English Royal Marriages and the Papal Penitentiary in the Fifteenth Century*

The papal penitentiary was the highest body in the later medieval Church concerned with the absolution of sins.1 Its origins were twofold. First, from the twelfth-century the papacy increasingly reserved absolution to itself in certain instances. By the early thirteenth century these reserved cases were so numerous that the papacy appointed a ‘penitentiary’ from among the cardinals to handle many of them in its name. The cardinal penitentiary eventually became the head of a curial office, also known as the penitentiary, but its origins also lay in the tradition of penitential pilgrimage to Rome. By the twelfth century priests in the major Roman basilicas were specifically charged with absolving penitent pilgrims. These priests also became known as ‘penitentiaries’, and by the mid-thirteenth century they were subordinated to the cardinal penitentiary (*penitentiarius maior*) and thus became ‘minor penitentiaries’. While the penitentiary continued to be responsible for confessions of pilgrims, it also acted in matters which did not come under the seal of the confessional. It granted absolutions from violations of canon law in reserved cases, as well as dispensations and licences that were also a virtual papal monopoly. Dispensations released their recipients from observing canon law in certain instances, and licences granted favours that canon law did not normally allow. Despite the penitentiary’s legal concerns, it was not a tribunal before which litigants and advocates appeared. By the fourteenth century the cardinal penitentiary was in charge of an administrative body akin to the papal chancery, and it similarly issued letters in response to petitions. The petitioners’ requests for absolution and the like were drawn up in proper form by proctors, lawyers attached to the penitentiary. The cardinal penitentiary was authorised to approve these petitions in the pope’s name, and successive popes conferred faculties on the cardinal to grant a growing range of requests on issues as diverse

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1. The bibliography on the penitentiary is extensive. The first major study was E. Göller, *Die päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V* (2 vols in 2 parts, Bibliothek des königlichen Preussischen Historischen Instituts in Rom III, IV, VII, VIII, 1907–11). This remains a classic and is the main source for the following sketch of the office’s organisation, but Göller had no access to the penitentiary archives. Since these were opened, two essential introductions to the records held there have appeared: L. Schumüge, P. Hersperger and B. Wiggenhauser, *Die Supplikenregister der päpstlichen Pönitentiarie aus der Zeit Pius’ II* (1458–64), Bibliothek des Deutschen Historischen Instituts in Rom, LXXXVI (Tübingen, 1996); K. Salonen, *The Penitentiary as a Well of Grace in the Late Middle Ages: The Example of the Province of Uppsala 1448–1527*, Annales Academiae Scientiarum Fennicae CCCXIII (Saariljärvi, 2001).
as marriage, illegitimacy and confession. By the fourteenth century, petitions were also approved on the cardinal’s behalf by a deputy, known as the regent, while another official called the auditor, an expert on canon law, advised the cardinal and regent on the more complex requests. The letters granted to successful petitioners were written by a college of scribes, attached to the penitentiary since the mid-thirteenth century. Approved petitions were also copied into registers of the penitentiary, and the registers provided most of the new evidence presented below.

One hundred and fifty registers for the pre-Tridentine period are preserved in the Secret Vatican Archive and have been accessible to researchers only since 1983. In the intervening twenty years they have received much scholarly attention, though more work remains to be done. An edition of the material in the registers concerning the German Empire up to the Lutheran Reformation has been in progress under the direction of Professor Ludwig Schmugge of Zürich University since 1996. Similar editions are planned for Scandinavia, Eastern Europe, Ireland and Scotland. The present author and Patrick Zutshi are currently preparing a calendar of entries concerning England and Wales in the registers to 1503, and it is from this research that the present essay arises.

The registers are highly significant for the religious, social and cultural history of late medieval and early modern Europe, and this has been shown by several recent studies. But they can also be of value to students of political and diplomatic history. Although Tamburini and others have characterised the penitentiary as the papal office for poor supplicants, some of its clients were wealthy and of high status, and included figures of political importance. In particular, royal and aristocratic supplicants sought marriage dispensations from the

2. They survive in a virtually continuous series of one register per year from 1448 and two per year from c.1515. Only three registers belong to the period before 1448. Reg. 1 is the only one from the time of the Great Schism and was compiled in 1410–11 under the Pisan popes Alexander V and John XXIII (F. Tamburini, ‘Il primo registro di suppliche dell’Archivio della Sacra Penitenzieria apostolica (1410–1411)’, Rivista di Storia della Chiesa in Italia, xxiii (1969), 384–427). Reg. 2 and 2bis date from 1439–43 in Eugenius IV’s pontificate. In 1569 Paul V radically reduced and altered the powers of the penitentiary. Registers of supplications continue thereafter up to 1585 and registers of letters also survive for the period 1569–1890, both of which register series are also held in the Vatican Archive.


4. There are over 2,750 such entries, which constitute about 5 per cent of the whole material. We are grateful to the Leverhulme Trust for financing this project and to the Canterbury and York Society for agreeing to publish our calendar. We intend to continue our calendar to the Henrician Reformation in 1535 but this will not be possible within the three years of our present project.

