

From the *Transactions* of the  
Bristol and Gloucestershire Archaeological Society

**The Berkeleys of Dursley**

by H. Barkly  
1888-89, Vol. 13, 188-195

© The Society and the Author(s)

## THE BERKELEYS OF DURSLEY.

*Supplementary to Memoirs on this Family, printed ante Vols. VIII.  
and IX.*

By SIR HENRY BARKLY, K.C.B., G.C.M.G.

A RECENT examination of the Gloucester Corporation Records, undertaken on behalf of the Royal Commission on Historical Manuscripts, has brought to light a number of Ancient Deeds relating to the Hospital of Saint Bartholomew in that city, which is still being carried on under the auspices of the Corporation, to whom its property was transferred after the dissolution of the Priory in the 16th century.

Among these are four Grants in Lutgareshall,<sup>1</sup> a dependency of the Manor of Newington Bagpath, long part of the Lordship

<sup>1</sup> Smyth, in his Hundred of Berkeley, page 74, after remarking—"in Newton Bagpath is a place obvious in many evidences called Nutgarshell, *alias* Lurgeshall," stops abruptly without completing the paragraph.

The etymology of the word is unknown, but Mr. Stevenson has pointed out that *Ludgar* was a personal name in Saxon times. It is found in Domesday, under the form of *Leuegar*, among both past and present holders of lands in several counties, though, curiously enough, not in any of the four, Gloucestershire, Wilts, Bucks, or Sussex, in which places apparently deriving their appellations therefrom, now exist.

Mr. Stevenson thinks the concluding syllable may come from "healh," denoting a field of some kind. Its derivation from "hall" however, seems quite as natural, and is supported by a writ of King John's, wherein he alludes to Ludgershall Castle, near Marlborough, as "domus nostra de Lutgar." (Rot. Litt. Claus. 9th a.r.)

Since the above was in print, my attention has been called to an answer to the request which I addressed to the readers of *Notes and Queries* for information on the subject. In it, Sir J. A. Picton, pronounces the word to be of purely Saxon derivation,—*Lut an*--meaning, to incline or slope,—*gars*, grass or pasture,—Lutgarshall, therefore, signifying "the Hall on the meadow slope," which he adds, as if within his own knowledge, exactly suits the situation of the Wiltshire and Buckinghamshire places of that name, the former on the sloping banks of a tributary of the Avon, the latter

of the Berkeleys of Dursley. Having been favoured by Mr. Stevenson, though the kind intervention of Sir John Maclean, with transcripts of these documents, I propose making a few remarks on their contents by way of supplement to my previous Papers on the history of this family, printed in the Transactions of the Bristol and Gloucestershire Archæological Society.

The first in order (No. 152) is a Grant from Claricia of Lute-gareshale, widow of John Hunedi, of Glouĉ to the Hospital of St. Barthomew betw<sup>n</sup> the bridges of half a virgate of land in Lute-gareshale, which she had of the gift of Dom. Richard of Couel', her brother. Witnesses: Dom. Rich. of Couel', Simon of Olepenne, Henry his son, James, then parson of Eweleg', Peter of Eweleg' Robert of Couel', Walter of Benecumba, Walter Hoich, Will. of Sanford.

The second (No. 153) is a duplicate of preceding grant, with slight variations in the wording, with the same witnesses omitting Rich. of Couel'

The third (No. 154) is a Confirmation by Richard of Couel' to the Hospital of St. Bartholomew of the gift by his sister Claricia of half a virgate of land in Lutegareshal. He gives them an annual rent of 12d., which his sister was wont to pay him for the said half virgate. Witnesses: Dom: Peter of Eggeword, Sheriff of Glouc., Will. of Sanford, Rich. of Hanl', chaplain, Walter Hoich, Robert of Couel', John of Draicote, Walter of Bennecumba.

With respect to these charters, I have only to remark that the family of Couele, from whom they emanate, derived its surname from one of the berewicks of Berkeley-Hernesse, so called in Domesday.<sup>1</sup>

on that of an affluent of the Thames. It will be interesting to learn how the Ludgershall Farm, in Gloucestershire, is situated.

[We learn from a communication from the Rev. A. K. Cornwall, Vicar of Newton Bagpath, that the site of Ludgarshall, now written Lugarshall, formerly in his parish, but, under the recent Boundaries' Act, incorporated into the Parish of Owlpen, exactly fits the derivation given by Sir J. A. Picton. It is, Mr. Cornwall says, "a good farmhouse standing on the slope and surrounded by meadows in the rich valley of Uley."—ED.]

