

FURTHER PARTICULARS RESPECTING SIRE EDWARD ARUNDEL, KNT.  
AND THE MANOR OF AYNHO, CO. NORTHAMPTON.

In the auxiliary evidence to the ancient and authentic account of Sir Edward de Arundel, knt., of Aynho, by his widow, in the reign of Edw. IV., printed in a former part of this work, vol. ii. pp. 312-339, an attempt was made to correct and amplify the statements of previous writers respecting the Manor of Aynho, and its possessors of the Fitzalan family. An inference was there drawn (p. 330, note <sup>x</sup>), from the vesting of the Manors of Westbeechworth and Changeton in feoffees to uses made by Sir John de Arundel chivaler junior, that he might have included the Manor of Aynho in that feoffment, with limitation to the use of his second son, Edward, and his heirs. The following extracts from the Cartwright Evidences, derived from an authentic source, not only corroborate what is there advanced, but furnish additional particulars to the information already obtained. These extracts are taken from vol. 91 of the MS. Collections of Dr. White Kennett, formerly Bishop of Peterborough, being the first volume of his Collections for a History of the Diocese of Peterborough, made circa 1719-28, and which now forms No. 1025 of the Lansdowne MSS. in the British Museum. In this large volume, written in double column, almost entirely in his own hand, the bishop has entered at folios 421<sup>b</sup>, col. 2, and 444, copious abstracts of the title-deeds of Thomas Cartwright, Esq., of Aynho, which relate to that manor. In the Notices of Sir Edward Arundel, knt., above alluded to, a mere reference was made to the Cartwright Evidences on the authority of Baker's History of Northamptonshire, which does no more. Mr. Baker may have inspected the original deeds; he, however, refers to the Kennett Collections in other parts of his work, and specifically to this MS. volume.

The abstract of the deed of feoffment, conveying the Manor of Aynho from John Lord Neville, of Raby, to Sir John de Arundel, chevalier, senior, spoken of in vol. ii. p. 321, is as follows :—

Sciant presentes, &c., quod nos Johannes de Nevill dominus de Raby et Radulphus Stok dedimus, concessimus, &c., domino Johanni de Arundel militi totum manerium nostrum de Aynho, in comitatu Northamptonie : Habendum et tenendum predictum manerium cum omnibus suis pertinentiis, &c., quibuscunque ad vocationibus ad idem pertinentibus, prefato domino Johanni de Arundel heredibus et assignatis suis de capitalibus dominis feodi illius per servitia inde debita et consueta. Hiis testibus, domino Johanne Lovel, Johanne Golofre, Thoma Latimer, Ricardo

Adelbery (*Aberbury* ?), Bawdewyno Berford militibus et aliis. Datum Londoniis ultimo die Junii anno regni regis Edwardi III. quinquagesimo." (1376).

A letter of attorney, dated the day following, from John Lord Neville of Raby, and Ralph Stok, empowers Richard de Aynho, master of the hospital at Aynho, and others to deliver seisin to Sir John de Arundel.

It is stated in the inquisition taken on the death of Sir John de Arundel, senior, in the 3 Ric. II. (p. 323), that he enfeoffed Sir William de Clynton, chivaler, in the manor of Aynho, for the term of his life. This deed, wherein he calls Sir William "*carissimus comes suus*," was dated 5th Oct., 1 Ric. II. (1377).

The deed of Sir Edward de Arundel, knt., appointing Henry Haylesham bailiff and warrener of his Manor of Aynho, specifies that it was for the term of his life, at a salary of 40s. per annum. It bears date 10 February, 10 Hen. IV. (1409).

Next follows a deed of Sir Edward de Arundel's feoffees reconveying the manor to him and Elizabeth his wife, in joint tenancy for their respective lives, with remainder to his heirs and assigns: thus,—

"Sciant presentes et futuri quod nos Ricardus de Arundel miles, Johannes Wiltshire miles, Johannes Wilcotes armiger, Johannes Werburton armiger, et Andreas Grene, concessimus domino Edwardo de Arundell militi et Elizabethhe uxori sue manerium nostrum de Aynho in comitatu Northamptonie cum advocacione Hospitalis Sanctorum Jacobi et Johannis, wardis, maritagii, sectis et molendino aquatico; quodquidem manerium cum advocacione hospitalis nuper habuimus, simul cum domina Elizabethâ nuper domina le Despenser jam defunctâ, ex feoffamento predicti domini Edwardi de Arundell: Habendum et tenendum prefatis domino Edwardo et Elizabethhe uxori sue heredibus et assignatis ipsius Edwardi de capitalibus dominis feodi illius per servitia inde debita et de jure consueta in perpetuum. Testibus: Johanne Abberbury, Willelmo Somerton, &c. Datum apud Aynho 14<sup>o</sup> die Novembris anno 13 Hen. IV." (1411).

