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A NEW WIFE FOR EDWARD, 3RD EARL OF DERBY

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For a long time there has been some uncertainty over the identity of the first wife of Edward Stanley, third earl of Derby. Probably the earliest extant biographical account of this earl is the Funeral Certificate prepared by the College of Arms following his death in 1572.¹ It states that, out of three wives, 'He marryed firste Dorotheie, dowter to Thomas Howard Duke of Northfolk, and by her had yssue his sone and successour.' More than one of the sixteenth-century Howard dukes of Norfolk carried the name Thomas. Thomas Howard the elder, the *second* duke of Norfolk, died in 1524. He was succeeded by his eldest son, Thomas Howard the younger, who then became the *third* duke of Norfolk. As the earl of Derby's first marriage took place around 1530, it is possible that his bride could have been the daughter of either one of these men.

The antiquarian histories of the Stanley family generally follow the Funeral Certificate and are also unspecific as to which duke of Norfolk was the father of Earl Edward's first wife.² The standard peerages, however, indicate not only that Edward's wife was the daughter of the *second* duke of Norfolk, but also that her mother was the duke's second wife, Agnes.³ If we then look up the entries on the dukes of Norfolk, we find that this identification of the bride's parents is backed up solely by *Collins' Peerage*.⁴ Here, one Dorothy, the second daughter of the second duke of Norfolk by his second wife, is listed as having married the earl of Derby. As for the *third* duke of Norfolk, all sources seem to agree that the younger Thomas Howard had only three children who lived to adulthood: two sons, Henry and Thomas, and a daughter named Mary.⁵ Mary Howard is

known to have married the duke of Richmond in 1533,⁶ so it seems confirmed that the earl of Derby's first wife must have come from among the children of the *second* duke of Norfolk.

Unfortunately, there are difficulties with this simple solution. To begin with, the *Dictionary of National Biography* disagrees with the peerages over the name of Derby's first wife, and at the same time throws a new element into the situation. Its entry on the third earl of Derby states:⁷

His first wife was Katherine (her name is given in the peerages as Dorothy), daughter of Thomas Howard I, Second Duke of Norfolk, who, on 21 Feb. 1529-30 received a pardon 'for the abduction of Edward, Earl of Derby, and marriage of the said Edward to Katherine without royal licence.

Temporarily leaving aside the whole question of why the pardon was issued, it should be noted that the second duke of Norfolk had died in 1524, six years earlier than the date of the pardon.⁸ This pardon is also mentioned in *The Complete Peerage*, while *Burke's Peerage* uses 21 February 1530 as the date of the earl of Derby's marriage. Both retain 'Dorothy' as the name of the bride.⁹

The pardon referred to above is preserved at the Public Record Office, both on the enrollments on the patent rolls of Chancery, and among the original warrants issued under the Privy Seal.¹⁰ Dated 21 February 1530, the pardon states that the bride's name is Katherine, and there is no indication that the duke of Norfolk referred to as her father was deceased. If 'the duke of Norfolk' received a pardon in 1530 for marrying his daughter to the earl of Derby, the duke in question must have been the *third* duke, and not the second.¹¹ This pardon, however, seems to be contradicted by other primary sources. First, there is the Funeral Certificate, mentioned above, in which Derby's first wife is named Dorothy.¹² There is also an original letter, preserved at the British Museum and attributed to the countess of Derby, which is signed 'yowr assweryed frend to my lyttel pour dorothe derby.'¹³ Neither of these sources specifically indicate who Dorothy's parents were. The most important evidence justifying 'Dorothy' as the name of the earl of Derby's wife is the marriage settlement agreed to by the Stanleys and the Howards. Their arrangements were registered as a private Act of Parliament in 1531, and thus were enrolled on the statute rolls and printed in the *Statutes of the Realm*.¹⁴ Here, the wife's name is again given as Dorothy, and

she is described as the daughter of the second duke of Norfolk, by his second wife Agnes.

Previously this confusion over the identity of Derby's first wife has been dealt with by making what often seems an arbitrary choice between the names Katherine and Dorothy, along with an equally arbitrary choice of either the second or third duke of Norfolk as her father. Occasionally an inability to choose has led to the use of both names (one often in parenthesis), and the simple statement that Derby's wife was a daughter of 'the duke of Norfolk'. No one actually seems to have bothered to investigate this discrepancy or attempted to explain it.¹⁵ Choosing between Katherine and Dorothy, however, also involves making a choice between the royal pardon and the Act of Parliament as the more authoritative source of evidence. Both the obtaining of the pardon and the settling of the bride's marriage portion and jointure were important matters in the lives of those concerned. As the extract wording of the formal documents which these involved could be crucial, it is difficult to assume that errors in either would have been allowed to pass unnoticed or uncorrected.

