

EARLY OWNERS OF TORBRYAN MANOR.

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I. INTRODUCTION.

TORBRYAN, like Bradley, is one of the manors in the district between the Teign and the Dart that have a fairly continuous family succession of medieval owners. Its succession, like that of Bradley, began about the time of the first Plantagenet king, Henry II; but the later lords of Torbryan, unlike those of Bradley, expended most of their energies in South Wales, Dorset and other parts of England, and left no 'fair dwelling' to commemorate their residence in South Devon. To put it another way: the Bradley owners were squires with one mansion, which they regularly lived in and cared for; those of Torbryan were knights with many mansions, some of which they seldom occupied and made no great effort to preserve.

In 1086 the manor, then called Torra, was held by Godeva, the widow of the Saxon Brihtric.¹ It is first described by the double name of Torre Briane in 1238, its owner at that time being named Wido de Brione.² Four years later he appears as Wydo de Brionne.³ In 1307 the owner is called Guydo de Briane,⁴ and in 1390 Guy de Briene.⁵

The family descent is difficult to trace. The neglect of the early genealogists to supply dates was a detriment to the value of their pedigrees. This detriment was of serious consequence when three or four successive heads of a family had the same Christian name, or when there was a repeated alternation of two names. No better example of the inadequacy of the old genealogical method can be found than the Brian family shows, with its succession of the name Guy standing over more than two centuries.

Sir William Pole's account of Torbryan, printed in his *Collections*,⁶ may be quoted in full, amplifying the abbreviated words for the benefit of readers, and putting into italics three items which must be regarded as doubtful or incorrect:—

¹ *D. B. Survey (Exon).*

² *Assize Rolls.*

³ *Fees.*

⁴ *Inq. p.m.*, 35 Edw. I.

⁵ *Inq. p.m.*, 14 Rich. II.

⁶ pp. 274 f.

'Tor Bryan was the long contynewed enheritanc of Guy de Brian, whose famyly was always called Guy, and contynewed in the name of Guy from the begynnyng of the raigne of Kinge Henry 2 unto Kinge Richard 2 tyme, the latter end of his raigne. Guy de Brian, in Kinge Henry 3 tyme, married the Lady Jone de la Pole, and Sir Guy his sonne married Sibil, sister of Raymond, and daughter of Walter de Sully. Sir Guy his sonne married Joane de Carew, and had issue *Sir Guy, which died without issue; and* the Lord Guy de Bryan, which married unto his first wief Anne, daughter and heire of William Holway, of Holway, and had issue *Anne, wief of Sir John Cary; his second wief was* Margaret, daughter of William Montacute, Erle of Sarum, by whom he had issue Sir Guy de Brian the younger, Sir Phillip, Sir William, and Margaret, wief of Sir John Erle.

Guy, Lord Brian, anno 7 of Richard 2, granted the mannor of Tor Brian unto John de Chandoz and Phillip his wief, for term of her lief, the revercion unto Martyn Ferrers, John Ferrers, of Churchton, John Prescot, and William Troy, in fee, Sir Phillip and Sir William died without issue. Sir Guy the younger died before his father, but left issue, by Alis Bures his wief, Elisabeth, *wief of Sir Robert Fitz Payne; secondly, married under Robert Lovell, Esq. From Fitz Payn and his wife the erle of Northumberland is descended.'*

Elsewhere in the *Collections*¹ there are two informative paragraphs; the first is under Slapton, another 'auncient inheritance', describing the fifteenth century descents through Lord Guy's daughter and grand-daughters; the second is under Pole in Slapton, in which it is stated that Pole was 'a priory, founded by the Lady Joane Pole, wief of Guy de Bryan, in Kinge Henry 3 tyme'.

These quotations from the *Collections*, though not free from blemishes, are more helpful than the material supplied by later compilers, and go a long way towards establishing the Brian pedigree.

Of other attempts to evolve an account of the Brians we need say very little. Even recent writers have stumbled badly. Vivian has shown caution unusual in him by not making an attempt, and Hutchins in his *History of Dorset*, where the Brians became great landowners in the fourteenth century, has not gone much farther back than that century. As one might expect, the Inquisitions, Patent Rolls and other public records enable us to make emendations and reconcile discrepancies.

The family surname that became attached to the manor in the thirteenth century seems to come from Brionne in what is now the Department of Eure, south of the Lower Seine.

¹ pp. 286 f.

Though of Norman origin, the word suggests that the first English member of the family came over with Henry II about 1154. There are two reasons for thinking this: the first is that most of the earlier Norman landowners with small estates took new surnames from their English manors, and the second is that the holder in the early days of Henry II was, in the eyes of his descendants at any rate, a person of outstanding importance. Not only did he fix the surname, at a time when surnames were a long way from being fixed, but the head of the family, as far as our knowledge goes, also had the same Christian name, Guy or Wido, and from about 1160 to 1390 the owner of Torbryan is constantly recorded as Guy de Brian (of course with variations in the spelling). We need not labour under the impression that the head of the family, even if before he succeeded he had another font-name, was obliged by a tradition to change it to the ancestral one. This impression, though it derives some support from a statement that a certain Guy was succeeded about 1349 by a brother who took the same name, is without foundation, as the two Guys of 1349 were actually father and son¹.

