A HITHERTO UNKNOWN DAUGHTER OF THOMAS LORD BERKELEY (D.1361): THE FEET OF FINES AND GENEALOGY

by Bridget Wells-Furby[1]

ABSTRACT

Two fines made in 1358 reveal the existence of Margaret, an otherwise unknown daughter of Thomas lord Berkeley (d.1361). The fines record Margaret's marriage to the young John de la Pole. The marriage is interesting not only for the fact that Margaret evidently died without issue within a short time of her marriage as John was to marry Joan Cobham in 1362 but also within the context of Margaret's own family background.

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Until recently the very partial publication of calendars of the feet of fines by county societies has been a serious drawback in medieval research. There is a very great contrast between the swift review of the indexes of published calendars and the laborious trawling through file after file of original fines in The National Archives (TNA), a contrast which is familiar to any researcher who has been obliged to do both. This has recently changed with the collaboration of Chris Phillips and Professor Robert Palmer and their respective websites. The publication of images of fines online on the Anglo American Legal Tradition (AALT) website, many with extremely useful and 'searchable' abstracts on Dr Phillips' Medieval Genealogy website, has been a boon of incalculable importance.[2] Dr Phillips has recently extended his project to the 'Divers Counties' series and an early fruit of this work is the discovery of a previously unknown daughter of Thomas lord Berkeley (d.1361).

This discovery is the more surprising given that the Berkeley family benefits from the extremely thorough and scholarly history compiled by their seventeenth-century steward John Smyth of Nibley.[3] His 'Lives' of the successive lords includes for each lord a section on his younger sons and daughters but there is no reference in the work to this daughter Margaret. Evidently Smyth found no trace of her in the muniments to which he had access, an archive which was even more extensive than that which survives today.[4] The present author, after

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2 http://www.medievalgenealogy.org.uk; http://aalt.law.uh.edu; see also the article on p.45 of this journal

3 John Smyth of Nibley, "The Lives of the Berkeleys, with a Description of the Hundred of Berkeley," *The Berkeley Manuscripts*, vols. 1–2, Bristol and Gloucestershire Archaeological Society (1883).

4 Bridget Wells-Furby, ed., "A Catalogue of the Medieval Muniments at Berkeley Castle," *Gloucestershire Record Series*, 17 & 18 (2004) (henceforward BCM). Smyth identifies three daughters of Maurice Lord Berkeley (d.1368) whom he found mentioned in wardrober's and receiver's accounts of 1367 and 1368 but which no longer survive and there is no other record of the existence of these daughters: Smyth, *op.cit.* (1883), vol. 1, 377.

nearly thirty years of study of the family in the fourteenth century, has likewise found no reference to Margaret. Nevertheless, two fines of October 1358 prove her existence incontrovertibly. The two fines record the settlement of lands on John, son of William de la Pole, and Margaret, daughter of Thomas de Berkeley of Berkeley. The designation of Thomas as being 'of Berkeley' serves to show that this is Thomas lord Berkeley (d.1361) and not his nephew of the same name who was of Uley (Glos.) and other manors and also died in 1361.[5]

By the first fine, between John and Margaret as querents and John son of William de Moubray and William de Wyleby parson of Wilby as the deforciants and feoffees, the manors of Westhall and Fulbrook (Oxfordshire) and the manor of Potton and a holding of three messuages, three virgates of land, and 54*s.* 8*d.* rent in Edworth (Bedfordshire), were settled on John and Margaret and their issue with remainder to John's father William de la Pole 'the younger', knight, and his heirs.[6] The second fine was between John and Margaret as querents and John's parents William de la Pole 'the younger', knight, and his wife Margaret as deforciants and it granted the manor of Arlesey (Bedfordshire) and a holding of a messuage, 160 acres of land, 20 acres of meadow, and 20 acres of pasture in Cotton (Northamptonshire) to John and Margaret and their issue, with remainder to William and Margaret and the heirs of William.[7] At the same time two other fines were made. The first, between William and Margaret as querents and Moubray and Wyleby as deforciants and feoffees, settled the manor of Brington and a holding in Ashley (Northamptonshire) and the manor of Chrishall (Essex) on William and Margaret for their lives with remainder to John and Margaret and John's male issue, and the right heirs of William.[8] Finally another fine, between William as querent and Moubray and Wyleby as deforciants and feoffees, settled the manor of Everton (Huntingdonshire) and the manor of Drayton with the advowson and half the church of Taverham (Norfolk) on William for life with remainder to John and his male issue and the right heirs of William.[9]

