

Book Reviews

MEMORIALS OF THE WARS OF THE ROSES, by W. E. Hampton, Richard III Society, 1979, 283 pages, illustrations, £5.50 to members, £7.50 to non-members.

Regular readers of *The Ricardian* will be familiar with Mr Hampton's phenomenal command of the intricacies of fifteenth century genealogy. He has now successfully harnessed this talent to the production of 'A biographical guide', in which the text comprises around 450 'potted' biographies of people of the period having existing or documented memorials. Also included is a separate annotated list of testamentary or recorded burials. Arranged in the first instance alphabetically by county, then by city, town or village, introductory data for each subject includes year of death, arms, type of memorial (brass, effigy, slab, etc.), and, where applicable, any armour, funerary or otherwise, surviving. This is followed by the biographical detail—social, political and genealogical—obviously researched with characteristic thoroughness, and spiced, on occasion, with dry humour. In some cases fact is necessarily tempered by hypothesis, but Mr Hampton's conclusions are deductions rather than guesses, and are more than likely close approximations to the truth.

A few faint damns must be given utterance amongst the praise. Of the 37 illustrations the brass rubbings show up well, the photographs are less successful, and the reproduction of the two Stothard engravings does that great draughtsman rather less than justice. A few misprints have eluded the proof-reader, two of which might prove misleading; i.e. Duke of York in place of Duke of Norfolk (p.130) and Ashbourne instead of Easebourne (p.183). Mr Hampton makes no concessions (not even as a prefatory note) to the cartographical changes brought about by the Local Government Act of 1974, and while this is laudable in principle, it could be disconcerting to the traveller unfamiliar with those changes. For instance, though Christchurch to me (and to Mr Hampton) is forever Hampshire, to the powers-that-be and to itself (however unwillingly), it is Dorset. Mr Hampton's Berkshire Fyfield is now, lamentably, in Oxfordshire, which also has a Fifield, as has Berkshire, and as there are also Fyfields in Essex, Gloucestershire, Hampshire and Wiltshire, Ricardian tourists could be forgiven for being a little confused. While not advocating listing under the 'new' counties, it would have done no harm to pinpoint places having a 'dual' identity.

In a work of this wide scope it would clearly have been impossible to check personally all these memorial sites immediately prior to publication, so it is excusable that a few inaccuracies of description have crept in. Mr Hampton provides a Glossary of ecclesiological terms, and an extensive bibliography. Only the serious scholar would feel the lack of 'chapter and verse' references, which would perhaps have made the work unduly cumbersome. The collation of such vast reservoirs of inter-related material as Mr Hampton has gathered over the years, was a mammoth project, and whatever faults there are must not be allowed

to detract from the usefulness of the resulting text. It is an excellent work of reference, not only for the aficionado of the Ricardian 'Grand Tour', but also for anyone needing a 'Where's Who' of the period. It also teaches us to be grateful that, in spite of the vicissitudes of the intervening centuries, there are so many places remaining where it is not true that 'their memorial is perished with them'.

PAULINE ROUTH

THE COURT OF KING'S BENCH, 1450-1550. A STUDY IN SELF-HELP.
Marjorie Blatcher. University of London, The Athlone Press, 1978, £10.

This book has been long and eagerly awaited as the companion volume to Margaret Hastings' *The Court of Common Pleas in Fifteenth Century England* (Ithaca, 1947). Dr Blatcher says that her first impression of the King's Bench was as an unsatisfactory little court over-shadowed by the Common Pleas which did about 80 per cent of the business. Its unfortunate plaintiffs in the fifteenth century must have expressed their exasperation even more strongly. She begins by convincingly reasserting Maitland's thesis that these two common law courts faced a crisis in the 1520s and 1530s and shows that they suffered a long recession during the fifteenth century leading up to this, due to their too rigid application of rules and their refusal to meet the needs of plaintiffs with pleas not covered by common law procedures, such as verbal contracts, partly paid debts and fraud. For remedies in such cases the plaintiff had to go to the Chancery or, in times of political instability, seek a rougher justice. Chancery dispensed an equitable justice that was more readily understood than the common law by the ordinary person and certain Chancellors may not have been scrupulous in their observance of the limits of their jurisdiction. Dr Blatcher includes John Russell, the Chancellor of Richard III, as well as Archbishop Morton, both eminent civilians, among those who possibly encouraged encroachment on the preserves of the common law courts. Later Wolsey was to encroach more blatantly. Other courts were also undertaking the business which the common law courts either could or would not do, in particular the King's Council and its off-shoots, the prerogative courts of the Councils of the North, of Wales and the Star Chamber. Although the greatest slump in their business lay in the 1530s, the recession was in progress during the Yorkist period and Yorkist foundations contributed to the extent of the later recession.

