

Third Series Vol. III part 2.

No. 214

Autumn 2007

ISSN 0010-003X

Price £12.00

THE COAT OF ARMS

an heraldic journal published twice yearly by The Heraldry Society



THE COAT OF ARMS

The journal of the Heraldry Society



Third series

Volume III

2007

Part 2

Number 214 in the original series started in 1952

The Coat of Arms is published twice a year by The Heraldry Society, whose registered office is 53 High Street, Burnham, Slough SL1 7JX. The Society was registered in England in 1956 as registered charity no. 241456.

Founding Editor

†John Brooke-Little, C.V.O., M.A., F.H.S.

Honorary Editors

C. E. A. Cheesman, M.A., PH.D., Rouge Dragon Pursuivant

M. P. D. O'Donoghue, M.A., Bluemantle Pursuivant

Editorial Committee

Adrian Ailes, B.A., F.S.A., F.H.S.

Jackson W. Armstrong, B.A.

Andrew Hanham, B.A., PH.D.

Advertizing Manager

John Tunesi of Liongam

THE MISSING EARL: RICHARD FITZALAN, EARL OF ARUNDEL AND SURREY, AND THE ORDER OF THE GARTER

Michael Burtscher

The omission of Richard Fitzalan, Earl of Arundel and Surrey (c.1307-1376) from the Order of Garter has always been regarded with great puzzlement by historians.¹ More so because, in 1344, Arundel was chosen to be part of Edward III's new projects to refound the Arthurian Round Table; a project which had its origins in the political crisis of 1340-41 as a reconciliatory body to mend the wounds left by the crisis and as a galvanising element in the Anglo-French conflict. Although the Arthurian project did not take off in its original format, it eventually took shape, in 1348-49, with the foundation of the Order of the Garter which had its immediate roots in the success of the 1346-47 Crécy-Calais campaigns.² What is notable about this foundation is the omission of Arundel, one of the most important men of the reign politically and, now, also territorially since in 1347 he came into the valuable Warenne inheritance.³ Undoubtedly, the change in scope of the Garter was also affected by a considerably reduced membership which was downsized from the original 300 Arthurian knights to include only the king and 26 companions, with the Prince of Wales.⁴ With a group of limited membership there is always the question of who could and, therefore, who could not be excluded. What, therefore, were the reasons for Arundel's exclusion?

¹ Juliet Vale, in particular, is the only historian who has discussed at length possible reasons for Arundel's omission: *Edward III and Chivalry. Chivalric society and its context, 1270-1350* (Woodbridge 1982), pp. 88-91. Arundel's son, Richard III Fitzalan, Earl of Arundel (d. 1397) was elected to the Garter in March 1386: H. E. L. Collins, *The Order of the Garter, 1348-1461. Chivalry and Politics in Late Medieval England* (Oxford 2000), p. 291.

² On the well-rehearsed narrative of the origins and history of the Garter, which will not be discussed here, refer especially to: Vale, *Edward III and Chivalry*, pp. 67, 87; Collins, *Order of the Garter*, pp. 6-10. Cf. also Ian Mortimer who convincingly argues for a foundation date of St George's Day 1349 rather than 24 June 1348; *The Perfect King. The life of Edward III, father of the English nation* (rev. edn., London 2007), pp. 427-9.

³ Although Arundel came into the Warenne inheritance in 1347, at the death of John de Warenne, Earl of Surrey, he did not adopt the title of the earldom of Surrey until the death of Warenne's widow, Joan of Bar, in 1361, when he also quartered the Fitzalan arms (*Gu. a lion rampant or*) with those of Warenne (*Chequy az. and or*). See also: F. R. Fairbank, 'The last Earl of Warenne and Surrey, and the distribution of his possessions', *Yorkshire Archaeological Journal* 19 (1906-7), pp. 249f.; J. R. Maddicott, *Thomas of Lancaster, 1307-1322. A study in the reign of Edward II* (Oxford 1970), pp. 197f., 234-7; J. R. S. Phillips, *Amyer de Valence, Earl of Pembroke 1307-1324. Baronial Politics in the Reign of Edward II* (Oxford 1972), 114-5, 195; G. Ellis, *Earldoms in Fee. A study in peerage law and history* (London 1963), pp. 94-102.

