# HENRY VI AND THE DUKE OF YORK'S SECOND PROTECTORATE, 1455 TO 1456[1]

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MOST modern writers state that Henry VI twice became insane during the fourteen fifties and that the duke of York twice became Protector and Defender of the realm as a result of the king's incapacity to attend to affairs of state. A close examination of the events leading up to the two protectorates, however, reveals a very different state of affairs on each occasion and provides material for some inferences about York's intentions and ambitions.

The parliament of 1453, which attainted the duke of York's chamberlain, Sir William Oldhall, for his part in York's armed demonstration in 1452 and for alleged complicity in Cade's rebellion, was prorogued on 2 July. By 10 August at the latest Henry VI was seriously ill.[2] His illness is vouched for by at least ten contemporary or near contemporary writers.[3] Abbot

[1] I wish to thank Mr. R. Virgoe and Mr. K. Wallis for help and criticism in writing this paper.

[2] *Paston Letters*, ed. J. Gairdner (4 vols., 1910), Intro., p. cxlix, n. 2. Giles's Chronicle, see *infra*, says about the feast of the translation of St. Thomas the Martyr (3 July).

[3] Rawlinson B. 355, Bale, Gough London 10 (Rawlinson and Gough mention Henry's recovery only) in R. Flenley, *Six Town Chronicles of England* (1911), pp. 108, 140, 158; Vitellius A XVI in C. L. Kingsford, *Chronicles of London* (1905), p. 163; Giles's Chronicle in *Incerti Scriptoris Chronicon Anglie de Regnis Trium Regum Lancastrensium*, ed. J. A. Giles (1848), p. 44; R. Fabyan, *The New Chronicles of England and France* (1811), p. 627; *The Great Chronicle of London*, ed. A. H. Thomas and I. D. Thornley (1938), p. 186; William Worcester (Annales formerly attributed to) in J. Stevenson, *Letters and Papers Illustrative of the Wars of the English in France* (Rolls Ser., 1861-4), ii, pt. ii, 771. See also *infra*. In addition Gregory and Davies's Chronicles mention Henry's sickness without giving specific dates though Gregory makes it clear that it was before the first battle of St. Albans. (*The Historical Collections of a Citizen of London*, ed. J. Gairdner (Camden Soc., 1876), pp. 198-9; *An English Chronicle of the Reigns of Richard II, Henry IV, Henry V and Henry VI*, ed. J. S. Davies (Camden Soc., 1856), p. 78.)

Whethamstede of St. Albans described his symptoms in some detail[1] and the Exchequer Issue Rolls show that attendants were specially paid for sitting with him day and night.[2] Early in January 1454 (possibly on New Year's day) the queen and the duke of Buckingham presented the infant Prince of Wales to the king at Windsor and asked for his blessing on the child. Henry gave no sign of recognition ; he only once looked upon the prince and then cast down his eyes again.[3]

Even in these tragic circumstances there was a delay of eight months before York was made protector. The court refused to admit that the king was ill. After parliament re-assembled at Reading on 12 November the chancellor had explained the king's absence by the plague then prevailing in the town and other unnamed causes. The session had been immediately prorogued to February.[4] According to a letter written at the time, the queen, by mid-January, had already drawn up plans for exercising the regency herself.[5] By the middle of February the question could be evaded no longer. York, with the assent of the council, obtained a limited commission authorizing him to open parliament as the king's lieutenant.[6] When parliament met most people were anxious to avoid committing themselves on the major question.[7] The attendance in the Upper House was very poor and for the first and only known occasion in English medieval

[1] *Registrum Abbatiae Johannis Whethamstede*, ed. H. T. Riley (Rolls Ser., 1872-3), i. 163.

[2] Issue Rolls, E. 403/800, m. 7; E. 403/801, m. 2. These payments were made on 5 February and 9 May 1455 and the entries show that they were an addition to the usual sums paid " garconibus et pagettis Camere Regis ".

[3] *Paston Letters*, i. 263-4.

[4] *Rot. Parl.* v. 238. On 24 October a Great Council had been held at Westminster to which York was not summoned, but then at the insistence of his friends a writ was sent to him (*Proceedings and Ordinances of the Privy Council of England*, ed. Sir H. Nicolas (1834-7), vi. 163-4 ; Sir J. H. Ramsay, *Lancaster and York* (1892), ii. 167).

[5] *Paston Letters*, i. 265. Described by the editor as a " News Letter of John Stodeley ".

[6] *Cal. Pat. Rolls, 1452-1461*, p. 153.

[7] " Many of the lords, it seems, had showed their reluctance to commit themselves personally by staying away from parliament altogether in this difficult time " (J. S. Roskell, " The Problem of the Attendance of the Lords in Medieval Parliaments ", *B.I.H.R.*, xxix (1956), 189).

history fines were imposed on peers for non-attendance.[1] In spite of this only forty-five peers out of a total of 105 summoned appear to have been present during the session and only fourteen out of thirty-seven lay peers below the rank of viscount.[2] It seems, in fact, that the section of the peerage whose support it was most desirable to obtain tried to avoid committing themselves by staying away and York (or those who advised him) tried to compel their support or, at least, their approval. On 15 March Prince Edward was created Prince of Wales and earl of Chester.[3] On 22 March Cardinal Kemp, archbishop of Canterbury and chancellor, died and the problem of filling two such important posts seems to have precipitated the question of the regency. The Lords then commissioned twelve of their number to ride down to Windsor and put this and other matters before the king if he was well enough to discuss them.[4] When on 25 March the Lords' deputation waited on the king they found his condition far worse than they had expected. They saw him three times in the course of the day. Henry was in a state of utter prostration, both physical and mental. He had to be supported by two men as he moved from one room to another and he gave the Lords no word nor sign of recognition.[5] Consequently, being unable to avoid an embarrassing decision any longer, on 27 March the Lords appointed Richard of York as Protector. At the same time they tried to hedge in his authority with drastic restrictions. The Lords made their opinions very plain when they laid it down that

> the seid Duke shall be chief of the Kynges Counsaill, and devysed therfor to the seid Duke a name different from other Counsaillours, nought the name of Tutour, Lieutenaunt, Governour, nor of Regent, nor noo name that shall emporte auctorite of governaunce of the lande; but the seid name of Protectour and Defensour, the whiche emporteth a personell duete of entendaunce to the actuell defence of this land, aswell ayenst th'enemyes outward, if case require, as ayenst Rebelles inward, if eny happe to be, that God forbede, duryng the Kynges pleaser, and so that it be not prejudice to my Lord Prince. . . ." [6]

The arrangement was to continue only during the king's pleasure or until the Prince of Wales should become of age.[7]

[1] Roskell, *B.I.H.R.*, xxix (1956), pp. 189-90. [2] Ibid. pp. 190-1.
[3] *Rot. Parl.* v. 249. [4] Ibid. v. 240-1. [5] Ibid. v. 241-2. [6] Ibid. v. 242.
[7] Ibid. v. 243-4; *Cal. Pat. Rolls, 1452-1461*, p. 159. A prospective appointment for the prince on reaching years of discretion was sealed at the same time (*Rot. Parl.* v. 243).

