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The Berkeley Manuscripts, and their author, John Smith

by J. H. Cooke
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THE BERKELEY MANUSCRIPTS, AND THEIR
AUTHOR—JOHN SMYTH.

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OF the several existing collections of materials for that much-to-be-desired History of Gloucestershire, which is still said to be "looming in the future," there are, perhaps, none so important as the compilations of John Smyth, which remain in their original manuscript in the Evidence Room at Berkeley Castle. They have for many years been so closely secluded from public view that even their existence is scarcely known, except to readers of Bigland and Fosbroke; while the brief and desultory extracts from them, given by those writers, afford a very inadequate idea of the mine of antiquarian wealth which they contain, and of the extent to which our stores of knowledge of the History, Topography, and Genealogy of Gloucestershire might be enriched by it. The present noble lord of Berkeley has, however, very kindly allowed the manuscripts to be shown on two or three occasions, and they have also been examined and reported upon by the Royal Historical Manuscripts Commission; so that, although I am not at present permitted to hold out any hope of their early publication, I think we may be justified in anticipating that they will one day be given to the world through the press. In the meantime, some account of these works, and of their author, may not, perhaps, be unacceptable to the members of a Society which has been formed expressly to work in those fields in which Smyth was so early and so industrious a labourer.

Fosbroke¹ says that John Smyth was the son of Thomas Smyth, of Hoby, co. Linc.,² second son of William Smyth, of Humbstone,

¹ History of Gloucestershire, Vol. I. p., 468.

² I suspect that this is a mistake for Leicestershire, "Linc." having been

(? Humberstone) in the same county. He was born in 1567, and educated at the Free School of Derby, whence he came in 1584, to attend upon Thomas, the son and heir of Henry, 17th Lord Berkeley, then 9 years old, at Callowden, near Coventry, where the Berkeleys at that time chiefly resided. Smyth's position in the family is well illustrated by an anecdote which he himself tells us, and which is worth repeating, because it also gives us a glimpse of the life and manners in great households at that period. Speaking of Katherine lady Berkeley,¹ he says :—²

“ For the awing of her family, (I say not regulating the expense according to the revenue,) and the education of youth, shee had no compecre, which I could much inlarge in many perticulers. I will only mention one instance : That as myself in 26th Elizabeth, (then about seventeen,) crossed the upper part of the gallery at the Fryars in Coventry where shee then dwelt, and walked having a covered dish in my hands with her son's breakfast, whercwith I was hastening, and thereby presented her, then at the farther end, with a running legge or eurtesy, as loth too longe to stay upon that duty, shee called mee back to her, and to make cre I departed one hundred leggs, (soe to call them,) at the least ; and when I had done well, and missed the like in my next assay, I was then to begin againe ; and such was her great nobleness to mee therein, (then a boy of noe desert lately come from a country schoole, and but newly entered into her service,) that to shew mee the better how, shee lifted up all her garments to the calf of her legg, that I might the better observe the grace of drawing back the foot and bowing of the knee.”

Notwithstanding this menial service there is no reason to doubt that Smyth was of good family, and his position, according to the ideas of those days, not unbecoming gentle birth ; the immediate attendants of persons of high rank were all gentlemen, and are always so styled in household accounts and orders of the period. The service of great families was, in fact, much sought after for younger sons and others who had their way to make in the world, both as a means of education and training in courtly and martial accomplishments, and as an introduction to a career in life. At the same time with Smyth, and in the same capacity, came also to misprinted for Leic. There is no such place as Hoby in Lincolnshire, though there is a Humberstone, but there are both Hoby and Humberstone in Leicestershire. It is also much more likely that Smyth would be sent to the Derby School from the latter place than from the N.E. corner of Lincolnshire, more than 100 miles further off.

¹ She was third daughter of Henry Howard, Earl of Surrey.

² Lives of the Berkeleys, Vol. III., 849.

Callowden, William Ligon, a scion of the family of Madresfield,¹ who was nearly related to the Berkeleys, being the great-grandson of Anne, only daughter of Maurice, the 13th lord. The two boys seem to have been as much the companions as the attendants of the young Berkeley, the three pursuing their studies together under the same tutor, Mr. Edward Cowper, of Trinity College, Oxford. About this time Lord Berkeley, for purposes of retrenchment, removed his family from Callowden to the old White Fryars' Monastery, at Coventry, which had been converted into a private residence since the Dissolution, having taken it on a lease for three years, reducing his establishment from 90 to 70 servants of all grades. In Feb., 1589, Thomas Berkeley and his two companions were entered of Magdalen College, Oxford, where they remained studying together for three years, after which Smyth removed to the Middle Temple as a student of common law.

