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The Berkeley Castle Muniments

by David Smith
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By DAVID SMITH

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The archives of the Berkeleys of Berkeley castle are unique. No other landed family in England has a proven pedigree in the direct male line starting with a Saxon thegn and can show that its muniments have remained in its main home since they built it in the third quarter of the 12th century.

The vast majority of the documents at the castle are self-explanatory and their origin is clear. But some are very puzzling and among these are the earliest documents of all, on which the family rests the title to its ancestral estates. They comprise seven charters, of which six purport to be ducal or royal grants of Henry FitzEmpress, later King Henry II. Briefly summarized they are: a pact between Robert Fitzharding and Roger of Berkeley, former occupier of the castle and honour, made at the behest of Henry as duke of Normandy and in his presence [A1/43/62: SC4];¹ grants by Henry as duke to Robert Fitzharding, firstly of Bitton and £100-worth of land in Berkeley harness for service of one knight [A1/1/1: SC1]; secondly of Berkeley castle and honour for service of one knight [A1/1/2: SC2]; thirdly of Berkeley castle and honour for one knight to Maurice, son and heir of Robert Fitzharding [A1/1/3: SC3]; then two grants by Henry, as king, of the castle and honour for the service of five knights to both Robert [A1/1/4: SC6] and Maurice [A1/1/5: SC7]; and finally of Malmesbury [A5/9/1: SC8] to Robert, a younger son of Robert Fitzharding.²

Even from this brief summary it is apparent that some of these grants are mutually contradictory and from external evidence we know that others did not happen. So we can immediately dismiss several of these documents: the Berkeleys did not acquire Bitton until Sir Maurice VI bought it in 1519.³ They never owned Malmesbury. The ducal grant of the honour to Maurice did not take place as Robert owned it until 1170.

As Professor Patterson has shown,⁴ none of these charters was written in Henry's chancery, which is why they are considered by some scholars to be later forgeries. They were produced by scribes working in Bristol, in all probability from Robert Fitzharding's own foundation of St Augustine's Abbey. Because they were written locally any discussion of their date or authenticity

1. References to documents described in Bridget Wells-Furby (ed.), *A Catalogue of the Medieval Muniments at Berkeley Castle* (Gloucestershire Record Series 17 & 18, BGAS, 2004) are cited in parenthesis with their shelf-mark; documents not so described are cited by shelf-mark only. This document was published in facsimile in *Trans. BGAS* 109 (1991), 131; in transcript in I.H. Jeayes, *Descriptive Catalogue of the Charters and Muniments...at Berkeley Castle* (Bristol 1892), 4–6; and in a rather free translation in *The Lives of the Berkeleys...by John Smyth of Nibley*, ed. Sir John Maclean (BGAS, 1883), I, 4–5.
2. Published respectively in facsimile in *Trans. BGAS* 109, 127, 128, 129, 135, 136, 137; A1/1/1 and A1/1/2 are transcribed in Jeayes, *Descriptive Cat.* 1–4. Professor N Vincent, editor of the revised edition of the *acta* of Henry II (forthcoming), has generously made available to the present writer his notes on these charters. He disagrees entirely with the views expressed here.
3. Wells-Furby, *Cat. Medieval Muniments*, 836.
4. *Trans. BGAS* 109, 118–21.

based on their diplomatic form, such as the use of the *dei gratia* clause in the king's title,⁵ is beside the point, though it is perhaps of interest that Robert used this form of address in 1166, some six years before the king officially adopted it.⁶ Also they cannot be later forgeries, for who would go to the trouble of forging documents if the grants they purported to record had never happened and the beneficiary had not obtained seisin of the property?

So why were they created? It was not unusual for beneficiaries to supply drafts for official authentication.⁷ The suggestion now offered, apparently for the first time, is that Robert knew that he would be rewarded for his financial support to Henry during his military campaign of 1153, but that he was not sure either what form this reward would take, or whether Henry would reward him in person or Maurice his heir. So Robert commissioned drafts of grants and when the first ones were not confirmed he ordered others, successively reducing his bids until the king approved them.

As to the pact between the old and new families of Berkeley, whose authenticity has never been challenged, this was Henry's solution to the dispute which had presumably resulted from his decision to dispossess Roger of Berkeley in favour of Robert Fitzharding. The pact was most probably made between November 1153, at the end of Henry's military campaign which forced King Stephen to acknowledge him as successor to the English throne, and Easter 1154, by which time Henry was back in Normandy. The existence of drafts of grants from Henry as king, and the increase in service from one knight to five, show that the ducal grant to Robert was never ratified. As to Malmesbury, Robert seems to have been trying to provide for one of his younger sons and presumably petitioned the king for a grant of the borough but in that instance Henry did not oblige. Unfortunately, instead of destroying the redundant drafts, Robert and his descendants kept them with the family muniments, to the confusion of future historians and archivists. Although these drafts do not record actual grants they throw an interesting light on Robert's ambitions, as well as supporting the family tradition as to how and why Mr Berkeley's ancestors acquired the castle and honour.

For the first couple of centuries of their existence we have no direct evidence of how or where in the castle the muniments were kept. But we can confidently infer how they accumulated, reflecting the family's success in acquiring property via the lottery of marriage settlements, investment of spare cash and the production of male heirs, which has been beautifully described in Bridget Wells-Furby's *Catalogue*.

The first traceable attempt to organise the documents took place in or soon after 1417, at the start of the long internecine quarrel known as the 'Great Dispute'. Thomas IV lord Berkeley died on 13 July 1417. He had arranged (in accordance with previous entails) that the honour of Berkeley should pass to his male heir, James, son of his younger brother. His only child, Elizabeth, was married to Richard Beauchamp, earl of Warwick, and amply provided for. But the prize was too tempting for the earl and countess to let slip. So they took possession of the castle which they occupied for nearly four years. During this time the title deeds of lands in the honour, and in the ancestral manor of Portbury in Somerset, were sorted by manor and numbered. Selected deeds were then abstracted on paper rolls in several stages,⁸ with the aim of identifying which properties could be deemed to be not part of the ancestral inheritance covered by earlier entails. These rolls

5. 'Scholars consistently have accepted Leopold Delisle's finding that *Dei gratia* was introduced on a regular basis in Henry's royal *acta* only from 1172/73 on.': *ibid.* 119.
6. H. Hall (ed.), *Red Book of the Exchequer* (Rolls Series, 1896), I, 298.
7. For a general discussion of this point see R Mortimer, 'The charters of Henry II: what are the criteria for authenticity?', *Anglo-Norman Studies* 12 (1990), 119–34.
8. e.g. those for Slimbridge in A1/43/130: SR5 and A1/43/131: SR18.

now have an added significance as analysis of one of them [A1/12/120: SR4]⁹ shows that about 25 per cent of the deeds recorded as abstracts no longer survive as originals. The same roll contains the first reference to a special place for the storage of documents, a *scaccarium* (treasury). Whether this was the ‘evidence house’ later mentioned by Smyth we do not know.

When the Beauchamps eventually had to yield the castle to James, its right heir, it is said that they took away many documents so as to deny him their use in the ensuing lawsuits. It is also possible that some documents were deliberately destroyed. For example it is remarkable that no manorial court rolls earlier in date than 1400 have survived. Accidental loss could hardly have resulted in the total absence of this whole class of records.¹⁰ The Beauchamps’ descendants also occupied the castle by force in September 1451, holding James lord Berkeley and his sons prisoner for eleven weeks, so they could have removed or destroyed documents then. This dispute between the descendants of the heirs male and the heirs general lasted for 192 years, being only settled by compromise in 1609, although most of the documents removed from the castle were recovered somewhat sooner, that is, after the so-called ‘battle of Nibley Green’ on 20 March 1470.¹¹

The documentary evidence in the castle for the events leading up to the ‘battle’ is a single parchment roll [A1/1/60: SR137].¹² It purports to record negotiations between plotters attempting to capture the castle and a challenge from Lord Lisle with Lord Berkeley’s reply. It is contemporary and written in a single hand. But when such crucial issues hung on the event, why were not the originals of the plotters’ documents and Lord Lisle’s challenge preserved? It seems likely that the idea of the plot to capture the castle and of the challenge was an afterthought prompted by the lawsuit brought by Lady Lisle against men accused of murdering her husband, and that the roll purporting to record the alleged plot and challenge was written after the event for use as justificatory evidence in that case.¹³

As to the recovery of documents from the manor house at Wotton-under-Edge, there can be little doubt that this happened because, for example, of the survival at the castle of the rolls of abstracts already mentioned. Jeayes describes one of these as having been recovered from Wotton [A1/14/70: SR13]. The endorsement on its wrapper (Fig. 1) which he records was written by Shrapnell more than 300 years later in about 1804, but was probably copied from an earlier note. This roll also contains an endorsement, perhaps by Smyth (Fig. 2), stating that it was returned in 1606 by the executors of Mr Goodman, of whom we shall hear more later.¹⁴ But the two endorsements are not mutually contradictory; perhaps this much-travelled roll was indeed twice stolen from and returned to the castle in the long and tortuous course of the Great Dispute.