At p. 334, it has been stated, on Mr. Baker's authority, that Sir Edward de Arundel vested this manor in feoffees to uses in 13 Hen. IV. (1411). That this is an error as to time may be deduced from the foregoing reconveyance by the feoffees; for it declares, that they had already received a feoffment from Sir Edward, and that Elizabeth Lady

le Despencer, then deceased, was one of the feoffees. There can be but very little doubt that this lady was the widow of Edward Lord le Despencer, K. G., who died in 1375, and mother of Sir Edward de Arundel's mother. This Lady le Despencer's will was dated 4 July, and proved 10 August, 1409.<sup>a</sup> She died 26th July, 1409; and was buried in Tewkesbury Abbey.<sup>b</sup> On this assumption, Sir Edward's feoffment was made prior to the date last-mentioned, and it may not unreasonably be referred to the period when he appointed Haylesham to be bailiff and warrener of Aynho; viz., about February 1409. It may also be presumed that it was made either in contemplation, or in consequence, of his marriage, for the purpose which this reconveyance expressly answers, viz., of securing a provision for his wife, in case she should survive him, by settling a special estate in feoffees to the use of himself and his wife for their lives in joint-tenancy, or jointure in lieu of dower, and from the fact of his nominating as one of the feoffees John Warburton, Esq., who was most probably a near relative of Sir Edward's wife, whose mother, according to her own testimony (p. 316), was a Warburton. The reconveyance to him and his wife of an estate in joint-tenancy tends to confirm the position that Sir Edward enjoyed merely an equitable, or usufructuary, estate in this manor, and that the legal ownership was vested in others by feoffment and livery of seisin: in which case, according to the old law prior to the passing of the Statute of Uses, tempore Hen. VIII., his widow would have been precluded from claiming dower therein.

Sir Richard de Arundel, knt., a feoffee, the first-named, was Sir Edward's uncle, of whom there are copious notices in the *Collectanea Topographica et Genealogica*, vol. VI. Andrew Grene, another feoffee, may be identified with one of the feoffees nominated by his father, Sir John de Arundel ch'r, junior, in his feoffment made, prior to 1390, of the manors of Changeton and Westbeechworth, in which, it has been presumed (p. 326, 329-30) he included his manor of Aynho.

Two letters of attorney dated the next day; viz., 15 Nov. 13 Hen. IV. (1411), follow this grant of the feoffees; the one made by them appoints William Mede to deliver seisin of the manor to Sir Edward and Lady Arundel; the other, by Sir Edward and his wife, empowers John Warren to receive from them such livery of seisin.

The same feoffees then release to Sir Edward de Arundel, and Elizabeth his wife, all their right and claim in the manor, with the advowson of the Hospital of Sts. James and John, by deed dated 21 November, 13 Hen. IV. (1411).

Two months from this date, Sir Edward and his wife demise the

<sup>a</sup> Dugd. Bar. i. p. 396.

<sup>b</sup> Atkins's Glouc. p. 384.

manor and hospital for ten years at an annual rent of 40 marks, by deed, which is thus abstracted,—

“Edwardus Arundell miles et Elizabetha uxor ejus dederunt et confirmarunt Ricardo Prentys decano capelle Regis, Johanni Whyteby persone ecclesie Sci Petri de Cornhull, Willelmo Selby persone ecclesie de Aynho, et Edmundo Brudenell, manerium suum de Aynho cum advocacione hospitalis in eadem villâ, exceptis nativis et villanis eidem manerio spectantibus, ad terminum decem annorum, reddendo inde annuatim dictis Edwardo Arundell militi et Elizabethæ uxori sue quadraginta marcas. Datum 17<sup>o</sup> die Februarii, 13 Hen. IV. (1412). Testibus: Johanne Chytewode milite, Johanne Langeston, Johanne Adderbury (Abberbury?),” &c.

His widow has informed us (p. 314), that Sir Edward Arundel died 3 November, 1412, about eight months and a-half after the date of the above lease. It might be inferred, however, from the abstract given below, of a feoffment made by these same parties, 20 June, 1418, if the deed and the statement which it contains were not fraudulent and false, that Sir Edward and his wife, during that short interval, conveyed to these lessees a more permanent interest in this manor, by making them feoffees; and the following abstract of a deed of release in their favour from Robert Doughton, a former feoffee, of all right and claim in the manor, would lead to such a conclusion, if subsequent events did not raise doubts, whether Sir Edward really did so, and whether these lessees had any other right, or better title, to give a feoffment with livery of seisin than could be derived from Doughton's release. That release is dated 14 May, 3 Hen. V. (1415); and, whether defective or not for the purpose of giving title, it nevertheless confirms the inference already deduced (p. 330, note x), if it does not determine the question; viz., that Sir Edward's father vested this manor in feoffees to the use of his second son, this Sir Edward, and his heirs. It expressly declares that Sir John de Arundel, father of Sir Edward, enfeoffed Robert Doughton in this manor. This person is identical with one of the feoffees to whom Sir Edward's father, prior to 1390, conveyed his manors of Changeton and Westbeechworth, as is already shown at pp. 326, 330; and, from his being the sole party to this release, it is clear that all the other feoffees of Sir Edward's father had deceased before May, 1415. It also contains the further evidence, that Sir Edward Arundel was dead at that time. The Bishop of Peterborough thus abstracts it,—

“Robertus Doughton relaxavit Ricardo Prentys, Johanni

Whitby, et Willelmo Selby, clericis, et Edmundo Brudenell, jus et clamium suum in manerio de Aynho, quod habuit ex feoffamento Johannis Arundell patris Edwardi Arundell jam defunctorum. Datum 14 die Maii, anno 3 Hen. V." (1415.)

The next is an abstract of the feoffment made 20 June, 1418, by the parties who were originally merely lessees for years, as shown above.

