupe inheritance to the patrimony of his family.

†† Dugd.
Lists Sum.

‡‡ Ibid.

§§ Collin's
Peerage, sub
tit. Delawar.

||| Dugd.
Antiq. Co.
Warwick.

Dugdale, in his History of the Cantilupe family,¶¶ has only commenced his account with that William who flourished in the reign of king John, but has not mentioned the name of his descent; it, however, is manifest, that, 12 Hen. II., upon the assessment of land for the marriage of Maud, the king's daughter, one

¶¶ Dugd. Bar.
p. 731.

* Hearne's Ralph de Cantilupe held* two knights' fees of William de Romara, earl of Lincoln ;
 Lib.Nig. Scacc
 Vol. I. p. 264. at which time also,

Line. Walter de Cantilupe likewise held † two knights' fees of the same earl. And, if he
 † Ibid. was the same person, held, ‡ at the period before stated, along with Robert Chevauchésul, four knights' fees of Geoffrey Mandeville, earl of Essex.
 ‡ Ib. p. 228.
 Essex.

§ Ibid. Robert de Cantilupe is also noticed by the said Geoffrey, earl of Essex, as then § holding one knight's fee, as aforesaid.

These three persons are all unnoticed by Dugdale, as are also the following, who, if not of one kindred, were at least *cotemporaries* with the first William de Cantilupe, of whom the baronagian makes mention.

|| Rot. Char. Fulk de Cantilupe, in the 7th of king John, had lands|| in the county of South-
 7 Joh.m.7.(56) ampton. He was considered one of that monarch's evil servants, and as such is represented by Matthew Paris¶ as a *knight*, who was devoid of every spark of humanity.

¶ Matt. Par. Roger de Cantilupe, 15 Hen. III.,** was sent by the king as one of his ambassadors
 p. 188. l. 12. to the sovereign Pontiff at Rome.†† He was not only a priest,‡‡ but a person of note
 ** Ibid. anno 1231, p. 310, in the royal favour. In the 32 Hen. III. he had license§§ to impark sixty acres of heath
 l. 40. in *Badewe*, within the boundaries of the forest of Essex; and, the 37th of the same
 †† Rot. Pat. reign, had a license||| to hunt throughout several counties.
 15 Hen. III. m. 4, n. 5.

‡‡ Matt. Par. Baldwin de Cantilupe held¶¶ in Powrd' one hundred shillings land of the gift of
 p. 333, l. 64 king John, with the daughter of Alard Fitz-William; but by what service was at that
 §§ Rot. Pat. 32 Hen. III. m. 11. time*† unknown.

||| Ibid. 37 Hen. III. m. 11. These seem to have been the principal persons of the Cantilupe name, who were
 ¶¶ Lib. Foed. cotemporary, and in such respect, presumed allied to each other. Dugdale has not referred to one of them; whose notice of families in general, may be observed to be chiefly confined to immediate, and not to collateral descents. Indeed, as these branches are not recorded as of baronial distinction, any mention at all is in a certain degree irrelevant, were it not to point out, in the first instance, that the name is of more antiquity than Dugdale attaches to it; and, in the second, to show that the members of the common stock took pretty good care of themselves in the turbulent reigns of king John and Henry III.; and probably, from a low origin, by the temper of the times obtruded themselves into wealth and notoriety.^a

*† Ibid.

CAREW.—(29 EDW. I).

The descent of this family is from a younger branch of the same common ancestor as the Fitz-Geralds, in Ireland, and the house of Windsor, in this kingdom.

^a An old MS., once belonging to the College of Arms, and now in the hands of the editor, (but without the name of the compiler) states that Richard de Cantilupe, in the time of Edward I. was baron of Hanslape, in Northamptonshire, whose heir general married Sir Thomas West, ancestor to the Lord la Warre.

Walter Fitz-Other (styled de Windsor, from being governor of that castle in the time of the Conqueror), had several sons, whereof William was progenitor to the family of Windsor, earl of Plymouth; and

Gerald, (styled Fitz-Walter), was the ancestor of this house.^a This Gerald was Castellan of Pembroke, and according to Camden,* had a grant made to him by Henry I. of the manor of Moulesford, in Berkshire. He married Nesta, daughter of Rees, son of Theodore the great, prince of South Wales, and by her had issue several sons; viz. William, his heir; † Maurice (called Fitz-Gerald), progenitor to the house of Leinster, in Ireland; Richard, and David, ‡ bishop of St. David, who died circ. 1176.

* Camden's Britt. sub. tit. Berks.

† Vincent's Baron. MS. in Coll. Arm.

‡ Le Neve's Fasti Eccle. Angl. p. 511.

William Fitz-Gerald, the eldest son, is so presumed, because he became possessed of Carew Castle, in Pembrokeshire, which, with divers manors, were acquired by his father, through his marriage with Nesta, the daughter (as before mentioned), of the prince of South Wales. This William, according to some, married Catherine, daughter of Kingsley, of Kingsley, in Cheshire; and according to others, married Marrio, daughter of Stephen, Constable of Cardiganshire, and had issue several sons; viz. 1. Otho; 2. William, progenitor to the Gerards of Lancashire,—the Gerards, earls of Macclesfield, and barons Gerard, of Bromley; 3. Raymond, who married Basilia, § sister to Richard Strongbow, earl of Pembroke, but died without legitimate issue.^b

§ Vincent's Baron. MS. in Coll. Arm.

Otho Fitz-Gerald, the eldest son, along with William his father, gave the village of Redbard, || a short distance from Carew Castle, to the Knights Templars. He married Margaret, daughter of Richard Fitz-Tanered, and by her had issue William, hereafter mentioned, and Stephen, who gave his estate to religious houses.

|| Ex Coll. Camd. Ex Registr. St. Johan Hierosol

William, eldest son of Otho, is the first of his family who is represented to have taken the name of Carew.^c He had a confirmation ¶ of the manor of Moulesford, in the 14th of king John. He married the heiress of Degon (or Tregon), baron of Ydron,** in the county of Catherlough, in Ireland, the lands of which barony long continued in the line of his descendants, †† whereof

¶ Rot. Char. 14 Joh. **Camd Britt.

†† Ibid.

Nicholas de Carew, 29 Edw. I., was one of those eminent persons, who in the par-

^a While this descent is given, as the one most generally accredited, it should, nevertheless, be observed, that some authorities, (Milles' Cat. of Hon. p. 738), derive this family from Arnulph de Montgomery, brother to Robert, earl of Shrewsbury; and thus, in Leland, (Leland's Itiner. Vol. III. p. 70, f. 40), it is stated, viz. "Carew married an heir general of the stock of Mohun, of Devonshire. Carew trew name be Montgomerik, and he is written thus in old evidenee, *Montgomerik D'n's. de Carew.*" But in Camden's remains, (Cam. Rem. p. 121), this matter is explained by the statement, "that one Adam de Montgomery married the daughter and heir of Carew, of Molesford; and his son relinquishing his own, left to his posterity his Mother's name of Carew, from whence descended divers families."

^b The illegitimacy of the house of Fitz-Maurice, earl of Kerry, in Ireland, is stated by Lodge, to be on the authority of Giraldus Cambrensis.—Vide Lodge, Vol. II. p. 101.

^c Contemporary with this William was Roger de Caru, who, in the 5th of king John, had a grant for a market at his demesne of Eton, Bucks.—Chart. Rot. 5 Job. m. 6.

* Dug. Lists of Summ. parliament* at Lincoln, though not summoned thereto had his seal affixed to that memorable letter which was sent to the Pope, maintaining the king's supremacy over the realm of Scotland, on which occasion he was denominated *Nicholas de Carru, Dominus de Mules-*

† Esch. 5 Edw. II. n. 54. *ford*. He died about the 5 Edw. II., † having had issue several sons: of which,

‡ Vincent's Baron. MS. in Coll. Arm. John Carew (or Carru), by Joane or Jane, his second wife, daughter of Richard ‡ Talbot, of the county of Gloucester, had issue another John, which

John de Carru was both a soldier and a statesman, and served king Edward III. in the wars of France, with great honour and renown, and was by that king made Lord Deputy of Ireland; § and in the 35th of the same reign, had summons to the great council, which was then appointed to convene at Westminster, to take into consideration the affairs of that kingdom. But, excepting on this occasion, and in the parliament at Lincoln, before mentioned, the name of Carru, or Carew, is not noticed among the ancient peerage-barons of the realm; but in later times the family was raised to the peerage by the title of earl of Totness, || now extinct.

|| Vide Extinct Baronage, vol 3

CLARE.—(3 EDW. II.)

Richard de Clare, 3 Edw. II., was summoned among the earls and barons of the realm to a parliament convened to meet at York, ¶ on the Sunday next after the feast of the Purification. ¶ Claus. Rot. m. 17.

This Richard was, doubtless, descended from Thomas, a younger son of Richard Clare, earl of Gloucester and Hertford, who died 46 Hen. III., leaving Gilbert, his son and heir, Thomas, his second son, and other issue; which

Thomas de Clare died in the 16 Edw. I., having had issue by Amy, or Juliana, his wife, daughter of Sir Maurice Fitz-Maurice, Gilbert, who died the 1 Edw. II.,** leaving Isabella, his wife, surviving. Richard, summoned to parliament as before mentioned, who, by Joan, his wife, had a son, Thomas, who died without issue, seised of a great estate in Ireland, the 14 Edw. II., †† when his aunts, Margaret, who married Bartholomew, lord Badlesmere; and Matilda, who married Robert, lord de Clifford, became his co-heiresses; which Matilda seems to have married also Robert de Well. ††

** Esch. 1 Edw. II. n. 45.
†† Ibid. 14 Edw. II. n. 37.
‡‡ Originalia 15 Edw. II. Rot. 14.

CLIVEDON.—(22 EDW. I.)

Reymund de Clivedon, 22 Edw. I., had summons, with divers other persons, barons of the realm, to attend the king wheresoever he should then be (but no place mentioned in the writ §§) to consult upon the affairs of the nation. But, excepting on this occasion, his name is not contained in any writs of a parliamentary nature. §§ Claus. Rot. 22 Edw. I. m. 8. Dors.

The name obtains notice as one very ancient in the county of Somerset; for on the assessment of aid for marriage of the king's daughter, 12 Hen. II., William de Clivedon is certified to hold two knights' fees of Henry Lovel,* and one of William, earl of Gloucester:† the last was the manor of Clivedon.

In the 25 Edw. I., Raymund de Clivedon was summoned to attend the king at London,‡ on the next Sunday after the Octaves of St. John the Baptist, with horse and arms, ready to sail thence into foreign parts. He bore on his seal, viz. *a Lion rampant crowned*.

Edmund^a de Clivedon, who was the last of his name, lord of Clivedon, died 50 Edw. III.;§ the estates which he possessed descended to Edmund, the son of Thomas Hogshaw, by Emmelina his wife, daughter and heir of the said Edmund de Clivedon; which Edmund Hogshaw died seised of Clivedon in 14 Ric. II. without issue; whereupon|| the lands were divided between Sir Thomas Lovel, knight, the husband of Joane, one of the sisters of the said Edmund Hogshaw; and John Bluet, the husband of Margery, the other sister; in which partition the manor of Clivedon was assigned to John Bluet and Margery his wife.

Sir Thomas Lovel, at his death, left a daughter and heiress, Agnes, who married Sir Thomas Wake, knight, gentleman of the Privy Chamber to king Edward IV.

COGAN.—(24 EDW. I.)

This is the name of a very ancient and eminent family which became famous in the conquest of Ireland, in the time of Henry II., by which monarch

Miles Cogan, along with Robert Fitz-stephen^b had a grant of the kingdom of Cork. This Miles, together with Ralph, the son of Fitz-Stephen, his daughter's husband was slain¶ between Waterford and Lismore, anno 1172, the 26 Hen. II. After him,

Richard Cogan, in the time of king John, held** the cantred of Mustry Omitton, and was a person of great consideration in Ireland; but the principal acquisition of English property was by the marriage of

Sir Miles Cogan with Christian, daughter of Fulk Paganel, lord of Bahuntune or

^a There is some reason to believe, that the name of *Raymund* and *Edmund* have been occasionally ascribed to the same person.

In the great tournament at Dunstable, the 7th of Edw. II., the name of a Sir John de Clevedon is mentioned as one of the tilers.—His Arms—"Arg. ove trois Escallops de Goules."

^b He was the son of Stephen, Constable of the castles of Cardigan and Pembroke, by Nesta his wife, daughter to Rees Gruffydh, prince of South Wales, who had been a concubine to king Henry I. This Robert had issue Ralph and Frederick, from whom descended the Fitz-Stephens, in Ireland.

* Lib. Nig. Scacc. Vol. I. p. 100.
† Ibid. 165.

‡ Claus. Rot. 25 Edw. I. m. 15. Dors.

§ Esch. n. 14.

|| Collinson's Som. Vol. III. p. 167.

¶ Annals of Ireland, citing Gir. Cambrensis.
** Rot. Char. 7 Joh. m. 5. in Dors.

Bampton, in the county of Devon, and aunt, and at length heir (in her descendants) of William Paganel, of Bampton, who died without issue; and of her niece, Ada de Balun, who likewise deceased issueless.

* Chart. Rot. 51 Hen. III. m. 2. John Cogan, 51 Hen. III., had a charter* for a market and two fairs at his manors of Baunton and Offculum, in Devonshire, and at Honespull, in the county of Somerset; † Ibid. 53 Hen. III. m. 6. also in the 53 Hen. III. had another charter† for divers markets and fairs at his manors in Ireland.

‡ Claus. Rot. in Dorso. m. 12. § Esch. 30 Edw. I. n. 29. He may be presumed the same person who, 24 Edw. I.,‡ had summons to attend the great council at Newcastle-upon-Tyne, and died the 30th§ of the same reign, being then seised of the manors of Baunton (or Bampton) Offculum, and Honespull, before mentioned.

¶ Ibid. Thomas Cogan, son and heir of John, was twenty-six years old¶ at his father's death, and deceased 7 Edw. II.,¶ leaving

** Ibid. Richard Cogan, his son and heir, sixteen years** of age, who, 11 Edw. III.,†† had a †† Rot. Char. 11 Edw. III. m. 56. license to castellate his mansion-house at Baunton; to empark his wood at Ustolme; and have free warren at Honespull (sive Hunespell), in the county of Somerset. He

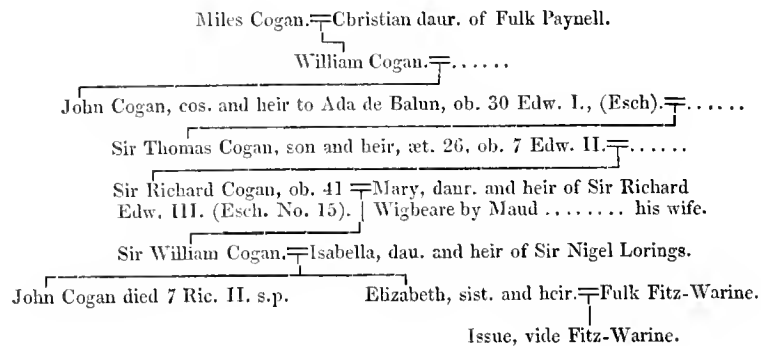
‡‡ Esch. 41 Edw. III. n. 17. died 41 Edw. III.,‡‡ having had issue

§§ Ibid. William Cogan, his son and heir, who was then about twenty-four years old.§§ This ¶¶ Ibid. 6 Ric. II. n. 22. William deceased 6 Ric. II.,¶¶ having had issue by Isabel his wife, a daughter Elizabeth, and a son John; which

John Cogan died shortly after, in the 7 Ric. II., about seven years old, leaving the said Elizabeth his sister and heir, who married, first, Fulk, lord Fitz-Warine; and second, Hugh Courtney; but the inheritance of Baunton (or Bampton), with the other estates in England and Ireland, descended to her issue¶¶ by the lord Fitz-warine.

¶¶ Dug. Bar. Vol. I. p. 446. *† Esch. 50 III. n. 13.

But this John could not be the same person who, 50 Edw. III.,*†held two fees in Cogan, in Gloucestershire and the marches of Wales.



COLESHULL.—(24 EDW. I.)

Richard de Coleshull, 18 and 23 Edw. I., was one of the knights* of the shire for the county of Berks, and, in the 24th of the same reign, was one of those eminent men who had summons to the great council, ordered to assemble at Newcastle-upon-Tyne† but he seems to have died in the same year‡ being then seised of the manors of Aldermaston and Spersholt, in the county of Berks.

He probably was a professor of the civil law, as he is denominated§ *Magister Ricardus de Coleshull*. He died without issue, and his brother Elias, who was his heir, thereupon had livery|| of the inheritance; which Elias, 4 Edw. II.,¶ obtained a license for free warren in his demesne lands at Coleshull and elsewhere, in the county of Berks.

* Willis's
Notit. Parl.

† Claus. in
Dorso. m. 12.
‡ Esch. 24
Edw. I. n. 52.

§ Originalia.
24 Edw. I.
Rot. 6.

|| Ibid. Rot. 7.
¶ Rot. Ch. 4.
Edw. II. n. 34.

COMYN.—(35 EDW. III.)

John Comyn, 35 Edw. III., was one of those eminent persons who had summons, along with several other great men, to meet a council then convened, to take into consideration the affairs of Ireland; but as this summons was no creation of an English peerage honour, (although the writ is printed in Dugdale's Lists of Summons to Parliament,) an account of him is here the less necessary, inasmuch as the name of John Comyn is not mentioned again in any summons of a parliamentary nature.

CORNEWAILLE OR CORNWALL.—(35 EDW. III.)

John de Cornewaille, or de Cornwall, 35 Edw. III., is included among other great men, who were summoned to attend a council to be holden on the then critical state of Irish affairs; his name is not, however, repeated in any subsequent writ, whereby he may be considered to have obtained the rank of an English parliamentary baron.

The name of Cornwall, or at least a great family of that name, is said to have sprung from Richard, earl of Cornwall, brother to king Henry III., which earl is represented to have had two natural sons, Richard and Walter; the former of which, Richard de Cornwall, was ancestor to the Cornwalls titular barons of Burford, in Oxfordshire.

Of this name was Geffery de Cornwall, who married Margaret, one of the two daughters and co-heiresses of Hugh Mortimer, baron of Richards Castle, mentioned in the Dormant and Extinct Baronage of England;** and also Sir John Cornwall, baron of Fanhope, noticed likewise in the same work.††

** Vol. I.

†† Vol. III.

Thomas de Crophull, whom, 45 Edw. III.,* he enfeoffed in the manors of Neuhold-Verdon, Cotesbeche, and Hemyngton, in the county of Leicester, which Thomas married Sibilla, daughter of John de la Bere, knight,† and had issue an only daughter.‡

Agnes de Crophull, who married Sir Walter Devereux, knight, ancestor of Robert earl of Essex; and, after his death, re-married Sir John Parr, of Kyrkeby, in Kendal.§

* Ibid. 45 Edw. III. n. 58.

† Dug. Mo. Vol. 1. p. 725.
‡ Vide Burton's Leic. p. 180, et Mon. ut supra.
§ Dug. Mon. ut supra.

DANE.—(1 EDW. II.)

The name of John le Dane has place in the Index to Dugdale's Lists of Summons to Parliament; but on reference to the writ of the year referred to, viz. the 1 Edw. II., no such name is to be found mentioned therein; indeed, no such name as *John le Dane* is noticed anywhere in the charter or patent rolls of that period, but the name of

John le Dene occurs about the 4 Edw. II., when he was appointed|| chamberlain of the Exchequer; and the name of

|| Rot. Pat. 4 Edw. II. m. 6. par. 2,

Stephen de Dane is noticed in 6 Edw. II., at which time he was fined¶ twenty marks to the king for his transgression in acquiring (without license) the manor of Fauconest-hurst, from Robert de Fauconer; but neither the name of *John le Dene*, or *Stephen de Dane*, have any notice in the rolls of the summonses to parliament.

¶ Gross Fines, 6 Edw. II. Rot. 16, Kane.

In the Magna Britannia^a for the county of Kent, the name of *Dane* is mentioned as lord of the manor of St. Peter's in the Isle of Thanet.

DAWNEY.—(1 EDW. III.)

Of this name, anciently written D'Auney, or De Alneto, there appear to have been several persons, who, if not related to each other, were cotemporaries, and held considerable lands in the counties of Devon, Somerset, and elsewhere; of these,

Richard de Alneto, 12 Hen. II., was certified** by the abbot of Tavistock to hold of him four knights' fees. At the same period,

** Hearne's Lib. Nig. Vol. I. p. 118.

William de Alneto was returned in the certificate†† of William de Traci, of the county of Devon, as holding of him one knight's fee and a half. Also at the same time,

†† Ibid. p. 122

Alexander de Alno, or Alneto, of the county of Somerset, certified‡‡ that his ancestors held by the service of one knight's fee, de veteri feoffamento, and that his father

‡‡ Ibid. p. 96.

^a Vide Philpot's Kent, p. 88.—*Dane* Court was the Signorie in elder times of Sir Alan de Dane, who took his surname from it, and had his habitation there, temp. Edw. III. It continued a mansion for his decendants divers years after; but in the reign of Henry IV., the Fogs were lords of the Fee.

The late eminent judge Dane, in the United States of North America, claimed descent from this family; and had in his possession a very ancient pedigree of it.

gave to Hugh de Alno, his brother, a part of the said fee; which donation was made to him and his heirs, in the time of king William.

* Dug. Bar.
Vol. I. p. 252.

Henry de Alneto is also noticed* as having married Idonea, one of the sisters and co-heirs to Stephen de Beauchamp, of Essex,—a Baron mentioned by Dugdale.

From one of these descended (as it is probable) John de Alneto, D'Auney, or D'Anney; which

† Lodge's Irish
Peer. Vol. III.
p. 103.

‡ Collins's
Baronetage.
Vol. II. p. 165

John Dawney, or D'Anney, in the time of Edward I., held the manor of Shunock,† in the county of Cornwall;^a and also divers other lands in several counties. He married Jane,‡ one of the daughters of Peter le Cave, of Cave in Yorkshire, by ——— his wife, daughter of Sir Thomas Bromflete, and had issue,

§ Rot. Char. 6
Edw. II. n. 63.
|| Ibid. 8 Edw.
VI. n. 56.

Edward Dawney, whose son and heir, Nicholas Dawney, was a person of great note and of considerable estate in the counties of Cornwall, Devon, and Somerset, where he obtained a royal charter§ for free-warren in all his demesne lands; and also a license|| for a market and fair at his manor of Shunock.

¶ Lodge's Irish
Peer. Vol. III.
p. 103.

In the 1 Edw. III. he was one of those great men who had summons to be at Newcastle-upon-Tyne, with horse and arms, to march against Robert de Brus: but this summons does not purport to have been a call to parliament *ad tractandum*. After this period he is represented¶ to have peregrinated to the Holy Land, where he greatly distinguished himself against the infidels; and on his return brought with him a very rich and curious medal, which for a long time was, if it is not at this day still, remaining in the possession of the family.

** Esch. 6
Edw. III. n. 79.
Sec. Nos.

This Nicholas deceased about the 6 Edw. III.,** having had issue by Elizabeth, or Joan, his wife, daughter of ———, several sons, whereof

†† Rot. Cha.
10 Edw. III.
n. 53.

‡‡ Esch. 20
Edw. III. n.
33.

John Dawney seems to have been the eldest son, as he inherited the estates of his father in the counties of Cornwall, Devon, and Somerset, where he had a confirmation†† of the privilege of free-warren, which his said father had before obtained. He died about the 20 Edw. III.,‡‡ leaving issue by Sibyl his wife, an only daughter and heir, Emmeline; which

§§ Ibid. 45
Edw. III. n.
15.

|||| Ibid.

Emmeline Dawney, married Sir Edward Courtney, knight, son and heir apparent of Hugh, the second earl of Devon, and died about the 45 Edw. III.,§§ being then seised of the greater part of her father's inheritance|||| in Cornwall, Devon, and Somersetshire, as before mentioned. By her husband, Sir Edward Courtney (who died in the lifetime of his father Hugh, earl of Devon), she had issue Edward, the third earl of Devon, and Hugh Courtney, of Hacombe and Boconnock; whose descendants, under the account of the Courtneys, earls of Devon, may be seen more at large.

^a According to the Magna Britannia (p. 1317, Cornwall), the church of Shunock was built by this family, and two knights of the name lie buried in it.

From Thomas Dawney,* brother to John, the father of Emmeline, the family of the present viscount Downe, of the kingdom of Ireland, is considered to be derived.

* Lodge's
Irish Peer.

DRAYCOTE.†—(24 EDW. I.)

Of this name, Richard de Draycote, by the description of *Dominus de Wyleton*, was among the great men summoned to attend the king at Newcastle-upon-Tyne, with horse and arms, on the 1st of March, the 24 Edw. I.; and, in the following year he had summons with the earls and barons of the realm to attend a parliament, to be holden at Salisbury, on the feast day of St. Matthew the Apostle.‡

† Vide Harl.
MSS. No. 506
and No. 1052,
(149) fol. 91.

But, except on these occasions, the name of Draycote has no mention in the writs of summons to parliament.

‡ Rot. Clau.
25 Edw. I. m.
25, Dors.

Besides him there was Robert de Draycote, who, the 21 Edw. I., was seised of the manors of Radlynch and Draicote, in Somersetshire.§

§ Esch. 21 Edw.
I. n. 23.

EBROICIS.—(27 EDW. I.)

William de Ebroicis, 27 Edw. I., had summons to a parliament to meet in London; but his name does not appear in any subsequent writs of summons. He was probably an ancestor of the present Devereux family.

ERLES.—(35 EDW. III.)

William de Erleia, Erleigh, or Erle, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, certified|| that he held one knight's fee, *de veteri feoffamento*, by the service of being the king's chamberlain; but that he held nothing *de novo feoffamento*, a circumstance which clearly points out the antiquity of this family. The said William was the founder of a priory at Buckland, in Somersetshire, to which he gave the church of Beckington, in that county.

|| Hearne's
Lib. Nig. Scacc
Vol. I. p. 101.

John de Erleigh, his son and heir, held¶ the manor of North-Pederton, in the county of Somerset, of the king in *fec-farm*, by the rent of one hundred shillings, to be paid yearly at the Exchequer. He likewise held** certain lands at Corsham, in Hampshire (to which he was heir), by *serjeanty*.

¶ Lib. Fœd.
Vol. I. p. 707.

** Ibid.
Vol. II. p. 133.

Henry de Erleigh, (Erley, or Erle), his grandson, and at length heir,†† held one knight's fee of the king in *capite*, in Erleigh, (or Erley), near Reading, in Berkshire; and

†† Collinson's
Somers. Vol.
II. p. 199.

- * Collinson's Somers. Vol. 1. p. 751.
 † Ibid.
 ‡ Ibid.
- also * the manor of Somerton Parva, (or Somerton Erleigh) in Somersetshire, of the king in capite, by serjeanty; but the service was at that time unknown.† At this period the record‡ styles him *D'n's. Henri de Erleg*. He was one of those eminent men who had summons to the great council or parliament, convened the 45 Hen. III. to meet at London.§ After, when he died, 4 Edw. I., being then seised|| of the manor of Erleigh, near Reading, as before mentioned, and leaving his heir in minority.¶
- § Claus. 45 Hen. III. m. 3, Dors.
 ¶ Esch. 4 Edw. I. n. 72.
 ¶ Original. 4 Edw. I. Rot. 5 and 19.
 ** Ibid. 17 Edw. II. n. 57 and 62.
 †† Ibid.
 †† Rot. Cha. 12 Edw. II. n. 54.
 §§ Original. 19 Edw. II. Rot. 18.
 ¶¶ Esch. 11 Edw. III. n. 11.
 ¶¶ Ibid. 34 Edw. III. n. 77 Sec. Numb.
 *† Collinson's Somerset, Vol. II. p. 199.
 *‡ Dugd. Lists. Sum.
 *§ Ibid.
 *|| Ibid.
- John, grandson of Henry de Erle, died 17 Edw. II., ** when it was found that he was seised of the manor of Erle aforesaid, together with the manors of North-Pederton, Somerton Parva, and several other manors†† in the county of Somerset. This John had a grant‡‡ of a market and fair at his manors of North, alias Nether Pederton and Bekington, in the 12 Edw. II.
- John de Erle, next *lord of Erle*, 19 Edw. II., §§ had the charge of the counties of Somerset and Dorset, and of the castle of Shireborne committed to his care. He died||| about 11 Edw. III., possessed of Erle, Somerton Parva, North Pederton, &c., leaving Elizabeth, his wife, surviving, who had her dower in the manor of Somerton, Balleare and Pury; and departed this life the 34 Edw. III.¶¶ He had two sons, John and Richard; and three daughters, *viz.* Catherine, prioress of Buckland; Elizabeth, wife of Sir John Stafford; and Alice, wife of Sir Nicholas Poyntz, knight.*†
- John, son of John de Erle, 35 Edw. III., was one of those eminent persons (as it would seem) who had summons*‡ to attend a great council, to be holden at Westminster, in order to deliberate upon the disturbed state of Ireland, as affecting him and others holding lands in that kingdom, in the capacity of heirs to Caumville.*§ But this writ, by which the said John de Erle was so summoned, was addressed*|| to the Sheriff of Staffordshire, whereby it is evident that it was not a call to parliament in the nature of a creation of a parliamentary peerage.
- ¶¶ Esch. 36 Edw. III. n. 65.
- *** Ibid. 44 and 45 Edw. III. n. 42, 49, Sec. Nos.
- ***† MS. voc. Chaos In Coll. Arm.
 **‡ Ibid.
 **§ Ibid.
- The 36 Edw. III. he had a license*¶ to enfeof Robert de Erle, his son, of the fishery at Erle, in the water of Lodyn; and the 44th of the same reign, had the like license*** to enfeof John Cole of Bridgewater, and Margery his wife, in the manors of North Pederton, Somerton Parva, Dunston, and Bekynton, in the county of Somerset, with remainder over to himself and his heirs.
- This John is probably the same who***† married Margaret, sister of Sir Guy de Bryan, knight of the garter, and had issue a son, John de Erle (or Erleigh), who married**‡ Isabel, daughter of John Paveley, and had a daughter and heir, Margaret, who became**§ the wife of John St. Maur, second son of Sir Richard St. Maur, knight; after whose death she married, 2ndly, Sir Walter Sondes, knight; and 3rdly, Sir William Cheney, knight; and died 21 Hen. VI.**|| The said John St. Maur, according to Collinson, left a son John, his heir, who was father of Sir Thomas St. Maur, whose son John had issue Sir William, and two daughters, whereof Margaret married William Bampfyld, of Polti-
- **|| Collins. Somerset, Vol. II. p. 199.

more, in Devonshire, and Anne was wife to Robert Stawel, esq. Sir William St. Maur having had only a daughter, Margaret, who died without issue; the families of Bampfylde and Stawel became the co-heirs of this family.*

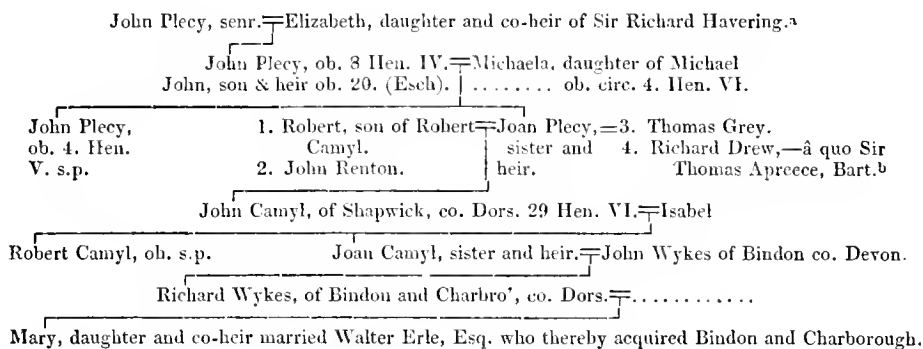
This statement of Collinson is, however, contradicted by the evidences in the possession of the late Mrs. Earle Drax Grosvenor, which set forth that John de Erle,† who was summoned to the great council, 35 Edw. III., died in 11 Hen. IV., leaving John, his son and heir, who married the *daughter and heir* of John Pavely,‡ and left issue one daughter, Margaret, who married three husbands, and left issue only *one daughter, Margaret*; which Margaret, *sole heiress of Margaret, daughter of John de Erle*, married John Erle, of Ashburton, in the county of Devon, and had a son, John Erle, who was seised of Culhamp-ton, in Devonshire, and of Charborough, in the county of Dorset; which last estate, in the course of various descents, at length came to the aforesaid Mrs. Erle Drax Grosvenor, as an heir-general of the family.

Collinson says John de Erleigh, 8 Edw. II., bore on his seal *three Eschallops*, which arms were used by his decendants within a Bordure, engrailed G. and A.

* Collinson's Somerset, Vol. 11. p. 199.

† alleiF's Wrthreooz, s9.

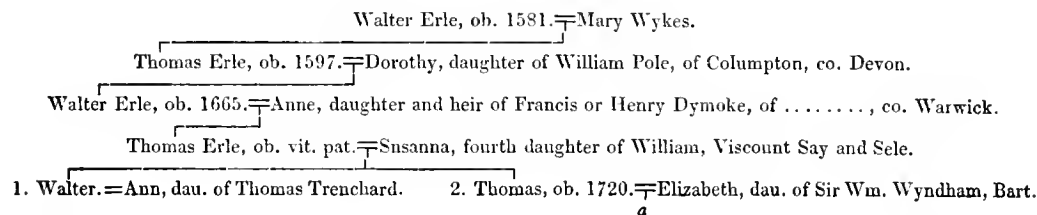
‡ Ibid. 267.

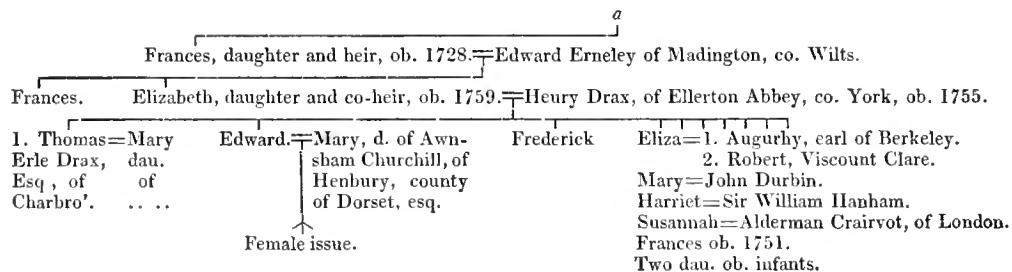


^a Richard Havering at his death, 31st Hen. III., held lands and tenements in Shapwick, of the earl of Leicester, Richard his son and heir.

^b Anno incerto Hen. VIII., Christian, wife of Robert Aprecee, held three messuages and two hundred and twenty acres of land once, Robert Cammels,—William his son and heir.

•• Alice, daughter of Sir Richard Havering, married John Duller.—(Hutch. Dors. vol. 2. p. 116.)





FITZ-BERNARD, OR BARNARD.—(6 EDW. II.)

The family of Fitz-Bernard, or Barnard, though entirely unnoticed by Dugdale, was nevertheless of considerable note and standing in the county of Kent, having its capital mansion at Kingsdown near Ferningham, which manor it held by grant from king Hen. I.*

* Philpot. p. 19.

Thomas Fitz-Bernard in the time of king John, had a grant to him and his heirs, of the marshalship of the king's birds; †^a and Robert Fitz-Bernard was sheriff, and exercised the office from the 21st of the reign of Hen. III. to the 30th.

† Rot. Claus. 5 Joh.

Thomas, son of Thomas Fitz-Bernard married Alianore daughter and co-heir of Stephen de Turnham, according to a manuscript in the College of Arms. ‡

‡ MS. Sir T. C. Brooks, No. 8.

Ralph Fitz-Bernard, in the 24 Edw. I. was one of the eminent men summoned with the earls, barons, and others, to attend at Newcastle-upon-Tyne, equis et armis, for an expedition into Scotland. He died about the 34th Edw. I. § leaving Agatha his wife surviving, who had dower in Thundersley, Ilmer, and Kingsdown; || his son

§ Esch. No 58

|| Claus. 34 Edw. I. m. 2 & 4.

Thomas Fitz-Bernard was the first who had summons to parliament, to which he was called by writ from the 6th to the 15 Edw. II. inclusive. He died before the 8th Edw. III. ¶ at which time, ** on the death of Bona, his widow, John, his son and heir, had livery of the lands she held in dower.

¶ Esch. No 49.

** Originalia 8 Edw. III.

Rot. 5.

John Fitz-Bernard, son and heir of Thomas, does not appear to have been ever summoned to parliament. He died †† the 36 Edw. III. without issue, when it is said by Philpot, ‡‡ that the four daughters of Bartholomew Badlesmare became his heirs, in right of their grandmother Margaret who was his sister and had married Gunceline, father of the said Bartholomew. But this statement is contradicted in a recently published work, entitled, "Collectanea Topographica et Genealogica," which assumes much heraldic authority, (though Philpot was an herald of no mean credit,) and asserts, that on the death of John Fitz-Bernard, s.p.,^b Joan, daughter of Ralph, and sister to Thomas Fitz-Bernard,

†† Esch. no. 27.

‡‡ Philpot's Kent, p. 203.

^a Que ? this office acquired by marriage, with Alice, daughter of William de Jarpenwell, (who married Albritha de Rumemel), Marshall of the King's Birds, temp. King John.

^b Vide in claus. 34 Edw. I., m. 2. Tonge manor, pro Tho' fil' Joh'is fil' Bernard.

was found aunt and heir to her nephew John. It seems that Ralph had a first wife Joan, one of the four daughters and co-heirs of Robert Aguylon, which in some respects leaves it doubtful, whether Thomas was his issue by the said Joan, or Agatha who survived him; and whether this Joan the asserted aunt, was whole, or half-blood sister to Thomas.

FITZ-HENRY.—(22 EDW. I.)

Hugh Fitz-Henry had summons to attend a parliament the 22 Edw. I., but where it was to meet is not mentioned in the writ which bears date the 8th of June in the year aforesaid. In the 29 of Edw. I., he was one of those who though not summoned to the parliament at Lincoln, yet affixed his seal to the memorable letter then written to the Pope, on which occasion he is designated "*Hugo filius Henrici Dominus de Ravensworth,*" but after this time no further mention is made of him. He was probably the father of the first lord Fitz-Hugh, whose posterity long continued in the rank of barons of the realm: of this, however, Dugdale does not take any notice.

AUCHER FITZ-HENRY.—(2 EDW. II.)

^a The parentage of this person is unnoticed, as well by Dugdale, as all other Baronagians. He would rather seem to be a brother of the before named Hugh Fitz-Henry, but for so being, there is not any authority.

This Aucher Fitz-Henry, married Joan, one of the daughters and co-heirs of John de Bella Aqua (or Bellew), by Laderina his wife, youngest sister, and co-heir to Peter, the last Baron Brus of Skelton, and thereby acquired a certain portion of that ancient baronial estate, from which may be presumed the cause of his being summoned to parliament among the barons of the realm. His name is recorded in the respective writs of summons from the 2nd to the 19th of Edw. II. both inclusive.* He died about the 13 of Edw. III. Henry his son and heir aged 40.

* Dugdale's Lists.

This Henry Fitz-Aucher never had the like summons. In the 13 Edw. III. he settled lands in Bobbing, and Stanford, in Essex, on Beatrix his wife, their heirs, and assigns for ever; when he died does not appear: he had a son,

Aucher Fitz-Henry, but of him, or his descendants, if he had any, no account is known; but a family of the name of Clovile, of Haningfield, in Essex, is said to derive descent from Joan, a daughter of Aucher Fitz-Henry, and sister to Henry Fitz-Aucher.

^a A Richard Fitz-Aucher, temp. Hen. III, held lands in Eppinge and Waltham, by serjeanty of waiting before the king when he travelled.—(Lib. Rub. Scacc., 13 Joh. vol. 137).

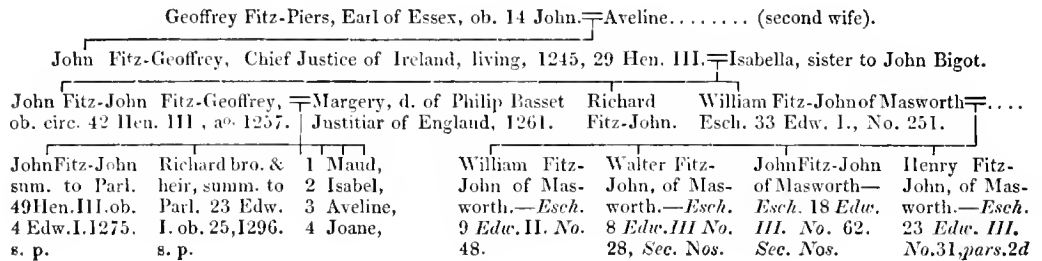
JOHN FITZ-JOHN.—(49 Hen. III).

John Fitz-John descended from John, son of Geoffrey Fitz-Piers, earl of Essex, by Aveline his second wife,^a was one of those barons who adhered to Simon de Montfort, earl of Leicester, in arms against king Henry the III.; and had summons to the parliament called by them in the king's name, the 49 Hen. III. In the fatal battle of Evesham, he was almost the only person of note who escaped death. Dying s.p., the 4th Edw. I.,* his brother Richard was his heir.

* Esch. No. 47.

RICHARD FITZ-JOHN.—(22 Edw. I).

This Richard Fitz-John, upon the death of his brother, had livery the same year of all his lands lying in the counties of Norfolk, Bucks., Devon, Surrey, Wilts, Southampton, Essex, and Northampton. In the 23 Edw. I., he was summoned to parliament by writ, dated 30th September; but which was afterwards prorogued: shortly after this, he † *Ibid* No. 50. deceased (without having been again summoned) 25 Edw. I., † leaving Emma his wife surviving; and Maud countess of Warwick, his eldest sister: Robert Clifford, son of Isabel de Vipount, and Idonea, daughter of the same Isabel de Vipount, his second sister. Richard de Burgh earl of Ulster, son of Aveline, his third sister; and Joane the wife of Theobald le Butiler, the fourth sister, his heirs. Maud, countess of Warwick, was first married to Thomas de Furnival, who died s.p.



^a King John, a^o 7 regni, gave to Geoffrey Fitz-Piers the whole honor of Berkhamstead, with the castle, to be holden of the king and his heirs by the said Geoffrey, and the issue from him by Aveline his wife; and in default, to be holden by the other heirs of the said Geoffrey, rendering a yearly rent of £100 for the said honor.—(Mag. Rot. 7 Job., Rot. 16, b. tit. Essex, Herts, &c.)

MATTHEW FITZ-JOHN.—(25 Edw. I.)

This Matthew was not of the same family as the Fitz-Johns before mentioned. He was the son of John Fitz-Matthew, brother and heir to Peter, the son of Matthew Fitz-Herbert

The 25 Edw. I. he had summons to parliament; but never after. His name, however, is nevertheless mentioned as one of those eminent persons, who, although not summoned to the parliament at Lincoln, the 29 Edw. I., yet had his seal affixed to the memorable letter, written to the pope; on which occasion he is thus denominated, viz. "*Matthæus filius Johannis dominus de Stokenhame.*" He died about the 3 Edw. II.,* s.p.,^a—Alianor his widow surviving.†

* Esch. No. 29.
† Ibid No. 49.

FITZ-MARMADUKE.—(29 Edw. I.)

In 29 Edw. I. John Fitz-Marmaduke was one of those eminent persons who,‡ in the parliament at Lincoln, subscribed and affixed their seals, to that memorable letter which was then addressed to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he was thus denominated;§ viz. "*Johannes filius Marmaduci de Hordene.*"

‡ Dug. Lists of Summ.

§ Ibid.

He was probably the son of Marmaduke Fitz-Geoffery, who, 45 Hen. III.,|| had a license to embattle his mansion-house of Hordene, in the bishopric of Durham.

|| Rot. Pat. 45 Hen. III. m. 20

But Collins and Edmondson, in their respective accounts of the Lumley family, state the said John Fitz-Marmaduke to have been a son of Marmaduke Lumley, second son of William, only son and heir of William Lumley, by Judith his wife, daughter of Hesildine, of Hesildine, in the county of Durham. The record, however, before cited,¶ seems to rebut their assertion.

¶ Ibid.

Moreover, another authority** recites, that the said John Fitz-Marmaduke married Isabel, daughter and heir of Robert Brewys, lord of Stranton, in Northumberland, and had issue a son, Richard Fitz-Marmaduke; which

** MS. vocat Quid Non. No. 6. p. 91. In Coll. Arm.

Richard Fitz-Marmaduke died issueless, and his sister Mary became his heir, who married ——— Lumley, grandfather to Marmaduke Lumley, whose issue 15 Ric. II., possessed the manor of Stranton, before mentioned.

^a Vide Esch. 19 Edw. I., no. 85,—Robert Fitz-John, Ebor.; also Nicholas Fitz-John, of Myton, Ebor., (ibid no. 96). Roger Fitz-John Boulewas, Salop and Brumfeld, Heref.—(Esch. 30 Edw. I., no. 57).

FITZ-OSBERT.—(22 EDW. I.)

This name is of very ancient standing; for in 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter,

* Hearne's
Lib. Nig.
Scacc. vol I. p.
289.
† Ibid. p. 228.

Rouel Fitz-Osbert is mentioned in the certificate* of Hubert de Rie, of the county of Norfolk, as holding of him five knights' fees. At the same period also

Richard Fitz-Osbert was certified by Geoffrey, earl of Essex,† to hold of him four knight's fees. And at the same time, likewise,

‡ Ibid. p. 103.

Hugh Fitz-Osbert was noticed in the certificate‡ of the bishop of Salisbury, as holding of him certain lands, by the service of half a knight's fee.

These persons were all cotemporary, but how, or whether at all related to each other, is not certain. Of the same name,

§ Rot. Vasc.
22 Edw. I. m.
8 in Dorso.
|| Dug. Lists
of Summ.
¶ Esch. 31
Edw. I. n. 176.

Roger Fitz-Osbert, 22 Edw. I., was one of those eminent persons who had summons§ to attend a parliament then to be assembled and holden; for the writ (which is dated at Westminster, the 8th of June), purports to be *habere colloquium et tractatum*;|| but no place is appointed for the meeting of the said parliament.

** Ibid.

This Roger was the son of Peter Fitz-Osbert, and Catherine his wife,¶ which Peter was the son of Osbert, and Sarra his wife. The said Roger Fitz-Osbert married Sarah sister and heir to John de Creke, lord of Creke, in the county of Norfolk, and a deceased about the 34 Edw. I.,** being then seised of the manor of Somerleton (his chief seat), with divers others in the counties of Suffolk and Norfolk. Having no surviving issue, (for Margaret his daughter died before him), his sister Isabella de Walpole, and John Negoun, (or Noium), son of Alice, his other sister, were found to be his co-heirs. The said

Isabella Fitz-Osbert was twice married; her first husband was Sir Henry de Walpole,†† (ancestor of the Walpoles, earls of Orford, &c.) whom surviving, she married secondly, Sir Walter Jernegan‡‡ (or Jerningham), progenitor to the baronet's family of that surname; who thereby, as Camden relates,§§ came to the inheritance of Somerleton, and other lands of the Fitz-Osbert estate, which they long continued ||| to possess.

†† History of Norfolk, vol. 5. p. 40. Gallow.
‡‡ Ex Stem. de Famil. Jernegan.
§§ Camd. Brit. in Com. Suff.
||| Rot. Pat. 8 Hen. IV. par. 2. m. 16.

JOHN FITZ-REGINALD.—(22 EDW. I.)

John Fitz-Reginald, son of Reginald Fitz-Peter, son of Herbert Fitz-Herbert, chamberlain to king Stephen, by Lucy his wife, and one of the daughters and co-heirs of Milo, earl of Hereford, was first summoned to parliament the 22 Edw. I., and afterwards,

^a This Sarah must have been his first wife; as Catherine was his widow, and, among other lands, held the manor of Carleton, co. Norf. in dower.—Hist. of Norf. v. ii. p. 46; Depwade.

in the 25, 28, 30, 32, 33, 34, and 35 of the same reign;^a and in the 1st of Edward II.* He was one of those who in the parliament at Lincoln, the 29 Edw. I., subscribed and affixed his seal to that memorable letter to the pope, asserting the supremacy of England, over the realm of Scotland :† on which occasion he is designated “*Johannes, filius Reginaldi dominus Blenleveny.*”

* Dugd. Lists of Summ.

† Dugd. Lists Summ.

In the 34 Edw. I., he had license to enfeoff Herbert Fitz-John Fitz-Reginald of his lands at Wighton and elsewhere, in the county of York;‡ and also to enfeoff the same with lands in Wiltshire;^b and at Blenleveny, in Wales.§ The said John made afterwards a grant to the king, in fee of his Castle, Town, and manor of Blenleveny, Blakedinas, Talgart, and Caldecote in Wales.|| He died the 3 of Edw. II., leaving Alice his widow, and Herbert Fitz-John his son and heir;¶^d but neither he nor any other of his descendants had the like summons to parliament.

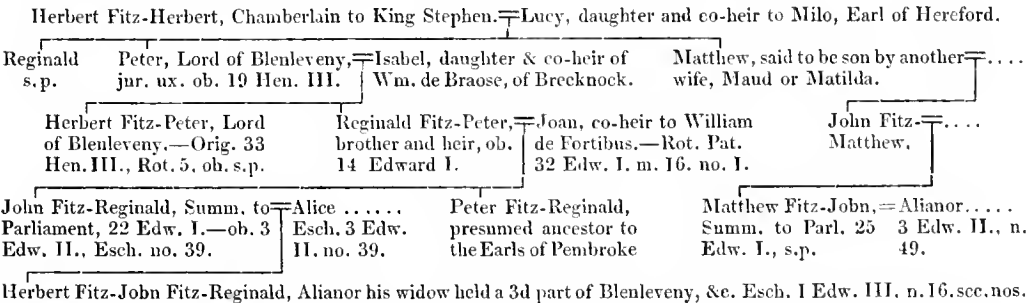
‡ Esch. No. 108.

§ Ibid. 34. Edw. I. No. 139.

|| Rot. Pat. 1. Edw. 11.

¶ Esch. No. 39.

Atkyns, in his Gloucester, (p. 239), says that Reginald Fitz-Peter died seised of Harefield, the 14 Edw. I., which then went to John Fitz-Reginald, his son; afterwards, Matthew Fitz-Herbert, a descendant from him, levied a fine of Harefield to himself in tail,—remainder to Reginald his brother in tail,—remainder to Edward St. John in tail, (14 Edw. III). Matthew Fitz-Herbert died seised, 30 Edw. III.; after when Edward St. John, of Scopham, and Joan his wife were seised the 6 Ric. II.



* * Henry Bromflete cousin and heir to Reginald Fitz-Peter: market and fair and free warren at Wighton.—Rot. Chart. 27 and 3 Hen. VI., no. 14.
Vide Rot. Parl. 14 Ric. II., m. 10

ROGER FITZ-PETER.—(45 Hen. III).

The name of a Roger Fitz-Petri appears in the roll of summons, of the 45 Hen. III.,

^a He may be presumed to have been present in this parliament, as the names of those who did not attend are mentioned, and why excused; which intimates that all the others summoned obeyed their writ.
^b Herbert Fitz-John, Wighton, Ebor., Staunton, Wilts.—(Esch. 15 Edw. II., no. 30.)
^c Vide Rot. Parl. v. ii. p. 409, no. 174. Alianor, widow of Herbert Fitz-John, son and heir of John Fitz-Reginald.

* Claus. Rot. m. 3. Dorso. to a parliament then convened to meet in London,* T. R. apud turrem Lond. xviii. die Octob.—which summons is as much worthy of notice as that of the 49 Hen. III.^a

Who this Roger was, does not appear; but he probably was a son of Peter, the son of Herbert Fitz-Herbert.

FITZ-ROBERT.

John Fitz-Robert, although a baron whose name does not appear in any writs of summons to parliament, which is upon record; or who is either mentioned by Dugdale, or any other genealogical author; yet is of too great a character to be passed over totally unnoticed. He was one of those high spirited twenty-five barons appointed to enforce the observance of Magna Charta; but of what family he was a member, it is much to be regretted that there is no authority for asserting: conjecture has supposed him one of the noble house of Clare.

ROBERT FITZ-ROGER.—(23 EDW. I.)

Robert Fitz-Roger, 23 Edw. I., had summons among the earls and barons of the realm to a parliament, convened to meet at Westminster, the Sunday next after the feast-day of St. Martin, 23 Edw. I.;† and the like summons he had in the several subsequent parliaments of the 24th, 25th, 27th, 28th, 30th, 32nd, 33rd, 34th, and 35th of the same reign; and the three first years of Edw. II.‡ But after that period, no further mention is made of him.

+ Clau. Rot. In Dors. m. 4.

‡ Dug. Lists of Sum.

§ Ibid.

In 29 Edw. I. he was one of the barons§ summoned to the parliament at Lincoln, but did not affix his seal to the letter then agreed to be sent to the Pope, touching the king's supremacy over the realm of Scotland; on which occasion he is written, "Robtus fil Roꝝ Dñs de Clavyng." He does not appear to have used the surname of Clavering, which, nevertheless, his son John assumed; who, in his lifetime, by the designation of John de Claveryng, had summons to several parliaments in the same years along with him, from 28 Edw. I., as may be more fully seen|| in the Dormant and Extinct Baronage of England, and in the first volume of this work.

|| Vol.1.p.266

ANDR' FITZ-ROGER.—(27 EDW. I.)

In the parliament summoned to meet at Westminster, in five days of Easter, 27

^a It was considered by Mr. Cruise, Mr. Hargrave, Sir Samuel Romilly, and Sir Samuel Shepherd to be a regular writ of summons; though the parliament never met.

Edw. I.,* the name of Andř Fitz-Roger is included among the earls and barons, then required to give their attendance on the special affairs of the nation. But who this person was, is not set forth, unless it may be presumed he was a brother of Robert Fitz-Roger, before-mentioned; but in the pedigree of that family, no such name is to be found.

* Clau. Rot. 27 Edw. I. In Dorso. m. 16.

JOHN FITZ-ROGER.—(27 EDW. I.)

This name also appears in the list of the earls and barons summoned to attend a parliament, convened to meet at London, on the first Sunday in forty days after the teste of the writ, the 6th of February, in the 27 Edw. I.;† but who he was, is equally uncertain with the Andř Fitz-Roger before named.

† Clau. Rot. 27 Edw. I. In Dorso. m. 18.

FITZ-WALTER DE DAVENTRE.—(25 EDW. I.)

This family is a younger branch of the house of Fitz-Walter, of Wodeham-Walters, and originated in the person of

Simon, second son to Robert, the founder of that family; which Robert ‡ gave to the said Simon the lordship of Daventre, in the county of Northampton.

‡ Dug. Bar. V. I. p. 218.

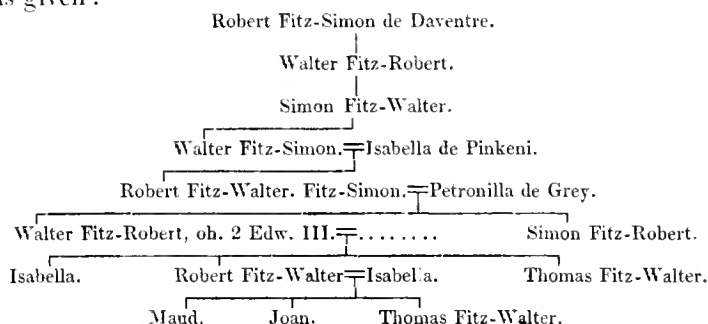
This Simon had issue Robert de Daventry, whose son,

Walter Fitz-Robert de Daventre, in the time of Henry II. held eight hides of land in Daventre, of the fee of Huntingdon; from whom descended Robert Fitz-Walter Fitz-Simon; which

Robert Fitz-Walter had summons to a parliament, convened to meet at Salisbury, on the feast-day of St. Matthew the Apostle, 25 Edw. I.: § but his name is not enrolled afterwards in any other writ of a similar nature.^a

§ Clau. Rot. In Dorso. m. 25.

In Bridge's Northamptonshire, under the article of Daventry, the following descent of his family is given:



^a In the Lists of Summons of those who the 24 Edw. I. were called among the Earls and Barons to attend the king at Newcastle-upon-Tyne, eqnis et armis, is the name of "*Galf. fil. Roberti Dominus de Daventre.*"

FOXLE.—(8 EDW. II.)

This name is not of baronial rank, by reason of any territorial holding, or antiquity; but owes the dignity it attained to, from the study of the law.

* Rot Pat. 2
Edw. II. n. 15.
† Dug. Lists
of Sum.

‡ Chron. Jurid.
§ Dug. Lists.
of Sum. Rot.
in Dor. m. 35.

|| Ibid.

¶ Esch. 18
Edw. II. n. 38.
** Ibid.

†† Cha. Rot. 10
Edw. II. n. 26

John de Foxle,^a 2 Edw. II., was constituted a baron of the Exchequer;* and, in that capacity, had summons to parliament† with the rest of the judges and king's counsel;‡ but Dugdale says that in the 3 of Edw. II., he was appointed a baron of the Exchequer, in the room of Roger Hegham, deceased 28 February, 1310.‡ But, 8 Edw. II., he had summons to parliament *as a baron*; § for it appears that the writ by which he was so summoned, was the same as that by which the peers or nobility of the realm were convocated to parliament. In the following years, however, his name is only mentioned with those of the justices and counsel.||

He died about the 18 Edw. II.,¶ being then seised, with Constantia** his wife, of considerable lands in the counties of Southampton, Buckingham, Berkshire, and elsewhere: in the first and last of which counties he obtained, 10 Edw., II.,†† a charter for free warren throughout his demesnes at Bromeshull, Hayshill, Eversle, and Bray. After him

‡‡ Rot. Cha. 21
Edw. III. n. 5.
apud Cales.

§§ Esch. 34
Edw. III. n.
55.

||| Rot. Pat.
50 Edw. III.
n. 27.

¶¶ Vol. II. p.
49.

Thomas de Foxle is evidenced to have possessed the manors of Bray and Bromeshull,‡‡ with divers others in the counties of Berks and Southampton, 34 Edw. III.;§§ in which reign also, another

John de Foxle is noticed as a person of some note, to whom the king was pleased to grant||| the custody of the castle of Southampton; as likewise of the park of Lyndhurst, and the new Forest, to hold for life by the payment of £130 per annum.

Hutchins, in his History of the County of Dorset,¶¶ mentions a Thomas Foxley to have left a daughter and heiress, Elizabeth, who married Thomas Uvedale, of Wickham, in the county of Southampton, and had issue a son, Henry Uvedale.

FRENE.—(10 EDW. III.)

*† Dug. List
of Sum.

†‡ Mille's Cat.
of Hon. and
Dugd. Baron,
*§ Pat. Rot.
10 Edw. III.
m. 42.
*|| Ibid.

In the 10 Edw. III. Hugh de Frene^b had summons to parliament*† among the barons of the realm; but only in that year, and no more. This Hugh is presumed to be he who married*‡ Alice, daughter and heir of Henry de Lacy, earl of Lincoln, widow—first of Thomas, earl of Lancaster,*§ and 2ndly, of Eubolo le Strange: in right of which lady, he is said*|| to have claimed the earldom of Lincoln. He, however, by her had no issue.

^a Sive Foxley; the name of a manor in the county of Wilts.

^b The name of Hugh de Frene occurs as one of the tilters at the tournament at Dunstable the 7 Edw. II., bearing then for arms "*Goules ove deux Barres enlente Arg.et Az.*"

The family of de Frene was long of high repute in Herefordshire, where, 19 Edw. I. Hugh de Frene had a charter* for free-warren in his lands at Mockas and Sutton : and, in the 21st of the same reign, had a royal license † to castellate his manor-house at Mockas aforesaid.

* Rot. Cha.
19 Edw. I. n. 1
† Rot. Pat. 2.
Edw. I. m. 12

Walter del Freisne appears to have been an ancestor to the said Hugh ; which Walter, 12 Hen. II., was certified ‡ by Adam de Porte, to hold three knights' fees of his barony, in the county of Hereford.

‡ Hearne's
Lib. Nig.
Seacc. Vol. I.
p. 51. Heref.
§ Ibid.

Alured del Freisne was cotemporary with Walter, and, in the same certificate,§ of Adam de Port, is mentioned as holding the third part of a knight's fee of his barony.

Richard de Frene held Sutton Frene and Mockas, in Herefordshire, in the time of Edward III.||

|| Esch. 49
Edw. III. n. 51.

FRESELL.—(26 EDW. I.)

Simon Fresell, 26 Edw. I., was one of those persons who, by the denomination of a baron,¶ was summoned to attend the king at Carlisle, equipped with horse and arms : but as this writ by no means imports to be a summons to parliament for the purpose of legislation, and as the name of Fresell does not occur in any subsequent summons, other than of the like nature in the following year to the same place,** there seems no reason to consider that any inheritable barony was vested in this family.

¶ Dng. Lists.
of Sum.

** Clau. Rot.
27 Edw. I. In
Dorso. m. 14.
and 12.

Agas, or rather Agatha, daughter and heir (after the death of her brother) of a Sir Richard Fresell, or Frysell, by Catharine, his wife, daughter and co-heiress of Sir John Geedinge, in Suffolk, married Sir Simon Saxham, and had a daughter and heir, Joane, who married Nicholas Drury, of Thurston, ancestor to the family of Drury Barons.††

†† Collins's
Baronetage.
Vol. V. p. 248

GERNON.—(45 HEN. III., and 35 EDW. III.)

John de Gernon, 12 Edw. III, ‡‡ was appointed one of the justices of the Pleas in Ireland; and in the 15th of the same reign,§§ was constituted chief-justice. After him^a

‡‡ Rot. Pat.
12 Edw. III.
m. 34, p. 2,
§§ Ibid. 15
Edw. III. m.
27. p. 2.
|| Ibid. 50
Edw. III. m.
31. p. 2.

Roger de Gernon is mentioned as having a grant||| of the manor of Donaighmain, in Ireland,—to hold at the annual rent of 26*s. 8*d.**, with power to sell any part or parcel thereof, to any one in England.

But at what period this family first became connected with Ireland,—or how, whether

^a In the year 1329 John and Roger Gernon (brothers) are stated to have been concerned in the murder of the earl of Louth, lord chief-justice (or governor) of Ireland.

* *Camd. in
Mag. Brit. &c.*

by grant or intermarriage, authorities are silent: though Camden* recites, that among many others of English original, the Gernons were then remaining in the county of Louth.^a

Of this Irish branch it may be presumed, the principal representative was Nicholas de Gernon; which

Nicholas, was likely the grandson of William Gernon, hereafter mentioned, by his wife the sister of Nicholas de Tregoz. and was, perhaps, so called Nicholas, from his said great uncle Tregoz. This

† *Dug. Lists
of 3 um.
‡ Ibid.*

Nicholas Gernon,^b 35 Edw. III, was one of those persons, who, by reason of their tenure of certain lands in Ireland, were then summoned† to attend a great council to be holden at Westminster, to take into consideration‡ the state of affairs with respect to that kingdom; but as this summons does not import to be for the assembling of any parliament for the general purposes of legislation, the writ can by no means be considered as the creation of any inheritable peerage dignity in the person of the said Nicholas, or of his heirs.

The family of Gernoun is certainly of great antiquity, as noticed in Domesday Book; but, nevertheless, none of the name are recorded among the parliamentary barons of the realm, although, at various times and in several branches, they possessed very considerable estates in divers counties, and particularly in Norfolk, Essex, Hertfordshire, and Derbyshire.

§ *Edmondson,
Collins, &c.
|| Vincent's
Discov. of
Brooke's
Errors.*

Matthew de Gernon, grandson and heir to Robert,§ who came in with the conqueror, married|| Hodierna, daughter and co-heir to Sir William de Sackville, second son of Herbrand de Sackville, and brother to Robert, lineal ancestor to the duke of Dorset. By this lady he had issue.

Ralph de Gernon, who, by his wife, sister to William de Briwere, had another

¶ *Monast.
Anglic. Vol.
II. p. 362, lib.
51.*

Ralph de Gernon, founder¶ of Lees Priory, in Essex, who died about the 32 Hen. III.,** leaving, by his wife, a daughter married to —— Basset.

** *Esch. anno
incerto Hen.
III. n. 216,
†† Esch. 43
Hen. III. n. 21
‡‡ Seager's
Baron. MS.*

William de Gernon, his son and heir, who died 43 Hen. III.,†† having had issue by Eleanor,^c his wife.‡‡ two sons: Ralph, his successor, and Gefferey, whose son Roger, by the heiress of Potton, lord of the manor of Cavendish, in the county of Suffolk, had a numerous issue, who took the name of Cavendish, and became the ancestors of that family, and of the present duke of Devonshire.

^a In 1681 Margaret, only daughter of Nicholas Gernon, of Milton, county of Louth, married William Fortescue, of Newrah, in the same county, esq.

^b Nicholas Gernoun, knight, and Thomas Wingfield, held lands in Swyftlynge, Pesenhall, Rendham, and Berg-ham, Suffolk.—Vide Inq. ad. Q. D. 37 Edw. III. n. 29. p. 334.

^c Morant (Vol. I. p. 158) calls her Beatrix, daughter and heir of Henry de Theydon, and names three sons; viz. Ralph, Arnulph, and Gefferey.

Ralph de Gernon, eldest son of William, before mentioned had summons to the parliament of 45 Hen. III.,* and deceased the 2 Edw. I.,† and was succeeded by

William de Geruon, his son and heir, who died about 1 Edw. III.,‡ leaving, by Hawyse, his wife, sister, and at length co-heir to Nicholas de Tregoz, a son John, his successor, and Thomas, father, (as conjectured) of Nicholas, before mentioned; which

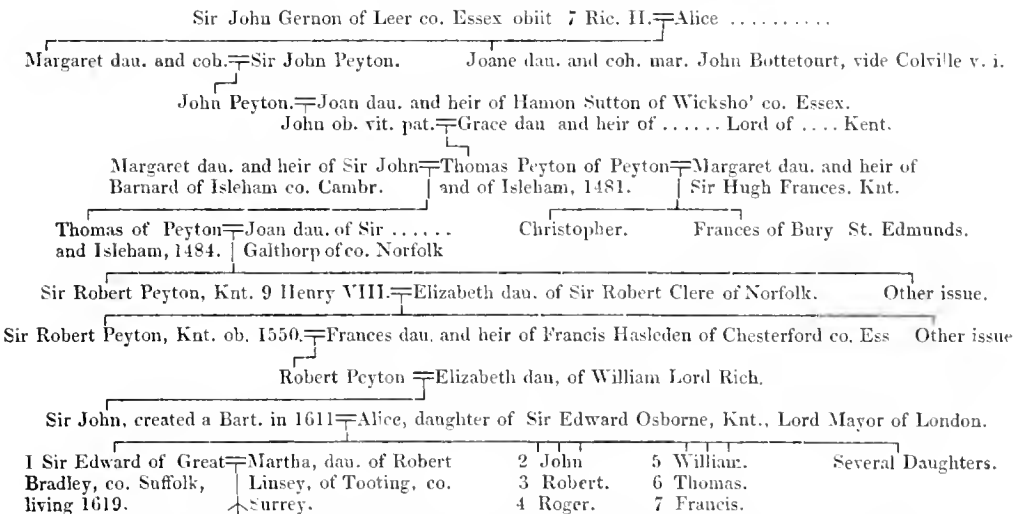
John de Gernon died about 8 Edw. III., having had issue by Alice, sister and co-heir to Edmund lord Colville, of Castle Bytham, a son

John de Gernon, his successor, who. 39 Edw. III., was sheriff of the counties of Essex and Hertford, and deceased in January. 1384, the 7 Ric. II., leaving issue, by Alice his wife, two daughters, his co-heirs; and co-heirs to the barony of Colville, viz. Joan, wife of John Bottetourt, and Margaret,§ of Sir John Peyton, knight, who in her right obtained the manor of Wicken, in Cambridgeshire,|| and was progenitor to Sir Edward Peyton, of Isleham, created a baronet at the first institution of that order.

Having thus deduced the elder male line of William, the son of Ralph de Gernon, to its termination in female co-heirs; it remains to be noticed, that Edmondson¶ states, that the said Ralph had a second wife named Hawyse, by whom he had a son John,^b who died about 15 Edw. II., leaving, by Elizabeth his wife, a son William, who at that time** was seventeen years of age and upwards, and heir to his father. This

William de Gernon, 24 Edw. III.,†† by the description of “William, Son of John Gernon, and Elizabeth his wife,” was enfeoffed by his cousin John Gernon, with certain lands in the Hundred of Lexden, in Essex; and 31 Edw. III., was sheriff of London.

Visitation of Co. Cantab. per Henry St. George 1619.



Claus.
15 Hen. III
m. 3. Dors.
† Esch.
2 Edw. I.,
n. 19
‡ Ibid.
1 Edw. III.,
n. 65.

§ Mic. Fin.
19 Ric. II.
Rot. 4. b.

|| Ex. Stem.
Fam. de
Peyton.

¶ Baron.
Geneal. in
Fam. de
Cavend.

** Origin.
15 Edw. II.
Rot. 24.
†† Esch.
24 Edw. III.
n. 19.
Sec. Nos.

a Vide Rot. Parl. v. 1. p. 385.—wounded in his right hand, when Edward Bruce was slain in Ireland.

b Query this John Gernon, or the preceding, and styled of Ireland, ut patet. p. Rot Pat. Supra?

HARDREDESHULL.—(16 EDW. III).

This family was of great antiquity in the county of Warwick, where, Hugh de Hardredeshull was possessed of the manor of Hartshill.* in the time of Hen. I.

* Dug. Ant.
Warwick.
p. 777.

William Hardredeshull, grandson of the said Hugh, in the 3rd of king John, served the office of sheriff, for Warwickshire and Leicestershire, for William de Cantilupe. His grandson, another William, in the 43 Hen. III., did homage for all those lands in Lincolnshire, whereof Grace de Lisle died seised, and were of his inheritance. He died the 46 Hen. III., leaving

Robert de Hardredeshull, his son and heir, who, taking part with the rebel barons under Montfort, earl of Leicester, was slain fighting on their behalf at the battle of Evesham.

Sir John de Hardredeshull, brother to the said Robert, had the manor of Hartshill, which was exempted from forfeiture, by the Dictum de Kenilworth. His arms were "*a Border with Martlets;*" but afterwards changed, *viz.* "*Arg. a Chevron S. between 10 Martlets, G.*" He died 4 Edw. I., leaving

William, his son and heir, in minority, who, 20 Edw. I., having done his homage, had livery of his inheritance 29 Edw. I. He had summons to attend, with other eminent persons, at Berwick-on-Tweed, to march with the king into Scotland; but shortly afterwards he died, 32 Edw. I., being only about thirty-three years of age.

John de Hardredeshull, son and heir of the aforesaid William, was about ten years old at his father's death, and attaining his majority about the 6 Edw. II., had livery of his lands. Shortly after, when attending the king into Scotland, he was taken prisoner at the disastrous battle of Bannocksburne, where the English army was so signally defeated by the Scots, under their king Robert Bruce.

After his liberation, he was in several high offices and employments in the reign of Edward II.; and, 16 Edw. III., is mentioned by Dugdale to have had summons† in the character of a baron, among the earls and other nobility of the realm.^a

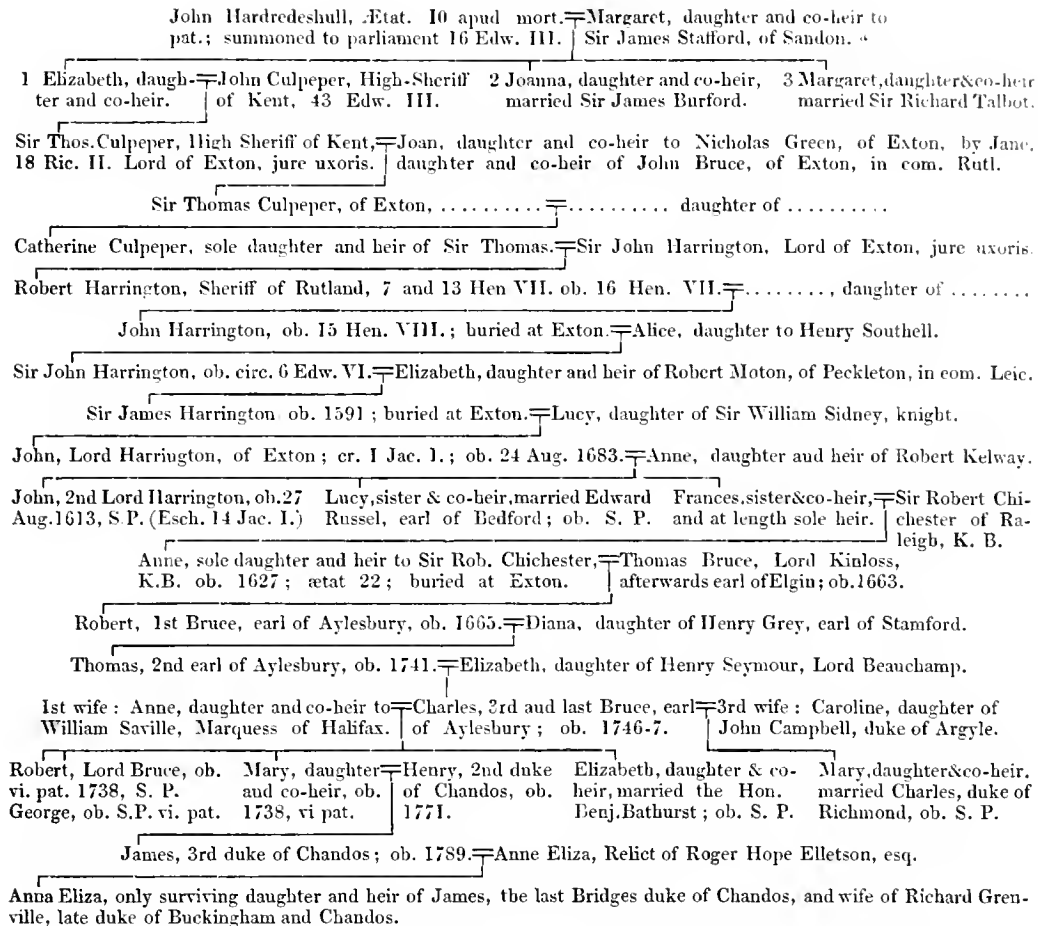
† Dug. Lists
of Sum.

He married‡ Margaret, one of the daughters and co-heirs of Sir James Stafford, of Sandon, knight, by whom he had issue three daughters his co-heiresses; *viz.* Elizabeth, wife of John Culpeper; Joan, of Sir James de Burford, knight; and Margaret, of Sir Richard Talbot, knight.

‡ Dug. Ant.
Warwick.
p. 777.

^a Though not mentioned by Dugdale, in his lists of summons before the 16 Edw. III., yet by the rolls of parliament he appears to have been present in a parliament the 14 Edw. III.; being then named with others as a *Trier of Petitions*.

TABLE I.



^a By some she is called *Maud*, daughter and heir of Mussenden.—Wotton's Baronetage, edit. 1727, Vol. I, p. 328.

HASTINGS.—(24 EDW. I.)

Robert de Hastings is mentioned as one of those persons who, 24 Edw. I., had summons* to attend the great council to be holden at Newcastle-upon-Tyne, well furnished with horse and arms, and to consult upon the expedition then intended against the Scots.

* Dug. Lists of Summ.

If the name of *Hastings* be not a misnomer for that of *Hastang*, which family is noticed by Dugdale among the barons† of the realm, it may become a point of some uncertainty as to who was the identical Robert de Hastings, to whom the writ of 24 Edw. I. was addressed: the more particularly so, as none of the printed genealogies of

† Dug. Bar. Vol. II.

* Vide Collins and Edmondson's Baron. Gen.

the Hastings, barons of Abergavenny, and earls of Pembroke, or of the ancestors of the Huntingdon line, composed by Dugdale, Collins, or Edmondson,* make any mention of a Robert de Hastings, at that era.

It however is recited, that in 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter,

† Hearne's Lib. Nig. Scacc Vol. I. p. 241, Essex.

Robert de Hastings held† ten knights' fees in Essex, and elsewhere. This person appears to be the same who married Delicia, daughter and heir of Robert de Windsor, lord of Estaines, in Essex, who wedded Henry Cornhill; whose daughter and heir, likewise called Delicia, carried the said lordship of Estaines, with other lands, in marriage to the family of Lovaine.‡ As this Robert left only female issue, and died prior to the reign of Edward I., it is evident that he was neither the person then summoned to parliament, or progenitor to the party then alluded to.

‡ Vincent's Baronage, MS. in Coll. Arm.

EDMUND HASTINGS.—(26 EDW. I.)

§ Vide Dug. Baron, Vol. I. p. 575.

This person was a younger son of Henry, lord Hastings, by Joane§ his wife, daughter and co-heir to William, lord Cantilupe, of Bergavenny. He was one of those eminent men, who in the parliament at Lincoln, 29 Edw. I., subscribed that memorable letter to the Pope, asserting the king's supremacy over the realm of Scotland, on which occasion he is denominated || *Edmundus de Hastings, Dominus de Enchinchelnok*, (probably the name of some lordship in Wales). Moreover, in 5 Edw. II., he was constituted ¶ Governor of the town of Berwick. In 26 Edw. I. he had summons as *a baron*, to attend with horse and arms at Carlisle; and further, he had summons to parliament, among the barons of the realm, from the 28th to the 35 Edw. I., inclusive; ** and also in the 6 and 7 Edw. II. :†† when he died, the name of his wife, or whether he had issue is unnoticed: but from the silence of Dugdale, Collins, and Edmondson, it may be presumed that he died issueless. Francis Thynne says, that he married Isabella ———, and had great possessions in Wales.

|| Dug. Lists of Sum. ¶ Rot. Pat. 5 Edw. II. m. 6

** Dug. Lists of Sum. †† Ibid.

In 1306 Alan 7th earl of Menteith in Scotland, was taken prisoner and committed to the custody of John de Hastings, in England, where he died. Isabel, or Isabella, was probably his widow. Edmund de Hastings is described in the roll of Carlverock as brother to John. In the list of Scotch knights, and of others who performed homage to Edw. I. is *Dña Isab. ux. Dñi Edm. Hastings pro terř in com de Strivelyn et de Forfar*. Which affords the presumption that the said Isabel, or Isabella, was the widow of the earl of Menteith, as before observed.

