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John Smyth the Younger of North Nibley and His Papers

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Introduction

John Smyth the younger (1611–92) of North Nibley was the son of John Smyth the Gloucestershire historian. The elder John Smyth (1567–1641) was author of *The Lives of the Berkeleys* and compiler of *Men and Armour for Gloucestershire in 1608*. These works were left by him in manuscript and not published until long after his death. Both men were stewards of the Gloucestershire lands of Lord Berkeley. John Smyth the elder began the practice of preserving papers, in which he was followed by his son. Some 750 papers in the various Smyth collections, nearly a quarter of the total, relate to John Smyth the younger. They have great interest partly because of the time in which he lived. He succeeded his father just as civil war was about to begin. His papers demonstrate the reluctance with which lesser country gentlemen like him took sides. They show how such men suffered at the hands of the victors, and so were ready to welcome the Restoration. They illustrate how Berkeley Castle was occupied by both sides during the war and changed hands five times.

When public affairs assumed a calmer aspect after the Restoration, John Smyth's large family had grown up. The letters from which their careers can be discerned are no less interesting than the papers illustrating the war. We find his sons earning their living as far apart as Ireland, France, Holland, Italy and India. John Smyth lived to be over eighty, and before he ended his days he had the satisfaction of seeing his family well settled and the political disputes of his younger days resolved by the accession of William and Mary.

The Collections of Smyth Papers

The preservation and subsequent dispersal of the papers of John Smyth the elder and the younger have been explained by Irvine Gray in *Antiquaries of Gloucestershire and Bristol*.¹ In 1876 the papers, which had passed to Richard Cholmondeley of Conover Hall, Shropshire, were described in the *Fifth Report* of the Historical Manuscripts Commission.² Most of them were later acquired by Gloucester City Library,³ and formed part of its Gloucestershire Collection until they were transferred to the Gloucestershire Record Office in 2001.⁴

There are sixteen volumes entitled 'Smyth of Nibley Papers'.⁵ In the first five the papers are arranged according to subject matter: assessments for royal aids and benevolences, Berkeley and the hundred of Berkeley, the Berkeley family, and so on. In volumes 6 to 15 the papers are arranged in chronological order, volumes 11 to 13 being devoted almost entirely to papers of John Smyth the younger. The latter part of volume 15 and all of volume 16 contain undated papers, some of which it has been possible to assign to their context in this article. Another nineteen volumes are entitled 'Smyth of Nibley Manuscripts'. Two volumes have papers relating to John Smyth the younger. Volume 14 contains papers about his composition or fine after the Civil War. Volume 15 contains assessments for taxes, mainly during the reign of Charles II. Besides these there are numerous unbound papers, many of which relate to John Smyth the younger.⁶

Another series of papers of John Smyth the younger is in the Gloucestershire Record Office.

The office has possessed photocopies of these papers since 1969.⁷ In 1995 it bought most of the originals from R.A. Wilcocks, a postal historian.⁸ These papers illustrate the beginning of the Civil War in Gloucestershire.

The British Library acquired in 1889 two volumes of papers relating to the elder and younger John Smyth.⁹ A volume of documents about events at Berkeley Castle during the Civil War, which was among the Smyth papers described by the Historical Manuscripts Commission in 1876, is now at Berkeley Castle.¹⁰ Other papers relating to John Smyth, father and son, are in the Fletcher Collection of Birmingham Central Library. Some of the documents described by the Historical Manuscripts Commission cannot now be found in any of these collections.

It is unfortunate that the papers have been split up in an apparently arbitrary fashion. For example, thirteen depositions given in favour of John Smyth in 1645 to the Committee for Compounding were recorded by that committee.¹¹ The depositions were drafted by John Smyth in his own handwriting; nine of the drafts are in volume 14 of the Smyth Manuscripts, three are at Berkeley Castle, and one is missing.

The various collections of Smyth papers, when supplemented from other sources, furnish a full, if somewhat disjointed, account of the life and times of John Smyth the younger.

Early Life

John Smyth the younger was born on 8 September 1611 and christened in the parish church of North Nibley.¹² He apparently went to Oxford University in 1624. His father determined that he should follow the profession of the law. In 1631 he married Anne, the daughter of Sir Edward Bromfeild, alderman and, in 1636–7, Lord Mayor of the city of London. John and his wife Anne were given by his father the house called Smallcombe's Court in North Nibley, which John Smyth the elder had built in 1607.¹³ Edward, the eldest son of John and Anne, was born in 1632. John Smyth the younger seems to have lived for a while with Alderman Bromfeild in Southwark,¹⁴ but by 1638 he was living in North Nibley, for his son Thomas was baptised there as were all his subsequent children.

John Smyth the elder continued his antiquarian studies until just before his death. He completed his *Description of the Hundred of Berkeley* in 1639. It was dedicated to 'my beloved sonne John Smyth' and 'my ancient and honest servant William Archard', who had been 'my helpers and Amaneuenses'.¹⁵ The elder John Smyth died on 20 February 1641, and was buried in North Nibley church. He was commemorated by a tablet, bearing a Latin inscription, which gave the date of his death as 24 February and which has since disappeared.¹⁶

Almost as soon as John Smyth the younger assumed responsibility as head of his family, he had to undergo the turmoil of civil war. During this conflict, and as a result of the hardship endured when fighting came to Gloucestershire, Anne his wife died. She was buried at North Nibley on 2 December 1643. John Smyth married again quite soon. The lady was another Anne Bromfeild, the daughter of John Bromfeild of Udimore near Winchelsea in Sussex; she was, it seems, a cousin of John Smyth's first wife.¹⁷ Arabella, the first child of the second marriage, was baptised at North Nibley in 1647 but died in infancy. John the last offspring was born in 1658. Altogether John Smyth fathered 16 children.

John Smyth and the Civil War

The divisions of the Civil War were anticipated in the parliamentary elections of 1640. In the first election, after the gentlemen of Gloucestershire had agreed upon Sir Robert Tracy and Sir Robert Cooke to represent the county, to the indignation of many a third candidate was

suddenly proposed, Nathaniel Stephens. Stephens was not elected. A second election soon followed. Sir Robert Cooke seems now to have acquiesced in Stephens's candidature, for he wrote to John Smyth asking who he thought should be elected with him. In the event the members elected were Stephens, who was to be a supporter of Parliament in the civil war, and John Dutton, a royalist.¹⁸

Other signs of the coming conflict were disputes in the Church. In 1641 John Smyth joined in promoting a petition which repudiated denunciations from the pulpit of papists, common drunkards and bawdy livers.¹⁹ These descriptions were evidently aimed by puritan preachers at those who would soon be termed Cavaliers. In 1642 his opinion was sought regarding a possible new minister for North Nibley. The minister proposed was Thomas Jackson, who had been rector of Itteringham in Norfolk since 1619.²⁰ John Smyth received a report that Jackson had given 'a short prayer for the K. and a long one for the P.'²¹ Jackson was not appointed to North Nibley, but remained rector of Itteringham until his death in 1674. In spite of his puritan leanings he conformed to the Act of Uniformity in 1662. Disaffection towards the Established Church at North Nibley was reflected in the dramatic fall in payment of church rates in the early 1640s. About 170 people paid and were listed by name in 1640 and only 12 in 1644; the number went up to about 140 in 1649. John Smyth and his mother Mary never omitted their payment.²²

The letters preserved by John Smyth from the beginning of the Civil War show how reluctantly and tentatively men took sides. It is striking that few of them called openly for support for the King or for Parliament; rather they urged men to prepare for the protection of the county against the dangers of disorder. John Smyth received several letters and orders from those who would support Parliament in the ensuing years. A warrant arrived from the deputy lieutenants, including Nathaniel Stephens, summoning men of the trained band to muster for training at Chipping Sodbury.²³ The horses were to be exercised there by Lieutenant-Colonel Forbes. This Scottish officer was employed by the city of Gloucester to command its trained band until a garrison was settled there under Colonel Edward Massey.²⁴ John Smyth was later to encounter him at Berkeley Castle.

