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**The Rise of the Berkeleys: An Account of the Berkeleys of  
Berkeley Castle, 1243, 1361. Part I**

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THE RISE OF THE BERKELEYS:  
AN ACCOUNT OF  
THE BERKELEYS OF BERKELEY CASTLE  
1243-1361

by WILLIAM JAMES SMITH

PART I

(i) *Introductory*

EARLY in the 13th century the Berkeleys were among the poorest and most insignificant of the English baronage. A hundred years later the head of the house was a power to be reckoned with, intimate with the king, and prominent in all the affairs of the realm; though the Berkeleys were still not rich by comparison with the great baronial houses, their estates—once confined to within a small radius of Berkeley itself—now spread far into neighbouring counties and beyond. It is hoped in this study to throw some light upon this process of transformation.

The period 1243 to 1361 embraces the lives of four successive lords of Berkeley, the first completely undistinguished, the last representing the family at the zenith of its power and importance. They are: Maurice II,<sup>1</sup> died 1281; Thomas II, died 1321; Maurice III, died 1326; and Thomas III, died 1361. The careers of these four men in turn will first be sketched,<sup>2</sup> then aspects of the family's activities over the whole period will be examined. Numerous branches of the Berkeleys had settled up and down the country. There were also the Berkeleys of Dursley, a quite separate stock, of which the Coberley offshoot provided

<sup>1</sup> The ordinals used by John Smith of Nibley in his *Lives of the Berkeleys* are a convenient means of differentiation.

<sup>2</sup> Maurice, brother of Thomas III, will be dealt with in an appendix at the end of Part II.

several knights of more than local fame, notably Giles (*flor. temp.* Edward I), sheriff of Herefordshire and a justice, and Thomas (*flor. temp.* Edward III), sheriff of Gloucestershire and escheator. With all these we are in no way concerned.

*The Lives of the Berkeleys*, by John Smith,<sup>1</sup> completed in 1628 after forty years' work, is the basis for all study of the family's history. He combed painstakingly the public records and the Berkeley muniments and accounts. Although generally accurate, he was hampered in interpretation by the state of knowledge in his day of English medieval history. He had morals to preach and sentiments to defend. He made little attempt to present a connected story, but dealt with each 'life' in isolation. The account of the Berkeleys in Dugdale's *Baronage of England*,<sup>2</sup> is, for this period, taken almost entirely from John Smith. The Berkeley Castle muniments were catalogued in 1892 by Mr I. H. Jeayse,<sup>3</sup> but most of them are later in date than the period here considered.

#### (ii) *The Earlier Berkeleys*

Robert fitz Harding was reeve of Bristol in the time of Stephen. The empress Matilda and Henry, her son, found strong support in the west; they often made Bristol their headquarters, receiving the active support of its reeve. Twenty miles to the north Roger of Berkeley, lord of Berkeley and Dursley, held aloof, and young Henry retaliated, even before he became king, by seizing most of his lands. By charters given at Bristol in 1153 he conferred the manor of Berkeley with all its outlying members upon Robert fitz Harding, promising, moreover, to build him a castle there to his own taste.<sup>4</sup> Thus were founded both the new family of Berkeley and the castle which still stands in the rich low country bordering the Severn, halfway between Bristol and Gloucester.

<sup>1</sup> John Smith, *The Lives of the Berkeleys*, ed. Sir John Maclean, Gloucester, 1883.

<sup>2</sup> William Dugdale, *The Baronage of England*, London, 1675.

<sup>3</sup> I. H. Jeayse, *Catalogue of the Charters and Muniments at Berkeley Castle*, Bristol, 1892.

<sup>4</sup> Jeayse, pp. 1-2.

Maurice, fitz Harding's son, adopted the name of Berkeley. Between his descendant and the older Berkeleys (restored to Dursley) there was inveterate hostility, despite a double marriage alliance.<sup>1</sup> His son, Robert, lost everything in consequence of his part in the revolt against King John. He regained his lands in 1217, but it was left to Thomas, his brother, to recover the castle three years later. Thomas was succeeded in 1243 by his son Maurice.

(iii) *Four Lords of Berkeley*

(a) MAURICE II, 1243-1281. Maurice II married a certain Isabel whose ancestry was the subject of error for centuries. The local chronicler, Robert of Gloucester, correctly described her parentage,<sup>2</sup> but he was misunderstood, disbelieved or ignored by all who wrote about the family, from Smith, Dugdale and Atkyns<sup>3</sup> down to Maclean, A. S. Ellis (who contributed a note on the Berkeley pedigree to the *Lives*), and Jeayse. It was Mr G. J. Turner<sup>4</sup> who, in 1905, first demonstrated the accuracy of Robert of Gloucester's version, namely, that Maurice's wife was the daughter of Richard, an illegitimate son of King John.<sup>5</sup> We know that this lady brought as her marriage portion the manor of Wenden, Essex; in April 1242 this was held by Roesia, widow of 'Richard Fiz le Rei'<sup>6</sup>—additional confirmation of Isabel's parentage. Maurice and Isabel married between that date and 1245, when their first child was born. Maurice had succeeded his father in 1243. He was twenty-one or more at the time.

Evidence as to the part played by Maurice in the Barons' War is not easily interpreted. He does not fall obviously into

<sup>1</sup> *ibid.*, p. 4.

<sup>2</sup> *The Metrical Chronicle of Robert of Gloucester*, ed. W. A. Wright, Rolls Series, II, p. 716. Cf. Preface, p. xxxii.