"Johannes Whyteby, Willelmus Selby, et Edmundus Brudenell feoffaverunt et confirmarunt Johanni Wiltshire militi, Johanni Fitzpiers, David Holbeche, Johanni Wyndesbury, et Hugoni Cresset statum suum in manerio de Aynho cum advocacione hospitalis in eadem villâ; quod manerium hi tres una cum Ricardo Prentys nuper decano capelle domini Regis jam defuncto nuper habuerunt ex dono et feoffamento Edwardi Arundell militis et Elizabethe uxoris ejus: Habendum et tenendum dictis Johanni Wiltshire, &c. in perpetuum de capitalibus dominis feodi illius per servitia inde debita et de jure consueta. Datum apud Aynho 20 die Junii, anno 6 Hen. V." (1418.)

The absence of the words "*hereditibus suis*," in the Habendum clause, in this and the two following grants will be observed. If, therefore, they are correctly abstracted, these deeds did not create, nor pass to the grantees, any greater than an estate for life.

By letter of attorney, dated 21 June, 6 Hen. V., being the day following, the feoffors last mentioned appoint Thomas Somerton and others to deliver seisin to the feoffees; and further,

By deed of release dated at Aynho, 26 June, 6 Hen. V. (1418), and witnessed by John Wylcotes, John Adderbury, John Langeston, Thomas Somerton, Walter Instere, and others, they surrender to them all their right and claim in the said manor.

At the end of eight months from the last date, the new feoffees transfer the property to others by a deed of feoffment, of which the following is an abstract.

"Johannes Wiltshire miles, Johannes Fitzpiers armiger, Johannes de Wynnesbury armiger, David Holbeche armiger, et Hugo Cressit armiger, concesserunt et confirmarunt Nicholao Merbury armigero, Edmundo Hampden armigero, Roberto Laverok persone de Amundesham, Johanni Langeston, et Thome Letterford, manerium suum de Aynho cum advocacione hospitalis, &c.: Habendum et tenendum dictum manerium de capitali domino feodi illius per servitia inde debita et de jure consueta in perpetuum. Hiis testibus: Rogero Brayton, Willelmo de

Halghton et Ricardo de Overton, armigeris. Datum apud Blaseley, (Brakeley?) 5 die Martii, anno 6 Hen. V." (1419.)

By letter of attorney dated the next day, Sir John Wiltshire and the others appoint William Mede of Aynho and John Letterford to deliver seisin of the manor to Nicholas Merbury and his cofoffees; and by deed, dated 12 March, 6 Hen. V. (1419), Sir John Wiltshire and the others release all their right and claim in the manor and advowson of the hospital to the new feoffees.

At the end of eight months from this last date this second set of feoffees, changed since the death of Sir Edward Arundel, convey the property to Alice Lady Deyncourt, Ralph Frank and Elizabeth his wife, thus,—

“Nicholaus Merbury armiger, Edw. (*sic*) *Edmundus*? Hampden armiger, Robertus Laverok persona ecclesie de Amondesham, Johannes Langston, et Thomas Letterford, dimiserunt et confirmarunt Alesie domine D'Eyncourt, Radulpho Frank et Elizabethhe consorti sue manerium de Aynho una cum advocacionibus ecclesie ibidem et hospitalis sanctorum Johannis et Jacobi in eadem villâ: Habendum et tenendum predictis Alesie, &c. de capitalibus dominis in perpetuum. Testibus: Thoma Chaucer, Roberto James, Johanne Warvyle, Willelmo Wyot, armigeris. Datum apud Aynho in festo Sancti Martini in Yeme, anno 7 Hen. V." (11 Nov. 1419.)

This is the first instance in these documents of the specific notice of the advowson of the church of Aynho. It was not included in the grant to Merbury and the others, yet they now assert a right thereto in this conveyance. The historians of the county state, that in the reign of Richard II. the right of the Abbot of Walden in Essex to this advowson, which was disputed by Sir Richard Abberbury and Sir John Arundel, was confirmed by a judgment in the court of King's Bench.

When it is considered that Sir Edward's widow was tenant for life, as jointress, of the manor of Aynho, with remainder to Sir Edward and his heirs, and resided there till her death in 1479, and that, as is shown by the fine and attornment below, Ralph Frank and Elizabeth his wife, in 1424, alien all their right in the manor, with the advowsons of the church and hospital, to the trustees of John de Arundel Lord Mautravers, and thereupon accept from them a grant of the premises for the term of the life of Elizabeth Frank at a nominal rent, with reversion to the trustees, there is strong reason to believe that Eliza-

beth, who was wife of Sir Edward Arundel, knight, and Elizabeth, wife of Ralph Frank, were identical.