It is probably correct to say that there was an exceptionally fortuitous coincidence in the survival and succession of eldest sons with the same name throughout most or all of the two hundred odd years during which the family flourished. If we accept Pole's statement in this sense, we can construct tentatively a series of eight Guys, of whom the first and the last five are fully authenticated, with their approximate dates. Here we shall have to adopt two symbols, *p.* (*prope*) for dates only vaguely indicated in documents and based mainly on an assumption of average intervals for generations (thirty-three years for descents through the male and twenty-two for descents through the female), with possible errors of ten to fifteen years. The symbol *c.* (*circa*) can be reserved for dates that are supported by fairly adequate documentary evidence, and are correct to within two or three years. With these two conventions the eight Guys may be tabulated thus:—

Guy I	(<i>p.</i> 1116-----)	Guy V	(<i>c.</i> 1251— <i>c.</i> 1307)
Guy II	(<i>p.</i> 1149-----)	Guy VI	(<i>c.</i> 1282—1349)
Guy III	(<i>p.</i> 1182-----)	Guy VII	(<i>c.</i> 1318—1390)
Guy IV	(<i>p.</i> 1115— <i>c.</i> 1268)	Guy VIII	(<i>c.</i> 1353—1386).

II THE EARLIER BRIANS.

Guy I (*p.* 1116—*p.* 1180) is the earliest known and probably one of the three most distinguished of the Brians. We know nothing of his ancestry but we may conjecture him as a

¹ *Inq. p.m.*, 22 June 1349.

Norman or Angevin supporter of the Empress Matilda and her son in the wars with Stephen. Normandy passed under the control of Matilda about 1148, and Guy may have been the leader in charge of the district round Brionne, and so may have acquired the surname by which he was later known to his English neighbours.

When Henry of Anjou mounted the English throne in 1154, he naturally rewarded his faithful Normans with grants of land and thus secured himself against the turbulent barons who had caused so much misery in Stephen's reign. To Lucas, a court official, was assigned land in Teignwick and Diptford¹, but Guy, evidently a soldier of prowess, received greater rewards and was raised to knightly rank.

We first find his name (Guy de Brione) recorded as a witness to a deed of St. Nicholas' Priory c. 1160². Then in the 'cartae' of 1166³ he appears as the holder of five fees under Robert, Baron of Okehampton, natural son of Henry I. Comparison with Fee Lists of the thirteenth century gives these fees as Torbryan (2 fees), Melhuish and Langston (1 fee), Teingharvey (1/2 fee), Simpson (1/2 fee), Dodbrook, Portlemouth and Lamside (1 fee)⁴.

The place Brionne suggests an association with Baldwin, the sheriff of Devon who died c. 1190 and whose second son Robert also held it. Guy may have been a grandson of one of Baldwin's vassals, but what seems more likely is that he was the first great man of his family and the first of them to possess land and hold rank in Devon. As we have said, the persistence of both surname and font-name for over two centuries after his time is a fact of significance. The Brian family, whose arms are *or, three piles meeting in point azure*, must not be confounded with that of De Brioniis, which has the arms *chequy, or and azure, two bars argent*.⁵

Guy II (p. 1149-----) is not recorded, unless an entry under 1182-3,⁶ that one Wido de Brione was one of Fulk Pagenel's sureties for his purchase of Bampton Honour 1182-3 is meant for him. The entry may have referred to Guy I. As Guy II is not given in any lists of knights, he cannot have been a person of note, and we have no proof of his existence other than Pole's statement.

Guy III (p. 1182-----) is also unknown beyond Pole's statement. It has been suggested that he married Joan, daughter of William de la Pole or de Stagno, a crusader with

¹ *Supra*, p. 188.

² *Cartulary*, No. 151.

³ *Liber Niger Parvus*, compiled c. 1210.

⁴ *Trans.* XLIV, 326 n.

⁵ Risdon, *General Armory (Note-Book, 8)*,

⁶ *Pipe Roll*, 1182-3, p. 124.

Richard I,¹ but this Joan was more probably the lady who married Guy IV about 1250 and was alive in 1284; if so, she could not have been the daughter but, having regard to strict chronology, the grand-daughter and ultimate heir of William de la Pole.

Guy IV (p. 1215–c. 1268), though incorrect accounts of his dates and marriages have been published, is well recorded in the Patent Rolls and other sources. He is the second important member of the Brian family. If Guy I established the family in Devon, Guy IV made it prominent in South Wales. He (or his father) is mentioned in an Assize Roll of 1238, the first appearance of the name after a gap of 55 years. Then about 1240 he married Eva, daughter and prospective heiress of Henry de Tracy,² who was Baron of Barnstaple. They seem to have had one or two sons, possibly Guy who died in early childhood, and William, who died childless c. 1268, perhaps a few weeks before his father, and so the succession of Guys apparently remained unbroken. William's wife Joan soon remarried William de Kaumvile.³ Guy and Eva also had a daughter Matilda, born at Christmas, 1242, and as her mother died soon after, she was in 1273 the heiress to the Barony of Barnstaple. She was twice married, first to Nicholas, son of Nicholas Fitz Martyn, Baron of Dartington. The younger Nicholas died before his father, leaving by Matilda a son, William Fitz Martyn, who ultimately succeeded to both baronies, to Barnstaple on the death of his great-grandfather, Henry de Tracy, in 1274, and to Dartington on the death of his grandfather, Nicholas Fitz Martyn, in 1282.