In itself, the discovery of an otherwise unknown Berkeley daughter may be of no more than passing interest but Margaret's existence and her marriage to John de la Pole before 27 October 1358 is significant because she evidently died soon afterwards, and without issue, thus allowing John to make a subsequent and

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5 For Thomas of Uley see Wells-Furby *op.cit.*(2004), xxxvi, 478, 526, 541, 550–1; *CIPM* 11: 10.

6 TNA CP25/1/288/46 no. 554 [http://aalt.law.uh.edu/AALT4/CP25%281%29/CP25_1_288/IMG_0071.htm] Confusingly, Pole had recently acquired Westhall and Fulbrook from Thomas de Berkeley of Uley. The manors had been granted by Walter Langton to Giles de Wachesham and by him to the elder Despenser in 1322: *CPR* 1321–4, 229–30. They were then forfeited by Despenser and granted in 1333 to this Thomas's father, Maurice de Berkeley of Stoke Giffard (d.1347) at the farm rent of £48 19*s.* 4*d.*, and in fee and quit of the rent in 1337: *CFR* 1327–37, 342, 447, *CPR* 1334–8, 428. They were held in jointure with his wife Margery and on her death in 1351 passed to Thomas: *CCR* 1349–54, 305. In July 1353 Sir William de la Pole (identifed as son of Richard de la Pole) granted to Thomas a yearly rent of £20 and Pole and another were bound to Thomas in £100 but both grant and recognizance were defeased if Pole paid £105 to Thomas in two instalments: *CCR* 1349–54, 606. In February 1354 Pole acknowledged a debt of £40 to Thomas which was cancelled on payment: *CCR* 1354–60, 55. Pole presumably claimed the manors on behalf of his wife Margaret who was sister and heir of John Peverel (d.1349), son of Edmund Peverel, nephew and heir of Langton.

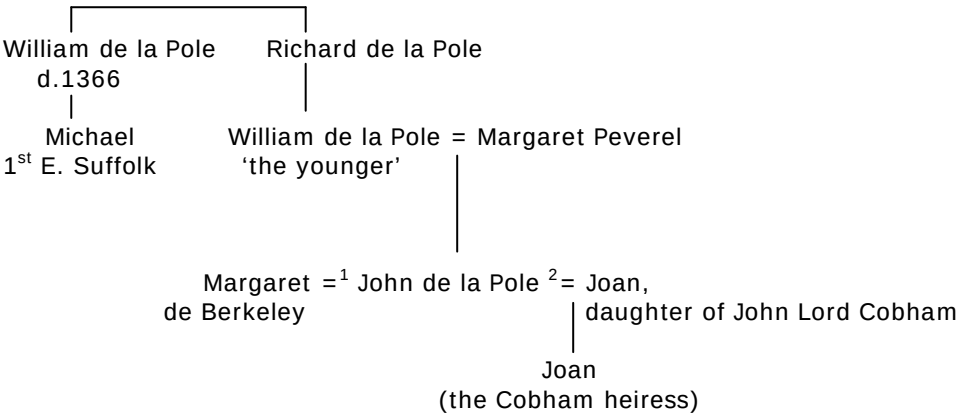
7 TNA CP25/1/288/46 no. 557 [http://aalt.law.uh.edu/AALT4/CP25%281%29/CP25_1_288/IMG_0074.htm]