Seeing that Sir Edward's wife had an interest in the property secured to her for life by the jointure deed of 14 Nov., 13 Hen. IV. (1411), unrestricted by the condition of remaining a widow unmarried, why, if she had no desire to disturb that settlement, were the feoffees changed after Sir Edward's death three, if not four, several times within seven years? Although the nature of these conveyances would, by mere implication, create a use, there can be no doubt that these several sets of feoffees stood seised to specific uses created by oral agreement or express declaration, but which in the absence of all secret deeds or other evidences respecting them, it would be impossible to define. The rightfulness and legality, however, of some, if not all, of these transactions appear to have been challenged by the subsequent proceedings recorded in the following abstracts, which point to some wrongful act done for the purpose of defeating the ulterior estate created by the deed of jointure, and of enlarging the life interest of Sir Edward's widow, by converting it into an estate in fee. In the absence of the particular evidence of fraud, various doubts and conjectures arise as to the legality of the deeds executed after Sir Edward's death, which have been already noticed, and the point where wrong was first committed. It is remarkable that the feoffment of 20 June, 6 Hen. V. (1418), made by Whyteby, Selby, and Brudenell, has no witnesses. Was it true, as is therein asserted, that Sir Edward and his wife did make over the property to them by feoffment? Was the nature and extent of Whyteby's and the others' interest in the property such as to warrant their making a conveyance in fee with livery of seisin? Had they any other right or title to the fee than what was derivable from Doungate's release in 1415, whose rights and claims in the manor were probably extinct by the fulfilment of the uses to which he was appointed a feoffee by Sir Edward's father? What induced Doungate to make that release? Sir Edward having died without leaving issue, his eldest brother, Sir John de Arundel chivaler, was his nearest surviving heir-at-law, and on Sir John's death, in 1421, his eldest son, John, then 13 years of age—the probate of whose age, extracted from the Records in the Tower, is given below—became so; and the remainder in fee expectant on the life estate of Sir Edward's widow, which, by the terms of the jointure vested in his nephew and heir, would take effect in possession immediately on her death. If, therefore, no attempt had been made to displace that remainder, there would have been no need of the proceedings indicated in the following records, which can be viewed in no other light than as the result of an application of a remedy to a wrong com-

mitted. By the principles of the common law, according to the commentators, the condition is inseparably annexed to estates for life and years, viz.—that the tenant shall not attempt to create a greater estate than he himself is entitled to; a breach of which is a forfeiture of his original interest; thus, in the case of a particular estate for life with remainder to a stranger in fee, if the tenant conveys by feoffment an estate in fee he thereby destroys his life estate by converting it into a new and wrongful one; and the wrongful alienation operates as a forfeiture of the life estate to the person in remainder, and gives him an immediate right to enter, and take possession, in defeasance of the wrongful estate so created. In the present instance, such right appears to have been exercised and enforced on the part of Sir Edward's nephew and heir, from the following evidences. The first is a power of attorney to receive seisin of the manor of Aynho on his behalf, dated the 21 May, 2 Hen. VI. (1424), which is thus abstracted.

“Johannes filius et heres Johannis Arundell de Arundell chivalier (*sic*) &c. omnibus ad quos, &c. salutem. Noveritis me Johannem, infra etatem et sub custodia Regis existentem, constituisse Willelmum Londsop armigerum, et Johannem Grefyn attornatos meos ad recipiendum de Johanne Catesby, escaetore domini Regis in comitatu Northamptonie, plenam seisinam de manerio de Eyno, quod nuper fuit Edwardi de Arundel chivalier (*sic*) consanguinei mei. Datum 21 die Maii, anno 2 Hen. VI.” (1424).

Here is an assertion of his right of possession of the manor, notwithstanding the life interest of Sir Edward's widow under the deed of jointure, and his own minority as a tenant in capite and ward of the crown. Hence it would appear that the tenancy of this manor, although held of a mesne lord by military service (see ante, vol. ii. pp. 322, 324), was subject to the incidents of frank socage, as regards wardship and relief—probably in consequence of the payment of an annual rent in lieu of all other feudal services. John Arundel was at this time in his 17th year.

At the end of three months from the last date, Alice Lady Deincourt—a joint tenant with the Franks under the grant of November, 1419, by deed of release dated 25 August, 2 Hen. VI. (1424)—passes to them all her right and claim in the manor and advowsons. This lady was daughter of John Lord Neville of Raby, who, in 1376, as is already shewn, conveyed this manor in fee to Sir John Arundel chivalier, senior. She was married to William 2d Baron Deincourt of that name, who died at the age of 25 in 1381; and, surviving him many



years, she died his widow 20 June, 11 Hen. VI. (1433). The abstract of this deed is very short :

“Alesia domina Deyncourt remisit et relaxavit Radulpho Fraunk et Elizabethhe consorti sue totum jus et clamium in manerio de Aynho una cum advocationibus ecclesie ibidem et hospitalis ibidem. Datum 25 die Augusti, anno 2 Hen. VI.” (1424).

Thus at length was centred in the Franks whatsoever estate the eccentric conveyances after Sir Edward's death may have created or passed. From the nature of the two last and following deeds, and from the nearness and order of their date, it may be resolved that this release was made for the purpose of conceding to Sir Edward's heir the right of possession, in consequence of the steps he had taken to assert his right of entry : for, at the end of ten weeks from this date, the Franks fully admitted and confirmed it by levying, in the following Michaelmas term, a double fine to the trustees of John de Arundel, the nephew and heir—he being a minor—acknowledging their right to the manor and advowsons of the church and hospital of Aynho, and receiving back from them a demise thereof for the term of Elizabeth Frank's life, at a nominal rent. By this act—as her second husband, Ralph Frank, concurred therein—Sir Edward's widow effectually passed whatever estate she had hitherto held in the manor, and thereby put an end to any suit or controversy upon the subject, whilst the nephew and heir parted with his right of possession by granting to her an estate for life, *de novo*, with reversion to his trustees : in fact, the parties enter into a compromise which shall have the effect of restoring the original position of each under Sir Edward's deed of settlement in 1411, viz.—hers as tenant for life, and his as heir to the remainder in fee. This fine is recited, and forms the preamble in a deed of grant from his trustees to Sir John de Arundel, knight, Lord Mautravers, dated a few months before he attained his majority of 21 years, of their reversion, under the fine, of the manor and advowsons on the decease of Elizabeth Frank. As the original record of this fine is extant in the repository of the Court of Common Pleas at Carlton Ride, I have preferred giving a copy of it, and bracketing such passages as do not appear in the abstract of the deed of grant :

