THE DEVOLUTION OF THE SUSSEX MANORS FORMERLY BELONGING TO THE EARLS OF WARENNE AND SURREY.

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Notwithstanding the valuable papers bearing on this subject, which have from time to time appeared in the *Sussex Archæological Collections* — notably that by Colonel Attree on the manors extending over the parish of Wivelsfield (*S.A.C.*, Vol. XXXV., pp. 7—20), the late Canon Cooper's articles on the manor of Cuckfield (*Ib.*, Vol. XL., pp. 173—210; Vol. XLI., pp. 79—94, &c.), and Mr. Renshaw's recent paper on the manor of Keymer (*Ib.*, Vol. LIV., pp. 6—31)—there still remains some points concerning the devolution of the Sussex manors of the Warennes at the close of the fifteenth century among the co-heirs of the FitzAlan Earls of Arundel, which are involved in obscurity; and indeed it is not easy to reconcile all the statements and conclusions contained in the papers above referred to. Who were these co-heirs? And did they inherit as tenants in tail under a subsisting entail or as heirs-at-law of the last owner? Why is it that some of the manors appear to have afterwards been held in fourth shares, whilst others were certainly split up into eighth shares? What became of the Berkeley share? And did the Stanleys and the Wingfields acquire their interests by descent or by purchase? These are some of the questions that arise, and there are other subordinate points not free from difficulty. It has appeared to me that a somewhat more detailed consideration than the subject has yet received of the evidence now available may be of use in clearing up most, at any rate, of these difficulties, and it

is with this object in view that I have ventured to write this paper, though I fully recognise the presumption of my offering any suggestions on a subject which apparently has puzzled far more competent inquirers that I can pretend to be. From a legal point of view the inquiry is an interesting one, for it illustrates, and indeed to a certain extent depends upon, the old law of inheritance, which prevailed in England up to the year 1834, and it also involves other questions of law concerning barring of entails, jointure and dower, and partitions of estates among coparceners. But the failure on two separate occasions of the direct heirs male, with the double devolution among co-heirs resulting therefrom, has caused a rather complicated sub-division of shares; and this makes the subject a difficult one to deal with in a manner sufficiently clear to be easily followed by a reader.

To understand the difficulties that have arisen it will be necessary to go back to the middle of the fourteenth century, when, after the death of John de Warenne, the last Earl of Warenne and Surrey, in 1347, and of his widow, Joan (de Bar), in 1361, his nephew Richard FitzAlan Earl of Arundel succeeded to the estates comprised in a previous settlement of 1326, under which the estates had been limited to the Earl of Warenne and Joan his wife and the heirs of their bodies, with remainder to his sister Alice and her husband Edmund FitzAlan Earl of Arundel for their lives, with remainder to their son Richard, afterwards Earl of Arundel, and his first wife Isabel (le Despencer) and the heirs of their bodies, with remainder to the right heirs of the Earl of Warenne (*Cal. Pat. Rot.*, 19 Ed. II., pt. 2, m. 7). Richard Earl of Arundel was now (1361) married to his second wife Eleanor, daughter of Henry Plantagenet Earl of Lancaster. Having had no issue by his first wife Isabel, he had become what is technically called "tenant in tail after possibility of issue extinct" under the settlement; and, as he was also entitled to the reversion in fee simple as his uncle's heir-at-law, his tenancy in special tail had become merged in the fee

simple. Moreover, his title to the estates under the settlement of 1326, which the Earl of Warenne had attempted to defeat by making a surrender to and taking a regrant from King Edward III., had in the meantime been recognised and confirmed by the King (*Cal. Pat. Rot.*, 20 Ed. III., pt. 3, m. 5; *Ib.*, 23 Ed. III., pt. 2, m. 28). A few years later, in 1366, after his eldest son Richard had married Elizabeth, daughter of William de Bohun Earl of Northampton, Richard Earl of Arundel and Eleanor his wife levied a fine in favour of John Duke of Lancaster and other trustees of the following estates, viz.:—the castle and town of Reigate, the manors of Dorking and Becheworth, and a third part of the tolls of Guildford and Southwark, co. Surrey; the castle, town and lordship of Lewes, the manors of Cokefeld (Cuckfield), Clayton, Dychenynge (Ditchling), Mechynge (now Newhaven), Peccham (Patcham), Brighthelmeston (Brighton), Rottingdean, Houndedean (Houndean), Northese, Rademelde (Rodmill), Kymere (Keymer), Middleton, Alyngton, Worth and Pycombe, and the towns of Seaford, Iford and Pydinghoo, co. Sussex; and the castles of Dynasbran and Lleon (Holt), with the territories of Bromfield, Yale and Wrexham in Wales or the Marches of Wales. And by a contemporaneous fine levied by John Duke of Lancaster and the other trustees, the same estates were settled upon Richard Earl of Arundel and Eleanor his wife, as regards the Surrey and Sussex properties for their respective lives and as regards the Welsh property for the life of Richard, with remainder to his eldest son Richard de Arundel junior and Elizabeth his wife, as regards the Surrey and Sussex properties for their respective lives and as regards the Welsh property for the life of Richard de Arundel junior, with remainder as regards all the estates to the *heirs of the body of Richard de Arundel junior*, with subsequent remainders first to John de Arundel the second son (ancestor of the later Earls of Arundel and his wife and the heirs *male* of his body, then to Thomas de Arundel the third son (afterwards Archbishop of Canterbury) and the heirs of his body, then to the heirs of the body of the second son

John, and then to the two daughters, Joan Countess of Hereford and Alice (afterwards Countess of Kent), successively in tail male (*Feet of Fines, Divers Counties*, Easter 40 Ed. III.).[1] It is curious that Tierney in his *History of Arundel*, p. 236, n., which, so far as I am aware, is the only published work in which the limitations of this settlement of 1366 are set out, gives these limitations very inaccurately; he makes the primary limitation after the life estates a limitation to Richard de Arundel (junior) and his *heirs male*, which, if it had been correct, would have carried these estates on the exhaustion of his issue male by the death of his son, Earl Thomas, without issue in 1415 (with the Arundel estates proper) to the descendants of his brother John, the next in the entail, instead of to his daughters.

On the death in 1376 of Richard Earl of Arundel, who had survived his wife, these settled estates devolved upon his son Richard de Arundel, junior, who then succeeded him as Earl of Arundel, and on the attainder and execution of the latter in 1397, his wife having predeceased him, all his estates, including these settled estates, were by authority of Parliament forfeited to the Crown (*Inq. p.m.*, 21 Ric. II. Forfeitures, No. 1, c. d., and No. 11, e. f. g. h.). In the same year they were granted by the King in tail male to Thomas (Mowbray) Earl Marshall and Earl of Nottingham (the son-in-law of the Earl of Arundel), who was then created Duke of Norfolk, but in the following year they again came into the hands of the King "by virtue of a judgment against the Duke by authority of Parliament" and were granted to the King's half-brother John (Holland) Duke of Exeter in tail male (*Pat. Rot.*, 21 Ric. II., pt. 1, m. 5; *Ib.*, 22 Ric. II., pt. 2, m. 28). In 1399, on the accession of Henry the Fourth, Richard Earl of Arundel's attainder and the forfeiture of his estates were annulled by the new Parliament, and his son Thomas Earl of Arundel, then still a minor in the King's ward, had licence to enter upon the estates (*Ib.*, 1 Hen. IV., pt. 4, m. 28).

[1] For explanatory pedigree see the end of this paper.

The annulment of the forfeiture would of course restore the settlement of 1366, but nevertheless, the provisions of that settlement seem to have been to a certain extent lost sight of at the time of the death of Thomas Earl of Arundel in 1415. For in May, 1415, a few months before his death, licence was given by the King for Thomas Earl of Arundel, who was a tenant *in capite* and therefore could not alienate without licence, to enfeoff Thomas Lord of Camoys, kt., and others of the above-mentioned estates in Surrey and Sussex (though the licence did not extend to the estates in the Marches of Wales), and for the feoffees to grant the same to him and Beatrice his wife and the heirs of their bodies, with remainder to his right heirs (*Pat. Rot.*, 3 Hen. V., pt. 1, m. 5); and in the inquisitions taken on his death in the same year, whilst the jurors of Salop and the Marches of Wales find that Thomas Earl of Arundel died seised of the castles of Dynasbran and Lleon and the territories of Bromfield, Yale and Wrexham as tenant in tail under the settlement of 1366, the jurors of Surrey and Sussex refer only to the jointure settlement made by Thomas Earl of Arundel upon himself and his wife shortly before his death, and find that his three surviving sisters were his right heirs (*Inq. p.m.*, 4 Hen. V., No. 54). I cannot see what power Earl Thomas could possibly have as tenant in tail under the settlement of 1366 to make this jointure settlement upon his wife, though she would of course be entitled on his death to her dower out of the entailed property, or rather she would have been so entitled if she had not been an alien. Beatrice Countess of Arundel was a daughter of John King of Portugal, and as she had been born in Portugal it was necessary for her to obtain an Act of Parliament to entitle her to have dower assigned (*Rot. Parl.*, 9 Hen. V., m. 12; Vol. IV., p. 130); and I can only suggest that, if her interest was so great as to enable her to get this Act passed, it was probably sufficiently great to make it a difficult task for the tenants in tail to get the jointure settlement annulled, even if it were worth their while to do so. But, whatever the reason may have been, she enjoyed

her jointure out of these Surrey and Sussex estates and her dower out of the Welsh ones until her death in 1439, upon which the Denbighshire jurors again trace the title under the settlement of 1366, whilst the jurors of Surrey and Sussex refer both to the settlement of 1366 and to the jointure settlement of 1415, and find the then representatives of the three sisters, viz., John Duke of Norfolk, Elizabeth Lady Bergavenny and Edmund Lenthall, entitled in both capacities (*Inq. p.m.*, 18 Hen. VI., No. 28).