⁴ A. Murimuth, *Continuatio Chronicorum*, ed. E. Maunde Thompson (London 1889), p. 232; Collins, *Order of the Garter*, pp. 7, 289.

THE COAT OF ARMS

Arundel was, in fact, not the only earl to be excluded from the Garter in 1348: William Clinton, Earl of Huntingdon (d. 1354), for example, never became a companion either. However his case is slightly different since neither is there evidence to suggest that he did take part at the 1344 tournament, nor was he as powerful an earl as Arundel in terms of influence and wealth.⁵ Furthermore, Huntingdon, as one of the so-called newly-created earls of 1337, was not the only newly-created earl to be omitted from the first group of companions in 1348. William de Bohun, Earl of Northampton (d. 1360) and Robert Ufford, Earl of Suffolk (d. 1369) only joined as successors later that year, while Gloucester had already died in 1347.⁶ It is possibly more puzzling that at the next vacancy, in October 1352, Reginald Cobham, lord Cobham of Sterborough (d. 1361) was installed instead of Huntingdon; but by 1354, when Huntingdon died no further vacancies among the Garter companionship had occurred.⁷ In fact of the newly-created earls of 1337 only Henry Grosmont, Earl of Derby (later Duke of Lancaster from 1351) had been a founding member of the Garter. Most of the newly-created earls descended from old-established noble families, such as Henry of Grosmont and William de Bohun, while the others, such as William Montague (d. 1343) and William Clinton, had been elevated to earldoms because of their proven military prowess, their loyalty towards their king, and the need to restock the failing ranks of the English nobility with natural leaders and military commanders.⁸ Both Salisbury and Huntingdon had served with Arundel in the Scottish campaign of 1337-38,⁹ and later again, in 1341-43.¹⁰

⁵ Vale, *Edward III and Chivalry*, p. 87; R. Barber, *Edward Prince of Wales and Aquitaine. A biography of the Black Prince* (Woodbridge 1978), p. 43. Ian Mortimer (*Perfect King*, pp. 428f.) has argued that Huntingdon, Northampton, and Suffolk were not founding companions because they did not take part in the St George's Day 1349 tournament, being then in France; hence, participation at this tournament was the criterion for selection of the first group of founding companions. He conveniently avoids discussion of Arundel's omission from the Garter.

⁶ Collins, *Order of the Garter*, p. 289. See also G. A. Holmes, *The Estates of the Higher Nobility in Fourteenth-Century England* (Cambridge 1957), p. 39.

⁷ Collins, *Order of the Garter*, p. 289.

⁸ For a detailed discussion on the 1337 elevations refer to J. S. Bothwell, 'Edward III and the "New Nobility": largesse and limitation in fourteenth-century England', *EHR* 112 (1997), pp. 1111-40; id., 'Edward III, the English peerage and the 1337 earls: estate redistribution in fourteenth-century England', in *The Age of Edward III*, ed. J. S. Bothwell (York 2001), pp. 35-52. The creation of six new earls in March 1337 had been intended to serve as a recruitment factor for the Scottish and French campaigns. Before the creation only Arundel, Oxford, and Warwick were able to provide any serious military contribution: A. Ayton, 'Edward III and the English aristocracy at the beginning of the Hundred Years War', in *Armies, Chivalry and Warfare in Medieval Britain and France*, ed. M. Strickland (Stanford, 1998), pp. 187-94.

⁹ *CCIR* 1337-9, pp. 204, 209-210, 216; *CCIR* 1341-3, pp. 535, 542-3. For Arundel's and Salisbury's indentures: NA (PRO) E 101/20/33 and C 47/2/31/7; Norfolk Record Office, Hare 6227.228x6.

¹⁰ NA (PRO) E 101/68/3/47; *CCIR* 1339-41, pp. 535, 542-3.

Arundel was, however, not a newly-created earl since his estates had been restored to him in 1331, after his father's attainder in 1326;¹¹ and since he had been among the members of the Arthurian Round Table of 1344 it would be reasonable to expect that he should have gained membership to the Garter in 1348, especially as he had also commanded the second division of the English army at Crécy in 1346. The 1340s, until their apogee in 1348, were a crucial period which saw redefined, in particular, the relationship between the king and his nobility and the relationship between England and France. Arundel's role in the political crisis of 1340-41 is, in fact, not as crucial as has been made out by some historians, notably Juliet Vale, regarding his exclusion from the Garter.¹² The true pivotal moment in his private and public career was his marriage, in 1345, to Derby's sister, Eleanor of Lancaster. It was the circumstances surrounding this event, I shall argue, that led to Arundel's exclusion from the Garter.

