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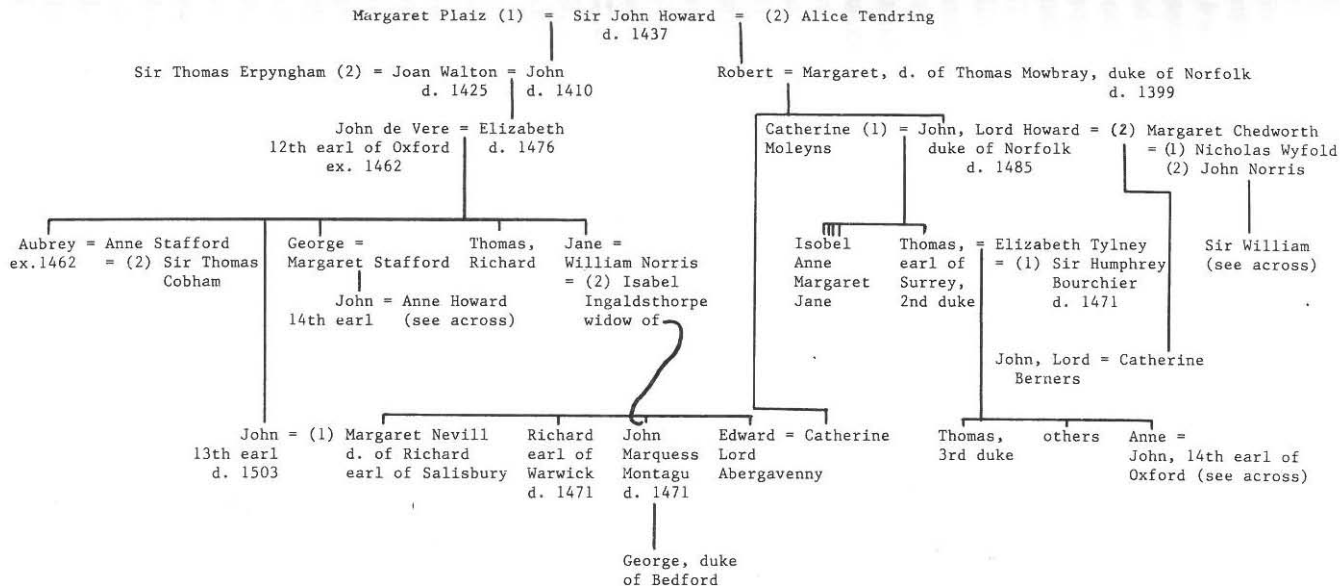
# **Victims of Attainder: The Howard and de Vere Women in the Late Fifteenth Century**

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Most English estates and businesses in the later Middle Ages would have been run less efficiently without the active cooperation of the master's lady. Many proved quite capable of running the entire enterprise when deprived either temporarily or permanently of their husbands. As the other papers in this collection have indicated, many medieval women were as competent and as determined as their twentieth century counterparts. Yet there was one essential difference. The independent legal rights of a medieval wife were nonexistent and only as a widow was a woman able to exercise some control over her property and her future. While her husband was alive the two were regarded as one being in law. For most women this was merely academic, but the wife of a man convicted of treason might, at worst, find herself left with little more than her life and the gown she stood up in. The full rigours of the law were usually modified, but the degree of modification often depended on the amount of influence a wife or widow could bring to bear. It was arbitrary and could never be wholly relied upon. This paper is intended to illustrate the basic weakness of a woman's position if the male members of her family were charged with treason. To salvage as much of the family property as she could, she needed to influence the king in her favour and to do that she really needed the support of a politically powerful man.

As a case study, I have chosen the women of the Howard and de Vere families. Both families experienced marked degrees of political success, only to have the wheel of fortune cast them down before restoring them to their former prominence. In this, as we shall see, the women were almost, but not quite, helpless pawns in the political





THE HOWARD AND DE VERE FAMILIES

game.

