



**‘The Bastardy of Edward V in 1484:  
New Evidence of its Reception in  
the Inquisitions Post Mortem of  
William, Lord Hastings’,**

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## The Bastardy of Edward V in 1484: New Evidence of its Reception in the Inquisitions *Post Mortem* of William, Lord Hastings<sup>1</sup>

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**Abstract:** The execution of William, lord Hastings, was one of a series of dramatic events leading up to Richard III's usurpation in 1483. After this dramatic event, the English chancery carried on with the mundane process of conducting an inquisition *post mortem* (IPM) into the land he held and the day he died. These documents, along with all of the other IPMs for Richard III's reign are currently being calendared which will shed much new light on the nature of his government. Among the information recorded in them was the date of Hastings' death which was recorded as "13 June in the year of Edward V, the bastard". This note shows that the precise formula used to express the date on which Hastings died is significant for three reasons: it contributes an important additional piece of evidence to the debate about the actual day on which Hastings was executed; it throws light on Richard III's claim that Edward V was a bastard during Richard's reign; and, finally, it provides an example of the way in which deposed kings were referred to in official documents after their deposition.

**Keywords:** Richard III; Edward V; William, lord Hastings; kingship; inquisitions *post mortem*; bastardy

The summary execution of William, lord Hastings for treason on 13 June 1483 has long been recognised as a vital step in Richard III's usurpation. For Charles Ross "[t]he overthrow of Hastings and his supporters was an irreversible step on the road to the throne",<sup>2</sup> while Michael Hicks has described the execution as "a decisive if obviously illegal neutralization."<sup>3</sup> The removal of this potentially dangerous political opponent eased Richard's accession. Although Hastings was executed for treason there were no long-term ramifications for his family. Hastings was not attainted, his executors were able to prove his will and he was buried as he wished in St George's Chapel, Windsor, near Edward IV. His lands, however, came into royal possession via the wardship of his son Edward who was a minor.<sup>4</sup> Once the drama of the execution had passed the business of government and royal administration came to the fore. In addition to his large retinue of indentured retainers, over whom much ink has been spilled,<sup>5</sup> Hastings was a substantial land holder with land in at least nine counties. Writs were sent out by chancery on 20 July 1483 ordering local escheators to conduct inquisitions *post mortem* (IPMs) into the lands he held in Sussex, Rutland, Northamptonshire, Lincolnshire, Yorkshire, Derbyshire, Lincolnshire, Yorkshire, Derbyshire, Nottinghamshire, Warwickshire and Leicestershire while a further writ was sent on 26 May 1484 ordering an

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<sup>1</sup> I would like to thank Professor Michael Hicks for his comments on an earlier draft of this article. I would also like to thank the Richard III Society for funding the project that has been calendaring the Inquisitions *Post Mortem* from Richard III's reign and which forms the basis of this article.

<sup>2</sup> C. Ross, *Richard III* (Berkeley, 1981), 86.

<sup>3</sup> M. Hicks, *The Wars of the Roses* (London, 2010), 219.

<sup>4</sup> R. Horrox, 'Hastings, William, first Baron Hastings (c.1430–1483)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12588>> [accessed 2 November 2015].

<sup>5</sup> W. H. Dunham, "Lord Hastings' Indentured Retainers, 1461-83: The Lawfulness of Livery and Retaining under the Yorkists and Tudors" (*Transactions of the Connecticut Academy of Arts & Sciences*, 1955), 39; M. Hicks, "Lord Hastings' Indentured Retainers?" in M. Hicks, *Richard III and His Rivals: Magnates and Their Motives in the Wars of the Roses* (London, 1991), 229-46; I. Rowney, "The Hastings Affinity in Staffordshire

inquisition into land in the City of York.<sup>6</sup> The writs were not executed until 20 October 1484, fifteen months after the first writs were sent out by chancery and sixteen months after the death of Hastings.

