

ALLIES, ACCOMPLICES, AVENGERS:  
THE ALLIANCES OF NON-ELITE WOMEN IN SEVENTEENTH-CENTURY ENGLAND

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### **Abstract**

This dissertation examines the alliances of non-elite women in England in the decades between 1630 and 1700. It is the first scholarly work to focus on the positive interactions of plebeian women and the important role which female networks played in their lives, both as a part of ordinary sociability and in times of need. Using ecclesiastical and secular judicial records, it shows that non-elite women formed a wide variety of legal and illegal alliances as a means to mitigate their social, legal, physical, and economic vulnerabilities in this period. These alliances hinged on the sites and issues that early modern women were associated with in daily life, namely the female body and the expectations ascribed to it—motherhood, feminized labour within and outside the home, and beliefs, both negative and positive, about the ‘natural’ moral roles of women.

Although female alliances and sociability were viewed negatively in early modern popular culture, including scripture, law and medicine, this dissertation shows that women needed female allies and, in fact, were expected to have them. Seventeenth-century patterns of labour and sociability encouraged the formation of female alliances. The rituals of childbirth reveal networks of women, as do trials for slander, illicit pregnancy, divorce, and infanticide. Central to these alliances was the female body. Ordinary women wielded considerable authority, socially and legally, as the only true experts on their bodies. They provided important evidence for the prosecution and punishment of crimes ranging from defamation to murder. In some of these cases, female allies contributed towards life-or-death decisions. Furthermore, this dissertation shows that the body connected women’s legal and illegal alliances. The likelihood of experiencing poverty, unwanted pregnancies, damaged reputations, and violence encouraged the formation of emotional communities among some women. Sometimes this involved competing

alliances, or a collective against an individual, as in bastardy cases. In the end, few women were truly without allies in this period.

**\*Content warning—This dissertation contains discussions of violence and sexual assault, including children, especially in Chapters Three and Four.\***

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### **Introduction**

In 1697, Catherine Worth, 44, told the Chester Consistory Court that she “did prevail with several women her neighbours to come in and banter or talk merrily with Mr. Dennis about women.” Worth, a widow who sold ale from her house, confessed that she, “being poor,” did this to secure the custom of William Dennis, a rector, and that the other women, “being themselves honest women,” had gone along with her scheme solely for her “advantage.”<sup>1</sup> In the same suit, Anna Barlow deposed that she had called for her maidservant when the rector became threatening; and Anne Lacke testified that she had crept from her house to escape Dennis, going to her female neighbours and informing them of his behaviour towards her.<sup>2</sup>

Worth, Barlow, and Lacke were but a few of the countless non-elite women who described turning to their female allies for economic, legal, physical, and social aid in seventeenth-century England. Their stories illustrate patterns of gendered sociability and crime, as well as how women referenced their alliances as part of litigation. Women, like Worth, Barlow, and Lacke, knew that they were vulnerable as individuals, on several fronts. As such, they deliberately called upon female peers. Worth used her female neighbours for economic gain; Barlow used her maidservant for physical protection; and all three women cultivated oral networks in order to defend their reputations, if need be. Unfortunately for the Cheshire women, but fortunately for historians, these snapshots of same-sex alliances were preserved because they ended up being recorded by the courts. The three Cheshire women, and several of their peers, had to defend themselves as well as their allies from potentially serious penalties for sexual misconduct, ranging from loss of credit, resources, and licenses, to fines, marital discord, and

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<sup>1</sup> EDC 5 1697 No 14, deposition of Catherine Worth.

<sup>2</sup> EDC 5 1697 No 14, depositions of Anna Barlow and Anne Lacke.

shameful penances. By testifying that other women were present and aware of the rector's improper conduct, the deponents bolstered their own version of events and their sexual honesty.

This dissertation uses judicial records to examine the homosocial alliances which non-elite women formed in England, predominantly from the 1630s to 1700, with an emphasis on poorer working women and those who experienced temporary or long-term physical or economic vulnerability. I will show that non-elite women formed a variety of both legal and illegal alliances that were vital to their social, cultural, and economic well-being. These alliances hinged on the sites and issues that early modern women were associated with in daily life, namely the female body and the expectations ascribed to it—motherhood, feminized labour within and outside the home, and beliefs, both negative and positive, about the ‘natural’ moral roles of women. By studying plebeian women's homosocial alliances, I emphasize how shared gender and status experiences brought women together in ways that helped mitigate their physical, social, and legal vulnerabilities, and which oftentimes allowed women to claim spaces and agency, even in the male-dominated spaces of the courts.

Legal records have long been used to analyze elite women's networks and antagonisms between women.<sup>3</sup> But when read against the grain and between the lines, judicial records can also allow us to reconstruct non-elite women's interactions and positive relationships. In their testimonies we can catch glimpses of ordinary people speaking for themselves and describing their experiences. The records do not only highlight alliances in times of crisis, they often

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<sup>3</sup> Examples of works on elite women and the law include Amanda L. Capern, “Maternity and Justice in the Early Modern English Court of Chancery,” *Journal of British Studies*, 58, No. 4 (2019): 701-716; Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (New York: Oxford University Press, 2005); Lawrence Stone, *Broken Lives: Separation and Divorce in England, 1660-1857* (Oxford: Oxford University Press, 1993); Tim Stretton, *Marital Litigation in the Court of Requests, 1542-1642* (Cambridge: Cambridge University Press, 2008); Deborah Youngs, “‘A Besy Woman ... and Full of Law’: Female Litigants in Early Tudor Star Chamber,” *Journal of British Studies*, 58, No. 4 (2019): 735-750.

include descriptions of ordinary female sociability. This sociability reinforced bonds, signalled belonging, and meant that women tended to be present for conflicts between their same-sex peers, as in slander suits. Moreover, in their statements we can better access how the women themselves perceived their roles in their communities and homosocial networks, rather than just viewing them through the prism of prescriptive literature and the words of elites. Despite negative cultural views of female friendships in pamphlets, art, literature, and humour, they were recognized as an important and necessary aspect of women's lives. Early modern women were expected to cultivate and belong to same-sex networks.

When women entered the courts, they were well aware that they were considered less reliable and less capable than their male counterparts, and they frequently played upon these stereotypes and used strength in numbers to contend with systems that privileged male knowledge, experience, and words. Worth, as seen above, referenced her poverty. Barlow and Lacke deliberately sought out other women. And despite the limitations put on women in the courts, the law was highly dependent on women as regulators of their communities. Female witnesses were central to the prosecution of crimes, particularly when it came to the activities of other women. Their statements were taken seriously by their communities and court officials. Pre-trial records like depositions and examinations, as well as trial records, reveal many details about plebeian women's interactions.

This dissertation will demonstrate that the functioning of non-elite female alliances was an essential feature of early modern culture and society. It seeks to unite women's and gender history with the history of friendships, networks, family, crime, violence, emotions, labour, and society. By engaging with multiple fields and focusing explicitly on the alliances of non-elite

women, this work aims to contribute to a fuller understanding of female experiences in seventeenth-century England.

The following Introduction begins with a discussion of key terminology and concepts. It then establishes the relevant historiography and situates this dissertation within. This is followed by an overview of the historical context which shaped the lives of non-elite women in seventeenth-century England. It then turns to the source material and methodological approaches and concludes with chapter outlines.

### **Categories of Social Description**

#### 1. Terms for Women's Relationships

My research uses a number of terms to acknowledge the nuances that differentiated the types of relationships non-elite women formed in seventeenth-century England. The ties which linked women were complex and included kinship, community, criminal accomplices, and neighbours; the emotional, financial, social, structural, and institutional; they could be cyclical, intermittent, temporary, long, and short-term, shallow or deep.

I favour the term 'alliance' for its ability to signal a range of relationships. Like Susan Frye and Karen Robertson, I see alliance as inclusive of kinship, defensive/offensive unions, intellectual, educational, and religious ties, friendship, and homosexuality. However, I veer away from Frye and Robertson's emphasis on politics and "formally recognized relationships," which privileges middling and elite women.<sup>4</sup> The alliances of non-elite women could have political

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<sup>4</sup> Susan Frye and Karen Robertson, eds., *Maids and Mistresses, Cousins and Queens: Women's Alliances in Early Modern England* (New York: Oxford University Press, 1999). Christina Luckyj and Niamh J. O'Leary have also opted to view female alliances as "politics." See "Editors' Introduction" in Christina Luckyj and Niamh J. O'Leary, eds., *The Politics of Female Alliance in Early Modern England* (Nebraska: University of Nebraska Press, 2017).

dimensions—as in naming fathers of bastards, testifying in the courts, etc.—but they could be social or emotional, as well. Rather than ‘formal,’ I conceive of women’s alliances as being the result of *conscious* choices. I avoid the term ‘friends’ because rarely does the evidence concretely demonstrate that women considered themselves friends rather than neighbours, community members, or kin.<sup>5</sup> Early modern Europeans saw friendship as having definite functional and reciprocal, rather than purely emotional or altruistic, applications.<sup>6</sup> I also avoid using the term ‘gossip’ because of its weighted and negative connotations, in the seventeenth century up until today. Bernard Capp utilizes the term in his study of female activities, but his work exemplifies the messiness of the term. He acknowledges that the meaning of “a gossip” changed over time. Originally used to denote a “godparent of either sex” the term “gradually lost its value-free character and took on predominantly negative and female connotations.” Yet he does not square this with his later assertion that the term came to “denote any close female friend. Women themselves sometimes used it to address or describe their friends.”<sup>7</sup> In the thousands of legal records perused for this study, none used the term ‘gossip.’ Moreover, popular literature, satire, and conduct books—written from a male and/or elite perspective—used the term ‘gossip’ as a negative stereotype for idle women.<sup>8</sup>

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<sup>5</sup> The term ‘friendship’ was well established by 1550, and I am certain plebeian women considered themselves more than capable of friendship despite what male elites stated. Amanda Herbert agrees, finding that middling and elite women readily used such terms as “friendship, alliance, felicity, affection” in their writings. Amanda Herbert, *Female Alliances: Gender, Identity, and Friendship in Early Modern Britain* (New Haven: Yale University Press, 2014), 15. However, non-elite women did not use these terms in the records I came across. They usually referred to their relationships in utilitarian terms, such as sister, mother, near neighbour, servant, etc.

<sup>6</sup> Luckyj and O’Leary, “Editors’ Introduction,” in *The Politics of Female Alliance*, 3.

<sup>7</sup> Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (New York: Oxford University Press, 2003), 7.

<sup>8</sup> For example, see: Samuel Roylands, *Well met gossip: or, ‘Tis merry when gossips meet*. London: Printed for Tho. Vere and to be sold at the Sign of the Angel without Newgate, 1675.

Another term utilized throughout this dissertation is ‘networks.’ The concept of networks has been largely used by intellectual and cultural historians, as well as for mapping projects, and networks analysis. However, I agree with Kate Davison that the term can be usefully applied to the study of early modern social networks, including non-elites, for capturing “how people connect to one another, to what end and with what results.”<sup>9</sup> Judicial records contain extensive evidence of female social and legal networks—including women visiting each other, socializing in public spaces, and exchanging news. Female social networks were important in the establishment of a common fame for men and women, which could determine access to legal and economic resources like spousal support. Mapping networks is especially important in Chapter Two on slander. Though ties between witnesses and litigant parties were often obscured, close readings of the documents can often reveal connections. As several examples show, such as the case of *Eyre v Olton*, information could pass through oral networks and solidify community opinion about a person’s reputation—even among individuals who had never met them.

Both alliances and networks are useful concepts for, like communities, they allow for the existence of multiple and varied connections. Like Davison, I emphasize that personal communities were formed through a combination of social structures and individual agency. Women, I argue, were inclined to ally with other women because of the cultural structures which caused them to have shared rituals, like lying-in, for instance. Emotions of sympathy, solidarity, and empathy were a central feature of these relationships. But a woman’s view of a ritual, and her emotional responses to a situation, could depend on her relationship to it. Women could

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<sup>9</sup> Kate Davison, “Early Modern Social Networks: Antecedents, Opportunities, and Challenges,” *The American Historical Review*, Vol. 124, Issue 2 (April 2019), 460.

move between different social roles and networks in response to changing life circumstances and relationships.<sup>10</sup> They had to choose which network, or alliance, to prioritize, at a given time.

I also use the term ‘collaboration’ to refer to two or more women working together to achieve the same goal, though I prefer to use this concept for short-term relationships. These various relationships were expressed by women testifying to each other’s behaviour in the courts, by women physically or verbally defending other women, where women acted together as criminal accomplices to commit both violent and non-violent crimes or to conceal a crime (such as infanticide), in cases where women lived together, thus pooling their resources, or in bequests to female associates. Some of these alliances took place between a more secure woman or women and one or more who were struggling.

## 2. Early Modern Communities

For non-elite peoples, especially those who were illiterate and poor, community was generally locally defined and depended upon personal interactions. A central feature of these networks was oral communication—unlike the middling and elite sorts, they could not form a written network which linked communities across space. Elizabeth Foyster defines communities as “collections of people who shared similar ideas and values. They thus had a moral identity, as well as any social function.” This meant that individuals could belong to several overlapping, and sometimes competing, communities. She stresses the importance of proximity and the close links between community and neighbourhood. Foyster also argues that ideas of community varied according to social status.<sup>11</sup> I agree, and would also add, by gender, bodies, and personal

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<sup>10</sup> Davison, “Early Modern Social Networks,” 471.

<sup>11</sup> Elizabeth Foyster, *Marital Violence: An English Family History, 1660-1857* (Cambridge: Cambridge University Press, 2005), 203-204.

experiences, as well as the emotions these evoked. Alliances work within a matrix of communities. Non-elite women could have shared values which were at odds, or at least not perfectly in-sync, with the values espoused by men and the male-dominated authoritative institutions.<sup>12</sup> I argue that these female communities were rooted in empathy and sympathy. Trauma, such as sexual assault, could also create a community, where stories were exchanged and validated.

Scholars have debated the role and existence of communities in rural versus urban settings. Traditional narratives argued that migration to urban centres and urban anonymity meant that community ties were weaker, or non-existent, in cities. Away from kin and birth ties, women, especially, were isolated and vulnerable. This narrative has been used to explain the high levels of litigation involving women in cities like London.<sup>13</sup> Certainly, the relative independence of urban women meant that they were more likely, and had more need, to defend themselves verbally and physically. As such, they turned more often to the legal system as plaintiffs, and found themselves defendants, than their rural counterparts.

However, historians have increasingly challenged the notion that urbanites, including non-elite women, lacked community ties. Various studies have shown that urban anonymity was limited due to close living, economic necessity, social norms, and the existence of live-in servants. This dissertation shows that non-elite women developed networks as a common part of their lived experiences and strategies, whether they lived in the Cheshire villages or the cities of

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<sup>12</sup> For example, though the rhetoric of sexual morality was central to constructions of female honour in literature and legal discourse, women also valued good neighbourliness, good home management, and sociability, among their peers.

<sup>13</sup> Ex. Jennine Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720*. Columbus: Ohio State University Press, 2005), 7.



London or Chester. For example, Chapter Three expands on Foyster's discussions of the existence and importance of female allies to suffering wives. Foyster's work on marital violence shows that urban wives were frequently reliant on the intervention and awareness of their neighbours and servants. Rural and country living could, in fact, increase a woman's vulnerabilities by cutting her off from potential sources of support. Some contemporaries explicitly recognized this, viewing isolation as an anti-social and cruel practice.<sup>14</sup> Belonging to, and being known among, a community had real tangible benefits for those who conformed to behavioural norms. The known poor, for instance, were far more likely to receive aid.<sup>15</sup>

David Griffiths has also argued that, in the London context, "so many migrants made the city somewhat faceless [...] population surges could certainly increase anonymity and alienation, turning London into a city of passing strangers, short-lived relationships, and loneliness."<sup>16</sup> Despite this, however, "neighbourliness was a social force that could pull people together" and not all individuals or families were unknown or constantly on the move. Griffiths found that over four-tenths of witnesses at the city church courts between 1600 and 1640 had lived in the same house for a decade or more. Crowded urban conditions made isolation and privacy difficult. However, though Griffiths argues that "neighbourliness will not matter much for people who had not long arrived in London and had no history in any one of the city's communities or neighbourhoods,"<sup>17</sup> contemporaries knew the importance of developing these neighbourly networks. Working women would have sought to quickly ingratiate themselves among peers.

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<sup>14</sup> Foyster, "Introduction," in *Marital Violence*.

<sup>15</sup> Katherine A. Lynch, *Individuals, Families, and Communities in Europe, 1200-1800: The Urban Foundations of Western Society* (Cambridge: Cambridge University Press, 2003), 104-105.

<sup>16</sup> Paul Griffiths, *Lost Londons: Change, Crime, and Control in the Capital City, 1550-1660* (Cambridge: Cambridge University Press, 2008), 69.

<sup>17</sup> Griffiths, *Lost Londons*, 70-71.

This was facilitated by the practices of working and socializing in public and semi-public places like doorways and marketplaces. These could be sites for conflict, especially towards suspect newcomers, but they were also the sites where women organically met their peers and slowly established themselves. Proximity, exposure, and common experiences created the conditions for developing friendships and alliances of varying depths. Migrant communities often developed, with shared cultural backgrounds that could further facilitate alliances with neighbours.<sup>18</sup>

Katherine Lynch argues that communities are the result of urban demographics. Distance from, or lack of, immediate kin has fueled the need for “invented kinship.” Lynch reverses the idea that communities were brought from rural to urban areas. She argues “that extra familial forms of solidarity were more often nurtured in the city and then exported to the surrounding countryside, brought there by return migrants or in the case of some Christian organizations by clergy.” In her view, communities, broadly defined, “complement or even fulfill some of the fundamental missions that families have historically provided, such as a place to live, assistance in times of need, and a sense of identity.”<sup>19</sup> Lynch categorizes these associations as “civil society,” a realm outside of the family as well as politics. This emphasis on community relationships intersected with women’s domestic responsibilities, giving them key roles outside the household.<sup>20</sup> Though Lynch is not focused on same-sex networks, her foregrounding of women’s experiences and the importance of social ties is in keeping with the evidence I have found. Not only did community ties grant women influence outside of the domestic unit; their ties with other women of similar, and sometimes inferior, rank, gave them important sources of

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<sup>18</sup> Griffiths, *Lost Londons*, 72.

<sup>19</sup> Lynch, *Individuals, Families, and Communities*, 1-2.

<sup>20</sup> Hilary J. Bernstein, review of *Individuals, Families, and Communities in Europe, 1200–1800: The Urban Foundations of Western Society*, by Katherine Lynch, *The Journal of Modern History*, Vol. 78, No. 1 (March, 2006). 174-176, <https://doi.org/10.1086/502720>.

*protection* and authority. Where Lynch is focused on the roles of institutions, my research shows that fictive-kinship among women also operated at a personal, informal, level, though it could also serve to enforce or subvert institutional authority, including the law. Though women retained kin networks throughout their lives, distance and mortality rates meant that many needed to look elsewhere to find practical assistance.<sup>21</sup>

Trust was another key aspect of communities and relationships. As Geoffrey Hosking has recently argued in his call to historians, trust is “simply essential to any kind of social life” and social structure. It is part of how we learn and contextualize our world.<sup>22</sup> Individual women had to trust that their stories would be heard, respected, and believed. Sometimes trust was collective, sometimes it was the result of a long reputation for being trustworthy. Women had to trust their midwives, and courts had to trust the evidence given by women as to rape, infanticide, and pregnancy. Juries had to trust the verdicts of matrons who determined whether a convicted woman was pregnant. Trust was also important for criminal accomplices. You have to trust that your partner is competent, discreet, and will not cheat you, or otherwise do anything that may result in discovery and prosecution. This is true even of convenient and temporary accomplices. Trust between accomplices was especially important in cases of felonies, where being outed could mean death.<sup>23</sup>

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<sup>21</sup> Lynch, *Individuals, Families, and Communities*, 12.

<sup>22</sup> Geoffrey Hosking, “Trust and Distrust: A Suitable Theme for Historians?,” *Transactions of the Royal Historical Society*, Sixth Series, Vol. 16 (2006): 95-115.

<sup>23</sup> I am indebted to the RSA 2021 panels on “Histories of Trust” for helping me work through these concepts. Most of the work done on ‘trust’ in early modern societies has focused on business and government. The same ideas can be fruitfully applied to everyday experiences and relationships. People take advice from, cooperate with, and turn to, those they trust, and they trust different people for different things. A pregnant wife, for example, will likely trust her midwife, but a pregnant single woman may be better served by putting her trust in a close ally who will have empathy and can help her hide her condition, mitigate its repercussions, pressure the father into providing support, or speak to her good name in petitions for parish support.

This dissertation shows the different types of communities which non-elite women formed and examines their foundations, values, and benefits of membership. It does not suggest the existence of one, monolithic, community of non-elite women. Rather, it examines the many networks which women could be involved in and why they activated particular ones at certain times in their lives. These communities were not sharply bounded nor fixed in membership, but they were coherent enough to exercise discipline or provide support. Communities of women sometimes included those of varying ranks, who had some regular contact including through shared neighbourhood or employment. Repeated interactions fostered the development of alliances, which was, for women, aided by the shared spaces and rituals of labour, both economic and bodily.

Though I focus on *positive* interactions between women, what was positive for one network was not necessarily positive for another, or for an individual woman. Often, communities operated at the expense of individuals. Non-elite women often worked together to support institutional structures and values. They usually targeted, and were most successful, in censuring other women. This was most clear in matters of sex, pregnancy, and births. In each chapter, I try to tease out the various communities which were operating, including the collective and smaller, personal, alliances. Some of these alliances had considerable subversive potential. Even women who blatantly violated social norms could usually find some allies, so long as they had fostered connections and had a history of good conduct. Many alliances would have come with expectations of reciprocity. Women knew which allies were most likely to offer aid and sympathy, just as they knew which words to tell the courts to present their cases to best advantage.

### 3. Non-Elite Women and Social Layering

Determining the status of women in early modern England and identifying those who were ‘non-elite’ is no simple matter, for reasons discussed below. As a result, deciding who counted as non-elite has, by necessity, largely been a matter of judgement rather than following a set formula. Broadly, ‘non-elite’ encompasses all women who, at least sometimes, experienced times of financial difficulty and lacked formal titles that might associate them with the upper echelons of society (ladies, gentlewomen, duchesses, etc.). This study is primarily concerned with the alliances of women who were well below the level of the gentry<sup>24</sup>, who were required to work for a living, and especially those who would have experienced poverty and repeated financial precarity in their lives. This sometimes included individual women who *should* have been financially secure but who, according to their statements and those of their supporters, had fallen on hard times, often as a result of spousal negligence.

Many legal participants, and witnesses especially, were required to disclose their ‘worth’ as part of their statements.<sup>25</sup> The sum of goods mentioned can be helpful for determining individual status. This study follows the seventeenth-century legal convention of classifying litigants as *in forma pauperis*, too poor to pay legal costs, if they earned less than 40 shillings a year or owned less than £5 worth of land.<sup>26</sup> I also followed the common practice of examining

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<sup>24</sup> The gentry were those below the rank of noble but who could live entirely off rental incomes from their country estates.

<sup>25</sup> Alexandra Shepard’s work on female witnesses and the language of social description were very helpful in developing a framework for classifying women as non-elite. Shepard, “Worthless Witnesses? Marginal Voices and Women’s Legal Agency in Early Modern England,” *Journal of British Studies*, 58 (October 2019): 717-734, and “Poverty, Labour and the Language of Social Description in Early Modern England,” *Past & Present*, No. 201 (Nov., 2008): 51-95.

<sup>26</sup> Tim Stretton, *Marital Litigation in the Court of Requests, 1542-1642*, (Cambridge: Cambridge University Press, 2008), 13. This designation meant that litigants did not have to pay court costs and were provided with a free legal counselor. Shepard has also identified 40s as a symbolic marker used in judicial statements to distinguish between the poor and very poor. Shepard, “Language of Social Description,” 68.

signatures. An ability to sign one's name has long been taken as a sign of literacy, and so a certain social level. A woman signing her statement merely with 'her mark' has thus served as a sign of humble circumstances and limited education. However, many people learn to sign their names through repetition, without achieving basic literacy, so I also considered penmanship and the quality of signatures. A well-formed, easily legible signature is stronger evidence of education, practice, and cultural background than a poor signature is of general literacy.

It is difficult to place early modern women even within the loose boundaries listed above, as social and legal conventions served to erase the circumstances of individual women, looping them in with fathers, husbands, and masters rather than classifying them, and their goods, as individuals. Court records rarely identify the occupations of women, instead associating them with marital states like spinster, wife, or widow. Still, knowing the occupation of a husband or father can help us determine the annual income of a woman. And the women themselves, especially servants, often gave indications of their occupations as part of depositions, reflecting a personal sense of labour identity and worth that the courts ignored.<sup>27</sup>

The vast majority of early modern women were required to perform some form of labour to support familial and individual survival. This dissertation focuses on those who experienced precarity at some point in their lives, which made their female alliances all the more vital, and which caused them to turn up in legal records. Precarity, just like stability, was not necessarily a life-long condition. Individuals moved in and out of social and economic security based on personal as well as structural circumstances. Various events could serve to make a woman's

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<sup>27</sup> For example, in her dataset, Shepard calculated that 70% of single women, and 12% of all female witnesses, identified as servants. Shepard, "Worthless Witnesses?," 724.

situation precarious, such as her age, marital status, pregnancy, loss of male breadwinner, or lack of kin.

The ambiguity and flux which characterized seventeenth-century attitudes towards ‘the poor’ and charitable aid can be seen in law as well as practice. In his study of poor relief in early modern England, Steve Hindle argues that the poor were “those likely to become chargeable” to the community.<sup>28</sup> Throughout this dissertation we see that the contemporary concern with preventing burdens on parish relief gave women considerable stakes and authority in certain areas of the law and community policing. We see women working together to secure formal poor relief, to prevent extramarital sex and illegitimate children, to have fathers of bastards named, to force husbands to maintain their wives or to secure alimony for neglected wives, and otherwise to ensure that women and children would not become the responsibility of the parish and poor rates. In turn, the dangers of poverty encouraged some non-elite women to rob, murder, and engage in sex work as temporary or long-term economic stopgaps.

#### 4. Marital Status

Marital status was a key category of difference and identification for early modern women. A woman’s marital status determined her legal agency, household position (authority over domestic matters, including servants), and is often indicative of the economic and labour opportunities open to her. While women were expected to be under male control, either as daughters or wives, this was undermined by demographic realities. There existed a large proportion of single women in seventeenth-century England, including those who had not yet married, would never marry, or were widowed. The average age of marriage for Englishwomen

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<sup>28</sup> Steve Hindle, *On the Parish?: The Micro-Politics of Poor Relief in Rural England c. 1550-1750* (Oxford: Oxford University Press, 2004), 13-14.

in the seventeenth century was 26, and wives tended to outlive husbands, meaning that Englishwomen regularly spent a significant proportion of their lives as single. Scholars have estimated that an average of 30% of adult women in England were single at any given time, and this was significantly higher in urban areas like London, where 54.5% of women were single in the late seventeenth century. About 20% of adults would never marry. These single and never married women were generally viewed negatively by contemporaries and associated with sexual immorality and general disorder and faced legal and economic restrictions,<sup>29</sup> including laws preventing them from living on their own or practicing certain trades.

Although all single adult women were *feme soles*, i.e. were legally independent, restrictions were most intense for single women (pre-marriage and those who never married) who, Amy M. Froide cautions us, should not be lumped in with widows, who “enjoyed more employment and welfare options due to their accepted roles as householders and deputy husbands, while singlewomen did not earn such privileges.”<sup>30</sup> Widows had accrued the ties and status from being married, knowledge of bodies that came from being sexually active, and the alliances which build up over time. Still, widowed and single women, both lacking male breadwinners, often found themselves in precarious circumstances, especially if they became pregnant or could not work. Widows, however, were usually seen as the deserving poor and most likely to receive formal aid.

Those women who did marry could exercise considerable authority over children, servants, domestic matters, and other women. They were integral to enforcing behavioural norms

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<sup>29</sup> Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (New York: Oxford University Press, 2005), 1-6.

<sup>30</sup> Froide, *Never Married*, 12 and “Women of Independent Means: The Civil Significance of Never-Married Women” in *Never Married*, 118-153.



and community interests. They served as moral police who kept an eye out for wrongdoing, especially sexual immorality and its imprints on the female body. However, upon marriage, women were subject to legal restrictions under the doctrine of coverture. When a woman married, she was subsumed under the identity of her husband. She was, in essence, ‘covered’ by his identity. In turn, a husband had the common law duty to provide for his wife, including food, clothing, shelter, and necessary medical care. As we will see, this emphasis on mutual obligations was important to separation proceedings. Material neglect was considered a form of spousal cruelty, and female allies frequently stepped in to provide necessities when a husband failed to. Marriage was not a guarantee of economic stability, and abused, abandoned, and neglected wives could find themselves struggling, especially if they were new to a community and did not have pre-existing female networks to help them through difficult times.

Scholars have recently begun to complicate the idea of coverture, however, showing that it was not as strict in practice as it seemed in law.<sup>31</sup> Many wives, as well as their spouses, continued to see certain items as *theirs* and not their husbands. William Gouge, for instance, once complained that he had faced considerable dissent among his congregation when he preached the doctrine of coverture, specifically that a wife needed her husband’s consent to dispose of familial goods.<sup>32</sup> Wives showed a detailed knowledge of the items which they wore and used, as shown in inventories, cases of theft, and marital separation suits. Some of the claims which wives made to possessions were rooted in emotional ties. Joanne Bailey has pointed out that it was very unlikely that emotional connections to possessions immediately dissolved upon

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<sup>31</sup> Alexandra Shepard, for one, states that “notwithstanding the restrictions of marital property law, wives in many ways exerted more authority and agency than singlewomen or the majority of widows.” Shepard, “Worthless Witnesses?,” 733.

<sup>32</sup> Amy Louise Erickson, *Women and Property in Early Modern England* (New York: Routledge, 1993), 9.

marriage. Moreover, while wives fleeing their husbands took practical items which they could use or easily pawn, they also took items with less clear economic value. Wives often took items associated with their children, such as childbed linen, suggesting, as Foyster argues, “that goods could simultaneously hold economic and emotional value.”<sup>33</sup> This underscores the agency and independence which married women had that did not necessarily coincide with the law. The law, furthermore, could be flexible. Some married women were allowed to operate as *femes soles* and to trade, and some were also treated as such when being held liable for criminal acts.<sup>34</sup>

### **Historiographies**

The functioning of non-elite female alliances is an essential yet largely unexplored aspect of early modern culture. Most scholarship has focused on men, elite women, and negative interactions between women.<sup>35</sup> There is far less on the alliances, networks, and collaborations of non-elite women who moved in and out of stability. This is partly the result of available sources. Non-elite women were usually illiterate and did not write diaries, letters, prescriptive literature, or laws. The sources they do turn up in regularly, namely judicial records, by their nature preserve the negative. Moreover, as I argue throughout this dissertation, entirely successful female alliances meant avoiding the courts, and thus leaving no notarial footprint. Regardless, the focus on heterosexual relationships, women’s familial roles, and crime, has obscured a very important aspect of early modern culture and the history of women. My goal is to use judicial records to weave together these various themes into a broader understanding of the roles which female allies had in this period and to look at female alliances as a topic unto itself.

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<sup>33</sup> Foyster, *Marital Violence*, 51.

<sup>34</sup> Erickson, *Women and Property in Early Modern England*, 24, 30, 100, 146.

<sup>35</sup> See, e.g., Capp, *When Gossips Meet*; Frances E. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca: Cornell University Press, 1994); Phil Withington, “Company and Sociability in Early Modern England,” *Social History*, Vol. 23, No. 3 (Aug., 2007): 291-307.

## 1. Friendships and Alliances

The history of friendships has tended to focus on men.<sup>36</sup> This perhaps reflects pre-modern intellectual and philosophical discourses which saw true friendship as belonging to men.<sup>37</sup> Over the past thirty, and especially the last ten, years, as a result of feminist and social methodologies, increased attention has come to be paid to networks between women. Works on female letters and authorship have been especially robust, and literary scholars have done much to tease out the meanings of fictional relationships between women. Literary and queer studies have frequently come together to try and access a non-heteronormative past.<sup>38</sup> Combining several of these patterns, essays in *The Politics of Female Alliance in Early Modern England* deal overwhelmingly with middling to elite women and literature.<sup>39</sup> One departure is “Distaff Power: Plebeian Female Alliances in Early Modern England,” by Bernard Capp. In “Distaff Power,” Capp focuses on the power of informal female alliances. I agree with Capp’s conclusion that “female friends played a crucial role in the lives of most women” and that the networks they developed could give women influence and even control over people.<sup>40</sup> However, I think it is important to expand on the foundations of these alliances, which were not always “informal,” and to include more of their positive elements. Capp describes but does little deep analysis of the

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<sup>36</sup> Penelope Anderson, “The Absent Female Friend: Recent Studies in Early Modern Women’s Friendship” *Literature Compass*, 7, No. 4 (2010): 243.

<sup>37</sup> For example, see Ulinka Rublack and Pamela Selwyn, “Fluxes: The Early Modern Body and Emotions,” *History Workshop Journal* No. 53 (Spring, 2002), 3. This did not mean that women thought themselves incapable of friendship, or that elite women did not also engage in the classical discourse surrounding friendship. See Herbert, *Female Alliances* and Anderson, “The Absent Female Friend.”

<sup>38</sup> See, e.g., Harriette Andreadis, “Re-Configuring Early Modern Friendship: Katherine Philips and Homoerotic Desire,” *Studies in English Literature, 1500-1900*, Vol. 46, No. 3 (Summer 2006): 523-542; John S. Garrison, *Friendship and Queer Theory in the Renaissance: Gender and Sexuality in Early Modern England* (New York: Routledge, 2014); Janice Raymond, “Female Friendship: Contra Chodorow and Dinnerstein,” *Hypatia*, Vol. 1, No. 2 (Autumn, 1986): 37-48; Valerie Traub, *The Renaissance of Lesbianism in Early Modern England* (Cambridge: Cambridge University Press, 2002).

<sup>39</sup> Luckyj and O’Leary, eds., *The Politics of Female Alliance*.

<sup>40</sup> Bernard Capp, “Distaff Power: Plebeian Female Alliances in Early Modern England,” in *The Politics of Female Alliance*, 15-31.

structures which created alliances between ordinary women. Nor does he consider women's own views of their alliances, or how the female body bound women together emotionally, socially, and ritually.

Often, references to alliances among lower status women are integrated within other arguments rather than being a focus onto themselves. In *Marital Violence*, for instance, Elizabeth Foyster discusses the importance of female networks to abused wives. Capp also frequently acknowledges the importance of female relationships in his *When Gossips Meet*, though his focus is not on positive relationships, and he utilizes many sources authored by men.<sup>41</sup> Historians of law and crime have also touched upon the roles of women. Laura Gowing acknowledges the importance of female witnesses in slander disputes, but her work focuses on the *meanings* of sexual insult rather than strategies by which women *defended* each other from defamation.<sup>42</sup> Garthine Walker has established the preference women showed for same-sex accomplices and linked this to their gendered experiences and values.<sup>43</sup> And in his work on English servants, Tim Meldrum has acknowledged the bonds which could develop between female servants and their mistresses. He, too, roots this in gendered experiences and spaces.<sup>44</sup> These are but a few examples of the excellent works which exist on seventeenth-century women, crime, and the courts, who have touched on ideas and topics which this dissertation focuses on explicitly, namely the various *positive* relationships which women developed across these different contexts.

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<sup>41</sup> Capp, *When Gossips Meet*.

<sup>42</sup> Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven: Yale University Press, 2003).

<sup>43</sup> Garthine Walker, *Crime, Gender, and Social Order in Early Modern England* (New York: Cambridge, 2003).

<sup>44</sup> Tim Meldrum, *Domestic Service and Gender, 1660-1750: Life and Work in the London Household* (New York: Pearson Education, 2000).

Those works which do primarily focus on female relationships have tended to focus on elite women and/or the arts. Emotions studies among historians have relied heavily on personal accounts, such as diaries, which has necessarily limited them to literate, middling and elite women. Studies of art—including plays, novels, and images—where emotions are often explicitly stated and which were intended to elicit particular emotions, have also proliferated. For example, in *Female Alliances*, Amanda Herbert argues that the maintenance of same-sex networks was a priority for elite women in early modern Britain. These networks were maintained by the performance of tasks that were associated both with their gender and their class – the making and giving of candied fruits, embroidery, and portraits; the sharing of cookbooks, advice, and medicines. These activities and material objects “referenced feminine skills and methods of personal cultivation while simultaneously conveying emotion and building feelings of friendship.”<sup>45</sup> They also took place in spaces that were claimed by or regulated to women, such as the kitchen and dairies of private homes as well as hot spring spas, female boarding units, and religious meetings.<sup>46</sup>

Building on Herbert’s work, my dissertation argues that non-elite women’s networks were also based on gendered spaces and roles. The expression of these networks took different forms, reflecting the poorer circumstances of these women, who could not afford copious amounts of sugar or silk thread, and who could not write letters or advice books. Rather, poorer women’s alliances were expressed in their defense of each other in the streets and courts, and the exchange of small sums of money and domestic items. Nonetheless, their alliances were just as

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<sup>45</sup> Herbert, *Female Alliances*, 1-2.

<sup>46</sup> Herbert, *Female Alliances*. See also Herbert, “Gender and the Spa: Space, Sociability and Self at British Health Spas, 1640-1714,” *Journal of Social History*, Vol. 43, No. 2 (Winter, 2009): 361-383.

central to their existence as their elite counterparts, perhaps even more so, as having strong alliances could mean the difference between destitution and survival, punishment or freedom, for poor women.

Linda Pollock has criticized such positive views of female alliances, what she calls “sistering.” Pollock argues that research on female culture has been “shackled” by its focus on female solidarities and benevolence. I agree with Pollock’s assertions that “alliances were highly context dependent” and that “female gatherings in and of themselves did not necessarily constitute a challenge to male patriarchy, or an exhibition of female solidarity.” Moreover, alliances are based on exclusion as well as inclusion.<sup>47</sup> Empathy did not preclude women from prioritizing the needs of the parish or community moral values, and there was no single female collective that represented all women at all times. Non-elite women could belong to numerous alliances which had different purposes and greater or lesser power at different times.

However, this dissertation challenges Pollock’s claim that female alliances “were more narrow, more transient, more subservient to other bonds, more confrontational than we have envisioned, and never unconditionally supportive.”<sup>48</sup> Assumedly, the “other bonds” refer to kin ties, and particularly the heterosexual, domestic, household. But these ties, too, contained confrontations and were never unconditionally supportive. Wives, children, husbands, were all expected to behave in particular ways and could be heavily criticized, even ostracized, for their failures (as demonstrated in Chapter Three). Kin ties, moreover, include kinswomen, who were often present at familial births and offered material as well as emotional support and advice.

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<sup>47</sup> Linda A. Pollock, “Childbearing and Female Bonding in Early Modern England,” *Social History*, Vol. 22, No. 3 (Oct., 1997), 287.

<sup>48</sup> Pollock, “Childbearing and Female Bonding,” 289.

Pollock's focus, furthermore, is on quite elite women.<sup>49</sup> Pollock's interpretation of "support" and "alliance" seems to be very narrow, indeed; a result, perhaps, of her narrow scope.

I also challenge Pollock's claim that "the bonds extended to those who had contravened morality or who had broken the law were labile and fragile, easily ruptured. Ties between women who did not transgress the social or legal code could also be weak."<sup>50</sup> Case studies used throughout this dissertation show that ties between women where one or more had "transgressed" could be the *strongest*. I argue, in Chapter Four on violent crime, for instance, that female allies had to have had exceptional bonds in order to be complicit in crimes that could result in their death, like murder and infanticide. Focusing on the alliances of non-elite women is not the same as constructing "truncated psyches" that deny women their "dark side."<sup>51</sup> Examining and differentiating the many types of alliances which women formed, on all sides of the law and social norms, contributed to a fuller understanding of their choices and experiences. Of course, not all female alliances were long-term, permanent, uncontested, or unremittingly supportive. Still, Pollock's acknowledgement of the value of emotional as well as practical support to pregnant women resonates strongly with my work here.

## 2. Emotions

This dissertation also engages with histories of emotions. Susan Broomhall has pioneered much of the work on emotions in early modern history. Here, as in studies of women's networks and relationships more broadly, studies have focused on written sources, fiction, elite culture,

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<sup>49</sup> Pollock states, for example, that evidence of childbearing as a collective female ritual of solidarity is found "mainly by combing personal papers," and her article includes ladies, countesses, and court attendants. Pollock, "Childbearing and Female Bonding," 289-290.

<sup>50</sup> Pollock, "Childbearing and Female Bonding," 287.

<sup>51</sup> Pollock, "Childbearing and Female Bonding," 287.

and the eighteenth century.<sup>52</sup> This reflects a bias against the words of non-elite people and the sources which they turn up in. All sources are mediated, in some form or another, and thus must be read carefully rather than taken as simple statement of fact or truth. Statements of emotions in diaries or letters, as in judicial records, were not simple, uncontradictory, or without political or economic motivations. Fiction can carry many meanings and is structured to be understood and to appeal to particular audiences—again, like statements made in and for the courts. Therefore, I argue, like *Early Modern Emotions: An Introduction*, that judicial sources are an equally valid source for studying early modern emotions.<sup>53</sup> Judicial records can, as Joanne McEwan states, “provide us with insights into the actions and behaviours that particular societies deemed unacceptable, as well as community responses, individual motivations and emotional investments.”<sup>54</sup> They also reveal how social and legal trust operated. Trust was a fundamental part of individual credit, and thus the trustworthiness of one’s actions and statements. Trustworthy sources are believed. As seen throughout this dissertation, trustworthy allies and deponents provided medical, legal, and social knowledge which non-elite women and the courts regularly relied upon.

Like most all other historians of emotions, I have been very influenced by Barbara Rosenwein’s work on ‘emotional communities.’ According to Rosenwein,

emotional communities are largely the same as social communities – families, neighborhoods, syndicates, academic institutions, monasteries, factories, platoons, princely courts. But the researcher looking at them seeks above all to uncover systems of feeling, to establish what these communities (and the individuals within them) define and

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<sup>52</sup> See, for example, Susan Broomhall, ed., *Authority, Gender and Emotions in Late Medieval and Early Modern England* (London: Palgrave Macmillan, 2015); Susan Broomhall, ed., *Gender and Emotions in Medieval and Early Modern Europe: Destroying Order, Structuring Disorder* (Burlington, VT: Ashgate, 2015).

<sup>53</sup> Susan Broomhall, ed., *Early Modern Emotions: An Introduction* (London: Routledge, 2017). “Section III: Sources and methodologies for early modern emotions,” vii-viii.

<sup>54</sup> Joanne McEwan, “Judicial sources,” in Broomhall, ed., *Early Modern Emotions*, 112-114.



assess as valuable or harmful to them (for it is about such things that people express emotions); the emotions they value, devalue, or ignore; the nature of affective bonds between people that they recognize; and the modes of emotional expression that they expect, encourage, tolerate, and deplore.<sup>55</sup>

Working on the Middle Ages, Rosenwein is largely focused on texts and ‘emotion words,’ but the latter half of her definition of emotional communities is applicable to studies of female alliances. Non-elite women formed alliances based on what they saw as valuable and harmful to themselves and their same-sex peers. As I show in Chapter Three, for instance, it was valuable to work together to limit marital violence and adultery, while it was harmful to them to allow marital cruelty to set a precedent. My work supports Rosenwein’s conception of multiple, co-existing, sometimes overlapping, emotional ‘circles.’ Non-elite women belonged to several emotional communities and employed them, or turned to them, at different times according to need and context.<sup>56</sup> While Rosenwein does not discuss crime or violence in her work, I argue that experiences, or the expectation of, trauma, such as poverty or rape, may also create emotional communities.

Legal records allow us to access early modern emotions at several levels. Working on church records, Charlotte-Rose Millar has proposed that there are two main ways that they allow insight into early modern mentalities:

The first is at a personal level, in that individual testimonies can allow insight into how people felt about their neighbours, how they dealt with conflict and what emotions these conflicts generated. These testimonies demonstrate what types of emotions were acceptable and in what circumstances, as well as the reaction to those who did not conform to expected modes of emotional behaviour. The second concerns how these same records allow us to build an image of a type of ‘emotional community’ (thus coined by Barbara H. Rosenwein) that these deponents were living in. We can uncover how a

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<sup>55</sup> Barbara Rosenwein, “Problems and Methods in the History of Emotions,” *Passions in Context: Journal of the History and Philosophy of the Emotions* 1, 1 (2010).

<sup>56</sup> Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca: Cornell University Press, 1998), 24.

community, as a whole, controlled and regulated emotional behaviour and what types of emotional practices created an emotional community.<sup>57</sup>

Fay Bound has also fruitfully used church court records to examine anger, love, and sadness, in the long seventeenth century. Bound examines emotions in legal narratives as social performances, rightly cautioning against seeing words as unproblematic representations of interior feelings.<sup>58</sup> This is in keeping with Rosenwein's use of texts to examine what was emotionally imaginable, or socially normative.<sup>59</sup> Emotions had to be expressed in ways that would be culturally understandable, and this certainly impacted how women described their feelings and reactions in the courts. Amanda L. Capern, for one, has examined the specifically gendered meanings and practices of emotions in the court of Chancery.<sup>60</sup>

Throughout this dissertation, I attempt to balance individual emotions and motivations with those of the broader culture, or 'emotional regime.' Emotions were performed for the courts, but we should not forget that they were also real experiences which could motivate individuals. When using legal records to access emotions, I like Frances Dolan's emphasis on collaboration, rather than mediation, between individuals, legal systems, and cultural values.<sup>61</sup> Women's descriptions of emotions reflected a combination, or collaboration, of these factors. Emotions are culturally constructed, but they are also realities for those who feel them. I am interested in analyzing the rhetoric of emotions which women employed in their statements, as well as the emotions which they may have felt at particular times. Grief, anger, and compassion

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<sup>57</sup> Charlotte-Rose Millar, "Church and parish records," in Broomhall, ed., *Early Modern Emotions*, 115.

<sup>58</sup> Fay Bound, *Emotion in Early Modern England, 1660-1760: Performativity and Practice at the Church Courts of York* (Thesis: University of York, 2000).

<sup>59</sup> Andrew Lynch, "Emotional community," in Broomhall, ed., *Early Modern Emotions*, 3.

<sup>60</sup> Amanda L. Capern, "Emotions, Gender Expectations, and the Social Role of Chancery, 1550-1650," in Broomhall, ed., *Authority, Gender and Emotions*: 187-209.

<sup>61</sup> Frances Dolan, *True Relations: Reading, Literature, and Evidence in Seventeenth-Century England* (Philadelphia: University of Pennsylvania Press, 2013), 118.

are especially prominent in my records. I argue that even communal values which women may have genuinely internalized—such as the heinousness of fornication, bastardy, and infanticide—could falter in the face of personal experiences, such as when female kin helped hide the evidence of illicit pregnancies. In cases like these, the *emotional* community could outweigh the moral normative one.

Less explicitly stated but, I argue, important for understanding women's interior lives and alliances, were empathy and sympathy.<sup>62</sup> Froide and Herbert, among others, have considered empathy an important factor in the relationships between middling and elite women. I argue that empathy was central to the alliances of plebeian women as well, who could so easily find themselves sliding into the desperate circumstances of their peers. Empathy could also cross, and invert, hierarchies, as when female servants supported their abused mistresses. Non-elite women sympathized with the plight(s) of their peers, including poverty and violence, because they had been in the same position, or could easily find themselves there. Though emotions are cultural, and rhetoric was employed for specific purposes, I think that many of the emotions which bonded women in the seventeenth-century would be familiar to us today. Then, as now, women would have felt more comfortable sharing their experiences with those they expected to offer sympathy—their female peers, or emotional community. Gendered trauma, such as sexual assault, can be a strong emotional unifier.