5. E.g. L. Schmugge, Kirche, Kinder, Karrieren: Päpstliche Dispense von der unehelichen Geburt im Spätmittelalter (Zürich, 1995), but see 210–40 on illegitimate children of popes, princes, nobles, etc.
ENGLISH ROYAL MARRIAGES AND THE PAPAL PENITENTIARY, as Tamburini has indicated. In the later middle ages, marriages at this social level were rarely love matches and more usually dynastic alliances. Members of royal and noble families tended to intermarry in order to consolidate familial wealth and power, and because of this tendency and the limited choice of suitable partners available, couples of this status often found that they were already related. Since 1215 canon law had prohibited marriage between those related within four degrees of kinship through blood (consanguinity) or marriage (affinity), but marriages within the prohibited degrees might be validated by papal dispensation. The thirteenth-century papacy had delegated powers to grant marriage dispensations in certain circumstances to the penitentiary, hence Tamburini found letters conceding these to royal and aristocratic couples copied into thirteenth- and fourteenth-century formularies of the penitentiary. The extant registers of supplications approved by the penitentiary in the fifteenth-century record similar grants to such distinguished clients, and so far I have discovered entries in these registers that concern four English royal marriages. These marriages were all politically motivated, and it is the purpose of this article to place the penitentiary records regarding them in their political context and to indicate how these records add to our understanding of that political history.

This essay does not simply present new sources on English history; the first of these marriages which we will consider developed out of international politics. On 24 November 1467 the cardinal penitentiary Filippo Calandrini authorised a dispensation for Charles of Burgundy from the Cambrai diocese and Margaret, daughter of the late Richard, from York diocese. It allowed them to marry despite a canonical impediment that they were related in the third and fourth degrees of consanguinity, and it declared their future issue legitimate. In addition, they were granted littere declaratorie, which Clement VI (1342–52) had ruled were necessary for couples seeking dispensations for marriage in the third and fourth degrees. The supplicants can be identified as

7. J. A. Brundage, Law, Sex, and Christian Society in Medieval Europe (Chicago/London, 1987), 356. The prohibited degrees had been reduced from seven to four at the Fourth Lateran Council (1215). On the penitentiary and marriage, see: Tamburini, ‘Le dispense’; Schmugge, Die Supplikenregister, 68–95, esp. 71–4; Salonen, 103–19, 251–77.
Charles the Bold, Duke of Burgundy, and Margaret, daughter of Richard Plantagenet, Duke of York, and the sister of Edward IV, King of England. It is curious that the penitentiary clerk who enregistered their supplication and its approval in the above manner failed to indicate their high status, for even knights and minor gentry are usually designated ‘nobles’ in the penitentiary registers. Most probably he was reflecting an omission in the original supplication, and I will speculate on the reasons for this later on. But first it is necessary to outline the historical circumstances of this dispensation. These have been described in some detail by Scofield, Calmette, Vaughan and Ross, although the penitentiary records were not accessible when these historians wrote their accounts.9

The marriage was first proposed, it seems, by Charles himself. He had sent his agent, Guillaume de Clugny, to England in late 1465 or early 1466 to suggest this idea to Edward IV, Margaret’s brother. Vaughan and Ross agree that Charles’s motive was to secure an alliance with England to protect Burgundy against possible French attack. The English king was certainly seeking to marry off his nineteen-year-old sister, since he had awarded her an annual revenue of 400 marks on 30 March 1465 until he could provide her with a suitable husband.10 An offer for her hand had indeed already been made by Don Pedro of Portugal, but Edward IV was willing to consider other suitors. On 22 March 1466, he sent ambassadors, including the earl of Warwick, to Burgundy to treat concerning the marriage proposal with Charles.11 But the negotiations proved inconclusive, and Scofield, Calmette and Ross have argued that Warwick conceived a dislike for Charles and preferred an alliance with France instead.12 Indeed Edward had authorised the same embassy to discuss a truce or peace treaty with Louis XI, King of France; Scofield has suggested that it was also to sound out Louis XI on an alternative marriage for Margaret. Certainly, by February 1467 Louis was offering to arrange her marriage to a French prince or an ally of France and pay Edward 4,000 crowns a year in order to secure peace between their kingdoms, and clearly also to block an Anglo-Burgundian alliance.13 Despite such inducements, Edward continued his diplomatic contacts with Charles, while allowing Warwick to carry on negotiations with Louis XI. By April 1467, Louis was


12. Scofield, i, 405; Calmette and Périnelle, 75; Ross, Edward IV, 107.

13. Rymer, v, Pt II, 139 (France); Scofield, i, 405–6; Calmette, ‘Le Mariage’, 198; Calmette and Périnelle, 79–80; Ross, Edward IV, 108.

