

# PHILIPPE DE COMMYNES AND THE PRE-CONTRACT: what did Commynes say, where did he get his information, and what did he believe?

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Philippe de Commynes' *Memoirs of the Reign of Louis XI* are unique among the primary sources for the reigns of Edward IV and Richard III as the only authority to state that Canon Robert Stillington, future bishop of Bath and Wells, participated in a secret marriage between Edward IV and 'a certain English lady' (Lady Eleanor Talbot). As we shall see, Commynes reported that Stillington 'married them when only he and they were present', that Edward subsequently wedded Queen Elizabeth Woodville, and that following Edward's death, Stillington revealed the late king's clandestine marriage to Richard, duke of Gloucester.<sup>1</sup>

Stillington's testimony established Eleanor Talbot as Edward's legal wife and invalidated the king's later and consequently bigamous union with Elizabeth Woodville. As a result, Edward's legitimate contract of marriage to Eleanor Talbot (the pre-contract) disqualified the offspring of the equally secret, but unlawful, Woodville union, leading to the deposition of Edward V and the accession of Richard III. Although Commynes is not alone in linking Stillington with the pre-contract, his account is clearly of the utmost importance. Yet some historians question Commynes' veracity and doubt the plausibility of the pre-contract story. As Richard III's claim to the throne rested on Edward IV's bigamy and the bastardisation of his children, this article will return to the text of Commynes' *Memoirs*, discuss the identity of his informants, and attempt to discern how Commynes himself viewed the credibility or otherwise of the pre-contract. In other words, what did Commynes say, where did he get his information, and what did he believe?

## The *Memoirs*

Between 1468 and 1483, Philippe de Commynes rose to prominence as the leading diplomat in the service of Charles the Bold of Burgundy (1468–72) and Louis XI of France (1472–83). Throughout a distinguished though turbulent career, Commynes moved in the most exalted political circles, encountering personal danger on the field of battle and in the course of his diplomatic duties. Following a period of disgrace and imprisonment in the aftermath of King Louis' death in August 1483, Commynes composed the first six books of the *Memoirs* between 1489 and 1491.<sup>2</sup> According to the Prologue, Commynes wrote the *Memoirs* for Angelo Cato, archbishop of Vienne, who was collecting material for a history of Louis XI written in Latin:

My lord archbishop of Vienne, you graciously requested that I should write an account for you about what I know of the acts of our master and benefactor, Louis XI (may God pardon him), a prince whom we ought to remember. In order to comply I have done this as truthfully as my memory allows.<sup>3</sup>

It is interesting to note that Cato, as physician, served both Charles the Bold and Louis XI, just as Commynes, as diplomat, served the Burgundian duke and the French king.<sup>4</sup> Towards the end of the Prologue Commynes recasts the *Memoirs* in a more ambiguous light, stating that he sends to Cato 'a record of that which springs promptly to my mind, hoping you asked for this in order to put it into a work which you have planned to write in Latin'.<sup>5</sup> Cato, however, 'never wrote any such work, nor does any record exist beyond Commynes's prologue that he ever intended to do so'.<sup>6</sup> Yet it is worth mentioning, in Commynes' defence, that Cato commissioned Dominic Mancini to write an account of political events in England during the spring and early summer of 1483.<sup>7</sup> It is not, therefore, altogether impossible that Cato also requested Commynes to write a history of Louis XI.

## What did Commynes say?

Commynes recites the story of Bishop Stillington and the pre-contract on two separate occasions. First, in Book Five of the *Memoirs*, Commynes states that:

This bishop [of Bath] revealed to the duke of Gloucester that King Edward, being very enamoured of a certain English lady, promised to marry her, provided that he could sleep with her first, and she consented. The bishop said that he had married them when only he and they were present. He was a courtier so he did not disclose this fact but helped to keep the lady quiet and things remained like this for a while. Later King Edward fell in love again and married the daughter of an English knight, Lord Rivers. She was a widow with two sons.<sup>8</sup>

It is at once apparent that the verifiable details of Commynes' account are both accurate and reliable. Commynes' identification of the duke of Gloucester as recipient of Stillington's revelation accords with the known chronology of summer 1483. The duke, appointed Protector during the minority of Edward V, was the obvious and most appropriate political figure to whom Stillington might address his concerns. Commynes correctly states that at the time of Edward IV's secret marriage the bishop was a courtier – Stillington became a royal councillor in 1449 and Keeper



A sixteenth-century drawing of Philippe de Commines by Jacques Le Boucq, Bibliothèque municipale d'Arras. Image in the public domain

of the Privy Seal on 28 July 1460. Indeed, the very fact that Stillington was keeper of the Privy Seal almost certainly explains his attendance upon the king and his presence at the wedding in his capacity as a canon. Finally, Commines' account finds further corroboration in accurately describing the king's subsequent union with 'the daughter of an English knight, Lord Rivers', who was 'a widow with two sons'. In 1464 Edward married Elizabeth Woodville, daughter of Richard Woodville, earl Rivers, and widow of Sir John Grey, with whom she bore two sons, Thomas Grey, marquis of Dorset, and Sir Richard Grey.

