

THE GREAT BERKELEY LAW-SUIT OF THE 15th
AND 16th CENTURIES. A CHAPTER OF
GLOUCESTERSHIRE HISTORY.

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THE history of the family disputes for the possession of the Castle and Barony of Berkeley, which arose early in the 15th century, culminated in the battle of Nibley Green, in 1469, and were not finally settled until 1609, presents a curious picture of the state of the country during those times, and is alike interesting to the historian, the genealogist, and the local antiquary. It has been called the longest law-suit on record, but the word law-suit conveys to our apprehension a very imperfect idea of the contest. It was, in truth, a state of civil war, a re-production, on a smaller scale, of the great struggle for the crown between the rival houses of York and Lancaster which was devastating the kingdom at the same period. The contending parties were powerful and high-spirited nobles, each almost supreme in his own domains, accustomed to military service, and able, under the conditions of feudal tenure, to bring large bodies of armed retainers into the field. When the few and feeble proceedings in the courts, or before arbitrators, ended, as they generally did, in compromises acceptable to neither party, or in delays exasperating to both, it is not surprising that the litigants often endeavoured to settle their differences by the sword. The quarrel originated in the following circumstances.

Thomas, the 10th Lord Berkeley, died in 1417, leaving by his wife, Margaret, sole daughter and heiress of Gerard Warren, Lord de Lisle, an only child Elizabeth, married to Richard Beauchamp,

Earl of Warwick. All the great inheritance of the de Lises, including the two ancient baronies of Lisle and Tyes, descended to the Countess of Warwick, but the Castle and Barony¹ of Berkeley devolved, under a fine levied, with the royal license, by Thomas, the 8th Lord, in 1349, upon the male heir, James, Lord Berkeley's nephew, the eldest son of his brother, the Lord of Raglan, who had been brought up at Berkeley Castle as the heir of the family. On the death of Lord Berkeley, the Earl and Countess of Warwick claimed the Berkeley inheritance, as well as that of de Lisle, and thus commenced a contest which was continued by them and their respective descendants for many generations, at an immense expenditure of blood and money, and with almost ruinous consequences to the families on both sides.

Richard Beauchamp, Earl of Warwick, the most eminent member of his noble and knightly race, was one of the principal English generals in Henry the fifth's victorious campaign in France; at this time he held the responsible post of Captain of Calais, and was entrusted with the negotiation of the king's marriage with the Princess Katharine of France. He was subsequently made Governor of Normandy, and on the death of the Duke of Bedford, in the following reign, became Regent of the French kingdom. Of great wealth, power, and influence, he was a most formidable antagonist for James, Lord Berkeley, who was now only twenty-three years of age, with few friends, and little to aid him in the contest but an invincible confidence in his cause. At the time of his uncle's death, James was in Dorsetshire, at the house of Sir Humphrey Stafford, whose daughter² he had recently

¹ In an Exchequer suit, touching the relief claimed from Maurice Berkeley, an Inquisition by jury was taken at Gloucester, in 37th Edw. III., whereby it was found that the Manors of Berkeley, Ham, Alkington, Hinton, Hurst, Slimbridge, Cam, Wotton, Symondshall, Cowley, Arlingham, and Portbury, are of the Barony of Berkeley, "*et eandem baroniam faciunt.*"—Smyth's Lives, Vol. II., p. 421.

² This lady's name does not appear in the Stafford pedigree, and Smyth does not state it; her marriage portion was six hundred marks, and she died very young and without issue. The agreement for the marriage was dated 25th July, 2nd Henry V., and in it Thomas, Lord Berkeley, declares James to be his nephew and heir male to the inheritance entailed.

married, but the Earl and Countess of Warwick were at Berkeley, and they took advantage of their position to possess themselves of all Lord Berkeley's title deeds and evidences, taking away a great many, and having copies and abstracts made of others. Lord Warwick also obtained from the King a grant of the custody of all the late Lord's castles, manors, and lands, as long as they should be in the king's hands. James, on the other hand, was not slow in asserting his rights; he at once sued for, and procured, the issue of a writ of *diem clausit extremum*, directed to the escheator of the county of Gloucester, one Robert Gilbert, "a sufficient learned man and a sadde," under which a jury of twelve of the most worshipful gentlemen of the county was impanelled and sworn to enquire of what manors and lands the deceased Lord had died seized, by what services held, and who was inheritable thereto. After much opposition on the part of the Earl of Warwick, and several consequent adjournments, the jury found that James Berkeley was his uncle's heir male, and that he should inherit the Castle of Berkeley and the twelve manors which constituted the ancient barony, with the advowsons of Wotton and Slimbridge, and twenty-two marks rent in Frampton-on-Severn, under the entail created by his great grandfather, the Lord Thomas, in 1349, but that all the late Lord's other lands descended to his daughter, Lady Warwick. The Earl and Countess thereupon sued their livery and paid their relief for their manors; the Lord James also did his fealty for his Castle and Barony, and was thereby accepted as the King's Tenant-in-chief, but was not allowed, owing to the Earl's opposition, to sue his livery and pay his relief for the same. The Earl of Warwick continued to hold possession of the Castle and estates, and as the deceased Lord's executors and chief servants adhered to him as the stronger party, James was unable to prevent him from holding the manor courts, and receiving the rents for the first three years.