<sup>1</sup> Afterwards known as *Cowley*, and now *Coaley*.

They were among the retainers of the earlier Berkeleys, Simon de Couele being certified by the third Roger de Berkeley, in his Return in the Liber Niger, as holding one virgate of him under the *old enfeofment*, that is, by grant dating prior to the death of Henry I. in 1135. It would seem too that they were related to the new Lords of Berkeley, since Smyth states that Sir Richard de Coveley, son of *Harding* ("Dominus Ricardus de Cowley, filius Hardingi"), with his son *Simon*, witnessed a grant from Robert fitz Harding to his brother Elias.<sup>1</sup>

It was, no doubt, through this connection that the Cowleys attained knightly rank, which was enjoyed by the Richard of these charters (presumably Simon's son) as shown by the prefix of "Dominus" to his name, as in the case of his grandfather. Smyth, who speaks of him merely as "another" Richard de Cowley, cites a deed proving that he was living in 3rd Hen. III. (1219), about the period at which No. 154 may be supposed to have been executed.

The fact of its being attested by Peter Eggeswode (Edgworth), as *Sheriff of Gloucestershire* furnishes some clue to its date, though by no means a precise one. *Decius de Eggwood*, is entered *doubtfully*<sup>2</sup> by the scribe who engrossed the Pipe Roll of 6th Hen. III. from the original Exchequer Notes (evidently through a misreading of *Petrus*) as the Deputy of Ralph Musard the Sheriff of that year; and on the Rolls of 14th and 15th of the reign *Petrus de Eggeswode* appears as having acted in the same capacity for William de Putot, and again for William Talbot in the 19th, although replaced before the end of that year by Thomas de St. Martin.<sup>2</sup> This gives a range of no less than 14 years, from 1221 to 1235, for the possible date of this charter, but there is, as will be hereafter shewn, reason to infer that its execution was even earlier than the first of these epochs.

The last deed (No. 155), as the most interesting and important of the series, is given here at full length in the original latin text.

<sup>1</sup> Hund. of Berkeley, p. 153.

<sup>2</sup> A prolongation of the 'D' into 'P' is still visible on the parchment; while *c* and *t* are, as usual in ancient manuscripts, scarcely distinguishable.

<sup>2</sup> See Appendix to 31st Report of the Deputy Keeper of the Public Records for List of Sheriffs from 31st Hen. I. to 4th Edw. III.

GLOUCESTER CORPORATION RECORDS, No. 155, circa A D. 1220.

Sciant praesentes et futuri, quod ego Henricus de Berkel', dominus de castro de Dursel', concessi, remissi, et quietum clamavi, pro anima mea et pro animabus patris et matris meae et omnium antecessorum meorum et successorum meorum, in puram elemosinam et perpetuam, Deo et Hospitali Sancti Berthol[omaei] Glouc' redditus (*sic*) unius speruarii, quem consuevi percipere de Priore et Fratribus dicti Hospitalis singulis annis in festo Sancti Oswaldi de tenemento quod dominus Ricardus de Couel' feofauit dictum Priorem et Fratres praedictos et Claricia soror dicti Domini Ricardi in Lutegareshale ; ita uidelicet quod dicti Prior et Fratres, et eorum successores, soluat michi et heredibus meis vel meis assignatis, duos solidos esterlingorum in dicto festo Sancti Oswaldi singulis annis loco dicti speruarii Pro hac autem concessione, remissione, et quieta clamatione receperunt me in confraternitate dicti Hospitalis. Et ut haec mea concessio, remissio, et quieta clamatio rata et inconcussa inperpetuum permaneat, praesenti scripto sigillum meum apposui.

His testibus : Willclmo de Egetune, tunc Sen[escallo], Helya de Cumbe, Petro de Stintescumbe, Roberto de Couel' Thoma Wenr', Nicholao clerico, Willelmo de Bernewode, et aliis.



The original is engrossed on a small piece of vellum, about 4 ins. in length by 6 ins. in width, in the handwriting of the early part of the 13th century, the letters being as clear and legible as if written yesterday. The seal of the grantor is still appendant, impressed on dark green wax. It is, as will be seen from the annexed engraving, rather more than an inch in diameter, having

on it the figure of a mounted knight in full armour, brandishing his sword, his charger, which is galloping, being comparisoned as if for a tournament, its housings embroidered with the armorial bearing, *two lions passant*.<sup>1</sup> The legend, in the broad garter encircling the design, is somewhat uncouthly cut, and hard to decipher, the lettering being interrupted, not only by attempts at ornamentation, but by the protrusion across it of both the fore and hind hoofs of the horse. It will be found, on close inspection, to run, "S(igillum) Henrici de Berkeleye."

