

THE TRIAL OF ELEANOR COBHAM: AN EPISODE IN THE FALL OF DUKE HUMPHREY OF GLOUCESTER

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ON¹ three days in mid-November 1441 the streets of London witnessed the spectacle of the duchess of Gloucester, wife of King Henry VI's nearest relative and heir presumptive, walking penitently to church to atone for her sins. On Monday, 13 November the duchess went by water from Westminster to the Temple landing-stage; alighting, she made her way bare-headed and on foot, dressed in black and led by two knights, from Temple Bar along Fleet Street to St. Paul's Cathedral, clutching a wax taper which was there offered at the high altar.² The poor woman returned to Charing Cross the same day and prepared herself for a second humiliating journey.³ On Wednesday, 15 November she set off from Westminster to the Swan pier in Thames Street, and from there walked to St. Magnus's Corner, up Bridge Street to East Cheap, Grace Church, Leaden Hall Corner and on to Christ Church, Aldgate, where a second taper was humbly offered. Two days later, on Friday, 17 November, the third and final penitential progress was made: by water from Westminster to Queen Hithe, then by foot along Broad Street to Cheapside and up to St. Michael's, Cornhill, where yet another taper was offered before she returned once more to Westminster and the custody of the constable.⁴

It was an astonishing sight for Londoners; the details of the duchess's delvings into witchcraft—and perhaps more—which were brought into the full glare of publicity at her trial, were the scandal of the age.⁵ A somewhat similar event had occurred

¹ I am indebted to Dr. Margaret Sharp for reading, and commenting on, a draft of this article.

² F. W. D. Brie (ed.), *The Brut*, ii (1908), 481; J. S. Davies (ed.), *An English Chronicle from 1377 to 1461* (1856), p. 59; N. H. Nicolas and E. Tyrrell (eds.), *A Chronicle of London* (1827), p. 129; J. G. Nicholas (ed.), *Chronicle of the Grey Friars of London* (1852), p. 18.

³ R. Flenley (ed.), *Six Town Chronicles* (1911), p. 115.

⁴ *Brut*, ii. 481; *English Chronicle*, pp. 59-60; *Chronicle of London*, p. 129.

⁵ Every fifteenth-century chronicle written in England mentions the episode. The fullest accounts are those of the two versions of the *Brut*: *Brut*, ii. 478-82,

within the memory of many living in 1441 : in 1419 the queen-dowager, Joan of Navarre, had been accused of treasonable witchcraft during the reign of her step-son, Henry V.¹ Unlike the duchess, however, Queen Joan was neither tried nor convicted, and her imprisonment was short and not without its comforts.² The events of 1441 had deeper layers of significance, for the duchess's husband, Humphrey of Gloucester, was at a critical stage in his later life ; ever claiming an exclusive authority in the king's Council, his opponents had become strong enough to contemplate his destruction. A wife's indiscretions could provide them with an opportunity.³

Duke Humphrey returned from his last foreign parade, to Calais, towards the end of August 1436 to a vote of thanks from the Commons in Parliament, and while Cardinal Beaufort was abroad at the peace conference of 1439, Humphrey had the king's ear and influenced his attitudes.⁴ Eleanor shared her husband's glory in this Indian summer. The king's New Year's gifts to her

508-9, and *English Chronicle*, pp. 57-60 (whose chronology is very confused), both of which must be indebted to an eye-witness account. The London chroniclers naturally offer substantial coverage, especially *Chronicle of London*, pp. 128-30, and A. H. Thomas and I. D. Thornley (eds.), *The Great Chronicle of London* (1938), pp. 175-6 (compiled half a century later). Even chroniclers at work outside London give some details : J. A. Giles (ed.), *Incerti scriptoris chronicon Angliae de regnis . . . Henrici IV, Henrici V, et Henrici VI* (1848), possibly compiled at York ; and Trinity College, Dublin MS. 5.10, whose author does not seem to have moved to London until 1448. (For these chroniclers see M. V. Clarke and V. H. Galbraith, "The Deposition of Richard II", in M. V. Clarke, *Fourteenth Century Studies* (1937), pp. 82-86 ; G. L. Harriss, "A Fifteenth-Century Chronicle at Trinity College, Dublin", *Bulletin of the Institute of Historical Research*, xxxviii (1965), 212-18.) One or two ballad-writers voiced their opinion on the events of 1441 and the lessons commonly drawn from them : T. Wright (ed.), *Political Poems and Songs*, ii (1861), 205-8, and, for a fuller version of the same poem, R. H. Robbins (ed.), *Historical Poems of the XIVth and XVth Centuries* (1959), pp. 176-80.

¹ A. R. Myers, "The Captivity of a Royal Witch", *Bulletin of the John Rylands Library*, xxiv (1940), 263-84 ; xxvi (1941-2), 82-100.

² *Ibid.* xxiv (1940), 272-7.

³ The only modern accounts of the duchess of Gloucester's trial are those of J. H. Ramsay, *Lancaster and York*, ii (1892), 31-35, and K. H. Vickers, *Humphrey, Duke of Gloucester* (1907), pp. 269-80.

⁴ For Humphrey's reception, see *Rotuli Parliamentorum*, iv. 502 ; for his influence during Beaufort's absence, see Richard Arnold, *The Customs of London* (2nd ed., 1811), p. 283, and Ramsay, *op. cit.* ii. 14.

in 1436 and 1437 were among the finest he gave on these occasions, and when Duke Humphrey made the arrangements for Queen Joan's funeral on 11 August 1439, Eleanor was a prominent mourner.¹ By 1441, however, Gloucester's influence was no longer so formidable; it had been eroded by his opponents to the point of enforced retirement. Soon after the return of Cardinal Beaufort from the peace negotiations in October 1439, Gloucester, who held rigidly to a policy of no surrender in France, began to lose ground rapidly. By the end of February 1440 he was being elbowed out of the Council by the cardinal and the archbishop of York, John Kemp, and he attended few of its meetings during the two years after the summer of 1440.² If a further opportunity to discredit the duke arose (perhaps even to neutralize permanently his influence in the state), his opponents, led by Beaufort, would avail themselves of it. The duchess of Gloucester played into their hands.