<sup>3</sup> Sir Robt. Atkyns, *The Ancient and Present State of Gloucestershire*, 1768, pp. 136-7.

<sup>4</sup> Article on 'Richard Fitzroy' in *The Genealogist*, New Series, xxii, 1906, p. 105 ff.

<sup>5</sup> Often confused with Richard of Cornwall, his much younger and more famous half-brother.

<sup>6</sup> *Close Rolls*, 1237-42, p. 415.

any of the well-defined groups. On the one hand, he was married to the king's niece, and was (in June 1261) a member of the royal household.<sup>1</sup> Yet the Berkeleys had certain affinities with the march lords, and they were tenants of the Earl of Gloucester. Probably either the marchers' calculated change of front or the fluctuations of the Clares governed their attitude. In the summer of 1263, when both Montfort and the Lord Edward were raising armies and seizing strategic places, Maurice was still a royal supporter, for in June the king sent him troops.<sup>2</sup> But two months after the battle of Lewes, 'by the advice of our barons of our council'—the triumphant Montfortian barons, that is—Wenden, which had been seized some time previously, was restored to his wife.<sup>3</sup> Clearly Maurice was now a rebel. In 1278 we find him excused payment of a £20 fine imposed, apparently, for acts committed during the war.<sup>4</sup> He was not, however, one of the eighteen barons summoned to Montfort's parliament; he was probably already estranged, perhaps in open opposition. Yet Simon seems to have hoped for his support again; safe-conducts were issued for him in February 1265, and on March 13 for Maurice his son (who, nevertheless, received a routine summons the next day).<sup>5</sup> All this suggests just the same state of uncertainty as existed in the relations between Montfort and Gloucester. At the end of May Edward escaped and Gloucester joined him, together, we may be sure, with the Berkeleys. Smith says that Thomas the son fought at Evesham, but does not tell us on which side!<sup>6</sup> Maurice's defection was easily forgiven. In May 1266 he was once more a member of the household,<sup>7</sup> and the following

<sup>1</sup> *Close Rolls*, 1259-61, p. 392.

<sup>2</sup> *ibid.*, 1261-4, p. 240.

<sup>3</sup> *ibid.*, p. 390.

<sup>4</sup> *Cal. of Close Rolls*, 1272-9, p. 457. Maurice had been of 'the household and society' of Roger de Clifford, senior, when a pardon was granted to him and those with him. This relationship illustrates Berkeley's inferior position amongst the barons. Clifford was lord of Tenbury.

<sup>5</sup> *Cal. of Patent Rolls*, 1258-66, pp. 406 and 413; *Close Rolls*, 1264-8, p. 106.

<sup>6</sup> *Lives*, I, p. 169.

<sup>7</sup> *Close Rolls*, 1264-8, p. 193.

month he was given the lands of a rebel.<sup>1</sup> Maurice his son had already, a little after Evesham, received a similar grant of London houses.<sup>2</sup> Fourteen years later, in 1279, this son was killed in a tournament at Kenilworth, leaving his brother, Thomas, as the heir.

(b) THOMAS II, 1281-1321. Thomas succeeded his father in April 1281. About fourteen years earlier he had married Joan, daughter of William de Ferrers, Earl of Derby. She brought with her the manors of Coston, Leicestershire, and Eynesbury, Huntingdonshire,<sup>3</sup> which Thomas subsequently settled on his second son, from whom the Berkeleys of Wymondham sprang. He was summoned to most of Edward I's parliaments from 1283 onwards, and the Berkeley ministers' accounts show that he attended some.<sup>4</sup> Early in 1292 he was one of the petitioners for the release of Bohun, imprisoned, along with Gloucester, for waging private warfare in the march.<sup>5</sup> He was a member of the embassy which William of Valence took to Cambrai in 1296 to treat with the French; Maurice, his eldest son, accompanied him.<sup>6</sup> According to Smith, he joined the king's council about the same time.<sup>7</sup> In March the following year, when the crisis of the summer was already brewing, he and the sheriffs of Gloucestershire and Worcestershire were ordered to imprison all in those counties who fomented discord between the king and the prelates and barons.<sup>8</sup> A month later he was the royal agent in the same shires in bringing ecclesiastics to the king's peace, following the outlawry pronounced by Edward I against the whole clergy.<sup>9</sup> Thomas's zeal and worth in the royal service showed themselves in other ways. He took part in 1297 in a pioneering effort to find a new form of military organisation to

<sup>1</sup> *Close Rolls*, 1264-8, p. 246.

<sup>2</sup> *Cal. of Patent Rolls*, 1258-66, pp. 466-7.

<sup>3</sup> *Lives*, I, p. 205.

<sup>4</sup> *Parliamentary Writs*, I, pp. 465-6; *Lives*, I, pp. 204-5.

<sup>5</sup> J. E. Morris, *The Welsh Wars of Edward I*, Oxford, 1901, p. 237.

<sup>6</sup> *Cal. of Patent Rolls*, 1292-1301, p. 177; Rymer, *Foedera*, 1816, I, p. 834.

<sup>7</sup> *Lives*, I, p. 172.

<sup>8</sup> *Cal. of Patent Rolls*, 1292-1301, p. 239.

