

“HE CONTENTS THE PEOPLE WHEREVER HE GOES”

RICHARD III : HIS PARLIAMENT AND GOVERNMENT

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It is a great pleasure to be asked to return to speak to the distinguished members of the Richard III Society and to reprise some of the remarks which I made back in 1989 about the brief, significant and revealing Parliament which King Richard III convened in 1484.¹

Since I last spoke to the Society there has been an extraordinary flowering of both Ricardian and Yorkist historiography and a renewed interest in the historical details of the period which sees the momentous transition from mediaeval to modern England, from the Plantagenets to the Tudors.

What has most distinguished this scholarship has been its emphasis upon a better understanding of the personal, private lives of many of the key players and far greater depth of analysis of original documentary material. We are most fortunate that feminist historiography and the renewed interest in the role of individual women in great historical events has come to the fore and that there has been a wonderful uncovering of the political and historical significance of the remarkable women of the late Fifteenth Century.

In recent years new biographies of great figures such as Margaret of York, Duchess of Burgundy have shed great light on key issues of English-European relations², while studies of Margaret Beaufort have redefined the political role of the women of this era³. There have been challenging recent biographies of Elizabeth Wydeville (Woodville) which have sought to reinterpret the role of the Wydeville family (especially Anthony, Lord Rivers, one of the most attractive renaissance figures of the period) in more positive light than has usually been the case⁴. Richard's Queen, Anne Neville, has herself been the subject of a separate historical study⁵ and most recently, that wonderful and enigmatic of figures, the favourite royal mistress, Jane Shore, has been put under the microscope⁶.

The discovery of new original material is the wellspring that refreshes historical studies, and perhaps nothing has been of greater significance for our interests than the work of Michael K Jones who has proved, I think conclusively that the rumours of Edward IV's illegitimacy⁷ (which were first noted in Italian sources as far back as 1469⁸) were in fact correct. His work on original material, especially that discovered at the Cathedral of Rouen, in proving this point require us to undertake a complete re-evaluation of the political events which touch upon the deposition – by Parliament itself – of Edward V and the restoration of the legitimate Yorkist succession in Richard III.

Indeed, it is an important point to make, namely that the succession of the new King was not fundamentally a military coup but rather a legitimate, constitutional transition, sanctioned by a properly convened Parliament, well described by Halstead as “that branch of the constitution whose peculiar province is to mediate between the monarch and the people, and to examine into the just pretensions of the new sovereign before he is irrevocably anointed ruler of the kingdom.”⁹

Richard’s accession was, as the Croyland Chronicler puts it the will of “the lords and commons of the realm”¹⁰ and in accordance with what the great jurist Sir Edward Coke described as “the transcendent and absolute” power of the Parliament which can “regulate or new model the succession to the crown.”¹¹

Earlier historians are surprisingly unanimous in stressing just how peaceful was the transition from the uncertainty of the minority of Edward V to the proven strength, stability and administrative abilities of his uncle. For Caroline Halstead, “a more peaceful or tranquil accession can scarcely be adduced from the regnal annals of England than that of Richard III.”¹²

From what we can gather from contemporary accounts, the sense of relief that the era of Edward IV, which had ended with a largely dysfunctional and less than competent government, hamstrung by a factionalised court and a King who really had lost all interest in his responsibilities as a governor, were not to be followed by more of the same, but by a radical sea-change and the prospect of genuine reform and reinvigoration.

The English Parliament has its origins in the Thirteenth Century and, as an institution its most important and developing characteristic is that of mediating relationships between the crown and the rest of the constitutional polity. Throughout the period from Simon de Montfort to the Glorious Revolution, this theme dominates parliamentary and constitutional history.¹³ The Parliaments of 1244 and 1248 were the first to try and regulate and restrain the abuses of the King (Henry III); the Settlement of 1688 finally established the absolute supremacy of Parliament (until Britain’s accession to the various treaties establishing the European Union) and the last royal veto on legislation was exercised by Queen Anne.

There has been a view, now discredited, that “until the Tudor period, Parliament did not form a regular part of the government of the country”¹⁴. This view is no longer tenable. It is certainly true that while Parliament was still essentially the King’s instrument, assisting him in the government of the realm, it had, by the start of the Lancastrian Era, certainly developed independent powers and authority of its own.

Primary among these was the control of taxation. When the King needed money – as he did most of the time – it was to Parliament that he had to turn. Parliament granted not only direct taxation but also direct grants to the crown, known as benevolences, a device (in effect forced loans – rarely repaid) which Edward IV notoriously exploited¹⁵. It is a matter of great significance to note that as early as 1407 it was agreed that, in matters of

taxation, only the Commons could raise taxes and that the role of the Lords was limited entirely to making comments upon such proposals¹⁶.

The other source of revenue was the control of customs duty. Here again, we get some interesting insight into the mood of the country in 1484. Customs duties were usually imposed and granted for short periods of time. It was only when the Crown was held in the highest of regard that customs duties were assigned to the Crown for the life of the monarch. This occurred for Henry V in 1415 in the “euphoric aftermath of Agincourt”¹⁷, but Henry VI had to wait until the thirty-first year of his reign (1453) for such a privilege, which was however granted to Richard III immediately his Parliament met.