Lord Berkeley was now in great difficulties, being unable, for want of his ancient evidences, which were in Lord Warwick's hands, to take further steps for obtaining livery of his lands. He, therefore, procured the assistance of the Duke of Gloucester, the

king's brother, by a bribe of one thousand marks, and by his influence obtained license to sue his livery of the Castle and Lordship of Berkeley, and soon afterwards paid his baron's relief of one hundred marks. This transaction with the "Good Duke Humphrey," venal though it was, was of great service to the Lord James, as the tenants of the lands in dispute now recognised him as their lord, by which he obtained their services, and supplies of money, of which he stood greatly in need. He was also about this time knighted, and received his summons to parliament in December, 1421.

The Earl of Warwick's opposition seemed, however, to increase with Lord Berkeley's success; he still held adverse possession of the Castle and some of the lands, until, upon a petition from the Lord James, the King (Henry V.) interposed, and commanded Lord Warwick to give them up. After the king's death the Earl again entered forcibly upon some of the outlying manors; he several times besieged the Castle, and the town of Berkeley was half destroyed in the frequent fights and disturbances which took place. At length, by the mediation of the Bishop of Worcester, the matters in dispute were referred to arbitration, but for a long time, no decision was come to; in 1426, however, an award, by way of compromise, was made, for the lives of the two litigants, by which the manors of Wotton, Coaley, Symondshall, and some others, were allotted to the Earl of Warwick, Lord Berkeley being allowed to retain the others. This arrangement lasted until the Earl of Warwick's death, at Rouen, in 1439.

The quarrel was now revived by the Earl of Warwick's three daughters and co-heiresses, Margaret, Elianor, and Elizabeth, married, respectively, to John, Lord Talbot, Edmund Beaufort, Earl of Dorset, and George Nevill, Lord Latimer. This Lord Talbot was—

“ that great Alcides of the field,
Valiant Lord Talbot, Earl of Shrewesbury.¹

with whom all readers of Shakespeare and of English History are familiar; whose very name was such a terror to the French, that the

¹ 1st Part, King Henry VI., act 4, scene 7.

ery "A Talbot, a Talbot," was enough to scare whole troops. The Lady Margaret was his second wife, the Earls of Shrewsbury being descended from his first marriage with Maud, the daughter of Thomas Nevill, Lord Furnival. The co-heiresses brought an immense influence to bear upon the contest with the Lord James, their father's and Lord Talbot's military services rendering them all-powerful with the weak King Henry VI., and especially with Queen Margaret, who ruled and over-ruled all things in that reign. Lord Talbot also exercised considerable local influence in Gloucestershire, as he possessed the manors of Painswick, Whaddon, and Moreton Valence, besides the family influence in those of the Berkeley manors which had been held by the Earl of Warwick for the last thirteen years. When, therefore, the Inquisitions after the death of Lord Warwick were returned into Chancery, they proved to be so strongly in favour of the co-heiresses that the Lord James found himself in danger of being ousted from the whole of his inheritance. Driven by these proceedings to hold his own by the strong hand, he was committed to the Tower, but released, after a few days, upon entering into a bond of one thousand pounds to keep the peace. In 1440, one David Woodburne, being sent to Wotton by Lord Talbot, to serve a subpoena on Lord Berkeley, the latter not only beat the unfortunate messenger, but compelled him to eat the summons, wax, and parchment. Several years' litigation ensued, varied by frequent fights and much bloodshed, and both parties were often bound over to keep the peace; arbitration was resorted to, but the referees met only to adjourn again and again, without agreeing upon any award.

In 1448 an award, based on the former compromise, was made by five arbitrators, sitting at Cirencester, but Lord Berkeley appears to have been no party to it, and he at once garrisoned his Castle, and prepared to resist its execution. Both parties now had recourse to arms, and many were the skirmishes between them, with frequent incursions upon the lands in each other's possession, gathering rents, chiefly in kind, at the point of the sword, from recusant or timid tenants. The Lord James attacked and pillaged

Wotton Manor-house, where Lady Shrewsbury was then residing, in return for which, her son, Lord Lisle, surprised and broke into Berkeley Castle, and seized Lord Berkeley and his four sons, whom he kept prisoners eleven weeks, and compelled to sign various deeds and bonds. During these contests the towns and villages were nearly destroyed, and the whole country so laid waste that extensive districts were left uncultivated.