<sup>9</sup> *ibid.*, pp. 271-284; *Parliamentary Writs*, I, p. 393; some of those relieved by his testimony belonged to Wiltshire and Somerset.

replace the outmoded feudal levy. He and his son Maurice contracted to serve under a famous captain, Aymer of Valence, with eight knights (including themselves as bannerets) and seventeen mounted serjeants, receiving carefully defined rates of pay, with robes and diet. They were better than their word, sending no less than forty-one serjeants to Flanders that year under Aymer's command, as part of the royal army.<sup>1</sup> It was while actually serving under this contract that Thomas was made constable of the host when Bohun refused to cross.

At the February parliament, 1305, which Thomas attended as both baron and royal councillor,<sup>2</sup> he and Maurice were petitioned against by the town of Bristol. The dispute had been smouldering since 1229, when Henry III incorporated the Berkeley manor of Redcliffstreet into the town,<sup>3</sup> thus creating a conflict of jurisdictions, for the Berkeleys had long administered it as a franchise. The petition complained that Thomas and Maurice terrorised the burgesses and their officers and 'usurped lordship.'<sup>4</sup> They were tried, convicted, and fined a thousand marks, remitted in return for the promise of ten men-at-arms in the next expedition to Scotland.<sup>5</sup> When serious disturbances broke out in Bristol in 1313, Thomas and others, sent to hold an inquiry and to tallage the town, were imprisoned by the burgesses.<sup>6</sup> Thomas had the satisfaction, three years later, of guarding the seaward approach when the town was subjected to a regular siege.<sup>7</sup> The dispute flared up again in 1330, when Thomas III complained that his bailiff had been carried to the guildhall and forced to swear not to execute the judgments of his court in the suburb;<sup>8</sup> in the following January,

<sup>1</sup> J. E. Morris, *Welsh Wars*, pp. 278-9.

<sup>2</sup> *Memoranda de Parlamento*, ed. F. W. Maitland, Rolls Series, p. cvi.

<sup>3</sup> *Close Rolls*, 1227-31, p. 189; *ibid.*, 1247-51, p. 64.

<sup>4</sup> *Memoranda de Parlamento*, p. 133; *Cal. of Patent Rolls*, 1301-7, p. 356.

<sup>5</sup> *Cal. of Close Rolls*, 1302-7, p. 455; *Cal. of Patent Rolls*, 1301-7, p. 453; also *ibid.*, p. 347, for a counter-charge by Maurice.

<sup>6</sup> *Cal. of Patent Rolls*, 1307-13, p. 605; *ibid.*, 1313-17, p. 68.

<sup>7</sup> *Monachi cujusdam Malmesberiensis Vita Edwardi II*, *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs, Rolls Series, II, p. 222.

<sup>8</sup> *Cal. of Patent Rolls*, 1327-30, p. 571.

when Thomas was on trial for his life,<sup>1</sup> the burgesses had their charters confirmed, including those relating to Redcliffstreet.<sup>2</sup>

In 1304 Thomas had been appointed an ambassador to Rome, but after repeated delays the embassy fell through.<sup>3</sup> Early in 1307 a papal nuncio, Peter of Spain, arrived in England, and Thomas was one of twenty-seven summoned to Carlisle to discuss his visit with the king.<sup>4</sup>

In the new reign Thomas, now turned sixty, sank back into comparative obscurity, although his skill and experience were still much valued.<sup>5</sup> On the very day of Bannockburn—24 June 1314—he was ordered to prepare to set out in the king's business overseas. What the business was remains unknown, for he was taken prisoner in the battle along with his second son; he ransomed himself the following year.<sup>6</sup> Thomas took no part in the Despenser War. He died 23 July 1321. Besides Maurice, the heir, and Thomas, the second son, already referred to, only two other children need be mentioned. James took a doctorate of divinity at Oxford, becoming parson first of Chew, and then of Slimbridge, near Berkeley (a church in his father's gift). He was archdeacon of Huntingdon before being elected bishop of Exeter, in or before December 1326,<sup>7</sup> an appointment which he surely owed to his brother's favour with Mortimer and Isabella.<sup>8</sup> He enjoyed the see only a few months, dying 24 June.<sup>9</sup> Smith says that Thomas's younger daughter, Margaret, died unmarried, observing from household accounts that she was 'a careful overseer in her father's housekeeping in his widdowhood.'<sup>10</sup> It is rash to go against that. Yet the *Complete Peerage* says, with a convincing show of evidence, that she married before February 1284 Thomas fitz Maurice, a Geraldine, whose son became Earl

<sup>1</sup> Below, p. 77.

<sup>2</sup> *Cal. of Charter Rolls*, 1327-41, p. 201.

<sup>3</sup> *Cal. of Close Rolls*, 1302-7, p. 205.

<sup>4</sup> *Foedera*, I, p. 1009.

<sup>5</sup> *Cal. of Close Rolls*, 1307-13, p. 258.

<sup>6</sup> *Lives*, I, pp. 182-3, citing manorial accounts.

<sup>7</sup> *Cal. of Patent Rolls*, 1324-7, p. 342, and *Lives*, I, pp. 215-7.

<sup>8</sup> Below, p. 76.

<sup>9</sup> *Cal. of Patent Rolls*, 1327-30, p. 136.