There were during the 13th century two Lords of Dursley who bore these names. The first succeeded his father Roger about 1219, and died in the year 1221; the second, his grandson, came of age in 1262, and held the Lordship till his death in 1287. That it was the former who granted Charter No. 155, seems clear from the evidence already adduced that Peter de Edgworth, who witnessed, as Sheriff, No. 154, which is referred to therein, did not act in that capacity after 1235. It must be admitted, however, that there is some little difficulty in reconciling the date of the first Henry de Berkeley's decease, which is proved by the Close Roll of 5th Henry III. to have taken place prior to 24th Sept. 1221,<sup>2</sup> with the fact that Peter's earliest recorded recognition at the Exchequer, only reckons from the 30th Sept. 1221, the first day of the fiscal year of 6th Henry III.

It must be borne in mind, however, that the Pipe Rolls about this period are defective, that for Gloucestershire of the last year of John not existing, whilst there are none for any county in the first year of his son. It is probable that Ralph Musard was Sheriff for Gloucestershire throughout this period, and *possible* that Peter de Edgworth may have been his deputy. Sir Robert Atkyns indeed sets the latter down in his list as joint Sheriff in 1218, and though no authority is cited, and the name of Ralph Musard appears alone on the still extant Pipe Roll of that year

<sup>1</sup> There is a suggestion of the same arms on the Knight's surcoat, but too indistinct to be relied on.

<sup>2</sup> Rot. Claus. de Anno Domini H. Regis V<sup>o</sup>.—Memb. 2—Writ "De custodia terre et heredium Henrici de Berkele"—qui de nobis tenuit in capite, &c., &c., T.H. tunc apud Turrim—Londinensem xxiiij die Septembris.

(2nd Henry III.), there is no insuperable difficulty in supposing that Peter did occasionally about that period represent the latter when absent from the county, without being authorised to render account for him at the Exchequer.

The language used by Henry de Berkeley in his charter might be taken to imply that the tenement in Lutgareshall had been made over to the Priory by Richard de Cowley and his sister, some considerable time before his own concession, but allowance has often to be made for the cut and dry phraseology employed in legal documents, and on the other hand it is by no means improbable that he may have occupied the Manor of Newington Bagpath whilst his father was still alive.<sup>1</sup>

At all events it seems fair to assume that Henry's grant was made in July, 1221, when he was, as we know, in Gloucester attending the Assize Court.<sup>2</sup>

It consisted, as will be seen, in a remission to the hospital, in consideration of an annual rent of two shillings from the prior and brethren, and their engaging to receive him into their confraternity, of his claim to a sparrow hawk which they had been accustomed to deliver to him yearly at the feast of St. Oswald, on account of the tenement given them by Richard de Cowley and his sister Claricia. Such a concession may appear trifling now-a-days, but it amounted in point of fact to an enfranchisement of the lands; the annual presentation of a falcon of this species, the French "Espervier," erroneously Englished into "Sparrow-hawk," being so customary an acknowledgment of feudal service, that it was known as "*Sparvarius feodalis*."<sup>3</sup>

The actual value of the bird must at that time have been considerable, since the penalty for stealing one ("trained," it is to be presumed) was one hundred shillings.

In conclusion, I would point out that Henry de Berkeley's charter supplies evidence regarding two points which rested

<sup>1</sup> He guaranteed payment of his father's debts to the Jews in 2nd Henry III.—*Pipe Roll of that year*.

<sup>2</sup> See Gloucester Assize Roll, 5th Hen. III., fol. 1, in dorso. Also Pleas of the Crown for the County, by F. W. Maitland, *passim*.

<sup>3</sup> Du Cange's Glossary.

previously on inference alone. The first is that that there was a castle at Dursley at the beginning of the 13th century, of which these Berkeleys styled themselves Lords. This fact supports so far the view expressed in the address which I had the honour of delivering at the Dursley Meeting of the Society in August, 1886, to the effect that a castle was certain to have been erected there soon after the vill was constituted by King Henry II, the "Caput Baronie" of the third Roger de Berkeley; although the earliest allusion to its existence which I had then been able to discover, was the word "Castrum" in the margin of the Extent of the Manor taken on the death of the *second* Henry de Berkeley in 1287, and preserved in the Public Record Office.<sup>1</sup>