†† Rot. Cha. 56 Hen. III. n. 6.

HAVERING.—(27 EDW. I.)

John de Havering in the time of Henry III., †† held the manor of Grafton, in the

county of Northampton; and in the same year had license granted to him,* to hunt over his lands in the counties of Southampton and Wilts., 28 Edw. I. He was constituted justice of Wales,† with a great latitude of power, and by that description had summons to parliament the same year, but his name is then mentioned among the justices and king's counsel viz: "*Johanni de Havering Justice Northwell*;" and in the 30th of the same reign had a grant‡ of a place called Littleferme and Kingsbeth, with four hundred and twenty-one acres of the waste in Savernake Forest, Wiltshire, to hold by the annual payment of £7. 0s. 4d.

In the 27 Edw. I. he is named§ among the earls and barons who were then summoned by writ, dated the 6th of February, to attend a parliament at that time to be holden at London. Also by another writ, bearing date the 10th of April, in the same year, he had the like summons to attend a parliament appointed to meet at Westminster. Moreover, he was one of those barons, || or great men, who, in the parliament holden at Lincoln, 29 Edw. I., then subscribed his name, and affixed his seal¶ to that memorable letter which was sent to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he is denominated "*Joannes de Haveringes, Dominus de Grafton*;" but his name does not appear in the summons to the said parliament. In the 33 of Edw. I., he probably is the same John, who, with others, was named a trier of petitions.

In 29 Edw. I. he had license to enfeoff certain lands at Grafton, for a chaplain, to serve in the chapel of St. Mary, at Est Grafton. When he died does not appear; but, 9 Edw. III., Margaret, widow of a John de Havering, held lands at Lachyndon, in Essex, and at Stokewell, in the village of Offley, in Hertfordshire.**

There was a William de Havering who married Maud, daughter and co-heir of William de Boeland, and had issue John de Havering his son and heir, who left a daughter and heiress Elizabeth, who married Matthew Besilles, 8 Edw. II. The Besilles family had the manor of Boeland, &c.—(*Vide Esch. 13 Edw. III. No. 21, and 27 Edw. III. No. 19.*)

After him, one Richard de Havering, son and heir of Nicholas de Havering, and Margaret his wife, daughter and co-heir of Henry Grapenell,^a was seised of the said manor of Grafton; and, 21 Edw. III.,†† had a charter for free-warren there, and at Walton, in Wiltshire; Stopperley, in Bedfordshire; and Chalkwell and Berdfield, in Essex. This Richard left a daughter and heir, Elizabeth, who married John Pleece, senior, of Shapwick, in the county of Dorset.‡‡^b

^a This Henry Grapenell had issue four daughters, his co-heiresses; whereof Petronilla married John Fitz-John; Margery married William Inge; Johanna married Adam Fitz-John; and Margaret was wife of Nicholas Havering.—*Vide Originalia, 8 Edw. III. Rot. 19. Norf.*

^b N.B.—*Vide No. 1403 Harl. MSS.*—Extract of a Deed with the trick of the Seal of Sir Richard de Havering, dated 3 Edw. II. (45) fol. 50.

* Rot. Pat. 56
Hen. III. m. 51

† Rot. Pat.
28 Edw. I. m.
21.

‡ *Ibid.* 30 Edw.
I. m. 10.

§ *Dug. Lists
of Sum.*

|| *Ibid.*

¶ *Ibid.*

** *Esch. 9
Edw. III. n. 20.*

†† *Rot. Cha. 21
Edw. III. n. 8.*

‡‡ *Hutchins's
Dorset, vol. 2.
p. 70.*

HERLE.—(3 EDW. III).

Arms: G. a Fess, between 3 Shovelers, Arg.

This name is most certainly of considerable antiquity, although not of early baronial rank. It probably was assumed from the manor of Herle, in Northumberland, where, according to an ancient record,*

* Testa de
Nevill, vol. II.
p. 723.

Hugh de Herle held a moiety of the township of Herle, by the service of half a knight's fee of ancient enfeoffment, and where also,†

† Ibid.

John de Herle held the fourth part of the same township, by the service of a fourth part of a knights' fee, de veteri feoffamento; both which services were holden‡ of the barony of Gilbert de Humfraville, who held the same of the king in capite. From this stem descended

‡ Ibid.

§ Burton's
Leicester.

p. 138.
|| Chronic.

Jurid.

¶ Ibid.

** Dug. Lists
of Sum. ejusd.
Ann.

†† Rot. Pat.
1 Edw. III.

m. 37.

‡‡ Dug. Lists
Summ.

§§ Chronica.
Jurid.

||| Rot. Pat.
9 Edw. III. m
30. p. 2.

¶¶ Dug. Lists
of Sum.

*† Rot. Cha.6
Edw. III. n. 22.

*† Esch. 21
Edw. III. n. 30.

*§ Ibid.

*|| Ibid.

*¶ Burton's
Leicester.

p. 138.

**† Esch. 13
Edw. III. n. 51

Sec. Nos,

**† Rot. Pat.
26 Edw. III.

m. 33. Ibid. 34
Edw. III. m.

12 p. 3.

**§ Ibid. 35
Edw. III. m.

32.

**|| Esch 38
Edw. III. n. 23

**¶ Burton's
Leicester, p.
137. et alibi.

William Herle, who married Catherine, daughter§ of Humphrey Beauchamp, and had issue a son William, which

William Herle became a person of great eminence. In 10 Edw. II. he was|| one of the king's serjeants at law; and in the 21st of the same reign, made¶ one of the justices of the common pleas.** Moreover, in 1 Edw. III., he was advanced†† to the degree and dignity of chief-justice of the same court.

In 3 Edw. III. he had summons to attend a great council or parliament, then called upon to assemble and meet at Windsor; on which occasion, his name is included among those of the earls and barons.‡‡ In 9 Edw. III. he was allowed to resign§§ his seat upon the bench, but was retained as one of the king's council, with the privilege||| of being summoned to parliament along with the king's justices.¶¶

This William seems to have been possessed of the lands of his ancestors in the county of Northumberland, where in 6 Edw. III.,*† he obtained a license for free-warren, in his demesnes of Kerkekerle, Ederston, and Slanby. He died about 21 Edw. III.,*‡ being then seised of half of the barony of Bolebec, in Northumberland, holding by the service of 33s., payable annually,*§ at the Exchequer, in Newcastle-upon-Tyne; together with divers lands there, and in the counties of Warwick and Leicester.

He married Margaret, daughter*|| of Sir Philip Courtney, and had issue a son Robert, and a daughter Margaret, hereafter mentioned.

Robert Herle, son and heir*¶ of William, was in great favour in the time of Edward III., in which reign he obtained several grants;*† and in the 35th of that king, was constable of Dover Castle, warden of the Cinque Ports, and was constituted admiral of the Fleet, eastward, northward, and to the west**† of the Thames. He died about 38 Edw. III.,**§ when having no issue, his great estates in the county of Leicester, &c., passed,**|| as Burton affirms, to Margaret, his sister and heir, who married Sir Ralph Hastings, knight, ancestor to the line of Hastings, earl of Huntingdon.

HUDLESTON, OR HODELESTON.—(24 EDW. II.)

This family, according to some authorities,* is of five descents, prior to the Norman conquest: but without indulging in such a questionable deduction, it may be equally satisfactory to state, that

* Nichols. & Burn's History of Cumb. and Westm. vol. 2. p. 11.

John de Hudleston, of an ancient Yorkshire family, was lord of Anneys, within the seignory of Millum, in the county of Cumberland, and married Joane, daughter and heir of Adam de Boyvil, lord of Millum, aforesaid,† whose ancestor, Godart de Boyvil, was enfeoffed thereof at an early period by William de Meschines lord of Coupland.

+ Ibid.

This John de Hudleston, 35 Hen. III.,‡ obtained a charter for a market and fair at his lordship of Millum. He had issue, John, and probably Adam§ de Hudleston.

‡ Cha. Rot. 35 Hen. III. m. 4. § Esch. 15 Edw. II. n. 3.

John de Hudleston, who succeeded his father, was a person of note, and, 24 Edw. I. was summoned|| to attend a great council then directed to assemble at Newcastle-upon-Tyne. The like summons¶ he also had in 26 Edw. I. to attend a great council at Carlisle; on which occasion his name is entered with those who are in the Clause Roll ** *denominated barons*. Furthermore, in the 29th of the same reign,†† he was one of those who, in the parliament at Lincoln, subscribed his name, and affixed his seal, to the memorable letter, which at that time was sent to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he is written *Baron de Aneys*: but he was not summoned thereto.^a

|| Dug. Lists of Sum.

¶ Ibid.

** Ibid.

†† Ibid.

In 30 Edw. I., he had a license‡‡ for free warren in his demesnes at Millum, in Cumberland, and at Whittington and Holme, in Lancashire. When he died does not appear; but he is said§§ to have deceased unmarried, and to have been succeeded in the inheritance by

‡‡ Cha. Rot. 30 Edw. I. n. 48.

§§ History co. Cumb. and Westm. vol. 2, p. 11.

||| Original. 15 Edw. II. Rot. 18.

Richard Hudleston, who, 15 Edw. II. was found||| to be son of John de Hudleston, and cousin, or rather next of kin and heir, of Adam de Hudleston, of Bylington and Soho in the county of Lancaster, and accordingly had livery of those estates. He married¶¶ Alice, daughter of Richard Troughton, which lady seems to have survived him; as, 11 Edw. III.*† she was then found to hold the manor of Millum, with divers tenements at Satherton, in the county of Cumberland.

¶¶ History co. Cumb. and Westm. vol. 2, p. 11.

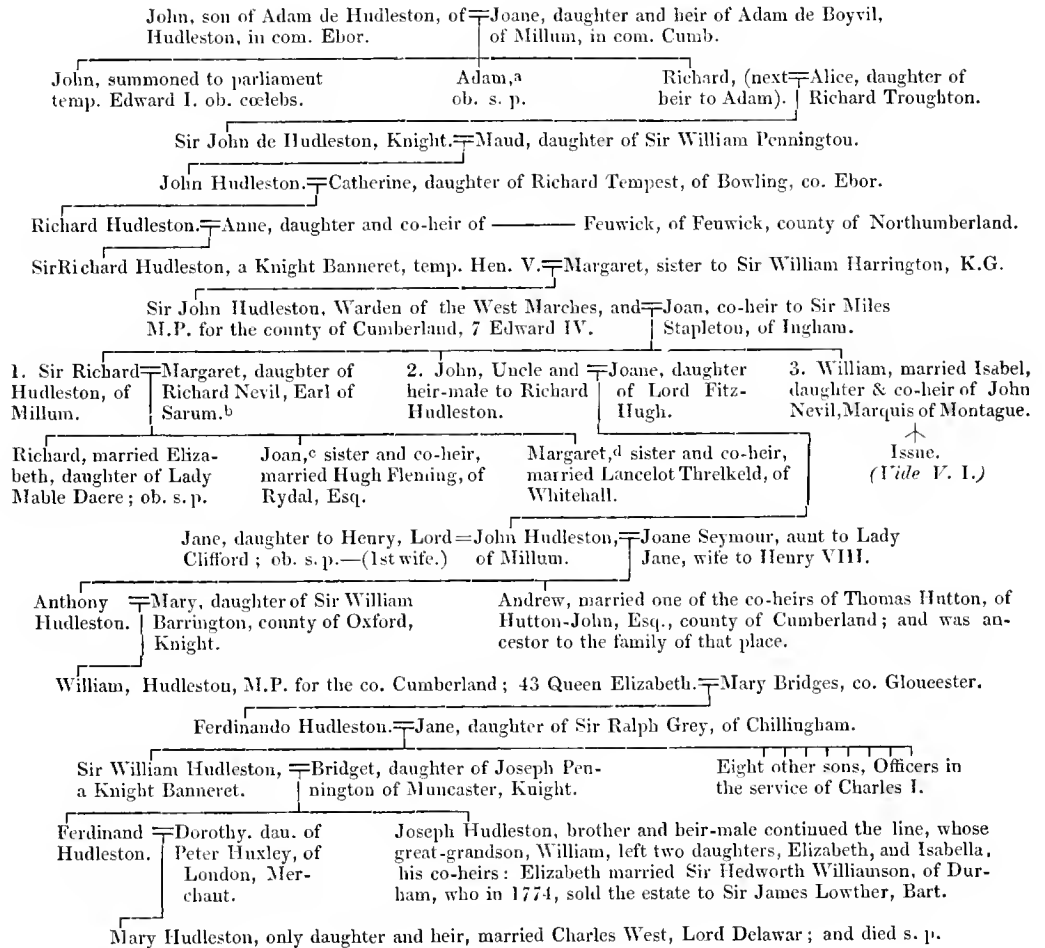
*† Esch. 11 Edw. III. n. 32.

But as the before-named John de Hudleston, baron of D'Aneys, had no issue, a further account of his family would be superfluous, were it not by reason that several of them intermarried with the female branches of some of our old nobility; and, as such, their descent has become interwoven with the genealogical history of the peerage.

^a There were many who, though not summoned to this parliament at Lincoln, yet affixed their seals to the letter. It would seem they were considered in the character or quality of Barons, notwithstanding they were not called by writ to be present therein. The description of their seat or *Caput Baronie*, points out their rank.

The following account of the successive lords and possessors of Millum, is taken

* Vol. 2. p. 11 from Nicholson and Burn's History* of the counties of Cumberland and Westmorland: and 12.



^a This Adam was likely the same who in the Tournament at Stebenhithe 2 Edw. II. was one of the tilters, bearing for his Arms, viz. "Goules, fretty Arg., a label of Three points, Az."

^b In the Visitation of Co. Cantab per Henry St. George, anno 1619. She is called Margaret, daughter of Richard Nevill, of Norwich.

^c & ^d NOTE.—These Two Ladies were in right of their grandmother Joan Stapleton, co-heir to the barony of Ingham; which in their heirs general, descended from them, still remains. But it is said by some authorities, that Joan Stapleton had issue by a former husband, Christopher Harcourt; which issue would have priority to that of Hudleston.

KEN.—(24 EDW. I.)

John de Ken, 12 Hen. II., held two knights' fees of the bishop of Bath, at Ken, in the county of Somerset.* To this John succeeded

* Lib. Nig. Scacc. vol. p. 86.

Richard de Ken, who was living 10 Ric. I.; from whom descended another Richard: which

Richard de Ken, 24 Edw. I., had summons to attend the king at Newcastle-upon-Tyne, on which occasion, though the summons does not purport to be for a parliamentary attendance, yet the roll which recites this writ† has this notice thereon; viz. “*Respice cedula pendente de nominibus comitum et baronum qui rogati fuerunt per regem ad guerram Scotie.*” Whereupon it may be inferred, that the said Richard, was summoned *in the character, or under the reputation of a baron.* In the following year he had another summons to attend at Rosse,‡ to advise, among others then summoned, with the king's son, who was appointed his father's lieutenant. But this writ most evidently was not, any more than the former, for a parliamentary purpose, though it expressly was to give advice in council. He died about 31 Edw. I., and was succeeded by his son.

† Claus. Rot. 24 Edw. I. in Dorso. m. 12.

‡ Ibid. 25 Edw. I. in Dorso. m. 8.

John de Ken, from whom, after several descents, was another John; which

John de Ken, who was living at Ken the 12 Edw. IV.,§ and then bore for his arms, “*Erm. three Crescents G.* ;” which arms were borne by his successors, though sometimes with a variation of the crescents. His grandson,|| another

§ Claus. Rot.

|| Collinson's Somerset, vol. 3. p. 592.

John de Ken was living at Ken in 1545. He was twice married. His first wife was Margaret, daughter of Sir Christopher Baynham, of Claverwell, in the county of Gloucester, by whom he had several sons; the eldest whereof,

Christopher Ken, by Florence his wife (who survived him), had two daughters his co-heiresses; viz. Margaret, married to William Guise, of Elmore, in Gloucestershire, esq.; and Elizabeth, married to John, lord Poulet, of Hinton St. George. The said Christopher Ken died 21 Jan. 1593, and was buried in the church of Ken, in the east wall of the chancel; where, within a recess, is an old monument with the effigies of a man in armour, with a woman kneeling; and opposite him are his two daughters, kneeling one behind the other, in the dress of the time of queen Elizabeth. On the base of the monument is a lady leaning on her left arm, and holding in one arm an infant, and in the other a book.

KENDALL.—(1 EDW. III.)

Hugh de Kendall, in the time of Edward I., was one of the keepers of the great seal,¶ which was delivered to him and Walter de Odyham, by Robert, bishop of Bath and Wells,

¶ Rot. Pat. 12 Edw. I. m. 7. n. 1.

* Rot. Pat. & Chro. Jurid.
 † Cha. Rot.
 20 Edw. 1. n. 32.

on the feast of St. James the Apostle;* and in the 20th of the same reign,† he had confirmed to him, for term of life, a capital messuage at Tottenham, in the county of Middlesex. After him,

‡ Original.
 1 Edw. 11.
 Rot. 2.
 § Pat. Rot. divers. ann.
 ¶ Rot. Pat.
 14 Edw. 11.
 m. 22.
 ¶¶ Dug. Lists of Sum.

Robert de Kendall is noticed as a person of very considerable note, who, 1 Edw. II.,‡ and afterwards in several years,§ was nominated warden of the Cinque Ports, and constable of Dover Castle. Moreover, in 14 Edw. II., the king having taken into his hands the charter of the city of London, he was appointed¶ to the office of mayor.

In 1 Edw. III.¶¶ he was one of those great men who was summoned, among the earls and barons, to attend the king at Newcastle-upon-Tyne, with horse and arms, to march against the Scots, in which summons the writ is addressed "*Roberto de Kendall, custodi quinque portuum.*" But this summons has no indication to have been a call to parliament for the purpose of legislation, and as such, was neither a confirmation of any old baronial right, or the creation of a new honour: it was merely as the writ imports, *a summons of service*,** which, by reason of the tenure of his lands, he was bounden to perform.

** Ibid.

†† Gross Fin.
 4 Edw. 11. in Cancell.

In 4 Edw. II.,†† he paid a fine of twenty marks for license to have entry into the manor of Wodecroft, in the county of Bedford, holden of the king *in capite*, and of the fee of John le Poer. Also, 13 Edw. II.,‡‡ in consideration of his laudable services, and of a fine of 120*l.* he had an acquittance of the 12*l.* per annum, by the payment whereof he held the manor of Shalden, in the county of Southampton.

‡‡ Ibid. 13
 Edw. 11. Rot. 12.

§§ Rot. Char.
 11 Edw. 11.
 n. 11.
 ¶¶ Mag. Brit.
 p. 981 Herts.
 ¶¶ Esch. 4
 Edw. 111. n. 26.

In 11 Edw. II. §§ he had a grant of free-warren in his demesne lands at Hiche, Madecroft, and elsewhere in the county of Hertford; ¶¶ as also at Wodecroft and Litton, otherwise Luyton, in the county of Bedford; and 4 Edw. III., upon his death, it was found that he held ¶¶ the manors of Hiche, Madecroft, &c., in Hertfordshire; together with Shalden and other manors in the county of Southampton; as likewise Luyton and Flampstede, in Bedfordshire; all which, in the two first-named counties, Margaret, his widow held, (with others in Kent and Surrey), in 21 Edw. III.*† After him, in the same reign,

*† Ibid. 21
 Edw. 111. n. 19.

*‡ Ibid. 47
 Edw. 111. n. 20.

*§ Ibid. 49
 Edw. 111. n. 74.

*¶ Ibid. n. 75.

*¶¶ Ibid. 45
 Edw. 111. n. 35.

Edward de Kendall,^a with Elizabeth his wife, held*‡ all the same lands and manors in the counties before mentioned; together with a tenement in the parish of St. Nicholas, near Candlewick-strete, in Abchurch-lane, London:*§ when also Thomas de Kendall, clerk, held*¶ certain lands at Hitchen, and elsewhere in Hertfordshire, and at Wodecroft, in the county of Bedford. Of this family

Sir Edmund de Kendall, held*¶¶ four messuages and six acres of land, at Rokeford, and Heyvode, in the county of Southampton.

^a There was an Edward de Kendall, who in the great Tournament at Dunstable, the 7 Edw. II. was one of the Tilters, bearing for Arms: *Arg. ove un Bend de vert, ove un Label de Goules.*

KINCUNBERGH.—(22 EDW. I.)

Walter de Kincunbergh, 22 Edw. I., is noticed as one of those great men who then had summons* to attend the king, wheresoever he should be, to consult in parliament upon the weighty affairs of the realm; but after this period no further mention is made of his name, which indeed there is reason to believe to have been a typical error in Dugdale's Lists of Summons, (as in the original Clause Roll† there is no such insertion), and seems to have been put for *Walter de Fauconberg* who was an ancient baron of the realm, and whose barony for a long time continued in his name, till by an heir female it was conveyed to another family.‡

The mention of this name of *Kincunbergh* is merely for a correction of *Dugdale*.

* Dug. List of Summ.

† 22 Ed. I. In Dors. m. 8.

‡ Dorm. et Ext. Baron. Vol. II.

KIRKBY.—(22 EDW. I.)

Arms: Arg. a Cross, vert. between two Annulets, vert.

John de Kirkby, a person of considerable eminence in the reigns of Henry III. and Edward I., was, on several occasions,§ appointed keeper of the Great Seal. He was the son of Avicia de Gorham,^a who died the 7 Edw. I.,|| seised of the manor of Medburn; as also of other lands at Drayton, and Prestgrave, in Leicestershire, and at Cotene, in the county of Northampton: of which he had livery¶ the same year. This John was canon of Wells and York, lord Treasurer and bishop of Ely, and died 17 Edw. I.,** being then seised of the aforesaid manor of Medburn; also of that of Holt and Kirkby, in the county of Leicester, with divers†† others in the counties of Middlesex, Hertford, Cambridge, Northampton, Bedford, Huntingdon, and elsewhere. His name appears among those who were summoned to attend the coronation of Edw. II.

William de Kirkby, cotemporary with John, if not his brother, was one of those great men who, 22 Edw. I., had summons‡‡ to attend a parliament then appointed to be called together; but of which no place is mentioned for its assembling, in the writ of convocation, which is dated at Westminster, the 8th of July, in the year aforesaid.

This William deceased 30 Edw. I.§§ being then seised of the manors of Medburne, Holt, Kirkby, and others in the counties before mentioned, whereof, John bishop of Ely,

§ Pat. Claus. 57 Hen. III. Pat. Rot. 7 Edw. I. m. 15.
|| Esch. 7 Edw. I. n. 19.
¶ Original. 7 Edw. I. Rot. 16. Leic. ** Ibid. 17 Edw. I. Rot. †† Esch. 18 Edw. I. n. 37.
‡‡ Dug. Lists of Summ.

§§ Esch. 30 Edw. I. n. 31.

^a She probably was the daughter and heir of Sir Hugh de Gorham, who, 21 Edw. I., was one of those great men who had summons to attend a great council at Newcastle-upon-Tyne, well furnished with horse and arms. This family of Gorham was of most ancient descent, and came into England at a very early period, though it never had the honour of being summoned to parliament. In the aforesaid 24 Edw. I., he is styled *Dominus Hugh de Gorham*; inferring at least, that he was a *knight* of some distinction.

* Ibid.
31 Edw. I.
n. 118.
† Original.
30 Edw. I.
Rot. 15.
‡ Burton's
Leicester.
p. 171.

had been possessed, leaving Christian his wife surviving,* and his four sisters, his co-heirs; between whom, his great inheritance was divided;† *viz.* Margaret, wife of Walter Doseville, (called Boseville by Burton),‡ Alice, of Peter Prylly; Maud, of Walter de Houby; ^a and Mabel, of William Grimbaud. ^b

KYNGESTON.—(29 EDW. I.)

§ In Domo.
Capitulari
Westm.

In the 29 Edw. I. this name has place among those who, in the parliament at Lincoln,§ subscribed that letter sent by the nobility of England to the Pope, touching the king's supremacy over the realm of Scotland; on this occasion he is designated "Joh̄s, Dñs de Kyngeston"; but he was not summoned thereto.

|| Lib. Quot.
Controrot.
Garderobæ
Reg. p. 311.

He is not, in any other record, noticed as a baron, though the name has mention as a *bannerett*, in the Wardrobe account of 28 Edw. I.,|| where *Dominus Johannes de Kyngeston* has an allowance for robes. In 27 Edw. I. (if he be the same person), he had a grant of free-warren for his lands at Sutton Magna, Sutton Parva, and Tytecomb, in Wiltshire.¶ In 33 Edw. I., he was appointed with the bishop of St. Andrew, John de Sandale (chamberlain of Scotland), and another, one of the four custodes of that kingdom. But though he was a person of much consideration in his day, yet as there is no ground for attributing to him an inheritable baronial dignity, any further account of him or his family, is not material.

¶ Char. Rot.
27 Edw. I.
n. 24.

LAWRENCE.^c—(35 EDW. III.)

** Dug. Lists
of Summ.

Edmund Laurence, 35 Edw. III., was one of those who, by a precept or summons** directed to the sheriff of the counties of Nottingham and Derby, commanding him to convene the heirs of Camville, holding lands in Ireland, was enjoined to give his attendance at a great council then to be holden at Westminster, to deliberate on the state of affairs of that kingdom: but otherwise no mention is made of him elsewhere.

This summons most certainly was not a creation of any English parliamentary honour, and the name of Laurence is not noticed in the patent Rolls, as holding any high official character, nor as connected with any baronial family.

^a Of this name, a Gilbert de Houby had summons to the great council before mentioned, at Newcastle-upon-Tyne.

^b This William, is the same William Grimbaud who had summons to the before-noticed great council at Newcastle-upon-Tyne.—Vide Dugdale's Lists of Summons.

^c Vide Tho. de St. Laurence of Swalcliffe, Kent, in Philpot, p. 306, and Esch. 22 Edw. III., No. 11.

LONDON.—(24 Edw. I).

This name occurs so early as 12 Hen. II., when, upon the assessment of aid for the marriage of Mand, the king's daughter, William de London returned the following certificate;* *viz.*

“ Karissimo domino suo H. Dei gratia regi Anglorum, Willielmus de London, salutem. Sciatis, quod nullum militem habeo featum nec de veteri feoffamento nec de novo, sed debeo defendere feodum meum per servicium corporis mei.” The name of

William de London is also mentioned in the certificate† of the barony of the earl of Gloucester, as holding of him four knights' fees^a in the county of Gloucester.^b

Robert de London,^c 24 Edw. I., had summons in the character of a baron, to attend the king, with horse and arms, at Newcastle-upon-Tyne;‡ but afterwards there is no mention of his name in the same capacity.

In the Patent Rolls,§ the name of Hawyse de London is noticed as heir of Mabel de Cantilupe; and Atkyns, in his History of Gloucestershire, states,|| that Patrick de Chaworth married Hawyse, daughter and heir of Thomas de London, lord of Agmore and Kidwelly, in Wales.

* Hearne's
Lib. Nig. Scacc
vol. i. p. 113.

† Ibid. p. 162.

‡ Vide Ken.

§ Pat. Rot. 51
Hen. III. m. 11.
|| p. 257
Kempsford.

MALBERTHORPE.—(3 Edw. III).

This name is derived from a place so called in Lincolnshire; for, in the 6 Edw. II.,¶ William, the son of Robert de Malberthorpe, had a license (in consideration of a fine of five marks) to grant certain tenements in Malberthorpe to William, the chaplain, keeper of the altar of St. Laurence, in the church of Malberthorpe, to pray for his soul, and those of his ancestors and successors.** After this, one

Robert de Malberthorpe,^d an eminent lawyer, was made†† one of the justices of the King's Bench, and afterwards, in 4 Edw. III., chief-justice, in the room of Geoffrey

^a By a note in the Liber Niger Scaccarii, under the name of London, in this certificate, it is thus explained: *viz.* “ Londonia, vel London, sive Londres; London, autem *idem* signat Langden, Langton, Longtown, sive Longdum oppidum.”

^b In Thoroton's Nottingham, vol. ii., William de London is mentioned to hold certain lands of the Sergeanty in Nettlewood (Nettleworth), Warechip, and Tineslaw, in Com. Nott. (Pip. Rot. 7. Ric. 1.). He died in the time of Hen. III., s. p., leaving several sisters his co-heirs, whereof Elizabeth, and Eleanor died s. p., and Isabel was a nun at Ambresbury; Eva, another sister is said to have married Richard le Bret, and Dionysia ——— de Tyneslawe.

^c A Sir Roger de London is mentioned to have married the only daughter of a Sir Adam de Newmarch, and to have left an only daughter and heir, who married John de Wormley, and had issue a son John, and a daughter Elizabeth, who became the wife of Sir John Foliot, Lord of Fenwick.

^d Dugdale has included in his Baronage the names of Inge and Benestede, who were summoned to parliament the 8 Edw. II.; when the Judges and King's Counsel were intermixed in the same writ with the Earls and Barons—yet has omitted all mention of the name of Malberthorpe, though this Robert is included in the same writ with the Earls and Barons the 8 of Edw. III.

¶ Original.
Gross. Fin.
6 Edw. II. Rot.
15 Leic.

** Ibid.

†† Chr. Jurid.
anno 1320.

* Chr. Jurid.
anno 1330.
† Dug. Lists
of Summ.
‡ Ibid.

§ Original.
5 Edw. III.
Rot. 43.

|| Lodge's
Irish Peer.
Vol. II. p. 48.

le Scrope, then going upon a mission abroad.* In this capacity of one of the king's justices he had summons to parliament from the 14 Edw. II.† to the 2 Edw. III., both inclusive; but in the year following, viz. 3 Edw. III., his name is included‡ among those of the barons, as also earls, summoned to a great council to be holden at Windsor, and there to give their advice on the affairs of the nation. He died about 5 Edw. III.§

Elizabeth, daughter and heir of Robert de Malberthorpe, of Malberthorpe, in the county of Lincoln, married Sir Thomas Fitz-William, who was living the 18 Edw. III., and was ancestor to the families of Fitz-William, of Plomtree and Mablethorpe, which, according to Lodge,|| terminated in the reign of queen Elizabeth, in William Fitz-William, esq., sheriff of Lincolnshire, 22 Elizabeth, who, by Elizabeth, daughter to Sir Robert Tyrwhit, of Kettleby, in that county, had only female issue; viz. three daughters—Elizabeth, Dorothy, and Mary: one of whom carried Mablethorpe to her husband, Roger Halton, esq., son and heir of Robert Halton, serjeant-at-law.

MALURE.—(35 Edw. III).

This name has been variously written, as *Malure* or *Maleverer*, *Malore* or *Mallory*; and though not of baronial rank, yet nevertheless has at times made a very conspicuous figure, and produced several eminent persons.

¶ Chr. Jurid.
anno 1293.

** Dug. Lists
of Summ.

†† Ibid.

‡‡ Esch.
3 Edw. I.
n. 12.

§§ Ibid.
16 Edw. I.
n. 13.

||| Ib. n. 75.

¶¶ Rot. Parl.
Vol. I.
p. 337-8.

Peter *de Malore* was one of the justices¶ of the Common Pleas, the 21 Edw. I., and in that quality had summons to parliament from 23 Edw. I. to the 2 Edw. II., both inclusive. But his name is differently written at various times in the summons; ** viz. Mallore, Maloure, &c. After him, another

Peter *de Malure* is noticed, who, 35 Edw. III., was one of those who, holding lands in Ireland, had summons to attend a great council then †† convened to meet at Westminster, to deliberate upon the affairs of that kingdom. But with regard to the descent of these persons, or their connection with each other, there is no proof to establish the same.

Of the name of Malore, or Malory, ‡‡ was Nicholas, the son of Sir Anketil (or Anketon) Malory, who had lands at Northdalton, Multhorp, Wigenthorp, Tiverington, Huntington, and Clifford, in the county of York; at the four first of which places, Sarra, who was the daughter of Anchetil Malory, was seised of lands the 16 Edw. I., §§ which Sarra had a son Henry, who the same year made proof ||| of his age.

Of this name there was a Peter Mallore, who married Maud, widow of Elias Rabayue, and one of the daughters and co-heirs of Stephen de Bayeaux, ¶¶ who was grandson of Ranulph de Bayeaux, by Margaret his wife, daughter and co-heir of Alan de Lincoln, a great baron in Lincolnshire. Bayeaux is also mentioned as a baron of some importance by Dugdale, but was never summoned to parliament.

MANNERS SIVE DE MANERIIS.—(3 EDW. II).

In 12 Hen. II., at the time of the assessment of aid, for the marriage of Maud, the king's daughter, it was certified* by the bishop of Ely, that

Eustace de Maneriis held two knight's fees of that bishoprick, in the county of Cambridge, which Eustace was progenitor to

Baldwin de Manneriis,^a who 19 Edw. I.† obtained a charter for free warren in his demesne lands at Enhale and Fullborne, in the county of Cambridge, and at Kerbroche and Hengham, in Norfolk.

In 22 Edw. I., holding by knight's service, he had summons to attend the king at Portsmouth, with horse and arms, to accompany him into Gascony; and 25 Edw. I., had the like command to attend the king beyond the seas; and, 28 Edw. I., a similar summons,^b to be at Carlisle to march against the Scots. But these summonses were not any call to parliament, and, as such, no proof of a baronial rank: but a record[‡] nevertheless shows, that Baldwin de Maneriis, 3 Edw. II., had summons^c to a parliament, to be then bolden at York: in which writ his name is inserted among those of the earls and barons of the realm; viz. *cum cæteris proceribus et magnatibus, &c.*

But it is not a little singular that the meeting of this intended parliament was changed from York to Westminster, when, in the subsequent writ of summons, the name of Baldwin de Maneriis is omitted.§

With regard to the origin, or regular descent of this family, or whether it was in any way related to that of the house of Rutland, nothing is certain. The History of the county of Norfolk states,|| that Robert, lord Morley, of Hingham, was heir to Baldwin de Maneriis, but by what means is silent. In another place, the same history recites,¶ that, in the time of king Richard I., a

William Manners held Woodhall, in that county, of William de Munchensi, by the service of one knight's fee; which lands were afterwards holden by Walter de Manners, then by William de Manners, who was of age in 1256 (41 Hen. III.), and lastly, by Baldwin de Manners, anno 1290 (18 Edw. I.), who sold Woodhall, together with Fullborne, in Cambridgeshire, to Robert Botetourt.

^a In the Tournament at Stebenhithe (Stepney) the 2 Edw. II. the name of Sir Eudewyn de Maners is noticed as one of the Tilters, and bearing for arms, viz.; *Arg., a Saltire engrailed, Sab.*

^b Collins, in his Peerage, recites these several summonses upon the authority of Rymer's *Fœdera*, and a MS. in the library of Mr. Anstis. It however is to be observed, that the name, neither of Baldwin de Maneriis, nor of any other de Manneriis, or Manners, is noticed in Dugdale's Lists of Summons, for the years above mentioned.

^c While Collins has quoted the writs of Summons before observed, it is worthy of remark, that he has passed over this most material writ of convocation to parliament.

* Hearne's Lib. Nig. V. I. p. 248.

† Cha. Rot. 19 Edw. I. n. 37.

‡ Clau. Rot. 3 Edw. II. in Dorso. m. 17.

§ Ibid. in Dorso. m. 16.

|| Hist. Co. Norf. V. IV. p. 97. Forehoe.
¶ Ibid. Vol. IX. p. 25. Wayland.

MAREYS.—(35 Edw. III.)

Stephen de Mareys, 35 Edw. III., was one of those who, having lands in Ireland, was summoned,* with the heirs of Camville, by writ addressed to the sheriff of Nottingham and Derby, to attend a great council, then appointed to be holden at Westminster, to take into consideration the affairs of that kingdom.

This Stephen was a person of considerable eminence, both in England and Ireland, and possessed a large inheritance in the two kingdoms, but especially in the latter; where, to augment his territory, 16 Edw. III.,† he made an exchange of his lands in Somersetshire with the prior of Bath, for his lands in Ireland. He died without issue 47 Edw. III., leaving the earl of Ormond his heir, as hereafter noticed. Of this name (said to be assumed from the Marshes of the isle of Ely),^a was

Stephen de Marisco (Mareys, or Marsh), who, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, was certified‡ by the bishop of Ely to hold of him half a knight's fee.

Geffery de Marisco, in the time of king John§ and Henry III.,|| was several times appointed to the office of justice of Ireland, in which kingdom he possessed very considerable estates.

Richard de Marisco, was cotemporary with Geffery. He was, first, archdeacon of Richmond,¶ and afterwards chancellor of the Kingdom.** He was also bishop of Durham.†† anno 1213 (3 Hen. III.), and continued in that see many years. He was considered one of king John's evil counsellors.‡‡

William de Marisco was also cotemporary with Richard, and 18th of John, had a patent§§ for the manor of Brampton, in the county of Devon; and also by the name of *William, the son of Jordan de Marisco*, had a grant||| of the island of Lunday.^b But Matthew Paris calls him,¶¶ the son of *Geffery de Marisco*, and represents him to have contrived the assassination of Henry III., anno 1238; in which attempt his agents having failed, he became proscribed, and was afterwards guilty of great depredations and piracies at the island of Lunday,*† where he collected together a great band of exiles and robbers. He was however, at length, made prisoner, with divers of his accomplices, and underwent an ignominious death,*‡ anno 1242. (26 Hen. III.)

^a In Debrett's Peerage, and Playfair's Irish Baronetage, is a very laboured account, under the title of Mountmorres; in which it is endeavoured to be shown, that this family is derived from the illustrious house of Mountmorency, in France, and that it is now represented in the male line by the present possessor of the Mountmorres' Irish Peerage.

^b Collinson, in his history of the county of Somerset, recites the following inscription, in St. Peter's Church, at Bath, viz. "Hic jacet Alexander de Alneto, et Erneburga, uxor ejus, et Gulius filius eorum et Lucia de Marisci filia eorum; et Jordanus de Mariseis filius ejusdem Lucie. Et Williclmus de Mariseis filius ejusdem Jordani."

N.B.—Vide Rot. Parl. v. i. p. 466 —Xtian Marays, heir of Walter her brother, petitioned for lands, in Kildare, and elsewhere in Ireland.

* Dug. Lists of Sum.

† Rot. Pat. 16 Edw. III. m. 3, pars. 2.

‡ Hearne's Lib. Nig. Scacc Vol. I. p. 249, Cantab.

§ Rot. Pat. 17 Joh. m. 19, n. 84, and 86.

|| Ibid. 10.

Hen. III. m. 3. n. 2. and 5.

¶ Pat. 15 Jo. m. 8, n. 23.

** Ibid. 16 & 17 Joh. m. 2 and 16.

†† Matt. Par. p. 255, l. 63.

‡‡ Ibid. p. 94, . 30.

§§ Rot. Pat. 18 Joh. m. 12, n. 117.

||| Rot. Pat. 18 Hen. III. m. 8 n. 3.

¶¶ Matt. Par. p. 491. l. 41.

*† Ibid. p. 517. l. 63.

*‡ Ibid. p. 518, l. 40. et seq.

After his death another William de Marisco (his son very likely), had a grant * of the before-mentioned island of Lundy, and died seised thereof, with divers lands in the kingdom of Ireland, and in the county of Somerset, about the 12 Edw. I. ; † in which year,

John de Marisco, son and heir of the said William, had livery ‡ of his inheritance. This John had issue Herbert, *father* of Stephen de Marisco, before mentioned, as Vincent asserts ; § but, according to the record, *brother* of the said Stephen de Mareys ; viz.

* Char. Pat.
0 Edw. I. n.
21.
† Esch. 12
Edw. I. n. 23.
‡ Original. 12
Edw. I. Rot.
10.
§ MS. Vocat.
Vincent Quid
Non. in Coll.
Arm.

Esch. 22 Ric. II.

“ Inquisitio in com. Som. 18 die Martii, anno 22 Richardi 2^o post mortem Johannis Friset, chevalier, &c. Jurat’ dicunt q^d quidem Thomas Salampton, cler. et alii seisit, de maner’ de Hemsill-Mareis dederunt maner’ predict’ Stephano de Mareis, milit’ et Letic’ uxori ejus, habend’ eis ad vitam, remanere Johanni Friset, chevalier & hæred’ mascul’ de corpore suo, remanere reetis hæred’ ipsius Stephani : & Johannis Friset obiit sine hæred’ masculis de corpore suo, et quod Jacobus de Boteler, nunc comes de Ormond’ est consanguineus Stephani, et rectus hæres ejus propinquior ; viz. filius Jacobi, fil. Jacobi fil. Edmundi, filius Theobald, filius Theobald, filius Theobald, filius Joan sororis Johannis Mareis, patris Hereberti, fratris prædicti Stephen, de integro sanguine, et quod dictus Jacobus, nunc comes de Ormonds, et ætatis 39^o et amplius, &c.”

MOHAUT, OR MONTE-ALTO.—(1 EDW. III.)

Henry de Monte-Alto, is noticed in 1 Edw. III., as one of those persons who had summons || then to attend, *equis et armis*, at Newcastle-upon-Tyne, which was a summons of service, for an expedition into Scotland, but not a summons to parliament, *ad deliberandum, &c.*, though his name is included among the barons.

|| Dug. Lists of
Summ. p. 140

Excepting at this crisis, the name of Henry de Monte-Alto, does not occur upon any public occasion, nor is it mentioned who he was, or from what line of the baronial house of Montalt, or Monte-Alto, he was descended.

In Dugdale’s Monasticon, ¶ the name of Simon de Mohaut occurs as a benefactor to the priory of Pomfret. This Simon, by Matilda his wife, had issue Simon, Robert, and Henry : but who Simon was is not noticed.

¶ Vol. I. p. 657.

SIMON MORTIMER.—(24 EDW. I.)

In Dugdale’s Lists of Summons to Parliament, the name of Simon de Mortimer, is inserted ** as one of those who had summons among the barons of the realm, to attend a

** Dug. Lists
of Sum. p. 14.

parliament at St. Edmundsbury, upon the morrow of All-Souls, 24 Edw. I.; but of this Simon, the said celebrated author makes no mention in his account of the Mortimer family. From the contemporaneousness of date, it may be presumed

Simon de Mortimer was a younger son of Roger, lord Mortimer, of Wigmore, by Maud his wife,* daughter of William de Broase, of Brecknock.

Of this name also was Roger Mortimer, who, the 28 Edw. I. was summoned to Parliament; and in the 29th of Edw. I., in the parliament at Lincoln, subscribed the celebrated letter to the Pope, touching the king's supremacy over the realm of Scotland; on which occasion he is designated "Rog^{us} de Mortuomari, Dñs de *Penketlyn*." But by this description there is no mention of him in Dugdale's Baronage.

Contemporary with Simon was Sir Waleran Mortimer, who, 24 Edw. I., was one of those who had summons † to attend at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots; but on this occasion, though denominated *Dominus Walranus de Mortuomari*, he had not summons as a baron to the council then convened.

This Waleran had issue a son, ‡

Ralph Mortimer, who deceased about 18 Edw. II., § being seised of a fourth part of a knight's fee in Exton, holden of the crown, as of the honour of Huntingdon, and of certain lands and tenements in Wylesthorp, holden of Thomas, lord Wake, of Lydell, by military service,—Ralph his son and heir being then || thirteen years of age.

MORTEYN.—(24 EDW. I.)

John de Morteyn, 24 Edw. I., was one of those who, in the character of a baron, had summons ¶ to attend the king at Newcastle-upon-Tyne, to a great council there to be holden; but on no other occasion is noticed in the same capacity.

The family of Morteyn was of great consideration, in point of landed estate, from a period of very early antiquity, and intermarried with the heiressess of several eminent baronial houses.

A William Mortein, married Joane eldest daughter, and co-heir of Philip, lord Marmyun, of Scrivelsby, in Lincolnshire; which lady died without issue 23 Edw. I.**

Roger Mortyne married a daughter of Sir William Rufus, knight, by Isabel his wife, the youngest daughter and co-heiress of Gilbert Archer, called, by Collins †† baron of Grove, near Retford, in the county of Nottingham, in the time of king John; by whom, the said Roger had issue William Mortyne or Morteyne, considered to be the same, who married Joane Marmyun.

But the Morteynes, nevertheless, were not esteemed (although they possessed some baronial lands), parliamentary barons of the realm.

* Dug. Bar.
Vol. I. p. 142-3

† Dug. Lists
of Sum.

‡ Original. 18
Edw. II. Rot.
16. Sumers.

§ Ibid.

|| Ibid. 19
Edw. II. Rot.
3.

¶ Clau. Rot.
24 Edw. I. in
Dorso. no. 12.

** Dorra. and
Ext. Bar. Vol. I.

†† Collin's
Parl. Prec. p.
385.

MORVILLE.—(13 EDW. II.)

The name of this family is included by Dugdale* in his Baronage; but that author has not mentioned any thing therein of

* Dug. Bar.
Vol. I.

Nicholas de Morvile, who, 13 Edw. II.,† had summons among the barons of the realm to attend a parliament, convened to meet at York, in eight days of St. Hilary next ensuing the date of the writ, which was tested at York on the 6th day of November, in the year aforesaid; as also in the following year; viz. the 14 Edw. II.‡ had the like summons to attend a parliament, to be holden at Westminster, in eight days of St. Michael, next ensuing the date of the writ, which was the 5th of August; but never after had any further summons

† Dug. Lists
of Summ.

‡ Ibid.

MUNCY.—(26 EDW. I.)

Walter de Muncy, 28 Edw. I., § had a charter for free-warren in his demesne lands at Thornton, juxta Skipton, Everby, and Kelebroke, in the county of York. From the frequency of his name in the writs of summons of his time, he must have been a person of great eminence. In 29 Edw. I. || he was one of those barons who, in the parliament at Lincoln, subscribed that memorable letter which was addressed to the pope, asserting the king's supremacy over the realm of Scotland; on which occasion he was denominated "*Dominus de Thornton*."

§ Char. Rot.
28 Edw. I. n.
33.

|| Dug. Lists
of Summ.

Moreover, he had summons to parliament from the 26th to 35 Edw. I.,^a both inclusive; ¶ which, if a writ of summons be creative of a personal and descendable honour, ¶ Ibid. may, by the repetition of the writ upon so many occasions, be considered to have rendered this person a peer of the realm, with a right of succession to the barony, vested in his posterity.

In 1 Edw. II. the name of Walter de Muncy occurs, as having then** the castle of Framlyngham committed to his custody. Shortly after, when he died, as the king's escheator, †† in 2 Edw. II., had command to take into his hands the lands whereof Walter de Muncy had died seised.

** Original.
Edw. II. Rot.
11. Notts.
†† Ibid. 2 Edw.
II. Rot. 11.

This Walter was at the famous seige of Carlevyrock, in the time of Edward I., where he is mentioned in the roll of those who were then marshalled, as having his banner chequered, Gules and Argent. His heir was probably a female, married to Goushall, who had two daughters, who were his co-heirs; whereof Margaret married, first, ——— Despenser, and had a son, Philip Despenser †† and secondly, John de Roos, a younger son^b of William, lord Roos, or Ros, of Hamlake, who died without issue by her, 12 Edw.

†† Esch. 22
Edw. III. n.
78. sec. nos.

^a His name being included in this writ, he may be presumed to have been present in the parliament; as those who were not, had their absence particularly excused for reasons therein mentioned,—and to his is the mark *hic* as indicating he was then present.

^b In Whitaker's History of Craven, p. 94, it is stated that Thornton was of the Percy fee; and that the 9 Edw. II., John de Ros was seised of that manor in right of Margaret, his wife, and died the 11 Edw. III., s. p.—The inquisition was taken the 12 Edw. III.

* Esch. 12
Edw. III. n.
41.
† Ibid. 22
Edw. III. n.
72. sec. nos.
‡ Original. 39
Edw. III. Rot
7.

III.,* leaving her, the said Margaret, surviving, who deceased about 22 Edw. III.† Isabel, sister of Margaret, appears afterwards, to have been found her heir, and wife of Durand Bard.†‡

Of this name was John, son of Ingelram, de Monceaux, of Barnston, in the county of York, whose heir-general Margaret, married Brian at See; whose co-heirs-general married Boynton, and Hyldyard, of Yorkshire.

Le Seign' de Moneaux is mentioned in the roll of Battle Abbey among those who came over with the conqueror.

Alan de Monceaux had Barnston at a very early period, as appears in Burton's Monasticon of Yorkshire; but the name of *Walter de Muncy*, is not noticed in the pedigree of this family.

NODARIIS.—(24 Edw. I.)

§ Domesd.

Robert de Nodariis, or Nowers, at the time of the general survey,§ held Gothurst, or Gahurst, in the county of Bucks; which manor,

|| Ibid. Fœd.
Vol. I. p. 157.

Almarick de Nodariis is certified to hold|| by the service of one knight's fee of William de Say, in the time of Henry III., (being as it may be presumed) the same knight's fee, which Walter Giffard, earl of Buckingham, 12 Hen II., then certified¶ that Hugh de Nuers held of him in that county.

¶ Hearne's
Lib. Nig. Scacc
Vol. I. p. 189.

** Ex. MS.
Browne, Wil-
lis, Arm.

This Almarick** married Sibyl, daughter of Ralph Picot, and had issue

William de Nodariis, who, by Isabella, daughter and co-heir to Peter Goldington, obtained in marriage the manor of Stoke Goldington, which thenceforth descended to his posterity.

†† Dug. Lists
of Summ.

Almarick de Nodariis succeeded his father, and, 24 Edw. I., was one of those eminent persons who had summons†† to attend the great council then ordained to assemble at Newcastle-upon-Tyne. In the year following, his name is mentioned as *one of the knights of the shire* for the county of Bucks, ‡‡ being then written *Amary de Nowers*. He died 2 Edw. II., §§ at which time he was seized of the manors of Gothurst, Weston, and Stoke Goldington, in Buckinghamshire, and of Cestre Parva, in the county of Northampton. Joan, his wife survived him, who died shortly after, 4 Edw. II., |||| being then seized of the manor of Lathebury, and of a part of the manor of Kainho, in the county of Bucks.

‡‡ Willis's
Notitia Parl.
§§ Esch. 2Edw.
II. n. 70.

|||| Ibid. 4
Edw. II. n. 16.

¶¶ Original. 2
Edw. II. Rot.
2, Bucks.
*† Esch. 23
Edw. III. n.
85, p. I.
*‡ Ibid. 1Edw.
III. n. 69.

John de Nodariis, or Nowers, upon his father's death, had livery of his inheritance.¶¶ He married Grace, daughter*† and heir of Robert Fitz-Neale, or Nigel,^a lord of Salden, in the county of Bedford; and died about 1 Edw. III.,*‡ at which time he was possessed of the same manors in the counties of Bucks and Northampton, as his father had holden.

^a This family was of ancient degree; whereof Richard Fitz-Nigel, of Buckinghamshire, 12 Hen. II., on the assessment of aid for the marriage of Maud, the king's daughter, certified that he held one knight's fee and a half, *de veteri feoffamento*; (*Hearne's Lib. Nig. Scacc. Vol. I., p. 196.*) of which, Walter, his brother, had one moiety, and he himself held the other.

Grace, his wife, survived him, who died 23 Edw. III.,* being then seised of Salden and Luyton, in Bedfordshire, and of Gothurst, Stoke, &c. They had issue several sons; † viz. John, Robert, Almarick, and William: of these

* Esch. 23 Edw. III. n. 85, p. 1.
† Ex. MSS. Browne, Wil-
lis, Arm.

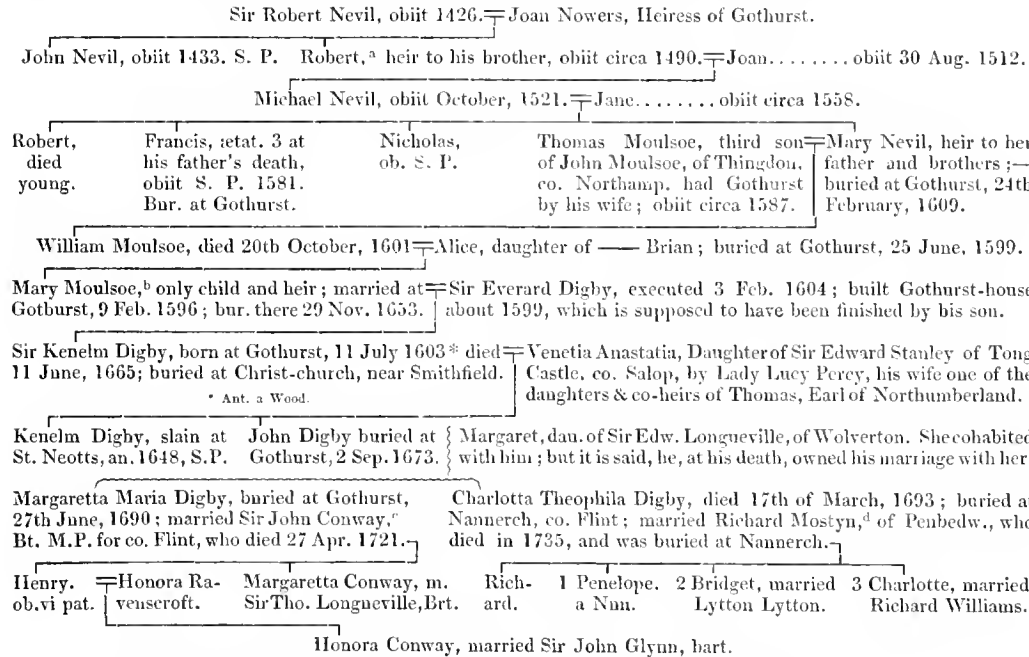
John Nowers, died about 1340 (14 Edw. III.), before his mother, having had issue by Maud, ‡ or Margaret, his wife, a son John; which

‡ Ibid.
§ Ibid.

John Nowers controverted § the right of presentation of Stoke Goldington with the prior of Ravenston, in 1376, and had judgment given in his favour. He died in 1396 (20 Ric. II.), having had issue by Alice his wife, who survived him, and died in 1427, several children, whereof

Almarick Nowers^b died in 1408, without issue. Agnes and Grace died nuns; and Joan Nowers became heir to her father, and brother; she married Sir Robert Neville, who had Gothurst in her right, and died possessed thereof in 1426, leaving issue; in whose heirs-general (if legitimate), || is vested the representation not only of Almarick de Nodariis, who flourished temp. Edward I., but of the co-heirship of the ancient barony of Albini, of Canho; together with that of the old and famous barony of Percy.

|| Vide Tab. Genealog.



a According to the great illuminated Pedigree Book of the Digby family, this Robert had issue a son Robert, who, by Joan or Joanna his wife was father of Michael.

b According to the said Digby Pedigree Book, p. 10 and p. 30, She was daughter and heir of William Mulsho, son and heir of another William by Alice his wife, Neptis of Sir Francis Bryan, which William was son and heir of Thomas Mulsho by Mary (or Maria) daughter and heir of Michael Nevil.

c & d Sir John Conway and Richard Mostyn, Esq. joined in the sale of Gothurst and Stoke Goldington, in 1704, to George Wright, Esq., eldest son of Sir Nathan Wright, the Lord-Keeper.

a Vide Harl. MSS., No. 364.—Pedigree of Nele, Mulshoe, Nevill, Nowers, &c., fol. 42.

ODINGSSELLES.—(15 HEN. III.)

This preeminent family is totally unnoticed by Dugdale in his Baronage, though by reason of its high baronial descent, it might have deserved some mention, as well as others who of far inferior note are narrated by him, and were also never summoned to parliament after the reign of Hen. III.; if they were at any time of sufficient consequence to be denominated barons. In the Antiquities of Warwickshire, Dugdale has however given an account of the family.*

* Antiq. War.
p. 249.

Ralph de Limesi, the Conqueror's sister's son, (as he is called), besides forty-one lordships which at the general survey he held in divers counties, enjoyed the lands of Christiana,^a one of the sisters of Edgar Atheling, by marriage, (as some affirm, and according to others by gift of the Conqueror), among which was Ulverly in the county of Warwick, which he made his principal seat. His great-grandson

† Monast.
Anglican.

Gerard de Limesi married Amy, or Amicia,† daughter of Halenade de Bidun, a great feudal baron in the time of Hen. I., and eventually one of his co-heirs; by whom he had issue a son John, and two daughters; John, the son, had a son Hugh, who dying s. p., his two aunts were his co-heirs: of these Basilia married Hugh de Odingselles, a Fleming; and Alianora the other, married David de Lindsay, a Scot.

‡ Vide Tab.
Gen.

Hugh de Odingselles, by Basilia de Limesi his wife, had several sons,‡ whereof William de Odingsells died 1249, leaving by Joan his wife, a son also named William, which

William de Odingselles married Ela, daughter of William Longspee, earl of Salisbury, a marriage which shews that he was personally considered among the most eminent men of his day. In the 45th of Hen. III., he was summoned to the parliament then convened by the king's writ to meet in London;§ but he died in 1294, the 22nd of Edward I., before any regular series of parliamentary writs is to be found among the public records; a circumstance which may have been the ground for which Dugdale omitted mention of the family in his Baronagian History; yet, as that author did notice therein, David de Lindsey, who married Alianore, sister to Basilia the wife of Hugh de Odingselles, which Basilia, and Alianore, were the co-heirs of Gerard de Limesi, named as a feudal baron of the first degree.^b Odingselles was as worthy of commemoration as Lindsay.

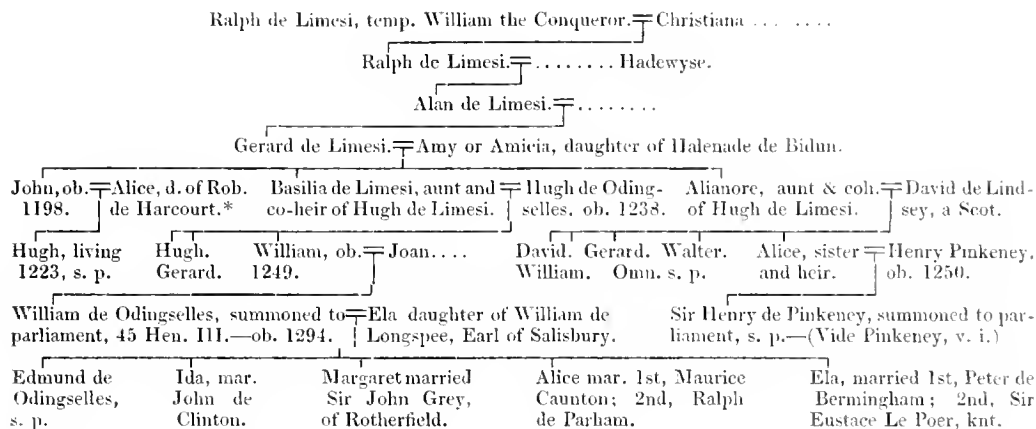
§ Claus. Rot.
45, Hen. III.
m. 3. dorso.

This William de Odingselles, by Ela his wife had a son Edmund, who died s. p., and four daughters, whereof Ida married John de Clinton, ancestor of the earls of Lincoln of that name. Margaret married Sir John Grey, of Rotherfield; Alice married, first,

^a He was right heir to the Throne, when the Conqueror, by the battle of Hastings, overcame Harold the usurper, and obtained the kingdom over which his descendants continue to rule.

^b By the Articles of Magna Charta, the Barons had conceded to them the right of being summoned to parliament for the assessment of aids. These Barons were the great tenants in capite of the king. Limesi was of that class; the right of summons was attached to the possession of his baronial lands by his heirs.

Maurice Caunton, and secondly, Ralph de Parham; Alianore married, first, Peter de Bermingham, and secondly, Sir Eustace le Poer, knight.



* This Alice, after the death of John de Limesi, married Waleran, Earl of Warwick

PABENHAM.—(24 Edw. I.)

John de Pabenham, in the time of Henry III., held* half a knights' fee in Hynewyk, and Pabenham, of Bedfordshire, of the barony of Beauchamp of Bedford, and died seised of the said lands, as also of others at Carlton and Welden, in the county of Bedford, about the 53 Hen. III.,† After when, another

* Lib. Fœd. Vol. II. p. 174.

John de Pabenham held the same lands, who with his son, another John, by the name of John Pabenham, senior and junior, had summons to attend the coronation of Edward II.

† Esch. 53 Hen. III. n. 5.

John de Pabenham, junior, by that distinction, 24 Edw. I., had summons‡ in the character of a baron, to attend the king at Newcastle-upon-Tyne; but after when, his name is not contained in any writs of a similar nature, though the family for a long period afterwards continued to flourish in the possession of their lands at Pabenham, and to have a confirmation of the privilege of free-warren in the same.§ Of this name,

‡ Dug. Lists of Summ.

Laurence de Pabenham married Elizabeth, one of the three sisters and co-heiresses of Thomas de Engaine, and had partition of his inheritance accordingly; || which Laurence left an heir-female, as, under the article of Engaine, is more fully set forth in the first volume of this work.

§ Pat. Rot. 38 Edw. III. m. 46.

|| Original. 42 Edw. III. Rot 2 and 4.

LAWRENCE PAVILLY, OR PAVELEY.—(24 Edw. I.)

This family is supposed to have been of Norman extraction,^a and became divided into several branches, which were seised at an early period, of lands in the counties of Nottingham,* Northampton,† Somerset,‡ and Wiltshire.§ Of one of these branches there is a pedigree given by Bridges in his History|| of Northamptonshire; and of another there is a pedigree in Thoroton's History of Nottinghamshire,¶ of the Nottinghamshire line.

Robert de Paveley lived in the time of Richard I. and king John, and by Maud, his wife, had issue another

Robert de Paveley, who deceased about 35 Hen. III.,** being then seised of lands at Piry and Houghton, &c., in the county of Northampton, and leaving by Muriel his wife, a son^b

Robert, who was then about thirty-three years old, and died 16 Edw. I.,†† having had issue by Sarah his wife, who survived him,‡‡ a son

Lawrence Paveley, who, 4 Edw. I.,§§ on a general proffer of services to the king, taken at Twedemouth, on Thursday next after the Nativity of St. Mary, acknowledged and offered the service of one knight's fee in the county of Northampton, to be performed||| by Pauline Paveley and John Pyrie, with two horses well equipped. Furthermore, in the 24th of the same reign, he had summons¶¶ to attend the great council, then convened at Newcastle-upon-Tyne, upon the subject of an intended expedition against the Scots. He was dead before 1 Edw. III.: for in that year,*† Lawrence de Paveley had a grant (or rather a confirmation) in fee of all his lands in Piry and Houghton, county of Northampton; Risly, county of Nottingham; and Winfield, county of Derby; which had been granted to Robert Paveley his ancestor, by William Peverel, to hold by the suit and service of one knight's fee.^c

Robert de Paveley, son of Lawrence, died circ. 20 Edw. III.,*‡ having had issue several sons,*§ whereof

Lawrence de Paveley, the eldest, was aged nineteen at his father's death, and deceased the 23 Edw. III.,*|| without issue; whereupon

John de Paveley, his brother, aged fifteen, became his heir, who was afterwards a knight, and in the 3rd, 10th, and 13th Ric. II., sheriff of the county of Northampton, and died, as it seems, without issue male; for his heir-female, or one of his heirs female, married into the family of St. John,*¶ and carried with her a very considerable inheritance.

^a The Liber Fœdorum, (Vol. II. p. 365. Norf.) thus recites; viz. "Thom' de Paveley, Norm' tenuit Scullethorpe, et medietate de Schilberh'd et Will. comes Warenn tenz terra illam et valet xxxli."

^b The Pavelys were a very numerous family, and greatly divided, which renders a connected account most difficult to give with any accuracy to be depended upon.

^c Vide Rot. Parl. Vol. II. p. 43. A.D. 1330. (4 Edw. III.) Nos. 58, 59.

* Lib. Fœd. Vol. I. p. 61. et alibi.

† Ibid. p. 26 et alibi.

‡ Ibid. p. 733 et alibi.

§ Ibid. p. 657 et alibi.

|| Vol. I. p. 597.

¶ Vol. I. p. 124.

** Esch. 35 Hen. III. n. 50

†† Ibid. 16

Edw. I. n. 35.

‡‡ Original. 27

Edw. I. Rot.

18.

§§ Madox's Baron Ang. p. 215.

||| Ibid.

¶¶ Dugd. Lis. of Summ.

*† Rot. Pat.

I Edw. III.

m. 28. pars. 2

*‡ Esch. 20

Edw. III. n.

50.

*§ Blorc's

History of

South Wing-

field. p. 81.

*|| Esch. 23

Edw. III. n.

71.

*¶ Vide Col.

Peerage, St.

John Family.

In Madox's Exchequer,* it is stated, that Joan, wife of John Chidiock and Ela de Bradeston, were daughters and co-heirs of Aliee, one of the daughters and heirs of a John de Paveley, of Westbury, in Wiltshire. Madox's statement is thus confirmed, viz. Johanna ux. Joh Chedyok, Chiv' et Ela de Bradeston, fil' et hæred' Johannis de Sancto Laudo Chiv' et Aliciæ, nup. ux. suæ unius filiar' et hæred' Johannis Paveley.—Partitio terri Westbury et Henedynghull, in Wilts.—*Inq. 49 Edw. III., n. 13.*—*Appendix p. 455.*

* p.32 3.

WALTER PAVILLY, OR PAVELEY.—(24 Edw. I.)

Walter de Paveley, in the time of Hen. III., held one knight's fee of the king in capite, in Broke, in the county of Wilts; and also one knight's fee in Westbury and Chippenham, in the same county.† In the 36 Hen. III., he held a license‡ for free-warren in his demesne lands at Westbury, and shortly afterwards deceased, about the fortieth † of the same reign.

+ Lib. Fœd.
p. 143.
‡ Rot. Char.
36 Hen. III.
m. 9.
§ Esch. 40
Hen. III. n. 41.

Reginald Paveley, his successor, 45 Hen. III.,§ was summoned in the character of a baron to attend the king on urgent affairs, as well affecting the state of the nation, as the king's crown and government; and 47 Hen. III. he had the like summons to attend at Chester, upon an expedition proposed to be made into Wales. He deceased about 8 Edw. I.,|| and was succeeded by

|| Clau. Rot.
45 Hen. III.
In Dors. m. 3
¶ Esch. 8 Edw.
1 n. 24.
** Dug. Lists
of Sum.

Walter de Paveley, who imports to be the person summoned the 24 Edw. I., in the capacity of a baron, to attend the king at Newcastle-upon-Tyne.**

After him, another Walter de Paveley is noticed, as a very eminent soldier in the martial reign of Edward III., at which period he was one of the knights of the Garter.^a

The line of this family seems to have terminated in an heir-female, married to Cheney, by whose heir-general married to Willoughby, (a younger branch of Willoughby of Eresby), the manor of Broke, or Brooke, was acquired to that family; whereof Sir Robert Willoughby, a great and expert soldier, was summoned to parliament in the reign of Henry VII., as a baron of the realm, by the title of Willoughby de Broke.

PAINELL, OF DRAX.

The account given by Dugdale of this family is very confused, with respect to the relative connexion of the several branches. In his Baronage he states that Hugh, a younger son of William Painell, and Julian de Bahuntune, his wife, in the 9th of king

^a Walter de Paveley, the 20th Edward III. held in Winterborne, St. Martin in Com. Dors. half a knight's fee, which Reginald Paveley formerly held; and the 40th Edward III., Walter de Paveley held at his death, several manors in the county of Wilts.

John, held six knights' fees belonging to his manor of Drax; which king John gave him,^a and that he died the 28th of Hen. III., when Lettice, his wife, surviving, had livery of his lands in the counties of York and Lincoln, until his heir should be of full age; and here ends Dugdale's history of this branch of the Painell family; though in his antiquities of Warwickshire, he recites "that Sir John Painell, knight, had his principal seat at Drax, in Yorkshire, and had summons to parliament from the 28th Edw. I., to the 12th of Edw. II." and in the index to his Lists of Summons, one *John Painell* is described of *Drax*. But in the writs themselves, *no such additament* is given to the name: hence

It may be here questioned whether these writs of summons refer to this John, or to another John who seems to have been lord of Otteley; for

PAYNEL OF OTTELEY.—(28 EDW. I.)

In the 28 of Edw. I., the name of John Painel is mentioned in the writ of summons to the parliament to be holden at London;* and again in the writ of summons to the parliament at Lincoln;† in which parliament the barons summoned, subscribed their names and seals to the famous letter then addressed to the pope; and the name of John Painel is thus recited, viz. *Johannes Paynel dominus de Otteleye*. Thus if the writs were meant to refer to John of Drax, it would seem that *Otteleye*, and not *Drax*, was his barony, though he might possess both estates. This John Painel, whoever he was, appears to be the same person to whom all the writs in that name were directed, from the 28 of Edw. I., to the 12th of Edward II., inclusive,—which last mentioned parliament was prorogued in consequence of the invasion of the Scots; and he was informed thereof.‡

* Claus.
Dors. m. 17.
† Ad luc
cod. ann.

‡ Palgrave's
Writs.

PAINEL OF TRACINGTON.—(32 EDW. I.)

Of this person Dugdale has totally omitted all notice in his Baronage; unless he probably might mean the same individual of whom he has narrated,§ that the lord Camois, by a formal deed, assigned over to him his wife, who had departed from him, and lived in adultery with Sir William Paynel.

§ Antiq. of
co. Warw.

^a Saka de Drax, fuit Fulkonis Paynel Normann' et Hugo Paynel tenet eam de ballio D'ni. Reg. J. et Hugo presens fuit et cognovit q^d. te't eam in escambio pro terra Normann' qua amisit, et valet lii. Libr'. per annum. et xii. Solid' et vixx Gallinas et vec. ova.—(Lib. Fœd. Vol. II. p. 652. Barkerston).

John Paynel de Drax.—*Esch.* 14 *Edw. I.*, No. 51., and 15 *Edw. I.*, No. 27.

Philip Paynel, had Drax.—*Esch.* 27 *Edw. I.* No. 51. Probatio etatis 19 *Edw. I.* No. 104.

Ralph Paynel, Dom'. de Drax.—*Esch.* 34 *Edw. I.*, No. 82.

Although not summoned to the parliament at Lincoln the 29 Edw. I., the name of William Paynel appears among others not summoned, who nevertheless affixed their seals to the letter then written by the barons to the pope, being designated *Will^l Paynet, (de Tracington)*; after this, the name of William Paynel is included in the writs of summons of the 32 Edw. I., and from the 2nd, to the 9th of Edw. II., being in the writ of the 5th, styled *a baron*. He died, according to Dugdale, in the following year, the 10 Edw. II., leaving John his brother and heir, ætat 50 et amplius; which John, the 10th of Edw. II., doing his homage, had livery of his lands, saving the dowry of Ela* de St. John, widow of the said William. After this, the same John obtained the king's charter for a weekly market at his manor of Littleton-Painell, in Wiltshire, and died the same year, (12 Edw. II.), leaving Maud his daughter and heir, then thirty years of age, who is said to have married Nicholas de Upton. From these statements it may reasonably be inferred, that William Paynel of Tracington, and John Paynel of Otteley were brothers.

Hutchins, in his history of Dorsetshire,† asserts, that the 50 Hen. III., the manor of Ramesham belonged to Adam de Periton,^a whose heirs were William de Kaynes, son of Margaret de Periton; Isabella, who was the wife of Robert de Welles; and Catherine, wife of John Painel; which last had the said manor, the 25 Edw. I.; Catherine held the same of Thomas de Gardino, who was the mesne lord between her and the king.—John, her son and heir, ætat 25.‡

The 27 Edw. I.,§ Philip Painel held it of the same Thomas, by service of one knight's fee,—John his son and heir ætat 2, the 18 Edw. II. John Painel, at his death, held lands in *the county of York*; and, Elizabeth his mother held the said manor of Ramesham in dower. Elizabeth Painel, whom Richard son of John de Gastrich had married before the death of John Painel, and Margery her sister, who married John Poucher, were the daughters and heirs of John Painel. But in this statement the assertion by Mr. Hutchins, that Richard de Gastrich had been married to Elizabeth Painel long before her father's death, admits of great doubt; for if he was only two years old the 27 Edw. I., and died the 18 Edw. II., a period not exceeding 27 years, he must have married at a very early age, to have had a daughter capable of being wedded *long before* his decease.

Under this observation, it may be inferred, that the said Elizabeth and Margaret were the daughters, and eventually heirs of John Paynel, the father of Philip, for, in Burton's Monasticon of Yorkshire, it is mentioned,|| that Richard de Gastrich and Elizabeth his wife confirmed to the prior and convent of Drax, all the lands which the ancestors of the said Elizabeth, had given to them in Drax Soken.

Indeed, the various accounts of the Paynel family, either by Dugdale, or the county historians of places where they held lands, are so contradictory to each other, that to

* This Adam de Periton was summoned to the parliament convened to meet in London the 45 Hen. III.—Vide Claus. 45 Hen. III., Dorso. mem. 3. He was lord of Oxhill, in co. Warw.

Isolda?

† V. i. p. 521.
Old Edit.

‡ Esch.

§ Esch.
27 Edw. I.
No. 51.

|| Burton,
p. 103.

endeavour to reconcile them to any degree of correctness, would require more consumption of time, and expense in the investigation of public records, than would compensate any author for the undertaking.

PAYVRE OR PEVRE.—(22 EDW. I.)

This family descended from Roger, the great bishop of Salisbury, in the time of king Stephen, who by Maud de Ramsbury, *his harlot*, had a son,* called Roger de Paupere Censu; whose descendant,

* Kennet's Paroch. Antiq.

† Math. Par. p. 709.

‡ Ibid.

Pauline Payvre, Pevre, or Piper, flourished in the reign of Henry III.; when he first came to court, he was, as Matthew Paris observes,† a person who had not above two carucates of land, but in a short time acquired a multitude of manors, with an immense revenue, so that he was almost equal to the first of the nobility, in point of greatness and opulence. His principal seat was at Tuddington, in Bedfordshire, where he erected‡ a mansion, with such palace-like grandeur—such a chapel—such lodgings,—with other houses of stone, covered with lead,—and surrounded the same with such avenues and parks,—that it excited the astonishment of the beholders.

§ Ibid. p. 544.

|| Ibid. p. 709.

¶ Lib. Fœd. Nev. vol. ii. 851.

** Ibid.

†† Mat. Par. p. 709.

‡‡ Mag. Brit. v. i. p. 143. Bedf.

This eminent courtier was sewer to Henry III.,§ and one of his principal counsellors. He died in 1251,|| when his body was interred in London, and his heart carried to Tuddington. His wife^a surviving him, re-married with Sir John Grey,¶ knight, who thereupon became** the inhabitant of those noble edifices and domains, which, as yet, were scarcely completed.†† John Peyvre, son and heir of Pauline, was under age at the time of his father's death, and according to Lysons,‡‡ John, Lord Grey, who had wedded his mother, having purchased of the king his marriage, thereupon united him to his own daughter, at his manor of Water-Eaton, in Buckinghamshire.

§§ Dug. Lists of Summ.

|| Ibid.

¶¶ Ibid.

This John became afterwards a person of great note, and may be concluded to be the same who, 22 Edw. I., had summons§§ to that parliament which was then appointed to convene, but for which no place of assembling was declared. The like summons||| he had in 24 Edw. I., to attend a great council at Newcastle-upon-Tyne; as also,¶¶ in the 27th of the same reign, to the several parliaments appointed to meet at London and

^a She was named Annora, and was one of the sisters to Michael Belet, the king's butler (founder of Wrokeston priory). This lady carried to her husband Pauline Payvre, the inheritance of certain lands holden by the serjeancy of butlerage; viz. to hold the king's cup to the earls of Arundel, butlers of England, when the earl is to deliver it to the king. But this is to be understood of the then earls of Arundel, who were the Albini's, and held the lordships of Bokenham, Wymondham, &c., in Norfolk, by the service of being butlers to the king on the day of his coronation. But whether this lady Annora was his first or last wife, may be questioned: for Blore, in his history of Rutlandshire, states, (citing the Chronicle of Dunstable) that the name of Pauline Peyvre's widow was *Johanna*.

Westminster. But after this period, neither his name, nor that of any of his posterity, has place among the barons of the realm.

Thomas Peyvre,* the sixth in descent from Pauline Peyvre, by his wife, daughter and heir of Sir Nigel, or Nele Loring, had only female issue, whereof Mary, daughter and heir, married Sir John Broughton,^a whose daughter and co-heir, Anne, carried the manor of Tuddington, with other estates in marriage, to Sir Thomas Cheney, knight of the Garter; whose son Henry, was afterwards created lord Cheney, of Tuddington, anno 1572.

* Lyson's Mag. Brit. vol. I. p. 143 Bedf. etiam Morant's Ess. vol. 2. p. 355.

Lysons, in his *Magna Britania*,† states, that the parish church of Maids-Morton, in the county of Bucks, was built about the year 1450, by some of the Peyvre family, who possessed the advowson. The tradition is, that it was built by two maiden sisters daughters of the last heir-male of the Peyvre family; and that the village was from thence called *Maids-Morton*.

† Vol. 1. p. 609. Bucks.

With respect to the office of Butlerage, to which allusion has been made before in an under note, it seems that the said serjeanty was attached to the tenure of certain lands; but that the office of butler to the king, was not limited to any service upon the coronation day, but was one granted as an hereditary one to Michael Belet and his heirs. For thus the record‡ recites, *viz.* :

Johannes Dei gratia, &c., Sciatis nos reddidisse et presenti charta confirmasse magistro Mich Beleth filio Michi Beleth, et hæredib̄ suis officium suum de Pincernova nostra et omnia alia jura ad p̄dict^o officium p̄t̄n̄ cum om̄i p̄tinentiis suis habend̄ et tenend̄ de nobis et integre et honorifice sicut ipse Michael pater p̄dicti Mağri Mich vel aliquis antecessor̄ suorum officium illud melius et liberius &c. habuit et tenuit concessimus etiam eid Mağro Mich et hæredibus suis omnes terras que fuerunt Hervie Beleth avi ejus de eujuscunq̄ feodo fuerunt.

