



*A Sale  
by Auction  
of Lordships of the Manor  
and a feudal Barony*

*at 2pm o'clock  
on Thursday, 26 July 2007  
at Stationers' Hall, Ave Maria Lane, London EC4M 7DD*

*On the Instructions of A Crown Charity, members of the Aristocracy, and  
others*

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by Auction  
of Lordships of the Manor  
and a feudal Barony**

*To be held at 2pm Thursday,  
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Ave Maria Lane  
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Catalogue: £15.00 or US\$40.00

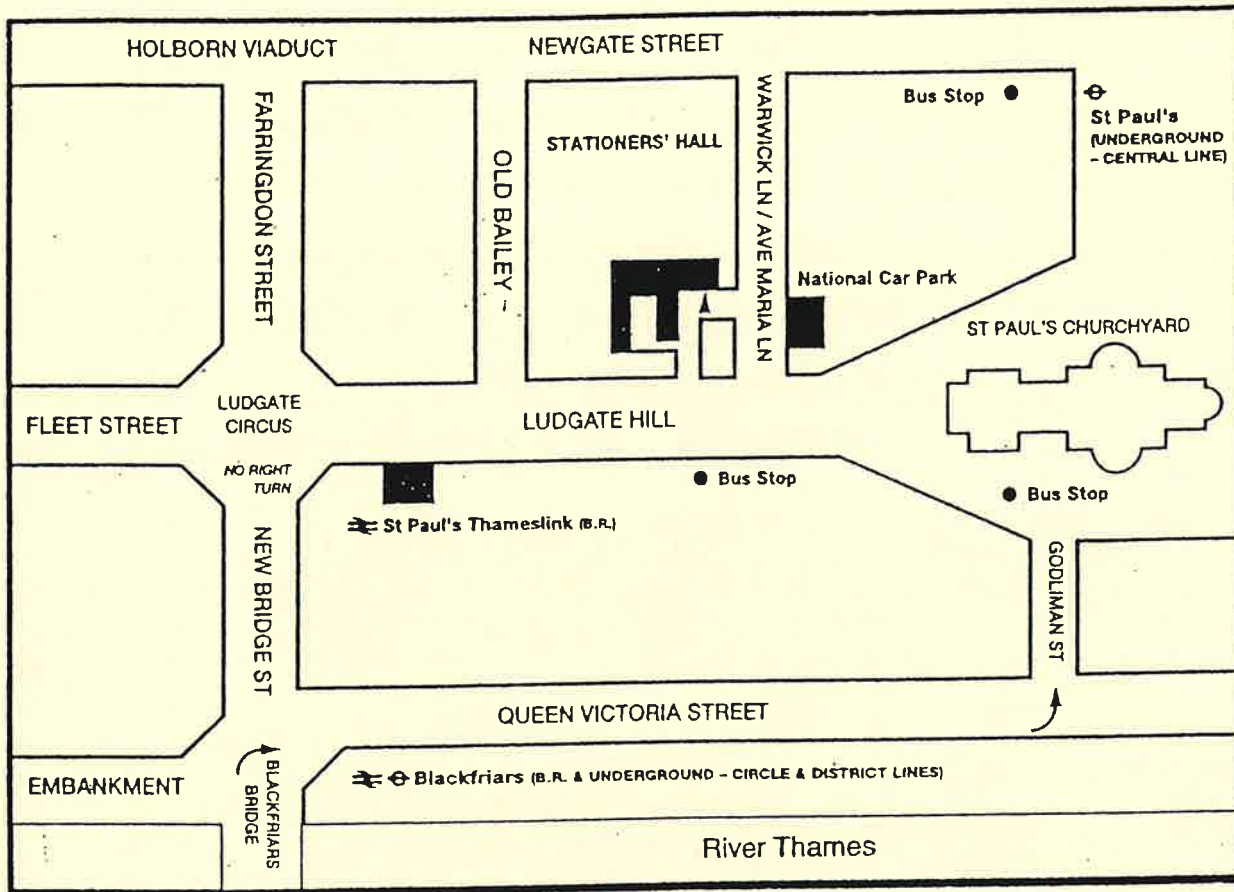
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please see "conduct of the Sale", infra

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# LIST OF LOTS

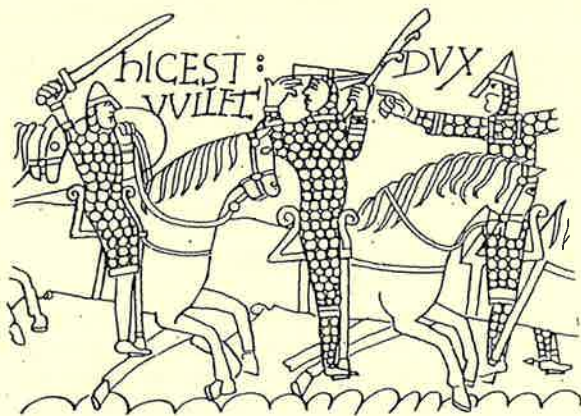
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# LORDSHIPS OF THE MANOR

LORDSHIPS of the Manor are the oldest land titles in England and pre-date the Norman Conquest, begun by William I at the Battle of Hastings in 1066.

Historians are not agreed on how the word Manor originated. It has been suggested that it was a French import, *manoir*, or perhaps even older, from the Latin, *manerium*. Nor are historians sure whether it was a purely Saxon concept, its origins lying in the need for self-defence down the east coast particularly against succeeding incursions by Germanic tribes and later Vikings.

They are agreed, however, that the Manor was the pivot of the Feudal System, "by certain ecclesiastics who propounded the theory that human society was divided into three orders, the *oratores*, the *bellatores*, and the *laboratores*: those who protected it with their prayers and their swords, and those who tilled the earth to support the other two classes" (Dr A P M Wright, Senior Assistant Editor, VCH writing in the *Bulletin of the Manorial Society of Great Britain*, 1981).



By the reign of Edward the Confessor (1042-66), the Lord of the Manor, be he the local leader, or some great suzerain, such as Earl Godwinson of Mercia, was the most important person in village or regional affairs, whether it be collecting taxes for the King or dispensing "high justice", the power to inflict death in his courts.

Historians are also agreed that the Normans institutionalized the Manorial System and set down its landed and service components in Domesday Book, compiled for William the Conqueror in 1086 and listing 13,418 Manors and their owners. It was an inventory of the wealth of the new kingdom and, as such, is still a Government document, housed at the National Archives where it is known as Public Record No 1. The conquerors also introduced the word *feudum*, from *feuum* (the Latin form of the Old English *feoh*, cattle, money, possessions in general); either a landholder's holding, or lands held under the terms of a specific grant.

It took the 18th century, however, to come up with the expression "Feudal System" which is made to have uniform operation in the High Middle Ages. Few things could be further from the truth. The Feudal System was versatile and diverse, which is why its form of landholding survived in many parts of England and Wales until the 1920s, and many rights survive in the 21st century.

In return for his protection and the land he gave them, the people on the Manor, from slaves to freemen, owed their Lord certain

services, ranging from money rents to working so many days a week on the Lord's "home farm", or *demesne*, without pay (week-work).

In theory, most men held their land "at pleasure", though in practice the "customary tenants", or villeins, were fairly secure, provided they undertook their services: week-work, the harvest boon (*precaria*) when they helped the Lord get his corn in, used the Lord's mill to grind their corn and his fold for their animals so that he might benefit from the manure on his land.

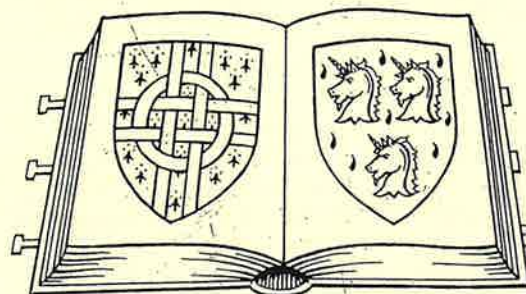
If the tenants of the Manor disagreed, they went before the manorial court, presided over by one of the Lord's officers, usually the Bailiff, who decided and imposed fines often called "arbitrary" though, in fact, usually determined by custom. If there were some crime committed, the Lord could arrest, try, and punish upto "pit and gallows", gibbet, and mutilation.

In the High Middle Ages of the 12th century, a Lord could simply say: "it is my will" and there is surely no better basis for prestige than this. Indeed, the great "nobles" of the period expressed their power through the number of Manors they held, many becoming barons by tenure and, by the reign of Edward I, barons by writ of summons to Parliament.

Throughout the Middle Ages, the English nobility was a caste whose power was based on the ownership of land through the Manor. Their peerages, unlike those on the continent, were purely honorific and they lost them if they lost their landed status.

Nothing is immutable and in time the powers of the Lord were diminished. For example, no self-respecting King of England could permit any other than his own appointed officials to have power of life and death over the King's subjects. From the reign of Henry II, the royal itinerant justices began a long battle with the Lord of the Manor over his powers of criminal jurisdiction. Of course, the kings eventually won, but when Henry III instituted justices of the peace, it was the Lord of the Manor to whom he looked to fill this post as they had the status and local knowledge necessary to win respect. Manorial Lords are by no means missing from the lists of justices, deputy lieutenants, or even lords lieutenant today.

At the economic level, the medieval period saw changes. A substantial increase in the population in the 13th century meant that the irksome duty of week-work from a reluctant peasantry became increasingly unproductive. Agricultural science did not improve much until the 18th century so that land that had been waste at Domesday was being taken under the plough by the 14th century.



The result was the evolution of paid labourers (men no longer tied to the land through the Lordship and, importantly, free to move around) and the reclamation (*assarting*) of waste which was granted out by Lords on very favourable terms to people who became copyholders, effectively freeholders who held title to their land by copy of the manorial court roll in return for a half-yearly rent payable at the Lord's court. The customary tenants gradually benefitted from this process too and became copyholders. Land tenure became more secure as services were commuted for fixed money, or money-equivalent, fines. Although the process accelerated after the Black Death in the middle of the 14th century, commutation of services is found in Domesday Book.

Although frequently strict in the application of their manorial rights, the Church, the largest landowner, tended to be a revolutionizing institution, its priesthood, right up to the highest prelates, originating in the vast majority of cases from the peasantry.

Lords would often apply to the King for special rights within the Manor. The most valuable of these was the monopoly to hold a market and fair in the Manor and these are the most common among Royal Charters to Manorial Lords: there were virtually no shops as we know them, apart from London, Norwich, and York, and retailing was done at markets, the Lord usually being granted in his Charter a Pie Powder Court by which he regulated the activities of buyers and sellers. He derived a financial benefit, first, from letting booths and stalls, and, second, from the profits of the justice his officers meted out.

There are charters for foreshore rights, rights of wreck, treasure trove, free warren (sporting rights), riparian and piscaries rights (river banks and fishing). These are special rights.

*Droit de seigneur*, or *jus primae noctis*, the right to have the bride on her wedding night, is a fiction. It was an alleged right of feudal lords in medieval Europe to sleep the first night with the bride of any of his vassals. There is some evidence of such a right in some primitive societies. 'The only evidence of its existence in Europe is of payments by a vassal in lieu of enforcement of the right, and it is probable that it was merely a kind of tax like the avail or redemption payment in lieu of the lord's right to select a bride for his vassal.' (*The Oxford Companion to Law*, ed. David M Walker). The myth has perhaps been perpetuated in the novels of Jane Austen and Anthony Trollope. The technical term for licence to marry was a fine of Merchet.

General rights were the copyhold income from the tenantry, manorial waste, common land, the profits of justice in the manorial court, *heriots* (payment of 'the best beast or chattel') on death and inheritance, *murage* and *scutage* (a 'tax' for self-defence), *pontage* (a 'tax' for bridge repair), mineral excavation rights, and many others.

It is easy to judge, from this plethora rights, how important the Lord of the Manor was, not only socially, but economically.

#### LAW OF PROPERTY ACT (1922)

In 1922, the Government of the day enacted the most thoroughgoing legislation touching property in England and Wales. So far as the Lord of the Manor was concerned, the Law of Property Act abolished copyhold tenure, taking away his right to be Lord of the soil save that which he owned directly. He was compensated and the copyholds were converted on 1 January 1926 into freehold, or 999-year leasehold.



But the Act went on to confirm many of the historic rights long enjoyed by the Lord of the Manor: the right to market and fair, mineral excavation (subject to the enfranchisement of the copyhold, the subsoil still belongs to the Lord of the Manor), fishing rights, sporting rights, manorial waste (principally the verges of the road and those areas in rural Manors which do not appear to belong to anyone), common land rights (subject to the Common Land Registration Act 1965), even the village green.

Some Lords today charge a manorial wayleave and are paid by British Telecom annually for every telegraph pole planted in the roadside verges. Others operate markets which require planning consent. Still others, in conjunction with the freeholder, employ mineral excavation companies to take out gravel, or sand if the subsoil contains a commercially exploitable deposit.

#### LAND REGISTRATION ACT (2002)

The Land Registration Act (2002) has implications for Lords of Manors and the MSGB held a conference at Merton College, Oxford, in 2005, and published the verbatim *Proceedings* in a report. One lecture is given in this Catalogue at page 21, together with further information about this conference. Intending purchasers are urged to read this section.

The operable historic rights associated with their Manor must be legally established by each purchaser. Those relating to Manors in the past included:

The right to hold market and fairs

The right to common land and manorial waste

The right to all the usual manorial incidents such as merchets, heriots, wardships, tolls, and escheats, pickage, stallage, turbary, and pannage

The rights to mines and quarries within the Manor

Fishing rights

Rights of free warren, free chase, and free forest

Timber rights

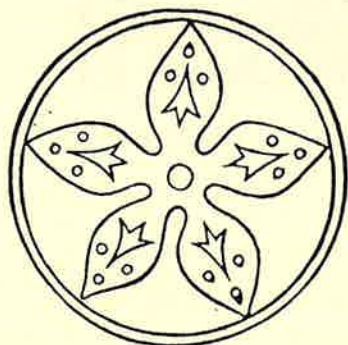
Rights over rivers and foreshore.

#### STATUS

The essence of a Baron's status, according to Professor Sir Frank Stenton (*The First Century of English Feudalism*, Oxford University Press, 1932), was his direct personal relationship with

his Lord, and there can be no closer relationship in medieval society than the swearing of fealty to the King himself. The Lords of Manors, or "mesne tenants", as Professor Stenton describes them, 'appear as a body of very important people' in the 12th century. 'There can be no doubt of their identity, as a class, with the honorial barons of 12th century charters... It is an important element in... the Anglo-Norman state'. Such mesne tenants who held Manors in the 12th century were honorial barons, or territorial peers. Professor Stenton adds that these early references to a lord's barons 'are valuable, historically, for they show that the barons who appear at a later time in Shropshire, Cheshire, Lancashire, and Durham did not owe their style to a near analogy between their position and that of a tenant-in-chief of the Crown, but that they were representatives of men regarded as barons already in the Norman period. Their titles come, in fact, before the conception of baronage was specialized... a specialization that was not to begin to take shape until the late 13th century with barons by writ and, much later still, by letters patent'.

Many of England's most ancient titles of what we are now pleased to call nobility are based on baronies by tenure: eg Earl Ranulph de Meschines grants the Barony of Greystock, Cumbria, to Lyulph, and Henry I confirms this landholding. Lyulph, whose ancestors are completely unknown, is ancestor to eight generations of feudal Barons of Greystock, before the ninth generation, in Ralph, is summoned to Parliament as a baron by writ in 1295. The difference between the baron by writ, or patent, and the honorial baron, or baron by tenure was that the latter would not expect to sit in the councils of the realm unless summoned beyond the reign of Henry III; 92 of the former can now sit in the House of Lords as of right.



The present Duke of Norfolk, is feudal Earl of Arundel (besides being parliamentary earl), a feudal title which, like Lord of the Manor, is protected in the 1922 Property Act. The Duke's ancestor, William de Albin (Albany), married Adeliza, widow of Henry I and daughter of Godfrey Duke of Lorraine. Adeliza had in dower Arundel Castle, Sussex, and William became Earl of Arundel in 1139 by this marriage. The feudal Earldom of Arundel came into the Howard family in 1480, but it was not until the passing of an Act of Parliament in 1628 that Thomas FitzAlan-Howard, 20th feudal Earl of Arundel, also became parliamentary Earl of Arundel. The Duke's feudal Earldom, like a Manor title, is vested in property. The parliamentary earldom would descend to the Duke's successors as specified in the Act and subsequent Acts and patents; but, presumably, were the family to part with Arundel Castle, there would be a feudal Earl of Arundel in addition to a parliamentary earl of the same name.

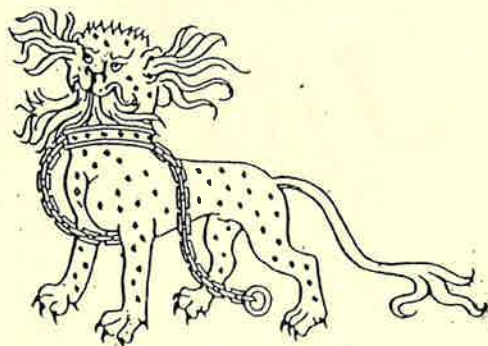
Helen Cam, in her Introduction to *Law-Finders and Law-Makers in Medieval England* (Merlin Press, London), says: 'Whilst the King's vassals fulfilled their responsibilities and vindicated their rights in his courts, all over England, their own sub-vassals, the baron's barons, were acting as judges in their Lords'

courts, and helping to adjust the conflicting claims of the old and new tenants of the honour and the manor.'

In describing thegnship, that Saxon Lordship with which Domesday is scattered, Professor FW Maitland (*Domesday Book and Beyond*, Cambridge University Press, 1897), calls wealthy thegns *barones maiores* and "less-thegns" *barones minores*. 'The household of a great man, but more especially the King's household, is the cradle of thegnship... Then the King... begins to give land to his thegns, and thus the nature of thegnship is modified. The thegn no longer lives in his lord's court; he is a warrior endowed with land. Then the thegnship becomes more than a relationship; it becomes a status.'

Right into the early Angevin period (*circa* 1160), the King's barons, Professor Stenton writes (*op cit*), 'remained a large and indeterminate body, defined by a rough equality of rank and a general similarity of territorial position, but by nothing that even approximated to any rule of law'. The word Baron is used by historians and writers today in a way that it is safe to assume that the author is thinking of a tenant-in-chief of the King. 'In a general survey of constitutional history,' Professor Maitland remarks, 'it is convenient to use the term in this limited sense. But the usage receives no support from the private charters of the Norman period, in which earls, bishops, and many lords of lesser status continually speak of their own tenants as *barones*.'

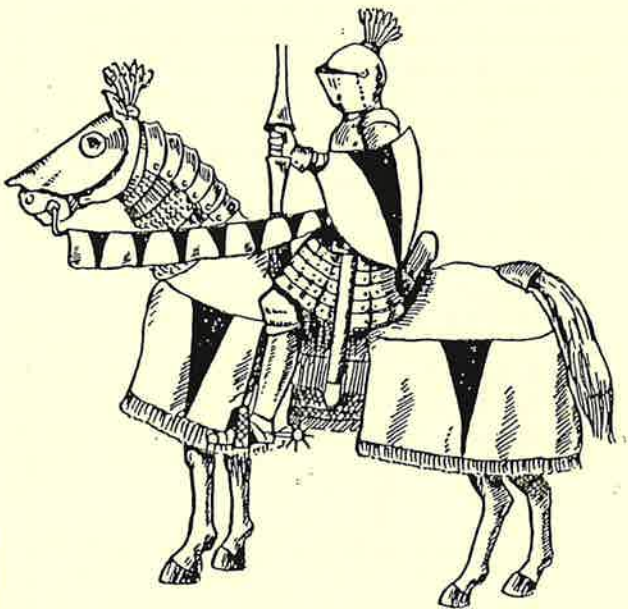
'Dark as is the early history of the manor,' Professor Maitland writes in *The Constitutional History of England* (Cambridge University Press, 1926), 'we can see that before the Conquest England is covered by what in all substantive points are manors, though the term manor is brought hither by the Normans.' Since this is so and since, as already observed, there can be no surer basis of prestige than to say, 'it is my will', the status conveyed by Manorial Lordship, or Feudal Barony pre-dates the peerage of England, as it is understood today, by at least 200 years. The former is vested in jurisdiction over land, the second in the will of the sovereign and is purely honorific.



The military aristocracy of the early 12th century would, probably laugh at the later concept of nobility through pedigree. Most would probably not have known who their grand parents were. Nothing is known of the family of Hugh the Great, Duke of France, who ruled that cradle of the chivalric ideal in the 10th century. William the Conqueror's principal followers were opportunistic thugs, most of whom are never heard of again after Domesday Book; while even of those who went on to become earls and bishops later, we know virtually nothing of their antecedents. Early pedigree charts are fragmentary. The Anglo-Norman period was one of great rises to, and falls from, fortune. There was no time to consider such niceties as "nobility", or pedigree. A great family is suddenly there: take the celebrated house of Bellême, who rise to instant prominence; their "ancestor" of one generation seems to have been a crossbowman. He becomes a Lord of Manors and, being practical, it was this wealth that was all that mattered. The Anglo-Norman and early Angevin monarchs were only interested in a man's

landholding and territorial power, and the money and services they could extract.

In the French or German sense of the word, medieval England had no nobility; that is to say that among the freemen there was no intrinsically superior class enjoying a privileged *legal* status of its own, transmitted by descent. In appearance, English society was an astonishingly egalitarian structure. That said, essentially, it was based on the existence of an extremely rigid hierarchic division, though the line was drawn at a lower level than elsewhere in Europe. It meant that on English soil, the freeman was in law scarcely less distinguishable from the nobleman. But the freemen themselves were an oligarchy. Yet England had an aristocracy as powerful as any in Europe - more powerful perhaps because the land of the peasants, through the Manor, was still more at its mercy. It was a class of Manorial Lords, of warrior chieftains, of royal officials, and of knights of the shire - all of them men whose mode of life differed greatly and consciously from that of the common run of freemen. At the top was the narrow circle of earls and barons. During the 13th century, this highest group began to be endowed with fairly definite privileges, but these were almost exclusively political and honorific in nature; and, above all, being attached to the *fief de dignité*, to the Honour, they were transmissible only to the eldest son. In short, the class of noblemen in England remained as a whole more a social than a legal class.



Naturally, although power and revenues were as a rule inherited, and although, as on the continent, the prestige of birth was greatly prized, this group was too ill-defined not to remain largely open. In the 13th century, the possession of landed wealth was sufficient to authorize the assumption of knighthood, in fact made it obligatory. Something like a century and a half later, it officially confirmed the right (always restricted by the characteristic rule to free tenure) to elect in the shires the representatives of the Commons of the land. And, although in theory, these same representatives - they were known by the significant name of knights of the shire and had originally, in fact, to be chosen from among the dubbed knights - were required to furnish proof of hereditary armorial bearings, it does not appear that in practice any family of solid wealth and social distinction ever encountered much difficulty in obtaining permission to use such emblems. There were no 'letters of nobility' among the English at this period - the creation of baronets by the needy House

of Stewart was only a belated imitation of French practices. There was no need for them. The actual situation was enough.

We must wait until the 14th century, or possibly the very late 13th, before the idea of chivalry, or *prudhomie*, or pedigree begin to become important in England as concepts, setting some men apart from others, and reflecting, among other things, a more settled state in society. Edward III inaugurates the 'Round Table' in the Order of the Garter. Parliament, in 1351, in the Statute of Labourers, attempts for the first time to restrict the acquisition of land and Manors by wealthy merchants from impoverished 'old money'. Parliament tries again and again in the 14th and throughout the 15th centuries to stop commercial new money from wearing certain furs and velvets, or owning more than 40 acres in the country.

Such efforts were thwarted by economic realities and the Kings of England themselves, the Tudors particularly, preferring new wealth and the cleverness that spawned it, to the old wealth and jealousies that sustained it.



Badges, banners, flags, seals were originally intended as means by which a man might be identified in time of battle, perhaps, or on papers which the illiterate, many of whom included the nobility, could recognize. Henry V established something approximating to a formalization of these devices. Richard III in 1484 established the College of Arms which contains a number of Household officers: the three Kings of Arms, Garter, Clarenceux, and Norroy and Ulster; a number of Officers in Ordinary (Heralds); and Pursuivants and Officers Extraordinary. They have granted arms to men and women of virtue for more than 500 years, despite conceits, which have appeared in every generation since 1484 - even to this day - which would ossify the institution.

It has been mainly by keeping close to the practical things which give real power, and avoiding the paralysis that overtakes social classes, which are too sharply divided and too dependent on birth, that the English aristocracy acquired the dominant position it retained for centuries, and to some extent still does socially.

In purchasing a Manor, therefore, one inherits the status that this form of tenure implies and becomes the successor in title to a line of men and women, many of whom have had a pronounced influence on the history of the British Isles.

**Robert Smith OStJ BA**  
Chairman  
The Manorial Society of Great Britain

# The Origin and Evolution of English Manors

by A P M Wright

IN THE early 11th century, certain ecclesiastics, unwitting precursors of functionalist sociology, propounded the theory that human society was divided into three orders, the *oratores*, *bellatores*, and *laboratores*: those who protected it with their prayers and their swords, and those who tilled the earth to support the other two classes. When the Manor was first recorded by that name in England, in 1086 in the pages of Domesday Book, social developments, including the revival of commerce and town life, were already beginning to make such a classification inadequate, though it applied fairly well to Western Europe over the previous half millennium.

During that period, the poor state of communications made it difficult to transport what small surplus the primitive and inefficient agricultural techniques in use produced, and made self-sufficiency in each locality necessary. The same difficulty obliged rulers to delegate their powers to local potentates who found it only too easy to convert such authority into hereditary, private possession. Money was in use, but it was rather a measure of value than a regular means of exchange. The silver penny introduced by the Carolingians (Kings of France in the ninth century) was of quite high value in terms of corn and livestock. The Manor, therefore, proved the most convenient institution for obtaining from the peasantry the resources needed to maintain the higher orders of clergy and warriors. Just as men of the warrior order held land in return for fighting for their king or lord, so the peasants paid for the land which the wealthy and powerful gave them, or allowed them to keep, with their labour in cultivating the fields or carrying the produce to palace or monastery. Some of the men subject to such obligations were probably descended from bondmen whom their masters had settled on small holdings, to make them self-supporting in food, while retaining their services. Others, legally free, had surrendered their holdings to a powerful neighbour, to receive them back burdened with services, in return for assistance in times of scarcity and protection from oppression by others than himself.

Although England during the Anglo-Saxon period is poorly documented for economic history, glimpses can be obtained of the development of Manors there also. It has been suggested that the medieval England Manor was directly derived from the Roman-British villa, English chieftains taking over ownership, as Frankish and Gothic invaders did from Roman landowners elsewhere, while their serfs were thought to descend from a subjugated British peasantry. Such a transfer of lordship could have occurred in regions where Romano-British society survived relatively intact at the moment when the English overran it. In other parts, where the population consisted mainly of English settlers, a social hierarchy existed which could involve dependent landholding on a manorial system.

Apart from slaves and surviving Welshmen, free men were differentiated *eorls* of noble rank, and *ceorls*, or peasant husbandmen. Many village names, in which an Anglo-Saxon personal name is combined with "tun" or "ham" probably indicate places where leaders of tribes settled, surrounded by followers whose subjection to them, expressed through yielding produce or services, could be made progressively more burdensome. By 700, thegns in Wessex, who had settled men on newly cultivated land, could make them in return work on the donor's land. If the thegn provided a house as well, the recipient was bound for life to his service.

Manorialism also spread through the alienation of the English kings' rights over land and its inhabitants. Scattered over the various Anglo-Saxon Kingdoms during the Heptarchy (see map) were "king's tuns", to which the men of the surrounding district customarily delivered amounts of bread and ale, meat and poultry, butter, cheese, and honey, sufficient to provision the king for a day and a night as he journeyed around his realm. They might also come in for a few days each year to plough and harvest any farmland that the king had there. His reeve might also collect there the sums due to him upon breaches of the law.

From the 7th century, for the safety of their souls and their kingdoms, kings steadily gave away such estates, or fractions of them, often comprising whole villages, to their bishops, abbots, and nobles in perpetuity. Each such grant implied the right to draw revenues and services from the husbandmen there and often to exercise jurisdiction over them for the grantee's profit. By the 10th century a great mass of the peasantry, even apart from the numerous serfs, was mostly still tied. On many estates their obligations included, besides for various renders in kind and the ploughing of a portion of their lord's lands, working for him every week, as villein, did later, in whatever way they were commanded. In much of eastern England, however, where Danish invasion and settlement had disrupted the old English social structure, the cultivators were less subject to Manorial lordship. Those regions contained until after 1066 many sokemen, whose main duty to their lord was to "seek" the jurisdiction of his court. In many villages there, no substantial landowner had any large area in hand, the land being divided among the resident peasants.

In organization of lordships, as in other fields, the Norman Conquest produced, despite the forcible dispossession of the English aristocracy, not so much a cataclysmic transformation, but a sharper and more systematic development of existing institutions. The name of the Manor, from the lord's manoir, or residence, was indeed an innovation. The parcelling out of the land into Manors, where they did not already exist, was moreover required by the enforcement of feudal tenure, as the Conqueror and his barons distributed land to their vassals, to be held by providing knights. The Manor became the economic unit supplying the knight with the income to maintain him and to pay for his arms and horse. Since Manors varied in size and value there was no correlation between them and the knight's fee, the amount of land theoretically sufficient for the support of a knight. The new Norman lords did perhaps make use of the villagers on their Manors somewhat more than their predecessors had done: Domesday Book sometimes indicates that the amount of income obtained was higher than those paying it could comfortably yield. Manorialization was extended in areas, as in the east, where it had been weak in 1066. Many free men and sokemen were degraded from their previous partial independence to the status of the *villani*, ordinary villagers, and may have incurred more obligations as a result.

It is in the records from the early 12th century, after those changes, that the "classic" type of English Manor becomes clearly visible. The land within it fell into two portions: the lord's mesne under his immediate control, whose produce was for the support of him and his household; and the tenanted land, from which services were provided to cultivate the demesne. In 1086, many Manors had had serfs who probably worked con



From BLOOD ROYAL, published for the Manorial Society of Great Britain

tinuously on the demesne, but chattel slavery died out soon. Thereafter, the lords drew the necessary labour, partly from their tenants, partly from a small group of permanently hired men, some specially skilled as ploughmen or shepherds. Such farm workers received, besides a small money wage, yearly payments in corn. The demesne usually included a Manor house or farmstead, where some permanent agent, if not the lord himself, lived, surrounded by enclosures of meadow and pasture larger than those of other landholders on the Manor. In the arable open fields too the lord had much of his land lying together in largish blocks, saving him the trouble of moving his ploughs about the fields as frequently as the peasants had to, with their small strips of an acre or less.

The tenanted land was usually held partly freely, partly in villeinage. The freeholders paid their dues to the lord mainly in money rents, but might owe some labour services at special times of year, often of a more honourable kind, such as supervizing other workers in harvest. The villein tenements were less secure and more heavily burdened. Legally, they were held entirely at the lord's will. In practice, they passed from father to son, for such land was unprofitable without men to farm it. But a villein tenant ejected or denied succession by the lord had no legal redress. Most villein holdings owed some money rents, perhaps a commutation of ancient renders in kind, or a continuation of a yearly levy, called before the Conquest *gafol*, perhaps once due to the king. Each holding sent a man to work on the demesne for two or three days a week, and at the relevant seasons to plough and harrow so many acres of it, and to mow the lord's meadows. The tenant also had to use his cart and draught beasts to carry the lord's crops to his house or to neighbouring markets. During the harvest, villein tenants had to come once or twice with several men, or with their whole households, to reap and carry the lord's crops, to get them while favourable weather lasted. The name *precaria*, or harvest boon, given to that service, probably recalls a long distant past when men had voluntarily given their lords and neighbours such assistance from goodwill. Such tenants also had to send their sheep to the lord's fold, giving him the advantage of their manure, and to grind his corn at the lord's mill: the toll went to the lord through the miller's rent. The lord in his turn in times of bad harvest, would subsidize the poor from his barn.

The distinction between freemen and villeinage holding was not based on the tenant's personal status. Free men could hold land in villeinage, performing the labour due from it, without necessary forfeiting their freedom, although a family once free whose members did so for several generations risked losing its free status. A freeman's children born on such a holding to a villeinage woman, perhaps its heiress, were moreover reckoned as unfree. Over those who were villeins by birth, also styled *nativi*, the lord had even greater authority. He might, and sometimes did, sell or give away a villein and his offspring, though usually only with the land they occupied. Villeins might not depart from the Manor without their lord's leave. If, at a price, he allowed them to live elsewhere, they must still pay every year chevage, head money, as evidence of their continuing in bondage. Villeins had to pay the lord "merchet" on giving their daughters in marriage. Their personal goods were supposed to be his and at his will he might exact from them as much as he chose, as *tallage*. In practice, however, *tallage* was often taken from villeins as a group as an annual payment, not varying greatly in amount. When a villein died, the lord took his best beast as a heriot. The term had once referred to a thegn's arms returned at his death to the lord who had given them. Its use among the peasantry perhaps recalls a period at which a lord, when giving land, had also supplied the livestock to work it.

The divergence in standing which thus gave the Manorial lord far more power over some of his men than over others was probably in some cases caused by some families retaining an ancestral freedom from before 1066. Elsewhere, descendants of some of the undifferentiated *villani* of 1086 had acquired by prescription a freedom of tenure and status in time to be protected by the developing Common Law; while many others, of similar origins, saw themselves subjected more firmly to their lords, as the king's judges established clearer definitions of freedom and serfdom, and declined to extend to more than a minority of the peasantry that protection from arbitrary treatment by their lords which the Common Law offered to acknowledged freeholders. In doing so, the courts were influenced partly by Roman Law doctrines about slavery, partly perhaps by unwillingness to determine every petty dispute between lord and tenant throughout England. The tests adopted for deciding whether a peasant held freely or in villeinage were not clear cut. Liability to merchet and tallage were considered strong evidence of villeinage, although free men also occasionally owed them. The most important criterion was not simply the type of render due to the lord, money or labour. Although most freeholders paid the money rents, considered more honourable, some owed not inconsiderable works. The issue turned rather on the certainty or otherwise of the services rendered. To hold freely a man must only have to do yearly a fixed amount of work. If a lord were entitled to demand as much work for a holding as he chose, the courts reckoned that it was villein land. In practice, indeed, the level of labour services imposed was regulated by tradition on each Manor; but the courts would not protect admitted villein tenants from attempts by their lords to increase it.

Some villeins sought to escape their disabilities by buying from their lords charters of enfranchisement. Such purchases were not very frequent, for the line between freedom and villeinage was one of legal status, not of material well-being. Some freeholders owned more land than most villeins, but many others had only minute holdings: free hand was often divisible between heirs. The lords usually insisted that the villeins' holdings, typically full, half, and quarter yardlands, of 30, 15, or 7.5 customary acres, be preserved as units, so that the services due from them in proportion to their size could be more easily exacted. Many free men, therefore, were no better off than at lowest stratum of Manorial tenants, the cottager. They probably derived from the bordars and cottagers, holding five acres or less each, recorded in 1086. Mostly unfree personally, they usually owned only their cottage and the croft around it, sometimes a few open-field acres. Being hardly able to live by cultivating their own land, they furnished a reserve of labour for hiring by those more prosperous peasants who had holdings too large to be worked solely by their family, and in particular by the lord. He had naturally an advantage in bargaining over wages with men who could not easily seek work elsewhere without his leave.

Such was the organization of the Manor, as it was recorded on the estates of the large Benedictine monasteries and some other great landowners. But it was not typical of all Manors, the extent to which that model prevailed varying in space and time. There were parts of England where villeinage was of little importance. In Kent, the peasantry were almost all personally free, and owed only money rents and some seasonal services. Over much of East Anglia, besides a class of full freeholders already flourishing in the 12th century, there were many molemen, who, although personally unfree, held their land for permanently fixed rents. In the pastoral uplands of the North, much peasant tenure involved mainly renders of cattle and a form of military service to repel raids across the Scottish border. In Cornwall, by 1300, much land was held on a purely contractual basis: men took it

up from the lord for terms of years at rents partly determined by market forces. Even in the Midlands and the South of England, the heartland of the "model" Manor, there were exceptions to its dominance. Many villages contained several Manors so that no single lord had exclusive control of the peasants. The smaller Manors belonging to knights and franklins often also differed from the model just described. On many of them, week work was not customary, and their villein tenants performed only the seasonal tasks of ploughing, haymaking, and harvesting. Some Manors had, besides their demesne, only free tenants, others only a few villeins, whose services would not be sufficient to work the demesne. A few Manors contained no demesne at all, but only rights of lordship over freeholders and villeins, so that their revenue could only be received in cash.

From the 11th century, moreover, the Manor was placed in a changed economic environment. Coinage was becoming relatively plentiful, witness the thousands of silver pennies exacted from England as Danegeld, a fraction of which has been discovered in buried hoards in Scandinavia. The lords thus had the option of drawing their income from the peasantry, not in kind or labour, but mainly in cash. In Domesday Book, most Manors have a money value on them, which probably represents the sum obtainable by renting them out. On many estates, lay and ecclesiastical, they were by 1100 leased to middlemen as *firmarii*, farmers, who undertook their management, for a fixed or "farm" rent. Such leases then usually included the stock and seed needed to cultivate the demesne, with the right to call on the tenants' labour services, but lords often reserved their money rents to themselves. The convenience of farming out Manors was balanced by risks. Leases were usually made for life and, if allowed to pass in the same family, might easily become *de facto* hereditary, making it hard for the lord to regain possession at their expiry. Farmers, too, were often willing to connive with a preference from the peasantry for paying their dues in money rather than by labour, and thus achieving a tenure that could be claimed as freehold, and for those remaining in villeinage, knowledge of what works they owed might be obscured.

The practice of farming Manors was eventually abandoned when in the 12th century, England was afflicted with its first serious recorded inflation. The farmers could take the profit from rising prices, while the unchanged rents which they paid yielded many lords too small an income to meet the increasing expense of a noble or knightly lifestyle. By 1200, many lords were responding by taking their Manors back under their personal control. They were then run, sometimes by reeves drawn from the unfree tenants, sometimes by salaried bailiffs, who might have professional experience of farm management. The monasteries, whose exemption from military pursuits gave their rulers more leisure for supervising their estates, were especially prominent in undertaking such direct management of their demesne. For almost 200 years, landlords continued to develop their Manors intensively themselves, aiming no longer simply at subsistence, although some produce was often delivered to their households, but at financial profit by selling corn, wool, and cattle on the market. Their seignorial rights over their tenants were revived for the purpose. Freeholders, whose rents were fixed, escaped the heaviest pressure, but villeins were often faced with demands for their performing anew traditional labour-services, which their lords might try to increase, under the guise of defining them. The peasants naturally resisted, sometimes by passive noncooperation, sometimes by lawsuits. Before the king's judges, they often claimed to belong to the ancient demesne of the Crown; the privileged villein tenants on it were entitled to royal protection in holding their land securely and in rendering only fixed customary services. The courts, however, decided that only those Manors named as the king's in Domesday Book could claim

those privileges, and the villeins' lawsuits usually failed, leaving them to the uncertain protection of a Manorial custom that the lord might well override.

Some lords met peasant resistance with open force, exercising their admitted right to imprison their villeins, confiscating their land, or fining them to the uttermost for their defiance. Such repression was assisted by the economic situation. Until the early 14th century, the population was steadily rising, and even land on the margin of profitable cultivation had to be brought under the plough to feed the growing numbers. There was, therefore, a strong demand for villein land, even on burdensome terms, while the competition of many labourers, landless or nearly so, kept down agricultural wage rates. A man who, finding his lord's demand too heavy, fled from the Manor without leave, must leave behind the land and cattle which had been his livelihood; and even if he escaped recapture, and in some distant borough or village achieved a *de facto* freedom, he was likely, lacking training in a craft, to be reduced to penury. So it did not matter too much to lords that the legal burden of proving that a man, ostensibly free, was really their villein, came to rest on them. Most villeins perforce stayed on their holdings, though no doubt grumbling and sometimes, at the risk of occasional fines, shirking as much of the labour imposed on them as they could.

The lords did not, in any case, invariably demand that such services be performed in full. Besides being perhaps aware of the relative inefficiency of forced labour, they might find that the value of a particular work was less than the return customarily expected for it in food or other perquisites; especially the hearty meals due to harvesters. Lords were often therefore ready to "sell" or commute works for cash payments, usually 1/2d. to 2d. for ordinary week work, double for the especially useful harvest works. The figure chosen was probably originally equivalent to the cost of hiring substitute labour. Lord and villein might agree to commute a whole year's work in advance, making the villein temporarily a near rent payer. More often, perhaps, only those individual works not required on the demesne were commuted one by one. The choice whether to commute rested with the lord and the process was not entirely to the villein's advantage. Although spared the indignity of compulsory labour and able to devote more time to his own land, he had to raise the necessary cash by selling a larger proportion of the crops of a holding that might even in good years be barely sufficient to support himself and his family.

By such exactions, the lords substantially increased their real incomes over the 13th century at the expense of the peasantry. On many Manors, half or more of that income came not from demesne farming, whether using villeins' works or hired labour, but immediately in money, from rents, including some for leasing out small pieces of demesne, commutation of works, mills, "sales" of the right to use the lord's grass and woodland, and the profits of his courts. The increasing intensity with which lords exploited their rights is reflected by changes in the type of records concerned with Manorial management. In the 12th century, when economic change was slow and hardly noticed or expected, the lords had surveys made at long intervals, showing the extent of the demesne, the amount of stock employed on it, and the numbers and size of the tenants' holdings with the services they owed. William the Conqueror had had Domesday Book compiled as a once-for-all record of the wealth and landholding in his new kingdom. By the mid 13th century, such surveys were supplemented by new kinds of document, the account and the court roll. The account, which enumerated in detail all receipts and expenditure, was designed less to help the lord estimate the profitability of his demesne farming, although some landowners

came to use it for that purpose, than to ensure that his agent running the Manor answered for every penny due. Court rolls enabled a lord to check the occasional income arising from his men's land dealings and law breaking, besides providing a record of proceedings in his court.

A Manorial court was, in theory, held every three weeks, and usually met frequently until the 15th century when its business was often concentrated into two sittings in spring and autumn. Although it was held in the lord's name by his steward, he was not, formally at least, judge in his own cause. The court's judgments were made by the assembled body of tenants, styled the homage, or a jury drawn from them. Such juries also, when necessary, swore that the special customs of that Manor were, whether over their obligations to the lord or the rules for inheritance of unfree holdings. The authority of those courts derived from several origins. Before the Conquest, kings had allowed landowners a wide jurisdiction over their peasants, reserving only serious cases of robbery and violence. Feudal custom gave any lord the right to try, in a court composed of his tenants, disputes arising between them. So the peasants regularly sued one another in the Manor court in minor cases of debt and contract, assault and trespass. The court also enforced the lord's rights against those neglecting to render their dues to him or encroaching on his property, and recorded his admission of men to holdings and the "fine" exacted for their entry upon them. Lawyers later styled courts handling such business customary courts or courts baron: only the latter were supposed to have authority over freeholders. But such distinctions were not made in medieval times.

Many Manorial lords also had higher rights of jurisdiction, which became those of courts leet. The king's lawyers held that they were possessed by delegation of royal authority, but in practice they were admittedly enjoyed by long established custom "from a time beyond human memory". The principal jurisdiction was view of frankpledge. It entitled a lord to check that his unfree tenants, freemen being exempt, all belonged to the groups, called tithings, into which the peasantry was divided to help maintain public order: tithings were collectively liable to be fined for their individual member's offences. Courts leet had, too, a form of police jurisdiction, with the power to punish bloodshed, scolding, and similar breaches of the peace. From the 14th century they usually named the constables responsible for leading the villagers in repressing crime. Most lords also had the right to enforce the assize of bread and of ale, by which the price, measure, and quality of those basic foods, when produced for sale, were controlled. The courts regularly appointed ale-tasters to do so in practice, the lord simply took the fines imposed on the villages ale wives and bakers, as a kind of licensing fee, without trying to make them mend their ways. To some Manors also belonged the right to take the forfeited goods of tenants convicted of felony, or that of infangthief. The latter entitled a lord to hang thieves caught red-handed on his land. The Manorial gallows was, however, rather a token of its owner's standing than a frequently used instrument of justice.

The decline of the Manor as an economic institution began with economic changes in the late 14th century. The slow fall in population resulting from the Black Death and the recurrent plagues that followed reduced the pressure that lords could exert upon their tenants. Prices fell, and wage-rates, despite attempts to hold them down by legislation, slowly but steadily increased, doubling by the end of the 14th century. There was reduced demand for villein holdings from a less numerous peasantry, who could more easily find land or employment elsewhere. The demands put forward during the Peasants' Revolt for personal freedom for all and the right to hold land solely for rent reveal the under-

lying resentment still felt against villeinage and compulsory labour. Lords found that men would not accept holdings liable to such burdens. If they were not to be left vacant, such tenements had to be let out at rent. At first, such leases were for short periods, the lords still hoping eventually to restore the old order. From the 15th century, however, the renting out of former villein land became permanent and its tenure hereditary: and the rents as fixed as those for freeholds had been since the 12th century. The class of customary tenants was gradually transformed into one of copyholders, so named from their receiving as title deeds copies of the court roll entries recording their admission. The inferior status of their tenure, the freehold of it remaining with the lord, was marked by the ceremony used in transferring it. Heirs or purchasers of copyhold must come into the court and receive possession from the steward "to hold at the will of the lord, according to the custom of the Manor". Villein status as such, however, was never formally abolished. In 1381, the landowners when asked in Parliament, emphatically repudiated the proposal that they should free their bondmen. Even in the 16th century, wealthy townsmen of unfree ancestry might be coerced by a lord under colour of his right to confiscate or tallage their goods. The Crown, too, raised small sums by granting commissions for the compulsory enfranchisement, at a price, of bondmen on royal Manors. But for the great majority of the peasantry, custom assisted by a more rapid turnover of village populations and the dying out of known villein families had lifted the ignominy of servitude by 1500.

Higher wages and the loss of villein works also helped to end the lord's farming their demense themselves. Between the 1380s and the 1420s most landlords, to stem the decline in farming profits, turned to leasing them out at rents which, fixed at least for a time, would protect their incomes. A few kept some demense as home farms to supply their households. Some demenses were leased to the body of villagers who would probably share them out in proportion to their previous land holdings. Mostly, however, they were let as units, at first often to prosperous villagers, drawn from the class of men who had run them for the lord as reeve or bailiff. From the late 15th century, demesne leases were more often acquired by neighbouring small gentry or merchants from nearby towns. Such men, by close personal supervision or specialization, might make demesne farms pay, where more remote owners could not. The lord usually reserved to himself the cash income from tenants' rents and his courts. So the English aristocracy and gentry finally withdrew from the direct exploitation of their lands, becoming, as it remained later, primarily rentiers.

Manorial Lordships still, however, gave a landowner certain advantages over his tenants. Copyholders were forbidden to impair the value of their holdings by letting buildings there fall into disrepair, to cut down trees, or to let their land for more than a year without their lord's leave. If they did, the tenement was formally forfeited, though usually restored on payment of a fine. More important was the copyholder's relatively precarious right of succession. By the late 15th century, the king's courts were indeed willing if a copyholder could afford to appeal to them, to protect him against outright eviction by his lord, but a son was often vulnerable when his father died. In the West of England copyholds were commonly held for the lives of two or three named members of the tenant's family. In the East, they were usually heritable like freehold. In either case, the lord was entitled to an entry fine from heirs seeking admission. On some Manors that fine was fixed by custom, often at a year's rent. On most its amount was arbitrary, at the lord's discretion, and was steadily increased throughout the 16th century. By setting it too high for the heir to afford to pay, the lord could in effect frustrate his claim to inherit. Many copyholders, especially those

for lives, were thus compelled to renounce hereditary right in their ancestral lands, though sometimes they received leaseholds for lives instead. By 1600, however, the royal courts had largely blocked that loophole. They decided that a fine must be 'reasonable', which was defined as not being more than two year's real value of the property. Thereafter, copyhold tenure, though still subject to special rules and practices, was nearly as secure as freehold.

Until the 17th century, the Manor also remained important in village life through the activity of its court. During the 15th century, its police jurisdiction and later its hearing of ordinary lawsuits over money gradually fell into disuse. But much business remained. Since the 14th century, the court had regularly noted and published breaches of the customary practices of open-field husbandry, especially those related to common pasturage. It appointed haywards and common herdsmen to enforce those rules. It also dealt with the many small nuisances, digging up roads for clay, not scouring watercourses, or fouling streams and streets with domestic refuse, with which villagers might incommode their neighbours. The frequent repetition of orders and punishments in such matters suggests that the court's efforts were more persistent than successful. By the 15th century, such rules were regularly recorded on the roll as "bylaws" or ordinances, made in legislative style "by the assent of the lord and the tenants, for the common weal of the township". In villages containing more than one Manor, it was usually through the court of the largest, sometimes styled the chief manor, that the villagers thus managed their communal business.

From the mid-17th century, however, the courts mostly ceased to concern themselves with such matters. The country lawyers who ran them as stewards confined the recorded business mostly to reciting, in formalized detail, successions to, and transfers of, copyhold land: it was only in that that the lord had a financial interest. Agrarian bylaw were still occasionally repeated in stereotyped form, but any attempt to enforce them apparently ceased. Where once the whole body of tenants had been expected to attend, on pain of fines, one or two farmers represented them. Control of villages passed to other bodies, such as the parish vestry.

Such courts saw, however, their activity revived through special circumstances in certain of the new industrial towns which grew up in the 18th century, such as Birmingham and Manchester. Despite their increasing population, they had not obtained a chartered corporation, but remained legally mere townships. Their courts baron might provide a forum conveniently close at hand for litigation over small sums. The process of the court leet to repress public nuisances were the only ones available to preserve a minimum level of urban decency. So shopkeepers and manufactures took up ancient offices as bailiffs, constables, and headboroughs to help manage their new cities. If, as often happens, the right to hold a weekly market belonged to the Lord of a Manor, the manor's court appointment of searchers of food and other goods offered for sale provided a means to ensure trading standards.

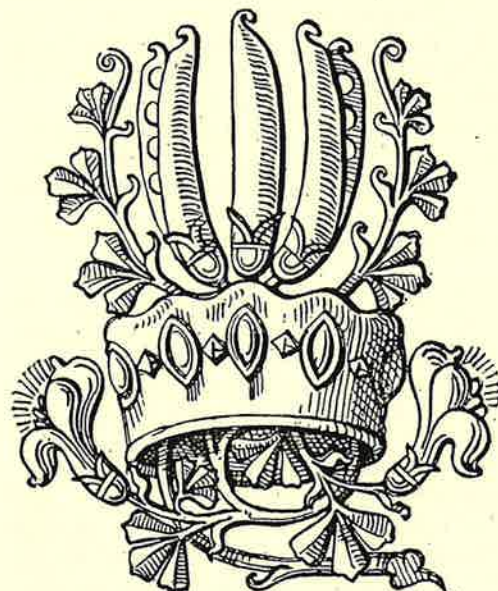
Over most of rural England, however, the Manor had declined by 1800. Its remaining rights of supervizing open-field farming vanished with the steady enclosure of open-fields and commons in the 18th and the early 19th centuries. In those wider regions, where extensive common land survived, the court might still be occasionally called formally into action. The enfranchisement of copyhold into freehold, the lord taking a capital sum for renouncing his right to rents and entry fines, proceeded steadily encouraged by a series of statutes, from the mid-19th century. From 1926, copyhold tenure itself was abolished. There-

after, the only potentially profitable right attached to a manorial lordship was that over minerals under remaining commons, and in some cases under former copyhold lands, and manorial wastes. The name of the Manor, in common usage, often come to refer to the complex belonging to a landed estate, so that appointing a gamekeeper over sporting rights was the lord's most obvious activity.

The surviving substances of the Manor, the leased demesne farm, however, continued from the 16th century to the early 20th, as a principal support of the landed classes. Historians trying to discover the proportion of land owned by different sections of those classes, peerage, gentry, and yeomanry, have found it convenient to count the number of Manors held at different periods by such groups. The ties between landlord and leasee, moreover, long remained not simply commercial. It retained traces of that seignorial systems, involving authority and protection on one side, respect and service on the other, which had been more clearly shown in the medieval Manor. In the 16th century, landowners fully expected their dependants' backing in feud with neighbouring gentry, in the 18th and 19th century their support at parliamentary elections. Just as customary tenements had in practice been heritable, so leasehold might remain for generations in the same family. Until the mid 17th century, most leases of demesne or former copyhold were made for two or three lives at relatively low rents, seldom changed, but subjected to high "fines" when they fell due for renewal.

Within the village, too, the demesne, where it survived undivided, gave the lord who owned it the opportunity to dominate local life. Some lords might be descended from medieval knights, others the successors of merchants or lawyers or rising yeoman who had bought the manor in Tudor or Stuart times. In either case, they were well placed to buy up smaller landholdings. In those villages where, in the 19th century, most of the farmland was in the hands of one or two families, they will usually be found to be the heirs in title of the medieval Lords of the Manor. It was not until after the First World War that the flood of land sales converted much of England from a regime of landlord and tenant to one of owner- occupation.

*This essay was first published in 1981 in the Bulletin of the Manorial Society of Great Britain. Dr Wright was at the time, Senior Research Assistant at the Victoria History of the Counties of England, University of London Institute of Historical Research.*



# LAND AND POWER: THE NORMAN CONQUEST TO THE LAW OF PROPERTY ACTS (1925)

by John S. Moore BA FRHistS, formerly Bristol University.

We begin in 1066, not because the previous six centuries of English history are unimportant, but because the Norman Conquest introduced some radical changes into England - and, subsequently, into Wales, Scotland, and Ireland - which particularly affected the ownership and control of land.

First, we must ask ourselves why land was so important to contemporaries. In the pre-industrial period in England, until the 18th century, land was the ultimate source of wealth, political power, and social prestige. For the peasantry - - the bulk of the population - access to land determined whether one had food. Without land, or paid work on it, one starved.

In 1086, Domesday Book primarily assessed the capacity of Lords' and peasants' land by the number of ploughteams: how much land could be ploughed and how much corn it could produce. The clergy's income was also partly derived from land - parochial glebes, episcopal and monastic Manors - and partly from tithes on agricultural produce. Land supplied the Lords with food from their demesnes - home farms - rents and labour services on those demesnes from their peasants and, not least, men: military manpower ranging from knightly sub-tenants to household knights, archers, men-at-arms, and skilled craftsmen to build castles, to make and service arms and armour, and to care for horses.

On the quantum of noble power depended social prestige and access to the ultimate source of honour, the Crown. Not all of that changed or appeared suddenly after 1066. As George Orwell observed, the division of society into high, middle, and low was as old as recorded history. The Godwineson earls in 1065 were richer and more powerful than all but a handful of the Norman barons in 1086.

What changed after 1066 were the relationships between freemen and the Crown, and between their land and the Crown. In the Anglo-Saxon realm, the basic relationship between monarch and people was one of King and subject. Only the tenants of Crown land and those who had chosen to 'commend' themselves to the King had an additional nexus binding them directly to him. Other freemen might be independent or tenants of, or commended to, another Lord. The plentiful slaves were simply property owned by their Lords. Land that was not part of the royal estate was independent of Crown control.

As Domesday Book sometimes put it, such land was held as 'an alod' - in absolute freehold - by men 'who could go with their land where they would'. The only powers that old English Kings had over their subjects land fell into three categories, all of which depended on the royal prerogative. First, they could assess taxes on all land - the 'geld'. Secondly, they could order land to be forfeit for certain serious crimes. Thirdly, they could convert 'folkland' held according to local custom - the later custom of the Manor - into 'bookland': land held by charter which could be bequeathed by will, given or sold away from ones heirs or kin, particularly to the Church.

By 1086, the revolutionaries of 1066 might have remarked, as their successors of 1789 did, *nous changerons tout cela*. The King was the only independent freeholder at the apex of the feudal pyramid and the ultimate Lord - from whom every other Lord held his land either directly of the Crown as a 'tenant-in-chief'

or as a tenant from the tenants-in-chief or as their sub-(sub-sub) tenants. At the lowest level, all peasants held their land from a Lord of one of the Manors into which Domesday Book divided all of England.

In addition, modes of succession to land had radically changed. The normal inheritance pattern before 1066 was partible tenure - 'in parage' (equally). So, Domesday frequently records land held by brothers in 1066. Thereafter, partible tenure at higher social levels was confined to the least important members of society women. At lower levels it survived among the peasantry in Kent and Wales. All land at manorial level or above descended on death to the eldest son alone. We call such a system primogeniture or impartible tenure. The only exception to that rule, which was confined to the Crown and its tenants-in-chief and lasted from 1066 to the final loss of Normandy in 1204, was that the patrimony descended to the eldest son and acquired lands to the next younger son.

Lords, ranging from the King down to the local Lord of a Manor, exercised considerable control over their tenants land dealings. If tenants wished to give, transfer or sell part of their land to someone else or to the Church, they had to obtain their Lords permission normally on payment of money - for what later became a 'licence to alienate'. On death their heirs had to pay a 'heriot', commonly the 'best beast', as well as a graduated money payment, which was called a relief, when they succeeded if they were already aged 21. If they bought or were given land, they had to pay their Lord an entry-fine to succeed to it. If the heir, or the co-heiresses, if there was no male heir, was under 21, their persons and estates were in 'wardship' to their Lord, who could run the estates for his own benefit during the heirs minority or who could give or sell the wardship to another.

If the minor heir or heiresses were unmarried, their marriage and that of their widowed mother could be controlled or sold by the Lord. The only check on that was the legal convention of *nulle disparagement*, whereby a woman could not be forced to marry a man of lower social rank since, as a woman, her status naturally depended on that of her husband. Women did not matter in the feudal age. They were merely the means through which land passed to their heirs. Even their ancestral land belonged to their husbands during marriage. The freedom to buy, sell, give and bequeath land enjoyed by the Anglo-Saxon freewoman was regained by her descendants only after the married womens property Acts in the later 19th century.

To provide for widows, the system of 'dower' was introduced whereby a husband, on marriage, nominated a third of his land to be held by a widow for her lifetime. To compensate for that, a wife on marriage brought to her husband a dowry in land or cash. Similar arrangements obtained at sub-manorial level. Tenants could only transfer, receive or inherit land in the manorial court before the Lords steward.

As the medieval period progressed, the Norman rule of inheritance by the eldest son increasingly prevailed over gavelkind - partible inheritance - and 'borough English', which was inheritance by the youngest son. From the 13th century onwards, Kentish Lords obtained royal licences to disgavel their lands so that their eldest sons alone would succeed them. By the 17th

century, primogeniture had triumphed as the customary mode of inheritance in most manorial courts, as it had among all the tenants Lords.

The importance of primogeniture as the standard form of inheritance was emphasized by an important evolutionary development in English feudalism. Originally, in France and Germany, the grant of a fief or knights fee - *beneficium or feudum* in medieval Latin - was precarious; it was a grant for a lifetime only. By the time feudalism arrived in England, the grant of a knights fee was hereditary. Henry I (1100-35) was the last English King to interfere with what was already becoming the natural inheritance; he directed that Geoffrey de Mandevilles Barony of Marshwood in Dorset should pass to his son Ralph by his second wife rather than to his son Robert by his first wife because the King considered Ralph to be the better knight.

The sine qua non of the feudal structure was personal military service as knights, which clearly women could not perform. That did not prevent them from being, on occasion, notable generals or from commanding besieged castles with success. For example, Empress Matilda and Stephens Queen Matilda commanded armies in the mid-12th century civil war, and Nichola de la Hay was hereditary castellan of Lincoln in King Johns reign. In addition, women were not the only victims of feudal service. The system, which emphasized personal military service, also penalized male weakness. A man who was too young, ill, weak, feeble-minded or old to perform such a service was in the same position as a woman.

By the reign of Henry I, personal service was supplemented by a cash payment in lieu - scutage. From the time of Henry II (1154-89), the Crown often preferred to take the scutage and hire mercenary troops to do the fighting. Although the feudal structure had a logic to it based on the render of military service for land which reinforced the unity of estates, hence primogeniture, the system necessarily incurred costs that many members of the lordly class found increasingly unacceptable.