The solution to this problem, although heretofore unrecognized, is a simple one: the acceptance of both documents at their face value. That is, rather than somehow being the same person, Katherine Howard, the daughter of the third duke of Norfolk, and Dorothy Howard, daughter of the second duke, were successive wives of the third earl of Derby.

I

On 21 February 1530, Thomas Howard, the third duke of Norfolk, was granted a pardon for the 'seizure, taking and abduction' (*'rapcionem capcionem & abductionem'*) of Edward Stanley, the third earl of Derby, who was at that time a ward in the King's custody. The pardon states that after Derby's abduction, the young earl was married to the duke of Norfolk's daughter Katherine, 'which marriage was procured and incited without the King's licence.'¹⁶

Although still technically a minor, in 1530 Edward Stanley was already 20 years old, and had well passed the age of consent (14) which the Church considered necessary for a marriage to be valid. That Derby had agreed to the marriage is implied by the fact that he too was issued a pardon on 21 February 1530, for having married the duke of

Norfolk's daughter without licence.¹⁷ It was only the formal consent of the King which was lacking. Failure to obtain Henry VIII's permission could not invalidate what had already taken place, for it was the doctrine of the Church that marriage was constituted solely by the free consent of the parties involved. Permission from one's lord, or even one's parents, was not strictly necessary for a marriage to be valid.¹⁸ Still, as the earl of Derby's overlord and guardian, the King did have certain rights regarding the young man's marriage.¹⁹ If these rights were ignored, the King was entitled to compensation or reprisals. In 1236, the Statute of Merton, c. 6, had enacted that if a ward married without his lord's licence, the lord would be entitled to retain possession of the heir's estates after the ward had reached his majority, until such time as the lord had received double the value of the marriage. Similarly, according to c. 22 of the Statute of Westminster I of 1275, if an outsider managed to get hold of a ward and arrange a marriage without the authority of the rightful guardian, this 'ravisher' was to pay the lord double the value of the marriage. If he could not pay, he would be forced to abjure the realm or suffer life imprisonment.²⁰ These were the penalties which the earl of Derby and the duke of Norfolk faced for failing to obtain Henry VIII's licence for the marriage between Derby and Norfolk's daughter.

Such penalties were not always exacted. A marriage performed without the King's licence was not necessarily performed without his knowledge. In this case, the pardons simply state that the licence had not been obtained, not that the King was displeased with, or unaware of, the marriage.²¹ Indeed, the pardons can be seen as a sign of royal favour, rather than as an expression of Henry VIII's desire to punish, for they exonerated the earl and the duke from all penalties or fines due to the Crown for arranging the marriage of a royal ward without licence. The pardon issued to the duke of Norfolk went even further. The duke was also granted 'all that pertains or ought to pertain to us by reason of the said marriage.' In other words, the Crown as giving up all of its rights in the matter, effectively making the duke of Norfolk's pardon into a grant of the marriage of Edward, earl of Derby. Although this grant supposedly was to be made 'without any other payment', a proviso states that the Duke was 'not to extend towards exonerating the said Duke from all sums of money which the same duke holds to pay us for the said marriage.'²² It is clear that the earl of