### 3. Motherhood, Marriage, and the Female Body

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<sup>62</sup> While similar, empathy and sympathy are differentiated by emotional distance. Sympathy is when one person shares the feelings of another. <https://www.merriam-webster.com/words-at-play/sympathy-empathy-difference>. In emotions research, 'empathy' is generally defined as "the ability to sense other people's emotions, coupled with the ability to imagine what someone else might be thinking or feeling." <https://greatergood.berkeley.edu/topic/empathy/definition>. In this work, for example, I argue that single mothers likely felt *sympathy* for one another, while married mothers likely felt *empathy* for single mothers.

In recent years, early modern historians, especially of England, have investigated relationships between kin as well as patronage and friendship networks.<sup>63</sup> Many works have centred women's roles and relationships as wives and mothers, rather than highlighting their personal social networks.<sup>64</sup> As previously mentioned, this dissertation takes marital status, in addition to class and gender as a critical lens. As Froide and Janine Lanza have shows in their studies of middling women in England and France, marital status differentiated women's experiences and the relationships they had access to and developed. Both have centred the large numbers of single women who lived in early modern Europe and, in doing so, moved away from the focus on heterosexual relationships.<sup>65</sup> The following chapters come to similar conclusions down the social scale, showing that marital status was an important factor in the development of female relationships.

Historians have long done away with Lawrence Stone's hypothesis that pre-modern families lacked emotional and enduring ties. This dissertation supports recent scholarship on

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<sup>63</sup> For works on kinship in early modern England see, e.g., Ilana Krausman Ben-Amos, "Reciprocal Bonding: Parents and their Offspring in Early Modern England," *Journal of Family History*, vol. 21, No. 3 (July 2000): 291-312; David Cressy, "Kinship and Kin Interaction in Early Modern England," *Past & Present*, No. 113 (Nov., 1986): 38-69; Elizabeth Foyster, "Parenting Was for Life, Not Just for Childhood: The Role of Parents in the Marries Lives of their Children in Early Modern England," *History*, Vol. 86, No. 283 (July 2001): 313-327; Froide, *Never Married*; Naomi J. Miller and Naomi Yavneh, eds., *Sibling Relations and Gender in the Early Modern World: Sisters, Brothers, and Others*, (Burlington, USA: Ashgate, 2006); Naomi Tadmor, *Family and Friends in Eighteenth-Century England: Household, Kinship, and Patronage* (Cambridge: Cambridge University Press, 2000); Richard Wall, "Beyond the Household: Marriage, Household Formation and the Role of Kin and Neighbours," *International Review of Social History*, Vol. 44, No. 1 (April 1999): 56-67.

<sup>64</sup> See, e.g., Susan Dwyer Amussen, "Being stirred to much unquietness": Violence and Domestic Violence in Early Modern England," *Journal of Women's History*, Vol. 6, No. 2 (Summer 1994): 70-89; Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800* (Cambridge: Cambridge University Press, 2009); Patricia Crawford, *Parents of Poor Children in England, 1580-1800* (Oxford: Oxford University Press, 2010); Laura Gowing, "Secret Births and Infanticide in Seventeenth-Century England," *Past & Present*, Vol. 156, Issue 1 (Aug., 1997): 87-115; Pollock, "Childbearing and Female Bonding"; Adrian Wilson, *Ritual and Conflict: The Social Relations of Childbirth in Early Modern England* (New York: Routledge, 2013).

<sup>65</sup> Froide, *Never Married*; Janine M. Lanza, *From Wives to Widows in Early Modern Paris: Gender, Economy, and Law* (Burlington: Ashgate, 2007).

kinship that has shown that female kin retained strong ties, including mothers and daughters who had left the parental home and married.<sup>66</sup> Froide, in particular, has demonstrated how important female kin were for never married women, who did not accrue the benefits of a husband or marriage, including entry into the ranks of respectable matrons or licit sexual knowledge.<sup>67</sup> Mothers and sisters, especially, are found in court documents, though we also find references to aunts, grandmothers, and cousins. Similarly, women's roles as mothers—both legitimate and illegitimate—and wives contributed to the development and presentation of female alliances. A respected wife, for instance, was likely, though not inevitably, to have access to larger and stronger female ties than a woman with an illegitimate child. Female alliances were also impacted by life stages—labouring women, wives, mothers, widows, etc., activated the networks that they needed most at that time, and with those whom they shared experiences.<sup>68</sup>

Bodily ties, usually articulated through the lens of motherhood, is a theme throughout this dissertation. Chapter One, in particular, examines how experiences and ideas of the female body provided spaces for alliances among non-elite women. Experiences of marriage and motherhood—and their opposites, singleness and childlessness—could bind *or* divide women, depending on context as well as personal circumstances. Here, I strongly resonate with several of Adrian Wilson's arguments in *Ritual and Conflict*, including his point that the theme of illegitimate births:

belongs at the heart of women's history and the history of the family [...] the bearing of a bastard child was not confined to any mere sub-society [...] that it shaded imperceptibly

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<sup>66</sup> Particularly Ben-Amos, "Reciprocal Bonding: Parents and their Offspring in Early Modern England," and Foyster, "Parenting Was for Life, Not Just for Childhood." Contemporary laws also show that kin were expected to provide support, whenever they were able, and not just to children. Poor relief was dependent upon family circumstances and restricted to those who had no close kin to support them. Hindle, *On the Parish?*, 12, 50.

<sup>67</sup> See Froide, "Single But Not Alone: The Family History of Never-Married Women," in *Never Married*.

<sup>68</sup> Froide, *Never Married*, 7.

via premarital pregnancy into the courtship process at large. And, above all, that this was a risk which all women ran at the beginning of their childbearing years.<sup>69</sup>

This dissertation, in trying to uncover the emotional lives of non-elite women which fostered gendered ties, argues that many non-elite women knew how easily they could have ended up a poor single mother, and so were often inclined to be empathetic to single mothers, like Bridget Poole, who's story begins Chapter One. Similarly, it seems reasonable that shared experiences of marriage, childlessness, widowhood, and miscarriage, all highly gendered, would have resulted in emotional communities between some women.

Like Wilson, I emphasize the role which childbirth ceremonies played in the development and expression of female solidarities, as well as their emotional value. Wilson argues that “the ceremony of childbirth was heavily gendered for it was exclusively an occasion for women and was presided over by a female authority figure, the midwife, and to a considerable extent it unified women throughout the seventeenth century.”<sup>70</sup> Birthing rituals of the seventeenth century required the presence of numerous, usually married, women. It was, therefore, a natural site for the expression and creation of female alliances. When the pregnant woman was married, her lying-in and churching were usually positive and social occasions. Married motherhood meant crossing over into the respected realm of matrons, who, in turn, could exercise considerably authority within their communities. Wilson, in line with Natalie Davis, argues that ceremonies of childbirth constituted “counter power” where we find “women on top.” The pregnant woman's needs were prioritized, she was surrounded by female peers,

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<sup>69</sup> Wilson, *Ritual and Conflict*, 3.

<sup>70</sup> Wilson, *Ritual and Conflict*, 4.

men were excluded from the birthing room and churching, and the husband was expected to cater to his wife.<sup>71</sup>

In a case study, Pollock has criticized Wilson for his positive take on female birthing rituals. Pollock does not see these rituals as sites of “counterpower” and cautions that we “should not romanticize the comfort the woman in labour derived from the presence of other women.”<sup>72</sup> Pollock is not convinced that the women who attended births, including midwives, had any particular bonds with the expectant mother. Pollock acknowledges that the “practical consequences” of female-only birthing rituals “may still be that a strong female support network existed during childbirth.” But she places little value in these body-based supports, arguing that “an activity enjoined as opposed to one sought is likely to be based on more brittle, less binding ties and not likely to be a consequence of a strong desire to exhibit female solidarity.”<sup>73</sup> I agree that women attending a birth or churching were not exhibiting any sort of ‘feminism’ as we might define it today, but Pollock undersells the alliance-making and solidifying which these rituals occasioned. Participation in these rituals *was* valued, even sought after, by women, who saw invitations as signals of belonging and knowledge exchange, themes I explore more in Chapter One. Furthermore, connections made at these rituals were repeated and reciprocal, and likely contributed to gendered ties beyond the birthing chamber. As Chapters Two and Three of this dissertation show, birthing rituals were the sites of many types of female expression and alliance. Slandorous exchanges occurred during lying-ins, requiring female allies to witness and

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<sup>71</sup> Wilson, *Ritual and Conflict*, 4-5; Natalie Zemon Davis, “Women on Top” in *Society and Culture in Early Modern France: Eight Essays* (Redwood City: Stanford University Press, 1975), 124-151.

<sup>72</sup> See Pollock, “Childbearing and Female Bonding,” 286-306.

<sup>73</sup> Pollock, “Childbearing and Female Bonding,” 298.

defend the wrongly injured party. And women accused or suspected of infanticide might find aid amongst their allies, including mothers, colleagues, and mistresses.

Gail Paster has also taken issue with the argument that rituals of childbirth empowered women. Paster, instead, views these rituals through the prism of shame—only women were willing, and allowed, to deal with the polluting and shameful maternal body. Confining the expectant mother, and her female attendants, was, then, an attempt to limit the extent of her shame.<sup>74</sup> This perspective ignores, not least, that women's views of their own bodies may have differed from that of the male gaze which viewed them as polluted and polluting. The emphasis on motherhood, and the respectability of matrons, means that pregnancy and birth could not have been seen as wholly shameful. Even if the rituals of childbirth were born out of shame and a desire to hide, the practical consequences were that the rituals produced and reinforced sites where women were dominant, and where a collectivity was required. This collective—or parts of it—could use their presence and expertise in alliances which operated on behalf of themselves, the woman in labour, and/or the state. Experiences of shame, or reactions to being treated as shameful, could also create bonds between some women.

This dissertation also follows in the footsteps of many scholars who have viewed the female body as a physical reality and as culturally constructed.<sup>75</sup> Central to my argument about female bonds is that they were rooted in very material experiences—such as birth, miscarriage,

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<sup>74</sup> Gail Kern Paster, *The Body Embarrassed: Drama and the Disciplines of Shame in Early Modern England* (Ithaca, NY: Cornell University Press, 1993).

<sup>75</sup> See, e.g., Gowing, *Common Bodies*; Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 2006) and *Bodies that Matter: On the Discursive Limits of Sex* (New York: Routledge, 2011); Lyndal Roper, *Oedipus and the Devil: Witchcraft, Religion and Sexuality in Early Modern Europe* (London: Routledge, 1994) and “Beyond Discourse Theory,” *Women's History Review*, 19:2 (Spring, 2010): 307-319; Philippa Carter, “Childbirth, ‘Madness’, and Bodies in History,” *History Workshop Journal*, Vol. 91, Issue 1 (Spring, 2021): 29-50.



and rape. Where discursively constructed, bodies were also sites of “experience, memory, or subjectivity.”<sup>76</sup> Women’s experiences were shaped by rhetoric which saw them as intellectually, morally, and physically weak. It was these various “weaknesses” which caused many women to ally—there was strength in numbers, as well as empathy, in countering these cultural biases. At the same time, as Wilson argues and my work supports, the female body created spaces for female authority and power. Considered the only real ‘experts’ on their bodies in the seventeenth century, women had prominent roles in social and legal systems.

Throughout this dissertation, I try to carefully examine how the collectivity of women could operate at the expense of the individual, thus circumventing the problems which Pollock and others have highlighted in women’s studies. Part of understanding how important same-sex alliances were to non-elite women involves considering the experience of those who *lacked* them. While few women were truly cut-off from all sources of aid, some were, and often it came down to individual reputation amongst their peers. If an individual woman had a longstanding reputation of good behaviour, even a serious infraction, like bastardy, could be lessened and support forthcoming. In contrast, a woman with a history of disorderly conduct would struggle to get sympathy, poor relief, or settlement. Yet, in Chapter Four, I hypothesize that gendered solidarities may have encouraged female witnesses, juries, and experts to be lenient in their dealings with female offenders, for instance by declaring that a child was stillborn rather than a victim of infanticide. By declaring ignorance (“I could not say whether she was pregnant,” “I could not tell if the child was stillborn,” etc.) or by claiming certainty (“She is pregnant,” “the child was stillborn,” “she was assaulted”), women contributed to sentences that could literally be

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<sup>76</sup> Kathleen Canning, “The Body as Method? Reflections on the Place of the Body in Gender History,” *Gender & History*, Vol. 11, No. 3 (Nov., 1999), 501.

life or death for an individual. The collectivity of women itself was based on female alliances—sometimes more than one, sometimes with competing interests—which could wield considerable social and legal power.

#### 4. Women's Work

The gendered patterns of labour contributed to the development of female alliances by fostering shared spaces, identities, and experiences. The vast majority of women in seventeenth-century England were required to engage in some form of paid labour in order to support themselves and/or their families. They were largely restricted to a few gendered occupations where wages were significantly lower than men's. Positions for women tended to be semi- or unskilled, poorly paid, seasonal, and temporary—meant to serve as a life-stage or addition to the earnings of a male.<sup>77</sup> These included the textile and clothing trades<sup>78</sup>; street-selling; working in taverns and shops; washing; nursing; and domestic service. Rural women also helped with harvests, gleaned, cared for livestock, and did the dairying.<sup>79</sup> Wives and widows ran coffee and ale houses. Many of these roles were performed in or around the familial abode, allowing women to contribute to the household economy while also performing, or learning, wifely duties like childcare, cooking, and cleaning. Since non-elite women regularly performed the same types of jobs, they often crossed paths and shared spaces, which, in turn, fostered homosocial connections.

These gendered patterns of labour meant that many women lived on the edge, or experienced, poverty temporarily, repeatedly, or long-term. Precarious and poorly paid jobs

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<sup>77</sup> J.M. Beattie, *Policing and Punishment in London 1660-1750: Urban Crime and the Limits of Terror* (Oxford: Oxford University Press, 2003), 69-70.

<sup>78</sup> By the mid-sixteenth century, one in three rural adult women were employed in textile production, which was notorious for its poverty wages. Hindle, *On the Parish?*, 22-23.

<sup>79</sup> Hindle, *On the Parish?*, 25-26.

made it difficult for single women, including widows, to earn a living. Wives, too, could easily find themselves struggling financially due to an absent, injured, ill, or old husband, and children too young to contribute to the domestic economy. Poor wages meant that even married couples, where both spouses were regularly employed, often struggled to earn a living and sustain a household.<sup>80</sup> Charity, begging, poor relief, pawning, and loans could help women make ends meet.<sup>81</sup> Charity, poor relief, and small loans were highly dependent on a woman's reputation and pre-existing community. Other, perhaps less desirable and more risky, options for women included theft, robbery, and sex work. Labour was a major cause of female migration to urban centres like London.<sup>82</sup> Upon arrival, it was imperative for women to establish ties, for, as this dissertation shows, being unconnected and anonymous made women highly vulnerable to abuse, unemployment, and prosecution. Throughout this dissertation I argue that the commonplaceness of periods of dearth, reliance on informal support, and gendered employment helped to create the conditions for female alliances.

Historians of labour have increasingly challenged the notion that plebeian women lacked a sense of labour identity. Laura Gowing has recently examined women and girls in late seventeenth-century London apprenticeships and guilds. Largely constrained to the textile trades, Gowing argues that these women laid foundations for the community of working women. This community was created and fostered through gendered networks of training and skill-sharing.<sup>83</sup> Also looking at London, Ann Rosalind Jones concludes that urban maids had a sense of "group solidarity" and "the kinship of labour." Chapter Three in this dissertation strongly supports

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<sup>80</sup> Hindle, *On the Parish?*, 22.

<sup>81</sup> Beattie, *Policing and Punishment in London*, 69.

<sup>82</sup> Beattie, *Policing and Punishment in London*, 69.

<sup>83</sup> Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth-Century London* (Cambridge: Cambridge University Press, 2021).

Jones' arguments that female servants felt solidarity with their peers as well as their mistresses.<sup>84</sup>

Fishwives and other market women verbally and physically defended their spaces from outsiders, including men and officials. Evidence thus suggests that women could have a strong sense of the value of their labour and were willing to defend it. This supports a central claim in this dissertation that non-elite women formed alliances based on solidarities fostered by shared experiences and spaces.<sup>85</sup>

With this general background of women's work in seventeenth-century England, I would like to turn in detail to two particular forms of gendered labour which feature heavily throughout this dissertation: domestic service and sex work.

#### 4.1 - Domestic Service

The pervasiveness of domestic service for young English women, especially in urban areas, has been well established by historians of labour, gender, and migration. The commonality of service among young Englishwomen makes them an important feature throughout this dissertation. Although scholars have tended to highlight conflicts between employers and servants,<sup>86</sup> the culture and gendering of service contributed to the development and expression of female alliances in several ways, both between peers and across status boundaries. Because of their intimate placement within homes, servant women were veritable fonts of information about

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<sup>84</sup> Ann Rosalind Jones, "Maid servants of London: Sisterhoods of Kinship and Labor," in *Maids and Mistresses, Cousins and Queens: Women's Alliances in Early Modern England*, eds. Susan Frye and Karen Robertson (New York: Oxford University Press, 1999).

<sup>85</sup> Poverty and a lack of labour could also be unifying agents, if only temporarily—Jodi Mikalachi has found examples of female vagrants banding together on the road, possibly for protection or pooling limited resources. Mikalachi, "Women's Networks and the Female Vagrant: A Hard Case," in *Maids and Mistresses*, eds. Frye and Robertson.

<sup>86</sup> Seventeenth-century writing about servants could be quite negative, indeed, associating them with ill conduct, theft, and promiscuity. Historians have also documented many cases of violence by employers against servants and apprentices. See, e.g.: Meldrum, "Service, mastery and authority," in *Domestic Service and Gender*, 35-63; Capp, "Maid servants and the Politics of the Household," in *When Gossips Meet*, 127-185.

their employer's households. As such, they were vital witnesses in all sorts of cases, but especially those relating to domestic matters, such as marital violence, illness, income/expenses, and sociability. The vulnerability of female servants to abuse and sexual predation meant that they, in turn, often needed allies for protection and testamentary support, as Chapter Four discusses, in cases of rape.

Domestic service was, according to Tim Meldrum, "the principal route of induction into the life of the metropolis for adolescent girls and young women."<sup>87</sup> The high demand for servants in London encouraged a steady influx of girls, and also accorded them a considerable level of autonomy. Though female servants could be physically and economically vulnerable, many had few issues in changing positions or displaying their knowledge in the courts.<sup>88</sup> Servants were included under the umbrella of "family," and subject, like children, to the mastery of, ideally, the male householder and his wife. Masters were to guide and correct their servants as needed, including "moderate" physical correction. Contemporary writers discouraged familiarity between employers and their servants, cautioning against an inversion of the proper hierarchy which resulted in servants wielding power and/or mistresses acting below their station.<sup>89</sup>

In the later seventeenth century it was common for even rather modest households to have at least one servant, who was often female.<sup>90</sup> Female servants were less expensive and considered most appropriate as they could perform all sorts of household labour, including cleaning, cooking, laundering, and childcare. The gendering of service was also the result of the

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<sup>87</sup> Meldrum, *Domestic Service and Gender*, 18.

<sup>88</sup> Meldrum, *Domestic Service and Gender*, 60.

<sup>89</sup> Meldrum, "Chapter 3: Service, mastery and authority," in *Domestic Service and Gender*, 35-63.

<sup>90</sup> R.C. Richardson, *Household Servants in Early Modern England* (Manchester: Manchester University Press, 2010), 63.

law and economic realities. Service was a means of employment for single women and a way to ensure that they were under some form of male control. Single women who attempted to live by their own hands could be forced into service under the 1563 Act of Artificers. This included women living alone or with other women, even daughters with mothers, and so served to prevent the formation of all-female households. Women above a certain social level were exempt, however, meaning that the Act primarily targeted non-elite women.<sup>91</sup>

Historians calculate that over half of all households which employed a domestic servant in late seventeenth-century London employed a single maid. According to R.C. Richardson, 40% of early modern English households had servants and that “even the poorest of households often had a live-in servant to help with household chores.”<sup>92</sup> Tim Meldrum argues that it “remains appropriate to assume a London-wide ration of four female servants to every one male.”<sup>93</sup> Nor was this unique to the capitol. Paula Humfrey has found that in mid-seventeenth century Cambridge women constituted 72-94% of those listed as servants, while Froide has found that 55% of servants in late seventeenth-century Southampton were female.<sup>94</sup>

The commonplaceness of service at all social levels meant that there was not necessarily a large status gap between female servants and their employers. In plebeian households, female servants and mistresses performed the same sorts of labour, side by side, for months and, potentially, years. Both took care of the domestic household and its inhabitants, including childcare, cooking, cleaning, buying items for the home, sewing and mending linens and clothes,

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<sup>91</sup> Mendelson, Crawford, *Women in Early Modern England*, 96-97.

<sup>92</sup> Richardson, *Household Servants in Early Modern England*, 63

<sup>93</sup> Meldrum, *Domestic Service and Gender*, 16.

<sup>94</sup> Paula Humfrey, *The Experience of Domestic Service for Women in Early Modern London* (New York: Routledge, 2019), 6; Froide, *Never Married*, 89.

and caring for the ill. Even in better-off households where employers and employees did not share tasks, female servants were still in close proximity as, in addition to kitchen and cleaning maids, gentlewomen often had waiting maids who helped them dress and sometimes kept them company while embroidering or performing other tasks considered appropriate to higher status women. Hired companions were another class of servant who were likely to forge intimate ties with their mistresses. As the name indicates, the duties of such servants consisted largely of keeping lonely women company. Companions were of similar social rank to their employers, so that they had the necessary social and cultural refinements, and were meant to fill the gap between mistresses and lower servants.<sup>95</sup> The divide between employers and employees was further blurred by the practice of hiring relatives and the children of friends and acquaintances.

In principle and in practice, service was usually a life-cycle stage for young Englishwomen. Working on the London Consistory Court, Meldrum has calculated that over three quarters of current female servants were under thirty. Most appear to have left service upon marriage, and likely only returned to it upon widowhood or because of economic necessity.<sup>96</sup> Some women did, however, remain in service or return to the state throughout adulthood. Charmian Mansell has found that, while there was a concentration of women in service between the ages of 15 and 24, service could be a viable employment path for those at any point between the ages of 7 and 60.<sup>97</sup> Though service was often a temporary life stage for women prior to marriage, some female servants continued their contracts after marriage, and some returned after

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<sup>95</sup> Capp, *When Gossips Meet*, 156.

<sup>96</sup> Meldrum, *Domestic Service and Gender*, 16, 18.

<sup>97</sup> Charmian Mansell, "The variety of women's experiences as servants in England (1548-1649): Evidence from Church Court Depositions," *Continuity and Change*, 33, No. 3 (2018), 320-321; Meldrum concurs that although domestic service was largely a life-cycle occupation, women could return to it throughout their lives if economic circumstances required it. In some cases, service was one of several occupations which a woman performed in order to make ends meet. Meldrum, *Domestic Service and Gender*, 16, 18, 31.

being widowed. We have examples of both in the 1667 suit of Hester Bolton against her husband. Mary Sherwin was a long-time servant to Hester Bolton who had continued to work for her mistress for some months after her own marriage, while Judith Clay stopped working for the Bolton's upon marriage, but took another service position shortly after. Another servant, Mary Williams, had left the Bolton's household for undisclosed reasons but returned at a later point.<sup>98</sup>

Many women moved in and out of service in response to fluctuating life circumstances. Abandoned wives and the wives of sailors out at sea were especially likely to return to service for added income. Forms of service which did not necessarily include co-habitation with employers, like washing and nursing, formed part of a variety of by-employments which single and married women engaged in to make ends meet.<sup>99</sup> These patterns mean that there was not necessarily a large age gap between servants and their employers, and similarities in ages and life experiences may have encouraged friendly relationships.

## 4.2 - Sex Work

This dissertation takes sex work as a legitimate form of labour which non-elite women performed, either as a temporary stopgap to make ends meet, or a longer-term economic choice. Sex work was highly gendered and legally defined as a female role.<sup>100</sup> As such, it was another occupation and experience which centered upon the female body. Most bawdy houses (brothels) were run by women, often wives or widows who, according to depositions, operated independently of male control. One of the central arguments I make in Chapter One is that, although fornication and adultery were sins and punishable by the church courts and workhouses,

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<sup>98</sup> Humfrey, *The Experience of Domestic Service*, 44-50.

<sup>99</sup> Humfrey, *The Experience of Domestic Service*, 27; Meldrum, *Domestic Service and Gender*, 18, 31

<sup>100</sup> Male sex work with female clients did not turn up in any of the judicial documents examined for this work. Male sex work, as between two men, was classified as sodomy and a capital crime.



many women would have been sympathetic to the sex worker who described being forced into it through circumstance.<sup>101</sup> Similarly, women who engaged in sex work were likely to view their peers with understanding and implicit sympathy rather than censure. They also shared an experiential bond. They might also work in pairs or groups for safety and to secure clients. Thus, I argue, in conjunction with Faramerz Dabhoiwala, that “it remained possible even in the case of such openly immoral women” to maintain a sense of personal honour and credit.<sup>102</sup>

Trying to identify supportive relationships among sex workers is obfuscated by contemporary biases. Prostitution, and especially bawdry<sup>103</sup>, were viewed negatively in seventeenth-century England. Sex work was associated with thievery and immorality,<sup>104</sup> and ‘whore’ was often used as a catch-all insult against women. All women could be suspected of being ‘loose’ or ‘lewd,’ especially single women and female servants who were out of service.<sup>105</sup> And while sex work could be a choice that allowed some women economic and physical independence, it could also be the result of need or coercion. It can be difficult to separate willing sex work from sexual assault. As Chapter One discusses in depth, some women described being trapped into sex work by manipulative women and men. By couching their statements in these terms, however, women who confessed to engaging in illicit sex deflected responsibility for their actions and sought to elicit sympathy from authorities.

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<sup>101</sup> Seventeenth-century literature frequently referred to women, especially servants, being forced into prostitution as a result of rape or seduction, showing that contemporaries were aware of, and often compassionate towards, the plight of sex workers. Sarah Toulalan, *Imagining Sex: Pornography and Bodies in Seventeenth-Century England* (Oxford: Oxford University Press, 2007), 27-28.

<sup>102</sup> Faramerz Dabhoiwala, “The Construction of Honour, Reputation and Status in Late Seventeenth- and Early Eighteenth-Century England,” *Transactions of the Royal Historical Society*, 6 (1996), 210.

<sup>103</sup> Bawdry - facilitating sexual immorality, by using their premises as a bawdy house (brothel) and/or acting directly as a bawd, i.e. a female pimp who employed other sex workers. Men were labelled ‘bawds’ only extremely rarely.

<sup>104</sup> Beattie, *Policing and Punishment in London*, 63-64.

<sup>105</sup> Meldrum, *Domestic Service and Gender*, 63.

Though the negative connotations of ‘whoredom’ were well-established in English culture, the legal and economic aspects of extra-marital sex were quite vague. In his investigation of early modern sexual immorality, Dabhoiwala has found that “‘whores’, ‘harlots’, ‘strumpets’, ‘night-walkers’ and keepers of ‘bawdy houses’ were listed as criminal offenders in every legal handbook” yet “contemporary attempts to distinguish prostitution as a type of behaviour were not identical with our own. They focused mainly on motivation, rather than on promiscuity and payment.” According to both law and general discourse, a ‘whore’ was any woman who had sexual relations outside of marriage. Renumeration was not required. Similarly, a bawdy house was any place where a couple met to commit fornication and not necessarily a dedicated or permanent brothel. It could be a private home, inn, or lodging-house.<sup>106</sup>

The generic term “nightwalker,” which was increasingly feminized over the seventeenth century, further demonstrates issues with distinguishing women’s activities from contemporary moral values. Law assumed that all women out at night were engaged in suspicious activity and authorized their arrest.<sup>107</sup> In his *A Complete Guide for Justices of Peace, etc.*, John Bond defined nightwalkers as those who were “suspected, or of ill fame, such as sleep in the day time, and in the night season haunt houses suspected for bawdry, or use suspicious company.” He associated nightwalking with theft and general immorality.<sup>108</sup> In a sample of house of correction

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<sup>106</sup> Faramerz Dabhoiwala, “The pattern of sexual immorality in seventeenth- and eighteenth-century London,” in Paul Griffiths and Mark S.R. Jenner, eds., *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester: Manchester University Press, 2005), 87.

<sup>107</sup> Griffiths, *Lost Londons*, 220-222

<sup>108</sup> John Bond, *A compleat guide for Justices of Peace. In two parts. The first, containing the common and statute laws relating to the office of a Justice of the Peace, Alphabetically digested. The second, consisting of the most authentick precedents which are now in Use, and do properly Concern the same. Originally composed by J. Bond, Esq; The third edition, revised, corrected, new methodized, very much enlarged, and Continu'd down to the End of the last Session of Parliament, 1706. With other Large Additions and Improvements, Never before Printed. By J.W. of the Middle-Temple, Barrister. To which is annexed a New and Compleat table referring to Keble's Statutes.* London: printed by the assigns of Richard and Edward Atkins, Esqs; for I. Cleave, at the Star next Serjeants-Inn in Chancery-Lane; and W. Freeman, at the Bible against the Middle-Temple-Gate in Fleetstreet, 1707. *Eighteenth*

commitments, Shoemaker calculated that 16% made specific reference to sexual offences such as frequenting known or suspected bawdy houses, picking up men in the street, soliciting, or being taken with a strange man or woman. These terms, which strongly suggest sex work in practice, had similarly gendered punishments. Women were committed to the house of correction while male partners were very rarely imprisoned. The men, if they were punished at all, were bound over.<sup>109</sup>

The broadness of these terms meant that there were no clear boundaries between the different forms of sexual immorality. Fornication, adultery, prostitution, bigamy, nightwalking, and procuring all fell under the same general umbrella.<sup>110</sup> As a result, it is near impossible to differentiate in the records between those who engaged in professional sex work, whether long-term, casual, or temporary, and other forms of sexual offenders.<sup>111</sup> Accusations and convictions for sexual misconduct usually came down to gender, reputation, and status. Though the sex trade and related transgressions were not restricted to non-elites, plebeian and unmarried women, especially out of work servants,<sup>112</sup> were most likely to be targeted by officials and neighbours concerned to preserve public and personal reputations. A deeper fear was that illicit sex would result in illegitimate children and single mothers who would require maintenance. Though ‘loose’ women, like idle and immoral men, could be punished harshly, sex work was generally

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*Century Collections Online* (accessed May 18, 2022).

[https://link.gale.com/apps/doc/CW0123958224/ECCO?u=yorku\\_main&sid=bookmark-ECCO&xid=e16b0f83&pg=206](https://link.gale.com/apps/doc/CW0123958224/ECCO?u=yorku_main&sid=bookmark-ECCO&xid=e16b0f83&pg=206).

<sup>109</sup> Robert B. Shoemaker, *Prosecution and Punishment: Petty crime and the law in London and Rural Middlesex, c. 1660-1725* (New York: Cambridge University Press, 1991), 173.

<sup>110</sup> Dabhoiwala, “The pattern of sexual immorality,” 87.

<sup>111</sup> Dabhoiwala, “The pattern of sexual immorality,” 90.

<sup>112</sup> Shoemaker, *Prosecution and Punishment*, 186.

accepted and inconsistently regulated.<sup>113</sup> The London brothels, or ‘stews,’ for example, were infamous.

If single women and servants were most likely to be suspected of prostitution, female alehouse keepers and landladies were especially prone to accusations of bawdry. Selling food and drink and providing lodgings were the most important occupations of older women in London, and bawdry fit in well.<sup>114</sup> These women lacked male oversight, managed lodgings which could accommodate illicit couples, and sold or could provide access to alcohol. Drink was crucial for attracting clients and also served an important role in circulating funds related to sex work. Clients could be pressured to buy drinks for themselves and their companions at inflated prices. Alcohol not only contributed to loosened morals but, as Dabhoiwala argues, contributed to the sense of sociability that many clients sought from their partners. Ancillary services such as drink and lodgings were often the most lucrative aspects of the sex trade, and they connected sex workers to a larger community. Profits encouraged some innkeepers to tolerate sex work or even keep a resident sex worker in order to entice clients. Bawds could benefit from increased rents, shares of earnings, and theft networks.<sup>115</sup>

### **Non-Elite Women and the Legal System**

This dissertation utilizes legal sources as the best, and arguably only, source which preserves the words of non-elite women, albeit mediated through the legal process (discussed more below under “Finding Female “Voices””). My aim is to find and analyze examples of women working together towards a common goal, whether this was temporary, long-term,

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<sup>113</sup> For an overview of official attitudes towards sex work in England, see Anthony McEnery and Helen Baker, *Corpus Linguistics and 17th-Century Prostitution: Computational Linguistics and History*. Corpus and Discourse (London: Bloomsbury Academic, 2017), 42-52.

<sup>114</sup> Dabhoiwala, “The pattern of sexual immorality,” 93-94.

<sup>115</sup> Griffiths, *Lost Londons*, 151-153.

institutional, or personal. I have included records from numerous judicial systems because they, often but not always, dealt with different crimes, produced documentation of varying lengths and usefulness, and attracted different participants. Often, the type of legal recourse used was the result of the economic resources of the litigant parties. By using a range of court records, I increased the chances of finding evidence of non-elite women. Depositions were especially important for this, as female witnesses came from a wider socio-economic background than their male counterparts.<sup>116</sup> Understanding the broad contours of the law in this period allows us to better understand the sources as well as why and how individuals and allies interacted with the law. It also helps us to contextualize what was at stake for the women under discussion. Knowing the punishments that defendants could face, we can better appreciate how valuable female allies were.

Early modern England was very litigious, and its legal system was convoluted. There were numerous court systems within both the ecclesiastic and lay judiciaries. Although the preferred method of dispute resolution was always informal mediation and reconciliation, people resorted frequently to the courts. There were both ecclesiastical and secular tribunals, with jurisdictions that changed over time and sometimes overlapped, as, for example, in cases of bastardy. English law was also capacious. Depending on the nature and severity of the crime, plaintiffs and justices had considerable leeway in choosing if and how to prosecute. There was also much flexibility in the forms and applications of punishments. Magistrates often tailored penalties to reflect the specific circumstances and the social credit of the defendant. In all jurisdictions, the reputation of offenders and their ability to produce character witnesses was

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<sup>116</sup> Shepard, "Worthless Witnesses?," 727, 733.

paramount. Women were active participants in this system. Female litigants were significantly more likely to call upon female witnesses. For example, Shepard has found that women comprised 53% of witnesses in suits that were fought exclusively between women.<sup>117</sup> This preponderance of ordinary women was especially true in cases that revolved around the female body—such as pregnancy, bastardy, infanticide, and rape—where matrons served as experts, but women were also well represented in testamentary disputes.<sup>118</sup> I strongly agree with scholars like Shepard that “one of the ways in which popular legalism was arguably fostered was through the commonplace experience of giving evidence in court that extended to people who were otherwise marginalized socially or politically on account of their gender, age, or relative poverty.”<sup>119</sup> By serving as witnesses, non-elite women learned the workings of the legal systems, the appropriate rhetoric, and, most importantly, the authority they could, in some contexts, wield over other women and even men.

In all jurisdictions, cases often began through the reports of ordinary people. Canon law accepted various methods of spying, such as watching a suspect couple through windows or keyholes, as evidence.<sup>120</sup> Secular courts were also dependent on ordinary people as sources of information. Witnesses regularly testified to seeing crimes, including adultery, in action. The courts could also order bodily searches to find evidence of intercourse and pregnancy. In some cases, women, and sometimes men, took it upon themselves to search bodies, especially of young women, for evidence of wrongdoing. Martin Ingram crucially distinguishes these “legally purposeful” activities from normally accepted behaviours. Neighbours were not usually inclined

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<sup>117</sup> Shepard, “Worthless Witnesses?,” 732.

<sup>118</sup> Shepard, “Worthless Witnesses?,” 729-733.

<sup>119</sup> Shepard, “Worthless Witnesses?,” 720.

<sup>120</sup> Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1988), 245.

or permitted to actively spy on others, those who did were cast as disturbers of the peace, scolds, and gossips. But “when circumstances became blatant or a matter of common knowledge and insistent gossip,” folk took it upon themselves to seek out incontrovertible evidence.<sup>121</sup> It was the reliance on physical evidence as well as character witnesses which gave ordinary women considerable influence in early modern law and society. Cases were recorded in a mix of English and Latin. Formal documents, such as libels and sentences, were usually written in Latin. In contrast, cases were conducted in spoken English and depositions and responses were written in English.<sup>122</sup>

### Secular Courts

The secular courts prosecuted misdemeanors and felonies. The former were more common and included people from a wider range of backgrounds as both plaintiffs and defendants. Misdemeanors encompassed property offences (petty theft, fraud, trespass); vice offences (keeping a disorderly or unlicensed alehouse, gambling, sex work); regulatory offences; poor law offences (idleness, vagrancy, bastardy); and offences against the peace (riot, assault, defamation). Many of these crimes, such as sex work, were victimless in that no individual was harmed but rather the offence was seen as damaging to the entire community.<sup>123</sup> In addition, the ambiguity of many of these terms, such as ‘idleness,’ gave plaintiffs and justices considerable scope in prosecuting a wide variety of behaviours that were considered unfavourable. The flexibility of the secular courts made them accessible to a wide range of people, but there were still significant barriers for some. Even the cheapest options were out of reach for the poorer

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<sup>121</sup> Ingram, *Church Courts*, 245.

<sup>122</sup> Ingram, *Church Courts*, 47.

<sup>123</sup> Shoemaker, *Prosecution and Punishment*, 6-7.

members of society, including young single women. The system, in fact, encouraged defendants to plead guilty in order to avoid unmanageable fees.<sup>124</sup>

Misdemeanors were punishable by imprisonment, fines, whipping, and public exposure, as in the pillory. Assault cases were usually heard at the quarter sessions and convicted offenders were usually subject to fines. Fines for misdemeanors were tailored to the offence as well as the offender—fines were not supposed to exceed what the offender could reasonably be expected to pay. Non-payment resulted in imprisonment.<sup>125</sup> The most common means by which people formally prosecuted a misdemeanor, such as minor assault, was through a recognizance. Recognizances were relatively inexpensive and quick to obtain, which made them accessible and desirable to a larger range of plaintiffs. The warrant which usually began the binding over process could cost 2 shillings. Undoubtedly, even this cost meant that many victims of violence were prevented from initiating trials, or even obtaining a peace order. As with all other legal processes, however, verdicts may not have been the primary goal. As Hurl-Eamon states, “the brunt of punishment of the binding over method of prosecution was most likely in the infamy of having to appear before Quarter Sessions.”<sup>126</sup> Plaintiffs and judicial officials hoped that defendants would be pressured to reform, that tensions would be reduced, and that specific wrongs would be compensated for.<sup>127</sup>

Recognizances were usually the result of past misdeeds and fear of future ones.

Defendants might be bound over for being a threat to an individual or to community harmony, as

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<sup>124</sup> Shoemaker, *Prosecution and Punishment*, 152-153.

<sup>125</sup> J.M. Beattie, *Crime and the Courts in England 1660-1800* (Oxford: Oxford University Press, 1986), 456-460. Working on Surrey, Beattie calculates that the median fine for common assault was two shillings and six pence and that more than a third seemed to have been a “token” to resolve the dispute.

<sup>126</sup> Hurl-Eamon, *Gender and Petty Violence*, 8, 10, 16.

<sup>127</sup> Shoemaker, *Prosecution and Punishment*, 100-101.



in sex workers, scolds, and adulterers. Because recognizances were often the result of an accumulated history of conflict, they can sometimes give us glimpses into conflicts between several women, examples of which are seen in chapters 3 and 4.<sup>128</sup> Recognizances were very popular among women. Low costs and quick access certainly helped, though Hurl-Eamon argues that it was also because they were subject to much less scrutiny and general hostility than if they pursued a full trial.<sup>129</sup> Hurl-Eamon has also shown that recognizances are useful for looking at checks on male power. Between 1685 and 1750, the Westminster JPs bound 176 husbands to the peace for violence and threats towards their wives.<sup>130</sup>

Recognizances followed a standard form and provided little detail about the offence or parties involved, which make them of limited use for this study. They included the names and addresses of three sureties, usually including the offender, and the sum they had pledged to guarantee the defendant's appearance at the next sessions. Following this was the accused's name and the order to appear at the next sessions for to answer for a specific offence. Most recognizances for misdemeanors bound offenders to appear to answer a charge and to keep the peace against their victim in the meantime.<sup>131</sup> Defendants who could not find sureties were imprisoned, a penalty which fell disproportionately on the poor and new migrants, who lacked local contacts at all, or at least those with sufficient capital to serve as a surety. Prisoners had to pay their own living expenses, which meant that conditions for the poor were especially

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<sup>128</sup> Shoemaker, *Prosecution and Punishment*, 100-101.

<sup>129</sup> Hurl-Eamon, *Gender and Petty Violence*, 37.

<sup>130</sup> Jennine Hurl-Eamon, "Domestic Violence Prosecuted: Women Binding over Their Husbands for Assault at Westminster Quarter Sessions, 1685-1720," *Journal of Family History*, Vol. 26, No. 4 (October 2001), 437, 449.

<sup>131</sup> Hurl-Eamon, *Gender and Petty Violence* 129-130; Shoemaker argues that sureties were not close friends, but those who could, and would, exert pressure on the defendant to fulfill their obligations. Shoemaker, *Prosecution and Punishment*, 108.

miserable.<sup>132</sup> Plaintiffs and justices could also opt to pursue a misdemeanor through formal indictment. This was a much longer and costlier process and often occurred after informal mediation and a recognizance had failed.<sup>133</sup> Finally, misdemeanors could be prosecuted through summary justice and punished with fines and/or imprisonment in a house of correction, discussed more below.

Prosecutions for felonies were rarer than misdemeanors, though felonies were more likely to be formally prosecuted, reflecting the greater seriousness of the crime. In contrast to misdemeanors, justices were legally required to refer felonies to the quarter sessions or assizes and victims were not allowed to settle informally.<sup>134</sup> However, justices, juries, and victims of theft might choose to undervalue stolen goods and so lessen a charge from felony theft to petty larceny. While the punishment for the latter was a whipping or branding, the former was punishable by death.<sup>135</sup> Most felonies in the seventeenth century were handled by the assizes, which travelled through six circuits twice a year. Cheshire had its own equivalent to the assizes, the Palatinate Court of Great Sessions. Two-thirds to three-quarters of prosecuted felonies were property offences, such as larceny, burglary, housebreaking, robbery, and pickpocketing. Property offences made up an even larger proportion of felonies in the London area. Homicide and infanticide comprised 4-16% of felonies, depending on district and decade, with London/Middlesex being on the lowest end. Sexual offences, including rape and sodomy, were much less common.<sup>136</sup> Assize records are valuable for examining female accomplices in cases of capital crime, as well as the roles of female juries in cases which centred on the female body,

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<sup>132</sup> Shoemaker, *Prosecution and Punishment*, 118-119.

<sup>133</sup> Shoemaker, *Prosecution and Punishment*, 114-116.

<sup>134</sup> Shoemaker, *Prosecution and Punishment*, 7.

<sup>135</sup> Hindle, *On the Parish?*, 88-89. Petty larceny covered theft of goods worth less than 12d.

<sup>136</sup> J.A. Sharpe, *Crime in Early Modern England 1550-1750* (New York: Longman Publishing, 1984), 52-54.

such as infanticide. As Chapter Four demonstrates, the stakes in these cases could be literally life or death, and they included a high-level of female participation.

Female felons were much rarer than their male counterparts.<sup>137</sup> An exception was infanticide. The 1624 statute which made concealing a birth by a single woman enough to convict may have resulted in more executions than the witch hunts. In Cheshire, for instance, 33 women were hanged for infanticide between 1580 and 1709, compared with 11 people for witchcraft.<sup>138</sup> The Surrey assizes heard one infanticide case every eighteen months, on average, between 1660 and the end of the eighteenth century.<sup>139</sup> Most felonies were capital offenses.<sup>140</sup> Women convicted of treason, which included coining, and petty treason, for killing their husbands, were burned at the stake.

#### Houses of Correction

Houses of correction were an important early modern development in crime and punishment which disproportionately impacted women. Houses of correction, beginning with the Bridewell Hospital in London (the Bridewell), were places for the imprisonment, punishing, and setting to work of poor people who committed petty offences. Houses of correction had their own summary justice system, allowing for the immediate sentencing and punishment of alleged offenders, including whipping and forced labour, meant to reform idle and loose persons. People could find themselves in houses of correction on behest of plaintiffs, or after being arrested on conduct, or mere suspicion, of immoral or illegal behaviour, such as nightwalking. Plaintiffs had

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<sup>137</sup> Beattie, *Crime and the Courts*, 106.

<sup>138</sup> Sharpe, *Crime in Early Modern England*, 61.

<sup>139</sup> Beattie, *Crime and the Courts*, 114.

<sup>140</sup> Women could not claim clergy for theft over ten shillings until 1692, but they were likely to be reprieved. There was also a contemporary tendency to undervalue stolen goods, especially for first offenders. Beattie, *Crime and the Courts*, 453, n. 7,

to appear before a justice and pay a mere shilling for the warrant for the arrest of the defendant. Officials merely had to present their prisoners to the justice. There was no set sentencing for offenders. Those committed to the house of correction could be discharged at any time by a justice.<sup>141</sup>

Houses of correction had a very broad purview. Shoemaker calculates that more than one-fifth of commitments were simply for being “idle,” “disorderly,” or “loose, idle, and disorderly.” This label included offences related to vagrancy, theft, sex work, and breaking the peace. The last gave secular authorities the power to arrest and punish suspected sex workers and adulterers—crimes that otherwise fell under the jurisdiction of the ecclesiastical courts.<sup>142</sup> Servants, most often female, and apprentices could be committed by their employers, who claimed they were lazy, threatening, thieves, or just generally immoral.<sup>143</sup> Defendants might be sent to a house of correction for want of sureties, another way in which the poor and isolated were punished for lack of networks.

Gender ideologies and the sexual double-standard meant that houses of correction were used most often against women. Women taken at night were suspected of ill conduct, namely sex work and debauchery. Some of these women, undoubtedly, were engaged in sex work. Others, however, were taken simply for being poor and in the wrong place at the wrong time. While women were committed to houses of correction, their male sexual partners were bound over by recognizance, if they were punished at all.<sup>144</sup> Records from houses of correction tend to be a mere line or two, but they can give us a sense of female patterns of crime and alliance,

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<sup>141</sup> Shoemaker, *Prosecution and Punishment*, 166-167.

<sup>142</sup> Shoemaker, *Prosecution and Punishment*, 168-171.

<sup>143</sup> Shoemaker, *Prosecution and Punishment*, 174

<sup>144</sup> Shoemaker, *Prosecution and Punishment*, 172-173.

particularly sex work. As I argue in Chapter One, women were frequently described as being “taken together” by JPs, suggestions that they were congregating and working in the same space, perhaps for safety. There are also examples of houses of correction creating temporary bonds between female prisoners, as in efforts to escape.

### The Church Courts

The consistory courts were responsible for the moral regulation of their communities. They handled cases of sexual conduct, such as fornication and adultery, marriage disputes, and defamation, as well as more strictly religious infractions like non-attendance at services. Trials for sexual misconduct and defamation provide important documentation throughout this dissertation. Non-elite women were heavily involved as prosecutors, defendants, and witnesses in the church courts, to the point that some contemporaries began to view them as ‘women’s courts.’ Importantly for the historian, church courts tended to produce much more detailed records than did the quarter sessions, even in relatively minor cases.<sup>145</sup> The church courts were able to apply a variety of punishments, public penances and fines being the most common, but excommunication was also used to encourage compliance.<sup>146</sup>

Historians have long recognized women’s prominence in slander litigation. Though the reputation of the ecclesiastical courts declined over the seventeenth century, and they were abolished during the Restoration, the frequency of defamation litigation actually increased over the period, as did women’s participation. Canon law was, in principle at least, more receptive to female agency than common law—“inevitably so,” according to Laura Gowing, “since its main

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<sup>145</sup> Foyster, *Marital Violence*, 25.