Thereupon a partition of the estates was made between the three co-heirs, and as they were tenants *in capite* it was necessary for this purpose to sue out a writ of livery and partition in Chancery (*Pat. Rot.*, 19 Hen. VI., pt. 1, mm. 19, 20; *Ib.*, pt. 3, m. 13).[2] It appears from various subsequent documents that under this partition the manors of Clayton, Meching, Brighthelmeston, Middleton and Alington and the town of Seaford, co. Sussex, with the manor of Reigate, co. Surrey, and the manors of Merford and Hosseley in the Marches of Wales, fell to the share of John Duke of Norfolk, the manors of Ditchling, Patcham, Rottingdean, Northese and Rodmill, co. Sussex, with the manor of Becheworth, co. Surrey, and the manors of Pyckhill, Sessewyk and Bedwell in the Marches of Wales, to the share of the Lady Bergavenny, and the manors of Cuckfield, Houndean and Keymer, co. Sussex, with the manor of Dorking, co. Surrey, and the manors of Hewlington and Almore in the Marches of Wales, to the share of Edmund Lenthall, whilst the castle and town of Lewes, the chace of Clerys, the park and chace of Worth, and the perquisites of various hundreds and other courts of the barony of Lewes, co. Sussex, with the tolls of Guildford and Southwark, co. Surrey, and the castles and other

[2] A partition made in this manner differed in several respects from a partition made under the common law writ *de partitione faciendâ*, it being directed to the Escheator instead of to the Sheriff, and made without a jury and without any judicial confirmation, the object being not so much the benefit of the parties as the increasing of the number of the King's tenants; it was not conclusive as between the parties, and if on subsequent inquiry it was found to be unequal it could be set aside either in Chancery or at common law (Coke upon Littleton, 169a, Hargrave's note).

territories in the Marches of Wales, seem to have been either divided by metes and bounds to be held in severalty by, or else left to be held in undivided shares between, the three co-heirs (*Pat. Rot.*, 23 Hen. VI., pt. 2, m. 17 (Lenthall share); *Inq. p.m.*, 16 Ed. IV., No. 66; *De Banco Rot.*, 18 Ed. IV., mm. 37, 333 (Bergavenny share); and *Inq. p.m.*, 4 Ed. IV., No. 59, and 17 Ed. IV., No. 58, and other inquisitions (Norfolk share)).

Of these three co-heirs John (Mowbray) Duke of Norfolk was the son of John Duke of Norfolk (who died 1432), son of Thomas 1st Duke of Norfolk by his wife Elizabeth FitzAlan (who died 1425), one of the daughters of the Richard Earl of Arundel, who was beheaded in 1397, the original tenant in tail under the settlement of 1366, and eldest surviving sister of Thomas Earl of Arundel, who died in 1415. Elizabeth Lady Bergavenny, the wife of Sir Edward Nevill,[3] was the only daughter of Richard Beauchamp Earl of Worcester (who died 1422), son and heir of William Beauchamp Lord Beauchamp de Bergavenny by his wife Joan FitzAlan (who died 1435), another of the daughters of Richard Earl of Arundel and the second surviving sister of Thomas Earl of Arundel. Edmund Lenthall was the son of Sir Roland Lenthall by his wife Margaret FitzAlan (who died 1422), another of the daughters of Richard Earl of Arundel and the third surviving sister of Thomas Earl of Arundel. Richard Earl of Arundel had also a fourth daughter Alice, who married John Charlton de Powys Lord Powys and was living at her father's death, but she died without issue before her brother Thomas. Consequently the three co-heirs were both heirs in tail under the settlement of 1366 and heirs-at-law of Thomas Earl of Arundel.

It will be necessary to trace the title to the several shares separately, but for the sake of convenience I propose to take them in the following order, viz., (1) the

[3] This Sir Edward Nevill was a younger son of Ralph 1st Earl of Westmorland, by his second marriage with Joan de Beaufort, and a brother of the Earls of Salisbury and Kent and of Lord Latimer. He was himself summoned to Parliament as Lord Bergavenny *jure uxoris* after her death.

Bergavenny or Nevill share, (2) the Lenthall share, and (3) the Norfolk or Mowbray share, although this is not the proper order according to seniority of birth, because it is with reference to the last share that the main difficulties have arisen.

1. As regards the *Bergavenny* or *Nevill* share no difficulty occurs, at any rate in connection with the Sussex Manors. Elizabeth Lady Bergavenny died in 1447 in the lifetime of her husband, leaving George Nevill, afterwards Lord Bergavenny, her son and heir. Her husband, Edward Nevill, who was created Lord Bergavenny, enjoyed all her estates for his life by the curtesy of England, and on his death in 1476 he was succeeded by his son George Nevill, 2nd Lord Bergavenny (*Inq. p.m.*, 16 Ed. IV., No. 66, Surrey and Sussex inquisitions; there is no Welsh inquisition extant). George Nevill, Lord Bergavenny, who (as we shall presently see) had also meanwhile succeeded to a moiety of the Lenthall share, making with his own third share altogether a moiety of the settled estates, died in 1492, and was succeeded by his son of the same name, George Nevill, 3rd Lord Bergavenny, who died in 1536. There are no inquisitions extant at the Public Record Office, taken on the death of either the 2nd or the 3rd Lord Bergavenny, except a Warwickshire inquisition taken on the death of the latter, who on the death of his father had obtained a licence from the Crown to enter without proof of age, livery or inquisition upon all manors, &c., of which his father had died seised (*Pat. Rot.*, 8 Hen. VII., pt. 1, m. 5).

2. As regards the *Lenthall* share. This share, as to the two-third parts of the Welsh estates which had not been held in jointure or dower by Beatrice Countess of Arundel, devolved on the death of her husband Earl Thomas in 1415 upon Margaret Lenthall, and after the death of the latter in 1422 was held by her husband Sir Roland Lenthall as tenant by the curtesy until his death in 1450 (*Inq. p.m.*, 29 Henry VIII., No. 27). Subject to Sir Roland's interest the share devolved upon their son Edmund Lenthall, who on the death of Beatrice

Countess of Arundel in 1439 succeeded also to the possession of the rest of his mother's share, including her share of the Surrey and Sussex estates. In 1445 by licence from the Crown he granted the whole of his share of these estates, then partly in possession and partly in reversion, to William Bishop of Salisbury and others, doubtless as feoffees to the uses of his will (*Pat. Rot.*, 23 Hen. VI., pt. 2, m. 17), and this accounts for the findings in the inquisitions taken on his death in 1447 that he held no lands in the counties of Surrey and Sussex (*Inq. p.m.*, 25 Hen. VI., No. 4). After his death the feoffees under his settlement made an assignment of a portion of the estates to his widow Margaret for her life in satisfaction of her dower in accordance with Edmund Lenthall's will, the estates so assigned consisting of the manors of Keymer and Houndean, the (so called) manor of Aldelegh or Haldelegh,[4] an annual rent of £3. 13s. 1½d. accustomed to be paid for the inclosure of the Park of Cuckfield,[4] and the seigniory of various lands held by tenants in fee and profits of courts, &c., belonging to the barony of Lewes (*Inq. p.m.*, 1 Ric. III., No. 43, taken on the death of his widow, who had meanwhile married Sir Thomas Tresham). The beneficial interest at any rate in the remainder of his estates passed on his death to the other two co-heirs, who would be entitled both as heirs in tail under the settlement of 1366 and as heirs-at-law of Edmund Lenthall; and from thenceforth the shares of the other two co-heirs, viz., the Mowbrays and the Nevills, in such estates become moieties instead of third shares.

Margaret Tresham, Edmund Lenthall's widow, died 3rd January, 1 Ric. III. (1484), seised of that portion of his estates which had been assigned to her in dower, the reversion being vested in the surviving trustees, who then were the Archbishop of Canterbury and others, to the use of John (Howard) Duke of Norfolk, William (Berkeley) Earl of Nottingham, Thomas Stanley Lord Stanley, Sir John Wingfield, Kt., and George Nevill

[4] As to this see note B at the end of this paper.

Lord Bergavenny and their heirs as cousins and heirs of Edmund Lenthall, "viz., the said John now Duke of Norfolk, son of Margaret, one of the daughters of the said Richard late Earl of Arundel and Surrey, by a certain Thomas late Duke of Norfolk of the body of the said Elizabeth procreated, and one of the sisters of the said Margaret another of the daughters of the said Richard late Earl, mother of the said Edmund Lenthall, And the said now Earl of Nottingham, son of Isabel another of the daughters of the said Elizabeth by the said Thomas late Duke procreated, And the said Thomas Stanley, son of Joan, the third of the daughters of the said Elizabeth by a certain Robert Goushill kt. of the body of the said Elizabeth procreated, And the said John Wyngfeld, son of John, son of Elizabeth, the fourth daughter of the said Elizabeth, one of the daughters of Richard, by the said Robert Goushill of the body of the said Elizabeth procreated, And the said George Nevyll, son of Elizabeth, daughter of Richard, son of Joan, the third of the daughters of the said Richard late Earl of Arundel and Surrey and another of the sisters of the said Margaret mother of the said Edmund Lenthall" (*Inq. p.m.*, 1 Ric. III., No. 43). It will be noticed that here again, though no express mention is made of the settlement of 1366, the title is traced up to the original tenant in tail, Richard Earl of Arundel, who was the common ancestor. Edmund Lenthall having been the person last seised, the heirs in tail under the settlement of 1366 (*quoad* this share) and the heirs-at-law of Edmund Lenthall would be the same persons, viz., John (Howard) Duke of Norfolk, William (Berkeley) Earl of Nottingham, Thomas (Stanley) Lord Stanley and Sir John Wingfield, in equal fourth shares as to one moiety, and George (Nevill) Lord Bergavenny as to the other moiety. The Stanleys and the Wingfields, though of the half blood only to the Howards and the Berkeleys, were equally with them of the whole blood to the Lenthalls, and all together with the Nevills were co-heirs in tail of Richard Earl of Arundel.

3. Lastly we come to the *Norfolk* or *Mowbray* share, which gives rise to the main difficulties. Elizabeth, the eldest daughter of Richard Earl of Arundel, was married four times, viz., (1) to William de Montacute, son and heir apparent of William Earl of Salisbury, who died before his father in 1383 and by whom she had no issue; (2) to Thomas Mowbray Earl of Nottingham, created Duke of Norfolk, who died in 1399 or 1400 and by whom she had two sons and two daughters, the ancestors of the Howards and the Berkeleys; (3) to Sir Robert Goushill, who died in 1404 and by whom she had two daughters, the ancestors of the Stanleys and the Wingfields; and (4) to Sir Gerard Ufflete, who was living in 1411 (*S.A.C.*, Vol. X., p. 138) and by whom she had no issue. She died in 1425 (*Inq. p.m.*, 3 Hen. VI., No. 25), and her eldest son Thomas, who survived his father and was *de jure* 2nd Duke of Norfolk, though he does not appear to have borne that title (Cockayne's Complete Peerage, *sub nom.*), having predeceased her without issue, she was succeeded by her second son John 3rd Duke of Norfolk, who died in 1432 (*Inq. p.m.*, 11 Hen. VI., No. 43), leaving a widow Katherine, daughter of Ralph (Nevill) Earl of Westmorland, who afterwards married three other husbands and was still living in 1482 (*Rot. Parl.*, 22 Ed. IV., Vol. VI., p. 206), but died in or before 1488 (*Ib.*, 4 Hen. VII., Vol. VI., pp. 411-2). She appears to have died in 1483 or 1484 (Smyth's *Lives of the Berkeleys*, fo. 608, Vol. II., p. 142). In neither of the above mentioned inquisitions, taken in 1425 and 1432, is there any mention of the Surrey or Sussex estates comprised in the settlement of 1366, except a rent arising out of the tolls of Guildford and Southwark, those estates being then still held by Beatrice Countess of Arundel, but both of them include a third part of the castles of Dynasbran and Lleon and of the territories of Bromfield, Yale and Wrexham in the counties of Denbigh and Salop.