8 TNA CP25/1/288/46 no. 555 [http://aalt.law.uh.edu/AALT4/CP25%281%29/CP25_1_288/IMG_0072.htm]

9 TNA CP25/1/288/46 no. 556 [http://aalt.law.uh.edu/AALT4/CP25%281%29/CP25_1_288/IMG_0073.htm]

more famous marriage to Joan, only child of John lord Cobham (d.1408).[10] The contract for the marriage of John and Joan was dated 22 October 1362[11] but a fine of 13 October 1362 settled the lands previously settled on John and Margaret on him and his second wife, *i.e.* the manors of Potton and Arlesey (Bedfordshire), Fulbrook and Westhall (Oxfordshire), and the holding in Cotton (Northamptonshire), although not, apparently, the holding in Edworth (Bedfordshire).[12] John and Joan produced an only daughter, another Joan, who consequently inherited a substantial estate. This was comprised of the Cobham lands of her maternal grandfather as well as the Pole and Peverel lands of her paternal grandparents. She was one of the great heiresses of the period and married no fewer than five times but left an only daughter through whom the combined estate passed to the Brooke family. It is now apparent that this situation was possible only because John, not known to have been previously married, was widowed young and therefore able to contract his second and most valuable marriage to Joan Cobham.

Fig 1 Partial pedigree of de la Pole family



A second point of interest lies in Margaret's family background. Her father Thomas lord Berkeley was married twice, first in 1319 to Margaret daughter of Roger lord Mortimer who died in 1337, and then in 1347 to Katherine, daughter of Sir John de Clevedon and widow of Sir Peter le Veel. It is not clear which of the wives was Margaret's mother.

The immediate assumption, on account of her name, is that she was the daughter of Margaret Mortimer. Thomas and Margaret certainly had a daughter Joan, named after Margaret's mother Joan de Geneville, and it would be expected that a second daughter would bear her own name. A difficulty arises, however, with the young Margaret's age. If she was a daughter of Margaret Mortimer then she would have been at least 21 in 1358, and possibly a few years

10 *CP* 3: 345

11 *CCR* 1360–64, 426.

12 TNA CP25/1/288/47 no. 615.

older, as Margaret Mortimer died in 1337. John de la Pole was a great deal younger than this as he was still a child four years later at his second marriage. According to the marriage contract drawn up in October 1362, he and Joan were to stay with their respective fathers for two years and thereafter William de la Pole would retain the jointure lands for their maintenance '*until his said son shall be able to rule himself*'.[13] This period was left unspecified as was the age when John would be '*able to rule himself.*' A calculation of his age based on this information is therefore no more than speculation but if it might be assumed that John would be able to take charge of his lands at 16-18 and that he and Joan might live together for two years before he reached that age, then he might have been no more than 12-14 in 1362 and consequently only 8-10 in 1358 when married to Margaret de Berkeley.

A disparity of age between bride and groom of this magnitude was not unknown but there is an indication that Margaret, too, may have been quite young in 1358. This is found in the fact that John and Margaret were represented in the first settlement fine by Thomas de Tochewyk as their 'custos' or guardian. This may suggest that both of them were children but Margaret may have been included because, by her marriage, she was passing from her father's authority to that of her husband and would necessarily be subject to her husband's legal status.

Neither the age gap nor the appointment of a 'custos' is therefore conclusive evidence that Margaret was not a daughter of Margaret Mortimer.

If she were a daughter of Thomas's second marriage to Katherine de Clevedon then there are fewer difficulties about her age as she would have been no more than six in October 1358. Katherine was married to Berkeley in June 1347 and promptly gave him four sons born in June 1348, May 1349, July 1350, and January 1352.[14] Assuming that no other child was born around April 1351, the earliest possible date for Margaret's birth was November 1352. This age would have been more appropriate for an 8-10 year old groom but there remains the problem of her name. A daughter of Katherine's would probably have been called either Katherine after herself or Emma after her mother.[15] Other names may have been used if more than two daughters were born but, as can be seen, there was barely time for many more. If Margaret was a third or later daughter of Katherine, with older sisters called Katherine and Emma, then she might have been no more than three or four in 1358 and this would have been an exceptionally young age for marriage. According to the church's teaching, betrothals were valid if contracted from the age of seven and a marriage from the age of twelve for girls and fourteen for boys.[16]

The identity of Margaret's mother appears insoluble but the identity of the husband chosen for her is also of some interest in the context of the other alliances made by the Berkeley family. Pole's social position was ambiguous. His father William de la Pole was the son of Richard and nephew of William (d.1366),

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13 *CCR* 1360–64, 426.

