

Lady Henrietta Berkeley: A Restoration Affair

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In the early hours of Sunday 20 August 1682 Henrietta (known as Harriet), the seventeen-year-old daughter of the Earl of Berkeley crept out of her father's house near Epsom in Surrey and was whisked away in a waiting coach to London. The following month notices appeared in the London Gazette, seeking information about her whereabouts and offering a substantial reward.

Whereas the Lady Henrietta Berkeley has been absent from her Fathers House since the 20th of August last past, and is not yet known where she is, nor whether she is alive or dead; These are to give notice, That whoever shall find her, so that she may be brought back to her Father, the Earl of Berkeley, they shall have 200 Pounds Reward. She is a young Lady of a fair Complexion, fair Haired, and indifferent tall.¹

Some twelve weeks after her flight Ford, lord Grey of Warke was committed to the King's Bench prison, accused of abducting Harriet. He was refused bail. On 23 November he was brought to trial alongside two alleged conspirators and their wives. They were charged with 'falsely, unlawfully, unjustly, and wickedly, by unlawful and impure ways and means, conspiring, contriving, practising, and intending the final ruin and destruction of the lady Henrietta' by encouraging her to desert her father's home and 'to commit whoredom, fornication, and adultery, and in whoredom, fornication, and adultery, to live' with Lord Grey.² Harriet was not one of the accused, but was to be the main victim of her father's insistence on prosecuting Lord Grey. Her reputation would never recover.

Even to the jaded denizens of Restoration London, this was a scandalous case. Lord Grey was not simply Harriet's lover, he was also her brother-in-law. Moreover, as became apparent in the course of the trial, her mother and one of her elder sisters had known of the affair since the early summer. Given the circumstances many observers wondered that the Earl of Berkeley 'should expose his daughter so infamously in open Court', obliging his wife and daughters to give evidence and revealing to the world Lady Grey's marital problems.³ Young ladies had run off before and even given birth to children fathered by married men without being dragged through the courts. Why should an aristocratic family choose to wash its dirty linen in public? And not in a private prosecution, but one conducted by the Attorney General in front of the Lord Chief Justice and his three fellow justices of the King's Bench?

The answer to this puzzle lies in the fervid politics of 1682. The Earl of Berkeley was a staunch ally of the Crown, a member of Charles II's privy council and a friend of the king's brother James, duke of York. His son-in-law was one of the leaders of the faction known as Whigs, who had attempted to remove the Duke of York from the succession because of his conversion to Roman Catholicism. Grey was also a friend and close associate of James, duke of Monmouth, the eldest of the king's illegitimate sons and Protestant aspirant to the throne. By scorning one daughter and seducing another Lord Grey provided the earl and his allies with a useful weapon in what had become a bitter and divisive political battle.

Disentangling fact from fiction in the story of Lord Grey and his sister-in-law is complicated. We are largely dependent on the evidence presented at the trial. In his summing up the Lord Chief Justice said that Harriet 'doth not seem to be any way fit to be believed', but was this a judgement on her evidence or her morality? If Harriet was less than entirely truthful, what about the other witnesses? Was everyone telling the truth, the whole truth and nothing but the truth? The case caused such a sensation that within two years it appeared in fictionalised form as *Love-Letters Between a Nobleman and His Sister* (1684), generally ascribed to Aphra Behn. In his history of Surrey the antiquary John Aubrey wrote of 'the beautiful Grove', which was 'the Scene of Love between Ford Lord Grey of Werk, and his Lady's Sister, a fatal and almost unheard of

1 *London Gazette*, 18 Sep. 1682

2 T.B. Howell ed., *State Trials* 5th edn. vol. 9 (1816), no. 290. All direct quotes not otherwise annotated come from the trial account.

3 HMC 14 *Kenyon*, 154.

Passion, in which they both shipwreck'd their Honours, Fortunes, and Consciences, and to which we owe the Foundation of those Letters wrote by the polite Pen of Mrs. Behn'. Aubrey recognised that Behn heightened the story using 'false Colours', but later accounts of the affair have often made assumptions based on the fictionalised account.⁴ A detailed analysis of the scenes, players and action of this Restoration drama may bring us somewhat closer to the truth.

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Harriet Berkeley was born in London in January 1665, almost five years after Charles II had returned to England. Like many other girls at the time, she was named Henrietta in honour of the king's mother and youngest sister. It was during that long cold winter, that the spectre of plague began to stalk the streets of the capital. The Berkeleys lived in a large Tudor mansion in St John's Lane, Clerkenwell, built within the outer precinct of the former priory of St John of Jerusalem. A map of 1611 showed the district around St John's and the neighbouring dissolved nunnery of St Mary as a separate small settlement. But, by the time Harriet was born, Clerkenwell had become one of London's northern suburbs. While the aristocratic enclave built on the former monastic sites survived, it was increasingly surrounded by the capital's urban sprawl. During Harriet's childhood the most fashionable and ambitious aristocratic families lived further west, in the vicinity of the king's court at Westminster.

On 27 December 1664 the funeral service for Harriet's eighteen-month-old brother James had taken place at St James, Clerkenwell. Less than a month later her parents took Harriet to be baptised in the same church. Harriet was born into a world of wealth and privilege. Her father George, lord Berkeley, was the scion of a noble family that traced its origins back to before the Norman Conquest. George was his parents' younger son. When their marriage broke up amid considerable acrimony, he was sent to live with his paternal grandmother. The formidable dowager Lady Berkeley died when George was eight years old. She left him her house at Cranford in Middlesex and, despite his young age, made him the executor of her will. His upbringing was consigned to the care of his childless aunt Theophila, lady Coke and her husband Sir Robert. Shortly before the civil war erupted, George found himself the heir to the title when his elder brother Charles drowned in the Channel returning from France. Despite the change in his status George continued to live with his aunt and her husband at their pleasant Jacobean mansion, Durdans, on the outskirts of Epsom, Surrey. It was only after his aunt's death that George went to live with his father in Clerkenwell. During the Civil War Sir Robert Coke was a royalist, imprisoned in the Tower for his support of the king. George's father in contrast attempted to remain neutral. He assured the king of his loyalty, while using a plea of ill health to avoid actively supporting him. In London he continued to attend the House of Lords until it was abolished. When his father died in 1658, George inherited an ancient title and a medieval castle at Berkeley, Gloucestershire. Although his father's actions had helped to avoid either side causing damage to the castle during the war, it was dilapidated and rarely visited by the family. Harriet's father had little attachment to Gloucestershire and preferred Surrey, where he had inherited Durdans on the death of Sir Robert Coke.

Harriet's mother Elizabeth is an inevitably more shadowy figure, rarely seen on the public stage and then predominantly in the company of her husband. No letters survive and the only times we 'hear' her are through her evidence at the trial and the will she wrote towards the end of her life. Elizabeth came from a very different background from her husband. The daughter of a London merchant, her father John Massingberd had been treasurer to the East India Company. Her mother Cecilia also came from the London trading community. John Massingberd's trading interests included dealing in slaves and it is likely that Elizabeth was accustomed to seeing black servants. She grew up among men who traded in exotic goods, travelled to far distant lands and dealt with traders from native communities. The world to which her husband was introduced on their marriage in 1646 was very different from the aristocratic milieu in which he had been raised. It was a world to which he had to accustom himself quickly, as through his marriage and particularly after his father-in-law's death in 1653, he acquired lucrative trading interests of his own.

When the House of Lords resumed sitting in April 1660, Harriet's father took his seat on the third day. He

4 John Aubrey, *The Natural History and Antiquities of Surrey* (1718), 218-9.

was subsequently chosen to be one of the six commissioners from the Lords to go to Holland and formally invite Charles II to return as king. This brought him and his family to the king's attention at a time when largesse was flowing. Lord Berkeley was duly rewarded with the lucrative keepership of the royal park at Nonsuch, Surrey, while his eldest son Charles was made a knight of the Bath at the coronation and his eldest daughter Elizabeth joined the dowager queen Henrietta Maria's household as a maid of honour. Harriet's father was a serious, pious man, who was not a natural member of the dissolute Restoration court, which a contemporary described as 'entirely devoted to love and gallantry'.⁵ To Harriet's mother Elizabeth with her mercantile background the king's court was an alien environment. The couple were not destined to become courtiers, although in 1662 the king, queen, Duke and Duchess of York, and Prince Rupert dined at Durdans, which lay just ten miles from Hampton Court via a ferry across the Thames. In the main Lord Berkeley's contacts with Charles II and the king's younger brother James, duke of York, were through a mutual interest in trade and scientific research. In 1663 Lord Berkeley supplemented the trading interests acquired through his marriage by becoming a founder member of the Royal African Company alongside the Duke of York.

As was the custom among aristocratic families, Harriet would have been sent into the country to be cared for by a wetnurse. It is likely that she spent her first years in the vicinity of Durdans. As the plague raged in London that year her parents and most of her siblings also retreated to Surrey. Harriet's elder brother Charles, who had been tutored at Oxford by the philosopher John Locke, was travelling abroad with a tutor. Her eldest sister Elizabeth meanwhile accompanied Henrietta Maria to France. But for the plague her thirteen-year old brother George would have been off to Oxford, but he remained with his parents. Harriet also had four more sisters: Theophila, Arabella, Mary and Arethusa. The last was named for the heroine of a play her father had acted in during the halcyon days at Durdans before the civil war. The part of Arethusa had been played by the diarist Samuel Pepys, whose uncle had been steward at Durdans. Lord Berkeley, a member of the Royal Society, also offered refuge at Durdans for various natural philosophers, including John Wilkins, William Petty and Robert Hooke. Their presence does not seem to have sparked any scientific interest in young George.

While old traditions of open house hospitality to all had been abandoned, an aristocrat could still expect the regular arrival of visitors looking for accommodation. There were friends, political allies, business acquaintances, close relations and the wider circle of people who claimed kinship with the family. Durdans lay a couple of miles from the well at Epsom, which invalids had been visiting for some decades to drink its purgative waters. As the water was drunk in the morning on an empty stomach, this left the rest of the day for those who were not chronically ill to amuse themselves in the village's pleasant, rural surroundings. A visit to the spa became increasingly popular with the gentry; a popularity enhanced by the horse-races run on the adjacent Downs. By 1665 the village could accommodate some three hundred visitors. Throughout Harriet's childhood the Berkeleys would decamp to Durdans each summer, where her parents held a dinner party in August to celebrate their wedding anniversary. In July 1667 Samuel Pepys and his wife visited Epsom, where they found Lord Buckhurst and Nell Gwyn were staying in the next house. At church they saw Lord Berkeley, his wife and 'their fine daughter, that the King of France liked so well, and did dance so rich in jewells before the King at the Ball I was at, at our Court, last winter, and also their son, a Knight of the Bath'.⁶ That summer the party at Durdans included Charles, earl of Warwick, son of the Puritan commander of the parliamentarian navy during the civil war. A chronic invalid, he stayed at Durdans while taking the waters at Epsom. Warwick was an old friend of Lord Berkeley's and similarly, as a younger son, had grown up not expecting to inherit the family title. He had also been chosen as a commissioner to Charles II in 1660, but was excused because of ill health. His wife was the daughter of the Earl of Cork and sister of the scientist and leading member of the Royal Society Robert Boyle. She had been a maid of honour to Henrietta Maria and aged fifteen had insisted on marrying Rich, as she found her father's choice of husband for her repulsive. Known for her Puritan piety, she was the Lady Harmonia to whom Lord Berkeley dedicated a religious work *Historical Applications and Occasional Meditations upon several Subjects* (1668). Her husband's chronic ill health led to difficulties in their marriage and the countess stayed with relations

5 Sir Walter Scott ed., *Memoirs of the Court of Charles II by Count Grammont* (1846), 107.

6 Pepys, *Diary*, 30 May 1667 [<https://www.pepysdiary.com/diary/1667/05/>]

nearby rather than at Durdans while her husband was there. However, both earl and countess attended the Berkeleys' anniversary dinner.

