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Dursley, Notes on its Lords, the Castle, Church and Borough

by H. Barkly
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I N A U G U R A L A D D R E S S

OF

SIR HENRY BARKLY, K.C.B., G.C.M.G., &c, as *President of the Society.*

WHEN the Council of the Bristol & Gloucestershire Archaeological Society did me the honour of inviting me to become President of the Society for the ensuing year and to preside at its Annual Meeting to be held in this town, no subject was prescribed for my opening address, but conscious that my sole claim to such a compliment arose from the circumstance of my having already contributed two papers respecting the family of Berkeley of Dursley to the Transactions, I felt that I should naturally be expected to give my remarks a local colouring, and to include any information concerning the place that I might have come across in the course of my researches as to its early lords.

I must own that the theme struck me at first as unpromising, not from lack of inherent interest, but because so much had already been written upon it. Although it has been declared on high authority¹ that a Standard History of Gloucestershire yet remains to be published, copious materials for such a work have long been in process of accumulation, and the county can boast of a list of distinguished authors, the majority its own sons, who devoted themselves to the task. Among these may be named in the order of publication of their respective books: Sir Robert Atkyns in 1712, Rudder in 1779, Bigland in 1791, Lysons in 1804, Fosbroke in 1807, and lastly, Smyth, whose detailed description of the Hundred of Berkeley, though completed in MS. so far back as 1639, and accessible in that form to the three latest of these writers, has only recently been printed in full, under the auspices of this Society. From these various sources a fairly comprehensive account of Dursley is to be gathered, but one, I feel bound to add, of by no means an authentic character as regards its early history, with which we, as archaeologists, are alone concerned. The statements made have been summarized,

¹ John Gough Nicholls, in *The Herald and Genealogist*, Vol. I., p. 357.

and, as to later times, largely supplemented, in a handy little volume entitled "Dursley and its Neighbourhood," published by the Rev. John Henry Blunt, in 1877, to which, for convenience sake, I shall in most cases refer.

The place is set before our eyes at the epoch of the Norman Conquest, as belonging to a Saxon family of Royal lineage,¹ resident in a castle in its midst ;² and contributing munificently to the support of a church, supposed to date from the earliest period of British Christianity,³ whilst the town itself had flourished so greatly under their protection and patronage as to be counted in after ages "one of the five ancient Boroughs of Gloucestershire."⁴

I fear that this pleasing picture will not stand being looked into. It is not merely a fancy sketch, but quite incorrect in its principal features. These I will examine one by one, pointing out errors, and adding such particulars in each case as may be relied upon. And first as to

ITS LORDS.

It is clear from Domesday that Dursley did not constitute a separate lordship "in the time of King Edward," but was only one of the subordinate members of the Royal Demesne of Berkeley. That great manor passed as "Terra Regis" to the Conqueror, who granted it at a fixed money rental to one "Roger," known at the date of the Survey by the surname of "de Berkeley" from his residence in that town (a proof, by the bye, that it was not at Dursley that he lived), but whose christian name sufficiently attests his Norman origin.

The story of his having been "an ancient Saxon Baron of the same blood as Edward the Confessor," was like most myths of the kind, invented by the monks at a much later period to do honour to their patrons. It is traceable no higher than the pedigree drawn up by Abbot Newland about the year 1480.

Adopted and amplified by Smyth, with whose pre-conceived ideas it tallied, it has been, notwithstanding its manifest absurdity, accepted as gospel by most subsequent writers.

¹ Blunt's Dursley, p. 4. ² Ibid. ³ Ibid. pp. 31 & 32. ⁴ Ibid. p. 18.

THE CASTLE.

As to the castle in which these imaginary Saxon Thanes are supposed to have dwelt at Dursley, it disappears with them as a matter of course. Nor is there the smallest degree of probability that Roger de Berkeley of Domesday, or his descendants, erected one there, so long as they remained in occupation of that of Berkeley only four miles off. Smyth's argument indeed for the early existence of a castle at Dursley, rests on the mistaken assumption that there was none at Berkeley prior to that built by Robert Fitz Harding. It is now, however, generally admitted by archaeologists that defensive works crowned the sandstone bluff at the latter place before the Conquest,¹ and that they must have been not long after converted into a spacious stronghold² capable of accommodating the Royal Courts which William the Conqueror, and Henry I. held there as recorded.

Whether it was before the gates of this castle, or of one more recently erected, that the third Roger de Berkeley was so cruelly tortured, in order to induce its surrender, as described in the "Gesta Regis Stephani," I will not undertake to say, but there is not a tittle of evidence to support Smyth's assertion that this incident occurred at Dursley. With respect to another gloss, to the effect that a few years later, after this Roger's forfeiture of Berkeley, Henry II. made it a condition, when arranging that Roger's son and daughter should marry the daughter and son of Robert Fitz Harding, that Dursley Castle should be restored to its original owners, the marriage contract, lately printed by the Society, is silent on this important point, providing solely for the restoration of *lands* of certain annual value at Dursley. In all probability it was on these lands that a castle for the first time arose, designed, in accordance with custom, as the "Caput" of the "Honour" or "Barony" of Dursley then created, of which we find mention in official documents of later date.³ No notice

¹ Paper by Mr. G. T. Clarke in Trans. Bristol & Glouc. Arch. Soc. for 1876.

² Paper by Mr. Alfred Ellis in ditto ditto Vol. VI. for 1879.