The poor attendance of Lords at the parliament, the care taken to safeguard the interests of the prince and the restricted powers which were all that York was allowed[1], and the definition of a narrow executive authority seem to indicate that few people were entirely happy about the arrangement.

York controlled the government for the rest of the year. Although his great rival, Somerset, was imprisoned in the Tower of London,[2] the Protector behaved with moderation. By the end of December the king had recovered his sanity.[3] On 7 February Somerset was released from the Tower under recognizances which the council discharged a month later. Henry declared Somerset his faithful liegeman and both he and York entered into recognizances to abide by the arbitration of Thomas Bourchier, the new archbishop of Canterbury, and seven others on any outstanding disputes between them, the decision to be given by 20 June.[4] York's first protectorate had ended.[5] There now began the drift to hostilities which resulted in the first battle of St. Albans (22 May 1455). St. Albans was not a large-scale battle; one authority has described it as "a short scuffle in a street".[6] The numbers engaged were small and the casualties probably numbered no more than 60. York found very little support amongst the peerage at the time of the battle. Apart from his brother-in-law and his nephew, the earls of Salisbury and Warwick, the only peer present in the field with him was Lord Clinton, though his nephew, the duke of Norfolk, came up the following day.[7]

[1] York's control of patronage was also defined and limited (*Rot. Parl.* v. 243-4).

[2] Somerset himself admitted that his confinement was more in the nature of protective custody than rigorous imprisonment (Ramsay, *Lancaster and York*, ii. 168, n. 3).

[3] *Paston Letters*, i. 315. It is possible that he was on the mend by early September when people already had access to him, though William Paston's words leave the matter doubtful (ibid. p. 303).

[4] Council and P.S., E. 28/86; T. Rymer, *Foedera, etc.* xi. 361-3; *Cal. Close Rolls, 1454-1461*, p. 49.

[5] The precise date cannot be determined. See C. A. J. Armstrong, "Politics and the Battle of St. Albans, 1455", *B.I.H.R.*, xxxiii (1960), 8-9.

[6] C. Oman, *The Political History of England 1377 to 1485* (1910), p. 367.

[7] *Paston Letters*, i, 333; Armstrong, *B.I.H.R.*, xxxiii. 18, 19, 38, 51. It is possible that Viscount Bourchier and Lord Cobham were also with the Yorkists but this must be regarded as doubtful (ibid., pp. 21 and n. 5, 27).

In spite of his victory in the field there was once more considerable delay before York was appointed Protector; his patent was not issued until five months later. Ever since Stubbs wrote in 1878 that before 12 November "the king was again insane"[1] most authors have been content to follow him in giving Henry's breakdown in health as the reason for the duke's appointment,[2] though not all have gone so far as to say that the king actually lost his reason.[3] Now this assumption that Henry's health broke down completely (or nearly completely) a second time seems to be very dubious. As far as I know no *definite* statement of this kind was ever made until the nineteenth century.[4] None of the chroniclers who briefly refer to Henry's lapse into insanity in 1453 mention illness in 1455-6. No writer of the sixteenth, seventeenth or eighteenth centuries describes it. In fact, no statement about Henry's second illness is to be found in any chronicle or general history[5] until in 1823 Sharon Turner wrote "In June the King again became diseased" though he never used the term "insanity".[6] Lingard, the next writer of a

[1] W. Stubbs, *The Constitutional History of England*, iii, 173.

[2] E.g. J. R. Green, *History of the English People* (1877-80), i. 572; Oman, op. cit. p. 370; K. H. Vickers, *England in the Later Middle Ages* (1913), p. 446; M. E. Christie, *Henry VI* (1922), pp. 261-2; K. B. McFarlane, "The Lancastrian Kings" in *Camb. Med. Hist.*, viii (1936), 413; J. J. Bagley, *Margaret of Anjou* (1949), p. 81.

[3] Ramsay, *Lancaster and York*, ii. 185, 187, goes no further than saying that the king "was again found to be ill". T. F. Tout in his article "Henry VI" in *D.N.B.* (1908) stated "Henry's illness was of a different character from the absolute prostration of his first attack. He was able to transact a little business. He personally committed the government to his council, requesting that they should inform him of all matters concerning his person."

[4] The single dubious exception is Rapin de Thoyras, *The History of England*, trans. N. Tindal (2nd edn. 1732-3), i. 580, which incorrectly speaks of York opening the session of parliament in July "the King being then relapsed" and then refers to the king's state as an "Indisposition, which hindered him from attending to the Affairs of the Publick". Rapin's chronology is very inaccurate at this point and his references are to Hall, Stowe, and Cotton's Abridgement, none of which mentions illness.

[5] The authors examined on this point are Polydore Vergil, Hall, Grafton, Holinshed, Stow, White Kennett, *A Complete History of England* (ed. 1706), T. Carte, *A General History of England* (1747-55), D. Hume, *The History of England From the Invasion of Julius Caesar to the Accession of Henry VII* (1762), H. Hallam, *View of the State of Europe During the Middle Ages* (1818).

[6] Sharon Turner, *The History of England During the Middle Ages*, iii (1823), 265.

general history, committed himself only to the very cautious statement that about the end of October " it was rumoured that Henry had relapsed into his former disorder ".[1] The story of Henry's illness was again asserted by James Gairdner in the Introduction to his edition of the *Paston Letters* published in 1874[2] and, as we have seen, four years later it was taken over by Stubbs whose immense authority has probably been responsible for others accepting it as an undisputed fact.

It is easy to see how this legend arose. Sharon Turner for the first time juxtaposed statements made in two letters which had appeared in print for the first time during the eighteenth century in Thomas Rymer's *Foedera* and Sir James Fenn's edition of the *Paston Letters.* The first of these letters is a privy seal dated at Westminster on 5 June 1455 in which Gilbert Kemer, the dean of Salisbury, one of the most famous physicians of his day, was instructed to go to Windsor on the 12th " for as moche as we be occupied and laboured, as ye knowe wel, with Sicknesse and Infirmitees ".[3] There is nothing in this letter which indicates an immediate or sudden deterioration in health. Even allowing for the fact that Henry had been wounded in the neck by an arrow at St. Albans only a fortnight before it is probably forcing the evidence to see in it more than a letter written on behalf of a man in a chronically poor state of health.[4]

[1] J. Lingard, *The History of England from the First Invasion by the Romans to the Accession of William and Mary in 1688*, iv (1849), 116.

[2] In November " it was reported that he had fallen sick of his old infirmity—which proved to be too true " (*The Paston Letters, 1422-1509 A.D.* (1874), Intro. p. cxxiii (quoted from the reprint of 1896)). It is fair to say that later (p. cxxiv) Gairdner stated that the infirmity " on this occasion could scarcely have amounted to absolute loss of his faculties " though later writers seem to have lost sight of this.

