

**ECHYNGHAM OF
ECHYNGHAM**

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Echyngnam of Echyngnam by Spencer Hall

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SPENCER HALL

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from the *Writer*
May 1. 18

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Echyngham
of
Echyngham.

BY

SPENCER HALL,
LIBRARIAN TO THE ATHENÆUM.



Seal of William de Echyngham, who died 22d of Edward I.

London: Printed by George Barclay.

M. Dccc. l.

INTRODUCTION.

MERE genealogy possesses, for the most part, but very limited interest. The picture has no striking incidents, no bold or graceful outlines, is deficient in light and shade, and devoid of the æsthetic qualities of feeling and dramatic action. Few men are, therefore, willing to read the records of centuries, their minds unexcited, their feelings uninfluenced by the fortunes of families whose annals are to be found in Doctors' Commons or the returns of Registrar-Generals, mediæval or actual. Yet such research is requisite if we would obtain an accurate knowledge of the feudal system in England, the constitution of Parliament, the right and dignity of a peer of the realm, the condition of the people, the manners and customs of social life during the period to which this tract refers. For instance, one great question among many is here raised,—Could a descendant of the Echyngams claim the dignity of a peer through the summons by writ of William de Echyngham to Parliament from 1311 to 1322, in the reign of Edward II.? The effect was to render the persons so summoned Barons of the Realm :

but that the dignity was then held to be hereditary seems very doubtful. It is decided, a writ of summons, followed by a sitting in Parliament, other requisite proof concurring, constitutes a barony in fee, descendable to the heirs general. If this decision ruled at the period the summons was issued, in cases when it is presumable such sitting did undoubtedly take place, it seems strange no descendant of this family should inherit the right. It does not appear to have been either enjoyed or advanced. In urging legal claims we are apt to overlook historical conditions; and, although upon a point which has been discussed with so much learning and eloquence, none other than a very deferential opinion may be expressed, some slight facts may be adduced to shew these Barons by Writ bore in their origin rather a personal than entailed dignity: the result of the policy of the King based upon uncertain precedents. That policy was to obtain a favourable assembly for levying aids—the precedent was the Great Council. At least, from the days of John, the consent of the Great Council was necessary to raise a tax. It might be disused, avoided, evaded, violated; but the right of the people to tax themselves remained. Of this the Barons were the protectors. If we are indebted to the patriotism of Cardinal Langton and the Barons of Runnymede for the Great Charter, we are equally bound to revere the memory of Archbishop Winchelsea, and the Earls of Hereford and Norfolk. Whatever else was uncertain, this at least they made decided,—Taxation was not the right of the Crown, but that of the people. The ambition of the greatest of the Plantagenets

lured him to despise this which he had guaranteed. A murmur as that of the gathering together of mighty hosts was heard throughout the land; the air became tremulous with the sound; it smote him; nerveless, the monarch stood, abashed before his subjects in tears. Thus the necessities of Edward I. and his two immediate successors, compelled them frequently to summon a parliament. The right to demand a writ was uncertain—seldom sought: the King's to issue was never doubted. That it was frequently partially exercised there is evidence to prove. In 1258, the reforming Barons ordained this Parliament should meet thrice in the year: they were, however, extremely careful these assemblies should consist entirely of their own partisans. So again in 1264, after the "Mise of Lewes," Leicester was equally provident. Nothing could be more uncertain than the attendance of the barons, "per baroniam," at any time, and the sheriffs seem to have acted according to uncertain precedents,—that possibly of their own will, on all occasions. It might be accident, it looks strangely like design; party spirit throughout these reigns ran high; what so natural as to resort to means which have served your adversaries?

Something, also, must be conceded to the unsettled system of the times. In a rude age a clear knowledge of public rights may exist, and the nation still be governed by a very arbitrary exercise of power. It resembles ideas uttered in imperfect language. There is thought, there is reason; but the expression is devoid of accuracy and distinctness. The constitution of England is not so much a legal system deduced from abstract principles, as it is a collection of laws, the charters of

undoubted truths, successively confirmed and practically extended. It is, therefore, not improbable that the Baron by Writ, summoned or neglected at pleasure, was a mere special act of the King's grace, which created, ennobled, enriched, and secured a partisan. It would be difficult to prove the fact, other causes might operate, the King's privilege was the warrant for the King's will; the necessities of the Plantagenets rendered it requisite, the power of the Barons made it policy.

I cannot conclude without expressing my obligations to many gentlemen for the liberal assistance I have received. To John Bruce, Esq., F.S.A.; Thomas Duffus Hardy, Esq., Keeper of the Records, Tower; and Sir Charles George Young, F.S.A., Garter; my thanks are most especially due. Willingly would I continue inquiries of this kind, fraught with instruction, associated through their kindness with so much pleasure. It may not be,

"Nel mezzo del cammin di nostra vita,"

whilst methought it was yet day, the shadows have deepened and lengthened on my path. Light has become absorbed in space; the gloom of its departing hour gathers around. How beautiful is the night which ensues! We are borne from the earth by that which bears the aspect and the form of Sleep, and the stars arise in heaven to watch, from their eternal courses, over our repose.