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**ROYAL MINORITIES AND PROTECTORATES IN ENGLAND,
1216-1549**

by

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A dissertation submitted in application for the degree of Master
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ABSTRACT

Many studies of the politics of later mediaeval England have discussed certain instances of royal incapacity: occasions when the king, either through youth or mental illness, was unable to discharge the royal authority. This study examines all of those instances from a comparative viewpoint, and attempts to assess the various solutions to the problems of authority which resulted from an incapable king.

A royal minority was an inevitable and greatly feared consequence of hereditary monarchy; between 1216 and 1547 no less than six kings of England succeeded to the throne as minors, and one of them, Henry VI, became incapacitated during his adult rule. The political solutions which were tried in each instance were designed in response to specific circumstances, and a single legal and political remedy for royal minorities was never formulated. In 1216, at the accession of Henry III, William the Marshal was appointed *rector regis et regni Angliae* by the major barons loyal to the Plantagenets in recognition of his seniority among them, although many duties were carried out by the justiciar and the papal legate following the Marshal's death in 1219. This form of collective decision-making was followed for the most part in subsequent instances of royal incapacity, until the end of the minority of Edward VI, with the king's death in 1553.

This dissertation analyses the seven instances of royal incapacity in England from 1216 to 1549, when the office of protector under Edward Seymour was abandoned. These are: the minorities of Henry III, Edward III, Richard II, Henry VI, Edward V, and Edward VI; and the adult incapacity of Henry VI in 1453-1456. Chapter 1 investigates the beginnings of each instance; chapter 2 examines the attempted solutions in each case; and chapter 3 considers the endings of each minority and protectorate.

I, Frank Lawrence Wiswall III, hereby certify that this thesis, which is approximately 30,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

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TABLE OF CONTENTS

List of Abbreviations	vii
Introduction	1
1. Beginnings	9
Henry III: The Regency of William the Marshal, 9; Edward III: The Deposition of Edward II, 18; The Accession of Richard II and the Continual Councils, 23; Henry VI: The Settlement of 1422, 29; Henry VI: The Beginnings of Richard of York's Protectorates, 46; The Accession of Edward V, 58; Edward VI: The Will of Henry VIII and the Council, 64.	
2. The Politics of Government Without a King	73
Henry III: The Administration of the Legate and Justiciar, 73; Edward III: The Administration of Mortimer, 80; Richard II: The Growth of Faction, 84; Henry VI: The Politics of the Protectorate, 87; Henry VI: Politics under Richard of York, 92; Edward V: Richard of Gloucester's Protectorship, 98; Edward VI: The Administration of Protector Somerset, 103.	
3. Endings	108
Henry III: The Ending of the Minority, 108; Edward III: The Return to Royal Rule, 110; Richard II: The Appellants and the end of the Minority, 115; Henry VI: From Protectorate to Majority Rule, 120; Henry VI: The End of York's Protectorates, 124; Edward V: The Usurpation of Richard III, 129; Edward VI: The Overthrow of the Duke of Somerset, 135.	
Conclusion	142
Bibliography	147

LIST OF ABBREVIATIONS

<i>APC</i>	<i>Acts of the Privy Council</i>
<i>CCR</i>	<i>Calendar of Close Rolls</i>
<i>CPR</i>	<i>Calendar of Patent Rolls</i>
<i>CSP</i>	<i>Calendar of State Papers</i>
<i>Crowland Chronicle</i>	<i>The Crowland Chronicle Continuations, 1459- 1486</i> , ed. Nicholas Pronay and John Cox (London, 1986)
<i>EHD</i>	<i>English Historical Documents</i>
<i>EHR</i>	<i>English Historical Review</i>
<i>Foedera</i>	<i>Foedera, Conventiones, Litterae, etc.</i> , ed. T. Rymer, 20 vols. (London, 1704-35); also 4 vols. in 7 pts. (London, Record Commission, 1816-69).
<i>Paston Letters</i>	<i>The Paston Letters</i> , ed. J. Gairdner, 6 vols. (London, 1904).
<i>PPC</i>	<i>Proceedings and Ordinances of the Privy Council</i>
<i>RP</i>	<i>Rotuli Parliamentorum</i>
<i>Select Documents</i>	<i>Select Documents of English Constitutional History, 1307-1485</i> , ed.

S. B. Chrimes and A. L.
Brown (London, 1961).

Stubbs

William Stubbs, *The
Constitutional History of
England in its Origin and
Development*, 3 vols.,
4th ed. (Oxford, 1896).

Tout, *Chapters*

T. F. Tout, *Chapters in
the Administrative
History of Mediaeval
England*, 6 vols.
(Manchester, 1920-33).

Tuck

A. Tuck, *Richard II and
the English Nobility*
(London, 1973).

possibility raised the difficult issue of identifying who could administer authority if members of the royal family could not. A more practical solution might be placing the royal authority in a group which would exercise power collectively on the king's behalf, an arrangement which was carried out more often than the first. The general term used to describe the solution to the problem of royal incapacity is *regency*, and that describing the holder of an office to exercise authority on behalf of the monarch is *regent*. These terms, however, held certain connotations which proved unacceptable to deal with royal incapacity in England, although they were used elsewhere. In the *Oxford English Dictionary*, *regency* is defined as:

A body of men appointed to carry on the government during the absence, minority, or incapacity of the sovereign or hereditary ruler; a Government so constituted.²

Furthermore, a *regent* is defined as:

One who is invested with royal authority by, or on behalf of, another; *esp.* one appointed to administer a kingdom during the minority, absence, or incapacity of the sovereign.³

Such terms were necessarily vague in their implications, and led eventually to another question: How was it to be decided what arrangements would be made? Again, there were several possibilities. Placing a solution in law was one idea, although it

² *Oxford English Dictionary* (2nd ed., Oxford, 1989), XIII, p. 503 (def. 3b).

³ *Ibid.*, p. 506 (def. 2a).

was not done in England. The Latin kingdom of Jerusalem, for example, had a written law for dealing with the problem. It came from the *Livre au Roi*, composed for Aimery I of Lusignan (1197-1205), but claiming to represent the traditions of the kingdom before the battle of Hattin of 1187:

The regency of the kingdom should be entrusted to the nearest relation, male or female, on the mother's side if the claim to the throne comes through the mother, or to the nearest male relation on the father's side if the claim to the throne comes through him. And that is the law, and the true sense of the Assise.⁴

This "law", however, did not correspond to political practice in twelfth-century Jerusalem. On the accession of Baldwin III as an infant in 1143, his mother became co-ruler; in 1174, Baldwin IV's cousin, Raymond III, count of Tripoli, became governor; and in 1185, the succession of Baldwin V produced a compromise by which Raymond III was again governor, but the king's maternal great-uncle, Joscelin III of Courtenay, was his personal guardian. It is perhaps significant that all of these monarchs were close relatives of Henry II of England, and the events in Jerusalem could possibly have provided a precedent for England in 1216.

A second possibility was precedent, but no previous arrangement was available at the accession of Henry III in 1216 to fall back upon. The closest parallel to the problems faced at the time was probably the arrangements for government by the

⁴ *Livre au Roi*, c. 5, *Recueil des Historiens des Croisades, Lois*, I, p. 610. (I owe this reference to Dr. Bernard Hamilton of the University of Nottingham.)

justiciar during Richard I's absence on crusade from 1189 to 1194.⁵ Although Henry II had appointed both Eleanor of Aquitaine and his eldest son, Henry the Young King, as regents during his several extended absences from England, he remained in Western Europe and thus could intervene in English affairs if necessary.⁶ Richard I, on crusade, could not. Before his departure, Richard appointed as co-justiciars Hugh de Puiset, bishop of Durham, and Earl William de Mandeville. The earl died in November 1189, and Richard added his chancellor, William Longchamps, as co-administrator with the assistance of Geoffrey fitz Peter, William Briewerre, Hugh Bardulf, Robert of Whitefield, Roger fitz Renfrey, and William the Marshal.⁷ Although Richard probably did not make any formal commission appointing these men, according to F. J. West, these men "actually ran the apparatus of government".⁸ Longchamps' tenure as justiciar was unbalanced due both to his efficiency at raising the king's taxes and to his conflict over the royal succession with John, whose "power and ambitions... were too great to be contained by a single justiciar".⁹ Longchamps was replaced in 1191 by Walter of Coutances, archbishop of Rouen, who "kept England for the king

⁵ See F. J. West, *The Justiciarship in England, 1066-1232* (Cambridge, 1966), pp. 64-96.

⁶ *Ibid.*, pp. 32-33; W. L. Warren, *Henry II* (London, 1973), pp. 293-294.

⁷ F. M. Powicke, in *Cambridge Medieval History*, VI (Cambridge, 1968), p. 207.

⁸ West, p. 66.

⁹ *Ibid.*, pp. 70 and n. 1, 73.

in co-operation with the queen and the justices" until Richard was able to get in touch with England again in 1193.¹⁰ The collective government necessitated by Richard's absence thus set a possible precedent, although it was never specifically invoked later on, perhaps because of its instability.

Arrangements for an alternative administration could conceivably also be made by the preceding king. The French kings, for instance, made this a standard practice in the event of a royal minority in the Middle Ages; it was they who, "in wills and edicts or merely by letters patent and simple declaration... defined the composition of minority governments and tried, with varying degrees of success, to dictate how long they should last". In England, on the other hand, this solution was never accepted by the magnates, despite several attempts to arrange matters by means of the royal will; "no English king could bind the future beyond his own lifetime, and if minority rule required adult decisions, only the living could make them".¹¹ As a final alternative, the decision could be made by lords on behalf of the community, and this proved in general to be the practice in England. Hubert Walter claimed in 1239 that the arrangements for Henry III's minority in 1216 had been carried out this way, and that type of solution persisted in most instances until 1547.¹²

¹⁰ *Ibid.* , pp. 74-78.

¹¹ Wood, pp. 38-39.

¹² *Ibid.* , p. 40.

The third question of sovereignty, and a particularly important one, lay in attempting to strike a balance between the nominal authority of the king as a child and the actual authority of a regency. Although the difference in authority was considerable, the English solution involved adopting the fiction that the king was perpetually an adult for administrative purposes, thus obviating the need for an actual regency. In 1427, for example, the lords of Henry VI's council declared that "howbeit that the king as now be of tender age nevertheless the same authority resteth and is at this day in his person that shall be in him at any time hereafter".¹³ Despite the particular problems of this sort associated with an infant king, such as his inability to carry out duties that required speech, Henry VI's council persisted even in the early years of his minority in perpetuating the illusion that the king was competent to govern. In certain duties, however, such as the transfer of offices and royal seals by the hands of the king alone, youth did not present an obstacle, and even Henry VI's infancy did not deprive him of his symbolic role as head of state. Furthermore, a coronation could often alter the difference in nominal authority between a king and a regent, although it could not end a minority. Henry VI's coronation in 1429, during which the king took an oath to protect and defend the realm, removed those titular

¹³ *Proceedings and Ordinances of the Privy Council of England*, III, p. 233.

responsibilities from his uncle, Humphrey duke of Gloucester; yet the king's minority continued for another eight years.

Despite these numerous difficulties, though, there were clear advantages in certain circumstances to having a minor on the throne. Since the property of a child was legally untouchable, a minority meant that the royal possessions were inalienable; during Henry III's minority no royal grants could be made in perpetuity. Later, however, a distinction would be drawn between the inalienability of a theoretically minor crown and the position of an adult king, such as Edward II.¹⁴ Overall, however, a royal minority emphasised the innocence of a child and the need for protection. Yet there were also disadvantages: any minority inevitably led, in practice, to increased tensions and faction among the king's magnates, particularly those who were more ambitious than their positions allowed. Disrespect for the king's innocence was a perpetual problem, and one that in one instance led to the displacement of the royal child by his erstwhile "protector".

The final problem to be faced with a royal minority was that of bringing it to an end. Although the canon law recognised the age of discretion as fourteen, England never saw a minority end so early or so specifically.¹⁵ Henry III and Henry VI both underwent gradual transitions away from minority rule, and

¹⁴ Wood, p. 42.

¹⁵ *Ibid.* , pp. 34-37.

Richard II could not end his until he was twenty-two. Only Edward III, by force, effectively declared his majority without regard for the consent of his magnates. The difference in each instance between the age of coronation and that of actual majority rule emphasised the absence of any clear principles for dealing with this problem.

This dissertation will investigate these questions in detail by examining the seven episodes of royal incapacity in mediaeval and early modern England. These are: the minority of Henry III; the minority of Edward III; the minority of Richard II; the minority of Henry VI; the adult incapacity of Henry VI; the brief reign of Edward V; and the reign of Edward VI to 1549, after which the office of protector disappeared. The first chapter will investigate the initial circumstances and beginning of each instance; the second chapter will analyse the operation and effectiveness of the various solutions; and the final chapter will consider the endings of the minorities and protectorates.

Chapter 1

BEGINNINGS

The problem of a king who was unable to govern his realm, either through youth or mental instability, arose seven times between 1216 and 1549, and in no instance were those surrounding the king truly prepared for the situation. Although the basic problem was the same every time, the circumstances in each case were markedly different, and the solutions to it had to be distinct as well. It is important, first, to look at the ways in which each instance of royal minority or incapacity was handled at its outset.

I. HENRY III: THE REGENCY OF WILLIAM THE MARSHAL, 1216-1219

The accession of King Henry III in October 1216 brought with it circumstances unprecedented in English history since before the Norman conquest of 1066. For over a year England had been involved in a civil war over the merits, and the enforcement, of Magna Carta; and since April 1216 the kingdom had faced the first challenge to the throne by a foreign pretender since that of William of Normandy 150 years before.¹ The invasion by Louis, son of Philip II Augustus of France, was undertaken on the invitation of the barons in revolt against King John, on the grounds that John had forfeited his right to the throne and that Louis was therefore heir by feudal law. However, the greatest difficulty faced by those of John's former councillors who chose to

¹ M. T. Clanchy, *England and its Rulers 1066-1272* (London, 1983), p. 198; F. M. Powicke, *King Henry III and the Lord Edward* (2 vols., Oxford, 1947), I, p. 19.

remain loyal to a Plantagenet succession was that in the autumn of 1216 Henry III was only nine years old.

The need to secure stability made it necessary to crown the new king on 28 October at Gloucester, in the absence of Stephen Langton, archbishop of Canterbury, the official regalia (most of which had apparently been lost in John's crossing of the Wash), and Ranulf, earl of Chester; Louis's forces held London and its environs, and Langton was on the continent at the time.² Although the coronation went some way toward providing a visible alternative to Louis, it did not carry any presumption that a nine-year-old could actually govern the realm. There was no existing precedent to help the magnates deal with the problem of government during a royal minority. The most recent royal minority in England had occurred in 978, with the accession of the Anglo-Saxon King Æthelred II "Unræd"; such an example was probably too remote to be of much use, and in any case furnished an unpleasant example of the potential consequences of a royal minority and disputed succession with the civil war that broke out on the death of King Edgar in 975, and which continued until the murder of Æthelred's elder brother, King Edward the Martyr, in 978.³ Furthermore, contemporary English law dictated that in

² G. J. Turner, "The Minority of Henry III", part 1, *TRHS*, new series, 18 (1904), p. 246; R. C. Stacey, *Politics, Policy, and Finance under Henry III, 1216-1245* (Oxford, 1987), p. 1.

³ *The Anglo-Saxon Chronicle*, ed. and trans. G. N. Garmonsway (2nd ed., London, 1972), p. 123; F. M. Stenton, *Anglo-Saxon England* (3rd ed., Oxford, 1971), pp. 372-374.

cases of wardship in which military tenure did not apply, the guardianship of an heir belonged to the next-of-kin - in this case Henry III's mother, Isabella of Angoulême - while in cases of military tenure, the wardship would ordinarily go to the heir's feudal overlord. The former case could not be followed, as the granting of the king's wardship to a foreigner and a woman in the midst of a crisis precipitated partly by King John's perceived overdependence upon foreigners would have been an extremely unwise exacerbation of the situation; moreover, the crown was obviously no ordinary wardship, and could not be treated as such.⁴

The nature and origin of the authority enjoyed by John's chief councillor, William the Marshal, earl of Pembroke, from 1216 until his death in 1219, is uncertain. While the king's will is not specific on the matter, the major narrative source for the period, the *Histoire de Guillaume le Maréchal*, indicates that the Marshal received the authority of a regent by John's verbal wish on the king's deathbed.⁵ The will of King John did not contain any specific provision either for the government of the kingdom or for any special authority to be held by its executors, either individually or as a group. The will merely stated that John would:

⁴ Kate Norgate, *The Minority of Henry the Third* (London, 1912), pp. 61-62.

⁵ *English Historical Documents*, III, 1189-1327, ed. H. Rothwell (London, 1975), no. 3, p. 82.

ratify and confirm whatever they shall faithfully ordain and determine concerning my goods [and in] rendering assistance to my sons for the recovery and defence of their inheritance... and may he who violates the settlement they make incur the curse and wrath of God Almighty, of the Blessed Mary, and of all the saints... I appoint as ordainers and executors of my will the following persons: the lord Gualo legate of the Apostolic See, Peter lord bishop of Winchester, Richard lord bishop of Chichester, Silvester lord bishop of Worcester, Brother Amery of Ste. Maurie, William Marshal earl of Pembroke, Ranulph earl of Chester, William earl Ferrers, William Brewer, Walter Lacy, John of Monmouth, Savary de Mauléon, and Fawkes de Breauté.⁶

It is possible that the magnates, in seeking a precedent by which to set up a government during the king's minority, may have had in mind an ordinance which was later codified in the "Assises of Jerusalem", a late-thirteenth-century compilation of law from the Latin kingdom of the late eleventh and early twelfth centuries. Supposedly written by Godfrey de Bouillon, the ordinance stated that "If he [the minor in question] is a lord of land [*e.g.* , a king] his body and his fortresses ought to be guarded as shall be agreed by the community of his men". This clause was apparently enacted in 1143, on the accession of King Baldwin III.⁷ The application of feudal law, however, did furnish a clue to the king's wardship, as John's cession of England as a papal fief to Innocent III in May 1213 made possible a regency by the papal legate, Gualo. Since Gualo was a foreigner as well, and had in any

⁶ *Foedera* (Record ed.), I, i, p. 144, trans. in W. L. Warren, *King John* (London, 1961), p. 255.

⁷ Norgate, pp. 62-63 and n. 1.

case been in England only fifteen months, he did not exercise his legal right to wardship of the king and kingdom; the circumstances demanded that the government be placed in the hands of an English magnate of recognised status and military power. Gualo therefore endorsed the unanimous choice of the royalist magnates present at Gloucester by asking the Marshal, a royal servant since the reign of Henry II, to assume the responsibility for the government of the king and kingdom.⁸ Although Roger of Wendover refers to the Marshal's title of *rector regis et regni*, the first appearance of it in an official document is contained in the re-issue of Magna Carta of 12 November 1216.⁹ As the representative of the feudal overlord of the king, however, Gualo was recognised "as presumptive head of the government even while the Marshal served as *rector*".¹⁰

The Marshal's acceptance of his appointment was at first difficult to obtain, despite Earl Ranulf's support for it; William felt that considering his own age (about seventy-three), a younger man was needed to carry out the duties of ending the civil war and consolidating support for the young king. He was finally persuaded to accept the offer by Gualo himself, who offered the Marshal remission of his sins in exchange for assuming the leadership of the minority administration. The Marshal, in turn,

⁸ *EHD*, III, no. 3, pp. 83-84; Sidney Painter, *William Marshal* (Baltimore, 1933), p. 198.

⁹ Painter, p. 198 n. 13.

¹⁰ Stacey, p. 2 n. 5.

entrusted the custody of the king's person to Peter des Roches, bishop of Winchester.¹¹ William himself became *rector regis et regni*, and was further referred to as justiciar in the absence of Hubert de Burgh; he relinquished the latter title, however, at the assembly of magnates at Bristol on 11 November, at which de Burgh was present. Although G. J. Turner claims the Marshal's appointment as justiciar, along with Hubert de Burgh's absence from both the assemblage at Gloucester and the list of executors of King John's will, as evidence that Hubert was not considered loyal at the time of Henry III's accession, there is reason to doubt this conclusion: at the time of the coronation, Hubert was besieged in Dover castle, the defence of which had been entrusted to him by John.¹² The position of the justiciar relative to that of the *rector*, moreover, involved supervising the daily functioning of the administration, restricting the Marshal to tasks of greater significance; W. L. Warren states that the justiciar was responsible for "the management of the machinery of government".¹³

In addition to confirming the positions of both the justiciar and the Marshal, the assembly at Bristol took an important step towards settling the causes of the baronial revolt, and thereby

¹¹ *EHD*, III, no. 3, pp. 83-84.

¹² F. J. West, *The Justiciarship in England, 1066-1232* (Cambridge, 1966), p. 228.

¹³ W. L. Warren, *The Governance of Norman and Angevin England, 1086-1272* (London, 1987), p. 172.

attempted to win support for Henry III against the French pretender: it re-issued Magna Carta on 12 November.¹⁴ Such a step was vital in restoring the allegiance of the majority of magnates in revolt, and in removing their motive to take up arms against the Plantagenet regime.¹⁵ The extent of the Marshal's authority under his title of *rector*, and the importance of Gualo in the minority government, were evidenced by the fact that the two men re-issued the charter in the name of Henry III, but stating that it was "given by their hands" and placing their own seals on the document.¹⁶ Although the king had no great seal of his own as yet (and would not until his formal assumption of royal power in January 1227), the fact that the Marshal's authority was understood to give him the power to issue documents of such importance demonstrates the seriousness of the circumstances which faced the loyal magnates in their desire to end the civil war.¹⁷

The 1216 charter was buttressed unexpectedly by the victories of the royalists at Lincoln in May 1217, and in a sea

¹⁴ See *EHD*, III, no. 22, for the text of the 1216 charter.

¹⁵ *Ibid.*, no. 20.

¹⁶ Powicke, pp. 6-7; Painter, pp. 198-199.

¹⁷ S. B. Chrimes, *An Introduction to the Administrative History of Mediaeval England* (3rd ed., Oxford, 1966), pp. 82-84. Chrimes states that despite the delay in providing for a permanent Great Seal until 1227, such a seal "came into partial use in October, 1218" (p. 83), but did not carry the permanent force of law due to the king's age, requiring the re-submission of charters and grants originally issued during the minority for approval in perpetuity in 1227.

battle against a fleet attempting to reinforce Louis's forces the following August.¹⁸ The result was to give the diplomatic upper hand firmly to the Marshal, Gualo, and the other royalist leaders, and to lend permanence to the principles outlined in the terms of the 1216 charter. As Professor Holt states, "The rebellion of 1215 had failed but much of its programme succeeded."¹⁹ In addition to the victories of the summer of 1217, the royalist cause was backed by Pope Honorius III, in the form of a declaration by the legate in 1216 that the struggle against Louis constituted a holy war, equal in importance to the Crusade in the east, and that Louis and all who supported him were excommunicated.²⁰ If this declaration was taken seriously in 1216 and 1217, it was probably a powerful incentive for the rebels to reconsider their position.

The victory of the royalists, and the guarantee of Henry III's inheritance, were determined by the surrender of Louis and the affirmation of the treaty of Kingston on 12 September 1217.²¹ The remainder of the Marshal's regency was devoted largely to refilling the treasury, which had suffered from the civil war. Accordingly, the exchequer functioned under the Marshal's

¹⁸ Stacey, pp. 3-4; for a discussion of the battles themselves, see *EHD*, III, no. 3, pp. 87-93.

¹⁹ J. C. Holt, *Magna Carta* (Cambridge, 1965), p. 269.

²⁰ Powicke, *King Henry III*, p. 5; Clanchy, *England and its Rulers*, p. 203.

²¹ Powicke, *King Henry III*, pp. 16-18.

authority, and at times under his personal guidance, after November 1216;²² but complete accounts were not prepared until 1217-18.²³ The Marshal's methods of raising money to refill the depleted treasury included the enforcement of payments of scutage owed to the crown from before the war, and inquiries into the king's rights and the status of escheats and the royal demesne - anticipating Edward I's *quo warranto* proceedings by sixty years.²⁴ He also helped to maintain the peace between various royalist leaders such as Fawkes de Breauté and William of Aumâle. The Marshal's authority thus enabled him to govern in the king's interest, with the assistance of the papal legate and magnates such as the bishop of Winchester.

After the Marshal's death, it was not necessary for anyone to succeed him in the office of *rector regis et regni* ; the kingdom had been set on a relatively firm footing, and administrative procedures had been regularised sufficiently for the king's councillors to dispense with the title. For the remainder of the minority the authority of the justiciar was apparently sufficient for administrative leadership, although "it did mean that no grant by charter in perpetuity could be made until the king was of full age", the major power of the *rector* that the Marshal had used to

²² Chrimes, *Administrative History* , p. 83.

²³ Stacey, pp. 8-9; see also the introduction to *Pipe Roll 3 Henry III* , ed. B. E. Harris, Pipe Roll Society, new series 42 (London, 1976).

²⁴ Painter, pp. 240-241.

settle many of the divisions of the civil war.²⁵ Furthermore, there was no longer anyone within the kingdom with the broad support which the Marshal had enjoyed who could assume the title, even had it been necessary. The major reason for the existence of the title rested solely in the status of its occupant and the circumstances of the accession of Henry III, and there is no evidence that the extent of the authority undertaken by the Marshal in 1216 represented to contemporaries an extraordinary leap away from commonly accepted political practice. Although the exact form of the council during the remainder of the minority of Henry III is uncertain, it is apparent that the form of government was conciliar, and was headed by the papal legate, Pandulf, until 1221, and by Hubert de Burgh until 1227.²⁶ Its functions will be examined in the following chapter.

II. EDWARD III: THE DEPOSITION OF EDWARD II, 1327

The circumstances which brought Edward III to the throne in January 1327, although in their initial background of conflict and invasion from overseas somewhat similar to those of the accession of Henry III in 1216, turned out differently with the forced abdication of King Edward II in a *coup d'état* and his ostensibly legal replacement by his son. Yet in this case the new king was already fifteen years of age, and would prove in three years that he was capable of ruling the kingdom for himself.