Dr Blatcher describes the futile processes of the common law in criminal and civil cases, the King's Bench having a crown and civil side unlike the Common Pleas which only dealt with civil cases. The greatest complaint against the King's Bench was that it could not force defendants to be present and even if it managed that it could not then force jurors to appear. The processes of distraint of goods and outlawry had become almost totally ineffective in the fifteenth century. She suggests that Richard III's statute (cap. 3) forbidding the seizure of the goods of persons suspected of felony before conviction, was a contributory factor in the emasculation of the process of outlawry. Essentially the fate of the criminal depended on his circumstances and not his crime. With money he could 'make a fine' by agreement with the judges and bring the prosecution to an end or he could buy a pardon from the king. He could also exploit the predictable processes of the

court with a clever attorney, the simplest method being not to appear. In such conditions it is clear that the King's Bench had no powers to make the law intimidating in the fifteenth century and any initiative in controlling the riotous and disorderly subject had to come from the king and his council. Dr Blatcher provides a most useful section on pardons, the disastrous system so profitable to kings and lawyers which undermined the processes of the common law and beguiled royal officers like the sheriffs into ignoring the orders of the courts in the knowledge that a pardon would probably absolve the offender. She also illuminates the sheriff's thankless task showing both the faults of this officer and his difficulties.

The changes in the common law processes, in particular the famous bill of Middlesex, that made the King's Bench an effective court for plaintiffs again are traced in detail. The change came very slowly through the fifteenth and first half of the sixteenth centuries. The court gradually extended its admittance of pleas by bill and from 1452 the justices allowed that a man on bail was answerable to a bill against him as though he were in custody. The latter ruling opened the way for a plaintiff to take advantage of a quicker, cheaper procedure as well as one that was effective. The change took place within the court itself, fostered in the office of the prothonotary. Dr Blatcher makes the main architects William and Reynold Sonde, who held the office 1434-1491, and their successors John and William Roper, in office from 1498. The development was connived at, since it constituted a legal fiction, by the chief justices. She proposes that Chief Justice Billing's bad reputation may have a basis in this connivance for it was during his term in office, 1469-1481, that the chicanery was becoming apparent. She concludes that the early development was not a deliberate policy but equally it was not discouraged by the justices of a court overshadowed by the Common Pleas and fast losing business to Chancery and the prerogative courts. The process was not to become a certainty before the time of Chief Justice Fyneux (1495-1525) who actively supported it.

Dr Blatcher emphasizes the rivalry between the King's Bench and the Common Pleas for business. Despite its prestige it was the latter that finally proved less accommodating to new processes and had jealousy to watch the King's Bench progress slowly from the status of poor relation to the holder of the monopoly of common law business. The two courts also believed, however, in co-existence and were to unite with great effect against Chancery and the royal prerogative courts in the seventeenth century. In all, her book is essential reading for understanding the King's Bench in the fifteenth century and its development in a period when the government was depending more and more on rival courts and the King's Bench's own procedures were at their most unpopular.

ANNE F. SUTTON

THE MYSTERY OF THE PRINCES. AN INVESTIGATION INTO A SUPPOSED MURDER, by Audrey Williamson. Alan Sutton, 1978, £5.95.

Correspondence

R. C. and P. B. Hairsine in their review of my book, *The Mystery of the Princes: An Investigation Into a Supposed Murder*, not only impugn my

standards of writing, but state that my book is a 'hybrid' (apparently on the grounds that no book can be claimed as scholarly unless it is unreadable).