The initial response of men like John Smyth was not to take sides; it was to try to save themselves and their property from violence and plunder. On 23 September 1642 John Smyth met William Thorpe of Wanswell Court and other tenants of Lord Berkeley, and they made plans to man and guard Berkeley Castle 'against all violence whatsoever'.²⁵ Before the end of the year the Earl of Stamford, the commander of Parliament's forces in Gloucestershire, sent Captains Richard Yate and Richard Mathewes to occupy Berkeley Castle. Yate pleaded with John Smyth that he had no fuel and needed wood; John Smyth replied that Lord Berkeley's parks were exhausted of trees. William Thorpe was detained in the castle as a prisoner; he protested to the deputy lieutenants that he was disgraced in his own country and they set him free.²⁶

Nevertheless John Smyth could not avoid being caught up in the military preparations of the adherents of Parliament. He put his signature along with others on an order directed to the inhabitants of North Nibley and requiring men to serve as dragoons upon one hour's warning.²⁷ So John Smyth, who was eventually to be fined for supporting the King, found himself at the beginning of the conflict giving aid to Parliament. This was partly because the parliamentarians had seized control in his part of Gloucestershire. It was in part also an attempt to preserve peace and order; perhaps Smyth hoped to save his own county from both warring factions. The parliamentarians agreed that there should be a garrison of 300 dragoons in Cirencester. John Smyth was urged to assist. He sent two of his own servants, the brothers Paul and Solomon Workman, for whom he provided two horses, complete with saddles, pistols and carbines. He also raised 100 horses for the dragoons and collected £140 to pay the men.²⁸

The parliamentarians were sorely defeated at Cirencester which Prince Rupert, issuing with his forces from Oxford, captured on 2 February 1643. Twelve hundred of Parliament's soldiers were

taken prisoner, and after being shut up in Cirencester church they were marched through the snow to Oxford. Some of them would later be rescued from captivity by John Smyth.

The loss of Cirencester caused the parliamentarian soldiers to evacuate Berkeley Castle.²⁹ They deserted it according to John Smyth's friends, taking with them all the arms except about ten muskets. John Smyth informed William Archard, the under steward of Lord Berkeley, that the soldiers had gone. Archard went to the castle and found it left in the care of a boy. He was John Hurne, whose father was an officer under Richard Yate. Archard asked William Thorpe and other local gentry to look after the castle.

At this juncture John Smyth 'by chance' came to Berkeley Castle. It was claimed that he had been hunting. Less than an hour after his arrival parliamentary soldiers under Lieutenant-Colonel Forbes, and accompanied by Captain Mathewes, came before the castle and demanded it for the use of Parliament. The accusation later made against John Smyth was that he refused to deliver the castle, but stood upon his guard and only after 24 hours yielded it up on terms. He protested that no gun or musket was discharged either from or against the castle. He and the others had not held the castle for the King against Parliament; they had delayed its surrender only until they received assurance in writing from Forbes for the preservation of Lord Berkeley's property.

John Smyth complained that he was detained as a prisoner in Berkeley Castle. His incarceration lasted a fortnight. He escaped with the assistance of Colonel John Berrow, one of the officers accompanying Forbes. Berrow, of Field Court, Hardwicke, was to have an important part in the later story of Berkeley Castle and John Smyth. Smyth returned briefly to his house at North Nibley and then went to Cirencester and on to Oxford. Oxford was of course the King's headquarters. Smyth's flight there naturally caused him to be regarded as a royalist sympathiser. He maintained that he went at the entreaty of the wives of men who had been made prisoner at Cirencester. Most of them were released when they promised not to fight again against the King. A few, however, would not give such an undertaking,³⁰ and it seems to have been some of them that John Smyth helped. He was accused of being a commissioner of the King for imposing fines on them. On the contrary, he said, he paid ransoms for them. He had some influence, he admitted, because the King's prison keeper, William Smith, was his kinsman.

John Smyth's friends said that he did not stay long in Oxford, but went from there to London to petition Parliament against his unjust imprisonment by Forbes. There is no mention of any such petition in the journals of the House of Commons or House of Lords. Meanwhile Forbes remained at Berkeley Castle. William Archard accused him of plundering Smyth's house several times and taking goods of great value. Lord Berkeley on 29 May 1643 petitioned the House of Lords, complaining that Forbes had imprisoned and turned out his servants and had plundered their houses; he was reported to have sent Lord Berkeley's best furniture to Scotland and to have cut down his woods, pretending that they hindered the security of the castle.³¹ What impelled Forbes to abandon Berkeley Castle was the King's march from Bristol to besiege Gloucester in August 1643. Forbes withdrew his forces to Gloucester, where they became part of the defence of the city.³² Prince Rupert commanded the royalist forces which moved through the hundred of Berkeley; he demanded a contribution of £6,000 a month from the inhabitants of Gloucestershire, that the soldiers might not be 'necessitated to breake out upon the country'.³³ Two or three days after Forbes's departure from Berkeley Smyth returned to his house at North Nibley. Although the King was obliged to raise the siege of Gloucester, he retained Berkeley Castle. Captain George Maxwell, another Scot, was placed in command there.³⁴ He complained to Prince Rupert of the hostility of the local people; he dared not send out soldiers for supplies 'because they knock them down'. He had no money to pay his men, and appealed for help to Smyth, who obliged him with £40.³⁵

John Smyth was unable to remain at home for long. On 2 December Anne his wife died. Smyth blamed the violence which she had endured by war and plundering.³⁶ He was left in a war-torn country with ten children to care for. He moved with them to Bristol, the King's stronghold in the west. He gained employment there as steward of the Tolsay or sheriff's court. William Greene the previous steward had died, and on 15 December the common council of Bristol elected John Smyth to succeed him.³⁷ He had a house in Corn Street. The mayor and aldermen of Bristol paid 'Mr. Smith o^r newe Steward' £40 14s. for the charges of the general pardon which was necessary after Bristol had surrendered to the King.³⁸ In May 1644 John Smyth made another journey to Oxford to seek an abatement in the contribution which the King laid on Bristol.³⁹

Lord Berkeley tried to keep in favour with both sides in the Civil War. John Smyth wrote from Bristol to Sir Edward Hyde assuring him of Lord Berkeley's fidelity to the King; only ill health and the failure of almost his whole revenue prevented his giving assistance in person and purse.⁴⁰ This protestation of loyalty has to be doubted for Lord Berkeley sat quite regularly in the House of Lords at Westminster. From 22 September 1643 the journal of the House of Lords recorded the names of those present. Lord Berkeley attended with fair regularity, sometimes ten or a dozen times a month, sometimes only once or twice.

John Smyth never bore arms for the King but two of his brothers did. Thomas Smyth, the elder of the two, served under Colonel Thomas Veal, who succeeded Maxwell in charge of Berkeley Castle.⁴¹ The other brother, William Smyth, was made a prisoner. A letter to John Smyth showed the difficulties of arranging his exchange: Sir William Vavasour had just taken 200 parliamentary prisoners at Painswick, but the messenger on behalf of William Smyth arrived there too late.⁴² Letters preserved by John Smyth illustrate the ebb and flow of the fighting. Edward Cox of Hazelton Grange in Rodmarton wrote that when Vavasour was in his parts he dared not leave his home, but when Parliament's men came from Gloucester he dared not stay.⁴³

John Smyth's alignment with the royalists could no longer be disguised. Parliament had passed an ordinance declaring that those who assisted the King should suffer sequestration of their property. On 12 and 24 September 1644 informations were laid against Smyth.⁴⁴ There were three witnesses against him. Captain Richard Mathewes deposed that John Smyth had refused to deliver up Berkeley Castle to Lieutenant-Colonel Forbes. John Smith of Nympsfield (no relation), who had been a prisoner at Oxford, said that he was brought before Mr. Chester and Mr. Smyth, and the latter said that he must either take up arms for the King or pay a sum of money. John Plummer of Horsley declared that Smyth had lived in the King's garrisons in Oxford, Bristol and other places. The result was that Smyth's estate was sequestered.