[3] *Foedera*, xi. 366.

[4] It is unlikely that Kemer (who was a physician not a surgeon) was called in to deal with Henry's wound as on 15 July three surgeons were paid £10 (in part payment of £20 promised) " pro diversis magnis laboribus et diligenciis suis per ipsos factis circa personam domini Regis ". (Issue Roll, E. 403/801, m. 7). It may well be that Henry was in a weak state after St. Albans though John Crane writing to John Paston three days after the battle stated that " he hathe no grete harme " (*Paston Letters*, i. 334). I have not succeeded in tracing any payments made to Gilbert Kemer. William Hatteclyffe, the king's physician, received no special payments over and above his ordinary annuity at this time.

Whatever interpretation is put on this letter to Kemer the king was at all events well enough to be present in person at the opening of parliament on 9 July and ten days later Henry Windsor wrote to his friends in East Anglia " the Kyng our souverain Lord, and all his trwe Lordes stand in hele of there bodies ".[1] On the first day of the session the chancellor, by the king's command, read out certain articles on the cause of summoning parliament, which included matters as various as the organization of the royal household, financial provision for Calais, the defence of the realm, the settlement of differences amongst the nobility, the export of precious metals and the condition of Wales.[2] It may or may not be significant that no statement about the king's health was included amongst them. No other statement on this subject is to be found before 28 October—between the two sessions of parliament. John Gresham then wrote to John Paston the second letter referred to above. This letter describes in some detail the murder of Nicholas Radford, the recorder of Exeter, by a band of men led by Sir Thomas Courtenay, the earl of Devonshire's eldest son. The letter ends with a section which is badly mutilated but as it is vital to the argument it is best to quote it in full. The text reads:

This (i.e. the news of Radford's murder) was told to my Lord Chaunceler this fornoon . . . messengers as come of purpos owt of the same cuntre. This matier is take gretly . . . passed at ij. after mydnyght rod owt of London, as it is seid, more thanne . . . the best wyse. Summe seyne it was to ride toward my Lord of York, and summe . . . k, so meche rumor is here ; what it menyth I wot not, God turne it . . . at Hertford, and summe men ar a ferd that he is seek agyen. I pray God . . . my Lords of York, Warwyk, Salesbury and other arn in purpos to conveye hym . . . &c. The seid N. Crome, berer her of, shall telle you suche tydynggs . . . in hast, at London, on Seint Simon day and Jude.[3]

Thus, Henry has been convicted of a second attack of madness on two very flimsy pieces of evidence—that he " sent for the doctor " on 5 June and that, nearly twenty-one weeks later, a London attorney hastily finishing a letter which, as he himself admitted, brought together a number of wild rumours which were floating about the capital at the time, mentioned that some men *ar a ferd* that the king is sick again. Likewise there is no definite evidence of Henry's recovery from his alleged illness.

[1] *Paston Letters*, i. 345. [2] *Rot. Parl.* v. 279. [3] *Paston Letters*, i. 350-2.

A rumour current by 9 February 1456 that York was about to be " discharged "[1] and the fact that on 25th the king came in person to parliament and relieved York of his protectorate[2] have been taken as evidence of his recovery from a bout of insanity which no contemporary source yet discovered states as a definite fact. The most that it is safe to say on the available evidence is that Henry may have been ill but he was certainly neither insane nor completely incapable of transacting business.

There are two possible ways of testing the reliability of these statements. Firstly, to reconstruct, if possible, Henry's personal actions during this period and secondly, to scrutinize very closely the story given on the Parliament Roll. Unfortunately the classes of records which would enable us to trace Henry's personal actions at this time are scrappy and incomplete. An examination of those which have survived gives only a negative result. It shows that during the time of Henry's supposed illness the longest period for which there is no document bearing the royal sign manual was eighty-one days (12 December 1455 to 2 March 1456) as compared with a period of seventy-seven days earlier in 1455 (3 February to 21 April) at a time when no illness has ever been suspected.[3] Sign manuals, in fact, continue to appear

[1] *Paston Letters*, i. 377. The wording of the letter implies that the king was of sound mind and refers neither to illness nor recovery, viz. " The Kyng, as it was tolde me by a grete man, wolde have hym [York] chief and princepall counceller, and soo to be called hise chef counceller and lieutenant as long as hit shuld lyke the Kyng . . .".

[2] *Rot. Parl.* v. 321-2.

[3] The classes of records examined for this purpose are Signet Warrants, Warrants under the Sign Manual, Council Warrants, Council and Privy Seal Warrants, Patent and Treaty Rolls. There are no Signet Warrants at all between 18 July 1454 and 26 July 1456, yet the survival of a signet letter of 27 September 1455, copied into *London Letter Book K*, pp. 370-1, shows that missives were being sent out under the signet at this time, as do entries on the Issues Rolls for payment for messengers taking out signet letters. The files of Council Warrants and Council and Privy Seal Warrants already show the incomplete condition which was to become so marked under the Yorkists. See J. R. Lander, " The Yorkist Council and Administration, 1461 to 1485 ", *E.H.R.*, lxxiii (1958), 31-5. For convenience the term " sign manual " has here been somewhat loosely interpreted to include documents which bear the king's initials and enrolments which bear the note of warranty *Per Regem*. Where both the original warrant and the enrolment survive they have been counted as one. The note of warranty *Per*

after the beginning of York's second protectorate. Such evidence must therefore be considered useless either way.

An examination of what happened in parliament is more revealing. It is doubtful if there was any enthusiasm for York's recent action amongst the peers. There is more likely to have been consternation and dismay. Although the prospect of renewed fines for non-attendance brought more ecclesiastical Lords to parliament than had been the case recently, attendance amongst the lay baronage once again appears to have been poor.[1] No one wished to accept responsibility for, or even to appear to condone, what was after all the treasonable action of rearing war against the king. The duke of Norfolk most probably stayed away from parliament.[2] Even the Neville family were not completely united, for Warwick's brother, Lord Fauconberg, though he no doubt sympathized with his father and his brother, had been in the Lancastrian camp at St. Albans.[3] When the inner circle of Yorkists were thus divided amongst themselves, it is unlikely that they would command wide support amongst other lords. It has also been plausibly suggested that York's relations, the Bourchiers (the archbishop, Viscount Bourchier, their brother, John, Lord Berners and their half-brother, Humphrey, duke of Buckingham) held a kind of middle place between the two main factions.[4] It would seem,

*Regem et Consilium* has been excluded as its use during Henry's first illness shows that it was employed without the king's participation.

In the period 3 February to 16 May, that is roughly the eleven weeks before the battle of St. Albans (in which period no suggestion of madness has ever been made), there are only six extant sign manuals. They begin again on 6 July (the day after the privy seal to Gilbert Kemer) and the number fluctuates month by month as follows: July 4; August 14; September 1; October 1; November 1; December 1; January 0; February 0; March 6; April 2; May 6; June 5; July 10. It is interesting that they disappear entirely at the point of Henry's supposed recovery and not during his supposed illness.