<sup>146</sup> Ingram, *Church Courts*, 52.

jurisdiction was in matters than involved women as much as men,” namely sexual morality.<sup>147</sup>

Working on the London Consistory Court between 1570 and 1640, Gowing has found that in London and its suburbs approximately 80% of defamation cases were brought by women. This was higher than elsewhere in England, where approximately 65% of such cases were pursued by women. By the 1650s, three-quarters of the court’s sex and marriage litigation was brought by women. It also saw high numbers of female deponents.<sup>148</sup> “When the church courts resumed after 1660, they were even more firmly established as a women’s court.” Over the next several decades, the patterns of female participation evidenced earlier in London came to apply to most of England and women became the majority of litigants in the church courts.<sup>149</sup> Sharpe has tracked similar patterns in the York consistory records. In the 1590s the York Consistory Court heard 1,638 cases for slander, 51% of those with female plaintiffs. By the 1690s the court received 565 such cases, a drop of more than 50% in total business, but 76% now had female plaintiffs.<sup>150</sup> 90% of these female-led defamation suits involved the language of sexual insult.<sup>151</sup> In turn, women were more likely than men to call upon female witnesses. This reflected social and economic norms. Women frequently laboured and socialized in homosocial groups and, so, were more likely to be present during a defamatory exchange.<sup>152</sup>

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<sup>147</sup> Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1998), 38.

<sup>148</sup> Laura Gowing, “Gender and the Language of Insult in Early Modern London,” *History Workshop*, No. 35 (spring, 1993), 2; Gowing further calculates that between 1570 and 1640 the London church courts saw around 1,800 suits over sexual slander or marriage disputes, of which 85% had at least one female litigant and 43% of the 6,000 witnesses in these cases were female. Gowing, *Domestic Dangers*, 12.

<sup>149</sup> Gowing, *Domestic Dangers*, 267-268.

<sup>150</sup> J.A. Sharpe, *Defamation and Sexual Slander in Early Modern England: The Church Courts at York* (Borthwick Publications, 1980), 27.

<sup>151</sup> Sharpe, *Defamation and Sexual Slander*, 15.

<sup>152</sup> Gowing, *Domestic Dangers*, 51.

The popularity of the church courts with women did not go unnoticed by contemporaries, who viewed the growth of litigation negatively as part of a decline of good neighbourliness.<sup>153</sup> Gender bias also led them to dismiss slander litigation and the church courts as trivial sites where women battled. However, this view ignored the important role of women in oral regulation and the authority and opportunities which slander litigation could give to some of them. Verbal assaults and the language of sexual insult could be powerful but dangerous tools for women. A truly virtuous woman was expected to demonstrate verbal restraint and decency of speech.<sup>154</sup> Oral conflicts might, therefore, reflect poorly on the women involved, particularly considering the salacious content of most disputes. Formal litigation only increased this conundrum, as the legal process required further articulation of specific accusations and evidence as part of libels and depositions. Considering the high proportion of female participants in the consistory courts, women clearly did not find these prescriptions regarding women's speech strong enough to prevent them from using the power of their words. Plaintiffs were surely encouraged by high odds of success to go after defamers in court. The majority of cases which went to sentence were given to the plaintiffs, regardless of gender, though male defendants had a greater chance of success (23%) than did women (14%). Women were readily labelled, and punished, as defamers by the church courts.<sup>155</sup> The high rate of slander cases brought and defended by women throughout the 17<sup>th</sup> century shows that this, too, was not a powerful deterrent.

Litigation in the church courts could be costly, in terms of funds and social impact. Expenses for an average marital or slander suit were around £4, already a considerable sum, and

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<sup>153</sup> Gowing, *Domestic Dangers*, 111, 196; Tim Stretton, "Written Obligations, Litigation and Neighbourliness, 1580-1680," in *Remaking English Society: Social Relations and Social Change in Early Modern England*, eds. Steve Hindle et al. (Boydell & Brewster: Woodbridge, Suffolk, 2013), 189.

<sup>154</sup> Gowing, *Domestic Dangers*, 61.

<sup>155</sup> Gowing, *Domestic Dangers*, 61.

longer cases could reach upwards of £14.<sup>156</sup> A defamation case which called witnesses and proceeded to final sentence could take a year or eighteen months, consuming a substantial amount of time and resources.<sup>157</sup> Conviction in the consistory court for defamation carried a variety of public penalties. These included public confessions, sometimes dressed in a white sheet while holding a wand, or a paper declaring their sin. Defamers were frequently ordered to make a public apology, a retraction of their slanderous statements, and payment for expenses, sometimes with added compensation.<sup>158</sup>

#### Not Just Sex – The Credit of Non-Elite Women

Reputation, described as ‘credit’ or ‘fame’ in seventeenth-century records, was a central aspect of early modern law, as well as ordinary social functioning. ‘Credit’ determined access to legal, social, economic, and emotional resources. The reputation of women has often been understood as relying mainly on sexual morality. To have a good fame meant to be sexually chaste, a good daughter, wife, and mother. It is true that seventeenth-century culture often couched women’s reputations in these terms, especially when trying to undermine a woman’s credit, as discussed in chapters one and two. However, the language of sexual insult often served as a cover for other offenses, and it can obscure the other elements which made up female credit. Gowing goes so far as to claim that “the words of slander, ostensibly about sex, turn out to be about almost everything else. The sexual insult of women absorbed and refracted every kind of female transgression.”<sup>159</sup> There were similar gaps and contradictions between prescriptive language and realities. ‘Good women’ were expected to be meek, quiet, and housebound. But for

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<sup>156</sup> Gowing, *Domestic Dangers*, 40.

<sup>157</sup> Gowing, *Domestic Dangers*, 39.

<sup>158</sup> Robert B. Shoemaker, “The Decline of Public Insult in London 1660-1800,” *Past & Present*, No. 169 (Nov., 2000), 98; Gowing, *Domestic Dangers*, 40.

<sup>159</sup> Gowing, *Domestic Dangers*, 22, 118.



most women these rhetorical ideals were impractical, and evidence shows that many women, and men, had different understandings of acceptable female behaviour.<sup>160</sup> Being a good neighbour and community member, as this work shows, included policing the behaviours of others, including verbally, as when women chastised men for beating their wives.

This dissertation aims to broaden understandings of women and their values beyond a male-gaze and focus on sex. As Garthine Walker, Faramerz Dabhoiwala, and others have pointed out, female honour was not just about sexual morality. Using judicial statements by women, Walker argues that women “laid claim to an honourability which was defined by what women *did* rather than what was done to them.”<sup>161</sup> This dissertation strongly resonates with Walker’s focus on female agency and words. It also seeks to further our understanding of how women contributed to the construction, defense, and maintenance of the credit of their peers. Credit, in turn, had real life implications, for instance in the weight of a woman’s words in the court and in defending her allies. Women were deeply involved in the regulation of their own honour as well as, in some cases, the honour of men; it was not just men making the judgements.

Judicial testimonies show that there were several facets to female credit. A woman was expected to live quietly and to maintain cordial relationships with her neighbours, including the women. Being anti-social, a scold, adulteress, fornicator, or abusive, all detracted from her standing. Women also took pride in their roles as domestic managers, so that the insult of “idle housewife” could draw oral, physical, or legal action.<sup>162</sup> Walker argues that women’s work and household positions were very relevant to personal as well as social honour. She adds that “it is

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<sup>160</sup> Erickson, *Women and Property*, 9.

<sup>161</sup> Garthine Walker, “Furthering the Boundaries of Female Honour in Early Modern England,” *Transactions of the Royal Historical Society*, Vol. 6 (1996), 239.

<sup>162</sup> Foyster, *Marital Violence*, 51; Walker, “Furthering the Boundaries of Female Honour,” 238.

widely accepted that women's contributions to their household economies gave them a subjective sense of social identity and self-worth, as well as neighbourhood status, all of which have a relation to honour."<sup>163</sup> And women, like men, could be slandered as thieves and liars.<sup>164</sup>

Having strong female relationships and being respected amongst one's female community was important to individual as well as social conceptions of credit. As Chapter One demonstrates, it was a sign of a woman's good standing to be invited to female rituals, such as lying-ins and churchings. Again, I agree with Walker's hypothesis that "women's collective action may be particularly instructive in determining the boundaries of female honour."<sup>165</sup> Women acted collectively in defending their neighbourhoods from immorality, crime, and what they saw as power abuses by authorities, or those that attacked their household. They also could act violently in defending their honour, as we see in Chapter Four. Moreover, it is important to recognize that even those who arguably lacked communal honour, like illegitimate mothers or sex workers, likely had an internalized sense of honour and credit that is not preserved in the records. It also seems probable that long-term or repeated accomplices were also at pains to establish their own sense of credit—for an accomplice that could not be trusted was all but useless and unlikely to be turned to again.<sup>166</sup> A history of good standing could also trump sexual transgressions.<sup>167</sup>

Those who did not have a good fame among their neighbours, and, perhaps, especially the women, were very vulnerable. Should they end up in court, they were unlikely to find

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<sup>163</sup> Walker, "Furthering the Boundaries of Female Honour," 236.

<sup>164</sup> Dabhoiwala, "The Construction of Honour, Reputation and Status," 208.

<sup>165</sup> Walker, "Expanding the Boundaries of Female Honour," 241.

<sup>166</sup> I intend to expand on the concepts of honour and trust among female criminals in future work on material networks.

<sup>167</sup> Dabhoiwala, "The Construction of Honour," 203, 208.

supporters. Courts, in turn, were unlikely to take their side, whether they were defendant or prosecutor. Over time, a ‘common fame’ developed, which could be used as evidence against an individual in the courts. This common fame could extend beyond those who personally knew the individual, as in the case of Jane Blackburn in Chapter Two. The necessity of establishing a good reputation and standing in a community is one reason why recent migrant women needed to develop a network quickly and why so many non-elite women were willing to go to court to defend their reputations.

### Sources and Methodology

#### **Archives and Primary Sources**

This dissertation utilizes the records of a number of ecclesiastical and secular courts in the highly populated London and Middlesex areas of southern England, as well as the county of Cheshire in the north-west (see Figure 1). The London Metropolitan Archive (LMA) contains Sessions for the Peace records for London and Middlesex. These Sessions were held by Justices of the Peace (JPs) and they primarily managed misdemeanors, including perjury, fraud, riot, and assault. However, I have also found numerous records relating to theft, coining, suspected infanticide, rape, and settlements. Sessions records are usually loose individual pages relating to the judicial business of that particular session—meaning that the records for a particular case are often scattered across several sessions. Most relevant for my purposes were those records which included recognizances or depositions. There were regional jurisdictional variations as well as flux. The Middlesex Sessions were initially held only twice annually, but this increased to 8+ times due to popularity. There were no Assizes in Middlesex. Rather, serious criminal matters were deal with at the Old Bailey in the Sessions of Gaol Delivery or at the King’s Bench in Westminster. As such, I have also utilized the Proceedings of the Old Bailey from their inception

in 1674 through 1699. The Proceedings were printed summaries of cases handled at the Old Bailey, the central criminal court for both the City of London and County of Middlesex. The Proceedings were published for general audiences. The Old Bailey saw all trials for felonies and some serious misdemeanors.<sup>168</sup> Records from the Old Bailey feature prominently in my discussions of women and serious crimes such as rape, murder, and infanticide.

I also collected records from marital separation suits at the Court of Arches (the Arches) at Lambeth Palace Library (LPL) in London. The Arches was the court of appeal for the Archbishop of Canterbury, and it covered the greater part of England and Wales. This ecclesiastic court oversaw a wide variety of matters relating to matrimony, morality, and even property.<sup>169</sup> Because it attracted a wealthier group of participants who could afford its often lengthy proceedings, the records of the Arches tend to be longer and much more complete than the other judicial sources used here. From its exceptionally complete catalogue I was able to identify every separation suit processed between 1660 and 1700. This amounted to 192 suits, 80 of which had surviving witness statements from a total of 643 individuals covering thousands of pages. Though not all cases contained every step of the legal procedure, I did utilize act books, sentences, pleas [libels, articles, allegations, interrogatories], personal answers [statements by one or both the plaintiff and defendant summarizing their position], and depositions by witnesses. Documents were filed according to series type, meaning that individual cases were not kept together and were spread across many sites. I tried to locate all aspects of a case from

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<sup>168</sup> Clive Emsley, Tim Hitchcock, and Robert Shoemaker. "Crime and Justice – Crimes Tried at the Old Bailey." <https://www.oldbaileyonline.org/static/Crimes.jsp>

<sup>169</sup> <https://www.lambethpalacelibrary.org/wp-content/uploads/sites/37/2021/06/Research-Guide-Legal-Sources.pdf>

inception to conclusion, but undoubtedly missed some documents, despite the impressive cataloguing by the archive.

For Cheshire, I utilized the records of the Diocese of Chester Consistory Court (EDC 5)<sup>170</sup> as well as the secular Quarter Sessions (QJF). EDC 5 records include supplementary information such as depositions, allegations, penances, and expenses. This made the EDC 5 records far more valuable for the purposes of this dissertation than the Court Books (EDC 1) which were usually only brief entries. The QJF records include a huge array of documents, of which I focused on petitions, depositions, examinations, and, to a lesser extent, recognizances. Though I went through the EDC and QJF indexes for 1650-1700, I prioritized years which had large numbers of surviving records. This meant that records were skewed towards the post-Restoration era. Select years, such as 1661-1664 inclusive, 1666, 1671, 1672, 1675, 1677, and 1683 contained especially rich documentation.

This selection of records reflects the availability and preservation of sources as well as a desire to include geographic variety beyond south-eastern England, especially the London area. The capital, as many scholars have established, was exceptional for its population density, levels of litigation, female participation in litigation, immigration, and labour patterns. By the mid-1670s London had a population of approximately 500,000.<sup>171</sup> In contrast, the entire county of Cheshire had a population of 100,221 in 1701. About 17,200 of these lived in Chester, leaving

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<sup>170</sup> Note: Although the jurisdiction of the Diocese of Chester theoretically covered the entire diocese, many archdeaconry of Richmond cases were to the York Consistory Court. As a result, most of the records in EDC are confined to the archdeaconry of Chester.

<http://catalogue.cheshirearchives.org.uk/CalmView/Record.aspx?src=CalmView.Catalog&id=ED%2fC%2f5>

<sup>171</sup> Clive Emsley, Tim Hitchcock, and Robert Shoemaker, "London History – A Population History of London," *Old Bailey Proceedings Online*, ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 31 May 2022).

93,000 across the rest of the county.<sup>172</sup> My sources predominantly come from urban areas, but this is somewhat mitigated by the wide jurisdictions of both the Chester Consistory Court and the Arches. These judicial bodies drew in participants from surrounding rural areas in the southern half of England, though they, too, were still dominated by urbanites. This geographic scope allows for the inclusion of women from agricultural as well as industrial areas. For instance, Cheshire records contain references to women working at harvests, while London sources include more domestic servants. Following the methodological logic of Sharpe and Dickinson, I also wanted to expand by range of examples of female alliances to other sites. As such, I have drawn selectively on printed calendars of legal records and secondary works.<sup>173</sup>

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<sup>172</sup> J.A. Sharpe and J.R. Dickinson, "Revisiting the 'Violence We Have Lost': Homicide in Seventeenth-Century Cheshire," *The English Historical Review*, Vol. 131, No. 549 (April 2016), 301.

<sup>173</sup> Sharpe and Dickinson, "Revisiting the 'Violence We Have Lost'," 294.



**Figure 1.1: Map, The counties of England and Wales before 1972**

© Robert Bucholz and Newton Key, *Early Modern England 1485-1714: A Narrative History*, 3<sup>rd</sup> Ed. (Oxford: Wiley-Blackwell, 2008), 8.

### Identifying Non-Elite Women and Alliances in the Archives

There is no index, archive, catalogue, or search aid dedicated to female alliances. In many cases, archival listings are limited to the names of plaintiffs and defendants only.<sup>174</sup> Thus, finding evidence of women working together was usually a matter of grabbing a box and going through the contents page by page. In the preliminary stage, I searched through these files for cases which referred to two or more women. This included cases with multiple female defendants, plaintiffs, and witnesses, or a combination thereof, as when a woman was deposed in a case with a female plaintiff. I also retained cases where a female alliance was mentioned as part of a statement, such as when a female servant referred to conversations with her same-sex peers, or when a mother petitioned to have her daughter released from an apprenticeship.

From there, I attempted to determine whether any of the women mentioned were non-elite. This was a fraught business as the occupations and incomes of women were rarely directly mentioned. Most often they were classified by their marital status. When the status of their spouse was mentioned, this helped to identify economic position. Cases which included only members of the gentry or above were usually easily discarded although, as mentioned above, some middling and elite women claimed to be in precarious circumstances due to marital problems.

I have used cases both where female alliances worked *against* individual women and where they operated on *behalf* of an individual. Cases where a female collective operated at the expense of an individual include the identification of disruptive and immoral women, such as adulteresses and bastard-bearers. Often cases were not as clearcut as collective vs individual, as

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<sup>174</sup> A significant exception to this is the records of the Court of Arches.



even rather marginalized women, including illegitimate and infanticidal mothers, could count on some female support. Alliances were frequently in competition with one another. The reputation of individual women could also influence how their situations were handled. Those who had histories of being good neighbours and peers could find women coming to their defense even when they had admittedly violated social norms.

For the Arches, I again narrowed my scope to suits which involved several female deponents or at least one female deponent in addition to a female plaintiff or defendant. Though plaintiffs in these suits tended to be of the middling sort and sometimes above, witnesses were drawn from a wide spectrum. Domestic servants featured very prominently. Additionally, many of the wives who were suing for formal separation described being in very straightened circumstances. Though this was part of their legal strategy, it was also born out by the specifics of their case and the testaments of their supporters. As Chapter Three discusses, some wives found themselves dependent on the goodwill of their employees, up to and including borrowing funds.

I sometimes collected examples of what I classify, for my purposes, as ‘negative’ cases. These included cases where an individual woman was unable to defend herself in the courts because of a lack of testamentary support. A prime example of a negative case is that of Jane Blackburn, discussed in Chapter Two. Blackburn sued for restitution of conjugal rights at the Arches, but none of the witnesses spoke on her behalf. Rather, the Blackburn case shows how information which was detrimental to Blackburn’s case, and her odds of success, was spread through a network of other women. Understanding how vulnerable isolated women were underscores the advantages of having a strong female network. Women accused of sexual

immorality, for instance, who did not have any women to speak to their good conduct were subject to full penalties of the law and struggled to get financial aid from the parish.

### Finding Female “Voices” in the Records

Though judicial records are the best source for analyzing the alliances of non-elite women in seventeenth-century England, judicial records are by no means unproblematic snapshots of ‘real’ events. The various courts had their own procedures and different types of legal documents were produced depending on the court, the accusation, and the punishment. Summary justice, for instance, generally produced much shorter documents, as there were no competing parties to go through the full series of allegations, witnesses, and costs. In contrast, separation suits at the Arches produced extensive documentation. This reflected the relative wealth of the litigant parties and the high level of evidence that women needed to secure a legal separation and alimony.

Unlike some places in Europe, English notaries did not transcribe statements verbatim. Oral statements were transcribed into written documents in the third person [“she said,” “this deponent believes,” etc.]. Moreover, libels and interrogatories were comprised of a series of specific questions (there was no limit on these questions, and they could be very lengthy depending on the complexity of the suit) which were put to litigants and witnesses. Despite these restrictive frames, however, many deponents still managed to produce highly individualistic and detailed statements, even when answering the same questions.<sup>175</sup> As Elizabeth Cohen—working on Italy, where judicial documents were transcribed verbatim, but still processed from oral to

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<sup>175</sup> Parties could opt to skip questions, claiming they could not answer. In some cases this was true; not all witnesses are present for the same events, for instance. It is likely, though, that some deponents simply did not want to answer, perhaps because they did not want to perjure themselves, undermine the case of their ally, or get involved in the conflict.

written records—has argued “these frames shaped the orality that we see in the trials, but did not obliterate individual agency in speech.”<sup>176</sup>

Trial documents, like all texts, are culturally mediated and provide us with scripts rather than verbatim accounts of ‘real events.’<sup>177</sup> Each participant pursued their own agenda and tried to ensure the optimal outcome for themselves or their ally. Non-elite women had to be especially careful not to damage their marital or occupational opportunities. As Gowing argues, legal records are “the imperfect transcription of an exchange laden with imbalances of power, secrets, hidden agendas and meanings we can only partly recover.”<sup>178</sup> Every plaintiff, defendant, and witness in a proceeding had an agenda and they tailored their statements accordingly. Joanne Bailey, however, has cautioned against turning a “deaf ear” to the voices of litigants and witnesses. Bailey stresses that litigants were deeply involved in their suits, and that “court documents were firmly built upon the information that they supplied.”<sup>179</sup>

Legal records can reveal a great deal about women’s lives in seventeenth-century England. In the stories they told the courts, poorer women revealed details about their ordinary experiences that help us to reconstruct the role of their same-sex alliances. These incidental references to female sociability and allyship are very valuable and can only be accessed through a thorough reading of the sources. At the very least, in court records we see the presence of women in disputes and, often but not always, who they chose to ally with, even if just for the space of a single case. The ‘how’ women helped each other through their statements is fairly

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<sup>176</sup> Elizabeth S. Cohen, “She Said, He Said: Situated Oralities in Judicial Records from Early Modern Rome”, *Journal of Early Modern History* 16, 4-5 (2012).

<sup>177</sup> Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. (Stanford: Stanford University Press, 1990); Gowing, *Common Bodies*.

<sup>178</sup> Gowing, *Common Bodies*, 14.

<sup>179</sup> Joanne Bailey, “Voices in court: lawyers’ or litigants’?” *Institute of Historical Research*, Vol. 74, No. 186 (Nov., 2001), 393, 396.

clear, as in descriptions of good reputations. ‘Why’ they did so requires deeper analysis that is, certainly, more open to ambiguity and interpretation.

As I demonstrate throughout this study, women used their words to great impact in the courts. They constructed their claims around being present for exchanges, the result of gendered patterns of labour, and their authority as moral regulators, neighbours, and experts on the female body. Like Tim Stretton and Sara Beam, I try to include multiple voices, including the various potential motivations of individuals and collectives of women. Even if legal records cannot provide unmediated female voices, they can give a sense of the agency and experiences of non-elite women and how they tried, through their legal statements, to support their allies. And by including details about the legal process in each chapter, I engage with Stretton’s cautions about “technical” awareness when using judicial records.<sup>180</sup>

My approach to interpreting judicial documents resonates strongly with Gowing’s “power of the plausible.” Gowing argues that “fictionalized, exaggerated versions can be as useful to historians as strict truths. Alongside the key contested events, most testimonies include significant extraneous detail that reveals who was doing what, where and when.” Testimonies, therefore, allow up to reconstitute an image of daily life as well as the fantasies individuals wove around that life.<sup>181</sup> An important takeaway from this is that women clearly had no problem calling upon female allies, or referring to them as sources of news or describing their interactions, as part of legal statements. Moreover, the courts accepted, in many cases, the social and legal importance of female networks. That female deponents were willing to identify their

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<sup>180</sup> Sara Beam, *The Trial of Jeanne Catherine: Infanticide in Early Modern Geneva* (Toronto: University of Toronto Press, 2021), 2-4; Tim Stretton, “Women, Legal Records, and the Problem of the Lawyer’s Hand,” *Journal of British Studies*, 58 (2019): 684-700.

<sup>181</sup> Gowing, *Ingenious Trade*, 7.

peers as sources of information and key eyewitnesses shows that such interactions were an accepted part of their daily lives. Not all information given by, or passed between, women was treated as suspect or useless, the mere product of ‘gossip.’ Rather, legal authorities knew that women were the best, and often only, sources of information because of their gendered roles. As such, for example, domestic servants, who were largely female, commonly served as witnesses because of their close living and interactions with their employers. They were understood to have information which could not be found elsewhere. Some cases even depended on information which had passed solely through an oral female network—as in the trial of Jane Blackburn in Chapter Two.

These sources reveal a world of female sociability based on class and gendered experiences and spaces; a world the female participants themselves did not regard in any way as deviant and which the courts recognized and depend on in the regulation of communities. In their statements plebeian women show a detailed knowledge of each other’s intimate lives, which was of vital importance in cases of slander and marital disputes. Servants, especially, were privy to the affairs of their employers and proved key witnesses and sources of support in many cases. As a result, servants are an important part of each chapter.

### **Notes on Spelling and Punctuation**

For ease of reading, I have followed the common practice among historians of early modern England of standardizing names and modernizing spelling and punctuation. Spelling, especially of names, was often phonetic, meaning there can be variation even within the same record or between the primary sources and modern index. For instance, Ann Rivell is indexed under Anna, but is most commonly referred to in the documents as Ann. I have thus chosen to refer to her consistently as Ann. Similarly, Margaret Cranke is sometimes referred to as Crank,

but I have opted for the most common spelling in the original records. For dating, I use the date under which documents are indexed, which is usually according to the modern calendar, but also include descriptions of dates that are given as parts of statements (ex. “Two weeks before Lady Day last past”). An ellipsis in square brackets [...] is used where multiple words or lines in a record are illegible or skipped for clarity.

### **Dissertation Outline**

Chapters are organized thematically and progress from the more common scenarios and punishments—sexual and oral regulation—to rarer, or at least less documented and studied, situations, including capital crimes. As considerable scholarship already exists on women’s bodies and their roles in slander litigation, the first two chapters of this dissertation seek to situate my findings within the pre-existing work and to reframe it to focus on alliances rather than conflicts between women. It also links the licit authority which matrons had over sexual affairs to less licit matters of pre-marital sex and sex work, demonstrating that all these matters centered on the female body. Chapters Three and Four examine how female alliances worked to mitigate or commit violence, against men and women. These cases were rarer and more sensational, with stakes that could be literally life or death. As such, they tended to produce longer documentation. Central themes across all the chapters are bodies, spaces, proximity, experiences, emotions, strength in numbers, and collective vs individual women.

#### **Chapter One – Women’s Bodies: Child-Bearing and Sex**

A fundamental argument of this dissertation is that their bodies brought women together. Chapter One lays the foundation for the following chapters by summarizing contemporary views of the female body and how women’s knowledge of their bodies gave them considerable influence within the community and legal system. It links birthing rituals, illegitimate

pregnancies, and sex work using the concept of shared bodily experiences and gendered emotions. Women could use their authority in matters of the female body on behalf of institutions and community priorities, for instance by policing other women and enforcing penalties for illicit sex. But they could also be sources of support for vulnerable women and offer information, character references for poor relief, shelter, and labour opportunities, including sex work.

## Chapter Two – A World of Words: Slander and Defense

Chapter Two examines how non-elite women used words as a means of defense, attack, and mediation, often but not always against other women. Non-elite women were very involved in cases of slander, which were often articulated in the language of sexual insult even when actual sex was not involved. Women were easily attacked and discredited by sexual insults and it was vitally important for them to protect their reputations. To do so, they needed other women to speak to their character and thus prevent a common fame from developing.

Women could also use slander as a tool to mediate conflicts, especially in cases where more formal options were limited, as in censuring male conduct. In lieu of confrontations with adulterous husbands, for instance, wives and their supporters would verbally attack their female rivals, hoping to see them call off the illicit relationship, perhaps alongside a formal penance. In doing so, female alliances prioritized the couple and the community by enforcing proper sexual conduct and household economics. These conflicts often took place, deliberately, in female dominated spaces. Non-elite women could also use the rhetoric and processes of slander as a method for diffusing or redirecting away from potentially more serious conflicts, such as trials for witchcraft.

As always, “success” in a battle of words often came down to who had the larger alliance, and so new, poor, and otherwise marginalized women were often unable to defend themselves. This further highlights how important it was for non-elite women to nurture same-sex alliances. This chapter includes case studies which illustrate how information circulated through female networks and solidified a common fame against a woman. In both cases, female networks worked at the expense of an individual woman, in one case a servant, a disruptive wife in the other.

### Chapter Three – “In Manifest Danger of Her Life”: Spousal Violence and Female Support

Female allies were crucial sources of support for abused, neglected, and generally maltreated wives. Depositions in separation suits show non-elite women providing wives with shelter, maintenance, emotional care, and physical protection. This was all in addition to their testamentary support, which served to bolster the wife’s case to extricate from a cruel husband and receive alimony. Since divorce was unlikely to be granted, women required extensive evidentiary support for their cases, and women were well placed to provide it as a result of their cultural and economic roles.

This chapter—progressing from the most physically distant to nearest—demonstrates how kinswomen, female neighbours, and female domestic servants enforced marital norms and tried to help their allies. Some put themselves at considerable risk of becoming targets of violence themselves and of losing vital employment. It also considers the emotional language which female deponents used and how alliances could cross status boundaries and disrupt hierarchies.

### Chapter Four – Strength in Numbers: Women and Violent Crime



This chapter looks at how female alliances operated in more exceptional circumstances and where the potential stakes were highest—those where the primary concern was violence. This includes cases of assault, murder, sexual violence, and infanticide. In addition to being the victims of violent crime, non-elite women tried to protect each other from, and also perpetrated, violent offenses, even though this was considered “unnatural” for their gender. Though women’s crimes have been studied by historians, this work is the first to explicitly focus on how female alliances worked in both the committing and prosecuting of violent offences. It links women’s roles in the legal system to their broader positions as mothers, mistresses, servants, and experts on the female body. I argue that the same social and economic factors which caused women to socialize and ally in other contexts—birthing rituals, oral conflicts, domestic violence—also caused them to commit and prosecute crimes together.

The stakes in these cases could literally be life and death. Murderers, rapists, and perpetrators of infanticide were all subject to execution. As witnesses, experts, and juries of matrons, ordinary women exercised considerable influence in these suits; perhaps the greatest judicial authority they enjoyed in this period. This chapter considers whether gendered solidarity and empathy may have motivated matrons and other women to turn a blind eye to signs of crime, consciously or unconsciously.

## Chapter One

### Women's Bodies: Childbearing and Sex

#### Introduction: Female bodies, female knowledge

In 1651, Bridget Poole submitted a petition to the Chester Quarter Sessions requesting aid for her and her illegitimate child. In the petition, Poole confessed that she had been impregnated by Robert Turner, who was bound to the same sessions. Poole stressed her pitiable situation: “not being able to go wide hither for the present both for unableness of body and for want of means to maintain her she having been forced to sell clothes for want of maintenance and if some speedy course not be taken she is likely to starve.” Though she confessed her sin and was obliged to throw herself on the mercy of the court, Poole did not see herself as without merit. Up until her pregnancy and subsequent circumstances, she claimed to have “lived all her lifetime hither to in good fame amongst her neighbours.” The neighbours seemed to agree that Poole’s single transgression did not erase her years of good conduct. Twelve women signed her petition for support, declaring “that Bridget was never before stained with any man these fourteen years she had lived in this town.”<sup>1</sup>

This chapter examines how contemporary ideologies surrounding the female body, as well as lived experiences such as pregnancy and poverty, created not only female spaces, but also promoted compassion and empathy between non-elite women. This concept of shared bodily experiences fostering emotional connections between plebeian women lays the foundations for the following chapters on slander and violence. While scholars of early modern

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<sup>1</sup> QJF 1651 No 148.

women have looked at birthing rituals as well as conflicts around sex, and to a lesser extent at the realities of sex work in this period, this chapter unites these themes around the central topic of alliances. While women's bodies often made them physically and culturally vulnerable in early modern England, this chapter examines how bodily experiences and knowledge gave women considerable authority which they used to defend their allies and solidify their ranks. This authority and knowledge fell across a spectrum of formal, informal, legitimate, and illegitimate sites that were broadly connected by real and suspected sexual activities and repercussions.

The first part of this chapter discusses contemporary views of the female body as well as how and why certain sites and topics were coded as female. The second half looks at how non-elite women used their position in these spaces—physical, verbal, and legal—to the benefit, or detriment, of individuals, progressing from the experiences of wives and matrons to those of single women and sex workers. The common tie across these seemingly contrary spaces—the legitimized rituals and authority of respected matrons, to bastard births and fornication—was the female body and particularly gendered experiences of sex. I argue that women's roles as experts on the female body made them vital sources of knowledge and support for all women, not just those who sexually conformed.

Scholars, as discussed in the Introduction, have long recognized that birthing rituals were female dominated, even if they disagreed about the meanings of these rituals. None have connected these common and strongly gendered rituals to the broader workings of female alliances. Ordinary women testified to the courts and provided their peers with material, legal, social, and economic protection. The reliance of seventeenth-century courts on physical evidence collected by ordinary people made women central to the prosecution of sexual offenses. Only

they, save in very particular circumstances, were supposed to understand and handle the female body. In addition, non-elite women were expected to observe and police the sexual morality of their peers. Some, as this chapter demonstrates, extended this knowledge and authority to help allies with unwanted pregnancies and employment as sex workers.

Sometimes, as this chapter shows, women acted together against an outsider and aligned with institutional and communal aims. Other times, however, they used their roles as experts on the female body to defend women, like Bridget Poole, who might otherwise have been ostracized, shamed, or denied parish support, demonstrating that few women were entirely without networks in this period. The more vulnerable a position a woman found herself in the more she needed her allies. Her position—say, as pregnant and single, or a sex worker—may have cut her off from the larger networks of matrons who helped police community morality, but she still, in some cases, at least had access to smaller, more personal, sources of aid. This chapter shows alliances between pregnant daughters and their mothers, sex workers and bawds, and women sharing knowledge of abortifacients, illicit liaisons, and reputations.

### **Law and Legal Process**

As we saw in the Introduction, moral policing fell especially hard, though not exclusively, on non-elite women. This section outlines the basics of the legal process in matters of sexual offenses to contextualize how non-elite women engaged with the law and male authorities and institutions in the seventeenth century. Knowing the potential repercussions for sexual offenses is important for understanding the penalties which strong female alliances could help their members avoid or escape, or how they saw rivals and transgressors punished. The following section links this with broader understandings of the female body.

Sex, especially female sex, was a matter of great concern in seventeenth-century England. As such, it could be a matter for either the ecclesiastic or lay courts, and the boundaries between judicial jurisdictions often overlapped. The church courts could impose penances and fines for moral offences including fornication and adultery. The secular courts could also oversee matters of illicit sex, including finding out the fathers of illegitimate children and issuing recognizances for adulterers, fornicators, and suspected prostitutes. As discussed in the Introduction, sex work was not a separately categorized offence; sex work was punished through legislation for fornication and disturbing the peace. While the church courts were suspended between 1642 and 1660, the secular courts oversaw all such matters.

The secular courts could also formally prosecute some illicit sexual activities, usually as petty crimes using summary justice. As a sexual sin and as a threat to parish rates, illegitimate children concerned both secular and church courts.<sup>2</sup> Magistrates could dictate terms for the maintenance of illegitimate children, if a father was found (and convicted). Both the parents of illegitimate children *could be* punished, such as by whipping, but the difficulty, and reluctance, of naming fathers meant that punishment more commonly fell on mothers. On top of this, the poor law of 1609 stated that mothers of illegitimate children could be imprisoned in the house of correction for a year. Though women were supposed to either be whipped *or* imprisoned, Gowing has found that magistrates often applied both.<sup>3</sup>

Secular justices could also prosecute supposedly moral offenses such as adultery, fornication, and sex work as offences against the peace.<sup>4</sup> Bastardy and defamation were more

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<sup>2</sup> Alexandra Shepard, "Brokering Fatherhood: illegitimacy and paternal rights and responsibilities in early modern England," in *Remaking English Society*, eds. Hindle et al. (Woodbridge, Suffolk: Boydell Press) 51.

<sup>3</sup> Gowing, *Common Bodies*, 117-118.

<sup>4</sup> Shoemaker, *Prosecution and Punishment*, 98, 172

commonly prosecuted by recognizance or indictment at quarter sessions by the end of the century.<sup>5</sup> In contrast to the church courts, the secular JPs could make arrests. They could, for instance, issue recognizances, arrest, and impose maintenance charges on the convicted fathers of illegitimate children.<sup>6</sup> Recognizances were the most common means of dealing with petty crimes, but they were ineffective against those who were too poor or isolated to provide sureties. Thus, the poor, and especially poor single women, were more likely to face imprisonment in a gaol or house of correction.<sup>7</sup> Bawdy house keepers were usually fined for disturbing the peace, whereas their workers, and independent sex workers, might be fined, imprisoned, whipped, or a combination thereof.<sup>8</sup> Dabhoiwala argues that bawdy house keepers were more immune from censure than actual sex workers because the former held a level of social cache as householders which meant that they were “by definition people of some reputation” and “could not simply be sent to a house of correction.”<sup>9</sup> Though I argue that sex could unify women in certain situations, as in labour and financial security, this did not erase social and class distinctions.

Houses of correction, like London’s Bridewell, had their own court to summarily prosecute and punish suspicious, idle, lewd, and disruptive peoples.<sup>10</sup> These were conveniently vague terms which allowed for a great deal of discretion on behalf of justices, and which led to disproportionate numbers of poor, homeless, young, and single women being imprisoned. The poor and new migrants were especially liable to prosecution and punishment because they were

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<sup>5</sup> Shoemaker, *Prosecution and Punishment*, 20-21.

<sup>6</sup> Shoemaker, *Prosecution and Punishment*, 54-55.

<sup>7</sup> Shoemaker, *Prosecution and Punishment*, 125.

<sup>8</sup> Shoemaker, *Prosecution and Punishment*, 162.

<sup>9</sup> Faramarz Dabhoiwala, “Sex, Social Relations and the Law in Seventeenth- and Eighteenth-Century London,” in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, eds. Michael J. Braddick and John Walter (Cambridge: Cambridge University Press, 2001), 89-90.

<sup>10</sup> Gowing, *Common Bodies*, 12-14. Early modern people also learned, and made sense of, sex and bodies through legal and cultural narratives. They heard stories and jokes about sex and reproduction, and judicial statements made use of familiar narratives including stock figures and events.

innately seen as suspicious and likely to need financial support. They also could not afford discharge fees and usually lacked wealthier contacts who could act as sureties on recognizances. These same groups were commonly subject to summary justice rather than trial by jury.<sup>11</sup>

Houses of correction were another secular means of identifying and punishing “idle and disorderly” persons and threats to the peace. Both terms could be interpreted very broadly, including individuals who simply looked suspicious by virtue of being in the wrong place at the wrong time.<sup>12</sup> This included the homeless and women, alone or in the company of other women or unrelated men, at night. Unfortunate individuals were rounded up by justices and incarcerated in the house of correction until they could be judged, usually through summary process.<sup>13</sup> Urban women were especially likely to be committed to houses of correction due simply to the proximity of such institutions.<sup>14</sup> In these houses of correction inmates were subject to hard labour, such as beating hemp eleven hours a day, and whipping as a means of reformation. Most were discharged within a few days, though justices seem to have viewed thieves, nightwalkers, and lewd behaviour more seriously and thus subject to longer sentences.<sup>15</sup> Like all other punishments, then, the house of correction could be mitigated by having allies to speak to your good behaviour. Inmates were discharged at the requests of plaintiffs, including employers who had committed recalcitrant apprentices/servants, parish officers, and friends. The longer stays, therefore, were faced by the marginalized and friendless.<sup>16</sup>

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<sup>11</sup> Shoemaker, *Prosecution and Punishment*, 313.

<sup>12</sup> Shoemaker, *Prosecution and Punishment*, 54-55.

<sup>13</sup> Shoemaker, *Prosecution and Punishment*, 38, 177.

<sup>14</sup> Shoemaker, *Prosecution and Punishment*, 48.

<sup>15</sup> Shoemaker, *Prosecution and Punishment*, 188-189, 194-195.

<sup>16</sup> Shoemaker, *Prosecution and Punishment*, 191.

## The Female Body in Seventeenth-Century England

This section aims to establish the foundations of contemporary understandings of the female body and practices around it. Female authority over, and specialized knowledge of, female bodies is a cornerstone of this dissertation. Seventeenth-century law and culture depended on ordinary women to examine and interpret female bodies. As I seek to show throughout this dissertation, this authority both fostered and depended on female alliances, including in less studied and expected places, like sex work and crime.

Early modern Englishwomen were connected by their bodies and the experiences and expectations attached to them. These same gendered ideologies linked women to broader cultural and legal institutions. As Pollock has argued, “the body formed not only a vital part of female personal identity but was also a significant component of their public role. The body, in fact, constituted the intersection between their private and their public life.”<sup>17</sup> Gowing agrees that women’s bodily processes “bore sharply on public concerns of family, community, and national order” and so “gave them a stake in the public life of street, community, church and nation.”<sup>18</sup> This ‘stake’ combined with women’s specialized knowledge of the female body to give them prominent roles in matters of sex. These roles could be formal, or at least culturally legitimized—as in birthing rituals, the naming of fathers of bastards, and character references (like that provided for Bridget Poole). But court cases also reveal non-elite women carrying their authority over female sex into the margins by hiding illegitimate pregnancies, giving advice on terminating unwanted pregnancies, and facilitating sex work.

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<sup>17</sup> Pollock, “Childbearing and Female Bonding,” 300.

<sup>18</sup> Gowing, *Common Bodies*, 29.



Experiences of sex, pregnancy, and birth were all cultural spaces in which women were dominant in seventeenth-century England. Women lived the physical realities of childbirth and bore the brunt of responsibility for it. As discussed in the Introduction, birthing rituals were strongly gendered. Women attended births, scrutinized bodies and actions for signs of illicit vs licit sex, and helped determine punishments for transgressors. As experts on the female body and, particularly, childbirth, respectable women controlled access to resources including financial relief, membership within a community and the accumbent benefits, marital and employment opportunities, and legal support. The power of having female allies to speak to one's bodily morality, then, should not be underestimated. Yet even women who blatantly violated acceptable conduct were not necessarily cut off from kin or community, as shown in the case of Bridget Poole. Women pregnant outside of marriage could still find support and navigated a range of possible alliances. We can also see female alliances working *around* these cases, for example in informational networks which sought to identify, halt, and punish illicit liaisons.

The mystery of the female body and its processes helped to create spaces for female authority and alliances. There was no single accepted view of the female body in this period, though it was almost always understood as mysterious and secondary to the powerful male body. In her work on female bodies in the seventeenth century, Gowing argues that they were perceived and treated as common, open, permeable, and vulnerable.<sup>19</sup> Yet, while women's bodies were open to the touch and critique of men and women alike, knowledge of the body's processes was understood as belonging to women. Women claimed a special expertise over

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<sup>19</sup> See Gowing, *Common Bodies*, especially "Chapter 1: Uncertain Knowledge."

pregnancy, birth, and breast-feeding that was rooted in personal experience. This experiential knowledge was necessary considering provisional understandings of the female body.<sup>20</sup>

The authority granted to women as experts on the female body gave them considerable influence in state, community, and interpersonal matters as deponents, expert witnesses, and specialized juries. This authority, however, was often viewed with suspicion, was limited, and was most powerful in policing other women. It also required collectives of women. A single woman, even a midwife, required other women to support her interpretation of words, events, and bodies for it to be legitimate. In turn, this emphasis on female presence meant that women were at events, like births and churchings, and could testify to the words and deeds that passed, whereas men could not. This made ordinary women prominent deponents and expert witnesses in legal cases focused on female sexuality.

As with any group or ritual, female birthing rituals included conflicts and competing interests. Marriage, sex, and pregnancy were a series of stages which determined a woman's access to knowledge and authority, both formal and informal. Not all women accessed all of these stages, or did them in the ideal order, and her placement within them impacted how she interacted with other women, as well as male authorities. Women who experienced pregnancy and birth in the 'ideal' way—legitimately, within marriage, in economic security, surrounded by respected women, to healthy children—likely found it a positive, reaffirming, experience that solidified their status and acceptance within a respected collectivity of women. In turn, this status allowed them to exercise authority over other women, helping to determine the allocation of social and economic resources.

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<sup>20</sup> Gowing, *Common Bodies*, 46.

Single pregnant women had a very different experience of female authority over bodies and births. Suspected, or confirmed, to have sexually transgressed, they threatened to be a burden on parish rates and to cause conflict within the community by naming the father of their illegitimate child. Local women took it upon themselves to root out pregnancies and extramarital liaisons through sight, interrogations, rumours, and touch.<sup>21</sup> In doing so they helped enforce behavioural norms and protected the parish from the costs of poor women and illegitimate children. Their knowledge, in turn, was employed by the secular and ecclesiastical courts in prosecuting and punishing offences as well as in determining access to resources such as poor relief.

Not all women had, or were expected to have, access to the same level of knowledge regarding female sexuality and biology. Knowledge was guarded and formed “one of the defining experiences of gender roles.” For both sexes, even those who had had sex previously, marriage meant access to a new world of legitimized sexual knowledge. Within marriage, women and men “had their own spheres of knowledge and authority, overlapping but also distinct.”<sup>22</sup> Knowledge of female bodies presented in texts written by men were often at odds with what women themselves saw and experienced. In turn, male authors often contested the claims of women.<sup>23</sup> Still, over the seventeenth century it was female experts who were called on most often to comment on births and female bodies, and women readily claimed and defended this authority as participants in the verbal and physical regulation of English society.<sup>24</sup>

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<sup>21</sup> See Gowing, “Secret Births.”

<sup>22</sup> Gowing, *Common Bodies*, 41, 46, 47.

<sup>23</sup> Gowing, *Common Bodies*, 41.

<sup>24</sup> For some examples of women asserting their rights to regulate female bodies, and how this could be challenged by men, see Gowing, “Ordering the Body.”

The exclusion of young and unmarried women from discussions and rituals of pregnancy contributed to its mysteriousness and, perhaps, the difficulty that many had in understanding their own bodies. Gowing, for one, has argued that “women who kept their pregnancies secret had little or no access to the shared knowledge and accumulated experience of local mothers [...] their exclusion from the world of female knowledge made it hard for single women to speak of the experience of pregnancy in the ways that married women and widows did.” A lack of knowledge about their bodies, and the overall uncertain signs of pregnancy in this period, could also provide convenient cover for hiding or denying pregnancy.<sup>25</sup> Despite low levels of female literacy and exclusion from the higher apparatuses of law and medicine, even plebeian women participated in the circulation of medical knowledge. “Manuscript remedy books, usually compiled by women, contain instructions on the manufacture of medications for all aspects of reproduction,” including how to terminate unwanted pregnancies.<sup>26</sup> This knowledge would have circulated amongst the illiterate via midwives and oral networks, several examples of which are included in this chapter. Women similarly exchanged their experiences and understandings of breastfeeding.<sup>27</sup> This exchange of information, as Geoffrey Hosking has explained, in itself marks a form of trust.<sup>28</sup> We take on information from trusted sources, in this case other women, who have experienced the realities of the female body, whether this was menstruation, sex, pregnancy, childbirth, infertility, miscarriage, midwifery, and so forth.

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<sup>25</sup> Gowing, “Secret Births,” 97.

<sup>26</sup> Pollock, “Childbearing and Female Bonding,” 290. This was usually phrased in the negative, to avoid censure. Remedies for avoiding miscarriage, by their nature, must describe what to do to induce miscarriage. Angus McLaren, ““Barrenness against Nature”: Recourse to Abortion in Pre-Industrial England,” *The Journal of Sex Research*, Vol. 17, No. 3, History and Sexuality (Aug., 1981), 224.

<sup>27</sup> Sara Mendelson and Patricia Crawford, *Women in Early Modern England, 1550-1720* (New York: Oxford University Press, 1998), 155.

<sup>28</sup> Geoffrey Hosking, “Trust and Distrust: A Suitable Theme for Historians?” *Transactions of the Royal Historical Society*, 16 (2006), 96.

## Wives, Matrons, and Midwives

As discussed in the Introduction, birthing rituals as spaces of female positivity, collectivity, and authority have been thoroughly researched, and increasingly complicated, by historians. For most ordinary people, the birthing room and churchings remained female-dominated spaces over the seventeenth century. Female birth rituals were very important to ordinary Englishwomen and contributed to the development of same-sex alliances. They reinforced a gendered community based on shared life experiences and signalled who belonged and who did not. Pregnancy marked an important transition in their roles and life status. When a single woman became a matron she entered into new social roles and a new community of women with similar experiences. At this stage she was imbued with new authority over other women's bodies, borne out of her own experiential knowledge of reproduction.<sup>29</sup> These bonds were reinforced over time and through repetition. Married women attended each other's major life events, including births, funerals, and churchings. They served as godparents. In court, parties favoured other married people as witnesses, implicitly recognizing the greater credit of spouses.<sup>30</sup>

Women provided emotional as well as material aid to expectant, labouring, and new mothers. Childbirth was an intimidating prospect for women. There was the pain of labour, and the high morality rates of both infants and mothers.<sup>31</sup> The custom of having pregnant women serve as pallbearers of those who died in childbirth highlighted the links between imminent motherhood and death.<sup>32</sup> Labour was also expensive. Women, especially kin, provided childbed

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<sup>29</sup> Gowing, *Common Bodies*, 114, 156.