On the death of John 3rd Duke of Norfolk, in 1432, he was succeeded in his titles and estates by his son John 4th Duke, who married Eleanor, sister of Henry (Bouchier) Earl of Essex and daughter of William Earl

of Eu. As already mentioned, he became entitled on the death of Edmund Lenthall in 1447 to a moiety of his third share of the settled estates subject to Sir Roland Lenthall's interest in parts and to the dower of Margaret Tresham, Edmund Lenthall's widow, in other parts of his estates. He died in 1461, and dower was assigned to his widow (*Inq. p.m.*, 1 Ed. IV., No. 46; 4 Ed. IV., No. 59). The Surrey and Sussex inquisitions taken in 1 Ed. IV. are unfortunately now missing, though the estates referred to in them are set out in the printed Calendar to the Inquisitions, but the inquisition for Salop and the Marches of Wales traces his title as tenant in tail under the settlement of 1366. Shortly afterwards a Sussex inquisition was taken on the death of some Earl of Arundel (*Inq. p.m.*, 4 Ed. IV., No. 72, old number in Calendar Appendix No. 9). According to the printed Calendar to the Inquisitions all the above mentioned Sussex estates of the Warennes are here included, but it is not stated which is the Earl of Arundel referred to. The original inquisition is unfortunately in a bad state of preservation; it is a long one, difficult to decipher, and in several parts quite illegible, but I succeeded in making out words referring to limitations to "Richard Earl of Arundel and Eleanor his wife" and to "Richard de Arundel junior and Elizabeth his wife," so that there can be hardly any doubt that the reference is to the settlement of 1366, and it would seem that the continued existence of that settlement was at length recognised by a Sussex jury. The natural inference is that the Earl of Arundel referred to was the Earl Richard, who died in 1397. Indeed, it is difficult to suggest any reason why in 1464 an inquisition should be taken on the death of any Earl of Arundel, with reference to estates of which the last Arundel possessor died in 1415, except the obvious one that it refers to the death of the original tenant in tail.

Eleanor, the wife of John Duke of Norfolk, survived her husband and died in 1474. Their son John, 5th and last Duke of Norfolk of that creation, married Elizabeth daughter of John Talbot, 1st Earl of Shrewsbury,

who survived her husband for many years and did not die until 1507. He died in January, 1476. The inquisitions taken on his death for the counties of Surrey and Sussex are not very legible, but the Sussex inquisition included all the manors, which had been allotted to his father on the partition in 1440-1, and also the share, which had come to him on Edmund Lenthall's death in 1447, of the estates which had been allotted to Lenthall, which share included a moiety of the manor of Cuckfield and (subject to Margaret Tresham's life interest) a moiety of the manors of Houndean, Keymer and Holdelegh and of the Cuckfield park inclosure rent (*Inq. p.m.*, 17 Ed. IV., No. 58). His heir was his only daughter, Anne Lady Mowbray, who was born in December, 1472, and was then of tender years.

Two years later, on 15th January, 1478, the infant heiress of the vast Mowbray estates was married to the ill-fated Richard Plantagenet Duke of York, who with his brother Edward V. was murdered in the Tower of London a few years afterwards. On the occasion of this marriage two Acts of Parliament were passed, by which a life interest was secured to Richard Duke of York in portions of his wife's estates in the event of her death without issue (*Rot. Parl.*, 17 Ed. IV., Vol. VI., pp. 168-9). The first comprised (besides a moiety of the estates in the Marches of Wales and the county of Surrey) a moiety of the castle of Lewes, the entirety of the manors of Clayton, Allington, Middleton, Brighthelmston, Meching and Seaford, and a moiety of the manor of Cuckfield, a moiety of the chace of Clerys, a moiety of the forest of Worth and a moiety of the profits of the various courts above referred to, in the county of Sussex, to all of which she was then entitled in possession, but it did not include the moiety of the manors of Houndean and Keymer or of the (so called) manor of Haldelegh or of the Cuckfield Park inclosure rent, to which she was only entitled in reversion on the death of Lady Tresham. The second Act comprised the lands then held in dower by her mother, Elizabeth Duchess of Norfolk, but the only Sussex estates there mentioned

are the (Mowbray) manors of Bosham, Funtyngdon, Thorney and Fyndon. These Acts would in any case be necessary to secure a life interest to the Duke of York, whether his young wife were tenant in tail or tenant in fee simple, because in either case, if she were to die before any issue should be born of the marriage (as in fact she did), he would not then have been entitled to hold them by the curtesy of England.

Anne Duchess of York died 16th January, 1481,[5] and then the question of the existence of the entail would for the first time become of real importance, because under the old English law, before the passing in 1833 of the Act for the Amendment of the Law of Inheritance (3 and 4 William IV., *c.* 106), in the case of fee simple estates the heirship would be traced from the *person last seised*, and relatives of the half blood would be excluded, whereas in the case of a tenancy in tail the heirship would be traced from the *original donee in tail.* Consequently, as regards the fee simple estates of which she died seised her co-heirs would be her two cousins of the whole blood, John Lord Howard, afterwards created Duke of Norfolk, and William Lord Berkeley, afterwards created Earl of Nottingham and Marquis Berkeley, whereas with respect to the estates of which she was tenant in tail under the settlement of 1366 her co-heirs in tail would be her cousins, whether of the whole or of the half blood, *i.e.*, John Lord Howard, William Lord

[5] This is the date given in Cockayne's *Complete Peerage, sub nom.* "York" and "Norfolk," and it is probably correct; but other dates have been assigned. In the same work *sub nom.* "Berkeley" the date given for her death is 16th Jan., 147$\frac{7}{8}$, a date which is obviously taken from Smyth's *Lives of the Berkeleys*, fo. 585., Vol. II., p. 120, whilst the date usually assigned is 1483, the same year as her husband was murdered. It is curious that there should be any doubt as to the death of an heiress of such large estates. That 1483 is wrong is quite certain, for her death is referred to in an Act passed in 22 Edward IV. Smyth's statement is that she died 16th Jan. 17 Edward IV., "she then under seven years of age, her father ending his days the tenth of January in the fourteenth of the said King." This also is clearly incorrect, for her father died 10th Jan. 15 Edward IV. (147$\frac{5}{6}$), and in January, 147$\frac{7}{8}$, Anne was under *six* years of age, having been born 10th December, 1472. The marriage was celebrated with much pomp at St. Stephen's Chapel, Westminster, on 15th Jan., 147$\frac{7}{8}$ (Stowe's *Annals*, p. 430; Sandford's *Genealogical History*, p. 416), the very day before the date assigned for her death, which of itself seems rather improbable; moreover, there are entries on the *Patent Rolls* of 18 Edward IV. and 20 Edward IV., which seem to show conclusively that she was still alive after that date and as late as November, 1480 (*Cal. Pat. Rot.*, pp. 118, 124).

Berkeley, Thomas Lord Stanley and Sir John Wingfield, who were all descendants of the original donee in tail, Richard Earl of Arundel. Horsfield, in his *History of Lewes* (pp. 136, 137), apparently adopts the view that she was tenant in fee simple, though he admits his inability to explain the subsequent devolution of the title on that hypothesis, and Mr. Renshaw has added the weight of his authority to this view in his paper on the manor of Keymer (*S.A.C.*, Vol. LIV., p. 11). The other view, and I am convinced the correct one, is taken by Colonel Attree in his paper on the Wivelsfield manors (*Ib.*, Vol. XXXV., pp. 9, 12, 15, 18), and, I think, by Canon Cooper, in his papers on the manor of Cuckfield, though I cannot find any direct reference there to the Wingfield share (*Ib.*, Vol. XL., pp. 202-3, Vol. XLI., pp. 82, 86). It is also the view taken in Manning and Bray's *History of Surrey* (Vol. I., p. 276). My reasons for preferring this last view are as follows:—

(1) There is no doubt about the creation of the entail by the settlement of 1366, and, although it appears to have been ignored by successive Sussex juries during the greater part of the fifteenth century, I can find nothing which could legally have the effect of putting an end to this entail. It must be remembered that the celebrated decision in *Taltarum's Case*, by which, notwithstanding the prohibition contained in the statute *De donis conditionalibus*, "common recoveries" first received judicial recognition as an effective mode of defeating estates tail, was not given till Michaelmas term 1472 (Y. B., Mich. 12 Ed. 4, No. 19); so that the only period during which a recovery is at all likely to have been suffered would be the few years between that time and the death of the last Duke of Norfolk in January, 1476, after which the tenant in tail was an infant, and I can find no record of any such recovery. The alienation by Thomas Earl of Arundel for his wife's jointure in 1415, though made by licence of the Crown, could have no such effect, nor could the partition before the King in Chancery in 1440-1, whilst the Act of 1477, though it interfered with the settlement to some extent by giving a life interest to

the Duke of York, did not purport to destroy the entail.

(2) It is true that as regards the Lenthall share, or rather that part of it which was held in dower by Margaret Tresham, the result would be precisely the same, whether the entail were still in existence or not; for the person last seised would be Edmund Lenthall himself, and therefore, whether the descent were traced from the original donee in tail or from the person last seised, the co-heirs would in either case be the representatives of all the four daughters of Elizabeth Duchess of Norfolk as regards one moiety, whilst the other moiety would belong to George Nevill, Lord Bergavenny. But this would not apply to the manors already allotted on the previous partition to the Mowbrays or to that part of the Lenthall share which devolved upon the Mowbrays immediately on the death of Edmund Lenthall. It will be seen that the subsequent title is consistent, and, it is submitted, consistent only, with the view that the Mowbray interest in *all* the estates comprised in the settlement of 1366 devolved upon the representatives of all *four* daughters, who, as regards this share, would be the co-heirs of the original donee in tail, but not the co-heirs-at-law of the person last seised, viz., Anne Duchess of York. It is also true that the estates, which were allotted to the Duke of Norfolk on the partition in 1440-1, and that part of the Lenthall share, to which he succeeded in possession on Edmund Lenthall's death in 1447, were eventually held in moieties and not in fourth shares. But this did not happen at once; for, as will presently be seen, it is clear that the Berkeleys were at first entitled to a fourth share, and when the fourth shares had subsequently become moieties one of such moieties was held not by the Berkeleys, but by the Stanleys. This can be satisfactorily accounted for on the hypothesis, for which there is a good deal of evidence, that a partition was agreed upon, if not completely effected, between the four co-heirs, under which all these Surrey and Sussex manors and half manors were

allotted to the Duke of Norfolk and the Earl of Derby, whilst the share of the bulk of the estates in the Marches of Wales fell to the lot of Lord Berkeley and Sir John Wingfield. The estates then held in dower by Margaret Tresham were evidently not included in this partition, as we find one fourth of a moiety of these estates still held by the Wingfield family as late as 1538, whilst a similar share was held by the Stanleys in 1522.