The role of Parliament, especially in the period of the War of the Roses has been somewhat obscured because of the historical focus on the lives and careers of the great magnates, such as Warwick the Kingmaker¹⁸ and because Henry VII’s ruthless cutting down of the great lords has given an exaggerated impression of them as being the sole alternative source of authority other than the Crown itself. However, both Parliament, and the Church (until Henry VIII made that institution subject to Parliament) were genuine and independent checks and balances which operated with varying degrees of success and significance.

We know quite a great deal about the Plantagenet Parliaments and so perhaps a word on their character and operation would be appropriate.

In the first instance it must be remembered that Parliament was convened only when the King summoned it and there was no way it could meet without his authority. However from 1439 onwards, Parliament started to meet more frequently, and there were 25 parliaments elected between 1439 and 1484, although four of these, although elected, never actually sat. These were the parliaments of 1462, 1469 and significantly, two parliaments summoned for late in 1483 but deferred as a result of Buckingham’s rebellion. The longest gap between Parliaments was the five years from 1478 to 1483 – itself perhaps an indication of the attitude of Edward IV to his governance responsibilities. [The longest constitutional gap ever was the eleven years of Charles I’s reign from 1629-1640.]

The major statutes governing the structure of Parliament and the operation of elections were passed in 1406 and 1429. The law of 1406 required that once the King had issued the writs for the calling of the Parliament, elections were to be held in the county court at its first regular meeting after those writs were issued. The election itself was to be proclaimed in the market towns and participation in the election was by those freeholders and all freemen who were present at the prescribed place and time. However in 1429 the franchise was restricted and only those freeholders who had lands or tenements to the value of forty shillings a year, above all charges, were permitted to participate.

Again, perhaps we should remind ourselves that under English electoral law, there remained a property qualification on voting until 1832 and that all women were not granted the full franchise until 1928 !

Voting was by shout or by show of hands and was conducted by the Sheriff between the hours of 8.00 am and 11.00 am : so presumably the influence of alcohol on these proceedings was minimised : not for our medieval electors the joys of the Eatanswill by-election !¹⁹ We have no directed information about how many elections were contested by more than one candidate, although it certainly appears that in some instances a real choice was made. We know for example that John Jenny, a correspondent of the Pastons, was elected for Norwich in 1453 but failed to be re-elected in 1455²⁰.

Generally however, the approved candidate of the local magnate was put forward and approved. Once more, in contrast with later practices, there appear to be no contemporary accounts of corrupt or sham elections (by contemporary standards) being held and there is only one reference in 1467 of what we would call electoral bribery.

The King had absolute choices in who he summoned to attend meetings of the House of Lords. Individual peers were summoned by name and not necessarily by right. In addition, selected members of the judiciary (including the King's Attorney General) were summoned to sit in the Parliament. Again one may note the contemporary parallels since recent changes enacted by the Blair Government have now restricted the membership of the House of Lords to a only limited number (96) of certain hereditary peers plus the politically-appointed life peers, and the highest holders of judicial office also sit in the Lords. In Richard's Parliament 37 peers and 10 judges were summoned.

It is an interesting reflection on the status and the independency of the judiciary to note that of the 9 judges summoned to Richard's Parliament, 7 were resummoned to the first Parliament of Henry VII in 1486. The Lords did not fare so well with only 15 of the 37 Lords summoned by Richard reappearing under Henry.

Again, it was up to the King to determine which cities and boroughs were to be commanded to send representatives to Parliament, resulting in the creation of numerous "pocket" or "rotten" boroughs and the serious under representation of the great cities until the reform bills were passed in the 1830s. As a result, membership of the House of Commons varied enormously. Edward I summoned 322 representatives to his Parliament, but by the time of Henry VI in 1445 only 198 were called. Both Henry VI and Edward IV were attracted to calling representatives from obscure pocket boroughs, and indeed John Paston in 1472 writes that it would be no problem for the family to use their connections with Lord Hastings to get a new seat specifically created for his brother.

From 1439 to 1504 the number of Shire seats remained constant at 74, while the number of borough seats grew from 190 in 1439 to 222 in 1478 at which point it too remained unaltered until 1504.

By the late Plantagenet period it seems that women had been excluded from any direct role in parliamentary government. During the reign of Edward I at least four women, all Abbesses of great institutions, were summoned to sit in the King's Council and in the reign of Edward III (who summoned parliaments on an almost annual basis) this number

was expanded greatly to include major women of temporal power and distinction. The great peeress appear to have been able to be represented by proxy in parliament at least until the reign of Henry VIII and it is only under Elizabeth I that the representation of women in parliament (either directly or by proxy) appears to have fallen into desuetude²¹. Indeed Richard Neville was summonsed to the Parliament of 1429 as Earl of Salisbury in right of his wife. [Women had to wait then until 1919 before the first elected woman – Nancy Astor – sat in the Commons.]

Apart from property restrictions, some qualifications were imposed on members of the Commons. Generally country sheriffs were estopped from becoming knights and seeking election. Since the sheriffs were primarily responsible for the conduct of the elections themselves, this measure had much to commend it – one only has to look at the utter corruption of the contemporary American methods of conducting elections to know why. In 1372 some concerns has been expressed about the number of lawyers in Parliament and the writ of Henry IV in 1404 prohibited lawyers from seeking election. However this prohibition did not last long and by 1422 there were twenty lawyers among the seventy-four knights of the shires elected together with thirty-seven burgesses returned, so that about one-fifth of the whole House was lawyers.

Servants of the Crown were eligible to be elected and the great officers of state frequently sought parliamentary membership. It is estimated that 30 per cent of Shire and 20 percent of Borough seats were filled by these servants or appointed holders of statutory office and that the Lancastrian Parliaments were regarded as notorious for the number of such crown dependents who were chosen.