The de Vere family, earls of Oxford since the mid-twelfth century, reached its apogee in Robert the ninth earl, close friend of Richard II and by him created marquess of Dublin and duke of Ireland. Attainted in 1388, he died in exile in 1392, whereupon his uncle and heir petitioned Parliament for the restoration of the entailed de Vere lands and was successful. The family then began its climb back to pre-eminence. It was aided in 1425 by the marriage of John, the young twelfth earl, to an East Anglian heiress called Elizabeth Howard. The earl, who at sixteen (his bride was two years younger) was still a minor, said he married on the advice of his guardian, Thomas Beaufort, duke of Exeter, but he failed to obtain a royal licence for the match and suffered a fine of £2000 for the lapse.<sup>1</sup> Elizabeth was the grand-daughter and heiress of Sir John Howard, a wealthy and influential member of the Norfolk gentry, and his first wife Margaret, heiress to the barony of Plaiz. Elizabeth's father, also called John, had married another heiress, Joan Walton, and predeceased his father. Old Sir John's second marriage, to a lesser heiress called Alice Tendring, produced a second son, Robert. This Robert, entering the service of Thomas Mowbray, duke of Norfolk, had the great good fortune to marry the duke's daughter, Margaret. Their son, John, was the heir male of his grandfather and namesake, old Sir John Howard, but inherited only the estates of his grandmother, Alice Tendring. The great bulk of the Howard lands, together with those of Plaiz, went on the death of Sir John in 1436, to Elizabeth Howard, countess of Oxford. By the time young John was adult, the earl and countess had a number of children and he can therefore never have had any serious expectancy of inheriting the Howard estates. His political fortunes were tied firmly to those of Norfolk, his mother's brother, and he would thus have had little hope of any crumbs of royal patronage. Howard set about creating his own fortune and grew modestly wealthy by his business acumen and shipping interests on the East Anglian coast.<sup>2</sup> That his talents were recognised is clear from his appointment to several local stewardships by various peers and religious houses prior to 1461. He also was appointed to the Bench and various local commissions, usually when the duke of York was controlling the government, but by the late 1450s he was eminent enough to be named whoever was controlling such appointments. Howard led Norfolk's advance force to fight for York's son, Edward IV, at Towton and his support for the new king was immediately rewarded with the

joint shrievalty of Norfolk and Suffolk in 1461.<sup>3</sup>

The de Veres, in contrast, remained loyal to Henry VI. Oxford was not a member of the court party, but as a senior peer he served the king in both military and diplomatic capacities. Although initially sympathetic to York and Norfolk, he seems not to have played an active political role in the late 1450s. It may be that his health was no longer good - he was excused attendance at Henry VI's last Parliament on the grounds of age and infirmity - and he is not recorded as having been present at any of the battles of the late 1450s. Nor did he fight at Towton. This makes his behaviour after Edward's accession difficult to comprehend.

Shortly after Howard's appointment as sheriff, Oxford wrote to John Paston asking to be told if Paston or any of his acquaintance should hear rumours that Howard planned to make an affray at Oxford's manor of Winch in Norfolk, so that his keeper there, Keche, might be warned to take defensive action.<sup>4</sup> There is no surviving indication of what had raised the earl's suspicions. He was an elderly and respected peer, not deeply involved in political affairs and with at least some goodwill to his credit from leading Yorkists, and there is no obvious reason why he should have felt vulnerable to Howard, despite the latter's official position. Winch, or the manor of East Winch, was the old family home of the Howards which had passed to the earl as part of his wife's inheritance, and it had been used quite frequently as a family residence by them in the 1440s and 1450s. That Oxford's fears were in fact justified is clear from later events, but how far these fears influenced his behaviour is impossible to tell. Nothing in the earl's previous political behaviour seems preparation for his arrest early in 1462 and his conviction in February for treason. He was charged with having corresponded with Margaret of Anjou with the aim of restoring Henry VI. If that was not disaster enough for the de Vere family, his eldest son, Aubrey, was convicted on the same charges and both were executed.

What practical effects did the attainder of her husband and son have upon the countess of Oxford? Two centuries or so earlier, Bracton's view that the family of an attainted man became legally dead was one that had generally prevailed.<sup>5</sup> Widows had no right to dower or their own inheritances and heirs were barred from both paternal and maternal inheritances. From the mid-thirteenth century this view had undergone modification. The development of jointure settlements improved the legal position of wives, removing their total dependence

on their husbands and incidentally ensuring that in the event of attainder, some lands at least escaped forfeiture. Likewise the system of entail provided some protection for heirs. In the fourteenth century, the law moved towards the establishment of a widow's right to dower from forfeited lands. Edward III was often also willing to allow them to retain their own inheritance as well. As far as the fifteenth century was concerned, the relevant act was the 1398 modification of the 1352 statute.<sup>6</sup> This included in the scope of forfeiture lands that were entailed and held to use, but excluded a wife's inheritance and jointure, albeit with the significant proviso that she had no right to them until after her husband's death. In short, she would be much better off as the widow of a man executed than the wife of one in exile or in prison. Wives who were not heiresses and on whom no jointure settlement had been made, remained entirely dependent on the charity of the Crown. In such cases, the suppliant was likely to be granted in time a modest annuity. If she had young children then probably certain lands would be held on her behalf by Crown officials for the maintenance of herself and her children. If an attainted man was alive and in exile, then a keeper or governor was usually appointed to take charge of the family and his wife's lands, so that they were in effect under house arrest. Money was provided for their maintenance, but the surplus went to the king, ensuring that rebels abroad were unable to obtain financial support from home.<sup>7</sup> Nor was the arrest of wives and widows altogether rare. They might be placed in a nunnery or in the custody of a lay official. The Countess Elizabeth herself was arrested in 1462 and kept under close scrutiny if not actual custody until the end of May of that year. Then, in consideration of her 'humble, good and faithful disposition', she was set at liberty and given the right to enjoy all her own lands and those of her jointure.<sup>8</sup> She was also free to petition for her dower rights. Elizabeth and her surviving children were not, therefore, in any danger of starvation. The execution of Aubrey left her with four younger sons, John, George, Thomas and Richard and three daughters. The family settled down at Wivenhoe, where Elizabeth had inherited from her mother, Joan Walton, a particularly fine mansion, whose towers were used as a landmark for ships entering the mouth of the Colne. Aubrey's young widow, Anne, who was childless, had her jointure of nine de Vere manors confirmed to her in March 1462 while her mother-in-law was still in custody.<sup>9</sup> Anne was the daughter of Humphrey Stafford, duke of Buckingham, who had died at Northampton in 1460. She remarried