On 26 January 1340, Edward III had formally assumed the title of king of France but in fact, very little had been achieved on a military level.¹³ The Scottish campaigns which had been ongoing since the early 1330s had proven, on the whole, a costly failure and the recruitment of allies in the Low Countries was setting an enormous financial strain on royal resources. The fiscal pressure had been rising steadily, with few military or diplomatic achievements to justify the spiralling costs, and was hence among the prime causes of the 1340-41 political crisis.¹⁴ Although the official reconciliation between the king and his government took place in late October 1341, Arundel and Warenne, who have been credited with leading the opposition against Edward, were reconciled as early as June 1341 when they were requested, with Abbot Michael of St Albans, to be godfathers to the king's newborn, Edmund of Langley.¹⁵ The following month Arundel was entrusted by the king with important business and, at the same time, excused from his office as chief justice in Shropshire and Stafford, where he had been appointed, in January, to examine a series of trespasses.¹⁶ It is possible that this appointment had been some form of exile from central administration over his role during the political crisis. Certainly for an earl of his stature to examine simple trespasses personally, when the affairs of the realm were undoubtedly more pressing, must have been regarded as time ill-employed.

¹¹ BL, Harleian Charter 83 C 13; *RP*, vol. 2, p. 56a.

¹² Vale, *Edward III and Chivalry*, pp. 88-91; and Hugh Collins who, on this issue, merely quotes Juliet Vale without adding to the argument: *Order of the Garter*, pp. 40, 86.

¹³ C. Allmand, *The Hundred Years War: England and France at war c.1300-c.1450* (Cambridge 1988), pp. 12-3; W. M. Ormrod, *The Reign of Edward III* (rev. edn., Stroud 2000), p. 9.

¹⁴ For more details on the events refer to: *Chroniques de London*, ed. G. J. Augier (Camden Society vol. 28, London 1844), p. 90; B. Wilkinson, 'The Protest of the Earls of Arundel and Surrey in the crisis of 1341', *English Historical Review* 182 (1931), pp. 179-81, 188; Ormrod, *Edward III*, pp. 13-5; A. Tuck, *Crown and Nobility, 1272-1461. Political conflict in late medieval England* (London 1985), p. 125.

¹⁵ T. Walsingham, *Gesta Abbatum Monasterii Sancti Albani, 1290-1349*, ed. H. T. Riley (Rolls Series: London 1867), vol. 2, p. 366; A. Tuck, 'Edmund, first duke of York (1341-1402)', *Oxford DNB*.

¹⁶ *CCIR 1341-3*, pp. 3, 9, 111, 248, 256.

THE COAT OF ARMS

The evidence clearly suggests that Arundel's new role was linked to the levy of troops to secure the Scottish border.¹⁷ This was vital since an unsecured border would have left the back door open for the *Auld Alliance* to launch an attack to distract the English from the new Anglo-French battlefield which, in April 1341, had been ignited by the death of John III of Brittany. John de Montfort was Edward III's successor of choice to the duchy, while the French sponsored Charles of Blois, who had a claim through his wife Joan, the niece of Duke John III. On 24 September, Edward granted the duchy to John de Montfort, while Philip VI, hoping, at last, to annexe Brittany to the French kingdom, had already recognised Charles of Blois as the rightful heir, on 7 September. Brittany was an important territorial ally for the English, for it was through there that the military and commercial routes led to Gascony. The dukes of Brittany were, furthermore, also earls of Richmond, and therefore subjects of the English kings.¹⁸ In 1342, while Edward intervened directly in Brittany, Arundel, with Huntingdon, secured the volatile Scottish border.¹⁹ Arundel was able to secure a truce with the Scots to last for a year and was thus free to join the conflict in Brittany which, despite all the efforts, ended in little more than a three-year truce with France.²⁰ However, this was cut short when, in the summer of 1345, Edward found a new ally in Godfrey d'Harcourt, a Norman noble, who was disaffected with the French cause, in 1343, after Philip IV had executed several Breton nobles, including some of his relatives.²¹ This alliance paved the way for one of the most celebrated battles of the Hundred Years war, Crécy.