“Finis levatus [Hec est finalis concordia facta] in curia [domini] Regis [apud Westmonasterium in] crastino animarum anno [regnorum] Henrici [Regis Anglie et Francie] sexti [a conquestu] tertio (3 November 1424), [coram Willelmo Babyn-ton, Johanne Cockayn, Johanne Preston, Johanne Martyn, et

Johanne Juyn, justiciariis, et aliis domini Regis fidelibus tunc ibi presentibus], Inter Thomam Wenlok chivaler, Willelmum Halle, et Robertum Sireston, querentes, et Radulphum Frank et Elizabetham uxorem ejus, deforciatores, de manerio de Aynho cum pertinentiis, et advocationibus ecclesie ejusdem manerii ac hospitalis [Sanctorum Johannis et Jacobi de Aynho], unde placitum conventionis summonitum fuit inter eos [in eadem curia]; scilicet quod predicti Radulphus et Elizabetha recognoverunt predictum manerium cum pertinentiis et advocationes predictas esse jus ipsius Roberti, ut illa que iidem Robertus, Thomas, et Willelmus, habent de dono predictorum Radulphi et Elizabethæ. Et pro hac recognitione, fine, et concordia, iidem Thomas, Willelmus, et Robertus, concesserunt predictis Radulpho et Elizabethæ predictum manerium cum pertinentiis, [et advocationes predictas, et illa eis reddiderunt in eadem curia]: Habenda et tenenda eisdem Radulpho et Elizabethæ de predictis Thoma, Willelmo, et Roberto, et heredibus ipsius Roberti, totâ vitâ ipsius Elizabethæ, reddendo inde per annum unam rosam ad festum nativitatis Sancti Johannis Baptiste pro omni servitio, [consuetudine, et exactione, ad predictos Thomam, Willelmum, et Robertum, et heredes ipsius Roberti, pertinente, et faciendo inde capitalibus dominis feodi illius pro predictis Thoma, Willelmo, et Roberto, et heredibus ipsius Roberti, omnia alia servitia que ad predicta manerium et advocationes pertinent, totâ vitâ ipsius Elizabethæ]; et post decessum ipsius Elizabethæ predictum manerium [cum pertinentiis, et advocationes predictæ], integre revertentur ad predictos Thomam, Willelmum, et Robertum, et heredes ipsius Roberti, quiete de heredibus predictorum Radulphi et Elizabethæ, tenenda de capitalibus dominis feodi illius per servitia [que ad predicta manerium et advocationes pertinent imperpetuum].” (Pedes Finium: file, Northampton, 1 to 14 Hen. VI.)

The grant of the reversion which immediately follows the recital of this fine is thus abstracted:

“ Dicti Thomas, Willelmus, et Robertus Sireston tradiderunt et concesserunt Johanni Arundell domino de Arundell et de Mautravers militi, reversionem predicti manerii de Aynho et advocationis ecclesie ejusdem manerii et hospitalis cum accederit, habendam et tenendam dicto Johanni heredibus et assignatis in perpetuum. Testibus: Mauricio Berkeley milite, Thoma

Baret armigero, Johanne Horne clerico, Willelmo Warre armigero, Johanne Burnell. Datum die Martis proximo ante festum Sanctorum Simonis et Jude anno 7 Hen. VI." (26 October, 1428).

This act of his trustees explains that passage in Baker's history of this manor (Hist. of Northamptonshire, vol. i p. 546) which states that a reversionary grant contingent on the life of Elizabeth Arundel, Lady of Aynho, was made in 7 Henry VI. (26 October, 1428), and became vested in William Earl of Arundel on her death in 1479. On the day following the date of this grant, Lord Mautravers's title to the estate in fee expectant on the life of Elizabeth Frank was completed by the ceremony of attornment, on the part of the Franks, which is recorded in an indenture of agreement between them and Lord Mautravers, and is thus abstracted.

"Scriptum indentatum inter Radulpham Frank et Elizabetham uxorem ejus, ex una parte, et Johannem dominum de Arundell dominum de Mautravers militem, ex altera, in quo dicti Radulphus et Elizabetha per unum denarium attornant et tenentes deveniunt dicto Johanni. Datum die Mercurii proximo ante festum Sanctorum Simonis et Jude, anno 7 Hen. VI." (27 Oct. 1428).

#### CORRECTIONS AND ADDITIONS.

Vol. ii. p. 319, line 37, *after* "descendebat," *add*, "Et dicunt quod dictum manerium de Colleye et dicte due carucate terre et sex librate redditus tenentur de predicto castro de Reygate per servicium militare. Et dicunt quod dictum manerium de Bokelonde cum pertinentiis tenetur de Edwardo filio Edwardi le Despencer, qui est infra etatem et in custodia domini Regis, per servitium militare, ut de honore Gloucestrie."