Once the plague had abated, the Berkeleys returned to London and George went off to Oxford. Harriet would spend the majority of her childhood living in her father's house in Clerkenwell. Their house lay to the north of the area affected by the Great Fire of 1666, but the devastation caused by that catastrophe was a familiar sight of Harriet's early childhood. At the end of St John's Lane beyond the medieval priory gate was a grand house that incorporated the chancel of the old priory church. This was the home of Robert Bruce, earl of Ailesbury, who had acquired it through his marriage to Diana Grey, a daughter of the Earl of Stamford. Lord Berkeley and the Earl of Ailesbury were both staunch Anglicans and political allies. Shaped by the experience of civil war in their youth, they both favoured stable government above all. Their wives had rather less in common, the Countess of Ailesbury being the great-granddaughter of Elizabeth I's minister Lord Burghley, but they did share a common experience of frequent pregnancy. Both the Berkeleys and the Bruces had large families even by aristocratic standards. Living in close proximity during their childhoods, Harriet formed friendships with the Bruces' younger daughters that were to last a lifetime.

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Although Harriet and her sisters enjoyed lives of wealth, privilege and comfort, they were also severely circumscribed. They were under their father's rule, obliged to live where and how he ordained. The only socially sanctioned escape from their father's government for girls of their class was through marriage. On their marriage they would exchange the domination of their fathers for that of their husbands, but would obtain some measure of independence through the command of their own household. In the late seventeenth century aristocratic marriage was a business rather than a romantic affair, and even a wealthy man like Harriet's father might be stretched to raise the capital to fund a marriage settlement. With increasing numbers of aristocratic sons marrying heiresses of mercantile wealth, as had Lord Berkeley, it was common for their sisters to marry men slightly lower down the social scale. Marriages also tended to be arranged by age, so if the money ran out it was the youngest daughters who were likely to remain unmarried. By the time Harriet was three, two of her sisters were already married. The eldest Elizabeth, whose dancing was admired by Pepys, had married William Smith, a fellow courtier. Her husband came from a similar London mercantile background to her mother and like Elizabeth had been a member of the dowager queen's staff. They both continued their careers as courtiers after their marriage, living in the vicinity of Whitehall. Harriet's second eldest sister Theophila had married Sir Kingsmill Lucy, a baronet with an estate in Hertfordshire, when she was eighteen. Educated at Sidney Sussex, Cambridge, Sir Kingsmill had completed his degree, which was unusual for the gentry. He shared Lord Berkeley's interests, becoming a fellow of the Royal Society and joining the committee of the East India Company. Their friend Diana, the Earl of Ailesbury's eldest daughter, had also married a baronet, Sir Seymour Shirley of Staunton Harold, Leicestershire. Lord Berkeley's great-aunt had married into the Shirley family and he continued to pay an annuity to two of her grandchildren, so the introduction may have come through him. While elder daughters might have to marry husbands of slightly lower social class, in large families their younger sisters were likely to have to wait a long time to marry at all. This was particularly true for younger daughters like Harriet, who had no independent income or inheritance to fund her marriage. Lord Berkeley's five eldest children had a claim to their share of £2,000 left to them by their maternal grandmother's will, but she had made no provision for children born after her death. Mary, Arethusa and Harriet were completely dependent on their father.

An aristocratic daughter with no independent income and little prospect of marriage was likely to remain living in the parental home until her father died. A few, like Harriet's sister Elizabeth, were able to obtain a place at court. This might increase a young girl's chance of attracting a potential husband, but the relaxed attitude to sex at court held obvious dangers. Mary Kirke, the pretty fifteen-year-old maid of honour to Mary of Modena and daughter of the keeper of Whitehall palace, made the mistake of becoming pregnant outside wedlock. She may have hoped to emulate her elder sister Diana, who at a similar age had become initially the lover and then the wife of Aubrey Vere, earl of Oxford. Diana had two advantages over her younger sister. In 1672, when she married Oxford, her father was still alive. Diana also had a dowry of

£2,000, which her younger sister lacked. When her soldier brother, returning from France following their father's death in the spring of 1675, discovered Mary's situation, he challenged her lover Lord Mulgrave to a duel. What he could not do was force Mulgrave to marry her. When her pregnancy became public, Mary was turned out of her place at court and in disgrace fled to France. Two years later in Paris she married a much older and impoverished baronet.

If her father died, an aristocratic daughter might be lucky and inherit a lump sum or an annuity, sufficient to attract a husband or to allow her some independence. If not, she might be condemned to life in the household of a sibling or other relative, as a dependent with little choice about where she went or what she did. Aristocratic single ladies could enjoy a peripatetic life, travelling between the houses of their extended family and friends. This is apparent from the travels around England of Celia Fiennes, the unmarried granddaughter of a viscount and Harriet's contemporary. Even the intrepid Fiennes did not take a tour accompanied only by servants until she was in her mid-thirties and an experienced traveller. Fiennes also enjoyed an income from inherited land and annuities. If an aristocratic daughter was prepared to step outside societal bounds, the options were greater. She could elope, marry, and hope her parents would accept a *fait accompli* and agree a marriage settlement retrospectively. She could allow herself to be seduced and become a rich man's mistress. If she was lucky and the seducer was unmarried, her parents might even be able to arrange her marriage. In a few, rare cases an exceptionally talented woman was able to earn a living as a musician, artist, actress or writer, but this required talent, luck and considerable self-confidence.

Even under the most benevolent parental rule the dependence of daughters could lead to tension. In 1671 Harriet's elder sister Mary, then sixteen, quarrelled with her parents and went to spend a few months in Essex with the Countess of Warwick. We do not know why Mary fell out with her parents. Subsequent events gave rise to the myth that Mary was sent to Leez Priory after becoming involved with the king's illegitimate son James, duke of Monmouth, but there is no contemporary evidence for any involvement with Monmouth, nor for the idea that Mary was a prisoner in Essex. She seems simply to have gone to stay in the country, while the air cleared over a quarrel with her parents. Leez Priory, a comfortable Tudor house with extensive grounds, was neither a fortress nor a convent. Although it was a pious household, Mary would not have lacked entertainment or companionship. The household included the earl's two unmarried nieces, Mary and Essex, who were a few years older than their guest, and there were frequent visits from members of the extended Rich and Boyle families. The countess frequently made reference in her diary to the presence of guests distracting her from her religious meditations. Given how the countess at a similar age had defied her own father, Mary may have found sympathetic support from her hostess in her quarrel with her parents.

Despite their dependence daughters could frustrate their parents' plans for them. In 1671 the death of Lord Berkeley's colleague Sir John Lewis, a wealthy East India Company merchant, left his younger daughter Mary a substantial heiress. The thirteen-year-old Mary was a sufficiently rich prize to attract the interest of Robert, lord Deincourt, son and heir of the Earl of Scarsdale who was newly returned from a Continental tour. Mary eloped and married Robert in a clandestine marriage. Irregular marriages were easy to arrange in Restoration London, where there were clergymen willing for a fee to conduct a secret ceremony without the calling of banns or the obtaining of a licence. Although irregular, such marriages were considered by the law to be legally binding, especially if they had been consummated. Lady Lewis and her father Sir Thomas Foot, another wealthy merchant, took Lord Deincourt and her daughter to court, in an attempt to reclaim Mary, but there was nothing they could do. The judge ruled that the marriage was valid and could not be overturned, so all they could do was accept the *fait accompli* and hope that Deincourt's father would do the honourable thing and make an appropriate settlement on Mary. Mary's elder sister Elizabeth meanwhile married the impoverished Theophilus, earl of Huntingdon, presumably in this case with her mother's blessing. That same year a marriage within the Berkeley family's immediate circle in Clerkenwell seems to have been required to avoid a scandal. In May 1672 the Earl of Ailesbury's fourth daughter Anne married Sir William Rich, an eighteen-year-old baronet from a London mercantile background and a friend of the notorious rake John, lord Lovelace. This was unusual because Anne had two elder unmarried sisters

and like Mary Lewis was only thirteen. While an heiress might be married off at a very young age, it was increasingly rare, and cohabitation was not expected until the girl was older. Although the diarist John Evelyn married his wife when she was a similarly young age, she remained living with her parents for a number of years. In contrast Lady Anne went to live with her new husband immediately and gave birth to a son the following year. It appears that the couple's marriage was caused by necessity. The agreement of the pious Countess of Warwick, by then a widow, to a marriage between her husband's niece Mary and the notorious rake Henry, viscount St John in 1673 may also have been a reluctant necessity.

Not all guardians accepted losing control of an heiress with equanimity. In 1675 the banker Sir Robert Vyner negotiated a marriage for his thirteen-year-old stepdaughter Bridget Hyde to Peregrine, lord Dunblane, younger son of the statesman Thomas, earl of Danby. Danby was eager to secure her substantial fortune for his feckless and spendthrift son, while Vyner needed the minister's support to sustain some hope that the vast sums he had lent to Charles II would be repaid. Unfortunately the previous year Bridget had entered into a marriage with John Emerton, the son of one of her maternal aunts. Whether Bridget had married her first cousin of her own volition or because she was either persuaded, forced or tricked by her mother's family was immaterial. The marriage was ruled to be legally valid. Vyner refused to accept this and the court showed its sympathy by granting him rather than her husband custody of Bridget. Whatever Bridget's wishes may have been, this made escaping abroad the only way she could have thwarted her stepfather's choice of husband for her. To flee required assistance, such as the fourteen-year-old heiress Elizabeth, lady Ogle received, when her grandmother married her off to the Wiltshire landowner Thomas Thynne. Escaping abroad was a desperate choice. Although the marriage was unconsummated, Thynne was able to lay claim to Lady Ogle's estate and she was only released by his subsequent murder. The legal dispute over Bridget Hyde's marriage ground on for eight years, until eventually John Emerton agreed to be bought off for 20,000 guineas and Bridget married Lord Dunblane.