A petition of 1445 further sought to regularise the status of candidates for parliament by requiring them to be knights or squires or gentlemen capable of becoming knights and that those of the status of yeoman or below should be ineligible.

It comes as a surprise to most people to know that members of Parliament of this era were actually paid. The usual stipend was two shillings per day, but in some cases this could be much higher. The requirement to pay members of Parliament led many towns petitioning the Crown not to be required to send members to Westminster. Richard II gave the growing town of Colchester a five year exemption and as late as 1453 New Woodstock petitioned to have an exemption from parliamentary duty included in its town charter. [Payment for MPs appears to have ceased around the end of the Seventeenth Century and full payment for MPs did not commence in the UK until 1912.]

Most members lived in their constituencies, and it was only once (in 1442) that absentee members constituted more than one-quarter of the House. Most contemporary British MPs do not live in their own constituencies. Failure to attend the House was punishable by fine and there are statutes of both Edward III and Henry VIII which provide that failure to attend to one's parliamentary duties would result in loss of salary and other sanctions.

Parliament did not usually sit for prolonged periods with the general average of only 2 to 3 months. The Parliament of 1472/5 was an exception in that it sat in total for 14 months. Once again, one can see the decline in parliamentary standards evident from the fact that Charles I kept the infamous Long Parliament sitting from its election in 1640 until Cromwell did away with it in 1660. Interestingly, the records show that Parliamentarians got about their business early. The House usually sat at 7.00 am !

Summonses were issued for the calling of Richard III's first and only parliament on 22 September 1483 with the meeting date set for 11 November. However all these preparations were interrupted by the outbreak of Buckingham's treacherous rebellion in October, so the summonses were set aside and reissued on 9 December.²²

The Parliament itself met on 23 January 1484 in the Painted Chamber of Westminster in the presence of the King. There were, as noted 37 Lords and 10 Judges (including the Attorney General) joined by 296 members of the Commons. We have no details on how many actually attended at any time. The Parliament sat until dissolved just a month later on 22 February.

Although this was Richard's only parliament as King, he was well familiar with the workings of that institution and had been an active participant in the latter parliaments of his brother's reign²³, when he had returned from his primary role as the Lord of the North. Most of these Edwardian parliaments have been described as being "docile", in marked contrast to the more divided and fractious Lancastrian assemblies.²⁴ Indeed Scofield goes so far as to claim that because of the powers conferred on him by the ailing king Edward, the Parliament of 1483 was "completely under his thumb"²⁵ so that the Wydeville faction sought to elect more members to the Parliament who were sympathetic to their cause²⁶.

We know the names of 39 of the 74 members elected from the Shires and 79 of the 222 elected from the Boroughs. It is significant that 90 of these 117 known members had served in previous Parliaments since it must be assumed that they would not have been mere ciphers or willing participants in overturning any of the previous Yorkist legislation or inheritance in which they had been party. In line with the general average for the time it appears that some 45 of the 117 were King's servants of one degree or another.²⁷

We have full details of Richard's government. His principal ministers, consisting of some 20 in number were led by John Russell, Bishop of London as Chancellor. Other notable offices were those of Treasurer (Sir John Wood MP); Privy Seal (Mr John Gunthorpe, Dean of Wells), Lord Chamberlain (Viscount Francis Lovell); Lord Steward (Thomas, Lord Stanley); Chancellor of the Exchequer (William Catesby MP); Chamberlain of the Exchequer (Sir James Tyrell MP) and the King's Secretary (John Kendall). It is interesting to note the element of meritocracy in Richard's Government, with only John Howard, Duke of Norfolk (Admiral of England) and William, Earl of Arundel (Warden of the Cinque Ports) drawn from the great families – and then charged with essentially military rather than administrative duties.

Parliament, as required was open with a sermon, on this occasion given by the Chancellor, Bishop Russell. By remarkable coincidence we have preserved in manuscripts in the British Museum three sermons prepared by Russell. The first of these was prepared for a Parliament intended to be convened for Edward V.²⁸ This implies that questions of whether or not Edward V was somehow doomed never to be king from the very point of the death of his father, must be viewed in a different light.

The second Russell sermon was prepared for the Parliament intended to meet before Buckingham's rebellion. The one eventually used took as its theme the gospel text for the day, from I Corinthians xxi.12 : "We have many members in one body, but not all have the same function." This provided a unique opportunity for the Chancellor/Bishop to preach a sermon on the need for national unity and issuing warnings against dissent and individual adventurism.²⁹

The King himself addressed the assembled estates. He deplored the fact that :

*"the ordre and politique rule (is) perverted the Customes and Liberties ... wherein every Englishman is inheritor (are) subverted and condemned, against all reason and justice, soo that this Lande was ruled by selfwill and pleasure, feare and drede, all manner of Equite and Lawes layed apart and despised."*³⁰

In other words, Richard set out from the start an admission, even a reflection against his brother to whom his loyalty had never been in question, that the government of England had sunk to a low ebb; that the rights and liberties of the people were abused and that he intended to correct things.

