

*Trans. Bristol & Gloucestershire Archaeological Society* 126 (2008), 139–156

## Roger Mortimer's Scam

By ROY MARTIN HAINES

And for that Grafton and some others seem doubtful whether it was at Corfe or Berkeley, I will for the love of truth deliver a few authorities, *omni exceptione maiores*, such as cannot be excepted against. And yet such as are not mentioned in Thomas de la More, Baker, canon of Osney, Walsingham, Froissart, Polychronicon, Fabian, Camden, Holinshed, Stow, Speed, Howe, nor others; who nevertheless have unanimously delivered his death to be at Berkeley Castle, and not elsewhere; and so clear the place of death which hath been so much controverted amongst authors.

\* \* \*

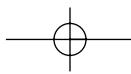
Now, for any writer to say contrary to this record, besides the untruth he delivereth, is to accuse the whole representative body of all the estate of the realm of ignorance and falsehood, which, with the records next following do more than suffice for clearing of this point, that King Edward the second was murdered at Berkeley Castle.

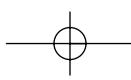
John Smyth, *The Berkeley Manuscripts*, ed. J. Maclean (Gloucester, 1883–5), i. pp. 292, 294 (modernised orthography).<sup>1</sup>

Those who came to search the public records were not convinced by the evidence of the chroniclers, although acknowledging the quality of Murimuth's testimony, but they had no doubts about the king's death and carefully examined the documents concerned with his burial.<sup>2</sup> Smyth, too, was on safer ground when he came to examine the Berkeley muniments.

Moore published the account of Thomas Berkeley and John Maltravers rendered by Berkeley's attorney Philip of Norwich. This was for the period from 3 April 1327 when they joined the former king at Kenilworth (*devenerunt in comitivam regis apud Kenylworth*) until 21 September when Edward died at Berkeley (*quo die obiit apud Berkle*), and then from that day until 21 October when the body was handed over to the abbot of St Peter's Gloucester, within the diocese of Worcester, a total

1. Sir Thomas More's 'chronicle' (n. 6 below) is in fact merely a brief insertion in that of Geoffrey le Baker. As I have suggested elsewhere, the latter is not to be relied upon for Edward II's reign, certainly not for the account of his death and the events immediately preceding it. It does, however, give a good account of the pursuit of the 'proditorios ministros' Thomas Gurney and John Maltravers. Apart from Ralph Higden's *Polychronicon* and Froissart who much later (1366) came to Berkeley to seek oral evidence, only to be disappointed, the other chroniclers cited above are far from contemporary and necessarily highly derivative. Adam Murimuth, a laconic but reliable chronicler of the time, is not mentioned.
2. e.g. Joseph Hunter, 'On the Measures taken for the Apprehension of Sir Thomas Gournay, one of the murderers of King Edward the Second', *Archaeologia* 27 (1838), 274–97; S.A. Moore, 'Documents Relating to the Death and Burial of King Edward II', *ibid.* 50 (1887), 215–26.





of 201 days. Their expenses amounted to £1,005, while their receipts, including £500 from Caerphilly castle which had held out for Edward II after his capture, were £700, a shortfall of £305.<sup>3</sup>

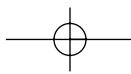
Hugh de Glanvill, the clerk assigned to the body of the king, rendered his account from 21 September 1327 until 20 December, the day of the burial at Gloucester. The total expenses came to £118 3s. 11d., £40 15s. 8d. short of receipts. This account is particularly interesting for its detail, including the list of those appointed to watch over the corpse which was surrounded by an oak barrier to fend off the crush of onlookers (*ad resistendum oppressionem populi irruentis*). The lying in state of a king, and for so long, was not to be missed. How much this stemmed from respect and how much from plebeian curiosity one can only guess.<sup>4</sup>

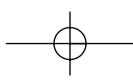
Before leaving Glanvill's account something may be said about some of the 'watchers' over the corpse. Gloucester was then in Worcester diocese, but the latter see fell vacant on 25 September. The task was therefore assigned to John de Eaglescliffe, the bishop of Llandaff who, as it happens, was a Dominican. He had taken a minimal part in political affairs during Edward II's reign, his translation from Connor having aroused the king's anger.<sup>5</sup> The reason for Adam Orleton's absence during the whole of this period is clear; he was at Avignon, reporting the recent political changes and arranging his translation from the desolated Hereford bishopric to that of Worcester. He did not reconcile himself to a hostile government until February 1328. Consequently, he was in no position to order the king's death by an ambiguously worded message as related by Geoffrey le Baker.<sup>6</sup>

Two royal chaplains were present, Bernard de Burgh and Richard de Potesgrave *alias* Byfleet. Both remained with the king's body from 20 October until 5 December. Subsequently Potesgrave received an order in the king's name, dated 10 May 1334 from York, to appear in the Exchequer with his controlment roll and anything else touching Glanvill's account so that it could be approved. He duly appeared and on the counter roll it is recorded that on 25 May in the eighth year of the reign (1334) he brought the roll before the barons of the Exchequer with his own hands and took an oath affirming the veracity of Glanvill's account about the carriage and keeping of the body (*circa cariagium et conservacionem corporis infrascripti per visum et testimonium istius Ricardi*).<sup>7</sup>

Potesgrave was rector of St Andrew's Heckington in Lincolnshire,<sup>8</sup> where his tomb remains impressive despite mutilation. It is recessed into the north wall of the chancel for the building of which he is considered to have been responsible. The head of a king (possibly representing Edward

3. Moore, 'Documents', 223: from the Chancellor's roll 1 Edward III, The National Archives (TNA) (formerly Public Record Office: PRO), E 352. John Smyth, *The Berkeley Manuscripts*, ed. Sir John Maclean (Gloucester, 1883–5), i. 297, citing the account of the steward of the household 1 Edward III [not extant] that Berkeley, 'by a second direction brought back by Gurnay [from Mortimer], kept secret the king's death till All Saints' [1 November]. That he did so is controverted by the public records.
4. Moore, 'Documents', 224–6 (from the Chancellor's roll 6 Edward III, 1332–3). Hunter, 'Measures for Apprehension', 294–7, gives the 'particulars' of Glanvill's account (in Rec. Com. script). The totals in the latter are slightly different.
5. W.E.L. Smith, *Episcopal Appointments and Patronage in the Reign of Edward II* (Chicago, 1938), 38–9. He was heavily fined, despite the poverty of his diocese, and his temporalities were retained for a year.
6. *Chronicon Galfridi le Baker of Swynebrok*, ed. E. Maunde Thompson (Oxford, 1889), 32; *Vita et Mors Edwardi II conscripta a Thoma de la Moore*, in *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs (2 vols. Rolls Ser. 76, 1882–3), ii. 317. Discussed in Haines, *The Church and Politics in Fourteenth-Century England, the Career of Adam Orleton* (Cambridge, 1978 reprint 2005), chap. 4.
7. Moore, 'Documents', 226.
8. In the king's gift by reason of the barony of Gaunt, then in his hands. *Cal. Inquisitions Post Mortem* 8, 195 no. 271.

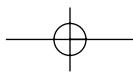


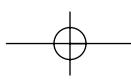


II) is to be seen as a decorative stop to the hoodmould of a window.<sup>9</sup> During Edward II's reign, described as 'king's chaplain', he had received a royal grant for life of the wardenship of the hospital of St Mary Magdalene at Newton-by-Hedon in Holderness.<sup>10</sup> A wealthy man, in 1329 he founded a chantry at the altar of St Nicholas in his church, but his ordination document, somewhat surprisingly in the circumstances, stipulated no prayers for either Edward III or his father. One should not on that account jump to the conclusion that he knew Edward of Caernarvon to be alive. Prayers in foundations of this kind were regularly enjoined for the welfare of those living or for the souls of the departed.<sup>11</sup>

William Beaucaire, serjeant-at-arms,<sup>12</sup> is of particular interest because he seems to have been the Beaucaire (Beaukaire) in the garrison at Caerphilly castle.<sup>13</sup> The Glanvill account suggests that this man arrived at Berkeley on the day of Edward's death, though he may have been there slightly earlier.<sup>14</sup> His inclusion among the defenders of Caerphilly in aid of the surviving Despenser would not suggest a Mortimer adherent.<sup>15</sup> In fact Moore, taking account of the fact that the Exchequer assumed responsibility for the bills from 21 September, concluded 'that he was a royal officer independent of Berkeley and Maltravers, and if this were so, some doubt is thrown upon the suggestion that the unfortunate king was left wholly unprotected and unattended, at the mercy of his keepers'.<sup>16</sup>

