Is this the missing evidence of the *Titulus Regius*?

Henry VII not only ordered the destruction of the *Titulus Regius* but also that of the documentary evidence upon which Richard III's royal title was based, says ***David Johnson***

Members will have read Annette Carson's perceptive piece about the repeal of the *Titulus Regius* in the June 2024 issue of the *Ricardian Bulletin* (pages 50–53). Annette drew attention to a particularly important entry in a legal Year Book covering the first year of Henry VII's reign. The entry in question (*Year Book*, 1 Henry VII, Hilary Term, plea 1) reported Henry's command that the Justices of the Exchequer Chamber discuss the 'reversal of the bill and Act that declared bastards the children of King Edward IV and Elizabeth his wife'. Annette made the point that what appeared to be the considered view of the Justices – that *Titulus Regius* be repealed unread – was in reality no more than subservient compliance with the demands of the king. According to the *Year Book*: 'The Justices took the king's direction'. In other words, Henry told them to repeal Titulus Regius and they obeyed.

Ever since I first came across this particular Year Book entry I have been intrigued by one rather brief, almost throw-away sentence. It appears at the end of an extraordinary passage which states, 'that the said Bill, Act and Record be annulled and utterly destroyed, and that it be ordained by the same authority [of parliament] that the same Act and Record be taken out of the Roll of Parliament and be cancelled and burnt, and be put in perpetual oblivion. Also the said bill with all the appendancy etc.'

Here we have details of Henry's attempt to destroy all trace of the *Titulus Regius*, which ultimately proved unsuccessful since the enrolled copy, as the *Year Book* points out, 'may not be taken out of the record without an Act of Parliament'. But what is more significant in terms of the authenticity of *Titulus Regius* is the final short sentence which orders the destruction of 'the said bill with all the appendancy'.

The 'said bill' is the petition, the parchment roll, presented to Richard in June 1483 by representatives of the three estates of the realm, the Lords, Church and Commons. The document set out the grounds upon which Richard was requested to accept the crown. The text of that bill, as Annette observed, was embedded in the 1484 Act of Parliament known to us as the *Titulus Regius*. The *Year Book* states that the 'said bill with all the appendancy' are to be destroyed. Although some may disagree, I firmly believe that in this context 'appendancy'

Paper trail: Henry VII wanted the *Titulus Regius* repealed and copies of it destroyed


Titulus Regius

primo Henrici Septimi.

Rotuli de vn act

Policie.

The repeal of the *Titulus Regius*

The repeal of the *Titulus Regius* has long excited Ricardians. **Annette Carson** takes a look at the documentary evidence for what happened

Many of us have come across the reference, 'Year Book Hilary Term 1486', in connection with Henry VII's arrangements for repealing Titulus Regius, Richard III's Act of Succession of 1484. Few writers have examined what went on between the newly enthroned Henry Tudor and his justices when he called them together to discuss this repeal.

50 The Ricardian Bulletin June 2024

In terms of my own research, all I ever saw was an occasional phrase quoted from the Year Book for Hilary Term (1 Henry VII, Plea 1), which was frustrating for someone whose research is always concentrated on finding original, authentic documents.

This particular document has mainly been quoted because it records how Henry VII brushed aside demands to interview Bishop Robert Stillington about the petition – the famous 'parchment roll' – which had been presented to Richard on 26 June 1483 inviting him to take the throne.

We know the Tudor king issued a warrant for Stillington's arrest immediately after Bosworth, and pursued the elderly bishop remorselessly until he got him under lock and key. These actions, and the Year Book entry, support other sources confirming Stillington's presumed involvement in the preparation of the case that led to Richard's accession.

Note in particular the very last words which record the eagerness of the lords in Parliament to interrogate Stillington as the author of 'this false bill', and that when Henry VII refused on the grounds that he had pardoned him, some of the bishops in Parliament were against his decision. It is intriguing to wonder why they were so bold as to disagree with King Henry: remember that many of them had been members of the quasi-Parliament that deposed Edward V of the crown.