The marriage of Henrietta's elder sister Mary sometime in 1674 to Ford, the grandson of William, first lord Grey of Warke, was almost certainly not the match his parents had hoped for their eldest son. Described by contemporaries as pretty, Mary was rather chubby by modern standards with large eyes, full lips and the hint of a double chin. The match was unusual, because Ford, who was a year younger than his nineteen-year-old bride, was her social equal and heir to a substantial fortune. Like Lord Berkeley, Ford's father Ralph had been a younger son and did not become heir until the death of his elder brother Thomas in 1671. He inherited the title and large estates in Northumberland and Essex on the death of his father in July 1674. In London the Greys lived in Charterhouse Yard, an exclusive address in the precincts of another former priory surrounding a pleasant open space and within a short stroll of St John's Lane. Through his mother Ford would also inherit Up Park in Sussex from his grandfather Sir Edward Ford. Such a lucrative catch would have been expected to marry a considerable heiress, which Mary was not. Since the Greys and Berkeleys would have considered romantic love a poor basis for a marriage, it is likely that Ford and Mary forced their parents' hands. There was certainly a willingness to ignore parental wishes within their immediate circle. Three years later Ford's sister Katherine helped her friend Alatheia, eldest daughter of the Earl of Northampton to slip away from her parents' house for a private marriage to Edward, eldest son of Sir Edward Hungerford. Alatheia's family put a brave face on the situation, suggesting that Edward was handsome with a considerable fortune. In truth he was the son of a man deeply in debt, known as 'the spendthrift', who had run through his own wives' fortunes, and encouraged his son's marriage in the hope of replenishing his coffers.

In May 1675 Mary gave birth to a daughter, also Mary. Since we do not know exactly when the Ford and Mary married, it is not clear whether their daughter was conceived within wedlock. A later ballad, which apparently links Mary with Lady Vernon, the former Mary Kirke, certainly suggests she was pregnant before she married. The ballad could, however, be referring to Elizabeth Grey, countess of Stamford, whose husband divorced her on the grounds of adultery. The Earl of Stamford, a nephew of the Countess of Ailesbury, was one of Ford's close political allies and the balladeer might have been attempting to attack either of them through their wives. A month after Ford and Mary became parents, Ford's father died unexpectedly, aged just forty-five. Thus, a few months before his twentieth birthday, Ford became the third

Lord Grey of Warke. The couple had assumed that it would be some years before Ford would inherit the family's extensive estate and the associated responsibility. His father's death so soon after they became parents was a shock. Mary would now have felt the weight of expectation, that she would produce a son and heir to inherit the title. Sadly for her there were to be no more children, which would inevitably put a strain on her marriage.

Financing Mary's marriage settlement was a serious drain on Lord Berkeley's finances, with her father still owing her husband £800 three years later. In 1677 the family's resources were further stretched to provide a settlement for the heir Charles, who in his late twenties married the slightly younger Elizabeth, daughter of Baptist, viscount Campden. Her father's main estate was in Rutland, but through his mother the family held Chipping Campden, Gloucestershire. Charles and Elizabeth were to settle in Gloucestershire and to make Berkeley castle a family home, in a way that it had not been for almost two centuries. Restoring the medieval castle to a state where it provided appropriate living accommodation for the young couple and a rapidly growing family was another expensive undertaking. Once the settlement for Charles and Elizabeth was completed, Lord Berkeley was left with debts of £18,000. His yearly income was around £3,000 per annum, of which almost a third was required for annuities and wages. His steward calculated that a further £8,000 could be raised, if it was necessary. So, the Berkeleys potentially had the funds to provide marriage settlements for George, Arabella, Arethusa and Harriet, but the family's finances would be stronger if this could be avoided.⁷

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The first known hint of a problem in the Greys' marriage came in July 1678. It was reported that Mary had been walking in St James's Park with her elder sister Elizabeth and her husband's friend Lord Deincourt, the seducer of Mary Lewis. St James's Palace, which Oliver Cromwell had converted to a barracks, had been restored by Charles II and its park laid out in the French style with formal walks shaded by trees and a grand canal. Lying between the palace of Whitehall and the grand houses of leading ministers lining Piccadilly, the park became a fashionable place of recreation when the king opened it to the public. On this particular summer's day, as Mary was leaving in a sedan chair, Monmouth thrust a note into her hand. On arriving home, she gave the note to her husband saying the duke had mistaken her for someone else. Lord Grey then returned the presumably unopened and ambiguously addressed note to Monmouth. As evidence of a clandestine relationship the incident is problematic, since Monmouth and Mary would have had plenty of less public ways to exchange notes. Various other interpretations are possible. It may have been a genuine case of mistaken identity. Or Monmouth may have been pursuing a reluctant Mary. Or, given the public nature of the interaction, it may have been a prank to embarrass her, perhaps after she had reprimanded her husband or his friends for some of their more rakish behaviour. The incident may even have been an attempt by Monmouth to distract attention from his interest in Lady Henrietta Wentworth, an unmarried girl of eighteen with whom his name had been associated two years before. Whatever the incident in the park meant, it linked Mary with Monmouth in the minds of the court gossips.

Shortly after his encounter with Mary in the park Monmouth left London to join the Dutch and Spanish forces fighting Louis XIV. His subsequent return to England coincided with the disclosure by the deeply unsavoury Titus Oates of an alleged Popish Plot against the king and established church. In the months following the country became gripped by anti-catholic hysteria. His experience as a military commander, followed by his involvement in the investigation of the plot and increasing responsibilities marked a change in the duke. He became more serious about and more actively engaged in politics. The same period saw Grey, whose religious background was Presbyterian and whose paternal grandfather had been a keen parliamentarian in the civil war, throw himself into anti-Catholic politics. In March 1679 he was added to the Lords' committee for examining matters concerning the Popish Plot. He began to side with the group around the Earl of Shaftesbury in the Lords known as Whigs, who supported toleration for Protestant dissenters, the repression of Catholicism, and the right of parliament to impose limits on the king's power. Since the Duke of York had embraced the Catholic church and the king had no legitimate children, the Whig opposition increasingly focused on attempts to exclude the duke from the succession.

⁷ GA, D225/F7

On the question of who or what should replace the Duke of York, if he were ousted, the Whigs were divided. The orthodox position was that the crown should pass to the next in line: York's Protestant elder daughter Mary. She was married to her Dutch cousin William of Orange, who as the king's nephew was fourth in the line of succession after Mary's younger sister Anne. The idea of a joint regency of William and Mary during York's lifetime was favoured by many Whigs. A small minority were die hard republicans, who looked to the religious tolerance and trading success of the Dutch republic, and longed for a return of parliamentary rule in England. Others hoped to persuade Charles II to emulate Henry VIII by divorcing his queen and marrying another, preferably Protestant, wife. After all, there was no doubting the king's ability to produce healthy children with a fertile woman. The final group were those who believed that in Monmouth the king already had an acceptable adult male Protestant heir, who had proved himself as a capable commander. Monmouth even had two sons by his Protestant Scottish wife to secure the succession. The only problem was his illegitimacy. However, since his mother had died before the king had married Catherine of Braganza, evidence of a marriage to Lucy Walter could be produced without raising the spectre of bigamy. Grey was among those Whigs in this last group, who favoured the claims of his friend Monmouth. Sadly for them Charles II adamantly maintained that he had never married Lucy Walter.

While Grey supported the Whigs, Mary's father was firmly on the opposing side, known as the Tories. Lord Berkeley, having experienced the damage done by civil war, was determined to do everything he could to avoid another. His religious upbringing had been in an atmosphere of tolerant Anglicanism, with his family having considered a Catholic marriage for him before the civil war. He also felt a personal loyalty to the king and his family. Having largely eschewed politics since the Restoration in favour of his intellectual and trading interests, in July 1678 Lord Berkeley was sworn to the king's privy council. He was made an earl in September 1679 in recognition of his support for the Tory cause. A month later Mary's elder brother Charles, now known by the courtesy title of Lord Dursley, was elected to represent Gloucester in parliament. He secured the seat through the influence of the city's high steward Henry, marquess of Worcester, who expected him to support the government's opposition to Exclusion. An expectation that was not fulfilled.

In January 1680 London society was gossiping about the marital problems of Ford, lord Grey of Warke, who had apparently ordered his wife to leave London and packed her off to Northumberland at short notice. The dowager Lady Sunderland informed her brother:

The Duke of Monmouth has so little employment in state affairs, that he has been at leisure to send two fine ladies out of town. My Lord Grey has carried his wife into Northumberland, and my Lady Wentworth's ill eyes did find cause, as she thought, to carry her daughter into the country in so much haste that it makes a great noise, and was done sure in some great passion. My Lord Grey was long in believing the Duke of Monmouth an unfaithful friend to him. He gave her but one night's time to take leave, pack up, and be gone. Some say he is gone to improve his interests in the north.⁸

The now nineteen-year-old, unmarried Henrietta Wentworth was to prove the love of Monmouth's life. Lady Sunderland clearly believed that Mary had been Monmouth's lover, but this may have been a smokescreen. Despite Mary's absence from London in the following months, contemporary court satires continued to link her with Monmouth in their scurrilous verses. In this way the verses disparaged Mary's husband as a cuckold and Monmouth as a dishonourable rake, while Henrietta Wentworth remained largely under the radar.

It was embarrassing for Mary's father to have Lord Grey actively working for the exclusion of the Duke of York and for her name to be linked to Monmouth. The embarrassment was heightened early in 1681 by a Tory campaign to disparage Monmouth's mother and cast doubt on his parentage. A Tory pamphlet purported that Mary had given a deposition before the Middlesex magistrates concerning a veiled spirit that had come to her on 29 January. Mary was not frightened, since an 'Apparition' had lately often appeared to her when her husband was away in the shape of a 'bright Star and blue Garter'. (Monmouth

8 R. W. Blencowe ed., *Diary of the times of Charles the Second by the Honourable Henry Sidney, (afterwards earl of Romney)* vol. 1 (1843), 239-40.

had been painted in his robes as a knight of the Garter by Peter Lely in a well-known and much copied portrait.) Warning that the royal family would be poisoned on 15 May, the spirit assured Mary that Monmouth was not at risk, as he had not a drop of royal blood. The spirit reappeared over the following nights, as Mary admitted that she believed the message, but had not delivered it, and that she had not fasted to commemorate the anniversary of Charles I's execution on 30 January. On the spirit's fourth visit Mary interrupted it, saying 'Hee is here. Don't you see him? Tell him your self; We are alone'.⁹ To this satirical attack on Monmouth as a philandering impostor and Grey as a deluded cuckold, the Whigs responded in kind with the own pamphlet *The Lady Gray Vindicated*. This identified the spirit as representing Lord Stafford, a Catholic peer who had been convicted of treason for his alleged part in the Popish Plot and beheaded on 29 December 1680. The pamphlet's aim was not to vindicate Mary, but to accuse the Catholics of lying in order to disparage Monmouth. Stafford was a distant cousin of Mary's father with whom he had shared intellectual interests, both being active in the Royal Society. The earl had voted for acquittal, Grey for conviction. While Mary's virtue and chastity was defended by the Whigs propagandists, the lewd language of the Tory popular ballads presented her as lecherous in order to deride her husband as a pimp and cuckold.

In the aftermath of Mary's departure from London, Grey developed a passion for Harriet. Grey had known Harriet, who was a decade younger than her sister, since she was a child. She was now a lively young woman, enjoying attending entertainments at Court. Being frequently in her company as a member of the family, Grey's early fondness for the child developed into a sexual interest in the young woman. Eventually his passion grew so strong, that he decided to act upon it, despite the moral and societal prohibitions against such a relationship. Initially his wooing was unsuccessful. When he wrote a love letter to Harriet, she reacted angrily and gave him no encouragement. When he again approached the now sixteen-year-old Harriet, she threatened to tell her parents, if he spoke or wrote to her again.