On the completion of his studies at the Temple, Smyth returned to the Berkeleys, and in 1596 became Steward of the Household, but exchanged that appointment the following year for the more dignified and lucrative office of Steward of the Hundred and Liberty of Berkeley. At the same time he settled at North Nibley, four miles from Berkeley, having married a well dowered widow there, the relict of John Drewe, Esq. He also took a lease of Warren's Court and the lands belonging to it, an estate belonging to the Free School of Wotton-under-edge, which was founded and endowed in 1385, by Katharine, Lady Berkeley. The crown had for many years laid claim to the endowments of this school, under the statute for the Dissolution of Chantries, in 1 Edw. VI., whereby much trouble and expense had been occasioned. By the exertions of Smyth, and chiefly at his expense, a decree in chancery was obtained, by which these claims were set at rest, and the school re-incorporated under new regulations suitable to the requirements of the time.

In 1607 Smith commenced building a new house² at Smallcombe Court, in Nibley, an estate which he purchased from William

¹ Now represented by Earl Beauchamp.

² A view of this house, which was pulled down about 1790, is given in Atkyns' Gloucestershire."

Tracy. Over the front entrance he placed a stone on which, with the date, were engraved these letters :

N.M. M.H.
S.P. N.C.

which are the initials of the words forming the following rhyming latin couplet ;

Nunc mei, mox hujus,
Sed postea nescio cuius.

which may be freely translated or paraphrased thus :

'Tis mine to-day ; to-morrow, (perhaps) my heir's ;
But after, whose ? Let him reply who dares !

An appropriate memento of the instability of all earthly possessions which in Smyth's case proved prophetic, as the Nibley estates passed entirely out of his family before the end of the next century. This stone, with its inscription, may still be seen over an arched doorway, which was erected on the site of the house, in 1807, by John Jortin, Esq., to whom the estate then belonged. During the building of this house, it is said that the family fool at Berkeley Castle satirized Smyth's growing wealth and importance by tying the castle to the church with string, to prevent, as he said, the steward from carrying the castle to Nibley to build his new house with.

In 1609 Smith's wife died, and he soon afterwards married Mary, elder daughter of John Browning, of Coaley, of an ancient family long settled there, who had for many generations held the rectory and great tithes of that parish under lease from the Abbot of S. Peter's, at Gloucester, and subsequently from the crown, until they were purchased in fee by John Browning in 1616. By this lady Smyth had five sons and four daughters, whose descent he, with some pride, traces through the Brownings and Fitz-nichols, to Nicholas, the second son of Robert Fitzharding.¹

¹ I have an old painting which I believe contains the portraits of Smyth's second wife and her eldest child. It is on panel 26 in. by 21 in., and represents a lady in the high-crowned hat and stiff ruff or frill of the period ; the child wears a crimson dress and an elaborate cap of point lace, and carries a "coral" in its left hand ; it occupies the lower left hand quarter of the picture and appears to have been painted in subsequently.

Besides the Stewardship of the Berkeley Manors in Gloucestershire, Smyth was subsequently appointed Steward of the Borough and Manor of Totbury, of the Manor and Hundred of Bosham, in Sussex, of the Manor of Melton Mowbray, and some others in Leicestershire and elsewhere, belonging to Lord Berkeley, the fees and emoluments of which must have considerably increased his revenue, and go far to account for his frequent purchases of land. He gradually acquired a considerable estate at Nibley, which descended to his eldest son. He also occasionally bought property elsewhere, which he sold again, probably making a handsome profit, as the Gossington Hall manor and estate, in the parish of Slimbridge, and an estate at Newport, near Berkeley, besides others. Smyth has been vilified as having "feathered his own nest at the expense of his master," an imputation for which there is not the smallest foundation, and which his writings afford ample evidence to refute. The Berkeleys indeed were most liberal to him, as he frequently and gratefully acknowledges,¹ but Fosbroke² is wrong in his conjecture that part of their bounty was a grant of the land then newly reclaimed from the Severn in the parish of Slimbridge, which was the subject of an unsuccessful suit by the crown against Lord Berkeley, in 1638, defeated mainly by Smyth's exertions; Smyth³ shows that this land was held on lease from

In the upper right hand corner is the inscription, in faint white letters, "Ætatis suæ 35, 1612," and over the child, "primo anno ætatis sui;" the latter inscription exactly corresponds with the age of John, the eldest child of Smyth, who was born, according to the Nibley Register, on the 12th September, 1611; there is no clue to the age or date of birth of Mrs. Smyth, as the Coaley Registers of that period are not in existence, but Smyth himself was 45 years old in 1612. I have traced this picture back through its former possessors to the sale of the Smyths' furniture and other effects, which took place at the "Great House" in Nibley, on 28th February, and three following days, in 1792, of which there is an advertisement in the Gloucester Journal, of Monday, Feby. 27 in that year.