quite quickly, carrying her de Vere lands with her to Sir Thomas Cobham, and thus passes from our notice.

To return again to the manor of East Winch: early in May 1462, before Elizabeth was released, a correspondent of the Pastons was informed by Oxford's attorney, Thoresby, that King Edward had appointed Keche (presumably the same man that the earl had referred to as his keeper of Winch) to be receiver-general of all the lands held by the late earl and his widow, except those that Howard had entered. From these lands Keche was to allow the countess 500 marks p.a.<sup>10</sup> In the event his appointment was to last only a few weeks. When the countess recovered control of her own lands and those she held in jointure, Keche's stewardship remained only in respect of the remainder of the de Vere lands. That the king granted the receivership to one of Oxford's former officials indicates a degree of sympathy towards the family and paved the way towards the restoration of the lands to Oxford's second son, John. The lands that Howard, using his almost unassailable position as sheriff, had occupied certainly included East Winch, the former Howard family seat. The king saw fit not to interfere and Howard seems to have remained in *de facto* possession throughout the 1460s. From evidence in his own accounts he and his family occasionally stayed there. He also seems to have been holding two more manors which should by rights have been Elizabeth's, Fersfield and Brooks Hall, both also in Norfolk.<sup>11</sup> There is no evidence that he either purchased or rented any of the three manors from his cousin, but the possibility cannot entirely be discounted because of the apparently amicable relations between the two families in the 1460s. Such a relationship seems unlikely if there had been bad feeling over the Norfolk manors. The de Vere lands were gradually removed from Keche's receivership and granted elsewhere. The largest portion, in the earldom's heartlands of Essex and Suffolk, went to the king's younger brother, Richard of Gloucester in August 1462.<sup>12</sup>

The de Vere family survived the lean years of the earl 1460s at Wivenhoe, though the countess found solace in several visits to the nunnery at Stratford in Essex. In January 1464 their prospects brightened dramatically when John came of age. He was permitted to succeed to his father's earldom and enter into all the lands his father had held. The grantees of the intervening years were compensated elsewhere. The new earl acted as chamberlain at the queen's coronation in 1465 and at some point before 1468 he married Margaret Nevill,

sister of Warwick the Kingmaker and the king's first cousin.<sup>13</sup>

The young earl seems to have been on good terms with his mother's increasingly influential cousin, Sir John Howard. The pair of them enjoyed hunting trips together at Lavenham and dined together in London. Howard's relationship with the de Vere women seems to have been equally cordial. The strongest evidence of this appears in March 1466, when his youngest daughter, Jane, was sent to join the countess's household.<sup>14</sup> Jane's marriage to John Timperley, the son of a prominent East Anglian knight, had already been arranged, but her mother had died a few months previously and a spell of service in a noble household kept her occupied, gave her some social polish and provided her with a future patroness. The countess, in return, gained a young and willing helper. Almost a year before, Jane's sister Margaret had entered the household of the countess's daughter, Jane, wife of Sir William Norris of Yattendon, Berkshire. A month after Margaret's arrival, her father stood sponsor at the christening of one of the Norris children and Sir William's younger brother was Howard's business agent in London, so the families were obviously well-acquainted.<sup>15</sup> In September 1466, Sir William's father, John Norris of Bray, died, leaving a young widow, his third wife. She was born Margaret Chedworth and her first husband had been a wealthy London grocer, Nicholas Wyfold, who had died in 1456, leaving her £1000 in cash, and with a small daughter. John Norris, by whom she also had children, left the manor of Yattendon to his heir, Sir William, and money to his other children, but the residue of his lands and goods to his widow, provided she remained unmarried. Before she had even proved his will, and only six months after his death, Margaret married Sir John Howard, himself a widower of fifteen months standing. This somewhat unseemly haste suggests perhaps some degree of personal preference. Certainly Margaret was showered with wedding gifts by her new husband. They are listed among the Paston Letters and included two rings set with good diamonds that the Queen had given Howard and a silver pot for green ginger that had been a present from the King, as well as much other jewellery and household stuff.<sup>16</sup> If nothing else it demonstrates just how wealthy Howard, who was after all only a modest landowner, had become from his business ventures, and how established he was in royal favour.