The first task of the Commons when they met alone was to elect a Speaker. The role of the Speaker is itself an interesting feature of the history of Parliament. From its inception in 1377 (Sir Thomas Hungerford) the relationship between Speaker and Crown has varied considerably. Indeed the choice of Speaker was described by one authority as being felt to "be of little importance in 1439"³¹ but by the time of Henry VII (Speaker Thomas Lovell) it was generally the case that the Speaker was a trusted agent of the Crown. Only under Elizabeth I did the Speaker start to emerge as the Common's principal spokesperson to the Crown, reaching its apogee in Speaker Lenthall's famous defiance of Charles I in 1642.

The Speaker elected by Richard's Parliament was William Catesby, a member from Northamptonshire, and since 30 June 1483 Richard's Chancellor of the Exchequer. Catesby was 34 years of age (the King was 32) and listed as a lawyer and squire of the body from Ashby St. Leger. He had served in previous parliaments³². Catesby was, of course, a King's man through and through, although one recent commentator has remarked that he, together with Richard Ratcliffe owed their "primary loyalty to the Queen" through their Neville connections³³. (Catesby was captured at Bosworth and beheaded, one of six Speakers to suffer such a fate³⁴). On 26 January he was presented to the King "who was well content."³⁵

Parliament then proceed to the despatch of business.

The legislation of Richard's Parliament – incidentally, the first corpus of legislation to be published in English – has been analysed in great deal, in particular by H G Hanbury QC in an article which appeared initially in a 1962 volume of the *American Journal of Legal History*. Hanbury's approach and analysis has been criticised by a number of authors, but I find it a quite useful guide although it is exceptionally dense and legalistic³⁶.

The body of legislation passed in the brief month of Richard's Parliament consists of 18 laws which might be regarded as "private" statutes and 15 "public" ones.

The private statutes fall into three principal categories : the so-called *Titulus Regius*, a series of attainders and a number of provisions for inheritance claims or private benefits for named individuals.

The attainders, as one might expect, are related primarily to the participants in Buckingham's rebellion. The first set of acts of attainder relates to Henry Stafford, late Duke of Buckingham, Henry Tudor (Earl of Richmond); Jasper Tudor (late Earl of Pembroke), Thomas Grey (who is described as the "late" Marquess of Dorset), Richard Beauchamp (Lord of St. Amand) and some 88 others specifically named. A second, separate set of such acts relate to John Morton (Bishop of Ely); Lionel Wydeville (Bishop of Salisbury); Piers Courtnay (Bishop of Exeter) Margaret Countess of Richmond³⁷ and Walter Robert. To accompany these attainders, another statute specifically grants the King the power to dispose of the lands of the attained at his pleasure.

There is however a clear example of Richard's well known sense of chivalry towards women. Despite the treasons of their menfolk, the Duchess of Buckingham is granted an annuity and the Countess of Richmond (Lady Margaret Beaufort) has her lands, not confiscated but merely given into the keeping of her husband, Lord Stanley.

A further private act resumes the grants made previously to the Duke of Exeter.

For most of its early existence, the principal role of Parliament was to receive, comment upon and present petitions to the Crown. The role as an initiator of legislation grew slowly and by the end of the Yorkist era, both elements of parliamentary activity were in approximately equal balance.

As a result, there are some 8 private acts of Richard's Parliament which are based directly upon petitions.

For the sake of completeness, let me list them :

- the Archbishop of Canterbury to have rent in Ifeld
- the attainders of Sir Henry Percy and Thomas Percy from the Parliaments of Henry IV reversed

- land grants to Francis, Viscount Lovell, Sir James Tyrell and the Provost and Fellows of the College of St. Andrew, Netherocaster, York
- confirmation of the incorporation of the Collegiate Church of Fotheringay
- grant to the City of Canterbury of the aldermanry of Westgate
- reversal of the attainder of the yeoman John Durrant
- exemption of the inhabitant of Crowland from the act dealing with the marking of swans
- restoration of property given to John Mustell as the executor of John Don, a mercer of London.

It can thus be seen that Parliament, as ever, spent some time on the individual grievances and advancements of those well enough organised to get their matters before the people who count.

Obviously the most contentious and widely debated of the private acts of Richard's Parliament is the *Titulus Regius*. This Act is important for several reasons. In the first instance, it confirms Richard's right of accession by the invitation of Parliament. Although of course the Act was repealed in Henry's first Parliament, the significance here is that Parliament asserted its right to decide upon the succession. The Act states clearly that Parliament has this power, and because the people may not be fully aware that it has, it declares :

“howe that the courte of parliament is of suche autorite, and the people of this land of suche nature and disposcion, as experience teacheth, that manifestacion and declaration of any trueth or right made by the three estates of the reame assembled in parliament, and by the auctorite of the same, maketh, before all other thynges, moost feith and certaynte, and quietying mens myndes, removeth the occasion of all doubttes and sedicious language. Therefore, at the request and by assent of the thre estates of this reame, that is to say, the lordes spiritueltx and temporelx, and commens of this lande assembled in this present parliament, by authotite of the same, bee it pronounced, decreed, and declared that our said soveraigne kynge was and is varey and undoubted kynge of this reame of England.”³⁸

Of course the basis of the Act is the declaration of the illegitimacy of Edward V on the basis that his father's (Edward IV) marriage to Elizabeth Grey (nee Wydeville) was “pretensed” because of his being pre-contracted to marry Lady Eleanor Butler. We have no time to dwell further on this claim, nor Mancini's alternate version of a pre-contract with Bona of Savoy, sister-in-law of Louis XI of France³⁹. However, the Act also declares that under Edward IV all politic rule was perverted and good government denied.

