

PART II
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PAPERS, ETC.
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Materials for the History of Orchard
Portman

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PART I

ORCHARD PORTMAN is one of those parishes in the neighbourhood of Taunton which were formerly part of the estate of the bishops of Winchester.

In or about the year A.D. 854, Aethelwulf, king of the West Saxons, made a grant to Winchester Cathedral of eight hides of land at *Risctun* (Ruishton) and eight hides at *Stoc aet Orceard* (Stoke and Orchard).¹ The survey is regarded as a copy of an original of the Saxon period. *Orcerd Cumbe* is mentioned as forming part of the boundary. The great Taunton charter of Aethelwulf, by which he increased the lands of Winchester in Taunton Dene, is thought to be of approximately the same date.² *Orcercumb* occurs also in this charter as part of the boundary of the grant. We believe that the present parish of Orchard Portman was a portion of the land added by Aethelwulf to the already considerable property of Winchester Cathedral in Taunton Dene.

It is remarkable that the place had already been given its descriptive name as early as the ninth century—a name implying a certain degree of intensive cultivation. The first county historian of Somerset, writing in the time of Charles I., found the name still appropriate :—

¹ Grundy's *Saxon Charters of Somerset*, 22-8; Birch, 475; Kemble, 1051.

² Grundy, *op. cit.*, 7-22; Birch, 476; Kemble, 1052.

Orchard, which surely in my opinion well brookes the name, for it is sceated in a very fertile soyle for fruite; the whole Countrey thereabouts seems to be orchards, insomuch that all the hedgerowes and pasture groundes are full fraught with fruite trees of all sorts fittinge to eat and make cider of.³

Although much detailed information is given in the Domesday Survey regarding the bishop of Winchester's property in Taunton Dene, no clue is provided by which the name of the tenant of Orchard in 1086 can be recovered with certainty.

The earliest known reference to the family, which took its name from the place and held the manor until the fifteenth century, appears to be in *The Black Book of the Exchequer*, whence it was copied into *The Red Book of the Exchequer*.

Ailricus de Orchaddone tenuit feodum j militis, et modo Ricardus filius ejus.

The entry occurs in a list of the bishop of Winchester's knights, drawn up in 1166, which includes the names of those who held fees of the bishop in or before 1135 and the names of those who held the same fees in the year of compilation.⁴ This valuable record seems to have been subject to a certain amount of editing in the early years of the thirteenth century, and cannot therefore be regarded as irrefragible evidence. Nevertheless, that Ailricus held Orchard has been established from another source.⁵

A charter of Henry de Blois, bishop of Winchester, the date of which is believed to have been *circa* 1158, provides more detail.

Henry, bishop of Winchester, to Robert, bishop of Bath and his ministers and men of Taunton; he has granted to Richard fitz Agelric of Orchard the land of Orchard which his father held, for three parts of a knight's service. Richard must pay 3*d.* and the lord of Pikestone and the lord of Legh 2*d.*, making up between them a full knight's fee. He also grants to Richard land in Dudelstone and land in Pykeworth, viz.

³ *S.R.S.*, xv, 61.

⁴ *Red Book of the Exchequer*, i, 204-7.

⁵ The similarity of the name to that of Alvrice the brother of Edmar, who held lands in Taunton Dene from the bishop of Winchester in 1086, cannot be regarded as evidence of relationship. It is, however, possible that there was some connection as the name in any of its variants was uncommon. (*Vict. Co. Hist. Som.*, i, 443.)

half a hide with a meadow for 10s. yearly and land in Mulneham for 6*d.*⁶

Unless the de Orchards held lands elsewhere they were not wealthy: it was somewhat unusual for a knight to hold only one fee.⁷

When the feudal system was developing in the eleventh and the early twelfth century, it was no doubt intended that on the death of a tenant his fee should revert to his lord, who would grant the fee to the most suitable military tenant he could find. As late as 1158 the view that a son was entitled to inherit a fee which had been held by his father appears to have been generally accepted.⁸ The grant to Richard fitz Agelric was probably merely a legal form, establishing his title though perhaps varying the components of the outlying portion of his holding.

We are able to identify some of the lands outside Orchard from which the de Orchards derived their status at this time. Pikestone was the name of a considerable tract of country in Otterford: in *The Pipe Roll of the Bishopric of Winchester*, for 1207-8⁹ there occurs the following entry:

Apud Otrifordam, pro dominico elargando, vjs. vjd. ob. In defectu terrae de Pikestona, datae B. filio G(alfridi) in escambio de Corf, Nail(esburna) et Ful(forda) per R(icardum), Episcopum, xlvs.