But examining this document has produced other revelations. My original interest in getting hold of it related to an essay I was writing ('Investigating Henry VII's Repeal of Titulus Regius', now published on my website). Plea 1 in the Hilary Term was crucial for this because it recorded the interaction between the king and the justices of the exchequer chamber immediately prior to the passing of the Act of Repeal. This took place on 23 January 1486, the first day of reassembly of the first Tudor Parliament.

The prize is right. At the heart of the law revoking the Titulus Regius was Henry VII's desire to debastardise Elizabeth of York whom he had just married

Before discussing its relevance, I should make a few observations about different versions of this document. I was lucky enough to get advice from a kind professor at Boston University, where they have probably the world's most reliable database of Year Books. I learnt that these were not official legal records, but rather jottings and copyings by lawyers from other lawyers, gathered and printed and reprinted in dizzying numbers. The Boston catalogue lists 15 printings of 1 Henry VII alone, by eight printers, between c. 1509 and 1679!

These Year Book entries were first published in black-letter form, written in Law French and strewn with each different printer's favoured contractions. Further, upon comparing different versions, it was evident that those who diligently transcribed and translated them into modern print were not,

"These Year Book entries were first published in black letter form, written in Law French and strewn with each different printer's favoured contractions"

The Ricardian Bulletin June 2024 51

The repeal in focus: In June's *Bulletin* Annette Carson assessed the legal record of Parliament known as *Year Book*, 1 Henry VII, Hilary Term, Plea 1, folio 5v, from 1555

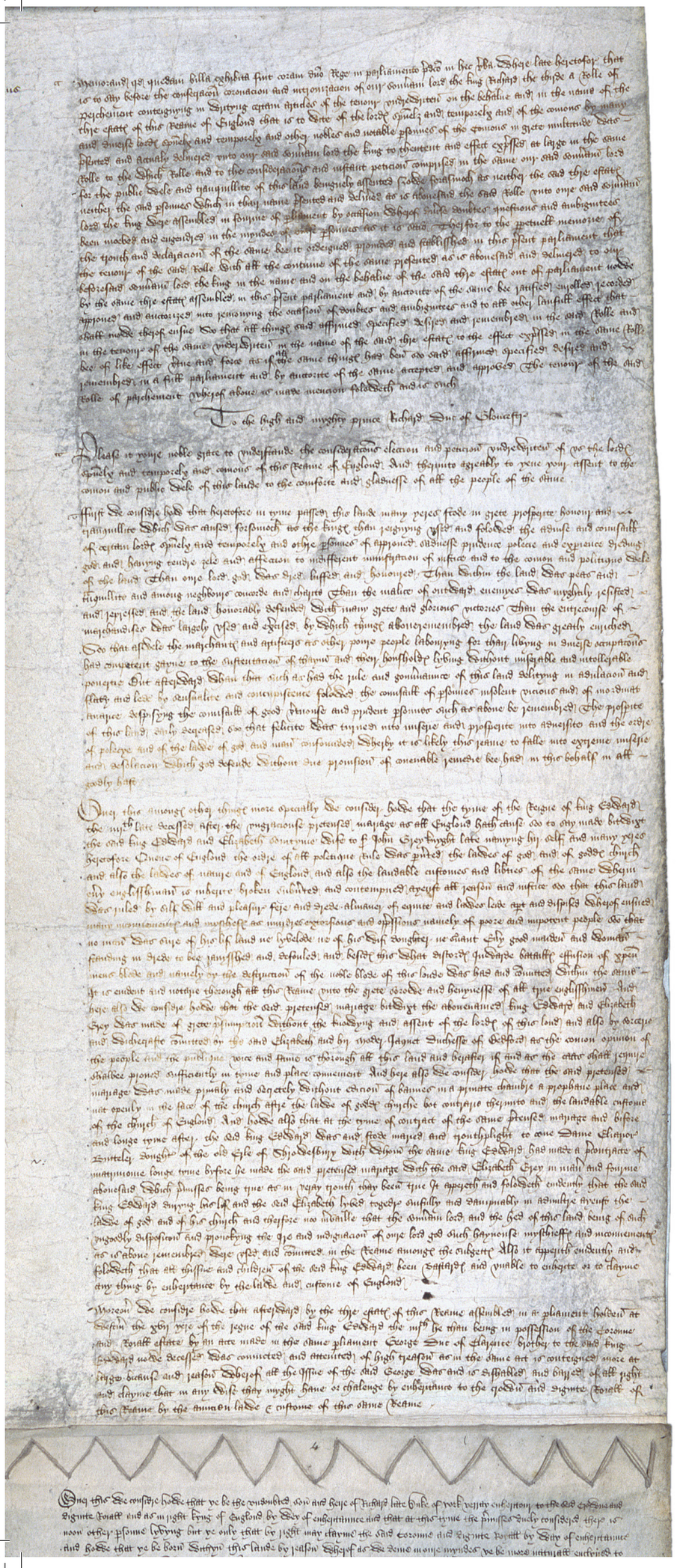
means appendages or appendices. In modern usage appendancy is defined as 'the quality or state of being appendant', that is 'annexed, associated' or 'attached as an appendage'. This, I strongly suggest, is the meaning intended by the author of the *Year Book* entry. What 'all the appendancy' therefore means is that the original bill of petition was brought before the 1484 parliament with a number of appendages – additional documents which we might refer to today as appendices.