³ *Vile Testa de Neville*, p. 77. Inq. p.m. Henry de Berkeley, 15th Edw. I., No. 18.

nevertheless, of the erection of such a structure has been discovered, and although the absence of any license to crenellate or fortify a mansion here, from the Rolls of the 13th century, may be regarded as pointing to its existence at a more remote period, it is certainly strange that no direct mention of the castle occurs in any of the writs, inquisitions, or other instruments relating to the family which have been preserved.

The single exception, if such it can be called, is in an "Extent" or valuation of the Manor of Dursley made upon the death of Henry de Berkeley (II) in 15th Edw. I. After the value of the "Site of the Manor" with the produce of the garden, as well as the value of all other items in demesne, has been set forth, and an account given of rents payable by the freemen and burgesses of the town,—the word "Castrum" is engrossed in large letters in the margin, and opposite thereto follows: "Also there are two half Virgates and one quarter Virgate of land giving for aid" at Michaelmas 3s. 9d, and "owing 533 days manual labour for the works";—an entry evidently referring to services due for the maintenance of a Castle."¹

Whether one stood there at the moment seems doubtful. I am aware that the expression "*Site of the Manor*" is not in all cases to be construed literally, but, for reasons which it would take me too long to explain on the present occasion, I am disposed to think it should be so here. At all events, I have failed hitherto to discover any further proof of the existence of the castle in the 13th century. It is not alluded to even in the writ of of Edw. II. in 1322, ordering the restoration to John de Berkeley (II) of his lands and tenements seized for treason, although the usual formula of forfeiture in those days included a mandate to the sheriff to seize the offender's castle—"if he has one." This omission certainly heightens the probability that the site was still vacant, and that it was either this Sir John or his son Sir Nicholas, who, in the reign of Edward III., rebuilt the structure alluded to by Leland in 1540, as having been pulled down by Nicholas Wykes for the purpose of using the materials in constructing a mansion

¹ As the document throws light on the state of the manor six hundred years ago I annex a copy.—Appendix A.

on his estate at Dodington. It seems to me conceivable that the shaped stones of a castellated manor house of the 14th century, might be worth transporting to such a distance, but that the ruder masonry of dilapidated ancient towers could not but be most unsuitable.

On the whole it is a fair inference from the little known about Dursley Castle, that it never was a place of such strength as to render it of military importance, but rather a somewhat inaccessible retreat, where its lords could take shelter in the midst of their dependents in troublous times.

THE CHURCH.

Instead of affording firmer ground, carries us at once into the region of conjecture. Mr. Blunt's theory of its British origin rests on no foundation whatever. The first thing on record as to the ecclesiastical history of the district is, that in the middle of the eighth century, not very long after the conversion of the Saxon Conquerors of Mercia to Christianity, there existed a monastery known as "the family at Berkeley,"¹ having inmates of both sexes. It perished probably through the attacks of the Danes, but before the close of the tenth century, during the reign of Edgar, when St. Oswald, the reforming bishop of the diocese, had succeeded in enforcing celibacy, a nunnery was established in its stead: to be in turn suppressed soon after the accession of Edward the Confessor.

From this centre at Berkeley, the gospel had doubtless been preached for generations throughout the Lordship, and the saintly King seems to have made more liberal provision than ever for the purpose, by giving five hides of land to Bernard the Priest, in fee, in addition to the small plots in each of the principal villages which had been granted to the church "in free alms," probably at some antecedent period. Dursley was *not* one of the villages having these "herdacres," as they were called, perhaps from being used as pasturage.

After the Conquest the whole of these lands were vested in Roger de Berkeley² presumably with the customary obligation of

¹ Wilkins's *Concilia*, Vol. I. p. 175.

² *Idem* Rogerius tenet terram Bernardi Presbyteri v. hidas. Domesday.

devoting a sufficient portion of the rental to provide for the spiritual welfare of the people.

The second Roger at any rate recognised this obligation so far as to build churches (apparently in concert with the King) in a dozen of such villages, which soon became the nuclei of separate parishes. Shortly before his death in 1130 he took a further step, and conferred several of these churches with their tithes, as well as all the lands which had been held by Bernard the chaplain in free alms,¹ on the priory which he founded on his own Manor of Stanley St. Leonard's. These donations were confirmed by his son, the third Roger, who added others of the churches of Berkeley Hernesse, when, in 1146,² being a prisoner during the Civil war, he constituted that priory a cell to the Abbey of St. Peter's, Gloucester. A similar precaution was about the same time adopted by Queen Adeliza, Henry the first's widow, who, ever anxious for the repose of her late husband's soul, bestowed the mother Church of Berkeley itself, with five of those dependent on it, which that King had probably joined in erecting, upon Reading Abbey,³ his burial place. A few years later Robert Fitz Harding, on obtaining the Royal Manor, sought to set aside both grants and give the whole of its churches to his own Abbey of St. Augustine's, Bristol.⁴

I allude to these facts for the purpose of pointing out that in none of the lists is any mention made of a church at Dursley, nor, although the Berkeleys added the churches of their own manors to the endowments of their priory, does it figure among them.

The inference is plain, that a church did not exist here prior to the partition of the Lordship in 1154.

So far, indeed, as direct evidence goes, I have found no reference to Dursley Church until the 13th century, the earliest notices being on the Assize Rolls of 5th Henry III (1221), where, in two cases, criminals are reported to have taken sanctuary therein.⁵

¹ Confirmation by Theobald, Archbishop of Canterbury. — *Dugdale's Monasticon*, Vol. IV. p. 470.

² *Hist. et Cart. Monasterii. Sci Petri, Gloucestric*, Vol. I., p. 113.