It is clear, therefore, that the crisis of 1340-41 had little impact on the relationship between Edward III and Arundel, on whom the king had relied to cover his back while he was fighting in France. The marriage, in 1345, between Arundel and Eleanor of Lancaster is particularly significant because, in order to do so, Arundel had had to divorce his first wife, Isabella Despenser, to whom he had been married for over twenty years. Arundel and Isabella had been betrothed in 1314-15 to mark the dynastic allegiance between two of the rising stars of their time which were to shape the remainder of Edward II's reign.²² Isabella was the daughter of the younger Hugh Despenser and Eleanor de Clare, daughter of Gilbert de Clare, Earl

¹⁷ *CCIR 1341-3*, p. 256; *CPR 1340-3*, pp. 313, 336.

¹⁸ M. Jones, *Ducal Brittany 1364-1399* (Oxford 1970), pp. 1-21; M. Jones, 'Edward III's Captains in Brittany', in *England in the Fourteenth Century*, ed. W. M. Ormrod (Woodbridge 1986), pp. 103f.

¹⁹ NA (PRO) E 101/68/3/57: indenture made on 18 May, to serve from 15 July for a quarter of a year. On 31 May 1342 they received £1,823 11s. and £3,647 2s. to cover the expenses of their expedition: *CCIR 1341-1343*, pp. 535, 542f.

²⁰ J. Froissart, *Chroniques. Livre I. Le MS d'Amiens*, ed. G. T. Diller (Geneva 1992), vol. 2, pp. 286, 289; *Knighton's Chronicle*, p. 40; C. H. Hunter Blair, 'Wardens and deputy wardens of the marches of England towards Scotland, in Northumberland', *Archaeologia Aeliana*, 4th ser. 28 (1950), p. 42.

²¹ M. Keen, *England in the Later Middle Ages* (London 1973), pp. 132f.; F. Autrand, *Charles V le Sage* (Paris 1994), pp. 153f.

²² M. Burtcher, 'The martyrdom of Edmund Fitzalan, Earl of Arundel (1285-1326)', *CoA* 3rd ser. 2 (2006), pp. 83-6.

of Gloucester (d. 1295) and of Joan of Acre, daughter of Edward I. Isabella's royal descent conferred prestige, and her mother was one of the three sisters who received a share in the valuable Clare inheritance, at the death of their brother Gilbert at the battle of Bannockburn (24 June 1314).²³ The union between Richard and Isabella was cemented by their formal wedding, on 9 February 1321, in the chapel of the royal manor of Havering-atte-Bower in Essex.²⁴ The marriage was particularly significant for it united two of the most powerful families of the time at the eve of the civil war brought about by baronial insurgence under the leadership of Thomas, Earl of Lancaster (d. 1322).²⁵

Although the union between the Fitzalans and the Despensers remained crucial until the end of Edward II's reign, the political eclipse of the Despensers thereafter meant that the originally advantageous union between Richard and Isabella had become, from the Fitzalans' point of view, useless. It is, therefore, hardly surprising that Arundel was tempted by the prospect of cementing a new union with England's, undoubtedly, most powerful and prestigious families, the House of Lancaster. To this end, however, Arundel had to secure the annulment of his first marriage. The circumstances which made the union between Arundel and Eleanor possible certainly belong to one of the more interesting episodes of later medieval baronial history.

Politically, Arundel's union to Eleanor of Lancaster enabled Edward III to tie him even more closely to the crown's cause. The conflict with France was dominating politics in these years but, in 1345, a successful outcome to the war was still far from certain. In 1343 Derby and Salisbury had been to Spain to treat with Alphonso XI of Castille, as well as to Avignon to treat with the pope. The negotiations were secret, but Kenneth Fowler has argued that these negotiations may have been used to secure Arundel's dispensation to marry Eleanor, who had been widowed in May 1343.²⁶ In March 1344, Eleanor having fulfilled her duty as Beaumont's executrix was granted permission to undertake a pilgrimage to Santiago.²⁷ Possibly for safety, she decided to travel with her brother for preparations were afoot to send Derby and Arundel to the

²³ M. Altschul, *A Baronial Family in Medieval England: The Clares 1217-1314* (Baltimore 1965), pp. 165-74; Holmes, *Estates*, pp. 35-8; J. C. Ward, *English Noblewomen in the Later Middle Ages* (London 1992), pp. 19f., 42; F. A. Underhill, *For Her Good Estate. The life of Elizabeth de Burgh* (London 1999), pp. 5-8, 12, 25, 34.