<sup>30</sup> Gowing, *Common Bodies*, 59.

<sup>31</sup> Mendelson and Crawford, *Women in Early Modern England*, 152-153, 156.

<sup>32</sup> Mendelson and Crawford, *Women in Early Modern England*, 196.

linens, birthing stools, and other items through networks of loans and gifts.<sup>33</sup> For poorer women linens were usually reused or repurposed from other materials. Women also provided comforting words and prayers, important mental props for what was, for many, a terrifying life event.<sup>34</sup> Pollock argues that it was these forms of emotional and practical material aid that were most important to pregnant women. Expectant mothers “sought out and relied upon this type of assistance” and “women deprived of the presence of their friends could feel disquietingly alone.”<sup>35</sup> This is an extremely important point which Pollock largely buries in her critiques of positivist views of women’s birth rituals.<sup>36</sup> Emotional and practical aid should not be dismissed as trivial or secondary to formal rituals and law.

The rituals and customs surrounding childbirth in seventeenth-century England facilitated connections between a network of women. Labouring women were attended by a midwife and several matrons from the community. An invitation to attend a birth was a sign of respect and reinforced existing bonds between women. Wilson asserts that, prior to labour, “a mother had already made her social arrangements for birth,” namely summoning the birth-attendants she had chosen in advance.<sup>37</sup> Wilson further argues that the women who attended a birth “were no mere random selection,” but the result of specific invitations from the mother.<sup>38</sup> According to Pollock, however, there is little evidence that women personally chose who, besides the midwife and a close relative, would attend them in the birthing chamber. We do know that the presence of

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<sup>33</sup> Pollock, “Childbearing and Female Bonding,” 289.

<sup>34</sup> Pollock, “Childbearing and Female Bonding,” 290.

<sup>35</sup> Pollock, “Childbearing and Female Bonding,” 290.

<sup>36</sup> These critiques are summarized in the preceding Introduction, 21-22.

<sup>37</sup> Adrian Wilson, “Participant or Patient? Seventeenth Century Childbirth from the Mother’s Point of View,” in *Patients and Practitioners: Lay Perceptions of Medicine in Pre-Industrial Society*, ed. Roy Porter (Cambridge: Cambridge University Press, 1986), 133.

<sup>38</sup> Wilson, “Participant or Patient,” 134.

multiple women was not only encouraged but required by convention as well as law. Witnesses to births was meant to safeguard against secret births, abandonment, and infanticide.<sup>39</sup> Pollock argues that the emphasis on having women present “strongly suggests that usually women were not invited beforehand or individually selected by the mother, but were rounded up when the labour was sufficiently progressed to ensure that a birth would occur.”<sup>40</sup> Those present at a married woman’s birth, therefore, reflected those who were physically near and available.

For women giving birth in their own homes or communities, these same neighbour women reflected known faces and pre-existing contacts, if not necessarily close relationships. They would have seen each other in public and perhaps performed neighbourly practices such as social visits and exchanging goods. In turn, women chose to attend a birth for various reasons, not least because it was an expected part of their social and gendered roles.<sup>41</sup> But women also drew comfort from familiar faces and would have encouraged the presence of friends and relatives. Daughters often returned to the parental home or were attended by their mothers, especially for their first delivery.<sup>42</sup> Having a group of women to attend her birth, then, signalled and reinforced a woman’s belonging in her community.<sup>43</sup> Over time, repetitive contact and socialization contribute to the development of mutual trust among members.<sup>44</sup>

The practice of churching, or thanksgiving, a month after a birth further reinforced bonds between ordinary women. As discussed in the Introduction, churching, like birth, required the presence of other women for legitimacy. In the churching ritual, women escorted the new mother

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<sup>39</sup> Gowing, *Common Bodies*, 151. Discussed in Chapter of this study 4 as well.

<sup>40</sup> Pollock, “Childbearing and Female Bonding,” 296-297.

<sup>41</sup> Pollock, “Childbearing and Female Bonding,” 297.

<sup>42</sup> Pollock, “Childbearing and Female Bonding,” 292.

<sup>43</sup> Gowing, *Common Bodies*, 156.

<sup>44</sup> Hosking, “Trust and Distrust,” 101, 108, 109.

from childbed to the church, and witnessed her reintegration into society. Likely, the women who attended the churching overlapped considerably with those who had witnessed the birth and visited the woman during her lying-in. Although the ritual of churching was criticized by Elizabethan and Stuart reformers, and was temporarily banned under Cromwell, it remained a popular practice throughout the seventeenth century.

Some scholars have seen churching as a patriarchal practice which was forced on women. However, this view ignores the lengths women could go to ensure their churching and the satisfaction they might get from the ritual itself as well as its attended social aspects. Women pushed for these rituals, despite critiques of them, suggesting how important female-centric birthing rituals were to the collective of women. Women were unlikely to actively push for a practice which they found demeaning or uncomfortable. Even some unmarried mothers were churched after giving birth, presumably upon their own initiative, further underscoring the importance this practice had for all women.<sup>45</sup> Moreover, ecclesiastical authorities often threatened to withhold churching. As David Cressy argues in his work on churching, “threatening to withhold the ceremony would be a toothless sanction if it was an unpopular imposition to which women submitted reluctantly.”<sup>46</sup> Wilson agrees, seeing churching as a social and collective female occasion that women normally enjoyed and that they defended from the criticism of men.<sup>47</sup> Even if, as some scholars have argued, female-centred birthing rooms and churchings originated in the shamefulness attached to the female body, seventeenth-century

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<sup>45</sup> Gowing has found several interesting examples of these alternate social worlds. Elizabeth Edge, for one, gave birth without a midwife (“at her mother’s insistence”) and in the presence of other women. One of these was the mother of an illegitimate child herself. And in 1599, a London sex worker testified to the Bridewell that she had attended two such events herself. *Common Bodies*, 165, 173.

<sup>46</sup> David Cressy, “Purification, Thanksgiving and the Churching of Women in Post-Reformation England,” *Past & Present*, No. 141 (Nov., 1993), 133.

<sup>47</sup> Cressy, “Purification,” 110.



Englishwomen did not seem to understand the rituals this way. Meanings of rituals change over time and can differ between participants and those who instituted them. Evidence suggests that women valued their birthing rituals, seeing them as an entry into, and reinforcement of, a same-sex community.

A central figure in birthing networks was the midwife. Midwives were licensed and regulated by churchwardens and local women.<sup>48</sup> They were an important and, usually, respected professional acknowledged to hold special expertise on female bodies. Doreen Evenden has found that many women repeatedly turned to the same, trusted, midwife.<sup>49</sup> For some this simply reflected availability, but mothers were unlikely to return to an untrustworthy midwife or one with a negative reputation. Midwives were expected to have unimpeachable reputations and behave themselves within and without the birthing room. Those who behaved poorly, including by sharing intimate details about women they cared for, could face ostracization, backlash from the female community, even indictments at the church courts. In a 1663 certificate, for example, fifteen women and four men signed that the midwife Anne Knutsford, “(contrary to her profession of a midwife) she hath revealed the secrets of women.” Though the main charge against the midwife was that she had shared intimate details from birthing chambers, the certificate linked this to her overall character. Knutsford was described as “ordinarily addicted to lying or swearing and cursing.” The articles against Knutsford also mentioned that she had broken her oaths by refusing to do her office by a poor woman or women, causing her or them to miscarry. Knutsford’s conflicts with her community were not new. The 1663 certificate was only

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<sup>48</sup> *The ‘Bawdy Court’ of Banbury*, 40. In a typical example, in 1691 Judith Warmingham, wife of silkweaver John Warmingham, was certified as a midwife by four male churchwardens and six married women. The women testified that Judith “has delivered us of several children with great skill and judgement and do look upon her very expert in the practice of a midwife.” QJF 1691 No 30.

<sup>49</sup> Pollock, “Childbearing and Female Bonding,” 296.

one of four cases at the Chester Consistory Court between 1662-1664 naming the midwife. The 1666 suit, in fact, mentioned that Knutsford had continued to practice midwifery in violation of a previous injunction to stop.<sup>50</sup> Unsurprisingly, all of the suits were dominated by women. This instance shows how midwives, usually at the centre of birthing alliances, could find themselves at odds with the female community they were supposed to serve, and how the female community responded to protect its best interests and values.

Women in seventeenth-century England were expected to become wives and mothers. The prominent midwife Jane Sharpe wrote that “to conceive with child is the earnest desire if not of all yet of most women. Nature having put into all a will to effect and product their like.”<sup>51</sup> In *Of Domesticall Duties* William Gouge maintained that everyone should marry. The only acceptable exceptions included the lame, impotent, and contagious—signs of God marking who should “live single.”<sup>52</sup> The significance put on matrimony and motherhood probably encouraged internalized shame and unfulfillment for those who did not conform.<sup>53</sup> Many infertile women likely felt grief over their condition. In keeping with the “power of the plausible,” I hypothesize that infertile and childless women may have constituted their own emotional community. In her study of never married women, Froide has determined that most had wanted and intended to marry, but were prevented by personal circumstances, such as illness.<sup>54</sup> Thwarted hopes, tragic events, and external prejudices may have created bonds between those women who never

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<sup>50</sup> EDC 5 1663 No 16. See also EDC 5 1662 No 59, EDC 5 1664 No 6, EDC 5 1664 No 68.

<sup>51</sup> Jane Sharpe, “Of True Conception,” in *The Midwives Book* (London: Printed for Simon Miller, 1671).

<sup>52</sup> Froide, *Never Married*, 185.

<sup>53</sup> Froide has shown how negative stereotypes of single women took hold over the seventeenth century. Froide, “Spinsters, Superannuated Virgins, and Old Maids: Representations of Singlewomen,” in *Never Married*, 154-151.

<sup>54</sup> Froide, “The Question of Choice: How Never-Married Women Represented Singleness,” in *Never Married*, 182-216.

married. The networks of single and sexually active women are discussed in the following two sections of this chapter.

The sheer number of women who never married or gave birth in the seventeenth century should prevent us from assuming that all women expected to be mothers or felt that a childless life was necessarily lacking. Nor, considering demographics, could motherhood serve as the sole marker of female adulthood and fulfillment. As covered in the Introduction, upwards of 20% of adults never married in early modern England, and the vast majority of these did not reproduce.<sup>55</sup> Perhaps childless, whether by choice or circumstance, women formed their own subcommunities, bonded, like matrons, by their shared emotional, biological, and social state.<sup>56</sup> Still, female infertility also carried stigma. It was associated with promiscuity, as too-frequent sex was thought to make the womb too slippery for impregnation.<sup>57</sup> It also cut some women off from the bodily experiences and knowledge which could be a unifying and empowering force. The importance of pregnancy, motherhood, and belonging within a community of matrons is illustrated by the anxieties which married women felt over infertility. As the following case study exemplifies, childlessness could be extremely concerning to some women; causing emotional distress, tensions within a marriage, even occupational impediments. It demonstrates the lengths a married woman could go to in the quest for motherhood and how other women were drawn in.

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<sup>55</sup> Froide, *Never Married*, 2. Bastardy rates remained very low across the period, indicating that most single women remained celibate or successfully married after being impregnated. Wilson, *Ritual and Conflict*, 7-10.

<sup>56</sup> Froide's work on middling never married women supports my hypothesis of bonds between single women of the lower orders. She, as well as other scholars working on wills, have found that single women showed a distinct preference towards other single women, a topic I will cover more in future work on material networks. Froide, *Never Married*.

<sup>57</sup> Gowing, *Common Bodies*, 115.

At the Old Bailey in 1677 an unnamed midwife of St. Giles Cripplegate was initially charged with infanticide. Shortly after, two “very aged poor women” were indicted as accomplices. Though an account of the crime was already in print, it was declared “very false and imperfect” on 1 June 1677. The final report determined that no murder had taken place, rather that the midwife “whether to satisfy her husband (as she now alleges) who was very impatient to have a child, or whether it were to preserve her credit in her employ which she thought somewhat prejudiced by the imputation of barrenness [...] resolved to pretend to have a child.” To do so, she wore a small pillow to convince her neighbours she was with child and, a week before her supposed due date, enquired “very earnestly of a poor woman if she could not help her to a young child as soon as it was born, alive or dead.” When that inquiry proved fruitless, the midwife turned to “two searchers [of the dead] in Whitechapel, who [...] gratified her extravagant desires” and provided a deceased male infant. The midwife proceeded to stage her labour but one of the attendants at her birth discovered the infant’s body and claimed murder. However, “several sober matrons now deposed, that having searched her, they were confident she had no child at all.” The two searchers claimed that the midwife paid them 20 shillings and promised them £9 more for delivering the child. The biological mother and her midwife were subsequently called to the Bar and testified that the child had been stillborn. In the end, all the women were cleared of the several indictments of which they were charged.<sup>58</sup>

This Old Bailey case reveals a variety of alliances which non-elite women could develop and call upon in matters of the body, as well as the meanings of pregnancy. Throughout the ordeal the midwife was assisted in, and indicted by, other women. The summary of the case

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<sup>58</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 23 February 2019), June 1677, trial of Midwife aged poor women (t16770601-6).

provided by the Proceedings—in a case tried and published by men—acknowledged that the midwife had multiple possible motivations for her subterfuge. Barrenness was causing conflict with her husband and imperiled her employment. A midwife who had never experienced pregnancy or birth was clearly understood to be lacking vital knowledge for her craft. In her creative attempts to problem solve, the midwife simulated the physical signs of pregnancy, namely a growing belly, and tried to set the stage for a convincing birth. Along the way she reached out to several women for aid, using a combination of cajoling and financial incentives. She deliberately targeted poor women who she thought would be most open to, and in need of, her offers. She assured the first woman she approached that the child would be housed with a “lady whose husband will not live with her because she never had a child [...] and if I could get a child, I should do a good office in rendering love between them.” Such an offer might have been greatly appealing to a poor woman—her child would be cared for, and she would be relieved of the costs. When this approach failed, the midwife paid two female searchers to provide her with an infant. She then initiated the female-only birthing ritual.

Going through the motions of respectable birthing was a necessity for the unnamed midwife if she wanted to successfully simulate labour. She could have simply said that she had miscarried or had a stillbirth, but the former would not have accomplished her goal of giving birth and gaining the status of mother. The latter would have raised serious questions about why she had given birth in secret and where the child was buried. In their capacity as experts on the female body, her female attendants ended up performing several roles—initially, their attendance was indicative of the midwife’s place in the community and initiation into the society of matrons. But then, in another alliance, the attendants performed their moral and legal offices by identifying signs of criminality. Had the court not believed the midwife’s tale of false pregnancy,

or the matrons' testimony that she had never given birth, she as well as the searchers and the infant's birth mother would have faced very serious charges of committing and abetting infanticide.

### **Single Women**

Pregnancy, birth, and motherhood were very different experiences for single women, though they could still involve the activation of female alliances. Rather than affirming life events, illicit pregnancy opened them up to increased social, physical, and financial precarity. While, as Gowing states, "for legitimate mothers labour was a period to be planned for and managed in the semi-public female world of neighbourly support," illegitimate mothers were often compelled to hide and deny their pregnancies.<sup>59</sup> In other words, "the experience of pregnancy inside and outside marriage was radically different."<sup>60</sup> It was here, against other women, that female authority over female bodies was perhaps strongest. In their capacity as experts on the female body, women were key to identifying extramarital pregnancies and determining the fathers of illegitimate children. In such ways, women allied themselves with the state, parish, and community, and also helped maintain the status of their own 'respectable' ranks. In addition, by establishing the fathers of illegitimate children, women helped to keep parish poor rates low and enforced behavioural norms.

It was difficult to firmly establish the true father of a child. Purported fathers of bastards could simply deny the charges and create reasonable doubt. Single women, already lacking credit

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<sup>59</sup> Gowing, "Secret Births," 99.

<sup>60</sup> Gowing, *Common Bodies*, 118.

due to pregnancy, were strongly suspected of lying and discrediting good men.<sup>61</sup> Neighbourhood women were central to compiling evidence, whether it was circumstantial, physical, or verbal. They reported rumours of who was incontinent (contemporary term for fornicating) with who and often took it upon themselves to root out stronger evidence of fornication as well as interpreting the physical signs of pregnancy in single women. Some women extended their responsibility to protect the community from the burden of illegitimate children so far as to physically remove labouring women from the parish. Some of these single women and infants subsequently died for lack of care.<sup>62</sup>

During extramarital births, rather than providing emotional support and expertise for mothers, midwives and respected matrons tried to force the woman to name the true father of her child. The midwife's oath included the obligation to ensure that single, pregnant, women named the legitimate father of their child during labour. This consisted of repeatedly asking the pregnant woman who the father was during the "travail of her labour," and could include withholding aid until a father was named.<sup>63</sup> The legal logic here, as with torture, was that pain would bring out the truth. Midwives took this obligation seriously. In a typical account of such a case at the Chester Quarter Sessions in 1640, Jane Reede, midwife, testified that she had charged Ellen Robinson, spinster, to name the father of her child during the latter's labour. Robinson, "in the

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<sup>61</sup> See Bernard Capp, "The Double Standard Revisited: Plebeian Women and Male Sexual Reputation in Early Modern England," *Past & Present*, No. 162 (Feb., 1999): 70-100. While Bernard Capp has, rightly, argued that the sexual double standard was not complete and that men, too, could sometimes be held accountable for their behaviours, I am leery of his acceptance of seventeenth-century records that described pregnant women as liars out to scam respectable men. This is a problematic narrative still seen in stereotypes against women testifying to paternity and assault. I avoid assuming that women were lying.

<sup>62</sup> Gowing, *Common Bodies*, 157-159.

<sup>63</sup> Gowing, *Common Bodies*, 42. In her discussion of women in birthing rituals, Gowing also illustrates how issues surrounding illegitimate children could further divide women. Mothers and wives, for instance, might be invested in preventing women from naming their sons and husbands as fathers of bastards. Women could place considerable pressure on vulnerable pregnant women. In 1608 Susan Moore, for example, was threatened with a trip to Bridewell and whipping by the wife of the man she claimed had impregnated her. Griffiths, *Lost Londons*, 213-214.

greatest extremity of her travail,” declared that Peter Eaton was the father and no other man. Four wives who had also been present at the birth supported Reede’s statement.<sup>64</sup> In another Chester suit, Elizabeth Warburton described demanding a single mother to name the father of her bastard, though Warburton performed the office of midwife “only in time of need when no midwife can be had she does with the best of her availability and help such persons as are in travail and do require her help.”<sup>65</sup> Women were similarly instrumental in discovering missing mothers of abandoned children. As part of parish search parties they identified the signs of recent pregnancy in female bodies through visual evidence, physical searches, and asking questions. They might also discharge the parish of the costs of upkeeping a single woman and her offspring by establishing that they were properly chargeable somewhere else.<sup>66</sup>

Women also used informational networks to build cases of bastardy. Local hearsay and a common fame played an important part in determining the father of illegitimate children. Women shared stories and information via neighbourhood networks that could contribute to a body of evidence and real social and legal repercussions for individuals suspected of sexual misconduct. In 1657, for instance, several Cheshire women testified that they had heard from Margaret Coppock that her husband, John Coppock, had impregnated Cisley Millington. Mary Miller told the court that Margaret Coppock came to her and declared that her husband “cares not for me” since he had begun an affair. When Miller pressed her on who she meant, Coppock

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<sup>64</sup> QJF 1640 Ellen Robinson. In another example, this time from Hertford, Henry Caxton was ordered to pay for the upkeeping of Mary Quay’s child, after she named him as the father while being questioned during birth. Her statement was upheld by her midwife and three other women who were present. The sums at play were not insignificant. Caxton was ordered to pay over £53 across the child’s first fourteen years, and then another £3 to have it apprenticed. Item 107 in W.J. Hardy, *Hertford County Records, Notes and Extracts from the Sessions Rolls 1581-1698*, Vol. 1 (Hertford: C.E. Longmore, 1905), 84.

<sup>65</sup> QJF 1657 No 90. More examples of women being pressured to name the fathers of their children during labour at the Cheshire Quarter Sessions include: QJF 1657 Nos 92, 93, 131; QJF 1666 No 44; QJF 1674 Nos 82, 118, 121; and QJF 1689 Nos 28, 48, 49, and 81.

<sup>66</sup> Griffiths, *Lost Londons*, 380-381, 397.



answered “hang her Cisley Millington which he has got with child.”<sup>67</sup> Women, and to some extent men, also took it upon themselves to verbally pressure single women to name the father of their child. Ellen Dickson declared that she had met Cisley Millington one day and inquired after the father of her bastard child. John Cash similarly stated that he “did demand” of Cisley Millington whether she was with child. When Millington denied the allegation, Cash told her “it was reported that thou art with child and that John Coppock is the father of it.”<sup>68</sup> Clearly, both sexes were concerned with protecting the moral and economic interests of the parish and men as well as women ‘gossiped.’

The case of Cisley Millington shows how complex naming the father cases could become when competing networks of women were involved. Neighbourhood women were not always united for the simple best interest of the parish economy. Husbands, brothers, and sons could be accused of fathering bastards, and women were likely to prioritize the familial unit. Female relatives of the purported father could put considerable pressure on an illicitly pregnant woman to name another man. Sometimes those female relatives and allies were even present within the birthing chamber.<sup>69</sup> In 1672, for instance, the Chester quarter sessions heard that Jeremiah Hulme’s mother was present at the labour of his alleged mistress. Several of those present at the birth thought that the mother had threatened the labouring woman and made her hesitant to name the correct father. However, the woman’s own mother had mentioned to several others that Jeremiah Hulme had impregnated her daughter.<sup>70</sup> When competing narratives were presented to the courts, determining the father of a child and the validity of the mother’s claims came down to

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<sup>67</sup> QJF 1657 No 90.

<sup>68</sup> QJF 1657 No 90.

<sup>69</sup> Gowing, *Common Bodies*, 188.

<sup>70</sup> QJF 1674 No 82.

who had the larger and more reputable network. The single mother herself was often merely incidental to these struggles, not being prioritized by any network.

The Millington suit illustrates how groups of women could present competing narratives of a birth. Fifteen individuals testified in the Millington suit. Fourteen of those were women. The women were divided into three broad camps: 1. women who *were* present at the birth who heard Millington name John Royland (sometimes Roylands or Roylane in the records) as the father “and no other.” 2. those who were *not* present at Cisley Millington’s birth but who had *heard* that John Coppock was the father of her bastard. In the third camp, two women, both of the Warburton family, refused to take sides. They told the court that they could not “materially depose in any matters in difference between Cisley Millington, John Coppock, and John Royland.”<sup>71</sup> Contentious cases amongst locals could be very uncomfortable for those with no clear allegiance or divided loyalties.<sup>72</sup> The Warburton women may have been simply uninterested in the Millington case, but staying neutral was probably a deliberate strategy meant to protect themselves from attacks via opposing sides of the suit.

To support their different versions of events, the women in these three camps presented competing, though similar, forms of evidence as to the identify of the father of Cisley Millington’s child. The midwife and other women present at the birth performed their duty in having Millington name a father during labour. Two added that Millington had told them that no man but John Royland had had anything to do with her since she delivered a different child five years prior.<sup>73</sup> Statements like these were part of established convention in instances of female

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<sup>71</sup> QJF 1657 No 90.

<sup>72</sup> Capp, *When Gossips Meet*, 206.

<sup>73</sup> QJF 1657 No 90.

incontinence. By stressing that they had only been with one man rather than many, women tried to preserve some of their remaining reputation.<sup>74</sup> It also served to bolster their claim about who the father of their child was.

While in many bastardy cases that would have been the end of it—a father had been named during labour—other local women insisted that the true father of the child was John Coppock. Like Mary Miller, they claimed to have been told by Margaret Coppock that her husband had fathered a bastard with Cisley Millington. Why a wife would accuse her husband of infidelity and bastardy—when usually women were compelled by economic reasons as well as familial loyalty to *defend* their male kin from such accusations—is a mystery. Perhaps she never made such comments, or, if she did, her devastation as her husband’s conduct trumped her wifely loyalty. In turn, Ellen Dickson claimed to have been told by Cisley Millington herself that John Coppock was the true father of her child. According to Dickson, Millington informed her that Coppock “endeavoured to persuade her to lay the child upon John Roylane, husbandman.” Dickson counselled Millington to father the child rightly, “for if she did not she would smart for it” to which Millington responded that she “hoped she should father it rightly notwithstanding” the pressure from Coppock.<sup>75</sup>

This passage by Ellen Dickson is especially interesting in its complexity. She is determined to have Royland cleared of charges, and we do not know how much of her testimony was based in real events, yet her statement also acknowledges the predicament that single mothers could face. Rather than simply calling Cisley Millington a liar and entirely lacking in honour or conscience—which would have been easy enough considering Millington’s liminal

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<sup>74</sup> Gowing, *Common Bodies*, 13.

<sup>75</sup> QJF 1657 No 90.

position—Dickson says that the woman *wanted* to behave morally but was pressured to name the wrong man. By phrasing it this way before the courts, Dickson potentially protected Millington from further condemnation and upheld that the woman, though illicitly pregnant and confessing to lying about the father of her child, was not wholly without credit.

Understanding the dynamics of the Millington case, and the workings of female alliances in general, is further complicated by difficulties in determining relationships between the women involved. Cisley Millington is not prioritized by either side of the conflict, save as a tool to bolster their own agendas. She provided no statement, and little is said about her personal circumstances. According to several deponents, Margaret Coppock fathered Millington's bastard on her own husband, but a Rosian Coppock, 50, was present at the birth and testified that Millington named John Royland. If the two women were kin, it is not mentioned in the records. Nor do we know why several other women were so keen to shift blame from Royland to Coppock. Were they kin of Royland's? Friends of his wife or family? The records present them as united in purpose though acting independently.

The 1661 case of Janet Heath shows the particular vulnerability of female servants to illicit pregnancy and the repercussions. Heath was brought before the Chester Consistory Court for fornication and bastardy, allegedly with her master, though she fathered the child on a different man. Two women were deposed in the case. Alice Haworth testified that Heath was a servant in the Barker household for three years before she "was known" to be with child,<sup>76</sup> but

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<sup>76</sup> EDC 5 1661 No 37. Interesting choice of words which indicates enduring suspicion or at least ambiguity about potential unknown pregnancies. That Janet could have been secretly pregnant prior to the 1661 suit is strengthened by the indication that she had attempted to procure an abortion and had a long-term sexual affair with her master. Both deponents in this suit imply that Janet and William's adultery was well known, yet it does not seem to have resulted in any prior litigation. It was not until their actions resulted in a child, which might fall on parish support, that Janet found herself in trouble.

that she had heard tell that Heath and her master had many times been wanton together. As evidence of her—and what seems to have been widespread—suspicions, Haworth described Heath’s physical proximity and availability to her employer. Other servants in the household reported that Heath’s room lay over her master’s, with a ladder “near to his bedside.” Haworth does not describe her specific relationship to Heath, but stated that after the latter was known to be with child she had come to Haworth’s house. There, Haworth asked why she had wrongly fathered the child.<sup>77</sup> Anna Ainsworth, the other deponent in the case, was a fellow servant in the household. She, too, mentioned the existence of a ladder which was accessed from her master’s bedside. The ladder was so close to the bed, deponents added suggestively, that Heath could set her foot on it as she went to and from her room. Furthermore, Ainsworth claimed that Heath told her about a sexual encounter with their master, and even showed the rumpled bed as evidence. Like many other suspicious servants and neighbours testifying to fornication, Ainsworth took it upon herself to find stronger evidence of ill-doing, notwithstanding that one of the parties was also her master. Ainsworth testified that she had followed Heath and her master one night and witnessed their copulation.<sup>78</sup>

Alongside implicating Janet Heath in fornication, adultery, and bastardy, both Alice Haworth and Anna Ainsworth defended the supposedly misnamed father, as well as the midwife and other women who had attended Heath’s birth. Claiming to have been “sometimes” present during Heath’s labour, Haworth had witnessed attempts to make the woman name the rightful father of her child. When she insisted it was William Barker, some of the women responded that “William Barker was no more the father of it than they were.” Haworth and Ainsworth further

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<sup>77</sup> EDC 5 1661 No 37.

<sup>78</sup> EDC 5 1661 No 37.

added that that the midwife and women informants were of good repute who would not foreswear themselves.<sup>79</sup>

Though Pollock argues that “little sympathy would be forthcoming for the woman involved in an out-of-wedlock conception”<sup>80</sup> there is evidence to show that even illegitimately pregnant women were not entirely cut-off from help. Contemporary tolerance for pre-marital sexual contact between courting couples meant that the line between legitimate and illegitimate births was narrow.<sup>81</sup> Many pregnant single women, in explaining their situation and defending their damaged honour, claimed that they had only consented to intercourse upon a promise of marriage. This was undoubtedly true for some, and, if they previously had a good reputation, may have caused them to be viewed with sympathy and pity. Bridal pregnancy was quite common and accepted in seventeenth-century England, so, as Ingram suggests, we can view extramarital pregnancies as one possible step in the process towards a sanctified marriage rather than an outright violation of social norms.<sup>82</sup> I wonder if people, especially women, of the seventeenth-century might have viewed some illegitimate pregnancies through this lens as well, knowing how easily they might have ended up in the same situation if a presumed marriage had been thwarted. Even if this were the case, however, pity and compassion were limited by the emphasis on marriage and concerns over parish rates. While it may have been better to be seen as naïve and easily swayed by a man’s promises than as overtly immoral and prone to sin, this did not exempt most single mothers from moral and legal criticisms. We can see elements of both help and criticism in the case of the widow Saunders, who was cited twice in Banbury for

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<sup>79</sup> EDC 5 1661 No 37.

<sup>80</sup> Pollock, “Childbearing and Female Bonding,” 303.

<sup>81</sup> Ingram, *Church Courts*, 217, 267.

<sup>82</sup> Ingram, *Church Courts*, 230.

“bringing a bastard of her daughter’s into the church in divine service to trouble the congregation.”<sup>83</sup> Saunders, clearly, had at least some relationship with her daughter and illegitimate grandchild, and she publicly appeared with the latter despite communal disapproval. Conceivably, Saunders was sharing childcare duties with her daughter.

The Heath case also indicates the existence of alternate, subversive, female networks which were available even to those with limited credit, agency, or influence. Angus McLaren claims that “the vast majority of abortions were no doubt self-induced or aided by a female friend.”<sup>84</sup> The Heath suit provides some evidence for this. According to Alice Haworth’s statement, Janet Heath’s dame and mother used their knowledge of the female body to attempt to abort her pregnancy. The dame allegedly bought Heath

three pennyworth of red wine [...] and her mother brought her some gear [...] afterwards which her dame boiled in the red wine and caused her to take some of it one morning [...] and because it did not alter her as she said she caused her to take the rest the next morning after and then made her to carry a great burden [...] about a quarter of a mile [...] up the hill.

Alice Haworth, apparently, recognized these acts for what they were and blamed Heath “for so doing because she knew herself to be with child.”<sup>85</sup> That the women were ready and able to provide and identify remedied for inducing miscarriage is in evidence of a female knowledge network in itself. Abortifacients were an established means of controlling fertility for single and

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<sup>83</sup> *The ‘Bawdy Court’ of Banbury*, ed. Gilkes, 92, 105.

<sup>84</sup> McLaren, “Recourse to Abortion,” 228.

<sup>85</sup> EDC 5 1661 No 37; McLaren, “Recourse to Abortion,” 233. Abortion was not a statutory offence in England until 1803 and prior to that was really only understood as an offence when done after quickening. But accusations of abortion fit in with the other immoral crimes attached to single women and undermined their attempts at self-defence.

married women in the early modern world, and certain drugs and actions were consistently recommended.<sup>86</sup>

Women might also assist in concealing an unwanted pregnancy or birth. New mothers sometimes disappeared, abandoning their children to the parish or taking them and hoping to create a new life where no one knew their background.<sup>87</sup> Others might have tried to circumvent the requirement to have a licensed midwife attend the birth, thereby avoiding confessing the name of a father. But the absence of an appropriate midwife could hurt a single woman, as well, by undermining any subsequent paternity claims she might make and, potentially, subjecting her to suspicions of infanticide or abandonment.<sup>88</sup> That most single mothers submitted to penances rather than fleeing or abandoning their newborns suggests the strength of community controls as well as an overall lack of options.<sup>89</sup> Enduring the shame of punishment was worth it for many to stay in a known community where they had existing support networks. As this section has shown, a single pregnant woman's lack of networks and clash with community priorities put her at a serious disadvantage in her time of need. But these routine transgressions of moral values did not necessarily result in her ostracization.

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<sup>86</sup> McLaren, "Recourse to Abortion," 232; John Christopoulos, *Abortion in Early Modern Italy* (Cambridge: Harvard University Press, 2021).

<sup>87</sup> Gowing, *Common Bodies*, 158.

<sup>88</sup> Gowing, *Common Bodies*, 163.

<sup>89</sup> Dave Postles, "Surviving Lone Motherhood Early-Modern England," *The Seventeenth-Century*, 21:1 (2006), 170.



## Sex Work<sup>90</sup>

The bonds between women and their authority in matters of the female body carried into even less licit arenas than extramarital pregnancy. As discussed in the Introduction, sex work was, in reality and in popular imaginings, dominated by women, often working in pairs of groups.<sup>91</sup> Identifying actual sex work, though, as in the exchange of money or goods for sex, is difficult.<sup>92</sup> Bawds, whores, fornicators, and nightwalkers were all associated with female sexual immorality and transgression. English culture, like elsewhere in Europe, conceived of a particular type of immorality which was associated with ‘common’ whores who were poor and indiscriminate in their choice of partners. These women were conceptualized as being separate from respectable society,<sup>93</sup> though I aim to show that this was a trope rather than reality.<sup>94</sup>

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<sup>90</sup> I favour the term “sex work” over “prostitution” in order to highlight the economic aspects of these networks. Moreover, the term “prostitute” was not used in the seventeenth century and commonly used language such as “whore” or “bawdry” was more indicative of social and moral judgements than an exchange of money or services for sex. As Dabhoiwala establishes in his work on seventeenth and eighteenth-century London, sex in exchange for favours occurred at all levels of society, yet it was women of the lower orders who were disproportionately targeted for attack and persecution for engaging in extramarital sex. See Dabhoiwala, “The pattern of sexual immorality in seventeenth- and eighteenth-century London,” 86-106.

<sup>91</sup> A satirical pamphlet published in 1650, during Cromwell’s crackdown on vice and harsh penalties for sexual offences, made this imaging explicit when it included only women, a total of 13, under a list of London brothel-keepers. “*A dialogue between Mistris Macquerella, a suburb bawd, Ms Scolopendra, a noted curtezan, and Mr Pimpinello an usher, &c. Pittifully bemoaning the tenour of the Act (now in force) against adultery and fornication*” (University of Oxford, 2013, Oxford Text Archive, <http://hdl.handle.net/20.500.12024/A81419>), 2-3. Likewise, a fictional catalogue of London prostitutes circulated in 1691. All 22 entries were explicitly identified as women. Anonymous, *A catalogue of jilts, cracks, prostitutes, night-walkers, whores, she-friends, kind women, and others of the linen-lifting tribe* (London: Printed for R.W. Smithfield, 1691). Furthermore, all four of those charged with keeping a brothel at the Old Bailey between 1674 and 1700 were female. Two were found guilty, one innocent but still required to produce sureties for her good behaviour, and the last referred to be tried at a different court.

<sup>92</sup> A rare exception where an exchange of money for sex was explicitly stated was published in the Proceedings in 1693. According to a male deponent, Alice Randall pulled up her clothes and told him “here’s that that will do you good, a Commodity for you, if you’ll pay for it you shall have enough of it.” *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 04 June 2022), May 1693, trial of Alice Randall (t16930531-44).

<sup>93</sup> Dabhoiwala, “The pattern of sexual immorality,” 92. In her initial work on the “economy of makeshifts,” Olwen Hufton separated illegal activities such as theft and prostitution from licit forms of ‘making shift,’ such as begging. In contrast, I see sex work as a legitimate means of labour which could help non-elite women make ends meet. Hindle, *On the Parish?*, 82-83.

<sup>94</sup> Other historians have made similar claims for regions outside of England, for instance Elizabeth S. Cohen’s works on prostitution in Renaissance Italy. Elizabeth S. Cohen, “Seen and known: prostitutes in the cityscape of late-sixteenth-century Rome,” *Renaissance Studies*, Vol. 12, No. 3 (September 1998): 392-408.

Women who exchanged sex for money or goods utilized a variety of protective and economic networks, usually with other women, that helped them make ends meet as well as avoiding violence and judicial punishment.

As a moral offence, sex work was largely handled by the church courts, though secular jurisdictions might also punish bawds and prostitutes for immoral conduct and disruption.<sup>95</sup> The 1650s Adultery Act contained specific measures for bawds and brothel keepers, but not prostitution since it fell implicitly under provisions against adultery and fornication. A common fame for misconduct was enough to result in conviction. Having others to speak to their credit could mean avoiding punishments which might include one or a combination of public shaming, corporal punishment such as whipping or branding, fines, imprisonment, and hard labour.<sup>96</sup> Many women called on female compurgators, or character witnesses, to defend them. The word of a respectable woman was valuable in court proceedings, though it might take several women to cancel out the testimony of a man. The best networks, however, were the ones that were so effective as to remain out of the courts and, thus, invisible to us. The ideal colleagues, employers, neighbours, and clients were those who practiced silence and discretion. Yet it is only when things went wrong that we get evidence of the types of alliances which women could form around sex because they were pulled up in front of the courts.

Reflective of how respected women policed bodily rituals including births, most bawdy houses were attributed to married or widowed women. For many of these, engaging in the sex trade was a by-employment which went alongside their other labours, such as textile work,

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<sup>95</sup> Dabhoiwala, "Sex, social relations and the law," 85.

<sup>96</sup> Dabhoiwala, "Sex, social relations and the law," 87-88 Griffiths, *Lost Londons*, 371.

service, and selling in the markets.<sup>97</sup> The association between groups of women and sex work was so strong that women living alone were often suspected of being a bawdy house. A meeting of the Middlesex sessions in 1691, for example, saw five women together charged and imprisoned “for keeping a common bawdyhouse.”<sup>98</sup> Even when charged alongside men, or when husbands were known to exist, women were still held fully culpable—sometimes more so than their male accomplices—for running houses of ill fame. Three women and two men were indicted at the Kent assizes in the late seventeenth-century “for allowing vagrant, idle and suspicious persons to lodge in their outhouses on 2 Mar 1680 and other occasions.” Three of the same, including two women, were also charged with allowing “ill-rule” in their establishments. But of them it was only Margaret Johnson, widow, who, in a separate indictment, was explicitly charged with “keeping a bawdy house.”<sup>99</sup> But it is difficult to determine when landlords were falsely accused, complicit in the sex trade, knowingly turned a blind eye to suspicious couples, or were genuinely unaware of the purposes their lodgings were put to.<sup>100</sup>

As this section demonstrates, the economics of sex connected some women, but bawds had a very negative reputation in early modern England. They were thought to corrupt not only those they employed but their entire communities by encouraging vice. Stories given by women accused or convicted of sex work were usually formulated in terms of exploitation and coercion. However, we must consider this within the framework of legal rhetoric. Cristine M. Varholý argues that women suspected of sexual dissidence often spoke in terms of compulsion rather than

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<sup>97</sup> Dabhoiwala, “The pattern of sexual immorality,” 93; Keeping a brothel was a *male in se* crime, meaning that married women answered for themselves rather than being subsumed under the responsibility of their husbands. Mendelson and Crawford, *Women in Early Modern England*, 37.

<sup>98</sup> MJ SP 1691 07 006.

<sup>99</sup> *Calendar of Assize Records: Kent Indictments Charles II 1676-1688*, ed. J.S. Cockburn (London: H.M.S.O, 1989), 596, 598, 603.

<sup>100</sup> Dabhoiwala, “The pattern of sexual immorality,” 91.

agency to deflect legal “responsibility for a given act away from the female defendant.”<sup>101</sup> The following examples show that women could be vulnerable to sex trafficking, but they also reveal sexual economics which centred on female connections.

In September of 1700, Sarah Curtis, single woman, claimed to have been pressed into prostitution by her landlady of three years. The landlady’s name is not given in the record, only that she was the wife of John Box. Curtis described her as “a person of a low life and conversations and entertains and suffers several lewd disorderly persons to lie together knowingly.” Curtis testified that Mrs. Box had brought a strange man to her lodging one night. Curtis described herself as initially refusing to engage in sex but that, ultimately, she had “played at her [Mrs. Box’s] house as a common whore” after being “turned out of doors by force into the street.” Though the landlady was clearly married, her husband apparently played no role in the operation. Mrs. Box engaged the workers, perhaps with force, arranged clients and lodgings, and handled the money. Curtis’s statement indicated that Mrs. Box’s network extended beyond her house. When Curtis was absent Mrs. Box would send for another woman to “play and oblige persons that came to” the house.<sup>102</sup>

The complicated hierarchy of sex workers as well as the fine lines between coercion and cooperation are clear in the case of Margaret Ferneseede, a bawdy house keeper who, in the early seventeenth century, was convicted of poisoning her husband. Once a prostitute herself, Ferneseede came to run her own brothel, overseeing a group of women. Though Ferneseede was married, her husband was not involved in the business. In Ferneseede’s case there was,

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<sup>101</sup> Cristine M. Varholy, ““But She Woulde not Consent”: Women’s Narratives of Sexual Assault and Compulsion in Early Modern London,” in Joseph P. Ward, ed., *Violence, Politics, and Gender in Early Modern England* (New York: Palgrave Macmillan, 2008), 53, 61.

<sup>102</sup> CLA 047 LJ 13 1700 007

undoubtedly, coercion as much as co-operation in her relationships with her employees. In her deposition, Margaret Ferneseede confessed to having been a prostitute since puberty and a bawd later in life. She revealed that she had ten women working for her, and that she targeted migrant women and discontented wives when recruiting. Ferneseede offered these women money, a place to stay, a community, and some freedom from bodily and economic dependence on male authorities, but she also exploited their situations. Interestingly, though Ferneseede alone was indicted for the poisoning of her husband, when her case was disseminated in a pamphlet it included an illustration of her standing at a pot with a group of women, presumably the sex workers she managed, as though they were all complicit in her crimes. This depiction also reflected, and reinforced, the notion that sexual immorality was communal and infectious.<sup>103</sup> As this case shows, new migrants who lacked existing connections to help them find work or lodging were especially vulnerable to being lured into sex work and it could be very difficult to escape.<sup>104</sup>

The necessity, and perhaps commonplaceness, of sex work may have encouraged support and sympathy between non-elite women. As discussed in the Introduction, sex work was one of few occupations open to poor and single women in early modern England. Selling sex was rarely a full-time or permanent occupation but usually an adjunct to other forms of employment, or lack thereof, such as needlework or domestic service. These were the only trades open to younger women, and they were poorly paid and insecure. Many women experienced periods of under or total loss of employment between positions. As a result, occasional sex work was one of a

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<sup>103</sup> *The araignement & burning of Margaret Ferne-seede, for the Murther of her late Husband Anthony Ferne-seede, found dead in Perckham Field, neere Lambeth, having once before attempted to poyson him with broth, being executed in S. Georges-field the last of Februarie*, (London: Printed for Henry Gosson, 1608).

<sup>104</sup> Griffiths, *Lost Londons*, 69, 149.

limited variety of employments that many might turn to for subsistence.<sup>105</sup> Since so many women lived on the edges of poverty in this period, they may have viewed the temporary necessity of sex work with compassion rather than disdain and ostracization, all too aware that they could easily find themselves in the same situation. Moreover, sex work could also be a deliberate choice rather than last resort born out of necessity. It could provide economic security as well as some level of independence and bodily agency. For poorer women, sex work could be a viable alternate to other forms of employment, theft, or depending on a male breadwinner.<sup>106</sup> Sex work as choice was, though, not a rhetoric that would help women in the courts. Those who admitted to sexual immorality needed to phrase it as the consequence of economic deprivation or coercion if they hoped to elicit sympathy and lesser sentencing.<sup>107</sup> As a result, descriptions of connections between female sex workers were described in negative terms.

Though judicial records preserve evidence of moral judgement and antagonisms, relationships between bawds and sex workers were not necessarily negative. Bawds could offer shelter, food, secure employment, and a steady stream of clients. They might also offer protection.<sup>108</sup> In 1703, for instance, Dorothy Hill, a bawdy house keeper, attempted to rescue several “lewd wenches” who worked for her from the constable who had arrested them, successfully securing at least one from his clutches. As an employer, Hill was undoubtedly invested in maintaining profits from the women’s labour.<sup>109</sup> This mercenary perspective,

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<sup>105</sup> Dabhoiwala, “The pattern of sexual immorality,” 94; Griffiths, *Lost Londons*, 154.

<sup>106</sup> As we see with courtesans, who participated in more elite forms of sex work, as compared to “common” whores.

<sup>107</sup> Mary Knight, for example, claimed that she had been forced into sex work and theft to “keep herself from starving” after a bad marriage left her destitute. Knight was incarcerated at Bridewell at least for being a “lewd person” and “nightwalker,” and once sent to St. Bartholomew’s Hospital after being found “almost eaten up with the foul disease.” 11 years after her first mention in the Bridewell records, Knight was executed, at the age of 31, for theft. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 05 June 2022), *Ordinary of Newgate’s Account*, January 1716 (OA17160127),

<sup>108</sup> Griffiths, *Lost Londons*, 153.

<sup>109</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 120.

however, does not negate the fact that she did put herself on the line to help them avoid imprisonment and fines. And the case clearly shows that there existed, under Hill, a network of female sex workers who knew each other. In less dramatic cases, bawds could help get women discharged from the house of correction by speaking on their behalf and paying their discharge fees. This, too, meant that sex workers had to continue working for their bawds.<sup>110</sup> Working with an overseer, therefore, came with advantages over picking up clients on the street.

Female sex workers often worked together and shared the same spaces for the sake of safety, and perhaps companionship. Nightwalkers were frequently described as being “taken” together from the same location.<sup>111</sup> Sex work and other immoral behaviours were often associated with particular areas such as Turnmill Street or Farringdon Without in London, both of which contained numerous brothels and generally suspicious peoples and houses.<sup>112</sup> Bawdry and prostitution could also be the result of pre-existing relationships. Sisters, or mothers and daughters, might engage in sex work. Friends and acquaintances could also provide entries into the sex trade.<sup>113</sup> For kin, sex work may have been a way to sustain the family economy, especially if there was no male breadwinner. In the late 1500s, Ellen Freeman, for example, was accused of being a bawd for both of her daughters.<sup>114</sup> Links between kinswomen turn up rarely, however, probably because of financial and emotional ties. Kin were unlikely to denounce each

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<sup>110</sup> Shoemaker, *Prosecution and Punishment*, 191, 194-195. Though such activities are invisible in the records, I wonder if bawds were also instrumental in providing sex workers with funds while they were incarcerated. Such funds could secure access to beds and extra provisions that would make stays much safer and more bearable.

<sup>111</sup> Paul Griffiths, “Meanings of Nightwalking in Early Modern England,” *The Seventeenth-Century*, 13:2 (1998), 222; Griffiths, *Lost Londons*, 159.

<sup>112</sup> Griffiths, *Lost Londons*, 77-78, 85, 372.

<sup>113</sup> Griffiths, *Lost Londons*, 166-167.

<sup>114</sup> Varholý, “Sexual Assault and Compulsion,” 55.

other as sex workers as this reflected poorly on the whole family and risked dragging more of them down.

There were other advantages to cooperation between female sex workers. Together they might secure more clients. Edward Fursse, for instance, testified in 1695 that he frequently visited the coffee house of Mary Hambleton for sex. On the first occasion, he and a friend were approached by Hester Ascue to go into a back room. There the company was joined by another woman and sex shortly ensued. That Hambleton was aware of the activities is supported by Fursse's claim to have had sex with her as well on other occasions.<sup>115</sup> These networks were also useful for theft, a side occupation which many sex workers engaged in, to be covered in a future chapter on material networks.