³ *Dugdale's Monasticon*, Vol. IV., p. 42.

⁴ *Dugdale's Monasticon*, Vol. IV., p. 42.

⁵ *Maitland's Pleas of the Crown for the County of Gloucester*.

In all probability, however, Dursley had become a centre of considerable ecclesiastical importance at least half a century before that date. The controversies which arose between the three Abbeys of Gloucester, Reading, and Bristol, in consequence of the conflicting grants before alluded to, were after several years of litigation settled by an award pronounced by delegates of the Apostolical See, between the years 1160 and 1170.¹ Deeds connected with the arbitration are contained in the Cartulary of St. Augustine's preserved in Berkeley Castle, which it is to be hoped will ere long be printed by this Society. They are said by Fosbroke to throw much light on the ecclesiastical condition of the Royal Manor from the conquest until its division into military fiefs at the close of Stephen's reign. The old Church of Berkeley was, it appears, not so much a parochial as a collegiate establishment, having attached to it three deans, as they were styled, or prebendaries who had prebends varying in annual value from forty shillings to sixty shillings, and did duty in the district churches or subordinate chapels. These prebends were now finally suppressed, their deans being pensioned off by the abbeys; Walter, Dean of Cam, the last of the number receiving twenty shillings a year for life; an arrangement to which Roger, son of Roger de Berkeley, appears as a consenting party.²

Henceforth the Deanery of Cam disappears, and we find in the earliest reliable Ecclesiastical Returns which are extant, known as the taxation of Pope Nicholas in 1291, that Dursley has become the seat of one of the eleven rural deaneries of the county, and that this deanery includes, not merely its own church and those of Cam, of Newington, of Beverston, of Wotton, of Slymbridge, and of Coaley, all in Berkeley Hernesse, but the original mother Church of Berkeley itself.

It seems natural to conclude that this arrangement was the outcome of the Papal intervention, especially as we find two other churches of the Hernesse, which had been confirmed by the award

¹ Cartulary of St. Augustine, quoted in Report of Commission on Ancient MSS., Vol. iv., p. 364

² Fosbroke's History of the County of Gloucester, Vol. i., page 438. Also Fosbroke's Extracts from Smyth's Lives, p. 49.

to St. Augustine's, included in the Deanery of Bristol, the remaining three being in that of Gloucester.

Whether the Berkeleys parted with the advowson of the living of Dursley on that occasion, I know not, but they had certainly done so before 1287, as it is not noticed in the Inquisition on the death of Henry de Berkeley, though that of St. Leonard's is. Apparently it had not then gone to Gloucester Abbey, for it was not taxed among its possessions in 1291. Fosbroke, indeed, in his History of the City of Gloucester, affirms, on the authority of "Prinn's Manuscripts," that "the Rectory of Dursley, before St. Peter's Abbey had it, belonged to the Priory of Lanthony," meaning, it is to be presumed, Lanthony Secunda in that city. It is not mentioned, however, either in King John's confirmation of the donations to that house, or in the list of churches possessed by it in 1291, and the story is otherwise improbable.

From the taxation of Pope Nicholas the proceeds of the living, which amounted to the comparatively small sum of £13 6s. 8d. per annum, were divisible equally, it would seem, between the Rector of Dursley, and the Archdeacon of Gloucester. Mr. Blunt observes vaguely that, "*In Mediæva! times* the Monastic Corporation (of St. Peter's) was rector, and served the cure by a vicar or a clerical monk acting as curate," but he cites no authority for this. In the History and Cartulary of the Abbey, which extends down to 1412, the Church of Dursley is, strange to say, only once noticed, in a list, namely, of Churches belonging to St. Peter's in 1351, and its name is there carefully scored through, as if it had been inserted by mistake. Probably it was in dispute with the Archdeacons of Gloucester, between whom and the abbots a long standing rivalry is said to have existed, which was only terminated by a compromise in 1475, when Carpenter,¹ Bishop of Worcester, arranged that the former were to give up their house in Gloucester, and be acknowledged hereafter in return as *ex-officio* Rectors of Dursley.

By whom the church had been rebuilt in the fourteenth century does not appear, but the Dursley Berkleys had certainly added a

¹ Blunt says Alcock, but Fosbroke, who says Carpenter, must be right, since Bishop Alcock was not translated to Worcester till September, 1476.

chantry, as at the Dissolution, the right of their representative, Nicholas Wykes, to its endowments was admitted.¹

THE BOROUGH.

Fourthly, let us examine the stereotyped assertion of recent writers, "That Dursley was one of the five ancient boroughs of Gloucestershire," an assertion which it is my duty, in the cause of truth, to prove a modern delusion.

In Domesday, as already stated, it is spoken of as one of the members of the Manor of Berkeley, but the compilers likewise apply to it the term "*Berevic*," derived from the Saxon words, *Bere*—corn, and *Wic*, a village, clearly denoting its status at that date. It may not improbably have become entitled to the usual Norman appellation of "*Villata*" or township, in the succeeding century, even before it was made the head of the barony of the third Roger de Berkeley; and after that event it doubtless increased in wealth and importance, all the more rapidly perhaps that its Feudal lords were not powerful enough to refuse the concession of such privileges as its inhabitants might claim. There is proof, nevertheless, that it was not incorporated before the first year of King Richard, and so could not be a borough by prescription as asserted.²

In these days the test of a borough was, that in legal parlance, "it swore for itself"³ (*juravit per se*), that is, was represented at the County Courts held before the Justices Itinerant, by a jury of twelve "legal" men. Now the Assize Rolls of the 5th, 32nd, and 53rd Henry III., are still preserved at the Record Office, and we find from them that Dursley never was permitted to do this, but always "answered," as the phrase was, through the jurors for Berkeley Hundred, of which it is described indeed, on one of these Rolls, as being "a liberty,"—"accounting for its own fines and defaults." An instance of these latter occurs on the Gloucestershire Pipe Roll of 55th Henry III., where the "*Villata de Dursley*" is said to owe one mark "because it did not come to the inquest," that is, I take it, neglected to send three jurors to make

¹ See Ante Vol. VIII., p. 263.

