

Research Notes and Queries

The Bastardy of the Princes

Dr. Alison Hanham writes:

In 'The Sons of Edward IV' (*Richard III: Loyalty, Lordship and Law*, edited P. W. Hammond, 1986), R. H. Helmholz gives a most judicious discussion of the fascinating complexities of canon law. There are, however, a few more things to be said in support of the view that claims about the illegitimacy of Edward V were a mere 'pretext' by Richard's supporters.

In the first place, Helmholz says nothing about dispensations from observing canonical rules. To believe him and the canon lawyers of the time, the life of a fifteenth-century layman was hedged about with rigid prohibitions. Actuality was rather different. When people — people of some money and standing, at any rate — were faced with an irksome ecclesiastical prohibition they could hope — expect, even — to circumvent it. To take the instance nearest to hand, Anne Crawford's article on 'The Private Life of John Howard' in the same volume contains examples of marriages that were clearly within the prohibited degrees. For another example, the increasingly fleshly Edward IV got himself dispensed from observing the Lenten fast 'on medical grounds', and the dispensation extended to anyone who ate at the king's table.

My point here is that the general populace did not hold canon law in quite such helpless awe as canon lawyers might have liked. As for deliberately invoking it: — they did so only when it served their own purpose, as Henry VIII would later try to do and as Richard's friends did in the case under consideration. The argument that runs from this is the two-fold one that IF Edward IV was under a pre-contract to Eleanor Butler it would have been a most sensible precaution to obtain a dispensation, and to do so would not have been difficult for a monarch who was on good terms with the church. The tangled history of the marriage between Eleanor of Aquitaine and Louis VII is one outstanding example of papal pliability in such affairs. More recently one could point to the matrimonial career of Richard II's mother, whose union with the Black Prince was countenanced because otherwise scandal would result. That, as far as we know, Edward IV did not seek to have his marriage with Elizabeth Woodville formally legitimated carries the strong presumption that he did not need to do so, because there was no pre-contract with someone else. Legitimate inheritance was the keystone of Yorkist rule; Edward knew as well as anybody how important it was to ensure that his sons had an unassailable right to succeed to the throne.

As for the right of parliament to pronounce on the question of legitimacy, Helmholz (in a most guarded and gentlemanly fashion) disagrees with the statement of 'the Crowland continuator' that the matter was outside its competence. It appears, though, that this chronicler was a canon lawyer — one of the very people whose rules Helmholz is describing. Wasn't he to know best? Further, Helmholz's main argument here is based on a misreading of Richard's Act of Settlement. (Incidentally, it is high time to stop calling this 'Titulus

Regius' and confusing it with Henry VII's enabling Act.) Richard's Act as enrolled does NOT say that the invalidity of the marriage to Elizabeth Woodville is notorious — a matter of public knowledge — as can be proved if required. Instead, what the roll describes as 'the common opinion of the people and the public voice' is that Elizabeth and her mother employed sorcery and witchcraft to bring the marriage about. (The offer to 'prove' this would sound more plausible to fifteenth-century ears than it does to ours.) Very oddly, there was no offer to prove the assertion about Edward's pre-contract with Eleanor, and no suggestion that Bishop Stillington had evidence on the subject.

Helmholz rightly says in his conclusion that fifteenth-century people, like ourselves, would see something very unjust in depriving children of their inheritance without a fair hearing. His further description of the sometimes rigorous insistence of canon law upon logic not compassion, and the pull between 'truth' and 'proof', once again exaggerates the place that canonical rules occupied in the minds of laymen. Whatever the theologians might find in their books, in June 1483 many of Richard's subjects clearly shared the view of most modern historians, that the bastardy issue was simply a pretext to depose Edward V. No time was allowed to test the truth of the assertion at that point, and we have no reason to disbelieve the Crowland chronicler's statement that in 1484 parliament was induced to act upon the argument out of fear. By then it was too late. We academics, pouncing with delight on a nice argument, readily overlook the fact that by January 1484 discussion of the princes' legitimacy was academic in every sense of the word. The princes were widely believed to be dead, Richard had been king for some six months, and parliament was faced with a very complete *fait accompli*. By that stage it was in everyone's interest to accept Richard's title to the throne without fuss.