By 1467 it is clear that the Howards and de Veres were both well-thought of at court. The two families maintained amicable relations,

which had recently been strengthened by a marriage within the extended family circle, and there is no evidence that the new earl had tried to regain possession of the three Norfolk manors. Presumably Howard and the countess had come to some sort of agreement satisfactory to both parties. Then, in 1468 the earl jeopardised his family's newly-won security by plotting with the Lancastrians. In November of that year he was committed to the Tower on suspicion of treason, but charges could not be substantiated and he was released and granted a general pardon in the following April. Ignoring the warning of his narrow escape, he supported his brother-in-law, Warwick, in his attempt to seize power in 1469 and although he took no active part in the 1470 rebellion, he thought it prudent to flee to France with Warwick and Clarence. During Henry VI's readeption Oxford was made Constable of England and his influence in East Anglia suddenly eclipsed that of the duke of Norfolk. John Howard, recently created a baron, kept his head down in Suffolk, but was the first there to proclaim Edward king again when he returned from exile to regain his throne. Both Howard and his son, Thomas, fought at Barnet, where Thomas as 'sore hurte' and where one of their chief opponents was Oxford, commander of the Lancastrian right wing. The Yorkist victory, with the death of Warwick and his brother, John, Marquess Montagu, was followed by another victory at Tewkesbury over Margaret of Anjou's forces. Oxford and his brothers, escaping without serious injury, fled to Scotland, leaving the women of the family to cope as best they could.<sup>17</sup>

On this occasion, Elizabeth and the young countess Margaret were ostensibly luckier than Elizabeth had been in 1462: the earl was not attainted. The reasons for this had little to do with the de Veres and a great deal to do with the Warwick inheritance coveted by the king's two brothers, Clarence and Gloucester in right of their wives, Warwick's daughters and co-heiresses. But if Warwick and Montagu were not to be attainted, then the lesser rebels could not be attainted either. Nevertheless, all Oxford's lands were considered forfeit.<sup>18</sup> On 4 December 1471 they were once again granted to the duke of Gloucester. Elizabeth's jointure lands and her own inheritance were unaffected by this, but she again lost her dower lands. The Countess Margaret was left in a far worse predicament. She had no inheritance of her own and as her husband was not dead but in exile, she had no right to her jointure. Her two powerful brothers were dead and she had borne the earl no heir whose rights might have afforded her some

protection. She was left literally with nothing save any plate or jewels she might have had the foresight to remove discreetly. How she managed we do not know, but eventually, Fabyan tells us, she had nothing to live on but charity or what she might get by her needle. The story came originally from Commynes and while it may be exaggerated, it is likely to be substantially true. John Howard's household accounts do not survive for the 1470s but in 1481 he recorded a payment to her of 20s, and there is no reason to suppose this was the only gift. In 1475 and 1479 she received general pardons from her cousin, King Edward, but it was not until 1482, ten years after her husband fled, that she was granted an annuity of £100 during his lifetime, an annuity renewed by Richard III.<sup>19</sup>

While Elizabeth was legally entitled to her jointure and inheritance while she lived, when she died they, too, would be forfeit since her son and heir could not inherit them. Nor could they really be regarded as safe during her lifetime, for her son was not sitting quietly in exile but actively pursuing anti-Yorkist policies wherever he could. It would not be unreasonable, therefore, for the king to place both Elizabeth and her lands in custody to prevent her financing Oxford's treachery. With her previous experience standing her in good stead, Elizabeth made what provision she could to protect her lands. She conveyed them to trustees in an attempt to prevent confiscation during her lifetime and ensure that after her death, if her son could not benefit, then at least she could devote them to charitable purposes. The foffees, thirteen in number, were headed by William Grey, bishop of Ely and Sir Thomas Montgomery, both of them royal councillors. Others were closely linked to the de Vere family like their councillors William Paston and James Arblaster, the lawyer Henry Robson, and the countess's confessor, Piers Baxter.<sup>20</sup>

The fact that Elizabeth's lands were now held by foffees and the issues were unlikely to be diverted to the exiled earl may have satisfied the Crown, but it was clearly an undesirable state of affairs as far as the duke of Gloucester was concerned. He and his brother, Clarence, were already in the process of depriving their mother-in-law, the countess of Warwick, of her own Beauchamp inheritance, which was considerably more valuable than Elizabeth's Howard inheritance. Why then should the countess of Oxford be immune from his greed? It is clear that what happened to Elizabeth's lands was not an attempt by the Crown to return to an earlier and harsher interpretation of the law of attainder, but arbitrary action by Gloucester of which the king

seems to have disapproved but with which he did not see fit to interfere. The duke's own account of his acquisition of the lands is that they were released to him at the countess's own wish and by the advice of her council in return for an annuity of 500 marks and the payment of debts totalling £240, together with sundry other small charges.<sup>21</sup> There is certainly no doubt that the countess and her foffees did surrender her lands to the duke. The question is why they should have done something so contrary to the interests of the de Vere family?