Hastings's IPMs, along with all of the other IPMs for Richard III's reign are in the process of being fully calendared, which will enhance our understanding of Richard's government and the landed interests of those tenants-in-chief who died during his short reign. Inquisitions *post mortem* were the primary means by which medieval kings of England kept track of their lands and feudal rights. On the death of a tenant-in-chief of the crown, writs of *diem clausit extremum* were issued to local escheators who took sworn statements from local jurors as to the nature of a tenant-in-chiefs landholding in a particular locality, including what was held, of whom it was held, the service to be rendered for the land, the value of the land, the identity of the heir and the heir's age.<sup>7</sup> In addition to recording information regarding the lands he held, inquisitions recorded the date of death. When expressing dates medieval scribes had a range of options open to them. Days could be expressed as the specific day of the month – or in relation to an important liturgical feast – while years could be expressed in the year of grace (A.D.), regnal years, or simply “last”. In some documents the dating clause presumably only reflected the preferences of the particular scribe. In other documents, however, the dating clause reveals broader events. For instance on 2 October 1460 Richard, duke of York, made four separate indentures of retainer that survive, all of which were dated to the year of grace, not the regnal year of Henry VI.<sup>8</sup> In contrast, the three indentures he made during the previous decade were all dated to the regnal year of Henry VI.<sup>9</sup> York circumvented any reference to Henry VI's kingship because he had already renounced his allegiance to him and was preparing to present his own claim to the throne, which he did on 16 October 1460.<sup>10</sup> The specific dating clause discussed here is that for Hastings's date of death, which was expressed in all ten IPMs for him as “13 June, 1 Edward V, the Bastard” (*terciodecimo die Junii, anno regni regis Edwardi quinto bastardi primo*). This precise formula in the date of death in Hastings's IPMs is significant for three reasons: it provides an additional piece of information regarding date of Hastings's death and the composition of his IPMs; it throws light on the status

and the Honour of Tutbury”, *Bulleting of the Institute of Historical Research*, 57 (1984), 35-45; I. Rowney, “Resources and Retaining in Yorkist England: William, Lord Hastings and the Honour of Tutbury” in *Property and Politics: Essays in Later Medieval English History*, ed. A. J. Pollard (Gloucester, 1984), 139-55; T. Westervelt, “The Changing Nature of Politics in the Localities in the Fifteenth Century: William Lord Hastings and His Indentured Retainers”, *Midland History*, 26 (2001), 96-106.

<sup>6</sup>The writs and the resultant inquisitions are found in The National Archives of the UK, C141/1/11; C141/3/32. There are exchequer copies for the IPMs for Hastings taken in Northamptonshire (two copies), Rutland, Nottinghamshire and Derbyshire: TNA, E149/248/9.

<sup>7</sup>The full process is described in detail in M. Hicks, “Introduction”, in *The Fifteenth Century Inquisitions Post Mortem: A Companion*, ed. M. Hicks, (Woodbridge, 2012), 1-24.

<sup>8</sup> “Private Indentures for Life Service in Peace and War”, in *Camden Miscellany Volume XIII*, eds. M. Jones and S. Walker (1994), 134-7.

<sup>9</sup> “Private Indentures”, 129-31.

<sup>10</sup> P. A. Johnson, *Duke Richard of York, 1411-1460* (Oxford, 1988), 211, and; K. B. McFarlane, “The Wars of the Roses”, *Proceedings of the British Academy Volume I* (1964), 92-3, reprinted in G. L. Harriss, *England in the Fifteenth Century*, (Gloucester, 1981), 236-7.

of Edward V in 1484 and consequently the reception of Richard III's claim to the throne in the localities; and, finally, it is an example of the ways in which deposed kings were referred to by their successors who had to accept the validity of most of their acts.

The formula used to date Hastings's death provides important additional information that was not noted in a debate in 1970s between Alison Hanham and B.P. Wolffe regarding the date on which Hastings was executed. Hanham argued that Hastings was executed on 20 June 1483, a week later than the traditionally accepted date of 13 June 1483. Her first piece of evidence was a letter from Simon Stallworth to William Stonor dated Saturday 21 June 1483, in which Stallworth stated that "As on Fryday last was the lord Chamberleyn [Hastings] hedded sone apone noon".<sup>11</sup> The phrase "Fryday last" is ambiguous as it could refer to the previous day (20 June) or the Friday of the previous week (13 June). In addition to this, Hanham found an entry in the minutes of the London mercers company, dated 15 July, that referred to a conversation between Hastings and Bishop Russell which one of Hastings's servants had overheard. This conversation implied that Hastings was still alive on 15 June 1483 and that the date of his death had to have been Friday 20 June 1483. Hanham stated that the IPMs for Hastings possessed surprising unanimity in "upholding what must be a certain error" by giving the date of death as 13 June.<sup>12</sup>