To return now to a more detailed consideration of the evidence still extant. In 1482, after the death of Anne Duchess of York, a statutory settlement was effected of a share of the estate, to which Lord Berkeley would become entitled on the death of Richard Duke of York, in consideration of the payment by the King of a sum of £34,000 in satisfaction of debts incurred by Lord Berkeley and his brothers. The limitations of this settlement were to the Duke of York in tail, with remainder to his father the King in tail male, with remainder to Lord Berkeley and all other persons as if the Act had never been made (*Rot. Parl.*, 22 Ed. IV., Vol. VI., pp. 205-7). This statutory settlement could not possibly have had any *ex post facto* operation in enlarging the share of Lord Berkeley from one fourth into one half, nor did it purport to do so, and in any case its operation would be exhausted on the death of the King and his two sons, Edward V. and Richard Duke of York, in 1483, when the shares of the co-heirs would become vested in possession.

On the accession of Richard the Third in June, 1483, John Lord Howard (the senior co-heir) was created Duke of Norfolk, and William Lord Berkeley Earl of Nottingham. Thomas Lord Stanley was also then high in favour with King Richard, but Sir John Wingfield was attainted and his estates forfeited for taking part in the risings which followed that King's accession (*Rot. Parl.*, 1 Ric. 3, Vol. VI., pp. 244-250), though he received a general pardon on 24th February, 1484 (*Cal. Pat. Rot.*, 1 Ric. 3, pt. 5, m. 16; Cal., p. 445). After the battle of Bosworth in August, 1485, in which

John Howard Duke of Norfolk (Jockey of Norfolk) was killed fighting for King Richard, he and his son Thomas Earl of Surrey were attainted and all their estates confiscated. Lord Stanley, who was then married to Margaret Countess of Richmond (mother of Henry VII.), and had joined the Earl of Richmond just before the battle and placed the crown upon his head after his victory, was created Earl of Derby by the new King, whilst the attainder of Sir John Wingfield was annulled and his estates restored (*Rot. Parl.*, 1 Hen. VII., Vol. VI., p. 273). Not long afterwards, on 19th February, 1486, the Earl of Nottingham was made Earl Marshal and Great Marshal of England.

A few years later, by an Act passed in 4 Henry VII. (1488-9) the attainders of the Earl of Surrey and his father were annulled, but the restitution of estates affected only those of his wife (*Rot. Parl.*, 4 Hen. VII., Vol. VI., p. 410). In the same year a partition of the Mowbray estates, which had been made between John (Howard) late Duke of Norfolk and William Earl Marshal and of Nottingham, received statutory confirmation, but the confirmation was expressed to be "as to the said Earl Marshall only" (*Ib.*, Vol. VI., pp. 411, 412). This partition affected only the estates which had been enjoyed by Katherine late Duchess of Norfolk (the great grandmother of Anne Mowbray), and, though it dealt with several Sussex manors, did not touch any of the old Warenne manors comprised in the settlement of 1366.

On 28th January, 1489, the Earl of Nottingham was raised to the dignity of a Marquis under the title of Marquis Berkeley. In the same year (1489-90) Thomas Earl of Surrey was restored to the bulk of the estates of which he had been deprived by the attainder of his father and himself, but an exception was made of the estates then held by Elizabeth Duchess of Norfolk (Anne Mowbray's mother) for her life, and various provisoes were inserted in the Act of Restitution for protection of persons to whom grants had been made by the King in the meantime; the partition between the

late Duke of Norfolk and the Earl of Nottingham was again confirmed, this time in favour of the King, who had acquired a reversionary interest in some of the Earl of Nottingham's estates, and all other persons as against the Earl of Surrey and the Marquis Berkeley (*Rot. Parl.*, 5 Hen. VII., Vol. VI., pp. 426-8).

Two years later (1491-2) a further restitution was effected on the petition of the Earl of Surrey, and this time no exception was made of the estates held by Elizabeth Duchess of Norfolk, but a proviso was inserted instead for her protection as well as provisoes for the protection of the interests of Anne Marchioness Berkeley (whose husband was now dead), Thomas Earl of Derby and others. A clause was also inserted giving statutory confirmation to all fines, feoffments, grants and recoveries levied or made in favour of the King by the Marquis Berkeley and his feoffees as against the Earl of Surrey and his heirs (*Rot. Parl.*, 7 Hen. VII., Vol. VI., pp. 448-450). This last clause is to be noticed, as it gave rise to a difficulty which had afterwards to be removed by Act of Parliament.

William Marquis Berkeley died without issue 14th February, 1491-2, but in 1489, a few years before his death, three fines had been levied between Edward Willoughby and John Skylle, plaintiffs, and William Marquis Berkeley, defendant, the first comprising *one fourth* of the manors of Brighthelmeston, Clayton, Middleton, Meching, Seford and Alington, *one fourth of one moiety* of the manors of Cuckfield, Keymer and Houndean, and *one fourth of one moiety* of the chace of Clerys, the forest of Worth, the borough of Lewes, the barony of Lewes, the profits of the court of Nomansland and of 32s. 2d. rent in Iford, co. Sussex, the second comprising one fourth of one moiety of the manor of Tyborn, co. Middlesex, and the third comprising one fourth of the manors of Reigate and Dorking and one fourth of one moiety of the tolls of Guildford and Southwark, co. Surrey. The uses declared of these fines were to the Marquis in tail, with remainder to the King in tail male, with remainder to the right heirs of

the Marquis (*Feet of Fines, Divers Counties*, Mich., 5 Hen. VII., Nos. 1, 2 and 3). We find here, as we should have expected, that of the manors which had been specifically allotted to the Mowbrays the share is one fourth, whilst in the case of the other estates (either originally allotted to the Lenthalls or left undivided) the share is only one fourth of a moiety, or one eighth.

In the account of the Manor of Reigate given in Manning and Bray's *History of Surrey* (Vol. I., p. 276) it is stated that on the death of William Marquis Berkeley "his brother Maurice preferred a petition to the King in his Court of Chancery stating the matters hereinbefore mentioned" (which include the descent among the four co-heirs of Elizabeth FitzAlan, the wife of Thomas Mowbray Duke of Norfolk) "and praying that the estates might be restored to him. A writ was issued to the Escheator of Surrey, directing him to inquire into the several matters, and accordingly an inquisition was taken at Gildford on the 16th Nov. 9 Hen. VII. and the circumstances above mentioned were found and returned by the jury. The petition was afterwards heard, and the Attorney General had the King's orders to confess the matter as set forth and to restore the estates to the said Maurice, who soon after released his share in this Manor to his cousin, the Earl of Surrey, son of John Howard Duke of Norfolk above named, who was killed at the battle of Bosworth Field." I have not succeeded in finding this petition at the Public Record Office, but the account given by Manning and Bray is substantially confirmed by Smyth of Nibley from the Berkeley MSS. (*Lives of the Berkeleys*, fos. 611-2, Vol. II., p. 166), and there can be little doubt that it is in the main correct; the inquisition is still extant at the Public Record Office, but the date should be 12th (not 16th) November, 1493 (*Ch. Inq.*, Ser. II., Vol. IX., No. 7). This inquisition mentions one fourth of the manors of Reigate and Dorking and one fourth of a moiety of the tolls of Guildford and Southwark. A Sussex inquisition was also taken the following day, in which are mentioned *one fourth* of the manors of

Brightelmston, Clayton, Middleton, Meching, Seford and Alington, and *one fourth of a moiety* of the manors of Cuckfield, Houndean and Keymer, the chace of Clerys, the forest of Worth, the borough and barony of Lewes, the profits of the court of Nomansland and 36s. 2d. rent in Iford (*Ch. Inq.*, Ser. II., Vol. IX., No. 6). A few days previously a Middlesex inquisition had been taken in which is mentioned a fourth part of a moiety of the manor of Tyborn (*Ch. Inq.*, Ser. II., Vol. VIII., No. 22). In all these inquisitions the fines of 5 Henry VII. are referred to, and it is found that Maurice Berkeley was the Marquis's brother and heir. If the entail created by the settlement of 1366 was still in force, the proceedings on Maurice Berkeley's petition are intelligible; for the fines levied by the Marquis, though binding upon himself and his own issue if he had any, would not (apart from the effect of their statutory confirmation) have been operative as against his brother Maurice, whose reversionary right could only have been defeated by a common recovery. On the other hand, if the Marquis had been entitled in fee simple, I can see no reason whatever why the King should have submitted to Maurice Berkeley's claim and have restored the estates to him. Maurice Berkeley recovered another Sussex Manor, Bosham, on precisely the same ground, viz., a subsisting entail not effectively barred (Smyth's *Lives of the Berkeleys*, fo. 611, Vol. II., p. 166). Among the MSS. at Berkeley Castle, when Smyth wrote in 1618, was a claim drawn up by Maurice Berkeley and his counsel, in which, after tracing the title of the two co-heirs of the Mowbray Dukes of Norfolk and the four co-heirs of the FitzAlan Earls of Arundel, and a reference to the death without issue then living of Margaret Lenthall, the document proceeds as follows :—" and soe the said Earle of Surrey, Lord Berkeley, the Earle of Derby and Sir John Wingfeild been heires to the said Elizabeth late Dutches of Norfolke and inheritable to the moitye of the Arundle lands that bee not entailed to the heires males in the form abovesaid " (*Ib.*, fos. 603-4, Vol. II., pp. 158-160).