These are serious claims and one doubts that a Parliament of largely loyal Yorkists, many of whom were servants, intimates or had served in Parliament under Edward IV himself would have been easily persuaded to make such condemnatory declarations about the past without very good reason. We may never know entirely what those were, but the

debate about not only the legitimacy of Edward V, but indeed the legitimacy of his father, at a time when his and Richard's mother, the formidable Cecily Neville was still alive and active at Court, lends credence to the thesis advanced by Michael K Jones and others that Richard – a man obsessed with issues of honour and chivalry – had a deep psychological need to restore true honour and legitimacy to the House of York.

The fifteen public statutes of the reign fall into a number of broad categories, aimed primarily at correcting abuses in the legal and economic system and in protecting and developing the interests of England's growing merchant classes.

Only one statute falls outside this characterisation and that is the last of the statutes which is an Act specifically annulling letters patent made to Elizabeth Grey, the widow of Edward IV and described as "the late Queen", although she was, of course, very much alive. The Act resumes all grants and estates of land made to her, and does so on the basis of the invalidity of her marriage as declared by the *Titulus Regius* [c.15].

The Third, Fourth, and Sixth statutes make major reforms of the judicial system. Their passage draws attention to the decline in standards and in the administration of justice under Edward IV. The statutes fix a minimum property qualification for jurors, so as to give greater weight to people of standing in their communities [c.4]. The powers of the so-called "Piepowder" courts, originally established to deal with offences committed at fairs but which, under Edward IV had started to deal with many other matters, resulting in numerous abuses by sheriffs and bailiffs, were reduced back to their original area of limited jurisdiction [c.6]. This statute also made major legal reforms in the regulation of fines and precedes by some years the more famous, if erroneously named First Statute of Fines of Henry VII in 1489 which provided the basis of so much of English conveyancing and commercial law in the Tudor era.

A really significant piece of legislation provided for creation of bail for suspected felons, protecting them from imprisonment before trial and prevented the forfeiture of goods before conviction [c.3]. David Hicks could have benefited from such a protection.

The First, Fifth and Seventh statutes were concerned with the question of the sale, transfer and disposal of land.

During the Wars of the Roses so much land had been confiscated and redistributed that the common law had lost control of the fraudulent transfer of land and property. It had become a practice whereby the seller of land would conceal from the buyer the fact that a part of the property was already disposed of to another party. To prevent this it was enacted that all estates, feoffments and gifts of land "shall be good to him that it made unto and against the sellers and their heirs." [c.1]. The King's special powers over land disposal, were specifically protected and regularised [c.5]. Property transfers could no longer be concealed in the Court of Common Pleas and all transfers henceforth had to be proclaimed in court and notified to various specified officials [c.7].

A series of statutes sought to address the problem being faced by English merchants against what was seen as unfair foreign economic competition. It is quite noticeable, although not often discussed, that the Lancastrian and Yorkist governments took quite significantly different approaches to economic matters and the regulation of international trade in particular. In modern parlance the Lancastrian approach was internationalist and free trade whereas the Yorkists were protectionist and mercantilist. Statutes prohibited the importation of silk lace and ribbons, scissors, bells, nails and other minor goods [c.10] This was a continuation of some of Edward IV's protectionist legislation⁴⁰. The sale of imported wines and oils required that the amounts in question were properly measured and their price controlled [c.13].

An Act ordains that Italian merchants are to sell in gross, not retail and must expend their profits on buying local goods. Foreign merchants are not to assist merchants from countries other than their own; they are not to give out wool to be manufactured, they are not to set up as master craftsmen nor to take servants or apprentices other than their own families [c.12]. Richard had a special interest in the growth of the English army and navy (he had served as Lord Admiral and took a special interest in the growing fleet⁴¹) and an Act required that with every butt of malmsey, Italian merchants were required to import ten good bow staves [c.11].

There is then one quite curious statute which sought to regulate dishonesty in the vital cloth trade which was becoming one of England's principal exports. The Act lays down regulations for the length, quality and dyeing of cloth which is to be sealed by ulnagers with expert knowledge. This statute [c.8] shows a keen appreciation of both the requirements of the cloth trade and the importance of experts in assessment. However in the following October the King used his Royal Prerogative to cancel operation of the Act, apparently at the request of the merchants concerned who were finding its regulations too onerous – or perhaps keeping them too honest ! This is yet another familiar precursor in Richard's legislative record of events that would arise time and again with subsequent attempts at economic regulation of powerful industries.

Of very particular interest is the Statute regulating general terms for the import and export of manufactured goods entitled "In what sort Italian merchants may sell merchandizes. Several restraints of aliens" [c.9]. The real interest here is not what is included in the restraints, but rather what is excluded.

What is excluded is books. Against general prohibitions on imports we find these words in the statute:

"Provided alwey that this Acte or any parcel therof, or any other Acte made or to be made in this present parliament, in no way extend or be prejudiciall any lette hurte or impediment to any Artificer or merchant straungier of what Nacion or Contrey he be or shalbe of, for bryngyng into this Realme, or selling by retail or otherwise, of any manner bokes written or imprinted, or for the inhabitynge within the said Realme for the same intent, or to any writer lymper bydner or imprinter of suche bokes, as he hath or shall have to sell by wey of merchaundise,

or for their abode in the same Reame for the exercisying of the said occupations, this Acte or any parte therof notwithstanding.”