Matilda remarried Geoffrey de Camville (died 1308), probably the elder brother of her sister-in-law's second husband, about 1266, and they had a son, William de Camville, born c. 1268.⁴

We return now to Guy IV. About 1250, soon after the death of his first wife, Eva de Tracy, he remarried Joan (possibly the heiress of Pole, who is said to have brought Slapton into the Brian family). They had a son named Guy, who appears later as Guy V, and about 1269 she remarried Andrew Wake.⁵

Guy IV is stated by several writers to have remarried Sibil de Sully, to have had a son Guy V, born about 1282, and to have lived until 1296, but these statements do not fit in with chronological probabilities. For one thing, the difference of about forty years between the ages of Matilda

¹ Risdon *Notebook*, (130)

² *Inq. p.m.*, 2 Edw. I, No. 32.

³ *Devon Fine*, No. 744, 3 February 1270.

⁴ *Inq. p.m.*, 2 Edw. II, No. 75.

⁵ *Deeds at P.R.O.*, III, 430, and *Devon F.F.*, 744.

and her step-brother seems too large, for another it extends Guy's performances in the Welsh Wars over too many years (from 1253 to 1278). It does not account for the Guy who was fighting in Scotland between 1297 and 1301, and it is contradicted by the deeds of 1269 and 1270. Pole, though he omits the Tracy marriage, does not fall into these errors, and he is one of the few who avoids them.

Guy IV rose to eminence in the Welsh Wars of Henry III. In 1253 he complains that the sheriff has seized his crops and cattle on the pretext that he had taken goods from a ship wrecked at Slapton; he was, however, in Wales and did not, so he alleges, have anything to do with the goods.¹ In 1258 he was entrusted with the castle of Kermerdyn (Caermarthen), the sheriff of Devon to aid.² In the same year he was taken prisoner by the Welsh and released by a 'grievous ransom'.³

Other accounts follow, and in 1267 he was entrusted with missions both to Wales and to Ireland.⁴ Then by 1269 he was dead. There is an agreement between Lady Joan de Berkeley and others and the attorneys of William de Caumville and Joan his wife, the latter to receive Torre Brione and the advowson of the church in part of the dower of all lands which belonged to Sir Guy de Brione in Devon.⁵

It is probable that Pole or Pool (*Collections*, p. 287) is identical with Slapton manor, which seems to have come to Guy IV through his second wife, Joan; and he was residing there in 1253.

It has been suggested that Joan de la Pole, the heiress of Slapton, was not the second wife of Guy IV, but the wife of his son William, who died a few weeks before his father. But this is contradicted by the reference to Guy IV as residing in Slapton as early as 1253, and by the fact that Guy V, and not William de Camville, who was alive in 1285,⁶ presented to Slapton in 1275. Slapton remained in the Brian family until 1390, belonged to their descendant Avis, Countess of Wiltshire, at her death on 3 June, 1457,⁷ and was among the properties acquired by the Earl of Northumberland at the arbitration of 1488.

There was, it is true, another William de Camville, son of Geoffrey and Matilda de Brian, alive in 1285 but, he was then a minor, born c. 1268.

Joan de la Pole is an elusive person. Was she the same

¹ *Close Rolls*.

² *Pat. Rolls*, p. 654.

³ *Ibid.*, p. 663.

⁴ *Ibid.*, *passim*.

⁵ *Ancient Deeds*, D214, August 1269.

⁶ *Feudal Aids*.

⁷ *Inq. p.m.*, 11 October 1457.

lady who in 1285 owned lands in Meavy and Shaugh Prior?¹ She may, as a widow with property derived from her father, have retained the paternal surname instead of her husband's.

III. THE LATER BRIANS.

Guy V (c. 1251–c. 1307), the son of Guy IV and Joan, was, as the deeds of 1269 and 1270 show, a minor when his father died. He cannot have been a son of Eva, first wife of Guy IV, because he did not inherit the Barnstaple Barony. He was of age in 1274, when he is named as the holder of Melhuish and Teyng Harvey in Wonford Hundred² in 1275, when he presented to Slapton and in 1276, when he presented to Torbryan.³ He was the husband of Sibil, daughter of Walter de Sully, son of Raymund de Sully, who owned a fifth part of the Barony of Torrington at his death in 1241. Both Guy V and Sibil were dead by 1307,⁴ when their son Guy VI was '24 years and more'.

Guy V soon after coming of age went to the Welsh War. In 1276 he was granted protection for going to Wales on service. In 1277 he received a writ to hold no communication with the Welsh rebels.⁵ In 1287 he was required to reside in West Wales to defend it against Rhys ap Meredyth. He was summoned to Rochester in 1297, to York in 1298, and from Devon in 1301 for service against the Scots.⁶ He died seised of Talacharn in Pembrokeshire and other Welsh estates, some of them possibly inherited from his father.

Guy VI (c. 1282–17 June 1349) is the first Brian mentioned by Hutchins (*History of Dorset*), who states that he was not in his right mind after 1311, and introduces another Guy, his son, between him and Guy VII. These statements, however, are incorrect, because Guy VII was 'aged 30' in 1349, and Guy VI could hardly have been a grandfather at the age of 37. In 1316 he held lands at Nymet St. George, Kilmington and North Lew, evidently inherited from his mother.⁷ In 1317 he presented to Torbryan.⁸ He is said to have taken part in the Scottish wars of Edward III.⁹ He married Joan, daughter of Sir John Carew (d. 1323), but he may have previously contracted another unrecorded marriage. By Joan he left a large family, Guy VII, John,

¹ *Feudal Aids*.

² *Hund. Rolls*.

³ *Ep. Reg. Bronscombe*, pp. 181 and 186.

⁴ *Inq. p.m.*, 35 Edw. I, No. 32.