² Blunt's Dursley, p. 18.

³ Maitland's Pleas of the Crown for the County of Gloucester.

up, with a similar number from three adjacent townships, a petty jury to hold some enquiry which the justices had ordered. The same entry is repeated on the Pipe Rolls of 56th Henry III., and of 1st, 2nd and 3rd Edward I., showing that Dursley was still only accounted a Villata, nor had it attained the rank of a "Burgus" in the 4th year of that King, when the Hundred Rolls were compiled,—Bristol, Gloucester, Berkeley, Campden, Newnham, and Stowe being the only boroughs in respect to the franchises of which inquisitions on oath were taken.¹

Whence, then, can the belief have arisen that in the 9th Ed. I., Dursley was returned by the Sheriff of Gloucestershire as one of the *five ancient* boroughs of that county?

The statement will be found to have originated with Rudder about a hundred years ago, and as no such Return exists for 9th Edward I., there can be very little doubt that he meant to refer to the Sheriff's Return of 9th Edward II., but made a mistake in the numeral.²

The latter document, commonly known as the *Nomina Villarum*,³ contains a list of the names of the cities, boroughs, and townships in each county, made in pursuance of an Act passed at the Parliament of Lincoln in that year, after the defeat of Bannockburn, requiring their respective lords to furnish men-at-arms for the Scottish War.

In the Return for the County of Gloucester, *five* boroughs happen to be named, Bristol, Gloucester, Newnham, Berkeley and *Dursley*; Campden and Stowe on this occasion being classed as Villis only, possibly, considering the object in view, with the full assent of their lords. None of the number, however, are designated *ancient*, an epithet evolved from Rudder's imagination, and which has misled those who followed him. The entry sets forth, simply, that "in the Hundred of Berkeley there are two boroughs, the Borough of Berkeley, and Thomas de Berkeley is lord of the

¹ Rot. Hundredorum, published by Record Commission, Vol. I.

² Fosbroke explains that the only copy of this Return then known (Harleian MSS. No. 1429) does not specify which of these two Kings it was, and that the point was in dispute. He cites it himself in his history, in some cases, as being of the first, in others of the second, Edward.

³ Record Commission Publications.

same borough ; and the Borough of Dursley, and John, son of William de Berkeley is lord of the same borough.”

How, in the course of the forty years that had elapsed since the compilation of the Hundred Rolls, Dursley had thus attained the title of borough, there is nothing to show. Its inhabitants had, we know, enjoyed certain burgess rights during the greater part of the period, since in the extent of 1287 they are set down as paying 77s. a year in respect thereof. This amount seems trifling according to the present value of money, but it would represent payments from as many burgages, reckoning at 1s. apiece, which was the rate fixed by Robert, Bishop of Bath and Wells, in a charter to the latter city in the twelfth century.

Possibly the recognition of Dursley as a borough, by the Comitatus, may have been unduly retarded through the jealousy of the Barons of Berkeley, and have followed almost as a matter of course, as soon as they had expressly renounced all claim to free warren in the Vill, as they did before the Commission which sat at Gloucester in 15th Edward I., in pursuance of the statute of *Quo Warranto*.¹

WOODMANCOTE.

Another cause may have placed obstacles in the way of the municipal development of Dursley, the rival pretensions, namely, of its suburb of Woodmancote, which constituted a separate manor of greater annual value, and containing apparently many more freemen than Dursley proper about this period, as we learn from the inquisition on the death of Thomas, son of Otto, one of its lords, in 1274.²

A good deal of needless bewilderment has been expressed as to the origin of this second manor, which Smyth conjectures to have been a special possession of the Nuns, for the singularly weak reason that it is not mentioned in Domesday. Everything, however, tends to show that it consisted of a portion of the lands of Dursley, kept back by Robert Fitz Harding, for the purpose, no

¹ Placita de quo Warranto.—Record Commission Vol. I.

² Inq. p. m. 2nd Edward I., No. 12. It contained *two carucates*, and was worth, with £7 7s. from freemen, £25 18s. 10½d. per annum. Dursley was only worth £11 10s. 6d.

doubt, of retaining in his own hands the right of hunting in the adjacent forest, of which the "woodman" was the official keeper.

We know from the double marriage contract that he only restored to Roger de Berkeley (III.) land *at* Dursley, worth ten pounds ten shillings a year.¹ It is not even described as "the Manor of Dursley," although that word is used in the deed with regard to other lands. That it was not the whole of Dursley is clear, for that contained *three* hides at the time of the Domesday Survey, whereas this Roger certifies in his Return to the King in 1166 that he holds *one* hide in Dursley; a fact corroborated by the extent of 1287.

What, then, can have become of the *two* hides missing, unless they were abstracted in 1154 as above suggested, and formed into the Manor of Woodmancote, which contained just that number of carucates.

