

The Barony of Beauchamp of Somerset.¹

BY JOHN BATTEN.

AMONGST the numerous tenants of Robert Earl of Moretain, the Conqueror's half-brother, recorded in Domesday book, there was one, called in the Exchequer Domesday 'Robert,' and in the Exon Domesday sometimes by his official title, "Robert the Constable," and sometimes by his personal name, "Robert Fitz Ivo,"² who held in the western counties very extensive domains, part of the Honour of Moretain. In Somersetshire he held the manors of Hache (now Hatch Beauchamp), Babcary, Stocche (now called Bechen Stoke, in the parish of Chewstoke), another Stocche or Stochet (now Stoke-under-Hamdon), Sock (Sock Denys), Merston (now Marston Magna), Crawecombe (Crowcombe), and Pres-titon, in Milverton. In Dorsetshire he held the manors of Spetisburie, Morden, Wintreburnes, both Nicholstone and Whitchurch, East Lulworth (part afterwards called Gate-merston), Waye (in Broadway), and Charmouth; and in Devonshire he was the Earl's tenant of the manor of Fredel-stoch (Frithelstoke). According to a local authority³ he also held four hides and a half in the great manor of Taunton Dean, under Walchelin, Bishop of Winchester, and it is certainly true that Robert de Beauchamp bestowed Ninehead, part of that manor, on the Priory of Montacute, which gift was expressly confirmed by a charter of Henry III.⁴

¹ For the sake of brevity the prefix "de" is dropped, unless called for by the context.

² *e.g.*, pp. 251—258.

³ Locke's MSS., quoted in Toulmin's *History of Taunton* (by Savage), p. 38.

⁴ Dugd. *Monasticon*, vol. i, p. 668.

The Honour of Moretain was forfeited to the Crown by the attainder of William the second Earl (son of Robert), and as a legal consequence the above-mentioned manors were no longer held of a mesne Lord—but directly of the King *in capite, per Baroniam*,⁵ and as they were all, except Spetisbury, afterwards in the tenure or under the seigniorship of the Beauchamps, there is the strongest presumption that Robert Fitz Ivo was the family ancestor.

It is difficult to establish the relationship, if any, which existed between the Beauchamps of Somerset and the other noble families of that name. Dugdale indeed, in his great work on the Baronage of England⁶, treats them as a distinct family, and they certainly bore distinct arms, but they were probably branches of one Norman stock, seated originally near Avranches. Several pedigrees of the family are to be found amongst the Harleian MSS.⁷ in the British Museum, but unsupported by other authority they are not to be relied on.

There is also in the Public Record Office a very interesting document called “The Beauchamp Cartulary,”⁸ officially described⁹ as “A folio volume in the original binding, containing 122 pages, very beautifully written in the best law hand of the reign of Edward III; capitals all coloured with azure and vermillion, together with ornaments and flourishes neatly traced and tricked.” From an entry in the last page it appears to have come down as an heir-loom to Sir John Seymour of Savernake, Wilts, the direct descendant of the Beauchamps, and probably was swept into the Augmentation Office with other documents on the attainder of his eldest son, Edward, Duke of Somerset, the Protector. The nature of its contents

⁵ Madox, *Baronia Anglica*, p. 12.

⁶ Vol. i, p. 252.

⁷ Nos. 1559, 1052, 1195, 1145.

⁸ Augmentation Office, Miscellaneous Books, No. 58—in subsequent notes initialed B.C.

⁹ Eighth Report of Deputy Keeper of Public Records.

may be gathered from the syllabus printed in the report.

The first mention of the Beauchamp family in connection with Somersetshire is A.D. 1092, when Robert Beauchamp (Robert I of this paper), who may have been a son of Robert Fitz Ivo, was witness to a charter by which Ansger Brito, another Domesday tenant of the Earl of Moretain, gave his land of Preston (near Yeovil) to the Priory of Bermondsey, Surrey,¹⁰ and he was also witness to a charter of Henry I confirming this gift, addressed to "J. Bishop of Bath;" that is, John de Villula, who died in 1122. Robert (I) was succeeded by another of the same name, Robert Beauchamp (II). For the aid to marry the King's daughter, 14th Henry II (A.D. 1166), he certified that he held of the King in chief seventeen knights' fees, all of the old feoffment (that is, made before the death of Henry I), of which seven were held of him by Hugh de Valletort, eight by William de Monasteriüs, Ralph Fitz Uchard, Simon Fitz Robert, Robert Germain, Lucas Herhorn [Heiron], and a boy three years old, named Philip of Dorset,—one each; and two held by himself in demesne.¹¹ He was Sheriff of Dorset and Somerset as early as 9th Henry II, and again from 22nd to 29th of the same reign (A.D. 1183),¹² after which nothing more is heard of him. Possibly he was the founder of Frithelstoke Priory, and he may have been the Robert Beauchamp, to whom, according to Sir William Pole,¹³ the manor of Woodford in the county of Devon was given, temp. Henry II, by Matilda his sister, and William Fitz Richard, her son. Dugdale¹⁴ asserts that Robert (II) was engaged in the King's service as late as 7th Richard I, and that he died in 13th John, leaving Robert (III) his son and heir; but neither the

¹⁰ Glover's *Miscell. Collections* in *Coll. Arm.*, B. fo. 111; *Dugd. Mon.*, i, 639.

¹¹ Hearne's *Liber Niger*, i, 99.

¹² Pipe Rolls, Dorset and Somerset.

¹³ *Collections towards History of Devon*, p. 330.

¹⁴ *Bar.*, i, p. 253.

Pipe Roll cited by him, or any other evidence, as yet found, verifies this statement.

It is indeed very questionable whether Robert (II) left any son. According to one of the Harleian pedigrees (No. 1095), he married a daughter of ——— Valletort, and had a son and heir, Simon. But according to the records there is the strongest presumption that he left only a daughter, who became the wife of Simon de Valletort, the issue of the marriage being Robert (III), who adhered to his mother's name of Beauchamp, but sometimes called himself "Robert Fitz Simon;" and in one charter we find the father referred to as Simon de Beauchamp. Robert (II) probably died shortly before 7th Richard I (A.D. 1196), as in the Pipe Roll for that year, among the escheats, are included Stoke, Merston, and Cary [Babcary], lands of Robert Beauchamp; and in the same roll, under Somerset, Muriel Beauchamp fines in ten marks for the King's benevolence; from which it may fairly be inferred that Robert had forfeited his lands for some breach of his allegiance, perhaps by aiding John, the King's brother, in his treasonable attempt to supplant him, and that soon after his death they were restored to Muriel, as his daughter and heiress.

At the same time, it is quite possible that previous to the marriage of Simon there had been some alliance between the Beauchamps and the Valletorts, which the compiler of the Harleian pedigree had traced, and the two families were certainly connected by ties of tenure, if not of affinity. It has already appeared that Hugh de Valletort held seven knight's fees of Robert (II); and his son, "Simon de Valletort," held the Beauchamp manor of Babcary as part of them, for by charter (not dated) he bestowed on the monks of Montacute Priory a virgate of land in Babcary, in return for their receiving his brother Nicholas as a monk, and offering their prayers for the salvation of himself and his wife, and Robert Beauchamp, his lord, and his wife; which gift Robert Beau-

champ confirmed by a cotemporary charter.¹⁵ Simon died before 1st John, leaving his son Robert (III) a minor. The guardianship of this wealthy youth must have been a prize, as it was worthy the notice of the celebrated justiciary, Hubert de Burgh, Earl of Kent, Chamberlain to King John and Henry III, whose power and influence were so great that it was said of him "habuit regnum Angliæ in manu sua." But even in his case the Crown was not to be "deceived" of its rights, for there is a Patent, 7th John, which states that although the King had granted to Hubert de Burgh the custody of the Honour of Robert Beauchamp in Somerset and Dorset, he did not include the advowsons of churches of that Honour (de illo Honore), and therefore presented Henry de Hereford to the church of Hacch.¹⁶

Hubert de Burgh was soon called on to sustain the rights of his ward. 1st John he commenced an action against Robert Fitzwilliam for erecting a mill at Merston (Marston Magna), to the injury of his ward, Robert Beauchamp; a cross action respecting the same mill being brought by Fitzwilliam against "the heirs of Simon de Valletort" [Vatorp, by clerical error in the record].¹⁷ This proceeding is an important piece of evidence of the relationship of Simon to Robert (III); but the facts of the case come out more fully in the course of a long litigation respecting the manor of Shepperton, Middlesex, a manor originally belonging to the Abbey of Westminster, but, about A.D. 1150, granted by Gervase the Abbot, to Adelaide, kinswoman of Robert [de Sigillo], Bishop of London, from whom it came to Valletort.¹⁸

1st John,¹⁹ John de Valletort brought an action to recover from Hubert de Burgh, called in the record "*Guardian of*

¹⁵ Cartulary of Montacute Priory in Trinity College, Oxford, fol. 59.

¹⁶ *Pat. Rolls* (printed copy), 7th John, p. 62.

¹⁷ *Rot. Cur. Regis.* (printed copy), i, 296.

¹⁸ B.C., No. 14.

¹⁹ Extracts from Pleas, temp. John and Henry III, Harl. MS. 30, pp. 74, 75. *Placitorum Abbrevatio*, p. 24.