Printed books were of course an entirely new addition to the intellectual life of the nation. The first book printed in the English language was Anthony Wydveille's *The Dictes or Sayengis of the Philosophres* published by William Caxton in 1477.⁴² The Yorkist Court, with Anthony Wydeville and Richard of Gloucester leading by example, were enthralled by books. We know from the wonderful work of Anne Sutton and Livia Visser-Fuchs an enormous amount about Richard's own love of books, his library, his support for the printing trade and the fact that he had the habit of signing his own name in the books which he owned.⁴³ The Act itself reveals just how nascent the printing trade was since coverage of parchmenters and stationers is not included. We know that many of Richard's Council and Court were book collectors, and this was a time when the Church was active in the promotion, rather than the restriction of books.

In any event, it falls to Richard, in Paul Murray Kendall's words to have “the honour of having devised the first piece of legislation for the protection and fostering of the art of printing and the dissemination of learning by books.”⁴⁴

There is one minor statute which again goes to the process of reforming corrupt practices which had developed in recent times and which regulates the process by which the “dismes”, or tenths of all spiritual livings of the clergy were given to the king and accounted for in the Exchequer [c.14].

I have left to last the most important of the public statutes which provides that “The subjects of this realm shall not be charged with any benevolences” [c.2]. As noted above, by the end of the Yorkist era the power of parliament to regulate taxation and control grants to the Crown was well established, originating in Chapter 12 of Magna Carta where John promised to levy no new aids or scutages except by “common counsel” of the Realm. Indeed Stubbs points out that “out of taxation is born a Parliament”⁴⁵ and the American Revolutionaries proclaimed “no taxation without representation.”

However, by the time of Richard's parliament, the Crown had found a way to avoid parliamentary control of its revenues by the system of benevolences – in effect forced loans to the Crown with no effective guarantee of repayment. Edward IV had made the extraction of benevolences notorious and Richard, despite his loyalty to his brother, was determined to put an end to the practice. His statute declared that such charges were “damned and annulled forever” and even attempted to bind future parliaments to prevent their enactment or the creation of “any like charge”. When, at a later stage, the King needed to obtain loans outside the provisions of parliament he did so in a way which safeguarded and guaranteed repayments, which had never been the case with benevolences. This Act, described by Hanbury as “the most beneficent of all the legislation of Richard III” has established an absolutely fundamental principle in the regulation of the constitutional settlement between the people and the Crown which endures to this day. (Charles I's attempts to subvert this arrangement – with Ship Money

in place of benevolences was a major factor in creating the tensions between King and Parliament that would lead England into its next period of civil war.⁴⁶⁾

This then is the record of the very brief parliament of 1484. What is remarkable about it is the extent to which almost every commentator, even those most hostile to Richard concede the utterly beneficent nature of his legislative programme.

The hostile Cobbett offers up in relation to the Parliament : “Many wholesome laws were enacted in it; a plain evidence of which is their standing unrepealed, in our Statute-books to this day.”⁴⁷

Lord Bacon in his life of Henry VII describes Richard as : “a prince in military virtue approved, jealous of the honour of the English nation and likewise a good lawmaker for the ease and solace of the common people.”⁴⁸

Lord Campbell in his *Lives of the Lord Chancellors* writes : “We have no difficulty in pronouncing Richard’s parliament the most meritorious national assembly for protecting the liberty of the subject, and putting down the abuses in the administration of justice that had sat in England since the reign of Henry III.”⁴⁹

Sir Clement Markham writes of the king’s government as “profusely liberal” and that “he checked corruption, reformed public office and promoted economy in the service of the state.”⁵⁰ Markham notes that along with the legislative enactments, Richard also introduced reforms such as ordering the Auditor of the Exchequer to submit an annual return of all revenues, issues and profits while the office of Lord Treasurer was to do likewise.

The business of Richard’s government can be seen further in the records of the Harlein Library where, among the State Papers, there are some 2,378 articles from the reigns of Edward V and Richard III which passed the privy seal or sign manual – in other words required some form of government action or approval.⁵¹

Phillip Laundry in his study of the office of Speaker remarks that Richard’s parliament went “further towards alleviating the sufferings of the realm than any other parliament had done in many a long year. It instituted a number of governmental reforms, legislated for the removal of various grievances and treated petitions with kindness and consideration. Parliament, in fact, enjoyed a notable revival after the long period of impotence into which it had sunk in the preceding strife-torn decades.”⁵²

Of course not all critics are fair. Charles Ross (relying on Polydore Vergil) claims that Richard’s liberal government was no more than a smokescreen for his unpopular usurpation, although even he concedes that “Richard’s personal interest in legal matters had something to do with the pronounced emphasis on law reform which runs through the legislation of his only parliament.”⁵³ Alison Hanham⁵⁴, on the other hand, would have the credit given to Richard’s advisers, especially those with commercial interests; although I think that Jeremy Potter has shown that this is far too narrow a reading of the evidence.⁵⁵

Finally, Desmond Seward even attempts to portray the publication of parliamentary proceedings in English rather than Law French as an attempt to “use parliament to enlist national support”, while still being forced to concede that its activities were beneficial.⁵⁶

It would be possible to go on ad nauseum in relation to assessments of Richard’s parliament and government, but perhaps enough is enough.

However, before I depart the theme of reform, I would also mention another of Richard’s singular achievements, the foundation of the College of Heralds or the College of Arms.