[1] Roskell, op. cit. pp. 193-4. Only seventeen out of thirty-six temporal lords below the rank of viscount appeared.

[2] Roskell, op. cit. 193-4; Armstrong, op. cit. 38, 51-52.

[3] Armstrong, op. cit. 27, 65.

[4] Roskell, "John Lord Wenlock of Someries", *Publications of the Bedfordshire Historical Record Society*, xxxviii (1958), 31. John, Lord Berners was summoned to the Lords for the first time in this parliament. Of Buckingham, *Paston Letters*, i. 335-6, report (how accurately is, of course, another matter)

therefore, that there was no large party even in the comparatively thin house of Lords which assembled at the end of June likely to endorse any extreme demands which York might feel disposed to make.

Nor can the Commons be regarded as exclusively partisan. Although the Yorkists used all the influence they could in the elections and in one county at least, Norfolk, their activities went beyond the limits which local opinion considered to be decent,[1] some who were elected were definitely uneasy at finding themselves in such a parliament.[2] Even the Speaker, Sir John Wenlock, was probably more affected to the Bourchiers than to York himself.[3]

During the first session of parliament the only important business transacted was the passing of an act absolving York, Warwick and Salisbury and their friends from all responsibility for " any thyng that happened " at St. Albans. The blame was thrown entirely on Somerset, Thomas Thorpe and William Joseph.[4] It was reported of this bill that " mony a man groged full sore nowe it is passed ".[5] York rehabilitated the name of his old friend Humphrey of Gloucester by getting parliament to declare that he had died the king's true liegeman.[6] All the Lords present swore a new oath of allegiance.[7] On 31 July the session came to an end. It was prorogued so that the Commons might attend to the harvest and on account of an outbreak of plague in London and the suburbs. The chancellor stated that the business of the next session would be concerned " pro bono pacis ".[8]

that after the battle of St. Albans he had agreed to work with the Yorkists " and ther to he and his brethern ben bounde by reconysaunce in notable summes to abyde the same ". Also in January 1456 Buckingham and Berners both entered into recognizances for the duke of Exeter which seems to indicate a somewhat anti-Yorkist bias (*Cal. Close Rolls, 1454-1461*, p. 109).

[1] See the letter to the sheriff of Kent in *Proceedings and Ordinances*, vi. 246-7. For Norfolk, K. B. McFarlane, " Parliament and ' Bastard Feudalism ' " in *T.R. Hist. S.*, 4th Ser., xxvi (1944), 58-9, 64 ; Roskell, " Lord Wenlock ", op. cit. pp. 30-1.

[2] " Sum men holde it right straunge to be in this Parlement, and me thenketh they be wyse men that soo doo " (*Paston Letters*, i. 340-1).

[3] Roskell, " Lord Wenlock ", op. cit. pp. 31-2. [4] *Rot. Parl.* v. 280-2.

[5] *Paston Letters*, i. 346. [6] *Rot. Parl.* v. 335. [7] Ibid. v. 282-3. [8] Ibid. v. 283.

A Great Council met on 6 November, six days before parliament was due to reassemble.[1] On 10 November the council decided that York should be commissioned to open parliament as king's lieutenant, the king being unable for certain causes to do so himself.[2] It may well be that the king was indisposed or it is possible that York's friends (he himself was not present at the meeting when the decision was taken)[3] put forward the argument later used in parliament that vigorous action was needed to deal with the disturbed state of the country. Whatever the reason was, York's appointment proved to be the thin end of the wedge. When parliament assembled on 12 November the theme " pro bono pacis " was taken up at once. On Thursday, 13 November, William Burley led a deputation from the Commons to the Lords (where attendance was still thin)[4] asking

> that if for suche causes the Kyng *heraftre* myght not entende to the protection and defence of this lande, that it shuld like the Kyng by th'advis of his said Lieutenaunt [York] and the Lordes, to ordeigne and purvey suche an hable persone, as shuld mowe entende to the defence and protection of the said lande, and this to be doon as sone as it myght be, . . . to that entent that they myght sende to theym for whom they were commen to this present Parlement knowelege, who shuld be Protectour and Defensour of this lande, and to whom they shuld mowe have recours to sue for remedie of injuries and wronges done to theym.[5]

To support this demand they stressed the need for vigorous action to suppress disorder, especially riots caused by the quarrels between the earl of Devonshire and Lord Bonvile in the west country.[6]

Two days later, on Saturday, 15 November, the deputation, again led by Burley, came before the Lords a second time and for a second time stressed the disorders in the west. This time they also suggested that if people brought their grievances to

[1] Roskell, *B.I.H.R.*, xxix. 194.

[2] *Proceedings and Ordinances*, vi. 261-2; *Rot. Parl.* v. 453-4. The rather vague phrasing reads " ob certas justas et racionabiles causas in persona nostra interesse non possimus ".

[3] Out of thirty-eight people present at the meeting twenty-four were bishops or abbots and apart from the Neville (Salisbury, Warwick, Fauconberg) and Bourchier (Buckingham, Viscount Bourchier) groups the only others present were the earls of Arundel, Oxford and Worcester, Lords Richmond, Scrope, Fitzwaren, Grey and Stourton and the Prior of St. John's.

[4] On the evidence available Roskell (*B.I.H.R.*, xxix. 193-4) states that it was lower than in the previous session, particularly amongst the lesser lay lords.

[5] *Rot. Parl.* v. 284-5.

[6] Ibid. v. 285.

Henry himself for remedy " it shuld be overe grevous and tedious to his Highnesse, and that there must be a persone to whom the people of this lande may have recours to sue to for remedy of their injuries . . . ".[1] Moreover, the deputation said, or at least implied, that the Commons would discuss no other business until the question of the protectorate had been settled.[2] After the Commons' deputation had departed the Lords discussed the matter amongst themselves, then gave their voices for York. The duke, after a formal denial of his fitness for the post, accepted with " certayn protestations " which, detailed as they were, must have been prepared in advance as they were apparently debated immediately.[3] Two days later, on Monday, 17 November, the Commons' deputation came to the Lords yet a third time to complain that they had not yet received an answer to their demands.[4] The same day the chancellor announced the king's assent to York's appointment as protector[5] and his patent was issued on 19 November[6]—exactly a week after parliament had reassembled.