Dirt under a town-clerk's fingernails?

A reader has complained about the lack of vivid historical detail in this journal — 'I want to see the dirt under their fingernails.' The Editor thinks it likely that anyone can add such universal and timeless matters for himself, but that it is beyond dispute that an historian may not and cannot insert such details into the material available unless they are actually there. One recently found example of the trivial but genuine titbits one does come across, is given here. Livia Visser-Fuchs writes:

Edward IV's exile in Holland, Flanders and Zealand from October 1470 to early March 1471 appears to have been an 'emotional' period to some people who lived in these provinces and whose life and livelihood were closely bound up with England and the English. It is known that during the last weeks of Edward's stay in Zealand, on the island of Walcheren where he was preparing his fleet of assorted ships (German and English as well as Dutch), the notables of some towns in the region were prey to conflicting emotions. Middelburg, Walcheren's main town, right in the centre of the island, first refused to have Edward as a guest and later — too late — sent him a gift of wine. Veere, smaller and situated on the island's coast, was 'fortifying itself' in case the Earl of Warwick or his French allies tried an invasion. Bruges and other towns of Flanders sent an embassy to the King to stay in his good books. It now appears

that Bergen op Zoom, a town lying safely far up the Scheldt estuary, but to which the trade with England was of vital importance, also was careful to keep in contact with Edward. In 1471 26s. and 8d. were paid to '... Henricke Janssone and Adriane Willemsone who in the month of February last were sent in the town's name to Walcheren to the King of England'. They were gone for four days and had one servant with them. Henricke Janssone (Henry Johnson) was a common name, but it is likely that the town messenger was meant. Adrian Williamson is not the only man bearing that name at the time and it is impossible to know his status. Probably these men were no ambassadors or spokesmen for their town, but merely the bearers of letters or gifts, though Williamson may have been a merchant able to voice his colleagues' anxieties and good wishes. Alternatively he could have been an innkeeper of that name, which suggests that here, too, a gift of wine was involved.

The town accounts of Bergen op Zoom for 1470-71 (*Gemeentearchief, Stadsrekeningen* 1470-1471, Inv. Nr. 243) are in a perfect condition and full of details and there is no evidence of any undue excitement during the year, no mustering of extra soldiers, no strengthening of fortifications as in Flanders and Zealand. It is also certain that neither Edward nor any of his fellow-exiles passed through the town: there is no mention of any wine served in their honour, as it was served to other Englishmen in the same period.

The scribe of the small entry quoted above clearly was less well-informed about the international situation than his employers for in his otherwise impeccable text he first wrote '*... den coninck van middel ...*' (meaning Middelburg, which to him of course was closely connected with Walcheren, and probably thinking that a man with the fairly common name *de Coninc* (King) lived there), then crossed out *middel* and corrected to *inghelant* — not the dirt under his fingernails perhaps, but something very similar.

Book Reviews

THE KNIGHTS OF THE CROWN. THE MONARCHICAL ORDERS OF KNIGHTHOOD IN LATER MEDIEVAL EUROPE 1325-1520. D'A. J. D. Boulton. 1987. The Boydell Press, Boydell and Brewer Ltd., Woodbridge, Suffolk. £39.50.

The continuing importance of chivalry in the later middle ages has been emphasised in the recent surveys undertaken by Maurice Keen and Malcolm Vale. Dr. Boulton undertakes a more specific task: an examination of some of the chivalric orders that existed in fourteenth and fifteenth century Europe. This is an important area of research, for as D'Arcy Boulton sensibly suggests, the orders reflected broader trends associated with monarchy and court culture. The author has assembled some valuable new material on the heraldic devices