Richard Toelive held the see of Winchester from 1174 to 1189, so that the exchange referred to as made during his episcopate was effected not many years after the date of the charter of Henry de Blois quoted above. As regards Legh—in the list of the bishop of Winchester's knights in 1166, Robert and Hugo de Flury are each stated to have held three knights' fees. There is no doubt that the district known as Legh in Lydeard St. Lawrence was later in the hands of their representatives, whereas Legh Militis (Angersleigh) was certainly held by the de Legh family early in the thirteenth century. It may be inferred that the Legh whose lord paid a feudal rent to Richard

⁶ *Chartulary of Winchester Cathedral*, edited in English by Canon A. W. Goodman, published 1927, p. 199.

⁷ No attempt has been made in these notes to trace the history of the property in Dorset held by the de Orchards at a later period.

⁸ *S.R.S.*, xxxiii, i-viii.

⁹ Published 1903, p. 64.

de Orchard was Legh Militis. Dudelstone was doubtless the present Duddlestone, in Pitminster and adjacent to Orchard Portman. Mulneham may have been in Staple (Fitzpaine), where lands of a somewhat similar name are mentioned in the Winchester Pipe Rolls.¹⁰

The pedigree of the de Orchards, registered with that of the Portmans at the Visitation of 1623,¹¹ begins with Richard, whom we know from the charter of Henry de Blois to have been the son of Agelric. The name of Richard's son and heir is given as Baldwyn, and of his son and heir as James le Orchard, who is stated to have 'suffered a fyne to the use of Hemerick his son 25 H.3'. James and Hemerick or Amory were, however, brothers, as will be shown later. Collinson also supposed them to have been father and son.¹²

The Fine in question must have been that of 1240-41.

At Canterbury in three weeks of Trinity; between Robert de Neuton, claimant; and James de Orchard, tenant; for the manor of Orchard. James acknowledged the right of Robert and rendered in the Court. For this Robert, at the request of James, granted the manor to Emericus de Orchard, to hold of Robert, rendering yearly one pound of cumin or two pence at Michaelmas, and doing the regal service to the said manor appertaining. And if it happen that Emericus shall die without heirs of his body the said manor with all appurtenances shall revert to Robert. And Emericus gave Robert twenty marcs. (Endorsed) William son of James de Orchard put in his claim.¹³

In *Somerset Pleas* for 1241 there is evidence of certain difficulties in connection with the transaction which were, nevertheless, overcome in due course.¹⁴ It must be presumed that James de Orchard had been unable to hold the manor for financial reasons and had introduced a mesne lord in the person of Robert de Neuton, but that Amory had sufficient means to acquire the manor in his stead. We hear no more of William son of James.

The date of Baldwin's death is not known, but James had held the manor for a considerable period. In 1225 his name occurs in the list of Essoins taken at Ilchester. The case of Roger Wudecoc and Edith his wife was heard at the Assize

¹⁰ *Op. cit.*, 67.

¹¹ *Hart. Soc.*, xi, 126.

¹² *History of Somerset*, iii, 274.

¹³ *S.R.S.*, vi, 108.

¹⁴ *S.R.S.*, xi, 128, 131.

that year. They had killed Alexander de Orchyard in the neighbourhood of Taunton, and Ascelina, wife of Alexander, had 'sued in the third county court against them'. It does not appear whether Alexander was related to James.¹⁵

James still held property in Orchard even after Amory had acquired the manor, and in 1242-43 William Russel 'brought an assize of novel disseisin against James de Orchyard and Estinera (?) his daughter (?)', but did not proceed.¹⁶ The Russel family obtained an interest in Orchard the origin of which cannot at present be determined. Estinera was more probably the mother than the sister of James.

In or before 1244 James de Orchard died leaving a son, Humphrey, who was not prepared to accept the terms of the Fine of 1240-41.

The assize comes to recognise whether Emericus del Orchyard, Philip de Wydicumbe, and Henry de Otryford unjustly etc., disseised Humphrey del Orchard of his free tenement in Orchyard since the first, etc., and whereon it is complained that they disseised him of the whole manor of Orchyard of which James his father died seised as of fee, and he, Humphrey, after the death of the said James his father, remained in seisen thereof for one day and a half as his son and heir until the said Emericus and the others disseised him. Emericus comes. The others have not come, nor were they attached because they were not found. Therefore let the assize be taken against them by default. Emericus says that the assize ought not to be made, because in truth one Robert de Neutor at one time impleaded James del Orchyard his brother touching the said manor in the court of our lord the King, and that James essoined himself *de malo lecti* against him (Robert) in the same court. Afterwards they were agreed in the same court before the justices itinerant at Canterbury so that a chirograph was made between them, which he proffers. . . . And because it is proved by the fine that James had nothing in the said manor otherwise than by permission and grace of Emericus, it is considered that Emericus (may go) without a day, and that Humphrey should take nothing by that assize, but should be in mercy for his false claim.¹⁷

In 1248-49 Amory was still acquiring the lands of the elder branch, and gave Humphrey twenty-two marcs for two carucates of land in Orchard.¹⁸

¹⁵ *S.R.S.*, xi, 34.

¹⁷ *S.R.S.*, xi, 334, 335.

¹⁶ *S.R.S.*, xi, 182.