Commines' second account of Bishop Stillington and the pre-contract appears in Book Six of the *Memoirs*, where, importantly, the author adds further significant detail:

The bishop said that King Edward had promised to marry an English lady (whom he named) because he was in love with her, in order to get his own way with her, and that he had made this promise in the bishop's presence. And having done so he slept with her; and he made the promise only to deceive her.<sup>9</sup>

Commines states that Stillington disclosed the name of Edward's secret bride, although Commines himself fails to identify the lady in question. However, other sources corroborate Commines' claim, revealing that Stillington named Eleanor Talbot, daughter of John Talbot, earl of Shrewsbury, widow of Sir Thomas Butler, and sister of Elizabeth, duchess of Norfolk, as the young king's

spouse. The *Titulus Regius* of January 1484 states that 'King Edward was and stood married and troth-plighted to one Dame Eleanor Butler, daughter of the earl of Shrewsbury, with whom the same King Edward had made a pre-contract of matrimony long before he made the said feigned marriage with the said Elizabeth Grey [Queen Elizabeth Woodville]'.<sup>10</sup> In addition, the anonymous chronicler of Crowland Abbey in Lincolnshire, who compiled his account between November 1485 and April 1486,<sup>11</sup> reported that Edward IV 'had been precontracted to a certain Lady Eleanor Boteler [Butler] before he married Queen Elizabeth'.<sup>12</sup> It is quite clear that Commines' description of Edward's bride as an 'English lady' equates with Eleanor Talbot's status as the daughter of an earl and the widow of a knight.<sup>13</sup>

However, some historians question Commines' reliability and doubt the credibility of his account. Charles T. Wood, for example, argued that 'there is every reason to believe that the so-called revelations of Bishop Stillington came to light only after Richard had ascended the throne'.<sup>14</sup> Wood drew attention to the fact that Commines 'incorporates the claim that Edward IV's sons were murdered and that his daughters were declared illegitimate in Parliament, events that took place long after [Richard III's accession in] June [1483]'. Wood argues that 'the logical inference is that the whole of his story is grounded in the actual events only insofar as the act of succession [the *Titulus Regius* of 1484] mentioned them'.<sup>15</sup> In other words, Commines based his account of the pre-contract on the parliamentary act of 1484 and not the actual events of 1483. Commines, according to Wood, reflects the government line and not the real means by which Richard became king.

However, Wood fails to recognise that a copy of the petition setting out Richard III's royal title, presented to Richard on 26 June 1483, was despatched to Calais two days later on 28 June, 'there to be read and understood' by the garrison.<sup>16</sup> Parliament subsequently ratified this document as the *Titulus Regius* in January 1484. Therefore, the petition of June 1483, proclaiming Richard's title to the throne, which became the act of 1484, reached Calais by early August 1483. Wood's argument – that Commines' based his account of the pre-contract on the 1484 act of succession – is therefore undercut by the fact that a written statement of the grounds upon which Richard became king, enshrined in a later act of succession, existed in England and northern France in the summer of 1483. Moreover, Guillaume de Rochefort's speech to the Estates-General of France at Tours on 15 January 1484 proves that rumours accusing Richard III of infanticide were circulating in France before the opening of Richard's parliament on 23 January 1484.<sup>17</sup> Rochefort begs the Estates-General to consider the fate of Edward IV's children, 'murdered unpunished and the crown transferred to the murderer by the favour of the



people'.<sup>18</sup> Rochefort's reference to the 'crown transferred' 'by the favour of the people' reveals that he based his account on the events of June 1483,<sup>19</sup> when 'the lords spiritual and temporal and the commons of this land'<sup>20</sup> petitioned Richard to take the crown. Therefore, Commynes' incorporation of the death of Edward IV's sons actually implies that his account of the pre-contract derives from a date earlier than the 1484 act. In addition, it is recorded that Commynes himself 'played an important part in the Estates-General', further reinforcing the argument that his familiarity with the pre-contract pre-dates Richard III's parliament and the act of succession.<sup>21</sup> Finally, Commynes' account of the pre-contract contains details not found in the *Titulus Regius* (and vice versa). Therefore, Wood's argument that Commynes' knowledge of the pre-contract derives from the 1484 act of parliament is virtually impossible to sustain.