Robert de Beauchamp, the son and heir of Simon de Valletort," and from the said Robert, the land of Seperton which had belonged to Richard de Valletort, grandfather of John. On a special inquisition taken by the King's command it was found that Richard had two sons, Hugh and John, Hugh being the eldest; and Hugh had a son Simon, whose sons ought ("*cujus filii debent*") to be his heirs. This apparently was a decision in Robert's favour, and, 9th John,²⁰ Hubert de Burgh was allowed, on payment of a fine, to hold the land during the minority of his ward; but, 17th John, the Sheriff of Middlesex was commanded to deliver seizin of the land to John de Valletort and Richard, his son.²¹ This is explained by what followed, for 9th Henry III, John and his eldest son, Richard, having both died (the latter without issue), John, the second son, sued Robert Beauchamp, senior (III), whom Robert, junior (IV), called to warrant for two carucates of land in Shepperton,²² and Robert pleaded that John, the father, held the lands unjustly in the time of King John, when he (Robert) was the ward of Hubert de Burgh, who recovered it for him by the verdict of a jury. To this plea John replied that his father was not disseized by the oath of knights, but by favour of the King ("*non damisit per sacramentum sed per voluntatem Regis*"); that Richard, John's eldest son, afterwards proved this, and the King restored the possession to him, and that he held it until the war, when Robert disseized him. Robert rejoined that he recovered possession by a jury, and that he was abroad, where Hubert placed him as hostage, and in the beginning of the war John told Hubert that he, Robert, was dead, and Hubert therefore granted John seizin for a fine of 200 marcs; but when Robert returned the King and Hubert restored seizin to him. The case was not concluded until the

²⁰ Rot. de Oblat. and Fin., p. 433.

²¹ Close Rolls, 17th John, m. 26.

²² Coram. Rege. Roll., 9th Henry III, No. 22, m. 12. Lansd. MSS., 860 (b), fol. 51. Bracton's Note Book by Maitland, case 400.

14th Henry III, when issue being joined, the parties elected to try the right by wager of battle. The champion hired for this trial by Robert Beauchamp was a Scotsman,—‘Duncan the Scot,’—a professional combatant, residing probably in the western counties, as a few years previously he was engaged as champion for a claimant of land in Up Sidling, Dorset, against the Abbot of Milton. But it so happened that Duncan died before the day of battle arrived, and in his place Beauchamp offered one William le Champenays, and the combat took place on the same day, before the Judges, in their scarlet robes, and the Serjeants-at-Law. Beauchamp’s champion must have been proclaimed the victor, and judgment of the Court given in his favour, as in Easter term, 15th Henry III, a fine was levied between John de Valletort, plaintiff, and Robert Beauchamp, tenant, by which, after stating that the duel had taken place, Valletort, in consideration of 200 marcs, released all his right to the land in dispute to Beauchamp and his heirs,²³ and Shepperton descended to his posterity. The advowson of the church of Shepperton was appendant to the manor, and Robert (III), in grateful recognition, perhaps, of his guardian’s services, conferred it, after he came of age, on a hospital at Dover, called ‘Maison Dieu,’ which had been founded by De Burgh, for poor persons and pilgrims. Afterwards it turned out that he (Robert) could not lawfully alienate the advowson from his son, and, 35th Henry III, the master of the hospital conveyed it to Robert (IV), who gave to the House, in exchange, certain lands in Shepperton and in the adjoining manor of Litlington.²⁴

Robert Beauchamp (III) probably attained his majority before 13th John, as in the Scutage Roll,²⁵ 2nd to 13th John, he is assessed for seventeen fees of the Honour of Moretain, as Robert (II) had been in 14th Henry II. He was also

²³ Feet of Fines, London, Middlesex; 15th Henry III, No. 86.

²⁴ B.C., No. 53.

²⁵ Lib. Rub. Excheq.

Sheriff of Dorset and Somerset in 7th Henry III;²⁶ and in 20th Henry III, pursuant to the King's writ, he certified as Robert Beauchamp "le Viel," that he held seventeen fees of Moretain belonging to his Barony.²⁷

That he was known as 'Fitz Symon' is evident from a charter in the MS. Cartulary of the Priory of Bruton in the library of the Earl of Ilchester,²⁸ whereby as "Robert de Beauchamp Fitz Symon" he granted to that Priory licence to buy and sell goods in his ville of Merston, free from all taxation and toll. The charter is not dated, but one of the witnesses is Nicholas de Meryet, Kt., probably the Justiciary of that name, who died before 13th Henry III. Again, 32nd Henry III, a charter of free-warren was granted to him, "as Robert, son of Simon de Beauchamp," for his manors of Stoke-under-Hamdon and East Hacche, and a fair yearly in his manor of Merston.²⁹

It has been already mentioned that Frithelstoke was the only manor in the county of Devon held by Robert Fitz Ivo. Following the example of his feudal lord, the Earl of Moretain, who was a great benefactor to the Abbey of Grestain in Normandy, he bestowed upon it one carucate of land in Frithelstoke, with the serfs appertaining thereto ("quinque villanos servos et ancillas"), which donation was confirmed by King Richard I.³⁰ There is no subsequent mention of Frithelstoke in connection with the Abbey, and it is conjectured that by some arrangement it had reverted to the Beauchamp family before the foundation of the Priory there.

Whether that Priory was founded by Robert Beauchamp the second, or the third of that name is questionable. According to both Dugdale³¹ and the learned antiquary, Dr.

²⁶ Pipe Roll.

²⁷ Madox *Formulare Anglicanum*, No. xi.

²⁸ No. 271.

²⁹ Charter Rolls (printed copy), 32nd Henry III.

³⁰ Dugd. *Mon.*, ii, 982.

³¹ *Monasticon*, ii, 326.

Oliver,³² it was founded in A.D. 1220 (4th Henry III), that is, by Robert (III). But it appears from the Beauchamp Cartulary that, A.D. 1224 (8th Henry III), certain differences which had arisen between Robert Beauchamp and the Priory respecting the churches of Shepperton and Stoke-under-Hamdon were amicably settled by the re-conveyance of those churches by fine³³ to Robert; but these disputes could hardly have occurred had the foundation been so recent as 1220.

Besides this, in 11th Henry III,³⁴ the Prior sued Robert Beauchamp (III) for the advowson of the church of Frithelstoke [really for a moiety only], alleging that it had been given to the Priory by an *ancestor* of Robert, which gift was confirmed by the Bishop of Exeter, *i.e.*, Henry Marshall, who was Bishop from A.D. 1193-4 to 1206. As Robert (III) was not of age at that time, he could not have made the grant; and it is presumed, therefore, that it was made by Robert (II), on the foundation of the Priory, before his death, and confirmed by the Bishop a few years afterwards. The action was, it appears, arranged, as by a fine, 12th Henry III, Robert (III) conveyed the moiety to the Prior, in exchange for a claim the Priory had on the Beauchamp manor of Boltbury. There is another document which points to the earlier period ascribed for the foundation. By an agreement made between "B. dictus Abbas de Hartiland" and Robert Beauchamp, certain monks of Hartland Abbey who had been transferred to form the new establishment at Frithelstoke were discharged from their obedience to the Abbot. Although not dated, Oliver considers this agreement coeval with the foundation of the Priory, and he reads "B. dictus" for Benedict, the first Abbot who held the office between A.D. 1159 and 1180.³⁵

On the other hand, an inquisition was taken 15th Edward I,

³² *Monasticon Exoniensis*, p. 219.

³³ B.C., No. 16.

³⁴ De Banco Roll, No. 3, 11th Henry III, m. 7 dors.

³⁵ B.C., no. 20.

for ascertaining the right of the founder to the profits of the Priory during a vacancy in the office of Prior, and the jury found that Robert, son of Robert Beauchamp, great-grandfather ("proavus") of John, son and heir of John Beauchamp then under age and in the King's custody, was the first founder ("primus fundator"). This would mean Robert III.³⁶ The expression "primus fundator" would appear tautology, but for the fact that the term "fundator" is constantly applied to the representative of the original founder.

The village of Frithelstoke, in which the Priory is situated, lies about two miles from Great Torrington, North Devon. Some ruins of the Conventual buildings still remain close to the parish church, the most important being the walls of the Priory chapel. The western wall is tolerably perfect, containing an elegant and lofty window of three lancet lights, the centre one slightly cusped; the north wall also remains, with one single lancet window. The east end is quite gone, but there was evidently a later building attached to it, the north wall of which with an ogee-headed window, is still visible. The manor farm house close by was repaired and modernized about thirty years ago, but the doorway is Elizabethan, if not earlier. The date, '1224,' has been inserted in the front wall, and on one of the gables is a shield with the Beauchamp arms. Frithelstoke is now the property of Lord Clinton.

The priory did not always maintain a very exemplary character. In the year 1400, the Prior, John Pynnok, had so wasted its substance by extravagant and disorderly habits, that it was reduced to desolation, and Bishop Stafford was obliged to suspend him, and enforce most stringent rules for economy and good conduct.³⁷

Robert (III) died about 34th Henry III. The Inq. post mortem finds that Robert Beauchamp, senior, died before 1st February, A.D. 1251-2, seized of the manors of Stoke, Merston,

³⁶ Close Rolls, 15th Edward I, m. 4.