While punishments were meant to reform lewd women, shared spaces and experiences may have instead resulted in bonds. It is possible that imprisonment fostered connections, even very short-term ones, between women who met while under lock and key or during hard labour. The high rates of female recidivism at institutions like Bridewell increased chances that women would repeatedly cross paths and develop connections. This may have included connecting with women they knew before, from the same neighbourhood or hometown. In his study of Bridewell, Griffiths found that Joan Garroll had spent the most time imprisoned, appearing in the records intermittently between 1628 and 1641 for various charges including nightwalking, fornication, theft, and vagrancy. Clearly, Garroll had many opportunities to meet women in similar situations; in 1641 she broke out of Bridewell alongside five other women.<sup>116</sup> Shared goals and opportunities could unite women, even for a day. However, supporting women accused of sexual

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<sup>115</sup> LMA MJ/SP/1695

<sup>116</sup> Griffiths, *Lost Londons*, 154-155, 387.



offences came with dangers. Witnesses risked being tarnished with the same brush and punished in turn. Bridewell records even contain cases where friends arrived to testify to a detained woman's character but were in turn taken themselves as suspicious persons and whipped and committed to hard labour.<sup>117</sup>

The connections which non-elite women could form around sex, and their navigation of the risks and possibilities which their bodies might provide, is at the core of the 1697 case of *Dean Fogge v William Dennis* which opened this dissertation. Dennis, rector, was charged with adultery and fornication with three women. Although the case was ostensibly between two men, all seven of the deponents were female.<sup>118</sup> Four of them ran public houses and suspicion arose that Dennis was using one or more of them as bawdy houses. Scrutiny fell particularly hard on the alehouse of Catherine Worth, a 44-year old widow. Worth confessed that Dennis did for about 6 weeks come to her house asking in a "merry manner" whether she had not got him a woman yet. Upon which, Worth told the court, "to gratify his humour and to continue his custom to drink at her house which she being poor esteemed to her advantage she did prevail with several women her neighbours to come in and banter or talk merrily with the said Mr Dennis." But, she specified, the women merely "joked and falsified with him, being themselves honest women" who kept up this act for her sake.<sup>119</sup> Several of the other women agreed that although they had talked to Dennis of procuring him a sexual partner, none had done so. In the end, in

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<sup>117</sup> Dabhoiwala, "Sex, social relations and the law in seventeenth- and eighteenth-century London," 90.

<sup>118</sup> Though the case was ostensibly brought by Dean Fogge, he provided no testimony in the suit. Nor did Ambrose Groome, a supposed eyewitness to an assignation between William Dennis and Betty Yates.

<sup>119</sup> EDC 5 1697 No 14.

exchange for assisting Worth and soliciting Dennis's custom in her establishment, the women found themselves on the defensive, accused of adultery and fornication.<sup>120</sup>

The women in *Fogge v Dennis* had clear financial motivations for entertaining William Dennis. They deliberately used their sexuality as a means to secure his custom. Catherine Worth claimed this was for her benefit, and fit it within larger frameworks of poverty and good neighbourliness. She stressed that she acted the bawd in concept only, never "endeavouring in the least to procure such ill women as he seemed to desire" and that the women she sent for "came only to him to banter and joke with him and help off the drink." Worth may have reaped the majority of profits from hosting the rector, but the neighbours who helped her benefitted from drink and other possible gifts from Dennis. Martha Lockett also denied procuring for Dennis, though she had let him a room where he spent over £7 on steaks for himself and Betty Yates, a "woman of ill-repute." Jane Sinclair was also happy to serve Dennis and a companion ale, though she drew the line at actively finding him a sexual partner. Worth's allies also seem to have enjoyed a great deal of amusement at the rector's expense. Worth described him as a "crack-brained and distempered man, for he at such times [as he made merry with her friends] suffered himself to be much abused and laughed at, or ridiculed, and seemed not to be sensible of or resent their behaviour, when they in their talk or jest made a very sport or pastime of him." Cicely Fowlkes concurred that she and the "other neighbours (women) brought in on purpose [...] made a sport or laughing stock" of him. However, not all of the women in Dennis's orbit were in a place to take advantage or mock him. Other deponents portrayed him in a much more

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<sup>120</sup> EDC 5 1697 No 14.

dangerous fashion. Their stories will be covered in Chapter Four.<sup>121</sup> In the end, though Dennis may have been disgraced and humiliated, it was the women who were put on the defensive and found themselves in the court defending their reputations. For helping Worth and manipulating the rector, they risked fines, loss of income, penances, and even whippings for adultery and fornication.

Fogge v William shows how susceptible women were to accusations of running bawdy houses and sexual misconduct as well as the difficulty in separating ‘honest’ from ‘lewd’ women. Several of the women maintained their credit, and that of their allies, by directly contrasting it to a known woman of “ill-repute,” Betty Yates. Jane Sinclair, alehouse keeper, testified that she had chastised Mr. Dennis for his lewd talk and request that she procure him a woman. After her refusal, Dennis went to a neighbouring alehouse where Sinclair observed “one widow Yates otherwise called Betty (who is reputed to be a woman of very ill behaviour and reputation in the neighbourhood) to go into the same house.” Sinclair further claimed that the shoeman Ambrose Groome had seen Mr. Dennis and widow Yates on a bed together. Martha Lockett, who also sold ale with her husband, told a similar story, and also described Betty as “a woman of ill reputation.”<sup>122</sup> In identifying a woman of immoral reputation, the women were delineating their own, respectable, ranks. Cicely Fowlkes made the distinction between types of women very clear in her statement. Telling the court that she had been called by Worth into a little back room to drink with Mr. Dennis. By context we can infer that Mr. Dennis called Fowlkes some unbecoming terms, or at least made overtures that offended her sensibilities. She

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<sup>121</sup> EDC 5 1697 No 14. Cicely Fowlkes also stressed that she only stayed in the room for a quarter of an hour while Catherine Worth was present or at least frequently entering. Establishing that they were not alone with men was a key part of protecting women from accusations of sexual misconduct.

<sup>122</sup> EDC 5 1697 No 14.

responded, “I have a husband and I have had by him six children, and I am none of those.”

Clearly, being a wife and mother put Fowlkes outside of the type of woman which William Dennis was looking for.<sup>123</sup>

As covered in the next chapter on oral exchanges, the language of sexual insult was pervasive in seventeenth-century England and used with powerful effect by and against women. Yet in their works on London, Dabhoiwala and Griffiths have both identified a *decline* in persecutions for sexual misconduct over the later 1600s. Though the law did not change, people evidently became less concerned with the sexual conduct of their neighbours.<sup>124</sup> Bridewell saw a decreasing number of sex workers in its system, and Griffiths has found that their clients disappeared from the records after 1620. The Bridewell saw its last bawd in 1632.<sup>125</sup> The institutional searching of female bodies declined at the Bridewell after 1635.<sup>126</sup> This underscores that, although contemporaries were deeply concerned with the sexuality of ordinary women, engaging in sex work or other forms of extra-marital sexuality did not necessarily result in a woman being ostracized from her community. Though the term ‘whore’ continued to be used with significant negative connotations, it seems that ordinary people became less concerned with actual female sex over the period. In a period when poverty was an ever-present danger for non-elite women, many likely viewed casual sex work as a real possibility, even a necessity for survival. Some of the decline in judicial concern over sex connected to broader changes—in

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<sup>123</sup> EDC 5 1697 No 14.

<sup>124</sup> Dabhoiwala, “Sex, social relations and the law,” 91, 93, 97

<sup>125</sup> Griffiths, *Lost Londons*, 201-202. In comparison, the Bridewell court saw forty bawds between 1618-1632 and eight pimps after 1605. Griffiths further argues that there is not “much reason to think that the number of fornication, illegitimacy, or prostitution cases climbed significantly in London’s church courts as some sort of counter-balance to the fall in cases at the Bridewell court.” However, Griffiths also identifies a steep increase in the number of women taken to Bridewell for generally lewd, immoral, and disorderly conduct. All of these terms had a strong indication of sexual immorality even if the women were not specifically prosecuted for sexual crimes. Griffiths, *Lost Londons*, 205, 207, 217.

<sup>126</sup> Griffiths, *Lost Londons*, 275.

London, concern increasingly focused on vagrancy. And although the church courts were reinstated after the civil wars and Interregnum, they never regained the influence they once had, and fewer people turned to them as a means of regulation. Moreover, despite the highly negative cultural image of bawdy house keepers, Dabhoiwala argues that they had “comparative legal immunity” because they held a level of social cache as householders which meant that they were “by definition people of some reputation” and “could not simply be sent to a house of correction.”<sup>127</sup> Again, though sex work was perceived as dangerous and immoral, English folk were willing to tolerate it to an extent so long as it was not too disorderly or challenging to gender norms.

## Conclusion

This chapter has examined how understandings of the female body, especially how these understandings were generally restricted to women, gave them authority they could use to support and punish other women. We rarely know what happened after the case ended. Did female neighbours continue to value and support Bridget Poole? Did they help her rear her illegitimate child, perhaps through gifts of clothes or health advice? Did she get enough sustained financial relief to keep her family out of poverty? Was a father ever established for Cisley Millington’s bastard and, if so, were they forced to provide for it? Did women leave sex work behind for marriage, motherhood, and respected matronhood? While these specific questions cannot be answered conclusively with the available evidence, we know that birth did not end the bonds which childcare created among non-elite women. They continued to share advice, experiences, and tasks; they shared lore on breastfeeding and likely commiserated about

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<sup>127</sup> Dabhoiwala, “Sex, social relations and the law,” 89-90.

the struggles of childcare and family illness. Older daughters helped their mothers rear younger siblings.<sup>128</sup> These gendered practices reinforced a culture where women were united by their bodily experiences, a foundational argument for the following chapters on slander and violence. Furthermore, as enforcers of community values and as personal allies, women benefitted from numbers. Allies provided physical, oral, and legal protection.

Contemporary ideologies and rituals around women's bodies encouraged and created spaces for female alliances. That these alliances were considered possible, and even the *likely* and natural result of popular rituals and ideas, is elucidated by responses to them. Contemporary writers often expressed deep anxiety over bonds between women and the secrecy around female bodies. Midwives as well as other women were suspected of using their knowledge and access to hide or end pregnancies, even commit infanticides. In her work on France, Susan Broomhall argues that this was one of the reasons that men began to infiltrate the previously women-only world of pregnancies and births.<sup>129</sup> McLaren sees similar patterns in England, arguing that mentions of abortion were confined mainly to the writings of men and that hostility to abortion seems to have increased alongside a growth in male interference over female bodies.<sup>130</sup>

Marital status differentiated experiences of sex and motherhood, but relationships between matrons and single women were not always about regulation. Gowing has found that most of those who helped single women in labour were housekeepers, innkeepers, midwives, and occasionally sisters or mothers.<sup>131</sup> Sara Beam has similarly concluded that, in early modern

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<sup>128</sup> Crawford and Mendelson, *Women in Early Modern England*, 155, 158-159, 160-161.

<sup>129</sup> Susan Broomhall, *Women's Medical Work in Early Modern France* (Manchester: Manchester University Press, 2011).

<sup>130</sup> McLaren, "Recourse to Abortion," 225.

<sup>131</sup> Gowing, *Common Bodies*, 156. Julie Hardwick has come to similar conclusions for France. See Hardwick, *Sex in an Old Regime City: Young Workers and Intimacy in France, 1660-1789* (Oxford: Oxford University Press, 2000). However, Postles has found that men were most commonly indicted for harbouring and/or aiding the escape of

Geneva, at least, “respectable married women regularly helped single mothers” both with giving birth and raising their children, so long as they were paid for their services.<sup>132</sup> In helping, the women potentially saved woman and child from unnecessary suffering and complications during labour, and assisted the mothers in avoiding the penalties and shame of bearing a bastard. While sexual conduct clearly played a vital role in women’s experiences and social standing, it was not the sole determiner of their credit or relationships.

Cases of single women and sex demonstrate the ways in which women were united in issues related to their bodies and the solutions and opportunities they could offer each other beyond those sanctioned by male authorities. Fornication was a sin, abortion even more so, but even especially vulnerable women were not necessarily cut off from female networks and expertise. Ordinary women also showed themselves to be exceptionally capable at navigating their circumstances. They used their cultural authority as experts on the female body, as well as standard tropes in storytelling about illicit sex and birth, to make the best cases they could for themselves as well as their allies. The records show women creating narratives based on their interpretations of evidence, and shifting culpability to other women as well as men. In some situations, they may have gotten involved beyond serving as witnesses and offered desperate women other sources of aid.

Legal records by their nature preserve evidence of negative interactions and provide only snapshots of moments and events. We rarely find positive evidence of motherhood and

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pregnant single women. In some cases, the men appear to have been trying to protect the women from penalties. Usually, though, they were trying to avoid the repercussions for their own sexual sins, or colluding to do so for other men. Postles, “Surviving Lone Motherhood,” 160-183.

<sup>132</sup> Sara Beam, *The Trial of Jeanne Catherine: Infanticide in Early Modern Geneva* (Toronto: University of Toronto Press, 2021), 31.

childrearing, outside of conduct books, diaries, and letters, all of which privilege elite experiences. This chapter has sought to elucidate how judicial cases reveal glimpses of a positive female culture centred on the female body and reproduction. It also highlights the agency, ingenuity, and resourcefulness of non-elite women in navigating both real bodily experiences and the law. Their stories reveal myriad loyalties, options, and choices that were structured around matters of gender, age, status, reputation, and existing relationships. Though the lines between complicity, compassion, and coercion are often unclear, we should not underestimate or dismiss the supportive and practical potential which these extralegal networks could have for women. Hiding or ending pregnancies meant potentially avoiding humiliating punishments as well as the financial burden of single motherhood. Sex work provided employment and often shelter. Having an established reputation among female neighbours could have real benefits in times of need and transgression.



## Chapter Two

### A World of Words: Slander and Defense

#### Introduction

In 1663, Anne Taylor sued Frances Eaton at the consistory court in Chester for saying, among other things, that Taylor was a “whore” like “that old pimp her mother.” As part of the suit, five women were deposed—two in support of Taylor, two for Eaton, and one who took a more neutral stance. Taylor’s witnesses deposed that they had heard the “high,” “foul,” and “scandalous” words which Eaton gave Taylor while they were working and socializing together near the Chester custom house. Key to their statements was that Eaton had called Taylor a whore, an actionable term which triggered the defamation suit that caused the conflict to be recorded at the local consistory court. Eaton’s supporters, in turn, declared that she was a “woman of a civil and good life and conversation and a good neighbour.” The widow Susan Mann also attempted to discredit one of the opposing women, declaring Elizabeth Hickock to be a “woman of no good repute nor credit amongst her neighbours and much given to drinking when she can get it, and brawling with her neighbours.”<sup>1</sup>

The case of Taylor v Eaton illustrates many of the features of a typical seventeenth-century slander suit and the complex roles which female networks played in the oral regulation of their communities. It also demonstrates how competing alliances could function. Closely linked to the preceding chapter on actual sex was the verbal world of attack and defense between, by, and against women, which most frequently took the form of sexual insult. This

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<sup>1</sup> EDC 5 1663 No 41 Taylor v Eaton.

chapter looks at how non-elite women used the power of their words to confront and shame rivals, enforce community values, and to protect allies. In doing so, it primarily utilizes slander litigation, an area of the law in which non-elite women were very active at all levels, at the Chester Consistory Court between 1660 and 1700. It also considers the roles that slander and female alliances played in the background or prosecution of other types of conflict, including adultery, bastardy, restitution of conjugal rights, and even possible witchcraft. Since slander was a public performance, and prosecution required corroboration, testimonies given as part of slander suits also contain glimpses of ordinary female sociability.

The chapter begins with an overview of what slander litigation was, how it worked, and an overview of the secondary literature. It then turns to several case studies taken from the Chester Consistory Court. Many of my records support the conclusions that other scholars of slander—like Gowing, Capp, Bound, and Sharpe—have come to for earlier periods and other regions of England, namely the prominence of ordinary women and the language of sexual insult. However, this chapter builds on them by focusing on the roles of female alliances in the prosecution of slander, as well as what slander reveals about the functioning of those networks. This includes, as in the case study of Jane Blackburn, below, how what might be taken as ‘slander’ in one context served as evidence in other forms of litigation.

Gowing, working on London, argues that “the women and men who came to the court in the 17<sup>th</sup> century looked to litigation as a weapon in the neighbourhood disputes that were expressed through sexual insult [...] the material they brought as testimony made the court a forum for one particular endeavour, the discussion of women’s sexual honour.”<sup>2</sup> There is no

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<sup>2</sup> Gowing, *Domestic Dangers*, 36.

doubt that the cases that came before the Chester Consistory Court demonstrate the power of sexual insult. Cheshire women were equally concerned with sex, reputation, and the dangers of an ill fame. But defamation litigation was more than a “weapon.” It was a tool women used to navigate relationships, and it was made more effective by the inclusion of female allies.

Defamation was legally and socially purposeful. In *Taylor v Eaton*, for example, it was not a simple matter of one woman attacking another with words. Rather, we can also see how women tried to mediate and resolve conflicts in ways that drew in friends and bystanders. The goal of most verbal exchanges was to reform offenders and the maintenance of the status quo. As we will see, Frances Eaton was trying to defend her best interests and she hoped her female networks would help her.

For non-elite women, verbal networks carried a variety of meanings and held ambiguous places within English culture which were often at odds with prescriptive literature.

Contemporaries mocked female sociability, and the female ‘gossip’ was a well-established negative stereotype.<sup>3</sup> Women who used words inappropriately, or who lacked the credit to back their claims, were classified as nags and scolds and regularly prosecuted as disturbers of the peace.<sup>4</sup> Yet ordinary women were also responsible for the moral policing of their neighbourhoods, which included using words for discipline and punishment. By collaborating and claiming the right to regulate speech and behaviour, ordinary women enacted a power that was otherwise the purview of men. Non-elite women were not simply victims of sexual insult

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<sup>3</sup> Fay Bound, “‘An Angry and Malicious Mind’? Narratives of Slander at the Church Courts of York, c.1660-c.1760,” *History Workshop Journal*, 56 (2003), 70. For a seventeenth-century example: Samuel Roylands, *Well met gossip: or, 'Tis merry when gossips meet*, London: Printed for Tho. Vere and to be sold at the Sign of the Angel without Newgate, 1675.

<sup>4</sup> For example, eight women at a single mid-century session of the Kent Assizes were “indicted for habitually disturbing the peace as common chiders, brawlers, and slanderers, and sowers of discord amongst their neighbours.” Item 1045 in in *Kent Indictments, Charles II, 1649-1659*, ed. Cockburn.

and patriarchal authority. As we will see, women could use the language of sexual honour for their own benefit and to express their own concerns.

Capp's idea of a "female collective voice" is also a useful way of conceptualizing women's oral networks. When committed by respectable local women, verbal shaming was an accepted form of regulation meant to ensure neighbourhood harmony and morality. It was facilitated by gendered labour and spatial divisions and rooted in the very real importance of reputation in this period.<sup>5</sup> Directed at disorderly women, or simply those new to the community who had no local credit to deflect attacks on their honour, accusations of improper behaviour were not taken as slander but rather as real indicators of a woman's virtue. This is what made words so powerful. When repeated over time, gossip could develop into a common fame, which had substantial social and legal weight. Furthermore, having a social circle was a sign of belonging to a network, with all the accordant benefits for members. As this chapter shows, women shared stories with each other for a variety of practical purposes, including performing good neighbourliness, entertainment, to pass the time, and for an emotional outlet. In an era when reputation was central to individual acceptance and success, non-elite women exercised considerable influence.

Importantly for a broader discussion of female alliances, women also used their words to *defend* their same-sex peers and friends. Little consideration has yet been given to how an established female network prevented accusations from developing. A woman's allies provided verbal and social protection which discouraged attack. They could also prevent slanderous words from escalating into a formal complaint or common fame by countering them at the moment of

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<sup>5</sup> Capp, "Distaff Power," 19-20.

conflict, when the rumour was repeated, or by discouraging the churchwardens from pursuing the alleged offence.<sup>6</sup> Completely successful female alliances, therefore, leave little trace in the records. As always, the more same-sex peers they could rally to their cause, the more likely an individual woman was to succeed in her purpose, whatever it ultimately was. Elizabeth Baxter, a low status spinster in York, demonstrates how women could try to halt accusations in their tracks. When, in 1696, she heard some folk saying that an unmarried woman was pregnant, Baxter criticized them and said, “they might as well take her life as her good name from her.”<sup>7</sup> Not only was Baxter trying to prevent a potentially harmful rumour from spreading, but her words also highlighted the importance attached to maintaining a “good name.” Perhaps, as a spinster herself, Baxter was especially conscious of how a rumoured illegitimate pregnancy might impact the other woman’s prospects.<sup>8</sup>

The formal authority which some women exercised over sex and bodies as part of the legal system was connected to a broader world of informal, ambiguous, power which non-elite women actively participated in. In this I am in agreement with scholars such as Gowing and Ingram, who have argued that the same connections between female expertise and sexuality was present in slander cases.<sup>9</sup> Similar to how female juries and matrons policed the physical aspects of female sexuality—largely by establishing legitimate vs illegitimate births—ordinary women regulated their peers through systems of credit and reputation. Since they had few formal

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<sup>6</sup> Capp, *When Gossips Meet*, 58.

<sup>7</sup> Sharpe, *Defamation and Sexual Slander*, 3.

<sup>8</sup> This serves as an example of how a focus on female alliances and emotions changes our understandings of slander litigation. When discussing Elizabeth Baxter, Sharpe is focused on the importance of negating an ill fame. He is not concerned with gender or why Baxter, specifically, may have felt moved to counter damaging allegations against a fellow single woman.

<sup>9</sup> Gowing, “Gender and the Language of Sexual Insult,” 13; Laura Gowing, “Ordering the Body: Illegitimacy and Female Authority in Seventeenth-Century England,” in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, eds. Michael J. Braddick and John Walter (Cambridge: Cambridge University Press, 2001) 45-46.

recourses to address immoral behaviours, especially against men, non-elite women used the language of sexual honesty to identify, shame, and counter transgressors, other women in particular. In doing so, women also upheld the interests of the broader community since, as discussed in the preceding chapter, illicit sex and reputations for sexual immorality could have damaging consequences for the whole community. They also thus participated in constructing and maintaining the definition of what it meant to be a ‘good’ woman, and therefore their own honour, by defining what she was *not*—namely promiscuous, untruthful, lazy, dirty, prone to drinking, masculine, and disruptive.<sup>10</sup>

The connection between women, reputation, and sexuality helps explain why women were so prominent in defamation litigation, to the point that some contemporaries began to identify the church courts as ‘women’s courts.’<sup>11</sup> Existing work on defamation has tended to see these verbal networks as signs of conflict and has neglected evidence of collaboration. Suits for defamation often show the crucial role that women played in protecting their female allies from attacks on their worth and reputation—matters which could have serious consequences for a woman’s marital and employment prospects. Ordinary women proved themselves adept at manipulating the language of sexual honesty and female honour to their best advantage in their interactions with the church courts and people in their communities. In their depositions we see how networks of non-elite women developed and operated as parts of normal life in early modern England. These alliances were shaped by proximity, duration, and place within a community. Women readily employed the rhetoric of whoredom against transgressors as well as

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<sup>10</sup> Gowing, *Domestic Dangers*, 76.

<sup>11</sup> Bernard Capp, “The Double Standard Revisited: Plebeian Women and Male Sexual Reputation in Early Modern England.” *Past & Present*, No. 162 (Feb., 1999), 71.

their personal opponents. Women verbally defended each other on the streets and in the courts, acting as compurgators (character witnesses), and supporting their allies' interpretation of events. They also used defamation litigation and their character statements to neutralize and deescalate potentially serious allegations, such as those for witchcraft.

### **Slander and the Law**

Slander/defamation is a verbal attack on an opponent, usually in the presence of others, with malicious intent to defame.<sup>12</sup> For early modern women, slander usually took the form of sexual insult.<sup>13</sup> They were accused of being whores, bawds, queans, jades, fornicators, adulteresses, and birthing bastards (and sometimes suspected of killing them). Plaintiffs claimed that their reputations had been negatively impacted by the slander. Defendants countered that they had never spoken the alleged words or that they were true, to the best of their knowledge. Reports of immoral conduct could trigger an investigation by JPs or religious authorities, who could then prosecute and punish women for crimes such as fornication, adultery, bastardy, and even felonies such as witchcraft and infanticide.<sup>14</sup>

A formal defamation suit at the ecclesiastical court involved several stages and could cease at anytime with the agreement of both parties. The suit commenced with the serving of a citation summoning a defendant to appear. The plaintiff presented a libel—a series of questions outlining their case—and the defendant answered point-by-point, usually denying or justifying their actions. Most slander suits ended here. If they proceeded, the plaintiff then produced

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<sup>12</sup> Bound, ““An Angry and Malicious Mind?””, 64.

<sup>13</sup> This reflected contemporary attitudes regarding female morality, but also jurisdiction—other terms were only actionable under the secular courts, so they would not turn up in these records. Dabhoiwala, “The Construction of Honour, Reputation and Status,” 208n23-24.

<sup>14</sup> Capp, *When Gossips Meet*, 202.

witnesses, who were examined in private.<sup>15</sup> Defendants might submit their own questions for witnesses at this point in the form of interrogatories. The defence could also respond with counter-allegations, their own witnesses, or an ‘exception’ which questioned the character of a witness. Whoever lost the case could appeal, but cases usually concluded with a sentence for payment of costs and/or penances. Under a quarter of the London cases studied by Gowing have a recorded sentence. 27% of men and only 19% of women pursued a case to sentence.<sup>16</sup> Conscious of this, participants knew that beginning a defamation suit did not commit them to the entire process, including potentially harsh and costly penalties. Engaging in litigation, the formal articulation of conflict, and forcing mediation, rather than sentencing, was likely the objective for the vast majority of participants. Gowing, in fact, sees the low rate of sentencing in female-led cases as evidence that women were better at settling out of court.<sup>17</sup> If so, then female networks certainly played a part behind the scenes in encouraging reconciliation. They were supported by the cultural emphasis on harmony and living quietly—neighbours shouting insults and sowing marital discord were liable to be very disruptive.

An analysis of defamation suits demonstrates how savvy non-elite Englishwomen were at navigating the early modern judicial system and using it to their best advantage. They knew exactly which words could trigger litigation and, so, which ones to avoid, and how to stage an accusation or defence to best effect. ‘Whore’ was well-known to be an actionable term and it was the most common insult levelled at women. It was, therefore, either deliberately employed or left out of insults depending on whether one party was interested in, potentially, triggering a suit.

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<sup>15</sup> 26% of defamation suits pursued at the London consistory court called witnesses in 1690. Shoemaker, “The Decline of Public Insult in London, 1660-1800,” 103.

<sup>16</sup> Gowing, *Domestic Dangers*, 38-39. This differential is even more striking when we remember that the majority of marital suits were pursued by women, yet they were less likely to go to sentence.

<sup>17</sup> Gowing, *Domestic Dangers*, 42-43, 61.



Women carefully, and creatively, toed the boundary between effective and actionable insults. They could employ the term *whore* yet avoid its full implications through statements like “*whore of thy tongue*” or “*I will not call thou a whore.*”<sup>18</sup> Of course, the heat of the moment might also result in the verbalization of actionable words and result in an undesired appearance before the church authorities. The role of sexual insult as a trigger for litigation meant that accusations of sexual immorality could serve as cover for a wide variety of conflicts which had nothing to do with actual sex, including inheritance and labour disputes.<sup>19</sup> Broader motivations and conflicts are hard to discover, however, since the courts focused only on the legal issue of defamation.

Plaintiffs, defendants, and witnesses all engaged in the process of interpreting events, with an emphasis on what words were spoken as well as the intent behind them. Women were central to this negotiation and used their versions of words to protect their allies and penalize opponents, female and male. Deponents argued whether words were spoken at all and by whom, and whether those words were said in anger, malice, or humour.<sup>20</sup> Whichever side had more witnesses to support their interpretation of events, the greater their chances of success, whether this meant seeing a defamation suit to sentence, forcing a suit to end, or encouraging informal mediation. The results of defamation, therefore, often depended upon who had the larger network. If a plaintiff and defendant produced the same number of witnesses with equally compelling narratives, the conflict might end in a stalemate.

Women were strategic in their choice of witnesses. Though women were more likely than men to produce female witnesses, a man’s testimony frequently carried more weight, unlike

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<sup>18</sup> Gowing, *Domestic Dangers*, 123; Capp, *When Gossips Meet*, 199.

<sup>19</sup> Gowing, *Domestic Dangers*, 61.

<sup>20</sup> Gowing, *Domestic Dangers*, 42; Bound, ““An Angry and Malicious Mind?””

cases of pregnancy and birth, which relied upon female evidence. A woman's testimony was assumed to be less plausible and her motivations less pure. Even in London, where women were most likely to be called to testify, only 43% of witnesses were female, compared to 25% elsewhere.<sup>21</sup> Still, the law not only accepted but sometimes encouraged female participation in this type of litigation, thereby recognizing the importance of female testimony. Capp found an interesting case where a judge ordered that a maligned woman produce "a written certificate of good character from six honest neighbours' wives."<sup>22</sup>

The poor and marginalized were rarely called upon to testify as they lacked credibility. Servants and apprentices were overrepresented as witnesses as a result of their intimate knowledge of the domestic affairs of their employers and coworkers.<sup>23</sup> Thus, the predominance of men and established persons as witnesses often reflected legal strategy rather than a woman's closest allies, or even those who were present at an event. Still, that 25-43% of witnesses were female demonstrates a rejection of biases against female words. Non-elite women clearly felt entitled to engage in litigation and speak on neighbourhood affairs. As with all female claims to authority, this worked best when performed by a group of women and when against other women. Thus, the oral, as with the physical, regulation of community sexuality could be a site of collaboration as well as conflict between women.

Though women were active in defamation litigation at all levels nation-wide, urban life facilitated greater participation. Many single women moved to urban centres for work and were obliged to represent themselves. Married women, too, were often responsible for fighting cases

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<sup>21</sup> Gowing, *Domestic Dangers*, 48-49, 51.

<sup>22</sup> Capp, *When Gossips Meet*, 210.

<sup>23</sup> Gowing, *Domestic Dangers*, 48-49, 51.

on their own when their husbands were absent for work. For example, female participation was highest in parishes like Wapping, where upwards of three-quarters of men were sailors and wives were left alone for long periods. Urban anonymity and a highly mobile population also encouraged general anxieties over disorder and immorality. Urban centres like London attracted large numbers of female migrants, particularly those answering the high demand for domestic servants. With no nearby family or an established history of good behaviour, female migrants were more susceptible to suspicions of sexual misconduct. The conflicts which could lead to litigation might also have been facilitated by urban living. City crowding, near and often shared lodgings, discouraged privacy and increased the chances for high words.<sup>24</sup> The rest of England also saw a rise in defamation cases, but they never came to dominant church court proceedings in the way they did in London.<sup>25</sup>

There were serious considerations which prevented many ordinary women—as plaintiffs, defendants, and witnesses—from engaging in slander litigation. At the most basic level for non-elite women was the issue of cost.<sup>26</sup> In addition to financial concerns, the penalties for defamation likely kept many women from pursuing formal litigation. Public penances could be deeply humiliating and have long-lasting impacts on a woman's reputation, social standing, and marital and employment prospects. The details of a suit were unlikely to stay private for long, particularly if a case dragged on, included witnesses, and was especially contentious. Embarrassing details, including the initial slanderous comments, rapidly spread throughout communities and might contribute to the development of a common fame, regardless of the

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<sup>24</sup> Gowing, *Domestic Dangers*, 13-15, 18.

<sup>25</sup> Gowing, *Domestic Dangers*, 34. e

<sup>26</sup> Capp, *When Gossips Meet*, 205-206. The costs of seeing a defamation suit to sentence could amount to £8-£10, and the loser frequently had to pay the costs for both parties. Many litigants also had to cover the expenses of their witnesses.

outcome of the case. In cases of non-appearance, the church courts could also impose their most powerful weapon, excommunication. The church courts, with their emphasis on mediation and community harmony, were sensitive to the potentially long-term damages of litigation and aimed to balance public shaming with welcoming offenders back into the fold.<sup>27</sup> The process also encouraged litigant parties to settle early to avoid high costs, penalties, and enduring resentments. Neighbours, too, encouraged informal settlement in hopes of preventing or lessening the divisions and conflicts that litigation bred, and which could impact the larger community.

The risks of engaging in slander litigation were not confined to defendants and plaintiffs. Prospective witnesses, women in particular, also had to consider the pros and cons of getting involved in a dispute. Being called to testify meant time away from home and work, meaning lost income, especially if it required travelling to the court. Usually, the main parties covered costs to induce cooperation.<sup>28</sup> Potential female witnesses also had to weigh their loyalties and neighbourhood harmony when deciding whether to engage in a quarrel. They were frequently acquainted with both parties and acutely aware of having to live alongside them both during and after proceedings. If they sided with a woman accused of immoral conduct, the suspicion of sin might infect them as well, with the attendant social and economic repercussions. They might also be targeted by opposing parties, such as through libels or statements made to the court with the intent of discrediting their testimony.<sup>29</sup> Again, when directed at female deponents, this process of discrediting often took the form of sexual insult. Female litigants and witnesses alike were

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<sup>27</sup> Gowing, *Domestic Dangers*, 41.

<sup>28</sup> Gowing, *Domestic Dangers*, 38-42.

<sup>29</sup> Capp, *When Gossips Meet*, 206-207.

accused of adultery, bastardy, whoredom, and lying. Though depositions were taken in private, details that leaked out could foster resentments as well as personal embarrassment. Some witnesses may also have been subject to intimidation outside of the courts.

The convoluted case of Ann Rivell and Elizabeth Snead provides an example of the various repercussions which witnesses could face when drawn into oral conflicts. It also demonstrates how alliances might shift over time, either as a result of censure, self-preservation, or deterioration in relationships. Over two defamation suits, witnesses were personally attacked and called to testify several times. In the background of the suit was a complex web of female relationships which included co-habitation, labour ties, home visits, confrontations, and kin networks.

The first suit, pressed in Chester in 1674, was by Ann Rivell against Elizabeth Snead and Margaret Crank. According to several female deponents, Elizabeth Snead had said that Rivell was “naught” and a thief. Snead’s words circulated because, while she spoke them at home, she did so in front of an audience of several women. Margaret Crank defended herself by stating that she had merely been present, visiting a friend, when Snead disparaged Rivell. Also present were Alice Rawlinson and Margaret Heald, the latter of which lived in Snead’s house, perhaps as a domestic servant. In the depositions it became clear that at the centre of Snead’s concerns was her son and daughter-in-law—neither of whom deposed in the case. According to both Rawlinson and Heald, Snead was displeased with the behaviour of her daughter-in-law and said that she “would never be better so long as she kept Ann Rivell and some others company.”<sup>30</sup>

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<sup>30</sup> EDC 5 1674 No. 40. Depositions of Margaret Crank, Alice Rawlinson, and Margaret Heald.

A subsequent suit, in 1675, was Elizabeth Snead against Ann Rivell. This suit revolved primarily around the honour of men. The same deponents as in 1674, as well as two more women, one Snead's domestic servant, provided testimony. Margaret Crank recounted that after she had spoken on behalf of Rivell in the earlier case, she had been "much wronged" with scandalous words by Francis Snead, Elizabeth Snead's husband. Crank admitted that she thus called Francis Snead a rogue and told him to "go home and lay a naked sword by thy wife."<sup>31</sup> Two other women deposed that they had heard Crank call Francis Snead a rogue but, interestingly, they did not mention whether she had been provoked into doing so. The reputation of one John Fletcher, in turn, was drawn into the conflict when Ann Rivell, accompanied by Crank, confronted Elizabeth Snead. Asked what evidence she had to support her slander, Snead, apparently, answered that her kinsman John Fletcher, since deceased, could have provided all the evidence she needed. In response, Rivell called Fletcher a knave and rogue, who she had "saved from hanging."<sup>32</sup> This was enough of a slur that, even though Fletcher was dead, several deponents asserted that he had been a good and honest man.<sup>33</sup> This provides an interesting example of women using and debating the credit of men as part of their own same-sex disputes, rather than vice versa. Elizabeth Snead claimed to have received reliable information from men, John Fletcher and a Mr. Diggs, which she used to bolster her claims, thus turning them from slander into reliable facts. In turn, Ann Rivell tried to undermine that evidence by calling Fletcher's character into doubt.<sup>34</sup>

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<sup>31</sup> EDC 5 1675 No. 27. Deposition of Margaret Crank.

<sup>32</sup> EDC 5 1675 No. 27.

<sup>33</sup> EDC 5 1675 No. 27.

<sup>34</sup> EDC 5 1675 No. 27.

## Staging Conflicts: Oral Regulation and Female Networks in Seventeenth-Century Culture

As we saw in the Introduction, defamation litigation formed a huge proportion of church court business in the seventeenth century, and it attracted large numbers of women. Gowing has calculated that 80% of defamation suits at the London Consistory Court between 1570 and 1640 were brought by women. While it oversaw far fewer cases per annum than London, the Chester Consistory Court also saw a significant level of slander litigation and female participation. The consistory court oversaw 126 cases overall in 1663. 32 of those, 25.4%, were for slander. Of those 32 slander cases, 16 had female plaintiffs and another two were pursued by a married couple.<sup>35</sup> Why were so many ordinary women accused of committing slander and why were equal numbers willing to go to court to defend themselves against hard words? One factor was the role which women played in oral regulation in this period and the very real repercussions it could have for individuals as well as communities. Another important aspect was the *public* nature of slander, which inherently drew in more than the plaintiff and defendant.

Words carried a great deal of power in seventeenth-century England. Literacy rates were low, particularly for women below the rank of gentry and those in rural areas. For ordinary people, most information was passed orally, and this could include damaging rumours. The terms used were laden with meanings, which reflected upon the speaker's character—conduct books held modest and restrained speech to be a cornerstone of an honest woman—and also served to define the credit and reputation of others. If a story spread that a woman was promiscuous, for

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<sup>35</sup> 1663 seems to have been an unusually active year for the Chester Consistory Court. For comparison, in 1672 it oversaw a mere 55 cases. The proportion of slander litigation remained steady, however. 14 of the 55 suits related to defamation, seven with female plaintiffs (not including one case fragment with unidentifiable parties). Only two of the female-led suits were against other women. The other five were against male defendants. Only one of the six slander cases with male plaintiffs had a female defendant. Two women and one man supported Robert Shaw in his suit against Margaret Burrows for calling him “a stinking knave and a bafflehead.” EDC 5 1672 No. 26.

example, this could develop into a common fame, which carried legal as well as social weight. Her reputation could serve as evidence in the courts, impact her economic and marital opportunities, and prevent her from developing a support network. Future testimonies given for or against her might be based entirely on reputation rather than direct witnessing of any infractions, as shown in the Blackburn case below.

Women could use their words to enforce behavioural norms, attempting to shame and pressure offenders into compliance, as with an adulterous couple. They also used words in lieu of the formal means of redress which were open to men. It was easier, moreover, to defame as well as to prosecute women verbally and legally. Though men were not immune to slander, especially from other men, words stuck more to women, especially those of lower status. Contemporary patterns of socialization and labour meant that witnesses to an oral conflict were often, not always, of the same gender and social status.

The power of words, spoken by and against women, is underscored by the number of parties willing to go to court over them. As Gowing argues in her work on the language of sexual insult in London, the “link between words and reputation was the basis on which litigation for defamation worked. The victims of insult who, increasingly, responded by going to court did so on the grounds that “their reputation had been severely damaged in the eyes of people who mattered.”<sup>36</sup> Victims, in turn, were encouraged to defend themselves in the presence of witnesses, as letting the comment slide could lead people to assume it was true. Thus, women like Bridget Carrington, who in was publicly called a “drunken slut” by John Baxter in 1665, both reacted in the moment and saw the words as damaging enough to sue for.<sup>37</sup> And since a

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<sup>36</sup> Gowing, *Domestic Dangers*, 111.

<sup>37</sup> EDC 5 1666 No. 5.



woman's words held little weight on their own, especially in trying to counter allegations of sexual impropriety, the more female allies she could rally to her case as witnesses and compurgators, the better. Similarly, her rival's chances of surviving or rebutting insults depended on her own circle's willingness to come to her defense.<sup>38</sup> These verbal networks probably carried an expectation of reciprocity which further strengthened ties between women. Serving as a character witness for a female ally increased the chances that she would be willing to serve in turn, should it be necessary. Of course, this meant that single women and outsiders were especially vulnerable, as neighbours would generally side with a woman they knew and trusted.<sup>39</sup>

As reputation was established communally, so too was it tarnished. To have an impact, slander needed to be publicly staged, and so it deliberately drew in bystanders. It was their public nature that gave verbal attacks their power and made slander an actionable offence in the church courts. Insults given in private were unlikely to harm an individual's credit since there were no witnesses to confirm what was said or to spread the accusations. Private conversations were also unlikely to prompt mediation or general conflict resolution, one of the primary goals of slander proceedings. As Gowing argues, the construction of whoredom as a pollutant and danger to the community was reflected in how defamers used the neighbourhood as a stage for insult.<sup>40</sup> It was not coincidence that Frances Eaton levelled her insults at her rival in public, within earshot of several women.

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<sup>38</sup> Capp, *When Gossips Meet*, 58, 96. For example, Catherine Nayler underwent compurgation in 1626 after she was indicted for fornication with Richard Richardson. Nayler was dismissed with monition on the word of four compurgators, all female. Frances Wiggins likewise produced five female compurgators to deflect an accusation of fornication later that same year. *The 'Bawdy Court' of Banbury: The Act Book of the Peculiar Court of Banbury, 1625-1638*, ed. R.K. Gilkes (Banbury: The Banbury Historical Society, 1997), 68, 75-76.

<sup>39</sup> Capp, *When Gossips Meet*, 96.

<sup>40</sup> Gowing, *Domestic Dangers*, 99.

Nor was it coincidence that Eaton made her insults in the company of other women. Much slander took place in female-dominated spaces, which helps explain the high number of women involved as witnesses in defamation suits. Doorways were a common setting. Thresholds marked the boundary between private and public spaces, and many women sat in their doorways and laboured at domestic tasks such as sewing and washing. Close living in this period, especially in urban settings, meant that many people could hear what was said from doorways, and women could shout insults at neighbours and passerby knowing they would be heard. In turn, witnesses deposed that they were in their own doorways or businesses when they heard the conflict, or that they had left to investigate upon “hearing a great noise.”<sup>41</sup> Some slanderous exchanges took place, or were reported, during female-dominated rituals. For example, Mary Smith and some “neighbouring women” were at Mrs. Burgenyes’s churching when Jane Price confronted Elizabeth Halliwell for accusing her of having a bastard daughter. Halliwell reportedly admitted to saying the words but argued that she “did not raise them herself.”<sup>42</sup>

### **The Role of Female Alliances in Navigating Conflicts with Men**

This section further considers the gender dynamics which framed slander litigation in early modern England, and how women navigated oral conflicts with men. Verbal conflicts were not unique to women, but the content of slanderous exchanges varied according to the sex of the

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<sup>41</sup> Gowing, *Domestic Dangers*, 98-99; Bound, “‘An Angry and Malicious Mind?’”, 68. For example, Jane Halwood testified that she had seen and heard the conflict between Bridget Carrington and John Baxter, “she being in her own shop” at the time. EDC 5 1666 No. 5, Bridget Carrington v John Baxter.

<sup>42</sup> EDC 5 1683 No. 34, Richard Halliwell and Jane Price v Thomas Halliwell; EDC 5 1683 No. 22, Jane Price v Thomas Halliwell. Like many defamation suits, this one appears to have been part of a larger conflict. Jane Price was a longtime servant to Richard Halliwell, Thomas Halliwell’s father. The son had, apparently, spread a rumour that his father and Jane were incontinent together. The vast majority of deponents in the suit, male and female, gave no credit to the accusations. A fellow servant, Catherine Roberts, testified that she had never seen “any uncivil carriage or behaviour between them, nor other but was becoming a master to his servant and a servant to a master.” Jane Hughes, in turn, attributed the rumours to “envious peoples.”

parties involved. Men were less likely to be seriously impacted by accusations of sexual immorality. Though contemporary lay and religious authors maintained that men and women were equally culpable for their sexual conduct, in practice the two genders were held to different—and, Gowing argues, incommensurate—standards. There was no male equivalent for ‘whore.’ Men might be called cuckolds, bastard-bearers, or adulterers, but these terms still revolved around female sexual conduct and morality. When men brought cases on these grounds, they were defending their wives at least as much as their own masculine honour. Men could admit to fornication and adultery, even claiming specific women as their own ‘whores’ with little fear of backlash, especially if the target was a single woman. Men were more likely to sue for defamation purely in their own rights in matters that related more strongly to contemporary ideas of masculine honour, such as lying or financial mismanagement. These motivations may help explain why more men saw slander cases through to sentence—their cases held more import than a ‘mere’ verbal dispute between women.<sup>43</sup> Since allegations by men of lesser status were worth little attention, and men of superior rank were unlikely to be impacted by litigation, most defamation suits pursued by men were against those of the same sex and similar status.<sup>44</sup>

Women, too, were aware that they had higher chances of a favourable verdict when the opponent was also female, of a similar or lower rank, and if they had male kin or witnesses to support them in their suits. Yet defamatory words spoken by men could be the most damaging for a woman and, if she were married, her spouse. The majority of women who pursued defamation suits were, therefore, married. Sharpe takes this as evidence that “the maintenance of

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<sup>43</sup> Gowing, *Domestic Dangers*, 61. Men were, occasionally, reproached for their sexual conduct by religious and lay commentators as well as folk on the streets. For more on masculinity and slander see Capp, “The Double-Standard Revisited” and Elizabeth Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (New York: Routledge, 1999).

<sup>44</sup> Sharpe, *Defamation and Sexual Slander*, 17.

sexual honour was more important after than before marriage.”<sup>45</sup> More likely it was because married women had the financial and social support to pursue these suits, whereas single women lacked the necessary backing.

Other considerations and legal practices framed oral disputes between men and women, and help to explain why we lack yet more evidence of female alliances in these contexts. Women, especially, had to be careful when attempting to shame men for their sexual immorality, as defaming a man was likely to rebound on them to much worse effect. Women were most likely to comment on male sexual misconduct if they were its targets. But even claiming that a man had propositioned them directly could invite aspersions on their own characters.<sup>46</sup> Men deflected accusations of sexual immorality by claiming that their targets were lying and had encouraged their advances. A woman’s kin and friends may have been quite vocal in their criticisms of an unfaithful husband, but their criticisms were not recorded save in depositions. They, too, had to be cautious not to increase the wedge between spouses or to inflame the husband against his wife to the point of violence or abandonment.

Since few terms used specifically against men were actionable, however, this meant that women could fling them at male adversaries without fear of ending up in the church courts. Such encounters would not turn up in the records unless the man retaliated with defamatory terms like ‘whore.’ On one hand, this gave women some maneuverability—they could level insults and try to bait their adversary in the hopes of being able to accuse them of slander.<sup>47</sup> On the other, women could easily come out the worse from verbal conflicts with men. Similarly, non-elite

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<sup>45</sup> Sharpe, *Defamation and Sexual Slander*, 21.

<sup>46</sup> Gowing, *Domestic Dangers*, 72.