In early 1681 Grey was riding high, enjoying being at the centre of political events. On 12 February, accompanied by four hundred horsemen, he met Monmouth outside Chichester and entered the city by his side for a civic reception, banquet, and bonfires. He then spent a fortnight hosting Monmouth at Up Park, enjoying the hunting. From there the pair travelled together to Oxford, where parliament was to meet away from the pro-Whig crowds of London. Grey rode by the duke's side for his ceremonial entry into Oxford, where he was lodged in the same house as the Whig leader Shaftesbury. He then proceeded to take a prominent part in the session. Lord Dursley was also there, having been re-elected for Gloucester despite having failed to support the Tory position as the Marquess of Worcester had wanted. Unexpectedly the king, having secured a subsidy from Louis XIV, dissolved the parliament as soon as he encountered opposition. This move disconcerted the Whigs, who had thought the king needed them to supply him with money and intended to use this to force him to make concessions. Uncertain what their next moves would be, they were forced to retire and regroup.

Grey decided to retire to Sussex. On the way he joined the Berkeleys at Cranford for the funeral of Mary's eldest sister Elizabeth on 4 April. The Earl of Ailesbury, another member of the privy council, was also there. Although Mary and her husband had parted, there was no formal separation and her parents doubtless hoped for a reconciliation. As privy councillors the two earls were also concerned about what the Whigs, frustrated in parliament, might do next. It would be far easier to keep Grey under observation in London than Sussex. So his parents-in-law and Ailesbury pressed Grey to return to Clerkenwell with them rather than go to Sussex. At first he refused. Then as he was walking with Harriet, she squeezed his hand against her breast. This may have been no more than the gesture of a young, bereaved sister-in-law seeking comfort. Although it is commonly assumed that our ancestors were accustomed to death and mourning by frequent exposure, Harriet had relatively little experience of it. Three of her four grandparents, her uncle and two aunts had all died before she was born. The mourning for her paternal grandmother, when she was just four, would not have impinged greatly upon her life. Since then within her immediate family circle there had been only the death of her brother-in-law Lucy in the autumn of 1678, which left her sister Theophila a widow with three children. Whatever the meaning of Harriet's gesture, Grey took it as an encouragement

9 Anon, *A True Relation of a Strange Apparition which appear'd to the Lady Gray* (1681)

and a sign that she wanted him to return with the party to London. Having returned to the capital, Grey renewed his pursuit of Harriet, meeting her frequently and writing to her, when he was away. Such persistent attention might have turned the head of any sixteen-year-old.

The dismissal of the Oxford parliament marked the beginning of a Tory revival, helped by a general decline in the anti-Catholic hysteria following the bloodletting of the previous year. In London the Whigs remained strong and in June succeeded in getting their two candidates elected to serve as sheriffs for the following year. Nevertheless by the beginning of July 1681 the government was sufficiently confident to arrest the Earl of Shaftesbury on a charge of conspiring the death of the king and attempting to subvert the government. The Duke of Monmouth with Grey and other leading Whigs retreated to Tunbridge Wells, a fashionable resort. There they could take the waters, play bowls, saunter along its shady walks and dance in the evenings, all under the watchful eyes of the government's spies. The party returned to London towards the end of August.

The king and his council were keeping tabs on Monmouth and his supporters. In September they were particularly concerned about the duke's proposed visit to Up Park, given the level of dissent in Chichester. That month Patrick Sarsfield, an Irish adventurer, challenged Grey to a duel. The challenge allegedly arose from a quip about an Irishman made by Grey at St Bartholomew's Fair, which was held at Smithfield close to Charterhouse Yard. In reality it was an attempt to give the government an excuse to arrest Grey. Sarsfield had fought in Monmouth's regiment until barred because of his Catholicism. His elder brother, who had died in 1675, had been married to Monmouth's sister Mary. She had remarried, but remained engaged in litigation with the Sarsfield family over money. Accordingly Sarsfield was someone who could get close to Monmouth's circle without arousing suspicion. Since duelling was proscribed, if Grey had accepted the challenge, he could have been arrested. As it was, Grey recognised his danger and denounced Sarsfield. The Irishman was arrested, but allowed to escape. Although Grey avoided arrest, the incident had propaganda value for the Tories, as the satirists lost no time in disparaging Grey as a coward as well as a cuckold. The association of Monmouth and his allies with whoring and duelling helped to drive a wedge between them and the generally staid Presbyterian republicans.

Support for the Whigs remained strong among the trading community of London. The role of lord mayor generally went to the next senior alderman, who that September was Sir John Moore. Although he had shown some support for Exclusion and was not an obvious Court supporter, Moore was thought too non-partisan to serve the Whig cause at this crucial juncture. By tradition the lord mayor could nominate one of the sheriffs for the next year. Although the custom had been neglected for many years, the Whigs feared that Moore would be amenable to persuasion by the Court to nominate a Tory candidate. Consequently they took the unusual step of demanding a poll for lord mayor. To their disappointment Moore secured the election. In October their cause was dealt a further blow, when the Earl of Huntingdon abandoned his support for the exclusion of the Duke of York and was publicly accepted back into the king's favour. Huntingdon was reported to have abandoned his former allies, because he realised that they were intent on the subversion of the monarchy itself. There were certainly a number of republicans among the Whigs, although these did not include Monmouth or Grey. With informants peddling tales of plots against the king now featuring Whigs rather than papists, they were potentially vulnerable. They responded to this threat by publishing a broadsheet refuting Huntingdon's alleged claim and asserting their loyalty to the king. Then through the revived Protestant celebration of the accession of Elizabeth I on 17 November they demonstrated the continuing support for the Whig cause in the capital. A large procession carrying effigies of the pope and other bogeymen wound its way through crowds from Whitechapel to Smithfield. There Monmouth and Grey looked on, as the effigies were pitched onto the bonfires and toasts were drunk to the king and the Protestant duke. Four days later Shaftesbury came up for trial at the Old Bailey charged with treason. The Whig sheriffs had ensured that the grand jury was packed with their political allies. The foreman was Sir Samuel Barnardiston, like Berkeley a prominent member of the East India Company, but unlike the earl a committed Whig. Despite the best efforts of the Lord Chief Justice, the jury insisted on throwing out the bill.

Sir Kingsmill Lucy's death had left Harriet's sister Theophila a comparatively wealthy widow. She had begun

to develop an interest in Roman Catholicism, which made England an uncomfortable place to be. Accordingly, she decided to travel abroad and to take her younger sister Arethusa with her as a companion. The pair departed England in November 1681, as the Whig demonstrations reached their height in London. The absence of Arethusa, the closest in age of her sisters, may have helped Harriet's relationship with Grey to slip under the radar more easily. The thought that her sister was enjoying the delights of France and Italy may also have piqued Harriet, stuck at home with her mother and Arabella. Her nose may also have been put out of joint by the presence of her orphaned niece Theophila, Elizabeth's five-year-old daughter, who joined the Berkeley household while her father pursued his career at court. Harriet was no longer the baby of the family.

Despite the setback of Shaftesbury's release, the Court continued to gain the upper hand politically. In April the Duke of York was guest of honour at the Artillery Company feast, held at the Merchant Tailors Hall in the city. A rival Whig feast to be attended by Monmouth was vetoed by the king's council as seditious. The next month the lord mayor nominated a Tory as sheriff in traditional fashion by drinking to him at the Bridgehouse feast. Grey was not attending the feast, but he was there, looking on from the gallery. It was usual for the liverymen at the feast to confirm the mayor's nomination, if the nominee did not prefer to escape the office by paying a fine. The majority of liverymen, being Whig supporters, were not prepared to do this and, as tempers flared, the feast descended into a bad-tempered shouting match. The lord mayor attempted to adjourn the election, but the sheriffs challenged his authority to do this. Aware that their refusal to adjourn the meeting might leave them liable to prosecution, the sheriffs consulted Grey about their best course of action. Eventually an adjournment was agreed. Despite the continued opposition of the Whigs, the lord mayor's candidate and another Tory were eventually confirmed by the court of aldermen, while the outgoing sheriffs found themselves in the Tower. When they were brought to court at the end of June, Grey found himself included in the indictment accused of riot. He and the other accused were bailed until the autumn law term.

While the battle over the London sheriffs was still in the balance, Grey provoked the Tory Duke of Albemarle into challenging him to a duel. While browsing in one of London's gunshops, Grey described the owner of an elaborately decorated pistol as a fool. The owner was Albemarle, who as a young man had been one of Monmouth's dissolute friends. A staunch Tory, the duke had been given some of the offices taken off Monmouth by the king. Grey's provocation of Albemarle, suggests the high level of frustration felt by Monmouth's supporters. The challenge was given and accepted, with the duel taking place on 31 May. Following the French fashion, the seconds were actively engaged and fought first. When Albemarle's second was disarmed, the duke yielded to Grey. Two days later three Tory blades used the incident in an unsuccessful attempt to provoke a group of leading Whigs in a coffee house into fighting them.¹⁰

During all his political activity, Grey continued his pursuit of Harriet. The gossip at Court meanwhile associated Harriet with William Forrester, a Shropshire gentleman who was the same age as Grey and also a member of Monmouth's circle. As MP for Much Wenlock, he had supported the exclusion of the Duke of York from the succession. Harriet may well have entertained hopes of marriage to Forester, who was the heir to a considerable estate. It would not have been a match to equal Mary's, but would certainly have been a coup. William Forester and his family, however, knew his worth and were looking for a large dowry. (He would eventually marry Mary Cecil, whose father James, earl of Salisbury had endowed her with £10,000.) Perhaps Harriet began to flirt with Grey in the hope of making Forester jealous and provoking him into claiming her for himself. Despite their political differences, the earl did not ban his son-in-law from St John's Lane. To have done so would have been against his own belief in moderation and the need for political reconciliation. It would also have advertised the breakdown in the Grey marriage. Under the circumstances it was natural that Grey should call upon the ladies of the house, while the proximity of their London houses and the familiarity between their servants simplified the passing of written messages. For some months the developing relationship between Harriet and Grey slipped under the radar.

In May and June 1682 the earl and his household were distracted from political affairs by the arrival of two ambassadors from Bantam. The East India Company had important trading links with Java and as the

¹⁰ HMC 7th Report, 371, 479.

company's governor Berkeley was involved in the reception and entertainment of the ambassadors, including going to Windsor to formally present them to the king. On 22 June he hosted a dinner for them, which attracted many onlookers, including the diarist John Evelyn, eager to see these exotic guests. The ambassadors and their suite sat at one table, served with food prepared by their own cooks, while the diners at a second table were headed by the Marquess of Worcester, the earl and countess, and the Greys. In public the facade of Mary's marriage was preserved and the political differences between her husband and her father did not prevent Grey's appearance at this important ceremonial occasion.

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The account of the discovery of Harriet's affair comes from the evidence given in court by her mother and her elder sister Arabella. A few weeks later after the ambassadorial dinner Arabella heard a noise one night, which crystallised other suspicions which she now took to their mother. The next morning the countess went into Harriet's room and, seeing her pen wet with ink, asked who she had been writing to. Harriet in confusion claimed that she had been doing her accounts, but her mother refused to believe her. She wanted to search the room, but Arabella thought this was a bad idea while Harriet's maid was there. Accordingly, the search was delayed until after family prayers. Ordered to hand over the keys of her closet and her cabinet, Harriet also gave Arabella the letter she had been writing to Grey. In this she reassured him 'My sister Bell did not suspect our being together last night, for she did not hear the noise', and impatiently begged him to visit her again. Infuriated, Arabella tore the letter to pieces.