In some cases we have no helpful notes to enable us to trace the provenance of stray documents. For example, there is no obvious reason for the existence at the castle of K10/1/12: SB33, the royal household accounts for October 1474–March 1475. This volume will be further discussed later.¹⁵

9. The present writer is grateful to the Cheltenham Local History Society Latin group led by Mrs Jill Barlow for a translation of this document.

10. The present writer is indebted to Dr Wells-Furby for drawing this to his attention.

11. *Smyth’s Lives of the Berkeleys*, II, 113.

12. Transcribed in *ibid.* 107–11.

13. This event is fully discussed and set in its wider historical context in Peter Fleming and Michael Wood, *Gloucestershire’s Forgotten Battle: Nibley Green 1470* (Stroud, 2003) in which the relevant sources are published.

14. See below, p. 00.

15. See below, p. 00.

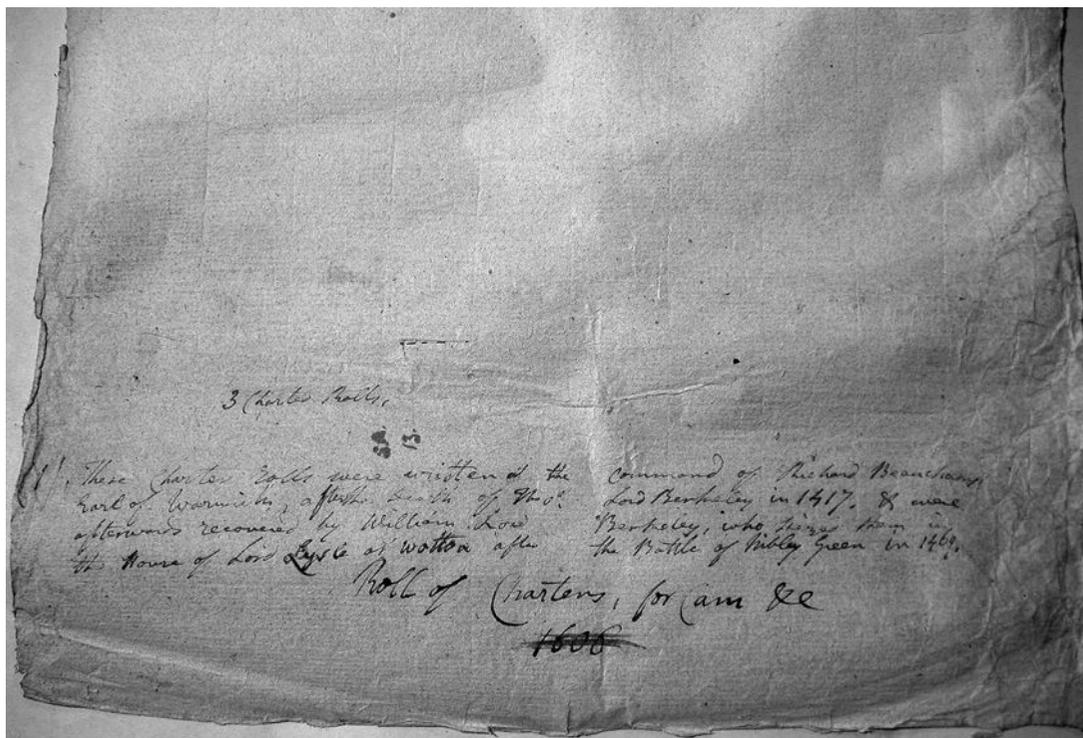


Fig. 1. Wrapper for A1/14/70: SR13 showing Shrapnell's note that it was stolen from the castle in 1417 and returned after the 'battle' of Nibley Green.

In 1483 the Mowbray inheritance was divided between co-heirs, one of whom was William lord Berkeley. This produced an influx of revenue as well as many more archives. Childless himself, William had quarrelled with his next brother and heir, Maurice, who had married a merchant's daughter, and deliberately set out to impoverish the family by conveying most of the estates to Henry VII and his male heirs. So on William's death in 1492 the Crown took possession of the honour of Berkeley and the Mowbray inheritance. Maurice challenged some of these conveyances and by the time he died in 1506 he had recovered about 50 manors outside Gloucestershire. But despite many attempts neither he nor his sons were able to recover their ancestral lands at Berkeley while male heirs of Henry VII survived.

The estates were managed locally and the muniments existing by 1491 seem to have remained in the castle. Naturally, though, many of the records created while the estates were in Crown ownership are now among the national archives at Kew. By 1516 Sir Maurice seems to have realised that he would never persuade Henry VIII to return the Berkeley estate, so he embarked on extensive building work at his leased manor of Yate and also strengthened his holdings in south Gloucestershire by buying the large and wealthy manors of Bitton and Mangotsfield. The records of Bitton have a special significance because it was a 'gentry manor', that is, the main property of a local family and not part of a larger estate. Good runs of medieval records for this type of manor (such as survive at Berkeley) are rare.¹⁶

16. Dr Wells-Furby pers. comm.

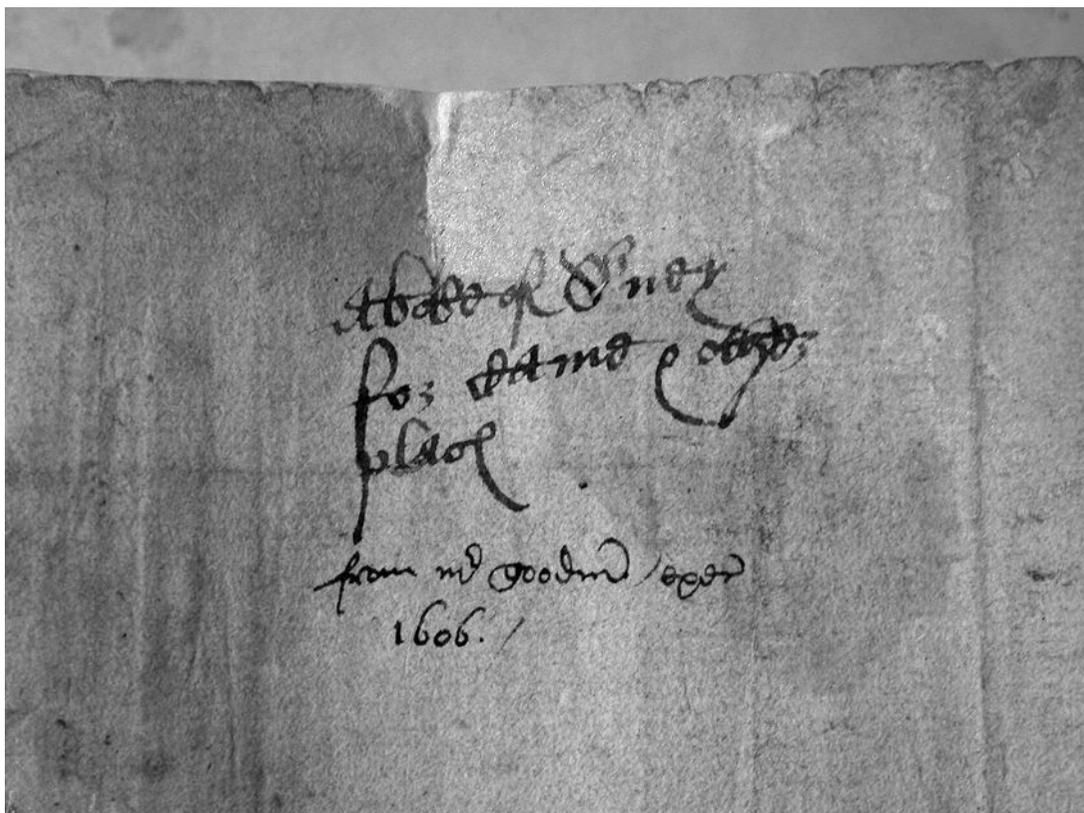


Fig. 2. Endorsements on A1/14/70: SR13: 'a boke of S[ur]vey/ for Came & other/ places'; 'from Mr Goodm' exec' / 1606'.