9. Personal observation. I am grateful to Helen Wells for her photographs. Carvings of Edward II's head are to be found in a number of places including Caerphilly castle, St. Albans abbey (now a cathedral) of which he was a benefactor, and Winchelsey church.
10. *Cal. Patent Rolls* 1324–7, 269. On 15 December 1326 while his royal benefactor was in captivity he was one of a large number of persons (including Ingelram Berenger, for whom see below) granted protection for a year. This rehabilitation is perhaps significant of his political sympathies: *ibid.* 343, dated from Kenilworth. For the hospital: R.M. Clay, *The Mediaeval Hospitals of England* (London, 1966), index s.v. Hedon, Newton.
11. *The Register of Henry Burghersh 1330–42: I*, ed. N. Bennett (Lincoln Rec. Soc. **87**, 1999), no. 490. Following the bishop's confirmation of the chantry in 1336 the first chaplain, Geoffrey de Lalford, was instituted on 23 September: *ibid.* no. 510. Mortmain licences were issued for alienation of property to the prospective chantry in 1328 and 1329: *Cal. Pat. Rolls* 1327–30, 269, 272.
12. 'Et Willelmo Beukayre servienti regis ad arma moranti apud Berkeleye et Glouc' iuxta corpus regis a die Sancti Mathei Apostoli videlicet xxi die Septembris quo die rex moriebatur usque xx diem Decembris proximum sequentem anno supradicto qui cepit per diem xiid': Glanvill's particulars of account in Hunter, 'Measures for Apprehension', 295–6 (with extension of abbreviation and modified orthography). The enrolment of this expense is on the Chancellor's Roll for 6 Edward III and is printed in Moore, 'Documents', 226.
13. The siege and details of the contents of the castle following its surrender on condition that the life of the young Hugh, son of Hugh le Despenser, junior, was spared, are described in W. Rees, *Caerphilly Castle* (Cardiff, 1937), 28–32. It was valiantly defended by its constable Sir John de Felton. More expansive is the same author's inventory of the castle's contents in *Caerphilly Castle and its place in the Annals of Glamorgan* (revised edn. 1974), 109–21. The patent roll list of those pardoned for holding Caerphilly names 133 persons, including Felton: *Cal. Pat. Rolls* 1327–30, 37–9. Among them is Gilbert [*sic*] Beaucaire. The editor's extension of the MS *Gills* ought surely to have been *Guillelmus* (William).
14. As suggested by Ian Mortimer, 'The Death of Edward II in Berkeley Castle', *Eng. Hist. Review* **120** (2005), 1181, citing the undated payment of 20s. to a William *Bequere* recorded in Berkeley Castle Muniments (hereafter BCM), A4/2/7 [SR 39], the account of the receiver William Aside, Circumcision [1 January] 1327–Michaelmas 1327. For the muniments: *Descriptive Catalogue of the Charters and Muniments at Berkeley Castle*, ed. I.H. Jeayes (Bristol, 1892); *A Catalogue of the Medieval Muniments at Berkeley Castle*, ed. Bridget Wells-Furby (BGAS, Gloucestershire Record Series **17–18**, 2004).
15. Haines, *Death of a King* (Scotforth, Lancaster, 2002), 68, 141, and see n. 12 above and the patent roll entry cited in n.13.
16. Moore, 'Documents', 217–18.





There may be a temptation to suggest that another 'guardian', Bertrand de la More, could have been a relative of the Thomas de la More who contributed to Baker's chronicle his account as an eyewitness of the delegation sent to Kenilworth to persuade the king to abdicate. But the name 'de la More' is not uncommon and the Thomas Laurence de la More of Baker's narrative was a nephew and household knight of John Stratford who, as bishop of Winchester, appointed him constable of Taunton castle.<sup>17</sup>

Particulars of a further relevant account also exist, that of John Darcy 'le Cosyn' (with many additions and corrections in another hand).<sup>18</sup> This account enumerates 'expenses concerned with the burial of the king's father, the claimant's own disbursements for various purchases in London, and those incurred between London and Gloucester from 16 November, when he set out from Pontefract towards London, until the 22nd day of December', counting the initial and terminal days (*uterque die computato*).<sup>19</sup> He paid 100*s.* to William de Acom'(?), the armourer, for two helms, two pairs of gilded shinguards (*schinbowdes*) and two poleyns or *genouillières* for arraying the dead king (*pro apparatu dicti domini regis defuncti*).<sup>20</sup> Forty shillings were disbursed for saddles, bridles, four swords, and other necessities. Daily allowances of 4*s.* were paid to Darcy, a banneret, and his *familia* or household, and of 2*s.* to two knights, while eight esquires (*scutiferes*) were each allotted 12*d.* a day.<sup>21</sup>

Thomas Usefleet, more recognisable as Thomas of Ousefleet, was at the time keeper of the wardrobe.<sup>22</sup> His account highlights the extraordinary degree of funereal pomp: gold leaf in plenty with robes and tunics for the knights. John de Eastwick, painter, was responsible for four large lions with mantles sporting the royal arms to decorate all four sides of the hearse. Eight angels were carved, who censed with golden censers, also two lions rampant nobly gilded. Of great interest, because of its novelty, was the carved image of the king, a mannequin, for which the copper-gilt crown cost 7*s.* 3*d.* Then there were the vestments in which the body of the king was buried.<sup>23</sup>

The acephalous transcript of the 'Fieschi Letter', ostensibly addressed to Edward III, incorporates the supposed confession of Edward, the king's father, and purports to sketch the life of the former king following his escape from Corfe. It need not detain us here because it has been much discussed and footnoted elsewhere.<sup>24</sup> The present concern is the theory that Roger Mortimer

17. Hampshire Record Office, 21M65/A1/5, Winchester Reg. Stratford, f. 183v, 12 July 1329. See my article in the *Oxford DNB* and *Archbishop John Stratford* (Toronto, 1986), index s.v. Laurence, Thomas, de la More. Moore, 'Documents', 220, likewise could not find any connection between the de la Mores.

18. TNA, E 101/624/14.

19. Later on in the account he is said to have been paid £18 at the rate of 10*s.* a day for 36 (not 37) days.

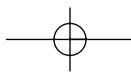
20. The poleyns or knee-pieces, probably of *cuir-bouilli*, were often profusely decorated.

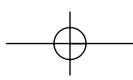
21. The total of Darcy's expenses is given as £36 12*d.* with £16 7*d.* owing to him. In the summary of the Ousefleet account it is stated that Darcy 'was paid his wages at 13*s.* 4*d.* a-day from 22nd November to 21st December': Moore, 'Documents', 222. See below n. 23.

22. See T.F. Tout, *Chapters in the Administrative History of Mediaeval England* (6 vols. Manchester, 1920-33), vi. index, 350 s.v. Ousefleet.

23. TNA, E 101/383/3. This is summarised by Moore, 'Documents', 221-2, who searched in vain for the enrolment. With respect to the mannequin-effigy see R. E. Giesey, *Royal Funeral Ceremony in Renaissance France* (Geneva, 1960), 82; G. P. Cuttino and T. W. Lyman, 'Where is Edward II', *Speculum* 53 (1978), 525; Haines, 'Edwardus Redivivus: the 'Afterlife' of Edward of Caernarvon', *Trans. BGAS* 114 (1996), 73. One need not hypothesise a sinister purpose.

24. Cuttino and Lyman, 'Where is Edward II?'; Haines, 'Edwardus Redivivus', 65-86; *Death of a King*; and *King Edward II* (Montreal/Kingston, 2003 reprint 2006), chap. 8. Among recent exponents of the idea that Edward did not die at Berkeley in September 1327 are Alison Weir in, for instance, *Queen Isabella*,



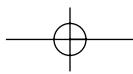


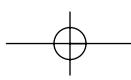
deliberately kept the king's father alive, while arranging for his magnificent funeral. Virtually everyone was taken in, it would seem, not just for the moment but permanently. The body that was interred was not the king's, nor was it his heart that was delivered to Isabella. Mortimer gave credence to the idea that the former king was dead by bringing about the indictment and decollation of Edmund, earl of Kent, who had hit upon the truth, assisted by the devil (masking his chief informant). Of course, his claim to release a supposedly dead and buried king was accounted treason, but according to Murimuth the earl was not much missed among the people.<sup>25</sup> This was not the attitude at Rochester. Bishop Hethe retired to his manor of Halling where he sat brooding and trembling as he grieved for the earl's death.<sup>26</sup> Once Mortimer was apprehended and convicted as responsible – among many other crimes – for the death of the young king's father, Edward III is supposed to have continued the pretence of his father's death and burial and only later substituted the 'real' body for that of some other person while the masons were engaged on the impressive tomb in Gloucester abbey.<sup>27</sup> Agatha Christie would have revelled in a plot of such complexity, with so many convoluted arguments to support it. But is it more fiction than fact, a grandiose conspiracy theory?