⁵ *Pat. Rolls*.

⁶ Powell MSS., XXI.

⁷ *Feudal Aids*.

⁸ *Ep. Reg. Stapeldon*.

⁹ Powell MSS.

who became rector of Slapton in 1373,¹ Walter, Joan, married to Oliver de Dynham (1325–1351) of Sampford Peverell,² and Elizabeth, married to Sir Hugh Courtenay (1327–1349), eldest son of the second Earl of Devon.³ It will be observed that most or all of these must have been born between the years 1315 and 1330. In 1347 Guy de Briene, knight, lord of Castle Walweyn, and Joan his wife, of the diocese of St. David's were granted indulgences.⁴ A similar indulgence to Guy, described as 'the elder, knight and baron, of the diocese of St. David's,' was granted in 1348, and in the same year pardons for all purposes were granted to 'Guy le père' and 'Guy le fitz', both described as 'chivaler'.⁵ Guy VI died on 17 June, 1349, and his son and heir, Guy, is described as 'aged thirty years and more'. Thirty being a round number, he may of course have been a few years older. He seems to have overshadowed his father during the last ten years or so of the latter's life, and it is possible that Guy VI became feeble and incapable about 1331 (Hutchins may have read '5 Edw. III' as '5 Edw. II'), though not actually insane. He was never prominent in Devon affairs, and during his later years he resided at Walwyn's Castle in Pembrokeshire.⁶

Guy VII (c. 1318–17 August 1390) was the third important bearer of the name. Guy I had established the family in Devon, Guy IV had established it in South Wales, and Guy VII extended its importance to Dorset, with possessions also in Somerset and Gloucestershire. Though perhaps a less doughty warrior than Guy I or Guy IV, he attained to greater rank and splendour than any of his predecessors. Early in life he became a personal attendant of Edward III, and rose to high favour with that monarch, who lavished grants of land and positions of distinction upon him. In 1339 he was made steward of Haverford Castle in Pembrokeshire. Described by the king as 'our beloved groom', he was on 9 February 1341 granted the reversion of certain lands in Clifton, Dartmouth and Hardness, then held from the Crown by Joan de Carew, widow of his maternal grandfather, Sir John de Carew.⁷ Two years later the property was handed over by Joan and on 1 May 1343 Guy was acknowledged as lord of the borough of Dartmouth.⁸ In 1346 he received a grant of 'tronage and pesage' (market dues paid for weighing goods)

¹ *Ep. Reg. Brantingham*.

² *Pat. Rolls*, 1368.

³ Burke, *Peerage*, 1934, p. 767

⁴ *Papal Letters*, III, 272.

⁵ *Pat. Rolls*.

⁶ About 5 miles WSW of Haverfordwest. Nothing of the castle remains.

⁷ *Patent Rolls*.

⁸ *Ibid. Inspeximus* on 18 May.

in London.¹ He took part in the French wars of Edward III and carried the royal standard at a battle near Calais in 1349. For that act Edward III subsequently granted him a life pension of 300 marks a year, charged on the revenues of Otterton Priory.² Shortly after the death of his father he was given the rank of a peer, and from 25 November 1350 to 6 December 1389 he was regularly summoned to the House of Lords. In the former year, 1350, he had a grant of free warren to himself and his heirs in all their demesne lands of Slapton and Torbryan.³ In 1353 he became guardian of the lands held by Oliver de Dynham his brother-in-law, then recently deceased; in 1368 he and his brothers (John the cleric and Walter) were appointed on behalf of their sister Joan, widow of Oliver de Dynham, feoffees of Oliver's lands at Sampford Peverell and Aller Peverell. In 1359 he acquired Northam manor from the abbot of St. Stephen's, Caen. In the same year he was made steward of the king's household and Admiral of the Fleet from the Thames westward.⁴ In 1361 he was ambassador to Rome.⁵ In 1365 he was made keeper of the Forest of Dean, and in 1366 a Justice of the Peace for Devon, which last appointment was renewed in 1370, 1375 and 1385.⁶ In 1367 Sir John Whitfield granted him the manor of Woodsford, and the bailiwick of the banks of the Stour.⁷ He also acquired the manor and advowson of Hazelbury Bryan in Dorset. In 1370 he became a knight of the Garter, succeeding to the stall of Sir John Chandos, who was slain in France on 31 December 1369. He was therefore not an original K.G.⁸

As Admiral he achieved no renown. In June, 1377, a naval expedition, called by the editors of Froissart 'Guy de Brian's expedition', was about to set sail when Edward III died and the sailing was cancelled. On 20 June Guy was paid £100 for the wages of sixty men-at-arms and sixty archers, but owing to the sailing being cancelled his expenses only amounted to £23 16s. 4½d. The reason why the King's death stopped the voyage was that Richard, the young Prince of Wales, John of Gaunt, Thomas of Woodstock and other persons of importance were also to have sailed with retinues totalling nearly 2000 men-at-arms and 2000 archers.⁹

The rest of the references to Guy VII are mainly ecclesi-

¹ *Patent Rolls*.

² *Close Rolls*, 1350.

³ *Ibid*.

⁴ *Patent Rolls*.

⁵ *Papal Registers*.

⁶ *Patent Rolls*.

⁷ *Close Rolls*.

⁸ Beltz, *Memorials of the Order of the Garter*.