In this period various members of the family were appointed to public office both locally and nationally and some of the records of those offices found their way into the muniments. Perhaps the most significant of these is the 1522 military survey of Gloucestershire [SB27], published by this Society in 1993.¹⁷ Only about a dozen counties have comparable surveys and several of those only survive partially or as later copies.

Sometimes documents were acquired by dubious means. The obit book from Croxton Abbey [A5/3/9: SB18] was stolen from the abbey in 1534 by the servants of Thomas lord Berkeley during an ugly episode surrounding the election of Thomas Greene, the last abbot.¹⁸ Deplorable perhaps, but not to be regretted as it is doubtful if the volume would have survived the Dissolution; the abbey surrendered only four years later.

Following the death of Edward VI, the last legitimate male descendant of Henry VII, the honour of Berkeley reverted to the family, now represented by Henry lord Berkeley, who held open house at the castle for a week in August 1555 to celebrate the recovery of his ancient inheritance. But

17. R.W. Hoyle (ed.), *The Military Survey of Gloucestershire, 1522* (Gloucestershire Record Series 6, 1993).

18. *Letters and Papers of Henry VIII* 7 (1883), no 376 and app. no 17.

after the arrest for treason in January 1572 of Henry lord Berkeley's brother-in-law, the duke of Norfolk, the Queen claimed part of the honour of Berkeley which had been in dispute up to 1470. Having set the issue in motion she then granted her supposed title to Ambrose and Robert Dudley, respectively earls of Warwick and Leicester, descendants of Richard Beauchamp, earl of Warwick. Suddenly Henry lord Berkeley found himself deprived of a large proportion of his income and embroiled in many lengthy and expensive lawsuits.

The effects on the muniments were immediate and lasting. Firstly, as Smyth recounts, one Harvey, a herald, managed to obtain entry to the castle and to steal from this lord's evidence house a large quantity of deeds and exemplifications of records at the instigation of the earl of Leicester, without which Henry lord Berkeley found it difficult to defend his title.¹⁹ Secondly the muniments were augmented by many records, such as inquisitions post mortem, copied from the government archives for use in evidence. Thirdly, some years after the deaths of the earls, Smyth heard that their former advocate, Mr Goodman, was living in reduced circumstances, and persuaded him (presumably with ready money) to give up a large quantity of important documents, many being those stolen by Harvey some twenty-five years earlier, and including A1/14/70: SR 13 previously mentioned.²⁰ This explains the existence in the castle of a few documents personal to the earls and not related to the lawsuits, such as the earl of Leicester's draft marriage settlement with Lettice, his second wife [GLP49/2]. Fourthly, Lord Berkeley was forced to mortgage or sell some of his estates to pay the legal costs. The only property he bought during his long life of nearly 80 years was the little manor of Canonbury, but maybe it was as a result of that purchase that the cartulary of St Augustine's Abbey, Bristol, published by this Society in 1998,²¹ is now with the family muniments.

Some losses of documents were irretrievable. That neighbour from hell, Sir Thomas Throckmorton, eventually succeeded in overturning a perfectly valid lease of land in Hinton held by Lord Berkeley. During the lawsuits Lord Berkeley threw a large bundle of court rolls and other documents into the fire because he thought they might harm his case. When Smyth later heard about this he was horrified as he felt that in the right hands they would more likely have strengthened it.²²

In February 1596 the fortunes of the family were greatly improved by the marriage of Henry lord Berkeley's heir Thomas. His bride was Elizabeth Carey, only daughter of George, eldest son and heir of Henry, 1st baron Hunsdon. Lord Hunsdon was Lord Chamberlain and a cousin (and some said half-brother) to the Queen. His granddaughter brought to the Berkeleys not only money but also valuable connections. At this period Shakespeare was in the Lord Chamberlain's company of actors and some scholars believe that *A Midsummer Night's Dream* was commissioned by Lord Hunsdon to celebrate this wedding which took place in his London house at the Blackfriars. There is no other known connection of Shakespeare with Berkeley castle and there are no Shakespeare papers there. But Elizabeth was a highly educated young woman, tutored by Henry Stanford, a notable scholar, and the castle contains the largest corpus of his writings to survive.²³ Among the

19. *Smyth's Lives of the Berkeleys II*, 292. Smyth dates this episode to 1570, implying that the earl of Leicester had designs on the Berkeley estates before the arrest of the duke of Norfolk.

20. *Smyth's Lives of the Berkeleys II*, 324. See above, p. 00.

21. David Walker (ed.), *The Cartulary of St Augustine's Abbey, Bristol* (Gloucestershire Record Series 10, 1998).

22. *Smyth's Lives of the Berkeleys II*, 314.

23. The present writer is indebted to Professor Katherine Duncan-Jones for identifying manuscripts in the hand of Henry Stanford and to Professor Steven May for comments on some of them.

papers associated with him and his pupil are teaching notes [e.g. SB84], several examples of court poetry including, for example, some sonnets by Constable not known from any other source [SB85] and a delightful verse petition ‘A poor man’s What shall I do?’[GMP30p]²⁴

What shall I do a question quickly askt & answerd, nay, that’s to greate a taske
 What shall I doe whom envie hath undon or how shall I from wantes oppression run
 What shall I doe in this inconstant age, when men for gould will lay y^e sowls to gage...

On her father’s death Elizabeth inherited his papers. Those at the castle include documents relating to his public offices and to those of his father, such as governor of Berwick (e.g. SL11), papers reflecting his scientific interests including a horoscope he cast for himself [GL5/95],²⁵ as well as four personal letters to him from Queen Elizabeth [SL7–10].²⁶ Lady Elizabeth Berkeley’s papers were found in the evidence closet at Cranford in the 19th century [GMP26] and are an exception to the general principle that no personal papers were kept with the castle muniments.

On the death of the Queen the fortunes of the Berkeleys improved further. Henry lord Berkeley was appointed lord lieutenant of Gloucestershire and his official papers, especially muster returns, are found in quantity from 1603 until his death in 1613. The fullest and most important of these was published by this Society in 1902.²⁷

Much has been written about John Smyth, steward to the family from 1596 until his death in 1641, so there is no need to sing his praises here. Suffice it to say that in the course of his long and mostly successful prosecution of Henry lord Berkeley’s many lawsuits he gathered and arranged the documents then scattered throughout the castle into the existing evidence house. He claimed to have added over 300 important documents to the muniments during his long service with the family.²⁸ It was probably this legal research which gave him the knowledge and incentive to write his *Lives of the Berkeleys*, an indispensable source ever since as well as a delight to read.

Though the most well-known of his compilations, the *Lives* accounts for only three of the 26 volumes he wrote for the edification of George, lord Berkeley, and the better management of the estates. Only ten are now in the castle²⁹ and a few more are in other repositories. This is mainly because Smyth founded a dynasty of hereditary stewards of the Berkeley estates which lasted into the 18th century. Naturally they kept some papers at their house at Nibley, and when they severed their connection with Berkeley and moved to the north of England those papers went with them.

24. This manuscript is in the hand of Henry Stanford. It was published by David Wiles in *Notes & Queries* 240 (Dec. 1994), 452–5, ascribing the authorship to Robert Carey. Professor Duncan-Jones has kindly pointed out that in line 43 of the transcript, supplied by the present writer, ‘ynjore’ should be read as ‘tirone’.

25. The horoscope records his date of birth as 26 February 1547/8. This date was not known to Wallace T. MacCaffery when he wrote the account of George Carey for the *Oxford D.N.B.*

26. Published both in facsimile and transcript in Katherine Duncan-Jones, ‘Elizabeth I and her “Good George” unpublished letters’, in P. Beal and G. Ioppolo (eds.), *Elizabeth I and the Culture of Writing* (British Library, 2007), 29–41.