As a result, the history of the law of property from the 12th to the 20th century is one of increasing attempts to modify the original stringency of the system created in the aftermath of the Norman Conquest to meet human problems that had not been envisaged or properly thought through by government. The situation was due partly to an historical accident: the transfer to King William of the royal lands and the estates of the Godwinesons and of most of the English thegnly class was the largest shift in landed power in England until the dissolution of the monasteries in the 1530s. It gave the Crown a commanding position in the landed economy, as well as permitting the creation of a new, almost entirely foreign landed aristocracy, which was a situation never to be repeated in English history.

Thereafter, Crown and nobility had to adjust their inheritance to take account of changing circumstances, not least the changing attitude of the western Church to marriage. The post-Roman Church had tolerated divorce and remarriage, particularly for monarchs and nobles, precisely because of the importance of succession by male heirs. The Western Church decisively turned against both; marriage was to be indissoluble except by death, unless the Papacy decided that a particular marriage was invalid.

There was an important corollary to that decision: the essential basis for marriage was declared to be free consent of both parties. That drove a potential horse and cart through the feudal institution of 'wardship and marriage', because refusal of consent by either party automatically invalidated a marriage. Ward-

ship and marriage continued in England and Wales until the Crowns feudal rights were abrogated by the Civil War in the 1640s, but such arranged marriages after the 1150s had to take account of the wishes of grooms and brides. By the end of the 12th century, aristocratic widows in England were paying the Crown 'not to be married or remarried against their will'.

As time went on, new circumstances produced new problems that required new solutions. Kings and nobles wished to be able to reward men of talent. That required either the grant of a portion of the existing estate as a new holding the lawyers called that 'subinfeudation' - or the grant of the marriage of an heiress with her land. Thus, even by 1086, much of the holdings of tenants-in-chief had been granted to sub-tenants, and the process of subinfeudation continued for another two centuries until it was prohibited by the statute Quia emptores in 1290. By then, feudal service had been so fragmented that it could no longer be demanded with any hope of success. How could one render or demand the service from one-fortieth of a knights fee?

After 1290, land could still be transferred by outright sale, gift or trust, but the transfer would not create a new feudal sub-tenancy. Lawyers thus held that no new Manor could be created after 1290 - but legal doctrine did not always align with territorial fact. By the 1270s, the Crown and nobility were also getting seriously worried about the amount of land in the 'dead hand' of the Church as the result of previous generations piety. Such land could not be transferred back into lay ownership, although it could, and was, leased into it. In consequence the Statute of Mortmain in 1279 prevented further transfers of land to the Church unless a fee was paid to the Crown. Because of the statute and the increasing shortage of land caused first by continued population growth until the mid 14th century and secondly by the continued growth of the size of large estates as their number fell, much less land was given - certainly in larger amounts - to the Church between 1300 and 1530.

Again to avoid dissipating landed patrimonies, the use of heiresses' marriages to reward new men became increasingly common. The classic instance of that is Isabella de Clare, the daughter of Earl Richard 'Strongbow', who died in 1176. She was given in marriage by Richard the Lionheart to the notable soldier William Marshal in 1189. He thereupon succeeded in right of his wife to his father-in-laws vast estates in England, Wales, and Ireland, and to his title as Earl of Pembroke. There were two reasons why that strategy became increasingly popular. The first was that it was relatively painless to the arranger, because the estates covered by the marriage were not his by right, but were only a temporary addition to his lands. The second was the biological probability that at least one in five of all families at any social level will fail in the male line within a century. That meant that there would inevitably be a continuing supply of marriageable heiresses with their lands to be disposed of by feudal superiors.

In certain circumstances, the percentage could be higher. If it became the custom to marry heiresses in order to acquire their share of their family lands, which was the case in medieval England as the size of the nobility fell, the genetic combination predisposing the female rather than male births will be passed onto future generations, thus explaining successive failures in the male line. I will give two examples. After the death in 1107 of Robert Fitz Hamon, who had conquered Netherwent in south-east Wales in the reign of William Rufus, Henry I gave Roberts daughter Maud in marriage to one of his own bastard sons, Robert de Caen, who was created Earl of Gloucester in 1122 and died in 1147. When his son, Earl William, died in 1183, his heirs were his three daughters, Mabel, Isabel, and

Amice - two female successions inside a century! That was hardly exceptional.

Robert Fitz Hamons neighbour to the north was Bernard of Neufmarché, who died in 1125 after conquering Brychan and Brycheiniog in east Wales. His heir was his daughter Sybil, whom Henry I gave in marriage in 1121 to his constable and household steward, Miles of Gloucester, who was created Earl of Hereford in 1141. By 1166, Earl Miles' four sons had died childless, leaving their three sisters, Margaret, Bertha and Lucy as heirs. In this case, we are talking about two female successions in 40 years. Margaret's third descended to the Bohuns and Lucys third to the Fitzherberts, but Berthas share was further divided in 1230 between her four de Braose great-granddaughters, Maud, Isabel, Eleanor, and Eve - three female successions in 110 years. Numerous other examples could be given from Sanders' English Baronies and the serried green volumes of *Complete Peerage*.

I mentioned two medieval statutes, *Quia emptores* and Mortmain. Such statutes originated in the process of consultation between the King and his barons in the Great Council, which had led to Magna Carta in 1215 and which continued in the reigns of Henry III and Edward I, widening to include representatives of the great towns - 'burgesses' - and of the counties - 'knights of the shires' - which coalesced as the House of Commons. The Great Council broadened to include all landed nobles, not just great tenants-in-chief, in the future House of Lords.

The evolution of Parliament was slow, haphazard, and often faltering, as major crises such as the Barons War in the 1260s, the revolt of the 'contrarians' in the 1320s, the struggles of the Appellants under Richard II, and the Wars of the Roses in the 1450s temporarily disrupted good relations between Crown, nobility, and Commons. However, the evolution embodied the developing political consciousness of upper and middling orders as articulate parts of national society, so that law ceased to be if it ever had been simply the will of a King who had not consulted his natural advisers. *Magna Carta* notoriously was the outcome of bargaining between King John and his rebellious barons which, although mainly dealing with aristocratic concerns, also guaranteed to all freemen liberty from arbitrary arrest and imprisonment and to all countrymen immunity from confiscation of their ploughteams (their lands - livelihoods).

Henceforth, the making of law - above all, land law - reflected the desires of the landed aristocracy as much as those of the Crown. Rising population during the 13th century put great pressure on land that was either uncultivated or on which there were restrictions on cultivation. In the first category came common land: the Statute of Merton in 1235 directed that commons could be enclosed only with the consent of all Lords and freemen who had rights of commonage. Thereafter, the growing numbers of Acts passed by medieval and later Parliaments - 'stacks of statutes', according to a 16th century lawyer - usually reflected the consensus agreed by the various sectional interests in Parliament that had become an essential part of government under Henry VIII's reign. (See *The House of Lords* and *The House of Commons*, edited by Robert Smith and myself).

Consensus and cooperation between the landed nobility and the lower orders had become apparent in another aspect in the reigns of King John and his son Henry III. By 1199, about a quarter of the area of England was subject to forest law. Regardless of who held the land, the Kings forest officials controlled the hunting of the beasts of the chase, notably red deer and wild boar. They forbade the use of dogs with unclipped - 'unlawed' - claws that could be used to bring down deer. They prevented the break-

ing up of new ground - 'assarting' - and the erection of mills and other buildings - 'purprestures' - that might injure the beasts of the chase. They prohibited the cutting of timber that sheltered them - offences against 'vert' - and opposed all unauthorized hunting - offences against 'venison'.

The end result was to sterilize hundreds of thousands of acres that could be used productively. But the Crowns need for money and the nobility's desire to lead the local population, most of whom were its tenants and dependents, led between 1200 and 1272 to widespread disafforestation, in the legal sense. Entire counties such as Devon, and large parts of others, such as Gloucestershire, east of the River Severn, were 'taken out of the forest' and made available for expanding agriculture, a movement led by the local landholders such as the 'knights and free men of the seven hundreds of Grumbalds Ash', who procured the freeing of South Gloucestershire in 1228. Without the radical reduction in the royal forest, the agricultural expansion of the 13th century would have been curtailed considerably.

Besides female succession, other human circumstances created problems that were impossible to solve under strict feudal law. Very few families in England at any social level in the past tried to limit the number of children born because nature was more than capable of doing the job itself. Infant and child mortality levels were high in all social groups until the 19th century. Usually, in addition to the eldest son, there would be younger sons and daughters, all of whom needed to be brought up and suitably provided for. Clever or clearly unmilitary sons could be directed towards the Church, but that increasingly required education if one was aiming higher than a parson for a local parish church. Gerald of Wales, for example, spent at least 10 years in the 'schools' of France before becoming an archdeacon in Wales. Even if the evolving secular 'common law' or the expanding royal bureaucracy were seen as good avenues for advancement, which they often were, that again necessitated expensive training and the judicious greasing of palms.

Younger sons, even if fit for military service, required lengthy training and equipping with arms, armour, and horses, the cost of which rose continuously between the 12th and 16th centuries. Moreover, war was a chancy business. Success could bring ransoms and booty sufficient to found a new landed family. Failure could mean ruinous ransoms, bringing a family to the brink of bankruptcy. Increasingly, and hardly surprisingly, many of the gentry preferred to keep out of war and become local magistrates, administrators, and estate owners. If younger sons were a problem, daughters were even worse. If they were not to suffer 'disparagement', be forced into a mésalliance with a lawyer or merchant or be consigned to a nunnery, a sufficient 'jointure' or 'portion' had to be found to attract the right class of future husband who would respond with an appropriate dowry. Physically or temperamentally unattractive daughters would require correspondingly higher dowries.

A landed family, therefore, always needed some available hard cash; yet from the 13th to 19th century an average landed estate was thought to be doing well if it yielded a net return of 5 per cent. It was perfectly possible for a landed family to be rich on parchment and yet have little liquid cash available. Much of its regular landed income went on maintaining the noble household and its estates, hospitality, and necessary display. A fortunate marriage to an heiress could radically alter the situation though it could have long-term dangers, as we have just seen.

Equally, a series of widows in succeeding generations or long-lived spinsters could be disastrous - two-thirds left after one widow and 4/9ths left after two widows. In the short run, re

course would be necessary to the Jews until they were expelled from England in 1290 or to English or foreign bankers, but since such loans could not formally be secured on land until the later medieval and early modern period, the interest rate, however disguised, would be high. In default of all else, land sales would be necessary.

Later, medieval lawyers sought means to alleviate such crises, in particular by creating the device known as the 'use'. That was essentially a trust created by agentslawyers, estate officials or relatives to assume control of certain lands as free tenants in place of the estate owner for the benefit of stated purposes dictated by the estate owner. Such uses often took the form of entails to specified groups of people: heirs male; heirs female; or heirs general. The problem with the use was that the feudal superior was likely to lose out by the creation of a long-running use there would be no reliefs, no heriots, no entry fines and no licences to alienate unless he was suitably placated. Of course, the biggest loser was the largest feudal superior, the Crown itself. Once the Crown had recovered from its weakness in the 15th century, the Statute of Uses in 1536 severely restricted the application of the use and the utilisation of the conveyance that set it up - the 'bargain and sale' - and both fell into disfavour as a result.

A further problem arose from the coexistence of Church and State with two separate law codes: the secular common law and the ecclesiastical 'canon law'. While land and 'real property' - rights attached to land such as minerals, growing crops and timber, common rights, fairs and markets and ecclesiastical patronage - came under the former, 'moveable property' - goods and chattels, leasehold rights, debts and probate - were under the purview of canon law administered by church courts whose powers were curtailed only in the 1850s. There were two obvious areas where clashes could occur: tithes were subject in practice to both legal systems, often competing against each other; and wills, though administered by Church courts, nevertheless usually contained the testators directions regarding disposal of his land and other real property. Again, the medieval nobility was trying to get back to the situation of freedom of bequest enjoyed by its Anglo-Saxon predecessors and frequently uses were being employed to set up post-mortem trusts.

Finally, in 1540 the Statute of Wills recognized the right of testators to bequeath 'socage' land - land not held by military service - together with two thirds of land held by knight service. The Crown's potential losses were offset by the creation the same year of a Court of Wards and Liveries designed to maximise the Crown's 'feudal' income, a project that succeeded in the short term, but at the cost of alienating many members of the landed classes in the run up to the Civil War in the 1640s.

The 16th century also saw a radical diminution in the types of tenure: petty sergeantry had already largely disappeared during the 13th century and grand sergeantry was an honorific survival of little significance. Frankalmoign - free alms - tenure, on which much, though not all, monastic land had been held in the Middle Ages, was largely attenuated by the Dissolution of the Monasteries between 1536 and 1540, but was to survive for the lands of bishops and cathedral chapters until the 19th century and for local parish glebe lands until the 20th century.

What remained after 1540 was knight service in an entirely nominal form, socage tenure - free tenure, sometimes with ground rent - and copyhold tenure within Manors, which had been recognized by the royal courts at Westminster in the later 15th century. Knight service lasted until the Civil War because of its financial value to the Crown which, increasingly short of money

in a period of inflation, ever more vigorously exploited its rights of wardship and marriage in a programme dubbed 'fiscal feudalism' by historians. That, because it relied on the royal prerogative, was abrogated during the Civil War and was formally abolished by the Restoration Parliament in 1660. Land held by knight service was merged with socage tenure; copyhold was the only other heritable tenure, frankalmoign - what was left of it - being restricted to official successors in post.

Meanwhile, the rise of the common lawyers produced change in the procedure of the land law itself. English law had never favoured perpetual entails and the later medieval 'use' could be broken by a fictitious suit utilizing 'fine and recovery'. Mortgages had been introduced by 1500, but were short-term - six to 12 months - involving the entire debt and accrued interest that had to be repaid and renegotiated. If there was any default in repayment, however small, the entire property held as security was forfeited to the lenders. Not surprisingly, most borrowers preferred to rely on family, friends or unsecured loans.

By 1600, however, conveyancing lawyers had evolved the doctrine of the 'equity of redemption', so that borrowers were liable only for an outstanding debt with any accrued interest, but retained the surplus amount between the sale value of the land on which the loan had been secured and the debt owed. Mortgages became much safer and more popular, even more so as interest rates on secured loans fell in the late 17th century and remained at low levels until World War Two. London goldsmiths evolved into bankers and stockbrokers willing to lend on security and, given rates of about 5 per cent, it made economic sense for landlords to borrow to finance not only exceptional family expenditure, but estate improvement on a growing scale.

The burgeoning agricultural revolution facilitated the digging of canals and river-navigation schemes, land drainage and diversification into industrial enterprises, especially mining coal and iron, and the construction of ports. However, despite the simplification of land law, with socage and former knight service land becoming absolute freehold, some causes of family insecurity still remained to be addressed. In particular, even if a landowner no longer had to cope with capricious and grasping feudal superiors, how did he guard against capricious, lazy, incompetent or uncaring successors? How could he ensure the transmission of his estate as a functioning unity to his posterity?

The answer to that question was produced by a great conveyancing lawyer, Sir Orlando Bridgeman, during the years of the Cromwellian Protectorate. Effectively, he revived the medieval use and entail in a new form, the strict settlement, which was to dominate the administration of English landed estates until World War One. The landowner created a trust usually comprising himself, his eldest son if of age and of good character, other family members as necessary, the estate lawyer, the estate steward, often his banker, and such others as he chose, who were to hold specified lands on specified trusts with specified powers. That usually included the raising of loans on mortgage, expenditure on specified matters, such as estate administration and improvement, the payment of dower to daughters and widows, and the education of younger sons.

By the 18th century, trustees usually had powers to invest in Bank of England or East India stock. Such a settlement would usually remain in being until the death of the last 'remainderman' or 'remainder-woman', when it would be wound up by consent of the surviving trustees. It was fairly rare and not thought advisable for a settlement to cover a whole estate. Usually, there would be more than one settlement in being at any one time, raised on different parts of an estate usually with

beneficiaries of different generations, even if the general purposes were the same.

By the end of the 18th century, it was thought that two thirds of Englands land was 'under settlement' at any one time. It was good practice to have some 'unsettled' land available to meet sudden, unforeseen emergencies or, indeed, unexpected opportunities. Certainly, the system minimized risk and a properly drawn settlement could not usually be broken during its period of operation except by a private Act of Parliament. Since most settlements made alternative arrangements in lieu of the customary dower or 'thirds', dower in its original form became obsolete and was abolished by statute in 1833.

Furthermore, Lord Broughams Act that year abolished the 'final concords', which had existed since Henry IIs reign, and the 'recoveries', which had evolved in the later medieval period to arrange and to abolish simple entails, substituting simpler disentailing deeds. Historians believe that the adoption of the strict settlement system was an important factor in re-establishing the ascendancy of the landed aristocracy after the Civil War and ensuring the continuance of the great landed estates during the next two and a half centuries.

Sir Orlando Bridgemans innovation was fortunate in the timing of its appearance: feudal superiority had been in abeyance in England and Wales since the start of the Civil War in 1642 and was, as we have already seen, formally abolished by the Restoration Parliament in 1660. Provided the settlement was within the common law, no superior power could intervene except, as we have noted, Parliament - and then only exceptionally. A new type of conveyance was employed, the 'lease and release', which avoided the restrictions placed on the 'bargain and sale' by the Statute of Uses.

We have all, I suppose, met peers who are selfish, bloody minded, ill-mannered, and anti-social although, in my experience, they are a small minority. I shall not pretend that the actions of the landed aristocracy in the past were never actuated by naked class interest, when they sometimes clearly were. The most obvious example of 'class' legislation were the measures designed to protect private hunting preserves in the 17th and 18th centuries. Until the recent prohibition of fox hunting, the arrogant disregard too often shown by hunters for other peoples property rights - such as following foxes on to private land, destroying fences, damaging crops and livestock in areas where they had no legal right to be - was a flashpoint in rural social relations, even where hunting as such was approved or at least tolerated.

However, in general, the law of property was accepted by most people, propertied or unpropertied, because it was the law. It had been enacted by their representatives in Parliament, and it benefited all. The same law of property was part of a law that protected dukes and dustmen. As William Pitt the Elder stated in a debate in 1763, The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the rain may enterbut the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement. The law, including the law of property, that protected the landed aristocracy against Stuart absolutism, also guarded the poor against arbitrary interference by their so-called betters.

As we have seen, the abolition of feudal tenure in 1660 left absolute freehold as the only system of permanent land law for the upper and middle classes in England and Wales. Leasehold continued, but as a necessarily time-limited form of tenure. The freedoms to settle land and to bequeath land meant that primo-

geniture no longer needed to be a necessary rule of descent: its function to ensure the passing of landed estates as intact units could be attained by other means. Equally, means were then available to meet the problems posed by those who had been excluded by primogeniture, especially younger sons and daughters.

At lower social levels, however, copyhold tenure remained and was administered in thousands of manorial courts that still survived. Despite its antique language, tenure 'at the will of the Lord', for example, in the last resort was protected by royal courts as it had been since the later 15th century. Effectively, it was freehold in all but name. Copyhold land could be bought, sold, given, bequeathed or held in trust. It was subject to the payment of rent - at levels fixed mostly in the 13th century and not capable of being increased - to heriots on death, and to reliefs on succession or entry fines on purchase or bequest, again at levels long fixed by custom. Other services, apart from serving on manorial juries, had withered away. Its main disadvantage was that any transfer of tenure usually had to take place in a manorial court, which effectively acted as a local land registration system, although even that requirement could be circumvented.

Finally, after an incomplete Act in 1922, the Law of Property Act 1925 arranged for copyhold tenure to be enfranchised, compensation being paid to manorial Lords for the ending of money rents over time. Because of the onset of World War Two, copyhold was finally extinguished in 1950. Nine centuries after the Norman Conquest, the revolution of 1066, the legal wheel had turned full circle: absolute freehold was again the rule.

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# A CASE STUDY OF MANORIAL RIGHTS

by Jeremy Ackroyd FRICS

I am afraid the subject title of 'Severed manorial minerals in Cumbria' is a bit of a mouthful, but it involves rich and interesting historical research. There is also a real possibility of making some money. For those who want to go to sleep now, I will bang the table when it is time to talk about money it will be towards the end.

There is quite a lot to get through, so I will take questions at the end if I may. I would like to introduce Lee Morgan from the well-known law firm Dickinson and Dees of Newcastle. He knows all about Manors and how the law of property works. He kindly came to put on the 36 overhead acetates that I want to use to illustrate the talk.

I speak as a chartered surveyor and not as a lawyer. I am certainly not a retired Law Lord. The reason why I am doing this talk is that about 18 months or two years ago my firm was instructed by four Cumbrian landowners Manorial Lords who were becoming increasingly concerned about severed minerals miles away from their landed estate. I realized that the 2003 Act was coming into force. Between them, my clients have got about 70 Manors scattered throughout the county and North Yorkshire. This talk is based on the review and what we found, and what my clients do now.

Some landowners have hundreds of Manors in their estates, but my talk is primarily aimed at those members who have just one or two Manors with minerals attached. What is the definition of severed? Severed just has the ordinary meaning: that the surface land and the underlying minerals are in separate ownerships. The law is complex and that is because over the years the courts have tried hard to balance the directly competing interests of the mineral owner and the surface owner. Members can imagine the conflict. The surface owner wants whatever it is on the surface and the mineral owner wants to quarry. The situation could be no more black and white than that. The courts have tried to be fair to both parties.

I will discuss the following: why the review has been undertaken; where the legal interest in severed minerals originates; what has been found in the review to date; the research and the historical researchers, who are working hard; the counsels advice on the Enclosure Acts and awards; counsels advice on the research we have done in respect of copyhold minerals; an update on the mineral disputes with a cost-benefit analysis; and a summary for members undertaking research into severed minerals for the first time.

Why are the reviews being undertaken by my four clients in Cumbria? The medium-term aim is for the clients to register all their estates and the severed minerals. They are doing so for cheaper conveyancing my lawyer friends tell me that if one has a registered estate and sells it, the conveyancing costs could be 35 to 40 per cent cheaper than if it were unregistered to stop claims for adverse possession; and to stop others from interfering with severed minerals.

The Land Registration Act 2002 was a catalyst for the four clients coming to my firm for advice. As we all know, unless the severed minerals are registered by 1 October 2013 registration

will not be possible thereafter. We heard what Mike from the Land Registry said yesterday.

Another reason was the increasing number of developments in the semi-uplands throughout Cumbria since the 1990s, which required reasonably deep foundations and the removal of minerals for site levelling. Such developments are telecommunication aerials, wind farms, and small landfill sites. We have always had telecommunication aerials in Cumbria, but there was a big surge in their number from the mid-1990s onwards. The question is whether they are interfering with my clients minerals; that was what was worrying my clients.

The starting point was where the legal interest originates for the minerals. In Cumbria there are three main sources. The first is enclosed common land minerals reserved for the Lord in enabling Acts and awards from the period of the statutory enclosures. In Cumbria that started in the 1760s and the latest one I have seen was from about 1864. The enclosure movement came quite late to Cumbria because of the generally poor farming. That had advantages, because by 1820 the lawyers were more up to speed, the legalese was easier to understand, and awards tended to be printed; the whole thing is a lot easier than examining documents from the late 1700s.

The second sort of severed minerals are those that revert to the Lord in a private agreement to enclose common land. In my experience, such agreements date from about the 1500s and continue until the 1870s.

Thirdly, there are minerals under former copyhold land which are reserved to the client in an enfranchisement award by the copyholder. We have said a lot about those already.

I have just seen, for the first time, an agreement between the Lord and 14 commoners to enclose part of the common land. I thought that it might be interesting to show members that. It is a proper agreement on vellum and the 14 commoners put their cross on the tags at the bottom. Their initials are on the tags, they all crossed it and the minerals were reserved. The agreement took the land over common land in a Manor just south of Carlisle, gave consent to the commoners to enclose the land, and it was leased from the estate thereafter. That is the first such agreement that I have seen, and Liz, who is the researcher, said that it has hardly ever been opened and is as good as new. It can be found in the record office.

As we have heard, there are problems for the Lord to enter and work former copyhold minerals. For security of tenure for villeins, who had become copyholders by the 1500s, the Lord had no automatic right to enter the copyhold and work the minerals. The copyholder possessed the land. The Lord had a legal interest in the minerals but he could not go in without the copyholders consent. However, in some West Cumbrian Manors it was the custom of the Manor in the rest of the Cumbria there are a lot of mineral rights with minerals near the surface and in such cases the Lord did not need the copyholders consent to enter his land, dig up the minerals, and restore the surface. In my experience, proving custom is established law if it can be proved is difficult. The documentary evidence does not seem to exist. I have done this review for 18 months and have come

across little such evidence. If it can be found, you are away. The trouble is that all the old boys who used to be able to remember custom are long since dead.

Copyholders having agreed terms with the purchase of the Lords feudal rights as copyholders had gained their security of tenure by the 1500s. It was normal for the Lord to reserve minerals and, sometimes, the specific right to work them. However, that did not always happen. Some, for whatever reason, did not reserve their rights to work.

The Law of Property Act 1922 did not give any rights for statutory enfranchisement for access to work. However, we have a number of compensation agreements where the agent, probably because of deference from the ex-copyholder, managed to get the right to work included. Here is a standard compensation agreement, and members can see that the agent has included reserving the rights to minerals for the sale, subject to exceptions. The agent wrote to the clients solicitors on 22 January 1926 22 days after the statutory provision came into being. He said, We have been in the habit of reserving the power to work in our compensation agreements where the landowner did not object. But some wide awake owners have objected, and we could not insist on the reservation. I suppose that the agent must be congratulated on his efforts. I have seen hundreds of standard printed compensation agreement forms under Section 138 of the Act. I understand that ex-copyholders had to have a receipt from the agent before they could sell their land as freehold. That is why the receipt was so important.

For those who are interested in the history of tenants getting their security of tenure, I can recommend a wonderful little book called Copyhold equity and the common law by Charles Montgomery Gray (Harvard University Press 1963). It costs about \$4 and the post is about \$5. There are lots of copies in America, and it is a fascinating read. Mr Gray must have come over and sat in the Public Record Office for months, if not for years, going through all the documents: it is all there. If 20th century politicians said, We invented security of tenure for all those poor tenants at the top of those Birmingham tower blocks, we should not believe them. It was Henry VIII, or Charles II all those years ago.

One extra bit of information is that it was not until the 18th century that there was a limit on fines. Although there was security of tenure, if you had a nasty Lord of the Manor, he could ask you for a vast great fine on occasion. So, security of tenure was not all that it seemed.

We have been working on the review for 18 months, so what have we found out to date? On the mineral reservations in the Enclosure Acts and awards in South Cumbria, we found a strong mineral reservation exception in the enabling Acts that granted the bedrock and the stone within the subsoil to the Lord. In addition, there was a full right to work. There is no problem with that. It is in plain English, and there can be no dispute. It is beautifully drafted. It means that the surface rights are limited to the turf and the topsoil, together with the right to remove stone for agricultural buildings and walls. That is all.

Assuming that we were correct in our interpretation of the Acts, we went on to find various surface developments directly affecting the reserved minerals. That is where things became interesting. We found an unlawful greenfield quarry excavating grit stone, which was reserved to one of my clients in an enabling Act dated 1827. It was leased to a national quarry company, which was doing well out of the royalty payments. We

found four unlawful telecommunication aerials penetrating the minerals and a wind farm.

I will show members an example from South Cumbria. We can see BT prejudicing my clients minerals. There is a radio tower, and Orange and Vodaphone are sub-tenants. A security fence is in place, and there are limestone blocks. The important point is that this is being done with no authority to disturb the minerals, unless it is for agriculture only. We will have an interesting time with BT: I think that the evidence is quite strong.

A huge wind farm is being constructed in North Wales. Members can see the minerals and the environmental degradation. These towers will be 350 metres high. I do not know who owns the subsoil or the minerals, but prima facie if they are severed from the surface someone will have some fun if they have not already done so.

The next example shows that somebody has erected turbines. It poses a question about the surface land. I am not certain who owned the minerals, but no doubt, they would have done something by now. If members find that sort of thing on their Manors, I suggest that they do something about it.

How does one go about collating the evidence to come up with these conclusions? A lot depends on historical researchers. I have two employed on a part-time basis Jane and Liz. They are very hard working. There are about 70 Manors to assess, and I am hoping to do that. My advice is to produce a composite Manors plan, so that one knows exactly where they all are and how they fit in with each other. Fortunately, my clients possess old estate plans, which include the boundaries, so there is no question of needing old records.

On an extract of a composite plan, we have numbered everything. Once we have the plan, Jane's job will be to go to the Cumbria record office there is one in Kendal and another in Carlisle and get started. Jane is a secretarial PA who is very good at interpreting maps. She will work out which land is enclosed, reserving the minerals for the Lord. She will start work on the enabling Acts and awards.

After a Government inquiry in the 1780s, it was estimated that roughly 60 per cent of lowlands and semi-uplands would have been copyhold. The job of putting the enclosed common land on to a 1:25 map is not the most difficult task. One just needs an intelligent person who can interpret maps and who likes history it will cost about £12 to £14 an hour.

Liz is in charge of looking at minerals under former copyhold land. She is highly qualified. She has an MA in museum studies and understands the law. She works like a terrier. These are essential qualities for an historical researcher. Her first task will be to research copyhold minerals adjacent to existing quarries, on the basis that they might want to expand at some time. Once that is under way, her second task will be to research title to copyhold minerals in Manors where there are existing commercial minerals, and we think that in the next 100 years or so we may want to dig them up. That can be an expensive operation, depending on how much we do. It needs the Judgment of Solomon to decide where to start and where to finish. If we had 100 researchers looking at copyhold in 70 Manors for the next 10 years, I do not think that we would get to the bottom of it. It is a massive task. We have only eight years, unless we can get the date extended.

We had a geological report prepared by local geologists. On screen now is the British geological survey for Cumbria. Solway

Firth is sandstone; and limestone and grit stone are shown. There are quite a lot of quarries there. The grit stone runs north-east to south-west, but it is variable. At the moment, we are not going to do anything with the national park, for obvious reasons.

I do not know what we are going to do about the shale and sandstone in between the coal seams. It is worth going to look at an open-cast coal mine there are not many left in Cumbria; unlike chalk, coal does not come in a 100-foot-tall block but in narrow bands, and between them there is shale. If we reserve minerals, the shale would still be in our ownership, although the coal authority has the power to work it. Since the National Coal Board became defunct, all the coal was put into the coal authority, which says, Fine, here is the licence Mr Operator. You can dig that coal up but you have to treat with the would-be owner of the minerals. Since the coal authority started, and a more open-market has developed, we have received offers of £3 to £4 a tonne for destroying our other minerals that was about five years ago, before the price of coal sank. Such a price is quite useful, but it cannot be obtained at the moment because the world price of coal is relatively low, although it is increasing. In Cumbria, where the coal is high in sulphur, I cannot see the market paying that for some time.

We must think carefully about where we home in on potential reserves of copyhold minerals. After gaining all this information, it was time to get opinions from counsel. Counsel was duly instructed, in London, first, about Enclosure Acts and awards in South Cumbria. He advised that the Acts and awards clearly awarded the minerals to the Lord, my clients, and they include the minerals in the subsoil plus the right to work. We were relieved about that. He said that means that any surface development that is not simply de minimis, but relatively substantial, which is not for agricultural purposes on enclosed land, is a trespass for which damages are recoverable. That is based on the same principle that applies to trespass on a surface space, which is actionable where there is proof of damage see *Anchor Brewhouse Developments v. Berclay House Ltd* 1987; and, for those who read the *Estates Gazette*, in a recent case in the High Court in Leeds.

The level of damages should be assessed on the user or way leave principle. A person who has wrongfully used another's property is liable to pay as damages a reasonable sum for the wrongful use, as in the Court of Appeal the case of *Stoke-on-Trent City Council vs. W & J Wass Ltd* 1988.

Counsel agrees that the open market rent or royalty for the telecommunications aerial, wind farm or whatever should be split 50/50 between the surface owner and the mineral owner. I think that the development in Case Law over the past 15 to 20 years has been extremely helpful to mineral owners who suffer interference from unlawful developments by surface owners. My clients were pleased by that advice.

Liz has been very busy looking at potential copyhold minerals, especially the sand and gravel garden quarry in north Cumbria. She searched dozens of boxes of documents to prove title; it took hours and cost a total of £6,500, but her research was surprisingly successful. She produced a wonderful report, with all the relevant documents attached or supplied separately on disc, and my clients have approved her report as likely to allow them sue in court. I now have before me some very interesting negotiations with a national quarry company; we will have to wait to see what happens in the next few months. The lawyers for some of the national quarry companies say that the companies will

take it on the chin. The telecommunication aerial people are not at all happy about it.

I shall now give a brief review of some of the documents found to prove minerals that remain in the interests of the Lord from 1587 to the present day. We shall need more research to prove title but, as I said, the results of previous research were rather surprising. How did Liz go about it? Her instructions were to search through the estate papers and show that the land had been properly held and that the minerals had not been enfranchised at any time, including at the time of the statutory enfranchisement of 1 January 1906, when the Lords could have agreed to enfranchise their minerals, selling their mineral rights to the ex-copyholders. By then, fraudsters were in competition, so we could have lost it at stage one.

Finally, Liz had to show the status of the copyhold land referred to in the 1672 enfranchisement agreement. She achieved that by going through grants and re-grants of the ex-copyhold land from 1672 to 1938. That was a serious detection exercise. She started with the wonderful book *A Perambulation of Cumberland* by Thomas Denton, republished last year by the Surtees Society. It could have been a very different matter if the society had not done that work. Thomas Denton did his work between 1687 and 1688. That was Liz's starting point. In deference to Thomas Denton, I show a portrait of him in 1665 by Sir Peter Lely. Denton had a fine head of hair; he gets a lot of brownie points.

Liz started with correspondence and a record book of 1587. In 1672 I show a 19th century copy of the enfranchisement agreements show that the copyholders purchased quite a lot of the feudal liabilities. But all the minerals were reserved, with the rights, for the Lord of the Manor. That was the big breakthrough. From there, she went through yet more books. Although the copyholders are free from the charge of feudal dues and liabilities under the 1672 agreement, they still remained liable to the shilling-a-year fine. Liz was able to trace the names in the books all the way through to 1989. They were 99 per cent. free, but they still had to pay the money, which was put in the customary call book, which was quite lucky. My client was very pleased with Liz's work.

It can be terribly depressing to act as a researcher. They sit in the research offices and look through box after box for the inquiry, knowing that the fees are running up; they spend a fortune but get nothing for their client. Then, finally, they find the right document and are happy thereafter, but they first have to go through that rather depressing time. That was the end of the story; that was the last document that Liz needed. But there is one more map. It is the first edition of the 1 inch Ordnance Survey map of 1860, which shows private enclosure in action.

There are two important legal points to be made on adverse possession and squatters rights. Adverse possession does not apply to severed minerals, for obvious reasons, except when they are being quarried. A case in 1827 demonstrates that when a Lord fails to take action against a trespasser, the trespasser will gain a possessory title after 12 years. The Lord needs to challenge a trespasser within 12 years and arrival at a rental by which both benefit. Unlawful theft affects tenure rights and foundations for minerals, so one can go back as many years as one wants.

I reckon that the radio aerial that I mentioned earlier was probably erected in about 1955, so I expect that we will get an interesting letter from the BBC estate managers.

The right of the owner of former copyhold land to interfere with the Lords minerals is touched on in schedule 12(6) of the Law

of Property Act 1922. It gives the current surface owner the right to disturb the Lords minerals as is necessary or convenient for the purposes of making roads or drains, erecting buildings and obtaining water on the land. Buildings, in my view, do not include telecommunications aerials or wind farms. However, what you can get for unlawful surface development on copyhold land is obviously limited.

Dickinson Dees of Newcastle was asked for advice on a landed property. In the Land Registry they found severed minerals under enclosed common lands in eight Manors. Again, that is all subject to opinion, which is being obtained from the Land Registry. We have sent counsels opinion to three unlawful developers so that they can see that they are wrong and why, and negotiate terms for the retention of their apparatus within their severed minerals or their removal. One operator has removed his very small aerial; the company said that it had not been transmitting from it for the last three years.

Due to the money involved, we are obviously trying to get re-possession of the greenfield quarry. That case may be heard in the High Court; writs have been served. The good news is that, earlier this week, we heard that the surface owner, or at least the national company, has rolled over and will not be putting in a defence. He has admitted his mistake. We now have to sort out compensation and royalty payments for the past six years under the Limitation Act. As a result, I now have a very happy client.

My overall advice depends on whether the opinion comes through in the right way. We should register your severed minerals at the Land Registry. You should know what you own before the development commences. Negotiating to right the wrong after the development has taken place is time-consuming, costly and frustrating for clients and estate owners.

According to research, a greenfield quarry on enclosed common land cost £16,000 in research and advice, but we have achieved royalties of £75,000. I reckon that we have spent £5,000 on the wind farm, but we should get £9,000. We have spent £5,000 on three telecommunication aerials, and we should be getting £9,500.

The mineral rights of a former copyholder have been expensive to research: £55,000 has been spent, but we have no working rights, so we had to do a deal with the surface owner. We have had recompense we are looking at £ 60,000, but we will have to go 50/50 with the surface owner, so that takes it down to £30,000. For the four clients, that is a total of £125,000 and very roughly a total value of £1.1 million.

I suggest that those figures are quite encouraging. It all depends on the enabling Act putting a reward in place. The case has to be strong; if not, the court will throw it out. One has to balance of the interests of the mineral owner and the surface owner

For those who will have to carry out research into their Manors for the first time, my overall advice is to start research now. You need documentary evidence; if you do not have it, you will not get anywhere. You certainly will not win much against the telecommunication aerial people; they will just tell you to eff off with two Fs.

People will require a map of the Manor. If they do not have one, they will need an historical description. We have all learned that there is plenty of documentary evidence, and you may be able to find enough evidence to draw up a map of the Manor. My advice is that if there is no map or historical description, you will probably be wasting your money. If you can get a map

showing minerals in your Manor, ask whether they have a commercial value, and whether they are relatively near the surface and near a road. Ask a local geologist. If you wanted to do it absolutely free of charge, you could talk to a county mineral planning officer; they are often very helpful.

You may want to hire a competent researcher to do the initial research. One of the problems that I found is that there is a dearth of good historical research. If anyone is thinking of a new career, that could be it. Historical researchers will be in great demand. If successful, you must register with the Land Registry.

I shall now talk about one or two other things. First, I refer to a rather interesting map that comes out of Professor H C Darbys book of 1938, *The Historical Geography of England before 1800*. He took it from Dr G Slaters paper *The English Peasantry and the Enclosure of Common Fields of 1907*. I have no doubt that it is very accurate, because in those days labour was cheap. It shows the vast extent of common fields that were enclosed from the start of statutory enclosure. My view is that, for 90 per cent of that land, the minerals will have been reserved for the Lord of the Manor. That does not of course include common land which is enclosed, so there is a lot to go for.

I have some practical points to make. If you get to know where your minerals are and get them registered, you can be a bit more proactive. For some maps you can go to the local planning authority and the county mineral people. I have done that for one or two clients. The mineral people are only too happy to help, because once they get an application in from a national company from Tarmac, for instance they will check on the map that you have sent them and, if there are any questions, inform the national company that you are the owner.

Planning committee agendas can now be viewed on the internet. That has been going on for five years. Planning applications for minerals tend to be on the agenda for six or seven months, if not longer. It takes a long time for the planning applications to go through.

How do we know if research and development will prejudice or is prejudicing our severed minerals? The easiest way is to go to the telecommunication site and, if it is not obvious, get a spade and dig a hole. If it is more than 2 feet get a JCB. You have the right to search, but if you are going to use a JCB, just tell the surface owner. I have found that they are only too happy if you do not do much damage; just carefully scrape away the grass and put it to one side, dig the hole and take a photograph. And get a local geologist to write it up.

Enfranchisement agreements exist in their thousands in the Cumbria record office. They were neatly written up in 1780 in copperplate, but it is usually necessary for the researcher to read the descriptions and try to put them on a plan.

I am continually surprised by the wealth of documents that my clients have retained and deposited in their record offices over the years. There is a reasonable chance of finding other historical records for the Manor do not despair and there is a reasonable chance that you will find some. Remember that in 1900, 90 per cent of all agricultural land was tenanted, and formed part of a small or large agricultural estate. Many estate documents will have survived.

Mr Acroyd's paper is extracted from the Proceedings of a Conference in the Land Registration Act, held at Merton College, Oxford, in 2005. Speakers were:

Robert Smith. [c. 1]

John S Moore, *Land and Power: The Norman Conquest to the Laws of Property Acts (1925)*. [c. 4]

Mike Westcott-Rudd, Senior Corporate Lawyer, HM Land Registry, *Land Registration and the Lord of the Manor*, [c. 5]

Martin Hopkins, BBW Solicitors, and Geoffrey Barrett, Blakemores Solicitors, *Manors: Do's and dont's* [c. 22]

Edward Cousins, Chief Commons commissioner and Adjudicator to HM Land Registry, *Land Registration Act (2002): Aspects of the new jurisdiction*, [c. 30]

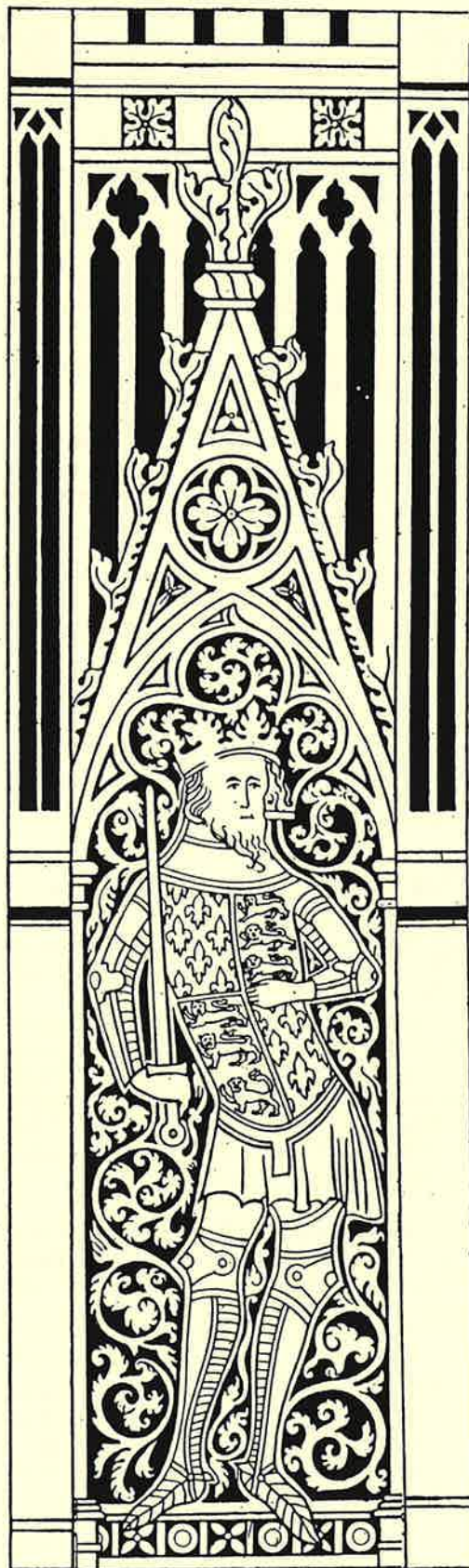
Stephen Johnson MA, Historical Research, *Mapping of Manors and idenitification of potential rights*, [c. 39]

Alastair Rennie, Custodian of the Scottish Barony Register, formerly Deputy Keeper of the Register of Scotland, *Scottish Baronies*, [c. 48]

Jeffrey Littman, Barrister, Baronies and Boundaries, [c. 60]

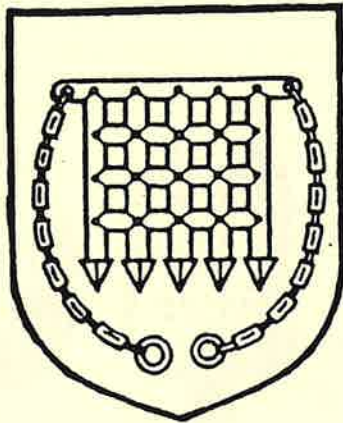
Jeremy Ackroyd FRICS, Ackroyd and Harrison Chartered Surveyors, *Severed Manorial Minerals: research, collation, investigation, and registration, mineral disputes*, [c. 72]

The Proceedings are available to Members of the Manorial Society of Great Britain for £150.00 (non-members, £250.00)



# BARONIES BY TENURE IN ENGLAND AND IRELAND

FROM THE reign of the Conqueror to the middle of the 13th century at least, the dignity of Baron in England was annexed to territorial possessions *derived* from the Crown, for which the grantee was bound to render homage, fealty, and military or other honourable services. To such possessions was annexed the privilege of holding courts, or civil and criminal jurisdiction as it has been called, which right sometimes passed with the Seignory as an incident without being expressly named: but more generally was specially granted by the words *justitiam, curiam, or socha and sacha, infangenthef and outfangenthef*. The Sheriff could not for the most part enter the Barony or Honour, and the Baron's officers received the King's writs. In such courts, justice was dispensed by the Baron to his tenants and vassals, or those representing him. Besides attending the King in his wars with the number of knights reserved by his tenure to the Crown, the Baron, as its vassal, was bound to attend the King's Court, the *Curia Regis*.



This Court, at first held at stated periods in each year, was afterwards extended to the *Magnum Consilium* (Great Council), to which the King summoned his Barons for their *advice and consent* at such times and on such occasions as his exigencies required. When *extra-feudal* services were agreed by the Barons at this Court, the consent of their tenants and vassals was also sought by the holders of such Seignories in their Courts. In possession of one of these Seignories as a *Feodum Nobile*, with its incident service of attending the *Curia Regis* or *Commune Concilium*, originated the dignity of a 'Feudal Peerage', a Feudal Barony is perhaps a literal Territorial Peerage, as opposed to a nominal one today. After the Barons' War of 1264-5, a change took place in England which affected the rights of the English Baronage, by which it was established that no person should attend Parliament (*Commune Consilium*) without express writs from the King, with a sitting in consequence, and has since been held to have vested in the person so summoned and his heirs lineally an hereditary Barony. Such rules have never applied to the Barony by Tenure, though there are still some Baronies by Writ, whose holders sit in the House of Lords, whose ancestors sold their Baronies by Tenure centuries ago. The most recent example of this is the Parliamentary Barony of Dacre of Gilsland, held by the Earl of Carlisle, who sold the Barony by Tenure of Gilsland without affecting his right to sit in the House of Lords, even if he, or his successors, were to lose their superior Parliamentary titles of Earl of Carlisle and Viscount Howard Morpeth. Indeed, Lord Carlisle in 1990 sold the Barony of Morpeth. In 1992, the Earl of Lonsdale sold the Barony of Burgh, though his ancestor was first summoned to Parliament under the *Parliamentary* Barony of Burgh, no matter that the right of hereditary

peers to sit in the House of Lords has been much curtailed since 1999.

At the College of Arms, London, is a manuscript headed: "There are Barons of three kinds, namely:

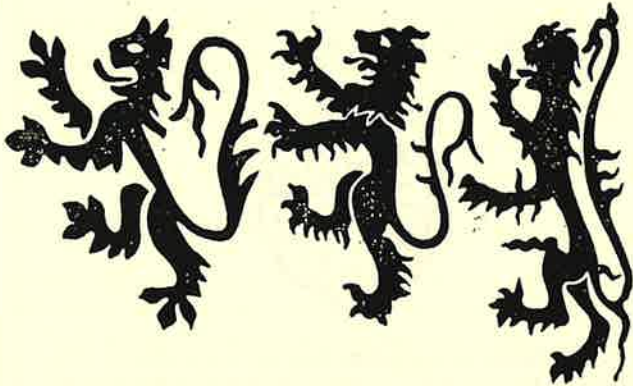
- (1) By Tenure (who, in regard thereof, ought to be summoned to Parliament)
- (2) By Writ of Summons
- (3) By Creation, or Letters Patent



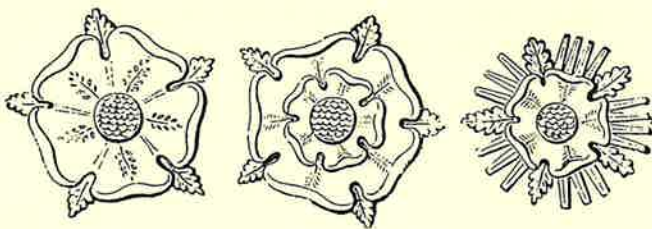
Barons by Tenure were of old the King's principal tenants, who holding an Honour, castle, or group of Manors of the King *in capite* by Barony (*per integram Baroniam*) were called his *Barones majores*, having their titles usually from their principal seats, or heads (*caputs*) of their Baronies, and continued to be the *only* Barons summoned to Parliament until 1265, when Henry III, having overcome Simon de Montfort and the rebellious Barons at the Battle of Evesham, called a Parliament to have such of them as were slain, taken prisoner, or escaped, attainted and disinherited; but the number of his faithful Barons being small, he supplied their number with other persons of known worth, wisdom, and repute who, by means thereof were henceforth Barons by Writ, although they had no possession that was a *Feodum Nobile*, for they were only tenants *in capite*, which were not really Barons at all (though some were, some were restored, and some married ladies - the daughters or widows of Barons - who conferred Baronies, or at least respectability, upon them). Many, however, were not, though they were often called to Great Councils as Barons and Peers. This continued to be the practice until the reign of Richard II who, in 1388, introduced the creation of Barons by Letters Patent, which is now the only method by which a person is summoned as a Peer to Parliament, saving occasionally those people who can demonstrate to the Privileges Committee of the House of Lords that they be entitled to such a summons by descent from a Baron by Writ. The Feudal Baronage in England predates by as much as two centuries the Parliamentary Peerage.



In the reign of King John, an alteration of great importance took place in the rights of the Barons and tenants *in capite*; for only the principal barons, or *barones majores*, were wanted at the Great Council, or prototype parliaments, and then only by royal summons and not, as hitherto, by right. The rest, who acquired the name of *barones minores*, were called by one general summons from the sheriffs of their respective counties. This practice was effectively recognized and legally established by the *Magna Carta* of King John. Selden supposes that in consequence of the quarrels between King John and his Barons, several Baronies had escheated to the Crown, either by attainder, or otherwise, which were partly granted to others, and partly retained as rewards for those who should come over to the King.



That several Barons were also so decayed in their estates as not to be able to support their rank; and the ancient Barons, or *barones majores*, who retained their possessions, foreseeing that their dignity might be diminished if the new tenants in chief, or grantees of the escheated Baronies, and the decayed Barons, should remain equal to them, procured a law no longer extant, or some understanding, in some of the parliaments preceding the Great Charter, by which they only in future should be styled Barons, and the rest tenants in chief, only, or knights. And because their ancient name could not be wholly taken from them, therefore, the addition of *majores* was given to the ancient and more powerful Barons, and that of *minores* to the others. Barons by Tenure, like Scottish Barons and later Irish Barons, are one of the *minores* sort, but only because they have been unable to sit in Parliament. (The use of the word "Parliament" in this context is not in its specialized sense, but in the sense of a deliberative assembly).

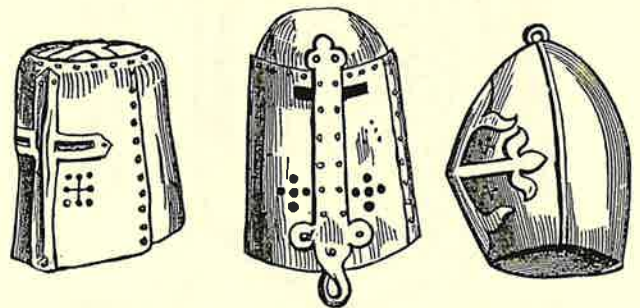


From this period, the right of sitting in Parliament appears to have been confined to those persons who were possessed of entire Baronies. But in the reign of King Henry III, a still greater alteration took place in the rights of the Barons; for whereas, every tenant *in capite* was, before that period, *ipso facto*, a Parliamentary Baron, and entitled to be summoned, either by the King's writ, or by the sheriff of the county, to every parliament that was called: yet, about that time, some new law is said to have been made, by which it was established that no person, though possessed of a Barony, should come to parliament with-

out being expressly and particularly summoned by the King's writ.

This fact is first mentioned by Camden in the Preface to his *Britannia*, who cites an ancient author, without naming him as his authority. *Ad summum honorem pertinet ex quo rex Henricus III ex tanta multitudine quae seditiosa et turbulenta fuit, optimos quosque rescripto ad comitia parlamentaria evocaverit. Ille enim (ex satis antiquo scriptore loquor) post magnas perturbationes et enormes vexationes inter ipsum regem, Simonem de Monteforte, et alios barones, motas et susceptas, statuit et ordinavit quod omnes illi comites et barones Angliae quibus upse rex dignatus est brevia summonitionis dirigere, venirent ad parlamentum suum, et non alii, nisi forte dominus rex alia vel similia brevia eis dirigere voluisset.*

Selden appears to have given but little credit to this narrative; and says, he never could discover who this ancient writer, cited by Camden, was; but thought that, not long after the Great Charter of King John, some law was made that induced the utter exclusion of all tenants in chief from parliament, beside the ancient and greater Barons, and such others as the King should in like manner summon.



In consequence of this law, the practice of summoning the *barones minores*, by the sheriff, ceased, as appears from the *Magna Carta* of 9 Henry III in which the chapter respecting the summoning of the Barons and tenants *in capite*, in the charter of King John, is entirely omitted.

From this period, the dignity of a parliamentary Baron was confined to those who were summoned by the Crown; this appears from the words of the writ, by which the King certifies a person to be a peer, as stated in the *Registerum Brevium*, a book as ancient as the Statute of Westminster, 2 13 Edward I which are, *Quia praedictum G unum baronum regni nostri, ad parlamenta nostra de summonitione regia venientium, recordamur.*

It cannot, however, be supposed, that the Crown ever possessed the prerogative of omitting to summon the principal nobles to every parliament, pursuant to the provisions of the *Magna Carta* of King John; for there is one instance recorded in English history of an omission of this kind, which was immediately noticed in such a manner as to prevent its recurrence.

In the year 1225, King Henry III called a parliament at Westminster, and several of the peers being absent for want of writs of summons, the Barons who attended refused to answer the King's proposals, for this reason, *Quod omnes tunc temporis non fuerunt, juxta tenorem Magnae Chartae vocati; et ideo sine paribus suis tunc absentibus, nullum voluerunt tunc responsum dare, vel auxilium concedere vel prestare.*

With respect to the different orders, and names or titles of nobility and dignity in England, the most ancient are those of Baron and Earl. It has been stated that the word *baro* was originally synonymous with *homo*; that all those persons to whom feuds were granted by Kings and sovereign princes, were called *barones et homines regis, sive qui hominum regi debent*.

Sir Henry Spelman says that the word baron was introduced into England by the Normans: *Ad Anglos autem pervenisse videtur vocabulum baro, vel cum ipsis Normannis, vel cum Edwardus Confessor aures moresque imbibisset Normannicos*. The first mention of the word which we have met with is in Domesday Vol ii 367 where it is said, *Hanc terram invadiavit abbas et barones regis*. And Eadmerus, who lived in the time of King Henry I speaking of William the Conqueror, says: *Nulli episcoporum permittebat ut aliquem de baronibus suis, seu ministris, publice excommunicaret*.

Selden observes that in the extracts from the Inquisitions, taken in the time of King John, the phrases of *tenentes per baroniam et servitia militaria*; and *milites et barones tenentes in capite de rege*, are used for the same persons. In another place he says, *Tenere de rege in capite, habere possessiones sicut baroniam*, and to be a baron, with a right to sit with the rest of the barons in councils or courts of judgment, according to the laws of that time, were synonymous: and Spelman says, *Aevo Henrici Secundi quaevis tenura in capite habebatur pro tenura per baroniam*.



Lord Coke has observed that in ancient records the Barons included the whole nobility of England, because regularly all noblemen were Barons, though they had a higher dignity; and the great council of the nobility were all comprehended under the name of the Council *De Baronage*. This seems to be confirmed by Matthew Paris, in whose history we find the word *baronagium* used as comprehending all the nobility: *Dominus rex de consilio totius baronagii sui*, and Dugdale has transcribed the following writ of King Henry III to the Sheriff of Herefordshire: *Rex Vicecomiti Heref' - Precipimus tibi quod si aliqua gens armata per ballivam tuam, contra provisionem nuper factam apud Gloucestriam, de communi concilio baronagii nostri*.

In consequence of the practice of subinfeudation, the great lords, particularly those who were Earls Palatine, called their immediate tenants or vassals, Barons. Thus the Earls of Chester and the bishops of Durham had their Barons. The City of London and the Cinque Ports also had their Barons. In like manner the parliamentary barons seem gradually to be called *barones regis* or *barones regni*, in order to distinguish them from those inferior Barons.

With respect to the various modes by which dignities may be created, it has been shown that British dignities were originally feudal, and introduced into England, together with the rest of that system, by the Normans, that they were annexed to the possession of certain estates in land, and must have been created by a grant of those estates.



Dignities were created in this manner in France and in Normandy. In Scotland the same practice prevailed. Thus, in the printed case of the Earldom of Sutherland, it is said that the most ancient mode of conferring honours in Scotland was by erecting certain estates into an Earldom, and investing the grantee with those estates, of which several instances are given. And in the return made by the Lords of Sessions of Scotland in 1739 to the House of Lords respecting the state of the Scottish Peerage, it is said that before the reign of King James VI titles of honour and dignity were created by erecting lands into Earldoms and Lordships.

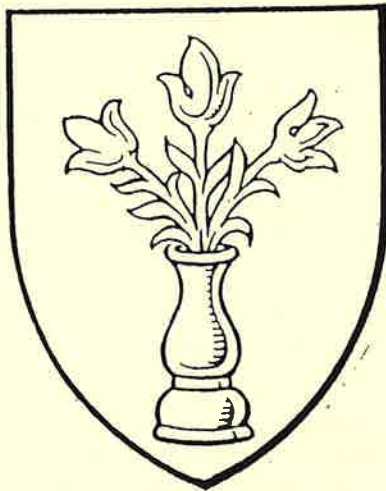
As all the ancient grants of lands made by the Conqueror and his sons to their followers are now lost, there exists no instance of the Crown's erecting an estate into a Barony or Earldom. Lord Coke says "but now the ancient manner of creation is altered; for now, when the King creates a duke, a marquis, an earl, a viscount, or a baron; he seldom creates a dukedom, marquisdome, earldome &c *ad sustinendum nomen et onus*, viz to grant him manours, lands, tenements, &c to hold of him in chiefe; for commonly upon creations the king grants to them created an annuity". And in Lord Gerard's case, Wright, serjeant, says:- "The legal constitution of a Barony is, when the king creates certain lands to be a Barony."

It also appears from ancient records that the dignities of Baron and Earl, with a right of sitting in parliament, continued to be annexed to the possession of some feudal seigneuries or lordships for a long time after the Conquest, a fact that is fully admitted by all eminent antiquaries; by Camden, Spelman, Dugdale, and Selden. It will therefore be necessary to inquire into the nature of those Manors, Seigneuries or Lordships, and to state the cases in which dignities have been held to be annexed to the possession of them.



On the establishment of the Normans in England, William the Conqueror conferred or confirmed the estates of many Saxon thanes upon his principal followers, as strict feuds, to be held immediately of himself, by homage fealty, and military or other honourable services. The usual services reserved on these grants were the services of a certain number of knights; and the persons who received them, in order to be able to perform their services, gave out by subinfeudation portions of the lands to their followers, to be held of themselves by knight service; reserving a tract of land round their castle, or mansion house, for the maintenance of their own family; by which means their estates became feudal seignuries, consisting of demesnes and services.

To every grant of a *feudum nobile* or *feudum dignitatis*, a jurisdiction was always annexed. In conformity to this practice, it may be presumed that in all the grants of lands made by William and his sons, to be held of the Crown *in capite*, a civil and criminal jurisdiction was given. For it appears from Dugdale's *Monasticon*, that in almost all the charters of lands granted by the crown to abbeys, a civil and criminal jurisdiction was expressly given. And we know that from time immemorial every Lord of a Manor has exercised a jurisdiction over his tenants; a franchise which must have been originally derived from the Crown, directly or tacitly.



The court in which the Feudal Lord exercised his jurisdiction was called *curia baronis*, the court baron. And Lord Coke says:—"If we labour to search out the antiquity of these courts baron, we shall find them as ancient as manors themselves. For when the ancient kings of this realm, who had all the lands of England in demesne, did confer great quantities of land upon some great personages, with liberty to parcel the lands out to other inferior tenants, reserving such duties and services as they thought convenient; and to keep courts where they might redress misdemeanors, within their precincts, punish offences, committed by their tenants, and decide and debate controversies arising within their jurisdiction, these courts were termed courts baron".