Nor is evidence wanting to confirm this inference. We find Robert Lord Berkeley—Fitz Harding's grandson—granting right of Multure in his Villenage of *Woodmancote* to St. Peter's Abbey, Gloucester,² in the reign of King John. Whilst a little later on, Maurice de Gaunt, another grandson, when granting certain rents in the Manor of Dursley to the Nuns of Clerkenwell,³ states that he retains in his own hands the *wood* which he had there, and *the keepership of the said wood*, in other words, the office of woodman. He tells us further that he had purchased the rents in question from Margaret, *his aunt*, widow of Otho, and there is other evidence to show that this Otho, had held lands there by military tenure from the Barony of Berkeley. On the Close Rolls of 18th John there is a writ from that King ordering the constable of Berkeley to give seisin to Nicholas de Yoland of the land of Woodmancote and Dursley, which belonged to Margaret, daughter of Otho, just as he had it before Robert de Berkeley disseised him thereof.⁴ The two Margarets were apparently mother and daughter,

¹ "Decem libratas et decem solidatas terræ *apud* Dursley." Hundred of Berkeley, p. 325.

² Hist. et Cartulary St. Petri, Gloucestræ.

³ Dugdale's Monasticon Vol. IV., p. 84, sub Clerkenwell.

⁴ Blunt's Dursley, p. 32.

and as the former is described by Maurice de Gaunt as his aunt, and we know that she could not possibly have been the sister of his mother, Alice de Gaunt, the heiress from whom he derived his surname and his consequence, it seems to follow necessarily that she must have been the sister of his father,¹ Robert de Weare, and daughter therefore of Robert Fitz Harding himself, from whom she doubtless received Woodmancote as a marriage portion.

Before proceeding to enquire who Otho, her husband, was, it may be as well to state that no further trace is to be found in the Registry of the Priory of St. Mary's, Clerkenwell, of the connection of its Nuns with Dursley. It is difficult, however, to refrain from a surmise that the *Prioress of Dursley* alluded to in the inquisition on the death of Thomas Lord Berkeley in 1417, was in some way connected with Maurice de Gaunt's Endowment. The matter deserves further investigation, especially as Smyth states, that even in his day there was a place in Dursley known as "The Nunnery."

THE OTTO FAMILY.

Smyth confines himself to indicating, in his somewhat confused account of Woodmancote,² that the progenitor of this family in England was contemporary with the Conqueror, but in the "*Gilda Aurifabrorum*," (an excellent monograph as to the Goldsmith's Company recently published) it is specifically stated that Otto "Aurifaber" was a tenant in capite in Essex, at the time of the Survey, and that his descendants, who adopted the surname of Fitz Otto, continued to be almost hereditary masters of the mint for two centuries.³ These statements are rather misleading: Otto, the goldsmith, from his name probably a Lombard who may have

¹ *Matertera*—the word used in Maurice de Gaunt's grant—means, of course in strictness,—*maternal* aunt, but Ducange points out that it came to be used rather indiscriminately (sed aliquando *Matertera* sumitur impropriè pro *patris sorore*,) until superseded by *Amita*, from which the modern Aunt is derived. In like manner *Patruus*, a Paternal Uncle, after being loosely applied to a Mother's Brother, gave way to *Avunculus* the origin of *Uncle*.

² Hundred of Berkeley, p. 387.

³ They held by Serjeanty the office of Master of the Royal Mints of London and Canterbury (*Magistratus Cusorum Nostroꝝ, Londini et Cantuar.*) Close Roll, 8th Edw. I. m. 11.

accompanied the Queen from Flanders, is merely named in Domesday among "Invaders of the King's rights,"¹ having three houses at Barking, on land conferred on Matilda for which he paid no rates; whilst *Fitz Otto* was not adopted as a surname, or rather sire-name, by his immediate descendants, who, down to a late period, were distinguished as "Otto, son of William," or "William, son of Otto," as the case might be.² The former was, in fact, the full appellation of the first of the family who acquired a footing in Gloucestershire by marrying, as I imagine, Robert Fitz Harding's daughter, in the reign of Henry II. There is nothing improbable in such a match between the daughter of one of the richest capitalists of that day, and the son of the King's goldsmith, a man of so much consideration as to be permitted later on to purchase the Shrievalty of Essex and Hertfordshire, as we learn from the Pipe Roll of 3rd Richard I.

This Otto was dead before 9th Richard I. (1198), for on the Essex Pipe Roll of that year "William, son of Otto," appears as paying the balance of 100 marks which his *father* owed for having the Shrievalty. William in turn died before 1220, when another "Otto, son of William," is named on the Gloucestershire Assize Roll of 5th Henry III., as "pledge," together with Adam, the prepositus of the Villata of Woodmancote, for an offender belonging to that township.

As he is styled "Dominus Otto filius Willielmi" when witness to grants made by Thomas (I.) Lord Berkeley about the same date,³ he was evidently of knightly degree. "William, son of Otto," his successor, was goldsmith to Henry III., during the greater part of his long reign, which indicates that he was a very skilful craftsman, that monarch's taste in all branches of art never having been disputed.

On this William's death, according to Smyth, "Thomas, son of Otto," succeeded to Woodmancote,⁴ but in the List of Masters of

¹ "Invasiones Super Regem"—"Otto Aurifaber III., domus que jacet etc et reddebant consuetudinem Regi, et. nunc non reddunt—et hac est terra reginae.

² *Vide* Appendix B.

³ Smyth's Hundred of Berkeley, pp. 182-183.

