The 1885 Thomas Fortescue, Lord Clermont, produced a Supplement to his 1880 edition of “The History of the Family of Fortescue in All its Branches”. It covered the discovery of two early deeds found in the Eton College Library which changed the traditional view of the First Fortescues. In the first Deed Richard Fort Escu, and his wife Ysmeine grant some land to Modbury Priory. It also confirms similar land that had already been given to the Priory by his father, Richard, and his grandfather, Ralph.

The tradition was that Richard le Fort or Fort Escu fought at the Battle of Hastings as did his son Adam. It is said that Richard returned to France to found the French Family of Fortescu and Adam stayed in England to found the English Family of Fortescue. The English line of descent from Adam was believed to be another two Adams before William who had three sons, all knights. They were John, Richard and Nicholas. Richard and Nicholas went on the Third Crusade with Richard the Lionheart. It was the practice that the younger sons went on the Crusade. This pedigree was accepted for centuries by the Heralds and published in the Visitations of the County of Devon until recently. It seemed strange that in this pedigree there was only one Richard. So it was no surprise that majority of the descendents named in this first recorded Deed were Richards.

I decided to scan in the whole of Clermont’s book which included the Supplement and make it available on the web site. David Reading of the Isle of Wight, an avid Fortescue researcher, generously gave me a copy of the 1880 Book which was coming apart and could easily be scanned. It was during my proof reading of the scanned book that I realised that there was an alternative interpretation to Lord Clermont’s analysis of the first Deed. He postulates that the Ralph cited in the first Deed is the son of the first Adam.

Below is shown the First Deed and an alternative interpretation of it. The generational gap in this alternative interpretation is 22 to 25 years whereas that of Lord Clermont is 40 years.
The Early Tradition

Richard Le Fort
   | Sir Adam
   |   | Adam
   |   |   | Adam
   |   |   |   | William
   |   | Sir Richard Knight of St John
   |   | Sir John
   |   | Sir Richard
   |   | Sir Nicolas Knight of St John
First Deed of about 1195 found in Library of Eton College in the 1880’s

Sciant presentes et futuri quod ego Ricardus Fort escu, consensu et asensu Ysmeine, sponse mee, et heredum meorum, concessi et dedi et confirmavi deo et Sancte Marie et Sancto Georgio et monachis, deo et sanctis ejus apud Moberiam servientibus, in perpetuum, totem terram quam Radulfus avus meus et Ricardus filius ejus, pater meus, ante dederunt, et illam terram quam Ego ipse illis donavi, secilicet, de incremento, pro salute anime mee et antecessorum meorum, et uxoris mee et heredum meorum. Similiter donavi et confirmavi eisdem, illud pratum quod fuit antea illis donatum in elemosinal, ad tenendum et habendum semper, in puram et liberam et perpetuam et puram elemosinal, et quietam ab omni seculari exactione, que ad dominum Regem vel ad ballivos ejus, sive ad dominum fundi pertinuerit. Ethe
sunt divise predicte terre, scilicet, de Wudelanda usque ad magnum fossatum quod pertinet ad terram de Cobbelanda, quam Hugo tenuit, et ab illo fossato, prout illa terra extenditur, usque ad fontem qui est ad caput ejusdem Elemosine, et ab illo fonte sursum, sicut rivos labitur, usque ad terram de la Wudelanda, et si casu aliquo, aliquis predictos monachos inde molestaver sive vexaverit, Ego et heredes mei debemus eis predicta warentizare contra omnes homines, ad sumptum monachorum. Et pro hac donacione et concessione mea, Laurencius, tunc prior Mobirie, dedit mihi et sponsae mee, et heredibus meis, duo bisantia in recognicionem. Et ut ratum et inconcussum permaneat in perpetuum, presentis carte et sigilli mei inpressione confirmavi. Hiis testibus, Radulfo filio Ricardi, Ada, tunc capellano Moberie, Johanne de Shilvestane, Philippo de Orchertune, Willelmo de Cumba, Willelmo de Sheppeham, Gerardo de Moberia, et filiis ejus Willelmo, et Philippo, Gilberto
de Hugeburga, Roberto le Ghrest, Magistro Philippo, capellano, qui hoc scripsit, et multis aliis.
Translation of the First Deed.