Despite the reservations of historians such as Charles Wood, it is important to recognise that Commynes presents the pre-contract as absolute fact. Commynes neither declares nor insinuates that Edward IV's secret union is a falsehood or a deception. Commynes, it seems, accepts at face value the veracity of the pre-contract story, an approach repeated elsewhere in the *Memoirs*. For example, on three separate occasions Richard is unequivocally stated to have murdered his nephews in order to make himself king.<sup>22</sup> Commynes presents Richard III's murder of Edward IV's sons as fact, just as he presents Edward IV's secret marriage to a 'certain English lady' as fact – and this, I suggest, is the great puzzle. Commynes' treatment of Richard is uniformly hostile, consistently depicting him as 'cruel and evil'. One would therefore expect Commynes to discredit the pre-contract story, the device by which Richard deposed Edward V and claimed the throne. Yet this is patently not the case. Commynes states clearly that Robert Stillington, future bishop of Bath and Wells, secretly married Edward IV to 'a certain English lady' before Edward later wedded Elizabeth Woodville, and that following the king's death, Stillington revealed Edward's secret marriage to Richard, duke of Gloucester. How, in light of Commynes' deeply unfavourable treatment of Richard III, are we to explain his apparent acceptance of the pre-contract, and by default Richard's claim to the throne, as entirely genuine? An analysis of Commynes' sources offers a potential solution.

### Where did Commynes get his information?

There seems little reason to doubt that 'from his first arrival at the [French] royal court in 1472 until Louis XI's death in August 1483, Commynes enjoyed a position of power in Louis's entourage, at moments one of unrivalled power'.<sup>23</sup> In the Prologue Commynes wastes no time in announcing his importance as a diplomat and the exalted circles in which he moved:

I have known and have had as many dealings with great princes as any man alive in France in my time, with those who have lived in this realm as well as in Brittany, Flanders, Germany, England, Spain, Portugal and Italy, with lords spiritual and temporal, and with many others whom I have never met but have learnt about through conversations with their ambassadors, by their letters and instructions, from which one can easily form an opinion on their character and circumstances.<sup>24</sup>

To Commynes' own estimation of his political eminence, we may add the vivid recollections of a former servant who stated that his master 'had a prodigious memory' and that 'his conversation was chiefly among foreigners, as he was desirous to inform himself of all things and places'.<sup>25</sup> Michael Jones has plausibly argued that as far as English affairs are concerned, these foreigners were Lancastrian and Yorkist exiles encountered at the Burgundian court, and English diplomats visiting the French court of Louis IX.<sup>26</sup> However, it is also likely that Commynes spoke to a number of English rebels who fled to Brittany following the collapse of the 1483 uprisings against Richard III. In April 1484, Commynes visited the court of Duke Francis II of Brittany,<sup>27</sup> and it is inconceivable that he failed to discuss English affairs with at least some of Richard III's exiled opponents. It is also apparent that Commynes made the acquaintance of Henry Tudor and Jasper Tudor, and may have conversed with them on several occasions. Commynes was at the court of Duke Francis when Henry and his uncle Jasper

Philippe de Commynes, as depicted on his tomb, Musée du Louvre, Paris. Image in the public domain



fell into the duke's custody while attempting to flee to France in September 1471. Commynes later recalled that he spoke to Henry shortly before the latter's invasion of England in August 1485.<sup>28</sup> It is also possible that Commynes supplemented the *Memoirs* with various letters and documents in his possession.<sup>29</sup>

In addition to these many and varied foreign contacts, Commynes claimed an unrivalled personal relationship with the French king:

From the time when I came into his service until the hour of his death, when I was present, I resided continually with him longer than anyone else, serving him at least in the capacity of a chamberlain and often being occupied in his most important business.<sup>30</sup>

One might easily imagine, therefore, that Commynes, 'wishing to enhance the value of his testimony in the eyes of the reader, attempted to exaggerate or magnify his intimacy with the king, but generally speaking, it turns out to be based on historical truth'.<sup>31</sup> Indeed, some of the king's 'most important business' included access to Louis XI's diplomatic correspondence, revealing, for example, that Richard III signed his letters 'Richard'.<sup>32</sup> Furthermore, letters patent issued by Louis XI in October 1472 confirm that Commynes served the French king as 'our Counsellor and chamberlain',<sup>33</sup> a degree of familiarity identical to that shared between Edward IV and William, Lord Hastings, and an indication of the high favour Commynes enjoyed in the service of the French crown.