¹⁸ *S.R.S.*, vi, 142.

Again, in 1262-63 Amory purchased 'a messuage and two carucates of land in Orchard' and 'the advowson of the chapel of the same vill, except two virgates and one acre in the said vill', from Agatha de Orchard for forty-five marcs. Agatha was perhaps the representative of James and Humphrey at that time.¹⁹

We find that in 1268 Amory was dead leaving a son and heir who was a minor. The wardship was in the hands of John de Treberg and Muriel his wife—she may have been a daughter of Amory—but the mesne lord, Robert de Neuton, put in his claim and was apparently successful in establishing his rights.²⁰

In 1278 James de Orchard II., the son of Amory, was of age and active in the management of his estate. He had been unjustly dispossessed of Hele farm, probably the farm which still bears the same name.²¹ In 1280 he brought a writ of entry against John de Bruwes about a tenement in Orchard.²² It appears that James had resented the claims of the mesne lord, and later in the same record we find that

Richard de Newenton' offered himself the fourth day against James de Orcherd on a plea that he do him the customs and right service which he ought to do him on his free tenement which he holds of him in Orcherd, as in rents, arrears etc. And he does not come and he made many defaults. Therefore the sheriff is ordered to distrain him on all his lands etc. and that of the issues etc. and to have his body at Winton' on three weeks after Martinmas.²³

Presumably the position was regularized. James de Orchard was a juror for Feudal Aids in Somerset, 1284-85.²⁴

The seventeenth-century pedigree gives Thomas de Orchard I. as the son and heir of James de Orchard II.,²⁵ but does not include a second Amory de Orchard, perhaps a brother of Thomas I., who was nominated to the cure of the parish before 1309 while he was a minor. He was still under age in 1311.

The Bishop to Henry, Vicar of Stoke-sub-Hamdon, making him guardian of Chapel of Orchard, with cure of souls, and charge of Everic de Orchard, a minor, nominated to the cure. Revenues to be applied to spiritual duties and to nominee's

¹⁹ *S.R.S.*, vi, 201.

²¹ *S.R.S.*, xli, 133, 134.

²³ *S.R.S.*, xlv, 322.

²⁰ *S.R.S.*, xxxvi, 60, 61.

²² *S.R.S.*, xlv, 248.

²⁴ *Feudal Aids*, 284.

²⁵ *Harl. Soc.*, xi, 126.

necessities, and accounted for to Bishop. Evercreech, April 13, 1311.

Mem. Archdeacon of Taunton to cite Rector of Rachich (deputed by late Bishop) to render accounts of guardianship and to be removed.²⁶

Rachich was perhaps the chapel of Neroche. It is probable that Amory attained his majority in the spring of 1312-13, for he was instituted rector of the chapel of Orchard at Glastonbury, '3 Non. March' in that year.²⁷ In October 1313 he was granted a year's leave of absence to pursue his studies. On 8 September 1335

Sir Emeric, rector of Orchard, had licence to stay in the service of Roger de Welesford from the feast of St. Michael next for a year.²⁸

In view of the unconventional career of Thomas de Orchard I., Amory may well have found it convenient to be absent from home.

The following surprising entry occurs in the *Register of Bishop John de Drovensford*, 12 August 1328. It is apparently a notice intended for publication in churches near Taunton.

Thomas de Orchard, excommunicated for ecclesiastical offences, has long remained in contempt of his sentence, as certified by the official of Taunton.²⁹

Ten or eleven years later, Thomas was perhaps still unregenerate, for in 1338 the king's justices were bidden to enquire by a jury into the complaint of John de Hembury of Taunton that Thomas de Orchard, John his brother, and other evil-doers and disturbers of the peace, had broken his close at Weltoun (? Wilton) and taken 6 oxen worth 10 marcs, 1 sheep, and goods and chattels to the value of £10. There was a similar allegation at the same time by John de Braynford of Taunton against the same persons with regard to the taking of 2 horses, 2 cows, 40 sheep and 8 pigs, worth £10, at Wylve and Staplegrove.³⁰ The record of the trial is not available, and we cannot tell whether Thomas and his brother John were convicted.³¹

²⁶ *S.R.S.*, i, 40.

²⁷ *S.R.S.*, i, 152.

²⁸ *S.R.S.*, ix, 244.

²⁹ *S.R.S.*, i, 290.

³⁰ *Patent Rolls*, 1338-40, 64, 65; *Somerset & Dorset Notes & Queries*, xvi, 52.