Several points in the narrative on the Parliament Roll call for comment. In the first place the Commons never claimed that Henry was actually incapable. The most they could say (or insinuate) was that he might become incapable and for this reason and to relieve him from the strain and tedium of personal action at a difficult time the Lords should persuade him to appoint a protector. It may be, of course, that we are dealing with a story like that of the emperor's new clothes: that no one wished to mention the dreadful truth openly. This, however, seems unlikely in view of the fact that Henry's illness had been so openly discussed the previous year. In any case considerations of the kind put forward for relieving the king from unnecessary strain could have been suggested with equal plausibility at almost any time during his adult life. At this point also, expressions of anxiety for the king's health were joined with complaints of riots and disorders of unusual extent and violence in the west country, of which more will be said later. Secondly, someone was in a tremendous hurry to get things done. The decision that York

[1] *Rot. Parl.* v. 285. [2] Ibid. v. 285. [3] Ibid. v. 286-7.
[4] Ibid. v. 285-6. [5] Ibid. v. 286. [6] *Cal. Pat. Rolls, 1452-1461*, p. 273.

should open the session as king's lieutenant had been taken at a Great Council as late as 10 November,[1] two days before parliament was due to re-assemble after its recess—and, as we have seen, the Commons had already formulated their demands, appointed a delegation and had expressed their very definite views to the Lords on the second day of the session. The speed with which the Commons acted must surely indicate some kind of previous discussion and planning for the first day of any session was normally taken up to a very considerable extent with formal business. It is unlikely that so important a matter could have been decided upon in twenty-four hours unless there had been some consultation beforehand. Moreover, on the fourth day, after making the conventional protest about his unfitness for the job, York was at once able to produce a list of articles setting out the conditions under which he was prepared to act.[2] Again, the Commons' deputation pressed the Lords outrageously in demanding three meetings with them in five days. The cumulative effect of these proceedings arouses at least suspicions of a well organized plan of campaign. These suspicions are in no way decreased by the fact that the deputation to the Lords was led not by the Speaker, Sir John Wenlock, but by William Burley. William Burley was no political innocent; he was one of the most experienced shire knights in this assembly. He had been one of the members for Shropshire in nineteen out of the twenty-five parliaments which had sat between 1417 and 1455 and had been speaker in two of them.[3] He had been one of the duke of York's feofees since 1449-50[4] and was by this time a member of his council.[5]

Even when subjected to pressure of this kind the Lords hesitated. Although York's "protestations" about the conditions under which he was prepared to take on the protectorate were fairly moderate in tone they were not agreed without considerable discussion and only after a committee had been

[1] *Proceedings and Ordinances*, vi. 261-2; *Rot. Parl.* v. 453-4. The patent was issued on 11 November (*Cal. Pat. Rolls, 1452-1461*, p. 273).

[2] *Rot. Parl.* v. 286-7. On Saturday, 15 November.

[3] Roskell, *The Commons in the Parliament of 1422* (1954), pp. 159-60.

[4] Ibid. p. 160. [5] Roskell, "Lord Wenlock", op. cit. p. 32.

appointed to clarify certain matters of detail with York.[1] The duke, in the end, was appointed Protector on the same limited terms as in 1454, except that he could now be dismissed only by the king in parliament instead of at the king's pleasure and his salary was increased. Once again he did not gain the powers of a regent. The rights of the Prince of Wales were safeguarded —he was to take over the protectorate when he became of age.[2] Meanwhile all questions touching " the good and politique rule and governaunce " of the land were to be decided by the council, with the proviso that the king was to be informed of all matters concerning his person.[3]

At this point it is necessary to give in some detail an account of events in Devonshire which seem to have influenced to a greater extent than is usually realized the action taken in parliament. The principal reason for which the Commons had so insistently demanded the appointment of a protector was the prevalence of disorder, especially in the west country. For well over a year the earl of Devonshire and his sons had disturbed the peace in Exeter and the surrounding districts and in the last quarter of 1455 their disorderly conduct came to a violent and sanguinary climax.[4] The course of events can be pieced together from a petition put into parliament asking for justice on the Courtenays, indictments later taken before justices of oyer and terminer and from the unpublished records of the city of Exeter.[5] It should be borne in mind, however, that accusations made in petitions and indictments should be used with caution. Stories never lost anything in the telling in such sources and the numbers of men alleged to be involved in riots and violent gatherings were often very much exaggerated. The three main protagonists, the

[1] *Rot. Parl.* v. 287. [2] Ibid. v. 287-9. [3] Ibid. v. 289-90.

[4] It is said to have arisen out of conflicting claims to the office of steward of the duchy of Cornwall (Roskell, *The Commons in the Parliament of 1422*, p. 154).

[5] This was done in great part by Mrs. G. H. Radford in " Nicholas Radford, 1385(?)-1455 " and " The Fight at Clyst in 1455 " in *Trans. of the Devonshire Association*, xxxv (1903), 251-78, and xliv (1912), 252-65, hereafter referred to as *Radford I* and *Radford II*. Apart from dealing with the fight at Clyst more fully *Radford II* also corrects mistakes in chronology in *Radford I*. As Mrs. Radford used only certain sections (without giving exact references) of Ancient Petitions, S.C. 8/138/6864 and of Ancient Indictments K.B. 9/16, references are here given to the originals.

earl of Devonshire, Sir Phillip Courtenay of Powderham and Lord Bonvile were all related.[1] Taking our account of their quarrels no further back than 1450, the earl had then besieged Lord Bonvile in Taunton Castle and there was "maxima perturbatio" in the west country which had been pacified by the intervention of the duke of York, Lord Moleyns, William Herbert and others.[2] The earl took part in York's armed demonstration at Dartford in 1452 and had been accused and acquitted of treason in the Lords in 1454.[3] In spite of this Devonshire ever afterwards seems to have been opposed to York. Now in April 1454 royal commissioners (of whom Lord Bonvile was one) had arranged a meeting in Exeter with various merchants and others to negotiate contributions to a loan for the keeping of the sea and the defence of Calais. While the discussions were still in progress the earl's two elder sons, Sir Thomas and Henry, came into the city by night with, according to the indictment later laid against them, 400 men and more. The merchants were so alarmed that they went away and no loan could be collected. The Courtenays threatened to murder Bonvile and the justices of the peace were so dismayed that they dared not hold the usual Easter sessions.[4]

The earl of Devonshire had apparently been absent whilst all this had occurred and it may have been done without his knowledge. He returned to the west after the battle of St. Albans where he had been wounded fighting on the king's side[5] and he was certainly responsible for the outbreak of violence which occurred late in 1455. The first move came when his sons again invaded Exeter. This time they bore down on the town with 600 men "and more" and prevented the holding of the autumn sessions of the peace as they had prevented those of Easter the

[1] Bonvile had married c. 1426-7 as his second wife Elizabeth, widow of John, Lord Harrington and daughter of Edward Courtenay, 3rd earl of Devonshire. He was therefore uncle by marriage of Thomas, the 5th earl. One of Bonvile's daughters was married to William, the son of Sir Phillip Courtenay of Powderham, who was the grandson of Hugh, 2nd earl of Devonshire (d. 1377).

[2] Stevenson, *Wars of the English*, ii. pt. ii. 770.

[3] Ramsay, *Lancaster and York*, ii. 148, 171; *Rot. Parl.* v. 249.

[4] *Radford II*, 255-6; K.B. 9/16/76.