<sup>10</sup> *Lives*, I, p. 218.

of Desmond in 1329.<sup>1</sup> It is significant that Edward I's charter granting the Desmond and other lands to 'Thomas son of Maurice<sup>2</sup> and Margaret his wife' found a resting-place among the Berkeley muniments; Thomas III and his son-in-law, Reginald of Cobham, mainperned for the Earl of Desmond in 1346.<sup>3</sup>

(c) MAURICE III, 1321-6. Maurice married Eve, daughter of Eudo de la Zouche, in 1289, her portion including several manors in Wiltshire and Somerset and eight hundred marks as well.<sup>4</sup> Their children included the famous knight Maurice de Berkeley of Stoke Gifford; John, who founded a Shropshire branch; Isabel, married to Robert de Clifford in 1329; and two clerical sons, Eudo and Peter, for whom Edward III did much.<sup>5</sup> There was another daughter of whom Smith says nothing. She married John Maltravers in 1313,<sup>6</sup> creating a family bond between the two custodians of Edward II.<sup>7</sup> The *Dictionary of National Biography* calls her 'Ela or Eva,'<sup>8</sup> but the *Complete Peerage* records her name as Millicent.<sup>9</sup>

In 1316-17 Maurice, a widower for two years, re-married. Barely forty,<sup>10</sup> he espoused a spinster of fifty-three or fifty-four who had only a life tenure of some manors in Oxfordshire and Gloucestershire. She was Isabel de Clare, daughter of Gilbert the elder by his first wife Alice, who had been divorced (and Isabel debarred from inheritance) when Gilbert had been cajoled into marrying Joan of Acre, Edward I's daughter.<sup>11</sup> Various motives, from the tenderest to the most calculating, could lie behind this marriage. The division of the Gloucester

<sup>1</sup> *Complete Peerage*, IV, p. 236.

<sup>2</sup> At this point Jeayse, p. 147, inserted 'de Berkeley,' an unwarranted and unfortunate conjecture.

<sup>3</sup> *Cal. of Patent Rolls*, 1345-8, p. 125.

<sup>4</sup> *Cal. of Close Rolls*, 1288-96, p. 46.

<sup>5</sup> *Lives*, I, p. 271; *Cal. of Patent Rolls*, 1327-30, p. 503.

<sup>6</sup> *Complete Peerage*, VIII, p. 584.

<sup>7</sup> Below, p. 76.

<sup>8</sup> Under 'Maltravers, John.'

<sup>9</sup> Vol. VIII, p. 584.

<sup>10</sup> *Cal. of Inq. Post Mortem*, VI, Edw. II, p. 201.

<sup>11</sup> For Isabel's age, cf. *Annals of Tewkesbury*, *Annales Monastici*, ed. H. R. Luard, Rolls Series, I, p. 169.

inheritance had still not been made.<sup>1</sup> Several inquisitions had returned Isabel as a co-heiress, and a special inquiry was held before she was definitely excluded.<sup>2</sup> The point was settled at the Lincoln parliament early in 1316, before the marriage but not necessarily before the betrothal.

The Monk of Malmesbury says that Maurice was taken at Bannockburn,<sup>3</sup> but Smith says not.<sup>4</sup> In April 1315 he undertook the custody of Berwick for one year,<sup>5</sup> and immediately after the Lincoln parliament just referred to he was commissioned with the Earl of Angus and another to treat with Bruce.<sup>6</sup> A month later he became Justice of South and West Wales.<sup>7</sup> For a few months in 1320 he filled the similar but more important post of Seneschal of Gascony.<sup>8</sup>

When, in the spring of 1321, the hatred and anger which the march lords had been nursing against the Despensers burst forth in a storm of arson and spoliation, Maurice was as zealous in the work as any. Smith says that while his father lived he kept him from rebellion,<sup>9</sup> but this is sentimental nonsense, for the Despenser War was finished before Thomas died on 23 July. Why did the Berkeleys throw in their lot with the lords of the march? They had always shared, in some degree, the outlook of the marchers, who were their constant associates.<sup>10</sup> Clare, Clifford, Mortimer, Bohun—this was the circle in which the Berkeleys moved and found friends, wives and husbands, and comrades-in-arms. But at the present time the bond was particularly strong, and to it was added a common interest. Young

<sup>1</sup> Following the death of Gilbert the younger at Bannockburn.

<sup>2</sup> *Rolls of Parliament*, I, p. 353.

<sup>3</sup> *Chronicles of the Reigns of Edw. I and Edw. II*, II, p. 206.

<sup>4</sup> *Lives*, I, p. 182.

<sup>5</sup> *Foedera*, II, p. 266; see J. Conway Davies, *The Baronial Opposition to Edward II*, 1918, p. 566, for the indenture in full.

<sup>6</sup> *Foedera*, II, p. 286.