During 1645 Colonel Massey gradually extended the area of Parliament's authority. North Nibley (but not Berkeley Castle) came under his control. John Smyth, probably seeking to secure his property, returned home. He sent a note to the mayor of Bristol resigning his stewardship.⁴⁵ Massey issued two safe-conducts to Smyth.⁴⁶ The first, dated 11 March, authorised him to pass from Bristol to Gloucester, perhaps to deal with the Committee for Gloucestershire. The second, of 9 April, allowed him to pass from Bristol to Nibley and back. On 12 May Massey signed a protection, commanding his soldiers to do no violence to John Smyth or his family and not to plunder his goods. The Committee for Gloucestershire agreed to lease the estate of John Smyth to William Archard, his colleague, for £40 a year.⁴⁷ Berkeley Castle continued a King's garrison; in 1645 its governor was Sir Charles Lucas.⁴⁸

After Fairfax and Cromwell took Bristol by storm on 10 September 1645, it was inevitable that Berkeley Castle would be attacked. Lord Berkeley acted betimes to safeguard his property. He petitioned Parliament that, when the castle was taken, it should not be demolished but become a parliamentary garrison. The House of Lords considered the petition on 23 September and was willing to accept Lord Berkeley's proposal. The Committee of Both Kingdoms on the same day

wrote to Fairfax, ordering him that Berkeley Castle was to be left undemolished because Lord Berkeley daily assisted in the House of Lords.⁴⁹ The siege of Berkeley Castle was undertaken by three regiments under the command of Colonel Thomas Rainsborowe, assisted by Colonel Thomas Morgan, who had succeeded Massey as governor of Gloucester. The two commanders stormed the churchyard next to the castle and on 26 September Lucas surrendered.⁵⁰

After Berkeley Castle was taken a parliamentary garrison was installed in it. Lord Berkeley requested that Colonel John Berrow should be governor; after some discussion between the two houses of Parliament Berrow was appointed. The House of Lords issued an order that all evidences and writings of Lord Berkeley should be taken into custody by John Smyth and Charles Jaye. The Lords recommended to the Committees for Gloucestershire and Bristol that Berkeley Castle should not be demolished. In a subsequent vote they declared that Lord Berkeley had already suffered deeply for adhering to Parliament.⁵¹

Colonel Rainsborowe had promised free plunder to the soldiers. However, according to John Holford, minister to the forces which came from Gloucester, Rainsborowe had orders from Sir Thomas Fairfax to march towards the west, and he was anxious not to delay his march by allowing his soldiers to stay behind selling and spending their plunder. Besides Morgan and he feared that their soldiers might quarrel about the division of the plunder. Rainsborowe and Colonel William Herbert went to the head of each regiment and with difficulty persuaded the soldiers to accept five shillings each. The money was contributed by some of the officers from Gloucester, who raised £545 (Holford had to borrow £20 in order to subscribe his share). To re-imburse the officers Rainsborowe issued to Major William White and others a bill of sale of goods of Lord Berkeley. White later declared that they carried away mainly goods brought in by Lucas, rather than property of Lord Berkeley. John Smyth asserted that it was then that Lord Berkeley's furniture and fittings were plundered.⁵²

The estate of John Smyth still lay under sequestration. Since August 1644 the Committee for Sequestrations had allowed delinquents to compound by paying a fine and thereby have their sequestration discharged. On 4 November 1645 John Smyth sent a petition to the Committee for Compounding begging a reasonable composition. In another petition he argued that, because his house was less than three miles from Berkeley Castle, he could not avoid dealing with the enemy. John Smyth had to supply details of his real and personal estate, declaring its value; in one statement he said that his personal estate had been wasted by 17 general plunders of his house. John Smyth's petition was in the usual way referred to the county committee. A year previously they had received the accusations against John Smyth; they now took sworn depositions from witnesses in his favour.⁵³ The testimonials which they presented had been drawn up by Smyth, and the drafts in his own handwriting remain among his papers.⁵⁴

In 1646 John Smyth was again active in the protection of Berkeley Castle. Parliament had now adopted the policy of slighting or partially demolishing fortresses which might be of use to the enemy. On 24 July the House of Commons ordered Berkeley Castle to be slighted. Colonel Morgan issued an order on 26 August for demolishing the works about the castle, the gates and some part of the walls. The officers in charge of the operation were Captain Mathewes and Captain James Baily. The Committee for Gloucestershire on 9 September ordered them to summon men from parishes within six miles of Berkeley to come with spades and pickaxes for this work; guns, ammunition and the drawbridge were to be sent to Gloucester. The demolition had begun by 9 September, for on that date Charles Jaye wrote to Smyth that he saw the great gates carried away; the casements were removed and everything was to be carried to Gloucester. Mathewes had gone to Gloucester, so that he could join in the purchase of the spoil. It was probably at this time that the great breach visible still in the wall of the keep was made; though the damage may have been done when the castle was stormed by Rainsborowe and Morgan.⁵⁵

Lord Berkeley sent a petition to the House of Lords, which it heard on 2 October. He complained that the soldiers and inhabitants of Gloucestershire were committing damage to Berkeley Castle, contrary to any order of Parliament. It was his ancient seat and inheritance. He had constantly adhered to Parliament and had sustained great losses from the other party. The Lords ordered Colonel Berrow to make a thorough enquiry. Smyth appeared at the bar of the House of Lords on 19 November, when Lord Berkeley was among the few peers sitting. A certificate from Berrow was read. This statement, describing the destruction, had been drafted by Smyth. Furniture and fittings had been taken at the time of the capture of Berkeley Castle, on the authority of the bill of sale from Rainsborowe. Ensign John Hathorne and twelve soldiers had recently resided in the castle; Hathorne confessed, according to the statement, that he sold lead, the castle bell, the gates and other things. Also during the command of Hathorne the 'evidence house' had been broken open; nearly 700 documents had been taken and ancient charters torn for the sake of their silk strings. Hathorne himself said that the castle was damaged by the country people who came to work at the slighting; he was unable to prevent it because he had sometimes to be absent at Gloucester for his soldiers' pay. According to Berrow's statement the rest of the spoil was permitted, wilfully or negligently, by Captain Mathewes by virtue of the order for slighting. The Lords ordered that the principal actors in this business should appear before the house; there is no record of their having done so.⁵⁶

On 23 January 1647 the Committee for Compounding reached a decision that Smyth was to be fined at the rate of one third of the value of his estate and to pay £600.⁵⁷ The committee adjudged degrees of delinquency from the lowest at one tenth to the highest at one third. The committee probably accepted that John Smyth had sent assistance to Parliament at Cirencester; it possibly accepted that he had not held out against Parliament at Berkeley Castle; but his visits to Oxford and his long residence in Bristol were undeniable. John Smyth paid a first instalment of £300 immediately.⁵⁸

Royalists were now being mulcted for further sums by another committee, the Committee for the Advance of Money. At the beginning of the war this committee had sought voluntary loans from supporters of Parliament. It now demanded compulsory contributions from royalists, at the rate of a fifth of personal and a twentieth of landed property. In 1647 John Smyth was assessed for his fifth at £30, but, because he had supplied horses and arms and money at Cirencester, the amount was reduced to £20.⁵⁹ In 1648 the amount was remitted in full because Smyth and his mother had given free quarter to some of the horse of the Gloucester garrison. Free quarter was one of the most irksome hardships of the war. Some of Smyth's neighbours at North Nibley had sought a reduction of their payments in compensation. William Sheppard, of the Committee for Gloucestershire, wrote to Smyth, conceding a reduction of £10, together with another £10 if the parish gave £5 towards the college and library at Gloucester.⁶⁰ The college was the cathedral, and its library had just been opened to the public.

Lord Berkeley continued to sit in the House of Lords until 1647. He then found himself among a group of seven peers threatened with impeachment.⁶¹ They had given support to the 'eleven members', presbyterian members of the House of Commons, who had sought agreement with the King and had been obliged to absent themselves from Parliament. It was perhaps in connection with this that Lord Berkeley wished for Smyth's presence in London, where he observed the apprentices' riot which presaged the renewed outbreak of civil war. In 1648 the eleven members were recalled, and the House of Commons dropped proceedings against Lord Berkeley and the others.⁶² Lord Berkeley resumed his attendance at the House of Lords. The last occasion was on 2 January 1649, when the Lords 'cast out' the ordinance setting up the high court of justice for the trial of the King. On 19 March the House of Lords was abolished.