³¹ It may be objected that there is no evidence that Thomas de Orchard who was excommunicated, Thomas de Orchard who was alleged to have lifted

The name of Thomas de Orchard I. does not occur in the *Lay Subsidies Roll* of 1327.³² In this Roll, William Russel appeared as the chief tenant in Orchard and was assessed at ijs. In 1311-12 a William Russel, who may have been the same person or perhaps have belonged to an earlier generation, held 'two parts of a messuage, a carucate of land and four acres of meadow' in the parish.³³ He also held land at 'Caticote and Edyngton'.³⁴

In 1341 a certain Thomas de Orchard, who may be identified with Thomas I., sold property in Fordington to William le Speke and Agnes his wife.³⁵

It can be inferred that Thomas I. made his peace with the Church, for in June 1348 bishop Ralph de Salopia 'admitted Ralph de Lovelynche, priest, to the parish church of Orchard, at the presentation of Thomas de Orchard.'³⁶ This was shortly before the period when the Black Death was rife in Somerset, and the record of frequent presentations to certain livings in the county during the following months is considered to show the incidence of the pestilence. In January 1348-49 Thomas I. was dead, for the bishop of the diocese

instituted Walter de Haulo, clerk, to the parish church of Orchard at the presentation of William, bishop of Winchester, by reason of the custody of the lands and heir of Thomas de Orchard.³⁷

The mesne lord seems to have been eliminated. Walter de Haulo was transferred to Rimpton in the following July, and John Baker was admitted to the living of Orchard.³⁸ On 9 January 1349-50,

in the guest-house of William, bishop of Winchester, in Southwark near London, John Wake asserting himself to be rector of the church of Orcharde, diocese of Bath and Wells, resigned the said church.

Some grave irregularity had been committed, and the notary to whom we owe the record, after adding the names of the important witnesses, appended the statement—

cattle, and Thomas I. of the pedigree were one and the same person. That this was so is, however, assumed.

³² *S.R.S.*, iii, 151.

³³ *S.R.S.*, xii, 30.

³⁴ *S.R.S.*, xii, 26.

³⁵ *S.R.S.*, xii, 212, 213.

³⁶ *S.R.S.*, x, 550.

³⁷ *S.R.S.*, x, 564.

³⁸ *S.R.S.*, x, 614.

And I, Nicholas Kaerwent, clerk, of the diocese of Landaf, public notary, was present.³⁹

In April 1450 John Pope was admitted to the parish church of Orchard at the presentation of William, bishop of Winchester, as guardian of 'the land and heir of Thomas Orcharde deceased'.⁴⁰

It would be interesting to know whether William of Edington, bishop of Winchester, concerned himself with the education of his ward. Thomas de Orchard II. married in or before 1364, Alice, daughter of Stephen Laundey and Cicely his wife.

An Inquisition was taken at Taunton, 10 May 1365, after the death of 'Cicely, late the wife of Stephen Laundey'. It was found that she held the hamlet of Bykenhull in fee tail, to herself and the heirs of her body, of the king in chief by service of the eleventh part of a knight's fee. The manor was charged with the maintenance of a lamp burning nightly in the chapel of Bykenhull, which was estimated to cost 2s. yearly. Her heirs were Maud, her daughter, late the wife of Thomas Doddington, aged 26 years; Alice, another daughter, married to Thomas Orchard, aged 22 years; and Cicely—her grand-daughter—the daughter of Joan, late the wife of Richard Childehey, aged 10 years. Cicely Laundey had died on Friday, Christmas Eve, 1364.⁴¹

Orders to the Escheator in Somerset were made in 1365 and 1366 regarding the partition of the rents and property of 'the late Cicely who was the wife of Stephen Laundey',⁴² and a further Inquisition was taken in 1368.⁴³ The whole of the Bickenhull property passed eventually to the descendants of Alice Orchard, but not until long after her death.

In the later years of the fourteenth century the pedigree becomes more obscure. At the Visitation of 1623, Thomas de Orchard II. and Alice, his wife, were stated to have been the parents of Robert Orchard who married Margaret, daughter of Robert Maningford. There are several references to a John Maningford in Feet of Fines for the reigns of Edward III. and Richard II. A Fine of 1379, however, gives the name of Robert's wife as Mary. This may have been a clerical error or he may have married twice.

³⁹ *S.R.S.*, x, 624.

⁴⁰ *S.R.S.*, x, 624.

⁴¹ *Cal. Inquis.*, xi, 279.

⁴² *Close Rolls*, 1364-68, 144, 220, 221.

⁴³ *Cal. Inquis.*, xi, 390.

At Westminster in three weeks of Michaelmas, 3 Richard II, and afterwards in the octave of St. Hillary in the same regnal year, between Thomas Orchard and Robert Orchard and Mary his wife querents; and John Orchard deforciant; for nine messuages, one hundred and twenty acres of land, twelve acres of meadow, thirteen acres of wood, and forty acres of pasture, in Staple, Astyngton and Bykenhull, and the manor of Orchard juxta Taunton and the advowson of the church of the same manor (and for lands in Dorset). Thomas acknowledged the right of John as by his gift, for this John granted the same to Thomas and Robert and Mary to hold to them and the heirs the issue of Robert and Mary; and besides John granted that a messuage, forty acres of land, and four acres of meadow in Astyngton which Adam Purdy and Alice his wife and William their son held for their lives the heritage of the said John Orchard which after their decease to him ought to revert shall remain to Thomas and Robert and Mary and the heirs of Robert and Mary as aforesaid to hold like the other, and if Robert and Mary shall die without issue then, after the decease of Thomas, to remain to the right heirs of Thomas.⁴⁴

At this period some confusion arises between the family of Orchard of Orchard in St. Decuman's and that of Orchard of Orchard juxta Taunton.⁴⁵ The same Christian names occurred, and there was a certain resemblance between the arms of the two houses. By a coincidence, both estates have been held respectively to the present day by the descendants of the two families.