‡ Rot. Pat. apud Marlbro' 7 Joh.

PECHE.—(14 EDW. II.)

Robert Peché, in the 14 Edw. II., had summons to a parliament to be holden at Westminster, but of this Robert, Sir William Dugdale does not take any notice in his Baronage, though he includes the name in his Lists of Summons. Who he was is thus left unexplained. Hamon Peché who died 25 Hen. III., is stated to have had issue Gilbert and five other sons, *viz.* Hamon, Hugh, Robert, Thomas and William.

^a This Sir John Broughton, in 1443, founded an hospital at Tuddington, in honour of St. John the Baptist, for three poor men, and a master or chaplain, who were to pray for the souls of Thomas Peyvre, and Margaret his wife and their ancestors.

Gilbert, the eldest, had summons to parliament the 45 Hen. III., and died circ. 19 Edw. I. But Robert, his third brother, could scarcely be the person here meant, for he must have been at least eighty years of age in the 14 Edw. II., a period of life not very likely for him to be first summoned to parliament. He most probably was a younger son of the aforesaid Gilbert.

PERROT.—(25 EDW. I.)

This name is of very eminent and ancient degree, being derived, according to the traditional account of the family, from

Sir Richard Perrot, seigneur de Perrot in Brittany, who came over with William the Conqueror, anno 1066,* and obtained some lands in Somersetshire, near the river Perrot. He had issue,

* Battle Abbey Roll.

Stephen Perrot, who is said to have married a Welsh lady, named Helen, daughter of Marchion, the son of Rhees, one of the princes of that country.

Andrew Perrot, son of Stephen, was lord of Istynson, and married Janet, a daughter of Ralph, lord Mortimer, by Gladuse his wife, daughter of Leweline, prince of Wales, and had issue William, father of Peter, who had two sons, Ralph and Stephen; whereof the former had summons to parliament, but died without issue, and Stephen continued the line.

† Ed. 1771.

But notwithstanding the confidence^a with which this descent is given in the printed Baronetage of Kimber and Johnson,† there is reason to look upon it as neither correct, in point of chronology, or identity of persons and marriages.

‡ Hearne's Lib. Nig. Scacc. vol. 1. p. 287.
§ Ibid. vol. 1. p. 202. Bedf.

The name has been variously written,—as Perot, Pirot, Parrok, and Parret. The authentic record called The Black Book of the Exchequer, states‡ that

Alan Pirot held six knights' fees under William de Albini, in Norfolk, and, that

Ralph *Pirot*, 12 Hen. II.,§ upon the assessment of aid for the marriage of Maud, the king's daughter, was named in the certificate of Robert de Albini, of Cainho, as holding of him five knights' fees; at which time also, a John Pirot similarly held one knight's fee in Bedfordshire.

^a The descent is taken from the pedigree, introduced by the following dedication; viz. "This pedigree of the noble and princely house of Perrot, descended from a numerous race of kings, monarchs of Britain, was collected from the British Annals, which will bear record of the truth, and that it is no fiction, to latest posterity. It is most humbly dedicated to the most noble and puissant prince, Sir James Perrot, marquis of Narbeth, earl and viscount Carew, and baron Perrot, by his lordship's poor, but most faithful servant, *Owen Griffiths*; who was wounded by his side in Carew Castle, 1650."

This pedigree so entitled, and declaratory of honours, which were never granted, one would imagine, was rather the fruit of a disordered mind, than the produce of a serious research and faithful representation.

In the certificate of the bishop of Ely,* at the same period, a Ralph Pirot is noticed as holding of him two knights' fees in the county of Cambridge: and in the certificate† of Henry Fitz-Gerald, on the same occasion, Ralph Pirot is mentioned as holding of him four knights' fees in Essex. Also, on the same occasion, a Ralph Pirott is certified ‡ by Geffery de Vere to hold of him four knights' fees.

* Hearne's Lib Nig.Scacc. Vol. I. p.250. Cantab.
† Ib. p. 238. Essex.
‡ Ib. p. 146. Salop.

If these knights' fees, amounting in the aggregate to fifteen, were holden by one and the same person, they point him out as one of considerable estate and consequence. After him, another

Ralph *Pyrot* is recorded§ as holding, in the reign of Henry III., four knights' fees of the barony of Albini, of Cainho, in the counties of Bedford and Bucks; which knights' fees are then mentioned as in division|| between the said Ralph and the lady Isabella de Albini.^a At this time likewise, Ralph *Pirot* held¶ in Lindesel and Hakewell, in the counties of Essex and Hertford, two knights' fees; and also, the same number** in Cnolton and Ringleton, in Kent; making altogether eight knights' fees, but seven less than his ancestor seems to have possessed in the time of Henry II., in the counties and places aforesaid. This Ralph died, as it is likely, about 36 Hen. III., when he†† was seised of Lindesel, in Essex, and Sauston, in Cambridgeshire. He had several sons, as it is probable; whereof

§ Testade Nev. vol. 1. p. 182.

| Ibid. p.182.

¶ Ibid. p.244.

** Ibid. p.15.

†† Esch. 36 Hen.III. n.37.

Robert *de la Parrok*, in the 52 and 53‡‡ Hen. III., had a license for a free warren, and a market and fair at *De la Parrok*, in Kent.

‡‡ Cha. Rot. 52 & 53 Hen. III. n. 10 & 2.

Henry *Pyrot*, 6 Edw. I., had committed§§ to his charge the custody of the county of Kent, to hold during the king's pleasure. And

§§ Original. 6 Edw. I. Rot. 7.

Simon *Perot*, 4 Edw. I., was one of those||| who, in the general proffer of knights' services, taken at Twedemouth, on Thursday after the Nativity of St. Mary, in the year aforesaid, tendered his service for two knights' fees holden in the counties of Essex and Cambridge.

||| Madox's Baron, Ang. p. 214.

Ralph *Perot* was successor to Simon, and, 24 Edw. I., had a writ of service, or rather summons¶¶ to attend, among others, at Newcastle-upon-Tyne, with horse and arms, to march against the Scots; and also in the following year had his name included among those of the earls and barons who, 25 Edw. I., had summons*† to attend a parliament appointed to be holden at Salisbury. He died about 33 Edw. I.,*‡ seised of the manors of Sauston and *Lyndesle*, for which manors, Simon, the son of the said Ralph, in the year*§ aforesaid, paid a fine of 20*l.* for license to enjoy them, having acquired them, or rather entered upon their possession, without the king's permission.

¶¶ Dug. Lists Sum.

*† Ibid.

*‡ Esch. 33 Edw. I. n. 160.

*§ Original. 33 Edw. I. Rot. 14.

^a The Testa de Nevill, at this period, notices a William Pirot, as holding with William Faudho, one knight's fee in Pullokeshull, of the honour of Albini, of Cainho; which William was probably the heir of John, who held the knight's fee mentioned in the certificate of Robert de Albini, 12 Hen. II.

Having thus given an account of that branch or family of Perrot, which appears to have been the one summoned to parliament in the time of Edward I., it may not be very irrelevant to return to the family genealogy, before mentioned; and therefrom to notice the line, which is stated to have been the progenitor to the famous Lord Deputy of Ireland. Of this race,* Stephen Perrot, lord of Istynston, married Mabel, daughter of ——Castle, of Castleton, in Pembrokeshire, and had issue John, father of Peter, who, by Alice, daughter and heir of Sir Richard Harold, of Haroldston, was ancestor to

* Ex. Stem.
Fam. de Perrot.

Sir Thomas Perrot, who married Mary, daughter and co-heir of James, second son of Maurice, lord Berkeley, and had issue,

† Mag. Brit

Sir John Perrot; who, as Camden observes,† was Lord Deputy of Ireland, and being sensible that nothing would more effectually appease the tumults in Ireland, than a regulation and settlement of the province of Ulster, went thither himself in person, and, by his gravity and authority, gained so much respect among the petty kings, that they consented to have their seignories reduced into counties, and admitted sheriffs to govern them: but, being afterwards recalled, and being very ambitious, some powerful rivals, (together with the licentiousness of his own tongue, in speaking disrespectfully of his sovereign), brought him unaware to ruin.

He died in November, 1599, having married to his first wife, Anne, daughter of Sir Thomas Cheney, knight of the Garter, (sister to Henry, lord Cheney), and had issue,

Sir Thomas Perrot, who was created a baronet, 29th of June, 1611, but died before his patent had passed. He married Dorothy, daughter to Walter Devereux, earl of Essex, and by her had two daughters; viz. Dorothy, who married James Perrot,—and Penelope, who wedded, first, Sir William Lowther, and secondly, Sir Robert Naunton, principal secretary of state.

PEVERELL OF SAUNFORD.—(45 HEN. III.)

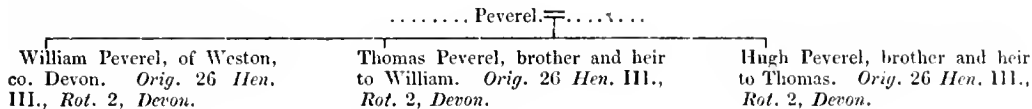
Dugdale, in his Baronagian account of the several branches of this eminent family has omitted mention of this Hugh Peverel, further than that William, son of William Peverel, of Dover, and sometime called Peverel of Essex, having, with Maud his sister, enfeoffed the posterity of Peverel of Saunford with that Lordship, the barony fell to the king; ‡ it however appears that in the 45 Hen. III., a

‡ Testa de Nev.
p. 194.

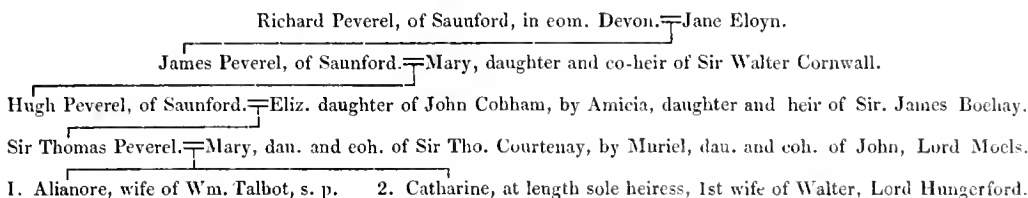
Hugh Peverel, by the designation of *Hugh Peverel de Saunford*, had summons to that parliament, which was by writ dated at the Tower of London, 18 of October, convened to meet in London,§ at which time also in the same writ is mentioned the name of Andr' Pevell. But in what way these persons stood, in descent from Ranulph Peverel, who at the general survey held sixty-four lordships in several counties, or were connected

§ Claus. 45
Hen. III. m.
3, in Dorso.

together, does not appear. Their names are not noticed after this period, as having any baronial distinction.



Lansdown MSS., No. 901.



N. B. There are not any dates to these descents.

• Hugh Peverel of Saunford gave one mark for a Plea of Assize, "*ad recognoscendum si Ric' Pev'ell fr' ip'i Hug' disponat Johanna filia Margaretæ de Reigin;*" Pip. Rot. 3 Joh., Devon.

PIERREPONT.—(22 EDW. I.)

This ancient family, which, in the course of time, attained to the highest rank in the peerage, is both mentioned by Dugdale, under the title of Earl, and by Collins, under the dignity of duke of Kingston. The latter author has very elaborately given the descent from its progenitors; but the former celebrated writer has commenced his account at only a very late period, omitting two very eminent persons, who thereby become the subject of notice here. Of these,

Simon Pierrepont, (eldest son and heir of Robert, by Annora his wife, daughter of Michael, and sister and heir to Lionel de Manvers, of Holme, in the county of Notts.), was one of those great men who 22 Edw. I.,* had summons to attend a parliament, wheresoever the king should be; which writ bears date at Westminster, the 8th of June, in the year aforesaid.

* Dug. Lists of Sum.

This Simon left † a daughter Sibilla, who married Edmund Ufford.

† Mon. Ang. Vol. I. p. 415.

Brother to this Simon, according to the statement of Collins and Edmondson, was

Robert Pierrepont, who had divers summons of service ‡ to attend several councils in the reign of Edward II., and also in the 1 Edw. III.,§ to march against the Scots: but these were not a call to parliament, but (as the writ expresses),|| for the purpose of a military expedition.

‡ Clau. Rot. 15 Edw. II. et alii.

§ Dug. Lists of Sum.

|| Ibid.

Edmondson¶ asserts, that this Robert died before he took his seat; which, if the writs were only a command *ad perficiendum*, and not *ad deliberandum et tractandum cum*

¶ Baron. Genealog. Vol. I. p. 57.

cæteris magnatibus et proceribus, is a misrepresentation of the fact. Indeed, there is reason to suspect an error, in making Simon and Robert to be brothers, for the distance of time between 22 Edw. I., and 1 Edw. III., being thirty-four years, renders their being cotemporary, rather anomalous.

* Vol. III.

From Robert de Pierrepont descended the family of the late duke of Kingston,* as may be seen at large in the Dormant and Extinct Baronage of England.

RIPARIIS OR RIVERS.—(26 EDW. I.)

With regard to the derivation of this family^a its origin is merged in obscurity, although the several persons who have born the name, have been of eminent note and honorial distinction. Of these

† Dug. Bar.
Vol. I. p. 563.
‡ Matt. Par. p.
220 & 32, anno
1215.

Richard de Ripariis married† Maud, daughter of Richard de Lucie, and thereby acquired the manor of Aungre, in Essex.^b He was one of those great men‡ who, in the time of king John, swore to obey the council of Twenty-five, who were elected by the barons for the administration of the government of the realm: when he died does not appear, but the said Maud survived him, and deceased about 27 Hen. III.,§ leaving, according to Dugdale, Richard de Ripariis, her youngest son surviving,^c and *Richard*,|| her grandson, then four years of age; whose wardship was committed to Philip Basset, in consideration of one thousand marks.

§ Esch. 27
Hen. III. n. 33.
|| Dug. Bar.
Vol. I. p. 563.

¶ Lib. Fœd.
Vol. II. p. 266.

It seems also, that the said Maud had a younger son, William, who became possessed of certain lands at East Mersey, in Essex; which had been given to Richard his father,¶ by king John.

** Rot. Cha.
39 Hen. III.
in Dorso.

But although Dugdale (as before observed) has thought fit to name the grandson of Maud de Lucy, *Richard*, it appears from a record** of some authority,^d that his name was *John*; which

^a Tradition ascribes the name to be assumed from their habitation near a river, or from having the *Conservatorship* thereof. Aungre, their seat being on the river Roden, in Essex, which falls into the Thames.

^b Matill' de Lucy, D'n'a de Angre maritata est Rico. de Ripa' p. Rege' J. & valet terra ejus xlii in Angr'.—Lib. Fœd. Vol. II., p. 246.

^c This Richard is probably the same who married Maud, sister and heir of John Breton, of Sporle, and the 5 Edw. III settled the Reversion of the manor of Dunham Parva, co. Norfolk, on Thomas his son, and Alice daughter of John de Loudham (his intended wife) in tail; with remainder to John and Ralph, brothers to Thomas. (Blomf. Norf. Vol. IX., p. 470, 8vo. edition.) Vide Breton of Sporle.

^d *Conventio facta inter Philippum Basset ex una parte & Richardum de Tany: viz. quod dictus Philippus dimisit dicto Richardo maritagium Johis. de Ripariis filii Richardi de Ripariis & hæredis Dominæ Matildæ de Lucy ad opus ejusdam filiarum suarum & maritagium Matildæ sororis dicti Johis. ad opus ejusdam filiorum suorum.*

Pro maritagio autem dicti Johannis de Ripariis prædictus Dominus Ric'us de Thany & Margareta uxor filia & hæres D'ni Willi. filii Rici. de Stapleford tradiderunt, &c. dicto Philippo totum Manerium de Stanbregg cum ecclesia.—Chart Rot. 39 Hen. III. m. in Dorso.

John de Ripariis married, or was contracted to marry,* one of the daughters of Richard de Thany, or Tany. and died about 22 Edw. I.; † for in that year, another

* Rot. Clau. 39
Uen. III. n.
Dorso.
† Esch. 22
Edw. I. n. 33.
‡ Original. 22
Edw. I. Rot. 8
Essex.
§ Dug. Lists
of Summ.

John de Ripariis, his son and heir, had livery ‡ of those lands whereof his said father had been possessed. This John became a person of considerable eminence, and, 29 Edw. I., § was one of those who, in the parliament at Lincoln, subscribed that memorable letter which was addressed to the pope, asserting the king's supremacy over the realm of Scotland; when he is written, "*Johannes de Ripariis, Dominus de Angre.*" Moreover, he had summons to parliament, among the barons of the realm from || 26 Edw. I. to 1 Edw. II., both inclusive.^a

|| Ibid.

The 4 Edw. II. he fined ten marks, for license ¶ to enfeoff John his son of the manor of Aungre; and, shortly afterwards, ** deceased, leaving the said John his son and heir.

§ Original. 4
Edw. II. Rot.
18.

John de Ripariis, successor to his father, the 6th, 7th, 8th, and 9th Edw. II., †† had summons to parliament; but after that period, neither himself nor any of his posterity had the like summons. In 13 Edw. III., by the description of John, son of John de Ripariis, he had license †† to enfeoff John Sutton, of Wyvenho, of certain lands at Writtle, and in the Hundred of Aungre, with remainder to himself the said John de Ripariis.

** Esch. 5
Edw. II. n. 7.
†† Dug. Lists
of Summ.

†† Esch. 13
Edw. III. n.
28. sec. nos.

ROCHE.—(28 EDW. I.)

Thomas de la Roche, 26 Edw. I., had summons to attend the king at Carlisle, well furnished with horse and arms; on which occasion, he is, in the writ, §§ denominated *a baron*. In the same character of a baron, he had other summons of service in the 27 Edw. I.; and, in the year following, |||| had a summons to attend, with the earls and barons, a parliament, called to assemble at London, the writ being tested the 29th of December, the 28 Edw. I.

§§ Clau. Rot.
26 Edw. I., in
Dorso. m. 6
and 5.
|||| Ibid. 28
Edw. I., in
Dorso. m. 17.

The 29 Edw. I. he was one of the barons who, in the parliament at Lincoln, ¶¶ subscribed the letter to the pope, touching the king's supremacy over the realm of Scotland; on which occasion he is designated "*Thomas Dominus de la Roche.*" From which period to the 34 Edw. I., his name is included with those of the earls and barons, summoned to the several parliaments holden in that interval.

¶¶ Domo.
Capitulari.
Westm.

The first founder of this family is imagined to have been Peter de Roche, or Rupi- bus, who was consecrated at Rome, in 1204, bishop of Winchester, and was Chief Justiciar and Chancellor of England, anno 1213, the 15th of king John; *† after whose death, he was in much repute during the minority of king Henry III., being constituted Protector, on the demise of William Mareschall, earl of Pembroke. The bishop had a

*† Chronica
Juridicialia.

^a He was one of the Barons summoned to attend the Coronation of king Edw. II.—(Vide writ).

son styled, in the *Chronica Juridicalia*, “*G., the son of Peter, the king’s justiciar;*” who, in 1212, was one of the barons of the Exchequer. He is said to have had several natural sons, whom he largely provided for.^a

* *Chronica Juridicalia*. p. 468.

Sir William Dugdale, in his *Antiquities of Warwickshire*,* gives the pedigree of the family as hereafter mentioned.^b

† *Beats. polit. Index.*
‡ *Sandf. Geneal. Hist.*

Of this name was ——— Roche, Viscount de Rupe and Fermoy, in the county of Cork, Ireland; so created by king Edw. IV.†^c in 1477.

Ralph the son of Alexander de la Roche, of Ireland, is said by Sandford,‡ to have been one of the four husbands of Elizabeth, daughter and co-heir of Gilbert de Clare, earl of Gloucester; after the death of their brother, the last earl, s. p., this Ralph, by the said Elizabeth de Clare, had issue David, father of John de Rupe, or la Roche, baron of Fermoy, who lived temp. Ric. II., who had Maurice Fitz-John, lord De la Roche, of Fermoy, from whom descended‡

‡ *Peerage Comp. of Ireland.*

David De la Roche, Viscount of Fermoy, who lived in the reigns of Charles I. & II.; during the great rebellion, he had adhered to the cause of king Charles, for which he forfeited, after the reduction of Ireland, by Cromwell, his very large estate in that kingdom. During his exile, he contributed, as much as possible, to the restoration of Charles II., and when that event had taken place, returning into England, he solicited in vain for the restoration of his estates and honours, considering his services entitled him thereto. But his estates were confirmed to those who had acquired them by not being so strictly loyal: thus experiencing like many other loyalists, the folly of having adhered to an ungrateful monarch, though the usual reward of those who place their confidence in the gratitude of kings; dying s. p., he was succeeded by

John, his brother, who marrying Catherine, daughter of David Condon, esq., left issue two sons, and a daughter Eleanor; of the sons

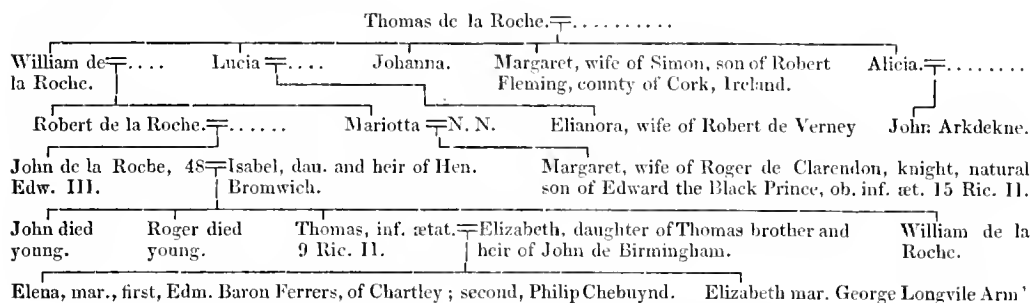
^a One of these sons was, most likely, Hugh de la Roche, archdeacon of Winchester in 1253.—*Originalia*, 26 *Hen. III.*

^b The following singular tenure of the manor of Winterslewe, in Wiltshire, is taken from the Escheat Roll of 50 Edw. III.; viz. “*Johannes de Roches et Willielma uxor ejus tenuit manerium de Winterslewe, per servicium quando Dominus Rex moram traxerit apud Clarendon, tunc veniet ad palatium regis ibidem, et ibit in Botellariam et extrahet à quacunque vase in dicta Botellaria inventa ubi eligere voluerit, vini quantum viderit necessarium pro factura unius picheri Claretti, quod faciat at sumptus regis et serviet regi de cipro, et habebit vas unde vinum extrahit cum toto residuo vini in eodem vase dimisso, simul et ciphum unde rex potaverit clarettum illud.*”

In inquisitione anno sexto Hen. 4. (n. 3.) compertum est quod Willielma nuper uxor Johannis Roches Chevalier fuit filia et hæres Matildis de la Mare.

^c In the *Peerage of Ireland*, by Aoran Crossly, the Viscounty is called *Fermoy in Munster*, which, as Crossly dates the creation the 13 of Elizabeth, seems to have been a second creation, a former probably having become extinct, for default of male issue. *Beatsou* mentions a George Roche, created by king Edw. II., Baron Roche of Fermoy and Coslea.

David, was in the navy, and drowned at Plymouth, in the great storm, in 1703, and was succeeded by his brother Uliok, who married Anne, the widow of — Purcell, and daughter of — Carr, esq., of the county of Northumberland. The title is presumed to be dormant, but not extinct.



PART II.

Henry Bromwich, of Castle Bromwich, in the county of Warwick.—*Pat. 54 Hen. III.* —————

Robert Bromwich, Collector of the Revenue, county of Warwick, —————

Anselm Bromwich.—*19 Edw. I.* —————

Henry.—*16 Edw. II.* —————

1.—William Peto, 16 Edw. III., s. p. = Isabel Bromwich,^a daughter and heir. = 2.—John De la Roche.

^a This Isabel, the 48 Edw. III. joined with her husband (Roche), and settled the Manor and Castle of Bromwich, on themselves for life; remainder to their sons John, Roger, Thomas and William, whereof John, and Roger died young.—*Fin, Levat. Pasch. 48 Edw. III.*

ROSCELYN.—(22 EDW. I.)

William de Roscelyn, the first of whom mention is made,^a married Letitia, daughter and heir of Peter de Edisfield, whose ancestors,^c from the time of the Conquest, had holden considerable lands in the county of Norfolk; by her he had issue

Thomas de Roscelyn,^d who, 50 Hen. III.,* obtained a license for free warren in his

* Rot. Cha. 50 Hen. III. m.

^a Upon the assessment of aid for the marriage of Maud, the king's daughter, 12 Hen. II., Hubert de Rye, certified (*Hearne's Lib. Nig. Vol. I. p. 289.*) that *Rocel. filius Osbert*, held of him five knight's fees; which Rocel, was, likely, the ancestor of this William.

^c From Domesday it is shown, that Ralph, the son of Hgar, held the lordship of Edgefield, and that Humphrey the nephew, or near relation of Ralph, at the same time held of him Walcote, or rather East-hall manor, in Walcote. This Humphrey assumed the name of Edgefield, or Edisfield, and was father of Peter, father of William; which William, with Maud de Walcote his mother, by deed *sans date*, granted (*History of Norfolk, Vol. VII., p. 68, Happing.*) to the monks of Bromholme, two parts of the tithes of his demesne at East-Hall, and confirmed the gifts of Peter his father, and Humphrey his grandfather, to the said Priory. Peter, son of this William, left by Hawise his wife an only daughter, who married Roscelyn, as above mentioned.

^d A Thomas Roscelin married Catharine, daughter and heir of Nicholas Boteler, sen., who married the sister of Reynner le Sirene, to whom Ranulph Glanville gave the manor of Upton, which had been granted to him by Henry II —*Vide Hund. Rot. Norf. Bund. 12, m. l. p. 504.*

demesne lands at Edisfield, (otherwise Eggefield), Walecote, Norton, Heckingham, Drayton, Tasburgh, and Redlington, in Norfolk.

Peter de Roscelyn, son and heir of Thomas, succeeded to the inheritance, and 14 Edw. I., claimed view of frank-pledge, and assize of bread and beer, among his tenants.

* Dug. Lists of Summ.

In the 22 Edw. I., this Peter was one of those who had summons* to attend a parliament, appointed to be holden, but of which no place is named in the writ for its meeting.

Thomas de Roscelyn, son and successor to Peter, was, on the barons' part, in their confederacy against the Spencers, in the time of Edward II., for which his lands were seized: but afterwards, in the reign of Edw. III., he was restored to favour, and also to his estates. He died without issue, prior to the 13 Edw. III., having, by his will, appointed lands for the maintenance of a chaplain, to pray for his own soul and that of his grandfather, in the chapel of St. Mary, founded by his said grandfather, in his manor of Eggefield, or Edisfield. His inheritance came to his six sisters and co-heirs; whereof, Margery married John de Champaine; ———, Ralph de Bokenham; Alice, Sir William Daye; Joan, John lord Willoughby, of Eresby; Maud, Sir Robert Tiffin: and Mary, Sir John Camois.

† Blomef. Vo. V, p. 915.

The lord Willoughby had the several shares of the other coparceners in the manor of Edisfield, conveyed to him; and, according to the History ‡ of Norfolk, died seised of the whole, leaving Joan his wife surviving, who re-married with Sir William Synthweit.

‡ Hist. of Norfolk. Vol. VII. p. 33. Holh.

§ Ibid. Vol. II. p. 6. Clav.

A younger branch of this family§ was William, brother (as it would seem) to Peter; for he was cotemporary with him, and, 14 Edw. I., claimed assize of his tenants, view of frank-pledge, a gallows, and free-warren, having purchased|| of the prior of Norwich a lordship in Aldebye, in the county of Norfolk. This Sir William, and Joan his wife, 4 Edw. II., settled by fine the said manor on themselves for life, with remainder to William Marshall, baron of Rye, and his heirs; to which family it afterwards passed¶ accordingly. Sir William left his wife surviving, who deceased about 1 Edw. III.,** being then seised of the said lordship of Aldebye, with Staunborne and Foulsham, in the county of Norfolk.

|| Ibid.

¶ Ibid.

** Esch. 1 Edw. III. n. 45.

ROUBURY.—(8 EDW. II.)

Gilbert de Roubury, a very eminent lawyer†† in the reigns of Edward I.^a and II.,‡‡ had summons to parliament during those periods, as one of the king's justices; but, in 8 Edw. II.,§§ in the parliament summoned to be holden at York, the names of the king's justices are intermixed||§ with those of the earls and barons. But, although the writ is

†† Chr. Jur. ‡‡ Rot. Pat. 9 Edw. II. m. 32. §§ Dug. Lists of Sum. || Ibid.

^a He was one of the Justices of the Court of King's Bench in 1295, (24 Edw. I.) and the same the 2 Edw. II. and after was made one of the Justices of C. P., the 16 Edw. II. in the room of William Inge.—*Chron. Jurid.*

fide et homagio et cum ceteris magnatibus et proceribus de regno, &c., terms which apply to the baronage, and not to the king's counsel; yet it has not been considered that this single call, including the name of Gilbert de Roubury, thereby conferred upon him the honour of a parliamentary peerage, inheritable by his posterity.^a

With regard to the origin, or descent of this family, no mention is made of it either in the Testa de Neville, the Charter or Patent Rolls, or the Escheat, or Originalia records; from whence it may be collected, that not any of his ancestors were tenants in capite, or even sub-feudists of territorial property. The name, indeed, of

Hugh de Roubury, or Roubury, occurs* in 23 Edw. I., when the said Hugh was appointed keeper of the priories and religious houses in the counties of Buckingham and Bedford.

* Originalia.

RUSSELL.—(24 EDW. I.)

This ancient family, which in the male line is now represented by the duke of Bedford, possessed at an early period considerable estates in the counties of Dorset and Somerset.

John Russel,^b in the 3rd of king John, gave† fifty marks for license to marry the sister of Doun Bardolf, of Wirmegay, in Norfolk. He seems to have been one of the faithful adherents‡ to king John, in the time of his troubles, and, on that account, to have been much favoured by that monarch.

† Rot. Pip. 3
Joh. Dors.

‡ Rot. Pat. 17
Joh. m. 17.

In 5 Hen. III. § he was constable of Corf Castle, in the county of Dorset; and the 7th of the same reign|| was sheriff of Somersetshire. When he died, the records do not state; but it must have been shortly after this period, as the 11 Hen. III.¶ Rohe-sia, who had been the wife of John Russel, had a license to marry again.

§ Claus. 5
Hen. III. m. 8.
|| Rot. Pat. 7.
Joh. n. 1.
¶ Ibid. 11
Hen. III. m. 6.

Ralph Russel, son and heir of John, 36 Hen. III.,** had special permission to hunt in all the king's forests within the counties of Wilts, Somerset, and Dorset. He married Isabel,†† one of the daughters and co-heirs of James de Newmarch, lord of Derham, in the county of Gloucester; and 8 Hen. III., had livery‡‡ of those lands in the counties of Gloucester, Somerset, and Wilts, which fell to her share in the partition of that inheritance. He had issue several sons, whereof

** Ibid. 36
Hen. III. m.
5, n. 4.
†† Lih. Feod.
Vol. I. p. 730.
‡‡ Cla. Rot. 8
Hen. III.

^a He was summoned among the judges and others of the king's counsel, to attend the coronation of king Edw. II.; so also was William de Inge, whose name is mentioned by Dugdale, in his baronage, though he has omitted that of Roubury, and yet Roubury was summoned to the same parliament as Inge, the 8 Edw. II., among the earls and barons.

^b This John, in the 14th of king John, is styled *Jo' fil' Odonis Russel*; but of which *Odo*, no mention is made in the printed account of this family, published either by Dugdale or Collins.—Vide Pat. Rot. 11 Joh. m. 2.

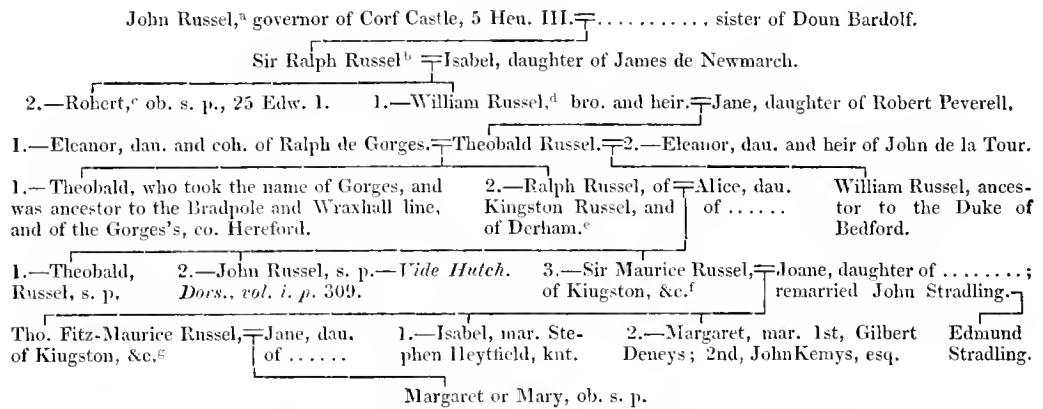
Cotemporary with this John was Sir William Russel, *knight*, a person of whom no mention is made by any of the genealogical writers before named.—Vide Rot. Pat. 18 Joh. m. 4. n. 42.

* Original.
6 Edw. Rot. 24
Dors.
† Cha. Rot.
12 Edw. I.

William Russel was successor to his father, and 6 Edw. I., had livery of his lands.* In the 12th of the same reign, he had a charter† for market, fair, and free-warren at his manor of Kingston-Russel, in Dorsetshire; which manor was holden in serjeanty; viz to be "*cup-bearer to the king at the four principal feasts in the year.*" From this William, by the second wife of Theobald, his eldest son, descended, according to Collins, the family of the present duke of Bedford. But the name of

Robert Russell is not contained in the Genealogical History of the Bedford line. This Robert was a son of Ralph Russell, by Isabel de Newmarch, and the same who, 24 Edw. I., had summons‡ to attend the king at Newcastle-upon-Tyne. Shortly after, when he died,§ seised of the manor of Derham, in Gloucestershire; Horsington, in Somersetshire; Herdwick, in the county of Bucks; and other lands in Gloucestershire and Berkshire; holden by the service of *half a barony*, leaving William, his brother and heir, who had livery|| of these lands accordingly.

‡ Cha. Rot
In Dorso.
in. 12.
§ Esch.
35 Edw. I.
n. 28.
|| Origin.
25 Edw. I.
Rot. 9.



^a The 3 of king John he fined 50 marks to marry the sister of Doun Bardolf. He seems to be the same, who, by charter sans date, *bono favore uxoris sue Bohemilæ* granted some lands in Kingston Russel, and 12 & 13 John, held half an hide of land by serjeanty, to be Marshal of the king's buttery.—(*Lib. Rub. Seacc*).

^b The 8 Hen. 3. he had livery of the lands of Isabel his wife in the counties of Som., Wilts, and Glouce.

^c Omitted by Dugdale. He died 25 Edw. I, William his brother and heir æt. 40.

^d 34 Edw. I. he had license to grant Kingston Russel to Nicholas de Morteshone for life; which was held of the king by the service of being his Cupbearer at the four principal feasts of the year. The 3 Edw. III., on the death of Nichola, wife of Nicholas de Morteshone, it is stated to have been held in serjeanty "*ad narrand familiam Schochii (Chessmen) regis in camera regis et ponend. loculo cum rex ludum suum perfecit.*" Theobald, son and heir of William Russel, heir of the said manor, æt. 25.

^e He held jointly with Alice his wife, at his death, the 49 Edw. III., lands in Dorset, &c. Maurice his son and heir æt. 19.

^f He, at his death, 4 Hen. V., held Kingston *ad serriend. in Bulleria D. R. & essend. Marshal Butel. ap. natale Domini & Pentecost.* Thomas his son and heir.

^g Thomas, styled Thomas Fitz-Maurice Russel, died 10 Hen. VI., Joan his wife surviving.

* Mr. Coker says that Thomas Russel, for his heir general, besides his two sisters, left John Hacket, his aunt's son, of the whole blood, and Margaret, wife of John Kemys, and Isabel, wife of Stephen Heytfield, his half sisters; and for his heir male Sir Theobald Gorges, grandchild of his great uncle Theobald Russel. It is evident from the Book of Heirs that Sir Theobald Gorges, 10 Hen. VI., claimed to be cousin and heir of Thomas Russel, viz. Son of Maurice, Son of Ralph, son of Theobald, father of Thomas, father of Sir Theobald; but this claim does not seem to have been allowed, as the heirs of Thomas possessed his estate.

RYE.—(22 EDW. I.)

Of this family it cannot be said that Dugdale has made no mention, for he has certainly included their name among those of the greatest houses noticed by him in his Baronage:* but he has nevertheless observed, that none of the name ever had summons to parliament, while the evidence of his own Lists of Summons contradicts† his assertion. Thus,

William de Rye, 22 Edw. I., had summons to attend that parliament which was to be holden wheresoever the king should be,‡ but for the assembling whereof, no place was appointed by the writ. The meeting might never take place; but as the name of William de Rye was included with the nobles and great men then noticed, it was as much entitled to honorary mention as that of several others who have insertion in his Peerage History.

Of this William, the pages of Dugdale, as before observed, are totally silent, so that it cannot be collected, whether he was of the same stock as the one noticed by him. Previous to this time a

William de Rye had a charter§ for free-warren at his manor of Rye, in the county of Sussex. This place being one of the members of the Cinque Ports, the lord might be called to parliament in that capacity,|| a circumstance which leads to the idea, that the person summoned the 22 Edw. I., was son of this William, who might have his descent from Adam, a younger son of the famous Hubert de Rie, or Rye, to which Adam, the Conqueror gave¶ large possessions in Kent.

Cotemporary with this William, was Ranulph de Rye, which

Ranulph, 24 Edw. I.,** was one of those who then had summons to attend a great council at Newcastle-upon-Tyne, with horse and arms, to march against the Scots. In 9 Edw. I. he†† had a license for free-warren at Surflett, Quadring, Donington, Iwardby, and Housthorp; as also for a market and fair at Gosberkerk, in Lincolnshire. From the description of these lands, it would intimate that he was the son, or at least successor to that Robert de Rye, who held Surflett, Quadring, Donyngton, &c., of the bishop of Lincoln, by the service of two knights' fees; whereof the particulars are set forth in the Testa de Nevill.‡‡

John de Rye, after the death of Ranulph, had the manor of Gosberkerk;§§ and after him,

Nicholas de Rye held the same, together with Surflett, Pincebeck, Quadring, Wyhum, and Donyngton; for all which places he had a grant,||| or rather a confirmation of those privileges which had before him been given to his predecessor Ranulph. His wife's name was Juliana, as it is set forth in the exemplification of a certain judgment had against them in assize,¶¶ by the abbey of Burgh St. Peter, for one hundred and forty acres of Marsh, within the manor of Gosberkerk, &c.

* Dug. Bar. Vol. I. p. 109-10.
† Dug. Lists of Sum. p. 6 & 15.

‡ Clau. Rot. 22 Edw. I. In Dorso. m. 8.

§ Char. Rot. 33 Hen. III. m. 6.

|| Vide Rot. Chart. 33 Edw. I. n. 13. viz. Barones de la Rye.

¶ Dug. Bar. Vol. I. p. 109.

** Dug. Lists of Sum.

†† Cha. Rot. 9 Edw. I. n. 17.

‡‡ Testa de Nevill, Vol. II. p. 415.

§§ Esch. 9 Edw. III. n. 27.

||| Char. Rot. 15 Edw. III. n. 17.

¶¶ Rot. Pat. 19 Edw. III. m. 2.

SAMPSON.—(26 EDW. I.)

Dug. Lists
of Sum.

† Ibid.

‡ Testa de
Nevill. Vol. 1.
p. 36 & 35.
Notts. and
Derb.

§ Cha. Rot.
24 Edw. I.
n. 4.

|| Dug. Lists
of Sum.

¶ Char Rot. 33
Edw. I. n. 28.

William Sampson, 26 Edw. I., was one of those who, in the writ, are denominated barons,* and had then summons to attend with horse and arms a great council, appointed to meet at Carlisle. From which period to 33 Edw. I., inclusive, he had the like summons among the barons of the realm.† According to the Testa de Nevill,‡ he held lands at Epereston and Wudeburgh, which his ancestors had holden by the service of one knight's fee of the barony of *Odinghes*,^a de veteri feoffamento; for which manor of Epereston he obtained a license of free-warren, 24 Edw. I.§

John Sampson was cotemporary with William, and 24 Edw. I. had summons|| of service to attend at Newcastle-upon-Tyne, with horse and arms, to march against the Scots.

This John had his seat at Tonehouse, in Yorkshire, where, 33 Edw. I.,¶ he had a license for free-warren in his demesne lands.

But though these two persons seem to have been of some consideration, by reason of their possessions, and the former especially, by virtue of his reiterated summons to parliament, their names are not recorded as having holden any eminent offices, or as having been otherwise in any way distinguished; unless it might be, that John Sampson, 28 Edw. I., was constable of Stirling Castle.

Elizabeth, sole daughter and heir of John Sampson, of Breason, in Derbyshire, and sole granddaughter and heir of John Sampson, of Newby, in Yorkshire, married Sir Thomas Parkyns, of Bunny, in Nottinghamshire.**

** Collins's
Bar. Vol. IV.

Of this name was Richard Sampson, bishop of Lichfield and Coventry, about 1543, who was likewise Lord President of Wales.

†† History of
Norfolk, Vol.
VII. p. 35.
London.
‡‡ Blore's
Hist. of South
Winfield.

There was also a family of this name at Playford, in Suffolk, whereof Robert Sampson, by marriage with Elizabeth, daughter and heir of Thomas, son of Robert de Swillington, became possessed of a very considerable estate in the county of Norfolk; †† and held likewise lands in Derbyshire,‡‡ and several other counties.

SANDALE.—(33 EDW. I.)

§§ Hearne's
Lib. Nig. Vol.
. p. 322.

William de Sandvill, Sanderville, or Sandal, in 12 Hen. II., held §§ four knights' fees under Alexander Fitz-Gerald, of the honour of Skipton, in Craven. After whom,

^a This means *Odingseles*, which family by the co-heir of Limesi, became seised of a moiety of that barony, of which the Testa de Nevill elsewhere (Testa de Nevill, vol. i. p. 87 and 92), thus says: "Thom. Sampson, p. iii. feod. & di' in Eperiston & in Wodeburgh cu' p'tin vii Marc."—De Feodo Lymesie.

By which it is evident, that, on the assessment of aid for the marriage of the king's sister to the emperor, Thomas Sampson paid seven marks for his relief of the three and a half knights' fees, which he held in Eperiston and Wodeburgh, of the barony of Limesi.—Vide Sampson of Eperston, Notts., 5 Edw. II.—Thoroton, v. ii., p. 3.

John de Sandale,^a 8 Edw. II., had summons among the earls and barons of the realm to that parliament which was convened to meet at York.* But it is to be observed, that, in this writ, the judges and king's counsel are intermixed † with the said earls and peers of parliament; so that the summons has never been considered creative of a baronial honour descendable to the heirs of the person so summoned.

This person obtained great eminence and preferment in the reigns of Edward I. and II. He was chamberlain of Scotland the 33 Edw. I., ‡ in which year, by that description, he had summons personally to attend the parliament at Westminster. He was also constituted Chancellor of the Exchequer the 1 Edw. II.; § treasurer to the king, 3 Edw. II.; || and, in the 8th of the same reign, ¶ chancellor of the Kingdom.

In the 7 Edw. II. he had a license for free-warren, with wreck of the sea and other liberties,** at his manor of Great Cotes, in Lincolnshire; having the year before, †† in consideration of one hundred marks, had a grant of a certain messuage with the appurtenances, at Thornbriggigate, in the suburb of the city of Lincoln, to hold to himself and his heirs. Moreover, he had in 4 Edw. II. ‡‡ a patent to embattle his mansion-house at Wheatele, in the county of York.

This distinguished lawyer, statesman, and ecclesiastic, who is said to have been, first, canon of York, and afterwards bishop of Winchester, §§ died about 13 Edw. II., |||| for in that year the king's escheator had command to take into his hands ¶¶ the lands whereof the said John de Sandale had been seised at the time of his death. This John de Sandale, the 1 of Edw. II., had summons among the king's justices and others to attend the coronation of that monarch. (*Vide Coronation Roll.*)

* Dug. Lists of Summ.
† Ibid.

‡ Rot. Pat. m. 5, et Originalia 33 Edw. I. Rot. 8, Sca. § Rot. Pat. 1 Edw. II. m. 4. || Ibid. 3 Edw. II. m. 2.

¶ Ibid. 8 Edw. II. m. 6, n. 2. ** Cha. Rot. 7 Edw. II. n. 36.

†† Originalia. 6 Edw. II. Rot. 12, Line. ‡‡ Rot. Pat. 4 Edw. II. m. 15, p. 2.

§§ Chr. Jur. ||| Esch. 13 Edw. II. n. 4. ¶¶ Original. 13 Edw. II. Rot. 3, ult. Trent.

SAUNFORD OR SANFORD.

This is the name of a family, whereof, in very early times, there were several eminent persons; though how, or if at all, related to each other, does not appear.

Henry Sanford was archdeacon of Canterbury, and in 1227*† (11 Hen. III.) was elected bishop of Rochester, which see he enjoyed till about 1235, when he deceased*‡ the sixth of the calends of March.

*† Matt. Par. p. 84. l. 17.
*‡ Ibid. p. 345. l. 62.

Nicholas Sandford^b was a person, according to Matthew Paris,*§ not so memorable for his wealth, as famous for his valour. He flourished in the reign of Hen. III. and died the 13th of the calends of February, anno 1252; his death being caused, as it is said, by grief for the loss of his sister Cecilia—the most celebrated beauty of her day.

*§ Ibid. p. 717, l. 52, et seq.

^a The name of a manor in the county of York.

^b A Nicholas Sanford, in the time of Hen. III., held one knight's fee of Richard, earl of Cornwall, at Aston-Sanford, county of Bucks.—Lib. Fœd. Vol. 2. p. 172.

But the most eminent branch of this name was—

* Lib. Rub.
Seacc. fol.137.

John de Sanford, who, in the time of king John,* held the manors of Hormade, Wolmerston, Fingreth, Ginges, and Nuthamstede, by serjeanty of service in the queen's chamber; by which service,

† Lib. Feod.
Vol.II.p.243.
Ess. and Hert

Gilbert de Sandford held the said manor of Hormade, called† Magna Hormade, with Fingrie, Ginges, and part of Wulfelmeston,^a in the time of Henry III., about the 34th of whose reign he deceased; for then‡ Fulk, bishop of London, for a fine of one thousand marks, obtained the custody of the lands and marriage of *the heirs* of the said Gilbert *de Samford*. From this description of *heirs*, it is to be inferred that he had more than one daughter, though only one is mentioned by Dugdale,§ and other authorities. This daughter; *viz.*

‡ Originalia,
34 Hen. III.
Rot. 3. Essex.

§ Dug. Bar.
Vol. I., R.
Brooke, &c.

Alice de Samford, married Robert de Vere, earl of Oxford, and by virtue of her inheritance, carried the office of chamberlain to the queen into the Vere family, which before was the king's hereditary great chamberlain.^b

From thus obtaining the Samford estate, the subsequent Veres, earls of Oxford, added the title of Samford to their baronial honours; but with what degree of propriety, is somewhat questionable. There is no record to demonstrate that the Samfords were ever summoned to parliament as barons, or that they held their lands in capite of the crown, *per baroniam*; and the mere *serjeanty of the bedchamber* is no proof that the manors to which that serjeanty was attached, were ever erected into an hereditary baronial dignity: and, indeed, Dugdale's total silence of the Samford family, in his Baronage, adds considerable weight to the argument, that the said family were never peers of the realm.

But, though this principal branch of the Samford family terminated in female issue, there was another line, whereof

|| Dug. Lists
of Sum.

Thomas Saunford was one of those who, 24 Edw. I., had summons|| to attend at Newcastle-upon-Tyne, well furnished with horse and arms, for an expedition into Scotland, and to obey such orders and directions, as by the great council, which was commanded there to assemble, might be ordained; but, on this occasion, he is not mentioned in the capacity of a baron. He probably is the same who died 27 Edw. I.,¶ leaving Alda, his sister and heir,** to his lands in the counties of Chester and Devon.

¶ Esch. 27
Edw. I., n. 17.
** Originalia,
27 Edw. I.
Rot. 5. Cestr.

^a Wulfelmeston est de s'jantia p'tinet ad Thalam' Regine & val' xl^l & eam tenet Cecilia de Saunford de dote—
Lib. Feod. Vol. II. p. 247.

^b This high office passed from the Veres earls of Oxford, to the family of Bertie, created earl of Lindsey, and afterwards advanced to the title of duke of Ancaster; and upon the death of the last duke, s.p., to his sisters and co-heirs; the youngest whereof, married the then earl of Cholmondeley; and the eldest, Sir Peter Burrell, subsequently created lord Gwydir, by whose son the present lord Willoughby de Eresby, *jure matris*, and Lord Gwydir, *jure patris*, the office is now exercised.

As before observed, the connection of the several Samford, or Sanford, names with each other, is not established, nor their original descent ascertained.^a

Jordan de *Sandford*, 12 Hen. II., upon the assessment of aid for marriage of Maud, the king's daughter, was certified** by the abbot of Abendon (Abingdon), to hold four knights' fees de veteri feoffamento; when, also, Galfridus de *Samford* was certified to perform, along with eight others, the service of one and a-half knights' fee, holden of the same abbey. This Jordan was perhaps the more immediate ancestor to Gilbert de Samford, of Hormade; and the same person also, who, in the said 12 Hen. II., held † one knight's fee, of the bishop of Ely, in Cambridgeshire.

* Hearne's Lib. Nig. v. I. p. 181. Berks. Dry Sandford.

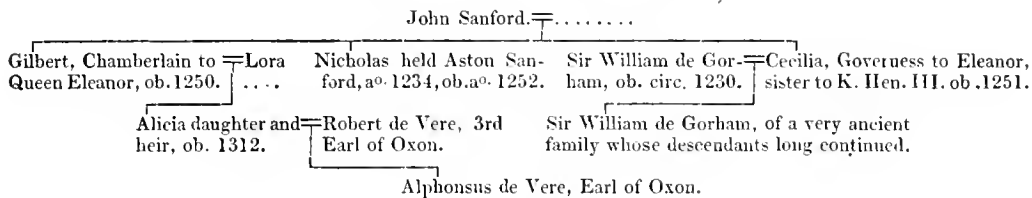
† Ibid. p. 249. Cantab.

A Thomas de Samford was tenant to the abbey of Abendon for one knight's fee, and as such, may be considered to be of Jordan's family. This knight's fee, in the time of Henry III., was holden ‡ in dower by Alicia de Samford, as of the inheritance of the said Thomas, at Chilton and Pubbeworth; at which period,

‡ Lib. Fœd. Vol. II. p. 531. Berks.

John de *Samford* held in *Samford*, the sixth part of a knight's fee of the barony of the said abbey of Abendon.

SANFORD OF HORMEDE.



SAUNZAUER.—(45 HEN. III., and 22 EDW. I.)

Ralph Saunzaver,^b or Sanzavier, 12 Hen. II., upon the assessment of aid for marriage of the king's daughter, certified § that he held one knight's fee of the king in capite, in the county of Devon; after whom another

§ Hearne's Lib. Nig. Vol. I. p. 130. Dev.

^a According to Hutchins, in his History of Dorsetshire, (vol. i. p. 509), there was an eminent family named Samford, at Melbury, in that county; whereof John Samford, lord of Melbury Samford, had issue Laurence, whose daughter and heir Alda, or Ada, married Sir Walter Foliot, of Melbury-Osmund; whose daughter and heir Alice, married John Maltravers, junior. But Hutchins states further, that Dr. Guidot cites a record, which says, that Laurence Samford left a daughter Joan, who married Maltravers; and that the said Laurence Samford was kinsman to Alda, sister and heir to Thomas de Samford, above mentioned; which Alda died circ. 4 Edw. III.—Esch. n. 6 Cestr. But there is reason to consider that Hutchins, as well as Dr. Guidot, are both wrong. Mr. Pitts's MSS. give another statement; so that these different accounts involve so much contradiction as to render accuracy difficult to be ascertained. This family not being of baronial rank, it is not necessary to argue the controversy.

^b This family is recorded to have been of very early note, inasmuch as Matthew Paris, (p. 20 and 21) recites, that Walter *Sensavior* was one of the first Crusaders, anno 1096, but afterwards miserably perished in that expedition of holy infatuation.

* Cha. Rot. 46
Hen. III. m. 1.

Ralph Saunzaver had a license* for free-warren at his manor of Spartegrave, in Somersetshire, and at Biggeneure, with the hamlet of Rogate, in Sussex. This Ralph is probably the same who, in 45 Hen. III., had summons† to attend the parliament convened to meet at London in that year; but to which, according to Hollinshead,‡ the barons refused to attend. When he died there is no mention; but

† Claus. 45
Hen. III. m. 3. Dors.

‡ Hollinsh. V.
II. p. 454,
new edition.
§ Esch. 12
Edw. I. n. 18.

Hugh Saunzaver, 12 Edw. I., appears to have died§ possessed of the estates at Spartegrave, Biggenoure, and Rogate, before mentioned; to whom succeeded

|| Collinson's
Somerset. Vo.
III. p. 467.

Ralph Saunzaver, his son, according to Collinson,|| who settled a great dispute respecting certain lands appertaining to his manor of Saunzaver, in Somersetshire, with the abbot of Glastonbury. This Ralph, though unnoticed by Dugdale in his History of the Nobility, is mentioned by him in his Lists of Summons to parliament, where his name is among those who, in the character of barons, were summoned the 22 Edw. I., to attend the king to advise on the affairs of the realm, though no place of meeting was appointed in the writ.¶ He died the 8 Edw. II., being then seised with Christian his wife** of Biggeneure, in Sussex; Gratisden, in Huntingdonshire; and Croxton, in the county of Cambridge. He had issue another

¶ Clau. Rot.
22 Edw. I. in
Dorso. m. 8.
** Esch. 8
Edw. II. n. 52.
Original. Rot.
7.

Ralph Saunzaver, but he never was noticed in the same baronial capacity as his father.

SPIGURNEL.—(8 EDW. II.)

†† Cha. Rot. 9
Joh. m. 7.

Godfrey Spigurnell, in the 9th of king John, had a grant†† to himself and his heirs, of lands at Skeggebye, in the county of Nottingham; whereof a

‡‡ Ibid. 11
Hen. III. m. 9.

Geffery Spigurnell was afterwards possessed,‡‡ from whom it may be presumed that the said manor of Skeggebye descended to

§§ Esch. n. 3.

Edward, or Edmund Spigurnel, who, 24 Edw. I., §§ was found to have died seised thereof, as also of the manor of Standon, in Essex; of both of which,

||| Originalia,
24 Edw. I.
Rot. 10.

John Spigurnel, as brother and heir, had livery in the same year. ||| He died 2 Edw. II., ¶¶ and was succeeded by his son, another

¶¶ Esch. n. 22
*† Esch. n. 16.

Edmund Spigurnel, who did not survive long, deceasing the 8 Edw. II., *† seised of the manors of Skeggebye and Standon. He had issue John, his son and heir, who had issue a daughter Joane, his*† heir.

*† Harl. MS.
294, p. 58.

Henry Spigurnel, brother to the last Edmund, in the reign of Edw. I. and II., was one of the justices of the King's Bench, and on divers occasions, in such capacity, had summons to parliament;^a but in the 8 Edw. II., *§ his name was included in the same

*§ Clau. Rot.
n Dorso. m. 35

^a In the capacity of one of the king's justices, his name is included among those summoned to the coronation of Edw. the II. The name of Spigurnel is said to have been taken from the Serjeanty, or office of Spigurnel, supposed by Malox to be that of *Sealer of the king's writs*.

writ, *cum cæteris magnatibus et proceribus*, whereby the earls and barons were summoned to a parliament to be holden at York, on the morrow of the Nativity of the Virgin Mary. It may be observed, that although some of the justices were internixed with the earls and parliamentary barons, yet the whole of the judges and king's counsel, usually summoned *as such*, are not included in this writ; so that it may remain a question, whether those judges whose names are mentioned, were not intended to be advanced to the degree of barons.

This Henry deceased 2 Edw. III., being possessed of a very considerable estate in several counties,* leaving Thomas his son and heir, who the same year had livery† of his father's lands.

* Esch. 2
Edw. III. p. 28.
† Original. 2
Edw. III.
‡ Vol. I. p. 148.

Morant, in his History of Essex,‡ gives the Spigurnel arms, Quarterly G. and O.; in the second and third quarters, a Fess of the first.

Of this name was Ralph Spigurnel, admiral of the North and West coast, 38 Edw. III.§^a

§ Otho E ix
Bib. Cott.

STAFFORD.—(35 EDW. III.)

At the great council which was convened to assemble at Westminster, in 35 Edw. III., to take into consideration the affairs of Ireland, and at which the heirs of Camville, holding lands in that kingdom, were especially required to attend.

James de Stafford was one of those who were then|| summoned. With regard to this James, no mention is made of him by Dugdale in his account of the Stafford family, although he has therein¶ noticed, that Richard a younger son of Edmund, lord Stafford, married the heiress of Camville, of Clifton; which Richard appears** likewise to have been summoned at the same time.

|| Dug. Lists
of Sum.
¶ Ibid. Baron.
Vol. I. p. 159.
** Dug. Lists
of Sum.

STAUNTON.—(8 EDW. II.)

Henry,^b or Hervey de Staunton, 34 Edw. I., was made†† one of the justices of the Common Pleas; in which situation he was confirmed‡‡ on the accession of Edward II., and had summons to attend at his coronation. In the 10th of the same reign he was appointed§§ chancellor of the Exchequer, and afterwards ||| chief justice of the Common Pleas and King's Bench.¶¶^c He had summons to divers parliaments, as one of the king's justices; but in 8 & 9 Edw. II., in those parliaments which were convened to

†† Rot. Pat.
34 Edw. I. m.
27.
‡‡ Ibid. 1.
Edw. II. m.
21
§§ Ibid. 10
Edw. II. m.
35.
||| Ibid. 17
Edw. II. m. 9.
¶¶ Ibid. 20
Edw. II. m. 29.

^a At the famous tournament at Dunstable, the 7 Edw. II., there was among the tilers a Sir Ralph Spigurnel, who bore for arms: "*Az. oee trois Barres, or; un. molet, Arg. en le chief.*"

^b In the record appointing him a justice, he is named *Henry*, and not *Harvey*.

^c In the Patent Rolls, he is written *Henricus* de Staunton; in Dugdale's Lists of Summons, and the Chronica Juridicalia, *Herrius* de Staunton.

* Dug. Lists
of Sum.

† Ibid. 9, 11,
12, 13, & 14
Edw. II.

‡ Ibid. 9
Edw. II.

meet at York and Lincoln, he had summons* among the barons of the realm; for, in the said writs, the justices and the nobles were intermixed. It should also be observed that in several of the following parliaments, in some of the succeeding years, the peers, and the king's justices and counsel, were summoned† by the same writ. But it is worthy of notice, that, in the summons of 9 Edw. II., the name of Hervey de Staunton is twice mentioned; ‡ *viz.* first among the barons, and, afterwards, among the king's justices.

The family of Staunton was of great antiquity and respectability in Nottinghamshire; of which, Thoroton, in his history of that county, observes, "There is a certain kind of rhyming bard-like pedigree of this family made by one *Robert Cade*, (who did the like for the family of Skeffington, and 'tis like for some others;) in this, he hath transcribed the epitaphs out of this church, and therefore, it may not be much amiss to insert so much of it as brings the descent down to this eminent judge, who died without issue."

In this pedigree it is to be observed, that he is named *Henry* and not *Harvey*.

THE STAUNTON'S PETYGREWE.

O champion cheefe, and warlike wight,
Of Staunton's stocke the pryme,
The and thy sequele I must blase,
And petygrewe define.

Though Haroldes they in noble sorte,
Thy arms not pende in vaine,
Yet somethinge wants that here is writte,
As barks, and toubes shewe plain.

The first Sir Mauger Staunton, knight,
Before Wylliam came in,
Who this realme into one monarche
Did conquer it, and win :

At which sometime this Mauger knight
Thrughe feats of arms and sheeld,
In mareyall prowess so valeant was,
That then he wanne the feelde.

In Belycor castle was his houlde
That Stauntons towr is higte,
The strongest forte in all that front,
And hiest to all mens sighte :

Unto which forte with force and flagge
The Stauntons stocke must sticke,
For to defende against the foe,
Which at the same could kicke.

His lodgeinge large in that turrette
At all times for his ease,
He may command both night and day,
And no man to displease.

And therefore Staunton's manor nowe,
Whiche in Staunton doth stande,
Of Belycor castle is now helde
By tenure of the lande.

This Staunton knight got sure to wife
One Emme of worthy fame,
Also a son that knighted was,
Which Mauger had to name.

Which last Sir Mauger took to wife
Beatrix both sage and wise,
As valeant as his father was
In every enterprise :

Whiche lady Beatrix, daughter was
 To him that then was lord
 Of Belveor castle, (in the vale),
 As tombes and arms accorde :

And in the same went forward still,
 And profited much, I know,
 At ymnes of courte a counsailer
 And serjeant in the lawe :

Whiche two Sir Knights cross-legged lieth
 In male and armour fine,
 Their superscriptions worne away,
 Their deathes are without time ;

And in processe of time indeed
 A judge he came to bee
 In the common benche at Westminster,
 Such was his high degree :

Yet warlike wightes with helmes on heades
 In Staunton's church doth lie,
 Their soules, no doubt for nobler actes
 Ascend the skies on hie.

A baron wise, and of great wealthe,
 Who built for scholers gaine
 Saint Michaels house, in Cambridge towne,
 Good learninge to attaine :

Before his death this last knight got
 Two sons, William and John,
 And also with man-hood and strengthe
 The harre pasture he won.

Which deed was done in the eighteenth yeare
 Of Second Edward king,
 One thousand three hundred twenty-foure,
 From whom they pray and singe :

The Belveor lorde said it belong'd
 To Northampton trulie,
 But this knight sease did die thereof
 As his demesne in fee.

In which said house the Stauntons may,
 Send Students to be placed,
 The founder hath confirmed the same,
 It cannot be defaccd.

Sir William Staunton, knight, was next,
 Dame Athlin was his wife,
 Sir Geoffrey Staunton, knight, their heire,
 Both voide of vice and strife.

This lord haron no yssue had,
 We cannot remember his wife,
 Nor where his body tombed was,
 When death did cut off life.

And Sir Henrie his brother was,
 Who gave himself to learne,
 That when he came unto mau's estate,
 He could the lawes discerne :

Sir William the father is tombed sure
 In Stauntons church of olde,
 And hath engraved upon his stone,
 Verbatim to behoulde :—

“ HIC JACET WILLIELMUS DE STAUNTON, MILES, ET FILIUS
 MAUGERI DE EADEM, MILITIS, QUI OBIT ULTIMO MAII ;
 CUJUS ANIMÆ PROPITIETUR DEUS, AMEN.”

N.B.—Vide Rot. Parl. 14 Edw. III. Vol. II. p. 123.—A great contention between Geffery, son of William, son of William, son of Geffery Staunton, and Aliee, his wife, and John de Staunton of Eyleston, and Amy, his wife, for certain lands in Eyleston.

STEYNGREVE.—(22 EDW. I.)

This is the name of a manor in the county of York, as also of an ancient family,^a whereof,*

* Testa de Nevil, Vol. II. p. 644, Ebor.

Simon de Steyngreve held two knights' fees, and a fourth part of the barony of Hugh Paynel: at which time also,

† Ibid.

Henry de Steyngreve^b held † the eighth part of a knight's fee of the same barony; and 41 Hen. III. ‡ had a grant of free-warren at his manor of Steyngreve, or Staingrove; but the principal person of this name was

‡ Char. Rot. 41 Hen. III. n. 2.

John de Steyngreve, who married Ida,[§] one of the daughters of Ela de Beauchamp, wife of Baldwin Wake; which Ela, with her sisters Maud and Beatrix, were the daughters of William de Beauchamp, of Bedford, and the co-heirs to that barony. By virtue of this marriage, the said John de Steyngreve came to participate in the Beauchamp inheritance, and becoming thus seised of certain lands holden in capite of the crown, as parcel of that honour, had summons, among the barons of the realm, the 22 Edw. I., to that parliament || which was then convocated, but for which no place was mentioned in the writ for its meeting. But this John deceased in the following year,[¶] or about that period; for the king's escheator had then command** to take into his hands the lands whereof the said John had died seised; and shortly after, †† the king took the homage of Simon de Patshul, of the county of Bedford, who had married Isabel, the daughter and heir of the same John de Steyngreve; which Simon died shortly after, ‡‡ and the said Isabel afterwards married Walter de Teye,^{§§} who in her right, as it would seem, had summons to parliament from 27 Edw. I. to the 1 of Edw. II., both inclusive; and 29 Edw. I.^c was denominated "*Walterus de Teye, Dominus de Stangreve.*"

§ Dug. Bar. Vol. I. p. 214.

|| Dug. Lists of Sum. ¶ Esch. 23 Edw. I. n. 54. **Original. 23 Edw. I. Rot. 5 ††Ibid. Rot. 11. Bedford. ‡‡ Esch. 24 Edw. I. n. 66. §§ Esch 18. Edw. II. n. 70.

Though the baronial line of this family thus terminated in an heir-female, the male branch, or, at least the name, continued some time longer; whereof,

||| Ibid. 14 Edw. II. Rot. 9.

Robert de *Steyngreve*, 14 Edw. II., ||| had committed to his custody the castle and honour of Tunbridge, with the manors of Eldyng and Rotherfield, in the county of Sussex, and of Bletchingfield and Okham, in Surrey. Also,

Adam de *Steingreene* was one of the barons of the Exchequer, in the reign of Edward III. ¶¶

¶¶ Rot. Pat. 6 Edw. III. n. 18. p. 2.

^a Robert de *Staingrave*, 12 Hen. II. held half a knight's fee of R. de Gant; and a William de *Staingrave*, the sixth part of a knight's fee of Everard de Ros.—*Hearne's Lib. Nig. Scacc. Vol. I. p. 325. Ebor.*

^b Alice de Nova Haia, daughter of Henry de Staingrave, for the good of the souls of Henry and Thera, her father and mother, and of William and Bernard, her brothers, was a benefactress to the abbey of Drax, in Yorkshire founded by William Paynel.—(Burton's Monasticon, p. 106). Henry, son of Alice de Staingrave was also a benefactor to the same abbey.—*Ibid.*

^c This was upon the occasion when, in the parliament at Lincoln, the said Walter de Teye was one of those barons who subscribed with their hands and seals the memorable letter addressed to the Pope, asserting the supremacy of Edward I. over the realm of Scotland.

The Barony of Beauchamp of Bletshoe, including the Descent of the more ancient Baronies of Steyngreve, Patshull, and Grandison.

STEYNGREVE AND PATSHUL OF BLETSIOE.

John de Steyngreve, summoned to parliament 22 Edw. I. Obiit circ. 23 Edw. I. — Ida, dau. and coh. to Baldwin Wake, by Ela, sister and coh. to Simon, William, and John de Beauchamp, barons of Bedford, who died s. p.

GRANDISON AND TREGOZ.

Wm. de Grandison, sum. to parl. from the 27 Edw. I. to the 19 Edw. II. — Sibilla, dau. and coh. to John de Tregoz, who was sum. to parl. 25 & 27 Edw. I. 1 Simon Patshull. — Isabella de Steyn greve, daughter and sole heir. — 2 Walter Tyes.

Peter, sum. to parl. 11, 12, & 23 Edw. III. ob. s. p. <i>Esch.</i> 32 Edw. III. n. 32.	John, bishop of Exeter, bro. & heir to Peter. — <i>Origin</i> , 32 Edw. III. Rot. 5. ob. circ. 43 Edw. III., <i>Esch.</i> n. 47.	Otto. — <i>Esch.</i> 33 Edw. III, n. 41. He married Beatrix de Malmains, & had issue.	Catharine, married Wm. Montacute, earl of Salisbury, and had issue.	Agnes, married John de Northwode, & had issue.	Mabel. — John de Patshull, sum. to parl. 16 Edw. III.
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Thomas de Grandison, who had livery of his lands 33 Edw. III. — <i>Originalia</i> , Rot. 4. ob. circ. 49 Edw. III. <i>Esch.</i> n. 62	William Patshull, ob. s. p. Circ. 34 Edw. III.	Sibyl, eldest dan. & coh.	Roger de Beauchamp, sum. to par. from 37 Ed. III. to 3 Ric. II.	Alice — Thomas Wake. Mabel — Walter Fauconberg. Catherine — Robt de Tudenham.
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Roger de Beauchamp. — Johanna, daughter of William Clopton.

Roger de Beauchamp, son of Roger, son of Sibilla, eldest daughter of Mabel, sister to Otto, father of Thomas de Grandison. — *Vide Origin.* 50 Edw. III.; Rot. 2, 3, and 6.

John de Beauchamp.	Margaret, wife of Oliver St. John.
John, ob. s. p.	

STOWEY.—(24 Edw. I.)

Galfridus (or Geffery) de Stowey, 24 Edw. I., was one of those who had summons to attend the great council at Newcastle-upon-Tyne, well furnished with horse and arms. This Galfridus (or Geffery) de Stowey, is stated by Collins* and Edmondson† to have been the progenitor of the Stawell family, which afterwards were created barons of the realm, by patent in 1683 (34 Cha. II.), but whose honour is now extinct in the male line.

* Edit. 1768.
† Baronag. Genealog.

He is set down‡ as son and heir of Matthew, eldest son and heir of Adam de Stowey, (or Stawell), who, in the reign of Henry III., held§ one knight's fee in the county of Somerset; as also lands in Norfolk;|| and one hide of land in Waleton,¶ in Berkshire, by the serjeanty of keeping the king's door, which land was of the value of fifty shillings.

‡ Ibid.
§ Lib. Fœd. Vol. 1. p. 708.
|| Ibid. Vol. II. p. 342.
¶ Ibid. Vol. I. p. 480.

The said Geffery de Stowey (or Stawell), married Joan, daughter and at length heir of John de Columbers, a baron of considerable eminence, of whose family Dugdale has made mention; and of whom mention also is made in the preceding volume of this work.

SULEY.—(26 EDW. I.)

* Dug. Lists
of Sum. p. 21.

John de Suley, (*so written*) is noticed by Dugdale,* as one of those persons denominated barons, who 26 Edw. I. had summons to attend *equis et armis*, at Carlisle. As also in the 28th, to attend a parliament at London and at Lincoln. Moreover, 29 Edw. I., he was one of those great men who, in the said parliament at Lincoln, subscribed that memorable letter, sent by the nobility of England to the Pope, asserting the king's supremacy over the realm of Scotland: on which occasion his name is thus written:

† Ibid.

Johannes Dominus de Sulle.†

‡ Ibid.

By the name of *John de Suley*, he is also recited in the several parliaments‡ of the 30 and 32 Edw. I.; but, in the writ of the 33rd of the same reign, the name is written, *John de Sudley*. This circumstance leads to a presumption, that the person so summoned was John de Sudley, lord of Sudley Castle, in the county of Gloucester; and that the previous statement was a *misnoma*. Indeed, Dugdale, in his account§ of the Sudley family, states that the said John had summons to Carlisle, in 26 Edw. I.,^a but makes no mention that he was one of those who was in the parliament of Lincoln, the 29 Edw. I., on the occasion before mentioned, as there appears to have been two families; *viz.* *Sully* and *Sudley*, cotemporary with each other, the mistake of one for the other might easily occur, though it leaves the point rather uncertain, as to which was the identical one meant at the several periods referred to.^b

§ Dug. Bar.
Vol. I. p. 429.

Dugdale having omitted the family of *Sully*, in his Baronage, it may not be here irrelevant to observe, that the name of

|| Ibid. p. 106.

Reginald de Sully occurs as one of those famous persons who assisted Robert Fitz-Hamon in his conquest of Glamorganshire, and, for his services, was rewarded|| with the castle and manor of *Sully*. After him,

¶ Mag. Brit.
p. 488, Devon.

John de Sully is noticed¶ as a man very renowned in the Holy Land against the Saracens, where he remained several years, but at length received many wounds, and returned to England, where he died, at his seat of Iddesley, in the county of Devon, and was interred at Crediton, under a tomb erected to his memory, with his figure in full proportion, cross-legged.

** Lib. Fœd.
Vol. II. p. 841.
Devon.

Reymund de Sully, in the time of Henry III.,** upon the collection of the aid for the marriage of the king's sister to the emperor of Germany, was assessed eleven marks and eight shillings, for those five knights' fees, and certain aliquot parts which he held of the barony of Torrington, which had come to his possession by marriage with one of the five co-heirs of Matthew Fitz-Robert, baron of Torrington, in the county of Devon aforesaid. To this Raymond succeeded

^a In this writ the name is *Suley*, and not *Sudley*.

^b Had it been *John de Sudley* summoned to the parliament at Lincoln, he would most probably have been designated in the letter to the pope *Dominus de Sudley*; whereas the name stands *Johannes Dominus de Sulle*, as if it was personal.

Walter de Sully, who the 26 Hen. III.* had livery of those lands whereof the said Reymund had died seised. This Walter deceased about 14 Edw. I., being then† possessed of a fifth part of the barony of Torrington before mentioned.

He, or another Walter, married‡ Mabel, one of the four daughters and co-heirs of Roger de Somery, by Nicholaa his wife, one of the sisters and co-heirs to Hugh, the last Albini, earl of Arundel; and by the said Mabel, who deceased 5 Edw. II.,§ had issue two daughters, Sibilla and Nicholaa; as also a son,

Raymund de Sully, who died about 10 Edw. II.,|| being then seised¶ of his mother's inheritance at Barewe and elsewhere, in the county of Leicester. The name of his wife is not expressed, but he is stated to have had a daughter Elizabeth, who died without issue.**

Besides the persons before mentioned, there was another of considerable note; viz.

Henry, styled *Dominus de Sulle*, who, in the reign of Edward II., was appointed†† governor of the islands of Guernsey, Jersey, Alderney, and Sarke; and, in the 18th of the same reign, was constituted‡‡ the king's ambassador to France and other countries.

SUTTON, OF HOLDERNESS.—(18 EDW. II.)

This name is mentioned in Dugdale's index to his Summonses to Parliament, but no account of the family is given, in his Baronage; nor in any hitherto printed peerage history; even Sir Nicolas Harris, has not attempted to illustrate the learned and refined observations in his Synopsis, with a guess, as to whence the family was derived. It is, however, certain that the Suttons of Holderness, were a very distinct family from that which acquired the barony of Dudley.

Sutton appears to have been a manor in that part of Yorkshire called Holderness; and was granted by the Albermarles to this family which took its name from the place.

Siward de Sutton§§ is the first of whom anything is known. He lived about the æra of the Conquest. Saerus de Sutton lived about the 3rd of Henry II.; and the 20th Hen. II., there was a William de Sutton; and two brothers, Richard and Robert.

Amandus de Sutton, son and heir of William, the 33 Hen. II., confirmed the grant which Sayer and William gave in Sutton to the abbey of Meaux. The same Amandus, at an advanced age, with the consent of Sayer, his son, gave what he had in the west marsh of Sutton, and the land of Eroald hominis sui to the said abbey.|||

Saher de Sutton, son and heir of Amandus, called *Miles*, in 1218, granted to his brother William, Parson of Sutton, a fishery in Sutton Marsh.

Amandus, son and heir of Saher, became a noviciate in the abbey of Meaux, but died during the time of his noviciate, s. p., in 1237, and was succeeded by his brother Saerus, which

* Originalia, 26 Hen. III. Rot. 1, Devon. † Esch. 11 Edw. I. n. 1. ‡ Original. 11 Edw. I. Rot. 2 and 18.

§ Ibid. 5 Edw. II. Rot. 10. Esch. n. 12. || Ibid. 10 Edw. II. Rot. 16, Leye. ¶ Esch. n. 52.

** Glover's Collections MS. in Coll. Arm. †† Rot. Pat. 16 Edw. II. m. 5, par. 2. ‡‡ Ibid. 18 E dw. II. m. 35.

§§ East Rid. Ped. Vol. VIII.

||| Meaux. Chart.

Særus de Sutton, the 9th Edw. I., is returned by Kirby as holding in Sutton and Ganstead, eleven carucates, where forty-eight made a knight's fee. His son and heir,

Sayer de Sutton, was found by inquisition dated at Hedon, on the Monday after the feast of the annunciation, (1292), before Sir Thomas Normanville, escheator, to have left John, his son and heir, aged 21 years; and Christiana, mother of the said John, to have a third of the rents, &c., in dower; when the jury also found, that Sæher de Sutton held of Isabel de Fortibus, lady of Holderness, by knight's service, a capital messuage in Sutton, valued at a mark yearly, in all its outgoings, &c.

John, son and heir of the said Sayer, had his marriage granted by Isabel de Fortibus, to William de Hamelton, knight; but when, or to whom he was married, does not appear. It was this John who was summoned to parliament the 18 Edw. II., as *Johannes de Sutton*; and to a great council at Carlisle, the 1 Edw. III. by the same description; but Poulson asserts,* that in 1327, the 1 Edw. III., John de Sutton, son and heir, was aged twenty at his father's death, so that if this be correct, all the subsequent writs of summons must apply to the said John the son, and not to John the father. He being dead, according to this statement, which seems the better founded, from no other writ being addressed, till the 6th of Edward III., when John the son was twenty-five years old and upwards, which John de Sutton, son and heir of the preceding, had the like summons to parliament, from the 6th to the 17th of Edward the III., inclusive, with the additament of *de Holderness*. He is stated to have been knighted by Edw. III., in 1346,† at the siege of Calais. He died the 30th of Edw. III., s. p., leaving Alicia his wife surviving, who died the 37 Edw. III., and Thomas his brother and heir, æt. 40 and upwards. This

* V. 2, p. 326.