This remarkable web woven around Edward's death needs to be unravelled in the interests of credibility. It rests initially on the concept that the sole reason why people believed the king to be dead arose from the dissemination of a message to that effect carried by Sir Thomas Gurney on 22 September from Berkeley to the queen and her son, the young king, at Nottingham.<sup>28</sup> This message may have been true, or alternatively false – if one assumes some prior arrangement between Mortimer and his son-in-law Thomas Berkeley to conceal the truth. 'It is thus the veracity of this single report which is integral to the whole narrative of the death'.<sup>29</sup> This was surely to be expected. Who other than those at Berkeley could have supplied the information? Parliament was in session at Lincoln from 15 September until the 23rd of the month engaged on critical matters – the situation on the northern border. On the day before it closed a writ was issued for the summoning of a convocation to secure the clergy's pecuniary assistance for withstanding Scottish incursions.<sup>30</sup>

*Treachery, Adultery, and Murder in Medieval England* (2005), and P.C. Doherty, *The Death of a King* (1998). Doherty's D.Phil. thesis (Oxford 1978) is deposited in the Bodleian Library. Compare S. Phillips, 'Edward II in Italy: English and Welsh political exiles and fugitives in Continental Europe', in *Thirteenth Century England X: Proceedings of the Durham Conference 2003*, ed. R. Frame, R. Britnell and M. Prestwich (Woodbridge, 2005), 209–26. He, like the present author, does not believe that Edward II was alive after 1327. The article is impressively researched and makes much use of Italian and French material. It also throws light on those who endeavoured to usurp Edward's identity.

25. *Adae Murimuth, Continuatio Chronicarum*, ed. E. Maunde Thompson (Rolls Ser. 93, 1889), 60: 'comes eo minus a populo conquerebatur quod malam habuit familiam'.
26. *Historia Roffensis*, British Library (BL), Cotton MS Faustina B. v, f. 56: 'ibi sedit cogitativus et tremebundus dolens de morte comitis Kancie'.
27. This, if I understand it correctly, is the 'revisionist' theory advanced by Ian Mortimer in *The Greatest Traitor* (Pimlico, London, 2004) and elaborated, this time with citation of many printed and unprinted sources (now including Berkeley muniments) in 'The Death of Edward II in Berkeley Castle'.
28. BCM, A/4/2/7 [SR 39]. 'Thomas de Gournay' was said to be 'eunt[i] apud Notyngham pro morte patris regis regi et regine notificand[a] cum litteris domini [i.e. Thomas Berkeley]' and to have claimed 12*d.* for horseshoes. He received 3*l.* 1*d.* for this journey according to Smyth, *Berkeley Manuscripts*, i. 293, citing this mutilated account, but not now traceable there. Perhaps it was in fact in another account now lost. I am grateful to the Berkeley archivist, David Smith, for his comments here and elsewhere in this paper.
29. Mortimer, 'The Death of Edward II in Berkeley Castle', 1181.
30. *Records of Convocation III*, ed. G. Bray (Woodbridge, 2005), 87–93.



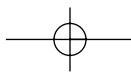


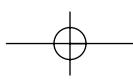
Suddenly, at this Lincoln parliament, the news of the former king's death was announced to those present.<sup>31</sup> It was there under the presidency of the queen, says Archdeacon William Dene, whom we take to be the author of the *Historia Roffensis*, a chronicle closely concerned with the doings and the opinions of Bishop Hamo de Hethe, that the death of the king's father was made known on the morrow of St Matthew (22 September) by that satellite of Satan, Thomas Gurney.<sup>32</sup> The king died, wrote Dene, in the hands of his enemies. Clearly there was no doubt in Dene's mind, nor in that of Bishop Hethe, that the king was dead and that Gurney was responsible.<sup>33</sup>

Now Bishop Hethe was a strong supporter of Edward II and would have been only too pleased had he remained alive. Fully aware of what happened in parliament, he knew all about the clergy's concession of a tenth and bemoaned the fact that the money left in the treasury by Edward II had been exhausted by expenditure on those who had come with the queen to capture him.<sup>34</sup> This bishop was invariably sceptical of rumour or of questionable political activity; witness his determination, despite the urging of Archbishop Mepham, to take no part in the Lancastrian quasi-rebellion of 1328–9, which ended in fiasco at Bedford and formed the prelude to the downfall of the earl of Kent.<sup>35</sup> So much did Hethe seek accommodation with the powers that be – or that were shortly to be – that he celebrated masses for the king in his cathedral and dined twice with him following Edward's return from a visit to France in May and June of 1329.<sup>36</sup>

That the letter taken by Gurney initiated dissemination of news of the king's death is not in question. The suggestion that it was untrue, thus concealing the fact that the former king remained alive, cannot be substantiated, nor can the response of Thomas Berkeley when indicted 'coram

31. Writs were issued to the two archbishops, 18 bishops, 19 abbots, 6 earls, 46 barons, the sheriffs and the warden of the Cinque ports, and fourteen members of the Council. A number of those summoned would have been represented by proctors. C.H. Parry, *Parliaments* (London, 1839), 92.
32. Haines, 'Sir Thomas Gurney of Englishcombe in the County of Somerset, Regicide?', *Proc. Somerset Archaeol. Nat. Hist. Soc.* **147** (2004), 45–65. Gurney was close to Mortimer: he had been imprisoned with him in the Tower prior to the latter's escape in 1323. In view of the distance involved the announcement in parliament was apparently made on the 23rd. The next day John de Bohun, earl of Hereford and Essex, was notified by privy seal and summoned to court: TNA, DL 10/253. A Mortimer adherent, his father had been killed at Boroughbridge (1322) during Thomas of Lancaster's rebellion against Edward II. One of the manuscripts containing Baker's *Chronicon* (Bodley MS. 761) was to come into the possession of the Bohun family or someone closely connected with it: *Chron. Baker*, xii–xv (preface).
33. *Historia Roffensis*, f. 51: 'In festo nativitatis Sancte Marie [8 September] subsequenti translatum fuit parlamentum de Leycestr' apud Lyncoln' ubi presidenti regine in crastino festi Sancte Mathei [i.e. 22 September] per Thomas Gurnay Sathane satellitem mors patris innotuit. Obit itaque in manibus hostium qui multo tempore mortem illi intemptantes et dicentes morte turpissima occidamus eum'. There was no previous session of 'parliament' at Leicester, although Archbishop Reynolds did order an ecclesiastical council to meet there on 4 November to deal with matters raised at Lincoln.
34. *Ibid.*: 'Thesaurus totus quem colligerat rex pater exhaustus fuit et tum sumptus circa illos que de partibus transmarinis cum regina ad capiendum regem pervenerunt'.
35. Haines, 'An Innocent Abroad: The Career of Simon Mepham, Archbishop of Canterbury, 1328–33', *Eng. Hist. Review* **112** (1997), 563–5.
36. *Historia Roffensis*, f. 53: 'Et in vigilia novi festi corporis Christi [21 June 1329] dedit obviam regi de partibus transmarinis redeunti et in festis corporis Christi [22 June] et sancti Johannis Baptiste [24 June] missas regis celebravit in ecclesia cathedrali Roffensi et utroquo die cum rege commedit'. Despite Mortimer's approach to him Hethe was cautious: *ibid.* 'Cui Rogerus de Mortuo Mari magnum vultum fecit, rogans episcopum ut ad consilium regis apud Wyndesore veniret, sed ille venire se excusavit quia difficile grave ac sumptuosum foret pauperi episcopo Roffensi parlamenta regis et consilia ubique in regno sequi'.

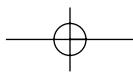


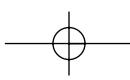


rege in pleno parlamento' – the assembly of November 1330 at Westminster – be reliably interpreted to fit this model.<sup>37</sup> The words (in translation) attributed to him are: 'Nec unquam scivit de morte sua usque in presenti parlamento'. The meaning is clear enough and certainly presented no difficulty at the parliament. He did not say words equivalent to the Latin 'nec unquam scivit regem mortuum esse', which would have been appropriate had he thought the former king to be alive. Rather his claim was that he knew nothing *about* or *concerning* the death.<sup>38</sup> What he learned in the parliament was that Edward had been killed on Mortimer's order.<sup>39</sup> Allegedly it was not the death but the murder that was new to him. In view of the many rumours current at the time, and his own opportunities for learning what happened, this was extraordinary enough. A statement indicating that the former king was in fact alive (or that he thought him to be so) could have been regarded as treasonable, and in any case as quite preposterous. The effect such an open declaration would have had on the assembly can be imagined; the chroniclers would have had a field day. In practice we know of no contemporary or near-contemporary who construed any such thing from the baron's statement.<sup>40</sup>

Ian Mortimer's claim that there was 'no credible exposure or identification of the corpse prior to burial, and therefore no certainty that it was Edward II buried in Gloucester on 20 December 1327' is not strictly accurate. The body, as has been demonstrated above, was not delivered to Gloucester until 21 October during which time it must have been embalmed. Murimuth states that many abbots, priors, knights and burgesses of Bristol and Gloucester were called to see the corpse intact (*integrum*) but viewed it *superficialiter*, that is they could not inspect it very closely. Now Murimuth did not suggest that those who came could not recognise the corpse as that of the king, nor does any other chronicler, but as he goes on to explain, it was generally considered that Edward had been killed by the order of Maltravers, Berkeley, and Gurney. Those who viewed

