

**UNIVERSITY OF WINCHESTER**

Blood on the Crown: Treason in the Royal Kinship Structure of Fifteenth-Century England

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## ABSTRACT

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The aim of this thesis is to explore late medieval attitudes and perceptions towards treason in the fifteenth-century English royal family, as well as to question the reason for its increasingly frequent presence in the royal kinship structure, through several key themes—law, chivalry, gender and the familial memory. Defining this notion of the familial memory is another aim of this study, to illustrate the presence of this idea as a social influence that has been understudied in part as a result of its intangibility. However, while evidence for it might be difficult and frequently requires historians to move beyond traditional sources, it does exist. It is present, for instance, in building projects that span generations, littered with familial symbols which highlight what families wished to remember as a house. Changes in law trace shifting contemporary attitudes and concerns surrounding both family memory and treason. The discrepancies between the ways royal men and women were accused and convicted for treason delineates the inherent complexity of the two concepts. Literature shows the fluctuating trends and values through eras in regards to loyalty, treason and family, while surviving familial libraries and works dedicated to various key historical figures tell us what was perceived as specifically important to a given house at different points in time. With these various elements taken in analysis together, an evolving attitude towards the intermingling of treason, family identity and political legacy in fifteenth-century England becomes clearer.

Keywords: Treason, Law, Family, Chivalry, Memory, Royalty

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## Abbreviations

<i>Annales</i>	Thomas Walsingham, <i>Annales Ricardi Secundi et Henrici Quarti, Regum Angliae</i> , ed. T.H. Riley (London, 1866).
<i>BJRL</i>	<i>Bulletin of the John Rylands Library, Manchester</i>
BL	British Library, London
<i>CChR</i>	<i>Calendar of Charter Rolls</i> (6 vols., London, 1903-1927).
<i>CCR</i>	<i>Calendar of Close Rolls</i> (55 vols., London, 1892-1945).
<i>CFR</i>	<i>Calendar of Fine Rolls</i> (19 vols., London, 1911-1939).
<i>CIPM</i>	<i>Calendar of Inquisitions Post Mortem</i> (22 vols., London, 1904-2003).
<i>EHR</i>	<i>English Historical Review</i>
<i>GEC</i>	G.E. Cokayne, <i>The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom: extant, extinct or dormant</i> (13 vols., Gloucester, 1982).
<i>CPR</i>	<i>Calendar of Patent Rolls</i> (53 vols., London, 1901-1939).
<i>Foedera</i>	T. Rymer, ed., <i>Rymer's Foedera</i> (16 vols., London, 1739-43).
<i>LP</i>	J. Gairdner, ed., <i>Letters and Papers, Foreign and Domestic, Henry VIII, VII: 1534</i> (London, 1883).
<i>Monstrelet</i>	Enguerrand de Monstrelet, <i>Chroniques d'Enguerrand de Monstrelet</i> , ed. and trans. T. Johnes (2 vols., London, 1853).
MS	Manuscript
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i> , online edn, September 2011.
<i>PPC</i>	<i>Proceedings and Ordinances of the Privy Council of England</i> , ed. Sir Harris Nichols (6 vols., London, 1834-1837).
<i>PROME</i>	<i>The Parliamentary Rolls of Medieval England 1275-1504</i> (16 vols, Woodbridge, 2005). Volume editors: P. Brand (vols. 1-2); S. Phillips (vol. 3); S. Phillips and W.M. Ormrod (vol.



4); W.M. Ormrod (vol. 5); G. Martin and C. Given-Wilson (vol. 6); C. Given-Wilson (vols. 7-9); A. Curry (vols. 10-11); A. Curry and R. Horrox (vol. 12); R. Horrox (vol. 13-16).

*SR*            *The Statutes of the Realm: Printed by command of his majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain. From original records and authentic manuscripts*, ed. J. Raithby (11 vols., London, 1810-1828).

*TNA*            The National Archives, London

*Traison et Mort*   *Chronique de la Traison et Mort de Richard Deux Roy D'Engleterre*, ed. B. Williams (London, 1847).

*TRHS*            *Transactions of the Royal Historical Society*

## Introduction

In 1399, the English king Richard II was deposed and replaced by his cousin Henry Bolingbroke, son and heir of John of Gaunt, duke of Lancaster. It was an unusual deposition, more so than any England had witnessed previously. Edward II had been deposed in relatively recent history, in 1327, under somewhat similar circumstances, but he had been immediately replaced by his direct son and heir, Edward III.<sup>1</sup> In 1399, Henry Bolingbroke, now Henry IV, was by no means the undisputed direct heir to the throne. Lionel, duke of Clarence had been the eldest surviving son after Edward, prince of Wales among Edward III's sons, and Lionel's great-grandson Edmund Mortimer could easily be considered to have a stronger claim to the English throne than the Lancastrians. However, Edmund was only a young boy, and his claim came through his paternal grandmother, both of which counted against him in a country unwilling to undergo another minority and uncertain about the transmission of dynastic rights through the female line.

Henry IV would claim the crown in 1399 and keep it throughout his life, but the initial tenuousness of his dynastic claim would come to the forefront once more in the reign of his grandson, Henry VI, as this descendant proved himself increasingly inadequate as a monarch. With the Mortimer claim by now transmitted into the Yorkist line with its deserved reputation for treasonous intentions, a new dynamic within the royal family began to shape itself, heavily influenced by an increasing sense of instability. As the throne changed hands repeatedly within the Plantagenet dynasty over the following twenty-five years, a pattern of royal identity linked to royal treason emerged, perhaps best exemplified in Richard III's ultimate usurpation of the throne from his own nephew, Edward V, despite being designated the country's 'Lord Protector' for the duration of what would have been the new king's minority. These instabilities did not disappear with the accession of the Tudor dynasty, instead continuing to manifest themselves well into the mid-sixteenth-century. Henry VII fought off two pretenders during the early decades of his reign, and Henry VIII executed the last few remnants of nobility with Yorkist blood in the 1540s to ensure the secure succession of his son after him.

The fifteenth-century succession confusion and its attendant treason was at the heart of Tudor insecurity, this recurring intra-dynastic treason reshaping the English sense of royal succession and altering the country's long-term political identity. Understanding this sequence of royal familial treason offers new insights and understandings into the nature of dynasty. In analyzing this sequence, the

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<sup>1</sup> For further reading on the links between Edward II and Richard II's respective falls, see C. Given-Wilson, 'Richard II, Edward II and the Lancastrian Inheritance', *EHR*, 109 (1994), pp. 553-71.

understanding of dynasty garnered is not limited solely to the medieval period, but stretches across the artificial divide of 1485 to link what are typically considered two different historical eras by their often-forgotten commonalities—dynastic insecurity, political instability, and uncertainty about rights of succession. Therefore, this thesis aims to explore treason as it was perpetrated by members of the English royal family throughout the fifteenth-century to better highlight and understand these elements.

There are several classifications of treason, such as petty treason, misprision of treason, or treason by words, all of which have their significance.<sup>2</sup> However, this thesis can only focus on one of them for brevity's sake, and will centre its study around what is commonly termed high treason—the most relevant type for a study focused on royal intra-dynastic conflict for the throne.

The role of high treason in the middle ages is unarguably an important one. It shaped many significant events of the era, particularly as it drew to a close, and yet there has been no real attempt at a holistic, inter-disciplinary look at treason in the later middle ages in England.<sup>3</sup> This is not to say that this topic has not been given attention. It has in fact been studied by numerous scholars, with a visible series of developments in how it has been approached over the past century.

I.D. Thornley in the early twentieth-century was one of the first to discuss treason as an individual subject within the medieval and Tudor periods, emphasizing the various disparate classifications and legal definitions of treason,<sup>4</sup> and her early conclusions in turn provided foundation for the later works of Plucknett and Somervell, with their interest in the specific legal procedures of impeachment and attainder.<sup>5</sup> However, the scholarship surrounding late medieval treason began to really develop with the birth of the McFarlane school of thought and the interest of scholars like J.R. Lander and Maurice Keen, who situated treason within their interests of broader socio-political

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<sup>2</sup> For examples of these other types of treason, see R.L. Storey, *The End of the House of Lancaster* (Sutton, 1986), pp. 34-5, 62, 153-4, 179-81. Also J.G. Bellamy, *Criminal Law and Society in Late Medieval and Tudor England* (Gloucester, 1984), pp. 130-1; J.G. Bellamy, *The Tudor Law of Treason: an introduction* (London, 1979), pp. 9, 10-11, 56.

<sup>3</sup> The later middle ages in England are defined here as the period from 1399 to 1509, beginning with the deposition of Richard II and ending with the death of Henry VII. This encapsulates some of the most serious and dramatic developments in medieval treason, building on from the famous, much earlier treasons of Simon de Montfort and the struggles of Henry III and his grandson, Edward II.

<sup>4</sup> I.D. Thornley, 'Treason by words in the fifteenth century', *EHR*, 32 (1917), pp. 556-61; I.D. Thornley, 'The treason legislation of Henry VIII, 1531-1534', *TRHS*, 11 (1917), pp. 87-123; I.D. Thornley, 'Historical Revisions. 18: The Act of Treasons, 1352', *History*, 6 (1921), pp. 106-8.

<sup>5</sup> T. Plucknett, 'The origin of impeachment', *TRHS*, 24 (1942), pp. 47-71; D. Somervell, 'Acts of Attainder', *Law Quarterly Review*, 66 (1951), pp. 306-13; T. Plucknett, 'Impeachment and attainder', *TRHS*, 3 (1953), pp. 145-58.

development in the middle ages.<sup>6</sup> The biographical element of treason also experienced increased development as well, with the writings of R.A. Griffiths and C.A.F. Meekings who began presenting specific cases of late medieval treason as moments which impacted lives of key political players like Eleanor Cobham, or as moments that revealed royal concerns, as in the Thomas Kerver case when a man spoke disparagingly of Henry VI as a ruler and was consequently brought before a commission of oyer and terminer for imagining the king's death.<sup>7</sup> However, it was with J.G. Bellamy that treason underwent a truly cohesive series of studies, bringing together statutes, trials and contemporary context to create a much richer scholarly portrait of treason within the law than had hitherto existed.<sup>8</sup> More recent scholarship, drawing from this background that Bellamy has provided, has found itself free to study treason within a variety of wider, much more specific contexts, revealing the role of treason in varying elements of contemporary life. While this has been beneficial, more recent work also reflects current trends in scholarship as well, with its increased interest in engaging narrowly with a topic, rather than viewing it within its wider historical surroundings. E.A. McVitty has centred discussions of treason around its perceived masculine nature,<sup>9</sup> while Richard Firth Green and Megan Leitch have examined its effect on and representation in literature of the day.<sup>10</sup> A series of excellent biographies on the key figures of the era have explored their individual roles and actions within a treasonable context—most notably those of figures like Richard, duke of York, Margaret of Anjou, and the series of Lancastrian and Yorkist kings that clashed throughout the fifteenth-century.<sup>11</sup> Gwen Seabourne has examined the

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<sup>6</sup> J.R. Lander, 'Attainder and forfeiture, 1453-1509', in *Crown and Nobility, 1450-1509*, ed. J.R. Lander (London, 1976), pp. 127-58; M. Keen, 'Treason trials under the law of arms', *TRHS*, 12 (1962), pp. 85-103.

<sup>7</sup> R.A. Griffiths, 'The trial of Eleanor Cobham: an episode in the fall of Humphrey, duke of Gloucester', *BJRL*, 51 (1968-9), pp. 381-99; C.A.F. Meekings, 'Thomas Kerver's case, 1444', *EHR*, 90 (1975), pp. 331-46.

<sup>8</sup> J.G. Bellamy, *The Law of Treason in England in the Later Middle Ages* (Cambridge, 1970); Bellamy, *Tudor Law*; Bellamy, *Criminal Law*.

<sup>9</sup> E.A. McVitty, "'My name of a trewe man": gender, vernacularity, and treasonous speech in late medieval England', *Parergon*, 33 (2014), pp. 91-111.

<sup>10</sup> R.F. Green, 'Palamon's appeal of treason in the *Knight's Tale*', in *The Letter of the Law: legal practice and literary production in medieval England*, eds. E. Steiner and C. Barrington (Ithaca, NY, 2002), pp. 105-14; M. Leitch, *Romancing Treason: the literature of the Wars of the Roses* (Oxford, 2015).

<sup>11</sup> For example, see P.A. Johnson, *Duke Richard of York 1411-1460* (Oxford, 1988); T.B. Pugh, 'Richard Plantagenet, (1411-60), as the King's Lieutenant in France and Ireland', in *Aspects of Late Medieval Government and Society: essays presented to J.R. Lander*, ed. J.G. Rowe (Toronto, 1986), pp. 107-41; T.B. Pugh, 'The Estates, Finance and Regal Aspirations of Richard Plantagenet (1411-60), Duke of York', in *Revolution and Consumption in Late Medieval England*, ed. M.A. Hicks (Woodbridge, 2001), pp. 71-88; D. Dunn, 'Margaret of Anjou, queen consort of Henry VI: a reassessment of her role, 1445-1453', in *Crown, government and people in the fifteenth century*, ed. R. E. Archer (Stroud, 1995), pp. 107-43; P. A. Lee, 'Reflections of power: Margaret of Anjou and the dark side of queenship', *Renaissance Quarterly*, 39 (1986), pp. 183-217; H. Maurer, *Margaret of Anjou: queenship and power in late medieval England* (Woodbridge, 2003); C. Given-Wilson, *Henry IV* (New Haven, CT, 2016); C.T. Allmand, *Henry V* (New Haven, 1997); G.L. Harriss, ed., *Henry V: the practice of kingship* (Oxford, 1985); R.A. Griffiths, *The Reign of*

evolution of women's socio-political involvement in treason,<sup>12</sup> while there has been a continuation of interest in very specific types of prosecuted treason. This is seen in Helen Wicker's work on treason by words, and on the impact of treason on the wider conscience, as Danielle Westerhof's work on treason as a harmful effect on the social body has discussed.<sup>13</sup> The increasing overlap of treason and religious heresy, namely Lollardy in England, has received increased interest as well.<sup>14</sup> Additionally, treasonable magic has been the focus of its own study, which perhaps more than anything else, reflects just how complex the understanding of late medieval treason has become, with its multifaceted presence in many areas of contemporary life.<sup>15</sup> However, there has been no study of the overall interaction of all these various elements together and how they affected late medieval politics. An understanding of treason in law, gender, magic, literature and as a presence in specific lives, with an attendant exploration of how connected these apparently disparate aspects of the late medieval era are, has not yet been seriously attempted.

Moreover, the dynastic aspect—the concept of self as tied to the wider familial identity that was so vital to the period, and its interaction with treason—has been neglected as well. The political choices of the great aristocratic houses of the day—the Nevilles, the Percys, the Mortimers—were deeply influenced by their familial identities and royal connections. The royal identity, that concept of belonging to a royal dynasty, helped create much of the motivation for the usurpations and civil conflict that came to dominate the fifteenth-century. For the York and Lancaster lines, this tension in self-definition (both in terms of inherited royalty and inherited treason) was the root of many of their actions, and at the heart of the Wars of the Roses.

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*Henry VI: The exercise of royal authority, 1422-1461* (Stroud, 2004); J.L. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996); B. Wolffe, *Henry VI* (London, 1980); C.D. Ross, *Edward IV* (London, 1974); C. Scofield, *The Life and Reign of Edward the Fourth, King of England and of France and Lord of Ireland* (2 vols., London, 1967); R. Horrox, *Richard III: a study of service* (Cambridge, 1991); C.D. Ross, *Richard III* (London, 1988); M.A. Hicks, *Richard III and his Rivals: magnates and their motives in the Wars of the Roses* (London, 1991); S.B. Chrimes, *Henry VII* (London, 1972); S. Cunningham, *Henry VII* (London, 2007).

<sup>12</sup> G. Seabourne, *Imprisoning Medieval Women: the non-judicial confinement and abduction of women in late medieval England, c. 1170-1509* (Ashgate, 2011).

<sup>13</sup> H. Wicker, 'The politics of vernacular speech: cases of treasonable language, c. 1440-1453', in *Vernacularity in England and Wales c. 1300-1550*, eds. E. Salter and H. Wicker (Turnhout, 2011), pp. 171-197; D. Westerhof, 'Amputating the traitor: healing the social body in public executions for treason in late medieval England', in *The Ends of the Body: identity and community in medieval culture*, eds. S. Akbari and J. Ross (Toronto, 2013), pp. 177-192.

<sup>14</sup> H. Killick, 'Treason, felony and Lollardy: a common petition in the hand of Richard Osborn, clerk of the chamber of the Guildhall, 1400–c.1437', *Historical Research*, 89 (2016), pp. 227-245.

<sup>15</sup> F. Young, *Magic as a Political Crime in Medieval and Early Modern Europe: a history of sorcery and treason* (London, 2017).

The aim of this thesis, then, is to fill the aforementioned gap by exploring late medieval attitudes and perceptions surrounding treason as a broad concept and especially its perpetration by members of the fifteenth-century English royal family, as well as to question the reason for its increasingly frequent presence in the royal family. While it is impossible to address every element of treason in the fifteenth-century, through exploring several key themes—law, gender, literature and most significantly, the familial memory—a greater understanding of the socio-political role and impact of treason can be established. Defining this notion of the familial memory is another important aim of this study, to illustrate the presence of this as an understudied social influence, which is admittedly due in part to the difficulties inherent in discussing something so intangible. However, while evidence for familial memory might be difficult and frequently requires historians to move beyond traditional sources, it does exist. It is present in building projects that span generations, littered with familial symbols which highlight what families wished to remember as part of their familial identity. For instance, Fotheringhay, the building project which three generations of the Yorkist family participated in, provides excellent evidence on their developing sense of identity, and will be discussed in depth in the last chapter of this thesis.<sup>16</sup> Surviving letters between generations pass along advice, and the effects (or lack thereof) of that advice can be seen in political actions made later, as seen in the letter from William de la Pole, duke of Suffolk to his son John, written immediately before his exile and death.<sup>17</sup>

For clarity's sake, most of the literature review of this thesis has been divided up and placed within the relevant chapters. However, the historiographies of the broader, overarching themes of family memory, dynasty and chivalry which do not have chapters dedicated solely to them will be discussed here. This will present the broader historiographical context in which this thesis is situated from the start, allowing a clearer series of links between the other elements of law, gender and literature in late fifteenth-century royal treason.

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While there is not sufficient work on the role of family and family memory, a recent work on the combined ideas of kinship and dynasties is Jeroen Duindam's *Dynasties: A Global History of Power, 1300-1800*.<sup>18</sup> This explores the very nature of dynasty, discussing its evolution and internal conflict

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<sup>16</sup> See pp. 164-6 of this thesis.

<sup>17</sup> Also discussed in the last chapter of this thesis, pp. 130-1.

<sup>18</sup> J. Duindam, *Dynasties: A Global History of Power, 1300-1800* (Cambridge, 2016).

within an extremely broad context. That broad context is both its strength and weakness, providing an interesting window into the worldwide phenomenon that was the development of the royal dynasty. However, while this makes it imperative reading for a study on dynastic issues, it is not aimed at providing in-depth resources for specific eras, such as late fifteenth-century England. Understandably therefore, it does not explore the century's rapid dynastic shifts and evolution. However, the developments of this century offer so much opportunity for a better understanding of the concept, and this thesis hopes to expand on these ideas through an exploration of the interfamilial treasonous conflicts that came to define the Lancastrian and Yorkist dynasties, while engaging with Duindam's ideas. For instance, he suggests that kingship and dynasty evolved as an extension of kinship as people moved away from kinship as the 'key principle of social organisation',<sup>19</sup> and that it did so with an inherent internal tension that created an alternating cycle of ascent and decline.<sup>20</sup> It seems likely the fifteenth-century is a microcosm of this cycle on hyperspeed, dynasties rising and falling with astonishing rapidity in response to an increased fragmentation of kinship resources. Duindam notes that the dynastic civil war, while infrequent, reinvigorates a monarchy, forcing a mobilization of support—a reinvestment of the nobility in the monarchy, in other words.<sup>21</sup> It is an interesting idea, and worth discussing, even if merely to negate it. The Lancastrians and Yorkists gained nothing long-term from their squabbling over the throne, and while the Tudors formed a successful dynasty out of the aftermath, it was not due to the support of most of the recalcitrant nobility. Were the fifteenth-century treasons that took place inevitabilities reflecting the natural process of the dynastic-as-kinship evolutionary nature, as Duindam's ideas posit? This is unlikely, considering that nothing in history is an inevitability. Yet the idea, that these are recurring elements in dynasties, is worth exploring, and offers a wide basis of comparison for the fifteenth-century royal and noble houses. Duindam's discussions on the passing of powerful political mentors in seventeenth-century France, female rule in China during the Tang dynasty, and on succession throughout the Ottoman Empire suggest wider political and cultural contexts for the events of the Wars of the Roses.<sup>22</sup> With these comparative elements at play, the betrayal of Warwick, the political machinations of Margaret of Anjou and the complexities attendant to every political accession in the latter half of the fifteenth-century receive fresh and exciting context.

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<sup>19</sup> Duindam, *Dynasties*, pp. 3-4.

<sup>20</sup> Duindam, *Dynasties*, p. 15.

<sup>21</sup> Duindam, *Dynasties*, p. 135.

<sup>22</sup> Duindam, *Dynasties*, pp. 71, 90-91, 132-4, 148-9.

However, even works devoted to the effects of dynastic concepts on the Wars of the Roses do not clearly emphasize the interaction between dynasty and treason. Strohm's *England's Empty Throne*, despite discussing fascinating ideas such as the uninterrupted transfer of *dignitas* from dying king to heir preventing an empty throne from ever existing,<sup>23</sup> is still more interested in the idea of kingship and its symbolic role to the populace. He also focuses on how the dynastic shifts affected the crown as an idea, rather than how the kinship structure and crown interacted to change each other. One of the few scholars who addresses the existence of kinship structures explicitly present in fifteenth-century England is Michael Hicks, who has discussed several such significant structures in books and articles. In his recent book *The Family of Richard III* he agrees with Duindam that the cooperative family enterprise definitely existed.<sup>24</sup> However, he first suggests the importance of 'boundary awareness' between the nuclear family and the extended kinship group,<sup>25</sup> and then goes on to discuss exactly which boundaries the Plantagenet dynasty used to define itself.<sup>26</sup> He argues that, contrary to common theories that say too many cadet branches of the Plantagenet kin survived into the fifteenth-century causing much of the political conflict that ensued, it was in reality the fact that too few cadet branches existed that caused the problems.<sup>27</sup> As Hicks notes, this lack of surviving direct male descendants of monarchs following Edward III kept branches that should have faded into obscurity outside of the immediate royal circle, making broader levels of the kinship structure more significant, for good or ill, to the dynasty than before.<sup>28</sup> Hicks supports the idea of the royal family being the root of many elements of the Wars of the Roses with the conclusion that '[t]he family tree was...the framework within which political actions took place and helps explain much of that action...'<sup>29</sup> and that '[t]he royal family tree was not just the framework within which the political action took place: it was the reason why the actions occurred and gave them meaning that even today we can understand.'<sup>30</sup> The retained immediacy of relationship, when perceived in this light, then becomes a serious source of conflict. Hicks also clarified some of the political significance of the consanguineal and affinal relationships of the Yorkists and Lancastrians, namely Edward IV's need for his younger brothers to be his greatest support after his accession to the

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<sup>23</sup> P. Strohm, *England's Empty Throne: usurpation and the language of legitimization, 1399-1422* (New Haven, CT, 1998), p. 23.

<sup>24</sup> M.A. Hicks, *The Family of Richard III* (Amberley, 2015), p. 24.

<sup>25</sup> Hicks, *Family*, p. 27.

<sup>26</sup> Hicks, *Family*, p. 37.

<sup>27</sup> Hicks, *Family*, p. 55.

<sup>28</sup> Hicks, *Family*, p. 55.

<sup>29</sup> Hicks, *Family*, p. 40.

<sup>30</sup> Hicks, *Family*, p. 66.



throne.<sup>31</sup> Despite the fact that Edward IV married his wife Elizabeth's Wydeville's siblings into many (if not most of) the significant, noble families of England,<sup>32</sup> Hicks points out that little power or property ever came the way of these new affinal members of the royal family,<sup>33</sup> suggesting consanguineal relations always remained more important than affinal, whatever contemporary propaganda might have said. The most significant of Hicks's conclusions is the idea that '[a]ll monarchs need a royal family to broaden the base of the dynasty, to deputise for them, to publicise, and to extend their rule'.<sup>34</sup> This idea of a corporate monarchy in England is one that Ormrod traces to at least as early as Edward III's reign and dynastic ambitions.<sup>35</sup> Given-Wilson notes similar thinking on the part of Henry IV in mid-1401, when he despatched several of his sons to function as royal lieutenants in Wales, Ireland, Guyenne and Calais.<sup>36</sup> If family could fulfil this royal need, however, is another question.

Ralph Houlebrooke argues they could not, highlighting the fragmenting nature of the kinship structure throughout the most prominent late medieval noble families.<sup>37</sup> He says these bonds lacked the potency and vitality of those from the Anglo-Saxon era, except on the Scottish border, where constant conflict demanded unity for survival.<sup>38</sup> Perhaps most relevant of all, he notes that 'it would be difficult to cite any bunch of kinsmen which achieved successful political co-operation for more than a few years. Nor did men rely for their physical protection upon any save their very closest relatives within the nuclear family.'<sup>39</sup> He cites no specific examples, though the significant contemporary ones that spring to mind are, of course, the Nevilles, the Percys, and the Wydevilles.

Yet, while many studies exist on these various families—they exert a powerful fascination over late medieval scholars, for good reason, their significance in the social structure acknowledged,<sup>40</sup> if sometimes dismissed as a basic social need<sup>41</sup>—the internal causes of their cycles of power and downfall are never really explored. While the fact that Ralph Neville, earl of Westmorland, had two families and

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<sup>31</sup> Hicks, *Family*, p. 72.

<sup>32</sup> R. Horrox, 'Edward IV', *ODNB*, 10.

<sup>33</sup> Hicks, *Family*, p. 12.

<sup>34</sup> Hicks, *Family*, p. 158.

<sup>35</sup> W.M. Ormrod, *Edward III* (New Haven, CT, 2011), pp. 415, 424; W.M. Ormrod, 'Edward III and His Family', *Journal of British Studies*, 27 (1987), pp. 398-422, at pp. 407-8.

<sup>36</sup> Given-Wilson, *Henry IV*, pp. 260-1.

<sup>37</sup> R. Houlebrooke, *The English Family, 1450-1700* (London, 1984).

<sup>38</sup> Houlebrooke, *English Family*, p. 50.

<sup>39</sup> Houlebrooke, *English Family*, p. 45.

<sup>40</sup> A. Crawford, 'The Private Life of John Howard: A study of a Yorkist Lord, his Family and Household', in *Richard III: loyalty, lordship and law*, ed. P.W. Hammond (London, 1986), pp. 6-24, at p. 7.

<sup>41</sup> N. Orme, *From Childhood to Chivalry: the education of the English kings and aristocracy, 1066-1530* (London, 1984), p. 3.

favoured the offspring of his second wife to the detriment of his first is universally acknowledged as a source of divisive contention within the clan, most scholars prefer to focus on external pressures, like their feud with the Percys, or their complicated relationship with the Yorks. While the fact that the Percys struggled to recover from the treason of their forbears is mentioned consistently, the particular backlash of this stigma is never thoroughly delved into.<sup>42</sup> Keith Dockray can distill the entire northern conflict, and with it the attitude of most scholars to the families resident there, into one phrase, '[t]here were two great warring families of Yorkshire in the fifteenth-century—the Percys and the Nevilles,'<sup>43</sup> which while true, again dismisses any need to examine these feuds as anything but externally driven. This focus on these external feuds drives many aspects of this particular area of scholarship, and while it is certainly an important aspect of kinship, more articles that focus specifically on internal kinship relations, such as J.R. Lander's 'Marriage and Politics in the Fifteenth Century: The Nevilles and the Wydviles' and Michael Hicks' 'Cement or Solvent? Kinship and Politics in Late Medieval England: The Case of the Nevilles,' are needed.<sup>44</sup> Hicks for instance successfully demonstrates that the great weakness of the Nevilles' was their lack of coherency and cohesiveness, which undermined their potential strength.<sup>45</sup> Further studies of how the members of these types of politically significant families interacted with their familial identities—or failed to do so—could answer many questions about the relations between fifteenth-century family memory and treason.

Griffiths further ties together these ideas of kinship and dynasty:

The stability, strength and effectiveness of English kingship...depended, too, on the royal family or kinsfolk--those whom contemporaries identified as having 'blood royal' flowing in their veins. This third prop of kingship...came to enjoy in the later middle ages a self-conscious identity that made the king's kinsmen widely regarded as a distinct 'estate' within the English ruling establishment. In the fourteenth and fifteenth centuries. these members of the blood royal

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<sup>42</sup> See for instance R.A. Griffiths, 'Local Rivalries and National Politics: The Percies, the Nevilles and the duke of Exeter', in *King and Country: England and Wales in the fifteenth century*, ed. R.A. Griffiths (London, 1991), pp. 321-64; M. Weiss, 'A Power in the North? The Percies in the fifteenth century', *The Historical Journal*, 19 (1976), pp. 501-9. These articles aim to explore the roles of and relationships between these families in the north

<sup>43</sup> K. Dockray, 'Richard III and the Yorkshire Gentry, c. 1471-1485', in *Richard III: loyalty, lordship and law*, ed. Hammond, pp. 38-57, at p. 39.

<sup>44</sup> J.R. Lander, 'Marriage and Politics in the Fifteenth Century: The Nevilles and the Wydviles', in *Crown and Nobility, 1450-1509*, ed. J.R. Lander (London, 1976), pp. 94-126; M.A. Hicks, 'Cement or Solvent? Kinship and Politics in Late Medieval England: the case of the Nevilles', *History*, 83 (1998), pp. 31-46.

<sup>45</sup> Hicks, 'Cement or Solvent?', p. 34.

became more important than ever before, in almost every facet of public life: social, dynastic and military, political and governmental. And yet, unlike the kinsfolk of Anglo-Saxon kings, 'the royals' of late-medieval England have attracted only a modest amount of attention in their own right.<sup>46</sup>

This suggests that this new royal, dynastically-invested estate heavily influenced the political landscapes and outcomes of the fifteenth-century. Griffiths goes on to say that this new estate provided a link between king and the nobility,<sup>47</sup> as well as to the commons,<sup>48</sup> and reinvigorated the nobility's interest in their own genealogy, and the potentialities of the dynastic construct,<sup>49</sup> which agrees with Duindam's statement that 'family life stood at the heart of the dynastic process.'<sup>50</sup> Of course, the difficulty with this sequence of ideas is delineating at which genealogical distance someone was perceived as ceasing to be a member of the royal family. This interpretation almost certainly differed between the king and the noble in question, creating a fresh dynastic tension, and suggests another reason for such interest in lineage on behalf of the fifteenth-century nobility. This resurgence in the interest of the noble class in genealogy has, fortunately, been studied in depth, and offers some more of the intriguing insights into the upper class's psychological perspective on their role within the kinship structure. Various methods were taken by noble families to record their histories. Andrew Edwards examines one tactic of the Percy clan in 'Recording a Dynasty: Verse Chronicles of the House of Percy,'<sup>51</sup> while Matthew Holford approaches their commissioned pedigrees, a common trend among the nobility.<sup>52</sup> The making of the Nevilles' famed Rous Roll, a beautiful work which is an archetypal example of these pedigrees, and its ultimate role in the survival of their identity, is the heart of a paper by Martin Lowry, and provides excellent proof for the significance in which these pedigrees were held.<sup>53</sup> Hicks too emphasizes the way these celebrations of ancestry ultimately served to bolster the nobility's sense of self at the time,

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<sup>46</sup> R.A. Griffiths, 'The Crown and the Royal Family in Later Medieval England', in *King and Country: England and Wales in the fifteenth century*, ed. Griffiths, pp. 1-10, at p. 1.

<sup>47</sup> Griffiths, 'The Crown', p. 2.

<sup>48</sup> Griffiths, 'The Crown', p. 3.

<sup>49</sup> Griffiths, 'The Crown', p. 4.

<sup>50</sup> Duindam, *Dynasties*, p. 170.

<sup>51</sup> A.S.G. Edwards, 'Recording a Dynasty: verse chronicles of the house of Percy', in *Recording Medieval Lives: proceedings of the 2005 Harlaxton Symposium*, eds. J. Boffey and V. Davis (Donington, 2009), pp. 74-84.

<sup>52</sup> M. Holford, 'Family, Lineage and Society: medieval pedigrees of the Percy family', *Nottingham Medieval Studies*, 52 (2008), pp. 165-90.

<sup>53</sup> M. Lowry, 'John Rous and the Survival of the Neville Circle', *Viator*, 19 (1988), pp. 327-38.

although in his article he focuses more on inherited building projects and masses bought for the dead.<sup>54</sup> So ultimately, Griffiths decides '[k]inship ties, with their concords and disagreements, were frequently at the heart of the social and political attitudes of the nobility of this period, as the Nevilles demonstrated by their divisions and the Herberts and Wydevilles by their solidarity.'<sup>55</sup> This idea of a royal estate—a specific dignity and series of expectations attached exclusively to immediate members of the royal family—is one of those concepts that could and should reverberate throughout relevant literature, and is yet largely ignored. It appears more frequently in discussions of the French internal strife of the hundred years, as in Anne Curry's *The Hundred Years War*,<sup>56</sup> and yet scholars of fifteenth-century England (Michael Hicks aside) tend to ignore it. Even W. Mark Ormrod only discusses it briefly in his massively influential biography on *Edward III*, referring to Edward's interest in creating influential appanages for his sons, but never examining the motivations for or ramifications of that particular dynastic drive.<sup>57</sup> He does, however, in a recent article, use the rediscovery of Richard III's body as a springboard for a discussion of the question of paternity in the late medieval royal family.<sup>58</sup> In so doing, he explores what it meant to identify oneself as a member of the royal dynasty, and what it might mean to be illegitimate in that context. The way he uses this to potentially offer insight into the motivations behind Richard, earl of Cambridge's involvement in the Southampton plot highlights the significant place kinship and dynasty held in one's identity.<sup>59</sup>

K.B. McFarlane touches briefly on the significance of inheritance and the idea of appanage in *The Nobility of Later Medieval England*, which is one of the best discussions of the idea in the English context:<sup>60</sup> '[a]lmost always when a man is found dispersing his inheritance, it turns out that he was childless or at least without male issues. Fathers of sons only very rarely were reduced to such a sacrifice'<sup>61</sup> emphasizes the importance of passing on property (and therefore prosperity) to one's heirs as a dynastic factor. Look for instance at the appanage policy adopted by Edward I and Edward III which

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<sup>54</sup> M.A. Hicks, 'Chuntries, Obits, and Almshouses: the Hungerford foundations 1325-1478', in *The Church in Pre-Reformation Society: essays in honour of F.R.H. Du Boulay*, eds. C. Barron and C. Harper-Bill (Woodbridge, 1985), pp. 123-42.

<sup>55</sup> Griffiths, 'Local Rivalries', p. 363.

<sup>56</sup> A. Curry, *The Hundred Years War* (Basingstoke, 1993), p. 132.

<sup>57</sup> Ormrod, *Edward III*, p. 317.

<sup>58</sup> W.M. Ormrod, 'The DNA of Richard III: False Paternity and the Royal Succession in Later Medieval England', *Nottingham Medieval Studies*, 60 (2016), pp. 187-226.

<sup>59</sup> Ormrod, 'The DNA of Richard III', p. 214.

<sup>60</sup> K.B. McFarlane, *The Nobility of Later Medieval England: The Ford lectures for 1953 and related studies* (Oxford, 1973).

<sup>61</sup> McFarlane, *The Nobility of Later Medieval England*, p. 55.

attempted to provide their younger sons with titles and land, a desire natural to most families of any kind of dynastic ambition,<sup>62</sup> lest they be absorbed back into the general population within a few generations.<sup>63</sup> To fail to provide for these younger sons shamed the family (and especially the father) from which they came.<sup>64</sup> Significantly, entailed estates were, at least at the start, not considered forfeit by felony and treason since they were considered held only in trust for the next generation, clarifying the intensity of the level of investment in the dynastic for most nobles.<sup>65</sup>

McFarlane continues this discussion about younger sons and dynastic interests by pointing out that Edward IV and Henry VII both attempted to set up cadet branches of their dynasties as well, both of which failed.<sup>66</sup> However, he is writing well before Strohm's, Griffiths' and Duindam's discussion on legitimacy and dynasty, and claims that the two themes were not truly involved in the political conflict of the fifteenth-century, and only given importance much later.<sup>67</sup> By dismissing any interest the common man might have held in the ruling dynasty as unlikely, he drops the issue of dynasty to a level of minimal importance in the grand political scheme of things.<sup>68</sup>

As with Duindam's work and the theories of dynasty, it is also important to acknowledge the wider contextual significance of the concept of kinship. There are numerous articles that work to place kinship within its broader implications, studying its role not only in medieval royalty, but as far afield as nineteenth-century middle class Hungary and the eighteenth-century Rhenish imperial knightly class.<sup>69</sup> These efforts are reminders that ultimately, fifteenth-century royal kinship networks are only examples of the much broader uses to which these networks could be put and within which they functioned.

The conclusion evident is that both dynasty and kinship are deeply involved in the notions of property and inheritance, which are themselves central to identity in the middle ages. While defining kinship involves understanding the contemporary boundaries of family, contemporary concerns about dynasty were focused on ensuring the status of future generations and thus a dynasty's prestige. These concerns ironically often ended up disadvantaging the dynasty as a whole. Yet, these concepts have not

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<sup>62</sup> McFarlane, *Nobility*, pp. 71-72.

<sup>63</sup> Duindam, *Dynasties*, p. 142.

<sup>64</sup> McFarlane, *Nobility*, pp. 71-2.

<sup>65</sup> McFarlane, *Nobility*, pp. 76-77.

<sup>66</sup> K.B. McFarlane, 'The Wars of the Roses', in *England in the Fifteenth Century: collected essays*, ed. K.B. McFarlane (London, 1981), pp. 231-61, at p. 238.

<sup>67</sup> McFarlane, 'The Wars of the Roses', p. 239.

<sup>68</sup> McFarlane, 'The Wars of the Roses', p. 255.

<sup>69</sup> See D. Sabeian, S. Teuscher and J. Mathieu, eds., *Kinship in Europe: Approaches to Long-Term Development (1300-1900)*, (New York, NY, 2007); particularly G. Gyáni, 'Middle-Class Kinship in Nineteenth Century Hungary', pp. 284-300 and C. Duhamelle, 'The Making of Stability: kinship, church and power among the Rhenish imperial knighthood, seventeenth and eighteenth centuries', pp. 125-44.

been as thoroughly explored within the treasonous context as their obvious significance would suggest. They crop up frequently as side discussions, but are rarely given works dedicated to their importance. This is obviously a significant a gap in the scholarship that needs to be addressed.

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One of the most important contemporary contextualizing perspectives that must be addressed before attempting to approach the arguments of this thesis is that of the chivalric code, which is a term that historians have haggled over defining since the 1940s. These discussions have been hashed out over a multitude of articles and books, drawing from contemporary accounts and literature to try to understand not only what exactly chivalry was, but also how much it was actually brought to bear on the real function of knighthood and nobility in the late middle ages.

The definitive work produced on this subject is without a doubt Maurice Keen's *Chivalry*.<sup>70</sup> This work covers chivalry's conflicting ideals, rooted in both the secular and the religious worlds, to its role in the life of the warrior class of medieval western Europe. He also touches on tournaments and their significance, and even to the complex culture of heralds and heraldry. As Nigel Saul points out that '[a] knowledge of family ancestry, transmitted in the collective memory, was a significant influence on his actions in the present.'<sup>71</sup> Saul refers to the use of heraldry as decoration in churches and castles, confirming Keen's belief in heraldry's importance to people of the middle ages. Keen also effectively identifies the three areas of development within chivalry—military, social, and literary.<sup>72</sup> Considering how much the literary formed not only current modern perceptions of chivalry but also the contemporary perceptions, the most fascinating aspect of this is their particular method of comparing and contrasting what the literature taught and what was visibly enacted in daily practice.

Keen points out the three 'Matters' that came to dominate medieval romances: the Matter of Charlemagne, the Matter of Rome, and the Matter of Britain, and then proceeds to examine them in depth. The Matter of Charlemagne linked early medieval culture with Northern European, pagan heroic traditions, such as those seen in Beowulf.<sup>73</sup> This ties to Beverly Kennedy's analysis of chivalric culture as

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<sup>70</sup> M. Keen, *Chivalry* (New Haven, CT, 2005).

<sup>71</sup> N. Saul, 'Chivalry and Art: The Camoys family and the wall paintings in Trotton church', in *Soldiers, Nobles and Gentlemen: essays in honour of Maurice Keen*, eds. P. Coss and C. Tyerman (Woodbridge, 2009), pp. 97-111, at p. 108.

<sup>72</sup> Keen, *Chivalry*, p. 23.

<sup>73</sup> Keen, *Chivalry*, p. 104.

portrayed by Malory in *Morte d'Arthur*. She points out that Gawain is clearly an example of this heroic vein, which would have made him the hero in the Charlemagne literature, but leaves him the type of knight that Malory deems most unworthy. Malory emphasizes this otherness of Gawain and the pagan ideal by reiterating his origins in Scotland and using his devotion to the kinship structure as a plot strand over and over again. In addition, his other heroic characters come from Ireland and Northumberland, places that functioned on similar clan principles.<sup>74</sup>

Leitch expands on the significance of familial ties in *Morte*, saying '[b]y emphasizing Agravain and Mordred's familial connections, Malory stresses that they belong to an affinity group that often privileges itself above the kingdom it claims to serve.'<sup>75</sup> Thus, she uses the *Mort* to tap into the broader political issues within which chivalry as part of the knightly or noble lifestyle existed and which Keen writes so enthusiastically about. By tracing the evolution of the representation of literature in late medieval life, she makes the effective argument that treason is perceived as the antithesis to the chivalric code of conduct, and that late fifteenth-century romances develop an interrogative strand in reference to treason in response to its increased presence—after 1437, she notes, 'treason' and 'traitor' become keywords in literature that appear more frequently, and with less reference to divine interference.<sup>76</sup> In other words, treason became more common in literature, reflecting its increased presence in the world, and less a crime to be punished by God than an inexplicable part of human existence. 'Betrayal...is not redressed, but rather regenerated...'<sup>77</sup> in this new development. She also points out that 'Malory's text uses treason to shape knightly communities by circumscribing them with admonitory limits, while also acknowledging and agonizing over the ineradicability of the possibility of treason.'<sup>78</sup> For a socio-political structure that was strongly structured around ideas of loyalty, this development of ideas was both deeply significant and disturbing, and Leitch's scholarship on the subject is pivotal.

This brings the topic back to Keen's analysis of chivalric conduct and the key knightly qualities of courtesy, loyalty, hardiness, *largesse*, and *franchise*.<sup>79</sup> However, David Crouch has commented that

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<sup>74</sup> B. Kennedy, *Knighthood in Morte d'Arthur* (Woodbridge, 1992), p. 279.

<sup>75</sup> Leitch, *Romancing Treason*, p. 109.

<sup>76</sup> Leitch, *Romancing Treason*, pp. 2, 50.

<sup>77</sup> Leitch, *Romancing Treason*, p. 68.

<sup>78</sup> Leitch, *Romancing Treason*, p. 98.

<sup>79</sup> Keen, *Chivalry*, p. 11.

there are unconscious forms of behavior in this society that are only noticed when they are breached.<sup>80</sup> This may contribute to the difficulty in defining chivalry, as particulars of its behavior may never have been consciously decided, despite the written records in literature and history. Crouch also contradicts Keen by suggesting chivalry and courtesy were two ideologies that evolved from different sources, and even that these constructs did not necessarily exist as codes per se.<sup>81</sup> So it is necessary to look towards further along the chronological development of chivalric studies to get a more complex image of the ideology.

Saul's work on chivalry, for instance, highlights the intertwined nature of the concept of chivalry and the aristocratic familial memory.<sup>82</sup> He discusses the intense focus (and often blatant reinvention) of a family's history that accompanied the late medieval uncertainty about the boundaries of knighthood.<sup>83</sup> As this was accompanied by the rise in literacy, Saul notes that the preservation of familial memory shifted away from physical objects and into textual works, emphasizing that understanding the chivalric attitude in the late medieval period requires a different focus than understanding that of the early or high.<sup>84</sup> Holford agrees with this melding of chivalry, class identity and family memory, pointing out these textual genealogies receive comparatively little study, while often playing a critical role in the self-identity of these houses.<sup>85</sup> Consider for instance the verse history of the Percy family in Royal MS 18 D ii, which strives to recast a family not known for its fidelity into a lineage loyal to their monarchs. For instance, William Peiris highlights the 'stedfast[ness]' of the Percys to their kings as far back as William the Conqueror,<sup>86</sup> and emphasizes Percy loyalty to Henry III during the Barons' Revolt.<sup>87</sup>

This use of chivalry in elite life upholds Kaeuper's recent discussions about its day-to-day role which included '...the valorizing of status and social dominance, the practice of licit violence, active lay piety, the demands of loyalty, the need for openhanded generosity, and the framework for heterosexual love and proper relations between genders along with intense friendship among elite warriors.'<sup>88</sup> He draws that idea of loyalty out further into a discussion of its key role in the nature of service and fealty,

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<sup>80</sup> D. Crouch, 'Chivalry and Courtliness: colliding constructs', in *Soldiers, Nobles and Gentlemen: essays in Honour of Maurice Keen*, eds. Coss and Tyerman, pp. 32-48, at p. 41.

<sup>81</sup> Crouch, 'Chivalry and Courtliness', pp. 41, 43.

<sup>82</sup> Saul, *For Honour*, p. 283.

<sup>83</sup> Saul, *For Honour*, p. 289.

<sup>84</sup> Saul, *For Honour*, p. 289-99.

<sup>85</sup> Holford, 'Family', pp. 165-6.

<sup>86</sup> BL, Royal MS 18 D II, f. 187r.

<sup>87</sup> BL, Royal MS 18 D II, f. 191r.

<sup>88</sup> R.W. Kaeuper, *Medieval Chivalry* (Cambridge, 2016), p. 22.



in the way late medieval scholars, drawing from the resurgent presence of Roman literature in elite circles, presented chivalric loyalty as hierarchal and urged an ideological relationship between monarch and knight.<sup>89</sup> He also taps into the idea of an inherent tension within knighthood by discussing the difficulty in being the member of an order dedicated to warfare that simultaneously held vows to keep the peace. Often these two different callings contradicted each other in the basic tenets of expected behavior.<sup>90</sup> For Kaeuper, chivalry is both the problem and its solution, as he takes Keen's ideas and builds them into a more realistic presence in society, simultaneously threatening and soothing.<sup>91</sup> Kaeuper also suggests that chivalric literature was 'an active social force,' one that pushed society to see what knighthood could become, and to help reconcile these disparate sides.<sup>92</sup>

Kennedy's work further explores that idea. Her book focuses on Malory's *Morte d'Arthur* and the tripartite tale within it, which she believes was intended to showcase three modes of typical behavior for knights and to pass judgement on which was the best, as briefly discussed above. She makes it clear that the Matter of Britain—the tales of King Arthur—are heavily intertwined with perceptions of chivalry. She does a thorough job discussing Malory's emphasis on the interplay between the status of knighthood and the statutes of chivalry as imposed by Arthur at the Feast of Pentecost.<sup>93</sup> However, the greatest clarification she brings regards the tension between the various loyalties required by a knight to be truly chivalrous—to his lord, to his lady, and to God--and the juggling act required to balance them.<sup>94</sup>

Kennedy points out that in *Morte d'Arthur* Malory emphasizes the 'importance of the fundamental political relationship between king and man'<sup>95</sup> through his examination of treason, particularly in the relationships between Arthur and Morgawse and between Tristram and Isolde which are more than just treasonous actions—they are *justified* treason.<sup>96</sup> Since the feudal bond runs both ways in the chivalric code according to Malory, if one oath-holder betrays the other, the other is then freed from obligations of loyalty. This is a fascinating take on the political situation of the period and how it interacted with chivalry in reality. Kennedy never dives into the possibilities suggested here, but

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<sup>89</sup> Kaeuper, *Medieval Chivalry*, pp. 148-9, 244.

<sup>90</sup> R.W. Kaeuper, *Chivalry and Violence in Medieval Europe* (Oxford, 1999), p. 24.

<sup>91</sup> Kaeuper, *Chivalry and Violence*, p.36.

<sup>92</sup> Kaeuper, *Chivalry and Violence*, p. 33.

<sup>93</sup> Kennedy, *Knighthood*, p. 38.

<sup>94</sup> Kennedy, *Knighthood*, p. 146.

<sup>95</sup> Kennedy, *Knighthood*, p. 165.

<sup>96</sup> Kennedy, *Knighthood*, pp. 175-6.

merely by laying the groundwork for further discussion, she has done the conversation surrounding chivalry a favor.

Andy King discusses the relationship between chivalry and treason in the middle ages as well. Defining treason more broadly came into vogue under Edward I and this trend continued to develop under his successors.<sup>97</sup> This led King to wonder if this was evidence that chivalric ethos was being gradually trampled under the march of progress.<sup>98</sup> This is a difficult question to answer, although Malcolm Vale suggests this erosion was one of the reasons for the popularity of chivalric orders such as the Order of the Golden Star and the Order of the Croissant in the fifteenth-century. He believes that they reinforced a subject-vassal bond that was falling apart with this loss of chivalric values.<sup>99</sup> It is certainly an interesting idea worth further examination, as it links the idea of chivalry closely to the notion of the hierarchal nature of power.

Arthur Ferguson addresses one of the more complicated issues concerning chivalry, namely, its cultural roots. Although the book is frequently overly cynical about the nature of chivalry, he nonetheless provides an excellent starting point for his argument with this statement:

England had been at once too close to the much more sophisticated chivalry of France to produce her own literature of chivalry and, during long periods in her history, too effectively insulated through the vicissitudes of language and politics to have made the rich culture of continental chivalry really her own.<sup>100</sup>

Vale admits that it is in part due to the Burgundian cultural revival with its literary movement towards bookish learning that chivalry found its expression in literature and was disseminated throughout Europe.<sup>101</sup> Leitch engages with this topic in her book as well, in the context of the criticism often aimed at Caxton's prose romances *Godeffroy of Boloyne* (1481), *Charles the Grete* (1485), and *The Four Sonnes of Aymon* (1488).<sup>102</sup> These stories are often discounted as ineffective Burgundian transplants.<sup>103</sup> Leitch

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<sup>97</sup> A. King, 'False Traitors or Worthy Knights? Treason and Rebellion against Edward II in the *Scalacronica* and the Anglo-Norman Prose *Brut*', *Historical Research*, 88 (2015), pp. 34-47, at p. 35.

<sup>98</sup> King, 'False Traitors', p. 42.

<sup>99</sup> M. Vale, *War and Chivalry: warfare and aristocratic culture in England, France and Burgundy at the end of the Middle Ages* (London, 1981), p. 35.

<sup>100</sup> A. Ferguson, *The Indian Summer of English Chivalry* (Durham, 1960), p. 9.

<sup>101</sup> Vale, *War*, p. 16.

<sup>102</sup> Leitch, *Romancing Treason*, p. 138.

<sup>103</sup> Leitch, *Romancing Treason*, p. 140.

points out that, 'these texts...do manifest marked interest in good manners, right conduct, and divisions, and convey these concerns through narratives of Christian history or legendary French history comparable to those of Arthur and his knights.'<sup>104</sup> These behaviors transcended cultural boundaries and individual narratives—this was part of the function of chivalry, that it created a commonality of outlook amongst even enemies such as the French and English, providing a common ground upon which they could sometimes meet.

Burgundian culture influence English chivalry, but it owed its shape more to the fire of the Hundred Years' War. It wasn't born there though, predating it by some time.<sup>105</sup> This, Craig Taylor believes, is a great shift from the earlier Middle Ages, when intellectuals and books did not have much of a part to play in the development of warfare and chivalry.<sup>106</sup> This is believable, considering the interest in 'intellectual culture and didactic writing' in France throughout this era, as well as the arrival of the printing press towards the end of the-century.<sup>107</sup> And with the greater access to books came a greater ease in spreading ideas. However, Taylor points out that the precise same conditions that gave rise to a greater spread of chivalry—the Hundred Years War—also created conditions in which the chivalric ethos could be effectively challenged and reanalyzed.<sup>108</sup>

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This thesis will draw from a wide variety of sources to effectively discuss disparate themes, from the statutes of the realm to parliament and government rolls to contemporary literature, letters and chronicles. Legal records such as rolls and statutes are incredibly valuable, revealing political stances, events, and judgments, particularly in regards to the treasonable events which they often record. However, as valuable as they are, there are often gaps in the record. The parliament rolls for the brief 1471 Readeption, for instance, do not survive, leaving scholars uncertain as to the pattern of action intended by Warwick and Clarence in a potentially post-Yorkist world. More broadly, information on people as important as queens is simply often missing, their personal household accounts lost or significant events in their lives simply not recorded because of their perceived political roles. Therefore, it is often the more complicated chronicle accounts and personal letters which give greater depth to the

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<sup>104</sup> Leitch, *Romancing Treason*, p. 141.

<sup>105</sup> C. Taylor, 'English Writings on Chivalry and Warfare during the Hundred Years War', in *Soldiers, Nobles and Gentlemen*, eds. Coss and Tyerman, pp. 71-79.

<sup>106</sup> Taylor, 'English Writings', p. 89.

<sup>107</sup> Taylor, 'English Writings', p. 77.

<sup>108</sup> Taylor, 'English Writings', p. 76.

outlines provided by the official records. While the parliamentary attainders of 1459 are recorded in the parliament rolls and make clear the direct actions being taken against the duke of York and his allies, it is from written accounts like the *Somnium Vigilantis* written at the same time that a clearer view of contemporary court attitudes and concerns can be gleaned. However, the extrapolation of fact from these sources is sometimes a tricky business. For instance, the complexities of the work of Thomas Walsingham, from which this thesis draws considerably, is discussed by Given-Wilson. As a man who once favored, but then became disillusioned by, Richard II, Walsingham's accounts of Henry IV's treason is heavily inimical to the deposed monarch, often reflecting the propaganda put about by the new king.<sup>109</sup> He was also writing after the deposition of Richard II, with his accounts deeply coloured by hindsight and interest in pleasing the victor of the conflict.<sup>110</sup> Many such chronicle accounts are written long after the events they record. While the events they discuss might unequivocally deal with treason, their access to and understanding of the realities of the events is sometimes questionable, particularly in regards to the relations of concepts like family memory. Contemporary letters could be considered to provide better insight into the minds of those directly involved, as with Richard, duke of York's letters to Henry VI defending his integrity,<sup>111</sup> or even just more direct accounts of occurring events, as with the Paston letters. Yet the duke of York's letters are the letters of a man attempting to project a very specific image for a political purpose, while the Paston letters often relay hearsay and gossip, and occasionally reflect inaccuracies or incomplete knowledge. The inherent issues of sources like these above mentioned must always be taken into consideration, especially when the topic is one like treason and identity, both of which are so often merely matters of perspective. However, by viewing as many sources as possible in conjunction with each other, and a full awareness of their individual limitations, a more complete picture of events and attitudes can be constructed than would be otherwise possible.

There are many elements of treason and the royal family to be examined in this way, and the work here focuses on each of these elements in turn. There will be an underlying theme of family memory in each chapter, which will start with the legal development of treason, with all the attendant social anxieties and conflicts, and the way it was often shaped by familial habits of treason. The second chapter will focus on the confusion surrounding royal female traitors throughout the fifteenth-century, as well as how the perceived presence of family memory and association here served to make them

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<sup>109</sup> C. Given-Wilson, 'Introduction', in *C[hronicles] [of] [the] R[evolution], [1397-1400]: [the] [reign] [of] [Richard II]*, ed. and trans. C. Given-Wilson, (Manchester, 1993), pp. 1-52, at pp. 4-5.

<sup>110</sup> Given-Wilson, 'Introduction', p. 5.

<sup>111</sup> *The Politics of Fifteenth Century England: John Vale's Book*, eds. M. Kekewich, C. Richmond, A.F. Sutton, L. Visser-Fuchs, and J.L. Watts (Stroud, 1995), pp. 185, 187-8, 189.

vulnerable to accusation. The third chapter is centred around the increasingly demonstrable concern about treason and its apparent heritability in advice texts for princes throughout the century (as well as a focus on the ways in which these texts functioned as part of the royal family memory). The thesis finishes with a case study of the most famous traitorous family, the Yorkists. This last chapter will link these elements of law, gender and legacy together to present an argument and image of the way family memory, treason and action could become inextricably linked.

## Chapter One      Ambiguous in Nature: Shaping Fifteenth-Century Treason Law

### Introduction

Through the final centuries of the middle ages, the law surrounding treason and the punishment it merited shifted, usually influenced by issues surrounding the royal kinship structure. These shifts were complex, often related to changes in social attitudes, developments in the conceptualization of kingship, internal political struggles, and influxes of ideas due to shifting international relations. Yet one theme remained constant throughout, and that was the continuing debate about what actions really constituted treason. As was noted in Henry IV's first parliament by the chief justice of the common bench Sir William Thirning, the exact definition of treason was 'something which is very ambiguous in some men's opinion, especially the king's, and other men's also...'<sup>1</sup> It was flexible, bending with the times and needs of those in power. Treason was often defined as whatever the king could manipulate the law into saying it was—or, in turn, redefined as elite society chose when they challenged the royal narrative, as they did with Lord Dacre's non-conviction in 1535, or in their recorded disapproval in the *Crowland Chronicle Continuations* of the significant legal landmarks that were the duke of Clarence's trial in 1477 and the *Chronicles of London* concerning the earl of Warwick's in 1499.<sup>2</sup> By examining these fifteenth-century royal attitudes towards treason and its law, a wider context is provided for understanding the effect of treason and its heritable nature in society at large, as well as offering an insight into the way treason law actually shaped treason in the late medieval English royal family.

The dramatic shifts in attitude towards treason of the long fifteenth-century (considered here as 1399 to 1509) are notable. After all, it was under Richard II that Edward III's statute of 1352 was first used to try someone, setting the foundation for a formal understanding of treason for centuries afterwards.<sup>3</sup> Treason was to be defined at law as follows:

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<sup>1</sup> *PROME*, viii. 86.

<sup>2</sup> *Letters and Papers, Foreign and Domestic, Henry VIII, VII: 1534*, ed. J. Gairdner (London, 1883), p. 368; *The Crowland Chronicle Continuations, 1459-1486*, eds. J. Cox and N. Pronay (London, 1986), pp. 478-480; *Chronicles of London*, ed. C. Kingsford (Oxford, 1905), pp. 227-8. See below for further discussion of Clarence and Warwick's respective trials, pp. 57-61.

<sup>3</sup> It was first recorded as being used against the killers of the Genoese ambassador to London, John Imperial, in 1380, as cited in Bellamy, *The Law of Treason*, p. 9.

When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his [Queen] or of their eldest Son and Heir; or if a Man do violate the King's [Companion] or the King's eldest Daughter unmarried, or the Wife the King's eldest Son and Heir; or if a Man do levy War against our Lord the King in his Realm, or be adherent to the King's Enemies in his Realm, giving them Aid and Comfort in the Realm, or elsewhere, and thereof be [probably] attainted of open Deed by the People of their Condition: And if a man counterfeit the King's Great or Privy Seal, or his Money; and if a Man bring false Money into this Realm, counterfeit to the Money of England, as the Money called Lushburgh, or other, like to the said Money of England, knowing the Money to be false, to merchandise or make Payment in Deceit of our said Lord the King and of his People; and if a Man slea the Chancellor, Treasurer, or the King's Justices of the one Bench or the other, Justices of the Eyre, or Justices of Assise, and all other Justices assigned to hear and determine, being in their Places, doing their Offices<sup>4</sup>

The key elements present here are an interest in protecting the immediate royal family and the royal succession, as well as those inhabiting governmental positions who were frequently blamed for failures in the justice system.<sup>5</sup> The statute was not interested in protecting the state per se—treason here was an action against the king, or the crown, at a time in which the two symbols were becoming ever more intertwined.<sup>6</sup> Yet, as if in contradiction to this, throughout most treason appeals at this time there consistently appears a phrase in which treason is framed as taking place against the *realm*. It is an indicator that treason was considered as more than just an insult to royal dignity by the populace.<sup>7</sup> After all, counterfeiting was more than just an insult to royal authority. As early as 1360, Oresme was writing about the almost constant endemic of counterfeiting and noting that ‘money belongs to the community and the individuals...[it] is the property of the commonwealth.’<sup>8</sup> Treason as presented in this context is not a betrayal of the monarchy, but a betrayal of the people. A tension between king and subject on the legal framing of committing treason was already taking shape then, with the king interpreting it as a threat to his authority, while his subjects often saw it instead as a wider threat to their own security.