† Frost's Notices p. 99.

Thomas de Sutton never had summons to parliament. He died without issue male before the 12th July, the 2 Hen. IV. In the 1 Ric. II., he by deed of that date settled his castle of Branceholme, and manor of Sutton, on his daughters Constance and Margery, the wives of Peter de Mauley the 6th, and Peter de Mauley the 7th, and their issue male by their said husbands, not having any issue male himself. He appears to have had another daughter, Agnes, or Anne, who married—first, Sir Ralph Bulmer, of Wilton, in the county of York; and, secondly—Sir Edward Hastings, knight. The daughter Constance, married as above mentioned, Peter de Mauley the 6th, to whom she was second wife, and survived him, having had issue by him an only daughter, Constance, who is said to have married Robert de Hilton, (called son of Matilda).^a Constance, widow of Peter de Mauley re-married Sir John Goddard, knight, High Sheriff of the county of York, anno 1389, and had issue by him a son John, æt. 14 the 2nd Hen. IV., and æt. 24, the 3rd of Hen. V.

^a This intimates that he was son of Matilda, one of the four married daughters and co-heirs of Roger de Lascells, which Matilda married Robert de Hilton, of Swine.

Margery, the other daughter and co-heir, who married Peter Mauley the 7th, who was son of Peter, the 6th, by Elizabeth, his first wife, and died before his father,—had issue Peter, the 8th, the last baron Mauley of his family, who died s.p. ; and two daughters, *viz.* Constance, who married—first, William Fairfax, of Walton ; and secondly, Sir John Bigot ; and Elizabeth, who married George Salvain, of North Duffield. The said Margery, after the death of her husband, Peter de Mauley, the 7th, re-married William, baron de Aldeburgh ;* but had not any issue by him, and died the 15th of Ric. II.

* Vide
Aldeburgh.

SUTTON, OF ESSEX.—(34 EDW. III).

In Dugdale's list of summons, mention is made of a John de Sutton, summoned to a parliament at Westminster, the 34 Edw. III., with the additament of *de Essex* to his name. But he never had any other summons, at least by such description,—not any notice, nor account is to be found of him, either in the Baronage, or any other printed peerage history,—not even of Mr. Burke,† the paragon of all peerage authors ; and the Plagiarist of Banks's Dormant and Extinct Baronage.^a

† Vid. Burke's
Dorm. and Ex-
tinct Peerage.

SYWARD.—(26 EDW. I.)

Richard Syward,^a 26 Edw. I., was one of those who then‡ had summons to attend a great council at Carlisle, furnished with horse and arms; on which occasion he is denominated a baron. § But excepting at this period, and in the following year to the same place, || the name of Syward is not noticed as of baronial consideration, or in any of the lists of summons to parliament, or of the great councils of the nation.^b

‡ Dug. List
of Sum.

§ Cha. Rot. 26
Edw. I. in
dorso. m. 6 & 5
|| Ibid
27 Edw. I.
in dorso.
m. 12 & 14.
¶ Dug. Bar.
Vol. I., p. 4.

If the name be viewed with reference to the great Syward,¶ the Saxon earl of Northumberland, it is of most noble and ancient degree ; but the descent from that famous person is by no means deduced.

William, the son of *Siward*, 12 Hen. II., upon the assessment of aid for the marriage of Maud the king's daughter, certified** that he held in his own demesne a certain village called Goseford, and half of another called Mileton, in the county of Northumberland, by the service of one knight's fee, *de veteri feoffamento*.

** Hearne's
Lib. Nig.
Seacc.
Vol. I. p. 333.

^a Three Vols. 4to., published in 1807-8-9,—before Mr. Burke's time.

^b Vide Hutchin's Dorset, Vol. I., p. 62.—Syward of Winterborn-Clinston, in the Hund. of Combs. Ditch.

^c In the Wardrobe account of 28 Edw. I., there is mention made of a Richard Syward, therein termed a Banneret, who, from the date, may be concluded to be the same person as named in the aforesaid writs of summons, and, perhaps the same who married Philippa, one of the three daughters and co-heiresses of Thomas Basset, of Hedendon ; which Philippa had been before married to Henry, earl of Warwick.

* Matt. Par.
p. 326. l. 49.
† Ibid p. 334.
l. 62.

Subsequent to this æra, Matthew Paris mentions* a Richard *Sward*, who, in the reign of Henry III., was a very martial person, and during that troublesome æra, made † a conspicuous figure.

‡ Ibid p. 364.

In 1236, along with Richard, earl of Cornwall, and many *other noble persons*, ‡ he

§ Ibid p. 645.
l. 26.

was signed with the cross for an expedition to the Holy Land, after when, he died, § anno 1248 (33 Hen. III.) He very probably was father to Richard before mentioned,

|| Ibid p. 329.
l. 53.

and to Thomas Sward, who, by Matthew Paris, is represented || *juvenis in militia præclarus*

But the first progenitor of this family, most likely was the same

Richard Siward, who was one of the twelve knights who accompanied Robert Fitz-Hamon in his conquest of Glamorganshire, and was rewarded by him ¶ with the castle and lordship of Calavan, or Talavan.

¶ Dug. Ear.
Vol. 1. p. 406

THORPE.—(2 EDW. II.)

This is the name of a very ancient family in the county of Norfolk, so denominated from the manor of Thorpe, in the Hundred of Depwade,^a whereof

John de Thorpe was lord, as also of Fundenhall, Wremmingham, Bunwell, and of divers other manors in the said county. He married Margaret, daughter of Robert, and sister and at length co-heir** to Bartholomew, lord of Creake and Hillington, in Norfolk, and of Combes in Suffolk.^a

** Collins's
Parl. Prec.
p. 390.

^a The History of Norfolk states, (*Vol. II., p. 5, Depwade.*) that soon after the Conquest, the manor of Thorpe belonged to one William, sometimes distinguished by the addition of Norwich, where he lived; and that Roger, mentioned in the Testa de Nevill, (*Testa de Nevill, Vol. II., p. 272.*) was his son, who was succeeded by Robert, therein called Fitz-Roger, who then held seven knights' fees in Thorpe, Massingham, Anmer, and elsewhere of the honour of Bononia, or Boulogne. He was sometimes styled Robert de Massingbam, (*Hist. co. Norf. ut antea.*) as was Hugh his son, who was father of John de Thorpe above mentioned.

Arms: Cheeque, Or. & G. a Fess, in a border Arg.

Sir John de Thorpe.

Az. three Crescents, Arg.

Sir Robert de Thorpe.

^a On the assessment of aid for the marriage of Maud, the king's daughter, 12 Hen. II., (*Hearne's Lib. Nig. Seacc. Vol. I., p. 283.*) Hugh Bigot, earl of Norfolk, certified that Bartholomew de Crec, (or Creke) held of him eight knights' fees. Parkin in his Topography of Frechbridge Hundred and a Half, states, (*p. 101.*) that Bartholomew, son of Robert de Creke, married Margery, daughter to Geffery de Anos, lord of Vphall and Netherhall manors, in Norfolk; and thereby acquired the same, together with the manors of Flixton and Helmingham in Suffolk, as appears from a pleading at Ipswich, in the 24 Hen. III. (*Placit. ap Gippew, 24 Hen. III., Rot. 29.*) He had issue Robert de Creke, who died issueless, leaving Geffery his brother and heir, who also having no issue, John his brother became his heir; and he having no issue, Sarah his sister, wife of Roger Fitz-Peter Fitz-Osbert, became his heir; and she likewise dying without issue surviving, the inheritance fell to the Thorpes, and the Valoines, as co-heirs, in right of Margaret and Isabel, daughters of Sir Robert de Creke, sisters to Bartholomew, the father of Robert, Geffery, John, and Sarah de Creke, who died issueless, as before mentioned.

Robert Fitz-John de Thorpe, their son and heir, succeeded to the inheritance, and the 51 Hen. III.,* had a charter of free-warren for his demesne lands at Thorpe, Massingham, and Fundall, in Norfolk; Coiton, in Suffolk; and Sharpelhou, in the county of Bedford. He was one of the king's justices.†

* Cha. Rot. 51
Hen. III. m. 7.

† Pat. Rot. 18
Edw. I. m. 41.

‡ Dug. Lists
of Summ.

§ Ibid.

|| Esch. 17
Edw. II. n. 61.

John de Thorpe, son and heir to Robert, was a person of great eminence, inasmuch as he had summons‡ to parliament as one of the barons of the realm, from the 2nd to the 19 Edw. II., both inclusive; and in the 1st of the same reign, as one of the king's justices.§ But though his name is thus included in the Lists of Summons, of the 19 Edw. II., there is reason to suppose that he died the 17th|| of that reign, being then seised, with Alice, his second wife, of a moiety of the manor of Creake, the manors of Thorpe, otherwise *Ashwell-Thorpe*,^a Massingham, Fundall, &c., in the county of Norfolk, and divers knights' fees, as well in that county as in Suffolk. Moreover, in the said year,¶ the king's escheator had command to take into his hands the lands which John de Thorpe held at the time of his decease;^b whereof an assignation of dower was made to Alice his widow, in the year following.**

* Originalia,
17 Edw. II.
Rot. 27, Fin.
Canc. pars. 2.
** Dors. Cla.
18 Edw. II.

This John de Thorpe, 5 Edw. II., had a charter for the foundation of the free chapel of St. Mary, at Ashwell, for a chaplain to perform daily service therein to the inhabitants, and to pray for his own and wife's soul, as also for those of his ancestors and successors.

Parkin asserts,†† that he was twice married; viz. first to Agnes, daughter of —; and after to Alice, relict of Sir William Mortimer; which Alice, as already observed, survived him.^c

†† Topog. de
Freebridge,
Hun. p. 177.

Robert de Thorpe, son and heir of John, by Agnes his first wife, was about thirty years old at his father's death. He married Beatrix, daughter of Sir Edmund Hengrave, and died circ. 1330,‡‡ (4 Edw. III.) leaving the said Beatrix surviving, who resided after his death at Massingham, which with North Creake, she held in jointure.

‡‡ Esch. 4 Edw.
III. n. 34.

John de Thorpe, eldest son and heir to Robert, was fourteen years old at his father's death, and in ward to John de Claving. §§ He married Joan, who (with her sisters Lucy and Maud), was one of the daughters and co-heirs of Roger Atte-Ashe. But he

§§ Original. 5
Edw. III. Rot.
2, 4, Norf. &
Suf.

^a According to the History of Norfolk, Vol. II. p. 5., Depwade, it seems that *Ashwell* was anciently a hamlet in Thorpe, and belonged to a family which had its surname from thence; but at length Sir John de Ashwell sold it to the Thorpes, who thereupon joined the name to that of their own manor; which for distinction from other Thorpes in the same county, was afterwards denominated *Ashwell-Thorpe*.

^b Just before his death, he was joined with Sir Edmund Bacon, to treat of a match between Alphonso, eldest son to the king of Arragon, and Joan, daughter to Edward II., the day of the treaty being fixed by the patent to be holden at the Tower, 29th February.—*Rot. Pat.* 18 *Edw. II. m.* 22, p. 2.

^c Cotemporary with this John, and probably a younger brother, was *Sir George de Thorpe*, who was one of the Tilters at the Tournament at Stebenheath (Stepney), the 2 Edw. II. bearing then his Arms, viz. *Cheeky, Arg. and Gules on a Fess Arg. 3 Martlets, Sa.*

* Esch. 14
Edw. III. n.
16.

† Originl. 14
Edw. III.

Rot. 20.

‡ History of
Norf. Vol.
VIII. p. 24.

died in 1340,* (14 Edw. III.) without issue, leaving the said Joan surviving, and Edmund de Thorpe, his brother and heir,† who had livery of his lands accordingly. This

Edmund de Thorpe married Joan, daughter of Robert, and sister‡ and heir to Thomas Baynard, who died seised of the manors of Colkirke and Gately, in the county of Norfolk. With regard to this lady, there was an endeavour to set her aside from the inheritance, on a suggestion of bastardy: but, on trial, bishop Bateman certified that she was legitimate. He died in 1393, (16 Ric. II.) and was buried in the chancel of Ashwell-Thorpe.

He had issue two daughters; *viz.* Beatrix and Joan, and several sons; namely, Edmund, his heir—John, to whom he gave all his lands in Suffolk—and Robert, on whom he settled Bunwell; which Robert, by Elizabeth his wife, had an only daughter and heir, Eleanor.

Sir Edmund de Thorpe, eldest son and heir of the preceding Edmund, was slain at the siege of Lover's Castle in Normandy, in 1417, (5 Hen. V.) being the same person, as it is presumed, who, by Hollinshed, is called the lord Thorpe. But his body was brought over and buried in the church of Ashwell-Thorpe, under a stately tomb, where both himself and lady lie; their statues being at full length of white alabaster under a wooden canopy, ornamented with the Thorpe arms, and those of their respective marriages.

He was twice married: first, in October 1368, in the lifetime of his father, to Margaret, daughter and co-heir of Richard de la Riviere, by Maud his wife, sister and heir to John, son of John le Breton, lord of Sporle;§ secondly, to Joan, daughter and heiress of Sir Robert (or Roger) de Northwode, relict of Roger, lord Scales of Neucelles.

§ Vide Breton
of Sporle.

Sir Edmund left issue only two daughters, who were his co-heiresses; *viz.* Joan, who married, first, Sir Robert Echingham, knight, and afterwards Sir John Clifton of Buckenham, in Norfolk, by whom she had a daughter Margaret, who wedded Sir Andrew Ogard, but died without issue.

Isabel, the other daughter, married Philip Tylney, of Boston in Lincolnshire, esq.; by which means, the Tylneys, on the failure of issue from Joan Thorpe, came to the enjoyment of the Thorpe estate.

Frederick Tylney, eldest son and heir of Philip, married Elizabeth, daughter of Lawrence Cheney, of Ditton in Cambridgeshire, and had issue an only daughter Elizabeth, who became the wife of Sir Humphrey Bouchier, eldest son and heir-apparent to John, lord Berners, in whose heirs-general the representation of the barony of Thorpe (if any was created by the writs of summons temp. Edw. II.) became coalesced with the descent of the barony of Berners, for which heirs vide Vol. I. of this work.

Having thus terminated the account of the elder branch of this ancient and honourable family, there appears to be a younger line, not less deserving of notice. Of this line, William de Thorpe, cotemporary with the first Edmund, and probably his younger

brother,^a was one of the king's serjeants, and afterwards one of the judges of the Common Pleas.* Soon after which, he was constituted chief-justice of the King's Bench,† about 21 Edw. III. But in this post he was accused‡ of bribery and malpractice, though the king caused judgment to be suspended § against him, and at length pardoned || his transgressions, and restored all his goods, chattels, and estate.

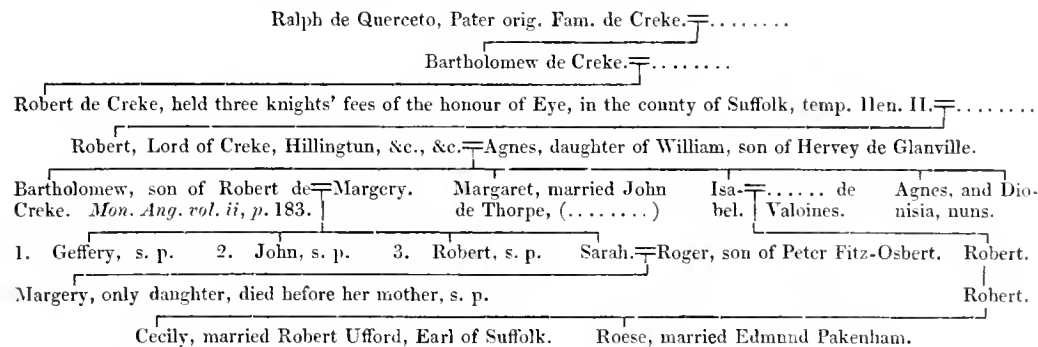
* Rot. Pat. 16 Edw. III. m. 13.
 † Chr. Jur.
 ‡ Rot. Pat. 24 Edw. III. p. 3. a tergo, m. 3.
 § Ibid.
 || Ibid. 25 Edw. III. m. 17
 ¶ Ibid. 48 Edw. III. m. 20
 ** Dug. List of Summ.

The 48 Edw. III. he had a license¶ to embattle his manor-house, at Makesey, in Northamptonshire; and had summons** to parliament from the 5th to the 14th Ric. II., both inclusive, among the barons of the realm. But if this William be the same person who was the corrupt judge in the 24 Edw. III., he must have been advanced very much in years at the time of the last-mentioned writ of summons.

As this family became heir to the territorial barony of Creke, it may not be inappropriate to refer to the said barony, and show the descent of it into the house of Thorpe.

CREKE.

This barony is one of the many which are unnoticed by Sir William Dugdale, although he has mentioned divers others of far less magnitude and importance. It is one, which deserves the more attention; inasmuch as, upon the failure of the male line of the Creke family, Fitz-Osbert, who married the heir-female of Bartholomew, the last Creke, had summons to parliament among the barons of the realm; as had the family of Thorpe, before mentioned, descended from Margaret, one of the sisters of the said Bartholomew de Creke; which Margaret, with her sister Isabel de Valoines, at length became the co-heirs to their brother Bartholomew, as aforesaid.



^a This William is stated to have had also a brother Robert, who was first one of the king's serjeants anno 1346; (*Chro. Jur.*) afterwards, in 1357, chief-justice of the Common Pleas; (*Chro. Jur.*) and, in 1371, (45 Edw. III.) chancellor (*Rot Pat. 45 Edw. III. m 21.*) of the realm.

Of this name there was likewise another eminent person; viz. Thomas de Thorpe, who, 37 Hen. VI., was one of the barons of the exchequer. (*Rot. Pat. 37 Hen. VI. m. 21.*) He was likely the same person who, 31 Hen. VI., was chosen speaker of the House of Commons, (*Rot. Parl. Vol. V. p. 227.*) and afterwards imprisoned, on which occasion the House petitioned (*Rot. Parl. Vol. V. p. 239.*) for his liberation, according to their privileges; but the Lords would not consent, and directed the Commons to choose a new speaker, who thereupon elected Sir Thomas Charlton, knight.

TREGOZ-HENRY.—(22 EDW. I.)

* Cha. Rot. 41
Hen. III. m. 3.
† Ibid. 55
Hen. III. m. 7.

Henry Tregoz, 41 Hen. III., had a charter for free-warren* at his manors of Garringes, Dodesham, and Waldrington, in Sussex; and in the 55th of the same reign,† had another charter for the like privilege, for his manor of Preston, in the said county of Sussex.^a

‡ Dug. Lists
of Summ.

Of this Henry Tregoz, Dugdale is silent; yet it may be well imagined, if he was not the same person, that he was father of that Henry Tregoz who, 29 Edw. I., was one of those barons who, though not summoned to the parliament at Lincoln,‡ where many of the nobles of the realm subscribed the letter to the Pope respecting the king's supremacy over the realm of Scotland; nevertheless had his seal affixed, and was styled "Dñs de Garinges."

§ Ibid.

The name of Henry Tregoz is included in the Lists of Summons to Parliament in the 22 Edw. I., and from the 32nd of that reign, to the 16 Edw. II., inclusive:§ but it can scarcely be conceived, that the Henry who, 41 Hen. III., obtained the charter for free-warren at his manor of Garinges, &c., can be the same person as the Henry so summoned to parliament as before stated—the period from that time to the 16 Edw. II. being (both inclusive) full sixty-five years.

|| Cha. Rot.
33 Edw. I. m. 5.
¶ Ibid. 6 Edw.
III. m. 52.

In 33 Edw. I.,|| a Henry Tregoz had a license for free-warren at Wikenholt in Sussex; and in 6 Edw. III. the like privilege at the same place.¶ Now, if the whole related to one person, the space of time would then embrace seventy-four years.

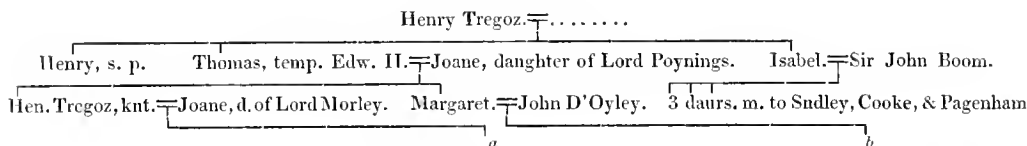
** Cha. Rot.
1 Edw. II. In
Dorso. m. 12.

But while Dugdale does not honour either Henry Tregoz, or Thomas hereafter mentioned, with any notice as parliamentary barons, yet in that character Henry Tregoz was summoned to attend at the coronation of Edward II.,** along with his consort.

†† Vide
Hart. MSS.
No. 173, Ped.
of Tregoz,
fol. 82.

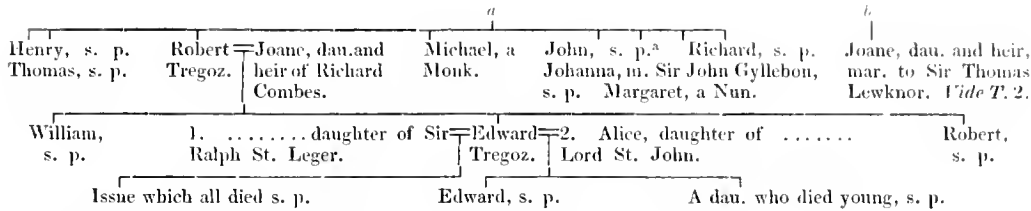
According to Vincent, Henry Tregoz of Sussex, was second son of Robert Tregoz, by Julian, daughter of William de Cantilupe; which Robert was son of Robert Tregoz, and Sibylla Ewias.††

TREGOZ.—HART. MSS., No. 1174. (133).



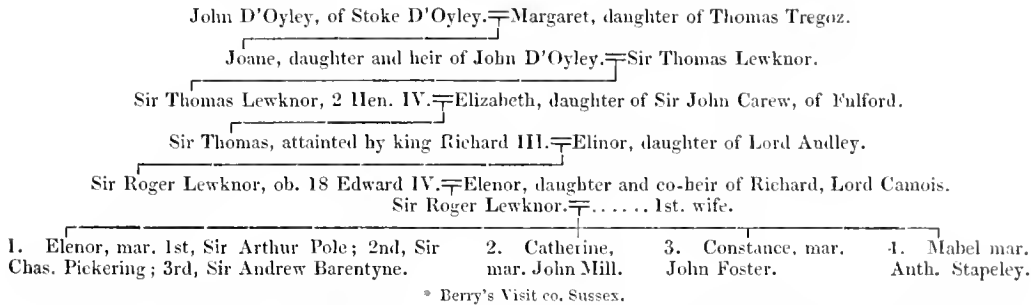
^a The name of Henry Tregoz appears before this time: for in the pipe roll of the 3rd of king John, Henry Tregoz is mentioned as paying scutage for his lands in Sussex, holden of the honour of Arndel; and in the same roll is also mentioned a Thomas Tregoz, who gave XL. s'. p'. *lm'da recogn' cont' sic' in R' p'ced'*

^b In the first summons, the 11 Edw. II., to the parliament called to meet at Lincoln, (*Claus. in Dorso. m. 14*) the name of Henry Tregoz is twice mentioned; but the meeting of this parliament was prorogued, wherein the writ for its subsequent meeting, the name of Henry Tregoz is omitted; but that of Thomas Tregoz is inserted, which seems to intimate that there was an error in putting the name of Henry, a second time.

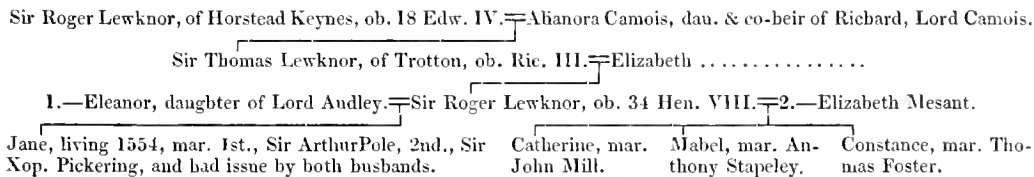


^a He conveyed his lands to Nicholas Carew, and others, to find him out an heir, who settled them upon Sir Thomas Lewknor, who married Carew's daughter.—(Vile Tab. 2).

TABLE II.*



But this statement of Mr. Berry, on the faith of a county visitation, is partly contradicted by the pedigrees submitted to the House of Lords on the late claim to the barony of Camois by the respective claimants, viz:—



TREGOZ-THOMAS.—(11 EDW. II.)

Thomas Tregoz, 11 Edw. II., had summons, *cum cæteris magnatibus et proceribus*,* to a parliament convened to meet at Lincoln, but which was afterwards prorogued to the morrow of the Holy Trinity, to meet at the same place, when he was again mentioned in the writ, summoning the peers then to attend.† But this proposed meeting of parliament was again put off, by reason the Scots had assembled a great army, and had invaded the kingdom; wherefore, instead of attending parliament, the earls and great barons were called upon to bring their military quotas to York; and in the summons of service on this occasion, the name of Thomas Tregoz is included among those of the peers of the realm.‡

This service was prorogued, and another writ of summons issued for meeting at the same place, on the morrow of St. Bartholomew; and in this writ the name of Thomas Tregoz is again inserted§ with those of the earls and barons. Furthermore; he had a

* Cla. Rot. 11 Edw. II. in dorso m. 12.

† Ibid m. 8.

‡ Ibid 2 & 3.

§ Ib. 12 Ed. II in dorso. m. 30.

repetition of the like writs of summons, along with the earls and barons, in 6th, 8th, and 9 Edw. III.*

* Dug. Lists of Summ.
 † Cha. Rot. 5 Edw. III. n. 5.

This Thomas had his lands in Sussex, chiefly, and, 5 Edw. III.,† had a charter for free-warren in his manor of Garringes, and at Preston, Ham, Bargham, Storeshton, Perham, Gretham, Waldrington, and Dodesham, all in the said county; likewise for Bageley, in Kent; which indicates, that if not the son, he was the successor of Henry Tregoz in several of these manors, particularly Garringes, Dodesham, Preston, and Waldrington; for which, as before observed, Henry Tregoz had obtained a charter of free-warren in the reign of Henry III.^a

Henry Tregoz, 22 & 29 Edw. I. =		
Thomas, sum. to parl. 11 Edw. II. & postea.	Sir Robert.	John Tregoz, — <i>Esch</i> 5 <i>Hen. IV.</i> — John, son of Henry Tregoz. The jury found that Thomas Lewknor, ætatis 12, was his next heir, being son of Roger Lewknor, son of Joan, daughter of Margaret D'Oyley, sister of Henry, father of the said John.
Edward, <i>Probatio ætatis</i> , son of Sir Robt. Tregoz. — <i>Esch.</i> 22 <i>Ric. II.</i> (Sussex). ob. circ. 1 Hen. IV. — <i>Vide Esch.</i> John, brother of Sir Robert, his heir, æt. 40 (Essex).		

TRIKINGHAM.—(8 Edw. II.)

Lambert de Trikingham was a justice of the Common Pleas‡ in the time of Edward I., and was so continued on the accession of Edward II.§ He was afterwards one of the barons of the Exchequer, and in his capacity of one of the king's justices, had summons to parliament; but, in the 8 Edw. II.,|| his name was included among those of the barons of the realm, by reason that the judges and king's counsel are in that writ promiscuously inserted with the peers. It however, is to be remarked, that, in divers preceding years, the earls and barons were summoned to parliament,¶ by one and the same writ as the king's justices; and, in those writs the name of Lambert de Trikingham is contained.^b

‡ Chr. Jur. Rot. Pat. 34 Edw. I. m. 27
 § *Ibid* 11 Ed. 11 m. 21
 || Dug. Lists of Summ.

¶ *Ibid.* 9th, 11th, 12th, 13th, and 14 Edw. II.

The family of Trikingham was of Lincolnshire, and denominated from a place of the same name, where it is recorded,** that Gilbert de Gaunt was seised of a fifth and a fourth part of a knight's fee in Trikingham and Walcot, which Hugh de Trikingham, and Maud, his mother,†† then held.

** *Testa de Neville*, vol. II p. 533. et alibi.
 †† *Ibid.*

In 29 Edw. I.,‡‡ Lambert de Trikingham had a charter for free-warren, at his demesne of Somerdebye in Lincolnshire; and the 2 Edw. III., had a grant§§ of a market and fair at Trikingham, in the county aforesaid.

‡‡ Cha. Rot. 29 Edw. I. n. 23
 §§ *Ibid.* 2 Edw. III. n. 76.

Shortly after this, he had license||| to endow the church of Helpryngham with certain lands there, and at Hale-parva, for the maintenance of a chaplain.

||| *Esch.* 3 Edw. III. n. 73, p. 2.

^a Vide *Harl. MSS.*, No. 173, extent of the M of Garyngges, (holden of Robert de Montalt, per serv^m 5½ *Fœd.* Mil. made 14 Edw. II., Thomas Tregoz then being there.—(Vide *Rot. Parl.* v. ii., p. 417, No. 222). John Tregoz, *tres-æt meisme cesti Thomas qi heir il est.*

^b He with Edmund Deyncourt, and John de Cauberwell, were assigned in the parliament at Westminster, 8 Edw. II., to enquire respecting the Pet'on of the co. of Notts., about the repairing of Bridges, &c.—(*Rot. Parl.* v. i. p. 333).

At the coronation of Edw. II., he was one of those who were summoned to attend, among other of the judges and king's council.

UVEDALE.—(6 Edw. III.)

This name has been variously written—as D'Ovedale, Uvedale. It has been a very numerous family, and possessed of considerable estates in several counties of England.

John de Uvedale, 32 Edw. I., had a charter* for a market and fair; together with free-warren, at his manor of Tacolneston, otherwise called D'Ovedale,^a in the county of Norfolk; † as also for free-warren, in his demesnes at Tichesey and Badnsted, in Surrey. Moreover, 35 Edw. I., he had another license ‡ for a market and fair at Tacolneston.

This John was a great benefactor to the canons of Walsingham in Norfolk, and gave § to them his manor of Bedingham; upon which an inquisition *ad quod damnum* being taken, the jury presented, “That besides the manor of Bedingham, which John de Uvedale gave the canons of Walsingham: he, at that time, had his manor of Tacolneston, and several lands and tenements in Neuton Flotman, to the value of £40., which would fully satisfy all customs and services, as well of the manor so given, as of the lands remaining in scutage, view of frank-pledge, aid, tallages, wards, fines, redemptions, amerciaments, contributions, and all emergencies; and that the said John might still be put on all assizes, juries, and recognitions as before the said gift, so that the county would not be more charged than before the said John had given the said manor.” This statement may in a great measure show the reason for enacting the statute of Mortmain.

The aforesaid John de Uvedale deceased 15 Edw. II., || being then seised of the aforesaid manor of Tacolneston, lands at Neuton-Flotman, with other lands in the counties of Surry and Cambridge. By Isabel his wife ¶ he had issue ⁷ Peter, ⁸ his son and heir; which

Peter de Uvedale, performing his homage, had livery of his inheritance the same year** wherein his father departed this life. This Peter appears to be the same who, in the 6th, 7th, 8th, and 9 Edw. III., †† had summons to divers parliaments among the barons of the realm; but after that period, he is no more noticed, nor any of his family as of baronial rank. He married the lady Margaret Dinham, but died s.p., leaving John his brother and heir. ‡‡

^a Upon the assessment of aid for marriage of Maud, the king's daughter, 12 Hen. II., Richard de Luci then certified (*Hearn's Lib. Nig. vol. i. p. 235.*) that *Hugh, the son of Hanel*, held of him, in Tacolneston. one knight's fee; which Hugh is deemed, by the History of Norfolk, to have been the progenitor of the above-mentioned John D'Ovedale, or Uvedale.

N.B.—Sir John Uvedall, (or Udall,) was one of the knights who attended Edw. I. to the seige of Carlaverock.—Sir Peter Uvedall sat as a baron in parliament; Nicholas Uvedall was Constable of Windsor, temp. Edw. III.; John Uvedall was sheriff of Sussex and Surrey, temp. Hen. V. and VI.; also, William Uvedall was sheriff of Sussex and Surrey the 8th of Hen. VI.—*vide Philpot's Kent, p. 111.*

* Cha. Rot. 32 Edw. I. n. 61.

† Hist. of Norf. Vo. II. p. 159-60. Depw.

‡ Cha. Rot. 35 Edw. I. n. 50.

§ Hist. of Norf. ut antea.

|| Esch. 15 Edw. II. n. 26.

¶ Inq. ad Quod Dam. 15 Edw. II. n. 78.

** Originalia 15 Edw. II. Rot. 17.

†† Dug. Lists of Summ.

‡‡ Cla. Rot. 14 Edw. III. p. 1. m. 49.

John de Ovedale, or Uvedale, ob. 15 Edw. II. = Isabel, d. and h. of Gilbert Etton, by Alice, dau. of John de Tichesey.
 Peter, ob. s. p. = Margaret Dinham. John, b. and h. to Peter s. p. Thomas, b. & h. to John, ob. 40 Edw. III. = . . .
 John Uvedale, Sheriff of Surrey, 4 Hen. V. = Sibyl, or Isabel, daughter and co-heir of Sir John Simmes, knight
 William of Tichesey, 16 Hen. VI. Joane, daughter of = John Uvedale, of Tattesfield, 17 Hen. VI.
 William Uvedale. Agnes, daughter of Guy. = Sir Thomas Uvedale, of Wickham, Hants, and Tichesey, Surrey. = Elizabeth, daughter and heir of Thomas Foxley.
 Sir William Uvedale, of Wickham, Hants. Henry Uvedale, of More Crichill, Dorset.

VEEL.—(16 Edw. III.)

* Originalia
10 Edw. III
Rot. 5.

† Dug. Lists
of Summ.

‡ Esch.
17 Edw. III.
n. 55.
§ Leland's
Itin. Vo. VI.
p. 45.

Peter le Veel, 10 Edw. III.* had the custody of the county of Devon, and of the castle of Exeter, committed to his charge; and in the 16 Edw. III., was one of those who, in the character of a baron, had summons to a great council then summoned to meet; † but he died shortly afterwards,^a being then seised, with Catharine his wife, of the manors of Tortworth and Charfield in Gloucestershire, Norton-Veel, juxta Taunton, in the county of Somerset; lands at Vele-halle in Devonshire; and the manor of Abbyngton in Wiltshire. ‡

This family was of high reputation, and very great antiquity, § as the following table of descent may show:—

Jeffery le Veel, temp. king John = Maud, daughter of Elias Harding at Berkley, of Huntingford.
 Henry le Veel, 37 Hen. III. = daughter of
 Robert le Veel, 25 Edw. I. = Hawise, daughter of — Gore, of
 Sir Peter of Tortworth, in the county of Gloucester, jure uxoris, 5 Edward III. = Hawise, daughter and heir of Nicholas Kingston, of Tortworth.
 Sir Peter, of Charfield, in the county of Somerset, jure uxoris, ob. 20 Richard II. = Cicely, daughter and heir of John Massy, of Charfield, in the county of Somerset.
 Sir Pierce le Veel. = Catharine, daughter of Sir John Clyvedon.
 Thomas.—(Vide Fosb. Glouc. vol. ii. p. 39.) = Hawise, daughter of Torrington.
 John, ob. circ. 9 Hen. VI. = Margaret, daughter of
 Sir John le Veel, sheriff of the county of Gloucester, 31 Hen. VI., ob. 36 = Alice, daughter of Brooksby.
 Robert le Veel. = Elizabeth, daughter of John Poyntz, Esq.
 Alice, sole daughter and heir, married Sir David Matthews, and had five daughters, her co-heirs; whereof Margaret, the eldest, married Sir William Throckmorton, knight.

^a In Thync's Chronicle, it is noticed that Sir Piers de Veile, and Henry, his son (most likely a younger one) was drowned in returning from the war in France, anno 1343.

VERE, HUGH.—(27 Edw. I.)

Hugh de Vere, a younger son of Robert, earl of Oxford, by Alice his wife, daughter and heir of Gilbert, called lord Sanford, was a very eminent person in his time, and had summons to parliament among the earls and barons of the realm, from 27 Edw. I. to 11 Edw. II., both inclusive.* In 29 Edw. I., he was one of those who subscribed the letter,† sent by the nobility of England to the pope, touching the king's supremacy over the realm of Scotland, at which time he was denominated “Dñs de Swaneschaump.”

* Dug. Lists of Summ.
† Ibid.

In 21 Edw. I., he was in the wars of France; and, 24 Edw. I., he was sent one of the ambassadors, to conclude a truce with the French king; and was similarly employed the following year; when, for his good services, he had a special livery of the lands of William, the son of Warine de Munchensi; whose daughter and heir, Dionysia, he had married, though she was not then of full age; and, 32 Edw. I.,‡ he did fealty for her inheritance, whereof he had (as before mentioned) livery.

‡ Rot. Fin. 32 Edw. I. m. 2.

The 1 Edw. II., he was summoned, as a baron, to attend the king's coronation;§ as was also his wife, Dionysia,|| who died the 7 Edw. II., without issue; for then Adomarc de Valence, son of the lady Joane Valence, was found to be her next heir.¶

§ Clau. Rot. 1 Edw. II. in dorso, m. 12.
|| Rymer, Tom iii. p. 52. 60.
¶ Esch. 7 Edw II. n. 51.

VERE, THOMAS.—(15 Edw. II.)

Thomas de Vere, nephew to Hugh, before mentioned, and only son and heir-apparent to Robert, earl of Oxford, was of great note in the lifetime of his father, and served in the wars of Scotland. In 34 Edw. I., he received the order of knighthood, by bathing with prince Edward, the king's son. In 1 Edw. II., he attended at the coronation, being then styled Thomas de Vere, son and heir of the earl of Oxford.*** In the 12 Edward II., he was again in the wars of Scotland; and, 15 Edw. II., has his name mentioned in the writ†† whereby the earls and barons have their attendance to the parliament at Doncaster, forbidden. In the 18 Edw. II., he was guardian of the coasts of Essex. He married Agnes, widow of Pain Tiptoft, but died before his father, without issue.‡‡

*** Collins's House of Vere.

†† Clau. Rot. 15 Edw. II. in dorso, m. 23.
‡‡ Esch. 5 Ed. III. n. 71.

JOHN DE VERDON.—(6 Edw. III.)

This person is totally unnoticed by Sir William Dugdale, in his History of the Ancient Baronage of England; but his name nevertheless is contained§§ in the Lists of the Nobility of the realm, who had summons to parliament in the 6th, 7th, 8th, 9th, and 16 Edw. III.||||

§§ Dug. Lists of Summ.

|||| Clau. Rot. ejus. annor.

a Though Collins in his History of the house of Vere, makes this assertion, the name of Thomas de Vere does not appear in the roll of summons among the barons; but that of *Hugh de Vere* is therein mentioned. He might have summons to attend nevertheless as an earl's son.

From what line of the Verdon family he was descended, is nowhere noted, inasmuch as no peerage-writers have made any mention of him. The first dynasty of the Verdons terminated in the principal male branch, about the reign of Henry III.; in an heir-female, Roesse de Verdon, who having married Theobald le Butiller of Ireland, gave her own surname to her issue; whereof Theobald, the last Butiller, otherwise called Verdon, died temp. Edward II., having had issue two sons, John and William, and divers daughters, who eventually proved his co-heirs.*

* Dorm. and
Ext. Peer.
Vol. II. tit.
Verdon.

But besides this house, there seems to have been a stock of the same name, which long continued in the male line, and flourished in the county of Norfolk. Of this stem,

† Blomef.
Vol. I. p. 49.

William de Verdon was enfeoffed by Roger, father of Hugh Bygot, with six knights' fees, of which Brisingham† in Norfolk was reckoned as two. This enfeoffment was about the year 1100, if not before. After him, another

‡ Lib. Nig.
Vol. I. p. 284.
§ Ibid p. 50.

William de Verdon was lord of Brisingham, and on the assessment of aid for marriage of Maud, the king's daughter, is named in the certificate of Hugh le Bigot as holding the said six knights' fees of him in the county of Norfolk.‡ To him succeeded

Bertram de Verdon, who lived at Brisingham§, and was also lord of Moulton, whose

|| Pip. Rot.
12 Joh.
¶ Cart.
2 Hen. III.
m. 8.

son Wido, called also Hugh de Verdon,|| gave king John £100., that he might have license to marry Petronilla, widow of Henry de Mara, and also possess her lands.¶ His successor was

Sir John de Verdon, knight, who settled Brisingham on himself for life; remainder to Thomas his son, and Thomasine his wife; and, in default of heirs, then to John another son, who, in 1280, inherited accordingly, and was a ward to the earl marshal; which last-named

John de Verdon, in 1285, claimed *view of frank-pledge, assize of bread, and ale, infangthef, gallows, and free-warren*, in his manors and lands in Norfolk; viz. at Brisingham, Multon-Magna, Saxlyngham, and Reydon: all which privileges had been granted to his father by Henry III., as the charter then produced, evidently proved.

John de Verdon, his son and heir, held his lands in 1300 of the earl of Norfolk, as his predecessors had done, and died probably soon after, as

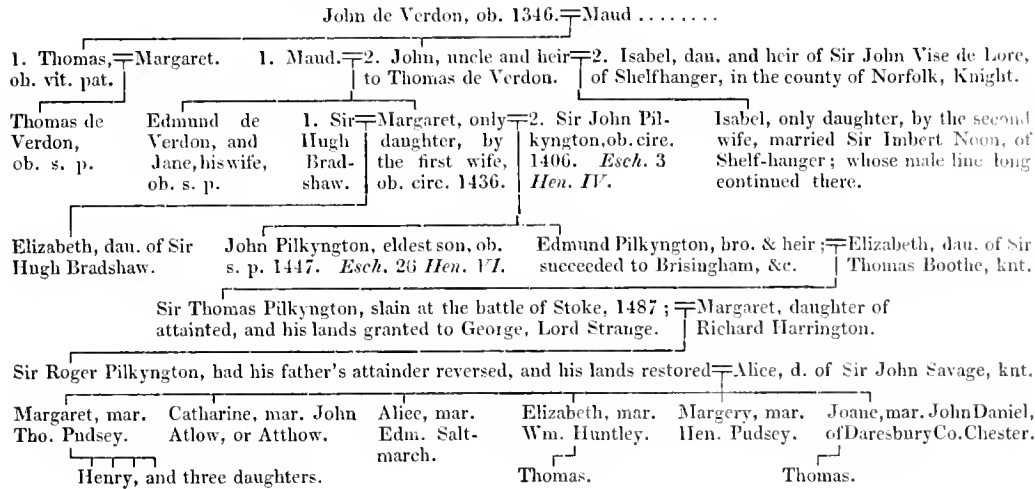
Thomas de Verdon, in 1302 and 1306, held in Brisingham, Moulton, Saxlingham, Aslacton, Tibenham, Hapeton, Shadnfield, and Forncet, eight knights' fees of the earl marshal. He died about the year 1315, leaving

Sir John de Verdon, his son and heir, who succeeded to the Norfolk estates, but removed his capital seat from Brisingham to Martlesham in Suffolk. He seems to have been a person of great hospitality, from the inventory** of the establishment he left at Brisingham, to treat his tenants, &c., whenever he should go thither to reside.

* Blomef.
Vol. I. p. 51.

He died in 1346, the 19 Edw. III., and from his considerable estate, consequence,

and the æra, at which he lived, may be considered that John de Verdon, who had summons to parliament among the barons of the realm, in the 6th, 7th, 8th, 9th, and 16 Edw. III., as before observed. But the line of this eminent person at length terminated in female co-heirs, as the annexed table of descent will more particularly explain :—^a



WAKE.—(24 Edw. I.)

Ralph Wake, 24 Edw. I., had summons,* with other eminent persons, to attend a great council, to be holden at Newcastle-upon-Tyne, well furnished with horse and arms, and to consult upon the expedition then contemplated to be made into Scotland.

This Ralph was a younger branch† of the Wakes, of Lydel, who were barons of great consideration; but how descended from, or connected with them, is not established. In the 18 Edw. I.,‡ he had a charter for free-warren in his lands at East and West Dovelish, and Compton Martin, in the county of Somerset; and at Stoke in Blackmore, Gorwell, Caundel, Baymin, Hull, and Stureweston, in Dorsetshire.

According to Hutchins,§ this Ralph was son and heir of Andrew Wake, which Andrew was the son and heir of Hawyse Wake, and in 28 Hen. III., had livery|| of his mother's lands in the county of Dorset; who, from this circumstance, seems to have

^a In the great Tournament at Dunstable, the 7 Edw. II., a Sir John de Verdon is mentioned as one of the Tilters, bearing for his arms, "*Sab. ove un Lyon Rampant Arg.*" At this Tournament also was Thomas de Verdon, *son frere*, who bore mesmes les armes, *un rok (a Chess Rook) de Goules un Lepaule de Lyon*. He was likewise in the Tournament at Stebenhithe, the 2 Edw. II.; his Arms then being *Sa. a Lion rampant, Arg. langued Gu.*

* Dug. Lists of Sum.

† Hutchin's Dorset, Vol. II. p. 34.

‡ Cha. Rot. 18 Edw. I. n. 67.

§ Hutchin's Dorset, Vol. II. p. 448.

|| Originalia, 28 Hen. III. Rot. 3. Dors.

been the heiress of that inheritance, and, most likely, was the daughter of Cosyn, or Cousin, the name of a family, which held the said lands before the Wakes.

* Hutchin's
ut antea.
† Esch. 22
Edw. III. n. 46.

He is said to have come to his death by the unnatural contrivance of Alice his wife, who was afterwards tried, and burnt,* according to her sentence for the said offence.

‡ Ibid. 34
Edw. III. n. 69.

John Wake, son and successor to Ralph, died about the 22 Edw. III.,† being then seised of the manors and lands whereof his father had been theretofore possessed: when his heirs were his daughters, Isabel, wife of John Keynes,—Margaret, wife of Hugh Tyrel,—and Elizabeth, who married Richard Michell:‡ among whom the inheritance became divided.

WALEYS.—(14 EDW. II.)

§ Clau. Rot.
14 Edw. II. in
Dorso. m. 5.

Richard Waleys, 14 Edw. II., had summons to a parliament convened to meet at Westminster in twenty-one days from the Nativity of St. John the Baptist, there to treat upon the affairs of the kingdom, *cum ceteris magnatibus et proceribus regni.*§

|| Ibid. 15 Edw.
II. in Dorso.
m. 23.

After this, a parliament having been proposed to be assembled at Doncaster, by the earl of Lancaster, to which the nobility and commons were required to attend and advise upon the grievances of the nation, his Majesty, by his special writ|| addressed to his principal nobility, forbade them to be present at the said assembly; and, on this occasion, the name of Richard Waleys is again included among the earls and barons. But after this period, his name is not contained in any further writ of summons to parliament.

¶ Quo. War
9 Edw. I. Ehor.
** Esch. 10
Edw. II. n. 67.

The name and family of Waleys was of great antiquity in Yorkshire; for when Stephen Waleys (father,^a as it is presumed, of Richard) was questioned by what right he claimed to have free-warren in Hilton and Helaw, in that county, he defended the same, by producing the charter of Henry II.¶

This Richard probably married Alianor, relict of Robert Brus, of Connington,** and had issue a son Stephen, who, however, was more likely by a former wife.

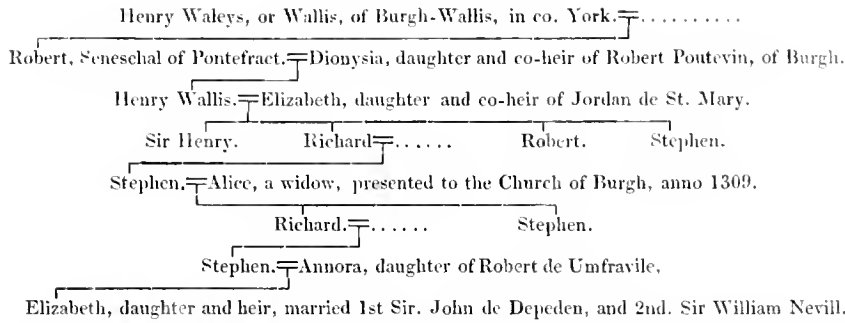
†† Cha. Rot.
6 Edw. III. n.
2.

‡‡ Dug. Bar.
Vol. I. p. 507.
§§ Burton's
Monast. Ebor.
p. 187.

Stephen, by the description of *son of Richard Waleys*, in 6 Edw. III., had a charter of free-warren†† for his lands at Burgh-Waleis, Newton-Wales, Hanley, Cotyngley, and Dunsford, all in the county of York. His wife, according to Dugdale‡‡ was Annora, or Eleanor, daughter of Robert Umfraville, earl of Angus. By his will, proved in 1347, he desired to be buried§§ in the priory of Helaw, in the county of York.

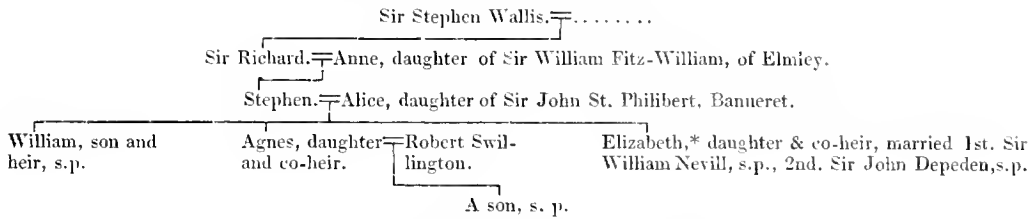
^a This Stephen (according to a MS. in the Bodleian Library) had a son Sir Richard; who, by Anne, daughter of Sir William Fitz-William, of Ehaley, had a son Stephen; who by a daughter of Sir John St. Philibert, had a son, who died s.p., and two daughters,—Agnes, who married Robert Swillington.—and Elizabeth, who married, first, Sir William Nevill, and secondly, Sir John Depeden. Sir William Vavasour, of Yorkshire, married Nichola, daughter of Sir Stephen, and sister to Sir Richard Waleys of Newton.—*Coll. Baron.*

N.B.—Vide No. 1406, Harl. MSS. Visitation of Sussex, at folio 127, notes concerning the families of Morley, Sir Richard de Walleys, and Sir Robert de Kendall.



Hunter in his *Deanery of Doncaster*, (vol. ii., p. 484.) asserts that she had a daughter who became heiress to herself, and to the line of Burgh-Wallis, which daughter married Sir William Mowbray, whose son, or grandson Alexander, left Elizabeth his daughter and heiress, who married Sir William Gascoigne of Gawthorpe, which Sir William died anno 1412. Vide ped. of Wallis and Gascoigne, in Hunter.)

Dodsworth, Vol. 81, No. 5022, p. 216.



* Living 21 Ric. II., being then the wife of Depeden.

There was a Sir John de Waleys, one of the Tilters at the great Tournament at Stebenhithe, the 2 Edw. II., who bore for arms *Ermine a Bend Gu.*; but his name does not occur in either of these pedigrees.

WATEVILL, OR WATERVILLE.—(20 EDW. II.)

Robert de Watevill,^a or Waterville, 20 Edw. II., had summons to attend a parliament at Westminster,* *inter ceteros proceres et magnates regni*; and, in the 1st, 2nd, 3rd, and 4 Edw. III., had the like summons with the nobility of the realm. In the 32 Edw. I. (if he be the same person), he had a charter for free-warrent† at Overton-Waterville,

* Clau. Rot. 20 Edw. II. in dorso. m. 4.
† Cha. Rot. 32 Edw. I. n. 23.

^a He was concerned in the seizing, detaining, and the death of Piers de Gaveston, the great favourite and Gany-mede of Edw. II., for which he afterwards had license of pardon, and the 18 of Edw. II., was a commissioner of array for Hampshire.

This family made a conspicuous figure in the reign of Edw. II.: for, at the great tournament at Stebenhithe, (Stepney), anno 2 of Edw. II., there were no less than three of the name among the famous tilters, viz. Sir Robert Watevill, who bore for arms: *Arg. three Chevronels, G., a Bordure indented Sa.*

Sir Roger de Waterville: *Arg., three Chevronels Gu., in Canton a Martlet Sa.*

Sir Geoffrey Wauteville: *Sa. Semeé of Cross Croslets, a Lion Rampant Arg., langued Gu.*

* Gro. Fin.
9 Edw. II.
Rot. 20.

in the county of Huntingdon; and, in the 9 Edw. II., fined forty shillings for license,* to give certain lands at Overton-Watervill, and Ashele, in Huntingdonshire, to found a chantry at St. Mary's, at Ashele.

† Dug. Bar.
Vol. 1. p. 438.
‡ Collins's
Parl. Prec.

This name is very ancient, of which — Watevill, or Waterville, married Asceline, one of the sisters and co-heirs of William, the son of Pain Peverell, baron of Brune,† in the county of Cambridge, and had issue Roger Wateville, of Thorpe,‡ who had issue.

§ Lib. Nig.
Seacc. Vol. 1.
p. 294.
|| Matt. Par.
p. 852.

In the time of Hen. II. § Robert Watevill held three knights' fees of the honour of Clare in Suffolk; and a Berenger de Waterville, was one of those great men, on the part of the rebel barons, who were taken prisoners by the royal army at Northampton. ||

¶ Cha. Rot.
4. Joh. m. 16.
** Ibid.

There was a family of this name of much repute, in the county of Essex; whereof a Robert de Watvile held Hampsted, in the time of Richard I., which was holden by his son William in the time of king John,¶ and also in the reign of Hen. III., when William Waterville had a charter of free-warren for Hamsted and Pamfield, in Essex.**

38 Hen. III.
m. 13.
†† Morant's
Essex. Vol. II.
p. 406.

William, only son of the said William, according to Morant,†† married the daughter and heir of Robert Roos, of Radwinter, and had an only son John, who had issue also an only son John, who died issueless, and a daughter Joan, who was married, first, to Richard de Mutford; and secondly to William de Langham.

‡‡ Monast.
Anglic. Vol. 1.
p. 640.
§§ Ib. p. 641.

In the 10th of king Stephen, William de Waterville gave the manor of Warlingham to the convent of Bermondsey, with the consent of Robert his son; ‡‡ and, it is likely, was the same person who, with the consent of his sons (Robert, William, and Ottwell) gave the adowsons of the churches of Warlingham and Chelsham to the said convent. §§

WHITYNGTON.—(25 EDW. I.)

||; Clan. Rot.
25 Edw. I.
in dorso. m. 25

John de Whytington,^a 25 Edw. I., was called by writ to attend a parliament summoned |||| to meet at Salisbury, on the feast-day of St. Matthew the Apostle, *cum quibusdam aliis proceribus, et magnatibus regni*; and in the same character of a baron, he had a summons of service to be at Newcastle-upon-Tyne, on St. Nicholas's Day, the same 25 Edw. I. ¶¶ But his name is not mentioned in any subsequent writ of parliamentary summons.

¶¶ Ib. m. 20.
cedula.

*† Fosbrook's
Glouc. Vol. II.
p. 231.

The family of Whittington was of great consideration at Pauntley, in the county of Gloucester, which they obtained by marriage*† with the heiress of Solers, of Pauntley. But whether the aforesaid John de Whityngton was descended of the said house, is not set forth. The Pauntley line terminated in the main branch in 1346, by the death of

^a This name is rendered memorable, as being the same so historically recorded in that of Richard de Whitynton, the famous, thrice lord mayor of London.—*Vide Maitland's History of London.*

Thomas Whittington, who left only female issue, married into the families of St. Aubyn, Berkeley, Bodenham, Throckmorton, Nanfant, and Poole of Saperton.

WOGAN.—(35 Edw. III).

This is the name of an ancient and highly distinguished family, which was particularly eminent in the kingdom of Ireland. Of this house,

John de Wogan, 23 Edw. I., was appointed justice of all Ireland, by patent dated at Westminster, 18th October.* He shortly afterwards passed over to that realm, and took the justice-seat, where he continued for some years† to exercise the difficult and important duties of that high station, with great credit, energy, and ability.‡ In 1308, the 2 Edw. II., he returned to England in the autumn;§ and William Bourke was appointed keeper of Ireland in his absence. He afterwards, however, went thither again, and attended the parliament which was holden at Kilkenny, in 1309, on the Octaves of the Purification of the Virgin Mary.

But in 1312, the 6 Edw. II., he came back to England, and Sir Edmund Butler was first nominated his deputy, and afterwards justiciary of Ireland in his room. The time of his death is unnoticed; but it seems, that his wife, styled|| the lady Margaret, || Ibid. deceased in Ireland before him, on the third day before the Ides of April, anno 1302.

But this John could not be the same who had summons the 35 Edw. III., as the period back from that time to 23 Edw. I., when he was appointed justice of Ireland, would be upwards of sixty-five years; it is therefore more likely that the

John Wogan, who had the said summons of 35 Edw. III., to attend at Westminster, to consult on the affairs of Ireland, was son of Sir Thomas Wogan, who was the king's escheator in Ireland, and died 31 Edw. III.,¶ being then seised of the manor of Kilta, with several other lordships in Ireland; and likewise of the half of the manor of Wiston, with Picton and the castle of Pembroke, in Herefordshire and Pembrokeshire, in England; of which John Wogan, his son and heir, had livery the same year.** The manor of Kilta, &c., in Ireland, were holden of Roger Mortimer, by the service of four knights' fees.††

The manor of Picton was acquired by the marriage of Sir John Wogan, of Wiston, (the ancient seat of the Wogans), with the daughter and heir of Sir William Picton, of Picton Castle; whose ancestor had the same from Arnulph de Montgomery, in the time of William Rufus.

By the heiress of Wogan, the castle, &c., came in marriage to Owen Done, of Muddlescombe, by whose grand-daughter, and heiress, married to Sir Thomas Philips, knight, the same passed to that family,‡‡ in which it has subsequently continued, and whereof the late Sir John Philips, who was created baron of Milford, died seised in 1823.

* Rot. Pat.
23 Edw. I.
m. 3.
† Ibid.
1 Edw. II.
m. 7.
‡ Camden's
Annals of
Ireland.
§ Ibid.

|| Ibid.

¶ Esch.
31 Edw. III.
n. 34.

** Originalia.
31 Edw. III.
Rot. 13.

†† Pat Rot.
31 Edw. III.
m. 10.

‡‡ Ex. Inf.
Dom. Milford.

* Pat. Rot.m.

15.

† Ibid. m. 27.

A Walter Wogan, 15 Edw. II.,* was a justice of the Pleas in Ireland, and, 21 Hen. VI.,† a Richard Wogan was chancellor of Ireland; but in England the name is not recorded as having filled any very high official situations.

WYNDESOR.—(24 EDW. I.)

‡ Dug. Bar.
Vol. I. p. 509.

With regard to the origin of this family, Sir William Dugdale has certainly treated of it in his Baronage;‡ but he has nevertheless omitted the regular account of Richard de Wyndesor, who, according to Messrs. Collins and Edmondson, was the ancestor of the family of the subsequently-created barons of that ancient house and surname. The said

§ Ibid.

Richard de Wyndesor, or Windsor, was son and heir of William, grandson to that William, whom Dugdale has stated§ as a younger brother to Walter, who deceased about the time of king John, without issue male.

|| Willis's
Notif. Parl.

This Richard being of full age, in 13 Edw. I., had livery of his inheritance; and, in the 23rd of the same reign, was one of the knights|| of the shire for the county of Berks. In the 24 Edw. I., he had summons with other eminent persons, to the great council at Newcastle-upon-Tyne; and, in the year following, was again one of the representatives in parliament for Berkshire; as he was also in divers other parliaments¶ of his time. He died the 19 Edw. II.,** leaving Joan his second wife surviving,†† and Richard his son and heir, by Julian his first wife, who was daughter of Sir Nicholas Stapleton, of Hachilsay, in the county of York, knight; which

¶ Ibid.

** Esch. 19
Edw. II. n. 54.
†† Ibid.

Richard Windsor, was the lineal ancestor‡‡ to Sir Andrew Windsor, who, 21 Hen. VIII., was summoned to parliament as a baron of the realm, and whose heir-male was afterwards advanced to the dignity of earl of Plymouth.

‡‡ Collins,
Edmondson,
&c.

WYNESLEE.—(24 EDW. I.)

§§ Dug. List
of Summ.

Thomas de Wyneslee, 24 Edw. I., was one of those persons of consideration, who then had a consimilar writ of summons§§ of service, to attend among the barons at the council, then convened to meet at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots. But, excepting on this particular occasion, the name of Wyneslee is not noticed with any baronial or honorial distinction; nor is it mentioned who, or of what family he was, or belonged to.

WYTH.—(1 EDW. III.)

||| Esch. 1
Edw. III. n.
88.

Geffery With, or Wyth, in the time of Edward III., held||| one knight's fee at Louthingley, in the county of Suffolk, of Thomas, earl of Lancaster. In the 1 Edw.

III., he was one of those who had summons* to attend at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots; but this summons† was one of *service*, and not *for consultation in parliament*.

* Dug. Lists of Sum.m.
† Ibid.

This Geffery is likely the person who married Isabel, daughter and co-heir of William de Stalham, who held lands at Beeston and elsewhere, in the county of Norfolk.‡ where, upon his decease, he was interred in the chancel.

‡ Hist. of Norfolk, Vol. IX. p. 25, Tunsted.

After this period, the name of Wyth is not noticed in the public records as one of any particular note, though it appears, that

Sir Oliver Wyth, 24 Edw. III.,§ had, along with others, license to enfeof the prior and convent of St. Olave de Herbyngflet with divers lands in the county of Norfolk;^a and that,

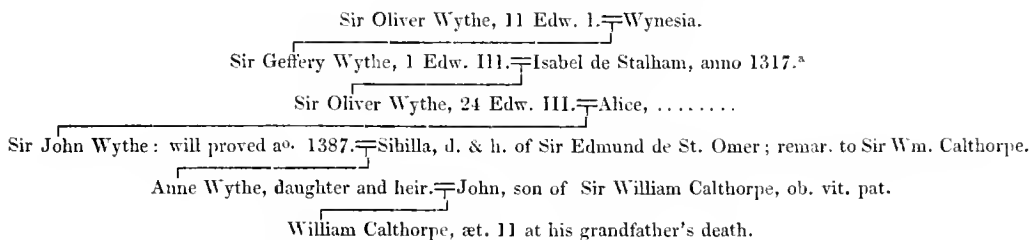
§ Esch. 24 Edw. III. u. 14, sec. nos.

Anne, daughter and heir of Sir John Wyth, by Sibilla his wife, daughter and heiress of Sir Edmund de St. Omer,|| married Sir John Calthorpe; which family thereby came to inherit certain estates of the Wyths in Norfolk, and to quarter the arms of Wyth, as is represented in the chancel of Hampstead Church, in Norfolk.¶

|| Hist. of Norfolk, Vol. III. p. 13, S. Erping.
¶ Ibid. Vol. VII. p. 22, Happing.

Sir John Wyth, by his will, dated the 22nd of February, 1387, desired to be buried in the chancel of Beeston Church; where also, upon her decease, his wife Sibilla (who had survived him) was likewise interred, according to her desire, as expressed in her will.

Arms of WYTHE: 3 Griffins in pale, passant or.—*Vide Blouf. Norf., vol. 5, fol. edit., pp. 885, 1438 and 1454.*



^aSir William de Stalham, of Stalham, in the county of Norfolk. — Isabel dau. and heir of Matthew de Gunton.



^a He is probably the same who married Wynesia, daughter and heir of John de Riveshall, lord of the manor of Rushhall, in Norfolk; which from the Wythes afterwards passed to the Carbonels.—Hist of Norfolk. Vol. ii., p. 87 Earsham.

The name of With or Wyth appears very ancient. In the pipe roll of the 3 of king John, *Ric' With* is mentioned among others who were amerced by Geffery Fitz-Peter, the king's chief-justice, in Dim' m', or half a mark.—(*Buckingham, and Bedfordshire.*)

The preceding account of those persons who were summoned to parliament in the character of Barons, but were, nevertheless, rejected by Dugdale out of his History of the Peerage, must evidently show, that some at least, though not all of them, were entitled to hand down to their posterity an inheritable parliamentary dignity,—particularly if a sitting, under their writs of summons, could be established. This is a point, as already observed, material to constitute and complete the right of a baron, by writ, to an inheritance in fee-simple, or rather fee-tail general, in his honor; for which reason, the following copy of the writ of summons to the parliament at Lincoln, in 28 Edw. I., and the list of names of the persons, who were therein assembled, and subscribed the letter to the pope, may tend to prove that such persons were then unquestionably considered in the rank of peers of the realm, and were sitting in parliament for the purpose of deliberation.

One thing rather noticeable in this parliamentary record, is, that the names of the persons who did not subscribe the letter, are stated; which intimates, that, though present, they objected to the proceeding, and were, according to modern language, the “*Non contents.*”

Again, the names of those, who, though they were not summoned, (yet had their seals affixed to the letter), being set forth, the same affords a conclusion, that they were absent on some public mission, or were otherwise employed, or excused, and therefore gave their consent by proxy.

To this evidence of parliamentary sitting, may be added the writ of summons to the earls and barons, to attend the coronation of Edward II., which is the most early writ of the kind extant. This may tend to show who were the persons then esteemed among the barons of the realm.

Claus. Rot. 28 Edw.. I. in dorso, m. 3.

D' veniendo
ad p'liamen-
tum.

¶ veniabili in xp̄o. R. eadem ḡra archiēpo Cantuar̄ tocius Angl̄ primati saltem. Cum nup̄ p̄cōi utilitate popl̄i regni n̄ri concesserim^o qđ carta de foresta in singlis suis artiċlis firmit̄ observaret^r assignando quosdam de fidelib; n̄ris in singlis com̄ ejusdem regni in quib; foreste n̄re existunt ad pambulaċōem in eisdem forestis faciendam. Ita qđ pambulaċōem illam distincte & apte fċam ad nos anteq̄^a aliqua execucio vel aliquid aliud inde fieret reptarent. et qđ juramentū n̄rm jus corone Angl̄ rōnes & calumpnie n̄re nec jus rōnes & calumpnie alioz̄ om̄i salva forent^r Nos licet dċi fideles n̄ri nūc p̄mo ad nos detulerint quod fecerūt in negocio memorato, quia tamen prelati, comites, barones, & eccl̄i magnates dċi regni in quoz̄ p̄sencia n̄ras & alioz̄ p̄poni & audiri volum^o rōnes & de quoz̄ concilio in eodem negocio p̄ūt alias dixim^o intendim^o opari^r Maxime cū ip̄i ad

observand & manutenend jura regni & corone p̄d̄ce una nob̄cum juramenti vinculo sint ast̄cti juxta latus n̄m t̄nc temporis nō fuerūt ac p̄ eo simil̄ q̄d illi qui suas rōnes q̄aten̄ illud negociū eos tangit p̄pon̄e hebant inde p̄muniti nō erāt eidem negotio sine ip̄oz consilio finem impon̄e non potuim̄ bono modo. Et quia negociū illud q̄antum possum̄ cupim̄ maturari: ita q̄d p̄ nos nō stet quin absq̄ ult̄ioris difonis incōmodo eff̄c̄m debitū sorciat̄: volentes eū prelatis, comitib; baronib; & magnatib; sup̄ad̄cis ac aliis de cōitate d̄ci regni sup̄ hoc & quib;dam aliis arduis negociis nos & statū regni p̄d̄ci tangentib; here colloquiū & t̄ctatū: vōb̄ mandam̄ in fide & dileccōne quib; nob̄ tenemini firmit̄ injungentes q̄d sitis ad nos ad p̄liamentū n̄m apud Lincoln̄ in Octab̄ S̄ci Hillā p̄xio futūr nob̄cum ibidem una eū cet̄is prelatis & p̄cerib; p̄d̄cis sup̄ p̄missis t̄ctaturi v̄m̄q; consiliū impensuri. Et hoc sicut nos & cōmodū regni p̄d̄ci diligitis nullaten̄ omittatis. T. B. apud la Rose xxvj. die Septemb̄r.

Consimiles l̄re diriguntur T. archiepo Eboꝝ Angl̄ primati & ep̄is & abbatib; subscriptis videft.

J. Karlioleñ ep̄o
 J. Lincoln̄ ep̄o
 R. Elieñ ep̄o
 J. Norwyceñ ep̄o
 R. Londoñ ep̄o
 T. Roffeñ ep̄o
 R. Cicestr̄ ep̄o
 S. Saꝝ ep̄o
 T. Exoñ ep̄o

W. Bathoñ & Welleñ ep̄o
 R. Hereford̄ ep̄o
 G. Wygorñ ep̄o
 W. Covent̄r̄ & Lych̄ ep̄o
 A. Dunelñ ep̄o
 J. Landaveñ ep̄o
 D. Meneveñ ep̄o
 .. Assaveñ ep̄o
 .. Bangoreñ ep̄o

Abbati de S̄co Edm̄o
 Abb̄i S̄ci Auḡtini Cantuar̄
 Abb̄i de S̄co Albano
 Abb̄i Westm̄
 Abb̄i de Waltham
 Abb̄i de Burgo S̄ci Petri
 Abb̄i de Rameseye
 Abb̄i de Thomeye
 Abb̄i de Croyland̄
 Abb̄i de Evesham
 Abb̄i Glastoñ

Abb̄i de Wyncheeūbe
 Abb̄i de Malmesbury
 Abbati Cestr̄
 Abbati de Hida Wyntoñ
 Abb̄i de Birtoñ sup̄ Trentam
 Abb̄i S̄ci Petri Gloucest̄r̄
 Abb̄i de Alnewyk
 Abb̄i de S̄ca Agatha
 Abb̄i de Barlinges
 Abb̄i de Tophoſm
 Abbati de Byleye

Abbi de la Dale	Abbi de Dunkesweſſi
Abbati de Neuhus	Abbi de Rupe
Abbati de Cokersand	Abbi de Rughford
Abbati de Croxtoñ	Abbi de Valle Dei
Abbati de Sca Radegund	Abbi de Gerndoñ
Abbi de Stanlawe	Abbi de Stanleye in Arderñ
Abbi de Bildewas	Abbi de Bello loco Regis
Abbi de Stonle in Wylf	Abbi de Strata Florida
Abbi de Tychefeld	Abbi de Flaxefeld
Abbi de Lavendeñ	Abbi de Pippeweff
Abbi de Torre	Abbi de Redinges
Abbi de Wellebeķ	Abbi de Cumbe
Abbi de Hales	Abbi de Bassingwerk
Abbi de Swinesheved	Abbi de Cumbmere
Abbi de Wardeñ	Abbi de Tynfne
Abbi de Boxle	Abbi de Kingeswode
Abbi de Furnais	Abbi de Waverle
Abbi de Salleye	Abbi Sca Werburge Cestf
Abbi de Holmcoltran	Abbi de Crokesdeñ
Abbi de Cirencestf	Abbi de Valle Regali
Abbi de Novo Monastio	Abbi de Deulaeresse
Abbi de St ^a tford	Abbi de Mira Valle
Abbi de Tileteye	Abbi de Revesby
Abbi de Bynedoñ	Abbi de Peo Lude
Abbi de Jirovaif	Abbi Bca Marie Eboz
Abbi de Fontibz	Abbi Sca Aug ^o tini Bristoll
Abbi de Bella Landa	Abbi Sca Peti Glouc
Abbi de Melsa	Magro ordiſ de Sca p ^o g
Abbi de Kirkstede	Priori Hoſpiſ Sca Johis Jerlm
Abbi de Quarrera	in Angl
Abbi de Liteleye	Magro Milicie Templi in Angl

D' veniendo ad
p^oliamentum
R.

R. dilecto & fideli suo Johi de Warenna comiti Sur^o saltm. Cum nup p cōi utilitate &c. ut sup^a usq; ibi. Vob mandam^o in fide & homagio quibz nob tenemini firmit^o injungentes qd sitis ad nos ad pliamentū nrm apud Lincolū in octab Sca Hilla^o pxio futu^o no^obeum ibidem una cū prelatiſ & pceribz pdc^ois sup pmissis tractaturi v^oinq; consiliū impensuri. Et hoc sicut nos & cōmodū regni pdc^oi diligitis nullaten^o omittatis. T. R. apud la Rose xxvj. die Septemb^o.

Consimiles ire dirigunt, comitib; , baronib; , & militib; subseptis videlt.

Rog̃o le Bygod comiti Norff & marescallo Angl	Pho de Kyme
Rado de Monte Hermerii comiti Glouc̃ & Hertford	Joñi de Seg ^{ave}
Humfrido de Bohun comiti Hereford & Esseñ	Robto filio Rog̃i
Riço filio Alani comiti Arundell	Hugoni de Veer
Guidoni de Bello campo com̃ War̃	Walt̃o de Fauconbge
Thome comiti Lancast̃	Petro de Chaumpnēt
Robto de Veer comiti Oxoñ	Rado Basset de Draytoñ
Gilbto de Umframvill com̃ de Anegos	Rog̃o de la Warre
Heñ de Lancast̃	Joñi Paynel
Aymero de Valencia	Aleço de Balliolo
Joñi de Ferariis	Hugoni Point;
Heñ de Percy	Rog̃o de Mortuo Mari
Robto filio Walt̃i	Willo de Ryther
Willo le Latin ⁱ juniori	Reginaldo de Grey
Robto de Clifford	Walt̃o de Muncy
Robto de Monte Alto	Robto de Seales
Joñi de Hasting̃	Ade de Welles
Joñi de la Mare	Almarico de S̃co Amando
Joñi de Ripariis	Willo de Canti Lupo
Joñi de Mohun	Joñi Engaigne
Robto filio Pagani	Gilbto Pecche
Hugoni de Curtenay	Joñi de Claving̃
Edmundo Deyncurt	Eustachio de Hacche
Joñi de S̃co Johe de Lagh ^{am}	Willo de Leyburñ
Thome de Furnivall	Joñi de Bello Campo
Hugoni Bardolf	Willo de Grandi sono
Robto de Tony	Pho Darcy
Thome de Berkele	Joñi Ext ^{aneo}
Willo de Brewoș	Joñ de Insula
Petro Corbet	Joñi de Suleye
Willo Martyn	Simoni de Monte Alto
Thome de Multoñ	Thome le Latin ⁱ
Joñi Abbadam	Walt̃o de Hunt ^e cumbe
	Edmundo de Hastings
	Joñi de Lancast̃
	Robto de Tateshale

Rado Pypart	Willo de Ferariis
Robto la Warde	Willo le Vavassur
Alano la Zusche	Elie Daubeney
Johi Luvel de Tychemersh	Edño Baroni Stafford
Henř Tyes	Rado filio Witt
Nicho de Seg ^{ave}	Bogoni de Knowitt
Briano filio Alani	Thome de la Roche
Edño de Mortuo Mari	Willo Tochet
Fulconi filio Warini	Andree de Estle.
Johi filio Reginaldi	

ANNO XXIX. REGIS EDWARD I.

In domo capitulari Westm' EXEMPLAR LITTERARUM Angliæ procerum in parlamento apud Lincolniam convenientium anno 29 regis Edwardi p̄imi summo Pontifici porrectarum, supremum dominium regni Scotiæ, regibus Angliæ, de jure debitum audacter vendicantium.

Sçissimo in x̄po p̄ri dño B. divini pvidencia Sçe Romane ac univ̄saliſ ecclie suño pontifici sui devoti filii.