Know all present and to come, that I Richard Fort escu, with the consent and assent of Ysmeine, my wife, and my heirs, have conceded, and granted and confirmed, to God and St. Mary and St. George, and to the monks serving God and St. Mary and St. George, and to the monks serving God and the Monks at Modbury, for ever, all the land which Ralph my grandfather, and Richard, his son, my father, had previously given them, and that land which I, myself, gave them, namely, of increase, for the safety of my soul, and of my ancestors, and my wife, and of my heirs. In like manner I have given and confirmed to them that meadow which had been previously given to them as alms. To have and to hold, always, as a pure, free and perpetual alms, and quit of all secular exaction which might belong to our lord the king, or to his bailiffs, or to the lord of the fee. And these are the divisions of the land, namely, from Wadelanda as far as the great ditch which belongs to the land of Cobbelanda, which Hugh held, and from that ditch, like as the land extends, as far as the fountain which is at the head of the said alms, and, from that fountain, upwards as the river flows, as far as the land of la Wudelanda. And if by any chance the said monks shall be molested or vexed in such possession, I and my heirs ought to warrant the aforesaid to them against all men, at the cost of the monks. And for this my grant and confirmation, Laurence, at that time Prior of Modbury, gave to me and my spouse, and to my heirs, two besants, in acknowledgment. And in order that the same may remain, for ever, firm and unshaken, I have confirmed this present charter by the impression of my seal. These being witnesses, Ralph, son of Richard, Adam, then chaplain of Modbury, John de Shilvestane, Philip de Orchertune, William de Cumba, William de Sheppeham, Gerard de Modbury, and his sons William and Philip, Gilbert de Hugeburga, Robert le Ghest, master Philip the chaplain, who wrote this, and many others.

1Besants: or Bezants. Circular pieces of bullion without any impression, supposed to represent the old coinage of Byzantium, and brought to Europe by the Crusaders.

Review of the First Deed

Richard Fort Escu, and his wife Ysmeine grant some land to Modbury Priory. It confirms similar land that had already been given to the Priory by his father, Richard, and his grandfather, Ralph. The first two witnesses to the Deed are: Ralph, the son of Richard, and Adam, then Chaplain of Modbury”’. Ralph is already identified as Richard’s grandfather so it suggests that Adam is also a Fortescue as the rest of the witnesses are identified by the surname and some are knights which I think would normally precede a chaplain.

So from this one document we have:

1. Confirmation of Sir Richard having been on the Crusade with King Richard 1;
2. Richard’s father, grandfather and great grandfather identified; and
3. An Adam Fort Escu also identified, but no relationship to Richard established.
4. No heir is recorded by name in the Deed.
Clermont, in his Supplement of 1885, dates the Deed as about 1185. But it is clearly post the Third Crusade (1190 to 1192) as his wife Ysmenine, is believed to be from Jerusalem. So a more reasonable date would be 1195, or even a couple of years earlier after his return, as the Crusaders often made pious gifts before they left as well as doing so in thanksgiving when they returned.

In 1086 in the **Doomsday Book** for Modbury there is a Richard mentioned which could be Richard Fort Escu. There is no Adam mentioned for Modbury in the Book so we assume that the Adam who fought at Hastings is already dead. It could be argued that the Richard in the Doomsday book should be named as Richard Fort Escu and not just Richard. But Ralph and the two older Richards in the Deed are not given the name Fort Escu.