²⁵ Warren, *Governance* , p. 172.

²⁶ Powicke, *King Henry III* , p. 38.

The replacement of Edward II by his son in the last months of 1326 was the final solution to the problem of misgovernment by the king's hated favourites, the Despensers. The extent of the undue influence they were able to wield over the king had undermined the authority of the crown and forced even the queen, Isabella, into confrontation with her husband. Following the armed landing of Isabella and her supporters from France on 24 September, Prince Edward in his capacity as duke of Aquitaine was named *custos* or "keeper" of the realm to rule in the place of Edward II until the king should be captured. This act was approved by Isabella, along with the bishops of Winchester, Ely, Lincoln, Hereford, and Norwich, the earls of Norfolk and Kent (both brothers of Edward II), and Henry of Lancaster, and anticipated the obvious action which the queen and Mortimer by this time probably had in mind: the forcible abdication of Edward II and the control of the prince as a puppet ruler.²⁷ The prince used his own privy seal in place of the great seal for the duration of his custodianship, as the latter was still in the possession of Edward II and was not recovered until the king himself was captured.²⁸ On 28 October the prince used his privy seal to act on his new authority, issuing writs for a parliament to meet at Westminster on 15 December, stating that its business would be

²⁷ *Foedera* (Record ed.), II, i, p. 646.

²⁸ *CCR 1323-1327*, p. 655.

conducted before the queen and himself.²⁹ After the king was finally tracked down and captured at Neath on 16 November, the illusion of Prince Edward's custodianship was no longer maintained, and thus "the gross pretence was made that Edward personally resumed the government and himself issued the writs which consummated his ruin."³⁰ The king surrendered the great seal four days later, and Edward II was compelled to issue writs, in the normal form, for a "parliament" to meet at Westminster on the slightly later date of 7 January 1327.

It was by this gathering (which certainly was not a parliament in the legal sense, since Edward II neither consented to it nor was present during its proceedings) that the king was formally removed, and his son raised to the throne as Edward III, in a revolution which Professor Tout says "was conducted with scrupulous regard for legal forms."³¹ It was a measure of the nearly universal dissatisfaction which the "community of the realm", the imprecise authority by which the king was forced to abdicate, felt with Edward II's rule that he was abandoned by his entire family, including both of his brothers, Thomas of Norfolk and Edmund of Kent, as well as his wife and son. The charges against the king in the opening days of the assembly detailed the

²⁹ M. McKisack, *The Fourteenth Century* (Oxford, 1959), p. 88.

³⁰ T. F. Tout, *Chapters in the Administrative History of Mediaeval England*, 6 vols. (Manchester, 1923-35), III, pp. 2-3.

³¹ *Ibid.*, p. 1. For the illegality of the assembly, see N. Fryde, *The Tyranny and Fall of Edward II, 1321-1326* (Cambridge, 1979), pp. 195-197.

evil counsel by his overmighty favourites, his consequent loss of Scotland and the other territories bequeathed to him by Edward I, his failure to maintain justice, and his violation of the terms of his coronation oath.³² Implicit in these charges was an assumption which proved crucial in establishing a precedent for the deposition of Richard II seventy-two years later: that the king could be held to account for acting in a manner prejudicial to his own office, thereby drawing a distinction between the office of the crown and the person of the king, and raising the possibility of separating the royal authority from the king in certain circumstances. The crucial events of these proceedings came on or about 13 January, when Mortimer went to the Guildhall and secured the support of the City of London for the deposition of the king. About the same time, Adam Orleton, bishop of Hereford, and John Stratford, bishop of Winchester, led a delegation comprised of four barons, two justices, one abbot, one prior, four knights, three Londoners and several other lay and clerical officials to meet Edward II at Kenilworth. He was then ordered by the assembly to abdicate, with the threat that the Prince of Wales would be disinherited as well (presumably in favour of Mortimer) if he did not agree.³³

On 24 January, Edward II's abdication was considered complete and Edward III was proclaimed as his successor; on that

³² *Foedera* (Record ed.), II, i, p. 650. See also *EHD*, III, no. 14, p. 287.

³³ Fryde, pp. 198-199 and n. 18.

date, the new ruler issued a public proclamation of the proceedings and, on the following day, his reign was reckoned to commence.³⁴ He was crowned on 1 February 1327, and the assembly which had deposed Edward II re-convened as the first parliament of Edward III two days later.³⁵ With Edward II set aside, the government of the realm during the new king's minority had, formally at least, to be considered. While the overthrow of Edward II offered an opportunity for a major overhaul of royal office-holders,³⁶ it is clear that, at the beginning at least, "a rule beginning with a revolution was conducted by almost the same officials as had administered the fallen tyranny".³⁷ The bishops of Ely and Hereford served respectively as chancellor and treasurer; and soon after Edward III met the parliament on 3 February, a standing council was appointed for his minority, consisting of four bishops, four earls, and six barons.³⁸ However, the king's council held no real authority during Edward III's minority; actual power was wielded by the queen dowager and Mortimer at the centre of a coalition which soon began to disintegrate.

³⁴ *Foedera* (Record ed.), II, ii, p. 683.

³⁵ *Select Documents of English Constitutional History, 1307-1485*, ed. S. B. Chrimes and A. L. Brown (London, 1961), p. 32.

³⁶ Tout, III, p. 8.

³⁷ *Ibid.*, p. 5.

³⁸ William Stubbs, *The Constitutional History of England in its Origin and Development*, 3 vols. (4th ed., Oxford, 1896), II, p. 387.

III. THE ACCESSION OF RICHARD II AND THE CONTINUAL COUNCILS, 1377-

1380

Edward III's death fifty years later was not unexpected, and the king's councillors were prepared to deal with the accession of Edward's ten-year-old grandson as Richard II, to the extent of assembling a conciliar government which effectively maintained the illusion from the beginning that the king was competent to rule. Edward III's will, drawn up on 7 October 1376, made no specific provision for bequeathing the kingdom *per se* to his heir, but provided instead for the king's funeral and the disposal of his lands and moveable property.³⁹ Nevertheless, certain circumstances necessitated a swift settlement of the government during the king's minority: the threat of a French invasion was acute in the summer of 1377, and the details of setting up a minority government were secondary to the need for rapid arrangements for the defence of the realm.

The closest precedent which might have been applicable to the situation in 1377 was Henry III's accession in 1216; but unlike the previous situation the lords in 1377 declined to appoint a regent of any sort. While a regent might have provided strong central leadership, the only realistic candidate, John of Gaunt, was unsuitable because of his unacceptability to two other powerful

³⁹ Text printed in *Foedera* (Record ed.), III, ii, p. 1080; see also C. J. Given-Wilson, "Richard II and his Grandfather's Will", *EHR* (1978), pp. 320-337.

groups: the London merchants, whose financial backing was needed for any defensive effort, and the commons in parliament, who were opposed to Gaunt's manoeuvres against the reforms of the Good Parliament the previous year.⁴⁰ Indeed, the commons had presented a petition following the death of the Black Prince on 8 June 1376 demanding the recognition of Richard as heir apparent, to help allay suspicions that Gaunt may have been planning to usurp the throne on Edward III's death.⁴¹ That assumption was probably false; in October 1377, shortly after Richard II's accession, Gaunt made a speech to parliament in which he disavowed any such intent, on the grounds that as heir presumptive he had too much to lose by any abasement of the monarchy.⁴² However, Dr. Tuck observes that if Gaunt could not be regent, neither could anyone else. The only noble whose claim to the position of heir presumptive was perhaps as good as that of Gaunt was the earl of March, and he was certainly unacceptable to Gaunt himself. The inevitable alternative was a form of collective government which represented the interests of all parties within the political community.⁴³

⁴⁰ For a detailed account of the arrangements for Richard II's minority, see A. Tuck, *Richard II and the English Nobility* (London, 1973), pp. 33-40.

⁴¹ *RP*, II, p. 330; *English Historical Documents*, IV, 1327-1485, ed. A. R. Myers (London, 1969), no. 47.

⁴² *RP*, III, p. 5.

⁴³ Tuck, pp. 34-35.

Between Richard II's accession on 22 June 1377 and his coronation several weeks later, a council, the membership of which is not known, kept the government functioning and carried out preparations to meet the expected invasion from France.⁴⁴ In practical terms, the timing of the king's coronation made very little difference, as Richard would not exercise the powers of political decision for some years yet in any case; however, it enabled the forms of government to remain as unchanged as possible. Richard II was crowned on 16 July,⁴⁵ and four days later the new king nominally appointed twelve lords to compose the king's council.⁴⁶ This council was composed of two bishops, two earls, two barons, two bannerets, and four knights bachelor, and its duties were to assist the officers of state and to raise funds for the defence of the realm.⁴⁷ Its appointment lasted until the first parliament of the reign, which convened on 13 October.

In the October parliament, the speaker, Peter de la Mare, approached Richard II with a request of the commons that the new king and his lords "ordain and nominate... eight fit persons of

⁴⁴ Tuck (p. 35) observes that the business of this council is apparent from examination of letters patent in *CPR 1377-1381*, pp. 1-6.

⁴⁵ McKisack, p. 398.

⁴⁶ The twelve councillors appointed were: the bishops of London and Salisbury; the earls of March and Arundel; William Latimer and John Cobham; Roger Beauchamp and Richard Stafford; and John Knyvet, Ralph Ferrers, John Devereux, and Hugh Segrave. See *Foedera* (Record ed.), IV, p. 10, and *EHD*, IV, no. 48, pp. 122-123.

⁴⁷ N. B. Lewis, "The 'Continual Council' in the Early Years of Richard II, 1377-80", *EHR* (1926), pp. 247-248; Tuck, p. 36.

various estates, to remain continually in council with the king's officers on the needs of the king and the kingdom".⁴⁸ The intervention of the commons was perhaps misplaced, but sprang from a desire to preserve the measures of the Good parliament against what it apparently feared might be the appointment of a council sympathetic to Gaunt. Richard, on the advice of the Great Council, then approved the nomination of nine lords to form, along with the officers of state, a second "continual council" which would remain in office for one year, all the members of whom would then be ineligible for reappointment for a further two years. This council was composed of three bishops, two earls, two bannerets, and two knights bachelor.⁴⁹ Despite the king's age, he was from the beginning allowed the use of his own great seal, privy seal, and signet; and the system of councillors from the beginning of the reign supported the fiction that the king was fully competent to govern for himself.⁵⁰ Gaunt was summoned to attend meetings of the council, despite the fact that he was not a member, from time to time between March and June 1378.⁵¹ The

⁴⁸ *RP* , III, p. 6, and *EHD* , IV, no. 260, p. 448.

⁴⁹ The list of nine members of the "continual council" appointed in October was similar to the previous one: the bishops of London, Carlisle, and Salisbury; the earls of March and Stafford; Richard Stafford and Henry le Scrope; and Devereux and Segrave. *RP* , III, p. 6, and *EHD* , IV, no. 260, p. 448.

⁵⁰ Tuck, p. 33.

⁵¹ Tuck, p. 40. Gaunt departed for the Scottish march, to oversee defence preparations there in anticipation of the possibility of an attack along with the threat of renewal of the French war (*Ibid.* , p. 37); his appointment as warden of the Scottish march was confirmed on 6 September 1380 (*Foedera* [Record ed.] , IV, p. 97).

following month his attention was shifted to Brittany, to which he led an expedition in the hope of reducing the French threat; yet his attempt failed and he returned empty-handed by September of that year.⁵²

The third and last continual council was appointed in parliament in October 1378, in response to a request of the commons that they be told "who would be the king's councillors and governors of his person".⁵³ It was more evenly representative of the various interests among the nobility, such as the followers of the Black Prince and those of Gaunt, than had been the case in the previous one.⁵⁴ Those appointed were, "in obedience to the terms of its institution", without exception different from those who had sat in the council of the previous year. Two, though, were former members of the original continual council, which had been appointed by the Great Council of lords in July 1377.⁵⁵ The sudden dissolution of parliament on 16 November 1378, however, necessitated the completion of the appointment of the new council ostensibly by Richard II

⁵² Tout, III, p. 339.

⁵³ Tuck, p. 42.

⁵⁴ *RP*, III, p. 55; Lewis, p. 250.

⁵⁵ Tout, III, p. 342.

himself.⁵⁶ The members of the last continual council officially assumed office ten days later.⁵⁷

Throughout the following year the continual council met almost daily, and attendance varied according to the status of the members involved; the best attenders were the two bishops, Wykeham of Winchester and Harewell of Bath, while the worst were the two knights bachelor, Aubrey de Vere and Robert Rous. Despite the council's power to exercise the royal authority on most routine matters and to advise the officers of state on issues of importance, the financial situation of the crown deteriorated.⁵⁸ The commons desired that the king should conduct the war from his own resources, and considering the expense of the numerous preparations for defence (many of which were after all financed by the commons), this was clearly too much to expect.⁵⁹

In the following parliament, at Easter 1379, the commons succeeded in appointing a committee to examine the royal accounts; however, "there is no evidence that it ever met".⁶⁰ This attempt to audit the royal finances was a prelude to the series of graduated poll taxes which began in the Easter Parliament of

⁵⁶ *CCR 1377-1381* , pp. 220-222; Lewis, p. 250.

⁵⁷ *RP* , III, p. 55.

⁵⁸ Tout, III, p. 345.

⁵⁹ Tuck, p. 42; for details of various civil defence preparations during 1379, see *Foedera* (Record ed.), IV, pp. 56, 59.

⁶⁰ Tuck, p. 43.

1379 and which eventually led to the Peasants' Revolt two years later.⁶¹ The financial crisis, which had necessitated the summoning of parliament after an interval of only six months, continued nonetheless, and by January 1380 was even worse. The inability of the continual council to deal with the financial situation led to a petition in the commons for its dismissal, on the grounds that the king, now 13, was nearly the same age as Edward III had been at his coronation in 1327.⁶² Accordingly, the last continual council was dismissed, and the government was placed in the hands of the officers of state and, nominally, in those of Richard II.

IV. HENRY VI: THE SETTLEMENT OF 1422

The unexpected death of King Henry V at Bois de Vincennes on 31 August 1422 has been described as "the most consequential event in the history of the Lancastrian monarchy between 1399 and 1461", and precipitated an acute political crisis in both England and France.⁶³ The circumstances which made Henry V's death particularly worrying arose from the king's success in pursuing his claim to the throne of France in the second major phase of the Hundred Years' War. By the treaty of Troyes of 1420, Henry was recognised as heir and regent of France, to

⁶¹ *Ibid.* , p. 44.

⁶² *RP* , III, p. 73; Butt, p. 369.

⁶³ R. A. Griffiths, *The Reign of King Henry VI: The Exercise of Royal Authority, 1422-1461* (London, 1981), p. 20.

succeed to the French throne on the death of Charles VI.⁶⁴ Henry's regency was established to take account of the French monarch's mental illness, and this consideration, as well as Charles' superior age, evidently accounted for Henry V's failure to provide adequately for the one improbable occurrence which actually came to pass: that he himself would predecease King Charles.⁶⁵ The treaty had also provided for Henry V's marriage to Charles' daughter, Catherine of Valois, and their union had granted Henry a son and heir; but the birth of Henry of Windsor on 6 December 1421 meant that the young Henry VI was less than one year old on his accession to the throne of England on 1 September 1422, and to that of France when Charles VI finally died on 21 October the same year.⁶⁶

The lords who dealt in the first instance with the new political situation in England were relatively few; most of Henry V's councillors and advisors had accompanied him to France on his final expedition, and were unavailable to deal with the state of affairs as it became known in London. Moreover, those who did so, such as Henry Beaufort, bishop of Winchester and the late king's uncle; Henry Chichele, archbishop of Canterbury; and Thomas Langley, bishop of Durham and Henry V's chancellor, acted not in any capacity as members of the king's council - those

⁶⁴ J. H. Wylie and W. T. Waugh, *The Reign of Henry V* (3 vols., Cambridge, 1914-29), III, pp. 198-99.

⁶⁵ Griffiths, *Reign of Henry VI*, p. 18.

⁶⁶ B. P. Wolffe, *Henry VI* (London, 1981), pp. 27-28.

appointments had naturally lapsed with the king's death - but merely as magnates of influence. The situation which faced the young Henry VI's magnates on the return of Henry V's body to England was worsened both by the new monarch's extreme youth, which necessitated the establishment of a long-term minority government marked by stability, and by personal rivalries and claims to authority which made such stability improbable at best. The lords' consideration of Henry V's will and attached codicils did little to alleviate the problem: the will, drawn up on 10 June 1421 before Henry V's final departure from England, had made no specific provision for the government of England in the event of the king's death, an oversight which the codicils of 26 August 1422, drawn up on Henry's death-bed, attempted to correct. The codicils set forth makeshift arrangements for the separate government of England and France. By the late king's wishes, the regency of France was apparently to be offered to Henry V's ally, Philip the Good, duke of Burgundy; in the event that he turned it down (which he did), it was to be granted to the elder of Henry's two surviving brothers, John duke of Bedford.⁶⁷ With this proposal the lords of

⁶⁷ No such formal arrangement was made in the text of Henry V's actual will and codicils; this arrangement was stated to have been made by the Burgundian chronicler Monstrelet, who Griffiths states may have been "providing his patron with a face-saving device" (Griffiths, *Reign of Henry VI*, p. 18). This theory was apparently also supported by Thomas Walsingham, who states that Henry had intended that Bedford be "custos Ducatus Normannie" and that Burgundy be "Regens Regis et regni Francie" (Walsingham, *Historia Anglicana*, ed. H. T. Riley [Rolls Series, 1863-64], II, p. 345). See also Patrick and Felicity Strong, "The Last Will and Codicils of Henry V", *EHR* (1981), pp. 98-100.

the council had no quarrel; Bedford's political skills were known and respected. When it came to Henry's hasty proposition for the regency of England, however, their outlook was quite different. Henry had intended the regency of England during his successor's minority for the youngest of his brothers, Humphrey duke of Gloucester, and the difficulties which arose from this proposal had to do both with Bedford's seniority and with Gloucester's personality.

By the third codicil of Henry V's will, Gloucester was to have been granted the *tutelam et defensionem principales* ("tutorship and principal defence") of his nephew Henry VI.⁶⁸ Bedford objected to this on the grounds that, with no obvious intent on his late brother's part, it would be prejudicial to his position as heir presumptive to the English and French thrones; in a letter sent from Rouen to the City of London on 26 October, he requested that:

by the faithe and ligeance that ye owe to god and to the saide coroune that ye ne yeve in noo wyse assent conseil ne confort to any thing that myght be ordenned pourposed or advised in derogacion of the saide lawes usage and custume yif any suche be or in prejudice of us... ner also ayenst the ordonnance or wil of oure saide souverain lorde that was savyng our right to the whiche as we trowe and truste fully that hit was not oure saide souverain lordes entente to deroge or doo prejudice.⁶⁹

⁶⁸ The actual passage in Henry V's will reads: "Volumus etiam quod carissimus frater noster Humfridus dux Gloucestr' habeat tutelam et defensionem nostri carissimi filii principales" (Will of Henry V, fo. 6v., in Strong, p. 99).

⁶⁹ *Select Documents*, no. 221, p. 245.

This objection was understandable enough, and did not appear to imply any overt hostility towards Gloucester or the position which Henry V had intended for him. The objection of the lords, however, was more serious, and rested on firmer legal ground. It was not so much the principle of recognising Duke Humphrey's position as a councillor of importance which raised difficulties with the lords, as Gloucester had been *custos Angliae* from May 1422, when Bedford had departed the realm to join Henry V in France. But the late king's use of the term *tutela*, and the authority which it implied, met with belated and unanticipated resistance by the lords, certain of whom - notably Henry Beaufort and his entourage of relatives - felt that it effectively granted powers equivalent to the royal prerogative to a single person other than the king, and that in so doing it constituted an infringement on their own authority.⁷⁰

Tutela was a term in Roman civil law which provided for the wardship of a minor and, more importantly, for the management and control of his property. It had, since at least the time of Justinian in whose *Institutes* the term was defined in detail, been legal to appoint such a "tutor" by means of a will, and to separate the actual wardship of the heir from the management of the heir's affairs and personal property.⁷¹ Under the original law,

⁷⁰ See n. 65 above.

⁷¹ For the original definition of *tutela* under the Code of Justinian, see *Justinian's Institutes*, ed. and trans. Peter Birks and Grant McLeod (London, 1987), 1.13-1.22 (pp. 47-51). J. S. Roskell, "The Office and Dignity of Protector of England, with Special Reference to its Origins", *EHR* (1953),

the tutorship would normally be granted to the nearest agnate, or relative in the male line - that is, to whoever would be heir presumptive to the estate in question in the event of the premature death of the minor heir. In other words, "it was an institution primarily in the interests of the *tutor*, who was there to protect the property that would be his in case the child died before puberty."⁷² This was a possible legal basis for Bedford's objection to the attempted appointment. Since Gloucester was not mentioned among those intended to exercise the duty of wardship - chief among whom was Thomas Beaufort, duke of Exeter - it seems clear that such a separation of powers was intended by Henry V. The fact, however, that Gloucester was meant to have control of the young king's property was itself seen as dangerous enough to the lords, who interpreted the intended office and its powers to mean that the kingdom itself should be treated in this context as the "property" of the king - thereby granting to Gloucester far more personal power than they felt Henry V could possibly have intended.⁷³ Under such an

p. 206, observes that although Henry V appointed his wife Catherine of Valois as an executor of his will, he excluded her from a role in the wardship of Henry VI on the grounds of the terms of *tutela*; indeed, under Roman law, she would as a widow have been subject to a *tutela* herself, and could not therefore undertake a role in the one intended for her son.

⁷² *Institutes*, 1.15-1.17; R. W. Leage, *Roman Private Law*, ed. A. M. Prichard (3rd ed., London, 1961), p. 128.

⁷³ There was, apparently, a contemporary school of thought which ascribed to the king the power to treat his kingdom as his personal "property" for a variety of purposes, including inheritance. See the discussion of Sir John Fortescue's expostulation of the use of *tutela* in this context in S. B. Chrimes, *English Constitutional Ideas in the Fifteenth Century* (Cambridge, 1936), pp. 9-13. For a different view of the definition

arrangement, they felt, it was likely that Gloucester would have control of not only the king's "property", but all that such control implied - namely, the royal authority itself, including the dispensing of patronage; and that Gloucester therefore would end up as an *alter rex* . There was also another, and potentially far more serious, consideration involved in the use of *tutela* : under the terms of such an arrangement, Gloucester would be accountable for his actions on the king's behalf only to Henry VI himself - and then only when the king came of age. Indeed, a memorandum of 1427 reveals that Gloucester had declared his intent to answer only to Henry VI on his majority, saying: "Lat my brother governe as hym lust whiles he is in this land for after his going overe into Fraunce I wol governe as me semeth good".⁷⁴ The implications of *tutela* , and of its use in any document deemed to have legal validity, were therefore repugnant to the principles of English common law - or so the lords of the council held, to Gloucester's detriment - and on reading the will and its arrangements for the governance of England, they rejected it, denying Gloucester the authority he felt to be rightfully his.

Gloucester, however, was not about to let the matter go unchallenged, and he evidently saw an opportunity for a new hearing of the case in his favour before the entire body of lords assembled in parliament. However, he merely witnessed a

of the king's "property", see G. L. Harriss, *Cardinal Beaufort* (Oxford, 1988), p. 115.

⁷⁴ *Proceedings and Ordinances of the Privy Council* , ed. H. Nicolas, III (1834), pp. 240-242.

further denigration of his position when he challenged on 5 November the decision of the lords that he could open, preside over, and close the first parliament of the new reign only "de assensu consilii".⁷⁵ This naturally implied that the lords were to hold pre-eminent authority over the government, including Gloucester himself; and this, indeed, was probably the explicit intention of the lords. Gloucester objected that such an arrangement was prejudicial to his own position; his appointment as *custos* had included no such restriction, and such a plan - theoretically allowing the king's council to keep parliament in session for up to a year, against Gloucester's wishes - could not be allowed under the authority granted him by the terms of Henry V's will.⁷⁶ Aside from the lords' objections to the will itself, Gloucester's position was weakened by the fact that in September he had accepted a summons to parliament, issued by the council in the name of Henry VI, only in his capacity as duke of Gloucester, not as *custos* (the commission for which had lapsed with the death of Henry V).⁷⁷ The council's position was broadly that Gloucester should not be permitted to hold the royal authority in trust for Henry VI in his own person, but that the council should have power to exercise that authority as a body on behalf of the king until he should reach years of discretion.

⁷⁵ Roskell, *EHR* , pp. 197-198.

⁷⁶ *PPC* , III, pp. 6-7.

⁷⁷ Gloucester was reminded of this fact in March 1428 in a response by the lords to the duke's petition for a re-definition of his powers as protector; see *RP* , IV, pp. 326-327, and Roskell, *EHR* , pp. 198-199.

Gloucester was thus forced to accept the wording of the council regarding the opening of parliament, and the commission was sealed on 6 November.⁷⁸

Gloucester's acceptance of his summons to the 1422 parliament on the terms by which it was granted was to hamper his efforts to press his claim to a regency of England throughout the minority of Henry VI. The opening of the parliament on 9 November augured further troubles for the duke; Henry Chichele, archbishop of Canterbury, presented an opening sermon on a text from the Book of Exodus, 18: 12-27, obviously intended to further prejudice Gloucester's claims to power. The text dealt with Jethro's advice that Moses accept assistance in his leadership of the people of Israel; Duke Humphrey was apparently Moses in Chichele's estimation, while Chichele was himself the metaphorical Jethro.⁷⁹ Indeed, it appears that the councillors had already decided among themselves only to allow Gloucester the title of defender of the realm and chief councillor of the king. Nevertheless, Gloucester pressed his case further, this time by historical research, and thereby employed a political weapon whose importance was already established, and which both sides in the power struggle saw fit to use: precedent.

⁷⁸ *RP*, IV, p. 169.