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apparently proposing Philip of Savoy as a husband for Margaret so as to thwart Charles, and seeking by means of Warwick an alliance with Edward in order to invade Burgundy and divide its territory between them. But, by May Louis learned that Charles and Edward were negotiating the Anglo-Burgundian marriage alliance in secret. He no doubt suspected Edward of treachery, and Milanese ambassadors to the French court heard rumours that if the marriage went ahead, Louis would propose a plan to Warwick to restore Henry VI as king of England. Edward, of course, had deposed Henry in 1461, and had captured and imprisoned him in 1465. Whatever Louis’s private misgivings, publicly he still pressed for peace with England, in particular to avoid what he called ‘the dangers and inconveniences’ for France that could arise from a marriage between Charles and Margaret. His efforts were in vain, however, since, as Vaughan has argued, Edward had come to prefer an alliance with Burgundy for commercial and political reasons. And Charles’s cause was boosted on 15 June 1467 when he succeeded his father Philip the Good as duke of Burgundy, having been count of Charolais before then. During the summer of 1467, Edward moved quickly towards an alliance with Burgundy, and the marriage of his sister and Charles was in principle agreed. On 20 September he sent an embassy to Burgundy to finalise the marriage details, and on 1 October 1467, at a meeting of the royal council, Margaret consented publicly to the marriage. Later in October, Charles despatched a messenger to Rome to solicit a dispensation for the marriage, and, as we have seen, it was granted by the penitentiary on 24 November 1467.

Given French intrigues against his marriage, it is understandable that Charles might not wish his request for this dispensation to attract too much attention. This might explain why the enregistered record of this request identifies the supplicants in such a prosaic and opaque manner. Louis XI had certainly not resigned himself to the marriage. Milanese ambassadors had reported in September that he had sent an envoy to Charles to advise against it and offer him a truce, whilst secretly preparing an army against Burgundy. Charles had expediently signed the truce but refused to abandon his alliance with England. He agreed

15. CSP Milan, 120.
17. Vaughan, 46. Hicks has even argued that the aim of Edward’s alliance with Burgundy was aggressively anti-French, i.e. ‘Louis was to be encircled by his enemies’. M. A. Hicks, False, Fleeting, Perjur’d Clarence: George, Duke of Clarence 1449–78 (Bangor, 1992), 63. See Calmette and Périnelle, 81–7, on the parallel negotiations.
18. CSP Venice, i, 119; Rymer, v, Pt II, 149 (embassy); Ps. William Worcester, Annales rerum Anglicarum, in Wars of the English in France during the Reign of Henry VI, ed. J. Stevenson, Rolls Series XXII (1864), ii, 788 (Margaret’s consent). Archives départementales du Nord (Lille), B2064, fo. 334v: ‘Item a ung autre messagier envoye a Rome de par mondit seigneur(?) pour le fait de la dispensation de son mariage.’
19. CSP Milan, 122.

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a commercial treaty with Edward in November, and an Anglo-Burgundian marriage treaty was settled on 16 February and ratified by Edward on 14 March 1468. The terms of the marriage treaty caused problems for both Edward and Charles, however.20 Firstly, it required Edward to pay Charles a dowry of 200,000 French gold crowns, but Edward’s difficulties in raising this huge sum meant that the wedding had to be postponed from 4 May 1468. This gave Louis XI renewed hope that it would not take place, and he continued his diplomatic efforts to prevent it, particularly on learning of Charles’s difficulties over his marriage dispensation.21 The papal legate in England had apparently doubted whether it was drawn up in the proper form, presumably meaning the letter of dispensation from the penitentiary. This is not known to be extant, however; we only have the enregistered record of the supplication to the penitentiary. In any case, it was probably because of this defective letter that the marriage treaty had required Charles to obtain a dispensation, that is a new one, at his own expense. Hence, in March 1468 Louis XI solicited the king of Naples to petition the papal curia against granting this dispensation. By April, he had also sent his agent Olivier le Roux to Rome to plead against it, and the Milanese ambassadors at the curia supported him in this stratagem.22

Nevertheless, on 17 May 1468 the dispensation was granted. It survives in the Burgundian ducal archive at Lille as an original letter, clearly sent to Charles. It was issued at the English royal palace of Westminster by Stefano di Trenti, papal envoy and orator in England. He thereby released Charles and Margaret from impediments of the third and fourth degrees of affinity and consanguinity; their earlier dispensation from the penitentiary had not referred to their affinity, and this was no doubt a reason why it had been found inadequate. The new dispensation again affirmed the legitimacy of their future issue and was granted under one of the several faculties that Trenti had received from the pope on undertaking his mission to England in early 1466.23 Maybe Edward and Charles considered it safer to approach him than the curia directly, where French influence worked against them. Even now the terms of the marriage treaty had been fulfilled, the dowry and dispensation having been secured, rumours circulated, no doubt encouraged by the French, that Margaret was not quite a blushing bride, but had had many lovers. Some gossips even claimed that she had had a son, and, according to the Milanese ambassador to the French court, Charles ordered that anyone in his lands heard repeating such rumours was to

20. Scofield, i, 446–7; Calmette and Périnelle, 95–6; Ross, Edward IV, 111; Rymer, v, Pt II, 157–8; Jean de Waurin, Recueil des Chroniques, Rolls Series XXXIX (1891), v, 552.
21. CSP Venice, i, 123; CSP Milan, 123; Scofield, i, 446–53.
22. F. Trinchera, Codice Aragonese (3 vols, Naples, 1866–74), i, 458–9; CSP Milan, 123.
23. This letter of dispensation is edited in the Appendix. Trenti’s other faculties are described in n. 46.
be thrown forthwith into the nearest river. The wedding, nevertheless, went ahead on 3 July 1468 at Damme near Bruges, and was by all accounts one of the most extravagant of its age.