Robert Orchard was still living in the early years of the fifteenth century.⁴⁶ He may have survived until as late as c. 1420.⁴⁷ He was certainly living in 1410–11.⁴⁸ His son, William, who married an heiress of the Trivet family, can have held Orchard for only a short time. He left a son, Richard, and a daughter, Cristina. In 1423 an order was made to the escheator in Somerset

to take the fealty of Philip Cary, and to give him and Christina his wife, sister and heir of Richard, son and heir of William Orcharde, seisin of all the lands of her said father, the said Richard having died within age in ward of the late king; as

⁴⁴ *S.R.S.*, xvii, 197.

⁴⁵ Collinson, iii, 488; *S.R.S.*, xxii, 9, 10, 11, 13, 26, 27, 56, 172, 189; *Patent Rolls*, 1422–29, 285.

⁴⁶ *Close Rolls, H.IV.*, ii, 357, 362; iv, 36; *Patent Rolls*, 1401–05, 370, 410.

⁴⁷ *Patent Rolls*, 1422–29, 285.

⁴⁸ *S.R.S.*, xxii, 172.

the said Philip has proved her age before John Copleston, escheator in Devon.⁴⁹

Cristina Orchard married twice. Her first husband, Sir Philip Cary of Cockington, was member of Parliament for Devon in 1433, died 1437. Their son, Sir William Cary, was beheaded after the battle of Tewkesbury, 1471. Philip Cary, then described as 'esquire', presented 'Sir Robert Denys' to the living of Orchard in 1426. Denys appears to have been a man of violent temperament or inclined to take the law into his own hands.

15 May 1438. Robert Denys, rector of the parish church of Orchard, co. Somerset, for not appearing before William Westbury, John Stourton and their fellows, justices of the peace and of oyer and terminer in the said county, to answer the king for having on Friday before St. Mary Magdalene, 6 Henry VI. lain in wait at Wynard within the hundred of Taunton in the said county, for Thomas Holme, servant of Walter Hillary, bailiff of the liberty of the bishop of Winchester, while exercising the office of his said master, and assaulted him in such wise that his life was despaired of.⁵⁰

Another rector had been presented in 1433 after the death of Sir Philip.⁵¹ The delay in bringing Denys to justice is not accounted for.

In, or more probably before 1449-50, Cristina had married Walter Portman of Taunton.

1449-50. At Westminster in the morrow of All Souls between William Cogayn cleric and William Boys cleric querents; and John Gyffard and Joan his wife and Walter Portman and Cristina his wife deforcians; for the manor of Orchard and for a third part of the manor of Tykenhill (Bickenhull), five messuages and one carucate of land in Taunton and Fenhampton. John and Joan and Walter and Cristina acknowledged the right of William Cogayn and quit claimed for themselves and the heirs of Joan and Cristina; for this William conceded for himself and his heirs a yearly payment to John and Joan for all the life of Joan of eight pounds sterling, half at Easter and half at Michaelmas, and in case of default distraint to be made, and after the decease of Joan the payment to cease.⁵²

⁴⁹ *Close Rolls*, 1422-29, 16.

⁵⁰ *Patent Rolls*, 1436-41, 112.

⁵¹ *S.R.S.*, xxxi, 42, 142.

⁵² *S.R.S.*, xxii, 111, 112. Joan, wife of John Gifford of Halsbury, co. Devon, was daughter of John Dabarnon and Isabell, his wife, daughter of John Mules

And thus Orchard passed to the Portmans. In 1456 Walter Portman was dead, and Cristina presented to the living of Orchard as his widow and daughter and heir of William Orchard.⁵³ It is probable that Cristina lived until after the death at Tewkesbury of her son, Sir William Cary.