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<sup>4</sup> SR, 25 Edward III st. 5 c. 2, i. 319-20. See the Appendix to this thesis for the statute in full, pp. 237-9.

<sup>5</sup> Bellamy, *Law of Treason*, p. 137

<sup>6</sup> Bellamy, *Law of Treason*, p. 137.

<sup>7</sup> Bellamy, *Law of Treason*, p. 206.

<sup>8</sup> *De Moneta of Nicholas Oresme, and English Mint Documents*, ed. C. Johnson (London, 1956), pp. 11, 16.

There are other elements involved in the 1352 statute which are significant, including the solidification of the difference between high treason and 'petty' treason, which accentuated a fairly new legal recognition of the difference between the treachery of a servant against his lord or a wife against her husband, now deemed petty treason, and that of a subject against their monarch, now defined as high treason.<sup>9</sup> The problematic relationship between clergy and the court was addressed as well in a separate act at the same time, where clergy who committed treasons and felonies were allowed the 'privilege of the holy church,' unless they had engaged in high treason, in which case they would be brought before the secular court.<sup>10</sup> As Bellamy records, debates around clerical treason truly became a centre piece of parliamentary discussion from 1450 onwards when it was suggested by the commons that clerics who committed a second offence after being purged for a previous crime be treated as if they had committed high treason,<sup>11</sup> followed by a 1462 charter in which Edward IV, perhaps attempting to protect ecclesiastics from being punished for taking sides in the 1459-61 upheavals, sought to protect them from being investigated for purported treasons by secular authorities, although Bellamy believes it was never truly implemented.<sup>12</sup> Obviously, the 1352 series of treason statutes clearly never completely resolved issues of defining and punishing treason in the following century and a half. Still, they had a definite impact.

Finally, in what was perhaps the most important aspect of this statute, the decision was taken that if a type of treason should occur in the future that the terms of the law laid out did not encompass, the judges were to set the case before the king, who would make the judgement. This opened up room for a surprising amount of maneuverability in later years, something Edward III noticeably sought to implement throughout the statute. Bellamy suggests that this 1352 legislation was the ironic production of overzealous attempts in the 1340s and 1350s to protect the royal prerogative that ultimately led to the nobility seeking to and succeeding in institutionalizing the narrowest definitions of treason ever introduced.<sup>13</sup> Yet Ormrod points out the statute may not have been as limiting as scholars have supposed. Just as Edward III allowed the nobles the comfort of a greater clarity in the definition of

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<sup>9</sup> Bellamy, *Criminal Law*, pp. 116-7; Bellamy, *Law of Treason*, p. 137; *SR*, 25 Edward III st. 5 c. 2, i. 319-20. See Appendix, pp. 237-9.

<sup>10</sup> Bellamy, *Criminal Law*, pp. 116-7.

<sup>11</sup> Bellamy, *Criminal Law*, pp. 124-5.

<sup>12</sup> Bellamy, *Criminal Law*, p. 126-7.

<sup>13</sup> C. Neville, 'The Law of Treason in the English Border Counties in the Later Middle Ages', *Law and History Review*, 9 (1991), pp. 1-30, at pp. 2-3.



treason, he was still limiting many of their privileges,<sup>14</sup> a reminder that treason law was a subject for political negotiation and manipulation. Edward certainly ensured that there was no statute of limitations on treason, effectively suggesting someone could be convicted for treason no matter how old the act.<sup>15</sup> As well, the law remained very vague on certain important details—what was to be the standard method of trying treason, for one?<sup>16</sup> What did it mean, exactly, to ‘compass or imagine’ the death of the king? Did the willing participation of the queen in adultery count as treason? If so, how was she—or any royal female traitor, for that matter—to be tried and punished?

By the fifteenth-century then, there were two accepted definitions for treason:

...a personal conception of treason in which the offense was committed against someone who had good reason to trust the traitor, often because they were bound to one another by oath, and an institutional view of treason according to which it could only be committed against someone in political authority.<sup>17</sup>

The personal conception, argued, perhaps incorrectly, by Helen Young is tied back to older Anglo-Saxon conceptions and can be considered an implicit, informal understanding of treason, while the institutional interpretation derives from Anglo-Norman conceptions of fealty and is the explicit, formal definition in law.<sup>18</sup> The emphasis on the latter conceptualization had grown throughout the thirteenth-century in response to the greater centralization of authority,<sup>19</sup> furthering that visible tension between king and subject. These differing viewpoints frequently fostered battles between the royal will and popular ideology throughout the fifteenth-century, evidenced in earlier centuries by the presence of *diffidatio*. This was a formal renunciation of fealty to the king which made legal space for defiance, as best exemplified by the 1327 renunciation of loyalty on behalf of the whole realm from Edward II by Sir William Trussell.<sup>20</sup>

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<sup>14</sup> Ormrod, *Edward III*, p. 366.

<sup>15</sup> Bellamy, *Tudor Law*, p. 4.

<sup>16</sup> L. Hill, ‘The Two-Witness Rule in English Treason Trials: some comments on the emergence of procedural law’, *American Journal of Legal History*, 12 (1968), pp. 96-111, at p. 99.

<sup>17</sup> R.F. Green, *A Crisis of Truth: Literature and Law in Ricardian England* (Philadelphia, PA, 1998), p. 207.

<sup>18</sup> H. Young, ‘*Athelston* and English Law: Plantagenet practice and Anglo-Saxon precedent’, *Parergon*, 22 (2005), pp. 95-118, at p. 108.

<sup>19</sup> Young, ‘*Athelston*’, p. 108.

<sup>20</sup> S. Phillips, *Edward II* (New Haven, CT, 2010), p. 535.

The law surrounding treason was not always adhered to by either side—it was frequently undermined by royal desires or social attitudes, making the legal definitions merely one facet of a socially complex narrative. This complexity makes treason law a far more nuanced topic than its statutes might otherwise suggest. Consider the *Somnium Vigilantis*' desperately scornful condemnation of the people's supposed beliefs when they contradicted Henry VI's need to have the duke of York attainted—'As for the favoure of the peple thaire is no grounde of sure argument, for by cause hit is so varyable and for the moost parte it groweth of oppynable conceytis, and not of trowith.'<sup>21</sup> The fifteenth-century and its numerous interactions with this new attempt at solidifying treason law only highlighted this frequent chasm between what the monarch and his subjects wanted. For instance, Henry V's 1414 statute of truces was intended to stop the breaking of the king's truces. Henry V described these breakages as occurring 'to the great Dishonour and Slander of the King',<sup>22</sup> or in essence, as an act that treasonably challenged a monarch's royal authority. However, the new statute was frequently cast as a clarification of Edward III's original statute, as with Henry V's statute on counterfeiting and Henry VI's on escape from prison.<sup>23</sup> Yet the actual impact of these laws, and the responses they elicited from his subjects prove intention, declaration and execution could often fall widely apart from each other.

While treason law itself is less demonstrative of the element of family memory that forms a cornerstone of this thesis, its implementation against members of the extended royal family often reveals the dramatic culmination of the idea of family memory—the trial or attainder of a traitor could present the notion that treason was heritable, and begin to show how treason became the only defense of a family already typified as traitors. Further, to understand how treason played a role in family memory and vice versa, a study of treason law in the fifteenth-century must first be offered, to contextualize later conclusions. The bulk of this chapter then focuses on the development of treason law, with the attendant revelations it offers concerning family memory within the royal kinship structure.

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<sup>21</sup> 'A Defence of the Proscriptions of the Yorkists in 1459', ed. J.P. Gilson, *EHR*, 26 (1911), pp. 512-25, at p. 521. M. Kekewich in her article 'The attainder of the Yorkists in 1459', *Bulletin of the Institute of Historical Research*, 55 (1982), pp. 25-35, convincingly argues that this sentence suggests the pamphlet was not written with the intention of being circulated among the populace, making it an exclusively court-directed piece of writing.

<sup>22</sup> *SR*, 2 Hen. V st. 1 c. 6, ii. 178.

<sup>23</sup> *SR*, 4 Hen. V st. 2 c. 6, ii. 195; *SR*, 2 Hen. VI c.21, ii. 226-7.

## A Brief Historiography of Treason and Law

The study of medieval law and treason has always been an area of scholarly interest, and has evolved over the decades. Understanding how these perspectives have developed identifies the role this thesis will play within late medieval scholarship.

Mid-twentieth-century works such as Lacey Baldwin Smith's 'English Treason Trials and Confessions in the Sixteenth Century' and Charles Ross' 'Forfeiture for treason in the reign of Richard II' are representative of the earlier stages of these ideas, laying firm groundwork for later development,<sup>24</sup> such as appears in Bellamy's landmark book *The Criminal Trial in Later Medieval England*. Later works, like E.A. McVitty's more recent articles delve into the deeper political contexts and linguistic structures that developed around treason.<sup>25</sup> Both this ground work and later development are due consideration.

Barbara Harris, for instance, focuses on this complexity of treason law in scholarship with 'The Trial of the Third Duke of Buckingham—A Revisionist View,' which focuses primarily on post-1509 issues of treason, but nonetheless discusses the multiplicity of ways treason was tried in the later middle ages and offers a perspective on the elasticity of treason's definition.<sup>26</sup> This fluidity is one of the key core points concerning the nature of the crime, and continually surfaces in literature. Perhaps part of this fluidity is the constant redefinition of treason that takes place in the field. Historians are always striving to better understand what those in the middle ages meant by 'traitor' in the legal sense, something often subject to specific time period and political situation. Both W.R. Stacy and E. A. McVitty in her aforementioned articles address this issue, and in doing so highlight this intense process of scholarly development.<sup>27</sup> The two were writing in different eras, resulting in widely varied conclusions. There is a visible, definite movement away from more tangible, obvious motives through the century into a more advanced examination of internal workings influenced by the social context. For instance, while Stacy concludes that treason is a constructed crime based around political immediacy, McVitty suggests a

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<sup>24</sup> L.B. Smith, 'English Treason Trials and Confessions in the 16<sup>th</sup> Century', *Journal of the History of Ideas*, 15 (1954), pp. 471-98; C.D. Ross, 'Forfeiture for Treason in the Reign of Richard II', *EHR*, 71 (1956), pp. 560-74.

<sup>25</sup> J.G. Bellamy, *The Criminal Trial in Later Medieval England: felony before the courts from Edward I to the sixteenth century* (Stroud, 1998); E.A. McVitty, 'False Knights and True Men: contesting masculinity in English treason trials, 1388-1415', *Journal of Medieval History*, 40 (2014), pp. 458-77; McVitty, "'My name of a trewe man'"; E.A. McVitty, 'Traitor to the Chose Publique: negotiating constitutional conflict through the law of treason, 1399-1402', in *Fourteenth Century England IX*, eds. J.S. Bothwell and G. Dodd (Woodbridge, 2016), pp. 149-68.

<sup>26</sup> B. Harris, 'The Trial of the Third Duke of Buckingham-A Revisionist View', *American Journal of Legal History*, 20 (1976), pp. 15-26.

<sup>27</sup> W.R. Stacy, 'Richard Roose and the Use of Parliamentary Attainder in the Reign of Henry VIII', *The Historical Journal*, 29 (1986), pp. 1-15.

much more sociological structure that functions based on the chivalric psychology of the fifteenth century. She notes, for instance, that ‘The perception of treason as an inversion of chivalric masculinity is strikingly illustrated in Henry ‘Hotspur’ Percy’s claim that he is no traitor but a ‘true man’, a gendered identity that he will prove with his body in knightly combat.’<sup>28</sup> This is a conclusion that relies heavily on interpretation based around a much broader historical reading of the era. There is perhaps a halfway point to be found between the two suggestions—both are sure to have had their roles in the psyche of decision making, and approaching the topic with this idea of a middle stance in view is sure to reveal a more balanced perception of treason and its laws.

J.G. Bellamy’s works on medieval and Tudor treason law are central to the field, and remain key to understanding its evolution and the cultural perceptions surrounding it throughout the middle ages.<sup>29</sup> The first of these works, and perhaps the most relevant to this thesis, is *The Law of Treason in Late Medieval England*, which traces the development and fusion of the English notions of treason from Germanic (the reciprocal notion of loyalty) and Roman (the loyalty inherently owed to political authority) influences.<sup>30</sup> Having discussed these earliest elements, he continues on to study the development of the surrounding law, through works like Bracton’s *De Legibus et Consuetudinibus Angliae*, and into Edward I’s reign, discussing what Bellamy perceives to be the fading of the idea of a feudal obligation as the method by which loyalty was ensured, suggesting that this is borne out by the increasing monarchical interest in using treason law as a tool for punishment against personal offences.<sup>31</sup> The rest of the book continues in the same vein, including discussions of the codifying of treason laws in the Statute of 1352, and the creation of the subsection of misprision in 1415 after the Southampton plot.<sup>32</sup> Perhaps the most interesting conclusion he arrives at in his works is that a grey area surrounded the word ‘compassing,’ an action made illegal in the Statute Law of 1352, which claimed that anyone who compassed the death of the king, the king’s wife, or his eldest son was guilty of treason.<sup>33</sup> The definition of the word is left purposely vague in its legal setting, creating an ongoing debate about what it meant for both contemporaries and historians. It was, however, very useful for the monarch in the cases of ‘constructed’ treason that were often brought to court.<sup>34</sup> Of particular interest is the orderly way Bellamy outlined the various additions to the laws of treason that took place in the

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<sup>28</sup> McVitty, ‘False Knights’, p. 474.

<sup>29</sup> Bellamy, *Tudor Law*.

<sup>30</sup> Bellamy, *Law of Treason*, p. 1.

<sup>31</sup> Bellamy, *Law of Treason*, pp. 9, 30.

<sup>32</sup> T.B. Pugh, *Henry V and the Southampton Plot of 1415* (Southampton, 1988).

<sup>33</sup> Bellamy, *Tudor Law*, pp. 9-11.

<sup>34</sup> R. Manning, ‘The Origins of the Doctrine of Sedition’, *Albion*, 12 (1980), pp. 99-121, at p. 103.

early fifteenth-century. These changes show the precise legal concerns of the Lancastrian usurpers in the wake of Richard II's deposition. Bellamy points out that these changes to the laws occurred less frequently during the mid-fifteenth-century, with these monarchs preferring to use acts of attainder to convict perceived traitors, which is perhaps a reflection of the political weakness during Henry VI's adult rule, and Edward IV's and Henry VII's in the early years of their reigns—both Hicks and Lander have explored these ideas, supporting their significance in late medieval politics.<sup>35</sup> Bellamy is the cornerstone of this field of scholarship with these studies, filling a vital niche. Yet, few have taken these conclusions further, or challenged Bellamy's reasoning. His influence on and importance in fifteenth-century treason scholarship remains undeniable but in need of some revisiting.

Edward Powell draws from Bellamy's ideas that laws concerning treason were often manipulated to shore up the crown's security and reaffirms them—he recounts an escape from the Tower of London in 1424 by a scion of the Mortimer family.<sup>36</sup> To assure themselves of his death as a traitor, a treason law was passed by the government that condemned escape from prison as treason. It was used solely to execute him and then repealed. Powell makes it clear there was a definite 'tension between the official and popular interpretation of the law of treason,'<sup>37</sup> and that a jury's unwillingness to convict based on a monarch's wishes contributed to the evolution of treason law.<sup>38</sup> He notes in a separate work that there was often a dialogue between the government and the commons taking place about the gap between intent and the application of law, manifested in popular poetry and revolts.<sup>39</sup> This argument between monarch and subject about the nature of loyalty and betrayal, law and justice, is both very important, as well as a furtherance of Bellamy's convictions about the fading nature of reciprocal fealty in the later middle ages. However, it is an argument that partially relies on a concept of bastard feudalism, which is a controversial subject at the best of times.<sup>40</sup> Helen Young too explores this idea that the crown often attempted to manipulate the laws to convict people they deemed politically dangerous, even if they were not technically guilty of treason.<sup>41</sup> She thus borrows from Bellamy, as does Michael Hicks in his *Wars of the Roses*, which suggests that the rule of law concerning treason depended

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<sup>35</sup> M.A. Hicks, 'Attainder, Resumption and Coercion, 1461-1529', *Parliamentary History*, 3 (1984), pp. 15-31, at pp. 14-31; J.R. Lander, 'Attainder and forfeiture'.

<sup>36</sup> E. Powell, 'The Strange Death of Sir John Mortimer: politics and the law of treason in Lancastrian England', in *Rulers and Ruled in Late Medieval England*, eds. R.E. Archer and S. Walker (London, 1995), pp. 83-98.

<sup>37</sup> Powell, 'Strange Death', p. 93.

<sup>38</sup> Powell, 'Strange Death', p. 97

<sup>39</sup> E. Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989), p. 40.

<sup>40</sup> See M.A. Hicks, *Bastard Feudalism* (London, 1995).

<sup>41</sup> Young, 'Athelston', p. 109.

on social hierarchy.<sup>42</sup> Hicks also argues for the culmination of Bellamy's ideological devolution: '1461, however, had witnessed the defeat of traditional obligations of allegiance and obedience, and the victory of the right of subjects to reject royal decisions, to coerce, reform and even depose a legitimate sovereign.'<sup>43</sup> These ideas about the changing nature of loyalty and its relationship with the law remains intriguing and debatable, and therefore very much worthy of further exploration.

Treason, as Maurice Keen makes clear in his chivalric-focused work, did not exist solely as a legal transgression. It was a chivalric issue as well, and when taken to the courts of chivalry, the punishments meted out could be even more vicious than those in court.<sup>44</sup> This reminder that nothing, especially not law, exists in a vacuum, is important. A broader context is vital to understanding treason in this century. Biographies and other analytical works offer a wider setting in which to frame it, such as P.A. Johnson's *Duke Richard of York, 1411-1460*. He raises the interesting point of the give-and-take nature of treason, that its 'taint' can potentially be undone by loyal service from other branches of the family, and offers Edward, duke of York as an example.<sup>45</sup> While the example is deeply flawed, the idea is intriguing, and places treason squarely where it belongs within the context of the family social structure. Furthermore, the study of a man known almost exclusively to history for his treason offers insights into social reactions and justifications when treason became a highly personal involvement. These are the strengths of biographies, and T.B. Pugh's seminal work, *Henry V and the Southampton Plot of 1415*, is a fine example of a set of biographies coupled with analysis of politics and treason. The focus on the life stories of the participators in the 1415 treasonous attempt is a rare type of study in this time period, and explores the reasoning behind decisions to involve treason, further emphasizing the involvement of the social structure in the occurrence of treason.<sup>46</sup>

These difficulties in defining treason as any particular constant or in contextualizing it sufficiently to grasp the whole image of an event are what make its ramifications and evolution so interesting. There is a suggestion of great complexity and elasticity within the subject, as well as the differing views within each reign and era, which were usually shaped by the particular attitude of and issues faced by the reigning monarch. Thus, it starts to become evident that treason shapes its own laws through treasonous plots and trials, which is an idea this chapter will attempt to explore to its conclusion.

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<sup>42</sup> M.A. Hicks, *The Wars of the Roses* (New Haven, CT, 2010).

<sup>43</sup> Hicks, *Wars*, p. 186.

<sup>44</sup> Keen, 'Treason Trials', pp. 85-86.

<sup>45</sup> Johnson, *Duke Richard of York*.

<sup>46</sup> Pugh, *Henry V and the Southampton Plot*.

## The Fifteenth-Century Statutes

There is a chronology to the overall development of treason law, and every monarch's relationship with it in the fifteenth-century was mainly shaped by external forces. For instance, Henry V's interactions with treason law were primarily shaped by his engagement with the war in France and the insecurity in the Lancastrian dynastic claim. Often what shifted under Henry VI in terms of treason law was not necessarily legal language, but rather non-articulated approaches necessary to cope with the treasonous behaviour of his rebellious subjects, such as the shift into the primary use of acts of attainders. Henry IV, Edward IV and Richard III without a doubt—regardless of their own belief in their dynastic rights—acquired their thrones by engaging in what was at least perceived as treason by those they overthrew, so their use of treason law was both as subject and monarch, built on these accumulated complexities. Given-Wilson discusses Henry IV's careful justifications to his claim to the throne, in which he merely describes himself as nearest male heir to the throne, abandoning discussions about the right of conquest or his initial hopes of proving his ancestor Edmund, earl of Lancaster to be the eldest son of Henry III.<sup>47</sup> Edward IV's claims in his first parliament were phrased similarly, with an emphasis on Richard II's unjust overthrow and the right by blood Edward inherited from Lionel, duke of Clarence to be king of England instead of the Lancastrians.<sup>48</sup> Richard III's justification was essentially the same, although structured somewhat differently. On the suggestion that Edward IV's children were illegitimate and George, duke of Clarence's son attainted, Richard was the nearest male heir to the throne.<sup>49</sup> This overarching need to present their actions as just dynastic motions is a fairly understandable series of efforts to justify the overthrow of previously recognized rightful monarchs without engaging with the idea of themselves as traitors.

Clearly, the development of treason law in this period was not always straightforward or clearly codified. In fact, there were only seven official additions (though Henry IV had certainly extended it by construction) to treason law in the fifteenth-century, each of which had its own significance. Six of these seven statutes were created under the Lancastrian dynasty, lending circumstantial support to Edward Powell's argument that they were actively seeking to extend a royal authority they felt was considerably

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<sup>47</sup> Given-Wilson, *Henry IV*, pp. 144-7.

<sup>48</sup> *PROME*, xiii. 14.

<sup>49</sup> *PROME*, xv. 15-16.

weakened by the shakiness of their claim to the throne.<sup>50</sup> These laws and the discussion that surrounded their creations are therefore perfect exemplars of the frequent argument between king and state about what treason actually *was*, as well as offering an insight into the broader political developments of the century.

The first of these new treason statutes was legislated in the April 1414 Leicester parliament. There were three particularly interesting statutes linked together that passed at the time—the Statute of Lollards, the Statute of Riots, and the Statute of Truces. Beaufort’s parliamentary opening speech emphasizes that these were all the initiatives of a monarch interested in enhancing the law and order of his realm,<sup>51</sup> and it was certainly the idea of Henry V as a lawgiver, as well as a conqueror, that would linger in people’s memories.<sup>52</sup> Of these three, it was the Statute of Truces that dealt with treason, rather perfectly exemplifying how Henry V’s relationship with treason law was mainly shaped by his French wars. Significantly, it extended the definition of treason in a way both practically useful to Henry V’s extended negotiations with continental rulers concerning the Hundred Years’ War, and also symbolically enhanced his prestige. The breaking of a lord’s safe-conduct was a dishonorable act, the greater the lord who issued it the greater the dishonour incurred.<sup>53</sup> It was the breaking of a 1378 safe-conduct that had resulted in the first use of the 1352 treason statute as mentioned above, after all, with the 1379 murder of the Genoese ambassador John Imperial in London being condemned as treasonable by the 1380 parliament.<sup>54</sup> By turning this breaking of safe-conducts and truces into one of official high treason when committed against the monarch, Henry V was in part making an effort to exalt Lancastrian royal authority, as well as responding to the challenge Devon shipmen with their traditions of piracy offered by refusing to respect safe-conducts:<sup>55</sup>

if any such murder, robbery, plunder, breaking of the king's truces and safe-conducts, and deliberate sheltering, abetting, supporting, advising, hiring, sustaining and maintaining of such persons is carried out in future by any of the king's lieges and subjects within the kingdoms of

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<sup>50</sup> Powell, *Kingship*, p. 131.

<sup>51</sup> *PROME*, ix. 34.

<sup>52</sup> M. Jurkowski, ‘Henry V’s Suppression of the Oldcastle Revolt’, in *Henry V: New Interpretations*, ed. G. Dodd (Woodbridge, 2013), pp. 103-129, at p. 103.

<sup>53</sup> Powell, *Kingship*, p. 171.

<sup>54</sup> M. Keen, *The Laws of War in the Late Middle Ages* (Toronto, 1965), p.206; Bellamy, *Tudor Law*, p. 27

<sup>55</sup> Powell, *Kingship*, pp. 170-1.



England, Ireland and Wales, or on the high seas, it shall be adjudged and determined as high treason committed contrary to the crown and dignity of the king.<sup>56</sup>

Sea piracy was interfering with the ease and effectiveness of Henry's aforementioned communication with the French king and Burgundian and Breton dukes, as well as his relationship with other nations.<sup>57</sup> The whole concept was possibly inspired by similar French attempts half a century previously, when Charles V had issued a similar ordinance dated 7 December 1373.<sup>58</sup> By making the interference with Henry V's safe-conducts treasonous and initiating a system of enforcement (which nonetheless never seems to have been put in place<sup>59</sup>), the English king hoped to solve the problem. Ultimately this proved a false hope. The populace was uncomfortable with this extension of the definition, perhaps because of the growth of royal authority it presented, but certainly because it interfered with traditional rights of reprisal. The Devon shipmen continued to resist, upholding their own traditions in which a ship was seized for its home country's similar interference with English shipping.<sup>60</sup> Understandably, these reprisals and actual piracy tended to be difficult to differentiate.<sup>61</sup> The Statute of Truces was intended to inflict severe penalties on those who manipulated that gray border area and halt the consistent lack of cooperation from local juries in securing indictments.<sup>62</sup> Ultimately Henry found it necessary to relax its terms in 1416, once more allowing the use of letters of marque to legitimize reprisals.<sup>63</sup> Having proved impossible to uphold, and considered a possible detriment to the naval defense of an England then struggling to maintain its gains in the conflict with France, it was officially suspended under Henry VI in 1435.<sup>64</sup> It was temporarily revived in 1451 under the same terms as its 1416 incarnation,<sup>65</sup> but was ultimately repealed by implication in 1547, and then officially in 1863,<sup>66</sup> never having fulfilled its original purpose and instead proving that the king's interpretation of treason could have trouble standing up against the opposition of his subjects

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<sup>56</sup> *PROME*, ix. 52-53.

<sup>57</sup> *PROME*, ix. 34-5; J. Wylie, *The Reign of Henry V* (3 vols., Cambridge, 1914), i. 331.

<sup>58</sup> *The Black Book of Admiralty*, ed. T. Twiss (4 vols., London, 1871), i. 430-442; Wylie, *Henry V*, i. 330.

<sup>59</sup> Wylie, *Henry V*, i. 331-2.

<sup>60</sup> Powell, *Kingship*, p. 204.

<sup>61</sup> Powell, *Kingship*, p. 204.

<sup>62</sup> Powell, *Kingship*, pp. 203-4.

<sup>63</sup> *PROME*, ix. 200-202.

<sup>64</sup> *PROME*, ix. 35; *PROME*, xi. 163, 189-90; *SR*, 14 Hen. VI c. 5, ii. 291-2.

<sup>65</sup> *PROME*, xii. 203-4.

<sup>66</sup> *SR*, 1 Edw. VI c. 12, iv pt i. 19; *Black Book*, i. 419.

The parliament of March 1416 saw the next addition to treason law, once more under Henry V, and it was again a result of the French wars. This time however it was primarily an economic side-effect as English money began to flow towards war-torn France. Counterfeiting was already treason according to the statute of 1352, considered *lèse-majesté*, since the minting of money fell under royal authority and was considered an 'offence against the royal image and the authority which that image represented'<sup>67</sup>.

[Coinage is] seen as [extension] of the king's authority. Bearing his physical image and secured by his position and majesty, the coin and seal of the realm are themselves expected to be *loial* in the sense of 'true,' and to secure and command loyalty and fidelity among the king's subjects. The effect of the parliamentary actions and statutes relating to the debasement and fabrication of coin is to secure a particular status for the counterfeit as *disloyal*, as opposed to legitimacy as defined and embodied by the king.<sup>68</sup>

Counterfeiting was endemic in society, and as a rule convictions for counterfeiting ran even higher than those for homicide.<sup>69</sup> Edward III and Richard II waged war on this theft of their *dignitas* throughout their respective reigns and as Kleineke notes, it is interesting that the future Henry IV sought and obtained a pardon for two Welsh counterfeiters from Richard II in 1394.<sup>70</sup> The issue of counterfeiting became a major focus for Henry V, again for both practical and symbolic reasons, particularly 1417 on, and which remained a governmental concern during the early years of his young son's reign.<sup>71</sup> One of the results of this interest was the 1416 statute, which further clarified that of 1352 by making the method by which the material for counterfeiting (clipping, sweating and filing) was gathered as treasonous as the process of counterfeiting itself:

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<sup>67</sup> H. Summerson, 'Counterfeiters, Forgers and Felons in English Courts, 1200-1400', in *Expectations of the Law in the Middle Ages*, ed. A. Musson (Woodbridge, 2001), pp. 105-16, at pp. 105-6, 109. The development and definition of the term *lèse-majesté* is excellently discussed in M. Billoré, 'Introduction', in *La trahison au Moyen Âge: de la monstruosité au crime politique (Ve-XVe siècle)*, eds. M. Billoré and M. Soria (Rennes, 2010), pp. 15-34, at pp. 16-17. He links the term with every treason prohibited in the 1352 statute.

<sup>68</sup> Strohm, *England's Empty Throne*, p. 133 n.21.

<sup>69</sup> Strohm, *England's Empty Throne*, p. 106.

<sup>70</sup> H. Kleineke, 'The Prosecution of Counterfeiting in Lancastrian England', in *Medieval Merchants and Money*, eds. M. Allen and M. Davies (London, 2016), pp. 213-26, at pp. 224-5; *CPR* 1391-6, p. 372.

<sup>71</sup> Kleineke, 'Prosecution', pp. 224-5; *CPR* 1416-22, pp. 80, 81, 86, 146.

that those who clip, sweat, file or practice any other falshood against your currency should be adjudged traitors and incur the penalty of treason; as well as those who bring counterfeit currency into England, knowing it to be counterfeit.<sup>72</sup>

Unsurprisingly, this did not do much to quell the epidemic, as the 1419 and 1422 testimonies of William Carsewell and Richard Swalwe respectively attest.<sup>73</sup> Swalwe painted a colourful decade-long career involving a large web of confederates.<sup>74</sup> Carsewell chose to link his counterfeiting activities to points of deep insecurity for the fledgling Lancastrian dynasty: foreign monasteries and the movements of the ‘arch-heretic’ Sir John Oldcastle, effectively playing on the issues of legitimacy inherent in counterfeiting, Lollardy and the French wars.<sup>75</sup> Henry V’s clarifying dictate only seems to have made counterfeiting an excellent accusation to direct at political opponents, as Kleineke notes, rather than in any way limiting its presence.<sup>76</sup> So while this statute managed to survive longer than its predecessor, it became, rather than a tool for the monarch, a tool for his subjects to manipulate the political atmosphere.

The third statute is perhaps the strangest of the additional fifteenth-century treason laws passed and exemplifies the way these statutes were the manifestation of insecurity about Lancastrian legitimacy.<sup>77</sup> While the circumstances surrounding this peculiar law have been examined elsewhere, it is worth reconsidering here as well within a broader context of treason law. The statute itself, passed under the regency council of the infant Henry VI, stated:

that if any person is indicted, appealed or arrested on suspicion of high treason, as is said above, and is committed and detained in the king's prison for any reason, and escapes voluntarily from the said prison, that such an escape shall be adjudged and declared treason...<sup>78</sup>

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<sup>72</sup> *PROME*, ix. 161; *SR*, 3 Henry V, ii. 191. While the debasement of coinage is different from the actual process of counterfeiting, the fact that the statute links the process with the entry of counterfeit coinage into the country suggests the primary interest here was limiting the presence of counterfeit money.

<sup>73</sup> G.O. Sayles, ed., *Select Cases in the Court of King's Bench, Richard II, Henry IV and Henry V*, VII, Selden Society, 88 (London, 1971), pp. 244-46; TNA, KB 27/648, rots. 3, 8, 13d, 15d, 18, 18d, 19, 19d, 20, 20d; TNA, JUST 3/202, m.7.

<sup>74</sup> *Select Cases*, pp. 244-46.

<sup>75</sup> *Select Cases*, pp. 244-6; Strohm, *England's Empty Throne*, p. 130.

<sup>76</sup> Kleineke, ‘Prosecution’, p. 216; The cases he cites are TNA, KB 27/646 rex, rot. 14 and TNA, KB 27/650 rex, rot. 23d.

<sup>77</sup> What follows draws heavily from Edward Powell’s already cited ‘Strange Trial of Sir John Mortimer.’

<sup>78</sup> *PROME*, x. 201; *SR*, 2 Henry VI c. 21, i. 226-7.

It was retroactively dated to the beginning of parliament, and was only to remain in place until the start of the next. Its sole purpose, evidently, was to ensure the conviction for treason of a little-known and insignificant knight that had already been acquitted of his accused crime once. Sir John Mortimer had been arrested at some point in 1418, later described as for seditious remarks against Henry V—a desire for the king to be as poor as he and a remark that if he was the king of France and at the head of five hundred men, he would drive the English king out of Normandy.<sup>79</sup> As far as reasons for arrest go, it was not unprecedented—Henry IV had arrested and executed fourteen friars early in his reign for spreading rumours about the return of Richard II, even while sedition was not classed as a treasonous offence.<sup>80</sup> In 1415, Henry had not hesitated to mete out the harsh punishment for treason to Henry, Lord Scrope for misprision—the concealment of treasonous intent, rather than its actual performance.<sup>81</sup>

Nevertheless, Mortimer was merely held in the Tower of London—in uncomfortable circumstances if his and his wife’s petitions to Parliament are any indication<sup>82</sup>—until he escaped on 18 April 1422, alongside Thomas Payn, a Lollard associate of John Oldcastle’s, and two prisoners of war, Jean Braquemont and Marcellinus de Flisco. He was swiftly recaptured, albeit in Wales, perhaps suggesting an intention to join the last flares of the Owen Glyndwr rebellion or an effort to seek asylum in Mortimer holdings. Mortimer was swiftly arraigned for treason alongside Thomas Payn on 15 May 1422, although most unusually the source of indictment was not stated, suggesting that perhaps there was no verifiable source for the charge.<sup>83</sup>

The specific natures of Mortimer’s crimes were only twice identified as treasonous—his consorting with the Lollard Payn and his escape from prison, the rest being general plots of insurrection and imagining the death of the king.<sup>84</sup> Mortimer pleaded not guilty, and, fascinatingly, the jury acquitted him, even defending their decision when questioned by the bewildered judges. This was not, apparently, the decision they had been seeking, and it becomes very apparent over the following years that the verdict they wanted was nothing less than a conviction for treason, regardless of its legality. Mortimer was not released, despite his acquittal, with the excuse that he had been initially held on the king’s special order, and could not be released except by the decision of the king and his council. On 20 May 1422, a mere five days later, they attempted to indict Mortimer for treason (treasonable words, this

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<sup>79</sup> CCR 1413-19, pp. 456-7; TNA, KB 9/218/2, m. 45.

<sup>80</sup> Bellamy, *The Law of Treason*, p. 127.

<sup>81</sup> See the final chapter of this thesis for more on Scrope and his treason trial, p. 153.

<sup>82</sup> *PROME*, ix. 310; *PPC*, iii. 311-12.

<sup>83</sup> Powell, ‘Strange Death’, p. 87.

<sup>84</sup> TNA, KB 27/644, m. 11.

time) once more, but the indictment was never carried forward, and he was instead placed into custody at Pevensey Castle.<sup>85</sup>

Henry V died a few months later on 21 August 1422 in France, leaving the knight in limbo. Whatever threat it was that John Mortimer posed, it was left to the council of his infant heir, Henry VI, to deal with. At any rate, Mortimer seems to have been once more in the Tower by July 1423.<sup>86</sup> It is then this puzzling statue was passed, in the October Parliament of 1423, either before or after Mortimer is reported as attempting to escape the Tower once more. The escape was certainly sometimes in February, but the records are not entirely clear when—the Parliament Rolls say 23 February,<sup>87</sup> but the *Chronicles of London* suggests earlier, perhaps before 14 February, though avowedly after the enactment of the statute.<sup>88</sup> Mortimer's intention was apparently to join the earl of March and seeking the deposition of Henry VI.<sup>89</sup> He had confided his intentions to a servant of the keeper of the Tower, one William King, who according to his own testimony was encouraged by the Lieutenant to aid Mortimer in escaping, so that they might then capture him (which they did, before he managed to leave London), and bring him up on an indictment of treason.<sup>90</sup> Thus a (yet another) new indictment was laid before Parliament 26 February, where the Commons unanimously declared the statement to be true, the Lords agreed, and the duke of Gloucester declared Mortimer guilty of treason. He was drawn, hanged, beheaded, disemboweled, and quartered that very day.<sup>91</sup> Of the effect of this astonishing state of proceedings, Edward Hall wrote '[o]f [Mortimer's] death no small slaundr arose emongest the common people.'<sup>92</sup> While Hall was writing a century after events and his representation of fifteenth-century events is often suspect, this nonetheless suggests that the rigged nature of the trial may have been visible to the wider populace, who disapproved of the way it played fast and loose with the acceptable definitions of treason.

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<sup>85</sup> TNA, KB 9/218/2, m. 45; CCR 1419-22, p. 242; *Issues of the Exchequer: being a collection of payments made out of His Majesty's revenue, from King Henry III to King Henry VI inclusive: with an appendix*, ed. F. Devon (London, 1837), p. 377.

<sup>86</sup> J. Stevenson, ed., *Letters and Papers Illustrative of the wars of the English in France during the reign of Henry VI, King of England*, (2 vols., London, 1861-4), i. 397-8.

<sup>87</sup> *PROME*, x. 86.

<sup>88</sup> *Chronicles of London*, p. 283.

<sup>89</sup> *Chronicles of London*, p. 283.

<sup>90</sup> *Chronicles of London*, p. 283; John Amundesham, *Chronica Monasterii S. Albani. annales Monasterii S. Albani: a Johanne Amundesham, monacho, ut videtur, conscripti, (A.D. 1421-1440): quibus praefigitur chronicon rerum gestarum in Monasterio S. Albani, (A.D. 1422-1431) a quodam auctore ignoto compilatum*, ed. H. Riley, (2 vols., London, 1870-1), i. 6.

<sup>91</sup> *PROME*, x. 87.

<sup>92</sup> Edward Hall, *Hall's Chronicle*, ed. H. Ellis (London, 1809), p. 128.

This effort to execute a minor knight of no importance and act against popular will is puzzling. Hall scathingly describes the motivation as ‘to avoyde thynges that might chaunce,’<sup>93</sup> which is as reasonable conclusion as any other—Powell agrees with it in his study of the trial. It is the Mortimer name, with its links to the earl of March and his claim to the throne that seems to have doomed this otherwise inconsequential knight to death by treason.<sup>94</sup> This was an era in which escape from the Tower was not uncommon, but other such escapees did not incur the royal wrath on such a large scale. However, it remains odd that this otherwise unimportant scion, who was probably illegitimate,<sup>95</sup> was perceived as representing such a threat in a time of Lancastrian military success and popularity that he was inveigled into committing a treason freshly defined as such in a law passed just for the occasion,<sup>96</sup> as well as expediting the departure of the earl of March to his post in Ireland.<sup>97</sup> While it is a difficult question to untangle, it nonetheless serves to demonstrate just how complex the relationship between monarch, subject and treason law was, with each frequently shaping the other.

It is also a prime example of the concerns surrounding the repetitive nature of treason within specific royal kinship structures. Edmund, earl of March had already been embroiled in two plots against the Lancastrian dynasty, his proximity to the English throne frequently considered by conspirators to proffer a better claim than those of the successive Henrys. His own involvement was only ever questionable at worst as later elements of this thesis show,<sup>98</sup> but the powerful Mortimer claim and the repeating pattern of treason in his life apparently (and fascinatingly) functioned to turn simply the possession of the Mortimer name into an act of treason, just as during the Jack Cade revolt of 1450 when the eponymous leader adopted the Mortimer name as his alias, turning them into a focal point for revolt once more. Likewise, it was Richard, duke of York’s Mortimer inheritance and identity that was part of what made him such an object of suspicion for Henry VI and his court.<sup>99</sup> Thus, a family could become swiftly linked with the acts of treason, however loosely interpreted, of even its most peripheral members. In this the fragility of dynastic reputation is demonstrated, as well as the pressure external

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<sup>93</sup> Hall, *Hall’s Chronicle*, p. 128.

<sup>94</sup> Powell, ‘Strange Death’, p. 90.

<sup>95</sup> Powell, ‘Strange Death’, p. 90.

<sup>96</sup> Powell, ‘Strange Death’, pp. 83-4

<sup>97</sup> *Feodera*, x. 382.

<sup>98</sup> For greater detail on these plots and the earl of March’s involvement, or lack thereof, see the last chapter of this thesis, pp.14708-1, 152-3.

<sup>99</sup> For another interesting case of political treason, see Meekings, ‘Thomas Kerver’s Case’.

opinion could place on familial memory and identity, forcefully shaping it into a treasonous shape regardless of the actual and original intentions of the family.

The fourth treason law was mainly shaped by the political atmosphere of 1429. Plans were being developed for Henry VI's coronation in France in response to the English losses there. In consequence, therefore, his council sought to address the then sky-rocketing rate of crime in England—there were five times more special commissions ordered to deal with crime in 1426 to 1429 years than there had been from 1422 to 1425.<sup>100</sup> Royal progresses tended to increase the presence of law and order in the counties through which they moved, perhaps attributable to the King's Bench trailing the traveling monarch.<sup>101</sup> Therefore, in awareness of this and in preparation for the departure of the young king and the increase in crime it represented, the 1429 parliament focused heavily on issues of law and order. Among these issues was a complaint from Cambridgeshire about the recent criminal activity of Irish students at the university,<sup>102</sup> described in the St. Alban's chronicles as follows:

Anno regni Regis Henrici octavo, et anno praelationis Johannis Wathamstede nono, combustio domorum scholarum in Cantebriggia, post Festum Sancti Michaelis, per quemdam fingentem se pauperem; et litteras porrexit, ut divites ertas summas pecuniae ad quamdam crucem extra villam in quodam locula lineo et subterraneo immitterent: et nisi sic facerent, domos suas in Cantebriggia et conflagraret: quod et factum est.<sup>103</sup>

In response, residents petitioned Parliament that

May it please you to ordain by authority of this present parliament that all such setting fire to the houses of any person be adjudged high treason. And that this ordinance should extend both to such arsons committed since the first day of the reign of our present sovereign lord until now, and to arsons to be committed in future.<sup>104</sup>

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<sup>100</sup> Griffiths, *The Reign of Henry VI*, p. 131.

<sup>101</sup> *PROME*, x. 375.

<sup>102</sup> Griffiths, *The Reign of Henry VI*, p. 144.

<sup>103</sup> *Annales*, i. 45: 'In the eighth year of King Henry's reign, and in the ninth year of the prelate John Whethamstede, there was the burning of students' houses in Cambridge, after the Feast of Saint Michael, by someone calling himself poor; and he had sent letters, so that from the rich a sum of money should be sent to some cross outside of a farm in a certain distant and underground location: and unless it was done thus, their houses in Cambridge would be consumed: and that was done.' Translation my own.

<sup>104</sup> *PROME*, x. 405.

It is interesting to ponder why this particular felony was made treasonous—it lacked the elements of encroachment of royal authority or of obvious political motivation as in earlier statutes. Perhaps the best explanation is to be found in the Irish nature of the perpetrators and the constant struggle with England and its claim on this outlying land. It is comparable, in fact, to the motivations that seemed to have driven the later 1442 treason statute, which is considered to be part of a reaction towards specifically Welsh felons:<sup>105</sup>

that if any people of the said counties, or their goods or chattels, shall be wrongfully taken in the said counties by any Welshman, and driven away, taken, carried away or detained from the said counties into Wales or into the marches of Wales, such takers or taker and keepers, and their abettors and receivers in Wales being aware of such aforesaid misdeeds shall be guilty of high treason; and whoever shall be attainted of this shall be treated as a traitor to our most sovereign lord the king.<sup>106</sup>

That both of these were products of Henry VI's inability to maintain the position of just lawgiver that was such an important role of a King's—his youth being the primary issue at this time—is doubtless. However, it is perhaps most interesting that they are both reactions against Irish and Welsh nationalities following the difficult Irish feuds and Welsh rebellions that had characterized the first half of the century. While there were undoubtedly illegal activities taking place within these communities, by law they were felonies, not treasonous. It is interesting they were still thoroughly alienated enough for communities to seek the label of treason for them and is perhaps connected to the earliest presences of the particularly gruesome punishment for treason, a discussion of which will shortly follow.<sup>107</sup>

The sixth of the fifteenth-century treason statutes concerned, appropriately enough, Richard, duke of York's claim to the English throne. While this duke's interactions with treason are more deeply explored in the last chapter of this dissertation, the significant year of 1460, its outcomes and its ramifications fit neatly here. The October 1460 parliament and its addition to treason law were the sequels to the Battle of Northampton (10 July). It had been a clash between Yorkist and Lancastrian forces that culminated in the capture of Henry VI by Edward, earl of March and a victorious return to

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<sup>105</sup> A similar petition against secret imports coming through Wales was also passed in this parliament. *PROME*, xi. 321; *PROME*, xi. 364.

<sup>106</sup> *PROME*, xi. 361.

<sup>107</sup> Discussed below, pp. 56-7.



London for the Yorkist forces. A new parliament was summoned on 30 July, with the clear intention of confirming and stabilizing the new status quo, in which the York party held the power, as evidenced by the opening sermon of the bishop of Exeter, based on the text '[g]ather together the people and make holy the church'.<sup>108</sup> While the duke of York himself did not return from Ireland until September,<sup>109</sup> and arrived after Parliament had started,<sup>110</sup> when he arrived before them he finally declared his official intention to claim the throne. It was a complex claim, which dramatically and intentionally undercut the specific elements Henry IV used to legitimize *his* claim in 1399.<sup>111</sup> The lords proved themselves uncomfortable with the idea of overthrowing Henry VI, arguing that they

'must nedes calle to their remembrauncez the grete othes the which they have made to the kyng oure soverayn lord'.<sup>112</sup>

The duke argued back that

'that man shuld have rather consideracion to trouth, right and justice in this mater accordyngly with the wille of the lawe of God, then to any promise or ooth made by hym into the contrarie...'<sup>113</sup>

The lords were unconvinced. Both judges and the serjeants-at-law, when called upon for their opinions, refused to bring their knowledge of law to bear on the issue, citing that it 'touched the kyngs high estate and regalie, which is above the lawe and passed ther lernyng...'<sup>114</sup> As entertaining an attitude as that is, it also reflects on the very real difficulty of answering questions about regality, right and treason within the law when they intersected, and it was a question which other judges would be forced to tackle under later kings, which both the study of statutes in this chapter will examine as well as the chapter on

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<sup>108</sup> *PROME*, xii. 512.

<sup>109</sup> *Paston Letters and Papers of the Fifteenth Century*, ed. N. Davis (3 vols., Oxford, 1971-2005), ii. 216-7.

<sup>110</sup> *Registra quorundam abbatum monasterii S. Albani, qui saeculo XVmo floruerunt: Registrum Abbatiae Johannis Whethamstede*, ed. H. Riley (2 vols., London, 1872-3), i. 376-7; John Benet, *John Benet's Chronicle for the years 1400-1462*, eds. G. L. and M. A. Harriss (London, 1972), pp. 227-8.

<sup>111</sup> *PROME*, xii. 516-7.

<sup>112</sup> *PROME*, xii. 519.

<sup>113</sup> *PROME*, xii.520.

<sup>114</sup> *PROME*, xii.518.

the attitudes of the writers of the fifteenth-century English mirrors for princes.<sup>115</sup> Ultimately, after a great deal of debate and discussion, a compromise was achieved in which Henry VI would keep his throne until his death, at which time it would pass to the duke of York and his heirs after him, neatly cutting out Henry's own son Edward and effectively stripping him of his inheritance.<sup>116</sup> Aside from the obvious problem of Margaret of Anjou's displeasure with this arrangement, it created something of a lacuna in the defensive aspect of treason law. One of the 1352's statute's main purposes, as discussed above, was to create a protective wall around not only the reigning monarch, but his heir as well—described in the statute as his eldest son. For the first time since 1352, an English king (albeit under duress) was contemplating an alternative arrangement to inheritance through direct descent—the Treaty of Troyes in an English context, essentially.<sup>117</sup> A special legal clause had to be created, not only to extend the same privileges of protection to the duke of York, but also as a move towards legitimizing his claim:

Item, if eny persone or persones ymagine or compasse the deth of the seid duc and therof provably be atteinte of open dede doon by folkes of their condicion, that it be demed and adjudged high treson.<sup>118</sup>

It was made law in the same spirit as the estates that were granted to York and the oaths of fealty the lords swore to him, and it would have to content the duke of York. The lords and commons were unwilling to go further. As it happened, he would not be required to endure the compromise very long.

The final statute of the fifteenth-century was the so-called 1495 '*de jure*' act of Henry VII,<sup>119</sup> which while not technically an undoing of the infamous act that dated his reign to the day before the battle of Bosworth, which in consequence turned those who fought under Richard III into traitors, was still a contradiction in spirit. It declared that

that it is not reasonable, but against all laws, reason and good conscience, that the said subjects going with their sovereign lord to war and being in attendance on his person or elsewhere at his

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<sup>115</sup> Discussed below, pp. 56-7.

<sup>116</sup> *PROME*, xii. 523.

<sup>117</sup> Griffiths, *The Reign of Henry VI*, p. 856.

<sup>118</sup> *PROME*, xii. 524.

<sup>119</sup> *PROME*, xvi. 237-8. S.B. Chrimes discusses why this is such a misnomer in Chrimes, *Henry VII*, p. 178.

commandment within or outside this land, should lose or forfeit anything for doing their true duty and service of allegiance, whatever fortune should by chance fall against the intention and weal of the prince in the same battle, as has some time ago been seen in this land.<sup>120</sup>

In essence, it was an *un*-treason law, declaring what would not be considered treason henceforth—service under a former, deposed monarch. It was, without a doubt, passed in reaction to the January trials and executions of Perkin Warbeck supporters,<sup>121</sup> in what seems likely to have been a movement to reassure and consolidate the support of former Yorkist supporters in the face of a potentially renewed Yorkist threat.<sup>122</sup> Until this time, Henry had referred to Richard III officially as ‘king in dede but not in right,’<sup>123</sup> but during this parliament he became the duke of Gloucester ‘otherwise called King Richard the iii’.<sup>124</sup> Once again, immediate political threat had moved the king to change the shape of treason law, in this case actually contradicting an earlier stance taken to bolster royal resources.<sup>125</sup>

Throughout the fifteenth-century, additions to treason law were formed around one consistent theme. Whether it was in response to a challenge to the monarch, or an effort to expand royal authority, they were always born of the fear a usurping dynasty felt, and the need to legitimize its grasp on the throne. Similarly, almost all faced opposition from the landowning and mercantile classes, who resented illicit expansions of authority or disagreed with the definitions of treason expounded. This tendency to engage in fierce political action on the matter is very visible in the resistance of the Devon shipmen to attempts to curtail their piracies, in the unquashable activities of the counterfeiters until the currency was actively reformed, in the refusal of the jury at John Mortimer’s first trial to convict him—even, perhaps, in Richard, duke of York’s ironic death a mere two months after the passing of the 1460 statute at the battle of Wakefield. It was at Margaret of Anjou’s behest that his head was severed and placed on the walls of York, bearing a straw crown, mocking the aspirations to royalty the treason statute recently passed was meant to protect. Most significantly, it is worth considering why this was one of the last official statutes concerning treason law. Edward IV and Richard III were certainly usurpers who faced multiple attempts to overthrow them. How did they meet the challenge then within their tumultuous reigns, if they did not feel compelled to make official changes to the law?

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<sup>120</sup> *PROME*, xvi. 237.

<sup>121</sup> I. Arthurson, *The Perkin Warbeck Conspiracy, 1491-1499* (Stroud, 1994), p. 132.

<sup>122</sup> A.F. Pollard, ‘Tudor Gleanings, 1. The “*de facto*” act of Henry VII’, *Bulletin of the Institute of Historical Research*, 7 (1930), pp. 1-12, at p. 12.

<sup>123</sup> As noted by Pollard, ‘Tudor Gleanings’, p. 2.

<sup>124</sup> *SR*, 11 Hen. VII c. 1, ii. 592.

<sup>125</sup> Also see P. Cavill, *The English Parliaments of Henry VII, 1485-1504* (Oxford, 2009), p. 43.

## Treason Trials

The fifteenth-century treason trial appeared in a variety of guises. Glanville, writing in the twelfth-century, described the lines of method along which he believed a treason trial should be conducted. Accusation should take place by either appeal or presentment, and then a meeting between the accuser and accused in front of the court where the accuser was to explain his charge. If the accused then denied the charge, the accusation was to be settled by trial by battle.<sup>126</sup> An obvious example of this structure, at least up until the trial by battle, can be seen in Henry Bolingbroke's famed accusation against the duke of Norfolk in 1397. Yet, notwithstanding open warfare, treason trials hardly ever came to trial by combat by this point, because they were typically being addressed under common law rather than the law of arms. Richard II exemplifies this shift in attitude by ultimately refusing to allow the duel to take place and, serving as judge, declared both combatants exiled.

Rather, trial by peers came to be the usual standard by which accused noble traitors were tried. The reliance on this method of trial is often attributed to Bracton, who maintained that a king could not play a visibly outright role in a treason trial, as he would be inhabiting the roles of both victim and judge, invalidating the process. Bracton added, rather more puzzlingly, that justices could not sit in judgment either, arguing they represented the persona of the king to far too great an extent.<sup>127</sup> Thus, by logical exclusion, trial by peers was one of the few methods left by which to convict.<sup>128</sup> While the king was frequently (and obviously) more deeply involved in treason trials than Bracton believed correct, it would not be wise to discount the effect this theory had on the methods for trying treason.

Typically, if the accused was not a peer, treason trials took place either before the King's Bench or special commissions of oyer and terminer. If those being tried were members of the peerage, the trial often took place before parliament (if parliament was in session), in the lord high steward's court (if it

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<sup>126</sup> Ranulf de Glanville, *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanville*, ed. G.D.G. Hall (Oxford, 1993), pp. 171-3.

<sup>127</sup> Henry de Bracton, *De legibus et consuetudinibus angliae: Bracton on the laws and customs of England*, ed. G. Woodbine, trans. S. Thorne (Cambridge, 1968), p. 337.

<sup>128</sup> Plucknett, 'Impeachment and Attainder', p. 154. The other being the *curia militaris*, the court of chivalry, which was intended to deal mainly with treason committed outside the realm. *SR*, 1 Hen. IV c. 14, ii. 116.

was not), or in the courts of chivalry (if the treason was committed in a military context). Undoubtedly the most significant of these is the only permanent common law court which dealt with the crime—the King’s Bench.<sup>129</sup> The trial by jury was certainly one of the more cherished aspects of treason law—its defense was one of the reasons Scrope put forth as a supposed motivation for his part in the 1405 rebellion,<sup>130</sup> and one of the most lasting outcomes of the 1441 trial of Eleanor Cobham was a petition that allowed peeresses to be tried for treason by jury, just like peers.<sup>131</sup> Yet trial by jury could provide unpredictable results. While Bellamy notes that charges of treason were far more likely to receive a returned verdict of guilty than other charges in this setting,<sup>132</sup> there are several well-known cases where the commons refused to return that verdict even when it was expressly desired by the crown—consider the refusal of the jury to convict John Mortimer as discussed in 1422.<sup>133</sup>

However, just because there was a framework within which treason trials were supposed to be conducted does not mean it was consistently adhered to, as proven in the cases of Richard Scrope, archbishop of York and William, Lord Hastings. Scrope, as a prelate of the church, should have been able to plead the benefit of the clergy after his 1405 involvement with Northumberland’s failed northern uprising, which would have removed him from the reach of secular law. Edward III had made clergy answerable for high treason to secular law, but it was a difficult concept to embrace in reality, and parliament struggled with implementing it. Consider the 1388 parliamentary discomfort with sentencing a different (though similarly treasonous) archbishop of York to death, saying ‘as the like cause had not been seen in the kingdom touching the person of the archbishop or bishop, the said lords of parliament would consult amongst themselves...as to how they might best act...’<sup>134</sup> Archbishop Arundel, when caught in treason in 1397, was only exiled, while his brother was executed.<sup>135</sup> Here, the technicalities of

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<sup>129</sup> Powell, *Kingship*, p. 62.

<sup>130</sup> ‘Item, quod domini regni et magnates judicarentur per pares suos cum deliberatione justa aliorum dominorum ilia aequalium.’ J. Raine, *The Historians of the Church of York and its Archbishops*, (3 vols., London, 1879-1886), ii. 305. Although Wylie argues very reasonably this document may have been produced following Scrope’s death, considering the indignation it expresses about churchmen being condemned by secular tribunal. (J. Wylie, *History of England under Henry IV* (4 vols., London, 1894), ii. 217). Regardless, the significance of the trial by jury in the contemporary mindset remains.

<sup>131</sup> *PROME*, xi. 367-8.

<sup>132</sup> Bellamy, *The Criminal Trial*, p. 14.

<sup>133</sup> Killick, ‘Treason, Felony, and Lollardy’.

<sup>134</sup> *PROME*, vii. 102.

<sup>135</sup> *PROME*, vii. 350.

treason law were at war with an engrained attitude towards religious figures which was uncomfortable with their being held to account to secular laws.<sup>136</sup>

Henry IV tried to pressure Chief Justice Gascoigne into simply declaring the archbishop guilty and sentencing him to death. Gascoigne, however, resisted.<sup>137</sup> His refusal to transgress this type of social code is understandable in the context, and this conviction by 'ex praecepto regis' had to be delivered by a stand-in, an up-and-coming lawyer named Sir William Fulthorpe with a grudge against Richard II,<sup>138</sup> and it was—'nulla negotii examinatio.'<sup>139</sup> The Archbishop and his two accomplices, the young Earl Marshal and Sir William Plumpton, were sentenced to death, though interestingly, not by the traditional method of hanging, drawing and quartering, but rather by the somewhat more merciful method of beheading. Unsurprisingly, the conviction of an archbishop in this unorthodox style upset the populace at large, and Scrope swiftly became something of a martyr to the public.<sup>140</sup> It demonstrates, however, the difficulty in dealing with treasonous clergy, just as there was a difficulty in dealing with treasonous women, as will be discussed in the following chapter. Their peculiar, essentially neutered, roles made it difficult for the gendered nature of treason law to cope with them, and in this case, Henry IV chose to ignore the social complexities surrounding the issue entirely to reach the endpoint he wanted. If nothing else, it once more demonstrates precisely how visibly at odds king and subject could be.

Hastings did not get the benefit of even the declaration of his sentence by a judge. The reasons why Richard III needed Hastings dead are oft-debated by historians, but in the end, they are irrelevant here.<sup>141</sup> What matters is how the train of events took place, how they undercut the nature of treason

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<sup>136</sup> This is not the only place in which the interaction between treason law and religion is complex. The increasingly prevalent attitude towards heresy as a treasonous action was an intentional blurring of the lines on behalf of the government. See Jurkowski, 'Henry V's Suppression of the Oldcastle Revolt'; Allmand, *Henry V*; P. McNiven, *Heresy and Politics in the Reign of Henry IV: The Burning of John Badby* (Woodbridge, 1987).

<sup>137</sup> Wylie, *Henry IV*, ii. 233.

<sup>138</sup> Wylie, *Henry IV*, ii. 235.