Dugdale says that every estate of this kind had a capital mansion on it, as of which the lands granted out to the tenants were held. And being the residence of the Lord, it was called in old French *Manoir*, a *manendo*, from which the whole acquired the name Manor. It is also called, and with more propriety, a lordship, being in fact a feudal seignory or *dominium*, annexed to the possession of the demesnes, over the tenants holding lands by a subinfeudation from the ancient proprietors of such demesnes, by certain services, with a jurisdiction over those persons. And Lord Coke says: "A manor in these days signifieth the jurisdiction and royalty incorporate, rather than the land or scite".

*Manerium* (says Spelman) *est feudum nobile, partim vassallis, quos tenentes vocamus, ob certa servitia concessum; partim domina in usum familiae suae, cum jurisdictione in vassallos, ob concessa praedia reservatum. Quae vassallis conceduntur, terras dicimus tenementales, quae domino reservantur dominicales. Totum vero feudum dominium appellatur, olim baronia. Unde curia quae huic praeest jurisdictioni, hodie curia baronis nomen retinet.*

The persons to whom the great lords granted lands, to hold of them by knight service, were called *valvasores*, (*vavaseurs*) of whom Spelman gives the following account:—*Sunt ergo valvasores majores, qui non a rege immediate sed secunda vice feuda acceperunt, scil, a ducibus, marchionibus, vel comitibus; hoc est a regni vel regis capitaneis.* And Bracton says that an estate thus held was called *vavasoria*.

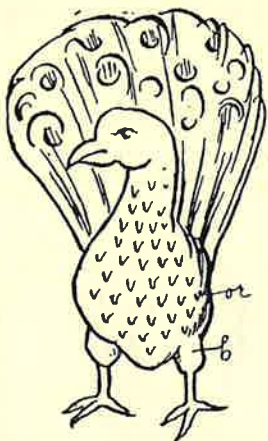
These *valvasores majores* again granted out portions of their lands to free persons, to be held of themselves in socage, who were called *valvasores minores*, by which means the *valvasores majores* created Manors of an inferior kind, whereof they were the immediate lords; and the Baron or King's tenant *in capite* was the lord paramount.

In consequence of this practice, Manors became divided into two sorts, which Bracton calls *maneria capitalia et non capitalia. Et sciendum est quod manerium poterit esse per se ex pluribus aedificiis coadjuvatum, sive villis vel hamlettis adjacentibus. Poterit enim esse manerium et per se, et cum pluribus villis, et cum pluribus hamlettis adjacentibus quorum nullum dici potest manerium per se, se d villae sive hamlettiae. Poterit enim esse per se manerium capitale, et plura continere sub se maneria non capitalia, et plures villas et plures hamletos, quasi sub uno capite, et dominio uno.*

The practice of creating inferior Manors was effectually prevented in the reign of King Edward I by the statute *Quia Emptores Terrarum*, (1290) which reciting the inconveniences arising from subinfeudations, that is from feoffments of lands to be held of the feoffors, enacted, that upon every future conveyance of lands, the grantee should hold of the chief lord, and not of the grantor. But the provisions not extending to the king's own tenants *in capite*, the law concerning them was declared by the statutes *Prerogativa Regis*, 17 Edw. II c.6 and 4 Edw. III c.15 by which last all subinfeudations previous to the reign of

King Edward I were confirmed. But all subsequent to that period were left open to the King's prerogative.

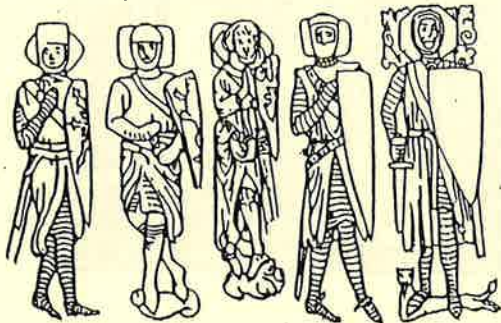
Every Lord of a Manor held immediately of the Crown was during the first century after the Conquest deemed a Baron and his Manor a Barony. Thus Spelman says:- *Maneriorum dominos etiam minores inter barones censi manifestum est, cui fidem facit quod ipsae hae curiae usque hodie curiae baronum nuncupantur. Aevo praeterea Henrici Primi procerum appellatione computari videntur omnes maneriorum domini. Nam quos in epigrapha 25. legum suarum proceres vocat, eosdem mox in capite, barones sochnam suam habentes, exponit.*



But although every Manor held immediately of the Crown, was originally a Barony, and the Lord thereof a member of the *curia regis* and the *magnum consilium*, yet when the Barons were divided into *majores* and *minores*, it is probable that those only who possessed *maneria capitalia* of which inferior Manors were held, were considered as *barones majores* and retained the dignity of Barons; while those who had but a *manerium non capitale* were called *barones minores*.

In the course of time the Manor, or Seignory to which the dignity of a Baron was annexed, acquired the name *baronia*; and it appears from all our 12th and 13th century writers that such estates were not uncommon for some time after the Conquest. Thus we read in Glanville:- *Mortuo enim aliquo capitali barone, statim baroniam in manu suo retinet rex, donec haeres grantum suum fecerit de relevio.* But such Baronies must have some form of Charter of the King, or writ from the King, or some such charter of him for 'livery of his lands that designates the recipient, by virtue of holding such feudum nobile, a Baron.

It is thus enacted by King John's *Magna Carta* c 42,- *Si aliquis tenuerit de aliqua escaeta, sicut de honore de Wallingford, Nottingham Bolon, et de aliis escaetis quae sunt in manu nostra, et sint baroniae; et obierit, haeres ejus non det alium relevium, nec faciet nobis aliud servitium quam faceret baroni, si baronia esset in manu baronis.* Bracton also says:- *Item si dominus rex tenuerit aliquam baroniam, vel terram.* And in another place:- *Ut si fuerit contentio inter partes, in qua baronia, vel in cujus feodo, tenementum fuerit.*

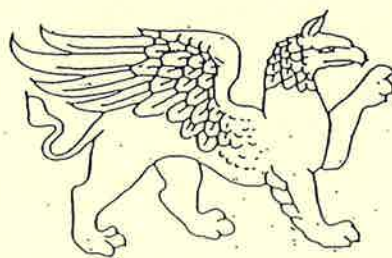


It has been stated that to every Manor was annexed a jurisdiction, and a court, called the court baron, for the exercise of it. The civil jurisdiction was called *soca et sacha*, the criminal *infangthef* and *outfangthef*. These latter words are thus explained by Spelman:-

*Significat latronem infra captum, hoc est infra amnerium vel jurisdictionem alicujus, jus habentis de eodem cognoscendi. Regale quidem privilegium, et in antiquis diplomatibus, majoribus regni frequenter concessum. Qui ipso hoc verbo talem assecuti sunt potestem.*

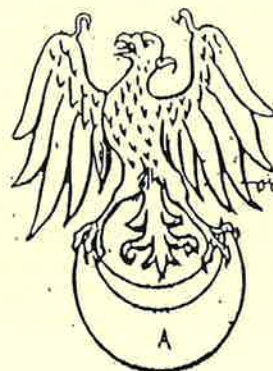
By the *Magna Carta* of 9 Hen. III c 17, sheriffs of counties, constables of castles, escheators and coroners were prohibited from holding pleas of the Crown. Lord Coke says- "Albeit the franchises of infangthiefe and outfangthiefe, to be heard and determined within courts-baron belonging to manors, were within the said mischief, yet we find, but not without great inconvenience, that the same had some continuance after this act. But neither this act or *per desuetudinem* for inconvenience these franchises within manors are antiquated and gone".

It appears however from the *Placita de Quo Warranto* that in the reigns of the three first Edwards, a great number of Lords of Manors claimed and established a right to exercise a criminal jurisdiction in their court barons.



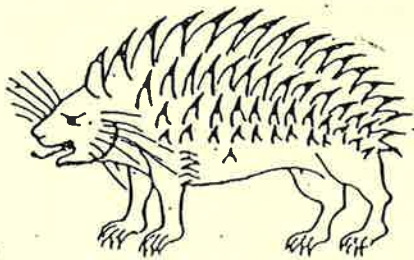
By the feudal law, the lord, upon the death of his tenant, became entitled to a sum of money from the heir, as a fine or composition for the renewal of the investiture, which was called a relief. In Glanville's time, the relief of a knight's fee was fixed at 100 shillings, but that of a Barony was uncertain. *De baronis vero nihil certum statuendum est, quia juxta voluntatem et misericordiam domini regis solent baronie capitales de releviis suis domino regi satisfacere.*

The reliefs of earls and barons were, however, reduced to a certainty before the *Magna Carta* of King John, in which is the following clause:- *Si quis comitum vel baronum nostrorum, sive aliorum tenentium de nobis in capite, per servitium militare mortuus fuerit, et cum decesserit heres suus plenae etatis fuerit, et relevium debeat, habeat hereditatem suam per antiquum relevium. Scilicet heres heredis comitis, de baronia comitis integra, per centum libra. Heres vel heredes baronis de baronia integra, per centum marcas.*



In some ancient copies of the *Magna Carta* of King Henry III, referred to in the folio edition of the Statutes the relief of a Barony is stated to be *centum libras*. But this reading appears erroneous, and *marcas* to be the true one. First, an earldom was always considered, not only on the continent, but also in England, as superior to, and of greater annual value than a Barony; therefore the relief ought to be greater. Second, in the text of the old *Coustumier* of Normandy, c 34, the relief of a Baron is stated to be 100 livres; and in the Glossary the relief of an Earl is said to be 500 livres. By the laws of the Conqueror, the relief of an earl consisted of eight horses, &c and that of a Baron of four horses &c. Third, in Bracton is the following passage: *Quale sit rationabile relievium antiquum de feodo militari distinguitur in Charta Libertatum, c2. Scil de comitatu intergro dandae sunt c. librae de herede comitis, pro relevio, et de herede baronis pro baronia integra c marcas*. And this is the reading in the copy of *Magna Carta* published by Lord Coke, which is adopted by him, and by all the other writers of that age.

It appears, however, from Madox's History of the Exchequer, that in the reign of King Henry III the sum of one hundred pounds was required for the relief of a Barony. So that it was a matter of considerable importance to ascertain whether a person held his lands *per baronium*, or by the service of a certain number of knights only.



In 9 Henry III, Walter de Clifford was charged with £100 for his relief, as for a Barony. But it being found by inquisition that this Walter held of the King, *in capite*, by one knight's fee, and not by Barony, he was acquitted of £93 and half a mark, and charged for his relief with ten marks only. The words of the record are: *Quod per inquisitionem quam rex praecepit fieri, idem Walterius tenuit de rege, in capite per feudum militis, et non per baroniam*.

In 40 Henry III, the King took homage of William Longespee, son and heir of Idonea, late wife of William Longespee, for all the lands which were Idonea's. The Abbot of Pershore, the King's escheator, was ordered to take security of William, for 50 shillings for his relief. But afterwards, upon searching the Roll of the Exchequer, it was found that the Idonea held of the King, *in capite*, two Baronies; whereupon it was adjudged by the court of exchequer that William should pay to the King £200 for his relief for the said Baronies.

The different fees payable on doing homage to the King, by persons holding by Barony, and by persons holding by knight service, proves the distinction between several tenures. By the Statute of Westminster 2. Edw.I c.42, in which the fees of the marshal and chamberlain of the King's house are regulated, it is ordered by the King that where a marshal "who asketh a palfrey of earls, Barons and others, holding by a part of a Barony, where they have done homage; nevertheless another palfrey, when they are made Knights; the said marshal, of every Earl and Baron, holding an entire Barony, should be contented with one palfrey, or with the price of it; such as he had used to have of old".

Lord Coke has observed on this passage that the ancient price of the horse of a Baron, holding by an entire Barony, was ten pounds; and that of a knight, having no part of a Barony, was five marks.

With respect to the extent of a Barony, it is said in an ancient manuscript, called *Modus tenendi Parliamentum*, that a Barony consisted of thirteen knight's fees and a quarter. But though this work has been frequently referred to by Lord Coke and some other writers, as a genuine piece of antiquity, yet its authenticity has been questioned by Selden and Prynne; the former of whom supposes it to have been an imposture of the time of King Edward III; and the latter makes it an invention, as late as 31 Hen VI.

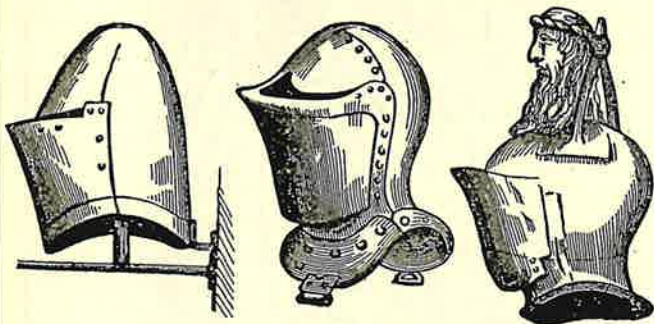


The best ground for presumption about the extent of a Barony is by comparing the relief due for it with the relief due for a knight's fee; for the relief being said to be a fourth part of the annual value of the feud, must have been in proportion to the *quantum* of property that descended to the heir. Now it has been stated that in Glanville's time, the relief of a Knight's Fee was five pounds, and supposing the relief of a Barony to have been a hundred marks, as Bracton and all the writers of that time assert, a Barony would consist of thirteen knight's fees and a quarter, according to the *Modus tenendi Parliamentum*. But if the relief was £100 it would consist of 20 Knights Fees.

Madox observes that the Baronies created by the Conqueror and his sons, were very likely much greater than those that were created after, and consequently contained a greater number of Knight's Fees. A distinction was, therefore, made between the Baronies and Knight's Fees of the older feoffment, that is, those that were created after; which are said to be of the new feoffment.

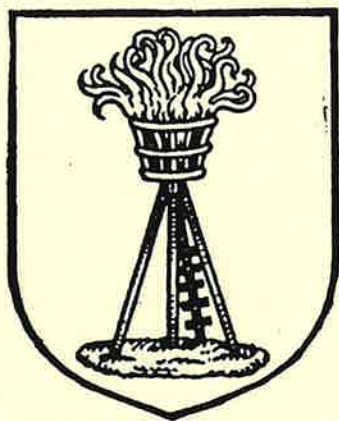


In the reign of Henry VIII, an Honour appears to have been considered as an illustrious Manor or Lordship, or several Manors united, having a capital seat or mansion. Thus certain Manors belonging to the Crown were then created Honours by Act of Parliament; such as the Manors of Hampton Court, Amptill and Grafton. But Madox observes that by those acts Honours were created in name, and those places acquired some of the properties of Honours, but in fact became Honours of a new sort. For the essential property of an Honour vested in the King was to be a Barony escheated. Now if Hampton Court was not an escheat, or a Barony escheated before the making of the Act, it could not become an escheat or Barony escheated by the Act; which could not alter its nature. If a Manor or estate vested in the Crown was a part of the King's original inheritance, if it never was granted to an Earl or Baron, and it did not come to the Crown by escheat, it was not properly an Honour. It might, indeed, be created an Honour, or nominal Honour, but such creation could not alter the nature of it, or make it an Honour in fact, that is, it would not make a Baronial estate, if not so before.



All the proprietors of these Baronial estates, or land Baronies, were entitled to sit in the *Magnum Consilium*, or parliament, till the reign of Henry III, who made a law, which has been already stated, that no person should come to parliament without a writ of summons from the King; and though it does not appear that this law applied to the principal Barons, yet it is probable that the Crown frequently availed itself of it, by omitting to summon the lesser Barons or those who acquired estates held *per baroniam*. For some passages in our ancient records prove that after the reign of Henry III all tenants *per baroniam* were not parliamentary Barons.

Thus in 15 Edw III to a complaint made by the clergy that the King's officers claimed tithes of them, His Majesty answers; "*Que ceux qui teignent du roi per baronie et deyvent venir au parlement per somonse, paient le neofisme.*" And in a petition of the Commons in 28 Edw III it is stated that the tenants of Lords who held by Barony, and were summonsd to Parliament claimed to be discharged from contributing to the wages of knights of the shire.



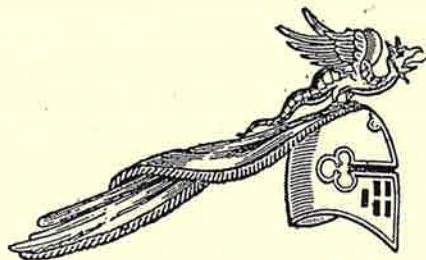
In Lord Coke's comment on *Magna Carta* he says: "It is to be understood that if the king give land to one and his heirs, *tenendum de rege per servitium baroniae* he is no lord of parliament until he is called by writ to parliament. Mr Elsyng, who was clerk of parliament in the reign of King James I, says it appears from the *Inquisitiones post Mortem* in the Tower, that many estates were held *per baroniam* by persons who were not reputed (parliamentary) peers."

The town of Burford, in Shropshire, appears from an inquisition taken in 40 Edw.III to have been held of the King, by the service of finding five men for the army of Wales; *et per servitium baroniae*, whence the proprietors were called Barons of Burford, but were not parliamentary Barons.



Madox, in a note to the case of Thomas de Furnival, observes that holding by Barony, and being summoned to attend among the Barons of Parliament, were in those days very different things. Selden, in his argument for the Earl of Kent, respecting the Barony of Grey of Ruthyn, says, "it is a rule that an honour or barony, or a tenure by barony, doth not enforce a conclusion that the possessed is a baron of parliament".

West observes that in consequence of the law of Henry III, which has been already stated from Camden, the circumstance of holding *per baroniam* did not make a parliamentary Baron. And though every Lord of parliament was a Baron, yet every Baron was not a Lord of Parliament. He cites the case of Sir Ralph Everden, who was discharged from sitting on juries because he held by a part of a Barony; thought it did not appear from the writs of summons that any man of that name was ever summoned to Parliament; and says this privilege was not peculiar to an attendance on Parliament, but incident to a tenure *per baroniam*. For although no Barons had a right to come to Parliament, but only those to whom writs were sent; yet the lesser Barons did preserve all the other privileges incident to their tenure.



There were, however, some estates to the possession of which the dignity of Baron, with a right to be summoned to, and sit in, Parliament was annexed conformably to the principles of the feudal law, and the usage that then prevailed in France.

Thus the dignity of a parliamentary Baron was formerly annexed to the Manor or Barony of Kingston Lisle in Berkshire, as appears from letters patent under the great seal, made with the authority of Parliament, in 22 Hen.VI, in which it is expressly declared that the possessors of that Manor had been, by reason of that possession, Barons and Lords Lisle, and by that name had place and seat in Parliament from time immemorial.



These letters patent, after reciting that Warinus, Lord of Lisle, was seised of the Manor of Kingston Lisle, from whom it descended to John Talbot, as one of his heirs; proceeds in these words: - *Nos nedum praemissa verum etiam qualiter praefatus Warinus et omnes antecessores sui, ratione domini et maner praedictorum nomen et dignitatem baronis et domini de Lisle, a tempore quo memoria hominum non existit obtinuerunt et habuerunt, ipsique et omnes successores sui ab eodem tempore per huiusmodi nomen, loca et sessiones et alias per-eminencias in parlamenti et consiliis regis, ut caeteri barones regni Angliae a toto tempore praedicto habuerunt et obtinuerunt & c & c Volumus et concedimus per preentes, eidem Johanni, filio Johannis, quod ipse et haeredes sui domini dictorum domini et manerii de Kingston Lisle ex nunc domini et barones de Lisle et barones nobiles et proceres regni nostri habeantur, teneantur et reputentur, habeantque nomen stilum titulum et honorem baronum et dominorum de Lisle, ac sessiones in parlamenti et consiliis nostris et haeredum nostrorum, ac aliis locis quibuscunque inter alios barones regni nostri cum omnibus et omnimodis dignitatibus ac pre-eminentiis statui baronis regni nostri praedicti, et praesertim statui dictae baroniae de Lisle ab antiquo pertinentibus sive spectantibus eisdem modo et forma in omnibus et per omnia tam in huiusmodi sessionibus quam cum omnibus et omnimodis aliis pre-eminentiis et dignitatibus quibuscunque prout praedictus Warinus seu aliquis aliquis alius baroniam et dominium praedictam ante haec tempora habens et occupans habuit et tenuit. Habendum et tenendum nomen stilum titulum et honorem supradicta, una cum sessionibus supradictis in parlamenti consiliis et locis praedictis, nec non omnibus et omnimodis dignitatibus et pre-eminentiis supradictis eidem Johanni, filio Johannis, haeredibus et assignatis suis imperpetuum &c.*

By other letters patent in 15 Edw IV, reciting, as in the former ones, that Edward Grey was seised in right of Elizabeth, his wife, who was the grand-daughter and heir of John Talbot, of the Lordship and Manor of Kingston Lisle; it is granted that the said Edward and his heirs, of the body of the said Elizabeth, being Lords of the said Lordship and Manor of Kingston Lisle should be Barons Lisle and should sit in parliament with the other Barons of the realm; and the name style, title and honour of Baron Lisle is granted him to hold to him and his heirs on the body of the said Elizabeth begotten. This is an exception to most current Baronies by Tenure in England, the bulk of which are in the Crown by forfeiture.



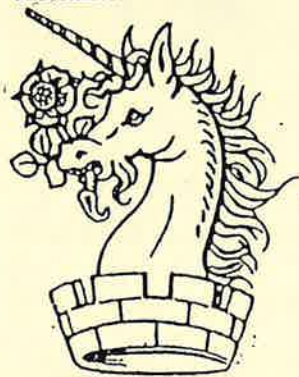
The Castle and Honour of Berkeley were granted by King Henry II to Robert FitzHarding, to hold to him and his heirs *per baroniam* from whom it descended to Thomas, Lord Berkeley, who died in 5 Hen V and by the inquisition taken at his death it was found that the castle and Manor of Berkeley were entailed by the grandfather of the deceased, by a fine levied in 23 Edward III, on himself and the heirs male of his body, and as the deceased left only a daughter, they descended on James de Berkeley, as cousin and next heir male to the deceased. Dugdale observes that this James by virtue of the entail enjoyed the castle and Barony of Berkeley and was summoned to Parliament as Lord Berkeley in 9 Henry V and to all the Parliaments that were held in the time of King Henry VI.



In the reign of Henry VII, William Lord Berkeley, having no children, covenanted to assure the castle and Manor of Berkeley, for want of issue of his own body, to King Henry VII and the heirs male of his body, and for default of such issue to his own right heirs, and settled the same accordingly. In consequence of this settlement, William Lord Berkeley obtained the office of Earl Marshal and title of Marquess to himself and the heirs male of his body, and dying without issue, the castle and Manor of Berkeley devolved to the Crown.

Maurice de Berkeley, the brother of William never had the dignity of Baron Berkeley, but having recovered several estates belonging to the family, he died in 22 Henry VII leaving Maurice, his eldest son, who was summoned to Parliament in 14 Henry VIII, but did not have the place of his ancestors, in regard that the castle of Berkeley and those Lordships belonging thereto, which originally were the body of that ancient Barony, then remained in the Crown, by virtue of the entail, and therefore he sat in Parliament as a new Baron, in the lowest place; of which, says Dugdale, he had no joy, considering the eminency of his ancestors and the pre-eminency which they ever had. Though in point of prudence he was necessitated to submit. On his death, however, King Edward VI, who was the last heir male of the body of Henry VII, the reversion of Berkeley castle and all the estates limited by William to that King fell into the possession of Henry de Berkeley as the right heir of William Lord and Marquis of Berkeley in consequence of which he was summoned to parliament in 4 & 5 Philip and Mary and was seated in the place of the ancient barons of Berkeley. The Earldom of Berkeley died out in 1945, but Captain John Barclay, as inheritor of Berkeley Lordship is Baron Barclay of Berkeley. Berkeley is the largest Manor in England, covering 28 parishes. Thus at a

much earlier date than in Scotland (*circa* 1596) the Barons By Tenure in England became *barones minores*. The Barons by Tenure in Ireland follow a similar pattern to those in England after 1170, with an exception in the reigns of Elizabeth I and James I, where Baronies were erected with the purpose of local government by the undertakers.

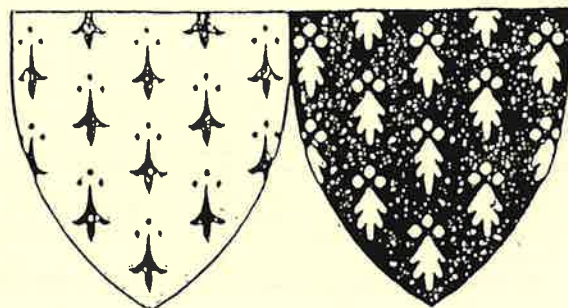


The 12th and 13th centuries were, in a manner of speaking, a baronial or honourial melting pot, some rising to great status and then falling to a manorial holding, as lands and rights were shorn from them, estates divided, or lands escheated and forfeited. A prime example of the land 'peerage', as it were, is the Earldom of Chester which features in the memorial of the Hothfield family in this Catalogue. The Anglo-Norman holders of this Earldom, though sometimes related to the king, were non-royal. The last non-royal holder of the Earldom was John Le Scot by inheritance from his uncle, Ranulph de Meschines, 4th Earl Palatine. The lands of the Earldom were so important that, on the death of John Le Scot in 1244 without issue, King Henry III annexed the Earldom to the Crown, 'lest so fair a dominion should be divided amongst women', bestowing other lands on the late John Le Scot's sister. A similar example in respect of a Barony or an Honour was that of Clare in East Anglia. Ibert de Clare, 7th Earl of Hertford, on his marriage to Joan of Acre, the daughter of King Edward I in 1289, entailed the Honour on the King, and the Honour remains in the Crown. When the Lordship of the Manor of Mitchells, in Essex, was sold about 10 years ago, there was a conveyance dated 1896 and sealed with the seal of the Honour of Clare, setting out that the Queen (Victoria) sitting in her Court of the Honour of Clare, being at Windsor Castle, granted the Lordship or Manor of Mitchells to be held of the Honour by the grantee (the purchaser). William III in 1695 granted (sold) the Honour or Barony of Hastings to Henry Pelham, whose successor, the Earl of Chichester, sold it at auction in 1996. The rights of the Tufton Barons of Westmoreland in that Barony over his *mesne* Manorial Lords were determined in the Court of Chancery in 1729. George II granted the Honour of Aquila, or the Barony of Pevensey, Sussex, to Earl De La Warr, in 1746, and as late as 1831 the burgesses of Barnstaple gave a fish supper to Sir John Chichester, Baronet, as the holder of that Barony, in return for an indefinite lease of the castle mound in the town. In 1660, Parliament passed an Act bringing to an end the services due to the Crown (and to some other Lords, principally Walsh seignories held by families like the Dukes of Beaufort) from remaining Baronies and some Manors. Most of these dues were purely honorific, such as the provision of a white rose to the king once a year, and they were not exacted, although a few very important services were implicitly preserved, such as that of providing a glove at the coronation when the monarch was invested with the sceptre with the dove, and supporting the king's arm at that point in the ceremony (Manor of Worksop), a right acknowledged by the Court of Claims at all coronations as being apurtenant to the Manor with the exception of the coronation in 1953 when the Manor was held by a divorcee and the office was served by a delegate, Lord Woolton. Most irksome to the holders of Bar-

onies and some Manors were the financial exactions in lieu of knight service and royal wardship of under-age children. Complaints had grown through the 16th century as increasingly needy monarchs had bled these ancient rights for all they were worth. Government was costly, and increasingly so under the Tudors, as society became more complex, but Parliament was seldom willing to acknowledge these expenses in their votes of tax subsidies. Consequently, kings turned to their dubious prerogative powers in an effort to make ends meet. Besides enjoying the estates of minors and demanding sums of money from holders of certain legal forms of land - Baronies and a number of Manors - for the knighting the king's eldest son, or the marriage of his daughter, they turned to the sale of monopolies to individuals and syndicates, granting an exclusive right to import and sell certain goods. Soap and tobacco were the most profitable monopolies, enabling the grantees to charge more or less what they wanted. A crisis was reached during the Personal Government of Charles I when the King ruled without Parliament between 1629 and 1640. With no parliamentary taxation, Charles relied increasingly on the prerogative Court of Star Chamber to extract money from his subjects under numerous feudal rights. A plethora of monopolies was granted and he even levied the prerogative, and legally suspect, tax known as Ship-money by which the country was obliged to pay towards the upkeep of the Navy, a feudal impost last used by Edward III in the 14th century. The former Member of Parliament, John Hampden, brought a test case in the Court of King's Bench against Ship-money in 1637, but as Charles appointed and could dismiss the judges, the Court found against him. When Parliament finally convened for the second time in 1640 - known as the Long Parliament, leading to the English Civil War - monopolies, the royal prerogative in respect of tax, benevolences (forced loans that were not repaid), feudal exactions from Manors and Baronies, and the Court of Star Chamber which enforced the prerogative, were abolished. When Charles's son was restored in 1660, confirmatory Acts were passed in Parliament against these perceived injustices, and similar Acts were passed in the Irish Parliament in the following year.

Some of these ancient traditions are maintained. Worksop has already been mentioned. The Barons of the Cinque Ports still enjoy (ie as at 1953) rights to attend the coronation. The Lord of the Manor of Henley-in-Arden still holds his Courts in the town in November. The Lord of Penrice, South Wales, still gives a pair of silver spurs to his overlord, the Lord of Gower, every two years in a small ceremony, which spurs the Lord of Gower immediately gives back for the next presentation. But insofar as being taxed for the knighting of the monarch's son, or if one leaves an under-age child, Lords need no longer be concerned.

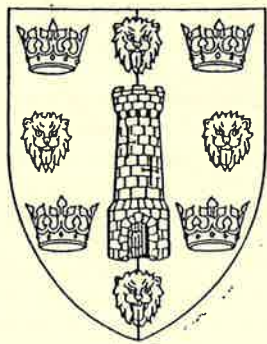
The holder of a (Feudal) Barony would be known as John Smith of X, Baron of X, and his wife, or a woman in her own right, Janet Smith of X, Baroness of X. A Manorial Lord as Mr John Smith, Lord of X, or Lord of the Manor of X, and his wife or a woman in her own right, Mrs Janet Smith, Lady of X, or Lady of the Manor of X.



## HOW TO WRITE A DESCENT OF A MANORIAL LORD

The following is a descent of a Manorial Lord, whose title has been thoroughly researched and recorded.

### Rand of Lynford



#### RAND Gerald Frederick

b 10 November 1926 s of William Frederick Rand (d 1960) of Herts and Elsie Mary White (d 1926). Educated Merchant Taylor's. Married 1stly 13 July 1949 Eileen Margaret, dau of William Alexandra Wilson (d 1975) of Herts 1 son Steven born 1953. 2ndly 1 November 1972 Clarissa Elizabeth, dau of Thomas William Barker (d 1956) of Hull. Landowner and master builder, ret; Chairman Rand Contractors Ltd 1952-68, MD Power Plant Int 1962-71, Chmn Manor Minerals (UK) Ltd 1985-; elected to Société Jersaise 1967, member governing council The Manorial Society of Great Britain 1985, regional Chairman Domesday National Committee 1986, member of Country Landowners Association; owner of the Lynford Hall Estate Norfolk; Lord of the Manor of: Lynford, Mundford, Cranwich Norfolk. Mr Rand bought Lynford Hall in 1970 and five years later bought the Lordship of the Manor of Lynford and the adjoining Manors of Mundford, Cranwich, and West Tofts. Mr Rand has carefully restored the house which he now runs as an hotel and country club. Lynford Hall is also the setting for the television series 'Allo 'Allo.

One of the most engaging of Mr Rand's predecessors at Lynford was George Osbaldeston, nominated informally by Queen Victoria as "Squire of all England". Squire Osbaldeston was Master of the Burton Hunt and became the mentor of Sir Richard Sutton (3rd Bt) in 1809 when Sutton was a mere lad of 10 years. Sir Richard was heir to vast estates throughout Britain and after he inherited the Pultney Estates in London and Bath in 1812 from his step-father Sir James Murray Pultney, became one of the richest men in England next to the King. Upon his coming-of-age in 1820 he also inherited the family estates in Nottinghamshire, Leicestershire, Lincolnshire, Yorkshire, and various properties in London. Sutton became Master of the Burton, The Quorn, The Cottesmore Hunts and followed in the steps of Osbaldeston to be one of the finest shots in the kingdom. In 1824, Sutton founded the Great Lynford Hall Estate (7,718a 2r 37p) and the Estate became one of the finest sporting estates in England. He had purchased Lynford Hall (1717-1863) and in the same year purchased Mundford, Cranwich, and West Tofts and part of Colveston. Osbaldeston made Lynford his "second home" where he

Walter Rand, b 21 Nov 1855 = Clara Preston, b 6 Nov 1876  
died 10 March 1915

William Frederick Rand of Hertfordshire = Elsie Mary White, died 1926

Gerald Frederick Rand of Lynford = (1) Eileen Margaret, daughter of William Alexander Winson of Hertfordshire (d 1975)  
(2) Clarissa Elizabeth, daughter of Thomas William Barker of Hull

(1)  
Stephen William Rand, b 29 January 1953

entertained shooting parties each season until his death on 22 November 1855. An extract from Sir Richard's Game Book (now in the possession of Commander Jack Sutton) for 13 August 1832 on the Lynford Estate includes the following guns: Sir R Sutton, Sir Philip Musgrave, Mr Osbaldeston, Mr C Chaplin, The Duke of Rutland who shot 309 pheasants, 104 hares, 62 rabbits, and seven woodcocks. Lynford was Sutton's favourite Estate and he is buried in a Tomb in St Marys Church, West Tofts, which would do justice to a Monarch. The Lynford Hall Estate was purchased by Stephen Lyne-Stephens in 1856 from Sir Richard's executors and William Burn was commissioned to design and build the present Hall in July 1857. In 1862, the house was completed and Madame Lyne-Stephens (Pauline Duvernay) moved in. The old mansion was demolished in 1863. Osbaldeston having established a connection with Pauline (Yolande Marie Louise) continued to visit Lynford as her guest (her husband Stephen Lyne-Stephens died in 1860) until his death in 1866. A suite in the present Hall bears his name to this day. History repeated itself at Lynford, when in 1905 Frederick James Osbaldeston Montague of Ingmanthorpe bought the Lynford Hall Estate from Henry Alexandra Campbell Esq of Grantully Castle, Perthshire, and Peninghame House, Newton Stewart. Montagu's father married into the Osbaldeston family and Ben Marshall's famous portrait of George Osbaldeston "A First Rate Shot" took pride of place hung in the central archway of the grand stair case until 1925, when Montagu sold the Estate. The portrait is now in the possession of George Montagu Esq, Cannes, South of France, and has been restored in recent years. In 1990, history repeated itself at Lynford when a descendant of the great Squire stayed at Lynford and a "Mr Osbaldeston" was once again in residence!

LORDS OF THE MANOR OF LYNFORD, NORFOLK - 1064 to the Present

The first Moiety (Bigods Manor)

Alstan the Saxon - 1064

Richard de Rising - 1080 (Overlord, Roger Bigod or Bigot, Earl of Norfolk)

Alstan the Son - 1092

Stanart - 1133

Stanart the Son - 1177

John Cosyn - 1218

Thomas de Lynford - 1222

Margaret Cosyn - 1270

Stephen de Lynford - 1285

Amisius son of Roger of Cressingham Magna - 1305

John de Cressingham and Maud his wife - 1310

Walter Gyzun and Catherine his wife - 1318

Walter de Constantinople alias le Goldsmith and Catherine his wife in tail - 1330

Will Longstaff - 1347

Thomas de Cressingham - 1372

William Gossen - 1386

Sir John Clifton Kt, of Buckenham Castle - 1412

Thomas Mowbray, Duke of Norfolk - 1429

John Briggs of Quidenham - 1450

The Prior and Convent of St Mary in Thetford - (vide infra) 1460

The Second Moiety (Giffards Manor)

Alstan the Saxon - 1064

Richard de Rising - 1080 (Overlord, Walter Giffard, Earl of Buckingham)

Alstan the Son - 1092

Jeffry de Lynford - 1133

John Thomas de Lynford - 1180

John Thomas de Lynford - 1222

Richard de Clare, 6th Earl of Hertford and 2nd Earl of Gloucester, Lord of Clare who was a

## A note on Coinage

IN THE following Particulars will be found numerous references to coins and monetary values. Apart from the pound sterling, which survives, all other names and values have disappeared, particularly since Britain adopted the decimal system in 1971. Domesday in particular is full of monetary terms now unknown, such as shillings, pence, marks and so forth. Because of this and also in response to requests from some clients, we give a summary of British coinage from the earliest times. This information is extracted from the Catalogue to the V&A Gothic Exhibition and the *Encyclopaedia Britannica*.

**Ancient Britain:** *circa* 2nd century BC - small pieces of bronze alloy with 20% tin, circulating in southern England. These coins copied the bronze Massilia (Marseille) from Gaul (modern France). Gold coins, based on the *stater* of Philip II, King of Macedonia - father of Alexander the Great - in the 4th century BC, have also been found by archaeologists and originated with the Gaulish Bellovaci, a tribe at Beauvais, Normandy. These must have been used for trade. After the raid by Julius Caesar in 55-54BC, English coins were minted by British chiefs on the Roman model. Even after the Claudian conquest of AD43, English 'mints' continued long under Roman rule in the West Country.

**Anglo-Saxon** (*circa* 450-1066): Trade with France in the 6th century prompted the issue of Anglo-Saxon 'thirds' in the 7th century. The principal mints were at London and Canterbury, capital of the kingdom of Kent. Christian influence and conversion of pagan kings and their subjects, besides bringing the written word - and with it the first written laws, thus beginning to make permanent the English 'state' - came many Roman conceptions of government and civilization, including coinage which begins to reflect royal authority with the 'king's head' on the obverse side. Gold coinage was expensive and gave way to silver *circa* 650. At the same time, Anglo-Saxon chiefs set themselves up as kings in different parts of England, especially Wessex, Mercia, and Northumbria, all with their own mints. By the reign of Athelstan (924-39), King of (most of) England, there were about 30 mints, although the Danes, who settled in the North also minted coins. By the beginning of the 11th century, there were 70 mints, main ones being London, Winchester, Lincoln, and York, who produced uniform coins: obverse, king's head; reverse: some cruciform design.

Gold and silver coins were not in general circulation and Offa's gold ryal was possibly minted to pay Romescot (the tax payable to the pope). Gold and silver were required in great quantity in the ninth and tenth centuries to pay off the Danish invaders, and an indication of England's wealth is that such large sums were available and the kings of England's authority great enough that amounts as large as £30,000 were collected. Most people on the Manor would probably have never seen any kind of coin, and certainly not have owned one, and their 'buying and selling' would have been of goods and labour. The amounts given in Domesday Book are units of account, probably based on produce, not on actual money, a situation that probably obtained in the country until the 17th century when James I minted the first copper penny, half-penny, and farthing (a quarter of a penny) and which latter existed until 1948. Forgery was a constant problem, as was coin-clipping, shaving edges of gold and silver coins. Henry I maimed and executed fraudulent moneyers, we learn from the first Pipe Roll of 1122. Counterfeiting still car-

ries one of the heaviest sentences that English courts can impose. Not only is it dishonest, but an affront to the State. The cross on the reverse was extended to the edge to discourage clipping, but the matter was not finally dealt with until the reign of Queen Anne at the beginning of the 18th century when milled coin edges were inset with the words *decus et tutamen* (for decoration and security) which was revived in the 1980s when the pound sterling ceased to be paper and became a base metal coin.

**Post Conquest:** William I made little change to these Saxon arrangements

**Penny:** The first English penny so called was made of silver and minted by King Offa of Mercia (central England, see map on page xxiv) in about 790 and carrying the legend *Rex Merciorum*. It contained twenty-two and a half grains of silver, equal to 240 to the Tower pound (see *Avoir dupois* below) until 1526, when silver and gold purity by the troy pound was adopted and troy weight is still used for specie on the international markets (it was so named from Troyes, eastern France). Coins at this time were not just issued by kings, but also by archbishops of Canterbury and other prelates, although the king's name was carried. Offa also minted gold coins based on the Muslim dinar of 744 of Caliph al-Mansûr of Morocco, and was called the 'ryal', a name still much used in the Middle East. Until decimalization in 1971, there were 240 copper pennies to the pound sterling. See *Shilling* below.

Henry III struck a gold penny in 1257 which was meant to be worth 20 pence of silver, but making an equal comparison was notoriously difficult in these 'pre-economic' days when inflation was unknown to the medieval mind.

**Florin:** A coin by this name was first minted by Edward III in 1344 in fine gold, together with a leopard (half a florin) and a helm (quarter), but this attempt failed, the problem being its value against other kings' precious metal currencies. The florin was not revived until 1848 when it was struck in silver and was worth two shillings (qv), and proved very popular. An attempt at a double florin in 1887 was not popular, rather like the modern £2 coin, and it was withdrawn. From 1920, Britain's silver currency was devalued by the addition of 50% base metal, and all silver and gold coins, except ceremonial ones, such as the sovereign or crown (qqv), were discontinued in 1947 when they all became cupro-nickel.

**Shilling:** Although long known as a unit of account, the shilling coin was not minted until the reign of Henry VII (1485-1509) and was of silver. In the following particulars, it is abbreviated as 's' or /-, in the case of the latter 7/6: ie seven shillings and sixpence, which we spoke of until decimalization as 'seven and six'; or 9/11 ie: nine shillings and eleven pence, or spoken, 'nine and eleven'. The word seems to derive from Anglo-Saxon, *scilling*. Its silver content was the same as the florin (qv). In medieval MSS, the shilling is known as *solidus*, the oblique stroke, eg in 7/6 aimed immediately above. From the 14th century, the Byzantine Emperor at Constantinople minted a *solidus nummus*, and the expression for cash until decimalization generally was LSD, *pron* 'el ess dee' (ie £ = livre, s = solidus, d = *denarius*, penny)

**Pound:** In fact a measure by weight (*avoir du poids*) of a substance which monetarily became known as the pound sterling. As a measure of weight, the 'pound' is still used as such in the United States, being divided into 16 ounces, and used conjointly with decimal weights, such as kilograms. A troy unit of weight (for precious metal) divides into 12 ounces, a troy ounce being divided into grains and drams, one sixteenth of a troy ounce. The £ or 'L' symbol derives from the Roman pound, known as *libra*, the French using the 'livre' until the Napoleon I. Anglo-Saxon pund, Latin *pondo*.

**Sterling:** Originated in the 13th century and meant a very high quality of silver or gold content, which English coins contained, enjoying a reputation of great fineness throughout Europe until the devaluation of Henry VIII (see below). Sterling is still a benchmark for silver fineness, being of a quality of not less than 92.5%. 'Solid' silver decorative objects and cutlery are still hallmarked at Assay Offices in England: ie guaranteeing their silver content.

In European terms, English coinage was distinctive. It was relatively simple, consisting of gold and fine silver, with no base-metal element. Its system of account was straightforward, using pounds, shillings and pence, plus the mark, which had a fixed relationship to £ s d : 1 mark = 2/3 pound. It had a reputation for stability and fine standards, and it made systematic use of the royal image in its designs.

In 1544 Henry VIII discarded the ancient English policy of a stable coinage of fine standards, by resorting to debasement for profit, making the coinage a vast fraud on the public. Henry's reputation suffered as a result of this disastrous policy (disastrous for the public, he made a huge short-term profit, to be spent on his last French war). Henry had inherited probably the most attractive and best-regarded coinage in Europe, but he left a currency in chaos and the most disreputable-looking money in English history.

**Noble:** (6s 8d) First introduced by Edward III in 1351, the first successful gold coin which weighed 120 grains, being divided in half- and quarter-nobles. Henry V's (1413-22) noble showed: Obv: king standing, facing, in ship; crowned and armoured, with sword in right hand and shield, quartered with arms of England and France, *in left*. *HENRIC DI GRA REX ANGL & FRANC DNS HYB* (Henry by the grace of God King of England and France Lord of Ireland). Edward IV increased its value to 10 shillings. Rev: floriated cross with lis at end of limbs, central apartment containing initial H; lion and crown in each quarter, all within tressure of eight arches. *IHC AUTEM TRANSIENS PER MEDIUM ILLORUM IBAT* (But Jesus, passing through the midst of them, went his way [Luke iv 30]). Half-noble 3 shillings; quarter 1s 6d. Henry VIII introduced the George noble in 1544 - so called from George and the Dragon - which replaced the angel (qv).

**Groat:** (4d) which were minted as silver four-penny pieces until 1920, although the groat, as such, was withdrawn in the 17th century. Edward I (1272-1307) introduced the silver coin, together with pennies, half-pennies, and farthings, and subordinated all the provincial mints to that at the Tower in London. These smaller denominations of pennies (there were 480 half-pennies in a £, and 960 farthings), and one remembers in the 1950s, as a child, being able to buy a bubble-gum for a half-penny (pron 'ha'penny'). A Henry VI groat showed: Obv: the King crowned, beardless bust facing, within tressure of arches. *HENRIC DI GRA REX ANGL & FRANC* (Henry by the grace of God king of England and France). Rev: legends in two concentric circles divided by long cross pattée, three pellets in each angle. *POSUI DEUM ADIUTORE MEUM* (I have made

God my Helper [CF Psalms liv 4]). Groat Market is fairly common as an area in the centre of market towns in England, probably where the groat was used as currency for the first time - possibly a way of telling people that currency was used in that town's market.

**Rose noble**, or ryal (10s), of Edward IV, first reign (1461-70), light coinage, initial mark: Obv: similar to the noble, with the King standing, facing in ship, but with a rose on the ship's side, banner inscribed E at the stern, and, in the *temporary recoinage mints*. *EDWARD DI GRA REX ANGL & FRANC DNS HYB* (Edward by the grace of God King of England and France, Lord of Ireland). Rev: design similar to the noble, but with a rose upon radiate sun over the centre of a cross. *IHC AUT TRANSIENS PER MEDIUM ILLORUM IBAT* (But Jesus, passing through the midst of them, went his way [Luke iv 30]).

**Angel:** (6s 8d) Introduced by Edward IV in 1472-3. Obv: the Archangel Michael, piercing the devil as a dragon with his spear (from the Book of Revelations), hence the name 'angel'. *EDWARD DEI GRA REX ANGLIS & FRANC* (Edward by the grace of God King of England and France). Rev: a ship at sea, with a large cross as a mast, from which hand royal shield, letter E to left of cross, and rose to right *PER CRUCEM TUA SALVA NOS XPC REDEMPTOR*. (By thy cross save us, O Christ our redeemer). Often called the rose angel.

**Sovereign:** (£1 or 20s) Introduced by Henry VII in 1489 and is perhaps the most splendid coin, still minted, like gold dollars and krugerrands, though not circulated since the First World War. *HENRICUS DEI GRACIA REX ANGLIE ET FRANC DNS HIB* (Henry by the grace of God King of England and France, Lord of Ireland). Rev: a royal shield in the centre of a Tudor Rose. *IHESUS AUTEM TRANSIENS PER MEDIUM ILLORUM IBAT* (But Jesus, passing through the midst of them, went his way [Luke iv 30]).

**Testoon** (shilling, or 12d) k)

**Crown of the double rose** (5s) of Henry VIII, but a devalued silver content, corrected by his son Edward VI which was dated for the first time in Arabic numerals and known simply as the crown. Commemorative crowns are still minted. It was not popular, but the half-crown (2/6) was and widely used until decimalization in 1971, when you could easily buy a pint of beer for this amount. Edward also introduced the sixpenny piece and the threepenny bit (pron 'thra-pennyc'), which included the Portcull

is for the first time on the reverse.

By the reign of James I (1603-25) money as currency for circulation was necessary, as the economy became more complex and barter was failing, especially in the large commercial centres, and as noted under Penny he introduced the first copper currency. Until then, currency was silver or gold and confined to the well off.

Henry V and France With the catastrophic French defeat at Agincourt in 1415 and the Peace of Troyes, by which Henry V married the King of France's daughter Katherine and was recognized as his heir to the Crown, Henry and his son, Henry VI, minted coins in France. These included and occasionally appear in particulars:

**Salut** (=22 1/2 sous tournois) of Henry VI, Rouen Mint, issued 1423-C1449 Grand blanc au écus (= 10 deniers tournois) of Henry VI, Paris mint.

# GLOSSARY

**Abbey:** monastery or nunnery

**Agistment:** Feeding livestock, a tax on land used for livestock

**Amercement:** to be amerced: literally "to be in mercy" - a fine levied in the Manorial Court for some minor infringement of other tenants' property rights. Court Rolls and Books are littered with such fines payable to the Lord

**Athwart:** Old English, "across the line or path of something". Often used in manorial extents and surveys

**Ancient Demesne:** MANORS held by the King in 1086, the VILLAGERS of which later successfully asserted the right to special protection and privileges.

**Arrayer:** royal official responsible in later medieval and early modern England for assembling military forces.

**Baron:** a Lord, especially in the 11th and 12th centuries, a TENANT-IN-CHIEF holding an HONOR or capital manor in return for military service, later a peer called to Parliament by a WRIT OF SUMMONS.

**Bastard feudalism:** later medieval version of the FEUDAL SYSTEM in which the LORD rewarded his VASSAL with a money payment rather than a grant of land.

**Bend:** broad diagonal line in HERALDRY

**Boldon Book:** compiled in 1183 for the Bishop of Durham.

**Bookland:** Anglo-Saxon, land "booked" (recorded in writing) by a king to such a person

**Bordar:** SMALLHOLDER, usually holding between five and fifteen acres in a MANOR, but sometimes identical with a COTTAGER.

**Borough English:** succession by the youngest (son)

**Bovate:** same as yardland.

**Breviate:** a 13th-century summary of DOMESDAY BOOK, usually containing only the names of the landholder and his tenant (if any) for each MANOR, and its assessment to the DANGELD in terms of a CARUCATE, HIDE or SULONG.

**Byzantine:** relating to the Byzantine (earlier the Eastern Roman) Empire ruled from Byzantium (Istanbul).

**Cadet Line:** junior branch of a family.

**Canon Law:** law of medieval Catholic Church.

**Capital Manor:** one held direct of the King with no mesne Lord

**Carolingian:** relating to the Empire ruled by Charlemagne and his successors.

**Carolingian Renaissance:** intellectual and cultural revival of the CAROLINGIAN period.

**Carucate:** the equivalent of the HIDE, both as a unit of 120 acres for assessing DANGELD in DOMESDAY BOOK and as a real land measure, in the DANELAW; also used elsewhere in ENGLAND in DOMESDAY BOOK as a real measure of land exempt from DANEGELD

**Chancery:** royal secretariat of late Anglo-Saxon and subsequent medieval kings.

**Charter:** a formal document witnessing the grant of land or of special privileges by a LORD, especially the King to a VASSAL.

**Chausses:** legging made of MAIL

**Chief point:** a location in the upper third of a shield of HERALDRY.

**Circuit:** a group of three to six counties surveyed by one set of COMMISSIONERS in the DOMESDAY INQUEST.

**Coats armour, coats of arms:** insignia in HERALDRY, relating to a specific family or branch of a family, borne on shields or standards.

**Coif:** cap or under-helmet made of MAIL

**Colibert:** West Country: freeman

**Commot:** A Welsh landholding, a division of a cantrefi (hundred), implying a superiority, but less institutionalised than those Manors or Lordships along the southern coast of Wales which were occupied by the Normans at an early date.

**Commendation:** the act by which a VASSAL acknowledged the superiority of his LORD in Anglo-Saxon times; the equivalent of FEALTY in Norman times.

**Commissioners:** groups of BARONS and royal officials sent to survey the CIRCUITS and to check the returns made by manorial officials and the juries of each HUNDRED or WAPENTAKE.

**Common Land Act:** Act of Parliament, 1965, under which all those with an interest in Common Land, mainly LORDS, should register

**Compoti:** accounts

**Coombe:** sometimes spelt Coomb or Combe - a short valley or or deep hollow - mainly West Country and Brittany, probably Celtic

**Consanguinity:** close family relationship forming the "forbidden degrees" within which marriage was forbidden without special permission from the Pope.

**Copyhold:** holding land by title of copy of COURT ROLL

**Cotise:** a narrow diagonal line in HERALDRY.

**Cottager:** person normally holding a cottage and four acres or less in a MANOR.

**Counties of the Empire:** provinces of the CAROLINGIAN Empire, usually larger than many English counties.

**Court Books, or Rolls:** lists of the proceedings at the Manorial Court

**Courts:** LEET and BARON, CUSTOMARY COURTS: Courts of the Manor presided over by the Steward or Bailiff. The Leet was the determination of minor crimes and civil affairs within the Manor. The Court Baron was the Court of the freeholders of the Manor. Many Courts are still held for traditional purposes today: eg Henley-in-Arden, Altrincham, Heaton, Alcester, Bromsgrove, Langport, Warwick.

**Crucks:** curved vertical roof-timbers joining at the ridge of a roof.

**Curia Regis:** Royal Court; the royal household in its capacity as the administrative and especially judicial machinery of Anglo-Norman central government.

**Custom, customary:** traditional landholdings, rights, and rents on a MANOR which were invariable

**Danegeld:** a land tax levied on the CARUCATE, HIDE or SULONG, originally to buy off Danish attacks on late Anglo-Saxon England; in Norman times a normal peace-time tax raised almost every year.

**Danelaw:** East Anglia, the East, North Midland, Yorkshire, Cheshire, and Lancashire: the areas settled by Danes or Norsemen and under Danish law rather than the laws of Wessex or Mercia.

**Demesne:** the land in a MANOR held by its LORD and worked by his men for his benefit, or held on lease from him: the later "home farm".

**Dissolution:** Henry VIII's abolition of Roman Catholicism and the taking of Church land into the Crown.

**Domesday Book:** strictly speaking, only the EXCHEQUER DOMESDAY OR GREAT DOMESDAY, but this is often termed Volume I, LITTLE DOMESDAY being Volume II; the final product of the DOMESDAY INQUEST.

**Domesday inquest:** the inquiry started in January 1086, in which England was divided into CIRCUITS surveyed by sets of COMMISSIONERS whose returns, after checking and at least

two stages of abbreviation, became the EXCHEQUER DOMESDAY.

**Earldom:** the territory administered by an earl, normally comprising several counties, often previously an ancient kingdom, eg Mercia, Northumbria or Wessex.

**Enfeoffment:** a grant of land, forming a FIEF or HONOR according to its size by a LORD to his VASSAL to be held in return for FEUDAL SERVICE.

**Engrailed:** with an indented edge in HERALDRY.

**Entail:** system of fixed succession to land which cannot be altered by a will.

**Escallop:** scallop-shell ornament in HERALDRY.

**Escheator:** a royal official administering the lands of any TENANT-IN-CHIEF which were in royal custody because he was a minor.

**Estovers:** necessities allowed to tenants from the common land, especially wood for fuel and repairs

**Estreat:** an exact copy.

**Exchequer:** financial accounting department of Anglo-Norman central government from Henry I's reign.

**Exchequer Domesday** (also GREAT DOMESDAY or DOMESDAY BOOK, Volume I): the final summary of the results of the DOMESDAY INQUEST, compiled at Winchester probably under the direction of Samson, later Bishop of Worcester, probably in 1086-7.

**Exemplification:** an official copy or extract by royal officials of another document, eg DOMESDAY BOOK.

**Fealty:** oath of loyalty sworn by a VASSAL to his LORD after the LORD had accepted the VASSAL's HOMAGE.

**Feudalization:** the process by which the personal links of LORDSHIP became the territorial links of the FEUDAL SYSTEM and TENURE.

**Feudal Baron:** an 18th century concept of historians and lawyers, like FEUDAL SYSTEM to differentiate between Barons of Parliament and holders of Baronies not entitling their owners to a seat in Parliament. Baronies were originally a landholding, but have now been severed from the land and can be transmitted by gift, bequest, and conveyance as incorporeal hereditaments.

**Feudal service:** duties rendered by a VASSAL to his LORD in return for the land granted by means of ENFEOFFMENT, which could be military (knight service), administrative (serjeanty) or ecclesiastical (frankalmoign or free alms).

**Feudal system:** the reconstruction by historians of the links between LORD and VASSAL, begun by HOMAGE and FEALTY, followed by ENFEOFFMENT, continued by FEUDAL SERVICE subject to the INCIDENTS of TENURE; expression first coined in C18th

**Fief:** a MANOR or Manors granted to a VASSAL by his LORD by means of ENFEOFFMENT to be held in return for FEUDAL SERVICE.

**Folio:** a sheet of parchment, folded in two or four before being sewn into a GATHERING.

**Folkland:** Anglo-Saxon, roughly common land

**Fran(c)(k)marriage:** freehold land given in marriage to the husband of a daughter, sister &c on her marriage - a form of dowry

**Frankalmoign:** land held by the Church, usually not for payment in money, but for praying for the dead, often for a family or benefactor

**Franklin:** a freeman or yeoman in later medieval England.

**Frankpledge, View of:** Assembly of the tenants of the Manor at which they swore to uphold the custom of the Manor

**Freebord:** to plant and cut timber on one's own lands freely, noticed in East Anglia

**Freeman:** before the Norman Conquest, a man who could transfer himself and his land from one LORD to another by COMENDATION: after the Norman Conquest, a man holding lands

within a MANOR in return for rent and very light services, unlike the VILLAGER who owed regular labour services on the DEMESNE, with access to the protection of the royal courts.

**Free warren:** charter of sporting rights.

**Frenchmen:** superior manorial tenants of French origin in DOMESDAY BOOK.

**Gathering:** a group of FOLIOS sewn together before binding.

**Gavelkind:** Payment of a money rent to the Lord instead of SERVICE. Peculiar to Kent.

**Geld:** see DANEGELD.

**Gonfalon:** banner or standard.

**Gothic Revival:** the period of fashionable building in REVIVAL GOTHIC, mainly in the 19th century.

**Great Domesday:** see EXCHEQUER DOMESDAY.

**Gules:** red in HERALDRY.

**Halimote:** Court of FREEHOLDERS of a Manor, presided over by the Lord's steward.

**Halley's Comet:** a COMET named after Edmond Halley, d. 1742, who observed it in 1682 and calculated its orbit round the Sun to be approximately every 76 years: illustrated in the Bayeux Tapestry

**Homage:** in the Manorial Court, the 12 men who formed the jury

**Hauberk:** knee-length tunic made of MAIL.

**Heraldry:** system of personal identification of knights by means of insignia (COAT ARMOUR, COATS OF ARMS) on shields or standards.

**Heriot:** due to Lord on death of a tenant - usually his best beast.

**Hide:** originally a unit, varying between 40 and 1000 acres, thought sufficient to support one family. In DOMESDAY BOOK a fiscal unit on which DANEGELD was levied, and generally assumed to contain 120 acres.

**High Justice:** power to inflict death.

**Homage:** act of submission by a new VASSAL to his LORD.

**Honor:** land, normally comprising MANORs in several counties, held by a BARON or TENANT-IN-CHIEF.

**Housecarl:** a member of an élite 'Guards' infantry unit serving a King or Earl in Anglo-Saxon England.

**Hundred:** a unit of fiscal assessment and local government outside the DANELAW, originally containing 100 HIDEs, intermediate between the county and the MANOR, roughly equivalent in size to the modern District; cantrefi in Wales

**Hussett:** Unclear, but possibly a fishery

**Incidents:** the payments and services to be rendered by a VASSAL to his LORD in addition to regular rent and FEUDAL SERVICE: these usually included an inheritance tax (relief) and a death duty (heriot).

**Infangenthef:** the power of a LORD to inflict capital punishment on his tenants, UTFANGENTHEF

**Keep:** central tower of a Norman castle.

**League/leuga:** approx a mile and a half in length

**Letters patent:** royal letters conferring a privilege on an individual or corporate body, sent open with a visible seal.

**Lineage:** authenticated genealogy or pedigree.

**Lion rampant:** a lion standing on its hind-quarters with its front legs in the air, in HERALDRY.

**Little Domesday** (also DOMESDAY BOOK, Volume II): the final CIRCUIT return for East Anglia (Essex, Norfolk, Suffolk), never summarized for inclusion in the EXCHEQUER DOMESDAY.