Derby's marriage had been sold to Norfolk before the pardons were issued.²³

As early as December 1529, the duke of Norfolk had been talking of this marriage, and was even implying that it had been performed at the King's wish.²⁴ If Henry knew of the impending marriage, why did he wait until after the marriage to give it his official sanction? A possible explanation may be a desire not to appear to be taking undue advantage of a noble ward in royal custody. Henry VIII certainly was not averse to getting all he could out of his rights of wardship and marriage over his tenants-in-chief. Royal wardships, like those of lesser lords, were treated like personal property, and were generally granted out or sold to the highest bidder. Partly because of their prestige, and partly because they could afford to offer more to the King, the more important aristocratic families could probably expect some preferential treatment when the inheritance fell to a minor. A high mutilated copy of the will of Earl Edward's father, Thomas, second earl of Derby, in the Public Record Office indicated that at one time Earl Thomas had hoped to have the custody of his son granted to his own family. Thomas requested that his executors be allowed to compound with the King for the wardship and marriage of his son and heir.²⁵ Apparently his request was denied, possibly even during the second earl's own lifetime, for these clauses do not appear in any other extant versions of his will.²⁶ As it turned out, the third earl of Derby's wardship was neither sold nor granted out. When Thomas Stanley, second earl of Derby, died on 23 May 1521, the King took personal possession of his 11 year-old heir and his estates valued at a gross rental of £3,050 a year.²⁷ For his education and upbringing Henry placed Earl Edward in the household of Cardinal Thomas Wolsey.²⁸ There is no indication that either Henry VIII or Wolsey made any arrangements for Derby's marriage while he was still a ward in the Cardinal's household. As we have seen, according to the pardons issued in February 1530, it was the duke of Norfolk who was said to be behind the young earl's marriage. By this time, Cardinal Wolsey had fallen out of the King's favour, and Earl Edward had apparently fallen out of Wolsey's hands. There is no record of how Wolsey's political demise affected the earl of Derby's position as a royal ward in the Cardinal's custody. Presumably Derby remained behind when Wolsey broke up his magnificent household and departed from Court. As the earl was already

quite close to reaching his majority, he was probably allowed to return to his own family, either staying with his mother at her manor of Colham in Middlesex, or more likely at his own residence at Paul's Wharf along the Thames in London. But as long as Derby was still a minor, he was also technically a ward of the King. This may help explain the duke of Norfolk's haste in securing the earl's marriage while his independence of action was still limited, and before the King could make other arrangements. The earl of Derby was going to become one of the richest men in the kingdom when he entered upon his inheritance, and this made him a most desirable matrimonial catch.

Derby's marriage must have taken place some time between Wolsey's fall in October 1529 and the issuing of the pardons in February 1530. As the earl of Derby's 21st birthday would make him a free agent within the year, Norfolk's actions could not help but seem suspicious. Although the King probably knew of the duke's plans, it is likely that he wished to disassociate himself from any charges of abusing the privileges of the nobility, particularly when the noble in question was in a relatively helpless position. The effect of using the pardons rather than royal licence would be to make it seem that the King was resigning himself to actions already taken, and not actively promoting the marriage. Indeed, the form of Norfolk's pardon seems to indicate an attempt to disguise the fact that the duke had paid Henry for the right to arrange Earl Edward's marriage.

This is confirmed by an entry in a contemporary book listing the sales of royal wards in the reign of Henry VIII. This states that the wardship and marriage of Edward earl of Derby, 'without any land', was sold to Thomas duke of Norfolk for £2333 6s 8d. The duke had already paid the king £1000, and was to make his next payment by Christmas 1530. These arrangements were confirmed by a recognizance made in the Court of Chancery in Hillary Term, 21 Henry VIII (January 1530), that is, one month before the duke and the earl were issued their pardons.^{28a}

II

The terms of the early of Derby's marriage settlement were registered as a private Act of Parliament early in 1531.²⁹ The Act had been obtained at the suit of 'Agnes, Duches of Norff, late Wyff unto the right noble Prynce Thomas [the

second] Duke of Norff, . . . and Edward Erle of Derby', and speaks of a 'marriage now hadd and solempnysyed between the said Erle and the Lady Dorathie one of the Doughters of the said Duke and Duchess.'³⁰ It is not surprising to see the earl of Derby acting on his own behalf here, for he had turned 21 late in 1530 and was no longer subject to royal wardship.³¹ On the other hand, the statement that Derby's wife was the daughter of Agnes and the *second* duke of Norfolk flatly contradicts the information supplied by the pardons granted the previous February. According to the Act passed in Parliament, the *third* duke of Norfolk was merely one of 14 trustees chosen to see that the settlement was carried out.³² He was not the father of the bride.

Under the terms of the marriage settlement, the dowager Duchess Agnes was to pay the earl of Derby the sum of 4000 marks (£2,666 13s 4d) as her daughter's marriage portion. In return, Earl Edward assured his wife a life-interest in lands worth 1,000 marks (£666 13s 4d) a year, 'in full recompense of Joyntour and Dowre of the said Lady Dorathie'.³³ The sums involved here seem to have been quite large for this period. According to J.P. Cooper's findings on marriage portions proposed by peers, this was the highest of seventeen portions offered by those of the rank of earl and above between 1525 and 1549.³⁴ Such a large marriage portion was a tangible symbol of worldly repute, for it was an indicator of the market value of an alliance with the Stanley family.³⁵ The marriage portion offered to the third earl of Derby along with Dorothy Howard's hand in marriage was doubly noteworthy in that it greatly exceeded the amount which the second duke of Norfolk had bequeathed to his daughters for this purpose. Although Agnes had promised to pay Earl Edward slightly over £2,666, her late husband had left his daughters only £300 each to serve as their marriage portions.³⁶ The second duke of Norfolk could not have forseen that Dorothy, a daughter by a second marriage and by no means an heiress, would one day have a chance to marry the wealthiest eligible young nobleman in England.