³⁷ Staff. Reg., by Hingeston Randolph; Index, fol. 107.

Shepton, and Hache, and that Robert Beauchamp 'le Jeune' [Robert IV] was his son and heir.³⁸ His wife was probably the Juliana, wife of Robert Beauchamp, mentioned in the Cartulary,³⁹ but beyond this nothing is known of her, except that one pedigree says she was a daughter of Brett.

On the death of Robert (III), the Crown took possession of these manors, and in the Pipe Roll, 6th Edward I,⁴⁰ the receiver accounts for the issues of the manors held by Robert Beauchamp "in capite per Baroniam," from 34th to 36th Henry III, when he delivered them to Robert, his son and heir, *i.e.*, Robert (IV). According to the Fine Roll⁴¹ of that year he admitted this tenure, as he paid £100 for his relief, which was the full—if not an excessive—charge for a Barony; but not long after he complained⁴² that he did not hold "per Baroniam," and in 44th Henry III, the Barons of the Exchequer were directed by writ to enquire whether either the son or the father held "per Baroniam." The Barons must have decided that he did so hold, as in a subsidy, 31st Edward I, Lord John Beauchamp is assessed for the manor of Merston, part of the "Barony of Hache."⁴³

Robert (IV) was, 28th Henry III, and subsequently, one of the Justices in Eyre for the western counties.⁴⁴ In 38th Henry III, he was assessed for his seventeen knights' fees to an aid for making the King's son a knight;⁴⁵ and as "Robert de Beauchamp of Somerset" he was repeatedly summoned from 28th to 48th Henry III to perform military service in various expeditions against the Scots and the Welsh.⁴⁶

³⁸ Roberts's Cal. Gen. Esch. Ann., incert temp. Henry III. Excerpta à Rotulis Finium, ii, 123.

³⁹ B.C., No. 65.

⁴⁰ Madox, *Excheq.*, i, 622.

⁴¹ Excerpt Rot. Fin., ii, 123.

⁴² D'Ewe's Extr. Mem. L.T.R., 44th Henry III, Michs. Term, Rot. 3 in terg., Harl. MS., No. 30.

⁴³ Lay Subs. Somerset, 31st Edward I, 1^o3.

⁴⁴ Pole's Collections, 193.

⁴⁵ Dugd. *Bar.*, i, 253.

⁴⁶ Report of Lords' Committee on the Dignity of a Peer, i, 9—14, etc.

By an undated charter, in which he is styled "Robert de Beauchamp, son of Robert de Beauchamp Fitz Simon," he confirmed the grant which his father, "Robert Fitz Simon," had made, exempting the Priory from toll in his ville of Merston, one of the witnesses being Nicholas de Meryet, probably the grandson of the Justiciary, who succeeded his father, Hugh, 20th Henry III, and died about 42nd Henry III. Robert (IV) was also, with Reginald de Mohun, Henry de Orti, and others, witness to a charter of William de Montacute, junior, granting the church of Shepton [Montacute] to the Priory of Bruton, which gift was confirmed by a fine made between William de Montacute, plaintiff, and Stephen the Prior, defendant,⁴⁷ before the said Robert (IV), Henry de Orti, and other Justices, sitting at Sherborne.⁴⁸ Stephen was Prior from about A.D. 1254 to 1279.

Besides their possessions in the western counties, the Beauchamps had considerable estates in Bucks and Berks. In the former county they held the manor of Dourton, which suggests a probable connection with the Bauchamps Barons of Bedford, as in the reign of Henry II, Dourton was in the possession of Payan de Dourton, and Roesia, his wife, who may have been Payan, son of Hugh Beauchamp (the founder of the family, according to Dugdale⁴⁹), and Roesia, his wife, daughter of Aubrey de Vere. There is a difficulty, however, in establishing their identity, as the son and heir of Payan de Dourton is called William; whereas the name of the eldest son of Payan Beauchamp was Simon.⁵⁰ In Berks the Beauchamps held the manor of Maidencote, and in a fine levied 32nd Henry III,⁵¹ between John, Prior of Sandelford [in Berkshire], plaintiff, and Robert Beauchamp the younger, defendant, the said Robert granted to the Prior and his

⁴⁷ Bruton C., Nos. 272, 112, 113.

⁴⁸ Bruton C., Nos. 39 and 194.

⁴⁹ Dugd. *Bar.*, i, 223.

⁵⁰ Lipscombe's *Bucks*, i, 240.

⁵¹ Feet of Fines, Berks, 32nd Henry III, No. 23.

successors two quarters of corn yearly from his manor of Maidencote, with a proviso for increasing it, if at any time the lands which Sibilla his aunt ("amita"), held in the ville of Maidencote as her portion of the inheritance of Alice de Coleville her mother, should devolve on the said Robert or his heirs.

Robert (IV) allied himself by marriage with the great family of Mohun of Dunster—his wife being Alice, daughter of Reginald de Mohun, the second of that name, sometimes styled Earl of Somerset, who died A.D. 1257, and was buried in the Priory church of Newenham, Devon, which he had founded.⁵²

On this marriage, Reginald de Mohun gave to "Robert Beauchamp, junior"⁵³ (Robert IV), in free marriage with Alice, his daughter, all his Soke of Mohun, with its appurtenances, liberties, and advowsons of churches within the city of London and without, between the bridge of Flete and La Cherreinge, to hold to him and the heirs from the said Robert and Alice issuing for ever. The charter is not dated, but as Beauchamp is styled "junior," it must have been made before his father's death, and not later than A.D. 1248, for in an action brought by Alice, as widow of Robert, 54th Henry III (A.D. 1270), against the Prior of Frithelstoke, the Prior called John, the son of Robert, to warrant, which warranty John could not have given, unless he was twenty-one. He must have been born, therefore, not later than A.D. 1249, and the marriage must have taken place A.D. 1248 or earlier. This is confirmed by the fact that A.D. 1251, Robert and his wife parted with the Soke, which shews that they had issue, as until then their estate was only a conditional fee. By a fine levied 36th Henry III, between Richard, Abbot of Westminster, querent, and Robert Beauchamp and Alice his wife deforciant,

⁵² *Dunster and its Lords*, by Maxwell Lyte, p. 34. Newenham Cartulary, Pole's Collections.

⁵³ B.C., No. 112.

the Soke of 'Moun,' with all its appurtenancies in homages, rents, reliefs, escheats, suits, pleas, liberties, advowsons of churches, and other things, as well within the city of London as without, in the county of Middlesex, was conveyed to the Abbot and church of Westminster for ever in free and perpetual alms—and that freer and better than Reginald de Mohun or any of the ancestors of Alice held the same, doing homage therefor to Robert and Alice and the heirs of Alice, in full discharge of all services. In return the Abbot released to Robert and his heirs the annual rent payable by him for the view of frankpledge of his manor of Sheperton, and gave to Robert and Alice eighty-five marks of silver. There is an indorsement that the Mayor and citizens of London put in their claim.

Robert (IV) obtained, 44th Henry III, a charter for a market and annual fair at both his manors of Merston and Shepton. The following year he was summoned by the King's writ to attend in London with horse and arms, and again at Worcester, 47th Henry III, and lastly at Oxford, 48th Henry III. The exact date of his death has not been ascertained, but he must have died before 50th Henry III, as in that year his widow, described as "Alice, who was the wife of Robert Beauchamp," gave half-a-mark for a writ of Pone in the county of Berks.

There was issue of his marriage with Alice Mohun two sons, John, the elder son, and Humphrey, who settled at Ryme in Dorsetshire, and acquired by marriage very considerable possessions in the county of Devon. Alice survived her husband many years, and figured on several occasions in the Courts of law. 54th Henry III she sued for the recovery of lands at Parkham in SADBOROUGH, Devon; part of the property which her father, Reginald de Mohun, inherited from the Fleming family; and in the same year she sued the Prior of Frithelstoke for land in Bileston (perhaps Belston, Devon), alleging that her husband had demised it to

the Priory during her coverture ; from which it may be presumed that she claimed it as part of her dowry. This was the action in which the Prior called her son, John, to warrant.

Little is known of John Beauchamp (I). He married Cecilia, second daughter of William de Vivonia (surnamed for his bravery, De Fortibus), and Matilda de Kyme, his wife, who, to quote the words of Camden, “derived descent from Sibilla, coheiress of William Marshal, that puissant Earl of Pembroke, William de Ferrars, Earl of Derby, Hugh de Vivonia, and William Malet—men of great renown in ancient times.” She enriched her husband with her share of the great barony of De Fortibus—consisting in Somersetshire of the manors of Welweton or Welton (in Midsomer Norton), Dunden or Compton Dunden, one knight’s fee in Shepton [Beauchamp], held of the Abbot of Glastonbury, and two knights’ fees in Shepton Mallet, also held of the Abbot, to which the advowson of the church of Limington belonged, and the manor of Sturminster Marshal in Dorset.⁵⁴ 5th Edward I he was summoned as “John, son of Robert de Beauchamp,” to attend at Worcester with horse and arms against³ the rebellious Prince Lewellin and the Welsh. In the same year he was appointed to the important post of Governor of the Castles of Caermarthen and Cardigan, and in that capacity was witness to several charters relating to Caermarthen Priory.⁵⁵ From his connection with the family of De Mohun, he applied to the Crown for the wardship of [Reginald ?] the heir of William de Mohun, who died in 1281, and his letter to Robert, Bishop of Bath and Wells (the King’s Chancellor), soliciting his influence in favour of the application, is a fair example of the formal epistolary style of those days.⁵⁶

The life of John Beauchamp (I) was not a long one ; he

⁵⁴ Dugd. *Bar.*, i, 253 ; B.C., p. ; Esch., 12th Edward I, No. 30 ; Report on Dig. of Peer, ii, App., p. 37 ; *Ib.*, i, p. 38.