Duke Humphrey's second wife, Eleanor Cobham, was unpopular from the moment they married. With his inherent rashness, in 1428 he had forsaken the wife, Jacqueline of Hainault, whose marriage to an English duke in 1423 had so outraged the duke of Burgundy. To desert the noble duchess acquired at such cost and take up with one of her more lowly ladies-in-waiting caused adverse comment at the time. Nor was the new duchess able to endear herself to English opinion during the following decade and a half. Eleanor Cobham came of a knightly family of Kent, her father being Sir Reginald Cobham.³ Evidently a strong-minded individual, her ambition matched even that of her husband, and perhaps without the inconstancy which allowed

¹ N. H. Nicolas (ed.), *Proceedings and Ordinances of the Privy Council of England*, v (1835), 62, 56; P.R.O., Exchequer, T.R., Council and Privy Seal, 57/96; 56/26.

² Arnold, *Customs of London*, pp. 279-86; *Proc. P.C.*, v, *passim*. Gloucester was present at the important Council meeting in June 1440 which made financial provision for the royal Household, and at two other meetings in the following November; he was also summoned to a meeting at Easter 1441, but it is not known whether he attended (P.R.O., Exchequer, T.R., Council and Privy Seal, 63/76; 65 (9 and 19 November); 67/42 (20 March 1441)).

³ Vickers, *op. cit.* pp. 164-6, 202-6; G.E.C., *The Complete Peerage*, iii (1913), 354.

Humphrey's designs to be blocked by determined adversaries. By contrast, Eleanor's marital achievement strengthened her determination to enhance the prestige and authority of herself and her husband. At the time of her disgrace, public opinion hated and distrusted her for her vaulting ambition and even extortion, which she was said by a northern writer to have displayed in despoiling the almsmen of the Hospital of St. John at Pontefract.¹ One chronicler noted how she flaunted her pride and her position by riding through the streets of London, glitteringly dressed and suitably escorted by men of noble birth.² Another echoed the sentiments of ballad-writers, who emphasized the moral behind the humiliation of unwonted ambition: Oh! How the mighty have fallen!³ The dominance of this self-willed woman was evident to all, and during the chancellorship of Bishop John Stafford (1432-41) a petition for redress was addressed by a York man to her alone as "the right high and fulle mighty Princesse and fulle gracious lady Duchesse of Gloucestre".⁴ It was Eleanor's ambition which inveigled her to destruction.

Eleanor Cobham's vulnerable point was her interest in witchcraft and necromancy; when she combined this with political ambition, her indulgences were transformed by some into treason. The temporary disgrace of Queen Joan revealed the eager interest among the high-born in fifteenth-century England in the feasibility of predicting the future by communicating with the dead; and Eleanor kept a number of dubious priests in her household, men who practised necromancy and witchcraft.⁵ Both she and Duke Humphrey had been friendly with Queen Joan, the convicted royal witch, and, indeed,

¹ Giles, *op. cit.* part 4, p. 30.

² *Ibid.*; see also C. L. Kingsford, *English Historical Literature in the Fifteenth Century* (1913), pp. 340-1, and *English Chronicle*, p. 60 ("whoos pride, fals couetise and lecherie were cause of her confusioun").

³ Giles, *op. cit.* part 4, p. 30; *Political Poems and Songs*, ii. 205-8; Robbins, *op. cit.* pp. 176-80.

⁴ P.R.O., Ancient Correspondence, 57/97. Stafford became chancellor on 26 February 1432 (F. M. Powicke and E. B. Fryde (eds.), *Handbook of British Chronology* (2nd edn., 1961), p. 85).

⁵ Below, pp. 386-7. For necromancy-scares earlier in the century, see Myers, *BULLETIN*, xxiv. 273-4.

Gloucester had extended his protection to Friar Randolph, the man who lay at the heart of the scandal of 1419.¹ Moreover, of the surviving books which Eleanor is known to have owned, one was a semi-medical, semi-astrological work translated from Arabic—just the kind of volume to be found in the library of a fifteenth-century noblewoman combining an interest in witchcraft and medical prediction.²

Eleanor's interest in witchcraft, therefore, seems attested, and she was even prepared to admit some of the charges against her later. The formal indictment supplied the details.³ When it came to assessing her motives, the enquiry undertaken on the order of a Council from which her husband was being excluded may have resorted to fabrication in order to discredit the duchess even further and, by implication, the duke.⁴ Yet, the allegations were not entirely fantastic, for Eleanor Cobham was undeniably ambitious. Certainly, no contemporary suggests that the trial of the duchess was engineered simply for political reasons by her husband's enemies; that was something which Tudor writers contributed to fifteenth-century historiography.⁵ Indeed, it is remarkable how poor a reputation Eleanor Cobham had among fifteenth-century chroniclers, in contrast to the glowing reports of Duke Humphrey which these predominantly Yorkist writers give. Her repugnant ambition or her dubious activities—or both—would have ensured that. Eleanor was said in 1441 to be anxious to discover when King Henry VI would die so that she should be queen; it was, perhaps, no unnatural wish in the ambitious wife of the heir presumptive.⁶ Eleanor's associates were accused of declaring that the lords of the Council ruled the young king and would be executed unless their behaviour

¹ Vickers, *op. cit.* p. 276 and n. 1; Myers, *BULLETIN*, xxiv. 264-5.

² Vickers, *op. cit.* p. 275. For Duke Humphrey's own treatise on astrology, see Ramsay, *op. cit.* ii. 32, n. 2.

³ Below, p. 389.

⁴ The surviving indictments of Eleanor and her associates are in P.R.O., King's Bench, Ancient Indictments, 72/1-6, 9, 11, 14.

⁵ The Tudor writers, Robert Fabyan (*The New Chronicles of England and France*, ed. H. Ellis (1811), p. 614) and Edward Hall (*Chronicle* (1809), p. 202), were the first to suggest unequivocally that Eleanor's trial was the work of her husband's enemies.