III

As has been seen, this discrepancy in the identity of the third earl of Derby's wife had previously been treated as a matter of choice between the names 'Katherine' and

'Dorothy'. Until now no one has considered the most straightforward solution to this problem: that both the pardon and the Act of Parliament are accurate, and that Katherine and Dorothy Howard were two different people. Admittedly, a simple clerical error might seem more probable than the earl of Derby marrying successively two daughters of two different dukes of Norfolk. Further research, however, reveals that the latter is what actually occurred. Surprisingly, the evidence for this lies not in some private collection of half-forgotten archives, but among the correspondence of the Spanish ambassador calendared in the Public Record Office's *Claendar of State Papers - Spanish*.³⁷ This correspondence, along with those documents already examined, points unmistakably to the conclusion that, although early in 1530 the earl of Derby was married to a daughter of the *third* duke of Norfolk, by the beginning of the following year he was married to a daughter of the *second* duke.

The correspondence of ambassadors must always be treated with some caution. As outsiders, they were dependent on various sources of information, not all of which were completely trustworthy. Fortunately, the ambassador we are concerned with here, Eustace Chapuys, appears to have been a reliable witness.³⁸ He arrived in England late in August 1529. At this time English politics were dominated by 'the King's Great Matter'. Henry VIII's unsuccessful attempts to induce the Pope to annul his marriage to Katherine of Aragon had recently resulted in Cardinal Wolsey's fall from favour. The duke of Norfolk seems to have flattered himself that he could become Wolsey's successor. Henry VIII never trusted Norfolk as he had trusted Wolsey, and Norfolk's influence with the King was correspondingly slight, but for a time the duke was allowed, in public at any rate, to play the role of the King's new chief minister.

Soon after his arrival, the new Spanish ambassador wrote to the Emperor Charles V, informing him that, with Wolsey absent from Court, 'the dukes of Suffolk and Norfolk and Milord Rochefort, the father of the Lady Anne Boleyn, are the King's most favourite courtiers, and the nearest to his person.'³⁹ On 21 October 1529, Chapuys, 'perceiving that the whole government of this country was fast falling into the hands of the duke of Norfolk', paid a visit to the duke at his residence in London in order to seek his favour in certain matters. At this meeting, Norfolk assured the sceptical ambassador that state affairs in England were not now

conducted by a single individual (like Cardinal Wolsey) as Chapuys thought, but by the Council as a whole.⁴⁰ Whatever the truth of this statement, by February 1530 the duke of Norfolk had been appointed President of the Council, and Chapuys was referring to him as 'nowadays the most powerful man in the kingdom.'⁴¹

To some extent, Chapuys may have been simply reflecting Norfolk's own opinion of his new-found importance. Apparently, however, even the man who saw himself as the King's new chief minister felt the need to consolidate his position. The fate of Cardinal Wolsey had taught that the King's favour was too unpredictable to serve as a sole basis of power, and the duke seems to have been attempting to build up a faction of powerful aristocrats to support his influence at Court. Whereas Wolsey had depended on the King alone, Norfolk turned to family alliance as the strongest means of ensuring support. This meant that the duke had to find the right sort of marriages for his children.

By the time the year 1529 ended, Norfolk apparently had already been fairly successful in these endeavours. In December he told Chapuys that he had been entrusted with the education of the 10-year-old duke of Richmond, the King's bastard son, who, in the absence of legitimate male issue, was already being considered for the role of Henry VIII's successor. The duke pointed out that such a relationship 'might well be futher consolidated by alliance; for the King wished the Duke [of Richmond] to marry one of my daughters, the other one already having been united by his command to the highest and most powerful lord of his dominions, whose name is the Sieur d'Alby [the earl of Derby].'⁴²