The ladies on both sides were at this time as actively engaged in the family quarrel as their lords. Isabel Lady Berkeley, James' second wife, was of royal descent, being the daughter of Thomas Mowbray, Duke of Norfolk, whose mother was Elizabeth, daughter of John, Lord Segrave, and his wife, Margaret, created Duchess of Norfolk, daughter and heiress of Thomas, of Brotherton, younger son of King Edward I. By this lady, through whom an immense inheritance in land afterwards came into the family, her descendants became entitled to quarter the royal arms of England, and were co-heirs to the ancient baronies of Mowbray and Segrave, in addition to their patrimonial honours. "She was," says Smyth, a lady of great virtue, entirely loving her husband and the children she had by him, and in their distresses, the principal stay and follower of their suits and businesses."¹ While the Lord James was beleaguered in his Castle, or at the head of his retainers, carrying the war into the manors which adhered to the enemy, the Lady Isabel was often in London, petitioning the authorities for help and redress, making what interest she could amongst friends and family connexions, or prosecuting their cause in the courts, or before arbitrators. A letter, still preserved, which she wrote to her husband on one of these occasions, gives a lively picture of the troubles in which they were involved, and of the energy with which she helped him to encounter them.

To my right worshipfull and reverend lord and husband bee this Ire delivered.

Right worshipfull and reverend lord and husband, I commend me to you with all my whole hart, desyring allwayes to heare of your good welfare, the which God mayntayne and increase ever to your worship.

¹ MS. Lives of the Lords Berkeley, Vol. II., p. 539.

And it please you to heare how I fare, Sr squall and squall, Thomas Roger and Jacket have asked surety of peace of mee, for their intent was to bring mee into the Tower, But I trust in God to-morrow that I shall goe in bayle unto the next terme, and soe to goe home and then to come agayne, and sur I trust to God and you will not treat with them, but keep your own in the most manlyest wise, yee shall have the land for ones and end, Bee well aware of Venables and Alderley, of Thom Mull and your false counsell, keep well your place. The Earle of Shroesbury lyeth right nye by you and shapeth all the wyles that he can to distrusse you and yours, for hee will not meddle with you openly noe manner of wise, but it bec with great falscdome that hee can bring about to beguile you, or else that hee caused that yee have to few peopull about you, then will hee set on you, for hee saith he will never come to the king againe, till hee have done you an ill turne. Sur your matter speedeth and doth right well, save my daughter¹ costeth great good. At the reverence of God send money or else I must lay my horse to pledge and come home on my feet, keep well all about you till I come home, and trete not without mee, and then all things shall be well with the grace of the Almighty God, who have you in his keeping. Written at London, the Wednesday next after Whit-Sunday.

Your wife, the Lady of Berkeley.

The Lord James thereupon borrowed twenty-two marks of Nicholas Poyntz, but to such straits had he been reduced that he was obliged to deposit his gilt mass-book, silver chalice, altar-cloths, and vestments, from his private chapel, as a security for the loan.

The Earl of Shrewsbury was at this time in command of the English forces in France, where he was endeavouring, with the desperate valour for which he was so remarkable, to stem the tide of ill-fortune, which, since the time of the Maid of Orleans, had set in strongly against the English arms. The conduct of the Shrewsbury claims on the Berkeley Manors devolved, therefore, on the countess, and the family interests certainly did not suffer in her hands. Energetic, determined, and strongly animated by her personal interest in their cause, Lady Shrewsbury was cruel, remorseless, and unscrupulous in her prosecution of it;² she was, in fact, rather more than a match for the Lord James, who had little beyond an indomitable courage and tenacity to aid him in

¹ Elizabeth, her daughter by her first husband, Henry Ferrars, Lord of Groby, afterwards married to Sir Edward Grey.

² Smyth calls her "as angry a lady as I have observed in all my readings," but it must be admitted that she had great provocation.

the contest, and, in 1452, fortune enabled her to deal him what was for the time an almost deadly blow. A court was held at Gloucester, at which an inquiry into some complaints which had arisen out of the quarrel was set on foot by Lady Shrewsbury. Isabel, Lady Berkeley, attending as usual to support her husband's cause was, by some means, taken at a disadvantage, and at Lady Shrewsbury's instance, committed to prison in Gloucester Castle, where, her proud spirit sinking under the indignity and anxiety, she died in a few days. She was buried in the chancel of the Grey Friar's Church, in Gloucester, which her grandson, Maurice, 14th Lord Berkeley, afterwards repaired in honour of her memory.

The year following, Lord Shrewsbury and his son, Lord Lisle, were killed at the siege of Castellon, near Bourdeaux, where James, Lord Berkeley's second son, was also slain, and Thomas, his fourth son, was taken prisoner, both serving in the English army. In the presence of these calamities, on both sides, the family quarrels seem to have died away, as little more is recorded of them during Lord James's life. What, probably, contributed to the truce was the politic marriage, which James, forgetful of his devoted wife, the Lady Isabel, and her sad fate, contracted, at the age of 63, with Joan Talbot, the daughter, by his first wife, of the Earl of Shrewsbury, his former enemy. Six years afterwards he died, and was succeeded by his eldest son, William.