In 1503-4, on the petition of Maurice Berkeley, an Act was passed by which the previous Acts of 5 and 7 Hen. VII. above referred to were repealed so far as regards the estates mentioned in these three inquisitions, but confirmed as regards all other lands, provisoes being inserted for the protection of Thomas Hobson and his heirs (in respect of the manor of Tyborn), Sir John Wingfield and his heirs, Thomas Earl of Derby and his heirs and feoffees to his use (in respect of lands which at any time belonged "to the said Earl Marshall and of Nottingham or to any other person or persons to his use or that otherwise appertaineth to the said Earl of Derby *by course of inheritance from any of his ancestors*"), Elizabeth Duchess of Norfolk (in respect of her dower or grants by the King or devises by her late husband) and various other persons (*Rot. Parl.*, 19 Hen. VII., Vol. VI., pp. 529-532; and *Statutes of the Realm*, 19 Hen. VII., *c.* 30., *Rec. Com. Ed.*, Vol. II., p. 673). In Trinity term of the same year (1504) a fine was levied between Sir Edward Ponyngs, Sir Thomas Fiennes, Thomas Marrowe, Esq., serjeant-at-law, Edmund Ferrers, Esq., and William Rote, clerk, as plaintiffs, and Maurice Berkeley and Isabel, his wife, as deforciants, and a recovery was also suffered by Maurice Berkeley in favour of the same plaintiffs, both of these proceedings having reference to precisely the same property as was included in the three fines of 1489 and the three inquisitions of 1493, and thus the share became vested in the plaintiffs and the heirs of William Rote in consideration of 1,000 marks of silver (*Feet of Fines, Divers Counties*, Trin., 19 Hen. VII., No. 36; *De Banco Rot.*, Trin., 19 Hen. VII., m. 324). This fine has been supposed by Colonel Attree to have been a sale to Sir Edward Ponyngs (*S.A.C.*, Vol. XXXV., pp. 12, 15, 18), but the limitation to the heirs of William Rote shews that Sir Edward Ponyngs joined as a trustee and not as the beneficiary. Mr. Renshaw suggests, with rather more probability, that it may have been to perfect a mortgage for raising money to pay arrears due to Anne, the widow of the Marquis Berkeley, who was a daughter of Sir Thomas Fiennes

and who died in 1497 (*S.A.C.*, Vol. LIV., p. 13). But, if so, the arrears must have been overdue for more than six years, and I should have thought it much more probable that the plaintiffs in these proceedings were feoffees to the use of the Earl of Surrey himself; my reasons for this conjecture will appear presently. However, it is stated in Smyth's *Lives of the Berkeleys* that within four months after the passing of the Act of 19 Henry VII. Maurice Berkeley conveyed his shares in these manors to George Nevill Lord Bergavenny, and as his authority for this statement (in addition to certain records which I have not succeeded in verifying) he cites two deeds then at Berkeley Castle dated 16th February and 2nd July, 1504 (*Lives of the Berkeleys*, fos. 611-2, Vol. II., p. 166). But if so (and on such a point the authority of Smyth of Nibley should be conclusive), it seems fairly clear that the shares must have been subsequently conveyed to the Earl of Surrey or to trustees for him at any rate before 1513.

In 1512-3 a petition, containing the form of an Act of Restitution, was presented on behalf of Thomas Earl of Surrey, and received the sanction of the King in Parliament (*Rot. Parl.*, 4 Hen. VIII., Supp. Vol., pp. vi.-x.; *Statutes of the Realm*, 4 Hen. VIII., c. 13, *Record Com. Ed.*, Vol. III., p. 58). This petition is referred to by Col. Attree in his paper above mentioned under the heading of "Middleton" and the date 1511 (*S.A.C.*, Vol. XXXV., p. 18), though the reference for it is not given. It has such an important bearing upon the question under discussion that I propose to set it out somewhat fully. It states that Elizabeth, late Duchess of Norfolk (*i.e.*, Elizabeth FitzAlan, the wife of Thomas Mowbray, 1st Duke) "was seised in her demesne as of fee[6] of and in the moiety of the castle and barony of Lewes in the county of Sussex and of and in the moiety of the manors of Mechyng, Midelton, Brighthelmeston, Clayton, Cookefeld, Alyngton, Lewes burgage, Iford barony [*query* whether this should not be 'Lewes burgage and barony, Iford, etc.], Seafords, Hounden,

[6] As to the meaning of this expression see Note A at the end of this paper.

Kymer, Haldebergh and Cookefeld Clandito[7] with their appurtenances in the same county of Sussex, and of and in the moiety of the manors of Reygate, Dorkyng and Gatton, with the appurtenances in the county of Surrey, and of and in the moiety of the chace of Clerys, the forest of Worthe, borough of Lewes and profits of the court of Nomanslond and of 36s. 2d. of rent in Iford, and of and in the moiety of the toll of Southwerk and the toll of Guldeford in the same county of Surrey, and of and in the moiety of the lordship and manor of Tyborn with the appurtenances in the county of Middlesex, and of and in the moiety of the lordship, manor and castle of Holte in the county of Chester with the appurtenances, and of and in the moiety of the manors of Bromefeld, and Yale in the same county of Chester and in the Marche of Wales with the appurtenances, in her demesne as of fee; and also the said Elizabeth was seised of and in the manors of Merford and Hosseley in the said county of Chester in her demesne as of fee;" and died so seised, "after whose death the said manors of Merford and Hosseley and the same moiety of all other the premises with their appurtenances descended unto John last Duke of Norfolk, father unto your beseecher whose son and heir he is, and to William late Earl of Nottingham, Thomas late Earl of Derby and to Sir John Wingfield kt. as cousins and heirs of the said late Duchess, that is to say to the last Duke of Norfolk as son and heir of Dame Margaret Howard one of the daughters and heirs of the said Duchess, and to the said Thomas late Earl of Derby as son and heir of Dame Katerin [*sic, sed query*, should be 'Joan'] Stanley another of the daughters and heirs of the said Duchess, and to the said William late Earl of Nottingham as son and heir of Dame Isabel another of the daughters and heirs of the said Duchess, and to Sir John Wingfield as son and heir of Sir John Wingfield kt. son of Elizabeth another of the daughters and heirs of the said Duchess; By virtue whereof the said last Duke, the late Earls of Nottingham and Derby, and Sir

[7] As to this see Note B at the end of this paper.

John Wingfield entered into the said manors of Merford and Hoosseley and into the same moiety of all the other premises with the appurtenances and thereof were seised in their demesne as of fee in coparcenary; and so being seised *partition was made* between them of the said Manors of Merford and Hosseley and of the same moiety of all other the premises with the appurtenances in manner and form following, that is to say, that the said *John last Duke of Norfolk and Thomas late Earl of Derby should have and enjoy for their part and property to them and to their heirs in fee for evermore the said manors of Marford and Hosseley with the appurtenances and the moiety of the said barony of Lewes and of the said other manors lands and tenements in the said counties of Surrey, Sussex and Middlesex with the appurtenances* in allowance of all their part and property to them afferyng of the said manors of Merford and Hollesley [*sic*] and of the same moiety of all other the premises; and that the said late Earl of Nottingham and Sir John Wingfield knight should have and enjoy for their part and property to them and to their heirs in fee for evermore the moiety of the said castle, lordship and manor of Holte and of the other manors lands and tenements in the said county of Chester and the Marche of Wales with the appurtenances except the said manors of Merford and Hosseley with the appurtenances in allowance of all their part and property to them afferyng of the said manors of Merford and Hosseley and the said moiety of all the other premises, By virtue whereof the said last Duke of Norfolk and the said late Earl of Derby were seised of the same moiety of the said barony of Lewes and of the said manors lands and tenements in the said counties of Surrey, Sussex and Middlesex with the appurtenances and of the said manors of Merford and Hosseley in the said county of Chester, in their demesne as of fee and thereof took the issues and profits according to the said partition; and the said late Earl of Derby ever syth the said partition had and enjoyed all the days of his life his said property

according to the said partition, and also the said late Earl of Derby that now is ever syth the death of the said late Earl of Derby as cousin and heir of the said late Earl hath had his said property according to the said partition; and the said Earl of Nottingham and Sir John Wingfield were seised of the said moiety of the said castle, lordships and manors of Holte and other the premises in the county of Chester and in the Marche of Wales except before except and thereof took the profits according to the said partition; and after the said partition the said Earl of Nottingham was created Marquis Berkeley." The petition then goes on to refer to the above mentioned fines levied by the Marquis in 5 Henry VII. (1489) in favour of the late King in tail male in default of his own issue, and then states that afterwards, at a Parliament holden at Westminster, 17th October, 7 Henry VII. (1591), "at the unreasonable suit and labour of the said Marquis and by his means" it was enacted "that all fines, feoffments, grants and recoveries levied had or made to the King or to any other to his use by or against the said Marquis or by or against any feoffee to his use be good and effectual to the King and his heirs after the tenor and effect of the same against all other persons claiming anything comprised or contained in the said fines, feoffments, grants and recoveries by the said Marquis or by any other feoffee or feoffees to the use of the same Marquis and against the said Earl of Surrey and his heirs" . . . "your said suppliant then being absent in the North Country upon certain business of the said late King by his high commandment and having no knowledge of the said Act till after the said Parliament was ended, and after the said Earl of Nottingham died; by reason of which Act affirming the said fines your said beseecher is excluded of his said right and title of and to the said fourth part of the said manors," &c., &c., "against all right and good conscience." The petition then prays that "the said Act and all other Acts concerning the said fines and either of them and also the said fines against your said suppliant and his heirs by what name

soever he be named in the said Act or Acts, and also all and singular other Act and Acts of Parliament made and established syth the said fine and Acts made in the said fifth year of the said late King affirming the said Act and fine or concerning the said fourth part of the said manors," &c., &c. "Whereby your said suppliant should in any wise be excluded hurted or bounden to claim demand or have the said fourth part or any parcel thereof by reason of the said descent to him given by and after the death of the said late Duke of Norfolk be against your said suppliant and his heirs *and all other persons claiming to his use* and every of them void and of no force, strength nor effect to for or concerning the said fourth part," &c., &c. The prayer of the petition was granted by the King with the assent of Parliament, but a large number of provisoes were added for the protection of the interests of various persons, none of whom appear to have really been prejudiced by the Act. Of these provisoes one was a saving for George Nevill Lord Bergavenny and his heirs except only as regards the above mentioned fourth parts and fourth parts of moieties, all of which "were recovered by several writs of entry in the post brought by Edward Ponyngs kt., Thomas Fiennes kt., Thomas Marrowe sergeant-at-the-law, Edward Ferrers Esq. and William Roote clerk against Maurice Berkeley brother and heir unto William Berkeley late Marquis Berkeley;" another was a saving for Joan Blennerhesset and the heirs of her late husband Thomas Hobson in respect of the manor of Tyborn, which was recovered against the said Earl of Surrey, Maurice Berkeley, Thomas Stanley Earl of Derby and George Nevill of Bergavenny, "except the said fourth part of the moiety of the said manor of Tyborn comprised as well in the said fine levied in the said fifth year of the said late King and in the said recovery specified in the said Act of the said fourth part of the moiety of the said manor;" by another, John Earl of Oxford and Lady Elizabeth his wife were not to be prejudiced by this Act "made for the said Earl of Surrey *and his feoffees.*" Other provisoes were for the benefit of Thomas Earl of

Derby, Anthony Wingfield, Esq., Maurice Berkeley, kt., and various other persons.