P. 319, note 8, last line, *for* "neerest," *read* "nearest."

P. 320, line 5, *after* "pertinentiis," *read* "et illa per quamdam cartam suam prefatis juratoribus ostensam dederunt et concesserunt prefato Comiti Arundell et Surrie, habenda et tenenda eidem comiti ad totam vitam suam. Ita quod post decessum ejusdem comitis predicta maneria de Westbechesworth, Wauton, et terre et tenementa vocata Wiklond predicta cum suis pertinentiis, prefato Johanni filio predicti comitis et heredibus et assignatis suis imperpetuum remanerent, tenenda de capitalibus dominis feodorum illorum per servitia inde debita et jure consueta. Et dicunt quod predictum manerium de Bokelond cum ad-vocatione ecclesie ejusdem manerii tenetur de heredibus domini Edwardi le Despenser, in custodia, ut supra, ut de honore Gloucestrie, sed per

que servitia ignorant. Item dicunt quod predicta maneria de West-bechesworth et Wauton, et terre et tenementa vocata Wiklond tenentur de honore Gloucestrie, ut supra, per servitium militare. Et dicunt quod predictus comes in omnibus predictis maneriis, advocacione, terris et tenementis, nullum statum habuit nisi ad terminum vite sue, ut predictum est. Et quod illa remanere debent prefato Johanni filio comitis in forma predicta. In cujus rei testimonium," etc.

P. 320, note <sup>h</sup>, 6th line from foot, *for* "2 Edw. II." *read* "6 Edw. II."

P. 321, line 6, *after* "Walsingham," *add*, "And was buried in the Priory of Lewes."<sup>1</sup>

——— line 22, *after* "Arundell," *add*, "His will, dated 8 Sep. 1400, was proved 13 July, 1403. [Lambeth Registers: ARUNDELL, fol. 203 b.]"

——— in pedigree at foot, *for* "Eva de Berkeley," *read* "Ela de Berkeley."

P. 323, line 23, *after* "Lytchett," *add*, "and desires to be buried by her husband, Sir John d'Arundell, in Lewes Priory."

P. 324, last line, *add*, "By another inquisition on the obit of Sir John de Arundel, ch'r. sen'r. taken in the county of Warwick, in 1380, 3 R. 2, it was found, 'quod tenuit ad terminum vite sue die quo obiit manerium de Braundon cum pertinentiis, in comitatu predicto, de domino Thoma Bellocampo, comite Warwick, per servitium militare, ex dimisione et concessione Thome Sudehall clerici, et Henrici de Cotene clerici: et dicunt quod predictum manerium cum pertinentiis, post decessum ipsius Johannis, Willelmo, filio ipsius Johannis, et heredibus ipsius Willelmi, remanere debeat imperpetuum.' This shews what Dugdale does not mention in his Warwickshire, under Brandon, that Sir John settled that manor on his second son William, and that it passed on his death to his brother Richard. See 'Notices of Sir Richard Arundell,' in the Collectanea Topographica et Genealogica, vol. vi. pp. 5-20."

P. 325, line 11, *for* "335" *read* "334."

——— line 22, *for* "3 Nov." *read* "30 Nov."

P. 329, line 13, *for* "oneratum" *read* "oneratur."

P. 332, line 1, *after* "age," *add* "when it was shewn that he was born at Lychet-Mautravers, co. Dorset, on 14 February, 1408. The writ and pursuant inquisition run thus: 'Henricus dei gratia Rex Anglie et Francie et dominus Hibernie, escaetori suo in comitatu Dorsetie salutem: Quia Johannes Arundell chivaler, filius et heres Johannis Arundell de Arundell chivaler defuncti, qui de domino Henrico nuper Rege Anglie, patre nostro defuncto, tenuit in capite, dicit se plene etatis esse, et petit a nobis terras et tenementa que sunt de hereditate sua, et in

custodia Willelmi Ryman armigeri ex concessione dicti patris nostri, sibi reddi; per quod volumus quod idem Johannes Arundell filius, qui apud Lychet-Mautravers in comitatu predicto natus et in ecclesia ejusdem ville baptizatus fuit, ut dicitur, etatem suam probet coram te. Et ideo tibi precipimus quod ad certos diem et locum, quos ad hoc provideris, probationem predictam per sacramentum tam militum quam aliorum proborum et legalium hominum de balliva tua, per quos probatio illa capi et veritas etatis predicte melius sciri poterit et inquiri, capias. Et scire facias prefato Willelmo quod tunc sit ibi ad ostendendum, si quid pro se habeat vel dicere sciat, quare prefato Johanni Arundell filio, ut illi, qui plene etatis est, si plene etatis sit, terras et tenementa predicta cum pertinentiis reddere non debeamus. Et probationem illam sic captam nobis in cancellariam nostram sub sigillo tuo et sigillis eorum per quos facta fuerit sine dilatione mittas et hoc breve. Teste meipso apud Westmonasterium xv°. die Februarii anno regni nostri septimo.” (1429.)