⁷⁹ J. S. Roskell, *The Commons in the Parliament of 1422* (Manchester, 1954), pp. 100-102; Griffiths, *Reign of Henry VI*, p. 22.

In a memorandum presented to the lords assembled in parliament sometime in the first month of the session, Gloucester made reference to a petition of the commons, apparently put forth soon after parliament had opened, asking "who shuld haue the gouernance of this Reme undre our souverain lord bi his high auctorite". In answering this question, Gloucester discreetly attempted to put the commons in opposition to the lords by stating "that by the word Defensor the peticion of the commune nys nat satisfied" and that "lesse than he haue the name of governour undre the kyng or an othir name equivalent therto, the seid peticion nys nat answered." Gloucester further stated that the lords had at first assented to the third codicil - it had apparently taken some time for the lords to fully realise the implications of *tutela* - and that they based their objection on the fact that "tutela was suche a terme of lawe civile that they derst nat agree to it for diuers causes". He went on to say:

they haue assented for to call my lord Defensor of this Reme and chief counseiller of the kyng notwithstanding that they coude fynde no recordis but of kyng Richardis tyme where that my lord of lancastre hadde no suche name of gouernor... and if they coude better recordis haue founde or ellys if my lord coude any better fynde thei shuld be accepted. Whereuppon my lord... hath founde that in kyng henri is tyme the thridde William Mareschall erle of Pembroke that was nat so nigh to the kyng as my lord is to our liege lord *as it is seid* was called Rector Regis et Regni Anglie, and so... he shuld in accordyng to the desir of the commune be called gouernour or accordyng to this record Rector Regni but nat Regis for that he vil nat desire to make his seel of suche auctorite as the seid William Mareschall didde, and this maner charge he desireth for to take upon hym bi assent of the counseil

with addition of this word *defensor* after the desir and appointment of the lordis...⁸⁰

He continued by requesting that under such an arrangement, while he would "no grete thing do but by thavys of counseil except certain specialtes", the council in turn should do nothing extraordinary without his advice, that matters should normally be decided by a simple majority vote, and that in cases in which the council was equally divided on any question, he, as *rector regni*, should have the deciding voice. The duke concluded his memorandum by emphasising his due consideration of Bedford's position and offering equal authority to Bedford whenever he was to be in England.

At first glance Duke Humphrey's argument seems remarkably subtle, for the memorandum was intended to emphasise the moderation of Gloucester's case by simultaneously promoting his power through an appeal to precedent, and appearing to offer a concession to the lords. The strategy, however, was doomed to failure. Gloucester's appeal to history appeared to serve his cause well: the minority of Henry III had indeed required a form of regency, a position ably filled by William the Marshal. There, however, the comparison ended; the first years of Henry III's minority had been an extremely troubled period of civil war in the aftermath of Magna Carta, and of a foreign challenge to the English throne for the first time since 1066, while the Marshal's

⁸⁰ S. B. Chrimes, "The Pretensions of the Duke of Gloucester in 1422", *EHR* (1930), pp. 102-103.

status among the magnates and authority to hold regnal powers was unquestioned. The situation in 1422, on the other hand, was radically different. Although Gloucester had served as *custos*, his continual insistence on being granted the powers of a regent made his claims of good intention suspect. Furthermore, while the diplomatic situation at Henry V's death was admittedly very delicate, England at the time held the upper hand in the French struggle, and Gloucester could not claim power on the ground that the kingdom was in immediate peril. If precedent were to be examined, the circumstances more closely matched those in 1377, when the accession of Richard II at the age of ten established a system of "continual councils", with no single member or faction predominant.⁸¹ The final, and perhaps the most damaging, miscalculation of Gloucester in claiming the authority of a regent was revealed in the reply of the lords to a petition by Gloucester in 1428 asking for a re-definition of his authority. They claimed that "ye desired to have had the governaunce of this land, affermyng that hit belanged to you of rygzt, as well be the mene of your birth, as by the laste wylle of the kyng that was, your brother", and that Henry V "ne migzt by his last will nor otherwyse altre, change, nor abroge with oute thassent of the thre estates, nor committe or graunte to any persone governaunce or rule of this land lenger thanne he lyved".⁸² The lords of the council therefore followed the precedent of 1377; the

⁸¹ See Tuck, pp. 33-57.

⁸² *RP*, IV, pp. 326-327.

attempt was even made (which was more difficult in 1422) to perpetuate the fiction of the king's own competence to govern. This is not to say, however, that in their refusal to countenance the embodiment of the royal authority, or any authority like it, in Humphrey of Gloucester, the lords considered that authority totally inseparable from the person of Henry VI. In responding to his challenge of 5 November, the lords effectively declared that the authority to govern originated not in the dead king's will, but in the person of the living king, infant though he was, and that the royal prerogative could not repose in anyone other than the king without his own permission, which considering his age could not be obtained. Henry VI's inability to rule therefore meant (in the view of the lords) that the royal authority devolved *ipso facto* on themselves, and that they had no authority to pass it on to anyone else.⁸³

Such a decision had far-reaching consequences, not merely in denying Duke Humphrey any semblance of the royal authority, but in making a declaration of principle affecting established theories of kingship. The idea that there were two distinct spheres incorporating the concept of "kingship" - the king's office (or the "crown") and the king's person - was embodied in the political design of the codicils to Henry V's will and the attempted imposition of *tutela*. In terms of precedent, it had also served as a justification for the depositions of Edward II in 1327 and

⁸³ *PPC*, III, p. 6; see also Griffiths, *Reign of Henry VI*, pp. 28-29.

Richard II seventy-two years later - the idea being that the crown as such could do no wrong, but that the kings themselves were responsible for the failure of governance and violation of just rule according to the "community of the realm" - indeed, that they had themselves acted in "disherison of the Crown".⁸⁴ The belief that the king's office was continuous and "undying" was implicit in both the third codicil to Henry V's will and the lords' rejection of it; yet in examining precedent - the minority of Richard II - to determine a reasonable alternative to the will, the lords established a new precedent altogether: that a dying king had no authority to make arrangements for the government, including the future of the "undying" royal office, after his own death.

An important question arises at this stage: if Henry V was in fact aware of the implications of *tutela*, and if, as it seems reasonable to assume, he would therefore have had an idea of the lords' likely objections to it, why did he use the term in designating a role for his brother in the first place? There are several possible answers. First, Gloucester's service as *custos* had been perfectly adequate, and the king probably felt that appointing Duke Humphrey as tutor and guardian of the

⁸⁴ The idea that the king, in a legal sense, could act in a manner prejudicial to his own office, and that he could be held accountable for doing so, was expressed both in the Ordinances of 1311 (*EHD*, III, no. 100) and in the accusations against Richard II in 1399 (*RP*, III, p. 420). For the theoretical basis of the legal and political distinction between crown and king, see E. H. Kantorowicz, *The King's Two Bodies* (Princeton, 1957), esp. pp. 372 ff.

kingdom, while entrusting the security of France - the more difficult job - to the more capable Bedford, would in some fashion simply preserve the *status quo*. Moreover, Henry V may have preferred the use of the term to that simply of "regency" in regard to the particular legal safeguards which *tutela* brought with it on behalf of the ward - in this case Henry VI - such as clauses outlining the procedure for removal of tutors deemed untrustworthy or wasteful of their wards' inheritance.⁸⁵ Finally, precedents both recent, such as that of Richard II in 1377, and not so recent, such as that of Henry III in 1216 which Gloucester found so handy, made it abundantly clear that the English common law of the later Middle Ages by itself offered no solution; the English mediaeval law respecting guardianship of minors was subject to dispute, particularly when the minor in question was the king himself.⁸⁶

Despite the lords' misgivings, however, the will of Henry V could not be totally ignored. The third codicil had indisputably granted Gloucester some form of authority, and the lords evidently felt that it should be respected at least in some sense. Accordingly, by act of parliament on 5 December, it was declared that "in consideration of the tender age of our most honoured lord, King Henry VI after the conquest, on which account he could

⁸⁵ See *Institutes*, 1.24 and 1.26.

⁸⁶ See F. Pollock and F. W. Maitland, *History of English Law* (2nd ed., Cambridge, 1898), I, book II, ch. ii, § 13 ("The King and the Crown"), esp. pp. 522-523, and II, book II, ch. vii, § 3 ("Infancy and Guardianship"), esp. pp. 443-445.

not for the time being see in person to the protection and defence of his kingdom of England", Gloucester was to be granted the title of *regni Anglie et ecclesiae Anglicane protector et defensor ac principalis consilarius domini regis*;⁸⁷ but even here any complete grant of authority to Gloucester was deemed out of the question, as Bedford's superior claim to power in both realms had to be recognised. Gloucester, therefore, was to serve as protector and defender only while Bedford was absent from England; whenever Bedford returned to the kingdom Gloucester was to have no special authority whatsoever. Moreover, the grant of office included no reference to Gloucester's (or Bedford's) appointment by reason of right of birth, nor did it contain any mention of Henry V's will. Gloucester was thus forced to content himself with the fact that Bedford's duties as regent of France would presumably keep him away from England most of the time.⁸⁸ Four days later, on 9 December, the lords sanctioned the appointment of a council for the king, numbering seventeen, which was to "assist in the government"; far from merely assisting, however, it was explicitly stated by the terms of the council's commission that the councillors as a body, and not the protector, were to administer the royal authority, including the important rights of wardship and marriage. Furthermore, a quorum for the purpose of enacting business was to number no more than four, and for "all great matters" merely a simple

⁸⁷ *Select Documents* , no. 226, pp. 249-250.

⁸⁸ *RP* , IV, pp. 174-175.

majority.⁸⁹ The authority of the protector was defined as one of presiding over meetings of the council, and wielding patronage of appointments to minor offices such as foresters and parish clerkships; he also had to be consulted on any matter which would normally have been referred to the king.⁹⁰ The requirement of the councillors to seek the advice of the protector on such matters, though, did not bind them in any way to follow it. Such an arrangement obviously had the effect of offering a gratuitous insult to Duke Humphrey and to his self-esteem; nonetheless, it reflected at least partially the consensus of the lords on Gloucester's political abilities. It also effectively safeguarded Bishop Beaufort's *de facto* control over the treasury, to which he had loaned considerable sums from his personal fortune, a practice he continued throughout his period as chancellor during Gloucester's protectorship.⁹¹

The office which Gloucester was eventually allowed proved to be no more than a sinecure; he fully realised that not only did he wield no real power, but also that the lords of the council had in effect the collective authority to deprive him of what little he had been allowed.⁹² His commission as protector was explicitly stated

⁸⁹ *EHD*, IV, no. 230, p. 424.

⁹⁰ *RP*, IV, pp. 175-176; *PPC*, III, pp. 13-16.

⁹¹ See K. B. McFarlane, "At the Deathbed of Cardinal Beaufort", in *Studies in Medieval History Presented to F. M. Powicke* (Oxford, 1948), pp. 405-428, and Griffiths, *Reign of Henry VI*, pp. 111-113.

⁹² Roskell, *EHR*, p. 220.

to last not for the duration of the minority, but merely at the king's pleasure (which effectively meant at the pleasure of the council).

Gloucester's authority thus proved to be both far less than he had hoped, and far less than Henry V had originally intended for him. The lords' refusal of his continual demands for a regency was meant to preserve the stability of the government during a particularly difficult period, both foreign and domestic; in the event, when the protectorate was ended on 6 November 1429, the date of Henry VI's coronation, it was questionable whether tranquillity either within or without the realm had been achieved.

V. HENRY VI: THE BEGINNINGS OF RICHARD OF YORK'S PROTECTORATES,
1453-1455

The invitation to Richard, duke of York, to assume the office of protector and defender of the kingdom and chief councillor of the king in April 1454, coming after nearly a decade during which York had been deprived of what he felt to be his rightful place as Henry VI's chief councillor, was nonetheless not altogether surprising. While every instance of a vacuum at the centre of politics in mediaeval England was similar insofar as it required the installation of an alternative form of government, Henry VI's lapse into an apparently catatonic mental state following the defeat of the English army at Castillon on 17 July 1453 left room for possible options, and did not appear to necessitate a quick

solution.⁹³ However, the sudden total loss of an adult king's mental faculties, with the effect of depriving the kingdom of both a ruler and the effective means of replacing him, created an unprecedented situation which was handled in very much the same way as a minority. Henry VI's lapse into mental illness in 1453 presented the lords with a unique problem: on the one hand, the situation could be treated like a minority, maintaining the fiction of the king's competence for administrative purposes; on the other hand, there was no clue when, or if, the king would be able to resume his duties. However, the fact that, unlike a minority, the king in such a state was beyond outside influence by any particular faction, probably made the situation less urgent than it might otherwise have been.

Although Henry VI had never prevented the buildup of faction within his household, his mental incapacity nonetheless aggravated an already bad situation. Despite having been married since 1445, Henry in the early summer of 1453 was still childless; Richard of York was therefore heir presumptive to the throne, although Henry VI preferred elevating his Beaufort, Holand and Stafford relatives.⁹⁴ The sudden mental collapse of the king did not seem to cause extreme difficulties for the council, but several other factors intervened over the next few

⁹³ R. A. Griffiths, "The King's Council and the First Protectorate of the Duke of York, 1453-1454", *EHR* (1984), p. 70.

⁹⁴ See R. A. Griffiths, "The Sense of Dynasty in the Reign of Henry VI", *Patronage, Pedigree and Power in Later Medieval England*, ed. Charles Ross (Gloucester, 1979), pp. 20 ff.

months to complicate the situation further. The defeat at Castillon made it imperative to conceal knowledge of Henry's illness as far as possible, especially for the sake of Somerset's position, and although Henry VI was without an heir in the summer of 1453, his wife, Margaret of Anjou, was pregnant, and gave birth to a son, Edward, on 13 October.⁹⁵ In the meantime the daily business of government was maintained by the council, and as the nature of the king's illness was utterly unknown, it seemed prudent to wait as long as possible before making any concrete moves to assemble an alternative government to deal with the king's incapacity.⁹⁶ However, Henry VI's inability to deal with noble faction, much of it the result of his imprudent grants to his favourites, resulted in the outbreak of open conflict between the Percy and Neville families,⁹⁷ and the council appeared unable as well to deal with open baronial warfare. Somerset, moreover, was probably unwilling to allow York any position of influence during the king's incapacity; nevertheless, the lords felt that York could not be excluded from the meeting of the Great Council which appeared inevitable.⁹⁸ Accordingly, York was sent letters of summons to an assembly of the Great Council on 24 October, as "the King will[s] that he in al godely haste dispose and come to

⁹⁵ P. A. Johnson, *Duke Richard of York, 1411-1460* (Oxford, 1988), pp. 122-124.

⁹⁶ Griffiths, *Reign of Henry VI*, pp. 719-720.

⁹⁷ Wolffe, pp. 269, 274.

⁹⁸ Johnson, p. 125.

the said Counsail peasible and mesurable accompanied".⁹⁹ The lords who summoned him, most of whom were supporters of the king's faction, hoped that they could get York and Somerset to agree with the council sufficiently to allow the realm to be governed.¹⁰⁰ York arrived in London on 12 November and was present at a meeting nine days later which acknowledged him and allowed him his own councillors,¹⁰¹ while the fiction was preserved that the king was competent to govern. Remarkably, two days later, Somerset was removed and confined to the Tower - a result of the duke of Norfolk's repeated accusations of treason against him, and a measure of York's resurgence in a relatively short time.¹⁰² The following week, on 30 November, a meeting of the Great Council now under York's leadership "promysed and swar on a booke" to protect the interests of the king and to maintain allegiance to him; and on 5 December the council took firmer, albeit explicitly temporary, steps to ensure "the pollytyque rule and gouernance of this land in all suche things as must of nessesyte be entendyd unto... untill the tyeme there poure be more ample by awtoryty suffycyently declared".¹⁰³ By the end of 1453, therefore, Richard of York was able, mostly by

⁹⁹ *PPC* , VI, pp. 163-164.

¹⁰⁰ Johnson, p. 125.

¹⁰¹ *CPR 1452-1461* , pp. 143-144; *John Benet's Chronicle for the years 1400-1462* , ed. G. L. and M. A. Harriss, *Camden Miscellany* , XXIV (Camden Society, 4th series, 9, 1972), p. 210.

¹⁰² Griffiths, *Reign of Henry VI* , p. 721.

¹⁰³ Griffiths, "Protectorate", pp. 78-79.

luck, to rebuild his political standing - which he must have recognised would last only as long as the king's illness did.

The queen, however, was not sympathetic to York's position in the council, and having observed the sudden reversal of the fortunes of York and Somerset, she decided to take action for herself. She had attempted to get Henry VI to recognise his own son at Windsor, with the result "only that ones he loked on the Prince and caste doune his eyene ayen, without any more", and, probably wishing to safeguard her son's position against the widening of York's authority, she submitted a bill to the council demanding the powers of a regency for herself, as detailed in a newsletter of 19 January 1454:

Item, the Queene hathe made a bille of five articles, desiryng those articles to be graunted; whereof the first is that she desireth to have the hole reule of this land; the second is that she may make the Chaunceller, the Tresorere, the Prive Seelle, and alle other officers of this land, with shireves and alle other officers that the Kyng shuld make; the third is, that she may yeve alle the bisshopriches of this land, and alle other benefices longyng to the Kynges yift; the iiiijth is that she may have suffisant lyvelode assigned hir for the Kyng and the Prince and hir self. But as for the vth article, I kan nat yit knowe what it is.¹⁰⁴

This situation was not without similarities to 1422. Margaret of Anjou was probably well enough aware of the proceedings which followed the death of Henry V and the overthrow of his will to know that the late king had intended a regency for

¹⁰⁴ *The Paston Letters*, ed. J. Gairdner, 6 vols. (Library ed., 1904), II, p. 297.

Humphrey duke of Gloucester, and that there had been no question of Catherine of Valois having a major role in the upbringing of her son and the guidance of his kingdom. Nonetheless, whatever specific response the council may have made to the queen's demand, events denied her the authority she desired.

The queen's opposition to York caused a further delay in forming an conciliar government for the duration of the king's illness. Although many of the lords had returned to Westminster early in February in anticipation of the opening of parliament, the session was prorogued for three days, until 14 February.¹⁰⁵ For the following two months, the major decisions of state were taken by the lords in the Great Council as a body.¹⁰⁶ Even with parliament in session, events did not exactly quicken their pace; however, although Queen Margaret's position was not improved, that of her son was secured on 15 March when Edward was created prince of Wales and earl of Chester in a document signed by, *inter alia* , Richard duke of York.¹⁰⁷ This may have helped ease the way towards a settlement of the issue of a conciliar government; the death of the chancellor, Cardinal Archbishop Kemp, on 22 March probably hurried matters along, as the great seal was unusable until a new chancellor could be appointed.

¹⁰⁵ Wolffe, p. 278.

¹⁰⁶ *PPC* , VI, pp. 165-175; R. Virgoe, "The Composition of the King's Council, 1437-61", *BIHR* (1970), p. 149.

¹⁰⁷ *RP* , V, p. 249.

After a final fruitless attempt on the following day to get any sort of response or guidance out of Henry VI, which was reported to the lords on 25 March, the Great Council found it necessary to appoint a new chancellor.¹⁰⁸ First, however, it elected York as protector and defender on 27 March.¹⁰⁹

The authority granted by the lords to Bedford and Gloucester in 1422 were appropriate to deal with the new situation, despite its different causes. York's reaction to the offer of the protectorship, at least publicly, was understandable. His position and support among his peers was far from unanimous, and he appeared to be reluctant to accept; indeed, while it is impossible to know his true feelings on the matter, whether he was actually reluctant was undoubtedly less important than that he appear to be so.¹¹⁰ On 28 March, York set forth five conditions for his acceptance of the office, most of which were agreed. The duke requested that his election be declared in an act of parliament, which specifically cited the precedent of 1422,¹¹¹ and he further requested the support of the lords in the fulfillment of his duties. The lords also provided a definition of York's authority as chief councillor of the king, again citing the act of 1422, setting forth a personal title and a duty of attending to the defence of the realm.

¹⁰⁸ Johnson, p. 134.

¹⁰⁹ *RP*, V, p. 242.

¹¹⁰ Griffiths, *Reign of Henry VI*, p. 725.

¹¹¹ The text can be compared in *Select Documents*, nos. 234 (p. 261) and 261 (p. 301).

The matter of remuneration was left unsettled, as was York's request that any other councillors appointed take on similar conditions of service.¹¹² On 2 April, York's ally Richard Neville of Salisbury was appointed chancellor to succeed Kemp; in addition to being surprising on the grounds of Salisbury's status as a layman, it further buttressed York's influence in the council. The following day, York accepted the office of protector, at the king's pleasure, with the added proviso that it should pass to Prince Edward when he should reach his majority.¹¹³

Here an important question needs to be considered: why did the lords choose to elect Richard of York protector? Despite all of York's careful protestations to the contrary, he had until recently been considered (at least by Henry VI and his favourites) to be a rebel against the king, as a result of his willingness to confront Henry VI by armed force at Dartford; yet the lords of Henry VI's own Great Council assembled in parliament deliberated very little before agreeing not only to back him, but also to imprison his chief adversary. There are several possible answers to this question. First, the lords must have recognised, at least more widely than Henry VI and his Lancastrian kinsmen were willing to admit, York's long-ignored claims to a prominent place among the chief advisors of the king. Henry VI's attempted establishment of his Beaufort, Holand, and Stafford relatives as

¹¹² Johnson, p. 134.

¹¹³ *Foedera* (orig. ed.), XI, pp. 344-346.

full members of his family in apparent preference to York was not universally acknowledged by the magnates, and certainly York was as conscious of his own lineage as Henry VI was of those of his Beaufort cousins.¹¹⁴ In this sense, the birth of Henry VI's son on 13 October 1453 made no difference either way; it certainly did not alter York's position as a kinsman closer to the king - or, more importantly, closer to the throne - than the Beauforts.¹¹⁵ Secondly, the rapid adherence to York of many of the lords at Westminster in November 1453, and their willingness to imprison Somerset, is indicative of a much wider dissatisfaction with Somerset's dominance, and Henry VI's partial treatment of his household, than any outright sympathy with York himself. The fact that two of York's apparent adherents in the final months of 1453 and early months of 1454 were the king's half-brothers Edmund Tudor, earl of Richmond and Jasper Tudor, earl of Pembroke has much to say about the lords' perception of Somerset's abilities, albeit somewhat less about those of York. Finally, in spite of the possible aggravation of the queen's desire for a regency, her demand for the recognition of

¹¹⁴ See Griffiths, "Dynasty", pp. 25ff.

¹¹⁵ *Ibid.*, pp 26-28. Griffiths views the choice of York as having been made primarily for reasons of competence - or, rather, because of the incompetence of Somerset and Exeter; however, I think that the dynastic question, as well, probably had a role in the lords' decision. To say that the choice of protector accounts "for the imprisonment of Edmund Beaufort, duke of Somerset, late in 1453" as well as for "the rising of the Holand duke of Exeter in the north of England round about Christmas 1453, with its indications that... he at least felt that the protectorate should be his", when the question of the queen's demand for a regency had not yet come up, let alone that of any sort of protectorate whatsoever, seems to be begging the question slightly.

her son's rights actually provided the lords with an avenue of escape: they were able to appear to compromise by their creation of Edward as prince of Wales and heir to the throne (a document which, as noted above, York himself was willing to sign), while simultaneously offering York the office of protector which his resurgent influence appeared to warrant.

In the event, York's first protectorate lasted roughly - the exact date of its termination cannot be determined - until Henry VI recovered his senses around Christmas 1454. The circumstances which gave rise to his second tenure of office were markedly different, and were at least partially the result of the new political situation after the Yorkist victory at St. Albans on 22 May 1455. Somerset had been killed in the battle,¹¹⁶ and by the time parliament assembled the following July, York had, for better or worse, narrowed his options. His confrontation with the king at St. Albans might otherwise have seen a return to the situation before 1453, but York had emerged victorious; as a result, while he had control of the king's person, he had effectively backed himself into a corner in which he had to maintain his assertion of his rights. York scrupulously maintained his allegiance to the king both before and after the battle, and on 18 July parliament, with Henry VI's sanction, offered York,

¹¹⁶ *Paston Letters*, III, p. 28.

Salisbury, and Salisbury's son, the earl of Warwick, full pardons for their actions.¹¹⁷

York took full advantage of his good fortune by getting his supporters appointed to positions of influence and by putting forth a petition to rehabilitate Humphrey duke of Gloucester, declaring him to have been loyal to Henry VI until the day of his death.¹¹⁸ It has been argued persuasively that after St. Albans Henry VI was not re-afflicted with the same mental collapse from which he had suffered in 1453-54.¹¹⁹ While it is difficult otherwise to explain either the commons' demand for the appointment of a protector in the next session of parliament which met that November, or the extraordinary speed with which a second protectorate was arranged for York, it is clear that whatever the king's mental or physical health, the realm was again falling into serious disorder.¹²⁰ The greatest violence was in Devon, where supporters of Thomas Courtenay, earl of Devon, murdered Nicholas Radford, an event which apparently "predisposed many to a protectorate".¹²¹ However, while the disorders were cited by the commons as a reason for their

¹¹⁷ *RP*, V, p. 280.

¹¹⁸ Wolffe, p. 297.

¹¹⁹ See J. R. Lander, "Henry VI and the Duke of York's Second Protectorate, 1455-6", in *Crown and Nobility, 1450-1509* (London, 1976), p. 77.

¹²⁰ R. L. Storey, *The End of the House of Lancaster* (2nd ed., Gloucester, 1986), pp. 165ff.