<sup>47</sup> Capp, *When Gossips Meet*, 252.

women and their female allies used verbal, public, complaints to compensate for a lack of formal legal options. Since sexual assault, for instance, was unlikely to be prosecuted in the courts, women used the forums open to them—words and public pressure—to draw attention to male crimes. Even in these informal forums, a woman’s complaints gained greater traction if they were supported by multiple women. Here, too, of course, women opened themselves up to counter-attacks on their sexual reputations, and some men did prosecute for defamation.<sup>48</sup>

Often, we do not know the particular contexts which led to women slandering men as only the legally actionable words/situations reached the courts. Were they simply speaking in the heat of the moment, or had they done a cost-analysis of the above risks and decided it was worth it to gain some leverage or retribution? Did they really think it would amount to anything tangible, or were they letting off steam, a valuable psychological activity unto itself? Even if we cannot access the underlying motivations, slander suits, again, provide glimpses of female sociability and who women felt comfortable making comments in front of. For example, Mary Meadows had two women at her house when she accused John Bradshaw of being a whore master and bastard bearer. Word must have gotten to Bradshaw, who considered it enough of a slur to be worthy of prosecution. Just as defamation was understood as impacting a woman’s credit in her community, the “scandalous words” given my Meadows meant that “the good name of the said John Bradshaw is impaired and lessened amongst his neighbours.”<sup>49</sup> This situation was not unique—in 1677 three women were walking together when, “amongst other discourses,” one of them allegedly suggested that John Neild had fathered a bastard. When word reached

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<sup>48</sup> For more on masculinity and slander see Capp, “The Double-Standard Revisited” and Elizabeth Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (New York: Routledge, 1999).

<sup>49</sup> EDC 5 1661 No. 33, John Bradshaw v Mary Meadows.

Neild, he saw fit to sue.<sup>50</sup> Women's words, as these examples show, could carry power and were not always summarily dismissed.

Alliances, and conflicts, could develop along familial as well as gendered lines. Some women formed a temporary alliance in response to the heat of the moment and a common enemy. In 1664, Elizabeth Ridley and Mary Moore were sued by Gamaliel Briscoe because of a conflict they had had with his son, Edward Briscoe. According to several deponents, Ridley and Moore had called Edward Briscoe "a hangman like his father." Six women, including Mary Moore, and three men, including Edward Briscoe, were deposed in the suit, having been present during the altercation. They did not present a unified account of the incident. It seems that the conflict originated with Edward Briscoe and Ridley and Moore's daughters.<sup>51</sup> Who instigated this conflict was a matter of debate, but at some point the two mothers joined forces and directed their ire at Edward Briscoe, going so far, some witnesses claimed, as to put his shoulder out of joint. Mary Moore deposed that the women had explicitly gone out to "relieve their children," who were being beaten by Briscoe. The latter retaliated, according to several deponents, by striking Elizabeth Ridley and calling her a "drunken slut."<sup>52</sup>

Several of the female bystanders took the Briscoes' side, casting Edward Briscoe as the victim and defending his father's reputation. One of those women was an 80-year-old widow named Frances Briscoe. Though her statement made no reference to kin ties, her shared surname should make us suspicious of her allegiances. Several other bystanders were more equivocal in their statements. Constantina Jones testified that she had heard Mary Moore "in a bitter sounding

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<sup>50</sup> EDC 5 1677 No. 5, John Neild v Elizabeth Capper.

<sup>51</sup> Though Capp argues that "quarrels between women were quite often triggered by rude or squabbling children," in this case a conflict between children drew in a father as well. Capp, *When Gossips Meet*, 187.

<sup>52</sup> EDC 5 1664 No. 23, Gamaliel Briscoe v Elizabeth Ridley and Mary Moore.

manner give [...] Edward Briscoe some uncivil words” but claimed not to remember what exactly those words were. Ellenora Jordan said that the “worst words” she had heard Ridley give to Briscoe was asking him if he were drunk. Both of these statements attempted to defuse the suit by removing actionable terms, thus protecting Ridley and Moore.<sup>53</sup>

Often, non-elite women used their words and alliances against other women because there were too many risks to consider in censuring the man. To understand why, it is important to recognize the disruptive influence which *male* adultery had on households. Scholars have tended to focus on female infidelity, since this was the primary focus of early modern law and prescriptive literature. Yet it was the lack of formal means of redress against male adultery which made oral culture so important for women’s own wellbeing and, intertwined, regulation of female sexuality in general. Though male adultery was, on its own, insufficient grounds for litigation, it could still cause considerable emotional and financial distress. A wife was unlikely to be pleased at a roving husband, especially if he formed lasting attachments to another woman. An unfaithful husband could funnel vital household resources towards his mistress, leaving his wife struggling to make ends meet.<sup>54</sup> Sexual immorality could also be literally catching, as in venereal disease passed through a husband to his legitimate partner, even his children.

Women had few options in addressing these conflicts directly with their spouses. Doing so could exacerbate marital discord, especially if a woman humiliated her husband publicly. Even expressing displeasure with his infidelity in private could result in violence and pushing the husband further towards his mistress. Though most women engaged in some form of productive labour in their period, the lion’s share of resources came from a husband’s earnings; an

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<sup>53</sup> EDC 5 1664 No. 23, Gamaliel Briscoe v Elizabeth Ridley and Mary Moore.

<sup>54</sup> Capp, *When Gossips Meet*, 92.

abandoned or neglected wife could scarcely support herself, especially if she was older, infirm, or had children to care for. She could attempt to appeal emotionally to her husband or, if he proved immune, appeal to her kin and friends to apply additional pressure on her behalf.<sup>55</sup> Still, these tactics risks further alienating the husband. It was, therefore, much safer to target the other woman.<sup>56</sup>

Aggrieved wives often accused other women not just of being a whore, but of being their husband's whore. Their claims frequently contained descriptions of the financial and emotional as well as sexual aspects of the alleged affair.<sup>57</sup> In *Taylor vs Eaton*, witnesses claimed that Frances Eaton blamed Anne Taylor for causing conflict with her husband. According to Elizabeth Peterson, Eaton said "that she was never beaten by her husband but twice in her life, and the said Anne Taylor was the occasion of it both times." Mary Moseley deposed that Eaton called Taylor an "impudent whore" and that "my husband must give her her morning draught and I must be struck for such a bad housewife."<sup>58</sup> Clearly, Frances Eaton thought that her husband was incontinent with Anne Taylor. If this was reckoned to be true by her neighbours, then they might very well have approved of, and supported, her attempts to warn the other woman off. Abusive and incontinent men were disruptive to community harmony, finances, and morality.<sup>59</sup>

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<sup>55</sup> Capp, *When Gossips Meet*, 94. Some examples of this are included in Chapter Three.

<sup>56</sup> In contrast, criticisms were more pointed in divorce suits since marital reconciliation was already off the table, and in many cases things could not get worse for the wife. The goal was to establish just how terrible the husband was so that the wife could legally separate from him.

<sup>57</sup> Gowing, *Domestic Dangers*, 90-92.

<sup>58</sup> EDC 5 1664 No. 41, *Anne Taylor v Frances Eaton*.

<sup>59</sup> Accusing an opponent of being unfaithful may have been, unto itself, a strategy to cause marital discord. Husbands would have reacted negatively to even veiled suggestions of being a cuckold. Capp, *When Gossips Meet*, 193.



The strategies for handling marital stresses by focusing on female conduct, as employed by Eaton, were not unique. Women deliberately cultivated networks and alliances by spreading stories of their suffering and the wrongs of their rival, with the aim of swaying opinions, largely among other women. Ideally, these networks would then apply pressure to the alleged offender and, if needed, support formal proceedings against them. Informal and formal mediation, and punishments, were very strongly linked. The latter only occurred when the first had failed.

Defamation was a social performance at all levels, and women staged their insults to best effect to ensure an ideal audience, as Mary Jones did in 1697. Jones accused Sara Harrison of being her husband's mistress. She went to Harrison's house, where other women were lodging and visiting, and even gestured to the bed where the assignation allegedly took place. When Harrison's daughter confronted Jones, the latter responded: "she [Sara Harrison] is a whore and my husband's whore." She further underscored her wifely suffering by saying that she had often cried as a result of her husband's infidelity. Unable to censure her husband, Mary Jones, like many wives, levelled her wrath at his mistress, hoping to invoke community pressure to shame her into calling off the affair. Here, female sociability and communal spaces provided Jones with an audience for her grievances, and, in turn, also provided Sara Harrison with witnesses for her eventual defamation suit.<sup>60</sup> These cases also reveal gendered expressions of emotions. Women frequently referred to being reduced to tears, while men rarely did. Women also expressed anger and violence, but these emotions were considered less appropriate in their sex and contrary to the ethos of social harmony in general.<sup>61</sup>

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<sup>60</sup> EDC 5 1697 No. 11, *Sara Harrison v Mary Jones*.

<sup>61</sup> Bound, "'An Angry and Malicious Mind?'" 65, 69.

Women understood the power of words in the short and long-term and some went to great efforts to spread a common fame amongst their networks, as Janet Hothersall evidently did in 1698. Like Mary Jones, Hothersall went so far as to go to her rival's house to stage her insults in front of several other women. Hothersall also gestured to the bed in which adultery was supposed to have taken place. Hothersall clearly expected the women in attendance to offer her sympathy, to support her in shaming her rival, or at the very least to spread the word of her accusations; or perhaps simply by making a scene Hothersall hoped to embarrass her rival. In the end, however, the witnesses spoke out against Hothersall and in defence of Elizabeth Wilkinson. Deponents indicated that Janet Hothersall had even tried to pay others to speak against Wilkinson.<sup>62</sup> In a certificate for her good character, witnessed by the vicar of Ribchester among others, Elizabeth Wilkinson declared that she "hath been sadly abused and solicited by Thomas Hothersall to defile her, that she was forced to make it known to several persons, and last of all to Jennett his wife, who presently raised this scandal." The community evidently found Wilkinson to be sympathetic, as the certificate was signed by 174 parishioners, at least 54 of whom were female.<sup>63</sup>

Non- elite women were also motivated to see the language of sexual insult used against certain women because of the real importance of identifying true transgressors. It benefitted women as well as the community to shame and punish adulterers and promiscuous women. As we have seen, immorality and whoredom were thought to be catching and so it was imperative to treat it. Adultery and incontinence disrupted communities as well as families and threatened to leave wives and children penniless and perhaps reliant on parish relief. Wives, like Frances

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<sup>62</sup> EDC 5 1698 No. 15, Janet Hothersal v Elizabeth Wilkinson.

<sup>63</sup> EDC 5 1698 No 2.

Eaton, Mary Jones, and Janet Hothersall, also found it easier to target the alleged mistresses rather than risk further estrangement from their husbands. They were supported in their efforts by the sexual double-standard which judged female adulteresses harshly in comparison to adulterers, as well as the collective goal of avoiding the risks of male adultery.<sup>64</sup>

The disruptions caused by illicit sexuality were recognized by church judiciaries as well as ordinary folk, especially women. Society prioritized marital reconciliation over enforcing sexual culpability equally across the sexes. By focusing on the mistress exclusively, the church courts induced her, often through often humiliating penances, to end an illicit liaison. Ideally, the husband would return to his wife and cease depriving her of the emotional and material resources that were her due. Friends, kin, and neighbours also found it expedient to scapegoat women for sexual sin. For one, the conflicts caused by infidelity, whether this was between spouses or women, disrupted community harmony. Deserted women also were likely to require maintenance from their allies or the parish, as were single women and their bastards. Conscious of the emotional and financial ramifications of male adultery, a wife's female allies may have been moved by pity and anger to attack her husband's mistress. Even those with little connection to the wife may have felt empathy for her plight, knowing how easily they might find themselves in similar straights, if they had not already been there before.<sup>65</sup> They were also motivated to discourage adultery lest it become a norm which they would, in turn, have to deal with personally. In these ways, structures around sexuality and reputation encouraged collaboration between women, even those with only tenuous connections.

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<sup>64</sup> Capp, *When Gossips Meet*, 92.

<sup>65</sup> Gowing, *Domestic Dangers*, 74.

### **Slander as a Means of Mediation and Protection – Eyre v Olton**

The importance of female words as a means of social and legal currency and protection should not be underestimated. Reputation and credit had profound implications for non-elite women. High words were worth taking to the courts because they determined present and future position in the community as well as access to resources. As we saw in the last chapter, the midwife Anne Knutsford felt compelled to sue several people for slander in order to protect her livelihood. In turn, her community used words to build a common fame against her, first in attempts to shame her into appropriate conduct, then to have her license revoked when she refused to reform.<sup>66</sup> Non-elite women could also use slander litigation to neutralize accusations and prevent potentially dangerous situations from escalating. This was especially clear in instances of alleged witchcraft. Calling a woman a witch could result in prosecution for slander. By engaging the latter channels, women could ensure that charges for witchcraft, a capital offence, never developed. This was exactly what happened in the 1661-1662 suit of Jane Eyre against Jane Olton in Wettenhall, Cheshire.

In 1661, the consistory court of the Diocese of Chester heard seven female and three male deponents testify as to whether Jane Olton had called Jane Eyre a witch.<sup>67</sup> The statements varied on whether the rumour had begun with Olton, but most agreed that Lucy Williams, servant to Olton's mother, had spread the story. No one suggested that the accusation of witchcraft was serious or worthy of prosecution.<sup>68</sup> Rather, members of the community came together to serve as

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<sup>66</sup> EDC 5 1662 No. 59; EDC 5 1663 No. 16; EDC 5 1664 No. 6; EDC 5 1664 No. 68.

<sup>67</sup> Whether these initial proceedings were meant to determine whether Jane Eyre was genuinely suspected of witchcraft, or if they were simply meant to trace the source of the potentially dangerous rumour, is unclear in the records. Regardless, in 1662 the case was settled as a matter of slander by Jane Olton against Jane Eyre. EDC 5 1662 No. 45.

<sup>68</sup> The lack of allegations regarding specific witchcraft practices probably helped classify this as slander, as well. Eyre was not accused of harming any individual through her magic or of having demonic familiars, for instance.

peacemakers and to defend their members. By defusing the situation and treating it as an unfortunate incident of misspoken words, the witnesses protected both women from penalties ranging from fines for defamation to execution for witchcraft. Upon closer inspection, the case reveals a series of networks, dominated by women, which included kin, neighbours, and friends. These networks were activated by the commencement of formal litigation to best protect their female ally, whether it was Olton or Eyre. This situation was by no means unique, as Rushton's work on slander and witchcraft in Durham shows. Rushton has found that most slander cases involving witchcraft were brought by women. As with defamatory words in general, witchcraft allegations did not solely involve women, but they were the primary targets and would likely have felt it was more necessary to nip such rumours in the bud.<sup>69</sup>

Four of the ten witnesses, including Lucy Williams, maintained that Jane Olton was the root cause of the verbal attack on Jane Eyre. Williams declared that Olton spoke the words which had done "much to the discredit" of Eyre, though all Eyre's neighbours held her to be of "an honest and good reputation and never tarnished in her good name for the crime of witchcraft."<sup>70</sup> Jane Owin concurred that "Jane Eyre was always accounted by all her neighbors for a very honest and religious woman and never reputed or suspected to be a witch."<sup>71</sup> Anne Smith testified that she had gone a step further and sought out Jane Olton "and asked her who she meant by such witches when the said Jane answered that she spoke it by Jane Eyre which words were spoken [...] to be disparagement of the said Jane Eyre and against the rules of charity." Despite this, Smith stated, she had never otherwise heard that Eyre was ever "taxed or suspected

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Peter, Rushton, "Women, Witchcraft, and Slander in Early Modern England: Cases from the Church Courts of Durham, 1560-1675." *Northern History*, 18:1, 119.

<sup>69</sup> Rushton, "Women, Witchcraft and Slander," 130-131.

<sup>70</sup> EDC 5 1661 No. 38.

<sup>71</sup> EDC 5 1661 No. 38.

for a witch or a favourer of such but an honest and good Christian.”<sup>72</sup> Adhering to the standard form of slander cases established at the beginning of this chapter, these female deponents asserted that Jane Olton had spoken defamatory words with the clear intent to harm Jane Eyre. They acted to defend Eyre by establishing her good credit amongst her neighbours. The case might have taken a very different turn if Eyre had lacked such allies.

In contrast, the other six deponents in the Olton v Eyre case—including three of Jane Olton’s kin (one sister, a kinswoman, and a brother), two other women, and a man—sought to shift blame from Olton to Lucy Williams. They testified that Williams had repeatedly denounced Jane Eyre as a witch and been reproved for it. Item three of the libel, in fact, suggested that Williams had attributed the slander to Jane Olton in retaliation for being rebuked by Olton and her sisters.<sup>73</sup> Juliana Starkey placed the blame more squarely on Jane Eyre. She claimed that Eyre *knew* that Lucy Williams was the root cause of the slander yet had committed to “trouble” Jane Olton for it.<sup>74</sup> Four woman and one man described Lucy Williams as a simple and ignorant woman who did not know the meaning or danger of an oath—in other words, her testimony regarding the accusation of witchcraft should not be taken seriously by the court.<sup>75</sup> Anne Evans alone attempted to discredit all of the deponents who traced the slander to Olton. She stated that “witnesses in this cause formerly examined are more friends to the arte Jane Eyre than they are to the arte Jane Olton.”<sup>76</sup> The use of the term “danger” shows that the women were well aware of the serious repercussions which the case might have. Whatever pre-existing conflict existed between the two Janes, ending up in the courts for slander and/or witchcraft was not ideal for

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<sup>72</sup> EDC 5 1661 No. 38.

<sup>73</sup> EDC 5 1661 No. 38.

<sup>74</sup> EDC 5 1661 No. 38.

<sup>75</sup> EDC 5 1661 No. 38.

<sup>76</sup> EDC 5 1661 No. 38.

either them or their networks. Though little love was lost between the two women, their respective alliances came together to limit the impacts of the conflict, though they did so through differing versions of events.

The Eyre v Olton suit also underscores how important it was for non-elite women to have community networks by showing what happened to those who lacked them. Lucy Williams, a servant with little social cache who described herself as new to the neighbourhood, may have been sincerely afraid of Eyre's supposed powers, unaware of the repercussions of spreading the story or, most likely, simply served as a convenient fall-woman. Certainly, casting her as an ignorant woman who spread unfounded stories was much easier for Jane Olton's network than confronting another set of women. As we have seen, slander cases very often came down to which woman had the strongest network, which was the result of time in the community as well as social credit. Several of those who discredited Lucy Williams, however, also mentioned that the woman was repentant—which may have served to soften whatever potential social and legal repercussions the case might have had on her. The records do not explicitly state whether Williams remained in the Olton's employ, though in her deposition the servant woman said that “at the time she *had*” [emphasis mine] been an employee in the Olton household. Finding a new placement would have been difficult if the Olton's had succeeded in casting the servant woman as ignorant and prone to defamation.<sup>77</sup>

For Malcolm Gaskill, cases like this demonstrate the “neighbourliness” which underlies the rather low and sporadic number of accused witches in England. In some cases, as Alan Macfarlane has argued, a decline in neighbourly expectations like charity caused conflicts that

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<sup>77</sup> EDC 5 1661 No. 38.

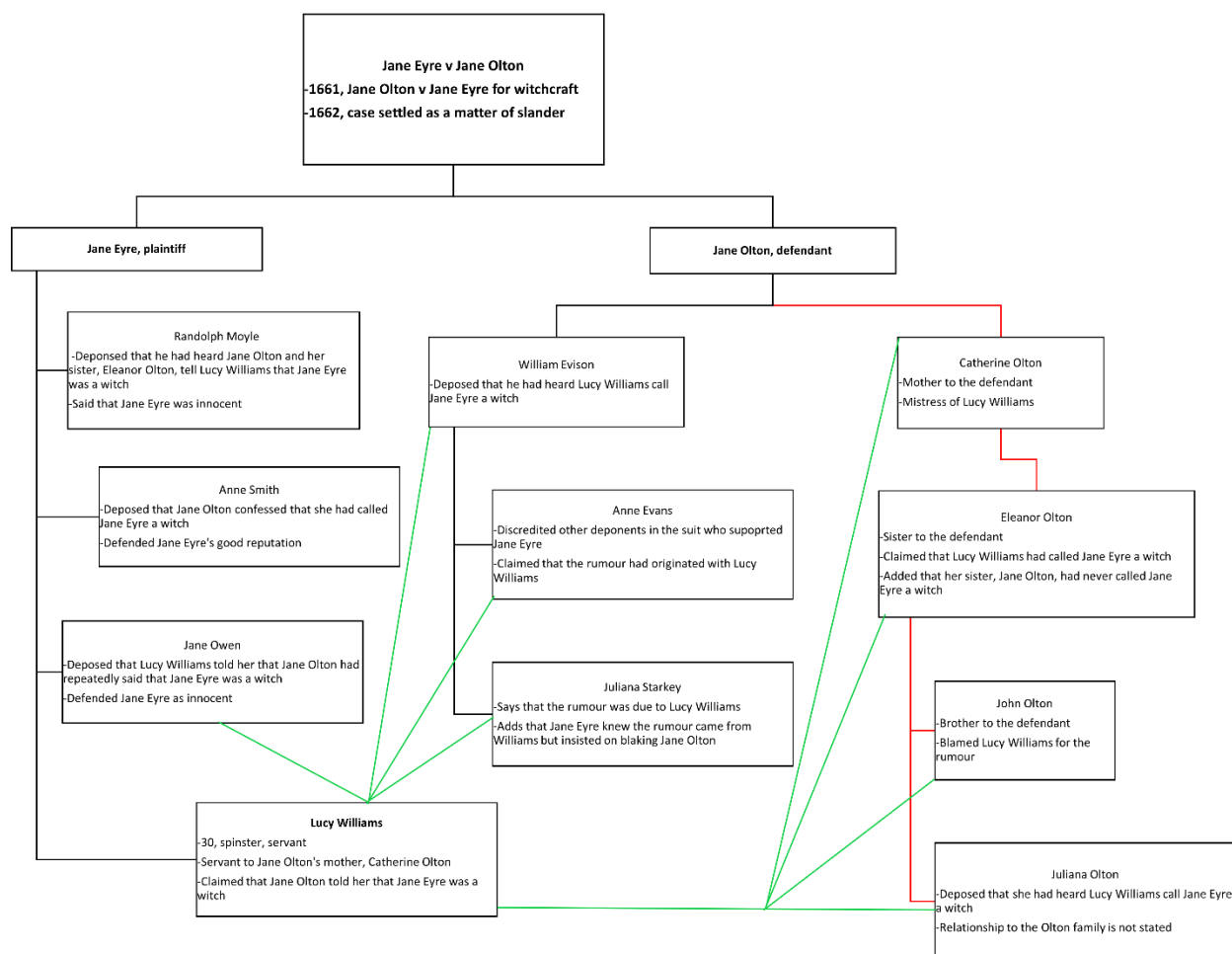
resulted in witchcraft accusations. But in many cases, like that of *Eyre v Olton*, neighbourliness mitigated the development of accusations. Rather than having the slander develop further, “supportive neighbours might cluster round both parties. Onlookers not directly involved in accusations, but still affected by them,” like kin and employers, “were influential. Their participation in a mesh of social relations shaped and guided communities.”<sup>78</sup> *Eyre and Olton* both had supportive ties and were enmeshed in social relations, largely comprised of women. As Gaskill says, “witchcraft accusations thrived on bad fellowship, and might lead to the censure of either party.”<sup>79</sup> Had *Eyre* or *Olton* lacked such support things may have progressed very differently—*Olton* could have been sentenced for slander and labelled a community menace who was willing to throw around dangerous accusations; *Eyre* could have been executed.

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<sup>78</sup> Malcolm Gaskill, “Witchcraft and Neighbourliness in Early Modern England,” in *Remaking English Society: Social Relations and Social Change in Early Modern England*, eds., Steve Hindle, Alexandra Shepard, and John Walter (Woodbridge: Boydell Press, 2013), 214, 217; Alan Macfarlane, *Witchcraft in Tudor and Stuart England: A regional and comparative study*, 2<sup>nd</sup> Ed. (London: Routledge, 1999).

<sup>79</sup> Gaskill, “Witchcraft and Neighbourliness,” 222-223. Some contemporaries attributed witchcraft to an overall lack of economic and social support. Henry More, for one, wrote in 1653 that witchcraft arose from “extreme poverty, irksome old age, want of friends, the contempt, injury and hardheartedness of evill neighbours, working upon a soul low sunk into the body and wholly devoid of the Divine life.” Gaskill, “Witchcraft and Neighbourliness,” 227.





**Figure 1.2: Tracing Relationships in Eyre v Olton**

Red line = Familial ties

Green line = Those who traced the accusation of witchcraft solely to Lucy Williams

### **At the Mercy of Others' Words – Blackburn v Blackburn**

Women without strong female networks in seventeenth-century England were lacking an important social, economic, and legal resource. Whatever claims they made were inherently suspect and undermined by the very absence of corroboration. This made marginalized women vulnerable to slander. Further, since a woman's reputation was central to any suit she might press, the lack of allies to speak to her credit lessened her chances of success in all matters. Their

words alone were not enough to convince authorities to take their claims seriously, especially if others spoke out against them. Jane Blackburn learned this all too well in 1666 when she sued her husband for refusing to co-habit with her. Jane Blackburn claimed to the consistory court that her husband had refused to live with or maintain his wife for the last three or four years, though she “had in all submission and obedience toward herself to him as a good wife should do” and “never gave [her husband] any cause [...] to desert her or throw her away.” As a result, since she was “far from friends” she had relied on the charity of her sister, since deceased.<sup>80</sup>

Jane Blackburn’s statement indicates that she had once been fairly well-off—she had loaned her husband hundreds of pounds and described herself as educated and skilled in needlework, the qualities of a gentlewoman—but by the time of her statement she claimed to be earning a mere forty shillings a year through needlework.<sup>81</sup> Blackburn argued that while she was “ready and willing to use her skill and faculty in needlework to get a living and augment” her husband’s estate, it was necessary for her to live with him in London. Liverpool, which Blackburn paints as virtually a place of exile, was “barren of the gentry” who might use her skills, whereas London was full of “people of quality” and “wealth.”<sup>82</sup>

Even though it was Jane Blackburn who commenced litigation against her husband, the proceedings focused on her reputation. All seven deponents, four women and three men, testified that Jane Blackburn was known to be of lewd and uncivil behaviour and that she had wasted her husband’s resources, obliging him to leave her. Only one male witness confessed to actually

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<sup>80</sup> EDC 5 1666 No. 29.

<sup>81</sup> Alexandra Shepard notes that forty shillings was an important marker in descriptions of poverty in early modern England. Blackburn, then, was engaging with an existing rhetoric to signal that she was in need. Shepard, “Poverty, Labour and the Language of Social Description in Early Modern England,” *Past & Present*, No. 201 (Nov., 2008), 51-95.

<sup>82</sup> EDC 5 1666 No. 29.

knowing Jane Blackburn. The other six witnesses described a flow of information—which had become accepted knowledge—through a series of female kin and acquaintances (see Figure 1.3 below). At the centre of this complex web was one Ellen Bramley, a servant to Jane and Richard Blackburn for two years, and thereafter servant to Jane Blackburn’s sister. As a servant, Bramley was perfectly placed to offer details on Jane Blackburn’s conduct, and she was presented as a reliable source by those she talked to. Rebecca Bramley for instance, claimed that while she had never met Jane Blackburn, her sister-in-law, Ellen Bramley, had told her that Richard Blackburn lived a “very uncomfortable life with his said wife” due to her bad habits. Ellen Bramley added that Jane Blackburn’s sister had told her of an occasion when the woman stayed out all night and been found naked in strange company. This was, according to the sister, when Richard Blackburn left his wife.<sup>83</sup>

The story of this incident spread quickly and gained Jane Blackburn a certain notoriety which did not serve her well in the courts. Hester Mother deposed in the case because Richard Blackburn had lodged in her mother’s house after leaving his wife. While there, Ellen Bramley came to visit and told the mother that she feared her mistress “was fallen to lewd or bad courses [...] her mistress’s sister [...] told her the said Ellen she feared her sister would turn Ranter, for she heard that four men one time [...] hired her to dance naked.”<sup>84</sup> Thomas Bickerton testified that he had heard similar tales from Ellen Bramley, who “said she well knew the” plaintiff.<sup>85</sup> Richard Blackburn also did his part to establish a common fame against his wife. Eleanor Litler,

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<sup>83</sup> EDC 5 1666 No. 29.

<sup>84</sup> EDC 5 1666 No. 29.

<sup>85</sup> EDC 5 1666 No. 29.

72, said that she had heard him “complain several times of her [Jane Blackburn’s] lewd carriage and behaviour” and how his wife “had consumed and spent him a great deal of money.”<sup>86</sup>

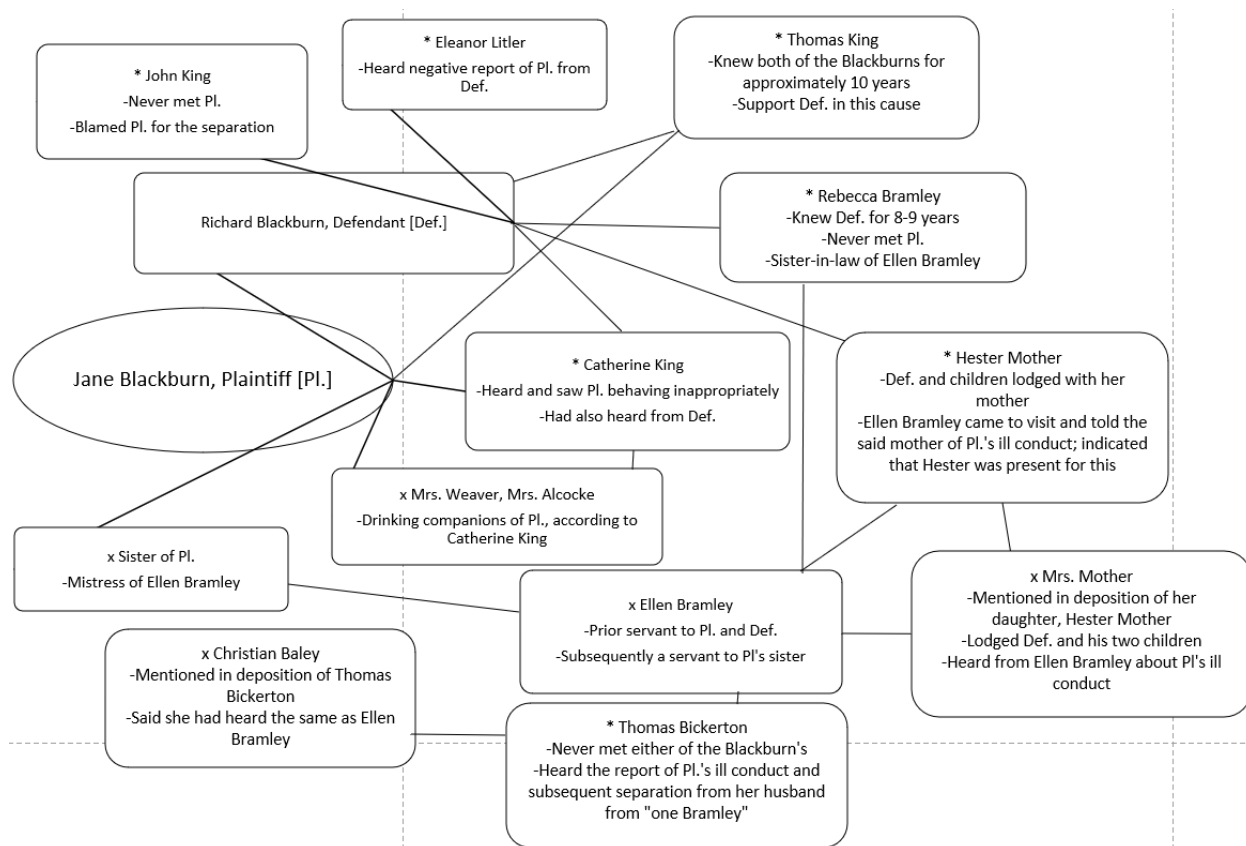
In the face of such strong opposition, Jane Blackburn’s attempts to portray herself as an obedient and hardworking wife meant little. While she had found temporary succor with her sister, after the latter’s death Jane Blackburn, by her own admission, “was necessitated now to take this legal course for restitution of conjugal rights and alimony.”<sup>87</sup> But in doing so she found herself entirely without allies. It did not matter that six of the seven deponents had never met the plaintiff or actually witnessed any of the supposed incidents. All they had to do was establish Jane Blackburn’s poor reputation; hearsay and sentiment were acceptable evidence. Their statements demonstrate how a common fame for ill conduct was established via a network of women. These women gained and passed news through established social and familial channels. The deponents, female and male, may also have deliberately distanced themselves from events in order to avoid repercussions for spreading scandalous tales or, even worse, being involved in scandalous behaviours. There would have been little credit in admitting that they were in company while Jane Blackburn danced naked. It was safest for their own reputations to place the events at a distance from themselves. Jane Blackburn was not necessarily without female social networks—Catherine King testified that she had come upon Blackburn drinking with two other women—but these connections were evidently not strong enough to result in legal support.<sup>88</sup>

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<sup>86</sup> EDC 5 1666 No. 29.

<sup>87</sup> EDC 5 1666 No. 29.

<sup>88</sup> EDC 5 1666 No. 29.



**Figure 1.3: Tracing Connections to Jane Blackburn**

\* = deposed

x = not personally deposed, mentioned in other depositions

## Conclusion

The world of words could be a catch-22 for non-elite women. They were expected to morally police their communities, especially in matters of sex, even as they were regularly cast as scolds, gossips, and immoral themselves. This chapter has focused on how non-elite women could use the power of words to their advantage and that of their allies. It has also underscored how vulnerable individual, and unpopular, women could be. Single women, those new to the community, and those with suspect reputations (deserved and undeserved) lacked a vital defense and resource in times of need. Though English written culture generally portrayed female

sociability negatively, judicial documents show that women participated in a vibrant oral culture which was central to their roles as good neighbours and community members. Defamation suits illustrate how women used their words to navigate a variety of conflicts and how they utilized female allies to bolster their agendas. In the background of judicial records we also get glimpses of a broader oral culture in which women shared information that contributed to the brokering of individual reputations. Over time, oral networks solidified ties between women. Women learned who their closest allies were, and who could be called upon in times of need. There were also elements of reciprocity. Standing up for others increased the likelihood that they would do the same for you. It was part of the culture of good neighbourliness, and having someone to defend your good name—on the streets and in the courts—signalled belonging within a community of women.

Oral street culture and the church courts provided opportunities for women to exert authority over the sexuality of their female, and sometimes male, neighbours. This contested, semi-informal authority was rooted in established links between women, sexuality, and reputation. These connections made women especially vulnerable to attacks on their sexual honesty, but they also gave women space to define what it meant to be an honest woman, to pursue and mediate conflicts, to defend their allies, attack their opponents, and influence the outcome of legal cases. The language of sexual insult could be a weapon, used by both genders and predominantly against women, in the later seventeenth century, as Gowing found for the earlier period. But it was also a tool which women used for their own purposes, to comment on the affairs of other women as well as men, to defend their character and those of their allies, and to construct their own narratives in the church courts. Circumventing, countering, and halting

slander prevented more serious repercussions from occurring—such as prosecution and punishment for fornication, adultery, bastardy, scolding, even witchcraft and infanticide

The power of women to name, shame, and reform their opponents and to defend themselves depended upon the specific context in which they did it as well as their own reputations. Equally important was the size of their network. The larger the circle, the greater their influence. There was a very thin line between providing evidence of actual misconduct and being accused of slander. What separated slander was that it was entirely comprised of words, which women used to great impact within and without the courts. Most of the claims which served as evidence in the other chapters—accusations of pregnancy, assault, infanticide, theft, etc.—could have been dismissed as slander if there was no other evidence, like a suspicious belly, or if the accuser had a lower social standing and reputation than the defendant. Gowing's statement that "women, especially young women and servants, found it hard to make accusations of seduction, assault, or rape stick against men. Some of their accusations, indeed, ended up being cited as slander," remained true throughout the seventeenth century.<sup>89</sup> Being labelled a slanderer came with many of the same repercussions as being the target of a common fame. Such a woman was seen as a disturber of the peace and asocial and could face considerable opprobrium from her peers. She might be ignored, shouted down in the streets, counter-attacked, or labelled a scold. Her own reputation damaged, her words would carry little weight amongst her neighbours and authorities in future, even if she had legitimate complaints. Employers might steer away from women who had a conviction or reputation for defamation. A history of discord prevented integration within a community and the development of female networks, which, as

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<sup>89</sup> Gowing, *Domestic Dangers*, 251.

this dissertation aims to demonstrate, was a serious disadvantage for women in seventeenth-century England.

Words could backfire when spoken in the wrong company, as we have seen in this chapter. Yet cases such as these also provide examples of non-elite women visiting each other and conversing, a social life that only reveals itself to us when it ended up in the courts. But openly making scandalous remarks could also be part of a woman's strategy to spread her displeasure, perhaps in hopes of it developing into a common fame and/or embarrassing her rival. This might explain why Elizabeth Snead was so open with her disparagement of Anna Rivell, as discussed above, though Snead may also have thought her audience would keep it in confidence.<sup>90</sup>

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<sup>90</sup> EDC 5 1675 No 40 Anna Rivell v Elizabeth Snead and Margaret Crank.



## Chapter Three

### “In Manifest Danger of Her Life”: Spousal Violence and Female Support

#### Introduction

In 1672 Dame Anne Boteler initiated a suit to divorce her husband, Sir Oliver Boteler, on the grounds of cruelty. Over the three-year span of the case, 21 deponents came to testify on Anne Boteler's behalf. Of those, 17 were servants, 13 were female.<sup>1</sup> All agreed that their mistress was of a “meek, quiet, and peaceable disposition and very obedient and observant to her husband” who was, in turn, cruel, fierce, barbarous, and a proven oath-breaker who could not be trusted when he promised to treat his family better. They described in extensive and evocative detail the years of systematic abuse and degradation that Anne Boteler and her two young children had endured at her husband's hands. The female deponents, in particular, focused on Oliver Boteler's humiliation of his wife—which included making her wait on him like a servant, forcing her out of bed in the night, and locking her out while in her nightclothes—and cruel use of his children. Six of the female deponents gave vivid depictions of how Oliver Boteler beat his son and daughter, forced them whip their mother, and threatened to kill them to “break her heart.” This was in addition to Oliver Boteler's regular beatings of Anne Boteler herself and periodic attempts to starve her. Jane Harrison, Dame Boteler's waiting woman, described a time when Oliver Boteler came into the chamber and attacked his wife, so that Harrison “taking occasion to cast wig powder on her lady's heard, threw some into his eyes on purpose to cause

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<sup>1</sup> The other deponents in Lady Boteler's suit included a royal physician and her sister, Lady Stawell, who was living in the house at the time. Another sister, Mary Higgs, was also deposed but listed as a servant to Lady Stawell. LPL, Case 1041 (1672-1673), Boteler v Boteler, Arches Eee 4 ff. 613-615, 807-808, 815-818, 821-822, 850-883; LPL, Case 1041 (1673), Boteler v Boteler, Arches Eee 5 ff. 24-25.

him to take off his hands [from his wife].”<sup>2</sup> So great was Sir Boteler’s cruelty that the servants took it upon themselves to hide all the knives in the house, so that their master could not use them on his wife. In the end, the servants helped Anne Boteler and the children to flee her husband and she found shelter with her mother-in-law.<sup>3</sup>

The suit of Dame Anne Boteler varies from most used in this dissertation as it involves a couple of high status, as did many suits for divorce in seventeenth-century England. Yet, women who pursued formal separation from their husbands in this period were likely to be in extremely precarious circumstances, as Anne Boteler herself was. By examining depositions given in divorce suits at the Arches—the court of appeal of the Archbishop of Canterbury, which covered the greater part of England and Wales—and the Chester Consistory Court between 1660 and 1700<sup>4</sup> this chapter examines the various ways female kin, neighbours, and servants attempted to help abused wives, sometimes at significant risks to themselves. By testifying regarding the spousal abuse which some women suffered in this period, deponents attempted to not only help the wife escape her husband, but to secure court-mandated financial support which would enable her to live on her own without extreme poverty. Moreover, their depositions reveal the wide range of same-sex networks which women fostered in seventeenth-century England, some of which traversed and even inverted class hierarchies, and the strategies they used to support their female allies through periods of hardship.

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<sup>2</sup> LPL, Case 1041 (1673), Boteler v Boteler, Arches Eee 4 ff. 857-863.

<sup>3</sup> LPL, Case 1041 (1672-1673), Boteler v Boteler, Arches Eee 4 ff. 613-615, 807-808, 815-818, 821-822, 850-883; LPL, Case 1041 (1673), Boteler v Boteler, Arches Eee 5 ff. 24-25. The Boteler case is also covered briefly by Lawrence Stone, *Broken Lives: Separation and Divorce in England, 1660-1857* (Oxford: Oxford University Press, 1993), 33-37. Interestingly, though Oliver Boteler’s stepfather assisted Anne Boteler in her suit for separation and alimony, only the mother was mentioned by deponents.

<sup>4</sup> These years were determined by availability of extant evidence. The church courts were suspended between 1649 and 1660 under the Interregnum and most pre-1666 records in London were destroyed by the Great Fire.

Female deponents in these suits described a range of supports which they offered to abused and neglected wives during their marriages. Some employed verbal means such as sympathetic listening, sharing of information, and shaming. Others provided material aid, including shelter, food, and physical interventions.<sup>5</sup> Some of these alliances, like those between kinswomen, built on recognized bonds. Those between neighbours depended on proximity and credit. Others were limited to the length of a contract or a single circumstantial moment. All were powerful and reveal the vital role which female alliances played in the navigation of early modern domestic and community life. They also illustrate the importance of female sociability and verbal networks in developing a case against an abusive husband. By making spousal violence a public matter, female allies attempted to shame abusive husbands into better behaviour and, failing that, to lay the groundwork for a separation suit. That the abuse was well-known in the community was central to the wife's case—if it was merely her word against her husband's then the suit was doomed.<sup>6</sup> Servants shared stories with their co-workers and friends, and brought these stories to their new positions, and neighbours spread information amongst themselves, and these formed the basis of a 'common fame and report' which could be used to the wife's advantage in the courts.

The female networks which are displayed in divorce suits were based on proximity, compassion, and the cultural roles of the period, which allowed non-elite women some moral authority in the targeting of men and women who failed to adhere to accepted behavioural

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<sup>5</sup> Bailey has found similar forms of support, though she is not focused on gendered relations. Of the 136 references she has to the involvement of other people in the affairs of couple, 21% gave wives a place of refuge and 15% of cases mentioned material aid. Bailey, *Unquiet Lives*, 33.

<sup>6</sup> According to the canons of 1604, a separation could only be granted if witnesses testified. Gowing, *Domestic Dangers*, 183, footnote 2. Elizabeth Foyster defines "cruel violence" as that which reached the level of provoking a response or intervention from outsiders. *Marital Violence*, 45.

norms. This helps explain, then, why marital disputes attracted an unusually large proportion of female deponents, particularly domestic servants. Matters between a man and wife were considered private, though this designation was severely undermined by the presence of live-in servants and lodgers, as well as the thin spaces between rooms and homes in early modern England. Additionally, kin and neighbours were invested in maintaining spousal harmony and the enforcement of behavioural norms. When the affairs of a man and wife were to be commented on, it often fell under the purview of female regulation and networks. This gendered divide was upheld by the community as well as officials. For instance, Elizabeth Shott testified in 1663 that when a woman came to her house seeking her husband, a constable, to interfere in a “falling out” between John Bradley and his wife, she went instead, the constable “refusing to go because they were man and wife [and] Mr Bradley was of her acquaintance.”<sup>7</sup>

This chapter begins with an overview of divorce in seventeenth-century England, including law, procedure, and the many factors which limited its formal use. I then provide a brief description of the sources, which tend to be lengthier and more complete than those used elsewhere. The discussion of female support for abused and neglected wives is organized by degrees of physical separation from the couple. The number of types of deponents increased with nearness to the couple. Family are least represented, neighbours more so, and servants formed the largest subcategory of witnesses by virtue of their intimate proximity to employers. After looking at these three groups separately, I then consider the choices women had to make—as wives, family, friends, neighbours, and employees—when encountering domestic violence. While I argue that gendered experiences and emotions motivated many female allies to assist

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<sup>7</sup> LPL, Case 1127 (1664), *Bradley v Bradley*, Arches Eee 1 ff. 80-81.

mistreated wives, there were significant mitigating factors, including conflicted loyalties, finances, and personal risks.

### **Divorce in Early Modern England: Law, Process, Documentation**

Divorce in seventeenth-century England consisted of the separation of bed and board (*a mensa et thoro*) via an ecclesiastic court. Cases began when one spouse issued a libel, a document stating the alleged offences as a series of, usually, numbered statements. Both parties could then respond point by point in their personal answers, refuting or amending, sometimes accepting, certain allegations. The plaintiff then established a set of questions, or interrogatories, and called witnesses to answer them. The number of questions and libels varied by case. Lengthy suits might involve a series of libels and interrogatories directed at particular witnesses or in response to previous answers. The defendant was also given a chance to call their own witnesses and develop their own counter-libels and questions for witnesses. Suits could be dropped at any point in the process. If they reached sentence, the court would determine whether to grant the separation, assign court costs, and, in female-led suits, determine the amount of annual alimony owed. Depending on the personal inclinations and funds of the parties involved, separation suits could include a series of appeals.<sup>8</sup> In rare cases, appeals could go to the High Court of Delegates, though this was very expensive.<sup>9</sup> All parties were examined in private, and statements were recorded by notaries and presented to the judge in written form.<sup>10</sup>

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<sup>8</sup> In her examination of early modern English marriages, Joanne Bailey found evidence that husbands deliberately exploited the appeals process to either delay cases or bankrupt their wives into dropping the suit. Bailey, *Unquiet Lives*, 51.

<sup>9</sup> Lawrence Stone, *Road to Divorce: England, 1530-1987* (Oxford: Oxford University Press, 1990), 184.

<sup>10</sup> Foyster, *Marital Violence*, 19.

This process could be lengthy and expensive. As a result, ecclesiastic courts, and the Arches in particular, largely attracted suits from the middling sort, and even some of the gentry, like the Botelers. Elizabeth Foyster argues that initiating a case was relatively inexpensive. She found one case of marriage separation for cruelty in 1746 which lasted a year for a cost of £4 4s 0d, though costs were usually much greater. She does not provide a cost analysis for earlier cases.<sup>11</sup> Margaret Hunt has calculated that in the eighteenth-century the costs for a divorce began at around £20, the equivalent of one to two years' income for many London labourers and as much as ten times what some working women made in a year.<sup>12</sup> Moreover, even fairly wealthy women had little money of their own, as husbands' controlled the familial purse. Most wives would have depended upon family and friends to offset expenses before, during, and after the suit.<sup>13</sup> Use of the Arches was not restricted to the upper classes, however, and I have found suits pursued by shoemakers, grocers, shopkeepers, carpenters, and a host of other less exalted occupations. Witnesses also came from a broad spectrum of society, though, as in other litigation, rarely the very rich or the very poor.

In addition to the financial considerations of litigation, women were discouraged from pursuing divorce by various structural and cultural factors. Authorities and families much preferred to force couples together for various reasons, but namely to keep the wife from being chargeable to the parish or her kin.<sup>14</sup> There was also the immediate danger of the husband's rage

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<sup>11</sup> Foyster, *Marital Violence*, 19, 20. Foyster also found that the costs of a separation increased radically over time. By the mid-nineteenth century the cost was between £120 and £150.

<sup>12</sup> Margaret Hunt, "Wife-Beating, Domesticity, and Women's Independence in Eighteenth-Century London," *Gender & History*, Vol. 4, No. 1 (Spring, 1992), 13.

<sup>13</sup> Foyster, *Marital Violence*, 177.

<sup>14</sup> Stone, *Road to Divorce*, 2-5. These external factors are illustrated in LPL, Case 2720 (1670), *Dennis v Dennis*, Arches Eee 4, 271-275. Though two male and one female deponent testified that John Dennis abused his wife and repeatedly turned her out of doors, Ellen Dennis was still suing for restitution of conjugal rights, not separation. When Ellen Dennis's stepfather and another man went to retrieve some of her clothes, John Dennis threatened them for their interference. The stepfather responded that if Dennis would not maintain his wife than her parents must.

as well as questions about how a single woman could maintain herself. Even when a suit reached a favourable settlement for the wife, husbands were often reluctant to adhere to the terms. Many simply cut off their former wives entirely, leaving them to their own devices.<sup>15</sup> Some women might have had friends or family to turn to, others faced extreme poverty. A divorced wife could never remarry and lost custody of her children. Women were, therefore, most likely to pursue divorce if they could afford to maintain themselves separately or if the marriage had become so untenable that these risks were worth taking. Elite women were more likely to be able to afford the financial repercussions of a separation, as well as the costs of litigation, but those less fortunate may have had more freedom to simply leave a marriage rather than pursuing legal action. Most husbands were much better placed, financially and socially, to simply abandon a marriage. However, the courts did occasionally pursue husbands and wives who lived apart unlawfully.<sup>16</sup> Husbands could also actively prevent their wives from living separately by invoking their rights to cohabitation or using the law of consortium. The latter, popularly known as the law of harbouring, prevented wives from finding separate employment or lodgings.<sup>17</sup>

Formal suits for divorce were highly unlikely to succeed<sup>18</sup> and a woman was expected to have pursued all possible forms of reconciliation before pursuing separation. Here, as elsewhere,

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But the stepfather's care had limits. According to his son, the stepfather refused, after John Dennis's threats, to let his stepdaughter stay with him. But he did pay for her and her child to lodge at a neighbour's house.