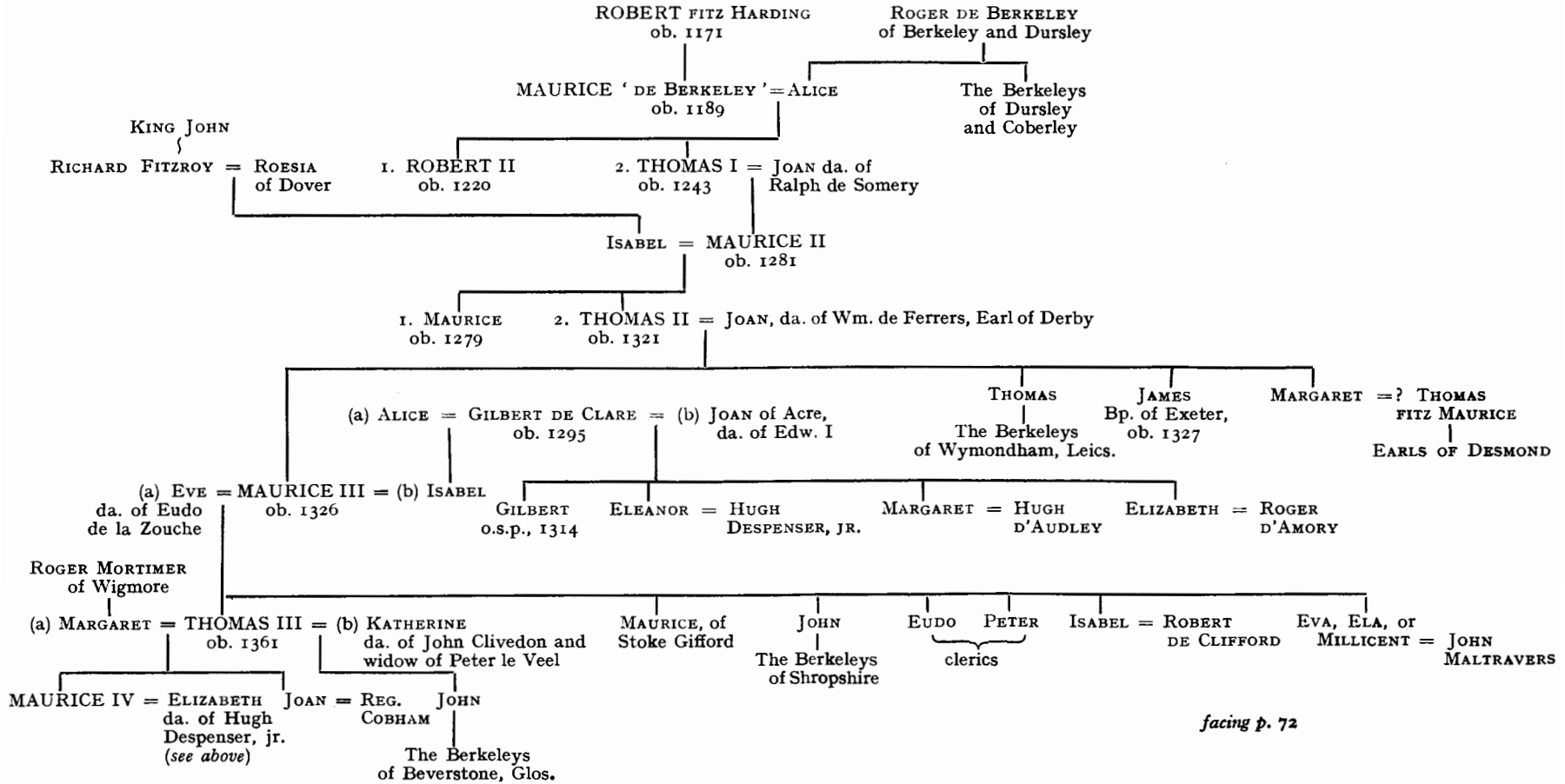
<sup>7</sup> *Cal. of Fine Rolls*, II, p. 285; *ibid.*, p. 295 he is described as Justice of North and West Wales, but this is an error.

<sup>8</sup> *Foedera*, II, p. 418; *Cal. of Close Rolls*, 1318-23, p. 183; T. F. Tout, *The Place of the Reign of Edward II in English History*, 2nd ed., Manchester, 1936, p. 350.

<sup>9</sup> *Lives*, I, p. 231.

<sup>10</sup> Cf. the events of 1263-5 and 1292, above, pp. 67-8.

ABBREVIATED PEDIGREE OF BERKELEY UP TO 1361  
SHOWING THE MORE IMPORTANT CONNECTIONS



Despenser was gradually acquiring, often by dubious means, all the Clare lands. Maurice was married to a Clare, and although his wife had got nothing out of the division of the inheritance, she still held Clare lands, while he himself was a tenant of the honour of Gloucester. He might well have feared Despenser's intentions with regard to Shipton-under-Wychwood and Burford<sup>1</sup> and even Berkeley itself, while his position in Redcliff, Bedminster and Portbury would, in the powerful hands of young Despenser, give that mastery over Bristol which the weaker Berkeleys were never quite able to acquire.<sup>2</sup> The lack of it was to be decisive for the Despensers in 1326. Finally, Maurice's eldest son had in 1320 married the daughter of Roger Mortimer of Wigmore, and that clever schemer exercised great influence over his son-in-law. Thus it is not surprising to find the Berkeleys in an active rôle against the Despensers. In fact, they shared the honours of leadership—as the chroniclers agree they did—with Bohun, Mortimer, Badlesmere and Amory.<sup>3</sup>

Maurice and his aged father received, with the other magnates, the royal warnings of March and April 1321, which were the Chancery echoes of the storm then raging in South Wales.<sup>4</sup> According to the *Flores Historiarum*, Maurice had attended Thomas of Lancaster's 'parliament' at Sherburn-in-Elmet in June,<sup>5</sup> confined for the most part to northern lords; he is thus revealed as an unusually enthusiastic Lancastrian, an impression confirmed by another piece of evidence. Thomas of Walsingham says that Mowbray, Mortimer, Clifford and Berkeley intervened, in that same summer, in the dispute between the Abbot of St. Alban's, a royal supporter, and the Prior of Binham, a Norfolk cell of the abbey, who enjoyed

<sup>1</sup> Held by his wife for life.

<sup>2</sup> T. F. Tout, *Collected Papers*, Manchester, 1932-4, III, p. 156, speaks of them as having 'commanding authority' over Bristol, but I think this overstates their position.