⁴ Hundred of Berkeley, p. 387.

the Mint, given in the *Gilda Aurifabrorum*, "Edmund son of Otto" precedes him, Thomas following in 1265.

It seems not improbable, however, that as the fortunes of this interesting family had by this time so greatly prospered that its head held manors in five different counties,¹ the Mastership of the Mint may have passed to a junior branch, which would explain the fact that although the same christian names occur, the lives of their bearers cannot be made to synchronise. This branch, which apparently bore the fixed surname of Fitz Otto, became extinct not long after the failure of the main line.

To return to Woodmancote, the successor of "William son of Otto," Henry the third's goldsmith, in that estate, was, I conjecture, in reality the "*Odo* son of William," against whom, in conjunction with Thomas de Berkeley, probably his overlord there, a writ of disseisin was brought by Jordan de Newenton in 53rd Hen III., as noted on the Gloucestershire Assize Rolls of that date. Thomas son of Otto" mentioned by Smyth, presumably his son, died, as we know from his writ of "*diem clausit extremum*" in 1274, six years later, leaving by his wife Beatrice, dau. of William de Beauchamp, lord of Bedford, a son named Otto, only nine years old, and three daughters. The son did not live to come of age, and Matilda, the second daughter, eventually succeeded to Woodmancote in 1282, and having married John Botetourte joined him in settling it in 14th Edw. II. (1320) upon their son John, whom failing, on her own right heirs.³ Two years later, however, this son being presumably dead, they sold the manor at York for one hundred silver marks to Robert de Swynburne.⁴

This intermediate tenancy of John Botetourte and his wife escaped the notice of Smyth, who gives no explanation of the way in which Woodmancote passed from the infant heir male of the Ottos to the Swynburns. The oversight is the more strange because a pedigree of Botetourte is given in the "*Lives*" to shew how

¹ In Essex, Huntingdon, Bedfordshire, Worcestershire and Gloucestershire.—Inq. p.m. 2nd Edw. I. n. 51 and 62.

² William Fitz Otto is given as Master of the Mint in 1294.

³ Gloucestershire Feet of Fines, 14th Edw. II. No.

⁴ Gloucestershire Fines, 16th Edw. II. No. 23.

that Barony came in 8th Hen. IV. to the Berkeleys of Uley, from whom it went to the present holders the Dukes of Beaufort. The connection of the first baron with Woodmancote serves to explain why he purchased the wardship of John de Berkeley, of Dursley, in 29th Edw. I. from that king.

Robert de Swynburne, who was of the old Northumbrian family of that name, died in 19th Edward II.,¹ leaving Woodmancote to his son Thomas, who in the following year settled it on Robert de Swynburne (II) (most likely a younger brother) and his heirs male,² but despite this last proviso it was possessed after his death by his daughter Margaret. This probably caused the disputes which ensued upon her decease in 16th Edw. III., when Warine fitz Warine "crept into the possession thereof," to use Smyth's phrase, but was compelled after five years litigation, to join with Thomas his brother, and Katharine their sister, in releasing all their interest to a third Robert de Swynburne, the rightful male heir it may be presumed of the elder House,—who, preferring to reside on his ancestral possessions in the north, sold Woodmancote to its overlord Thomas Lord Berkeley in 25th Edward III.

The latter at once entailed it, along with Beverston and many other manors which he had purchased, on his second wife, and her infant sons in succession, and under this entail Sir John Berkeley, of Beverston, inherited on his mother's death in 9th Richard II.

His posterity retained Woodmancote nearly two hundred years, selling it in 9th Elizabeth, at about the same time, strange to say, that Dursley itself was for the first time since the Conquest alienated.

The circumstance of these two adjacent manors in Dursley being both possessed for a time by families of the name of Berkeley, has occasioned much confusion in County Histories, as may be seen by the way in which Sir Robert Atkyns mixes up their records; and he has been as usual blindly followed by later writers.

¹ Inq. p. mort. 19th Edw. II. No. 81.

² Gloucestershire Fines, 1st Edw. III. No. 4.

CONCLUSION.

The lesson to be drawn from what I have said amounts to this, that the field of local antiquarian research has been by no means yet exhausted, but that on the contrary ample work still remains to be done by such associations as the Bristol and Gloucestershire Archaeological Society, not so much perhaps through occasional meetings or brief visits to particular places, as by systematic study and careful enquiry on the part of individual members resident on the spot.

I trust for instance that the proofs adduced of our own comparative ignorance of the early history of this town may stimulate some of its inhabitants to further investigation. It is by no means improbable that materials for elucidating some of the doubtful points on which I have touched could still be discovered. Is it certain for example that the Court Rolls of the Manor of Dursley have perished? That manor has for upwards of three hundred years remained in the possession of the collateral heirs of Sir Thomas Escourt, an eminent lawyer of ancient Gloucestershire lineage, who purchased it in the reign of Queen Elizabeth. Was not such a man as that sure to obtain from his predecessors, the Wykes, all documents connected with the manorial rights, and may not these Rolls, or others equally interesting, be preserved in the repositories of the Escourt family, and yet be forthcoming in response to the appeal recently addressed by the Society of Antiquaries, as referred to in the Report of the Council. It is hoped that all who may chance to be the possessors of such stores of mediæval information will entrust them to the care of the Librarian of this Society on the conditions mentioned.

APPENDIX A.