Once discovered, Harriet and Grey attempted to gain Arabella's sympathy. When her lover arrived, Harriet swooned. Grey, taking her up, said to Arabella: 'You see how far it is gone between us' and declared he had no love, no consideration for any thing upon earth but Harriet. When this failed to move Arabella, he turned to threats, vowing he would be revenged on the whole family, if they exposed her. Arabella ignored his blackmail, saying he could do the family no harm and 'for my own particular, I defied him and the Devil, and would never keep counsel in this affair'. Arabella was particularly enraged, having discovered that her own maid had conveyed Harriet's letters to Grey's household. Having railed at Grey, Arabella then turned on Harriet, asking how she could sit and listen to Grey saying that he had no love or consideration for anyone but her, when he was married to their 'poor sister'. Finally, Arabella declared that if Grey so much as mentioned Harriet's name to her again, then she would tell her father. Despite Arabella's defiance Grey's threats could not be disregarded. She was well aware, that a public scandal would ruin Harriet, be deeply embarrassing for her father, and would damage her own marriage prospects and those of the still absent Arethusa. Moreover, however badly he behaved, Grey would continue to have complete control over his wife and daughter. Arabella and her mother could not ignore that stark fact in their interactions with Grey.

When summoned to an interview with the countess, Grey took a slightly different tack. Rather than threaten the ruin of her family, if she would not keep his secret, he played on her natural desire not to ruin her own daughter. He also warned her of the harm that might arise from her telling her husband. On finding out the earl would be in such a rage, that he might publicly call Grey a rogue or rascal. Grey did not need to spell the consequences of that to the countess. If the earl insulted his honour, however soiled that honour might be, Grey implied that it might lead to a duel. While the earl might be above such posturing, her son Lord Dursley almost certainly was not. The countess thus had good reasons to agree, that the affair should be hushed up. Grey promised to keep his distance, if the countess would take Harriet out with her for the sake of appearances. He also suggested that, as he was about to leave town with Monmouth, it might cause comment, if he did not dine with the family as usual before going away. For Mary's sake the countess agreed to continue the pretence that all was as usual, provided he gave her no cause for offence. After dining in St John's Lane, Grey sent a servant with a note the following morning to say, as Monmouth's plans had changed, he would not be leaving town after all.

It appears that Harriet and Grey had no intention of ending their relationship and that any pretence of conformity was intended only to prevent her mother informing the earl, who would take decisive action to separate them. If Harriet was to leave her father's house, she would need somewhere to hide until the initial hue and cry died down. Accordingly, Grey sent his manservant Robert Charnock to scout for lodgings.

Charnock had been Grey's coachman, but had earned a promotion by confidential services for his master such as being the conduit for Harriet's letters. Charnock's wife was pregnant that summer, so the lodgings were allegedly required for her own lying-in. Anne Charnock's midwife Mrs Patten and her husband had recently acquired a house in Wild Street, a fashionable area of town between Covent Garden and Lincoln's Inn Fields, and were in the process of doing it up. Anne explained that she did not want to give birth at home as usual, as the Grey family would then be at their London house. Nor did she want to go to stay with her parents in the country, where she would have to use a different midwife. The midwife, having attended Anne before, was surprised by her vagueness over when she expected to give birth, but it was agreed that the rooms would be ready by mid-September. This would be around the time that the Berkeleys returned from their summer visit to Durdans.

The countess and Arabella were unconvinced that Grey would keep his promise not to contact Harriet, so she was closely watched and a servant slept in her room each night. Waiting patiently for two months did not suit Harriet's impulsive and reckless nature. One morning she attempted to leave the house unescorted, but the servant spotted her preparations and she was stopped. The countess decided that the best thing would be for Harriet to be sent to stay with her sister-in-law Elizabeth, Dursley's wife. The idea of exchanging the excitement of London society for her brother's house in the country with its growing nursery of young nieces and nephews did not appeal to Harriet. She got into a 'great anger and passion', which exasperated her mother. It was some days before Arabella could persuade the countess to go near her stubborn, errant daughter again. When eventually they had another interview, the countess argued that if Harriet stayed in St John's Lane, Grey would not be allowed to visit and that would cause gossip. It would therefore be far better for her to go to Dursley's house, where Grey was not a regular guest. In tears, Harriet begged her mother to forgive her and promised to behave. As Harriet worked herself up, her mother relented. She hoped that her daughter meant what she said, that 'all this ugly business' was over and that the family's imminent removal to Surrey for the remainder of the summer would resolve her problem without her husband finding out.

By the time the Berkeleys arrived at Durdans, the countess chose to believe that she had successfully pinched the affair in the bud and that it would have no long term repercussions. She dismissed Harriet's concern that she had been ruined by Grey's seduction, as a young girl's melodramatic overreaction. The countess may have taken too sanguine a view of how far the affair had developed. Meanwhile Mary, who was preparing to go to France as her husband had ordered, arrived in Surrey. When a letter from Grey summoned her to a meeting in London, she asked her mother if he might instead visit her at Durdans on his way to Up Park. For Mary this would relieve her of the inconvenience of the journey to London. She may also have hoped to conceal the extent of the breakdown of her marriage from her parents' friends and neighbours in Surrey, and perhaps have even hoped for a reconciliation. No doubt Grey, knowing his wife well, counted on her providing him with a way to circumvent his mother-in-law's ban on his seeing Harriet. The countess wrote to Grey, telling him that he might call in at Durdans to see his wife and stay for dinner, which was eaten at midday. He would then be able to continue his journey before it got dark, spending the night at Guildford.

Theophila had also joined the family party at Durdans, having just returned to England. She had travelled in the company of Robert Nelson, a serious, religious young man six years her junior she had met in Rome. They would marry the following year. Neither her parents nor Nelson were aware that while in Italy Theophila had converted to Catholicism. Presumably Arethusa and Theophila's children were also at Durdans, but no mention is made of them. Nor is there any reference to either of Harriet's brothers having been there.

On Tuesday 16 August rather than arriving in time for dinner, Grey delayed his departure from London and did not reach Durdans until it was dark. The countess was obliged to invite him to stay overnight, to avoid her husband becoming suspicious as to why his son-in-law was suddenly unwelcome. Hoping perhaps to change Ford's mind about exiling her to France or to persuade him to accompany her, Mary asked her mother to let him stay longer. Realising there was some reluctance, but unaware of the reason, she enlisted Theophila's help. The countess and Arabella now took Theophila into their confidence. The three of them

agreed, that Grey should be allowed to stay but that Harriet should be kept out of his way. The side effects of a dose of physic would be a sufficient excuse for Harriet to keep to her chamber for a few days. Despite Grey's entreaties, the countess stood firm in her determination that he should not see Harriet while at Durdans. She attempted to persuade him that he should accompany Mary to France and allow the affair with Harriet to be forgotten. The earl and his fellow privy councillors would have been very happy to see Grey leave England that summer. He refused, but when the countess threatened to tell her husband everything, promised to follow Mary to France before Christmas.

On the Friday 19 August an anonymous, unmarked letter was delivered to the countess. This warned her that she would lose her daughter, if she did not take care to lock Harriet up at night as well as watching her during the day. Lady Berkeley's account of Grey's reaction to this letter at the trial differed from his own. He claimed that he warned the countess that the letter must have come from someone involved in a scheme to help Harriet leave Durdans, who was getting cold feet. Her recollection was that Grey made little of the letter, told her it was nothing to worry about. When cross-examined, Theophila confirmed her mother's account that Grey had dismissed the letter and denied he had suggested Harriet might be planning to bolt. The following day Grey was to leave Durdans to spend the night at Guildford before travelling on to Up Park. The anonymous letter seems to have spurred Grey into action, perhaps fearing that the countess would contrive to send Harriet to Gloucestershire rather than have her return to London. Immediately after dinner and later in the afternoon he was seen in earnest conversation with Charnock. Later Charnock left Durdans with Grey, apparently en route to Guildford.

That Saturday night the family retired to bed as usual. Harriet's French maid, who slept in the same room, laid out her clothes for the next morning. She then locked the door and retired to bed. Once the maid was asleep, she slipped out of bed and dressed in the clothes laid out for the next day. Then she unlocked the door, slipped out of her room, down the stairs and out of the house. If any of the servants assisted her, none admitted it afterwards. She hurried away from the house through the dark. Charnock, having made a show of leaving Durdans had not gone to Guildford, but was waiting with Grey's coach out of sight from the house. Another servant presumably waited in the dark to guide Harriet to the coach. Once she had climbed in, Charnock set off for London. The road to London was reasonably good by the standards of the age. Epsom could be reached from London in three hours, but travelling by coach at night took considerably longer. With Grey gone and the earl still in ignorance of the affair, the countess presumably slept more soundly than she had for several nights. Then, as the household arose on Sunday morning, she discovered Harriet was gone. Concealing the affair from her husband was now out of the question.

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Harriet's flight from Durdans had been planned in a hurry. The clothes her maid had laid out the night before were a multi-coloured nightgown, a red and white petticoat, and a quilted petticoat. These were clothes that a young lady would wear informally around the house. They were not clothes, that Harriet would normally have travelled in. Although she wore a hooded cloak over them, the clothes were sufficiently distinct when worn by a traveller as to attract attention. The hurried arrangements had not included providing Harriet with an appropriate outfit for the journey. Nor had anywhere been prepared for her to stay, once she reached London.

Early on the morning of Sunday 20 August Robert Charnock arrived at Eleanor Hilton's boarding house in London and asked if she had a room free. Shortly afterwards Harriet arrived alone and was shown up to the room. She kept her face hidden as she entered the house, but the landlady was able to describe the distinctive clothes she was wearing. Plainly weary, Harriet lay down to rest. A common boarding house was not the sort of place she was accustomed to and Grey was not there to buoy up her spirits. Shortly afterwards Charnock's wife Anne arrived. She had been sent to stay with Harriet, while her husband looked for better lodgings. Harriet became increasingly upset and refused to eat the food she was offered. She was convinced her father would track the coach to London, discover where she was, have her refuge stormed, and drag her off back to Surrey. Her agitation was increased, when she discovered that there was no backdoor to Mrs Hilton's house. By chance her flight coincided with the appearance of Halley's comet in the

sky over London, and that evening a crowd gathered in the street outside to watch. With Harriet feeling trapped and almost hysterical, Anne Charnock decided to take temporary refuge at the Patten's house in Wild Street while she waited to hear from her husband. While the street was busy and the crowd preoccupied, Harriet, Mrs Charnock and Mrs Hilton slipped out. On arrival at Wild Street, they found that the midwife was out. Against her husband's objections, Anne and Mrs Hilton hustled Harriet upstairs and slammed the chamber door. Shortly afterwards a note arrived, redirected from Mrs Hilton's. Much to Mr Patten's relief the party then left his house and took a coach to their new lodgings. Where they went or where Harriet finally spent that night and the next was not disclosed in court.