William, now 12th Lord Berkeley, was at this time 37 years of age; cautious and crafty, but self-willed, haughty, and implacable; he was so much feared by all around him, that for several years before his father's death no tenant on the estates would accept a lease without William's joining in it. The family quarrel was at once renewed with all its former bitterness between him and the old Countess of Shrewsbury, "two merciless natures not unevenly encountering," as Smyth remarks in his life of the Lord William. Lord Berkeley, in his petition to the King (Edward IV.), accuses the countess of unjustly keeping possession of his manors of Wotton, Symondshall, Coaley, and some others; of plotting with and corrupting his servants in order to get possession of Berkeley Castle, and of compassing his death by means of a hired

assassin. In her reply, Lady Shrewsbury denies some of these charges, especially that of the intended murder, but boldly avows her claim to the Castle and Manors of Berkeley, justifies her attempts to gain possession of them, and prays that justice may be done her; many pleas, counterpleas, bills, and replies followed, and in these proceedings, varied by predatory incursions upon each other's manors, and frequent fights between their servants and tenants, five years passed away without any decision being pronounced.

In 1467 Lady Shrewsbury died, leaving all her property, including the disputed manors and claims, to her grandson, Thomas Talbot, Viscount Lisle, then 20 years of age, and recently married to Margaret, the daughter of William Herbert, Earl of Pembroke. Lord Lisle took up the quarrel with all the energy and impatience of youth, and also with much of the subtlety and craft for which his predecessors had been so conspicuous. A ready instrument was found in Thomas Holt, Lord Berkeley's keeper of Berkeley Castle and Whitcliff Park, and by this traitor's help, Maurice King, the porter of the castle, was gained over, by the promise of a lucrative office in Lord Lisle's service, to deliver up the Castle to Lord Lisle. Smyth gives copies of the letters which passed between Holt and King, and Robert Veale, Lord Lisle's chief agent, relative to this plot (the originals of which were at the castle in his time), but King, at the last moment, disclosed the whole scheme to Lord Berkeley, and thus saved his master. Holt fled to Wotton, to Lord Lisle, and the latter was so enraged and disappointed at the failure of the plot, that he wrote the fatal letter and challenge to Lord Berkeley, which led to the fight at Nibley Green, and his own death. The challenge, which ran as follows, was dated and delivered on the 19th March, 1469.

William called lord Berkeley, I marveill ye come not forth with all your carts of gunnes, bowes, with oder ordinance, that ye set forward to come to my manor of Wotton to bete it down upon my head, I let you wit ye shall not nede to come so nye, for I trust to God to mete you near home with English men of my one nation and neighbors, whereas ye, by subtile craft, have blowin about, in divers places of England, that I should intend

to bring in Welshmen for to destroy and hurt my one nation and cuntry ; I lete thee wit I was never soe disposed, nere never will be, and to the proof hereof, I require thee of Knighthood and of manhood to appoynt a day to mete me half-way, there to try, between God and our two hands, all our quarrell and title of right, for to eschew the shedding of christian menns bloud, or els at the same day bringe the uttermost of thy power, and I shall mete thee ; an answer of this, by writing as ye will abide by, according to the honor and order of Knighthood.

THOMAS TALBOT, THE VISCOUNT LISLE.

Lord Berkeley returned the following answer the same day :

Thomas Talbot, otherwise called viscount Lisle, not longe continued in that name, but a new found thing brought out of strange countryes,¹ I marveill greatly of thy strange and lewd writinge, made, I suppose, by thy false untrue counsell that thou hast with thee, Hugh Mull and Holt ; as for Hugh Mull it is not unknown to all the worshipfull men of this Relme, how he is attaynt of falseness and rasyng of the King's records, and as for the false mischevous Holt, what his rule hath be to the destruction of the King's lege pepull in my lordship of Berkeley, as well to the hurt of their bodyes as the losse of their goods, against goddys lawe, consciens, and all reason, it is openly known, soe that every worshipfull man should refuse to have them in their fellowship, and also of his own free will, undesyred of mee, before worshippfull and sufficient witness, was sworn on a masse-book That he never should bee against mee in noe matter that I had adoe, and espetially in that untrue title that ye clayme which ye holde my lyvelode with wrong ; and where thou requirest mee of Knighthood That I should appoynt a day and mete thee in the myd way between my manor of Wotton and my Castle of Berkeley, there to try, betwixt god and our two hands all our quarrell and title of right, for to eschew the shedding of Christen mens bloud, or els, the same day, to bring the uttermost of my power and thou would meet me ; as for the determining betwixt our two hands of thy untrue claim and my title and right of my land and inheritance, thou wottest right well there is no such determinacon of land in this Relme used, and I ascertyne thee That my livelode, as well my manor of Wotton, as my Castle of Berkeley be entayled to mee by fine of record in the King's court, by the advice of all the judges of this land in that dayes being, and if it were soe That this matter might be determined by thy hands and myne, the King, our soveraigne lord and his laws not offended, thou shouldst not as soone desire, but I would as soone answere thee in every poynt that belongs to a Knight, for thou art, God I take to record, in a false quarrell, and I, in a true defence and title ; and where thou desirest and requirest mee of Knighthood and of manhood to appoynt a day, and that I should be there with all the power that I could make, and that thou would mete me half-way, I will thou understand I will not bring the tenth part that I can make, and I will appoint a short day to ease thy malitious