Let me therefore give my qualifications. I am a professional critic and author, including of historical subjects, of over forty years' experience, and I have lectured on the arts and history to the City Literary Institute, the W.E.A., the National Museum of Labour History and many literary and historical societies. The papers I have worked for include *The Times*, *The Sunday Times* and *The Guardian*, as well as knowledgeable journals both sides of the Atlantic.

My book, although for reasons of cost compressed to 70,000 words, is the result of many years' study of the subject, and as your reviewers noted is fully referenced. Yet for a reason which is obscure to me it is said to provide only 'a little evidence'. I can only state that my book does contain a great deal more than a 'little' evidence which has not been discovered or seriously considered before.

They overlook entirely the real aim of my book, which was to challenge previous scholastic assumptions, particularly on the grounds of human nature and political expediency: in other words to question historians' conclusions which have been based on highly questionable evidence and sources. I have scrutinised these sources at length, a process to which some modern academic (i.e. university-based) historians never subject their material for the readers' elucidation. This is how they get away with so much myth presented as history, and why their profession has begun to be looked on as some sort of secret society, not understandable by anyone outside the exclusive university 'ring'.

It is a fallacy that historians should write only for other academics, and not for the general reader at all. No publisher of books would accept this. The greatest historians have always been good writers and therefore readable by the general public, and they have written at times even without references, except where vital points are discussed in the text. I will instance only Professor J. E. Neale, perhaps the most notable scholar of recent times on the life of Queen Elizabeth, and among French scholars Albert Soboul, Professor of the History of the French Revolution at the Paris Sorbonne.

The nearer the references approach to obscure hieroglyphics (as often now in England), the further historical writing gets not only from literary values but often from historical truth. It is the easiest thing in the world for a writer to copy his references and page numbers directly from another book, out of context, without questioning them or reading the work cited. As an historical book reviewer I could give examples, resulting in errors which would not have occurred had certain works cited been read in full.

The same applies to bibliographies. This is why I try on the whole to limit mine to those works I have studied, and I list my references, for those who want to read them, clearly enough for the unskilled to realise what I am using.

Of course one cannot get access to everything published throughout the world. Your reviewers accuse me of not giving the original reference in every case, but in fact this is true to a larger degree in works by many prominent academic writers on Richard III and his period. I do *not* omit the reference in the case of Stillington's Chancellorship; the source of the two documents mentioned is given on p.63, Ref. 29 (*England Under the Yorkists*, p.172 and p.249, which gives the originals in full). No honest historian would claim he reads the original MS of every document ever printed. All omit a certain number of possible references, or

the text becomes so littered with numbers as to become distracting and unreadable. But as I am a literary as well as historical writer, and not attached to a university, I seem to be subjected to a different set of values.

This is exactly what has happened to Richard III himself, as compared with Henry Tudor, his conqueror, and this theme of double standards in the writing of history and evaluation of its figures is a major one of my book. So is the wider issue of the interrelation of history and propaganda, in which your reviewers show no interest. They accuse me of misspelling; but in medieval writing spelling even of place names (Pecquiny, Pecquigny, Picquigny, for instance) was fluid. A hundred years later our greatest writer, William Shakespeare, spelt his own name in at least three different ways.

In this matter I have kept to one spelling in the general text (as all publishers require), but when quoting have used the spelling in that source. Apart from misprints (very few in comparison with most books I review these days), I challenge these reviewers to produce evidence of inability to spell. As for 'editing' of a book by an outside hand, this is an innovation (from America) of the past ten or so years. I must clear my publisher of any blame in this, as like most authors of my generation I still expect to write, and correct where necessary, my own books (there is usually a double check on misprints).

I would like to add a tribute to Alan Sutton for his courage in allowing me to go ahead and write this book at all, as a counterbalance to the 'traditionalist' one being written by Elizabeth Jenkins whom, I knew, had not contacted many of my sources. (It was because of this rival book that I lost my original intended publisher.) Both the publisher and myself worked against time in the circumstances, at some expense, and I had hoped the Society would appreciate his excellent production and display of the illustrations I collected, several (including Sir James Tyrell's Will) not published before.