When the family had discovered Harriet was missing that morning, her sister Theophila had immediately set out after Lord Grey, assuming he would know her whereabouts. He had already left Guildford by the time she arrived, but returned when the postboy was sent haring after him. He denied all knowledge of Harriet's disappearance, but offered to go to London to look for her. Theophila wanted to go with him, hoping to retrieve Harriet before her flight became public knowledge and her reputation ruined. When rumours of Harriet's flight began to reach London, it was assumed that she had eloped with William Forester. While an elopement would have been rash, it would not necessarily have ruined Harriet's reputation. If she had married Forester or any other gentleman, her family would have been forced to accept a *fait accompli*. However much they might have disapproved of the match, for the sake of appearances Harriet's husband would have been made welcome. To become the kept mistress of a married man was very different. As the case of Mary Kirke had shown, the relaxed standards of Charles II's court only stretched so far where young women were concerned. Harriet had taken a step that would debar her from much of polite society. The best that her family could hope was that they could find her and marry her off, before the truth became generally known.

Grey refused to take Theophila with him to London, but promised to send her word as soon as he could. A few days later he wrote to say he was in contact with Harriet, but did not know where she was. He had in fact arranged temporary lodgings for Harriet with David Jones, a Grey associate who kept a milliner's shop and rooms to let in Charing Cross. A maidservant testified that Grey, who she knew by sight, arrived on the Monday to talk to Jones, and that afterwards she was told to prepare the best room. The next day the shop was shut early and the maids sent to bed, before a lady of quality was smuggled in. At the west end of The Strand, dominated by Northumberland House and close to Whitehall, Charing Cross was not ideal as a hiding place for Harriet. Although it was an area where coaches could come and go without being remarked, it was thronged by people who might recognise her. So Grey would be able to visit her there, but Harriet would be a virtual prisoner within the house.

Once Harriet was safely stowed in Charing Cross, Grey resumed his visit to Sussex. In an attempt to allay the Berkeleys's suspicions, he suggested that they should send someone along to observe that he was not seeing Harriet. Mr Craven, a gentleman in Lord Berkeley's service, arrived at Up Park on the Thursday and was shown a letter from Harriet that had purportedly arrived in the post from London the previous evening. According to Craven, he proposed a scheme by which, if Grey would send Harriet to Calais or Dieppe, the Berkeleys would arrange for her to stay in a convent. From there she might write to her mother, explaining that she had run away to avoid being forced to marry someone she disliked. Lady Berkeley could then show the letter to some of her friends and go over to France to collect her daughter. This would not stifle all gossip, but it would leave the way open to finding Harriet a respectable husband, for whom a substantial financial settlement would overcome any doubts about her past. Grey, however, maintained that Harriet would not tell him where she was, fearing he would tell her father. Craven stayed several days at Up Park, during which time he and Grey went out shooting together, and some of his evidence at the subsequent trial was drawn from their alleged conversations during these expeditions.

Meanwhile Harriet remained cooped up in her room at Charing Cross, unable to go out for fear of being discovered. According to a maidservant Grey visited her there in disguise, but for the most part she was alone. Among the Jones's other lodgers was one Captain Fitzgerrard, who had been living in the house for some six months. This was almost certainly David Fitzgerald, an informant working for the government, who was engaged in spying on Whig circles. He was away, visiting the Court at Windsor, when Harriet arrived. On

his return a few days later his servant informed him about the arrival of the mysterious new guest, who the maid had told him was Grey's new mistress. Since he was interested in political rather than sexual intrigue, Fitzgerrard at first paid little attention to this gossip. On hearing further gossip concerning Harriet's flight, Fitzgerrard realized who the mysterious lady might be. He had seen her once or twice at Epsom, so would recognise her. He questioned the maid and confronted Jones that evening, threatening to force his way into Harriet's room. At Jones's insistence, Fitzgerrard agreed to wait until the next morning. The following day he went out early, providing an opportunity for Harriet to be removed from the house. This was presumably intentional, as in a confrontation it was possible Harriet would have recognised him. The last thing he and his paymasters wanted was her warning the Whigs not to trust him.

Grey returned to London at this juncture, presumably to arrange new lodgings for Harriet. Despite his protestations the family remained convinced that he knew Harriet's whereabouts. The family were desperate to get Harriet away from Grey and staying with a discreet friend or relation, so that a marriage could be quietly arranged. Elizabeth's widower William Smith went as an emissary for the Berkeleys to negotiate with Grey. He was equipped with the offer of a substantial dowry, which the earl would provide for Harriet, if Grey agreed to place her in the custody of an acceptable third party. Once Harriet was separated from Grey, the Berkeleys hoped to find a candidate willing to marry her on the generous terms offered and a clergyman willing to perform the ceremony. Complicating negotiations was the uncertain situation of Mary. Until and unless Grey could be persuaded to agree to a formal separation with a reasonable financial settlement, Mary remained legally under his authority. He also held the power to deny Mary access to their daughter.

Given Grey's legal control over Mary and her daughter, the Berkeleys had little choice but to negotiate. Even if they discovered where Harriet was staying, storming in and wresting her away would run the risk of her seducer retaliating against his wife. The Berkeleys would still have preferred to send Harriet out of the way to her sister-in-law at Berkeley castle, but realized that this was unlikely to be agreed. Grey proposed she should go to his own sister Catherine and her husband Richard Neville in Berkshire. This was vetoed by the Berkeleys as a ruse by Grey to enable him to continue meeting Harriet. Given Neville's Puritan upbringing, the Berkeleys did not believe he would welcome Harriet into his house, if he knew the truth. If Neville was kept in ignorance, then Grey would be able to visit her under the guise of visiting his sister. The Berkeleys then suggested Thomas Pettit, one of Lady Berkeley's cousins and a Inner Temple lawyer who dealt with estate matters in Sussex for both the Berkeleys and the Greys. Grey in turn declared this to be unacceptable, as the Berkeleys would prevent him seeing Harriet. Although Grey now admitted that he was in communication with Harriet, he refused the urgent request of the countess that Theophila at least should be allowed to see her.

We do not know where Harriet was living after her departure from the milliner's in Charing Cross. Although in the first days after her arrival in London she kept out of sight in her room, it is unlikely she maintained such isolation for three months. Once she got over her initial fear of being discovered and dragged home, Harriet would have wanted some exercise, entertainment and company. Young, high-spirited and impulsive as she was, the occasional clandestine visit from her lover would have been meagre fare to sustain her. The only apparent glimpse of her was when, according to Grey, he was summoned out of a coffee house in Covent Garden to speak to Harriet, who was waiting in a hackney carriage outside. In view of the hue and cry that surrounded her flight, to contrive a meeting in such a public place, frequented by people who would know her by sight, implies a reckless disregard for discretion.

What we do know is that at some point over the autumn Harriet got married to a man called William Turner. The precise identity of Harriet's husband remains a mystery. It has been assumed he was a servant, persuaded to marry her by Grey. If so, this begs the question of why Grey did not tell her family that Harriet was married. By so doing, his imprisonment and the public scandal of the trial could have been avoided. However, her later behaviour indicates that Harriet hoped to restore her reputation. A husband was essential to this enterprise and, once Grey was imprisoned, it was in keeping with her impulsive nature to shift for herself and choose her own husband. All that we know about William Turner is that he claimed to be a gentleman, who sometimes lived in London and sometimes in Somerset. From his later career we can

hazard that he was a Whig supporter. Harriet may have known him in London before her flight. He might even have been an admirer, who lacked the wealth to become a serious suitor. Or he may have been someone she had met in her temporary lodgings that autumn. A clandestine marriage, requiring no reading of banns or licence from the bishop, was simple to arrange in London, even when the bride was a minor. Reckless and impulsive, Harriet could have found herself married, before she had fully considered the consequences.

While Grey and the Berkeleys continued to wrangle, the political climate became increasingly rancorous. In September Monmouth travelled north to attend a race meeting at Wallasey. He received a mixed reception as he travelled through the Midlands. At Coventry, which had a non-conformist, radical tradition, bonfires were lit and he was greeted by several aldermen. Conversely at Lichfield the local gentry, who were gathered there for the races, did not wait on the duke or accompany him on the next stage of his journey. Thereafter he enjoyed the hospitality of a number of influential Whigs, whose retainers provided an impressive entourage and ensured he was greeted by cheering crowds. Harriet's former beau William Forester joined the duke's party in Staffordshire. In Cheshire Monmouth rode into Nantwich to be met by a large crowd of local people, who despite the opposition of the minister insisted on ringing the church bells. At Chester he stayed with the mayor, a public supper was held in his honour, and the following day he was accompanied to the morning service in the cathedral by the corporation and the recorder. He also stood as godfather to the mayor's daughter. At the Wallasey races on 12 September Monmouth rode the winning horse and donated the prize to his new goddaughter. That evening in Chester there were bonfires in the streets and church doors were broken open, so that the bells could be rung in defiance of the church authorities. During the race meeting the duke crossed over one evening to Liverpool, where he was again met by cheering crowds and made a freeman of the city. Since there were no elections for parliament imminent, the purpose of these demonstrations of support for the Whig cause were open to malign interpretation. With the return of the Duke of York to London and the shenanigans over the London elections, some Whigs were increasingly arguing that force was required to achieve their ends and this sentiment was especially strong in Cheshire. The numerous government spies among the Whig ranks kept the privy council well informed of the development of this radical mood. By the middle of September the council was sufficiently concerned about the threat of armed insurrection to take action to forestall it.

Many of the more radical Whigs were religiously and morally puritanical and disapproved of the rakish tendencies of Monmouth's courtier supporters. For Grey to be known to be engaged in an intrigue with his teenage sister-in-law at this crucial juncture would inevitably help to drive a wedge between these two Whig groupings. While Harriet's disappearance was widely rumoured, it had not been publicly acknowledged. Then on 18 September advertisements began to appear in the *London Gazette*, confirming that Harriet had been missing for a month, claiming that her family did not know whether she was dead or alive, and offering a reward for information about her whereabouts. At the same time a warrant was issued for Monmouth's arrest on a charge of inciting riots. This was served by a sergeant at arms at Stafford on 20 September, where a lavish banquet had been prepared and a crowd had gathered to greet Monmouth. As the duke continued to travel towards London with his escort, a crowd of 700 people gathered to cheer him at Coventry, a city known for its radical politics. In the meantime one of Monmouth's entourage rode post haste to London to acquire a writ of *habeas corpus*, which would require that the duke was brought immediately before a court. Time was short, as the new Tory judges would be sworn in within a few days and the Whigs would no longer be able to pack a London jury with their supporters. In London the Whig leaders, including Grey, debated whether Monmouth should continue towards London or make a break for it, return to Cheshire, and lead a rising to force the removal of the Duke of York. The Earl of Shaftesbury, a sick man aware that this was almost certainly his last throw of the dice, argued in favour of a rising. To start a revolt in Cheshire without having established that it would be supported in other parts of the country would have been a desperate move. The idea was accordingly rejected and Grey carried the result of their deliberations to the duke at St Albans. Monmouth eventually arrived in London on 23 September and two days later was released on £10,000 bail. Meanwhile Sir George Jeffreys, the Tory chief justice of Chester, began to collect evidence in the hope of sustaining a case against Monmouth.