**Lord:** feudal superior of a VASSAL: always a Manorial Lord

**Lordship:** the mutual loyalty and support joining LORD and VASSAL.

**Mail:** flexible armour made of interlocking iron rings.

**Mancusa(s):** a gold or silver coin worth, respectively 30 pence and half a mark, 3s. 4d; also sometimes used as a liquid and dry measure, though quantity now unknown

**Manor:** a landed estate, usually comprising a DEMESNE and lands held by VILLAGERS, BORDARS, or COTTAGERS and sometimes also FREE MEN, FRENCHMEN, RIDING MEN etc, which could vary in size from part of one village to several villages over a wide area; power over men (and women), ranging from civil to criminal jurisdiction; an estate in land giving authority and prestige; a land title giving superiority and gentility

**Mesne tenant:** a VASSAL of a TENANT-IN-CHIEF.

**Messuage:** a property, especially a house

**Minster:** originally a monastery but by late Anglo-Saxon times often simply a large and important church.

**Missus Dominicus** (plural Missi Dominici): a Minster of the CAROLINGIAN Empire.

**Money:** d. denarius, an old penny; s. shilling, solidus (5p), both abolished in 1971 when Britain went metric; l. or £. libra or livre, a pound (sterling), probably to be abolished in favour of the euro. Written in manorial documents as eg: £2. 10s. 6d. two pounds, ten shillings, and sixpence

**Murage:** from mur, a wall, duty to repair or defend a wall, generally incident to a tenement in a Manor with a duty to the local town

**Nasal:** metal nose-piece attached to a helmet.

**Open fields:** the major divisions, normally two or three, of the cultivated arable area of a medieval village outside the Highland Zone of England and Wales, in which one field each year in succession was left in rotation-fallow, the other one or two being communally ploughed and sown with winter and spring grains.

**Or:** gold or yellow in HERALDRY.

**Outrun:** same as FREEBORD

**Outfangenthef:** power to inflict capital punishment within the MANOR on non-tenants without recourse to Royal justice

**Palisade:** fence of pointed stakes firmly fixed in the ground.

**Pannage:** right to pasture swine.

**Pennon:** long narrow flag carried on the end of a spear or lance.

**Perambulation:** a survey made by walking the boundary of the Manor. Still continued in some Manors

**Perpendicular:** style of Gothic architecture in vogue from the mid-14th to the 16th century.

**Pie powder:** a court convened on market days by the Lord's Steward to deal with disputes, weights and measures &c

**Piscaries:** fishing rights.

**Plain:** blank, uncoloured space in HERALDRY.

**Plough ( team):** a team of six to twelve oxen, yoked in pairs, pulling a plough; in DOMESDAY BOOK usually eight oxen.

**Presentment:** to introduce into court.

**Priory:** a monastery or nunnery dependent on an ABBEY or Cathedral.

**Proper:** natural colours in HERALDRY

**Property Act:** 1922-5, a series of legislative measures regulating the ownership of land, including MANORS

**Quarenta/quarentene:** a quarter of a virgate, a furlong

**Quota:** the number of knights required to serve a LORD on behalf of a VASSAL, especially to serve the King.

**Rape:** An administration unit unique to Sussex, presumed to have derived from the Anglo-Saxon *rap*, (measuring or delimiting) a rope. Sussex was divided into six rapes, which were divided into hundreds, which constituted the next tier of administration or jurisdiction. Usually, there were 10 hundreds in a rape, but not in the case of Arundel and Chichester rapes where there were 12 hundreds between them, suggesting the two rapes originally were one.

**Reformation:** the period 1529-59 in which England first rejected the religious authority of the Pope and then changed from Catholic to Protestant doctrine and beliefs.

**Revival Gothic:** Gothic architecture as revived from the late 18th century onwards.

**Revival Norman:** Norman architecture as revived in the 19th century.

**Riding men:** Anglo-Saxon free tenants rendering escort-duty and messenger-service to their LORD.

**Rolls of Arms:** records of the COATS OF ARMS borne by different families, especially those made by an authority in HERALDRY.

**Sable:** black in HERALDRY.

**Saracenic:** relating to the Arabs of Syria or Palestine.

**Satellites:** records preserving copies of parts of the earlier stages of the DOMESDAY INQUEST.

**Scutage:** a tax levied in place of personal military service by VASSALS - a cash payment

**Secular arm:** the Royal criminal jurisdiction to which a heretic or other person guilty of a serious offence under CANON LAW was transferred for serious punishment, especially execution.

**Sheriff:** principal official administering a shire or county in the Anglo-Saxon and medieval periods for the Crown

**Smallholder:** see BORDAR.

**Soc and Sac:** similar to the French oyer and terminer, to hear and decide in OE, usually in the Court of the LORD

**Sokemen:** free tenants subject to the jurisdiction of the MANOR but owing little or no service to its LORD.

**Sub-tenants:** tenants holding land from a TENANT-IN-CHIEF or a Manorial Lord

**Sulong:** the Kentish equivalent of the CARUCATE or HIDE, both as a fiscal unit and as a land measure, but usually double the size of the HIDE.

**Survey:** a written description of the boundaries of a Manor and the fields and properties within the Manor. It is not a map

**Teamland** ('land for one plough'): a Norman-French term for the English CARUCATE or HIDE used as a measure of land area of no fixed acreage.

**Tenant-in-chief:** a LORD holding his land directly from the King.

**Tenure:** the conditions upon which land was held under the FEUDAL SYSTEM by a VASSAL from a LORD who was a MESNE TENANT, a TENANT-IN-CHIEF or the King.

**Terrier:** register of landed estate.

**Testamentary causes:** cases concerning the probate of wills or the administration of the effects of those who died without making a will.

**Thegn:** a VASSAL, usually a manorial LORD, holding land by military or administrative services in Anglo-Saxon and early Norman England.

**Tor:** a high hill, especially a bare rocky one - West Country, especially Devon and Cornwall

**Treasury:** the main financial department of late Anglo-Saxon and early Anglo-Norman government, located at Winchester.

**Tun:** Anglo-Saxon for town; modern suffixes, "ton" or "don" or "den"

**Turbary:** The right of commoners to cut and take turf from the common land

**Valor:** valuation

**Vassal:** a feudal inferior of tenant or a MESNE TENANT, of a TENANT-IN-CHIEF or of the King.

**Vert:** green in HERALDRY.

**Vill/villa:** translation of Anglo-Saxon tun, village or town

**Villager:** the normal peasant farmer of Anglo-Norman England, usually holding between 1 and 3 YARDLANDS from the LORD of a MANOR in 1086.

**Wace, Robert:** usually referred to as Wace - born circa 1100, chronicler and poet, Roman de Brut and Roman de Rou

**Wapentake:** the equivalent of the HUNDRED in parts of the DANIELAW.

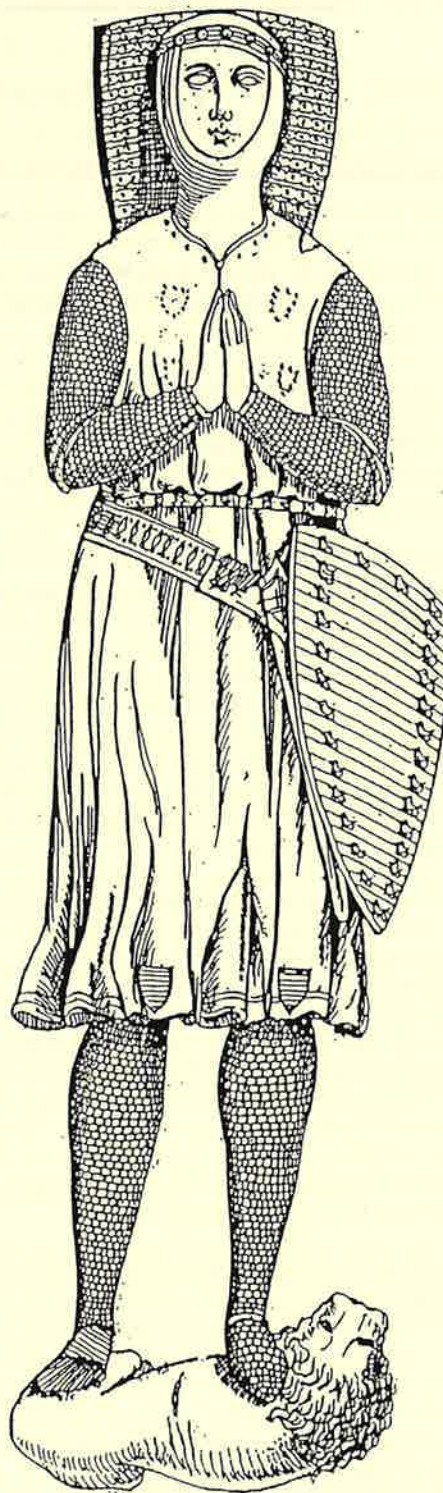
**Wergild:** money-payment in compensation for death, injury or loss, graduated according to the social standing of the victim.

**Witan:** Anglo-Saxon and early Norman Royal Council.  
**Withy:** West Country, willows, a thicket of willows  
**Writ:** royal letter conveying orders and information in a summary form.  
**Writ of summons:** WRIT addressed to a named recipient to attend Parliament; as such, generally held to confer peerage status.  
**Yardland:** a quarter of a HIDE.  
**Yoke:** Kentish and East Anglia - same as plough.

(From *Domesday, 900 years of England's Norman Heritage*, published by the MSGB in 1986)

ABBREVIATIONS

AO: Archive Office  
 BL Cat: Catalogue of the British Library  
 BExtP: Burke's Extinct Peerage  
 BLG: Burke's Landed Gentry  
 Bod: Bodleian Library  
 BRS: British Record Society  
 Bull IHR: Bulletin of the Institute of Historical Research  
 Bull MSGB: Bulletin of the Manorial Society of Great Britain  
 C: century  
 c: circa  
 Close R: Letters from the Close Rolls  
 CR: Charter Rolls  
 d: died  
 dau: daughter  
 dsp: died without issue  
 dvp: died in life of father  
 ex: executed  
 HA: Historical Association  
 infra: below  
 k: killed  
 kn: knighted  
 m: murdered  
 NLI: National Library of Ireland  
 NRA: National Register of Archives  
 op cit: work cited  
 PR: Patent Rolls  
 PRO: Public Record Office, now called the National Archives, located at Kew, London  
 qv: which see  
 Rec Com: Record Commission  
 Rec Soc: Record Society  
 RO: Record Office  
 Rot Parl: Rolls of Parliament  
 RS: Rolls Series  
 SQE: Statute Quia Emptores Terrarum (1290)  
 SR: Statutes of the Realm  
 sic: it is  
 supra: above  
 temp: in the time of  
 TRHistS: Transactions of the Royal Historical Society  
 vide: see



## What is a Manorial Lordship?

UNDER the laws of real property in England, Wales, Northern Ireland, and the Irish Republic, Lordships of the manor are known as 'estates in land' and in Courts, where they may crop up in cases to do with real property, they are often simply called 'land'.

They are 'incorporeal hereditaments' (literally, property without body) and are well glossed from the English and Welsh point of view in Halsbury's *Laws of England*, vol viii, title *Copyholds*, which is available in any solicitor's office or central reference library.

Manors cover an immutable area of land and may include rights over and under that land, such as rights to exploit minerals under the soil, manorial waste (eg the verges of roads), commons and greens. While it has always been the case that manorial rights can sometimes have a high value, this is rare because the rights are frequently unknown and unresearched (or are just not commercial). There is no value in owning mineral rights if there are no commercially exploitable minerals, such as granite or aggregate, and purchasers should not expect a manorial Eldorado. If such benefits were routine, then the asking prices would be considerably higher to reflect this\*.

We are sometimes asked whether Lordships are a "good investment" to which the answer is, "what goes up can also come down." The average price of a Manor was about £300 in 1955; about £600 in 1976; about £2,000 in 1981; about £10,000 in 1989; about £7,000 in 1992, during the last recession; about £12,000 in 1998, and about £9,000 now. Some Lordships command a premium price because of their names: Stratford Upon Avon and Wimbledon, sold respectively in 1993 and 1996 for £110,000 and £171,000. These are exceptional. At auction and private treaty some Manors will go higher or lower than the average, depending on the competition. If you should enjoy a capital gain, then treat it as serendipity.

Like any other real property (known as real estate in the United States), Manorial Lordships belong to some one and are conveyed in precisely the same way as you would convey a house. Just as you would not contemplate the purchase of a house without legal advice, so you would be unwise to contemplate the purchase of a Manor without legal advice and you should appoint an independent solicitor/attorney. The Auctioneers have a panel of solicitors who are well versed in this arcane area of property law and will advise, but an intending purchaser is free to appoint any solicitor of his or her choice.

Solicitors will be looking principally for one thing: whether the person or company selling is the legal owner. 'Legal owner' is an important expression in law, and is quite different from a similar expression in law 'beneficial owner' (eg such as a beneficiary under a Will where the legal owner is the Executor or Trustee). The solicitor will also make inquiries with the seller's solicitors about any rights that are to be passed. He will also make Land Searches.

Once you have made your offer and it is accepted, your solicitor will ask the vendor's solicitor for what is known as an Epitome of Title: ie proof of ownership over not less than 15 years (20 years in Ireland). Proof of ownership is normally found in family or estate documents: viz Assents, Probates, Wills, Settle-

ments, and often Statutory Declarations, the latter supported by persuasive exhibits from secondary sources.

Your solicitor will check also by Searches that the seller is not a bankrupt or (if a company) where it is incorporated and not struck off or in receivership.

Your solicitor will also check that the Manor is purchased 'unencumbered' (ie that there are no hidden costs, such as the duty to repair the chancel of the local church, known as the 'lay rectorship', or to maintain the village green).

It is not a very complicated job for your solicitor, but it is worth spending a few hundred pounds with him to ask the right questions of the seller's solicitor and to get the correct paperwork. We mentioned commercial rights and capital gains on the asset: do not forget that if by chance there were potentially valuable rights on the Manor, the first thing you need to prove any legal entitlement to them is good title and conveyancing. You also need good title should you ever decide to sell.

Irish property law is similar to mainland UK (two Legal Opinions on Lordships in Ireland by an academic lawyer and a Senior Counsel are available in copy for purchasers' solicitors if requested). The conveyance of Feudal Baronies in England and Ireland works in the same way as for a Manorial Lordship.

Think of the acquisition of a Lordship as the acquisition of a tiny piece of history when you become the latest in a chain of known owners going back many hundreds of years. You may, as the Lord, be asked to take part in local events, such as opening the annual village fete. It is not obligatory, but some Lords feel a sense of duty in accepting these kind of invitations when they arrive. There is no obligation to accept. The Lord of the Manor of Henley-in-Arden, Warwickshire, presides over the Court Leet (Manorial Court) every November. The Lord and Lady of Kettleburgh, Suffolk, inaugurated a new peal of three bells in the Manorial Church. The Lord and Lady of Moulton Bewsolas, Lincolnshire, open the village fete every summer. Such rights are traditional and purely honorific.



# CONDUCT OF THE SALE

## The Auction

The Auctioneers mean Manorial Auctioneers Limited, 104 Kennington Road, London SE11 6RE.

The Solicitors mean the Solicitors to the Vendors and Purchasers.

The Auction will be held at 2.00pm o'clock at Stationers' Hall, Ave Maria lane, London EC4 on Thursday 26th July 2007.

## Conduct of the Sale

This will be in accordance with the Standard Conditions of Sale (4th Edition), except as varied by the Special Conditions of Sale. Special Conditions of Sale, Draft Conveyance, and Title to the Lordships being offered may be inspected at the offices of the Auctioneers or the Solicitors and will be available for inspection an hour before the start of the Auction in the Auction Room. Solicitors *only* to intending purchasers will be sent Special Conditions of Sale, Conveyance and Title on *written* request. The highest bidder shall be the buyer at the hammer price and any dispute shall be settled at the absolute discretion of the Auctioneer. Every bidder shall be deemed to act as principal unless arrangements by an agent have been made in advance with the Auctioneers. Manorial Auctioneers Limited shall be agents to the Vendors for the purpose of signing the Memorandum of Contract. The Auctioneers will not be responsible for any costs incurred by intending purchasers if a Lot has been withdrawn, or sold prior to the Auction. It is well to check a day or two beforehand to make sure that a lot in which you are interested is still available.



## Deposits

A deposit of 20% (twenty per cent) (not subject to Value Added Tax) shall be paid to Manorial Auctioneers Client Account, as agents to the Vendors, and the Memorandum of Contract shall be completed and exchanged immediately after the Auction.

## Buyer's Premium and Seller's Commission

The buyer shall pay to Manorial Auctioneers Limited a premium of 15% of the price, together with Value Added Tax at the prevailing rate at the same time as paying the deposit and part payment. Each Manor is zero-rated for Value Added Tax; therefore, VAT does not apply to the price of the actual Lordship or Barony acquired. The vendors have also agreed to pay the Auc-

tioners a commission of 15% of the hammer price, or price agreed and contracted for if a lot is sold prior to the auction.

## Pre-Auction Offers

The Auctioneers are happy to receive offers in advance of the Auction. If an offer is accepted before the Auction, the purchaser must pay to Manorial Auctioneers Client Account, as agents to the Vendors, a deposit of 20% of the price, together with the buyer's premium of 15% (plus VAT), which forms the Contract as if the Contract had been signed in the Auction Room. If you would like to make an offer before the Auction, please telephone the Auctioneers on 0207-582-1588 (international code: +44 207-582-1588). Fax 0207-582-7002 (international code: +44 207-582-7002)

## Absentee, Telephone, and Postal Bids

The interests of intending purchasers are best served by attendance at the Auction, but if this is not possible, the Auctioneers will, if so instructed, bid on their behalf. *This service is free.* Lots will be bought as cheaply as allowed by such other bids and reserves as are on our books, or in the room. In the event of identical bids, the first will take precedence. Always indicate "top limit" - the amount you would bid yourself if you attended on the Auction. NB "top limit" does not mean that this is what you will spend. If the Auctioneer can buy cheaper, he will. A postal bid form is enclosed with this Catalogue.

If you prefer, a telephone bidding service is available. Please contact the Auctioneers. Intending purchasers who cannot attend the Auction and do not wish to bid by telephone, or on commission, may bid by Proxy. The Proxy must be a solicitor, or a Fellow, Member, or Associate of the Royal Institution of Chartered Surveyors.

## Credit Cards

The following cards may be used: Access, American Express, EuroCard, MasterCard, Switch and Visa. The Auctioneers will charge a handling fee which shall not be more than the commission deducted by the credit card company.

## Other payments

Payment may be made by personal UK cheque (or building society cheque), or UK company cheque, or solicitors' client account cheque; bank transfer; and cash. Overseas cheques (checks) will not be accepted except by prior arrangement with the Auctioneers.

## Currency Conversion

The Auctioneers will credit foreign monies at the prevailing rate on the day that they are converted into sterling. Any shortfall shall be paid to the Auctioneers on demand, and any excess will be applied to the purchaser's account of the Lot bid for immediately.

## Solicitors

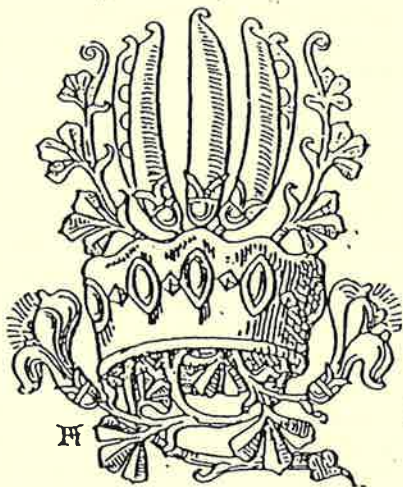
All intending purchasers are advised to consult a solicitor. If you do not use a solicitor regularly, or would like to consult a solicitor well-versed in the law as it applies to Lordships of the Manor and Manorial Rights, the Auctioneers can advise. As a general guide, *Halsbury's Laws of England, vol 8, title Copyholds*, glosses the subject well.

## Attendance at the Auction

Admission to the Auction is by this Catalogue. Everyone is requested to sign the Auction Book, together with their name, address, and telephone number. To assist the progress of the Auction, you will be issued with a bidding paddle which will have an individual number on it. If you bid successfully, the Auctioneer will call out the number after he has brought down the hammer. You do not have to shout your name. Please make sure that the Auctioneer can see your paddle, and that it is your number that is called out. If you mislay your paddle, inform one of the attendants immediately. Please return your paddle at the end of the Auction. The Auctioneers, at their absolute discretion, reserve the right to refuse entry to the Auction premises to any person, and to refuse any bid without giving a reason.

## Estimates

Estimates are intended as a guide for prospective purchasers. Any bid within the listed figures would, in our opinion, offer a fair chance of success, but all Lots, depending on the degree of competition, can fetch higher or lower prices than the estimates. We may also update our estimates as the Auction Day approaches.



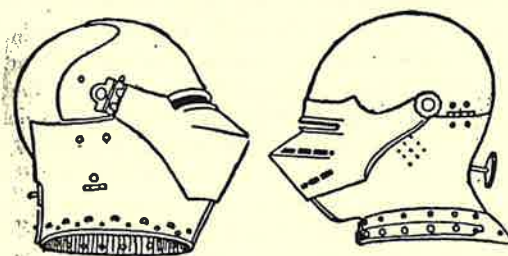
## The Catalogue

The Auctioneers have gone to some lengths, as they hope readers would agree, to ensure accuracy in the Particulars of the Lots that follow, but even so no responsibility can be accepted by the Auctioneers, the Vendors, or the Vendors' Solicitors for any errors that may have inadvertently occurred. The statements and descriptions contained in these Particulars are given in good faith and as a general outline only for guidance of intending purchasers, and do not constitute any part of an offer or contract and, while they are believed to be correct, any intending purchasers should not rely on them as statements or repre-

sentations of fact, and their accuracy is not guaranteed. Intending purchasers should satisfy themselves by their own investigations, inspections, searches, and otherwise as to the correctness of each of them. References in these Particulars as to the geographical extent of a Lot is given for historical interest. Any rights referred to in these Particulars being part of or any rights which may be associated with these Lordships are to be taken as historical. The operable historic rights associated with their purchase must be established by each new owner.

## Manorial Documents

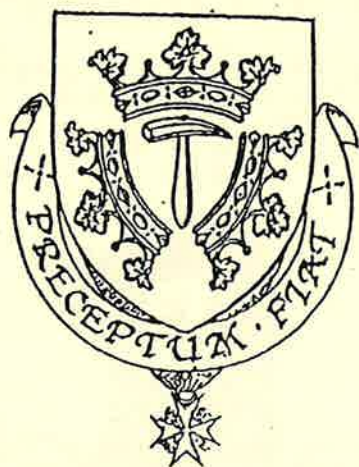
Some of the Lots include valuable manorial documents. Where these are to hand, as opposed to in archives, they may be inspected at the offices of Manorial Auctioneers by appointment, and will be on display in the Auction Room one hour before the sale. More are in County Record Offices where they can be viewed.



The Lots in this Catalogue are offered for sale subject to the Manorial Documents Rules 1959 (No 1399); the Manorial Documents (Amendment) Rules 1963 (No 976), and the Manorial Documents (Amendment) Rules 1967 (No 963), copies of which may be applied for from the Auctioneers in return for a *self-addressed and stamped envelope*. These Rules, made by Statutory Instrument, are mainly concerned with the safe custody of the documents. Where documents are associated with Lots, their location and where they may be inspected by appointment, are given after the Particulars for further historical research. Most archives have photocopying and facsimile facilities, which are available at the expense of purchasers or intending purchasers. While there is no ban on foreign ownership of Manorial Documents, overseas purchasers should note that such documents cannot be removed from Great Britain without the consent of the Master of the Rolls.



# The Manorial Society of Great Britain



The Society was founded in 1906 and included among its committee the Archbishop of Canterbury, the Lord Chancellor, and the Master of the Rolls. It was based in Mitre Court, Temple, London, and in origin sought to locate and to protect manorial records which - with the exception of institutions, such as the Ecclesiastical (now Church) Commissioners, the Crown in its several forms, Oxford and Cambridge colleges - were in private hands.

By 1906, the lands of the majority of Manors had been enfranchised and the need to maintain and keep manorial records (such as court rolls) for estate purposes disappeared. We can judge how many of these must have been left lying around an estate office and almost certainly thrown away from the date gaps in the records of some Manors in this Catalogue. Even where copyhold continued into the 20th century, it must have been the case that many medieval and Tudor records, mostly in Latin, were discarded as being of no further use.

The 19th century, however, saw the blossoming of county histories, often in multi-volume sets, many editions of which are at the Society today. These were written by highly educated men, often clergymen with leisure. Men, like Blomefield and Lipscomb (1810 and 1850), then Copping (1904-11) produced remarkable histories by Hundreds, then the Manors within each Hundred, using records in private ownership. We can only be amazed at their determination and grasp of palaeography and topography, knowledge of genealogy and national history.

Such records are not only of use in understanding the management of landed estates, but are also records of the names of tenants, many of whom succeeded one another. It became law to register births, marriages, and deaths in England and Wales in 1538, and this was done by the Church. But what of the many people who were never married - there were far more than the modern mind might expect? What of those generations of ordinary folk who were born before 1538? There may be some kind of record in a gravestone, but these are fewer the longer you go back. But there are, in some cases, medieval and early Tudor Court Rolls, listing tenants which can take a family back to the Middle Ages. The growth of interest in family history has grown enormously in the last 40 years, with television

programmes tracing celebrities, descended from 'ordinary folk'. In fact, these do not seem to go back beyond the reign of Queen Victoria, and in that sense the impression may be gained that this is as far as can be attempted. This is not so in many cases. The Society began to publish list of Manors and their documents from such diverse sources as individuals in Surrey or the Manors of New College, Oxford, producing 16 publications. Unsurprisingly, the Great War disrupted this work, but with peace in 1918 the Prime Minister of the day, David Lloyd-George, began to look at the many Acts affecting Manors, copyhold, and real property generally, and it was decided to consolidate them and abolish copyhold in several Property Acts in the 1920s. The important one, so far as records are concerned, was the 1922 Act, subsection (7) of Section 144A(7), which sought to define manorial documents and place them under the protection of the Master of the Rolls. 'Manorial documents', in the meaning of the Act as affected by several Statutory Instruments, have come to be Court Rolls, surveys, maps, terriers, documents and books of every description relating to the boundaries, franchises, wastes, customs, and courts of a Manor, whether in being on 1 January 1926 or obsolete.

County Record Offices were charged with maintaining such documents as these that were donated, and as Manors ceased to enjoy Copyhold income so solicitors, who had often acted as Stewards and kept records at their offices, handed documents over to the local CRO. The British Record Society was formed in 1931 and the publications part of the Society was taken over by this body.

The Society was headed in the late 1920s, until his death in 1945, by Hubert Knocker, a solicitor in Guildford, Surrey, who was Steward to many Manorial Lords in the county, and he was summoning Courts for as late as 1935. The Society has notices of Courts at Otford, for example, which were pinned up on church and other noticeboards. Mr Beaumont, an East Anglia solicitor, did much the same in his area.

Mr Knocker was succeeded by Hubert Hughes, whose committee gave evidence in 1955 to the Common Land Committee of the House of Commons, which translated into the Commons Registration Act of 1965. He was succeeded by his wife, Constance, on his death in 1967, and she handed over to Robert Smith in 1980.

The Society's public face is its social functions and publications, some of the latter of which are given below. But we regularly receive inquiries from government, local authorities, quangos, solicitors, historians, genealogists, and the general public on some manorial aspect, all of which are answered as fully as we can and without charge.

The Society has members who pay a subscription of £50 a year, or £500 for life, and for this they can ask for advice and assistance on manorial matters. They also receive information about social events, the last of which was the Annual Reception at the House of Lords on 27 June, the next a dinner at the Carlton Club, London, on 9 October. Pictures of past events are on the website: [www.msgb.co.uk](http://www.msgb.co.uk).

Besides books, which are in print and given below, the Society publishes periodic Proceedings of legal conferences, the most recent of which was on the Land Registration Act (2002) at Merton College, Oxford:

**Publications in print:**

**The Land Registration Act 2002,**

*implications for manorial lords, proceedings of a conference, held at Merton College, Oxford, in 2005. Speakers included barristers, solicitors, land agents, researchers, head of Land Registry legal division, Chief Common Land Commissioner ( £250.00 non-members, £150.00 members )*

**Manorial Law,** by AW & C Barsby, *Legal Research & Publishing (£49.95)*

**Charter and Statutory Markets,** *proceedings of a Conference on manorial and other market rights (£35.00)*

**Blood Royal,** *to mark the Queen's Golden Jubilee in 2002 from the time of Alexander the Great to Queen Elizabeth II (£29.95)*

**The Monarchy,** *fifteen hundred years of British tradition (£19.95)*

**The House of Lords,** *a thousand years of British tradition (£16.95)*

**The House of Commons,** *700 years of British tradition (£16.95)*

**The Sudeleys, Lords of Toddington** (£16.95)

**Royal Armada** (£6.00)

**Mutiny on the Bounty** (£6.00)

**Blount's Jocular Tenures** (£95.00)

*Book prices are post-free British Isles; plus airmail postage all other places*





The Manorial Society of Great Britain

To All And Singular The Lords  
 Feudal Of The United Kingdom  
 Of Great Britain And Northern Ireland  
 And Of The Ancient Kingdom Of Eire  
 GREETING

We the Governing Council of the Lords Feudal assembled  
 find and confirm the Lawful succession of  
**JOHN JAMES FORDHAM**  
 to the Manorial Lordship of UFFINGTON

an estate of feudal lordship of Great Britain and Ireland and thereby grant  
 the said Feudal Lord full membership of the Manorial Society this seventh  
 day of April in the 42<sup>nd</sup> year of the reign of Our Sovereign Lady Elizabeth  
 second of that name of England Queen of the United Kingdom of Great Britain  
 and Northern Ireland and of her other Realms and Territories Queen  
 Defender of the Faith



## The Manorial Society of Great Britain

### The Certificate of Membership

The certificate of Membership of the Manorial Society of Great Britain:

this measures approximately 2 ft x 21ins, and can be mounted and framed. Space is left in the top left corner for a Member's Arms, and in the right for his or her badge to be hand painted in. The other Arm bearings (shields of Arms) are those of the Governing Council of the Manorial Society of Great Britain.

# The Lordship of Whitley Dorsetshire

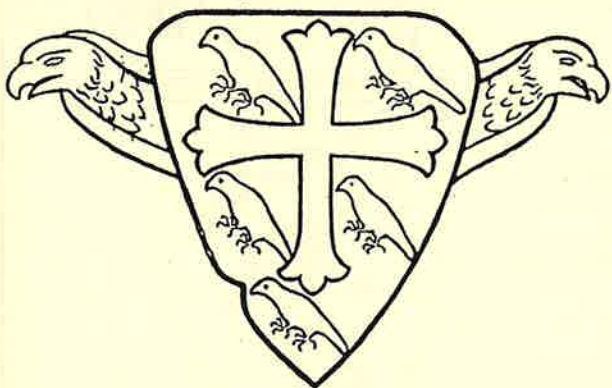
Lot 1

HIS Lordship formed part of the Cathcart Collection of Manors on the road between Selby and Doncaster which included Beal, Kellington, South Otterington, Newsham, and Thornton le Street. The Manors were acquired in the first three decades of the 19th century by Samuel Crompton. Crompton was one of the 18th century's proto-industrialists, and the marriage of his daughter and heiress Elizabeth to the 3rd Earl Cathcart is a fine example of an old aristocratic family renewing not only its bloodline, but its finances, in a union with new money.

Whitley is in Domesday Book, compiled in 1086 for William I (the Conqueror) as an inventory by county of the chief landholders in the kingdom of England. The entry reads:

Lands of the King's Thegns...

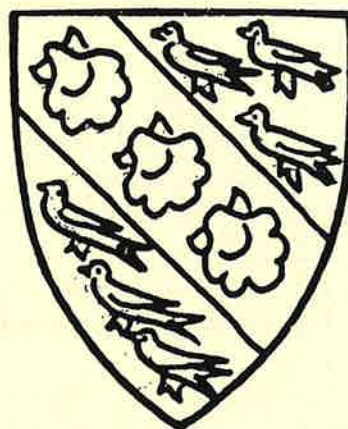
*WHITLEY, Reginald and Wicga had two carucates of land to the geld and one plough. The soke is with Snaith. Elric has two villeins and six bordars with two ploughs. There is one league of wood land. The whole Manor is one league long and one league broad.*



Edward the Confessor

Roughly interpreted, the entry seems to mean that the two carucates (of cultivated land) paid the land tax (geld), and had been held by Reginald and Wicga, possibly the Saxon holders in the reign of Edward the Confessor, who died in 1066. Elric, almost certainly another Saxon, remained on the Manor in 1086 and had two villeins (men, and their families, who would have owed services for their land) and six cottagers, men and their families who held smallholdings at pleasure. They had two ploughs, a 'plough' being the amount of land a team of (eight, usually) oxen could turn in a season. Much of the Manor was wooded and the criminal jurisdiction (soke) was annexed to the Lordship of Snaith. Its land area today at about 1,800 acres with 11 acres of water is probably little different from that of the Domesday survey.

The de Wassands and the de Thorntons became possessed of Whitley by the early 13th century, and in 1316 John de Wassand was still a landowner, although the de Thorntons by name had disappeared. Perhaps they conveyed their interest away, or an heiress took it in marriage to the de la Mares since a John de la Mare was associated with John de Wassand in 1316. In 1349, John de Wassand's widow Alice claimed dower (a life interest) in the Lordship, from Robert de Wadesley, who may have been a relative (Wassand - Wadesley?) and had become Lord of the



Wadesley

Manor. Robert de Wadesley's grandson and namesake was Lord in 1433 and settled Whitley on his son Edmund and Edmund's

wife, Alice. Their two daughters, Katherine and Eleanor, succeeded. Half the Manor is recorded as being held by Katherine's grandson, John Everingham, in 1528, and he married Alice's eventual heiress, thus uniting the two halves in one ownership. Henry Everingham of Stainborough was probably the next Lord, but by 1573, he or his representatives had sold Whitley to John Talbot, whose descendants remained in possession until 1793 when Roger Talbot conveyed it to Samuel Crompton.

Crompton was born in 1753, at Firwood, near Bolton, Lancs. He invented the 'spinning mule' which made possible the largescale manufacture of high quality thread. As a youth, Crompton spun cotton on a spinning jenny for his family, but its defects inspired him to try to invent a better device. In 1779, after devoting all his efforts and money to the project, he produced a machine, powered at first by water, later by steam, which simultaneously drew out and gave a final twisting to the cotton fibres fed into it, reproducing mechanically the actions of hand spinning. Demand for this yarn grew and Crompton 'franchised' it (as we might now say) to other industrialists. By the second decade of the 19th century, there were at least 360 factories using 4,600,000 mule spindles. In 1812, Parliament gave him £5,000 to develop the invention, an enormous sum of money, impossible to convert into modern values. However, to gain an impression of buying-power, Henry Fielding's *Tom Jones* (published in 1749) gives much information about what sums of money would purchase, and a man could live like a lord in London for a sovereign a week.

The Cathcarts were, indeed are, an eminent aristocratic family, originating in Scotland as Barons in the 15th century, although their descent has been tentatively traced by to Rainaldus de Kethcart, of Cathcart, in 1178. The 6th Earl Cathcart, who died about five years ago, was a major-general, a member of the Distinguished Service Order, had the Military Cross, and was a Companion of the Honourable Order of the Bath. He sold Whitley in 1997 to the present Lord, who has removed to Spain, and was succeeded as 7th Earl Cathcart by his son, Charles Alan Andrew, Lord Greenock. The descent of the Cathcarts lies on the following page.

# THE DESCENT OF EARL CATHCART, sometime Lord of Whitley

Rainaldus de Kethcart, living 1178

Sir Alan Cathcart Kt = sister of Duncan Wallace of Sundrum

Alan

Sir Alan Cathcart Kt, 1st Baron Cathcart cr 1452 = Janet Maxwell

Alan, master of Cathcart = ?

John, 2nd Baron = (1) Margaret, dau of John Kennedy, of Blairquhan  
d 1535 (2) Margaret, dau of William Douglas, of Drumlanrig

(1)

Alan, Master of Cathcart = (1) Agnes, dau of Robert, Lord Lyle  
k at Flodden, 1513 (2) Margaret, dau of Patrick Maxwell, of Newark

(1)

Alan, 3rd Baron = Helen, dau of William, 2nd Lord Sempill  
k Pinkie Clough, 1547

Alan, 4th Baron = Margaret, dau of John Wallace  
d 1618

Alan, Master of Cathcart = Isabel, dau of Thomas Kennedy, of Bargeny

Alan, 5th Baron = (1) Margaret, dau of Francis, 1st Earl of Bothwell  
d 1628 (2) Joan, dau of Sir Alexander Colquhoun, of Luss

(2)

Alan, 6th Baron = Marion, dau of Davild Boswell, of Auchinleck  
d 1709

Alan, 7th Baron = Elizabeth, dau of Elizabeth Dalrymple, dau of 1st Viscount Stair

Charles, 8th Baron = (1) Marion, dau of Sir Joh Shaw, Bart, of Greenock  
d 1740 (2) Elizabeth, dau of Thomas Malyn

Charles Schaw, 9th Baron, Kt = Jane, dau of Lord Archibald Hamilton  
d 1776

William, cr 1807, Viscount Cathcart, and Lord Greenock and = Elizabeth, dau of Andrew Elliot of Greenwells  
1814 1st Earl Cathcart, was a close friend of Alexander,  
Emperor of Russia

Charles, 2nd Earl = Henrietta, dau of Thomas Mather  
d 1859

Alan, 3rd Earl = Elizabeth Mary, dau and heir of Sir Samuel Crompton, Bart by which marriage  
the Yorkshire Lordships passed into the Cathcarts

Alan, 4th Earl = George, 5th Earl = Vera, dau of John Fraser of Cape Town, South Africa  
unn 1911 d 1927

Alan Cathcart CB DSO MC, 6th Earl Cathcart, = Rosemary Clare Marie Gabrielle, dau of Sir Henry Smyth-Osborne, ob 1980  
and Greenock, and Lord Cathcart, b 1919 Marie Isobel, dau of Hon William French, son of 5th Baron de Freyne  
sold Whitley to the present owner



Cathcart

# The Lordship of Middle Hampton Shropshire

Lot 2

THIS Lordship is situated three miles from Ellesmere, near the border with Cheshire. For almost five hundred years, the Manor was held by the church of St Alkmund's.

The church was a royal foundation, attributed to the Lady Aethelfleda of Mercia (daughter of King Alfred). She, after the death of her husband, King Aethelred of Mercia, in 911 successfully ruled the Mercian people for over eight years as "Lady of the Mercians". She was King Edward the Elder's sister and was instrumental in his campaign to bring the Danes under control. Edward's grandson, King Edgar the Pacific, created 10 prebends for the church. After the Norman Conquest, the patronage was passed from the King to Earl Roger. Earl Roger, otherwise known as Roger de Montgomery, Earl of Shrewsbury, held a significant proportion of the county of Shropshire. He had been a great Baron in Normandy and had crossed to Britain with William the Conqueror who had made him Lord of Arundel. Earl Roger established several castles in the county and set about attacking the Welsh, with the aim of expanding the land under his control. He gave North Wood to his clerk Godbold and he in turn gave it to his illegitimate son, Robert.



*Egerton*

The Lordship, along with many others in the area, then passed to Richard de Belmeis, Bishop of London from 1108 to 1127. The lands remained with the church until the Dissolution of the monasteries during the reign of Henry VIII. After the Dissolution, the Manor appear to have passed to James Stanley, Lord Strange, son of the sixth Earl of Derby. He succeeded his father in 1642 and fought on behalf of Charles I, being one of the first nobles to join him at York. He spent much time on the Isle of Man in an attempt to secure it, and in his absence his wife, Charlotte, sustained the celebrated siege of Lathom House. This action lasted two years and was said to have cost the opponents of the King over 6,000 men. James was severely wounded during the uprising on behalf of the young King Charles II in 1651 and was captured. He was beheaded, pursuant to a Court Marshall of the Parliamentary Army, on 15 October 1651 at Bolton, Lancashire.

His son, Charles, was Bearer of the Third Sword at the coronation of Charles II in 1661. He died in 1672 and was succeeded by his son, William, who was Bearer of the Second Sword at the coronation of James II in 1685. He died in 1717. The Manor



*Brownlow*

passed through the Earls of Derby but by the beginning of the 19th century had passed to the Egerton family, Earls of Bridgewater. The estates were vested in the third Earl Brownlow in whose family the Manor of Middle Hampton has remained to this day. A descent of the Brownlow family is given on the following page.



THE DESCENT OF BROWNLOW, sometime Lords Middle Hampton

Samuel Cust of Boston, Lincs died 1663 = Ann, daughter of Richard Burrell of Dowsby, Lincs

Sir Richard Cust, created (1677) Baronet of Pinchbeck, MP, Lincs and Stamford died 1700 = Beatrice, daughter of William Pury of Kirton, Lincs

Sir Pury Cust, died 1699 = (1) Ursula, daughter of Edward Woodcock of Newtimber, Sussex

Sir Richard, 2nd Baronet, died 1734 = Anne, daughter of Sir William Brownlow, 4th Baronet of Belton, Lincs, sister to Sir John Brownlow, 5th and last Baronet, 1st and last Viscount Tyrionnel and Lord Charleville

Sir John, 3rd Baronet, Privy Councillor and Speaker of House of Commons, died 1770 = Elthelred, daughter of Thomas Payne of Hough-on-the-Hill, Lincs

Sir Brownlow Cust, 4th Baronet, created (1776) 1st Baron Brownlow, MP Ilchester, Somerset and Grantham, Lincs died 1807 = (2) Frances, daughter of Alderman Sir Henry Bankes of London

Sir John Cust, 2nd Baron, created (1815) Earl Brownlow and Viscount Alford, of Alford, Lincs, MP, Clitheroe, Lancs, Lord Lieutenant, Lincs, 1809 - 52, died 1853 = (1) Sophia, daughter of Sir Abraham Hume, 2nd Baronet, died 1814  
 (2) Caroline, daughter of George Fludyer of Ayston, Rutland, died 1824  
 (3) Lady Emma Edgecumbe, daughter of 2nd Earl of Mount Edgecumbe, died 1853

John William Spencer Brownlow Egerton-Cust, 2nd Earl, succeeded to the estates of the Dukes and Earls of Bridgewater, ADC to QUEEN VICTORIA, KING EDWARD VII, and KING GEORGE V, died 1921, when the Earldom expired and the Barony and the great estates passed to his cousin, Adelbert Salusbury

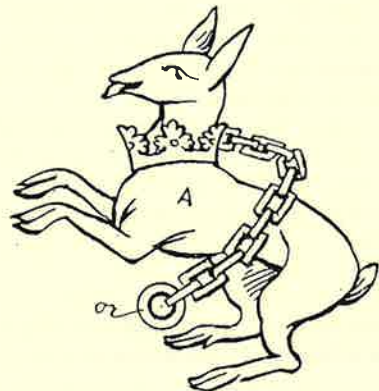
Rev Henry Cockayne Cust, of Cockayne, Hatley, Beds died 1861 = Lady Anna Needham, daughter of 1st Earl of Kilmorey

Henry Francis Cockayne-Cust, MP for Grantham, died 1884 = Sara, daughter of Issac Cookson of Meldon Park, Northumberland

Henry John, died without issue, 1917 = Adelbert Salusbury, 5th Baron Brownlow, died 1927 = Maud dau of Captain S Buckle

Peregrine Francis Adelbert, 6th Baron Brownlow Lord Lieutenant, Lincs, 1936 - 50, Lord-in-Waiting to KING EDWARD VIII = Katherine Hariot, daughter of Brigadier Sir David Kinlock, 11th Baronet

Davied, died aged one year = Edward John Peregrine Cust, 7th and present Baron Brownlow

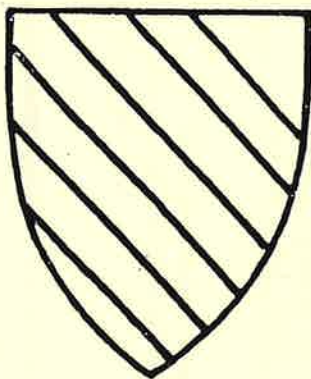


# The Lordship of Armitage Staffordshire

Lot 3

THE ORIGINAL name for this Lordship was Hermitage, and this name was derived from a hermit who was said to have lived in a secluded spot between the parish church and the River Trent. The parish of Armitage lies five miles north west of Lichfield and two miles from Rugeley. Before the Industrial Revolution the village was noted for the production of clay pipes, made from clay recovered from a nearby hill, Stile Cop.

Anciently this Lordship was associated with that of Handsacre, which also lies in this parish but was formerly of more importance. It is briefly noted in Domesday Book as 'five carucates in Handsacre held by Robert'. This tenant held his land from the bishop of Chester and it seems likely that he was a member of the Handsacre family who had been resident in the parish from before the Norman invasion of 1066. By the reign of Henry I (1100-1135) the Lordship was in the possession of Hubert de Handsacre, and in the reign of Henry III (1216-1272) it was held by Sir William Handsacre who married Ada, the daughter and heiress of David, Earl of Huntingdon. Through this marriage Sir William became the brother-in-law of William, King of Scotland. Armitage remained with this family until 1429 and for a great deal of this time they were involved in disputes and alliances with the Mavesyn family who owned the neighbouring Lordship of Mavesyn Ridware, on the opposite side of the Trent.



Mavesyn

During the 14th century co-operation between the two families dwindled and arguments over their respective manorial boundaries grew. The matter came to a head in a row over a Trentside Mill:

As early as 1382 Robert Mavesyn had leased to John Hammond, fisherman, his fishery in the Trent at Bryggewater, between Handsacre and Oxonhom Pool, and the miller, one Robert Mulner, got into dispute as to the boundary of the two parishes at the mill dam and floodgates. The dispute resulted in an array and fued, ending in a riot, in which the mill was burnt and Lawrence de Frodesley, of the Handsacre party, was killed by the Mavesynians.

The fued evidently rumbled on and came to a head in 1403 when both men who each had with them a contingent of armed men set off to fight on opposite sides of the conflict between the usurper King Henry IV and Earl of Northumberland, who had risen in defence of the previous king, Richard II. The two armies would meet at the Battle of Shrewsbury and it was here that our two local bands were heading when then came across each other



Huntingdon

in Mavesyn Ridware. Handsacre supported Richard and Mavesyn, Henry. The meeting was briefly described by Dent and Hill in their *Historic Staffordshire*.

'For many generations the Handsacres and Mavesyns were not only neighbours but friendly allies. These friendly relations at length became changed, and a dispute as to a mill on the river between the two lordships was the apparent cause of a feud. The local animosities were but too surely the result of partisanship in the national struggles.'

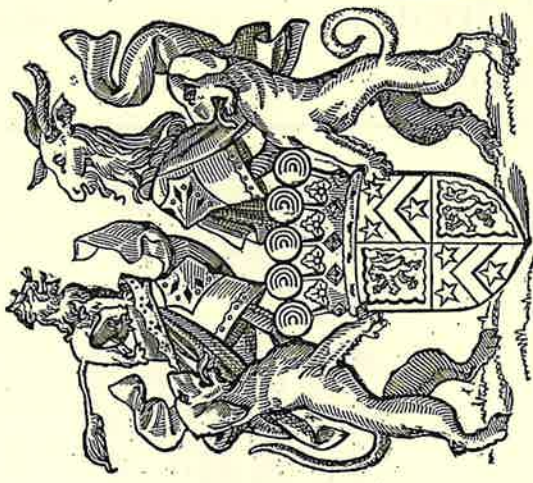
After both sides had mustered their small force;

'Handsacre did not take the road through Rugeley (as he had intended) for the deadly meeting with Mavesyn occurred on the north of the Trent. Pitt says that the fight took place just above High Bridge, by two ancient oak trees known as Gog and Magog. Both men being well accompanied with their servants and tenants when they encountered each other they fought a battle or skirmish where Mavesyn had the victory and having slain his enemy went onto the battle (Shrewsbury) and was there slain himself.'

The death of the two Lords of the Manors led to the swift end of the feud, and in true romantic fashion one of the Sir Robert Mavesyn's daughters and co-heirs, married the son and heir of Handsacre.

The family therefore continued in possession of Armitage until 1487 when it passed to the last of the family line, Johanna. She married into the Verdun family, who owned a small Lordship in the parish. From this marriage came two daughters, one of whom was Agnes, who married Nicholas Westcote. This family held the Lordship until 1681 when it passed to the Bertie family. In the 19th century it was held by the Lane family before coming to the Earls of Shrewsbury, who had long held most of the land here. The present and 22nd Earl of Shrewsbury is the current Lord of the Manor of Armitage and the descent of that family lies on the following pages.

DESCENT OF THE CHETWYND-TALBOTS, EARLS OF SHREWSBURY, WATERFORD, AND TALBOT OF HENSOL, Viscounts Ingestre, Premier Earls of England, HEREDITARY LORD HIGH STEWARD OF IRELAND, sometime Lords of Armitage



Shrewsbury

Ralph de Talbot, mentioned in Domesday = a daughter of Gerard de Gournay, Baron of Yarmouth

Geoffrey. Hugh, living 1118 = Beatrix, dau of William de Mandeville

Richard de Talbot, living temp RICHARD I = a daughter of Stephen Bulmer of Appletreewick, Yorks

Gilbert, granted lands at Linton by RICHARD I and had custody of Ludlow Castle = ?

Richard, living temp HENRY III = Aliva, dau of Alan Basset, Baron of Wycombe

Richard, Bishop of London, 1260 Gilbert, ob 1274 = Gwendoline, dau of Rhys ap Griffith, King of South Wales

Richard, Feudal Baron of Eccleshall = Sarah, dau of William Beauchamp, Baron of Elmley and Earl of Warwick

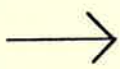
Sir Gilbert Talbot, 1st Baron Talbot, Lord Chamberlain to EDWARD III, ob 1346 = Anne, dau of William Boteler, Baron of Wem

Sir Richard, 2nd Baron, ob 1356 = Elizabeth, dau of John Comyn, Lord of Badenoch

Gilbert, 3rd Baron, ob 1387 = (1) Lady Petronella, dau of 1st Earl of Ormonde  
(2) Lady Joan, dau of 1st Earl of Stafford KG

(1)

Sir Richard, 4th Baron = Ankaret, sis and heir of John, Baron le Strange of Blackmere, ob 1413



Gilbert, 5th Baron KG, *ob* 1419 = (1) Joan, dau of Thomas Woodstock, Duke of Gloucester, son of EDWARD III  
 (2) Beatrix, dau of the Pintos of Portugal

Ankaret, Baroness Talbot and Strange of Blackmere, *dsp* 1431

John, 3rd Earl, *ob* 1473 = Lady Catherine, dau of Humphrey, Duke of Buckingham

George, 4th Earl, = (1) Anne, dau of William, Lord Hastings  
 KG, *ob* 1538 (2) Elizabeth, dau and co-heir of Sir Richard Walden of Erith, Kent

Francis, 5th Earl = Mary, dau of Thomas Lord Dacre of Gilsland  
*ob* 1560

George, 6th Earl KG, had custody of MARY QUEEN OF SCOTS for 20 years till her execution in 1587; Lord High Steward of England, Hereditary Lord High Steward of Ireland, Earl Marshal of England, *ob* 1590,

(1) Edward, 8th Earl, *dsp* 1617 = Jane, dau of 1st Lord Ogle

Gilbert, 7th Earl, *ob* 1616 = Mary, dau of Sir William Cavendish

Sir John Talbot, 1st Earl of Shrewsbury KG, Lord Lieutenant of Ireland, termed by Shakespeare "the Great Aleides of the field", Lord Lieutenant of Aquitaine; 1442 *cr* Earl of Shrewsbury; 1446 and Earl of Waterford. He was the last Constable of Gascony, after whom the great claret Talbot is named. Created Hereditary Lord High Steward of Ireland killed at Châtillon, 1453

= Maud, Baroness Furnival

John, 2nd Earl of Shrewsbury and Waterford KG, = (1) Catherine, dau of Sir Edward Burrell  
 Lord Treasurer of England, *k* at Northampton 1460 (2) Lady Elizabeth, dau of 4th Earl of Ormonde

Sir Gilbert Talbot of Grafton, Worcs, KG PC = Elizabeth, dau of 7th Lord Greystock

George Talbot of Grafton, 9th Earl, *dsp* 1630 when he was succeeded by his nephew

(1) Gertrude, dau of Thomas, Earl of Rutland  
 (2) Elizabeth, dau of John Hardwick of Hardwick, Derbys, BESS OF HARDWICK, a woman of "masculine understanding...proud, furious, selfish and unfeeling"

John, 10th Earl, ob 1654 = Mary, dau of Sir Francis Fortescue KB

George *dsppv* 1642

Francis, 11th Earl, killed in a duel, 1667 = (1) Anne, dau of Sir John Conyers  
(2) Lady Anna Maria, dau of 2nd Earl of Cardigan

Charles, 12th Earl, *cr* (1694) Marquess of Alton, Staffs, and Duke of Shrewsbury, Lord Chamberlain, to whom  
QUEEN ANNE entrusted the Hanoverian succession in the person of GEORGE I. Great-grandfather eight times  
to HM QUEEN ELIZABETH II, *dsp* 1718

Gilbert, 13th Earl  
*dsp* a priest

George = Mary, dau of 4th  
Viscount FitzWilliam

George, 14th Earl, *dsp* 1787

Charles = (1) Mary, dau of Robert Alwyn  
(2) Mary, dau of Sir George Mostyn Bt

Charles, 15th Earl, *dsp* 1827

John = (1) Catherine, dau of Thomas Clifton of Lytham, Lancs  
(2) Harriet, dau of Rev Bacon Bedingfield of Norfolk

Francis = (1) Anne, dau of 1st Earl of Fauconberg  
(2) Lady Margaret, dau of William Sheldon

John, 16th Earl, *dspms* 1852

Charles = Julia, dau of Sir Henry Tichborne, Bt

Betram, 17th Earl, *ob unkn* 1853

the 18th Earl was descended from Sir Gilbert Grafton, 3rd son of the 2nd Earl, *supra*\*

Henry John Chetwynd, 18th Earl of Shrewsbury and Waterford, = Lady Sarah, dau of 2nd Marquess of Waterford, an entirely different  
3rd Earl and 5th Baron Talbot, Viscount Ingestre, *ob* 1868  
family and title from the Earls of Waterford

Charles, 19th Earl of Shrewsbury and Waterford, *ob* 1877 = Teresa, dau of Cmr Richard Cockerell

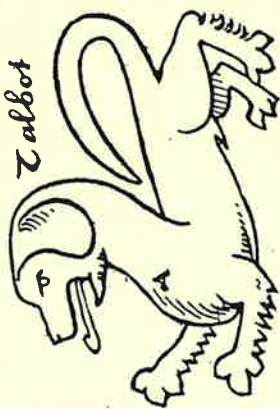
Charles, 20th Earl KCVO, Hereditary Lord High Steward of Ireland, *ob* 1921 = Ellen, dau of Charles Morewood of Ladbrooke Hall, Warks

Charles, Viscount Ingestre, *dvp* 1915 = Winifred Paget, dau of Lord Alexander Paget, son of 15th Marquess of Ailesbury

John, 21st Earl, *ob* 1980 = (1) Nadine Muriel, dau of Brigadier Cyril Crofton, died 2003

(2) Doris, Dowager Countess of Shrewsbury, died 1991

Charles Henry John Benedict Crofton Chetwynd-Talbot, 22nd and present Earl of Shrewsbury, Waterford and Talbot, Hereditary Lord High Steward of Ireland



\*Space limitations do not permit a full pedigree of this most illustrious family, who hold three Earldoms, are Premier Earls of England on the Roll, Hereditary Lord High Stewards of Ireland and many other titles

# The Lordship of Goadby Leicestershire

Lot 4

LYING in the small parish of the same name, the Lordship of the Manor of Goadby can be dated back to before the Norman Conquest of 1066 when it was recorded as being in the hands of a Saxon Thegn, Tochi. After the Invasion it descended to Geoffrey Alselin who died in 1108 and whose chief residence was at Laxton in Nottinghamshire. The Lordship is mentioned in Domesday Book. The entry reads

*The same Norman (a tenant) holds of Geoffrey in Goadby  
3 carucates of land.*

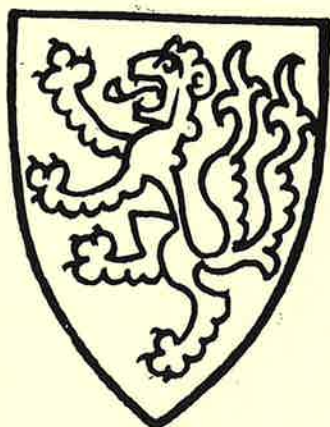
*In the reign of Edward there were 2 ploughs.*

*In demesne is half a plough with 1 slave;  
and 4 villans with 2 bordars have 1 plough.*

*There is woodland 4 furlongs long and 2 furlongs broad.*

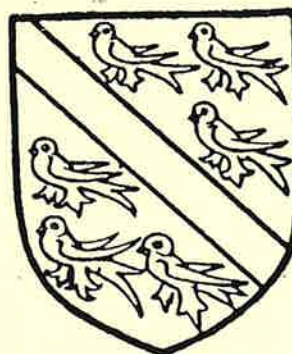
*This was and is worth 20s.*

After Geoffrey's death in 1108 the descent of the Lordship remains unclear since his estates were divided among the children of his nephew. By the beginning of the 13th century it is thought that Goadby had come into the possession of the Preston family. In 1265 the manor was forfeited by Henry de Preston after he fought for Simon de Montfort against Henry III in what was the climactic battle of the Second Barons War. However, he could not have been an especially important rebel since the estate was fully restored to his heirs shortly afterwards. In 1282, his probable son, Laurence de Preston is recorded as having leased Goadby to Peter de Welles and this may have spelled the end of the Preston's active interest in the Lordship since early in the 14th century it's ownership had passed to John Pecche, who granted it to Nicholas and Joan Seaton in 1313.



Montfort

The Seaton family had a large estate and Manor at Seaton in Rutland and the combined lands remained with the family until 1476, when, on the death of the last male heir, Edward Seaton, the properties were divided between his daughters Anne and Joan. Goadby passed to the former, who had married Eusby Catesby, though it is thought that Joan and her husband also had some interest in the Lordship. Joan and Eusby were succeeded by their son Edward, who died seised of Goadby in 1535. Charles, his son and heir, was minor at the time of his father's death but eventually came to possess his inheritance only to sell the Lordship in 1579 to Anthony Colly. Colly held the estate



Seaton

until 1593 when he sold it on to Sir Edward Heron who was a baron of the Exchequer during the reign of James I (1603-1625). In 1611, Goadby was sold once more, to Thomas Brudenell of Barton Seagrave in Northamptonshire who in turn was succeeded in ownership of the Lordship by his third son Edward, from whom it descended to his son Edmund. Edmund was the driving force behind the enclosure of Goadby's open fields in 1682.

On Edmund's death Goadby passed to his sister Frances and her husband, Joseph Pippin. The descent of the manor in the 18th century was less than straightforward. After Pippin's death (and presumably his wife's) Goadby passed to his sister and heir, Elizabeth who was married to John Weston, a tallow-chandler in London. By 1784 it had passed to the Weston's daughter, Frances, who had taken the surname Brudenell Weston to acknowledge this inheritance. Her husband was John Sibley of Bedford and the Lordship remained in this family's possession until the middle of the 19th century when it was purchased by Sir Arthur Hazlerigg who lived at Noseley nearby; the descent of that family lies on the following page.

The Hazlerigg family had lived in the area since at least 1511 when Thomas Hazlerigg is recorded as being a tenant farmer. He leased 3 farms and 60 acres of land from Edward Catesby in the manor and was said to have followed the then current agricultural practice of converting arable land to pasture with Catesby consent. In 1528 Anthony Colly, whose son would eventually buy the manor, was embroiled in a dispute with Hazlerigg. Colly leased two closes in the manor and accused Thomas of breaking down the fences and allowing his cattle to pasture there. This was no petty event since Hazlerigg was accused of allowing first 400 sheep to enter Colly's land and on another occasion, 700 sheep. It is possible that the two closes were in fact the land which Hazlerigg had turned to pasture under leased but which had been leased over his head to Colly by Catesby. However, Hazlerigg had previous 'form' in that in 1512 he allowed his animals to break into a close owned by Christopher Neal.

The Lordship and parish lie 12 miles east of Leicester and consists of a considerable amount of high land, reaching to a height of 600 feet.