The second point is, the corroboration afforded by the seal to my contention<sup>2</sup> that the Dursley Berkeleys did not, like their Cadets of Cobberley, bear for arms the *fess and martlets* attributed to them by Blunt and other modern writers, but *2 lions passant on an azure shield*, as recorded by Glover, the Elizabethan Herald, in his *Ordinary*.<sup>3</sup> When and why they assumed this coat, is open to conjecture. The third Roger de Berkeley, as shown by his seal, of which several impressions are extant,<sup>4</sup> bore "a Knight on foot fighting with a rampant lion," but this cognizance, allusive, probably to some adventure in the East, may after his death (*c.* 1170) have been converted by his descendants into the *two lions passant*, displayed by his great grandson half a century later.<sup>5</sup>

<sup>1</sup> Trans., Vol. XI., p. 223.

<sup>2</sup> Trans., Vol. IX., p. 247.

<sup>3</sup> Edmonson's Heraldry; see also Papworth's *Ordinary of British Armorial*, p. 147.

<sup>4</sup> Representations of similar combats are not uncommon on the seals of those who had been to the third Crusade, as in the case of Sayer de Quenci and of Hugh Neville the Forester; but I have met with no other example of such early date as that of Roger de Berkeley. There is a fine cast of it, taken from a Herefordshire Deed of 1162, in the British Museum Collection of Personal Seals. Drawer B<sup>2</sup>, No. III; and Lysons gives an engraving from another in his *Gloucestershire Antiquities*.

<sup>5</sup> An instance of similar conversion may be traced from two early Rolls of Arms printed in *Fosbroke's Gloucestershire*. In the first, the Arms of Sir Gilbert Talbot are given: *Goulis un lion rampant or*. In the second, a few years later: *Goulis trois lions passant or.*, with the addition of a *label of three points, sable*, which, doubtless, denoted that this Gilbert's father was still living.

Looking to the fact, however, that the Paganel of Dudley bore *Or two lions passant azure*,<sup>1</sup> it seems most likely that the new armorial bearings of the Berkeleys were assumed by the fifth and last Roger, in conformity with the practice which prevailed before the quartering of arms was introduced, in honour of his marriage in 1197 with Hawise, sister and heiress of Gervase Paganell,<sup>2</sup> the last Baron of that line. The reason of his thus reversing the tinctures of their blazon doubtless was, that Ralph de Somery, her son by her previous husband, had already exchanged his paternal arms for the Paganel coat, on getting sasine of Dudley, so that his step-father could only adopt it differenced in this way, which was the usual one<sup>3</sup> until the laws of Heraldry came to be systematically formulated.

That Roger's son and heir, Henry de Berkeley, should have continued to use the arms thus adopted, would certainly tend to prove that he was Hawise Paganell's son, a point hitherto regarded by me as doubtful.<sup>4</sup>

<sup>1</sup> Gervase Paganell has on his shield, in an engraving of his seal from a deed of 1187, given in *Dugdale's Monasticon*, Vol. VI., p. 1038, *two lions passant*, the forepart of the animals only being visible, while the tinctures are not indicated. Papworth, however, when referring to this engraving, blazons them as above, adding several references to later Rolls of Arms to show that the De Someris had adopted them on marrying his heiress, as also that the Suttons, who succeeded to Dudley in the 14th century, through marriage with the eldest coheiress of the Somerys, continued to bear them as above blazoned.—*Ordinary of British Armorial*, p. 148.

<sup>2</sup> Dugdale describes her, under Paganel, (Baronage, p. 431) as *daughter*, but further on, under Somerie (p. 612), her true relationship, as above, is given. In "An Account of the Barons of Dudley," (Vol. IX. William Salt Archæological Society) Mr. Sydney Grazebrook reviews the question exhaustively, and proves from the Staffordshire Pipe Roll, 10th Rich. I., that Hawise's son, Ralph de Somery, fined to have the inheritance of his *uncle* Gervase Paganell.

<sup>3</sup> Besides the Berkeleys, several families, both of Paganels and Somerys, bore the reversed tinctures *azure two lions passant or*, as may be seen in Papworth, page 147. Strange to say the name of Percevall de Somery, Ralph's younger son is included in the list, while stranger still, the arms thus blazoned were found *quartered with those of the Suttons* in church windows at Dudley, so commonly in Nash's time, that they are the only coat given in his *Worcestershire* for the Somerys of that town. It looks as if they were so borne by younger brothers, but varied if they afterwards happened to succeed to the inheritance.

<sup>4</sup> Trans., Vol. VIII., p. 221.