²⁴ *Cal. Pap. Reg. Petitions*, vol. 1, p. 81; BL, Add. Ms 9951; *CPR 1317-21*, p. 562.

²⁵ Maddicott, *Thomas of Lancaster*, p. 280; Phillips, *Aymer de Valence*, pp. 209f.; N. Fryde, *The Tyranny and Fall of Edward II 1321-1326* (Cambridge 1979), pp. 58-61; R. M. Haines, *King Edward II. Edward of Caernarfon, His life, his reign, and its aftermath 1284-1330* (Montreal 2003), pp. 132-41.

²⁶ K. Fowler, *The King's Lieutenant. Henry of Grosmont, first Duke of Lancaster, 1310-1361* (London 1969), pp. 26, 45-8. Eleanor's first husband was John, Lord Beaumont. *CPR 1343-5*, pp. 45, 183; R. Nicholson, *Edward III and the Scots. The formative years of a military career, 1327-1335* (Oxford 1965), pp. 10f., 42, 57f..

²⁷ On 26 March 1344 she appointed John le Blount of Siddington and Richard de Melbourn, clerk, her attorneys in England until Michaelmas: *CPR 1343-5*, p. 224. This pilgrimage had originally been planned in 1332 when Eleanor arranged to travel with Margery de Chaumpaigne, but for some reason the project was delayed: *CPR 1330-4*, p. 275; S. S. Morrison, *Women Pilgrims in Late Medieval England. Private piety as public performance* (London 2000), pp.

[Note 27 continued overleaf

Continent to treat with the pope and the kings of Castille and Portugal. On 23 March 1344, Derby and Arundel were appointed plenipotentiaries to treat with Alphonso XI²⁸ and, the following day, they were appointed lieutenants to Aquitaine.²⁹ Although it is not certain if both earls also travelled to Santiago with Eleanor it is, nonetheless, telling that Arundel halted at the Augustinian priory of Roncesvalles, near the French border of north-eastern Navarre, which was on the route to Santiago. There he made a grant of 40 shillings yearly to the hospital because of the great charity he had seen shown to the pilgrims.³⁰ The priory may already have been known to him since it had a cell called St Mary of Roncesvalles by Charing Cross, London. Due to the secret nature of the expedition little is known of the earls' itinerary and business. The chronicler Adam Murimuth noted that Arundel returned to England on 24 June, 'nullo alio per eum expedito negotio quod sciatur'.³¹

On 4 December 1344, Arundel was granted the annulment he needed to marry Eleanor but a further dispensation was again granted, in July 1345, after the marriage had already taken place.³² The second dispensation was required because matters had been complicated by Arundel's excommunication which Clement VI had to revoke, early in 1345, before the wedding took place.³³ It is not clear who excommunicated Arundel. Crucially this authority only lay with the pope and the bishops. One who certainly had a valid motive was Salisbury's brother, Simon Montague, bishop of Ely. His interests certainly lay with his niece, Sybil Montague. The death, on 30 January 1344, of her father, William Montague, Earl of Salisbury was significant. If Salisbury had lived it is certain that he would have opposed the union between Arundel and Eleanor. His reasons would have been evident: his daughter, Sybil, was married to Arundel's son and heir, Edmund de Arundel. Through the annulment of Arundel's first marriage Edmund was bastardised and disinherited. Salisbury would certainly have done his utmost to protect his daughter's interests, especially as he had planned for her and their children to rank among the nobility.³⁴ Sybil's uncle, Bishop Simon, died on 20 June 1345, which could explain why, since the excommunication had been revoked early that year, the case was, later, not pursued and nothing more could be done to protect her interests.³⁵

Note 27 continued]

47, 158. Note that Morrison incorrectly identifies Eleanor of Lancaster as Edward III's sister. See also D. Webb, 'Women Pilgrims of the Middle Ages', *History Today* 48.7 (1998), pp. 20-6; ead., *Medieval European Pilgrimage* (New York 2002), pp. 89-98, 103-8.