Wolffe responded to Hanham, noting that the entry in the mercers company's minutes was itself problematic because it was dated "XV<sup>th</sup> daye of June" with no year given and that the subject matter of the minute meant that it could easily assigned to June 1482 or earlier. Wolffe further argued that it is wholly unrealistic to suppose that Hastings died an entire week later than previously believed due to the number of other sources that give the 13<sup>th</sup> as the date of execution. The unanimity of the date of death given in all of Hastings's IPMs, according to Wolffe, can be explained by "the immediate and continued notoriety of the event in the court and [the] capital."<sup>13</sup> Hanham replied to Wolffe's criticism, arguing that since the date of death in four of the original documents was written over erasures, the IPMs must have been altered in chancery or by the Hastings family attorney Thomas Kebell.<sup>14</sup> Wolffe countered this by showing that the inquisition was drafted sloppily and that there were several erasures throughout the documents along with several interlineal insertions all of which "were made openly with no attempt at concealment". Moreover, the date of death was written over an erasure in only two of the IPMs (those for Yorkshire and Derbyshire) while in the IPMs for the City of York and Sussex the date of death had been inserted into a blank space. Wolffe further claimed that the IPMs must have been returned to chancery by Thomas Kebell, (as stated in the chancery, but not exchequer, copies of the documents) and that the erasures were all errors that were corrected with the date of death given in the same form in each IPM.<sup>15</sup> Since the publication of the final article of this debate four decades ago 13 June 1483 has been accepted as the date on which Hastings was executed and, indeed, it would be folly to suggest otherwise.<sup>16</sup> It should be noted here that the erasures and blank spaces are only for

<sup>11</sup> *Simon Stallworth to William Stonor, 21 June 1483*, ed. C. Carpenter, *Kingsford's Stonor Letters and Papers, 1290-1483* (Cambridge, 1996), 331.

<sup>12</sup> A. Hanham, "Richard III, Lord Hastings and the Historians", *English Historical Review*, 84 (1972), 233-48 (242).

<sup>13</sup> B. P. Wolffe, "When and Why Did Hastings Lose His Head?", *English Historical Review*, 89 (1974), 835-44 (838).

<sup>14</sup> A. Hanham, "Hastings Redivivus", *English Historical Review*, 90 (1975), 821-7 (821).

<sup>15</sup> B. P. Wolffe, "Hastings Reinterred", *English Historical Review*, 91 (1976), 813-24 (813-16). Quotation on 814.

<sup>16</sup> For instance, the date is accepted in the new *Oxford Dictionary of National Biography* entry for Hastings in Horrox, "Hastings, William".

day of the death (i.e. *tercio decimo*) rather than the full formula which alludes to Edward V's bastardy. The phrase *anno regni regis Edwardi quinti bastardi* was included by each escheator when they were writing the original IPM. Therefore, the escheators included the phrase either by their own volition or after being instructed to by the Hastings family themselves.

The formula sheds light on the dissemination of Ricardian propaganda and Richard III's claim in 1483. The bill, and later parliamentary act of 1484, *Titulus Regius*, which gave parliamentary approval to Richard's seizure of the crown, stated that Edward IV had been married to Dame Eleanor Butler, which made his marriage to Elizabeth Grey bigamy and thus illegal. Therefore, "all thissue and children of the seid King Edward been bastardes, and unable to enherite or to clayme any thing by enheritance, by lawe and custome of Englund" including the royal title.<sup>17</sup> Richard III's desire to stress his deposed nephew's illegitimacy is evident in other known documents. J. A. F. Thomson drew attention to two documents from earlier in Richard III's reign which similarly claimed that Edward V was a bastard, but did not state he was dead. According to Thomson "the stress on [Edward V's] illegitimacy confirms the fact that Richard was concerned with destroying any credibility to the claim that might be advanced for his nephew as an alternative monarch".<sup>18</sup> The first is an entry in Richard's signet register ordering the receiver of his honour of Tutbury to make payments to those who had served "oure derrest Brothere late king whoome god absoille and Edward Bastard late called king Edward the v<sup>th</sup>".<sup>19</sup> The second is a privy seal warrant dated 15 July 1483 ordering the payment of wages to John Gunthorp, keeper of the privy seal, which also refers to "Edward bastard late called king Edward the v<sup>th</sup>".<sup>20</sup> A further document to add to this collection is the grant made on 16 December 1483 to William Daubeney, clerk of the king's jewels, appointing him searcher in the Port of London which refers to a grant in arrears dated 9 April 1483 "from which he has occupied the office by letters of Edward V the bastard, late king".<sup>21</sup>

It should be noted, however, that Edward V's bastardy was not mentioned in every document produced by Richard III's government that referred to Edward V's two month reign. For instance, Sybil Quartermayns was recorded as dying on "22 May 1 Edward V" with no mention of the Edward V's bastardy,<sup>22</sup> while Margaret Pakenham, widow of Robert Pakenham, esquire, was said to have died on "5 June 1 Edward V."<sup>23</sup> The IPMs in Essex, Hertfordshire and Yorkshire for Richard Pygot, who died on 3 June 1483, state that he died on "3 June last".<sup>24</sup> All of these IPMs were taken before the passing of *Titulus Regius* in January 1484 which implies that after Edward V was legally declared a bastard, it had been disseminated across the kingdom and was generally accepted. One exception to this general rule is the IPM for John Weston in Surrey which was taken on 25 September 1484 and stated that Weston died on "1 June I Edward V", making no reference to deposed king's supposed bastardy.<sup>25</sup> Although Edward's bastardy was generally accepted and was