⁶ Eleanor's desire to be queen was still being stressed in 1447 as the cause of her misfortune (P.R.O., King's Bench, Plea Roll, 745 rex m. 22).

improved ; yet, the wife of a duke whose close kinship to the king gave him a special claim to a position on a Council from which he was increasingly barred, might well be hostile to Cardinal Beaufort and the other councillors. Moreover, it need be no coincidence that her association with necromancers and astrologers was said to have begun about April 1440, for at that point Gloucester had recently been cast into the political wilderness and was in process of being defeated on the issue of whether the captive duke of Orleans should be released in order to promote peace between England and France.¹ Gloucester's enemies had no need to manufacture the damning charges against Eleanor Cobham : her dabbings in the occult provided material enough and her unbridled ambition aroused deeper suspicion. But a vigorous public prosecution of the duchess would squeeze every ounce of political capital out of the incident and thereby destroy Gloucester, the man and the politician.

It was in the summer of 1441 that the play opened which was to end in Eleanor being condemned for witchcraft and treason. In the evening of 28 or 29 June Eleanor was cavorting in London with her habitual insufferable pride, dining in Cheapside at the King's Head, which had been originally built by Edward III so that the royal family might have a vantage point from which to view the city's pageants and festivities. While at dinner, she received a message that some of her associates and servants had been accused.² Master Roger Bolingbroke (or Bultingbroke), a prominent Oxford priest who was a member of Duke Humphrey's household and Eleanor's personal clerk, was one of them.³

¹ Arnold, *op. cit.* pp. 280-6 ; Ramsay, *op. cit.* ii. 24-25.

² Kingsford, *English Historical Literature*, pp. 340-1 (28 June), 156 ; Giles, *op. cit.* p. 30 (28 or 29 June).

³ J. Gairdner (ed.), *Historical Collections of a London Citizen* (1876), p. 183 ; *Great Chronicle*, p. 422 ; *Brut*, ii. 478. Bolingbroke is described as a gentleman of London, a clerk and B.A. in the official indictment (P.R.O., King's Bench, Ancient Indictment, 72/4). For the suggestion that he was an author himself, see Ramsay, *op. cit.* ii. 32, n. 2. He was certainly principal of St. Andrew Hall, Oxford, in September 1438 (A. B. Emden, *A Biographical Register of the University of Oxford to 1500*, i (1957), 214-15).

Another was Master Thomas Southwell, canon of St. Stephen's Chapel in the palace of Westminster, rector of St. Stephen's, Walbrook, London, and vicar of Ruislip, Middlesex.¹ John Home (or Hunne) was a third, canon of both Hereford and St. Asaph, and Eleanor's chaplain, who had acted as secretary for both Duke Humphrey and herself.² Marjery Jurdane (or Jourdemain), of Eye (or Ebury) near Westminster, shared the accusation; she had been charged with sorcery as long ago as 1432 and was described by one writer as an ancient pythoness.³ They were all charged with conspiring to bring about the king's death: Roger through necromancy; Thomas by celebrating mass unlawfully at the lodge in Hornsey Park, near London, with strange heretical accoutrements; and Home for taking part with both.⁴

Southwell's imprisonment in the Tower was ordered on 10 July; three days later, he was deprived of his canonry of St. Stephen's, Westminster, in favour of the king's almoner, John Delabere.⁵ But Bolingbroke was the most prominent of the coterie. His revelations were evidently interesting enough to attract the attention of the king's Council by 12 July, for a valet of the Crown, Bartholomew Hallay, was instructed not to let Roger out of his sight and, together with several persons sent from Windsor to Westminster for the purpose, to present him before the Council.⁶ Bolingbroke had probably incriminated

¹ *Ibid.* iii (1959), 1734-5; *Brut*, ii. 480; P.R.O., King's Bench, Ancient Indictment, 72/4.

² *Ibid.* 72/5, 6, 9; *Great Chronicle*, pp. 175, 422; *Brut*, ii. 508-9; Flenley, *op. cit.* p. 116, n. 1; J. Le Neve, *Fasti Ecclesiae Anglicanae, 1300-1541*, ii (1962), 37; xii (1967), 49; xi (1965), 44; P.R.O., Chancery Warrants, 1428/57-58 (where Home is described as a clerk or chaplain of London and Hereford, formerly secretary to Eleanor Cobham, and lately canon of St. Asaph Cathedral).

³ *Great Chronicle*, pp. 175, 422; *Brut*, ii. 480; Giles, *op. cit.* part 4, p. 31; T. Rymer (ed.), *Foedera, conventiones, literae . . .*, iv (1740), 178.

⁴ *English Chronicle*, p. 57; P.R.O., King's Bench, Ancient Indictments, 72/5, 6, 9. The fragmentary annals formerly attributed to William Worcester say that Eleanor herself was arrested on 28 June; this is almost certainly untrue (J. Stevenson (ed.), *Letters and Papers illustrative of the Wars of the English in France*, ii. pt. 2 (1864), p. 763).

⁵ P.R.O., Chancery Warrants, 730/6011; *Calendar of the Close Rolls, 1433-41*, p. 422.

⁶ P.R.O., Exchequer, E.R., Issue Rolls, 742 (12 July 1441). The Exchequer was ordered to pay Hallay his expenses on this date.

the duchess of Gloucester, and the Council seems to have exploited her involvement. A week or so later, on Sunday, 23 July, the public recanting of Roger Bolingbroke was staged at St. Paul's Cross.¹ During a sermon by Bishop Low of Rochester, he was placed on a specially erected platform, surrounded by his ludicrous instruments: a painted chair, on which he sat, with a sword tipped with a copper image at each of its four corners, images of wax and silver, and with Bolingbroke himself clasping a sword in one hand and a sceptre in the other, while he wore a surplice and a paper crown on his head. The sermon over, Bolingbroke recanted. The spectacle was devised to mock the heresy of his views and his indulgence in the magical arts. It may have excited comment among the spectators that the entire proceedings were enacted before a considerable section of Henry VI's Council: Archbishop Chichele of Canterbury, Cardinal Beaufort, Bishop Robert Gilbert of London, Bishop William Aiscough of Salisbury, the earls of Huntingdon, Northumberland and Stafford, as well as before the mayor and aldermen, commoners and foreign residents of London. It was a remarkable audience for a recantation, but if Bolingbroke had incriminated the duchess of Gloucester, prominent members of the Council might have been prepared to take the matter further.² Indeed, the entire theatrical performance looks as if it had been engineered to demonstrate to the populace the heinousness of the offences and to prepare it for further revelations and prosecutions.