At this point it is important to recognise that the *Titulus Regius* is essentially a statement of Richard's royal title devoid of any supporting evidence. Yet, to my mind, it is inconceivable that such a fundamentally important document would have been presented to parliament without any form of corroborative testimony. That is why the *Year Book* states that the bill and the appendancy are to be destroyed, along with the act itself, extracted, without precedent, from the parliament roll. If the appendancy did not contain vital evidence verifying the *Titulus Regius* its destruction would not have been ordered. Moreover, as these additional documents have not come to light it is clear that they and the original bill of petition, plus every copy of *Titulus Regius* save one, were deliberately destroyed by command of Henry VII. The appendancy, I suggest, contained the truth and Henry knew it.

The missing evidence

Despite such state-sanctioned destruction, it is nevertheless possible to offer a reasonable assessment of what 'all the appendancy' may have comprised. In all likelihood the first and certainly the most important document would have been Bishop Robert Stillington's eye-witness account of Edward IV's clandestine marriage with Lady Eleanor Talbot. According to the memoirs of Philippe de Commynes, Louis XI's principal councillor, Stillington revealed to Richard that Edward had promised to marry 'a certain English Lady' as long as he could sleep with her first. The bishop said that the lady, whom he named, consented and 'he had married them when only he and they were present'. Stillington did not disclose the Talbot wedding until after Edward's death and until that point he helped to keep the lady quiet.[1] Under canon law the Talbot union rendered adulterous Edward IV's subsequent and equally secret 'marriage' to Elizabeth Woodville and bastardised their offspring. Richard would have been all too aware that Stillington's testimony might appear as an excuse to take the crown. It is extremely likely, therefore, that the bishop was then subjected to a cross-examination by senior ecclesiastics who had assembled in London for Edward IV's funeral and Edward V's coronation.