John Smyth during the Interregnum and Restoration

If John Smyth had not been an ardent royalist during the Civil War, the governments of the Commonwealth and Protectorate might have turned him into one by their discriminatory taxes. The Committee for the Advance of Money pursued him for his twentieth part, for which he was assessed at £100.⁶³ John Smyth argued the merits of his service to Parliament at Cirencester during the war. Eventually his assessment was reduced to £16, which he paid.⁶⁴

There was further discrimination against former royalists in the wake of Penruddock's rising and the rule of the major generals in 1656. John Smyth's estate was subjected to the tax of a tenth part, usually called the decimation, and he had to declare the yearly value of his estate. The order which he preserved was addressed to 24 men, and his name headed the list.⁶⁵ Former royalists were also obliged to enter into bonds that they would be loyal to the government of the Lord Protector. John Smyth did so; one of his sureties was James Baily of Berkeley, who had joined Richard Mathewes in the slighting of Berkeley Castle. The bond also required Smyth to make a personal appearance, if called upon, before John Disbrowe, the major general for Gloucestershire and neighbouring counties.⁶⁶ The major generals made lists of persons who might be disaffected towards the government.⁶⁷ There were about 250 names for Gloucestershire; John Smyth of Nibley was one of them. If these persons visited London they had to report their presence to the authorities. John Smyth was at the Southwark home of his brother-in-law John Bromfeild from 1 to 17 May 1656.

Discouraged by the discrimination of the government, John Smyth refrained from political activity during the rule of Oliver Cromwell. In 1659, after Cromwell's death, there was a country-wide conspiracy in favour of the exiled Charles II. John Smyth and his mother were called upon by the Gloucestershire committee to provide two horses and arms and a month's pay for the riders; but a note on the paper containing this order said 'nothing was done on this'.⁶⁸ When the convention Parliament was summoned in 1660, Lord Berkeley (George Berkeley had succeeded his father in 1658) declared his intention of coming to Gloucestershire for the election. He requested Smyth not to advance the interest of Sir Thomas Overbury, but to work for the election of Sir Matthew Hale.⁶⁹ Hale was elected, Lord Berkeley having paid his expenses. After the Restoration Smyth could with justice assert his loyalty to the royal cause. He had to answer an allegation against him and others in the Court of Exchequer. He affirmed that he had always been faithful to the late king's interest and had suffered for it 'in the tyme of the distraction & unhappy differences'. He had endured trouble and loss of money from 'the late tirannicall & usurped powers', and had not held any place or employment under them.⁷⁰

John Smyth and Lord Berkeley

The younger John Smyth, like his father, was steward of Lord Berkeley's lands in Gloucestershire. It was a position of trust and responsibility which permitted John Smyth to offer financial advice to the family. Lord Berkeley had been heavily indebted before the Civil War; he owed £17,766 in 1634.⁷¹ John Smyth wrote to George Berkeley, Lord Berkeley's son and heir apparent, in 1645 about the distressing state of the family's finances.⁷² The family now had a debt of above £20,000. Berkeley Castle had been occupied by soldiers, who had committed damage and embezzled goods. Smyth advised that Lord Berkeley should settle all his lands on George, reserving an annuity for himself. For George, he said, there remained only one course — the judicious choice of a virtuous wife.

In 1646 George married Elizabeth, daughter of John Massingberd, treasurer of the East India Company.⁷³ A statement of Lord Berkeley's finances in 1646 put his debt at £19,220; one of his

creditors was Massingberd, to whom he owed £2,000.⁷⁴ Massingberd undertook the sale of lands for the satisfaction of Lord Berkeley's creditors; altogether he paid them £15,997.⁷⁵ It was probably in connection with these transactions that, in 1653, George Berkeley wrote to Smyth thanking him for his faithful counsel.⁷⁶

As Lord Berkeley's steward in Gloucestershire, John Smyth held a number of courts. There were courts for nine manors and for the boroughs of Berkeley and Wotton-under-Edge. Court rolls have been preserved for the whole period of Smyth's stewardship.⁷⁷ Courts were at first held in the name of Lord Berkeley and after September 1646 in the name of George Berkeley his son; evidently John Smyth's advice had been followed and Lord Berkeley's lands settled on his heir. Lord Berkeley's income was partly from rents and partly from reliefs or entry fines and from customary tenants' heriots. Most important were the entry fines, which were paid by an incoming tenant after a tenement was sold, or by a customary tenant when a new name or names were entered into the copyhold agreement. A few surviving rentals imply that rather more than half the tenants on any manor were customary tenants or copyholders; others were tenants by indenture or leaseholders; and a few were freeholders.

On Lord Berkeley's manors rents were low and fines were high, sometimes very high, compared with the rent. For example, fines of £620 and £500 were levied on estates at Ham whose annual rents were £2 11s. and £3 respectively; similarly at Alkington fines of £470 and £280 were taken on estates with annual rents of £2 and £1 10s. respectively. A rental of various Berkeley manors in 1667 began with a tenant whose rent was £1 11s. for a tenement valued at £50, a second whose rent was £1 1s. 10d. for a tenement valued at £28; and so it continued.⁷⁸

While John Smyth was at Bristol during the war, courts were held by William Archard, the deputy steward. During this time, and perhaps because the war disrupted transactions in land, the courts recorded few grants of land. On 27 May 1645, after Smyth's return, Lord Berkeley issued a commission to him and to William Archard and Maurice Berkeley, authorising them

to agree and compound with such and soe many of my tenants in the County of Gloucester as shall desire the same, which hold any lands or tenements of mee by Copy or Indenture for lives or yeares, either for the exchange of any life or lives, or for the addinge of more lives, or for the turning of yeares into lyves . . . for such fynes as you or any two of you shall think fit . . .⁷⁹

A court was held by virtue of this commission on 23 August for the borough of Wotton, at which a few fines were levied. Thereafter fines were regularly recorded, some of them large.

In 1676 Smyth reported to Lord Berkeley how he and colleagues had raised fines from ten tenants amounting to £267 10s. He apologised that this was all they could raise, for they found the country poor.⁸⁰ For his services as steward John Smyth received a fee of £16 13s. 4d. a year.⁸¹ He was succeeded as steward by John Rous in 1688.

The most useful service which John Smyth as steward performed for the Berkeley family was maintaining Lord Berkeley's rights in the New Grounds at Slimbridge against the claims of commoners. This land had emerged when the River Severn changed its course *c.*1600. Smyth had been one of the counsel in the Court of Exchequer when his father had successfully resisted the claim that all such new land belonged to the Crown.⁸² The inhabitants of Slimbridge, which belonged to Lord Berkeley, and of neighbouring Frampton on Severn claimed rights of common on the New Grounds. In the unsettled times after the Civil War they entered the grounds and broke down banks, as Lord Berkeley complained to the House of Lords. Lord Berkeley was present in the house when it ordered that he and his tenants were to have possession.⁸³ The disturbance was so great that in 1650 the Council of State ordered a troop of horse to be quartered at Slimbridge and Frampton, where 'the rude multitude' were throwing down fences.⁸⁴ Smyth wrote to the local people warning them that their disorder might have perilous consequences.⁸⁵

The inhabitants of Slimbridge did have rights of common in an area called the Old Warth. Their grievance was that Lord Berkeley had incorporated into his land, the New Warth and New Gained Grounds, some 80 acres of the Old Warth. After divers lawsuits and meetings an agreement was reached between George Berkeley and the Slimbridge tenants; it was published in a decree of the Court of Chancery dated 10 February 1653. George Berkeley granted the tenants an inclosure in the New Warth and New Gained Grounds to recompense them for their loss of common in the 80 acres. They were to enjoy rights of common in the rest of the Old Warth free of the tack or charge which they had formerly paid. In return they were to renounce any claim of common elsewhere in the New Warth and New Gained Grounds. Lord Berkeley and George his son also granted those with estates in Frampton on Severn common of pasture both in the Old Warth and in the newly allotted land in the New Warth and New Gained Grounds.⁸⁶

Continuous work was necessary to protect the land reclaimed from the river. In 1658 John Smyth, through his son Thomas who was in Dordrecht, asked whether a man could be found to make a pier to preserve the new rising ground at Slimbridge. In 1674 he was again inquiring 'after a dutchman for . . . Slimbridge Grounds'.⁸⁷

John Smyth's work for the Berkeley family included personal services, which ranged from preparing the case for Lord Berkeley's claim for precedence in the peerage⁸⁸ to sending lamprey pies to his friends.⁸⁹ John's brother George accompanied Lord Berkeley's son Charles, when he travelled to France in 1665; he lamented his young charge's lazy disposition, which pained 'such as love the family as we do'.⁹⁰