The arrest of her associates alarmed Eleanor Cobham, who feared her own implication. After hearing of their arrest (or

¹ One chronicler says it was 22 July, another 25, but it was clearly a Sunday, therefore the 23rd (Flenley, *op. cit.* p. 115; *Chronicle of London*, p. 128; *Brut*, ii. 478; *English Chronicle*, p. 57). Vickers, *op. cit.* p. 270 n. 4, prefers the previous week, 16 July, simply on the grounds of chronological convenience and in the face of the chroniclers' explicit statements. His dating of the entire episode leaves much to be desired.

² *Brut*, ii. 478; *English Chronicle*, p. 57; Stow, *Annales or Generall Chronicle of England* (1631), p. 381. Chichele, Beaufort, Huntingdon, Stafford and Northumberland had been re-appointed to the king's Council in November 1437, but it must be admitted that in February 1440 Gloucester had protested at Huntingdon's exclusion from the Council by Beaufort and Kemp (S. B. Chrimes and A. L. Brown (eds.), *Select Documents of English Constitutional History, 1307-1485* (1961), pp. 275-6; Arnold, *op. cit.* p. 280).

after Bolingbroke's recanting), she fled for sanctuary to Westminster Abbey.¹ Her fears were well founded, and her husband was in no position to save her from the consequences of her indiscretions. Cited to appear at St. Stephen's Chapel, Westminster, to answer charges of conspiring to bring about Henry VI's death, Eleanor was examined on 24 July on twenty-eight points of felony and treason. Before Archbishop Chichele, Cardinal Beaufort, Archbishop Kemp and the bishops of Salisbury, London, and Bath and Wells (the chancellor), she strenuously maintained her innocence and was allowed to return to sanctuary in the Abbey.²

It was on Tuesday, 25 July that she appeared a second time at St. Stephen's. Her examination on that day was preceded by that of Roger Bolingbroke, evidently brought from custody to incriminate the duchess formally. Moreover, the king's council examined Roger, who claimed that his various activities had been at Eleanor's bidding in order to tell her fortune. It was on the basis of this statement that Eleanor appeared on this second occasion, face to face with Bolingbroke; she thereupon admitted five of the twenty-eight charges. Archbishop Chichele, with the agreement of the young king, committed her to Leeds castle in Kent in the custody of Sir John Steward, constable of the castle, John Stanley, usher of the king's Chamber, and others of the royal Household, until the king and Council should decree her punishment. Whether the suspicion of treason was justified or not, the Council, headed by enemies of Gloucester such as Beaufort and Kemp, was preparing to deal with the unfortunate duchess.³

¹ *English Chronicle*, p. 57, prefers the latter. The pseudo-William Worcester gives the specific date of 19 July, but also mentions Eleanor's arrest as taking place three weeks earlier! (Stevenson, *op. cit.* ii, pt. 2, pp. 762-3).

² *Brut*, ii. 478-9, says 25 July, whereas *English Chronicle*, p. 58, says it was Monday, 22 (*sic*, 24) July. It was probably on the 24th, since judgement at her second appearance was given on 25 July. Below, p. 398. Kemp was a close political associate of Beaufort (Arnold, *op. cit.* pp. 280-6).

³ *English Chronicle*, p. 58; *Brut*, ii. 479; *Calendar of the Patent Rolls, 1436-1441*, p. 559; 1441-1446, pp. 23, 40. Steward was in receipt of a life-annuity of 40 marks, granted by Henry V, and had recently been a member of the king's Household as master of the horse; he even attended a meeting of the Great Council in April and May 1434 (P.R.O., Exchequer, E.R., Warrants for Issues, 58/49;

Next day, Wednesday, 26 July, the lay power took over prosecution of the case, with the ominous implication that it alone could impose the death penalty. A commission was issued to enquire further in London into the alleged plot against the king. It included the mayor, aldermen and commoners of the city, but also the earls of Huntingdon, Northumberland and Stafford (the lay councillors who had taken part in the earlier investigation), the treasurer of England (Lord Cromwell), Lord Fanhope and Lord Hungerford, all of them members of the king's Council.¹ A series of enquiries was made in London with Bolingbroke and Southwell as the principal defendants and Eleanor as an accessory; all were indicted of sorcery, felony and treason.² The jurors asserted that Bolingbroke, Southwell and Home, on various occasions after April 1440 in the parishes of St. Martin's in the Vintry, St. Bennet Hithe and St. Sepulchre, had used magical figures, vestments and instruments and invoked demons and evil spirits to anticipate when Henry VI should die; Southwell, with a book of necromancers' oaths and experiments in hand, stood chanting protective masses. It was claimed that they had fashioned a figure of the king to work on, and were thereby able to calculate that he would die of melancholia at the end of May or early in June 1441.³ Eleanor was said to have encouraged them in all this and to have promised them gifts in return, while their belief in the king's impending demise was disseminated among the city population.⁴ It was further claimed that Eleanor, the wife of the heir presumptive, wished to be queen and was interested to discover when that eventuality

Proc. P.C., v. 119-20; iv. 212, 216). For John Stanley see J. C. Wedgwood, *History of Parliament, Biographies* (1936), pp. 797-9.

¹ *Proc. P.C.*, v. passim; *English Chronicle*, p. 58, and Stow, *Annales*, p. 381, also add the earl of Suffolk and justices of both Benches.

² *English Chronicle*, p. 58; *Brut*, ii. 479; Flenley, *op. cit.* p. 115.

³ P.R.O., King's Bench, Ancient Indictments, 72/1-6, 9, 11, 14. On 27 July, presumably before the enquiries could get under way, Southwell's moveable goods were granted to John Delabere, who had already occupied his canonry (P.R.O., Chancery Warrants, 1428/24; above, p. 387).