[5] *Paston Letters*, i. 333.

previous year.[1] Then, on the night of 23 October, the earl's eldest son, Sir Thomas, rode with a large number of men to Uppcotes, the house of Nicholas Radford, the aged recorder of Exeter and the god-father of his own brother Henry. He obtained entry by a stratagem and after the place had been thoroughly ransacked (the intruders even toppled Radford's ailing wife out of bed and took the sheets from it for trussing up some of the loot) Sir Thomas told Radford that he must go with him to talk with his father the earl. The party was only a stone's throw from the house when Sir Thomas, after exchanging privy words with some of his followers, spurred his horse and rode away; whereupon several of his men turned on Radford and stabbed him to death.[2] A few days later they again appeared at Uppcotes, at Radford's funeral, desecrated the corpse and performed a farce of a coroner's inquest which absolved them of all blame for the crime.[3] A week after the murder, the earl, his two sons and Thomas Carrewe assembled a gang of more than a thousand men at Tiverton. On 3 November they marched to Exeter, seized the keys of the gates from the guards and set their own watch. They held the city gates in this way until the Monday before Christmas.[4] From Exeter they immediately went on to Powderham Castle and there menaced its owner, Sir Phillip Courtenay.[5]

Something of these outrages, possibly all, was known in London at the time the session of parliament opened on 12 November[6] and, as we have seen, the Commons' delegation made good use of their knowledge during their first two interviews with the Lords. They had not, as yet, heard of further violent actions committed in the west. On 11 November John Brymmore and others of the earl's men laid hold of Master Henry Weller, clerk, and so menaced and ill-treated him that for fear of his life he gave up a gold cipher and a gold chain which the earl had pledged with Edmund Lacy, the former bishop, for £100 and

[1] *Radford II*, 257; K.B. 9/16/76.
[2] *Radford I*, 264-7; S.C. 8/138/6864, K.B. 9/16/50.
[3] *Radford I*, 267-8; S.C. 8/138/6864, K.B. 9/16/50.
[4] *Radford I*, 269; II, 257; K.B. 9/16/66.
[5] *Radford II*, 257; K.B. 9/16/68.
[6] *Paston Letters*, i. 350-1; *Rot. Parl.* v. 284 ff.

took from him 100 marks and a horse worth 10 marks.[1] On the following day, by the earl's orders, *fourteen*[2] of his men entered the cathedral and dragged Master John Morton, clerk, out of the choir where he was celebrating divine service, imprisoned and ill-treated him until he paid a " fine " of 10 marks, handed over a horse called a " hoby " and gave the earl an obligation in £40.[3] Heinous as these events were they were as nothing compared with the rumours which reached London just in time for the Commons' delegation to make use of them in their third interview with the Lords (17 November).[4] When the stories of the earl's entry into Exeter with 1,000 men at his back and of attacks on two clergymen by a handful of his followers appeared on the Parliament Roll they appeared as

> Th'erle of Devonshire, accompanied with mony riotouse persones, as it is seide with viiiC horsmen, and iiiiM. fotemen, and there have robbed the Churche of Excestre, and take the Chanons of the same Churche and put theym to fynaunce. . . . " (i.e. to ransom).[5]

The Devonshire family continued on their violent and outrageous course in Exeter and the surrounding district. In addition to various minor robberies,[6] on 15 November 500 men plundered Lord Bonvile's house at Clyft Sacheville, bore off goods to the value of 2,000 marks and £150 in money[7] and on the same day 1,000 men attacked Powderham Castle. The assault is said to have lasted from eight in the morning until four in the afternoon. It failed but the earl's men continued to blockade the castle for nearly a month.[8] Meanwhile, in Exeter the Courtenays were making vigorous attempts to gain possession of Nicholas Radford's movable property. On 22 November the earl told the Dean and Roger Keys, the Cathedral Treasurer, that unless they handed over the property which Radford had deposited with

[1] K.B. 9/16/66. [2] They are actually named in the indictment.

[3] *Radford II*, 270; K.B. 9/16/66.

[4] Lest it should be thought that five days was too short a time for information to have reached London, the news of Radford's murder, committed on the night of 23 October, was known there at the latest by 28 October (*Paston Letters*, i. 350-1).

[5] *Rot. Parl.* v. 285.

[6] They robbed Exeter tradesmen, Thomas Hoyle, John Hayne and John King, looted the house of Sir William Bourchier and attacked one of his servants, at Bainton (K.B. 9/16/66/88, 89).

[7] K.B. 9/16/67. [8] *Radford II*, 258; K.B. 9/16/65.

the cathedral clergy for safe-keeping during his lifetime he would break down the doors and carry it off. The clergy to avoid a worse evil ("in evitando magis malum"), as they afterwards said, handed over plate and goods worth £600 and £700 in cash.[1] Two days later the earl's men carried off plate, jewels and other goods worth £700 from John Kelly's house, formerly Radford's own.[2]

Sir Phillip Courtenay had sent a message to Lord Bonvile for help but on 19 November the Courtenays beat off a reconnoitring party.[3] After this discomforture Lord Bonvile prepared for another attempt. The earl was also trying to strengthen his position. On the same day that he terrified the Dean and Treasurer of the Cathedral into handing over Radford's goods he tried to browbeat the Mayor and common council of Exeter into holding the city against Bonvile. The city fathers were made of sterner stuff than the Cathedral clergy and steadfastly refused to have anything to do with the quarrel. Later in the day, after their failure to terrify the Mayor into collaborating with them, the earl and the greater part of his men moved off to Powderham.[4] The Mayor and common council then made what arrangements they could for keeping the peace within the city.[5] Shortly afterwards the earl and his forces returned and for good measure sacked Lord Bonvile's town house, looting his muniments and carrying off wine and household goods worth £20.[6] On 13 December news reached the city that Bonvile was on his way to relieve Powderham and as the Mayor still refused to co-operate in resisting him the earl led his forces

> into þe feld by Clist and there bykered and faughte with þe Lord Bonevyle and his people and put them to flight and so returned again that night into the City again with his people.[7]

Two days later they sacked Bonvile's house at Shute (his third residence to suffer from their depredations) and took away

[1] *Radford I*, 269-70; K.B. 9/16/66.
[2] *Radford I*, 270; K.B. 9/16/66.
[3] *Radford II*, 258; K.B. 9/16/68.
[4] *Radford II*, 259-60, giving verbatim the entry on the Mayor's Court Roll, 34 Henry VI.
[5] *Radford II*, 260.
[6] K.B. 9/16/66.
[7] *Radford II*, 261, quoting the Mayor's Court Roll.

goods valued at £2,000.[1] The earl then remained in the city until 21 December when he led his men away to Tiverton.[2]

Meanwhile, in London, York made his preparations to deal with the Devonshire family. On 5 December, after discussion in the council, privy seals were sent out to the earl of Arundel, nine other lords (including Lord Bonvile),[3] fourteen knights and three esquires ordering them to make ready to assist the Protector in the west as soon as he should send them word.[4] Some days later eight sheriffs were ordered to be " intendant " on him and amongst the Council and Privy Seal documents there is the draft of a letter to the city authorities in Exeter telling them what was being done and urging them on no account to show favour to Devonshire and his men.[5] On 13th parliament was prorogued owing to the approach of Christmas and to allow the Protector to go to the west to restore order.[6] It is interesting that York prorogued parliament not as Protector but under a special commission approved by the council.[7] He sent Sir Robert Vere to Exeter with instructions and Vere seems to have made several journeys between Exeter and London at various times from mid-December to some time after Easter.[8] York himself, as things turned out, never went to Devonshire. One chronicler reports that after the fight at Clyst Lord Bonvile " fled, and came to Grenewiche to the kyng, and the kyng sent him agayne to the lord protectour "[9] and another that York went as far west as Shaftesbury from where he sent for the earl of Devonshire, who submitted and after Christmas was imprisoned for a time in the

[1] K.B. 9/16/69.

