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Viscount Courtenay's Petition claiming the Earldom of Devon.

The Lord *Melbourne* (by His Majesty's Command) presented to the House, A Petition of *William Courtenay Viscount Courtenay of Powderham Castle*, in the County of *Devon*, to His Majesty; praying, "That his Right to the Earldom of *Devon* may be recognized by His Majesty, and that he may be accordingly summoned to Parliament as Earl of *Devon*;" with His Majesty's Reference thereof to this House, and the Report of The Attorney General thereunto annexed.

Which Petition and Reference were read by the Clerk, and are as follow:

"To The King's Most Excellent Majesty.

"The humble Petition of *William Courtenay Viscount Courtenay of Powderham Castle*, in the County of *Devon*;

"Sheweth,

"That in the Ninth Year of King *Edward* the Third Your Petitioner's Ancestor *Hugh de Courtenay* was authorized by the King's Writ to assume the Title of Earl of *Devon*, in consequence of his having inherited the Lands and being the Heir of the Family of *Redvers*, Earls of *Devon*.

"That this Title was enjoyed by the Heirs Male of the Body of the said *Hugh* Earl of *Devon* for Five successive Generations, and was lost by the Attainder of *Thomas* the Fifth Earl of the *Courtenay* Line, in the First Year of the Reign of King *Edward* the Fourth.

"That by the same Act of Attainder The King, (*Henry* the Sixth,) The Queen, The Prince of *Wales* and Fourteen Peers were attainted; but these Attainders were reversed in favour of the Heir of each of these Peers, except the Heir of The Earl of *Devon*.

"That on the Accession of King *Henry* the Seventh, Sir *Edward Courtenay* Knight, who had been attainted by King *Richard* the Third, was the Heir Male but not the Heir General of the last Earl of *Devon*.

"That in the First Year of that King's Reign the Attainder of this Sir *Edward Courtenay* was reversed: He was created Earl of *Devon*, with a Limitation to the Heirs Male of his Body; and a considerable Portion of the large Possessions which by the Attainder of the last Earl had become forfeited to the Crown was granted to him, and confirmed by Act of Parliament.

"That Sir *William Courtenay* Knight, the only Son and Heir of the said *Edward Courtenay* who was so created Earl of *Devon*, having been attainted in his Father's Life-time, could not inherit that Earldom, but having intermarried with the Lady *Catherine Plantagenet*, Daughter and Co-heir of King *Edward*

the Fourth, and Sister of the Queen Consort, was created Earl of *Devon*, by Patent, bearing Date in the Third Year of the Reign of King *Henry* the Eighth, with a Limitation to the Heirs Male of his Body, and dying soon after, left Issue an only Son, *Henry*, who became Earl of *Devon*, and was advanced to the Dignity of Marquess of *Exeter*, by Patent, dated 18 *June*, A° 1525, with a Limitation to the Heirs Male of his Body.

"That the said *Henry Courtenay*, who thus became Earl of *Devon* and Marquess of *Exeter*, was attainted and beheaded in the Year 1538; and his Attainder never having been reversed, those Titles are considered to have thereby become extinct.

"That Your Petitioner has thus stated the Circumstances under which the earlier Honours enjoyed by his Family were granted and ultimately forfeited; because he humbly conceives that they tend to throw much Light upon the Situation and Circumstances of that Family, and upon the gracious Intentions of the Sovereign who again granted to one of them the Earldom of *Devon*, to which Earldom Your Petitioner now humbly submits his Claim.

"That *Edward Courtenay*, Son and Heir of *Henry* Earl of *Devon* and Marquess of *Exeter*, who was, as before stated, beheaded in the Reign of King *Henry* the Eighth, (A° 1538,) was by that Monarch thrown into Prison, and remained there until the Accession of The Princess *Mary*, A° 1553.

"That one of the first Acts of the Reign of Queen *Mary* was to release this *Edward Courtenay* from Prison, and on the 3d of *September* 1553 that Queen created him Earl of *Devon*, by a Patent, in which the Limitation is expressed to be "*Præfato Edwardo et hæredibus suis masculis in perpetuum.*"

"That upon the meeting of Parliament in a few Months after this Creation an Act passed for the Restitution in Blood of this *Edward* Earl of *Devon*.

"That the said *Edward* Earl of *Devon*, a short Time after his Creation, quitted this Country, and died at *Padua*, on the 18th of *September* 1556, without ever having been married.

"That the Heir Male of the said *Edward* Earl of *Devon* was at the Time of his Decease an Infant of only Two or Three Years old; and your Petitioner has Reason to believe, that the particular Terms of the Patent of Creation of 1553 were never examined by or known to the collateral Branches of the Family, the same having been erroneously described or referred to in several printed Collections.

"That Your Petitioner is advised that the Terms of the said Patent are clear and unambiguous, and that the legal Effect of them is to vest the Earldom in the Heirs Male of *Edward* the Grantee, collateral as well as lineal.

"That Your Petitioner is undoubtedly the Heir Male of the said *Edward* Earl of *Devon*, and is also the Heir Male of the Body of *Hugh de Courtenay* Earl of *Devon*, as before mentioned, in the Reign of King *Edward* the Third.

"That if it should be thought proper to advert to any Circumstances not appearing upon the Patent itself, the several Facts herein-before stated do, as Your Petitioner humbly submits, afford strong Evidence to shew that the Intention of Queen *Mary* was to restore the Heirs Male of *Hugh de Courtenay* Earl of *Devon* to the same Situation with respect to the Earldom of *Devon* in which they would have stood if the Attainders before referred to had not taken place.

"That under these Circumstances Your Petitioner feels it a Duty to himself and to his Family to submit to Your Majesty's gracious Consideration his Claim to the said Earldom of *Devon*.

"Your Majesty's Petitioner therefore humbly prays, That his Right to the said Earldom of *Devon* may

be recognized by Your Majesty, and that he may be accordingly summoned to Parliament as Earl of *Devon*.

"And Your Majesty's Petitioner shall, &c.

"Courtenay."

"*Whitehall, 23d June 1830.*

"His Majesty is pleased to refer this Petition to Mr. Attorney General, to consider thereof, and report his Opinion what may be properly done therein; whereupon His Majesty's further Pleasure will be declared.

"Rob. Peel."

"*Whitehall, 24th November 1830.*

"The King, being moved upon this Petition, is pleased to refer the same (together with the Report of The Attorney General thereunto annexed) to The Right Honorable The House of Peers, to examine the Allegations thereof as to what relates to the Petitioner's Title therein mentioned, and to inform His Majesty how the same shall appear to their Lordships.

"Melbourne."

Ordered, That the said Petition, with His Majesty's Reference thereof to this House, and The Attorney General's Report thereunto annexed, be referred to the Consideration of the Lords Committees for Privileges; whose Lordships having considered thereof, and heard such Persons concerning the same as they shall think fit, are to report their Opinion thereupon to the House.