27. *Men and Armour for Gloucestershire in 1608...compiled by John Smyth of North Nibley*. The muster returns of 1608 were among the Smyth papers that which were dispersed on the extinction of the family (see below, p. 00). The returns were acquired by Lord Sherborne and now are among the Sherborne documents in Gloucestershire Archives (D 678/1/Z6/2/1–3).

28. *Smyth’s Lives of the Berkeleys* II, 293.

29. Listed in *A Description of the Hundred of Berkeley...by John Smyth of Nibley*, ed. Sir John Maclean (BGAS, 1885), 411–12. Those in the castle are numbers 1–3 (SB2), 5, 6 (SB9), 7, 8 (SB9a, 14), 9 (SB13), 19 (SB30), and 21 (SB7).

When the Smyth family died out in Victorian times their archives were sold and dispersed. Russell Howes estimates that about 3,000 of their documents survive,³⁰ mostly relating to their own property and business affairs, but a significant proportion concerning the Berkeley estates. Of these, probably the most important are those charting the vicissitudes of the castle during the Civil War. At first sight it may seem sad that these are not in the castle, though a few have been bought back in recent times, but at least those now in other record offices can be located and are available for study. Had they stayed in the castle we may wonder whether they would have survived at all.

During the Civil War the castle changed hands five times and suffered much damage and loss, especially to its furnishings.³¹ Lord Berkeley petitioned Parliament for restitution and in October 1646 Colonel Berrow was ordered to investigate his claim. A draft of his certificate states that he found ‘the Evidyence house in the sayd Castle broken open, neere 700 materiall pieces of evydence taken from thence, some hundreds more cast into the dirt and with many of the auintient charters torne and the seales broken for benifit of the silke strings to which the seales were fastened, the rest, being many thousands, confusedly cast together for the gayne of the bagges and boxes where in they were placed...’[SB87]. There is no independent evidence of how much destruction actually took place, but even allowing for pardonable exaggeration (after all, this was in the nature of an insurance claim) there can be little doubt that many medieval documents were destroyed, which would account for the fact that Smyth quotes from rolls and deeds which cannot now be found. Despite these grievous losses the muniments provide some of the best surviving records of a medieval English lay estate, as most comparable archives are for ecclesiastical estates which were managed differently.³²

In 1679 George lord Berkeley’s son was created earl of Berkeley and his son and grandson, the 2nd and 3rd earls, served in various diplomatic posts. Some of their official papers remain in the castle including those for 1699–1701 when the 2nd earl was one of the justices of Ireland [SB35: 10 volumes], with the young Jonathan Swift as his chaplain. Swift wrote the mock heroic poem ‘*Mistress Harris’s Petition...*’ apparently based on a domestic incident in the Earl’s Irish household.

Meanwhile the records of estate management accumulated in the usual way, so as part of a programme of intense building activity in and around the castle in the 1750s a new evidence house was built. It cost £15 15s. plus £1 17s. for carriage of building materials, the costs falling in the years to Lady Day 1755 and 1756 [GBB123]. The only detail of building or furniture specified is a stove and funnel. Among the uncatalogued prints in the castle there is a ground plan of its layout a little before 1800. On it is shown a detached building called the ‘evidence house’, situated on the south side of the gateway into the inner courtyard. The room in the private wing known as ‘the den’ may have been part of this building.

In 1770 John, last baron Berkeley of Stratton, died without direct heirs. He was a distant cousin and left all his property and papers to the 5th earl. His property included Berkeley Square in London. His papers contain documents acquired by his ancestors in their official capacities, relating; for example, to the finances of the duke of York, later James II [e.g. GBB153]. Perhaps it was a member of this branch of the family who brought back from Italy the volume of music recently discovered in the castle. Dating from 1717, it includes 17 arias found only in this manuscript of which six are by Vivaldi.³³

30. R. Howes, ‘John Smyth the Younger of North Nibley and His Papers’, *Trans. BGAS* 121 (2003), 213.

31. *Ibid.* 214–20.

32. Wells-Furby pers. comm.

33. GBB259, fully described in Faun Tiedge and Michael Talbot, ‘The Berkeley Castle Manuscript: Arias and Cantatas by Vivaldi and his Italian contemporaries’, *Studi Vivaldiani* 3 (Venice, 2003), 33–87.

In 1785 the 5th earl, a 40 year-old roué in the social circle of the Prince of Wales, became infatuated with Mary Cole, a 17 year-old Gloucester girl of humble parentage. She was soon installed at the castle as his mistress where she took charge. She bore him seven children and eventually, in 1796, persuaded him to marry her. In order to legitimise their eldest son they claimed that they had been married privately eleven years before. In 1799 a lawsuit was started to prove the eldest son's right to succeed to the earldom on his father's death, but when it appeared that the result would go against him the suit was abandoned.

Enter William Fisher Shrapnell, one of the most influential figures in the history of the muniments. A surgeon by profession, he may have come to the attention of the earl through service in the South Gloucestershire Militia which the earl commanded. Evidently he had antiquarian interests for not long after the suspension of the peerage case he began to work on the records at the castle. Grantley Berkeley, a younger and legitimate son of the 5th earl, asserts that Shrapnell was a prime mover in the forgery of documents intended to prove the legitimacy of the eldest son,³⁴ and if so perhaps this was the motive for his employment. Be that as it may, under the direction of the countess he worked on the muniments intermittently for about ten years and left a lasting legacy still valuable today.

After he had written the first catalogue of his to survive, about 1802 [GMP99], he noted items to be looked for which should have been in the castle [GMP30/24]. This resulted in the return of the St Augustine cartulary, which had been lent to Dr Jenner. In 1804 Shrapnell re-arranged the documents and wrote a new catalogue [GMP104, 105] and was evidently aggrieved when he returned a year later to find that the documents had been disarranged. Some deliberate destruction took place around this time, especially after the death of the 5th earl in 1810. For example the countess noted on a packet of letters [GL3/14]: 'My Husband's Mother: I preserve these with respect to her Memory' implying that other documents were not so lucky. It seems likely that she destroyed only family correspondence and contemporary ephemera, perhaps so as to protect the reputations of herself and her husband.

The older archives were already roughly sorted into classes by format: books, rolls, letters and so on. Shrapnell numbered the books and had many rebound (Fig. 3). His descriptions, written in his bold copperplate hand, remain on the flyleaves (Fig. 4). He also bound or supplied wrappers for many loose documents for their better protection, and parcelled up the remaining rolls and papers. He knew his limitations: as the first item in the new catalogue he noted 'Law papers bundled together but not separated...I Shrapnell not knowing anything of law' [GMP104]. He made lists still useful today of some of the documents which might be required for practical purposes, such as the deeds of properties purchased since 1737, a list continued for 40 years after his death [GBB174]. He listed expired leases [GBB87] and copies of court roll [GBB89] dating from the late 16th century, though his practice of removing the copies of court roll from the papers of the court at which they were surrendered is regrettable as it is now impractical to return them to their proper place. Indeed his treatment of the manorial papers was the least successful aspect of his work. He sometimes pinned or sewed disparate documents together, in the wrong order or back to front. Some of the wrappers he supplied to protect fragile items were attached in such a way as to obscure parts of the text. All this takes time to put right. But his main aim of preserving items from further damage and of arranging the most important of them so that they could easily be found was achieved. In about 1808 the muniments were moved to a new evidence room, now the private chapel, and he duly produced new shelf lists [GBB108–112].