It is impossible not to connect the countess's troubles with the activities of her son. She was still in control of her own affairs in the autumn of 1472, while the earl, who had fled to Scotland after Barnet, moved on to France where he received assistance from Louis XI and where he occupied himself raiding the marches of English-held Calais, of which Lord Howard was in effective command as deputy lieutenant.<sup>22</sup> None of Howard's records survive for this period, but he seems to have handled Oxford's depredations with success and the earl departed to take up piracy. None of this would have pleased Edward IV and it is hardly surprising that he took the precaution now that he had not considered necessary in the months after Barnet; he placed the countess and her income in the charge of a keeper. The keeper he chose was his brother, Gloucester.

The countess's version of the events that took place in the Christmas period of 1472 is contained in a series of depositions taken in 1495<sup>23</sup> from those who had witnessed them more than twenty years earlier. The depositions were part of a petition presented to Parliament by the earl of Oxford for the reversal or annulment of his mother's conveyance of her lands to Gloucester. Some were made by the countess's foffees, some by neutral observers and some from men like Sir James Tyrell, who had been Gloucester's man at the time the events took place. None of the witnesses could say exactly when the events they described took place, but the consensus seems to have been that it was about Christmas in the twelfth year of King Edward's reign, that is, late December 1472 or early January 1473. The countess was at one of her favoured residences, the nunnery at Stratford, and it was here that she was visited by Gloucester and informed that she was to be placed in his custody. A few days later, to her great distress, she was taken from Stratford to Stepney, where the duke was lodging in the house of Sir Thomas Vaughan. Once at Stepney, it was made clear to Elizabeth that she was to transfer all her

lands to Gloucester. From the evidence of those who were permitted speech with her at this point, it is quite clear that the elderly countess had been terrified by the threat that she would be sent north to the duke's Yorkshire castle of Middleham if she did not agree to transfer her lands to him. In view of her frailty, the length of the journey and the particular severity of the weather at the time, Elizabeth's fear that such a journey might kill her was not wholly unfounded. There is no evidence at all that Gloucester caused her to be physically harmed but the threats certainly amounted to mental cruelty and they had the desired effect. The countess agreed to the transfer of her lands and begged her trustees to do what was required of them likewise. Her conveyance is dated 9 January 1473, but only six of her foeffees sealed it.<sup>24</sup> Seven refused and those seven were the ones whose position in the world made them less susceptible to intimidation. The bishop of Ely could not be as easily frightened as the countess's confessor, Piers Baxter. One of the depositions described Baxter being bullied by Lord Howard, called 'false priest and hypocrite', in the Archbishop of York's house at Westminster, because he too, at first, had hesitated to seal the conveyance.

Once Elizabeth had herself sealed the conveyance and persuaded six of her foeffees to do the same, she seems to have been allowed to return to the nunnery at Stratford, since when the next blow fell, she was not in Gloucester's physical custody. On 21 March she was required to enter into a bond for £3,000 that she would appear daily before the king in Council, wherever he might be, at the coming Easter, to answer certain matters pending against her. Four other sureties of £2,000 apiece were also required. These were provided by Lord Howard, her faithful councillor and foeffee, James Arblaster, one of those who had refused to seal the conveyance, the earl of Essex, whose heir, William, had been married to Elizabeth's daughter, and Essex's younger son, Sir Thomas Bouchier. Whether or not Oxford knew of his mother's plight, he chose this inauspicious moment, 28 May, to attempt a landing in England. He chose St Osyth, close to the de Vere centre of influence, but his attempt to raise rebellion was easily frustrated by the earl of Essex, whose sympathy for the countess's misfortunes did not extend to her foolhardy son. Oxford took to his ships again and continued his piratical pastimes until the end of September, when he and his small band of men captured St Michael's Mount in Cornwall. Meanwhile his mother had appeared as she was required to do, the bonds were voided and on 9 July she was