John Smyth and his Family

Mary the mother of John Smyth continued to live at North Nibley until she died in 1667.⁹¹ Thomas, John's brother who had been a captain for the king during the war, married Mary Fowler of Stonehouse and through her eventually became lord of the manor there.⁹² William, the brother who had been taken prisoner during the war, settled at Southfield in Kingswood near Wotton-under-Edge. George, the third brother, had a distinguished career; after attending Queen's College Oxford, he was granted a degree of M.D. from Padua University in 1658 and was made a Fellow of the Royal Society in 1663. He lived at Isleworth in Middlesex and at Topcroft Hall in Norfolk, and he died in 1702.⁹³

Edward Smyth, John's eldest son, was like his father a lawyer, and had a chamber at Elm Court in the Middle Temple by 1659.⁹⁴ In that year he married Rose Leigh or Leeche, daughter of Sir Edward Leeche of Shipley in Derbyshire.⁹⁵ Edward settled in Southwark, the home of his mother's family. He succeeded his uncle John Bromfeild as steward of the borough of Southwark in 1661. Edward lived some of the time at North Nibley. His house, mentioned in his father's will, was probably Warren's Court, where John Smyth the elder and Mary his widow had resided. The house had been settled on Edward and his wife at their marriage. Four of their children were baptised at North Nibley between 1666 and 1675, and no fewer than four buried in 1681.⁹⁶

Edward made several unsuccessful attempts to get into Parliament. In 1686 he stood in a by-election at Southwark and described proceedings in two long letters to his father.⁹⁷ He marched his supporters four abreast to the place where the writ was read; a day or so later, when polling began, his numbers grew thinner and Edward withdrew his candidature. At the time of the Popish Plot, in 1678, Edward was again a candidate in Southwark, and later in Gloucestershire, but was defeated in both places. He made a final unsuccessful attempt at Southwark to get into Parliament in 1688.⁹⁸

There arose a difference between John Smyth and Lord Berkeley, when the latter proposed to give Edward £1,000, as if to redress a wrong John Smyth had done him. John complained that

Edward was extravagant: 'although his incombe be three times more than mine, yet god's blessing goes not with it, he lives poorly, and in continuall want'. The trouble was, in John Smyth's opinion, Edward's wife Rose. After she died in 1689 John Smyth wrote to his grandson George 'had she lived, probably your father must have ended his days in a gaole, she havinge unprofitably spent three times my estate'. The difference was settled amicably.⁹⁹ Edward died in 1700.

John Smyth's younger sons all had to earn their livings, and three of them found their livelihoods overseas. John, the second son, went to Naples in the employ of Francis Clarke, who appears to have been a merchant of London. John's hopes of profit were cut short by his early death in 1656.¹⁰⁰ William, the third son, went to Morlaix in Brittany, where he imported cloth from England; he wrote home that, if John Smyth had any acquaintance in Stroudwater, would he send two pieces of 'scarlet broades'?¹⁰¹ William did not prosper in France, and in 1658 he was in India in the service of the East India Company. He was placed near Masulipatam, the Company's chief station in Coromandel before the development of Madras. He wrote home for a good cloth coat, saying that it was the badge of an Englishman and brought respect.¹⁰² He died soon after 1664.¹⁰³

Thomas, the fourth son, spent all his adult life outside England. He brought letters to England from his brother John in Naples.¹⁰⁴ In 1658 he was at Dordrecht in Holland.¹⁰⁵ Two years later he was back in London, requesting an annuity from his father, declaring that 'I hate fawning upon forrayners'.¹⁰⁶ He was sent overseas again. In 1663 he was at Athlone in Ireland; and Ireland was to remain his home. Nine letters from Thomas in Ireland have been preserved.¹⁰⁷ He took up farming near Ballina, and in 1679 he wrote home that his farm was prospering. Disaster befell after the battle of the Boyne and the siege of Limerick. Thomas wrote to his father that those who had plundered him were dead or had gone to France for fear of being called to account or were beggars. This heart-rending letter was the last which John Smyth received from Thomas. In an addition to his will he left Thomas £100 'towards the breeding up of his children'.

Other sons of John Smyth were James, who became a grocer in London, and Charles, who settled at Barton End in Horsley, and from the second marriage, Gabriel, who became a druggist in London, and another John, who became a grocer there.¹⁰⁸

Edward's son George became John Smyth's heir. When John heard that George was proposing to marry Dorothy Mann of Norwich, he wrote an attractive description of his future estate at North Nibley:

as it hath all advantages of good aire, arable, meadow, pasture, wood, soe are we well supplied with fish from Seavern and other places; your father had fruit this year sufficient to make 200 hogsheads of syder

It was worth more than £1,000 a year.¹⁰⁹ The estate was settled on George in 1689, to take effect from the date of his marriage, which was celebrated in 1691.¹¹⁰

John Smyth from Charles II to William and Mary

John Smyth took no public office during the Interregnum, but after the Restoration he was an active justice of the peace for the county. He was at the meeting of the quarter sessions of Gloucestershire at Easter 1661, and attended regularly thereafter.¹¹¹ About 1670 there was a dispute whether possession of Gloucester Castle, which served as the county gaol, lay with the constable or keeper, whose position was now a sinecure, or with the county sheriff.¹¹² Smyth obtained an Exchequer decree settling possession in the sheriff; for this service the quarter

sessions paid him £97.¹¹³ The justices of the peace had oversight of the assessment and collection of taxes, and many of Smyth's papers relate to taxation. The convention Parliament in 1660 levied a poll tax to pay off and disband the army. The tax was in fact graduated according to people's social status. John Smyth for his 'degree' paid £10; his wife, as all wives, paid *6d.*; his mother paid £3 *6s. 8d.* When a poll tax was tried again in 1678 every individual had to pay *1s.*¹¹⁴ In 1661 a benevolence or present to the King was levied. It was not truly a free gift, and Smyth kept returns of individuals who had not subscribed.¹¹⁵ The excise was an innovation of the Civil War, used by both sides, and continued after the war. The justices were asked to inquire why yields were falling; Edward Chamberlain, who farmed the excise in Gloucestershire, complained of opposition from the justices.¹¹⁶ The duty was not popular, and John Smyth composed a letter for some poor tenant farmers, protesting that the officers acted 'like Egiptian taskmasters'.¹¹⁷

Even more unpopular was the hearth tax, introduced in 1662. The inhabitants of Berkeley were so exasperated in 1665 that the local constable arrested two collectors, who were brought before Smyth at the petty sessions in Wotton-under-Edge.¹¹⁸ The collectors complained that they were in fear of their lives, a hundred people being assembled against them. Smyth sympathised with the objectors. In 1670 a collector in North Nibley was threatened with a hatchet. The justices complained that collectors were making demands of people whom they believed to be excused, such as paupers and smiths, but the Privy Council declared that local officials were too ready to issue certificates of exemption. In 1671 Smyth's son Charles was appointed receiver of hearth money, and John was approved as one of his sureties.¹¹⁹

Gloucestershire had been one of the counties subject to the Council of the Marches of Wales. John Smyth drew up a paper listing reasons why Gloucestershire and the other three border counties should not be subject to its jurisdiction.¹²⁰ It deprived subjects, he said, of the right to trial by jury; its meeting place at Ludlow was more difficult of access than the courts at London. John Smyth was one of 21 Gloucestershire justices who signed a declaration in 1662 that Gloucestershire was not in the Marches of Wales and that the care of the county highways was committed to the justices.¹²¹ In 1663 Thomas Carter, an officer of the Council, came to Wotton-under-Edge and arrested Thomas Birton, the master of the grammar school there.¹²² Carter was seized by Edward Smyth and others, and was brought before John Smyth and Sir Gabriel Lowe and accused of acting illegally. John Smyth said that he knew that he would be questioned for his actions, but he would not obey any order by the Council of the Marches. The Council was abolished in 1689.

Another controversy of this period concerned the liability of people living east of the Severn to provide carts for transporting the King's timber in the Forest of Dean. The Act of 1662 which abolished purveyance provided that, when the King's navy or ordnance required carriages, parishes within 12 miles of the place of lading must supply them. Daniel Furzer of Lydney, a ship builder for the navy, wrote to Samuel Pepys at the Navy Office that local carriers were very backward.¹²³ In 1665 the Privy Council complained that the justices had been negligent in providing carriages and summoned John Smyth to appear before it.¹²⁴ Sir John Wintour of Lydney advised Smyth to come up to London speedily, where he must expect a chiding from the Lord Chancellor.¹²⁵ The matter turned partly on whether it was possible to ford the Severn below Gloucester. Thomas Agar, a surveyor of the King's woods, quoted two examples of the difficulty of the river crossing: Sir John Wintour's man had driven across with a coach and four horses, but the following day two horsemen were drowned; and a man had crossed over with a wagon to Newnham for a load of glass, but on his return he needed forty people and two boats to rescue him.¹²⁶ Smyth argued that the places in question on the Severn were not the usual ferries or fords.¹²⁷ The obstruction by John Smyth and his associates contributed to the government's giving up its endeavours to build ships in the Forest of Dean.