<sup>15</sup> The difficulties which women faced even after obtaining a favourable outcome in the Arches is clear in the 1667 Cremor case. Personal answers by the principal parties, as well as several deponents, mentioned that Lady Ursula Cremor was awarded ten pounds per month by the Court (the original case has not survived), yet her husband still refused to maintain her, and Ursula Cremor was pursuing another suit in 1667. According to Elizabeth Brett, Elizabeth Beales, and Eubulus Thelwell, the husband bragged that the Arches could only put him in prison, which he would gladly endure before his wife received a farthing of his estate. LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2 ff. 299-300, 289-295, 296-298.

<sup>16</sup> Gowing, *Domestic Dangers*, 180-181.

<sup>17</sup> Foyster, *Marital Violence*, 55-56.

<sup>18</sup> Gowing has calculated that separations on the grounds of cruelty declined over the seventeenth century and only a quarter of them reached final sentencing (compared to 40% in cases pursued on the grounds of adultery). *Domestic Dangers*, 184. Of the 192 Arches cases, only 46 reached sentence.

we see how adept non-elite women were at navigating the legal system, both in their attempts to use it to reform their husbands and in calling on established tropes and language to make the best case for their separation. Many wives mentioned repeated attempts at cohabitation before being driven to the point of litigation. Witness statements also attested to a series of escalating interventions by the wife and her allies—such as remonstrating with the husband, binding over to the peace, seeking informal mediation, temporary absences—leading up to the formal separation suit. Ann Predy, for instance, once accompanied her neighbour Cecily Bradley to have the latter's husband bound to the peace. We also know that Bradley returned to her husband after two lengthy separations, one spent with her sister, another with her mother.<sup>19</sup> Anne Boteler, too, returned to her husband after he swore to forebear his abuses.<sup>20</sup> Knowing how unlikely their suits were to succeed, women may have begun them with no intention of seeing them to conclusion but rather as a tactic to pressure their husbands into better behaviour.<sup>21</sup> A case strong enough to have hopes of reaching a favourable sentence required extensive evidence. Unfortunately, this level of evidence often required years, sometimes decades, of extreme abuse.

Like most legal documents, divorce suits have noticeable scripts which reflect the types of information which were perceived as the most important and likely to ensure a successful outcome. Deponents utilized highly gendered language which called on contemporary ideas regarding male and female honour and the mutual obligations of spouses. Both men and women in seventeenth-century England were expected to keep well-ordered, peaceful, homes, and while the importance of sexual behaviour to a woman's reputation has been well studied, men could

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<sup>19</sup> LPL, Case 1127 (1664), *Bradley v Bradley* and LPL, Case 1128 (1676), *Bradley v Bradley*.

<sup>20</sup> LPL, Case 1041 (1673), *Boteler v Boteler*, Arches Ee 3 ff. 738-741.

<sup>21</sup> Hunt, "Wife Beating," 38-44, 51.



also be judged (by their communities, if rarely explicitly by official authorities) for how they exercised their physical passions and emotions.<sup>22</sup> Separation suits show that contemporaries understood cruelty to encompass a variety of actions including physical violence, material neglect, and psychological abuse.

To pursue a divorce case with any hope of success, women had to demonstrate that they were loyal, chaste, good housekeepers, good mothers, and that they had done everything possible to keep the family together. “This veritable roll call of ideal feminine qualities,” Foyster argues, “was necessary if a woman expected her complaints about her husband to be taken seriously” and to establish that she was not culpable for her husband’s behaviours.<sup>23</sup> In addition, the wife’s side had to prove that their husbands had failed at household management, that they ignored their familial duties (including failure to properly maintain their wives), stayed out late, drank, kept ill company (especially with lewd women), and that, through their ill-living, they had contracted the pox and passed it to their wives (who were then forced to quit their beds). Just as women were chastised for being scolds, men were censured for railing at their wives and calling them base names—such as whore and other sexual insults like jade, bitch, queane, etc.—and this was taken as evidence of their poor control and lack of respect due to a good wife from her husband. Most causes also included an overview of the husband’s estate, presumably to establish that he could afford to maintain his wife after a separation and that she would not subsequently become a burden to the parish. Alternately, evidence of the husband’s estate could show that his failure, or refusal, to properly maintain his wife was a sign of cruelty and neglect rather than a true lack of means.

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<sup>22</sup> Capp, “Double-Standard Revisited.”

<sup>23</sup> Foyster, *Marital Violence*, 86.

In an era when most men claimed authority based on superior strength and reason, abused wives and their supporters had to demonstrate that husbands had failed to appropriately manage their households, including the people under their oversight.<sup>24</sup> In many cases, wives and their deponents described instances of extreme neglect and domestic abuse which went far beyond culturally accepted norms. Very little, if anything, of what these husbands did to their wives was illegal.<sup>25</sup> Ultimately, a woman had to prove that a reconciliation was absolutely impossible due to the neglect and violence of her husband, that to force her to cohabit would put her in “manifest danger of her life,” i.e., it could lead to the crime of murder. Men, in contrast, could sue for divorce on much lighter terms. Adultery committed by a wife, for instance, was considered automatic grounds for divorce. Adultery committed by a husband was frowned upon but to be tolerated unless accompanied by the other extenuating circumstances described above. As such, even cases pursued by women on the grounds of adultery usually contained details of neglect and brutality. Women tended to use more emotional language in their statements, meant to invoke pity and compassion for the abused woman. While male witnesses also testified to reputation and suffering, their statements tended to be shorter and more succinct, with an emphasis on specific instances of violence rather than general emotional distress.

Domestic violence was culturally condoned to an extent, and a major component of depositions in separation suits was proving that the husband had overstepped the bounds of acceptable physical correction. Witness statements suggest that violence was considered excessive if it left visible black and blue marks, if the wife was debilitated for any length of time,

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<sup>24</sup> Elizabeth Foyster, “Male Honour, Social Control, and Wife-Beating in Late-Stuart England,” *Transactions of the Royal Historical Society*, Vol. 6 (1996), 215-224.

<sup>25</sup> Foyster, *Marital Violence*, 35.

if there had been an intent to permanently harm or kill her, or if the violence had taken place in public. Violence done while a woman was with child was especially condemned.<sup>26</sup> In contrast, in their suits for divorce and personal answers husbands simply argued that their wives were unfaithful, had passed the pox to them, and that any violence they offered was deserved and moderate.<sup>27</sup> The key question in the Boteler case, for example, asked witnesses:

if any [...] shall endeavor to depose of any Acts or Matters of cruelty committed by the said Sr Oliver Boteler towards the said Dame Ann his wife [...] and where were such Acts and Matters of cruelty committed and whether did the said Dame Ann then very much provoke the said Sr Oliver by any and what words and actions and whether do you believe that what the said Oliver did was merely through excess of passion and not out of any hatred to his wife or intention to do her any mischief.<sup>28</sup>

Reputation, then—of the wife, husband, and deponents—was of the utmost importance in divorce cases. A wife with a besmirched reputation or who lacked witnesses to speak on her behalf was unlikely to receive support during her marital difficulties or in a separation suit.

The Boteler v Boteler case which opened this chapter demonstrates most of these patterns—Anne Boteler’s servants testified to her honour and her husband’s lack thereof when they described how Oliver Boteler excessively humiliated and abused his wife and children, without provocation and often under the influence of drink, his inability to control his passions and his repeated lies (he would, apparently, lure his wife out of hiding with promises of safety and then attack her. His physician also declared that Oliver Boteler attempted to coerce him into lying about his treatments for the pox). Had her servants described simple discontent between the

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<sup>26</sup> Foyster, *Marital Violence*, 54-55; Amussen, “Being Stirred” and “Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England,” *Journal of British Studies*, Vol. 34, No. 1 (Jan., 1995), 12-14.

<sup>27</sup> Gowing, *Domestic Dangers*, 180-181.

<sup>28</sup> LPL, Case 1041 (1672), Boteler v Boteler, Arches E 4/131.

couple, Anne Boteler would have been forced by the court to return and cohabit with her husband.

For all the above reasons, divorce was usually an option of very last resort for women. Between 1660 and 1700 the Arches saw only 192 separation suits, 110 of which were for cruelty or cruelty and adultery. The much smaller Chester Consistory Court saw a mere 10 divorce suits in this period. We have surviving depositions for 80 of the 192 Arches suits, with a total of 643 individual witnesses, 336 female, 325 male. As we saw in chapters 1 and 2, this conforms to general patterns about women in marriage and sex litigation. Women were particularly active as plaintiffs in this arena because the matters concerned them closely and because they were less free to simply ignore issues. A husband, for example, was in a better financial position to simply abandon his wife whereas a wife was more likely to need a formal separation and the alimony it came with.

Divorce suits may also have encouraged a high proportion of female witnesses because they required so much evidence of intimate, domestic matters. Servants were overrepresented amongst testators, and female servants in particular, since they were more common and tended to share spaces and tasks with their mistresses. A female plaintiff also needed more witnesses to attest to her struggles and credit in order to counter the husband. These factors mean that divorce records tend to preserve more detailed evidence of positive female-female relationships than other sources. Wives, of course, called upon supporters to testify on their behalf. They were highly unlikely to commence a suit if they had no allies. As with slander litigation, the onus was on women to prove their case and defend their interpretation of events. Hence why husbands often felt empowered to ignore allegations, counter them with simple statements of infidelity or

unruliness, or even accept them without fear of repercussions.<sup>29</sup> Husbands simply did not need the same level of evidence, so they were less pressured to call witnesses, and when they did, they required fewer witnesses and less detailed statements.

Since divorce suits required a large degree of evidence attesting in great detail about specific instances and patterns of violence and neglect, the records they produced tend to be significantly longer and more detailed than those found elsewhere. At the Arches, where cases were more frequently on appeal and contested, single depositions range in length from one to 20 pages, with an average of 3-5. In contrast, while recognizances and having violent husbands bound to the peace was far more common than separation, these records rarely produced lengthy statements and thus are of limited value for reconstructing female patterns of aid.

### **Kinship Networks**

Family were a natural source of support for abused wives. As discussed in the Introduction, though families rarely cohabitated after a daughter's marriage, parents and children remained in lifelong contact. Women often visited their married kin and could witness their marital relationships and material circumstances. Yet there is a surprising dearth of depositions from family members in separation suits. This may have reflected a legal prejudice against statements made by kin. Although relatives could testify, they were required to disclose their level of consanguinity to the litigant parties. Their statements, particularly those given by immediate relatives like parents, were often discounted as highly biased. Many kinfolk likely offered forms of support outside of the legal framework. We can sometimes find traces of their

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<sup>29</sup> William Comings freely told the Arches that his wife had "for her preservation" once locked herself in her landlady's chamber and ordered two watchmen to keep him from her. LPL, Case 2177 (1681), *Comings v Comings*, Ee 4, ff. 798-807.

efforts in the statements of other deponents, especially those give by servants, who were in the house to keep track of visits and altercations. Kin could be deeply reluctant to jeopardize the marriage, especially amongst well-off families where the economic and social advantages of a union could outweigh a wife's personal circumstances.<sup>30</sup> Parental interest in their children's married lives could also be dismissed as meddlesome rather than helpful or warranted.<sup>31</sup>

William Rouse's deposition in the 1693-94 separation case of his niece, Elizabeth Bound, shows the complex sentiments people could hold about the marital affairs of their kin. Rouse declared that it was "always his [...] opinion that since Sampson and Elizabeth were married together it would be much more prudence and discretion to encourage them to live quietly and lovingly together like man and wife than to inflame and widen the unhappy difference and breaches between them." He went on to explain that he had counselled Elizabeth Bound's parents to "put the said advice in execution for that it would tend more to the peace of their own minds and damp the disreputation to their family which otherwise would necessarily follow." He further protected his niece's reputation, and therefore the reputation of the whole family, by denying accusations that Elizabeth Bound had committed adultery and was addicted to drink. Using his authority as a physician, he also stated that he had never seen any signs that his niece had contracted the pox and passed it to her husband.<sup>32</sup> Rouse's statements reflect several common concerns of the period, including the importance of familial reputation, the emphasis on keeping couple's together, and the desire not to get involved in what were seen as private spousal matters. William Rouse and his contemporaries would have been well aware of the economic

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<sup>30</sup> Foyster, "Parenting was for Life," 324.

<sup>31</sup> Foyster, "Parenting was for Life," 179.

<sup>32</sup> LPL, Case 1055 (1693-1694), Bound v Bound, Arches Eee 7 ff. 661-663.

implications of a failed marriage as well, as the wife would likely have turned to kin for her maintenance. This is exactly what occurred in the case of Ann Hart and her young child, who were left to shelter with an aunt and uncle after her abusive husband abandoned her.<sup>33</sup>

Despite these mitigating factors, some family members, notably kinswomen, were called upon to testify on behalf of wives suing for separation. Mothers, aunts, cousins, and, especially, sisters, supported their female kin in their causes. At this point, they agreed, the marriage was unsalvageable. They established long-term patterns of abuse, their own attempts to reconcile the couple, and extensive efforts to support and protect wives. Of the 80 Arches cases with depositions, only two mothers and one father of the litigant parties appear as deponents.<sup>34</sup> This is partly explained by demographics. Approximately half of women had lost their fathers by the time they married.<sup>35</sup> Over time, as marital discord escalated and became more evident, even fewer wives had living parents, particularly fathers, to intervene on their behalf. Still, this section supports Foyster's work on familial relationships and marital discord. Foyster has found that if one or both parents were involved in the making of a marriage, as was customary, then daughters could expect their continued interest.<sup>36</sup>

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<sup>33</sup> LPL, Case 4281 (1667-1668), *Hart v Hart*, Arches Eee 2 ff. 786-788.

<sup>34</sup> The one father, John Kempster, provided a lengthy statement supporting his daughter, Mary Whiston's, claims of extreme marital cruelty. Kempster did not mention directly intervening on his daughter's behalf in any capacity, but he did describe being present, along with his wife, during multiple instances of verbal and physical abuse. Other deponents in the suit also mentioned that Mary Whiston and her husband had resided with her parents for some period. According to Kempster, he and his wife, the producent's mother, were in "great terror" as a result of their son-in-law's conduct toward, they stressed, "their only daughter." Kempster's account is rife with emotion and clearly demonstrates an ongoing awareness of his daughter's marital woes. He also, in each description of a violent encounter, stressed that the son-in-law mistreated his wife in public. This may have been a rhetorical device meant to strengthen his daughter's suit, but it could also indicate that Kempster, like William Rouse, was preoccupied with the public impact on the family's reputation. LPL, Case 9870 (1669), *Whiston v Whiston*, Arches Eee 3 ff. 547-548.

<sup>35</sup> Foyster, *Marital Violence*, 182.

<sup>36</sup> Foyster, "Parenting was for Life," 319.

In her 8-page statement in the 1668 cause of her daughter, Grace Hubbard, Grace Chettam illustrated how aware, and concerned, mothers could be about the struggles of their married daughters. Chettam claimed that her son-in-law John Hubbard “carried and demeaned himself very cruelly and inhumanely towards his wife,” harassing her to the point that she had attempted suicide. Chettam herself had witnessed many incidents during visits to her daughter. By regularly visiting her daughter throughout her married life, Chettam actively maintained the relationship. She may have hoped, erroneously as it turned out, that her physical presence would have some restraining influence on her son-in-law, shaming him into better conduct. As was typical in divorce suits, the case was made that the wife was forced to leave her husband “lest she should have been murdered by him.” Chettam described coming to her daughter at a friend’s house, and declared that she had “never saw one in the like condition, her [the daughter’s] breasts having the marks of his beating black and blue and her face, lips, and head much swollen and black and her ears, arms, neck, knees, and other parts of her body were as black as black could be” so that her entire body had to be plastered by a surgeon and the daughter remained in danger of her life for a month. By describing visible and debilitating wounds which persisted for weeks, Chettam put her son-in-law’s actions well outside of accepted norms and strengthened her daughter’s suit.<sup>37</sup>

Grace Chettam also supplied her daughter with more sustained support, arguing that due to John Hubbard’s failure to appropriately maintain his house, her daughter “wanted food to sustain herself and she has several times [...] come to this deponent’s house for victuals, whereby to keep herself alive and the apprentice of them.” The apprentice mentioned was a

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<sup>37</sup> LPL, Case 4834 (1668-1669), Hubbard v Hubbard, Arches Eee 3 ff. 470-474.



woman also deposed in the suit who corroborated Chettam's claims.<sup>38</sup> Eleanor Say, the only other mother directly deposed in a divorce suit at the Arches in this period, similarly described her son-in-law as a man of "barbarous disposition," who exhibited "strange freakish behaviour" so that her daughter could not cohabit with him in safety. Moreover, she argued, her son-in-law refused to maintain his wife and child, so that she was required to pay for their lying in and nursing.<sup>39</sup>

Sisters also described offering emotional, verbal, and physical support to abused wives as part of their statements in separation suits. Importantly, as a result of socializing with their kin, they could attest to long-term patterns of abuse and having witnessed specific instances of violence. In addition to her mother, Grace Hubbard's sister, Mary Davison, also deposed on her behalf. Davison stated that on one occasion John Hubbard would have thrown his wife into the fire had she and her mother not interfered.<sup>40</sup> Rachel Norcott's sisters, whose parents were dead by the commencement of her 1663 separation suit for cruelty, were able to provide the courts with details covering the entire 23-year span of her marriage. Anne Southwood recounted how John Norcott called her sister, among the common sexual insults, "spawn of the devil [...]" and other ill names." John Norcott would also fall into violent rages at his wife over such small issues as butter on the table and going to church.<sup>41</sup> Rachel Norcott's other sister, Sara Dodson, also stressed that she had been present for several altercations. On one, some fourteen or fifteen years before her statement, while they were sitting at dinner, John Norcott "without any provocation given by the said producent [Rachel Norcott] struck her on the head so violently that

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<sup>38</sup> LPL, Case 4834 (1668-1669), Hubbard v Hubbard, Arches Ee 3 ff. 237-239.

<sup>39</sup> LPL, Case 4281 (1667-1668), Hart v Hart, Arches Ee 2 ff. 792-794.

<sup>40</sup> LPL, Case 4834 (1668-1669), Hubbard v Hubbard, Arches Ee 3 ff. 454-457.

<sup>41</sup> LPL, Case 6659 (1666), Norcott v Norcott, Arches Ee 2 ff. 101-102.

the producent fell from her seat and lay for some time senseless on the ground she being then big with child.” According to Dodson, John Norcott’s abuses had become so unbearable two years before that her sister was “forced” to leave him and come to her. When Norcott then came looking for his wife, Dodson demanded of him why “he would abuse his wife so causelessly and use her so harshly.” Norcott, in turn, wished that his “tongue might rot out if ever he abused her again,” an oath he shortly reneged on. By the time Rachel Norcott began her suit she had been living at their brother’s for a year.<sup>42</sup> The brother was never deposed nor named as being present or involved in any of the incidents.

Bradley v Bradley, 1663-1676, also shows the emotional distress of sisters at the plight of their married kinswomen and the variety of supports they could offer. When Cecily Bradley sued her husband for separation on the grounds of cruelty, her sister, Mary Stephens, provided a lengthy statement on her behalf. Stephens and her sister had often visited one another, at least partly as a response to Bradley’s marital woes. Stephens described how Bradley “frequently” came to her house and “weeping bitterly [...] complained grievously to her of the cruel actions and barbarities of her husband.” Stephens, in turn, had a servant check in on her sister and herself visited upon hearing that Cecily Bradley had almost been killed by her husband. At the Bradley’s, Stephens found her sister “in a very lamentable condition and full of such bruises her head being very much swelled and her face nose and eyes very much bruised and black and blue at which time Cecily wept bitterly and sadly complained” of her husband’s cruelty. Nor was this the only time during Cecily Bradley’s marriage that she had been severely harmed by her husband. In December of 1674, Mary Stephens again found her sister bedridden from her

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<sup>42</sup> LPL, Case 6659 (1666), Norcott v Norcott, Arches Eee 2 ff. 94-96.

husband's beatings. Upon seeing Stephens, Cecily Bradley "burst into tears and mournfully complained" of her husband's barbarous usage." Cecily Bradley "expressed herself with so much sorry and grief and was in such a sad and deplorable and weak condition" that Stephens went to a neighbour's and there "being struck to the heart with [Cecily's] grief and condition" burst into tears.<sup>43</sup> Weeping was a uniquely feminine response. While men described themselves as concerned, upset, and provoked over marital cruelty, they rarely mentioned being moved to tears. Cecily Bradley and Mary Stephen's tears were meant to invoke pity and underscored their helplessness in the face of extreme male violence. And tears were not restricted to close family—Mary Welch, the pregnant wife of a carpenter, also described crying "considering the sad considerable and slavish condition under which the said Cecily so laboured."<sup>44</sup>

In addition to providing concern and compassion, Mary Stephens had also lodged her sister for four months and attempted to reconcile the couple by arranging a new position for a troublesome female servant. When the servant refused, Stephens shamed her by asking why she would stay in a home contrary to her mistress's wishes and knowing the discord she caused.<sup>45</sup> Cecily Bradley was fortunate in having the support of numerous female kinsfolk. Her cousin was also deposed in her suit, and towards the end of her marriage Cecily Bradley stayed with her mother, not deposed, for eighteen months.

Care and intervention could also come from a wider variety of kinfolk, and not only a wife's blood relations. Mary Stephens demonstrates how female kin could also draw in male sources of support through their own marriages. Stephens's husband testified on behalf of his

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<sup>43</sup> LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 682-684.

<sup>44</sup> LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 669-671.

<sup>45</sup> LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 682-684. Susan Roberts also testified to sheltering her sister in *Younger v Younger*. LPL, Case 10406 (1671), *Younger v Younger*, Arches Eee 4 ff. 514-516.

sister-in-law's suit. So, too, did Grace Hubbard's and Ursula Cremor's brothers-in-law.<sup>46</sup> In *Hart v Hart*, 1667, Anne Hart was kept by her husband's aunt and uncle after he abandoned her with child and the aunt confessed herself "much disturbed" to learn that her nephew had contracted the pox and likely passed it to his wife and unborn child, the latter who ultimately died of the disease. She also mentioned reproving him for his ill-conduct on multiple occasions in hopes of repairing the couple's relationship. She was, according to her deposition, well able to testify to her nephew's abandonment, since she lived in the house with his wife, and should he have come to visit "[she] should in all probability have seen him."<sup>47</sup>

Despite the relatively small number of statements taken from kin, information provided by unrelated deponents further illustrates how active family were behind the scenes in navigating marital woes. Anne Boteler's mother-in-law, for instance, was never deposed in her suit, yet we know from others that she took Anne Boteler's side against her own son. Ann Copley, a servant deposed in the case of *Hooper v Hooper*, described how her mistress's mother repeatedly attempted to see her daughter after she began to experience "fits of the mother" but the husband "forced her out of doors" and the mother was required to return with the protection of a female neighbour. Furthermore, when the husband refused to call for a physician the mother took care of the charges herself.<sup>48</sup> Anne Hooper's mother was clearly very concerned about the wellbeing of her daughter. Edward Trussell, the only male deponent in the *Hooper* suit, testified that he had visited the *Hooper*'s house at the behest of *Hooper*'s mother. The mother told Trussell that her

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<sup>46</sup> LPL, Case 1127 (1664), *Bradley v Bradley*, Arches Eee 1 ff. 84-88; LPL, Case 4834 (1668-1669), *Hubbard v Hubbard*, Arches Eee 3 ff. 482-484; LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2 ff. 298-299.

<sup>47</sup> LPL, Case 4281 (1667-1668), *Hart v Hart*, Arches Eee 2 ff. 786-788.

<sup>48</sup> LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 255-258.

daughter had almost been killed by her husband and she wanted to know her condition.<sup>49</sup> In a different case, a female servant testified to calling the watch at the request of her mistress's mother, who was afraid her daughter would be murdered by her husband.<sup>50</sup>

Clearly many, and likely most, family members did what they could to help female kin suffering under cruel and neglectful husbands. Some attempted to mediate between the two parties (as both Margaret Garrard's parents did, though neither were personally deposed<sup>51</sup>) to encourage them to live in love and peace, as husbands and wives ought. Others offered financial support, shelter, and kindness. Female kin, like female neighbours and servants, appear more commonly in cases of domestic violence than their male counterparts, perhaps due to the prevailing sentiment that marital matters were either private or under the jurisdiction of women. Wives in unhappy marriages who lacked living or nearby female relatives would have been missing a crucial form of emotional and financial support. Interestingly, it was very rare for any of the husband's kin to appear as witnesses in divorce suits.

## Neighbours

More prevalent as witnesses in separation suits than kinswomen were female neighbours. Of the three groups covered in this chapter, the testimony of neighbours was perhaps seen as the least biased as they did not have blood or contractual ties to either spouse. Nearness to the couple meant that neighbours could hear and see altercations and be immediate sources of aid. Though less likely, and able, than kin to offer sustained economic aid, they could respond to altercations

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<sup>49</sup> LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 250-252. We do not know why the mother did not visit her daughter herself. She may have been kept away by distance, fear of the son-in-law's violence, or of causing further discord between the couple.

<sup>50</sup> LPL, Case 3603 (1664), *Garrard v Garrard*, Arches Eee 1 ff. 635-639.

<sup>51</sup> LPL, Case 3603 (1664), *Garrard v Garrard*, Arches Eee 1 ff. 617-641.

in their vicinity and provide places of temporary emergency shelter. In lieu of living relatives, or for wives whose kin were too far or too poor to offer aid, neighbours could, as this section shows, serve similar functions.

Living patterns of the period meant that domestic matters were rarely truly private. Plebeian folk lived in close quarters, especially in the cities, sometimes even in the same home or separated by thin walls. Arguments and assaults could be easily overheard. Even rather well-off women like Cecily Bradley, whose husband at one point owned several properties and claimed an estate of £2000, shared walls with lodgers and lived close enough to many neighbours to reasonably expect them to be aware of her circumstances. Many neighbours described intervening in an assault upon hearing a woman cry out, and still others censured cruel husbands or offered shelter to fleeing wives. Moreover, female neighbours were pivotal to the development of a common report or fame against the husband, which could be used informally in attempts to shame husbands into proper behaviour or as evidence in formal suits. As with other forms of litigation in this period, the *public* nature of accusations, which developed into commonly held ‘truth,’ determined the credibility and honour of the parties involved and how they were perceived and believed by their communities.<sup>52</sup> In turn, responses to a couple’s marital woes depended heavily upon their pre-existing fame. Non-elite women in seventeenth-century England were very aware of their roles and responsibilities as neighbours, and just as we find them referring to the code of good neighbourliness to justify intervening in domestic affairs, we find wives (and sometimes husbands) cultivating alliances with their female neighbours as sources of emotional, physical, and legal support in both the long and short-term. Neighbours

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<sup>52</sup> Foyster, *Marital Violence*, 195, 200, 202.

were also invested in the conduct of married couples as part of maintaining community order. Couples who failed to ‘live quietly’ were subject to intense scrutiny and criticism.

In lieu of an established police force, neighbours served to protect wives from excessive violence.<sup>53</sup> There was an expectation that bystanders would intervene to halt altercations. While this expectation applied to both sexes, depositions in divorce suits show that women were most likely to respond to the sounds of a dispute if they came from within a dwelling.<sup>54</sup> Anna Pease, therefore, was fulfilling her neighbourly duties when she, on several occasions, responded to Cecily Bradley’s cries and went upstairs, praying for John Bradley “to forbear such abuse of his wife.”<sup>55</sup> The daughter of a former landlord of the Bradleys similarly described how her family could hear John Bradley beat his wife, so that her mother “hearing him so beat her used to go upstairs and knock at the door and call upon him to forebear beating his wife, telling him that he might kill her.”<sup>56</sup> Intervention did not necessarily signify a pre-existing relationship or knowledge of the parties. Anna Pease and several of Cecily Bradley’s neighbours were at the King’s Head in St. James Fields when they heard the “crying out of a woman” and that a man was striking his wife. According to Pease, the women ran next door and found Cecily Bradley hiding under a table and her husband carrying away her clothes. This incident reveals both a moment of female sociability and how neighbours worked to contain violence. The women attempted to halt an assault and reproved John Bradley for his conduct. A “Mrs. Smith,” who

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<sup>53</sup> Amussen, “Being stirred,” 78-80; Capp, *When Gossips Meet*, 107.

<sup>54</sup> In contrast, men were more likely to interfere if the dispute took place in public. Susan Roberts, for example, testified that her sister, Ellen Younger, was several times saved by male bystanders when her husband attacked her on the streets. LPL, Case 10406 (1671), *Younger v Younger*, Arches Eee 4 ff. 514-516.

<sup>55</sup> LPL, Case 1027 (1664), *Bradley v Bradley*, Arches Eee 1 ff. 60-64.

<sup>56</sup> LPL, Case 1127 (1664), *Bradley v Bradley*, Arches Eee 1ff. 56-59.

offered Cecily Bradley one of her own petticoats, was not deposed or otherwise mentioned in the suit.<sup>57</sup>

Live-in landladies could perform similar functions as neighbours, and may have felt an even greater burden to respond. Margaret Powers, landlady to the Hubbards for nearly a decade, deposed in 1668 that, once “hearing the producent [Grace Hubbard, wife of John Hubbard] cry out murder went out of her chamber downstairs [...] into the kitchen wherein the said producent and her husband then were.” Powers retreated after being threatened by the husband, but when Grace Hubbard again cried out, Powers was persuaded by other (ungendered and unnamed) neighbours who feared for Grace Hubbard’s life to go down. Accompanied by another woman, Mrs. Eldridge, Powers found Grace Hubbard in “a very lamentable and sad condition her eyes and lips much swelled and black and blue and blood coming out from her mouth and ears and she much complained [...] that her husband had kicked her.” Margaret Powers and Mrs. Eldridge then brought her some ale, but she could hardly drink it for her wounds. Power’s aid extended beyond this one encounter—she deposed that she had “several times [...] lent her [Grace Hubbard] money to buy provisions” for her family.<sup>58</sup> In another case, Mary Comings hid in her landlady’s chamber when her husband chased her in and out of the house, threatening to pull her soul out of her body.<sup>59</sup> The interventions of these women likely prevented, and at least attempted to prevent, further harm to the plaintiffs and also enabled them to serve as eyewitnesses when the wives pursued legal separation.

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<sup>57</sup> LPL, Case 1127 (1664), *Bradley v Bradley*, Arches Eee 1 ff. 80-81. Ann Tabb similarly described responding to the cries of a woman in an alehouse. LPL, Case 4688 (1690), *Holford v Holford*, Arches Eee 7 110-112.

<sup>58</sup> LPL, Case 4834 (1668-1669), *Hubbard v Hubbard*, Arches Eee 3 ff. 245-249.

<sup>59</sup> LPL, Case 2177 (1676), *Comings v Comings*, Arches Eee 6 ff. 25-27.



The importance of neighbours as restraining influences and sources of support was clearly recognized by many abused wives. Records demonstrate that women frequently sought out local female allies to discuss their situation with and to show the marks of their husband's cruelty. By doing so, they actively worked to get neighbours on their side, either in hopes that those neighbours would apply social pressure to their husbands and oblige them to modify their behaviour, to develop the evidentiary basis for an eventual separation suit, or to have their husbands bound to keep the peace.<sup>60</sup> Dorothy Green, for example, testified in 1699 that Mary Townson

came to this deponent as she was working in a neighbouring house and complained to this deponent of her husband's ill usage to her in kicking and beating of her and showed this deponent that marks upon her hands and lips which the producent [Mary Townson] told this deponent were occasioned by the blows and a cut she received from Theobald [Mary Townson's husband].<sup>61</sup>

In a 1666 suit, Deborah Dodson likewise testified that the plaintiff "several times complained to this deponent of her husband's ill usage towards her and showed this deponent several black and blue spots in her arms, saying that her husband had done them."<sup>62</sup> And Susan Ashburne testified in 1669 that Catherine Beverley had "frequently" complained to her of her want of food because of her husband's cruelty. Ashburne, as a result, had fed Beverley on more than one occasion.<sup>63</sup> By seeking out their female neighbours and friends, abused women may have been seeking emotional outlets and compassion as well as laying the groundwork for future suits, where neighbours would serve as vital witnesses. In turn, men dismissed female speech as 'gossip' to diminish its influence.<sup>64</sup>

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<sup>60</sup> Capp, *When Gossips Meet*, 105.

<sup>61</sup> LPL, Case 9240 (1699), *Townson v Townson*, Arches Eee 8 ff. 640-641.

<sup>62</sup> LPL, Case 6659 (1666), *Norcott v Norcott*, Arches Eee 2 ff. 97-98.

<sup>63</sup> LPL, Case 842 (1669), *Beverley v Beverley*, Arches 3 ff. 544-547.

<sup>64</sup> Foyster, *Marital Violence*, 110.

Cecily Bradley appears to have been particularly adept at utilizing her neighbours, especially the women, in her struggles with her spouse. Bradley made her affairs public by crying out, displaying her wounds, sharing stories of her husband's abusiveness, and by fleeing her home for open spaces and sheltering with her neighbours. By doing so, she mobilized the pity and disapproval of her neighbours, which made them more likely to offer her shelter and support her in her suit. The statements of her neighbours also illustrate contemporary patterns of female sociability and care. Mary Hill, for instance, testified that one night she heard

a noise of a woman crying [...] upon which noise this deponent went a pair of stairs lower to the lodging of one Mrs. Cox in the same house and told Mrs. Cox [...] and the said Mrs. Cox said oh dear it is his [Mr. Bradley's] wife and says that then this deponent saw a man look out of a window from Mr. Bradley's house [...] who in a very passionate manner speaking to the said Cecily [Bradley] in the yard called [her] Presbyterian whore.

Hill went on to describe her pity for her neighbour, saying that she would have taken Cecily Bradley into her lodging had Mrs. Cox not told her "twas dangerous to meddle between a man and his wife." She later learned that Bradley had taken shelter with another neighbour, Mrs. Scrivener. Hill visited Bradley after the latter returned home to her husband, and Bradley complained bitterly of her wounds. Other neighbours who Hill inquired of agreed that they feared Bradley would "never go abroad again," meaning that she would die of her wounds.<sup>65</sup>

These networks of female communication and neighbourliness provided Cecily Bradley with both immediate assistance in her times of great need, including shelter and protection, and longer term through visits and, ultimately, their depositions. Pease testified that while she held no malice towards John Bradley she wished Cecily Bradley well in her suit, "she having been a good neighbour," and Ann Rowell declared that "it was and is observed and reported in the said

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<sup>65</sup> LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 610-612.

neighbourhood that John was and is a very cruel and barbarous husband to the said Cecily.”<sup>66</sup> Their statements were echoed by several other female neighbours and servants, and they show how a husband could lose his social standing and credit amongst his neighbours. John Bradley was clearly portrayed as a disruptive influence who alienated his neighbours by his violence towards his wife and by accusing several of them of theft. He was also thought to have impregnated several of his servants and encouraged them to supplant his wife. His repeated attempts to use the law to punish his wife and neighbours, rather than adhering to social norms, also did little to endear him to others. The rhetoric of neighbourliness was also explicit in *Holford v Holford* in 1690. Ann Tabb, Joan Maynard, and Ann Teague testified that Mary Holford had always behaved herself civilly and peaceably amongst her neighbours. In contrast, Holford’s husband was described as bad-tempered to his wife as well as his neighbours.<sup>67</sup>

There were, of course, limits on neighbourly hospitality. Neighbours were unlikely to lodge wives for extensive periods or to offer the type of sustained economic support that kin provided. Even temporary aid could be vital, however. By taking in wives for a night, neighbours protected them from immediate violence. They also gave tempers time to cool in hopes that the wife could return to her husband safely the next day or gave her time to make longer-term arrangements. In the 1682 suit of *Jane Hignett*, for one, Mary Tilston testified that she had kept Hignett for one night when the woman turned up asking for shelter from her husband. Three servants subsequently came and advised Hignett to stay the night, fearing that if she returned home her husband would kill her.<sup>68</sup> And although Ann Tabb refused to lodge Mary Holford

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<sup>66</sup> LPL, Case 1127 (1664), *Bradley v Bradley*, Arches Eee 1 ff. 60-64; LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 595-596.

<sup>67</sup> LPL, Case 4688 (1690), *Holford v Holford*, Arches Eee 7 120-128.

<sup>68</sup> CALS EDC 5 1682 No 39.

when the latter fled from her husband, she did interpose to during a violent altercation between the couple.<sup>69</sup>

## **Servants**

Female domestic servants constitute the most significant category of deponents in divorce suits in seventeenth-century England. Closer even than near neighbours, servants were especially well-placed to know their employer's affairs, including very intimate details such as where they slept, what they ate, how often they were home, and whether their linens and shirts were stained with the pox. As with kin and neighbours, servants could respond to the sounds of conflict and testify to a victim's wounds. They were also frequently present, as they stressed in their statements, at specific instances of conflict. In her 1664 statement, for example, the servant Martha Cooper described how she and her mistress were together in the kitchen when her master, Isaac Garrard entered and began to beat and chase his wife throughout the house.<sup>70</sup> As part of a 1669 case, Margaret Roach deposed that she had often seen her master, Daniel Citty, chase his wife with his stick and daily heard him call her "whore, jade, witch, and other base names." According to Margaret, her master, in her presence and hearing, threatened his wife with torture and disfigurement and declared that "it was no more sin to kill her than to kill a cat."<sup>71</sup>

Relationships between mistresses and their servants could be the source of crucial support for both parties. In their depositions in divorce suits, female servants were unequivocal regarding the important roles they played in protecting their mistresses from violence and neglect—they describe crying out for help to halt or prevent an assault, shaming their masters, financially

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<sup>69</sup> LPL, Case 4688 (1690), *Holford v Holford*, Arches Eee 7 110-112.

<sup>70</sup> LPL, Case 3603 (1664), *Garrard v Garrard*, Arches Eee 1 ff. 625-627.

<sup>71</sup> LPL, Case 1865 (1669-1671), *Citty v Citty*, Arches Eee 4 ff. 202-205.

aiding their mistresses, and physically intervening in domestic assaults. Many described being moved and shocked by the sufferings of their mistresses and the barbarity of their masters.

Though it can be difficult to determine the occupation of female deponents, we can say that servants made up a majority of deponents in separation suits at the Arches. The bulk of these were live-in domestic servants, but professional service also included midwives, nurses, and washing women—all of whom worked closely with a couple, most living within the same dwelling for widely varying periods of time. Of these servants, most were female. The ubiquity and gendering of service in early modern England helps explain the important role which servants had in divorce suits. As we saw in the Introduction, in the later seventeenth century it was common for even rather modest households to have at least one servant, who was often female. That so many women in seventeenth-century service would have themselves been in service at some point in their lives, or have family and friends in service, may have led employers to treat their own employees well.<sup>72</sup>

Similarities in age and status may have also complicated or blurred the boundaries between servants and employers which contemporary writers encouraged. Contemporary writers such as A. Marsh warned employers to avoid close ties between mistresses and female servants, since a “a cunning slut of a maid, that knows best how to serve and flatter her mistress well” could upset the natural order of the household.<sup>73</sup> Yet servants were still considered part of their employer’s household. Employers were expected to care about the futures of their employees. As domestic managers, mistresses took care of most matters relating to servants, especially when the

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<sup>72</sup> Mendelson and Crawford, *Women in Early Modern England*, 105-106.

<sup>73</sup> A. Marsh, *marriage relating all the delights and contentments that are mask’d under the bands of matrimony* (London: 1682), 67.

latter were female. The closer a mistress and servant were in age and status, the more likely they were to share interests, life experiences and tasks, though differences did not necessarily preclude concern and affection. Similar age and rank may have fostered friendly and sororal bonds, and older mistresses undoubtedly took on a maternal role for many young women. The will of Jane Penard made this connection explicit when she left her entire estate to her mistress of seven years. A friend explained that Jane Penard “had a very great love and affection” for her employer, who had been “more like a mother than a mistress to her.”<sup>74</sup> Older servants, perhaps returning to service after widowhood, and those who had worked in the parental home before a woman moved out might also have felt maternal and protective of young women—several examples of both can be found in this section.

The complicated connections between servants and their employers are illustrated in the diaries of Samuel Pepys. Pepys described both conflicts and close relationships between himself, his wife Elizabeth, and their female servants, especially Jane Birch. Birch accompanied them to social events, Elizabeth Pepys at least once dressed Birch’s hair, and both women wept when Birch left the Pepys’ employ. After three years, the Pepys convinced Birch to return to their service, yet she retained fond ties with her previous mistress, even visiting her in July 1667. When Birch finally left for good to marry, the Pepys gave her lavish wedding presents and the two couples frequently socialized together. When Birch was widowed after 12 years of marriage she returned to the Pepys’ household.<sup>75</sup> The importance of servants as companions was mentioned in the diaries and letters of the better-off, such as Pepys, alongside their complaints about theft, insolence, and unreliable staff. Employers were well aware of the extensive and

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<sup>74</sup> Capp, *When Gossips Meet*, 150.

<sup>75</sup> Capp, *When Gossips Meet*, 142.

private knowledge their domestics accumulated, and while this trust could be founded on mutual respect and affection, it also formed the foundation of much suspicion and resentment between the two groups.<sup>76</sup>

Records show that deep bonds often developed between female servants and mistresses. Some domestics were clearly long-term sources of support for their mistresses. Some stayed in their position for extended periods of time, and several mentioned staying in touch even after their contracts ended, showing how the boundary between contractual relationship and friendship could blur. When Mary Sherwin deposed in the 1667 suit of Hester Bolton, for example, she claimed to have known her for some 20 years, around 12 or 13 of those as a servant, spanning both of Hester's marriages.<sup>77</sup> Judith Clay, a cook maid to the Boltons, had also maintained a relationship with Hester after the conclusion of her contract. At the time of the suit, Clay had been visiting her former mistress for a span of eight years.<sup>78</sup> Their long relationships with Hester Bolton meant that the two women were perfectly placed to describe her decline in fortunes and the disregard which Stephen Bolton showed for maintaining his household and wife. Ann Bell similarly continued contact with her former mistress, Cecily Bradley, after the end of her contract. Bell visited Bradley in her marital home, shared her bed, and was, as such, witness to several domestic conflicts.<sup>79</sup>

Bolton v Bolton illustrates many of the characteristics of a seventeenth-century divorce suit and the alliances which could form between mistresses and female servants. Servants had to be careful in their attempts to discredit the husband while defending the reputation of the wife.

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<sup>76</sup> Meldrum, *Domestic Service*, 49; Capp, *When Gossips Meet*, 273.

<sup>77</sup> LPL, Case 1001 (1668), Bolton v Bolton, Arches Eee 3 ff. 96-100.

<sup>78</sup> LPL, Case 1001 (1668), Bolton v Bolton, Arches Eee 3 ff. 102-104.

<sup>79</sup> LPL, Case 1128 (1676), Bradley v Bradley, Arches Eee 5 ff. 613-617.

While the primary cause of the divorce was Stephen Bolton's adultery, Hester Bolton and her supporters ultimately had to prove that the marriage was already over, through no fault of hers. The courts, therefore, if they followed this logic, needed to enforce a separation and alimony in order to prevent Hester Bolton and her child from descending into further poverty and reliance on formal relief. Hester Bolton's libel also shows how women almost systematically addressed issues which would, collectively, be enough to justify a divorce. Since the case did not centre on physical violence, the emphasis was on material neglect and Stephen Bolton's refusal to provide for his wife. Item three of the libel declared that after the Bolton's marriage, "Stephen became a great frequenter of taverns, alehouses, and gaming houses [...] staying abroad very usually until twelve o'clock of the clock in the night and many times until two or three in the morning and sometimes the whole night and wholly neglected his wife and family" to the point that Hester Bolton was obliged to sell goods which were hers from before the marriage, while friends covered her rent. Item four described how Stephen Bolton contracted the "foul disease commonly called the French pox" so that his wife was forced to quit his bed. Items five and six turned to how Stephen Bolton fled to the country during the plague of 1665, leaving his wife behind, and his refusal to offer her shelter or succour during and after the Great Fire in 1666.<sup>80</sup> Stephen Bolton, a captain and then a major with the London militia, countered by accusing his wife of having an illegitimate child, poor household management, and passing the pox to him.<sup>81</sup> The crux of both sides was whether Stephen Bolton had been willing to maintain his wife and who was responsible for the couple living separately.

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<sup>80</sup> LPL, Case 1001 (1668), Bolton v Bolton, Arches E 3/14.

<sup>81</sup> LPL, Case 1001 (1668), Bolton v Bolton, Arches E 3/42 and Ee 3 ff. 119-124.



The Bolton case was highly divided along gender and occupational lines. Three female former servants testified for Hester Bolton, and one male apothecary served for her husband. This gender divide in divorce suits was common but not universal.<sup>82</sup> The depositions tell us that the Boltons also employed male servants, but none were deposed in the suit.<sup>83</sup> William Wilson, the sole male deponent, had known the Boltons for seven or eight years. He described Stephen Bolton as a responsible husband, father, and worker. Wilson blamed Hester Bolton for causing the couple's separation, saying that she had contracted a distemper "in her secret parts," causing the couple to lay apart, and then refused to follow her husband into the country. He added that Stephen Bolton had provided for his wife in his absence, signing the lease of the London house over to Hester Bolton or "persons in trust" and allowing her an annual maintenance of £20. He also claimed that Stephen had told him that Mrs. Bolton had had a child prior to her first marriage.<sup>84</sup>

The female servants deposed in the Bolton case provided a very different account than the one given by William Wilson. They thoroughly supported Hester Bolton's libel and defended her as a good housewife who had been reduced to "low" and "sad" conditions through the neglect of her husband. According to their statements, Hester Bolton had been reliant on the support of friends for years before seeking a legal separation and financial support from her husband. Mary Sherwin testified that "Mrs. Bolton has been in great want, and she has for several years been very burdensome to her friends, and had they not relieved her she would long since had been starved." Though the sex of these "friends" was not specified, Sherwin herself

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<sup>82</sup> For instance, Oliver Boteler was condemned by his male and female servants alike.

<sup>83</sup> LPL, Case 1001 (1668), Bolton v Bolton, Arches Eee 3 ff. 100-102. Mary Williams testified that she knew of Stephen Bolton's visits to alehouses and taverns because she "had been informed by the menservants." Patterns of socialization and work encouraged solidarities along gendered lines.

<sup>84</sup> LPL, Case 1001 (1668), Bolton v Bolton, Arches Eee 3 ff. 121-124.

lent money to her mistress on one occasion, “to supply her great necessity.”<sup>85</sup> Mary Williams, another former servant in the Bolton household, also recounted aiding her mistress in her times of need, being temporarily employed to sell a porringer for her during the plague.<sup>86</sup>

Establishing the presence of the pox, a sure sign of sexual immorality, was one of the key roles of female servants in separation suits. While kin and neighbours mentioned *hearing* that a wife had contracted the pox from her husband, servants, who were responsible for the washing and changing of household linens, could testify to seeing direct evidence of the disease. Statements by servants also show the close attention they paid to the affairs of their employers and how difficult it was to keep secrets. In cases like *Bolton v Bolton*, the husband’s venereal disease was used, in lieu of life-threatening violence, to show that the couple could not be reconciled. Mary Sherwin dedicated more than a page of her nine-page statement to the “foul disease.” Sherwin deduced that her master had contracted the disease based on the fouling of his shirts and because his apothecary, William Wilson, had visited too frequently. She was sure that Stephen Bolton had contracted the disease from some “base woman or women” and had “thereby endangered the health and life” of his wife and forced her to lay separately.<sup>87</sup> Judith Clay similarly recounted that her master was often visited by an apothecary with medicines used to treat the French pox, and that “about the same time this deponent [Judith] also saw some of Mr. Bolton’s shirts fouled in such a manner that this deponent [...] is fully persuaded in her conscience and well assured that Mr. Bolton had then the foul disease.” She also saw the apothecary bring medicines for her master which she “well knew” to be “applied to such persons

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<sup>85</sup> LPL, Case 1001 (1668), *Bolton v Bolton*, Arches Eee 3 ff. 96-100.