⁵⁵ Transcript of Cartulary, Lib. Soc. Ant.

⁵⁶ Chancery Royal Letters, P.R.O., no. 1317.

died at his manor of Hatch, Oct. 24, 1283 (11th Edward I), but his remains were removed to Stoke-under-Hamden, and buried in the chapel of St. Nicholas, October 31st. By his wife, Cecilia, he left two sons (John (II), who was the elder son, and Robert, who died a bachelor, 32nd Edward I), and two daughters (Alianor and Beatrix).⁵⁷ Alianor became the wife of Fulke, second Baron Fitzwaryne, and had issue by him. Beatrix was married first to Peter Corbet, Baron de Caus, and secondly to John de Leyburne, Baron de Leyburne, but died without issue by either.⁵⁸ By this event, on the death of John de Leyburne, 22nd Edward III (also without issue), the manor and advowson of Silverton, Devon, and a moiety of two parts of the manors of Harberton and Brixham in the same county (which were settled on her by her first husband, one of the heirs of the Barony of Valletort), passed, under a fine levied 4th Edward III, to her great nephew and heir, John Beauchamp (IV). It is observed in the additions to Dugdale's *Baronage*⁵⁹ that these manors were "by this fine diverted out of the line of descent by which they had passed to Peter Corbet, and conveyed to a family [Beauchamp] that had no connection in blood with the original possessors [Valletort]; whereas, as we have seen, there was a near and very early relationship between these families. It was owing to this connection, probably, that Peter Corbet was appointed guardian of John Beauchamp (II), who was a boy, only ten years old at his father's death, and had a grant of £100 a year, "nomine custodiæ," during his ward's minority."⁶⁰

In mediæval times religious houses kept a roll, called The Martyrology. It was originally only a calendar of Patron Saints and Martyrs, who were honoured on their anniversaries

⁵⁷ Annals of Lewes Priory, Cott. MSS., Br. Mus., Tiberius A. x. Esch., 12th Edward I, no. 30; 14th Edward I, no. 25; 32nd Edward I, no. 36.

⁵⁸ Eyton's *History of Shropshire*, vii, 39; Dugd. *Bar.*, ii, 15; Esch., 22nd Edward III (1st nos.), no. 37.

⁵⁹ Coll. *Top. et Gen.*, viii, 179.

⁶⁰ Pat., 11th Edward I, m. 3.

[of their deaths] with a reverent recital of their names and solemn prayers for their souls; but in process of time this honour was extended to the founders and benefactors, and at length the prayers of those sacred societies could be purchased by any one who offered a suitable provision for maintaining the services agreed on. It was natural, therefore, that the Beauchamps should be anxious to enroll their names in what was looked upon as the Book of Life, rather than the Annals of Death, and for this purpose they applied to the neighbouring Abbey of Athelney. The B.C.⁶¹ contains an agreement with that House, in 1302, by which Osmund, the Abbot, and the Monks, engaged to offer up their prayers in the Abbey church for Lord John Beauchamp, deceased (John I), and Cecilia, his widow, their son (John II), and Joan, his wife (all living), and their children, ancestors, and successors,—also to enrol their names in the Martyrology and to celebrate their anniversaries every year in the church; and they also promised, on the ninth day of the kalends of November (*i.e.*, October 24th, the anniversary of the Lord John), to feed thirteen poor people, for the good of the soul of him, his ancestors, and successors. In return, the said Cecilia, and John, the son, granted to the Abbey common of pasture in part of their manor of Ilton [near Ilminster] between Hortmede and Staplemede, which was enclosed by a ditch. Gilbert de Knovyle and William de Staunton, Knts., were two of the witnesses to this deed.

From what has been already stated, it may be inferred that John Beauchamp (II) was a pious and benevolent man, and he displayed this character still more in the munificent religious institution established by him at his manor of Stoke-under-Hamdon. In 1304 (32th Edward I), with the consent of his mother, he founded in his free chapel of St. Nicholas, at Stoke, which stood within the curtilage (*curia*) of his mansion or

⁶¹ B.C., no. 6.

castle, a collegiate chantry, consisting of a Provost and four other chaplains, whose duties were to offer daily prayers in the chapel, at certain prescribed hours, for the souls of John Lord Beauchamp, his father, and Robert his brother; Joan his wife, and their children; for the King and the Bishop; for Cecilia his mother; for himself, and also for his sisters, Alianor and Beatrix, and all their ancestors; and to perform special services on their anniversaries. As an endowment for the chaplains, he appropriated the lands and oblations belonging to the chapel, and granted the advowson of the parish church of Stoke, of which he was the patron, and also ample lands for their maintenance, as well as a house in the village (still standing), for their common residence. Special injunctions were laid down for the dress of the Provost and Chaplains; one peculiarity being that on their white mantles, besides a cross on the left side, the shield of the founder's arms should be stitched (*consutus*). The right of presenting the chaplains was reserved to the founder and his heirs, and the B.C. records many instances of its exercise. The foundation was confirmed by an ordination of Walter Haselshaw, Bishop of Bath and Wells, and by the same instrument provision was made for the vicar of the parish church, which was a more substantial endowment than has reached modern times. The full text of the ordination is to be found in Collinson's *History of Somerset*,⁶² taken from Bishop Drokensford's Register, into which it was fortunately copied, as Bishop Haselshaw's Register is lost.

About this time John Beauchamp (II) gained a footing in another religious house. He was Lord of the Manor of Marston Magna, the church of which had been appropriated in the reign of Richard I to the Priory of Polshoe in the county of Devon, and in return for his exempting the Convent from all assize of bread and beer, and the gild called

⁶² Vol. iii, p. 316.

Tolestre, payable by the men of the Priory in Marston, and granting to it pasturage for eight oxen, in the manor, except in gardens and the wood of Hamstede Croft called Garston, the Priory, with the consent of the Bishop and Dean and Chapter of Exeter, gave to the said John and his heirs the privilege of nominating and placing in the Priory "one honest nun," who was to be provided with decent clothing on the day of her reception. The witnesses to this agreement are Gilbert de Knovill, Nicholas de Cheyne, Ralph de Donne, John de Valletort, Henry de Ralegh, Knights, and others.⁶³

Cecilia, the widow of John (I), died 13th Edward II (1320),⁶⁴ and some time after her death differences arose between John (II) and the Dean and Chapter of Wells, but they were amicably arranged, and the opportunity embraced of making further spiritual provision for the souls of the Beauchamp family. By an agreement, made at Dunden, on Wednesday, the 13th of the nones of May, A.D. 1329, between "Lord John de Beauchamp of Somerset, Knight, Lord of Hache, son and heir of Lady Cecilia de Beauchamp and Dunden," and John de Godeleigh, the Dean, and the Chapter of Wells, Lord John confirmed to them the grant made by his mother, Cecilia, in 34th Edward I, in return for which the Dean and Chapter promised to celebrate the obits of the said Cecilia and of the Lady Johanna, the late wife of Lord John [who died 1st Edward III, 1327⁶⁵], and also the obits of himself and John, his first son, after their deaths. This agreement is witnessed by Lord Hugh de Courtney, Philip de Columbers, John de Clyvedon, Hugh de Langelande, and Geoffry de Hauteville, Knights, and several others.

The wealth and influence which John Beauchamp (II) enjoyed as Lord of the Beauchamp Barony, and part owner of

⁶³ B.C., no.

⁶⁴ Esch., 14th Edward II, no. 38; Calendar of Muchelney Priory, cited in Hearne's *Adam de Domerham*, p. xciii.

⁶⁵ Muchelney Calendar, *ub. sup.*

the great Barony of Fortibus, fully entitled him to the high distinction of being called to the King's Councils, and we accordingly find him in due time, taking his place as a lord of Parliament.

One consequence of the tenure "per Baroniam" was that the tenant, if required, was bound, not only to serve the King as a knight in his wars, but to advise him in his Councils of State, but it does not appear that after the establishment of Parliaments, of which Councils were the origin, barons by tenure could claim to attend as of right (*de jure*). No Beauchamp had the privilege of attending until the Parliaments (if such they were) held at Salisbury, 25th Edward I; and at London, 27th Edward I, to which "John de Beauchamp," — John (II), it may be presumed — was summoned; and he certainly was the "John de Beauchamp of Somerset" summoned to a Parliament at London, 28th Edward I, and to one held at Lincoln in January following, when he signed the celebrated letter to the Pope, as "John de Beauchamp, Lord of Hache." 29th Edward I he had a grant of a market and fair at his manor of Hache, and 34th Edward I he was knighted, and again engaged in the King's service in Scotland.⁶⁶ In 16th Edward II he was appointed Governor of Bridgwater Castle, which he found in such a dilapidated state that he petitioned the King in Parliament for a contribution towards the expence of putting into a proper state of repair and defence.⁶⁷ He was ordered, 1st Edward III, to attend at Newcastle with horse and arms to proceed against the Scots; and in the same year he was summoned to a Parliament at York. 3rd Edward III, John de Godeleigh, Dean of Wells, did homage to him at Stoke for the manor of Knapp, in the presence of "John de Beauchamp le filz, and John de Beauchamp of Ryme;"⁶⁸ and after his

⁶⁶ Dugd. Bar., i, 253.