<sup>17</sup> *Parliamentary Rolls of Medieval England Volume XV*, eds. C. Given-Wilson et al., (Woodbridge, 2005), 13-18. Also printed in A. R. Myers (ed.), *English Historical Documents IV, 1327-1485*, (London, 1968), 340-2.

<sup>18</sup> J. A. F. Thomson, "The Death of Edward V: Dr Richmond's Dating Reconsidered", *Northern History*, 26 (1990), 207-11 (210).

<sup>19</sup> *British Library Harleian Manuscript 433 Vol. 2, Second Register of Richard III*, ed. R. Horrox and P.W. Hammond (Gloucester, 1979), 2.

<sup>20</sup> TNA, E404/78/2 no. 3

<sup>21</sup> *Calendar of Patent Rolls Preserved in the Public Record Office*, (London, 1893-1916), CPR, 1476-1485, 375.

<sup>22</sup> TNA, C141/3/33 m. 2.

<sup>23</sup> TNA, C141/4/53.

<sup>24</sup> TNA, C141/4/38.

<sup>25</sup> TNA, C141/6/22 m. 2.

generally accepted and openly acknowledged in a variety of official documents produced during Richard III's reign, it was not a legal necessity to highlight it on every occasion Edward V's reign was mentioned.

The IPMs differ from the documents found in the patent rolls and the privy seal because they were produced in the localities by the local escheator, not by clerks at Westminster. Although there are no personal memoirs of the escheators who described Edward V as a bastard, and therefore no means of knowing their precise thoughts on the matter, the IPMs suggest that the pre-contract story – and therefore Edward V's bastardy – were accepted by them. Moreover, the Hastings family lawyer, Thomas Kebell, seems to have accepted or at least acquiesced with, the pre-contract story which is indicative of his activities around this time. Although he was the Hastings family attorney he was sufficiently close to his colleague at the Inner Temple, William Catesby to keep his post as attorney general of the duchy of Lancaster. However he was not too closely associated with the Ricardian regime as he remained the Hastings family lawyer and did not face any reprisals during Henry VII's reign.<sup>26</sup> In short, Kebell was first and foremost a lawyer who was able to circumvent the potentially lethal factional politics of late fifteenth-century England. Moreover, the IPMs he returned to chancery suggest that Hasting's family were willing to accept the pre-contract story, presumably as a means of appeasing Richard III and maintaining their family estates.

Finally, the formula *anno regni regis Edwardi quinti bastardi* highlights the legal and constitutional ambiguities that arose when referring to acts and activities that occurred during the reigns of previously usurped kings. By referring to Edward V as a bastard yet still giving him the royal status by acknowledging him to be the fifth king Edward since the conquest, this formula appears contradictory because bastards were not permitted to inherit.<sup>27</sup> Yet, this formula implicitly accepted that Edward V was King of England even though he was a bastard. There was a practical dimension to this formula. Victors in civil wars had to accept the validity of all but the most offensive acts of their predecessors who were kings *de facto* if not *de jure*.<sup>28</sup> To revoke every act of parliament, appointment to office and royal grant of a previous king would have caused administrative chaos and stirred rebellion. The phrase was in use early in the reign of Edward IV in the appointment of William Bourghier to the custody of the minority of Alexander Luttrell, son of James Luttrell, a knight, who had been a tenant of “Henry VI *de facto et non de jure* king of England.”<sup>29</sup> The distinction between a deposed king's holding of office *de facto* but not *de jure* was similar evident in the IPM for Eleanor, countess of Northumberland, in Sussex, in 1484 which recites an earlier charter from 1434 dated “20 November in the thirteenth year of the reign of Henry VI king of England in deed and not in right” (*vicesimo die novembris anno regni regis henrici sexto nuper de facto et non de iure regis anglie terciodecimo*).<sup>30</sup> The formula

<sup>26</sup> E.W. Ives, *The Common Lawyers of Pre-Reformation England. Thomas Kebell: A Case Study* (Cambridge, 1983), 63-4.