[2] *Radford II*, 262.

[3] This is not so fantastic as it sounds. Bonvile seems to have been drawn into the quarrels on this occasion because Sir Phillip Courtenay of Powderham had appealed to him as a justice of the peace (K.B. 9/16/68).

[4] Council and P.S., E. 28/87 ; *Proceedings and Ordinances*, vi. 267-70.

[5] *Cal. Pat. Rolls, 1452-1461*, p. 301 ; Council and P.S., E. 28/87, 16 December. Privy Seals had been sent to Devonshire, Bonvile and others as early as 19 November (Issue Roll, E. 403/806, m. 4).

[6] *Rot. Parl.* v. 321.

[7] *Proceedings and Ordinances*, vi. 274 ; *Rot. Parl.* v. 321.

[8] *Radford II*, 262. Vere was in Exeter by York's orders on 19 December. After Easter the Mayor and " his fellows " made him a present of 40*s*.

[9] Vitellius A XVI in Kingsford, *Chronicles of London*, p. 166.

Tower of London.[1] The crimes of the Courtenays were then dealt with by other means, before a commission of oyer and terminer[2] and in the King's Bench.[3] In the end they received a royal pardon for every offence which they had committed, even for the murder of Nicholas Radford,[4] and even though they had again tried to disperse the sessions of the peace at Easter 1456.[5]

The third session of the parliament of 1455-6 opened on 14 January. In a last effort to obtain a full attendance privy seals had been sent, a few days after the end of its second session in December, to sixty-five lords ordering them to attend under threat of renewed fines.[6] Unfortunately there is no evidence of the actual attendance[7] but it seems most unlikely that it was larger than it had been during the second session. On 9 February John Bocking wrote to Sir John Fastolf that the duke of York and the earl of Warwick had come to parliament with a retinue of 300 armed men and "noo lord elles" had appeared[8]—a statement which, even if exaggerated, indicates that the Yorkists felt their position to be weak and that they had misjudged the situation to the extent of making it even weaker by a tactless demonstration of armed force which gave other peers a pretext for staying away. Bocking added that he had heard that the king was disposed to keep York as his "chief and princepall counceller" though with diminished powers but the queen was against it.[9] Just over a fortnight later (25 February) the king came in person to parliament and relieved York of his protectorate.[10] Although deprived of his position he was not vindictively treated, for about

[1] Rawlinson B 355 in Flenley, op. cit. pp. 109-10. Vitellius A XVI, *Supra*, p. 64, n. 9, also states that York "sent for" the earl of Devonshire and brought him to parliament in the Hilary Term but does not mention imprisonment.

[2] The indictments used above were made before justices of oyer and terminer appointed 16 March 1456 (*Cal. Pat. Rolls, 1452-1461*, p. 304). The justices were paid the large sum of £213 6s. 8d. for their work (Issue Roll, E. 403/807, m. 7).

[3] They defaulted in the King's Bench and were pardoned this too (*Cal. Pat. Rolls, 1452-1461*, p. 358).

[4] *Cal. Pat. Rolls, 1452-1461*, p. 358, 10 April 1457. See also the pardon to John Brymmore and others (ibid. p. 364).

[5] K.B. 9/16/64.

[6] *Proceedings and Ordinances*, vi. 279-82.

[7] Roskell, *B.I.H.R.*, xxix. 195.

[8] *Paston Letters*, i. 377.

[9] Ibid. i. 377-8.

[10] *Rot. Parl.* v. 321-2.

a fortnight later he was granted assignments on the customs of Boston and Ipswich for £1,806 2s. 4d. owing to him, partly arrears of salary from his first protectorate and partly sums promised him for expenses in the present parliament, and in May he received a valuable grant of all the gold- and silver-bearing mines in Devon and Cornwall.[1]

From this evidence some tentative conclusions may be drawn. It is clear enough that although Henry's health was poor (it was, after all, never anything but poor during the whole of his adult life) he suffered no second breakdown during the later part of 1455 comparable to his complete mental and physical collapse of 1453 to 1455. He may certainly have been indisposed in the early part of November : unwell enough for a time to give York the opportunity for his first step to power, his commission to open parliament, but there is no conclusive evidence that he was incapable of transacting business even for a short period. No chronicler mentions sickness at this time and if Henry was incapable his generally well-informed friend, Abbot Whethamstede, was unaware of it. Even the deputation from the Commons, anxious as they were for York to be appointed Protector, were never able to allege that Henry was incapable. At the most they implied that he might become so. They had to fall back on a demand to the Lords to advise the king to appoint a protector because special measures were needed for the suppression of disorder, especially in the west country. As we have seen, York's protectorate was rushed through with almost unseemly haste at the very beginning of a session of parliament by a section of the Commons led by one of York's close associates. In order to get what they wanted, the delegation which Burley led gave the Lords (whether deliberately or not[2]) a very much exaggerated account of recent events in Exeter which they had seized upon the moment the rumour of them reached Westminster. By the time parliament re-assembled in January

[1] *Cal. Pat. Rolls, 1452-1461*, pp. 278, 291.