¹ He especially mentions (*Lives of the Berkeleys*, Vol. III., p. 833) the great kindness of Lord and Lady Berkeley, in visiting him during a dangerous sickness, with which he was laid up at Gloucester for six weeks, in 1608, and in providing for him a "Unicorn's horn and a Bezoar stone," two rare and costly remedies not unknown to the older pharmacopœia, besides "exquisite jellies," by which, he says, "my daics seem reprieved to this present."

² Preface to his "Extracts from Smyth's Lives of the Berkeleys."

³ MS. "Description of the Hundred of Berkeley," p. 328.

Lord Berkeley, by Oldisworth and Thorpe, from whom he bought a third part or share, for the purpose of contesting the claims of the inhabitants of Frampton-on-Severn to rights of common thereupon, in which he was successful. Smyth's will, however, shews that at the time of his death he held some highly beneficial leases of Micklewood Park and Haw Park, now two farms on the Berkeley estate, as also of Holt's farm and Westridge Woods, both belonging to Lord Berkeley. These were probably granted him in recompense for extraordinary services in which he was often employed, such as the final settlement with Lord Lisle of the famous great Law-suit, in 1609, the negotiation of the marriage of Theophila, the daughter of Thomas, Lord Berkeley's grandson and heir, with Sir Robert Coke, son of the Lord Chief Justice, in 1613, and some troublesome and long-continued chancery suits, touching tithes and rights of common at Callowden and Wiken, in which he was a commissioner for Lord Berkeley. Smyth's services as Steward of the Manors were remunerated by fees paid by the suitors in the courts over which he presided, and not by salary from the lord, and it was probably easier for Lord Berkeley in those days to pay for extra work by grants of land than in money, as well as more acceptable to Smyth. The whole tenor of his life and works displays an earnest, constant, and single-hearted devotion to the interests of the family he served, and a generous appreciation and liberal recognition of it on their part, which are highly honourable to both the parties.

In 1621 Smyth was member for Midhurst, in the parliament which impeached and degraded Lord Chancellor Bacon. Fosbroke says that he became a violent Puritan, but there is not the slightest evidence of this in his writings, and from some charitable gifts to the poor at Nibley Church, mentioned in his will, as well as from many expressions and allusions in his works, I have no doubt that he was always a member of the Church of England.

John Smyth died in 1641, and was buried in Nibley Church.¹ His eldest son, who married Anne, the daughter of Sir Edward

¹ A flat stone in the floor near the pulpit, much dilapidated and worn, still shews the remains of a Latin inscription, commemorating his name, age, and date of death, to which is added the motto, "Solus Christus mihi

Bromfeild, succeeded him in his employments under the Berkeleys, and resided at Smalcombe Court, which his father settled on him at his marriage. George Smyth, his grandson, was the author of a Translation of Pliny's Panegyric on the Emperor Trajan, which he published in 1702, with a long dedication of the work to H.R.H. the Princess Sophia, of Hanover. He was High Sheriff of Gloucestershire in 1711, and another George Smyth in 1770. The latter built the present mansion at Nibley, called the Great House, in 1763. Nicholas Smyth married the heiress of Owen, of Conover Hall, in Shropshire, and was High Sheriff of that county in 1772. His son, Nicholas Owen Smyth, took the surname of Owen in addition to his own, and sold the Nibley estate to John Jortin, Esq., in 1803. He died unmarried in 1804, when the male line of the Smyths became extinct. The Conover Hall estates went to his sister, married to Edward Pemberton, Esq., from whom they were inherited by Reginald Cholmondeley, Esq. This gentleman has lately submitted his valuable family papers to the examination of the Historical Manuscript Commission, whose fifth report contains very full notices of them; amongst which are many original letters and other documents of John Smyth and his son, highly interesting and important to the future Gloucestershire historian.

Of Smyth's manuscript works, perhaps the most important is his Lives of the Berkeleys, in three volumes, folio, containing 933 closely written pages. In this work he gives a complete biography of every Lord of Berkeley, from Robert Fitzharding down to his own time, twenty-one in number. The events and transactions of each lord's life are given, with some variations, under the following heads: 1.—His birth and course of youth. 2.—His husbandries and hospitalities. 3.—His foreign employments. 4.—His recreations and delights. 5.—His purchases and sales of land. 6.—His law-suits. 7.—His alms and devotions. 8.—His miscellanies. 9.—His wife. 10.—His issue. 11.—His seals of arms. 12.—His death and place of burial. 13.—The lands of which he died *sola salus*." There is also on the south wall a handsome mural monument, bearing a kneeling figure in the costume of the period, under an arch, in memory of his first wife.