<sup>3</sup> *Vita et Mors Edwardi II a Thom. de la Moore, Chronicles of the Reigns of Edw. I and Edw. II*, II, p. 302; Adam Murimuth, *Continuatio Chronicarum*, ed. E. M. Thompson, Rolls Series, p. 33; *Chronicon Galfridi le Baker de Swynebroke*, ed. E. M. Thompson, Oxford, 1889, p. 11.

<sup>4</sup> *Cal. of Close Rolls*, 1318-23, pp. 364, 366, 369.

<sup>5</sup> *Flores Historiarum*, ed. H. R. Luard, Rolls Series, III, p. 197.

Lancaster's backing, sending threatening letters to the Abbot<sup>1</sup>—a remarkable illustration of the methods and organisation of the baronial faction.

The Berkeleys were probably in arms at Kingston-on-Thames with Mortimer when Leeds castle, in Kent, was being besieged by the king—the overture to the second phase of the struggle. Soon after Christmas 1321 the sheriffs throughout England had orders to seize his lands and those of his two sons.<sup>2</sup> Meanwhile the rebels were ravaging the Despenser estates again, and Edward had hurried west with an army. On January 15 orders went out for the arrest of Bohun, the Mortimers, Maurice and others for the burning of Bridgnorth and attacks at Elmley and Hanley in Worcestershire<sup>3</sup> (part of the attempt to prevent Edward from crossing the Severn). But the game was up. Support from Lancaster was uncertain. Berkeley surrendered at the end of January, together with Mortimer,<sup>4</sup> and was sent to Wallingford castle, a prisoner.<sup>5</sup> The formal petitions of the Despensers in May 1322 cited him as one of their principal attackers.<sup>6</sup> Following Maurice's submission his two sons devastated the Despenser lands in Oxfordshire, Berkshire and elsewhere.<sup>7</sup> Thomas at least fought at Boroughbridge; he was captured on the field.<sup>8</sup> According to Smith, young Maurice was never caught,<sup>9</sup> but the prisoners 'Thomas and Maurice de Berkeley' sent to Yorkshire in July can only be the two sons.<sup>10</sup>

<sup>1</sup> *Gesta Abbatum Monasterii Sancti Albani*, ed. H. T. Riley, Rolls Series, II, p. 141.

<sup>2</sup> *Cal. of Fine Rolls*, III, pp. 84, 88, 91.

<sup>3</sup> *Cal. of Close Rolls*, 1318-23, pp. 511, 513.

<sup>4</sup> Smith, *Lives*, I, p. 237, accuses Edward II of treachery in arresting Maurice, but the safe-conduct under which he came in—it was issued to Mortimer 'and all those he brings with him'—did not offer liberty or safe return. *Cal. of Patent Rolls*, 1321-4, p. 51.

<sup>5</sup> *Lives*, I, p. 238. Murimuth, p. 35. Cf. *Parliamentary Writs*, vol. II, part II, p. 201.

<sup>6</sup> *Cal. of Close Rolls*, 1318-23, p. 541.

<sup>7</sup> *Cal. of Patent Rolls*, 1321-4, p. 165; *Lives*, I, p. 235.

<sup>8</sup> *Parliamentary Writs*, vol. II, Part II, p. 201.

<sup>9</sup> *Lives*, I, p. 247.

<sup>10</sup> *Cal. of Close Rolls*, 1318-23, p. 580.

Not all the Berkeleys joined the revolt, or were steadfast in it if they did. Thomas, the brother, was guarantor in May 1322 for a suspected contrariant, so was presumably loyal himself.<sup>1</sup> John, Maurice's third son, was with the king in March, and had his lands restored, but was regarded as a rebel two years later.<sup>2</sup>

Maurice the elder had been in prison barely a year when friends tried to rescue him and his fellow captive, Hugh d'Audley, senior. The Monk of Malmesbury tells the story vividly.<sup>3</sup> A few acquaintances who visited him about the middle of January overpowered the guards and let in others. The mayor of Wallingford got wind of it, aroused the townsfolk and surrounded the castle. A full-scale siege was organised by Amory, Steward of the Household.<sup>4</sup> When the castle finally surrendered Berkeley, who protested his innocence, was found in his cell! His plea was rejected, however; it was held that he and Audley were active participants.<sup>5</sup> Mortimer of Wigmore was branded as the brain behind the plot; he was said to have planned attacks on the Tower and Windsor, as well as on Wallingford.<sup>6</sup> After four miserable years, Maurice died at Wallingford on 31 May 1326.

(d) THOMAS III, 1326-61. We hear little of Thomas before 1319, when, then about twenty-six years old, he was outlawed with others in consequence of a wild poaching escapade. He was soon pardoned.<sup>7</sup> In or before July 1320 he married Margaret, daughter of Roger Mortimer of Wigmore,<sup>8</sup> her

<sup>1</sup> *Cal. of Close Rolls*, 1318-23, p. 444.

<sup>2</sup> *ibid.*, p. 428; *Cal. of Inq., Misc.*, II, 1307-49, p. 191.

<sup>3</sup> *Chronicles of the Reigns of Edw. I and Edw. II*, II, p. 273.

<sup>4</sup> *Cal. of Patent Rolls*, 1321-4, p. 234.

<sup>5</sup> *ibid.*, pp. 257, 349. The leader of the would-be rescuers was Roger de Wauton; a William de Wauton was in 1328 a Berkeley household knight (*Lives*, I, p. 325).

<sup>6</sup> *Cal. of Patent Rolls*, 1321-4, p. 349.

<sup>7</sup> *ibid.*, 1317-21, pp. 307, 364, 451-2; *Lives*, I, p. 298.