14 Smyth, *op.cit.,* 1 (1883): 348–9.

15 Her father's widow was Emma: E Green, ed., "*Pedes Finium* commonly called Feet of Fines for the county of Somerset 21 Edward III to 20 Richard II A.D. 1347 to 1399*" Somerset Record Society* 17 (1902): 4.

16 S H Rigby, *English Society in the Later Middle Ages: Class, Status and Gender* (1995), 317.

father of Michael, earl of Suffolk.[17] Richard and his brother William had been close associates in their rise from humble beginnings to great wealth through their connections with the royal court.[18] William 'the younger' had, however, gained a substantial landed position, and the social authority which went with it, by his marriage to Margaret, sister and heir of John Peverel (d.1349). Their father Edmund Peverel was the nephew and heir of the notorious Walter de Langton (d.1321), bishop of Coventry and Lichfield.[19] In 1402–3 their lands were worth around £220 a year.[20] The family was not, however, of the peerage and had no prospect of joining it through royal service. It was a respectable alliance but no more than that. The size of Margaret's portion is unknown but it is likely that it was commensurate with Pole's rank and therefore not a particularly large sum. Moreover, if the fines of 1358 encapsulate all the terms of the marriage contract then Margaret's jointure was, again, respectable but certainly does not imply a large portion. The Berkeley estate provided Margaret's father with an income of £1,500 to £1,800 a year and placed the family within the top dozen or so of the untitled peerage. His first marriage to Margaret Mortimer and the marriage he arranged for his son and heir in 1338 to Elizabeth Despenser were alliances with families of the same elevated standing. In this context, Pole was very small fry indeed.

The marriage to Pole may be compared with the marriages arranged for Margaret's sister Joan by her father. Joan's first husband was Thomas, son of John de Haudlo, and a papal dispensation for the marriage was obtained in February 1337 on the grounds that it was desired to make peace between the families, Haudlo having been one of the younger Despenser's chief retainers and Berkeley and his father having been leading Contrariants.[21] Thomas was not Haudlo's heir, who was his son by his first marriage, but he was the eldest son by his second marriage to Maud, sister and heir of Edward Lord Burnell, and heir to her inheritance.[22] The manors of Wolverhampton (Staffordshire) and Great Cheverill (Wiltshire) were settled on Thomas and Joan but he had died by May 1341.[23] His brother Nicholas inherited the Burnell lands on his father's death in 1346 and was summoned to parliament from 1350.[24] After Thomas's death Joan returned to her father and in June 1342 she married Reginald Cobham with a portion of £2,000. Cobham was bound in £10,000 to settle £100 of land on himself and Joan and their issue once they were espoused, and another £100 of land in the same way within one year, and to employ the £2,000, with Berkeley's counsel, to buy lands or rents to them and their issue.[25] Their son Reginald was born in 1348

17 William is often identified as 'the younger' in distinction to his uncle William who survived him.

18 *CP* 12(1): 434–7.

19 For Langton, see his biography by R M Haines in *ODNB*.

20 N Saul, *Death, Art, and Memory in Medieval England: The Cobham Family and their Monuments, 1300–1500* (2001), 258.

21 *Calendar of Papal Letters* vol. 2, 541.

22 *CP* 2: 435; 6: 400. Although Maud had a son by her first marriage to John Lord Lovel (d.1314), the Burnell inheritance was settled on her and Haudlo and their issue.

23 *CP* 2: 435; 6: 399–400; *CPR* 1354–8, 512.

24 *CP* 2: 435; 6: 398–400.