[2] It may not have been deliberate. For the spread of news and the prevalence of wild rumours in the fifteenth century see C. A. J. Armstrong, " Some Examples of the Distribution and Speed of News in England At The Time of the Wars of the Roses " in *Studies in Medieval History Presented to F. M. Powicke*, ed. R. W. Hunt and others (1948), pp. 429-54.

these events were seen in a truer perspective. Lord Bonvile had come to Greenwich and the earl of Devonshire was a prisoner—and all this without York having set foot in Exeter. Many men, probably never well disposed to York's demands in the first place, may well have felt (though this can only be conjectural) that York two months before had most unscrupulously forced the issue. At all events Henry and his advisers correctly judged that parliament would now agree to revoke York's patent and agree that justice should be done on the malefactors of the west by the more normal method of proceedings before justices of oyer and terminer and in the King's Bench.[1]

If this interpretation of events is correct, what could have been York's motives in thus attempting to force the issue of the protectorate? We possess a good deal of comparatively insignificant detail about his life and about the lives of his friends but nothing which gives us any certain insight into their motives during the successive political crises of the fourteen-fifties. So once again any attribution of motive can only be conjectural. Although he was immensely rich York may well have been in debt[2] and wished

[1] At some time during the parliament the Commons petitioned that both the earl of Devonshire and Lord Bonvile should be imprisoned without bail or mainprise until a commission of oyer and terminer had been appointed and had completed its work. The petition was refused (*Rot. Parl.* v. 332). Another petition presented by John Radford, Nicholas Radford's cousin and executor, assented to by the Commons and granted by the king, asked for the appointment of commissioners of oyer and terminer. The petition was not enrolled on the Parliament Roll. The original in the P.R.O., S.C. 8/138/6864, is undated. Mrs. Radford, however, discovered a copy amongst the duke of Northumberland's MSS., together with a mandate to the justices issued as a result of it, dated 23 January 1456 (*Radford I*, pp. 264-8, 278, where part of the petition and the instructions are printed).

[2] York had stated in parliament in 1454 that non-payment of wages and expenses for his work in Ireland " drowe and compelled me . . . to celle a grete substance of my lyvelood, to leye in plege all my grete Jowellys, and the most partie of my Plate not yit raquited, and therfor like to be loost and forfaited; and overe that, to endaungere me to all my Frendes, by chevisance of good of thaire love . . . " (*Rot. Parl.* v. 255). Although this statement is certainly exaggerated, York did sell some land in the fourteen-fifties. At some time he sold the manors of Cressage, co. Salop and Areley, co. Staffs. to William Burley (*Cal. Close Rolls, 1468-1476*, p. 165). In December 1452 he had sold jewels to Sir John Fastolf, Fastolf undertaking to allow him to redeem them for £437 before 24 June 1453 (*Paston Letters*, i. 249). They were still unredeemed when York was killed in 1460 (*Paston Letters*, ii. 33-5; *Cal. Pat. Rolls, 1461-1467*, p. 96).

to profit from royal grants which he might obtain if he could influence the king. He may even (he seems to have been a very suspicious man) have regarded the protectorate as essential to self-preservation.[1] Knowing the good-natured weakness which always made Henry VI prone to trust completely those in power about him at the moment, he possibly thought that he could only be secure from attack if he gained complete control over the king. It may be that even after the birth of a Lancastrian heir, Prince Edward, he still thought of himself as a man with a mission—to preserve his inheritance to the throne. After all, a generation later his son, Richard, converted a protectorate into a royal title.[2] In February 1453 an Ipswich jury had indicted Sir William Oldhall, who had been York's chamberlain since 1440,[3] William Assheton, Charles and Otwell Nowell[4] and others of conspiring as early as 1450 to depose the king and put the duke of York on the throne.[5] If these accusations were true (the possibility cannot be ruled out that they were part of an unscrupulous political attack by the duke of Somerset and his allies)[6] the possibility of deposing the king had been in the minds

[1] There is some evidence, though it is far from conclusive, that York's rivals had unduly interfered with his tenants and associates. See *Cal. Pat. Rolls, 1452-1461*, pp. 143-4; Flenley, op. cit. p. 107.

[2] The suggestion is Professor Roskell's (*B.I.H.R.*, xxix. 192).

[3] C. E. Johnston, "Sir William Oldhall", *E.H.R.*, xxv (1910), 716.

[4] The Nowells were servants of the duke of Norfolk (J. C. Wedgwood, *History of Parliament, 1439 to 1509, Biographies* (1936), p. 634).

[5] K.B. 9/118/30. I am indebted to Mr. R. Virgoe for this reference. The indictment alleges that they realized that they could not depose the king while he remained powerful with his lords about him, that on 6 March 1450 at Bury St. Edmunds they plotted the death and destruction of the king and the laws and put certain writings and ballads on mens' doors and windows attacking the duke of Suffolk and his associates, that they sent letters to divers counties, especially Kent and Sussex, urging a rising against the king, on account of which Suffolk was murdered. On 12 April, again at Bury, they incited men to levy war against the king, and on 26 May they sent letters to the men of Kent to aid the duke of York, then in Ireland, and openly counselled the duke to depose the king, and on 10 June they assembled men at Bergolt and elsewhere to levy war on the king.

[6] This was the view taken by Mr. C. E. Johnston who describes the various actions taken against York (*E.H.R.*, op. cit. pp. 716-19 and the references there given). On the other hand the details given in the indictment (which Mr. Johnston did not use) are too circumstantial to be lightly dismissed. The indictment gives fuller details of the alleged treasons than any other source.

of York's friends, if not of York himself, for several years. By the autumn of 1455, however, events had shown that there would be little support for any such plan in other quarters.

Polydore Vergil was the first writer to attempt an analysis of York's motives. Polydore alleged that after consultation with the Nevilles and others

> he [York] procured himselfe to be made protector of the realme ; Richard Nevill, the father, lord chauncellor of Englande ; and Richard Nevell, the sonne, captaine of Calis ;[1] whereby the government of the realme might rest in him, and Richard lord chancellor ; thother Richard might have charge of the warres ; and so Henry might be king in name and not in deede, whom they thought best to forbeare at that time, least otherwise they might stirre up the commonaltie against them, who loved, honoured and obeyed him wonderfully for the holynes of his life.[2]

In this accusation that Richard of York intended to be king in deed, relegating Henry to the position of *roi fainéant*, all the Tudor chroniclers and some seventeenth-century writers followed Polydore Vergil.[3] In Hall's words they regarded the protectorate as a " deuise . . . pollitiquely inuented ".[4] Our understanding of the fifteenth century has suffered much in the past from an uncritical use of narratives written in the sixteenth. In this case, however, the opinions of Polydore Vergil and those who followed him may not after all have been wide of the mark, although we may say that it was more probably fear of the nobility than fear of the common people that deterred York. Accusations of treason were in the air, three demonstrations of armed force had failed to secure York a position of power and it is not beyond the bounds of possibility that the second protectorate was yet another attempt to secure permanent control and perhaps even future possession of the crown.

[1] Mr. G. L. Harriss has shown the importance which both York and his opponents attached to the control of Calais and that its possession was the one clear gain which he obtained from his second protectorate (G. L. Harriss, " The Struggle for Calais : An Aspect of the Rivalry Between Lancaster and York", *E.H.R.*, lxxv (1960), 30-5).

[2] *Three Books of Polydore Vergil's English History*, ed. Sir H. Ellis (Camden Soc., 1844), p. 97.

[3] E.g. Hall's *Chronicle* (1809), p. 233 ; Grafton's *Chronicle* (1809), i. 654 ; Holinshed's *Chronicles* (1807-8), iii. 242 ; Stow, *Annales* (1631), p. 400 ; White Kennett, op. cit. p. 413. A somewhat modified version appears as late as Lingard, op. cit. p. 116.

[4] Hall, *supra*, n. 2.