No express reference is made in this Act to the Act of 19 Henry VII., which Maurice Berkeley had previously obtained before levying the fine and suffering the recovery of 1504, and by which the obnoxious clause in the Act of 7 Henry VII. seems to have been already repealed so far as it affected the share of the manors comprised in such fine or recovery, and it may possibly have been overlooked. However this may be, the statements in the Earl of Surrey's petition throw considerable light on the devolution of the various Manors, although perhaps it would not be safe to rely upon them implicitly in the absence of corroboration from other sources. That all the statements were not strictly accurate must, I think, be admitted. For instance, Elizabeth Duchess of Norfolk certainly did not *die seised* of a moiety of all the manors referred to, as most of them were held by Beatrice Countess of Arundel either in jointure or in dower, and she survived Elizabeth Duchess of Norfolk. Moreover, she was never herself entitled to more than a third share of the manors, her sister Margaret Lenthall at first, and afterwards her nephew Edmund Lenthall, being then entitled in reversion to a similar share. Again, the subsequent devolution of the manors of Houndean and Keymer and the (so called) manors of Haldelegh and Cuckfield Clauditor shews that the partition or agreement for partition in 1483 did not include those manors which at that time were held in dower by Margaret Tresham. Further, the Act of 7 Henry VII. certainly purports to have been passed on the petition of the Earl of Surrey, though it may well be that his name was used by Lord Berkeley without his knowledge during his absence on the King's service. But the statements in the petition as to the general course of descent and as to the agreement for partition—facts which must have been within the knowledge of the Earl of Surrey—receive independent corroboration from other sources, the former from the inquisitions on the death of Lord Berkeley and the fines and recoveries levied or suffered by him and by his

brother Maurice, and the old MS. at Berkeley Castle already referred to, and the latter from a passage in Manning and Bray's *History of Surrey* with reference to the manor of Reigate, where it is stated that "in 1496 the Prior and Convent (of Reigate) demised to Thomas Earl of Surrey and Thomas Earl of Derby, *lords of the manor of Reigate*, in consideration of 40 marks, and for better supply and accommodation of the free warren of the manor of Reigate all that land called Reigate Hill containing by estimation 60 acres" (Manning and Bray's *History of Surrey*, Vol. I., p. 278), as well as from the subsequent devolution of the title to the various manors in Surrey and Sussex and in the Marches of Wales. It seems fairly clear that the agreement for partition between the four co-heirs, not having been completed so as to be binding upon persons interested in remainder before the Marquis Berkeley's death, was then repudiated by Maurice Berkeley, and I had thought that the fine and recovery of 1504 were probably levied and suffered by him as part of a compromise with the Earl of Surrey, under which in consideration of 1,000 marks of silver he assured to feoffees for the Earl of Surrey the Berkeley share not only of the manors included in the agreement for partition, but also of the manors of Houndean and Keymer, and the rest of the property which Margaret Tresham had held in dower. It will have been noticed that in the proviso inserted in the Act of 4 Henry VIII. for the protection of Lord Bergavenny an exception was made in respect of the fourth parts recovered against Maurice Berkeley by the proceedings instituted by Sir Edward Ponyngs and the other plaintiffs in 1504, and that in another proviso the Act is referred to as "made for the said Earl of Surrey *and his feoffees*." That the Howards became entitled in some way to a moiety instead of one fourth of these manors and half manors is beyond question, and no other assurance has been found to which their title can be referred except the alleged partition in or about 1483, and the fine or recovery of 1504; so that, if the Berkeley share of these estates was vested in feoffees to the use of the Earl of Surrey (as the

Act of 4 Henry VIII. appears to suggest), it would have been reasonable to suppose that those feoffees were Sir Edward Ponyngs and the other persons who as plaintiffs were parties to the proceedings in 1504. But if these plaintiffs were trustees for George Nevill Lord Bergavenny (as seems to be indicated by the passage above quoted from Smyth's *Lives of the Berkeleys*), the Earl of Surrey must have acquired the share shortly afterwards. The total annual value of the property included in their assurances, as stated in the three inquisitions of 1493, is £59. 7s. 10½d., whilst the purchase money mentioned in the fine is 1,000 marks of silver, or £666. 13s. 4d. This would be equivalent to about eleven years' purchase, which would seem to be the approximate value of landed property shortly before that date (see Hume's *History of England*, Vol. III., p. 236, n.), but I am not sure that it is always safe to accept the statements in these assurances in respect of the purchase money as being necessarily accurate, especially where they are given in round numbers.

Soon after the Act of 1512-3 was passed the Earl of Surrey was created Duke of Norfolk. He died in 1524, but there is no inquisition on his death extant at the Public Record Office.

Turning now to the *Stanley* share, we have already noticed that in 1496 the Earl of Derby and the Earl of Surrey appear to have been the joint lords of the manor of Reigate, and there is reason to believe that by that time Thomas Earl of Derby had acquired under the partition the Wingfield share of all the above mentioned Warenne manors in Surrey and Sussex, except those which Margaret Tresham had held in dower. He died in 1504, but there is no inquisition on his death at the Public Record Office, his successor having received licence from the Crown to enter upon all manors, &c., of which Thomas late Earl of Derby was seised *in dominico suo ut de feodo qualitercumque talliato* and also upon all manors, &c., which would devolve upon him after the death of Margaret Countess of Richmond (the King's mother and the widow of the late Earl of Derby) and

after the death of Elizabeth Duchess of Norfolk (the widow of the last Mowbray Duke of Norfolk), without proof of age, livery or inquisition (*Pat. Rot.*, 20 Hen. VII., pt. 1, m. 11). This successor was his grandson, Thomas 2nd Earl of Derby, whose father, George Lord Strange (*jure uxoris*), had previously died.

Thomas 2nd Earl of Derby suffered a recovery of his share in the Sussex manors in favour of trustees in 1506 (*De Banco Rot.*, Hill. 21 Hen. VII., m. 462). He died in 1522, and in the Sussex inquisition, taken on his death, the jurors find that he died seised of one-eighth part of the barony and castle of Lewes, formerly of Edmund Lenthall, and of the manors of Houndean, Keymer, Cuckfield Clauditon and Haldelegh, a moiety of the manors of Meching, Pydingho, Cuckfield, Alington and Seaford and some other manors, the names of which are obliterated, and a fourth part of the manors of Cuckfield, Lewes barony, Lewes burgage and Nomansland and of 18s. 1d. rent issuing out of the manor of Iford (*Ch. Inq. p.m.*, Ser. II., Vol. XXXVIII., No. 10). The obliterated names would doubtless be Brighthelmeston, Clayton and Middleton (*cf. Ibid.*, Vol. LXXXI., No. 247), and, except that the barony of Lewes and the manor of Cuckfield are mentioned twice over (the first mention of the former having reference to the share formerly held by Edmund Lenthall and the first mention of the latter being, I think, simply a mistake), the findings of the jury are in exact conformity with what we should expect to find, if the Stanleys had acquired the Wingfield share of all the Sussex manors except those which Margaret Tresham had held in dower at the time of the agreement for partition between the four co-heirs in or about 1483.

The *Wingfield* share of the manors of Houndean and Keymer (as well as of the so-called manor of Haldelegh and the Cuckfield Park inclosure rent) passed on the death of Sir John Wingfield, the son of Sir John and grandson of Sir Robert and Lady Elizabeth Wingfield, some time between 1504 and 1513 to his son Anthony Wingfield, afterwards K.G., by whom it was sold in the

year 1538 to Joan Everard, widow (*Feet of Fines, Sussex*, Easter, 30 Hen. VIII., No. 26; *De Banco Rot.*, Easter, 30 Hen. VIII., m. 73).

The subsequent history of the manor of Keymer has been told by Mr. Renshaw in his excellent paper on that manor (*S.A.C.*, Vol. LIV., pp. 19 *et seq.*), whilst a summary of the subsequent title to the manor of Houndean has been given by Colonel Attree (*Ib.*, Vol. XXXV., p. 17). Colonel Attree's paper contains also a summary of the subsequent title to the manors of Clayton and Middleton, while the history of the manor of Cuckfield has been exhaustively treated by the late Canon Cooper in his articles referred to at the beginning of this paper (*Ib.*, Vol. XL., pp. 173-210; Vol. XLI., pp. 79-94, &c.). As regards the barony of Lewes the title is summarised in Horsfield's *History of Lewes* (Vol. I., pp. 135-139), and the second volume contains brief notices of some of the other neighbouring manors mentioned above.

If further confirmation were needed for the statement in the Earl of Surrey's petition in 1512-3 as to the agreement for partition between the four co-heirs after the death of Richard Duke of York in 1483, I think it would be found in the subsequent devolution of the title to the manors of Merford and Hosseley on the one hand and to the rest of the great Marcher lordship of Bromfield and Yale on the other. To trace this title in detail would, I am afraid, lead to too long a digression from the subject of this paper, *viz.*, the Sussex manors; but I may say here briefly that the manors of Merford and Hosseley will be found in 1507, and again in 1529, amongst the possessions of the Earls of Derby (Rentals and Surveys, Gen. Ser., Misc. Books Land Revenue, Vol. 251; Ministers' Account, 21 and 22 Henry VIII., No. 6148), who also owned the adjoining lordships of Moldsdale and Hopedale (*Ibid; cf. Pat. Rot.*, 2 Ric. III., pt. 1, m. 13); whereas the castles of Dynasbran and Lleon or Holt and the rest of Bromfield and Yale passed into the hands of Sir William Stanley, a younger brother of the 1st Earl of Derby, under a grant dated 10th December, 1484, from Richard the Third (*Pat. Rot.*, 2,

Ric. III., pt. 2, m. 22), following conveyances of their respective shares to that King by William Berkeley, Earl of Nottingham, and Sir John Wingfield (*Claus. Rot.*, 2 Ric. III., m. 9 *dorso*, and m. 14 *dorso*), Richard the Third's grant being confirmed as regards one moiety thereof by two Acts of Parliament in 1485 and 1488, which may, or may not, refer to the same moiety (*Rot. Parl.*, 1 Hen. VII. and 4 Hen. 7, Vol. VI., pp. 316, 417); and, further, that in the former of these two Acts a special proviso was inserted for the protection of the interest of Sir John Wingfield, whilst no mention is made in it of any of the other co-heirs.