⁶⁷ Parliamentary Petitions, no. 887.

⁶⁸ B.C., no. 11.

death Walter de Londres, then Dean, performed the like homage to his son, "John de Beauchamp le tierz, a Westminster en la Chambre de peynte."

The ceremony of homage was one of the symbols of feudal tenure, the non-observance of which risked the forfeiture of the estate. Even religious houses were not exempt from it, and it is recorded in the B.C. that the Abbot of Ford appeared in person at Stoke, September 17th, 14th Edward III, and did homage and fealty to John Beauchamp (III) for the manors of Strete and Charmouth, which he held under him. As the arms of Beauchamp appear on the conventual seal of the Abbey, it may be assumed that the house was bound by the more pleasant ties of gratitude for some grant or favour, perhaps for confirming the gift of part of Charmouth, which Richard del Estre, a sub-tenant of Beauchamp, had bestowed on the Abbey.⁶⁹

John Beauchamp (II) died 10th Edward III, leaving John Beauchamp (III), aged 30, his only surviving son and heir;⁷⁰ an elder son, William, having died in his father's life-time. John (III), was at this time Knight of the Shire for Somerset, being returned as John de Beauchamp de Dunden.⁷¹ John (II) had also one daughter, Joan, the first wife of John, second Baron de Cobham, to whom her father gave a marriage portion of £400. Henry de Cobham, the first Baron, father of John, died at Stoke—probably when on a visit to the Beauchamps, as he was buried in the Beauchamp chapel there, 9th Edward II (A.D. 1316), his son John being present, and the expences of his attendance were defrayed by the Cobhams.⁷² John de Cobham died 28th Edward III, leaving issue by his wife Joan an only son, who married Margaret, daughter of Hugh Courtney, Earl of Devon. Some writers

⁶⁹ Dug. Mon., i, 784.

⁷⁰ Esch., 10th Edward III (1st nos.), no. 42.

⁷¹ Parly. Returns, i, p. 115.

⁷² Coll. Top. et Gen., vii, p. 329.

state that Joan was buried in the church of Cobham, and that one of the rich brasses there to the memory of a Joan de Cobham refers to her; but this is a mistake, as the writer can guarantee from personal examination; she being described on the brass as the daughter of Sir Robert Septvans of Chartham.

John Beauchamp (III) did homage to the King for his barony at the Tower of London, 28th Feb., 11th Edward III, and was engaged in the wars carried on in France. He was summoned to the Parliament at York, 10th Edward III; and he may have attended the council held at Nottingham in that year, in the place of his father, who, although himself summoned, was allowed by the writ (his illness probably being known) to send his son as his substitute—"vel filium suum primogenitum ibidem mittat."⁷³

John Beauchamp (III) was cut off at an early age, and died 17th Edward III, leaving Margaret his wife surviving him, and two sons, John the elder, born at Stoke, 3rd Edward III,⁷⁴ and Hugh.⁷⁵ The inquisition after his death, taken 2nd Aug., 17th Edward III (in which he is called "John de Beauchamp of Somerset,") finds that he died Wednesday, the 19th of May last, and that he held of the King in chief the manors of Hache and Stoke-under-Hamdon, each by the service of one knight's fee; and the manor of Shepton Beauchamp by the service of half a knight's fee; a messuage and lands at Stocklinch, of Lord John de Mohun, by the service of one-fourth of a knight's fee; and a messuage and tenement in Murifield, with a rent of 60s. payable by the Abbey of Athelney; John de Beauchamp, aged 12, was his son and heir.⁷⁶ The manors of Compton Dundon and Marston were assigned to his widow in dower, but the custody of the remainder of the estates was granted to Robert de Ferrers and Reginald de

⁷³ Report on Dignity of Peer, iii, p. 462.

⁷⁴ Proof of age; Inq., 24th Edward III (1st nos.), no. 135.

⁷⁵ B.C., no. 41.

⁷⁶ Esch., 15th Edward III, no. 58.

Cobham during the son's minority. Margaret, the widow, outlived her husband many years, and resided at Murifield, which, being a long distance from the parish church of Ilton, she obtained licence from the Bishop, 28th Edward III, to have Divine services in her domestic chapel. It may be mentioned that Murifield was in after times the property and residence of Nicholas Wadham and Dorothy his wife, the founders of Wadham College, Oxford.

Some clue to the family of Margaret Beauchamp is to be gathered from three cotemporary deeds, described in a MS. volume, called "Rawlinson's Inquisitions,"⁷⁷ under the head "Abstracts of Records and Evidences." The following is a copy of that part relating to the Beauchamps:—

"Shepton Beauchampe, } Margaret, the widow of John
in Som̄set. } beauchamp of Somerset, grants
a tenement in Shepton Beauchamp, and Compton Durevile
[adjoining to Shepton]. Dat: 25 Ed. 3. Witnesses—Thomas
Denebaud, John Syluerne, John Causy, Henry de la Poule,"
etc. About it, "Sigil Margaret de beauchampe. [Seal
tricked—*Vaire imp. arg. in chief two mullets.*] 1 other peace
of writing of the sayd Marg. of a teñt in Compton Durevile
aforesayd, dated diseptisme of Ed. the 3, wth thys seale."
[Three heater-shaped shields, conjoined at the base, tricked—
1, *Vaire*; 2, *arg. in chief two mullets*; 3, *three torteaux, with a
label in chief.*]

"John de Beauchamp de Somst, chevalier signior de hache
confirmat. factum, Margarete matris sue per cartam propriam,
dated 25 Ed. 3. Test. Sire Wi^{ll} Domfrevil, sire Wi^{ll} Aumarle
chevalier, Johan de Beauchamp de Lillsdon, richard Pyke,
Auncele de Gurney le pere, John Silwyn, roger tyel, et alter;
in the circumference 'sig Johanis de Beauchamp.' [Seal
tricked—*vaire.*] Dame Cecily Turberville, who was syster
and Neyce of the last lord beauchamp, granted divers things

⁷⁷ Harl. MS., 4120, p. 69.

in Shepton beauchamp by her deed, dated the 47 of Ed. the 3. To it were witnesses—John beauchamp, John Streche, John gyge, John Denbaud, John Molyns, etc. About the seal, ‘Sigill Cecilie de turbervile.’ [Seal tricked—*chequy sab., and arg. imp. vaire.*] Witnesses to a deed of richard godstelyn of Shepton beauchamp, the w^{ch} the aforesaid Margaret had given him, were John beauchamp de Lillsdon, John Weylond, roger Seluyn, John gyge, etc., dat. 8, R. secundi.”

In one of the pedigrees before referred to, the wife of John Beauchamp is said to have been “Margaret, daughter to Courtenay;” but upon the evidence of the seals she was a St. John, as her husband impaled the arms of that family, but still the introduction of the Courtenay coat has to be accounted for.

Now the wife of John St. John, Lord of Basing, who died 12th Edward II, was Isabel, daughter of Hugh de Courtenay,⁷⁸ and she had a son, Hugh St. John, who was 26, 3rd Edward III, and died 11th Edward III. Although not mentioned in any pedigree, it is quite possible that Margaret Beauchamp was a daughter of John and Isabel, and that on her seal, in addition to the arms of her husband Beauchamp, and her father St. John, she introduced those of her mother, being proud of her descent from the illustrious house of Courtenay. The conjecture is slightly corroborated by the fact that her second son bore her brother’s Christian name of Hugh, and still more by the circumstance, that in 1343, after the death of her husband, funeral obsequies were performed in Wells Cathedral, by her directions no doubt, for him and for Isabella la Courtenay. The entry in the communa accounts for 1343-4 being “4 lbs. of wax bought for the obsequies of Isabella la Courtenay and J. de Bello Campo.” Her mother had no doubt been dead some years,⁷⁹ but still her daughter may naturally have taken the opportunity of shewing her lasting

⁷⁸ Dugd. Bar., i, 465.

⁷⁹ *Ib.*, i, 464.

affection for her mother⁸⁰ at the same time that she celebrated the obsequies of her husband.

Margaret Beauchamp outlived her son a few weeks, dying 19th November, 35th Edward III, and her daughter Cecily, and her grandson John de Meriet were found by inquisition to be the heirs both of her husband and herself.⁸¹

John Beauchamp (IV), having attained his majority, 24th Edward III, had livery of his lands.⁸² 33rd Edward III, he was with Thos. Beauchamp, Earl of Warwick, in a military expedition into Gascony, and was summoned to Parliament as "John de Beauchamp de Somerset," from 25th to 34th Edward III.