In the meantime the attack on Grey through his association with Harriet continued. Grey had allegedly been confident, that there was no law that would force him to reveal Harriet's whereabouts and return her to her father's custody. He allegedly cited the case of Lady Heneage, who in 1674 had been unable to prevent her daughter becoming the kept mistress of his friend and fellow Whig William, lord Cavendish. If this claim was actually made by Grey, he was about to learn that the law could indeed touch him. Once the new Tory sheriffs were sworn in at the end of September, the earl took out a writ *de homine replegiando*, accusing Grey of taking Harriet away and concealing her. This accused Grey of an offence against the body of one of the king's subjects, which made him liable to prosecution by the Crown in the court of King's Bench. At a meeting in the Lord Chief Justice's chambers attended by Lady Berkeley and Arabella, Grey described Harriet as under his protection. He admitted that he knew where she was, but refused to reveal her whereabouts. More drastic action was clearly required to force Grey's hand and to resolve Mary's position. On the first day of the Michaelmas term the attorney general Sir Robert Sawyer brought the writ against Grey. On 22 October Grey appeared in court to answer both this charge and that of rioting in the summer at the election of the sheriffs. On the charge of riot, he was bailed over the keep the peace. On the charge relating to Harriet, however, he was refused bail and ordered to be held in the King's Bench prison in Southwark . There he would remain until his trial, unless Harriet was produced in the meantime. As a wealthy man, Grey could afford to make his stay in prison reasonably comfortable and he could be visited there, but he was effectively removed from the scene.

By October the leading Whigs had lost all hope of removing the Duke of York from the succession by lawful means. Shaftesbury, fearing imminent arrest, went into hiding. He had despaired of Monmouth taking decisive action and was trying to raise a rebellion in consort with the more radical elements. As 5 November fell on a Sunday that year, the traditional bonfires to commemorate the Gunpowder Plot were delayed until the following day. In London large crowds of people marched through the streets shouting 'A Monmouth, No York'. With the Whig leadership in disarray, the authorities were able to treat the demonstrators as rioters. The trained band was called out and the perceived ringleaders arrested. Although the Whigs were weakened, the authorities were determined to take no chances. When Grey's lawyers applied again for him to be released on bail, the Crown's lawyers successfully argued that he should remain in jail. On 17 November the Constable of the Tower was ordered to prevent an effigy of the pope being paraded from Wapping and drowned in the Thames in commemoration of Elizabeth I's accession. With Monmouth bound over to keep the peace, Shaftesbury in hiding, and Grey in prison, there was to be no repeat of the previous year's orchestrated celebration of this iconic Protestant anniversary. It appears that remaining in prison, removed from the turmoil of Whig politics, suited Grey that November. In the same situation Shaftesbury, utterly dedicated to the cause, would have revealed Harriet's whereabouts to secure his own release and return to the fray.

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Lord Grey's trial was set for 21 November, but was delayed for two days as one of the prosecution witnesses was not ready. The King's Bench was one of the three courts which sat in Westminster Hall, each of which was surrounded by wooden partitions a few feet high to separate them from the body of the hall. Westminster Hall was a fashionable meeting place and filled with stalls selling all manner of goods. Samuel Pepys was frequently there to meet friends, pick up the latest news, or in the hope of encountering an accommodating woman. His bookseller Ann Michell had a stall in the Hall, as did the sexually open-minded Doll Lane.

The King's Bench was more public and less formal than a modern courtroom. The judges sat above the fray on a dias, below which was a large table around which sat the various court officials with the jury to one side. Beyond this was the area for the lawyers, their clients and witnesses, separated from onlookers by the low barrier around the court. There was no separate witness box or dock for the defendants. The proceedings were open to any interested passer-by. Newsletter writers, who supplied country gentlemen with London gossip, found a rich source in the King's Bench. There were no official trial reports in the late seventeenth century, but interesting cases were recorded for publication. The interest generated by the Grey trial ensured that a very full account of proceedings was made, while newsletters reflect the

contemporary reaction to its revelations.

The case began at nine in the morning and lasted around five hours. Charged alongside Grey were Robert Charnock with his wife Anne, and David Jones, his wife Frances, and his widowed sister Rebecca. Anne Charnock had given birth only a few days before. All were accused of having debauched Harriet, by enabling her to desert her family and to commit whoredom, fornication and adultery with Grey. All four judges of the court sat to hear the case, which was prosecuted by the Attorney General assisted by Heneage Finch, the Solicitor General, and by George Jeffreys. One advantage of having a case tried by the Crown in this court was that the prosecution could object to specific jurors without having to give a reason, and so could ensure a sympathetic jury. The defence was led by two eminent Gray's Inn barristers, John Holt and William Williams, but the odds were stacked against them.

After the charge had been read and the two sides had made their opening statements, there was a dramatic moment when Harriet appeared and was led to the clerks' table, where she sat with her face hidden by the hood of her cloak. The countess was then called as the first witness, but was so overcome by Harriet's unexpected appearance that she could not speak. It was clearly an ordeal for a gently brought up lady to be required to give evidence in open court. Arabella, who was called to describe the initial discovery of Harriet's affair with Grey in her mother's place, spoke so quietly that only the judges were able to hear her. When she was asked to turn towards the jury and repeat her evidence for their benefit, she was disconcerted to find Grey standing directly in her eyeline until the Lord Chief Justice told him to sit down. When the countess was sufficiently recovered to speak, she kept her face largely covered by her hood and became so agitated that she was described as swooning twice during her evidence. Theophila, perhaps made more independent by her experience of widowhood and foreign travel, and driven by dislike of her brother-in-law's political and religious views, proved more resilient when it was her turn to give evidence concerning Harriet's flight. Her example seems to have given heart to Arabella, who chipped in several times with further evidence. Although the earl was present during the proceedings, he was not called to give evidence. There is no mention of either of Harriet's brothers being present.

A clergyman who had been at Durdans during the day before Harriet's flight, testified to Grey having had a long conversation with Charnock immediately after dinner and sending for him again later in the afternoon. This apparently inconsequential evidence was vital for suggesting that Charnock was acting on Grey's instructions, when he assisted Harriet's flight. Eleanor Hilton and Mr Patten both described the clothes worn by the young lady who had sought refuge at their houses, which Harriet's maid confirmed matched those she had laid out the night before her flight. Mr Patten had also managed to catch a couple of glimpses of Harriet's face, despite her attempts to shield herself with her hood. When she was asked to put back her hood in court, he identified her as his temporary guest. Mary Fletcher, the maid at the Charing Cross lodgings, was unable to identify Harriet, as she had not seen her arrive and had been barred from the room in which she stayed. She was sure it was Grey, a regular visitor to the house, who had engaged the room and then visited the occupant, despite his attempt to disguise himself. Fitzgerrard's testimony described how Harriet was moved, after he confronted David Jones about the identity of his guest and insisted on seeing her. In his evidence William Smith stated that Grey spoke as though he knew where Harriet was and that at one point he claimed she had gone abroad, although Smith did not believe him.

The final witness for the prosecution was Mr Craven, the Berkeley's emissary who had stayed with Grey at Up Park. Much of his evidence concerned the conversations he had had with Grey, while they were out shooting. Some of this might have been boastful exaggeration for the sake of the Berkeley spy. According to Craven, Grey claimed to have spent two days stuck in Harriet's closet with nothing substantial to eat in order to avoid detection. He was also supposed to have courted and had sexual relations with two other women in a vain attempt to overcome his passion for her. It all enhanced the image of Grey as a thoughtless rake. It was also Craven, who alleged that Grey had cited the case of Lady Heneage being unable to touch Lord Cavendish when he seduced her daughter, to show his own immunity from the law. When Craven's evidence was over, Lord Cavendish indignantly complained about the impertinence of his name having been mentioned in court in this context. The Lord Chief Justice sympathised, saying that the evidence was not to the purpose. Cavendish demanded of Craven why he had not named the women Grey had slept with as

well. Craven answered that the women had not been identified, to which Grey retorted nor had Cavendish. Given the relationship of the Solicitor General to the Heneage family, Grey would not have needed to be explicit for the prosecution lawyers to identify the case. They had known that Cavendish would attend his friend's trial and would undoubtedly object, if he was referred to by name in this context. This deliberate provocation helped to emphasise the rakish behaviour of many of Monmouth's aristocratic supporters.

The essence of Grey's defence was that, while he admitted to the affair with Harriet, he had not been party to her flight from Durdans or attempted to keep her from her family. He claimed that the countess had been severe with Harriet and that unkind treatment had driven her to flee. This mirrored the Heneage case, where the daughter was said to have been driven into Cavendish's arms by the severity of her mother. He also claimed that he had warned the countess specifically to lock her daughter up at night, if she did not want her to run away. Speaking in his own defence, Grey presented his love for Harriet as an unfortunate inevitability, while objecting to the accusation that he had facilitated her flight and kept her from her family as infamous and an attack on his honour. He claimed not to have seen Harriet for some time after her arrival in London. According to his account, their first meeting occurred when he was summoned out of the Covent Garden coffee house to find her waiting in a hackney coach. When he had made his statement, the countess, Theophila and Arabella were all questioned again and contradicted aspects of his evidence.

At this juncture the defence proposed to put Harriet up as a witness. The prosecution objected. Their objection was overruled by the Lord Chief Justice, although Pemberton observed before she was sworn in that very little credit could be given to her evidence. Harriet duly stood up and claimed that her flight from Durdans was her own idea and that she had arranged it with no help or encouragement from Grey or anyone connected to him. Under questioning from Jefferys, she denied having seen Grey in the days immediately after her arrival in London. As Grey's council took up the questioning again, Harriet confirmed Grey's account of their first meeting in London as being in Covent Garden, but significantly was unable to say when this had occurred. She claimed that she wrote to Grey on the Tuesday after her departure from Durdans, because he was the nearest male relation after her brother who could protect her, and that she saw no harm in it. She described his response to her letter as harsh and said that a subsequent letter went unanswered. She also claimed that Grey had attempted to persuade her several times to return to her father. Jefferys then cross-examined Harriet directly about the other defendants. She steadfastly denied that Charnock and his wife had assisted her or that she had been as alleged at the houses of Mrs Hilton, Mr Patten or David Jones. When asked who did facilitate her flight, she refused to name them, for she would not betray their kindness.

Her denial of Grey's involvement was all that the defence wanted from Harriet and having got that, they had no further questions. She was told to sit down, but Harriet had other ideas. She had clearly expected that appearing in court and giving evidence would enable her to give her own version of events. Harriet wanted a chance to justify her behaviour and to salvage what she could of her reputation. For Grey's barristers there was no advantage to be gained for their client from this. Sir William Dolben, one of the judges, was inclined to allow her to speak, saying that the jury would know what weight to give to her evidence, but he warned her not to add wilful perjury to her other faults. As Harriet started to complain that her reputation had been damaged by the court proceedings, what he regarded as her impudence proved too much for Pemberton. The Lord Chief Justice declared that she had prostituted both her body and her honour and was not to be believed. Harriet was not in the end given a chance to speak. As she subsided back onto her chair, defeated, Grey's lawyers called their final witness. This was the midwife Mrs Patten, who described her meeting with the Charnocks about taking lodgings in Wild Street. None of Grey's co-defendants was called to give evidence in their own defence.