The marriage was politically divisive, however. Edward had alienated the king of France and the earl of Warwick in his preference for a Burgundian alliance. By 1470 the earl was so disaffected that he led a rebellion against him and on its failure fled to France. Louis XI hence saw an opportunity to put into effect a plan which, apparently, he had considered as early as May 1467, that Warwick support Henry VI’s restoration to the English throne. Ironically Warwick’s backing had been decisive to Edward IV’s seizure of power from Henry in 1461, thus Louis’s plan implied ‘an astonishing volte-face’. The difficult reconciliation that this required with Henry’s court in exile gave rise to the second marriage which concerns us, the ‘unlikely match’ between Henry’s son, Prince Edward of Wales, and Warwick’s younger daughter, Anne Neville. The marriage was already being pondered by the exiled court before Warwick’s arrival in France. In a memorandum sent to Louis XI the court’s chancellor, Sir John Fortescue, reported the view of the court’s councillors that this marriage alliance would facilitate the court’s restoration and secure Warwick a key position in its new administration. An ambassador of the court, ‘conceivably Fortescue himself’, was present when Louis debated the alliance of Warwick with Henry’s cause in 1467, and perhaps suggested it to Louis, but the marriage proposal was reported by Fortescue later, arguably between July 1469 and March 1470. Certainly by 2 June 1470, following Warwick’s arrival in France, Louis actively supported the proposal, and he induced Margaret of Anjou, his cousin and Henry’s wife, to meet the earl to negotiate the reconciliation and marriage. Margaret was apparently a tough negotiator. She doubtless bedgrudged forgiving the man whose betrayal of her husband had been so decisive to his fall, though, as Gross suggested, her attitude may have arisen from a concern to extract ‘favourable terms’. Nevertheless, at their meeting at Angers on 22 July 1470 Warwick begged her pardon on his knees, and she agreed. His alliance with the exiled court was sealed on 25 July by the

27. Griffiths, 890.
29. This was the last in a series of memoranda that Fortescue submitted to the French government; these were brought together in a single document edited by Calmette and Périnelle, 301–5.

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betrothal of his daughter Anne to Prince Edward in Angers cathedral.30

Louis XI arranged for them to marry at Amboise shortly afterwards, but Ross claimed that they did not do so until 13 December 1470.31 According to one source, Margaret insisted that the marriage might not be ‘perfeted’ until after Warwick had successfully invaded England, and this took place in October 1470. Hicks, however, has disputed this and argued that Warwick postponed the marriage. In any case it was apparently delayed, and a likely reason was that a dispensation was needed, since the couple had a common great-grandfather in John of Gaunt, duke of Lancaster. Hence on 24 July 1470 Louis sent agents to seek a dispensation from papal envoys at Lyons, and on 2 August from the archbishop of Rheims and bishop of Laon, but presumably without success.32 In the end the marriage was dispensed at Rome by the penitentiary on 17 August 1470, but in response to one or more of three different supplications.33 The clerk who enregistered these described the suppliants in all three as the nobiles, Edward of England, layman from London diocese, and Anne of Warwick, domicella from Salisbury diocese.34 The original supplications had presumably referred to them in this oblique manner, as in the case of the Anglo-Burgundian marriage, because of the political sensitivity of the alliance. The first of the supplications to be enregistered requested dispensation from the fourth


31. CSP Milan, 141; Ross, Edward IV, 147, n. 1.

32. ‘The maner’, 218 (Margaret’s conditions); Archives Curieuses de l’Histoire de France (5 vols, Paris, 1834), i, 91 (payments to agents of Louis XI). According to the Milanese ambassador to the French court, Warwick initially shared Louis XI’s impatience for a swift marriage and wished it to occur before he left for England, but by 7 August 1470 Warwick had apparently decided to embark for England before it could take place (CSP Milan, 142). Hicks, Clarence, 70–1, bases his claim that Warwick delayed the marriage on this apparent change of heart.

33. ASV, PA, Reg. 19, fo. 42r: ‘[Rome apud sanctum Petrum], xvi kal. Septembris. Nobiles Edwarudus de Anglia, laicus Londoniensis dioecesis, et Anna de Warwyk, domicella Saresbiriensis dioecesis, desiderant invicem matrimonialiter copulari, sed quia quarto consanguinitatis gradu invicem sunt sunt [sic] coniuncti, quare petunt ut, huiusmodi impedimento non obstante, matrimonium inter se contrahere possint cum legitimatione proli susceptiendi. [Fiat-clause absent].’ ASV, PA, Reg. 19, fo. 45v: ‘Rome [apud sanctum Petrum], xvi kal. Septembris. Nobiles Edwarudus de Anglia, laicus Londoniensis dioecesis, et Anna de Warwyk, domicella, coniuges Saresbiriensis dioecesis, olim scientes se quarto consanguinitatis gradu invicem fore coniunctos matrimonium inter se per verba de presenti publice contra xerunt illudque consumarunt; quare petunt ab excommunicationis sententia quam propterea incurrerunt absolvit quoque, dicto impedimento non obstante, in eorum sic contracto matrimonio remanere possint, cum legitimatione proli suscepte si que sit et suscipiendi. Fiat de speciali et componat cum datario Ni. episcopus Firmanensis regens etc.’ An entry of the same date at ASV, PA, Reg. 19, fo. 49r is identical to that at fo. 45v above except that it refers to legitimating only future issue and its fiat clause does not refer to composition with the datary.