<sup>8</sup> Dugdale, *Baronage*, I, p. 192, and *D.N.B.* (under 'Berkeley, family of') are in error in saying that she was previously married to the Earl of Oxford. This Margaret Mortimer died 1296-7 (*Complete Peerage*, X, p. 220). But the alliance was in some way irregular, for in 1329 Thomas and Margaret had a papal dispensation to remain married (*ibid.*, II, p. 130).

dowry comprising half the manor of Awre, half the hundred of Blidesloe, and £850.<sup>1</sup> Their eldest son, Maurice, born 1330, married Elizabeth, daughter of Hugh Despenser the younger, Thomas's old enemy. In May 1347 Thomas, a widower for ten years, took a second wife in Katherine, daughter of John Clivedon and widow of Peter Veel, both local men. Thomas and Katherine alike showered lands on John, the son of this marriage, who founded the Berkeleys of Beverston.

We left Thomas a prisoner in York castle in 1322. He escaped from his next gaol, the Tower.<sup>2</sup> Recaptured, he was housed first at Berkhamsted, then at Pevensey.<sup>3</sup> He obtained his release on 16 October 1326, soon after Mortimer and Isabella landed, and hastened to join the triumphant pair, getting possession from them of his castle and lands, which, not surprisingly, had been in the hands of Hugh Despenser, junior.<sup>4</sup>

On 3 April 1327 the captive king Edward II was moved from Kenilworth to the custody of Thomas of Berkeley and John Maltravers at Berkeley castle. He died or was murdered on 21 September following. There is little to add to Professor Tout's paper on *The Captivity and Death of Edward II*.<sup>5</sup> Tout went astray, however, in believing that John Walwayn, a former treasurer, was in authority at Berkeley in July.<sup>6</sup> He accepted Professor Tanqueray's attribution<sup>7</sup> to Walwayn of a letter of 27 July, now in the *Ancient Correspondence* in the Public Record Office, an attribution arising from a misinterpretation of the official *Lists and Indexes*.<sup>8</sup> Walwayn had nothing to do with the custody of Edward II; the letter, which

<sup>1</sup> *Lives*, I, p. 298; *Cal. of Close Rolls*, 1327-30, p. 369. Payment of the money began only in 1328.

<sup>2</sup> *Cal. of Patent Rolls*, 1327-30, p. 60; perhaps a result of Mortimer's gaol-breaking campaign.

<sup>3</sup> *Cal. of Close Rolls*, 1323-7, p. 423.

<sup>4</sup> *Lives*, I, pp. 288, 236, 282; *Cal. of Close Rolls*, 1323-7, p. 631; *Foedera*, II, pp. 690, 692; *Cal. of Fine Rolls*, II, p. 22.

<sup>5</sup> *Collected Papers*, vol. III.

<sup>6</sup> *ibid.*, p. 160.

<sup>7</sup> F. J. Tanqueray, *The Conspiracy of Thomas Dunheved, 1327*, in *English Historical Review*, XXXI, 1916.

<sup>8</sup> Mr N. Denholm-Young unravelled this tangle and drew my attention to it.

was addressed to the chancellor, and referred to an attempted rescue of the ex-king, quite clearly came from the lord of Berkeley himself.<sup>1</sup> Nor is Professor Tanqueray on safer ground in representing Adam Murimuth as saying that Thomas was deprived of custody of the royal prisoner about a month after his arrival at Berkeley.<sup>2</sup> What Murimuth actually says is *semper dominus de Berkeley habuit custodiam uno mense . . . et dominus J. Mautravers alio mense . . .*<sup>3</sup>—in other words, they took turns. But either Murimuth was wrong, or the plan was not carried out, for, if it had been, Maltravers would have been in charge in September, when Edward died, and Thomas thereby completely exculpated. No breath of such a defence was advanced at his trial in November 1330, his excuse being that at the time he was ill at Bradley, six or seven miles away, so ill that he had lost his memory. A jury of Gloucestershire knights duly acquitted him on those grounds.<sup>4</sup> Yet his steward's accounts show that the morning after the murder he sent Thomas Gurney to young Edward and Isabella at Nottingham with his letters giving the news.<sup>5</sup> The same accounts, according to Smith, show that he did not arrive at Bradley until a week later.<sup>6</sup> After his acquittal the lords remained unsatisfied about his action in committing his charge to Gurney and Ockley, the actual murderers.<sup>7</sup> It was 1337 before the king formally

<sup>1</sup> The very same persons mentioned by the writer of the letter of 27 July as 'indicted before me' are listed in a warrant to Thomas of Berkeley dated 1 August, and are referred to therein as having been indicted before him; the warrant concludes 'By . . . certificate of the said Thomas de Berkele.' *Cal. of Patent Rolls, 1327-30*, p. 156. Nothing could be clearer than that Thomas wrote the letter of 27 July (*Ancient Correspondence*, vol. 35, no. 207). Professor Tout overstated his case when he said that the temporary escape of Edward II was kept a close secret, that 'the public records . . . contain no reference to this tremendous fact.' (p. 161). A routine letter to the sheriff of Oxfordshire, dated 20 August, refers to William de Aylemere (mentioned in Berkeley's letter as one of those indicted before him) as implicated in the attack on Berkeley castle and the seizing of the former king. (*Foedera*, II, p. 714).

<sup>2</sup> *E.H.R.*, XXXI, p. 121.

<sup>3</sup> *Continuatio Chronicarum*, p. 52.