²⁸ NA (PRO) DL 10/299.

²⁹ *CPR 1343-5*, p. 223.

³⁰ A. Breeze, 'A grant of 1345 by the Earl of Arundel to the London cell of Roncesvalles', *Nottingham Medieval Studies* 39 (1995), p. 106.

³¹ Murimuth, *Continuatio Chronicorum*, p. 158.

³² *Pap. Reg. Letters*, vol. 3, pp. 2, 188.

³³ *Pap. Reg. Petitions*, vol. 1, p. 75.

³⁴ Sybil's sisters had, similarly, been provided with first-class husbands: Philippa married Roger Mortimer, Earl of March; Elizabeth married first Giles, Lord Badlesmere, secondly Hugh Despenser and, thirdly, Sir Guy Brian; while Agnes married John, Lord Grey of Ruthin: GEC, vol. 11, p. 388 n. b.

³⁵ P. P. B. Gams (ed.), *Series Episcoporum Ecclesie Catholicae, quotquot Innotuerunt a Beato Petro Apostolo* (Regensburg 1875), p. 188; H. Summerson, 'Montagu, Simon (1304?-1345)', *Oxford DNB*.

But the union had the royal blessing and no one was able to, or willing to, counter the will and might of the king, Derby, and Arundel. On 12 March 1345, in the presence of Edward III and Queen Philippa, Arundel and Eleanor contracted marriage, albeit clandestinely, in the king's chapel at Ditton.³⁶ Clandestine marriages, according to canon law, did not preclude the legitimacy of the children, unless one of the two parties was aware of an impediment to the union. Arundel had undoubtedly been granted an annulment for his first marriage so there was apparently no impediment to his remarriage. Nonetheless, the reading of banns was considered important in medieval law because it attracted public attention and would lead naturally to the disclosure of impediments.³⁷ Even though there is no proof as to an adulterous relationship between Arundel and Eleanor, it could still have been considered rather unwise to have travelled together to the Continent before the formal annulment of Arundel's marriage had been granted.³⁸

When considering the validity of Arundel's marriage to Eleanor it is necessary to examine the circumstances under which the annulment was granted. Arundel used, and possibly abused, all those aspects of marriage litigation that would have enabled him to obtain the annulment of his first marriage.³⁹ Arundel argued that he had been coerced into the union and that, at the time, he was also still below the age of consent.⁴⁰ However, unless there was proof of coercion the marriage would have to be considered legal and binding.⁴¹ A further problem was that, legally, Arundel was not entitled to marry Eleanor because she was related to Isabella Despenser in the second degree on her mother's side, and in the third and fourth degree on her father's side.⁴² This affinity was an impediment unless they obtained a dispensation from the pope. The existence of a child from a legally valid marriage proved that there had

³⁶ *Pap. Reg. Petitions*, vol. 1, pp. 75, 99; *Letters*, vol. 3, pp. 176, 188, 522.

³⁷ R. H. Helmholz, 'The sons of Edward IV: a canonical assessment of the claim that they were illegitimate', in *Richard III: Loyalty, lordship, and law*, ed. P. W. Hammond (London 2000), p. 113. See also C. McCarthy, *Marriage in Medieval England. Law, literature and practice* (Woodbridge 2004), p. 30.

³⁸ As Helmholz has shown regarding this issue, 'under medieval canon law, adultery, when coupled with a present contract of marriage, was an impediment to the subsequent marriage of the adulterous partners': 'Sons of Edward IV', pp. 109-110.

³⁹ McCarthy, *Marriage in Medieval England*, pp. 139-41; F. Pedersen, *Marriage Disputes in Medieval England* (London 2000), pp. 139-52.

⁴⁰ 'and that Richard when he came to puberty, rejected the espousals, and on being compelled by fear and blows to cohabit with Isabella, begat a son, and after this refused to live with her': *Pap. Reg. Petitions*, vol. 1, p. 81.

⁴¹ *Pap. Reg. Petitions*, vol. 1, p. 81; R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge 1974), pp. 10, 18.