Thus, despite the failure of the peerages to mention the fact, the third duke of Norfolk appears to have had more than one daughter of marriageable age. Although neither of the girls are named in this dispatch which Chapuys sent to the Emperor, it is known that the duke of Richmond and Norfolk's daughter Mary were officially wed on 25 November 1533.⁴³ There can be little doubt that the marriage between 'the Sieur d'Alby' and Norfolk's other daughter is the one referred to in the royal pardons granted about two months later. If the duke of Norfolk was talking thus openly of this marriage as early as December 1529, it is hardly likely that Henry VIII was unaware of it. In fact, Norfolk seems to have been implying to Chapuys that, far

from being displeased, the King had actually instigated the marriage.⁴⁴

If at the end of 1529 the duke of Norfolk was fairly satisfied with the marital arrangements he had made for his daughters,⁴⁵ by the end of March 1530 his plans had been considerably upset. Soon after Norfolk and the earl of Derby had been granted their pardons in February, the duke was distracted from matters of state by family affairs and he did not return to Court until mid-July.⁴⁶ The problems in the Howard family at this time seem to have been medical in nature, rather than political. On 16 March Chapuys reported that the duke of Norfolk had been ill of late, suffering from neuralgia (*'unq mal de teste'*) which had become almost chronic with him.⁴⁷ The duke eventually recovered sufficiently to be able to return to Court, but Chapuys goes on to relate that Norfolk's eldest daughter, the wife of the Seigneur d'Alby, died yesterday [15 March] of the plague at a house near here belonging to her husband; it will be one of the greatest blows the Duke has ever received.⁴⁸ The death of Katherine Howard in March 1530, along with the short duration of her marriage, explains why her name fails to appear in any subsequent documents mentioning Derby's wife. The 'Dorothy' referred to in the marriage settlement early in the following year cannot have been Earl Edward's first wife, for by that time he was already a widower.

No doubt the duke of Norfolk was genuinely bereaved by the loss of his daughter.⁴⁹ But the duke could not forget that he had also lost an important family alliance. And so, when Norfolk finally returned to Court in July 1530, new talk of marriages was in the air.

Soon after the duke's return, Chapuys paid another visit to 'Mr. de Norfolk', and found him in the midst of negotiations for the marriage of his eldest son and heir, Henry Howard, earl of Surrey.⁵⁰ Norfolk told the ambassador that he had been offered the King's own niece (daughter of Henry VIII's sister Mary and her husband the duke of Suffolk) as a match for his son. 'Still, as she had not a large dowry, the King though the Duke's son had better marry the daughter of Dalby, as in the event of her brother, the earl of Dalby, dying she would inherit the finest estates in England.'⁵¹ This 'daughter of Dalby', the latest proposed bride in the aristocratic marriage market, was Margaret Stanley, Earl Edward's only sister. Derby could not have had a wife at this time, for the probability of the young earl producing

a direct heir would have made the chances of his sister inheriting the Derby estates very slim. The likelihood that the earl would remarry also diminished her eligibility. Norfolk claimed that he was not very inclined toward seeing his son marry Derby's sister, as the earl of Surrey was still only 14 years old, while the Lady Margaret was 19.⁵² It is more likely, however, that his objections were based on the fact that he already had other plans for re-establishing the Howard-Stanley alliance.

Norfolk certainly seems to have been intent on maintaining his connection with the earl of Derby. According to a letter written by Chapuys in October 1530, 'the Duke does not wish to let this alliance slip, as there is no other in the kingdom though which he could more strengthen himself.'⁵³ So the duke began a search among his relatives for a suitable second wife for Earl Edward. Chapuys stated that many believed that if the duke had had no other alternative, he would have offered his daughter Mary, already promised to the duke of Richmond.⁵⁴ Fortunately for Norfolk, he did not have to run the risk of angering Henry VIII by spurning a marriage with his illegitimate son. In his October 1530 letter Chapuys reported that Norfolk had begged the papal nuncio to obtain a dispensation from the Pope 'for one of his sisters to marry the earl Dalbi, who had formerly been married to one of his daughters.'⁵⁵ This sister (actually step-sister) whom Norfolk wanted to marry to the earl of Derby, must have been Dorothy, the daughter of Norfolk's father, the second duke, and his step-mother Agnes.

Norfolk must have quickly obtained the dispensation or decided to do without it, for, as we have seen, early in 1531 Parliament confirmed the jointure arrangements made for Derby's wife. Within nine months, a son was born to Edward and Dorothy. The record of Henry VIII's Privy Purse expenses contains the following item under the date 4. October 1531: 'the same day paid to Henry Webbe by the King's commandment for the Cristene my lorde of derby sonne - £3 6s 8d.'⁵⁶ This son was Henry Stanley, Lord Strange, who in 1572 was to succeed his father as the fourth earl of Derby.