Evidently he didn't always see eye to eye with the countess. One volume contains her comment that 'Mr Shrapnell red [*sic*] this book with his eyes shut' [GMP38]. Elsewhere he writes that he

34. Grantley F. Berkeley, *My Life and Recollections* (London, 1865) I, 21–2.

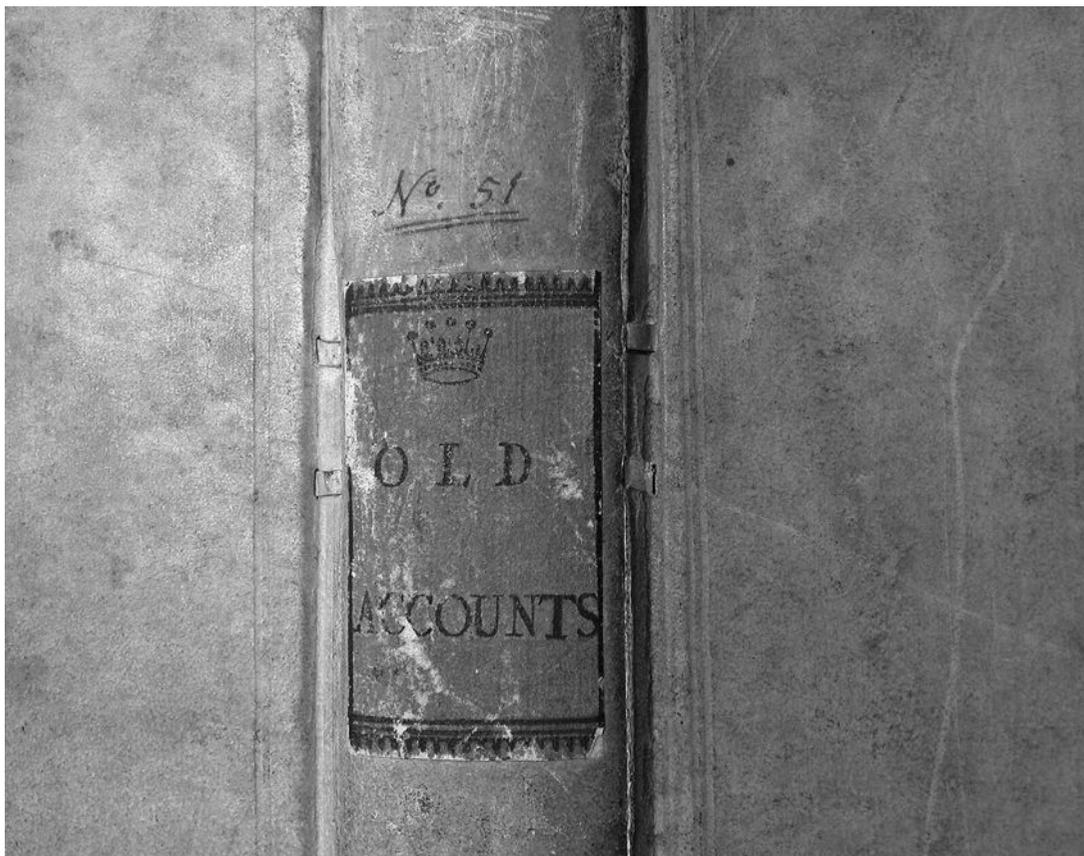


Fig. 3. Part of spine of K10/1/12: SB33 showing label with Shrapnell's description and catalogue number.

has kept his notes away from her or they would have ended up in the fire [GMP122]. All in all Shrapnell deserves great credit and by the standards of his day (and despite the countess) his contribution to the preservation of the muniments could hardly have been bettered.

In 1810 the 5th earl died, bequeathing the estate to William, his eldest but illegitimate son, whose application to take up his father's seat in the House of Lords was rejected *nem. con.* William continued unsuccessfully to claim the earldom and when those attempts failed he sought to establish a barony by tenure. Eventually, for political services, he was advanced to a new peerage in his own right, so after 1840 the castle was owned by successive Lords Fitzhardinge. The rightful 6th earl of Berkeley never claimed the title and on his death in 1882 it was revived by a cousin.

Little seems to have been done about the muniments during this period. In 1874 the newly created Royal Commission on Historical Manuscripts made a brief report on some of the more outstanding documents, such as the St Augustine cartulary and the royal letters.³⁵ In 1883 this Society inaugurated its monograph publications with Sir John Maclean's edition of Smyth's *Lives of the Berkeleys*, in which the term 'muniment room' seems to have been used for the first time.

Shortly afterwards the then Lord Fitzhardinge made a sustained effort to acquire proper catalogues of the muniments, initially using the services of Edward Peacock, who had helped with

35. *4th Report*, 364–7.

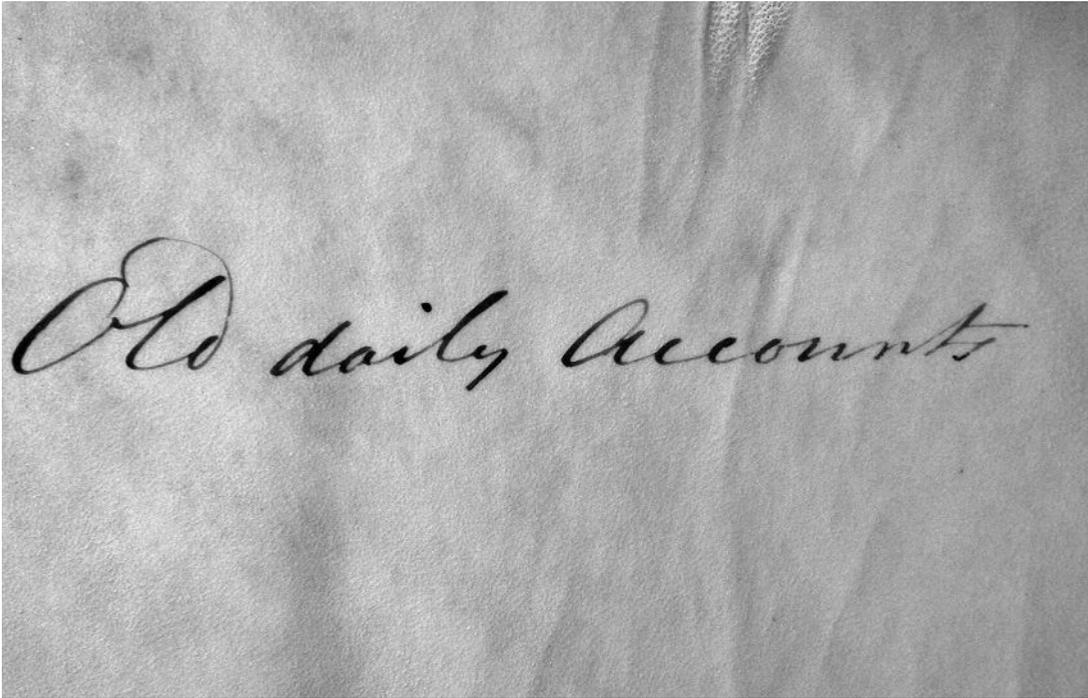


Fig. 4. Shrapnell's description on the flyleaf of K10/1/12: SB33.

the publication of Smyth's *Lives*. Peacock's great achievement was to list the four thousand or so small medieval deeds which in Shrapnell's day were contained in seven canvas bags suspended from the ceiling of the evidence room. After two years Peacock gave up the task because of ill health, and in 1888 the work was taken over by Isaac Jeayes, a young employee of the British Museum.

Jeayes's account of this task appears as the introduction to his manuscript catalogue of the general series written on 14 October 1891 [SB90]:

[Mr Peacock] had put on one side some of the earliest and most valuable of the Charters and had sorted the rest roughly into periods and packed them away into bags. Many of the Rolls had also been calendared and tied up into parcels ...

The arrangement of the Charters... is chronological, but although the present catalogue contains brief descriptions of all the Charters included in the series, it was afterwards decided to transfer to the Select Series all the Charters of a date prior to 1250 AD because it was felt that however commonplace the contents might be, they were of sufficient importance, if only on account of their antiquity, to be described in the fuller and more particular way in which the select charters had been catalogued...