⁹ *Issue Roll*, 51 Edw. III.

astical. He presented to Torbryan Rectory in 1353,¹ but apparently never resided in that parish. He had a residence at Pool in Slapton and another at Woodsford in Dorset. Between 1377 and 1387 he made large grants to Slapton Priory, including the advowsons of Loddiswell, acquired by him in 1381, and Poundstock.²

He was twice married. His first wife Alice, named with him in a deed of 1343–4, was probably the daughter (called ‘Anne’ by Pole) of William Holway of Holway (presumably Holloway in North Lew). They had two or three daughters. Pole named a daughter Anne, married to Sir John Cary, but she was more probably a niece or other relative, because the Cary family does not come into the subsequent disputes as to the disposal of Lord Guy’s estates. Two daughters, not named by Pole but inferred from later records of descents, were Elizabeth, married to Sir Robert Fitz Payn, and Philippa, who was married in succession to (1) Edward (*ob. s.p.* 1362), eldest son of Sir John de Bohun (1301–67),³ (2) Sir Nicholas Bonham, M.P. for Wilts in 1372 and 1373, soon after which he died,⁴ and (3) Sir John Chandos of Herefordshire (*ob. s.p.* 1428), of a different branch from Sir John Chandos, K.G. (*ob.* 1369).⁵

Lord Guy’s second wife, whom he married in 1350, was Elizabeth, daughter of William de Montacute, first Earl of Salisbury, and widow of (1) Giles, Lord Badlesmere (d. 1338), and (2) Hugh, Lord le Despenser (d. 1349).⁶ They had four children, Margaret, probably the eldest (born c. 1351), Guy (born c. 1353), William (born c. 1355) and Philip (born c. 1358). Elizabeth died in 1359 and was buried at Tewkesbury, as was her third husband, Guy VII, who died on 17 August 1390.⁷ Among other possessions she brought him Lundy Island. Of his six authenticated children only three, Elizabeth, Margaret and Guy, left families, all of them daughters. Another, Phillipa, who may have been Guy’s favourite, or perhaps was unfortunate in her first two marriages, was granted about 1373 interest in Torbryan, to the rectory of which she presented in 1374. She resided there with her third husband, Sir John Chandos, who presented to the rectory in 1405.⁸

Guy VIII (c. 1353–5 February 1386) appears as a knight in command of 60 men-at-arms and 60 archers, who was ready

¹ *Ep. Reg. Grandisson.*

² *Patent Rolls.*

³ *Complete Peerage* (under Bohun).

⁴ *Ep. Reg. Brantingham.*

⁵ *Dict. Nat. Biog.*

⁶ *Complete Peerage* and *Dict. Nat. Biog.*

⁷ *Complete Peerage.*

⁸ *Ep. Regg. Brantingham and Stafford.*

to sail from Dartmouth on 26 October 1377, and returned to Dartmouth on 29 January 1378, his expenses being £650 1s. 9d., of which £441 9s. 0d. represented the wages of his retinue for 96 days, and his war bonus was £208 12s. 9d. These figures are recorded in the accounts of Thomas, Earl of Buckingham's expedition to relieve Brest.

He is joined with his father in two grants to Slapton Priory ; the first in 1377 mentions him and Robert Fitz Payn as knights, and his brother William without that title; the second, on 12 December 1378, also mentions William.¹

Guy married Alice, daughter of Sir Robert de Bures of Bures St. Mary in Suffolk.² They had two daughters, Philippa, aged seven in February 1386, and twelve in August 1390, and therefore born about the middle of 1378, and Elizabeth, aged four in February 1386, and nine in August 1390, and therefore born about the middle of 1381. The former is described in the will of Guy VII as the wife of John Devereux, and the latter as the wife of Robert Lovell.³

Guy VIII died on 5 February, 1386, and with him the succession of Guys ceased.⁴ In the Complete Peerage he is described as 'of Oxenhall, Gloucestershire, son and heir apparent of Sir Guy, of Langharne, Carmarthen, and Walwyn's Castle, Pembroke'.⁵ In a deed of 8 June 1386 there is a resettlement by Guy VII of the castle of Tallagharn (Langharne) and the lordship of Dartmouth on Sir William de Brien, knight, and Philip de Brien, the younger son.⁶ This confirms the inference from other earlier deeds that William was older than Philip.

Sir Philip, the younger brother, died within a few days of this deed. About two years before he had married Joan, daughter of Sir James Chudleigh and widow of Sir John St. Aubyn, but left no children. His widow re-married Sir Thomas Pomeroy.⁷ He had four manors in Somerset, Frome Braunche, Woodland, Batheaston and Shockerwick, which his nieces Philippa and Elizabeth inherited,⁸ and in the parliament of 1385 he sat for that county, being the only Brian of the Torbryan family named in the House of Commons lists.⁹

Of the Lord Guy's three sons only the second, Sir William, outlived him.

¹ *Patent Rolls*.

² *Complete Peerage*.

³ *Inq. p.m.* on Guy VIII (1386) and Guy VII (1390).

⁴ Writ 16 May 1386.

⁵ s.n. *Devereux*.

⁶ *Pat. Rolls*.

⁷ Risdon (*Note Book*) and Pole,

⁸ *Inq. p.m.*, Philip, 9 Rich. II.

⁹ *Returns of M.P.s.*

IV. THE BRIAN DESCENDANTS.

The Lord Guy de Brian, when he was laid to rest at Tewkesbury in 1390, must have left one of the richest estates in the south-west of the kingdom. Yet his name finds no place in any collection of national biographies. County biographers such as Prince and Hutchins do, it is true, give us sketches of his career, but these are of no great value, and the accounts they give of his family are confusing as well as inaccurate. We have to conclude that he was fortunate rather than great, probably too much of a self-seeker to be popular, even with his own successors, for it is remarkable that the name Guy now disappears and that it is not given to any of his male descendants during the century that followed his decease.