¹ The title of Viscount had but lately been introduced into England, the first creation being that of John, Lord Beaumont, in 1440.

hart and thy false counsell that is with thee ; faile not to-morrow to be at Nibley green at eight or nyne of the clock, and I will not faile, with God's might and grace, to mete thee at the same place, the which standeth in the borders of the livelode that thou keepest untruly from me, redy to answer thee in all things, That I trust to god it shall be shewed on thee and thine to thy great shame and disworshipp ; and remember thyself and thy false counsell have refused to abide the rule of the grete lordis of this land, which, by my will, should have determyned this matter by thy evidences and myne ; and, therefore, I vouch god to record, and all the company of heaven, That this fact and the schedding of christen men's bloud, which shall be atwixt us two and our fellowshipp, if any hap to bee, doth grow of thy quarry, and not of mee, but in my defence and in eschewing of reproche, and onely through thy malicious and mischevouse purpose and of thy false counsell, and of thy own simple discretion, and keep the day, and the trouth shall be shewed by the mercy of god.

WILLIAM, LORD OF BERKELEY.

Lord Berkeley was at this time keeping a garrison at Berkeley Castle, but there must have been much riding to and fro of messengers on that day in order to collect the army, which shewed itself at sunrise the next morning at Nibley Green, and which is stated to have been not less than one thousand strong. Lord Berkeley's brother, Maurice, "stole from his young wife and tender son (the hope, at that time, of both their posterities), and met him with a fair band of men sodainly raised from Thornbury, where he then dwelt."¹ A strong party of miners from the Forest of Dean joined the Berkeley banner, and it was said that two rich Bristol merchants, Philip Mead, whose daughter Maurice Berkeley had married, and John Shipward, led a band of citizens to take part in the affray. Lord Berkeley's army lay that night in the outskirts of Michaelwood, adjoining Nibley Green, and the country people near carried them provisions. At sunrise, the next morning, Lord Lisle's party, headed by their fiery young leader, was seen moving down the hill from Nibley Church on the open green, which then extended nearly as far as where Bush street farm-house now stands, and where it joined Michaelwood. The place of stand, Smyth says, was at Fowleshard, from whence the Berkeley men discharged the first flight of arrows upon their opponents ; this name is now unknown, but a field, a few hundred yards north of

¹ Smyth's MS. Lives of the Berkeleys, vol. II., 615.

Bush street farm, was formerly called Fowle's Grove,¹ now corrupted into Foley's Grove, and a rough forest road, which ran through Michaelwood from the direction of Berkeley, extended to this place and crossed Nibley Green towards the church. It appears, therefore, that the Berkeley men remained in the wood here, probably to conceal their superior numbers, until the near approach of their opponents, when they suddenly issued and discharged their arrows, doubtless, with terrible effect. The fight was very bloody, though of short duration, Lord Berkeley's party being much the stronger. Lord Lisle was shot with an arrow on the left side of his face, his vizor being up, by a Dean Forester called Black Will, and finished by the stroke of a dagger; his fall completed the rout of his party, and the steep lane leading from the green to Nibley church was soon thronged by the fugitives and their pursuers. Lord Berkeley led on his victorious followers to Wotton Manor-house, which they sacked and pillaged. Lady Lisle gave premature birth to a dead son sixteen days afterwards, and by this event the male line of the younger branch of the Talbot family became extinct; a terrible and complete retribution, by which the death of Lord Berkeley's mother at Gloucester Castle, at the instance of the Countess of Shrewsbury, was fearfully avenged on the descendants of the latter.

The kingdom was, at this period, in a very disturbed state, which, probably, accounts for such a serious breach of the peace passing unnoticed at the time by the authorities. An insurrection had broken out in Yorkshire; the Lancastrian party was suspected of an intention to raise their banner, and the powerful Earl of Warwick, Richard Neville the "King maker," to whom Edward IV. owed his crown, was withdrawing his support. Seven days after the battle Lord Berkeley received the King's commission to