He married Alice, one of the daughters of the above-mentioned Earl of Warwick, and Catherine his wife (daughter of Roger Mortimer, first Earl of March), but he died without issue, 8th October, 35th Edward III (A.D. 1361), leaving his wife surviving. She was still his widow, 45th Edward III, when, as "Dame Alice Beauchamp," she assigned her life interest in the manor of Stocklynch to Walter Clopton, who afterwards purchased the reversion in fee.⁸³

In 1374 she was married to that renowned warrior, Sir Matthew Gournay, Knight, who, having won his military laurels in the long wars with France, now at the mature age of sixty-four, achieved a more easy victory in the paths of peace, by wooing and winning the noble widow. By this marriage he became, in right of his wife, possessed of the manor of Stoke-under-Hamdon, which was part of her dowry; but previous to this, neither Sir Matthew or any of his ancestors had any interest whatever in Stoke, except, perhaps, as mortgagee. John (IV) was deeply indebted to Sir Matthew; he not only owed him on a statute staple £2,000 for the

⁸⁰ *Historical Comm. Report on Wells Cath. MSS.*, p. 274.

⁸¹ Esch., 35th Edward III, pt. 1, no. 35.

⁸² Rot. orig., 24th Edward III, ii, p. 211; Dugd. Bar., i, 231, 235, 253.

⁸³ Ilchester Almshouse Deeds, no. 67.

purchase of wool,⁸⁴ but after his death, Sir Matthew produced a deed, by which, as he alleged, John Beauchamp (IV) granted to him, *in fee*, an annual rent-charge of £1,000, issuing out of all his manors and lands in England.

His heirs, Cecily Turberville and John de Meriet, naturally questioned the validity of this deed, but the inference is, that by arrangement both of them conveyed their moieties of Stoke, and the free chapel there, as well as other Beauchamp estates, to Sir Matthew, in part satisfaction of his debt. A deed on the Close Rolls, dated 20th February, 9th Richard II, shews this as far as Cecily was concerned, for by it Sir Matthew covenants, that if after the execution of the conveyance to him of Stoke by herself and her trustees, he or his heirs should take any proceedings for the recovery of the rent charge from other part of her share of her brother's estate, the rent charge should cease and become void, but without prejudice to the statute staple for £2,000 in the manors of Stokelynych and Littleton.⁸⁵ At the date of this deed no terms appear to have been made with John de Meriet for his moiety, but afterwards it was certainly conveyed to Sir Matthew, who thereby acquired the whole. He lived to the great age of 96, and after his death Stoke came, subject to certain life interests, into the possession of the Crown, and thence to the Duchy of Cornwall, but how this happened is too remote to the object of this paper to be enlarged upon.

Alice Beauchamp, then Alice Gournay, died in Sir Matthew's lifetime, 26th October, 1383, 7th Richard II, and is said⁸⁶ to have been buried in St. John's Priory church, Bridgewater; but it is strange why she was not entombed in the Beauchamp chapel at Stoke, where her first husband was, no doubt, buried. Her second certainly was, for Leland, the antiquary, saw the

⁸⁴ Harl. Charter, 45, 1, 20.

⁸⁵ Close Rolls, 9th Richard II (233), m. 21 dorse.

⁸⁶ Wm. of Worcester's *Itinerary*, p. 137.

tomb of Sir Matthew there, with his arms in one of the windows—*paly of six gules and or*.⁸⁷

John Beauchamp (IV) dying without issue, his sister Cécily, aged 40, widow of Roger Seymour, and his nephew John de Meriet, aged 15, son of Eleanor his deceased sister, were found to be his heirs;⁸⁸ and 36th Edward III, the King, with the consent of Queen Phillippa, assigned to Cecily, as her “purparty” of the estates not held by his widow in dower, the manors of Hatch, Shepton Beauchamp, Murifield, and a moiety of two parts of the manor of Shepton Malet in Somerst, certain lands in Sturminster Marshal in Dorset, the manor of Boltebury and Harberton in Devon, the manor of Dourton in Bucks, the manor of Littleham in Suffolk, and two parts of the manor of Sellings in Kent.⁸⁹ Before 47th Edward III, she was married to a member of the family of Turberville, and her seal to a lease made in that year, of lands in Shepton Beauchamp is *chequy, imp. vaire*, circumscribed “S. Cecilia de Turberville.”⁹⁰ According to a pedigree in the Dorset Visitation, 1620, adopted by Hutchins, in his *History of Dorset*,⁹¹ her second husband was Richard Turberville of Bere Regis, but as this Richard died 36th Edward III, leaving his wife Alianor surviving him, the pedigree must be incorrect.⁹² In addition to this, the arms of the Dorsetshire Turbervilles, were *ermine, a lion rampant, crowned or*; whereas, the arms of her husband on the seal of the lease of 47th Edward III, already noticed, were *chequy*, which with a fesse, is the coat of Turberville of Coity, Glamorganshire; and it may therefore be presumed that the pedigree in Harl. MS., 1559, is correct in stating that her husband was Sir Gilbert Turberville of Coity. The

⁸⁷ Leland's *Itinerary*, ii, 54; vii, 88.

⁸⁸ Esc., 35th Edw. III, pt. 1, no. 36; Rot. Fin. Michs. Tor., 40th Edw. III, 20, vii.

⁸⁹ Originalia, 36th Edward III, Rot. 3.

⁹⁰ Vide ante, p. 42.

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⁹² Esch., 36th Edward III, 2nd part, no. 6.

connection with this family is the more probable, as Roger Seymour, her first husband, was of Penhow, in the same county.

In the Inq. p.m.⁹³ of Alice, the widow of John Beauchamp (IV) she is called "Lady Cecily de Turberville." She died, 7th June, 1394 (17th Richard II), and in her own Inq. p.m.⁹⁴ she is described as "Cecily, who was the wife of Roger Seymour, and one of the sisters and heirs of John de Beauchamp of Somerset," and Roger Seymour, son of William Seymour, aged 27, was found to be her cousin (consanguineus, grandson in fact), and next heir. The Inquisition mentions also a second son, Robert, upon whom she had settled the manor and church of Shepton Beauchamp, subject to the life interest of Walter Clopton. As the manor of Hatch is not noticed, she had probably settled it also, on the marriage of her son, William Seymour, with Margaret de Brockburn, as they were owners of Hatch at the time of his death, 15th Richard II,⁹⁵ and Roger Seymour, his son, presented to the church, 9th Henry IV.⁹⁶

It might have been expected that the dignity and wealth of such an ancient family as the Beauchamps would have been displayed on some castle in their county; the fame, if not the remains of which, would have survived to the present day. But there is no trace or record of any such grandeur; they possessed a manor house or seat at the two oldest of their manors—one at Hatch, the other at Stoke-under-Hamden, and after their alliance with the heiress of De Fortibus, they had a third at Compton Dundon, near Somerton. Assuming it to have been the "caput Baronie," the chief baronial residence would have stood at Hatch, but no foundations or other remains of it are now to be found, and it is

⁹³ Esch., 7th Richard II, no. 39.

⁹⁴ Esch., 17th Richard II, no. 52.

⁹⁵ Esch., 15th Richard II, no. 58.

⁹⁶ Weaver's *Somerset Incumbents*.

only conjectured that it stood near the site of the church and the present mansion called Hatch Court, a spot well adapted for a fortified castle, being the spur of a range of hills, with a very steep descent towards the north-west. John Beauchamp (I) died here, and, 7th Edward III, his son John (II) had licence to crenellate "his mansion of Hacche."

At Compton Dunden was the manor hall of the family of De Vivonia, where the first Cecily Beauchamp, "Lady of Dunden," kept her Court Baron, and of which Collinson,⁹⁵ in his account of the parish, says, "Adjoining to the churchyard are the ruins of the ancient mansion of the Beauchamps."

The great hill of Dunden was no doubt the site of an early fortress, and our late lamented friend, Mr. Dickinson, who was familiar with the ground, told the writer that he thought he could see traces of a keep on the south end, which, he suggested, may have been held as a strategical place of importance by the Malets, who were the lords soon after the Conquest. The mansion, he pointed out, was near the church, on the site of the new vicarage, but he doubted whether the old farm house, which was taken down when the vicarage was built, formed part of the original building, as it possessed no features of any such dignity. A hall or chapel stood on the south side of the church, close to what seemed to be the entrance to the manor house. It was an interesting building of the early Perpendicular style, but only one side remained, and that much mutilated, and the owner, the late Earl of Ilchester, had it taken down. There is a drawing of it in the Pigott collection in the Museum at Taunton.

Of the mansion or manor-place (as Leland calls it) at Stoke-under-Hamdon, and the free chapel of St. Nicholas, some remains were visible in the time of Collinson, and later. He⁹⁶ attributes the erection of the house to the reign of Edward I,

⁹⁵ *History of Somerset*, iv, 448.

⁹⁶ *History of Somerset*, iii,

probably considering it coeval with the foundation of the chantry by John Beauchamp (II), in 1304 (32nd Edward I); but from the Bishop's ordination of the chantry, which sanctions the gift by the founder of the lands and oblations belonging to his "libera capella in curia sua de Stoke subter Hamedon constructa," it is to be presumed that both house and chapel had been built many years, and as has been already mentioned, John Beauchamp (I) was buried in the chapel more than 20 years before, viz., in 1282.