Before he had been dead ten years, the surname Brian had also disappeared, at least from his branch of the family. Guy, his eldest son, had left only daughters. Philip, his third son, had also pre-deceased him, leaving no children. There remained only William, the second son, and under the English medieval law of succession, his elder brother's daughters had preference. So most of the property passed to them, and the peerage went into abeyance.

William did try to assert his position as the sole survivor on the male side. In 1390 there was a complaint from him to Bishop Brantingham of detention of charters and muniments. In 1391 he presented 'for that turn' to Loddiswell Rectory.¹ On 27 January 1394 a pardon was granted to one John Deneband, a Dartmouth tailor, for outlawry consequent on his failing to pay a debt of £20 to the Lord Guy's executors. The executors are named: Sir Robert Fitz Payn, Sir John Chandos, Sir John Devereux and Alice de Briene, Walter Trote, clerk (of Slapton) and Richard Micheldevere. Sir William Brian's name is omitted; perhaps his father distrusted him; but he appoints two knights, whom we believe to be his sons-in-law, Fitz Payn and Chandos, his daughter-in-law Alice, and Devereux, the father-in-law of Alice's daughter, Philippa.²

William died in 1395³ without issue, being then seised of the manors of Donhevd, Batheneston and Shokewyke in Somerset (in the last two he succeeded his brother Philip).

Philippa, the wife of Sir John Chandos, must not be confused with her niece, the elder daughter of Guy VIII. She continued in possession of Torbryan until her death. She was alive in 1405, when Chandos presented to Torbryan,⁴ but died

¹ *Ep. Reg. Brantingham.*

³ *Pat. Rolls.*

³ *Complete Peerage.* Dugdale says 21 Rich. II, i.e. 1397-8.

⁴ *Ep. Reg. Stafford.*

before 1427, when Robert Lovell presented 'for that turn'.¹

We now come to the Brians who left daughters. The first is Guy VIII, whose elder daughter Philippa was first married to Sir John Devereux, the younger, who was aged '16 and more' at the death of his father, Sir John of Whitchurch Maund (near Aylesbury), on 22 February 1393. He died still a minor (though knighted) on 13 November 1396.² Hence he was probably born in 1376. Philippa was again married in 1399 to her cousin, Henry le Scrope (c. 1375–1415) with the special consent, in lieu of dispensation, of Henry's uncle, Archbishop Scrope.³ She died without heirs on 19 November 1406 ; her husband, it may be remembered, was executed for conspiracy against Henry V in 1415.

Elizabeth, the second daughter, was married to Robert (c. 1374–c. 1427), younger brother of John, Lord Lovell of Titchmarsh in Northamptonshire and greatgrandson of Robert, Lord Holland (1310–1373), elder brother of Thomas Holland, Earl of Kent (1319–1360). Robert Lovell ('armiger') held Torbryan after the death of his wife's aunt, Philippa Chandos. He was M.P. for Dorset in 1421 and 1422, with a residence in that county at Tarrant Rawston. He presented to Torbryan rectory in 1427, but was dead in 1428, his wife, incorrectly named Isabella, surviving him.⁴ She was still alive when her mother Alice died in 1434.⁵ They left one daughter Matilda, who was twice married. Her first husband was Sir Richard Stafford (c. 1402–c. 1426) of Melbury Sampford, son of 'Sir Humphrey of the Silver Hand', and M.P. for Dorset in 1423 and 1425 (in succession to his father-in-law). They had one daughter, Avis or Amicia, heir to her grandfather and described in his will⁶ as 'aged 17 or more'. Hence she was born c. 1424.

Matilda's second husband, whom she married c. 1428, was John Fitzalan (1408–35), Earl of Arundel, who died of wounds at Beauvais.⁷ They had one son, Humphrey (1429–38), who died in childhood.

Sir Humphrey of the Silver Hand is an interesting personality. Though connected by surname and descent with Staffordshire, and by residence with Southwick in Wilts and Hook in Dorset (the latter the inheritance of his wife, Elizabeth Mautravers), his name enters more than once into Devon history. His epithet, 'silver hand', does not seem to refer

¹ *Ep. Reg. Lacy.*

² *Complete Peerage.*

³ *Ibid.*, s.n., *Scrope.*

⁴ *Feudal Aids.* Isabella is the Italian or Spanish equivalent of Elizabeth.

⁵ *Inq. p.m.*, 22 February, 1434.

⁶ 21 May 1442.

⁷ *Dict. Nat. Biog.*

to an artificial limb, but is almost certainly a compliment to his generous disposition. It is significant that his three daughters-in-law each had a son named Humphrey. His eldest son, Sir Richard, has been mentioned. The second, Sir John (c. 1404–27), had by Anne, daughter of William, Lord Botreaux, an only son, Humphrey (1427–61), who lost both his parents when only a few weeks old,¹ was M.P. for Dorset in 1449, and died childless in 1461. The third son, William (1407–50), married Katherine, daughter and co-heir of Sir John Chidiok, and also left an only son named Humphrey (1439–69), of Enmere in Somerset, whom Edward created Earl of Devon on 17 May 1469. Exactly three months later he was beheaded at Bridgwater, it is said by the Earl of Warwick's orders, on a charge of military negligence arising out of the defeat of King Edward's troops at Edgcote by the insurgents whom Robin of Redesdale led. He also died childless.