¹ Thomas Lord Berkeley, the second of that name (sixth Lord, A. D., 1281 to 1321), by deed without date, granted to Richard de Wike and his heirs "unum clausum in bosco suo de Muklewood, de quodam assarto quod Willus Fowell quondam tenuit, quod continet sex acras et sexaginta perticatas terre et bosci, quod jacet inter clausum pucelle de Haggely et viam que ducit per medium de Muklewood versus Eceliam de Nubbeley;" to him and his heirs, by Knight's service and the yearly rent of three shillings.—*Smyth's MS. description of the "Hundred of Berkeley."*

search out and apprehend disaffected persons within the county. A few months afterwards the king himself was a fugitive, and Warwick, who for his own purposes now espoused the Lancastrian cause, had replaced Henry VI. on the throne. The Battle of Barnet, however, on Easter-day, 1471, once more reversed the state of things; Warwick was slain and King Edward resumed the sceptre. Lady Lisle now brought her appeal against Lord Berkeley, his brother Maurice, and others, for the death of her husband, but the delays which the Berkeleys found means to interpose prevented the case from being decided for two years. At length, a parliamentary enactment¹ was procured, whereby it was settled that Lord Berkeley should have all the manors in dispute, paying Lady Lisle £100 a year in settlement of her personal claims, but without prejudice to the rights of their respective heirs. Shortly afterwards she married Henry Bodrugan, a Cornish gentleman,² a circumstance which, together with her having compounded the death of her first husband for an annuity, goes far to deprive her of the sympathy and interest with which her early misfortunes tended to invest her.

Having thus slain his enemy and bought up the life claims of the widow, the Lord William now took possession of the disputed manors, but before he had been three years in possession of them, he was attacked by Sir Edward Grey, the husband of Elizabeth, the late Lord Lisle's sister, who set up a claim to the reversion, in her own right. The Greys were near of kin to Lord Berkeley, Sir Edward and his brother, Sir John Grey (the first husband of Elizabeth Woodville), being the grandsons of his mother the Lady Isabel, by her first marriage to Henry, Lord Ferrars, of Groby. After several years' sharp contention this claim was settled, as in the former cases, by a compromise, Lord Berkeley keeping the lands, and agreeing to pay an annuity to his opponents. This truce was, however, broken in a few months, but by what means does not appear; and as Lord Berkeley was soon afterwards summoned before the King's council, and bound, under a heavy

¹ Rot. Parl., 12th Edward IV., m. 26.

² She was the second wife of Sir Henry Bodrugan, and died before him, s.p. See Ped. of Bodrugan, Sir John Maclean's "History of Trigg Minor," Vol. I., p. 555.

recognizance, to keep the peace towards Sir Edward Grey, it does not seem that the bloody result of his former turbulence had afflicted him with any feelings of remorse, or disposed him to more peaceable conduct. Increasing craft or caution, however, now began to teach him the use of different weapons for the advancement of his purposes. It is said that "Great gifts are little gods," and he, about this time, succeeded, by judicious bribery, in detaching several influential personages from his rival's interest, and securing them to his own. Encouraged by these results he next proceeded, by similar means, to enlist the favour and assistance of the King himself. Being entitled, in right of his mother, the Lady Isabel, to a moiety of the vast estates of John Mowbray, Duke of Norfolk, lately deceased, failing the Duke's daughter and sole heiress, a child six years old, Lord Berkeley, in 1477, conveyed his reversion therein to the youthful Duke of York, the King's second son. In return the King created him a viscount, and, which was, probably, of much more service to him, covenanted to discharge him from certain great bonds and obligations amounting to £34,000,¹ in which he stood bound to John, late Earl of Shrewbury, and his heirs. The poor little heiress was married to the Duke of York in January, 1478, but died the next day, and her young husband inherited her vast patrimony. In 1483 died King Edward IV., and a few months afterwards the Duke of York and his elder brother, King Edward V., were murdered in the Tower by the contrivance of their uncle the Duke of Gloucester; by these events the moiety of the Norfolk estates devolved at once upon Lord Berkeley, and the Duke of Gloucester became King, as Richard III.

A perfect mania, for the purchase of honours and distinctions by the sacrifice of his lands, seems to have seized upon the Lord William, now Viscount Berkeley. In 1484 he conveyed to the King 35 manors, part of the Norfolk inheritance, by deed of gift, and was, thereupon, created Earl of Nottingham. At the Battle of Bosworth field, the next year, where it was said that the new earl

¹ These bonds were those signed under duress by James Lord Berkeley's father, when he and his sons were prisoners in the hands of Lord Lisle, as stated ante p. 310. To carry this arrangement with the King into effect, an act of Parliament was passed in 22nd Edw. IV.

assisted the one party with men and the other with money (though he was too astute to take part with either in person), King Richard was slain, and leaving no heir, the 35 manors again reverted to Lord Berkeley, as though Providence were determined to frustrate his attempts to impoverish himself and ruin his family. By King Henry VII. he was created Earl Marishall and Great Marischall of England, and by a deed of the same date he gave two castles and 28 manors to Sir William Stanley, the Lord Chamberlain. Several other gifts and grants of lands followed in return for court favour and patronage. Finally, having quarrelled with his brother and heir, who, naturally, remonstrated against these repeated alienations of the family possessions, he entailed Berkeley Castle and the whole of the remaining family estates upon the King (Henry VII.), reserving only a life interest to himself, besides his wife's dower, and was in return created Marquis of Berkeley. Thus did William Lord Berkeley wilfully strip his family of the castle and princely domains which had been held by their ancestors for ten successive generations, destroying, as far as in him lay, their very name and lineage, and accomplishing, by a stroke of the pen, what all the efforts of powerful enemies, through more than seventy years, had been unable to effect. He died in 1491, when the King took possession of the whole, and spent 10 days at Berkeley, in that year, with his Queen, Elizabeth of York.