When the three defence witnesses had been heard, the prosecution proposed to call the Earl of Ailesbury. As a neighbour of the Berkeleys whose daughters were Harriet's friends, he was to contest Grey's claim that she had been severely treated by her mother. Pemberton, having already declared Harriet's evidence to be worthless, ruled that this was unnecessary. Once Jefferys had summed up the case for the prosecution, one of the judges objected that no evidence had been brought against Rebecca Jones and she was acquitted. The jury then began to withdraw.

With the case against Lord Grey complete, Harriet's father demanded that she should be restored to his custody. It was now that Harriet dropped her bombshell. She would not return to her father, as she was a married woman and as such no longer his responsibility. Her husband, William Turner, who was standing in the crowd surrounding the court, fought his way through to stand with his wife. Questioned by the lord chief justice Turner claimed he was a gentleman, but declined to say where he lived beyond 'sometimes' in Somerset. Jeffreys claimed that he was the already married son of Sir William Turner of Bromley-by-Bow and as such could not be Harriet's legal husband. Turner denied being married to anyone other than Harriet, but had no immediate proof of his claim.

The uncertainty over Harriet's legal status created a dilemma for the judges. If she were unmarried, then she should be returned to the custody of her father. If she was legally married, then she should be with her husband. But should they trust Harriet's word, when her trial evidence had been disparaged by Pemberton? And could they trust Turner when he would not state clearly who he was? Confirming the validity of the marriage would require time. Ideally Harriet would be persuaded to return to St John's until the question was resolved, but that was unlikely.

In the meantime Grey's lawyers raised the question of Grey's release. Since Harriet had now been produced in court, there was no justification for his continued incarceration. The judges agreed that he might be released, provided two of his friends were willing to provide sizeable sureties. Lord Cavendish was happy to act. Grey then turned to Gilbert Holles, earl of Clare, a leading Whig who had stood bail in political cases. However, Holles, a contemporary of the Earl of Berkeley who had teenage daughters of his own, had not been impressed by the evidence he had heard. He refused to stand bail. Instead Thomas, Lord Wharton's eldest son, who like Grey and Cavendish had a reputation for debauchery, stepped in.

The court now began to rise. Harriet's father urged his friends to grab her, but the lord chief justice admonished him not to break the peace of the court. Pemberton also warned Lord Cavendish not to seek satisfaction from Mr Craven for having been mentioned in his evidence. As the two sides began to make their way from the court, scuffles broke out and swords were drawn. Pemberton was forced to call upon the tipstaff to take Harriet into custody. He ordered that she should be sent to the King's Bench prison, while the validity of her marriage was checked. At his own request William Turner was allowed to go with her. Since they were not prisoners, the couple were lodged in the governor's house. That evening the jury, as was the custom, gave their verdict of guilty privately to the judges. The next morning the verdict was confirmed in open court, and the jury discharged. In something of an anticlimax sentencing was deferred. The trial had served its purpose in producing Harriet and the two sides were now expected to reach a compromise over her future and that of Grey's wife and daughter.

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Harriet was released from custody after a few days. Contemporary gossip assumed that she and Turner had slept together, while detained in Southwark. Presumably evidence for the marriage was provided, although by this stage no one had much interest in not accepting its validity. By the opening of the next law term Grey had reached an agreement with her father that settled a thousand pounds a year on Mary and their daughter. This gave Mary the security that her family were so anxious to achieve. The court case against Grey and his co-defendants was then quietly dropped.

Harriet had hoped to explain her behaviour and restore her reputation and status through her testimony in court. Unfortunately, we do not know how she intended to explain her behaviour, as she was given so little opportunity to speak. Branded a liar and publicly disparaged as a whore, if she hoped marriage to Turner would allow her to establish an existence independent of Lord Grey, she was mistaken. Harriet had no money of her own and legally her father was under no obligation to make a settlement. Although a substantial dowry had been offered over the summer, in the vain hope of avoiding a scandal, after the court case her father had no incentive to be generous. She had publicly humiliated him and finding husbands for Arabella and Arethusa was likely to prove more difficult as a result of Harriet's behaviour. At the same time the opportunity arose for him to remodel Durdans in a modern, classical style. The Duchess of Cleveland had ordered the destruction of Nonsuch Palace to pay her gambling debts, providing the earl with an

opportunity to acquire building materials at a low price and with minimal carriage costs. Easing his wayward daughter's financial position was not a high priority. Harriet and her new husband began a case in the court of Chancery against her parents and the East India Company in the hope of securing some income. In the short term, however, they appear to have been financially dependent on Grey. Contemporaries assumed that Harriet continued to be Grey's mistress after her marriage. Even if the infatuation had passed, she had no where else to turn. Whoever her husband may have been, he does not appear to have been able to support a wife. He presumably assumed that Lord Berkeley would be persuaded to settle a respectable living on his daughter, once she was married. Legally there was no requirement for him to do so.

The death of Shaftesbury, Monmouth's failure to act decisively, and division between his supporters and the republicans all contributed to a fracturing of the Whig opposition in the following months. Desultory plans for uprisings in various areas of the country were discussed and caches of arms amassed, but there was no overall strategy or leadership. Then in June 1683 a plan to assassinate the king and Duke of York known as the Rye House Plot was uncovered. Lord Grey was arrested, but allowed to escape before he reached the Tower. He fled initially to Up Park and then, accompanied by Harriet and her husband, took a ship from Chichester harbour across the Channel to Flushing in Zealand. From there they travelled on in a small boat up the canal to the city of Middleburg. Harriet, who was ill after the sea voyage, stayed at Middleburg for three weeks, but Grey and Turner travelled on to Rottendam the following day. In October Grey and Harriet were reported to be in Amsterdam, but they eventually settled in the Rhineland city of Cleves. There Harriet's presence within Grey's household caused further division between Monmouth's supporters and the more puritan of the Whig exiles. Ironically during this period Mary, the wronged wife, was reported to be one of Grey's few sources of funds. Mary herself settled with her daughter to live quietly close to Durdans. There she occupied a house owned by her father called the Doghouse, which was set within an acre of grounds.

In June 1685, following the death of Charles II, Monmouth returned to England to claim the throne from his Catholic uncle. Grey accompanied him. Grey's performance in the rebellion demonstrated that prowess on the hunting field and in the duel was insufficient experience for effective military command. Captured after Monmouth's defeat at Sedgemoor, Grey saved his own life by making a confession and acting as a witness against those the government thought more dangerous. While he was imprisoned in the Tower, the countess, his wife and daughter and his sister-in-law Theophila were granted permission to visit him. His imprisonment was comparatively short and a year after the rebellion Up Park, forfeited after he fled in 1683, was returned to him.

When exactly Harriet returned to England is uncertain. Her husband was pardoned in January 1687, which may have been the signal for the couple to return. In 1691 they renewed their Chancery case. The following year Harriet's lawyer cousin Thomas Pettit bequeathed Harriet £20 a year in his will, which was to be paid into her hands and not given to her husband. This Harriet presumably received after Pettit's death in November 1697.¹¹ Harriet's niece Mary inherited the bulk of Pettit's estate and Grey was the executor. Following the overthrow of James II and the restoration of Protestant rule under William and Mary, Grey resumed his seat in the House of Lords. He proved useful to the government and in 1695 he was admitted to the privy council and created Earl of Tankerville. His estranged wife Mary thus became a countess. In the same year their daughter Mary married Charles, lord Ossulton, whose name had been linked with a string of heiresses as potential wives before he had inherited his father's title and fortune the previous year.

In the spring after his daughter's marriage the Earl of Tankerville wrote his will.¹² It was very short and simple. His daughter was to inherit his entire estate and to act as executrix. The only other person mentioned was his servant Dorothy Libbie, who was to receive a yearly sum of £20. There was no bequest for Harriet, suggesting that they were no longer close and that Grey was not supporting her. He was taken ill in December 1700 and the following April was taken to Tunbridge Wells in the hope that taking the waters would effect a cure. While there he added a codicil to his will, instructing Mary to pay her aunt Harriet £200

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a year from his estate.¹³ He died two months later.

Grey's decision to leave Harriet an annuity may have been prompted by a meeting between the two in Tunbridge, as Harriet was to die in the town five years later, aged 41. By this time her notoriety had faded to such an extent that the annalist Narcissus Luttrell, who had covered Harriet's disappearance and Grey's trial, confused her with her niece. Her will suggests she remained estranged from most of her family. Although her mother, eldest brother and four sisters were still alive, none of them are mentioned. The only relative to receive a bequest was her brother George's daughter Elizabeth. In his thirties George had entered the Church, being appointed to the family living of Cranford by his father. He had died in 1694, when Elizabeth was two, and his wife had remarried. Elizabeth lived at Cranford with her grandmother, who retired there after the earl's death in 1698, rather than in London with her mother and stepfather. The bequest to Elizabeth suggests that Harriet's 'dear brother' George had supported her in her difficulties. There is no mention of her husband, who had presumably predeceased or deserted her. Although her own sisters were not mentioned, Harriet did remember three friends from her childhood. She left bequests to Lady Christian Gayer, Lady Mary Walter and Lady Isabella Bruce, daughters of Robert, earl of Ailesbury, with whom she had grown up in Clerkenwell. Their brother Thomas, who inherited the title in 1685, was a Tory who had remained loyal to James II. In 1695 he was arrested and held in the Tower, but allowed to go into exile the following year. His sisters had offered Ailesbury financial support and Christian had visited him in France. The Bruce sisters' experience of the suspicion and hostility arising from their brother's situation created a renewed link with Harriet across the political divide. The executrix of her will was her 'true and faithfull' servant Anne Lovett.¹⁴

Harriet's mother revised her will within a fortnight of her daughter's death. This suggests that the countess had been supporting her wayward daughter and had made provision for that to continue. Theophila was not mentioned in her mother's will, although bequests were made to her husband Robert Nelson and her son Sir Berkeley Lucy. Her omission might be due to Theophila's conversion to Catholicism, but as she was to die within six months might simply reflect her state of health. Arethusa had married Charles Boyle, viscount Dungarvan as his second wife in 1688. She was thirty years younger than her husband. They had one daughter, also Arethusa, before Dungarvan's death in 1694. The dowager countess left bequests of specific personal possessions to the current earl and his wife Elizabeth, her two widowed daughters Arethusa and Mary, and to her granddaughter Mary, lady Ossulston. The main focus of her will was to provide for her granddaughter Elizabeth's future and to support her daughter Arabella. More than a decade after she had given evidence at Grey's trial Arabella had married Sir William Pulteney as his second wife. Pulteney's father had been a wealthy property developer in London and sat for Westminster in parliament. His son by contrast was a spendthrift, who was deeply in debt at his father's death two years before his marriage to Arabella. By the time the countess wrote her will, Pulteney was again in debt and her concern was to make provision for Arabella and her two daughters so that neither Pulteney nor his creditors could lay their hands on the money.¹⁵

Mary, countess of Tankerville, outlived both Grey and Harriet. In 1712, aged 57, she married Richard Rooth, a neighbour in Epsom, who had recently lost his wife Jane, countess of Donegall. Durdans had been sold by her brother before his death in 1710 and when Celia Fiennes visited Epsom the house was unfurnished. With Mary's death in 1719 the association of the Berkeleys with Epsom came to an end.

13 TNA, PROB 11/467/400

14 TNA, PROB 11/489/385

15 TNA, PROB 11/505/356