According to Hutchins, Sir Humphrey of the Silver Hand had a fourth son named Walter, but if so he died young, as the inheritance passed in 1469 to the three daughters of Alice, wife of Sir Edmund Cheyne and daughter of the Silver Hand.² A prolonged series of law-suits was terminated in 1486 with the execution of Humphrey Stafford of Grafton in Worcestershire, a distant cousin whose claim was based on force and name alone.

Avis Stafford, a great heiress through both parents, was married in or before 1445 to James Butler (1402–61), Earl of Wiltshire and (by descent) fifth Earl of Ormonde. She died childless on 3 July 1457, naming as her heir her cousin Humphrey, son of Sir John.³ The inquisition recites a fine levied at Michaelmas 1445 between William Boef and another, plaintiffs, and James 'Ormond', now Earl of Wiltshire, and Avis his wife, deforciant, of the manors of Torbryan, Slapton, Northam, Dartmouth Clifton Hardness and Lundy Island, the advowsons of Torbryan and of the Chantry of St. Mary of Slapton, conveyed to the deforciant and their heirs, with remainders to the heirs of Avis, and those of James. It will be noticed that the remainders were not granted to the 'right heirs' of Lord Guy. Hence when Avis died childless and Humphrey Stafford succeeded, the Brian succession was broken, and the great estate of Lord Guy, after passing through four generations of his descendants, seemed destined, like many other estates all over England, to provide material

¹ *Inq. p.m.*, 13 May 1428.

² Will of Humphrey, Earl of Devon, probate February, 1470.

³ *Inq. p.m.*, 11 October 1457 ; another *inq.* relating to Cornwall gives 3 June 1457 as the date of decease.

for the 'game of grab' that was going on among the leaders of the Red and White Rose factions.

V. THE CROWN INTERVENES.

The Earl of Wiltshire does not seem to have allowed the provisions of his wife's will to stand in his way. For one thing, the Staffords of Southwick were Yorkists; he was a Lancastrian, and among the grasping and ruthless nobles that Margaret of Anjou gathered around her to support her feeble husband, one of the most grasping and ruthless. He had immense influence with his side; he soon married as a second wife Alianor Beaufort, a daughter of the Duke of Somerset who was slain in 1455 while leading the Lancastrians at St. Albans. Amid the clash of weapons the law could easily be set aside, and so Wiltshire got away with most of his first wife's Devon properties, including Torbryan, Northam and Lundy. Humphrey Stafford and his cousin and heir, who was later Earl of Devon, seem to have secured the lordship of Clifton Dartmouth Hardness but very little else.¹

After Towton came the Yorkists' turn. James, Earl of Wiltshire, was beheaded on 1 May 1461 at Newcastle, and his estates escheated to the Crown. Edward IV granted Torbryan and other properties to his uncle William Neville, Earl of Kent, who died in 1463, leaving no direct heirs. Then the king's brother George, Duke of Clarence, received them.² In 1478 Clarence was attainted and put to death, and his properties in the south-west counties were granted to Sir Thomas St. Leger of Dartington, the King's brother-in-law. When in November 1483 St. Leger suffered the same fate, the properties were forfeited to the Crown, first to Richard III, and in 1485 to Henry VII.³

Then came the claim of Stafford of Grafton, which was ended with the execution of the claimant, and after thirty years a genuine attempt was made to restore the Brian possessions or most of them to their lawful owners.

There remained now only two descents from Guy VII, that through Elizabeth, his first wife's daughter, and that through Margaret, his second wife's daughter. Nearly every writer has ignored the existence of this Elizabeth. A few confuse her with Elizabeth (c. 1327–1375), daughter of Guy VI and wife of Sir Hugh Courtenay (c. 1327–1349). Her dates do not fit badly; she could have been re-married after 1349 to Robert Fitz Payn and have had a grandson Robert Poynings in 1380. But as the sister and not the daughter of Guy VII,

¹ Dartmouth Deed (Watkin, *Dartmouth*, pp. 140 f) ; *Pat. Rolls*, 1467.

² *Pat. Rolls*, 1464, p. 331 ; 1474, pp. 457 f ; and 1475, p. 557.

³ *Pat. Rolls*, 1485–94, p. 42.

her claim would not have stood for a moment against that of Margaret. Most writers, among them Pole, confuse her with Elizabeth, the daughter of Guy VIII, who was born in 1381. But the claims set up in 1488 through two brothers of the Poynings family make it clear that either their father Robert, fifth Baron Poynings (1380–1446), or his wife was in the line of succession, and Elizabeth must have been either his grandmother or his mother-in-law. The dates are quite incompatible, as the Elizabeth born in 1381 could not have had a grandson or great-grandson old enough to be the grandfather of Henry Percy born in 1446. Moreover Elizabeth was in 1390, at nine years of age, the affianced wife of Robert Lovell, who was alive until 1427, and Robert Fitz Payn cannot be brought in anywhere as her husband.