PART II

No attempt will be made here to give a full history of the Portman family. The name first appears in the records of Taunton during the thirteenth century. In 1379 William Portman and William Marchant were the burgesses summoned to Parliament to represent the town.⁵⁴ The father of Walter Portman was William Portman, who married Alice, daughter and heir of John Crosse, and gave an endowment to the Priory of Taunton in 1406.⁵⁵

Walter and Cristina had a son John Portman who presented to the living of Orchard Portman in 1482. He married Edith, daughter of John Porter,⁵⁶ and as far as is known lived at Orchard and possibly in the house in Taunton, now Mr. Halliday's shop, which is believed to have been built chiefly in his time. At present no documentary evidence that he owned or occupied this house is available. His son, John, was an eminent lawyer in the early years of Henry VIII. In his will, dated 1521, he expressed a wish that his body should be 'buried in the church of the Priory in Taunton before the high cross, nigh the pulpit', if he should die at Orchard or within three miles of Taunton, and 'if at any other place in the parish church there before the high cross'.⁵⁷ It appears that he died in London, for he was buried in the Temple Church, and the following inscription was placed over his grave:

of Irishborough and Elizabeth, his wife. (Vivian's *Visitations of Devon*, 16, 397.) John Mulyes presented to the living of Orchard in 1433. Failing issue, John Dabarnon was next heir of Robert Orchard in 1410-11. (*S.R.S.*, xxii, 172.)

⁵³ *S.R.S.*, xlix, 269. In *The Visitation of Somerset*, 1623, p. 126, the year of Walter Portman's death is given as 14 Ed. IV., 1474, and of Cristina's death as 12 Ed. IV.

⁵⁴ *Close Rolls*, 1377-81, 254.

⁵⁵ *Proc. Som. Arch. Soc.*, ix, 51.

⁵⁶ *Brown's MSS.*, ii, 238.

⁵⁷ *S.R.S.*, xix, 211.

Hic jacet Johannes Portman, quondam unus Societatis Medii Templi, qui obiit quinto die Julii A.D. M.D.XXI. cujus animae propicietur Deus.⁵⁸

John Portman's legal ability was inherited by his son, who became Lord Chief Justice. William Portman of Orchard was of the Middle Temple, where he was Reader in 1532 and 1540. He was called to the Degree of the Coif in the following Trinity Term, and was nominated one of the King's Serjeants on 23 November. His elevation as a Judge of the King's Bench took place 15 May 1546, and on the death of Henry VIII. in the following year he was continued in his seat and knighted. He retained his seat during the vicissitudes of Edward VI's reign, and for the first two years of Mary's reign, when he was raised to the head of his Court, 11 June 1555. He presided at the trial for treason of Sir Nicholas Throckmorton. 'He belonged to the Roman Catholic body in the last years of his life, and was sent to Sir James Hales, his brother Judge, then in the Fleet prison, to persuade him to recant.' He died 5 February 1556-7, and was buried in St. Dunstan's in the West.⁵⁹ The provisions of Sir William Portman's will are interesting and show much care and thoughtfulness for the well-being of his family.⁶⁰

A curious account of Sir William Portman's burial is quoted in Brown's MSS. from the Cotton MSS. It refers to the presence of 'a herald of armes', to 'a standard of armes and pennon', etc., also 'Skochyeons of armes' and 2 'dossen of Torchys'. 'And after came VI Judges and VII Sergeants of the Coif, and after all the Inns of Court, II and II together'. 'And the morrow III goodly masses sung and a sermon made'. A quotation from 'Church Notes, Lansdown MSS.',⁶¹ is more explicit.

⁵⁸ Brown's MSS., ii, 239.

⁵⁹ *D.N.B.*; Brown's MSS., ii, 242.

In the Register of Orchard Portman, 1556, there is an entry recording the burial of 'lord William Portman', 10 February. It is possible that the heart of the Lord Chief Justice was buried at Orchard Portman.

⁶⁰ *S.R.S.*, xxi, 188.

Sir William Portman was founder of the Portman estate in the parish of Marylebone. In 1533 he obtained the remainder of the lease of Lilleston (Lisson) manor. A few years later about 293 acres of the same were conveyed to him and his son, Henry. There is a tradition that his wife was ordered asses' milk, and that in order to keep these animals he acquired land on which to run them. (*History of Marylebone*, Thomas Smith.)

⁶¹ 874, p. 93.

Sir William Portman, Lord Chief Justice of England. A Standard with St. George's Cross and badge as the crest below. A Pennyn of Portman and Orchard quarterly. A Shield on a targe of the same; and a surcoat, *Or, a fleur de lis azure* quarterly (with) *Azure, a chevron between three pears or* (Orchard), with a sword, and a helmet bearing on a wreath or and azure this crest—*A leopard's head or, pierced with a crosslet fitchée gules, and issuing in saltire from the ears and mouth two snakes proper*. On a lozenge argent, *a chevron ermine between three blackamoors' heads coupéd proper* (Gilbert), quartering *Argent, a fess ermine between three annulets gules* (Challon). This lozenge was the armes of Elizabeth, daughter and heir of John Gilbert of Somersetsh., being wife to the foresaid Sir Will. Portman, standing in brass on the wall in this order, and sometymes impaled together.

The fleur-de-lis, which is the sole charge in the arms of Portman, was, no doubt, originally the badge used by the family. The crest is assumed to have been an exuberant fancy of a Tudor herald. To represent it successfully must have taxed the capacity of any heraldic artist. We find in the Visitation of 1591 that a crest of simpler design had been substituted.⁶² The crest of 1591—*A talbot segeant or*—was afterwards used without variation.