Although Commynes remained a royal councillor until 1485, acting 'as the most intimate sort of royal adviser',<sup>34</sup> archival research demonstrates that 'others served on Louis' council for more years' and 'signed more documents'.<sup>35</sup> Nevertheless, as far as English affairs are concerned, it is absolutely clear that Commynes accessed a wide range of informants and sources of intelligence. It is also interesting to note that Commynes saw 'the two brothers of King Edward, the duke of Clarence and the duke of Gloucester' at the Burgundian court in 1460.<sup>36</sup> While there is no evidence that Commynes visited England, his many diplomatic missions brought him into contact with a range of Englishmen in Burgundy and Brittany as well as the court of the French king. Such sources spawned the narrative of English affairs found in the *Memoirs* – a narrative deeply hostile to Richard III. Their testimony was current on the near continent well before Richard's parliament of 1484, and, as we have seen, officially rehearsed by the Estates General on 15 January 1484. Substantial numbers of exiled English rebels account for Commynes' adverse portrayal of King Richard, but not the credence with which he appears to accept the pre-contract. It is a paradox which invites one to ask what Commynes himself thought about Edward IV's secret marriage to 'a certain English lady'.

## What did Commynes believe?

It has been suggested that the informal style of Commynes' *Memoirs* permits 'a more intimate acquaintance with the writer, so that his feelings and desires, his political emotions, so to speak, as well as his explicit convictions, are in evidence'.<sup>37</sup> Can we discern in the text of the *Memoirs* how Commynes himself viewed the pre-contract story? Are his 'political emotions' and 'his explicit convictions' actually 'in evidence'? First, it is worth pointing out that Commynes was no stranger to the dark arts of foreign affairs, nor was his unscrupulous master, Louis XI, the 'Spider King'. It was Commynes 'who made the classic pronouncement that messenger, spy and diplomat amount to the same thing' and Commynes himself personally employed the 'pretended pilgrimage' as a tool of 'secret diplomacy'.<sup>38</sup> Commynes, it seems, adopted a pragmatic approach to political life, particularly the political world in which he operated. It is reasonable to suggest that any overt display of emotion or conviction had to penetrate the hardened shell of his diplomatic experience.

Commynes, as we have seen, relates the story of the pre-contract with something approaching cool detachment, but in the following passage betrays signs of anger and moral outrage over Richard III's 'evil' collaboration with bishop Stillington:

At the time I am speaking about the bishop of Bath told the duke of Gloucester all about this affair and helped him a great deal in the execution of his evil plan. The duke had his two nephews murdered and made himself king, with the title King Richard. The two daughters [of Edward IV] were declared illegitimate in a plenary session of Parliament and their right to the royal arms taken from them.<sup>39</sup>

Significantly, Commynes accepts without question the reality of the pre-contact, heaping instead condemnation upon the machinations of Richard and Stillington. Commynes' reference to a plenary session of parliament almost certainly alludes to the informal gathering of lords spiritual, temporal, and commons who petitioned Richard III on 26 June 1483, adding further weight to the argument that Commynes' testimony rests on the events of 1483 and not the parliament of 1484.

While Commynes undoubtedly spoke to English diplomats and messengers in the service of Richard III, such emissaries are hardly likely to have provided the *Memoirs'* unequivocally negative depiction of the king. The evidence overwhelmingly suggests that hostile English sources (directly or indirectly) provided Commynes' account of Richard, and that the earliest of these adverse reports were current before Guillaume de Rochefort's speech to the Estates-General of France on 15 January 1484. And yet the *Memoirs*, as we have said, contains no obvious attempt to discredit or blacken the pre-contract story. Given Commynes' access to Henry and possibly Jasper Tudor, it is surprising, to say the

least, that the grounds upon which Richard deposed Edward V are not derided as an utter fabrication or a cynical political expedient. Instead, Commynes reports Edward IV's secret marriage, witnessed by the bishop of Bath and Wells, as an actual event. If, as suggested above, Commynes 'political emotions ... as well as his explicit convictions are in evidence', then it is the deposition of Edward V, and the bastardisation of his siblings, which provoke the author's indignation, and not the pre-contract. One can only conclude that none of Commynes' sources provided any reason to question the authenticity of the pre-contact story. Commynes, it appears, truly believed that Edward IV contracted a secret marriage with 'a certain English lady' and bigamously married 'the daughter of an English knight' for one simple and remarkable reason – he possessed no evidence to the contrary.