DESCENT of HAZLERIGG, Lords of GOADBY, Leicester

Thomas Hesilrige, living 1610 = Ursula, dau of Sir Thomas Andrews of Charwelton, Northants

Sir Thomas Hesilrige, 1st Baronet of Noseley (1622) MP, b 1584, d 1629 = Frances, dau of Sir William Gorges, of Alderton

Sir Arthur, 2nd Bart, Parliamentary Cmdr, Gov of Newcastle, d 1661 in Tower of London = (1) Frances (d 1632) dau of Thomas Elmes  
(2) Dorothy (d 1650) sister of 2nd Baron Brooke

(1)

Sir Thomas, 3rd Bart, b 1625, d 1680 = Elizabeth dau of George Fenwick of Northumberland

Sir Thomas, 4th Bart, MP b 1664, d unmarried, 1700

(2)

Sir Robert, 5th Bart, b 1640, d 1713 = Bridget, dau of Sir Samuel Rolle of Heanton, Devon

Sir Robert, 6th Bart, b 1668 MP, High Sheriff, d 1721 = Dorothy, dau of 3rd Baron Maynard

Sir Arthur, 7th Bart = Hannah Sturges (apparently the inspiration for Samuel Richardson's heroine, Pamela), d 1765

Sir Robert, 8th Bart = Sarah, dau of Nathaniel Waller of Roxburgh, New England

Sir Arthur, 9th Bart = (1) Elizabeth Charnand died without issue 1805 of Smyrna (Izmir) Turkey  
(2) Charlotte Elizabeth

Sir Thomas Maynard, 10th Bart = (1) Mary, daughter of died without issue 1817 Edmond Tyrell of Gipping, Suffolk  
(2) Hon Letitia, dau of Lord Wodehouse

Grey JP, d 1810 = Bridget, dau of Rev Buckby

Sir Arthur Grey Hesilrige , = Henrietta Anne, dau  
later Hazlerigg, 11th of John Bourne of  
Bart, d 1819 Stanch, Hants

Sir Arthur Grey, 12th Bart, = Henrietta, dau of Charles Allen  
b 1812, d 1890 Phillipps of St Brides Hill, Pembroke

Arthur Grey, fought in Crimean = Janet Edith, dau of Sir  
War, 1854-6 and Zulu Wars, Archibald Ore-Ewing, 1st Baronet  
1879-80, d 1880

Sir Arthur Grey, 13th Bart = Dorothy Rachel, dau of  
created (1945) 1st Baron Hazlerigg John Henry Buxton,  
of Noseley, Ld Lieutenant, d 1949 see Buton Barts, Debrett

Sir Arthur, 2nd Baron MC = Patricia (d 1972) dau of John  
died 1999 Pullar, of Durham, South Africa

Sir Arthur Grey, 3rd and present Baron  
Hazlerigg of Noseley Hall, Leics



# The Lordship of Whiteoxen Lot 5

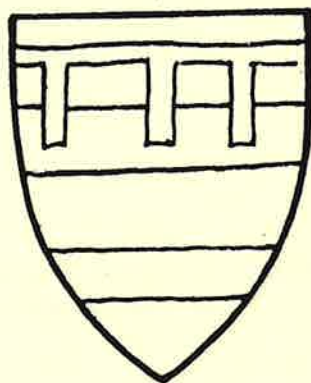
## Devon

THE MANOR of Whiteoxen straddles the parishes of Dean Prior and Rattery, lying about a mile north of the Great Western Railway between London and Penzance, Cornwall. It was part of the Marley Estate, the property of the Carew Baronets, until 1925 when the estate, including Marley House, was sold at auction. Though not vast, the Carew Estate in Devon was large enough and centred on Marley and Haccombe, including Tiverton Castle. As was common - and to some extent remains unaltered where estates have survived the vicissitudes of taxation and private improvidence - both estates comprised a number of Manorial Lordships. Besides the Lordship of the same name, the Marley Estate incorporated the Manors of Rattery, Harbourneford, South Brent (all sold in the 1980s and 1990s, together with Haccombe and the Tiverton Lordships), and Whiteoxen, which is the only one remaining to Sir Rivers Carew, the present Baronet. This area of Devon is known as South Hams.

At the time of the Domesday Survey in 1086, the Manor formed part of the Lordship of Rattery, held by William de Falaise. The entry reads:

Roger holds this of William (de Falaise) in 1086  
Of it, Roger has a demesne for half a plough.  
There Roger has two bordars and one serf and a hundred sheep  
and three acres of meadow and one length of pasture.

By the middle of the 12th century, it was in the possession of the Abbey of St Dogmaels, Pembrokeshire, Wales, being gifted to that house in 1115 by Robert FitzMartin. The earliest written record of the Manor is 1242, where it is called 'Whittekedon'. In 1285, it is referred to as 'Wittekedon' and in 1303 is noted under the name of 'Whyttokedon' - nothing unusual about such variations in spelling as the first English dictionary was five centuries in the future. The name originates from the Anglo-Saxon for *Hwicuc's Hill*, probably not to be confused with the Hwicci cult/race (?) in Warwickshire in the seventh century. The first place-name dictionaries start to appear in the early 19th century. The spread of the railways from the 1830s meant that place-name spellings needed to conform. Whiteoxen, therefore, is a corruption of the medieval spellings, and the name that was in use locally to judge from the *Magna Britannia*, by the Revd D Lysons, published for Devon in 1814.



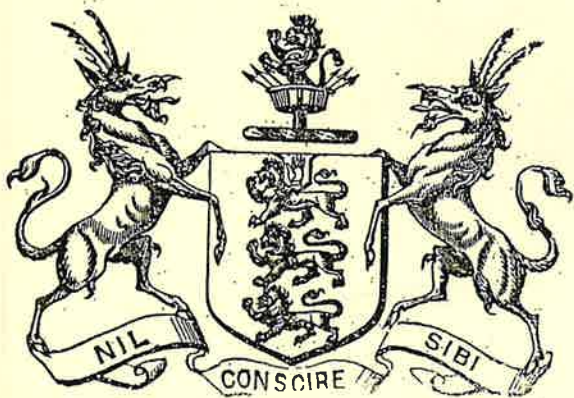
FitzMartin

Whiteoxen remained in the lands of St Dogmaels until the Dissolution of the monasteries in the 1530s by King Henry VIII. How long it remained in the Crown, we have not discovered - the economies of research costs being what they are - but by the 17th century it was held by the Palk family, the first of whom was Henry Palk, Lord of the Manor of Ambrooke, Devon, in the reign of King Henry VII (1485-1509).

The best known of the Palks is Sir Robert, after whom the Palk Strait, which separates India from Sri Lanka, is named. He was born at Haldon House, Devon, in 1717 and after taking deacon's orders, entered the Royal Navy as a chaplain. He joined the East India Company in 1751, and two years later was appointed as envoy to the Rajah of Tanjore during a dispute between the Company and the local prince over rights in the Carnatic (Indian east coast). Sir Robert was given the task of forming an alliance with the Rajah, who was also being courted by the Dutch and French, colonial powers with ambitions in the subcontinent; the Dutch already ruled Ceylon. He secured the Indian prince's support in the war against the French, culminating in Robert Clive's great victory at Plassey in 1757, where a mostly Indian army, under British officers, defeated a mostly Indian army under French officers. With the exception of Pondicherry, a small port in the Carnatic, the French were expelled from India by the Treaty of Paris in 1763. The Dutch were expelled from Ceylon in 1815 by a cession of the island to the British by the Dutch at the Congress of Vienna. As part of this exchange of property, for this is how the Great Powers seem to have treated most of the rest of the world, the Dutch price was recognized as a king, and was given the Austrian Netherlands (modern Belgium) and the Grand Duchy of Luxembourg to augment his new kingdom. A Royal Navy squadron had already been dispatched to Ceylon, Marines landed, and the last Tamil King deposed and assassinated. The British Raj was nearing fruition and only needed the deposition of the Mughal emperor in Delhi to complete it, which happened in 1858. Queen Victoria was proclaimed Empress of India in 1876, perhaps as much as anything because the Queen's daughter, Victoria, was the wife of Crown Prince Friedrich of Germany, on whose accession to the Imperial German Throne his wife would become an empress and outrank her mother. (In fact, Friedrich did succeed in 1888, but died five months later, to be succeeded as Kaiser by their son Wilhelm II of First World War fame, or infamy, depending on one's stance).

Back to the 18th century, Sir Robert was like other British adventurers before and after (William Pitt the Elder's grandfather springs to mind and so enriched himself that he was known as 'Diamond Pitt', which fortune set that family on a glorious political road). He made a fortune as Governor of Madras from 1763 to 1768, and he returned to England, where he was created a Baronet and bought the Marley Estate. Despite being a life-long Tory, he disputed the regulation of the East India Company by the Tory Lord North in 1773 - occasioned by the political machinations against the Governor-General Warren Hastings.

On the marriage of Elizabeth, daughter of Walter Palk, a kinsman of Sir Robert, to Sir Henry Carew, the Marley Estate, including the Lordship of Whiteoxen, passed to that family. According to Burke's *Peerage and Baronetage* (1911), the Carews are one of the few families who can trace an unbroken line from the Anglo-Saxon period, the first known of whom was Otho, a



Carew

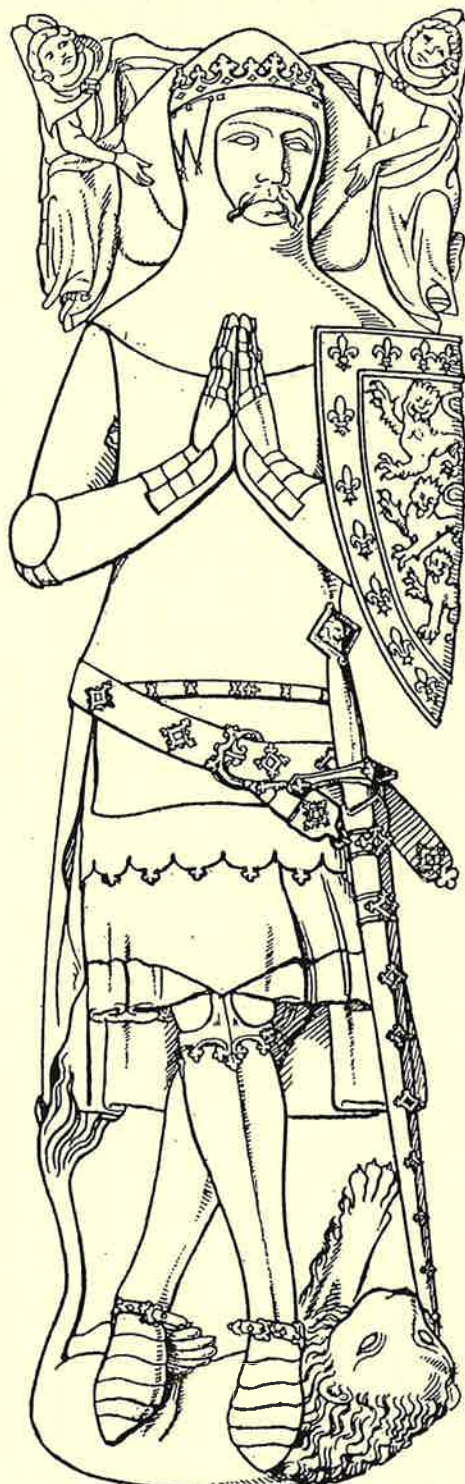
powerful Baron in the reign of Edward the Confessor (1042-66), and from whom spring the present Sir Rivers Carew; the Carews of Anthony, Cornwall; the Carews of Carew Castle; and the Carews of Mohun Ottery, Carew of Bickleigh, and Carew, medieval Earls of Totnes.

Our branch is first noticed separately in the early 12th century when Walter FitzOther (or Otho) was Castellain of Windsor. His son, William FitzWalter, established himself in Pembrokeshire during the reign of Henry II (1154-89) and his son William was Lord of Carru Castle, in that Welsh county, and from which the family's present surname is derived. Instrumental in the family's eventual long sojourn in Devon was Sir John Carew, whose father had come into possession of Tiverton on his marriage to the daughter and heir of Sir William Mohun, a great medieval Baron in the West Country. When Sir John came of age, he was summoned to Ireland in 1332 to defend his estates there. In 1349, he became Escheator in Ireland, and accompanied Lionel, Duke of Clarence, King Edward III's son, to suppress one of the many Irish uprisings against English rule. This was in 1362.

By the middle of the 15th century, the Carews seem to have abandoned their Irish estates, and consolidated those in Devon with the acquisition of the Lordship of Haccombe by the marriage of Sir Nicholas Carew to Elizabeth Croker, the Haccombe heiress.

Perhaps the most exotic member of the Devonshire Carews is Bamfylde Moore Carew. He was born in 1693 and his father was the Rector of Bickleigh, one of the family Manors and advowsons. At the age of 12, he was sent to school in Tiverton where he fell into bad ways. One day, he and two friends hunted a deer with a small pack of hounds over several miles of farmland. Such was the damage caused, that a delegation of farmers descended on the headmaster to complain and demand restitution. So alarmed at the likely thrashing he would receive in retribution - all schools had what Henry Fielding described much later in *Tom Jones* as the 'Birchen Altar', a contraption on which boys were strapped down and mercilessly beaten for the merest infraction - that Bamfylde fled and joined some gypsies and entered a life of swindling and deceit. He got as far as Newfoundland, eventually returning to England - Newcastle Upon Tyne - where he married the daughter of an apothecary and resumed his gipsy career. On the death of Clause Patch, the 'king of the gypsies', Bamfylde was elected his successor. He was finally caught and convicted of vagrancy, and transported to Maryland, the death penalty perhaps not being invoked because of his family connection. Clearly a resourceful man, he obtained the help of some American Indians and he escaped back to England, posing as a Quaker. He died in 1770.

There is a manor house at Whiteoexn (not part of this sale) which was never occupied by the Carews, who divided their time between Marley House and Haccombe. The date 1703 is embossed in stone over a fireplace, but the house is older. It appeared in a terrier (see *Glossary* in the Catalogue) in 1839 when a James Easterbrook was the tenant. Richard Andrews was a Carew tenant in the house at the end of the 19th century. The landed estate and houses, as noted, were broken up and sold at auction in 1925 and the manor house was occupied in 2001 by a couple who ran a successful antiques business from the premises. We have not researched the boundaries of the Lordship, but imagine that this could easily be done for the new Lord by a researcher. A map of the estate, too large for inclusion here, is available for inspection at the Auctioneers by appointment, a copy of which will be supplied to the new Lord of the Manor. The descent of the Carews lies on the following pages.



**DESCENT OF THE CAREW BARONETS, Lords of Whiteoxen**

William FitzGerald of Carru (Carew) Castle, Pembroke, Wales, son of Gerald FitzWalter, Constable of Pembroke Castle temp HENRY I (1100-35), by his wife Nesta, the daughter of Rhys ap Gryfdd ap Tudor Mawr, Prince of South Wales, and heiress of Carew Castle. William was the grandson of Walter FitzOther, Castellan of Windsor (ancestor of the present Duke of Leinster) and died in 1173, leaving with other issue Otho, ancestor of the Carew Baronets, and William, ancestor of the present Lord Gerard

John Carew, of Carew, Baron of Idrone, Ireland, ob 1363 = Margaret, dau of John Mohun of Dunster

Sir Leonard Carew, Baron of Idrone, ob 1371 = Alice, dau of Sir Edmond FitzAlan, of Arundel

Thomas Carew, Baron of Idrone, ob 1431 = Elizabeth, dau of Sir William Bonville, of Shute

Sir Nicholas Carew, ob 1446 = Joan, dau of Sir Hugh Courtenay, of Haccombe, Devon

Sir Thomas, ancestor of the Carews of Bickleigh, Mohun's Ottery, and Earls of Totnes

Elizabeth, dau of Sir John Croker of Lydeard St Lawrence, Somerset

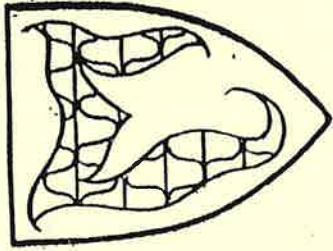
John Carew of Haccombe = Elizabeth, dau of John, Lord Zouche, of Harringworth

John Carew, commander in Francis I's army to rescue Pope Clement VII, who had been imprisoned by the Emperor Charles V, killed at the Battle of Pavia, 1527 = Elizabeth, dau of Sir William Martin, of Dorset

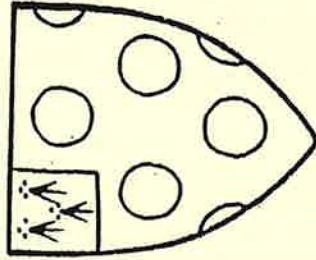
Thomas Carew, ob 1586 = Mary, dau of William Huddle, of Pillesden, Dorset

John Carew, living 1620 = Elizabeth, dau of Robert Hill, of Shilston, Devon

Thomas Carew, ob 1656 = Anne, dau of Rev John Clifford DD, of Ugborough



Mohun



Zouche

Sir Thomas Carew, created 1st Baronet of Hacombe, 1661, *ob* 1676 = (1) Elizabeth, dau and co-heir of Sir Henry Carew of Bickleigh, thus united two branches of the family  
 (2) Martha, dau and co-heir of Nicholas Dack

(1) Sir Henry Carew, 2nd Baronet, inherited the Lordship of Bickleigh = (1) Elizabeth, dau of Thomas, 1st Lord Clifford of Chudleigh  
 from his mother, *ob* 1695 (2) Katherine, dau of John Fownes, of Whittleigh  
 (3) Gratiana, dau of Thomas Darrell, of Trewornan, Cornwall

(3) Sir Henry Carew, 3rd Baronet, *ob* *imm* 1708 = Sir Thomas Carew, 4th Baronet, = Dorothy, dau of Peter West, of Tiverton Castle  
*ob* before 1746

Sir John Carew, 5th Baronet, inherited the Lordship of Tiverton from his mother = Elizabeth, dau of the Rev Henry Holdsworth, of Dartmouth  
*ob* before 1773

Sir Thomas Carew, 6th Baronet, *ob* 1805 = Jane, dau of Rev Charles Smalwood

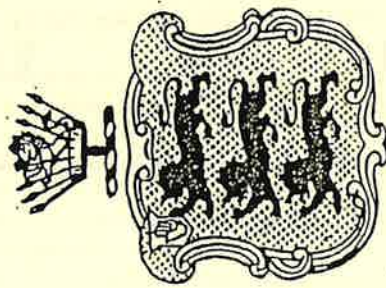
Sir Henry Carew, 7th Baronet, *ob* 1830 = Elizabeth, dau of Walter Palk

Sir Walter Palk Carew, 8th Baronet, = Anne, dau of Maj-Gen Taylor CB  
*ob* 1874

Sir Henry Carew, 9th Baronet = Frances Gertrude, dau of Robert Locke-Roe, Lord of  
*ob* 1934 Lynnmouth, Devon

Sir Thomas Palk Carew, 10th Baronet, *ob* 1976 = (1) Ivy Madeline, Laura, dau of Col Arthur Breakey OBE (marriage dissolved)  
 (2) Phyllis Evelyn, dau of Neville Mayman, of Sydney, Australia

Sir Rivers Carew, 11th and present Baronet and Lord of Wrangaton, Stone and Leigh



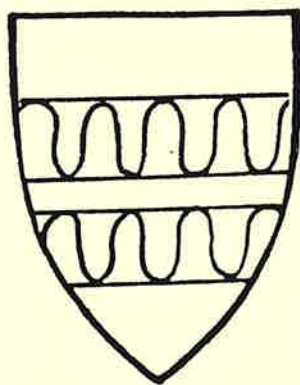
Carew

Cumbria

(in association with Smithsgore)

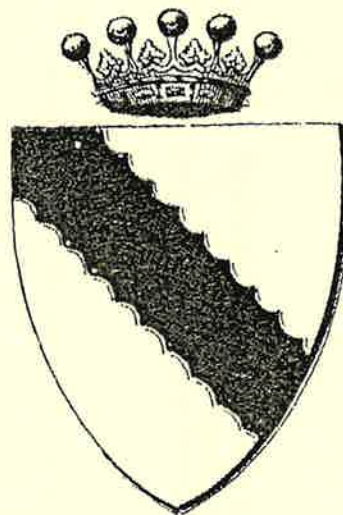
THIS LARGE manor lies within the immense parish of Alston. Most of the extent of the Manor is made up of desolate but beautiful fells and valleys and its boundaries are composed of the old county boundary with Westmorland to the south; the parishes of Kirkland, Ousby Melmerby, and Renwick on the west; Kirkhaugh in Northumberland to the north and to the east and south by Whitfield and Stanhope in County Durham. Within its bounds lies Cross Fell, where the earliest Christians in the North of England erected a cross. Alston measures nine miles north to south and eight miles east to west. Though this is a poor farming district, there is an abundance of mineral wealth and mining has been carried on here for centuries. The Roman road, known as Maiden Way crosses the Manor. The market town of Alston lies on the right bank of the South Tyne and takes its name from Aldenston, or Aldens Town.

Anciently the Lordship of Alston Moor was the possession of the Anglo-Scottish Earls of Huntingdon and the first reference to it can be found in the 12th century when Henry, Prince of Scotland and Earl of Huntingdon, granted it to his vassal, William de Veteripont, or Vipont. At this time the Manor was said to have covered a staggering forty square miles. His possession was confirmed by a charter granted to Veteriponte by King John in 1209. From him it passed to his son Ivo, who possessed other lands in Cumbria, Westmorland, and had estates in Scotland. His heir in Alston Moor was his son Robert and on his death the Lordship briefly became part of a legal suit between Edward I (1272-1307) and Alexander, King of Scotland. After Robert's death it was estreated to Edward, but after a special request made by Alexander's son, also Alexander, Edward returned Alston Moor to the Veteripont family and it became the possession of Robert's son, Nicholas. He held the Manor as part of his Liberty of Tyndale, with the exception of the mines which were reserved out for the King and administered by his bailiffs.



Hilton

Robert died in 1315 and at the inquisition into his death it was found that he held the Manor or Aldreston which included more than 3,000 acres of pasture on Alston Moor. It then passed to his son and heir, Robert, who lived until 1370. On his death, the Lordship descended to his sisters; Elizabeth, who was married to Thomas Blencowe, and Joan, the wife of William Whytlawe. In 1443, Thomas Whytlawe, probably the grandson of William, is noted as granting the Manors of Aldston, Ellerington, and Gerrardgill, to William Stapleton and his wife



Radcliffe

Margaret. Their daughter, Mary married Sir William Hilton and Alston came to him through this marriage, after a formal partition of the Whytlawe estate. Ellerington passed to the second daughter, Joan, who was married to Sir Richard Musgrave.

The Hilton family retained the manor of Alston Moor until about 1618 when it was sold to Sir Francis Radclyffe of Dilston. Two years previously, Sir Henry Hilton had leased all the copyhold tenancies for a period of 999 years under annual rents and by the payment of a 20 penny fine, known as a girsome which was payable every 21 years.

The Radcliffe family of Derwentwater were one of the oldest families in Cumberland. During the reign of Henry V (1413-1422) they were already established and knighted at their estate of Dilston Castle on one of the three islands on Derwentwater. The estate was lost by Sir Francis Radcliffe who adhered to the Catholic faith and was leased by the Crown in the 1580s. On the accession of James I in 1603, Radcliffe received a pardon and retrieved Dilston. In 1606 however, he was arrested as part of the investigation into the Gunpowder Plot. It was thought that Guy Fawkes had stayed at Dilston before the plot, under the pseudonym of Johnson. One of the conspirators, Thomas Percy, claimed to have paid Sir Francis £600 to build a chapel at Dilston, but Radcliffe denied all the charges. He was obviously believed since, in 1620 he was granted a baronetcy by King James.

On his death in 1622, Sir Francis was succeeded by his son Sir Edward, who purchased Alston Moor. It is no surprise to report that Sir Edward fought for Charles I during the Civil Wars of the 1640s and as a result his estates were forfeited to Parliament in 1652. However in 1638 Sir Edward had settled his estates on his trustees for life with a reversion to his son and heir, Francis. Instead of the estate passing to Parliament his trustees sold the

estates and they were repurchased for the family by Francis for £10,000.

Sir Edward lived long enough to see the restoration of King Charles II in 1660 and at his death in 1663 the Cumberland estates, including Alston Moor, passed down to Sir Francis Radcliffe. The family remained devout Catholics and attempted to avoid conflict with the Government, though, in 1679, Sir Francis was briefly arrested in connection with the allegations made by Titus Oates, in a general hysteria against those who adhered to the Old Faith. Radcliffe was by this time a large landholder and set his eye on advancing his family into the aristocracy. His plan was to obtain an earldom and marry his son into the royal family. When James II came to the throne in 1685 his dream was realized. The new King raised him to the peerage as Earl of Derwentwater, Viscount Radcliffe and Langley, and Baron Tindale. His son, Edward, was married to Lady Mary Tudor, the fourteen year old illegitimate daughter of Charles II.

James II was driven out of England in the Revolution of 1688 and naturally the new Earl came under the suspicion of the new regime. Dilston was seen as a hotbed of Catholic intrigue, but by the time of the Earl's death in 1696 the government of William III was so secure that the Radcliffes had ceased to be viewed as a threat. The heir to the Earldom Edward died a few years later, in 1705, and the estate passed to his son, James, who was a minor. James was schooled on the continent and came into contact with the Old pretender, 'James II', who was only a year older than he. He returned to England in 1709, after reaching his majority, and took possession of the family estates. On 6th October 1715, the third Earl of Derwentwater rode from Dilston and joined a number of English Jacobites and raised the Stuart flag on nearby Greenrig. A warrant for his arrest had already been issued and he must have felt that he had little left to lose. The Jacobite army marched south but was forced to surrender at Preston. Derwentwater was taken to London and impeached before the House of Lords. All the leading Jacobite were found guilty of High Treason and sentenced to death. Despite a great effort by many of his peers to have the sentence overturned the Government insisted that Derwentwater should receive his punishment. On 24th February 1716, the Earl was beheaded at the Tower.

His brother Charles was more fortunate. He too was captured at Preston and was sentenced to death. Given his youth, even more effort was made to obtain a reprieve and he survived at the Tower until December 1716 when he managed to escape. He fled to Italy and then settled in Paris. After the death of his nephew, John Viscount Radcliffe, in 1731, Charles assumed the title of Earl of Derwentwater and during the last great Jacobite uprising of 1745 he was captured on a ship bound for Deal in Kent. He was sent to the Tower once more. This time there was no escape from the executioners axe and it duly fell on his neck on 8 December 1746.

Though he claimed the family Earldom, Charles Radcliffe never held their lands. After the execution of his brother in 1716 the whole estate was seized by the Crown and the majority of it, including the Lordship of the Manor Alston Moor was granted to Greenwich Hospital. It has remained in the possession of this famous institution until the present and is being offered for sale by the current Governors. Greenwich hospital is a Crown Charity, formerly administered under the supervision of the Lords of the Admiralty until the 1960s, when the War Office was reformed and became the Department of Defence. The charity for Seafarers was established by Queen Mary II (1689-94) the wife and joint-Monarch with her husband King William III (1689-1702). The Conveyance to the successful bidder will be executed under the Seal of the Secretary of State for Defence.

## RADCLIFFE, EARLS of DERWENTWATER

Sir Francis Radcliffe, Feudal Baron of Dilston, Northumberland, created (1658) Baron Tyndale, Viscount Radcliffe and Langley Earl of Derwentwater, d 1696

= Catherine dau and heir of Sir William Fenwick, of Meldon, Lord of that Manor Northumberland

Francis, 2nd Earl, d 1705 = Mary Tudor, natural dau of CHARLES II, by Mrs Mary Davis

James, 3rd Earl of Derwentwater, beheaded 1716 when his estates were forfeited and granted to the Governors of Greenwich Hospital, present Lords of the Manor of Ayle.

Charles, self-styled Earl of Derwentwater (see text)

# The Lordship of Woodhuish Devonshire

Lot 7

(in association with Michelmore Chartered Surveyors)

AT THE time of the Norman Conquest (1066), this Manor belonged to the Saxon Ordwulf, the Overlord being at the time of the Domesday Survey, 20 years later, the King, of whom the Lordship was held by Richard, son of Thorold. The name of the father may be derived from Old Norse Thoraldr or more likely Old Danish Torulf - no surprise since the Normans themselves originated in Scandinavia, descending on and conquering northern France in the ninth and early 10th centuries, the first of their leaders Rollo being made Duke of Normandy by the King of France. Woodhuish, more commonly known today as Woodchurch, lies in the parish of Brixham, a small fishing town, with whose history the Manor in question is much intertwined. The Domesday entry reads:

Land of Richard son of Thorold

*Richard son of Thorulf (sic) holds WOODHUISH from the King. Ordwulf held it before 1066. It paid tax for one hide. Land for five ploughs. In lordship two ploughs; five slaves; six villagers and six smallholders with two and a half ploughs. Meadow, two acres; woodland, six acres. Formerly 20 shillings; now 40 shillings.*

The Overlordship was held by the de Pomeroy, Bonviles, and Greys throughout the Middle Ages until 1554, with the execution of Thomas Grey, Duke of Suffolk, when their estates vested in the Crown. The descents of these families are given here. Although reputed members of the Upper House in 1259, the de Pomeroy were not peers in the proper sense, according to Sir William Dugdale in his *Baronage*:

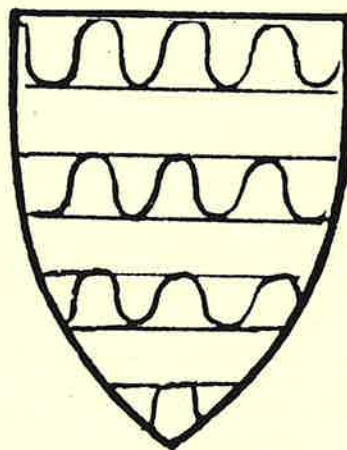
Near after the Conquest, all such as had free Seignories or Lordships, which we call Court-Barons, came to the Parliament and sate as nobles in the upper House; but when, by experience, it appeared, that the Parliament was too much pestered with such Multitudes, it grew to a Custom, that none should come thither but such as the King, for their extraordinary Wisdom or Quality, thought good to call by Writ; which Writ, at first, ran, *Hac vice tantum* — To appear only for that turn. After that, Gentlemen seeing this Estate of Nobility to be but casual, and dependent merely on the Prince's pleasure, sought a more certain Hold, and obtained of the King Letters-Patents of their Dignities to them and their Heirs- Male.

William de Pomeroy, living 1102, younger brother to Jocelyn (see pedigree chart) was father to Ethelward, who was said to have been the founder of Buckfast Abbey in Buckfastleigh, Devonshire. This is incorrect because the abbey was founded by "Duke Alfred" for White monks (Cistercians) before the Norman Conquest. More likely is that Ethelward de Pomeroy re-founded the abbey, which had been destroyed by the Danes more than a hundred years earlier.

Sir Henry de Pomeroy had 'taken some great disgust' at Richard I (1189-99), probably because that King had seized his lands

and re-granted them only on payment of a fine of 700 marks. When Richard, on his way back from Crusade in the Holy Land, in 1193, was captured by Duke Leopold of Austria and held to ransom, Henry joined Prince John's rebellion and took St Michael's Mount, Cornwall, which he fortified. But when the King returned in 1194, Henry committed St Michael's to the Archbishop of Canterbury and appears to have died of fright, a consequence of his teachery. According to another version of this story:

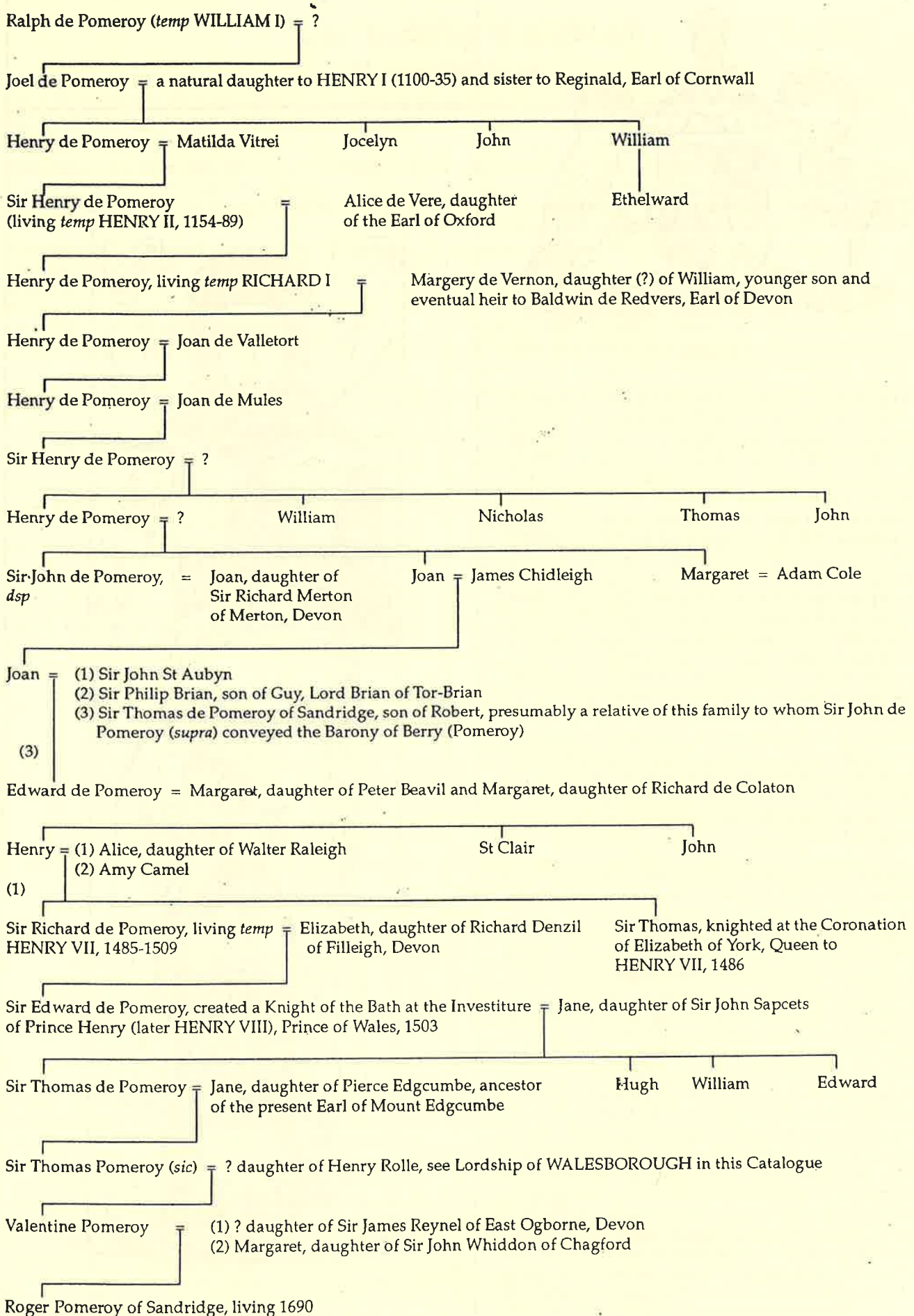
... A Serjeant at Arms of the King's, came to their Ancestor at his Castle of Biry (*Berry Pomeroy*), received kind Entertainment there for several Days together; and at his Departure was gratified with a liberal Reward; in countercharge whereof, the Serjeant then, and no sooner, revealing his long concealed Errand, flatly arresteth his Hoast, to make his immediate Appearance before the King, for answering a capital Crime. Which unexpected and ill carried Message the Gentleman took in such despight, as with his Dagger he stabbed the Messenger to the heart; and then, well knowing, in so superlative Offence all hope of Pardon foreclosed, he abandons his Home, gets to a Sister of his abiding in St Michael's Mount (*most likely as the Prioress of that Cell*) and bequeaths a large Portion of his Land, in those Parts, to the Religious Persons there for Redeeming his Soul; and, lastly, causeth himself to be let Blood unto Death, for preserving the remainder of his Estate unto his Heir.

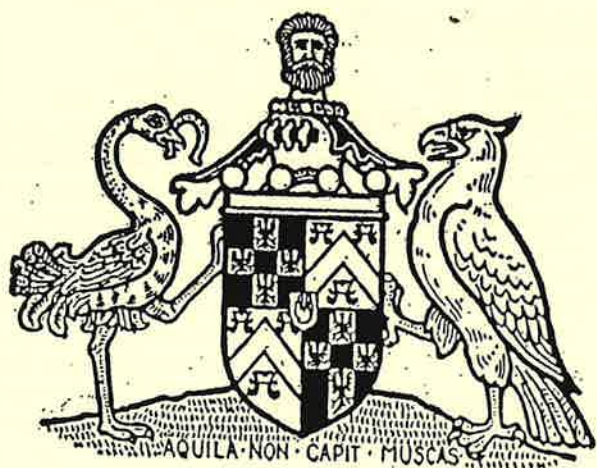


Grey

How the Pomeroy Overlordship of Woodchurch came to the Bonviles we have not discovered, but they were Feudal Barons of Berry and Totnes by 1381, in the person of Sir Nicholas Bonvile. His son, John Bonvile, accompanied Henry V into France in 1415, in the suite of Thomas, Duke of Clarence, the King's brother, and was present at the battle of Agincourt. He became Governor of Aquitaine, south-west France, and in 1443 was retained by Henry VI for a year to provide 20 men-at-arms

POMEROY OVERLORDS OF WOODHUIISH, BARONS OF TOTNES AND BERRY POMEROY

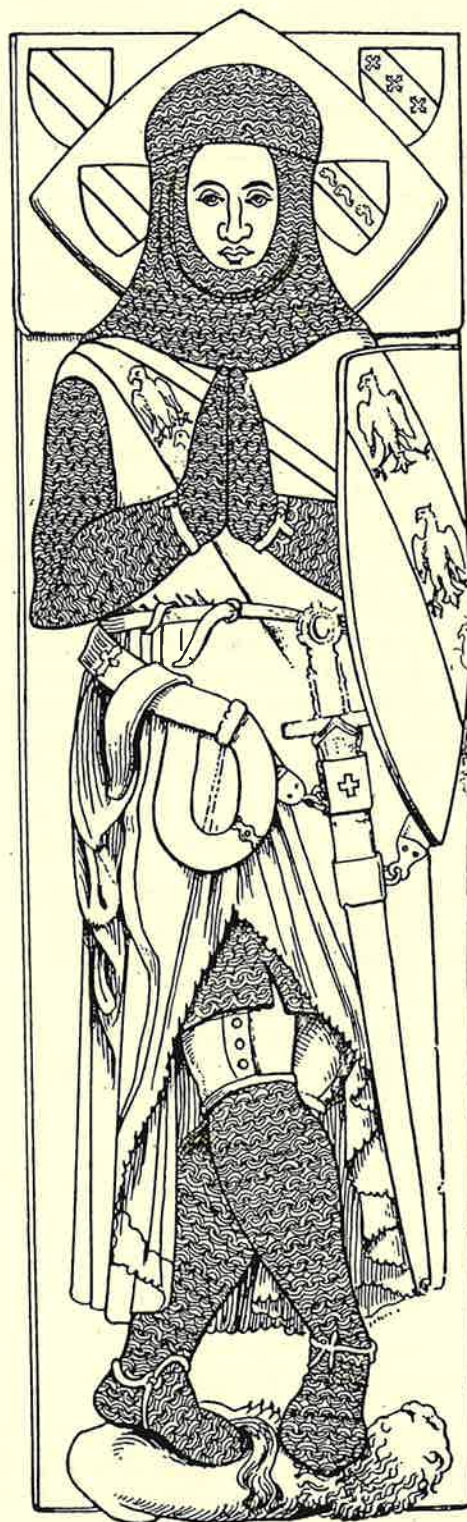




Churston

and 600 archers. He was created Baron Bonville, a peer of Parliament, in 1432, and during the civil war of the 1450s (the Wars of the Roses) was captured by the Lancastrians at the battle of Northampton in 1460, and beheaded. His grandson and namesake left an only daughter and heir, Cecily, who married Thomas Grey, first Marquess of Dorset, and brought this great inheritance to that family where it remained until the execution and forfeiture of the third Marquess and first Duke of Suffolk in 1554. At the instigation of his brother-in-law, Richard Dudley, Duke of Northumberland, Suffolk declared his daughter, Lady Jane (a grand-daughter in the female line of Henry VII) Queen. She reigned for nine days before the arrival of Mary Tudor, Henry VIII's daughter by Katherine of Aragon - hence, the expression 'a nine-day wonder'. Jane's husband, Lord Guilford Dudley, was beheaded in 1553, the bloody catafalque afterwards being drawn beneath his widow's prison window in the Tower, and she suffered the same fate the following year. Horace Walpole, in his *Catalogue of Noble Authors*, describes her as 'this admirable young heroine... The works of this lovely scholar's writing are four Latin epistles; three to Bullinger, and one to her sister, the Lady Katherine, which was written the night before her death, in a Greek Testament, in which she had been reading, and sent to her sister.'

The Lords under the Barons of Berry Pomeroy were the Peniles for much of the medieval period. Their heiress brought it in the reign of Henry VI (1422-61) into the Upton family. It was acquired by the Haynes in the 17th century and sold in about 1788 by Charles Hayne to Sir Francis Buller, ancestor of the present owner, Lord Churston, whose descent is given under the Lordship of Skirradon. Lord Churston owned Lupton House here in the 19th century and derives part of his peerage name from this Manor. The parish church of St Mary the Virgin has memorials to the Uptons, Haynes, Yarde, and Bullers, sometime Lords of the Manor, of whom Yarde-Buller, the family name of Lord Churston, is the present Lord. There is a memorial to Mr Justice Buller. As already noted, the Lordship lies in the town of Brixham on the south Devon coast, about five miles north-east of Dartmouth. There is a monument on the quay here to the landing on 5 November 1688 of William, Prince of Orange, who was to become King William III. The inscription reads in part that the invasion was to preserve 'the Protestant religion and the liberties of England.' HMS Bellerophon anchored here for several days awaiting the arrival of the defeated Emperor Napoleon who was conveyed on this ship to exile on St Helena in the South Atlantic. The Manor of Brixham was divided several centuries ago among local fishing families who are still known as the Quay Lords with rights along the foreshore.



# The Lordship of Newbold Leicestershire

Lot 8

THIS LORDSHIP lies in the parish of Breedon-on-the-Hill and is sometimes referred to as Newbold Saucey or Newbold Juxta Worthington. It is historically linked with Worthington and seems likely to have formed part of that Manor at the time of Domesday Book in 1086. The entry for Worthington reads:

In Worthington 4 carucates of land. Before 1066, 5 ploughs. 4 freemen with 6 villagers and 2 smallholders have 3 ploughs. Woodland 4 furlongs long and 1 furlong wide. The value was 12; now 20s. Alwin claims jurisdiction of 1 carucate of this land saying that it belongs to Kings Shepshed.

Newbold was held after the Norman Conquest by the Ferrariis family. Robert Ferrariis is recorded as giving land at Newbold to Garendon Abbey and it seem likely that this was the Lordship. Garendon Abbey was founded in 1133 by Robert Earl of Leicester as a daughter house to Waverley Abbey, the earliest Cistercian monastery in England. It lay in the wild countryside of the Chamwood Forest and this provided the sort of sheep farming land preferred by the Cistercian monks. Sheep farming was carried out on a considerable scale at Garendon and in 1225 the abbot gained permission to export his wool to Flanders and elsewhere. Despite, or may be because of, the wealth generated, there is evidence to suggest that the monks did not live upto the highest expectations of their order. One of the abbots, Geoffrey, seems to have had a wife and another was said to have become a Jew.



Beaumont

In 1195 Abbot William resigned in disgust at the habits of his brothers at Garendon. He reported bouts of drinking and laziness. In 1196 the new abbot, Reynold was attacked in the infirmary and gravely wounded by a lay brother. As a result the general chapter in Cîteaux ordered all the abbey's lay brothers to be dispersed. The command was not carried out at once and in 1197 the abbots of two other cistercian abbeys were instructed to proceed to Garendon and forcibly remove the lay brothers. Even after this event Garendon continued to support lay brothers. Life at the abbey continued on an uneventful path until 1295 when King Edward I (1272-1307), at the Abbot's request appointed a special keeper to help alleviate the abbey's debts, which totalled £160. This was due almost entirely to d

epgradations inflicted on the abbey by its powerful neighbour, John Comyn, Earl of Buchan. Under the rule of Abbot Walter Saint Croys, the fortunes of the abbey improved in the mid-14th century and it farmed its holdings, including Newbold, wisely. However, after the death of Walter the abbey slipped into its old ways when, in 1368, a monk in the abbey was said to have housed robbers and to have even helped them commit various thefts.

By the time of the Dissolution of the monasteries under Henry VIII, Garendon Abbey was found to be worth £160 per year. When Thomas Cromwell's commissioners visited the house in 1535 they reported to have found five monks involved in *unnatural vice* and that three others claimed to that they were being kept there against their will. When the county commissioners visited later that year they produced a much more favourable report in the religious and secular aspects of the abbey, though they did find that many of the buildings were in a ruinous state. This did not prevent Garendon from being listed and dissolved in 1536.

During its time as Lords of Newbold, the Abbey had various tenants. These included Robert de la Sauce, from whom Newbold received its occasional title as Newbold Saucey and received an important position in the government and a number of land grants. Among his many offices he was made King of the Isle of Man, for life with the same tenure which had traditionally been held by the Kings of Scotland. The family later settled in Leicestershire and were raised to the peerage as the Barons Beaumont. The family continued to serve the crown in a number of different but slowly declining capacities.

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Henry Beaumont was the son of Nicholas, who had been MP for Leicester during the reign of Elizabeth. He unsuccessfully petitioned James I to revive the Beaumont barony which had been forfeited by his forbear, John Beaumont, fighting for the Lancastrians during the Wars of the Roses. Beaumont's son Henry was a strong tempered man who converted to Catholicism as a young man and joined the Jesuits in 1630. He appeared illegally throughout northern England encouraging a return to *England's Old Religion* and died in 1646. He was never Lord of Newbold, since this was sold to the Shirley family in 1616. The Shirleys later became the Earls Ferrers and their descendant, the present Earl Ferrers, is the current Lord of the Manor of Newbold. The descent of the Shirleys lies on the following pages.

Documents associated with this Manor

Court Rolls	1386-1481	PRO
Court Rolls	1405	
Court Rolls	1461	

**THE SHIRLEYS, Earls Ferrers, Viscounts Tamworth**

SEAWALLIS, mentioned in Domesday book as holding lands at Effington, Warwickshire where Major John Shirley still lives and is, therefore, the oldest recorded established family in the same place in England.

Fulcher FitzSewallis, living 1141

Sewallis de Shirley, = (2) Matilda Ridell

Henry de S, living 1195 = Joanna, dau of John de Clinton of Essex

Sewallis de S, d (?) 1228 = Isabel, dau of Robert de Meynell of Meynell Langley

Sewallis, living 1242 = ?

Sir James, d (?) 1296 = (2) Isabella

Sir Ralph, living 1300 = Margaret, dau of Walter de Waldeshel of Fairfield, Oxon

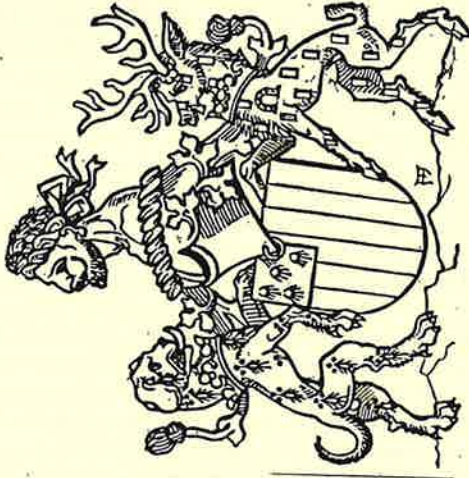
Sir Thomas, fought in Hundred Year's War, d 1362 = Isabel, eventual heir of Ralph Basset, 3rd Baron Basset of Drayton

Sir Hugh, inherited Basset estates, Grand Falconer to = Beatrix, dau and heir of John de Braose of West Neston, Sussex

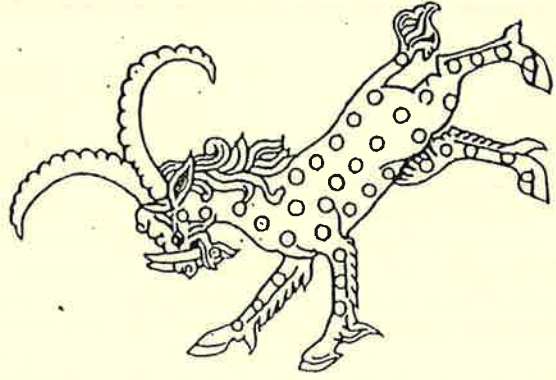
HENRY IV, k Battle of Shrewsbury, 1403

Sir Ralph, at Agincourt, 1415 = Joan, dau and heir of Thomas Basset of Brailsford, Derbyshire

Ralph Shirley, Constable of the Poole, Derbys = (1) Margaret, dau and heir of John de Staunton,



Ferrers



John, d 1485, succeeded to the Shirley estates in Staffordshire and the Staunton estates, including the Manor of Staunton Harold = Eleanor, dau of Sir Hugh Willoughby of Wollaton, Notts

Sir Ralph, Knight, at Battle of Stoke, 1487, died 1517 = (3) Jane dau of Sir Robert Sheffield

Francis of Staunton Harold, Sheriff of Warwicks & Leics, died 1571 = Dorothea, dau of Sir John Gifford of Chillington (the present head of this family is Chief Constable of Staffordshire)

John, dvp 1570 = Jane, dau of Thomas Lovell of Astwell, Northants

Sir George Shirley, created, 1611, a Baronet of Staunton = (1) Frances, dau of 7th Baron Berkeley Harold, d 1622

Sir Henry, 2nd Bart, d 1633 = Dorothy, dau of 3rd Viscount Hereford

Sir Charles, 3rd Bart died unmarried, 1646 = Sir Robert, 4th Bart died Tower of London = Catherine, dau of Humphery Okeover, of Okeover, Staffs

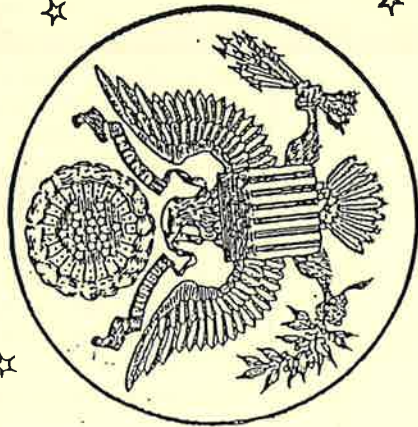
Sir Seymour, 5th Bart, died 1667 = Diana, dau of 2nd Earl of Elgin = Sir Robert Shirley, created Earl Ferrers (1711) Viscount Tamworth, and Baron Ferrers with precedence to 1279, died 1717

Sir Robert, 6th Bart, dsp 1709

2nd Son Washington, 2nd Earl dsp 1779

Henry, 3rd dsp 1745

Laurence of Staunton Harold, d 1743 = Anne, dau of Sir Walter Clarges, 1st Bart



Elizabeth, dau of Laurence Wishing of Garsden, Wilts ancestor of GEORGE WASHINGTON PRESIDENT OF THE UNITED STATES

Laurence, 4th Earl, hanged at Tyburn 1760 for murder

Washington, Vice-Admiral, 5th Earl, dsp 1778

Robert, 6th Earl, d 1787 = Catherine, dau of Rowland Cotton, of Etwall, Derbys

Robert, 7th Earl, married twice, but no male issue died 1827

Washington, 8th Earl, = (1) Frances, dau of 1st Viscount Dudley and Ward

Robert, Viscount Tamworth dvp 1830 = Anne Weston

Washington Sewallis, 9th Earl, died 1859 = Lady Augusta, dau of 4th Marquess of Donegal

Sewallis, 10th Earl, dsp 1912 = Lady Ina White dau of 3rd Earl of Bantry

Rev Walter Shirley, died 1786 = Henrietta, Lt-Col Molesworth Phillips, who accompanied Captain Cook on his last voyage and shot the aborigine who killed him

Rev Walter, Rector of Briansford, died = Alice, dau of Sir Edward Nevenham, of Co Cork

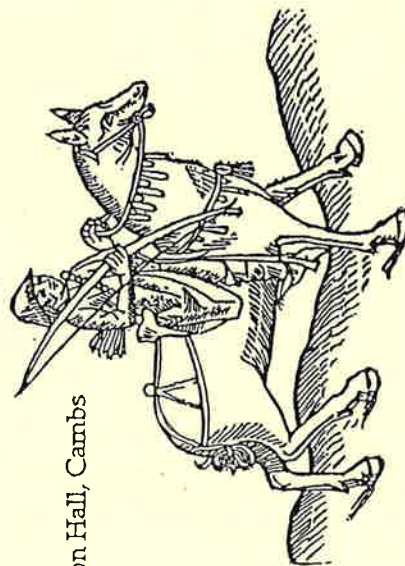
Rt Rev Walter, DD, Bishop of Sodor and Man, died 1847 = Maria, dau of William of Waddington, of Normandy

Rev Walter, DD, Regis Prof of Ecclesiastical History, Oxford, died 1866 = Phillipa, dau of Samuel Knight of Impington Hall, Cambs

Walter Knight, succeeded as 11th Earl Ferrers, 1912 = Mary, dau of Robert Moon (Moon Baronets)

Robert Walter, 12th Earl, died 1954 = Hermione Justice, dau of A Noel Morley, of Worplesden, Surrey, died 1969

ROBERT WASHINGTON SHIRLEY, 13th and present Earl Ferrers

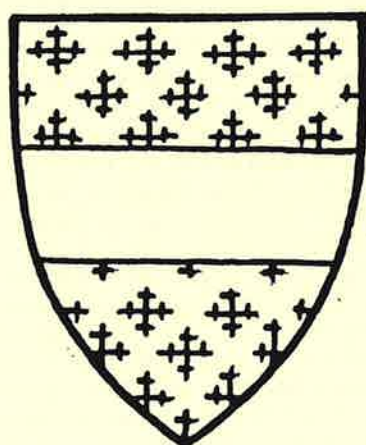


# The Lordship of Michaelotts Cambridgeshire

Lot 9

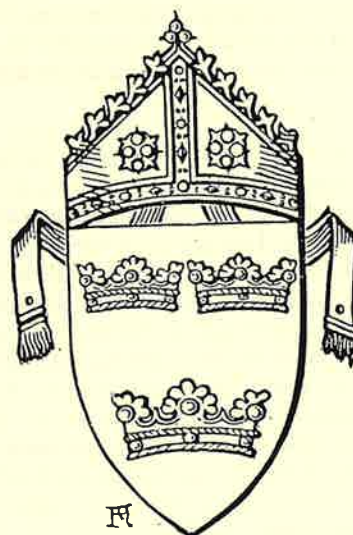
*by the service of a pair of spurs*

MICHAELOTTS appears as a separate Manor from that of the Lintons in about 1267, when Sir Simon de Furneaux granted 110 acres of his land at Barham to his younger son Michael. It was held as one knights' fee, paying a pair of gilt spurs to the Lord of Barham annually. In about 1275, Michaelotts had land in seven fields. Michael de Furneaux later granted the Lordship to his nephew Simon, the son of Thomas de St Omer, who passed it to his brother Ralph in 1315, but it was returned to Simon in the same year. By 1397, the Manor was in the possession of the Parys family, who also held the Lordships of Great and Little Linton. Henry Parys died seized of the Manor in 1466, when he was succeeded by his son and heir Robert, who was still a minor.



*St Omer*

Robert was succeeded in 1504 by his son John, who died in 1517, and John's son and heir Philip inherited. Philip Parys was knighted in 1553, having been treasurer to Bishop Gardiner of Winchester in the 1530s and receiver-general of the Court of Augmentation 1540-1544. His grandson Robert Parys, who inherited, died under age in 1572, when the Lordship passed to Sir Philip's younger son Ferdinand. The title and lands eventually passed to John Parys, who was heavily fined under the Commonwealth as a Papist and Royalist, and he was forced to mortgage much of his land to two Londoners, Robert Tempest and John Carter. John's only son, Philip, the last male of the Parys family, died without issue in 1672, leaving his lands to be sold to pay his accumulated debts. Sir Thomas Sclater, a wealthy royalist physician, bought much of the estate in 1674, although John Parys' widow, Anne, and her second husband Sir Joseph Colston retained the Lordship of Michaelotts, which was not sold to Sclater until 1677. Sclater was ancestor to the present Lords Basing, the Sclater-Booths. Sir Thomas died without surviving issue in 1684, but he had settled all his lands, known as the Catley Park Estate, on his nephew Edward's son Thomas Sclater. Thomas married the very wealthy Elizabeth Bacon, and assumed her surname in addition to his own in 1715. She died in 1726, and when Thomas died in 1736 he left his estates for life to Sarah, wife of his coachman Edward King, with the remainder to her sons. It eventually passed to Thomas Sclater King who died in 1777 having run through his fortune. The estate was sold to Thomas Bromley, Lord Montfort, in 1764 and he resold it to Edmund Keene, the Bishop of Ely, in 1772. Keene had married Mary Andrews, daughter and heiress of the



*Ely*

Cheapside linen draper Lancelot Andrews, and through her acquired a large fortune. He was offered the Archbishopric of Armagh, but persisted in his desire to be Bishop of Ely, and was confirmed there on the 22 January 1771. He transferred the Catley Park Estate to his son Benjamin, who was succeeded by his son the Revd Charles Edmund Ruck-Keene. The Manor eventually passed to Lt Colonel Edmund Ruck-Keene of the Royal Hussars in the 1880s. The family retained the titles when Catley House was sold in 1904, and the executors of Charles Edmund Ruck-Keene vested the Lordships with his daughter, Olive Elizabeth Mary Ruck-Nightingale. The family sold Michaelotts in 1987 to the present owner, David Broad.

Documents associated with this Manor:

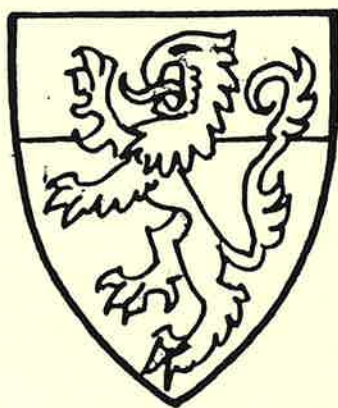
Cal Pat	1266-72, 1276, 1292-1301	PRO
Rot Hund	(Rec Com) ii, 418	
Rental	1429	Cambridge RO
Accounts	1463	
Court Roll	1462	
Fine Rolls	1337-47	PRO
Cal Pat	1345-8	
Cal Close	1346-9	
Harleian MS 3697		B Lib

## The Lordship of Sutton Court      Lot 10

### Somerset

THE LORDSHIP of Sutton Court or Knighton Sutton is also known as Sutton Militis. Its name refers to the fact that the Manor was held from the king by a knight's service. The Lordship formed part of an estate known as Sutton Court, centring on a house of the same name, parts of which date back to the Middle Ages.

It is thought that the Lordship itself dates back to Domesday Book, which was compiled in 1086 and comprised six hides of land held by Robert from the Bishop of Bath and Wells. The earliest references to the Lordship occur during the reign of Edward II (1307-1327) when William de Sutton is recorded as occupying an embattled tower, parts of which still survive. In 1322 he came before his overlord, the Bishop, to complain that a servant of his neighbour, William le Parson, had trespassed on a piece of land in his Manor, known as Crondell's. Le Parson argued that the malefactor was a servant of the Rector of Stanton Drew, who had the right of pasture on the land once the corn had been harvested. It appears that Parsons may have won the case since a plot of land known as 'Parsons Tenement' was still in existence 400 years later.



*Sutton*

The Sutton family, whom took their name from the Lordship, retained Knighton Sutton until 1422 when it passed to the St Loe family. It is not known whether this was through marriage or purchase. The St Loe family are said to have taken their name from St Laud in Normandy, but the first record of them does not occur until 1262. From 1284 to 1290 John St Loe was Sheriff of Dorset and Somerset and by the reign of Edward I (1272-1307) the family had amassed a great deal of land and Manors. During the 15th century, one of the St Loes added a house to the original tower and made it into a comfortable manorial residence. It may well have been Sir John St Loe who was recorded as being Lord of Knighton Sutton in 1428 and Lord of the neighbouring manor of Walley. Sir John made an excellent marriage to Eleanor, the daughter of Sir Thomas Arundel.