<sup>139</sup> T. Wright, ed. *Political Poems and Songs Relating to English History, II: composed during the period from the accession of Edward III to that of Richard III* (London, 1861), p. 115.

<sup>140</sup> Wylie, *Henry IV*, II, p. 244.

<sup>141</sup> See Ross, *Richard III*, p. 81; P.M. Kendall, *Richard III* (London, 1955), pp. 204-8; A.R. Myers, 'The Character of Richard III', in *English Society and Government in the Fifteenth Century*, ed. C.M.D. Crowder (Edinburgh, 1967), pp. 112-132, at p. 127; C. Wood, 'The Deposition of Edward V', *Traditio*, 31 (1975), pp. 247-86, at pp. 256-8, 267-8; A. Hanham, 'Richard III, Lord Hastings and the Historians', *EHR*, 87 (1972), pp. 233-48, at p. 242; B.P. Wolffe, 'When and Why did Hastings Lose His Head?', *EHR*, 89 (1974), pp. 835-44, at p. 842; S.B. Chrimes, *Lancastrians, Yorkists and Henry VII* (London, 1964), p. 132; J.A.F. Thomson, 'Richard III and Lord Hastings—a Problematical Case Reviewed', *Bulletin of the Institute of Historical Research*, 48 (1975), pp. 22-30, at p. 30. It is perhaps safest to

law, and how society as a whole reacted to yet another royal decision to use the accusation of treason for their own ends. William, Lord Hastings was a well-known friend and supporter of Edward IV, one of his companions while he was in exile during the Readeption. After Edward IV's death, he sided with the not-as-yet-Richard-III in his power struggle with the Wydviles. However, abruptly on 13 June 1483 'on the authority of the protector, Lord Hastings was beheaded.'<sup>142</sup> Mancini's version of events has Richard, believing Hastings to be plotting with the Archbishop of York and the Bishop of Ely, stage-managing a private meeting with them at the Tower, where he suddenly cries out that he is being ambushed, and the soldiers outside the door rush in and cut Hastings down. A public announcement was then made that Hastings had been the originator of a plot in the citadel, and been duly punished.<sup>143</sup> More spins a far more dramatic tale, of a violent and sudden accusation of treason while at a council meeting, that led to Hastings being dragged outside 'and his head laid down upon a long log of timber and there stricken off...'<sup>144</sup> Hastings had not been taken in open battle against a sovereign, and he was not in any way the bearer of 'notoriety', so his execution in no way fits the allowable parameters for conviction and execution for treason without trial. Yet there was no punishment by forfeiture—Hastings' widow was allowed custody of the lands, and their heir.<sup>145</sup> Mancini's comments on the reaction of the people after hearing Richard's explanation is thus: '[a]t first the ignorant crowd believed, although the real truth was on the lips of many...'<sup>146</sup> No great outcry then, as there had been against Scrope's execution, even while they were highly skeptical of Richard's reasons for killing Hastings.

These two trials provide proof for the fact that treason trials did not always follow legal procedure. However, even when treason trials *were* employed in a more lawful manner, they could carry with them the aura of violence and villainy. Consider the trials which John Tiptoft, earl of Worcester presided over as lord constable from Edward IV's accession up until the Readeption. Despite being a recognized humanist and an avid lover of books, Tiptoft was also contemporarily known as a *trux carnifex et hominum decollator*,<sup>147</sup> and in later days dubbed the 'Butcher of England.'<sup>148</sup> Tiptoft, as lord

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simply agree with the majority of contemporary chroniclers (see following) that his charge of treason was trumped up to lay against him when he proved unwilling to agree to the deposition of Edward V.

<sup>142</sup> *Crowland Chronicle Continuations*, p. 159.

<sup>143</sup> Dominic Mancini, *The Usurpation of Richard III: Dominicus Mancinus ad Angelum Catonem de occupatione Regni Anglie per Riccardum Tercium libellus*, ed. C.A.J. Armstrong (Gloucester, 1984), pp. 89-91.

<sup>144</sup> Sir Thomas More, *The History of King Richard III*, ed. G. Logan (Bloomington, IL, 2005), p. 57.

<sup>145</sup> R. Horrox, 'Hastings, William, first Baron Hastings', *ODNB*, 14.

<sup>146</sup> Mancini, *Usurpation*, p. 91.

<sup>147</sup> 'A Brief Latin Chronicle', in *Three Fifteenth Century Chronicles with Historical Memoranda by John Stowe*, ed. J. Gairdner (London, 1880), p.183. 'The harsh hangman and executioner...'

<sup>148</sup> *The Great Chronicle of London*, eds. I.D. Thornley and A.H. Thomas (London, 1938), pp. 212-3.

constable, tried cases by ‘simple inspection of fact,’ based on civil law, rather than common, and did not require jury or indictment.<sup>149</sup> The concept of ‘notoriety,’ a man’s previous *public* record, was becoming far more important as the role of judgment by peers in treason trials increased anyway. Tiptoft was mainly trying men whose treason was ‘notorious’, who had been captured in open rebellion. Technically, there was no need for trials in most of these cases—Tiptoft was merely confirming their already acknowledged status. Perhaps part of the great unpopularity of his actions, then, is that this was widely interpreted as an effort to introduce Italian law, or the ‘lawe padowe’ into the English treason trial process, as he is accused of doing with the trials of the earl of Oxford, his son Aubrey de Vere, and Sir Thomas Tuddenham—the first he actually tried as lord constable.<sup>150</sup> The reaction to their execution was negative and described as ‘...[w]hereof the most peple were sory.’<sup>151</sup> This was, actually, an unjust execution—Oxford, his son and Tuddenham had not been taken in open rebellion, and so Tiptoft’s swift conviction did not align with legal practice. Tiptoft continued to earn some of his evil reputation, as later accounts show.

...the Kyngge Edwarde came to Southamptone, and commawndede the Erle of Worceterre to sitt and juge suche menne as were taken in the schyppes, and so xx. persones of gentlymen and yomenne were hanged, drawne, and quartered, and heded; and after that thei hanged uppe by the leggys, and a stake made scharpe at bothe endes, whereof one ende was putt in att bottokys, and the other end ether heddes were putte uppe one; for the londe were gretely displeysyd; and evere afterward the Erle of Worcestre was gretely behated among the peple, for their dysordinate dethe that he used, *contrarye to the lawe of the londe*.<sup>152</sup>

This was true—English late medieval punishment for treason did not involve public staking, and while the usual punishment of being hanged, drawn and quartered may have been just as gruesome, it held a symbolic level that made it more palatable.

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<sup>149</sup> B. Kohl, ‘Tiptoft [Tibetot], John, first earl of Worcester’, *ODNB*, 4.12-14.

<sup>150</sup> John Warkworth, *A Chronicle of the First Thirteen Years of the Reign of King Edward IV*, ed. J.O. Halliwell (London, 1839), p. 5. Maurice Keen, however, makes the excellent point that Tiptoft was actually invoking the law of arms in his trials, at least in the trial of Sir Ralph Gray. Keen, ‘Treason Trials’, p.91.

<sup>151</sup> Keen, ‘Treason Trials’, p. 91.

<sup>152</sup> Warkworth, *Chronicle*, p. 9. Italics my own. The sailors in question were men of Warwick and Clarence’s fleet captured in a naval battle before the Radeption.



The *Dunstable Annals*, although they incorrectly label the 1283 execution of the Welsh prince Davydd ap Gruffydd as the first appearance of execution by being hanged, drawn and quartered,<sup>153</sup> offer a meticulous recording of the event, and each step of the process is given a metaphorical interpretation. Davydd's knighthood was symbolically degraded by his being drawn to his place of execution; because of his murder of English noblemen he was hanged; that his crimes had taken place at Easter he was disemboweled and the viscera burnt; and, finally, because he had planned his treason in various parts of the kingdom, his body was quartered and dispatched to its four corners.<sup>154</sup> William Wallace's 1305 execution is given a similar discussion in the *Chronicles of Edward I and Edward II*, where the symbolism varies slightly: for his various felonies in England he was hanged and disemboweled; because of his injuries to the church his viscera was burnt; he was quartered for his seditious practices; and the quarters sent north as a deterrent to any other would-be rebels.<sup>155</sup> The only part of Andrew Harclay's 1323 execution explicitly broken down in this way is the burning of his viscera, which is explained as the origin point of his treasonous thoughts.<sup>156</sup> The process, despite its violence, held a carefully constructed meaning which made it acceptable to society as a whole that Tiptoft's arbitrary staking did not. This type of arbitrary punishment simultaneously contributed to and was a result of the personal feuds that sprang up around the Wars of the Roses. Tiptoft, after all, would be executed by Oxford's son and heir during the Readeption, and Warwick implemented brutal, and notably illegal, executions of his political rivals the Herberts and Wydvilles in 1469 after the battle of Edgecote.

Yet consider that the conviction of Sir Ralph Grey after the surrenders of Dunstanborough and Bamborough showed elements of mercy, as well as that intriguing tendency to link treason and family that is a hallmark of the fifteenth-century. Grey's grandfather, Sir Thomas Grey, had been beheaded alongside Edward IV's grandfather as the outcome of the Southampton plot in 1415, and for this it was declared in court at Edward's behest that Ralph Grey was spared degradation as part of his punishment.<sup>157</sup> It is an interesting moment, and effectively illustrates how both treason and grace could

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<sup>153</sup> In actuality, it first appears in Matthew Paris' chronicle where he describes the punishment of a would-be royal assassin in 1238. '...the king ordered him, as guilty of an attempt to murder the king's majesty, to be torn limb from limb by horses, at Coventry, a terrible example and lamentable sight to all who dared plot such crimes. In the first place, he was dragged asunder, then beheaded, and his body divided into three parts; each part was then dragged through one of the principal cities of England, and was afterwards hung on a gibbet used for robbers.' Matthew Paris, *Matthew Paris's English History, I: 1235-1273*, trans. J.A. Giles (London, 1889), p. 139.

<sup>154</sup> Bellamy, *The Law of Treason*, p. 26.

<sup>155</sup> Bellamy, *The Law of Treason*, p. 39.

<sup>156</sup> Bellamy, *The Law of Treason*, p. 52.

<sup>157</sup> Warkworth, *Chronicle*, pp. 38-39; William Gregory, 'Gregory's Chronicle', in *The Historical Collections of a Citizen of London in the Fifteenth Century*, ed. J. Gairdner (London, 1876), pp. 57-239, at p. 227.

extend along a family tree, enhancing or degrading its contingent members. Grey was naturally executed, but the fact remains that treason trials had room for both cruelty and mercy. The memory of Tiptoft has not been shown the latter. Warkworth in particular took delight in Tiptoft's death during the Readeption, highlighting that he was 'juged be suche lawe as he dyde to other menne...'<sup>158</sup>

One of the most fascinating late medieval trials that both presents the traditional expectation of a trial and its subversion is that of George, duke of Clarence, younger brother of Edward IV and well-known troublemaker. He had already caused a significant amount of political embarrassment for the house of York by the late 1470s, including engaging in a marriage forbidden by the king, aiding in the restoration of Henry VI to the throne before switching sides in a timely fashion, and a series of politically embarrassing property wrangles with his younger brother Richard that may have led him to plot with Oxford in yet another effort to overthrow his elder brother.<sup>159</sup> Clarence was already in poor political standing by 1477, when the Burdett trial caused waves. Thomas Burdett, John Stacy and Thomas Blake were found guilty of compassing and imagining the deaths of the king and his heir by casting their nativities through magic. In addition to this, they had unfolded their discoveries to others 'to the intent that by the revealing and making known these matters, the cordial love of the people might be withdrawn from the King; and the King, by knowledge of the same, would be saddened thereby, so that his life would be thereby shortened.'<sup>160</sup> As well, Burdett was accused of spreading seditious writings among the people.<sup>161</sup> They pleaded not guilty, but the empaneled jury disagreed, and the three men were sentenced to being hanged, drawn and quartered, though Thomas Blake was ultimately pardoned.<sup>162</sup> However, Burdett was a member of Clarence's affinity, and after the man's execution Clarence made a public statement in his defense.<sup>163</sup> This was risky, a political challenge to Edward's authority. Clarence continued to add fuel to this fire by arresting two former servants of his named Ankarette Twynho and Roger Tocote and a former servant of his father's named John Thursby, accusing

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<sup>158</sup> Warkworth, *Chronicle*, p.13. There is something interesting in the way Warkworth emphasizes Tiptoft's trial at the hands of the heir of the man he had previously condemned—a reminder perhaps of just how strongly family memory and revenge were linked throughout the escalating bloodshed of the fifteenth-century.

<sup>159</sup> J. Ross, *John de Vere, Thirteenth Earl of Oxford (1442-1513)* (Woodbridge, 2011), p. 72; also see M.A. Hicks, *False, Fleeting, Perjur'd Clarence: George, Duke of Clarence, 1449-78* (Gloucester, 1980).

<sup>160</sup>TNA, KB 8/1, m.9.

<sup>161</sup> TNA, KB 8/1, m.9.

<sup>162</sup> TNA, KB 8/1, m.14.

<sup>163</sup> See Hicks, *False, Fleeting, Perjur'd Clarence*, pp. 119-23; Ross, *Edward IV*, pp. 240-1.

them of murdering his wife and infant son, and having them dragged into Warwickshire where he held authority and could terrorize a jury into finding them guilty before executing them.<sup>164</sup>

The overall impression provided by the records is that, at least initially, Clarence's arrest in June of that year was simply a reaction to and a reprimand for his constant flouting of Edward's authority, without bringing into it the more treasonably suggestive accroachment (the *laesa maiestas* which Bracton so deplored) of royal authority involved with the Twynho trial.<sup>165</sup> The *Crowland Chronicle* merely notes Clarence's defense of Burdett displeased the king, and prompted the royal duke's arrest at Westminster. Rather, the king described Clarence's actions 'as being derogatory to the laws of the realm, and most dangerous to judges and jurors throughout the kingdom.'<sup>166</sup> John Hardyng agrees Clarence's arrest was initially not for treason, describing it as a reaction to the Burdett scandal: '[t]he duke, seyng y[t], could not but speake & resist againste [the kyng his comaundement,] and therefore was committed to prison...'<sup>167</sup> As Michael Hicks notes, there was no move towards forfeiture and a trial for treason until November (although there was apparently an intriguing rumor circulating by mid-September that Edward had already had Clarence executed)<sup>168</sup>, which makes the motivations for Clarence's trial for treason overall somewhat questionable.<sup>169</sup> In fact, the whole process was something of a question mark. Clarence's trial was one of the few cases where an act of attainder was brought against someone actually in custody and present at the trial. It was read aloud, and stated that

[Clarence] sought to turn his subjects against [the king] by saying that Thomas Burdet was falsely put to death and that the king resorted to necromancy. He also said that the king was a bastard, not fit to reign, and made men take oaths of allegiance to him without excepting their loyalty to the king. He accused the king of taking his livelihood from him, and intending his destruction. He secured an exemplification under the great seal of an agreement made between him and Queen Margaret promising him the crown if Henry VI's line failed. He planned to send his son and heir abroad to win support, bringing a false child to Warwick castle in his place. He

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<sup>164</sup> TNA, KB 8/1, mm. 58, 59.

<sup>165</sup> Hicks, *False, Fleeting, Perjur'd Clarence*, pp. 138-9.

<sup>166</sup> *Crowland Chronicle Continuations*, p. 479.

<sup>167</sup> John Hardyng, *The Chronicle of John Hardyng*, ed. H. Ellis (London, 1812), p. 465.

<sup>168</sup> *C[alendar] [of] S[tate] P[apers] [and] M[anuscripts] [in] [the] [Archives] [and] [Collections] [of] M[ilan] [1385-1618]*, ed. A. Hinds (London, 1912), p. 230.

<sup>169</sup> Hicks, *False, Fleeting, Perjur'd Clarence*, pp. 140-1.

planned to raise war against the king within England and made men promise to be ready at an hour's notice.<sup>170</sup>

There were only a few witnesses called to speak, who were disapprovingly described by even the generally pro-Edward *Crowland Chronicle* as more accusers than witnesses.<sup>171</sup> Clarence asked to defend himself via trial by battle, but the king denied him the opportunity.<sup>172</sup> Ultimately, Clarence was convicted of the accused crimes, his property confiscated without exception, and his blood attainted.<sup>173</sup> Finally, the duke of Buckingham, as president of the court of chivalry, was directed to declare the sentence of death.<sup>174</sup> However, once the actual sentence was declared, Edward IV delayed carrying it out until he received a petition from the commons after ten days urging that Clarence be executed, perhaps unwilling to actually execute his brother.<sup>175</sup> Although it seems Clarence was initially sentenced to death by being hanged, drawn and quartered, this sentence is recorded as commuted, possibly at the request of Duchess Cecily, and indeed, it would be very unusual for an immediate member of the royal family to be executed this way.<sup>176</sup> The only story that survives describing his actual method of execution is the bemusing tale of his drowning in a butt of malmsey (although admittedly, Humphrey, duke of Gloucester is also described as being drowned in a vat of wine by the *Great Chronicle*, if almost certainly inaccurately<sup>177</sup>), which was first officially reported in 1483 by Dominic Mancini.<sup>178</sup> Former wine vats were sometimes used as tubs, and if Clarence was drowned in a bathtub, it makes the affair somewhat less bewildering.<sup>179</sup>

None of the recent crimes brought forward in Clarence's attainder are specifically identified as treasonous, and the older, more obviously treasonous crimes had been unofficially forgiven. Why should they be brought up now? Yet the conclusion of this summary of crimes is that Clarence is guilty of high treason. Hicks notes that a variety of Clarence's problematic actions over the years were knitted together in the charge to create a viable excuse for attainting and executing him. In fact, what is present

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<sup>170</sup> *PROME*, xiv. 402; TNA, C 49/40/1.

<sup>171</sup> *Crowland Chronicle Continuations*, p. 479.

<sup>172</sup> Demonstrating once more that trial by battle was no longer considered a viable method for conviction or exoneration.

<sup>173</sup> *Crowland Chronicle Continuations*, p. 479.

<sup>174</sup> *CPR 1476-85*, p. 63

<sup>175</sup> *Crowland Chronicle Continuations*, p. 480.

<sup>176</sup> Jean de Roye, *Chronique Scandaleuse; Journal d'un Parisien du temps de Louis XI*, ed. J. Blanchard (Paris, 2015), p. 64.

<sup>177</sup> *Great Chronicle*, pp. 179-80.

<sup>178</sup> Mancini, *Usurpation*, pp. 62-3.

<sup>179</sup> McFarlane, *The Nobility*, pp. 99 n.5.

here is indeed a case of construction of treason, or the process in which treasonous intent is inferred through the presence of actions which are not necessarily treasonous in and of themselves. Ultimately, Clarence was convicted of treason because the king wanted him convicted, parliament returning the desired verdict more due to the clarity of royal will than the clarity of evidence offered.

It is a fascinating trial overall, and when considering this crime in the context of earlier language used to destroy the legitimacy of Richard II and Henry VI—both accused of an inability to maintain law within their realm and thus, according to the definition expounded by Aquinas no longer functioning as suitable monarchs—Edward IV's concern at his brother's actions becomes more readily understandable. While Thomas More rather reasonably suggests Edward may have strongly regretted Clarence's execution in the following days,<sup>180</sup> Clarence undercut the royal reputation for maintaining the law too visibly and viciously to be spared.

Jumping forward in time, another stunning exemplar of this royal manipulation of treason law is the trial of Edward, earl of Warwick (coincidentally Clarence's son), which, much like his father's, was barely a trial at all. '...wt out eny processe of the Lawe,' is how the *Chronicles of London* describe it.<sup>181</sup> He had been imprisoned in the Tower of London in 1485 at the age of ten upon the accession of Henry VII, a legitimate threat as one of the last recognizable heirs to the York claim on the throne.<sup>182</sup> It was a not unreasonable precaution as in the following year Stafford sought to raise a rebellion in the young earl's name.<sup>183</sup> Henry VII would only bring the young earl into public view when facing rebellion. During the Lambert Simnel rebellion, for instance, when he was brought to church to be seen by the nobility and counteract the suggestions that Simnel was Warwick, and then again, after the Warbeck rebellion and Perkin's attempted escape in 1498 when it was decided Warwick was simply too dangerous to be left alive. Therefore in 1499, it was claimed Warwick had become entangled with Perkin Warbeck, since he was imprisoned in the cell beneath the erstwhile pretender, and records of his indictment paint a detailed, if incredible, picture of a plot to overthrow the new Tudor monarch, involving escape, insurrection and murder. The King's Bench records indicate that the twenty-two peers called to his trial on 21 November charged him with treason. Warwick was brought to the bar at Westminster where he pled guilty to these charges,<sup>184</sup> and the earl of Oxford, serving as high steward of England for the trial

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<sup>180</sup> More, *The History of King Richard III*, p. 4.

<sup>181</sup> *Chronicles of London*, p. 227.

<sup>182</sup> Hardyng, *Chronicle*, p. 582.

<sup>183</sup> TNA, KB 9/138, mm. 1-84; KB9/371, mm. 2, 16-19.

<sup>184</sup> TNA, KB 8/2, m. 3. The jurors were Edward, duke of Buckingham; Henry, earl of Northumberland; George, earl of Kent; Thomas, earl of Surrey; Henry, earl of Essex; John Kendall, Prior of St. John of Jerusalem in England;

(the high officer traditionally in charge of treason trials when parliament was not in session)<sup>185</sup> announced his sentence: '[t]hat the said Earl of Warwick should be taken to the Tower of London, and from thence drawn through the middle of London to the gallows at Tyburn, and there hanged, cut down, disembowelled, and quartered in the usual manner.'<sup>186</sup> The sentence was apparently commuted (again, unsurprisingly) because the *Great Chronicles of London* reports his death taking place via beheading on a scaffold on 29 November.<sup>187</sup>

A study of treason trials would be incomplete without a consideration of the 1415 trials of those involved with the Southampton Plot against Henry V and his brothers. However, this is covered in the final chapter of this thesis, under the heading of 'Richard, earl of Cambridge.' Of similar significance is Eleanor Cobham, duchess of Gloucester's trial in 1441, which is addressed later in this thesis in the chapter on royal English women and treason. More can be said here however about her husband, Humphrey, duke of Gloucester, since his arrest in 1447 was almost certainly leading to a charge of treason and a subsequent parliamentary trial.<sup>188</sup> However these were forestalled by his apparently natural death mere days after his arrest, on 23 February, 1447, curtailing discussion.<sup>189</sup> What can be said about the potential trial, nevertheless, is that it was clearly politically motivated, based on Humphrey's low political stock, his pro-war stance, and the resultant antagonism with Henry VI's powerful favorite, the earl of Suffolk.

One of the key legal thematic trends of the fifteenth-century would be the move away from the trial by peers for treason,<sup>190</sup> in great part due to the increased use of attainder in its stead, although it would return to prominence under Henry VII with the trial of nobles like Buckingham, Dacre and Stourton, and even queens like Anne Boleyn and Katherine Howard. Nonetheless, the method by which

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George Neville, Lord Burgevenny; Thomas Ormond, Lord Ormond; John Dynnam, Lord Dynham, Treasurer of England; Richard Neville, Lord Latimer; Thomas West, Lord De la Warre; John Clynton, Lord Clynton; William Blount, Lord Mountjoy; Edward Hastyngs, Lord Hastyngs; John Bourghier, Lord Berners; John Zouche, Lord Zouche; Richard Seyntmount, Lord Seyntmount; William Willoughby, Lord Willoughby; Edward Grey, Lord Wylton; Thomas Fenys, Lord Dacre; Giles Dawbeney, Knight, Lord Dawbeney; and Robert Willoughby, Lord De Broke.

<sup>185</sup> TNA, KB 8/2, m. 10.

<sup>186</sup> TNA, KB 8/2, m. 3.

<sup>187</sup> *Chronicles of London*, p. 228.

<sup>188</sup> 'the which parliament was maad only for to sle the noble Duke of Gloucester...the said Duke of Gloucestre was sent for, to come and ansuer to suche poynte3 of tresoun as sholde be laid ayens him...' *An English Chronicle of the Kings' Reigns from Richard II to Henry VI*, ed. J.S. Davies (Oxford, 1905), p. 62.

<sup>189</sup> *An English Chronicle of the King's Reigns*, p. 63. The Crowland Chronicler is somewhat more skeptical, stating: 'He [Humphrey] was not allowed to make any answer [to the accusation], nor was he condemned upon any judicial examination; but, though at nightfall safe and unhurt, he was, shocking to relate! brought forth in the morning and exhibited to the public, dead.' *Crowland Chronicle Continuations*, p. 404.

<sup>190</sup> Harris, 'The Trial of the Third Duke of Buckingham', p. 16.

attainders functioned is critical to understand how and why they became so central to methods of dealing with treason in a legal context, and why a return to trial by peer occurred under the Tudors.

### **Acts of Attainder**

Acts of attainder were parliamentary acts which traditionally functioned to enforce the presence of fugitives at their trial by threatening the permanent seizure of property, or as an additional punishment in a case in which conviction had already been obtained.<sup>191</sup> Later, as demonstrated in this chapter, they became a direct punishment in and of themselves, almost always reserved for traitors. The direct use of the term 'atteynders' in the Parliament Rolls occurred first in 1388, with the efforts of the Lords Appellant to convict Richard II's household knights, and rose sharply from there, becoming a commonplace term in a parliamentary context following Richard, duke of York's attainder in 1459 while the conflicts escalated.<sup>192</sup>

The overall theory behind the concept of attainder is best summarized by Bracton. As has been made evident, he took a stringent approach to the punishment of treason. According to his writings, treason should be punished with nothing less than the forfeiture of all property and the legal death of the entire family. This is not quite as absurd as it sounds. While Bracton was a thirteenth-century writer, he pinpoints a concept that carried a heavy significance much later, in the fifteenth-century. As a part of an ideological evolution, the increased use of attainder in this century can in part be seen as the result of a series of treasons that occurred throughout multiple generations of the same family. The blending of family identity and political stance that shaped the fifteenth-century lends a certain credence to Bracton's declarations about the nature of treason as an inherited trait, and one to be forestalled by depriving the suspect family of the authority, power and privilege drawn from their property. However, as Lander notes, this attitude towards the punishment for treason was, for obvious reasons, not a popular stance with the nobility against which it was aimed,<sup>193</sup> and rarely served to extinguish a family politically. Refer to Table A for a series of examples of the tenacity of these families.

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<sup>191</sup> Stacy, 'Richard Roose', p. 1.

<sup>192</sup> *PROME*, vii. 93-4; *PROME*, xii. 453-4.

<sup>193</sup> Lander, 'Attainder and Forfeiture', p. 127.

**Table A**

<u>Families</u>	<u>Attainted</u>	<u>Recorded</u>	<u>Reversed</u>	<u>Recorded</u>
Percy	1406	<i>PROME</i> , viii. 384-5, 396-7	1416 <sup>194</sup>	<i>GEC</i> , ix. 715
	1461	<i>PROME</i> , xiii. 47-9	1472-3	<i>PROME</i> , xiv. 39-41.
De Vere	1388	<i>PROME</i> , vii. 83- 98	1464	<i>PROME</i> , xiii. 204-7
	1475	<i>PROME</i> , xiv. 299-309	1485	<i>PROME</i> , xv .119-122
Salisbury/Warwick Nevilles	1459	<i>PROME</i> , xii. 461	1460	<i>PPC</i> , vi. 306; <i>CPR</i> 1452-61, p. 647

What exactly was vulnerable to forfeiture under attainder was a source of argument over the century. In the mid-fourteenth-century, property held in fee tail and the widow's jointure was considered exempt—the latter because it was a provision made for the woman before the treason had been committed, the former because property held in fee tail was not considered to be the property of any one individual, but rather something held in custody for future generations. Richard II changed this in 1398, bringing entailed properties within the scope of forfeiture for treason.<sup>195</sup> As property held in fee tail was central to noble conceptualizations of identity, it is doubtful Richard's deposition the next year was entirely coincidental.<sup>196</sup>

The occasional difficulty in procuring a verdict of guilty for traitors through the process of trial has already been demonstrated. Juries could be unpredictable, and often used the court room as a platform from which to debate the interpretation and implementation of treason law with the monarch. Enacting attainders on a traitor was a much easier process—the act was merely read aloud in

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<sup>194</sup> In this case, the attainder was not so much reversed as the title was recreated, although as pointed out in *GEC*, interestingly the marginal title in the patent is not *de creacione comitis Northumbr'*, but *pro comite Northumbr'*, suggesting Henry Percy was already considered to be the Earl of Northumberland *before* the official creation.

<sup>195</sup> *PROME*, vii. 344-8.

<sup>196</sup> Ross, 'Forfeiture for Treason', p. 575.



parliament, the Commons agreed, and the King assented.<sup>197</sup> Automatically the property of the traitor then became forfeit and his ability to move within the law (to take cases to court, to create contracts, etc.) ceased. Attainders did not, however, carry an automatic death penalty. That was a characteristic that would not be added until Henry VIII.<sup>198</sup> Consider the 1459 blanket act of attainder against York and his confederates.<sup>199</sup> For all the perceived danger of the Yorkist affinity at this point, the act itself was not used as a tool here to condemn traitors to death. Other notable attainders of the era include the act Edward IV passed against the Lancastrians in 1461 when he first ascended the throne.<sup>200</sup> Henry VII passed a similar wide-encompassing attainder in 1485 after the battle of Bosworth as well, which made the innovative decision to date Henry's reign to the day before the actual battle, making those who had fought and those who had died in battle against him traitors who had engaged in open rebellion.<sup>201</sup> Henry did not hesitate to enact swathes of attainders after each rebellion he faced throughout his reign, either.<sup>202</sup>

Not that an act of attainder was necessary to seize a man's land—Henry IV is known to have seized property in at least three cases without invoking attainder: from those involved in the Epiphany revolt, from the earl of Worcester and others who had died on the wrong side of the battle of Shrewsbury, and from the earl of Northumberland and those involved with the 1405 revolt. In the case of the 1400 revolt and the Shrewsbury battle, the victims had died in open revolt and did not require an act of attainder or treason trial to visibly identify them as traitors. In the case of the 1405 revolt, Northumberland was an outlaw, under which circumstances his property was already forfeit by law.<sup>203</sup>

Given-Wilson discusses Henry IV's complex relationship with treason in the early years of his reign, noting that ironically it was under the first Lancastrian king that 'interruption' of blood in legal

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<sup>197</sup> Naturally, it could also seek to attain those the king did not wish punished—witness the events of 1388 and 1450.

<sup>198</sup> Somervell, 'Acts of Attainder', p. 309.; *SR*, 26 Hen. 8 c. 23, iii. 528.

<sup>199</sup> Somervell, 'Acts of Attainder', p. 307; *PROME*, xii. 453-4. For further accounts of what occurred at this parliament, see 'A Defence of the Proscription'; *Registrum Abbatiae Johannis Whethamstede*, i. 345-56; Gregory, 'Gregory's Chronicle', p. 207; *Paston Letters and Papers*, ii. 187-8.

<sup>200</sup> *PROME*, xiii. 46-55.

<sup>201</sup> *PROME*, xv. 119-122.

<sup>202</sup> 28 were attainted in 1485-6; 28 in 1487; 8 in 1489-90; 1 in 1491-2; 24 in 1495; and 51 in 1504. See Lander, *Crown and Nobility*, p. 143 n.69. Hicks notes that 'Edward IV reversed no less than 42 of his 140 attainders, and Henry VII 46 of his 138; but the ultimate proportion was much higher constituting 64 percents of all those attainted between 1453 and 1504, and no less than 84 percent of those belonged to the nobility.' Hicks, 'Attainder, Resumption and Coercion', p. 17.

<sup>203</sup> Somervell, 'Acts of Attainder', p. 306; *SR*, 5 Hen. 4 c. 1, ii. 143; *SR*, 7 Hen. 4 c. 5, p. 152; *SR*, 7 Hen. 4 c. 12, ii. 154-55.

cases of forfeiture become ‘corruption’, and that the return to royal grace from attainder was much harder.<sup>204</sup> While his use of attainder might seem exclusively like an attempt to ease the process of conviction for treason, attainder was usually used on those who were already dead or in flight from consequences of a clear participation in rebellion. Ultimately the attainder served more as a record of their treason than as an actual legal process—those attainted were already legally traitors anyway.<sup>205</sup> In that context, it can be argued the increased use of attainder in this time period is due more to the type of treason consistently occurring than any specific shift in legal view. Although this is not to say attainder was not abused—acts of attainder were sometimes used to elevate crimes that were mere felonies to the status of high treason, and therefore punishable with its much harsher consequences.<sup>206</sup>

Contemporary audiences often viewed attainders less as a just legal process, and more as an act of vengeance against opposing forces—not an unfounded assumption considering the complexities of the Wars of the Roses, which often fostered blood feuds.<sup>207</sup> Yet in the early days of attainders, they were for punishing fugitives or confirming ‘prior convictions achieved through the common law or the law of arms in order to extend the crown's rights to forfeited estates.’<sup>208</sup> Essentially they merely confirmed convictions of treason, rather than creating them. However, by 1459 and the attainder of the Yorkist family, these acts had achieved preeminence as the method of choice by which to deal with perceived traitors.<sup>209</sup> The years 1453 to 1504, the fifty years in which political power swapped hands multiple times, saw 397 acts of attainder (excluding those that affected immediate members of the Lancastrian and Yorkist houses and those that were recorded in the lost parliament rolls of 1470) make their way through parliament.<sup>210</sup> In terms of broad swathes of attainder there had been the anti-York 1459 ones, the long-lost 1470 Readeption motions, and Richard III’s wholesale proscription of a hundred people in reaction to the duke of Buckingham’s rebellion. Edward IV used them extensively 1461-3, but only passed thirteen attainders immediately post-Readeption, primarily involving non-nobles and the already deceased. Lander argues convincingly this may have been because Lancastrians had already been punished by heavy fines that crippled them politically, and because of the property interests of his

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<sup>204</sup> For further discussion of Henry IV’s involvement with the development of attainder, see Given-Wilson, *Henry IV*, pp. 442-8.

<sup>205</sup> Stacy, ‘Richard Roose’, pp. 2-3.

<sup>206</sup> Stacy, ‘Richard Roose’, pp. 2-3. See above for the examples of this, most noticeably John Mortimer’s case under Henry V.

<sup>207</sup> *Great Chronicle*, p. 191, 198.

<sup>208</sup> Stacy, ‘Richard Roose’, p. 1.

<sup>209</sup> Harris, ‘The Trial of the Third Duke of Buckingham’, p. 16.

<sup>210</sup> Lander, ‘Attainder and Forfeiture’, p. 129.

younger brothers which urged that the largest family of traitors, the Nevilles, remained unattainted.<sup>211</sup> Regardless, it shows that despite popular opinion, attainders were *not* used as instruments of vengeance. It is a conclusion further supported by the fact that out of the 140 attainders (of which only 27 were separate from the 1461-3 attainders) Edward IV passed, he reversed 42—a not inconsiderable number when compared with the 46 reversals out of 138 scattered liberally across Henry VII's reign.<sup>212</sup>

Acts of attainder were by no means permanent—it has already been noted that there were high rates of reversals in both Edward IV's and Henry VII's reigns. This frequent back and forth of attainders and forgiveness undercuts any suggestion that attainders carried out Bracton's beliefs on the all-encompassing destruction that treason merited. Still, their potential for permanent damage to a noble family carried a psychological weight that cannot be dismissed.<sup>213</sup> These reversals were key to the survivals of noble families.

## Conclusion

The argument presented here highlights the development of treason law as an ever-shifting concept, constantly influenced by the traumatic political events of the fifteenth-century. Lancastrian insecurities about their claim to the throne, as well as their involvement with a complicated continental war, urged them to challenge and change the legal status quo, which in turn caused conflict with elements of society who resisted extensions of royal authority. As open civil war made thousands of 'traitors' on each side of any given battle, creating the need for a swifter method of public condemnation and punishment. Acts of attainder became the primary method of dealing with traitors, with all the subsequent overtones of social and political death, as well as the attendant possibilities of redemption and resurrection. Those treason trials in the royal family which did take place often resulted in outcomes that were frequently discernable as the imposed will of the king, although sometimes the elite could defy the monarch by refusing to return the desired verdict—a fascinating example of the way that the elite were more than able to push back when they felt their political rights and safeguards were threatened. Perhaps that was the true outcome of the increasingly desperate attempts to define, punish and prevent treason: an ironic new emphasis on its nature as an ambiguous, flexible creature, a tool to be manipulated by either king or his nobility, and frequently both.

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<sup>211</sup> Lander, 'Attainder and Forfeiture', p. 137.

<sup>212</sup> Lander, 'Attainder and Forfeiture', p. 143.

<sup>213</sup> See the last chapter of this thesis, pp. 128-80.

## Chapter Two      Trying Women: Royal Female Transgression and Treason

### Introduction

Coping with treasonous behaviour was always a challenge for a medieval monarch. However, as precarious as the balance between monarch, law and subject could be, for the most part, it managed to function. However, this construction was faulty in that conceptions of loyalty and betrayal were often approached through a significantly masculine lens. In the years of the early Norman dynasty, treason could be punished by the emasculation or mutilation of the traitors, theoretically destroying what were perceived as their physical capabilities of leadership and dynastic creation based on their masculine attributes.<sup>1</sup> By the fifteenth-century, emasculation had been completely replaced by the practice of attainder, which effectively achieved the same results, while still almost exclusively directed at men. It removed the property which held the necessary resources to recruit followers, and stripped away the dynastic identity associated therein. There is a rather noticeable loophole left here however—how were powerful treasonous women dealt with?

There were a number of highly influential women within elite society who engaged in, or whom the political powers found it most expedient to accuse of, treason in the late fourteenth- and fifteenth-centuries (see table B).

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<sup>1</sup> Klaus van Eickels, 'Gendered Violence: Castration and Blinding as Punishment for Treason in Normandy and Anglo-Norman England', *Gender & History*, 16 (2004), pp. 588-602, at p. 589.

**Table B**

Name	Status	Crime	Year Accused	Against
Maud de Vere, countess of Oxford	Noblewoman	Supporting pseudo-Richard II	1404	Henry IV
Lady Constance Despenser	Cousin to Richard II; Noblewoman	Kidnapping of the Mortimer heirs	1405	Henry IV
Joan of Navarre	Dowager Queen of England	Treasonable witchcraft	1419	Henry V
Eleanor Cobham	Aunt-in-law of King; Wife to the heir to the throne	Treasonable necromancy	1441	Henry VI
Alice, countess of Salisbury	Noblewoman	Instigating treason	1459	Henry VI
Margaret of Anjou	Queen of England	Supporting Henry VI	1461	Edward IV
Jacquetta, dowager duchess of Bedford	Noblewoman; Mother to Queen	Treasonable witchcraft	1470, 1483	Edward IV, Richard III
Elizabeth Wydville	Dowager Queen of England	Treasonable witchcraft	1483	Edward IV, Richard III
Elizabeth 'Jane' Shore	Previous King's mistress	Treasonable witchcraft	1483	Richard III

This list of women is long, and throughout each case, it becomes apparent that the government struggled to find a coherent, consistent method by which to try, convict and punish these women. Paul Strohm helps explain this struggle when he suggested that Lancastrian women tended to be portrayed as versions of four categories— 'mother, mediatrix, sorceress, whore.'<sup>2</sup> It could be easily argued Yorkist and early Tudor women appeared within these same classes as well. Notably, the classifications of sorceress and whore were often strongly linked to royal women when they were accused of treason.

This is especially obvious in the charges laid against Joan, Eleanor, Jacquetta, Elizabeth, and, if the definition of royal women is stretched somewhat, 'Jane' Shore. Kristin Smith may offer an explanation for this when she notes that witchcraft was inextricably intertwined with ideas of social transgression (in this context women overturning a perceived 'natural order' by acquiring power in an illegitimate way), the dangerous possibility of illegitimacy centered around the witch's corruption of propagation, and treason, considering the amphibolic language that is used in both treason and magic.<sup>3</sup>

<sup>2</sup> Strohm, *England's Empty Throne*, p. 161.

<sup>3</sup> K. Smith, 'Martial Maids and Murdering Mothers: women, witchcraft and motherly transgression in *Henry VI* and *Richard III*', *Shakespeare*, 3 (2007), pp. 143-60, at pp. 144-5.

Thus treason, witchcraft and adultery were easily ideologically linkable. However, royal female treason was by no means exclusively restricted to carrying overtones of witchcraft and adultery. It was a complex series of political maneuverings, sometimes a pure construction by the woman's accusers as with Joan of Navarre, sometimes an accurate reflection of the woman's actions as with Elizabeth Wydville.

Exploring treason within the lives of the women of the fifteenth-century royal family offers a broader context to the study of treason overall, as well as offering texture to an understanding of the way royal female traitors were perceived in contrast to their male counterparts.

### **A Brief Historiography of Gender and Treason**

Gender in the middle ages is a topic of considerable importance, and one which has produced a wide and thriving field of scholarship. As Mary Erler and Maryanne Kowalski commented, 'Under the influence of social historians, with their wider interests in the community and its operations, the place of women in society has become a legitimate, even a fashionable, topic of scholarly investigation.'<sup>4</sup> Understandably then, the historiography of gender is complicated and constantly evolving. As Bennett and Karras point out, medieval writers simultaneously respected and denigrated women, which makes studying contemporary approaches to gender both exciting and challenging.<sup>5</sup> It would be completely unproductive, and perhaps even impossible, to discuss ideas of kinship and treason without exploring the roles of women in both. Therefore, it is necessary to bring to the fore many of these contributions towards scholarship focusing on medieval gender. However, the breadth of the field makes it impossible to do complete justice to all of the work available, so the attention will remain mainly on the key elements of the focus here—elite women and their relationship to law and treason in the late middle ages.

This focus on women within the law is especially important, because despite J.G. Bellamy's acknowledged role as the authority on the subject of late medieval treason law, his writings make no special effort to address gender within the topic. His most insightful moments regarding gender are when he discusses women on the other side of the court room, neither as victims or perpetrators but as

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<sup>4</sup> M. Erler and M. Kowaleski, 'Introduction', in *Women and Power in the Middle Ages*, eds. M. Erlyer and M. Kowaleski (Athens, GA, 1988), pp. i-xvii, at p. ii.

<sup>5</sup> J. Bennett and R. Karras, 'Women, Gender and Medieval Historians', in *The Oxford Handbook of Women and Gender in Late Medieval Europe*, eds. J. Bennett and R. Karras (Oxford, 2013), pp. 1-21, at p. 2.

appellants to court. In discussing the limitations and unexpected freedoms available to women in this role, however, he fails to arrive at any significant conclusions.<sup>6</sup> It is understandable—Bellamy was not focused on gender. Yet he has unintentionally shaped the boundaries of engagement with the idea of women and law. Even Kelleher, though discussing women and law on a broader scale, can only draw from Bellamy's discussion about the gradual merger of Roman and Saxon law to discuss how the renewed influence of Roman law on the English legal system influenced the contemporary treatment of women.<sup>7</sup>

This idea of women having greater ease of movement in certain areas of the law than men suggested here is worth discussing, and one beginning to attract new attention. For instance, there is the exciting project 'Women Negotiating the Boundaries of Justice: Britain and Ireland, c.1100-c.1750,' recently concluded at Swansea University which focused on how women within this time span interacted with law.<sup>8</sup> Caroline Dunn also discusses women's potential maneuverability within the law in *Stolen Women in Medieval England*. Despite the fact that women's voices were rarely recorded in their court cases, she points out that the popular romances of the time, such as Ovid's *Heroides*, provide a contemporary window into the medieval idea that women were often complicit in their own 'kidnappings,' using them to make marital choices their families might otherwise disapprove of, which is an idea further supported by various court testimonies.<sup>9</sup> By extension, then, there is an idea that women were clearly able to manipulate elements of law to give themselves greater freedom.<sup>10</sup> However, Gwen Seabourne vehemently disagrees with Dunn's view on women using the law to their own ends, firmly believing that this view downplays the struggles women *did* undergo with the law.<sup>11</sup>

Seabourne's *Imprisoning Women* also delves into the presence of women in late medieval treason charges, and offers a cursory survey of what this tells scholars about the development of the socio-political attitude towards women and treason throughout the middle ages.<sup>12</sup> It is a valuable work

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<sup>6</sup> J.G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973), p. 126.

<sup>7</sup> M. Kelleher, 'Later Medieval Law in Community Context', in *The Oxford Handbook of Women and Gender in Late Medieval Europe*, eds. Bennett and Karras, pp. 133-144, at pp. 133-138; Bellamy, *The Law of Treason*, p. 1. For further reading on women and the law, see S.S. Walker, "'Litigant Agency" in Dower Pleas in the Royal Common Law Courts in Thirteenth and Early Fourteenth Century', *Journal of Legal History*, 24 (2003), pp. 215-36; S.S. Walker, 'Wrongdoing and compensation: the pleas of wardship in thirteenth- and fourteenth-century England', *Journal of Legal History*, 9 (1988), pp. 267-307.

<sup>8</sup> See their website, <http://www.womenhistorylaw.co.uk/c/home>.

<sup>9</sup> C. Dunn, *Stolen Women in Medieval England: rape, abduction, and adultery, 1100-1500* (Cambridge, 2012), p. 128.

<sup>10</sup> For instance, see S.S. Walker, 'Litigation as personal quest: suing for dower in the royal courts, circa 1272-135', in *Wife and Widow in Medieval England*, ed. S.S. Walker (Ann Arbor, MI, 1993), pp. 81-108.

<sup>11</sup> Seabourne, *Imprisoning Medieval Women*, p. 160.

<sup>12</sup> Seabourne, *Imprisoning Medieval Women*, pp. 29-32.

due to her exploration of the complicated relationship between law and womanhood in the medieval times. These works, then, confirm a contemporary reality in which women were able and willing to proactively participate in law and political systems to their advantage, especially within the realm of political crimes like treason. There has been little work done on the broader concept of women as traitors however, and this thesis will aim to begin to fill this gap by examining several women in the royal kin group who engaged with treason, challenging and manipulating the gendered construction of punishment for this crime.

An examination of the role of the queen in the late medieval period will be a significant part of this approach to treason and kinship. The key work on this is Theresa Earenfight's *Queenship in Medieval Europe*, which explores queenship through Europe from c. 500 to 1500.<sup>13</sup> In an overarching study of the evolution of queenship and its relationship to power, she highlights the significant agency of medieval queens, as well as the importance of a queen's role within the royal kinship structure.<sup>14</sup> This inquiry into the office of queenship forms a significant body of scholarly work, including collections of essays such as *The Rituals and Rhetoric of Queenship*, *The Lioness Roared*, and *Queens and Power in Medieval and Early Modern England*, which work to analyze the complexity inherent in negotiating the demands of the queenly role through a variety of biographical and theoretical studies.<sup>15</sup> While *The Lioness Roared* and *Queens and Power in Medieval and Early Modern England* focus more on concepts of independent queenship as personified in the medieval period by Matilda, Lady of the English, and in the Tudor by Mary I and Elizabeth I, which are less relevant to this particular thesis, they nonetheless help in explaining and exploring the gendered perceptions of political power. However, *Rituals and Rhetoric* encompasses the lives of a variety of queens from Philippa of Lancaster to Anne Boleyn, discussing the differences and similarities in the way they filled their roles as queens, which reflect the shifting demands their contemporary worlds made on them. Another valuable work that explores the expectations and nature of queenship is Earenfight's 'Without the Persona of the Prince', particularly

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<sup>13</sup> T. Earenfight, *Queenship in Medieval Europe* (Basingstoke, 2012).

<sup>14</sup> Earenfight, *Queenship*, p. 239.

<sup>15</sup> L. Oakley-Brown and L. Wilkinson, eds., *The Rituals and Rhetoric of Queenship: medieval to early modern* (Dublin, 2009); C. Beem, ed., *The Lioness Roared: the problems of female rule in English history* (Basingstoke, 2008); A. Duggan, ed., *Queens and Queenship in Medieval Europe: proceedings of a conference held at King's College London, April 1995* (Woodbridge, 1997); C. Levin and R.O. Bucholz, eds. *Queens and Power in Medieval and Early Modern England* (Lincoln, NE, 2009).



valuable in her reflections on the many benefits, from the cultural to dynastic, which a queen was expected to contribute to the political structure.<sup>16</sup>

Part of such expectations laid on a queen was the call for her to aid in legitimizing the king's reign, while simultaneously exercising a significant independent agency. Amalie Föbel discusses the way functions of queenship evolved through western Europe, in 'The Political Traditions of Female Rulership in Medieval Europe,' identifying the inherent power in the role evoked by the symbolism originally active within it.<sup>17</sup> For instance, she discusses the coronation *Ordines*, which invoke Biblical patterns of ideal femininity (Judith, Rebecca, Esther) as well as presenting methods by which the ideal attributes of these women could be brought to bear on the reality of a contemporary queen's position.<sup>18</sup> This alignment of Biblical power with reality is especially evident in the lives of the late medieval queens, who in particular faced peculiar challenges within the gendered construct of their role. These challenges—of balancing often foreign identities with domestic expectations, of having a special access to a king that could and did make the nobility uneasy, and of wielding power in such a way as to not appear threatening—made their engagement with politics and their kin complicated and susceptible to accusations of treason. For instance, Benz St. John's *Three Medieval Queens* discusses three earlier queens of England: Margaret of France, Isabella of France, and Philippa of Hainault. Here she studies the role of fourteenth-century women in the royal family itself, discussing intercession, motherhood, and queenly power through property, as well as addressing the oft-changing demands of queenship, all of which significantly contextualize the experiences of queens in the fifteenth-century.<sup>19</sup> John Carmi Parsons has also laid incredibly significant contextual groundwork with his works on the queenly patterns of life throughout the middle ages, with his emphasis on the thirteenth- and fourteenth-centuries providing background to understandings of fifteenth-century queenship much like Benz St. John's work.<sup>20</sup> His studies on the queenship of Eleanor of Castile, as well as on the use of intercession by

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<sup>16</sup> T. Earenfight, 'Without the persona of the prince: kings, queens and the idea of monarchy in late medieval Europe', *Gender & History*, 19 (2007), pp. 1-21.

<sup>17</sup> A. Föbel, 'The Political Traditions of Female Rulership in Medieval Europe', in *The Oxford Handbook of Women and Gender in Late Medieval Europe*, eds. Bennett and Karras, pp. 68-82.

<sup>18</sup> Föbel, 'The Political Traditions', pp. 71-2.

<sup>19</sup> L. Benz St. John, *Three Medieval Queens: Queenship and the Crown in Fourteenth-Century England* (New York, NY, 2012), p. 6.

<sup>20</sup> J.C. Parsons, 'Ritual and symbol in the English medieval queenship to 1500', in *Women and Sovereignty*, ed. L.O.A. Fradenburg (Edinburgh, 1992), pp. 60-77; J.C. Parsons, 'Mothers, daughters, marriage, power: some Plantagenet evidence, 1150-1500', in *Medieval Queenship*, ed. J.C. Parsons (Stroud, 1993), pp. 63-78; J.C. Parsons, "'Never was a body buried in England with such solemnity and honour": the burials and posthumous commemorations of English queens to 1500', in *Queens and queenship in medieval Europe*, ed. Duggan.

queens, have been formative in redefining understandings of power and queenship.<sup>21</sup> In arguing for a queen's ability to manipulate symbolism and ritual which surrounded her to achieve her ends, as well as in noting the complimentary nature of kingship and queenship roles, he provides the foundation on which fifteenth-century scholars like Laynesmith have built.<sup>22</sup> As for these studies on fifteenth-century queenship, Joanna Laynesmith's *The Last Medieval Queens* approaches these later medieval queens with a study on the lives and reigns of Margaret of Anjou, Elizabeth Wydville, Anne Neville, and Elizabeth of York.<sup>23</sup> Margaret of Anjou and Elizabeth Wydville are particularly of interest here, as both experienced accusations of crimes against the government as queens attempting to meet unique challenges within a complex role, and in the case of Elizabeth, a gendered framing of her family within the context of witchcraft. This link between accusations of witchcraft and treason within the royal family is an underexplored one, despite the existence of four separate accusations of witchcraft directed at significant women within the royal kinship structure in the fifteenth-century alone—Joan of Navarre, as studied by A.R. Myers; Eleanor Cobham, as discussed by Griffiths, Vickers and in unpublished theses; Jacquetta Wydville and Elizabeth Wydville, the accusations of whom are only tangentially discussed in Laynesmith's work.<sup>24</sup> As well, in regard to royal female treason separate from witchcraft charges, Laynesmith contextualizes the challenges faced by Margaret of Anjou (including a mentally ill husband and fragmenting kingdom) that forced her to try and reconfigure the structure of queenship to allow her more of a leadership role. Helen E. Maurer and Katherine Lewis discuss her attempts to manipulate gendered identity further and in more detail in their books, one about Margaret of Anjou, one on the

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<sup>21</sup> J.C. Parsons, *Eleanor of Castile: Queen and Society in Thirteenth-Century England* (New York, NY, 1995); J.C. Parsons, 'The pregnant queen as counsellor and the medieval construction of motherhood', in *Medieval Mothering*, eds. J.C. Parsons and B. Wheeler (New York, NY, 1996), pp. 39-61; J.C. Parsons, 'The queen's intercession in thirteenth-century England', in *Power of the Weak: studies on medieval women*, eds. J. Carpenter and S.B. MacLean (Urbana, IL, 1995).

<sup>22</sup> Parsons, 'Ritual and symbol', p. 69.

<sup>23</sup> J.L. Laynesmith, *The Last Medieval Queens: English Queenship 1445-1503* (Oxford, 2004).

<sup>24</sup> A.R. Myers, 'The Captivity of a Royal Witch: the Household Accounts of Queen Joan of Navarre, 1419-21', *BJRL*, 26 (1940), pp. 263-84; M. Jones, 'Between France and England: Joan of Navarre, duchess of Brittany and Queen of England (1368-1437)', in *Between France and England: Politics, Power, and Society in Late Medieval Brittany*, ed. M. Jones (Aldershot, 2003), pp. 1-23; R.A. Griffiths, 'The Trial of Eleanor Cobham: an Episode in the Fall of Duke Humphrey of Gloucester', *BJRL*, 51 (1968-9), pp. 381-99; L. Rhymer, 'The political career of Humphrey, Duke of Gloucester, c.1413-1447' (Univ. of Cambridge D.Phil. thesis, 2010); F. Millard, 'Politics and the creation of memory: the afterlife of Humphrey Duke of Gloucester' (Royal Holloway, Univ. of London D.Phil. thesis, 2009); Laynesmith, *The Last Medieval Queens*, p. 215. There are as well a slew of popular biographies of Elizabeth Wydville, which do not address the topic in scholarly style. See D. Baldwin, *Elizabeth Woodville: Mother of the Princes in the Tower* (Stroud, 2002); A. Okerlund, *Elizabeth: England's Slandered Queen* (Stroud, 2009); A. Licence, *Edward IV & Elizabeth Woodville: A True Romance* (Stroud, 2016).

broader issue of late medieval gender.<sup>25</sup> Alison Basil argues that Henry VI, as an inept monarch, was effectively emasculated in the eyes of his subjects. In turn, his lack of masculine power meant he was unable to control his wife's sexuality, allowing her to be released into what was perceived as an unnatural masculinity by her critics.<sup>26</sup> It is this that perhaps best explains the unusual nature of her treason when considered in contrast with those of her fifteenth-century peers. While Constance, Lady Despenser in a slightly earlier period had committed treason but then been protected by her identity as a royal woman, perhaps because of her blood relationship to the royal dynasty, Margaret's efforts to step outside the traditional role of a queen left her open to accusations of transgression, and then treason.<sup>27</sup>

Another significant elite woman involved with treason and law is Henry VII's clever and plotting mother, Margaret Beaufort, the subject of Michael Jones and Malcolm Underwood's *The King's Mother*.<sup>28</sup> Jones and Underwood explore Margaret's troubled relationship with the Yorkist regime, including her informal imprisonment for treason in 1484, finally emerging as a rare *femme sole*.<sup>29</sup> Hers is a success story of a late medieval woman manipulating traditional roles to play a dangerous part in politics and acquire power through treason, and one who perhaps offers more support for Pisan's beliefs about the acceptable behavioral patterns of women in the upper classes.<sup>30</sup> Krueger discusses these images and values expected from medieval women of differing social classes as pointed out in Christine de Pisan's *The Treasure of the City of Ladies*—but while a baroness might be expected to evoke the 'heart of a man' if necessary, the complications this presented when practiced in reality by a queen shed light on the struggles inherent in late medieval queenship which demanded power be used only within certain boundaries, as is demonstrated in Margaret of Anjou's life.<sup>31</sup> Sally Fisher draws an interesting link between the public identities of these two women in her article, where she suggests

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<sup>25</sup> Maurer, *Margaret of Anjou*, pp. 53, 65; K. Lewis, *Kingship and Masculinity in Late Medieval England* (London, 2013).

<sup>26</sup> A. Basil, 'Henry VI and Margaret of Anjou: madness, gender dysfunction and perceptions of dis-ease in the royal body', in *The Image and Perception of Monarchy in Medieval and Early Modern Europe*, eds. S. McGlynn and E. Woodacre (Newcastle upon Tyne, 2014), pp. 168-182, at p. 178.

<sup>27</sup> Laynesmith, *The Last Medieval Queens*, p. 262.

<sup>28</sup> M. Jones and M. Underwood, *The King's Mother: Lady Margaret Beaufort, countess of Richmond and Derby* (Cambridge, 1991).

<sup>29</sup> Jones and Underwood, *The King's Mother*, pp. 98-99.

<sup>30</sup> Christine de Pisan, *The Treasure of the City of Ladies*, trans. S. Lawrence (London, 1985).

<sup>31</sup> R. Krueger, 'Towards Feminism: Christine de Pisan, female advocacy, and women's textual communities in the late middle ages and beyond', in *The Oxford Handbook of Women and Gender in Late Medieval Europe*, eds. Bennett and Karras, pp. 590-603, at p. 598.

Margaret Beaufort may have modeled her image as a sort of antithesis to Margaret of Anjou's, having learned that overt female ambition could undo her politically.<sup>32</sup> Fisher also brings up an intriguing point when she discusses Margaret Beaufort's strategic emphasis on her chastity.<sup>33</sup>

In contrast to this strategy of chastity amidst treason, and attached to this concept of sexuality in relation to power, McCracken notes that in contemporary romances the preponderance of queens on trial in medieval Europe were accused of adultery.<sup>34</sup> It was an accusation that in both contemporary literature and real life accompanied a woman who dared to appear contrary to typical gender roles, particularly either by over-involvement in the masculine political sphere, by being barren or in an effort to attack their husbands, all typified in Margaret of Anjou at various periods of her career.<sup>35</sup> Eleanor Cobham, living earlier in the century, is much like Guinevere tied by her links with adultery and barrenness to treason.<sup>36</sup> It is interesting to juxtapose these conceptions in which overly powerful women were blameful with the popularity in fifteenth-century England of a new, secularized ending to the Empress of Rome stories, in which an evolving perspective on gender and piety seems to allow space for a woman to choose power not derived from spirituality, but her political role.<sup>37</sup> In this version of the narrative, instead of choosing to relegate herself to a nunnery and a life of power derived from piety at the end of her tribulations, the empress rather chooses to remain within the secular circles of political power. The only two major artistic representations of this story to survive are both from fifteenth-century England, one of them significantly from the wall frescoes of Eton, which Henry VI founded.<sup>38</sup> A cultural discussion about women and their access to power was taking place in fifteenth-century England, and this would inevitably include their relation to treason. Their voices were not silent in this process, and this complicated relationship between the elite woman and her constructed identity is discussed further by Laynesmith in her works about Cecily Neville. This is particularly true in regard to Cecily's self-conscious construction of pious image throughout her life and even death to shore up her

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<sup>32</sup> S. Fisher, "'Margaret R': Lady Margaret Beaufort's self-fashioning and female ambition', in *Virtuous or Villainess?: the image of the royal other from the early medieval to the early modern era*, eds. E. Woodacre and C. Fleiner (Basingstoke, 2016), pp. 151-172, at p. 155.

<sup>33</sup> Fisher, "'Margaret R'", p. 157.

<sup>34</sup> P. McCracken, *The Romance of Adultery: Queenship and Sexual Transgression in Old French Literature* (Philadelphia, PA, 1998), p. 11.