The reign of Charles II was a time of persecution for dissenters from the Church of England. Smyth's papers illustrate the working of the Conventicle Acts. William Nicolson, bishop of Gloucester, wrote to the justices of Gloucestershire, complaining that dissenters were becoming more daring because they were not suppressed by the justices; he appended a list of meetings, with the names of the preachers and the number of their congregations.¹²⁸ One of those named was James Nobbs. Smyth and two other justices ordered him as preacher at Hawkesbury to show cause why he should not pay £20.¹²⁹ There was a riot at Wotton-under-Edge in 1670.¹³⁰ Sir Gabriel Lowe and Smyth had issued a warrant ordering a conventicle of nearly 300 people to disperse. The congregation refused and beat a constable and released those whom he had taken prisoner. Eight people were examined because of this affray; one of them was Samuel Wallington, who admitted being present but maintained that he had gone away when ordered.

There was an interlude from persecution when the King issued his Declaration of Indulgence in 1672. Dissenters' meetings had to be licensed; John Smyth preserved the licence permitting the house of Mary Tovy in Uley to be used by presbyterians for public worship.¹³¹ Samuel Wallington's house in Wotton was licensed for presbyterians.¹³² The Declaration of Indulgence was withdrawn after a year. In 1683 Sir Gabriel Lowe paid the sheriffs 18s. 4d., part of a fine levied on Samuel Wallington under the Conventicle Acts.¹³³

Quakers suffered in these persecutions. Bishop Nicolson objected particularly to Walter Clement of Alveston, who practised as a lawyer, having taken the requisite oaths before he became a Quaker.¹³⁴ Nevertheless at the same time John Smyth employed Clement in his legal affairs. They never discussed religion, yet Clement's letters exemplified Quaker manners; he addressed John Smyth as 'thou' and dated his letters by the number of the month.¹³⁵ John Smyth does not appear in any Quaker records as a persecuting magistrate.

Religious tension provoked suspicion of witches. Susanna Vicaridge of Tewkesbury accused Isabel Sheene of bewitching her daughter and Anne Phillips was charged with bewitching a boy; both children had fallen sick.¹³⁶ Conway Whithorne, a clergyman and one of the bailiffs of Tewkesbury, wrote to John Smyth in 1666 about the cases.¹³⁷ The magistrates who had examined Sheene, he wrote, found nothing but groundless suspicions. The woman voluntarily put herself in Mrs. Vicaridge's hands for three days to be watched and went to her house, 'where she was treated after the wilde method of witchfinders'. When she returned home she seemed likely to die and did not recover for several weeks. Whithorne appealed to any gentleman who had information to come to Tewkesbury.

John Smyth was active in the affairs of Wotton-under-Edge. He served as mayor in the years 1651–2 and 1666–7.¹³⁸ He was one of those responsible for carrying out the will of Hugh Perry, who died in 1634 and provided for an almshouse at Wotton.¹³⁹ Besides other money Perry left £250 to supply an income for the inmates. This sum was lent to Smyth, who paid interest of £13 a year as the will stipulated.¹⁴⁰ Smyth was patron of the grammar school at Wotton, which gave him the right to nominate the master; in 1647 he appointed Thomas Birton, who remained for fifty years.

John Smyth's Estate

John Smyth lived at Smallcombe's Court in North Nibley. The house, now gone, was a short distance north of the church. It was described in the inventory taken when John Smyth's will was proved.¹⁴¹ It had a hall and a great and little parlour. The great parlour was comfortably furnished with an oval table, 18 Turkey chairs, a looking glass and four pictures. Upstairs were a gallery and ten bedchambers, and above them an apple loft and a cheese loft. There was a study containing books. In the grounds were a garden house and a summer house. Also outside the house were

farm buildings, a brewhouse, a new barn and corn lofts, for Smyth's country residence, like others of its type, was a working farm. In 1654 there had been a terrible fire, which burnt all the out-houses, but miraculously the barn and the house were saved; the fire started when a servant of Edward was careless in drying oats for his master's horse.¹⁴²

With the house went some land, which amounted to about 165 acres in 1689, when John Smyth made a settlement of his estate.¹⁴³ About 1645, when Smyth was seeking to compound, he reckoned Smallcombe's Court and the land in North Nibley to be worth £164 a year.¹⁴⁴ In 1656, at the time of the decimation, he made three calculations of his worth, and seems to have concluded that his lands in North Nibley were then worth £280 a year; he noted his annual obligations as about £100, including an annuity of £65 to his mother, £13 a year to the poor of Perry's almshouse at Wotton, and £8 a year to the minister of North Nibley.¹⁴⁵ After 1656 John Smyth acquired 410 acres, described as being a park or enclosed ground under Dursley Great Hill and probably represented today by Park farm near North Nibley. John Smyth also leased Warren's Court and land at North Nibley from the grammar school at Wotton and land at Michaelwood (*Micklewood*) from Lord Berkeley.¹⁴⁶

The land at North Nibley was partly worked by John Smyth himself and partly rented out. In 1656 he employed five persons in husbandry, and said that during that year they had planted 40,000 young trees. John Smyth also had three men and three women servants. At some date after 1667 John Smyth made out a rent roll for his eldest son Edward: it named about forty tenants; the total of their rents was £202 19s. 8d. and land in hand was valued at £200.¹⁴⁷ At the end of his life John Smyth was still planting trees; in 1690 he wrote to his grandson George that he had planted 1,000 trees in Michaelwood.¹⁴⁸

John Smyth had an interest in coal mines in Coventry. The mines were leased by Sir John Wintour and others and in 1671 they undertook to pay £300 to John Smyth and £100 to his brother George.¹⁴⁹ The investment appears not to have been profitable, for in 1689 John Smyth wrote of a £1,200 loss in coal works at Coventry.¹⁵⁰ Another industrial venture in which Smyth had money was a sugar house in Bristol; this, the first sugar refinery in the city, was set up in 1612. John Smyth's investment involved him in a complicated court action; Walter Clement, the Quaker lawyer, acted for him and was confident of success.¹⁵¹

John Smyth's landed estate was not large; his fee as steward to Lord Berkeley was only nominal and his main source of income must have been fees from his legal practice. The papers mention legal work for various clients, but reveal nothing about his charges. In normal times he came up to London each year; his papers included several 'remembrances for London'.

When John Smyth settled his estate in 1689 the bulk of his property went to George his grandson. The 410 acres under Dursley Hill went to Edward his son. John Smyth kept Smallcombe's Court and some other property for the rest of his life.

Last Days

John Smyth was described by his son John as being large in person.¹⁵² He seems to have been old-fashioned and sober in his dress. In 1644 he ordered from his tailor doublet, hose and cloak;¹⁵³ in 1650 doublet and cloak.¹⁵⁴ In 1674 he took to London his 'sad colour cloth' to be made into a suit.¹⁵⁵ No portrait of him is known, though he did have one painted. By his will he left his picture to his grandson George. Thomas in Ireland had requested him to send his picture.

John Smyth found it needful to 'new make' his will. The final version was dated 1 August 1692, about seven weeks before he died.¹⁵⁶ He called in no lawyer; the will was 'all of mine own hand wrightinge'. He asked to be buried in North Nibley church and wished the funeral to be without giving scarves, gloves or escutcheons. The value of his possessions, according to the probate

inventory, was £815 18s. 4d.¹⁵⁷ This was a great advance on the amounts he calculated about 1645 and in 1656. John Smyth had prospered, and he was grateful. In his will he rendered back his soul to God and wrote 'thou hast not suffered me, thy most unworthy servant, to want any thing requisite for this transitory life'. Among his goods were bows and arrows and horse armour with appurtenances, the latter recalling how he had armed two of his servants to ride with Parliament's army at Cirencester in the Civil War.