¹²¹ Johnson, p. 168.

petition, the king's physical condition may have been a further consideration.¹²² The Great Council reassembled on 6 November, and on 10 November its thirty-eight peers present appointed York king's lieutenant in parliament. Parliament reconvened two days later.¹²³ The following day a delegation from the commons, led by William Burley, one of York's councillors, petitioned the lords for a renewal of the duke's appointment as protector; after the third attempt to get the lords to agree, the commons refused to consider any further business until the lords had appointed a protector, the obvious choice being York.¹²⁴ The terms of the second appointment for York were identical to those of the first;¹²⁵ but a committee was formed to pronounce the limits of the duke's authority, composed of four spiritual and four temporal peers who, including the earl of Warwick, were at least "sympathetic" to York's wishes.¹²⁶ York assembled a set of conditions for acceptance which were much more to his advantage than before. Apart from a guarantee of salaries for himself and the council and a down-payment to himself of 1,000 marks, he sought to consolidate his hold on the office by demanding an alteration of the terms of his tenure: he would relinquish the protectorate only to the king in parliament on the

¹²² Griffiths, *Reign of Henry VI* , pp. 752-753.

¹²³ Johnson, p. 168.

¹²⁴ *RP* , V, pp. 284-290; Johnson, pp. 168-169.

¹²⁵ *Select Documents* , no. 261, pp. 299-302, and no. 264, pp. 305-309.

¹²⁶ Johnson, p. 169.

advice of the lords spiritual and temporal, not merely at the king's pleasure.¹²⁷ Under such circumstances, it is difficult to assume that York's motives were entirely unselfish. This condition suggests that Henry VI may not have been mentally ill, but that it was considered proper for the lords effectively to decide when York should relinquish the office.¹²⁸ The only exception to this was, as before, that the prince of Wales should take over when he came of age, were the protectorate to last that long. York accepted the appointment, with the amended conditions, on 19 November 1455.¹²⁹

VI. THE ACCESSION OF EDWARD V, 1483

While no royal minority in English history had been without a certain degree of faction among those who surrounded the new king, the situation in 1483 proved to be unique because one faction was for once strong enough to destroy the young king himself.¹³⁰ Edward IV died on 9 April 1483 at Westminster at the age of forty, leaving as his heir the twelve-year-old Edward, prince of Wales.¹³¹ The actual details of his plans for his heir and for the care of the kingdom during the minority of Edward V are

¹²⁷ Wolfe, p. 299.

¹²⁸ Johnson, p. 169.

¹²⁹ *Foedera* (orig. ed.), XI, p. 369.

¹³⁰ A. J. Pollard, *The Wars of the Roses* (Basingstoke, 1988), p. 67; Charles Ross, *Richard III* (London, 1981), p. 63.

¹³¹ *The Crowland Chronicle Continuations, 1459-1486*, ed. Nicholas Pronay and John Cox (London, 1986), p. 151.

not known, as no version of Edward IV's will after that of 1475 has survived.¹³² One clue is found in the second Continuation of the Crowland Chronicle:

Long before his illness he made a full testament, as one who had adequate wealth to discharge it, with many executors selected upon mature consideration to do his will; as he was dying he added to it several codicils. How his full and wise disposition came to such a sad and unfortunate outcome, the tragedy which followed will disclose.¹³³

Despite the impossibility of discovering the exact details of Edward IV's "full and wise disposition", there is some evidence that he looked to Richard duke of Gloucester to protect the kingdom for his heir in the event of his own premature death.¹³⁴ Although Edward IV had placed his brother-in-law, Anthony Woodville, earl Rivers, in the position of the prince's personal governor, he may have intended Gloucester to hold the office of protector, to the extent of allowing Gloucester to take charge of both the young king's person and his realm - a significant departure from any prior use of the office.¹³⁵ Polydore Vergil says that by his will Edward IV had his sons "commyttyd to the

¹³² R. Horrox, *Richard III: A Study of Service* (Cambridge, 1989), pp. 89-90.

¹³³ *Crowland Chronicle*, p. 153.

¹³⁴ *Dominic Mancini: The Usurpation of Richard III*, ed. C. A. J. Armstrong (2nd ed., Oxford, 1969), p. 61.

¹³⁵ Ross, *Richard III*, p. 67 and n. 16; *Grants, etc. from the Crown during the Reign of Edward the Fifth*, ed. J. G. Nichols (Camden Society, 1854), p. xlvi; *Three Books of Polydore Vergil's English History*, ed. Sir Henry Ellis (Camden Society, 1844), pp. 171, 176. For the evidence for this proposal, see below, Chapter 2, n. 111.

tuytion of Rycherd his brother, duke of Glocester", but considering the fact that Vergil also thought that Edward had died "the vth ides of Aprill... being abowt fifty yeres old", it is uncertain whether he got his information on the king's intentions wrong as well. However, it is interesting to note Vergil's use of the term "tuytion" to describe Gloucester's proposed role during the minority; it raises the further question of whether Edward IV's intentions for his brother were the same as those of Henry V in 1422.¹³⁶ Nevertheless, the group of nobles that met immediately following King Edward's death, which was dominated by the queen dowager, Elizabeth Woodville, and her relatives, took advantage of Gloucester's absence in the North by arranging themselves for the late king's funeral and taking other measures to ensure their hold on power: they seized the royal treasury, sent a fleet into the Channel under the command of the queen's brother Sir Edward Woodville, and made arrangements for the early arrival and coronation of Edward V.¹³⁷ Moreover, they attempted to establish a hold on the interim council that would effectively exclude the duke of Gloucester. As Professor Ross has observed, "the wishes of a dead king, even one so powerful as Henry V had been, had no binding force in law", and Gloucester as a result could not be sure what the council would do.¹³⁸ Elizabeth Woodville may have sought a regency for herself,

¹³⁶ Vergil, p. 171.

¹³⁷ Ross, *Richard III*, p. 65.

¹³⁸ *Ibid.*, p. 66.

but the council followed the established precedent of assuming that the royal authority devolved on itself as a body in the event of a royal minority.¹³⁹

Gloucester clearly had grounds for believing that the queen's party were depriving him of a position of authority which he felt belonged to him of right, and he was not alone in this suspicion. One of his major allies in London was Edward IV's chamberlain William lord Hastings, who opposed the Woodville plan to have Edward V brought from Ludlow with an armed force, lest they consolidate their control on the new court; indeed, Hastings threatened to withdraw to his garrison at Calais, where he was captain, if his demands for a compromise were not met.¹⁴⁰ The queen then persuaded the interim council to permit Rivers to escort the new king to London at the head of only 2,000 men. Hastings agreed, for he "was confident enough... that the dukes of Gloucester and Buckingham, in whom he had the greatest trust, would bring with them no less a number".¹⁴¹ This move allowed Gloucester to start down from the North with a sizable force to intercept the royal party at Northampton on 29 April. There he was joined by the duke of Buckingham, and together they entertained Rivers, Richard Grey, the new king's half-brother, and Thomas Vaughan, Prince Edward's chamberlain. The

¹³⁹ Pollard, p. 35.

¹⁴⁰ Horrox, *Richard III* , p. 96.

¹⁴¹ *Crowland Chronicle* , p. 155.

following morning, Gloucester and Buckingham arrested Rivers, Grey, and Vaughan and had them sent under guard to imprisonment at Pontefract; then they diverted to Stony Stratford to pick up Edward V, and proceeded to London with him.¹⁴²

Gloucester's seizure of the young king was the first significant move of the spring of 1483. While the Woodville group realised that it was important to gain an early ascendancy on the council, Gloucester had taken the more direct, and far more effective, route of gaining control over the one individual around whom all events rotated. With the king in his grip Gloucester could force the council to fulfill the terms of his brother's will by granting him the office of protector. The council, moreover, had as yet no reason to distrust his motives. Before leaving the North, Gloucester had stopped at York "with an appropriate company, all dressed in mourning", and held a funeral service for Edward IV at which he also "bound, by oath, all the nobility of those parts in fealty to the king's son; he himself swore first of all". He further "wrote the most pleasant letters to console the queen" and the council at London, pledging his loyalty to the new king.¹⁴³ Rivers had thus no reason to distrust him, and presumably diverted from the normal route to London in order to meet Gloucester and Buckingham at Northampton in the mistaken belief that

¹⁴² *Ibid.* , pp. 155-57.

¹⁴³ *Ibid.*

Gloucester could be trusted to fulfill his word. Gloucester and Buckingham escorted Edward V into London on 4 May, the date which had originally been set by the Woodvilles for the king's coronation. The news of Gloucester's capture of the king heralded the collapse of the queen's ambitions, and she demonstrated her trust in Gloucester's word by retreating into sanctuary in Westminster Abbey with her other children, including Edward V's younger brother, Richard of York. Gloucester, in his new capacity as protector, nonetheless proceeded to appoint Northern supporters such as Richard Ratcliffe to seize the lands of Rivers and Grey as though they had already been convicted as traitors, and to proceed to sea, albeit "with the authority of the council", against Edward Woodville.¹⁴⁴

Gloucester's forcefulness in the days following the death of Edward IV very quickly revived his political fortunes. The time between the king's death and Gloucester's appointment as protector was less than a month, during the space of which Elizabeth Woodville and her family nearly succeeded in consigning Gloucester to political oblivion. In the event, Gloucester was to feel that despite his success in securing the kind of position his brother had intended for him, and probably more, he was still not safe; and the extent of power which he wanted to exercise was surely greater than Edward IV, or the council, ever had in mind.

¹⁴⁴ Mancini, p. 85.

VII. EDWARD VI: THE WILL OF HENRY VIII AND THE COUNCIL, 1546-1547

Although the death of Henry VIII on 28 January 1547 initiated the sixth royal minority in England since the Norman Conquest, the differences between the accession of Edward VI and those of any of his predecessors were far starker than the similarities. To begin with, unlike any of the preceding fathers of minor kings, Henry VIII had taken active steps embodied in law to remedy the problem of the king's inability to determine the succession to the crown and the government of the country in the event of a minority after his own death - steps which were for the most part rejected following the accession of his heir. Furthermore, the authority of the office of protector which was assumed by Edward Seymour, earl of Hertford, with the acquiescence of the Privy Council went considerably beyond any previous use of the office since its invention in 1422.

To understand fully the differences between the settlement of January 1547 and those of previous royal minorities, it is necessary to examine briefly the circumstances faced by Henry VIII in June 1536, when the king compelled the lords and commons in parliament to pass both the second Act of Succession, and an act relating to the powers of any minor king over legislation. The king's desire for a legitimate male heir had as yet proved fruitless, and under the terms by which Henry had married his third wife, Jane Seymour, on 30 May 1536, his first two children, the princesses Mary (by Catherine of Aragon) and

Elizabeth (by Jane's predecessor Anne Boleyn), had been disinherited and declared illegitimate.¹⁴⁵ The second Act of Succession, therefore, addressed the problem by including a single clause which reversed the precedent of 1422:

...[we] most humbly beseech your Highness that it may be enacted... by the assent of the Lords... and the Commons in this your present Parliament assembled and by authority of the same, That your Highness shall have full and plenar power and authority to give, dispose, appoint, assign, declare, and limit, by your letters patents under your great seal or else by your last will made in writing and signed with your most gracious hand, at your only pleasure from time to time hereafter, the imperial crown of this realm and all other premises thereunto belonging, to be, remain, succeed, and come after your decease, and for lack of lawful heirs of your body to be procreated and begotten as is afore limited by this act, to such person or persons in possession and remainder as shall please your Highness...¹⁴⁶

The importance of this clause should not be underestimated: it created for Henry, albeit with the "assent of the Lords and Commons", the right to hand down the entire realm of England almost at will.¹⁴⁷ However, the inclusion of the vital phrase "for lack of lawful heirs" placed a limit on the king's authority: he could not will the crown away from his lawful issue.¹⁴⁸ Henry chose to exercise his authority over the succession for the rest of

¹⁴⁵ G. R. Elton, *Reform and Reformation: England 1509-1558* (London, 1977), p. 252.

¹⁴⁶ From 28 Henry VIII c. 7; printed in Mortimer Levine, *Tudor Dynastic Problems, 1460-1571* (London, 1973), p. 156.

¹⁴⁷ Elton, p. 329.

¹⁴⁸ Levine, p. 67.

his reign, and as late as the reign of Elizabeth I, this clause and circumstances arising out of it created difficulties of interpretation as to the seniority, or even mere validity for the purposes of succession, of several lines of Tudor descendants.¹⁴⁹ The second major piece of legislation passed in anticipation of a minority, also in 1536, sought to limit the long-term power of any minority council or councillors. It declared that any future royal minor:

...shall have full power and authority at all times, after they shall come to their said full ages of 24 years, by their letters patent under the Great Seal of England, to revoke annul and repeal all and singular such acts made and established by their royal assents, in any parliament holden during the time that they were within their said age of 24 years; their royal assents had to the same during the time that they were within the said age of 24 years or any act or acts hereafter to be made to the contrary thereof notwithstanding.¹⁵⁰

The birth of Henry VIII's son, Edward, on 12 October 1537 altered matters only slightly as far as King Henry's authority over the succession was concerned. It further opened the way for the ascendancy of Edward Seymour, earl of Hertford and eldest brother to the queen, which was diminished very little by Jane's death a few days later.¹⁵¹ The third Act of Succession of 1543-44, though, re-examined the succession problem in consideration of

¹⁴⁹ J. J. Scarisbrick, *Henry VIII* (London, 1968), pp. 492-493.

¹⁵⁰ 28 Henry VIII c. 17, in *English Historical Documents*, V, 1485-1558, ed. C. H. Williams (London, 1967), no. 46(i), p. 471.

¹⁵¹ *The Chronicle and Political Papers of King Edward VI*, ed. W. K. Jordan (London, 1966), p. 3.

Prince Edward, and attempted to expand the scope of Henry VIII's authority to will the realm away from his line under certain conditions. It stated that in case of the decease of both Henry and Edward without issue, the crown should pass to Mary, and then likewise to Elizabeth, "with such conditions as by his Highness shall be limited by his letters patents under his great seal, or by his majesty's last Will in writing signed with his gracious hand". However, on breach of the "conditions" by Mary, the crown would forfeit to Elizabeth "in such like manner and form as though the said Lady Mary were then dead without any heir of her body begotten"; further, if Elizabeth were deemed to have breached the "conditions", the crown would again be disposed according to the king's will.¹⁵²

By the closing months of 1546, when England was faced with a king in waning health and a nine-year-old heir, legislation was in place to deal more effectively with the governance of England during the impending minority, which even the king recognised was approaching, than had ever been the case hitherto. The terms of Henry VIII's final will, drawn up on 30 December 1546, addressed the problem of the minority government of Edward VI and effectively disposed of the crown and realm in a manner identical to that of the king's personal property:

...We by these Presentes do make and declare our last Will and Testament concerning the said Imperial crowne and all other the Premisses in maner and forme following; That is to say, We will by these Presentes,

¹⁵² 35 Henry VIII c. 1; in *EHD*, V, no. 44(vi), p. 456.

that immediately after our Departure out of this present Lief, our said Son *Edward* shall have and enjoy the said Imperial Crown and Realm of England and Irland, our Title to Fraunce, with all Dignityes, Honours, Preeminences, Prerogatives, Authorities, and Jurisdictions, Landes and Possessions to the same annexed or belonging, to him and to his Heyres of his Body lafully begotten... [and] our chief Labour and Study in this Woorld is to establish him [Prince Edward] in the Croun Imperial of this Realm after our Deceasse in such sort as may be pleasing to God, and to the Wealth of this Realme, and to his own Honour and Quyet, that he be ordred and ruled both in his Mariage, and also in ordering of th'Affaires of the Realm as wel outward as inward, and also in all his own private Affairs, and in giving of Offices of Charge by th'Advice and Counsail of our right entierly beloved Counsallors...¹⁵³

Henry proceeded to name his sixteen executors in as specific a manner as possible, probably changing the list several times,¹⁵⁴ and to appoint those executors as the first Privy Council of Edward VI's reign. The appointees included the increasingly Zwinglian archbishop of Canterbury, Thomas Cranmer; the chancellor, Thomas Wriothesley; Hertford, the chamberlain and the Prince's uncle; John Dudley, viscount Lisle and Hertford's future chief adversary; Sir William Paget, the king's secretary; and eleven others.¹⁵⁵ Together with the Acts of Succession, the will thus completely overturned the principle that the king "ne migzt by his last will... altre, change [and] abroge with oute thassent of the thre estates, [and] committe or graunte to any

¹⁵³ *Foedera* (orig. ed.), XV, pp. 112-113.

¹⁵⁴ Scarisbrick, pp. 488-490.

¹⁵⁵ *Foedera* (orig. ed.), XV, p. 114.

persone governaunce or rule of this land lenger thanne he lyved".¹⁵⁶

Henry VIII's aim in these arrangements had certainly been to appoint a unified Privy Council for his son over which no single member or faction had control. However, by the time of the king's death at the end of the following month, Hertford had assured his position as leader of the new council: apart from his considerable influence due to his relationship to Edward VI, he had spent the last months of King Henry's reign building a party of his own to the exclusion of the conservatives who favoured a return to Catholicism, to the extent that he held meetings of the Privy Council not at court but in his own home, from 8 December 1546 to 4 January 1547.¹⁵⁷ There is also reason to believe that the nominated members of Edward VI's council, or some of them, had tampered with the will for their own benefit, and even intended to discard it altogether immediately after King Henry's death. Their reason was that it was most likely "signed" by means of the king's dry stamp, a seal which imitated the king's signature. The use of the dry stamp, which was intended to relieve Henry VIII of the necessity of signing all the various pieces of business which came before him, was highly restricted; the device was kept in the custody of Sir Anthony Denny, William Clerk, and John Gate, and could only be used at the king's

¹⁵⁶ From the redefinition of the powers of the protectorate of Humphrey duke of Gloucester, 3 March 1428, in *RP*, IV, pp. 326-327.

¹⁵⁷ Elton, p. 330.

command, in the presence of all three of these men, and on condition that a list of all documents so sealed be signed by Henry VIII on a monthly basis.¹⁵⁸ Thus, the use of the dry stamp, particularly on the king's will, may very well have raised strong doubts about the document's validity and allowed Hertford and Paget to set it aside, especially if the stamp was not affixed until after the king passed away. The numerous references in the succession legislation of Henry's reign to the authority of "his majesty's last Will in writing signed with his gracious hand" emphasised the importance of this consideration. In the event, Hertford may have owed his eventual appointment as protector by the council to subtle alterations in the will. Professor Elton has observed that "the document stamped had been altered from that approved a month earlier... and a (probably) new clause authorized [the council] to bestow unspecified gifts, honours, and estates which, it was alleged, the King had meant to distribute among his faithful councillors."¹⁵⁹

Whether the appointment of Hertford as protector fell under this category, however, is an open question.¹⁶⁰ Professor Scarisbrick observes in Hertford's defence that the will contained

¹⁵⁸ Lacey Baldwin Smith, "The Last Will and Testament of Henry VIII: a Question of Perspective", *Journal of British Studies* (1962), pp. 22-23 and p. 24 n. 36. The will appears on a list of documents stamped by Clerk under Denny and Gate's supervision in late January 1547, possibly without the king's knowledge: *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, XXI, ii, no. 770 (85), p. 408.

¹⁵⁹ Elton, p. 332.

¹⁶⁰ Scarisbrick, pp. 494-495.

no provision either for a protector or for any renewal of the council's membership, either of which would have been expected to be dealt with outside it in any case. Any protector, Scarisbrick states, would have been appointed by letters patent, and Henry VIII might have done so. However, Scarisbrick compares any such appointment of Hertford to what he terms as Catherine Parr's appointment as "governor and protector during the king's absence" in 1544.¹⁶¹ The act of appointment to which Scarisbrick refers, though, says nothing about a protector, but about appointing the queen as "regent", a very different term of authority which was commonly used in the king's absence from the realm, and which was unlike any authority understood by a minority regency. Finally, Scarisbrick admits that no letters patent appointing Hertford or anyone else protector appear on the patent roll.

Thus, neither Hertford nor anyone else was formally named protector in the will; Hertford's was merely one among sixteen ostensibly equal names on a list of Edward VI's councillors. Nonetheless, within four days of Henry VIII's death, many of the will's provisions were placed in jeopardy and the council voted overwhelmingly to make Hertford protector of the realm and governor of the king's person.¹⁶² This arrangement combined the two offices which the minority council of 1422 had struggled

¹⁶¹ *Ibid.* ; LP , XIX, i, 864, 1035 (78).

¹⁶² D. E. Hoak, *The King's Council in the Reign of Edward VI* (Cambridge, 1976), p. 231, citing Smith, pp. 17-20.

successfully to keep separate, and probably amounted to an effective defeat for Henry VIII's efforts to ensure a stable, successful minority for his heir. The protector's combined authority did not go unchallenged, however; the agreement by which Hertford had been appointed was nearly ruined by an "unexpected bid for a direct share of the protector's power", and after removing Wriothesley, Hertford further took steps to ensure that by his new authority, he would personally be able to choose the members of the council which had supposedly granted that authority in the first place.¹⁶³ Along with the provisions of both the Acts of Succession and the will of Henry VIII, this expansion of the power of the protector constituted a major change from the circumstances of the previous royal minorities. Nor did the combination of protector and governor - an arrangement which implied a true regency, and which Henry VIII had tried to avoid - remain unchallenged after the downfall of Wriothesley. It was to be a root cause of the conflict between Hertford and his brother, Thomas Seymour, lord admiral and baron of Sudeley, which eventually contributed to the fall of Hertford himself.¹⁶⁴

¹⁶³ *Ibid.*

¹⁶⁴ L. B. Campbell, "Humphrey Duke of Gloucester and Elianor Cobham His Wife in the *Mirror for Magistrates*", *Huntington Library Quarterly* v (1934), p. 120.

Chapter 2

THE POLITICS OF GOVERNMENT WITHOUT A KING

While a royal minority was usually unexpected and entailed special difficulties in setting up a stable alternative government, the maintenance of such an administration was often also fraught with problems. The beginning of each alternative administration was determined by individual circumstances, as was the method used to maintain royal authority without a king as the effective head of the régime. The aim of each administration, however, was in most cases the same: to preserve stability and order in the realm in as near normal a manner as possible in anticipation of returning the administration to the king when he was thought competent to rule in person. The extent to which this goal was achieved varied as much as the circumstances of each alternative government.

I. HENRY III: THE ADMINISTRATION OF THE LEGATE AND JUSTICIAR, 1219-1223

The death of William the Marshal in May 1219 caused a significant change in the minority government of Henry III. While the Marshal had served as *rector regis et regni* for over two years, such an office, and the authority it was understood to carry, was clearly extraordinary and personal to the Marshal himself. On his deathbed, the Marshal therefore made arrangement for the custody of the king and kingdom in a more conventionally feudal fashion. After consultation with many of the leading barons, the Marshal entrusted the oversight of the kingdom for the duration of Henry III's minority to the papal

legate, Pandulf (Gualo had been recalled in November 1218), in his role as representative of the feudal overlord of the king. Faced with the opposition of Peter des Roches to such an arrangement on the grounds that he should have the custody of the king, the Marshal pointed out that the bishop of Winchester had not originally been granted the custody of the king's person, but had merely been entrusted with it temporarily by the Marshal in his capacity of *rector regis*.¹ In spite of this, Peter des Roches did apparently continue to act as the king's guardian, although Roger of Wendover states that Philip d'Aubigny served as the king's *magister*.²

The office of *rector regis et regni* thus lapsed with the death of the Marshal, and from 1219 until his own departure in the autumn of 1221 the overall supervision of the government rested, nominally at least, with Pandulf.³ Moreover, the nature of Pandulf's authority as nominal regent differed markedly from that which Gualo had enjoyed during the Marshal's tenure as *rector*. The administration of the kingdom had been entrusted to the Marshal during his lifetime out of respect for his position and seniority, and Gualo clearly delegated to the Marshal whatever authority he might have expected legally to exercise.⁴ Pandulf's

¹ *EHD*, III, no. 3, p. 96.

² Stubbs, II, p. 31; Roger of Wendover, *Flores Historiarum*, ed. H. G. Hewlett (Rolls Series, 1887), II, p. 262.

³ Powicke, *The Thirteenth Century*, p. 17.

⁴ Norgate, p. 112.

authority as papal legate was thus much greater after the Marshal's death.⁵ The authority of Pandulf theoretically may have been greater than that of the Marshal, as the representative of the king's feudal overlord. One of the advantages to the kingdom of the feudal contract with the papacy was the protection of royal minors; by 1076 the pope clearly had authority as a feudal overlord to serve as trustee of the children of rulers who had ceded fealty to him.⁶ The legate's authority over the king and realm were thus very broad in theory; in practice, however, he shared the government with the justiciar and Peter des Roches.⁷

The justiciar, Hubert de Burgh, clearly held the greatest effective authority in the administration in the period between the death of the Marshal and the declaration of Henry III's majority by Honorius III in 1223. His authority as trustee of the government did not appear to take effect during Pandulf's legation, although Pandulf apparently wished de Burgh to assist him.⁸ Pandulf's attention appeared to be focused on the exchequer; as early as 30 April 1219 he wrote to the vice-

⁵ Turner, I, pp. 294-295; J. E. Sayers, *Papal Government and England during the Pontificate of Honorius III, 1216-1227* (Cambridge, 1984), pp. 162-171.

⁶ Sayers, p. 165.

⁷ Norgate, pp. 112-113.

⁸ *Ibid.*, p. 116; *Royal and Other Historical Letters Illustrative of the Reign of Henry III*, ed. W. W. Shirley, 2 vols. (Rolls Series, London, 1862-1866), I, p. 116.

chancellor, Ralph de Neville, asking that he "give all attention and diligence to the business of the Exchequer... and to pay nothing of it out to anybody without our special command and licence".⁹ He also took an interest in the protection of the great seal. The seal was used only rarely until the end of the minority, and could not be used to make grants in perpetuity until 1227.¹⁰ There was thus no need to maintain the fiction of the king's competence to govern, although an early attempt seems to have been made to do so as far as the form of witnessing charters was concerned; however, any pretence of the king actually witnessing charters in person, particularly in the absence of a permanent great seal, was dropped after January 1217.¹¹ Moreover, the seal during the minority was usually in the custody not of the chancellor, Richard de Marsh, bishop of Durham, but in that of the vice-chancellor.¹² Although the chancellor was usually inactive during Henry III's minority, he did attest several letters patent *per cancellarium* prior to the introduction of a great seal for Henry III on 28 October 1218.¹³

The second coronation of the king on 17 May 1220 at Westminster provided the first indication of the restoration of

⁹ *Ibid.* , I, p. 113, cited in Norgate, p. 113.