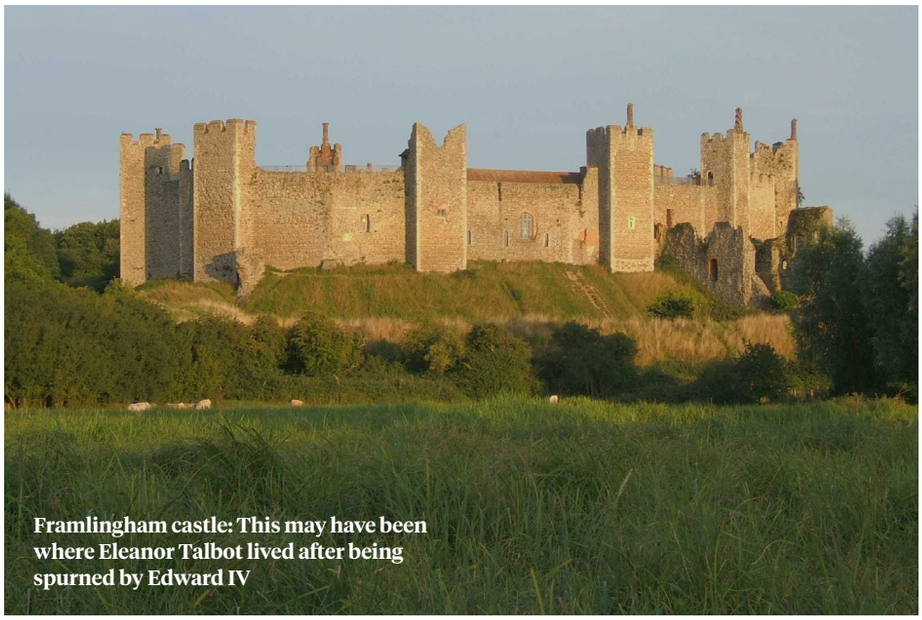
I would suggest that a second document in the appendancy probably consisted of the findings of such a body of clerics. Medieval canon law required matrimonial cases, including legitimacy of birth, to be tried by the Church.[2] One potential course of action would have been to summon a convocation of the clergy. However, the urgency of the situation demanded a more immediate solution. As a result Stillington may have been brought before an emergency assembly of ecclesiastics. It is possible to identify one archbishop, 12 bishops, and two abbots who attended Edward IV's funeral in April 1483.[3] These 15 clergymen may well have remained in the capital for the forthcoming coronation of Edward V. Three, however, would have been unavailable to sit in judgement: Stillington, of course, plus the recently arrested Archbishop Rotherham and Bishop Morton. Thus, by the time of Stillington's revelation there were potentially 12 senior ecclesiastics available to consider the pre-contract, a figure which does not include further leading clerics who may have arrived in London to attend Edward V's coronation. As Jonathan Hughes has pointed out, 'it is significant' that a number of



Cambridge-educated clergy, and 'others noted for piety and learning, made no objection to Richard's assumption of the throne.'[4] It therefore seems likely that Stillington was indeed judged by a panel of prominent churchmen and found to be telling the truth, and that their findings were committed to parchment as part of the appendancy.

It is entirely probable that a third document in the appendancy may have consisted of a witness statement provided by Eleanor Talbot's younger sister, Elizabeth, dowager Duchess of Norfolk. As Stillington was the only eye-witness to Eleanor's secret marriage, it is likely that corroborative evidence was sought from within the Talbot family. We know that Elizabeth was in London during the summer of 1483 because she attended Richard III's coronation on 6 July. She may have arrived several weeks earlier in anticipation of the planned coronation of Edward V, whose brother, Richard, Duke of York, had married Elizabeth's daughter, Anne Mowbray.[5] Sir George Buc stated in his *History of King Richard the Third* (1619) that when Edward IV abandoned Eleanor, 'her heart was so full of grief that she was ready to burst, and that she could no longer conceal it. She revealed her marriage to a lady who was her sister, or, as some say, her mother the Countess of Shrewsbury, or both.'[6] The surviving evidence shows that the Talbot sisters enjoyed a close relationship. In 1459, following the death of her first husband, Sir Thomas Butler, Eleanor probably joined the household of her sister Elizabeth at Framlingham Castle. In early June 1468, shortly before she died, Eleanor made a deed of gift in favour of Elizabeth in which she conveyed her Warwickshire property and the reversion of all her possessions in Wiltshire. And in 1495, almost 30 years after Eleanor's death, Elizabeth made 'an

Parliamentary request: The *Titulus Regius* petitioned Richard to become king



Framlingham castle: This may have been where Eleanor Talbot lived after being spurned by Edward IV

endowment for the good of her sister's soul, an endowment which, by that time, she could not really afford, and which, in the end, she had to pay by instalments.[7] Such a devoted relationship was clearly one – as Buc was later to claim – in which Eleanor would have shared with Elizabeth the secret of her royal marriage.