We are therefore compelled to infer that Elizabeth was a daughter of Guy VII by his first wife, a statement not made by any Devon writer, that she was born about 1343 and was married to Sir Robert Fitz Payn of Stogursey about 1360, and that they had a daughter Isabel about 1361. Fitz Payn's name is joined with Guy VII on a deed of 1377 and is mentioned as his first executor in 1390, so that he evidently possessed the Lord Guy's confidence. He died in 1392, when his daughter Isabel, wife of Richard Poynings, is described as 'aged 30'.¹ Richard, fourth Baron Poynings, must have married Isabel about 1379, because their son Robert, fifth Baron, was born in 1480.² He had sons, but only two are known to us, Richard (c. 1404–c. 1430) and Robert (1419–61), who was sword bearer to Jack Cade, and was slain at St. Albans by the Lancastrians.³ Both these sons transmitted claims to the Brian property. The elder, Richard, died in his father's lifetime, leaving a daughter Eleanor, who was married to Henry Percy, third Earl of Northumberland (1421–61), another victim of Towton. Their son Percy, fourth Earl of Northumberland (1446–1489) was one of the claimants of 1488.

Another claimant was Sir Edward Poynings (1459–1521), son of Robert. His claim was one of preference for a younger brother over an elder brother's daughter, a valid principle in modern successions to titles and entailed estates, but of no validity in English medieval practice. The knowledge, however, that this claim was made helps us to determine the identity of the Elizabeth from whom both these claimants professed to trace their descent, and it should be observed that the evidence for that descent was less than a century old in

¹ *Inq. p.m.*, 16 Rich. II, and *Close Rolls*, 17 Rich. II.

² *Dict. Nat. Biog.*

³ *Dict. Nat. Biog.*

1488, and therefore probably many documents now lost were then available.

We have mentioned another line of claim, that from Margaret, daughter of Guy VII and Elizabeth Montacute. Margaret was married to John Erlegh (or Erle), son of Sir John Erlegh (c. 1298–1337) of Somerton, M.P. for Somerset 1329.¹ The younger Sir John, born in 1333, was taken prisoner by the French at Naziers in 1366, and sold the best part of his property to ransom himself.² He had by Margaret one daughter, also called Margaret, who was married to John St. Maur (d. c. 1415) of North Molton. Their son John (d. c. 1439) married Elizabeth, daughter of Sir Thomas Brooke (d. 1418) of Thorncombe. John's son, Sir Thomas (c. 1420–c. 1490) was one of the Brian claimants.³

The St. Maur family of North Molton must be clearly distinguished from the Seymour of Wolfhall in Wilts, later of Berry Pomeroy. The arms of the former were, *argent, two chevronels gules, a label of three points vert*; those of the latter, *gules, two wings, conjoined in lure or*. The connexion between these families, if any, must be sought very far back.

The claim put forward by the St. Maurs was that their ancestress Margaret Brian was full sister to Guy VIII, whereas Elizabeth was only his half sister. This claim may have been valid for any property that came into the family through Guy VIII's mother, his wife, his descendants or himself personally, but as Guy VII outlived Guy VIII and the latter was never the actual head of the family, the elder daughter of Guy VII secured priority in his original estate.

There was still a fourth claimant, Thomas Butler (c. 1430–1515), seventh Earl of Ormonde. He was the younger brother of James, Earl of Wiltshire, and of John (c. 1425–78), sixth Earl of Ormonde, neither of whom had left heirs. His claim lacked cogency; it was based on the will of Avis, who granted a second remainder to her husband's heirs, but there were still her own heirs, three Cheyne cousins married respectively to Sir John Willoughby, Sir John Coleshill and Thomas Strangways. The Butlers did succeed in retaining one of the estates seized by James, Lundy Island. It is mentioned among the possessions bequeathed by the Lady Anne St. Leger, Thomas Butler's daughter, to her son, Sir George St. Leger of Annery.⁴ This Lady Anne was the widow of James, a younger brother of Sir Thomas of Dartington.

The statement of the rival claims to the Brian possessions is hardly less complicated than that of the rival claims to

¹ *M.P.s for Somerset (Trans. Somerset Arch. Soc.)*

² Powell MSS. XXI.

³ Reichel, *Hundreds of Devon (Supplementary)* IX.

⁴ *Inq. p.m.*, 30 October 1532.

the throne of Scotland put before Edward I. As in the Scottish arbitration the dispute was ultimately reduced to one between the descendants of two sisters, and the claimant through the elder sister gained the award. Just as Baliol was given preference over Bruce, so Henry Percy, descended from the Lord Guy's elder daughter, was in the end adjudged to have a better title to the estates than Thomas St. Maur, who traced his lineage from Lord Guy's younger daughter. There is an enrolment dated 16 December 1488 of an 'agreement made by the Earl of Northumberland, the Earl of Ormond, Edward Poynnynges, knyght, and Thomas Seymour, knyght, for the settlement of their contentions respecting the hereditaments which were sometime of Sir Guy de Brien, knyght'. 'Dame Avis, Countess of Wiltes, then ryght heire to the seid Sir Guy de Brien', is mentioned, and further it was determined between the said parties 'that the said erle of Northumberland is and oweth to be taken and reputed as heir generall to the said Guy de Brien'.¹ Pole states that 'certayne lands were allotted unto Sant Maure in Dorcetshire and Somersetshire',² but we have not verified this statement, which may refer to lands acquired after 1349.

Having followed the family fortunes of the owners of Torbryan through the whole Plantagenet period, from the accession of Henry II to that of Henry VII, we can now conclude. We cannot claim to have produced an attractive narrative; most of the knights and squires and the ladies of their households were probably quite commonplace persons; but we do claim to have done something, indeed more than we expected to do when we began, towards solving difficulties connected with the Brian family that have baffled many a genealogical worker.

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¹ A. F. Pollard, *Materials Illustrative of the Reign of Henry VII*, ii, 380-3.

² *Collections*, p. 286.