There can be little doubt that the Tudor house (Plates I, II) at Orchard was erected by the Chief Justice. Probably the medieval hall of the Orchards was incorporated. The house was on the whole a typical example of mid-sixteenth century architecture; an unusual feature, however, is shown in one of the illustrations—the arrangement of the door which has two porter's slits flanking it, slits and door being capped by a single drip-stone moulding.

Henry Portman, son of the Chief Justice, married at Orchard Portman, 1 September 1549, Joan, daughter of Thomas Michell and grand-daughter of Sir Richard Warre of Hestercombe. In 1574 Henry Portman was knighted. The wide family connection in Somerset was considerably extended by his marriage and the marriages of his children.⁶³

An engraving of Orchard Portman House was published, 1706, in Kip's *Britannia Illustrata*. The mid-sixteenth-

⁶² *Proc. Som. Arch. Soc.*, lxxxiv, 79, 84.

⁶³ Particulars of Sir Henry's available military equipment are given in the Muster Roll for 1569. (*S.R.S.*, xx, 274.)

century building is shown flanked on the north and overshadowed by a range of large buildings surrounding three sides of a courtyard, on the eastern side of which there is a small gate-house, apparently similar in design to that still surviving at Cothelstone. Sir Henry Portman's sister, Mary, married Sir John Stawell of Cothelstone, and it may be that the two gate-houses were contemporary and that the range of large buildings were erected by Sir Henry in the reign of Elizabeth. It is possible, however, that these additions to the early house were made by one of his descendants in the Stuart period. The small scale of Leonard Kniff's drawing—the only known record—makes it impossible to determine in what style of architecture the additions were built; the fenestration in any case may have been modernized, as in so many houses, before the beginning of the eighteenth century.

Sir Henry Portman died in 1590. His son, Hugh, was sheriff in 1591, and again in 1600. He became possessed of two houses at Kew in Surrey, one of which had belonged to Robert Dudley, earl of Leicester. It was at Kew that Hugh Portman was knighted by Queen Elizabeth in December 1595 when she came to dine with the Lord Keeper, Sir John Puckering. The Kew estate was sold after Sir Hugh's death, and in the reign of George II. came into the possession of the Crown.

In due course Sir Henry's youngest son, John, succeeded to Orchard. He had purchased the manor of West Coker immediately after his father's death, and lived there in the house restored in recent years by the late Sir Matthew Nathan. John Portman was knighted at Whitehall, 3 February 1604–5, and was created a baronet, 25 November 1611, the year of the creation of the order, not in 1612 as is stated in several lists.⁶⁴ His wife Anne, whom he married at Goathurst, 4 January 1594–5, was daughter of Sir Henry Gifford; and by her he had, with other children who died young, four sons and four daughters:

1. Sir Henry Portman, 2nd Bart.; married Lady Anne Stanley, daughter of William 6th Earl of Derby, and died *s.p.* 1624.

2. Sir John Portman, 3rd Bart.; matriculated at Oxford, 27 June 1623, aged 18; succeeded his brother, February 1624 and died at Wadham College the following December.

⁶⁴ *Complete Baronetage*, G.E.C., i, 90.

3. Sir Hugh Portman, 4th Bart. ; baptized at Orchard Portman, 17 May 1607 ; matriculated at Oxford (Exeter College), 25 June 1624, aged 16. He appears to have been only eighteen when he became member for Taunton in 1625. He was also member for Taunton in 1628–29, and died unmarried, 1632.

4. Sir William Portman, 5th Bart. ; matriculated at Oxford (Wadham College), 30 June 1626 aged 16 ; admitted to the Middle Temple, 1627 ; sheriff of Somerset, 1637–8 ; member for Taunton, 1640 and until disabled, 1644. He was a royalist and was taken prisoner at Naseby ; his estate was sequestrated for £20,000. He married, in or before 1633, Elizabeth, daughter of John Colles of Barton. (*Brown's Wills*, 1, 34.) On 20 August 1645 he died, a prisoner in the Tower and was buried at Orchard Portman on 22 September, a special order of the House of Commons being required owing to the disturbed state of the country ; the siege of Taunton had only been raised a few weeks previously.⁶⁵ He left an only son, Sir William Portman, the sixth and last baronet, died 1690.

1. Joan, married at Orchard Portman, 17 October 1615, George Speke of Whitelackington who died, 1636. She died c. 1655. One of her many grandchildren, Edward Berkeley of Pylle, married, 1708, his cousin Anne Seymour, niece of Henry Seymour, who had assumed the name and arms of Portman on inheriting the Portman estates in 1690. When Henry (Seymour) Portman died in 1728, the estates devolved on Edward Berkeley, who also assumed the name and arms of Portman.

2. Grace, who died 1661, unmarried. She had founded almshouses in Taunton before the siege. The large silver flagon, which she gave to St. Mary's Taunton, is still preserved.