The Link for the Doomsday Book is:

http://www.nationalarchives.gov.uk/documentsonline/details-result.asp?Edoc_Id=7574856&queryType=1&resultcount=3

**Place name:** Modbury, Devon  
**Folio:** 105r Great Domesday Book  
**Domesday place name:** Mortberie/Motbilie  
**People mentioned:** Aethelmaer; Alsige; Alvred the butler; Alweard; Alwig Tabb; Alwine; Drogo; Dunning; Eadgifu; Eadmaer; Eadmaer Atule; Eadric; Erchenbald; Hamelin; Hugh; Mauger de Carteret; Ordwulf; Ottar; Reginald de Vautortes; Richard; Richard fitzTurol; Saewulf; Sister of Ordwulf; Swet; Thegns of Ordwulf; Wada; William de Lestre

So working backwards from 1195: if Richard, the principal of the deed, was about 30, Ralph would have been about 80 born about 1115 and great grandfather Richard born about 1090. Which still leaves a gap between Richard mentioned in the Doomsday Book. But it all fits if Richard the great grandfather is the son of Richard mentioned in the Doomsday Book and he is the son of Adam.
<table>
<thead>
<tr>
<th>Person</th>
<th>Date</th>
<th>Event</th>
<th>Possible Age</th>
<th>Possible Birth Date</th>
<th>Event</th>
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<tr>
<td>Richard</td>
<td>1195</td>
<td>Signs First Deed</td>
<td>30</td>
<td>1165</td>
<td>Gave Land to Priory</td>
</tr>
<tr>
<td>Richard</td>
<td>1195</td>
<td>Mentioned in First Deed</td>
<td>80</td>
<td>1140</td>
<td>Gave Land to Priory</td>
</tr>
<tr>
<td>Ralph</td>
<td></td>
<td>Witness to First Deed</td>
<td>80</td>
<td>1115</td>
<td>Gave Land to Priory</td>
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<tr>
<td>Richard</td>
<td></td>
<td>Mentioned in First Deed</td>
<td>1090</td>
<td></td>
<td>As father to Ralph</td>
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<td>Richard</td>
<td>1087</td>
<td>Doomsday Book</td>
<td>21</td>
<td>1068</td>
<td>Under Tenant of Modbury</td>
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<td>Adam</td>
<td>1066</td>
<td>Battle of Hastings</td>
<td>20</td>
<td>1046</td>
<td>Traditional</td>
</tr>
<tr>
<td>Richard</td>
<td>1066</td>
<td>Battle of Hastings</td>
<td>46</td>
<td>1020</td>
<td>Traditional</td>
</tr>
</tbody>
</table>

So who is the John granted Whymston in 1209 by King John? Sir John believed to be the eldest and the heir of the three brothers is not evident in the Deed. It suggests that either he is already dead and has no heir, or he was the youngest son, too young to go on the crusade. But if this the case, why the need to grant him the land when he would have been the natural successor, especially so soon after 1199 when Richard is known to be alive? It seems that Richard’s branch of the Fortescues dies out and another John is granted or confirmed the land in 1209. We also have proof of Adam the Chaplain alive in about 1195. But we do not know his relationship to the land owners. John Fortescue, who is granted the land, is probably related to him and is possibly his son.