<sup>4</sup> *Rolls of Parliament*, II, p. 57.

<sup>5</sup> Jeayse, p. 274.

<sup>6</sup> *Lives*, I, p. 296.

<sup>7</sup> Ockley was Mortimer's agent (Tout, *Coll. Papers*, III, p. 165).

pronounced him 'not guilty' on this charge.<sup>1</sup> In the interval Thomas received every mark of favour and confidence. He gave refuge to both Maltravers and Gurney after they had been condemned to death,<sup>2</sup> improving the occasion by getting from the latter, according to Smith, an undated enfeoffment of some of his lands in return for the means of escape.<sup>3</sup>

After Edward III's accession arrangements were made to hear claims against the Despencers and Baldock, the former chancellor, by the King's Bench afforced by a bishop, an earl and a baron. Thomas sat at such sessions twice in 1330, in 1331, and again in 1335.<sup>4</sup> In the course of the next decade, unhindered by the downfall of Mortimer, his father-in-law, or by his own long-drawn-out trial, he became one of the king's most intimate advisers. He was acquiring wealth, too, as well as honour, for in 1340 he was one of twenty magnates who promised the king immediate aid with their wool, in advance of the collection of a tax just granted.<sup>5</sup> Thomas was marshal of the army which fought the naval battle of Sluys,<sup>6</sup> and in December the same year, 1340, twelve days after Edward's return to England and his angry dismissal of Archbishop Stratford, he was made a member of the commission appointed to investigate the ministers' actions.<sup>7</sup> Next year, in June, he was summoned to a council at the Tower which resulted in the king's retraction of the far-reaching concessions forced from him by parliament in the previous April.<sup>8</sup>

Thomas was now at the height of his power and at the zenith of a brilliant career. Nevertheless a summons of this

<sup>1</sup> *Cal. of Patent Rolls*, 1334-8, p. 398.

<sup>2</sup> *ibid.*, p. 111; *Lives*, I, p. 297.

<sup>3</sup> *Lives*, I, p. 297.

<sup>4</sup> *Cal. of Patent Rolls*, 1327-30, pp. 557, 565; 1330-4, p. 202; 1334-8, p. 200; *Cal. of Close Rolls*, 1333-7, p. 507.

<sup>5</sup> *Rolls of Parliament*, II, p. 118.

<sup>6</sup> *Lives*, I, p. 315, citing an indenture in the Pell Office.

<sup>7</sup> *Cal. of Patent Rolls*, 1340-3, p. 80, and p. 111 for a local commission in Somerset and Dorset in the same series of enquiries. It might reasonably be supposed that Thomas had returned to England from Flanders in the king's company.

<sup>8</sup> *Lives*, I, p. 316.

same year, 1341, reminds us that the Berkeleys were still, as regards estates, among the least of the baronial families. Thomas was asked to send fifteen men-at-arms to the army then being mustered against Scotland. Seventeen barons were to send companies of from ten to fifty; the earls, companies of from forty to a hundred and twenty.<sup>1</sup> A little later Thomas was warden of the Scottish marches for three months;<sup>2</sup> the money due to him for the pay of his retinue—£222 10s. plus £100 gift—was paid to him in Cumberland wool, which he shipped to Bristol and subsequently exported from London.<sup>3</sup>

In June 1344 a supreme judicial commission was issued to the Bishop of Chichester, the Earls of Huntingdon and Devon, Thomas Wake of Liddell, and Thomas of Berkeley. They were to investigate parliamentary petitions complaining of delay on the part of the two benches and other courts, to summon the judges, to decide the cases themselves, and to order the courts to proceed thereupon forthwith.<sup>4</sup> Their functions were so distinctly conciliar in character that we might reasonably take it as another piece of very strong indirect evidence that Thomas was a member of the royal council; many facts, indeed, point to this, but positive record is lacking. During the Crécy campaign he was one of six custodians of the young Prince of Wales's lands,<sup>5</sup> and, at the same time, one of the council of Lionel of Antwerp, the six-year old regent.<sup>6</sup> He was Justice of the Forests South of Trent from August 1345 to January 1348.<sup>7</sup> Thereafter he is little heard of outside his own district. He was fifty-one in 1348, and no doubt his imprisonment had aged him. Geoffrey the Baker, describing him as he was in 1355, calls him *decrepitus*.<sup>8</sup> But, decrepit or not, he was determined on a last campaigning fling, and he and his son

<sup>1</sup> *Foedera*, II, p. 1181.

<sup>2</sup> *Lives*, I, pp. 317-9.

<sup>3</sup> *Cal. of Close Rolls*, 1343-6, pp. 29, 115, 282.

<sup>4</sup> *Foedera*, III, p. 13.

<sup>5</sup> *Cal. of Patent Rolls*, 1345-8, p. 123.

<sup>6</sup> *Lives*, I, p. 320.

<sup>7</sup> *Cal. of Fine Rolls*, v, p. 437; VI, p. 66.

<sup>8</sup> *Chronicon*, p. 129.

Maurice joined the Black Prince in his raid into Languedoc, fighting at Poitiers the following year.<sup>1</sup> Maurice was captured in that battle and finally ransomed in 1360.<sup>2</sup> A year later, on 27 October 1361, Thomas died.

*(To be concluded)*

<sup>1</sup> *Lives*, I, p. 323.

<sup>2</sup> Froissart, *Chroniques*, ed. Buchon, pp. 352-3; Jcayse, p. 167. Froissart confuses Maurice with his father.