The date of Countess Dorothy's death is unknown. By 1553 Earl Edward was married to the third of his four wives. This time, however, rather than meddling in the politics of aristocratic alliances at Court, Derby married Margart Barlow, daughter of an untitled Lanchashire family of merely local importance.

IV

E.W. Ives has recently attempted to demonstrate the importance of faction and alliance in Tudor court politics.⁵⁷ Although his definitions of faction are quite useful in pointing out what it is that needs to be studied, the lack of appropriate source material makes it extremely difficult to show how such alliances worked in practice. The same defect applies in the present case. The duke of Norfolk finally succeeded in arranging a lasting marriage, but there is no indication that he ever received any direct benefits from his hard-won connection with the earl of Derby. There is little record of any further contact between the duke and the earl, except on formal Court occasions. When Norfolk himself was thrown in the tower in 1547, the earl of Derby made no conspicuous attempts to come to his brother-in-law's defence.

NOTES

- 1 *Lanchashire funeral certificates*, ed. T.N. King and F.R. Raines (Chetham Society, old series, 75, 1869), 5.
- 2 John Seacome, *History of the House of Stanley* (Preston, 1973), 130; William Pollard, *The Stanleys of Knowsley*, (Liverpool, 1868), 38; Peter Draper, *The House of Stanley* (Ormskirk, 1864); Thomas Aspden, *Historical Sketches of the House of Stanley* (Preston, 1873), 22.
- 3 *Burke's [Geneological and Heraldic History of the] Peerage, [Baronetage and Kinghtage]*, ed., Peter Townsend, (London, 1963), 775; G.E. Cokayne, *[The] Complete Peerage*, V. Gibbs, et al., eds. (London, 1910-59), IV, 210; Arthur Collins, *[The] Peerage [of England]*, (2nd edition; London, 1741-56), III, 62.
- 4 Collins, *Peerage*, 1, 79.
- 5 *Ibid.*; *DNB.*, X, 67; see also Melvin J. Tucker, *The Life of Thomas Howard, Earl of Surrey and Second Duke of Norfolk 1443-1524* (The Hague, 1964), 26 (geneological table).
- 6 *DNB*, VII, 204.
- 7 *Ibid.*, XVIII, 938.
- 8 The second duke of Norfolk did have a daughter named Catherine (also by his second wife), but her marriages seem to be well accounted for: first, to the heir of Sir Rice ap Thomas of Wales; secondly to Henry Daubeney, earl of Bridgewater. Tucker, *Second Duke of Norfolk*, 26, 143.
- 9 *Burke's Peerage*, 775; *Complete Peerage*, IV, 210.
- 10 P[ublic] R[ecord] O[ffice] London, PRO, Chancery, Patent Rolls C66/655 m. 23; PRO, Chancery, Privy Seal warrants, C82/624/42; calendared in *Letters and Papers, [Foreign and Domestic, of the Reign of Henry VIII]*, IV. 6248 (21).
- 11 Although neither the peerages nor the *DNB* mention that the third