<sup>35</sup> Earenfight, *Queenship*, p. 214; McCracken, *The Romance of Adultery*, pp. 10-11.

<sup>36</sup> K. Mudan Finn, 'Tragedy, Transgression, and Women's Voices: the cases of Eleanor Cobham and Margaret of Anjou,' *Viator*, 47 (2016), pp. 277-302, at p. 282.

<sup>37</sup> N. Black, *Medieval Narratives of Accused Queens* (Gainesville, FL, 2003), p. 139.

<sup>38</sup> Black, *Medieval Narratives*, pp. 1-2, 140.

son's dynasty.<sup>39</sup> These ideas of image and identity, as Margaret of Anjou, Margaret Beaufort and Cecily Neville prove, could support or destroy a dynasty, and a queen or queen-mother. However, they were also key elements in the evolving perceptions about royal women, politics, power and treason.

Royal women in the fifteenth-century royal kinship structure did often find themselves embroiled with treason in one shape or another, whether it was an actual plot against the king or merely an accusation laid against them. These involvements did not necessarily encompass simultaneous associations with adultery and/or witchcraft, and in fact, more frequently did not. However, there was definite linkage in modern perception between the three ideas and it is important to be aware of that going forward into a study of royal female treason.

### **Women and Treason in Medieval Romance**

With that awareness in mind, the greatest and perhaps most familiar example of a late medieval queen accused of treason is Guinevere of Arthurian lore, and she makes an excellent starting place for a study of her real-life counterparts. The most well-known fifteenth-century English interpretation of her actions and punishment is Sir Thomas Malory's prose composition, *Morte D'Arthur*. This text is typically considered a landmark of fifteenth-century romantic literature, and deservedly so. Narratively rich, it traces the rise and fall of King Arthur, his knights, and his world through a clever process of compiling, condensing, and re-writing the French traditions that had taken the legendary British king and turned him into a French courtly ideal. As a work of literature alone, this text is a compelling study, but it also serves as an excellent springboard for a discussion of late medieval queenship and treason, with a fascinating depiction of Guinevere's actions.

If P.J.C. Field's conclusions about Malory's life are correct, a background is shaped that creates a certain relationship between the fiction Malory wrote and the political atmosphere that shaped his life.<sup>40</sup> While Malory wrote the *Morte* during his second imprisonment in the years 1469-1471, Field argues the crimes for which the knight was ostensibly arrested were mainly manufactured given the complete lack of evidence for any criminal charges made. In that context, the first of his imprisonments

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<sup>39</sup> J.L. Laynesmith, 'The Piety of Cecily, Duchess of York: a reputation reconsidered', in *The Yorkist Age: proceedings of the 2011 Harlaxton Symposium*, eds. H. Kleineke and C. Steer (Donington, 2013), pp. 27-43, at p. 32. Also see J.L. Laynesmith, *Cecily Duchess of York* (London, 2017). See later in this chapter for a discussion on the accusations of Cecily Neville's adultery and Edward IV's illegitimacy, pp. 88-9.

<sup>40</sup> P.J.C. Field, *The Life and Times of Sir Thomas Malory* (Cambridge, 1993).

was probably a defensive Lancastrian response to Malory's potentially dangerous pro-Yorkist leanings, while his second arrest was a reaction by Edward IV to Malory's alignment with the newly anti-York earl of Warwick. Thus, the variety of criminal charges laid against the knight over the years are perhaps not wholly what they seem, though scholars agree it would be unwise to discredit them completely.<sup>41</sup> However, when the criminal charges recede into the background, a life shaped by the constant factionalism of the English court and its ever-changing definition of 'traitor' become the formative elements of his life, and demonstrably some of the larger influences on his work.

It is almost always perilously unwise to attempt to draw direct connections between specific events in *Morte D'Arthur* and contemporary real-world ones. Still, there are moments in which the authorial voice definitively breaks through to comment on contemporary issues, and while Guinevere is certainly not drawn directly from life, she nonetheless offers interesting commentary on how queenly treason was perceived. Kavita Mudan Finn in particular notes that while drawing direct parallels with Guinevere and the real English queens of the era is impossible, she 'is a reaction to aspects of Margaret [of Anjou] and Elizabeth [Wydville] both, rather than aligning perfectly with either,'<sup>42</sup> an idea further highlighted by the idea that the real destruction of the Round Table lies in its increasing factionalism, which turns the queen into 'a symbolic figure of disorder, taken up by both sides to defend their actions.'<sup>43</sup> This is certainly true of roles both Margaret of Anjou and Elizabeth Wydville were relegated to in the failing days of their respective dynasties. Therefore, while Guinevere is by no means a direct reflection of either of these two fifteenth-century queens, her role in Malory's Camelot is at least partially shaped by the realities of their queenship, as is her fall, making her role as a traitor even more significant.

As Mischa Jayne Rose points out in her thesis, Guinevere's role as an English queen condemned as a traitor for her adultery makes her part in Malory's Arthurian narrative an especially interesting piece of legal speculation.<sup>44</sup> Without any historical cases to draw from, and the 1352 statute's vague description that '...if a Man do violate the King's Wife...that ought to be judged Treason...'<sup>45</sup> which lacks any discussion concerning the queen's culpability, Malory's interpretation of her actions, trial and punishment (along with his discussions about the differences between 'past' traditions of the Arthurian

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<sup>41</sup> See Field, *The Life and Times of Sir Thomas Malory*, pp. 83-104.

<sup>42</sup> K. Mudan Finn, *The Last Plantagenet Consorts: Gender, Genre, and Historiography, 1440-1627* (New York, NY, 2012), p. 42.

<sup>43</sup> Mudan Finn, *The Last Plantagenet Consorts*, p. 41.

<sup>44</sup> M. Rose, 'Malory's Morte Darthur and the idea of treason' (Univ. of Bangor D. Phil thesis, 1992), pp. 117-8.

<sup>45</sup> 25 Edw III stat. 5 c. 2. See Appendix, pp. 237-9.

era and his contemporary ones) suggest interesting perspectives on English queenly treasons long before Anne Boleyn ever faced condemnation, building instead from the accusations against less celebrated English royal women like Joan of Navarre and Eleanor Cobham, and perhaps even influenced by the French 1314 Tour de Nesle scandal in which the three daughters-in-law of Philip IV were accused of adultery and locked up.<sup>46</sup>

Guinevere is appealed of treason three times—once for murder (not technically a legally treasonable offence in Malory’s contemporary England), and twice for adultery (only questionably a treasonable offence—after all, Isabella of France had not been executed for her affair with Roger Mortimer).<sup>47</sup> Her punishment in Malory’s narrative when she *is* finally convicted is burning. This is not necessarily a suggestive insertion by Malory as Rose presumes—while a specific punishment for her adultery in Chrétien’s version or the *Conte de la Charette* is omitted, the *Mort Artu* portrays Guinevere being condemned to burn as well. The omission of the phrase ‘*car autrement ne doit reine mourrir qui desloiaute fet, puis que ele est sacree*’<sup>48</sup> from Malory’s version does *not* mean he perceived Guinevere’s burning as simply *de rigueur* for a traitorous queen as she argues.<sup>49</sup> He certainly felt the need to explain the degree of her punishment at least, claiming ‘And the law was such in tho dayes that whatsomever they were, of what astate or degrê, if they were founden gyilty of treson there sholde be none other remedy but deth...’<sup>50</sup> With no queen in English history ever having been executed for treason, Malory was extrapolating from the typical (though not always consistent, as this chapter will show) punishment for traitorous women, with its overlap with the fifteenth-century punishment for heretics and witches.

Guinevere, like many of the royal women who are the subjects of this chapter, was associated with witchcraft, if only briefly—one would-be seductress tells Lancelot there is a rumor that Guinevere has placed on him ‘an enchaunement that ye shall never love none other but hir, nother none damesell ne lady shall rejoice you.’<sup>51</sup> This accusation is vaguely reminiscent of the charges laid against both Eleanor Cobham in 1441 and Jacquetta of Luxemburg in 1469,<sup>52</sup> with their overtones of both an illicit,

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<sup>46</sup> McCracken, *The Romance of Adultery*, pp. 171-2.

<sup>47</sup> Rose, ‘Malory’s Morte DArthur’, p. 118.

<sup>48</sup> *La Mort le Roi Artu: Roman de XIII<sup>e</sup> Siècle*, ed. J. Frapper (Paris, 1936), p. 97. Rose translates this as ‘for a queen who was unfaithful ought not to die in any other way, since she is sacred’. Rose, ‘Malory’s Morte DArthur’, p. 115 n. 26. An alternative translation is, however, ‘for otherwise a queen who commits disloyalty must not die, since she is sacred’. My thanks to Ryan Lavelle for pointing this out.

<sup>49</sup> Rose, ‘Malory’s Morte DArthur’, p. 115.

<sup>50</sup> Sir Thomas Malory, *The Works of Sir Thomas Malory*, ed. E. Vinaver (2<sup>nd</sup> ed., 3 vols., Oxford, 1967), iii. 1174.

<sup>51</sup> Malory, *Works*, i. 270.

<sup>52</sup> See TNA, KB 9/72, mm. 1-6, 9, 11, 14; CPR 1467-77, p. 190.

seductive love created by a royal woman's magic, which were in turn both linked to treasonable intent—Eleanor's seduction of the married Humphrey, which was followed by her desire to kill Henry VI and replace him with her husband; and Jacquetta's magical compulsion of Edward IV's affection for her daughter. As Retha Warnicke notes, the crimes of which queens were most frequently accused were adultery and witchcraft.<sup>53</sup> Most interestingly, this overlap once more suggests that Malory pulled from recent royal history to shape his Guinevere, her politics, and her fate. Even her ultimate end as abbess in a nunnery feels oddly prophetic of Elizabeth Wydeville's eventual end as a guest at Bermondsey Abbey. Guinevere as an amalgamation of some of the experiences of fifteenth-century royal women with treason is an effective demonstration of how significant these events were, shaping contemporary attitudes and beliefs about royal female treason, and also highlighting just how inconsistent and changeable the way the law was brought to bear on these cases was.

### **The Royal Traitresses**

Lady Constance Despenser, Joan of Navarre, Eleanor Cobham, Margaret of Anjou, Jacquetta and Elizabeth Wydeville and 'Jane' Shore were the women connected to the royal family overtly accused of treason in the fifteenth-century, four of whom were also charged with treasonable witchcraft and all of whom except one were associated on at least some level with an expression of illicit love.<sup>54</sup> Each of these women were tied to the royal family in disparate ways, and the motivations behind the accusations they underwent varied considerably. Yet it is the similarities in their lives, alongside these differences, that suggest what it was about these women especially that made their classification as a traitor so significant to their contemporaries. Most fascinatingly of all, there is a recurring series of familial links between these women that suggest a pattern of inherited associations and learned behaviours—further evidence of the importance of familial memory in treason cases. Memory as a key

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<sup>53</sup> R.M. Warnicke, *Elizabeth of York and Her Six Daughters-in-Law: fashioning Tudor queenship, 1485-1547* (Basingstoke, 2017), p. 220.

<sup>54</sup> Lady Constance Despenser's treason is chiefly addressed in the last chapter of this thesis, pp. 146-50, while Maud, countess of Oxford and Alice, countess of Salisbury are, strictly speaking, better defined as noble than royal, placing their treason somewhat outside the boundaries of this thesis. For further reading on their treasons, see J. Ross, 'Seditious activities: the conspiracy of Maud de Vere, countess of Oxford, 1403-4', in *The Fifteenth Century, III: Authority and Subversion*, ed. L. Clark (Woodbridge, 2003), pp. 25-42; M. A. Hicks, 'The Neville earldom of Salisbury, 1429-71', *Wiltshire Archaeological Magazine*, 72 (1977-81), pp. 141-7; Griffiths, *The Reign of King Henry VI*.



transmitter of treasonous intention and accusation is a main element of focus in this work, but it takes a peculiar form here. All of the women under consideration in this chapter, barring Constance, married into the royal family rather than being blood members, and their associations with familial treason were more imposed on them by external perceptions of their old kinship structures or their relationships with members of their new ones. It is perhaps this lack of blood connection that made them so vulnerable to accusations and condemnations of treason. After all, Constance blatantly committed treason against her cousin Henry IV, but came through the attendant royal displeasure relatively unscathed in comparison to the treasonable royal women who followed her.

Joan of Navarre is an excellent example of this contradiction. She was a Navarrese princess born c. 1368, although the exact date is somewhat debated. Her father, Carlos II, also known as Carlos 'the Bad', was infamous for his tricky political machinations and inability to keep promises.<sup>55</sup> In 1358, he was accused by Charles V of France 'of using ritual magic practices against him,'<sup>56</sup> and by the time of Lynn Thorndike's 1934 *History of Magical Magic and Experimental Science*, his name had become firmly associated with necromancy.<sup>57</sup> It is interesting to wonder if his negative political qualities invited a reputation for dabbling in dark magic, and that this association encouraged that which later centred around his daughter, highlighting once more that idea of one's image being shaped by previous familial actions.

Joan's first marriage to Jean IV, duke of Brittany was by all accounts considered a successful one.<sup>58</sup> It was, however, her second marriage to a newly crowned Henry IV that brought her to the forefront in England. Froissart suggests Henry and Joan might have met during Henry's exile immediately before his invasion of England in 1399,<sup>59</sup> but his inaccurate understanding of Bolingbroke's movements at this time casts doubt on any such idea. Rather, records indicate that if any such meeting took place, it was far more likely to have occurred during Joan's posited visit to the English court of Richard II in April 1398 before Bolingbroke's exile, when Joan's husband was initiated into the Order of the Garter.<sup>60</sup> While any prior meeting between the two remains pure speculation, the possibility could

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<sup>55</sup> J. Sumption, *The Hundred Years War, III: Divided Houses* (London, 2009), p. 312.

<sup>56</sup> E. Peters, 'The Medieval Church and State on Superstition, Magic and Witchcraft: from Augustine to the sixteenth century', in *Witchcraft and Magic in Europe, III: The Middle Ages*, ed. K. Jolly (London, 2002), p. 221.

<sup>57</sup> L. Thorndike, *A History of Magic and Experimental Science, III: The Fourteenth and Fifteenth Centuries* (New York, NY, 1934), p. 588.

<sup>58</sup> Woodacre, 'The Perils of Promotion', p. 125.

<sup>59</sup> Jean Froissart, *Œuvres de Froissart: Chroniques, XVI: 1397-1400*, ed. K. de Lettenhove (Brussels, 1872), p.167; J.L. Kirby, *Henry IV of England* (London, 1970), p. 136.

<sup>60</sup> Jones, 'Between France and England', pp. 6-7.

help to explain the surprisingly hasty and secretive nature of their union, which took place by proxy in 1402, three years after husband's death in 1399.<sup>61</sup>

The nature of this marriage has been a focus for discussion, both among contemporaries and current historians, who have all been fascinated by its unorthodoxy and the complexities in unpicking its possible political significance. For instance, the reasons a king with four sons had for marrying a thirty-five-year old widow are difficult to decipher. Strikingly, Henry IV was the first Plantagenet king to make a widow his queen (Eleanor of Aquitaine's annulled marriage to Louis VII before marrying Henry II notwithstanding).<sup>62</sup> Given-Wilson perhaps hits closest to explaining it when he suggests a mixture of careful strategy in regards to Anglo-Breton relations as well as a personal attraction.<sup>63</sup>

Political problems haunted the union from the start. At the outset of Henry's and Joan's marriage, rumours were rife that the newly crowned English king would sail to Brittany to retrieve her, and that pro-Ricardians would seize the chance to rise up and take the throne in his absence.<sup>64</sup> It was a rumor that precipitated a large number of arrests and executions for treason.<sup>65</sup> While the marriage was certainly not directly responsible for any of this, it is interesting to note that from its very start, the union had unpleasant second-hand associations with treason. This, as has already been noted, was contradictory to the usual intentions of a royal marriage, which were typically tied strongly to notions of legitimization. Furthermore, in this marriage, Joan was perceived as transgressively 'other' to her subjects. She was very demonstrably foreign-born, but more of an issue in an at-war and heavily taxed England was the presence of her Breton and Navarrese attendants at court, which led to several hostile petitions in Parliament for their dismissal during her tenure as queen.<sup>66</sup>

These difficulties set the background for the treason charges Joan would later face, although it is worth noting that Joan seems to have maintained what was a very positive relationship with her stepsons throughout both her husband's life and afterwards.<sup>67</sup> Henry V refers to her as '*carissima mater nostra*' in various letters<sup>68</sup>; she addresses John, duke of Bedford as 'our dearest and best beloved son' in

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<sup>61</sup> Given-Wilson, *Henry IV*, pp. 234-5.

<sup>62</sup> J.L. Laynesmith, 'Crowns and Virgins: queenmaking during the Wars of the Roses', in *Young Medieval Women*, eds. K. Lewis, N. Menuge and K. Phillips (New York, NY, 1999), pp. 47-68, at p. 59.

<sup>63</sup> Given-Wilson, *Henry IV*, p.234.

<sup>64</sup> Kirby, *Henry IV*, pp. 140-1.

<sup>65</sup> *CCR* 1399-02, pp. 527, 528, 568; *CPR* 1402-5, p. 126; *CCR* 1399-1402, p. 570; *Foedera*, viii. 261; TNA, C 81/1540/25.

<sup>66</sup> *PROME*, viii. 239-40; *PROME*, viii. 331; *PROME*, x. 308; *PROME*, ix. 155.

<sup>67</sup> See Woodacre, 'The Perils of Promotion', pp. 136-140.

<sup>68</sup> *Foedera*, iv pt ii. 135; *Foedera*, iv pt iii. 58.

an affectionate letter<sup>69</sup>; and there is a visible mutual warmth between herself and Humphrey, duke of Gloucester demonstrated in his multiple visits to her during her imprisonment.<sup>70</sup> In a document following Henry V's accession, she was referred to as queen mother.<sup>71</sup> She was a skilled mediator, as already noted,<sup>72</sup> and Henry V's truce with her son the duke of Brittany, recorded 16 November 1417, is described as having been achieved entirely through her intervention.<sup>73</sup> Clearly, for a long period even after Henry IV's death, she was working harmoniously to smooth political discussion between her son and stepson. Yet the 1419 parliament rolls show the royal council seizing her English property in its entirety.<sup>74</sup> The parliament rolls and the *Chronicles of London* justify this seizure by accusing her 'of compassing the death and destruction of our lord the king in the most treasonable and horrible manner that could be devised'<sup>75</sup> and her desire 'by sorcerye and nygromancye fforto haue dystroyed the kyng.'<sup>76</sup> At the time, there were rumours rampant in London about attempts via witchcraft to kill Henry—whether this was a legitimate concern that suggested the idea of arresting Joan on those grounds, or was a rumor put into motion by the monarch himself to better legitimize the accusation is open to speculation.<sup>77</sup>

The accusation against Joan was officially made by her confessor Friar Randolf, whose goods in August of that year had been seized at the king's order, although the objects described are clearly those belonging to Joan, such as a Breton woman's red nightcap, jewels, and golden spoons.<sup>78</sup> Randolf claimed to have led her into the crime of witchcraft himself in his confession.<sup>79</sup> It is likely, however, that the real reason behind this series of arrests was one of economic need—Henry V desperately needed the property Joan held as a part of her dower to fund his campaigns.<sup>80</sup> It is unsurprising then that there was

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<sup>69</sup> BL, Cotton MS Vespasian F III, art. 5, f. 5.

<sup>70</sup> Myers, 'The Captivity of a Royal Witch', p. 268.

<sup>71</sup> See TNA, SC 1/51, m. 41 for an example.

<sup>72</sup> Jones, 'Between France and England', pp. 5, 16.

<sup>73</sup> *Foedera*, lix. 511.

<sup>74</sup> *PROME*, ix. 236-7.

<sup>75</sup> *PROME*, ix. 236-7.

<sup>76</sup> *Chronicles of London*, p. 73.

<sup>77</sup> Myers, 'Captivity of a Royal Witch', pp. 273-4.

<sup>78</sup> *CPR 1416-1422*, p. 272; 'Three Inventories: (1) *The Earl of Huntingdon, 1377*; (2) *Brother John Randolf, 1419*; (3) *Sir John de Boys, 1426*', ed. W. Bailey Paildon, *Archaeologia*, 61 (1908), pp. 163-76.

<sup>79</sup> Myers, 'Captivity of a Royal Witch', p. 265.

<sup>80</sup> R.A. Newhall, 'The war finances of Henry V and the duke of Bedford', *EHR*, 36 (1921), pp. 172-198, at p. 173.

no official trial or sentencing for Joan. Instead, for three years Joan was simply held at royal will,<sup>81</sup> until Henry V on his deathbed, claiming a guilty conscience, freed her and restored her property.<sup>82</sup>

Fortunately, records for Joan's imprisonment survive, and as A.R. Myers observed from them, her imprisonment was anything but strenuous. She was well-served, well-dressed and well-fed throughout, though perhaps somewhat less so in the second year than in the first.<sup>83</sup> The first year she traveled between several royal residences including Rotherhithe and Pevensey, the last two she remained exclusively at Leeds Castle.<sup>84</sup> Her stepson Humphrey, as already noted, even dined with her in 1420 and 1421—particularly noteworthy, considering his own wife would be charged with witchcraft almost exactly twenty years later.<sup>85</sup> It seems unlikely the charges were regarded with any serious belief, considering that the Archbishop of Canterbury and the Bishop of Winchester both paid her visits during her imprisonment.<sup>86</sup>

Since Joan had never been formally tried and convicted, she could not be formally acquitted following Henry V's deathbed attempt at reconciliation. Yet, while no official records exist to clear her name, her life after Henry V's death in August 1422 and official reversal of position on her status as a royal witch was apparently one of normalcy, even if she was forced to spend much of her declining years seeking restoration of the lands which had been granted away from her during her imprisonment.<sup>87</sup> Griffiths describes her as a figure of no importance in the life and court of Henry VI, although the fact that the young king presented her with valuable Christmas gifts, and that her grandson Gilles was a good friend of the young king,<sup>88</sup> suggests if not a greatly visible role, one that was not necessarily entirely without its significance either. When she died in 1437, she was ceremoniously buried beside Henry IV in the Trinity Chapel of Canterbury Cathedral—a burial, notably, organized by the Duke of Gloucester and attended by himself and his duchess.<sup>89</sup>

This is notable considering this duchess was the infamous Eleanor Cobham, duchess of Gloucester, who as already mentioned was herself arrested for treasonable witchcraft four years later.

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<sup>81</sup> Thomas Walsingham, *St. Alban's Chronicle*, ed. V.H. Galbraith (London, 1937), p. 123.

<sup>82</sup> *PROME*, x. 173-6.

<sup>83</sup> Myers, 'Captivity of a Royal Witch', pp. 267-8.

<sup>84</sup> Myers, 'Captivity of a Royal Witch', pp. 24-5.

<sup>85</sup> Myers, 'Captivity of a Royal Witch', p. 268.

<sup>86</sup> Woodacre, 'The Perils of Promotion', pp. 138-9.

<sup>87</sup> Jones, 'Between France and England', p. 20.

<sup>88</sup> Griffiths, *The Reign of King Henry VI*, p. 63. Gilles spent a great deal of time in the English court, ultimately dying there as a young man.

<sup>89</sup> *PPC*, v. 56.

Eleanor and Joan were reportedly close—after Joan’s release from her own incarceration, she gifted the young duchess the valuable furnishings of her own chapel, and Eleanor was one of the foremost mourners at the dowager queen’s aforementioned funeral.<sup>90</sup> While this in itself is not a suggestion that Eleanor was accused of treason because of her association with an (exonerated) traitor, it is an interesting example of the way one royal female traitor was often connected with another.<sup>91</sup>

The train of events surrounding Eleanor’s arrest began at the end of June 1441, when four people were arrested for ‘conspiring to bring about the king’s death,’ with additional charges of necromancy and heresy sprinkled between them.<sup>92</sup> These four were Roger Bolingbroke, an Oxford priest and Eleanor’s personal clerk<sup>93</sup>; Thomas Southwell, canon of St. Stephen’s chapel at Westminster<sup>94</sup>; John Home, Eleanor’s chaplain and secretary<sup>95</sup>; and Margery Jourdemayne, the infamous Witch of Eye. Eleanor fled into sanctuary at Westminster Abbey shortly after their arrest,<sup>96</sup> although she was ultimately brought to St. Stephen’s Chapel at the end of July to stand before an ecclesiastic tribunal. This was an intriguing choice of place, because as Elizabeth Biggs notes, St. Stephen’s was an effective space for blurring ecclesiastical and royal authorities, suggesting there was an early awareness surrounding the complex overlapping of the charges that would be brought against Eleanor.<sup>97</sup>

The duchess of Gloucester was there charged with twenty-eight counts of felony and treason, including discovering the date of the king’s death and thus according to the King’s Bench indictment, seeking to remove the cordial love of his people from him.<sup>98</sup> Eleanor denied all of these before being allowed to return to sanctuary.<sup>99</sup> However, she was called back soon afterwards for a second examination, this time to witness an interrogation of Roger Bolingbroke, who claimed his activities had been done at Eleanor’s behest. At this point, she admitted to five of the charges. Ultimately an ecclesiastical court was unable to deliver judgment for the non-religious crime of treason, and she was

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<sup>90</sup> Society of Antiquaries of London, SAL/MS/216, f. 56; *PPC*, v. 56.

<sup>91</sup> Interestingly, one of the first political motions to which Joan’s name is attached when she came to England is an intercession for a pardon for the traitor Maud de Vere, which was granted. See *CPR* 1401-5, p. 480. She also sought (and was granted) the wardship of certain of Constance’s son Richard’s lands after Lady Despenser’s efforts to kidnap the Mortimer boys failed. See TNA, SC 8/231, m. 11526; *CPR* 1405-8, p. 4.

<sup>92</sup> The following discussion draws heavily from Griffiths, ‘The Trial of Eleanor Cobham’.

<sup>93</sup> *Historical Collections*, p. 183.

<sup>94</sup> Griffiths, ‘The trial,’ p. 387.

<sup>95</sup> Griffiths, ‘The trial,’ p. 387.

<sup>96</sup> *An English Chronicle*, p. 57.

<sup>97</sup> Elizabeth Biggs, ‘Reassessing the 1441 Trial of Eleanor Cobham, Duchess of Gloucester,’ as presented at the 2016 Fifteenth Century Conference.

<sup>98</sup> TNA, KB 9/72.

<sup>99</sup> TNA, KB 9/72, m.14.

taken into custody and sent to Leeds castle under the care of the constable of the castle and several members of the royal household.<sup>100</sup> These are further striking similarities with Joan, namely in the simultaneous charging of religious members of her entourage and the subsequent imprisonment at Leeds. The next day a lay commission of enquiry was empowered to begin further investigations, with several important members of the king's council placed on it, and they concluded she was indeed guilty, proceeding to indict Eleanor, Southwell and Bolingbroke of sorcery, felony and treason.<sup>101</sup> It was suggested they had used magic to try and predict the date of the king's death, which fell under the heading of imagining his death, and was thus treasonous.

In October Eleanor was brought back before the ecclesiastical court, though Adam Moleyns, then a clerk of the royal council though later a cleric and bishop of Chichester, read the charges, and she again admitted to some charges while denying others. Again, there is a notable blurring here of ecclesiastical and royal authority, as presented with the presence of Moleyns—while her charges fall within the ecclesiastical scope, the royal court had been heavily involved in everything from her imprisonment to her indictment. When Bolingbroke, Southwell and Jourdemayne were then brought before Eleanor, she claimed their magical activities had been an effort to give her a child—she had been barren throughout the years of her marriage.<sup>102</sup> What followed this declaration was a conviction on all counts. While the others involved in the charges faced execution, Eleanor was partially protected by her status as a highborn woman connected to the royal family, and merely faced public penance, divorce, and lifelong imprisonment.<sup>103</sup>

Noticeably, Eleanor's crimes are divided into two groups throughout—her crime of witchcraft, which could be dealt with by already extant church law, and was tried before an ecclesiastical court over a period of several days, with witnesses called, indictments read, and opportunities for defense offered, and that of her crime of treason, which was more difficult to deal with, held by scholars like Ralph Griffiths to be because there was no precedent for trying a peeress for treason.<sup>104</sup>

Eleanor served public penance at the behest of the bishops, involving two walks through London in her shift carrying a lighted candle, (a punishment notably used for prostitutes) but neither

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<sup>100</sup> *English Chronicle*, p. 58.

<sup>101</sup> *English Chronicle*, p. 58.

<sup>102</sup> *English Chronicle*, p. 59.

<sup>103</sup> It is worth noting how long the seriousness of her crime lingered in political awareness, because five years later in 1446 her name was the first mentioned as excluded from the general pardon being issued. See Dorset History Centre, D/WLC/F2. A general pardon.

<sup>104</sup> Griffiths, 'The trial', p. 399.

they nor the commission had the authority to punish her directly for her treason, and as already stated, she was never called before a jury of her peers, because there was no space within the law for a noblewoman to be thus tried. The lifetime imprisonment she was sentenced to was apparently an informal punishment ordered by the king, executed outside the strict limits of the law.<sup>105</sup> In the end, it was her lack of lay trial that was at the root of the commons' petition at the following parliament that solidified the concept that peeresses should be tried under the same laws and traditions as peers.<sup>106</sup>

Among all these women, the best example of familial identity and treason being linked is the case of Elizabeth Wydville and her mother, Jacquetta of Luxembourg. Jacquetta was the daughter of the Count of St. Pol, who became the second wife of John, duke of Bedford (second surviving son of Henry IV, making Joan of Navarre her stepmother-in-law and Eleanor Cobham her sister-in-law) in 1433, and she was described at the time as 'handsome, well made and lively'.<sup>107</sup> Jacquetta secretly and swiftly remarried after Bedford's death in 1435 one Sir Richard Wydville, described as 'a young man, very handsome and well made, but, in regard to birth, inferior...to herself.'<sup>108</sup>

The marriage was considered somewhat scandalous at the time, somewhat like Joan of Navarre's, defying the terms of her dower which forbade her remarriage without royal license, and which forced the couple to pay a £1,000 fine in recompense.<sup>109</sup> While Jacquetta had no children from her brief, first marriage, she and her second husband had an abundance of sons and daughters. It was one of these, of course, who became the famous Elizabeth Wydville, consort of Edward IV. Jacquetta, as a former duchess, apparently rode high in Margaret of Anjou's favor during the latter's tenure as queen before the Lancastrians began to lose political ground—Jacquetta and her husband are recorded as two of the company that escorted the young woman to England for her marriage,<sup>110</sup> and Jacquetta is recorded as receiving a gift from the queen on January 1 in 1447/8 amongst other favourites.<sup>111</sup> The Italian Carlos di Gigli, resident in London at the time, noted in a contemporary letter to Michaele Arnolfini of Bruges that she was one of the women involved with Margaret of Anjou's efforts to negotiate entry into London in February 1461,<sup>112</sup> and her husband was an active Lancastrian up to

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<sup>105</sup> *Original Letters Illustrative of English History*, ed. Sir H. Ellis (3 vols., London, 1825-46), i. 107.

<sup>106</sup> *PROME*, xi. 367-8.

<sup>107</sup> *Monstrelet*, i. 614.

<sup>108</sup> *Monstrelet*, ii. 46.

<sup>109</sup> *Monstrelet*, ii. 46.

<sup>110</sup> *GEC*, v. 20.

<sup>111</sup> A.R. Myers, 'The Jewels of Queen Margaret of Anjou,' *BJRL*, 42 (1959), pp. 113-131, at p. 114.

<sup>112</sup> *CSPM*, p. 50.

Edward IV's accession. Yet for all these powerful Lancastrian associations, Jacquetta was commonly held by contemporaries to have been involved in orchestrating the marriage between her daughter and the victorious Edward IV. The chronicler Fabyan for one asserts her presence at their unusual May day wedding as the sole witness of any significance.<sup>113</sup>

The glimpses caught of Jacquetta after her daughter's famous wedding show her in faithful attendance, first at the new queen's coronation,<sup>114</sup> and then at Elizabeth's luxurious churching in 1465, as related by the visiting Leo of Rozmital.<sup>115</sup> Yet Jacquetta was also the target for much dislike from many Londoners—she was the only woman singled out by the Kentish rebels of 1467 in their manifesto, accused of greed,<sup>116</sup> and her spat with Thomas Cook over a tapestry he refused to sell cemented her in public opinion as a woman of unseemly pride and avarice, which, again much like Joan of Navarre, may have been largely due to their similar status as foreigners.<sup>117</sup> Contrast this perception of her with the evident trust and respect the Londoners felt a mere six years earlier. The dowager duchess was a complex political figure, and her drastic shifts in social position made her alternately an object of love and hate to the people of England.

Significantly in this context, on 21 February 1470 Jacquetta found it necessary to lodge a formal complaint with the King's Council, stating that during Edward's recent imprisonment at the hands of Warwick and Clarence, during which time the would-be usurpers had executed both her husband Richard and her son John<sup>118</sup>, she had been accused by one of Warwick's men named Thomas Wake, who

in the time of the late trouble caused her to be brought in a common noise and slander of witchcraft...saying that an image of lead, made like a man at arms, of the length of a man's finger, broken in the middle, and made fast with wire, was made by her to use with sorcery.<sup>119</sup>

What is described here was something commonly known as image magic, and was a specific type of witchcraft which both Eleanor Cobham, and Margery Jourdemayne, the Witch of Eye, were accused of

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<sup>113</sup> Robert Fabyan, *The New Chronicles of England and France*, ed. H. Ellis (London, 1811), p. 654.

<sup>114</sup> *The Coronation of Elizabeth Wydvile, Queen Consort of Edward IV, on May 26<sup>th</sup>, 1465*, ed. G. Smith (London, 1935).

<sup>115</sup> *The Travels of Leo of Rozmital*, ed. M. Letts (Cambridge, 1935), pp. 46-7.

<sup>116</sup> *Three Chronicles of the Reign of Edward IV*, ed. J.O. Halliwell (Gloucester, 1988), p. 46.

<sup>117</sup> *The Great Chronicle*, p. 207.

<sup>118</sup> *Chronicles of London*, p. 180.

<sup>119</sup> *CPR 1467-77*, p. 190.



attempting to use to kill Henry VI. The idea not explicitly stated behind this charge, but certainly understood, is that this is theft of the king's free will, which would certainly fall under treasonable encroachment. Formal enrolments such as this were unusual, and speak to the serious light in which Jacquetta viewed this charge and the impact it could have had on her reputation and life. Jacquetta's association with treasonable witchcraft certainly lingered in public memory, as Fabyan discusses '[h]ow the kynge was enchanted by the Duchesse of Bedforde...' in his post-1485 chronicle.<sup>120</sup> The charge of witchcraft against Elizabeth some years later at the behest of the usurping Richard III would draw strongly from Jacquetta's brush with this accusation to cement the erstwhile queen firmly within a familial reputation of manipulative magic, greed, and inappropriate social conduct.<sup>121</sup> When Elizabeth's life and charges are perceived in context with her mother's, there exists the suggestion that a conviction (or even an accusation) of treason seems to have drawn strongly from extant contemporary social attitudes that treason was heritable.<sup>122</sup>

The marriage of Elizabeth was certainly scandalous. There were even rumors of illegitimacy surrounding Edward IV that were undoubtedly predominantly linked to their impromptu marriage. These date back to at least 1464, and possibly earlier.<sup>123</sup> Their secret wedding, only announced rather later by a king seeking to avoid an oblivious Warwick's commitments to the king of France, deeply upset Edward IV's peers. Waurin recounts the nobility's response thus:

...they answered that she was not his match, however good and however fair she might be, and he must know well that she was no wife for a prince such as himself; for she was not the daughter of a duke or earl, but her mother, the Duchess of Bedford, had married a simple knight, so that though she was the child of a duchess and the niece of the count of St Pol, still she was no wife for him.<sup>124</sup>

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<sup>120</sup> Fabyan, *New Chronicles*, p. 654.

<sup>121</sup> For further discussion on the way Jacquetta and Elizabeth's reputations intertwined, see Mudan Finn, *The Last Plantagenet Consorts*, p. 20. See below for further on this as well.

<sup>122</sup> It is interesting that in the early Tudor 'The most pleasant ballad of Lady Bessy', Elizabeth's daughter Elizabeth of York is attributed with certain magical powers of her own: it is said she 'cold write, & shee cold reede/well shee cold worke by prophesye.' Italics my own. 'The most pleasant song of Lady Bessy', in *Bishop Percy's Folio Manuscript: Ballads and Romances*, eds. J.W. Hales and F.J. Furnivall (London, 1868), ll. 17-18.

<sup>123</sup> Hicks, *False, Fleeting, Perjur'd Clarence*, pp. 162-3.

<sup>124</sup> Jean de Waurin, *Recueil des croniques et anchiennes istories de la Grant Bretagne*, ed. L.M.E. Dupont (3 vols., Paris, 1858-1863), ii. 327-8.

The Paston letters record the earlier attack made by a young Edward himself on the Wydville's bloodline:

[Richard Wydville's] father was but a squire and brought up with King Henry the Fifth, and sithen himself made by marriage, and also made lord, and that it was not his part to have language of lords, being of the king's blood.<sup>125</sup>

Polydore Vergil, despite writing far after the fact, sums up the general attitude with the grim statement that Edward IV was '[being] led by blind affection, and not by rule of reason.'<sup>126</sup>

All these judgements on Edward's marriage do, in fact, relate the charges of illegitimacy laid against him, albeit recorded much after the fact. Mancini actually suggests that this story is traceable all the way back to Edward's mother Cecily herself who upon hearing of her son's inappropriate marriage,

fell into such a frenzy, that she offered to submit to a public inquiry, and asserted that Edward was not the offspring of her husband the duke of York, but was conceived in adultery, and therefore in no wise worthy of the honour of kingship.<sup>127</sup>

As unlikely as that seems to be however, the interesting point is that the discussions of Edward's illegitimacy became linked to discussions concerning the unsuitability of his marriage over the years. A royal marriage to an 'appropriate' woman (usually defined as a young, virginal princess) was a key step in confirming a king's maturity and legitimacy.<sup>128</sup> By marrying a gentry-class widow and mother older than himself, Edward IV created room for his legitimacy as the Yorkist heir to be critiqued. Both of these marriages, then, albeit in different ways, opened these usurping monarchs up to the critique of their subjects in ways that had the potential to be very damaging.

Jacquetta and Elizabeth's dual changes in social status through marriage garnered them plenty of critique for transgressing the rules by which social classes were governed, much as it did their

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<sup>125</sup> *Paston Letters and Papers*, i. 162.

<sup>126</sup> Polydore Vergil, *Historia Anglia* (Menston, 1972), p. 117.

<sup>127</sup> Mancini, *The Occupation*, pp. 94-97. Other sources, however, rather state that Cecily complained bitterly about Richard III spreading such a slanderous story about her; Vergil, *Historia Anglia*, pp. 186-7.

<sup>128</sup> Laynesmith, *The Last Medieval Queens*, p. 30.

predecessor Eleanor Cobham's. Undoubtedly, these facets of their lives made them far more vulnerable to accusations of treason.

Elizabeth Wydeville's charge was still more blatantly political in nature, part of Richard III's determined attempt to officially delegitimize her children and cement his claim to the throne. The Parliament Rolls of 1484 declare that

And here also we conside howe that the seid pretended mariage bitwixt the abovenamed King Edward and Elizabeth Grey was made...also by sorcerie and wichecrafte committed by the said Elizabeth and hir moder Jaquet duchesse of Bedford, as the comon opinion of the people and the publique voice and fame is thorough all this land...<sup>129</sup>

Thus adultery, illegitimacy, witchcraft and treason are neatly linked in one parliamentary declaration by Richard III. Sir Thomas More, writing much later, details a dramatic scene in which Richard III presents his withered arm to his council and accused Elizabeth ('that sorceres'<sup>130</sup>) of being in league with Jane Shore ('that other witch'<sup>131</sup>) for attempting to destroy him. While the authenticity of the event is in question, Kavita Mudan notes that it allows More a chance to frame the accusation of witchcraft as nothing more than a political movement, further emphasizing the invalidity of the *Titulus Regis* and the legitimacy of Elizabeth of York.<sup>132</sup>

Elizabeth Wydeville was never demonstrably tried, convicted or punished in any way for any combination of witchcraft and treason under either Richard III or Henry VII. The reason her children were ultimately denounced as illegitimate was because of the infamous 'precontract claim', which stated that Edward IV had already been married to an entirely different beautiful English widow at the time of his marriage to Elizabeth Wydeville. In this she is entirely different from Joan. The largest impact it was likely to have had on her personally was to further encourage her stay in sanctuary. Nevertheless, it was an attempt to bring about the same effect as an attainder—a severance from dynastic identity and resources, much as Joan's was used just like an attainder to take her property into royal hands, one that for Elizabeth and her children was ultimately made unnecessary by the *Titulus Regis*.

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<sup>129</sup> *PROME*, xv. 15

<sup>130</sup> More, *The History of King Richard III*, p. 48.

<sup>131</sup> More, *The History of King Richard III*, p.48.

<sup>132</sup> K. Mudan, "'So mutable is that sexe'": Queen Elizabeth Woodville in Polydore Vergil's *Anglica historia* and Sir Thomas More's *History of King Richard III*', in *The Rituals ad Rhetoric of Queenship: medieval to early modern*, eds. L. Oakley-Brown and L. Wilkinson (Dublin, 2009), pp. 104-17, p. 114.

It is important to note, albeit briefly, that scholars have also debated the possible presence of treason later in Elizabeth's life, in the relatively early days of her son-in-law Henry VII's reign. Notably, in 1487, Henry VII transferred the dower properties he had re-granted the queen dowager following his accession to his wife Elizabeth of York.<sup>133</sup> Shortly afterwards, Elizabeth Wydville retreated to Bermondsey Abbey, from whence she appears to have stirred only once, for her daughter's second confinement in 1489.<sup>134</sup> Polydore Vergil described this retreat as a political punishment for collaborating with Richard III,<sup>135</sup> while the later Francis Bacon chose to interpret it as punishment for being involved with the treasonous revolt of Lambert Simnel.<sup>136</sup> However, there is evidence that Elizabeth was independently considering a life of retirement, suggested by a 1486 lease for a house within the grounds of Westminster Abbey.<sup>137</sup> As for the seizure of her property, Arlene Naylor Okerlund makes a series of valid points in noting the transfer began before the Simnel revolt was anything but a few reports of an imposter in Dublin, that Elizabeth's dower lands were needed to solidify the incomes of Henry's wife and newborn son Arthur, and that they were at least replaced by Henry VII with an immediate (if small) payment of 200 marks, followed by the establishment of a 400 mark annuity.<sup>138</sup> However, Elizabeth's funeral in 1492 was an odd affair for a queen dowager—cheap, brief and poorly attended,<sup>139</sup> which could suggest a certain level of disgrace. It is a difficult affair to read, and no real conclusions can be drawn from it concerning Elizabeth's possible involvement with treason late in her life. If it was treason, Henry VII chose to deal with it privately and informally, as Richard III did with Margaret Beaufort. Perhaps all that can be said is that there is no truly conclusive evidence, and that it was possibly true, with a punishment (if it was a punishment) similar to that of both Joan of Navarre and Eleanor Cobham following their convictions—a relatively genteel imprisonment, perhaps for life as in Eleanor's case, with property seized by the crown.

For both Elizabeth Wydville and 'Jane' Shore, their reputations as traitors were shaped mainly by insinuation, lacking official accusation, trial and conviction. However, they accrued to themselves the other aspect of treasonous royal women. 'Jane' Shore, although not strictly royal, was one of Edward

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<sup>133</sup> W. Campbell, ed., *Materials for a History of the Reign of Henry VII from Original Documents preserved in the Public Record Office* (2 vols., London, 1873-77), ii. 148-9.

<sup>134</sup> John Leland, *De rebus Britannicis Collectanea*, ed. T. Hearne, (6 vols., London, 1770), iii. 249-250.

<sup>135</sup> Vergil, *Anglica*, p. 19.

<sup>136</sup> Francis Bacon, *The History of the Reign of King Henry the Seventh*, ed. F.J. Levy (New York, NY, 1972), pp. 83-4.

<sup>137</sup> *Lease Book Number 1, 1486-1595*, Westminster Abbey, f. 9.

<sup>138</sup> A. Okerlund, *Elizabeth of York* (New York, NY, 2009), pp. 68-9; *Materials*, ii. 225, 319.

<sup>139</sup> A.F. Sutton and L. Visser-Fuchs, 'The Royal Burials of the House of York at Windsor: II. Princess Mary, May 1482, and Queen Elizabeth Woodville, June 1492', *Ricardian*, 11 (1999), pp. 446-62, at pp. 451-7.

IV's favorite mistresses, described as 'the merriest' of them in More's account.<sup>140</sup> Many of the elements surrounding royal female traitors also surrounded her, though she was not technically 'royal'. Her close association with the monarch and his friends Hastings and Dorset gave her some of the influence of a royal woman that she clearly enjoyed. She certainly used the intercessory power that was accorded to them. Maria Scott identifies this as a serious transgression of gender and social norms on her part,<sup>141</sup> aligning her with Margaret of Anjou's contravention of social roles and highlighting once more that royal women defined as treasonous usually challenged the status quo in some such way.

Jane was certainly adulterous, rather than merely surrounded by rumors of it as Eleanor, Margaret and Elizabeth were. She was, without a doubt, married to one William Lambert at the time of her association with Edward IV.<sup>142</sup> However the concerns surrounding her adultery would not have been involved with the broader national fears about the line of succession that made an adulterous queen such a dangerous notion, and that fact does play deeply into the accusation of treason leveled against her.

Her troubles with Richard III's efforts to cast her as a traitor are very similar to those of Elizabeth Wydville. Sir Thomas More describes the events surrounding her accusation, conviction, and punishment thus:

Now then by and be, as it were for anger not for covetise, the protector sent into the house of Shore's wife (for her husband dwelled not with her) and spoiled her of all that ever she had, above the value of 2 or three M. marks, and sent her body to prison. And when he had a while laid unto her for the manner sake, that she went about to bewitch him, and that she was of counsel with the lord chamberlain to destroy him: in conclusion when that no colour could fasten upon these matters, then he laid heinously to her charge, the thing that herself could not deny, that all the world wist was true, and that natheless every man laughed at to hear it then so suddenly so highly taken, that she was nought of her body. And for this cause (as a goodly continent prince clean and faultless of himself, sent out of heaven into this vicious world for the amendment of men's manners) he caused the bishop of London to put her to open penance, going before the cross in procession upon a Sunday with a taper in her hand.

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<sup>140</sup> More, *The History of King Richard III*, p. 54. For another royal mistress accused of witchcraft see *Chronicon Angliae 1328-88*, ed. E.M. Thompson (London, 1874), pp. 98-99 and its description of Alice Perrers' supposed snaring of Edward III's affection through magic in 1376.

<sup>141</sup> M. Scott, *Re-Presenting "Jane Shore": Harlot and Heroine* (Aldershot, 2005), p. 13.

<sup>142</sup> N. Barker, 'The Real Jane Shore, part 1', *Etoniana*, 125 (1972), pp. 383-391, at pp. 387-8.

In which she went in countenance and pace demure so womanly, and albeit she were out of all array save her kirtle only: yet went she so fair and lovely, namely while the wondering of the people cast a comely rud in her cheeks (of which she before had most miss) that her great shame won her much praise, among those that were more amorous of her body then curious of her soul. And many good folk also that hated her living, and glad were to see sin corrected: yet pitied they more her penance, then rejoiced therein, when they considered that the protector procured it, more of a corrupt intent then any virtuous affection.<sup>143</sup>

There are interesting parallels visible here between Jane's punishment and that of Eleanor Cobham. Neither were fully charged with treason, for instance. However, the law played upon their brushes with what was considered immorality to link whoredom and witchcraft together in public penance when accusations of treason could not be made to work to the accusing monarch's satisfaction. How closely these two cases mirror each other is actually quite fascinating—the public penance, the overlapping of accusations of treason and witchcraft, and the ultimate inability actually to try for treason. Richard III was cleverly using accusations that held overtones of treason to undercut legitimacy and authority in specifically gendered ways.

Margaret of Anjou is the only woman on this list to suffer the parliamentary process of attainder, as well as the only one to avoid accusations of witchcraft in her lifetime, perhaps because despite the many similarities between her life and the 'treasonous' women who both preceded and followed her, the treason she was perceived as having committed was based entirely on the drastic shift in dynasty that took place in 1461, and the attainder encompassed not only herself, but also Henry VI, their son Edward, and numerous of their supporters.<sup>144</sup> Margaret is, in many ways, in a class by herself in terms of treason.

Yet it is still intriguingly possible to trace similarities in elements within her life and some of those explored in the lives of Joan of Navarre, Eleanor Cobham and even Elizabeth Wydeville. Margaret certainly faced image issues similar to those of her predecessors. Joan's difficult experience with retaining her foreign-born attendants in the face of English hostility may have shaped the retinues of the French queens who followed her—Katherine of Valois reportedly only brought five attendants with her

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<sup>143</sup> More, *The History of King Richard III*, pp. 54-5.

<sup>144</sup> *PROME*, xiii. 47.

from France<sup>145</sup>, and Margaret brought only a handful across the channel.<sup>146</sup> Ironically however, what should have served to highlight her commitment to her new role as an English queen instead emphasized her penurious state and earned her criticism from her new subjects.<sup>147</sup> Like Joan, her foreignness made her an object of heightened wariness at a time when Franco-English relationships were especially sour, rather than the bridge to peace that the pageantry that celebrated her coronation hoped for.<sup>148</sup>

Another further notable element of Margaret's alienation from English society that contributed to her 'otherness,' and thus her traitorous charge, was the way in which she dealt with her husband's severe and ongoing mental collapse of the 1450s. Margaret came from a dynastic, continental tradition of women who often served as excellent regents for their absent or incapable men. Margaret's grandmother, Yolande of Aragon, was the mother-in-law of and *eminence grise* behind Charles VII, with whom Margaret spent seven years, 1435-1442.<sup>149</sup> Her mother, Isabelle of Lorraine, frequently acted as regent for the perpetually absent René of Anjou.<sup>150</sup> The examples of her grandmother and mother perhaps led Margaret to believe that a queen could confidently act as regent for her husband in England.<sup>151</sup> In France, however, this attitude towards women and their role as regent was one that was oddly enough protected by the Salic law. It reassured worried courtiers that no woman could ever actually assume authority on her own behalf, but only in the name of absent males. England however had no codified law that prohibited women from occupying the throne, and Margaret's 1453 claim to that type of political authority could have created an undesirable precedent for the realm.<sup>152</sup> Hence the famous description of her as 'a grete and stronge labourid woman, for she spareth noo peyne to sue

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<sup>145</sup> Thomas Walsingham, *Historia Anglicana*, ed. H.T. Riley (2 vols., London, 1862-4), ii. 335.

<sup>146</sup> Benet, *John Benet's Chronicle*, p. 190; A.R. Myers, 'The household of Queen Margaret of Anjou, 1452-3', *BJRL*, 40 (1958), pp. 391-431, at pp. 404-5. France was proving to have a long memory in terms of royal English and French marriages, because at the same time as Margaret's marriage to Henry VI was being negotiated, there was a popular poem circulating that 'scorned the 'tristes noces et des hymenees malheureux' that was the apparently ultimate and inevitable result of these unions. Griffiths, *The Reign of Henry VI*, p. 534 n.5.

<sup>147</sup> *Political, Religious and Love Poems*, ed. F.J. Furnivall (London, 1866), pp. 12-13; Richard Grafton, *History of England*, ed. H. Ellis (2 vols., London, 1809), i. 625.

<sup>148</sup> Laynesmith, *The Last Medieval Queens*, p. 82.

<sup>149</sup> Z. Rohr, *Yolande of Aragon (1381-1442) Family and Power: the Reverse of the Tapestry* (Basingstoke, 2016), p. 190.

<sup>150</sup> Rohr, *Yolande of Aragon*, p. 190.

<sup>151</sup> F. Hepburn, 'The Queen in Exile: representing Margaret of Anjou in art and literature', in *The Fifteenth Century, XI: Concerns and Preoccupations*, ed. L. Clark (Woodbridge, 2012), pp. 61-90, at p. 71.

<sup>152</sup> Mudan Finn, 'Tragedy, Transgression, and Women's Voices', p. 269.

hire things to an intent and conclusion to hir power' in a letter dated 9 February 1456.<sup>153</sup> When she demanded Coventry treat her with the traditional pageantry of a king in 1457/8, they were deeply upset by the way she was undercutting the perceived hierarchy of gender roles.<sup>154</sup>

Margaret was never associated with the rumors of sorcery that were occasionally affiliated with her husband's descent into madness. The primary example of these rumors were two approvers from Southwark who suggested it was magic that caused Henry's collapse in 1453, one blaming a group of Bristol merchants, the other the then-imprisoned Lord Cobham.<sup>155</sup> The closest to an association with magic that Margaret came was in Pius II's comparison of Margaret with Joan of Arc, even giving the queen a spirited speech in which she creates the comparison herself:

...prior ego in fronte pugnabo, prior tela excipiam, prior aduersantes cuneos penetrabo  
secura...sequimini reginam, qui puellam aliquando rusticam secuti estis!<sup>156</sup>

However, while Joan of Arc was briefly accused of witchcraft, she was ultimately convicted of heresy, the witchcraft charge fairly insignificant to her trials.<sup>157</sup> Even if it were not, Pius II's praise would not have encompassed a charge laid against Joan by her acrimonious captors, not when the pope perceived her as a 'mirabilis et stupenda virgo'.<sup>158</sup> While later writers, such as Shakespeare, became interested in the dramatic possibilities of linking a witchy Joan of Arc with a curse-spitting Margaret of Anjou, contemporaries simply did not see the Lancastrian queen in that light.

However, she did undergo a systematic shredding of her reputation, in which her role as an adulteress and her son as a bastard became the Yorkist party line. The adulterous queen as a trope, as has already been discussed, was a classic way to align a queen with illegitimate authority, a sense of weakened dynasty, and treason. Like Eleanor, Margaret struggled with barrenness, albeit only for eight years, and she garnered critique for her apparent inability to bear an heir, as evidenced in this 1448

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<sup>153</sup> *Paston Letters and Papers*, iii. 162.

<sup>154</sup> J.L. Laynesmith, 'Constructing Queenship at Coventry: Pageantry and Politics at Margaret of Anjou's "Secret Harbour"', in *The Fifteenth Century, III: Authority and Subversion*, ed. L. Clark (Woodbridge, 2003), pp. 137-48, at p. 147.

<sup>155</sup> TNA, KB 9/273 mm. 2, 7.

<sup>156</sup> 'I will fight at the forefront. I will be the first to receive their weapons. I will be the first to charge their advancing columns—and without fear...*You who once followed a peasant girl, follow now a queen.*' Pius II, *The Commentaries of Pius II*, trans. F. Gragg (Northampton, 1951), 9:580. Italics my own.

<sup>157</sup> J. Russell, *Witchcraft in the Middle Ages* (London, 1972), pp. 261-2.

<sup>158</sup> Pius II, *Comentarii rerum memorabilium que temporibus suis contigerunt*, ed. A. Van Heck (Vatican City, 1984), 387:24.



comment from an anonymous felon on the Isle of Thanet that ‘our quene was none abyll to be Quene of Inglnge, but and he were a pere of, or a lord of this realme he would be on of thaim that schuld helpe to putte her a downe, for because that sche bereth no child, and because that we have no prynces in this land.’<sup>159</sup> Once she did give birth to a son however, things did not get easier. Margaret was apparently struggling with accusations that the boy was a changeling by the late 1450s, at least as recorded by Benet in the 1460s.<sup>160</sup> While this was mainly an effort on behalf of Yorkist interests to delegitimize the Lancastrian heir, and outright accusations of adultery only came much later,<sup>161</sup> it played on these associations of barrenness as a treasonous association, continually emphasizing her failure to produce what was perceived as a legitimate heir, and thus undercutting her efforts to acquire authority for both herself and her son in the wake of Henry VI’s collapse as a political leader. Notably in her attainder, Edward is referred to only as ‘her son’, suggesting again both a desire to isolate Edward from the Lancastrian heritage, and a reinforcement of the idea of Margaret’s adultery.<sup>162</sup> These accusations of bastardy are interesting, particularly when regarded in context with the similar accusations laid against both Edward IV and his children in later years, discussed later in this chapter. The mounting obsession with dynastic legitimacy here foreshadows Henry VIII’s quest for a son seventy years in the future.

For Margaret, ultimately, these concepts of witchcraft or adultery are merely tangential to her charge of treason. Instead, Margaret’s inclusion in the 1461 attainder acknowledges her as one of the key Lancastrian sources of power, as well as admitting the very real problem she posed for the new regime. In a sense, her absence from the country also allowed the Yorkists to sidestep the question of what to do actually with a royal woman defined as treasonous and merely draw from the Lancastrian precedence the attainder of Alice, countess of Salisbury in the previous decade had set. When Margaret was finally in their power, in the wake of the deaths of both her husband and son, Edward IV could merely remand her into the care of her friend the duchess of Suffolk, until ransom was arranged with Louis XI. As has been noted by her biographers, without either source of Lancastrian masculine authority, she was effectively toothless, and her status as a traitor required no real wariness.<sup>163</sup>

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<sup>159</sup> Royal Commission on Historical Manuscripts, *Fifth Report* (London, 1876), p. 455.

<sup>160</sup> Benet, *Benet’s Chronicle*, p. 26.

<sup>161</sup> Benet, *Benet’s Chronicle*, p. 216; *English Chronicle*, p. 79; *Six Town Chronicles of England*, ed. R. Flenley (Oxford, 1911), pp. 140-1. See also *Historical Poems of the XIVth and XVth Centuries*, ed. R.H. Robbins (New York, NY, 1959), p. 224: ‘It ys right a gret abusyon,/A woman of a land to be a Regent –/ Qwene margrete I mene, that ever hath ment/To gouerne all engeland with might and poure, /And to destroye the Ryght lynne was here entent.’ Italics mine.

<sup>162</sup> *PROME*, xiii. 47.

<sup>163</sup> Maurer, *Margaret of Anjou*, p. 211.

Nonetheless, it was included in the reversal of the attainders which Henry VII found necessary to enact at the start of his reign, even though it took place long after her death.<sup>164</sup>

Constance, Lady Despenser's treason stands rather on its own as well. While her interaction with treason is addressed predominantly in the final chapter of this thesis, it is important to pause here and note what it is that her case says overall about gender and treason. Her treason was significantly earlier than any of the cases discussed above, taking place in 1405. She kidnapped the two Mortimer boys, and potential claimants to the throne, from royal custody in an effort to deliver them to the Owen Glyn Dwr revolt then taking place in Wales. Following her capture, she was 'brought before the lords of the realm as Westminster'.<sup>165</sup> She promptly accused her brother the duke of York of being behind the plot, but there was no official charge of or trial for treason for either of them. Instead she was held at Kenilworth until the middle of the next year, before being pardoned, as Given-Wilson describes it, in 'a considerable act of grace on Henry's part'.<sup>166</sup> In many ways, the informality with which her treason was approached by the government resembles Joan of Navarre's later treatment—the accusation, the lack of trial, the informal imprisonment, and the eventual restoration of property. Constance thus reflects an early stage in fifteenth-century methods on dealing with female royal traitors, which seems to be mostly defined by an uncertainty how, or perhaps an unwillingness to, formally convict and punish.

### **Anne Boleyn**

While Anne Boleyn is by no definition a late medieval queen, her trial for a mixture of treason, adultery and witchcraft in 1536 is so clearly a perfect adjunct to this discussion, she must be included in this chapter. If nothing else, she effectively demonstrates the culmination of the evolving way in which witchcraft and treason were linked together in the cases of royal women in the late medieval era.<sup>167</sup>

Anne Boleyn's rise in Henry VIII's favour is so famous—and infamous—it requires no repetition here. Greg Walker sums up the debate around her fall succinctly in his statement '[i]n the past two decades her spectacular fall in May 1536 has been attributed to factional intrigue, diplomatic

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<sup>164</sup> Maurer, *Margaret of Anjou*, p. 208.