## Notes

1. M. Jones (ed.), Philippe de Commynes, *Memoirs of the Reign of Louis XI 1461–83* (1972), pp 353–4.
2. Jones (ed.), *Memoirs*, p. 35.
3. Jones (ed.), *Memoirs*, p. 57.
4. Irit Ruth Kleiman, *Philippe de Commynes: memory, betrayal, text* (Toronto, 2013), p. 185.
5. Jones (ed.), *Memoirs*, p. 58.
6. Kleiman, *Philippe de Commynes*, p. 185.
7. Jones (ed.), *Memoirs*, p.26.
8. Jones (ed.), *Memoirs*, pp 353–4.
9. Jones (ed.), *Memoirs*, p. 397.
10. 'Richard III 1484 Parliament', in *Parliament Rolls of Medieval England* (Woodbridge, 2005), Item 5, *Titulus Regius* (The Royal Title), British History Online [www.british-history.ac.uk/no-series/parliament-rolls-medieval/richard-iii](http://www.british-history.ac.uk/no-series/parliament-rolls-medieval/richard-iii) [accessed 19 April 2016].
11. For the problematic issue of dating the Crowland Chronicle, see M. Hicks, 'The Second Anonymous Continuation of the Crowland Abbey Chronicle 1459–86 Revisited', *English Historical Review*, vol. cxxii, 496, April 2007, pp 349–70. My thanks to Philippa Langley for reminding me of Professor Hicks' research.
12. N. Pronay and J. Cox (eds), *The Crowland Chronicle Continuations: 1459–1486* (1986), p. 161.
13. J. Ashdown-Hill, *Eleanor: The Secret Queen*, (2009), Appendix 3, pp 220–1.
14. Charles T. Wood, 'The Deposition of Edward V', *Traditio*, vol. 31 (1975), p. 259.
15. Wood, 'Deposition of Edward V', p. 273.
16. R. Horrox and P. W. Hammond (eds.), *British Library Harleian Manuscript 433, Vol. 3* (1982), pp 28–31.
17. J. Masselin (ed.), *Journal des États-généraux de France tenu a Tours en 1484* (Paris, 1835), pp 37–9. My thanks to Philippa Langley for bringing this reference to my attention.
18. English translation (of Masselin's French translation of the original Latin) by Albert Jan de Rooij on behalf of The Missing Princes Project, December 2017. Masselin's French translation includes an exclamation mark at the end of this passage not present in the original Latin and therefore left out of the English translation quoted here.
19. Kind thanks to Philippa Langley for drawing this connection to my attention.
20. Horrox and Hammond (eds.), *Harl 433, Vol. 3*, p.29.
21. Jones (ed.), *Memoirs*, p. 21.
22. Jones (ed.), *Memoirs*, pp 354, 355, 396–7.
23. Kleiman, *Philippe de Commynes*, p. 95.
24. Jones (ed.), *Memoirs*, p. 57.
25. Jones (ed.), *Memoirs*, p. 46.
26. Jones (ed.), *Memoirs*, p. 13.
27. Jones (ed.), *Memoirs*, p. 21.
28. Jones (ed.), *Memoirs*, p. 354.
29. Kleiman, *Philippe de Commynes*, p. 139.
30. Jones (ed.), *Memoirs*, p. 57.
31. Joel Blanchard, 'Commynes on Kingship', in *War, Government and Power in Late Medieval France* (ed. Christopher Allmand), Liverpool, 2000, p. 110.
32. Jones (ed.), *Memoirs*, p. 396.
33. Kleiman, *Philippe de Commynes*, p. 103.
34. William J. Bouwsma, 'The Politics of Commynes', *Journal of Modern History*, vol. xxiii, December 1951, no 4, p. 317.
35. Kleiman, *Philippe de Commynes*, p. 187.
36. Jones (ed.), *Memoirs*, p. 309.
37. Bouwsma, 'Politics', p. 316.
38. Ian Arthurson, 'Espionage and Intelligence from the Wars of the Roses to the Reformation', *Nottingham Medieval Studies*, Jan 1, 1991; 35, pp 134 and 146.
39. Jones (ed.), *Memoirs*, p. 354.