¹⁰ *CPR 1216-1225* , p. 177.

¹¹ Painter, p. 199.

¹² F. M. Powicke, "The Chancery During the Minority of Henry III", *EHR* (1908), p. 225.

¹³ *Ibid.* , p. 232; *CPR 1216-1225* , pp. 55, 83.

domestic peace. Archbishop Stephen Langton, in order to safeguard his own position within the council, travelled to Rome to secure from Honorius III a promise that Pandulf's appointment would not be renewed within the archbishop's lifetime, and when Pandulf left England in the summer of 1221, he was not replaced.¹⁴ With the cooperation of Langton, the justiciar took over Pandulf's position of overall influence within the government.¹⁵ Peter des Roches assumed control of the exchequer, and shared the duty of authorising letters patent.¹⁶ Throughout the minority, the attempt to balance the holding of crown offices was occasionally difficult; here, as in so many other areas, the royal administrators had no precedent to guide them. G. J. Turner's claim that most of the crown officers, including the sheriffs and the three officers of state, "claimed the right to remain in office until the King's minority had determined" cannot have been true, at least not in the case of major officers such as the chancellor.¹⁷ Miss Norgate rightly points out that "the Chancellor's office, unlike that of the Justiciar or the sheriffs, was necessarily vacated by the death of the King, inasmuch as he held it... not by letters patent but by virtue of the delivery of the King's seal into his hands, and every King had a new seal".¹⁸ The

¹⁴ Stubbs, II, p. 32.

¹⁵ West, p. 225.

¹⁶ *Ibid.* , pp. 236-247.

¹⁷ Turner, I, p. 271.

¹⁸ Norgate, p. 284.

chancellor may have been able to retain the rights of his office following the death of John, but could not have held the title itself until the new seal was made in October 1218. Richard de Marsh was reappointed sometime in the fall of 1218, although William the Marshal continued sealing documents as *rector* until 6 November of that year.¹⁹ Continuity from one reign to another in the form of the chancellor, at least, was impossible as the office was "conferred by the delivery of a symbol which changed with a change of sovereigns". Although the other offices, including the justiciarship, were appointed by letters patent during the king's pleasure, they may not have been automatically vacated by John's death in quite the way that the chancellorship was, but neither is there evidence that they automatically retained their offices.²⁰ Hubert de Burgh had been appointed justiciar by John on 15 June 1215, and was not formally reappointed by Henry III until 27 April 1228.²¹

The major difficulty faced by de Burgh and the other leading royal councillors during the remainder of Henry III's minority was how to restore surrendered lands and property, particularly castles, to the king's nominal control and to that of his leading supporters. Two notable examples of this problem were the conflict between William Longsword, earl of Salisbury, and

¹⁹ *Handbook of British Chronology*, 3rd ed. (Royal Historical Society, 1986), pp. 84-85.

²⁰ Norgate, p. 284.

²¹ *HBC*, p. 72.

Fawkes de Breauté, and the justiciar's struggle to compel William de Forz, count of Aumâle, to surrender Bytham Castle to royal control during the count's futile revolt of December to January 1220-1221. The justiciar favoured Longsword in his conflict with Fawkes de Breauté, and it was this, as well as a personal difference over the plan to marry Margaret, sister of Alexander II, king of Scots, to de Burgh, which may have deepened a rift between de Burgh and Ranulf earl of Chester and led Aumâle to think that Chester would assist him in his struggle to retain custody of Bytham.²² In the event, Chester did not, and Aumâle failed in his bid to exploit the split in the council. Furthermore, in 1223 the king and the justiciar became involved in a dispute with William Marshal, earl of Pembroke and son of the late *rector*, over Pembroke's custody of the royal castle of Caerleon. The earl's decision to ignore Henry III's requests for Caerleon's surrender and go to Ireland encouraged a Welsh uprising under Llywelyn the Great. The resulting conflict prevented Henry from recovering custody of his castles in the area for the next three years; these included Cardigan and Carmarthen, which, having been forfeited by Llywelyn, were granted to Pembroke.²³ The government's attempt to take advantage of the death of Philip Augustus to recover Henry II's Angevin territories also met with little success, as Louis VIII not only declared them escheated to the French crown, but also made it clear that he intended to

²² See Stacey, pp. 17-23; also Powicke, *King Henry III*, p. 54.

²³ Norgate, p. 191; *CPR 1216-1225*, pp. 413-414.

renew his fight for the English throne. Indeed, as soon as the Anglo-French truce ended the following year, Louis invaded Poitou, fighting a war against Henry III's remaining French territory until his own death in 1226.²⁴

It was not only the declaration of the pope of 13 April 1223, instructing the vice-chancellor not to use the great seal without Henry III's approval, which signified a shift in the status of the king.²⁵ On 30 January of that year Henry III ordered an inquisition into his father's rights and liberties before the civil war of 1215-1217, a sign of growing confidence and independence.²⁶ On 10 December, the first letters close were issued under Henry III's own authority.²⁷ His minority, however, did not end for a further four years.

II. EDWARD III: THE ADMINISTRATION OF MORTIMER

Despite the dominance of Roger Mortimer during the minority of Edward III, an effort was made soon after the deposition of Edward II to set up a balanced minority council. Although Stubbs claims that this council consisted of four bishops, four earls, and six barons, the total may have been smaller according to a sixteenth-century chronicler:

²⁴ Norgate, pp. 197-198; E. M. Hallam, *Capetian France, 987-1328* (London, 1980), pp. 135-136.

²⁵ Sayers, p. 169, n. 35.

²⁶ *Foedera* (Record ed.), I, p. 167.

²⁷ *CCR 1216-1225*, p. 578.

Wherefore hit was ordeyned at the kings crownynge that the king for tender of age shulde be gouued by xii grete lordes of Engeland withoute the whiche nothing shulde be done that ys forte seyn the erchebisshop of Caunterbery the erchebisshop of York the bisshop of Wyncestr and the bisshop of Hereford and the erl of Lancaster and the erl Marchal and the erl of Kent that were the kinges uncle and the erl Warraune, Sire Thomas Wake, Sire Henry Percy, Sire Olyver of Ingham, and John of Roos barouns.²⁸

The new ruling coalition was, however, successful in setting its own stamp upon the conduct of policy. Henry of Lancaster, who had imprisoned the deposed Edward of Caernarvon in Kenilworth castle, was nominally placed at the head of the king's council as *custos*, supported by John Stratford, bishop of Winchester, and the northern magnate Henry Percy.²⁹ Yet the overwhelming influence of Mortimer and Isabella soon made itself felt, despite the fact that one bishop, one earl, and two barons from the new council were supposed to remain with the king at all times.³⁰ The new body was apparently not allowed to exercise its functions and "the earl and his associates were completely thwarted in their attempts to govern" to the extent that "they were not permitted even to approach the king".³¹ Indeed, the pernicious

²⁸ Stubbs, II, p. 387; the chronicle is cited in *The English Government at Work, 1327-1336*, ed. J. F. Willard and W. A. Morris, 3 vols. (Cambridge, Mass., 1940), I, p. 132.

²⁹ Stubbs, II, p. 387 n. 1; Tout, III, pp. 10-11.

³⁰ Stubbs, II, p. 387.

³¹ J. F. Baldwin, *The King's Council in England during the Middle Ages* (Oxford, 1913), p. 98.

influence of Mortimer throughout Edward III's minority manifested itself in frequent changes of officials. As Tout observes, between Edward III's accession and his forcible assumption of majority rule in 1330, no less than five individuals held the post of treasurer.³² The office of chancellor was shifted twice, and the post of keeper of the privy seal three times, in the same period.³³

One of the major foreign concerns in this period was the English claim to the French throne, which arose suddenly in 1328 with the death of Charles IV, Isabella's last surviving brother, who left no male heirs. On the French side only cousins remained, so Edward III, as Charles' nephew, was in strict terms the nearest surviving male relative. Nevertheless, the French magnates in whose hands the decision lay chose Philip of Valois as Philip VI, "in part because of previous inheritance patterns, in part because of their hatred for Queen Isabella".³⁴ Any claim of Edward III to the French throne could also be superseded by other royal nephews, as it was in 1332 with the birth of Charles of Navarre, the grandson of Louis X, Isabella's oldest brother.³⁵ Edward did not wait until 1337 to consider his claim to France; on 16 May 1328 he empowered the bishops of Worcester and Chester to

³² Tout, III, p. 10; *HBC*, p. 105.

³³ *Ibid.*, pp. 86, 94.

³⁴ Hallam, p. 325.

³⁵ *Ibid.*, p. 326.

examine his claim to the throne of France.³⁶ Until 1337, however, Edward acquiesced in the *status quo* and on 6 June 1329 Bishop Orleton of Hereford and Bartholomew Burghersh did homage in Edward's stead to Philip VI for Aquitaine, albeit under protest over the prejudice to the English claim to the French crown.³⁷

The other main concern was the dispute with Scotland. The treaty of Northampton, negotiated in March 1328, was accompanied by a formal renunciation of Edward III's claims to overlordship of Scotland.³⁸ The settlement also included a marriage between Edward's sister Joan and David II of Scotland, as on 21 May the king arranged his sister's dowry, with Isabella's consent.³⁹ Although the implicit recognition of Robert I as sovereign king of Scots may have contributed to the ill-feeling against the regime,⁴⁰ the money which the English demanded by the terms of the treaty - some £20,000 - went some way toward compensating for the debts owed by the Mortimer regime both to the Hainault soldiers which accompanied Isabella on her initial invasion and to the court's chief bankers, the Bardi of Florence.⁴¹ The fact, though, that Isabella appropriated a large proportion of

³⁶ *Foedera* (Record ed.), II, p. 743.

³⁷ *Ibid.* , p. 765.

³⁸ *Ibid.* , p. 730; *The Great Chronicle of London* , ed. A. H. Thomas and I. D. Thornley (Gloucester, 1983), p. 32.

³⁹ *Foedera* (Record ed.), II, p. 743.

⁴⁰ Stubbs, II, p. 389.

⁴¹ Fryde, *Edward II* , p. 216.

this sum for her own use further increased the unpopularity of the queen and Mortimer.⁴² It was steps such as this, in addition to the growing control of offices, titles, and estates by Mortimer, that led to the collapse of the minority government in 1330.

III. RICHARD II: THE GROWTH OF FACTION, 1381-1385

Unlike either the arrangement in 1216, when necessity dictated the appointment of a regent with royal authority in the person of the Marshal, or that in 1327, with the nominal appointment of Henry of Lancaster as *custos*, no form of regency had been formed in 1377; and as John of Gaunt was increasingly absent from the court in pursuit of his claim to the Castilian throne,⁴³ the king was largely left under the influence of a group of young household officers who practically excluded lords such as Thomas of Woodstock and the earl of Arundel. As in the reign of Edward II, the eventual result was the alienation of many lords who would otherwise have been the king's supporters.⁴⁴

The growth of faction within the household had two major causes. The first was the absence of anyone who could feasibly have served as a chief councillor to the king. As has been observed, Gaunt was the only realistic candidate, and even he was unacceptable to groups such as the commons whose support

⁴² McKisack, *The Fourteenth Century*, p. 99 n. 2.

⁴³ See S. Armitage-Smith, *John of Gaunt* (London, 1904), pp. 260-337.

⁴⁴ Tuck, p. 58.

was necessary for the appointment of such an officer. The second was the government's financial disarray. The atmosphere of parliamentary interference in the royal finances promoted the development of the chamber into a body very much like the king's privy purse, allowing the king direct control over his personal finances, and permitted those who controlled it to gain undue influence over the young king.⁴⁵

The two most influential of Richard II's officials in this period were Aubrey de Vere, the uncle of the earl of Oxford (who would have been chamberlain but for his youth), and Simon Burley, the under-chamberlain, who also served as the king's *magister*.⁴⁶ Their leverage with the king was reflected in the growth of the chamber during this period, with the number of chamber knights, many of these former followers of the Black Prince, increasing.⁴⁷ The control of the chamber over the affairs of the king extended to the royal castles, many of which were placed in the custody of the knights of the chamber.⁴⁸ Burley's influence, like that of the entire chamber staff, extended to foreign affairs as well. In 1382, Burley helped arrange the marriage of Richard II to Anne of

⁴⁵ *Ibid.* , pp. 58-59.

⁴⁶ *Ibid.* , p. 59; Nicholas Orme, *From Childhood to Chivalry: The Education of the English Kings and Aristocracy 1066-1530* (London, 1984), pp. 19-20.

⁴⁷ C. Given-Wilson, *The Royal Household and the King's Affinity* (London, 1986), pp. 160-163.

⁴⁸ Tuck, p. 60.

Bohemia, sister of the emperor Wenceslas.⁴⁹ Later, in 1387, the chamber staff assisted in Richard II's unpopular negotiations with Charles VI of France; several of the knights who participated in a meeting with the French king were punished in the Merciless Parliament.⁵⁰ Finally, the chamber knights, particularly the senior ones, received titles and estates as well as influence; Simon Burley took over many Welsh offices in addition to property and titles in many areas of England.⁵¹

Richard's grants of property to his chamber knights in a manner which allowed them to accumulate estates at the expense of other lords raised the hostility of many otherwise loyal magnates, and foreshadowed the perceived threat by the king to vested noble property interests which helped bring about his deposition in 1399. Even the elevation of Thomas of Woodstock, the king's uncle, to the dukedom of Gloucester in 1385 was seen as a threat; the £1,000 which the king granted to Woodstock to maintain his new estate was not in the form of independently-controlled property but as an annuity from the king, giving Richard the power to revoke it if he chose.⁵² This sort of action, which displayed an anti-noble attitude on the king's part quite

⁴⁹ *Foedera* (Orig. ed.), VII, pp. 280-281, 304-305; *Chronicon Adae de Usk, 1377-1421*, ed. E. M. Thompson (London, 1904), pp. 139-140.

⁵⁰ Tuck, pp. 61-62.

⁵¹ *CPR 1381-1385*, pp. 107, 160, 447; Given-Wilson, *Royal Household*, pp. 170-171; Tuck, pp. 62, 74-75.

⁵² *Ibid.*, pp. 75, 84.

opposed to that of Edward III, was a major factor in promoting unrest among the lords both before and after 1385.

IV. HENRY VI: THE POLITICS OF THE PROTECTORATE, 1422-1429

The settlement of 1422 which established for the first time the office of protector as an alternative to a regency failed to satisfy its actual recipient, Humphrey duke of Gloucester, who continued for the next seven years to press for greater authority over both the king and the government. His principal opponent was his uncle, Henry Beaufort, bishop of Winchester and chancellor during 1424-26. Caught in the middle was John duke of Bedford, to whom both Gloucester and Beaufort appealed for help but who, as regent of France, was absent from England most of this time.

The appointment of the council in 1422 had provided that the protector should be consulted on any matter which would normally have been referred to the king, but that the council itself would retain most of the royal powers of patronage and the control of finance.⁵³ The re-appointment of the council in 1423-24 refined the original terms, and stipulated that, among other requirements, any dispute between any of the lords was to be mediated by the protector and the council.⁵⁴ Beaufort, appointed

⁵³ Harriss, p. 121.

⁵⁴ *PPC*, III, p. 151.

chancellor on 16 July 1424,⁵⁵ had his first confrontation with Gloucester over relations between England, Burgundy, and the Low Countries.⁵⁶ These were aggravated by Gloucester's marriage to Jacqueline of Hainault in January 1423, and his claim to Hainault, Holland, and Zeeland in right of his wife. This claim, and Gloucester's invasion to support it, was directly opposed to the duke of Burgundy's efforts to rule the Low Countries himself, and threatened the Anglo-Burgundian alliance against the dauphin.⁵⁷ Bedford's position was at first impartial, as he both assisted Gloucester and attempted to conciliate Burgundy. When, however, Gloucester's efforts at conquest began to succeed, and Philip the Good threatened to intervene, Bedford withdrew his support for his brother. Gloucester was forced to withdraw to England in April 1425, apparently to prepare to accept a challenge to fight Burgundy in single combat, a contest which was forbidden by the pope.⁵⁸ As Dr. Harriss points out, the episode probably proved Gloucester's instability and greater commitment to personal rather than national interests, and intensified both Beaufort's and Bedford's opposition to him.⁵⁹

⁵⁵ *HBC*, p. 87.

⁵⁶ Harriss, pp. 134-135; K. H. Vickers, *Humphrey, Duke of Gloucester* (London, 1907), pp. 131-159.

⁵⁷ Harriss, p. 135.

⁵⁸ Wolffe, p. 39.

⁵⁹ Harriss, p. 136.

The attitude of the citizens of London had a considerable effect on the quarrel between Beaufort and Gloucester. The protector's activity in the Low Countries caused much anti-Flemish feeling in the city, and Beaufort intervened to prevent a riot, arrested some of Gloucester's municipal supporters, and placed an armed force in the Tower.⁶⁰ Gloucester's major grievance against the chancellor upon his return was a prohibition from entering the Tower, issued on Beaufort's instructions.⁶¹ For several months Gloucester apparently attempted to gather evidence from Beaufort's past to try to convict the chancellor of treason, but nothing came of this.⁶² This disturbance culminated on 29-30 October 1425 in an armed confrontation on London Bridge in an attempt to gain control of Henry VI's person.⁶³ Gloucester compelled the chancellor to back down, as Beaufort's armed threat challenged the protector's duty to maintain peace and to defend the king's person. On 31 October, in an appeal to Bedford, Beaufort wrote:

as ye desire the wele fare of the kyng oure souverain lord and of his Reaumes Englund and Fraunce and youre owne wele and oure all So haste you hyder For be my trouthe and ye tary we shull putte this londe in aventure with a felde.

⁶⁰ *Ibid.* , p. 140.

⁶¹ *PPC* , III, p. 167.

⁶² Harriss, p. 142.

⁶³ *Great Chronicle* , pp. 136-140.

Such a brother ye have here god make hym a good man For youre wysdom knoweth well that the profite of Fraunce stante in the welfare of Englund...⁶⁴

Bedford heeded the chancellor's advice and returned, taking the precaution of suspending the council's authority, and thus that of Gloucester, until his return.⁶⁵ His arrival in England automatically overrode Gloucester's authority as protector, and writs of summons for a parliament at Leicester were sent out on 7 January, in an effort to permanently settle the quarrel.⁶⁶ Only on 12 March before a full parliament were both Gloucester and Beaufort presented to the king under Bedford's supervision. Bedford then had to defend himself against charges that included attempting to assassinate Henry V. Gloucester, parliament and the king all accepted his innocence, but the protector's accusations, requiring Beaufort to defend himself, damaged the chancellor politically.⁶⁷ Four days later John Kemp, archbishop of York, replaced him as chancellor.⁶⁸ Beaufort's withdrawal from this office halted his loans to the crown, but Gloucester did not overlook the financial influence which Beaufort had built up.⁶⁹ Beaufort left England shortly after, ostensibly on a pilgrimage,

⁶⁴ *Ibid.* , p. 137.

⁶⁵ Harriss, p. 144.

⁶⁶ Griffiths, *Reign of Henry VI* , p. 77.

⁶⁷ Wolffe, p. 42.

⁶⁸ *HBC* , p. 87.

⁶⁹ McFarlane, pp. 416-420.

and Bedford allowed him in 1427 to divert attention from his political defeat by accepting a papal promotion to cardinal.⁷⁰

Bedford's standing as mediator enhanced his position of seniority and his authority. On 27 May 1426 the council paid Bedford wages for his service as protector.⁷¹ Gloucester had gained a Pyrrhic victory over Beaufort. Although the bishop was temporarily absent, Gloucester's authority as protector had also suffered as a result of his continual preoccupation with his position. His obvious desire for an increase in his authority led the council to re-define his, and its, powers again in November 1426, stating that only in cases of an evenly split vote on the council would the protector enjoy the deciding voice, and that in matters concerning the royal prerogative, the king's justices should give advice.⁷² These measures reinforced the supremacy of the council and strengthened the concept of collective government, rather than of a regency such as Gloucester had sought since 1422. The lords' final statement on the authority of the office of protector came in 1428, when they defined it as:

a name different from other counsaillers, nought the name of tutour, lieutenant, governour, nor of regent, nor no name that shuld emporte auctorite of governaunce of the lond, but the name of protectour and defensour, the which emporteth a personell duetee of entendance to

⁷⁰ Wolffe, p. 43.

⁷¹ *Foedera* (Orig. ed.), X, p. 359.

⁷² *PPC*, III, pp. 216-217.

the actuell defense of the land, as well ayenst thenemys utward yf cas required, as ayenst rebelles inward yf any were, that God forbede...⁷³

Gloucester's failure to augment his authority as protector may have been against the wishes of Henry V, but the limits placed on that authority by the council were necessary both to protect Bedford's position and to defend the realm from Gloucester's ambition. Duke Humphrey's campaign against Beaufort in 1425-26 was proof of that. After the coronation of Henry VI in 1429, Gloucester and Bedford were deprived of the office, a move which further strengthened the council and lessened Gloucester's authority.

V. HENRY VI: POLITICS UNDER RICHARD OF YORK, 1454-56

Neither of the protectorates of Richard duke of York offered the duke a chance to make an indelible impact upon government. Most of his efforts were spent, not in assembling a powerful following within the council, but in resolving the disputes which prevented him from consolidating his position. The recovery of Henry VI at the end of 1454 turned York out of office and replaced the Somerset faction which York had sought to remove; the results of the second protectorate were no better.

The immediate problem facing York after his installation by the council as protector on 3 April 1454 was feuding between the earls of Somerset and Warwick in south Wales, and a dispute in

⁷³ *RP*, IV, pp. 326-327.

the north between the Percies and the Nevilles; the latter made the appointment of Richard Neville, earl of Salisbury, as chancellor a particularly sensitive one.⁷⁴ The protector also had to contend with difficulties in gaining access to Calais when its garrison mutinied over lack of pay, a situation which was dangerous both for York, since the garrison was still commanded by allies of Somerset, and for the wool staplers.⁷⁵ The garrison was paid, thanks to a loan of over £7,000 from the staplers,⁷⁶ and York assumed the captaincy of Calais on 17 July.⁷⁷ York's personal attention to Calais also involved attending to the problem of coastal defence, which had become more urgent since the English defeat of 1453. York's solution was to raise a fleet which would attend to defence for the next three years, an initiative which was made possible only by loans from the staplers.⁷⁸ Coastal defences were also buttressed between Yorkshire and Cornwall during June.⁷⁹ York's success in attending to the defence of Calais was perhaps his major achievement under his duty as defender of the realm. However, it also had political connotations. The

⁷⁴ Johnson, pp. 134-135.

⁷⁵ *CPR 1452-1461* , p. 154.

⁷⁶ Griffiths, *Reign of Henry VI* , p. 731.

⁷⁷ *PPC* , VI, p. 199.

⁷⁸ Griffiths, *Reign of Henry VI* , pp. 732-733.

⁷⁹ *CPR 1452-1461* , pp. 170, 177.

control of Calais was necessary for the displacement of Somerset and his affinity.⁸⁰

In addition to Calais, there were other problems for the protector, such as the state of the royal finances and regional unrest. The latter difficulty entailed sending York north to quell the feuding. He left London about 19 May, leaving Salisbury behind to lead the council.⁸¹ In York's absence, the council attended to government business under Salisbury, although several of its members had earlier expressed reluctance to attend meetings.⁸² York held several commissions of oyer and terminer in York in late June and early July, and returned to London on 8 July.⁸³ His success in halting the anti-government violence in the north is attested by his charge from the council on 24 July to take the duke of Exeter to Pontefract Castle, an event reported by William Paston to his brother John sometime that month.⁸⁴ For a good part of the next two months, York stayed in the north, probably at Sandal.⁸⁵

The attendance at council meetings for this period appears not to have been adversely affected by the protestations of ill health

⁸⁰ Griffiths, *Reign of Henry VI* , p. 730.

⁸¹ *Benet's Chronicle* , p. 211.

⁸² Griffiths, "Protectorate", pp. 80-81.

⁸³ Johnson, p. 140.

⁸⁴ *PPC* , VI, p. 217; *Paston Letters* , II, p. 329.

⁸⁵ *Ibid.* , pp. 331-332.

of several of the members. Between May and December 1454 the council produced forty-nine warrants of attendance, which show that many of the nobles nominated attended regularly, including York. It is likely that, considering the unpredictability of Henry VI's condition, the arrangements of the protectorate were intended to last until the coming of age of Prince Edward.⁸⁶ The recovery of the king in December, however, reversed the situation and led to the release of Somerset on 7 February 1455 and the resignation of York from office.⁸⁷ Although York had been given an opportunity to build up an ascendancy of his own during Henry VI's illness, he failed to take advantage of several chances to reward his followers and to consolidate his authority, particularly in Calais, where Somerset's men controlled the garrison.⁸⁸ He therefore found himself again excluded from what he felt was his rightful influence, a situation which led to his confrontation with the royalists at St. Albans on 22 May. As Dr. Johnson states, "St. Albans was not the first battle of a civil war. York was fighting to be rid of Somerset", and his victory there, along with Somerset's death, reinstated York as leader of the ascendant political faction in the realm.⁸⁹ Writs for a parliament were sent out on 26 May in order to consolidate York's reprieve

⁸⁶ Virgoe, p. 151.

⁸⁷ *CCR 1454-1461* , p. 9; Johnson, pp. 149-153.

⁸⁸ *Ibid.* , pp. 149-151; Wolffe, pp. 284-285.