seized. 14.—The application and use of his life. The statements under each of these titles are verified by marginal references to the documents and authorities from which they are taken. The first heading contains particulars of each lord's place and date of birth, and the manner of his education and bringing-up to man's estate. The second, third, and fourth describe his habits and amusements, and his military and other public services at home and abroad. The fifth and sixth detail his dealings with his estate. The seventh was always a long one with the Berkeleys, who were, in all their generations, remarkable for their benefactions to, and endowments of, the church, and monastic and other charitable institutions. The eighth contains such events and transactions as do not come under any other heading. The ninth and tenth state full particulars of the lady he married, her family and dower, and also of their issue, including the descendants of younger branches, down to the latest period. Besides the pedigrees of the various branches of the Berkeleys, Smyth also gives those of no fewer than 232 other families connected, directly or indirectly, with them. Under the eleventh head are described the seals of arms and other devices used by each lord, with drawings of many of them, cleverly done with the pen. The twelfth, "last scene of all," gives the date and circumstances of his death and place of burial, and is followed by a schedule of the lands of which he died seized, taken in most instances from the *Inquisitiones post mortem*. Then follow some reflections on the lessons to be drawn from each life, in which our author dispenses his praises or censures most impartially and unsparingly; the "moral" being for the benefit of the young George, Lord Berkeley, who was in his 17th year at the period of the completion of this work, A. D. 1618.

It is scarcely possible to over-estimate the archæological value and importance of such a compilation as this. The Berkeleys were actively concerned in almost all the civil and military transactions in our history; they have been allied by marriage with all the great families of England; and they have, at one time or another, possessed property in almost every English county, except the most northern. Their family annals, therefore, furnish the most

valuable illustrations of our national History, Genealogy, and Topography. The daily life and occupations of successive generations are also described with a truth and fidelity which seems to bring our forefathers and their doings actually before us, as with a telescope, or "through the looking-glass," and give such an insight into the manners and customs of past times as has seldom or never been afforded us.

If the "Lives of the Berkeleys" has more national and general interest, Smyth's "Description of the Hundred of Berkeley" is perhaps of still greater importance as regards Gloucestershire. The Hundred of Berkeley was anciently accounted one-fourth in extent, and one-third in value, of the whole county. The book, which is one folio volume of 426 pages, is prefaced by a general descriptive and historical sketch of this part of Gloucestershire. Then follows a very remarkable collection of old Gloucestershire Proverbs, shewing colloquial and other peculiarities, highly interesting to students of philology and folk-lore. The rest of the work contains a complete history and description of every parish and place in the Hundred. The accounts of the manors commence with Domesday Book, and are traced down through successive owners to Smyth's own time. Every freehold also is minutely followed out from its original grant, and the pedigrees of its owners given, down to its possessor in 1640, and for this purpose Smyth seems to have obtained access to the title-deeds of almost every family. There are also full accounts of the Churches and Religious Foundations, and other monuments of antiquity, with frequent notices of any natural or other remarkable peculiarity in each parish. This work is most essential to the compilation of a thoroughly comprehensive History of Gloucestershire; but it may be said that if the history of the rest of the county could be carried out with the same amount of research and minuteness of detail, we should have a county history of a character hitherto scarcely even attempted.

Smyth has also left a folio volume of the names of all freeholders owing suit to the Three weeks Court, or Court of Pleas, of the Hundred of Berkeley, and for what lands they owe such

service. Also another volume of the Tenures by Knight's service under the Berkeleys; these books would be of great value and utility in tracing Gloucestershire pedigrees. He also wrote a History of the Borough and Manor of Tetbury, and another of the Manor and Hundred of Bosham, in Sussex, which seem to have been lost.

It is scarcely necessary to say that Smyth is not always absolutely correct in his statements, but his mistakes are few and far between, and never affect any important point. Whenever he says anything that seems to conflict with other authorities, I have generally found reasons for believing Smyth to be right and the authorities wrong. His labour, patience, and industry in these compilations must have been enormous. In his day a journey to London was a two days' ride on horse-back, and none of the facilities for research with which modern antiquaries are favoured were in existence. The ancient records of which he made such good use were not, as now, gathered together into one Public Record Office, with every facility for their search and perusal, but were scattered about in various places, some in the Tower, others in the Rolls Chapel, the Chapter House at Westminster, or the repositories of the various courts. The Calendars of State Papers, the various publications of the Rolls series, and the writings of Nichols, Nicolas, Sims, Marshall, and other active and zealous workers have made a comparatively "royal road" to the study of historical antiquity in our day. By those who experience the value of these helps, the labours of John Smyth may be appreciated, but it is only by the publication of his works that full justice will be done to his memory.