⁴² *Pap. Reg. Petitions*, vol. 1, pp. 75, 99. Both Isabella and Eleanor descended from William Beauchamp, Earl of Warwick, through his daughter Isabel, their grandmother who married twice: first Payn Chaworth by whom she had Maud, who married Henry Earl of Lancaster, and secondly the elder Hugh Despenser by whom she had the younger Hugh who then married Eleanor de Clare: Fryde, *Tyranny and Fall*, pp. 29f.

been a relationship, but the annulment of that marriage also meant that the child was automatically bastardised.⁴³

In 1347, therefore, Edmund de Arundel, having de facto lost his inheritance sought to have the annulment reversed by petitioning the pope to clarify certain matters that, in his opinion, had obviously misled the curia in granting the annulment, and thereafter his father's licence to remarry. It was, undoubtedly, imperative for Edmund to regain the right to his inheritance since it had now been considerably increased by the Warenne inheritance. Unfortunately, Edmund's original petition has not survived. Reference to it is made in a papal mandate, dated 31 July 1347, citing all parties involved to the curia to clarify the matter regarding the annulment and dispensation to remarry.⁴⁴ The mandate refers to a number of petitions and events which raise more questions than can be answered. It is, nonetheless, evident that attempts had been made at disguising Eleanor's true identity to eliminate the impediment of consanguinity.⁴⁵ Edmund, therefore, requested that he be allowed to take an oath to testify to the truth and thus show that the annulment of his parents' marriage should never have been granted. This was the only hope Edmund had to ensure his claim to his inheritance, and is thus a crucial piece of evidence that highlights what, at the time, must have been regarded as a highly controversial papal decision and one which could have set a dangerous precedent. Nothing more is known of any further petitions or exchanges but the affair concluded in favour of Earl Richard.

These proceedings were certainly the subject of much talk at the time, especially at court. Hence, the new Order of the Garter, which was to be Edward III's expression of the highest aspirations of chivalric ethos, could only suffer from this less than chivalrous affair.⁴⁶ The main requirement for members-to-be was to prove their valour in the traditional chivalric virtues such as martial diligence, honour, and service; but other important virtues were also gentleness of birth and an unblemished reputation.⁴⁷ Arundel was an accomplished military commander, who had served in all the king's military campaigns; he also served as a negotiator and diplomat, notably with Derby in 1344-5. He was, furthermore, not one of the newly-created earls of 1337, who had also been excluded from the first group of founding companions, but the heir of an old-established family whose wealth was considerably increased in 1347 by the Warenne inheritance.⁴⁸ It is clear, nonetheless, that it was unacceptable to include among the companions a man who had rejected his wife of twenty-three years, as well as his son, only to remarry for his own political and, undoubtedly, financial advancement. It is also likely that other founding companions, such as Montague and Mortimer, would have found offensive Arundel's presence among their ranks, since their families had suffered from the divorce. If the king could afford not to admit Arundel to the Garter, because of their good relationship, it was more difficult for him to exclude the others.

⁴³ Helmholz, *Marriage Litigation*, p. 132.

⁴⁴ *Pap. Reg. Letters*, vol. 3, p. 254.

⁴⁵ *Ibid.*, vol. 3, pp. 176, 188, 254.

⁴⁶ Keen, *England in the Later Middle Ages*, pp. 145f.

⁴⁷ *Ibid.*, p. 20; and Collins, *Order of the Garter*, pp. 20, 39-42.

⁴⁸ See above, note 3.

RICHARD, EARL OF ARUNDEL, AND THE ORDER OF THE GARTER

The ultimate condition for admission to the Garter was to be ‘un gentil homme de sang, et chevalier sans reprouche’.⁴⁹ That Lancaster had secured Arundel’s divorce in 1344, that the king had permitted his marriage in 1345 despite an excommunication, and his son’s appeal in 1347 with a citation to Avignon were certainly matters of common knowledge. Under such circumstances Arundel’s power and influence was certainly greater than ever, but his reputation was not without blemish. In 1348 Arundel was neither a military nor a political outcast, but the affair surrounding his marriages had certainly and abruptly ended any possibility of joining the king’s most exclusive companionship.

⁴⁹ Collins, *Order of the Garter*, pp. 20, 39 quoting Article 3 of the Garter statutes.