“ ‘ Probatio etatis Johannis Arundell chivaler, filii et heredis Johannis Arundell de Arundell chivaler defuncti, qui de domino Henrico nuper Rege Anglie, patre domini nostri Regis nunc, tenuit in capite die quo obiit, capta apud Chepyng Blanford in comitatu Dorsetie, decimo nono die Februarii, anno dicti domini Regis nunc septimo (1429), coram Ricardo Milborn, escaetore ejusdem domini Regis nunc in comitatu predicto, virtute brevis dicti domini Regis nunc eidem escaetori directi et huic probationi consuti, per sacramentum xii. proborum et legalium hominum subscriptorum ejusdem comitatûs, videlicet (1<sup>st</sup>) Willelmi Chetell, etatis xlv. annorum et amplius, jurati et super etatem predicti Johannis Arundell filii diligenter examinati, qui dicet super sacramentum suum quod idem Johannes Arundell filiûs, natus fuit apud Lychet-Mautravers et in ecclesia ejusdem ville baptizatus, et fuit etatis viginti et unius annorum et amplius in festo Sancti Valentini ultimo preterito; et hoc bene scit eo quod quidam Robertus Chetell, pater predicti Willelmi, sepultus fuit in cemeterio ecclesie predicte eodem die quo prefatus Johannes Arundell filius natus et baptizatus fuit; propter quod bene recolit quod idem Johannes Arundell filius fuit in festo predicto etatis supradicte,’ (14<sup>th</sup> February, 1408.) . . . ‘(10<sup>th</sup>) Walteri Russell, etatis xlv. annorum et amplius, jurati et pro se examinati de et super etatem predicti Johannis Arundell filii, etc., dicit quod portabat duas ollas de argento-deauratas ad ecclesiam predictam impletas diversis vinis pro potatione compatrum et comatris ipsius Johannis Arundell filii et aliorum circumstantium eodem die quo predictus Johannes Arundell filius natus et baptizatus fuit,’ &c. (Esc. 7 Hen. VI., No. 78.)”

P. 334, line 5, *for* “335,” *read* “330.”

P. 334, line 6, *before* "appointed," *insert* "on 10th Feb. 10 Hen. IV. (1409)."

—— line 9, *dele* "—2."

—— lines 17 and 18, *dele* "she granted;" and *after* "Aynho," *add* "was granted."

—— line 28, *for* "Guerdon," *read* "Burdens." Manning and Bray were wrong in making this name *Guerdon*. In Michaelmas term 15 Hen. VI. (1436), and before the marriage of Sir Thomas Browne and Eleanor Arundell, a fine was levied between them of certain lands of her inheritance, in the counties of Surrey and Sussex, which were subject to the life estate of her mother Joan, who was at that time remarried. As the name of her second husband is mentioned in this fine, I have referred to the original document (preserved among the Public Records), wherein it is clearly written *Burdens*. The following is a copy of the original: "Hec est finalis concordia facta in curia domini regis apud Westmonasterium in octabis Sancti Michaelis, anno regnorum Henrici regis Anglie et Francie sexti, a Conquestu quinto-decimo (1436), coram Johanne Juyn, Johanne Martyn, Jacobo Stranways, Johanne Cottesmore, et Willelmo Paston, justiciariis, et aliis domini Regis fidelibus tunc ibi presentibus, Inter Thomam Broune armigerum, Willelmum Venour, et Thomam Yonge, querentes, et Alianoram Arundell filiam et heredem Thome Arundell militis, deforciatores, de manerio de Westbechesworth cum pertinentiis in comitatu Surrie, et de manerio de Changeton cum pertinentiis in comitatu Sussexie, que Johannes Burdens armiger, et Johanna uxor ejus, que fuit uxor Thome Arundell militis, tenent ad terminum vite ipsius Johanne, unde placitum conventionis summonitum fuit inter eos in eadem curia; scilicet quod predicta Alianora recognovit predicta maneria cum pertinentiis esse jus ipsius Thome Broune; et concessit pro se et heredibus suis quod predicta maneria cum pertinentiis, que predicti Johannes et Johanna tenuerunt ad terminum vite ipsius Johanne, de hereditate predictæ Alianore, die quo hec concordia facta fuit, et que post decessum ipsius Johanne ad predictam Alianoram et heredes suos debuerunt reverti post decessum ipsius Johanne, integre remaneant predictis Thome, Willelmo, et Thome, et heredibus ipsius Thome Broune, tenenda de capitalibus dominis feodi illius per servicia que ad predicta maneria pertinent imperpetuum. Et predicta Alianora et heredes sui warrantizabunt predictis Thome, Willelmo, et Thome, et heredibus ipsius Thome Broune, predicta maneria cum pertinentiis contra omnes homines imperpetuum. Et pro hac recognitione, concessione, warrantiâ, fine et concordia, iidem Thomas, Willelmus, et Thomas, dederunt predictæ Alianore ducentas marcas argenti." (Pedes Finium: file, Divers Counties, 15 Hen. VI. No. 3, Surr' et Sussex'.) This confirms the inference

drawn (see vol. ii. p. 330, note \*), that Sir John Arundel (II.) subjected these manors to uses, with limitation to his third son Thomas and his heirs.

P. 335, line 4, *after* "Vawghan," *add* "an esquire of the body to K. Edw. IV. (See Pat. Rolls 1 E. 4, p. 3; 5 E. 4, p. 2; 6 E. 4, p. 2.)"  
 ——— line 17, *for* "324," *read* "325."