25 Smyth, *op.cit.,* 1 (1883): 348. The defeasance of Cobham's bond, dated 20 June 1342, has recently been discovered in Berkeley Castle. The defeasance does not mention that the £2,000 was Joan's portion, a detail given by Smyth. There was a precautionary clause allowing for the investment of the £2,000 in lands, etc., for Joan's use for her life if Cobham died before investing the money. They had surrendered her Haudlo jointure lands to Nicholas Haudlo-Burnell by February 1357: *CPR* 1354–8, 512.

and was a minor when his father died in 1361, but Joan held the vast majority of his lands in jointure, and was granted the rest in dower.[26] She died in October 1369, just as her son reached full age.[27]

It was comparatively unusual, but far from unknown, for Joan's father to arrange a second marriage for her. It would seem that both marriages were predominantly political alliances, the first overtly so on account of the papal dispensation and the second because Cobham was a rising courtier. Although at the time of the marriage he was not even a parliamentary peer, he was first summoned in 1347.[28] His estate was small by comparison with that of Berkeley and it is likely that the £200 jointure comprised nearly the whole at that time.[29] Moreover, it was very distant from the Berkeley country lying in Kent and Surrey so there was certainly no local connection. Perhaps the most surprising feature of Joan's marriages is the size of her portion as £2,000 was at the very upper end of the scale. It would be more commonly associated with the marriage of the heir to an earldom or at least one of the very greatest non-titled families so it is curious that Berkeley should have chosen to bestow this large sum on a man of such a comparatively small estate.[30] It was presumably a tribute to Cobham's political position as one of the king's companions and to his prospects. Furthermore, Berkeley ensured that the cash was to be invested in land for his daughter's benefit under the supervision of his council and that Cobham created a jointure in probably nearly all he had to give.

Smyth makes no reference to Joan's first marriage, the evidence for which lies in the public records rather than the castle archive, but he claims that she was aged around fourteen at the time of her marriage to Cobham in 1342. This may be only an assumption but it is not unlikely. Her parents were married in 1319 but separated by being imprisoned apart from March 1322 until the autumn of 1326. Joan's brothers Maurice and Thomas were probably born in 1320/1 and 1321/2.[31] It is possible that Joan was also born in this early period and was consequently around sixteen at the time of her first marriage and twenty-one at the time of her second. It is perhaps more likely that she was born after her parents' reunion and thus in 1327 or 1328, according to which she would have been around nine or ten in 1337 and fourteen or fifteen in 1342.

By comparison with Joan's marital career, Margaret may then have been married before her marriage to Pole in 1358 and possibly to someone of more elevated rank. Moreover, the marriage to Pole may have had political implications which are now hidden and, given that Joan had the large portion of £2,000 for her marriage with Cobham, it is not necessarily the case that Margaret's was small. Nevertheless, the marriage remains a curious one within the context of Thomas's

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26 *CP* 3: 353; *CIPM* 9: 59; *CCR* 1360–4, 231; *CPR* 1361–4, 129, 307, 382.

27 *CFR* 1369–77, 58; *CCR* 1369–74, 125.

28 *CP* 3: 353–5. Joan's portion is here erroneously given as £2,900.

29 His elevation to the peerage was accompanied by the grant of an annuity of £500 in 1347: *CP* 3: 353.

30 See G A Holmes, *The Estates of the Higher Nobility in Fourteenth-Century England* (1957), 43; K B McFarlane, *The Nobility of Later Medieval England* (1973), 85–7; C Given-Wilson, *The English Nobility in the Late Middle Ages: The Fourteenth-Century Political Community* (1987), 158–9.

31 Maurice was knighted by 1337 when serving in Scotland with his father: Smyth, *op.cit.,* 1 (1883): 366. Smyth relied too heavily on the inquisition *post mortem* of Thomas III in 1361 in deducing that Maurice was born around 1330. Lands were settled on Thomas in 1337 and 1344: BCM A1/49/12, A2/22/2.

other marriage alliances: his own and his heir's to families of a rank similar to his own and Joan's first which combined an alliance with a peerage family with political motives and her second with an exceptionally large portion to the rising courtier.

There are too many unknowns about Margaret's marriage to reach firm conclusions. Whatever the circumstances within her own family, however, her marriage to Pole is of vital importance in the history of the Cobham estate and peerage. At the very least, if she had lived, Joan Cobham would have married someone else and the Pole/Peverel lands would not have been united with the Cobham lands in the fifteenth century. As was so often the case, the descent of great estates hung on the fragile lives and productive capacity of women. The final word must go to the final concords without which Margaret's very existence and her marriage to Pole would be entirely unknown.

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