<sup>165</sup> Given-Wilson, *Henry IV*, p.264.

<sup>166</sup> Given-Wilson, *Henry IV*, p. 265.

<sup>167</sup> For the full contemporary record of her trial, as well as the trials of the men accused of committing adultery with her, see TNA, KB 8/9; TNA, KB 8/8.

manoeuvring, theological battles, and supernatural paranoia...<sup>168</sup> What exactly prompted her arrest—be it actual adultery or merely a king's desire to rid himself of a wife unable to bear him sons—has proved impossible to untangle. So here, instead, the focus shall be on the legalities surrounding her fall, and the way her arrest and trial aligns—or fails to—with the English queens perceived as treasonous who preceded her.

The string of events started with the arrest of court musician Mark Smeaton on 30 April, and his transfer to the Tower the following day.<sup>169</sup> By 2 May, Henry Norris, the chief gentleman of the king's privy chamber, had joined him.<sup>170</sup> Later that day, both the queen and her brother George, Viscount Rochford, were arrested. On 4 May, four more members of Henry VIII's privy chamber were arrested—William Brereton, Sir Francis Weston, Sir Richard Page, and Sir Thomas Wyatt—while a fifth, Sir Francis Bryan was interrogated and then released. Henry VIII decided against the use of parliamentary attainder, instead choosing trial for the accused, and apparently postponing parliament to avoid Anne and Rochford being tried in the House of Lords.<sup>171</sup> A grand jury was summoned 9 May, which indicted everyone but Page and Wyatt for adultery with the queen. Everyone but Anne and Rochford were tried on 12 May before commissions of oyer and terminer and found guilty. Anne and Rochford were tried 15 May before a court of their peers,<sup>172</sup> perhaps in reference to the fact that Anne had been made marchioness of Pembroke in her own right before her marriage. The trial itself was presided over by the lord steward, the duke of Norfolk, according to law, in the King's Hall at the White Tower. They were also found guilty. Only Smeaton had admitted to the crime.<sup>173</sup> On 17 May, Brereton, Weston, Page,

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<sup>168</sup> G. Walker, 'Rethinking the Fall of Anne Boleyn', *The Historical Journal*, 45 (2002), pp. 1-29, p. 2. For the long-running discussion of Anne's fall, see E.W. Ives, 'Faction at the court of Henry VIII: the fall of Anne Boleyn', *History*, 57 (1972), pp. 169-88; R.M. Warnicke, 'The fall of Anne Boleyn: a reassessment', *History*, 70 (1985), pp. 1-15; E.W. Ives, *Anne Boleyn* (Oxford, 1986); R.M. Warnicke, 'Sexual heresy at the court of Henry VIII', *Historical Journal*, 30 (1987), pp. 247-68; R.M. Warnicke, *The Rise and Fall of Anne Boleyn: family politics at the court of Henry VIII* (Cambridge, 1989); G.W. Bernard, 'The fall of Anne Boleyn', *EHR*, 106 (1991), pp. 584-610; E.W. Ives, 'The fall of Anne Boleyn reconsidered', *EHR*, 107 (1992), pp. 651-64; G.W. Bernard, 'The fall of Anne Boleyn: a rejoinder', *EHR*, 107 (1992), pp. 665-74; R. M. Warnicke, 'The fall of Anne Boleyn revisited', *EHR*, 108 (1993), pp. 653-55.

<sup>169</sup> T. Amyot, 'A memorial from George Constantyne to Thomas, Lord Cromwell', *Archaeologia*, 23 (1831), pp. 50-78, p. 64.

<sup>170</sup> Amyot, 'A memorial', p. 64.

<sup>171</sup> Warnicke, *Elizabeth of York and Her Six Daughters-in-Law*, p. 218.

<sup>172</sup> 'Charles duke of Suffolk, Hen. marquis of Exeter, Will. earl of Arundel, John earl of Oxford, Hen. earl of Northumberland, Ralph earl of Westmoreland, Edw. earl of Derby, Hen. earl of Worcester, Thos. earl of Rutland, Rob. earl of Sussex, Geo. earl of Huntingdon, John lord Audeley, Thos. lord La Ware, Hen. lord Mountague, Hen. lord Morley, Thos. lord Dacre, Geo. lord Cobham, Hen. lord Maltravers, Edw. lord Powes, Thos. lord Mount Egle, Edw. lord Clynton, Will. lord Sandes, Andrew lord Wyndesore, Thos. lord Wentworth, Thos. lord Burgh, and John lord Mordaunt.' *LP*, x. 876 (6).

<sup>173</sup> Walker, 'Rethinking the Fall', pp. 4-5; Ives, *Anne Boleyn*, p. 383.

Wyatt and Rochford were executed. On 19 May, it was Anne's turn, a swordsman brought especially from the continent to cut off her head,<sup>174</sup> the king having selected from either burning or beheading as her punishment.<sup>175</sup>

Anne's indictment read thus:

whereas Queen Anne has been the wife of King Henry VIII for three years and more, she, despising her marriage, and entertaining malice against the king, and following daily her frail and carnal lust, did falsely and traitorously procure by base conversations and kisses, touchings, gifts, and other infamous incitations, divers of the king's daily and familiar servants to be her adulterers and concubines, so that several of the king's servants yielded to her vile provocations.<sup>176</sup>

The word 'traitorously' here is key, since it links back to the beginning of this chapter, and the question, did queenly adultery constitute *legal* treason at this time on behalf of the queen? The answer is no, in regards to Anne it did not, considering that Henry VIII found it necessary to pass a statute making this explicitly true following the execution of his fifth wife, Katherine Howard.<sup>177</sup> Instead, Henry was forced to claim that from Anne's actions he 'took such inward displeasure and heaviness...that certain harms and perils have befallen his royal body',<sup>178</sup> which *was* treasonous. By quoting references to conversations where she had accused her supposed lovers of wishing to marry her if the king should die, the argument could be made they had been compassing his death.<sup>179</sup> Furthermore, Bellamy notes 'the deeds of the queen and her friends were described as being to the danger of Henry's person and to the dangers of his and Anne's issue and heirs...',<sup>180</sup> which could be a reference to the act of 1352, the act of 1534, the first succession act, or all of them.<sup>181</sup> In the end, however, the only thing that becomes clear from this is, in fact, the confusion surrounding the efforts to make queenly adultery treasonous when it was only explicitly so in Malory's fictional world of Camelot.

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<sup>174</sup> Warnicke, *The Rise and Fall of Anne Boleyn*, p. 196.

<sup>175</sup> *LP*, x. 876 (8).

<sup>176</sup> *LP*, x. 876 (7).

<sup>177</sup> *SR*, 33 Hen. VIII c. 23, iii. 863-4.

<sup>178</sup> *LP*, x. 876 (7).

<sup>179</sup> Bellamy, *Tudor Law*, p.38. See TNA, KB 8/9, mm. 18, 21; *LP*, x. 782.

<sup>180</sup> Bellamy, *Tudor Law*, p.40.

<sup>181</sup> Bellamy, *Tudor Law*, p.40.

However, Anne was not only cast as the classic adulteress in this effort to condemn her for treason—Chapuys records in his letter to the Emperor dated 29 January 1536:

both [his informers'] had heard from the lips of one of the principal courtiers that this King had said to one of them in great secrecy, and as if in confession, that he had been seduced and forced into this second marriage by means of *sortileges and charms*, and that, owing to that, he held it as nul.<sup>182</sup>

This Chapuys finds 'incredible,'<sup>183</sup> but considered in context with previous efforts to convict English queens for treason, an accusation of witchcraft is absolutely unsurprising. Retha Warnicke further argues that the seductions Anne was accused of having practiced on the five men indicted with her were done 'in witchlike fashion,' suggesting the seductive practices of demonic women, as well as suggesting that there is a significance attached to the dates of the arrests of the accused which fall mostly around the potentially pagan-associated 1 May, although her arguments are not satisfactorily supported by external evidence.<sup>184</sup> The witchcraft accusation never made it into the surviving official indictments, although one has to wonder if it appeared in the records of the annulment process, which do not survive. Just as when Richard III accused Elizabeth Wydville of witchcraft, if it could be proved that Anne had seduced the king through the use of magic, the marriage became invalid.<sup>185</sup> Regardless, the existence of this accusation, noted however briefly, is nonetheless interesting. It highlights a continuity of thought and tradition between what is commonly defined as the 'late medieval' and the 'early modern' period, bringing Paul Strohm's commentary on the portrayal of Lancastrian women not only into the Yorkist dynasty, but all the way into the age of the Tudors.

## Conclusion

These royal women held authority in a world that was frequently hostile to powerful females. It also made them especially complex to deal with in terms of treason as the inconsistent methods of

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<sup>182</sup> *C[alendar] [of] S[tate] P[apers,] S[pain]*, V pt ii: *January 1536-June 1538*, ed. P. de Gayangos (London, 1888), item 13. Italics mine.

<sup>183</sup> *CSPS*, V pt ii, item 13.

<sup>184</sup> Warnicke, *Rise and Fall of Anne Boleyn*, p. 203.

<sup>185</sup> Wanicke, *Elizabeth of York and Her Six Daughters-in-Law*, p. 219.

conviction and punishment for their treason over the century prove. Their interactions with treason over the decades prove just how flexible and undefined treason could be in the late medieval era, and on into the early modern. Furthermore, in keeping with the broader observations of this thesis about the heritable nature of treason, it becomes apparent that frequently royal women accused of treason were in some way associated with other women accused of treason, usually royal themselves. This is evident in the number of varied links between the women discussed here. Joan of Navarre had interceded for Maud de Vere in one of her first acts as queen of England, and apparently maintained a friendship with Eleanor Cobham. Joan and Eleanor were respectively the stepmother-in-law and sister-in-law of Jacquetta of Luxembourg. Jacquetta was closely associated with her daughter Elizabeth Wydville, who was linked with 'Jane' Shore in turn.

The main issue revealed in this chapter about gendered attitudes towards treason in the royal family is the difficulty there was in trying these women legally. Informal hearsay was the predominant style under which they suffered accusation rather than formal charge, and arrest rather than legal trial the method by which these rumours were dealt with. Even when official charge, trial and conviction were used, the process was involved and uneasy, with many technical complexities, as in the 1441 trial of Eleanor Cobham. The aftereffects of these treasonable accusations varied from woman to woman—for Joan, it left her forever struggling to regain the entirety of her assigned English property. For Eleanor, it meant life imprisonment. For Constance it meant nearly nothing at all. For each woman, the treason—the action itself, the accusation, the formal or informal means by which she was convicted, the punishment and life afterwards—were all incredibly diverse, tailored to each woman's complex role in an equally complicated political scenario. Even so, similar threads can sometimes be glimpsed running between each case—social and familial links between the women, accusations of adultery and witchcraft, or a status as an outsider, whether it be from being a transplanted foreigner or a woman who had married outside her class. Lady Constance Despenser, though not significantly addressed in this chapter, will serve as an excellent study of many of these elements brought into closer focus in the later chapter on the house of York, as well as proving an interesting study of the way actual possession of Plantagenet blood altered reactions towards her treason, as well as proving how the treason of royal women contribute significantly to understanding other elements of fifteenth-century royal treason beyond its gendered nature.

Comparing and contrasting these royal treasonous women has helped to create a context within which to view their rather unusual cases and better understand not only how treasonable royal women were perceived and treated, but has also thrown into stronger relief the ways in which their masculine

counterparts were treated differently. In so doing, the ways in which kings struggled to coherently cope with the issue of treasonable royal women are also brought to the fore, highlighting that the reactions towards treasonous royal women were ultimately a complex range of developments throughout the century. These shifts reflect changes in social attitudes towards treason, law, family, women, power and faith that are key to understanding the conflicts of the fifteenth-century.

## Chapter Three Reflections of Fear: Treason in Late Medieval Mirrors for Princes

### Introduction

Late medieval literature is an especially interesting area to explore in the context of studying treason within the royal family. What the written word contained could make its very creation an act of treason, as in the cases of John Holton's bills criticizing Henry VI in 1456 and William Collyngbourne's verses deriding Richard III in 1484, which resulted in both men being prosecuted as traitors.<sup>1</sup> However, aside from potentially *being* an act of treason, texts could also reflect contemporary perspectives *on* treason, which in fifteenth-century English literature frequently meant perspectives on how treason took place within royal families specifically. These were often the product of a patron's commission, possibly composed or translated for socio-political reasons beyond the sheer value of entertainment. Therefore, the writing which was given this patronage often reflected the specific interests or values of the families or individuals (who were themselves sometimes royal) involved in their creation as well, adding yet further nuance to the presence of treason in the text. It is also worth considering the audience which received the work—who owned the text? At what period of time? What was its significance as an educational, entertaining or symbolic work in this context?

What becomes evident when considering all these factors is the sheer complexity surrounding an attempt at analysis of treason in late medieval English literature, which is in turn only exacerbated by the number of original or translated texts produced between the years 1399 and 1509. Additionally, the sheer variety and complexity of literature produced makes it impossible to adequately analyze them in one chapter. Instead, here this work will seek to examine the genre that most closely interacted with and attempted to shape the fifteenth-century kingly role, even as it simultaneously reflected current events and contemporary attitudes which increasingly involved commentary and concerns on treason in the royal family—the *Furstenspiegel*, or mirrors for princes genre.

The genre of the mirrors for princes was perhaps one of the most popular literary types of the late medieval era in western Europe, with examples of these texts appearing not only in the libraries of rulers, but as well in those of their subjects—nobility and gentry, male and female. Mirrors for princes are perhaps best defined as containing 'a theory of government; personal advice to the ruler on the

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<sup>1</sup> J. Ferster, *Fictions of Advice: the Literature and Politics of Counsel in Late Medieval England* (Philadelphia, PA, 1996), p. 34.



conduct of his public career; and a more or less spirited contrast between the good king and the tyrant...<sup>2</sup>, and tend to fall within three types of content—‘biographies of famous men emphasizing their government and deeds....idealised, literary biographies of historical figures...[and] works that discuss theoretical rules and norms...’<sup>3</sup> However, Jean-Philippe Genet notes the difficulty in clearly and effectively categorizing works into the mirrors for princes genre, especially considering the latter’s place within the broader and equally complex body of works on political theory, which returns us to the sheer complexity, almost impossibility, of effectively delineating medieval genres in the effort to focus solely on one.<sup>4</sup>

As Catherine Nall astutely notes, ownership of a text does not necessarily imply readership,<sup>5</sup> but Ulrike Graßnick is also valid in stating that just commissioning and owning copies of these works increased a monarch’s symbolic capital of good kingship, whether they were consulted or not.<sup>6</sup> Therefore it might be argued that with the increasingly rapid shifts in dynasty, the need to offer both the advice and symbolic legitimacy of a mirror for princes to a man not necessarily born to be a king became more important, even as it can be difficult to in fact measure the actual impact of these texts on royal attitudes and decision-making. Nonetheless, the information and attitudes they present, the insight they offer when their role in the complex web of patronage is considered, the patterns of inheritance sometimes traceable in their ownership, and ultimately the socio-political context of their creation and (potential) reading offer insights into this significant intersection between treason, the royal family and memory.

English texts in this era constantly melded genres, as modern readers would define them. Given-Wilson notes that romances ‘also embodied political and moral advice...about...crusading and the necessity for wisdom and statecraft as well as heroism and prowess’.<sup>7</sup> In that vein, romances were often, if not always, also chivalric instructional guides, as in Sir Thomas Malory’s *Le Morte D’Arthur* and

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<sup>2</sup> J. Mason, *Gentlefolk in the Making: Studies in the History of English Courtesy Literature, 1531-1774* (New York, NY, 1971), p. 10.

<sup>3</sup> A. F. Sutton and L. Visser-Fuchs, *Richard III’s Books* (Stroud, 1997), p. 107 n.4. See also B. Singer, *Die Fürstenspiegel in Deutschland im Zeitalter des Humanismus und der Reformation* (Munich, 1981), pp. 15-18.

<sup>4</sup> J.P. Genet, ‘General Introduction’, in *Four English Political Tracts of the Later Middle Ages*, ed. J.P. Genet, Camden, 4<sup>th</sup> ser., 18 (London, 1977), pp. i-xix, at p. xi.

<sup>5</sup> C. Nall, *Reading and War in Fifteenth Century England: from Lydgate to Malory* (Cambridge, 2012), p. 47.

<sup>6</sup> U. Graßnick, ‘“O Prince, desire to be honourable”: The Deposition of Richard II and Mirrors for Princes’, in *Fourteenth Century England IV*, ed. J.S. Hamilton (Woodbridge, 2006), pp. 159-74, at p. 166.

<sup>7</sup> C. Given-Wilson, ‘Chivalric Biography and Medieval Life-Writing’, in *Barbour’s Bruce and its Cultural Contexts: politics, chivalry and literature in Late Medieval Scotland*, eds. S. Boardman and S. Foran (Cambridge, 2015), pp. 101-17, at p.116.

the prose *King Ponthus and Fair Sidone*. Manuals on good knighthood can also function as directives for exemplary styles of kingship, as evidenced in Ramon Llull's cornerstone of chivalric understanding *The Book of the Order of Chivalry*.<sup>8</sup> Mirrors for princes themselves are frequently compilations of vignettes from the lives of kings and heroes which, while functioning as object lessons, also borrow heavily from tales of romance (with their attendant chivalric elements), as with John Lydgate's *The Falls of Princes* and Thomas Hoccleve's *The Regiment of Princes*.

It is important to understand that for these mirrors for princes under study here, treason became progressively more of a central issue as the fifteenth-century progressed, as Leitch notes; there was an increasingly crumbling sense of social stability and faith in government control after Henry VI's relatively stable minority, reflected in 'a darkening of the literary treatments of treason.'<sup>9</sup> She notes that the difference is presented in as short a time span as that between Lydgate's *Troy Book*, completed 1420, and his 'darker' *Fall of Princes*, completed 1438.<sup>10</sup> Treason in *Troy Book* is much less of a political crime and much more of a social one, aligning with Leitch's conclusions about treason in medieval romance.<sup>11</sup> 'Tresoun' as a word here tends to describe any kind of betrayal, and often appears as descriptor of an internal series of hidden negative thoughts—an intention to do harm rather than a specific action. Thus, Jason's usurping uncle hides treasonous thoughts about his nephew behind a friendly smile, and women conceal their treasonous natures beneath blushing cheeks.<sup>12</sup> Almost entirely separate from treasonous actions is Lydgate's brief nod to the theme of destructive familial cycles and blood feuds—'of sparkys that ben of syghte smale / Is fire engendered that devoureth al'<sup>13</sup> he notes of the medieval tradition in which Lamedon's discourtesy to Jason leads Jason to sack Troy, which in turn leads Priam to instigate the kidnapping of Helen, and the second, ultimate fall of Troy. This cycle is not explicitly linked with any type of treason, and while Lydgate may make a very interesting protest against the murder of kings ('Whi wiltow nat of equite and ri3t/Punishe and chastise so horrible a þing,/And specialy þe mordre of a king?'<sup>14</sup>), he does not make its ramifications a central thread of his narrative. *Fall*

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<sup>8</sup> With the attendant significant relationship between treason and chivalry ever-present. As Leitch notes, 'Treason is effectively the antithesis of chivalry in this cultural imaginary...' which makes every study of chivalry in many ways just as much a study of its opposite. Leitch, *Romancing Treason*, pp. 2-3.

<sup>9</sup> Leitch, *Romancing Treason*, p. 8.

<sup>10</sup> Leitch, *Romancing Treason*, p. 8.

<sup>11</sup> Leitch, *Romancing Treason*, p. 4.

<sup>12</sup> John Lydgate, *Troy Book*, ed. H. Bergen, Early English Text Society Extra Series, xcvi (4 vols., London, 1906-1935), i. 17, l. 188; Lydgate, *Troy Book*, i. 68, l. 1898.

<sup>13</sup> Lydgate, *Troy Book*, i. 34, l. 785.

<sup>14</sup> John Lydgate, 'Troy Book: Book 5', in *Troy Book: Selections*, ed. R. Edwards (Kalamazoo, MI, 1998), as published online at [<https://d.lib.rochester.edu/teams/text/edwards-lydgate-troy-book-book-5>], ll. 1048-1050.

of *Princes*, discussed in depth below, has a much darker interpretation of treason and its heritable nature.

This is understandable. Loyalty, as a fundamental building block for socio-political stability, was deeply engrained within the concept of service to one's lord, lady and God.<sup>15</sup> It can also be argued that this list actually erases a fourth significant object of loyalty—the family. Chivalric identity was tightly tied to a sense of noble birth by the fifteenth-century as Keen notes, particularly in that 'family traditions of honour and privileged position founded in past achievement' were fundamental for shaping an individual's sense of nobility and its attendant concept of chivalry.<sup>16</sup> Betrayal of any of these ideals could ultimately result in a loss of chivalric identity and a direct fall from social grace, and the loss of these on a broader social spectrum triggered serious shifts in social attitude, particularly when presented in the high-profile context of the royal family. It is worth noting these three—potentially four—loyalties could easily come into conflict with each other, furthering Leitch's and Bellamy's commentary that treason, while perhaps best legally understood as a vertical event, was also a horizontal, social construct building from Anglo-Saxon tradition.<sup>17</sup> Not even—or perhaps, especially not—kings were exempt from these complex demands of loyalty. Beverly Kennedy convincingly argues that kings were expected to shape identities as enactors of good chivalry,<sup>18</sup> which might be surprising to those more familiar with later Machiavellian ideas. Kennedy primarily draws convincing support for this idea from Gilbert Hay's fifteenth-century Scottish translation and expansion of Ramon Llull:

For and Emperouris kingis and princis had nocht annex to tham the ordre of knyghtode, with the vertues and propereteis, and nobiliteis, langand to the said ordre, thai war nocht worthy to be Emperouris, kingis, na princies<sup>19</sup>

he translates, and then adds,

For suppose the office be gretare, the ordre is ylyke ane in kingis and in knyghtis, as prestehede is ylyke of degree, bathe in pape, cardynale, and patriarche, alsmeikle is it in a symple preste.<sup>20</sup>

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<sup>15</sup> See Keen, *Chivalry* for the development and linking of these ideas throughout the medieval period.

<sup>16</sup> Keen, *Chivalry*, p. 160.

<sup>17</sup> Leitch, *Romancing Treason*, p. 4; Bellamy, *The Law of Treason*, pp. 13, 209-210.

<sup>18</sup> Kennedy, *Knighthood*, pp. 20-21.

<sup>19</sup> Gilbert Haye, *The Buke of the Order of Knichthod*, in *Gilbert of the Haye's Prose Manuscript (AD 1456)*, ed. J.H. Stevenson (2 vols., Edinburgh, 1901-1914), ii. 67.

<sup>20</sup> Haye, *The Buke*, p. 67.

This unity between the elements of kingship and chivalry, and thus its defining relationship with treason, is further evidenced by the fact the earliest (and for a long time, the only) English mirror—John of Salisbury’s *Policraticus*, dedicated to the future educator of Henry the Young King, Thomas Becket—devotes books four and five to kingship, with the following sixth book focused on knighthood. The sequential nature of the texts suggests a link between the two roles.<sup>21</sup> Similarly, the romance *King Ponthus and the Fair Sidone* and the various Arthurian texts are simultaneously didactic manuscripts focusing on the behaviour of one who is both the ideal king and ideal knight.<sup>22</sup> This apparently interactive, formative relationship between the three notions—chivalry, treason and kingship—supports the idea that the advice manuals of the era offer insights into how relationships between conceptualizations of treason and family in royal dynasties were shaped, for both the monarchy itself and the aristocracy on which it was built.

Regardless of precise definition—whether *Furstenspiegel*, romance, or chivalric manual—advice texts for kings are significant, if complex, tools in understanding how medieval monarchs and their subjects conceptualized the intersections between treason and family. They are particularly noteworthy when considering this late medieval intersection between the royal family, memory and treason, because the fifteenth-century saw the birth of a tradition of mirrors for princes in England that had hitherto been primarily restricted to importation from France.<sup>23</sup> This is ultimately unsurprising, considering that with the illness of Edward III, the minorities of Richard II and Henry VI, and finally the latter’s ultimate mental collapse, advising and educating a king had never become so visibly and increasingly necessary in medieval England.<sup>24</sup>

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<sup>21</sup> Orme, *From Childhood to Chivalry*, p. 88.

<sup>22</sup> *King Ponthus and the Fair Sidone*, ed. F.J. Mather, Jr., *Publication of the Modern Language Association*, 12 (1897), pp. i-lxvii, 1-150.

<sup>23</sup> Orme, *From Childhood to Chivalry*, pp. 98-9.

<sup>24</sup> Ferster, *Fictions of Advice*, p. 68. See also Watts, *Henry VI*, pp. 51-6; Wolffe, *Henry VI*, pp. 14-5; Griffiths, *The Reign of Henry VI*, pp. 240-2.

## A Brief Historiography of Treason and Literature

Until fairly recently, scholars have considered the fifteenth-century a literary wasteland, with Chaucer on one side, Shakespeare on the other, and the brief bright spot of Malory more or less in the middle.<sup>25</sup> This is a mindset historians like Megan Leitch, Alessandra Petrina, Craig Taylor, Catherine Nall and Jenni Nuttall are challenging, arguing for the greater significance of and appreciation for the literary output of the century, including advice works like the much-maligned poetry of John Lydgate, Hoccleve's *Regiment of Princes* and vernacular romances like *King Ponthus and the Fair Sidone*.<sup>26</sup> Thus they build away from Roberto Weiss's dismissive, if seminal, take on the worth of late medieval English literature.<sup>27</sup> The significance of these texts in the broader socio-political spectrum—specifically in their relationship to treason in the royal family—is also, however, emphasized in the writing of scholars like Rundle, who notes the capital of perceived authority and wisdom extensive libraries granted,<sup>28</sup> as well as in the doctoral thesis of Margaret Kekewich, who actively contextualizes the English mirrors for princes within their contemporary environments.<sup>29</sup> Megan Leitch in particular is addressing these types of misconception involved with late medieval literary study. It is she who notes how in earlier advice texts, like Hoccleve's *The Regiment of Princes*, treason is dealt with through providence, a sin against nature that the heavens will involve themselves to punish which is in direct contradiction to more pragmatic texts of the 1450s and 60s.<sup>30</sup> However, she has not so far explored the depiction of treason in the mirrors for princes genre.

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<sup>25</sup> H.S. Bennett, *Chaucer and the Fifteenth Century* (Oxford, 1947), p. 96; C.D. Benson, *The History of Troy in Middle English Literature: Guide delle Collone's Destructionis Troiae in Medieval England* (Woodbridge, 1980), p. 97; A.C. Spearing, *Medieval to Renaissance in English Poetry* (Cambridge, 1985), p. 120; D. Pearsall, *John Lydgate*, (London, 1970), pp. 4ff; D. Lawton, 'Dullness and the Fifteenth Century', *English Literary History*, 54 (1987), pp. 761ff.

Petrina notes that Malory alone from the fifteenth-century gets discussed in the *The Oxford and Norton Anthologies of English Literature*, in *Cultural Politics in Fifteenth Century England* (Leiden, 2004), p. 3 n.7.

<sup>26</sup> Leitch, *Romancing Treason*, p. 9; Petrina, *Cultural Politics* pp. 1-5, 72; C. Taylor, *Chivalry and the Ideals of Knighthood in France during the Hundred Years War* (Cambridge, 2013); Nall, *Reading and War*; J. Nuttall, *The Creation of Lancastrian Kingship Literature, Language and Politics in Late Medieval England* (Cambridge, 2007).

<sup>27</sup> R. Weiss, *Humanism in England during the Fifteenth Century* (Oxford, 1941).

<sup>28</sup> D. Rundle, 'On the Difference between Virtue and Weiss: Humanist Texts in England during the Fifteenth Century', in *Courts, Counties and the Capital in the Later Middle Ages*, ed. D. Dunn (New York, NY, 1996), pp. 181-203, at p. 197.

<sup>29</sup> M. Kekewich, 'Books of Advice for Princes in Fifteenth Century England with Particular Reference to the Period 1450-1485', (Open University D.Phil thesis, 1987). Also see her forthcoming work, *Sir John Fortescue and the Governance of England* (Woodbridge, 2018).

<sup>30</sup> Leitch, *Romancing Treason*, p.70.

Analyzing these mirrors for princes texts themselves supports this suggestion of a definite series of shifts in attitude throughout the fifteenth-century within this genre as well, providing an informative source on how their *writers* reacted to the political shifts of the century, and the development as to how they, at least, believed the king would be best advised to handle the increasingly frequent treasonous inclinations of the royal family. Ferster makes the interesting point that while it was treason to imagine the death of a king, advice literature could safely turn to imagining the death of *other* kings to make their warnings clear, giving them plenty of room to define and discuss treason in its high and petty forms.<sup>31</sup>

Therefore, already strongly situated within historical, biographical traditions, these texts were perhaps even riper than those more firmly in the romantic genre to be shaped by the strong medieval tendency for authorial re-interpretation, which sought to better fit narratives within contemporary socio-political frameworks and reflect their concerns. Although in theory these works were written for monarchs and their heirs, the aristocracy were also significant consumers of these texts, expanding their significance from being mere instructional manuals for monarchs to directives on what their subjects should expect from monarchs as well.<sup>32</sup> These works are therefore an invaluable source for understanding contemporary evaluations of the interactions between late medieval family and treason, particularly when those specifically written for and about the Lancastrian and Yorkist dynasties are considered. The texts to be considered, mainly because of their composition at various significant political moments, and excepting one, because of their noteworthy composition in the vernacular, are Book VII of John Gower's *Confessio Amantis*, Thomas Hoccleve's *The Regiment of Princes*, John Lydgate's *The Fall of Princes*, the anonymous *De Tractatus de Regimine Principum*, George Ashby's 'Active Policy of a Prince', Sir John Fortescue's *De Laudibus Legum Angliae*, and Anthony Wydville, Earl Rivers' *Dictes and Sayings of the Old Philosophers*.

## The Texts

It is worth, however, to consider first an advice text written before the Lancastrian usurpation. Chaucer's 'Tale of Melibee' in his classic *Canterbury Tales* is the earliest example of an advice text written in English, being a translation from what was already a French translation of Albertano of

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<sup>31</sup> Ferster, *Fictions of Advice*, p. 38.

<sup>32</sup> Orme, *From Childhood to Chivalry*, p. 89.

Brescia's *Liber consolationis et consilii*.<sup>33</sup> Written during the reign of Richard II, the greatest literary significance of 'The Tale of Melibee' in this context of royal treason and family is that, written before Richard II's deposition, it demonstrably lacks the aforementioned sense of an increasingly destabilized dynasty that Megan Leitch clearly demonstrates runs through English literature as the fifteenth-century progressed.<sup>34</sup> Therefore, the lack of any explicit reference to treason is less surprising than it might otherwise seem.

This lack of interest in treason in itself is a superb example of how these mirrors can focus on contemporary concerns—Richard II was criticized throughout his reign for his poor selection of confidants and was twice locked in complicated power struggles with groups of peers (the Lords Appellant) as a result. Chaucer in response makes the beneficial nature of the royal kinship structure when properly utilized a moral focal point of his tale, which also turns it into an effective warning on the perils of alienating family. Thus Chaucer notes of his fictional ruler 'ye ne han bretheren, ne cosyns germalyns, ne noon oother neigh kynrede,/wherfore that youre enemys for drede sholde stinte to plede with yow or to destroye youre persone.'<sup>35</sup> Writing under a king unwisely beginning to alienate many of his relatives, Chaucer was perhaps not so much concerned about the betrayal of a monarch by royal kin as he was with how difficult rule could be without their overt support—an attitude reflected in the rest of the tale, with its inadvisably isolated ruler struggling to resolve an external threat.<sup>36</sup> As a demonstration of attitudes towards royal kinship networks at the start of the fifteenth-century, it is an effective beginning point.

Book VII of John Gower's classic *Confessio Amantis* explicitly functions as a mirror for princes as well, and clearly demonstrates the start of a shift in these attitudes, or at the very least an awareness that treason in the royal kinship structure was a political issue increasingly worth being aware of, both in the text itself and in the circumstances of its creation. Originally intended for Richard II, Gower abruptly shifted the dedication to Henry Bolingbroke in 1393, which seems likely to have been the result of a negative response from Gower in regards to Richard's controversial proposed foreign policy, which involved the ending of the lease of Cherbourg and the agreement that Richard hold Aquitaine from the

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<sup>33</sup> Ferster, *Fictions of Advice*, p. 91.

<sup>34</sup> Leitch, *Romancing Treason*, pp. 8-9.

<sup>35</sup> Geoffrey Chaucer, 'The Tale of Melibee', in *The Canterbury Tales*, ed. A.C. Crowley (London, 1958), pp. 391-430, at p. 410.

<sup>36</sup> M. Turner, *Chaucerian Conflict: Languages of Antagonism in Late Fourteenth-Century London* (Oxford, 2006), p. 179.

French king in liege homage. Considering any praise of the monarch was erased from the text at the same time, some sort of break is certainly evidenced, whether political or otherwise.<sup>37</sup>

The scarcity of appearance within the text of the idea of treason might best be explained by the aforementioned heightened political tensions surrounding the king's quarrels and policies, to which Ferster attributes much of Gower's indirect method of criticism throughout the work.<sup>38</sup> Therefore, Gower's use of treason in only two instructional tales within the book (the word treason is in fact only overtly mentioned five times within the 5,348-line poem) accidentally functions as a series of object lessons and commentary on political events for what will ultimately be two kings on either side of an act of usurpation.

Tellingly, and in the first interesting parallel to real world events, the first narrative in Book VII to incorporate dealing with treason is the story of the Caitiline Conspiracy, drawn from the history of the Roman Republic. Their attempt to overthrow the government is described as treasonous, and Gower used this space to discuss of the correct method by which treason in the upper echelons of a government's power structure should be dealt with:

Whan the tresoun of Cateline  
Descoevered was, and the covine  
Of hem that were of his assent  
Was knowe and spoke in parlement,  
And axed hou and in what wise  
Men scholde don hem to juise.<sup>39</sup>

Gower here directs both Richard's and Henry's attentions towards how trials of highborn traitors ought to be conducted—in public view, in parliament, with judgment meted out by their peers, as per the law

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<sup>37</sup> Ferster, *Fictions of Advice*, pp. 108 n.2, 109. See also V.J. Scattergood, *Politics and Poetry in the Fifteenth Century* (London, 1971), p. 19; J.H. Fisher, *John Gower: moral philosopher and friend of Chaucer* (1965), pp. 116-27; G.B. Stow, 'Richard II in John Gower's *Confessio Amantis*: some historical perspectives', *Mediaevalia*, 16 (1993), pp. 3-31.

<sup>38</sup> Ferster, *Fictions of Advice*, p. 110. For the political tensions of 1388—which, significantly, were not primarily dynastic like those of the years 1399/1461/1482—see A. Goodman, *The Loyal Conspiracy: The Lords Appellant under Richard II* (London, 1971), pp. 26-54; A. Tuck, *Richard II and the English Nobility* (London, 1973), pp. 121-38; N. Saul, *Richard II* (New Haven, CT, 1997), pp. 176-204.

<sup>39</sup> John Gower, *Confessio Amantis*, in *John Gower's English Works*, ed. G.C. Macaulay, Early English Text Society Extra Series, lxxxii (2 vols., Oxford, 1957), ii. 1-480, at p. 276, ll. 1601-1606.



in a notable reflection on the action of the Lords Appellant in 1388. As this chapter will demonstrate, this becomes an overwhelming obsession of mirrors for princes in the fifteenth-century, and that it surfaces as early as this is an interesting suggestion of the correlation between the political instability caused by treason and what was a new urge on the part of English writers to produce original advice texts.

Interestingly, Gower also uses this case of treason to present how language can drastically shift understanding of an event, comparing faithful republican Cato's argument 'that for such a wrong/Ther mai no peine be to strong'<sup>40</sup> to the dangerously corruptive effort of Caesar's to '[f]ro deth to torne the sentence...'<sup>41</sup> While Gower could justifiably be described as critiquing the trials of 1388 in this story, he also seems to be clarifying that death for traitors is still the ideal solution, building with surprising emphasis on that legal understanding that echoes Bracton's traditional views in *De Legibus et Consuetudinibus*.<sup>42</sup> In fact, this text's simultaneous address to both king and royal kin, betrayed and betrayer, creates an audience in which the potential intersection between family and treason is brought uncomfortably forward.

This concept is emphasized in the second tale in which Gower gives treason a place. This is a version of the rape of Lucrecia, which is narrative that took up a popular place in the English mirrors for princes' tradition, and which will be discussed later in the context of Humphrey, duke of Gloucester's patronage of Lydgate. In Gower's version, however, the king's son is explicitly described as committing treason ('[u]pon his treson he began...'<sup>43</sup>) by raping the wife of one of his subjects, which is an action that ultimately triggers the overthrow of the ruling family by the dissatisfied populace. It is a plotline that recalls the older Anglo-Saxon, folkloric tradition of the reciprocal relationship between king and subject—ironic in a tale drawn from the Roman tradition, which preferred to emphasize vertical treason.<sup>44</sup>

Regardless, the main drive of the narrative is that a king could forfeit his right to rule by engaging in incorrect behaviour. While Richard II was certainly never accused of ravishing the wives of

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<sup>40</sup> Gower, *Confessio Amantis*, ii. 276, ll.1613-4.

<sup>41</sup> Gower, *Confessio Amantis*, ii. 276, l. 1620.

<sup>42</sup> Bracton, *De legibus*, p. 355.

<sup>43</sup> Gower, *Confessio Amantis*, ii. 371, l. 4906.

<sup>44</sup> *Trial of Charles Stuart*, f.2a r co1.1-2: 'For there is a contract and a bargain made between the king and his people, and your oath is taken: and certainly, sir, the bond is reciprocal, for as you are the liege lord, so they liege subjects. And we know very well what has been so much spoken of, '*Ligeantia est duplex*.' Cited in Mischa Jayne, Rose, 'Malory's Morte Darthur and the idea of treason', (University of Bangor D.Phil thesis, 1992), pp. 50-1.

his subjects, 'The Record and Process' of his deposition details a complex list of ways in which he failed his people which, although formulated to justify Henry IV's actions, included very specific charges surrounding his unorthodox use of attainders to seize the properties of his nobility.<sup>45</sup> While the idea of Richard committing treason is never explicitly mentioned, there are interesting parallels to draw between Tarquin's seizure of the 'property' of his subject and Richard's seizure of the Lancastrian inheritance, as unintentional as it must have been when it was written years before the actual events. It is interesting, therefore, that this book offers advice on treason on only two fronts—the appropriate, legal way to deal with traitors, and a signpost warning of how a monarch himself becomes a traitor and loses his authority and crown. Treason as a presence in royal kinship structures thus entered English mirrors for princes in practically their earliest incarnation, and prophetically in the shape of a work dedicated to the man who would become the usurping Henry IV. Thus, the value of book VII of Gower's *Confessio Amantis* lies in its function as an interesting contextual background to this continuing development of ideas in mirrors, which were consistently dedicated to royal family members who had complicated relationships with fealty.

The next in sequence of these works is Thomas Hoccleve's *The Regiment of Princes*, which is also the first English mirror for princes to be composed in the wake of the Lancastrian usurpation, and a work that is identified by Alessandra Petrina as one of three fundamental texts in the vernacular to be composed in the long fifteenth-century, alongside Gower's *Confessio Amantis* and Lydgate's *Fall of Princes*.<sup>46</sup> Commissioned by the future Henry V c.1409, while he was still the prince of Wales, and then written during the years the young Henry headed the council of England,<sup>47</sup> its purpose was more than just to provide advice to a prince not born to be a king. The commission, creation and presentation of such works were also acts of legitimation, reminding the world that the leader of the government *was* a prince, and fostering his sense of legitimacy, which, as Henry V's later actions proved, was important to him.<sup>48</sup> So how did this work, first of the Lancastrian mirrors, offer advice on treason when treason had brought its patrons to power?<sup>49</sup>

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<sup>45</sup> *PROME*, viii. 20-1.

<sup>46</sup> Petrina, *Cultural Politics*, p. 72. As she notes, all three texts are mirrors for princes.

<sup>47</sup> G.L. Harris, 'Introduction: The Exemplar of Kingship,' in *Henry V*, ed. Harris, pp. 1-29, at p. 8

<sup>48</sup> See Strohm, *England's Empty Throne*, p. 114.

<sup>49</sup> For further reading on Hoccleve, see A.L. Brown, 'The Privy Seal Clerk in the Early Fifteenth Century', in *The Study of the Medieval Records: essays in honour of Kathleen Major*, eds. D.A. Bullough and R.L. Storey (Oxford, 1971), pp. 260-81; J. Simpson, 'Nobody's Man: Thomas Hoccleve's *Regement of Princes*', in *London and Europe in the Later Middle Ages*, eds. J. Boffey and P. King (London, 1995), pp. 149-180; A.C. Reeves, 'Thomas Hoccleve: bureaucrat', *Medievalia et Humanistica*, 5 (1974), pp. 201-14.

*The Regiment* almost exclusively uses the word ‘treason’ in one way—in connection to the words of a bad councilor: ‘false treson commun...and ryf...’<sup>50</sup> which blinds lords to the true impact of their actions. The poem calls a councilor traitor for suggesting a king use a besieged city’s children as leverage to win their surrender,<sup>51</sup> following which Nero’s sycophantic Favel is also described as a traitor.<sup>52</sup> Only once are the terms treason and traitor used to describe actual efforts to harm the king.<sup>53</sup> These early preoccupations with this definition of treason in the roles of councilors are interesting, speaking to the recurring issues around Richard II’s favorites in the late fourteenth-century, which would reappear in similar guise in the 1450s under Henry VI.<sup>54</sup> However, *Regiment* neatly sidesteps a specific discussion about treason and royal families. Megan Leitch’s argument is that treason in late medieval literature is typically a horizontal execution, with little reference to contemporary legal realities.<sup>55</sup> However, Gower focuses on the real methods of dealing with treason specifically in the law, and then chose to focus, not on horizontal treasons, but on the inverted vertical principle. Hoccleve in turn presents treason as the failing of good council, which was in reality often defined as treason by the king’s subjects, and which was certainly an active inhibitor of a king’s ability to carry out his reign effectively, which runs counter to Leitch’s argument. This interest in treason as a betrayal between peers will reoccur frequently throughout the mirrors for princes’ texts that followed.

*Regiment* thus also functions as an indirect commentary on those considered the traditional councilors of the king—his kin. When a king’s political choices were being challenged, as specifically occurred in the cases of Richard II, Henry VI and Edward IV, it was the lack of members of the royal family in his council that were usually stated as a main contributor to his unsatisfactory political decisions.<sup>56</sup> In the case of Richard II, these were the accusations of the Lords Appellant in an effort to validate their destruction of his favourite. Richard, duke of York used the same justification in his initial

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<sup>50</sup> Thomas Hoccleve, *The Regiment of Princes*, ed. C. Blyth (Kalamazoo, MI, 1999), as published online at [<https://d.lib.rochester.edu/teams/text/blyth-hoccleve-regiment-of-princes>], l. 1941.

<sup>51</sup> Hoccleve, *Regiment*, ll. 2591-2625.

<sup>52</sup> Hoccleve, *Regiment*, ll. 3053-3059.

<sup>53</sup> Hoccleve, *Regiment*, ll. 2654-2674. A doctor, described as a traitor, offers to kill the king on behalf of a nobleman with whom the king is in conflict. The nobleman righteously turns the doctor in, instead.

<sup>54</sup> Cf. Yorkist propaganda in the 1450s against Suffolk, Somerset and the rest. For examples, *Six Town Chronicles*, pp .106-7; TNA, KB 9/118/1, m. 30; *English Chronicle*, p. 70.

<sup>55</sup> Leitch, *Romancing Treason*, p. 4

<sup>56</sup> See Warkworth, *Chronicle*, p. 47. Also see the Anglo-Norman poem ‘Against the King’s Taxes’: ‘*Houme ne doit a roy retter talem pravitate/Mes al maveis consiler per ferocitate.*’ (‘One must not impute such wickedness to the king, but to his evil counsellor in his savagery.’), in *Anglo-Norman Political Songs*, ed. I.S.T. Aspin (Oxford, 1953), pp. 110, 112.

challenges of Henry VI's authority, as did the earl of Warwick and duke of Clarence when they sought to depose Edward IV. The solution to this was considered the suppression of these false councillors and the reinstatement of royal family members at the right hand of the monarch—usually those issuing the statement in the first place, as in the aforementioned case of Richard, duke of York's 1460 manifesto and the manifesto of Clarence and Warwick against Edward IV in 1469.<sup>57</sup> Thus an interesting and subtle element is visible in Hoccleve's work—almost exculpatory for the Lancastrians in nature—in which the interference of royal family in political affairs is made an act of almost anti-treason and which also continues to shape, incidentally, a firmer base from which the Yorkists could build to justify their efforts to seize royal authority. Hoccleve thus presents treason in a simultaneously legal and vertical manifestation, as well as an inherently familial problem, whether entirely intentionally so or not.

This narrative thread becomes more pronounced as the century progresses. Lydgate presented treason in its legal definitions in his instructional romances *Troy Book* and *Siege of Thebes*,<sup>58</sup> and this trend remains fundamentally true throughout his more overtly instructional *Fall of Princes*. This last was commissioned by Humphrey, duke of Gloucester shortly after Henry V's death. Not only does the work deeply engage with notions of treason in its legal context, it focuses almost entirely on its incarnations both within fictional families and in the actual contemporary Lancastrian construct. As already mentioned, the royal Lancastrian brothers Henry, John and Humphrey all seemed to have inherited the de Bohun interest in engaging with literary patronage—perhaps an interesting example of family traditions shaping generational interests. Henry V was a clever manipulator of literary image and propaganda in his efforts to shape a new sense of English nationhood to better foster his French ambitions—his patronage of Lydgate's *Troy Book* is some of the evidence, with its strong link to the favoured English origin story, as well as its explicitly directed use of English as the language of composition that Lydgate mentions.<sup>59</sup> While sufficient recorded evidence of the composition of Bedford's library does not exist for us to discuss it in depth, what does exist suggests he was similarly a

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<sup>57</sup> *English Chronicle*, pp. 88-9; Warkworth, *Chronicle*, p. 47.

<sup>58</sup> Lydgate, *Troy Book*; "Zwei mittelenglische Prosaromane: The Sege of Thebes un The Sege of Troy", ed. F. Brie, in *Archiv für das Studium der neueren Sprachen und Literaturen* (Braunschweig, 1913), cxxx. 40-52.

<sup>59</sup> Other evidence of this is provided in the discussion by M. Richardson, 'Henry V, the English Chancery, and Chancery English', *Speculum*, 55 (1980), pp. 726-50, in which he notes Henry V's transition into writing solely in English c. 1417, around the same time as *Troy Book* was being written (p. 727), and there is also the interesting language used at the Council of Trent, in which the English argued for a separate vote of their own saying 'whether nation be understood as a people marked off from other by blood-relationships and habit of unity or by peculiarities of language (the most sure and positive sign and essence of a nation in divine and human law)' (quoted in Richardson, 'Henry V', p. 741.)

collector, and he certainly had access to the royal French collection in the 1420s.<sup>60</sup> As for youngest brother Humphrey, his reputation as a patron and his multiple donations of texts to the university of Oxford which found the Bodleian library are, of course, well known.<sup>61</sup>

Susanna Saygin argues that Humphrey commissioned the *Fall of Princes* in 1431 as part of an ongoing effort to mold a young Henry VI into a king in the style of Henry V, which would make its depiction of treason one made in a specifically educational mould.<sup>62</sup> While Henry was crowned king in France that year, offering a worthwhile motivation for its commission, nonetheless the work sits in a more complicated context. L.C.Y. Everest-Phillips in her thesis argues for a more traditional interpretation when she suggests Humphrey was seeking the glory that accompanies patronage in commissioning the work,<sup>63</sup> and Alessandra Petrina rightfully challenges Saygin's conclusions as lacking strong evidentiary support.<sup>64</sup> It seems it is far more historically likely and worthwhile to contextualize the representation of treason in this work not as one specifically produced for needs of a youthful king with a relatively stable kingdom, but as one mainly revolving around the interests of his royal uncle who had already accused and brought to trial a member of the royal family.<sup>65</sup> After all, at the time of the commission, Humphrey was currently functioning as *custos Anglie*, and had recently been engaged in putting down Jack Sharpe's Lollard rebellion.<sup>66</sup>

Unsurprisingly then, one of the first visible, and perhaps primary, intentions of the work seems to be to cast Humphrey as intolerant of traitors, particularly in regards to Lollardy. Lydgate's introduction and dedication tellingly describes Humphrey as: 'In Cristis feith he stant so hool vpright,/Off hooli chirche diffence and champioun,/To chastise alle that do therto tresoun.'<sup>67</sup> Not only is Lydgate referencing an elision between heresy and treason which is one of the landmark movements of the early fifteenth-century following both Henry IV's *De heretico comburendo* of 1401 and the Oldcastle Revolt of

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<sup>60</sup> See J. Stratford, *The Bedford Inventories: The Worldly Goods of John, Duke of Bedford, Regent of France (1389-1435)* (London, 1993).

<sup>61</sup> See A. Sammut, *Unfredo Duca di Gloucester e gli Umanisti Italiani* (Padua, 1980), pp. 61-9, 71-2, 77-84.

<sup>62</sup> S. Saygin, *Humphrey, Duke of Gloucester (1390-1447) and the Italian Humanists* (Leiden 2002), p. 63.

<sup>63</sup> L.C.Y. Everest-Phillips, 'The patronage of Humphrey, Duke of Gloucester: a re-evaluation' (University of York D.Phil thesis, 1993), p. 120.

<sup>64</sup> Petrina, *Cultural Politics*, pp. 57-8.

<sup>65</sup> Henry Beaufort, cardinal-legate and bishop of Winchester, who in 1431 was president of the *grand conseil*, and actively involved in coordinating the French coronation of the young king.

<sup>66</sup> *PPC*, iv. 86-91; K. Vickers, *Humphrey duke of Gloucester* (London, 1907), pp. 222-4; Griffiths, *The Reign of Henry VI*, pp. 138-42.

<sup>67</sup> John Lydgate, *The Fall of Princes*, ed. H. Bergen, Early English Text Society Extra Series, cxxi (4 vols., London, 1967), i. 12.

1414, he is also situating Humphrey in a role that places him firmly against treason in general. Lest one think this is just Lydgate flattering his patron, it is important to remember how involved Humphrey was when it came to the shaping of *The Fall of Princes*—the version of Lucrecia presented by Lydgate within the text is explicitly described as inserted at the request of Humphrey's, for instance,<sup>68</sup> and it is not an unreasonable leap to believe that perhaps the commission of a poetic translation of a French work into English by Lydgate was made in conscious imitation of Henry V's earlier patronage of the poetic monk. Thus, the prologue takes on the texture of a conscious restructuring of a non-treasonous identity on Humphrey's part, just as the commission of Hoccleve's *Regiment of Princes* was a calculated move for non-treasonous legitimacy and authority for a young Henry V in a complicated political environment.

Perhaps one of the most consistent and fascinating elements of Lydgate's depiction of treason in this text—which is, in fact, true across most of his work<sup>69</sup>—is his narrow presentation of treason as an intensely intrafamilial event, with again an emphasis on its legal shape, often in a way that challenges Lancastrian party lines despite scholarly resistance to the idea of Lydgate as a Lancastrian critic.<sup>70</sup> For instance, Medea, Jason's wife and queen,

For to punshe the gret iniquite  
A-geyn[e]s hym compassid off treasoun;  
For she off vengeance, a-geyn[es] al resoun,  
Afftier that Creusa consumed was & brent,  
Hir owne sonys, which she hadde sent,  
Withoute routhe or womanli pite,  
She falsli moordred--the childre that she bare--  
Like a stepmooder auenged for to be,  
Cutte ther throtis or that thei wer war,  
A-geyn nature, ther was noon other spaar,

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<sup>68</sup> Lydgate, *The Fall of Princes*, ii. 356.

<sup>69</sup> See his *Siege of Thebes* in Brie, 'Zwei mittelenglische Prosaromane', pp. 273, 276, as well as H. Cooper, 'Counter-Romance: Civil Strife and Father-killing in the Prose Romances', in *The Long Fifteenth Century: essays for Douglas Gray*, eds. H. Cooper and S. Mapston (Oxford, 1997), pp. 141-162, at p. 147.

<sup>70</sup> Strohm, *England's Empty Throne*, p. 187; C. Baswell, 'Troy Book: How Lydgate Translates Chaucer into Latin', in *Translation Theory and Practice in the Middle Ages*, ed. J. Beer (Kalamazoo, MI, 1997), pp. 215-37, at p. 217; C. Fewer, 'John Lydgate's *Troy Book* and the Ideology of Prudence', *Chaucer Review*, 38 (2004), pp. 229-45, at p. 230; J. Simpson, *Reform and Cultural Revolution* (Oxford, 2002), p. 65; S.M. Straker, 'Rivalry and Reciprocity in Lydgate's *Troy Book*', *New Medieval Literatures*, 3 (1999), pp. 119-47, at p. 146.

But for hatreede she hadde onto lason.<sup>71</sup>

The language here in particular is reminiscent of language used in the Statute of 1352. Compare '[a]geyn[e]s hym compassid off treason' with the statutes' definition of treason as '[w]hen a Man doth compass or imagine the Death of...the King's eldest Son and Heir...'<sup>72</sup>

Ultimately, though, of the episodes presented by Lydgate, the one that is perhaps most revealing surrounding this presentation of family and treason in *Fall of Princes* is the story of the brothers Atrestes and Thyestes. Both brothers accuse the other of treason—for Thyestes, Atrestes is 'off tresoun sours & well'<sup>73</sup>, the killer of Thyestes' children. Atrestes clarifies the story by noting the children were the product of Thyestes' treasonous affair with Atrestes' queen.<sup>74</sup> In particular this mutual betrayal between brothers arouses Lydgate's commentary, causing him to note that brothers should behave towards each other: 'as a brother sholde his brother triste,/I trusted hym off herte, will & thought...'<sup>75</sup> Sibling unity between Humphrey, duke of Gloucester and John, duke of Bedford was more politically necessary now than it had ever been, as English sway over France weakened over Lydgate's period of composition, 1431-38.<sup>76</sup> While the duke of Bedford died in 1435, it nonetheless can be no coincidence that these are things Lydgate chooses to focus on in his text, much as Malory would come to do in the future as he watched the escalating conflict between Edward IV and his brother George, duke of Clarence.<sup>77</sup>

However, the most telling glimpse into the development of perspectives surrounding late medieval family treason is Lydgate's concern about its heritable properties. While the heritability of treason was clearly a well-cemented concept by this time, as evidenced in law and chronicle,<sup>78</sup> Lydgate is the first to bring it forward explicitly in the tradition of English advice literature. He notes that Thyestes' son, Aegisthus (who is, like most villains of late medieval English romance, a product of incest—innately from birth a transgressor of the key cultural and social bond of family), grows up to seduce a married

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<sup>71</sup> Lydgate, *Fall of Princes*, i. 64-5.

<sup>72</sup> 25 Edw 3 St. 5 c. 2. See Appendix, pp. 237-9. Also see the law chapter of this thesis for further details on the 1352 statute, pp. 29-31.

<sup>73</sup> Lydgate, *Fall of Princes*, i. 108.

<sup>74</sup> Lydgate, *Fall of Princes*, i. 114.

<sup>75</sup> Lydgate, *Fall of Princes*, i. 108.

<sup>76</sup> Griffiths, *Reign of Henry VI*, pp. 188-194; C.T. Allmand, *Lancastrian Normandy 1415-1450* (Oxford, 1983), pp. 33-36; Wolffe, *Henry VI*, pp. 54-5.

<sup>77</sup> See Pochoda's argument that for Malory, fratricide is 'the central symbol of societal dissolution' (E. Pochoda, *Arthurian Propaganda: Le Morte d'Arthur (of Malory) as an Historical Ideal of Life* (Chapel Hill, NC, 1971), p. 118).

<sup>78</sup> See Bracton, *De Legibus*, p. 335; *Monstrelet*, i. 65.

queen himself, just like his father.<sup>79</sup> Lydgate specifically describes him thus: ‘This same Egistus, ful falsli in his liff,/As a yong braunche spronge out off tresoun...’ Lydgate attributes Aegisthus’ bad behaviour to a specifically inherited tendency. Lydgate is once more referencing his belief that family groups tend to propagate treason within themselves, just as he did in the *Siege of Thebes*, though he does so rather more explicitly in that earlier work written without a patron. As an understated reminder to Humphrey to beware the ramifications of inheritance, *The Fall* is a subtle testament to an increasingly uneasy awareness that political life under the Lancastrians could continue to develop under the cloud from the past. It is perhaps best summed up in Lydgate’s blatantly admonitory

Pryncis remembreth in your prosperitees,  
And seeth afor in your discreciouns,  
Wrong clymyng up of staxis or degrees,  
Outher be moordre or be fals tresouns,  
Axeth a fall for ther fynal guerdouns;  
Namli off them that the Lord despise,  
And for his warnyng list nat for to rise.<sup>80</sup>

The new English mirrors for princes’ tradition continued to blossom, particularly under Henry VI as he passed into independent rule and proved himself increasingly unassertive, forcing his minority council to lengthen its tenure of control worryingly.<sup>81</sup> The need for such a king to be advised, as well as bolstered with the visible authority of the text, clearly encouraged the composition of advice texts for him, resulting in a surprising number of such works. One such is the Latin *Tractatus de regimine principum ad regem Henricum Sextum*. Adapted from Egidio Colonna’s popular mirror *De Regimine Principum* by someone who describes himself as a member of a religious order,<sup>82</sup> *Tractatus* was written after 1445, but before the beginnings of unrest in the kingdom started.<sup>83</sup> In fact, this particular text is most notable for its praise of Henry’s peaceful reign, with a population described as distinctly untreasonous.

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<sup>79</sup> See Cooper, ‘Counter-Romance’.

<sup>80</sup> Lydgate, *Fall of Princes*, i. 253.

<sup>81</sup> Watts, *Henry VI*, pp. 123-199.

<sup>82</sup> Kekewich, ‘Books of Advice’, p. 57; ‘Tractatus de Regimine Principum ad regem Henricum Sextem’, in *Four English Political Tracts of the Fifteenth Century*, ed. Jean-Phillippe Genet (London, 1977), pp. 53-168, at p. 168.

<sup>83</sup> Wolffe, *Henry VI*, p. 14.



...preclarissime Rex, unanimis consensus comunitatis huius regni, absque aliquali insurreccione, vestra tempora stabiliter exornavit, ubi in diebus regum predecessorum vestrorum, quam plurime horribiles insurrecciones istud regum molestius perturbarunt...<sup>84</sup>

This praise proved itself somewhat premature as the years passed, and the advice texts written following the first revolts of 1450 swiftly ceased praising and started advising, as royal cousin Richard, duke of York challenged the status quo in increasingly public ways.

There were other Henrician texts that, while not strictly part of the mirrors for princes' tradition, were still nonetheless advice centered and are worth discussing briefly in this situation for both the insight and the context they offer. When they were composed in the wake of the Yorkist uprisings, they have the interesting effect of showing English writers seeking to address the practical implications surrounding treason in a country, rather than the more theoretical concerns of Gower and Lydgate. Two of the most well-known and significant of these composed before 1461 are the English poetic translation of Vegetius' important *De re militari*, known as *Knyghthode and Bataile*, and the 1459 defence of the Yorkist attainder commonly known as the *Somnium Vigilantis*.<sup>85</sup> Both, faced with concrete treason within the royal family, take much more aggressive stances than the earlier Lancastrian works, seeking to bolster Henry's resolve in facing the Yorkists and urging direct action against not only traitors, but also their potentially treasonous offspring as well, renewing an emphasis on the law's concerns about its potentially heritable nature.

This in itself highlights an interesting point of this genre: the specific audience for which the text was intended shaped the stances it took, even more so than other contemporary works of literature, including romances. This of course means that these two post-Dartford works signal a shift away from the concerns about Lancastrian origins, legacies and legitimacy that Lydgate and Hoccleve demonstrated even when under Lancastrian patronage, towards a concern about treasonable York tendencies, reshaping concerns to encompass and vilify threats to the current polity.<sup>86</sup>

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<sup>84</sup> '...most distinguished King, the unanimous agreement of the community of this realm, far from any thought of rebellion, has adorned your reign with stability whereas, during the rule of your predecessors, many horrible insurrections troubled this realm most grievously...' *Tractatus de Regimine*, p. 165. Trans. Kekewich, in 'Books of advice', p. 55 n.2.