37. Parry, *Parliaments*, 95. Urgency meant that the summons was abbreviated to 31 days, which was not to be taken as a precedent.
38. Haines, *Death of a King*, 78, 133. Hence the argument that 'The most probable meaning of Berkeley's statement '*nec unquam scivit de morte sua* is that in 1330 he had certain knowledge that Edward II had not died in 1327' (Mortimer, 'The Death of Edward II in Berkeley Castle', 1195 'v') is unsound. See n. 40 below.
39. The indictment of Mortimer is in *Rotuli Parliamentorum*, ed. J. Strachey *et al.* (6 vols. London, 1767), ii. 52–3. The former king having been sent to Kenilworth with the assent of the peers of the land, Roger Mortimer 'par le roial poer a lui accroche ne lessa tant qu'il le eust par divers lui a sa volonte, et ordina q'il feust mande au Chastell de Berkle, ou par lui & ses soens feust treterousement, felonnesment, & falsement murdre & tue'. *Murimuth*, 63, in reciting the charges suggests Edward was smothered (*fuerat suffocatus*).
40. *Pace* Mortimer, 'The Death of Edward II in Berkeley Castle', 1185–7. The conclusion that '*nec unquam scivit de morte sua* was exactly what it appears to be: a claim that his initial letter announcing the death had been a lie' is in my view nonsensical. His claim that he was at Bradley a few miles from Berkeley at the significant time was clearly intended to mean that he personally had nothing to do with what happened—Edward's murder. This lie was to ensure his exculpation and would have been needless had the king been alive. At the parliament he did not learn that the king was alive, but that he had been murdered on Mortimer's authority (n. 38 above). According to the official record in answer to the indictment he replied (but doubtless not in Latin) 'quod ipse de morte ipsius domini regis, auxilio, assensu, seu procuracione mortis sue in nullo est inde culpabilis'—i.e. of the king's murder—and put himself 'on the country' for proof. Thereupon a jury of knights, by no means his peers, acquitted him: *Rot. Parl.* ii. 57. L.W. Vernon Harcourt, *His Grace the Steward and Trial of Peers* (London, 1907), 337–8, discusses the Berkeley case. What was the point of all this if Edward was in fact alive?



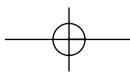


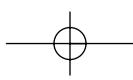
the body, local dignitaries many of whom had certainly seen the king from time to time, were thus unable to examine it for injury, since death might not have been from natural causes; indeed there was a common report to that effect.<sup>41</sup> As the Peterborough chronicler expressed it: 'Edwardus vespere sanus in crastino mortuus est inventus'.<sup>42</sup>

The argument about the covering of the whole body with cerecloth does not invalidate the fact that the body was viewed, as stated above, prior to its removal to Gloucester. Had the face remained concealed by a cerecloth at that time fraud would have been suspected or, worse still, assumed. Some chronicler would have made the point, and why not Murimuth himself? Local worthies were not foolish: the sole purpose of exhibiting the body was its identification; discovery of some injury would have spelled disaster for those responsible. With the embalming process completed and the cerecloth permanently in place the identification process had passed; from that point it would have been even harder to ascertain the cause of death. Once the body was in the abbey, robed and armoured (difficult if the cerecloth were all-embracing), it would probably have been impossible to deduce from its size and appearance whether it was the former king's, but this was regular practice and not in itself suspicious. The conclusion that 'it is possible that the corpse buried in 1327 was not that of Edward II but [that of] another man, perhaps a tenant or a stranger who had died within Lord Berkeley's demesne or within the castle, who was embalmed in place of the king' is only comprehensible if we ignore the identification process.<sup>43</sup> If the king were dead why substitute someone else's body? Of necessity we would have to assume what has yet to be proved, that the king did not die at that time.

The Kent affair, discussed below, should not be viewed in isolation, but in the context of the regime of Mortimer and Isabella. Disillusionment began, according to Dene, with the first parliament of the new reign which resumed at Westminster in February 1327. A multitude of petitioners sought to gain the favour of the new rulers, the queen mother and Roger Mortimer, but their hopes were frustrated and they went away. All offices, whether great or small, were disposed of at the queen's nod. They therefore considered how they could resist, but secretly for

41. Mortimer, 'The Death of Edward II in Berkeley Castle', 1191, where he summarises his argument, concluding that it 'demonstrates logically how a large body of seemingly unambiguous evidence for the [former king's] death could be misleading'. *Murimuth*, 53-4: 'Et licet multi abbates, priores, milites, burgenses de Bristollia et Gloucestria ad videndum corpus suum integrum fuissent vocati, et taliter superficialiter conspexissent dictum tamen fuit vulgariter quod per ordinationem J[ohannis] Mautravers et T[home] de Gorneye fuit per cautelam occisus'. BL, Cotton MS Nero D. x adds 'prelati et aliis de partibus illis'. Moore's comment 'Documents', 220, is germane here: 'The fact of the body remaining for a month in the hands of Berkeley and Maltravers in the care of only a single serjeant-at-arms (Beaukaire), during which period it was secretly embalmed, and embalmed by a woman and not by the king's physicians, shows almost conclusively that there was good reason to conceal a crime' though not, he concludes, 'in the horrible manner which rumour has reported'. A crime would certainly be sufficient to account for any anxiety that the body should not be examined too closely.
42. Cited from BL, Cotton MS Claudius A. v in Haines, '*Edwardus Redivivus*', 72.
43. It is of course true that there was 'a very narrow window for examining the unembalmed face of the corpse', but what was feared was discovery of the manner of death. One cannot assume that Pecche or Berenger, mentioned below as taking part in the 'Kent affair', really *knew* that the king was alive, having by implication learned something from those knights who viewed the face of the dead man at Berkeley. Mortimer, 'The Death of Edward II in Berkeley Castle', 1181-4.





fear of the Londoners.<sup>44</sup> But even the Londoners were soon being accused of supporting Henry of Lancaster.<sup>45</sup>

The council of fourteen (another source suggests twelve) appointed at the time of Edward III's coronation to give advice soon fell into desuetude.<sup>46</sup> Before many months had passed Roger Mortimer and Henry of Lancaster, who had succeeded his brother Thomas as earl of Lancaster and Leicester, were at loggerheads, each supported by armed retainers which threatened to clash near Winchester during the Salisbury parliament of October 1328. Following Walter Reynolds's death in mid November 1327 he had been succeeded as archbishop of Canterbury by Simon Mepham. Mepham sought to intervene between the gathering armies of Mortimer, who had retired to the Welsh border, and Lancaster, who advanced northwards from London towards his lands in the Midlands and north. The archbishop, anxious to pose as peacemaker, was no politician. He was bamboozled by the queen's envoys into accepting the ruling government's position, the Lancastrians being then forced into abject submission at Bedford and heavily fined. In the rebel army were Edward of Caernarvon's two half-brothers Thomas 'of Brotherton', earl of Norfolk, and Edmund of Woodstock, the youthful and foolish earl of Kent.<sup>47</sup>

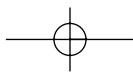
The rumblings of discontent did not evaporate at Bedford, but for a time went underground. Lancaster, afflicted shortly by blindness, removed himself from the political scene. So too did his supporter John Stratford, doubtless mortified by the turn of events. Mortimer, newly created earl of the March, is said to have encroached on royal power. He was arrogant, acquisitive, spendthrift and domineering. There were those who feared that he might even usurp the kingship. Overall the young king was virtually helpless. Government was carried on in his name, but power lay with Mortimer and Isabella and to a growing extent with the former. As Dene expressed it: 'There were many complaints and much murmuring because they rode throughout the country with seven thousand horsemen (*cum septem milibus equitum*) taking prizes and inflicting oppression. They destroyed churches and people, but no one dared to complain or to speak openly'. Furthermore it was rumoured that the king's father was alive, to assert which certain messengers (*procurati*) were sent, so it is said, by Isabella and Mortimer to inform Edmund, earl of Kent, the archbishop of

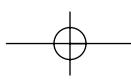
44. *Historia Roffensis*, f. 50 and v.: 'Omnes ad parlamentum convenientes multi et magni de regno sperantes de novo rege petitiones a tempore Johannis regis dependentes fuisse expeditis et remuneraciones pro labore et favore regine matris et Rogeri de Mortuomari impensis habuisse. Spe frustrati retrorsum abierunt, nam omnia officia regni maiora et minora ad nutum regine disponebantur. Ab illo nempe tempore spe fraudati et re optata contra reginam et R. de Mortuo Mary cogitarunt quomodo eis resisterent, occulte tamen propter metum London'. Regnavit sic Rogerus Mortuo Mary et regina imperavit circiter quatuor annos'.