Pp. 336—7, Pedigree of the Fitzalans, of the Mautravers branch. In 2nd descent, under Sir John A. chr. jun., *for* "3 Nov.," *read* "30 Nov.;" and *for* "1490," *read* "1390."

————— In same descent, *amplify* the account of "Joan, eldest dau.," thus—

Sir W <sup>m</sup> . de Bryen, of Kem-	Joan, eld. dau., a wid. in	Sir W <sup>m</sup> . Echyngham, of
syng, co. Kent; 2d son of	1397; rem. circa 1401;	Echyngham, co. Sussex;
Sir Guy de Bryen, kt. ob.	ob. 1 Sep. 1404; bur. at	ob. 20 March, 1412-13;
23 Sep. 19 R. 2, 1395,	Echyngham.	bur. at Echyngham.
s. p., bur. at Seal, Kent.		

The monumental brass of Sir William de Bryene, Kt. of Kemsyng, in Seal Church, Kent, which yet remains perfect, contains two shields of arms, one representing the arms of Bryen (O.), 3 piles in point (Az.); the other, Bryen, impaling Arundel, vizt., quart. 1st and 4th (G.), a lion rampant (O.) for Fitzalan; 2d and 3d (S.), fretty (O.), for Mautravers. By Inquisition taken at Wells, co. Somerset, on Thursday next before the feast of Calixtus, 20 Ric. II. (12 Oct. 1396), it was found that he died on the 22 Sep.—(the Monu. Inscript. says the 23d)—19 Ric. II. (1395), and that Philippa wife of John Deveros and Elizabeth wife of Robert Lovell, daus. of Sir Guy de Bryen, ch'r jr. his brother, were his nearest heirs. (Esc. 20 Ric. II. No. 8.) Joan his wife and relict had an assignment of dower out of his manors of Donhed, Shokerwyk, and Batheneston, co. Somerset, made to her on the 12 Dec. 21 Ric. II. (1397). (Esc. 21 R. II. No. 4.) Agnes, widow of Sir William Arundel, K.G. brother of this Joan, in her will, dated 6 Sep. 1401, mentions her sister "Brian." About that time she remarried Sir William Echyngham, of Echyngham, knt. as on Patent Roll 2 Hen. IV. p. 2, m. 28, there is a grant from the crown to Sir William and Joan his wife of certain lands and rents in Benyndon, which were lately held by Rob. Belknapp. The match of Joan dau. of John de Arundel and Eleanor Mautravers with Sir W<sup>m</sup>. Echyngham, and the issue, are given by Vincent, also in the Visitation of Sussex of 1634—63, and Harl. MS. 1174, f. 85. Their monumental brass in the chancel of the church at Echyngham, which, although damaged, is still to be seen, states that Sir William died 20 March, 1412(-3), Joan his wife, 1 Sep. 1404, and Sir Thomas their son, 15 Oct. 1444. ("Echyngham of Echyngham," by Spencer Hall.) In Hayley's Collections in the Brit.

Museum (Add. MS. 6358) there is a minute description of the nine shields of arms which formerly decorated this brass, and which bore the arms of Mautravers with others.

————— In third descent, *under* "Elizabeth dau. of Sir John Scargill," *add* "she remarr. circa 1419, Ralph Frank, and ob." &c.

————— In same descent, *under* "Joane wife of Sir Thomas Arundel," *for* "Thomas Vaughan," *read* "John Burdens."

P. 337, in fourth descent, *under* "John, Earl of Arundel," *for* "nat. 1407-8," *read* "nat. 14 Feb. 1408."

————— In same descent, *under* "Eleanor Arundel, wife of Sir Thos. Browne," *after* "Thos. Vaughan," *add* "an Esquire of the Body to King Edw. IV."

————— in fifth descent, *under* "Humphry Earl of Arundel," *after* "nat." *add* "30 Jan."

B. W. G.

*Shirley, Southampton,  
February, 1854.*

---

GRANT OF ARMS IN 1499, AND OF A CREST IN 1565, TO THE FAMILY OF SMITH, *alias* HERIZ, OF THE COUNTY OF LEICESTER.

The family of Smith, to which these documents relate, at a subsequent period made pretensions to very high and illustrious descent, which is thus proudly set forth in the epitaph<sup>a</sup> of Sir Roger Smith, in the church of Edmondthorpe in Leicestershire :

"Here lieth the grave and religious Sir Roger Smith, knight, Lord of this Manor, and formerly one of the Justices of this County ; whose worthy parts are adorned with the worth of his descent ; whose greates-grandfather William Smith, *alias* Herez, descended of the ancient family of Herez of Wiverton in the county of Nottingham, is by females passinge throw the names of Ashby, Burdet, Zouch, and Conan Duke of Brittain, descended from Henry the First, Kinge of England. He dyed Anno Domini 1655, aged eighty-fower yeares."

It is the same "greates-grandfather" who in the following document appears in the reign of Henry the Seventh as plain "William Hares, otherwyse called Smyth, of the countie of Leicester, gentelman," and actually in want of a coat of arms. How shall we reconcile so unexpected a fact ?

In an account of the family (written during the last century by Thomas Lord Dacre, and printed in the History of Leicestershire, ii. 182), we find an explanation suggested for this anomaly in a "tradition "

<sup>a</sup> Nichols's History of Leicestershire, vol. ii. p. 180.