Johes comes Warenñ	Huğ de Veer dñs de Swaneschaumpis
Thoñ coñ Lancastrie	Wiffs de Breouse dñs de Gower
Radus de Monte H'meri coñ Glouç. & Herf	Robtus de Monte Alto dñs de Hawardyn
Humfř de Bohun coñ Hereford & Essex & contaġ Angł	Robtus de Tatteshale dñs de Bokeh ^{am}
Roğs Bigod coñ Norff' & maresçġ Angł	Reginaldus de Grey dñs de Ruthyn
Guido coñ Warř	Henř de Grey dñs de Codenore
Riç coñ Arundeff	Hugo de Bardolf dñs de Wirmegeye
Adomař de Valenç dñs de Montiniaco	Robtus de Tony dñs de castro Matilt
Henř de Lancastř dñs de Munemue	Wiff de Ros dñs de Hamelak
Johes de Hastynğ dñs de Bergeveny	Robtus de Clifford castellanus de Appleby
Henř de Percy dñs de Topelive	Petř de Malo Lacu dñs de Mulgreve
Edmūdus de Mortuo Mari dñs de Wigemoř	Pħs dñs de Kyme
Robtus fił Walteri dñs de Wodeham	Robtus fił Roği dñs de Clavyng
Johes de Sço Johe dñs de Hannak	Johes de Mohun dñs de Dunsterre
	Almaricus de Sço Amando dñs de Wydehay
	Alanus la Zouch dñs de Assheby

Wiff de Ferañ dñs de Groby	Johes dñs de Sulleye
Theobald de Verdun dñs de Webbele	Johs de Moeles dñs de Caudebiñ
Thoñ de Furnivañ dñs de Sheffield	Edmūs Baro Staff
Thoñ de Moltoñ dñs de Egremont	Johs Lovel dñs de Dakkyng
Wills le Latim dñs de Corby	Edmūs de Hasting dñs de Enehimelhol- mok
Thoñ dñs de Berkely	Rads fit Willi dñs de Grimthorp
Fulco fit Warini dñs de Whitington	Robtus de Skales dñs de Neuseles
Johs dñs de Seg ^{ave}	Willus Thouchet dñs de Levenhales
Edmūs de Eyncourt dñs de Thurgeritoñ	Johs de Adam dñs de Beviston
Petr Corbet dñs de Cauz	Johs de Havingges dñs de Grafton
Wills de Cantilup dñs de Ravenesthorp	Robtus la Warde dñs de Alba Aula
Johs de Bellocampo dñs de Hacche	Nichs de Seg ^{ave} dñs de Stowe
Rogūs de Mortuo Mari dñs de Pentkellyn	Waltus de Teye dñs de Stangreve
Johs fit Regiñ dñs de Blekeney	Johes de Lisle dñs de Wodetoñ
Ranulphus de Nevitt dñs de Raby	Eustachius dñs de Hacch
Brianus fit Alani dñs de Bedale	Gilbtus de Pecche dñs de Corby
Wills Mareschall dñs de Hengh ^m	Wills Paynel dñs de Tracyngton
Waltus dñs de Huntcumbe	Bugo de Knovill dñs de Albo Monastio
Wiltas Martin dñs de Cameiso	Fulco Lestr ^{ange} dñs de Corsh ^m
Henñ de Tyes dñs de Chilton	Henñ de Pinkeny dñs de Wedon
Rogūs le Ware dñs de Isefeld	Johs de Hodelleston dñs de Aneys
Johs de Ripañ dñs de Augre	Rogūs de Huntingfeld dñs de Bradinh ^m
Johs de Lancastñ dñs de Grisdale	Hugo fit Henñ dñs de Ravenewath
Robs fit Pagani dñs de Lammer	Johs le Breton dñs de Sporle
Henñ Tregoz dñs de Garinges	Nichs de Carru dñs de Muleford
Rads Pipard dñs de Linford	Thome dñs de la Roche
Waltus dñs de Faucumbge	Waltus de Money dñs de Thornton
Rogūs le Estr ^{ange} de Ellesm ^e	Johs fit Mermeduci dñs de Hordene
Johannes Lestr ^{ange} de Cknokyn	Johs dñs de Kyngeston
Thoñ de Chaurces dñs de Norton	Robtus Hastang dñs de la Desiree
Waltus de Bellocampo dñs de Alecestñ	Radulphus dñs de Grendon
Ričus Talebot dñs de Ekleswell	Wills dñs de Leyburne
Johes Bettetourte dñs de Mendesh ^m	Johs de Greystok dñs Morpath
Johs Engayn dñs de Columb	Maths fit Johs dñs de Stokeh ^m
Hugo Pointz dñs de Corimalet	Nichs de Meynhyl dñs de Wherleton &
Ađ dñs de Welle	Johs Paynel dñs de Otteleye
Simon dñs de Monte Acuto	

devota pedū oscula beatorū Sca Romana mat^r eccl^a p^r euj^o minist^rium fides catholica gub^rnatur in suis actib^z cum ea sicut firmit^r credim^o & tenem^o mat^ritate pcedit qd nulli p^rjudicare s^z singulo^r jura non minus in aliis qa in se ip^a tanq^a mat^r alma cons^rvare velit illesa sane cōvocato nup p serenissimū dñm nrm Edwardum Dei grā regem Ang^t illustrem pliamto apud Lincolnⁱ gnali. Item Dñs n^r quasdam tras ap^rlicas quas sup ctis negociis condi^ronem & statum regni Sco^t tangēt ex pte v^ra recepat in medio exhiberi et seriose fecit nob^z exponi. Quibus audiris & diligencius intellectis tam n^ris sensib^z admiranda q^a hacten^s inaudita in eisdem audivim^o contini. Scim^o enī pat^r scīssime et notorium est in ptib^z Ang^t & nonnullis aliis non ignotum qd a prima insti^roe regni Ang^t reges ej^od regni tam tempib^z Brittonū q^a Angto^r supius & directum dñm regni Sco^t fuerunt & in possessionem vel q^asi supioritatis & directi dñi ipius regni Sco^t successivis tempib^z extitūnt. Nec ullis tempib^z ipm regnū in tempib^z ptinuit v^t ptinet quovis jure ad ecc^am sup^ad^rcam quinimo idem regnum Sco^t pgenitorib^z p^rd^rci dñi n^ri regib^z Ang^t atq^z sibi feudale extitit ab antiquo. Nec eciam reges Scoto^r et regnum aliū q^a regib^z Ang^t sbfuerunt vel subiei consuevunt. Neq^z reges Ang^t sup jurib^z suis in regno p^rd^rco aut aliis suis tempalib^z cōf aliquo judice eccl^astico v^t seculari ex lib^ra p^rminencia. Status sue regie & dignitatis & consuetudinis cunctis tempib^z irref^rgabit^r ob^rvate responderunt aut respondere debebant. Unde hito t^rctatu & delibera^rone diligenti^r sup contentis in v^ris l^ris memoratis 9is concors & unanimis ōnium n^rm & singulo^r consensus fuit est & erit inconcusse Deo ppitio infut^rum qd p^rfatus dñs n^r rex sup jurib^z regni sui Sco^t aut aliis suis tempalib^z nullaten^s judicialit^r respondeat coram vob^z nec judm subeat quoquomodo aut jura sua p^rd^rca in dubiū ipius deducat nec ad p^rsent^r v^ram p^rcur^r aut nun^c ad hoc mittat. Precipue cum p^rmissa cederent manifeste in exhedacōm juris corone regni Ang^t & regie dignitatis ac sub^rvisionē status ejusdem regni notoriam n^ron in p^rjudicium lib^rtatum consuetudinū & legum pat^rnaz ad qua^z ob^rvacōnem & defensionem ex debito p^rstiti juramenti astringimur & que manutenebim^o toto posse totisq^z virib^z cum Dei auxilio defendem^o. Nec etiam p^rmittim^o aut aliq^aten^s p^rmittem^o sicut nec possum^o nec debem^o p^rmissa tam insolita in debita p^rjudicialia & alias inaudita p^rlibatū dñm n^rm regeni eciam si vellet face^r seu quomodolibet attemptare. Quocirca sanctitati v^re revent^r & humilit^r supplicam^o q^atin^o eundm dñm n^rm regeni qui in^r alios p^rcipes orbis v^re catholicū se exhibet et eccl^e Romane devotū jura sua lib^rtates consuetudies & leges p^rd^rca absq^z diminu^rone & inquietudine pacifice possidere & ea illibata psiste benigni^o p^rmittat. In cujus rei testimoniū sigilla n^ra tam p^r nob^z q^a p^r tota cōmunitate p^rd^rci regni Ang^t p^rsentib^z sunt appensa. Da^r apud Lincolnⁱ xij. die Feb^r anno dñi m^occc^o.

^a Nomina magnatum, qui ad dictum parlamentum anno xxix. regni regis Edwardi

^a Reprinted from Dugdale, but the original cannot be found.

primi, apud Lincolniam convocatum nequaquam summoniti erant; cujus sigilla, veruntamen dictis literis, summo pontifici a mandatis, affixa erant.

Henricus de Grey (de Codnoure)	Wit Paynel (de Tracington)
Willielmus de Ros (de Hamlak)	Fulco le Straunge (de Corflam)
Petrus de Malolacu (de Mulgrave)	Henricus Pinkney (de Wedon)
Theobaldus de Verdon (de Webley)	Johannes Hudleston (de Aneys)
Ranulphus Nevill (de Raby)	Rogerus Huntinfeld (de Bradenham)
Henricus Tregoz (de Garinges)	Hugo filius Henrici (de Ravenswath)
Rogerus le Straunge (de Ellesmere)	Johannes le Bretton (de Sporle)
Thomas de Chaurcis (de Norton)	Nicholaus de Carru (de Molesford)
Walterus de Bello Campo (de Alcester)	Johannes filius Marmaduei (de Hordene)
Ricardus Talbot (de Eccleswell)	Johannes de Kingeston
Johannes Botetourt (de Mendlesham)	Robertus Hastang (de Desiree)
Johannes de Moels (de Cadbury)	Johannes de Greystoke (de Morpeth)
Johannes de Haverings (de Grafton)	Mathæus filius Johannis (de Stokenhame)
Walterus de Teys (de Stangreve)	Nicholaus Meynill (de Wherletone)

Nomina illorum, qui ad istud parliamentum summoniti erant, cujus sigilla domino papæ emissa, non sunt appensa.

Rogerus Bigod, comes Norff'	Johannes de Claving
Johannes de Ferrers	Willielmus de Grandison
Johannes de la Mare	Philippus D'arcie
Hugo de Courtnay	Thomas de Latimer
Petrus de Champvent	Willielmus le Vavasor
Radulphus Basset (de Drayton)	Elias D'aubeny
Alexander de Balliol	Andræas de Estle
Willielmus de Rither	

R. Herefordñ.

Th. Roff.

S. Saž.

— Assaveñ.

— Meneveñ.

— Landaveñ.

— Bangoreñ.

Abbi Sčĩ Augustini Cantuar̃.

Abbi de Wyhecumbe.

Abbi de Sčõ Edmundo.

Abbi Glastoñ.

Abbi de Sčõ Albano.

Abbi de Rañeseye.

Abbi de Malmesbury.

Abbi de Burgo Sčĩ Petri.

Abbi Sčĩ Petri Gloucestř.

Abbi beate Marie Ebož.

Abbi de Hidd Wynton.

Abbi de Evesham.

Priori ecclie xpĩ Cantuar̃.

Priori de Lewes.

Priori de Bridlington.

Priori Hospital Sčĩ Joñis

Jertm in Angl."

“ & ditco & fid' suo Johi de Warrenna Comiti Surř salřm Quia die dñcia p̃xia post festum Sčĩ Valentini p̃xio futuř apud Westñ pponim^o deo ppitio coronari^s vob mandam^s firmi^o injugentes quatin^o die & loco p̃dčis coronačõis nře p̃dče celebrandis solempniis psonali^o int̃sitis. Et hoc sicut honorē nřm diligitis nullaten^o omittatis T. R. apud Dovoř xvij. die J. nuar̃.

‘Eodem modo mand’ est subscriptis vidett.

Robto de Umframvill Comiti
de Anegos.

Gilbto de Clare Comiti Glouč
& Hertf.

Petro de Gavastoñ Comiti
Cornuř.

Robto de Veer Comiti Oxoñ.
Guidoni de Bello Campo
Coñ Warř.

Edñio Comiti Arundell.

Humfřo de Bohun Com
Hereford & Essex.

Adomaro de Valencia Comiti
Pembroch.

Henř de Laey Coñ Lincõn.
Thome Coñ Lancastř.
Robto de Monte alto.

Robto de Tony.

Willñio Le Vavassur.

Henř de Lancastř.

Joñi de Sudleye.

Henř de Perey.

Walřo de Faucumbgc.

Robto fit Rogi.

Hugõi de Curteneye.

Joñi fit Reginaldi.

Willmo de Ros de Hamelak.

Joñi de Ferar.

Robto de Clifford.

Joñi de Hastinğ.

Thome de Furnivall.

Simoni de Monte Acuto.

Willmo de Ferař.

Willmo de Grandisono.

Pho de Kyme.	Robto de Scales.
Johi de Moulun.	Petro Corbet.
Robto fil Pagani.	Thome le Latim ^ñ .
Johi Engayne.	Rado Basset de Draytoñ.
Fulconi fil Warini.	Hugoi de Veeř.
Thome de Berkeleye.	Robto fil Waltr.
Johi la Warre.	Hugoi le Despens ^ñ .
Roĝo de mortuo mari de Wigemoř.	Johi de Segave
Edño Baroni Staff.	Petro de malo Lacu.
Alano la Zusche.	Willmo le Latimer.
Johi ap Adam.	Thome Bardolf.
Johi de la mare.	Thome de Multon de Eger- mund.
Thome de Multoñ de Gille- sland.	Ade de Welles.
Willmo de Leyburñ.	Walto de Teye.
Willmo de Brewosa.	Johi de Moubray [?] .
Willmo de Canti Lupo.	Almarico de Sño Amando.
Johi de Ripariis.	Edño Deyncurt
Henř Tregos.	Bogoni de Knovill.
Johi de Bello Campo de Sunis.	Johi Lovel de Tychemersh.
Johi Extraneo.	Roĝo la Warre.
Nieho de Segave.	Willmo Martyn.

“ Eodem modo mand est subscript videt.

Willmo Inge.	Maĝro Robto de Pickeringe.
Johi Bretoñ.	Thome de Cantebr [?] .
Johi de Donecastř.	Maĝro Ričo de Abyndoñ.
Johi de Insula.	Henř Spigurnell.
Roĝo de Bella fago.	Gilbto de Roubury.
Henř de Suttoñ.	Johi de Berewyco.
Rado de Hengham.	Lambto de Thrikingh ^{am} .
Willmo de Ormesby.	Gilbto de Knovill.
Petro Mallorre.	Johi de Batesford.
Willmo Howard.	Walto de Glouč.
Johi Banquell.	Roĝo Sauvage.
Willmo de Carletoñ.	Willmo de Bereford.

Johi de Mutford.
 Wifmo de Colneye.
 Wifmo le Vavassur.
 Edmō Deyncurt.
 Rogo de Hegh^m.
 Wifmo de Mortu Mari.
 Johi de Sandale.

Johi de Kirkeby.
 Johi Randolf:
 Robto de Retford.
 Hervico de Staunton.
 Nicho de Warř.
 Galfro de Hertelpol.

“ R. viē Kanē salm̄ Quia die dñca px' post festum S̄ci Valentini p̄xio futuř apud Westm̄ pponim^s deo ppicio coronari tibi p̄cipimus qđ diem illum p nře coronaçōis p̄dce celebrandis sollempniis ordinatum in Civitatib; Burgis viř m̄catoriis in bařia tua ubi videris expedire publice & solempni^l p̄clamari, et milites Cives Burgeñ ac alios de Coñ p̄dco quos fore videris invitandos ut d̄cis die & loco sollempnizaçōi p̄dce psonali^l inřsint ex pte nřa fac invitari. Et hoc nullo modo omittas. T. R. apud Dovoř xvij. die Jan̄. Cons lře dīř singulis vicecomitibus p Angl.

“ D. inřessendo } R. Venřabili in Xpo p̄ri R. eadem gřa Cantuar̄ Archiepo tocius
 coronaçōi R. } Angl p̄mati salm̄. Quia coronaçōis nře sollempnia jam diu est
 de consilio p̄latoř Comitū Baronū & alioř nobiliū de regno nřo in instanti die dñca p̄xia
 post festum S̄ci Valentini apud Westm̄ ordinavim^s disponente dño celebranda quod ad
 vřam noticiam satis credam^s pvenisse voř firmit^l injungendo mandam^s rogantes quatin^s
 gressus vřos ad ptes istas tali^l festinus qđ die & loco p̄d̄cis sollempniçōe p̄dce possitis
 psonali^l inřesse Et si forte aliquo casu contingente vos quod absit contiḡit impediri,
 ita qđ die & loco p̄d̄cis nō pot̄itis vřam p̄senciam exhibere tūc vices vřas alicui de vřis
 Suffraganeis Coñitatis qui officīū quod in coronaçōe nřa p̄d̄ca voř incumbit exequā &
 ex̄ceat vice vřa. Et quid sup hoc dux̄itis faciendū noř cū oñi celeritate qua pot̄itis
 rescribatis p p̄senciū portitorē. Et hoc sicut de voř confidim^s nullaten^s omittatis Dat
 apud Dovoř ix. die ffebruar'.

No. XCIV. b.
 and XCIV. c.

“ D. inřessendo } R. dī & fi suo Wifmo de Leyburne salm̄ Quia hoc instanti
 coronaçōi R. } die dñca p̄xia post festum S̄ci Valentini Martyris intendimus
 Deo ppicio apud Westm̄ coronari voř mandamus rogantes quatinus vos & consors vřa
 hujusmodi coronaçōis nře solempniis d̄cis die & loco celebrand̄ ad comitivam noř & car-
 issime consorti nře Isabelle Regine Angl ob nřm & ipius consortis nře honorem facien-
 dam psonali^l modis oñibus inřsitis Et hoc sicut nos diligitis nullatenus omittatis. T.
 me ip̄o apud Dovor' viij. die Februarij.

“ Conſ tre dir’ subscriptis videlt.

Robto de Monte Alto & consorti sue	} Buk’	{	Aymero de S̄co Amando & consorti sue
Robto de Verdun & consorti sue			Johi Peyvre & Consorti sue
Rado de Vedon̄ & consorti sue			Johi de Marteyn & Consorti sue
Desiderate que fuit ūx Galfri de Luey			Nicho Fermand & Consorti sue
	} Bedef’	{	Walto de Mullesworth & Consorti sue
Johi de Northwode seniori & conſ sue			Johi de Pabenham seniori & consorti sue
Roḡo le Sauvage & conſ sue	} Kan̄c̄	{	Johi de Campania & Conſ sue
Regin̄ de Cobeham et conſ sue			Hen̄ de Leyburn & Conſ sue
Thome de Bailliol et conſ sue			Rado Sauvage & Conſ sue
Johi de Northwode juniori & conſ sue			Galfro de Say & Conſ sue
Johi Abel & conſ sue			Rīco de Rokesle & Conſ sue
Rado de Sandwyco et conſ sue			Thome de Bykenare & Conſ sue
			Willm̄o de Basynḡ & Conſ sue
Margarete que fuit ūx Edm̄i quondam			Henr’ de Lancastr’ qd̄ ipe & Conſ &c.
Comitis Cornub			Johi de Hamme qd̄ ipe & Conſ &c.
Comitisse Oxon̄			
Comitisse Arundell’			
Dñe de Insula			
Agū de Sum̄y			
	} Essex’	{	Johi Fillol juniori & Conſ sue
Henr’ de Grey & Conſ sue			Petro de Sutchirche & Conſ sue
Hugōi de Veer & Conſ sue			Johi de Praeres & Conſ sue
Willm̄o de Hamfeld & Conſ sue			Johi de Ovedale & Conſ sue
Willm̄o de Wauton & Conſ sue			Rado de Hamenale & Conſ sue
Alīc̄ dñe de Beaumound			Robto de Rocheford & Conſ sue
Johi de Dagworth & Conſ sue			Nicho de Wokyndon & Conſ
Thome de Bellius & Conſ sue			Mauricio le Brun & Conſ sue
Thome de Burgo & Conſ sue	Johi Joce & Conſ sue		
Johi Fillol seniori & Conſ sue			
	} Sussex’	{	Thome de Lukenore & Conſ sue
Willm̄o Paynell & Conſ sue			Henr’ Hosee & Conſ sue
Willm̄o de Echyngham & Conſ sue			Rado Saintzav̄ & Conſ sue
Roḡo de S̄co Joh̄e & Conſ sue			Michi de Ponyngg’ & Conſ sue
Nicho Malemeynes & Conſ sue			Robto de Echingham & Conſ sue
Henr’ de Tregoꝝ & conſ sue	Rado de Cammeys & Conſ sue		
Roḡo de Bavent & Conſ sue			
	} Heref’	{	Johi de Nevill & Conſ sue
Johi de Fryvill & Conſ sue			Johi de la Mare & Conſ sue
Johi de Basingburū & Conſ sue			Nicho de Bosco & Conſ sue.”
Rado de Monte Caniso & Conſ sue			
Johi de S̄co Liḡ & Conſ sue			

T H E

CORONATION OF RICHARD THE SECOND.

“Processus factus ad Coronacōem Domini Regis Anglie Ricardi secundi post Conquestū No. XCIV. d. anno regni sui primo.

“Die v̄o S̄ci Swithini post p̄ndiū Magnates Milites ac Major vicecomites Aldermanni & q̄mplures Cives London’ & alij in magno num̄o Equites decent̄ ornati in quodam loco vacuo juxta Turrem London’ convenerunt & cū p̄ modicū spaciū ibidem pausassent exiit D̄ns Rex de Turri sua p̄d̄ca albis indutus vestib; una cū ingenti multitudine p̄cū Magnatum Militum & Armiḡoz in secta sua se circumdanciū necnon s̄viētū ad arma armatoz p̄cedenciū & ibidem congregati cum tubis & univ̄sis alijs modis modulacionū p̄ publicos vicos London’ usq; nobilem Stratam vocatam La Chepe de London’ & abinde usq; Flete Strete & sic directe usq; d̄cm regiū paliciū Westm’ solemnī equitantes ad Magnam Aulam p̄d̄ci Palacij p̄venerunt & insup d̄cus D̄ns Rex cū p̄cib; Magnatib; & alijs q̄mplurib; fidelib; suis ad altā mensam marmoream in eadem aula accedens pecijt vinum & allatum bibit cētiq; circumstantes similī biberunt, quo f̄co secessit Rex cū quibusdam p̄cib; & familia sua in cam̄am suam & completa cena more regio & ip̄o D̄no Rege ut decebat balniato quievit Rex & similī alij quiescebant Mane autem f̄co surrexit Rex & auditis s̄vicijs Dei & missa indutus mundissimis vestib; & caligis tantummodo calciatus egrediens de cam̄a sua descendebat in p̄d̄cam magnam aulam cū maximo num̄o p̄cū & Magnatū & occurrerunt ei Simon Archiep̄us Cantuar’ ac alij p̄lati pontificalib; & clerus regni capis sericis induti multitudoq; plebis copiosa apud d̄cam altam memsam in eadem aula & sedente Rege in sede sua regali ibidem paraverunt p̄d̄ci Prelati atq; Clerus p̄cessionē suam medioq; tempore p̄d̄cus Wil̄s de Latymer tanquā elemosinarius p̄ se & deputatos suos s̄nebat ab aula p̄d̄ca usq; pulpitu in Ecclia S̄ci Petri Westm’ quosdam rubeos pannos radiatos super quos Rex & alij magnates p̄d̄ci incederent ad Eccliam sup̄d̄cam & sublato Rege p̄cedebat eū d̄cus D̄ns Dux cū p̄d̄co principali gladio ut in jure suo p̄d̄co, Edmundus Comes March cum sedario gladio & calcarib; in jure p̄d̄ci

Comitis Pemb'r & Comes Warr' cum scio gladio in jure suo pprio ut pdcm est, ac Edmundus Comes Cantabr' cum una virga regali & Thomas de Wodestok cū alia virga regali in manibz suis de pcepto Regis in quaz quidem virgaz sūmitate erant due columbe & ante eos A. Meneveñ Epus Cancellar' Angt deferens in manibz suis quendam Calicē magni p'cij scificatū & ante eū H. Epus Wygornicū Thes' Angt portans in manibz suis quendam patenam & ante eos q'mplures alij prelati & alij de pdco Clero g^adiebant^r. Post Regem vō veniebant pdcus Archiepus, W. London' & W. Wynton Epi, & sic incedebant Rex & omnes alij pdci p'ccionalit^r ad pdcam Ecciam & pstratū Regē corā sūmo altari ibidem benedixit pdcus Archiepus & sublatū ducebant pdci Prelati & Magnates ad pulpitū in quodam loco eminenti in Eccia pdca ad hoc ordinato & posuerunt eum ibidē in Cathedra Regali honorifice decoratā cōnente univso pplo tunc p'sente & de ferebant toto isto tempore Barones quinq; portuū ult^a Regem quendam pannū purpureu de serico quadratū quatuor hastis deargentatis supportatū cum quatuor campanellis argenteis deauratus, videlt, ad quamlt hastam quatuor assignati, sedente autem Rege in Cathedra pdca venit Ricus Comes Arundell deferens in manibus suis de pcepto Regis nobilem Coronam Regiam & similē Wills Comes Suff' de hñi pcepto Regis afferebat sceptrū regale in cujus sūmitate erat Crux, deferebat eciam idem Comes Suff' quoddam p'ciosū vestimentū & Wills Comes Saꝝ aliud hñ^o vestimentū quibz postmodū induebat Dñs Rex, subsequentq; capto per p'fatū Archiep'm sacro Dñi Regis corporali de concedendo & svando cū sacri confirmacōe leges & consuetudines ab antiquis justis & deo devotis Regibz Angt pgenitoribz ipius Regis plebi regni Angt concessis & p'sertim leges consuetudines & libtates a gliosissimo & scissimo Rege Edwardo Clero populoq; regni pdci concessas & de svando Deo & Eccie Scē Dei Cleroq; & populo pacem & concordiam integre in Deo juxta vires suas & de faciendo fieri in omibz judicijs suis equam & rectam justiciam & discrecōem in mīa & vītate & eciam de tenendo & custodiendo justas leges & consuetudines Eccie ac de faciendo p ipm Dñm Regem eas esse p'tegendas & ad honorem Dei corroborand' quas vulgus juste & rōnabalit^r elegit juxta vires ejusdem Dñi Regis. P'fatus Archiepus ad quatuor ptes pulpiti pdci accedens exposuit & enarravit univso populo qualit^r dñs Dñs Rex hñ^a prestittit sacrm inquirens ab eodem populo si ipi consentire vellent ad hend' ipm Regem & Dñm suū ligeū & ad obediend' ei tang^am Regi & Dño ligo, qui utiq; unanimit^r consenserunt. Hijs itaq; pactis incipiebat Archiepus alta voce ympnū "veni creator spiritus," quo finito dñs ab eodem Archiepo quibusdam devotis orōnibz sup Regem & cantata solempni latania p p'fatos Prelatos & clerum pdcus Dñs Rex scissis vestibz quibz prius induebat^r oleo scō, atq; crismate in divsis ptibz corporis sui, ut est moris, p manus p'fati Archiepi inunctus extitit ad g^adū Cathedre sue & statim coronatus, ac dat^{is} postmodū & impositis eidem Dño Regi gladio qui vocat^r Curtana sceptro anulo calcaribz & alijs regalibz put decuit Magnates & Dñi circūstantes elevatū ipm Dñm Regem posuerunt in Cathedra pdca pdci Prelati & Clerus decantato devoto psalmo "Te Deū laudam^o" usq; sūmū altare pdcū ad

altam missam celebrandam accesserunt & in medio ejusdem misse, idem Dñs Rex descendens de loco suo usq; ad gradū ante altare p̄dēm unam marcum auri ibidem offerebat & itū ascendens repositus fuit in Cathedra sua p̄dēa & tunc dum ijdem Prelati & clerus circa solempnitatem misse p̄dēe occupati fuerunt div̄si Dñi & Magnates quoꝝ noīa subsequuntur homagiū suū ligeū p̄fato Dño n̄ro Regi faciebant, vidēst, Johes Dux Lancastr', Edmundus Comes Cantēb, Johes Comes Richemond, Edmundus Comes Marchie, Ričus Comes Arundel, Thomas de Beauchamp Comes War', Wills de Ufford Comes Suff', Hugo Comes Staff', Wills de Monte acuto Comes Saꝝ, Henr' de Percy, Thomas de Roos de Hamelak, Radus Basset de Drayton, Johes de Nevill, Adomarus de S̄co Amando, Reginaldus Greye de Ruthyn, Jacobus de Audele de Helegi, Wills la Zouche de Haringworth, Robtus de Wylughby Rogus de Scales, Rogus le Strange de Knokyn, Johes Lovell, Johes le Warre, Walrus fitz Waul, Wills de Bardolf, Johes de Montague, Gilbertus Talbot, Johes de Buttetourt, Henricus de Greye de Wilton, Johes de Welynton, Phus Darcy, Thomas de Berkele, Michael de la Pole, Hugo la Zouche de Fulbōne, Radus de Cromwell, Wills Boheux, Ričus Seymor de Somset, Radus Baro de Greystok, Wills de Furnivall, Archibaldus de Grelly Capitane de la Bouche & Smebrondus de Curton. Completa etenim solempniū dēa missa p̄fatus Dñs Rex cum univ̄so cetu dēoꝝ prelatoꝝ Magnatū & p̄cū de p̄dēa Ecclēa exiens ad dēam palaciū suū p̄ mediū p̄dēe magne aule in privatā Cam̄am suam pveniebat & quiescens ibi p̄ moderatū spaciū descendebat in Aulam, lotisq; manib; suis statim cedebat in sede sua regali ad altam mensam. Recumbebant itaq; cum eo ad eandem mensam plurimi Prelatoꝝ p̄dēoꝝ ex utꝝq; pte sua, ad dextram v̄o costam dēe Aule tenebant principalem mensam Barones Quinq; portuū & sc̄dariam C̄iei de Cancellar' Dñi Regis de prima & sc̄da forma p̄ assignacōem Dñi Senescalli & ad alias mensas inferiores in eadem costa sedebant Justic' Dñi & Barones de Sc̄cio Regis et alie psone honeste juxta status suos, & ad mensas in sinistra pte ejusdem aule vicecomites Recordator Aldermanni & q̄mplures Cives Civitatis London' consedebant medias autem mensas ibidem alij pbi hōies de Cōitate regni occupabant; & sedentib; illis in forma p̄dēa priusq; m̄ s̄viebat' Dño Regi de p̄ndio, idem Dñs Rex carissimū avunculū suū Thomam de Wodestok in Comitē Buckingham, Henr' de Percy in Comitē Northumbr', Johem de Mowbray de Axiholm in Comitē Notyngham, & Guichardū Dangle in Comitē Hun̄t honorifice p̄fecit, ac Edwardū fil' Edmundi Comitē Cantēb, Johem fil' Thome Roos de Hamelak, Roḃm de Greye de Retherfeld Ričm fil' Gilberti Talbot, Gerardū fil' Warini de Lisle, Michem fil' Michaelis de la Pole, Ričm de Ponynges, Roḃm de Haryngton & Thomam de la Mare similiter pmovit ad decorum ordinem militarē, cuius eozdem Comitū & Militū multa regalia affluent' largiens put regia munificencia exigit & requirit, Medio etenim spatio & durante tempore p̄ndij p̄dēus Dñs Señ ac dci Constabular & Marescall & div̄si alii Milites ex eoz p̄cepto & assignacōe in aula p̄dēa ad honorificū populū ibi dem congregatū arraiandū ac discusiones & debata que ibidem oriri pot̄ant pacificand' sup

nobiles dext^rios decen^t equitarunt, totoq; illo tempore p̄fatus Comes Derb astans a dextris Dñi Regis sedentis ad mensam tenebat in manu sua d̄cm principalem gladiū nudū & extractū, et p̄deus Comes Staff^r coram eodem Dño Rege scindebat ex assignacōe & in jure dci Dñi Ducis ut p̄dem est. Pacto autem p̄ndio ascendebat Dñs Rex in Caniam suam cū prelati magnatib; & p̄cib; p̄dcis & deinceps Magnates Milites & domini alijq; gen^osi diem illum usq; ad tempus cene in tripudijs coreis & solempnib; ministralcij; p̄gaudio solempnitatis illius continuarunt. Et finita cena Dñs Rex & alij p̄dci labore maximo fatigati petentes requiem dormierunt, & sequenti die ven^ois residente Rege in Palacio suo p̄deco univ^osi prelati Dñi & Magnates antedci ac alij in maximo num^o apud Eccfiam S̄ci Pauli London^r congregati quandam solempnem p̄cessionē p̄ mediū Civitatis p̄dce faciebant dep̄cantes humili^o & devote p̄ salubri statu Regis & felici regimine regni sui aīaq; p̄dci nobilis Dñi Edwardi nup̄ Regis defuncti ac alioz̄ fidelīū defunctoz̄ & post p̄cessionem h̄m^r Tho Ep̄us Ruffen^r quandam p̄dicacōem faciebat ad beneplacitū & nutū ut credit Regis Regū^r Hijs itaq; gestis p̄dci Magnates & Dñi abinde usq; Wesm̄ ad Regem abierunt & cū eo manducabant. Post p̄ndiū v̄o petita a Dño Rege licencia & cū difficultate optenta, quilibet ibat viam suam & sic p̄dca solempnia finiebant.

Memorandū qđ p̄dcus Rex Castelle & Legionis Dux Lancastrie & Senescallus Anglie istum p̄cessum p̄ manus suas pprias in Cancellar^r Dñi Regis libavit ibidem in rotulis ejusdem Cancellar^r irrotuland^r.”

THE NAMES OF THOSE PERSONS WHO WERE SUMMONED TO CARLISLE;
Equis et armis, and in the writ were specially designated by their rank of nobility.

Anno 26 Edw. I.—*Claus in Dorso. m. 5.*

COMITES.

Johañ de Garenne Conte de Sur^r
Esmond Conte de Cornwail
Rauf de Mohermer Conte de Glou^o
Henry de Lacy Conte de Nichole
Humphrey de Bohun Conte de Here^o
Richard Fitz-Alleyne Conte de Arundel

COMITES.

Guy de Beauchamp Conte de Warwick
Thō Conte de Lancas^r
Rob de Ve^r Conte de Oxen^o
Gilbert de Umframvill Conte de Anegos
Conte Patrick

BARONES.

Hen^r de Lancastre
Aymer de Valen^o
Humfry de Bohun

BARONES.

Johañ de Ferrars
Henry de Percy
Johañ de Wak

BARONES.

Roberd le Fitz-Wauter
 Hugh le Despenser
 William le Latymer
 Robert de Clifford
 Robert de Mohaut
 Johań de Hastings
 Johań de la Mare
 Johań de Ryveres
 Johań de Mohun
 Peres de Mauley
 Robert le Fitz-Payne
 Hugh de Courtenay
 Thomas de Furnivall
 Hugh Bardolf
 Roberd de Tonny
 Nichole de Audithele
 Thoma de Berkele
 William de Breous
 Piers Corbet
 Williame Martyn
 Thō de Multon
 Johań de Grey
 Johań ap Adam
 Phelip de Kyme
 John de Segrave
 Robert le Fitz-Roger
 Hugh de Veer
 Wauter de Fauconberge
 Joh de Giffard (de Brimsfield)
 Wauter de Beauchamp
 Piers de Chauvent
 Rauf Basset
 Roger le Ware
 John Paynell
 Alisaundre de Baliol
 Hugh Poyntz

BARONES.

Nichole de Meignill
 Roger de Mortimer
 William de Rithre
 Renaud de Grey
 Johanni de Hudleston
 Wauter de Mouncey
 Roberd de Scales
 Adam de Welle
 William de Caunteloe
 Johań D'Engayne
 Johań de Caunteloe
 Gilbert Pecche
 Johań de Claverynge
 Eustace de Hacche
 William Leyburn
 Johań de Beauchamp, (de
 Somersete)
 William le Graunzon
 Richard Syward
 Simon Fresell
 Philip Darcy
 Johań le Straunge
 Johań del Isle
 Johań de Suley
 Simon de Montacue
 Thomas le Latymer,
 William le Latymer, le Fitz
 Wauter de Tyes
 Wauter de Huntercumb
 Alan Plukenet
 Emon de Hastings
 Johań de Lancastre
 Roberd de Tateshale
 Rauf Pipard
 Johań de Seint John le fuiz
 Robert la Ward

Johañ Lovell	William de Morle
Aleyn la Zouebe	Elys Daubenev
Hen. Tyeis	Emon' de Estafford
Nicholas de Segrave	Rauf le Fitz-William
Bryan le Fitz-Alleyn	Bouges de Knowille
Emond de Mortimer	Thomas de la Roche
Hugh de Mortimer	Thebaud de Verdon le Peer
Fuk' le Fitz-Waryn	Thebaud de Verdon le Fuiz
Johañ le Fitz-Renaud	Johañ de Greystock
Geffrey de Camvill	William Tuchet
William le Vavassour	Heñ Pinkeny
Robert de Hylton	Andř de Estle
William Sampson	Johañ de Ingeham
William de Ferrers	Johañ de Mueles
Rauf de Grendon	

THE NAMES OF THOSE WHO WERE SUMMONED TO ATTEND A PARLIAMENT
AT WESTMINSTER, THE FIFTH OF EDWARD II.,

and in the writ were designated specially by their titles, with the peculiar words in the exemplar writ, *in propria personá vestrá*.

Anno 5 Edw. II.—*Claus. in Dorso. m. 25.*

COMITES.

Guidoni de Bello Campo Comiti Warř
Adamaro de Valencia Comiti Pem̄b
Humfr̄ de Bohun Comiti Heref' & Essex

COMITES.

Johanni de Warennā Comiti Surř
Edmundo Coñ Arundell
Roberto de Veer, Comiti Oxon'

BARONES.

Hugoni de Veer
Hugoni le Despenser
Johanni Hastings
Johanni Gifford (le Bry-
mnesfeld)
Willielmo Martyn
Johanni de Ferrariis
Willielmo le Mareshall
Roberto de Clifford

BARONES.

Johanni de Somery
Roberto filio Pagani
Johanni Botetourte
Roberto filio Walteri
Pagano Tibetot
Barthomeo Badlesmere
Johanni de Segrave
Philippo de Kyme
Edmundo Deyncourt

Johanni de Grey	Fulconi filio Warini
Richardo de Grey	Roberto de Ufford
Johanni la Ware	Johanni de Bello-campo
Willielmo de Echingham	(de Somerset)
Thomo de Furnivall	Hugoni de Curtenay
Johanni de Clavering	Radulpho de Gorges
Petro Corbett	Henrico de Lancastre
Radulpho Basset (de Dray-	Mauritio de Berkele
ton)	Thome Bardolf
Johanni Dengayne	Roberto de Monte-alto
Fulconi le Strange	Johanni de Mohun
Willielmo le Latimer	

Adhuc eodem anno 5 Edw. II.—*Claus. in Dorso. m. 17.*

The following persons were similarly designated in the writ calling a parliament to be holden at Westminster.

COMITES.

Gilberto de Clare Comiti Glouĉ & Hertf'
 Adamaro de Valenciâ Comiti Pembř
 Humfrido de Bohun Comiti Heref' & Essex
 Johanni de Warenna Comiti Surř

COMITES.

Guido de Bello-campo Comiti Warř
 Edmundo Com. Arundell
 Roberto de Veer Comiti Oxon

BARONS.

Hugoni le Despenser
 Johanni de Hastings
 Hugoni de Curtenay
 Willielmo Paynel
 Hugoni de Veer
 Thome Bardolf
 Petro de Malo-lacu
 Thome de Berkele
 Johanni de Moubrey
 Edmundo de Eyncourt
 Thome de Furnivall
 Johanni de Clavering
 Johanni Engayne

BARONES.

Philippo de Kyme
 Radulpho de Nevill
 Roberto de Insula
 Johanni de Bello-campo
 (de Somerset)
 Willielmo le Mareshall
 Roberto de Clifford
 Radulpho Basset (de Dray-

ton

Rogero de Mortuo-mari (de
 Chirk)

Theobaldo de Verdun
 Roberto de Ufford

BARONES.

Willielmo de Echingham
 Edwardo Burnell
 Johanni de Somery
 Willielmo le Latimer
 Johanni de Ferrariis
 Radulpho de Gorges
 Willielmo de Botiller (de
 Wemme)
 Johanni Botetourte
 Nicholao de Moeles
 Henrico de Lancastræ
 Johanni de Sancto Johanne
 Johanni de Crumbwell
 Johanni de Grey
 Hugoni de Nevill
 Johanni la Warre
 Petro Corbett
 Willielmo de Roos (de
 Hamelak)
 Henrico de Percy
 Johanni de Insula-veetis

BARONES.

Roberto de Hastang
 Alano la Zousche
 Roberto filio Walteri
 Willielmo Martyn
 Pagano Tibetot
 Bartholomeo de Badlesmere
 Fulconi le Strange
 Roberto filio Pagani
 Johanni de Segrave
 Richardo de Grey
 Johanni Giffard (de Brim-
 mesfeld)
 Thome de Multon (de Egre-
 monde)
 Alano Plokenet
 Johanni de Thorpe
 Roberto de Monte-alto
 Nicholao de Segrave
 Thome de Multon (de Gil-
 lesland)

This parliament was prorogued, and the next parliament in eodem anno was appointed to be held at Lincoln; but the names of the persons summoned thereto, do not appear to be similarly distinguished by their ranks.

The following List of persons mentioned in Sir William Dugdale's "Index Baronum Summonitionibus" is confined particularly to those who were at any time summoned either as, or in the character of barons, along with the earls recited in the same writs; but the earls, and other peers who were created by patent with limitation of their titles descendable to heirs male are omitted, as not coming within the subject of this work.

On comparing, however, the Index with the Summonses referred to by it, there will be found (not infrequently) several dates of writs attributed to names which are not contained in the summons, and several omitted in the index, which are recited in the summonses: thus the names of William and Walter Vavasour, are left out in the index, while the name of William Vavasour is contained in the writs of summons for very many

years; that of Walter, only once, and then probably a misnomer; the lord Willoughby de Broke is similarly left out in the index.

Robert de Grey, who assumed the name of Fitz-Payne, is said in Dugdale's Lists of Summons, to have been summoned to parliament April the 6th, anno 43 Edw. III. and his name appears in the writ of summons for that year; but, according to the Lists of Summons printed by the order of the House of Lords, the names of the four barons last mentioned by Dugdale in the said writ of the 43 Edw. III., *viz.* "Joanni filio Richardi Grey de Codnoure, Joanni Tibetot, Roberto Fitz-Payne, and Henrico de Percy," are not on the roll. This appears rather extraordinary, for had their names not been on the roll from which Dugdale made his extract, it can scarcely be supposed that eminent herald would have substituted them, without some authority for so doing. Thus Dugdale has either given insertion to names he ought to have omitted; or the printed List of the House of Lords, has left out what ought to have been inserted. *Ergo, ubi lapsus? quis fecit lapsum?*

On referring to the date of the most early writ of summons mentioned in this list, it will be found to be the 49 of Hen. the III., as if the barons had never been before convocated by that form. Strange, indeed, it must be to imagine, that the barons, in rebellion against their sovereign, and having his person in duress under their power, should be deemed the first to have originated a summons to parliament to be the establishing an hereditary peerage dignity by virtue of their own writs addressed only to a few of the whole body which constituted the peerage of the realm; and that partial number, the chief of their adherents. There is no proof that any of these persons had any sitting under their writs; yet if a legal parliament was thereby assembled, the only one who can be presumed to have been present, purports to be Hugh de Despenser, the chief-justice. But to give peerage precedency from the 49 of Hen. III., must be anomalous, while it has been shown that writs of summons for calling together the barons for legislation had been the practice prior to that time, as evidenced by the exemplar writ of the 45 Hen. III., (four years antecedent) with the consimilar of names thereto attached.

The want of the public records, thus precludes the names of those great territorial or feudal lords who flourished at a prior period, whose descendant heirs-general, upon the principle that a writ of summons created a personal inheritable peerage, unfettered by the possession of a baronial holding, would be entitled at this day to the succession of their ancestors' honour. If de Ross can be allowed precedence from the 49 Hen. III., at this day not inheriting the ancient baronial estate, what reason can there be against admitting the precedency of Fitz-Walter, from the æra of king John? Robert Fitz-Walter, the famous general of the barons at the time of the Magna Charta, was as much a baron then, as de Ross in the 49 of Hen. III. The title of Fitz-Walter has passed by descent into several families;—so has de Ross. The heirs of Fitz-Walter do not possess the lands in virtue of which their first ancestor may be considered to have been a baron of

the realm; the heirs of the first de Ross are similarly deficient. The articles of Magna Charta confirmed the right of the great barons to be summoned specially by the king's writ directed to them. That form was followed by Henry the III., though the article of Magna Charta to that point is omitted, in what is termed the Magna Charta of 9th of Hen. III.; but was an article too material for that weak monarch not to follow, notwithstanding it had no insertion as before mentioned in the Charter of the 9th of his reign.

In the 26th of Henry III., the king summoned a parliament, by the following writ; but the names to whom the consimilar was directed is not attached thereto, but it nevertheless proves that the 49 of Henry III. was not the first form of calling a parliament by writ:—the difference observed on the latter occasion, consisting as it would seem, that whereas the earls and barons were summoned as theretofore by the king's special writ or letter addressed to them, the other tenants in capite of the crown, instead of being summoned generally by the sheriff of the county in which they resided, were not convened as a body, and were only required to elect from among them two knights to be their representatives, whereby they were reduced from a very considerable number, to a select few, in representation of the whole mass. Hence the knights of the shire, so called, as holding in capite per militare servicium, or knight's service.^a This had a two-fold effect,—the one in diminishing the assemblage of a large, and often tumultuous body: the other of relieving them from a burthensome attendance which they were obliged to make, or be liable to an amerciamento in the king's exchequer.

COPY OF THE WRIT OF SUMMONS.

(26 HEN. III.—DORS. CLAUS. MEMB. 13.)

Henricus ꝑ̄ venerabili in Christo patri W. Ebor.—Archiepo Saſ—Mandamus vobis rogantes quatinus sicut nos et honorē nr̄m parit̄ et v̄rm diligitis et in fide quā nobis tenementi om̄ib; aliis negociis omissis sitis ad nos apud Lond̄ á die S̄ci Hylari xv. dies ad tractand. nobiscum unacum cætis magnatib; nr̄s quos similit̄ fecim̄ convocari de arduis negociis nr̄i stat̄ nr̄m et tot̄i regni nr̄i specialit̄ tangentib; et hoc nullaten^o omittatis.—
T. R. apud Windles̄ xiv. die Dec̄.

This summons is subscribed with “Eodem modo scrib̄ om̄ib; Ep̄is Abbatib; Comitib; et Baronib;.” But the names of those to whom the consimilar writ was directed are not attached to this exemplar.

^a The knights (as then termed Barones Minores) were the inferior tenants of the crown, holding their lands in capite of the king, and being thus rendered an elective class of persons to depute their own representatives, were qualified as electors by the value of their tenure, which laid the basis of what has subsequently been called forty shilling freeholders, but forty shillings per annum estate in those days constituted a person of very different rank, to the forty shilling freeholder of later times. He was required to take upon him the order of knighthood, and omitting so to do, became liable to amerciamento for his neglect. Here the words of Dryden in his beautiful ode on St. Cecilia's day, when describing the fall of Darius, may be aptly applied, “*Fallen, fallen, fallen from his great Estate*” and now prostrate in the “*Driver of a Dung Cart.*”

INDEX BARONUM SUMMONITIONIBUS.

Of the names mentioned in this Index, many are omitted by Dugdale in his History of the Baronage, as may be seen in the account given of them in this volume, intituled "Barones Pretermisi."

N.B.—Those to whom this mark * is affixed are unnoticed in the Baronage History of Dugdale.

Ap Adam,	25 Edw. the first.	Berkeley,	23 Edw. the first.
*Aldeburgh, .. .	44 Edw. the third.	Bermingham, 1 & 35	Edw. the third.
Aldithley,	25 Edw. the first.	Bertie (Dominus Wil-	} .. 23 Eliz.
Archdekne, .. .	14 Edw. the second.	loughby de Eresby }	
*Arderne,	1 Edw. the third.	Bertie de Norris, 31	Car. the second.
Argentine,	25 Edw. the first.	Bertram, Roger	49 Hen. the third.
Astley,	23 Edw. the first.	Blount, Thomas le.	20 Edw. the second.
Aton,	18 Edw. the second.	Blount, William le,	1 Edw. the third.
		*Bodrigan, .. .	3 Edw. the second.
Badlesmere, .. .	3 Edw. the second.	Bohun de Midhurst,	35 Edw. the third.
Baliol,	28 Edw. the first.	Boleyn de Rochford,	24 Hen. the eighth.
*Banyard, .. .	6 Edw. the second.	Bonvile, .. .	28 Hen. the sixth.
Bardolf,	22 Edw. the first.	Borough sive Burgh,	} 1 Edw. the
*Barry,	35 Edw. the third.	William, }	
Basset de Drayton,	49 Hen. the third.	Borough sive Burgh,	} 3 Hen. the
Basset de Sapeoate,	49 Hen. the third.	Thomas }	
Basset de Weldon,	25 Edw. the first.	Boteler de Weryngton,	22 Edw. the first.
Bavent, .. .	6 Edw. the second.	Boteler, John le,	14 Edw. the second
Beauchamp de Ber-	} 16 Ric. the	Boteler de Wemme,	24 Edw. the first.
gavenny, }		second.	Boteler de Sudley,
Beauchamp de St. }	} 27 Hen. the	Boteler de Ormond,	7 Hen. the eighth.
Amand, }		sixth.	Botetourt, .. .
Beauchamp de Bletso,	37 Edw. the third.	Botreaux .. .	42 Edw. the third.
Beauchamp of }	} 25 Edw. the	Boyle de Clifford,	13 Car. the second.
Somerset, }		first.	Bourchier .. .
Beaumont, .. .	2 Edw. the second.	Bourchier, earl of }	} 13 Hen. the
Beke,	23 Edw. the first.	Ewe, }	
*Bella Aqua, .. .	22 Edw. the first.	Bourchier de Fitz-	} 27 Hen. the
Benhall,	34 Edw. the third.	Waryn }	
Bensted,	8 Edw. the second.	Bourchier de Ber-	} 33 Hen. the
*Bereford, .. .	8 Edw. the second.	ners, }	

Bourchier de Crom- well,	} 1 Edw. the fourth.	*Clivedon,	22 Edw. the first.
*Brabazon,	8 Edw. the second.	Cobham,	6 Edw. the second.
Bradeston,	16 Edw. the third.	Cobham, Stephen,	20 Edw. the second.
Bray,	21 Hen. the eighth.	Cobham, Ralph,	18 Edw. the second.
Breose,	23 Edw. the 1st.	Colevile,	49 Hen. the third.
*Britannia, John,	33 Edw. the first.	Columbers,	22 Edw. the first.
Bryan, Guido de,	24 Edw. the third.	Columbers (Philip)	8 Edw. the second.
Bromflete de Vescy,	28 Hen. the sixth.	Compton,	14 Eliz.
*Bromwich	35 Edw. the third.	*Comyn,	35 Edw. the third.
Brooke de Cobham,	23 Hen. the sixth.	Conyers,	1 Hen. the eight.
*Brune, Maurice le,	6 Edw. the second.	Corbet,	22 Edw. the first.
Brus de Annandale,	23 Edw. the first.	*Cornwaile,	35 Edw. the third.
Brus de Whorlton,	13 Car. the first.	Courtney,	27 Edw. the first.
Bulmer,	1 Edw. the third.	Crescy,	22 Edw. the first.
Burghersh,	32 Edw. the first.	Creting,	6 Edw. the third.
Burnell,	5 Edw. the second.	Criol,	22 Edw. the first.
*Buscy,	1 Edw. the third.	Cromwell,	1 Edw. the second.
Butler of More Park,	31 Car. the second.	Cromwell of Wim- bleton,	} 28 Hen. the eighth.
Butler of Weston,	31 Car. the second.	*Crophul,	35 Edw. the third.
Cailey,	2 Edw. the second.	Dacre,	28 Edw. the first.
Camois,	49 Hen. the third.	Dacre of Gillesland,	14 Edw. the fourth.
Camvill,	22 Edw. the first.	Dagworth,	21 Edw. the third.
Cantilupe,	28 Edw. the first.	Dammory,	11 Edw. the second.
*Carew,	35 Edw. the third.	*Dane,	1 Edw. the second.
Chaumpoent,	28 Edw. the first.	Darcy,	22 Edw. the first.
Chandoz,	12 Edw. the third.	D'Aubeney, Elias,	23 Edw. the first.
Charlton de Powys,	7 Edw. the second.	D'Aubeney, (de D'Au- beney)	} 3 Hen. the seventh.
Chaworth,	22 Edw. the first.	D'Aubcney, Ralph,	16 Edw. the third.
Cheney,	3 Hen. the seventh.	*Daventre, Robert, de	25 Edw. the first.
*Clare,	3 Edw. the second.	Dawney,	1 Edw. the third.
Clavinging,	28 Edw. the first.	Deincourt,	22 Edw. the first.
Clifford,	28 Edw. the first.	De la Beche,	16 Edw. the third.
Clifton,	50 Edw. the third.	De la Mare,	27 Edw. the first.
Clifton of Leighton } Bromswould,	} 7 Jac. the first.	*Devereaux, William	27 Edw. the first.
Clinton, 27th Edw. the first.	*Devereaux, John	8 Ric. the second.

Devereaux de Ferrers, 1 Edw. the fourth.	Fitz-William, Ralph, 23 Edw. the first.
D'Eywill, 49 Hen. the third.	Fitz-William, William, 1 Edw. the third.
*Draycote, 25 Edw. the first.	Foliot, 23 Edw. the first.
Dynant, 23 Edw. the first.	*Foxle, 8 Edw. the second.
Dynham, John . . 6 Edw. the fourth.	Freschevile, . . 25 Edw. the first.
	*Frene, Hugo de, 10 Edw. the third.
Echingham, 5 Edw. the second.	Frevile, 1 Edw. the third.
Engayne, 25 Edw. the first.	Furnival, 22 Edw. the first.
Erdington, 9 Edw. the third.	
*Erles, 35 Edw. the third.	Gaunt, 49 Hen. the third.
Everingham, . . 2 Edw. the second.	Genevill, 27 Edw. the first.
	*Gernon, 35 Edw. the third.
*Falvesley, 7 Ric. the second.	Giffard, Osbert, 25 Edw. the first.
Fauconberge, . . 22 Edw. the first.	Giffard de Brimsfield, 23 Edw. the first.
Felton, Robert 6 Edw. the second.	Gorges, 2 Edw. the second.
Felton, William 16 Edw. the third.	Grey de Codnoure, 23 Edw. the first.
Ferrers de Chartley, 27 Edw. the first.	Grey, Dom. Ferrers } 25 Hen. the sixth.
Ferrers de Groby, 25 Edw. the first.	de Groby. }
Ferrers de Wemme, 49 Edw. the third.	Grey de Lisle, . . 22 Edw. the fourth.
Fienes de Say & Sele, 27 Hen. the sixth.	Grey de Powys, 22 Edw. the fourth.
Fienes de Dacre, . 38 Hen. the sixth.	Grey de Rotherfield, 25 Edw. the first.
Fienes de Clinton, 5 Edw. the sixth.	Grey de Ruthyn, 23 Edw. the first.
Fitz-Alan de Mal- } 25 Hen. the eighth.	Grey de Rugemont, 29 Hen. the sixth.
travers, }	Grey de Shirland, 50 Edw. the third.
Fitz-Alan de Bedale, 23 Edw. the first.	Grey de Wilton, 23 Edw. the first.
*Fitz-Bernard, . . 6 Edw. the second.	Greystock, 22 Edw. the first.
*Fitz-Henry, Hugh, 22 Edw. the first.	Grandison, 27 Edw. the first.
*Fitz-Henry, Aucher, 2 Edw. the second.	Grandison, Otto de, 27 Edw. the first.
Fitz-Hugh, 14 Edw. the second.	Grelle, 1 Edw. the second.
*Fitz-John, John, 49 Hen. the third.	Grendon, 34 Edw. the first.
*Fitz-John, Richard, 23 Edw. the first.	Gynes, Ingelram de, 25 Edw. the first.
*Fitz-John, Matthew, 25 Edw. the first.	
*Fitz-Osbert, Roger, 22 Edw. the first.	Hacehe, Eustace, 27 Edw. the first.
Fitz-Payn 25 Edw. the first.	Handlo, 1 Edw. the third.
*Fitz-Reginald, John, 22 Edw. the first.	Harela, 14 Edw. the second.
*Fitz-Roger, Robert, 23 Edw. the first.	*Hardreshull, . . 16 Edw. the third.
Fitz-Walter, . . 23 Edw. the first.	Harrington, . . 18 Edw. the second.
Fitz-Waryn, 22 Edw. the first.	Hastang, 5 Edw. the second.

Hastings, ..	49 Hen. the third.	Knovile,	23 Edw. the first.
*Hastings, Edmund	28 Edw. the first.	Lancaster, John de,	25 Edw. the first.
*Hastings, Hugh	16 Edw. the third.	Lancaster, Henry de,	27 Edw. the first.
*Havering, John	27 Edw. the first.	Lancastre, Henry de,	9 Edw. the third.
Hausted, ..	6 Edw. the third.	Lansladron, ..	28 Edw. the first.
Herbert, ..	1 Edw. the fourth.	Lascelles, ..	22 Edw. the first.
Herbert, (of Chirbury)	15 Car. the first.	Latimer, Thomas,	28 Edw. the first.
Herle,	5 Edw. the third.	Latimer, William,	28 Edw. the first.
Heron,	44 Edw. the third.	Latimer, John Nevil,	5 Hen. the fourth.
Heron, William	17 Ric. the second.	Latimer, Geo. Nevil,	10 Hen. the sixth.
Hilton, Robert ..	23 Edw. the first.	*Lawrence,	35 Edw. the third.
Hilton, Alexander	6 Edw. the third.	Leyburne, William,	27 Edw. the first.
Holand,	8 Edw. the second.	Leyburne, John,	11 Edw. the third.
Hotham,	8 Edw. the second.	L'Isle de Insulâ Veetâ,	22 Edw. the first.
Howard, John ..	{ 49 Hen. the 6th.	L'Isle, Gerard,	31 Edw. the third.
	{ 12 Edw. the 4th. ^a	L'Isle (de Rubeo monte)	5 Ed. the second.
Howard de Walden, ..	39 Elizabeth.	Longvilers, ..	16 Edw. the third.
Howard de Moubray,	31 Car. the second.	L'Ortye, ..	19 Edw. the second.
	<i>(Primogenitus Hen. Ducis Norf.)</i>	Loveyne, Matthew,	22 Edw. the first.
Hungerford, ..	4 Hen. the sixth.	Lovel de Tichmersh,	25 Edw. the first.
Huntingfield, ..	22 Edw. the first.	Lucy, Galfridus de,	49 Hen. the third.
Hungerford of Hay-	} 28 Hen. the 8th.	Lucy, Anthony,	14 Edw. the second.
lesbury.		Lucy, Thomas,	15 Edw. the third.
Huntercombe, ..	23 Edw. the first.	Lumley,	8 Ric. the second.
Hussey, Henry ..	22 Edw. the first.	Lutrell,	22 Edw. the first.
Hussey, Roger ..	22 Edw. the third.		
Hussey, John ^b ..	22 Hen. the eighth.	*Malberthorp, ..	3 Edw. the third.
		Maltravers, ..	1 Edw. the third.
Inge,	8 Edw. the second.	Malure,	35 Edw. the third.
Ingham, ..	1 Edw. the third.	*Manners, Buldwin,	3 Edw. the second.
*Kendall, ..	1 Edw. the third.	Manners de Rosse,	7 Hen. the eighth.
Kerdeston, ..	6 Edw. the third.	Maney, Walter de,	21 Edw. the third.
Kime,	23 Edw. the first.	*Mareys, Stephen,	35 Edw. the third.
*Kirkeby, ..	22 Edw. the first.	Mareschal, ..	2 Edw. the second.
Kirketon, Thomas,	16 Edw. the third.	Marmion, William,	49 Hen. the third.
Kirketon, John,	36 Edw. the third.	Marmion, John,	22 Edw. the first.

^a This is the first summons.^b He was a Baron of the Sleaford Line.

Martin,	23 Edw. the first.	Nevile de Fauconberge, 7 Hen. the sixth.
Mauduit,	16 Edw. the third.	Nevile (de Montagu) 30 Hen. the sixth.
Mauley (Peter) ..	23 Edw. the first.	Nevile (de Berg�enny) 29 Hen. the sixth.
Meinill,	22 Edw. the first.	Newmarch, Adam, 49 Hen. the third.
Meinill (Hugo) ..	1 Edw. the third.	Norris (de Ricote) 14 Elizabeth.
Moels,	25 Edw. the first.	North,
Mohun,	27 Edw. the first.	North and Grey (de
Molyns,	21 Edw. the third.	Rolston) } 31 Car. the first.
Monhalt,	23 Edw. the first.	Northwode,
Montford,	23 Edw. the first.	Norwich,
*Montgomery, ..	16 Edw. the third.	Ogle,
Montaute,	22 Edw. the first.	Oldeastle (Cobham) 11 Hen. the fourth.
Monthermer, ..	2 Edw. the second.	Oreby,
Mordant,	21 Hen. the eighth.	Ormond deRochford, 11 Hen. the seventh.
Morley,	28 Edw. the first.	
Mortimer, (Edmund)	22 Edw. the first.	Paget,
*Mortimer (Simon)	24 Edw. the first.	Parker, de Morley, 14 Hen. the eighth.
Mortimer (Hugh of	} 25 Edw. the first.	Patsbull,
Richard's Castle)		16 Edw. the third.
Mortimer (Roger	} 1 Edw. the second.	Paynel de Drax, 28 Edw. the first.
de Chirke)		Paynel William, 2 Edw. the second.
Mortimer (William)	} 22 Edw. the first.	Paynel, William, 32 Edw. the first.
de Attilberg)		Peche, Gilbert, .. 28 Edw. the first.
Mortimer Constantius,	16 Ed. the third.	Peche, Robert, 14 Edw. the second.
Montague (Vide Pole)		Peche, John, 14 Edw. the second.
*Morvill, Nicholas,	13 Edw. the second.	*Peyvre, or Payvre, 22 Edw. the first.
Mowbray,	22 Edw. the first.	Percy,
Moulton de Gillesland,	25 Edw. the first.	Percy de Poynings, 25 Hen. the sixth.
Moulton de Egremont,	28 Edw. the first.	Percy, Algernon, .. 5 Car. the first.
Moulton, John, ..	6 Edw. the third.	(<i>Primogenitus Com. Northumb.</i>)
Munchensy,	49 Hen. the third.	*Perrot,
*Muncy, Walter de,	27 Edw. the first.	Pierepont, Simon, 22 Edw. the first.
Musgrave,	24 Edw. the third.	Pierepont, Robert, 1 Edw. the third.
		Pinkney,
Neirford,	22 Edw. the first.	Pipe,
Nevile (de Raby)	22 Edw. the first.	Pipard,
Nevile de Essex, ..	9 Edw. the third.	Plaice,
Nevile (de Halomshire)	7 Ric. the second.	Plessetis,
		25 Edw. the first.

Plukenet, ..	23 Edw. the first.	Scroope de Upsal,	3 Hen. the eighth.
Pole, Michael de la,	39 Edw. the third.	Segrave, Nicholas, Senr.,	49 Hen. third.
Pole, Henry, Dom. } Montagu, }	21 Hen. the eighth.	Segrave, John,	24 Edw. the first.
Poynings, ..	22 Edw. the first.	Segrave, Nicholas, Junr.,	23 Edw. first.
Poyntz, ..	23 Edw. the first.	Shirley, de Ferrers,	31 Car. the second.
Rither,	28 Edw. the first.	Somery, ..	1 Edw. the second.
*Rivers, sive Ripariis,	27 Edw. the first.	Somerville, Philip,	1 Edw. the third.
Robsart, Dom. Bouchier,	3 Hen. the 6th.	Somerville, Roger,	1 Edw. the third.
*Roche, Thomas de la,	28 Edw. the first.	*Spencer Hugh le,	49 Hen. the third.
*Roubury, ..	8 Edw. the second.	*Spigurnel, ..	8 Edw. the second.
Roos, of Hamlake,	49 Hen. the third.	*Staunton, ..	8 Edw. the second.
Ros vel Roos de Werke,	22 Edw. first.	Stanley, ..	34 Hen. the sixth.
Ros vel Roos, of } Igmantorpe, }	22 Edw. the first.	Stanley de Monteagle,	6 Hen. the eighth.
*Rosecelyn, ..	22 Edw. the first.	Stafford, ..	27 Edw. the first.
*Rye,	22 Edw. the first.	Stafford, James,	35 Edw. the third.
St. Amand, ..	28 Edw. the first.	Stafford, Hugh,	44 Edw. the third.
St. John, ..	49 Hen. the third.	Stafford, Richard,	35 Edw. the third.
St. John (Junr. de Basing)	28 Edw. first.	Stafford, Hugh de } Bouchier, }	12 Hen. the fourth.
St. John de Lageham,	25 Edw. the first.	Stafford, Humfry } de Suthurgk. }	1 Edw. the fourth.
St. John de Bletso, ..	1 Eliz.	Stapleton, Milo,	6 Edw. the second.
St. Maur, ..	11 Edw. the second.	Stapleton, Nicholas,	16 Edw. the third.
St. Philibert, ..	27 Edw. the first.	*Steyngrave, ..	22 Edw. the first.
St. Quintin, ..	22 Edw. the first.	Strabolgi, (Comes } Athol) }	15 Edw. the second.
St. Walerico, ..	22 Edw. the first.	Strange, de Elles- } mere, }	23 Edw. the first.
*Sampson, William,	28 Edw. the first.	Strange, de Knockin,	28 Edw. the first.
*Sandale, ..	8 Edw. the second.	Strange, de Black- } mere, }	2 Edw. the second.
Sandys (de Vine),	21 Hen. the eighth.	Strange, Eubolo le,	20 Edw. the second.
*Saunzaver, ..	22 Edw. the first.	Strivelin, ..	16 Edw. the third.
Say, William, ..	22 Edw. the first.	Sutton, John ..	18 Edw. the second.
Seales, ..	27 Edw. the first.	*Sutton, John de } Holdernes, }	6 Edw. the third.
Scroope (Henry),	8 Edw. the second.	Sudley, John de,	28 Edw. the first.
Scroope, Galfridus,	3 Edw. the third.	Sutton de Dudley,	16 Edw. the third.
Scroope de Bolton,	18 Hen. the sixth.		
Stroope de Masham,	1 Ric. the second.		

Swillington, ..	20 Edw. the second.	*Veel, Peter de,	16 Edw. the third.
Swynerton, ..	11 Edw. the third.	Verdon, Theobald,	22 Edw. the first.
Stuteville, Robert,	22 Edw. the first.	*Verdon, John de,	6 Edw. the third.
<i>(Omitted in Dugdale's printed Index.)</i>		*Vesci, John, ..	49 Hen. the third.
Talboys, de Kyme,	21 Hen. the eighth.	Vesci, William,	23 Edw. the first.
Talbot, ..	4 Edw. the third.	Vere, Hugh de,	27 Edw. the first.
Talbot, de Castro } Goderici, }	4 Edw. the third.	Vesci, ..	49 Edw. the third.
Talbot, Richar. de } Blackmere. }	7 Ric. the second.	Ufford, ..	2 Edw. the second.
Talbot, John Dñns. Fur- } nival de Hallomshire. }	11 Hen. the fourth.	Ughtred, ..	17 Edw. the third.
Tatshall, ..	23 Edw. the first.	Umfravill, ..	23 Edw. the first.
Teye, Walter de,	27 Edw. the first.	Comes de Angus, ..	25 Edw. the first.
Ties, Henry de,	22 Edw. the first.	Urtiaco, Henry, } (Vide L'Ortie). }	22 Edw. the first.
*Thorpe, John de,	2 Edw. the second.	*Uvedale, Peter de,	6 Edw. the third.
Twenge, Marmaduke,	22 Edw. the first.	Vavator, William,	27 Edw. the first.
Twenge, William,	18 Edw. the second.	Vavator, Walter,	7 Edw. the second.
Tibetot, Paganus,	1 Edw. the second.	<i>(These names are omitted in Dugdale's printed Index).</i>	
Tihetot, John de,	9 Edw. the third.	Wahull, ..	25 Edw. the first.
Tibetot, Robert de,	42 Edw. the third.	Wake, ..	23 Edw. the first.
Tiptoft, John, ..	4 Hen. the sixth.	*Walleys, ..	14 Edw. the second.
Toney, ..	27 Edw. the first.	Warde, Robert de La,	28 Edw. the first.
Tregoz, John de	25 Edw. the first.	Warde, Simon de La,	18 Edw. the second.
*Tregoz, Henry de,	22 Edw. the first.	Warre, Rogerus La,	22 Edw. the first.
*Tregoz, Thomas de,	11 Edw. the second.	*Wateville, ..	20 Edw. the second.
Trussel, ..	22 Edw. the first.	Welles, ..	27 Edw. the first.
*Trikingham, ..	8 Edw. the second.	Welles, Richard de } Willoughby. }	33 Hen. the sixth.
Tuchet, William,	28 Edw. the first.	Welles, John, } Viscount. ^b }	3 Hen. the seventh.
Tuchet, John de } Audsey. }	5 Hen. the fourth.	Wenlock, John de, ^c	1 Edw. the fourth.
Valence, Aymer de,	25 Edw. the first.	Wentworth, de Net- } tleston.	21 Hen. the 8th.
Vaux de Harrodon, ^a	25 Hen. the eighth.	West, Thomas,	16 Edw. the third.

^a This barony has lately been allowed by the House of Lords as created by writ of summons.

^b This title is said to have been created by writ and not by patent.

^c This is doubtful whether by writ or patent to heirs male of his body.

West, Reginald de } La Warre. }	5 Hen. the sixth.	Windsor, William, 5 Ric. the second. N.B.—OMITTED BY DUGDALE.
Wharton, . . .	35 Hen. the eighth.	Windsor, Andreas, 21 Hen. the eighth.
*Whittington, . . .	25 Edw. the first.	Wodstoke, Edmund, 14 Edw. second.
Widvill, Anthony, } Dom. de Scales. }	2 Edw. the fourth.	
Wilmington, John, . . .	3 Edw. the third.	Zouche (Alan de Ashby) 25 Edw. first.
Wilmington (Ralph } de, com. Devon.) }	16 Edw. third.	Zouche (William de } Haryngworth) }
Williams, John, . . .	1 Ph. and Mary.	Zouche (William de } Mortimer, sive de }
Willoughby de Eresby, . . .	7 Edw. second.	17 Edw. second.
Willoughby de Broke, . . .	7 Hen. the seventh.	Castro Ricardi) }
N.B.—OMITTED BY DUGDALE.		

Note.—In this index the names only of the first persons summoned has been inserted, to show when the title commenced; the succession thereof being recited in the text, or account of the family, which vide.

It is to be observed, that, although Dugdale has noticed in his said index, the names of divers earls and barons summoned to be at Newcastle-upon-Tyne, *equis et armis*, anno 1 Edw. III, he has omitted that of *Galfrido Wyth*, inserted in the same writ.

So also are omitted in the index, the following names which appear in the writ of summons of the 24 Edw. I., among those of divers barons therein recited, viz:

Ralph Wake	Ino. de Mortein
Richard Windsor	Rob. Russell
Richard de Coleshull	Ranulph de Rye
Walter and Lawrence Pavilli	Tho ^s . de Wyneslee
Galfrido Stowey	Richard de Ken
Ino. Cogan	Ino. de Acton
Robert de London	Nicholas filio Radulphi
Ino. Pabenham, Junr.	

Although this was evidently a writ of service, *equis et armis*, yet as those persons were summoned by the same writ as the earl of Norfolk and divers barons, who are noticed in the index, the omission is the more particular for observation.

SYNOPSIS

OF TITLES GENERALLY SUPPOSED EXTINCT, BUT WHICH THERE IS REASON TO BELIEVE ARE ONLY DORMANT.

The preceding pages have been confined to an account of those persons who though omitted notice by Sir William Dugdale in his History of the Baronage, have nevertheless had mention made of their names in his lists of summons to parliament. The following recital of peerage dignities, created by patent with a defined limitation of their course of descent, in which the heirs of succession are supposed to have failed, is presented with a view to show, that the said honours are probably only dormant, but not totally extinct.

In mentioning however the earldoms of Angus, Athol, and Buchan, they form a peculiar point of notice, inasmuch as they have never before been treated of by any peerage writers as coming within the denomination of English earldoms; no earldom, as asserted, having at any time been created by writ of summons. Yet provided a writ of summons, with a sitting in parliament, can constitute a personal descendable barony, the same principle of law is applicable to an earldom, where no charter, or patent of special limitation, can show a contrary creation. These earldoms may therefore be presumed to form precedents against the opinion hitherto entertained on this subject.

ANGUS.

This, formerly, was one of the most ancient earldoms in Scotland, and as Douglas* says existed, according to Chalmers, in the person of Dubican the son of Indechtraig, who died A.D. 939.†

Gilchrist was earl of Angus in the time of Malcolm Canmore, from which Gilchrist descended Malcolm, fifth earl of Angus, who married Mary, daughter and heir of Sir Humphrey Berkeley, knight, by whom he had a daughter.‡

Matildis, countess of Angus, who succeeded to his estate, and title. She married, first, John Cumin, who, in her right, bore the title of earl of Angus. He died in France,

* Doug. Peer of Scot.

† Caledonia 1, 452.

‡ Doug. ut sup. V. 1., p. 62.

in 1242, leaving a son Bertrald, who died a child, in 1243. The countess married secondly, in the same year (1243), Gilbert de Umfraville, baron of Prudhoe, in England, who, in her right, was earl of Angus. He died shortly after, in 1245, leaving, as said by Matthew Paris, his son and heir of tender years,—his mother the countess surviving.

Gilbert de Umfraville, only son of Gilbert and the countess Matildis, when he came of age, was one of the principal noblemen of his day, as well from his great possessions in England as in Scotland. He was one of those nobles who swore to ratify the marriage contract of Margaret, daughter of the king, Alexander III., with Eric king of Norway, in 1281. He was governor of the castles of Dundee, and Forfar, and of the whole territory of Angus, in 1291, when the competitors for the crown of Scotland agreed that seisin of that kingdom should be delivered to king Edward I. On this occasion the earl declared that he had received his castles in charge from the Scottish nation, and that he would not surrender them to England, unless king Edward, and all the competitors entered into an obligation to indemnify him. These conditions being submitted to by all the parties, may account for the ground on which king Edward afterwards conferred upon him the title of earl of Angus, as an English earl, by summons to parliament the twenty-fifth year of his reign.

It is here to be observed that the lawyers of England were somewhat startled at this creation, and refused in their brieves and legal instruments to acknowledge him earl, asserting as an objection, that Angus was not within the kingdom until he had openly produced in the face of the court, the king's writ, whereby he was summoned by that title. He died the 31 of Edw. the I., having continued during his life to be summoned to parliament as earl of Angus, along with the other earls of the realm.

Robert de Umfraville, his son and successor, had the like summons during his life, so that it must be admitted, that the earldom of Angus was an English earldom created by writ of summons, and is now vested in abeyance, among the coheirs general descended from him; of whom, for a further narration, the reader is referred to the article of Umfraville, in the first volume of this work.

ATHOL.

This earldom was also of Scottish origin, in the person of Madach, son of king Donald Bane, in the reign of king Alexander the first. His grandson

Henry, third earl of Athol, died in the reign of Alexander the second, leaving three daughters, whereof, the eldest (whose name is not mentioned) married Alan de Londonis, who in her right was the fourth earl of Athol, and died s.p.*

* Doug. V. 1,
p. 132.

Isabel, the second daughter, married Thomas of Galloway, (brother to Alan, lord of

Galloway), who in her right became fifth earl of Athol.* He died in 1312, leaving a son Patrick, the sixth earl, who is said to have been murdered at Haddington, in 1242, being then a youth of very distinguished accomplishments. He died s.p.

* Sutherland Add. Case.

Fernelith third daughter of earl Henry, succeeded her nephew earl Patriek, and became countess of Athol. She married David de Hastings, (of the great family of Hastings in England); which David in her right became seventh earl of Athol; he died at Tunis, in a crusade, fighting under the banners of Louis IX., king of France, A. D. 1269, leaving issue an only daughter and heiress

Ada, countess of Athol, who married John de Strathbogie, and carried to him the earldom of Athol,^a and had issue

David de Strathbogie, ninth earl of Athol, who married Isabel, one of the co-heirs of Richard de Chilham, by Rose de Dovere his wife, and died shortly after his father, who deceased in February, 1263-4, leaving

John de Strathbogie his son and heir, tenth earl of Athol, whose son and heir

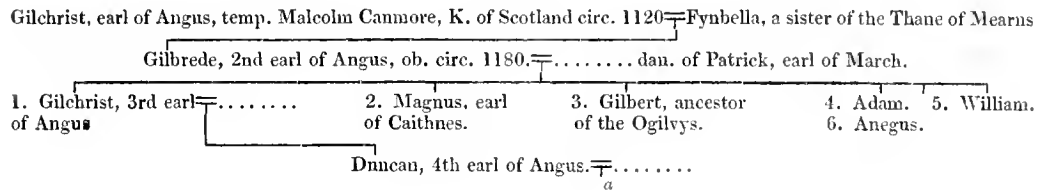
David de Strathbogie, eleventh earl of Athol, was by that title summoned to parliament as an English earl, the 15 Edw. II., and had the like summons to his death, the 29 Edw. II., when he was succeeded by his son, another

David, twelfth earl of Athol, and second of the English creation, who had similar summons to parliament during his life, and as such may be justly esteemed to have acquired an earldom descendable to his issue general, of whom mention will be found in the first volume of this work.

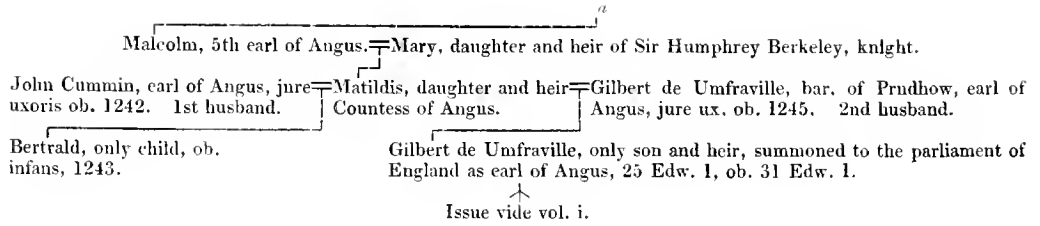
Dugdale asserts that he had summons to parliament among the barons of England from the 15th to the 20th of Edw. II.; but on referring to the writs, it will be found that his name is always inserted *among the earls* (as earl of Athol), and never *among the barons*. This may evidence his rank as an English earl.

The following two tables will show the descent of the earldoms of Angus and Athol, till they came to the families of Umfraville and Strathbogie.

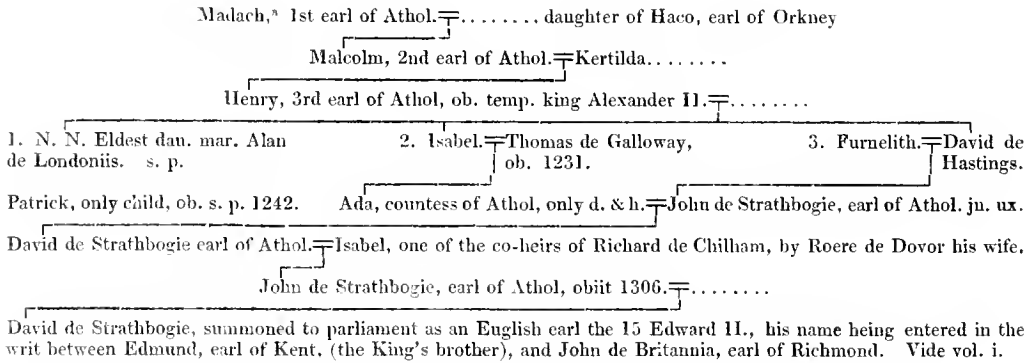
ANGUS.



^a Duncan earl of Fife, his grandfather having obtained the lands of Strathbogie from king William the lion, settled them on David his third son, who assumed his name from the said lands, and was father of this John de Strathbogie earl of Athol.



ATHOL.



^a Douglas refers to a note by Chalmers (Caledonia, 1, 425), which says he had a son Madach, the second father of Malcolm.

BUCHAN.