The St Loe family held the Lordship into the 16th century and in 1518 Elizabeth, the second wife of Nicholas St Loe, was recorded as Lady of the Manor. Her only son, John, inherited his father's land soon after this and at the time the family's estates

included not only Knighton Sutton, but a number of other estates including Levithie, Sutton, Camerton, Farmboro, Stoke, and Sincross. John was knighted and died in 1539 and Knighton Sutton descended to his grandson, Sir William St Loe, who was a captain in Queen Elizabeth's Yeoman Guards and Chief Butler of England. His second wife was Elizabeth Harwdicke - Bess of Hardwicke - who had been married too Sir William Cavendish. Two of her sons of this marriage went on to found the dukedoms of Devonshire and Portland. She had spent this marriage at Chatsworth House in Derbyshire, one of the most distinguished properties in the North, but on Cavendish's death she found herself in severe debt to the Crown and she hastily married St Loe in order to repair her finances. It is thought that the couple spent most of their lives apart, but she did find time to build two stately rooms at Sutton, the Great Parlour and the Chapel, which was above it. Sir William St Loe died in 1558 and afterwards it was found that he had disinherited his daughters by his first marriage and that Elizabeth inherited Knighton Sutton along with his other estates. She granted the Somerset lands to her second son, Charles Cavendish. He died in 1617 and the Lordship then descended to his son William.

William Cavendish showed no great aptitude for learning. Instead he was a great lover of sports and riding. He later wrote, 'I have practised ever since I was ten years old, have rid with the best masters of all nations'. He became a close friend of James I's eldest son, Prince Henry and when Henry was invested as Prince of Wales, Cavendish was made a knight of Bath. In 1614 he sat as an MP for East Retford in Nottinghamshire, but left politics on inheriting the family estates in 1617. As well as Knighton Sutton, these included Bolsover Castle in Derbyshire which he modelled into 'a superb instance of that blend of romance, chivalry, and pageant merged with classical myth and legend that informed the court masques and tournaments of the late Renaissance'. Cavendish was known as man of the highest culture and taste. During a diplomatic mission to Italy in 1612, he was described by the mission's leader, Sir Henry Wootton, as 'so sweet an ornament of my journey, and a gentleman himself of so excellent nature and institution'. In 1620 he was raised to the peerage as Viscount Mansfield and he became the Lord Lieutenant of Nottinghamshire. Eight years later he was created Earl of Newcastle Upon Tyne and set upon a career at Court where he strived to obtain the favour of Charles I (1625-1649). In 1632 he attended to the King during his progress North to receive the Crown of Scotland and he entertained Charles at his home at Welbeck; a visit which lasted six days is said to have cost the earl £5,000. He even had the playwright, Ben Johnson, pen a play 'The King's Entertainment at Welbeck'.

Newcastle followed the King north for a number of days, hoping to receive an advance at Court, but nothing came of it. Instead, his employment of Ben Johnson put the Earl at the front rank of literary patrons as he provided funds for a number of leading writers and dramatists. Cavendish became the focus of a powerful group of dramatists and scientists including Robert Payne, Walter Warne and most notably, Thomas Hobbes, one of our greatest political philosophers. Art, music, philosophy, mechanics and chemistry were all promoted and Hobbes presented his work *Elements of Law* personally at Welbeck in 1640. The Earl himself wrote a number of papers, the themes of which centred on a political belief in monarchy and it was this which

## DESCENT of TOWNELEY of TOWNELEY, Lancs

Richard, living 1235, inherited lands near Burnley

Cecilia = John de la Hugh (living 1340)

Richard de Towneley, MP (1361) = Ellen  
died 1381

John Towneley, died 1399 = Elizabeth, dau of William de Rixton

Richard Towneley, at Agincourt (14XX) = Alice  
died 1454

John Towneley, d 1473 = Elizabeth, dau of Richard Sherburne, of Stonyhurst

Sir Richard Towneley - Knighted by King Edward IV = Jane, dau of Richard  
(1471), died 1482 Southworth of Salmesbury Lanes

Sir John Towneley, living 1540 = Isobel, dau of Sir Charles Pilkington,  
of Gateford, Notts

Richard Towneley, died 1555 = Elizabeth, day of Henry Foljambe, of  
Walton, Derbys (see That family in Burke's  
landed Gentry (1932))

Sir Richard Towneley, knighted at = Frances, day of Christopher Wymbush  
Siege of Leith, Scotland, 1547, died 1554 of Nocton, Lincs (see Byron, Baron in Debrett)

Mary Towneley (heiress), = John Towneley (1st cousin once removed) he  
living 1572 died a recusant in prison, 1608

Richard Towneley, died 1628 = Jane, dau of Ralph Assheton, of Great  
Leaver, Lancs

Charles Towneley, killed at Battle of Marston = Mary, dau of Sir Francis  
Moor, Yorks, 1644, turning point in the English Trappes-Byrmand, of Nidd,  
Civil War Yorks (see Mountgarret, V in Debrett)

Richard Towneley, an early member of the = Margaret, dau of Clemont Paston, of  
Royal Society, died 1707 Norfolk (see Paston-Bedingfield  
in Burke's LG, 1952)

Charles Towneley, died 1712 = Ursula, dau of Richard Fermore, of  
Tusmore, Oxon (see Pomfret, E in  
Burke's Extinct and Dormant Peerages 1888,  
and Hesketh, in Debrett)

Richard Towneley, died 1765 = Mary Widdrington, dau of 3rd Lord  
Widdrington of Blankney

William Towneley, died 1741 = Cecilia, dau of Ralph Standish of Standish

John Towneley, inherited Widdrington = Barbara, dau of Edward Dicconsin of  
Estates in Co Durham, died 1813 Wrightington, Lancs

Peregrine Edward Towneley, died 1846 = Charlotte, dau of Robert Drummond  
(see Perth E in Debrett)

Charles Towneley, died 1876, when = Lady Caroline Molyneux, dau of 2nd  
his estates were divided among his Earl of Sefton, of Sefton Park, Liverpool  
daughters, see O'HAGAN in this memoir

Alice Mary = 1st Lord O'Hagan

helped him obtain the position of gentleman of the bedchamber to Prince Charles (later King Charles I) in 1638. Such was Newcastle's determination to achieve royal favour that he spent £40,000 in carrying out his duties; a fact which must have greatly impressed Charles I.

In 1641, with civil war looming, the King secretly instructed Newcastle to take over the garrison at Hull. Parliament put a stop to the plan, but instead the Earl was appointed as Governor of Newcastle upon Tyne and busied himself in raising an army for Charles. The 8,000 troops he gathered were marched south during the autumn of 1642. These included the Earl's own regiment, known as the Whitecoats, or Newcastle's Lambs. He fought a successful battle against a Parliamentary force led by Sir John Hotham at Piecebridge on December 1 and became the *de facto* Commander-in-Chief for the king in the North. In April of the following year Newcastle stormed Rotherham and took the town from the Parliamentarians and then quickly captured Sheffield. By June he had taken Yorkshire for the King and then marched on Lincolnshire, but was repulsed. In the following year, he was elevated to Marquessate of Newcastle and in 1644 fought a largely unsuccessful campaign against an invading Scottish army. He offered his resignation to the King, but Charles refused to accept it. The Royalists were now being pressed strongly in Yorkshire and Newcastle was forced to retreat to York where he was besieged until relieved by Prince Rupert, the King's cousin, in July.

The two armies then meet at Marston Moor and despite a valiant stand by the Whitecoats, the Royalists were soundly defeated. With his army destroyed, Newcastle fled to Holland. He spent the next few years in trying to revive the Royal cause, but in 1650s he spent most of his time training horses. By this time Parliament had confiscated his lands and Knighton Sutton was sold off. Newcastle returned to England after the Restoration of Charles II in 1660 and was created Duke of Newcastle in 1665, but his reputation never recovered from his defeat during the Civil War and though he held a number of offices he had all but retired from public life. He died in 1676.

The Lordship of Knighton Sutton was purchased by Elizabeth, the wife of Edward Baber for the use of her son Edward. He retained it until his death when it passed to her son by a second marriage, William Strachey, whose descendant is Lord O'Hagan, the present Lord of Sutton Court. The descent of the O'Hagan family lies on this and the previous page.

### O'HAGAN of Sutton Court and Stanton Drew, Somerset, and Pyrgo, Essex

Edward O'Hagan, of Belfast = Mary, dau of Capt Thomas Bed

Sir Thomas O'Hagan, 1st Baron O'Hagan of Tullahogue, Co Tyrone (1870) KP, PC, QR Attorney-General under Lord Palmerston, Lord Chancellor under Gladstone (1868-74) (1st Roman Catholic since King James II to hold this post), died 1888 = (2nd wife) Alice Mary and coheir of Charles Towneley (d 1921)

Hon Thomas Towneley O'Hagan, died 1900 in South Africa, unmarried aged 22, 2nd Lord O'Hagan

Maurice Herbert Towneley-O'Hagan, 3rd Lord O'Hagan, born 1886, died 1961 = (1) Hon Frances Constance Huddalena, dau and heir of 1st Baron Strachie (Strachey), died 1931  
(2) Evelyn Violet died 1965

Thomas Anthony Edward Towneley O'Hagan adopted the surname of Strachey on inheriting his grandfather's Somerset estates, also died in 1955 = Lady Mary Sophia Palmer, dau of 3rd Earl Selborne, Lady-in-Waiting to HRH The Princess Elizabeth now Queen Elizabeth II

Charles Towneley Stachey, 4th and present Lord O'Hagan, an MEP, 1977-94, Lord of the Manors of Sutton Court, Pyrgo and Stanton Drew



O'Hagan

# The Lordship of Nuthurst Warwickshire

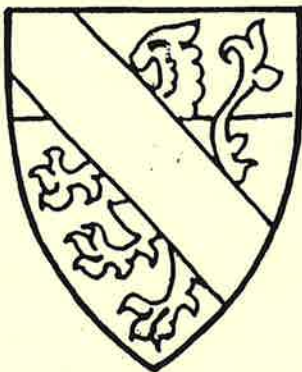
Lot 11

THE HAMLET OF NUTHURST was formerly in the large parish of Hampton-in-Arden though was detached from it by six miles. It was created a parish in its own right in 1878 under the name of Nuthurst-cum-Hockley Heath. It lies 12 miles from Stratford and 11 from Birmingham. Its present parish church of St Thomas was built in 1878, but there is a former medieval chapel a short distance away.

Nuthurst can trace its history to 705 when when woodland known as 'Hnuthyrste' was given as a gift by King Offa to Worcester Cathedral. The Lordship of the Manor of Nuthurst was formerly a member of the Lordship of the Manor of Hampton-in-Arden, whose origins can be found in Domesday Book of 1086 where it was in the possession of Geoffrey de Wirce. The entry reads:

*Geoffrey (de la Guerche) holds Hampton in Arden. There are 10 hides. There is land for 22 ploughs. In demesne are 2 ploughs, and 2 slaves and 2 female slaves and fifty villans with a priest and 16 bordars have 13 ploughs. There is a mill rendering 40d and 10 acres of meadow and woodland 3 leagues long and half a league broad. It was and is worth 40 shillings.*

After the death of Geoffrey his lands then passed to Roger d'Aubigny who took the surname Mowbray and found one of the most illustrious families in the Middle Ages.

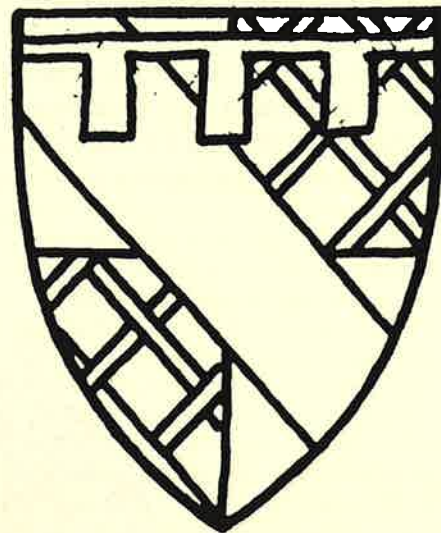


Hastang

The Mowbray's held Nuthurst part of Hampton until the 13th century when they relinquished the lands of the Lordship to the Arden family, although they remained overlords. Nuthurst appears to have become a separate Lordship around this time and was held in 1230 by Robert Hastang. The descent from this period until the 14th century is somewhat obscure but by 1331 Nuthurst was held by William Trussell, who may have inherited from his father Edmund. Trussell was described as a 'Lancastrian retainer', a member of the retinue of Thomas, Earl of Lancaster, King Edward II's cousin. We first hear of him in 1310 when his patron declined military service in Scotland, and Trussell was chosen as one of the knights to perform this service for him. Lancaster was a bitter opponent of Edward II (1307-1327) and Trussell spent a good deal of his time during this period acting under Lancaster's orders on rebellious campaigns. He received two pardons, in 1313 and 1318 for this and was even called to Parliament as a knight of the shire for Leicester in 1314. In 1321 he received a commission of 'oyer and terminer' for the Lordship of Nuthurst. These were special courts granted to landowners to look into serious disputes or trespass.

In 1321 Lancaster staged another rebellion, against the king's excessive promotion of the interests of his favourites, the Despencer family. The whole rebellion ended in chaos and defeat at the Battle of Boroughbidge on March 16 1322, and Trussell was forced to flee abroad. The Earl of Lancaster was captured and hanged, it is said, at York, on a gallows 50 feet high so that all could witness the execution. In the following year he reappeared in England and is supposed to have taken part on raids on Despencer lands in the Midlands. Many rebels had their lands seized and given over to the Despenchers, but this does not seem to have happened at Nuthurst.

Trussell then returned to France and joined the forced led by Edward's wife, Queen Isabella and her lover, Sir Roger Mortimer. In 1326 this army landed in England and removed Edward from the throne. Trussell was rewarded for his services and is found acting a judge in the trial of the Earl of Winchester and the Despenchers. More importantly, Trussell was involved in the drama which led to the abdication of Edward II. According to the chronicler, Baker, in January 1327 Parliament sent a deputation to Kenilworth Castle where Edward was lodged. According to the Rolls of Parliament, Trussell spoke to the King, announcing himself as the 'proctor of the prelates, earls and barons and of other persons (gentz) named in my proxy'. In their name he formally renounced their fealty and allegiance to Edward. When Trussell returned to Parliament, Edward's son, Prince Edward was pronounced King. Trussell proved useful to the new regime and in March 1328 he was sent to mediate between the forces of Mortimer and the legitimists of the new King, - but evidently his loyalties remained and joined the rebellion. This quickly collapsed and Trussell was eventually pardoned. He seems to have been regarded highly as a diplomat and in May 1330 he was appointed to secure an alliance with the kings of Aragon, Portugal, and Majorca, and then to arrange a marriage between Pedro, the infante of Aragon, and Edward III's sister, Eleanor.



Despencer

Later in the year, both he and John Darcy were on another mission, this time to France to negotiate a marriage between the child, Edward of Woodstock, and Jeanne, daughter of the king of France. These diplomatic activities continued in the 1330s and 1340s. He visited the papal court on a number of occasions and spent time in France and the Low Countries. After this time, the record is rather obscure and it is difficult to distinguish between the activities of the elder William or his son of the same name. However, the family remained eminent during this period and may have been made Barons. The elder Trussell died in 1348 and was succeeded by his son.

After his death in 1772 the Lordship passed to his cousin, David Lewis but by the end of the century it appears to have been divided between Lewis' son, Henry and another obscure relative of Benjamin Palmer's, Jane Wilson. Henry died in 1829 and the ownership of Nuthurst was consolidated in the Wilson family. They retained it until 1887 when it was sold to Mrs J B Clarke. A few years later it was sold once more to Major S G Everitt. From his it passed to his son George and has been retained by his descendants to this day.

Nuthurst remained in the family for the next three hundred years until 1640 when Edward Trussell sold it to William Jesson, who was an alderman of Coventry. The Jessons held the Lordship for the next hundred years until it was sold sometime after 1745 by Pudsey Jesson to Benjamin Palmer.

TRUSSEL or TRUSSEL, Barons TRUSSELL, sometime Lords of Nuthurst

Richard Trussell, killed at Evesham, 1265 = ?

William Tussel, Lord of the Manor of Cublesdon = Roese, dau of William Pandolf Staffs

William Trussell = Maud, dau and heir of Warine Mainwaring

other male members of the family until Elizabeth in the reign of King Henry VIII who married John de Vere Earl of Oxford

According to Sir William Dugdale, Garter King of Arms another William Trussell was descended from Richard

William Trussell, living 1294, and Lord of Nuthurst adviser to King Edward I, his nephew

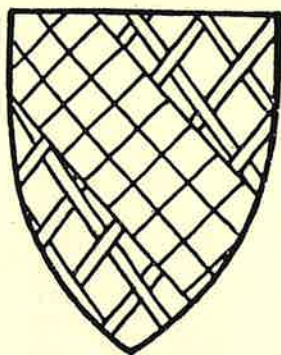
William Trussell, Lord of Nuthurst, supporter of Thomas, Earl of Lancaster; he was summoned to Parliament was a Baron in 1342. Another William Trussell was living at this time who fought for the Black Prince at the Battle of Poitiers in 1356, when King John of France was captured. See text for the descent of the Lordship of Nuthurst.



# The Lordship of Ardleigh (Piggots)      Lot 12

## Essex

THE large parish of Ardleigh contained four Manors at Domesday (1086), confusingly all called Ardleigh, in the Hundred of Tendring, and these were held by Roger de Raimes, Hugh de Gournay, Robert Gernon, and Geoffrey de Mandeville. These soon acquired distinguishable names which, by 1200, are recognizable today in the same four Domesday landholdings as Piggots, or Picotts, Bovills, Moze, and Martells. The 18th century antiquarian, the Reverend Philip Morant, has sorted the four entries for us, and the later-named Ardleigh Piggots is entered in Domesday as follows:

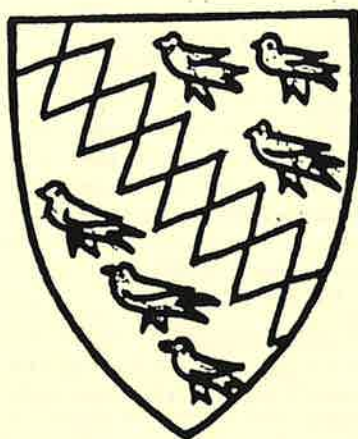


Reynes

*Roger (de Raimes) holds Ardleigh in Lordship, which Bondi held as a Manor, for one hide. Always one villager. Then (ie 1066) 11 smallholders, now 10; then one slave, now none. Always two ploughs in Lordship. Then and later nine men's ploughs, now one. Woodland, 40 pigs; meadow, four and a half acres. Then 40 sheep, now 100; then two cows and three cobs, now none. Value then and later £4; now 30 shillings. Of this Manor, Ralph of Hastings holds 30 acres. Value 10 shillings in the same assessment.*

On the same folio, there is a further entry for Roger de Raimes:

*In Ardleigh Roger holds in Lordship six freemen with one hide. Two ploughs. Value 40 shillings. Of this, Ralph holds 10 acres, Restald (holds) 40 acres. Value 20 shillings in the same assessment. This is by exchange.*

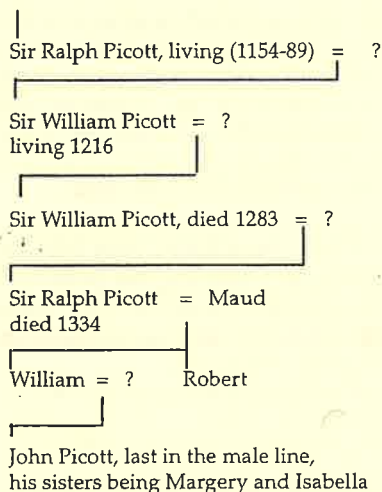


Picot

The spelling of 'Raimes' has cast doubt on who Roger was. The name is also spelt 'Raines', 'Raimes', and 'Reines', and it has been suggested that he came from Rennes, in Brittany, the 'im' being confused with 'en'. Roger's landholding in the county was soon constituted into a Barony by the name of Reynes, sometimes spelt Raynes, which contained 10 knight's fees. Any-way, by 1140, a Roger de Rennes, possibly a descendant of the Domesday Roger, held the Barony of Reynes and was amerced 40 shillings for emparking part of his estate without the King's licence - even then there was 'planning consent' which, of course, you paid for! The next Lord we find is William de Reynes, in 1167, whose daughter Matilda married the Duke of Saxony, an illustrious marriage, from which the present Queen Elizabeth II is descended through her Hanoverian ancestors. Five years later, William and Richard de Raines paid 20 shillings for each fee they held in Essex as a 'scutage' for King Henry II's conquest of Ireland. In 1194, the same two paid 20 shillings for each knight's fee towards the ransom of King Richard the Lionheart, who had been captured by Duke Leopold of Austria on the Lionheart's return overland from the Third Crusade to the Holy Land. By the reign of King John (1199-1216), three de Raines brothers - Robert, Richard, and William - succeeded one another, and the male line died out in about 1216.

### DESCENT of PICOTT, the Steward

? PICOTT, Steward to Alberic, or Aubrey de Vere

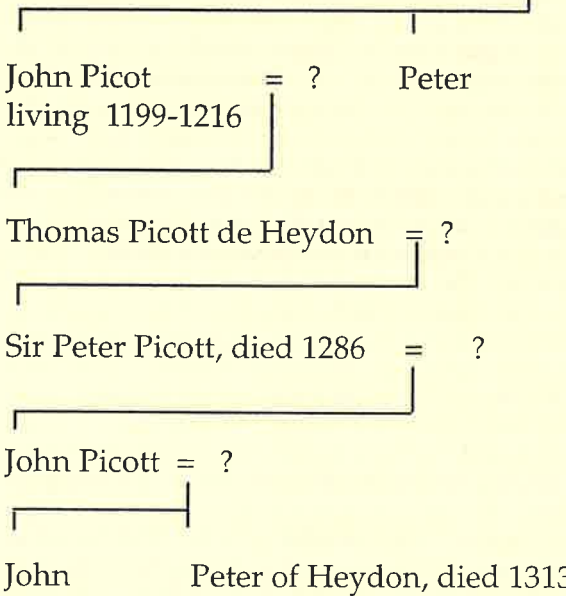


Roger de Raimes' Domesday Manor of Ardleigh had acquired the name of Piggots from its owner, Sir Ralph Picott, who was living at the beginning of the 13th century. He was descended from a Picott, whose first name is not known, and who was 'sewer' (steward) to Alberic de Vere, a companion of William the Conqueror, and grandfather to Aubrey de Vere, first Earl of Oxford, living in the reign of King Stephen (1135-54). Another Sir Ralph Picott sold this Lordship in 1329 to William de Tey, to be held of the King as of the Barony of Reynes. Another Picotts family, whose ancestor hailed from Radcliffe in Nottinghamshire, were Lords of Heydon, Essex, but it is not established whether the two were related. We give a short descent of the imperfect medieval pedigree of both Picott families.

The Tey family, whose principal residence was Marks Tey, Essex, came into the Lordship by purchase in the person of William

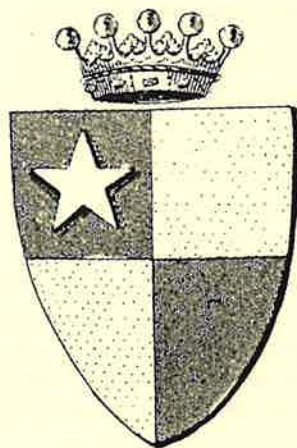
Picott of Ratcliff, Heydon

Peter Picott, living temp HENRY II = ?  
descended from Picott of Notts



Tey, and the family remained in possession of it into the 16th century, when the last male of the line, Thomas, left four daughters and heirs. Elizabeth, the second daughter, who inherited Ardleigh Piggots, married Sir Marmaduke Nevill, third son of Richard Nevill, Lord Latimer. The Manor was evidently sold and there were two generations of a family known as Cardinall, of Great Bromley; then one of Strut or Strutt; and passed into the Dawsons in the 18th century. The Manor is being offered by the Executor of the previous Lord of the Manor.

Ardleigh Hall, the ancient manor house, dates from the 15th century and is half-timbered. It was renovated in the late 1970s as a sports club. The Lordship lies three and a half miles south-west of Manningtree, where the old Court of the Hundred of Tendring was held into the 19th century.



*de Vere*

Documents which are included in the sale of Piggots Ardleigh and can inspected at Essex record Office, County Hall, Chelmsford, Essex, are as Follows:

Court Book	Charles I
Court Book	1751
Indenture between Anne Rowght & Elizabeth Selby	1757
Copy of Will of John Pilgrim	1771
Minute Book commencing	1794
Award	1830
Minute Book commencing	1831
Warrant of Satisfaction	1846
Conditional Surrender	1849
Absolute Surrender (Copy)	1852
Conditional Surrender	1852
Conditional Surrender	1852
Absolute Surrender	1853
Indenture between J H Cooper and N Hudson (1) & H E Green (2)	1855
Minute Book commencing 3rd July	1855
Conditional Surrender	1855
Receipt and Warrant	1858
Absolute Surrender	1858
Absolute Surrender	1862
Absolute Surrender	1865
Absolute Surrender	1865
Conditional Surrender	1865
Admission	1865
Admission	1866
Absolute Surrender	1866
Book of Surrenders	1868
Absolute Surrender	1868
Absolute Surrender	1868
Absolute Surrender	1869
Conditional Surrender	1869
Absolute Surrender	1869
Absolute Surrender	1871
Conditional & Absolute Surrenders	1869
Absolute Surrender	1871
Absolute Surrender	1871
Absolute Surrender	1871
Absolute Surrender	1872
Conditional Surrender	1872
Absolute Surrender	1872
Absolute Surrender	1873
Minute Book	1875
Abstract of Title	1875
Additional Abstract of Title	1875
Covenant for production of Deeds	1875
Conveyance between J Fenn & W S Calvert	
Warrant of Satisfaction	1876
Conveyance between W S Calvert & E Newman	1877
Warrant to enter satisfaction on Conditional Surrender	1878
Warrant of Satisfaction	1881
Absolute Surrender	1885
Conditional Surrender	1887
Conveyance between Mrs E P Newman & Messrs J & O Bawtree	1887
Warrant of Satisfaction	1887
Warrant of Satisfaction	1888
Conditional Surrender	1888
Abstract of Title	1892
Conveyance between Messrs C F Kemp & O Bawtree and C E Page	1893
Mortgage between C E Page and H Mead	
Notice of Manor Court on 23rd October	1893
Absolute Surrender	1893
Notice of Manor Court on 9th October	1894
Warrant of Satisfaction upon Conditional Surrender	1895
Conveyance between C E Page & Miss E M Bates	1895
Warrant of Satisfaction	1901
Absolute Surrender	1906

# The Lordship of Knockholt

## Kent

Lot 13

LYING on the northern ridge of the Kent Downs, this ancient Lordship derives its name, we think, from the Old English words noke, a corner, and holt, a wood. It is held of the great Manor of Orpington.

Domesday has this to say: *The Archbishop of Canterbury holds ... in Lordship 2 ploughs and 46 villagers and 25 smallholders who have 23 ploughs. 3 mills (taxed) at 16s 4d; meadow, 10 acres; 5 pig pastures of woodland at 50 pigs. Total (taxed) value before 1066 £15; when acquired £ 8; now £25; however, it pays £28. Under the heading Lands of his (the Kings) men-at-arms : Mauger holds 3 yokes - value before 1066 40s; when acquired 20s now 50s.*



Canterbury

There is evidence of human habitation here since the Stone Age to judge from flint tools and other artefacts that have been discovered. There is the sight of a Roman villa on the borders of the Manor with Orpington. The first reference that we have is that of 1032 when a priest, Eadsy, on becoming a Monk gave his lands to Christchurch, Canterbury. The Lordship lies in the Lathe of Sutton at Hone in the Domesday Hundred of Helmestrei, later renamed Ruxley. The ancient Manorial Court was held at a site now occupied by Ruxley Manor garden centre on the A20.

Archbishop Lanfranc, later canonised, fell into a dispute with William the Conquerors half-brother, Odo, Earl of Kent as well as Bishop of Bayeux, who claimed some 200 Manors. At a three day trial, on Penenden Heath, near Maidstone, in 1076, Lanfranc won back Knockholt together with 24 other Manors. Odo, however, remained Lord of the Hundred of Ruxley until 1089, when he was banished the kingdom for rebellion against William II Rufus. Lanfranc was an Italian and, by all accounts, a brilliant Lawyer and Scholar. There is a legend that he was attacked, robbed, and left tied to a tree, and that while tied up all night vowed that he would enter the Church. When rescued, he fulfilled his promise and soon afterwards became Abbot of Caen, Normandy.

His adversary, Odo, is believed to have commissioned the Bayeux Tapestry which can be seen to this day at the Centre Guillaume le Conquerant. The Lordship of Knockholt remained with the Archbishops of Canterbury for the next 450 years until



the Dissolution. In 1545 Henry VIII granted the Lordship to Sir Percival Hart, whose family have retained their interest, until recently, in the Lordship for the last 442 years. The following is a list of the Lords of the Manor from the conquest:

Lanfranc, Archbishop of Canterbury (First Lord of Knockholt)

- |
- Anselm (Second Lord) died 1093
- |
- Rodolph died 1114 (Third Lord)
- |
- William Corbeil d 1122 (Fourth Lord)
- |
- Theobald d 1138 (Fifth Lord)
- |
- St Thomas Becket (murdered 1170 – Sixth Lord)
- |
- Richard d 1184 (Seventh Lord)
- |
- Baldwin d 1191 (Eighth Lord)
- |
- Reginald FitzJoceyn d 1193 (Ninth Lord)
- |
- Hubert Walter d 1207 (Tenth Lord)
- |
- Stephen Langton, banished 1212, d 1228 (Eleventh Lord)
- |
- Richard Wethershed d 1234 (Twelfth Lord)
- |
- St Edmund d 1244 (Thirteenth Lord)
- |
- Boniface of Savoy d 1272 (Fourteenth Lord)
- |
- John Peckham d 1294 (Fifteenth Lord)
- |
- Robert Winchelsea d 1301 (Sixteenth Lord)
- |
- Walter Reynold d 1322 (Seventeenth Lord)
- |
- Simeon Mapham d 1333 (Eighteenth Lord)
- |
- John Stratford d 1348 (Nineteenth Lord)
- |
- John Ufford d of the Black Death 1349 (Twentieth Lord)
- |
- Simon Islip, died of the Black Death 1349 (Twenty-First Lord)
- |
- Simon Langham d 1368 (Twenty-Second Lord)
- |
- William Wittlesey d 1375 (Twenty-Third Lord)
- |



*Dyke*

Simon Sudbury d 1381 during Peasants' Revolt (Twenty-Fourth Lord)

William Courtney d 1396 (Twenty-Fifth Lord)

Archbishop Thomas FitzAlan, Earl of Arundel, died 1414 (Twenty-sixth Lord)

Henry Chicheley, d 1443 (Twenty-Seventh Lord)

John Stafford d 1452 (Twenty-Eighth Lord)

John Kemp d 1454 (Twenty-Ninth Lord)

Thomas Bourchier d 1486 (Thirtieth Lord)

John Morton d 1501 (Thirty-First Lord)

Henry Dene d 1504 (Thirty-Second Lord)

William Warham d 1532 (Thirty-Third Lord)

Thomas Cranmer, burnt at the stake 1555 (Thirty-Fourth Lord)

Sir Percival Hart = Joanne (Thirty-Fifth Lord)

Thomas Dyke (Thirty-Sixth Lord)

Sir Thomas Dyke Kt = Catherine (Thirty-Seventh Lord)

Sir Thomas Dyke 1st Baronet = Philadelphia (Thirty-Eighth Lord)

Sir Thomas Dyke 2nd Baronet (Thirty-Ninth Lord)

Sir John Dyke 3rd Bt (Fortieth Lord)

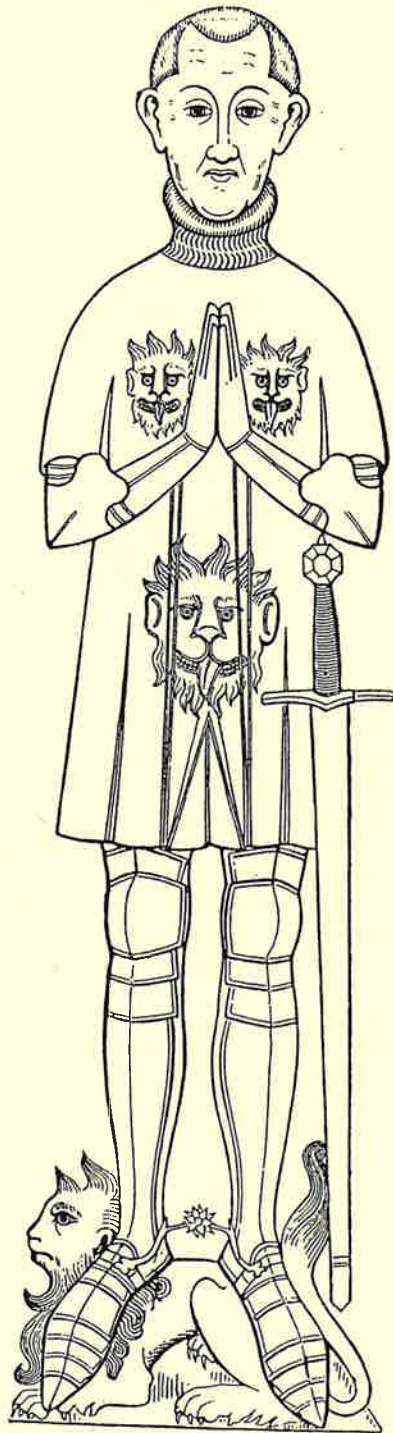
Sir Thomas Dyke 4th Bt (Forty-First Lord) was succeeded by:

Sir Percival Hart Dyke 5th Bt (Forty-Second Lord)

Sir Percival Hart Dyke 6th Bt = Lady Emily Caroline Montagu, daughter of the 7th Earl of Sandwich (Forty-Third Lord)

Sir Oliver Hart Dyke 8th Bt (Forty-Fourth Lord)

Sir Derek Hart Dyke 9th Bt



# The Lordship of Bodmin Francis Cornwall

Lot 14

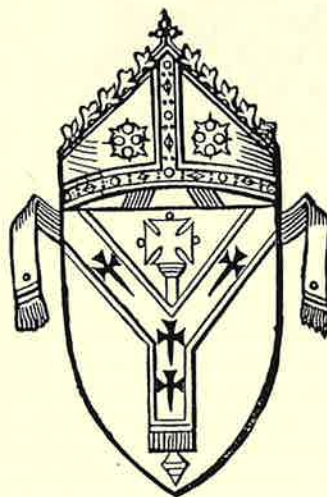
THIS IS the county town of Cornwall and it is divided into four Manors: the honor and Borough of Bodmin, Bodmin East Port, Bodmin Priory, and Bodmin Francis: the first and third belonging to the Town Council, the second to the Molesworths, and Bodmin Francis to the trustees of viscount Clifden. It is a very old settlement and coins from the reigns of the Roman Emperors Trajan (second century) and Vespasian have been found here. Legend has it that St Guron, a recluse, came here in AD518, having resigned his hermitage to St Petrock. According to tradition, St Petrock landed at Padstow from Brittany with SS Credanus, Medanus, and Dacanus, and pushing his way inland settled in the solitary vale of Bodmin. Petrock was given a site for a monastery by two Romano British leaders, Theodore and Constantine, and this monastery was eventually to become the focal point of the town that grew up around it and whose Lord the Prior of the Monastery was to be in the future. St Petrock died in AD564 and was immediately venerated, his bones, contained in an ivory coffin, being until recent times kept at Barclays Bank here. We have a contemporary account of the theft of the holy remains in the 12th century from Benedictus Abbas:

In the same year, namely 1177, immediately after the Epiphany of our Lord, a certain canon of the Abbey of Bodmin, in Cornwall, by name Martinus, secretly took away the body of St Petrock; flying with it, he passed beyond the seas, and carried the body to the Abbey of Mevennus, in Lesser Britain (Brittany). When this transaction became known to Roger, the Prior of Bodmin, and to the canons who served Goin the same place, the aforementioned Prior, with a council of his bretheren, went to Henry, King of England, son of the Empress Matilda, that by his powerful aid they might again get possession of the body of St Petrock, of which they had been fraudulently deprived. The King granted his aid to their intreaty, and by his letters commanded Rolandus de Dinamnis, the justiciary of Brittany (over which Henry II was protector), that, without any delay, he should cause the body to be restored.

When, therefore, Rolandus had received the Kings command, he came with a powerful and armed band to the Abbey of St Mevennus, and ordered that the body be given up. And when the Abbot and Monks were unwilling to comply, he added threats, that unless the body were yielded immediately, he would use force to take it; which when they heard, they feared to incur the displeasure of the King of England, and therefore restored that blessed body to the beforenamed Roger, Prior of Bodmin, on the Lords Day, being the Feast of St Gurvasius and of St Prothasius martyrs, the 13th before the calends of July (19 July )

And that scared body was restored in all its integrity, without the least diminution the Abbot and Monks of the church of St Mevennus having sworn on the relics belonging to their church, that they had not retained any part of the body; but had restored it wholly unaltered.

When this was done, the beforenamed Prior of Bodmin, returning with joy to England, brought the body of the blessed Petrock, closed in an ivory shell, to the city of Winchester. And when it was brought into the Kings presence, the King having seen and adored him, permitted the Prior to return in peace with his holy charge to the Abbey of Bodmin.



Canterbury

The king in question, two years later, was to cause four knights to murder Thomas Becket, Archbishop of Canterbury, on the steps of the High Altar at Canterbury! Bodmin was an important town by the 10th century, for in 926, we find King Athelstan here to venerate St Petrock and to give lands to the Abbey: on the seal of the old corporation of Bodmin ( whose corporate identity was demolished during the wretched boundary changes of 1974 ) is the figure of that Saxon King. The Church of St Petrock is given as the Lord of Bodmin in Domesday, but dissolution was no modern invention of Henry VIII, for shortly afterwards we find Robert Count of Mortain and Earl of Cornwall seizing the Benedictine Abbey and passing it to his son, William, on whose death the Manor became vested in the Crown. Henry I granted these lands to William Warlewast Bishop of Exeter who refounded the monastery with Austin Canons. At the final dissolution in the 16th century, the Abbey was worth annually £270.0s 11d. and claimed, among other privileges, a market and fair, gallows, and pillory. That the Prior of Bodmin was a good Lord is indicated in a Vulgate Bible now at the British Library in which there are 46 Manumissions (freedoms) of slaves in the ninth century, written partly in Latin and partly in Latin and partly in Anglo-Saxon. Here are some specimens:

This is the name of that man, Madsuth, whom Iosa for the redemption of his soul, on the altar of St Petrock, before these witnesses seeing it and whosoever shall infringe this liberty let him be accursed, and whosoever shall defend it may be blessed These are the names of those women whom Erman freed for the soul of his mother, Guenguin and Elisaved, on the altar of St Petrock

The practice of manumitting slaves in the church, as recorded in these entries, appears to have existed from the early fourth century. As noted Bodmin was an important town from the middle Saxon period and its burgesses acquired privileges as early as 1179. Richard Earl of Cornwall, brother to Henry III, granted a gild merchant which gave Bodmin merchants the right



*Clifden*

to buy and sell throughout the county without paying toll. By 1563 in a Charter of Elizabeth, the Town Corporation had obtained the Lordships of the Honor and Borough, and that of the Priory. The Rashleighs by then had obtained East Port and the Robartess Bodmin Francis. The Robartess became Earls of Radner, while a collateral branch (*infra*), married into the wealthy Agar family and were eventually enobled of Viscounts Clifden. The descent lies of the Agar Robartes lies on the following pages. The Lordship passed into the Lanhydrock estate,

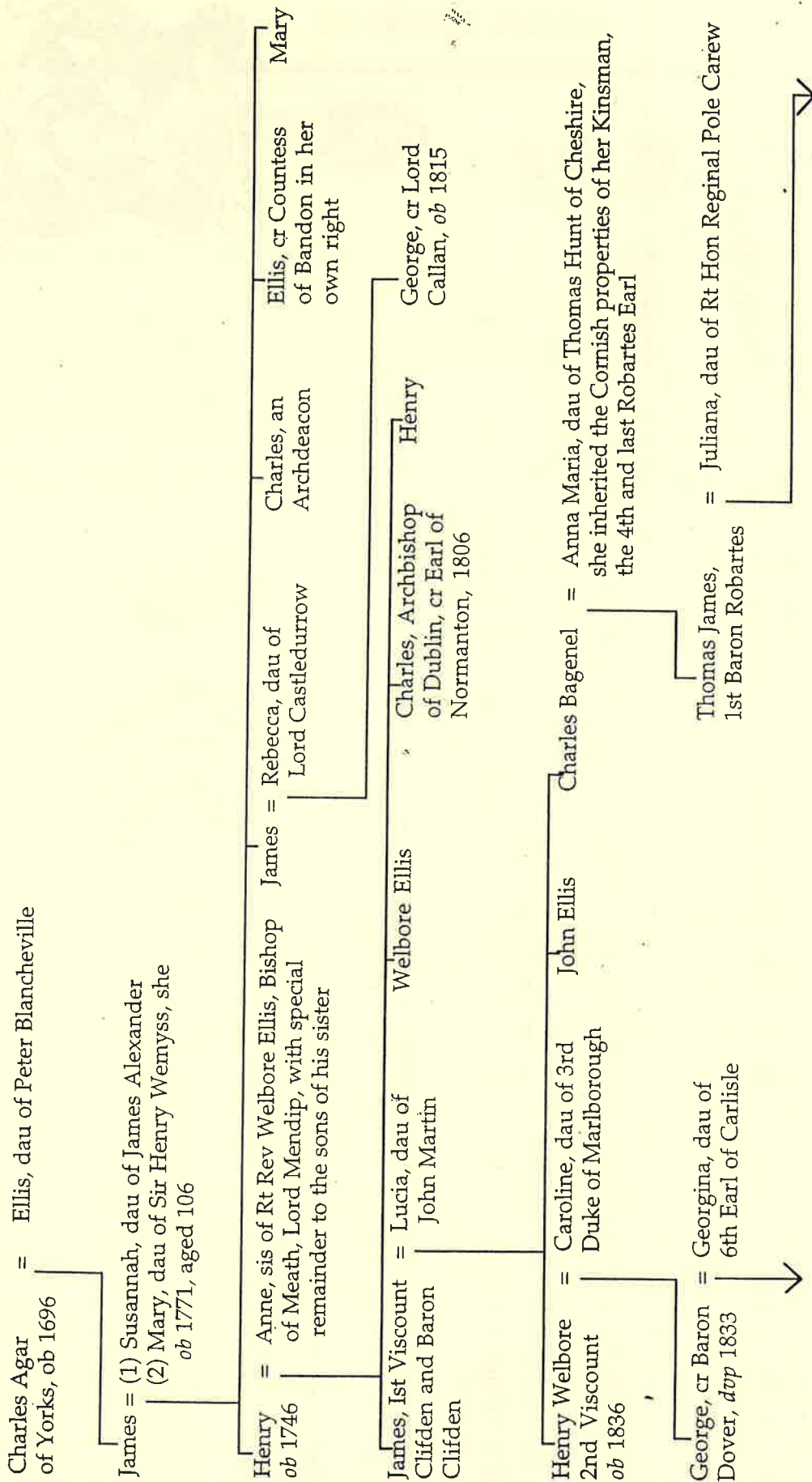
Documents associated with this Manor :

Ministers Accounts	1548-9	Cornwall RO
Rentals	1695-1739	
Surveys	c1670	
Papers incl rentals	1780-9	
Court Rolls with Tremollet	1555-6	
	1579-80	

Minister's Account for Duchy of Cornwall  
audited 5 Feb 1605-6                      Kent AO



DESCENT OF AGAR-ROBARTES, EARLS OF RADNOR, BARONS BODMIN AND ROBARTES OF TRURO, VISCOUNTS CLIFDEN, BARONS CLIFDEN AND MENDIP



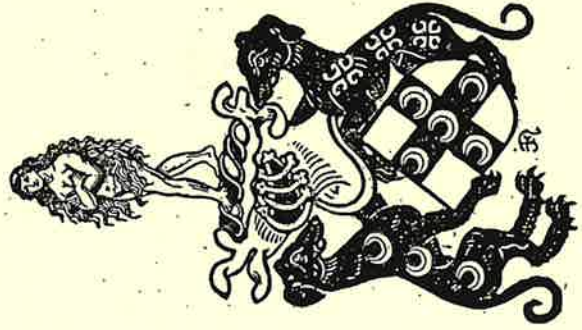
Henry, 3rd Viscount = Eliza dau of Frederick Seymour (vide Hertford, M) Leopold, 5th Viscount = Harriet, dau of 3rd Baron Camoys  
*ob* 1866 *ob* 1899

Henry, 4th Viscount, Lucia Lila, *ob* 1944 = Lord Annaly George, *dsp* 1864 3 daughters  
*ob unum* 1895

Thomas Charles. 2nd Baron Robartes, 6th Viscount Clifden = Mary, dau of Francis Dickinson  
*ob* 1921

Francis Gerald, 7th Viscount, KCVO Arthur Victor, 8th Viscount, *ob* 1980 = (2) Patience  
*ob unum* 1970 when the titles became extinct

Hon Rachel Mary = Felix, son of Dr J Lloyd-Davies  
Ann = Colin Williams



# The Barony of Rathkenny Co Meath, Ireland

Lot 15

HUGH DE LACY was the first Lord of Meath holding 50 knight's fees in his great Lordship. The territory and jurisdiction were granted to him by Henry II as reward for his support of the Anglo-Norman invasion of Ireland in 1169, led by Richard de Clare, Earl of Pembroke (known to history as 'Strongbow'). A transcript of the foundation charter is found in the Gormanston Register, a large calendar of papers on loan from the present Viscount Gormanston to the National Library in Dublin:

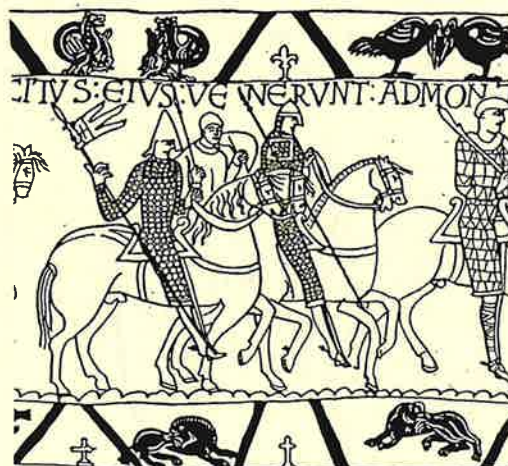
*Henry (II), King of England &c has granted to Hugh de Lacy, for his service, the land of Meath with its appurtenances, by the service of 50 knights. To hold to him and his heirs... And for increase to the gift, all fees which he shall acquire about Dublin, while he is the King's Bailiff, to do service to the King at his city of Dublin. He is to have all liberties and free customs which the King has or may have there... with all other liberties which he has there and can give to him.*



Clare

This charter in its terminology is broad and grants to Hugh palatine rights and powers. He was a descendant of one of those military captains and adventurers who accompanied William Duke of Normandy to England and fought for him at the battle of Hastings in 1066. The first de Lacy was Walter, who sprang from a family settled at Lassay, in the Vire, Normandy, and was a relative, perhaps a brother, of Ilbert (or Ibert) de Lacy, a great Norman Lord mentioned throughout Domesday Book. In the *Roman de Rou* (Wace) he is mentioned as being at Hastings, and his principal estates were in the west, towards Wales, at Ewyas Lacy, Stanton Lacy, Weobley, Herefordshire, and Ludlow castle, Shropshire. The chronicler Orderic Vitalis has him fighting the Welsh in 1071 and taking part with the King in 1075 in suppressing the uprising of the 'Northern Earls' in Yorkshire. He was a benefactor of St Peter's, Gloucester, subsequently the cathedral, and founder of St Peter's in Hereford. He died in March 1085, having fallen from a ladder while superintending the building of his church in Hereford.

By his wife, Ermeline, he left three sons, Roger, Hugh, and Walter, and two daughters, Ermeline and Emma, the latter eventually succeeding to her father's estates. Hugh is descended



from Emma's son Gilbert, whose father is unknown, and assumed the name de Lacy. To place him in context - when Henry I died in 1135, he left one legitimate child, a daughter Maud (or Matilda) who is known as the Empress Maud, being the widow of the Holy Roman Emperor Sigismund. King Henry was succeeded by his nephew, Stephen Count of Blois, a situation which the Empress and her second husband, Geoffrey Count of Anjou ('Geoffrey the Handsome'), were not minded to accept with equanimity, and for the 19 years of King Stephen's reign England was pitched into warring factions around these two protagonists. Geoffrey and Maud's son, Henry, eventually succeeded Stephen in 1154 and is the Henry II noted in the charter above. At first, Gilbert supported the Empress and tried to capture Bath for her in 1138. But by 1146, he had transferred his allegiance to Stephen, perhaps because Maud kept Joce de Dinan in possession of Ludlow castle, formerly the jewel in the de Lacy patrimony. In the *Romanse of Fulk Fitzwarine*, Gilbert obtained the favour of Henry and recovered his uncle's lands. Then in about 1159, he joined the Knights of the Temple and went to the Holy Land. There he became the preceptor of his Order in Tripoli (northern modern Lebanon), and as such became engaged with Geoffrey d'Angoulême's successful expedition against Nouredin, the Turkish ruler of Palestine.

Gilbert left the de Lacy properties to his son Hugh, who was in possession of his father's lands by 1163 and in the Assize of 1165-6 was seized of the colossal estate of fifty-eight and three-quarter knight's fees. In October 1171, Hugh went over to Ireland with King Henry II when the grant above was made to him. In the following year, he received the submission of Roderick King of Connacht and later in 1172 arranged a meeting with Tiernan O'Rourke at the Hill of Ward, Athboy, Meath. The meeting ended in a quarrel, which both sides attributed to the treachery of the other - Tiernan being killed and Hugh only escaping with difficulty. He then set about establishing his authority over his principality of Meath with the building of castles, including the castle of Trim. By the end of the year he was at Canterbury where, according to the story preserved by the chronicler Gerald of Wales, he reproved Archbishop Richard for his boastful language. Next year, he was fighting for the King in his French dominions (Normandy, Anjou, Touraine,

Maine, Aquitaine - the 'Angevin empire', deriving its name from Anjou - Vendée - whose capital is still Angers). He held Vermeuil against Louis VII for a month before being forced to capitulate. An aside, King Henry's wife, Eleanor of Aquitaine, had been the wife of Louis VII, and the internecine machinations, loves, and hates of the two royal families and the families of their noble adherents is interestingly dramatized in the film *The Lion in Winter* (1969) which occasionally appears on British television. In 1177, Baron Hugh was sent over to Ireland and besides a confirmation of the Lordship of Meath, he had a charter granting him the Baronies and Lordships of Offelana, Offaly, Kildare, and Wicklow.



de Lacy

As Governor of Ireland, he resumed his castle-building programme in Meath and Leinster, while he maintained peace by making it his first care to preserve the native Irish in possession of their lands. By such conduct, he won the hearts of many of the Irish, but his friendly relations with the native chieftains soon led to accusations that he intended to make himself King of Ireland - by no means an improbable accusation when, barely a hundred years before, a duke of Normandy had made himself King of England. He was recalled in 1181 for marrying the King of Connaght's daughter without Henry's consent. But in the following winter Hugh was sent back. When the King's son John Count of Mortain arrived in Dublin in early 1185, he complained to his father that Hugh would not permit the Irish to pay tribute. Nevertheless, Hugh was maintained in Ireland, but at his castle of Durrow, Co Laoish, 'one of the men of Teffia... approached him, and with an axe severed his head from his body.' The chronicler William of Newburgh says that Henry was very glad at Hugh's death and repeats the story that the Baron had aspired to the Irish Crown. He was initially laid to rest at Durrow, but in 1195 his body was removed to the abbey of Bective, Co Meath, and his head to St Thomas's church, Dublin, where his wife was buried.

Gerald of Wales describes Lacy as a swarthy man, with small black sunken eyes, a flat nose, and an ugly scar on his cheek; muscular in body, but small and ill-made. He was a man of resolute character, careful in private affairs, and vigilant in public business. He was lax in his morality and avaricious, but eager beyond measure for honour and renown. By his first wife Rose, he had two sons, Walter (died 1241) and Hugh, and a daughter Elaine who married Richard de Beaufort. By the daughter of Roderick O'Connor King of Connaght, also known as Rose, he had a son William (called "Gorm" or "Blue") who acted closely with his half-brothers. William married a daughter of Llewelyn Prince of Wales, and Pierce Oge Lacy, one of

the great Irish rebels in the reign of Elizabeth (1558-1603) was 18th in descent from him. Baron de Lacy's son Hugh was created Earl of Ulster by King John (the Count of Mortain mentioned above), and the de Lacy estates were eventually carried by his sole heir, Matilda de Lacy, to David Baron of Naas. From this union emerged the de Londres family, whose ultimate heiress in the 14th century married Sir Christopher Preston, the direct male ancestor of the present Viscount Gormanston.

The early Gormanston pedigree is thickened by the infusion of blood from the wealthy de Londres (or Loundres), whose heiress Elizabeth married Sir Christopher Preston, in the second half of the 14th century, bringing among other properties the Baronies of Naas and Rathkenny. The family had been prominent in Ireland for the greater part of 200 years and the first of the name in probable relation to Lord Gormanston is John de Londrys (*sic*) who is said to have been a nephew of Henry de Londres, Archbishop of Dublin, from 1214 to 1228, and several times Justiciar (governor) of Ireland. It was through the influence of his powerful uncle that John de Londres succeeded in securing as his wife Nicola, the sole heiress of the Tuits of Athboy, and so took his place among the barons of the great Lordship of Meath. William de Londres, the son of this marriage, married Matilda, eldest daughter and heiress of Matilda de Lacy, granddaughter of David, Baron of Naas, and was thus the direct representative of the eldest son of Maurice FitzGerald. On folio 2 of the Gormanston Register, it is stated that *Richard Stranbaw (Strongbow) gave the Barony of Naas to Morice Gerald, who had a son and heir William. He married Mahaut de Pontearch (Pont de l'Arche) and they had three sons, David, William, and Maurice; which David married Matilda, daughter of Hugh de Lacy, Earl of Ulster and Lincoln, and Baron De Lacy by tenure, and Lecelina, sister of Thomas de Verdun. They had issue, William and Matilda. William had three sons, William, Hugh, and Robert, and they died without issue. And Matilda, daughter of David, married John le Botyller (Butler). They had five daughters, Matilda, Margaret, Johanna, Rosiea, and Lecelina. Matilda married William de Londres, who begot William, which Williams had a son and heir William. And the said Margaret married Richard, nephew of the said William Londres, who begot Alexander de Londres, and two daughters, Gild' and Alice. And Alexander gave his purparty (share)... to William, son of William Londres, which William, son of William, begot the third William Londres, who had John for a son and heir and two daughters, Elizabeth married to Christopher de Prestoune.*



O'Connor



# Dalltowhamthese Presents

shall come, I, Donal Begley, Chief Herald of Ireland, send greeting.

Whereas petition hath been made unto me by Alan Richardson Godson Brooile, Baron Katoath of County Meath, Ireland, which Barony was Chartered by King Richard I in 1190, being presently resident in Danksdon, South Africa, son of Edmund Godson Brooile, grandson of William Brooile and great-grandson of Thomas (Montague) Brooile, in accordance with the pedigree deposited by him in my Office, that he is desirous that certain Supporters be duly granted and assigned by lawful authority unto him, his Armorial Bearings having been duly recorded in the College of Arms, London, to wit: ~ **Donny worry of eight Argent and Azure, on a Canton Vert a Crown patoise Or;** Crest: ~ **On a Wreath of the Colours of a Chapelet of Roses a Silver naturally Argent and Gules barbed, seeded, and leaved a demi-Dion proper holding between the fore paws a Sapphire Vert garnished by a Chapellet of Oak fructed Or.**

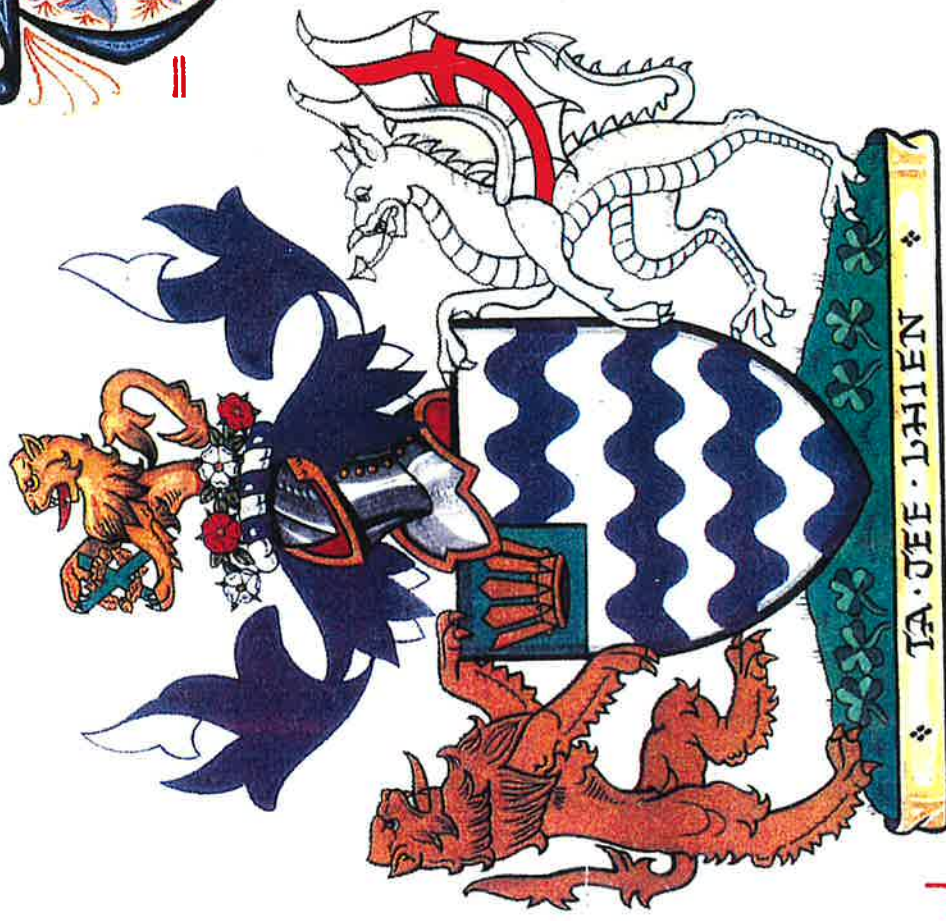
Now, I, the said Chief Herald of Ireland, do, by these Presents, grant

and assign unto him the Supporters following, that is to say: ~ **On the dexter side a Lion rampant Or, on the sinister side a Dragon rampant Argent, the wings charged with a Cross of St. George Gules, the Compartments comprising A grassy Mount Vert growing therefrom Shamrockis Proper,** as in the margin hereof more clearly depicted.

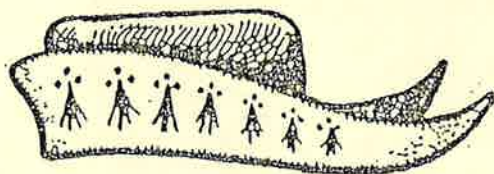
In Witness whereof I have hereunto subscribed my Name and Title and affixed the Seal of my Office this 22nd day of March, One Thousand Nine Hundred and Ninety-one.

Vol. X, fol. 15

Donal Begley  
Chief Herald of Ireland



Much of the information related so far derives from the *Gormanston Register*. It was compiled for Sir Christopher in 1397-8, a year after the death of his father, Sir Robert de Preston, when he was possessed of a considerable fortune by inheritance and through the marriage with the coheir of Sir William de Londres. Besides being a convenient form in which to keep the family's title to their many properties, Sir Christopher must also have looked at the documents in the light of antiquarian interest. In the preface to the *Register*, the editor notes that the Prestons, two brothers from Preston, Lancs, "had begun to acquire landed property... and in 1327, he (William) obtained from the King a grant of the land forfeited by Sir Hugh de Lacy for rebellion by joining the Scots led by Edward Bruce. Sir Hugh held the Barony of De Lacy by tenure as part of his territories in Meath.