Assuming this brief summary to be correct, it is not difficult to understand why Maurice Berkeley, who appears to have been an adept at discovering flaws in the deeds by which his brother had dissipated all his large estates (see Atkyns' *Gloucestershire*, p. 139; and Smyth's *Lives of the Berkeleys*, fos. 599-618, Vol. II., pp. 154-172), should have thought it more prudent to repudiate (as I think he was legally entitled to do) the apparently uncompleted agreement for partition between the four co-heirs, and to claim his original share of the Surrey, Sussex and Middlesex manors, than to assert his title under the partition to a share of the Marcher lordship against the powerful Sir William Stanley, who had been in possession of it for several years before the death of the Marquis Berkeley under a title which had been confirmed by more than one Act of Parliament, and who was moreover the King's Chamberlain, and reputed to be one of the richest men in the kingdom (*Dict. of Nat. Biog., sub nom.*).

In conclusion, I would say that I have referred to the original records of (I believe) all the documents which I have cited, but in several places, both in this paper itself and in the accompanying explanatory pedigree, where no reference is given, the dates and other genealogical details are taken from such works of authority as Cockayne's *Complete Peerage*, the accuracy of which may generally be relied on.

Note A.—Seisin in Demesne as of Fee.

The expression *seisitus in dominico suo sicut de feodo*, though generally used to indicate a seisin in fee simple, the largest estate known to the law of England, is not in strictness confined to fee simple estates, but includes also a fee tail, the usual mode of pleading which was *seisitus in dominico suo sicut de feodo talliato* or *sicut de feodo et de jure per formam donationis*. Until the passing of the Statute *De donis conditionalibus* in the reign of Edward I. a fee might have been either (1) absolute, or (2) conditional (*i.e.*, limited to a special sort of heirs), and in the latter case it could be alienated as soon as the condition was satisfied by the birth of issue inheritable (see Hargrave's note (1) to Littleton's *Tenures*, sec. 1; Coke upon Littleton, 1b. And see also the various forms of pleading referred to in the arguments in *Dowland v. Slade*, 5 East's Reports 272, pp. 278 *et seq.*). This power of alienation was put an end to in 1290 by the Statute *De donis conditionalibus*, by which estates tail were made indestructible, and it was not restored until the celebrated decision in *Taltarum's Case* in 12 Edward IV. (1472), by which judicial recognition was given to the efficacy of common recoveries—a sort of judgment in a collusive action—as a means of removing the fetter on the alienation of land and so remedying the inconvenience caused by the Statute.

Note B.—Haldelegh and Cuckfield Clauditor'.

The manor, or so called manor, of Haldelegh, or Aldelegh, is not expressly mentioned in the Arundel settlement of 1366 or in the inquisition taken on the death of Thomas Earl of Arundel in 1415, the reason doubtless being that it was not a separate manor, but a member or parcel of the manor of Cuckfield; in the inquisition taken in 1439 on the death of Beatrice Countess of Arundel it is mentioned, not however among the other manors but among the *feoda* with

Cokefeld park and Bentelegh park, where it is described as *Holdelegh maner' extent' parcel' maner' Cokefeld'* (*Inq. p.m.*, 18 Hen. VI., No. 28). It is not mentioned by name in the licence to alienate obtained by Edmund Lenthall in 1445 (*Pat. Rot.*, 23 Hen. VI., pt. 2, m. 17), but it must have been included there under "Cokefeld," as it certainly formed part of the property assigned after his death by his trustees for his widow's dower, and it is expressly mentioned in conjunction with *Cokefeld parc' redd'* in the inquisition taken on her death in 1484 (*Inq. p.m.*, 1 Ric. III., No. 43). It seems to have been mentioned in the inquisition taken in 1461 on the death of John Duke of Norfolk, though the inquisition itself is now missing from the Public Record Office (Cal. to *Inq. p.m.*, 1 Ed. IV., No. 46), and again in the inquisition taken in 1477 after the death of his son John 5th Duke, where the jurors find that he died seised of a moiety of the manor of Cokefeld and entitled, subject to the dower of Edmund Lenthall's widow, to a moiety of the manors of Hunden Kymer and *Aldelegh* and of *Cokefeld redd' offic' Claudit'* (*Inq. p.m.*, 17 Ed. IV., No. 58). The next mention that I have found of it is in the Earl of Surrey's petition in 1512-3, where it is called the manor of *Haldebergh* and is mentioned in conjunction with the manors of Hounden, Kymer and *Cookfeld Claudito'* (*Rot. Parl.*, 4 Hen. VIII., Supp. Vol., p.p. vi.-x.; Statutes of the Realm, 4 Hen. VIII., *c.* 13, Rec. Com. Ed., Vol. III., p. 58). In the inquisition taken in 1522 on the death of Thomas 2nd Earl of Derby he is found to have been seised of an eighth part of the manors of Hunden, Kemer, *Cokefeld Claudit'* and *Haldelegh* (*Ch. Inq. p.m.*, Ser. II, Vol. XXXVIII., No. 10), and in the Ministers' Account of the possessions of the Countess of Derby in Sussex and Surrey for the year 1532-3, under the heading of "Cokefeld" is mentioned 30s. rent of the moiety of the demense land of *Haldelegh* (Ministers' Account, 24 to 25 Hen. VIII., No. 6158). Again, a fourth part of a moiety of the manors of Hounden, Kymer, *Haldeleigh* and *Cockfeld* [*qu.* park enclosure] is included in the fine levied by Anthony

Wingfield in favour of Joan Everard in 1538 (*Feet of Fines, Sussex*, Easter, 30 Hen. VIII., No. 26).

By an indenture dated 26th March, 2 Eliz. (1566), Henry Nevill Lord Bergavenny demised to Henry Bowyer the moiety of Bentley Park and the moiety of all the lands called Courtlands, *Haldeligh* Court garden and Court meade to hold "to the said Henry Bowyer, Henry and Francis his sonnes during their lyves at rent of £4. 13s. 10d. for first six yeares and afterwards 40 weather [*sic.*] sheep yearly on Mich. Day or £13. 6s. 8d. if the sheep shall be [ ] at the lord's choice" (*ex. inf.* W. C. Renshaw, Esq., K.C., from Rowe's MS.). It would be another fourth part of the same lands that was included in the conveyance to the same Henry Bowyer of 108 acres in Cuckfield, comprising *Hadleye*, Hanlye and Courtlands, by John Michel in 1584 (see Mr. Wilbraham Cooper's excellent *History of Cuckfield*, p. 77, referring to Patent Rolls, 27 Eliz.), and is also mentioned in the inquisition taken on the death of Henry Bowyer in 1589 as "a fourth part of 180 acres of land called *Haldleigh alias Haulie* and Courtlands," and stated to be held of the Queen *in capite* by the service of $\frac{1}{80}$th part of a knight's fee and to be worth beyond reprises 40s. per annum (*Ch. Inq. p.m.*, Ser. II., Vol. CCXXV., No. 60). This inquisition is referred to in *S.A.C.*, Vol. XLII., p. 43, where it is taken from Burrell's MS. and (I think erroneously) called Haldelegh or *Hanlie* and Courtlands" (*cf.* also *S.A.C.*, Vol. XLII., p. 47, note). It is impossible to distinguish between the letters *u* and *n* in the handwriting of that date, but etymologically the former is the more probable corruption of Haldelegh, and in the inquisition taken on the death of Henry Bowyer's son of the same name in 1606 it is described as a "fourth part of 180 acres of land called *Hadley alias Hawley* and Courtlands" in Cuckfield, which is free from ambiguity. Mr. Wilbraham Cooper, in his *History of Cuckfield* (pp. 82, 83), refers to an old seventeenth century survey and map of the manor of Cuckfield in the possession of Lord Abergavenny, in which what are obviously the same lands are called

Hally or *Hallies* and Courtlands, and he identifies the site of Hallies as lying between Ockenden and Mill Hall (p. 84).

There was another manor in this neighbourhood of a very similar name, variously called *Hagley*, *Heyley*, *Highligh* and *Hylye* (*Inq. p.m.*, *temp.* Eliz., Sussex Record Society, Vol. III., Nos. 25, 32, 54 and 77), which comprised lands in Ardingly, Balcombe and Worth, held in 1565 of the Duke of Norfolk, the Earl of Derby and Lord Bergavenny, and of which the identity is preserved in the modern residence called Highley Manor, near the entrance to Balcombe tunnel. Having regard to the names of the lords of this last manor, one might at first sight be tempted to identify it with Haldelegh, the subject of this note, but I think it is clear that it is a different manor altogether, and probably a member of the manor of Worth; for in the inquisition taken in 1477, after the death of John 5th Duke of Norfolk, both the manor of *Highlegh* and the manor of *Aldelegh* are mentioned, the former immediately before the manor and forest of Worth and the latter immediately before *Cokefeld redd' offic' Claudit'* (*Inq. p.m.*, 17 Ed. 4, No. 58). In Horsfield's *History of Sussex* (Vol. I., p. 267) it is stated that the manor of Worth "seems about this time (*i.e.*, 1475) to have changed its name from *Worth* to *Highleghe*," but I doubt whether this can be strictly accurate.

The so-called manor of Cookfeld Clauditon (*Rot. Parl.*, 4 Hen. VIII., Supp. Vol., pp. vi.-x.), or more correctly, I think, Cookfield Clauditor' (*Statutes of the Realm*, 4 Hen. VIII., c. 13, Rec. Com. Ed., Vol. III., p. 58), seems to be nothing else than the accustomed rent payable to the holder of the office of Clauditor (*i.e.*, Incloser?) in respect of the Cuckfield Park inclosure (*Inq^s p.m.*, 18 Hen. VI., No. 28; 17 Ed. IV., No. 58; 1 Ric. III., No. 43). The old inclosed park at Cuckfield did not occupy the same site as the present park there, but lay to the east of the Church, between the Church and Broad Street (see Mr. Wilbraham Cooper's *History of Cuckfield*, p. 84), where it would be in close proximity to the ancient mansion of the Warennes adjoining the

TABLE SHOWING CO-HEIRS OF RICHARD FITZALAN, EARL OF ARUNDEL.

Edmund FitzAlan, Earl of Arundel, d. 17 Nov., 1326. = Alice de Warenne, sister of John, 8th and last Earl of Warenne, d. *ante* 1347.

Isabel, dau. of Hugh le Despencer, m. 1321, div^{d} 1345. s.p. = Richard FitzAlan, Earl of Arundel, b. *c.* 1306, d. 24 Jan., 1376. = Eleanor, dau. of Henry Plantagenet, Earl of Lancaster, m. 1345, d. 11 Jan., 1372.

Richard FitzAlan, Earl of Arundel, b. 1348, att^{d} and beh^{d} 21 March, 1397. = Elizabeth, dau. of William de Bohun, Earl of Northampton, m. 1359, d. 1385.

John FitzAlan (or Arundel), d. 1397. = Eleanor, *suo jure* Baroness Maltravers, d. 1405.

Earls of Arundel.

Thomas FitzAlan (or Arundel), b. 1353. Bp. of Ely 1374, Archbp. of York 1384, and of Canterbury 1396. d. 1414.