<sup>85</sup> While this is better defined as advice literature rather than part of the mirrors for princes' genre, it still merits discussion here in this context of advising troubled monarchs on treason.

<sup>86</sup> See the final chapter of this thesis, in which their dynastic history of treason is explored, pp. 128-80.

For instance, the *Somnium Vigilantis*' writer seeks to utilize the historical authority of classical writers effectively to categorize the York family and their history of troublemaking with real authority: 'a]nd as for thaire immediat masculine successioun take ye this sentence *Dape solet fiius similis esse patri* and forther more *Qui sequitur riuulus non degenerat ab ortu...*'<sup>87</sup> Further, the writer warns that a traitor will always repeat their past actions: '[t]raw ye that thay Pt have bene fals so many tymes may ever be tru, and that thay that have bene forsworne so often may ever say trawthe?'<sup>88</sup> This linking of treason as both a repeated action in an individual and one inherited by his children is brought forwards far more directly here than it was in the earlier years of Lancastrian authority, directed now not towards internal conflict within the centre of the dynastic power base, but rather outwards at what were now increasingly externally based threats. By linking crown, law and the good of the realm into one entity, the writer firmly isolates the rebels.<sup>89</sup>

The slightly earlier, pre-attainder, *Knyghthode and Bataile* is equally condemnatory of any of these semi-external treasonous threats to Henry VI's authority. Possibly written by a former member of Humphrey, duke of Gloucester's household, it prefers to place an emphasis on concerns surrounding the Yorkists, their ambitions, and Henry VI's tendency to forgive. Although it might seem as if a translation of a Latin military work might not have a place among political discursive texts, Catherine Nall notes that the original Latin version and the English translation in fact most often appear in manuscripts in conjunction with mirrors for princes, particularly Giles of Rome's landmark *De Regimine Principum*.<sup>90</sup> It appears then that *Knyghthode and Bataile* is not solely a military text, but functions as part of the broader spectrum of medieval political instructional work as well. Therefore, its critique of traitors functions in the same way as the *Somnium*'s does— 'But out on hem that fordoon Goddes forbode,/Perjurous ar, rebell[you]s and atteynte/So forfaytinge ther lyif and lyvelode,/Although Ypocrisie her fatyys peynte.'<sup>91</sup> This writer, even before the far-reaching 1459 attainders, is arguing for the permanent alienation of families of traitors.

Following the Yorkist victory, mirrors for princes were written for both sides of the dynastic conflict, thus providing opposing viewpoints on what treason was and how it was to be handled. George Ashby's *Active Policy of a Prince* was a poem written for the Lancastrian Prince Edward during the

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<sup>87</sup> 'A Defence of the Proscription of the Yorkists in 1459', p. 518.

<sup>88</sup> 'A Defence of the Proscription of the Yorkists in 1459', p. 522.

<sup>89</sup> Watts, *Henry VI*, p. 45.

<sup>90</sup> Nall, *Reading and Rhetoric*, p. 43

<sup>91</sup> 'Knyghthode and Bataile: Proem', in *The Idea of the Vernacular: An Anthology of Middle English Literary Theory, 1280-1520*, eds. J. Wogan-Browne, N. Watson, A. Taylor, and R. Evans (Exeter, 1999), pp. 182-6, at p. 184.

Lancastrian exile from England in France. Kekewich in her thesis notes that while the work is ‘peppered with rather oblique allusions to treachery, covetousness and falsehood and it may be assumed that the Yorkists were the intended target of these strictures’<sup>92</sup> This work is particularly interesting as it is both written immediately after the treasonous upheavals of the Yorkists, which ensures an active, visible shift in the methods of addressing treason, as well as a less delicately didactic intent in a work directed at a specifically underage princely youth.

Be wele ware by discrete prouision  
For to suppressse youre false conspiratours,  
Aftur the lawe & constitucion,  
Established ayenst opyn traiterous,  
Being circumspect as youre progenitours,  
In suche caas (sic) haue bene to the preseruing,  
Of their Royal estate and preseruynge.<sup>93</sup>

Ashby also warns his prince that

Their disclaundre shal neuer die of equite  
That falsly haue conspired bi treson,  
Or lyued vngodly in iche season.  
Do youre parte as longithe to your highnesse,  
To avoide prudently suche heuynesse.<sup>94</sup>

These are practical pieces of advice on how to deal with traitors—by ‘lawe & constitucion’ might be partially explained by the idea that Ashby, in the spirit of Gower and Hoccleve, felt a need to return an emphasis on dealing with treason within its lawful context. Perhaps this is understandable in light of the increasingly chaotic nature of treason’s presence in the polity, but it is also a reflection of the new Lancastrian need to use law to legitimize themselves and delegitimize their opponents. Consider this in

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<sup>92</sup> Kekewich, ‘Books of advice’, p. 106.

<sup>93</sup> George Ashby, ‘Active Policy of a Prince’, in *George Ashby’s Poems*, ed. M. Bateson (London, 1899), pp. 12-41, p. 25. The ‘(sic)’ is Bateson’s.

<sup>94</sup> Ashby, ‘Active Policy’, pp. 26-7.

light of Rosemarie McGerr's proposed context, in which the education of the young Lancastrian prince becomes part of the political argument between Lancastrian and Yorkist,<sup>95</sup> with the addition that, according to Anthony Gross, an emphasis on the role of the king as fulfiller of the earthly law became key to justifying the Lancastrian claim.<sup>96</sup> At the same time, a practical legal understanding of medieval treason continued to grow in importance in English mirrors for princes.

There is also an interesting tone struck when the young prince is urged 'to avoid prudently' the consequences of a life surrounded by those who are 'falsly...conspired bi treson.' The suggestion being here that the young prince carefully eschew allowing his government to be filled with those formerly associated with treason...an interesting contrast when considered alongside Edward IV's own intermittently successful efforts to win Lancastrians left in England permanently into his party.

A second text written for the young prince Edward was the work of the notable legal mind Sir John Fortescue. This was *De Laudibus Legum Angliae* which is yet another example of attempting to formulate political understandings of treasonable actions firmly with a legal context.<sup>97</sup> Composed while the Lancastrian court was in exile, it, like Ashby's work, could possibly be considered part of the legitimacy argument with York, with its focus on English law and justice. However, treason is only directly mentioned three times, and the dangers of familial inheritance only once, the latter specifically within the context of a discussion of the legal ramifications and definitions of bastardy. Nonetheless, these cases all present interesting perspectives on the discussion. In the first case, Fortescue notes that it was only after being convicted for treason that former priest John Fringe admitted to using false witnesses in the earlier case that allowed him to abandon his priesthood and marry, in what was probably in an effort to reclaim the protection of the clergy and thus escape the death sentence.<sup>98</sup> The second is more interesting, directly referencing the legally and politically interesting 1468 treason case

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<sup>95</sup> R. McGerr, *A Lancastrian Mirror for Princes: The Yale Law School New Statutes of England* (Bloomington, IL, 2011), pp. 103-4.

<sup>96</sup> A. Gross, *The Dissolution of the Lancastrian Kingship: Sir John Fortescue and the crisis of monarchy in fifteenth-century England* (Stamford, 1996), p. 37.

<sup>97</sup> This text by Fortescue is chosen instead of his *Governance of England* for the simple reason that *Governance* is almost wholly preoccupied with the financial problems of the crown, and only discusses treason in the context of 'overmighty subjects' seeing the poverty of a king and their own comparative wealth as incentives to rebellion (Sir John Fortescue, *The Governance of England*, ed. C. Plummer (Oxford, 1885), pp. 128-9), and an argument against impoverishing the commons to ensure fewer rebellions (p. 138). The only line worth quoting here as a noteworthy demonstration of evolving thought on rebellion and treason is the startling suggestion '[f]or nothing mey make is people to arise, but lake off gode, or lakke of justice' (p. 140).

<sup>98</sup> Sir John Fortescue, *De Laudibus Legum Angliae*, trans. A. Amos (Cambridge, 1825), p. 69.

of Thomas Cook and John Hawkins, which is also one of only three documented cases of torture in late medieval England.<sup>99</sup>

Do you not remember, my Prince, a criminal, who, when upon the rack, impeached of (treason) a certain noble knight, a man of worth and loyalty, and declared that they were both concerned together in the same conspiracy: and, being taken down from the rack, he still persisted in the accusation, lest he should again be put to the question. Nevertheless, being so much hurt and reduced by the severity of the punishment, that he was brought almost to the point of death, after he had the *Viaticum* and Sacraments administered to him, he then confessed, and took a very solemn oath upon it, by the body of Christ; and as he was now, as he imagined, just going to expire, he affirmed that the said worthy knight was innocent and clear of every thing he had laid to his charge.... Neither did he at last escape that ignominious death, for he was hanged; and, at the time and place of his execution, he acquitted the said knight of the crimes wherewith he had, not long before, charged him.<sup>100</sup>

For Fortescue and his intended audience of the young prince, this accused treason would have been no treason at all, since it involved the communication of London agents with the Lancastrian queen. Furthermore, Sir Thomas Cook was convicted for misprision—the concealment of treasonous plots—which legally was not treason itself.<sup>101</sup> His punishment was a hefty fine, but considering the tense state of the Yorkist court at the time concerning a possible Lancastrian invasion, this was hardly a wild abuse of justice.<sup>102</sup> Nonetheless, it is interesting that Fortescue heightens the peril of Cook both simultaneously to villainize the Yorkists and emphasize the important role of the traditional execution of English law in these circumstances. This latter element becomes clearer as Fortescue proceeds to dive in-depth into the significance of the jury in court cases of treason or felony, which he praises as a safeguard from unjust convictions.<sup>103</sup>

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<sup>99</sup> Bellamy, *The Tudor Law*, pp. 109-110.

<sup>100</sup> Fortescue, *De Laudibus*, p. 71.

<sup>101</sup> A.F. Sutton, 'Sir Thomas Cook and his "troubles": an investigation', *Guildhall Studies in London History*, 3 (1978), pp. 85-108, at pp. 94-97; M.A. Hicks, 'The case of Sir Thomas Cook, 1468', *EHR*, 93 (1978), pp. 82-96, at pp. 89-92; P. Holland, 'Cook's Case in History and Myth', *Historical Research*, 61 (1988), pp. 21-35, at pp. 25-28.

<sup>102</sup> Hicks, 'The Case,' p. 96.

<sup>103</sup> Fortescue, *De Laudibus*, pp. 92-3.

The concept of inherited family memory does come up within the text, although it is within Fortescue's vivid pronouncement against bastardy, with no explicit link to treason. However, in the midst of this, he presents yet another argument for the heritability of bad behaviour, which stands as a powerful if subtle declaration of the Lancastrian interpretation of law's stance on treasonable families. 'An unlawful brood is thought to derive a corruption and stain from the transgression of the parent, without any concurrent fault of his own. So all of us have contracted a very great corruption from the sin of our first parents, though not of so opprobrious a nature...'<sup>104</sup>

The final work briefly to consider in this context is *The Dictes and Sayings of Philosophers*, translated by Anthony Wydville, Earl Rivers and published by William Caxton in 1477 for the young Prince Edward, with further editions in 1479/80 and 1489/90.<sup>105</sup> Ashby's work is drawn from the same source material, interestingly, but the execution and treatment of treason and family are ultimately quite different, reflecting the alternate Yorkist and Lancastrian interests.<sup>106</sup> Wydville's translation is often hailed as one of the superior ones, as Kekewich notes,<sup>107</sup> even though he engaged in a great deal of selective editing, which Caxton comments on:

...he willed me to oversee it, and shewid me dyverce thinges whiche, as him semed, myght be left out, as diverce lettres missives sent from Alisaunder to Darius and Aristotle and eche to other, whiche lettres were lityl appertinent unto [the] dictes and sayenges aforsayd, forasmuch as they specifye of other maters.<sup>108</sup>

Kekewich is particularly interested in the fact, that unlike Ashby with his additions of oblique references to Yorkist treasons in his version, Wydville adds nothing to the translation, not only just about treason, but about anything in general, leaving his version surprisingly free of references to the current political situation for a text intended to educate a young prince.<sup>109</sup> That in itself is possibly revealing, both of Wydville's and possibly the current Yorkist attitudes towards treason. In some ways, this return to a

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<sup>104</sup> Fortescue, *De Laudibus*, p. 150.

<sup>105</sup> Kekewich, 'Books of Advice', p. 44.

<sup>106</sup> Kekewich, 'Books of Advice', pp. 48-9

<sup>107</sup> Kekewich, 'Books of Advice', p. 42.

<sup>108</sup> William Caxton, quoted in *Chambers's Cyclopaedia of English Literature: A History Critical and Biographical of Authors in the English Tongue from the Earliest Times till the Present Day, with Specimens of their Writings*, eds. R. Chambers and D. Patrick (3 vols., London, 1901-3), i. 97.

<sup>109</sup> Kekewich, 'Books of Advice', p. 50.

simplistic, traditional view of treason is much like the Lancastrian return to an emphasis of law in mirrors.

## **Conclusion**

Literature throughout the fifteenth-century, from Lydgate's chivalric poetry to Malory's Arthurian epic, tended to engage with the concept of treason on at least some level. Moreover, these works very often reflected developing contemporary socio-political concerns as Leitch has so clearly evidenced. However, her work fails to incorporate effectively late medieval mirrors for princes, which present another dimension to an understanding of treason, memory, the royal family, and literature. Late medieval literature has also been studied under a variety of lenses. The insights it holds on themes such as chivalry, religion, gender and socio-political norms are multitude. When even a small sampling, such as the one presented here, is considered in the light of an evolving concern about the interactions between royal families, treason, and its heritability, a new offering of ideas becomes visible. Through all these texts, however disparate they are, concerns about the socio-political meaning of royal families and their inherited legacies are woven. What is more, these concerns become continually heightened as the century progressed through the repeating intrafamilial conflict of the English royal family. Seeking an understanding of treason within the context of tradition and history is possibly a step towards seeking legitimation and a return to a political status quo in the same places, and may help explain the recurring interest in presenting treason within its legal definition throughout the fifteenth-century.

These advice works detail a socio-political shift throughout the fifteenth-century that concern not only the methods by which kings were advised to deal with treason, but also how society as a wider whole did so, which charts a revealing progression in attitude from before the fall of Richard II through the reign of Edward IV. In particular the increasing emphasis on advising on treason within the context of its legal realities, and especially concerning its presence in the royal family, is significant. Dealing with royal traitors became increasingly a political issue of moment and led to the strongly consistent discussion surrounding the use of practical, lawful solutions that is present in these works. From Chaucer through Gower, Hoccleve, Lydgate, the anonymous writers under Henry VI, Ashby, Fortescue, and finally Anthony Wydville, Earl Rivers himself, those who produced mirrors for princes in this century emphasize the interplay between the understanding of text and reality that was constantly at work. The heightening political concern with these ideas about treason, inheritance and the royal family becomes

continually more visible, reflecting how the reality of politics constantly, if indirectly, impacted on the literature written, particularly in regards to that which was created especially for monarchs.



## Chapter Four 'Corrupte bloode and suspecte:' The Treasons of the House of York, 1399-1461

### Introduction

The final chapter of this thesis seeks to bind the variety of elements discussed above together through a case study, which will simultaneously offer a fresh emphasis on the nature and roles of family memory and chivalry. By presenting direct examples of how family memory functioned within one of the most well-known of the aristocratic houses to engage consistently with treason in the fifteenth-century, the most compelling evidence for its significance will be brought forwards.

As this thesis has shown, loyalty to the king and to one's kin-group was a key social and chivalric standard in the middle ages. Yet 1399 witnessed one of the great internal conflicts of the English royal family, with the hasty deposition and death of Richard II, and the ascension of his cousin Henry Bolingbroke to the throne. However, as significant as Henry IV's rise was to the development of late medieval treason, it tends to overshadow the similarly timed treasons of other members of the royal family. For instance, the house of York infamously saw a very high number of instances of noteworthy treason throughout the fifteenth-century. Richard, duke of York is perhaps the most famous of the Yorkist dukes, his actions of questionable loyalty resulted in the fall of Lancaster and the rise of York, which in turn fell in 1485. However, the treason of the generations who preceded him, while somewhat subtler in nature than his dramatic and very public actions in the 1450s and 1460s, also played a key role in shaping the socio-political scene of England of this century, with a particular role in placing increasing internal pressure on a fracturing royal family.

Edmund, duke of York, son of Edward III and progenitor of the Yorkist line, was the first of its members to engage in what was clearly treasonable behaviour. All three of his children—Edward, duke of York, Constance, Lady Despenser, and Richard, earl of Cambridge—would go on to participate in treasonous behaviour as well. This pattern of continuing treason in a family line was not one that would have surprised their contemporaries. Aristocratic houses found themselves frequently charged with treason through the generations as power and authority swapped dynasties. Sometimes this was because the family adhered faithfully to one side, such as the Beauforts and their persevering loyalty to their Lancastrian brethren. Sometimes this was because the family switched sides to follow the winners, as the Percies chose to do with both the Lancastrians and the Yorkists. However, a study of the house of York hints at something more solid than these themes, something that has been already touched on

throughout this thesis, albeit only lightly—the role of family memory and identity in a house’s enaction of treason.

Familial memory is a difficult thing to identify in quantifiable terms. However, its presence can be noted through the passing down of affinities, in letters and funeral services, wills and books. For instance, the Percy clan, by painting the walls and ceilings in their castles at Leconfield and Wressel with proverbs for the instruction of their children in the early sixteenth-century, used early education to instill not only bromidic homilies but also a loyalty to the Tudor dynasty. By unifying Christian, Tudor, and Percy emblems with the statement, they presented the unified roles of loyalty and duty to their scions.<sup>1</sup>

I receyue noo lighte but of thy bearmes bright. The light  
benevoulent causith cor to relent for remembrynge  
thy goodenes contenuall which remanith perpetuall  
Cor cannot but of duti he muste distill yet he saith dutie  
cannot recompence a cordinge too his goode will,

Notably, within the manuscript that preserves these mottos, this particular collection is immediately preceded by a sixteenth-century chronicle of the Percy family, which claims a consistent loyalty to kings that their actual history contradicts.<sup>2</sup> A series of interesting efforts to erase a past and its attendant legacy of suspicion and dishonor.

In a similar vein, William de la Pole, duke of Suffolk, wrote a letter to his son John a few days before his departure to exile and consequent death in 1450. Within the letter, the second item of advice he offers to his son, subsequent only to an urging to piety, is a paragraph that entreats him to honor the de la Pole family’s fealty to Henry VI:

...above alle erthely thing...be trewe liege man in hert, in wille, in thought, in dede, unto the  
Kyng oure alder most high and dredde sovereygne Lord, to whom bothe ye and I been so moche  
bounde to; charyng you, as fader can and may, rather to die than to be the contrarye, or to

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<sup>1</sup> BL, Royal MS 18 D II, f. 200r.

<sup>2</sup> BL, Royal MS 18 D II, ff. 186-95.

know any thyng that were ayenste the welfare of prosperite of his most riall person, but that as ferre as your body and lyf may stretche, ye lyve and die to defende it...<sup>3</sup>

Ultimately, John is a poor example of generational loyalty, with his marriage to Elizabeth, a daughter of Richard, duke of York in 1458, leading him to join the Yorkists in 1461.<sup>4</sup> However, William's letter does provide interesting perspectives on loyalty as a heritable trait—he did not primarily base his plea for loyalty on an argument for Henry VI's right as a king to command it from his subject, but rather on a more personal sense of obligation for grace shown. As a father, William admonishes his son to continue to be 'trewe', following in his own footsteps. Loyalty was a familial occupation and obligation.

Conversely, then, treason could be perceived to be so as well. Bellamy points out the commonalty of this belief in both law and society—'[t]he argument was that the crime of treason was so horrible that the traitor's offspring were contaminated and ought to be destroyed with him,' an idea carried through in acts of attainder, and one that is more thoroughly explored in chapter one of this thesis.<sup>5</sup> It is an intriguing idea, this concept of an inherited moral blemish, and the Yorkist family make a perfect ground for an exploration of the idea. While personal Yorkist statements from the latter half of the century offer numerous explanations and excuses for their treasons in the first person, in letters to the king and bills aimed at the public, chronicles and statements in Parliament, the intentions of those in the first half of the century remain rather more in shadow, and consequently somewhat more understudied. Examining both the earlier and later Yorkist generations within the context of each other reveals the possibility for an intriguing familial influence on attitudes towards loyalty that make a new pattern within fifteenth-century English politics.

The first Yorkist betrayal of 1399 presented to the following generation the example of treasonous behaviour as a way to deal with difficult political times. All three of its members would go on to implement this tactic in various ways, though only one of them would thrive in later years. The generation that followed, specifically Richard, duke of York, took both the failed and the successful treasons as lessons and used them to shape their interactions with the political scenery. Understanding, then, what each of these generations inherited from their predecessors in familial values and beliefs, political shame and dynastic pride, helps to delineate the fine line in self-perspective—for the Yorkists, in the end, was the difference between treason and political survival simply erased?

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<sup>3</sup> *The Paston Letters and Papers*, iii. 83.

<sup>4</sup> M.A. Hicks, 'Pole, John de la, second duke of Suffolk', *ODNB*, 4.

<sup>5</sup> Bellamy, *The Law of Treason*, p. 13. See chapter one for the discussion on attainder and treason law, pp. 62-6.

## Edmund, duke of York

For someone usually termed so ineffectual, labeled in his own time as ‘mol et simple et paisible’,<sup>6</sup> Edmund had a surprisingly large impact on the political outcomes of his day, and his life has been interpreted both as successful and riven with failure. Anthony Tuck, for instance, perceives him as a failure overwhelmed by the events of his day, beyond his understanding and control.<sup>7</sup> Douglas Biggs, however, sees him as an underappreciated pillar of court<sup>8</sup>, and while Given-Wilson recognizes the significance of York’s 1399 decision in relation to the rise of the Lancastrian dynasty, the actions of Edmund, duke of York remain understudied.<sup>9</sup> Therefore, dissecting the life and choices of this first Yorkist duke unravels the oft-overlooked beginnings of his house and the ways in which treason became such a pervasive element within its structure.

It is important in this process to first understand that Edmund’s socio-political situation was predominately the product of his father Edward III’s appanage policies. The concept of an appanage is perhaps best defined in this context as this monarch’s effort to prevent his numerous sons from becoming ‘de-classed’,<sup>10</sup> which would have been a ‘disworship’ to the royal family, and a potential dynastic catastrophe for a king with such continental ambitions.<sup>11</sup> Edward III noticeably worked to create a bond in his family that would help to link the sub-sets of the royal dynasty that he would be thus creating to each other.<sup>12</sup> Family, power and loyalty were key to his ideas of a continental conquest and rule. Jones notes the significance of the appanage, and what it would have meant— ‘the bestowal of an appanage with its exceptional privileges, including rights to revenues and perquisites normally reserved for the crown, was a clear recognition of a close blood link. Indeed, such donations were normally reserved for princes of the royal house.’<sup>13</sup> Furthermore, this was part of an ideological competition in prestige with foreign powers. The French had long since acquired a type of hybrid

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<sup>6</sup> Froissart, *Œuvres de Froissart: Chroniques, XV: 1392-1396*, p. 238.

<sup>7</sup> A. Tuck, ‘Edmund, first duke of York’, *ODNB*, 6.

<sup>8</sup> D. Biggs, ‘“A Wrong Whom Conscience and Kindred Bid Me to Right”: a reassessment of Edmund Langley, duke of York, and the usurpation of Henry IV’, *Albion*, 26 (1994), pp. 253-72. Admittedly, the fact that William de La Pole, earl of Suffolk, manages to get Edmund’s name wrong when petitioning the king about a reversion of property in 1398 is not terribly supportive of this interpretation. TNA, SC 8/251/12511.

<sup>9</sup> Given-Wilson, *Henry IV*, pp. 130-1.

<sup>10</sup> McFarlane, *Nobility*, pp. 71-72.

<sup>11</sup> Hicks, *The Family of Richard III*, p. 53.

<sup>12</sup> Curry, *The Hundred Years War*, p. 125; Ormrod, *Edward III*, pp. 317-8; Ormrod, ‘Edward III and His Family’.

<sup>13</sup> M. Jones, ‘Somerset, York and the Wars of the Roses’, *EHR*, 104 (1989), pp. 285-307, at pp. 289-90.

royal/noble class made up of junior members of the royal dynasty supported by such appanages.<sup>14</sup> It seems that the relative narrowness of the royal English family tree 'drove English kings to add glory to themselves by giving "novel titles of superior honour" to the blood royal' in this era.<sup>15</sup> Edward III, Henry IV and Henry VI would all demonstrably work to bolster the significance of some outlying members of the blood royal, seeking a frequently misplaced security in their political backing in times of political instability.<sup>16</sup> This newly powerful royal kin was perceived as a link from monarch to his noble class, facilitating communication, cooperation and mutual support in the face of new political visions such as the conquest of France.<sup>17</sup> Thus was born a subsection of the monarchy that came to have unprecedented importance in political life in the fifteenth-century,<sup>18</sup> giving truth to Hicks' statement that 'The royal family tree was not just the framework within which the political action took place: it was the reason why the actions occurred and gave them meaning that even today we can understand.'<sup>19</sup> Additionally, it shows that Yorkist familial identity must have always encompassed a sense of themselves as members of the royal family, even before ambition and Henry VI's ineptitude brought it to the forefront. While Edmund ultimately failed in this role of a chief political prop of Richard II's throne, it is more important to recognize what he actually achieved within it, and thus the impact his treasonous behaviour in contrast to his previous support had on the political climate.

A large part of the reason Edmund is often perceived as an unsuccessful prince can be traced back to the fact that, ultimately, he did struggle to shape an effective affinity, unlike his bolder, more noticeable brother John of Gaunt.<sup>20</sup> While kinship and property were two ideas bound very closely together in the middle ages, and despite Edward III's ambitions in regards to appanages, the king failed to provide a strong power base for his fourth surviving son. In 1347, Edmund was granted some (though not the bulk) of his deceased godfather the earl of Surrey's properties, predominantly in Yorkshire, which would be the most significant grant he received in his lifetime, and which came to form the centre of his power base.<sup>21</sup> In 1361/62 a political marriage of dazzling possibility with Margaret, daughter and

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<sup>14</sup> See A. Lewis, 'The Capetian appanages and the nature of the French kingdom', *Journal of Medieval History*, 2 (1976), pp. 119-134 for the development of the French appanages. However, these delegations of royal power made possible feuds like the infamous Burgundy/Orleans quarrel that helped to destabilize French royal authority throughout the fifteenth-century, making the English plans to utilize appanages seem flawed at best.

<sup>15</sup> Curry, *Hundred Years War*, p. 132; Griffiths, 'The Crown and the Royal Family', p. 8.

<sup>16</sup> Johnson, *Duke Richard of York*, p. 67.

<sup>17</sup> Johnson, *Duke Richard of York*, p. 2.

<sup>18</sup> Johnson, *Duke Richard of York*, p. 1.

<sup>19</sup> Hicks, *The Family of Richard III*, p. 66.

<sup>20</sup> For further on the Lancastrian affinity, see S. Walker, *The Lancastrian Affinity, 1361-1399* (Oxford, 1990).

<sup>21</sup> *CChR*, v. 63, 71.

heiress of Louis, count of Flanders came under negotiation.<sup>22</sup> This would have granted Edmund a vast swath of property and power on the continent as she would have brought Flanders, Nevers, Rethel, the counties of Burgundy and Artois, and the duchies of Limburg and Brabant to the marriage. Edmund in turn would have been given Calais, Guines, Ponthieu, Hainault, Holland and Zeeland by his parents, offering a perfect springboard for further English invasions of France.<sup>23</sup> Even though Edmund was still a young man with minimal political and military experience at the time, the fact that his father sought to position him in a role this significant to the English dynastic plan suggests that he was probably not the ineffectual dreamer painted by contemporary chroniclers and later historians. As a part of this four-year span of negotiations Edward III made Edmund the earl of Cambridge, although in the same ceremony that his two elder brothers were made dukes.<sup>24</sup> It seemed that Edward's plans to shape a powerful political niche for Edmund was coming to fruition. However, the French pressured the Avignon papacy into denying the dispensation required for the marriage, dismayed at the foothold on the continent this would have granted the English, and it fell through.<sup>25</sup> Following this disappointment, Edmund spent 1369 and 1370 on the continent, participating in various French campaigns with his brothers.<sup>26</sup> He returned home in 1372 to marry, although this time his marriage offered him no personal political strengths. Instead, he married Isabella of Castile, younger sister of Constanza of Castile, the second wife of John of Gaunt.<sup>27</sup> These two women were royal refugees, the illegitimate daughters and heiresses of Pedro the Cruel, recently overthrown and killed by his half-brother, Enrique II. They brought with them a legacy of fratricide and civil war—visible, for instance, in the Castilian regalia Constanza brought with her, later pawned by her step-grandson Henry V to Richard, earl of Cambridge, her sister Isabella's son, for money for Henry's first French campaign. Richard would then use it to attempt to create the trappings of royalty around Edmund, earl of March during his Southampton Plot aimed at bringing down the fledgling Lancastrian dynasty.<sup>28</sup> It is perhaps these dual marriages that are most responsible for relegating Edmund to his brother John of Gaunt's historical shadow in perpetuity.

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<sup>22</sup> *Foedera*, iii. 636.

<sup>23</sup> Curry, *The Hundred Years War*, p. 69; Ormrod, *Edward III*, pp. 433-434.

<sup>24</sup> *PROME*, v. 152; *CCR*, v. 174.

<sup>25</sup> *Foedera*, iii. 636, 744, 750-751, 758, 761, 777; *Calendar of Papal Registers Relating to Great Britain and Ireland*, IV: 1362-1404, eds. W.H. Bliss and J.A. Twemlowe (London, 1902), p. 19.

<sup>26</sup> *Foedera*, iii. 862.

<sup>27</sup> Walsingham, *Historia Anglicana*, i. 215.

<sup>28</sup> Pugh, *Henry V and the Southampton Plot*, p. 125.

However, Edmund in fact continued to have a solid political and military career, one overlooked by historians because it lacked the dazzle and ambition of the notoriously warlike Prince of Wales and of John of Gaunt. Edmund continued to fight in France and Brittany throughout the first half of the 1370s,<sup>29</sup> was a commander to treat for peace with France in 1375, was named Constable of Dover Castle and Warden of the Cinque Ports in 1376, and Chief Commander for the defense of the Kentish coast in 1377,<sup>30</sup> all important posts in difficult times. Richard II surely seemed to see value in this uncle, since Edmund was made duke of York in 1385, and granted an annuity of £1,000.<sup>31</sup> However, like the annuity granted to Edmund by his father when he was made earl of Cambridge, this sum was only slowly, and never completely, turned into grants of land, and exacting payment for such sums out of the exchequer could be a difficult process, one that Edmund, not uniquely, often struggled with.<sup>32</sup> In the 1390s, he was made regent of England during the King's absence no less than three times (during both of Richard's Irish expeditions, in 1394-5 and 1399, as well as Richard's visit to France to collect Isabella of Valois in 1396),<sup>33</sup> and was relied upon by the king to support the royal position in the 1397 confrontation with Gloucester, although he is commonly exonerated of any actual involvement with his brother's mysterious death.<sup>34</sup> In the end, this all describes the behaviour and treatment of a loyal, skilled servant, fulfilling the role of a royal kinsman envisioned for him by his father.

However, as already mentioned, Edmund was regent of England in 1399 while Richard II and Edmund's son Edward were in Ireland, and he was therefore *de facto* head of the English government when Henry Bolingbroke landed at Ravenspur. It has been suggested that Edmund may already have been in communication with Henry at the time of his landing.<sup>35</sup> However, evidence confirms that Edmund made traditional preparations to resist Bolingbroke by gathering resisting troops,<sup>36</sup> unlikely in a co-conspirator. One chronicler even recounts:

Item. When the Duke of York, the Lieutenant, and Sir William Scrop, Treasurer, heard the news of the Duke of Lancaster's arrival in England, they made an order on the part of the King and his Lieutenant, and caused it to be proclaimed in London, that every one who would serve the King

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<sup>29</sup> *Foedera*, iii. 1018-19.

<sup>30</sup> *Foedera*, iii. 1039; *Foedera*, iv. 3; *CPR* 1374-77, pp. 278, 475; *CPR* 1377-81, pp. 84, 590.

<sup>31</sup> *Foedera*, vii. 482-83.

<sup>32</sup> Biggs, 'A Wrong', p. 266.

<sup>33</sup> *Foedera*, vii. 789-90, 841; *Foedera*, viii. 82-83; *CPR* 1396-99, p. 21.

<sup>34</sup> *Foedera*, viii. 14; Saul, *Richard II*, p. 373 n.24.

<sup>35</sup> Biggs, 'A Wrong', p. 258.

<sup>36</sup> TNA, E 101/42/12. An account of the wages and expenses Edmund, duke of York's company of soldiers in 1399.

should be ready to accompany the Duke the morrow whither he would think proper to go; and the morrow there passed the bridge full three thousand horsemen...

...But the Lieutenant sent to the Duke of Lancaster to say that he had come there to assist him to recover his rightful inheritance, and that it was not by his advice that he had been banished. The Duke of Lancaster returned him word, 'Good uncle, you are right welcome and all your people.'<sup>37</sup>

In this significant moment the pivotal language of kinship used is often unappreciated, with words such as 'cousin' and 'uncle' being utilized, indicating a complex familial exchange. Henry Bolingbroke (now calling himself duke of Lancaster) accepts Edmund into his party by addressing him as 'uncle,' while Edmund's twin relationship with Richard goes unmentioned by the French chronicler at this moment. Edmund negates one relationship to cement its counterpart, and thus his role in the newly burgeoning political structure. He then went on to aid Bolingbroke in achieving the executions of Richard II's councillors (and former Lancastrian retainers) Le Scrope, Bussy and Green by using his authority as keeper of the realm to order the surrender of Bristol Castle,<sup>38</sup> having firmly and visibly changed sides in what was fast openly becoming an immediate contest between two members of the royal family for the throne.

Edmund's previously excellent fulfilment of his role as dutiful uncle and royal supporter for his nephew Richard II is what makes the events of 1399 so astonishing, and highlights the difficulties inherent in this kind of royal kinship structure. Richard II attempted to nullify whatever effect the death of John, duke of Lancaster and the disinheritance of Henry Bolingbroke may have had on Edmund by granting him John's former position as Steward of the Realm<sup>39</sup> and large portions of his East Anglian lands.<sup>40</sup> However, it could be argued that these properties only served to emphasize Edmund's greatest weakness—his holdings at this time were scattered across Yorkshire, Wiltshire, Essex and Northumberland, and with the addition of John's properties, Norfolk, Suffolk, and Buckinghamshire as well.<sup>41</sup> While it was not uncommon for nobility to have such dispersed property holdings, it still made it

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<sup>37</sup> *Traison et Mort*, pp. 183-6.

<sup>38</sup> Given-Wilson, *Henry IV*, p. 131; Walker, *The Lancastrian Affinity*, pp. 266, 270; *Annales Ricardi Secundi*, quoted in *CR*, p. 120.

<sup>39</sup> *CPR* 1396-99, p. 490.

<sup>40</sup> *CFR* 1377-1383, pp. 303-04.

<sup>41</sup> Biggs, 'A Wrong', p. 256; *CIPM*, xviii. 203-227.



difficult for Edmund to approach anything like the centralized power base he and his father had envisioned. Besides, Richard II had blatantly disregarded several key elements of the social order by disinheriting Bolingbroke—as a kinsman, he had injured a close member of his own family, and as a king, he had violated the property rights of one of his nobility.<sup>42</sup> Edmund's discomfort then, as both kinsman and noble, is understandable, and his stance on it is made clear in the *Annales Ricardi*: 'Even the Duke of York stated publicly that the duke of Lancaster had been wrongfully disinherited, and that he had no intention of attacking someone who came in a just cause and to ask for the restoration of his rightful inheritance.'<sup>43</sup>

Thomas Walsingham, an English chronicler somewhat more reliable as a source than the previously discussed chronicle and in direct contrast to the former's emphasis, focuses on Edmund's relationship with Richard II instead, and attributes Edmund's alliance with Henry Bolingbroke more to an inability to fight, rather than a political stance. This seems far more likely, considering evidence of his earlier preparations, Walsingham's closer geographical and temporal proximity to events, and the anti-York bias of most French chronicles:

Then Edmund of Langley, duke of York, the king's uncle, whom the king had appointed as regent for the time being, hearing of the approach of the duke and his army, gathered together a large force of men-at-arms and archers to try to oppose him. Yet not a single one of them, so I believe, was willing to fire so much as one arrow at the duke of Lancaster or his followers, or indeed to launch any sort of attack against him or his men. The duke of York therefore led his army across towards Wales to await the king's return from Ireland, and, being admitted to Berkeley, decided to remain there. It was here that the duke of Lancaster with his enormous following eventually caught up with him, and, since the duke of York did not have the strength to resist him, the two of them eventually, on the Sunday after the feast of St. James, spoke together in a church outside Berkeley castle and came to an agreement.<sup>44</sup>

As already demonstrated, Edmund struggled to receive the full sum due from the annuities he was owed by Richard II, and when Henry Bolingbroke ascended the throne, the new king sought to

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<sup>42</sup> See Given-Wilson, 'Richard II, Edward II and the Lancastrian Inheritance' for the impact of this action on the socio-political atmosphere.

<sup>43</sup> Thomas Walsingham, *Annales Ricardi Secundi et Henrici Quarti, Regum Angliae*, ed. H.T. Riley (London, 1866), p. 118.

<sup>44</sup> *Historia Vitae et Regni Ricardi Secundi*, quoted in *CR*, p. 127.

address this issue almost immediately. While most of the properties Richard had granted Edmund in the wake of Lancaster's death were forfeited properties that reverted to their original owners with Bolingbroke's accession, their loss was made up by grants from Henry centred around Edmund's already extant powerbases—the north, mainly, a trade that benefited Edmund, and seemed to cement his loyalty to the newly formed Lancastrian dynasty.<sup>45</sup> There is even a personal touch visible in the hunt-loving Edmund being made master of the royal mews and falcons.<sup>46</sup> It is interesting to note that this mutual fondness for hunting was a tie between both generations of the Lancastrian and Yorkist lines—Edmund's son Edward translated the hunting manual *Le Livre de la Chasse* written by Gaston III, comte de Foix, a friend of John of Gaunt's, into English. Edward is also known to have flown a goshawk in 1410 and been Master of the Hart Hounds under Henry IV.<sup>47</sup> Walsingham critically comments that during Edward III's death, the king thought only of 'hawking, hunting and other such trivia...'<sup>48</sup> Hunting, unsurprisingly, was a family passion.

There is a complexity to treason that now begins to emerge within the narrative, one that would continue to resound throughout the Yorkist role in politics. As discussed below, Edmund's son Edward had been a favourite of Richard II's, and he would struggle much more deeply with his loyalties than his father. Edward's role in the Epiphany Rising—the 1400 plot by various favorites of Richard II's to murder the new king—is often disputed, but one version of events has Edward complicit in the plan to murder Henry IV, a fact discovered in turn by his father while they dined together.<sup>49</sup> Edmund then, according to the story, accused his son of being a traitor to both Richard II and Henry IV, pointed out he himself served as surety for his son, and claimed he would rather let Edward die than himself.<sup>50</sup> Edmund then immediately rode for the court where he revealed the plot to Henry IV.

As already discussed, most French sources were more supportive of Richard II than Henry IV, and often displayed a definite dislike for Edward, so the reliability of this particular tale is questionable.

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<sup>45</sup> Biggs, 'A Wrong' pp. 266, 270. Also see TNA, SC 8/331/15694 for Henry IV's efforts in 1401 to meet the arrears of the annuities Edmund was due from Richard II's reign.

<sup>46</sup> *CPR* 1399-1401, pp. 31, 127. The admittedly much later John Hardyng says of Edmund that 'When all the lords to councell and parliament/Went, he wolde to hunte and also to hawekyng.' (Hardyng, *Chronicle*, p. 340).

<sup>47</sup> A. Goodman, *John of Gaunt* (Harlow, 1992), p. 157; C.M. Woolgar, *The Great Household in Late Medieval England* (New Haven, CT, 1999), pp. 180, 194; *CPR* 1401-05, p. 500. Admittedly, he did so while under house arrest for treasonable conspiracy. See below for the suspicion that he was involved with his sister Constance's attempt to join the Glyn Dwr rebellion, p. 148.

<sup>48</sup> Thomas Walsingham, *The St. Albans Chronicle, I: 1376-1394*, eds. J. Taylor, W. Childs and L. Watkiss (Oxford, 2003), pp. 118-22.

<sup>49</sup> *Traison et Mort*, p. 233.

<sup>50</sup> *Traison et Mort*, p. 233.

It is especially unlikely in light of the fact that Edward was possibly Edmund's only legitimate son, as Pugh and Ormrod make an excellent case for the younger son, Richard, earl of Cambridge, being the product of Isabella's extramarital affair with John Holland, earl of Huntingdon. The idea of a father participating in the extinction of his line was not merely a travesty of familial affection, but rather the annihilation of the *purpose* of property.<sup>51</sup> Without an heir, Edmund's Lancastrian gains meant nothing of significance. However, it is still an important chapter in the Yorkist mythology, exemplary as it is of the great tensions at rise. Here, issues of kinship which have turned into treasonous behavior are perpetuating further kinship issues between a father and a son, as well as the instability of a new regime which makes everyone uneasy. These kinship issues prompt a betrayal that, while it has implications on a broader, national scale, is primarily rooted on the internal, ideological divides between father and son. The statement attributed to Edmund, 'Thou traitor thief, thou hast been traitor to King Richard, and wilt thou now be false to thy cousin Henry?' is full of implications.<sup>52</sup> For Edmund, of an older generation, with a different experience of the royal family and warfare, betrayal, even while justified, was still a shameful experience, and once committed, was a set course. This aligns with the chivalric ethos of Edmund's day—consider that Leitch has found that 'in English romances before the mid-fifteenth century, treason words and recriminations tend to be vastly outweighed by *truth* words and praise of exemplary conduct, in a more positive primary mode of instruction.'<sup>53</sup> This also reflects a more positive outlook on chivalry, loyalty and duty common before the dynastic conflict between York and Lancaster reached its peak. Regardless of its truth, this story demonstrates the shifts in generational understandings of treason as perceived by chroniclers of the era.

Edmund was a loyal son, then uncle, to a monarch, who experienced a respectable amount of favour. He was a trusted servant of the kingdom. Then, most surprisingly, he broke the pattern of a lifetime and sided with an invading force, upheld the rights of a deposer, and then possibly even risked his oldest son to support the deposer again. Whether Edmund's hand was forced or not in 1399, his choice was still a turning point for Henry IV's invasion. It was this first duke of York who started the century-long tradition of treason that would infest his house and cause in large part much of the civil wars that would come to dominate the political landscape of his descendants.

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<sup>51</sup> Pugh, *Henry V and the Southampton Plot*, p.90; Ormrod, 'The DNA of Richard III', p. 201.

<sup>52</sup> *Traison et Mort*, p. 233.

<sup>53</sup> Leitch, *Romancing Treason*, pp. 60-61.

## Edward, Duke of York

Among members of the earlier generations of the house of York, Edward, eldest son of Edmund, is the most well-known, in part because he earned the enmity of the French and was memorialized in their histories as a truly spectacular example of a turncoat knight. This reputation was enough to implicate him in several of the plots against Henry IV and Henry V that formed in his lifetime. Yet, for all the divided loyalties that surface in his life, Edward flourished—he rose to become a duke twice, served two kings, survived a coup, two ill-timed plots by his younger siblings, and died, if not heroically, at least honourably, on the battlefield at Agincourt, his final act of loyalty preserving a legacy for his nephew, Richard, who would in turn leave his own troubled legacy of loyalty and betrayal behind.

Edward was Richard II's favorite cousin, knighted at the young king's coronation. Edward continued to receive marks of favor throughout Richard II's reign—he was made earl of Rutland on 25 February 1390 for the term of his father's life<sup>54</sup> (a title he liked so much he would use even after his accession to the dukedom), named Admiral of the North and West in 1391,<sup>55</sup> was a Joint Commander to treat for truce with France in 1391/92,<sup>56</sup> and participated in Richard's first invasion of Ireland 1394-95,<sup>57</sup> for which services he seems to have been unofficially made earl of Cork.<sup>58</sup> He was an ambassador to treat for Richard's marriage with Isabelle of France, during which negotiations for his own marriage to Isabelle's younger sister Jeanne were discussed.<sup>59</sup> He was Constable of Dover Castle and Warden of the Cinque Points (1396),<sup>60</sup> Keeper of the Channel Islands for life (1396),<sup>61</sup> Warden of the New Forest and Justice in Eyre South of Trent for life (1397),<sup>62</sup> Keeper of Carisbrooke Castle with the lordship of the Isle of Wight for life (1397),<sup>63</sup> and Constable of the Tower of London (1397 and 1399).<sup>64</sup> His role in Gloucester's arrest and appeal for high treason, which he supported,<sup>65</sup> earned him a large grant of

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<sup>54</sup> *PROME*, vii. 145-6.

<sup>55</sup> *Catalogue Rolles gascons, normans et francois de la tour de Londres*, ed. T. Carte (Paris, 1743), pp. 163, 165.

<sup>56</sup> *Catalogue Rolles gascons*, p. 165.

<sup>57</sup> E. Curtis, *Richard II in Ireland 1394-5* (Oxford, 1927), pp. 26, 41, 116, 123, 147, 243.

<sup>58</sup> Curtis, *Richard II in Ireland*, pp. 115-16, 147.

<sup>59</sup> Pugh, *Henry V and the Southampton Plot*, p. 96.

<sup>60</sup> *CPR* 1396-99, p. 24; *CCR* 1396-99, p. 348.

<sup>61</sup> *CPR* 1413-16, p. 301.

<sup>62</sup> *CPR* 1391-96, p. 12; *CPR* 1396-99, p. 118.

<sup>63</sup> *CPR* 1396-99, p. 150.

<sup>64</sup> *CPR* 1391-96, p. 16; *CPR* 1396-99, p. 194; *CCR* 1396-99, p. 139; *CCR* 1399-1402, p. 28.

<sup>65</sup> *Vita Ricardi Secundi*, quoted in *CR*, p. 58.

forfeited lands out of the Gloucester, Warwick and Arundel holdings,<sup>66</sup> and the new title of duke of Aumale.<sup>67</sup> He made a rather unusual marriage, with Philippa, third daughter of John Lord Mohun, a woman likely to have been several decades his senior, with no property to her name, and a childless widow twice-over—a particularly odd, unprofitable match considering the king's interest in his career and his previous involvement in seeking a bride for Edward in two of the great European royal houses.<sup>68</sup> Regardless, this marriage was not a sign that he had fallen out of favour, as Edward continued to pile up honors and responsibilities—most significantly, the honors of Leicester and Pontefract held by John of Gaunt before his death.<sup>69</sup> Instead, it serves as an example of the marked idiosyncrasies of his character.

Edward, like his father, directly profited from the end of Richard II's reign. Yet, just like his father, he experienced this upheaval as both a member of the royal family and a member of the noble class. The uneasiness engendered by a monarch's dismissal of the accepted process of inheritance was too deeply rooted, and may have contributed to the increasingly conflicting reports of Edward's behaviour in the years that followed.

Richard II's fall is a well-documented event, but the information about Edward's role in it is vague at best, prejudiced at worst. Richard's Irish expedition floundered from the start, and Edward evidently arrived late, after Richard's troops had already been pushed back to Dublin.

On the very same day arrived the false Earl of Rutland and his men in an hundred barges, all completely equipped for war. He was at that time Constable of England, and Duke of Aumarle, where he has a fine territory. Any thing that he pleased he might have asked of the king, for I solemnly declare, there was no man alive, brother nor uncle, cousin, young nor old, whom he loved better. He was most heartily rejoiced and assured at his coming. Many a time did he ask him, 'Constable, where tarried you so long that you came no sooner to us?' He excused himself humbly before all, wherewith the king was contented; for he [the earl] was humble and gentle towards him; yet had his doings been contrary to what he said, for which he was much blamed.<sup>70</sup>

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<sup>66</sup>*CPR* 1396-99, pp. 201, 205, 281, 345-55.

<sup>67</sup> *CPR* 1396-99, p. 355.

<sup>68</sup> R. Horrox, 'Edward, second duke of York', *ODNB*, 12.

<sup>69</sup>*CPR* 1396-99, pp. 259, 365, 368, 431; *Rotuli Scotiae in Turri Londensi Et in Domo Capitulari Westmonasteriensi Asservati*, eds. D. Macpherson, J. Caley and W. Illingsworth (2 vols., London, 1814-19), ii. 140, 147; *CFR* 1377-1383, p. 297.

<sup>70</sup> Jean Creton, 'Metrical History of the deposition of King Richard the Second', ed. J. Webb, *Archaeologia*, 20 (1824) pp. 1-423, at p. 45.

Creton was a knightly first-hand observer of the Irish campaign, and his observations are invaluable. However, his comments are strongly prejudiced against Edward, and it is necessary to sift through his statements for fact. Here, he is correct about Richard's affection and respect for his cousin. The many titles and positions granted Edward could have been part of a grooming process to prepare him for kingship—Richard II's first marriage had been barren, and he had chosen for his second marriage to make a sound dynastic alliance with the Valois house by marrying the young Isabella, rather than a marriage to a more mature woman of less importance to procure an heir. This decision could only have been comfortably followed through on if Richard felt he had a potential successor already at hand, and he is in fact recorded as verbally suggesting he should at some point abdicate and pass the crown to his Yorkist cousin, who was 'the noblest and worthiest man in the whole kingdom' of it.<sup>71</sup>

The *Traison et Mort* supports the basic facts as related by Creton during the Irish expedition:

On the very same day arrived to their succor [in Dublin] the Constable, called the Earl of Rutland, with one hundred armed barges, well provisioned; at which the King heartily rejoiced, for he loved him exceedingly, more so than any other lord in the kingdom. The King asked him, 'Constable, where have you tarried so long?' The Earl made his excuses with hauteur before all the lords.<sup>72</sup>

Here Edward's treason is prefigured by his unseemly haughtiness, while Creton chose to emphasize Edward's untrustworthiness by contrasting his use of seeming humility with the action of his late arrival. However, Johnston points out that Edward had responsibilities in the north that delayed his arrival, and that Creton's bias is showing in his critique here, a fact that is further supported by Creton's continued interpretation of Edward's behaviour.<sup>73</sup> He attributes Richard's decision to delay his return to England solely to 'sly' Edward's intervention for once,<sup>74</sup> when in reality the decision to gather his forces before facing Bolingbroke was not an unsound military decision.<sup>75</sup>

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<sup>71</sup> At least, as reported by Bagot at his trial in 1399, and published in *Chronicles of London*, pp. 51-3 and *Great Chronicle*, pp.76-7.

<sup>72</sup> *Traison et Mort*, p. 177.

<sup>73</sup> D. Johnston, 'Richard II's Departure from Ireland, 1399', *EHR*, 98 (1983), pp. 785-805, at p. 788.

<sup>74</sup> Creton, 'Metrical Deposition', pp. 55-58.

<sup>75</sup> Johnston, 'Richard II's Departure', p. 788.

The following sequence of events is confused—the exact date of Richard’s landing in Wales is debated, and his decision to abandon his army shortly afterwards is nothing less than puzzling.<sup>76</sup> It is significant, certainly, that Edward was not included in the group that accompanied the king. The *Traison et Mort* records him actively contributing to Richard’s fall by disbanding his army prematurely:

Now the Earl of Rutland, whom King Richard had created Duke of Albemarle and Constable of England, both he and Sir Thomas Percy, Grand Master of King Richard's Household, had deserted from the port of Milford, in which port the King and his army arrived on leaving Ireland, the thirteenth day of August thirteen hundred fourscore and nineteen, without having taken leave of the King or of the other lords, and went over to the Duke; and they said to those of the King's army, 'My lads, do the best you can for yourselves; the King has gone away without leaving any orders; get away each of you as well as you can:' and then they went over to the Duke to make their peace.<sup>77</sup>

Creton agrees with this sequence of events:

I will now tell you in what manner the constable who commanded his (the king's) people basely went off without waiting for him, and took away all his men, for which he hath been much despised; not a soul hath held him in estimation from that time; and it is no wonder; for it is a long while since any man of high employ hath been seen to do such a thing as to attempt the undoing of his rightful lord, and the accomplishment of his will upon him. On that night in which the good king set out from the sea-port at midnight, there arose a murmur and report in the army, that the king had fled without saying a word. Then the constable was much rejoiced at it, for he could not well find out any method of departing; but when he saw that the host was alarmed, he spake so loud as to be plainly heard, 'Let us begone; since my lord is so careful to secure himself, we are all lost.' Presently he caused the trumpets to sound, and commanded that every man should forthwith prepare for departure, for he knew not when the king would return.<sup>78</sup>

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<sup>76</sup> Johnston, 'Richard II's Departure', p. 791.

<sup>77</sup> *Traison et Mort*, p. 194.

<sup>78</sup> Creton, 'Metrical Deposition', pp. 98-99.

According to Creton, Edward carefully undercuts Richard's good lordship and value as a knight in order to facilitate his own change of sides.<sup>79</sup> If taken at face value, this is a damning account. However, Creton did not personally witness any of this—he had gone with Richard on his flight. The next time Creton would see Edward would be when he accompanied the future Henry IV to Flint to speak to Richard, where '[t]he Earl of Rutland at that time said nothing to the king, but kept as great a distance as he could from him, just as though he had been ashamed to see himself in his presence...'<sup>80</sup> Creton left England shortly afterwards, the rest of his material acquired at second hand. However, his image of a false Edward became the one that lasted in France.

Edward struggled in England as well. At Henry IV's first parliament, denunciations of his behavior towards Richard II came flying thick and fast, and it is a matter of debate as to why he in particular was so singled out. Edward had been made a member of the Order of the Garter in 1387, and it is possible that here is the core of why his actions are so shocking to public sentiment. E.A. McVitty has come to intriguing conclusions regarding the effect of Lord Scrope's treason in 1415—the general shock and outrage expressed, nearly to the exclusion of his co-conspirators (one an actual blood-cousin of the king's) by chroniclers. She believes it to be a result of Scrope's membership in the Order of the Garter, and the way his behaviour threatened the fundamental nature of knighthood.<sup>81</sup> Chivalric orders stood as a condemnation specifically against heresy, treason and dishonourable conduct, a condemnation which Scrope here directly contradicted with his behaviour.<sup>82</sup> This idea is furthered by the knowledge that the chroniclers are incorrect in citing Scrope as the recipient of special favour—there is no other contemporary evidence that he was in any way especially favored by Henry V.<sup>83</sup> It was not his relationship with Henry V that made Scrope's treason so dangerous, it was his role in the chivalric structure. A new definition of treason had to be solidified to safely convict Scrope in 1415, his actual involvement in the plot too nebulous to fall safely under the heading of 'treason.'<sup>84</sup> After all, Honoré Bonet firmly declaimed in his treatise on knighthood that '[h]e is *no true knight* who, for fear of death, or of what might befall, fails to defend the land of his lord, but in truth he is a *traitor* and forsworn.'<sup>85</sup>

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<sup>79</sup> Creton, 'Metrical Deposition', p. 69. Creton consistently emphasizes Richard's noble character as 'preux and valiant' throughout his poem in contrast.

<sup>80</sup> Creton, 'Metrical Deposition', p. 158.

<sup>81</sup> McVitty, 'False Knights', pp. 475-6.

<sup>82</sup> Vale, *War and Chivalry*, pp. 42-43.

<sup>83</sup> Pugh, *Henry V and the Southampton Plot*, p. 112.

<sup>84</sup> Bellamy, *Crime and Public Order*, p. 31.

<sup>85</sup> Honoré Bonet, *The Tree of Battles*, ed. and trans. G.W. Coopland (Cambridge, 1949), p. 114. Italics mine.



The two concepts were mutually exclusive, and by this definition Edward's behaviour was similarly threatening. In fact, it was even more so—while Scrope was 'de-knighted' and publicly excised from the public body by a violent, disfiguring death at Henry V's command, Henry IV could not afford to alienate the Yorkist branch, and instead was forced to cement Edward even more firmly into the social and governmental structure.<sup>86</sup> As a traitor rewarded for his actions, even as a traitor for the winning side, Edward became a living reminder of the instability of the structure. It has already been demonstrated that many men would transgress the chivalric code much more severely, and receive far less condemnation, throughout the fifteenth-century than Edward.

This was not Edward's last brush with treason. Henry IV apparently trusted him despite the earlier accusations, confirming Edward in several of his offices and making him a Privy Councillor.<sup>87</sup> Yet, Edward does seem to have had some role in the Epiphany plot, both as traitor and as an executor of justice. While both of his roles therein are discussed elsewhere in this chapter, it is imperative to here discuss how these varying reports of his involvement reflect the duality of his legacy. He undoubtedly committed treason in choosing Henry IV over Richard II (the outrage of his peers confirms the social aspect of this, even if by *law* he did not), and this became a stigma he carried through life, incriminating him in the public gaze not only in the Epiphany plot, but also in his sister Constance's treason five years later.<sup>88</sup> Yet, he was never conclusively proven to have been involved in either of these, he was never punished, and in 1415, when his brother Richard was executed for the Southampton plot, surprisingly the only mention Edward receives is an excuse from sitting as a member of the peer jury.<sup>89</sup> It was later that year that he died at Agincourt. His death as a loyal soldier in the most significant of Henry V's battles, one used to rally English morale throughout the fifteenth-century and beyond, ensured his dukedom and significant holdings would pass to his nephew Richard. Just as Edmund, duke of York in essence redeemed Edward's treason by revealing the Epiphany plot to the king in the French narrative of events, Edward undid the political damage of his brother Richard by participating in a landmark

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<sup>86</sup> McVitty, 'False Knights', p. 476.

<sup>87</sup> *PPC*, p. 100.

<sup>88</sup> See TNA, SC 8/179/8932 for an example of his efforts to regain the property the king seized after that particular debacle.

<sup>89</sup> Pugh, *Henry IV and the Southampton Plot*, p. 123. While Edward was indeed placed under house arrest after his sister's arrest, he was also notably granted £3,445 from the exchequer the day after she accused him of being implicit in her crimes (TNA, E 403/580). In light of this, it does not seem likely the government ever took this accusation seriously.

national moment, thus effectively illustrating the complexity involved in understanding treason's effect on the kinship structure, and the way it affected inheritance, memory and identity.<sup>90</sup>

### **Constance, Lady Despenser**

While treason was a serious offence, the punishment was not always permanent. In the later fifteenth-century, this was often because those in political power shifted power rapidly, and yesterday's traitor could very easily become today's loyalist. In the earlier fifteenth-century, while instances of treason upped in response to the shift in dynasty, the Lancastrians retained power for sixty years. Redemption had to come via other methods. This was a well-known fact, and there were various ways to achieve redemption, as pointed out by J.S. Bothwell.<sup>91</sup> One of the most common methods was through the intercession of noblewomen on behalf of their disgraced families. Just such a woman was Constance Lady Despenser, who provides an opportunity of studying how treason was dealt with in a noblewoman with royal connections and simultaneously offering a broader context for the study of treasonous royal women offered in chapter two.

Of Edmund, duke of York's three children, Constance was the only woman, and her actions within and without this redemptive dialogue are therefore especially revealing, as they offer a nearly unique comparison of the differences in masculine and feminine experiences of treason as experienced by siblings. Constance as a widow, a mother and a member of the royal family could use these facets of her life to protect herself and engage in overt political behaviour, but they, arguably, also functioned to damage her in very specific ways.

Her early life was a typical example of the daughter of an aristocratic family. She was married into the important Welsh marcher family of Despenser at a young age—by 1397 her name was appearing on royal grants in conjunction with her husband's.<sup>92</sup> She gave birth to two children during her husband's lifetime, named Richard and Elizabeth. This is all that is known of her early life, and while the information is limited, it seems traditional and stable.

