

Administered to Witnesses to be  
produced Sworn and Examined  
in a certain Cause now  
depending at Law in the High  
Court of Chancery wherein  
Wille<sup>m</sup>. Fitzhardinge Earl of  
Berkeley is the Complainant  
and Mary Countess of Berkeley  
and The Honorable Tho. Moreton  
Fitzhardinge Berkeley are the  
Defendants - On the part and  
behalf of the said Complainant.

Berkeley Papers

First Do you know the Parties  
the Complain<sup>t</sup> and Defend<sup>ts</sup> in the  
Title of these Interrogatories —  
named or any or either of which  
of them, & for how long time  
have you known them respectively  
or such of them as you do know?  
And did you or not know The  
Right Honorable Frederick,  
Augustus Earl of Berkeley in  
the Pleadings of this Cause —  
named but now deceased, & for  
any & what length of time  
prior to his Death, & when or  
about what time did he die?  
Declare the Truth of the sev<sup>l</sup>.  
Matters by this Interrogatory  
enquired after &c.

Examinant saith that he hath  
known the Complain<sup>t</sup> in this  
Cause from the Year 1795 and  
the Defend<sup>ts</sup> Mary Countess of  
Berkeley from the same period  
and the other Defend<sup>t</sup> Thomas  
Moreton Fitzhardinge Berkeley  
from the time of his Birth  
which took place as this  
Examinant believes about the  
Year 1796 - And that he  
knew the late Right Honble  
Fred<sup>l</sup>. Augustus Earl of  
Berkeley for Thirty Years  
& upwards before his Death,  
which happened in or about  
the Year 1810

Second Were you or not intimate with the said Fred<sup>h</sup> Augustus Earl of Berkeley, If Yea, when did such Intimacy commence, & how long did the same continue? Declare &c.

Third Had you or not by the desire of some Person or Person & whom at any time in or about the Year 1791 or in 1792 or at any & what other time any Conversation with the said late Frederick Aug<sup>st</sup> Earl of Berkeley respecting a Marriage - supposed to have been previously had between him the said Fred<sup>h</sup> Augustus late Earl of Berkeley and any and what Lady? If Yea, set forth the Circumstances which led to such Conversation & fully the particulars thereof

Saith That he was in habits of Intimacy with the said Fred<sup>h</sup> Augustus Earl of Berkeley which commenced on this Examinants first knowing him in the Year 1780 and continued up to the time of the said Earls Death,

Saith That by the desire of the late James Earl of Tife who represented that he had been desired by the late Countess Dowager of Berkeley to request this Examinant to ascertain whether her Son the late Fred<sup>h</sup> Augustus Earl of Berkeley was or was not then married to the now Defend<sup>t</sup> the Countess of Berkeley he this Examinant had in or about the Year 1791 or 1792 a Conversation with the said late Fred<sup>h</sup> Aug<sup>st</sup> Earl of Berkeley respecting the said

And did the said Frederick Augustus late Earl of Berkeley or not appear to be in any and what manner affected by such conversations, and did he or not seem disposed to continue or anxious to avoid the same? Declare  
 &c.

said Marriage supposed to have been previously had, between the said Frederick Augustus late Earl of Berkeley and the Lady with whom he then cohabited & who then went by the Name of Miss Tudor & who is now the said

Defend<sup>t</sup>. the Countess of Berkeley

That in the course of the Conversation this Examinant

asked the said Fred<sup>t</sup>. Augustus Earl of Berkeley whether Miss Tudor was his Wife or his Mistress to which

Question the said Frederick Augustus late Earl of Berkeley answered in the

following Words or Words to this effect

"She is my Wife and not my Mistress, and

"the worst used Woman in the World, but

"Pray spare me on the subject" That the said Frederick Augustus late Earl of Berkeley

appeared greatly agitated and much affected by the Inquiry and seemed disposed and anxious to avoid a continuance of the Conversation.

Fourth. Did or not the said  
Fred<sup>h</sup>. Augustus late Earl of  
Berkeley at any other time  
and when in the said Year 1792  
call upon you with a view to  
make any further communication  
to you on the subject of his  
being or not being married  
to the said Lady? If Yes,  
set forth such Communication  
and the Particulars thereof  
And if the said Frederick  
Augustus late Earl of  
Berkeley admitted himself  
to be then married to such  
Lady did he or not state  
any and what reasons or  
reason for his not  
publicly acknowledging her  
as his Wife? Declare.

5  
saith that the said Fred<sup>h</sup>.  
Augustus late Earl of Berkeley  
did at a subsequent Period  
to the time of the Conversation  
deposed to in the last  
Interrogatory but in or  
about the Year 1792 call  
on this Examinant and  
then communicated to this  
Examinant the Circumstances  
of his Marriage with the  
said Lady then called  
Miss Tudor and stated  
confidentially as a  
Confession of Guilt to this  
Examinant that he had  
caused the Banns to be  
Published at Berkeley in  
order to decoy Lady Berkeley  
to London, not intending to  
marry her if he could  
otherwise possess her, that  
not being able to accomplish  
his purpose the Rev<sup>d</sup>. Mr.  
Inpsman married him &  
the said Lady in the Church  
at Berkeley under a  
promise

promise of secrecy, and that  
 the Register was to be concealed,  
 but Shipman finding that  
 impossible, had destroyed it, & he  
 found himself in the horrible situation  
 of having sanctioned a felony, & had no  
 means of doing justice to his wife —  
 while Shipman lived, that the said Fred<sup>l</sup>  
 Augustus late Earl of Berkeley added he  
 wished to marry his said wife a second time  
 but that she would not consent to it thinking  
 that a second marriage would throw greater  
 difficulties in the way of her eldest children  
 that the said Fred<sup>l</sup> Augustus late Earl of Berkeley  
 stated further at or about the same <sup>time</sup> to this  
 Examinant that he had studied to make his said  
 marriage appear an impossibility, and that he had  
 frequently removed his said wife about in the  
 years 1785 & 1786 to get her out of the way of  
 Lady Wallace —

Fifth Had you or not any  
and what conversation  
with the said Frederick  
Augustus late Earl of  
Berkeley at any time in  
or about the Year 1795 on  
the subject of his being  
or not then Married to  
the said Lady?