The Rentals, Court and Accompt Rolls are arranged according to the Manors to which they refer, in alphabetical order of Manor, the Gloucestershire manors being placed first, the Manors of all other Counties then being taken in alphabetical order of County. They will be found in the Red boxes [Fig. 5]... In addition, on the North side of the Room, are fifty-six brown paper parcels, of which thirty four contain expired leases and similar deeds of a date

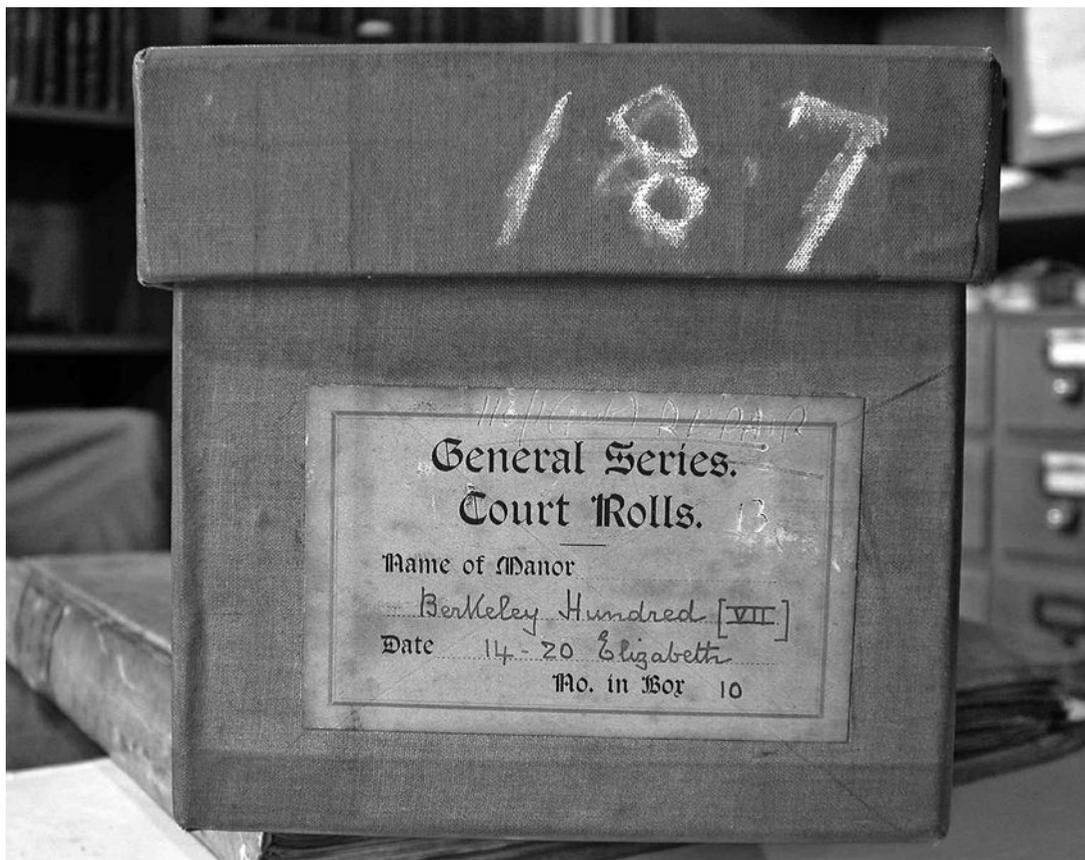


Fig. 5. Label on one of Jeayes's red boxes of court rolls. The chalk number on the lid shows its location as box 7 on shelf 18 and was added after 1925.

subsequent to 1603, and the remaining twenty-two contain deeds affecting the title of properties acquired by purchase or exchange from 1737–1856. These, being of no great interest from an antiquarian point of view, have been merely arranged in chronological order but not separately catalogued.

On the South side, on the lower shelves are other parcels containing paper copies of deeds used and exhibited in the various chancery proceedings and suits in which the family have from time to time been engaged. It was not thought desirable to describe or catalogue these as in many cases the originals of these very papers are still preserved in the Evidence Room and have been catalogued in their proper place. These parcels have however been examined [Fig. 6], and anything of importance, such as Copies of Wills, Inquisitions-post mortem and the like have been extracted and included in the Select Series...

Jeayes's lasting memorials are his catalogues in which the documents are assigned the shelf marks still in use. His General Series catalogue lists 5,793 'charters' (which include copies of court rolls), 142 bound books, 79 unbound books, 13 miscellaneous rolls and 48 miscellaneous papers. The shelving arrangement he describes was kept when the archives were moved into the new muniment room and survived intact for nearly a century, still in place in January 1980.

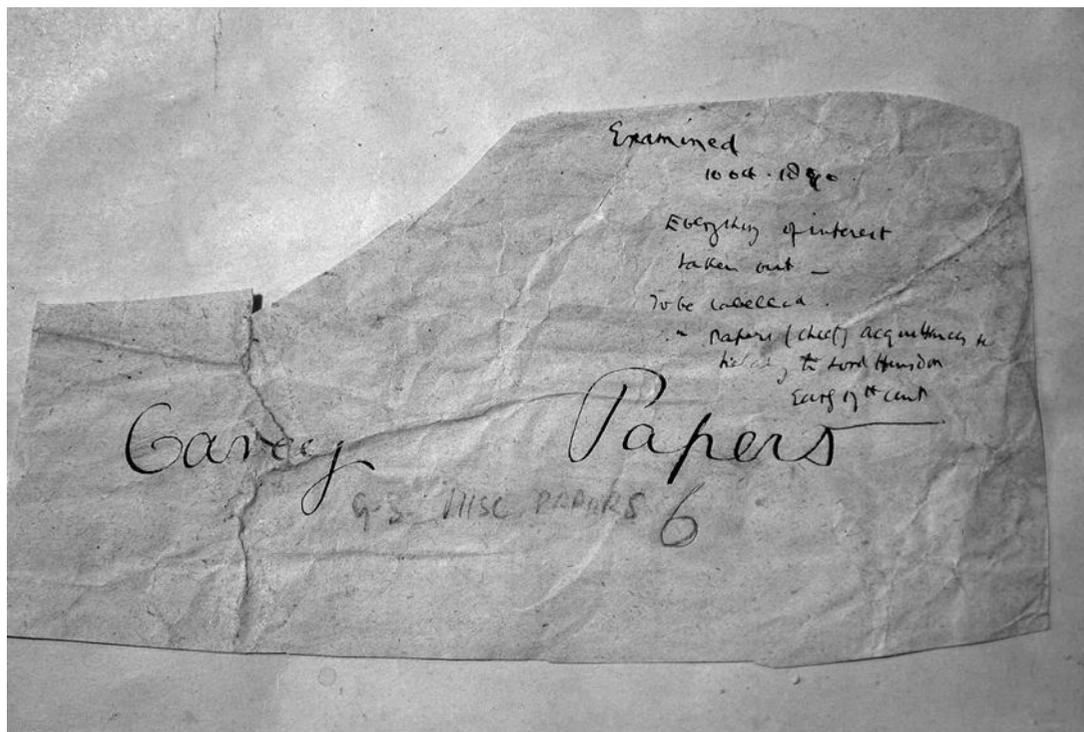


Fig. 6. Wrapper for GMP6 on which Jeayes noted 'Examined 10 Oct 1890/ Everything of interest/ taken out...?'

Jeayes sometimes displayed a cavalier attitude to loose papers which makes it clear that some destruction took place at this time. Evidently running short of scrap paper for bundle labels, he neatly tore into three pieces a receipt dated 1591 and wrote his labels on the back of the fragments (Fig. 7). The original document was reconstituted in February 2006 [GMP6/25: Fig. 8] and new labels provided.

Little attention was paid to revising Shrapnell's descriptions of the other classes of documents. As an example of the problems this can cause let us examine the case of Select Book 33 [K10/1/12]. This is a thick folio manuscript written on parchment, described by Shrapnell as 'old daily accounts' (Fig. 4). The description is not very helpful but so far as it goes it is correct. Jeayes, however, needed a date for his catalogue description, and guessed at the reign of Henry VIII. Following much abortive research into 16th-century documents, the volume was identified in 2004 as royal household accounts comprising a journal of expenditure from Saturday 1 October 1474 to Wednesday 22 March 1475; bills paid by the pantry, buttery, wardrobe, kitchen, poultry, scullery, saucery, hall and marshalsea departments; and wages paid to each member of the retinue for days of attendance, beginning with Robert Wynkefelde and John Elryngton. No comparable volume survives anywhere for the reign of Edward IV. Jeayes's dating error cost many hours of research to correct.