Most strongly of all, I object to the accusation of being 'personal and partisan', which cannot help but devalue the book. I should apply this lack of objectivity rather to some historians I challenge, all of whom claim to *know* (apparently by divine inspiration) that Richard murdered his nephews. I give all the known facts and a number not before investigated, and leave the matter of Richard's guilt open. If the evidence tends to speak for him—well, that is the evidence, and nothing against it is suppressed by me.

I think we are getting our priorities wrong. *The Ricardian* should be there to be read by members interested in Richard and in clearing his name if possible, not just by 'academics'. The kind of historians we need—although they work in other periods—are mentioned in my last chapter. *History is about people and ideas*, and mere facts are without significance unless related to them, and written about vividly enough to interest most members.

AUDREY WILLIAMSON

Notices of Books and Articles

The following list consists of recent books and articles, mainly published in the last twelve months, although earlier publications may be included. The appearance of an item in this list does not preclude its subsequent review.

BOOKS

John G. Bellamy, *Tudor Law of Treason: an introduction*. 352 pages, 1978. Routledge, Studies in Social History, £6.25.

A continuation of his work on the law of treason in the middle ages.

Edna Zurick Boris, *Shakespeare's English Kings, the People and the Law: a study in the relationship between the Tudor constitution and the English history plays*. 260 pages, 1978. Fairleigh Dickinson University Press, £5.95.

An interesting contribution to this theme.

E. W. Ives, R. J. Knecht and J. J. Scarisbrick (Editors), *Wealth and Power in Tudor England*. Essays presented to S. T. Bindoff. 248 pages, 1978. Athlone Press, £11.50.

The essays include the recovery of the Howards in East Anglia, 1485–1529, and the Sessional printing of the statutes, 1484–1547.

John Wilders, *The Lost Garden: a view of Shakespeare's English and Roman history plays*. 160 pages, 1978. Macmillan, £6.50 or £2.95.

A study of various themes common to all these plays.

ARTICLES

Clare Baker, A dismembered book of hours. MSS Harley 2980 and Douce 77, *Bodleian Library Record*, Vol. X, No. 1, December, 1978, pp.19–22.

Two manuscripts once part of the same book of hours produced in Paris c.1460 in the 'Circle' of Maître François, master of a large manuscript atelier in Paris in the third quarter of the fifteenth century.

Louis Baldwin, The Memoirs of Richard III, *Worldview*, December, 1978, pp.15–17.

Humorous and rather anti-Richard.

F. R. H. Du Boulay, Law enforcement in medieval Germany, *History*, Vol. 63, No. 209, October, 1978, pp.345–355.

An interesting comparison with English conditions.

William Hogarth, Richard III: On stage and off. *Ventures in Research*, lectures by the faculty of C.W. Post Center of Long Island University, Series 6, edited by Richard R. Griffith, 1977, pp.133–169.

A summary of the events which led Richard to the throne and a most interesting summary of the theatrical history of Shakespeare's play.

Audrey Williamson, Richard III: Lawgiver for the Common Weal, *The Ethical Record*, Vol. 84, No. 1, 1979, pp.3–6.

A summary of a lecture describing the development of English law and the place of Richard's enlightened laws in that development.

Charles T. Wood, Whatever happened to Margaret of Anjou?, or Olivier's Shakespeare and Richard III, *Iowa State Journal of Research*, Vol. 53, No. 3, February, 1978, pp.213-217.

A humorous discussion of the reason why Olivier omitted Margaret of Anjou from his film, and whether or not he followed Colley Cibber's version of the play.

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J. H. Ramsay, *Lancaster and York*, Vol. 2, Cambridge (1892), pp.485-6.

B. P. Wolfe, When and why did Hastings lose his head? *English Historical Review*, Vol. 89 (1974), pp.835-844.

Details need not be given in full for second and subsequent references to the same source.

Contributions for the September *Ricardian* or *Bulletin* must reach Anne Sutton, 11 Eton Avenue, London NW3, by 30th June. This does not apply to articles which should be sent well in advance and can be sent at any time.