If Yea, set forth when  
and where such Conversation  
was had, and all the  
Particulars thereof, -  
And Declare &c.

as he then had, and that he owed it to  
himself and in justice to Lady Berkeley and  
his Children to acknowledge his Marriage, -  
that the said Fred<sup>h</sup>. Aug<sup>s</sup>. late Earl of Berkeley  
perfectly acquiesced and agreed in the Remarks so  
made by this Examinant and added that "Lady  
Berkeley was the worst used Woman in the World".  
to which this Examinant observed, that if she was  
ill used in 1792 she must be Ten times worse used  
by delaying the Acknowledgment of the Marriage to 1795.

Saith that he had some  
Conversation with the s.<sup>d</sup>  
Fred<sup>h</sup>. Aug<sup>s</sup>. late Earl of  
Berkeley sometime in or  
about the Year 1795 on the  
subject of his being Married  
to the s.<sup>d</sup> Lady then called  
Miss Tudor, and that such  
Conversation took place  
at Weymouth in consequence  
of this Examinant's telling  
the said Fred<sup>h</sup>. Aug<sup>s</sup>. late  
Earl of Berkeley that the  
King had noticed the  
Impropriety of his Lord Berkeley's  
coming to Weymouth in the way  
he then did and with such an Establishment.

as he then had, and that he owed it to  
himself and in justice to Lady Berkeley and  
his Children to acknowledge his Marriage, -  
that the said Fred<sup>h</sup>. Aug<sup>s</sup>. late Earl of Berkeley  
perfectly acquiesced and agreed in the Remarks so  
made by this Examinant and added that "Lady  
Berkeley was the worst used Woman in the World".  
to which this Examinant observed, that if she was  
ill used in 1792 she must be Ten times worse used  
by delaying the Acknowledgment of the Marriage to 1795.

06

Sixth. Did you or not at any times or time and when and from whom receive any Letters or Letter since the Death of the said Fred. Aug. late Earl of Berkeley signed by him, and — purporting to be written by his direction a very short time and how long before his Death? If Yea, produce the same, and look upon the Paper Writing so produced by you marked with the Letter A Whether or no do you know or are you acquainted — with the Character or manner of hand Writing in which the same or any and what part or parts thereof or the Name (if any) is or are written or subscribed thereto? If Yea, set forth of whose hand Writing is the produced Letter

Saith That within a very few Days after the Death of the said late Fred. Augustus Earl of Berkeley he received by the Hands of the Rev. John Hughes the Chaplain resident in the Family of the said late Earl of Berkeley a Letter now in this Examinants Possession and now produced marked with the Letter A. and which Letter is as this Examinant believes signed by the said late Frederick Aug. Earl of Berkeley, and purports to be written by his direction Days only before his Death — That he this Examinant is not acquainted with the hand Writing in which the said Letter is written, but that <sup>the</sup> Name "Berkeley" — subscribed thereto is of the proper hand Writing of the said late Fred. Aug. Earl of Berkeley as this Examinant believes.

01017  
Letter or any and what  
part thereof and the Name  
written and subscribed  
thereto as fully as you  
are able, And whether  
you have or not seen  
such Person Write? -

And if you did receive  
any Letters or Letter but  
have not now such Letters  
or Letter in your Possession  
have you or not any  
Copies or Copy thereof?

If Yeas set forth the  
same in the Words and  
Figures thereof And  
Declare &c -

18.



Lastly. Do you know or  
 can you set forth any  
 other matters or matters,  
 things or thing which are  
 or is material or necessary  
 to be proved on the behalf  
 of or which can in any  
 wise tend to the benefit  
 or advantage of the said  
 Complainant on the  
 hearing of this Cause?

If Yea, set forth the  
 same and all the  
 matters and particulars  
 thereof according to the  
 best of your knowledge  
 remembrance, information  
 and belief, with your  
 reasons fully and at  
 large.

Saith that he doth not  
 know nor can he set forth  
 of his own knowledge any  
 other matter or thing —  
 material or necessary to  
 be proved on the behalf of  
 the said Complainant  
 But this Examinant  
 saith that the Impression  
 and Conviction of his mind  
 and his firm belief made  
 up and founded on a  
 variety of concurring  
 Circumstances, is, that  
 the said Complainant is  
 the Legitimate Son of the  
 said late Fred.<sup>h</sup> Aug.<sup>h</sup> Earl  
 of Berkeley, and as such  
 Intitled to the Earldom  
 of Berkeley and to the  
 Estates annexed thereto  
 and the Rents and Profits  
 thereof.

*[Faint, illegible handwriting in cursive script, likely bleed-through from the reverse side of the page.]*



*Barkley Papers*