⁸⁹ Johnson, p. 157.

as quickly as possible.⁹⁰ Moreover, the duke attempted to rectify the major political failing of his first administration: he handed Somerset's vacant offices to his own followers, including turning Calais over to the earl of Warwick.⁹¹ In view of his efforts to secure it for himself the previous year, the grant of Calais to Warwick exemplifies York's changed policy towards his allies. Indeed, most of the spoils of St. Albans apparently went to the Nevilles, while York took little for himself.⁹²

York's reinstatement as protector followed in the second session of parliament in November. The first session in July had been dominated by an act absolving York and his allies of any wrongdoing, while the second was instigated by news of violence in the west country.⁹³ This was the only problem which the protector had time to deal with. York prorogued parliament on 13 December (not as protector, but by authority of a special commission) in order to head west to restore order.⁹⁴ However, the duke never got as far as Devonshire, as the Courtenays submitted to a commission of oyer and terminer.⁹⁵ Despite the

⁹⁰ *Benet's Chronicle*, p. 214.

⁹¹ *CPR 1452-1461*, p. 242.

⁹² Johnson, pp. 158-159.

⁹³ See above, Chapter 1, § V.

⁹⁴ *RP*, V, p. 321; *PPC*, VI, p. 274.

⁹⁵ *CPR 1452-1461*, p. 304.

earl of Devon's imprisonment in the Tower after Christmas, the Courtenays later received a royal pardon.⁹⁶

Despite York's initial success in subduing the Courtenays, he did not have sufficient time to reaffirm his position or to do anything other than halt the disorder.⁹⁷ Many of the peers stayed away from the third session of parliament, and Henry VI relieved York of the protectorship on 25 February.⁹⁸ The reason both for the absences and for York's loss of office appears to have been the lords' hostility to a petition for resumption of royal grants, whose provisions specifically exempted the prince of Wales and York as protector but may have included Margaret of Anjou.⁹⁹ The earl of Warwick, in an attempt to salvage both York's position and the resumption petition, rode to parliament in array with 300 men to confront the hostile peers.¹⁰⁰ This proved York's untrustworthiness and continued willingness to resort to force in order to secure his position, and probably ruined his chances of benefitting from his early success in the west country.¹⁰¹ After his removal from the protectorship, he withdrew from the council for the rest of the year, once more excluded from influence.

⁹⁶ *Ibid.* , p. 358.

⁹⁷ Lander, "York's Second Protectorate", p. 89.

⁹⁸ *RP* , V, pp. 321-322.

⁹⁹ Johnson, pp. 172-173; *RP* , V, p. 303.

¹⁰⁰ Johnson, p. 173; *Paston Letters* , III, p. 75.

¹⁰¹ See below, Chapter 3, § V.

VI. EDWARD V: RICHARD OF GLOUCESTER'S PROTECTORSHIP

So little time elapsed between the accession of Edward V and the usurpation of Richard III that, in comparison with the other royal minorities in this study, very little can be said about the protectorate itself. While various grants, indentures, royal writs and other forms of evidence in the name of Edward V survive,¹⁰² there is very little evidence upon which to build an assessment of Gloucester's policy as protector *per se*. However, British Library Harleian Manuscript 433 contains much material which can provide an idea of Gloucester's policy in such matters as the dispensing of patronage. The material for Edward V's reign in Harleian 433 consists of grants under the signet seal, and is clear evidence of Gloucester's policy of patronage in May 1483, following his assumption of the office of protector but prior to the political change of early June.¹⁰³

The greatest beneficiary immediately following Gloucester's arrival in London on 4 May 1483 was Henry Stafford, duke of Buckingham. On 15 May, he received the office of constable and royal steward of castles and manors in Shropshire, Herefordshire, Somerset, Dorset, and Wiltshire.¹⁰⁴ On the same day he was made

¹⁰² See *Grants of Edward the Fifth*; *British Library Harleian MS. 433*, ed. R. Horrox and P. W. Hammond, 4 vols. (London, 1979-83); *Financial Memoranda of the Reign of Edward V*, ed. R. Horrox, *Camden Miscellany*, XXIX (Camden Society, 4th series, 34, 1987).

¹⁰³ *Harleian 433*, I, pp. ix-xxiv.

¹⁰⁴ *Ibid.*, p. 9.

chief justice and chamberlain in both north and south Wales, the beginning of a series of rewards which overshadowed any normal exercise of patronage and whose only purpose must have been Buckingham's personal aggrandisement.¹⁰⁵ Moreover, "the grant specifically included the right, during the royal minority, to exercise the king's patronage throughout the area concerned". The grants to Buckingham included the control of the earldom of March, which contributed to "a deliberate partition of authority" in which "Gloucester was protector, but Buckingham was given an independent satrapy consisting of Wales, the March and three southern English counties".¹⁰⁶ Gloucester also redistributed the confiscated property and offices of earl Rivers and Thomas Vaughan; most of these went to former household men of Edward IV, although some closer friends and followers of Gloucester, such as William Catesby and Francis, viscount Lovell, received offices as well.¹⁰⁷ Finally, the chief offices of state were reshuffled at an early stage, with the chancellorship being removed from Thomas Rotherham, a trusted servant of Edward IV, and going to John Russell, bishop of Lincoln, on 10 May.¹⁰⁸

Gloucester clearly used the office of protector, at least at first, to consolidate his position as chief councillor of the king. One

¹⁰⁵ *Ibid.* , p. 13.

¹⁰⁶ Horrox, *Richard III* , pp. 106-107.

¹⁰⁷ *Ibid.* ; *Harleian 433* , I, p. 6.

¹⁰⁸ Ross, *Richard III* , p. 76.

question which must be addressed is: what was the extent of Gloucester's authority as protector? The second continuation of the Crowland Chronicle relates that Gloucester, having "received that solemn office", was soon "commanding and forbidding in everything like another king, as occasion demanded"; yet it had been bestowed on him "with the consent and the good-will of all the lords", clearly implying, in theory at least, a continuation of conciliar control.¹⁰⁹ The most interesting clue to the extent of the protector's authority, however, is to be found in the draft sermon of John Russell, bishop of Lincoln for the intended parliament of Edward V, which never materialised:

...the necessarye charges whych yn the tyme of the kynges tendre age must nedely be borne and supported by the ryght noble and famous prince the duke of Gloucestir hys vncler, protector of thys Reme. In whos gret puis[sance], wysdome and fortunes restethe at thys rason thexecucion of the defence of thys Reme, as wele ageynste the open enemies as ageynste the subtylle and faynte fryndes of the same.¹¹⁰ And over that yt ys... of the tutele and ouersyghte of the kynges most roialle persone duryng hys the yeres of tendirnesse my sayd lorde protector wylle acquite hym self lyke to Marcus Emilius Lepidus twyes consul of Rome... how vppon the dethe of Tholomee kyng of Egipt, whyche left for hys heyre be hynde hym a yonge son *in pupillari etate* ... the nobylle synate agreed and ordeigned that the seyde Marcus Emilius Lepidus schuld thake thys offyce of tutele defense and protection vppon hym... the kynges oure souerayne lord may have cause largely to reioyse hym selfe and congruently say wyth the prophete, to

¹⁰⁹ *Crowland Chronicle*, p. 157.

¹¹⁰ Compare this with the lords' response to Humphrey of Gloucester in 1427: see *RP*, IV, pp. 326-327.

my sayde lord protector, hys vnclē here present, *In te confirmatus sum ex vtero de ventre matris me, tū es protector meus ...*¹¹¹

Russell was evidently acting as Gloucester's mouthpiece in these proposals. If such an arrangement was indeed intended, in which Gloucester's position relative to the king could be compared with that of Lepidus relative to Ptolemy's heir, then the powers of the protector were considerably enlarged in 1483 by uniting the governorship of the king's person with the post of chief councillor. Dr. Keen has argued that the office "gave him the *tutela* of the king's person, which granted to him the technical legal power to use the royal authority as if it were his own".¹¹² It might have, had this been the case; but Dr. Keen is surely mistaken. Dominic Mancini makes the same error, in declaring that Gloucester was "proclaimed... protector *or regent* of the king and realm", unaware of the vast difference between the two.¹¹³ It is safe to assume that Gloucester desired such authority, since he as much as said so by means of Russell's sermon; in referring to "the tutele and ouersyghte of the kynges most roialle persone duryng hys the yeres of tendirnesse", Gloucester was certainly expressing a wish for such an authority after the intended coronation of the young king.¹¹⁴ However, it would have been

¹¹¹ Text of Russell's draft sermon for the intended Parliament of Edward V, in Chrimes, *Constitutional Ideas*, pp. 177-178.

¹¹² M. H. Keen, *England in the Later Middle Ages* (London, 1973), p. 484.

¹¹³ Mancini, pp. 83-85; my italics.

¹¹⁴ Chrimes, *Constitutional Ideas*, p. 177.

highly improbable for the council to have granted Gloucester that authority as part of an office which in 1422 had been specifically designed to prevent a regency. Moreover, until early June Gloucester was scrupulously careful in his relations with the council and other magnates, and would not have demanded *tutela* from the council in May. Finally, the fact that Gloucester so clearly desired the authority of *tutela* in a post-coronation protectorship implies that he did not yet possess it. On the other hand, it is equally clear that the extent of Gloucester's authority as protector was considerably greater than that exercised either by his father or by his predecessor in the title, Duke Humphrey. Harleian 433 preserves three signet letters issued by the protector himself, on his authority under that office, two of which redistributed forfeited Woodville lands and one which was a grant of office. According to Dr. Horrox, "they were clearly intended to have the force of a royal signet warrant but, although all three include the clause 'on the king our soverayn lordes behalve', they were essentially the protector's private warrants".¹¹⁵

Another factor which allowed Gloucester to augment his authority was the insolvency of the crown on Edward V's accession. Although there was money in the treasury, it was committed largely to military expenditure against France and for other extraordinary costs, including Edward IV's funeral and

¹¹⁵ Harleian 433 , I, p. xxii.

Edward V's anticipated coronation.¹¹⁶ Gloucester was thus in a position to strengthen his authority by lending money to the crown. An account-book for the period of the protectorate states under 9 June:

Also it is to be rememberd howe my lord protectour shalle have his repayment of DCCC li [£800] which he hathe payde as welle for the kynges most honourable household as othir wise duryng the tyme of his attendaunce abought the most honourable persone of the kyngoure soverayne lord.¹¹⁷

The control of finances and of patronage gave Richard of Gloucester much more actual power than either of his predecessors. Russell's draft sermon, however, makes it clear that Gloucester wanted even more: to combine the offices of protector and personal governor, and to exercise the power of *tutela* in order to establish a true regency. It was perhaps his inability to achieve that aim which gave the protector the incentive to take the throne himself.

VII. EDWARD VI: THE ADMINISTRATION OF PROTECTOR SOMERSET

The reign of Edward VI began with the overthrow of his father's plans for a balanced and united council to govern the king and kingdom. It continued with the aggrandizement of the duke of Somerset as protector, and a retreat from the principle of collective rule towards a situation in which, by 1549, Somerset

¹¹⁶ Horrox, *Richard III*, pp. 108-109.

¹¹⁷ *Financial Memoranda*, p. 218.

thought himself able in all areas "to act by himself if he pleased, according to his own discretion".¹¹⁸ The alleged omni-competence of the council of Edward VI extended far beyond that of any minority council before it, into the realm of religion as well as politics. While this was largely the legacy of the reign of Henry VIII, it allowed the protector to exercise a broader scope of authority than any of his predecessors. Moreover, his hold on both the office of protector and that of governor of the king's person enabled Somerset to maintain greater control over the king.¹¹⁹

The extent of Somerset's authority as protector was open to question, perhaps deliberately. By the terms of an act of 24 December 1547, he was granted by Edward VI:

full power and auctoritie frome tyme to tyme duryng all the tyme aforeseid to do, procure and execute, and cause to be doon, procured and executed all and every such thinge and thinges, acte and actes, which a governour of a kynges person of this realme duryng his tender age, and a protectour of his realmes, domynyons and subjectes, and every of them or either of them ought to doo, procure and execute, or cause to be doon, procured, and executed...¹²⁰

¹¹⁸ *CSP Spanish*, IX, p. 102.

¹¹⁹ M. L. Bush, *The Government Policy of Protector Somerset* (London, 1975), pp. 100ff.; D. E. Hoak, "Two Revolutions in Tudor Government: the Formation and Organization of Mary I's Privy Council", in *Revolution Reassessed*, ed. C. Coleman and D. Starkey (Oxford, 1986), p. 88.

¹²⁰ J. G. Nichols, "The Second Patent appointing Edward Duke of Somerset Protector, *temp.* King Edward the Sixth; introduced by an Historical Review of the various measures connected therewith", *Archaeologia* (1844), p. 481.

Such an extraordinarily vague description of the duties of the protector constituted a considerable shift away from its restrictive definition in the minority of Henry VI. Somerset achieved what Richard of Gloucester had sought: a combination of the offices of protector and governor of the king's person. The authority that Somerset apparently felt was his led often to abusive treatment of his fellow councillors and deliberate refusal to abide by conciliar decisions.¹²¹ Somerset's attitude toward his fellow councillors is revealed in his relations with his own brother, Thomas lord Seymour of Sudeley. Seymour's downfall was brought about by Somerset and the chancellor, Richard Rich, in January 1549, and he was condemned to death on 17 March.¹²² From February 1547 he had been a member of the council. This raises an interesting point: Sudeley had originally been excluded from the list of Henry VIII's executors, perhaps by the king's own wish,¹²³ yet by 2 February 1547 he was the seventeenth member of the council, probably as a response to Sudeley's demand that he be made governor of the king's person.¹²⁴ This represents the single greatest expansion of Somerset's authority, and one which enabled him to transform the collective government envisioned by Henry VIII into his own personal

¹²¹ Hoak, *King's Council* , pp. 127, 178.

¹²² *APC 1547-1550* , pp. 262-263.

¹²³ *CSP Spanish* , IX, p. 341.

¹²⁴ Hoak, *King's Council* , pp. 42, 286 n. 36.

régime: the power, as protector, to appoint the members of the council.¹²⁵ As Professor Elton states, "membership of the Privy Council mattered little at this time because Somerset proceeded to rule without its participation". Moreover, before his ascendancy he had given "no sign of political or administrative competence, and his rule was to demonstrate that he possessed none".¹²⁶

Somerset's misgovernment extended beyond the accretion of authority within the protectorship. On 10 February 1547 he was appointed treasurer of the exchequer,¹²⁷ and only seven days later was created earl marshal of England by a grant referring to him as "Protectoris Regnorum nostrorum & Gubernatoris Personae nostrae".¹²⁸ By the following August he confirmed the grant of the office of lord high admiral to his brother, and on 3 November Somerset was granted certain "prerogatives" to preside over parliament as well as over the council.¹²⁹ He has also been criticised for assembling huge tracts of land for himself in Somerset and Wiltshire, at the expense of both the crown and the bishopric of Bath and Wells, "whose possessions he decimated". According to Professor Elton, "Somerset wanted great wealth and

¹²⁵ Nichols, p. 483; *APC 1547-1550*, pp. 63-64.

¹²⁶ Elton, p. 334.

¹²⁷ *Foedera* (Orig. ed.), XV, p. 124; *HBC*, p. 107.

¹²⁸ *Foedera* (Orig. ed.), XV, p. 130.

¹²⁹ *Ibid.*, pp. 157, 164.

got it; he wanted great power, and having got it did not know what to do with it".¹³⁰

His apparent ineptitude extended also to the area of foreign policy, in which the problems of diplomacy and religion were combined in the protector's vision of a Scottish alliance.¹³¹ Somerset wanted a marriage between Edward VI and Mary, queen of Scots, but French Catholic influence was increasing in Scotland and in July 1547 the Protestants in St. Andrews Castle, including John Knox, surrendered to the French. Accordingly, the protector prepared for an invasion of Scotland, and won the battle of Pinkie on 10 September. Following this considerable victory he established garrisons along the border and up the east coast, hoping to obviate the need for expensive forays into the north. The result, however, was the stiffening of Scottish and French resistance, and the expenditure of £351,000 on the war in two years. Furthermore, in July 1548 Henry II of France sent 10,000 troops to Scotland and withdrew Queen Mary to France, ending the protector's hopes of dynastic unity. After Henry II's declaration of war and placement of a French army in Scotland in 1549, Somerset began the evacuation of the English forces in the north, but by then his own downfall was already approaching.

¹³⁰ Elton, p. 335.

¹³¹ For what follows see *ibid.* , pp. 340-341.

Chapter 3

ENDINGS

Like their beginnings and methods, the endings of the eight alternative governments in England between 1223 and 1549 were diverse. Individual circumstances in each instance, rather than fixed precedents, determined the means by which the kingdom was restored to active royal rule. While the aim was always to return the administration of the kingdom to the king himself in as permanent and stable a manner as possible, the different ways in which this was carried out or, in some cases, interpreted, led to very different outcomes.

I. HENRY III: THE ENDING OF THE MINORITY, 1223-1227

In 1223 Honorius III declared Henry III to be of full age for the purpose of conducting the *negotia regni* himself, a statement which was repeated by Gregory IX on 13 April 1227.¹ Henry III thus had the authority to re-appoint sheriffs, foresters, and other local officials under the great seal after the declaration of 1223.² Moreover, the declaration of 1223 effectively freed the king from the need for a guardian, which removed Peter des Roches from his position of influence.³ Thus, the single major figure after 1223 was the justiciar Hubert de Burgh; he came very much into his own as the unofficial leader of the king's counsellors following

¹ Roger of Wendover, II, p. 273; for the renewal, see *Foedera* (Record ed.), I, p. 190.

² *CPR 1216-1225*, pp. 417-423.

³ West, p. 236.

Pandulf's departure in 1221, a rise which continued after the papal declaration of 1223.⁴

In addition to the king's partial control of patronage after 1223, the difficulties of returning surrendered royal lands and property to nominal royal control, and of enabling the king to grant charters on a perpetual basis, were principal factors in the first step towards the ending of the minority.⁵ One major question which had to be considered, and for which, like so many other aspects of Henry III's minority, there was no available precedent, was the age at which the king should be considered an adult for the purposes of government.⁶ According to Powicke, "There is a faint indication that in official circles his thirteenth birthday (1 October 1220), a few months after his second coronation, was at one time considered".⁷ Moreover, the regency arrangements may have been terminable at papal discretion at any time following the king's fourteenth birthday, which might have contributed to the decision of Honorius III not to replace Pandulf.⁸ The papal declaration of 1223 helped address the

⁴ *Ibid.* , p. 225; Powicke, *King Henry III* , p. 38.

⁵ Stacey, pp. 17-23; *CPR 1216-1225* , p. 173.

⁶ For a general discussion of this problem throughout the English royal minorities, see C. T. Wood, "The Child Who Would be King", in *Joan of Arc and Richard III* (New York, 1988), pp. 29-44.

⁷ Powicke, *King Henry III* , p. 43.

⁸ Norgate, p. 173.

problem of granting charters in perpetuity, and following it, the royal letters began to bear the legend "teste me ipso".⁹

In February 1227 Henry III judged himself to be of full age to carry out all royal business, freed completely "de consilio et gubernatione" of Peter des Roches and many of his other counsellors, with the notable exception of the justiciar.¹⁰ The king further proceeded to review all major royal charters granted during his minority under the authority of his own seal, with the assistance of de Burgh, whose involvement in the matter was widely resented. Henry III reasoned that all major business conducted in his name, but without his direct approval, during his minority was void once he was of age; such charters therefore required renewal.¹¹ As the king was by then in his twentieth year, his decisions on his own status and that of the charters of his minority met with little disagreement.

II. EDWARD III: THE RETURN TO ROYAL RULE, 1330

The orderly end of the minority of Henry III contrasts sharply with the end of the minority of Edward III. The regime of Isabella and Mortimer by 1329 rivalled that of the Despensers in its acquisitiveness, particularly of land and authority for the earl of March. It avoided the Despensers' greatest mistake, however,

⁹ Clanchy, p. 206.

¹⁰ Roger of Wendover, II, p. 318.

¹¹ *Ibid.*

by building an affinity through generous grants of land to the followers of the queen and the earl, on the grounds that "followers and military support were more important than cash".¹² Nonetheless, the new coalition "began to split up into its constituent elements as soon as its triumph was assured". The major cause of this was "the jealousy between the followers of the Lancastrian tradition and the new court party, which strove to give effect to the wishes of queen Isabella and Mortimer".¹³ Despite the efforts of Mortimer and Isabella to reward loyalty to their regime, the force by which they had attained control, and their tenacity in keeping it (to the extent of all but separating the king from the minority council and its members, and preventing the council from performing its duties), ensured that their position was insecure. Furthermore, it became increasingly difficult to prevent Edward III himself, already fifteen years old in 1327, from demanding his full role in government.

The first major step towards the downfall of the regime, and the end of Edward III's minority, came with Mortimer's circumvention of the terms on which the minority council had been instituted in order to control access to the king. The standing council was supposed to consist of four bishops, four earls, and six barons, with the constant attendance of two barons and one bishop and one earl; Henry of Lancaster had further

¹² Fryde, *Edward II*, p. 210.

¹³ Tout, III, p. 10.

been appointed "in coronatione regis per procerum consensum regis custos deputatus", but had been prevented from effectively carrying out his duties under the appointment.¹⁴ The avarice of the queen and her companion, in addition to Mortimer's almost exclusive control of offices in Wales and the assumption of the hitherto nonexistent title of earl of the March of Wales, further alienated the minority council, particularly Henry of Lancaster and Edward II's brother, the earl of Kent.¹⁵ The increasing isolation of the ruling faction from their former supporters, facilitated in part by the removal of the Exchequer and King's Bench from Westminster to York in September 1327,¹⁶ further alienated those, such as Lancaster and Kent, who felt that they had a claim to a role in the administration.¹⁷ Lancaster's dissatisfaction at being excluded from the ruling coalition, despite his nominal appointment as *custos*, led to the threat of armed confrontation with Mortimer by October 1328, with the support of the two archbishops, bishop Stratford, and several others.¹⁸ According to Stubbs, "the avowed object of the rising was to deliver Edward from the hands of Mortimer, to restore the power of the council nominated at the coronation, and to bring to

¹⁴ Stubbs, II, p. 387 and n. 1.

¹⁵ *Ibid.*, p. 389; *English Government at Work*, I, ed. Willard and Morris, p. 136.

¹⁶ *Foedera* (Record ed.), II, p. 717.

¹⁷ Tout, III, pp. 14-15.

¹⁸ *Foedera* (Record ed.), II, p. 753.

account the negotiators of the peace with the Scots".¹⁹ Lancaster's attempt to force the issue, however, failed due both to the invasion of the earldom of Leicester by Mortimer in January 1329, and to the defection of Kent. Compelled to back down, he was fined the enormous sum of £30,000, and his opposition to Mortimer was, for the moment, effectively ended.²⁰

Despite the apparent failure of Lancaster and his adherents, the growing insecurity of the *de facto* rulers led to a decision that more drastic steps must be taken to discover and eliminate their enemies. Kent's cooperation with Lancaster, and his vacillation, singled him out, and Mortimer ordered his agents to persuade the earl that Edward II was still alive and to join a plot to rescue and restore him. The result was Kent's arrest for treason in parliament at Winchester in March 1330, and his execution after a swift trial.²¹ Edward III reported the earl's execution to the pope on 24 March.²² While Kent's execution eliminated another potential enemy of the regime, it also persuaded Edward III of the need to take action himself if he was ever to rule in fact as well as in name. With the cooperation

¹⁹ Stubbs, II, p. 390.

²⁰ *CCR 1327-1330*, p. 528; G. A. Holmes, "The Rebellion of the Earl of Lancaster, 1328-9", *BIHR* (1955), pp. 84-89. The debt was cancelled after Mortimer's arrest: *CCR 1327-1330*, pp. 530-531.

²¹ *EHD*, IV, no. 3, pp. 50-51; Stubbs, II, p. 391; Ronald Butt, *A History of Parliament: The Middle Ages* (London, 1989), pp. 237-238.

²² *Foedera* (Record ed.), II, p. 783. Mortimer, however, confessed before his own execution that Kent was innocent, and the victim of a plot (*RP*, II, p. 33).

of Richard de Bury, the keeper of the privy seal, the king sent a communiqué under his privy seal to John XXII shortly after Kent's death, specifying the use of the password *pater sancte* in Edward's own hand on any letter which originated from Edward himself.²³ The following October, while the Great Council met at Nottingham, Edward, with the assistance of Lancaster and several others, captured and imprisoned Mortimer.²⁴ Edward III made a public declaration of this action on 20 October.²⁵ It is reasonable to assume that Edward feared that Mortimer might soon strike back. Bishop Orleton's readiness on Mortimer's behalf to prevent Edward III's succession in 1327 if Edward II refused to abdicate clearly indicated Mortimer's willingness to consider such a step in the right circumstances.²⁶ The charges brought against Mortimer in parliament the following month included usurping the royal authority "over the estate of the king", and dismissing the king's officials at will; murdering Edward II; ordering, "by the royal power which he had usurped", that no one should attend the Salisbury Parliament under arms, and then disobeying his own order; causing the king to make him earl of March, "to the disinheritance of our lord the king and his crown"; contriving the death of the earl of Kent; and other offenses against the estate

²³ C. G. Crump, "The Arrest of Roger Mortimer and Queen Isabel", *EHR*, XXVI (1911), pp. 331-332.

²⁴ *EHD*, IV, no. 5, pp. 52-53.

²⁵ *Select Documents*, no. 31, pp. 41-42.

²⁶ McKisack, p. 91.

and office of the king. Mortimer was condemned, and executed on 29 November 1330.²⁷ Queen Isabella, by contrast, got off lightly: though she had to surrender many of her embezzled resources, she was allowed her freedom and £3,000 a year until her death in 1358.²⁸ Edward III's minority was then considered ended, and the king ruled for himself.

III. RICHARD II: THE APPELLANTS AND THE END OF THE MINORITY, 1386-1389

Like that of his grandfather, the minority of Richard II ended with much overt unrest in the inner political circles of the court and household, in the shadow of the lords Appellant and the Merciless Parliament of 1388. Richard II's minority, in an administrative and political sense, had ended with the dismissal in January 1380 of the last of the three "continual councils"; but the instability engendered by the lack of any measures to address the continuation of minority rule from 1380 to 1386 made itself felt both in the Peasants' Revolt of 1381 and, later, in the violent efforts of the lords Appellant to control the king and his favourites.