Inevitably in the choice of what should be considered 'select' documents, i.e. documents worthy of inclusion in the published catalogue, significant items were overlooked. One such is the receiver general's account of John Mowbray, Earl Marshall [D1/1/30: GAR428], which records in great

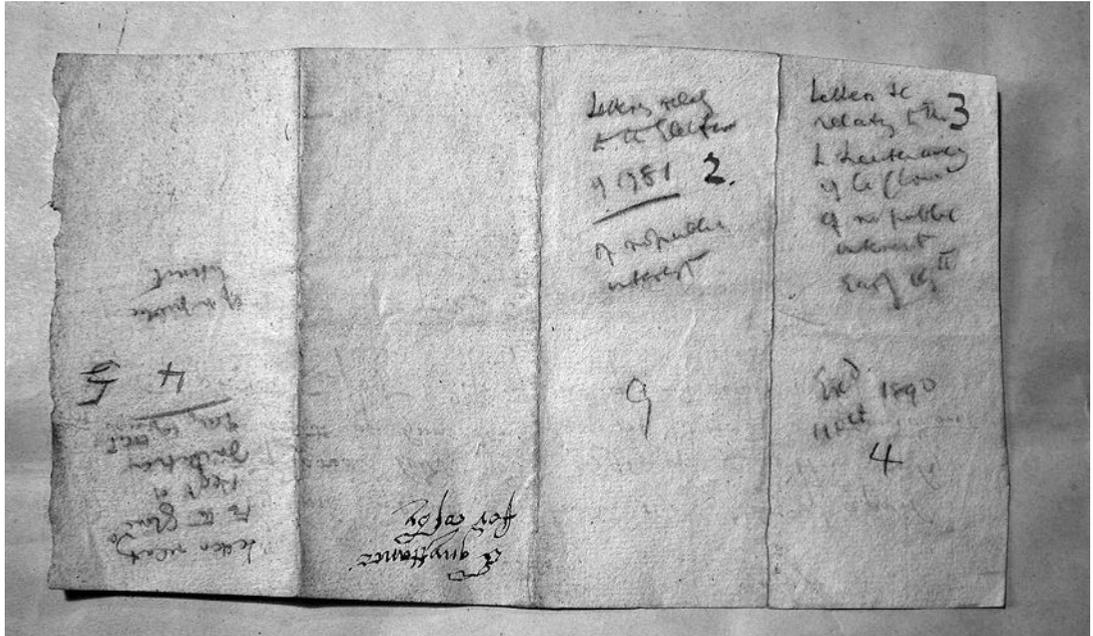


Fig. 7. Dorse of GMP6/25 showing its use as three labels.

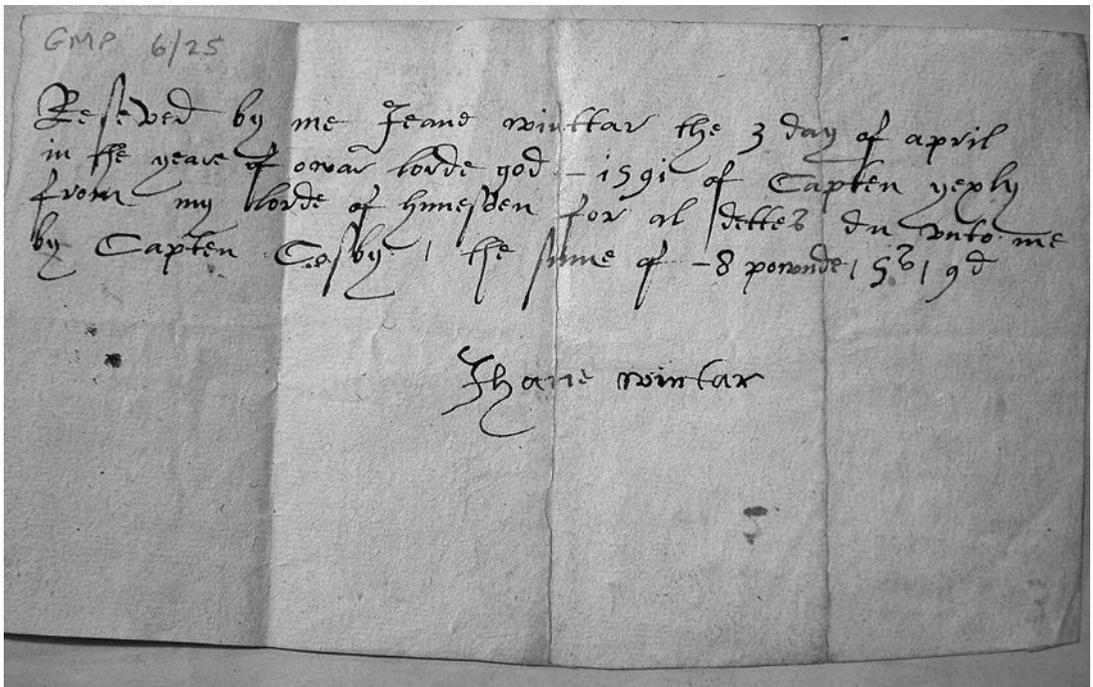


Fig. 8. Face of GMP6/25: receipt of Jhane Wintar dated 3 April 1591.

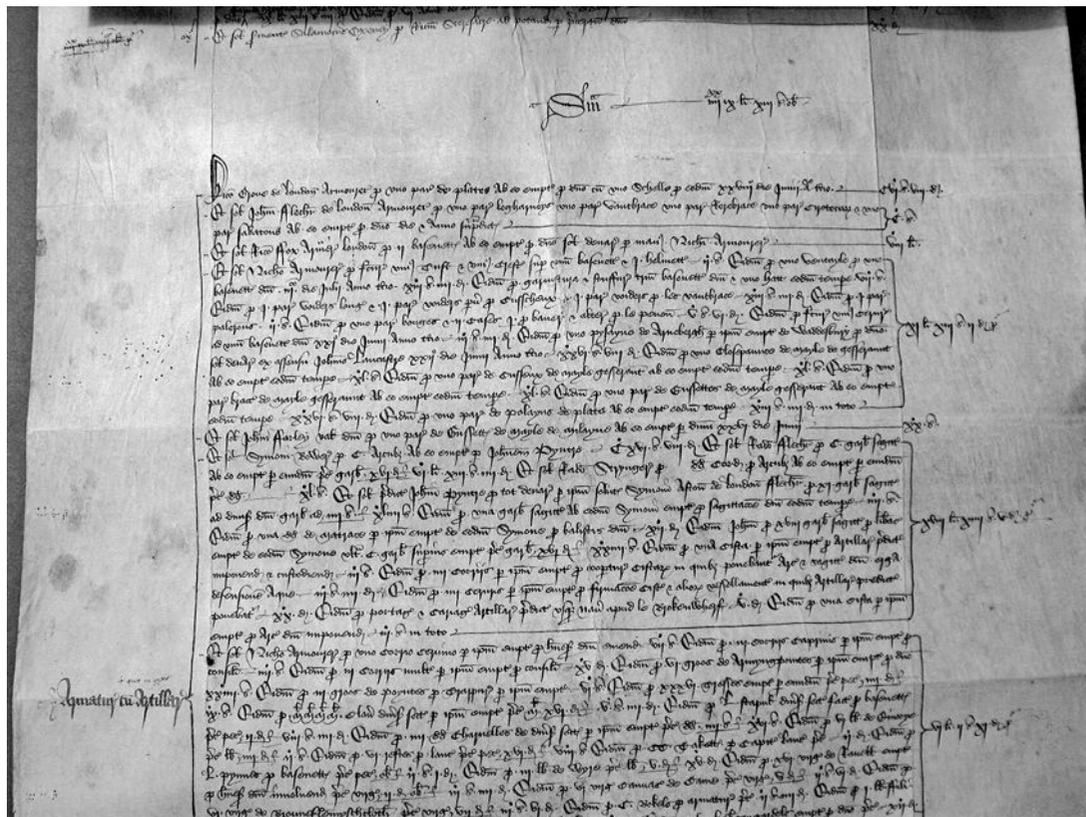


Fig. 9. Extract from D1/1/30: GAR428 showing part of the expenses incurred by the Earl Marshall in purchases of armour and weapons during the year ending Michaelmas 1415.

detail how he equipped his following for the campaign in France of 1415, which culminated in the battle of Agincourt (see Fig. 9). It is gratifying that this roll has been used extensively by the authors of two recent books on the battle.³⁶

But despite its problems, when it was published in 1892 Jeayes's *Catalogue* marked a great advance. It brought direct knowledge of the richness of the Berkeley archives into the public domain for the first time, and included transcripts or generous extracts from many of the most important documents.