⁴ One of those told this by Bolingbroke was John Solers, esquire of the Household (he had been sergeant of the king's tents and pavilions since April 1438) (P.R.O., King's Bench, Ancient Indictment, 72/11; Exchequer, E.R., Issue Rolls, 742 (29 May 1441); *C.P.R.*, 1436-1441, p. 157).

would occur. The lords of the Council, few friends of Gloucester among them, had also received attention from Bolingbroke, who, it was said, had declared that they dominated the king and would be beheaded unless they changed their habits.¹ The witch of Eye had already given a woman's view, when she confessed that Eleanor had long employed her as a sorceress, primarily to concoct medicines and potions to induce Duke Humphrey to love and marry her.² The duchess's well known ambition and fascination with necromancy and witchcraft gave easy credence to these charges, especially after she herself admitted some of them to be true. But she incurred a great risk in indulging in them at all when Duke Humphrey was virtually powerless to protect her.

Condemned by an ecclesiastical tribunal and a secular enquiry, Eleanor did not yet give up hope of escaping punishment. She feigned sickness in order to remain in sanctuary and avoid being sent to Leeds castle, but her further plan to escape by water was foiled.³ On 9 August 1441 Henry VI ordered her to appear again before Archbishop Chichele on 21 October, presumably to receive sentence, and cautioned anyone (and he may have had Gloucester and his friends in mind) against hindering the archbishop in the performance of his task, or attempting anything against Eleanor or her property in the meanwhile. Henry VI was evidently anxious to mingle firmness with consideration, as one ballad-writer remembered.⁴ Two days later, the fallen duchess was handed over to Sir John Steward, John Stanley, Sir William Wolff and a group of Household servants. Indeed, members of the king's Household were to be given exclusive custody of Eleanor from this moment onwards, and it is

¹ This is not a dissimilar charge from that of Duke Humphrey himself, when in February 1440 he denounced the influence of Beaufort and Kemp over Henry VI, to the exclusion of himself and other deserving councillors like the duke of York and the earl of Huntingdon (Arnold, *op. cit.* pp. 280-2, 286).

² Not without considerable success! Below, p. 393, n. 2; *English Chronicle*, pp. 58-59; Stow, *Annales*, p. 381.

³ *English Chronicle*, p. 59.

⁴ *Foedera*, v. 110; the entry in *C.P.R.*, 1436-1441, p. 559, errs in giving 1 October as the date for her re-appearance. Speaking of Henry VI, Eleanor is made to say in one ballad: "That worthy prynce of high prudence

Of my sorow hade gret petye "

(Ramsay, *op. cit.* ii. 33 n. 2; Wright, *Political Poems and Songs*, ii. 207).

worth remarking that the steward of the Household at this juncture was William de la Pole, earl of Suffolk and a political associate of Cardinal Beaufort.¹ While these men and their charge made their way to Leeds, scene of Queen Joan's detention in 1420-2, Eleanor's accomplices found themselves in the Tower of London.²

In the long summer interval, the Council presumably decided her fate. Sir John Steward was commissioned to hire carriages in preparation for Eleanor Cobham's return to Westminster, and on Thursday, 19 October he brought her from Leeds and put her in the care of the constable of England, prior to further examination.³ It was Adam Moleyns, as clerk of the Council, who read the articles of sorcery, necromancy and treason to her in St. Stephen's Chapel a day or two after her return.⁴ Archbishop Chichele declined to attend because of ill health, although the prospect of seeing the wife of his friend, Duke Humphrey, being so humiliated must have fortified his withdrawal. Instead, Eleanor stood before Bishop Gilbert of London, Bishop Aiscough of Salisbury, Bishop William Alnwick of Lincoln, Bishop Thomas Brouns of Norwich, and several

¹ Suffolk was steward of the Household until December 1446 (Powicke and Fryde, *op. cit.* p. 76). For Sir John Steward and John Stanley, see above, p. 389. Wolff had also attended the Great Council in April and May 1434 (*Proc. P.C.*, iv. 212).

² *Brut*, ii. 479-80; *Historical Collections of a London Citizen*, pp. 183-4; Myers, *BULLETIN*, xxiv. 265, 277-83. Henry Vavasour and Thomas Wesenham, esquires, and John Slithurst, William Nixon, John Becket, Stephen Coot, John Water and Piers Preston, yeomen of the Chamber, were among those assigned to take charge of the duchess of Gloucester. Wages were ordered for them on 25 July 1441 (P.R.O., Exchequer, E.R., Warrants for Issues, 57/304). Eleanor gave Sir John Steward a diamond ring while she was his captive, and John Stanley acquired the goods of Roger Bolingbroke on 22 November 1441 (Vickers, *op. cit.* p. 274; S. Bentley (ed.), *Excerpta Historica* (1833), p. 278; *C.P.R.*, 1441-1446, p. 40).

³ *Ibid.* p. 23; *Brut*, ii. 480. Meanwhile, Gloucester, as justiciar of South Wales, felt able to travel to Cardigan, where he held a meeting of the great sessions of the county on 5 October 1441 (P.R.O., Ministers' Accounts, 1161/10 m. 6).

⁴ *English Chronicle*, p. 59, puts the date at Saturday, 21 October, whereas *Brut*, ii. 480, prefers 20 October. Moleyns was clerk of the Council from at least 1438, had himself become a councillor by November 1441, and was shortly to be identified with the Suffolk and Beaufort clique (Emden, *op. cit.* ii. 1289-91; *Proc. P.C.* v. 173; Powicke and Fryde, *op. cit.* p. 92).

doctors and masters of divinity ; as before, she admitted some of the charges but denied others.¹ It was clearly an ecclesiastical sentence that had been decided upon, although the role which Moleyns played reflects the vital interest of the Council in the proceedings. For the moment, however, the hearing was adjourned over the weekend, to be resumed at St. Stephen's on Monday, 23 October. Bolingbroke, Southwell and the witch of Eye, with all their paraphernalia, were produced to face Eleanor. Once more, she denied many of the charges, but pitifully confessed that she had encouraged her friends in their activities in order to have a child by Gloucester.² Nevertheless, they were all convicted and only punishment remained.³