Joan, Countess of Hereford.

Alice, m. Thomas Holland, Earl of Kent.

Thomas FitzAlan, Earl of Arundel, b. 1381, restored 1400, d. 13 Oct., 1415. s.p.

Beatrix, dau. of John, King of Portugal, nat^{d} 1421. m. (2) John Holland, 2nd Earl of Huntingdon. d. 23 Oct., 1439.

(1) William de Montacute, son of William, 2nd Earl of Salisbury, d.s.p. 1383.

(2) Thomas Mowbray, Lord Mowbray and Segrave and Earl of Nottingham, cr. Duke of Norfolk 1397. d. Sept., 1400.

Elizabeth FitzAlan, b. 1372 (or *ante*). d. 8 July, 1425. = (3) Sir Robert Goushill, d. 1404.

She m. 2ndly *in* or *ante* 1395 (as his second wife). = (4) Sir Gerard Ufflete, living 1411. d.s.p.

Sir Thos. Stanley, cr. Lord Stanley, 1456, d. 20 Feb., 1459. = Joan Goushill.

Sir Robt. Wingfield, d. 1431. = Elizabeth Goushill, d. 1424.

Thomas Mowbray, Earl (*de jure* Duke) of Norfolk, b. 1385. Beheaded 10 June, 1405. s.p.

Constance, dau. of John Holland, 1st Earl of Huntingdon and Duke of Exeter. m. (2) Sir John Grey, K.G.

John Mowbray, Duke of Norfolk, b. 1390, m. 1412, d. 19 Oct., 1432. = Katherine, dau. of Ralph Nevill, Earl of Westmoreland, m. (2) Sir Thomas Strangways, (3) John Viscount Beaumont, (4) Sir John Wydville, living 1482, dead 1488.

Sir Robert Howard, of Stoke Neyland, co. Suffolk, d. April, 1436. = Margaret Mowbray.

James Berkeley, Lord Berkeley (2nd husband), d. 1463. = Isabel Mowbray, m. (1) Henry, son and heir app. of William Lord Ferrers of Groby (who d. s.p.), d. 1452.

Sir Thomas Stanley, b. *c.* 1435. Esq. of body to Hen. VI., 1454, kt. 1460, Steward of Household to Ed. IV. and Ric. III., Constable of England 16 Dec., 1483, cr. Earl of Derby 27 Oct., 1485, d. 1504. = (1) Eleanor, dau. of Richard Nevill, Earl of Salisbury. = (2) Margaret, Countess Dow. of Richmond, mother of Henry VII. d. 20 June, 1509.

Sir William Stanley, kt., of Holt Castle, co. Denbigh, beh^{d} 16 Feb., 1495.

Sir John Wingfield, K.B., 1461, d. 1481. = Elizabeth, dau. of Sir John FitzLewes.

John Mowbray, Duke of Norfolk, b. 12 Sept., 1415, m. *ante* Feb., 1444. d. 6 Nov., 1461. = Eleanor, sister of Henry Bouchier, Earl of Essex, and dau. of William Earl of Eu, d. Nov., 1474.

Sir John Howard, b. *c.* 1430, cr. Baron Howard 1470, Earl Marshal and Duke of Norfolk 28 June, 1483, d. 22 Aug., 1485. = (1) Catherine, dau. of Sir Wm. de Moleyns, d. 1452. = (2) Margaret, dau. of Sir John Chadworth and widow of John Norreys, d. 1494.

William Berkeley, Lord Berkeley, cr. Viscount Berkeley 1481, Earl of Nottingham 28 June, 1483, Earl Marshal 1485, Marquis Berkeley 28 Jan., 1490, d. 14 Feb., 1492. s.p. = (1) 1466, Elizabeth, dau. and heir of Reginald West, Lord de la Warr. = (2) 1468, Joan, widow of Sir Wm. Willoughby, and dau. of Sir Thos. Strangways by Kath. Duchess Dow. of Norfolk, d. 1484. = (3) Anne, dau. of Sir Thos. Fiennes, who m. (2) Sir Thos. Brandon and d. 1497.

Maurice Berkeley, *de jure* Lord Berkeley, d. 1506.

Lords Berkeley and Earls of Berkeley.

Sir George Stanley, b. *c.* 1460, K.B. 18 Ap., 1485, sum. as Lord Strange *jure ux.* 1482, d. *vi. pa.* 5 Dec., 1497. = Joan, dau. and heiress of John le Strange, Lord Strange of Knockin, d. 20 Mar., 1514.

Sir John Wingfield, Esq. of the body to Ed. IV., K.B. 1483, att^{d} 1483, restored 1485, living 1504, dead 1512. = Ann, dau. of John, Lord Audley.

Sir Anthony Wingfield, kt. 1513, K.G. 1541, d. 1552.

John Mowbray, Duke of Norfolk, b. 18 Oct., 1444, m. *ante* 20 Oct., 1462, d. 17 Jan., 1476. = Elizabeth, dau. of John Talbot, Earl of Shrewsbury. Will dated 6 Nov., 1506, pr. 28 June, 1507.

Sir Thomas Howard, b. 1443, kt. 1478, cr. Earl of Surrey 28 June, 1483, att. 1485, restored as Earl of Surrey Jan., 1490, Earl Marshal 1510, Duke of Norfolk 1 Feb., 1514, d. 21 May, 1524. = (1) 1472, Elizabeth, dau. and heir of Sir Frederick Tylney, d. 4 Ap., 1497. He = (2) 1497, Agnes, dau. of Sir Philip Tylney, d. May, 1545.

Thomas Stanley, 2nd Earl of Derby, b. *ante* 1485, K.B. 1494, m. 1507, d. 23 May, 1521. = Anne, dau. of Edw. Hastings, Lord Hungerford and Hastings, and sister of George, 1st Earl of Huntingdon, d. 1550-1.

Sir James Stanley, of Crosshall, co. Lancaster (ancestor of 11th and subsequent Earls of Derby).

Richard Plantagenet, Duke of York, son of Edward IV., murdered in the Tower 23 June, 1483. = Anne Mowbray, Lady Mowbray, b. 10 Dec., 1472, m. 15 Jan., 1478, d. 16 Jan., 1481. s.p.

Sir Thos. Howard, Duke of Norfolk, b. 1473, K.G. 1510, attainted 1547, restored 1553, d. 25 Aug., 1554. = (1) 1495, Lady Anne Plantagenet, dau. of King Edward IV., d. s.p. = (2) *ante* 1513, Elizabeth, dau. of Edwd. Stafford, Duke of Buckingham.

Dukes of Norfolk, Earls of Surrey and Arundel, and Lords Mowbray, Segrave, Stourton and Petre.

Edward Stanley, 3rd Earl of Derby, b. *c.* 1508, d. 24 Oct., 1572. = (1) Dorothy, dau. of Thomas, 2nd Duke of Norfolk.

4th to 10th Earls of Derby, Dukes of Athole, and co-heirs of 5th Earl of Derby.

William Beauchamp (4th son of Thos. Beauchamp, Earl of Warwick, and Katherine Mortimer), sum. to Parliament as Lord Beauchamp de Bergavenny, d. 8 May, 1411. = Joan FitzAlan, b. 1375 (or *ante*), d. 14 Nov., 1435.

John Charleton de Powis, Lord Powis, b. 25 April, 1362, sum. to Parl. 1382-1400, m. *ante* March, 1392, d. s.p. 19 Oct., 1401. = Alice FitzAlan, living 1400, d. *ante* Oct., 1415. s.p.

Sir Roland Lenthall, d. 1450. = Margaret FitzAlan, b. 1382. d. 1422.

(1) Richard Beauchamp, Lord Beauchamp de Bergavenny, b. *c.* 1397, cr. Earl of Worcester 1420, d. 16 Ap., 1422. = Isabel le Despencer, dau. of Thos., 2nd Lord le Despencer and Earl of Gloucester, and event. heiress of her brother Richard le Despencer, d. 26 Dec., 1439. = (2) Richard Beauchamp, 5th Earl of Warwick, b. 28 Jan., 1482, d. 30 Ap., 1438.

Edmund Lenthall, b. 1420, d. *vi. pa.* April, 1447, s.p. = Margaret, dau. of Lord Zouche. m. (2) Sir Thomas Tresham, d. 3 Jan., 1484.

Sir Edward Nevill (11th son of Ralph Nevill, Earl of Westmoreland, by his second wife, Joan de Beaufort, illegitimate dau. of John of Gaunt), Lord Bergavenny, d. 18 Oct., 1476. = Elizabeth Beauchamp, b. 16 Dec., 1415, m. *ante* 1424. d. 18 June, 1447.

Henry, Earl and Duke of Warwick.

Sir George Nevill, Lord Bergavenny, b. *c.* 1440, kt. 1471, d. 20 Sept., 1492. = Margaret, dau. and heiress of Sir Hugh Fenne (1st wife), d. 28 Sept., 1485.

Joan, dau. of Thomas, Earl of Arundel (1st wife). = Sir George Nevill, Lord Bergavenny, K.B. 1483, d. 1535. = Mary, dau. of Edward Stafford, Duke of Buckingham (2nd wife).

Sir Edward Nevill, of Aldington, co. Kent, beh^{d} 9 Nov., 1539. = Eleanor, dau. of Andrew, Lord Windsor.

Elizabeth Nevill, m. Henry, Lord d'Aubeney.

Henry Nevill, Lord Bergavenny, d. 10 Feb., 1587. = Frances, dau. of Thomas Manners, Earl of Rutland (1st wife).

Edward Nevill, Lord Bergavenny (ancestor of Earls and Marquis of Abergavenny).

Mary Nevill, m. Sir Thomas Fane, kt., cr. Baroness le Despencer.

Earls of Westmoreland and Lords le Despencer.

Church (*Ibid.*, pp. 77, 78; *S.A.C.*, Vol. XLII., pp. 37, 38). It seems to have been inclosed before the year 1218 (*S.A.C.*, Vol. XL., pp. 178-9), but even before the death of the last Earl of Warenne we find it let to strangers, being in the occupation of Geoffrey de Say and Idonea his wife in 1321 and of Thomas de Poynings in 1339 (*Ib.*, Vol. XL., p. 193). In the late Mr. Mark Anthony Lower's paper on Charles Sergison, Esq. (*Ib.*, Vol. XXV., p. 80) reference is made to a passage in Rowe's MS. among the Burrell MSS. describing the office of Cuckfield "Park-auditor" from a document dated 31 Elizabeth (1589), but I suspect that there is some mistake in the name of the officer and that it should have been "Park Clauditor," an office which evidently carried with it the enjoyment of the rent or rents issuing out of the park inclosure.