Amidst these events we hear nothing of the great law-suit, except that in 1488 Sir Edward Grey, who had been created Lord Lisle, procured, in spite of Lord Berkeley's strenuous opposition, an exemplification under the Great Seal of some irregular proceedings in the case, which had taken place before Judge Bingham, at Cirencester, 37 years before ; this was done, probably, to perpetuate the evidence then given. During the possession of the Berkeley estates by the crown, which lasted until the death of Edward VI., 61 years later, the claims of the heirs general appear to have lain dormant.

Maurice, the Marquis's brother and rightful heir, resided chiefly at Thornbury, where, of his own and his wife's, he had a fair estate. He succeeded, through looking into some old titles and entails, in

recovering from the crown several of the manors formerly possessed by his ancestors, and he also inherited the borough and manor of Tetbury, and much other property, as one of the heirs of Lord Braose. The position he acquired and held in the county may be inferred from the fact that his son and successor, Maurice, the 14th Lord, was one of the principal leaders in the English army under the Marquis of Dorset, which invaded France in 1512, when Maurice took with him 411 men of his own tenants and servants, all well armed and trained.

In 1553, by the death of King Edward VI., without issue, the Castle and Lordship of Berkeley again returned to the family of its original possessors, then represented by Henry, 17th Lord Berkeley, the great-grandson of Maurice, the Marquis's brother. Some difficulties having arisen in consequence of the Lord Henry being under age, and therefore a ward of the crown, Queen Mary, as a special grace and favour to Lord Berkeley's mother, who was, and continued through her life to be, a staunch Roman Catholic, caused a special livery of his lands to be issued to him under the great seal, by which he gained two whole years rents and profits. The Queen, it is said, desired to have made him an entirely new grant, by "*dedi et concessi*," which course was also strongly pressed by his lordship's counsel, but as strongly rejected by Lady Berkeley, who desired to inherit under the old title as revived by the death of Edward VI. This course was followed, and subsequently led to great mischief, as will be seen.

By the failure of male heirs to the Greys, the Lisle claims had now devolved upon Lord Dudley, Duke of Northumberland, who was the son of Elizabeth, the daughter of Sir Edward Grey, Lord Lisle, and who was beheaded in the first year of Queen Mary, for high treason in the attempt to place his daughter-in-law, the Lady Jane Grey,¹ upon the throne. By his attainder, the rights of the heirs general became vested in the crown, and thus a far more formidable competitor than any the Berkeleys had yet encountered

¹ She was descended from Sir John Grey, the elder brother of Sir Edward, and his wife Elizabeth Woodville (afterwards Queen of Edward IV.), whose son was created Marquis of Dorset.

was brought into the field. No claim on behalf of the crown was made for several years, and the Lord Henry was allowed to take possession of his castle and estates without question. In 1558, however, a suit in the exchequer was instituted, in the name of the Queen, against Lord Berkeley, for "intrusion" upon the manors of Wotton, Symondshall, Arlingham, and some others, to which he pleaded, but no further steps were then taken, Queen Mary dying soon afterwards. The next year the suit was again commenced in the name of Queen Elizabeth, and was prosecuted by Sir Thomas Parry, treasurer of the Queen's household and a privy counsellor, but a lease of Symondshall farm for 60 years, at a low rent, being granted to him by Lord Berkeley, the suit was again allowed to sleep.

In 1572 Thomas Howard, Duke of Norfolk, brother to Katherine, Lady Berkeley, was condemned and executed for high treason, one of his principal enemies being Robert Dudley, Earl of Leicester, the second son of the Duke of Northumberland already mentioned. Overtures had also been made a short time previous for the marriage of Lord Berkeley's two daughters (he then having no son) to the two nephews of the Earl of Leicester, the gallant and accomplished Sir Philip Sidney, and his brother Robert, afterwards Lord Lisle. These proposals had been declined by Lady Berkeley, at which great umbrage was taken by the Dudley family. The suit by the crown was, therefore, revived, and was strongly pressed and supported by the Earl of Leicester, who now stood very high in favour with the Queen, from whom he had obtained a written promise of a grant of the lands in question, if they were recovered. In 1573 the case came to trial and resulted in a verdict against Lord Berkeley for the Manors of Symondshall and Wotton, including the entire parishes of Wotton-under-Edge and Nibley, with mesne profits since the first year of Queen Mary, amounting to more than £5,000. In estimating these sums the difference in the value of money at this period must be borne in mind, which was, at least, twelve times as much as it is now. The Queen took possession of those manors and immediately granted them to the Earl of Leicester, and his brother

Ambrose, Earl of Warwick. The Earl of Leicester, who in actual life was not, by any means, the magnificent creature which he appears in Scott's matchless romance, came to Wotton soon afterwards to take possession of his new acquisitions; accompanied by a large concourse of people he went to Michaelwood Lodge, broke down a large part of the park palings there, and then returned to Wotton Hill, where they played a match at Stoball, a game greatly in vogue on the Cotswolds at that time, but now obsolete. The Earl and his followers afterwards went to Slimbridge, and endeavoured to take forcible possession of Rolls Court, but Arnold Ligon, a "stout gentleman," who then held that estate by lease from Lord Berkeley, defended his house with so much spirit that they were obliged to retire.