45. Haines, *King Edward II*, index s.v. Londoners.

46. It was the initial article in Mortimer's indictment that he took no account of the council of four bishops, four earls, and six barons, set up at the first parliament after the king's coronation, of whom four, a bishop, an earl and two barons, were assigned to remain at the king's side to counsel him and without whose agreement nothing was to be done.

47. These events are narrated at length in Haines, *King Edward II*, 195–210, and 'An Innocent Abroad', 561–5. See also A. Hamilton Thompson, *The Abbey of St. Mary in the Meadows Leicester* (Leicestershire Arch. Soc., 1949), 23–5. The best chronicle source for the Bedford fiasco is once again the *Historia Roffensis*, ff. 51v.–52, but there is a brief account in the 'Gervase Continuator' (Trinity College Cambridge, MS R.5.41, f. 128v.) emphasising those who not being included in the subsequent pardon promptly fled abroad: Henry Beaumont, William Trussel, Thomas Roscelyn, and Thomas Wither. *Rot. Parl.* ii. 52, has an item of Mortimer's indictment to the effect that he had forced the king to make a chevauchée against Lancaster and others although they were deputed to be near the king to give counsel.



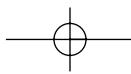


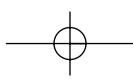
York (Melton), the bishop of London (Gravesend), and other wellwishers of the former king that he might be alive. All this to discover and inflict extortion on those who were well-disposed towards him, and on that account to calumniate and punish them for money.<sup>48</sup>

But Mortimer's *agents provocateurs* or *procurati* were not necessarily first in the field. Friar Thomas Dunheved who earlier is said to have urged the divorce of Edward II from Isabella at the papal Curia, and to have prised Edward temporarily from Berkeley, is reported to have travelled round England to urge both in private and public a rising in favour of the former king; to release him from detention; and to restore him to his kingdom.<sup>49</sup> These are the circumstances that lay behind the 'Kent affair' or, as Maunde Thompson labels it, 'the plot against Kent', of which there are many versions.<sup>50</sup>

Edmund of Woodstock, earl of Kent, is said to have visited Pope John XXII at Avignon to plead for the canonisation of Thomas of Lancaster. Disappointed in that issue he brought up the idea that it was commonly believed that the former king was alive and, having asked for his counsel as to his deliverance, received absolution *a pena et culpa* for any such attempt.<sup>51</sup> Arrived back in England he was met by Friar Preachers (Dominicans) who told him that the king was at Corfe under guard of Sir Thomas Gurney. There he found the constable, Sir John Deverill (Deveril),<sup>52</sup> gave him rich gifts, and earnestly requested to be allowed to see the king 'if that he were alive'. Deveril said that for fear of loss of his lands by order of Queen Isabella and Mortimer he could not do so. 'But the false traitor falsely lied for he was not in his ward but he was taken thence and led unto the castle of Berkeley through Sir Thomas Gurnay, through commandment of the Mortimer till that he was dead'. Kent then gave Deveril a letter under his seal for the supposed

48. *Historia Roffensis*, f. 55v.: 'Datum fuit intelligi in dolo quod rex esset vivus' and, lower down in the folio, 'Et totum hoc ad sciendum et extorquendum quis vel qui benevoli fuerunt regis patris et propter hoc calumpniarentur et punirentur pecuniam dando'. Restraining people by recognisances had a similar purpose in Edward II's reign.
49. *Chronicon de Lanercost*, ed. J. Stevenson (Edinburgh, 1839), 254, 260: 'Circa idem tempus [1328] quidam frater de ordine Predicatorum, nomine Thomas de Dunheved, qui ante duos annos praecedentes iverat ad curiam domini papae cum nunciis regis iam depositi pro divortio inter ipsum et reginam faciendo, licet non obtineret intentum, jam non solum private sed publice et audaci fronti circuevit Angliam, et concitabat populum in austro et aquilone ut insurgerent pro rege deposito et in custodia detento, et sibi restituerent regnum suum'.
50. *Chron. Baker*, 221–4 (notes).
51. Whether the pope really accepted Kent's assertion is doubtful, although this visit to Avignon, which he certainly seems to have made, is repeated in Kent's confession discussed below. Subsequently Pope John vigorously denied the earl's claim: the king had been appropriately buried and in any case he would not have behaved in this way towards an individual noble: *Cal. Papal Letters* 1305–42, 499. John Walwayn, DCL, carried a letter in Edward III's name, dated 24 March 1330 (five days after Kent's execution), complaining to the pope about Friar Dunheved's conjuring up the devil, with instructions to explain the 'Kent affair' by word of mouth: *Foedera* (Rec.Com.), ii(2). 783. The devil story is in Kent's confession and in *Chron. Lanercost*, 265, which adds that the Dominican friar, Thomas Dunheved, who had been made a papal chaplain in 1325 (*Cal. Papal Letters* 1305–42, 479), was confined to prison and died there. The idea that the 'devil' concealed the true identity of Kent's informant in order to protect him seems an unlikely hypothesis in view of Kent's naming a whole range of people in his confession: Mortimer, 'The Death of Edward II in Berkeley Castle', 1198.
52. In fact John Maltravers had been appointed 24 September 1329 'during pleasure', and was replaced by William de Montacute 28 December 1330 after Mortimer's fall: *Cal. Fine Rolls* 1327–37, 149, 211, and see n. 61 below. However, Deveril could have been there as he was somewhat later in 1330. *Cal. Pat. Rolls* 1327–30, 557.





prisoner, promising that with the aid of named persons he would try to release him. Once the earl had gone back to his own lands the incriminating letter bearing his seal was opened and then sent to Roger Mortimer.<sup>53</sup> No one could have been more gullible, it would seem, than Kent.

Ian Mortimer argues, using Brie's edition of the 'unambiguous' *Brut*, to the effect that it 'does not state that Kent tried to rescue the king that is now dead' but he 'who was put down by common assent of all the lords of England'.<sup>54</sup> This is a report of the trial in which one would scarcely have expected Roger Mortimer to admit that he had lived a lie and was intent on continuing to do so. Kent was not only claiming that Edward of Caernarvon was alive, and that he intended to set him free, but opening the possibility that the released captive might replace the king. It was Kent's intention that was on trial rather than the veracity of his belief. A more open-minded reading of the *Brut* would reveal that earlier on in his account, after mentioning Edward's death at Berkeley at Gurney's hand, the author stated: 'But Sire Edmund of Wodestock wist nothing that Edward his brother was dead, whereupon he took a letter unto the foresaid Sir John [Deveril] and prayed him heartily that he would take it unto the king his brother'.<sup>55</sup>

Geoffrey le Baker has a more exciting turn to the story. In common with the *Brut* he regards the whole thing as a design to entrap those who were friends of Edward II, the late king (*rex Anglie nuper extinctus*). The walls and towers of Corfe were illuminated with torches and candles to suggest to the yokels that some great king was being entertained there, and news was spread throughout England that the king's father was alive.<sup>56</sup> The earl of Kent went to find out for himself and was allowed into the hall in secular garb, where he thought he saw the king seated at a splendid feast. Carelessly speaking of this to untrustworthy persons he swore to work to free his brother.<sup>57</sup> Inevitably this led to an accusation of treason and his killing at the time of the Winchester parliament in March 1330. But as Baker concludes, the whole thing was nothing but falsehood and fantasy (*totum hoc fuisset falsum et fantasium*).<sup>58</sup> Bishop Hethe was not deceived, as his chronicler reveals: the earl said he wished to come to the aid of his brother were he alive, and this struck terror into many in the realm, spies being despatched to make enquiries about those who bemoaned the earl's death and wished that the king were alive.<sup>59</sup>

The confession of the earl begins with the statement that the pope had charged him, with his blessing, to deliver his brother. A Dominican friar, he claimed, had raised the devil, who gave

53. Corpus Christi College Cambridge, MS 174, ff. 159–160v. apparently a version of the *Brut* used by Caxton; *Chron. Baker*, 183–4 (notes). Baker's editor gives the relevant extracts concerning Kent at 221–4 (notes), but from BL, Harley MS 2279.

54. Mortimer, 'The Death of Edward II in Berkeley Castle', 1203, who cites *The Brut or the The Chronicles of England* (from MS Rawlinson B. 171 in the Bodleian Library, ed. F.W. Brie (2 vols. Early English Text Society 131, 136, London, 1906–8), ii. 267.

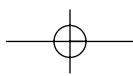
55. Corpus Christi Coll. Cambridge, MS 174, f. 159. This illustrates the degree of Kent's delusion.

56. *Chron. Baker*, 43: 'Fecerunt multis noctibus tripudia super muros castris et turres, preferentes cereos et tortices accensos, ut ab ydiotis de patria forent percepti, quasi aliquem magnum regem haberent custoditum, cui solemnizarent'.

57. *Ibid.* 44: 'Unde comes in presencia quorundam quibus non debuit fidem adibuisse, iuravit se laboraturum ad hoc, quod frater suus foret de reclusionis ubi detinebatur liberatus.'