- duke of Norfolk had a daughter named Katherine, J. Smyth, in his *Lives of the Berkeleys* (London, 1863), II, 225, states that in the 17th year of Henry VIII (1525), it was arranged between the third duke of Norfolk and Thomas lord Berkeley that Berkeley's son and heir 'should marry Katherine daughter of the duke. . . . Howbeit this marriage held not, as after doth appear.' Later (p. 252), Smyth states that part of the marriage portion was actually paid, 'But whether nearnes or bloud, they being cozens in the fourth degree, or the death of Katherine, or dislike either of the parties to the other, or what else hindered the consummation of that marriage, I find not;' for, in that same year Berkeley's son took to wife Mary, the daughter of George lord Hastings.
- 12 King and Raines, *Lancashire Funeral Certificates*, 5.
 - 13 British Library [B.L.], Cotton/MSS, Vesp. F xiii, Art 117, f.168; calendared in *Letters and Papers*, XI, 51.
 - 14 22 Henry VIII., c. 23; an exemplification of this Act, 8 James I, is preserved in the Lancashire Record Office, DDK 4/6.
 - 15 For a relatively recent example see the Howard genealogy in Lacey Baldwin Smith's *A Tudor Tragedy: The Life and Times of Catherine Howard* (New York, 1961), facing p.208. Here, a daughter of the second duke of Norfolk is listed as having married the earl of Derby. Her name is given as 'Katherine (Dorothy)'. In the text (p.18) he speaks of 'the mating of the Earl of Derby to a duke's sister.'
 - 16 PRO., C66/655 m. 23; C82/624/42.
 - 17 PRO., C66/655 m. 23; C82/624/43.
 - 18 F.W. Maitland and F. Pollock, *The History of English Law*, (2nd edition; Cambridge, 1968), II, 389. Apparently this situation was changed once the Canons of 1603 made the marriage of children under 21 dependent on the consent of parents or guardians: Lawrence Stone, *The Crisis of the Aristocracy 1558-1641* (Oxford, 1965), 598. (For the 1603 Canons see E. Gibson, (*Codex Juris Ecclesiastici Anglicani* (1761), I,421.)
 - 19 See Joel Hurstfield, *The Queen's Wards* (London, 1958), 3-5, 142; Maitland, *History of English Law*, I, 321-2.
 - 20 T.F.T. Plucknett, *Legislation of Edward I* (Oxford, 1949), 114-116.
 - 21 PRO., C66/655 m. 23; C82/624/42,43.
 - 22 PRO., C66/655 m. 23; C82/624/42.
 - 23 It is unlikely that Henry VIII was angry with Norfolk for arranging this marriage, for, on the same day on which the pardons were issued, the duke was granted the wardship of Thomas, the son and heir of William Tymperly, *Letters and Papers*, IV,6248 (21).
 - 24 *C[alendar of] S[tate] P[apers]* - *Spanish*, Pascual de Gayangos, ed., (London, 1882), IV Part I, 360 (and see below).
 - 25 PRO., State Papers Domestic, Henry VIII, SP1/23/238; calendared in *Letters and papers*, III, 1923 (3).
 - 26 Somerset House, Bodfælde 21 (27 June 1524); L[ancashire] R[ecord] O[ffice], Knowsley Deeds, DDK 3/12, 13 (18th-century paper copies).
 - 27 This is a gross rental value. After various deductions, particularly the allowances made for the dower of Earl Edward's mother, the net revenues of the Stanley estates were much closer to £2000 See the Valor of the Stanley estates prepared in 1521 (PRO, Exchequer, Miscellaneous Books, E315/383), and the various receiver's accounts from the period while the estates were in royal custody (PRO, special collections, Ministers' and Receivers' Accounts, SC6/6,150, 6,152, 6,153, 6,154, 6,156, and 6,157).

- 28 See George Cavendish, 'The Life and Death of Cardinal Wolsey', in *Two Early Tudor Lives*, ed., Richard S. Sylvester and David P. Harding (new Haven, 1962), 21.
- 28a PRO., Wards 9/149/28.
- 29 *Statutes of the Realm*, *op. cit.*; *Letters and Papers*, V, 48 (7). This was the second sitting of Henry VIII's famous Reformation Parliament. It began on 16 January 1531 (*Ibid.*). On 31 March it was prorogued until 14 October (*Ibid.* V., 171, 84), but Parliament did not actually meet again until 15 January 1532 (*Ibid.* V, 720).
- 30 *Statutes of the Realm*, *op. cit.*
- 31 Derby was given licence to enter into his possessions 24 February 1531. PRO., C66/656 m. 24; calendared in *Letters and papers*, V, 119 (22).
- 32 The other trustees were: Henry earl of Surrey, the third duke of Norfolk's son and heir; Lord William and Lord Thomas Howard, sons of Agnes and the second duke of Norfolk (i.e. Dorothy's brother; Robert earl of Sussex, and his son and heir Lord Henry Fitzwater; George earl of Shrewsbury, and his son and heir Lord Frances Hastings; Thomas earl of Wiltshire, Anne Boleyn's father; Sir William Fitzwilliam, Treasurer of the King's Household; Sir Anthony Brown; and Sir Richard Sacheverell. *Statutes of the Realm*, *op. cit.*
- 33 *Ibid.*
- 34 J.P. Cooper, Patterns of inheritance and settlement from the fifteenth to the eighteenth centuries, Appendix I, in *Family and Inheritance: Rural Society in Western Europe 1200-1800*, ed., Jack Goody, Joan Thirsk and E.P. Thompson,, (Cambridge, 1976), 306-312. The average marriage portion in the same category (earls and above, 1525-49) was £1,450.
- 35 When Earl Edward's father, the second earl of Derby, married in 1505, his bride, Anne, daughter of Edward lord Hastings and Hungerford, also brought a marriage portion of 4,000 marks and received a jointure worth 1,000 marks a year (600 marks of the latter being provided by her own father). John Nicols, *History and Antiquities of Leicestershire* (London, 1804), III, p. 574; HMC, *Hastings MSS*, I, 306. According to Earl Thomas' will, only £600 of the marriage portion was actually paid. As a result, Thomas willed that his wife would have no jointure unless the rest of her portion was paid. The £2,066 13s 4d still owing was to go to Earl Thomas' only daughter Margaret, to serve as her marriage portion. If the sum was never paid, the earl's executors were to take the money out of the issues of his lands. LRO., DDK 3/13. According to Lawrence Stone's figures, these two 'very unusual portions', received and then given by the earl of Derby, raised the average size of portions offered by peers, 1475-1525, from L500 to L800. Stone, *Crisis of the Aristocracy* Appendix xxxi, 790.
- 36 When the third duke of Norfolk offered his daughter Katherine to the son and heir of Lord Berkeley, the marriage portion was £1,000, while her jointure was set at 500 marks. See above, note 11.
- 37 CSP., *Spanish*, IV Part I, 355.
- 38 Garrett Mattingly, *Catherine of Aragon*, (Boston, 1931) 459.
- 39 CSP - *Spanish*, IV, Part I, 195.
- 40 *ibid.*, 292.
- 41 *Ibid.*, 257, 416, 449.
- 42 *ibid.*, 360.
- 43 DNB., VII, 204.