dismissed.<sup>25</sup>

At some point while she was at court, she was summoned before the Chancellor, Robert Stillington, bishop of Bath and Wells, who, with other judges and royal councillors, was sitting in the Exchequer Chamber. Gloucester had begun a suit in Chancery against the recalcitrant foeffees, but there at Westminster, in front of many eminent witnesses, the countess of Oxford declared that she had been compelled by great fear and dread to make the conveyances to Gloucester and not of her own free will. There the matter seems temporarily to have rested. Most of the foeffees who had so far refused to seal signed a memorandum of acknowledgement on 25 June, but despite continuing harassment by the duke, the conveyances remained unsealed until February 1474.<sup>26</sup> By then, Bishop Stillington had been replaced as Chancellor by Lawrence Booth, Bishop of Durham, who proved to be more sympathetic towards Gloucester, and decreed that the foeffees must convey their rights in the lands to Gloucester. Elizabeth, countess of Oxford had died a few weeks previously. Her foeffees believed she had left a will, but they were ignorant of its contents and without her wishes to guide them, they had no legitimate grounds for opposing the Chancellor's ruling. Their demise and quitclaim of their rights in the countess's lands to the duke of Gloucester is dated 9 February 1474.<sup>27</sup> A week earlier the earl of Oxford had finally surrendered St Michael's Mount in return for the promise of his life and had been sent as a prisoner to the fortress of Hammes. On her deathbed, his mother had sent him her blessing. She was buried, not at Stratford where she died, but in the church of the Austin Friars in London with her husband. Gloucester, who can only have rejoiced at her death, attended the funeral, so too, did Lord Howard, whose feelings on the death of his cousin were probably a good deal more mixed. Many years later, in 1480, he purchased from Gloucester Elizabeth's manor of Wivenhoe. He paid the considerable sum of 1,100 marks for it, but for Howard it was a shrewd buy. None of his other manors were on the coast, and Wivenhoe, the port for Colchester, made a very satisfactory headquarters for his shipping interests.<sup>28</sup>

John Howard's role in the whole affair of the countess's lands is difficult to evaluate. Hindsight may view the *de Vere* loyalty to the house of Lancaster as misguided but admirable, but Howard's reaction to the young earl's defection after all the generosity shown him by Edward IV is more likely to have been one of the fits of anger for

which he was noted. At Barnet, where Oxford was one of the leading Lancastrians, Howard's only surviving son, Thomas, was badly injured. When Edward was safely back on his throne, Howard was appointed deputy-lieutenant of Calais, and as we have seen it was his command that was attacked during Oxford's raiding parties on the Calais marches in 1472 and when the earl was finally despatched to Hammes, Howard was technically his goaler. It was a difficult position for men who had formerly been on good terms. Howard was undoubtedly a political realist, and once Elizabeth had been placed in Gloucester's custody, he recognised that nothing would ultimately save her lands and a speedy acquiescence would best aid her person. He was prepared to enter into a large bond on her behalf, but it certainly seems that his loyalty in the episode lay rather with the king's brother than with the disgraced de Veres. In the summer of 1475 Edward granted him six Oxford manors previously held by Gloucester and the office of steward of all the de Vere lands in Suffolk and Essex still in the king's hands. He was granted them outright as part of his ducal endowment in 1483 by Gloucester when he became king, but he was never given, or seems to have sought, possession of the former Howard lands once held by the countess, most of which Richard III granted to Sir Robert Percy and his wife.<sup>29</sup>

In 1475, therefore, the de Vere fortunes were at their nadir; the earl imprisoned, his mother dead in a convent, stripped of her possessions, his wife reduced to virtual beggary. By 1485 the wheel of fortune had swung the earl to the top again and cast the Howards down. Oxford had escaped from Hammes (no longer in Howard's charge) and had joined Henry Tudor's invasion. He led the pretender's van at Bosworth, where his forces were in direct conflict with those led by Howard, by then duke of Norfolk, and his son Thomas, earl of Surrey. The story of Howard dying in hand to hand conflict with the earl is almost certainly apochryphal, but the day ended with him dead, Thomas a prisoner and Oxford triumphant. Under the new king Oxford regained all he had lost and more and the Howards were attainted. Howard's wife, Margaret, 'formerly duchess of Norfolk', as the probate of her will in 1494 describes her, was comparatively lucky. Their home at Stoke-by-Nayland formed part of her jointure and she was allowed to live there quietly until her death, her financial position cushioned by the dower she held from her two former husbands.<sup>30</sup> Her stepson's wife, Elizabeth, countess of Surrey, was not so lucky. She found herself in much the same position as

Margaret, countess of Oxford, fourteen years earlier, not a widow but the wife of an attained prisoner. Fortunately for Elizabeth, she was a minor heiress, and the Surrey family home had been her manor of Ashwellthorpe.<sup>31</sup> Her lands were not at risk, for their heir was not her eldest son by Surrey, but the son of her first marriage to Sir Humphrey Bourchier. Lord Berners, who was married to Howard's youngest daughter, was too young to fight at Bosworth, or the family had ensured that he did not do so. Berners, however, had no political influence, no means of aiding his stepfather, in whose household he had been brought up. When the news of Bosworth reached her, the young countess seems to have retired prudently with her children to Minster Priory in the Isle of Sheppey.