Gloucest̄r

Extenta Maneriorum de Deresl et Newenton que fuerunt dñni Hen̄r de Berkeleye defuncti facta ibidem die dominico in festo Sc^{te} Margarete Virginis, Anno regni regis E. xv p sacrañ xij proborum et legalium hominum de visneto de Deresl et Newenton—videlicet p Walterum Passelewe, Nicholaum de Newenton, Robertum de Herseleye, Johannem de Kyneleye, Mauř de Camme, Nich^m Oseř, Will^m de Bernewode, Tho^m Werney,

Will^m de Symondeshal, Ric^m Palmer, Nich^m Gillewethař, et Tho^m Frend. Qui dicunt sup̄ sac̄ sua qd dictus Henř tenuit ŷda Maneria de Deresř et Newenton et Stanleye de dn^o Rege in Capite p duobus feod militum.

Dersel. dicunt qd Sit^s Mañⁱⁱ cū fructu et herbigio gardinii de Deresř valet p ann. xiii^s iiij^d—est uñm Columbarium qd valet iij^s. Iť sunt in dnico cxv acř ter^e arabi p acã v^d Summa xlviij^s xi^d. Iť vj acř prati p. acř xviii^d sum^a ix^s. Iť pastura que valet p añ iij^s vi^d. Iť fulboscus valet p añ. sine vasto vi^s viij^d. - - - - - Summa iiij^{li} iii^s vi^d.

Item est ibid de redd liberorum et burgensium ad iiij anni terminos lxxvij^s oř - - - - - Summa lxxvij^s oř.

Castrum. Iť sunt ibid ij diñ virgatař et quarta pars unius virgate tcr^a dantes ad auxilium ad festū Scⁱ Mich^s iij^s ix^d. Iť debent a festo Scⁱ Mich^s usq. gula Augusti¹ dxxxiiij opã manualia p. op^{is} one ob. - - - - - Summa xij^s ii^d

Allocat^s eis^m Sept̄ et diebus ferialibus.

Iť^m debent p tempus predictum xli aruras p arare iii^d s. x^s iii^d. Iť debent a festo gule Augusti usque festū Scⁱ Mich^s viij^s viij^s opã manualia p op^s I^d q^r sum^a xvii^s vi^d. - Summa liij^s viii^d o^x

Iť^m plã et perquisita valent per añ xiiij^s iiij^d Tol scⁱ Mercⁱ iij^s Summa xv^s iiij^d

Item dicunt qd Wills fil et heres dicti Henř crit p viij dies ante festū Omnium Sanct^o Anno r. r E xv etat^s xvij annoř.

Summa Valorū tocius Manerii - xi^{li} ix^s vi^d

Newenton qd fuit dicti Henř extenta p ŷdt^{os} Juř die supřdict. Et dicunt qd meř cū gardino valet p annum vi^s etcetera. In cujus rei testimonio presenti cedula sigill sua app^o.

Summa valorū ejusd Manerii - iiij^{li} xviii^s vij^d ob^o

Extenta Manⁱⁱ de *Stanleye S^{ci} Leonardⁱ* facta ibid die Sab^o prox^o ante festū Sc^{te} Mar^e Magdal^e an. r. r Edwardi xv p sac̄ xij proboř et legař hominū de Visneto de Stanleye videlicet p Ric^m de Halvey, Joh^m de Stonhouse, Nich. le Archer, &c., &c. Qui

¹ Gula Augusti is the feast St. Peter ad vincula held on 1st August.—*Bond's Handy Book, Edn. 1869.*—ED.

dicunt sup sac̄ sua qd Hen̄r de Berkeleye tenuit p̄dm Man^m
de Dño Rege in Capite sicut quarta pars unius feod. militis
tenend—et p̄tinet ad Baroniam de Derest in eod Comiū.

Et dicunt qd capitale meš, cū gardino adjacente valet p̄ ann.
vi^s viii^d et cet^a et cet^a.

Summa valoř totius Manⁱⁱ - - - xii^{li} iij^s o^d q^r

APPENDIX A—*Translation.*

Gloucestershire.

Extent of the Manors of Dursley and Newington, which were Sir Henry Berkeley's, deceased, made at the (former) place on Sunday, the Feast of St. Margaret Virgin (20th July), in the fifteenth year of the reign of King Edward, on the oaths of twelve good and legal men of the vicinity of Dursley and Newington, namely, by Walter Passelwe, Nicholas of Newington, Robert of Horseley, John of Kinley, Maurice of Cam, Nicholas Oset,¹ William of Barnwood, Thomas Warney, William of Simondshale, Richard Palmer, Nicholas Gilleweathers, and Thomas Friend, who say upon their oaths that the said Henry held the said Manors of Dursley and Newington and Stanley of the Lord the King in Chief as two Knights' Fees.

Dursley, and they say that the site of the Manor, with the fruit and herbage of the garden of Dursley, is of the value of 13s. 4d. There is a dovecote worth 3s. Also there are in demesne 115 acres of arable land at 5d. per acre; total 47s. 11d. Also six acres of meadow at 18d. per acre, 9s. Also pasture of the value of 3s. 6d. a year. Also underwood worth, without impeachment of waste, 6s. 8d. a year,

Sum total (of demesne) - - - £4 3 6²

Also there is from rents of Freemen and Burgesses, at the four terms of the year, 77s. 0½d.; total £3 17s. 0½d.

The Castle. Also there are there two half virgates and one quarter virgate of land, giving as an Aid at Michaelmas, 3s. 9d. Also they owe between Michaelmas and the opening of August,

¹ Probably Osleworth. ² The figures given show this to be 5d.