The first “Visitations of the County of Devon” dated 1531 which records the early Family Tree and succession is several centuries after the Fortescues settled in Devon. So what would people recall at this time? It would be the line of the family tree from which they were descended. If the family branch of Richard / Richard / Ralph / Richard / Richard died out it is understandable that they were not included in the Original Family Tree in the Visitations. It is more than possible that the first English Adam’s first son was called Richard after his father and his second son was called Adam after himself. This would accommodate the original succession to the John that is granted the land by King John. John would have been quite a distant relative to Richard who executes the 1195 Deed so it could explain why the granting to John in 1209 and why there was no reference to the Richard’s Branch in the “Visitations”
There are other references to early Fortescues discovered by Tom Fortescue, the Fortescue Researcher, in Documents at the Devon, Cornwall and Kew Record Offices. Robert Fortescu and Oliver Fortescue, not known before, certainly add further weight to the argument that the Fortescue family was much larger than originally recorded in the “Visitations”. The people marked “New” in the table below were unknown to Clermont, Visitations of the County of Devon and currently IGI.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Action</th>
<th>Area</th>
<th>Office</th>
<th>Document</th>
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<tr>
<td>New Robert Fortescu</td>
<td>1238</td>
<td>Plaintiff</td>
<td>Dysert</td>
<td>Cornwall</td>
<td>Feet of Fines” Vols 1 &amp; 2 (68)</td>
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<tr>
<td>New Oliver Fortescue</td>
<td>1250</td>
<td>Witness</td>
<td>Plymouth</td>
<td>Cornwall</td>
<td>T/451</td>
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<td>Modbury</td>
<td>Devon</td>
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<td>Devon</td>
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<td>Cornwall</td>
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<td>Deforciant</td>
<td>Totness</td>
<td>Cornwall</td>
<td>CP 25/1/44/61, No. 424</td>
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<tr>
<td>New Joan(wife of above)</td>
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<td>Deforciant</td>
<td>Totness</td>
<td>Cornwall</td>
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<td>New Isabell(wife of above)</td>
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<td>Grantor</td>
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<td>Cornwall</td>
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<tr>
<td>William Fortescu</td>
<td>1391</td>
<td>Grantor</td>
<td>Plymouth</td>
<td>Cornwall</td>
<td>ME/756</td>
</tr>
</tbody>
</table>
Tree incorporating the new Knowledge and the Traditional Belief.

It has been used to define the start of the Family Tree in www.fortescue.org.

Richard Le Fort (Fought at Battle of Hastings)

Sir Adam (Fought at Battle of Hastings)

Richard (Undertenant of Modbury)

Richard (Identified in Deed)

Ralf (Grants land to Modbury Priory)

Richard (Grants land to Modbury Priory)

Sir John

Sir Richard (Grants land to Modbury Priory)

Sir Nicolas

Richard (Signs Second Deed)

Adam

Adam

William

Adam

John (Receives Charter to Whymston)

This Branch appears to have died out
Second Deed also found in the Eton College Library in the 1880’s

Universis Christi fidelibus presens scriptum visuris vel audituris, Ricardus Fortesch’ 9omine in domino. Noverit universitas vestra me dedisse, concessisse, quietum clamavisse, et hac presenti carta mea confirmasse, pro me et heredibus meis, Willelmo de Curceyo, Priori Mobir’ et successoribus suis, In puram et perpetuam Elemosinam, totam partem meam Rivuli qui currit inter terram meam et terram Jordani de Cumba, quam de diano Priore aliquando tenuit. Infuper volo et 9omines pro me et heredibus meis dicto Priori et successoribus suis quod firmam exclusam fuiam in terra mea, ubi melius fibi viderint expedire fine contradiccione mei vel heredum meorum, et quod molendinum dicti Prioris de Mobir’ per me vel per aliquem meorum, nullo modo impediatur, quod non 9omin molere, unde Ego et heredes mei predictam partem Rivuli cum exclusa in terra inca fixa, cum omnimos comodis comodis uuis, dicto Priori et successoribus suis, contra omnes 9omines et feminas tenemur inperpetuum Warantizare, defendere et acquietare. Et ne hoc aliquibus vertatur in dubium, hanc cartam meam sigilli mei impressione, duxi roborandam. Hiis testibus, domino Willelmo de Bikebir’, domino Johanne de Alba Mara, militibus, Johanne de Orcherton, Johanne de la Porte, Alfredo de Ponte, Wilielmo de Arboribus, Johanne de Edmeristone, et aliis.
Translation of the Second Deed