The causes of the crisis were long-term - the growth of a relatively young group of influential favourites around the king in the absence of John of Gaunt, and widespread suspicion of

²⁷ *RP*, II, p. 52; trans. in *EHD*, IV, no. 6, pp. 53-54.

²⁸ McKisack, p. 102.

Richard II's conciliatory policy towards France. The first tangible results, however, came in 1386 with the demand of the commons for the impeachment of the chancellor, Michael de la Pole, earl of Suffolk.²⁹ In response to the threat of a French invasion from Sluys, which had raised the cost of defending the south-east,³⁰ Pole had demanded a grant of four tenths and fifteenths, to which the reply was a demand for Suffolk's dismissal. Richard's famous answer to the commons was that he would not dismiss even a scullion at their request. The attitude of the commons was not improved either by a rumour of a royalist plot to murder the leaders of the parliament, or by the king's threat to invite the king of France to intervene in Richard's defence. The potential consequences of defying the commons on this point were more severe than Richard thought: he was approached by his uncle, Thomas of Woodstock, duke of Gloucester, and by Thomas Arundel, bishop of Ely, who threatened him with deposition in the manner of Edward II if he would not give way. He immediately bowed to the commons' request, and the impeachment of Suffolk went ahead.³¹ He resigned office on 23 October, and was replaced the following day by Bishop Arundel.³² The charges against Suffolk were not severe, as several opposition nobles came to his defence; but the action taken

²⁹ Tuck, pp. 104-105.

³⁰ Tout, III, p. 411.

³¹ Stubbs, II, pp. 495-497.

³² *Foedera* (orig. ed.), VII, p. 548.

against the king was more serious, with the establishment of a "commission" to investigate the royal finances, on a basis very similar to the appointments of the "continual councils" of the 1370's. The exception was that the new commission was given much wider powers of inquiry into royal revenues and land grants, and of supervision over the royal household.³³ On 19 November the members of the new commission were announced, numbering fourteen including the three officers of state; among them were the two archbishops, the king's two uncles of York and Gloucester, the bishops of Winchester and Exeter, and several others.³⁴ The king approved of the appointments by letters patent on condition that the new body hold office for only one year, although he was subject to any decision made by a bare majority of the new commissioners.³⁵

Richard II's immediate reaction to the parliament of October 1386 was concession by necessity, but it remained so only until the king could gather a defence. In August 1387, he called together a body of judges at Shrewsbury and later at Nottingham, and requested that they pronounce on the legality of the parliament's actions.³⁶ Their answers, which stated that the imposition of any parliamentary act contrary to the king's will

³³ Tuck, p. 105; Given-Wilson, *Royal Household*, p. 117.

³⁴ Baldwin, p. 127.

³⁵ *RP*, III, p. 221.

³⁶ *Select Documents*, no. 123, pp. 137-139.

was destructive of the royal prerogative and could effectively be construed as treason, was not merely just what Richard II wanted to hear; it was "a more explicit, and more royalist, formulation of the relationship between the king and the law than at any time since the conflicts of Edward I's last years, and a direct rebuttal of Gloucester's and Bishop Arundel's view of the constitution".³⁷ The response showed the king's opponents that they had nothing to lose by military force, since they were already technically traitors, and they gathered strength by mid-November, confronting the king and "appealing" of treason against Richard's favourites, including Pole and Robert de Vere, earl of Oxford and duke of Ireland. After de Vere raised forces in Richard's defence, he was defeated at Radcot Bridge on 20 December 1387. The king was again threatened with deposition, which may actually have taken place for two days; if it did, then he owed his restoration to the inability of the Appellants, particularly Gloucester and Henry of Bolingbroke, to decide who should replace him.³⁸ Richard was forced to yield again on 29 December, and from 31 December writs and letters patent were warranted *per concilium*.³⁹

Under the influence not of Richard II but of the lords Appellant, the so-called "Merciless Parliament" met from 3

³⁷ Tuck, p. 116.

³⁸ *Ibid.*, p. 119.

³⁹ Tout, III, pp. 425-428.

February to 4 June 1388. When the Appellants set forth the appeal of treason of Richard II's former associates, the lawyers declared it unlawful according to the civil and common law. The response of the Appellants was that it addressed crimes of such importance that it could be dealt with only under the "law of parliament", which was the highest law of the land, and whose judges were the lords assembled therein "with the king's assent". Although both Pole and de Vere had escaped to the continent, several other allies of the king were executed. The severity of the measures taken against the king's party ended, however, when Richard II renewed his coronation oath at the end of May.⁴⁰

The Appellants were much less successful at solving the financial problem. Through the sale of forfeited property they raised £10,000 to be used to pay royal debts, but they had been granted £20,000 to cover the expenses of bringing the traitors to trial.⁴¹ Such futile financial arrangements, as well as the Scottish success in invading the north and winning the battle of Otterburn on 5 August, gave Richard the leverage he needed to regain power, especially since the absence of de Vere, Pole and Simon Burley aided his image as much as it did the Appellants' cause. After mediating in a dispute between the lords and commons over livery and maintenance in the October Parliament of 1388, Richard substantially re-established his credibility with

⁴⁰ *Ibid.* , p. 437.

⁴¹ *RP* , III, p. 248; Tuck, p. 129; Given-Wilson, *Royal Household* , p. 120.

parliament at the Appellants' expense. From the end of 1388 to the spring of 1389, the Appellants ceased attending to the daily business of government, leaving that to a small group of councillors under the chief officers of state. Richard himself made his intentions clear when on 3 May 1389 he ended the rule of the Appellants by publicly declaring an end to his minority; thenceforth he openly exercised the royal prerogative.⁴²

IV. HENRY VI: FROM PROTECTORATE TO MAJORITY RULE, 1429-1437

The extraordinary circumstances of the minority of Henry VI, and the difficult political arrangements which accompanied it, ensured that it ended in several stages, beginning with the king's coronation in England in 1429. Despite, or perhaps because of, three previous minorities in mediaeval England, there was no accepted precedent indicating when a royal minority should end, particularly one which had begun in the king's infancy.⁴³ As Professor Griffiths has observed, "There was certainly no compelling reason in England for a coronation in 1429; it had been delayed for seven years already, and there was no reason why it should not wait until the king was older."⁴⁴ Indeed, in the case of a king who succeeded as an infant, the only practical limit on the time of the coronation was the necessity of waiting until the king was old enough to recite the coronation oath. In this

⁴² Baldwin, p. 130.

⁴³ Wolffe, pp. 48-49.

⁴⁴ Griffiths, *Reign of Henry VI*, p. 189.

instance, however, foreign policy requirements, in particular the need to recapture the initiative in France following the unexpected success of Joan of Arc, and the coronation at Rheims of Charles VII on 17 July 1429, dictated a swift coronation, first in England and then in France. On 6 November 1429, one month before the king's eighth birthday, he was crowned in Westminster Abbey. The ceremony certainly helped to reinforce the administrative fiction that the king was competent to carry out his political duties, but it was equally clear that at the age of seven he was not yet able to do so. However, the coronation did bring about one major administrative change: while it could not end the minority, it did put an end to the office of protector filled by Gloucester and Bedford. This step was taken by the Great Council in parliament on 15 November; the councillors reasoned that since the coronation oath required the king to swear to protect the realm and the Church himself, the office of protector was unnecessary.⁴⁵ Accordingly, Gloucester relinquished the office but retained, along with Bedford according to the former arrangement, the position of principal councillor of the king.⁴⁶ Thus, when Henry VI departed for France in 1430 to be crowned there in accordance with the treaty of Troyes, Gloucester was appointed keeper of the realm on 21 April, since both Bedford and Cardinal Beaufort were absent from England.⁴⁷

⁴⁵ *Select Documents* , no. 237, pp. 263-264.

⁴⁶ *RP* , IV, pp. 336-337.

⁴⁷ *CPR 1429-1436* , pp. 40-44; *Foedera* (Orig. ed.), X, p. 458.

Although the extent of Gloucester's authority had never been great, his retention of the position of principal councillor gave him a say in the administration of the realm after 1429, not least in matters concerning the person of the king. This became evident when on 9 November 1432 Richard Beauchamp, earl of Warwick, petitioned for an increase in his authority as Henry VI's personal guardian. Warwick's desire for augmented authority stemmed from his concern that Henry's approach to adolescence would make him increasingly susceptible to unwise counsel, and he wanted a measure of control over who could, and could not, see the king. The council agreed to this request, with the condition that on matters of access to the king, Warwick had to consult Gloucester or "the remenant of the Kinges Counsail".⁴⁸ The concern of Warwick and others over Henry's emerging political attitudes was well-founded, especially after the disappearance of Bedford's mediating influence with his death on 15 September 1435; thereafter both Beaufort and Gloucester encouraged the king to become independent of the other's influence. The king's trust in Gloucester continued, in spite of Beaufort's efforts; for example, on 1 November 1435 Gloucester was appointed king's lieutenant in Calais and the Marches, as well as in Picardy, Flanders and Artois.⁴⁹

⁴⁸ *Paston Letters* (ed. Gairdner, 1904), II, pp. 34-38.

⁴⁹ *Foedera* (Orig. ed.), X, p. 624.

By the middle of 1436, Warwick had been relieved of his guardianship of the king, and on 28 July of that year Henry VI issued the first surviving warrant on his own authority, in the form of a grant to Cardinal Beaufort.⁵⁰ In the summer of 1436, Henry VI was fourteen years old, and it may have been thought customary, as in France, to consider that age proper for the attainment of a royal majority.⁵¹ It was not, however, until the fall of 1437 that it was thought necessary to place the king firmly at the head of the administration. This step was taken by Henry VI himself on 13 November, when he reappointed his council, at the head of which were both Gloucester and Beaufort, and outlined its duties:

namely for the conservacion of the lawes, custumes, and statutes abovesaid, yevyng hem poair to here, trete, common, appoynt, conclude, and determine suche matiers as shal happen for to be moved among hem; always forseen that chartiers of pardon of cryme, collacions of benefices that shal voide in dede, and offices and other thynges that stond in grace be reserved unto the kyng for to do and dispose for hem as hym good semeth.⁵²

This reapportionment of authority, especially the reservation of prerogative powers to the king himself, amounted to the emergence of Henry VI's majority rule.

⁵⁰ *CPR 1429-1436*, p. 601.

⁵¹ Griffiths, *Reign of Henry VI*, p. 232 and p. 263 n. 4. Griffiths points out that, in practice, neither Henry III nor Richard II came into full control of their prerogatives when they reached the age of 14.

⁵² *PPC*, VI, pp. 312-315.

V. HENRY VI: THE END OF YORK'S PROTECTORATES, 1455-1460

Although it was difficult to determine the proper end to a royal minority, it was not as puzzling to decide when an adult king who had lost his wits was ready to resume the duties of government. This was the problem which faced the lords of Henry VI's council twice, in 1455 and 1456. The solution of the lords to the problem posed by Henry VI's illness had been to appoint Richard duke of York as protector, based on the precedent of 1422. York's initial appointment, on 3 April 1454, lasted until the end of that year.⁵³ Although, judging by subsequent events, the recovery of Henry VI at Christmas 1454 may have been more apparent than real, it seemed sufficient at the time to remove the justification for York's continued tenure of the office of protector. By 9 January 1455, the news of the king's recovery was abroad sufficiently for Edmund Clere to write to John Paston that:

...the Kyng is wel amended, and hath ben syn Cristemesday... And my Lord of Wynchestr and my Lord of Seint Jones were with him on the morow after Twelftheday, and he speke to hem as well as ever he did; and when thei come out thei wept for joye.

And he seith he is in charitee with all the world, and so he wold all the Lords were.⁵⁴

⁵³ Johnson, *Richard of York*, p. 135.

⁵⁴ *Paston Letters*, III, pp. 13-14.

The first result of the king's recovery was the release of the duke of Somerset from the Tower of London, where he had been held for some months without trial during York's protectorate.⁵⁵ It is likely that Somerset's release was sought by Henry VI and Margaret of Anjou, and it was formalised on 5 February; but the duke was required to reply to the charges against him, and to stay at least twenty miles away from the king.⁵⁶ These conditions lasted only one month, after which, on 4 March, Henry VI relieved Somerset of all his obligations under the release agreement and restored him to the position of his principal minister, undoubtedly much to York's displeasure.⁵⁷ Before this, however, York had surrendered the protectorship and, in fact, was not styled protector at the meeting of the Great Council on 5 February 1455 which agreed to release Somerset.⁵⁸

The unsettled circumstances following the first battle of St. Albans apparently precipitated a return to York's predominance on the council.⁵⁹ This predominance was not confirmed by a renewal of the protectorate, however, until procedures were

⁵⁵ He had been imprisoned on suspicion of treason in February 1454; his release, since he had not been formally charged, was discussed by the council on 18 July 1454 and denied until at least the next meeting of the Great Council: *PPC*, VI, pp. 206, 214-216.

⁵⁶ *Foedera* (Orig. ed.), XI, p. 361.

⁵⁷ *CPR 1452-1461*, p. 226; *Great Chronicle*, p. 187; Griffiths, *Reign of Henry VI*, p. 739.

⁵⁸ Johnson, p. 152 and n. 159.

⁵⁹ *Gregory's Chronicle*, pp. 198-199.

enacted to do so in parliament on 17 November 1455.⁶⁰ This protectorate, apparently designed to expedite the suppression of disorder in the west country, was effective only for the duration of the Parliament of 1455-56. The speed with which the protectorate was instituted in this parliament (the session having opened on 12 November) seems to indicate that the revival of the office was planned, and that York felt that his position was insecure. The excuse given by the commons, that the king might be in danger of a relapse if the strain of work were not lifted from him, need not indicate that he had, in fact, suffered a relapse of his illness.⁶¹ However, the reaction to the acts of resumption in the parliament evidently had an effect upon the strategy of York and his allies,⁶² for on 9 February 1456 John Bocking wrote to Sir John Fastolf stating that "this day my Lordes York and Warwik comen to the Parlement in a good aray, to the noumbre of iij^c. [300] men, all jakkid and in brigantiens, and noo lord elles, wherof many men mervailed".⁶³ Certainly such a demonstration of armed force betrayed York's feelings of insecurity. It also destroyed any chance he might have had to retain the king's trust, for in the same letter Bocking revealed that:

⁶⁰ *RP*, V, p. 286; *Select Documents*, no. 264, p. 305.

⁶¹ See Lander, "York's Second Protectorate", esp. p. 83.

⁶² See Johnson, p. 173, and above, Chapter 2, § V.

⁶³ *Paston Letters*, III, pp. 74-75.

The Kyng, as it was tolde me by a grete man, wolde have hym chief and princepall counceller, and soo to be called hise chef counceller and lieutenant as longe as hit shuld lyke the Kyng... But soome men thinken it wil ner can otherwise bee; and men speke and devyne moche matere of the comyng this day in suche array to Westminster... The Quene is a grete and strong labourid woman, for she spareth noo peyne to sue hire thinges to an intent and conclusion to hir power.⁶⁴

Whether it was the decision of Henry or of Margaret of Anjou to deprive York of the position of chief councillor is an open question; it is more certain that York's show of force was a deciding factor against him. Two weeks later, on 25 February 1456, Henry VI, apparently fully recovered (if indeed he had suffered a relapse at all), appeared in parliament in person to relieve York of the office again.⁶⁵

By 1460 Richard of York had been repeatedly deprived of the authority as an adviser and councillor to Henry VI which he felt his position as a close relative warranted. The victory of Richard Neville, earl of Warwick (the "Kingmaker") and York's eldest son Edward earl of March at Northampton on 10 July appeared to revive Duke Richard's fortunes considerably, and two months after the battle York returned to London, unbidden, from Ireland, marched into the lords' chamber in the Palace of Westminster and laid his hand upon the empty throne.⁶⁶ His response to the

⁶⁴ *Ibid.*

⁶⁵ Lander, "York's Second Protectorate", p. 90.

⁶⁶ Storey, p. 188.

archbishop of Canterbury's suggestion that he visit the king is well known: "I know of no person in this realm whom it does not behove to come to me and see my person rather than that I should go and visit him".⁶⁷ In fact, York may have intended to establish his claim to the throne before the parliament of October 1460: three of his own letters patent, beginning on 13 September, were dated by the year of grace rather than the regnal year of the king, suggesting that York had renounced his allegiance.⁶⁸ The acceptance by the lords of the legitimacy of York's claim led to the so-called "third protectorate" under which York was recognised as heir apparent to the throne.⁶⁹ This last "protectorate" under York lasted barely two months; as Professor Griffiths states, "the accord of 31 October had made it certain that sooner or later the dynastic dispute would be transferred to the battlefield. For the Lancastrians, there was no other way of annulling what Henry VI had been prevailed upon to accept".⁷⁰ York's march northwards to his stronghold of Sandal, near Wakefield, was understandable due to the necessity of finishing the political struggle in a military fashion; it was foolish, however, to abandon an area of comparative safety in the south - London - in order to face the enemy in his area of strength, the

⁶⁷ Wolffe, *Henry VI* , p. 324.

⁶⁸ K. B. McFarlane, "The Wars of the Roses", in *England in the Fifteenth Century: Collected Essays* (London, 1981), p. 237, n. 14.

⁶⁹ *RP* , V, pp. 375-379; *Gregory's Chronicle* , p. 208; *Select Documents* , no. 270, pp. 318-319.

⁷⁰ Griffiths, *Reign of Henry VI* , p. 870.

north. On 30 December, on the pretext that the Lancastrians had broken a Christmas truce, a force under York and Richard Neville, earl of Salisbury, left Sandal Castle to attack a much larger army under Henry Beaufort, duke of Somerset and several other northern Lancastrian lords. York's death in the battle, along with his son Edmund earl of Rutland, and Salisbury, put an abrupt end to his final "protectorate" and to his royal pretensions.⁷¹

VI. EDWARD V: THE USURPATION OF RICHARD III, 1483

The end of the minority of York's grandson, Edward V, less than twenty-three years after the sudden failure of the duke's dynastic hopes, came about in the most unexpected and violent way of any royal minority in England. The central question of exactly when, and why, Edward's uncle and protector decided to cast his nephew aside completely and claim the throne for himself, is not one that can ever be fully answered; but it must be examined in order to understand the way in which Edward V's status as a minor, and the protectorate of Richard of Gloucester, failed to protect him from destruction when several of his predecessors had faced as minors circumstances which were potentially as dangerous. Edward V's single greatest disadvantage in 1483, however, was clearly his age. At twelve, he was too young to rule but too old to be discounted as a direct factor in politics. As Dr. Horrox has aptly observed:

⁷¹ *Great Chronicle*, p. 193; Johnson, *Richard of York*, p. 223.

Although conventional wisdom sees a long royal minority as the most daunting prospect any medieval state might face, in many respects a short minority posed more intractable problems. Any distribution of power could be only temporary and everyone involved knew it: a situation which brought its own tensions. In addition, an adolescent king needed to be taken into account in a way that an infant did not. Even if the king himself did not press for an early political role, others might well do so on his behalf as a way of strengthening their own position. Control of an almost adult king was a potent political weapon.⁷²

Gloucester did not openly announce his intention of displacing Edward V until the closing days of June 1483, but it is reasonably certain that he had decided to do so early in that month.⁷³ His original intention may simply have been to retain his position as protector for as long as possible as a defence against the Woodvilles; the precedent of 1429 was for the office to lapse on the coronation of the new king, a ceremony which Richard several times postponed, the last time to 9 November.⁷⁴ There was, however, no real justification for postponing the coronation beyond the summer of 1483. There is also evidence that Gloucester was seeking to have his protectorship extended beyond the coronation. The draft of Bishop John Russell's sermon for the intended parliament of Edward V contains the broad

⁷² Horrox, p. 89.

⁷³ For a more extended account and interpretation of these events than can be offered here, see Ross, *Richard III*, pp. 63-104, and Horrox, pp. 89-137.

⁷⁴ R. F. Green, "Historical Notes of a London Citizen, 1483-1488", *EHR* (1981), p. 588.

implication that Gloucester would retain the powers of a protector beyond the coronation; one of Russell's texts was Psalms 22:9, which included the phrase *tu es protector meus*.⁷⁵ This option does not, though, appear to have been seriously considered after 13 June. Although Dr. Hicks believes that "Richard may well have left his options open even after the execution of Lord Hastings on 13 June 1483", this is unlikely, and it is much safer to take Hastings' execution as the essential starting point of Richard's road to the throne.⁷⁶ The sudden manner of Hastings' death clearly points to the execution as the initial step in a pre-determined plan, and indicates that Hastings had revealed his opposition to Gloucester on an issue on which the protector could brook no dissent. This issue could have been the plan to extend Richard's protectorship after the coronation, but was perhaps the removal of Edward V's brother, Richard of York, from sanctuary in Westminster Abbey to join the young king in the Tower, an action which would not have been necessary unless Gloucester was planning to usurp the throne. The protector went ahead with the coercion of the young duke from Westminster on 16 June, three days after Hastings' death.⁷⁷

⁷⁵ See the text of Russell's sermon in Chimes, *Constitutional Ideas*, pp. 177-178.

⁷⁶ M. A. Hicks, "Richard III as Duke of Gloucester: A Study in Character", Borthwick Paper no. 70 (University of York, 1986), p. 3.

⁷⁷ *Crowland Chronicle*, p. 159.

According to the Crowland Chronicle, it was Gloucester's own idea to publicise the story of Edward IV's "pre-contract" of marriage with Lady Eleanor Butler. Gloucester's supporters, notably Henry Stafford, duke of Buckingham, used this story in the week following York's removal from sanctuary to discredit publicly Edward V and his brother as illegitimate and therefore unable to inherit the throne.⁷⁸ Dominic Mancini's account of the usurpation has it that the sermon on 22 June by Dr. Ralph Shaw at St. Paul's Cross stated that Edward IV himself was illegitimate. Richard soon abandoned this attack on his own mother, and the claim was then modified to the suggestion that the dead king's children were illegitimate due to the pre-contract.⁷⁹ However, there are good reasons for supposing that a claim on these grounds was legally invalid. Edward IV's marriage to Elizabeth Woodville had taken place in 1464; Eleanor Butler had died in 1468, and Edward V was not born until 1470. Moreover, the Church had long accepted both Edward IV's marriage and his children as legitimate. The only king who had an interest in suppressing the pre-contract story was Henry VII, since the only

⁷⁸ *Ibid.* , p. 161. The full account of the justification of Richard III's title to the throne appears in the Parliament Roll for January 1484, and has come to be known as the "Titulus Regis". It included a general indictment of Edward IV's rule, a step which was to be expected, but Horrox observes that this was probably added only after the rebellion of October 1483 alienated many of Edward IV's household men from Richard III's regime. See *RP* , VI, pp. 240-242, and Horrox, pp. 118-119.

⁷⁹ Mancini, pp. 94-95.

one of Edward IV's children who would have been illegitimate was Elizabeth of York, born in 1466.⁸⁰

In any event, the pre-contract tale was, officially at least, the main justification for Richard's displacement of his nephews. Gloucester's other nephew, Edward earl of Warwick, the surviving son of George duke of Clarence, was said to be disqualified due to his father's attainder, although such a disqualification, in a legal sense, did not necessarily apply to the right of inheritance to the throne. The actual reason for the lords' acceptance of Gloucester's claim, however, was clearly armed force. The duke's supporters had shown themselves in the capital in large numbers, possibly at the instigation of Buckingham, and on such a basis Gloucester's title was a *fait accompli*.⁸¹ On 26 June Richard of Gloucester formally assumed the throne as Richard III and began to reign from that date.

Gloucester may have seen usurpation as the only opportunity for self-preservation in the face of the threat both from the Woodvilles and, potentially, from Edward V after the young king's coronation. The example of his namesake, Humphrey, could not have escaped his notice, and the Woodvilles had apparently planned for the possibility of excluding him from power during

⁸⁰ Ross, *Richard III*, p. 91. For a different view, see R. H. Helmholz, "The Sons of Edward IV: A Canonical Assessment of the Claim that they were Illegitimate", in *Richard III: Loyalty, Lordship and Law*, ed. P. W. Hammond (London, 1986), pp. 91-103.

⁸¹ Polydore Vergil, p. 186; *Crowland Chronicle*, pp. 159-161; Horrox, p. 120.

the minority by armed force. Yet his position at the time of Hastings' execution was much stronger than has been often supposed. The weak financial situation may have strengthened Gloucester's position by giving him the opportunity to lend money to the Crown; the young duke of York posed no direct threat in sanctuary; and Gloucester's position as protector appears to have been safeguarded, even after the coronation.⁸² It is difficult, in this light, to see the usurpation simply as a response to panic; indeed, Dr. Horrox is probably correct in arguing that "throughout May the protectorship had seemed viable. It was Gloucester who chose to put an end to it."⁸³

The contrast between the events of 1483 and those of 1422 is striking. It is worth asking why the Lancastrian dynasty, after twenty-two years of questionable occupation of the throne, survived a minority crisis which at first glance was by far the more serious of the two, when the Yorkist dynasty headed for collapse after a similar period of rule and in similar circumstances. Dr. Horrox observes that it was perhaps more difficult to manage the minority of a king who was nearly adult rather than of one who was an infant.⁸⁴ Furthermore, Edward IV had had to rely during his reign on the support of a divided body of nobles who were either related to him by marriage or who

⁸² See Horrox, *Richard III* , pp. 111-112.

⁸³ *Ibid.* , p. 112.

⁸⁴ *Ibid.* , p. 89.

owed him political debts.⁸⁵ Henry V, by contrast, had established his rule not on the basis of dispensing favours, but on the conduct of a foreign war, and left a united nobility to deal with his younger brother's claims to power. In 1483 the nobility was divided, allowing Richard of Gloucester to seize the initiative at least partly through a show of force - something for which Humphrey of Gloucester neither had, nor probably could have obtained, sufficient support. Finally, the draft of Russell's sermon shows that Richard was able to persuade the council to allow him much more authority under the protectorship than the council of 1422 would have tolerated.