34. Strictly speaking, Edward is said to be from the London diocese in all three, while Anne is said to be from Salisbury diocese in the first supplication and they are said to be a married couple from Salisbury diocese in the second and third supplications.
degree of consanguinity in order that Edward and Anne might marry, and legitimation of their future issue. The second and third, conversely, declared that they had already married while knowing of this impediment. Those who consciously violated ecclesiastical law in this way automatically incurred excommunication, hence these supplications requested absolution from this sentence in addition to a retrospective dispensation. Furthermore, the penitentiary normally required a couple who married knowing of such an impediment to make a compositio or settlement with a curial official known as the datary, which meant that they had to pay higher costs. This requirement was stated in the fiat clause approving the second supplication, but not the third; the fiat clause is omitted after the first perhaps through scribal error. The second supplication also requested legitimation of any existing and future children, while the third only referred to future issue, but otherwise these latter two supplications were apparently identical. The significant difference is obviously between these, which refer to an existing marriage, and the first supplication, which instead spoke of a proposed one. The agents of Louis XI who presumably initiated these supplications knew of his pressure for a swift marriage and were perhaps unsure of the actual course of events, hence they might have sought several dispensations to cover a variety of eventualities, even the unlikely existence of issue. Alternatively, if Edward and Anne had married as quickly as Louis XI intended, the second and third supplications might have responded to news of the event, but no other source suggests that it occurred so early. A further, banal explanation might be that the proctor who drew up the supplications made mistakes. In any case the marriage was as short-lived as the political ambitions it served. Warwick’s success in overthrowing Edward IV in October 1470 was reversed within six months; the latter returned from exile in March 1471 with Burgundian support, ironically guaranteed by the marriage that had caused Warwick to change sides, and in Edward IV’s conclusive victory at Tewkesbury on 4 May 1471 Prince Edward was killed.

Edward IV’s triumph left Anne Neville not only a widow but also a potentially wealthy heiress, since his forces had slain her father, hence she was an attractive catch for someone on the winning side, and indeed this situation would give rise to our third marriage case. After Tewkesbury, Anne was captured and passed into the custody of her brother-in-law and Edward IV’s brother, George, duke of Clarence, but he treated her as his ward, she being still only fifteen, to the extent that he sought to prevent her remarriage. His motive was that he was already married to her elder sister, Isabel, and he had no wish to share the

35. Salonen, 115–16, 118; Schmugge, Die Supplikenregister, 83, 85–6.
36. A report of the Milanese ambassador to the French court suggests that the wedding had not occurred by 7 August 1470 at least (CSP Milan, 142).
sizeable Warwick inheritance with a suitor for her hand. The only challenger strong enough to claim her was in fact his and the king’s brother, Richard, duke of Gloucester. Once Clarence heard of Gloucester’s intention to marry her, he apparently concealed her from his brother by disguising her as a kitchen-maid in London, according to one account, but Gloucester discovered her and placed her in sanctuary at a church. The subsequent bitter quarrel between the dukes caused their brother the king to intervene, and he called them before the royal council in late 1471 to air their opposing views. The only solution was for Edward to persuade Clarence to compromise, and by February 1472 Clarence agreed that Gloucester might wed Anne but not divide the Warwick estates with him. Nevertheless, by 18 March 1472, when Edward IV invested Clarence with the estates, the king seems to have convinced him to grant a portion of them to Gloucester. The matter was not finally settled until an Act of Parliament arranged the partition of the estates between the two dukes in May 1474 by which time Anne had become Gloucester’s wife. When their marriage took place is a matter of historical debate. Certainly it was agreed in principle by 18 March 1472, and several textbooks give 12 July 1472 as the date of the marriage, but on uncertain authority. Recent historians inclined to doubt this date noted that the couple needed a marriage dispensation but no evidence of one was known to exist at that time, though Ross suggests that they might have married without obtaining one. In fact, they had sought a dispensation to marry from the penitentiary in early 1472, for it was granted on 22 April that year, and they probably married shortly afterwards.
released them from the impediment of the third and fourth degrees of affinity, and they also received a \textit{littera declaratoria}, mandatory for couples marrying in this combination of degrees. In this case the enregistered record of the supplication identifies the supplicants more explicitly than in the two previous cases. Richard is described as duke of Gloucester, layman of Lincoln diocese. He clearly saw no need to conceal his identity for political controversy over the marriage had ceased by the time the dispensation was requested, unlike in our two previous cases. His betrothed is, however, simply called Anne Neville of York diocese. In the supplication for her previous marriage she had been said to be of Salisbury diocese, and a likely reason for the change was that her father’s earldom of Salisbury had passed to Clarence on 25 March 1472, whilst the Neville estates that Richard had acquired by then lay mainly in Yorkshire.\footnote{43}