John Smyth reached the age of 81, and left a large and increasing family. His memorial tablet in North Nibley church recorded

Here lyeth interred the body of John Smyth, Esquire, of this Parish, who by his two wives that doth lie buried with him, had sixteen children, and lived to see Seventy and Seven persons lawfully descended from his own body, Sixteen of the First, Fifty and Seven of the Second, and Four of the Third Generation. He departed this life 17 day of September, Anno Dom. 1692, being entr'd into the 82[nd year of his age].¹⁵⁸

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Notes

1. I. Gray, *Antiquaries of Gloucestershire and Bristol* (B.G.A.S., 1981), 36–40.
2. Historical Manuscripts Commission (Hist. MSS. Com.), *Fifth Report*, 333–60.
3. For Roland Austin's report on the acquisition of the Smyth Papers by Gloucester Library, see Gloucestershire Collection (Glos. Colln.) 29726.
4. Gloucestershire Record Office (GRO), D 8887.
5. Described in *Catalogue of the Gloucestershire Collection*, ed. R. Austin (1928), pp. 998–9.
6. Cf. *Cat. of Glos. Colln.* p. 1000 (no. 13623).
7. GRO, D 2510.
8. *Ibid.* D 7115; microfilm 1395.
9. British Library (B.L.) Additional MSS. 33588 and 33589.
10. Berkeley Castle Muniments (Berkeley Castle Mun.), Select Book 87; GRO, microfilm 1419; Hist. MSS. Com., *Fifth Report*, 356–7.
11. The National Archives: formerly Public Record Office (PRO), SP 23/196, pp. 513–49; *Calendar of the Committee for Compounding* ii, 948.
12. GRO, P 230/IN 1/2.
13. *Ibid.* D 2957/216(6); John Smyth, *The Description of the Hundred of Berkeley* (B.G.A.S., 1885), 278.
14. Smyth of Nibley Papers 10, no. 36; 11, no. 115.
15. Smyth, *Hundred of Berkeley*, 33–4.
16. Ralph Bigland, *Historical, Monumental and Genealogical Collections relative to the County of Gloucester*, ed. Brian Frith (B.G.A.S., Gloucestershire Rec. Series 5, 1992), 936.
17. *The Visitation of the County of Gloucester in 1682 and 1683*, ed. T. Fitzroy Fenwick and W.C. Metcalfe (Exeter, 1884), 171; cf. Birmingham Central Library, Fletcher Collection, no. 227, lease endorsed 'uppon my second maryage'.

18. *Calendar of State Papers Domestic* 1639–40, 580–83; GRO, D 7115/I/52; Smyth of Nibley Papers 16, no. 24.
19. Smyth of Nibley Papers 11, no. 1.
20. *Alumni Cantabrigienses to 1751*, ed. John Venn and J.A. Venn (1922), ii, 458.
21. Smyth of Nibley Papers 4, nos. 10–11.
22. GRO, P 230/CW 2/1.
23. *Ibid.* D 7115/II/39, 43.
24. PRO, SP 28/14, ff. 67, 69; GRO, GBR F 4/5, f. 219v.
25. Berkeley Castle Mun., Select Book 87. Cf. A.R. Warmington, *Civil War, Interregnum and Restoration in Gloucestershire 1642–1672* (1997), 36.
26. PRO, SP 23/196 p. 541; Smyth of Nibley Papers 1, nos. 36–7; 11, nos. 9, 11–12.
27. GRO, D 7115/II/49.
28. *Ibid.* D 7115/I/73–4; D 2510/II/28; PRO, SP 23/196, pp. 546–7. Cf. Warmington, *Civil War*, 43.
29. PRO, SP 23/196, pp. 541–7; Smyth of Nibley Manuscripts 14, nos. 4v., 30, 42, 44; Smyth of Nibley Papers 16, no. 44; Berkeley Castle Mun., Select Book 87: evidence to the Committee for Compounding regarding John Smyth's delivery of Berkeley Castle to Lieutenant-Colonel Forbes, his journey to Oxford, and his dealings on behalf of the prisoners from Cirencester.
30. Sixteen refused according to *The Taking of Cirencester and the Cruel Dealings of the Cavaliers towards the Prisoners*: copy in Glos. Colln. 8326(23).
31. Berkeley Castle Mun., Letter Book 2, ff. 178, 180, noted in *A Descriptive Catalogue of the Charters and Muniments . . . at Berkeley Castle*, ed. I. H. Jeayes (1892), Select Letters, Warrants etc., no. 88; Hist. MSS. Com., *Fourth Report*, Manuscripts of Lord Fitzhardinge, 367; *The Journals of the House of Lords (L. J.)* vi, 69.
32. John Dorney, *A briefe and exact Relation of the . . . Siege laid before the city of Gloucester*, quoted in T.D. Fosbrooke, *An Original History of the City of Gloucester* (1819), 41.
33. GRO, D 7115/II/55, 57.
34. John Corbet, *An Historical Relation of the Military Government of Gloucester*, in John Washbourn, *Bibliotheca Gloucestrensis* (1825), 63.
35. B.L. Add. MS. 18980, f. 117; cf. *ibid.* ff. 122, 131; GRO, D 7115/II/58, 60.
36. Smyth of Nibley Manuscripts 14, no. 30.
37. Bristol Record Office (BRO), Proceedings of the Common Council 1640–4, p. 47; PRO, SP 23/196, pp. 546–7.
38. BRO, Great Audit Book 1640–4, p. 299.
39. *Ibid.* Proceedings of the Common Council 1642–9, p. 64; Great Audit Book 1640–4, p. 303.
40. GRO, D 7115/II/61.
41. Smyth of Nibley MSS. 14, no. 35; PRO, SP 23/179, pp. 542, 550.
42. Smyth of Nibley Papers 11, no. 25.
43. *Ibid.* no. 27.
44. PRO, SP 23/196, p. 539.
45. Smyth of Nibley Papers 15, no. 92.
46. GRO, D 7115/II/65; Smyth of Nibley Manuscripts 14, no. 5; PRO, SP 23/196, p. 529.
47. Smyth of Nibley Manuscripts 14, no. 9.
48. B.L. Add. MS. 18982, ff. 38–9.
49. *L. J.* vii, 591; *Cal. S.P. Dom.* 1645–7, 156–7.
50. Berkeley Castle Mun., Select Book 87.
51. *L. J.* vii, 623, 630, 646, 656; viii, 11.
52. Berkeley Castle Mun., Select Book 87.
53. PRO, SP 20/2, f. 9; SP 23/196, pp. 513, 523, 541–7; Smyth of Nibley Manuscripts 14, nos. 12, 33, 39; Smyth of Nibley Papers 15, no. 89.
54. Smyth of Nibley Manuscripts 14, nos. 4v., 29–30, 32, 34, 42–4; Berkeley Castle Mun., Select Book 87.
55. *The Journals of the House of Commons (C. J.)*, iv, 629; Berkeley Castle Mun., Select Book 87; Smyth of Nibley Papers 11, no. 44.