#### Baronial Chapeaux

Although the Preston pedigree in the male line has only been traced to the beginning of the 14th century, through the female line, besides the de Lacy link, is also the link with Peter de Bermingham, living in 1165-6. He was Steward to Gervase Pagnell, Baron of Dudley, and his father William had been granted nine knight's fees in the reign of Henry I (1100-35), which Peter inherited. (Sir John de Somerie, eventual heir to Gervase Pagnell, was summoned to Parliament in 1308 in the Barony of Dudley). The de Berminghams take their surname from Bermingham castle, Warwickshire, and had a weekly market there with, we are told, the power of punishing offenders within the Lordship, a power of obliging all who lived in the jurisdiction to plead in his courts, a cognizance of all courts, and power to punish natives (though not foreigners) for theft.

It is not certain that the Robert de Bermingham who first went to Ireland during the Anglo-Norman invasion was related to Peter, but it is possible that he was. He was rewarded by Richard Strongbow, Earl of Pembroke, with the grant of the Lordship of Offaly, a very broad jurisdiction in modern Co Laois, subsequently termed a feudal Barony and eventually a peerage title. As already noted, there is some question about Robert's earlier antecedents, but his descendants in the 13th century are found styled as Lords of Toutemoy, or Thetmoy (*Tuath-damhuighe*), in the north-east of Co Laois. The Lord at the end of the 13th century was Peter, son of James, son of Piers. Possibly, Piers was the son or grandson of Robert. At any rate, Piers took with his sword large territories in Connacht and is reckoned the first feudal Baron of Athenry, Co Galway. The family is known in Irish as McFeoris (MacPierce) in consequence of their descent from him. Throughout *The Annals of the Four Masters*, the de Bermingham name never appears once, but notices of the family are very frequent and always under their adopted Celtic name of MacFeoris. From this ancient family is descended a branch settled in Scotland, known as MacLoris, or as they began to write in the 18th century, MacGeorge. Piers's younger son, James, was father of Piers, feudal Baron of Thetmoy (now Monastereois), from whom the MacFeoris or MacYeoris

of Tipperary. Piers Senior's eldest son, Meyler, 2nd Lord Athenry, acquired a large territory in Tipperary by marriage with Basilia, sister and heir of William de Wygornia, descended from Philip de Wygornia, Justiciar of Ireland, but exchanged it with his nephew, Piers, Lord Bermingham of Thetmoy, for other lands.

Piers, sometimes called Peter in the documents, died in 1307-8, apparently having been summoned to a 'parliament' in Ireland. His reputation was celebrated in a poem still extant in the Harleian MSS at the British Library. His second son was John who was appointed commander-in-chief of the English forces in Ireland in 1318 and won a victory over Edward Bruce, son of Robert Bruce, King of Scots, who had invaded Ulster in 1315. In May 1319, Edward II rewarded him with a charter to the territorial Earldom of Louth. He married Catherine, daughter of Richard de Burgh, Earl of Ulster. He was murdered in 1329. His son Richard predeceased him. His eldest daughter Catherine married Sir Eustace le Poer (*infra*).

The Peter who died in 1307-8 had another son, William, Baron of Carbury, Co Kildare. In 1331, William, as one of the magnates of Ireland, was asked by Edward III to give assistance (feudal dues owed to the Crown for his lands) and was knighted. However, in the following year, he was seized by the Justiciar at Clonmel and was imprisoned at Dublin castle with his son Walter. Without any record of charge, trial, and conviction, William was executed. The annalist, mourning his loss, says that 'the Lord William was a noble knight among a thousand thousands, and most noblest in feats of arms.' William's son Sir Walter was released in 1334 by order from England on finding hostages and mainpernors for good conduct. Not until 1337, though, and entering into a recognizance of £1,000 for good behaviour, were his father's lands, which had escheated to the Crown, restored to him. At about this time, he married Elizabeth, widow of Robert de Haveryngton, written in the MSS Harington, one of the daughters and coheirs of Sir John de Multon, Baron of Egremont, in Cumberland. For some years, Sir Walter remained on his estates in England, until June 1346 when he was sent to Ireland as the King's Justiciar - interestingly, the recognizance for £1,000 and mainpernors was still in force. Sir Walter had been promised a reward for previous services in Ireland under the Justiarship of Sir Robert de Ufford, so he now took the opportunity on conferring upon himself the Manor of Kells, which had been forfeited by the attainder and execution of Sir Eustace le Poer. Lest this grant be challenged as irregular, it received special confirmation in England. In 1347, he was as Justiciar summoned to England to be present in Parliament to give advice on the war that Edward III was conducting so successfully (the signal victory at Crécy the previous year) in pursuit of his claim to the Crown of France.

He retired to his English estates in 1349 and died in 1350, leaving behind a reputation for having been a good Justiciar. He was succeeded by his only son and namesake Walter, a minor. In 1357, the son was given seisin of his lands, though not yet of full age, and the King by favour took his homage. Walter died in 1361 and his heir was his sister Margaret, the wife of Robert Preston, ancestor of Lord Gormanston.

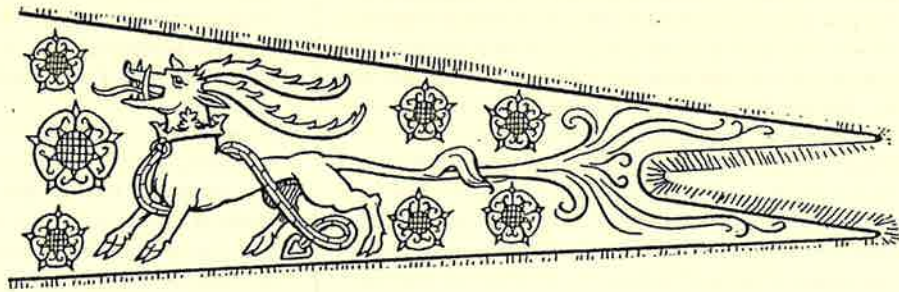
The *Register* notes that Adam, son of Philip, was a townsman of Preston, Lancashire, towards the close of the 13th century. Adam had three sons, William, Richard, and Roger. William and Richard traded regularly across the Irish Sea to Drogheda, and must have been involved in the import of grain and other foodstuffs from Ireland in support of Edward I's campaigns against the Welsh, Scots, and even Gascony. The extensive wine trade at Drogheda was also stimulated by large demands for supplies for Edward's armies in Scotland. Wine could be brought di-

# DESCENT OF THE VISCOUNTS GORMANSTON, Barons of Rathkenny

Philip de Preston

Preston

Roger de Preston



Sir Robert Preston, 1st Baron Gormanston = Margaret, dau of Walter de Bermingham, Lord of Carbery

Sir Christopher Preston, 2nd Baron Gormanston = Elizabeth, dau and heiress of William de Loundres

Christopher Preston, 3rd Baron Gormanston = Jane D'Artois

Sir Robert Preston, 1st Viscount Gormanston, *ob* 1503 = Janet, dau of Sir Richard Molyneux

Sir William Preston, 2nd Viscount Gormanston, *ob* 1532 = Anne Burnell

Jenico, 3rd Viscount Gormanston, *ob* 1569 = Catherine, dau of 9th Earl of Kildare

Christopher, 4th Viscount Gormanston, *ob* 1599 = Catherine Fitzwilliam

Jenico, 5th Viscount Gormanston, *ob* 1630 = Margaret, dau of Nicholas St Lawrence, Lord Howth

Nicholas, 6th Viscount Gormanston = Mary, dau of 1st Viscount Barnewall of Kingsland

Jenico, 7th Viscount, who having adhered to the lost cause of James II was indicted and outlawed for treason in 1691. He was succeeded by his nephew

Jenico, 8th Viscount Gormanston  
succeeded by his brother

Andrew, 9th Viscount Gormanston = Mary Preston

Jenico, 10th Viscount Gormanston, *ob* 1757 = Thomasine, dau of Baron Trimiestown

Anthony, 11th Viscount Gormanston, *ob* 1786 = Henrietta Robinson

Jenico, 12th Viscount Gormanston, *ob* 1860 = Margaret, dau of 2nd Viscount Southwell

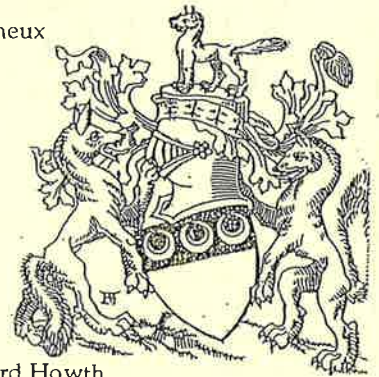
Edward, 13th Viscount Gormanston = Lucretia Jerningham

Jenico, 14th Viscount Gormanston = Georgina Connellan

Jenico, 15th Viscount Gormaston, *ob* 1925 = Eileen, dau of General Rt Hon Sir William Butler

William, 16th Viscount Gormanston, *ob* 1940 = Pamela, granddau of 9th Earl of Denbigh

Jenico Nicholas Dudley Preston, 17th and present Viscount Gormanston, Baron of Rathkenny



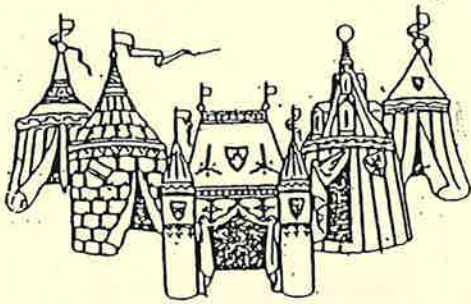


The proposed Armorial Bearings of  
Arthur Vivaqua Correa Meyer

summoned to England to be present in Parliament to give advice on the war that Edward III was conducting so successfully (the signal victory at Crécy the previous year) in pursuit of his claim to the Crown of France.

He retired to his English estates in 1349 and died in 1350, leaving behind a reputation for having been a good Justiciar. He was succeeded by his only son and namesake Walter, a minor. In 1357, the son was given seisin of his lands, though not yet of full age, and the King by favour took his homage. Walter died in 1361 and his heir was his sister Margaret, the wife of Robert Preston, ancestor of Lord Gormanston.

The *Register* notes that Adam, son of Philip, was a townsman of Preston, Lancashire, towards the close of the 13th century. Adam had three sons, William, Richard, and Roger. William and Richard traded regularly across the Irish Sea to Drogheda, and must have been involved in the import of grain and other foodstuffs from Ireland in support of Edward I's campaigns against the Welsh, Scots, and even Gascony. The extensive wine trade at Drogheda was also stimulated by large demands for supplies for Edward's armies in Scotland. Wine could be brought directly from Bordeaux to Drogheda and thence to the King's military headquarters in Carlisle. The family had not yet adopted a fixed surname. In Preston, its members were known as 'Adam son of Philip', 'Roger son of Adam'. When abroad, in Ireland, they were naturally further identified as 'of Preston', and hence 'de Preston' and eventually 'Preston'.



The first to establish himself in Ireland was William who, in 1307, married Margery or Margaret, daughter of John Cosyn, of Drogheda, receiving a house in East Street, Drogheda, as her marriage portion. Between 1311 and 1321, he bought nine other properties there and had become a burgess of the town. By 1316, his brother Richard had joined him and they took four conveyances of land jointly. By 1322, they had thriven to such an extent that they both received special letters from the King asking their aid to Sir Robert de Leyburn, Admiral of the Ships in the Western Sea. In return for their help, the government gave them letters of safe conduct and protection. In 1326, Richard de Preston was appointed Constable of Drogheda castle. Throughout this period, the brothers bought up Manors, including Gaffney, Fingalstown, forfeited by Sir Hugh de Lacy. Roger, the third brother, came to Ireland in 1326 and was appointed to the Court of King's Bench. He seems to have left his affairs in England in the stewardship of his brother-in-law, Albred. In 1341, he acquired the Manor of Midnightstown or Ministown. Roger was probably dead by 1346 and we find his widow, Matilda, buying properties in Fishers' Street, next to the church of St Mary de Dam, at Cork Hill, Drogheda, an area later known as Preston's Inns. Matilda seems to have died by 1364 when Robert de Preston, her son, is dealing with her property.

Like his father, Robert was a lawyer and in 1353 he married Margaret, then only 13 years old, only surviving daughter of Sir Walter de Bermingham of Castlecarbury, Co Kildare. As noted,

Sir Walter had been Justiciar of Ireland between 1346 and 1349. Robert may have met her in England since Sir Thomas de Multon, Baron of Gilsland - not far from Preston - was a kinsman of Sir Walter's wife. In 1355, Robert was Counsel for the King in the Justiciar's Court in Dublin, looking after the King's interests, and acting as a Justice of Assize. He must have performed his duties well, for three years later he was appointed Chief Justice of the Court of Common Pleas, a post he held for the next 20 years. In 1361, Sir Walter de Bermingham the Younger died and his sister, Margaret, Robert de Preston's wife, became heiress to the de Bermingham estates at Carbury. She died in the same year, a particularly bad one for plague, which may also have carried off her brother, and the Manors of Kells and Shanbo, Co Kildare, came to him.

In the same year, Lionel, Duke of Clarence, a younger brother of Edward III, arrived in Ireland as the Justiciar and led a campaign against the O'Byrnes of Wicklow. Chief Justice Preston took part and was knighted by the Duke for his prowess. Two years later, he entered into negotiation for the purchase of the Lordship of Gormanston, which had been granted in 1230 to Aumary or Almaricus de St Amand. It was said to have belonged to an Irishman, Ma Gorman or Ua Gorman, and in 1363 it belonged to a descendant of the original patentee of 1230 who had retired to his English estates. Sir Robert already owned Ministown, Stameen, and Kenraghston, acquired by his father; and before buying Gormaston had obtained Rogerstown, Tankardstown, Donacorney, and Ninch. Gormaston with its castle, therefore, fitted well into this collection, and was convenient for Dublin. Sir Robert's claims to his wife's property were resisted by many of the de Bermingham tenants and members of that family, and he was caused to put a strong force into Castlecarbury to keep the King's peace. In 1368, during a parley, the rebellious de Berminghams took the Lord Chancellor prisoner and only released him in exchange for a member of their family who was being held at Trim castle.

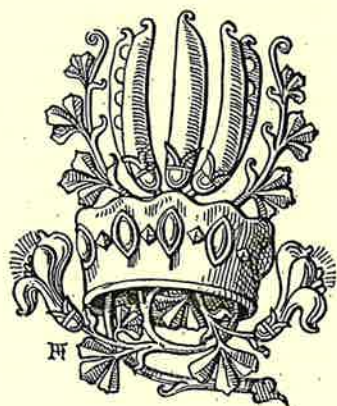
On the accession of Richard II in 1377, Sir Robert was reappointed Chief Justice and, although soon after removed, continued to receive special commissions from the government. In 1388, the Lord Chancellor, Alexander de Balscot, Bishop of Meath, having been appointed Justiciar, made Sir Robert Keeper of the Great Seal. He was also Chancellor of the Green Wax, both of which posts he held until his death in 1396. He had married a second time, Johanne Hugeley, and he installed her in a dower house in St Laurence Street, Drogheda, with an orchard and a garden, together with 50 marks income from the Manors of Rogerstown and Stameen. This property eventually reverted to her probable son, Christopher's step-brother, Robert. Sir Christopher was a Justice for Co Meath and a Deputy Lieutenant, and died in 1422, leaving a widow, Emeline, and a son Christopher. The second Christopher's son Robert was created Viscount Gormanston in 1478 and thus became the Premier Viscount of Ireland. The descent of the family to the present day is set out in the pedigree chart.

The Barony of Rathkenny is represented in the Gormanston Register as being originally held by Sir G de Geynvill and Matilda, his wife by the service of four Knight's a considerable holding. It was one of the early palatine towns established by the Anglo-Norman invaders at the end of the 12th century and beginning of the 13th. It lies about four miles north-west of Slane and centres on the market town of the same name. It is intersected by the road between Moynalty and Drogheda. Apparently, from Mullaha hill a view of seven counties can be seen on a clear day. There are scant remains of an ancient castle, perhaps once the head of the medieval Barony which de Geynvill held by military service.

# The Lordship of Kettleburgh Suffolk

Lot 16

THIS LORDSHIP is one of the most interesting we have offered, less so for its distant past - well researched as that is - but for its history over the past 20 years. It was acquired from the Trustees of Lord Huntingfield in 1986 for Theodore 'Ted' Gamble, of California, by his wife April. The couple learned from the Reverend Roger Dixon, Vicar of Kettleburgh and Brandeston, that the wooden bell frame in St Andrew's church had finally succumbed to deathwatch beetle shortly after the Second World War, and the peal of bells, cast in 1470, had crashed to the floor. One bell was shattered, and the others had been placed in a corner of the nave. Consequently, services and especially weddings, if not unsung, had gone unring for 40 years when Mr and Mrs Gamble became the Lord and Lady of Kettleburgh.

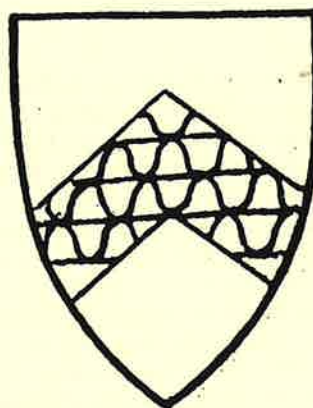


A fund had been established by the village to restore the bells, and this was augmented by the new Lord of the Manor. The broken bell was re-cast, a task undertaken by the Whitechapel Foundry, East London, in December 1991. The Foundry had a strong link with the United States, since it was there in the 18th century that the Liberty Bell, in Philadelphia, was originally cast. Mr and Mrs Gamble, Mr Dixon and his wife Stella, and their church wardens and wives attended the pouring of the molten metal with Mr Robert Smith, Chairman of the Manorial Society of Great Britain. A picture of the re-casting was published in *The Times* of London on 23 December, and written up in the East Anglia press, and shown on BBC television news. The bells were duly re-hung in St Andrew's church and were re-dedicated by the Rt Rev John Dennis, Lord Bishop of St Edmundsbury and Ipswich, on Saturday, 4 July 1992, American Independence Day, followed by tea with champagne and strawberries in marquees to which everyone in the parish was invited, together with Members of the Manorial Society, Lords and Ladies of Manors throughout the country in support.

The Royal Charter for the Lordship of Kettleburgh entitled the Lord of the Manor to appoint a Bailiff, which Mr Gamble did. It also granted the right to market and the American Lord inaugurated the first of these, in aid of local charity.

The Manor of Kettleburgh dates from the late Anglo-Saxon Monarchy and Edric the Grim is the first recorded holder. It was acquired before the Norman Conquest by the Prior of Ely and by Domesday Book (1086) the Overlordship was held by Count Allan of Brittany, who had dispossessed the priory and

convent. The *Testa de Nevill* in the early 13th century mentions that Kettleburgh escheated from the Wyde (or Widonis) de la Val family to the King, and that Richard Aguillum was Royal Bailiff. In 1224, an entry in the Close Rolls indicates that it was the King's desire to give seisin of the Manor to Peter de Malo (Maulay), and four years later Richard just mentioned was possessed of it. By 1331, William de Kerdeston held Kettleburgh 'at pleasure', presumably all holding as Bailiffs because 10 years later, King Henry III granted the Lordship outright to Peter de Savoie (Savoy), Earl of Richmond. Earl Peter was Queen Eleanor of Savoy's uncle, one of the 'Savoyards' whose family links with the Plantagenet Henry III enabled them to monopolize power at the Royal Court to the dismay of some important men in England. This eventually led to an attempt in 1259, under the Provisions of Oxford, by the English nobility to exclude what was perceived as the malign foreign influence of this north Italian family from Piedmont-Savoy - unsuccessfully, as it turned out, for the head of the English noble faction, Simon de Montfort, Earl of Leicester, rose in rebellion in 1264 and defeated and captured the King at the battle of Lewes. Perhaps as part of the compromise attempted in 1259, Peter de Savoy surrendered Kettleburgh and other lands in Suffolk to the King, who granted them to Prince Edward, the future King Edward I. Edward granted the Lordship to Sir William Charles with free warren, to be held of the King and his heirs in chief, and in 1292 the new Lord obtained the market Charter by which Mr Gamble was able to authorize the charity market referred to above.



Willoughby

Sir William was the son of William de Yarmouth, and he built a substantial house at Kettleburgh, the remains of which, including a moat, are found at the north-west end of St Andrew's church. It was known as Kettleburgh Hall. Sir William was succeeded by his son, Sir Edward, at the age of 36 who did homage for the Manor to King Edward in 1305. Four years later, Sir Edward settled the Manor on himself and his wife Alice, with remainder in tail in succession to their four sons, William, Robert, Edmund, and Edward. Sir Edward died in 1328 and was succeeded by his fourth son and namesake, who was knighted by King Edward III. This Sir Edward died in 1337 and by his wife Dyonyse he was succeeded by his son Sir



The Lord and Lady of Kettleburgh with HRH The Prince of Wales at Highgrove



The Lord of the Manor presents his Grant of the Bailiff of Kettleburgh



The Manorial Bell-ringer with the Lady of Kettleburgh



*Huntingfield*

The Lords Huntingfield, sometimes Lords of Kettleburgh, Suffolk

Cornelius Vanneck, paymaster of land forces, United Provinces (the Netherlands) during the Duke of Marlborough's great campaigns against Louis XIV: Blenheim, Oudenarde, Malplaquet

Sir Joshua Vannek, 1st Baronet = Mary Anne, dau of Stephen Daubuz  
created, 1751, died 1777

Sir Gerard Vannek d unm = Sir Joshua, 3rd Baronet = Maria, dau of Andrew Arcedeckne  
created 1st Baron = Thompson of Roehampton, Surrey  
Huntingfield 1796, died 1816

Sir Joshua, 2nd Baron = (1) Catherine, dau of Chaloner Arcedeckne  
died 1844 (2) Lucy Ann, dau of Sir Charles Blois of Lockfeld Hall

(2) Charles Andrew, 3rd Baron = Louisa, dau of Andrew Arcedeckae, by  
died 1897 whom he became possessed of the Manor of Kettleburgh

Joshua Charles, 4th Baron, Lord = William Arcedeckne = Mary, dau of William  
of Kettleburgh d unm 1915 died 1912 Armstrong of Queensland  
Australia

William Charles Arcedeckne, 5th = (1) Margaret Eleanor, dau of Judge Ernest  
Baron, KCHG, President of the Board Crosby, of New York, NY  
of Trade, acting Governor General (2) Murial Mary Georgina, dau of Col Jemmet  
Australia, d 1969 Duke, and widow of 1st Lord Eltisle

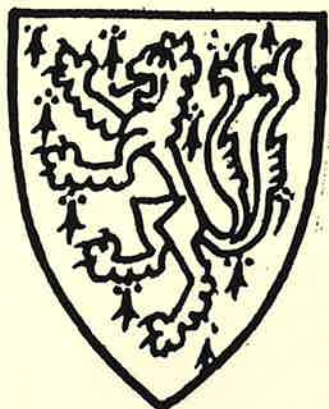
(2) Gerard Charles, 6th Baron = Janetta Lois, dau of Reginald Hugh Errington  
died 1994

Joshua Charles, 7th and present =  
Baron Huntingfield, who lives at Comberton, Cambridge

Sir Peter Vanneck, GBE, Lord Mayor of London, 1978-9

Robert Charles, who died 22 years later (interestingly, his mother Dyonyse died in 1376 in what must have been extreme old age by the standards of the time). Robert appears to have been succeeded briefly at Kettleburgh by his uncle who died the following year, and he was succeeded by his younger brother Sir Edward, who died in 1375. Sir Edward's son Robert succeeded him and lived until 1401. He devised the Lordship to his wife, who paid their son and heir Thomas £20 for use of the Manor, and father and son are both buried in the church.

His grandson and namesake appears to have conveyed the Manor with other property in 1468 to John Mowbray, fourth Duke of Norfolk, but there is some confusion in ownership for the next 25 years, for in 1489 Elizabeth Clere, the daughter of Sir Thomas Charles and wife of Edmund Clere, presented to the manorial church of St Andrew's. It may be that the Manor was held in two parcels because at an inquiry of 1496 the 'Manor (of) Ketylberow Hall and advowson (church living) and land in Ketilberg (and elsewhere)' were settled on Elizabeth Clere and Margery Marshall. The Manor is also mentioned in an inquiry on the death of Sir Robert Willoughby in 1465, and of John Duke of Norfolk in 1477. It is by Thomas Bourchier, Archbishop of Canterbury, William de Waynflete, Bishop of Winchester, and other feoffees (trustees) of the Duke of Norfolk, conveyed the Manor to Maria Willoughby to pay the debts of the late Duke to his widow, Duchess Elizabeth.



*Montfort*

Maria died in 1515, leaving William Willoughby, Lord Willoughby de Eresby, her son and heir. By 1524, Lord Willoughby de Eresby had sold Kettleburgh to Thomas Howard, Earl of Surrey. The Manor passed into the hands of the Howard Earls, later Dukes, of Suffolk for the next 99 years, when Thomas Howard, Earl of Suffolk, sold it to Sir Robert Naunton, who held his first Court Leet in the Manor in 1635. Shortly afterwards, Kettleburgh became the property of the Arcedeckne family, later ennobled as Lords Huntingfield. The Lordship lies approximately two and a half miles south-west of the historic market town of Framlingham and occupies about 1,400 acres.

Mr Gamble died recently, and his wife has decided to sell Kettleburgh, in which she and her husband were so closely involved. It was, as she described it, a 'shared mission' and one for some one else to take over now, and to be welcomed by the village. She described it in a letter as 'the most satisfying kind of ownership... it was full of creativity, education, history, friendships, charity, glamour, and fun.' A Memorial Service for the Life of Mr Gamble was held at St Andrew's church. The couple's

interest in the Manor included work on the Village Hall, an emergency fund of elderly people, sponsoring holidays, bike rides, and opening school fetes and giving prizes on speech days. As Lord and Lady of the Manor, Mr and Mrs Gamble represented the local people at a reception at Buckingham Palace, and were regular guests of The Prince of Wales at his Gloucestershire home at Highgrove. The proceeds of this sale will be given by Mrs Gamble to the parish.



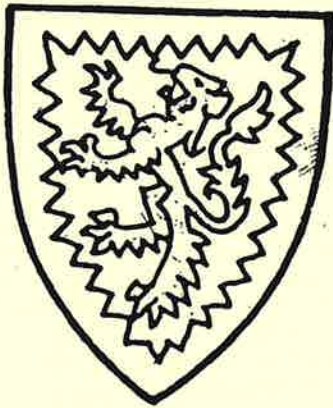
# The Lordship of Whitehall

## Essex

Lot 17

THIS Manor is contained within the holdings of Godwin in the reign of King Edward the Confessor (1042-66). By the time of the Domesday Survey in 1086 it is included under Little Burstead (Burghsted) and held by William Bishop of London, whose tenant was Walter. This Walter appears in numerous places in Little Domesday for Essex, and was clearly an important landholder, but we have been unable to discover anything about him. Here is the Domesday entry:

*Walter holds (Little) Burstead from the Bishop, which Godwin held before 1066 as a Manor, for three hides. Always two ploughs in Lordship; one men's plough. Two villagers. Then one smallholder, now six; then four slaves, now one. Woodland, 60 pigs; another 30 acres are claimed, from before 1066. Now two foals and four cattle; then five pigs, now 24; then 50 sheep, now 88; 44 goats. Value then 60 shillings; now 50.*



Tyrell

The local potentate was Odo Bishop of Bayeux, Normandy, and Earl of Kent, King William's half-brother, for whom, even by the standards of the day, the word 'avaricious' does not do proper justice. An 18th century antiquarian said this of him: the Manor 'unfortunately lay within reach of Odo's talons, who was Lord of Dunton; so that out of this were erected two maners (*sic*) more, which extended into Dunton, whither they may be supposed to have been carried by that mitred plunderer. From his encroachments were erected the Maners of Whitehall; and of St Margarets with South-fields.'

The Lordship of Whitehall was in the family of Helion by the reign of King Henry II (1154-89), held of the Barony of Helion by William de Helion, presumably, a relative of Baron Robert's. This was the Lordship of 'Le White-Hall and Bodnecks', later sometimes contracted in the documents to Whitehall Bodney. That there was a mansion here at an early date seems probable, given the name of the Manor, and a house known as 'Whitehall' was standing into the 18th century, when it was said to have become ruinous, except for the buildings where the Manorial Court was still held.

The Manor passed into the patrimony of the Bohun Earls of Hereford and Essex, possibly before 1220 when Henry de Bohun, first Earl of Hereford of that family, married Maud, daughter and heir of Geoffrey FitzPiers, Earl of Essex. In addition to being Earl of the county, FitzPiers was also Lord of the Honour

of Essex, a land interest - too large to be described as a Feudal Barony, which may suggest that the Earldom of Essex was deemed a land title. Henry's father, Humphrey de Bohun, had been known as Earl of Hereford, in right of his mother, ultimate heir to her father Milo de Gloucester, Earl of Hereford, but the Earldom of Hereford in the Bohuns was not erected until a Charter of King John in April 1199. The land Earldom of Essex - if such it was - was formalized into a peerage by Henry III for Earl Henry's son, Humphrey de Bohun, who thus became Earl of Hereford and of Essex.

The Bohuns are said to have arrived with William the Conqueror in 1066, and their descent is reasonably clear until the end of the 14th century when two daughters, coheirs inherited, as shown in the pedigree chart. The Bohuns granted the Manor out for most of their overlordship, and Gilbert de St Ouen held a knight's fee here and in West Tilbury, of the Earl of Hereford and Essex in 1301, according to an inquisition post mortem (a form of medieval Probate) of that date. Humphrey de Walden had a house on the Manor of 'Atte White-hall' on his death in 1331, and was succeeded by his nephew Andrew. A Sir Humphrey de Walden (*sic*) seems to have succeeded Andrew for in 1372, on the death of the last de Bohun Earl of Hereford and Essex, his estates included two knight's fees here, which had been in de Walden's hands.

Five years later, the tenant of Whitehall was John Pikenham or Pakenham, and his son Robert died seised of the Lordship in 1399. The Manor with much of the de Bohun patrimony had, by the end of the century, passed to John of Gaunt, Duke of Lancaster, on that prince's marriage to Mary, daughter and co-heir of the last Earl of Hereford and Essex. When Gaunt's son, Henry, Duke of Lancaster and Hereford, ascended the throne as King Henry IV in 1399, the Manor became one of the possessions of the Duchy of Lancaster, from which institution many subsequent Lords of Whitehall held the Manor for centuries.



Bohun badge

The first of these was Sir Thomas Tyrell, who died in 1476. He was descended from Walter Tyrell, who held the Lordship of Langham, Essex, at the time of the Domesday Survey. Sir Thomas held the Manor from Queen Elizabeth Wydeville, wife of King Edward IV, as of the Duchy and real property in hand included 20 houses and 320 acres of arable, pasture, and wood.

# THE DESCENT OF THE DE BOHUNS

Humphrey de Bohun, kinsman of WILLIAM THE CONQUEROR —

— Humphrey the Great — Maud, dau of Edward de Sarebury, ancestor of the Earls of Salisbury

— Humphrey — Margery, dau of Milo de Gloucester, E. of Hereford, Lord High Constable of England (d. 1187)

— Humphrey, E. of Hereford, Constable of England *jure matris* — Margaret of Scotland, dau of Henry, E. of Huntingdon, sis to WILLIAM KING OF SCOTS

— Henry de Bohun, created E. of Hereford by Charter of KING JOHN (one of the Barons present to witness Magna Carta) (d. 1220)

— Maud, dau of Jeffrey FitzPeters, E. of Essex, sis and heiress to William de Mandeville, who brought MATTEINES in marriage

— Henry (d. young)

— Margery — Waleran, E. of Warwick

— Humphrey de Bohun, E. of Hereford and Essex, Lord High Constable (founded Priory of Friars Augustines, Broad Street, London) (d. 1275)

— Maud, dau of Ralph Count of Evreux and Eu

— Humphrey, captured HENRY III at Battle of Lewes, 1265, killed at Evesham, 1266

— Eleanor, dau of William de Braose of Brecknock

— Maud — Anselm Marshall, E. of Pembroke

— Alice — Roger Thony

— Humphrey, E. of Hereford and Essex, Lord High Constable of England (d. 1297) — Maud, dau of Sir Ingleram de Fiennes

— Humphrey, E. of Hereford and Essex, Lord High Constable, killed at Battle of Boroughbridge 1321 when all his lands and honor were forfeit — Elizabeth Plantagenet, dau of KING EDWARD I

John, KB, E. of Hereford and Essex

— (1) Lady Alice FitzAlan, dau of Edmund, E. of Arundel

— (2) Margeret dau of Ralph, Lord Bassett of Drayton (*asp* 1335)

— William, created E. of Northampton (1337) fought at Crécy, 1347

— Elizabeth, dau of Bartholemew de Ballesmere

— Humphrey, E. of Hereford and Essex, Lord High Constable, KG (d. unm. 1361)

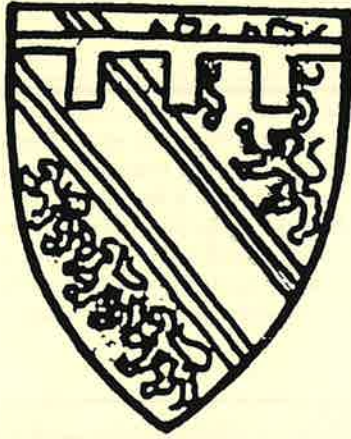
— Humphrey de Bohun, 2nd E. of Northampton and on his uncle's death (*supra*) E. of Hereford and Essex (d. 1372) — Joane, dau of Edward E. of Arundel

— Alianore — Thomas Woodstock, Duke of Gloucester, 6th s. of EDWARD III

— Mary — Henry, E. of Derby, s. of John of Gaunt, Duke of Lancaster, s. of EDWARD III, ascended the Throne in 1399 as KING HENRY IV

HM QUEEN ELIZABETH II ←

— — — — — KING HENRY V



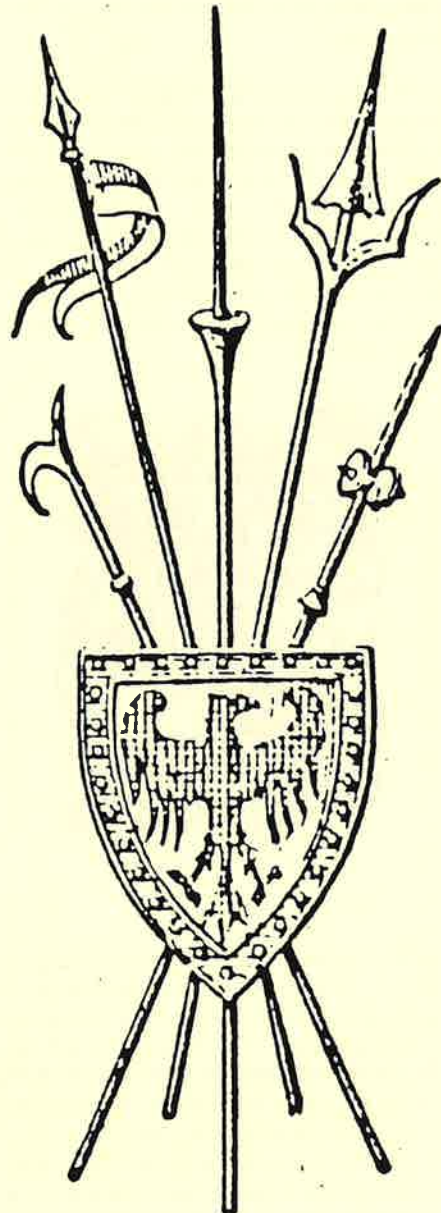
*Bihun*

He also held the adjoining Manor of St Margaret's and Southfields House. The Tyrells were elevated to a Baronetcy by King Charles II in 1666 in the person of Sir John Tyrell, when their Essex estate had grown to include the Lordships of Montfrith, Tingoods, Springfield, Woodham Mortimer, and Poddesbrook, all held of the Honour of Mandeville, as of the Duchy of Lancaster.

On the death of the last Baronet, Sir John Tyrell, in 1766, the estate passed to the descendants of his neices, Mary, Martha, Anne, and Elizabeth, Whitehall coming into the Croke-Carswell family, possibly descendants of Sir John Croke, Chief Justice of the King's Bench, whose daughter Elizabeth had married Sir John Tyrell in the reign of King James I (1603-25). The Trustees of the Misses Carswell conveyed the Manor in 1989, and Whitehall is now being offered by the Executors of the late Lord. It lies about two miles south-west of Billericay in the Hundred of Barstable. The church of St Mary appears in documents and, later, books, and dates from the early 13th century in the Early English Decorated style. There are almshouses nearby.

Documents associated with this Manor:

Rentals (with Fouchers Heron)	1718, 1727	Essex RO
Court Minute Book	1730-1904	
Draft Minute Books	1855-1900	
Court Rolls	1730-1904	



# The Lordship of Moundsmere Hampshire

Lot 18

The Lordship of Moundsmere is situated in the parish and village of Preston Candover, eight miles from Basingstoke in the Candover Valley. Evidence of stone age settlements have been found in the area and there are remains of a neolithic barrow west of the Lordship which was explored in the 19th century. Preston Candover is a Saxon settlement and Moundsmere, takes its name from its elevated position above the village and evolved from an outlying farmstead.

Little is known of the ownership of the Lordship of Moundsmere after the Norman invasion but it seems likely that it passed to the church of St Mary, in Porchester, a priory of Austin Canons founded in 1133. By 1249 it had regranted to Southwick Priory since there is a reference dating from 1249 when the Priory held a court at Candover. In 1290 Priory records showed that the Lordship of Moundsmere was valued at £3 11s 7d

In 1398, after the death of the Prior, William Husselegh, the lands and possessions of the Priory were surveyed. Moundsmere is mentioned thus;

The Manor of Moundsmere in which are several houses worth nothing annually after deductions; 60 acres of arable, very stony, of which 2/3 are sown each year and are worth 2 1/2d. an acre, and is worth nothing because it lies fallow and open; 80 acres of pasture worth 13s. 4d. a year ; various tenants , free and bond, whose rents and services are worth 44s a year , payable in equal amounts at Christmas, Easter, the Nativity and St John the Baptist (June 24) and Michaelmas; perquisites of the court worth 6d. a year over and above the fee of the steward and the wages of the hayward.



Henry VIII

The Lordship remained in the possession of the priory until it was dissolved in 1536 when it was retained by the Crown, almost certainly as payment for allowing Cromwell the rest of the local pickings. Henry VIII added it to the dowry of his fourth wife, the ill-fated Anne of Cleves, seen as a natural choice of wife for the king after the death of Jane Seymour in 1537. The architect of the marriage was the Chancellor, Thomas Cromwell who saw it as a chance to draw England into a continental alliance against Catholic Spain. Despite the glaring social incompatibility of the sophisticated king and gauche princ-

ess, arrangements were made and a deceptively flattering portrait of Anne by Hans Holbein was sent to Henry. Ann arrived in England 27 December and reached Rochester 4 days later. Henry visited her there but it is largely a myth to suggest that he raged at her appearance. He initially described her as "well and seemly" but considered her not nearly as "fair as had been reported." Despite this he immediately began to look for ways to renege on his commitment to her but no release could be found.



Norfolk

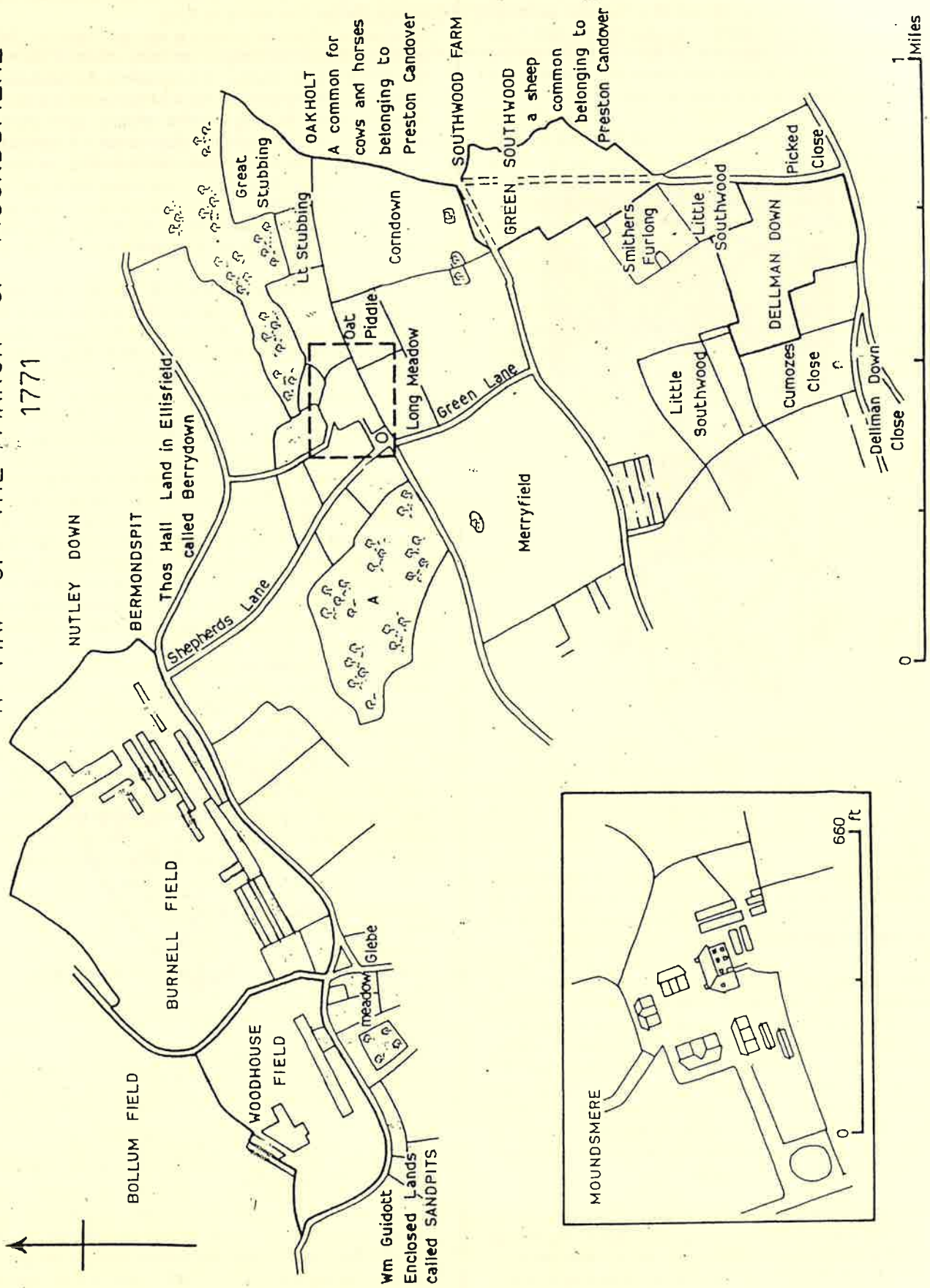
After the wedding, to the outside world, the King and his Queen appeared as a normal married couple but things were not as they seemed. The architect of the marriage, Cromwell was arrested and committed to the Tower of London: a result of Henry's growing impatience with his marriage and a drift away from Protestantism at Court. Henry feared a Catholic backlash in Europe and Parliament declared Henry's marriage to Anne null and void. A few days later, Henry married the Catholic niece of the Duke of Norfolk, Catherine Howard.

Catherine Howard received the Lordship of Moundsmere on her marriage to Henry in July 1540. This marriage was fraught with very different problems. The Howards were the premier Catholic family in England and were forever trying to role back the Tudor reformation. Catherine was the daughter of Lord Edmund Howard, younger son of the 2nd Duke of Norfolk. She was born in 1521 but despite her father's eminence he was poor and Catherine received very little in the way of education. Eventually she came into the care of her Aunt, Duchess Agness of Norfolk. Here she was taught music by Henry Mannock, who seduced both her and a number of the Duchess' servants. Catherine fell in love with Mannock and she appears to have secretly excepted a marriage proposal from him. When she moved to the Duchess' Lambeth residence in 1536 she let this secret out to Mary Lassells, another pupil of Mannock. Lassells confronted Mannock who declared that Catherine had promised to be his mistress and sleep with him. Catherine was outraged at what Lassells reported and ended the liaison.

Catherine fell in love again a few years later with Francis Dereham, one of her Uncle's retinue. They exchanged tokens of affection and became fully, though secretly, engaged. The affair was ended when Catherine was called to Court to attend

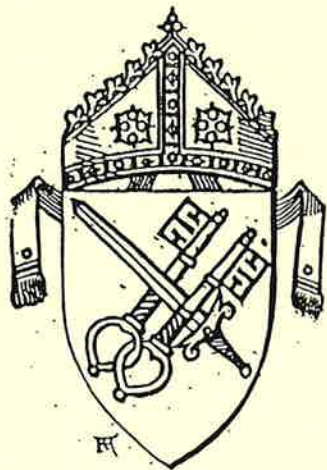
# A MAP OF THE MANOR OF MOUND SMERE

1771



**Anne of Cleves.** A Catholic reaction to Anne was already underway when Catherine entered the Royal Household and the obvious liking Henry immediately felt towards Catherine was approvingly noted by her Uncle. News soon leaked out that Henry intended to divorce Anne and Mary Catherine and it was even rumoured that Catherine was expecting Henry's child. Once Anne was removed Henry acted quickly and married her two weeks after Parliament had declared the divorce. Catherine was presented before the people in August 1540.

For a time Henry was as much in love with Catherine as he had been with any of his previous four wives and he happily set out on a tour of the North with her, meeting the Scottish King James IV at York. However, even in this extended honeymoon period, both Henry Mannock and Francis Dereham were interviewed by court officials, led by Archbishop Cramner, as to their relationship with Catherine. It is known also that soon after her marriage, Catherine began to see another of her previous lovers, Thomas Culpepper, her cousin. Meetings were arranged between the two at Lincoln and Pontefract. At Pontefract, Catherine even went as far as appointing Francis Dereham as her secretary, perhaps as a way of keeping previous matters quiet.



Winchester

The Royal procession returned to Hampton Court on 30 October and on the next day, at the service of All Saints, Archbishop Cramner handed Henry a letter which detailed information he had obtained including the fact that Catherine had slept with Francis Dereham. Unable to believe the charges, Henry ordered a thorough investigation. The Earl of Southampton was dispatched to interview Mary Lassells and Henry Mannock. Dereham was arrested on a charge of piracy (he has gone to sea to try to forget Catherine) but very soon confessed to his affair with the Queen. Mannock denied that he had slept with Catherine but admitted that she had allowed him to 'take liberties with her person'. Despite Henry's initial unwillingness to believe the report, the truth seemed inescapable. He was said to have cried before his ministers, a thing noted as 'strange in his courage' and he sank into a deep depression.

Archbishop Cramner, the Bishop of Winchester and the Duke of Norfolk were ordered to interrogate the Queen. She denied the charges at first but quickly gave in and admitted her guilt. No proof was obtained that Catherine had committed adultery, even after Dereham had been tortured. Catherine denied that she and Dereham had been engaged and said nothing of her relationship with Thomas Culpepper. However, it was assumed

that Culpepper was guilty so he and Dereham were arrested. They were hastily tried and condemned on 1 December. Culpepper denied his guilt to the last, despite bouts of torture. Catherine remained a virtual prisoner at Sion House and was banished forever from seeing the King.

Catherine herself was not brought to trial until February 1541 and she confessed everything to the Duke of Suffolk and the Earl of Northampton. She was very depressed at this point since Henry had previously given her his word that her life was not in danger. However, the King used Parliamentary procedure to relieve himself of his promise by fixing the trial. It was made to seem as though the result of Catherine's trial would be out of his hands. Once the sentence had been passed she seemed to rally and was reportedly 'very cheerful and more plump and pretty than ever; as careful about her dress and as imperious and wilful as the time when she was with the King.'

On 10 February she was conveyed from Sion House to the Tower by boat and two days later was informed that she would be executed the next day. She asked for the block to be brought to her so that she might practise laying her head. Next morning she was led to the Tower yard, the exact spot where Anne Boleyn had been executed six years before and beheaded.

After the death of Catherine Howard, Moundsmere was granted to the College of St Mary, Winchester, in exchange for the Manor of Harmondsworth. The college was founded by William of Wykeham, Bishop of Winchester, in 1387. The area around Moundsmere figures quite prominently in the history of the college. In 1544, the Lordship was the site of a sick-house used by the college when there was an outbreak of the plague in Winchester. Ten years later scholars were again sent to the Manor when the plague revisited the city. Money to provide repair to a barn, which served as the schoolhouse, was given to the college by Queen Mary (1553-1558) to aid the children's hews at Mouseberie (sic) for their comfort in tyme of siknes. In the Annals of Winchester College, T F Kirby reveals that in all successive leases of the demense land of the manor, reserved to the College, the new buildings adjoining the manor house would be automatically at the disposal of the College in time of plague or pestilential sickness. After the last plague visit of 1666 however, this obligation ceased. The present Moundsmere farm, built between the 18th and 19th centuries, lies on the site occupied by the hospital though a portion of it remains. The Lordship remained in the ownership of the college until recently

#### Documents associated with this Manor

British Library  
 Add MSS, 33278, 33280  
 De Banco, 154, m 118d: Temp Henry III, Edw II, Rd II  
 Charter Roll, 14 Edw II m 8, no 32: 1321-2  
 Letters and Patents, Hen VIII, xiv(2), 154, xvi, p 716  
 Augmentation Bk, ccxxxv, f 26  
 Patent Roll, 11 Jas I (1615-6), pt 13, m 4  
 Patent Roll, 26 Chas II (1675-6), pt 4, m 5  
 Feet of Fines, Michaelmas, 27 Edw III (1353-4), 44 Geo I (1717-8)  
 Calendar of State Papers (Domestic), 1639-40, p 458  
 Chancery IMP, 48 Edw III (1374-5), no 41; ditto 7 Hen IV (1406-7), no 48; ditto no 44

# The Lordship of Dunteshourne Rouse Gloucestershire

Lot 19

THIS MANOR is situated about half a mile west of the old Roman road between Cirencester and Gloucester, now the A417, 14 miles south-east from Gloucester. In 1694 the Manor was taxed at £30.10s. Dunteshourne covers 2,260 acres. A small brook divides the parish from Edgworth, and runs into the Froom river, which goes on to Stroud.

At the time of Domesday Book (1086) the landholdings in this area were described thus:

*Alstan held it before 1066. Five and a half hides which pay tax.*

*In Lordship two ploughs;*

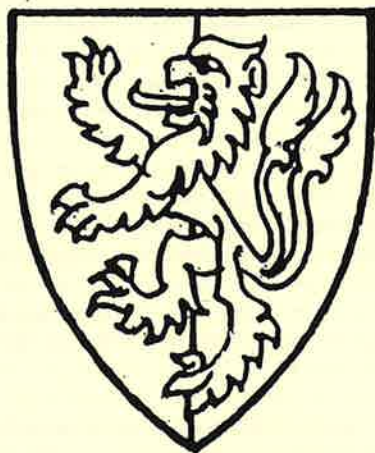
*6 villagers and 4 smallholders with 5 1/2 ploughs*

*Ralph holds this Manor from William and pays tax, but he keeps back the tax on 3 hides.*

*A Frenchman [francigena] holds 1/2 hide of this land and has 1 plough with his men.*

*The value was £10; now £8.*

Since the time of Domesday, the Hundredal Boundaries have changed, and the Manor is now in the Hundred of Crowthorn and Minety. The suffix "Rouse" attached to this Manor comes from the knightly Rous family of the time, who apparently acquired the name from their red hair. It was also sometimes known as Dunteshourne Militis, in honour of their achievements in battle, to distinguish it from Dunteshourne Abbas or Abbatis, which belonged to Gloucester Abbey.



*Rous*

Soon after the Norman Conquest, the Lordship became the property of John Rouse or Rufus. His descendent Roger le Rous held one yardland here in 1294, during the reign of Edward I (1272-1307). This was in the possession of John le Rous in the time of Edward II (1307-1327), though during this reign he was attainted for rebellion, after the defeat and execution of Thomas, Earl of Lancaster, at Boroughbridge in 1322. Thomas of Lancaster was the chief baronial opponent of Edward II, and led the rebellion. He had inherited the Earldoms of Lancaster, Derby, and Leicester, and acquired those of Lincoln and Salisbury through his marriage to Alice de Lacy. He gradually became more and more powerful in the Kingdom, but the rise of the Despenser family as favourites of the crown led to Edward taking up arms against Lancaster, and defeating him at

Boroughbridge. His execution took place near his castle of Pontefract. His tomb was for a time a centre of pilgrimage. John le Rous received livery of his lands again in the first year of Edward III's reign (1327-1377).



*Corpus Christi*

The Lordship later passed into the hands of the Mull family, who retained it until 1463 when they were attainted during the reign of Edward IV (1461-1483), and their lands forfeited. Two years later, Edward IV granted the Duntinsbourne to Thomas Herbert. He died without issue, and the Lordship was granted to Sir Richard Beauchamp who sold it to Bishop Fox, the founder of Corpus Christi College. He made it part of the endowment of the College, Oxford, and it remained in their possession until late last century. After his ordination, Fox was secretary to Henry Tudor, Earl of Richmond, during his exile in Paris. On Henry's accession to the Throne as Henry VII (1485-1509) Fox was made principal Secretary of State and Lord Privy Seal. He was later made Bishop of Exeter (1487-1491), Durham (1494-1501) and Winchester (1501-1528). His greatest service to the Throne was to formulate and execute the King's ruthless and efficient financial policies. The Manor was bought by the present owner in 1997.

#### Documents associated with this Manor:

Court Rolls                      C14th-1909    Gloucester Record Office  
Terriers, Rentals                and (CCC) NRA 3705  
Surveys (with  
Chalford)

# The Lordship of Torpeake Devon

Lot 20

TORPEAKE is a small village lying two miles south-west of South Brent, in the parish of Ugborough. It is a large parish, comprising 8,774 acres. It is listed in Domesday as Peek and the entry is as follows,

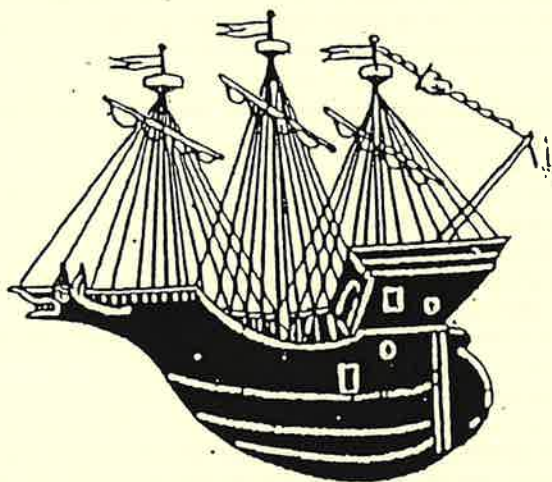
Reginald holds Peek. Aldchurl held it before 1066.  
It paid tax for 1 virgate of land. Land for 2 ploughs.  
1 plough there, in lordship, and 2 furlongs, with 1 slave.  
3 villagers and 2 smallholders have 2 furlongs.  
Underwood, 2 acres; pasture, 1 league, 1 animal; 50 sheep, 20 goats.  
Formerly 15s; value now 10s.

Little is known of Torpeake's early history, but the Manor descended through three local landowning families, the FitzStephens, the De La Tors, and the Woodlands, the former holding a Lordship of the same name nearby.

In the 16th century, Torpeake was purchased from the Woodlands by Thomas Williams, also known as Speaker Williams. He trained as a lawyer and was admitted to the Inner Temple in 1539. He went on to serve as auditor, Clerk of the Kitchen, Steward for the Reader, and Serjeant for Christmas. He entered politics in the 1550s and was elected as Member of Parliament for Bodmin in 1555. He retained his legal career and gave lectures to the Inner Temple which were published in 1560 as *The Excellency and Preheminance of the Law of England above all other Lawes in the World*. Williams sat in the first Elizabethan Parliament in 1558-9 and again in 1562-3 where he was returned as MP for Exeter. He was elected Speaker of Parliament on the nomination of Sir Edward Rogers, Comptroller of the Queen's Household and was formally presented to the Queen on 15 January 1563. His inaugural speech was published at length by Dewes and Manning and was widely praised by his contemporaries. Later that year he presented the Parliamentary Petition for the marriage of Elizabeth. Williams died on 1 July 1566, while still in office, creating a precedent. He was buried in Harford Church, Devonshire, where there is a memorial inscription.



Carew



Torpeake passed to his oldest son John and remained with the family for sometime afterwards. Later it became the possession of the Grant family from whom it passed to the Carew family, along with several other Manors in the area. The Carews originated at Pembroke, in Wales, with William Fitzgerald of Carru Castle. The family were established at Ottery Mohun, in Devon, by the time of the birth of Sir Peter Carew in 1514. Sir Peter was an independently minded man. He was educated at Exeter Grammar school, but angered his tutors by frequent truancy. On one occasion he escaped lessons by climbing a turret of the city wall and threatening to jump down if his master followed. For this he was punished by being led back to the school on a leash *like a dog*. At sixteen his prowess in riding and other exercises led him to be noticed by Henry VIII and taken to Hampton Court to be a gentleman. He spent time travelling with the King, and was sent by him to fetch Anne of Cleves, the King's fourth wife, from Germany in 1539.

In the war with France, which began in 1544, he joined Henry's forces with one hundred foot soldiers dressed in black at his own expense. A year later his brother Sir George Carew, was captain of the Mary Rose, Henry's flag ship, which foundered in Portsmouth harbour on its way to attack the French fleet. In the last year of Henry's reign, 1547, Sir Peter was made sheriff of Devonshire, and on the death of Henry's son, Edward in 1553 was publicly opposed the the installation of Lady Jane Grey as monarch, instead proclaiming Mary as Queen. His loyalty was compromised with Mary's proposed marriage to Philip of Spain and he conspired to stop it. His intrigue was discovered and he fled to Italy, before being arrested and returned to England to be confined in the Tower. On the accession of Elizabeth in 1558, he returned to royal favour and retired to his Irish estates. Later members of the family included Sir Thomas Carew, who was made a baronet in 1661 and Sir Henry Carew, Bart, who was Lord of the Manor in 1822. The present Lord of Torpeake is Sir Rivers Carew and the Carew family descent can be found on page 14 of this catalogue.

# The Lordship of Kirkhaugh Northumberland

Lot 21

*On the instructions of a Crown Charity (in Association with SmithsGore)*

LYING AMID mountains in the south west corner of Northumberland is the Lordship of Kirkhaugh. It is situated on the east and west banks of the River Tyne, three miles from Alston and 10 miles south of Haltwhistle. It derives its name from a church on a haugh, a haugh being a piece of flat land formed by a river. The district is wild and remote and until the 20th century was difficult to reach. The extent is divided by the River Tyne, and which the medieval chronicler Froissart describes the area as being 'exceedingly rough and stony as well as being liable to be suddenly swoln.' The local fords were notoriously dangerous and stepping stones were often swept away.

In 1209 the Lordship was granted by King John to William de Veteripont but by 1258 it had passed out of that family's ownership, to that of William de Kirkhaugh. In the same year the boundaries of the Lordship were established in a fine made before the King of Scotland's justices at their assizes at Nunwick, in North Tindale and are described as being;

From the Tyne by the rivulet of Somerhope towards the east to the marches of Whitfield, and from the marches of Whitfield towards the south to the marches of Ulveston, and thus descending towards the west to the water of Alne, and by the water of Alne, to the Tyne: and from the Tyne ascending to the west by the burn of Gilderdale up to Wulfgill; and from Wulfgill ascending to the west up to the marches of Cumberland; and by them to the head of Thornhope, and so by the burn of Thornhope to the Tyne.

The right of William Kirkhaugh to the inheritance of the Lordship was recognized by Nicholas de Veteripont, the grandson of Ivo, (see descent overleaf) and that the boundaries described were the correct boundaries of it. It appears from this transaction that Kirkhaugh had once formed part of the large Manor of Alston Moor, but by the mid 13th century it had been subfeudated. By a deed of 1269, William, the son of John de Kirkhalgh, entailed the Lordship on his son Hugh. The descent of Kirkhaugh after this time is rather obscure, but it appears to have come to William's daughter, Anabilla. She was married to Thomas de Tyndale and their, son, William made an number of transactions involving Kirkhaugh in the early part of the 14th century.

In 1349, Constance, the widow of Anabilla's grandson, Thomas, and her son William, is recorded as granting a lease of the Lordship of Kirkhaugh to William de Whitlawe along with houses of the South Bank and the demesnes, Wetwed and closes of Kirkhaugh for a rent of four marks a year. Twenty-six years later, in 1375, the same William de Tyndale, Lord of Dilston, granted an annual rent of £20 from the manor to his kinsman, William de Claxton, who was descended from Anabilla's daughter. A year later, the whole Lordship was granted by William's brother, Walter, to John de Claxton. From John it passed to his son, Thomas de Claxton, of the Old Park, who died in 1402.