To all the faithful in Christ who may see or hear this present writing, Richard Fortesch’ greeting in the Lord. Know all, that I have given, conceded, quitted-claim, and by this my present charter have confirmed, for me and my heirs, to William de Curceyo, Prior of Modbury, and his successors, in pure and perpetual alms, all my part of the river which runs between my land and the land of Jordan de Cumba, which he sometime held of the said Prior. Moreover, I will and concede, for me and my heirs, to the said Prior and his successors, permission to close their dam next my land, when it shall seem fit to them to do so, without contradiction of me or my heirs, and that the mill of the said Prior of Modbury may be in no way interfered with, neither by me nor by any of my people, so that he cannot grind. Whence, I and my heirs are bound to warrant, defend and acquit the aforesaid part of the river with dam fixed upon my land, with all manner their conveniences, to the said Prior and his successors, against all men and women, for ever. And lest this should be doubted by any persons, I have thought fit to strengthen this my charter with the impression of my seal. These being witnesses, Sir William de Bikebir’, Sir John de Alba Mara, Knights, John de Orcherton, John de la Porte, Alfred de Ponte, Willelmo de Arboribus, John de Edmeristone, and others.

Review of Second Deed

The two deeds have different seals which clarifies that they are different Richards. Clermont dates the second Deed as about 1250.
In 1275 there is a Grant by Sir Warin de Sicca Villa to John le Abbe, lord of Wasserfelle (Devon), witnessed by Sir John de Alba Mara who is a witness of the Second Deed. Therefore the date of 1250 or slightly later can be accepted as correct.

The second Deed mentions the River and the controlling of the Dam for the Mill but not where it is. Looking at an Ordnance Survey map of Whympton Farm there is a stream which goes between Whympton Wood and the Farm. It flows towards Modbury and in Modbury it is called the Mill Leat which confirms that the stream is the river in question. So it confirms that the second deed is about Wimpstone or Whympton. One can conclude that the Richard that signs this Deed is a son of John who received the grant or confirmation of Whympton from King John in 1209.

See the next page for more information on the Mill from Nancy Savery

Don Edge
October 2010
Notes on the Priory Mill, Swanbridge, Modbury by Nancy Savery
Member of Modbury Local History Society

The gift indicates that the monks already had a mill by the end of the 12th century. The gift of a stretch of water suggests that the monks already had a supply, but that it was an inadequate or irregular supply, of water for milling before the Fortescue gift. Indeed there were 2 leats leading into the millpond, which seems to support this. One supply flows through Modbury; the other, a much stronger supply, is taken off by a leat (now dry) on the Modbury side of the disused lane to Whympston, after the stream from Whympston has joined the brook known as the Ayleston Brook. I have been shown the little weir at this point, about 20 years ago, but when I looked again a few days ago, it did not seem significant. The millpond can still be seen, though dry, and part of it has recently been cleared of undergrowth. The OS Map Reference for Swanbridge Mill is SX 656512. It was an overshot mill. There is still a mill building standing, but the wheel and launder have been removed. The stretch of water which is the subject of the first Fortescue gift may be best identified as the point from which the Whympston and Ayleston brooks combine as far as the leat feeds into the millpond.

As for the land mentioned in the first deed, it remains an unsolved mystery. The place-name Cobbeland is one that has been lost to us, and this is the stumbling block: Given that a ‘cob’ is a rounded hill, and that coming along the A379 road just outside Modbury travelling towards Harraton Cross one can see two or three of those rounded hills; given that the A379 was a 19th century improved road around the Modbury/Harraton Cross area, and you have to imagine it not being there; and given that the only other written evidence we have come across for the place-name Cobbeland is in an IPM of 1489, linking land in the Stolyford, Bennick and Cobbelond area, and another 15c. Deed in private hands linking lands in the Stolyford, Cobbelong and Wympston area - we cannot exactly pinpoint the piece of land of the gift – can only give you our best, but approximate, indications.

21st October, 2008.