Anticipating the dreadful death reserved for heretics and necromancers, Southwell died in the Tower on 26 October.⁴ Next day, it was the turn of the witch of Eye ; after recanting, she was taken from the Tower, handed over to the sheriffs of London and burned at Smithfield.⁵ The same day, Eleanor Cobham formally abjured before the bishops the heresies her activities implied and was ready to receive her penance from Chichele or his commissioners on 9 November.⁶ Before that was done, however, one more blow was delivered at the wretched prisoner and Duke Humphrey, at the same time softening in small degree

¹ *English Chronicle*, p. 59 ; *Brut*, ii. 480 ; Vickers, *op. cit.* p. 275. Chichele had been ailing since at least November or December 1439, and in April 1442 was to ask the Pope for permission to resign his see (E. F. Jacob, *Henry Chichele* (1967), pp. 109, 116). Gilbert was well qualified to investigate matters bordering on heresy, for he had studied the errors in Wyclif's works in 1411 ; while Brouns had been one of Beaufort's companions on the peace mission of 1439, and Aiscough was the king's confessor by 1440-1 (Emden, *op. cit.* ii. 766-7 ; i. 281-2 ; *idem*, *A Biographical Register of the University of Cambridge to 1500* (1963), p. 28 ; P.R.O., Exchequer, K.R., Various Accounts, 409/6 fol. 16^v).

² For their alleged illegitimate children, see Vickers, *op. cit.* p. 205.

³ *English Chronicle*, p. 59 ; *Brut*, ii. 480 ; *Great Chronicle*, p. 176.

⁴ *English Chronicle*, p. 59 ; *Brut*, ii. 480. However convenient this was for the authorities, it was a nuisance for Robert Brutte, who had entrusted to Southwell, as a canon of St. Stephen's, a chest full of his estate records for safe keeping ; only in November 1443 did he succeed in regaining possession of the chest (P.R.O., Exchequer, E.R., Warrants for Issues, 59/105).

⁵ *Brut*, ii. 480 ; *English Chronicle*, p. 59 ; *Great Chronicle*, p. 176 ; Giles, *op. cit.* part 4, p. 31 ; *Chronicle of London*, p. 129 ; Kingsford, *English Historical Literature*, p. 340.

⁶ *English Chronicle*, p. 59.

the momentous nature of this attack upon his duchess. On 6 November before a commission of bishops, headed even by the sick and aged Chichele and Cardinal Beaufort, Eleanor was solemnly divorced from the duke of Gloucester as a prelude to her final punishment.¹ Three days later, on 9 November, the penance was pronounced at St. Stephen's by Archbishop Chichele and his colleagues: Eleanor, with a burning taper in her hand, was to proceed from Westminster to a London church on three market days, when London's population would be swollen to its maximum by visiting tradesmen and shoppers.² This she did on Monday, Wednesday and Friday, 13, 15 and 17 November. If she attracted great compassion from some of the onlookers on each occasion, others were able to meditate on the greatness of the fall of a very foolish and ambitious woman.³

There remained Bolingbroke and Home in the Tower of London.⁴ Like Eleanor herself, Roger Bolingbroke had been in the custody of a Household official, Bartholomew Hallay, valet of the Crown, for much of the time since the beginning of July.⁵ On 18 November Roger appeared at Guildhall before the mayor, the duke of Norfolk and several justices to hear his condemnation by Sir John Hody, chief justice of King's Bench. He was then drawn from the Tower through the streets of London to Tyburn,

¹ *Brut*, ii. 480-81. It was the same commission which had just convicted her, including the bishops of London, Salisbury, Lincoln and Norwich, and certain doctors and masters of divinity. Above, pp. 392-93. This is the only source which mentions the divorce, but its precise dating encourages belief. There is on justification for Kingsford's suggestion (*English Historical Literature*, p. 93) that Duke Humphrey "may not have been an altogether unwilling party to the proceedings". Indeed, for an indication of their crushing effect on him, see below, p. 399, n. 3.

² *Brut*, ii. 481; *English Chronicle*, pp. 59-60; *Historical Collections of a London Citizen*, p. 184.

³ *English Chronicle*, pp. 59-60; Giles, *op. cit.* part 4, pp. 30-31; Wright, *op. cit.* ii. 205-8. For the penitential journeys, see above, p. 381. Citizens of London were ordered to show Eleanor no respect, but they were not to molest her either (R. R. Sharpe, *London and the Kingdom* (3 vols., 1894-5), i. 281).

⁴ On 16 November the sheriffs of London were ordered to bring them from the Tower to Guildhall two days later (*C.C.R., 1441-1447*, pp. 5-6).

⁵ F. Devon, *Issues of the Exchequer, Henry III to Henry VI* (1837), pp. 441-2. On 24 February 1442 Hallay was paid £10 for the expenses of himself, Bolingbroke and two attendants for nine weeks. See also p. 387.

where, protesting still his innocence of treason, he was hanged, disembowelled and quartered, his quarters being sent to several notoriously active centres of Lollardy and heresy: Oxford, Cambridge, Bristol and another town, according to one chronicler; Oxford, Cambridge, York and Hereford, according to another. His head was left to grace London Bridge.¹ On the same day, John Home appeared at Guildhall, but fared much better; he and a certain esquire, William Wodham, received charters of pardon.² With the principal actors despatched, there was no need to be vindictive towards those in supporting roles.

Condemned and penitent though she was, her associates dead or pardoned, Eleanor Cobham was not allowed the luxury of an honourable confinement like that accorded Queen Joan after 1419.³ As a prisoner, she could still guarantee Duke Humphrey's good behaviour; accordingly, elaborate measures were taken to ensure that she remained safely incarcerated for the rest of her life, in the custody of royal Household officials. On 19 January 1442 Henry VI himself wrote a letter under the signet from his manor of Sheen to the chancellor, Bishop Stafford, telling him of the decision to give Sir Thomas Stanley, controller of the Household, responsibility for the custody of the former duchess and her household in Cheshire. The chancellor was to order the sheriffs of the counties *en route* from Westminster to assist Stanley in a journey which was to be delayed by neither

¹ C. L. Kingsford (ed.), *Chronicles of London* (1905), p. 149; *Brut*, ii. 481, 509; *Great Chronicle*, p. 176; *English Chronicle*, p. 60; *Chronicle of London*, p. 130; Flenley, *op. cit.* p. 116. Hody was chief justice of King's Bench (*C.P.R.*, 1436-1441, *passim*). For these centres of Lollardy see J. A. F. Thomson, *The Later Lollards, 1414-1520* (1965), chaps. II, III, and pp. 197, 211-19.