In 1888 Randal Mowbray Lennox Berkeley had succeeded to the title of 8th earl of Berkeley. In 1916 he inherited the castle from the 3rd and last Baron Fitzhardinge thereby reuniting the title and estate for the first time since 1810. Shortly after the First World War he embarked on an extensive remodelling and refurbishing of the castle, which included in 1925 the creation of

36. Juliet Barker, *Agincourt* (London, 2005) 130–6; Anne Curry, *Agincourt* (Stroud, 2005), 63–5. There is a more detailed discussion of this document in Anne Curry, 'Personal links and the nature of the English war retinue: a case study of John Mowbray earl marshal and the campaign of 1415', in *Liens personnels, réseaux, solidarités en France et dans les Iles Britanniques*, ed D. Bates et al. (Publications de la Sorbonne, 2006), 153–68.

the present muniment room. The room is excellent for its purpose and the original iron frames and slate shelves still hold the archives today, within a secure grill beyond the book room which forms the anteroom and study area.

The earl and his agent, Captain O'Flynn, read some of the documents, and submitted a few for publication in *Notes & Queries* such as clerk of the kitchen's expenses 1573 [GBB92 f160: **169**, 290–2 (1935)]. They added more documents from the castle and estate office to the catalogues, such as Smyth's register of tenures by knight service 1605 [SB9a], and bought a few medieval manuscripts (at what now seem ridiculously low prices) which appeared to relate to the Berkeley family, such as a late 15th-century book of medicinal recipes [SB89]. But the earl did allow a few documents to leave the castle. One was the map of Berkeley Borough, drawn in 1543, which St Clair Baddeley saw after some difficulty while it was in London. It is now thought to be in America. Fortunately Shrapnell's sketch of it has survived [GMP51], though this too left the castle for a while and was returned in 1996. The Earl also gave one of Smyth's books, his history of Bosham in Sussex, to the purchaser of the estate there. This is now in the West Sussex Record Office [Bosham Manor III/14].

On the 8th earl's death without issue in 1942 the castle descended to a cadet branch of the family which had been established at Spetchley in Worcestershire since 1606. The castle was not lived in for the rest of the Second World War and the muniment room was sealed; fragments of the wax and red tape used for that purpose still adhere to the door. In 1944 the Suffolk record agent Lilian Redstone was brought in to check its contents. She reported only half a dozen documents missing and those have all since been found.

In 1948 Irvine Gray succeeded Roland Austin as County Records Officer. Soon after his appointment³⁷ he was asked to advise the Berkeley Trustees on the storage and management of the muniments, thereby inaugurating a fruitful relationship with the county record office which continues to this day.

In 1954, probably under pressure from the Master of the Rolls, some records of the manors of Cranford were deposited in the Middlesex Record Office. This was an unfortunate decision, as more documents were left in the castle than were transferred because lack of lists precluded identification of them. This deposit was recalled in 1996 and the documents were returned to the castle, thus re-uniting the archive of the Middlesex estate. During its term of custody the Middlesex Record Office catalogued the manorial court rolls and some of the deeds; the successor repository, London Metropolitan Archives, holds a microfilm of all the formerly deposited documents.

The most important event of Gray's time was the microfilming project of the Royal Commission on Historical Manuscripts. Jointly funded by the universities of Oxford and Cambridge, the programme included many documents from the select series and long runs of manorial rolls from the general series, then still unlisted. The filming was done in the muniment room during the years 1958–62 and the quality reflects the primitive equipment and difficult conditions. At this period no researchers were admitted to the Muniment Room³⁸ so these films gave scholars access to the full text of many documents for the first time. They remain the only copies of items of a date later than 1603 and are available for consultation in Gloucestershire Archives.

In 1968 Gray was succeeded as County Archivist by Brian Smith. In his presidential address to this Society during his retirement year Gray paid tribute to the pioneering work in establishing the county archives of his predecessor Roland Austin.³⁹ And when Brian Smith gave his presidential

37. There are notes dated September 1949 in Gray's hand of bundles he could not find in the T series of deeds.

38. E S Lindley, 'A John Smyth Bibliography', *Trans. BGAS* **80** (1961), 124.

39. I.E. Gray, 'Gloucestershire Records: A Retrospect', *ibid.* **87** (1968), 9–10.

lecture in 1986 he prefaced it with an accolade to Gray, though this did not appear in the published version. So, following hallowed precedent, there follows a brief digression to reflect on Brian Smith's contribution to local history in Gloucestershire.

In 1968 local government reorganisation was already on the Whitehall agenda and for a tiny service this posed serious threats. But Smith had been Gray's deputy for eight years and had the experience to confidently navigate these stormy seas. At the end of the process, by 1 April 1974, he had established a unified county-wide archives service comprehending city, county and diocesan archives, centrally located within the county administration, which many of his colleagues in other counties had signally failed to do. Within the next five years he acquired the present site of the county record office (now Gloucestershire Archives), oversaw its conversion and brought the service, previously scattered over eight sites, together under one roof, retaining a presence in Shire Hall for official records. He also ensured the continuance of the *Victoria History of Gloucestershire*, under threat from financial pressures, and stood his watch on the History of Gloucestershire Research Group evening class, helping many local historians to bring their work to publication standard. Shortage of space prevents the mention of his many other achievements. When he left for broader pastures in 1979 he had placed all local historians in Gloucestershire for ever in his debt. Truly it has been said that we stand on the shoulders of the giants who went before.

Likewise Smith made significant progress at Berkeley. In 1970 the Royal Commission on Historical Manuscripts filmed Jeayes's manuscript catalogue of the general series. At last the central repository for archives catalogues for England and Wales had a copy of all of the available lists of the castle muniments. In 1977 Smith made a full conservation survey showing just how much physical damage the muniments had suffered over the centuries. He arranged for the fumigation and transfer to the castle of documents from the estate office. He also began to list the last major group of documents which had never been sorted and for which there were no finding aids at all, that is, the 'chancery and miscellaneous papers'.

The developments of recent years can be summarised quite briefly. Firstly about 1984 a young graduate at St Andrew's University visited the Gloucestershire record office. She had chosen as the subject of her doctoral thesis the Berkeley family in the 14th century, thereby beginning a fascination with the muniments which Dr Bridget Wells-Furby still retains. In 1990 it proved possible to obtain one of the last major research grants awarded by the British Academy which enabled her to live in Gloucester for 18 months to draft the *Medieval Catalogue*, published by the Society in 2004. This can be accessed via the Internet as it is included in the A2A database hosted by the National Archives.

Secondly, despite the many financial pressures of maintaining the castle and its contents, Mr Berkeley was able to fund a programme of conservation and microfilming of the muniments. Mrs Caroline Palmer started work as castle conservator on 2 January 1989 and continues in that role today, freelance and part-time since 2006. Between 1994 and 2006 the National Manuscripts Conservation Trust gave grants to assist this work which otherwise could not have continued. To date all the medieval and Tudor muniments have been conserved and filmed, amounting to about ten thousand documents. These films are available for consultation at Gloucestershire Archives. A dehumidifier has been installed in the muniment room and conditions are continuously monitored to prevent recurrence of the damage by damp and vermin from which some documents have evidently suffered in the distant past.

About ten years ago Mrs Jill Barlow led a small team of volunteers organized under the auspices of the National Association of Decorative and Fine Arts Societies on a project to refurbish the bindings of the printed books in the book room and produced an author catalogue of them. She has continued to provide invaluable voluntary help with the muniments ever since. In August 2004 the estate office attic had to be cleared of its contents and Mr Peter Yardley has since spent many

hours voluntarily sorting and listing those records, now kept in specially adapted storage areas in the castle.

The next stage must be to publish a catalogue of all documents within the period 1492–1613, that is, from the death of William, marquess of Berkeley, to that of Henry lord Berkeley. Much of the groundwork has been done and about 90 per cent of the descriptions have been drafted. An experienced professional archivist working full-time could probably complete the job in about 18 months. For the superannuated part-timer, already past his use-by date, the goal, though still visible, appears rather more distant.