This was an ancient Scottish earldom, in the family of Cumyn, whereof Alexander, earl of Buchan is said to have left two daughters his heirs,—of which Alice the eldest married Henry de Beaumont, an English baron; and Margaret the youngest daughter wedded Sir John de Ross, son of the earl of Ross.

* Douglas, V. 1. p. 264.

Henry de Beaumont being thus earl of Buchan, jure uxoris, is so designated in Rymer's *Fœdera*; with her he acquired the manor of Whitwicke, in the county of Leicesters and divers other lands in England; and moreover by the title of earl of Boghan (i. e. Buchan), was summoned to the parliament of England, the 7 Edw. III., in which writ his name is mentioned along with David de Strabolgi, earl of Athol, and Gilbert de Humfraville, earl of Angus, being the last of the three earls; from this time to the 14 of Edw. III., his name is similarly recited in the parliamentary summons—from which continuation, it must be inferred that he was created an English earl, for otherwise he could not be intitled to have that rank in parliament with the English nobility; and there

does not appear upon record, any patent or charter creating him an earl. His title thus arising from his writ of summons, must be considered like that of a baron emanating from the same source, to be descendable to the heirs general coming from him and still existing in them, unless barred by any attainder or legal impediment; but which, from the late decision of the house of Lords, upon the claim of Mr. Stapleton to the barony of Beaumont does not appear to be the case.*

* Vide
Beaumont, Vol. I.

ARUNDEL OF TRERICE.

This barony created by letters patent, in 1663, has been generally supposed extinct; but an heir male is believed to be existing in a very humble situation of life.

BANBURY.

Respecting the right of inheriting this earldom, there has long prevailed a great dubiety, by reason of the controversial question of the legitimacy of the sons of the first earl; but this question is considered to have been determined by the resolution made in the lords' committees of privileges, against the claim of the late General Knollys, the heir male representative of the said sons; yet upon this decision much controversy of legal opinion prevails.

BRACKLEY AND BRIDGEWATER.

Though the title of earl of Bridgewater is generally presumed to be extinct, there is some doubt whether the prior created title of Viscount Brackley, has not some remote heir of the Egerton family still existing, with a claim thereto; but when the great honorial estates have passed away, claims of such a kind are beyond the power of indigent parties to prefer, and therefore expire by constrained necessity.

BUCKINGHAM.

The title of earl of Buckingham, first conferred by king James I., on his favorite Sir George Villiers, is represented to have been limited in remainder to his brothers John and Christopher Villiers, and his sister Susan, who married William, the first Lord Fielding, and afterwards earl of Denbigh, in whose descendant the present earl, the title of earl of Buckingham is thought to be vested.

It is to be observed that the Hobart family bears the title of earl of *Buckinghamshire*, not of *Buckingham*.

CHANDOZ.

This barony, claimed some years ago by the late Rev. Tymewell Brydges, without effect, is still supposed to be dormant, but not extinct. There are several persons who consider they have a claim, but the great expense of pursuing it before the Attorney-General and a Committee of Privileges in the House of Lords, presents an insuperable obstacle against a man in humble circumstances of life.

DELAMERE.

Sir George Booth of Dunham Massey, in the county of Chester, was created baron Delamere, in 1661, and his son Henry, was advanced to the dignity of earl of Warrington, 1690; the earldom became extinct in 1738, but the barony of Delamere is believed to be dormant in some distant heir male. There are several of the name of Booth, who have frequently been mentioned as having pretension to the title.

EURE.

This barony is supposed dormant, but not extinct, and probably vested in some person of low property and condition of life—ignorant of his right—and even, if knowing, not in any circumstances to prosecute it.

FAUCONBERG.

This barony was conferred in 1627, by king Cha. I., on Sir Thomas Belasyse, bart., who was afterwards, in 1627, advanced to the title of Viscount Fauconberg; and his descendants subsequently further elevated to the title of earl,—that dignity became eventually extinct, but the barony and viscounty continued: the last viscounts were Roman Catholic Priests—brothers, who succeeded each other. On the death of Charles, the survivor of them, in 1815, the titles have been supposed to have terminated; but a distant heir male is yet imagined to exist, who some years since was resident in the United States of North America. The male line is however by no means to be deemed as expired.

GAINSBOROUGH.

This is another peerage of which there is much doubt as to having become finally extinct, either in the barony of Noel, or earldom of Gainsborough. The special remainders in those creations giving ground for this doubt.

HUNSDON.

This barony, first created in the person of Henry Carey, son of Mary sister to Queen Anne Boleyn, (mother of Queen Elizabeth), is presumed to have become extinct in 1765, for want of issue male. The vicissitude of fortune in this family deserves notice. Robert Carey, the seventh baron, on succeeding to the honour, is represented to have been in the very humble grade of a weaver. The heir who may be now extant, not improbably may be in a situation of life not superior, and equally unaware of the rank to which he has a right. There is a Mr. Carey, an eminent bookseller at Philadelphia, to whom report gives a descent from a branch of the Hunsdon stock: but the male line is most probably in the Dutch Netherlands, where the weaver's family were resident.

JEFFERYS.

It has been stated, that the popish chancellor, the first lord Jefferys, had a younger son, who after the retirement of king James II, (commonly called his abdication), was in the service of that unfortunate monarch, and resided in France: the unpopularity of his father, and the execration to which his name had been consigned by the revolutionary party, enforcing his exile from his own country. In France he is said to have married, and had issue several sons, from whom, if any male issue is extant, the heir would be intitled to the Jeffery's Peerage.

KINGSTON.

Though the title of duke of Kingston may be perfectly extinct, it does not follow that the previous creation of viscount Newark and earl of Kingston is also extinct. There is a family of Pierrepont, which was among the early emigrants to America, where they became settled, and are now resident. A Mr. Pierrepont, of Brooklyn, on Long Island, has a very considerable landed property. He claims descent from the Peerage House with much apparent grounds; but his pedigree wants the legal evidence to connect his line with that of the first creation: yet there is no doubt of his derivation from the same family, of which, not unlikely, he is at this day the heir male representative.

LEICESTER DUDLEY.

Sir Robert Dudley created earl of Leicester by queen Elizabeth, according to Dugdale and other peerage writers died without legitimate issue ; but it seems, that the son whom he stiled in his will *his base son*, was afterwards in the reign of James the I. allowed to have been legitimate. This son lived in the territories of the Grand Duke of Tuscany, by whom he was created a duke, and where he is stated to have married a daughter of Sir Robert Southwell, of Wood Rising, in Norfolk, and to have had issue male by her, which if so, and they were lawfully born, may raise the question how far, provided there remain any heir male representative of them, the Dudley title of Leicester is now extinct, notwithstanding the said title of Leicester was subsequently conferred upon the family of Sydney.³ There is a most respectable family named Dudley, resident in the United States of North America, said to be descended from one of those sons.

LEICESTER SYDNEY.

How far this earldom, which was given to Sir Robert Sydney, nephew to the before named Dudley, earl of Leicester, on his presumed death without legitimate issue male, may be extinct, is a point of much doubt, there being several persons of the name of Sydney who are reputed descended in the male line from the peerage house, and a branch also resident in the United States.

Many years after the death of Jocelyn Sydney, the seventh and considered the last earl of Leicester of his family, a Mr. John Sydney, styling himself son and heir of the said earl Jocelyn, preferred a claim to the earldom, as also to Penshurst Park, and premises in the county of Kent. This claim came on by a trial at bar on a writ of right in the Court of Common Pleas, the 11 Feburary, 1782.

On this occasion Mr. Sydney claimed as son and heir of Jocelyn, late earl of Leicester, who was seised in fee of the said premises, and other considerable estates ; but having so claimed, it was answered by the tenant that the said earl Jocelyn had by will given his estates away from him the heir at law, which if seised in fee, he was enabled to do. The demandant failed in his claim ; though had he set forth that earl Jocelyn was only tenant for life, with remainder to his issue male, and that he was such issue male, he might have been more fortunate. But the great point in the case, namely, *his legitimacy*, was not called in question, his demand being defeated by the tenant's answer.

The Lord Chief Justice (Loughborough) on summing up said :—

³ Vide printed letter to Lord Brougham respecting the Courtenay earldom of Devon, which title had been given to other families, on the conclusion that it had become extinguished in that of Courtenay.

“Gentlemen of the Grand Assize, what has passed in court has made it very unnecessary for me to say anything more to you upon this subject than this, the single question is, whether the person in possession is intitled to hold that possession against the claim of one who has proved to you in court, as it is admitted, that he is the son of Jocelyn, earl of Leicester, and that Jocelyn, earl of Leicester, was seised in fee of the estate. That estate he has devised away by a will duly executed, therefore there is a mere impossibility the demand can have any right; therefore you will not in this case find any difficulty in finding your verdict for the tenant.

“Jury—we are all agreed the tenant has the better right.”^a

LEIGH OF STONELEY.

This barony which had been looked upon as extinct, was claimed a few years since by a person who deduced his descent from Christopher Leigh, a fourth son of the first created peer, and who asserted that a monument to the memory of the said Christopher had been withdrawn, in some clandestine manner, from the church wherein it had been erected, for the wilful purpose of suppressing the inscription it had thereon, setting forth the issue of that person, and which, had it been remaining would have proved the claimant's pedigree. The evidence adduced before the Lords' Committee of Privileges on the hearing of this case was of a most extraordinary, and conflicting nature; but the result was, that their lordships resolved against the right of the unfortunate petitioner. Without commentary on this decision, it may suffice to observe, that there is every reason to be convinced the title is not extinct, though the heir male may be an individual whose means are not adequate to contend with the powerful influence of the party which possesses the estate, co-descendable with the Leigh peerage.

MONTAGU.

The viscounty of Montagu was supposed to have become extinct upon the death of Mark Anthony Browne, the ninth viscount, s.p., in 1797. But a petition of claim is now by his Majesty's order of reference, before the Attorney General, for his report.

NORTHUMBERLAND.

The ancient earldom of Northumberland, in the Percy name, has ever since the death of Jocelyn, the eleventh earl, who died in 1670, s. p. m., been considered ex-

^a These proceedings are enrolled of record in the Treasury of the Court of Common Pleas, at Westminster, on two folio rolls, No. 441,-442.—Easter Term, 21 Geo. III.

tinet. Without making any comment upon the pretension of James Percy, who at the time was denominated an impostor,^a there is great reason to believe that a true heir male is still existing, either in the family of Percy in Belgium, or in the United States of North America. When at Brunswick, in the province of Maine, the author of this breviary saw, in 1825, two fine young men of the name of Percy, who, in their lineaments had a strong likeness to the portraits of the celebrated Hotspur, Lord Percy. It is to be remarked that, George Percy, a younger son of the then earl of Northumberland, was among the early adventurers in the settlement of Virginia, along with the lord Delawarre, by whom, on his departure, he was left deputy governor of the colony.

The Percy pedigree represents this George Percy to have died s. p.; but in the absence of any good authority to prove that fact, the before mentioned young men, from the long settlement of their family in that country, seem to warrant the presumption of their descent from the Northumberland house of Percy.^b

OXFORD.

The earldom of Oxford, which for twenty descents continued in the male line of Vere, and is supposed to have expired upon the decease of Aubrey de Vere, the twentieth earl, in 1702, s. p. m., has been said to have an heir male yet existing—a circumstance more probable than otherwise; but the once large estates of the family, and the high office of hereditary great chamberlain of England, having passed away by female heirship, the object of claim to an empty title, shorn of its ancient splendour, does not form such an incentive to claim it, as would be commensurate to the expense of the investigation of so long a pedigree; and this consideration has more contributed to keep back the heir male, than the perfect extinction of that line.

PERCY OF EGREMONT.

Thomas Percy, third son of Henry, second earl of Northumberland, was created lord Percy of Egremont the 28 Hen. VI., to hold the said title to him, and the heirs male of his body,—but according to Dugdale,* died the 38 of Hen. VI. without wife or issue. But from evidences at Northumberland House, among the records of the family,

* *Baronage*
Vol. I. p. 286.

^a Vide the article of Percy, in the fourth, or supplemental volume of the *Dormant and Extinct Baronage*.—Edit. 1837.

^b Vide interesting account of the Lord Willoughby, of Parham, in vol. 3 of the *Dormant and Extinct Baronage*.—Edit. 1809.

it is clearly established that he had issue a son John, though the name of his wife is not mentioned. This John is supposed to have declined taking his father's title in consequence of the diminution of his fortune in the wars between the Houses of York and Lancaster, during which his father was slain. What became of this unfortunate person, there seems no further account to be found in any genealogical, or other history; yet, there is reason to believe that he lived in retirement, married, and had issue; for in Drake's Antiquities of York,* there is a plate representative of the following portraits depicted on painted glass, in one of the windows of the church of St. Dionyse, in that city, where, in Walmgate, the earls of Northumberland had a mansion, *viz* :—

1, George Percy, Dom. Egremont. 2, Dom. Marg' Percy. 3, Dom. Agnes Percy. 4, Sir Ralph Percy. 5, Richard Percy. 6, George Percy, apparently a youth.

These indicate that George, lord Egremont had issue; that *Dom. Marg' Percy*, the first female was *his wife*; and the others *his children*,—hence a question, whether his male issue has utterly failed?

WILLOUGHBY OF PARHAM.

An interesting account of this barony is to be seen in the 3rd volume of the Dormant and Extinct Baronage of England. It is presumed to have become extinct in 1779; but it is more probably still existing (though unclaimed) in the family of Willoughby, resident in the United States of America, with which the editor became acquainted when in that country, in 1825. It is to be recollected that the baron who died in 1779, was descended from Ambrose Willoughby who emigrated to America, and was second son of Charles, the second baron, but whose line not having been heard of for very many years, was concluded to have failed of issue, and as such was supplanted by a younger branch. But (as shown in the before cited volume) afterwards re-acquired its rights.^a

WILTSHIRE.

It admits of doubt how far this title of earl of Wiltshire does properly belong to the marquis of Winchester. When William Paulet, the first peer of the family, was

^a An observation here obtrudes itself, how far, when Thomas Willoughby was summoned to parliament as lord Willoughby, on the presumption that the issue male of Ambrose, eldest brother to Charles, his grandfather, had become extinct, did by virtue of that writ of summons acquire a barony in fee, as a distinct creation. He not being the right heir of succession, as shown by the decision of the House of Lords, when Henry, the descendant and heir male of the body of the said Ambrose Willoughby, afterwards claimed and was allowed the peerage, the Lords declaring that the previous barons Willoughby had sate near one hundred years without right.—*Vide Case of de Clifford, Barony cor. Dom. Proc.*

advanced to the title of marquis of Winchester, he resigned the earldom of Wiltshire to which he had been previously raised ; and a *vacatur* was entered on the roll accordingly. That the said earldom was looked upon as thereby vacant is manifested by the fact that the first lord Hunsdon (who was first cousin to queen Elizabeth) coveted it, because, before it had been conferred on Paulet, it had been given by king Hen. the VIII. to Sir Thomas Boleyn, father to queen Anne Boleyn, and of his (lord Hunsdon's) mother, Mary Boleyn. But the queen who was not so liberal in granting honours as his late majesty Geo. the III., was deaf to his application, which refusal is recorded to have so affected him, as to bring on his death, which when Elizabeth was told was approaching, hastened by his acute feeling of disappointment, she is said to have personally visited him with the charter of creation, and coronet on a crimson cushion. The old baron however was broken hearted, and answered her majesty thus, "*Madam, seeing you counted me not worthy of this honour whilst I was living, I count myself unworthy of it now I am dying.*"^a Lord Hunsdon was interred in Westminster Abbey, where a sumptuous monument remains erected to his memory ; which when shown to visitors of that Dormitory of earthly grandeur, is always accompanied with the before mentioned story.

The resolution of the House of Lords made in the Purbeck case, respecting the surrender of titles, was long after the time of Paulet's surrender of the earldom of Wiltshire, and was not retrospective as to such honours as had theretofore been resigned into the hands of the crown.^b

It may not be irrelevant to remark, that while the lords were so careful and zealous to secure the continuation of their peerages from the caprice of an individual, who from spiteful or malignant motives, might be inclined to disappoint an heir from the right of succession thereto, the law of recovery should be allowed to prevail, whereby an estate tail may be barred, and thus the high dignity of a peer of the realm be left without a sixpence of property to support its rank, as in the instance of various noblemen of the day may be pointed out.

^a Vide the article Hunsdon, in Vol. III. of the Dormant and Extinct Baronage.

^b Paulet's resignation was in consideration of an higher dignity ; but that of Villiers, Viscount Purbeck, was to prevent the succession of the title, and extinguished it.

SCOTCH TITLES.

THE Peerage of Scotland, with respect to its course of descent, differs greatly from that of England, as may be seen in the very extraordinary limitations mentioned thereof by Douglas, Crawford, and other Scotch genealogical writers. The power of surrender of their titles *ad libitum*, and the re-acquirement of them for new enfeoffment or limitations by charter of *novo-damus*, forms a peculiar feature, and renders many so very complex as to make difficult of construction the right vested in them, for those who sometimes become claimants to their succession.

It is to be observed, that of the various peerages attainted for the Rebellion of 1715 and 1745, some of them were not altogether so forfeited as to become absolutely extinguished; but were merely suspended during the existence of issue from the bodies of the attainted persons, after whose expiration the line of succession opened upon the collateral heirs, to whom the respective honours by their charters of creation were destined to descend on the event of such failure.

The Records of Scotland having been carried away by Cromwell, Sir Archibald Primrose, then Lord Registrar of Scotland, applied to have them returned, and they were accordingly put up in casks; but the earl of Clarendon imagining that the original covenant signed by the king was amongst them, and being apprehensive an ill use would be made of that paper, if it was re-acquired in Scotland, unpacked the casks to search for it, although Sir Archibald promised to look carefully for it when they came down, and to send it up by a special messenger.

It was not however found upon a search made; and so much time was lost thereby, that the records were afterwards sent down in winter, and the vessel (the Eagle) was cast away near Berwick, by which misfortune the greater part of them were entirely lost, and such as were saved, were so damaged by the salt water, as to be rendered almost unintelligible; and sixteen leaves of the Register of the Great Seal are said to be still wanting, in which some patents of nobility are supposed to have been inscribed.

It may deserve notice, that by the 11 of Hen. VII., it was enacted that no person should be attainted of treason for having adhered to that king who should be in possession for the time, though he should be afterwards declared a usuper. This act was solely

English; yet the justice of it might, in the administration of mercy, be considered to have an interesting reference to those unfortunate noblemen, who were made victims for their adherence to the cause of their lawful sovereign king James the second.

THE FOLLOWING NAMES OF SCOTCH DORMANT TITLES MAY BE
CONSIDERED OPEN TO CLAIM :

Those thus marked * are under claim.

*Annandale,	Marq.	*Lenox,	Earl.
*Annandale,	Earl.	Lindores,	Bar.
Balmerino,	Bar.	*Lovat,	Bar.
*Borthwick,	Bar.	Lyle,	Bar.
Bothwell,	Earl.	Linlithgow,	Earl.
Burleigh,	Bar.	*Marchmont,	Earl.
Calendar,	Earl.	*Melfort,	Earl.
Carlisle,	Bar.	*Menteith,	Earl.
Carnwath,	Earl.	Middleton,	Earl.
Cromartie,	Earl.	Nithisdale,	Earl.
Dudhope,	Bar.	Ochiltree,	Bar.
*Duffus,	Bar.	Oliphant,	Bar.
Dunbar,	Earl.	Oxford,	Bar.
Dundee,	Bar.	Panmure,	Earl.
Dumfermline,	Earl.	*Perth,	Earl.
Findlater,	Earl.	Pitsligo,	Bar.
Forth,	Bar.	Pittenweem,	Bar.
Frendraught,	Bar.	Preston,	Bar.
Gleneairne,	Earl.	Rutherford,	Bar.
Herries,	Bar.	Seafield,	Earl.
Holyroodhouse,	Bar.	Southesk,	Earl.
Hyndford,	Earl.	Spynie,	Bar.
Kenmure,	Earl.	*Stirling,	Earl.
Kilmarnock,	Earl.	Torpichen,	Bar.
Kincleven,	Bar.	Traquair,	Earl.
Kirkcudbright,	Bar.	Wigtown,	Earl.
Kylsyth,	Bar.	Wintoun,	Earl.
*Lenox,	Duke.		

Of these titles, several are at present under claim; with the addition thereto of the earldoms of Lindsay and Crawford, which latter have been long pending.

The claim to the dukedom of Lenox, preferred by the late earl of Darnley, and suspended proceeding by his death, and the minority of his son and heir, embraces a question of rather an intricate nature, there being very few cases in the Scotch peerage, as applicable to the point on which the dukedom is claimed. The barony of Burleigh seems to present a precedent; but much of the argument on the part of the claimant is endeavoured to be supported by analogy to English titles, created by writ, where the right of succession descends to heirs general of the body of the person first summoned to parliament; the writ not containing any precise or limited course of succession.

I R I S H P E E R A G E S.

THE most ancient baronial titles in Ireland appear to have had their origin from the same foundation, as the similar honours were at that early period enjoyed in England, namely, either the possession of land, or by writ of summons to parliament. But the possession of land constituted the baronial dignity in the reign of Hen. the II., when the first invaders, or adventurers, went into that kingdom from England; afterwards, as the constitution of parliament became better regulated, and rendered conformable to the practise of assemblage in England, these great landholders had their writs of summons in similar form to those of the English barons, and were thereby called to legislate with the earls and great noblemen in their own kingdom. Assuming this to be the nature of the first Anglo Irish Baronies, it follows to be considered whether the subsequent writ of summons (which most certainly emanated from, or was the consequence of the tenure) did by virtue thereof constitute a baronial peerage, descendable in the blood of the person summoned, independently of his possession of the land.

In a claim to the ancient Irish barony of Slane, some time since pending before the lords' committee of privileges, it is set forth that the heirs male, who continued to inherit the estates of Slane, were always summoned to parliament as Irish barons: whereas had the

first of the family summoned to parliament been created a baron by that writ of summons, then the heirs general would have been intitled to the succession in preference to the heir male. But it would rather seem, that the origin of the peerage arose from the possession of the estates, which, by reason of some entail, descended unto the heir male: who thereby acquired a kind of prescriptive right, which depended upon the continued inheritance of the lands, and terminated when the possession ceased. But no decision was finally made in behalf of the contending claimants.

No creation of a baron in Ireland by patent is on record, till the 2 Edw. IV., (1462), when Sir Robert Barnwall was created baron of Trimleston, by patent under the great seal of England, to hold to him, and the heirs male of his body.

The first earldom granted in Ireland was that of Ulster to John de Courcy, but the charter it seems, is not at this day extant. On his forfeiture, the earldom was given to Hugh de Lacy, to hold to him "*et hæredibus suis*," similarly as it had been given to John de Courcy. By the heir female of Lacy, it came to Lionel, duke of Clarence, in right of his wife, and by his heiress eventually to the crown, in the person of king Edward the IV.

The next earldom conferred, was that of Carrick to Edmund le Botiler, (9 Edw. II.) to be enjoyed by him and *his heirs for ever*. But although this earldom was so limited, yet in the same year (9 Edw. II.) the title of earl of Kildare was created in the person of John Fitz-Thomas, with restriction to him, and *the heirs male of his body*; being the first instance of a creation to *heirs male* in Ireland. The next was that of the earl of Louth, 12 Edw. II.; from which period Irish peerage honours, excepting a very few baronies, were limited to the male line of succession.

The following list is considered to contain the names of some titles in the Irish peerages which are rather dormant than positively extinct, and of which several are under claim.

ATHENRY—Reported by the Attorney-General of Ireland, to be in abeyance.

BARRY—Supposed an ancient barony by writ.

BARRYMORE—An earldom, the superior title of the Barry family.

BULKELEY—The viscounty.

BUTTEVANT—The second title of the earl of Barrymore.

CRUYS—A barony by summons.

CUSAC—A barony by summons.

DE LA HIDE—A barony by summons.

DELVIN—Barony by summons, reported in abeyance, November, 1800.

FAIRFAX—The viscounty.

FITZ-WILLIAM—The viscounty.

HOWTH—Barony by summons, fell into abeyance on the death of Edward, the 18th baron, s. p. m., anno 1549.

HUSSEY of Galtrim—Barony by summons.

KERRY—The barony supposed by writ of summons.

KILLEEN—A barony by summons, reported to be in abeyance, March, 1813.

KINSALE—Although this ancient barony has been allowed to the heir male, yet, not any patent for such limitation is known to be upon record, and it is presumed to have been admitted under a misconception of the original creation of the honour.

LE FLEMING—A barony contended to have had its origin by writ of summons.

MONTGOMERY AND MOUNT ALEXANDER—These two titles, the first of viscount, the second of earl, are vested in the same line of male descent, and are supposed to have an heir still extant, but the family estates are gone into the hands of strangers.

ROSSE—The earldom and viscounty in heirs male.

SLANE—A barony asserted to have been created by writ of summons; so claimed by one party, and contra-claimed by another. No decision.

TRACY—The viscounty under claim.

UPPER OSSORY—A barony and earldom considered extinct on the death of the late earl.

BARONETCIES.

THE Order of Baronets being a degree of rank inferior to that of the Peerage, and not invested with similar privileges, to render it desirable beyond the enjoyment of an empty title, dictated by vanity and ambition, has occasioned many of the baronetcies to be considered as extinct, from the heirs of succession not continuing the use of the title, probably from decayed circumstances, and the ancient landed patrimony either sold, or passed away into female heirs.

In the case of inheritable honours, it is much to be regretted, that the actual possession of a certain landed estate, of value according to the rank conferred, should not be made the basis of qualification, and limited to descend inalienably with the patent of creation. Rank would not then be disgraced by poverty, as in too many instances, it unfortunately is at the present day.

The following list of baronetcies is considered to contain the names of those which are dormant rather than extinct.

Adams of London, created 13 June, 1660.
 Belasyse of Newborough, county of York, created 29 June, 1611.
 Bellingham of Hilsington, county of Westmoreland, created 30 May, 1620.
 Birkley of Attleborough, county of Norfolk, created 3 September, 1661.
 Bland of Kippax Park, county of York, created 30 August, 1642.
 Bolles^a of Scampton, county of Lincoln, created 24 July, 1628.
 Booth of Dunham Massy, county of Chester, created 22 May, 1611.
 Boreel of Amsterdam, created 21 March, 1644.
 Briggs of Haughton, county of Salop, created 12 August, 1641.
 Brown of London, created 14 December, 1699.
 Brown of Edinburgh, created 24 February, 1709.
 Burton of Stokerston, county of Leicester, created 22 July, 1622.
 Carpentier of France, created 9 October, 1658.
 Castleton of St. Edmondsbury, county of Suffolk, created 9 August, 1641.
 Chester of Chichley, county of Bucks., created 23 March, 1619.
 Corbet of Leighton, county of Montgomery, created 20 June, 1642.
 Curtius, resident in Sweden, created 2 April, 1652.
 Davies of London, created 11 January, 1685-6.
 Delaval of Seaton, county of Northumberland, created 29 June, 1660.
 De Neufville of Frankfort, Germany, created 18 March, 1709.
 De Raedt of Holland, created 30 May, 1660.
 Dryden of Canons Ashby, county of Northampton, created 16 November, 1619,
 Duddleston of Bristol, created 11 January, 1691-2.
 Elwes of Stoke, county of Suffolk, created 22 June 1660.
 Ernle of New Sarum, county of Wilts, created 2 February, 1661-2.
 Everard of Much-Waltham, county of Essex, created 29 January, 1628-9.
 Gans of the Netherlands, created 29 June, 1682.
 Gostwick of Willington, county of Bedford, created 25 November, 1612.
 Halford of Welham, county of Leicester, created 27 June, 1706.
 Hamilton of London, created 11 May, 1642.
 Helc of Fiete, county of Devon, created 28 May, 1627.
 Hewet of Headly Hall, county of York, created 11 October, 1621.
 Jackson of Hickleton, county of York, created 31 December, 1660.

^a There is reason to believe this Baronetcy was extended to *heirs male whatsoever*. Dame Mary Bolles was created a baroness of Nova Scotia, and had sasine of the lands of her barony in that province.

Langley of Higham Gobion, county of Bedford, created 29 May, 1641.
 Lawson of Brough, county of York, created 6 July, 1665.
 Leman of Northaw, county of Hertford, created 3 March, 1644-5.^a
 Mayney of Linton, county of Kent, created 29 June, 1641.^b
 Merces of France, created 1660.
 Meredith of Stainsley, county of Devon, created 13 August, 1622.
 Middleton^c of Ruthyn, county of Denbigh, created 22 October, 1622.
 Moody^d of Garesden, county of Wilts, created 11 March, 1621-2.
 Morgan of Lanternam, county of Monmouth, created 12 May, 1642.
 Mottet of Leige, in Flanders, created 16 November, 1660.
 Napier of Punknol, county of Dorset, created 25 February, 1681-2.
 O'Neill of Upper Claneboys, Ireland, created 13 November, 1643.
 Peyton of Isleham, county of Cambridge, created 22 May, 1611.
 Powell of Birkenhead, county of Chester, created 29 January, 1629-30.
 Price of Newton, county of Montgomery, created 15 August, 1628.
 Richards of Brambletye House, county of Sussex, created 22 February, 1683-4.
 Russel of Chippenham, county of Cambridge, created 19 January, 1628-9.
 Sas Van Bosch of Holland, created 22 October, 1680.
 Skipwith of Newbold Hall, county of Warwick, created 25 October, 1670.
 Tempest of Stella, county of Durham, created 23 December 1622.
 Tirwhitt of Stainfield, county of Lincoln, created 29 June 1611.
 Tollemache of Helmingham, county of Suffolk, created 22 May, 1611.
 Valckenburgh of Middleing county of York, 20 July, 1642.
 Van Friesendorf of Herdeck, in Sweden, created 4 October, 1661.
 Van Tromp of Holland, created 25 March, 1673-4.
 Vander Brande of Cleverskirke, in Holland, created 9 June, 1699.
 Vitus (alias White) of Limerick, Ireland, created 29 June, 1677.
 Winderbank of Kaines, county of Wilts, created 25 November, 1645.
 Wyche of Chewton, county of Somers., created 20 December, 1729.
 Yeamans of Bristol, created 12 January, 1664-5.

^a There is a very large estate supposed to belong to the heir of this family, which has been claimed at various times by several persons.

^b There is reason to believe the heir of this title still exists in great poverty. The first baronet ruined his fortune in the service of Charles the I.; his son, the second baronet, died for want; and his brother hung himself for the same cause.

^c The heir of this baronetcy is supposed to be living in great poverty.

^d The heir to this baronetcy is believed to be resident in the United States of America.

HISTORICAL ACCOUNT
OF THE
FIRST SETTLEMENT OF NOVA SCOTIA,
AND THE FOUNDATION OF
THE ORDER OF NOVA SCOTIA BARONETS.

—
CHAP. I.
—

THE dignity of a baronet, as an hereditary title, was first instituted by king James the I., (of England), who, when Sir Oliver Lambert had reduced the province of Ulster, in Ireland, his majesty with a view to preserve it in subjection, and encourage a plantation therein, by English settlers, as also for the general security and defence of the whole kingdom of Ireland, and for promoting its cultivation and civilization of the people, erected the order of baronets, the 22nd of May 1611. On this occasion the king appealed to the loyalty and patriotic spirit of the most respectable and wealthy commoners of ancient families, in the realm, and invited such individuals of that description as were willing to accept the honour, and for its obtainment, would engage to maintain thirty foot soldiers, in Ireland, at eightpence per day, at their own expense, for three years, and would remit the first year's pay into the royal exchequer to come forward and receive letters patent of exaltation to the said dignity of baronet, which for its greater distinction, the king solemnly stipulated for himself, and his successors, that no intermediate hereditary honour between that of baronet and peer of the realm should ever be created thereafter.

It has been generally considered that the money thus raised was applied wholly to the supply of king James's personal exigencies; and it has been further considered that no other application was ever contemplated: the one may perhaps be well founded; but the other would be scarcely credible, unless the character of that profligate, yet sordid prince, was such as to afford reason to believe any base action reported of him, perfectly in accordance with truth.

It would not seem that this new order of rank, or semi-lordly degree, had so much attraction as the king had expected; for there were only seventy-six persons whose nomination to the order, was that each knight should in the first instance qualify himself

appear from the various printed lists to have taken it, of which forty are now supposed to be extinct; until the 25th of November, in the following year, viz., 1612, no more baronets are noticed to have been created, and then only seventeen—making the total number created in four years, *i. e.*, from the 22nd of May, 1611, to the 27th of May, 1615, only ninety-three, which shows that the funds for the royal purpose, whatever that purpose may have been, came very slowly into the exchequer.

After this institution, and not long before his death, king James formed the idea of founding a similar order of rank for his Scottish subjects; and inasmuch as the one just mentioned, was for the security and defence of the kingdom of Ireland, and for encouraging persons of ambition, wealth, and consideration to make settlement therein, so the institution of Nova Scotia baronets was intended for the advancing the plantation of that district of country in America, which he had recently annexed to his kingdom of Scotland, and for establishing a colony there, to the aid of which these knights were designed. His majesty, by charter dated at Windsor the 10th day of September, 1621,* made a grant to Sir William Alexander, of Menstrie, knight, his favorite counsellor and secretary of state for Scotland, of a certain extent of territory in America, contained within particular boundaries recited in a copy of the said charter, set forth in No. I. of the appendix hereto attached, which territory in all time therefrom, and thence ensuing, was to be denominated Nova Scotia, and annexed to his majesty's kingdom of Scotland; the said name being given in contradistinction to that other territory of country, which had theretofore been granted by special charter (situate also in America), to certain persons incorporated by the name of the Plymouth company, and which territory was then designated new England.

* Appendix
No. 1.

King James having deceased shortly after this grant to Sir William Alexander—and his son Charles having succeeded to the throne—he was pleased to carry out the intentions of his royal father; and for that purpose, by another charter, called *de Novo Damus*, dated at Oatlands, the 12th day of July, 1625, re-gave and confirmed to Sir William Alexander, his heirs and assignees all the said territory of Nova Scotia, to be enjoyed by him and them in full regality, hereditarily for ever; with very special privileges, rights, and immunities, as detailed in a copy of the charter printed in No. 2, of the appendix hereto. These most extensive grants were afterwards ratified and confirmed in the first parliament of Scotland, holden at the castle of Edinburgh, the 28th of June, 1633,† the king himself being present therein. And Sir William had seisin under the said charter given to him at the castle of Edinburgh, soon after, as therein mentioned and ordained.

† Appendix
No. 15.

On reference to the first charter, in 1611, it will appear that notice is therein made of the knights baronets of Nova Scotia; but in the subsequent charter of Nova Scotia, in 1625, they will be found particularly alluded to; and that the groundwork of the

by agreeing with Sir William Alexander, for a certain district of land in that country, to be erected into a barony, to be holden either of Sir William, or of the king, as might be agreed on by the party; and having thus qualified, a patent of creation should be then passed free of any compensation to be made by the said baronet, for the obtainment thereof from the crown: for this purpose the charter thus recites, viz.:

“And that men of honorable birth may be incited to the undertaking of that expedition, and the settling of planters in the said lands, We for us and our heirs and successors, with advice and consent aforesaid, in virtue of our present charter, give and grant free and full power to the said Sir William Alexander, and his foresaids, of conferring favors, privileges, offices, and honours on the deserving, with plenary power of disposing and overgiving to them, or any of them, who shall happen to make the aforesaid agreements or contracts for the said lands, with him, Sir William, and his aforesaids, under his subscription, or theirs, and their seal, any portion or portions of the said lands, &c., as to him shall seem fit, &c.” Further, the charter recites, viz.:

“Therefore that this our present charter, may be more effectual, and that seisin thereupon may be more conveniently taken, it is necessary that seisin of all and sundry the aforesaid lands, of the said country and lordship of Nova Scotia be taken within our said kingdom of Scotland, and on the grounds and lands of the same in the most eminent place thereof, which can neither conveniently nor lawfully be done without an express union of the said country and lordship of Nova Scotia to the said kingdom of Scotland. Wherefore for the advantage and readier convenience of the aforesaid seisin, we with the advice aforesaid, have annexed, united and incorporated, and by our present charter, unite, annex, and incorporate with our said kingdom of Scotland, all and sundry the aforesaid country and lordship of Nova Scotia, with the teinds and teind sheaves thereof included, and all and sundry parts, purtiments, privileges, jurisdictions, and liberties of the same, and others generally, and specially above mentioned; and by our present charter, will, declare, decern, and ordain, that one seisin now to be taken at our castle of Edinburgh, as the most eminent and principal place of our said kingdom of Scotland, of all and sundry the said lands, country, and lordship of Nova Scotia, or any part of the same, with the teinds and teind sheaves thereof included, respectively, is, and shall be sufficient seisin for all and whole the aforesaid lands, country, and lordship of Nova Scotia, notwithstanding the said lands, country, and lordship of Nova Scotia are far distant, and lie discontinuous from our said kingdom of Scotland, as to which, we, with advice and consent aforesaid have dispensed, and by our present charter for ever dispense, without prejudice and derogation always to the said privilege and prerogative granted to the aforesaid Sir William Alexander, and his heirs, and assignees, of making and establishing laws, acts, and statutes concerning all and sundry the aforesaid lands, country, and lordship of Nova Scotia, as well by sea as by land; and by our present charter we

declare, that notwithstanding the said union, which is declared to be granted solely for the advantage and convenience of seisin, the said country and lordship of Nova Scotia shall be judged, ruled, and governed by the laws, and statutes made, and to be made, constituted and established, by the said Sir William Alexander, and his heirs and assignees, relating to the said country and lordship of Nova Scotia, in like manner, and as freely in that respect as if the said union had never been made, or hitherto granted."

"And further, notwithstanding the aforesaid union, it shall be lawful to the aforesaid Sir William Alexander and his heirs, and assignees, to give, grant, and dispoise any parts, or portions of the said lands, country, and lordship of Nova Scotia, heritably belonging to them, to and in favour of whatsoever persons, their heirs and assignees, heritably, with the teinds, and teind sheaves thereof included (provided they are our subjects) *to be holden of the said Sir William Alexander, or of us, and our successors, either in blench farm, fee farm, or in ward and relief, at their pleasure, and to intitule and denominate the said parts and portions by whatsoever stiles, titles, and designations shall seem to them fit, or be in the will and option of the said Sir William Alexander and his aforesaid, which infeftments and dispositions shall be approved and confirmed by us, or our successors, freely, without any composition to be made therefor.*

"Moreover *we and our Successors shall receive whatsoever resignations shall be made by the said Sir William Alexander, and his heirs and assignees, of all and whole the aforesaid Lands and Lordship of Nova Scotia, or of any part thereof in our hands and (those) of our successors, and commissioners aforesaid, with the teinds and teind sheaves thereof included, and others generally and specially above mentioned, to and in favour of whatsoever person or persons (provided they are our subjects, and live under our obedience) and they shall pass infeftments thereon, to be holden in free blench farm of us, our heirs and successors, in manner above mentioned, freely without any composition.*"

"Further we for us, and our successors, with advice aforesaid, have given, granted, ratified, and confirmed, and by our present charter, give, grant, ratify, and confirm to the said Sir William Alexander, and his heirs and assignees, all places, privileges, prerogatives, preeminences, and precedencies whatsoever, given, granted, and reserved to the said Sir William Alexander, and his heirs and assignees, and his successors, lieutenants of the said country, and lordship of Nova Scotia, *on behalf of the Knights Baronets, and remanent portioners, and associates of the said plantation,* so as the said Sir William Alexander, and his heirs male descending of his body, as lieutenants aforesaid, shall and may take place, prerogative, preeminence, and precedence, as well before all Esquires, Lairds, and Gentlemen of our said kingdom of Scotland, as before all the aforesaid Knights Baronets of our said kingdom, and all others, before whom the said Knights Baronets in virtue of the privilege granted to them, can have place and precedency, for the advancement of which plantation and colony of Nova Scotia, and in respect of it, especially the

said Knights Baronets were, with advice aforesaid, created in our said kingdom of Scotland, with their state and dignity, as a special token of our favour conferred upon such gentlemen, and honourably born persons, portioners of the aforesaid plantation and colony; with this express provision always, that the number of the aforesaid never exceed one hundred and fifty."

Thus far the charter, under which the Nova Scotia Baronets were primarily created, and grants of lands conceded to be made to them, to constitute their respective qualifications, and to enable them to further out the intention of colonizing the plantation, and of sustaining their title and dignity. But though the inducement to the establishing the order was obviously to benefit the then infant colony, it was not stated what quantity or proportion of land should constitute or form the qualification, this omission was therefore supplied seven days after the date of the charter, by the letter of his majesty king Charles to the privy council of Scotland, dated July 19, 1625, whereby it is ordained to be, viz., "Thrie myles in breadth and six in length, of landes within New Scotland, for their several proportions; and to the end that those are to be Baronetes, and to help thereunto, may not be hinderit by coming unto us for procuring their grantes of the said landes and dignities, but may have them there with less trouble to themselves and to us. We haif sent a commissione unto you for accepting surrendris of landes, and for conferring the dignitie of baronet upon such as shall be found of quality fitt for the same, till the number appointed within this said commission be perfected, &c., &c."

The professed object in giving this extensive privilege, was evidently to induce persons of fortune and character to join Sir William Alexander in settling, (with an interest to themselves) the new Colony; but this object was very slow in meeting the desired effect. The institution of the dignity met with great opposition, and Sir William became very unpopular as the projector of it. It interposed a new degree of rank between the lairds and the peerage; which was obnoxious to the lairds, who had considered themselves to stand in the next degree: the subject was made matter of strong and repeated remonstrances against it, as the records of the proceedings in the parliaments of Scotland for a time, will show. The repugnance to recognise the order, may account for the few persons who came forward to accept of it; so that Sir William Alexander was left chiefly to his own means, and the king's countenance, to carry on his undertaking.

In 1629, however, Sir William had so far succeeded, as to have a thriving colony in Nova Scotia, and his eldest son and heir apparent, Sir William Alexander, had gone there as his lieutenant. This being the case, his majesty king Charles, to give stronger encouragement to persons of honour and character to join their assistance; and also to render the dignity of baronet more inviting to seek, was pleased to confer upon the order the special distinction, that the said baronets and their heirs male, should thenceforth wear, and carry about their necks, *an orange tawny silk ribbon, whereon shall hang pendant*

in an Escutcheon Argent, a Saltier Azure, thereon, an Escutcheon of the Arms of Scotland, with an imperial crown above the Escutcheon and encircled with this motto, "Fax mentis honestæ gloria." This letter is printed in the appendix, No. III.

It is here to be observed that the right of creating the baronets, did not rest in the king, but in his grantee, Sir William Alexander,—the institution of them was not like a peerage flowing from the grace of the crown for the mere purpose of conferring honour; but it was specially erected to carry into effect a particular object, which object was made a stipulation to give an interest to the baronet thereupon created, to promote it;—thus the king having granted away the whole country of Nova Scotia, had divested himself of the lands and territories comprehended in his charter, and this charter was confirmed (as before mentioned) by the parliament of Scotland, his majesty himself being present therein. The king therefore had not any lands to give, and the basis of conferring the title was affixed to the previous agreement to be made with Sir William Alexander, for the acquisition of the land, which agreement was engaged to be confirmed by the king, without any composition, should the party be desirous so to have it confirmed. It is evident then, that Sir William was the principal to grant the territory from which the title emanated;* and the king the accessory to confirm the grant by such style, title, and designation as had been in the will and option of Sir William and the party, when the same had been concluded upon between them.†

* Appendix
No. 18.

† Appendix
No. 2.

These observations are made to show, that although most of the baronets might make surrender of their lands obtained from Sir William Alexander, and thereupon get a charter of *Novo Dumus* to hold of the crown, such charter was not an original creation of the baronetcy, but a ratification of it, as in the primary instance acquired from Sir William Alexander, and this point is more particularly made manifest by reference to the description of their baronies set forth in the seisins of those who had seisins thereof, and are now remaining on record in the register office at Edinburgh—again, the right of creation by Sir William Alexander (who had afterwards been advanced to the dignity of peerage by the title of earl of Stirling,) is shown to have continued in him even after the time when some historians have asserted that Nova Scotia was given up by king Charles the First, to the French. The proof is in the record of a deed, dated the 29th of January 1640, and registered the 15th of February following, whereby (bearing then the title of earl of Stirling,) he recites, viz:—

“Ffor sa mekle as we have patentis grantit to us by his mâtie, of Nova Scotia, in America, and for disponing and resigning of certain proportions of laud yairof, and procuring to sundrie persons the infestmentis of the samin fra his mâtie, with the honor and dignitie of knychtis baronettis have been in use to get fra every ane of the receavers yairof the soume of money of this realme, or yairby, and siclyk, &c.” The deed then goes on to assign to certain trustees named therein, all the sums of money to be received

for the proportions of land and dignity of baronets, by them to be applied towards the payment of debts for which they are cautioners on his behalf, &c., as may be seen in the copy of the said deed in the appendix hereto. No. 20.

This deed enumerates the names of divers persons who then stood indebted to him in various sums of money, as would appear for their engagements to him for the honour of being created knights baronets of Nova Scotia ; these sums are assigned over to the said trustees, but it may be suspected they never were paid, for had they been discharged, it is not probable that his estates need have been apprised away, after his death, from his family, especially as these debts seem to have been owing, and unliquidated so short a period before his decease, which was in February 1640, the same year as the deed was executed.

In the exercise of the power and authority vested in him, Sir William Alexander created one Claude de St. Etienne, a French gentleman, a person who had rendered him great assistance in the settlement of his colony, a baronet of Nova Scotia ; and according as his charter conditioned, made an assignation to him of a certain proportion of land to constitute his barony. This assignation, by various writers* of American history, has been called by them, a sale of the country of Nova Scotia, by Sir William Alexander, to the French, but it is plain these writers were perfectly ignorant of the true state of the case. The creation of St. Etienne runs in the following words, viz :—

* Sullivan,
Douglas, Hut-
chinson, et alii.

“Be it knowne to all men, by these presents, me, Sir William Alexander, of Menstry, knight, his majesty’s lieutenant, and deputy, within the bounds, country, and dominion of New Scotland, in America, whereas by virtue of my original infeftment granted me of the whole country and dominion of New Scotland, by our late sovereign lord king James, dated at Windsor, the 10th of September, 1621. and by virtue of my other infeftment, granted to me of the same country and dominion, by our now sovereign lord Charles, &c., dated at Oatlands, the 12th day of July, 1625 : here is full power and authority granted to me, to confer titles of honour within the said country and dominion of New Scotland, to, and upon all and whatsoever person, or persons residing and remaining within the said bounds, and I the said Sir William Alexander having good experience of the worth and sufficiency of Sir Claude St. Estienne, knight, seigneur de la Tour and Uarse, and of his great affection to his majesty’s service, and knowing how, in particular he hath undergone great travel and pains to do his majesty, and me the said Sir William Alexander, as his majesty’s lieutenant of the said dominion, good service in advancing and furthering of that plantation, THEREFORE, WIT YE, me the said Sir William Alexander to have conferred, like as I the said Sir William Alexander, as his majesty’s lieutenant and deputy aforesaid, and having power and authority as said, (is in so farre as my said power and authority doth and may extend and no further) do by these presents confer in and upon the said Sir Claude St. Estienne, knight, and his heyres male of his body from tyme to tyme, in all tyme coming, the hereditary state, degree, order, name, dignity, and style of

baronet of New Scotland, with all sundry prerogatives, privileges, &c. In witness whereof, (written by William Alexander, my servant,) I have subscribed and delivered this patent, sealed with the great seal of the country of New Scotland, at his majesty's court of Whitehall, the 30th day of November 1629.—Signed, sealed, and delivered in the presents of Anthony Alexander, Henry Alexander, my sons, and William Alexander, the wrytter hereof.”

A patent in similar words (*mutatis mutandis*) was granted by Sir William Alexander, to Charles St. Estienne, esquire, Seigneur de St. Denniscourt, and Baigneux, son of Sir Claude St. Estienne, dated at Whitehall the 12th of May, 1630, and signed, sealed, and delivered in the presence of the same witnesses. And here it is to be observed, that before the granting of the patent of baronetcy, *i. e.* on the 30th of April, 1630, Sir William Alexander resigned to the said Charles St. Estienne that proportion of land which was requisite to constitute the baronetcy conferred upon him. The record^a thus recites it, viz:—

“ In the name of God amen.—Know all those to whom these letters patent shall see or shall heare read, that upon this 30th of April, 1630, before me Joseph Mayneh, notary and tabellior royal, dwelling in London, admitted and sworn by the authority of our sovereign lord the king, and in the presence of the witnesses hereunder named, were present in person, and my lord William Alexander, knight, lord of Menstry, and chief seeretary of state for the king of Scotland, for his said majesty of Great Britany, privy counsellor of state and lieutenant unto his said majesty in New Scotland in America, on the one part, who having by letters patent from his said majesty under the great seal of Scotland, the donation of all the said country of New Scotland, called by the French the country of Accadie in America, unto him and his heyres in fief, and perpetual inheritance, bearing date the 10th day of September, 1621, he hath out of the respect and amitie which he beareth unto Sir Claude St. Estienne, and unto Sir Charles St. Estienne, esquire, lord of Deniscourt, his sonne, on the other part, the said Sir Claud de St. Estienne being present, accepting, and by these presents stipulating for his said sonne Charles being absent and for their heirs, and upon other considerations, the said lord Alexander hath given, and by these presents frankly and freely doth give unto the said knight de la Tour, and unto his said sonne and their heirs, they seeing cause perpetually and for ever to dispone of as their own property, true and loyal acqurest, and conquest, all the country, coasts, and islands from the Cape and river of Ingagon, near unto the Cloven Cape in the said New Scotland, called the coast and country of Aecadye, following the coast and islands of the said country towards the east, unto Port de la Tour, formerly named L'Omeray, and further beyond the said Port following along the said coast unto the Mirliqueshe, near unto, and

Ex. records of Suffolk county, in the state of Massachuset, in North America. Lib. No. 3, Fol. 265.

beyond the Port and Cape of L'Heve, drawing forward fifteen leagues within the said sands towards the north, of all the which said lands and seas the said knight de la Tour, and his some shall receive all the fruits, profits, emoluments, &c., &c.; within which country, lands, and seas, they may make, build, and erect villages, towns, castles, fortresses, &c., as they shall see good, which said knight de la Tour, and his some shall hold and enjoye all the said country within the said limits from the king and the successors of the said crown of Scotland in fief and title of honour, *which the said Sir William Alexander to them by virtue of the power to him by the said patents given hath erected, and entitled by two baronies, namely the barony of St. Estienne and the barony of de la Tour,* which may be limited and bounded equally between the said knight de la Tour, and his said some, if they shall see cause; upon condition that the said knight de la Tour, as he hath promised, and for his said some by these presents doth promise, to be good and faithful vassals of the said sovereign lord the king of Scotland and their heyres and successors. Furthermore, the said lord Alexander graunteth to the said knight de la Tour, and his some, and their heyres, and successors, and assigns that the right of admiralty in all the extent of their said lands, and limits; and the said lord Alexander shall cause these presents to be agreed unto and ratified by his said majesty, under the great seal of Scotland if need be. Each partie hath respectively signed, sealed, and delivered these presents made and passed in Martins-lane, near the city of London. Signed, W. Alexander, *(a little seal.)*

These two documents relating to Claude de St. Estienne, (more commonly called Claude de la Tour) and his son Charles, demonstrate in the first instance, that Sir William Alexander under his charters had the power and right to dispoise of and resign lands for the purpose of qualifying persons to become knights baronets of Nova Scotia, and of creating them, so qualified, to have, hold, and enjoy that dignity; and in the second instance, these documents prove, that Sir William never sold to the said De la Tour the whole country of Nova Scotia, according as many writers* have ignorantly and erroneously asserted, to the falsification of history, and of injurious representation as to the interest vested in the heirs of Sir William Alexander, to the undisposed of part of that country, either by him, or his next successors.

* Sullivan, Douglas, Hutchinson, &c.

It is shown that Claude de la Tour, and his son Charles St. Estienne had their grants upon the condition of being good and faithful vassals to the king of Scotland, his heirs and successors; but it eventually so occurred, that when the French, by the construction of the treaty of St. Germain, between them and king Charles, entered upon Nova Scotia as included therein, this Claude de la Tour took part with the French, and obtained from the French king a grant of Nova Scotia, with the government general of the country, whereby he forfeited all rights he had previously acquired from Sir Wm. Alexander, to be holden of the crown of Scotland. He however afterwards met with a rival, at the French

court, in the person of another Frenchman, named D'Aulney, by whom, though he was not entirely superseded in power, yet he was so far eclipsed as to have him appointed a co-partner in it. This being a derogation to the ambition of De la Tour, led to open war and hostilities between them; the result of which was, that in order to maintain himself against his rival, he was obliged to mortgage his barony of De la Tour, to enable him to raise a force to preserve his possessions. This appears from the records of Suffolk county, in the United States of North America,* cited in Hazard's state papers, (v. i., p. 341.) which set forth, that Sir C. St. Stephen, lord of De la Tour in France, and *knight baronet of Scotland*, by deed dated the 13th of May, 1649,^a in consideration of the sum of £2,084, advanced to him by serjeant-major Gibbons, of Boston, in New England, mortgaged to him the said serjeant-major Gibbons, the Fort la Tour, and plantation within the north part of America, near the mouth of St. John's river, where the said monsieur, with his family, hath lately made his residence, as the same was purchased by Sir Claude St. Estienne, of Sir William Alexander, by deed in the French language, dated the 30th of April, 1630,^b to be redeemed on or before the 20th of February, 1652.

It must be here observed, that the documents thus quoted from recorded authority, cannot but satisfactorily disprove the assertions made by some, and even the British government itself, that Sir William Alexander never had possession of the territory of Nova Scotia, under his charters; and never exercised the right and power to create baronets of Nova Scotia. It may suit the fastidious of the present day to make these assertions; and it may be convenient for ministerial policy to deny the said right and power,—because the important question interposes, how far the heirs of the baronets, who derived their creations under grants from Sir William Alexander, are not at this time intitled to the lands they so obtained, and in such respect have a claim upon the crown for their re-acquisition concerning which point, a few remarks will be hereafter made. As to Claude St. Estienne, he was a Huguenot and a protestant under the British monarch; and a catholic under the French king,†—at all times an active, enterprising, and treacherous man; one who made religion a stalking horse to serve the ends of his ambition.

† Douglas's
Hist. of Ame-
rica, v. i. p. 305.

^a In this deed, the name is written as above mentioned St. Stephen, and not St. Estienne, which is evidently a cognominal error, or a typical lapse—and the christian name is *Charles*, and not *Claude*; which seems to infer that it was the son rather than father, who made the mortgage.

^b This deed has been given at length in the preceding pages.

CHAP. II.

IN the preceding chapter, it has been stated that the right of creating baronets of Nova Scotia, by Sir William Alexander, has been denied; as well as his ever having had actual possession of the country, by virtue of his charters. The fact of his creating baronets has been shown in the instance of the two St. Estiennes, the father and the son; together with his disposition to them of lands and territory, to constitute the necessary qualification ordained for the acquirement of the dignity; and the absolute possession of those lands, has also been shown by the deed of mortgage, cited; a truism which could not have taken place, had Sir William Alexander never made occupancy of the province granted to him by the royal charters, investing him therewith; at the same time the possession of the premises is established by the seisin given him in terms of the charters, at the castle of Edinburgh; of which the record is now extant in the register office of that city. This, therefore, is of itself a legal proof of possession, and all the legal proof which the law can require, as between the king in the character of grantor, and Sir William of grantee.

This might be a sufficient answer to the insidious assertions before mentioned; but as more prominent proofs are adducible, they will be here historically detailed.

In 1497, the country of North America was first discovered by John Cabot, and his son Sebastian: these eminent navigators had a commission from king Hen. the VII., of England, for the purpose of discovery, and consequently acted under the authority of the British flag: the law of nations recognizes the principle of right of the territory of a theretofore unknown country, to the power under whose flag the same may have been discovered. Thus the right to the country discovered by the Cabots appertained to the dominion of the british monarch; and though, at that time, no settlement was made thereon of an effectual nature, yet the entering thereon by the subjects of any other nation, would be an unlawful intrusion, and an usurpation.

Through a singular succession of causes, upwards of sixty years elapsed from the time of this discovery of the northern division of America by the English; during which their sovereigns gave little attention to the colonization of any part of it; but this neglect may in some measure be accounted for by the frugal maxims of Hen. the VII.; and the unpropitious circumstances which pervaded the reign of Hen. the VIII., Edward the VI., and the bigotted Queen Mary, reigns peculiarly adverse to the promotion of industry, trade, and navigation.

The accession, however, of Queen Elizabeth, rather raised the spirit of maritime adventure; and an attempt was made by Sir Walter Raleigh, to colonize Virginia; but

after his death, the grant given to him being void by his attainder, several gentlemen, by the incitement of Mr. Richard Hakluyt,^a petitioned king James the I., to grant them a patent for the settling of two plantations on the main coasts of America: the king accordingly by a patent dated the 10th of April, 1606, divided that portion of North America which stretches from the 34th to the 45th degree of latitude, into two districts, nearly equal. The Southern, called the first colony, he granted to the London company; the Northern, called the second colony, he granted to the Plymouth company. The Southern was desirous of beginning their plantation, and habitation in some fit and convenient place between the 34th and 41st degrees of north latitude along the coasts of Virginia; the Northern colony was desirous of planting between thirty-eight and forty-five degrees, and the charter gave liberty accordingly, provided that the plantation and habitation of such of the said colonies as shall last plant themselves, shall not be made within one hundred English miles of the other of them, that first began to make their plantations: thus was the first general plan, for a permanent and effectual settlement in this immense country, arranged and organised, with the consent and approbation of the king of Great Britain.

Three years before, at the time of the death of queen Elizabeth, in 1603, which was one hundred and ten years after the discovery by Columbus, neither the French, Dutch, nor English, nor any other nation, excepting the Spanish, had made any permanent settlement in this new world;* in North America not a single European family could be found; the French indeed, about 1604, had begun to make settlements in Canada and Acadia, and these with the Spanish soldiers maintained at two or three posts in Florida, appear to have been all the Europeans in North America.

* Holmes's
American
Annals, v. i.
p. 123.

In 1603 Henry the fourth of France granted to Pierre du Gast, Sieur de Monts,^b a patent of the American territory, from the 40th to the 46th degree of north latitude, with power to colonize and rule it, and to subdue, and christianize its native inhabitants.† In 1604 the Sieur de Mont made his embarkation, and arriving at Acadia, afterwards made his settlement at a place to which the name was given of Port Royal,—and this was the first settlement in Acadia, and was begun four years after the temporary residence of Pontgrave's company in Canada.

† Hazard's
Coll. 1, pp. 45,
48.

The year 1613 is memorable for the the first hostilities between the English and French Colonists in America. Madame de Guercheville, a French lady in France, who

^a Mr. Hakluyt was at that time a prebendary of Westminster. He published his first volume of *Voyages and Discoveries of the English Nation*, in 1589, and the third in 1600; a work highly interesting, and which will perpetuate the merit due to his learning, diligence, and fidelity; and will always furnish some of the best materials for American history.

^b He was a gentleman of the bed chamber to the king, and a Calvinist, but the king allowed him and his people the exercise of his religion in America. On his part he engaged to people the country, and to establish the Catholic religion among the natives.—*Charlevoix Nouv. France*, Vol. I. p. 3, 12.

* Charlevoix
Nouv France,
v. i. p. 128.

was a zealot in religion, and anxious for the conversion of the American natives, having procured from de Mont a surrender of his patent, and obtained from the reigning French King a charter for all the lands of New France from the St. Lawrence to Florida, with the exception of Port Royal, sent out one Saussaye, with two Jesuits as missionaries; these persons in 1611 arrived at le Heve in Acadie,* where Saussaye set up the arms of Madame de Guercheville in token of possession. Proceeding thence to Port Royal, he found there five persons only, two of whom were Jesuits, who had been previously sent over, but had fallen under the displeasure of M. Biencourt, at that time governor of Port Royal: producing the credentials by which he was authorised to take these fathers into the service of the new mission, as well as to take possession of the Acadian territory, the two Jesuits were permitted to go where they pleased: they then left Port Royal, and went with Saussaye to Mount Desert, an island at the entrance of the river called Pentagoet, where at the east end the Jesuits fixed their settlement; and setting up a cross, celebrated mass, and called the place St. Savior.

Scarcely had they begun to provide themselves with accomodation in this retreat before they were surprised by an enemy. Captain Samuel Argal of Virginia arriving at this juncture, off the island of Mount Desert, was cast ashore in a storm, at Pentagoet, where he learnt from the natives, that the French were at St. Savior's. Such was the account of their number and state, that he resolved to attack them without delay; the French made some resistance, but were soon compelled to surrender to superior force. In the action Gilbert du Thet, one of the Jesuits, was killed, some others were wounded, and the rest, excepting four or five were taken prisoners. The English seized the French vessel which lay there, and returned to Virginia.

This occurrence induced the Virginian governor, after advising with his council, to dispatch an armed force to the coast of Acadia, to raze all the forts and settlements to the forty-sixth degree of latitude. The armament was committed to Argal, who losing no time, sailed to St. Savior, where upon his arrival he broke in pieces the cross which the Jesuits had erected, and set up another, inscribed with the name of the king of Great Britain, for whom possession was taken. He next sailed to St. Croix, and destroyed all the remains of De Mont's settlement. He then proceeded to Port Royal, where he did not find a single person; and in two hours he reduced that entire settlement to ashes, which, according to Charlevoix, had cost the French more than one hundred thousand crowns. Having thus effectually executed his commission, he returned to Virginia.

It does not appear that this transaction was either approved by the court of England, or resented by the crown of France: it nevertheless prepared the way for a patent of the territory which was granted eight years afterwards by king James the I.

Sir Ferdinando Gorges intrusted with the principal direction of the Plymouth company, reflecting on the prodigious extent of the region to be planted, and on the slow

progress of colonization, conceived the design of persuading the Scotch nation to form a settlement within the limits of New England. Easily obtaining the consent of the company, and the approbation of Sir William Alexander, of Menstrie, in North Britain, a man of great influence with his sovereign, Sir Ferdinando succeeded in his plan; and the Scotch knight had granted to him by a royal charter, under the great seal of Scotland, the whole territory of Acadia, by the name of Nova Scotia, September the 10th, anno 1621.*

* Vide Charter
in Appendix
No. 1.

Sir William Alexander thus invested with palatinate jurisdiction, and made the proprietary of the soil, in the next year sent a ship with a colony of purpose to plant; but the season of setting out was so late, that they were obliged to stay through the winter, at Newfoundland. Another ship with provisions was sent the following year, 1623; yet by reason of some unexpected circumstances, they resolved not to plant at that time, but merely to discover and take possession. Sailing from Newfoundland, they coasted along the shore of Nova Scotia, and on Port Joli river found a fit place for a plantation. Returning to Newfoundland, in July, they left their ship there, and took passage for England, with intention of resuming the enterprise of planting a colony the next year. Purchas and Laet, two writers of credit, stop here in their accounts of Nova Scotia, excepting Laet makes mention of the change of the old names of places, by the Scotch patentee, viz: "*Quid post illa, in illis partibus gestum sit, mihi non constat; nisi quòd nomina harum provinciarum à Willielmo Alexandro mutata inveni, in tabulâ Geographica nuper in Angliâ excusa, i. e., Cadia, nova Caledonia septent pars nova Alexandria nominatur.*"

Though Purchas and Laet are silent as to the further proceedings of Sir William Alexander, yet it is certain that he followed up what he had begun, with great perseverance; and for the better enabling him to have assistants to co-operate with his design, he obtained from king Charles the I., a confirmation of the charter of king James, by another dated the 12th of July, 1625,† with a de novo damus of all previous rights, privileges, and power, and adding thereto, the particular prerogative of conferring honours on those who should become associates in his undertaking, and of assigning to them lands to be erected into baronies in their favour; and in order to render the honour of a baronet of Nova Scotia, the more distinguished, and the more attractive to be sought for, the number to be created was limited to one hundred and fifty.

† Ibid no. 2.

At what time the next expedition was made does not appear; but as Purchas and Laet have stated that the enterprise was to be resumed the next year, it may be concluded that it did so take place, and a colony effectually planted, ensued thereupon. For in 1629, being five years after the year (1624) where Purchas and Laet stop, Sir William Alexander, eldest son and heir apparent of the patentee, is shown to have made great progress in the perfecting of a settlement, where, on the behalf of his father, he was then acting as his deputy. The proof of this is in the royal warrant of king Charles

* Vide Office copy of warrant appendix no. 3.

the I., conferring a particular badge of distinction to be worn by the baronets of Nova Scotia.* The words in this warrant are, viz., “And seeing our trustie and well beloved counsellour Sir William Alexander, knight, our principall secretarie of that our auncient kingdome of Scotland, and our lieutenant of New Scotland, who, these many years by past, hath been at greate charges for the discoverie thereof, *hath now in end settled a colonie there, where his sone Sir William Alexander is now resident*, and wee being most willing to afford all possible means of encouragement that convenientlie wee can to the baronets of that our auncient kingdome, for the furtherance of so good a worke, and to the effect they may be honoured, and have place in all respects according to their patents from us, Wee have been pleased. &c., &c., &c.” Here then is an evidence on the part of the crown, that Sir William Alexander had established his plantation of Nova Scotia. But a still stronger proof is to be found in the letter from king Charles to Sir William Alexander, then bearing the title of viscount of Stirling, dated, Greenwich, 10 July, 1631,† which testifies not only the settlement which had been made in the country, but the then continued occupancy of it, with a governor, fort for protection, &c., &c. This letter was written in consequence of the treaty of St. Germain, by which the king in an unguarded moment, had agreed to surrender Acadia to the French; it recites, viz: “It is our will and pleasure, and we command you hereby, that with all possible diligence, *you give order to Sir George Home, knight, or any other having charge from you there, to demolish the fort which was builded by your son there, and to remove all the people, goods, ordnance, munitions, castle, and other things belonging unto that colonie*, leaving the bounds altogether waste, and unpeopled, *as it was at the time when your son landed first to plant there by virtue of our commission.*”

† Vide Appendix No. 7.

‡ Ex. Record in Reg. Off. Edin.

§ Appendix No. 19.

The next proof of occupation of the territory of Nova Scotia granted to him, may be taken from the charter of king Charles the I., to Sir William Alexander, of the port or haven of Largs in Scotland,‡ which as therein expressed, was for the special purpose of facilitating the commercial intercourse between Scotland and the plantation of Nova Scotia. But the most important proof is to be derived from the demand of England at the Treaty of Utrecht,§ for the restoration of Nova Scotia by the French to Great Britain, to be surrendered back in its full plenitude of territory, as the same was described in the original charters of king James and Charles the I. to Sir William Alexander. Had Sir William Alexander never taken possession of the country, or made settlement therein, there could be no pretence on the part of England; for its sole right is based upon that settlement, which laid the foundation of that valuable province, as a colony of the British Empire, and that, *colonized as the charters recite at his own expense.*

|| Ibid No. 11. ¶ Ibid pp. 52, 78.

With respect to the Treaty of St. Germain, it may be observed, that king Charles by that treaty, gave up Acadia to the French.|| This is noticed by Prince, in his Annals of New England, thus, viz.,¶ “Sir David Kirk having taken Quebec from the French,

the king of France detained 400,000 crowns, part of the queen of England's portion. This brought about the treaty with king Charles, who empowered his ambassador (Sir Isaac Wake) to conclude the dispute, 29 June, 1631. But it was not till the 29 of March, 1632, the treaty was signed; which put an end to all differences, when the remaining half part of the queen's portion was paid by the French king." Further, the same author writes,* "That when king Charles found that the French possessed themselves of the whole country, he declared publicly, that he had given away only *the forts, and not the soil*; besides the French king had undertaken to pay Kirk £5000. for the forts, but never did; nor was Sir William Alexander ever paid a sixpence." That the king never intended to resign Nova Scotia, will be clearly shown by reference to his letters to the states of Scotland, set forth in the annexed Appendix; † and the assignation by Sir William Alexander, (then earl of Stirling), to Mr. Alexander Kynneir, and Mr. James Gordon, (printed in the annexed Appendix), ‡ will show that the earl of Stirling at that period, which was only a short time before his death, considered himself in legal possession as lord proprietary of the soil of the province, and in such capacity, intitled to make resignation of lands, and to dispose of the honour of knight baronet in terms of his charter; had such not been the case, a deed of the nature of a disposition for the payment of debts, would have been at once ridiculous, and inconsistent, and perfectly inappropriate to the purpose for which it was executed.

* Appendix
p. 115.

† Vide Nos.
12, 13, 14, 16.

‡ Ibid No. 20.

When the treaty of Utrecht was under negotiation, the objections of the French, and the replications of the English Commissioners respecting Nova Scotia are particularly deserving notice; the sixteenth preliminary article thereof, to which M. de Torcy agreed, on the 28th of May, 1709, is as follows: "The most christian king shall yield to the crown of Great Britain whatsoever France is possessed of in the Island of Newfoundland, and whatsoever countries, islands, fortresses, and colonies, which have been taken, and possessed on both sides since the beginning of the war, in what part soever of the Indies that they may be situated, shall be restored on the part of the queen of Great Britain and his most christian majesty."

At a more advanced period of the negotiation is the following article, viz: "The island of St. Christopher, Hudson's Bay, and straits of that name, and *Acadia with Port Royal and the Fort, shall be restored* § entire to her majesty." In the speech from the throne, after announcing the tenor of the treaty, her majesty queen Anne thus expresses herself, viz:

§ Ibid No. 19.

"Our interest is so deeply concerned in the trade of North America, that I have used my utmost exertions to adjust that article in the most beneficial manner. France consents to restore us the whole bay and straits of Hudson's, to deliver up the island of Newfoundland, with Placentia, and to make *an absolute cession of Annapolis with the rest of Nova Scotia or Acadia.*"

* Printed
1756. pp. 206,
78.

As the limits of these cessions might be said to admit of doubts in some particulars as relating to Acadia or Nova Scotia, it must be allowed that conflicting claims were set up by the French to some parts of them; and these afterwards became a subject of much disputation, as reference to the memorials of the British and French commissioners with respect to their North American territories will demonstrate,* in which the objections urged by the French against the right claimed by the crown of Great Britain to the territory in question, are very satisfactorily answered by the reply of the British commissioners to their frivolous and futile subterfuges.

The first exception taken by the French commissioners, was to the patent granted to Sir William Alexander, on the ground, "That the lands contained within it being at the time of the grant in the possession of the French,^a the patent became void in itself, upon that condition in it, which, as they allege, makes it necessary that no lands to be possessed in consequence of that grant, should be occupied by inhabitants who cultivated them: which objection seems to be founded in a mistake of the words of the patent, in which king James, after having expressed his sense of the public utility, arising from the establishment of colonies, adds these words: '*Presertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad christianam converti fidem ad Dei gloriam interest plurimum insessa fuerunt.*' These are the words upon which the French commissioners found their objections, though nothing can be more clear in construction, than that they are only expressive of a circumstance, which where it happens, makes settlements in foreign countries additionally beneficial to mankind, and imply no condition at all."

They afterwards allege, "That if no such condition had been contained in the grant, it would nevertheless have been void; the French having settled within it upon lands granted to the Sieur de Mont, in 1603, by the letters patent of Henry the IV. of France; that no English settlements were ever made in consequence of the grant to Sir William Alexander; that the Nova Scotia granted by king James is merely ideal, and had no existence till the treaty of Utrecht."

These objections were answered by the English commissioners, thus: "As to the grant being void, as comprising lands then settled by the Sieur de Mont, if it was a point worth contending for, it could be easily proved; that what they call the settlements of the Sieur de Mont, was nothing more than a *cursory usurpation in opposition to the rights of the crown of Great Britain*; as it is evident from Champlain, (part 2, p. 266), in which he says: "*Les Anglois qui n'y avoient été que sur nos brisées s'étant emparés depuis dix a douze ans des lieux les plus signales, m'ême enlevoient deux habitations, savoir celle*

^a They had been six years before totally expelled by Argal, and their forts entirely destroyed, as mentioned in some preceding pages.

du Port Royal, ou étoit Poitvincourt, ou ils sont habitues de present. That the English did make settlements in consequence of this grant, for the memorial from which this passage is taken, was presented at London, in 1631, in which it is said, that the English had made settlements in Port Royal, *ten years before that memorial; which will place them in the year 1621, the very year in which king James made his grant.* It is also remarkable that there remains at this very day, the ruins of a fort built at that time, at the entrance into the basin, *which preserves the name of the Scotch Fort.*^a

Again the British commissioners reply: "It is a little difficult to know in what sense the French commissioners would be understood, when they say, that Nova Scotia had no existence antecedent to the treaty of Utrecht. If they mean only, that France did not call that country by the name of Nova Scotia, it is true; but Nova Scotia descriptive of that country had its existence before that treaty, not only in the letters patent of king James the first, but in all the English maps from 1625 to 1700, and in Laet's history (p. 18), and in the beginning of the negociation preceding the treaty of Utrecht: nor indeed is it possible to suppose France not to have had an idea of the country called Nova Scotia, after it had been so frequently mentioned in the best maps and histories of America, as those of Purchas's Pilgrim, Laet, and Champlain."

From these facts and arguments of the British Commissioners in refutation of the French objections, it is evident that Nova Scotia was reclaimed, and the right thereto sustained, on the foundation of the colony and the occupation of the country by Sir William Alexander, in virtue of his grants thereof from king James and king Charles the first. It was demanded and acquired back in full plenitude of territory and boundary, as contained in the respective charters, and in 1763, by the peace of Aix la Chapelle, was finally quit claimed for ever by the French to the crown of England; whereby it is considered that when the sovereignty returned to the crown, the right of the heirs of the patentee became revived; and the rights of the heirs of his grantees, baronets of Nova Scotia, became reinvested in them. The usurpation of the French was only a suspension of rights, and their relinquishment a restoration thereof.

And here it cannot but be remarked, that while the British commissioners, with so much ingenuity and pertinacity, urged and supported the validity of Sir William Alexander's charters, it is not a little unworthy the English Government to take up the objections of the French, so perfectly negatived, and adopt them against those persons who have claims derived from Sir William Alexander under these very same charters.

^a These ruins were most likely those of the fort built by Sir William Alexander, junior, and directed as before mentioned, to be razed in virtue of the treaty of St. Germain's, by king Charles the first.

CHAP. III.

Having in the two preceding chapters shown the origin of the first settlement in Nova Scotia under the charters granted to Sir William Alexander, and also that he had actual occupancy of the territory mentioned therein, and exercised the government thereof, by his son Sir William Alexander, his deputy; as likewise by Sir George Home, the governor of the fort of Port Royal, which had been erected after he had taken possession of the country, by his said son Sir William Alexander: and, moreover, that he executed the power vested in him by his charters of creating knights baronets, and of assigning to them the portions of land ordained to form the qualifications for their baronies, it follows that the interest thus made over to, and acquired by the baronets, should have notice.

The order, as already observed, was instituted for the special purpose of giving to Sir William Alexander a certain number of associates to assist him in the colonization of the new province; and who, by having participation in the soil, would have an incentive to promote the object designed; while, for their greater encouragement, they had conferred upon them, a badge of honourable distinction, which to mark their rank above all others of the same degree, was particularly, and exclusively granted to them.*

* Vide Appen-
dix No. 3.

Now, as the protecting clauses of Sir William Alexander's charters were of a very special nature, so the effect of those clauses extended to the knights baronets created by him, in the enjoyment and tenure of their baronies derived from the rights, privileges, and immunities communicated by his charters. Thus, "Because the timely entry of any heirs, &c., on account of the long distance from Scotland, we have dispensed with the said non entry whenever it shall happen; and again by our present charter, we will declare, decree, and ordain, that one seisin, to be taken at our castle of Edinburgh, &c., shall be sufficient seisin, notwithstanding the said lands, &c., are far distant, and lie discontinuous from our said kingdom of Scotland; as to which, we with advice and consent aforesaid have dispensed, and by our present charter for ever dispense."

Further, the charter recites, viz., "Renouncing and exonerating the same simpliciter with all action and instance heretofore competent, to and in favour of the said Sir William Alexander, and his heirs and *assignees*, as well for non payment of the duties contained in their original infeftments, as for non performance of due homage, conform thereto, or for non fulfilment of any point of the said original infeftment, or for commission of any fault or deed of omission, or commission, prejudicial thereto; and whereby the said original infeftment may in any way be lawfully impugned, or called in question,

for ever acquitting and remitting the same simpliciter, with all title, action, instance, and interest heretofore competent, or that may be competent to us, and our heirs and successors, renouncing the same simpliciter, jure lite et causa cum pacto de non petendo, and with supplement of all defects, as well not named as named, which we will to be held as expressed in this our present charter."

Here then it must appear, that as the territory granted to Sir William Alexander was so guardedly and firmly assured to him, and his heirs, in like manner the assignations made by him to the knights baronets, were as strongly confirmed to them and their heirs, or otherwise there would have been no inducement for their joining in his adventurous undertaking. Every man who sells a fee simple estate conveys to the purchaser a perpetuity; that is, he gives to him and his heirs for ever the property sold; though the purchaser may the next day alienate to another in like manner, to him and his heirs for ever; but, still, whatever are the franchises of the property, and of whatever nature the original tenure may be, they come to the purchaser from the title under which the first vendor was infeft, and held the same, either with privileges, or restriction of privileges. And here, again, occurs another point in favor of the baronets enfeoffed under Sir William Alexander's grant, which is the letter from king Charles to the lord advocate of Scotland,* wherein his majesty writes after other matter, viz: "*We do hereby require you to draw up a sufficient warrant for our hand, to pass under our great seal, to our right trustie, the viscount of Stirling, to go on in the said work, whensoever he shall think fitting, whereby, for the encouragement of such as shall interest themselves with him; and he may have full assurance from us, in verbo principis, that as we have never meant to relinquish our title to any part of that country which he hath by patents from us: so we shall ever after be readie, by our gracious favour to protect him, and all such as have, or shall hereafter, at any time concur with him, for the advancement of these bounds uforesaid. And if at any time, by order from us, they shall be forced to remove from the said bounds, or any part thereof, where they shall happen to be planted, we shall fully satisfie them for all loss they shall sustain by any such letters or orders from us: and for your so doing, &c., &c.*"

* Vide Appendix No. 12.