Of course Richard was to make even greater gains. After Edward IV’s death in April 1483, he had it declared that his brother’s marriage to Elizabeth Woodville was invalid and hence their issue illegitimate. On this pretext he displaced his nephews as heirs to the throne and had himself crowned as Richard III in June.\footnote{44} Plots to overturn his usurpation gathered pace after news spread in August that the nephews had died in his custody, allegedly murdered on his orders. A focus for the conspiracies was Henry Tudor, who claimed descent from the English royal line through his mother, Margaret Beaufort, and could thus pose as a rival claimant to the throne. To this end his mother plotted with the former queen, Elizabeth Woodville, and won her support for him by promising that he would marry one of her daughters on becoming king. On Christmas Day 1483 Henry, then in exile in Brittany, indeed swore to marry her eldest daughter, Elizabeth, and the other English refugees present recognised him as their king. This scheme gave rise to our final case, for Henry and Elizabeth required a dispensation to marry. It is well known that they obtained one in early 1486 some months after Henry became king, but historians have not previously noted that they had already received one from the penitentiary as early as 27 March

\footnote{43. The penitentiary registers normally gave the supplicant’s diocese of origin. Richard was said to be of Lincoln diocese because he was born there, at Fotheringay (Northants), just as Prince Edward, born at Westminster, had been said to be of London diocese. Yet Anne was born at Warwick in the Worcester diocese, thus her diocese given in the penitentiary registers clearly refers to her father’s lands. Similarly Richard’s sister Margaret was born like him at Fotheringay Castle but said to be of York diocese in her supplication to marry Charles the Bold, which must refer to her father’s title as duke of York. The same supplication describes Charles not as of Langres diocese, where he was born at Dijon, but as of Cambrai diocese, perhaps since he then happened to be resident in that part of the Burgundian domain.}

\footnote{44. S. B. Chrimes, \textit{Henry VII} (London, 1972), 19–49, esp. 21–3, 27; R. L. Storey, \textit{The Reign of Henry VII} (London, 1968), 54–62. When the invalidity of Edward’s marriage was proclaimed in parliament in early 1484, the author of the \textit{Crowland Continuations}, 168–9, rightly saw this as the intrusion of a secular court into matters which properly came under ecclesiastical jurisdiction.}
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1484.\(^{45}\) The latter released them from the canonical impediment of being related twice in the fourth degree of consanguinity and legitimised their future issue. The enregistered record of the dispensation refers to its supplicants in the same anonymous fashion as in our first two marriage cases. They are simply Henry ‘Richemont’, layman of York diocese, and Elizabeth ‘Plantageneta’ of London diocese. Henry was so called because his deceased father had been earl of Richmond in Yorkshire, while Plantagenet was of course a name associated with the English royal family. It is questionable whether her name would have attracted much attention in a busy curial office dealing with hundreds of similar requests and employing mainly Italians.\(^{46}\) The couple were not identified more explicitly probably because of the need to maintain secrecy about their marriage plans. Richard would, of course, have opposed them, and Elizabeth was in his custody, although it is difficult to attach much credence to rumours that he was planning to marry her himself. In any case, by August 1485 Henry Tudor invaded England with an army and in the ensuing battle at Bosworth Richard was killed and his forces routed. Henry was rapidly declared king and crowned on 31 October. But he did not immediately marry Elizabeth and came under pressure at his first parliament in December to keep his promise to do so.\(^{47}\)

It is a matter of debate why the marriage was delayed. On the one hand, it has been argued that Henry had a political motive: he did not want his royal title to appear dependent on his marriage to Edward IV’s daughter. On the other hand, Chrimes and Storey have doubted this and argued that the delay was inevitable because Elizabeth’s illegitimate status first needed to be revoked and a dispensation obtained. However, as we have seen, the dispensation had already been issued, which would seem to support the former view. Nevertheless, Henry and Elizabeth sought a second dispensation, perhaps since the first was defective. The second one was granted on 16 January 1486 by the papal legate to England and Scotland, James of Imola, under a papal faculty. It admittedly referred to the same impediment as the first dispensation, the double fourth degree of consanguinity, as did testimonies from...

\(^{45}\) ASV, PA, Reg. 33, fo. 40v: ‘Rome [apud sanctum Petrum], vi kal. Aprilis. Henricus Richemont, laicus Eboracensis diocesis, et Elisabet Plantageneta, mulier Londonensis diocesis, petunt similem gratiam [dispensari de contrahendo in duplici quarto consanguinitatis cum legitimatione prolis etc.]. Fiat de speciali Iul. episcopus Brethonoriensis regens.’ This would seem to remove grounds for speculation in Davies, 14, that Bishop John Morton solicited the dispensation on his visit to the Roman curia in early 1485.