Six weeks later, Lady Surrey wrote from Sheppey to John Paston, sheriff of Norfolk and Suffolk since the accession of Henry VII, and a servant and councillor of the de Veres: his uncle, William Paston, had been one of the most loyal of the Countess of Oxford's trustees.<sup>32</sup> Lady Surrey needed Paston's help against the officiousness of the newly powerful John Radcliff, Lord Fitzwalter, who had taken it on himself to discharge all Surrey's menservants at Ashwellthorpe on the grounds that they had used unfitting language about the new king. Several points emerge from this letter. The most important is that immediately after Bosworth, she had sought the earl of Oxford's protection and he had offered it unstintingly. The countess herself was unlikely to have known Oxford well, since she had married Surrey after the earl had fled into exile, but she almost certainly knew his unfortunate countess, Margaret Nevill, and may well have helped her in the past. Whatever benefits the Howards had gained from the de Vere downfall, they had not actively sought them, and Oxford seems to have borne no grudges. He not only promised to be a good lord to Surrey and his wife, but he witnessed a similar promise made by Fitzwalter in response to the countess's pleading. This was why she now sought Paston's help and intercession on behalf of her dismissed servants. Even as a sole woman she did not feel she could manage with fewer than ten or twelve of them. With horses supplied by Paston, Lady Surrey moved her small household back to Ashwellthorpe from Sheppey and was able to live there quietly until her husband was released from the Tower in 1489.

When Surrey was freed, he was sent north to work his way back into royal favour. This he did loyally and energetically and in a gradual process, continually dependent on good behaviour, he was

restored to the lands of his wife, his father and other ancestors. The process was complete by 1495 when the marriage of his son and heir, Thomas, to the queen's sister, Anne, daughter of Edward IV, set the seal upon the Howard restoration.<sup>33</sup> The earl of Oxford had himself been granted Framlingham and other Norfolk manors which formed the core of the dukedom of Norfolk, just as Lord Howard had received Castle Hedingham and key Oxford manors in 1475.<sup>34</sup> In each case it was due to royal recognition of the political survivor's pre-eminent position in the region. For Thomas Howard to receive his lands again, those who had been granted them in the interim had to be compensated for their loss. Oxford eased the way for Surrey by accepting an annuity of 100 marks as part of the purchase price. This, and the protection he so quickly and generously extended to the Howards in 1485, earned Lady Surrey's undying gratitude, expressed in her letter to John Paston, he was, she wrote, 'singular very good and kind lord to myn lord and me and steadfast in his promise, whereby he hath won my lord's service as long as he liveth and me to be his true bedeswoman term of my life.'

The Howard and de Vere women studied here reflect the differing types of treatment meted out to the wives and widows of those attainted in the period 1461-1485. It really is not true to say, as it often is, that the Crown did not make women suffer for the crimes of their menfolk, and that the most they were likely to lose were their dower rights. The wives or mothers of traitors still at large could expect to be put into some sort of custody, in their own homes or in a convenient nunnery.<sup>35</sup> If wives were not heiresses, as Margaret Nevill found to her cost, they could be left with no visible means of support and totally dependent on the charity of their friends or the goodwill of the Crown. If they were widows they might hope to live quietly out their lives on the proceeds of their jointures, like Margaret Chedworth, or to carry their jointures into a second marriage with a more loyal subject, like Anne Stafford. But both Margaret Nevill, who stayed in sanctuary at St Martin's for some time after Barnet, and Elizabeth Tylney, who fled with her children to Sheppey, did so out of genuine fear. Margaret's fear of the bleakness of her future was justified, while Elizabeth had before her the example of the worst that could befall a countess. Lady Oxford had been imprisoned, threatened and brow-beaten, stripped of her lands and left to die in a convent. Of all the female victims of the Wars of the Roses, she was perhaps the most unfortunate, being caught in a particular set of circumstances.

She was an heiress with covetable lands of her own, a widow with no powerful friend at court willing to come to her aid, a strong suspicion that she was herself guilty of aiding the Lancastrian cause and finally, an opponent whose royal position enabled him to manipulate the law to his own benefit.