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<sup>90</sup> See TNA, E 101/47/40 for Edward's wage accounts for his soldiers. Note that Edmund, earl of March also served in Henry V's 1415-17 campaign. His indenture is TNA, E 101/70/569.

<sup>91</sup> J.S. Bothwell, *Falling from Grace: reversal of fortune and the English nobility 1075-1455* (Manchester, 2008), p. 177.

<sup>92</sup> *CPR* 1396-1399, p. 219.

However, her husband's involvement in the Epiphany Plot of 1400 embroiled her personally. Her brother Edward, as part of his own redemptive process for his involvement with the plot, was sent to apprehend her husband Thomas as he tried to flee Wales— 'King Henry sent the Earl of Rutland and Sir Thomas Erpingham to seize the lord Despencer who was (*formerly*) Earl of Gloucester, who took him and beheaded him; and the Earl of Rutland sent his head also to London.'<sup>93</sup>

It is commonly understood that women had an important role to play in the treason dialogue between king and subject. Women throughout the middle ages were considered as intercessors—in *Beowulf* the queen Wealtheow functions as intermediary between her husband the king and the newly arrived monster-hunters.<sup>94</sup> In medieval iconography, Mary as queen of Heaven is commonly shown interceding with Christ for mankind.<sup>95</sup> In both art and literature, queens intervene with their husbands for their subjects, seeking forgiveness for trespassers.<sup>96</sup> Their behaviour offered a monarch a way to soften kingly dictates without compromising the strength of his authority.<sup>97</sup> Similarly, noble women are often seen in the middle ages approaching the king after their husbands have been attainted, seeking the restoration of property to their family, or at least their dower to support them in their widowhood. Henry IV and Henry V were notably generous to such womanly intercessors, and this intervention by women saved more than one noble family in the tempestuous early reign of the Lancastrians—other successful, similar plaintiffs in the same time frame include Isabel, widow of William le Scrope (d.1404), and Elizabeth, widow of the Duke of Exeter (c.1400—her husband was executed for his role in the Epiphany Rising as well). Constance lost no time in participating in this traditional 'active docility.'<sup>98</sup> She sought, and won, rights to pursue her dower from the king, as well as other property, valuable movables, and the wardship of her son.<sup>99</sup> This ability of widows to claim their dowers and jointures, along with any other independent inheritances, meant that often widows were among the richest members of society.<sup>100</sup> While Constance was not necessarily made significantly wealthy by her reacquired property, she was certainly made very comfortable—at the time of her death, she held land

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<sup>93</sup> *Traison et Mort*, p. 251. Italics in the original text.

<sup>94</sup> A. Blamires, *The Case for Women in Medieval Culture* (Oxford, 1997), pp. 86-7.

<sup>95</sup> C. Grossinger, *Picturing Women in Late Medieval and Renaissance Art* (Manchester, 1997), p. 20.

<sup>96</sup> Blamires, *The Case for Women*, pp. 87-9.

<sup>97</sup> Benz St. John, *Three Medieval Queens*, p. 54.

<sup>98</sup> K. Phillips, *Medieval Maidens: Young Women and Gender in England, 1270-1540* (Manchester, 2003), p. 13.

<sup>99</sup> *CPR 1399-1401*, pp. 204-205, 223-24, 226; *PROME*, viii. 252-253.

<sup>100</sup> J. Ward, *English Noblewomen in the Later Middle Ages* (London, 1992), p. 37.

in Gloucestershire and the Welsh marches, Nottinghamshire, Oxfordshire, London, Wiltshire, Buckinghamshire, Devonshire, Cornwall, Rutland, Lincolnshire and Yorkshire.<sup>101</sup>

However, she also began to visibly display a penchant for decidedly non-traditional behaviour, such as engaging in an affair with the king's ward, young Edmund Holland, earl of Kent, whose elder brother had been another conspirator executed for his role in the Epiphany Plot.<sup>102</sup> Edmund Holland sought and gained a license to allow him to marry where he pleased, which seems to be in regard to Constance.<sup>103</sup> They certainly had a daughter out of wedlock, and the king was enough aware of this rather scandalous relationship to take Constance's two legitimate daughters (the second born posthumously to Lord Despenser) into royal care.<sup>104</sup>

This was not the last behaviour outside of the traditional boundaries for women that she engaged in. She went on to become one of the few late medieval noblewomen directly implicated in treason:

In 1405, around the feast of St. Valentine [14 February], the sons of the earl of March were stolen and abducted, but were soon afterwards recovered from Windsor Castle. The blacksmith who had made the keys by which entrance to the boys was obtained was punished by having his hands and his head cut off. While [Constance] Lady Despenser, the widow of Sir Thomas Despenser [former Earl of Gloucester] lately executed at Bristol, was fleeing, so the story goes, to Owain Glyn Dwr with her eight-year-old son, she was taken captive and robbed of all her treasures. She was taken back to the king by the king's men and endured the inconvenience of quite close confinement.<sup>105</sup>

The Glendower revolt was successful at the time, and Henry, prince of Wales was devoting much of his time and money to dousing it. With the boys who could be considered the rightful heirs to the English

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<sup>101</sup> *CIPM* 1413-1418, pp. 193-98.

<sup>102</sup> Wylie, *History of England under Henry IV*, ii. 39.

<sup>103</sup> Wylie, *History of England under Henry IV*, ii. 39.

<sup>104</sup> *PROME*, x. 461-3; Wylie, *History of England Henry IV*, ii. 38. The only heir of Thomas, Lord Despenser to survive to adulthood would be the posthumous daughter Isabel, who would end up fighting her uncle Edward, duke of York for the return of the Despenser properties granted to him in the wake of Thomas's forfeiture. See TNA, SC 8/32/1575.

<sup>105</sup> Thomas Walsingham, *The Chronica Maiora of Thomas Walsingham*, trans. D. Preest (Woodbridge, 2005), p. 336.

throne in his hands, it is entirely plausible that Glendower could have gathered enough support to carry his revolt through to a successful conclusion.

Henry IV learned of their flight quickly, and sent troops in pursuit, who apprehended the fugitives outside of Cheltenham.<sup>106</sup> The boys were returned to royal custody, and Constance was brought before the Council in London to have her actions judged. There, she claimed the involvement of her brother Edward. While he denied any such involvement at first, he eventually admitted to at least *knowledge* of the plot and was imprisoned for seventeen weeks, not managing to begin to reacquire official favor until October.<sup>107</sup> Constance was imprisoned for a time at the Castle of 'Killyngworth', (Kenilworth, a Lancastrian stronghold<sup>108</sup>) her properties seized once again by the king.<sup>109</sup> However, early the next year all these were restored to her without fanfare, and Constance proceeded to live quietly for the rest of her life.<sup>110</sup>

Women were an accepted part of the treason/punishment/redemption dialogue. Constance played almost each role within this dialogue—peacemaker, yes, but also criminal, accuser, and punished. As such, she unusually unites the manifold experiences of treason in one person. It was because of her understood role as woman and peacemaker, as well as her close kinship to the royal family, that she escaped any retribution for her husband's participation in the Epiphany Rising. Thus, her gendering by court and society enabled her to commit treason as an independent party at a later date. Her brothers had very different experiences of treason—Edward would switch sides multiple times, but suffer no significant consequences and eventually die acceptably at Agincourt. Richard would construct a shoddy plot against Henry V in 1415, and be promptly beheaded. Only Constance would exist in a gendered no-man's land in which she was not really punished for her actions, but neither had a potential political path to a resumption of authority and honour—if she and the earl of Kent had ever planned to marry, her treasonous behavior made this marriage political suicide, and Edmund married the daughter of an Italian noble family instead.<sup>111</sup> Constance thus expands on and exemplifies the difficult problem treasonable women could pose for male monarchs as discussed in chapter two of this thesis, not just within the immediate royal family, but in the way the language and social rules of the time often

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<sup>106</sup> *Calendar of Signet Letters of Henry IV and Henry V, 1399-1422*, ed. J.L. Kirby (London, 1978), p. 192; Wylie, *History of England under Henry IV*, ii. 42.

<sup>107</sup> Wylie, *History of England under Henry IV*, ii. 43.

<sup>108</sup> Seabourne, *Imprisoning Medieval Women*, p. 30.

<sup>109</sup> *Issues of the Exchequer*, p. 300.

<sup>110</sup> *CPR 1406-08*, pp. 107, 194. Her petition for their return is in TNA, SC 8/182/9051. For further on this, see Given-Wilson, *Henry IV*, pp.264-5.

<sup>111</sup> *PROME*, x. 461-3. This was, undoubtedly, a better match. See H. Bradley, 'Lucia Visconti, Countess of Kent (d. 1424)', in *Medieval London Widows, 1300-1500*, eds. C. Barron and A.F. Sutton (London, 1994), pp. 77-84.

struggled to cope with them, particularly before the parliamentary measures passed after the Eleanor Cobham scandal in 1441.

In fact, as already mentioned, Constance's case can be viewed as a precursor to that of Joan of Navarre. Both cases were handled very similarly, despite the fact that Constance's treason was definite and Joan's was likely to have been an invention by Henry V. It is that, the identical treatment of the real treason and the invented treason, that highlights just how uncertain treatment of treasonous women was at the time. While it is possible that it may have been Constance's blood relation to the royal family that prevented any harsher punishment being meted out to her, it is also telling that there were no apparent thoughts given to a more coherent method of dealing with treasonous royal women until after 1441, long after both Constance and Joan. These two women seem to have been perceived as political aberrations, not typical traitors. Viewed as such, Constance stands as the first challenge to fifteenth-century gendered perceptions of treason, and foreshadows the struggles of kings in dealing with later treasonous royal women, from Eleanor Cobham to Elizabeth Wydeville.

### **Richard, Earl of Cambridge**

Richard was the youngest of the duke of York's children, and the one that existed most on the fringes of the nobility. The most significant work to discuss him in depth is T.B. Pugh's *Henry V and the Southampton Plot of 1415*.<sup>112</sup> For someone whose choices created a political environment with a serious impact on his descendants, his 1415 treason is given remarkably little attention—despite the fact that it was poorly planned and resulted in his swift downfall almost immediately, it was the concluding act of treason of the early fifteenth-century Yorkists, one of the last important actions of a generation. Followed shortly by the duke of York's death, these two formative events happening quickly on the heels of each other would influence the political choices of the young Richard, duke of York in the years to come. Of the members of the house of York, Richard, earl of Cambridge's treasonous behaviour is least surprising, and yet also speaks the most to the material motivations behind loyalty and the slippery difficulties the first king of a usurping dynasty faced.

As noted previously, theories suggest Richard may not have been the duke of York's son at all—his mother, Isabella, is described by Walsingham as '*domina carnalis et delicata, mundialis et venerea*,'

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<sup>112</sup> Pugh, *Henry V and the Southampton Plot*.

and scholars argue she may have conducted an affair with Richard II's half-brother, John Holland earl of Huntingdon, based on John Shirley's interpretation of Chaucer's *Compleynte of Mars*.<sup>113</sup> Richard II is known to have displayed a genuine nepotism towards his half-siblings—Stansfield describes John Holland as experiencing a 'steady nurturing' at the hands of Richard II and acquiring considerable favour at Richard's court, despite his abrasive nature and scandal-ridden past.<sup>114</sup> If John really was Richard's father, it might explain why the king was named the boy's godfather, and why Isabella in her will left her property to the king on the condition he grant an annuity to her youngest son, which he accordingly did.<sup>115</sup> If the king failed to do so, her other son Edward was to sell the residue of her goods and use that money to acquire a livelihood for his younger brother.<sup>116</sup> Interestingly, her will also left to her son Edward a beautiful cup and brooch she described as being given to her by the earl of Huntingdon, and gave to John Holland her best pearls and two bibles.<sup>117</sup> Ormrod admits knowledge of this relationship is in many ways purely speculative, and yet this information is still suggestive, especially in the light that Edmund, duke of York most unusually made no reference to Richard in his will at all, while referring to Edward as 'moun tresame fitz de Rotteland.'<sup>118</sup> In turn, Edward, while requesting prayers for the souls of himself, his father and his mother, ignored the souls of his troublesome younger siblings in his will.<sup>119</sup> Furthermore, the recent testing of the newly-discovered bones of Richard III reveal, as Ormrod calls it, a 'moment of false paternity' in the family tree, which could well be a result of the illegitimacy of Richard of Conisburgh, earl of Cambridge.<sup>120</sup> As discussed earlier, it was important for a family's prestige to maintain the social status of all members of the family. While younger sons were a problem for society as a whole at the time, usually some effort was still made to promote them at court or within the church. If Richard was indeed a relative of the king's, rather than of the duke of York's, this offers a

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<sup>113</sup> Walsingham, *Annales*, p. 169; Pugh, *Henry V and the Southampton Plot*, p.10 n.6; Cambridge, Trinity College MS R.3.20.

<sup>114</sup> M. Stansfield, 'The Holland family, Dukes of Exeter, Earls of Kent and Huntingdon, 1352-1475' (University of Oxford D.Phil thesis, 1987), pp. 73, 99, 94.

<sup>115</sup> Pugh, *Henry V and the Southampton Plot*, p. 91

<sup>116</sup> Pugh, *Henry V and the Southampton Plot*, p. 106 n.8

<sup>117</sup> Ormrod, 'The DNA of Richard III', pp. 201-2.

<sup>118</sup> J. Nichols, ed., *A Collection of All the Wills, Now Known to be Extant, of the Kings and Queens of England, Princes and Princesses of Wales, and Every Branch of the Blood Royal from the Reign of William the Conqueror, to that of Henry the Seventh exclusive; with explanatory notes and a glossary* (London, 1780), p. 188.

<sup>119</sup> Nichols, *A Collection of All the Wills*, p. 201.

<sup>120</sup> Ormrod, 'The DNA of Richard III', p. 188.

solution—his relationship with the problematic Huntingdon<sup>121</sup> made him a dynastic weakness, rather than a resource.<sup>122</sup>

The Lancaster line needed the Yorkists as supporters. Despite every member's consistent political duality, their landholdings and status as royal kin made them simultaneously too dangerous and too valuable to discard. While Edward's identity was eventually safely reinvented as a servant of Lancaster and Constance became a confusion never fully re-integrated into high favour, Richard, the youngest, had yet to show his colors by the early 1410s. It is therefore no surprise that this youngest scion of the house, with a possibly even more problematic relationship to Richard II, was handled warily by Henry V.

In fact, Richard's youth was unremarkable—a brief, undistinguished military career on the Welsh border, and a stint as part of the escort that brought Princess Philippa to the court of Eric of Denmark for her marriage in 1406, which resulted in his knighting.<sup>123</sup> His time in Wales did eventually lead to a clandestine marriage in 1408 to the dowry-less Anne Mortimer. Anne had only an annuity of £50 granted her by Henry IV, possibly due to the illicit nature of their marriage. The couple had to go through the ceremony twice, because the first, secret one was done without the requisite papal dispensation. Despite the lack of dowry, the marriage nonetheless solidified his access to his annuity of 500 marks, as it was now drawn from the Mortimer estates.<sup>124</sup> After Anne's death c.1411, Richard married Maud Clifford in 1412, who had retained a substantial portion of her divorced husband Lord Latimer's property, solidifying Richard's financial position still further.<sup>125</sup> However, none of these financial gains were the result of royal favour. Even in 1414, when it seemed as if his role in political affairs must be increasing with the bestowal of the earldom of Cambridge (the courtesy title for heirs to the dukes of York), the apparent elevation is not as significant as it appears. This creation was followed immediately afterwards by an exoneration of Edward, duke of York of the accusations of untrustworthiness made against him in 1399, implying that the two events are related.<sup>126</sup> With such title grants to an impoverished member of the extended royal family, it was typical for substantial grants of property to be made as well, to ensure the bearer could live a life suited to his new status. However,

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<sup>121</sup> John Holland was one of the key members of the Epiphany plot who lost his head in 1400, just like Thomas Lord Despenser.

<sup>122</sup> Stansfield, 'The Holland Family', p. 133.

<sup>123</sup> Given-Wilson, *Henry IV*, p.296.

<sup>124</sup> Pugh, *Henry V and the Southampton Plot*, pp. 93-4.

<sup>125</sup> Pugh, *Henry V and the Southampton Plot*, p. 95.

<sup>126</sup> Pugh, *Henry V and the Southampton Plot*, p. 98.



Richard received no such grants<sup>127</sup> —it seems likely that Henry granted the title, as well as Edward's social pardon, as motivation to ensure the two brothers' active participation in the upcoming French campaign, although without the resources required to properly invest in the campaign, the effect on Richard was rather moot.<sup>128</sup> Henry V promptly began incorporating the newly made earl of Cambridge's small forces into the royal army with issues from the royal exchequer.<sup>129</sup> Although Henry V affectionately addressed the new earl as 'our beloved and loyal cousin',<sup>130</sup> there was nonetheless no precedent for a male descendant of Edward III so poorly provided for (which is perhaps further support for the theory of his illegitimacy), and this rather insulting series of events may explain the creation of the poorly thought out Southampton plot.<sup>131</sup> This hovering outside an acknowledgement of dynastic bonds without forming solid ties paved the way for a dissatisfied Richard to seek profit from other noble, potentially dynastic, ties, such as within the Mortimer clan, to which his young son Richard could reasonably be presumed heir at this point.<sup>132</sup> Ormrod notes that if his alignment with the Mortimers is considered in the light of his possible illegitimacy as well, Richard may have sensed his only real claim on the royal dynasty identity lay in his first wife's and son's inheritance.<sup>133</sup>

Like so many of the dynastic plotters during the Lancastrian dynasty, Richard believed he would receive greater favour from a crowned Mortimer: specifically, his first, and now deceased, wife's brother, Edmund Mortimer, the same child who had been kidnapped by Richard's sister Constance ten years previously. As a Mortimer, Edmund had a claim to the throne, being descended of an elder branch of Edward III's progeny, despite the fact that his descent via Philippa, countess of March had been considered a stumbling block in the way of March succession since before Edward III's death.<sup>134</sup>

Many chronicles of the time even attributed the plot to the bribery of the French, hoping to end Henry V's plans to invade France, although there is no contemporary evidence of any of this.<sup>135</sup> The plot itself seems to have originated solely out of the conspirators' feelings of not completely unreasonable deprivation, and to focus on rousing yet another rising in Wales. The earl of March (whose betrayal of

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<sup>127</sup> Pugh, *Henry V and the Southampton Plot*, p. 98.

<sup>128</sup> G.L. Harriss, 'Richard, earl of Cambridge,' *ODNB*, 3.

<sup>129</sup> TNA, E 404/31/276.

<sup>130</sup> TNA, E 404/31/276.

<sup>131</sup> Pugh, *Henry V and the Southampton Plot*, pp. 92, 98.

<sup>132</sup> Duindam, *Dynasties*, p. 278.

<sup>133</sup> Ormrod, 'The DNA of Richard III', p. 214.

<sup>134</sup> Ormrod, *Edward III*, p. 564.

<sup>135</sup> *Gesta Henrici Quinti*, eds. V.H. Galbraith, R.A.B. Mynors, and C.N.L. Brooke (Oxford, 1975), pp. 18-19; Walsingham, *Historia Anglicana*, pp. 305-06; Adam Usk, *The Chronicle of Adam Usk*, ed. and trans. Chris Given-Wilson (Oxford, 1997), p. 255.

the plotters ensured the preservation of his life—a commentary on the value of the importance of timeliness in treason) informed the king of the plan on 31 July, and Henry V, at Portchester preparing for the embarkation for France from Southampton, ordered the arrest of Cambridge and his co-conspirators Thomas Grey and Scrope of Masham promptly. They were swiftly seized and imprisoned in Southampton Castle, held in the charge of the Constable of the tower of Southampton, John Popham.<sup>136</sup> Thomas, duke of Clarence, the king's brother, was placed in charge of proceedings as the king's proxy, with various men appointed commissioners to hear the case.<sup>137</sup> Lasingby and Hull were charged with especial involvement in the case proceedings.

All the three of the conspirators wrote pleading letters asking for mercy, and it is in this time, between arrest and trial, that Pugh believes they were written.<sup>138</sup> It is significant in and of itself that these letters, the last surviving words of executed traitors, survive at all. Of Richard's, four are extant, two badly damaged and apparently drafts or versions of the two later letters, which have survived in much better shape. In his letters he utilized the language of fealty, referring consistently to Henry V as 'my liege lord' and asking for mercy in the context of this liege loyalty-- 'have you compassion on me your liege man.'<sup>139</sup> This is not unlike his son Richard's wary use of the language in 1450 upon his return from Ireland. '...I am true liege man to the sovereign king my Lord, ever have been, and shall be to my dying day.'<sup>140</sup> Again, in Richard, duke of York's second bill to Henry VI he declared that, 'I aye have been, and ever will be, your true liege man and servant.'<sup>141</sup> While the circumstances of these letters vary widely—Richard, earl of Cambridge was on trial for his life, whereas Richard, duke of York was making complaints about his treatment at the hands of the court—the understanding of fealty and the attempt to use its two-way nature to defend themselves from accusations of treasonous behaviour are similar. This is not to suggest that Richard, duke of York inherited any particular *style* of writing from his father—these are fairly generic responses to threat. Rather, it is to note that they both engaged with similar defensive positions at different times in their political careers, and that it is this similar need for defense that is so striking.

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<sup>136</sup> *PROME*, ix. 119-24.

<sup>137</sup> *PROME*, ix. 119-24. These men were John earl Marshal, Thomas earl of Salisbury, Michael de la Pole earl of Suffolk, Richard earl of Oxford, William la Zouche, Henry FitzHugh, Thomas Camoys, Thomas Erpingham, William Lasingby and Robert Hull.

<sup>138</sup> Pugh, *Henry V and the Southampton Plot*, pp. 124-5.

<sup>139</sup> BL, MS Cotton Vespasian C XIV, f.47r.

<sup>140</sup> John Stowe, *The Chronicles of England* (London, 1603), p. 674.

<sup>141</sup> Stowe, *The Chronicles of England*, p. 677.

The third of Richard's letters is a confession, explaining his attempt to use Welsh interest and Mortimer connections to label Henry V as 'Harry of Lancaster, usurper of England',<sup>142</sup> and use a banner of England, the Castilian crown in his possession, and a Richard II pretender with a Scottish alliance, to claim Welsh castles and replace Henry V on the throne. He only pleaded for mercy briefly at the end, drawing on Christian themes to urge Henry to Christ-like mercy. However, neither here nor in his next letter, which is much more a plea for mercy than confessional, does Richard ever accuse Henry V of poor lordship, which in his perspective the king had undeniably practiced, denying him the funds to live a life adequate to uphold his newly acquired title. Richard could perhaps have brought this forward for grounds as *diffidatio*, an official renunciation of fealty, as Robert, earl of Gloucester had with King Stephen in 1138, and as Sir William Trussell did on behalf of the entire realm with Edward II in 1327.<sup>143</sup> However, no one in the house of York would ever use this as a reason for their changed loyalties, perhaps simply because by this time period it was just not a viable option.

Regardless, Richard's attempt to work within the structure of loyalty failed him, as the justices summoned a pool of prospective jurors from the Southampton area, and eventually selected twelve men who confirmed Richard and Grey had indeed sought to depose Henry V through a Welsh rebellion, using Edmund Mortimer and a false Richard II as figureheads.<sup>144</sup>

However, they added an extra charge—that the plotters had sought to kill Henry V and all of his brothers, effectively erasing the Lancaster line. This is an intriguing decision to implicate the three in attempted murders of the king and his siblings. This 'construction of treason' was necessary to bring their actions firmly within the realm which the statute of 1352 dealt with,<sup>145</sup> and it seems most likely this particular charge was invented by Henry himself or his close advisors to assure their swift conviction and execution. It speaks to the limits of treason law at the time, as well as to the fact that monarchs would bend it to acquire the verdicts they preferred, and set a precedent for treason trials of later decades. This includes Henry VIII's reign, in which inferring the intention to murder the king became a commonplace way to ensure the execution of undesirables.<sup>146</sup> Thus Richard's plot was itself formative, not in the kingmaking way he intended, but certainly in how monarchs would come to visualize enforcing their will on juries.

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<sup>142</sup> BL, MS Cotton Vespasian C XIV, f.47r.

<sup>143</sup> R.H.C Davis, *King Stephen* (London, 1977), p. 37; Phillips, *Edward II*, p. 535.

<sup>144</sup> *PROME*, ix. 121. The men named were John Chond, John Lock, John Steer, John Veel, Robert Upham, Laurence Hamelyn, John Welere Fisher, John Colyn, John Penyton, Walter Hore, John Hall and John Snell.

<sup>145</sup> Pugh, *Henry V and the Southampton Plot*, p. 129

<sup>146</sup> Pugh, *Henry V and the Southampton Plot*, p. 129; Bellamy, *The Tudor Law*, pp. 2, 10-11.

The fact that Richard was setting up internal tensions in his party from the outset is significant—the presence of both Mortimer and a false Richard II in opposition to each other for the crown suggests either thoughtlessness or a plan to manipulate the various unique potentialities either claimant to the throne offered. John, Lord Clifford said Richard, earl of Cambridge had bragged about Scottish support in the form of this Richard pretender.<sup>147</sup> However, it seems the Scottish were leading him on, or Richard had never actually spoken with them, since the timeline makes it clear Trumpington, the Richard II imposter, was already dead by this time.<sup>148</sup>

Richard and Grey admitted to their plot involving Mortimer and the Welsh in court, although they denied the charge of planning to murder the king and his brothers, while Scrope insisted he had merely been attempting to understand their plans before reporting to the king.<sup>149</sup> Grey was executed almost immediately after that first, swift trial, on 2 August. However, Richard and Lord Scrope gained a little time with Scrope's demand that their status as lords entitled them to a trial by their peers. They were then returned to the care of Popham.

The peers who sat in judgement of them, fortuitously already gathered in the area in preparation for the French invasion, included eight earls and nine barons. Their re-trial gained them little. Of note is that Edward, duke of York was excused from sitting in judgement of his brother, as discussed above, a recognition of the conflict of interests involved when it came to dynastic loyalties versus immediate kinship.<sup>150</sup> Both Richard and Scrope were condemned as traitors and sentenced to death. Richard, '*de sanguine regio*', had his sentence of death commuted slightly on the order of the king, from being hanged, drawn and quartered, to merely beheaded.<sup>151</sup> While Scrope's head was then put on display, Richard's is believed to have been returned to his body and buried at the nearby St. Julian's Chapel, another favour drawn from his royal connection.<sup>152</sup>

There has been confusion amongst scholars concerning Richard's attainder or lack thereof. Pugh maintains he was never attainted, while others such as Johnson claim he was.<sup>153</sup> In fact, records show he was not. The Parliament Rolls merely record that:

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<sup>147</sup> Pugh, *Henry V and the Southampton Plot*, p. 100.

<sup>148</sup> Pugh, *Henry V and the Southampton Plot*, p. 100.

<sup>149</sup> *PROME*, ix. 122.

<sup>150</sup> *PROME*, ix. 123; Pugh, *Henry V and the Southampton Plot*, p. 123.

<sup>151</sup> *PROME*, ix. 124.

<sup>152</sup> *PROME*, ix. 124.; *CPR 1461-1467*, p. 116.

<sup>153</sup> Pugh, *Henry V and the Southampton Plot*, p. 134; Johnson, *Duke Richard of York*, p. 3.

...all lordships, castles, manors, lands, tenements, rents, services, reversions, fees, advowsons, hundreds, wapentakes, views of frankpledge, courts leet, parks, chases, franchises, liberties, bailiwicks and custody of castles, parks, forests and chases, and any other places, rights and possessions, and also all and each of the goods and chattels of the aforesaid earl of Cambridge, Henry Lescrope and Thomas Grey should be forfeited to the lord king, according to the terms and effect of the aforesaid judgments given against them, as has been said. Provided that such forfeitures shall be extended only as the common law of the realm of England demands and requires in this matter: saving always, however, the right of one and all who claim to have forfeitures in this case by virtue of their liberties and franchises.<sup>154</sup>

Nothing is mentioned of an attainder, and no such document currently appears to exist elsewhere.

It was significant that decades later, when Edward IV called his first parliament in November 1461, one of the first issues on the table was the overturning of the condemnation of Richard, earl of Cambridge.

...late called King Henry V, after the death of his father Henry, late earl of Derby, unjustly occupying the crown and realm of England, and its royal power, pre-eminence and dignity, by extortion, usurpation and intrusion, took and imprisoned Richard, earl of Cambridge, grandfather of our sovereign and liege lord King Edward IV, at the town of Southampton; and caused the same Richard, by the name of Richard, earl of Cambridge, late of Conisbrough in the county of York, knight, to be indicted in a feigned session held in the said town of Southampton, in the third year of the usurped reign of the said Henry, late called King Henry V [1415], and on the strength of that indictment to be put to a horrible death by detestable cruelty and violence, by an erroneous judgment given at the said town.<sup>155</sup>

The judgement is 'announced and deemed void, and repealed, cancelled, struck out and of no force or effect.'<sup>156</sup> An attainder is never mentioned. It was important for the legitimization of the house of York that even the hint of treason in their background be washed away, so it is more than likely if Richard had ever actually been attainted, it would have been explicitly mentioned and overturned. In

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<sup>154</sup> *PROME*, ix. 124.

<sup>155</sup> *PROME*, xiii. 57-8.

<sup>156</sup> *PROME*, xiii. 58.

the end, Richard actually helped cement Yorkist royal authority by becoming a political martyr to a righteous cause, as well as contributing to their tactic of demonizing the Lancaster line and undercutting any claim they had to the throne.

### **Richard, duke of York**

Richard, duke of York's forebears all died either before he was born or when he was very young, their resting places their final testaments to their legacies. Edmund, duke of York died 1 August 1402 and was buried in King's Langley Priory, Hertfordshire adjacent to the palace where he had been born.<sup>157</sup> Richard, earl of Cambridge having been executed 5 August 1415, was buried ignominiously in St. Julian's Chapel, his name only resurrected by Edward IV in the latter half of the century, perpetual masses ordered at the chapel for his and his son's souls (apparently still being conducted by the early sixteenth-century, though ended by the dissolution of the monasteries).<sup>158</sup> Constance, Lady Despenser died 28 November 1416,<sup>159</sup> and was buried near the altar of Reading Abbey in 1420.<sup>160</sup> Edward, duke of York died at Agincourt on 25 October 1415, and was buried on 1 December in the college at Fotheringhay he had been in the process of founding when he died with an appropriately splendid escort 'in the midst of the quire under a flat piece of marble at the quire steps,' just as he had desired in his will, with what seems to have been a brass outline of a military figure on it.<sup>161</sup> Edward's complicated relationships with his service to two kings was on display as he drew up his will on 22 August 1415—he described himself as a hideous sinner and asked for prayers for both 'Mons' Seignour le Roy Richard, [and] Mons' Seignour le Roy Henry Quart...'<sup>162</sup> It is interesting to note that later Edmund was reburied at King's Langley, and Edward and Richard, dukes of York (the latter reburied at Fotheringhay at the behest of his son Edward IV) had their tombs remodeled by Elizabeth I when the dissolution of the monasteries threatened

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<sup>157</sup> *Annales*, p. 344.

<sup>158</sup> *CPR 1461-1467*, p. 116; J. Davies, *A History of Southampton* (Southampton, 1883), pp. 461-2.

<sup>159</sup> *GEC*, iv. 281.

<sup>160</sup> John Rous, *The Rous Roll*, ed. C.D. Ross (Gloucester, 1980), entry 55.

<sup>161</sup> Woolgar, *The Great Household*, p. 108; 'Colleges: Fotheringhay', in *A History of the County of Northampton*, eds. R.M. Serjeantson and W.R.D. Adkins (7 vols., London, 1902-), ii. 170-177, at p. 170; S. Matich and J. Alexander, 'Creating and Recreating the Yorkist Tombs in Fotheringhay Church (Northamptonshire)', *Church Monuments*, 26 (2011), pp. 82-103, at pp. 83-4, 89.

<sup>162</sup> Nichols, *A Collection of All the Wills*, p. 220.

them.<sup>163</sup> There had been a 1560 act that forbade the ‘breaking or defacing...any monument...or inscription and memory of any person deceased being in any manner of place, or to break any image of Kings, princes or noble estates of this realm...that have been erected and set up for the only memory of them to their posterity.’<sup>164</sup> Still, the tombs at Fotheringhay had suffered in the wake of the Dissolution and Elizabeth claimed to be shocked and horrified at their state, and ordered the reburials if the outright restoration of Fotheringhay was too expensive.<sup>165</sup> In reality, her reaction was not as immediate—she was certainly at Fotheringhay in 1566, but only evinced interest in reburying her ancestors in 1572, possibly in reaction to the Ridolfi plot and Mary Queen of Scots’ claim to the English throne.<sup>166</sup> Elizabeth was thus continuing the policies set forth by her great-grandfather Edward IV by solidifying her own reign’s legitimacy through reverencing the memory of her ancestors, even with their occasionally difficult relationships with their kingly cousins.<sup>167</sup>

Pugh states that ‘[i]t was fortunate for the young Henry VI and Lancastrian England that dangerous malcontents and dissidents among the English baronage had already been eliminated by the fiasco of the Southampton plot of 1415.’<sup>168</sup> This is undoubtedly true, and one reason why Henry VI’s minority reign was ultimately managed successfully in dynastic terms. However, the heirs of these malcontents and dissidents grew up just as Henry VI did, with a legacy of treason to inherit, which they would put into good effect throughout the Wars of the Roses, exemplified here in Richard Duke of York.

All the actions of the previous generations, from Edmund, duke of York to Richard, earl of Cambridge simultaneously influenced and foreshadowed the life of Richard, duke of York, whose choices helped define fifteenth-century conceptions of treason, loyalty, and kingship. His life has received much scrutiny by historians, and deservedly so—it is the lynchpin of an era, a political turning point. However, engaging with his treasonous actions within the context of his familial legacy brings a new perspective and clarification to what is one of the most critically examined eras of English history. Richard’s life is far too complicated, his treason far too intricate, to examine in the detail shown to his predecessors. For clarity’s sake, his childhood and youth, his relationship with his ancestry via affinities and projects such

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<sup>163</sup> Matich and Alexander, ‘Creating and Recreating’, pp. 82-3.

<sup>164</sup> Matich and Alexander, ‘Creating and Recreating’, p. 82.

<sup>165</sup> ‘Colleges: Fotheringhay,’ p. 176; TNA, E 178/1654. A survey of Fotheringhay, 1571-1573.

<sup>166</sup> Matich and Alexander, ‘Creating and Recreating’, pp. 82-3.

<sup>167</sup> Much as he’d learned the idea from Henry V’s reburial of Richard II. See Strohm, *England’s Empty Throne*, p. 114.

<sup>168</sup> Pugh, *Henry V and the Southampton Plot*, p. 145.

as Fotheringhay, the light shed on the presence of familial memory in his life by the literature of the day, and the significance of his reburial are focused on most closely here.

The only son of Richard, earl of Cambridge and his first wife Anne Mortimer (who probably died shortly after Richard's birth), Richard was heir on both sides to royal blood. More, he was heir to the troubling associations that came with that blood.<sup>169</sup> While on his father's side the Yorkists were known for a troubling tendency to switch political sides and the unsavoury reputation for betrayal that came with it, his mother belonged to a house that had an arguably better right to the English throne than the current king, as well as one that despite her own relatively dowry-less state, was known for significant wealth and power derived from historically rebellious Wales and Ireland.<sup>170</sup> Even without the complications of his father's death, it was a thorny legacy practically designed to make Richard an object of scrutiny and wariness in the English court circle.

Richard was only four years old when he was left an orphan by his father's execution for treason in August 1415, and then turned into a duke and landholder by the death of his uncle Edward, duke of York at Agincourt in October later that same year. However, the Yorkist lands were badly encumbered as they supported two dowagers (Joan Holland, Edmund's second wife, and Philippa de Mohun, Edward's widow) throughout most of Richard's minority.<sup>171</sup> Therefore it was the death of his other uncle, Edmund Mortimer, earl of March ten years later in Ireland that would turn him into a great magnate.<sup>172</sup> This was an enormously rich inheritance comprising the earldoms of March and Ulster, the Clare properties in England, and the Irish lordships of Trim and Connaught. The Herefordshire and Marcher properties were valued at £1,306. 2s. 5/8d. alone at the post mortem inquisition, and Johnson calculates the entire worth of the earldom of March to be £3,701 7d., in contrast to the duchy of York, at £561.1s.7d. Pugh thinks Johnson undervalues their worth, and suggests that Richard's total income in 1443 would have been between £6,000 to £7,000, although it would have lessened by the mid-1450s in response to falling rents.<sup>173</sup> It was also a title that carried with it yet another complicated relationship with the throne—it was this Edmund that Constance, Lady Despenser kidnapped as a boy to set up in opposition

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<sup>169</sup>Pugh, *Henry V and the Southampton Plot*, p. 94.

<sup>170</sup> Pugh, *Henry V and the Southampton Plot*, p. 93.

<sup>171</sup> Pugh, 'Richard Plantagenet (1411-1460), Duke of York', pp. 109-10.

<sup>172</sup> Griffiths, *The Reign of Henry VI*, p. 667.

<sup>173</sup> Griffiths, *The Reign of Henry VI*, p. 667; 'Mapping the Medieval Countryside', (King's College London, 2014), [<http://www.inquisitionspostmortem.ac.uk/view/inquisition/22-834/>]; Johnson, *Duke Richard of York*, p. 23; Pugh, 'The Estates, Finances and Regal Aspirations', pp. 75-6. Also see J. Rosenthal, 'The Estates and Finances of Richard, Duke of York, 1411-60', *Studies in Medieval & Renaissance History*, 2 (1965), pp. 115-204.



to Henry IV, and that Richard, earl of Cambridge sought to use in 1415 against Henry V. In 1424, a petty knight named John Mortimer who had escaped from jail was considered so dangerous, thanks it seems exclusively to this Mortimer affiliation, that escaping from prison was briefly turned into an offence of high treason exclusively to secure his execution.<sup>174</sup> While Houlebrooke might make the valid point that by the late middle ages, it was rare to find a real sense of cohesiveness in noble family units, the exceptions were those from northern borderlands, who faced enough external pressures to drive them to find strength in their dynastic identities.<sup>175</sup> It can be argued that similar circumstances existed for Marcher lords, and their identity was at least as deeply related to their sense of family as those of the Nevilles and Percys, contributing to the heightened sense of unease the Lancastrians already felt over the Mortimers. This was a double assurance that being a Mortimer or a York made one dangerous in Lancastrian England, and it was these dual legacies, involving the inextricably linked nature of blood and property, that shaped Richard's life.

Henry V certainly seems to have viewed Richard's familial legacy of treason askance, placing him in the guardianship of Sir Robert Waterton soon after his father's death. This was unusual—most noble wards were taken into the royal household or their wardships sold to other great noble families. The choice of Waterton as a guardian was a suggestive decision—Waterton was not only a long-trusted Lancastrian retainer, but one traditionally used to deal with problematic royal 'guests' under Henry VI and Henry V.<sup>176</sup> He had been in charge of Richard II's time at Pontefract Castle in 1399 shortly before the former king's death, and then numerous noble prisoners taken at Agincourt, including the Marshal of France Jean le Maingre, Charles of Artois, duke of Orleans, and Arthur de Richemont the future duke of Brittany.<sup>177</sup> These were all powerful, politically significant prisoners. That the young duke of York was placed in Waterton's charge and therefore classed with (though not necessarily *as*) this type of political prisoner for the following seven and a half years—until Henry V's death, in fact—in a small household outside of the public gaze speaks clearly to the potential threat seen in this scion of the Yorkist and Mortimer houses.<sup>178</sup>

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<sup>174</sup> Powell, 'The Strange Death of Sir John Mortimer', p. 91. See chapter one for an in-depth discussion of the statute concerning John Mortimer's imprisonment and execution, pp. 42-6.

<sup>175</sup> Houlebrooke, *The English Family*, pp. 40, 45.

<sup>176</sup> Griffiths, *The Reign of Henry VI*, p. 666; TNA, E 101/49/17. Particulars of Robert Waterton's account.

<sup>177</sup> Griffiths, *The Reign of Henry VI*, p. 666; TNA, E 101/49/17. Although Waterton later traded Orleans for the Duke of Bourbon with Nicholas Montgomery in 1419. TNA, E 30/398. Indenture between Robert Waterton and Nicholas Montgomery.

<sup>178</sup> Griffiths, *The Reign of Henry VI*, p. 666.

Richard's value superseded his danger in the eyes of Henry VI's council after Henry V's death however, and his wardship and marriage were sold for 3,000 marks in December 1423 to the earl of Westmorland, Lancastrian loyalist, husband of Joan Beaufort and a member of the minority council.<sup>179</sup> Even after the earl's death, Richard was raised by his widow, the aforesaid Joan, though some sources suggest he, or least some of his property, was in the charge of John Holland, earl of Huntingdon, another potential heir to the throne (and possibly Richard's uncle).<sup>180</sup> This Neville connection would be one of the most formative experiences of Richard's life, creating for him a strong familial alliance with a powerful house, unlike his own nearly extinct line. Aside from his Despenser/Holland cousins and sister Isabel, who was married young firstly to Sir Thomas Grey (whose father had also been implicated in and executed for his involvement in the Southampton plot) and then to Henry Bourchier, Richard had no real blood Yorkist relatives alive.<sup>181</sup>

While it may seem difficult to ascertain exactly what influence the Yorkist family could have had on the young Richard without living receptacles to transmit it, this discounts the effect of familial memory, the passing down of preconceptions by sometimes rather unorthodox means. As Saul says, '[a] knowledge of family ancestry, transmitted in the collective memory, was a significant influence on [the nobleman's] actions in the present,'<sup>182</sup> as well as that ancestral deeds formed 'part of the stock of myths and narratives passed down over the generations, which brought lustre to a family's name.'<sup>183</sup> In this case, the suspect nature of the family name is preserved through the narrative. The continuation of a personal service by members of an affinity is one such source for the narrative. While Richard inherited very little of an affinity from his family, the aforementioned premature deaths of his father and uncle dispersing their households and affinities before he was old enough to create a household to maintain them, some did eventually return to his service when he began to run his own household. The ones who did all carried significant memories with them. One such example is John Popham. He was a favoured servant of the crown, constable of Southampton Castle at the time of Richard, earl of Cambridge's arrest and execution, mentioned as delivering Richard and Scrope to their trial in Southampton in the Parliament Rolls.<sup>184</sup>

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<sup>179</sup> Griffiths, *The Reign of Henry VI*, pp. 666-7; G.L. Harriss, *Cardinal Beaufort: a Study of Lancastrian Ascendancy and Decline* (Oxford, 1988), p. 145.

<sup>180</sup> Harriss, *Cardinal Beaufort*, p. 145.

<sup>181</sup> Pugh, *Henry V and the Southampton Plot*, p. 94.

<sup>182</sup> Saul, 'Chivalry and Art,' p. 108.

<sup>183</sup> N. Saul, *For Honour and Fame: chivalry in England, 1066-1500* (London, 2011), p. 283.

<sup>184</sup> *PROME*, ix. 123.

Yet, despite this involvement in Richard's execution, he was clearly an intimate of Edward, duke of York, one of the three men named in Edward's will dated a few weeks after the execution, set to inherit 'nouvelles brigandiers couvertez de rouge Velvet, queux Grove me fist, mon Bassinet qui je port, & mon meillour Chival...' <sup>185</sup> Edward also granted all of three of these men, the other two being Thomas and Philip Beauchamp, riding trappings. <sup>186</sup> In the end, John Popham was the only member of Edward, duke of York's affinity named in this will that Richard, duke of York inherited. <sup>187</sup> He clearly held favor with Richard, accompanying him to France in 1436, and then being granted an annuity in 1440. <sup>188</sup> In 1450, he would be elected speaker for the House of Commons, although he would fail his geographically distant patron, claiming ill health (quite reasonably, considering his advanced age) and refusing the position. <sup>189</sup> It is significant and intriguing that Richard inherited a man who witnessed at close hand the trial and execution of his father. Other significant affinity members garnered from his Yorkist association include the Herefordshire lawyer John Russell, <sup>190</sup> and the Mulso brothers who were from a Suffolk/Northamptonshire family patronized by both Edward, duke of York and the Bouchiers, the latter of whom had their own blood connection to the York lineage—both by blood (being descendants of Thomas of Woodstock) and by Richard's sister Isabel's second marriage. <sup>191</sup> The Fitzwilliams, too, are a family that made the transition from Edward to Richard. <sup>192</sup> Comparing Richard, duke of York's servants and annuitants with Edward, duke of York's retinue rolls for the Agincourt expedition results in a number of repeated surnames too—a Peter Cappes served Edward in 1415, <sup>193</sup> while a Roger Cappes was listed amongst a company of officers in Gloucestershire in 1436. <sup>194</sup> A John Hall is also on Edward's muster roll, as is a Boteller, <sup>195</sup> and while a John Hall receives an annuity in 1442-3 of £3 6s 8d, <sup>196</sup> another Botiller is a receiver of Shropshire under Richard before 1442. <sup>197</sup> So while Johnson argues the bulk of York's affinity derived from the Bedford household, enough names reoccur across separate eras that this

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<sup>185</sup> Nichols, *A Collection of All Wills*, p. 221.

<sup>186</sup> Woolgar, *The Great Household*, p. 41.

<sup>187</sup> Johnson, *Duke Richard of York*, p. 15.

<sup>188</sup> Johnson, *Duke Richard of York*, p. 237.

<sup>189</sup> Griffiths, *Reign of Henry VI*, p. 670.

<sup>190</sup> Griffiths, *Reign of Henry VI*, pp. 669-70.

<sup>191</sup> Griffiths, *Reign of Henry VI*, p. 671.

<sup>192</sup> Johnson, *Duke Richard of York*, p. 16.

<sup>193</sup> TNA, E 101/45/19. Retinue roll of Edward, duke of York.

<sup>194</sup> TNA, SC 6/850/28.

<sup>195</sup> TNA, E 101/45/19.

<sup>196</sup> WAM, MS 12167.

<sup>197</sup> TNA, SC 11/818. Valor of lands possessed by Richard, duke of York.

suggests that relatives of those who had served the previous duke of York were still present in the service of the new one decades later.<sup>198</sup> This web of patronage and internal/external familial loyalty, though limited, provided York with the beginnings of a loyal base, one also potentially carrying the tradition of Yorkist treason and tactics from the old generation to the new.

Despite this, it might be assumed at first glance that Richard had been safely conducted into the Lancastrian fold, his dangerous Mortimer/Plantagenet inheritance negated by education, favour and marital alliance into a 'fictive kinship'<sup>199</sup>: he was betrothed to Cecily Neville in 1424, daughter of the earl of Westmorland and Joan Beaufort.<sup>200</sup> He was knighted in 1426 by the Duke of Bedford,<sup>201</sup> attended Henry VI's English coronation in 1429,<sup>202</sup> served as constable of England at Smithfield during a duel in 1430 (a striking sign of favour considering he was only 19),<sup>203</sup> and was present at the young king's crowning in Paris at the end of 1431.<sup>204</sup> He did not come into his property easily—in 1432 Richard was complaining to the king about the difficulties he was having in obtaining his estates,<sup>205</sup> but in 1433 he was admitted to the Order of the Garter.<sup>206</sup> The early 1440s saw a significant appanage granted to Richard in eastern Normandy due to his appointment as lieutenant of France in 1436 and then 1441-5, based around the comtes de Evreux and Beaumont-le-Roger (formerly belonging to Thomas, duke of Clarence).<sup>207</sup> His two young sons Edward and Edmund were made the earls of March and Rutland respectively, an unusual mark of regard when directed to children as young as this—approximately three and two years old at the time.<sup>208</sup> Edmund, earl of Rutland was also granted 'all regalian rights in the appanage of Saint-Sauveur-Lendelin in the Norman Cotentin,'<sup>209</sup> offering official royal support to Richard's interest in a French royal marriage for Edward.<sup>210</sup> Still, it was impossible to prevent the young duke of York from experiencing Yorkist and Mortimer legacies.

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<sup>198</sup> Johnson, *Duke Richard of York*, p.16

<sup>199</sup> L.B. Smith, 'Fosterage, Adoption and God-Parenthood: Ritual and Fictive Kinship in Wales', in *Welsh History Review*, 16 (1992), pp. 1-35, at p. 2.

<sup>200</sup> Johnson, *Duke Richard of York*, p. 1; Griffiths, *Reign of Henry VI*, p. 667.

<sup>201</sup> Johnson, *Duke Richard of York*, p. 1.

<sup>202</sup> Johnson, *Duke Richard of York*, p. 1.

<sup>203</sup> Johnson, *Duke Richard of York*, pp. 1-2.

<sup>204</sup> Johnson, *Duke Richard of York*, pp. 1-2.

<sup>205</sup> TNA, SC 8/26/1260. Petition from Richard, duke of York to Henry VI, 1432.

<sup>206</sup> Griffiths, *Reign of Henry VI*, p. 667.

<sup>207</sup> Jones, 'Somerset, York and the Wars of the Roses', pp. 289-90.

<sup>208</sup> Jones, 'Somerset, York and the Wars of the Roses', pp. 289-90.

<sup>209</sup> Jones, 'Somerset, York and the Wars of the Roses', pp. 289-90.

<sup>210</sup> Pugh, 'Richard Plantagenet (1411-60), Duke of York', p. 123.

These legacies can be seen in many places, such as in the physical goods the young Richard inherited, including the famed 'White Rose' jewel. In the wake of Dartford in December 1452, a Richard desperate for funds to recoup losses is recorded as pawning this, among other gems, to Sir John Fastolf, for 400 marks.<sup>211</sup> It was a diamond brooch reputedly purchased for 4,000 marks in the late fourteenth-century. Named for one of the symbols of the house of York, it was apparently the most expensive medieval gem owned by a private family, and probably a significant dynastic talisman.<sup>212</sup> It is clear this regard for the jewel ran deep, and passed down to Richard's sons, because Edward IV redeemed it on 27 July 1461, almost immediately after his coronation.<sup>213</sup> Inheritances such as this were important physical proofs of a family's legacy and blood, concepts doubly important to a usurping dynasty.

The college of Fotheringhay was another such physical legacy, and Richard's first serious, public interaction with Yorkist tradition and familial memory, as well as being a project that nicely showed off the chivalric virtue of *pious*.<sup>214</sup> As a building project, it cost him £300, spent at the urging of Cardinal Beaufort, who had made its completion one of the conditions of Richard coming into his property.<sup>215</sup> As a place, Fotheringhay was and is one of the most central pieces of the Yorkist mythology—the turrets projecting from the parapets were known as 'fetterlocks,' a traditional Yorkist symbol, in written accounts of the castle.<sup>216</sup> The college itself was planned by Edmund, duke of York, actual building begun by Edward, duke of York, completed by Richard, duke of York, and refounded by his son Edward IV (Edward would in fact assign fifteen manors and three advowsons to finance its continued construction after his accession).<sup>217</sup> It had been Edmund's brainchild, probably inspired by his father's interest in competing with the French tradition of college-building, but Edmund had only completed the quire by the time of his death in 1402.<sup>218</sup> His son and heir Edward then founded the college in 1411, and planned to rebuild the body of the church.<sup>219</sup>

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<sup>211</sup>Pugh, 'The Estates, Finances and Regal Aspirations,' pp. 78-79.

<sup>212</sup> Pugh, 'The Estates, Finances and Regal Aspirations,' pp. 78-79.

<sup>213</sup> Pugh, 'The Estates, Finances and Regal Aspirations,' pp. 78-79.

<sup>214</sup> Kaeuper, *Chivalry and Violence*, p. 207.

<sup>215</sup> J. Rosenthal, 'Richard, duke of York: a 15<sup>th</sup> century layman and the Church', *Catholic Historical Review*, 50 (1964), pp. 171-87, at pp. 110, 176.

<sup>216</sup> J. Goodall, *The English Castle* (New Haven, CT, 2011), p. 305.

<sup>217</sup> Rosenthal 'Richard, duke of York', p. 176.

<sup>218</sup> C. Burgess, 'An Institution for All Seasons: The Late Medieval English College', in *The Late Medieval English College and its Context*, eds. C. Burgess and M. Heale (Woodbridge, 2008), pp. 3-27, at p. 323; 'Colleges: Fotheringhay', p. 170.

<sup>219</sup> 'Colleges: Fotheringhay', p. 170.

The college itself consisted of a master, twelve chaplains, eight clerks, and thirteen choristers (an unusually large foundation—four singing men and six choir boys tended to be the largest),<sup>220</sup> and was, not uncommonly, dedicated to the Blessed Virgin and All Saints, a trend borne of the Hundred Years War to venerate the Incarnation, just as the ability of colleges to craft the liturgy to especially reflect royal ambition was part of their new popularity.<sup>221</sup> Henry IV generously granted the college an annuity of £67 6s. 8d. drawn from Newent, Gloucester and Kingston, Hertfordshire, in his endowment charter and Edward would later gain further letters patent involving the endowment of the college in 1415.<sup>222</sup> A copy of the statutes issued by Edward in the reign of Henry V for its running order that the chaplains seek prayers for himself and his parents, Richard II and Henry V daily, and then specially thrice a year for Richard, Henry and his parents.<sup>223</sup> His early death in 1415 prevented the fulfilment of his plans, however, neither church nor college completed. Hence the need for Richard to finish the project at a removed date, and who secured a minor 100s. annuity from the minority council for the construction purposes in 1432.<sup>224</sup>

This type of familial interest in a religious building project was not unusual among the fifteenth-century nobility. Henry of Lancaster initiated such a college building project, albeit in the fourteenth-century,<sup>225</sup> while fifteenth-century patrons included Ralph Lord Cromwell, Sir John Fastolf, and Richard, duke of Gloucester.<sup>226</sup> These projects encouraged a strong sense of lineage and an interest in past family members.<sup>227</sup> Saul notes as well the tendency of medieval aristocracy to manifest familial memory in physical objects, like foundations.<sup>228</sup> Therefore it is unsurprising that even after it was completed, Richard seemed to have had an especial interest in its thriving, investing a significant sum in it after its completion—he directed £2 to come from his manor at Grantham starting in 1448 to specifically fund

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<sup>220</sup> 'Colleges: Fotheringhay', p. 170; D. Skinner, 'Music and Reformation in the Collegiate Church of St. Mary and All Saints, Fotheringhay', in *The Late Medieval English College and its Context*, eds. Burgess and Heale, pp. 253-74, at p. 255.

<sup>221</sup> 'Colleges: Fotheringhay', p. 170; Burgess, 'An Institution for All Seasons', p. 21.

<sup>222</sup> Burgess, 'An Institution for All Seasons', p. 21.

<sup>223</sup> 'Colleges: Fotheringhay', p. 174.

<sup>224</sup> 'Colleges: Fotheringhay', p. 174; Rosenthal, 'Richard, duke of York', pp. 178-79.

<sup>225</sup> Burgess, 'An Institution for All Seasons', p. 22.

<sup>226</sup> M. W. Thompson, 'The Architectural Significance of the Building Works of Ralph, Lord Cromwell, 1394–1456', in *Collectanea historica: essays in memory of Stuart Rigold*, ed. A. P. Detsicas (Maidstone, 1981), pp. 155-62; A. Smith, "'The Greatest Man of That Age'": the acquisition of Sir John Fastolf's East Anglian estates', in *Rulers and Ruled in Late Medieval England*, eds. Archer and Walker, pp. 137-55; Ross, *Richard III*, p. 130.

<sup>227</sup> Hicks, *Richard III and his Rivals*, pp. 135, 137.

<sup>228</sup> Saul, *Honour and Fame*, p. 298.

prayers for his dead uncle's soul.<sup>229</sup> Ironically—though not surprisingly, considering how prominently the Lancastrians had patronized Fotheringhay in the past—Henry VI gifted 20 acres of wood in 1447 to the college on the condition a mass be said for himself and his queen, and then prayers for his and his wife's soul be said after their deaths.<sup>230</sup> It is significant that Richard was interested in strengthening his connection with this facet of his family in particular, rather than with his treasonable father, as no records of grants or requests made to St. Julian's in Southampton, the earl of Cambridge's resting place, exist at his behest. In fact, never in his life would he use his father to boost his political credibility, unlike his son Edward, who would use both Richard himself and Richard, earl of Cambridge as political martyrs to further his cause.

Indeed, this vested Yorkist interest in Fotheringhay would continue after Richard's death, with Edward IV continuing to function as patron throughout his reign, not only with grants of land, but more personal gifts, including a tun of Gascon wine yearly at Christmas.<sup>231</sup> By 1534, at the college's dissolution at the behest of Henry VIII, it had 'considerable possessions...in the counties of Gloucester, Hunts, Lincoln, Middlesex, Northants, Rutland, Suffolk, Wilts, and Worcester, realiz[ing] an annual value of £419 11s. 10¾d.'<sup>232</sup> Fotheringhay had thrived up until this point, with a budget firmly in the black according to its 1547 certificate of value (£536 19s. 7½d. income, £471 11s. 6¾d. outgoing), and the 1558 sale description offers a look at a prosperous property covering three acres, including two courts, a woodyard, an orchard, and a garden.<sup>233</sup> Notes from the eighteenth-century antiquarian John Bridges offer glimpses into the Yorkist touch on architectural details--the glazing theme of the windows in the aisle were said to have had angels, falcons and fetterlocks throughout the tracery lights, a physical example of Yorkist heritage built into the building itself, as many founders did with personal symbols in their colleges.<sup>234</sup>

It is interesting to speculate that Richard's neglect of his father's burial place was a conscious negation of any association with his father, founded on an awareness that his world perceived treason as an inherited trait. If true, he had a dedicated interest in creating a deeply alternate persona both for

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<sup>229</sup> 'Colleges: Fotheringhay', p. 171; Rosenthal, 'Richard Duke of York', pp. 178-79.

<sup>230</sup> C. Burgess, 'Fotheringhay Church: Conceiving a College and its Community', in *The Yorkist Age*, eds. Kleineke and Steer, pp. 347-66, at p. 354; 'Colleges: Fotheringhay', p. 174.

<sup>231</sup> Rosenthal, 'Richard Duke of York', p. 176; 'Colleges: Fotheringhay', p. 171.

<sup>232</sup> 'Colleges: Fotheringhay', p. 171.

<sup>233</sup> 'Colleges: Fotheringhay', p. 176.

<sup>234</sup> N. Saul, 'Fotheringhay Church, Northamptonshire: Architecture and Fittings', in *The Yorkist Age*, eds. Kleineke and Steer, pp. 367-79, at p. 374; Burgess, 'Fotheringhay Church', p. 351.

himself and the public. Watts, for instance, suggests that Richard may not have been acting out of dynastic self-interest when he challenged Henry VI, but rather drawing his sense of fitting action from the chivalric culture of the day: '[a]ction to restore the king to the paths of virtue was the greatest demonstration of loyalty, even if it meant a contingent defiance of his will.'<sup>235</sup> Watts therefore argues that York's attempts to paint his treason as loyalty throughout the early stages of the civil war were not hypocrisy, but the sincere actions of a loyal knight, and that it was Henry's court who sought as early as his landing in Wales to infer he had a dynastic interest in the crown in an effort to undermine his platform.<sup>236</sup> If Richard was trying to undercut his legacy by emphasizing the role of the 'humble sugett and lyge man' he so fervently professed, and perhaps believed, himself to be, a certain clarity comes to the tangle of affairs in the early 1450s.<sup>237</sup>

It is true that Richard demonstrated an edgy awareness of honour and its easy loss in his personal letters. He was very sensitive to accusations of behaviour unbecoming a knight, often framed his actions in chivalric terminology, sought to disassociate himself from actions that undercut this framework, and emphasized to his sons 'in princes of high and noble blode, honour, prowesse, renown, noble and vertu hath be and owe to be stableship and exercised.'<sup>238</sup> In his letter to Henry VI and then his public manifestoes in the 1450s, he was very sensitive to the idea of attainder and the effect the accusation of treason would have, not only on himself, but especially on his heirs. '...to the which iuriz certeyn personns laborred instantly for tahave endited me of threason to thentent for tahave undone me and myn issue and corupte my blood, as opynly publisshed...' he says in his 1450 complaint about the efforts to stop him from returning to Ireland,<sup>239</sup> and in another from February 1452 as he sought to whip up support for Dartford, '[Somerset] labours continually about the king's highness for my undoing, and to corrupt my blood, and to disinherit me and my heirs and such persons as are about me...'<sup>240</sup> He offers to clear himself in one letter to the king, 'as a true Knighte ought to do' (according to Michael Hicks' dating before he had even heard the accusations against himself, placing it in Ireland in early

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<sup>235</sup> J.L. Watts, 'Polemic and Politics in the 1450s', in *The Politics of Fifteenth-Century England*, eds. Kekewich, Richmond, Sutton, Visser-Fuchs, and Watts, pp. 3-42, at p. 22. See below for further discussions on the interactions between the Yorkist family, literature and treason, pp. 173-9.