Finally, there is a possibility that the appendancy may have included a fourth document dealing with the vitally important secular matter of 'rights of inheritance under feudal law'. In the case of the pre-contract the issue at stake was nothing less than the right to inherit the crown. Canon law deemed that questions of inheritance 'belonged to secular determination', and that the role of the Church in such matters was accordingly restricted.[8] We have already noted how Henry VII directed the Justices of the Exchequer Chamber in the repeal of the *Titulus Regius*. As this legal body consisted of 'judges from all the common law courts with other lawyers and administrators', and its purpose was to 'discuss difficult cases in the courts', it may well have provided an appropriate forum in which to examine the crucial issue of inheritance raised by Stillington's revelations.[9]

What is known for sure is that the *Year Book* entry reporting the repeal of Richard's Act of Succession of 1484 reveals that Henry VII also ordered the destruction of the appendancy – the supporting evidence underpinning Richard III's royal title. Moreover the bill which became the *Titulus Regius* did not itself contain the evidence which proved the rightfulness of Richard's royal title. That corroborative testimony was provided by the appendancy and that is why the original bill of petition and the appendancy had to be destroyed. It is particularly revealing, as Annette noted, that Henry VII refused a request of the Lords in parliament to question Stillington about the *Titulus Regius*. Henry said that he had pardoned the bishop and 'therefore he didn't want any more to put it to him'.[10] Such nervousness over a public examination of Stillington is surely a telling indication of the validity of Richard III's claim to the throne.

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END NOTES: 1) M. Jones, ed., Philippe de Commynes, *Memoirs of the Reign of Louis XI 1461-83*, London 1972, pp. 354, 397. Although Commynes is not always completely reliable, there are grounds for accepting his report of Edward's clandestine marriage with Eleanor Talbot. His additional comment, that 'later King Edward fell in love again and married the daughter of an English knight, Lord Rivers', and that 'She was a widow with two sons', is totally accurate. Furthermore, the *Year Book* states that the Lords in parliament said that Stillington was the author of the *Titulus Regius*, a statement which clearly strengthens Commynes' account of Stillington's eye-witness presence at Edward's secret Talbot marriage.
2) R. H. Helmholz, 'The Sons of Edward IV: A Canonical Assessment of the Claim that they were Illegitimate', in P. W. Hammond, ed., *Richard III Loyalty Lordship and Law*, London, 1986, pp. 93, 98.
3) A. F. Sutton and L. Visser-Fuchs with R.A. Griffiths, *The Royal Funerals of the House of York at Windsor*, Richard III Society, 2005, pp. 17, 36.
4) J. Hughes, 'True Ornaments to Know a Holy Man: Northern Religious Life and the Piety of Richard III', in A. J. Pollard, ed., *The North of England in the Age of Richard III*, Stroud, 1996, pp. 154-5.
5) Anne Mowbray, who died in 1481, married Richard, Duke of York, on 15 January 1478.
6) G. Buck (A. N. Kincaid, ed.), *The History of King Richard the Third*, Stroud, 1979, p. 183.
7) J. Ashdown-Hill, *Eleanor: The Secret Queen*, Stroud, 2009, pp. 94-5, 113, 140.
8) Helmholz, 'Sons of Edward IV', p. 98.
9) A. L. Brown, *The Governance of Late Medieval England 1272-1461*, London, 1989, p. 132.
10) *Year Book*, 1 Henry VII, Hilary Term, plea 1.

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