3. Elizabeth, baptized at Orchard Portman, 6 May 1604, married John Bluett of Holcombe Rogus where they lie buried under a monument which is, perhaps, one of the finest examples of seventeenth-century sculpture surviving in the west of England.⁶⁶ She died 1636, and her brother, Sir William Portman, appears to have been responsible for the erection of the monument.

4. Anne, baptized at Orchard Portman, 21 May 1610, married Sir Edward Seymour, member for Devon in the last Parliament of Charles I. Adhering to the royalist cause, his house at Berry Pomeroy was plundered and burnt. He was elected member for

⁶⁵ During the siege of Taunton it is probable that Orchard Portman House was used by the royalist forces. In June 1643, the year before the siege began, 'His Majesties forces joyn'd at Chard . . . in all about 4000 foote, 2000 horse and 300 dragoones, with about 16 field-pieces'.—'They all marched together that Sunday, and at night had their head-quarter at Barronett Portman's house within two miles of Taunton'. It would seem that Lord Hertford and Prince Maurice slept at Orchard Portman on this occasion. (*S.R.S.*, xviii, 47.)

⁶⁶ *Proc. Som. Arch. Soc.*, lxxx, ii, 22.

Totnes in all the Parliaments of Charles II. and James II. and died 1688. Henry Seymour, to whom his cousin, Sir William Portman, left his estates in 1690, was fifth son of Sir Edward and Anne Seymour. She survived until 1695.

Sir William Portman, sixth and last baronet, was a remarkable personality. His birth on 5 September 1643, as well as his baptism on 26 February 1644, is recorded in the Register at Orchard Portman. He was therefore only seventeen when he was elected member for Taunton after the Restoration in the spring of 1661. The date of his birth is further confirmed by an entry in the same Register which records that he died on 18 March 1690, aged forty-five and six months. At the coronation of Charles II. he was made a Knight of the Bath. He was one of the early Fellows of the Royal Society, and represented Taunton or the county in Parliament almost continuously from his first election until his death.⁶⁷ Politically, he and his cousin, Sir Edward Seymour of Berry Pomeroy, were considered the most influential men in the west of England in their day. Their cousins, the Spekes, suffered severely for support given to the Duke of Monmouth, but at the time of the Rebellion, Sir William was actively engaged in the cause of James II.; and in Hampshire, on the morning of 8 July 1685, he succeeded in capturing Monmouth, who was discovered in a field two miles from Horton, lying in a ditch under an ash tree, covered with ferns and brambles. Together with Lord Lumley, Sir William was appointed to watch the Duke in person till he was taken to Whitehall before his confinement in the Tower.⁶⁸ In 1689 Sir William was promoting the cause of William of Orange, and joined the prince at Exeter on the march from Tor Bay to London.

The male line of the Portmans—not merely of the first baronet, but as far as is known, of Walter Portman and his wife Cristina Orchard—became extinct in 1690 on the death of Sir William.⁶⁹ His heirs became increasingly attached to Bryanston which he had purchased. The house at Orchard Portman slumbered through the eighteenth century and on into the nineteenth century. In 1832 it was lent during his wedding tour and early married life to Major Henry Berkeley

⁶⁷ *D.N.B.*

⁶⁸ Hutchins's *Dorset*, i, 262.

⁶⁹ Sir William Portman married thrice but died *s.p.*

Portman by his elder brother.⁷⁰ This was the last occasion on which it was used by any member of the family. The servants there were said always to be ill, and some years later the house was completely demolished. (The workmen are stated to have discovered a large cess-pit under the servants' hall.) There is now no trace of any building on the site.

We have only the three drawings here reproduced, Kip's view, and the inventory taken in 1690, from which to form an idea of what once was Orchard Portman. The inventory gives interesting references to the interior: 'the Yellow Chamber', 'the Purple Chamber', 'the long Gallery', 'the Oriall chamber', 'the Blew chamber', 'the Green chamber within the blew', 'the Huntsman chamber', 'the great Stayres in the old Buildings', 'the Saddle Roome in the Gate House'.⁷¹ The three drawings were made in 1832-33. No portion of the additions which overshadow the early Tudor house in Kip's view is shown in them. We must assume that the additions had been pulled down in the eighteenth century or soon after 1800.

This short collection of records is intended to indicate in outline the story of one of the most interesting parishes in Somerset; there are many points which still require elucidation, and which may well provide a subject for further research.

⁷⁰ Edward Berkeley Portman, created Baron Portman of Orchard Portman, 1837; Viscount Portman, 1873; d. 1888. He purchased Hestercombe, 1872.

⁷¹ *Somerset & Dorset Notes & Queries*, xiii, 321-324.

ORCHARD OF ORCHARD JUXTA TAUNTON

Azure, a chevron between three pears pendant or, ORCHARD.
Argent, a chevron engrailed between three roses gules barbed vert,
 MANINGFORD. *Argent, three trivets sable*, TRIVETT.