<sup>236</sup> Watts, 'Polemic and Politics', pp. 13, 24.

<sup>237</sup> Watts, *Henry VI*, p. 39; *The Paston Letters and Papers*, ii. 49. For the alternative view, see M.A. Hicks, 'From Megaphone to Microscope: the correspondence of Richard Duke of York with Henry VI in 1450 revisited', *Journal of Medieval History*, 25 (1999), pp. 243-56; R.A. Griffiths, 'Duke Richard of York's Intentions in 1450 and the Origins of the Wars of the Roses', *Journal of Medieval History*, 1 (1975), pp. 187-209.

<sup>238</sup> Jones, 'Somerset, York and the Wars of the Roses', p. 306.

<sup>239</sup> Watts, *The Politics of Fifteenth-Century England*, p. 185.

<sup>240</sup> H. Ellis, ed. *Original Letters Illustrative of English History*, (4 vols., London, 1825-46), i. 12.



1450),<sup>241</sup> placing himself firmly on the positive side of the language of chivalry and fealty in the process.<sup>242</sup> Richard's reiteration of these concepts suggests a purposeful distancing from his father's treason, fully aware that it was an inheritance others could and perhaps did believe he had inherited. It was a strong late medieval belief that children inherited the predispositions of their ancestors—note this line from a poem dedicated to Henry VI: 'Of good rootes, spryngging by vertu/Must grow goode fruyte be necessite.'<sup>243</sup> Therefore, ideologically speaking, the opposite was also true. Indeed, in 1456 while York was staying in Fleet Street in London, this idea was fully articulated by an unidentified group: '[e]t in vigilia sancti Mathei evangeliste Curiales in nocte posuerunt quator capita canum cum mirabilia scripto super aqueductile in Fleetstrete.'<sup>244</sup> The second dog carried a verse that mocked York for inheriting his father's treasonous inclinations:

Ofte bereth the sone the faderis gylte.  
None so gylteles as y compleyne:  
Ffor ones that y barkyd a-geynys the mone,  
With mighty force here was y sleyne.  
My tyme was come; my defenyys is done.<sup>245</sup>

Comparing Richard's actions at Dartford and St. Albans with his father's Southampton plot, forty years apart, the unnamed satirist scoffs at York's protests against inheriting that legacy, suggesting his actions speak much louder than his words, just as the *Somnium Vigilantis* argued.<sup>246</sup> George Ashby writing in either 1460 or 1470, but certainly after Richard's death,<sup>247</sup> would comment on the duke's treason in his poem addressed to Edward, Prince of Wales, son of Henry VI and Margaret of Anjou—

Ther was goode ynough if ther had be hert  
To haue departed therwith in all haste,

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<sup>241</sup> Griffiths, 'Intentions', p. 203; Hicks, 'From Megaphone to Microscope', p. 251.

<sup>242</sup> Hicks, 'From Megaphone to Microscope', p. 256.

<sup>243</sup> *Political Poems and Songs Relating to English History*, i. 144.

<sup>244</sup> Benet, 'John Benet's Chronicle', p. 217. "And on the eve of St. Matthew the Evangelist in the night [they] set four dogs' heads with wonderful script upon the water-conduit in Fleet Street." Translation mine.

<sup>245</sup> *Historical Poems*, p. 190.

<sup>246</sup> 'A Defence of the Proscription', p. 516.

<sup>247</sup> M. Bateson, 'Introduction', in *George Ashby's Poems*, ed. Bateson, pp. i-vii, at p. vi.

And saued many a man that toke smert,  
But rather thei wolde take the deth is taste  
Than they wolde for theimselfe theyr goode oute cast,  
And so loste their maister, theimselfe & goode,  
Only couetise shedynge their blode.<sup>248</sup>

Later, tellingly, Ashby comments on the importance of not trusting those with a legacy of treason in their family:

Be wele ware of falsehode in felawship,  
And namly of *corrupte bloode* and suspecte,  
Abidyng in power, myght & lordeship,  
And be towardes thair rule circumspecte,  
And to thaire werkes haueth respecte,  
And if thei trespace Lete not them eschape,  
lustly punysshynge them & not with lape.<sup>249</sup>

Clearly, others were willing to believe Richard's behavior was inherited, a fulfillment of everything Henry V had initially feared. It is unlikely Richard would have been unaware of this attitude. For evidence of this, compare Richard's manifestos of the 1450s with the manifestos of the earl of Warwick in the 1470s. While Warwick and Clarence use much of the same language as York—the exclusion of 'gret lordis of thayre blood'<sup>250</sup> from their rightful place in the monarch's council and references to the 'comonweal'<sup>251</sup>—they neglect to mention worries about attainder. The accusation of treason and the legacy inherent therein did not trouble the supremely confident Warwick, who despite his own attainder in 1459, had not spent a lifetime dealing with the treasonous scandals of two generations of forebears.

The *Crowland Chronicle* summarizes the early 1450s in a vein that supports the idea the Yorkists would propagate—'[f]or there were certain persons enjoying the royal intimacy...who brought serious

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<sup>248</sup> Ashby, 'Active Policy of a Prince', p. 18.

<sup>249</sup> Ashby, 'Active Policy of a Prince', p. 26. Italics mine.

<sup>250</sup> Warkworth, *Chronicle*, p. 48.

<sup>251</sup> J. Buckland, *England under the Lancastrians* (London, 1921), p. 139.

accusations of treason against him [Richard, duke of York], and made him to stink in the king's nostrils even unto death....At last, a solemn oath was demanded of him upon the sacrament at the altar...so long as he should live he would never aspire to the rule of the kingdom....'<sup>252</sup> Of course, there were other perspectives. The 1459 *Somnium Vigilantes*, a Lancastrian tract written to support Richard's attainder defines Richard and his associates' behaviour as outside of the law, indefensible, and proactively subversive.<sup>253</sup> This is as plausible a perspective as that of the Yorkist chronicles, making it clear no solid answer can be quickly found. The 1460 commission to seize his lands must also have been a defining moment for Richard, pushing him further along the path of treason as his sense of identity was cut away.<sup>254</sup>

Yet this theory of sensitivity is one that at least explains York's slow reaction to events in England from his post in Ireland in the late 1440s, which could have offered him a place from which to springboard claims to the crown.<sup>255</sup> Whatever historians today say, some contemporaries at least appeared to view it as an exile.<sup>256</sup> Consider it in the light of his uncle Edmund, earl of March's exile to Ireland shortly after Henry V's death in an effort to keep him from destabilizing the reign of a king very much in his minority. Edmund would die there without ever returning to England, as had, in fact, the previous two earls of March.<sup>257</sup> This sensitivity may even give a partial explanation for York's feud with Somerset—Somerset's central role in the government prevented York from playing his traditional, chivalric-based role of good lordship, one which his treatment of his affinity in France and Ireland proved to have been a very important one to him.<sup>258</sup> To deny him the ability to practice this lordship was to take away one of his chivalric defenses (his expression of *largesse*, one of the key virtues of knighthood<sup>259</sup>) and leave him both emotionally and publicly vulnerable to the consequences of his family's legacy of treason. This type of public undercutting was taking place as early as his first term of office in France. His efforts to exercise a type of patronage that closely associated him with the power and reputation of the Duke of Bedford by overriding Somerset's grant of the d'Alencourt lands in favor of Jacquetta, the dowager duchess of Bedford, were thwarted by Henry VI's government when they

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<sup>252</sup> *Crowland Chronicle Continuations*, pp. 418-19.

<sup>253</sup> 'A Defence of the Proscription of the Yorkists', pp. 517-8.

<sup>254</sup> BL, Lansdowne MS 1/39.

<sup>255</sup> Griffiths, *The Reign of King Henry VI*, p. 686.

<sup>256</sup> Pugh, 'Richard Plantagenet, (1411-60), duke of York', p. 128; Gregory, 'Gregory's Chronicle', p. 195.

<sup>257</sup> R.A. Griffiths, 'Edmund Mortimer', *ODNB*, 7.5-7; Pugh, 'Richard Plantagenet, (1411-60), duke of York', p. 127.

<sup>258</sup> Johnson, *Duke Richard of York*, pp. 16, 53, 64; Jones, 'Somerset, York, and the Wars of the Roses', p. 286.

<sup>259</sup> Kaeuper, *Chivalry and Violence*, p. 206.

swiftly overturned the grant.<sup>260</sup> His arrival in Wales from Ireland is clearly marked by his displeasure that several of his affinity (including Edmund Mulso and William Oldhall whom he had especially favored with patronage<sup>261</sup>) had been immediately threatened on the orders of the king.<sup>262</sup>

Conversely, there is evidence that Richard believed Henry VI was also failing in *his* duty to protect his own servants—Watts points out the letter Richard wrote to the earl of Salisbury while in Ireland was meant as a way to protect himself against charges of failure in his duty, as the monarchy had failed to provide him with the necessary funds.<sup>263</sup> Richard was neither being provided with good lordship nor being allowed to practice it to his satisfaction. The monarchy was failing in a very specific reciprocal function of medieval society, and it roused a considerable response from Richard, perhaps encouraging him to shift his position further across that vaguely delineated line of treason, and into the increasingly aggressive political steps he took— the Dartford fiasco, his first protectorate, and finally first St. Albans. After all, ‘anthropologists and historians regularly conclude that any society animated by a code of honour will be highly competitive; it will much value the defence of cherished rights and the correction of perceived wrongs through showy acts of physical violence.’<sup>264</sup> If Richard could dismiss the loyalty that kept this chivalric mindset from making treason acceptable, then these were the logical next steps.<sup>265</sup> With Henry’s poor lordship and Richard’s own right to the throne, and with the many examples of treason within his own family, this was something he could do.

Edward IV’s reburial of his father in 1476 is an interesting epilogue to the man’s life.<sup>266</sup> Edward IV ensured Richard’s ultimate resting place was at Fotheringhay, rather than at Westminster Abbey or Windsor, giving his father instead a luxurious (York’s reburial is not likely to have cost less than £1000<sup>267</sup>), removal to the resting places of his uncle and grandfather. It is interesting to note Edward never sought to institute a reburial of his paternal grandfather. Perhaps the earl of Cambridge’s end, no matter how redeemed by parliament’s ruling, could not be polished enough to be acceptable to join the Yorkist shrine Edward IV was in the process of forming at Fotheringhay. However, he was not forgotten—the day after Edward refounded the college at Fotheringhay (15 February 1462) and asked

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<sup>260</sup> Harriss, *Cardinal Beaufort*, p. 265.

<sup>261</sup> Johnson, *Duke Richard of York*, p. 64.

<sup>262</sup> Johnson, *Duke Richard of York*, p. 81.

<sup>263</sup> Watts, ‘Polemic and Politics’, p. 253.

<sup>264</sup> Kaeuper, *Chivalry and Violence*, p. 149.

<sup>265</sup> Kaeuper, *Chivalry and Violence*, p. 185.

<sup>266</sup> For a contextualizing discussion of late medieval royal burials, see C. Given-Wilson, ‘The Exequies of Edward III and the Royal Funeral Ceremony in Late Medieval England’, *EHR*, 124 (2009), pp. 257-82.

<sup>267</sup> A.F. Sutton and L. Visser-Fuchs, *The Reburial of Richard Duke of York, 21-30 July 1476* (London, 1996), p. 38.

for prayers for his parents (to whom he dedicated it), his brother Edmund, himself and his grandparents as well as the founder, almost immediately after implementing recent executions for other traitors, he made a grant to St. Julian's to 'pray for the king, his successors, his father, and his grand-father, Richard Earl of Cambridge.'<sup>268</sup> The timing cannot be coincidental. Interestingly, the reburial of Richard, duke of York itself emphasized his royal qualities—his hearse was adorned with ermine, the royal cloth, and 'an awngell standing in white holding a crowne over his hed in token that hee was kinge of right.'<sup>269</sup> While little is known about the tomb Edward had created since the Fotheringhay tombs had greatly deteriorated by the time of Elizabeth I as noted previously, it was described as 'magnificent' in the 1586 *Britannia*, and records from 1482-83 exist in which Edward paid £100 to make a tomb for his father.<sup>270</sup> This idea of his father as a quasi-monarch was continued throughout Edward's reign as he sought to emphasize the inherited, legitimate nature of his claim. He and Thomas Rotherham, Bishop of Lincoln, founded the Guild of the Holy Trinity (Luton) in 1474 and commissioned a magnificent register in celebration, complete with a frontispiece honoring, among others, the royal family. Cecily is 'cloaked in the royal arms of England,' with identifying text labeling her as the wife of Richard, '*veri et indubitati heredis corone Anglie*.'<sup>271</sup> By itself, this is not surprising—kings of England were usually buried in places of great political importance, and Edward had selected St. George's Chapel at Windsor for his own burial by the mid-1470s.<sup>272</sup> He had invested much of his reign in aligning the new ruling dynasty with traditionally English symbols of authority, such as King Arthur and St. George.<sup>273</sup> Burial in a chapel he had constructed in this legitimizing vein seems a logical next step. Yet, it raises the question—why did he rebury his father in a resting place that evoked no royal authority, despite emphasizing his royal identity elsewhere? It may be a simple answer. Richard, duke of York may have simply expressed a desire to be buried at Fotheringhay in his will (the contents of which remain a matter of speculation as his executors refused to act on it<sup>274</sup>), or perhaps in his lifetime.<sup>275</sup> Regardless, Richard's burial highlights the ongoing significance of his identity within the new dynastic structure his kingly son was shaping.

In the end, Richard did succeed in redefining his dynastic role, although unsuccessfully in his own person and lifetime. It was in his death that he helped to legitimize his son Edward's claim to the

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<sup>268</sup> Sutton and Visser-Fuchs, *The Reburial*, pp. 9, 84, 2.

<sup>269</sup> BL, M Egerton 2642, reprinted in *The Reburial*, p. 31.

<sup>270</sup> Sutton and Visser-Fuchs, *The Reburial*, p. 41.

<sup>271</sup> Laynesmith, 'The Piety of Cecily, Duchess of York', p. 37. This is also possibly a reference to the 1460 Accord which made Richard heir to Henry VI.

<sup>272</sup> Matich and Alexander, 'Creating and Recreating,' p. 91

<sup>273</sup> J. Hughes, *Arthurian Myths and Alchemy: The Kingship of Edward IV* (Thrupp, 2002), p. 174.

<sup>274</sup> Johnson, *Duke Richard of York*, p. 221.

<sup>275</sup> Sutton and Visser-Fuchs, *The Reburial*, p. 9.

throne, who in turn successfully manipulated dynastic symbolism and roles to solidify his father's place in Yorkist genealogies and identity.

One final thing to examine in the context of the Yorkists—particularly in the sense of briefly addressing the children and grandchildren of Richard, duke of York—is their literary legacy. One of the more fascinating aspects of late medieval literature is the eminently heritable nature of the physical texts alongside their less tangible ideas. Carol M. Meale deliberates on the role of royal English women in the transmission of texts like these to their sons and daughters,<sup>276</sup> made especially relevant to this discussion by Catherine Nall's pithy observations concerning the interest of *both* men and women in political mirrors or princes. She traces their presence in the lives of numerous fifteenth-century women, and more, she successfully evidences their status as actively read work, with the frequent appearance of their feminine owners' names in the margin. In so doing, Nall effectively undercuts the frequently accepted conclusion that the book given to Margaret of Anjou for her wedding by Sir John Talbot (which included versions of Honoré Bouvet's *Arbre des batailles*; Henry de Gauchy's French translation of Giles of Rome's *De regimine principum*; a copy of the statutes of the Order of the Garter; and Christine de Pizan's *Livre des faits d'armes et de chevalerie*) was a poorly thought out present, thus offering potential new insights into the way the queen's complex understanding of treason was shaped.<sup>277</sup> Ainsworth notes that 'medieval texts knew of no sharp distinction between literature and fiction, romance, history and chronicle,'<sup>278</sup> highlighting that romances of the day sometimes functioned as political commentary, and that historical chronicles were comfortable with projecting public opinion rather than exact facts. Christopher Allmand clarifies the significance of this: '[i]t was through literature that society thought aloud, commented on changing moral and political values, and reacted to developments of which it disapproved.'<sup>279</sup> Anne Sutton and Liva Visser-Fuchs touch on the books that formed what is known of the libraries of Richard, duke of York and his kingly sons. These, while they tantalizingly do not grant a clear image of inheritance, still offer insights into how familial tastes and understandings of treason might be shaped by their literary consumption via mirrors, as contextualized in what is understood of

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<sup>276</sup> C. Meale, "'... alle the bokes that I haue of latyn, englisch, and frensch": laywomen and their books in late medieval England', in *Women and Literature in Britain, 1150-1500*, ed. C. Meale (Cambridge, 1993), pp. 128-58.

<sup>277</sup> Nall, *Reading and War in Fifteenth Century England*, p. 36.

<sup>278</sup> P. Ainsworth, *Jean Froissart and the Fabric of History: truth, myth and fiction in the Chroniques* (Oxford, 1990), p. 7.

<sup>279</sup> Allmand, *The Hundred Years War*, p. 151.

broader reading patterns.<sup>280</sup> Studies of the significance surrounding the shared penchant for library building of the early Lancastrians (perhaps a legacy of Henry IV's de Bohun wife) are also, if not prolific, certainly extant, suggesting potentially similar systems of royal familial memory construction in the first half of the century.<sup>281</sup>

The Yorkist family offer proof that this shaping of family memory through the passing of texts down several generations of a cadet branch of the royal family did exist, through a series of wills, bills and other official records that exist from Edmund of Langley, the first duke of York, through to his great-grandson, the last Yorkist king, Richard III. They were in many ways a surprisingly literary family, though they lacked the overt identity of patrons that the earlier Lancastrians cultivated, some of which is addressed in the previous chapter of this thesis. Notably, these elements include Edward, 2<sup>nd</sup> duke of York's translation and expansion of Foix's *Livre de Chasse*,<sup>282</sup> as well as the fact that he may have been a patron of Thomas Hoccleve,<sup>283</sup> Richard, duke of York's sponsorship of the intriguingly political poem 'De Consulatu Stilichonis',<sup>284</sup> the fact that Edward IV apparently read three of his history books into such a state they needed to be rebound,<sup>285</sup> and of course, Margaret of York's extensive literary patronage in her role as the duchess of Burgundy, a patronage that she seemed to associate more with her role as an English princess than a Burgundian duchess.<sup>286</sup>

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<sup>280</sup> Sutton and Visser-Fuchs, *Richard III's Books*; L. Visser-Fuchs, 'Richard of York: books and the man', in *Recording Medieval Lives: proceedings of the 2005 Harlaxton Symposium*, eds. J. Boffey and V. Davis (Donington, 2009). Also see J.L. Watts, 'De consulatu Stilichonis: texts and politics in the reign of Henry VI', *Journal of Medieval History*, 16 (1990), pp. 252-66. This understanding is made broader still by the Laynesmith's study of Cecily Neville, including her literary tastes, which expand on an area in dire need of it. Until now, the definitive article was C.A.J. Armstrong, 'The Piety of Cicely, duchess of York: a study in late medieval culture', in *England, France and Burgundy in the fifteenth century*, ed. C.A.J. Armstrong (London, 1983), pp. 73-94, making J.L. Laynesmith, *Cecily Duchess of York* (London, 2017) very welcome.

<sup>281</sup> Vickers, *Humphrey Duke of Gloucester*; Everest-Phillips, 'The Patronage of Humphrey, Duke of Gloucester'; L. Sandler, 'The Illustration of the Psalms in Fourteenth-Century English Manuscripts: three psalters of the Bohun family', in *Reading Texts and Images: essays on medieval and renaissance art and patronage*, ed. B.J. Muir (Exeter, 2002), pp. 123-51; Stratford, *The Bedford Inventories*.

<sup>282</sup> Gaston III, count of Foix, *Gaston Phebus, Livre de Chasse*, ed. G. Tilander (Stockholm, 1971); Edward, duke of York, *The Master of Game*, eds. W.A. Baillie-Grohman and F. N. Baillie-Grohman (Philadelphia, PA, 2005); L. Braswell, 'Utilitarian and scientific prose', in *Middle English Prose: A Critical Guide to Major Authors and Genres*, ed. A.S.G. Edwards (New Brunswick, NJ, 1984), pp. 337-87, at pp. 343, 367-8; R.E. Lewis, N.F. Blake, and A.S.G. Edwards, *Index of Middle English Prose in Print* (New York, NY, 1985), p. 775

<sup>283</sup> *Selections from Hoccleve*, ed. M.C. Seymour (Oxford, 1981), p. 55.

<sup>284</sup> L. Visser-Fuchs, "'Honour is the reward of virtue": the Claudian translation made for Richard, Duke of York, in 1455', *The Ricardian*, 18 (2008), pp. 66-82.

<sup>285</sup> R.F. Green, *Poets and Princepleasers: literature and the English court in the Late Middle Ages* (Toronto, 1980), p. 136.

<sup>286</sup> Consider that all books dedicated to her use the formula '*princesse Marguerite d'Yorck*.' S. Michalove, 'Margaret of York on Pilgrimage: the exercise of devotion and the religious tradition of the house of York', in *Reputation and*

While information about the Yorkist libraries is incomplete at best, fragmentary at worst, evidence of books being passed down the generations does remain—for instance, what appears to have been the family copy of the *Grandes Chroniques de France* has a long and varied history.<sup>287</sup> First acquired by Edward in his time as earl of Rutland under Richard II from a French *libraire*, probably in the 1390s during his time as an ambassador to France, it then appears in the few records remaining of his nephew Richard, duke of York's library. In turn, it then passed on to Richard, duke of Gloucester, based on the appearance of his signature within it. Isabel, duchess of York, bequeathed to the aforementioned Edward, earl of Rutland a book of poems (probably those of Guillaume de Machaut) and a 'lancelot'.<sup>288</sup> Elizabeth of York wrote her name in a copy of the Tristan romance which formerly belonged to Richard III.<sup>289</sup> These texts also provide evidence for, if they did not outright encourage, the inheritance of certain familial devotions and interests. For instance, Richard, duke of York's devotion to St. Anthony is made evident in his surviving book of hours, with St. Anthony the only saint honoured with a large historiated initial in the text.<sup>290</sup> His son and namesake Richard is known to have especially honoured St. Anthony the Hermit.<sup>291</sup> Their respective books of hours also display a similar devotion to the female St. Barbara, particularly noteworthy considering she is only one of two female saints to appear in the elder Richard's book of hours.<sup>292</sup>

Cecily, Richard duke of York's wife, evinced an interest in religious literature in her later years—perhaps part of the image of piety she was building, but not unlikely to have been a genuine interest, as it was a typical one for many of the nobility, especially women.<sup>293</sup> It is probable that what Cecily read were also books her husband (and sons) experienced, either by reading themselves or listening to when read aloud to the household.

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*Representation in Fifteenth-Century Europe*, eds. D. Biggs, S. Michalove, and C. Reeves (Leiden, 2004), pp. 81-122, at p. 109. See also H. Schnitker, *Margaret of York: Princess of England, Duchess of Burgundy* (Donington, 2016), pp. 222-263,

<sup>287</sup> BL, MS Royal 20 C vii. For what follows, see R.H. Rouse and M.A. Rouse, *Manuscripts and their Makers: commercial books in medieval Paris 1200-1500* (2 vols., Turnhout, 2000), i. 258-88; Rouse and Rouse, *Manuscripts*, ii. 123-5, ill. 176; A.F. Sutton and L. Visser-Fuchs, 'Richard III's Books; IX. The Grandes chroniques de France', *Ricardian*, 8 (1988-90), pp. 494-514; A.F. Sutton and L. Visser-Fuchs, 'Richard III's Books; IX. The Grandes chroniques de France; a footnote', *Ricardian*, 15 (2005), pp. 114-16; Sutton and Visser-Fuchs, *Richard III's Books*, ch. 7; Visser-Fuchs, 'Richard of York: Books and the Man', pp. 258, 266.

<sup>288</sup> Meale, "'... alle the bokes that I haue of latyn, englich, and frensch'", p. 139.

<sup>289</sup> Meale, "'...alle the bokes that I haue of latyn, englich, and frensch'", pp. 139-40. BL, Harley MS 49.

<sup>290</sup> Visser-Fuchs, 'Richard of York', p. 269.

<sup>291</sup> Visser-Fuchs, 'Richard of York', p. 269.

<sup>292</sup> Visser-Fuchs, 'Richard of York', p. 269.

<sup>293</sup> Laynesmith, 'The Piety of Cecily, Duchess of York', p. 32.



The books listed in the ordinances and in her [Cecily's] will were Walter Hilton's *Epistle on Mixed Life* which was bound with 'Bonaventure...in englishe' (this was most likely the psuedo-Bonaventure's *Life of Christ*, as loosely translated by Nicholas Love); the *de Infantia Salvatoris*; the *Legenda Aurea*; Mecthild of Hackeborn's *Liber Specialis Gratiae*; the *Life* of St. Catherine of Siene and the *Revelations* of St. Bridget (presumably one of the Middle English versions of edited highlights, rather than the entire eight-volume Latin *Liber Celestis*.)<sup>294</sup>

This excludes the chivalry and romance books she almost certainly possessed, but which would not have fitted the pious image she was trying to project in her will in an effort to further legitimize her family's claim to the throne.<sup>295</sup>

As for her husband's books, he undoubtedly possessed a copy of Vegetius' *De Re Militari*, a Roman military guide that had become a handbook to warfare for nobles of his generation.<sup>296</sup> He is documented as possessing at least six other books—a book of hours, the *Chronicle of John Hardyng* and a volume of the *Grandes Chroniques of France*, Christine de Pizan's *Cite des Dames*, a genealogy of the lords of Clare, and a much-discussed translation of the story of Stilico.<sup>297</sup> Other than these, it is difficult to tell exactly what sort of literary influences Richard, duke of York experienced and how they affected his political choices—few family muniments survived the sack of Ludlow in 1459, leaving many details of purchases, such as books, difficult to discern.<sup>298</sup> However, scholars, including John Watts, have identified the translation of Claudian's poem *De Consulatu Stiliconis*, dedicated to Richard at some point in the 1440s or 1450, as a significant literary influence.<sup>299</sup> Originally written 400 CE, it was a work of propaganda commissioned by Stilico, seeking public approval for his claim to regency over the Roman empire in the place of the deceased emperor's sons—one in his minority, the other considered dull and lethargic.<sup>300</sup> The parallel to Richard's political situation of the early 1450s is obvious, and the emphasis on Stilico's triumph through virtue is significant when considered in the light that Richard perhaps

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<sup>294</sup> Laynesmith, 'The Piety of Cecily, Duchess of York', p. 28.

<sup>295</sup> Laynesmith, 'The Piety of Cecily, Duchess of York', pp. 32, 37.

<sup>296</sup> Curry, *The Hundred Years War*, pp. 68-9. For further on Vegetius' *De re militari*, see C.T. Allmand, *The De Re Militari of Vegetius: the reception, transmission and legacy of a Roman text in the middle ages* (Cambridge, 2011).

<sup>297</sup> Visser-Fuchs, "'Honour is the reward of virtue'", p. 66.

<sup>298</sup> Johnson, *Duke Richard of York*, p. 111.

<sup>299</sup> Watts, 'De consulatu Stiliconis', pp. 251-2.

<sup>300</sup> Watts, 'De consulatu Stiliconis', p. 253.

sought to appear as a virtuous man in spite of, or perhaps even through his actions.<sup>301</sup> Opinion is somewhat divided however, as Visser-Fuchs argues instead that the poem was more a source of comfort in a time of public turmoil, rather than one that urged him to political challenge.<sup>302</sup>

Evidence for Elizabeth of York's interest in the literary exists as well, with a remarkable amount of surviving evidence tying her to works handed down through the Wydville and Yorkist lines. A copy of the *Romance of the Saint Graal* bears the signatures 'Elysabeth, the kyngys dowther' and 'Cecyl the kyngys dowther', as well as 'E. Wydevyll' (probably Elizabeth Wydville's brother Edward), 'Alyanor Haute' (a Wydville cousin), and 'Jane Grey', a sister of Elizabeth Wydville, or perhaps the famous distant cousin Lady Jane Grey.<sup>303</sup> Her signature and that of her younger sister also exists in the copy of *Testament de Amyra Sultan* that had been made for her younger brother Edward (discussed below):

Elysabeth the kyngys dowghter Boke

Cecyl the kyngys dowghter<sup>304</sup>

This suggests that either Edward V gave it to his elder sisters, or it fell into their hands following his capture by Richard III, demonstrating yet another interesting example of the travelling nature of texts within the late medieval royal family.

Furthermore, as the first Tudor queen, Elizabeth also joined her mother-in-law Margaret Beaufort in sponsoring Caxton's 1491 publication of the *Fifteen Oes*, the prayers of St. Bridget of Sweden, for whom her parents had expressed an especial devotion in the naming of their youngest daughter.<sup>305</sup> She, along with Margaret, also presented a 1494 Wynkyn de Worde translation of Walter Hilton's *Scala perfectionis* to one of Elizabeth's ladies, Mary Roos,<sup>306</sup> the writer of which her grandmother Cecily was apparently fond.<sup>307</sup>

While direct evidence of inheritance is typically less easy to find the fact that books most certainly did pass through the generations of the family—both vertically and horizontally, from parents to children and between siblings and cousins—suggests that many of the texts discussed here perhaps shaped not only their documented owner's perspective, but also those of various other members of the

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<sup>301</sup> Watts, 'De consulatu Stiliconis', p. 253.

<sup>302</sup> Visser-Fuchs, 'Honour is the Reward of Virtue', p. 67.

<sup>303</sup> Okerlund, *Elizabeth of York*, pp. 9-10.

<sup>304</sup> Princeton University Library, MS Garrett 168, as cited in Sutton and Visser-Fuchs, *Richard III's Books*, p.178.

<sup>305</sup> Okerlund, *Elizabeth of York*, p. 142.

<sup>306</sup> Yale Center for British Art, Paul Mellon Collection, a4v, cited in Okerlund, *Elizabeth of York*, p. 142.

<sup>307</sup> Laynesmith, 'The Piety of Cecily of York', p. 28.

family. While ownership, as already discussed, does not necessarily confirm readership, interesting connections are presented here as texts pass within a family, carrying along connotations of religious devotion, historical understanding, and literary taste, all of which are key elements in the shaping of a family's sense of memory and identity. These specific texts, however, do not necessarily contribute to an understanding of the Yorkist sense of identity as it related to treason.

For this, one must return to the theme of mirrors for princes. Advice texts which address treason are also significantly present throughout the lives and libraries of the Yorkist family. Even before his accession, a teenaged Edward IV owned a Latin copy of the influential and ubiquitous *Secretum Secretorum*,<sup>308</sup> while the presence of another signature suggests a young Richard, duke of Gloucester possessed a Latin copy of Giles of Rome's equally significant *De Regimine Principum*.<sup>309</sup> A letter from Edward IV detailing the educational regime of his son and heir Edward survives, in which there is a reference to a literary engagement: while the young prince eats, 'then be read before him such noble stories as behoveth a prince to understand and know...'<sup>310</sup> Michael Hicks suggests these were instructional tales in the traditions of Alexander, Roland and Arthur, and that Edward's educational reading most certainly included *Mirrors*.<sup>311</sup> He also notes the boy possessed a copy of the *Testament de Amyra Sultan Nichemedy, Empereur des Turcs* in French, made exclusively for him (suggested by the presence of his coat of arms on the title page) in Flanders and with a title page date of '12 Sept. 1481'<sup>312</sup> and that Caxton printed two works directed especially to the prince as well—*The History of Jason*, dedicated to him, and Anthony Wydville, Earl Rivers' aforementioned *Dictes and Sayings of the Philosophers*, translated for him.<sup>313</sup> Mancini records that the prince 'had a special knowledge of literature, which enabled him to discourse elegantly, to understand fully, and to declaim most excellently from any work whether in verse or prose that came into his hands, unless it were from among the more abstruse authors.'<sup>314</sup> His premature death, of course, makes it difficult to know more about any real literary inheritances from his family, but the evidence does suggest that he was encouraged by both his father and his uncle to engage with the mirrors for princes tradition like kings and princes before him.

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<sup>308</sup> G.F. Warner and J. P. Gilson, eds., *Catalogue of Western Manuscripts in the Old Royal and King's Collections* (4 vols., London, 1921), ii. 54-5 (12 E.xv).

<sup>309</sup> N.R. Ker, *Medieval Manuscripts in British Libraries* (5 vols., Oxford, 1941-87), i. 282-3.

<sup>310</sup> J.O. Halliwell, ed., *Letters of the Kings of England* (2 vols., London, 1846-48), i. 138.

<sup>311</sup> M.A. Hicks, *Edward V: The Prince in the Tower* (Stroud, 2003), p. 78.

<sup>312</sup> Princeton University Library, MS Garrett 168, as cited in Sutton and Visser-Fuchs, *Richard III's Books*, p.178.

<sup>313</sup> Hicks, *Edward V*, p. 79.

<sup>314</sup> Mancini, *The Usurpation*, p. 93.

These heirs of Richard, duke of York and his forbears are recorded as interacting with treason in a textual form before ever addressing it in reality, as they most certainly would go on to do. It is impossible to accurately measure the level of impact these texts had on Edward IV, Edward V and Richard III but considering the way in which books, and certainly in at least some cases their attendant ideologies, passed between members of the family, it is reasonable to interpret their reading of mirrors for princes in part as, voluntarily or not, an engagement with their own family's history and identity as traitors. That the most evidence for any one individual's education in this regard is the young Edward V's is understandable, as he was the only one born to the purple, ensuring a greater survival of records of his education. However, it is also interesting to consider that as the latest scion of a treason-plagued family member, his education in this regard was the most extensive. This is especially interesting to consider in light of the fact that he was treasonably overthrown by his uncle.

While not all of these texts mentioned above involved treason explicitly, they do all demonstrate the way familial interests, devotions or beliefs could and did pass through generations and manifest themselves in new patronage or demonstrations of religious devotion. In particular, the way mirrors for princes were used as educational tools through the generations within the Yorkist line is demonstrated, as well as the way particular narratives could reinterpret present conflicts into key elements of identity construction, which all contributed to Yorkist involvement with treason, their family history, and their royal ambitions.

## **Conclusion**

Henry V (though not his son) seems to have learned a lesson about the dangers of the appanage policy instituted by his great-grandfather. Edward III's attempts to strengthen the dynasty by creating a powerful sub-royal class had backfired for the past two generations, and this is what enabled the house of York to stake their claim to the throne in the latter half of the century.<sup>315</sup> Thus the early years of the Yorkists, which taught them treason as part of a survival strategy, and set a precedent for the following generations, created the foundation for the later overthrow of Henry VI and claiming of the throne by Edward IV. The problem with the Yorkist accession to the throne was that ultimately the Yorkists' learned behaviour of treason now became internally divisive, prompting contests over the throne between York's three sons Edward, George and Richard, much as Malory foresaw. As Lexton said 'It is

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<sup>315</sup> Hicks, *The Family of Richard III*, p. 55.

within the capacity of treason to imagine sovereign authority and expose its fragility, to create fellowship and destroy it.<sup>316</sup> In many ways, the treason of the Yorkists helped to define sovereign authority, its weaknesses and its strengths. While it eventually led to a Yorkist sitting on the throne, too many weaknesses had been created within their kinship structure. From Edmund's decision to make his decisions based on loyalty to the property rights of the noble class, to Edward's back-and-forth support between the two conflicting monarchs, to Constance's gendered use of treason and punishment, to Richard's rather poorly planned attempts to recoup his lost chances at fortune, to his son's desperate negotiation of a heritage that only brought him closer to it, more than just the actions and consequences of treason can be seen. Political and social reactions are visible in the varying ways treasonous behaviour can affect a family, not only as a unit, but directly from individual to individual, and how greatly gender, past actions, and fortune can affect the outcomes. The kinship between these great cousins and their royal monarchs was one that came under perpetual strain, *because* of that relationship, ironically intended to bolster the dynasty. Perhaps Duindam was correct—these dynastic struggles were inevitable.<sup>317</sup> After all, these conflicts would produce the Tudor monarchy, whose stability sprouted from their tendency to rid themselves of potentially powerful royal relatives.<sup>318</sup> Ashby certainly saw the wisdom in this idea:

Oon thing kepe in youre noble memorie,  
Do magnifie & enriche youre descent (sic),  
And taught al other ye do modifie,  
I holde it a prouision prudent,  
Lete not theime be to you equiuolent,  
Neither in myghti pouer ne Richesse,  
In eschewyng hapley youre oune distresse.<sup>319</sup>

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<sup>316</sup> R. Lexton, *Contested Language in Malory's Morte d'Arthur: The Politics of Romance in Fifteenth-Century England* (London, 2014), p. 140.

<sup>317</sup> Duindam, *Dynasties*, p. 88.

<sup>318</sup> See M.L. Bush, 'The Tudors and the Royal Race', *History*, 55 (1970), pp. 37-48 for a discussion of Tudor conflict with residue royalty, and an argument that it was not a calculated destruction.

<sup>319</sup> Ashby, 'Active Policy of a Prince,' p. 32. The (sic) is recorded by Mary Bateson in her edition of the text.

## Conclusion

Treason is one of the most fascinating and pervasive elements of fifteenth-century socio-political life. Its complex nature is intriguing, forever being redefined, reinterpreted and misidentified both then as late medieval monarchs rose and fell, and now, as scholars discover and debate its ramifications. It was in this rising and falling, in which the royal Plantagenet dynasty fractured into cadet branches that squabbled over royal authority, that treason became increasingly significant as well, its presence in the royal family itself becoming progressively more evident. Richard II lost his crown to his cousin Henry IV; Henry VI to his cousin Edward IV; Edward V to his uncle Richard III; and Richard III, finally, to the distant Beaufort scion Henry Tudor.

This thesis has deepened understanding of this increasingly destabilized, treasonous royal dynasty by exploring the definition of treason in the law through the passing and repealing of statutes in the fifteenth-century, as well as the method by which it was tried and through studies of some of the most famous and infamous treason trials of members of the royal family. It has also highlighted the way that royal women accused of treason were tried, convicted and punished through the fascinating accusations and trials of Lady Constance Despenser, Joan of Navarre, Eleanor Cobham, Margaret of Anjou, Jacquetta of Luxembourg, Elizabeth Wydville and Elizabeth 'Jane' Shore. This study has investigated how treason was presented and how this presentation evolved throughout the fifteenth-century in the popular and influential literary genre mirrors for princes, with a consideration of how these changes reflected changing perceptions of treason and influenced the young royals and nobles by which they were read. Finally, the case study of the Yorkist cadet branch of the Plantagenet family tree, from Edmund, duke of York's capitulation to Henry IV to his grandson Richard, duke of York's fall at the battle of Wakefield, demonstrates the way in which treason became an increasingly key part of their familial identity and memory, propagating itself within the Yorkist clan throughout the century.

By linking and exploring these disparate themes of treason, a new, a more holistic image of treason is presented. Thus, a broader understanding of the fifteenth-century political atmosphere is also granted, with a particular emphasis on unpicking the internal motivations, discrepancies, and fallings-out of the royal family. In tracing the presence of treason in fifteenth-century legal innovation, the varying related preoccupations of the monarchs concerned is revealed, as well presenting the evolving dialogue between subject and monarch concerning the nature of treason—was treason an act against the king's authority, or was it an act against the safety of the realm? In fact, it addressed the pertinent question of where those two concepts

overlapped with each or stood separate, ultimately contributing to the shaping of monarchical identity. In Henry V's interaction with treason, for instance the French wars are almost always front and centre, speaking to his particular need for a stable economy and the ability to communicate with his foes. Even in the Southampton plot, the French wars served as a backdrop for the attempted revolt and the rumours that attended it. In turn, by the time of Henry VI, concerns about potential acts of treason from specific branches of the royal family are revealed as more evident, particularly visible in the example of the unusual John Mortimer case. The trials of members of the royal family are noteworthy landmarks in the development of these attitudes as well. From the trials of Richard, earl of Cambridge and Eleanor Cobham to those of George, duke of Clarence and his son Edward, earl of Warwick, the preoccupations of monarchs with the internal threats of potentially treasonous family members (often considered to have inherited their treasonous propensities from their own forebears) takes centre stage, as does the attendant confusion with how to deal with it effectively. Finally, an examination of the increased use of acts of attainder in the context of the escalating civil war is also revelatory in exploring changing perceptions and manifestations of treason. This overarching study of the shifting legalities surrounding treason provides a basis for a discussion of the evolving understanding of it throughout the Wars of the Roses, and its perception as a heritable trait within the royal family, as viewed both by outsiders and those within the royal family itself.

This discussion of practical tactics in identifying (or misidentifying) treason supports the following one on royal fifteenth-century royal women and their interactions with treason, both real and fabricated. This involved comparing and contrasting how royal males and royal females were tried, convicted and punished, along with discussing the ways gendered identity, presentation and association affected these interactions. One of the most interesting conclusions to come out of this, however, is that these women accused of treason were frequently already closely associated—be it through blood relationship, marriage or close friendship—with someone already convicted, or at least accused, of treasonable action, furthering the idea that treason was most certainly a taint perceived as traveling through close social connections. For Joan, this was her father, the infamously treacherous Carlos II of Navarre. Eleanor and Jacquetta were linked to Joan through their marriages to her stepsons. In turn, Jacquetta's association with Elizabeth strengthened charges against the latter. The conclusion of the chapter, a brief discussion of Anne Boleyn's trial, demonstrates the culmination of these developments in attitudes towards royal women and treason, as personified in the dramatic legal changes in this regard enacted by Henry VIII. Finally, a discussion of Lady Constance Despenser in the case study rounds out the overall

study of gender and treason, with an exploration of a blood female Plantagenet's interaction with treason, as opposed to those married into the dynasty like Margaret of Anjou.

The study of the impact on monarchs through the shifting representations of treason in the English tradition of mirrors for princes offers yet another angle on developments of treason, family memory and the fifteenth-century. With writers like John Gower at one end of the century and John Fortescue at the other, the impact of familial treason makes itself felt through the way it was portrayed and how the young nobility and royalty were intended to absorb and deal with its potential threats. Further, the tangible nature of these books, with their potentially traceable travels through family lines offer one of the most revealing windows into contemporary opinions on family memory, both as a participant of the discussion on it as well as a participant in the acts of familial memory and identity.

Finally, the discussion of the house of York offers a multi-generational case study in which to observe these principles at work in the conjunction of law, gender and literature, as well as within the broader themes of chivalry and family memory. Spanning the years 1399 -1460, it traces the formation of a family memory and identity strongly based around concepts of treason, in part because wider society pressured this formation with their already shaped opinions on the nature of treason's heritability. The culmination of this was the overthrow of the Lancastrians by the Yorkists and the accession of a new branch of the Plantagenet dynasty.

What thus becomes obvious then through this study is that treason became a progressively evident presence throughout this century, playing an increasingly key role in the political atmosphere. With treason perceived as a heritable trait within families, multiple generations internalized the actions and punishments of their forebears on an increasingly wide scale, reshaping family memories and identities to include or to attempt to explain away troublesome heritages. This was just as true in the royal family itself, as previous instances of treason made following generations continually more bound within webs of suspicion that made a continued use of treasonable behavior one of the few viable methods left as a method by which to attempt to ensure continued political stability.

This is perhaps best reflected in the evidenced wariness of Henry VII and Henry VIII throughout their successive reigns. Henry VII's fear of treason is easily understood—as a usurper with a relatively weak claim to the throne himself, he had to contend with the presence of two pretenders in addition to a number of legitimate Yorkist claimants. This constant struggle against Yorkist identities and sympathies shaped much of his foreign policy, as he sought assurances from



fellow monarchs that they would not harbour rebels.<sup>1</sup> Henry VII would spend much of the rest of his reign preoccupied with these claimants, at the very start of his reign even forming a personal guard to protect him from treachery.<sup>2</sup> Of the pretenders, Lambert Simnel and Perkin Warbeck required, respectively, a pitched battle and seven years of political maneuvering. Simnel, despite his claims to be Edward, earl of Warwick, after his defeat, according to Vergil became a servant in the royal kitchens, eventually rising to the respected position of royal falconer.<sup>3</sup> As for Perkin Warbeck, he was ultimately executed in 1499, an alleged conspirator with the real Edward, earl of Warwick to overthrow the Tudor king.

While the lives and fates of the pretenders have always fascinated people, it is the fates of the real Yorkist claimants under Henry VII that speak to his real dynastic insecurities and his ever-present awareness of the Yorkist ability to make surprisingly successful attempts at the English throne. The sons of Elizabeth, duchess of Suffolk, as nephews to Richard III, were legitimately threatening claimants in a way neither Simnel nor Warbeck could ever be. John, earl of Lincoln, despite Henry VII's initial overtures of peace and favour, died at the battle of Stoke on the side of Simnel, commonly held to be the real leader of the revolt. His brother Edmund would seek political support for his claim from the Hapsburgs in 1501, before being handed over to Henry VII and life in the Tower in 1506, and then execution in 1513 as Henry VIII prepared for his war in France. Another Suffolk brother, William, was imprisoned in the Tower from 1501 at the start of Edmund's flight until his own death in 1539, suspiciously timed amidst Henry VIII's ferocious battle against remaining Yorkists. One final Suffolk brother, Richard, lived his life on the continent from 1501 onwards, seeking support for his claims to the throne, before dying in battle at Pavia in 1525.<sup>4</sup> The de la Poles were Yorkist ghosts who haunted both Henrys, and ones which they found themselves repeatedly taking drastic steps to contain, as was Edward, earl of Warwick, whose trial and fate is addressed in an earlier chapter of this thesis. He was another legitimate claimant to the throne, whose name was used to foment revolt. His imprisonment from 1485 and execution in 1499 for supposed involvement with Perkin Warbeck was another dramatic testimony to Henry's

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<sup>1</sup> For instance, see the Treaty of Medino del Campo, *Calendar of State Papers, etc. relating to negotiations between England and Spain*, ed. G.A. Bergenroth (London, 1862) i. 21-4 and the Treaty of Étapes, *Foedera*, xii. 710-12.

<sup>2</sup> Polydore Vergil, *The Anglica historia of Polydore Vergil, AD 1485-1537*, ed. Denys Hay (London, 1950), p. 6.

<sup>3</sup> Vergil, *The Anglica Historia*, p. 24.

<sup>4</sup> S.B. Chrimes, *Lancastrians, Yorkists, and Henry VII* (London, 1964), pp. 159, 160-162.

insecurities and concerns about the possibility for treason within the remaining royal Yorkist family members.<sup>5</sup>

While this might seem like a fairly extensive destruction of any potential Yorkist threat to the new Tudor ascendancy, Henry VII's son Henry VIII carried it even further. Edmund, earl of Suffolk, inmate of the Tower, was executed in 1513. Edward Stafford, duke of Buckingham rather abruptly lost his head (though he did have a legitimate trial, as Barbara Harris proves in her article<sup>6</sup>) in 1521, and in 1538, unnerved by Reginald Pole's efforts to raise French troops against England, Henry made a dramatic final attack against the remainder of the Yorkist families. Grandsons of George, duke of Clarence Henry, Lord Montague and his brother Geoffrey Pole were both arrested—the former was tried, convicted and executed for treason the same year, alongside Henry, marquis of Exeter (Henry's first cousin through their mothers) and Sir Edward Neville. Geoffrey Pole pleaded guilty, tried to kill himself, and was pardoned early the next year. Margaret, countess of Salisbury, elderly mother to the Poles and sister of the earl of Warwick executed in 1499, was herself arrested in 1539 and held in the Tower until her execution in 1541.<sup>7</sup> Even the elderly Arthur Plantagenet, Viscount Lisle, illegitimate son of Edward IV but longtime servant of the Tudors, was arrested in 1540 and held two years, before dying of a heart attack immediately before his promised release.<sup>8</sup> This spate of executions and timely deaths effectively destroyed any lingering Yorkist claims to the throne aside from any of those entertained by the direct descendants of Elizabeth of York.

Edward Stafford's trial of the 1520s is particularly interesting, separate as it is from the 1538 reaction, and rife as it is with interesting overtones. For instance, it was reported by Edward's servant Charles Knevet that if Henry VIII had arrested Edward over an affair of illegal retaining that had come under controversy a few years ago: 'the principal actors therein should have little joy of it, for he would have done what his father intended to do to Richard III at Salisbury, when he made suit to come to the king's presence, having upon him secretly a knife, so that when kneeling before the king he would have risen suddenly and stabbed him.'<sup>9</sup> This is a fascinating statement, with the witness clearly linking Edward Stafford's own apparent treasonable intentions with those of his father decades before. In fact, he almost seems to be modelling Edward Stafford's bluster—treason by words, at the very least—on his father's. In that

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<sup>5</sup> C. Carpenter, 'Edward, styled earl of Warwick', *ODNB*.

<sup>6</sup> Harris, 'The Trial'.

<sup>7</sup> J.J. Scarisbrick, *Henry VIII* (New Haven, CT, 1997), pp. 364-5.

<sup>8</sup> C. Given-Wilson and A. Curteis, *The Royal Bastards of Medieval England* (London, 1984), pp. 170-1.

<sup>9</sup> *Calendar of Letters and Papers, Henry VIII, III: 1519-1523* ed. J.S. Brewer, (London, 1867), p. 468.

sense, Edward Stafford is an excellent culminating example of the view that treason was heritable in the English royal family. As Harris notes, Edward was Henry's closest male relative in the Lancastrian line at a time when he was deeply uneasy about the succession,<sup>10</sup> and it had been Edward Stafford and the troublesome Edmund de la Pole who had been discussed in 1503 during Henry VII's illness as potential heirs to the throne by the officers of Calais, utterly ignoring the prince of Wales, future Henry VIII.<sup>11</sup> Henry had executed Edmund four years after his succession. It was now Edward's turn, eight years later, egged on by his own sense of Plantagenet and treasonable identity.

Many of those Henry VII and Henry VIII executed were in fact involved with some type of treason, but that treason was almost always centred around the Plantagenet identities of those accused. Simultaneously, it was those Plantagenet identities that usually roused the suspicion of the Tudor kings and brought the participants under increased scrutiny in the first place, and then ultimately the most extreme form of punishment for what sometimes could, after all, only be loosely constructed as treason. What came first, the suspicion of treason based on the Plantagenet links or the treason itself? And which was it that was truly responsible for the executions that so effectively pruned the royal family tree in the sixteenth-century? Were the Tudors being irrationally paranoid in their efforts to limit Plantagenet bloodlines in the nobility? Or were they simply drawing from the history of the fifteenth-century to prevent a repetition of the obvious treasonable propensities of fringe dynastic remnants?<sup>12</sup>

This is an answer this thesis has attempted to answer through a study of the struggles of the royal English dynasty as they became increasingly entangled in treasonable intentions. In the fifteenth-century, the unique tendency of the royal family towards treason became more visible than it ever had before. With an increasing uncertainty surrounding dynastic right, proximity to the throne encouraged recurring treasonable challenges to the reigning monarch, which, whether they succeeded or failed, only spawned further dynastic struggles. In inheriting their royal blood and its attendant potential claim to the throne, each member of the fifteenth-century Plantagenets also frequently inherited the desire to actually claim that throne, which could only be done by engaging with treason. While this inherited treason was not exclusive to the royal family, it found its most dramatic declarations and actions within it.

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<sup>10</sup> Harris, 'The Trial', p. 24.

<sup>11</sup> J. Gairdner, ed., *Letters and Papers Illustrative of the Reigns of Richard III and Henry VII*, Rolls Series, xxiv (London, 1861), p. 233.

<sup>12</sup> Bush in 'The Tudors and the royal race' argues that the Tudors were not making a concerted effort to rid themselves of Yorkist remnants. However, it seems implausible that quite so many accusations, arrests and charges were not linked at least partially to the presence of royal blood in the accused.

Understanding this offers a new perspective on the socio-political actions of the era, with its ability to present insights into the actions of so many of the most prominent political actors of the time. In sum, this thesis has attempted to offer a context for the fifteenth-century political actions that has usually been perceived piecemeal, rather than in broader, connected strokes. Treason was a complex element of life in the middle ages, entailing many different facets and impacting people on many different levels. A better understanding of the nature of this complexity aids one in, hopefully, better understanding the fifteenth-century.

Further, it offers understanding for much of the political atmosphere of the Tudor court well into the 1540s, encompassing the reigns of both Henry VII and Henry VIII. These two Tudor kings were heir to the familial fracturing that defined the politics of their predecessors, and the consequent fear of pretenders, obsession with secure succession and increasingly violent retribution against suspected traitors, not to mention the increasingly fluid definition of treason itself, are all the products of this, shaping the political atmosphere of England for centuries to come.

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## Appendix

### Statute of Treasons in 1352

(25 Edward III, st. 5, c. 2)<sup>13</sup>

Auxint purceo qe diverses opinions ount este einz ces heures que cas, quant il avient, doit estre dit treson, et en quel cas noun, le roi, a la requeste des seignurs et de la commune, ad fait declarissement qi ensuit, cest assavoir; quant homme fait compasser ou ymaginer la mort nostre seignur le roi, ma dame, sa compaignie, ou de lour fitz primer et heir; ou si homme violast la compaignie le roi, ou leisnece fille le roi nient marie, ou la compaignie leisne fitz et heir du roi; et si homme leve de guerre contre nostre dit seignur le roi en son roialme, ou soit aherdant as enemys nostre seignur le roi en le roialme, donant a eux eid ou confort en son roialme ou par aillours, et de ceo provablement soit attaint de overte faite par gentz de lour condicion; et si homme contreface les grant ou prive sealx le roi, ou sa monioie, et si homme apport faus monioie en ceste roialme contrefaite a la monioie Dengleterre, sicome la monioie appelee Lucynburgh ou autre semblable a la dite monioie Dengleterre, sachant la monioie estre faus, pur marchander, ou paiement faire en deceit nostre dit seignur le roi et son poeple; et si homme tuast chancellor, tresorer, ou justice nostre seignur le roi del un Baunk ou del autre, justice en eir et des assises, et toutes autres justices assignez a oier et terminer esteiantz en leurs places en fesantz leurs offices. Et fait a entendre qen les cases suisnomez doit estre ajugge treson qi sestent a nostre seignur le roi et a sa roial majeste; et de tiele manere de treson la forfaiture des eschetes appartient a nostre seignur le roi, si bien des terres et tenementz tenuz des autres, come de lui meismes. Et ovesqe ceo il yad autre manere de treson, cest assavoir quant un servant tue son meistre, une femme qi tue son baron, quant homme seculer ou de religion tue son prelat, a qi il doit foi et obedience; et tiele manere de treson donn forfaiture des eschetes a chescun seignur de son fee proper. Et pur ceo qe plusurs autres cases de semblable treson purront escheer en temps a venir, queux homme ne purra penser ne declarer en present, assentu estt qe si autre cas supposee treson qi nest especifie par amount aviegne de novel devant ascunes justices, demerge la justice saunz aler au jugement de treson, tanqe par devant nostre seignur le roi en son parlement soit le cas moustree et desclarre le quel ceo doit estre ajugge treson ou autre felonie. Et si par cas ascun homme de

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<sup>13</sup> As printed in, S.B. Chrimes and A.L. Brown, eds., *Select Documents of English Constitutional History, 1307-1485*, (London, 1961), pp. 76-7.

cest roialme chivache arme, descoverte ou secrement, od gentz armees contre ascun autre, pur lui tuer ou derober, ou pur lui prendre et retenir tanqil face fyn ou raunceon pur sa deliverance avoir, nest pas lentent du roi et de son Conseil qe en tiel cas soit ajugge treson, einz soit ajugge felonie ou trespas solonc ceo qe le cas demande. Et si en tieu cas, ou autre semblable devant ces heures, ascune justice eit ajugge treson, et par celle cause les terres et tenementz soient devenuz en la main nostre seignur le roi come forfaitz, eient les chiefs seignurs de fee leurs eschetes des tenementz de eux tenuz, le quel qe les tenementz soient en la main nostre seignur le roi, ou en la main des autres, par doun ou en autre manere; sauvant totefoitz a nostre seignur le roil an et le wast, et autres forfaitures des chateux qi a lui attendent en les cases suisnomez; et qe briefs de scire facias vers les terres tenantz soient grantez en tieu cas, saunz autre originale et saunz allower la proteccion nostre seignur le roi en la dite seute; et qe de les terres qi sont en la main le roi, soit grante brief as viscontes des countees la ou les terres serront de ostier la main le roi saunz outre delaie.

#### **Translation<sup>14</sup>**

Whereas divers Opinions have been before this Time [in what case Treason shall be said, and in what not;] the King, at the Request of the Lords an of the Commons, hath made a Declaration in the Manner as hereafter followeth, that is to say; When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his [Queen] or of their eldest Son and Heir; or if a Man do violate the King's [Companion] or the King's eldest Daughter unmarried, or the Wife of the King's eldest Son and Heir; or if a Man do levy War against our Lord the King in his Realm, or be adherent to the King's Enemies in his Realm, giving them Aid and Comfort in the Realm, or elsewhere, and thereof be [probably] attainted of open Deed by the People of their Condition: And if a man counterfeit the King's Great or Privy Seal, or his Money; and if a Man bring false Money into this Realm, counterfeit to the Money of England, as the Money called Lushburgh, or other, like to the said Money of England, knowing the Money to be false, to merchandise or make Payment in Deceit of our said Lord the King and of his People; and if a Man slea the Chancellor, Treasurer, or the King's Justices of the one Bench or the other, Justices of the Eyre, or Justices of Assise, and all

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<sup>14</sup> As printed in *SR*, ii. 319-20.

other Justices assigned to hear and determine, being in their Places, doing their Offices: And it is to be understood, that in the Cases above rehearsed, [that] ought to be judged Treason which extends to our Lord the King, and his Royal Majesty: And of such Treason the Forfeiture of the Escheats pertaineth to our Sovereign Lord, as well as of the Lands and Tenements holden of other, as of himself: And moreover there is another manner of Treason, that is to say, when a Servant slayeth his master, or a Wife her Husband, or when a Man secular or Religious slayeth his Prelate, to whom he oweth Faith and Obedience; and [of such Treason the Escheats ought to pertain] to every Lord of his own Fee: And because that many other like Cases of Treason may happen in Time to come, which a Man cannot think nor declare at this present Time; It is accorded, That if any other Case, supposed Treason, which is not above specified, doth happen before any Justices, the Justices shall tarry without any going to Judgement of the Treason till the [Cause] be shewed [and declared before the King and his Parliament,] whether it ought to be judged Treason or [other] Felony. And if percase any Man of this Realm ride [covertly] or secretly with Men of Arms against any other, to slay him, or rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance, it is not the Mind of the King nor his Council, that in such case it shall be judged Treason, but shall be judged Felony or Trespass, according to the Laws of the Land of old Time used, and according as the Case requireth. And if in such Case, or other like, before this Time any Justices have judged Treason, and for this Cause the Lands and Tenements have comen into the King's hands as Forfeit, the chief Lords of the Fee shall have the Escheats of the Tenements holden of them, whether that the same Tenements be in the King's hands, or in others, by gift or in other Manner; Saving always to our Lord the King the Year, and the Waste, and the Forfeitures of Chattels, which pertain to him in the Cases above named; and that [the Writs] of Scire facias be granted in such Case against the Land-tenants, without other Original, and without allowing [any Protection] in the said Suit; and that of the Lands which be in the King's hands, Writs be granted to the Sheriffs of the Counties where the Lands be, to deliver them out of the King's hands without Delay.