533 days manual labour for the works, at $\frac{1}{4}$ d. a day. Sum total, 22s. 2d $\frac{1}{2}$. (allowed to the same Holy week and holidays). Also they owe during the period aforesaid 41 ploughings, value per ploughing, 3d. ; total 10s. 3d. Also they owe from the Feast of the opening of August up to Michaelmas, 8 score and 8 days manual labour for the works, at $1\frac{1}{4}$ d. ; total 17s. 6d.

Sum total (for Castle) - - - £2 13 8

Also the Pleas and Perquisites are worth 13s. 4d. a year ; and the Market Toll, 2s. ; total, 15s. 4d.

Also they say that William, son and heir of the said Henry, will be 18 years of age on the 8th day before the Feast of All Saints, in the 15th year of King Edward.

Total of the values of the entire Manor £11 9 6

Newington was valued by the same Jurors on the same day at £4 18s. 7 $\frac{1}{2}$ d.

Stanley St. Leonard's, by another Jury, at a different date, at £11 4s. 0 $\frac{1}{2}$ d., and is declared to pertain to the Barony of Dursley.

APPENDIX B.—THE OTTO FAMILY.

1086. ¹ Otto the Goldsmith held three house of Queen Matilda.
 1090. ² Otto the elder, Goldsmith to William II.
 1101-7 ³ Otto the young received from Henry I. grant of his father's office.
 1124-6 ⁴ Otto the Goldsmith received grant from Henry I. of the land of Benflet.
 1130 ⁵ William, son of Otto the Goldsmith, engraver to the mint.
⁶ Edward, son of Otto the Goldsmith. Heirs of Otto the Goldsmith.
 1162 ⁷ William, son of Otto. Writ from Henry II. for 10s.
 1175 ⁸ William the Goldsmith, renders account to Sheriff.

¹ Domesday, Vol. II. 106^b.

³ Rymer's Fœdera, p. 2.

⁵ Gilda Aurifabrorum.

⁷ Pipe Roll, 8 Hen. II. London.

² Gilda Aurifabrorum.

⁴ Rymer's Fœdera, p. 3.

⁶ Ibid. p. 40.

⁸ Pipe Roll, 21 Hen. II, Somerset.

- 1190 ¹ Otto,^a son of William, purchased from Richard I. Shrievalty of Essex and Herts.
- 1193 ² Otto, son of William, renders account of £4 for a fee held of Robert de Setvans.
- 1198 ³ William, son of Otto, owes £23 5s. for his father's debt of the 100 marks for Shrievalty.
- 1203 ⁴ William, son of Otto, owes £23 and one mark for fine of his lands.
- 1204 ⁵ William, son of Otto, accounts for five marks for a Fee of the Honour of Gloucester.
- 1205 ⁶ William, son of Otto, Goldsmith and Engraver of the Mint in 6th John.
- 1220 ⁷ Otto, son of William. Pledge for offender in Woodmancote.
- 1220 ⁸ Otto, son of William. Witness with Henry de Berkeley to grant by Thomas Lord Berkeley.
- 1243 ⁹ William, son of Otto, goldsmith to Henry III.
- 1268 ¹⁰ Otto, son of William, defendant with Thos. de Berkeley in a suit.
- 1274 ¹¹ Thomas, son of William, died seized of Woodmancote and other manors.
- 1282 ¹² Otto, aged nine on his father's death—dies and is succeeded by three daughters of Thomas.
- 1319 ¹³ Matilda (2nd dau.), and her husband John de Botetourte settle Woodmancote.
- 1321 ¹⁴ Matilda and John de Botetourte sell Woodmancote to Robert de Swynburn.

NOTE. (^a) This Otto is the one who married Margaret, with whom he got Woodmancote.

¹ Ibid. 1 Rich. I. Essex.

² Ibid. 4 Rich. I. Essex.

³ Ibid. 9 Rich. I. Essex.

⁴ Ibid. 4 John, Essex.

⁵ Ibid. 5 John.

⁶ Gilda Aurifabrorum.

⁷ Assize Roll, 5 Hen. III.

⁸ Smyth.

⁹ Gilda Aurifabrorum.

¹⁰ Assize Roll, 53 Hen. III.

¹¹ Escheat, 2 Edw. I. No. 12.

¹² Escheat, 10 Edw. I. No. 19.

¹³ Pedes Fin. Glouc. 14 Edw. II.

¹⁴ Ibid. 16 Edw. II.

According to the *Gilda Aurifabrorum*, William, son of Otto, goldsmith to Hen III., was succeeded as Engraver and Master of the Mint, not by Otto, but by Edmund, son of Otto (or Fitz Otto).

In

1265 Thomas Fitz Otto held those offices.

1280 ¹Hugh Fitz Otto do.

1290 Thomas Fitz Otto do.

1294 William Fitz Otto do.

The hereditary succession terminating with the last about the year 1300, when the family became extinct.

It is obvious that this line was distinct from that of the Lords of Woodmancote, the last of whom, Thomas, died in 1274.

I conjecture that Edmund was a younger son of William the Goldsmith of Henry III., and that the office of Master of the Mint was created in his favour.

Hugh, son of Otto, was one of the witnesses to the charter by which King Edward I. in the 3rd year of his reign (1275) freed the citizens of Bath of toll,² and he died in the 11th of Edw. I. seised of lands in Essex and Suffolk.

¹ Brother of Thomas, appointed after his brother's death in consequence of the infancy of Otto, his nephew.—Close Roll, 8th Edw. I. m. 11.

² Municipal Records of Bath, Appendix II.