In 1580 another suit was commenced by the crown against Lord Berkeley for the manors of Sages and Arlingham, the third part of the manors of Cam, Hinton, and Slimbridge, and sundry other farms and lands; it ended, like the former action, in a verdict for the crown, and these lands were likewise granted to the Earls of Warwick and Leicester. The Earl of Leicester died in 1588, and his brother of Warwick inherited all these manors by survivorship, but, dying himself two years afterwards, left all his possessions to his Countess, Anne, daughter of Francis Russell, Earl of Bedford. Lord Berkeley was much impoverished by the expenses of this long continued litigation, the loss of nearly half of his estate, and the large sums demanded as mesne profits, from the first year of Queen Mary. He petitioned repeatedly for a remission of the mesne profits, and, on one occasion, Lady Berkeley presented, on her knees, a petition to the Queen, who replied "No, no, my Lady Berkeley, we know you will never love us for the death of your brother;" referring to the execution of the Duke of Norfolk for high treason not long before. To meet these great payments he sold much of his outlying property, consisting of manors in the counties of Wilts, Warwick and Leicester, the remains of the great Norfolk inheritance not dissipated by the Marquis, and raised £37,000 between the years 1565 and 1602.

In 1603 Lady Warwick died, leaving Sir Robert Sidney, her husband's nephew, her heir, and Queen Elizabeth also died soon afterwards. Various suits were still going on between the parties, with varying success, but early in the reign of King James a disposition to come to terms with each other and cease further litigation began to appear. At length direct overtures were made by Sir Robert Sidney, now Lord Lisle, through the medium of Lord Berkeley's son Thomas, who had recently married the daughter of Sir George Carey, Lord Hunsdon, and, on the 31st October, 1609, articles were agreed upon for the final settlement of all the matters which had so long been in dispute between them. The conditions were, briefly, that all manors, lands, liberties, and hereditaments of Lord Lisle at any former time belonging to Lord Berkeley, or his ancestors, should return to the possession of the latter, saving all leases, rents, and annuities which had been granted in writing by the Earls of Leicester and Warwick, or by Anne, the late Countess of Warwick, Lord Berkeley paying to Lord Lisle £7,320 in discharge of all other claims. Towards raising this large sum Lord Berkeley had a benevolence from all his tenants, holding by lease or copy of court roll, and also *aid pou faire fitz Chevaler*, under the statutes 3rd Edw I., and 25th Edw. III., from all his freeholders, whether holding by Knight's service or in socage. By these almost obsolete feudal services he obtained £700, which, Smyth says, was very willingly paid. £3,000 were also realized by the sale of timber and firewood in Michaelwood, where iron-smelting was then carried on with ore brought from the Forest of Dean.

Thus ended this most extraordinary struggle, which is, I believe, unparalleled in this or any other country. For one hundred and ninety-two years the Berkeleys had borne, with varied fortune, the continual assaults of some of the most powerful families in the kingdom, the Beauchamps, the Talbots, the Greys, the Dudleys, and the Sidneys, and lastly, of the Crown itself. After many vicissitudes, the close of the contest found the direct heir male, the seventeenth Baron by descent, more firmly than ever established in the possession of his ancestral castle and

ancient barony. The greatest foe to the family was he of their own household, William, Marquis of Berkeley, whose criminal folly stripped them of their ancient patrimony for four generations, and would have obliterated their very race and name had it not been providentially over-ruled. The great law-suit was, however, by no means unproductive of good to the Berkeley family. In the early part of it their own troubles withheld them from taking any part in the Wars of the Roses, and they were, consequently, one of the very few great families which did not suffer in life, or in estate, in those contests. Even the interval of sixty-one years, in which the castle and estates were held by the crown, had its compensations ; it put an end, for the time, to the attacks of their enemies, and gave them a breathing time, and an opportunity to recover strength for the struggle which was to follow. The suits, by the crown, in the reign of Elizabeth were more serious, as the enormous expenses and losses which they occasioned compelled Henry Lord Berkeley to sacrifice domains as great as all that still remain to the family.

One relic of the Great Law-suit is still in existence ; an annuity of £30, payable to the hospital or almshouse at Chenies in Buckinghamshire, which was left by Anne, Countess of Warwick, charged upon the Manor of Wotton, and is still paid. In respect of this annuity, Wotton-under-Edge possesses the right to nominate a pensioner to the hospital.