58. *Ibid.*

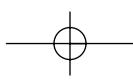
59. *Historia Roffensis*, f. 56: 'Quia comes dixit se velle fratrem iuvasse et ei succurrisse si fuisset vivus, cuius mors magnum timorem incussit multis in regno, extunc exploratores multi missi fuerunt ad inquirendum ubique qui dolerent pro morte comitis et gauderent *si rex pater esset vivus*' (my italics). Clearly this contemporary chronicler believed Edward to be dead. Accounts from other sources are cited in the footnotes to Haines, *Archbishop John Stratford*, 211–12.



assurance that his brother was indeed alive.<sup>60</sup> Archbishop Melton by means of his chaplain; William la Zouche through Sir Ingelram Berenger – who also acted as go-between for Sir John Pecche; had all undertaken to assist. Pecche declared ‘he was of that mind and thereto would bestow body and heart and whatever he had’. Melton dispatched his clerk, Robert de Tauton, a man who had earlier served the bishop of Exeter, Walter de Stapeldon, as well as the king,<sup>61</sup> to promise five thousand pounds ‘and this of the money of Hugh le Despenser’.<sup>62</sup> The earl claimed to enjoy the support of many others and to have gained that of the exiles in Paris, Henry Beaumont and Thomas Roscelyn (who had gone abroad after the Bedford chevauchée or armed sweep), and of Donald of Mar in Scotland.<sup>63</sup> In this fashion the feckless Kent betrayed many of those dissatisfied by the rule of Isabella and Mortimer; men who were either unduly credulous or desirous of producing a backlash against a dictatorial and unpopular government.

A letter written by the archbishop of York from his manor of Cawood on 14 January [1330] to Simon ‘Swaneslond’, citizen of London, whom he describes as his ‘cher vallet’ and lower down in the letter as ‘cher ami’, makes it clear that Melton was persuaded that he had clear information (*certains noueles*) that Edward of Caernarvon was alive, in good health, and earnestly desired his freedom (*et sa volonte demaigne*). Such news had given him more joy than anything else could have done. Spurred on by this belief the archbishop required two hundred pounds in gold to be made

60. *Chron. Lanercost*, 265, is scathing: ‘Mirum vero est quod dictus frater [Dunheved], vel aliquis multum literatus, voluit credere diabolo, cum [a] Deo dicatur in sancto Evangelio secundum Johannem, quod mendax est et pater ejus, id est inventor ejus mendacii.’ John 8: 44.
61. Robert ‘de Tauton’, as the name is regularly written, has often been called ‘of Taunton’, by myself among others, but seemingly he took his name from a Devon manor, Bishop’s Tawton. Holder of the sinecure provostship of Wells in Edward II’s time, in 1332 Edward III was to present him to the prebend of Wiveliscombe in Wells cathedral, though the matter was in dispute at the Curia. Deprived of his lands after the Kent affair, with Mortimer’s fall he petitioned for compensation owing to his imprisonment at Winchester and then Corfe (he was there for thirty-five weeks) under John Maltravers, Walter Fauconberge and others. Strange were the former king also there! Promoted to the headship of the wardrobe, he subsequently became keeper of the privy seal, a progression which parallels that of Richard de Bury, the young king’s confidant. He died in 1335. *Cal. Pat. Rolls* 1321–24, 23; 1330–34, 306; *Fasti Ecclesiae Anglicanae*, vii. 34, 77 (s.v. Taunton); *Rotuli Parliamentorum Anglie Hactenus Inediti*, ed. H. G. Richardson, G. Sayles (Royal Hist. Soc., Camden third ser. 51, London, 1935), 213; Tout, *Charters*, iv. 77–8; vi. index, 411 s.v. Tawton.
62. To which Hugh Despenser this refers is not clear. The surviving Hugh, saved by the intransigence of the constable of Caerphilly castle, remained under scrutiny; a false move would have cost him his life (n. 13 above). The confiscated wealth of the younger Despenser, killed in 1326, had long since been dissipated. In February 1327 Melton informed the pope of the miracles at Pontefract due to the merits of Thomas of Lancaster (although a rebellious baron!): Borthwick Institute, Reg. 9, f. 167v. [205v.]. In October 1328 he offered an indulgence of forty days for those who prayed for the soul of the late king who had suffered a *fatalis casus inevitabili necessitate subjiciens* (fatal but inevitable ‘happening’, rather than ‘accident?’): *Historical Papers and Letters from Northern Registers*, ed. J. Raine (Rolls Ser. 61, 1873), 355–6 (from Reg. 9, f. 525v.); Haines, *Death of a King*, 131 (also noting the chantries for Edward of Caernarvon’s commemoration, one of them in York Minster, founded by the archbishop’s executors after his death in 1340). Melton’s alienation meant that contrary to his earlier practice he ceased for the time being to witness royal charters. D.A. Harding, ‘The regime of Isabella and Mortimer 1326–30’ (Durham M.Phil. thesis 1985), appendix 1. See also n. 64 below.
63. The confession is printed in Latin and English as an appendix to *Murimuth*, 253–7 (BL, Cotton MS Claudius E. viii). A Latin version is in Walsingham’s *Historia Anglicana*, ed. H. T. Riley (Rolls Ser. 28, 1863–4), ii. 351. For the exiles n. 47 above; for Kent’s supporters: Haines, *Archbishop John Stratford*, 212 n. 109.

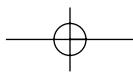


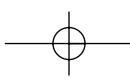
available for the 'easement' of the former king. He specified the purchase of various expensive clothes, slippers and shoes, and the finding of a horse for 'le frere sire Wilham de Clyf', bearer of the letter.<sup>64</sup> The clothes were to be accommodated in a 'fardel' such as mercers used in their trade and entrusted to Clyf for delivery. He promised to reimburse Swaneslond for the two hundred pounds eight days after the feast of the Purification (2 February) at Cawood. Meanwhile he urged him to suggest how a large sum of money could be made available to help 'le dit seignur'.<sup>65</sup> Now Swaneslond, or Swanland, was no mere citizen; at the time of the letter's despatch he was the mayor.<sup>66</sup> It looks as though there were those in London who were prepared to act, as previously, to embarrass the Mortimer regime. Swanland was to keep the matter secret, though by then rumours of Edward's survival had long been rife. The entire scheme has an air of unreality. What action Swanland took, if any, may never be known. The letter does not prove that the king was alive; it does no more than confirm Melton's conviction that he was—as narrated in the chronicles.

William la Zouche, or la Zouche of Mortimer, as he is regularly called, had his own axe to grind. The besieger of the Despenser castle of Caerphilly in 1326–7, he subsequently abducted Eleanor, widow of Hugh le Despenser the younger, from Hanley in Worcestershire and married her. Eleanor was a valuable prize, the lordship of Glamorgan having been returned to her in 1328, she being one of the heirs of Gilbert de Clare, earl of Gloucester, who had died at Bannockburn in 1314. Despite orders to appear before the king, la Zouche defiantly retained Caerphilly, but eventually surrendered it in January 1330. It was restored to the couple exactly a year later. Could he have been Melton's source of Hugh le Despenser's wealth?<sup>67</sup>

On the face of it this looked as though another insurrection was being planned. But for what purpose? Even had Edward of Caernarvon been alive would there have been much support for reversing the parliamentary settlement of January 1327? How could this group of largely uncoordinated dissidents have any chance of success against Mortimer's knights? There was a substantial unarmed clerical element. Why was it that such men as Melton, Gravesend, and other clerics including the provincials of the Carmelite and Dominican friars, all well-known for their support of the former king, were so readily recruited to a cause that could only have one outcome?

64. The choice of emissary is significant. Not only was he a friar, like many others involved in the Kent affair, but seemingly a member of the family which took a prominent part in royal administration. His namesake William Cliff was one of the younger Despenser's clerks and subsequently a keeper of the great seal, who is believed to have died by the autumn of 1328. Cliff was a Despenser manor near Selby in Yorkshire. Tout, *Chapters*, iii. 5 n. 2; vi. index, 205 s.v. Cliff.
65. Warwickshire County Record Office, CR 136/C/2027. I have transcribed this letter from a very readable CD-ROM supplied by that Office which gave permission to print the text. It should shortly be published as a 'Note and Document' in the *English Historical Review*. The letter was preserved by the Swanland family from whom it passed as a consequence of marriage to that of the Newdigates of Arbury Hall, Warwickshire. The document is endorsed 'A nostre vallet Symond de Swaneslond' and, lower down, 'lettre levesque [*sic*] Ebor.' with an omission mark and an emendation above. Additional memoranda suggest that it was once thought to have been written by an archbishop of Canterbury in Edward II's reign. It was folded with horizontal lines of slits for the tongue (visible) over which there would have been a seal.
66. *Cal. Letter-Books of the City of London, Letter-Book E. circa 1314–1337*, ed. R.R. Sharpe (London, 1903), s.v. Swanlond; S.L. Thrupp, *The Merchant Class of Medieval London* (Michigan, 1948), 368 s.v. Swanland. A draper, knighted in 1337, he bore arms 'a fess dancette, two swans in chief, a lozenge below'.
67. Rees, *Caerphilly Castle* (1937), 32–3, and see n. 13 above. The marriage of Eleanor to William la Zouche was still being disputed by John de Grey, knight, in 1333, when he appealed for a second time to the pope: *Cal. Papal Letters* 1305–42, 394.