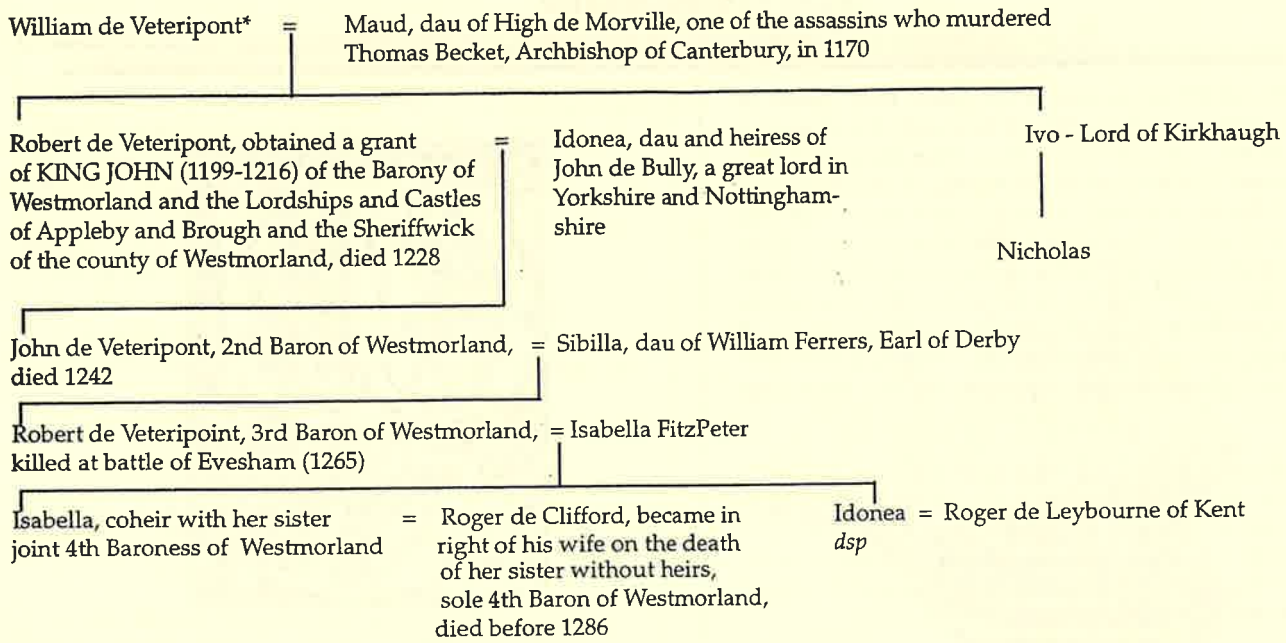


*William & Mary*

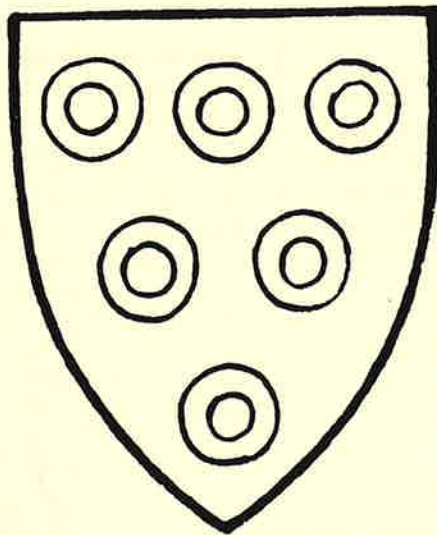
Thomas had entered into a protracted legal over the Lordship with a petition to Edmund Plantagenet, overlord of the Tyndale Liberty in which Kirkhaugh lay. He claimed that Edmund's bailiff, John de Fenwick, had decreed that Kirkhaugh had in fact legally passed to Emma, the daughter of Walter de Tyndale. Thomas de Claxton had been ousted from the Lordship by Fenwick and Emma installed in his place. Edmund listened to Claxton's pleas and instructed the prior of Hexham, Alexander de Merton, to hold a session at which the affair could be settled. Unfortunately, no record of the session or ruling remains but it seems a good bet that it found for Claxton since when we next find Kirkhaugh mentioned, in 1441, it is in the hands of Robert de Claxton.

After this the descent of Kirkhaugh is obscure and appears to have returned to the line of the Verteripont family. It is next recorded in 1526 as a possession of Sir William Hilton. It remained with this family for sometime until it came to the Richardsons, of whom we know very little. When the last of this family died it descended to Elisha Fisher, who sold Kirkhaugh at some date before 1807, to Joseph Salkeld. He in turn sold the Lordship to the Admiralty who hold it on behalf of Greenwich Hospital, a charity for seamen established by Queen Mary II (1689-94), the wife of King William III (1689-1702). Reforms in the 1960s of the old War Office resulted in changes and the Governors of Greenwich Hospital were placed directly under the Secretary of State for Defence, and Greenwich Hospital remains a Crown charity. The conveyance to the successful bidder will be executed under Seal of the Secretary of State.

# DESCENT of the VETERIPONTS, sometimes Lords of Kirkhaugh



\* Sometimes called VIPONT or VIPOUNT in the documents



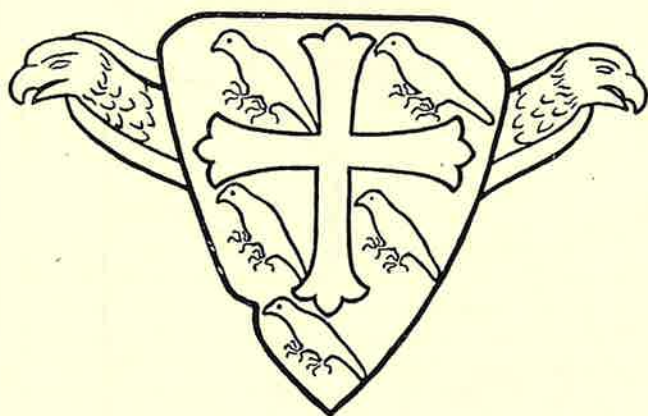
Vipont

## The Lordship of Pyrgo in Habering, Essex

Lot 22

THIS MANOR is subsumed by the great Domesday Lordship of Habering, which was held by King William I (the Conqueror) in 1086. Immediately before the Norman invasion of 1066, it was held by King Harold by grant, probably of King Edward the Confessor.

The first written record we have for Pyrgo (or Pergoe) is found at the Essex Record Office, dated 1389, when the Lordship was named Portegore. Pergoe Park, the seat of the Lord of the Manor, is marked on a map, dated about 1618, at the Essex Record Office. The following history is taken from the VCH, Essex, vol vii.



*Edward the Confessor*

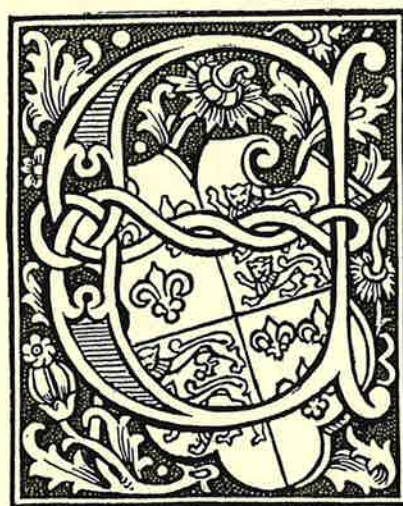
Lying on the northern edge of Habering, the Manor extended into Stapleford Abbots and Navestock. Until the 16th century, it appears to have been applied to a district rather than a particular estate. By 1518, the Manor was occupied by Sir Brian Tuke, a royal official, who in that year leased from New College, Oxford, the adjoining Manor of Newbury. In 1530, Sir Brian acquired from Henry Rede and Alice his wife, daughter and heir of Thomas Roley, an estate at Pyrgo comprising two virgates, five acres, one rod, and eight day-works of land (possibly some form of copyhold, requiring a day's work of tenant service, no doubt commuted for a cash payment by its time). The earliest history of Thomas Roley's estate has not been traced, but it may have been identical with a tenement called Garnetts, which seems to have been named from the family of William Garnett, who was living in 1322.

Sir Brian was appointed Steward of the Manor of Habering in 1536, and in 1537 he was licensed to empark 300 acres of his lands in Habering, Stapleford Abbots, and Navestock. He continued to live at Pyrgo until about 1541, when the King acquired the Manor, possibly in exchange for that of Stapleford Abbots. Pyrgo was managed by a succession of Stewards, including Sir John Gate (1545-53) and Sir Edward Waldegrave (1553-8), both of whom were also Keepers of Cely's Place and the south gate of Habering Park.

In 1559, Queen Elizabeth I granted Pyrgo in tail male to Lord John Grey (d 1564), brother of Henry Grey, Duke of Suffolk (d

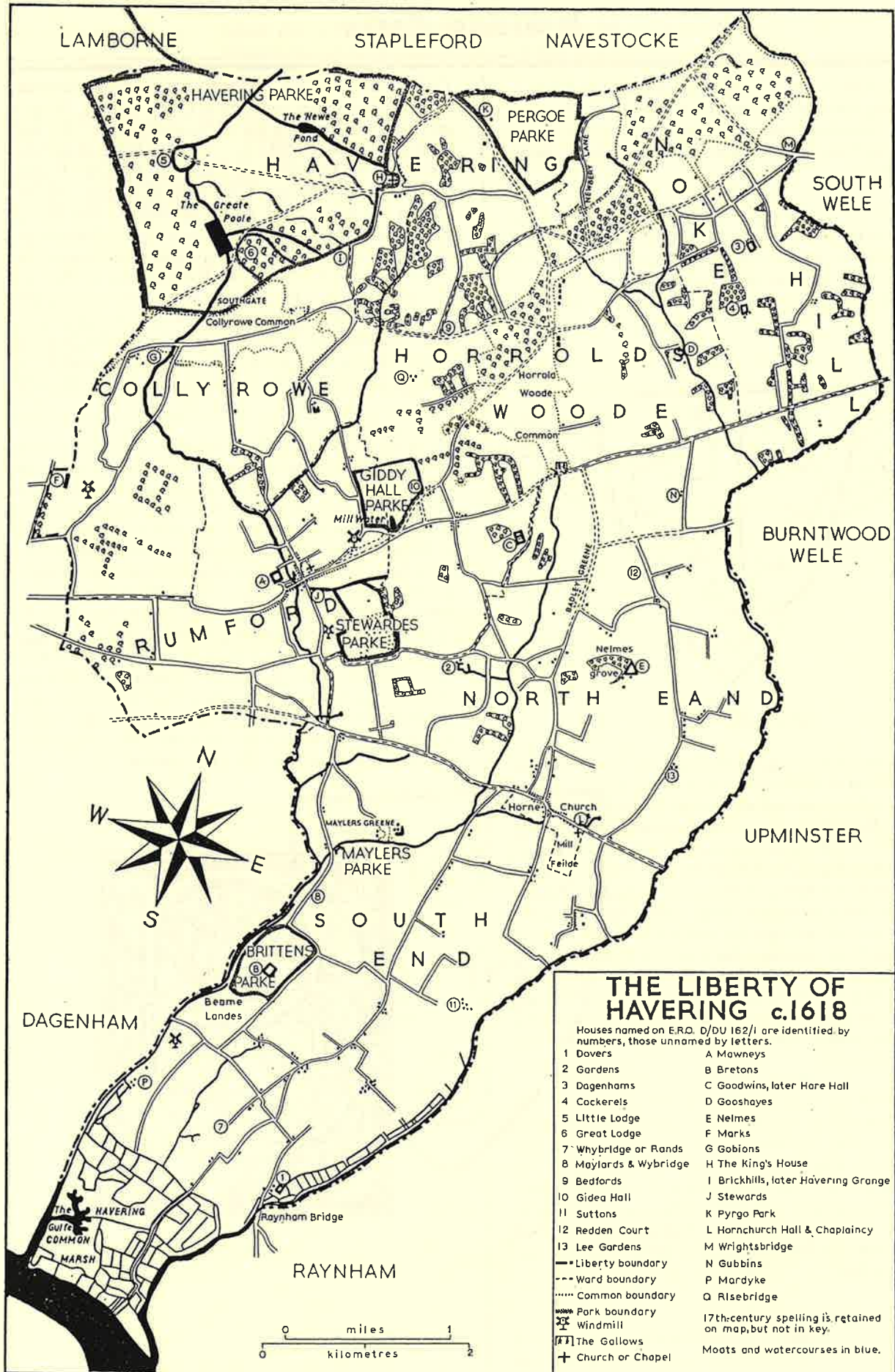
1554) and uncle to Lady Jane Grey. Lord John was succeeded by his son Henry, later Lord Grey of Groby (d 1614). Henry's heir was Lord Grey, later Earl of Stamford, who in 1621 sold Pyrgo to Sir Thomas Cheke (d 1659). The Manor passed successively to Sir Thomas's sons Robert (d c 1670) and Thomas Cheke (d 1688), Lieutenant of the Tower of London. The last Thomas was succeeded by his son Edward (d 1707), and his widow Ann in 1723. Pyrgo then passed to Ann (d 1728), daughter of Thomas who died in 1688, and wife of Sir Thomas Tipping, Baronet. Lady Tipping left two daughters, of whom the younger succeeded to Pyrgo. She was Katherine (d 1754), wife of Thomas Archer (d 1768), who in 1747 was created Lord Archer of Umberslade. Thomas Archer's son, Andrew, 2nd Lord Archer, died in 1778, leaving four daughters as coheirs. In 1790, the trustees of the Archer estates sold Pyrgo to Edward R Howe.

Mr Howe sold Pyrgo in 1828 to Michael Field (d 1836), a member of the Stock Exchange, who was succeeded by his brother Robert (d 1855). Robert Field's trustees sold the Lordship in 1857 to Joseph Bray, a railway contractor. Bray sold it in 1873 to Major-General Albert Fytche, formerly Chief Commissioner of British Burma. General Fytche later bought Wolves and Joyes farms and other neighbouring properties, thus enlarging the estate in hand to 600 acres. His purchases were soon followed by the agricultural depression (which lasted into the 1950s), and in 1887 the estate was sold by order of the mortgagees to William E Gibb. In 1901, Gibb sold it to Alice Mary (d 1921), the rich widow of Thomas O'Hagan, Lord O'Hagan, whose descent is given under Sutton Court in this Catalogue, and the Manor remains in her great grandson, although the land and houses were sold off in the 1920s and 1930s. A map showing Pyrgo from the Essex VCH VII is overleaf.



*Elizabeth I*

A Map showing Pyrgo from Essex VCH VIII



### THE LIBERTY OF HAVERING c.1618

Houses named on E.R.O. D/DU 162/1 are identified by numbers, those unnamed by letters.

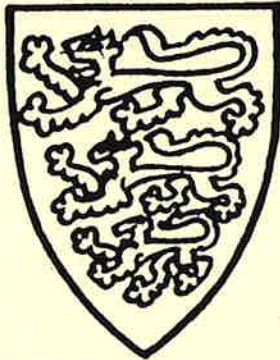
- |                       |   |
|-----------------------|---|
| 1 Dovers              | A Mawneys   |
| 2 Gardens             | B Bretons   |
| 3 Dagenhams           | C Goodwins, later Hare Hall                               |
| 4 Cockerels           | D Gooshayes   |
| 5 Little Lodge        | E Nelmes  |
| 6 Great Lodge         | F Marks   |
| 7 Whybridge or Rands  | G Gobions   |
| 8 Maylards & Wybridge | H The King's House  |
| 9 Bedfords            | I Brickhills, later Haverling Grange                      |
| 10 Gidea Hall         | J Stewards  |
| 11 Suttons            | K Pyrgo Park  |
| 12 Redden Court       | L Hornchurch Hall & Chaplaincy                            |
| 13 Lee Gardens        | M Wrightsbridge   |
| — Liberty boundary    | N Gubbins   |
| - - - Ward boundary   | P Mardyke   |
| ..... Common boundary | Q Risebridge  |
| ▭ Park boundary       | 17th-century spelling is retained on map, but not in key. |
| ⊗ Windmill            | +   |
| ⊠ The Gallows         | Moats and watercourses in blue.                           |
| ⊕ Church or Chapel    |   |

# The Lordship of Kinwalsey

## Warwickshire

Lot 23

THE LORDSHIP of Kinwalsey corresponds to a small settlement which historically formed part of the parish of Hampton-in-Arden, but is in fact detached from it. For a period it was formed into its own parish, but in the 19th century it was incorporated into the parish of Fillongley. It lies about six miles west of Coventry and eight miles east of Birmingham.



Arden

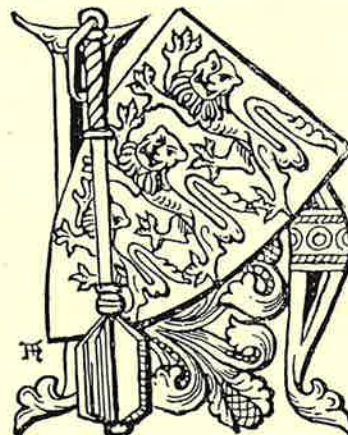
The first record the Lordship of the Manor of Kinwalsey occurs in 12th century when it formed part of a gift to the nuns of Markyate Priory. This institution was founded in 1145 in Caddington, Bedfordshire as a part of the Dean and Chapter of St Paul's in London, and its origin is shrouded in legend. Roger, a monk, was supposed to have left the priory of St Albans without permission, so that he could find a good place to erect a hermitage. He located an ideal spot in some woods near Caddington. He lived there alone for sometime until a woman named Christine appeared at his door and put herself under his tutelage. These were times when religious sentiment was often bound up with ideals of self-punishment or extreme deprivation, and so Roger imprisoned Christine in a tiny shed next to the hermitage and only allowed out for a short time each night. She endured four years of this hardship and then began to claim that she could see heavenly visions. Roger took this as a sign of Divine Revelation and released her back to the care of the Priory at St Albans. After a short time Christine had gathered a number of followers and founded Markyate Priory.

It may well be that Kinwalsey formed part of the founding grant of Markyate. In 1190 the nuns leased the Lordship to William de Arden and his son, Sir Hugh, purchased it outright in 1230 for 30 marks. (£20) Sir Hugh was succeeded by his son William who as Lord of the Manor until 1276. The estate was then divided and Kinwalsey passed to William's widow, Agatha. By 1284 it was found to be in the hands of her sister Amice, who was married to John le Lou. In the same year Kinwalsey was sold, along with the Lordship of Knowle, to Edward I who in turn gifted it to his wife Eleanor. Eleanor was born in 1241, the daughter of Ferdinand III of Castille. She married Prince Edward in 1284, but the union proved to be unpopular in England where xenophobia was rife. During her lifetime she became infamous for the amount of land that she concentrated in her own hands and Kinwalsey was one of the many Lordships of the Manor which she possessed.

She was commemorated in the words of the chronicler, Guisborough: The king would like to get our gold The queen, our manors fair to hold.

Her acquisitions began after the tortuous period of civil war between the Barons, led by Simon de Montfort, and her father-in-law, Henry III. After the rebels' final defeat at the battle of Evesham in August 1265 she was given a number of confiscated estates. She was loyal to her husband though and did not put herself out of the way of danger. In 1270 she accompanied Edward to the Holy Land and in June 1272 he was stabbed by an assassin with a poisoned knife. Legend has it that she saved Edward's life by sucking the poison from his wound. Henry III died that year and when the couple returned they were crowned King and Queen in August 1274. Soon afterwards she expanded her estates by acquiring the debts of English knights who owed money to Jewish moneylenders and then, when the Jews were expelled from England in 1290, she took over the debts as land. By the time she became Lady of the Manor of Kinwalsey in 1284 she had become deeply unpopular and was worth £25,000 per year. Her officials were widely denounced for their severity and she would have them harass and punish anyone who angered or crossed her. Despite her obvious love of land, she was an extremely well educated and cultured woman and promoted universities and writing. She brought a great number of Spaniards to England and the ill-will felt towards her as a foreigner seems to have stemmed from anger at her landownership. There is no doubting that she was devoted wife and loved her husband. She produced 16 children with Edward. She had no power in government though some suspect that she influenced her husband in so far as he became as hard and strict as she. Ironically, at her death of a fever at Lincoln in 1287 she was separated from Edward for one of the few times in their lives. He was in Provence.

After Eleanor's death, Edward granted Kinwalsey to Westminster Abbey and it remained as a property of the Abbey until its Dissolution by Henry VIII in 1541. Until 1559 it became the possession of the Bishop of London, before being returned to the Crown. In 1573 Queen Elizabeth granted it to her favourite, Robert, Earl of Leicester who died in 1588, still a favourite of the Queen's who took Kinwalsey back. The Lordship remained with the Crown until 1622 when James I granted it to Sir Fulk Greville, Lord Brooke.



Henry III

## DESCENT OF GREVILLE, Lords de Brooke sometime Lords of KINWALSEY

William Greville, of Campden, Glos, living 1398 =

William Greville, Lord of the Manor of Milcote, Warwicks, d 1401 = ?

John Greville = (1) Sibil, dau of Sir Robert Corbet  
was grandfather of: (2) Joyce, dau of Sir Walter Cocksey

Sir Thomas Greville, d without issue, 1523  
when his Warwicks estate passed to:

John Greville of Drayton, Oxon, living 1503 = Jane, dau of Sir Humphery Foster, of Harpsden, Oxon

Sir Edward Greville, fought in France at Battle of the Spurs (1513) = Anne, dau of John Denton, of Amersden Bucks

(2nd son)

Sir Fulke Greville, of Beauchamp Court, Warwicks by marriage to died 1559 = Elizabeth, dau and heir of Lord Lord Willoughby de Brooke, one of the greatest heireesses in England descended from the Plantagenets died 1558

Sir Fulke Greville acquired Lordship of Kinwalsey died 1606 = Anne, dau of 4th Earl of Westmoreland

Sir Fulke Greville, 1st Baron Brooke of Beauchamps Court, died 1628 unmarried when his estates passed to his nephew. Sir Fulke bought Warwick Castle in 1604

Robert Greville, 2nd Baron Brooke of Beauchamps Court. Roberts father, Fulke was also father to Dorothy, who married Sir Haselrige, see Goadby in this Catalogue, died 1643 = Lady Catherine Russell, dau of 4th Earl of Bedford

Francis, 3rd Lord Brooke dsp 1658 Robert, 4th Lord Brooke died 1676, leaving only daughters = Anne, dau of John Doddington of Breamore, Hants

(3rd son)

Fulke, 5th Lord Brooke, died 1710 = Sarah, daughter of Francis Dashwood (see Dashwood Baronets in Debrett)

Fulke, 6th Lord Brooke, died unmarried 1711 William, 7th Lord Brooke, died 1727 = Mary, dau of the Hon Henry Thynne (see MARQUESS of BATH in Debrett)

Francis Greville, created 1st Earl of Warwick (1759) who sold Kinwalsey in 1743 (see text)



### *Brooke*

On September 1 1628, Greville was murdered by his servant, Robert Hayward at his London house on Holborn and his estate passed to his adopted son, Robert. Kinwalsey stayed with the Greville's until it eventually passed down to Fulke Greville, the 5th Lord Brooke. He granted it to his second son, Algernon in 1710. He was succeeded by his son and heir, Fulke, who then sold the Lordship in 1743 to William Smith. In 1754, his widow, Henrietta sold it to Benjamin Palmer. After Palmer's death in 1772 Kinwalsey descended to a distant cousin, David Lewis, and by the end of the century it was divided between Lewis' son, Henry and a relative of Benjamin Palmer's, Jane Wilson. Henry died in 1829 and the ownership of Kinwalsey was consolidated in the Wilson family. The Wilson family had been founded by John Wilson of Eshton in Yorkshire, whose son, John sailed with the Earl of Leicester to Holland in 1585 as Queen Elizabeth's envoy. His son, also John, also had a military career, as a captain of the Dragoon Guards, under Charles I (1625-1649). He was succeeded by his eldest son, another John, who also served in the cavalry, during the reign of Charles II (1660-1685). In turn, his heir, John, was aide-de-camp to General Mackay and served in the campaigns of the Duke of Marlborough in the early 18th century. Though he had numerous children, this John was survived by only one son, also John, who fought at the battle of Culloden, during the Jacobite Rebellion of 1745. His only son was William Wilson, a captain of the 3rd Dragoon Guards and whose wife, Jane, inherited a share of the Lordship of Kinwalsey. Their son, the Reverend William Wilson, was Lord of the Manor and was succeeded by his son, also William. The Wilson family retained it until 1887 when it was sold to Mrs J B Clarke. A few years later it was sold once more to Major S G Everitt. From him it passed to his son George and has been retained by his descendants to this day.

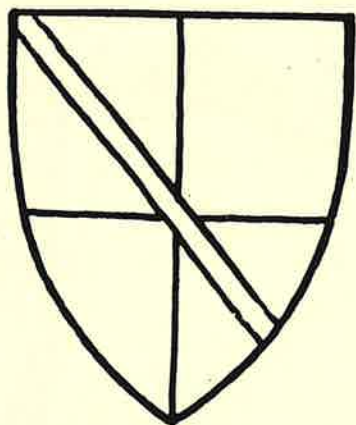


# The Lordship of Stanton Drew

## Somerset

Lot 24

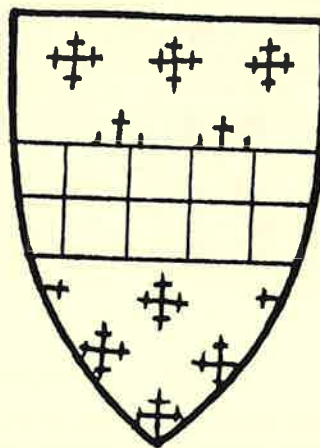
THE LORDSHIP of Stanton Drew lies in the parish of the same name, between Pensford and Chew Magna. Perhaps the most notable feature in the Lordship is a large standing stone known as Hautville's Quoit. This was once a much larger rock, supposed to have weighed more than 30 tons, but which was gradually chipped away over the centuries as the local inhabitants used it for mending their roads and houses. It is a late megalithic burial chamber and has a romantic legend attached to it. It was said that a local giant, named Sir John Hautville, lived nearby on the top of May Knole Hill and he was supposed to have thrown the rock from the top of his hill to where it now lies when he was clearing land to build a house. In the 18th century, it was found to be lying in a circle of other stones, but these appear to have been lost. Nevertheless it formed part of a large complex which may have been a structure to rival Stonehenge.



*Fastolf*

The Lordship of Stanton Drew is first mentioned separately in the century after the Norman Conquest when it was found in the hands of the Stanton family. First Roger, then William and then Hugh de Stanton were its lords and by the reign of Henry II (1154-1189) it was in the possession of Robert de Stanton who held it by service of two knights' fees. His heir was Geoffrey de Stanton who held a number of estates in the area as well as this Lordship, including Timbborough and Stowey. A Lord of the Manor from a following generation was known as Drogo de Stanton and from his name came the derivation of Drew, for which the Lordship was then known. By the reign of Edward III (1327-1377) the family had adopted the surname Drew, and in 1338 we find Walter Drew as Lord of the Manor.

In the 14th century the Drew family were succeeded by the Clerke family and in the 1440s Robert Clerke granted Stanton Drew to a local man, Richard Choke and this family held it until the early 16th century. The most noted member of this family was undoubtedly Sir Richard Choke, who inherited the Lordship from his father, John Choke. Sir Richard was born in the parish and his family were so prosperous that he could afford to seek a career in the law. He was a member of the Middle Temple in London and in 1453 was created king's serjeant, a position which he served until 1461. He then served as a justice of the Common Pleas until 1483 and during this period was knighted (in 1465). His activities in the law were widespread and often lucrative and he received royal commissions. For instance, he



*Boteler*

was granted a commission to raise money for the defence of Calais during the reign of Henry VI (1422-61). During the reign of Edward IV (1461-83) he acted as a justice of assize for seven counties and as a justice of the peace for Staffordshire and Worcestershire. In 1469 Choke was a party to a sentence of attainder against Sir Thomas Hungerford, who had been arrested for planning to assassinate King Edward in a Lancastrian plot. Evidently he served the Yorkist cause well since he retained influence into the 1480s and was summoned to the Parliament of 1482. When Lord of the Manor of Stanton Drew, he entered into a protracted law suite against John Boteler over possession of it. This ended, after a number of years, in 1452 when he achieved a final release from Boteler of any interest he may have held. Hostility between the two families was finally ended two years later by Boteler's sister, Edith Sampbroke, who confirmed Choke as the legitimate Lord.

Choke's advice and administrative skills were sought after and he acted for a number of eminent men of his day, including William, Lord Botreaux, Sir John Fastolf (on whom Shakespeare's Falstaff is based) and Humphrey, Duke of Buckingham. As well as Stanton Drew he held the Manors of Long Ashton, Temple Cloud and Ranston in Dorset. He is thought to have kept a great house at Long Ashton which was lavishly furnished and there is a monument and effigy to him at the parish church there.

The grandson of Sir Richard, Sir John Choke, eventually sold the Lordship of Stanton Drew to Giles, Lord Daubney. Daubney had served Edward IV and Richard III (1483-5) but finally rebelled against the latter and joined the forces of Henry Tudor in Brittany. When Henry Tudor invaded England in 1485, Daubney accompanied him and fought at the battle of Bosworth at which Richard was defeated and Henry ascended to the throne as Henry VII. Daubney became one of Henry's most trusted advisers and became a powerful figure in the South-west of England. A year after Bosworth he was raised to the peerage as a baron. He served Henry in a number of capacities until finally becoming Lord Chamberlain in 1495. At his death in May 1508 he was rewarded with a magnificent funeral in Westminster Abbey where an alabaster effigy of him still survives.

# STRACHEY of STANTON DREW and SUTTON COURT, SOMERSET

William Strachie (*sic*) b 1495, d 1587 = ?  
of Saffron Walden, Essex

William Strachey (*sic*), d 1598 = (1) Mary, dau of Henry Cooke, of Lysting, Kent  
(2) Elizabeth Brockett

William Strachey, living 1595, of Saffron Walden and Wandsworth = Frances, dau of William Foster, of Crowhurst, Surrey

William Strachey, of Camberwell d 1634 = (1) Eleanor Reed, of Preteign, Radnor (now Powys)  
(2) Anne Beven, of Greenstead Hall, Essex  
(3) Elizabeth, dau of William Cross, of Blackmore Cannington (d 1672)

(3)  
John Strachey, inherited Sutton court and numerous Somerset Lordships from his mother, a friend of the philosopher John Locke = Jane, dau and coheir of Hodges, of Wedmore, Somerset (d 1727)

John Strachey FRS, d 1743 = (1) Elizabeth, dau of William Elleton (d 1722)  
(2) Christiana, dau of Richard Staveley (d 1743)

(1) Hodges Strachey dsp 1746 (1) Henry Strachey = (2) Samuel K at siege of Minorca, 1762

(1) Sir Henry Strachey, 1st Baronet, MP, Master of the Household to King George III, created a Baronet of Sutton Court (1801), d 1810 = Jane, dau of John Kelsall of Greenwich (d 1824)

Sir Henry Strachey, 2nd Baronet, died unmarried = Edward, served im Bengal, India d 1832 = Julia Woodburn, dau of Maj-Gen William Kirkpatrick of Bengal Army

Sir Edward Strachey, 3rd Baronet, d 1901 = (1) Elizabeth, dau of Rev W Wilkinson of Woodbury Hall, Beds  
(2) Mary Isabella, dau of John A Symonds, of Clifton Bristol

Sir Edward Strachey, 4th Baronet and 1st Baron Strachie (*sic*), PC held numerous govt posts, cr a peer as Baron Strachie of Sutton Court = Constance, dau of Charles Bamfield Braham

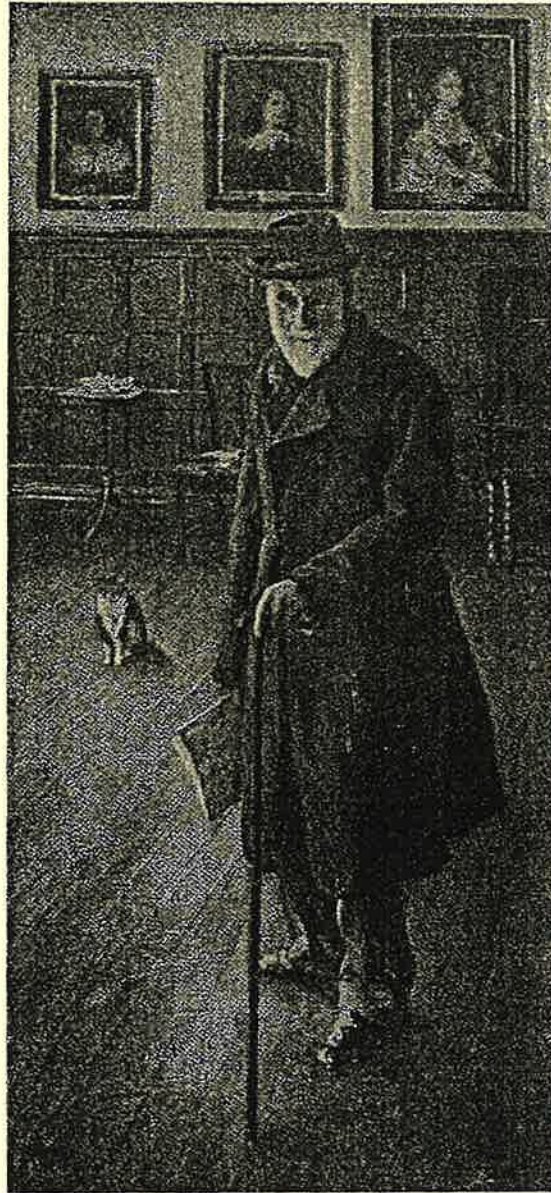
Edward, 2nd and last Baron, dsp 1973

John St Loe Strachey, whose grandson Charles, succeeded to the Baronety created in 1801

Maddalena, married 3rd Lord O'Hagan (see Sutton Court in this catalogue)



After Daubney's death, Stanton Drew came into the hands of Sir John Cooper. His son and heir, Anthony-Ashley Cooper was a notable politician of the era who fought for Charles I and then switched sides to Parliament in the Civil War. He was raised to the Peerage as the first Earl of Shaftesbury in 1672. The Lordship of Stanton Drew later passed out of the Cooper family and became the possession of the Coates family before later descending to the Strachey family in the 19th century. It is currently owned by the present representative of this family, Lord O'Hagan.



*Sir Edward Strachey in the hall at Sutton Court*

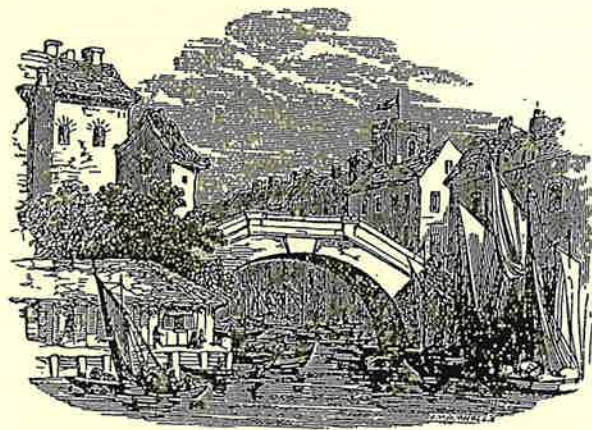
**The Lordship of Bridewell Palace** **Lot 25**  
**the parish of St Clement Danes, in The City of London**  
*encompassing Fleet Street and Inner and Middle Temple*

WE BELIEVE that this is the first Manor to come up for sale within the City of London and, so far as can be ascertained, it includes the small ecclesiastical parish of St Clement Danes to the west, across Aldwych from the Royal Courts of Justice. To the east lies the ancient parish of St Brides, which starts at Blackfriars Bridge westward to St Clements, northward to Ludgate and Fleet Street, and southward to the Thames Embankment including Inner and Middle Temple. Hard though it may be to believe now, the area was a well-wooded retreat, lying between the city walls of London and Westminster, when the tiny village of St Clements with its church was founded by a party of Danes in 1022 in the reign of the Danish King Canute. St Brides was founded slightly later, but certainly before 1087, probably by Danes since St Brides is a diminutive of St Bridget, a Danish saint. Discovery of artefacts during development in the 19th century demonstrate that the area was occupied by Romans or Romano-Britons, perhaps wealthy ones with interests in the trade of Londinium. A royal tower or castle stood here by 1087, according to the 16th century writer, Stow, 'for I read that in 1087, the 20th (year of the reign) of William I, the city of London with the Church of St Paul being burned, Mauritius (Maurice), then Bishop of London, afterward began the foundation of a new church, whereunto King William gave the choice stones of his castle standing near near to the bank of the river Thames, at the west end of the citie.' The bank of the river came much further north then and was probably flat and marshy, the Thames not being confined in its present course until Sir Joseph Bazalgette built the Thames Embankment in the 1860s. Consequently, much of the area known as the Temple to the south would have been tidal. If you look at the river-side of the Tower of London, grass separates that fortress's walls from the river, but until the reign of Queen Victoria the river ran up to its outer walls. Indeed, the River Gate is obviously named and state prisoners, such as Anne Boleyn and Katherine Howard, were rowed through Traitor's Gate to be imprisoned in the Tower where they met their doom. The Manor was early called the Royal Precinct of Bridewell, and it was physically separated from the City of London by the Fleet River, which joined the Thames near Blackfriars Bridge.



*Katherine Howard*

The area seems to have attracted its first colony of Danes because of a reputed holy spring which was supposed to possess miraculous curative powers, and bore the saint's name. In due course, the royal palace hard by was called 'Bridewell'. The last public use of the spring appears to have been in 1821 when



*The old Fleet Bridge*

several men were employed in filling thousands of bottles for the coronation of King George IV on 19 July that year, an early example of 'spring water' perhaps which infests every restaurant these days. The idea was apparently that of a Mr Walker, who owned the hotel in Bride Lane, and the water was obtained by means of a cast iron pump in the lane.

After the demolition of the castle at Bridewell, the palace or mansion was built, for Henry III and his Courts resided here in 1225. King John in 1210 summoned the leading clergy to Bridewell where he imposed a tax of £100,000, a colossal sum, impossible to convert into a value today because of the infinitely more complex nature of our economy. But if the gross domestic value of England then was perhaps £1.5 million, then one gains an impression of the size of this impost.



*Salisbury*

The Bishops of Salisbury then lived at Bridewell, giving their episcopal name to Salisbury Square. The Manor appears eventually to have passed into the hands of Cardinal Thomas Wolsey, Lord Chancellor to Henry VIII (1509-47), and on his fall from royal favour it fell into the hands of the King in 1529. Of the Cardinal's ownership, Cavendish, his biographer, says, 'He found means to be made one of the King's Council, and to grow in

good estimation and favour with the King, to whom the King gave a house at Bridewell in Fleet Street, sometime Sir Richard Empson's, where he kept a house for his family, and daily attended the King's Court.'

In 1522, Henry VIII rapidly repaired the palace at considerable expense for the reception of the Holy Roman Emperor Charles V, although that monarch lodged at Blackfriars (near the present Underground station), although his suite was housed at Bridewell, a gallery of communication being put across over the Fleet River estuary, and a passage cut through the City wall into the Emperor's apartments. After Wolsey's fall, Henry himself lived at Bridewell, and the whole of the Third Act of Shakespeare's Henry VIII passes at this place:

The most convenient place that I can think of  
For such receipt of learning is Blackfriars;  
There shall ye meet about this mighty matter\*

Shakespeare, Henry VIII, Act ii

\* a reference to the King's impending divorce from Catherine of Aragon, the Emperor's aunt.

Hall, in his chronicle, says:

In 1528 Cardinal Campeius (Campeggio) was brought to ye Kinge's presence, then living at Brydewell, by ye Cardinal of Yorke (Wolsey), and was caryed in a chayer of crimson velvet borne between iiii (four) persons, for he was not able to stand, and the Cardynall of Yorke and he sat both on the ryght hand of the Kinge's throne, and there was one Francisci, Secretary to Cardinal Campeius, made an eloquent oracion in the Latin tongue. And the same King caused al his nobilitie, judges, and counsaylors wt (with) diverse other persons to come to his palace of Brydewell on Sunday the viii (eighth) day of of November at after none (afternoon) in his great chamber, and there delivered a speech to them concerning his marriage with Catherine of Aragon.

The King held a Parliament at Blackfriars in 1525, and at Bridewell Palace at the same time, he created or advanced the following men in the peerage:

Henry Fitzroy, (a child he had had illegitimately by Elizabeth Blunt) to be Earl of Nottingham and Duke of Richmond), also Lieutenant-General from Trent northward, Warden of the East, Middle, and Western Marches.

Henry Courtney, Earl of Devon, cousin german to the King, to be Marquess of Exeter.

Henry Brandon, a child of two years old, son of the Earl of Suffolk, to be Earl of Lincoln.

Sir Thomas Manners, Lord Rosse, to be Earl of Rutland (ancestor of the present Duke of Rutland, of Belvoir Castle).

Sir Henry Clifford, to be Earl of Cumberland.

Sir Robert Ratcliffe, to be Viscount Fitzwalter.

Sir Thomas Belvin (Boleyne), father to Anne Boleyne, or Bullen, to be Viscount Rochford.

We have mentioned the River Fleet which gives its name to the famous Fleet Street, 'ancestral' home of the British national press, where until about 20 years ago, many of the great newspaper

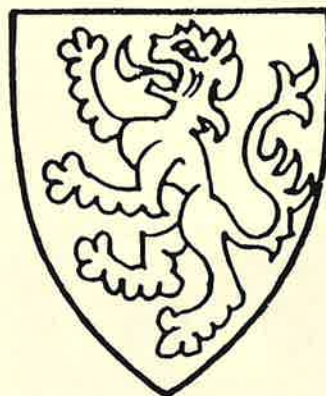
titles were based: The Daily Telegraph, The Daily Express, The News of the World, The Evening Standard, while just off Fleet Street were The Daily Mail, The Sun, The Daily Mirror. Reuters and the Press Association are still located in Fleet Street, as are numerous regional newspapers with London offices. The departure of much of the media for places like Canary Wharf has not altered the fact that 'Fleet Street' is still the generic name for the national press, and the bars and restaurants located there, or just off the throughfare, continue to be frequented by journalists and lawyers. In the case of the lawyers, there are two Inns of Court within the ancient precincts of the Manor - Middle and Inner Temple - and the Royal Courts of Justice.

Restaurants and public houses, famous for the press, continue in and around Fleet Street, some dating from the medieval period: the Mitre, in Mitre Court; the Cheshire Cheese, El Vino, the Wig and Pen, the Printers' Pie. Being adjacent to the City, though not part of that corporation until later, Bridewell was less regulated. Because kings sometimes held courts and parliaments in the precincts, the area was, therefore, full of entertainments, from brothels to hotels, and dangerous, as noted in Lodowick Barry's Ram's Alley, or Merrie Tricks, printed in 1611:

Will Smallbankes and the rest of his fellows, while being conducted after supper by torchlight from the Mitre in Fleet Street to the Savoy, are set on, swords drawn, by Throat and his desperadoes, who carry off the pretended heiress unperceived towards St Giles. Thos. Smallbankes, nettled at this ill-luck, affirms that she has run off towards Fleet Bridge; but Will asserting it as a thing not possible, Thomas reiterates:-

Upon my life,  
They went in by the Greyhound\*, and so strooke  
Into Bridewell, - to take water at the dock.

\* a tavern on the southside



de Lacy

By the time the Fleet River arrived at Bridewell Palace it had been fed by brooks and rivulets upstream. It was known as the 'river of wells' in the reign of Edward I (1272-1307) on account of its being the easiest source of 'fresh' water before the Thames, which was and is tidal and, therefore, salinated. We quote 'fresh' in the preceding sentence because as early as the beginning of the 14th century complaints about its pollution were brought before Parliament, meeting at Carlisle in 1307, in the following terms by Henry de Lacy, Earl of Lincoln:

Whereas (in times past) the course of water running at London under Oldbourne Bridge and Fleet Bridge in the Thames had been of such breadth and depth that 10 or 12 ships, navies at once with merchandises were wont to come to the aforesaid bridge of Fleet, and some of them to Oldbourne Bridge, now the same course (by filth of the Tanners and such others) was sore decayed, also raising of wharves but especially by a diversion of water, made them of the New Temple, for their milles standing without Baynard's Castle in the first year of King John (1199-1200), and by others divers impediments, so that the said ships could not enter as they were wont and as they ought. Wherefore he desired the Mayor of London, with the Sheriffs, and other discreet Aldermen, might be appointed to view the said course of the said water, and that, by the oaths of good men, all the aforesaid hindrances might be removed, and is to be made as it was wont of old. Whereupon, Roger de Brabazon, the Constable of the Tower (of London), with the Mayor and Sheriffs, were assigned to take with them honest and discreet men, and to make diligent search and inquiry how the said river was in former time, and that they leave nothing that may have hurt or stoppe it, but keep it in the same estate that it was wont to be.

As with so many matters then as now, legislation was one thing, action another, and the river - a filthy brook in reality - got worse, despite efforts at a clean-up in 1502 and again in 1589. Not only were the waste products of 'Tanners and such others' - particularly millers - cast into the river, but all the waste from private houses. Little wonder that disease spread when it was thought that this happened through the air and not through water, a scientific fact that was not appreciated and adopted until the 1860s.

The Royal Navy was victualled from the Fleet throughout the Middle Ages, the last time being in 1624 when James I planned a campaign against the French in defence of French Protestants at the Ile de Rhé, Brittany. The Lord Mayor was ordered to supply Sir Allen Aspley, one of the surveyors-general for the Navy, 2,000 quarters (a quarter = 28lbs (about 12.5kgs) to be made into biscuit from the storehouses in Bridge Street, Bridewell. During the reign of Charles II, the Navy was transferred to Chatham, Kent, with a staff college at Greenwich, designed by Sir Christopher Wren, one of the finest Baroque buildings in England.



*River front at Bridewell, showing granaries circa 1660*

So dirty and limpid had the Fleet become, that lampoons were written about it, including by the poet Alexander Pope, in *Duncaid*, ii:

This labour past, by Bridewell all descend,  
As morning prayer and flagellations end,  
To where the Fleet Ditch with disemboгуing stream  
Rolls the large tribute of dead dogs to Thames,  
The King of Dykes! than whom no sluice of mud  
With deeper sable blots the silver flood.

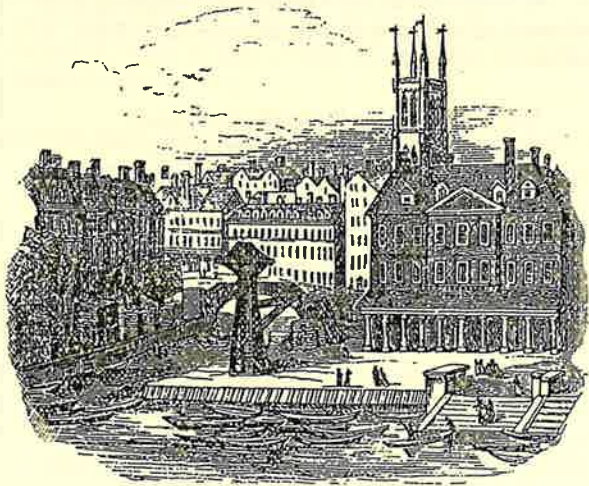
Jonathan Swift called for the Fleet to be filled in in his *City Shower*.

In 1756, Blackfriars Bridge was built across the Thames, joining Bridewell with Southwark, but even by 1812 there were still only three bridges across that river. In the next 70 years, during the Victorian hey-day, 10 more were built, plus five for railways.

The Manor came into the hands of the Royal Hospital of Bridewell St Thomas's and Christ's by Grant of King Edward VI in 1553, and is still owned by their heirs at law, the Special Trustees of St Thomas's and Guys Hospital. The suppression of the monasteries and other religious houses during the Reformation led to London becoming flooded with starving or necessitous people from the provinces. Hitherto, such people had largely been catered for by Church charity. The idea was promoted by Nicholas Ridley, Bishop of London, an ardent Protestant who was burned to death by Blood Mary as one of the 'Oxford Martyrs' in 1556. The Grant was made two days before the young Edward VI's death, whose memory was commemorated in these lines in the old Bridewell Chapel:

This Edward of fair memory the Sixth,  
In whom with greatness, goodness was commixt,  
Gave this Bridewell, a palace in old time,  
For a chastizing house of vagrant crime.

In some ways, the Royal Hospitals were the forerunners of the Poor Law, inaugurated by Queen Elizabeth at the end of her reign, which Law, as amended, survived until 1945. Medieval Church charity - no doubt as cold as any other charity - was not of itself a matter of chastisement, but in the case of the Royal Hospitals it became so which accounts for the allusion in Pope's poem quoted above: 'As morning prayer and flagellations end...'

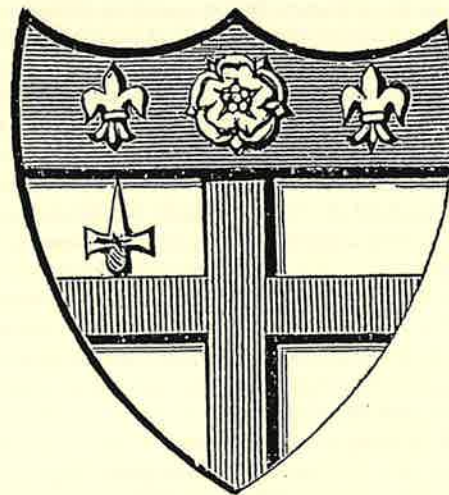


*Fleet Ditch 1769*

The Bridewell became a prison for many and a place of punishment for being poor. It was also a place of punishment for serious criminals and torture was carried on there in the reign of Queen Elizabeth. Pope's ironical reference was that morning prayer was followed immediately by floggings either at a special whipping post, near the Law Courts, or by being tied to the tail of a cart and whipped through the streets. This was a long way from the founding Ordinances of 1557, which were, 'the importance of succour and relief for the poor, sick, and aged; to yield alms to the poor and honest decayed householder; to train up the beggar's child in virtuous exercise, and to compel the wilfully idle and dissolute to better ways...' As ever, the devil is in the detail, the 'wilfully idle and dissolute.' They were to receive offenders, 'and examine and punish the same; to visit taverns, alehouses, dicing-houses, bowling-alleys, tennis-plays, and all suspected places of evil resort in and about London.' If these are just different words for those used today - night clubs, discos, drugs, promiscuity - then legislation and coercion were as ineffective then as now. Those industrious poor who did work often ran up against the liveries in the City of London, concerned to maintain their closed shop and, thus, maintain prices. It would not do if Bridewell unsold genuine masters and journeymen who were members of City guilds.



*Nicholas Ridley*



*Royal Hospitals*

December 1556: - A woman, resident in Southwark, was judge... to be whipped at Bridewell, and sent to the Governors of Christ's Hospital for a further reformation, and subsequently to be placed in the pillory in Cheapside with a paper in her hand, whereon was written, 'Whipped at Bridewell for leaving and forsaking her children.

July 1559: - A woman named Jane Foster was brought into the house for enchanting Margaret Storer, and trying to bring her into dissolute and evil ways.

February 1595: - H Hodges tortured by manacles to find out where £100 was hid in the ground, he having stolen goods and money, and secreted them, the property of Sir H Bagnall, Knight, attendant about Her Majesty's person.

September 1682: - A beadle was appointed to correct prisoners in the house, and those who were to be punished through the streets of the City, instead of the Chapel Beadle, who had performed the office - for the better witnessing the correction, the whipping post to be raised.

The practice of sending offenders to Bridewell merely to receive corporal punishment continued until the 1850s. In 1793, as much as £80. 6s was paid to one of the beadles for flogging prisoners during the previous two years at five shillings each, which gives about 160 as the number of persons punished by one man in this way.

In the 1860s, Bridewell as a prison was closed and King Edward's Grammar Schools established, the first of these being built at Witley, Surrey. Boys and girls were separated in 1867, thus bringing to an end, or at least curtailing, what the records describe as the 'debauchery' of the 'Bridewell Boys'. It was also found that boys and girls attended to their lessons better when separated, particularly the boys.

An idea of the commerce conducted in the 18th century can be gleaned from the small advertisements in the local papers:

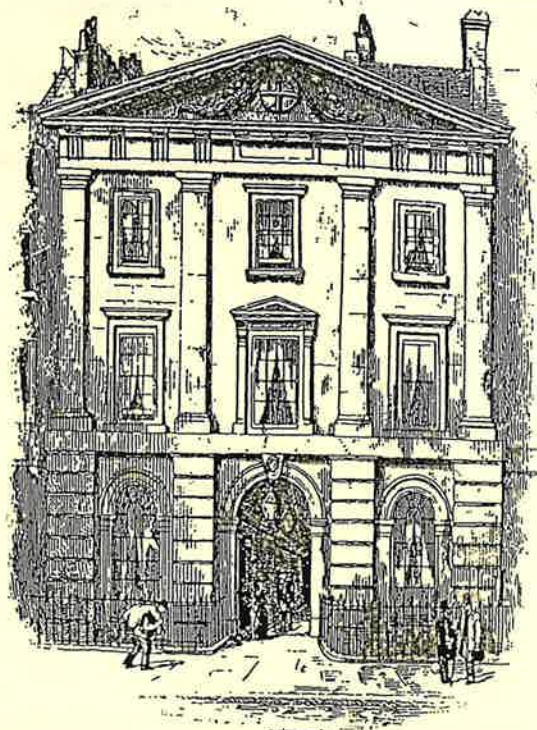
December 1719: - Edmund Thomas at the 'Old Brunswick Mum and Spruce Beerhouse' against Bridewell Bridge, Fleet Ditch, sells right Brunswick Mum and Spruce Beer\* wholesale and retail. Note, he hath a large quantity of new spruce just arrived, and is the only person in London that deals in these two commodities and nothing else.

\*alcoholic drink made of molasses and flavoured with spruce twigs and cones; mum was a type of beer made from cereals, such as beans, and was of German origin, hence 'Brunswick'.

July 1723: - Mr Hart, formerly partner to Mr Taylor, a governor of Bridewell, was well in health on Tuesday night, but found dead in his bed the next morning.

September 1723: - Yesterday evening, one Bird, a watchmaker, aged above 20, living in Bridewell Precinct, cut his own throat, but not doing it effectually, hanged himself afterwards on the bannister of the staircase.

August 1730: - Mr Alderman Parsons has wrote to Mr Alderman Child from France, to desire he will hold the annual Court Thursday at Bridewell, where a fine entertainment will be prepared at the expense of twelve stewards, the said Alderman having put off his return to England for some time.



*Treasurer's Residence, Bridewell*



*King Edward's School for Boys*

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**MEMORANDUM OF CONTRACT**

I,  
of

do hereby acknowledge that I have this day purchased the property described as Lot

For the sum of £ \_\_\_\_\_  
and having paid the sum of £ \_\_\_\_\_  
to the Auctioneers as a deposit and part payment of the purchase money I HEREBY AGREE to pay the balance  
thereof and complete the purchase in accordance with the Special Conditions of Sale annexed hereto.

Dated this 26th day of July 2007

Purchase money £ \_\_\_\_\_  
Deposit money and part payment  
(Payable to: Manorial Auctioneers Client Account) £ \_\_\_\_\_  
Balance £ \_\_\_\_\_

As Agent for the Vendors we hereby confirm this Sale:

Buyer's solicitors are: .....

.....  
.....  
.....

\_\_\_\_\_  
Purchaser's Signature:

\_\_\_\_\_

Buyer's premium 15% £ \_\_\_\_\_  
VAT on Buyer's premium £ \_\_\_\_\_  
Total (Payable to Manorial Auctioneers) £ \_\_\_\_\_



# Manorial Auctioneers

104 Kennington Road, London, SE11 6RE

Tel: 020 7582 1588 Fax: 020 7582 7022 (international: 44-20)

Website: [www.msgb.co.uk](http://www.msgb.co.uk)

Email: [manorial@msgb.co.uk](mailto:manorial@msgb.co.uk)

**Auction, Lordships of the Manor, 2pm 26 July 2007  
Stationers' Hall, Ave Maria Lane, London EC4M 7DD**

LOTS		ESTIMATES
1	Whitley <i>South Yorks</i>	£5,000-£7,000
2	Middle Hampton <i>Shropshire</i>	£5,000-£7,000
3	Armitage <i>Staffs</i>	£5,000-£7,000
4	Goadby <i>Leics</i>	£5,000-£7,500
5	Whiteoxen <i>Deron</i>	£5,000-£7,000
6	Alston Moor <i>Cumbria</i>	£7,000-£9,000
7	Woodhuish <i>Deron</i>	£5,000-£7,000
8	Newbold <i>Leics</i>	£5,000-£7,500
9	Michaelotts <i>Cambis.</i>	£5,000-£7,000
10	Sutton Court <i>Somerset</i>	£6,000-£8,000
11	Nuthurst <i>Warks</i>	£6,000-£8,000
12	Ardleigh <i>Essex</i>	£6,000-£8,000
13	Knockholt <i>Kent</i>	£6,000-£8,000
14	Bodmin Francis <i>Cornwall</i>	£5,000-£7,000
15	Rathkenny <i>Co. Meath</i>	£15,000-£17,500
16	Kettleburgh <i>Suffolk</i>	£6,000-£8,000
17	Whitehall <i>Essex</i>	£6,000-£8,000
18	Moundsmere <i>Hampshire</i>	£5,000-£7,500
19	Duntisbourne Rouse <i>Glos</i>	£5,000-£7,000
20	Torpeake <i>Devon</i>	£5,000-£7,000
21	Kirkhaugh <i>Northumberland</i>	£7,000-£9,000
22	Pyrgo <i>Essex</i>	£6,000-£8,000
23	Kinwalsey <i>Warricks</i>	£6,000-£8,000
24	Stanton Drew <i>Somerset</i>	£5,000-£7,000
25	Bridewell Palace <i>London</i>	£15,000-£25,000

**TELEPHONE OR POSTAL BID  
AUCTION SALE 26 JULY 2007  
FORM OF OFFER – FREE SERVICE**

**To:** Manorial Auctioneers Ltd  
104 Kennington Road  
London SE11 6RE  
Telephone: 020-7582-1588  
Fax: 020-7582-7022 ( International: 00-4420-7582-7022 )

The lots hereby referred to shall be as described in the full sale particulars prepared by Manorial Auctioneers Limited in respect of the proposed sale on 26 July 2007

**Bidder's name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Bidder's Tel & Fax:** \_\_\_\_\_

**Bidder's Solicitor:** \_\_\_\_\_

**Solicitor's Tel & Fax:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* we can advise if you have no British Lawyer

1. I confirm that I have read the particulars and made all such inquiries as I deem necessary.
2. I offer the sum stated below for the following:  
**Lot no. Name of Lordship / Barony: Price Offered: ( your bid can be transferable )**

\_\_\_\_\_ **Offer** \_\_\_\_\_

**Lot no. Name of Lordship / Barony:**

\_\_\_\_\_ **Offer** \_\_\_\_\_

**Lot no. Name of Lordship / Barony:**

\_\_\_\_\_ **Offer** \_\_\_\_\_

3. I would like to bid by telephone. The number I shall be on from 2pm on Thursday 26 July 2007 is \_\_\_\_\_ We shall telephone you just before your lot comes up for auction. Please telephone us first to discuss how this is done.
4. This offer shall remain irrevocably open until 24.00 hours on 26 July 2007, and I understand that it creates a legal and binding contract.
5. I enclose a cheque / credit card, in the sum of 20% of the offer(s) stated, which I understand will only be banked on the acceptance of my offer and will represent a part payment of the purchase price, plus the buyer's premium of 15% + VAT. ( VAT applies to the premium only ) ( VAT in the European Union only )
6. I hereby authorize Manorial Auctioneers Limited to sign the Memorandum of Contract on my behalf.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

/continued...

- Approx legal fees £400.00
- If you bid £7,500.00 for Lot 1 and Lot 1 sells for more than £7,500.00, you can transfer your bid to subsequent Lots. Your transfer bid need not be the same as your first bid. It can be more or less as you deem fit, but your deposit cheque of 20% should reflect your maximum price.
- If your bid is accepted at less than your maximum amount, then the excess will be credited to the completion account of your chosen solicitor.

We will buy on your behalf as cheaply as allowed by other bids and the Reserve price.

Manorial Auctioneers Limited No: 2426054

VAT No: 547826410