Very recently, Mr. Walter Winter Walter, an indefatigable explorer, to whom the Somersetshire Society is much indebted, has been successful in excavating the site of the free chapel, and at the meeting at Minehead last year he favoured the Society with an interesting paper, detailing the results of his labors, which has been deservedly printed in the *Proceedings* for 1889. Several heraldic tiles were found, the charge on one being Vaire. This was the original coat of De Beauchamp of Somerset, the first example of which is recorded in Charles' Roll of the reign of Henry III. The same coat appears on the seal of "John de Beauchamp, Lorde of Hache," to the letter written by the Nobles in Parliament to the Pope, 29th Edward I; and at the siege of Caerlaverock (A.D. 1300) "John de Beauchamp bore handsomely a banner, *vaire, azure and argent.*" The tile No. VI in Mr. Walters' list, with the arms of Cheyny, favours the statement in the Beauchamp pedigree Harl. MS. 1559, which says that John Beauchamp (II) married Joanna, daughter of Chenduit, as that name is only another form of Cheyny.⁹⁹ The Cheynys were lords of Poyntington from, at the latest, the reign of Edward I, to that of Henry VI, and as the arms of Beauchamp occur on tiles found in Poyntington church,¹⁰⁰ some connection may be presumed between the two families. As to the arms on tile No. VII, which Mr. Walter ascribes

⁹⁹ *Journal of Arch. Institute*, x, 49.

¹⁰⁰ *Som. Arch. Soc. Proc.*, xvi, 72.

to Berkeley, the same were borne by Simon de Kyme, the first husband of Cecily, wife of John Beauchamp (II), and it seems more probable that they were introduced in consequence of that alliance.

It now remains to pursue the descent of the Barony of De Beauchamp, which John de Beauchamp (IV) held at his death, in 1361, as a dignity conferring a right to a seat in Parliament. On his death the Barony fell into abeyance between Cecily, his surviving sister, and John de Meriet, son of Eleanor, his deceased sister, and it is suggested, with great deference, that the title still exists in the Seymour family. To establish this it must be shewn:—

1. That the abeyance terminated in favour of Roger Seymour, grandson of Cecily, and from him descended to Edward Seymour, Duke of Somerset, the Protector.

2. That it was not forfeited—

- (a) By an Act 5th Edward VI, referred to in the sequel.

- (b) By the attainder of the Protector of felony.

3. That if forfeited, it was restored by an Act of 7th Edward VI.

Two preliminary facts, however, must be adverted to. The first is that the Barony could not become extinct or lost by merger. It was considered questionable at one time whether a Barony by Writ, possessed by a person to whom a higher dignity was granted, was not merged in it; but it has been established in several cases that the Barony is not attached, as it is called, by an Earldom, but that the two dignities may subsist together, and that, although the Earldom should become extinct, the Barony may still continue.

The second is that the Barony could not be lost by non-claim. It is now settled law that a claim to a peerage is not barred by time,¹⁰¹ and instances can be cited of such claims

¹⁰¹ *Cruise on Dignities*, 2nd edit., p. 167.

being allowed after a lapse of two hundred, and in one case four hundred, years. To quote Lord Erskine's words in the Banbury case—"Questions of Peerage are not fettered by the rules of law that prescribe the limitation of actions, and it is one of the brightest privileges of our order, that we transmit to our descendants a title to the possession we have inherited or earned, which is incapable either of alienation or surrender."

I. The first point to be established is the determination of the abeyance. It was not determined by the failure of issue of Cecilia Seymour, and therefore if determined at all, it was by the failure of issue of her sister Eleanor. She was married to Sir John de Meriet, sen. (her only husband), about the year 1345, and died in her brother's lifetime, leaving issue one child, Sir John de Meriet, jun., who was born 24th March, 1345-6, and was therefore between 16 and 17 years old at the death of his uncle, John Beauchamp (IV).

Although he only lived to the age of 42, Sir John de Meriet, jun., was married three times. Of his first wife, it is only known that her christian name was Joanna; his second wife was Elizabeth, daughter of Sir Edmund Arundel, and widow of Sir Leonard Carew; and his third, by whom only he had issue, was Matilda, widow of Sir Ralph Seymour, Knight. This is clear from the Inquisition after his death,¹⁰² which finds that he died 26th July, 1391, and that Elizabeth, the [betrothed] wife of Urry Seymour, born 13th December, 1386, and therefore not five years old, was his daughter and heir. She died about the age of 15, without issue,¹⁰³ when her father's estates descended—as appears by cotemporary documents — on Margaret, wife of Sir William Bonville, and Elizabeth, wife of Sir Humphrey Stafford, as her cousins and

¹⁰² Inq. P.M., 15th Richard II, pt. 1, no. 48.

¹⁰³ Ass. Roll, Div. Cos., 12th to 22nd Richard II (?), N. 37, in Dors., m. 28. Greenfield's *Genealogy of Meriet Family*, pp. 68—72.

next heirs, viz., sisters of Sir John de Meriet, sen., and they made partition of the estates accordingly.

Upon the death therefore of Elizabeth de Meriet, the issue of Eleanor de Beauchamp failed, and thereby the abeyance terminated, and Roger Seymour, heir to his grandmother, Cecily de Beauchamp, became solely entitled to the Barony; from him it descended lineally to Sir John Seymour (father of Edward Seymour, the Protector, and Jane Seymour, wife of Henry VIII), but it is difficult to explain how it was that not one of the family was ever summoned to Parliament in right of it.

The troubles which disturbed the kingdom in the latter part of the reign of Richard II, when the Barony descended on Roger Seymour, and the fear of being involved in the dangers which beset all who took part in the struggles for the Crown, may have influenced him and his descendants, but whatever may have been the cause, the fact remains that the Barony was never claimed, and has laid dormant from the death of John Beauchamp (IV) to the present time.

There are indeed strong grounds for contending that the Seymour family were not aware of their right to the dignity. They knew perhaps that it fell into abeyance on the death of John Beauchamp (IV), but not that the abeyance had determined in favour of their ancestor, Roger Seymour.

It may be argued, that as the first dignity conferred in 1536 on Edward Seymour, the Protector, was Viscount, and not Baron de Beauchamp, such title was selected because the Barony was then vested in his father, who did not die until 1537; but on the other hand, if that was the reason, the Protector would hardly have been created a Baron in 1547 (after his father's death), the reason being, according to Dugdale, that "he was not one already." It can only be accounted for either from ignorance, or possibly from an intentional disregard of the fact, in order to carry out his nephew's express direction, that the title should be Baron Seymour, that "the

name of the family, from which his mother drew her beginning, might not be clouded by any higher title or colour of dignity."

Before we proceed to the second head, a brief notice must be taken of the career and fate of the Duke and Protector. Into the personal biography of that unfortunate man it is not proposed to enter further than is necessary for the purpose of this paper. That he was ambitious and weak cannot be doubted. In his public character he is to be admired by Protestant England for his zealous support of the principles of the Reformation; and although, in his private life, he is to be severely condemned for his great injustice in depriving his eldest son, by his first wife, of his titles and inheritance, he is more to be pitied for allowing himself to be the slave of his domineering second wife, "a haughty, bad woman."¹⁰⁴

The Duke was twice married. His first wife was Katherine, second daughter and co-heiress of Sir William Filliol of Filliols Hall, Essex, and Woodlands, Dorset. She died 19th Henry VIII (1528),¹⁰⁵ and there was issue of the marriage two sons—John, the eldest, who died unmarried in 1552, and Edward. His second wife was Anne, daughter of Sir Edward Stanhope, and by her he had two sons, the eldest of whom was also named Edward.

It has never transpired why the Duke took his title from the county of Somerset, but it is said¹⁰⁶ that King Henry VIII, in his last illness, left a direction that after his death Lord Hertford should be created Duke of Somerset, Exeter, or Hertford, and his son Earl of Wiltshire, and this direction was partially followed. But his native county was Wilts, and his connection with Somerset at that period very remote. He identified himself closely with it afterwards, obtaining a grant of the Abbey of Glastonbury, the remains of which

¹⁰⁴ See Walpole, *Royal and Noble Authors*, i, 306.

¹⁰⁵ Hoare's *Mod. Wilts*, i, 119.

¹⁰⁶ Sir Wm. Petre's statement, in Acts of the Privy Council of England, vol. ii.

suffered much at his hands ; and at Wells he forced, in a most despotic manner, Bishop Barlow and the Dean and Chapter to alienate, for some paltry consideration, a great part of the possessions of the See, nominally to the Crown, but really to himself, and it was only recovered and restored in the reign of Queen Mary.

None of the honours conferred on the Protector refer to or recognise the ancient Barony De Beauchamp ; they were all new creations.

(1.) His first dignity was that of Viscount, conferred on the King's marriage with his sister, Jane Seymour, which took place at her father's seat, Wolfhall, Wilts, and by Letters Patent, dated 5th June, 28th Henry VIII (1536), he was created Viscount Beauchamp of Hache, to hold to him and the heirs male of his body.

(2.) On the baptism of his nephew, afterwards Edward VI, he was raised to the rank of Earl of Hertford ; and by Letters Patent, dated at Hampton Court, 18th October, 29th Henry VIII (1537), wherein he is styled "Edward Saint Maur, Knight, Viscount Beauchamp ;" the Earldom is limited to him, and the heirs male of his body on — his then wife, already begotten, or on her or any future wife to be begotten. The name of the wife is left blank on the enrolment, but it must have been his second wife, Ann Stanhope.