From the time of the treaty of St. Germain, including also the treaty of Breda by king Charles the second, till the period of the treaty of Utrecht, the country of Nova Scotia was under the usurpation of the French; and even after the last named treaty, until the final quit claim of France and retro-cession made at the peace of Aix-la-Chapelle, the province was a constant subject of controversy between the crowns of Great Britain, and France: thus while the sovereignty of England was suspended, the occupancy of their lands by the baronets was interrupted; but when the one was resumed, the right of the other under it returned to the heirs of succession. This long interregnum, attended with the distressing events of the civil war, and the continual conflictions with the French, occasioned many of the baronets who had their enfeoffments from Sir William

Alexander, prior to the year 1641, to disregard as well their titles as their lands, and for their heirs neither to assume the one, nor seek after the other;^a hence to the present day their titles have remained dormant, and their baronies unclaimed. But as no length of time of non-claim is a bar to the resumption of a title of honor, so it is considered that the same rule of law applies to the land, which was incorporated in it; for the land was the principal and the foundation. The title was the mere accessory which conferred rank and dignity upon its possessor, and completed the creation.

The particular care and regard which the king professed to have for the promotion of the colony, and the honourable and distinguished persons who came forward to accept the title of baronet, is apparent from the various letters which passed between his majesty and the estates of the realm upon the subject, which are extant among the privy council records.*

* Vide Appendix.

As to the number of those who were actually created baronets of Nova Scotia, according to the stipulated terms, and conditions of the institution, it may be rather difficult to determine, inasmuch as the names of the respective parties on whom the title was conferred, do not all appear from the public registers. With reference to those whose creations appear to be so registered, a list is herewith given, with an asterisk prefixed to those who are found to have had seisin of their baronies, from which it will be seen that such creations did not extend beyond November, 1640.† On this point it arises to be considered, how far any persons created baronets after that period are to be deemed Nova Scotia baronets, and as such entitled to local, or territorial possessions, or to the privileges which were specially granted to be enjoyed by the Nova Scotia baronets only.

† Ibid.

The persons appearing from the registers to have been created baronets *in Scotia*, from the 5th of March, 1661, (after the restoration of Cha. II.), downwards, had merely patents without any assignation of lands to accompany their titles; and consequently had not any interest in the colony; and besides, there was not any previous institution of an order of baronets in Scotland, while there was an order of baronets of Nova Scotia expressly founded to apply to that country, as distinguished from the kingdom of Scotland by the denomination of *Nova Scotia, or New Scotland*. It is therefore submitted, that the persons on whom the king was pleased to confer the title of a *Baronet of Scotland* were not by that description created baronets of Nova Scotia, and thereby authorised to wear the badge of honour so exclusively granted to the baronets alone of that country. They were baronets solely by name of title, but were not invested with the privileges which were attached to the Nova Scotia institution.

In relation to this subject, it may be right to mention, that a general meeting was called at Edinburgh, and did there meet, the 14th of June, 1775, with a view to come to

^a One of those persons was the ancestor of the Editor.

some resolutions affecting the rank, rights, and honour of the baronets, denominating themselves as one body, by the style of baronets of Scotland: but as whatsoever was then discussed is not within the present object to notice, it may be as well to leave the account of the proceedings of the meeting to be hereafter mentioned. Further meetings of the Nova Scotia baronets, and their representatives in right of their lands were called at Edinburgh, the 1st of July, and 1st of October, 1783: the specific purpose of which has not been discovered.

In now bringing before the public the first creation of these baronets, it becomes material to entertain the question, how far their heirs have, or have not lost, their rights of inheritance, or whether they still remain capable of being reclaimed.

The first objection seems to be, that king Charles the I., by the treaty of St. Germain, ceded to the French the territory of Nova Scotia, and with that cession the baronets lost their baronies. But this objection ceases, when it shall be seen, that so far from having ceded Nova Scotia to the French, his majesty on the contrary, in open parliament at Edinburgh, ratified and confirmed (as before mentioned) all the charters and grants, &c. made to Sir William Alexander, which ratification bears date upwards of twelve months after the pretended cession. The fact truly was, that king Charles having agreed by the said treaty to retrocede Quebec, and other territory in Acadia, (the then general name of all that part of America), the French under pretence that Nova Scotia formed part of Acadia, entered upon and usurped the same; and king Charles at that time was too weak in power and means to maintain the rights of his crown, or of his people, against his powerful foreign enemy. A further proof that the colony was never intentionally surrendered by the king; or sold to the French by Sir William Alexander (as said by some authors) may be found in the subsequent creations made of baronets, and the seisins taken by the grantees of the lands contained in their charters, as the dates of their seisins are recorded in the public register office; while there is also upon record the deed of assignment, (herein before observed), dated 29 January, 1640, made by Sir William Alexander (then earl of Stirling), to Messrs. Kinnear and Gordon, of such interest and composition as he might be intitled to, from his right to confer the dignity of knights baronets of Nova Scotia, containing an obligation to procure the same to all such persons as they should nominate and appoint, like as he might have done himself, which deed being for the payment of debts, would have been a fraudulent delusion, if no real sums of money were competent to be derived therefrom.

A second objection is suggested, that the lands became forfeited by the failure of the grantees to fulfil the condition which is supposed to have been impliedly annexed to their grants of defending and maintaining the same, under the royal authority: but this objection is at once nugatory, for if the king had truly ceded Nova Scotia, his subjects had no right to dispute his will, and take up arms—his act of prerogative. But if, as

was the case, the king did not cede the territory, he ought to have given the assistance of the power of his crown, to have supported the settlement, and have called upon his subjects, the settlers, to have brought forward their force, as a part of their feudal duty. The king was as much bounden to protect his subjects, who had purchased that protection, as the subject was to defend his own, and the king's dominion. The objection is solely by implication, and not from any expressions of an imperative and obligatory nature in any grant.

A third objection is interposed, that the claims have become antiquated by the neglect, or the omission of the grantees to act upon their grants, from the period thereof to so long a subsequent time : to settle this point, it should be considered what law, if any, of prescription, or limitation interferes ; whether colonial law, Scotch law, or English law, or some law, rule, or principle different from all these ? By a decision in the United States of North America, not many years since,^a it has been determined, and affirmed upon appeal to the supreme court at Washington, that a grant, originally well and sufficiently made, remains indefeasible, *whether acted upon, or not* : and that no laches, however long continued, on the part of the grantee, or of his heirs, affect the same.

On the present question, it is to be borne in mind, that from the treaty of St. Germain which took place in 1632, to the time of the treaty of Utrecht, the French were, during the chief intervening years, usurpers on the territory, and its inhabitants in a state of constant aggression. At the last mentioned treaty the British commissioners required that Nova Scotia should be given up to Great Britain, according to its ancient boundaries, with its whole rights ; the French occupation having been founded upon usurpation, not by acquisition, force of arms, or cession by treaty. The French commissioners in reply, assumed that Nova Scotia was a country unknown to them, and never before mentioned, and that the district claimed by them was Acadia entirely ; to this the British commissioners made replication, that if Nova Scotia, as a country, was unknown to the French, it consequently had never been ceded to them, and as to the boundaries, they rested upon the description of them, as contained in the charters to Sir William Alexander.

It is also urged in argument against the right of recovery by the heirs of the said baronets, that the country had been conquered by the French, and re-conquered by England, so that no claim could now exist to be preferred on their parts. The fallacy of this argument is shown by what has been already stated ; with regard to the grounds on which Nova Scotia was demanded by the British commissioners, to be surrendered back to the crown of England at the treaty of Utrecht : usurpation but not conquest founded the pretension on the part of France. The British and provincial troops of New England had re-acquired possession of the country by the force of their arms ; the demand that

^a Case of the London Society for the propagation of the Gospel in foreign parts, *versus* the town of Newhaven, Vermont, February 1823.

the country should be altogether retroceded to Great Britain, made at the treaty of Utrecht, proceeded therefore on the fact, that the French had made entry upon the same by usurpation, but never by conquest or by cession.

Even supposing for a moment, that the French had in reality conquered the country, yet this would not necessarily destroy private title; for it does not follow, that in a conquered country, all property immediately changes hands. Are all the inhabitants turned out of their possessions, and new ones among the conquerors substituted for them? In an extended and thinly peopled territory, it might have been out of the power of Sir William Alexander, or of his associates, the knights baronets, to use or enjoy their property during the French usurpation; the value thereof, then, was comparatively trifling, and the distance too great. This then would be non-user, while an enemy was in possession of the country; when however it was re-conquered, and returned to the original government, it cannot with any shadow of justice be assumed that the private property of the crown grantees thereupon, became vested in the sovereign, as the property of the nation. This indeed would be worse than the enemy.

Private rights in civilized countries are not otherwise affected by conquest or reconquest, than by the imposts to which they may be intermediately subjected to on either hand. And here it may be proper to remark, that the proofs on the part of England, in dealing with, and reclaiming the territory alluded to at the treaty of Utrecht, are the very identical charters under which that territory was erected into a province in the person of Sir William Alexander; and which province with all its boundaries, prerogatives, franchises, privileges, and immunities was warranted by the king to be vested in him, his heirs, and assignees for ever. While the king also, by his royal letter to the Lord Advocate of Scotland,* (before noticed) promised *in verbo principis*, that the knights baronets, associates with Sir William Alexander in his undertaking of planting the colony, should be satisfied for every loss they might sustain. Thus, whether the French conquered or only unjustly retained the usurpation of the country, it matters not, inasmuch as whenever its possession returned to the crown, the sovereign *ex debito justitiæ* became bounden to restore to the heirs of the baronet adventurers, the lands of their baronies, which are specified in the records of their seisins, or if now adversely occupied, to make compensation by other grants of vacant territory to the same extent. Besides it is always to be considered, that the colony was first settled at the private expense of Sir William Alexander and his associates, but not at the public cost, which renders the claim of the heirs of Sir William and of the baronets, a debt due in honour, and in gratitude from the sovereign, and the nation now repossessed of the said province of Nova Scotia; for if Great Britain never lost, or forfeited anything by the treaty of St. Germain in 1632, or of Breda in 1667, so neither Sir William Alexander, nor the baronets lost or forfeited their rights, of proprietorship.

* Vide Appendix No. 12.

Having noticed something as to an objection grounded on the law of prescription, it may be incumbent to observe, that prescription has never been held to be so essential a principle of natural justice, that it might not be set aside by law: two very important maxims of English law are opposed to it, viz., those of "nullum tempus occurrit Regi," and "nullum tempus occurrit Ecclesiæ;" that is to say, no adverse possession, of however long standing, can be a bar to a prior right of the king, or of the church. Indeed the doctrine of prescriptive right formed no part of the old common law of England, but was first introduced by a statute of the 32 Hen. VIII., (Blackstone's Commentaries, v. 2, p. 261); so that, far from being a fundamental principle of natural equity, it has been altogether excluded by some laws, and certainly required the aid of positive enactment to give it any binding force, or validity whatsoever. In the present instance of claim upon the crown, it would be rather bearing too much on an excessive stretch of prerogative to take away property from some by virtue of a nullum tempus exception, and yet refuse to restore it to others by not allowing the same exception in their favour, while their claims are derived from the crown itself, and for a valuable consideration given for their original grants.

As another of the grounds of objection alleged, is the length of time of non-user, and a conclusion therefrom of a voluntary abandonment of their claims, it is requisite to remark that in the charters of king Charles to Sir William Alexander, there is a special clause which declares that the grant shall be valid, sufficient, and effective in all time coming, in all points, in law, in all the king's courts, and in all other places, notwithstanding any law, custom, prescription, practice, decree, or constitution before made, decreed, or published, or afterwards at whatever time to be made, decreed, and published, ordained, or provided. As forfeiture for any cause, was thus specially guarded against, so the same provision extended to the knights baronets, the assignees of sir William Alexander, in their lands granted to them by him.

These reservations seem to have been so strongly used with an allusion to the Scottish prescription then recently introduced by the act, 1617, (c. 12); the law of Scotland therefore was directly excluded, and the law of England could not apply. The inference therefore of a non-user, even voluntarily continued, cannot avail, for the charters must all be interpreted according to their letter, and the principle of the true consideration which induced their grant.

On this point, with a very striking analogy of non-user, and voluntary abandonment, there has been very lately decided before the lords' committees for privileges, (the lord chancellor Brougham maintaining the doctrine), a case of claim to the very ancient earldom of Devon. This earldom was conferred on Henry Courtenay, who was created (or rather restored) earl of Devon, by Queen Mary, by letters patent, in which the words of limitation are "*Sibi et hæredibus suis masculis,*" without the further words *de corpore*, or

quibuscuque. He died shortly after, unmarried, and consequently without legitimate issue. The crown considering the title vacant, conferred it, in the reign of James the I., upon the lord Montjoy, who enjoyed it about three years, when he deceased without lawful issue; and it again fell to the crown; whereupon the king once more revived the title, and created the then lord Cavendish, earl of Devonshire, in whose family it still remains, but merged in the higher dignity of duke of Devonshire.

From the period of the death of Henry Courtenay, earl of Devon, till lately claimed, the heir male of his family never claimed the dignity, but allowed it without objection, or pretension to be granted to strangers in blood. The several heirs male in succession continued commoners, till at last raised to the peerage dignity, in 1767, by the inferior title of viscount Courtenay. But, on a sudden, the second viscount (a person of overmuch notoriety) thought fit to come forward and claim the earldom, asserting that the limitation, "*heredibus masculis,*" without additament, meant *heirs male collateral*, and was not confined to *heirs male of the body*, and citing some *Scotch precedents*: for such construction the lords decided in his favour: and though length of time is certainly no impediment to the inheritance of a title of honour, yet in this instance, it is manifest there was a voluntary abandonment, with a voluntary approval of other families to take the high dignity then applied for. But the rule laid down by their lordships was in conformance to the exact words of the letters patent. It now remains for the baronets of Nova Scotia, heirs of their ancestors, to consider of what steps (if any) they may choose to take to assert the rights and interests vested in their honours and territorial appendages.

CHAP. IV.

The order of baronets of Nova Scotia, as before mentioned, was projected by king James the I., but not carried into effect by him; probably from the reason that Sir William Alexander, to whom he had granted the country, not having made any effectual settlement therein. King Charles the I. executed his father's design, and by a new grant to Sir William, with more extensive powers and privileges, instituted the order in 1625, soon after his accession to the throne. It was the first settlement made by the Scots beyond the Atlantic.

As the cultivation and population of the country was important to the object of the colonization, it was deemed material to encourage persons of honour and estate to embark in the undertaking. To flatter their ambition, and allure their cupidity, this could be done by conferring upon them a distinguished title, and assigning to them a large tract of territory as a qualification for it. Thus their possession became combined together, the title with the estate, and the estate with the title; and not any baronets before the restoration of king Charles the II. were created without having the restricted qualification.

King Charles the II., after the restoration, granted patents of *baronets of Scotland*, an order, the express institution of which, has not been discovered and which is distinguished from the order of baronets instituted in 1625, in this respect that the patentees did not receive grants of portions of the territory of Nova Scotia, with the extensive and exclusive privileges thereto attached.

The distinction between the two creations is so far essential to be noticed, as the representatives of the Nova Scotia order have a vested interest in the land which was attached to their baronies, while those of the baronets of Scotland have not any claim to an acre of the soil. And it may be further considered, whether if these latter created baronets of Scotland had not mention made in their patents, of allowance to wear the ribbon and badge granted by king Charles the I., as a special privilege to the qualified baronets of Nova Scotia, they are entitled to assume that honorable decoration equally with them.

It has been contended that the Nova Scotia baronets, and the baronets of Scotland are one and the same order; yet, it is evident their creations are of a very different nature. However the distinction seems not to have been always attended to, inasmuch as the right of wearing the ribbon and badge, has gone into disuse.^a Meetings of

^a The cause of this disuse may be attributed to the French having possessed themselves of Nova Scotia, whereby the lands of the baronets were forcibly usurped from them; and the civil war ensuing, many of them were ruined by their adherence to the royal cause, and their successors, or rather representatives set little value upon their titles, disused them, and consequently disused the badge.

baronets to revive its use, were holden in the year 1721 and 1734, which on some account (not hitherto ascertained) proved ineffectual. These meetings, it is supposed, were attended by others than the baronets of the order of 1625 only; because the baronets of that order were indiscriminately mixed up with the heirs of those persons, who had received patents of baronet of Scotland, subsequently to the restoration of Charles the second, and these were brought together in another meeting holden at Edinburgh the 14th of June, 1774, which meeting was called by the *Lyon Depute*, by circular letters, dated March 30th preceding, to take into consideration the revival of the exercise of the privilege of wearing the distinction before named. The *Lyon Depute* assigned his acting on the occasion *to the nature of his office*, by which he was appointed *to attend to the observance of regularity, and propriety in all matters of honour*.

The following is an account of the proceedings at the said meeting :—

Edinburgh, June 14, 1774.

At a General Meeting of the *Baronets of Scotland*, with the previous approbation of many of them, who could not attend in consequence of advertisements from the Lyon office.

THERE WERE PRESENT.

Sir Robert Gordon of Gordonstoun,	Sir William Stirling of Ardoch,
Sir Alexander Douglas of Glenbervie,	Sir Alexander Dick of Prestonfield,
Sir Alexander Macdonald of Slate,	Sir James Clark of Pennycuick,
Sir William Forbes of Monymusk,	Sir Robert Dalryell of Binns,
Sir William Maxwell of Calderwood,	Sir John Inglis of Crammond,
Sir Stair Agnew of Lochnaw,	Sir James Dunbar of Mochrum,
Sir Henry Munro of Foulis,	Sir John Dalrymple of Cranstoun,
Sir John Sinclair of Stevenson,	Sir Archibald Grant of Cullen,
Sir Henry Seton of Culbeg,	Sir John Gordon of Earlstoun,
Sir Alexander Stirling of Glorat,	Sir John Whiteford of Blairquhan.

PROXIES FOR

Sir John Dick of Braid,	The Right Hon. the Earl of Lauderdale,
Sir John Cuningham of Caprington,	Sir Ludowick Grant of Dalvey,
Sir John Wedderburn of Ballindean,	Sir John Ogilvy of Innerquharity.

Letters were produced, and read from the following persons who agree to the measure of wearing the badge.

Sir James Colquhoun of Luss,	Sir Richard Murray of Blackbarony,
Sir Alexander Gordon of Lismore,	Sir James Foulis of Colinton,
Sir Alexander Ramsay of Balmain,	The Right Hon. the Earl of Home,
Sir Thomas Burnett of Leys,	The Right Hon. the Earl of Galloway,

The Right Hon. the Earl of Stair,	Sir Michael Malcolm of Lochore,
Sir John Sinclair of Longformacus,	Sir James Home of Coldingham,
Sir Alexander Purves of Purves,	Sir James Johnstone of Westerhall,
The Right Hon. Lord Napier,	Sir William Augustus Cunyngham of
The Right Hon. the Earl of Cassilis,	Livingstoun.
Sir William Maxwell of Springkell,	Sir George Hay Macdougall of Atherston.
Sir Robert Laurie of Maxwellton,	Sir Roderick Mackenzie of Seatwell,
Sir Robert Grierson of Lag,	Sir Robert Pollock of Pollock.

The meeting unanimously elected Sir Robert Gordon of Gordonstoun, the first baronet of the Nova Scotia Order, their president; and James Cummyng, keeper of the Lyon records, their clerk.

There was laid before the meeting, and considered by, an authentic extract of the royal warrant of king Charles the I., of date 7 November, 1629, *authorising the baronets of Scotland*^a to wear a medal or badge, therein described; and several original medals of the order were produced by several baronets, whose ancestors had worn them, together with several patents of different dates. They then unanimously resolved from respect to the crown, by which this badge was bestowed, and in duty to their families, *to re-assume* this privilege of their order: and they hereby appoint.

Sir Alexander Macdonald of Slate,	Sir Alexander Dick of Prestonfield,
Sir William Forbes of Monymusk,	Sir John Dalrymple of Cranstoun,
Sir Henry Moncreiff Wellwood of Tullibole,	Sir George Hay Macdougall of Atherston.
The Right Hon. the Earl of Hyndford,	Sir James Wemyss of Bogie,
Sir George Preston of Valleyfield,	The Right Hon. the Earl of Lauderdale,
Sir Robert Henderson of Fordel.	Sir Archibald Grant of Cullen,
Sir Alexander Stirling of Glorat,	Sir John Gordon of Earlstoun,
Sir William Erskine of Cambo,	Sir John Whiteford of Blairquhan.
Sir John Cuninghame of Caprington,	

together with such gentlemen present at this meeting, not immediately above mentioned, to be a committee, any five of their number to be a quorum, to meet and transmit the resolutions of this meeting to those gentlemen of the order who could not attend; to communicate them with a copy of the circular letter from the Lyon office, together with authenticated extracts of the royal warrant before noticed, from the records of the lord

^a This warrant *conferred* the wearing of the badge upon the baronets of Nova Scotia solely, who qualified themselves by taking of lands to obtain the honour.

Lyon's office, and of the privy council of Scotland, to his majesty's secretary of state, in whose department this part of the united kingdom lies, entreating his lordship to lay their resolutions before their most gracious sovereign; and to do every other thing necessary to carry the resolutions of this meeting into execution.

And they recommend to the committee to get the medals made under the inspection of the Lyon court, conform to the model of those presented, each medal bearing the date of the creation of the baronet to whom it belongs, and to write a letter of thanks to the Lord Lyon for his attention to the honours of his country.—Signed, Robert Gordon, Preses; James Cumming, Clerk,

These papers mentioned in the above minutes, were on the 28th of June, 1775, presented to the earl of Suffolk, at the levee at St. James's, by Sir James Cockburn and such baronets as he could find in London; and his lordship told him, he should lay them before the king, and if there was any answer, though he apprehended there could be none, it should be immediately communicated. And further, it may be observed, that, on the 30th of November thereafter, being St. Andrew's day, several Scots baronets made their appearance at court, in the ensigns of the order of Nova Scotia, the use of which was thus revived.^b

It would seem that the baronets were apprehensive that certain measures which the government in 1783 had in contemplation, would interfere with their rights to lands in Nova Scotia, as the following advertisements bear, which appeared in the public newspapers of that year.

MEETING OF NOVA SCOTIA BARONETS,

AND REPRESENTATION IN RIGHT OF THEIR LANDS IN NOVA SCOTIA.

“As measures are taking in London which may materially affect their interests in the estates granted to their ancestors in Nova Scotia, a meeting of the baronets, and of those who in right of their grants of lands is desired, at Fortune's tavern, at Edinburgh, on Tuesday, 1st July next, at Two o'clock.”—*Edinburgh Courant*, 1783.

^a There appears not any reason why the baronets *should entreat as a matter of favour*, a privilege which they were entitled to *as a matter of right*; but this *humble request* seems to be founded upon the question, whether the badge appertained to the baronets of Scotland as well as to those of Nova Scotia, a privilege which they were desirous to have extended, and allowed in common to both orders, and by this proceeding sought to have determined by the crown.

^b It is not a little singular, that after having presented the papers mentioned, the baronets without having had any answer from the king, should nevertheless have taken upon themselves the wearing of the decoration: if it was their right, they need not have applied for its allowance—if not their right, they were not warranted to assume it.

NOVA SCOTIA.

“The Baronets of Nova Scotia, or those who have right, as representatives to lands in that province, are requested to meet at Fortune’s tavern, 1st October at 12 o’clock, when a memorial to the Lords of the Treasury, will be submitted to their consideration.”
—*Edinburgh Advertiser*, 1783.

These advertisements were inserted by Sir William Forbes ; but nothing has been found to explain the specific measures to which those advertisements had reference ; or to show, what further took place in the business.

From this period till 1831 the Nova Scotia baronets have seemed to have been totally indifferent to their territorial rights ; but by an advertisement, bearing date the 10th of June in that year, their attention was called to a meeting to be holden at Mackenzie’s hotel, in Edinburgh. This meeting, which took place on the 24th of the same month, was very thinly attended, though letters had been received previously from some who were unable to attend.

There was laid before the meeting, a general statement with reference to the creations, privileges, and rights of the baronets ; which being considered by the parties assembled, with the documents referred to in it, they were of opinion, that it was desirable that the subject should be more generally understood by those having interest, but resolved that the statement should remain unpublished till a further meeting was agreed upon. No other meeting however has subsequently been holden, or any further measures adopted by the baronets for the establishment of those territorial rights to which they are evidently, legally entitled. And here it cannot but be remarked, that it redounds little to the honour of those baronets, who, while they are proud of their titles—a mere shadow of greatness, they should think the substance, in the acquirement of their lands, not worth looking after ; though, God knows, too many of them rather need estate, than title, to render them respectable.

It does not appear necessary to recite *ad longum* the various clauses inserted in the grants to the Nova Scotia Baronets ; it may be sufficient to observe that they conveyed to each grantee, and his heirs male and assignees,^a 16000 acres of the territory of Nova Scotia, particularly defining, and describing the boundaries of the same, and conferred the degree and title to him, and his heirs male whomsoever ; and they contained an express exemption from the payment of any fine, or composition, or of the ordinary fees of the seals : right was also granted to the eldest sons, and apparent heirs male of the baronets

^a The word *assignees*, according to the Scottish law, implies that upon the failure of heirs male, the heir male of the heir female, stands in the same situation as if he had been an heir male.—(Sibbald case, opinion of lord Jeffery.)

when arrived at the age of twenty-one years, to claim the honour of knighthood without the payment of fees.

The following examples of the grants of several baronies, may show the manner in which they were set out and described.

In an old map published by Blew, of Amsterdam, anno 1662, of the coast of Labrador, or New England, are noticed a cluster of Islands named "*Syboldts Noech*" i. e., *Sibbalds Bay*. This seems to allude to the barony of the Sibbald Family, of which, Sir James Sibbald was created a baronet of Nova Scotia, 24th of July, 1630, with limitation to him, and his heirs male, and *assignees* whatsoever.^a The territory granted to him is thus described, viz :

"All and whole that part and portion of the country, and Lordship of Nova Scotia in America, beginning at the north part of the lands, barony, and regality of Arnot, lying in Anticosti, belonging heritably to Sir Michael Arnot, of that Ilk, knight baronet, and from thence extending south the space of three miles northward by the sea-shore, and from thence proceeding eastward for the space of six miles, keeping altogether the space of three miles in breadth always, and until it extends to the number of sixteen thousand acres of land, with castles, towers, fortalices, &c., with all rights, privileges, &c. united and annexed into one free and entire barony and regality, to be called in all time to come *the barony and regality of Rankeillor Sibbald*."—(*Sasine recorded 3 Feb., 1631*).

THE BARONY OF SIR WALTER NORTON, BARONET.

In the Island of Cape Breton.

Viz: "Beginning from the west side of the lands and barony of Barnbow, belonging heritably, to Sir John Gascoigne, of Barnbow, in the county of York, knight and baronet, and lying on the north side of the river called the Great Schibone, in Cape Breton, passing towards the west from the said barony, ascending the river for the space of three miles, keeping always the river for the boundary thereof, on the south, and from thence passing northward for the space of six miles, keeping always three miles in breadth, and six in length, and the said barony for the boundary thereof, towards the east."—(*Sasine recorded, September, 1635*).

THE BARONY OF SIR ARCHIBALD NAPIER.

Viz: "Beginning at the uttermost point towards the south, next to the eastern side of the barony of Dunipace, lying on the northern side of Argalis bay, and thence

^a There is now pending in the court of session at Edinburgh, a claim to this baronetcy, in which the crown has by a remit from the lords of the treasury to the barons of the exchequer in Scotland, considered the lands and the title united in descent (1839).

eastward three miles along the said bay, and thence northward six miles, but keeping six miles in breadth, to be called *the Barony of Naper*." But of this barony no sasine is recorded.

These few citations may be enough to show the extent and description of those lands which formed a barony. And although the baronets of Nova Scotia at the present day may little estimate the possession of so noble a territory, which first led to the dignity conferred upon their ancestors: yet such a property is of no inconsiderable value, and might be as much worthy their attention, in the assertion of their rights, as the title they are proud to assume.

The following list of baronets who had sasine of their baronies in Nova Scotia, is taken from the minute book of general register of sasines at Edinburgh, &c.—Fol. 67-174.

		LIB. FOL.	
1625.	July.	Seisin of Sir Alexander Strachan, of his lands in Nova Scotia, of Thornton.	17 342
		David Swingstoun, of one part of Nova Scotia, booked in the particular register in August, of Dunipace, or West quarter.	
	Aug.	Sir William Douglas of Glenbervic, of his part of Nova Scotia.	18 124
		Sir William Douglas of one part of Nova Scotia, booked in the particular register of August, 1625.	
	Sept.	Sir William Alexander, of one part of the continent of Nova Scotia, afterwards earl of Stirling.	18 177
	Oct.	Sir Alexander Gordon, of one part of Nova Scotia, of Cluny.	18 200
		John Colquhoun, of one part of Nova Scotia, of Luss, afterwards of Tilliquhoun.	18 201
		Sir Richard Murray, of his part of Nova Scotia, of Cockpool, represented by the earl of Mansfield.	18 202
	Nov.	Sir Gilbert Ramsay, of his part of Nova Scotia, of Balmain.	18 233
1626.	May.	Sir William Forbes, of one part and portion of Nova Scotia, of Monymusk, now of Pitsligo.	19 166
		Sir George Johnstoun, of one part of New Scotland, of Caskieben.	19 177
	June.	Sir Thomas Burnet, of one part of Nova Scotia, of Leys.	19 212

			LIB.	FOL.
1626.	June.	Seisin of Sir John Lesly, of one part of the lands in New Scotland, of Wardes and Findrassie.	19	215
		Sir James Gordoun, of one part of the lands of Nova Scotia, of Lismore.	19	219
		Sir John Moncreiff, of one part of the lands of New Scotland, of Moncreiff of Tullibole.	19	259
	July.	Sir William Murray, of one part of the lands of Nova Scotia, of Clairmounth, of Hillhead.	19	338
	Nov.	Sir John Wemys of one part of Nova Scotia, of Wemys, afterwards earl Wemys.	20	170
		Sir George Johnstoun, of one part of New Scotland.	20	203
1627.	Feb.	Sir John Blackadder, of one part of Nova Scotia, of Tullicallan.	20	317
	July.	Sir Duncan Campbell, of one part of the lands of Nova Scotia, of Glenurquhy, now earl of Breadalbane.	21	365
		John Livingstoun, of Kinnaird, of one part of the lands of Nova Scotia, represented by earl Newburgh, as considered.	22	3
		Sir John Ogilvy, of one part of the lands of Nova Scotia, of Innerquharity.	22	9
		Sir William Cunningham, of one part of Nova Scotia, of Cunningamhead.	22	15
	Augt.	Sir James Ogilvy, of one part of Nova Scotia, of Banff, afterwards lord Banff.	22	33
	Dec.	Sir James M'Gill, of one part of Nova Scotia, of Cranstoun Riddell, represented by Sir John H. Dalrymple, of Cranstoun, Bart.	22	278
1628.	May.	Sir Thomas Hope, of lands in Nova Scotia, of Craighall.	23	301
		Sir Colin Campbell, of lands in Nova Scotia, of Lundie, in Angus.	23	327
		Sir Robert Innes of lands in Nova Scotia, of Innes, now duke of Roxburgh.	23	330
	Oct.	Sir Archibald Murray, of lands in Nova Scotia, of Blackbarony.	24	421
	Nov.	Sir Donald M'Kay, of lands in Nova Scotia, of Strathnaver, now lord Rcay.	25	8

			LIB.	FOL.
1628.	Nov.	Scisin of Sir Arthur Forbes, of lands in Nova Scotia, of Castle Forbes, now lord Forbes.	25	26
		Sir Francis Hamiltoun, of lands in Nova Scotia, of Killach.	26	29
	Dec.	Sir Samuel Johnstoun, of lands in Nova Scotia, of Elphinstoun.	25	61
		Sir Dougal Campbell, of lands in Nova Scotia, of Auchinbreck.	25	108
		Sir Donald Campbell, of lands in Nova Scotia, of Ardnamurchan.	25	111
		Sir Robert Montgomery, of lands in Nova Scotia, of Skelmorly, represented by the earl of Eglintoun.	25	112
1629.	Jan.	Edward lord Newburgh, of lands in Nova Scotia, Barrett lord Newburgh, represented by lord Dacre as supposed.	25	135
	Feb.	Sir John Riddell, of lands in Nova Scotia, of Riddell.	25	227
	Mar.	Sir James Livingstoun, of lands in Nova Scotia, of Newbigging, represented by viscount Tevist.	25	295
	April.	Sir William Cockburn, of lands in Nova Scotia, of Langtoun.	25	366
	Aug.	Sir William Bruce, of the barony of Stenhouse, in Nova Scotia.	26	308
		Sir James Oliphant, of the barony of Oliphant, of Newton.	26	341
1630.	Jan.	Sir William Graham, of the barony of New Braco, of Braco.	27	256
		Sir William Elphinstone, of the barony of New Glasgow, his majesty's cup bearer.	27	269
	Feb.	Sir John Nicolson, of the barony of Laswade, in America, afterwards of Glenbervie.	27	293
	March.	Sir John M'Kenzie, of the barony of Tarbat, in America, afterwards earl of Cromarty.	26	6
	July.	Sir Michael Arnot, of the barony of Arnot, in America.	29	61
	Oct.	Sir Patrick Murray, of the barony of Elibank Murray, in Nova Scotia, now lord Elibank, Magnæ spes altera Britanniæ.	29	162

			FIB.	VOL.
1630.	Dec.	Seisin of Sir William Murray, of the barony of New Duncarn, in Nova Scotia, and of the haill gold mines within the said barony of Duncarn.	29	369
1631.	Jan.	Sir George Forrester, of the barony of Corstorphine, in Nova Scotia, afterwards lord Forrester.	30	32
	Feb.	Sir James Sibbald of the barony of Rankeiller Sibbald in Nova Scotia, now under claim before the court of session.	30	77
		Sir Robert Richardson, of the barony of Pericaitland, in Nova Scotia.	30	152
	April.	Sir James Maxwell, of the barony of Mauldslic, in Nova Scotia, of Calderwood.	30	260
		Sir Henry Wardlaw, of the barony of Wardlaw, in Nova Scotia, of Pitreavie.	30	289
	June.	Sir John Gordoun, of the barony of New Embo, in Nova Scotia, of Embo.	31	130
	July.	Sir James Sinclair, of the barony of Camisby Sinclair, in Nova Scotia, and haill gold mines within the said barony, now earl of Caitmess.	31	261
	Sep.	Sir Colin Campbell of the barony of Glenurquhy Campbell, in Nova Scotia, and haill iron and gold mines within the samen, and privilege of transporting of all gold affecting mines thereto, now earl of Breadalbane.	32	36
1632.	Feb.	Sir Laelilan M'Lean, of the barony of New Morvarren, with privilege to dig als deep as he pleases for gold mines and precious stones, of Morvarren.	32	347
1633.	Jan.	Sir James Carmichael, of his barony in Nova Scotia, with power to dig for searching of gold mines, and for that effect to transport thither all gold affecting mines, of Westraw, afterwards earl of Hyndford.	35	293
1634.	June.	Sir David Cunninghame, of the barony of Auchinharvie, represented as considered by Robert Cunninghame, of Seabank.	39	399
	Aug.	Sir Alexander Foulis, of the barony of New Collington, of Collington.	40	338

			LIB.	FOL.
1634.	Aug.	Seisin of Colonel Hector Munro, of the barony of New Foulis, of Foulis.	40	343
1635.	Aug.	Sir John Gascoigne, of one barony or portion of land in Nova Scotia, of Barnbow in Yorkshire. Heir unknown.	42	384
	Sep.	Sir Arthur Pilkington, of one barony or portion of Land in New Scotland, of Stainlie in Yorkshire. Heir not known,—certainly not extinct.	43	65
1635.	Sept.	Sir Walter Norton, of one barony of land in New Scotland; represented by the Editor of this work, ^a	43	67
	Decem.	Sir Edward Widdrington, of one barony or portion of land in New Scotland, of Cairtington, co. Northumberland, afterwards Lord Widdrington.	43	229
		Sir James Hay, of one barony or portion of land in New Scotland, of Smithfield.	44	28
1636.	July.	Sir John Sinclair, of one barony of land in New Scotland, of Stevenstoun and Murkle.	44	210
1637.	Feb.	Sir Thomas Nicolson, of one barony of land in Nova Scotia, of Carnock; represented by Sir Michael Shaw Stewart of Blackhall.	46	22
	March.	Sir George Preston, of one barony of land in New Scotland, with the haill gold mines therein, and power to transport thereto all gold affecting mines, of Valleyfield.	46	62
	July.	Sir Henry Wardlaw, of the barony of Wardlaw, which is imagined to be in New Scotland, of Pitreavie.	46	228
	Decem.	Sir Andrew Ker, of a barony of land in New Scotland, of Greenhead.	46	376
1640.	Nov.	Sir Robert Campbell of one part of Nova Scotia.	49	354

^a Continued into another charter of lands, erected into the barony of St. Mann in New Scotland.

THE PERSONS AFTER NAMED OBTAINED CHARTERS OF LANDS IN NOVA SCOTIA,
WHICH DO NOT APPEAR TO HAVE BEEN FOLLOWED BY SEISINS.

	DATE.
Sir Robert Gordon, of Gordonstoun, represented by Sir James Gordon, of Letterfourie,	28 May, 1625.
William Earl Marishall, Keith Marishall, represented by Sir Alexander Keith, of Ravelston, knt.,	28 May, 1625.
Donald M'Donald, Maedonald of Slate, now lord Maedonald, . .	14 July, 1625.
Sir ——— Erskine,	28 Dec., 1625.
Sir George Ogilvey, Carnousie, afterwards earl of Findlater, . .	24 April, 1626.
James Stewart, Corsewall Stewart, second son of Alexander earl of Galloway, represented by the earl of Galloway,	18 April, 1627.
Peter Crosbie, of the privy council in Ireland, Banovia,	24 April, 1627.
Walter Crosbie, of Crosbie Park, Banovia,	24 April, 1627.
Archibald Napier, of Merchistoun, after lord Napier,	2 May, 1627.
Archibald Aitcheson, Monteagle, now earl Gosford,	1 Jan., 1628.
Sir ——— Sandilands,	10 Jan., 1628.
Sir James Haliburton, of Piteur,	12 Jan., 1628.
Sir James Skene, of Curryhill,	22 Feb., 1628.
Sir John Crawford, of Kilbirny,	14 May, 1628.
Sir ——— Cadell,	21 May, 1628.
Sir Robert Barr,	29 Sept., 1628.
Sir Andrew Stewart, lord Castle Stewart,	20 Oct., 1628.
John Preston, of Airdrie,	22 Feb., 1628.
Sir Patrick Agnew, Agnew, of Lochnaw,	28 July, 1629.
Sir Alexander Gibson, of Durie,	28 July, 1629.
Sir Robert Hannay, Moehrum,	31 Mar., 1630.
Sir William Forbes, Craigievar,	20 April, 1630.
Sir John Maxwell, of Polloek,	25 Nov., 1630.
Sir David Cunninghame, Robertland,	25 Nov., 1631.
Sir James Balfouer, Denmiln, Lyon king of arms,	22 Dec., 1633.
Sir Philibert Vernate, Carleton, of Yorkshire,	7 June, 1634.
Sir Henry Bingham, Castlebar, of Mayo in Ireland, now earl of Lucan in that kingdom,	7 June, 1634.
Sir James Hamiltoun, Hamiltoun, of Broomhill,	6 Jan., 1635.

	DATE.
Mary Bolles, ^a Cudworth,	19 Dec., 1635.
Sir John Fortescue, Stainley, of Salden, county of Bucks, ..	17 Feb., 1635-6.
Sir Thomas Thomson, of Dudingstone,	20 Feb., 1635-6.
Sir Edward Moir, of Longford, Nottinghamshire,	18 June, 1636.
Sir John Curzon, Kedleston, Derbyshire, now lord Scarsdale, ..	8 June, 1636.
Sir Alexander Abereromby, of Birkenbog,	18 June, 1636.
Sir John Raney, Rutam, of Polham, Kent, (Index to Reg. Mag. Sigill. 13 Sept. 1636).	21 Nov., 1636.
Sir Gideon Baillie, Lochend,	21 Nov., 1636.
Sir Henry Slingsby, Seriven, Yorkshire,	2 Mar., 1638.
Sir Thomas Peirs, Stonypitts,	24 Mar., 1638.
Sir Edward Musgrave, of Hayton Castle, county of North- umberland,	20 Oct., 1638.
Sir Edward Longueville, Wolverton, county of Bucks, ..	17 Dec., 1638.
Sir Amos Meredith, of Ashley Castle, Cheshire,	2 Jan., 1639.

Collins, in his baronetage, v. 5., p. 346, mentions a Sir Gilbert Pickering, of Titchmarsh, in Northamptonshire, to have been made a baronet of Nova Scotia, and gives a copious account of the family; but leaves the date of the creation blank. The name does not appear in the records from which these lists have been taken.

There is a charter of king William the III., dated at Kensington, 27th June, 1698, and passed under the great seal of Scotland, confirming so lately as that year, a grant of lands in Nova Scotia, which emanated under the powers given by the charters to Sir William Alexander, lord proprietor of that colony, with the title of baronet, which with the lands as annexed thereto, privileges, &c., were resigned for the granting of this confirmation to a new series of heirs.

^a She was the wife of Sir Thomas Bolles, of Osberton, co. Notts., and had a daughter Anne, who married Sir William Dalston, baronet.—(*Collins's Baronetage*, v. ii., p. 155).

The following are patents, *de titulo militis baronetti in Scotland*, and are given as a few examples to show that after the restoration of king Charles II., the description of *Nova Scotia* was omitted; so that the baronets thus created, cannot be considered as coming under the conditions of the original foundation of that order.

Index to Register of the Great Seal of Scotland.

LIB.	VOL.			DATE.
60	17	Diploma to	Sir Andrew Gilmour,	16 Aug., 1661.
..	39	Sir John Foulis, of Ravelston,	15 Oct., 1661.
..	75	Sir George Ogilvy, of Barras,	5 Mar., 1661-2.
..	381	Sir David Carnegie,	20 Feb., 1663.
..	383	Sir Thomas Hay, of Park,	23 Aug., 1663.
..	384	Sir George Mowat, of Ingliston,	2 June, 1664.
..	385	Sir James Brown, of Barbadoes,	17 Feb., 1664.
..	390	Sir William Murray, of Stanhope,	13 Feb., 1664.
..	391	Sir John Henderson, of Fordel,	15 July, 1664.
..	422	Sir John Kirealdie, of Grange,	14 May, 1664.

A P P E N D I X .

NUMBER ONE.

C H A R T E R

IN FAVOUR OF

SIR WILLIAM ALEXANDER, KNIGHT.

OF THE

LORDSHIP AND BARONY OF NOVA SCOTIA, IN AMERICA.

JACOBUS Dei gratia Magnae Britanniae Franciae et Hyberniae Rex &c. Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectandum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commoda novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum insessa fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam numerosa et frequens Divino beneficio haec gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu eam studiose exerceri ne in deteriora ex ignavia et otio prolabatur expediat plerosque in novam deducendos regionem quam coloniis compleant operae praetium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audeant opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodum ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere haece de causis sicuti et propter fidele et gratum dilecti nostri consilarii Domini Willelmi Alexandri equitis servitium nobis prae-

Reg. Mag. Sig.
B. 50. N. 56.

stitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit diversasque terras infra-designatis limitibus circumscriptas incolendas expetiverit. NOS Igitur ex regali nostra ad Christianam religionem propagandam et ad opulentiam prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiae acquirendam cura sicuti alii principes extranei in talibus casibus hactenus fecerunt cum avisamento et consensu praedilecti nostri consanguinei et consiliiarii Joannis Comitis de Mar Domini Erskyn et Garcoch, &c. summi nostri thesaurarii comptorum rotulatoris collectoris ac thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionariorum ejusdem regni nostri. Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willelmo Alexander haeredibus suis vel assignatis quibuscunque haereditarie Omnes et singulas terras continentes ac insulas situat et jacen in America intra caput seu promontorium communiter Cap de Sable appellat, jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promontorio versus littus maris tenden ad occidentem ad stationem navium Sanctae Mariae vulgo *Sanctmarais bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae excurrit in terrae orientalem plagam inter regiones Suriquorum ac Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo nomine Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergendo versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum et deinceps versus euronotum ad insulas Bacalaos vel Cap Britton vocat reliquendo easdem insulas a dextra et voraginem dicti magni fluvii de Canada sive magnae stationis navium et terras de Newfundland cum insulis ad easdem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de Cap Britton praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de Cap Britton versus meridiem et occidentem ad praedict Cap Sable ubi incepit perambulatio includen et comprehenden intra dictas maris oras littorales ac earum circumferentias a mari ad mari omnes terras continentes cum fluminibus torrentibus sinibus littoribus insulis aut maribus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinctuum earundem et ab euronoto (ubi jacet Cap Britton) et ex australi parte ejusdem (ubi est Cap de Sable) omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat. Ille de Sable vel Sablon includen jacen versus

Carban vulgo south-south-eist circa triginta leucas a dicto Cap Britton in mari et existen in latitudine quadraginta quatuor graduum aut eo circa Quaequidem terrae praedict omni tempore affuturo nomine NOVAE SCOTIAE in America gaudebunt quas etiam praefatus Dominus Willelmus in partes et portiones sicut ei visum fuerit dividet eisdemque nomina pro bene placito imponet Una cum omnibus fodiis tam regalibus auri et argenti quam aliis fodiis ferri plumbi cupri aeris stanni aliisque mineralibus quibuscunque cum potestate effodiendi ac de terra effodere causandi purificandi et repurgandi easdem et convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willelmo Alexander haeredibus suis vel assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit (Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *ore* auri et argenti quod ex terra in posterum effodietur aut lucrabitur) Relinquendo dicto Domino Willelmo suisque praedict quodcunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possit Una cum margaritis vulgo *pearle* ac lapidibus praeciosis quibuscunque aliis lapideis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione aucupatione commoditatibus et haereditamentis quibuscunque Una cum plenario jure privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et patronatus jure ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem una cum officiis justiciarie et admiralitatis respective infra bondas respective supra mentionat Una cum potestate civitates liberos burgos liberos portus villas et burgos baroniae erigendi et fora et nundinas infra bondas diet terrarum constituendi curias justiciarie et admiralitatis infra limites diet terrarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tolonia custumas anchoragia aliasque diet burgorum fororum nundinarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major aut minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficuis et devoriis ad dictas terras maria et bondas earundem spectan et pertinen et quae nos ipsi dare vel concedere possumus adeo libera et ampla forma sicuti nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infeofamenta donationes aut diplomata concesserunt cuivis subdito nostro cujuscunque qualitatis aut gradus cuivis societati aut communitati tales colonias in quascunque partes extraneas deducenti aut terras extraneas investiganti in adeo libera et ampla forma sicut eadem in hac praesenti carta nostra insereretur Facimus etiam constituimus et ordinamus dictum Dominum Willelmum Alexander haeredes suos aut assignatos

vel eorum deputatos nostros HEREDITARIOS LOCUM TENENTES generales ad representandum nostram personam regalem tam per mare quam per terram in regionibus maris oris ac finibus praedict in petendo dict terras quamdiu illic manserit ac redeundo ab eisdem ad gubernandum regendum et puniendum omnes nostros subditos quos ad dictas terras ire aut easdem inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabiliendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratuum ceremonias infra dictas bondas sicut ipsi Domino Willelmo Alexander aut ejus praedict ad gubernationem dictae regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et easdem leges regimina formas et ceremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et commodo dictae regionis placuerit ita ut dictae leges tam legibus hujus regni nostri Scotiae quam fieri possunt sint concordantes Volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel domini virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officarios hujus regni nostri Scotiae terrestres vel maritimos qui in posterum aliquid jurisclemei commoditatis autoritatis aut interesse in et ad dict terras aut provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus precedentis dispositionis aut diplomatis pretendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad colones plantationem in dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avisamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatem praefato Domino Willelmo Alexander suisque praedict conferendi favores privilegia munia et honores in demerentes Cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willelmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationum fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium generum machinas artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit dandi etiam concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officarios aliosque ministros pro administratione justitiae infra bondas dictarum terrarum aut in via dum terras istas per mare petunt et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates condiciones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript expediens videbitur Et

cum hujusmodi conatus non sine magno labore et sumptibus fiunt magnanque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam praefatus Dominus Willelmus Alexander suisque praescript cum diversis nostris subditis aliisque pro particularibus periculationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiam contractus inhiunt volumus ut quicumque tales contractus cum dicto Domino Willelmo suisque praescript sub ipsorum subscriptionibus et sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub poena et forisfactura cujusdam monetae summae et eosdem contractus non perficient sed ipsum frustrabunt et in itinere designato ei nocebunt quod non solum dicto Domino Willelmo suisque praedict prout esse praedictio et nocumento verum etiam nostrae tam laudabili intentioni obstabit et detrimentum inferet tunc licitum erit praefato Domino Willelmo Alexander suisque praedict vel eorum deputatis et conservatoribus inframentionatis in eo casu sibi suisve praedict quos ad hunc effectum substituet omnes tales summas monetae bona et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus plenariam licentiam libertatem et potestatem dicto Domino Willelmo suisque haeredibus et assignatis praedict eligendi nominandi assignandi ac ordinandi libertatum et privilegiorum per praesentem hanc nostram cartam sibi suisque praedict concessorum conservatorem qui expedite executioni leges et statuta per ipsum suosque praedict facta secundum potestatem ei suisque praedict per dictam nostram cartam concessam demandabit volumusque et ordinamus potestatem dicti conservatoris in omnibus actionibus et causis ad personas versus dictam plantationem contrahentes spectantibus absolutam esse sine ulla appellatione aut procrastinatione quacunque quiquidem conservator possidebit et gaudebit omnia privilegia immunitates libertates et dignitates quascunque quae quivis conservator Scotticorum privilegiorum apud extraneos vel in Gallia Flandria aut alibi hactenus possiderunt aut gavisii sunt quovis tempore praeterito Et licet omnes tales contractus inter dictum Dominum Willelmum suosque praedict et praedictos periclitatores per periculationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provinciae animo coloniam ducendi et remanendi appellent et nihilominus postea vel omnino provinciam Novae Scotiae et ejusdem confinia sine licentia dicti Domini Willelmi ejusque praedict vel eorum deputatorum vel societatem et coloniam praedict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes aborigines in locis remotis et desertis ad habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes praedictas bondas et licitum erit praedicto Domino

Willelmo suisque praedict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque praedict convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercimonia contrahenda navigare contigerit melius sciant et obediens sint potestati et auctoritati per nos in praedictum fidelem nostrum consiliarum Dominum Willelmum Alexander suosque praedict collatae in omnibus talibus commissionibus warrantis et contractibus quos quovis tempore futuro faciet concedet et constituet pro decentiori et validiori constitutione officiariorum pro gubernatione dictos colones concessione terrarum et executione justitiae dictos inhabitantes periclitantes deputatos factores vel assignatos tamen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu praedicto ordinamus quod dictus Dominus Willelmus Alexander suiue praedict unum commune sigillum habebunt ad officium Locum tenentis justitiae et admiraltatis spectan quod per dictum Dominum Willelmum Alexander suosque praedict vel per deputatos suos omni tempore futuro custodietur in cujus unolatre nostra insignia insculpentur cum his verbis in ejusdem circulo et margine SIGILLUM REGIS SCOTIE ANGLIE FRANCIE ET HYBERNIE et in altero latere imago nostra nostrorumque successorum cum his verbis (PRO NOVE SCOTIE LOCUM TENENTE) cujus justum exemplar in manibus ac custodia dicti conservatoris remanebit quo prout occasio requiret in officio suo utatur Et cum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novae Scotiae vel ejus confinia incolent in timore omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem inibi stabilire pacem etiam et quietem cum nativis incolis et agrestibus indigenis earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exercentes tuti cum oblectamento ea quae magno cum labore et periculo acquisiverunt quiete possidere possint) nos pro nobis nostrisque haeredibus et successoribus volumus nobisque visum est per praesentis cartae nostrae tenorem dare et concedere dicto Domino Willelmo Alexander suisque praedict et eorum deputatis vel aliquibus aliis gubernatoribus officariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam et mutua colloquia operam et communicationem cum silvestris illis aboriginibus et eorum principibus vel quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa parte per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Willelmo suisque praedict et deputatis pro honore obedientia et Dei servitio ac stabilimento defensione et conservatione auctoritatis nostrae inter ipsos expediens videbitur Cum potestate etiam praedicto Domino Willelmo Alexander suisque praedict per ipsos vel eorum deputatos substitutos vel assignatos pro ipsorum defensione tutela omni tempore

et omnibus justis occasionibus in posterum aggrediendi ex inopinato invadendi expellendi et armis repellendi tam per mare quam per terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willelmi suorumque praedict terras inhabitare aut mercaturum facere in dicta Novae Scotiae provincia aut quavis ejusdem parte conabuntur et similiter omnes alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel invasionis contra provinciam illam aut ejusdem incolas inferre praesumunt quod ut facilius fiat licitum erit dicto Domino Willelmo suisque praedict eorum deputatis factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare in unum cogere per proclamationes vel quovis alio ordine talibus temporibus sicuti dicto Domino Willelmo suisque praedict expediens videbitur omnes nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabitantes et mercimonia ibidem exercentes convocare pro meliori exercituum necessariorum supplemento et populi et plantationis dict terrarum augmentatione et incremento Cum plenaria potestate privilegio et libertate dict Domino Willelmo Alexander suisque praedict per ipsos vel eorum substitutos per quaevis maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti oneris et tam bene munitione viris et victualibus instructis sicuti possunt parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque qualitatis et gradus personas nostri subditi existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis et instrumentis militaribus quotquot voluerint aliisque commoditatibus et rebus necessariis pro usu ejusdem colones mutuo commercio cum nativis inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia contrahent transportandi et omnes commoditates et mercimonia quae iis videbuntur necessaria in regnum nostrum Scotiae sine alicujus taxationis custumae aut impositionis pro eisdem solutione nobis vel nostris custumariis aut eorum deputatis inde portandi eosdemque ab eorum officiiis in hac parte pro spatio septem annorum diem datae praesentis cartae nostrae immediate sequen inlibendo quamquidem solam commoditatem per spatium tredecim annorum in posterum libere concessimus tenoreque praesentis cartae nostrae concedimus et disponimus dicto domino Willelmo suisque praedict secundum proportionem quinque pro centum postea mentionat Et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam vel ex ea provincia ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portubus per dictum Willelmum suosque praedict tantum quinque libras pro centum secundum antiquam negotiandi morem sine ulla alia impositione taxatione custuma vel devoria ab ipsis imperpetuum levare et exigere quaequidem summa quinque librarum pro centum sic soluta per dict Dominum Willelmum suosque praedict aliisque nostris officariis ad hunc effectum constitutis exinde licitum erit dicto Domino

Willelmo suisque praedict eadem bona de hoc regno nostro Scotiae in quasvis alias partes vel regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis transportare et avehere proviso tamen quod dicta bona infra spatium tredecim mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto Domino Willelmo suisque praedict ab omnibus nostris subditis qui colonias ducere mercimonia exercere aut ad easdem terras Novae Scotiae et ab eisdem navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae ad provinciam Novae Scotiae vel importationis a dicta provincia ad regnum hoc nostrum Scotiae praedict in ipsius ejusque praedict proprios usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta provincia Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinam quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia existentium quae vel de provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dict summam nobis destinam decem libras de centum dicti Domini Willelmi suorumque predict propriis usibus per tales ministros officarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willelmi suorumque praedict aliorumque omnium nostrorum dilectorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostrae authoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willelmo suisque praedictis unum aut plura munimina propugnacula castella loca fortia specula armamentaria *lie blokhoussis* aliaque aedificia cum portibus et navium stationibus aedificare vel aedificari causare una cum navibus bellicis easdemque pro defensione dict locorum applicare sicut dicto Domino Willelmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supramentionata et generaliter omnia facere quae pro conaestu augmentatione populi in habitatione preservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et authoritate quodcumque nos si personaliter essemus praesentes facere potuimus licet casus specialem et strictum magis ordinem quam per praesentes praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officariis et subditis ad loca illa sese conferentibus ut sese applicent dictoque Domino Willelmo suisque praedictis in omnibus et singulis supra mentionatis earum substantiis

et circumstantiis intendant et obediant eisque in earum executione in omnibus adeo sint obedientes ut nobis eujus personam representat esse deberent sub poena disobedientiae et rebellionis Et quia fieri potest quod quidam ad dicta loca transportandi refractarii sint et ad eadem loca ire recusabunt aut dicto Domino Willelmo suisque praedict resistant nobis igitur placet quod omnes vicecomites senescalli regalitatum balivi pacis justiciarii praepositi et urbium balivi eorumque officarii et justitiae ministri quicumque dictum Dominum Willelmum suosque deputatos aliosque praedict in omnibus et singulis legitimis rebus et factis quas facient aut intendunt ad effectum praedict similiter et eodem modo sicuti nostrum speciale warrantum ad hunc effectum habent assistent fortificient et eisdem suppetias ferant Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui in posterum de dictis coloniis vel de earum aliqua sit in dicta provincia Novae Scotiae vel aliqui alii sub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquod injustum vel indebitum hostiliter intra aliquos nostros nostrorumve haeredum et successorum aut aliorum regum principum gubernatorum aut statuum in foedere nobiscum existen subditos quod tali injuria sic oblata aut justa querela desuper mota per aliquem regem principem gubernatorem statum vel eorum subditos praedict nos nostri haeredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis commoda ut dicti pirata vel piratae qui tales rapinas committent stato tempore per praefatas proclamationes limitando plenariae restituant quaecunque bona sic oblata et pro dictis injuriis omnimodo satisfaciant ita ut dicti principes alique sic conquaerentes satisfactos se esse repetent et quod si talia facinora committent bona oblata non restituent aut restitui faciant infra limitatum tempus quod tunc in posterum sub nostra protectione et tutela minime erunt et quod licitum erit omnibus principibus aliisque praedict delinquentes eos hostiliter prosequi et invadere Et licet neminem nobilem aut generosum de patria hac sine licentia nostra decedere statutum sit nihilominus volumus quod praesens hoc diploma sufficiens erit licentia et warrantum omnibus qui se huic itineri committent qui laesaemajestatis non sunt rei vel aliquo alio speciali mandato inhibiti atque etiam per praesentis cartae nostrae tenorem declaramus volumusque quod nemo patria hac decedere permittatur versus dictam Novam Scotiam nullo tempore nisi ii qui juramentum suprematatis nostrae primum susceperint ad quem effectum nos per praesentes dicto Domino Willelmo suisque praedict vel eorum conservatori vel deputatis idem hoc juramentum omnibus personis versus illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et auctoritatem damus et concedimus Praeterea nos cum avisamento et consensu antedict pro nobis et successoribus nostris declaramus decernimus et ordinamus quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscentur aut eam incolent eorumque omnes liberi et

posteritas qui ibi nasci contigerit alique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotiae aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et concedimus dicto Domino Willelmo Alexander suisque praedict liberam potestatem stabiliendi et eudere causandi monetam pro commercio liberiori inhabitantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et eisdem praescribent atque etiam si quae quaestiones aut dubia super interpretatione aut constructione alicujus clausulae in hac praesenti carta nostra contentae occurrent ea omnia sumentur et interpretabuntur in amplissima forma et in favorem dicti Domini Willelmi suorumque praedict Praeterea nos ex nostra certa scientia proprio motu autoritate regali et potestate regia fecimus univimus annexavimus creximus creavimus et incorporavimus tenoreque praesentis cartae nostrae facimus univimus annexamus erigimus creamus et incorporamus totam et integram dictam provinciam et terras Novae Scotiae cum omnibus earundem limitibus et maribus ac mineralibus auri et argenti plumbi cupri chalibis stanni aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis portubus liberis burgis urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionatis in unum integrum et liberum Dominium et Baroniam per praedict nomen Novae Scotiae omni tempore affuturo appellandum Volumusque et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod unica sasina nunc per dictum Dominum Willelmum suosque praedict omni tempore affuturo super aliqua parte fundi dictae terrarum et provinciae praescript stabit et sufficiens erit sasina pro tota regione cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus ejusdem supramentionatis absque aliqua alia speciali et particulari sasina per ipsum suosve praedict apud aliquam aliam partem vel ejusdem locum capienda penes quam sasinam omniaque quae inde secuta sunt aut sequi possunt nos cum avisamento et consensu supra expresso pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subius mentionat dispensamus in perpetuum **TENEN** et **HABEN** totam et integram dictam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria mineralibus auri et argenti cupri chalibis stanni plumbi aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis burgis liberis portubus urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionat eumque omnibus aliis privilegiis libertatibus immunitatibus casualitatibus aliis que supra expressis praefato

Domino Willelmo Alexander haeredibus suis et assignatis de nobis nostrisque successoribus in feodo haereditate libero dominio libera baronia et regalitate imperpetuum per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis et pascuis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapideis lapide et calce cum curiis bludewitis placitis haerezeldis amerciamentis et mulierum marchetis cum libero introitu et exitu ac cum furca fossa sok sae thole thame in-fangtheiff outfangtheiff wrak wair veth vert vennesoun pitt et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tam subtus terra quam supra terram procul et prope ad praedict regionem et dominium spectan seu juste spectare valen quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut obstaculo quocunque Solvendo inde annuatim dictus Dominus Willelmus Alexander suiique praedict nobis nostrisque haeredibus et successoribus unum denarium monetae Scotiae super fundum diet terrarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione diet terrarum et provinciae Novae Scotiae et alba firma supradict deficiente tempestivo et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willelmi sibi succeden quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eadem terrae et provinciae ratione non-introitus in manibus nostris nostrorumve successorum devenient usque ad legitimum legitimi haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non-introitu cadere neque dictum Dominum Willelmum suosque praedict beneficiis et proficuis ejusdem eatenus frustrari ideirco nos cum avisamento praedict cum dicto introitu quodocunque contigerit dispensavimus tenoreque ejusdem cartae nostrae pro nobis et successoribus nostris dispensamus ac etiam renunciavimus et exoneravimus tenoreque praesentis cartae nostrae cum consensu praedicto renunciamus et exoneramus dictum Dominum Willelmum ejusque praescript praefatum non-introitum dietae provinciae et regionis quodocunque in manibus nostris deveniet aut ratione nonintroitus cadet cum omnibus quae desuper sequi possunt proviso tamen quod dictus Dominus Willelmus suiique haeredes et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem diet terrarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictas terras dominium et baroniam aliaque praedict adcant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiae Denique nos pro nobis et successoribus nostris volumus decernimus et ordinamus praesentem hanc nostram cartam et infeofamentum supra script praedict terrarum domini et regionis Novae Scotiae privilegia et libertates

ejusdem in proximo nostro Parlamento dicti regni nostri Scotiae cum contigerit ratificari approbati et confirmari ut vim et efficaciam decreti inibi habeat penes quod nos pro nobis et successoribus nostris declaramus hanc nostram cartam sufficiens fore warrantum et in verbo principis eandem ibi ratificari et approbati promittimus atque etiam alterare renovare et eandem in amplissima forma augere et extendere quoties dicto Domino Willelmo ejusque praedicti necessarium et expediens videbitur Insuper nobis visum est ac mandamus et praecipimus dilectis nostris

Vicecomitibus nostris in hac parte specialiter constitutis quatenus post hujus cartae nostrae nostro sub magno sigillo aspectum statum et sasinam actualem et realem praefato Domino Willelmo suisque praedicti eorumve actornato vel actornatis turrarum dominii baroniae aliorumque praedicti cum omnibus privilegiis immunitatibus libertatibus aliisque supra expressis dare et concedere quam sasinam nos per praesentis cartae nostrae tenorem adeo legitimam et ordinariam esse declaramus ac si praeceptum sub testimonio nostri magni sigilli in amplissima forma cum omnibus clausulis requisitis ad hunc effectum praedicti haberet penes quod nos pro nobis et successoribus nostris imperpetuum dispensamus In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecipimus testibus praedilectis nostris consanguineis et consiliariis Jacobo Marchione de Hamiltoun comite Aranie et Cambridge domino Aven et Innerdail Georgio Mariscalli comite domino Keith &c. regni nostri mariscallo Alexandro comite de Dumfermeling domino Fyvie et Urquhart &c. nostro cancellario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris familiaribus consiliariis dominis Ricardo Cokburne juniore de Clerkingtoun nostri secreti sigilli custode Georgio Hay de Kinfawins nostrorum rotulorum registri ac consilii clerico Joanne Cokburne de Ormestoun nostrae justiciariae clerico et Joanne Scott de Scottistarvet nostrae cancellariae direttore militibus Apud castellum nostrum de Windsore decimo die mensis Septembris anno Domini millesimo sexcentesimo vigesimo primo regnorumque nostrorum annis quinquagesimo quinto et decimo nono respective.

Per Signaturam manu S. D. N. Regis suprascriptam manibusque nostri Cancellarii Thesaurarii Principalis Secretarii reliquorumque Dominorum nostrorum Commissionariorum ac Secreti nostri Consilii dicti Regni Scotiae subscript.

Writtin to the Great Seall,

29. Septemb. 1621.

J. SCOTT,

gratis.

Sigellat. Edinburgi,

29. Septemb. 1621,

J. A. RAITHE.

grs.

NUMBER TWO

CHARTER OF NOVODAMUS

IN FAVOUR OF

SIR WILLIAM ALEXANDER OF MENSTRIE, KNIGHT,

OF

THE LANDS, LORDSHIP AND BARONY OF NOVA SCOTIA, IN AMERICA.

CAROLUS Dei gratia Magnae Britanniae Franciae et Hiberniae Rex Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectandum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commoda novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum in-sessa fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam numerosa et frequens Divino beneficio haec gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu eam studiose exerceri ne in deteriora ex ignavia et otio pro-labatur expediat plerosque in novam deducendos regionem quam coloniis compleant operae praetium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audeant opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodum ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere hisce de causis sicuti et propter fidele et gratum dilecti nostri consilarii Domini Willielmi Alexander equitis servitium nobis praestitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam du-cendam conatus sit diversasque terras infra designatis limitibus circumscriptas incolendas expetiverit Nos igitur ex regali nostra ad Christianam religionem propagandam et ad

opulentiam prosperitatem pacenique naturalium nostrorum subditorum dicti regni nostri Scotiae acquirendam cura secuti alii principes extranei in talibus casibus haecenus fecerunt cum avisamento et consensu praedilecti nostri consanguinei et consiliiarii Joannis Comitis de Mar Domini Erskyn et Gareoch &c. summi nostri thesaurarii computorum rotulatoris collectoris ac thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionariorum ejusdem regni nostri Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae **Damus** concedimus et disponimus praefato Domino Willielmo Alexander haeredibus suis et assignatis quibuscunque haereditarie Omnes et singulas terras continentes ac insulas situatas et jacen in America intra caput seu promontorium communiiter *Cap de Sable* appellat, jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promontorio versus littus maris tenden ad occidentem ad stationem navium Sanctae Mariae vulgo *St Marie bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae excurrit in terrae orientalem plagam inter regiones Suriquorum ac Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo nomine Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergen versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum et deinceps versus euronotum ad insulas Bacalaos vel *Cap Britton* vocat relinquendo easdem insulas a dextra et voraeiginem dicti magni fluvii de Canada sive magnae stationis navium et terras de Newfoundland cum insulis ad easdem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de Cap Britton praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de Cap Britton versus meridiem et occidentem ad praedict Cap de Sable ubi incepit perambulatio includen et comprehenden intra dictas maris oras littorales ac earum circumferentiam a mari ad mari omnes terras continentes cum fluminibus torrentibus sinibus littoribus insulis aut maribus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinctorum earundem et ab euronoto ubi jacet Cap Britton et ex australi parte ejusdem ubi est Cap de Sable omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat. *Yle de Sable* vel *Sablon* includen jacen versus carban vulgo *south-south-eist* circa triginta leucas a Cap Britton praedict in mari et existen in latitudine quadraginta quatuor graduum aut eo circa Quaequidem terrae praedict omni tempore affuturo domine Novae Scotiae in America gaudebunt quas etiam praefatus Dominus Willielmus in partes et

portiones sicut ei visum fuerit dividet eisdemque nomina pro bene placito imponet Una cum omnibus fodinis tam regalibus auri et argenti quam aliis fodinis ferri plumbi cupri stanni aeris ac aliis mineralibus quibuscunque cum potestate effodiendi et de terra effodere causandi purificandi et repurgandi easdem ac convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willielmo Alexander haeredibus suis vel assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *we* auri et argenti quod ex terra in posterum effodietur aut lucrabitur Relinquendo dicto Domino Willielmo suisque praedict quodecunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possit Una cum margaritis vulgo *pearle* ac lapidibus praeciosis quibuscunque aliis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione aucupatione commoditatibus et haereditamentis quibuscunque Una cum plenaria potestate privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et jure patronatus ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem Una cum officiis justiciariae et admiralitatis respective infra bondas respective supra mentionat Una etiam cum potestate civitates liberos burgos liberos portus villas et burgos baroniae erigendi ac fora et nundinas infra bondas diet terrarum constituendi curias justiciariae et admiralitatis infra limites diet terrarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tollonia custumas anchoragia aliasque diet burgorum fororum nundinarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major aut minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficuis et devoriis ad dictas terras maria et bondas earundem spectan et pertinen et quae nos ipsi dare vel concedere possumus adeo libere et ampla forma sicuti nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infeofamenta donationes aut diplomata concesserunt cuivis subdito nostro cujuscunque qualitatis aut gradus cuivis societati aut communitati tales colonias in quascunque partes extraneas deducendi aut terras extraneas investiganti in adeo libera et ampla forma sicuti eadem in hac praesenti carta nostra insererentur Facimus etiam constituimus et ordinamus dictum Dominum Willielmum Alexander haeredes suos aut assignatos vel eorum deputatos nostros Haereditarios Locum tenentes generales ad repraesentandum nostram personam regalem tam per mare quam per terram in regionibus maris oris et finibus praedict in petendo diet terras quamdiu illic manserit ac redeundo ab eisdem ad gubernandum regendum puniendum et remittendum omnes nostros

subditos quos ad dictas terras ire aut easdem inhabitare contigerit aut qui negotiationem eum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabilendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratuum caeremonias infra dictas bondas sicut ipsi Domino Willielmo Alexander aut ejus praedict ad gubernationem dictae regionis et ejusdem incolarum in omnibus causis tam eriminalibus quam civilibus visum fuerit et easdem leges regimina formas et caeremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et commodo dictae regionis plaecerit ita ut dictae leges quam legibus hujus regni nostri Scotiae quam fieri possunt sint concordēs Volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel dominiū virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officarios hujus regni nostri Scotiae terrestres vel maritimos qui in posterum aliquid juriselamei commoditatis auctoritatis aut interesse in et ad dictas terras aut provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus praecedentis dispositionis aut diplomatis praetendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad colonos plantationem in dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avisamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatem praefato Domino Willielmo Alexander suisque praedict conferendi favores privilegia munia et honores in demerentes Cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willielmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationem fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium generum machinas artes facultates vel scientias aut easdem exereendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit dandi etiam concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officarios aliosque ministros pro administratione justitiae infra bondas dictarum terrarum aut in via dum terras istas per mare petunt et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript expediens videbitur Et cum hujusmodi conatus non sine magno labore et sumptibus fiunt magnamque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam praefatus Dominus Willielmus Alexander suisque praescript cum diversis nostris subditis aliisque pro particularibus

periculationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiam contractus inibunt volumus ut quicumque tales contractus cum dicto Domino Willielmo suisque praescript sub ipsorum subscriptionibus et sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub poena et forisfactura eujusdam monetae summae et eosdem contractus non perficient sed ipsum frustrabunt et in itinere designato ei nocebunt quod non solum dicto Domino Willielmo suisque praedict prout esse prejudicio et nocumento verum etiam nostrae tam laudabili intentioni obstabit et detrimentum inferet tunc licitum erit praefato Domino Willielmo Alexander suisque praedict vel eorum deputatis et conservatoribus inframentationis in eo casu sibi suisve praedict quos ad hunc effectum substituet omnes tales summas monetae bona et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus plenariam licentiam libertatem et potestatem nostri concilii dominis ut eos in ordinem redigant et talium contractuum vel foederum violatores pro transportatione populorum fact puniant Et licet omnes tales contractus inter dictum Dominum Willielmum suosque praedict et praedictos periclitatores per periculationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provinciae animo coloniam ducendi et remanendi appellent et nihilominus postea vol omnino provinciam Novae Scotiae et ejusdem confinia sine licentia dicti Domini Willielmi ejusque praedict vel eorum deputatorum vel societatem et coloniam praedict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes aborigines in locis remotis et desertis ad habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes praedictas bondas et licitum erit praedicto Domino Willielmo suisque praedict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque praedict convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercimonia contrahenda navigare contigerit melius sciant et obedientes sint potestati et authoritati per nos in praedictum fidelem nostrum consiliarum Dominum Willielmum Alexander suosque praedict collatae in omnibus talibus commissionibus warrantis et contractibus quos quovis tempore futuro faciet concedet et constituet pro decentiori et validiori constitutione officiariorum pro gubernatione dictos colonos concessionem terrarum et executionem justitiae dictos inhabitantes periclitantes deputatos factores vel assignatos tangen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu praedicto ordinamus quod dictus Dominus Willielmus Alexander sui que praedict unum commune sigillum habebunt ad officium