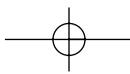


Apart from Friar Dunheved, whom the Lanercost chronicler dubbed ‘*fatuus ille frater*’, it was Mortimer who had an interest in furthering the idea that the king was alive. His purpose was to drive the seething opposition from cover and to suppress it. He had no reason whatever to retain a former king in detention: he was all-powerful and held the young king in thrall, so that a live Edward of Caernarvon could only have been a pointless liability and an irritation to Isabella. Kent had become a nuisance; an example of him and his supporters should be made. There was no question of young Edward being able to countermand his uncle’s death, for Mortimer ‘was more than king in the realm, because he and the queen mother ruled the whole kingdom’.<sup>68</sup>

The reign of Mortimer and his paramour had not much longer to run. The young king was beginning to flex his muscles. He had two principal covert allies: Richard de Bury, later notable as a bibliophile and as bishop of Durham (1333–45), and William de Montacute or Montagu, future earl of Salisbury. Some time during 1330 they arranged with the pope that the king’s true will would only be revealed by letters with the subscript ‘*Pater Sancte*’. The letter actually names Bury and Montagu as the king’s confidants.<sup>69</sup> The ‘secret design’<sup>70</sup> of which Mortimer had to take cognisance was that developed by these two. Their opportunity arose in mid October when parliament met at Nottingham. The queen, fearing an ambush, arrived with an army and there, for eight days, a group of many knights considered how the young king, who remained at his peril in the household of the queen, could be withdrawn from it. They feared the hostility of Isabella and Mortimer and of the multitude of their adherents, but they agreed upon a day and hour for their purpose and with the king’s assent entered Nottingham castle with many armed men by means of a subterranean passage. They reached the tower where the queen mother, the bishop of Lincoln (Burghersh), and Roger Mortimer were sitting on the bed in her chamber discussing possible plots. There Mortimer was captured and Sir Hugh de Turplington, the steward of the king’s household, killed.<sup>71</sup>

Faced with imminent death—and the Last Judgement—Mortimer, who prior to his capture had been infuriated at the opinion harboured by many of young Edward’s supporters that he had been responsible for the former king’s murder,<sup>72</sup> admitted before the people the deceit he had practised

68. *Chron. Lanercost*, 265: ‘*Mors autem ipsius [Kent] procurata fuit principaliter per dominum Rogerum de Mortuo-mari, comitem Marchiae, ut dicebatur, qui tunc fuit in regno plusquam rex, quia domina regina mater et ipse totum regnum regebant*’. *Chron. Baker*, 41, adds ‘*et propter hoc comitem Cancie, regis patrum et amicis sanguinis proximum, fuisse postmodum decapitatum, ut scilicet iuvenis rex E[dwardus] omni amicorum auxilio, ut quondam pater suus, fuisset privatus*’.
69. C. Johnson and H. Jenkinson, *English Court Hand* (2 parts text and facsimiles, Oxford, 1915), ii. plate XXIIIb (Vatican Archives): ‘*Sachauntz tresseint pierre que ceste chose ne est descouerte a nul forque au dit monseigneur Guilliam et a Maistre Richard de Bury nostre secretaire des queux nous sumes certains quil le tendrent pur secre en touz cas*’.
70. Mortimer, ‘The Death of Edward II in Berkeley Castle’, 1194. Montacute’s action at Nottingham may have been arranged at the last minute, but clearly he and the king only awaited an appropriate opportunity.
71. This account from *Historia Roffensis*, f. 56v. is seldom cited. There are several others. One element omitted by Dene is the connivance of the constable, William Eland, and the fact that the king and his supporters were lodged well outside the castle. For other versions, that of BL, Harley MS 2279 being particularly detailed, see Haines, *King Edward II*, 216–17 and 462–3 nn. 216–17. On 20 October 1330 the sheriff of York was ordered to arrest Mortimer earl of March, Oliver Ingham, and Simon de Bereford, the king promising to reign thereafter according to the laws and rationally (*solonc droiture & reson*): *Foedera* (Rec. Com.) ii(2). 799–800. Are we to believe that in fact he was deliberately obfuscating the real state of affairs?
72. BL, Harley MS. 2279, cited *Chronicon Galfridi le Baker*, 227 (notes). He boiled with wrath against the king’s men, and principally against those who accused him to the king of the death of Sir Edward’s father.



on the earl of Kent, who had been put to death wrongfully (*torceonusement*), and asked for mercy. On that account the process against Kent was declared erroneous. Moreover all those of the earl's 'quarrel', specifically the petitioners Melton, Gravesend, the abbot of Langdon and William la Zouche, were restored, while others imprisoned on that account were to be released. On the other hand a price was put on the heads of the deceivers, John Deveril and Bogog of Bayeux or Bayonne. Rewards were also offered for the supposed regicides, Thomas Gurney and William de Ocle (Ockley, Ogle), dead or alive.<sup>73</sup>

Of course, many difficult questions defy elucidation. Maltravers was not accused of Edward's murder, despite the fact that he was co-custodian of the king with Berkeley, who in response to questioning had admitted that he *was* responsible together with others.<sup>74</sup> But Berkeley stayed to face his accusers and was determined to save himself. Maltravers fled. Had he been caught he would doubtless have suffered the death penalty for his entrapment of Kent. His rehabilitation came only after many years and when he had rendered service in Flanders.

There is no evidence that the young king knew his father to be alive but kept in some secret location unknown to him. Had he done so there would have been a plethora of questions to answer. How and where was he kept? Corfe? How were his expenses met? When did he die? How was his corpse subsequently substituted for that of some unknown person, and without anyone realising the fact? He would in fairness have had to withdraw from pursuing his father's 'murderers', but this was very far from being the case. Because the king was concerned to know the details large sums were spent in pursuing Gurney, who eluded his captors by dying. He is reported to have made a confession before a notary, but if so the document is not known to have survived. Its nature must meanwhile remain a mystery.<sup>75</sup>

When the prior of Canterbury, Henry Eastry, who always had his ear close to the political ground, and the abbot of the Cistercian abbey of Croxden, remembered Edward II's obit on 21 September they were surely not deceived.<sup>76</sup> The truth seems to be enshrined in the Rolls of Parliament, where it was open to scrutiny by all the representatives of the country 'in pleno parlamento'. 'The said Roger well knew that the king's father was dead and buried, but he and others of his coven deceived the earl of Kent by giving him to understand that he was alive'.<sup>77</sup>

The principal protagonist of the theory, for it is no more than a theory, that Mortimer knew Edward to be alive yet for propaganda purposes claimed he was dead, a policy continued by the young Edward III, argues that there are six 'inconsistencies' with respect to what he terms the 'king's prosecutions' in 1330.<sup>78</sup> The first is that the attribution to Mortimer of responsibility for luring Kent into believing Edward of Caernarvon was alive is 'unsustainable'. Rather, it is propaganda 'to explain why Edward III had agreed to his uncle's execution'. This overrides the

73. *Rot. Parl.* ii. 52–3 (Mortimer's indictment and judgement), 54–6.

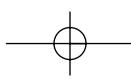
74. *Ibid.* 57: 'Thomas dicit, quod ipse posuit sub se tales custodes et ministros in castro predicto pro custodia facienda, in quibus ipse se confidebat ut de seipso, qui custodiam ipsius regis simul cum predicto Johanne Maltravers inde habuerunt'. In other words he is defending himself from involvement in what occurred.

75. Haines, 'Sir Thomas Gurney of Englishcombe', 61.

76. BL, Cotton MS Galba E. iv 9 (Henry of Eastry's register), f. 183; *Foedera* (Rec. Com.) ii(2). 718 (dated from Croxden 6 October 1327).

77. *Rot. Parl.* ii. 52: 'Il par autres de sa covyne en deceyvante manere fist entendre au Counte de Kent qe le dit Piere nostre Seignur le Roi fut en vie. Par qoi le dit Counte de Kent feust molt desirous de saver la verite, lequel il fust en vie ou nemye'.

78. Mortimer, 'The Death of Edward II in Berkeley Castle', 1212.

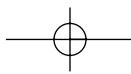


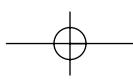
testimony of reliable chroniclers, some of them cited above, and the fact that the young king was in no position to gainsay Mortimer or his own vengeful mother, so would need no exoneration.<sup>79</sup> The second is that no charges were brought against Sir John Pecche—that is, *after* Mortimer's fall.<sup>80</sup> Nor, it should be added, were there charges against Melton, Tauton, and others; they were considered to be dupes of Mortimer and his abettors. The claim that Pecche knew the former king to be alive and convinced Kent of this is questionable on both counts.