\(^{46}\) It is one of 294 marriage supplications from England and Wales recorded in the penitentiary registers under Sixtus IV (1471–84), and these form only a tiny part of the office’s whole business in this period.

\(^{47}\) Chrimes, 65–7; S. Anglo, Spectacle, Pageantry and Early Tudor Policy (2nd edn, Oxford, 1997), 17–21. Rumours of Richard’s supposed plans to marry Elizabeth were reported in the Crowland Continuations, 174–7, though interestingly it is stated there that doctors of theology advised Richard that he would not be able to obtain a papal dispensation for the marriage.
eight witnesses submitted with the couple’s petition to Imola.\textsuperscript{48} But after the marriage, which occurred two days later on 18 January, they obtained a further dispensation from Innocent VIII on 2 March 1486 which referred to this impediment and a possible one of the fourth degree of affinity, not mentioned hitherto. The pope confirmed this grant and the right of succession of Henry and his heirs on 27 March 1486, threatening any who challenged the latter with automatic excommunication. The pope added that should Elizabeth die before Henry without providing him with an heir, his issue by another marriage might succeed him: a useful concession if Henry did not want it to appear that he owed his throne to her. Indeed, this papal expression of support for his marriage and succession was seen as such powerful propaganda that an English translation of it was printed and distributed.

It can be concluded from these four cases that dispensations for royal marriages were politically important in this period. The lack of such a dispensation might be exploited by political opponents, notably the devious Louis XI in the Burgundian marriage case. Richard III indeed based his claim to the English throne on the apparent irregularity of his brother’s marriage, hence it is all the more surprising that historians have assumed that Richard married without a dispensation, thereby exposing his own heirs to similar challenges. Historians thus neglect at their peril the penitentiarcc records as sources for medieval political history. Those who proposed all four of these marriages considered them instrumental to political and dynastic alliances, and faced determined opposition to these unions, hence it was in their interests to obtain the required dispensation from the penitentiary not only to overcome canonical objections to the marriage in question but also to the legitimacy and therefore inheritance rights of its issue. Indeed, three of the marriages were so politically controversial when the dispensations were requested, it seems that the supplications did not even explicitly identify the couples involved. It lies beyond the scope of this article to speculate on the personal piety that might have motivated the supplicants to approach the penitentiary, but it was clearly expedient for them to respect the canonical rules and papal authority on marriage matters. Of course some fifty years after Henry Tudor sought the papal dispensation for his marriage, his son Henry VIII was to devise a more original solution to his marital plans.

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APPENDIX

Archives départementales du Nord (Lille), B429-16141

Stephanus, dei et apostolice sedis gratia Lucanus episcopus, in regno Anglie sanctissimi domini nostri domini Pauli divina providentia pape secundi et eiusdem sedis apostolice orator, illustri principi Karolo Burgundie, Barbantie etc. duci, ac illustri Margarite, serenissimi principis regis Anglie sorori germane, salutem, gratiam et benedictionem. Considerantes preeminentiam et prerogativam personarum vestrarum, vestra ac predecessorum vestrorum erga sanctissimum dominum nostrum sanctamque sedem apostolicam merita devotiones ac fidelissima obsequia quibus vos maximis gratia, amore et favore prosequitur ac affectione paterna complectitur, ut circa ipsum sanctissimum dominum nostrum prefatamque sedem in vobis maioris devotionis, ditionis ac sincere voluntatis crescat affectus, quantum possumus dictum amorem insequentem vos similibus gratia et favore prosequi et in his non difficiles nos reddere cupimus. Exhibita quidem pro parte vestra nobis porrecta supplicatio continet quod certis rationabilibus ex causis [recte ex certis rationabilibus causis] desiderabatis ad invicem matrimonialiter copulari, sed vobis obstabat impedimentum in tertio et quarto mixtim consanguinitatis et affinitatis gradibus quibus ad invicem attingimini, propter quod matrimonium sine dispensatione dicte sedis apostolice contrahere legitem non poteratis. Et quia ad vestram notitiam pervenerat nos habere a prefata sede apostolica facultatem dispensandi, nobis supplicastis ut vobiscum et quolibet vestrum super tertio et quarto mixtim consanguinitatis et affinitatis gradibus quibus invicem, ut prefertur, iungimini, et super omni alio gradu seu impedimento in nostra facultate et com[m]issione comprehenso, qui vel quod propter consanguinitatem aut affinitatem vos et quolibet vestrum tangere potest, prout melius et efficacius de iure et alias auctoritate nobis comissia possemus dispensare et ad alia procedere vellemus que essent super hiis necessaria, convenientia et opportuna secundum predicte com[m]issionis formam et tenorem, et de hinc litteras nostra vos in convenienti forma expedire. Qua quidem supplicatione sane intellecta et super contentis in ea et predicta commissione nostra, maxime quod dicta Margarita propter hoc rapta non fuit, informatione plene et debite facta

49. I am grateful to Dr Patrick Zutshi and Professor Nicholas Vincent in helping me to obtain a photograph of this document. The document is sealed, though only the seal cord is visible on the photograph.