- 44 '... cart le Roy veust qu'il [Richmond] aye lune de mes filles, et l'autre yl a pareillment marye au plus grand seigneur plus puyssant de peys et le gens qu'il y aye en tout le Royaume, et s'appelle le Sr. d'Alby.' PRO., Original transcripts from the Imperial Archives - Vienna, PRO 31/18/21, f.493.
- 45 The duke's pride in these accomplishments can be seen from a letter written by Chapuys in February 1530. In that month, Chapuys was summoned to a meeting of the Council at Norfolk's residence. After a brief interview, the ambassador prepared to take his leave at once so the Council could proceed to other work. 'The duke of Norfolk, however, in spite of the press of business, and the knowledge that nothing is done without him, insisted on keeping me company and took me with every mark of attention to see his wife and two married daughters.' *CSP - Spanish*, IV, part I, 460.
- 46 *ibid.*, 624.
- 47 *ibid.*, 477.
- 48 *ibid.* In the 16th century the word 'plague' was used rather loosely to cover a variety of epidemic diseases. Although quite prevalent at this time in England, true bubonic plague normally was active only during the summer months. March seems rather early for an outbreak of this disease, but the death of Derby's wife was not the only reported instance of plague in London this early in 1530. On 23 March the Venetian ambassador wrote that some of his servants had died of it, forcing the ambassador to live apart from Court for 40 days. *CSP - Venetian* IV, 569. Then, on 26 April, Parliament was prorogued 'on account of the pestilence in London and its suburbs.' J.F.D. Shrewsbury, *A History of Bubonic Plague in the British Isles* (Cambridge, 1970), 168.
- 49 Norfolk was certainly shaken by this close encounter with bubonic plague in his own family. In October 1530, Chapuys reported that the duke would not come to see him personally because one of the ambassador's household servants had died of it: 'since the death of his daughter he was terribly afraid of the plague.' *CSP - Spanish*, IV, Part I, 481.
- 50 *Ibid.*, 373.
- 51 *Ibid.*, 373.
- 52 *Ibid.* Margaret Stanley eventually married Robert Radcliffe, earl of Sussex, while the earl of Surrey married Frances Vere, daughter of the earl of Oxford.
- 53 *Ibid.*, 460.
- 54 *Ibid.*
- 55 *Ibid.*
- 56 BL., Additional MSS, 20 030 f.87 (printed in full in Sir Nicolas Harris' *Privy Purse Expenses of Henry VIII 1529-1532*); calendared in *Letters and Papers*, V, 756.
- 57 E.W. Ives, *Faction in Tudor England*, The Historical Association (London 1979); see also *id.*, *Faction at the Court of Henry VIII: the Fall of Anne Boleyn*, *History*, LVII, 1972.