<sup>27</sup> On the laws governing bastardy in England, see M. Hicks, “The Royal Bastards of Late Medieval England” in *La Bâtardise et L'exercice du Pouvoir en Europe du XIIIe au Début de XV<sup>e</sup> Siècle*, eds. É. Bousmar, A. Marchandisse, C. Masson et B. Schnerb (Lille, 2015), 370-5.

<sup>28</sup> M. Hicks, “King in Lords and Commons: Three Insights into Late Fifteenth-Century Parliaments, 1461-85”, in *People, Places and Perspectives*, eds. K. Dockray and P. Fleming (Stroud, 2005), 142.

<sup>29</sup> CPR, 1461-1467, 19.

<sup>30</sup> TNA, C141/2/26 m. 7. For the use of this phrase in the Treaty Rolls during Edward IV's reign see: TNA, C76/149 rot. 7.

was used to refer to Henry VI in several other IPMs taken during Richard III's reign when various deeds, charters and enfeoffments dated to Henry VI's reign were mentioned.<sup>31</sup> The IPM for Richard Chokke in Somerset, taken on 8 November 1483, referred to two previous deeds produced during Henry VI's reign, though it was only in the first of those deed that the phrase *de facto et non de iure* was used.<sup>32</sup> Yet, this formula was not universally applied. The IPM for Anne Boleyn, widow of the London alderman Godfrey Boleyn, recites a charter from August 1455 which make no reference to the fact Henry VI was not the rightful king of England.<sup>33</sup> There was clearly no obligation to highlight the bastardy of Edward V or illegality of Henry VI's kingship on every occasion their reigns were mentioned in official documents. Nevertheless, the range of documents produced by different scribes does suggest that, although not mandatory, many felt the need to highlight such facts when necessary.

During Henry VII's reign similar terms were employed to refer to Richard III. The rolls of the first parliament after Bosworth described Richard III as "late in dede and not of right king of Englonde", although practicalities again dictated that his acts were accepted. In contrast, Edward IV was referred to as "late kinge of Englonde".<sup>34</sup> Paul Cavill has suggested that since these formulae were universally applied it may have been the product of official guidance. Moreover, despite the fact that Henry VII claimed to be the heir of Henry VI, implying that Edward IV was similarly not the rightful king, the use of those two formulae enabled him to avoid offending those alienated Yorkists who had fought with him at Bosworth.<sup>35</sup> The formulae used when referring to deposed kings in official documents provided a sovereign with an additional opportunity to remind his subject of the justification for his usurpation. After Bosworth the official stance was that Richard III had to be deposed because he was not the rightful king whereas Edward IV was simply the last king because there was no usurpation of him by Henry VII to be justified.

The evidence presented here has two implications. First, Richard's claim that Edward V was a bastard did have traction in the localities after the passing of *Titulus Regis* in January 1484. It should be remembered that Edward V's reign only lasted for two months and Richard III's for two years. Few crown tenants would have died during those two month and one of the most significant, Anthony, earl Rivers, did not have an IPMs taken until October and November 1486.<sup>36</sup> Consequently, there was only a limited number of occasions in which an event from Edward V's short reign could have been mentioned in documentation produced during Richard III's short reign. The IPMs for Hastings along with other documents noted here indicate that in the eighteen months between the meeting of Richard III's only parliament and his death at Bosworth it was normal to refer to Edward V as a bastard. The implication of this is that the pre-contract story did have traction in the localities and was accepted at a local level. It is uncertain if this was the product of official guidance in the same way that the phrase *de facto et non de jure* seems to have been during Henry VII's reign, although the range of documents in which Edward V's

<sup>31</sup> TNA, C141/5/8, TNA, C141/7/36, 38, 53.

<sup>32</sup> TNA, C141/4/40 m. 4; TNA, E149/247/2 m.

<sup>33</sup> TNA, C141/6/23 m. 2; TNA E149/248/15 m. 1.

<sup>34</sup> *Parliament Rolls*, XV, 97.

<sup>35</sup> P. R. Cavill, *The English Parliaments of Henry VII, 1485-1504* (Oxford, 2009), 29-30.

<sup>36</sup> *Calendar of Inquisitions Post-Mortem and other Analogous Documents preserved in the Public Record Office. Henry VII, Volume 1* (London, 1898-1955), 33-6.

bastardy was mentioned indicates acquiescence if not guidance from the centre. The second, and broader, implication of this evidence is that the formulae used in official documents when referring to reigns of deposed kings provided an opportunity to emphasise the official view of the new dynasty. In the case of Richard III, his forceful – and illegal – seizure of power in June 1483 meant that his regime took as many opportunities as possible to stress the legitimacy of his claim to the throne at the expense of his nephew.

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