(3.) By Letters Patent, dated 15th February, 1st Edward VI (1546-7), he was, by the description of "Edward Seymour, Earl of Hertford," made Baron Seymour, to hold and enjoy the same, together with his other dignities, to him and the heirs male of his body by his then wife Ann, with remainder to Edward Seymour, Esq., his son by the Lady Catherine his first wife, and the heirs male of his body, with remainder to the heirs male of his body to be begotten on any other wife.¹⁰⁷

(4.) By Letters Patent,¹⁰⁸ dated the following day, 16th

¹⁰⁷ Coll. *Top. et Gen.*, ii, 195.

¹⁰⁸ Pat., 1st Edward VI, p. 6.

February, 1st Edward VI, the King raised his uncle to the title and honour of Duke of Somerset, to hold to him and the heirs male of his body by his second wife Ann, with the same remainders over in favour of Edward Seymour, his son by his first wife, and his issue male, and of the future issue male of the Duke by any other wife.

It deserves attention that these Patents ignore the existence of John Seymour, the eldest son of the Duke's first marriage, who was still living, and would naturally have been first in the remainder. It may be that he was omitted from caprice, or from some question as to his legitimacy, a reason which would also conduce to ignoring the Barony De Beauchamp altogether.

On the trial of the Duke, in December, 1551, he was acquitted of high treason, but found guilty of felony, in taking and imprisoning the Earl of Warwick, one of the Privy Council, within the meaning of an Act (3rd and 4th Edward VI, cap. 5), (which Lord Coke¹⁰⁹ denounced as a doubtful and dangerous statute, and which was deservedly repealed in the first Parliament of Queen Mary), and judgment being pronounced on him, he became attainted of felony, and was beheaded 22nd January, 5th Edward VI (1551-2).

II. Under this head it must be shewn

(a) That the dignity was not forfeited by an Act 5th and 6th Edward VI.

Before the Duke's execution, a doubt arose whether the judgment on him caused a forfeiture of the great estates he had amassed, especially such of them as were vested in trustees for him, and his enemies therefore procured a special Act to be passed, intituled, "An Act touching the limitations of the Possessions and Inheritances of the Duke of Somerset." By the last clause of this Act, after reciting that the Duke was lawfully attainted of felony, it was enacted "that the said Duke and his heirs and his heirs male begotten on the body

¹⁰⁹ 3rd Inst., pp. 13—212.

of the said Lady Anne his wife shall by authority of this Act lose and forfeit to the Kings' Highness his heirs and successors for ever, and also be deprived from henceforth for ever as well of the names of Viscount Beauchamp, Earl of Hertford and Duke of Somerset, and every of them as also of all and every other his and their Honour or Honours, Degrees, Dignities, Estate, pre-eminence and styles, by whatsoever name or names the said Duke had been called, named or created by any Letters Patent, Writs, or otherwise."

This clause was not within the original object of the Act, which was confined, as the title specifies, to the limitation of the Duke's lands; but on the third reading in the Lords an addition was made, confirming the attainder of the Duke and others,¹¹⁰ and sent down to the Commons, with a request that it might be annexed to the Act, which was eventually done. But it was at first rejected, according to Bishop Burnet, who says the Lords added a proviso to the Bill confirming the Duke's attainder, but that was cast out in the Commons.¹¹¹

Penal statutes must be construed strictly, and following the language of this Act, its operation should be confined to dignities, by whatsoever name the Duke had been called or created by Letters Patent, writs, or otherwise—that is, solely to the dignities conferred on him personally. Had it been intended to embrace the old dormant Barony, more comprehensive words should have been used. If the Barony was not lost sight of altogether, possibly it was not intended to be included; for it must be borne in mind that the main object of the Act was to degrade the issue of the second marriage, and no allusion is made to the issue of the first, although in the Patents of Creation, they took vested interests in the dignities, by way of remainder, which were not attempted to be destroyed.

It may be said that the words, "the said Duke and his

¹¹⁰ Lords' Journals, 12th April, 1551, 6th Edward VI.

¹¹¹ *Abridged History of Reformation*, p. 164.

heirs," include the issue by the first marriage, but they may fairly in point of construction be confined, as well as the words "heirs male," to heirs "begotten on the body of the second wife."

It is open to argument also whether the words "the said Duke and his heirs," would strictly apply to Edward Seymour, his son by his first wife, in his relation to the Beauchamp Barony, for he did not take as heir to the Duke, but as heir of the body of John Beauchamp (II), and had only to trace his descent in blood through his father.

(b) The next point is that the Barony was not forfeited by the attainder, which was an attainder of felony, and not of high treason.

Whether a dignity is absolutely forfeited and extinguished by an attainder of felony seems a doubtful question. The learned Mr. Cruise, in his "Treatise on Dignities,"¹¹² lays it down that "a dignity created by writ, and descendible to heirs general, is forfeited by attainder of felony of the person possessed of it; for Lord Coke says, if he was noble or gentle before, he and all his posterity are by the attainder made ignoble."

On the other hand, the Committee of the House of Lords¹¹³ report that they had found what might be deemed contradictory opinions on the effect of such attainder. In one case they say, an attainder of felony was considered as having by corruption of blood prevented the descent of the dignity to the issue of the person attainted; in another, that loss of the dignity by attainder might be implied; but on a third, that it was doubtful whether it was considered that attainder of felony caused a forfeiture, as the son of a Peer so attainted was summoned and took his seat in Parliament without any objection, although an attempt was made afterwards to pass an Act of restitution.

¹¹² p. 123.

¹¹³ 4th Rep. Dig. Peer, pp. 277, 278, etc.

Entailed dignities are not forfeited by attainder of felony beyond the life of the offender,¹¹⁴ and the Lords' Committee seem to favour the opinion that a Peerage created by writ is rather an estate tail than a fee simple; for it can only, they observe, descend to the heirs of the body of the person first summoned. So that in point of endurance it is equivalent to a dignity limited by Letters Patent to the heirs of the body of such person.¹¹⁵ In this view of the question there seems no reason or principle why a Barony by writ should not stand on the same footing as an entailed dignity, and be forfeited only during the life of the offender.

III. Under this head it is submitted—

(a) That if the dignity was forfeited it was restored by the Act 7th Edward VI, entitled “An Act for the Restitution in Blood of Sir Edward Seymour, Kt.”

This was the Duke's second son by his first marriage, who, by the death of his brother, had become the Duke's only son by that marriage. The exact words of the Act are:—

“On the Petition of Edw^d Seymour, K^t now eldest Sonne of Edw^d S. late D. of Somerset begotton of the bodye of Katheryne Filoll, one of the dr^s and hr^s of William Filoll, K^t dece^d and first wyef unto the s^d late D. of Somert. That wha^s the s^d Ed. late D. of St^t by the lawes of y^r Highnes' Realme of England was lately attained of felonie, whiche attainedor was ratified and confirmed by Acte of Pleament, made in the cession of Pleament holden at Westm^r in the fifth and sixth yere of yo^r Noble reign, and by reason thereof yo^r sayd subject standethe and ys a parsonne dysabled to be heire to the sayd late Duke by reason of the corruption of the bloodd happened by the said attaindor. It may please yo^r highnes of yo^r most noble and haboundant grace that yt may be enacted by authoritee of this pnte Pleament that yo^r sayd subjecte and his heires may bee and shall be by virtue of this pnte Pleament

¹¹⁴ Cruise, p. 123.

¹¹⁵ 4th Report, p. 329.

restored and inhabled in blood as sonne and heire to the said Edward late D. of Som^t and that yo^r sayd subjecte and his heirs may be enabled to demand and hold all Honours, Castles, Lands, and hereditaments as may come from any collateral ancestors of him the sayd Edward Seymour as if such attainder had never been made.”¹¹⁵

The effect of this Act, it is with diffidence submitted, was to repeal any attainder caused by the recited Act 5th and 6th Edward VI, if that Act did extend to the Barony of Beauchamp; and if it did not, and the Barony was, as has been suggested, not absolutely extinguished at common law by the attainder of felony, but only suspended by the corruption of blood, then that impediment was removed by this Act, and Sir Edward Seymour was enabled to trace his title to the dignity through his father as if no corruption had taken place.

In 1660, William Seymour, Marquis of Hertford, then the lineal heir of the Protector by his second marriage, was restored by Act of Parliament to the Dukedom of Somerset only, and his descendants enjoyed the dignity until the death of Algernon, seventh Duke, in 1749-50, without issue male, when it devolved, according to the Patents of creation, with the Barony of Seymour, on Sir Edward Seymour, Bart., the Protector's lineal heir by his first wife, who was already entitled to the old Barony of Beauchamp, if still existing. The Dukedom and Baronies descended to the twelfth Duke, who died in 1885, but as his Grace left no issue male, the Dukedom and Barony of Seymour passed to his brother, the thirteenth Duke, whilst the Barony of Beauchamp, being a Barony by writ, would be inherited by his three daughters—Lady Jane Hermione Graham, Lady Ulrica Frederica Jane Thynne, and Lady Helen Guendolen Ramsden, and be in abeyance between them.

¹¹⁵ Parl. Roll, Pub. Rec. Off., no. 13.