This singularly important event also took place in 1484 and demonstrates Richard’s concerns both for order and certainty in government but also for the establishment and maintenance of standards, especially in the areas of chivalry and inheritance. I mention the College because to me it is an important clue to the psychology of the King, especially in relation to his abhorrence of the ideas of illegitimacy and the improper claiming of rights that had no legal basis⁵⁷. It also reflects a known commitment on behalf of Richard’s father, whose memory looms so large in his life and reign⁵⁸ to the importance of chivalric protocol.

There will be endless revisions and reinterpretations of Richard III, England’s most written about, and still I think fascinating monarch – and that is a good thing. However what cannot be denied is the positive achievements of the King’s Parliament and the excellence of his government and administration. He was a reformer. His government was honest. He alleviated the suffering of ordinary folk and worked to re-establish public trust in the processes of law, government and administration. He sought to build England’s defences, to promote and protect her trade and to encourage the flowering of an intellectual climate at the highest levels of society. Historians of both the age and of parliament concede this regardless of their other predispositions or prejudices.

More to the point, Richard’s contemporaries knew it.

Thomas Langton, Bishop of St. David’s wrote to the Prior of Christ Church in September 1483, while the King was on a northern progress :

“I trust to God soon, by Michelmas, the king shall be at London. He contents the people wherever he goes better than ever did any prince; for many a poor man that has suffered wrongs many days has been relieved and helped by him and his commands in his progress. And in many great cities and towns were sums of money given to him which he has refused. On my faith I never liked the qualities of a prince as well as his; God has sent him to us for the welfare of us all.”⁵⁹

If this was the good Bishop’s opinion before the King’s Parliament had even met, what, one wonders would have been his views after that momentous event ?

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- ¹ My original publication on this topic was an article in *The Ricardian* (no. 36, March 1972) expanded into an address to this Society on 7 October 1989
- ² Christine Weightman : *Margaret of York, Duchess of Burgundy 1446-1503* (Sutton, Stroud, 1989)
- ³ Michael K Jones : *The King's Mother – Lady Margaret Beaufort, Countess of Richmond and Derby* (Cambridge University Press, 1992)
- ⁴ Arlene Okerlund : *Elizabeth – England's Slandered Queen* (Tempus, Stroud, 2005)
- ⁵ Michael Hicks : *Anne Neville, Queen of Richard III* (Tempus, Stroud, 2006)
- ⁶ Margaret Crosland : *The Mysterious Mistress – The Life and Legend of Jane Shore* (Sutton, Stroud, 2006)
- ⁷ Michael K Jones : *Bosworth 1485 – Psychology of a Battle* (Tempus, Stroud, 2003) chapter 3
- ⁸ See J. Calmette and G. Perinelle : *Louis XI et L'Angleterre* (Paris, 1930)
- ⁹ Caroline Halstead : *Richard the Third* (Longman, London 1844. Reprint 1977) vol 2 chapter XIII
- ¹⁰ *Croyland Chronicle* at 567
- ¹¹ Quoted in Halstead : *op cit* at p. 112
- ¹² *Ibid* p. 124
- ¹³ The historical details of these Parliaments and their Members may be found in numerous studies, of which the most useful are Arnold Wright and Philip Smith : *Parliament Past and Present* (London, Hutchinson, Josiah C Wedgwood : *The History of Parliament : Biographies of the Members of the House of Commons 1439-1509* (HMSO, London, 1936)
- ¹⁴ G R Elton *England under the Tudors* (Methuen, London, 1955) p. 13
- ¹⁵ The Parliaments and government of Edward IV are well dealt with in Mary Clive : *This Sun of York – a Biography of Edward IV* (Cardinal, London, 1975)
- ¹⁶ A R Myers “Parliament 1422-1509” in RG Davis and JH Denton (eds) : *The English Parliament in the Middle Ages* (Manchester University Press, 1981)
- ¹⁷ *Idem* p. 146-7
- ¹⁸ Paul Murray Kendall : *Warwick the Kingmaker and the Wars of the Roses* ((Allen & Unwin, London, 1957)
- ¹⁹ See Charles Dickens *The Pickwick Papers* (Signet, New York, 1964) chapter 13
- ²⁰ Roger Virgoe (ed) : *Illustrated Letters of the Paston Family* (Macmillan, London, 1989) passim
- ²¹ Wright and Smith : *op cit* p.10-12
- ²² Louise Gill : *Richard III and Buckingham's Rebellion* (Sutton, Stroud, 1999)
- ²³ Edward IV convened 10 Parliaments during his reign, the last sitting from 15 November 1482 to 20 January 1483
- ²⁴ Paul Murray Kendall : *The Yorkist Age* (Allen & Unwin, London, 1962) p. 311. For example in the parliament of 1499-50 when the Kings' Chief Minister (William de la Pole, Duke of Suffolk) asked parliament for a vote of confidence, their response was to impeach him. *Rot Parl V.* p. 176
- ²⁵ Cora Scofield : *The Life and Reign of Edward the Fourth* (Longmans, London, 1923) vol ii p. 359
- ²⁶ Okerlund : *op cit* p. 201
- ²⁷ The usually meticulous Anne Sutton is wrong on this point when she claims we know little about the composition of the House of Commons. Anne Sutton : *Richard III's Parliament* <http://www.reichardiii.net/r3%parliament.htm>. See footnote 13 above.
- ²⁸ The text of this sermon which emphasised the role of parliament as “the kynges most hyghe and soueraune courte” is alluded to in Myers : *loc cit* at p. 149
- ²⁹ S Chrimes : *English Constitutional Ideas in the Fifteenth Century* (Cambridge UP, 1936) passim
- ³⁰ *ibid*
- ³¹ Phillip Laundry : *The Office of Speaker* (Cassell, London, 1964). On the evolving role of the Speaker as a servant of the Crown, starting with William Allington as Edward IV's Speaker (1472-5 and 1478) see Myers : *loc cit* at p. 181-2
- ³² Wedgwood : *op cit* p. 164/5. see also *Dictionary of National Biography* (OUP, 1921-2) volume VIII at 1193
- ³³ Michael Hicks : *Richard III and His Rivals* (Hambleton, London, 1991) p. 332
- ³⁴ Thorpe 1461, Tresham 1471, Catesby 1485, Empson 1510, Dudley 1510 and Moore 1535.