² Kingsford, *Chronicles of London*, p. 149; *Chronicle of London*, pp. 129-30; *Great Chronicle*, p. 176; Flenley, *op. cit.* p. 116; *Brut*, ii. 509. Pardon of all offences committed by, and judgements delivered against, Home before 14 November was granted on 17 November 1441; nine days later he was confirmed in the benefice of Worth Maltravers, in the diocese of Salisbury, and died in 1473, still canon of Hereford (*P.R.O.*, Chancery Warrants, 1428/56-57; *C.P.R.*, 1441-1446, p. 27; Le Neve, *Fasti*, xii. 49). Wodham's offences may not have been connected with Eleanor Cobham; his final release from the Tower was ordered on 3 December (*C.P.R.*, 1441-1446, p. 75; *P.R.O.*, Chancery Warrants, 1368/24 (although not given, the year must be 1441).

³ For the brief comfortable confinement of Queen Joan from 1419 to 1422, see Myers, *BULLETIN*, xxiv. 265-70.

sickness on Eleanor's part nor the feigned illness of which she was known to be capable.¹ The Household servants, led by John Stanley, who were allowed 10s. a day for their prisoner and her tiny entourage of five attendants, relinquished their charge on 22 January, in preparation for the journey to Cheshire.² Two days later, Sir Thomas Stanley and his prisoners had made their way to the abbot of Westminster's manor of Neat, a short distance up river from Westminster, where they rested until the morning of the 26th.³ Later that day, Eleanor left in a horse-drawn bier for Chester, where Stanley was to have 100 marks per annum to cover her expenses in detention, a beggarly sum compared with the household budget of Queen Joan during her short captivity.⁴ A formal agreement for Eleanor Cobham's custody was drawn up at Chester on 10 February 1442 between John Stanley and the Household officials, on the one hand, and her new keeper, Sir Thomas Stanley, on the other; Eleanor's 100 marks were pro-

¹ H. Ellis (ed.), *Original Letters illustrative of English History*, 2nd series (1827), i. 107. In fact, many of her household were immured in the Tower (Trinity College, Dublin MS. 5. 10, fol. 173^v (a Latin Chronicle)). Until at least Christmas, she had been in the charge of Sir John Steward, John Stanley and Thomas Wesenham, esquires, Thomas Pulford and James Grisacre, valets of the Crown, John Wattes, valet of the Household, and John Martyn, groom of the Household (Devon, *Issues of the Exchequer*, p. 440). For an earlier feigned illness on Eleanor's part, see above, p. 391.

² Devon, *Issues*, p. 441; P.R.O., Exchequer, E.R., Warrants for Issues, 58/104, 110, 111 (with Wesenham described as a serjeant of the pantry, Pulford an usher of the Chamber, Grisacre a yeoman of the Chamber, and Wattes as a porter of the Household). The pseudo-William Worcester maintains that she was sent to "Let-pool" castle in Stanley's custody immediately after the penance, and a contemporary poem consigns her to "Lerpole". But there is no reliable evidence that Eleanor was ever placed in Liverpool castle (Stevenson, *op. cit.* ii. pt. 2, p. 763; Robbins, *op. cit.* p. 179 (the version of the same poem in Wright, *op. cit.* ii. 208, omits this reference to "Lerpole")).

³ *Brut*, ii. 482. Apart from Sir Thomas Stanley, Ralph Lee, a Household servant, was paid £100 in February 1442 for his expenses in taking Eleanor to Chester (Devon, *Issues*, p. 441; P.R.O., Exchequer, E.R., Warrants for Issues, 58/108 (the order for payment, dated 23 January)).

⁴ *Brut*, ii. 482; *English Chronicle*, p. 60; *Chronicle of London*, p. 130; Trinity College, Dublin MS. 5.10, fol. 173^v. Queen Joan's total expenditure in the year March 1420-1 was about 1,000 marks, ten times that allowed to the former duchess of Gloucester (Myers, *BULLETIN*, xxiv. 271). For Sir Thomas Stanley, see J. S. Roskell, *The Knights of the Shire for the County Palatine of Lancaster, 1377-1460* (Chetham Soc., xcvi (1937)), pp. 162-72; he was certainly controller of the Household and constable of Chester castle by April 1439 (*C.P.R., 1436-1441*, p. 286).

vided from the revenue of the mills and fisheries lying along the River Dee.¹

The government was ever nervous of the former duchess's strict confinement while Duke Humphrey lived. On 26 October 1443 Stanley, as constable of Chester castle, was ordered to take her to Kenilworth, and elaborate arrangements were made for her protection on the way; she and twelve attendants seem to have arrived there on 5 December, to be guarded by Lord Sudeley, chamberlain of the Household, constable of Kenilworth castle and newly-appointed treasurer of England.² The move may have been prompted by periodic rumours of plots to free Eleanor Cobham or murmurings against her initial imprisonment; on 27 May 1443, for instance, a Kentish woman called Juliana Ridligo from Greenwich, where Gloucester owned a manor, demanded Eleanor's release to Duke Humphrey, and even reviled the king himself on Blackheath.³ More distant confinement seemed advisable by 1446, possibly in response to such rumoured attempts to free her as those with which Gloucester's servants were charged in February 1447.⁴ At any rate, in July 1446 Sir Thomas Stanley was again ordered to transfer her, this time to the Isle of Man, of which he was lord; it was probably there that she died about 1457, ten years after her husband's death and long forgotten by all save one or two chroniclers.⁵

The trial had been the *cause célèbre* of the age. The sharp and

¹ P.R.O., Ministers' Accounts, 796/7 m.8d (1441-2); 796/8 m.7d (1442-3).