VII. EDWARD VI: THE OVERTHROW OF THE DUKE OF SOMERSET, 1549

While the minority of Edward VI strictly ended only with his death on 6 July 1553, that event in itself adds little to an account of the differing circumstances of the ending of royal minorities.⁸⁶ It is more appropriate to look at the event in the middle of Edward's reign which brought about a major change in the government, and which brought to an end the last protectorate.

The fall of protector Somerset in October 1549 was the result of a struggle between the protector and John Dudley, earl of Warwick and later duke of Northumberland. One reason was the protector's practice of controlling all of the patronage normally

⁸⁵ Charles Ross, *Edward IV* (London, 1974), p. 424.

⁸⁶ Elton, pp. 373-375.

reserved to the king (and therefore to be exercised by the council as a whole) in favour of his own followers.⁸⁷ Offices and estates did not go only to Somerset's adherents; the protector's own collection of titles and offices went beyond any equitable distribution of patronage in the council. As early as 10 February 1547 Somerset had been made treasurer of the Exchequer, and one week later earl Marshal of England; he received further positions in parliament on 3 November of that year; and in August 1548 he was created king's lieutenant and captain general.⁸⁸ Moreover, Warwick had reason to fear, at least immediately after the death of Henry VIII, an alliance of Somerset and his brother, baron Seymour of Sudeley; his policy may thus have been aimed since late 1548 at driving the two brothers apart, a goal which was accomplished with the execution of Sudeley for treason (at his brother's behest) in March 1549.⁸⁹ Warwick had reason also to be concerned at the protector's religious policy, which had provoked Kett's rebellion in July and August 1549.⁹⁰

A more immediate cause of Warwick's opposition appears to have been Somerset's jealous reaction to the earl following

⁸⁷ A. J. A. Malkiewicz, "An Eye-witness's Account of the *Coup d'État* of October 1549", *EHR* (1955), pp. 601-602.

⁸⁸ *Foedera* (Orig. ed.), XV, pp. 124, 130, 164, 174.

⁸⁹ Hoak, *King's Council*, p. 240.

⁹⁰ On the religious policy of Somerset, and Warwick's reaction to it after the *coup* of October 1549, see Bush, chapter 5, and Hoak, *King's Council*, pp. 241-246.

Warwick's success in suppressing the revolt against the introduction of the first Book of Common Prayer at Norwich late in the summer of 1549. One of Somerset's secretaries wrote that:

...after the Battayle, the Duke of North. [Warwick] write to the Duke of Somerset to haue in reuersion .ii. offices after Sir Andrew Flammoche, for my lord Ambrose his son; in consideration of his seruice who was one with the first that entered the gate upon the rebelles; the which offices were giuen to Thomas Fisher, one of the Duke of Sormerset chambre, being mortall ennemy to the Duke of North. who take it uery euell, both to goo without his request, and to haue it bestowed as it were in spyte upon his ennemye...⁹¹

Warwick then proceeded to refer to Somerset in private to others on the council as "a coward, a breaker of promes, a nigard; covitous and ambitious, and such a one as neuer none of seruice coulde hope to haue any good bye".⁹² The first open signs of a breach between Somerset and the other councillors as a body, however, began to appear in the council meetings in the first week of October.⁹³ The protector does not appear to have been aware until then of the extent of the conspiracy against him, which had been led by Warwick since at least September. Warwick, however, was prepared to bring "by his pollicy the hole faction upon his negke upon a pretence that quene Mary sholde

⁹¹ Malkiewicz, pp. 602-603.

⁹² *Ibid.*

⁹³ See *APC 1547-1550*, pp. 330 ff., and *The Chronicle and Political Papers of King Edward VI*, ed. W. K. Jordan (London, 1966), pp. 17-19.

be requent and the Duke to be pulled downe from his protectorshipp".⁹⁴

On 1 October Somerset came to Hampton Court, where he was approached by Sir William Paulet, baron St. John, one of Warwick's confederates; St. John asked Somerset to release funds from the treasury for the purpose of military and naval allotments. The money was paid out on 3 October, and was then apparently used to further the plot against the protector.⁹⁵ By then Somerset had found out about Warwick's plans, "for on fryday nexte [the 4th] there was a common talke at the Courte that the Duke of North. was a traytor". In an attempt to defend himself Somerset sent out letters that the council was to meet at the court on Sunday 6 October. Early Sunday morning, however, "abowte iiij. of the clocke there came a Post from london, that at his coming... there was such a sorte of horse men in the stretes that he colde not nomber them; he thoughte there was abowte .ij.^ml [2000] at the leaste".⁹⁶ Edward VI himself recorded the event:

The Council, about nineteen of them, were gathered in London, thinking to meet with the Lord Protector and to make him amend some of his disorders. He, fearing his state, caused the Secretary in my name to be sent to the Lords to know for what cause they gathered their powers together and, if they meant to talk with him, that they should

⁹⁴ Malkiewicz, p. 604.

⁹⁵ *APC 1547-1550* , pp. 328-329; Malkiewicz, pp. 604-605.

⁹⁶ *Ibid.*

come in peacable manner. The next morning, being the 6 of October, and Saturday, he commanded the armor to be brought down out of the armory of Hampton Court, about 500 harnesses, to arm both his and my men withal, the gates of the house to be rempared, people to be raised... That night, with all the people, at nine or ten o'clock at night, I went to Windsor, and there was watch and ward kept every night.⁹⁷

On 6 October the charges against Somerset were entered into the council minutes. They included the rebellion of the previous summer, the "insolency and disobedyence that yet remayneth" in the realm, the giving up of castles in Scotland and France which were "lost and possessed of thennemyes", and others, and stated that these "had proceded of the yll gouvernement of the Lord Protectour". Somerset, moreover, "hath not only refused to give eare to their advises, but also mynding to follow his owne fantasyes (wherefrom all the saide disorders and mischiefes had before growen and arrisen), dyd after persist in the same". Finally, "whereof he would abyde no reformacion", the protector "had soddenly rayseed a power of the communes to thintent if their Lordships had come to the Courte to have destroyed them".⁹⁸ These charges were severe, but were probably intended as the public justification for a more privately motivated *coup*. Warwick's intentions, to judge by his subsequent actions, were largely religious: he moved quickly "to purge the board of its 'catholic' members and back the left-wing extremists in religion". Indeed, "the blow against the Protector had been the united

⁹⁷ *Chronicle of Edward VI*, p. 17.

⁹⁸ *APC 1547-1550*, pp. 330-331.

effort of sixteen members of the London faction of the council, but upon Somerset's committal to the Tower [which took place on 14 October] the conspirators' solidarity disintegrated."⁹⁹ The move against Somerset was completed on 13 October with letters patent of the king accusing the protector of having:

abused our greate trust and confidence reposed in him, Thate throughe his eville governement, rule, and direccion not onlye our person hath ben in greate daunger, but our most lovinge subjectes also have by civile dissencions byn muche annoyed, our lawes subverted, and our Realmes and domynions brought to greate perille of utter ruyne...¹⁰⁰

The overthrow of the protector was accomplished, despite Somerset's efforts to defend himself, relatively smoothly. It remained, however, to decide what form the government should take after the settlement which had originally overthrown Henry VIII's will was set aside. Princess Mary was apparently considered for the office of regent; indeed, "there was divers catholikes called in to counsell at that instante [that is, early October 1549] for the lady maryes sake she hoping to haue bine Regent".¹⁰¹ Although Somerset cited Mary's alleged intention in an address to his supporters on 6 October, and may not have known the truth of it, it is probable that the idea was a smoke-screen to expedite the removal of the protector. Certainly Mary herself never intended (or never let on that she intended) to

⁹⁹ Hoak, *King's Council*, p. 241.

¹⁰⁰ Nichols, p. 489.

¹⁰¹ Hoak, p. 246, citing B.M. Add. MS. 48126, fos. 15b-16a.

participate in such a scheme, and said so.¹⁰² Some of Mary's Catholic supporters were, however, appointed to the council at about this time. Despite this, Mary's refusal to serve as regent, or to participate in a plot against the protector, was fortunate for Warwick; by February 1550, in firm control of the council himself, he began strongly to support the Protestant Reformation.¹⁰³ For the rest of Edward VI's reign, Northumberland himself had no need of a constitutional position such as the office of protector in order to wield effective leadership of the council. Yet it is probable that the office of protector was dispensed with in 1549 because of the unpleasant political connotations which had become attached to it in the previous two years.

¹⁰² *CSP Spanish* , IX, pp. 445-446.

¹⁰³ By August 1553, however, before his execution, Northumberland had reverted to Catholicism, perhaps in the hope of a reprieve from Queen Mary I; see Hoak's discussion of Northumberland's religious beliefs, *King's Council* , pp. 241-246.

CONCLUSION

If woe came to a land when its king was a child, that was the inevitable consequence of the infighting that was sure to arise between and among those who ruled in his name.

-C. T. Wood, *"The Child who Would be King"*

A royal minority raised difficult questions of succession, inheritance, and the nature of kingship. The difficulty of such issues was that they were both complex and central to the major problem: governing the kingdom during the incapacity of the king. Theoretical issues were involved, yet the problem of minority government remained a practical one, and practical rather than theoretical considerations determined the form which any alternative government took.

The problem of authority was never fully solved during the English minorities and protectorates. Of the seven instances of royal incapacity, the dynastic standing of a possible head of a regency council was a clear consideration in five of them: that is, all but those of Henry III and Edward III. Unlike the pattern which prevailed in France, however, membership in the royal family was no guarantee of power, as John of Gaunt and Humphrey of Gloucester discovered. Moreover, the minority governments in England were always theoretically collective - although they certainly left room for ambitious men such as Mortimer, under Edward III, or Somerset, under Edward VI, to accumulate more than their fair share of power. The question of deciding upon arrangements for minority governments was thus

never satisfactorily answered. Overall, most decisions were made by the magnates present as a group, as in the cases of Henry III, Richard II, and Henry VI. Both Mortimer and Richard of Gloucester, however, presented the king's council with a *fait accompli* - in Gloucester's case, allowing him enough time and power as protector to take the throne for himself. Despite, or perhaps because of, these precedents, Henry VIII tried to determine in his will the membership of the government beyond his own lifetime, an attempt which, like that of Henry V, was dismissed by his magnates. Thus, although the determination of arrangements by a minor king's predecessor was almost a standard practice in France, the vastly different nature both of English law and of the English aristocracy prohibited such a procedure.

Several other differences between English and French practice in dealing with royal minorities arose out of a very different French view of the nature of royal authority. Kingship in France, according to Professor Ullmann, was more "theocratic" than that in England, and this understanding of monarchy tended to make the royal authority, whether in the hands of a king or of a regent, more absolute. Moreover, the French aristocracy "was either too weak or not cohesive enough or too little motivated by common views or too inarticulate to be an organ with which the king had to reckon".¹ In cases of royal minority, this naturally led to a

¹ W. Ullmann, *Principles of Government and Politics in the Middle Ages* (London, 1961), p. 194.

further difference: the wider recognition of the royal family's special place, particularly that of queens dowager, in the administration of a regency.² Despite France's apparent prohibition of queens inheriting the throne in their own right, surviving mothers certainly had a controlling interest in the administration of the realm and of their minor sons. According to Professor Wood, "Because queen mothers could have no claims of their own, in theory they would lack ambition".³ Royal minorities in England saw a different arrangement, one in which the government "derived at least part of its authority from the community, not from the royal family or the wishes of predecessor kings".⁴ Indeed, each instance of royal incapacity involved finding a different balance between the theoretical authority of the king and the actual authority of the council of regency. Only in the minority of Henry III, however, was the king's inability to govern overtly recognised through such measures as preventing grants in perpetuity and the absence of a royal seal until 1218. All of the others perpetuated, to varying degrees, the fiction that the minor king was competent to rule; even the infant Henry VI had a seal of his own. Moreover, the coronation of a minor ruler made little difference in practical terms. Under Henry III it was necessary in 1216 in order to secure wider recognition of his rights as heir, but did not imply

² Wood, p. 35.

³ *Ibid.* , p. 39.

⁴ *Ibid.* , p. 40.

any ability on the king's part to govern the realm. The crowning of Henry VI in 1429 merely removed Humphrey of Gloucester from the sinecure of the protectorship, without making any statement of administrative ability on the king's part. Only Edward III was able to enforce his claim to authority, three years after his accession, without regard for the broad support of his council.

Finally, the failure of the English magnates to agree on an age for the attainment of a king's majority reflected contemporary ambiguities in law. The Roman law dealing with minors and their custody specified the attainment of puberty as the age at which guardianship should cease, yet this was a guideline both imprecise and of limited use, since no king in early adolescence could be expected to discharge his duties effectively.⁵ In France, however, such ambiguities were openly recognised in the arrangements made for the ending of each royal minority. Philip Augustus stipulated in 1190 in a will that any regency for his son Louis was to cease when the young king came "to the age when he can rule the realm through the counsel of God and his own understanding", probably at fourteen, the age of discretion in canon law.⁶ St. Louis, however, only freed himself from the regency of his mother, Blanche of Castile, in 1244 at the age of

⁵ B. Nicholas, *An Introduction to Roman Law* (Oxford, 1962), p. 91.

⁶ Wood, p. 34.

thirty.⁷ In England, at least, each minority ended, in a sense, the same way it had started: without recourse to precedent. The causes and results of each instance of royal incapacity were thus too diverse to draw any meaningful direct comparisons between them. If few similarities or patterns emerge, then that in itself reinforces the central theme: that individuals, circumstances and politics were the controlling factors of royal minorities and protectorates, and neither precedent nor the concept of constitutional theory had much influence.

⁷ *Ibid.* , p. 35.

BIBLIOGRAPHY

I. Primary Sources

Acts of the Privy Council (1547-1550).

British Library Harleian MS. 433, ed. Rosemary Horrox and P. W. Hammond. 4 vols. London, 1979-83.

Calendar of Close Rolls: Henry III (1216-1227); *Edward III* (1327-1330); *Richard II* (1377-1381, 1381-1385, 1385-1389); *Henry VI* (1422-1429, 1429-1435, 1454-1461); *Edward IV, Edward V, Richard III* (1476-1485).

Calendar of Fine Rolls: Edward III (1327-1337); *Richard II* (1377-1383); *Henry VI* (1422-1430, 1430-1437, 1452-1461); *Edward IV, Edward V, Richard III* (1471-1485).

Calendar of Patent Rolls: Henry III (1216-1227); *Edward III* (1327-1330); *Richard II* (1377-1381, 1381-1385, 1385-1389); *Henry VI* (1422-1429, 1429-1436, 1452-1461); *Edward IV, Edward V, Richard III* (1477-1485); *Edward VI* (1547-1548, 1548-1549).

Calendar of State Papers Domestic (1547-1580).

Calendar of State Papers Foreign (1547-1553).

Calendar of State Papers Spanish (1547-1549).

Chrimes, S. B. "The Pretensions of the Duke of Gloucester in 1422". *English Historical Review*, 1930.

The Chronicle of Lanercost, 1272-1346, ed. Herbert Maxwell. Glasgow, 1913.

Chronicon Adae de Usk, A. D. 1377-1421, ed. E. M. Thompson. London, 1904.

The Crowland Chronicle Continuations, 1459-1486, ed. Nicholas Pronay and John Cox. London, 1986.

Dictionary of National Biography.

Elton, G. R. *The Tudor Constitution*. 2nd ed., Cambridge, 1982.

- English Historical Documents* , vols. III (1189-1327 ; ed. Harry Rothwell [London, 1975]), IV (1327-1485 ; ed. A. R. Myers [London, 1969]), and V (1485-1558 ; ed. C. H. Williams [London, 1967]).
- Financial Memoranda of the Reign of Edward V* , ed. Rosemary Horrox. *Camden Miscellany* , XXIX, 4th series, 34. London, 1987.
- Foedera, Conventiones, Litterae, etc.* , ed. T. Rymer. 20 vols., 1101-1645 (London, 1704-35); also 4 vols. in 7 pts., 1069-1383 (London, Record Commission, 1816-69).
- Grants, etc. from the Crown during the Reign of Edward the Fifth* , ed. J. G. Nichols. Camden Society, 1854.
- The Great Chronicle of London* , ed. A. H. Thomas and I. D. Thornley. London, 1983.
- Green, R. F. "Historical Notes of a London Citizen, 1483-1488". *English Historical Review* , 1981.
- Griffiths, R. A. "The King's Council and the First Protectorate of the Duke of York, 1453-1454". *English Historical Review* , 1984.
- Handbook of British Chronology* , ed. E. B. Fryde, D. E. Greenway, S. Porter, and I. Roy. 3rd ed., Royal Historical Society, 1986.
- John Benet's Chronicle for the Years 1400-1462* , ed. G. L. and M. A. Harriss. *Camden Miscellany* , XXIV, 4th series, 9. London, 1972.
- Justinian's Institutes* , ed. Peter Birks and Grant McLeod. London, 1987.
- Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* , vol. XXI (1546).
- Malkiewicz, A. J. A. "An Eye-witness's Account of the *Coup d'État* of October 1549". *English Historical Review* , 1955.
- Mancini, Dominic. *The Usurpation of Richard III* , ed. C. A. J. Armstrong. 2nd ed., Oxford, 1969.

More, Thomas. *History of King Richard III* , ed. R. S. Sylvester. New Haven, 1976.

Nichols, J. G. "The Second Patent Appointing Edward Duke of Somerset Protector, *temp.* King Edward the Sixth; Introduced by an Historical Review of the Various Measures Connected Therewith". *Archaeologia*, 1844.

The Paston Letters , ed. J. Gairdner. Library edn., 6 vols. London, 1904.

Proceedings and Ordinances of the Privy Council , ed. H. Nicolas. Vols. III (1422-1429) and VI (1444-1461).

Rawcliffe, Carole. "Richard, Duke of York, the King's 'obeisant liegeman': a New Source for the Protectorates of 1454 and 1455". *Bulletin of the Institute of Historical Research* , 1987.

Rotuli Parliamentorum , vols. II-VI.

Royal and other Historical Letters Illustrative of the Reign of Henry III , ed. W. W. Shirley. 2 vols. Rolls Series, London, 1862-66.

Select Documents of English Constitutional History, 1307-1485 , ed. S. B. Chrimes and A. L. Brown. London, 1961.

Strong, Patrick, and Felicity Strong. "The Last Will and Codicils of Henry V". *English Historical Review* , 1981.

Vergil, Polydore. *Three Books of English History* , ed. Henry Ellis. Camden Society, 1844.

II. Secondary Sources

Armitage-Smith, Sydney. *John of Gaunt* . London, 1904.

Baldwin, J. F. *The King's Council in England during the Middle Ages* . London, 1913.

Brown, A. L. "The King's Councillors in Fifteenth-Century England". *Transactions of the Royal Historical Society* , 1969.

Bush, M. L. *The Government Policy of Protector Somerset* . London, 1975.

- Butt, Ronald. *A History of Parliament: The Middle Ages* . London, 1989.
- Cambridge Medieval History* , vol. VI. Cambridge, 1968.
- Chrimes, S. B. *English Constitutional Ideas in the Fifteenth Century*. Cambridge, 1936.
- _____. *An Introduction to the Administrative History of Mediaeval England* . 3rd ed., Oxford, 1966.
- Clanchy, M. T. *England and its Rulers, 1066-1272* . London, 1983.
- Elton, G. R. *Reform and Reformation: England 1509-1558* . London, 1977.
- Ferguson, John. *English Diplomacy, 1422-1461* . Oxford, 1972.
- Fryde, Natalie. *The Tyranny and Fall of Edward II, 1321-1326* . Cambridge, 1979.
- Given-Wilson, C. J. "Richard II and his Grandfather's Will". *English Historical Review* , 1978.
- _____. *The Royal Household and the King's Affinity: Service, Politics, and Finance in England, 1360-1413* . New Haven, 1986.
- Gorman, Vincent John. "The Public Career of Richard, duke of York: A Case Study of the Nobility of the Fifteenth Century". Unpublished Ph.D. thesis, Catholic University of America, 1981.
- Gransden, Antonia. *Historical Writing in England* . 2 vols. London, 1974-1982.
- Griffiths, R. A. "Duke Richard of York's Intentions in 1450 and the Origins of the Wars of the Roses". *Journal of Medieval History* , 1975.
- _____. "The Sense of Dynasty in the Reign of Henry VI", in *Patronage, Pedigree and Power in Later Medieval England* , ed. Charles Ross. Gloucester, 1979.
- _____. *The Reign of King Henry VI* . London, 1981.

- Hallam, Elizabeth M. *Capetian France, 987-1328* . London, 1980.
- Harding, D. A. "The Regime of Isabella and Mortimer, 1326-1330". Unpublished M.A. thesis, University of Durham, 1985.
- Harriss, G. L. *Cardinal Beaufort: A Study of Lancastrian Ascendancy and Decline* . Oxford, 1988.
- Hinton, R. W. K. "English Constitutional Doctrines from Sir John Fortescue to Sir John Eliot". *English Historical Review* , 1960.
- Hoak, D. E. *The King's Council in the Reign of Edward VI* . Cambridge, 1976.
- _____. "Two Revolutions in Tudor Government: the Formation and Organization of Mary I's Privy Council", in *Revolution Reassessed* , ed. C. Coleman and D. Starkey. Oxford, 1986.
- Holt, J. C. *Magna Carta* . Cambridge, 1965.
- Horrox, Rosemary. *Richard III: A Study of Service* . Cambridge, 1989.
- Jacob, E. F. *The Fifteenth Century, 1399-1485* . Oxford, 1961.
- Johnson, P. A. *Duke Richard of York, 1411-1460* . Oxford, 1988.
- Jordan, W. K. *Edward VI: The Young King. The Protectorship of the Duke of Somerset* . London, 1968.
- Kantorowicz, E. H. *The King's Two Bodies: A Study in Mediaeval Political Theology* . Princeton, 1957.
- Keen, M. H. *England in the Later Middle Ages* . London, 1973.
- Lander, J. R. "Henry VI and the Duke of York's Second Protectorate, 1455-6", in *Crown and Nobility, 1450-1509* . London, 1976.
- _____. *Government and Community: England 1450-1509* . London, 1980.
- Levine, Mortimer. *Tudor Dynastic Problems, 1460-1571* . London, 1973.

- Lewis, N. B. "The 'Continual Council' in the Early Years of Richard II, 1377-80". *English Historical Review* , 1926.
- McFarlane, K. B. "At the Deathbed of Cardinal Beaufort", in *Studies in Medieval History Presented to F. M. Powicke* . Oxford, 1948.
- McKenna, J. W. "The Myth of Parliamentary Sovereignty in Late Medieval England". *English Historical Review* , 1979.
- McKisack, May. *The Fourteenth Century, 1307-1399* . Oxford, 1959.
- Nicholas, B. *An Introduction to Roman Law* . Oxford, 1962.
- Norgate, Kate. *The Minority of Henry the Third* . London, 1912.
- Orme, Nicholas. *From Childhood to Chivalry: The Education of the English Kings and Aristocracy, 1066-1530* . London, 1984.
- Painter, Sidney. *William Marshal: Knight-Errant, Baron, and Regent of England* . Baltimore, 1933.
- Plucknett, T. F. T. "The Place of the Council in the Fifteenth Century". *Transactions of the Royal Historical Society* , 1918.
- Pollard, A. F. *England Under Protector Somerset* . London, 1900.
- Powicke, F. M. *King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century* . 2 vols. Oxford, 1947.
- _____. *The Thirteenth Century, 1216-1307* . Oxford, 1954.
- _____. "The Chancery in the Minority of Henry III". *English Historical Review* , 1908.
- Roskell, J. S. "The Office and Dignity of Protector of England, with Special Reference to its Origins". *English Historical Review* , 1953.
- _____. *The Commons in the Parliament of 1422* . Manchester, 1954.
- Ross, Charles. *Edward IV* . London, 1974.

- _____. *Richard III* . London, 1981.
- Sayers, J. E. *Papal Government and England during the Pontificate of Honorius III, 1216-1227* . Cambridge, 1984.
- Scarisbrick, J. J. *Henry VIII* . London, 1968.
- Smith, L. B. "The Last Will and Testament of Henry VIII: a Question of Perspective". *Journal of British Studies* , 1962.
- Stacey, R. C. *Politics, Policy and Finance under Henry III, 1216-1245* . Oxford, 1987.
- Steel, Anthony. *Richard II* . Cambridge, 1941.
- Storey, R. L. *The End of the House of Lancaster* . 2nd ed., Gloucester, 1986.
- Stubbs, William. *The Constitutional History of England in its Origin and Development* . 3 vols. 4th ed., Oxford, 1896.
- Tout, T. F. *Chapters in the Administrative History of Mediaeval England* . 6 vols. Manchester, 1920-1933.
- Tuck, A. *Richard II and the English Nobility* . London, 1973.
- Turner, G. J. "The Minority of Henry III". 2 parts. *Transactions of the Royal Historical Society* , 1904 and 1907.
- Ullmann, Walter. *Principles of Government and Politics in the Middle Ages* . London, 1961.
- Vickers, K. H. *Humphrey, Duke of Gloucester* . 1907.
- Virgoe, R. "The Composition of the King's Council, 1437-61". *Bulletin of the Institute of Historical Research* , 1970.
- Warren, W. L. *King John* . London, 1961.
- _____. *Henry II* . London, 1973.
- _____. *The Governance of Norman and Angevin England, 1087-1272* . London, 1987.

West, F. J. *The Justiciarship in England, 1066-1232* . Cambridge, 1966.

Wilkinson, B. "The Duke of Gloucester and the Council, 1422-8". *Bulletin of the Institute of Historical Research* , 1958.

----- . *Constitutional History of England in the Fifteenth Century*. London, 1964.

Willard, J. F., and W. A. Morris, eds. *The English Government at Work, 1327-1336* . 3 vols. London, 1940-1950.

Wolffe, Bertram. *Henry VI* . London, 1981.

Wood, C. T. "The Child Who Would be King", in *Joan of Arc and Richard III: Sex, Saints, and Government in the Middle Ages* . New York, 1988.

Wylie, J. H., and W. T. Waugh. *The Reign of Henry V* , vol. 3. Cambridge, 1929.