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- ³⁵ *Rot. Parl.* Vi 244-8
- ³⁶ H G Hanbury : “The Legislation of Richard III” *The American Journal of Legal History* (6) 1962. Useful commentaries on this and other key source material referenced here : D W de Bogert : “The Statutes of Richard III’s Parliament” <http://home.cogeco.ca/~richardiii/statutes.html>; “King Richard III” <http://www.richard111.com/The%2018%20Statutes.htm> and the sources given at fn 13
- ³⁷ Stubbs : *op cit* vol 3 at p. 236 holds that she was attainted but E Jacobs : *English Historical Documents 1399-1485* disputes this at p. 632
- ³⁸ Myers : *loc cit* at p.153
- ³⁹ There is a most useful discussion of this whole fascinating debate in the footnotes to Mancini’s text which may be found in Dominic Mancini : *The Usurpation of Richard III*, translated with an introduction by CAJ Armstrong (Sutton, Stroud 1984) at page 130 (fn 97)
- ⁴⁰ 22 Edw.IV
- ⁴¹ Markham : *op cit* p. 136. During Richard’s reign the navy consisted of seven ships.
- ⁴² Okerlund : *op cit* p. 180-183. See also Richard Deacon : *William Caxton* (Muller, Chatham, 1976). Deacon argues (p.130) that Caxton, as a strong partisan of the Wydevilles took a great risk in 1484 printing an edition of *The Subtil Histories and Fables of Aesop* in which a rare woodcut appeared portraying Aesop as a hunchback. Whether this makes too much of the hunchback legend, which was not current at the time of Richard’s reign or whether this should be seen as an example of Richard’s liberality in making nothing of it, since he must have seen the book, makes for interesting conjecture. I must confess that the one thing I find most unforgivable in the career of Richard III is his persecution and execution of Anthony Wydeville, one of the most fascinating and cultured men in the whole of England’s medieval history.
- ⁴³ Anne Sutton and Livia Visser-Fuchs : *Richard III’s Books – Ideals and Reality in the Life and Library of a Medieval Prince* (Sutton, Stroud, 1997)
- ⁴⁴ Paul Murray Kendall : *Richard III* (Allen & Unwin, London, 1955) p.284
- ⁴⁵ W Stubbs : *Constitutional History of England* (Oxford UP, 1903)
- ⁴⁶ The best recent narrative on this is Trevor Royle : *Civil War – The War of the Three Kingdoms 1638-1660* (Abacus, UK, 2004)
- ⁴⁷ *Corbett’s Parliamentary History of England* vol. 1 (AMS Press, New York, 1966) p. 446
- ⁴⁸ Quoted in Sir Clement Markham : *Richard III : His Life and Character* (Russell & Russell, New York, 1906) p. 134
- ⁴⁹ idem
- ⁵⁰ Ibid p. 133
- ⁵¹ Halstead I *op cit* p. 139
- ⁵² Phillip Laundry : *The Office of Speaker* (Cassell, London, 1964) p. 152
- ⁵³ Charles Ross : *Richard III* (University of California Press, 1981) p. 188
- ⁵⁴ Hanham : *op cit*
- ⁵⁵ Jeremy Potter : *Good King Richard ?* (Constable, London, 1983) p. 53
- ⁵⁶ Desmond Seward : *Richard III – England’s Black Legend* (Book Club, London, 1983) p. 149-51
- ⁵⁷ In 1984 the UK Post Office issued a set of stamps to commemorate the Quincentenary of the College of Arms. One stamp carried the arms of Richard III as the Founder. Unfortunately the arms chosen are those of Richard as King of England and France without the white boar supporters. The importance of Richard’s interest in regularizing the laws of heraldry may be found in Anne Sutton : “A curious searcher for our weal public” in PW Hammond (ed) : *Richard III : Loyalty, Lordship and Law* (London, 2000) p. 93. Henry VII, perhaps understandably, if I am right on this point, had far less interest in heraldry and the regulation of legitimacy since on coming to the Throne he immediately revoked the College’s possession of Coldharbour (the great house given to the College by Richard) and transferred its possession to his mother, Margaret Beaufort. The College had no regular home again until granted one by Mary I, another monarch with an interest in questions of legitimacy. See Stephen Slater : *The History and Meaning of Heraldry* (Southwater, London, 2004) p. 34.
- ⁵⁸ Michael K Jones : “Somerset, York and the Wars of the Roses” *English Historical Review* CIV (1989) p. 285-307
- ⁵⁹ J Sheppard (ed) : *Christ Church Letters* (Camden Society, 1977) p. 45 and R Hanham : *Richard III and his Early Historians 1483-1535* (Oxford UP, 1975) p.50