## NOTES

- <sup>1</sup> G.E. Cokayne, *Complete Peerage*, sub Oxford.
- <sup>2</sup> Anne Crawford, 'The Private Life of John Howard', in *Richard III, Loyalty, Lordship and Law*, ed. P.W. Hammond (1986), 7-10.
- <sup>3</sup> *Calendar of Patent Rolls, 1446-1452*, 436; *CPR 1452-1461*, 301, 371, 494; *CPR 1461-1467*, 10.
- <sup>4</sup> *The Paston Letters*, ed. James Gairdner, iii, 275.
- <sup>5</sup> Charles Ross, 'Forfeiture for treason in the reign of Richard II', *English Historical Review* lxxi (1956), 560.
- <sup>6</sup> *ibid*, 563-7, 574.
- <sup>7</sup> J.R. Lander, 'Attainder and forfeiture, 1453-1509', *Historical Journal*, iv (1961), 141.
- <sup>8</sup> Public Record Office C81/791/957.
- <sup>9</sup> *CPR 1461-1467*, 76.
- <sup>10</sup> *Paston Letters*, iv, 39.
- <sup>11</sup> *Manners and Household Expenses of England in the Thirteenth and Fifteenth Centuries* (Household Expenses of Sir John Howard, 1462-1471), ed. T.H. Turner, Roxburghe Club (1841), 274-5, 474, 543; Arundel Castle MS G1/3.
- <sup>12</sup> *CPR 1461-1467*, 197.
- <sup>13</sup> Cokayne, *op cit*.
- <sup>14</sup> *Manners and Household Expenses*, 176, 300-1, 338-9, 385, 509.
- <sup>15</sup> *ibid*, 289, 290, 292, 378.
- <sup>16</sup> PCC 8 Stockton; PCC 19 Godyn; *Paston Letters*, iv, 262-4.
- <sup>17</sup> See *Warkworth's Chronicle*, ed. J.O. Halliwell, Camden Society (1839), 16, 26.
- <sup>18</sup> *CPR 1467-1477*, 297.
- <sup>19</sup> *ibid*, 507, *CPR 1476-1485*, 450.
- <sup>20</sup> The other councillors were John Warkworth, Gilbert Debenham, John Timperley, John Grene, John Coke, Henry Wilcox and Roger Townsend, see note 23.
- <sup>21</sup> *Calendar of Proceedings in Chancery in the Reign of Queen*

*Elizabeth* (Record Commission, 3 vols., 1827-32), i, xc 22.

<sup>22</sup> Warkworth, 26-7.

<sup>23</sup> PRO C263/2/1/6. Transcripts of these depositions, together with a discussion of the reasons for taking them in 1495 and an assessment of their reliability as evidence appear in M.A. Hicks, 'The last days of Elizabeth, Countess of Oxford', *English Historical Review*, ciii, no. 406 (Jan. 1988), 76-95. Dr Hicks' article appeared several months after this paper was first given and the latter in its original form contained a more detailed account of what befell the countess and her foeffees than is included here.

<sup>24</sup> *Calendar of Close Rolls 1468-1476*, 334-5; the lands were conveyed to the foeffees in three parcels and not all the foeffees were named for each of the three conveyances. The more prominent men, together with most of the others, were named foeffees for the lands in Norfolk and the more important manors in Essex, but the less well-known were entrusted with the lands in Suffolk and some of the minor Essex manors. Even so, in none of the three cases were all the foeffees concerned persuaded to make conveyance to Gloucester. PRO C1/1/145, printed in *Calendar of Proceedings in Chancery; CCR 1468-1476*, 334-5.

<sup>25</sup> *ibid*, 302-3; *Paston Letters*, v, 188; Warkworth, 25-6.

<sup>26</sup> *CCR 1468-1476*, 335; PRO C1/1/145.

<sup>27</sup> PRO C4/2/51.

<sup>28</sup> *Household Books of John, Duke of Norfolk and Thomas, Earl of Surrey*, ed. J. Payne Collier (Roxburghe Club, 1844), 18. Despite the title, the second section of these accounts was in fact compiled on behalf of the earl of Oxford, and not Thomas Howard.

<sup>29</sup> *CPR 1467-1477*, 538, 545, 547; *CPR 1476-1485*, 359, 434.

<sup>30</sup> PCC 16 Vox.

<sup>31</sup> Those of her lands held by Surrey as part of their jointure were technically forfeit. In 1493 they received a special licence to enter into her Tylney inheritance, *CPR 1485-1494*, 458.

<sup>32</sup> *Paston Letters*, vi, 88.

<sup>33</sup> See R. Virgoe, 'The Recovery of the Howards in East Anglia, 1485 to 1529', in *Wealth and Power in Tudor England*, ed. E.W. Ives, R.J. Knecht, J.J. Scarisbrick (1978), 1-20.

<sup>34</sup> *CPR 1485-1494*, 121.

<sup>35</sup> Howard was given custody of 'old' Lady Roos, whose husband and son were with Henry VI in Scotland, in 1461, while he was Constable of Norwich Castle. A year later her custody was transferred to Sir Robert Constable. PRO E28/89/9. For other examples, see *CPR 1461-1467*, pp. 34, 181, 184.