Locum tenentis justiciariae et admiralitatis spectan quod per dictum Dominum Willielmum Alexander suosque praedict vel per deputatos suos omni tempore futuro custodietur in ejus unolatero nostra insignia inculpentur cum his verbis in ejusdem circulo et margine SIGILLUM REGIS SCOTIE ANGLIE FRANCIE ET HYBERNIE et in altero latere imago nostra nostrorumque successorum cum his verbis (PRO NOVE SCOTIE LOCUM TENENTE) ejus justum exemplar in manibus ac custodia dicti conservatoris remanebit quo prout occasio requiret in officio suo utatur Et cum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novae Scotiae vel ejus confinia incolent in timore omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem inibi stabilire pacem etiam et quietem cum nativis incolis et agrestibus indigenis earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exercentes tuti cum oblectamento ea quae magno cum labore et periculo acquisiverunt quiete possidere possint) nos pro nobis nostrisque haeredibus et successoribus volumus nobisque visum est per praesentis cartae nostrae tenorem dare et concedere dicto Domino Willielmo Alexander suisque praedict et eorum deputatis vel aliquibus aliis gubernatoribus officariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam et mutua colloquia operam et communicationem cum silvestris illis aboriginibus et eorum principibus vel quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa parte per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Domino Willielmo suisque praedict et deputatis pro honore obedientia et Dei servitio ac stabilimento defensione et conservatione autoritatis nostrae inter ipsos expediens videbitur Cum potestate etiam praedicto Domino Willielmo Alexander suisque praedict per ipsos vel eorum deputatos substitutos vel assignatos pro ipsorum defensione tutela omni tempore et omnibus justis occasionibus in posterum aggrediendi ex inopinato invadendi expellendi et armis repellendi tam per mare quam per terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willielmi suorumque praedict terras inhabitare aut mercaturam facere in dicta Novae Scotiae provincia aut quavis ejusdem parte conabuntur et similiter omnes alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel invasionis contra provinciam illam aut ejusdem incolas inferre praesumunt quod ut facilius fiat licitum erit dicto Domino Willielmo suisque praedict eorum deputatis factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare in unum cogere per proelationes vel quovis alio ordine talibus temporibus sicuti dicto Domino Willielmo suisque praedict expediens videbitur omnes nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabitantes et mercimonia ibidem exercentes convocare pro meliori exercituum necessariorum supplemento et populi et plantationis dict terrarum augmentatione et incremento Cum plenaria potestate pri-

vilegio et libertate dicti Domini Willielmi Alexander suisque praedicti per ipsos vel eorum substitutos per quacvis maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti oneris et tam bene munitione viris et victualibus instructis sicuti possunt parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque qualitatis et gradus personas nostri subditi existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis et instrumentis militaribus quotquot voluerint aliisque commoditatibus et rebus necessariis pro usu ejusdem colonos mutuo commercio cum nativis inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia contrahent transportandi et omnes commoditates et mercimonia quae iis videbuntur necessaria in regnum nostrum Scotiae sine alicujus taxationis custumae aut impositionis pro eisdem solutione nobis vel nostris custumariis aut eorum deputatis inde portandi eosdemque ab eorum officiis in hac parte pro spatio septem annorum diem datae praesentis cartae nostrae immediate sequen inhibendo quamquidem solam commoditatem per spatium tredecim annorum in posterum libere concessimus tenoreque praesentis cartae nostrae concedimus et disponimus dicto Domino Willielmo suisque praedicti secundum proportionem quinque pro centum postea mentionat Et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam vel ex ea provincia ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portibus per dictum Dominum Willielmum suosque praedicti tantum quinque libras pro centum secundum antiquam negotiandi morem sine ulla alia impositione taxatione custuma vel devoria ab ipsis imperpetuum levare et exigere quaequidem summa quinque librarum pro centum sic soluta per dictum Dominum Willielmum suosque praedicti aliisque nostris officariis ad hunc effectum constitutis exinde licitum erit dicto Domino Willielmo suisque praedicti eadem bona de hoc regno nostro Scotiae in quasvis alias partes vel regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis transportare et avelere proviso tamen quod dicta bona infra spatium tredecim mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto Domino Willielmo suisque praedicti ab omnibus nostris subditis qui colonias ducere mercimonia exercere aut ad easdem terras Novae Scotiae et ab eisdem navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae ad provinciam Novae Scotiae vel importationis a dicta provincia ad regnum hoc nostrum Scotiae praedicti in ipsius ejusque praedicti proprios usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta

provinciae Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinatum quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia existentium quae vel de provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dictam summam nobis destinatum decem libras de centum dicti Domini Willielmi suorumque praedict propriis usibus per tales ministros officarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willielmi suorumque praedict aliorumque omnium nostrorum dilectorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostrae auctoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willielmo suisque praedictis unum aut plura munimina propugnaeula castella loca fortia specula armamentaria *lie blokhoussis* aliaque aedificia cum portibus et navium stationibus aedificare vel aedificari causare una cum navibus bellicis easdemque pro defensione dicti locorum applicare sicut dicto domino Willielmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supramentionata et generaliter omnia facere quae pro conquaestu augmentatione populi inhabitatione praeservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et auctoritate quodcumque nos si personaliter essemus praesentes facere potuimus licet casus specialem et strictum magis ordinem quam per praesentes praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officariis et subditis ad loca illa sese conferentibus ut sese applicent dictoque Domino Willielmo suisque praedictis in omnibus et singulis supra mentionatis earum substantiis et circumstantiis intendant et obediant eis in earum executione in omnibus adeo sint obedientes ut nobis cujus personam representat esse deberent sub poena disobedientiae et rebellionis Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui in posterum de dictis coloniis vel de earum aliqua sit in dicta provincia Novae Scotiae vel aliqui alii sub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquod injustum vel indebitum hostiliter intra aliquos nostros nostrorumve haeredum et successorum aut aliorum regum principum gubernatorum aut statuum in foedere nobiscum existen subditos quod tali injuria sic oblata aut justa querela desuper mota per aliquem regem principem gubernatorem statum vel eorum subditos praedict nos nostri haeredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis commoda ut dict

pirata vel piratae qui tales rapinas committent stato tempore per praefatas proclamationes limitando plenarie restituant quaecunque bona sic oblato et pro dictis injuriis omnimodo satisfaciant ita ut dicti principes alique sic conquaerentes satisfactos se esse repetent et quod si talia facinora committent bona oblata non restituent aut restitui faciant infra limitatum tempus quod tunc in posterum sub nostra protectione et tutela minime erunt et quod licitum erit omnibus principibus aliaque praedict delinquentes eos hostiliter prosequi et invadere Et licet neminem nobilem aut generosum de patria hac sine licentia nostra decedere statutum sit nihilominus volumus quod praesens hoc diploma sufficiens erit licentia et warrantum omnibus qui se huic itineri committent qui laesaemajestatis non sunt rei vel aliquo alio speciali mandato inhibiti atque etiam per praesentis cartae nostrae tenorem declaramus volumusque quod nemo patria hac decedere permittatur versus dictam Novam Scotiam nullo tempore nisi ii qui juramentum suprematatis nostrae primum susceperint ad quem effectum nos per praesentes dicto Domino Willielmo suisque praedict vel eorum conservatori vel deputatis idem hoc juramentum omnibus personis versus illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et authoritatem damus et concedimus Praeterea nos cum avisamento et consensu antedict pro nobis et successoribus nostris declaramus decernimus et ordinamus quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscentur aut eam incolent eorumque omnes liberi et posteritas qui ibi nasci contigerit alique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotiae aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et concedimus dicto Domino Willielmo Alexander suisque praedict liberam potestatem stabiliendi et eudere causandi monetam pro commercio liberiori inhabitantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et eisdem praescribent atque etiam si quae quaestiones aut dubia super interpretatione aut constructione alicujus clausulae in hac praesenti carta nostra contentae occurrent ea omnia sumentur et interpretabuntur in amplissima forma et in favorem dicti Domini Willielmi suorumque praedict Praeterea nos ex nostra certa scientia proprio motu autoritate regali et potestate regia fecimus univimus annexavimus ereximus creavimus et incorporavimus tenoreque praesentis cartae nostrae facimus univimus annexamus erigimus creamus et incorporamus totam et integram praedictam provinciam et terras Novae Scotiae cum omnibus earundem limitibus et maribus ac mineralibus auri et argenti plumbi cupri chalibis stanni aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis portubus liberis burgis urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officii et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionatis

in unum integrum et liberum Dominium et Baroniam per praedict nomen NOVAE SCOTIAE omni tempore futuro appellandum Volumusque et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod unica sasina nunc per dictum Dominum Willielmum suosque praedict omni tempore affuturo super aliqua parte fundi diet terrarum et provinciae praescript stabit et sufficiens erit sasina pro tota regione eum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus ejusdem supramentionatis absque aliqua alia speciali et particulari sasina per ipsum suosve praedict apud aliquam aliam partem vel ejusdem locum capienda penes quam sasina omniaque quae inde secuta sunt aut sequi possunt nos cum avisamento et consensu supra expresso pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subtus mentionat dispensamus in perpetuum TENEN et HABEN totam et integram dietam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria mineralibus auri et argenti cupri chalibis stanni plumbi aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeiosis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis burgis liberis portubus urbibus baroniae burgis maris portubus anchoragiis maelinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionat eumque omnibus aliis privilegiis libertatibus immunitatibus casualitatibus aliisque supra expressis praefato Domino Willielmo Alexander haeredibus suis et assignatis de nobis nostrisque successoribus in feodo haereditate libero dominio libera baronia et regalitate imperpetuum per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis et pascuis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis bludewitis placitis haerezeldis amerciamentis et mulierum marchetis cum libero introitu et exitu ac cum furca fossa sok sac thole thame infangtheiff outfangtheiff wrak wair veth vert vennesoun pitt et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficiis asiamentis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tam subtus terra quam supra terram procul et prope ad praedict regionem et dominium spectan seu juste spectare valen quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut obstaculo quocunque Solvendo inde annuatim dictus Dominus Willielmus Alexander suiue praedict nobis nostrisque haeredibus et successoribus unum denarium monetae Scotiae super fundum diet terrarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione diet terrarum et provinciae Novae Scotiae et alba firma supradict

deficiente tempestivo et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willielmi sibi succeden quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eadem terrae et provinciae ratione non introitus in manibus nostris nostrorumve successorum devenient usque ad legitimum legitimi haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non-introitu cadere neque dictum Dominum Willielmum suosque praedict beneficiis et proficuis ejusdem eatenus frustrari idcirco nos cum avisamento praedict cum dicto introitu quodcumque contigerit dispensavimus tenoreque ejusdem cartae nostrae pro nobis et successoribus nostris dispensamus ac etiam renunciavimus et exoneravimus tenoreque praesentis cartae nostrae cum consensu praedicto renunciamus et exoneramus dictum Dominum Willielmum ejusque praescript praefatum non-introitum dictae provinciae et regionis quodcumque in manibus nostris deveniet aut ratione non-introitus cadet cum omnibus quae desuper sequi possunt proviso tamen quod dictus Dominus Willielmus sui haeres et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem dictarum terrarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictas terras dominium et baroniam aliaque praedict adeant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiae in quoquidem casu haeres et assignati dicti Domini Willielmi Alexander non obstant praedicto non-introitu gaudebunt et possidebunt omnes et singulas praedictas terras regionem et dominium Novae Scotiae cum omnibus et singulis proficuis commoditatibus beneficiis privilegiis et libertatibus earund ac si dictus non-introitus non fuisset vel ac si in non-introitu nunquam cecidissent Quaequidem terrae regio et dominium Novae Scotiae tam terra firma quam insulae infra omnes et singulas dictas bondas et maria earund cum silvis piscationibus tam in aquis salsis quam dulcibus tam piscium regalium quam aliorum cum margaritis praeciosis lapidibus venis mineralibus regis auri et argenti aliis mineralibus ferri chalybis plumbi cupri aeris stanni orichalci aliisque quibuscunque ac omnibus privilegiis libertatibus immunitatibus praerogativis officiis et jurisdictionibus aliisque specialiter et generaliter supra-recitat per prius ad dictum Dominum Willielmum Alexander suosque haeres et assignatos pertinuerunt et per ipsum suosque procuratores suo nomine in manibus nostris debite et legitime resignatae fuerunt et hoc pro novo nostro haereditario infeofamento earund in favorem dicti Domini Willielmi suorumve haeredum et assignatorum praedict in debita et competenti forma ut congruit concedend tenend ut dictum est cum dispensatione non introitus modo prescripto cum contigerit Insuper nos cum avisamento praescripto pro honore fidei et gratuito servitio nobis per dictum Dominum Willielmum Alexander praestito et impenso et respectu habito magnarum et multarum expensarum et sumptuum conferend et impendend in plantatione dictarum bondarum domini et regionis Novae Scotiae et earund sub nostra obedientia reductione aliisque gravibus et causis onerosis **DE NOVO DEDIMUS** con-

cessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander suisque haeredibus et assignatis haereditariae Omnes et singulas praedictas terras dominium et regionem Novae Scotiae una cum omnibus et singulis castellis turribus fortalitiis manerium locis domibus aedificiis exstructis et exstruendis hortis pomariis plantatis et plantandis toftiscroftis pratis pascuis silvis virgultis molendinis multuris terris molendinariis piscationibus tam rubrorum quam aliorum piscium salmonum piscium tam magnorum quam minorum tam in aquis salsis quam dulcibus una cum omnibus et singulis decimis garbalibus earundem inclusis tam magnis quam minutis cum advocacione donatione beneficiorum ecclesiarum et capellaniarum et juribus patronatum earund annexis connexis dependentiis tenentibus tenandriis et libere tenentium servitiis earund Una cum omnibus et singulis praeciosis lapidibus gemmis cristallo alumine corallio et aliis cum omnibus et singulis mineralibus venis et lapideis earund tam metallorum et mineralium regalium et regionum auri et argenti infra dictas bondas et dominium Novae Scotiae quam aliorum mineralium ferri chalybis stanni plumbi cupri aeris orichalci aliorumque mineralium quorumcunque cum omnibus et singulis partibus pendiculis pertinentiis privilegiis libertatibus et immunitatibus omnium et singularum praedictarum terrarum domini et regionis Novae Scotiae cum plena potestate et privilegio dicto Domino Willielmo Alexander haeredibus suis et assignatis tentandi et investigandi fodiendi et scrutandi fundum pro eisdem et extrahendi eadem purgandi repurgandi et purificandi eadem utendi convertendi ac suis propriis usibus applicandi (reservata solummodo nobis nostrisque successoribus decima parte regalium metallorum vulgo appellat *The ore* auri et argenti inveniendi et extrahendi in posterum de dictis terris et regione) et reliqua dict metallorum mineralium praeciosorum lapidum gemmarum ac aliorum quorumcunque dicto Domino Willielmo Alexander suisque haeredibus et assignatis pertinebunt cum ipsis perpetuo remanendi eorumque propriis usibus convertendi cum omnibus proficiis et devoriis earund Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis condendi extruendi et erigendi in et infra omnes bondas dictae regionis sicuti iis videbitur expediens civitates liberos burgos baroniae villas villulas sinus portus stationes navium et designandi nundinas et macella tam in villis quam extra et imponendi levandi et recipiendi omnes et quascunque colonias custumas anchoragia aliasque devorias earundem civitatum burgorum baroniae villarum villularum nundinarum macellarum liberorum portuum sinuum navium stationum cum omnibus et singulis casualitatibus proficiis et devoriis quibuscunque easdem civitates et burgos adornandi tam infra burgos quam extra cum sufficientibus et habilibus magistratibus pacis justiciariis praepositis balivis senioribus constabulariis aliisque officariis civibus burgensibus liberis et manufactoribus artificibus omnium generum cum decanis ipsorum aliisque ad hoc requisitis Cum plenaria potestate privilegio et libertate iis eorumve liberis civibus et burgensibus vendendi vinum et ceram salmones haleces aliaque stapuli

bona et mercimonia tam magna quam minuta Et extruendi ecclesias capellas xenodochia *lie hospitallis and maisoun dieues* cruces forales campanilia campanas aliaque omnia ornamenta ordinaria eisdem spectantia et plantandi et sufficienter providendi easdem ecclesias cum sufficientibus doctoribus praedicatoribus pastoribus et ministris Et similiter erigendi fundandi et extruendi scholas triviales collegia et universitates sufficienter provisas cum habilibus et sufficientibus magistris rectoribus regentibus professoribus omnium scientiarum literarum linguarum et sermonum et providendi pro sufficiente alimento stipendiis et victu pro eisdem ad hunc effectum ac etiam erigendi praelatos archiepiscopos episcopos rectores et vicarios parochiarum et ecclesiarum parochialium et distribuendi et dividendi omnes praedict bondas dict regionis in diversis et distinctis vicecomitatibus provinciis et parochiis pro meliori provisione ecclesiarum et ministerii divisione vicecomitatum et omni alia civili politia Et similiter fundandi erigendi et instituendi senatum justitiae loca et justitiae collegia consilii et sessionis senatores earundem membra pro justitiae administratione infra dictam regionem aliaque justitiae et judicaturae loca Praeterea erigendi et designandi tam secreta et privata consilia et sessiones pro publico bono et commodo dictae regionis et dand et concedend titulos honores et dignitates membris earundem et creand clericos et earundem membra et designand sigilla et registra cum ipsorum custodibus Et ctiam erigendi et instituendi officarios status cancellarium thesaurarium computorum rotulorem collectorem secretarium advocatum vel actornatum generalem clericum vel clericos registri et rotulorum custodes justiciariae clericum directorem vel directores cancellariae conservatorem vel conservatores privilegiorum dictae regionis advocatos procuratores causarumque patronos earundemque sollicitatores et agentes aliaque membra necessaria Et similiter convocandi congregandi et constituendi conventiones et congregationes ecclesiasticorum praelatorum tam generales speciales vel provinciales conventiones quam alias pro politia et disciplina ecclesiastica et authorizandi ratificandi et confirmandi easdem conventiones consilia et congregationes cum actis statutis et decretis inibi conclusis pro eorundem meliori autoritate Praeterea fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos nostros nostrorumve haeredum et successorum **LOCUM TENENTES** generales ad repraesentandum nostram regalem personam tam per mare quam terram totius et integrae dictae regionis et domini Novae Scotiae tam durante spatio quo ibi remanebit quam in itinere ipsius vel eorum ad dictam regionem vel ab eadem et post ipsorum reditum continuo sine intervallo temporis aut loci excludendo omnes alios vel per mare vel per terram ab usurpatione hujus contrarii vel ab acclamatione alicujus juris beneficii autoritatis et interesse infra dictas bondas et dominium Novae Scotiae vel alicujus judicaturae aut jurisdictionis eatenus virtute alicujus praecedentis aut subsequentis juris aut tituli cujuscunque Et cum speciali potestate dicto Domino Willielmo Alex-

ander suisque praedictis gubernandi regendi puniendi et condonandi omnes nostros, subditos aliosque dict bondarum et regionis Novae Scotiae inhabitantes aut ibi proficiscentes pacis aut legum transgressores ac faciendi sancienti et stabiliendi ibidem leges tam civiles quam criminales cum legibus justiciariae admiralitatis senescallatus regalitatis et vicecomitatus pro eorum bene placito modo caedem leges tam conformes sint legibus Scotiae quam convenienter fieri potest respectu habito circumstantiarum loci regionis personarum et qualitatam earundem Et similiter designandi gubernatores imperatores et ductores omnium et singularum praedictarum civitatum burgorum portuum navium stationum et sinuum et capitaneos etiam castrorum fortaliciorum et propugnaculorum tam per mare et prope littus quam per terram bene et sufficienter muniti instructi et fortificati militum turmis et copiis pro manutentione defensione et praeservatione earundem et repulsione omnium tam domesticarum quam extraneorum invasionum earundem et convocandi congregandi et convenire faciendi omnes inhabitantes dictae regionis ad effectum praescriptum omnibus occasionibus necessariis ac pro repulsione et resistantia omnium aliarum virium et violentiarum quarumcunque Et pro meliori fortificatione dicti domini et regionis Novae Scotiae cum potestate dicto domino Willielmo Alexander suisque praedict transportandi de dicto regno aliisve bondis convenientibus omnia genera munitionis magna et minuta tormenta majora media vulgo *cannonis demi-cannonis zellingis* falconis aeris et ferri selopetos atque alia instrumenta et belli machinas cum selopetis minoribus vulgo *muskettis haybuittis half-haggis* bombardis vulgo *pistolettis* pulvere globulis aliisque necessariis victualibus et armis tam offensivis quam defensivis et gerendi et utendi talibus armis tam infra dictam regionem Novae Scotiae quam in eorum transitu et cursu vel ad easdem terras vel ab eis cum eorum comitibus sociis et dependentibus Nos etiam cum avisamento praedicto fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos haereditarie nostros **JUSTICIARIOS GENERALES** in omnibus causis criminalibus infra dictam regionem et dominium Novae Scotiae **MAGNUM ADMIRALLUM** et **DOMINUM REGALITATIS** et **ADMIRALITATIS** infra dictam regionem Haereditarios etiam **SENECALLOS** ejusd omniumque et singularum regalitatum hujusmodi cum potestate sibi suisque haeredibus et assignatis utendi exercendi et gaudendi omnibus et singulis praefatis jurisdictionibus judicaturis et officiis cum omnibus et singulis privilegiis praerogativis immunitatibus et casualitatibus earundem similiter et adeo libere quam aliquis alius justiciarius vel justiciarii generales senescalli admiralli vicecomites aut domini regalitatis habuerunt vel habere possunt aut possidere et gaudere iisdem jurisdictionibus judicaturis officiis dignitatibus et praerogativis in aliquibus nostris regnis bondis et dominiis nostris quibuscunque Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis constituendi erigendi nominandi et creandi clericos officarios serjandos adjudicatores omniaque alia curiae

membra omnium et singularum praefatarum judicaturarum et jurisdictionum respective cum omnibus feodis devoriis et casualitatibus eisd spectari prout iis videbitur expediens sine praepjudicio omnimodo omnium aliorum infeofamentorum jurium vel dispositionum per nos nostrosve praedecessores cuicumque personae vel quibuscunque personis qui participes sunt vel erunt dictae plantationis Novae Scotiae proceden supra resignationem dicti Domini Willielmi Alexander solummodo et non aliter de quibuscunque partibus aut portionibus dictae regionis et domini Novae Scotiae cum privilegiis et immunitatibus in ipsorum infeofamentis mentionat Et quum ratione longi intervalli et distantiae dictae regionis et domini Novae Scotiae a dicto antiquo regno nostro Scotiae et quod eadem regio neque facile neque commode nisi aestatis tempore peti potest quodque eadem regio publicis tabellionibus et notariis requisitis pro sasinis sumendis omnino est destituta adeo ut sasina commode super fundum dictae regionis omnibus temporibus capi non potest atque etiam respectu habito magnorum et multifariorum in commodorum quae cadere possunt in defectu tempestivae sasinae sumendae super hoc praesens diploma et super alias cartas et similia infeofamenta concess et concedend de praedictis terris et dominio Novae Scotiae vel aliqua earundem parte igitur ut praesens haec nostra carta magis sit efficax et ut sasina desuper magis commode capi possit necessarium est ut sasina sumatur omnium et singularum praedictarum terrarum dictae regionis et domini Novae Scotiae infra dictum regnum nostrum Scotiae et super funda et terras ejusd in magis eminente ejusd loco quod nec convenienter nec legitime fieri potest sine expressa unione dictae regionis et domini Novae Scotiae dicto regno Scotiae quocirca et pro facilliori commodo et convenientia antedictae sasinae nos cum avisamento praedicto annexavimus univimus et incorporavimus tenoreque praesentis cartae nostrae unum annexamus et incorporamus dicto regno nostro Scotiae totam et integram praedictam regionem et dominium Novae Scotiae cum decimis et decimis garbalibus earund inclusis et omnibus et singulis partibus pertinentiis privilegiis jurisdictionibus et libertatibus earundem aliisque generaliter et specialiter supra mentionat Et per praesentis cartae nostrae tenorem volumus declaramus decernimus et ordinamus quod unica sasina nunc capienda apud castellum nostrum de Edinburt tanquam maxime eminentem et principalem locum dicti regni nostri Scotiae de omnibus et singulis dictis terris regione et domini Novae Scotiae vel aliqua earund parte cum decimis et decimis garbalibus earund respective inclusis est et erit sufficiens sasina pro totis et integris praedictis terris regione et dominio Novae Scotiae cum decimis et decimis garbalibus earund inclusis vel aliqua earund parte terrarum et regionis praescript et omnibus privilegiis jurisdictionibus et libertatibus ejusd respective aliisque specialiter et generaliter supramentionat non obstante quod eadem terrae regio et dominium Novae Scotiae longe distet et discontigue jaceat a dicto regno nostro Scotiae penes quod nos cum avisamento et consensu praedicto dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum sine praepjudicio et dero-

gatione omnimodo dicti privilegii et praerogativi praefato Domino Willielmo Alexander suisque haeredibus et assignatis concess pro confectione et stabilamento legum actorum et constitutionum omnium et singularum praedict terrarum regionis et domini Novae Scotiae tam per mare quam per terram Et per praesentis cartae nostrae tenorem declaramus quod non obstante dicta unione (quae concedi solummodo declaratur pro commoditate et convenientia sasinae) eadem regio et dominium Novae Scotiae iudicabitur rogetur et gubernabitur per leges et constitutiones fact fiend constituend et stabiliend per dictum dominum Willielmum Alexander suosque haeredes et assignatos spectan ad dictam regionem et dominium Novae Scotiae similiter et adeo libere in eo respectu sicuti eadem unio nunquam fuisset facta nec catenus concessa Et praeterea non obstante praedicta unione licitum erit praedicto Domino Willielmo Alexander suisque haeredibus et assignatis dare concedere et disponere aliquas partes vel portiones dicti terrarum regionis et domini Novae Scotiae iis hereditarie spectan ad et in favorem quarumcunque personarum eorum haeredum et assignatorum haereditarie cum decimis et decimis garbalibus earund inclusis (modo nostri sint subditi) tenend de dicto Domino Willielmo Alexander vel de nobis et nostris successoribus vel in alba firma fuedifirma vel warda et relevio pro eorum beneplacito et intitulare et denominare easdem partes et portiones quibuscunque stilibus titulis et designationibus iis visum fuerit aut in libito et optione dicti Domini Willielmi suorumque praedictorum quaequidem infeofamenta et dispositiones per nos nostrosve successores libere sine aliqua compositione propterea solvend approbabitur et confirmabitur Insuper nos nostrique successores quascunque resignationes per dictum dominum Willielmum Alexander suosque haeredes et assignatos fiendos de totis et integris praefatis terris et dominio Novae Scotiae vel alicujus earund partis in manibus nostris nostrorumque successorum et commissionariorum praedict cum decimis et decimis garbalibus earund inclusis aliisque generaliter et specialiter supra mentionat recipiemus ad et in favorem cujuscunque personae aut quarumcunque personarum (modo nostri sint subditi et sub nostra obedientia vivant) et desuper infeofamenta expedient tenend in libera alba firma de nobis haeredibus et successoribus nostris modo supra mentionat libere sine ulla compositione **QUAEQUIDEM** terrae regio et dominium Novae Scotiae cum decimis garbalibus earund inclusis omnesque et singulae partes pendicula et pertinentiae privilegia jurisdictiones praerogativae et libertates earund aliaque specialiter et generaliter supra mentionat una cum omni jure titulo interesse jurisclemeo tam petitorio quam possessorio quae nos nostrive praedecessores aut successores habuimus habemus vel quovismodo habere clamare aut praetendere potuimus ad easdem vel aliquam earund partem aut ad census firmas proficua et devorias earundem de quibuscunque annis aut terminis praeteritis pro quacunque causa vel occasione nos cum avisamento praedicti prorationibus supra mentionatis **DE NOVO** damus concedimus et disposuimus praedicto Domino Willielmo Alexander suisque haeredibus et assignatis haereditarie imperpetuum

renunciando et exonerando iisdem simpliciter cum omni actione et instantia eatenus competenti ad et in favorem dicti Domini Willielmi Alexander suorumque haeredum et assignatorum tam pro non solutione devoriarum in ipsorum originalibus infeofamentis content quam pro non praestatione debiti homagii eisdem conformiter aut pro non perimplatione alicujus puncti dicti originalis infeofamenti aut pro commissione alicujus cul-pae aut facti omissionis vel commissionis iisdem praejudicabili et unde idem originale infeofamentum legitime impugnari aut in quaestionem duci in posterum quovismodo possit acquietando et remittendo iisdem simpliciter cum omni titulo actione instantia et interesse eatenus competenti aut quae nobis nostrisque haeredibus et successoribus com-petere potest renunciando iisdem simpliciter jure lite et causa cum pacto de non petendo ac cum supplemento omnium defectuum tam non nominat quam nominat quae nos tan-quam pro expressis in hac praesenti carta nostra haberi volumus tenend in libera alba firma ut dictum est et dispensando cum non-introitu quandocunque contigerit modo praedicto Insuper nos pro nobis et successoribus nostris cum avisamento praedicto damus concedimus et committimus potestatem dicto Domino Willielmo Alexander suis-que haeredibus et assignatis habendi et legitime stabiliendi et cudere causandi monetam currentem in diet regione et dominio Novae Scotiae et inter inhabitantes ejusd pro faci-liori commercii et pactionum commodo talis metalli formae et modi sicuti ipsi designa-bunt aut constituent et ad hunc effectum damus concedimus et committimus iis eorumve haeredibus et assignatis dictae regionis Locum tenentibus privilegia monetam cudendi cum instrumentis ferreis et officariis ad hunc effectum necessariis Praeterea nos pro nobis et successoribus nostris cum avisamento praedicto dedimus concessimus ratifica-vimus et confirmavimus ac per praesentis cartae nostrae tenorem damus concedimus ratificamus et confirmamus dicto Domino Willielmo Alexander suisque haeredibus et assignatis omnia loca privilegia praerogativas praecminentias et praecedentias quascunque dat concess et reservat vel dand concedend et reservand dicto Domino Willielmo Alex-ander suisque haeredibus et assignatis ejusque successoribus Locum tenentibus dictae regionis et domini Novae Scotiae per Equites auratos Baronettos reliquosque portiona-rios et consortes dictae plantationis adeo ut dictus Dominus Willielmus Alexander sui-que haeredes masculi de corpore suo descenden tanquam Locum tenentes praedict sument et sumere possunt locum praerogativum praecminentiam et praecedentiam tam ante omnes armigeros barones minores et generosos vulgo *squyris lairdis and gentilmen* dicti regni nostri Scotiae quam ante omnes praedictos Equites auratos Baronettos ejusd regni nostri omnesque alios ante quos dicti Equites aurati Baronetti locum et praecedentiam virtute privilegii dignitatis iis concess habere possunt pro cujus plantationis et coloniae Novae Scotiae adjumento et ejus praecipue respectu dicti Equites aurati Baronetti cum ipsorum statu et dignitate cum avisamento praedicto in dicto regno nostro Scotiae creati fuerant tanquam indicium speciale nostri favoris super tales generosos et honestos loco natos

collat praedictae plantationis et coloniae participes Cum hac expressa provisione omnimodo quod numerus praefatorum Baronetorum nunquam excedat centum et quinquaginta Denique nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris volumus decernimus et ordinamus quod hoc nostrum diploma et infeofamentum ratificari approbari et confirmari cum omnibus ejusdem contentis in proximo nostro Parlamento regni nostri Scotiae et ut habeat vim robur et efficaciam acti statuti et decreti ejusdem supremae judicaturae penes quod nos pro nobis nostrisque successoribus declaramus et ordinamus praesentem hanc nostram cartam dominis articulorum dicti nostri Parlamenti pro ratificatione et confirmatione ejusdem modo praescripto sufficiens fore warrantum Insuper dilectis nostris

et vestrum cuilibet conjunctim et divisim Vicecomitibus nostris in hac parte specialiter constitutis salutem Vobis praecipimus et mandamus quatenus praefato Domino Willielmo Alexander vel suo certo actornato latori praesentium statum et sasinam haereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum praedictarum terrarum regionis et domini Novae Scotiae cum omnibus et singulis partibus pendiculis privilegiis commoditatibus immunitatibus aliisque tam generaliter quam particulariter superius expressatis apud dictum castrum nostrum de Edinburt tradatis et deliberetis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus nostris in hac parte antedictam nostram plenariam et irrevocabilem tenore praesentis cartae nostrae committimus potestatem quamquidem sasinam nos cum avisamento praedicto pro nobis nostrisque successoribus tenore praesentis cartae nostrae volumus declaramus et ordinamus tam fore legitimam et sufficientem quam si praecepta sasine separatim et ordinarie e nostra cancellaria ad eum effectum super dicta nostra carta fuissent directa penes quam nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris dispensavimus ac per praesentis cartae nostrae tenorem dispensamus imperpetuum In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecipimus testibus praedilectis nostris consanguineis et consiliariis Jacobo marchione de Hamiltoun comite Arranie et Cambrig domino Aven et Innerdail &c. Willielmo Mariscalli comite domino Keith &c. regni nostri mariscallo predilecto nostro consiliario Domino Georgio Hay de Kinfares milite nostro cancellario predilecto nostro consanguineo et consiliario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris consiliariis familiaribus Dominis Ricardo Cokburne de Clerkingtoun nostri secreti sigilli custode Joanne Hamiltoun de Magdalens nostrorum rotulorum registri ac consilij clerico Georgio Elphinstoun de Blythwode nostre justiciarie clerico et Joanne Scot de Scotistarvet nostre cancellarie direttore militibus Apud aulam nostram de Otlandis duodecimo die mensis Julij anno Domini millesimo sexcentesimo vigesimo quinto et regni nostri primo.

NUMBER THREE.

L E T T E R S

FROM KING JAMES THE SIXTH, TO THE STATES OF SCOTLAND,
 PRELIMINARY TO THE FOUNDATION OF THE
 COLONY OF NOVA SCOTIA.

Letter from King James the Sixth, to the Privy Council of Scotland, anent a Grant of Lands lying between New England and Newfoundland to Sir William Alexander, knight.

JAMES R.

RIGHT trusty and welbeloued Cosens and Counsellours, and right trusty and welbeloued Counsellours, Wee greete yow well Haueing ever beene ready to embrace any good occasion whereby the honour or profite of that our Kingdome might be aduanced and considering that no kynd of conquest can be more easie and innocent then that which doth proceede from Plantationes specially in a Countrey commodious for men to liue in yet remayneing altogether desert or at least onely inhabited by infidells the conversion of whom to the christian fayth (intended by this meanes) might tend much to the glory of God Since sundry other Kingdomes as likewyse this our Kingdome of late vertuously adventuring in this kynd haue resimed their names imposing them thus upon new lands considering (praysed be God) how populous that our kingdome is at this present and what necessity there is of some good meanes whereby ydle people might be employed preventing worse courses wee think there are manie that might be spared who maie be fitt for such a forraine plantation being of mynds as resolute and of bodyes as able to ouercome the difficulties that such aduentrers must at first encounter with as anie other nation whatsoever and such an enterprise is the more fitt for that our kingdome that it doth crave the transportation of nothing from thence but onely men women cattle and victuals and not of money and maie giue a good returne of other commodityes affording the meanes of a new trade at this tyme when traffique is so much decayed for the causes aboute specifeit wee haue the more willingly harkened to a motion made unto us by our

trusty and welbeloued Counsellour Sir William Alexander knight who hath a purpose to procure forraine plantation haueing made choice of lands lying betweene our Colonies of New England and Newfoundland both the Governours whereof haue encouraged him thereunto therefore that he and such as will undertake with him by getting of good security maie be the better enabled hereunto Our pleasure is that after due consideration if you finde this course as wee haue conceaued it to be for the good of that our Kingdome That yow graunt unto the sayd Sir William his heires and assignees or to anie other that will joyne with him in the whole or in anie part thereof a Signatour under our great seale of the sayds lands lying betweene New England and Newfoundland as he shall designe them particularly unto you To be holden of us from our Kingdome of Scotland as a part thereof united therewith by anie such tenure and as freely as you shall fynde us to haue formerly graunted in the like case here or that yow shall think fitt for the good of the said plantation with as great priuiledges and fauours for his and their benefite both by sea and land And with as much power to him and his heires and their deputyes to inhabite gouerne and dispose of the sayds lands as hath at anie tyme beene graunted by ws heretofore to anie of our subjects whatsoever for anie forraine Plantation or that hath beene graunted by anie Christian Prince of anie other Kingdome for the like cause in giueing authority power benefite or honour within the bounds to be plaunted to them or by warranting them to conferre the like upon anie particular enterpryser there who shall deserve the samen adding anie further conditiones for the furtherance hereof as yow shall think requisite and that the sayd Signatour be past and exped with all expedition And likewise our pleasure is that yow give all the lawfull ayde that can be afforded for furthering of this enterprise which wee will esteeme as good service done to ws for doing whereof these presents shall bee your warrant ffrom our Court at Beauier the 5th of August 1621.

To our Right trusty and welbeloued Cosen and Counsellour the Earle of Dumfermling
oure Chancellour of Scotland And to our right trusty and welbeloued Counsellours
The remnant Earles Lords and others of our Privy Councell of our sayd Kingdome.

From his Majestie anent Baronettis.

JAMES R.

RIGHT trustie and welbeloued Counsellours Right trustie and weilbeloued Cosens and
Counsellours and trustie and weilbeloued Counsellours We greate you weil The Letter

ye sent giving us thanks for renewing of the name of that our Ancient Kingdome within America intreateing our favour for the furthering of a Plantatioun ther wes verie acceptable unto us and reposeing upon the experience of utheris of our subjects in the like kinde We ar so hopefull of that enterprise that we purpose to make it a worke of our owne And as we wer pleased to erecte the honour of Knicht Barronetts within this our Kingdome for advancement of the Plantatioun of Ireland So we doe desire to conferr the like honour within that our kingdome upoun suche as wer worthie of that degree and will agree for ane proportioun of ground within New Scotland furnisheing furthe such a number of personis as salbe condiscended upoun to inhabite there Thus sall bothe these of the cheife sorte (avoydeing the usuall contentions at publick meetings) being by this hereditarie honour preferred to others of meaner qualitie know ther owne places at home and likewyse sall have ther due abroad from the subjects of our other countreyis according to the course appointed for that our ancient Kingdome And the mentioning of so noble a cause within ther Pattents sall both serve the more by suche a singular merite to honour them and by so goode a ground to justifie our judgement with the posteritie But though the conferring of honour be meere regall and to be done by us as we please yet we would proceed in no matter of suche moment without your advyce Our pleasure is haveing considered of this purpose if ye find as we conceive it to be both fitt for the credit of that our Kingdome and for the furtherence of that intended Plantatioun That ye certifie us your opinione concerning the forme and conveniencie thairof together with your further advyce what may best advance this so worthie worke which we doe very muche affect but will use no meanes to induce onie man thereunto further then the goodnes of the busines and his awne generous dispositioun sall perswade Neither doe we desire that onie man salbe sent for or travelled with by you for being Barronet but after it is founde fitt will leave it to their owne voluntarie choice not doubteing (howsoever some for want of knowledge may be averse) but that ther wilbe a greater number then we intend to make of the best sorte to imbrace so noble a purpose whereby bothe they in particular and the whole natione generally may have honour and profite And we wishe you rather to thinke how remedies may be provyded against ony inconveniences that may happin to ocure then by conjectureing difficulteis to loose so faire and unrecoverable occasion whiche other nations at this instant are so earnest to undertake And for the better directing of your judgement we have appointed ane printed copie of that order quhiche was taken concerning the Barronettis of this our Kingdome to be sent unto you as it wes published by authoritie from us So desireing you to haste back your ansuere that we may signific our further pleasure for this purpose We bid you faireweill from our Courte at Roystoun the 18 day of October 1624.

To his Majestie anent the Baronettis.

MOST SACRED SOVERANE

WE have considerit your Majesties Letter concerning the Baronettis and doe thereby persave your Majestie's great affectioun towards this your ancient Kingdome and your Majestie's most judicious consideratioun in makeing choise of so excellent meanes both noble and fitt for the goode of the same wherein seeing your Majestie might have procedit without advyee and unacquenting us with your Majestie's royall resolutioun therein We ar so muche the more boundin to rander unto your Majestie our most humble thanks for your gracious respect unto us not onlie in this but in all other thinges importeing this estate auther in credite or profite And we humblie wisse that this honour of Barronet should be conferrit upoun none but upoun knights and gentlemen of elcife respect for their birth place or fortunnes and we have taken a course by Proclamatioun to mak this your Majestie's gracious intencion to be publicklye knowne that none hereafter pretending ignorance take occasioun inwardlye to compleyne as being neglected bot may accuse themselfis for neglecting of so fair ane opportunitie And whereas we ar given to understand that the Countrey of New Scotland being dividit in twa provinces and eache province in severall dioceseis or Bishoprikis and eache diocese in thrie Counteyis and eache Countey into ten Baronyis everie Baronie being thrie myle long upoun the coast and ten myle up into the Countrie dividit into sex parocheis and eache paroche contening sax thousand aikars of land and that everie Barronet is to be ane Barone of some one or other of the saidis Barroneis and is to haife therein ten thousand aikeris of propertie besydis his sax thowsand aikeris belonging to his burgh of baronie To be holdin free blanshe and in a free barronie of your Majestie as the barronies of this Kingdome ffor the onlie setting furth of sex men towardis your Majestie's royall Colonie armed apparelld and victuald for tuo yeares And everie Baronet paycing Sir Williame Alexander knight ane thowsand merkis of Scottis money only towards his past charges and endevoiris Thairforeoure humble desire unto your Majestie is that care be taken by suirtie actit in the bookis of secrete counsall as was in the Plantatioun of Ulster that the said number of men may be dewlye transported thither with all provisions necessar and that no Barronet be maid but onlie for that cause and by some suche one particular course onlie as your Majestie sall appointe And that articles of plantatioun may be sett furth for encourageing and inducing all others who hes habilitie and resolutioun to transporte themselfis hence for so noble a purpose

Last we so consave that if some of the Englishe who ar best acquainted with suche forrein interpreises wald joyne with the saids Barronetts heir (as it is liklie the syker condition and proportioun of ground wald induce thame to doe) That it wald be ane

grite encouragement to the furtherance of that royall worke quhilk is worth of your Majestie's care And we doubt not sindrie will contribute ther helpe heirunto So expecting your Majestie's forder directioun and humblie submitting our opinione to your Majestie's incomparable judgement we humblie tak our leave prayeing the Almichtie God to blisse your Majestie with a long and happie reigne from Edinbrugh the 23 of November 1624 Sic Subscribitur Geo: Hay Mar St. Androis Mortoun Linlithg^w Melros Lauderdaill L. Airskine Carnegie B. Dumblane A. Neper S. Oliphant.

Anent Baronettis.

RIGHT trustie and right welbeloved Cosens and Counsellouris and right trustie and welbeloved Counsellouris Whereas it hathe pleaseit the Kingis Majestie in favour of the Plantatioun of Noua Scotia to honnour the undertakeris being of the ancientest gentrie of Scotland with the honnour of barronetts and thairin haif traisted and recommendit Sir Williame Alexander of Menstrie to his Counsell to assist him by all laughfull meanis and to countenance the bussienes by thair authoritie In like maner We do recommend the said Sir Williame and the bussienes to your best assistance heirby declairing that we favour bothe the bussienes and the persone that followeth it in suche sort That your willingnes to further it in all you can salbe unto ws verie acceptable service So we bid you hartelie farewell from the Court at Theobalds the 17 of Marche 1625.

Anent Baronettis.

RIGHT trustie and welbeloved Counsellour Right trustie and welbeloved Cosens and Counsellouris We greete you weele We persave hy your letteris directit unto ws what care you haif had of that bussienes whiche we recommendit unto you concerning the creatting of Knight Baronettis within that our Kingdome for the plantatioun of Neu Scotland and ar not onlie weele satisfied with the course that you haif taikin thairin bot likewayes it doeth exceedinglie content ws that we haif so happiely fund a meanis for expressing of our affectioun towards that our ancient kingdome as we find by the consent of you all so muche tending to the honnour and proffite thairof And as we haif begun so we will continue requireing you in like maner to perseuere for the furthering of this royall work that it may be brought to a full perfectioun And as you haif done weele to warne the ancient gentrie by proclamatioun assigneing thame a day for coming in And that you

are carefull to secure that whiche they sould performe Our pleasure is to the end that this bussienes may be caried with the lesse noice and trouble that everie one of thame that doeth intend to be baronet give in his name to our trustie and welbeloved Sir Wilhame Alexander knight our Lieutenant for that enterprise or in cais of his absence to our trustie and welbeloved Counsellour Sir John Scott knight that one of thame after the tyme appoyntit by the proclamatioun is expyred may present the names of the whole number that ar to be created unto thame whome we sall appoynt Commissionaris for marsalling of thame in due ordour And because it is to be the fundatioun of so grite a work bothe for the goode of the kingdome in generall and for the particular enterest of everie baronet who after this first protectionarie Colony is satled for securing of the cuntrey may the rather thairafter adventure for the planting of thair awne proportioun whiche by this meanis may be maid the more hopefull That the sinceritie of our intencion may be sein our further pleasure is that if ony of the Baronettis sall chuse rather to pay tua thousand merkis than to furnishe furth sex men as is intendit that than the whole baronettis mak choise of some certane personis of thair nomber to coneur with our said Lieutenant taking a strict course that all the said money be onlie applied for setting furth of the nomber intended or at the least of so mony as it can convenientlie furnishe And as we will esteeme the better of suche as ar willing to imbrace this course so if ony do neglect the samine and sue for ane other degree of honnour heirafter We will thinke that they deserve it the lesse since this degree of baronet is the next steppe unto a further And so desireing you all to further this purpose als far as convenientlie you can We bid you farewell from our Court at Theobaldes the 23 of Marche 1625.

From his Majestie anent Baronettis.

CHARLES R.

RIGHT trustie and right welbeloved Counsellor right trustie and right welbeloved Cosens and Counsellouris and trustie and welbeloved Counsellouris We greete you weele Understanding that our late deare father after due deliberatioun for furthering the plantatioun of Neu Scotland and for sindrie other goode consideratiounes did determine the ereatting of Knight Baronetts thair And that a proclamatioun wes maid at the mercatt eroce of Edinburgh to gif notice of this his royall intencion that those of the best sort knowing the same might haif tyme to begin first and be preferred unto otheris or than want the said honnour in thair awne default And understanding likewayes that the tyme appoyntit by the Counsell for that purpos is expyred We being willing to accomplishe

that whiche wes begun by our said deare father haif preferred some to be Knight Baronetis and haif grantit unto thame Signatouris of the said honnour Together with thrie mylis in breadth and sex in lenth of landis within Neu Scotland for thair severall proportionis And now that the saidis plantationis intendit thair tending so muche to the honnour and benefite of that our Kingdome may be advanced with diligence and that preparationis be maid in due tyme for setting furth a Colonie at the next Spring To the end that those who ar to be Baronettis and to help thairunto may not be hinderit by coming unto us for procureing thair grantis of the saidis landis and dignitie bot may haif thame there with lesse trouble to thameselffis and unto us We haif sent a Commissioun unto yow for accepting surrenderis of landis and for conferring the dignitie of Baronet upon suche as salbe fund of qualitie fitt for the samine till the nomber appoynted within the said Commissioun be perfited And thairfore our pleasure is that you exped the said Commissioun through the scalis with all diligence And that you and all otheris of our privie Counsell there give all the lawfull assistance that you can convenientlie affoord for accomplisheing the said worke whereby Colonies sould be sett furthe And certifie from us that as we will respect thame the more who imbrace the said dignitie and further the said Plantation So if ony Knight who is not Baronet presooome to tak place of one who is Baronet or if ony who is not Knight stryve to tak place of one who hes the honnour from vs to be a Knight inverting the order usuall in all civile pairtis We will that you censure the pairty transgressing in that kynd as a manifest contempnar of our authoritie geving occasion to disturbe the publict peace So recommending this earnestlie to your care We bid you farewell Windsore the 19 of Julij 1625.

To his Majestie anent the Heraldis.

MOST SACRED SOUERANE

SOME questioun being moued at the Counsell table betuix Sir William Alexander his Agentis on the ane part and the Lyoun Heralld and his Brether herauldis and the Maisseris of Counsall and Sessioun on the other part anent the fees acclamed be the Maisser and herauldis from the Knightis Baronettis and thair eldest Sonis Knighted be your Majestie's warrand for thair creatioun and admissioun to thair degrees of honour and dignitie whilkis fees ar acclamed be the herauldis and Maisser as due to thame be the privilege of thair service and officeis and unquestioned possession be vertew thair of in all bipast memorie And the other pleadis Immunitie and privilege thairfra be ressoun of some generall wordis insert in thair patentis and a claus in one of your Majestie's

letteris that the same sould be exped unto thame without drawing of thame to neidles chargeis and expensis And wheras this mater wes contentiouslie disputed and that it wes considerit that the honnour of your Majestie's estate royall dois not onlie require necesserlie the seruiceis of herauldis and maissersis at Coronatiouns Parliaments and actions of gritest

bot alsua that thay haif beene and still must be employed to mak solemne proclamationis and use chargeis of tressoun aganis rebellious subjectis and charge houssis kept be thame to be randerit which is mony tymes performit with extreame perril of thair lyvis besydis that be thair place thay sould be the publict caryaris of important messageis to strangearis bothe in tyme of peace and war and that be the want of the happynis of your royall presence in this kingdome thay ar disappointit of mony benefeitis whilk in former tymes thay enjoyed thair advantageis ar now so unfrequent that hardlie can thay mantane thameselffis without some extraordinar help and allowance The consideratioun wherof hes moued us to forbear to gif ony present determinatioun in the mater to thair prejudice or impairing of thair wouted benefeit allowed to thame in all tyme bygane at the conferring the honnour of Nobilitie or Knighthoode upoun ony of the subjectis and to remit the whole mater to your heigh and royall wisdome upoun knowlege whereof we sall humelie obey quhat salbe commandit and euer beseik God to blisse your Majestie with a lang and happie reigne Halirudhous xij Julij 1626 Chant Mar Murray Linlithg^w Wintoun Melros Lauderdaill A. B. Dumblane.

CHARLES R.

RIGHT trusty and welbeloued Councellour right trusty and welbeloued Cosens and Counsellours and trustie and welbeloued Counsellours Wee greete you well Having considered your letter concerning the fees that are claimed from the Knight Barronets though at the first it did appeare unto us that none eould justlie challenge fees of them by vertue of ane grant that was given before that order was erected yet before wee wold resolve what to do hercin We caused inquire of the cheef Heraldes and other Officers within this our Kingdome where the said dignitie of Barronet was first instituted by our late deare Father and do find that the Barronets are bound to pay no fees nor did never pay anie thing at all saue that which they did pay voluntarlie to the Heralds of whom they had present use And therfor since their creation within that our Kingdome is for so good a cause whereby a Colonie is making readie to sett forth this next Spring to beginne a work that may tend so much to the honour and benefite of that Kingdome We wold have them everie way to be encouraged and not (as wee wrote before) put to

needlesse charges And our pleasure is that none as Barronet be bound to pay fees but what they shalbe pleased to do out of their own discretion to the Herauldes or to any such Officer of whom they shall have use And as for their eldest sonnes whensoever anie of them is come to perfyte age and desires to be knighted let him pay the fees allowed heretofore to be payed by other Knights for doing whereof these presents shalbe your warrant And so Wee bid you farewell from our Court at Oatelandis the 28 Julij 1626.

III.—THE WARRANT

Conferring the Privilege of creating Baronets.

CHARLES R.

Right trustie and right welbeloued cousin and counsellour, right trustie and welbeloued cousins and counsellouris, and right trustie and welbeloued counsellouris, wee greete you well.

Whereas upon good consideration, and for the better advancement of the plantatioun of New Scotland, which may much import the good of our service, and the honour and benefite of that our auncient kingdome, our royall father did intend, and wee have since erected, the order and title of Barronet in our said auncient kingdome, which wee have since established, and conferred the same upon diverse gentlemen of good qualitie: and seeing our trustie and welbeloued counsellour, Sir William Alexander, Knight, our principall secretarie of that our auncient kingdome of Scotland, and our Lieutenant of New Scotland, who these many years bypast hath been at greate charges for the discoverie thereof, hath now in end settled a colonie there, where his sone, Sir William is now resident; and wee being most willing to afford all possible meanes of encouragement that convenientlie wee can to the Barronets of that our auncient kingdome for the furtherance of so good a worke, and to the effect they may be honoured and have place in all respects according to their patent from ws, wee have been pleased to authorize and allow, as by the presents, for ws and our successouris wee authorize and allow the said Lieutenant and Barronets, and euerie one of them, and their heires-male, to weare and carie about their neckis in all time cuming, ane orange tannie silke ribban, whereon shall heing pendant in a scutcheon argent a saltoire azur thereon, ane inscutcheon of the armes of Scotland, with ane imperiall crowne above the scutcheon, and encerled with this motto, "Fax mentis honestæ gloria," which cognoissance our said present Lieutenant shall delyver now to them from ws, that they may be the better knowen and distinguished from other persounis. And that none pretend ignorance of the respet due unto them, our

pleasure therefore is, that by open Proclamatioun at the marcat croces of Edinburgh, and all other head brughs of our kingdome, and such other places as you shall thinke necessar, you cause intimate our royall pleasure and intencion herein to all our subjects, and if any persoun out of neglect or contempt shall presume to tak place or precedence of the said Barronets, their wyffes or children, which is due unto them by their patents, or to weare their cognoissance, we will that, upon notice thereof given to you, you cause punishe such offenderis, by fying or imprisoning them, as you shall thinke fitting, that otheris may be terrified from attempting the like : and wee ordaine, that from time to time, as occasioun of granting and renewing their patents, or their heires succeeding to the said dignity, shall offer, that the said power to them to carie the said ribban and cognoissance shalbe therein particularlie granted and insert, and wee likewise ordaine these presents to be insert and registrat in the books of our counsell and Exchequer, and that you cause registrat the same in the books of the Lyon King at Armes and Heraulds, there to remain *ad futuram rei memoriam*, and that all parties having interesse may have authentik copies and extracts thereof, and for your so doing, these our letters shalbe unto you and euerie one of you from time to time, your sufficient warrant and discharge in that behalfe. Given at our Court of *Whythall*, the 17 of November, 1629.

To our right trustie and right welbeloued cousin and counsellour, to our right welbeloued cousins and counsellouris, to our right trustie and welbeloued counsellouris, and trustie and welbeloued counsellouris, the Viscount or Dupleine, our Chancellour of Scotland, the Earle of Monteith, the President, and to the remanent Earls, Lords, and otheris of our Privie Counsell of our said kingdome.

IV.—COUNCIL.

Letter of King Charles I. to the Lords of Council and Exchequer.

RIGHT, &c.—There being at this time some controversie between us and the French concerning the title of lands in America, and particularly New Scotland, it being alledged that Port Royal, where the Scottish colonie is planted, should be restored as taken, since the making of the peace, by reason of the articles made concerning the same, as we are bound in dutie and justice to discharge what we owe to everie neighbour prince, so we must have a care that none of our subjects do suffer in that which they have undertaken, upon just grounds, to do us service, neither will we determine in a matter of so great moment till we understand the true estate thereof. Therefore, our pleasure is, that you take this business into your consideration. And because we desire to be certified how

far we and our subjects are interested therein, and what arguments are fit to be used when any question shall occur concerning the same, or the defence thereof, that after due information, we may be furnished with reasons how we are bound to maintain the patents that our late dear father and we have given. So, expecting that having informed yourselves sufficientlie of this business, you will return us an answer with diligence, &c. Whitehall, 3rd. July, 1630.—Earl of Stirling's Register of Letters of King Charles I., &c. MS.

V.—Letter of His Majesty to the Convention of Estates.

CHARLES R.

Right trustie and right well beloved cousin and counsellor, right trustie and well beloved cousins and counsellors, right trustie and well beloved counsellors, right trustie and trustie and well beloved, we greet you well. Having given forth ane decree upon these things, whilk were submitted unto us in such sort as, after due information (having heard all parties) we conceived to be best for the public good, and having given order for making interruption, that we might no way be prejudged by the Act of Prescription, which we can never think was at first intended for anie prejudice of the Crown, we made choice rather to obviate any inconvenient that may come thereby by public acts in council, than to trouble a number of our lieges by particular citations. Therefore we have thought fit to recommend the same unto you, that they may be informed by you our estates convened by us at this time, and likeways where our late dear father and we have erected the dignitie of Baronets for advancing the plantation of New Scotland, granting lands therewith for that effect. We recommend likeways the same, in so far as shall be lawfullie demanded, to be informed by you. And so, not doubting but that you will be careful both of these and all other things that may import the honour of that kingdom or the good of our service, we bid you farewell. From our Court at Nonsuch, the 14th of July, 1630.—Reg. Sec. Conc. 1630, fol. 16.

VI.—Acts of the Convention of Estates.

Apud Holyrood House, ultimo die mensis Julii, 1630.

The estates presentlie convened all in one voice ratifies, allows, approves and confirms the dignitie and order of Knight Baronets, erected by his Majestie and his late dear father of blessed memorie, and conferred by them upon sundrie gentlemen of good

qualitie for their better encouragement, and retribution of their undertakings in the plantation of New Scotland, with all the acts of secret council, and Proclamations following thereupon, made for maintaining of the said dignitie, place and precedence due thereto, to continue and stand in force in all time coming, and that intimation be made hereof to all his Majestie's lieges by open Proclamation, at the Mercat Cross of Edinburgh, and other places needful.

The estates presentlie convened having duly considered the benefit arising to this kingdom by the accession of New Scotland, and the successful plantation already made there by the gentlemen, undertakers of the same, in regard whereof, and that the said lands and territories of New Scotland are by the patent thereof, made in favour of Sir William Alexander of Menstrie, Knight, his Majestie's secretarie, annexed to the Crown, therefore the said estates all in one voice has concluded and agreed that his Majestie shall be petitioned to maintain his right of New Scotland, and to protect his subjects undertakers of the said plantation in the peaceable possession of the same, as being a purpose highlie concerning his Majestie's honour, and the good and credit of this his ancient kingdom.—Acts of Parliament, vol. 5, pp. 223, 4.

VII.—WARRANT.

Letter of his Majesty to the Viscount of Stirling.

Right, &c.—Whereas there is a final agreement made betwixt us and our good brother the French King, and that amongst other particularities for perfecting thereof, we have condescended that Port Royal shall be put in the state it was before the beginning of the late war, that no partie may have any advantage there during the continuance of the same, and without derogation to arise, preceding right or title, by virtue of any thing done, either then, or to be done, by the doing of that which we command at this time. It is our will and pleasure, and we command you hereby, that with all possible diligence you give order to Sir George Home, Knight, or any other having charge from you there, to demolish the fort which was builded by your son there, and to remove all the people, goods, ordnance, munitions, cattle and other things belonging unto that colonie, leaving the bounds altogether waste and unpeopled, as it was at the time when your son landed first, to plant there by virtue of our commission. And this you fail not to do, as you will be answerable unto us. Greenwich, 10th July, 1631.—Earl of Stirling's Register.

VIII.—COUNCIL.

Letter of his Majesty to the Lords of Council and Exchequer.

Right, &c.—Seeing we have seen, by a letter from you, the order of baronets, erected by our late dear father and us, for furthering the plantation of New Scotland, was approved by the whole estates of our kingdom at the last convention, and that we understand, both by the reports that came from thence and by the sensible consideration and notice taken thereof by our neighbour countries, how well that work is begun, our right trustie and well beloved counsellor, Sir William Alexander, our Lieutenant there, having fullie performed what was expected from him for the benefit which was intended for him by the creation of these Baronets. Being very desirous that he should not suffer therein, but that both he and others may be encouraged to prosecute the good beginning that is made, as we heartilie think all such as have contribute their aid by contracting with him for advancing of the said work alreadie, our pleasure is that you seriously consider, either amongst you all, or by a committee of such as are best affectioned towards that work, how it may be best brought to perfection, for we are so far (whatsoever controversie be about it) from quitting our title to New Scotland and Canada, that we will be verie careful to maintain all our good subjects who do plant themselves there, and let none of the Baronets any way be prejudged in the honour and privileges contained in their patents, by punishing of all that dare presume to wrong them therein, that others may be encouraged to take the like course. as the more acceptable unto us, and the nearer to a title of nobilitie, whereunto that of Baronet is the next degree. And if the said Sir William, as our Lieutenant of New Scotland, shall convene the Baronets to consult together concerning that plantation, we hereby authorise him, and will you to authorise him, as far as is requisite for that effect, willing that Proclamation be made of what we have signified, or of what you shall determine for furthering that work whereof we recommend the care to you, as a matter importing specialle our honour, and the good of that our ancient kingdom. Greenwich, 12th July, 1631.—Earl of Stirling's Register.

IX.—MINUTE OF COUNCIL.

Apud Holyrood House, 28th July 1631. *Sederunt.*

Chancellor	V. Stirlie	B. Iles	Clerk Register
St. Androis	L. Gordon	L. Melvill	Advocat
Privie Seal	Areskine	L. Carnegie	Sir Johne Scot
Wintoun	B. Dunkelden	L. Naper	Sir Robert Ker
Linlithgow	B. Ros	Traquair	Sir Robert Douglas
Perth	B. Dunblane	Forrester	Sir James Baillie

The Lords of Secret Council, for the better forderance and advancement of the plantation of New Scotland, gives and grants commission by thir presents to Thomas Earl of Hadintoun, Lord Privie Seal, George, Earl of Wintoun, Alexander, Earl of Linlithgow, Robert, Lord Melvill, John, Lord Traquair, Archibald, Lord Naper, David, Bishop of Ros, Sir Archibald Acheson, Secretar, Sir John Hamilton of Magdalens, Clerk of Register, Sir Thomas Hope of Craighall, Knight Baronet, Advocat, Sir George Elphinstoun, Justice Clerk, Sir John Scot of Scotistartvet, and Sir James Baillie, or anie five of them, without excluding of anie others of the council, who shall be present to convene and meet with William, Viscount of Stirling, and the Knights Baronets, at such times and places as the said Viscount of Stirling shall appoint, and to confer with them upon the best means for the fordering of the said plantation, and to make and set down overtures thereanent, and to present and exhibit them to the said lords, to the intent they may allow or rectifie the same, as they shall think expedient.—Reg. See. conc. 1631, fol. 80.

X.—EXCHEQUER.

Letter of his Majesty to the Lords of Council and Exchequer.

Right trustie, &c.—Whereas we send herewith enclosed unto you a signature of ten thousand pounds sterling, in favour of our right trustie the Lord Viscount of Stirling, to be past and expedie by you, under our great seal. Lest any mistaking should ensue thereupon, we have thought it good to declare unto you that (as it may appear by itself) it is no ways for quitting the title, right, or possession of New Scotland, or of any part thereof, but only for satisfaction of the losses that the said Viscount hath, by giving order for removing of his colonie at our express command for performing of ane article of the Treatie betwixt the French and us. And we are so far from abandoning of that business, as we do hereby require you and everie one of you to afford you best help and encouragement for furthering of the same, chieflie in persuading such to be Baronets as are in qualitie fit for that dignitie, and come before you to seek for favour from us, but remitting the manner to your own judgment, and expecting your best endeavours therein. Willing thir presents be insert in your books of Exchequer, and an act made hereupon, we bid. &c. Whitehall. 19th February, 1632.

XI.—Treaty of St. Germain, 29th March, 1632.

Traité, &c.—Art. 3. De la part de sa Majesté de la Grande Bretagne, ledit sieur ambassadeur, en vertu du pouvoir qu'il a le quel sera inseré a la fin de ces presentes a promis et promet pour et au nom de sadite Majesté de rendre et restituer tous les lieux occupées

en la Nouvelle France, la Cadie et Canada, par les sujets de sa Majesté de la Grande Bretagne, iceux faire retirer desdits lieux. Et pour cet effet ledit sieur ambassadeur delivrera lors de la passation et signature des presentes aux Commissaires du Roi très Chretien en bonne forme, le pouvoir qu' il a de sa Majesté de la Grande Bretagne, pour la restitution desdits lieux ensemble, les commandemens de sa dite Majesté a tous ceux qui commandent dans le Port Roial, Fort de Guebec, et Cap Breton, pour estre lesdites places et fort rendus et remis es mains de ceux qu'il plaira a sa Majesté tres Chretienne ordonner, &c.—Fædera (continuation by Sanderson) vol. 19.

XII.—ADVOCAT.

Letter of his Majesty to the Lord Advocat.

Trustie, &c.—Whereas upon the late treatie betwixt us and the French King, we were pleased to condescend that the colonie which was latelie planted at Port Royal in New Scotland, should be for the present removed from thence, and have accordingly given order to our right trustie, the Viscount of Stirling, our principal Secretarie for Scotland. Although by all our several orders and erections concerning that business, we have ever expressed that we have no intention to quit our right, title, to any of these bounds; yet, in regard our meaning perchance will not be sufficientlie understood by those our loving subjects who hereafter shall intend the advancement of that work, for their satisfaction therein we do hereby require you to draw up a sufficient warrant for our hand, to pass under our Great Seal, to our said right trustie the Viscount of Stirling to go on in the said work whensoever he shall think fitting, whereby, for the encouragement of such as shall interest themselves with him, and he may have full assurance from us, in verbo principis, that as we have never meant to relinquish our title to any part of that country which he hath by patents from us, so we shall ever hereafter be readie, by our gracious favour, to protect him, and all such as have, or shall hereafter at any time concur with him, for the advancement of the plantation in these bounds foresaid. And if at any time, by order from us, they shall be forced to remove from the said bounds, or any part thereof, where they shall happen to be planted, we shall fullie satisfie them for all loss they shall sustain by any such letters or orders from us. And for your so doing, &c.—Greenwich, 14 Junii, 1632.—Earl of Stirling's Register.

XIII.—BARONETS.

Letter of his Majesty to the Baronets.

Trustie, &c.—Whereas our late dear father, out of his pious zeal for advancement of religion in the remote parts of his dominions, where it had not been formerlie known,

and out of his royal care for the honour and weal of that our ancient kingdom, was pleased to annex to the Crown thereof the dominion of New Scotland, in America, that the use might arise to the benefit of that kingdom: We being desirous that the wished effects might follow by the continuance of so noble a design, were pleased to confer particular marks of our favour upon such as should voluntarilie contribute to the furtherance of a plantation to be established in these bounds, as appeared by our erecting of that order of Baronets, who with you are dignified: whereunto we have ever since been willing to add what further we conceived to be necessarie for the testifying our respect to those that are already interested, and for encouraging of them who shall hereafter interest themselves in the advancement of a work which we so reallie consider for the glorie of God, the honour of that nation, and the benefit that is likelie to flow from the right prosecution of it. But in regard that, notwithstanding the care and diligence of our right trustie the Viscount of Stirling, whom we have from the beginning entrusted with the prosecution of this work, and of the great charges already bestowed upon it, hath not taken the root which was expected: partlie, as we conceive by reason of the incommodities ordinarilie incident to all new and remote beginnings, and partlie, as we are informed, by want of the timelie concurrence of a sufficient number to assist in it: but espeeciallie the colonic being forced of late to remove for a time, by means of a treatie we have had with the French. Therefore have taken into our royal consideration by what means again may this work be established; and conceiving that there are none of our subjects whom it concerns so much in credit to be affectioned to the progress of it, as those of your number for justifying the grounds of our princelie favour which you have received, by a most honourable and generous way, we have thought fit to direct the bearer hereof, Sir William Alexander, Knight, unto you, who hath been an actor in the former proceedings, and hath seen the country and known the commodities thereof, who will communicate unto you such propositions as may best serve for making the right use hereafter of a plantation and trade in these bounds, for encouraging such as shall adventure therein. And we doubt not, but if you find the grounds reasonable and fair, you will give your concurrence for the further prosecution of them. And as we have already given order to our Advocat for drawing such warrants to pass under our Seals there, whereby our loving subjects may be freed from all misconstruction of our proceedings with the French anent New Scotland, and secured of our protection in time coming in their undertakings into it, so we shall be readie to contribute what we shall hereafter find we may justlie do for the advancement of the work, and the encouragement of all that shall join with them to that purpose. Which recommending unto your care, we bid you farewell.—Beaulie, 15th August, 1632.—Earl Stirling's Register.

XIV.—COMMISSIONERS FOR THE PLANTATION OF NEW SCOTLAND.

Letter of his Majesty to the Lords of Council and Exchequer.

Trustie, &c.—Whereas our late dear father, for the honour of that his Ancient Kingdom did grant the first patent of New Scotland to the Viscount of Stirling, and was willing to confer the title of Knight-baronet on such of his well-deserving subjects as should contribute to the advancement of the work of the plantation in the said country, we were pleased to give order for the effectuating of the same, according to our Commission direct to you for that purpose. And understanding perfectlie (as we doubt not is well known unto you all) that the said Viscount did begin and prosecute a plantation in those parts with a far greater charge than could be supplied by the means fore-said. And the rather in regard of the late discouragement of some by our commanding him to remove his colonie from Port Royal, for fulfilling of ane article of the treatie betwixt our brother the French King and us, to make everie thing betwixt us be in the estate wherein it was before the war; hearing that there was a rumour given out by some that we had totallie lost our purpose to plant in that country, as having surrendered our right thereof; lest any further mistaking should arise thereupon, we thought good hereby to clear our intencion thereon, which is, that our said Viscount, with all such as shall adventure with him, shall prosecute the said work and be encouraged by all lawful helps thereunto, as well by completing of the intended number of Knight-baronets as otherways. And being informed that some of our subjects of good qualitie in this our Kingdom and Ireland, who have taken land in New Scotland holden from us, did accept of the said dignitie, and were obliged to contribute as much towards the said plantation as any other in that kind, were put to far greater charges at the passing of their rights than the natives of that Kingdom were in the like cases. It is our pleasure, that whensoever any of our subjects of qualitie fit for that dignitie within this our Kingdom or Ireland, having taken lands holden of us in New Scotland, and having agreed with our said Viscount for their part of a supply towards the said plantation and that it is so signified by him unto you, that until the number of Baronets formerly considered upon be complete, you accept of them, and give order that their patents be passed in as easy a rate as if they were natural subjects of that our Kingdom. And that you make known to such persons, and in such manner as you in your judgment shall think fit. In doing whereof, &c.—Whitehall, 24th April, 1633.—Earl of Stirling's Register.

XV.—NOVA SCOTIA.

1ST. CHARLES THE FIRST IN SCOTLAND.

Ratification in favour of the Viscount of Stirling, of the Infeftments and Signature, granted to him, of Dominions of New Scotland and Canada, in America, and Privileges therein contained, and of the Dignity and Order of Knight Baronets; and Act of Convention of Estates made thereaunt.

Our Sovereign Lord and Estates of this present Parliament, ratifie and approve all Letters, Patents and Infeftments granted by King James the Sixth, of blessed memory, or by our said Sovereign Lord, to William, Viscount of Sterling, and to his heires and assigneis of the Territories and Dominions of New Scotland and Canada in America, and especially the Patent Charter and Infeftment granted by His Majestie's unwhile dearest Father of worthie memory, of New Scotland, of the tenth day of September, the year of God 1621. Item, another Charter of the same, granted by His Majestie, under the Great Seale, of the date of the twelfth day of July, 1625 yeares. Item, another Charter and Infeftment, granted by His Majestie of the Country and Dominion of New Scotland, under the Great Seale, of the date the third day of May, 1627 yeares. Item, another Charter and Infeftment, granted by His Majesty, under the Great Seale, of the River and Gulph of Canada, bounds and privileges thereof, mentioncd in the said Patent, of the date the second day of February, 1628 yeares. Item, a Signature passed under His Majesty's hand, of the said Country and Dominion, which is to be with all diligence expcd through the Seale, of the date, at Whitehall, the twentie fourth day of April 1633 yeares; with all liberties, privileges, honours, jurisdictions, and dignities, respective therein mentioned. Together also, with all execution, precepts, instruments of seasing and seasing following, or that shall happen to follow thereupon. And also ratifies and approves the Act of General Convention of Estates at Holy-rude House, the sixth day of July in the Year of God, 1630, whereby the said Estates have ratified and proved the dignities and Order of Knight Barronet, with all the Acts of Secret Council, and proclamations following thereupon. made for the maintaining of the said dignittie, place, and precedencie thereof.

And His Majestie and Estates aforesaid will, statute, and ordaine, that the said Letters, Patents, and Infeftment, and the said dignittie, title, and order of Barronets, and all Letters, Patents, and Infeftment of Lands and dignities granted therewith to any person whatsoever, shall stand and continue in force, with all liberties, privileges, and precedencies thereof, according to the tenor of the same, and in als ample manner as if the bodies of the said Letters Patent, Infeftments, and Signature above-mentioned, were

herein particularly ingroist and exprest, and ordaine intimation to be made thereof by open Proclamation to all His Majestie's Leges, at the Market Crosse of Edinburgh, and other places needful, that none pretend ignorance thereof.

P. Acte No. 28, made in the Parliament held by King Charles the First, (in person) at Edinburgh, the twentie eight day of June, Anno Domini One Thousand Six Hundred and thirtie three.

XVI.—ACT OF COUNCIL.

Apud Edinburgh, 15th February, 1634.

Sederunt. Chancellor, Thesaurer, Privie Seal, Marishall, Roxburgh, Amundavill, Lauderdale, Southesk, L. Areskine, Clerk Register, Advocat.

Forasmeikle as his Majestie's late dear father of blessed memorie, for the honour of this his aeneient kingdom of Scotland, did grant the first patent of New Scotland to his Majestie's right traist cousin and Counsellor William Erle of Sterline, and was willing to confer the title of Knight Baronet upon such of his well deserving subjects as should contribute to the advancement of the work of the plantation in the said countrie, his Majestie was pleased to give order for effectuating of the same, according to his Commission directed to the Lords of Privie Council for that purpose. And his Majestie, understanding perfectly that the said Erle did begin and prosecute a plantation in these parts, with a far greater charge than could be supplied by the means foresaid, and the rather in regard of the late discouragement of some, by his Majesties commanding the said Erle to remove his Colonie from Port Royal, for fulfilling of ane Article of the treatie betwixt his Majestie and his brother the French king, to make everie thing betwixt them to be in the estate wherein it was before the war, hearing that there was a rumour given out by some, that his Majestie had totallie lost his purpose to plant in that countrie, as having surrendered his right thereof. And therefore, lest anie further mistaking should arise thereupon, his Majesty has thought good hereby to clear his intention therein, which is, that the said Erle, with all such as shall adventure with him, shall prosecute the said work and be encouraged by all lawful helps thereunto, as well by completing the intended number of Baronets as otherways. And whereas some of the subjects of the kingdom of England and Ireland of good qualitie, who, having taken land in New Scotland holden of his Majestie, did accept of the said dignitie there, and were obliged to contribute as much toward the said plantation as anie others, in that kind

were put to greater charges at the passing of their rights than the natives of this Kingdom were at in the like cases, therefore his Majestic has thought meet hereby to declare his royal will and pleasure, that whensoever anie of his Majestic's subjects of qualitie fit for that dignitie, within the kingdom of England or Ireland, having taken land holden of his Majesty in New Scotland, and having agreed with the said Erle for part of a supplie towards the said plantation, and that it is signified so by him to the said Lords of Privie Council, that till the number of Baronets formerlie condescended upon be complete, the the said Lords shall accept of them, and give order that their patents be passed at as easie a rate as if they were natural born subjects of this kingdom. And the said Lords ordainis letters to be direct, charging officers of arms to pass and make publication hereof, by open proclamation at the Market Crosses of the head boroughs of this kingdom, and other places needful, wherethrough none pretend ignorance of the same.

XVII.—Minute of Council.

The whilk day George Erle of Kinnoull, Lord Hay, &c., Chancellor, William Erle of Morton, Lord High Thesaurer, and Thomas Erle of Hadintoun, Lord Privie Seal of this kingdom, William Erle Mareshall, Robert Erle of Roxburgh, John Erle of Annandail, Sir John Hay, Clerk of his Majesty's Registers, and Sir Thomas Hope of Craighall, his Majesty's Advocat, accepted upon them the Commission granted unto them under his Majesty's Great Seal, dated at Theobald's, 14 Septembris, 1633, for passing of infeftments of New Scotland.—Reg. Sec. Cone. 1634, fol. 261.

XVIII.—Copy of the Patent by which William, First Earl of Stirling, created Sir John Browne, of the Neale, in the County of Mayo, a Baronet of Nova Scotia, on the 17th of June, 1636.

We, William, Earl and Viscount of Stirling, &c., Proprietor of the Country of New Scotland and Canada, and His Majesty's Lieutenant within the same: Forasmuch as by the Feoffment granted to me, by our late Sovereign King James, dated at Windsor, the 10th of September, 1621, and by virtue of my original Infestment, granted to me of the said Country and Dominion, by our now Sovereign Lord King Charles the First, dated at Oatlands, 12th July, 1625, I have full power to dispose of any part thereof to such as do undertake to plant there; and understanding the willingness of John Browne, Esq., eldest Son to Josias Browne, of the Neale, in Ireland, for the advancement of the said Plantation, we have granted unto the said John Browne, and to the heirs male lawfully descended of his body, that part of the said Country of New Scotland, bounded as fol-

lows, viz. :—Beginning twelve miles from the northernmost part of the Island Anticosti, within the Gulph of Canada, extending westward along the north side of the Island, six miles; and from thence northward, keeping always three miles in breadth; to have the Salmon and other Fishings, as well in salt as in fresh water; and I do hereby incorporate the said proportion of land into a Free Barony and Regality, to be called in all times the Barony and Regality of Neale, to hold the same by the yearly payment of one penny, usual money of Scotland. And whereas I have full power and authority granted to me by His Majesty, to confer Titles of Honour within the said Country of New Scotland, upon all persons concurring to the advantage of the said plantation thereof; I do confer upon the said John Browne, and his heirs male lawfully descended or to be descended of his body, the hereditary dignity and style of Baronet of New Scotland, with all and sundry prerogatives, privileges, precedencies, conditions, and others whatsoever, that any Baronet of Scotland, or New Scotland, hath had at any time granted to them. And we give and grant unto the said Sir John Browne, licence to wear and carry an orange tawny Ribbon, the badge of a Baronet of New Scotland, bearing the arms of New Scotland in gold, enamelled, with the Crown Royal above, and this circumscription—*Fax mentis honestæ gloria.* Sealed with the Great Seal of New Scotland, 21st June, 1636.

XIX.—*Treaty of Utrecht, 11th April, 1713.*

Treaty, &c.—Art 12. Dominus Rex Christianissimus eodem quo Pacis præsentis ratihabitiones commutabunter die Dominæ Reginæ Magnæ Britannicæ, literas tabulasve, solemnes et authenticas, tradendas curabit quarum vigore insulam Sancti Christophori, per subditos Britannicos sigillatim de hinc possidendam. Novam Scotiam quoque sive Acadium totam, limitibus suis antiquis comprehensam, ut et Portus Regii urbem nunc Annapolini Regiam dictam, cæteraque omnia in istis regionibus quæ ab iisdem terris et insulis pendent.—Reginæ Magnæ Britannicæ ejusdemque Coronæ in perpetuum, &c.

XX.—*Extracts from an Assignment and Disposition from William, Earl of Stirling, to Mr. Alexander Kynneir, and Mr. James Gordoun, dated 29th of January, 1640, and registered 15th of February following.*

“In presens of the Lordis of Counsall comperit, Mr. William Forbes, procurator, for William, Earl of Stirling, and gaue in the Assignatioun underwritten; desyring the same to be insert and registrat in the Bookis of Counsall and Session, with executoricallis to pas theiron in maner specifeit thereintill the quhilk desyre, &c. quahairoff the tennor followis.

Be it kend till all men be thir present letteris, We, William, Erle of Stirling, Viscount of Canada, Lord Alexander of Tullibody and Menstrie, Secretar to his Matie, for the kingdome of Scotland, ffor samekle as we have patentis grantit to us be his Matie, of Nova Scotia in America, and for disposing and resigning of certain proportions of land yairof, and proceuring to sundrie persons the infestmentis of the samin fra his Matie, with the honor and dignitie of Knychtis baronettis, have been in use to get fra every one of the receavors yairof the soume of money of this realme, or yairby and sielyk, for samekle as we have obtenit fra his Matie, be his heimes Letteris of Gift to ws, our airis and assignayis, the gift of the mariage of Francis, now Erle of Bucheleuch," &c. &c.

Reciting various proportions made over by the Earl—"That the foirnamet persons our Cautionaris for the debtis contenit in the said inventar be thankfullie releivet of yair cautionries and the debtis yairin specifeit payet to our Creditouris yarin nominat. Thairfor witt ye ws to have made, constitut, and ordanit lyk as we be the tennor heirof, mak, constitut, and ordain the said Mr. Alexander Kynneir, and Mr. James Gordoun, equallie betwixt yame, and proportionallie amongst yame, thair aires and assignayes, our very lawfull, undoutitt, and irrevocable procuratouris, cessionaris, and assignayes donatouris, and procuratouris in rem suam cum dispositione libera. In and to the haille compositionis and sowms of money to be proceured and received for the proportions of land in Nova Scotia, and dignitie of Knyt. baronet fra quhatsomever persone or persons, ather in Scotland or England, and for admitting and receaving of quhatsomever persone or persons to quhatsomever Shireff Clerkschip, Stewart Clerkschip, or Baillie Clerkschip, within the said Kingdome of Scotland, and sic lyk, &c. And be thir presentis surrogattis, the foirnamet persons and yair foirsaidis, in our full rycht, title, and place of the samin for ever, with power to thame to ask, crave, receive, intromet with, and uptak the haille compositions and sowmes of money to be received for proceuring of the said dignitie of Knyt. baronet, fra quhatsoever persone or persons, &c. It is also heirby provydit, that the assignatioun foirsaid to the compositions and sowmes of money foirsaid to be received for the proportions of land in Nova Scotia, and dignitie of Knyt. baronet, sal be no let nor impediment to us to dispone and resign the said patent, ather to his Matie, or any other, the benefeit and sowmes of money to be gotten yairfor, being alwayes applyed to the payment of the debtis for the relieff of those quha ar ingadged as cautionaris for us, &c."—Gen. Reg. Deeds, Lib. 524.

THE END.

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