Thirdly, Ian Mortimer argues, Edward III 'consciously allowed Berkeley to pretend he was elsewhere at the time'. One wonders about the 'consciously'; it was only much later that the truth about Thomas Berkeley's whereabouts was discovered from the records. Certainly he was fortunate, but he had not fled like other suspects in a position to do so. The king could equally have come to the conclusion that Berkeley was not directly responsible, and it remains possible, but highly unlikely, that he was not. The implication of the fourth assertion is certainly untenable as it stands: Berkeley's 'denial of the knowledge of or about the death'. What he was denying, as explained above, was that he had no knowledge of the circumstances; he had certainly accepted the fact of the death. Equally clearly he was lying about his absence at Bradley (in Wotton-under-Edge) and his illness. This was intended to prevent awkward questions that would have been raised had he admitted to being at Berkeley. He kept his titles, fifthly, but only after his trial in parliament and the verdict of 'the country'.<sup>81</sup> That should not be taken as an indication that the former king remained alive, and that his son knew this: parliament was clearly acting on the understanding that Edward had died at Berkeley and that his death was not natural.

The sixth and last point rather depends on the speed of bureaucratic process, but the order for the apprehension of the alleged culprits was issued on 3 December well before the parliament closed. It was also by its assent that further writs of 12 December were directed to the chancellor, John Stratford, for the pardon of those in arms at Bedford, including the exiles incriminated by Kent. If Edward were deliberately allowing Maltravers, Gurney, Ockley and the rest to flee, why did he take such trouble and incur enormous expense in an attempt to bring back Gurney, not to mention the others whom Giles of Spain was commissioned to pursue both in England and abroad.<sup>82</sup> The

79. The *Historia Roffensis*, f. 56, claims that Kent 'decapitatus fuit apud Wynton' in *Quadragesima prece-*  
*cedenti iussu regine regnantis*'. See also n. 68 above for citations from *Chron. Lanercost* and *Chron. Baker*.
80. The part played by Sir John Pecche between 1325 and 1330 is traced by Ian Mortimer, 'The Death of Edward II in Berkeley Castle', 1201–4. See also G. E. Cokayne, *The Complete Peerage* (14 vols, London/Stroud 1910–98) x. 342–3. Pecche was nominally constable of Corfe so he ought to have known the truth, but his lands were confiscated as a Kent adherent. Significantly, he had earlier had a connection with Friar Dunheved. After 'surrendering himself to the king's will' his lands were restored 9 August 1330 under surety. Two of his mainpernors or sureties were staunch Mortimer men: Simon de Bereford and Hugh de Turplington. *Cal. Fine Rolls* 1327–37, 168–9; *Cal. Pat. Rolls* 1327–30, 565; *Cal. Close Rolls* 1330–33, 52. Not a Mortimer provocateur, but undoubtedly a trimmer. He had, however, been on the king's side against Thomas of Lancaster at Boroughbridge (1322). There is no need for surprise at the rehabilitation of those who, having been deluded or implicated by Kent and others, suffered punishment. Those who did not, naturally came under suspicion following Mortimer's capture.
81. Even the Mortimer title was restored to his grandson in 1354 on the grounds that (like some others at the time – including Maltravers) his crimes were declared to be notorious and he had not been given opportunity to answer the charges against him. Vernon Harcourt, *His Grace the Steward and Trial of Peers*, 299–300, 329–32 (*Adnullacio processus facti contra Rogerum de Mortuomari le neveu*). The annulment of the process did not, of course, mean that Mortimer was considered to be innocent of the charges. For Berkeley see n. 40 above. The wife of Maltravers petitioned in 1339 against her husband's banishment, arguing that it was 'saunz loi et reson', being contrary to what had been ordained in parliament (that of November 1330): *Rotuli Parliamentorum ... Hactenus Inediti*, 285–6, and n. 70 above.
82. *Foedera* (Rec. Com.), ii. 801; Hunter, 'Measures', 278–86.





king made it clear that he wanted the facts from Gurney in person; pointless if Edward of Caernarvon remained alive. Or should this be understood as more 'propaganda'? Maltravers was lucky to elude his pursuers in Spain, whither he had accompanied Gurney, and as to William Ockley or Ogle, of him nothing further seems to have been heard, but that is unlikely to have been for want of trying.

Edward, however, now that he had escaped from his thralldom, was anxious to rise above the factional strife that had for so long bedevilled his kingdom. Possibly he had in mind his claim to the throne of France, which had earlier been mooted on his behalf.<sup>83</sup> Once the pope learned of the seizure and imprisonment of many nobility at midnight on 19 October 1330 he urged Edward to mingle clemency with justice. He should treat his mother, to whom he owed his elevation, with sympathy and understanding, for she had made many enemies in securing such elevation. It were better not to publish her shame with respect to her liaison with Mortimer (and her abandonment of her lawful husband), but to practise concealment.<sup>84</sup> That was precisely what happened: Isabella lived out her life in reasonable comfort but not in the manner to which she had grown accustomed, and shorn of political influence. Towards the end she felt the burden of guilt and allegedly was buried with her husband's heart on her breast.<sup>85</sup> There surely should be no problem about the rehabilitation of those who had been with Henry of Lancaster at Bedford or who, however mistakenly, followed Kent. William Melton, in particular, was too trustworthy and experienced an administrator not to be recalled immediately as treasurer and then as a keeper of the great seal. Likewise his clerk, Robert de Tauton, was to prove indispensable.

Edward II's fine tomb in Gloucester abbey and the recasing of the Norman choir, for the overall supervision of which William Ramsey III was seemingly the master mason, would prove a lasting memorial. Ramsey, being in charge of the king's works south of Trent, would already have been concerned with Gloucester castle. Because he was such a busy man, it is probable that others were responsible for the detailed work in the abbey. Royal beneficence and the throng of pilgrims to the shrine of this unlikely martyr ensured a perpetual round of prayer for his soul and a handsome source of money for the monks.<sup>86</sup> Like that other unlikely character, Thomas of Lancaster,<sup>87</sup> the

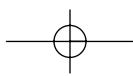
83. Haines, *King Edward II*, 329–30; *Church and Politics*, 31.

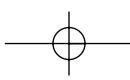
84. *Chron. Lanercost*, editor's notes, 429: 'Obsecramus, fili, per viscera misericordiae Jesu Christi, ut matris pudori, quantum secundum Deum poteris, velis parcere; et ejus lapsum, si quis, quod absit, fuerit, non publicare, sed quantum bono modo poteris, ipsam potius studias occultare'. Citing John XXII's letter of 7 November 1330. The queen's marital position had posed a serious problem as early as April 1327: Haines, 'The Stamford Council of April 1327', *Eng. Hist. Review* 122 (2007), 141–8. Her husband's survival after the 1327 funeral would certainly have been an intolerable embarrassment. It is scarcely surprising that she was anxious to get rid of Kent.

85. F.D. Blackley, 'The tomb of Isabella, wife of Edward II of England', *Bulletin International Soc. for the Study of Church Monuments* 8 (1983), 161–4 (typescript); Haines, *King Edward II*, 230.

86. For the tomb's structure: R. Bryant, C. Heighway and G. Bryant, *The Tomb of Edward II: a royal monument in Gloucester Cathedral* (Past Historic, 2007), also Phillips, 'Edward II in Italy', 212 n. 16. William Ramsey III died in 1349 and his daughter Agnes 'would seem to have carried on her father's shop' and was paid for Queen Isabella's tomb at the London Greyfriars in 1358–9: John Harvey, *English Mediaeval Architects* (Gloucester, 1987), 242–5. On 12 May 1328 letters were sent from Northampton to the pope in the king's name for the appropriation of the churches of Wraysbury, Chipping Norton and Cam for the support of three monks at Gloucester to celebrate mass daily for the king's father and to observe his anniversary: Haines, 'Thomas Gurney', pp. 63–4 and *ibid.* n. 103, citing *Foedera* (Hague edn.), ii(3). 6, 12. This, so far as Roger Mortimer was concerned, was to dispel any idea of his complicity in the former king's death, not to conceal the fact that he was being kept alive.

87. See 'The Office of Thomas of Lancaster', in *Thomas Wright's Political Songs of England*, ed. P. Coss (Cambridge, 1996), 268–72.





erstwhile king's shrine soon generated miracles. His great-grandson, Richard II, endeavoured to secure his canonisation.<sup>88</sup> Two things are not in doubt. Roger Mortimer's Scam has bedevilled novelists and historians to this day, and Edward of Caernarvon, that unkingly king, is likely to be remembered less for his life than for his death.

88. Haines, *King Edward II*, 515 n. 15.