50. Stephen de Trenti, bishop of Lucca, was appointed papal orator to England by February 1466 and he was granted a papal safe-conduct for this mission on 1 March 1466. He also received papal faculties on 6 February 1466 to collect papal tenths levied on English clergy, in particular that imposed by Pius II to fund a crusade against the Turks, to preach the crusade and appoint others to preach it, to commute the crusading vows of those unfit to fulfil them, and collect donations for it. His mission with regard to the crusade was extended to include Wales and Ireland on 14 February 1466. He was also a papal envoy to England by March 1467 (CPL, XII, 230–1).
et habita, et etiam super hiis que circa ea dependentia, opportuna, convenientia, et necessaria erant, tam per testium fide dignorum examinatorum testificata et alia legitima documenta quam alias nobis legitime constitit et constat de premissis, igitur cum pro personarum consideratione et qualitate gratie et dispensationes, et rigor relaxandus presentim erga tales personas, suppletionibus vestris favorabiliter annuentes facultatis seu com[m]issionis a sanctissimo domino nostro et sede apostolica nobis, ut predicitur, consecisse auctoritate, cujus tenor de verbo ad verbum sequitur et est talis: `PAULUS, episcopus, servus servorum dei, venerabili fratri Stephano, episcoopo Lucano, in regno Anglie nostro et apostolice sedis oratori, salutem et apostolicam benedictionem. Cum te ad regnum Anglie nuncium et oratorem nostrum ex certis legitimis et urgentibus causis duxerimus transmittendum, nos volentes tuam honorare personam, ut per honorem tibi exhibum in com[m]issionis tuo officio valeas eo utilius proficere quo maiori fueris a nobis auctoritate atque potestate munitus, fraternitati tue pro hac dumtaxat vice cum duodecim viris et totidem mulieribus, de quibus tibi videbitur, dummodo nobiles vel graves persone sint et alter erundem infra terminos tuae commisationis huiusmodi existat, videlicet cum tribus simplici tercio ex uno latere, cum reliquis vero usque ad ipsum tantum duodecim numerum, sub quo huiusmodi tres comprehendantur, simplici quarto vel etiam tercio et quarto mixtim consanguinitatis et affinitatis gradibus se invicem attingebantur, quae ex certis rationabiliis causis desiderant invicem matrimonialiter copulati, ut impedimento quod ex consanguinitate vel affinitate huiusmodi provenit nequaquam ostentare matrinonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant, dummodo miliores ipse propter hoc rapte non fuerint, dispensandi ac prolem exinde susciendam legitimam nunciandi plenam et liberam auctoritate apostolica tenore presentium concedimus facultatem. Volumus autem quod in singulis per te super huiusmodi dispensationibus concedendis litteris clare et distinte annotari facias atque describi in quo numero personarum per te pro tempore sic dispensatarum sint ille quibus huiusmodi dispensationes tunc concedes usque ad finem numeri ad quem huiusmodi facultas se extendit. Datum Rome apud sanctum Marcum anno incarnationis dominice millesimo quadragesimo quinto, octavo idibus Februarii, pontificatus nostri anno secundo. Consideratis considerandis et matura super omnibus deliberatione habita, cum vobis Karolo et Margarita super premissis tercio et quarto mixtim consanguinitatis et affinitatis gradibus et quocunque alio gradu seu impedimento qui vel quod propter consanguinitatem et affinitatem vos et quemlibet vestrum tangere potest in facultate tamen nostro commisationis comprehenso se[u] quod comprehendi potest, et prout de iure et alias melius auctoritate nobis

51. 6 February 1466. His other faculties recorded in CPL, XII, 230–1 bear the same date (see note 50 above).
concessa possumus et valemus, misericorditer dispensavimus et tenore presentium dispensamus, sic quod, predicto quocunque impedimento consanguinitatis et affinitatis inter vos existente nequaquam obstante et quibusvis aliis in contrarium facientibus de quibus vigore et auctoritate nostre commissionis dispensare et ea amovere possumus etiam non obtantibus, vos et quilibet vestrum in facie sancte matris ecclesie matrimonium legitime contrahere et in contracto matrimonio libere et licite manere possitis et valeatis decernimusque prolem exinde susciendam fore legitimam, et super his omnibus plenam et liberam secundum commissionis predicte formam serie presentium vobis et cuilibet vestrum concedentes facultatem. Datum apud Westmonasterium in palatio regio diocesis Londoniensis sub nostro magno sigillo quo utimur die decimo septimo Maii anno domini millesimo quadringentesimo sexagesimo octavo.\textsuperscript{52}

Nos Stephanus suprascripsi etc. declaramus prefatos Karolum et Margaritam esse primas personas cum quibus vigore predicte nostre facultatis dispensavimus.

On the plica in another hand to the right of the seal cord: De mandato prefati domini episcopi et oratoris apostolici etc. ego, Willelmus Rowe, his presentibus licet alterius manu scriptis me substo ipsi et signo meo solito manuali signavi. Rowe.

\textsuperscript{52} 17 May 1468.