56. *L.J.* viii, 507–8, 571; Berkeley Castle Mun., Select Book 87.
57. PRO, SP 23/3, p. 388. Lawyers were fined more severely because it was considered that their knowledge should have convinced them of the justice of Parliament's cause: see *Calendar of the Committee for Compounding* v, p. xv.
58. Smyth of Nibley Manuscripts 14, no. 11; Smyth of Nibley Papers 5, no. 50.
59. PRO, SP 19/114, pp. 26, 29.
60. B.L. Add. MS. 33588, f. 60.
61. *C.J.* v, 296; *Calendar of Clarendon State Papers* i, 388; Smyth of Nibley Papers 2, no. 95.
62. *C.J.* v, 584.
63. *Calendar of the Committee for the Advance of Money*, ii, 826.
64. PRO, SP 19/114, pp. 29–30; Smyth of Nibley Papers 5, no. 51; 11, nos. 68, 77.
65. Smyth of Nibley Papers 3, no. 71.
66. *Ibid.* 5, nos. 53–4.
67. B.L. Add. MSS. 34012; 34014, ff. 48, 67.
68. Smyth of Nibley Papers 11, no. 119v.
69. *Ibid.* 2, no. 97; Warmington, *Civil War*, 167–8.
70. GRO, D 8887: formerly Glos. Colln. SX 19.5.
71. Smyth of Nibley Papers 3, no. 14.
72. *Ibid.* 11, no. 36.
73. GRO, D 225/F 7.
74. Berkeley Castle Mun., list 8, box 11.6, bundle 5.
75. *Ibid.* Select Roll 179.
76. GRO, D 8887: formerly Glos. Colln. SF 2.10.
77. Berkeley Castle Mun., General Series, Bound Books, nos. 45, 47 (GRO, microfiche 1478), 48, 50, 52–7; Select Book 21 (GRO, microfilm 1160).
78. For Ham, *ibid.* General Series, Bound Books, no. 47, 22 April 1641; no. 50, 25 June 1659; for Alkington, *ibid.* Select Book 21, 18 January 1647; General Series, Bound Books, no. 45, 12 October 1661; cf. Smyth of Nibley Papers 11, no. 87.
79. Smyth of Nibley Papers 2, no. 93.
80. Berkeley Castle Mun., Select Book 76, no. 6; Smyth of Nibley Papers 2, nos. 105, 108, 110.
81. Smyth of Nibley Papers 11, no. 38: this account of transactions between William Archard and John Smyth mentioned 'your fee of stewardship £8 6s. 8d.' Subsequent accounts between William Archard (father and son) and John Smyth, of which there are ten at spasmodic intervals between 1651 and 1672, mentioned a half year's annuity of £8 6s. 8d.
82. Smyth, *Hundred of Berkeley*, 328–47.
83. *L.J.* viii, 200, 611; cf. Smyth of Nibley Papers 4, nos. 87–8.
84. *Cal. S.P. Dom.* 1650, 218; Warmington, *Civil War*, 149.
85. Smyth of Nibley Papers 11, nos. 66–7, 70–3.
86. Berkeley Castle Mun., General Series, Bound Books, no. 84; cf. GRO, D 149/T 1169.
87. Smyth of Nibley Papers 11, nos. 109, 119; 12, no. 103; cf. *ibid.* 2, no. 98; 12, no. 10.
88. *Ibid.* 3, no. 17; cf. *ibid.* 2, nos. 104, 109; 12, nos. 5, 80; GRO, D 8887: formerly Glos. Colln. SF 2.5(3); George Edward Cockayne, *The Complete Peerage* (1910–59), ii, 118–24; John Smyth, *The Lives of the Berkeleys* (1883), i, 25; ii, 48–56, 207–10.
89. Smyth of Nibley Papers 12, nos. 36–7; 15, no. 103.
90. *Ibid.* 12, nos. 32, 38; cf. *Cal. S.P. Dom.* 1668–9, 432.
91. GRO, P 230/IN 1/2; for Mary Smyth's will, see Joyce Popplewell, 'Mary Smyth's Will: a North Nibley Record of 1666', *Trans. B.G.A.S.* **110**, 151–8.
92. PRO, SP 23/179, p. 542.
93. *Alumni Oxonienses 1500–1714*, ed. Joseph Foster (1892), iv, 1371.
94. Smyth of Nibley Papers 11, no. 116.
95. GRO, P 230/IN 1/2; for marriage settlement, *ibid.* D 2957/216(11).
96. *Ibid.* P 230/IN 1/2.

97. Smyth of Nibley Papers 4, nos. 100–1.
98. *The House of Commons 1660–90*, ed. B.D. Henning (1983), i, 237, 415–16.
99. Smyth of Nibley Papers 2, nos. 111–12; 12, no. 118; 13, no. 33.
100. *Ibid.* 11, nos. 94–5, 98, 101, 108; GRO, D 8887: formerly Glos. Colln. SF 19.14(15,21).
101. Smyth of Nibley Papers 11, nos. 82, 89.
102. Hist. MSS. Com., *Fifth Report*, 360.
103. *Alumni Oxonienses 1500–1714*, iv, 1375.
104. Smyth of Nibley Papers 11, no. 94.
105. *Ibid.* 109, 117.
106. *Ibid.* 12, no. 3.
107. *Ibid.* nos. 22, 45A, 107, 111; 13, nos. 2, 4, 7, 67; B.L. Add. MS. 33589, f. 59.
108. GRO, D 8887: formerly Glos. Colln. SF 19.14(19); Smyth of Nibley Papers 12, nos. 103, 115; 13, nos. 2, 59; *Visitation of the County of Gloucester in 1682 and 1683*, 171; Bigland, *Collections*, 935–6.
109. Smyth of Nibley Papers 13, no. 32.
110. GRO, D 2957/216(12); Glos. Colln. 43970 (3): Abstract of Title to an Estate in North Nibley; GRO, D 733/2/17; on George Smyth's marriage, see Smyth of Nibley Papers 13, nos. 27, 33, 35, 38–9, 47–8, 50, 52–3, 63, 66, 75.
111. GRO, Q/Sib, f. 15A.
112. Smyth of Nibley Papers 3, nos. 48–50; 12, nos. 89, 93.
113. GRO, Q/SO 1, ff. 21A, 133–6.
114. Smyth of Nibley Papers 4, nos. 25–33; 12, no. 12; Smyth of Nibley Manuscripts 15, nos. 4–7, 29–33.
115. Smyth of Nibley Papers 1, no. 24; 5, nos. 86, 99; Smyth of Nibley Manuscripts 15, no. 8.
116. Smyth of Nibley Papers 3, nos. 42, 44.
117. *Ibid.* 16, no. 72.
118. B.L. Add. MS. 33589, ff. 39, 47, 49.
119. *Ibid.* ff. 89–91, 96; *Calendar of Treasury Books 1669–72*, 887.
120. B.L. Add. MS. 33589, f. 81; cf. *Cal. S.P. Dom* 1661–2, 10–11.
121. Shropshire Record and Research Service, SRR 681/3; GRO, photocopy 212. The Gloucestershire gentry provoked test cases according to Warmington, *Civil War*, 180.
122. Smyth of Nibley Papers 5, nos. 87–9; 12, no. 27.
123. Warmington, *Civil War*, 192–200; *Cal. S.P. Dom*. 1661–2, 462.
124. B.L. Add. MS. 33589, f. 29; Smyth of Nibley Papers 12, no. 24.
125. Smyth of Nibley Papers 12, nos. 33–5.
126. *Ibid.* 15, no. 104.
127. *Ibid.* 12, no. 42.
128. B.L. Add. MS. 33589, ff. 75–6.
129. Smyth of Nibley Papers 12, no. 76.
130. B.L. Add. MS. 33589, f. 78.
131. *Ibid.* f. 98.
132. *Cal. S.P. Dom*. May–Sept. 1672, 677.
133. GRO, Q/SO 2, Trinity 1683.
134. *Cal. S.P. Dom*. Jan.–Nov. 1671, 126.
135. Smyth of Nibley Papers 12, nos. 83, 100, 104.
136. *Ibid.* 16, no. 57.
137. *Ibid.* 15, no. 93.
138. GRO, D 1193/1/1; P 379/CH 1.
139. *Ibid.* D 533/R 6; D 2078, box 23/15.
140. Smyth of Nibley Papers 11, no. 107; cf. *ibid.* no. 54.
141. Gloucester Diocesan Records (GDR in GRO), Inventory 1692/159.
142. Berkeley Castle Mun., list 13(a), part 2, General Series, Letters, no. 11.
143. GRO, D 2957/216(12); Glos. Colln. 43970 (3).
144. PRO, SP 23/196, p. 523; Smyth of Nibley Manuscripts 14, no. 33.

145. Smyth of Nibley Papers 5, no. 52.
146. F.W.D. Hornsby and F.K. Griffin, *Katherine Lady Berkeley's School, Wotton-under-Edge* (1984), 51–62.
147. GRO, D 733/2/13.
148. Smyth of Nibley Papers 13, no. 48.
149. Birmingham Central Library, Fletcher Collection, no. 247.
150. Smyth of Nibley Papers 13, no. 28.
151. On the Sugar House, see J. J. Simpson, 'St. Peter's Hospital', *Trans. B.G.A.S.* **48**, 193–226, and Donald Jones, *Bristol's Sugar Trade and Refining Industry* (Bristol Branch of the Historical Association, 1996), 2–4; Smyth of Nibley Papers 11, no. 75; 12, nos. 82–5, 95–102, 104.
152. Smyth of Nibley Papers 11, no. 95.
153. *Ibid.* 5, no. 50.
154. GRO, D 8887: formerly Glos. Colln. SF 19.14(3).
155. Smyth of Nibley Papers 12, no. 103.
156. GDR, Will 1692/240.
157. *Ibid.* Inventory 1692/159.
158. Bigland, *Collections*, 936.