² C.P.R., 1441-1446, p. 206; Devon, *Issues*, pp. 447-8. Sudeley was the king's chamberlain from 1441 to 1446, constable of Kenilworth castle from 1433, and had recently succeeded Lord Cromwell as treasurer on 7 July 1443 (Powicke and Fryde, op. cit. p. 102; R. Somerville, *History of the Duchy of Lancaster*, i (1953), 560). Eleanor was evidently still to be kept under Household scrutiny, although Henry VI was prepared to send her a valuable, be-curtained canopy for her bed at Kenilworth (P.R.O., Exchequer, Various Accounts, 409/12, fol. 94 (1443-4, Household account). I am grateful to Mr. Roger S. Thomas for the latter reference.

³ The woman was pressed to death after a trial in King's Bench (*Brut*, ii. 483-4; Kingsford, *Chronicles of London*, p. 152). For the trial, see P.R.O., King's Bench, Plea Roll, 725 rex m.35d.

⁴ P.R.O., King's Bench, Ancient Indictment, 255/2; Plea Roll, 745 rex m.22.

⁵ Stanley became lord of Man in 1437 (Powicke and Fryde, op. cit. p. 63; C.C.R., 1441-1447, p. 233). Giles, op. cit. part 4, p. 31, is the only source to give an indication of the date of her death, at Flint castle in Stanley's custody. *Chronicle of London*, p. 130, maintains that she died at Chester castle, but *Brut*, ii. 482, 508,

acrimonious division among the king's advisers had brought Eleanor Cobham's foolish dabbings in witchcraft and necromancy close to heresy and treason. Very probably full advantage was taken of her unpopularity and indiscretions to strike at Gloucester, for the public humiliation of his wife would also discredit the duke. As a result, the Council took an interest in the incident from the beginning, and certain of its members were closely involved in her trial. Beaufort and Kemp, Gloucester's most venomous opponents, appeared at the crucial stages, with the infirm Chichele pronouncing the formal condemnations. The king was brought to agree to the action taken against his aunt: he underlined Chichele's committal of her to Leeds castle on 25 July 1441, and his own Household servants acted as custodians of both Eleanor and Bolingbroke from the outset.¹

And yet, the long and confused story of the proceedings against Eleanor Cobham reflect a basic uncertainty of how a royal duke's consort, suspected of treason, should be tried and judged. Her errors of faith could be corrected by a bench of bishops, but the treason they detected on 24-25 July was outside their competence. Hence, a special enquiry by laymen was instituted next day in London; but even then it was far from clear that Eleanor warranted a trial in King's Bench, and the principal defendants were therefore Bolingbroke and Southwell. During a long adjournment, Eleanor languished in Leeds castle in the custody of personal servants of the king; on her return to Westminster in October 1441, the king's constable was her temporary keeper, and she remained in the hands of Household officials until her death. This may reflect a new approach to the case of the awkward duchess. The customary penance was her eccles-

Flenley, *op. cit.* p. 102, and Kingsford, *Chronicles of London*, p. 149, say that she ended her days in the Isle of Man. Vickers, *op. cit.* pp. 273-4, would place her death in Flint castle in 1459, but the Isle of Man seems preferable since there is no trace of a subsequent removal from there. By special act of Parliament, on 3 March 1447, Eleanor was deprived of any claim to dowry after the recent death of Duke Humphrey, and she continued to be excluded from general pardons thereafter (*Rot. Parl.* v. 135; *C.P.R., 1447-1452*, pp. 11, 546).

¹ See above, pp. 387 ff. Despite their chronological confusion, it is worth noticing that the annals of the pseudo-William Worcester attribute Eleanor's consignment to Leeds castle to the king's Council, and her final imprisonment to the king's own order (Stevenson, *op. cit.* ii. pt. 2, pp. 762-3.)

iastical punishment, but the perpetual imprisonment does not seem to have been imposed by any common law court. Either a prerogative court like that of the Household or Marshalsea was employed, or the problem of a peeress accused of treason defeated the Crown's legal advisers.¹ For the short term, Eleanor was safely locked away in Chester, Kenilworth or the Isle of Man; but for the long term, the legal lacuna needed to be eliminated. When Parliament assembled at Westminster on 25 January 1442, Eleanor was on her way to Chester; but for the future, the Commons petitioned that all doubt and ambiguity about the trial and judgement of peeresses for treason and felony be removed. It was accordingly resolved and made statutory that peeresses should be so judged by the judges and peers of the realm, just like English peers.²

So stands the trial of Eleanor Cobham. It has a timeless importance in the history of English law and the definition of the legal status of peeresses, if not of women generally. Its importance as a weapon with which to strike at Duke Humphrey of Gloucester is illustrated by the unusual care taken to ensure Eleanor's condemnation and her secure imprisonment in after years; Gloucester's continued eclipse by the Beaufort faction testifies to its success.³ When Duke Humphrey returned to the Council board towards the end of August 1442, he did so as a broken figure, whose exalted position supported but shallow power.⁴

¹ For the court of the Household or Marshalsea, held by the steward (in 1441 the earl of Suffolk) and marshal of the Household, see E. C. Lodge and G. A. Thornton (eds.), *English Constitutional Documents, 1307-1485* (1935), pp. 283-4. No record of a trial in King's Bench has been located on the relevant Plea Roll.

² Chrimes and Brown, *op. cit.* pp. 276-7, taken from *Rot. Parl.*, iv. 56. See also W. Holdsworth, *A History of English Law*, i (7th edn., 1956), 388, and F. Thompson, *Magna Carta* (1948), pp. 390-2. Apart from the reasons advanced by Professor Myers for the failure to bring Queen Joan to trial in 1419, uncertainty as to the proper procedure may also have played a part (Myers, *BULLETIN*, xxiv. 274-7).

³ John Hardyng, writing within twenty years of Eleanor's trial, affirms the dispiritedness and disrepute into which Gloucester fell as a result of his wife's disgrace (H. Ellis (ed.), *The Chronicle of John Hardyng* (1812), p. 400).

⁴ For Gloucester's last years, see Vickers, *op. cit.* pp. 280-94. One other result of Eleanor Cobham's trial was the appointment of a commission of doctors, notaries and clerks in October 1441 to enquire into the superstitious sect of necromancers and witches in England (Devon, *Issues*, p. 440; P.R.O., Exchequer, E.R., Warrants for Issues, 58/63).