<sup>86</sup> LPL, Case 1001 (1668), *Bolton v Bolton*, Arches Eee 3 ff. 100-102.

<sup>87</sup> LPL, Case 1001 (1668), *Bolton v Bolton*, Arches Eee 3 ff. 96-100.

as have the French pox, and she does not know that such used to be administered for any other distemper." She went on to describe how this news was shared, and held to be true, by the other female servants in the household, who were all careful to specify that their master had caught the pox and passed it to his wife, not the other way around.<sup>88</sup>

Female servants mentioned the pox in other cases as well. Isabelle Bernard determined that her master, Sampson Bound, had the pox based on the "spots or ruining upon [his] shirts which this deponent [Isabelle] has been told was the signs of such a distemper," whereas

she never discovered any spots or stains (like those upon [Sampson's] shirts) upon the foul shifts or the said Elizabeth [her mistress, the producent in this cause] and never saw any symptoms of the said distemper called the pox or foul disease about the body of the said Elizabeth [...] and does not believe that before her marriage she was infected with distemper.<sup>89</sup>

Statements such as these regarding the presence of the pox were taken as evidence in the courts alongside the statements of apothecaries and physicians and were meant to demonstrate that the husband lived a degenerate life and that his wife could not keep his bed without danger of contracting the disease. If she had already been infected this was further evidence of the husband's lack of restraint and another form of cruelty. Passing the pox to a pregnant woman, thus endangering the child, was considered especially heinous. Ursula Chaplen claimed in 1667 that she had heard a doctor say that her employers' child had died of the foul disease, the result of her master passing the illness to his pregnant wife. In 1668 the midwife Anne Atkinson confirmed the common report that the Hubbard's two children were born "very weakly and sickly" and since died of the pox.<sup>90</sup> Statements like these, similar to ones which attributed a

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<sup>88</sup> LPL, Case 1001 (1668), Bolton v Bolton, Arches Eee 3 ff. 102-104. By the time of her statement Clay had gone into nursing, which adds weight to her descriptions of medicines and disease.

<sup>89</sup> LPL, Case 1055 (1693-1694), Bound v Bound, Arches Eee 7 ff. 679-682.

<sup>90</sup> LPL, Case 4281 (1667-1668), Hart v Hart, Arches Eee 2 ff. 788-790; LPL, Case 4834 (1668-1669), Hubbard v Hubbard, Arches Eee 3 f. 480.

miscarriage to spousal violence, indicated that the husband, however indirectly, had caused the death of his children, the ultimate failure of a patriarch.<sup>91</sup>

As with all matters of sexuality, however, testifying that a couple had the pox was risky for the wife. It was difficult to prove that the illness originated with the husband, and, as we know from the preceding chapters, women were more susceptible to suspicions of sexual immorality. In *Hubbard v Hubbard*, the wife was accused of a long-term affair with the physician treating her and her husband for the pox. The suspicion cast on Grace Hubbard undoubtedly undermined her charges and chances of success in her suit. The servants were divided in their support, but Susanna Twogood, at least, defended her former mistress of seven years as an obedient and sober wife.<sup>92</sup>

The Bolton servants were not unique in providing current and former mistresses with basic necessities during times of need. Female servants in other suits also described a reversal of employer-employee relations to the point that mistresses relied, either temporarily or long-term, on maintenance from their current or former staff. In 1667 Elizabeth Beales claimed that her mistress, Ursula Cremor, “might have been starved” by her husband if Beales had not “of her own accord cut and conveyed meat [meaning food and not specifically flesh] unto her.” Her statement was supported by Anne Rands, another servant in the home.<sup>93</sup> Indeed, Ursula Cremor seems to have been extremely dependent on the kindness and compassion of her servants, who described secretly bringing her wood when her husband refused her a fire in her rooms, even

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<sup>91</sup> Elizabeth Noble, servant to the wife’s parents, suggested that Isaac Garrard, had caused his first wife to miscarry and die. LPL, Case 3603 (1664), *Garrard v Garrard*, Arches Eee 1 ff. 627-628. Susan Matthew testified that her master had abused her mistress until the latter miscarried. LPL, Case 4688 (1690), *Holford v Holford*, Arches Eee 7 ff. 115-117.

<sup>92</sup> LPL, Case 4834 (1668-1669), *Hubbard v Hubbard*, Arches Eee 3 ff. 242-245, 537. LPL, Case 3603 (1664), *Garrard v Garrard*, Arches

<sup>93</sup> LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2 ff. 289-295, 314-318.

though she was ill, and forcing the lock on a door when her husband and his niece deliberately locked her out.<sup>94</sup> In the Hubbard suit, Susanna Twogood testified that her master for “several years” had refused his wife money to buy provisions, so that “she many times having been forced to and did borrow money of this deponent [Susanna] to buy provisions for herself and family, without which they could not have ought.”<sup>95</sup>

In addition to descriptions of spousal immorality and neglect, female servants were key to establishing that a husband’s violence had well-overstepped the limits of acceptable “correction.” They provided extensive details regarding specific assaults and established patterns of abuse, both meant to illustrate that the marriage was beyond saving. The three female servants who testified in the Hooper case, for instance, all described John Hooper’s penchant for falling into rages and throwing things at his wife with no provocation.<sup>96</sup> Elizabeth Dun, nurse to Mary Whiston during her pregnancy, stressed that James Whiston would verbally and physically attack his wife “without [any] offence at all given or any word spoken by his said wife.”<sup>97</sup>

Besides providing depositions on behalf of wives suing for marital separation, female servants described the many ways they had tried to protect their mistress from violence over the preceding years. Some verbally reprimanded their masters, hoping to shame them into better conduct. Jane Harrison repeatedly asked her master, Oliver Boteler, why he used his wife for “ill.” Ann Chamberlain also reproved Boteler for his “inhumanities” to his wife. They also asked him how he could treat his own children so heinously, and reminded him of the oath of safety he

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<sup>94</sup> LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2 ff. 314-318, 303.

<sup>95</sup> LPL, Case 4834 (1668-1669), *Hubbard v Hubbard*, Arches Eee 3 ff. 242-245, 537.

<sup>96</sup> LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 252-255, 255-258, 261-262.

<sup>97</sup> LPL, Case 9870 (1669), *Whiston v Whiston*, Arches Eee 3 ff. 550-551.

had given his wife.<sup>98</sup> In a different case, Margaret Roach claimed to have repeatedly assured her master that his wife was not a witch, hoping thereby to curb his abuses.<sup>99</sup> By doing so, female servants took it upon themselves to remind their masters of the boundaries of masculine honour and their duties as husbands, fathers, and men. Female servants also used the power of words to spread news of domestic issues, thus contributing to the common fame of their employers. Servants talked to each other, neighbours, their own kin, and that of their employers, and carried stories to new households when they moved positions. They could alert kin and neighbours about issues with the marital relationship.<sup>100</sup> These networks were clear in the Bradley case and others. In *Townson v Townson*, a neighbour and long acquaintance of the husband described collecting information from the wife, female servants, her own daughters, a surgeon, and a ship captain.<sup>101</sup>

Some mistresses and servants clearly believed, or hoped, that the mere presence of witnesses might prevent violence. Again, the close quarters of the period, and common practice of sharing beds with those of the same sex, aided this coping mechanism. Ann Copley declared that her mistress, Anne Hooper, had lain with her in the garrett one night, after being locked out without her clothes. Copley added that, had she not been with her mistress, John Hooper would have done his wife mischief. Indeed, Copley was likely correct, as on another occasion she left her master and mistress at dinner and shortly returned to find the husband railing and throwing things at his wife.<sup>102</sup> This was not the only time which Anne Hooper was obliged to lay with

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<sup>98</sup> LPL, Case 1041 (1672), *Boteler v Boteler*, Arches Eee 4 ff. 857-863 and Eee 4 ff. 854-857.

<sup>99</sup> LPL, Case 1865 (1669-1671), *Citty v Citty*, Arches Eee 4 ff. 202-205.

<sup>100</sup> Foyster, *Marital Violence*, 185. As seen in the case study of Jane Blackburn in Chapter Two.

<sup>101</sup> LPL, Case 9240 (1699), *Townson v Townson*, Arches Eee 8 ff. 634-637.

<sup>102</sup> "Mischief" in this context referring to great violence if not murder. LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 255-258.

servants. Mary Ward deposed that Anne Hooper had lain with her one night when John Hooper forced her out of bed.<sup>103</sup>

Domestic servants worked as restraining influences in other cases, as well. Anne Fox claimed that “while she lived with them [her employers] she dared not leave the producent [her mistress] alone in the house with her husband least he would hurt her.” Elizabeth Sarment was sure that her master would have thrown his wife headlong down the stairs had she not followed the disturbance and interrupted them.<sup>104</sup> And according to Susan Smith’s 1673 testimony, her mistress once begged her not to go to bed, saying that if she was murdered by her husband that night her blood would be on Smith’s hands.<sup>105</sup> In *Norcott v Norcott*, 1663, Anne Fox declared that she had taken this responsibility on herself, telling the notary that “while she lived with them [the Norcotts, her employers] she dared not leave the producent [her mistress] alone in the house with her husband lest he would hurt her.”<sup>106</sup>

Perhaps the greatest sign of servants’ dedication to their mistresses can be found in their accounts of actively intervening to stop their masters’ violence, as several of Anne Boteler’s male and female servants did. In addition to throwing wig powder in her master’s face, Jane Harrison testified that she and a chambermaid had once “pulled and endeavoured to hinder” him and persuaded him not to hurt his wife.<sup>107</sup> Some women clearly believed that they had prevented murder. The child nurse Ann Chamberlain claimed to have once “forcibly” kept Oliver Boteler

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<sup>103</sup> LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 258-259. This was a reversal of the normal status dynamic. Servants often slept with their employers, but in these cases the mistresses were reduced to lying with their servants.

<sup>104</sup> LPL, Case 6659 (1666), *Norcott v Norcott*, Arches Eee 2 ff. 96-97; LPL, Case 6244 (1673), *Mildmay v Mildmay*, Arches Eee 4 ff. 803-805.

<sup>105</sup> LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 252-255.

<sup>106</sup> LPL, Case 6659 (1666), *Norcott v Norcott*, Arches Eee 2 ff. 96-97.

<sup>107</sup> LPL, Case 1041 (1672), *Boteler v Boteler*, Arches Eee 4, ff. 857-863.

from “his purpose [...] to destroy his wife.”<sup>108</sup> And when Ann Copley’s presence failed to deter her master, John Hooper, from abusing his wife, she stepped between her master and mistress to keep off a blow “which if the [wife] had received it would have beat her off from her seat and done her great mischief.”<sup>109</sup> In *Whiston v Whiston*, the nurse Elizabeth Dun similarly described having “much to do to keep him [James Whiston] from destroying her [his wife].”<sup>110</sup> Some wives relied on their servants to intervene on their behalf. In 1693, Elizabeth Bound stated that she had kept a troublesome female servant around for this very reason. According to Bound, the maid would “interpose for the security of her mistress [Elizabeth Bound], and did forcibly hold him [her husband, Sampson Bound] from beating her.”<sup>111</sup>

Female servants might also intervene to protect women who were not their employers. Barbara Ward, for instance, was sheltering with kin in a lodging house when her estranged husband attacked her. Mary Russell, a servant in the house, testified in 1669 that Barbara Ward fled to the kitchen where Russell was working. Seeing how “violently Mr. Ward used the producent [his wife] and she crying grievously and beggingly,” Russell told him “not to use such violence to his wife but to persuade her by fairer means.” Anne Foster, another servant in the dwelling, “ran downstairs” upon hearing “a great noise below in the kitchen and [...] one very lamentably cry out murder.” Though Foster described herself as “much affrighted” at the sounds of the disturbance, she not only responded to Barbara Ward’s cries but also forced John Ward to take his hands off his wife. Still fearing that John Ward might murder his wife, Foster then ran to fetch an officer, leaving four women behind with the Wards.<sup>112</sup> Three women who were not

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<sup>108</sup> LPL, Case 1041 (1672), *Boteler v Boteler*, Arches Eee 4, ff. 854-857.

<sup>109</sup> LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 255-258.

<sup>110</sup> LPL, Case 9870 (1669), *Whiston v Whiston*, Arches Eee 3 ff. 550-551.

<sup>111</sup> LPL, Case 1055 (1693-1694), *Bound v Bound*, Arches E 11/54-60.

<sup>112</sup> LPL, Case 9607 (1669), *Ward v Ward*, Eee 3, ff. 673-674, 691-692.



servants, including Barbara Ward's own cousin and Anne Foster's mistress, witnessed the incident yet did not intervene.<sup>113</sup> They may have hoped that John Ward would be compelled to desist his violence in the face of witnesses. At the very least, they knew that they could provide legal testimony regarding his violence, should that become necessary. Still, we have to wonder why, of those present, only the two servants directly intervened on Barbara Ward's behalf. Was there an expectation that, when possible, servants would manage and contain conflicts, particularly those that occurred in the proximity of their employers? Would it have been less seemly for the better-off to get involved, when others could bear the dangers? The Ward case indicates yes.

### **Making Choices and Navigating Alliances**

Women had to make careful choices when opting whether, and to what extent, to ally with an abused and neglected wife. There was always the possibility that intervention would make things worse for the wife. In some cases, women probably genuinely disagreed with the wife's accusations, or at least did not find them worthy of litigation. Relatives of the wives may have been especially conscious of the financial repercussions of a separation. Many potential witnesses may have also struggled with divided loyalties and been reluctant to take sides, outside of invisible mediation behind the scenes. This, and the general cultural ambivalence to spousal abuse, may explain why even deponents called by a specific party could be rather equivocal in their statements. In *Hubbard v Hubbard*, for example, several servants, of both sexes, supported John Hubbard. Each declared that their master was of a mild disposition and a sober and chaste

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<sup>113</sup> No men were deposed in the suit, though several lived in the house, including Barbara Ward's kinsman, Captain Hinson. Either all of the men were out when John Ward attacked his wife, or the men were content to let the women handle the incident. LPL, Case 9607 (1669), *Ward v Ward*, Ee 3, ff. 673-674, 687-688, 691-692, 699-700.

life, while also acknowledging that he had struck his wife. Two male deponents described hearing her cry out from a room where she was alone with her husband and emerge later with black and blue marks.<sup>114</sup> John Hubbard's sister, who had lived with them for a brief period, also gave a short statement, claiming that she had never seen her brother and his wife quarrel... while also mentioning that John Hubbard had attempted her own chastity.<sup>115</sup>

Intervention in marital issues could, furthermore, come with potential personal repercussions for women. All women had to consider the impacts of their own reputation should they get caught up in an especially contentious conflict between a husband and wife. Witnesses could find themselves under intense scrutiny and cross-examination. Much of the Hubbard and Bound cases, for example, were dedicated to the conduct and credit of the witnesses rather than the litigants. In the Bound suit, Elizabeth Bound's former servant, Hannah Hardcastle, was especially targeted by both sides. Hardcastle was described as a "lewd, scandalous" person who enjoyed a great and, according to various deponents of both sexes, inappropriate, intimacy with her mistress which ultimately resulted in the latter's separation from her husband. The case libel mentioned how Hardcastle and Elizabeth Bound repeatedly disguised themselves as men and went out, drinking and keeping ill company, until late in the night.<sup>116</sup> Deponents for Elizabeth Bound had to carefully navigate these accusations in a manner that preserved her reputation while also discrediting her detractors. Christiana Lovegrove, who had served the Bounds as cook maid for 12 months, stated that while employed by Elizabeth Bound, Hardcastle would entertain a friend (Margaret Smith, then Gibbons) and dress her in Elizabeth Bound's clothes without

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<sup>114</sup> Two female servants gave lengthy depositions on behalf of their mistress. LPL, Case 4834 (1668-1669), Hubbard v Hubbard, Arches Eee 3 ff. 296-301, 283-288, 291-296, 820-822, 438-439, 311-319, 242-245, 537.

<sup>115</sup> LPL, Case 4834 (1668-1669), Hubbard v Hubbard, Arches Eee 3 ff. 234-235.

<sup>116</sup> LPL, Case 1055 (1693-1694), Bound v Bound, Arches E 11/54-60.

permission. Lovegrove went on to describe Margaret Smith as a “common whore” who was “not fit to be believed in any court upon her oath.”<sup>117</sup> The attacks on Hannah Hardcastle were effective—she was never deposed in the suit. Lovegrove, in turn, found herself the target of a libel claiming that she had maliciously discredited several other deponents, mostly men, in the case. She was also accused of helping her mistress conduct an affair.<sup>118</sup> Frances Harding, another witness for Elizabeth Bound, was accused of being related to her and of having borne a bastard.<sup>119</sup> These attacks on female witnesses targeted their sexual honesty and thus overall trustworthiness. On top of discrediting their testimony, these accusations may have carried over and hurt their credit in daily life as well.

Mary Abbis found herself under even more intense scrutiny after she took her master’s side in the extremely divided case of *Hubbard v Hubbard*. Abbis testified that she had aided her mistress in having an affair at the inn where she worked after leaving the Hubbards’ service.<sup>120</sup> Abbis’s master and mistress from during that period came to depose that while a woman who was likely Grace Hubbard had come to visit Abbis while in their employ, there was no bed in the chamber, as Abbis had suggestively deposed.<sup>121</sup> Being caught in such lies may have harmed Abbis’s reputation and employment prospects... had she not already returned to serve John Hubbard. Women in other cases were accused of lying, immorality, and being coached, as Frances Ireland was in *Bradley v Bradley*. Item 14 of a libel included “ask every witness, but especially Frances [a witness for the wife] whether she was invited to come from the country to

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<sup>117</sup> LPL, Case 1055 (1693-1694), *Bound v Bound*, Arches Eee 7 ff. 691-694. In the end, Hardcastle was either never deposed or her testimony has not survived, though the latter seems unlikely given the intactness of the file.

<sup>118</sup> LPL, Case 1055 (1693), *Bound v Bound*, Arches E 11/54, E 11/59.

<sup>119</sup> LPL Case 1055 (1693), *Bound v Bound*, Arches E 11/59.

<sup>120</sup> LPL, Case 4834 (1668-1669), *Hubbard v Hubbard*, Arches Eee 3 ff. 283-288, 438-439.

<sup>121</sup> LPL, Case 4834 (1668-1669), *Hubbard v Hubbard*, Arches Eee 3 ff. 552, 552-553.

act as a witness against John by Cecily's mother [...] and she was told what to depose against the said John."<sup>122</sup>

Female servants may have had the most to lose in supporting their mistresses against their masters. Though responsibility for servants usually fell to the wife as part of her domestic duties, the master was still the ultimate authority. By taking the wife's side in conflicts, the servant risked her position and, potentially, made herself a target for physical and emotional abuse. It could also affect her future employment prospects, as servants were expected to receive recommendations from previous employers and to present these upon entering a new contract.<sup>123</sup> Elizabeth Beales told the court that her former master "immediately turned out of his service" any servant who showed loyalty to his wife.<sup>124</sup> And mistresses pursuing divorce were unlikely to be in a position to offer reciprocal support or safety. Female servants were not necessarily powerless, however. The high demand for domestics in the seventeenth century, especially in urban centres, mitigated the power of employers. Servants could express displeasure with employers by withdrawing their labour and finding a new situation.<sup>125</sup> Elizabeth Grout, for instance, left the Holford's employ in a mere fortnight, and she tied her departure directly to her master's ill treatment of his wife.<sup>126</sup> And Beales, who served as a "gentlewoman" to Ursula Cremor, left her position after three years due to the abuses—to herself as well as his wife—of

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<sup>122</sup> LPL, Case 1127 (1663), *Bradley v Bradley*, Arches E 1/73.

<sup>123</sup> Again, there seems to have been some differences between rural/urban contexts here. In the city, where demand for service was high, employers infrequently required references, and recommendations were also easily forged. Capp, *When Gossips Meet*, 132.

<sup>124</sup> LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2, ff. 289-295.

<sup>125</sup> Meldrum, *Domestic Service*, 121-122; Joanne Bailey, *Breaking the conjugal vows: marriage and marriage breakdown in the north of England, 1660-1800*, Thesis (Durham University, 1999), 112.

<sup>126</sup> LPL, Case 4688 (1690), *Holford v Holford*, Arches Eee 7 ff. 117-118.

John Cremor. Beales, seemingly of higher position herself, was able to go to her father's, where Ursula Cremor came to her and begged for Beales to accompany her to London.<sup>127</sup>

In addition to loss of reputation and employment, women who intervened in marital conflicts could find themselves the intentional or unintentional victims of violence. In Chester, Mary Thame felt it was necessary to obtain a recognizance against a man she had rebuked for beating his wife.<sup>128</sup> Anna Pease testified that she was "struck for her pains" by John Bradley when she responded to his wife's cries.<sup>129</sup> Susan Roberts had to disarm her brother-in-law.<sup>130</sup> Nor were nurses safe from attack. Dorcas Taylor was treating Margaret Garrard for smallpox but fled after Mr. Garrard thrust a lit candle into her face and threatened to "knock out her brains" and "kick out her guts," all because she requested some candy on behalf of her charge.<sup>131</sup> Still others were unintentionally injured during a husband's attack on his wife, as Ann Copley was on at least two occasions. While her mistress managed to dodge an iron candlestick that her husband threw at her, Copley took the blow on her arm, whereby, she claimed, her arm "became black and blue and was very sore."<sup>132</sup> When Elizabeth Hart questioned her nephew's conduct towards his wife, he responded so violently that a female friend, then visiting, "stepped between them" to prevent him from attacking. Elizabeth Hart was left so distressed that the friend, "did not think it fit to leave her but stayed with her all the night."<sup>133</sup>

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<sup>127</sup> LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2, ff. 289-295. Ursula Cremor and Elizabeth Beales' trip (perhaps desperate flight) from John Cremor was mentioned in the libels. Question four of E 3/37 asked whether Ursula Cremor's leaving was the result of a falling out between her husband and Mrs. Beales, rather than a falling out between the spouses. LPL, Case 2391 (1667), *Cremor v Cremor*, Arches E 3/37.

<sup>128</sup> CALS QJF 1675 No. 58.

<sup>129</sup> LPL, Case 1127 (1663), *Bradley v Bradley*, Arches Eee 1 ff. 60-64.

<sup>130</sup> LPL, Case 10406 (1671), *Younger v Younger*, Arches Eee 4 ff. 514-516.

<sup>131</sup> LPL, Case 3603 (1664), *Garrard v Garrard*, Arches Eee 1 ff. 632-633.

<sup>132</sup> LPL, Case 4747 (1673), *Hooper v Hooper*, Arches Eee 5 ff. 255-258.

<sup>133</sup> LPL, Case 4281 (1667-1668), *Hart v Hart*, Arches Eee 2 ff. 712-713.

The very real risks of intervening between a husband and wife understandably prevented many women from coming to the aid of their friends and neighbours, and some expressed regret for their lack of action. Martha Cooper made this moral conundrum explicit in her 1664 statement for the Arches. Cooper declared that she had often heard her mistress cry out in the night, and though she had “often a mind to have gone in and to have helped rescue her” she did not, for fear that her master would kill her. There is a sense of shame and remorse in Cooper’s account of her mistress’s sufferings and her own inactivity, especially where she described turning a deaf ear when her mistress cried out to her specifically, “saying Martha Martha what will you let me be murdered.”<sup>134</sup> Though witness statements were highly formulaic and employed particular rhetorical devices as a means of underscoring their case, such as describing the extreme cruelty of the husband, Martha Cooper’s description of refusing to go to her mistress’s aid serves no clear purpose. Her lack of action had no bearing on the suit at hand and there was no need to include it. Indeed, she comes out looking quite poorly in her own account, as a cry of “murder” was supposed to bring immediate aid, another rhetorical device frequently used in judicial records. But by including these details Cooper may have been sounding out her own shame and looking for sympathy and understanding as she justified her lack of action. Her descriptions of terror may also have been intended to underscore the severity of Isaac Garrard’s violence. In contrast, Sara Terry, another servant in the Garrard’s household, described running immediately into her mistress’s chamber upon hearing her “cry out murder.”<sup>135</sup> These differing statements show how Terry upheld the expectation, which applied to men and women, to intervene and prevent a serious crime from occurring.

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<sup>134</sup> LPL, Case 3603 (1664), Garrard v Garrard, Arches Eee 1 ff. 625-627. Capp, *When Gossips Meet*, 107.

<sup>135</sup> LPL, Case 3603 (1664), Garrard v Garrard, Arches Eee 1 ff. 618-620.

In a less typical instance of retaliation from an aggrieved husband, Cecily Bradley's female allies almost paid a very high price for attempting to protect her and enforcing the code of good neighbourliness. Five of them were nearly executed for robbery in what seems to have been an elaborate scheme of revenge by her husband. About eighteen months after Cecily Bradley fled her husband, he was imprisoned in the Tower of London. Cecily Bradley thus returned to their home and removed various goods with, she argued, the intent to preserve them for the good of her husband, their child, and herself. While Cecily Bradley stressed that her actions were lawful and done for the good of the family (and so within her duties as wife and mother), John Bradley argued that she had despoiled him of his estate. But prior to Cecily Bradley's confession, John Bradley accused "a barbarous whore" (referring to his wife) and six other women—all of whom appear to have been known allies of Cecily Bradley who had intervened between her and her husband, including Anna Pease, Elizabeth Ball, and Mary West—of robbing him. When the law decided that Cecily Bradley was within her rights to move the goods, John Bradley transferred thirty pounds' worth of the items to his brother-in-law, Thomas Fenton, and had Cecily Bradley and the others arraigned at the Old Bailey for robbery. Anna Pease summed it up well when she stated that the charges put them "in danger of their lives,"<sup>136</sup> as the sum of goods was high enough to be an executable offence, which John Bradley was undoubtedly aware of. Judging from the timing of events, it was soon after the group was acquitted that Cecily Bradley began divorce proceedings.

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<sup>136</sup> Anna Pease further deposed that she was present when Cicely removed the said goods from her house, but was careful to specify that she "did not herself meddle with any of them or assist her to carry them away." LPL, Case 1127 (1664), *Bradley v Bradley*, Arches Eee 1 ff. 60-64.

In light of these risks, why did so many female kin, neighbours, and servants, go to such lengths to condemn violent and neglectful husbands? The answers are as complex and varied as the individuals involved and it is difficult to extract emotional motivations such as compassion and pity from formulaic judicial documents. One explanation is that they were simply expected to do so. As Amussen, Bailey, Foyster, and others have found in their work on early modern violence, all adults were expected to interfere to prevent excessive violence. A Norfolk woman made this clear in 1698 when she asked a servant woman why she had not stepped in to prevent her master from beating his wife.<sup>137</sup>

Many of those who intervened in affairs between husbands and wives were likely motivated, consciously or unconsciously, by a desire to enforce cultural norms and to maintain community harmony. In a period of close living, unhappy and violent couples were disruptive.<sup>138</sup> Moreover, neglectful and violent husbands could set a dangerous precedent which women may have acted to contain, lest they, too, become victims one day.<sup>139</sup> In an era where women had limited legal, economic, and cultural rights, and where some level of gendered violence was condoned, onlookers probably felt genuine compassion at the plight of battered women, knowing that they could easily find themselves in the same situation, if they had not already been there before. There was likely an expectation of reciprocity, as well—women who offered support, in whatever form, to their female allies, would have reasonably expected similar aid should they ever require it.

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<sup>137</sup> Amussen, "Being Stirred," 78; Foyster, *Marital Violence*, 171.

<sup>138</sup> Capp, *When Gossips Meet*, 109.

<sup>139</sup> Capp, *When Gossips Meet*, 106.



Many onlookers were plainly disturbed by the lack of proper household and marital order. Just as they utilized the language of “good neighbourliness” in their depositions, female witnesses called upon contemporary concepts of “natural order” in their depictions of bad men. Several female deponents in the 1667 case of *Hart v Hart* mentioned that Percival Hart did not conduct himself “as other men did towards their wives.”<sup>140</sup> In *Holford v Holford* Elizabeth Grout stressed that the husband behaved himself “unnaturally” towards his wife.<sup>141</sup> In many divorce cases a large part of disapproval, as expressed by those who testified, seemed to stem from the disruption of the proper class hierarchy. Servants in the Boteler household mentioned that their master treated his wife “like a servant.”<sup>142</sup> Neighbours, kin, and servants in the Bradley case described in negative terms how John Bradley was incontinent with his maid Cecily Holmes, fathering a bastard child on her and allowing her to mistreat her mistress.<sup>143</sup> His actions invited disapproval from neighbours and family as well as authorities and those who knew young women in service. Cases like these also indicate the conflicting interests which could fracture relationships between mistresses and their female servants. The former’s loss of authority could create opportunities for servant dissent and gain. Female servants impregnated by their masters could be especially invested in supplanting their mistresses. Gender solidarity likely meant little in the face of potential homelessness, unemployment, and social stigma.

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<sup>140</sup> LPL, Case 4281 (1667-1668), *Hart v Hart*, Arches Eee 2 ff. 788-790, 792-794, 705-706, 712-713.

<sup>141</sup> LPL, Case 4688 (1690), *Holford v Holford*, Arches Eee 7 ff. 117-118.

<sup>142</sup> Jane Chudsey, for example, deposed that Oliver Boteler often used his wife “in a cruel and *insulting* [emphasis mine] way” by having her “several times pull off his shoes and stockings though this deponent and other servants were present.” LPL, Case 1041 (1672-1673), *Boteler v Boteler*, Arches Eee 4 ff. 877-879.

<sup>143</sup> John Bradley was evidently a serially adulterer. Deponents mentioned at least two other servants, in addition to Holmes, who left his service with child. Unlike many other adulterers, however, John Bradley paid for the lying in of his mistresses and maintained contact with two of them afterwards. In fact, John Bradley’s bastards were emphasized in his wife’s suit for divorce, to the point that multiple deponents, such as Margaret Hilborne, were called simply to testify thereat, with no mention of his wife or marriage. LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 609-610. Only Mary Welch, though, claimed that John Bradley would chain his wife to the bed and force her to watch him have sex. LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 669-671.

Deponents in the Cremor suit also seemed to have been at least partially motivated by the lack of order. They mentioned how John Cremor used ill-language towards his wife—calling her “whore, Billingsgate Jade and many other base and contentious speech”—and encouraged his niece, Anne Cremor, to mistreat her and supplant her as the female head of household.<sup>144</sup> Anne Rands, a servant, declared “Anne Creamor has now the management of John’s house and the sole [...] thereof and has those privileges that the producent [her mistress] never had.” Evidently, this lack of order was catching and at least one servant took advantage of her master’s dislike of his wife. Rands described how John Cremor encouraged Ursula Trundle, the dairymaid:

to be against and slight the said producent [Ursula Cremor] and several times she says when the producent came into the kitchen she has there found the said Trundle sitting and the said Anne [Cremor] has bid her to sit still [...] and if the producent had bid Trundle to do anything for her the said Anne Cremor would forbid her to do it [...] and the producent giving the said Trundle a little blow because she refused to do something that she had commanded her to do the said Trundle nipped and pinched the producent.<sup>145</sup>

That servants were confused, torn, and frustrated by the state of the Cremor household and their master’s failure to keep proper order is clear in their statements. Anne Rands claimed that “John and his niece Cremor were very much against and offended with those servants that did respect the said producent [their mistress] as they ought to do or seemed to pity or commiserate her sad and lamentable condition.” Elizabeth Beales agreed that if anyone showed their mistress “any respect that is due from a servant to a lady” then they were immediately turned out or given warning.<sup>146</sup> Their statements show a firm understanding of proper household order and hierarchy, what was “due,” or owed, by servants to their mistresses and masters to their wives. Beales

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<sup>144</sup> Part of a previous settlement between John Cremor and his wife had included the removal of his niece save for short periods of time. When that reconciliation failed, Ursula Cremor brought the separation suit. LPL, Case 2391 (1667), Cremor v Cremor, Arches E 3/37.

<sup>145</sup> LPL, Case 2391 (1667), Cremor v Cremor, Arches Eee 2, 314-318.

<sup>146</sup> LPL, Case 2391 (1667), Cremor v Cremor, Arches Eee 2 ff. 314-318, 289-295.

declared that John Cremor was “more like a tyrant than a master,” thereby acknowledging the limits of male power.<sup>147</sup>

Other deponents in divorce cases similarly indicated that husbands were failing to meet class and gender norms by failing, or refusing, to keep their wives as they ought. Dorothy Green was scandalized that Theobald Townson had kept no servant for several years, though he could well afford to. Green declared that his wife had been a “cleanly woman before she was used to such slavish works as the ministrant [Theobald Townson] employed her in,” which included waiting upon the table, doing the washing, and bringing in the cattle. As was common in divorce libels and depositions, Green then went into detail regarding Theobald Townson’s estate, clearly indicating that he was capable of maintaining his wife better.<sup>148</sup> Mary Osborne younger also mentioned that Townson kept no servant during his marriage. Mary Osborne senior stated that Townson was an adulterer who had sexually harassed one of his female servants until she fled. The elder Osborne took the said servant into her own service as a result.<sup>149</sup>

Women were, as a rule, very attentive to the significance of material items as signifiers of relationships as well as status and sustenance. While the law of coverture meant that a wife’s possessions belonged to her husband, popular opinion often suggested otherwise.<sup>150</sup> Women maintained a sense of ownership and attachment over the goods they brought to a marriage and those associated with their normal domestic duties, such as clothing, linens, and small household items. Since women were generally responsible for these types of items, it makes sense that they

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<sup>147</sup> According to Rands, Beales also reprimanded the disruptive and abusive niece, telling her “that it was not well done by her [the niece],” referring locking Ursula Cremor out of doors. LPL, Case 2391 (1667), Arches Cremor v Cremor, Eee 2 ff. 314-318.

<sup>148</sup> LPL, Case 9240 (1699), Townson v Townson, Arches Eee 8 ff. 640-641.

<sup>149</sup> LPL, Case 9240 (1699), Townson v Townson, Arches Eee 8 ff. 638-639, 634-637.

<sup>150</sup> Bailey, *Unquiet Lives*, 69, 97-100.

were uniquely conscious of their meanings in the affairs of others. Women were especially aware of the potential impacts of wasting resources on mistresses.<sup>151</sup> Moreover, in refusing to adequately maintain their wives, husbands were seen as failing in one of their foundational duties.<sup>152</sup> By transferring items to other women, whether they were relatives, as in the Cremor case, or mistresses, as in the Bradley suit, they further violated their marital responsibilities. The stripping of wives, especially when done in public, was an extreme form of this. Women were sensitive to the shame concomitant with being naked in public. It was a violence which had no male equivalent. Thus, can we begin to appreciate Mrs. Smith, who took off one of her own petticoats at the King's Head so that Cecily Bradley could cover herself.

Yet the risks of interfering in conflicts between husbands and wives, and flouting community norms, were not born by women alone. Men as well as women depended on their reputations in early modern England, and a known wife-abuser could find themselves the target of censure. Public admonitions, whether on the streets or in the courts, were embarrassing.<sup>153</sup> Neighbours could express their disapproval through social ostracization. Kin, employers, and patrons could also remove their financial backing. The statements of servants contributed to the reputation or common fame of their employers, and similar to slander suits, stories of abuse and ill-conduct by husbands and wives could spread out in concentric circles from the domestic sphere as servants passed stories and information to other servants, new employers, and neighbours. The farther these stories spread, the greater the embarrassment a couple might be exposed to. Strength in numbers could easily reverse the power balance between men and

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<sup>151</sup> Gowing, *Domestic Dangers*, 90-92.

<sup>152</sup> Foyster, *Marital Violence*, 46-2.

<sup>153</sup> Capp, "The Double-Standard Revisited."

women. William Bullocke of Bristol, for instance, was so hated for how he abused his wife that he was forced to hire a constable to escort him and protect him from the fury of his neighbours, particularly the women.<sup>154</sup>

The negative connotations of spousal abuse are implicit in men's attempts to hide their misdeeds. Most conducted their cruelties in private, some to the extent of trying to isolate the wife and limit her potential sources of support. Some husbands denied having mistreated their wives, justified their actions as their husbandly right, or promised to reform. In a deposition on behalf of her sister, Ellen Younger, Susan Roberts declared that William Younger had been "very forward in procuring the enmity of her neighbours against her [Ellen Younger]" which Roberts had heard from "some whose affection he [William Younger] endeavoured to withdraw from her [his wife]." Roberts included this alienation among William Younger's other cruelties—including threatening to murder her himself or have her hanged for infanticide—and noted that she was not the only one who noticed it.<sup>155</sup>

Husbands like Oliver Boteler seem to have been immune to censure, but others plainly felt the sting of disgrace, if not actual remorse. John Cremor, for example, apparently told his wife that "I have learned so much wit by the former suit in the Arches that I will not strike you publicly but I know otherwise how to do you a mischief and to so break your heart."<sup>156</sup> Isaac Garrard took similar lessons from an encounter with the watch. Elizabeth Bromfield was witness to her master's creative attempts to torment his wife without leaving a mark. According to her statement in 1664, Isaac Garrard had been released by the watch upon giving security not to

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<sup>154</sup> LPL, Case 1433 (1667), *Bullocke v Bullocke*, Arches Eee 2 ff. 538-540.

<sup>155</sup> LPL, Case 10406 (1671), *Younger v Younger*, Arches Eee 4 ff. 514-516.

<sup>156</sup> LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2, ff. 289-295. See also, Capp, "The Double Standard Revisited."

strike his wife. As a result, he declared “he would use her [in ways] that which could not be called beating.” And he would often remind her that he was not “striking” her as he railed at her, tore her clothes off, and chased her about the house.<sup>157</sup> Samuel Pepys also recognized the shame of marital violence. He lamented having given his wife a black eye not only out of remorse, but because of the disgrace it caused him and the power it gave his wife.<sup>158</sup>

In divided households, servants could find themselves in a place of power over their employers which they might exploit for the benefit of a master or mistress or their own personal agendas.<sup>159</sup> For example, Elizabeth Malthus described how her former master repeatedly attempted to force her to lie with him. Malthus was “offended” by his actions and “not being able to live any longer in quiet for him” she complained to her mother and obtained a warrant to leave her position. In exchange, Malthus was required to sign a waiver agreeing to pursue no more legal action against him and relinquished the funds she and her family had paid for her apprenticeship.<sup>160</sup> By taking her mistress’s side against her husband in their conflicts, Elizabeth Malthus may have been enacting further retribution for the wrongs she had experienced at her master’s hands. Other servants may have used their time in the courts to enact their own petty justice and authority by airing their employer’s dirty laundry, thereby damaging their reputations regardless of the outcome of the trial. Female servants who deposed that their masters were adulterous, dishonest, and diseased may have pursued this strategy on behalf of their mistresses or themselves. When several women deposed in 1667, for instance, that their master John

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<sup>157</sup> LPL, Case 3603 (1664), *Garrard v Garrard*, Arches Eee 1 ff. 620-622.

<sup>158</sup> Foyster, *Marital Violence*, 66-67. Foyster also found a 1694 case in the periodical the *Athenian Mercury* where a reader asked for advice on how a wife should deal with a violent husband. The periodical acknowledged the power of community pressure when it advised the reader that “perhaps the acquainting of her or his friends may not be admiss” since it would force the husband to realize that “his strict hand will gain him no reputation.” Foyster, *Marital Violence*, 67.

<sup>159</sup> Foyster, *Marital Violence*, 185.

<sup>160</sup> LPL, Case 4834 (1668-1669), *Hubbard v Hubbard*, Arches Eee 3 ff. 237-239.

Cremor had gone lame by jumping out of a bawdy house window, they portrayed him as ridiculous as well as debauched.<sup>161</sup> Neighbours could also use the opportunity to pursue personal vendettas. Mary Welch, who strongly supported Cecily Bradley's case, stated that Stephen Bradley had seized her husband's estate in 1673 and had denied her a room for her lying in.<sup>162</sup>

## Conclusion

By establishing that husbands were excessively violent, dangerous, negligent, and irrational, female witnesses in separation suits bolstered the cases of wives. They also worked to enforce cultural norms regarding appropriate behaviour and contributed to familial and community harmony. Many statements showed how female allies had attempted to reconcile the couple and support the wife prior to the marriage ending up in the courts. Some used verbal means to shame the husband and remind them of their duties, others offered material support, lodgings, or physical protection. While many of these interventions were expected of all bystanders, women performed and described them in uniquely gendered ways. Depositions given by women in divorce suits included female concerns and vocabulary which reflected gendered ideologies and the roles of non-elite women in homes, public spaces, and the courts. They emphasized children, pregnancy, clothes, neglect, sociability, and proximity. Though female deponents rarely focused on emotional support, the importance of sympathy and compassionate listening for suffering wives cannot be understated. Ultimately, these cases exemplify how important it was for women to have a female network for support during periods of distress.

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<sup>161</sup> LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2 ff. 289-295, 303-304, 314-318.

<sup>162</sup> LPL, Case 1128 (1676), *Bradley v Bradley*, Arches Eee 5 ff. 669-671.

Marital conflicts could also offer women spaces of influence and power. The ecclesiastic courts depended upon women as witnesses, especially in matters of marriage and morality. As we have seen, women could influence the reputation of men and see them reprimanded, punished, or shamed for their conduct. Separation cases and instances of marital cruelty gave female deponents a space to speak and condemn the actions of husbands both in the formal spaces of the courts and informal community forums. Few other forums for critique existed for women in this period.

Statements given as part of separation suits, like all judicial records, provide snapshots of particular incidents and alliances. We rarely know what happened after a suit concluded. Was help still forthcoming? Did contact between women continue or was it temporary? Did lives improve? Were wives and children safe? Relationships could change over time. Servants could become equals and friends, even sponsors, in times of need. Alliances could also prove to be temporary or sour over time. The depositions in the Bound case reveal the shifting nature of alliances which could exist between female servants and their mistresses, their masters, their own self-interests, and their peers. Clearly, at one point there existed a strong connection between Hannah Hardcastle and Elizabeth Bound, her mistress. Mary Squibb, a former landlord of the Bound's while Hardcastle was in their employ, described how Elizabeth Bound refused to give up her friendship with the woman despite Hardcastle's poor conduct and the orders of her husband. According to Squibb, Elizabeth Bound took up a knife and "declared that if she was sure he the said Sampson would turn away the said Hannah she would strike the said knife in his heart." But this connection quickly deteriorated after Hannah Hardcastle was dismissed. Hardcastle went to live with two women—Christiana Lovegrove and Margaret Keene, a nurse to noble families, who only knew the Bounds through visiting Lovegrove during her employment



there. In her seven to twelve days there, Hardcastle quickly impressed the other women with her ill-conduct, including staying very late and bringing in a man whom she falsely claimed was her husband. But more importantly for the suit, they described how Hardcastle had accepted a pistol and £12 from Sampson Bound, her former master, to depose *against* Elizabeth Bound.

Lovegrove and Keene claimed that Hardcastle swore “God damn her master [meaning Sampson] was a pocky dog and that her mistress was an honest woman, and she further then swore that if her mistress would pay her the £12 which she said was due to her she would swear for Mrs. Bound anything against Sampson.” When Margaret Keene reproved her, Hardcastle stated “God damn her she would swear for them that paid her the money.”<sup>163</sup> For her part, Elizabeth Bound claimed that she had kept the maid around “to save her from the cruel usage and beating” of her husband. In her own statements, Elizabeth Bound often referred to Hardcastle as “being useful,” and let her go when she was no longer so.<sup>164</sup>

Sources of aid open to a wife experiencing violence and neglect could also depend on specific circumstances. Elite women like Anne Boteler, who could afford to live in a separate home away from others, may have been more vulnerable to abuse than those who lived in close quarters. They lacked the potential intervention of lodgers and neighbours who could hear their cries. However, wealthier women were also more likely to be literate and thus able to communicate with a more distant network, informing them of their needs. They, alongside their kin and friends, also had the resources to support a lengthy legal suit and single living. Foyster further argues that private writing could be a form of resistance and catharsis for abused

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<sup>163</sup> LPL, Case 1055 (1693-1694), Bound v Bound, Arches Eee 7 ff. 684-687.

<sup>164</sup> LPL, Case 1055 (1693), Bound v Bound, Arches E 11/56.

wives.<sup>165</sup> The largely illiterate mass of labouring women was devoid of this potential outlet. As a result, they may have depended even more on their near female friends and allies for emotional solidarity. Rural versus urban living could also play a role. Country women who moved away from family for work or upon marriage were left to rely largely on those who were physically near. Some depositions, however, suggest that women found greater freedom and protection in urban settings. The threat of being sent to the country by their husbands implied greater isolation and fewer sources of support.<sup>166</sup>

The importance of female networks to abused and neglected wives is further underscored when we consider the extreme vulnerability of those who lacked them. Wives who were estranged from their families, or had no living kin; women new to their neighbourhoods or with no established credit; mistresses without supportive servants—had few recourses for navigating or escaping spousal violence. Wives who were new to the neighbourhood, and so lacked an established reputation and social network, or who had a suspect reputation, would have seen their neighbours especially reluctant to intervene either in the moment or as part of litigation. For wives, nearness to and relationships with other women were vital, but they had to first cultivate these networks before they were useful. Furthermore, cruelties which left little evidence, verbal or physical, provoked little help.

In order to have any hope of success in reconciling, enduring, or ending an unhappy marriage, wives required an extensive support network. Many separation suits show just how much evidence and testamentary support was needed. Even wives like Cecily Bradley, who had cultivated a vast network of relationships with female kin, neighbours, and several servants,

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<sup>165</sup> Foyster, *Marital Violence*, 92-93.

<sup>166</sup> Foyster, *Marital Violence*, 14, 193.

suffered years of neglect and violence even before her petition for separation, which took another thirteen years from first act to sentence. Even then, Cecily Bradley struggled to get adequate alimony. But as this chapter shows, key to wives' strategies of survival was nearness to, and alliances with, other women.

## Chapter Four

### Accomplices and Avengers: Women and Violent Crime

#### Introduction

Plebeian women in seventeenth-century England committed, prevented, reported, and were the victims of violent crimes, including assault, robbery, murder, infanticide, and rape. These crimes, which centred on bodies, created more sites for female alliance and authority. For non-elite women, hopes of success in committing and prosecuting crimes were highly dependent on numbers. As this chapter shows, even ideally ‘hidden’ crimes like infanticide could benefit from female allies. And, as I have argued, to commit crimes with another person required a level of trust and common purpose. In serious crimes, where the stakes were significantly greater, the alliances, and motivations, needed to be exceptionally strong. Female accomplices who committed violence risked whippings, imprisonment, and possible execution. To confess to committing a crime or being a victim often also involved trust, especially in cases of sexual assault. In seventeenth-century England, as now, women were more likely to turn to same-sex peers with stories of abuse. Convictions for rape were extremely low, but there is evidence that victims shared their trauma with allies they thought would be sympathetic, and as a means of catharsis. In turn, female prosecutors and witnesses were dedicated to justice, taking evidence of assault and murder to the authorities, and supporting the testimonies of victims.

Violence by women was considered unnatural in seventeenth-century England, but this did not stop women from committing violence or being punished for it.<sup>1</sup> Serious crimes

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<sup>1</sup> Capp, *When Gossips Meet*, 218-225.

including husband-murder, especially via poisoning, infanticide, and witchcraft, were gendered female and portrayed as especially heinous and treated as such. By killing spouses and infants, women violated their roles as mothers, wives, and moral Christians. As offenders, victims, and witnesses, women tended to cluster in certain areas of crime that reflected cultural roles and attitudes. The sexual double-standard, though never cast in stone, meant that it was difficult to prove rape and to disprove infanticide, especially for single women. Yet these cases depended on the female collective voice in interpreting evidence. Once again, women's authority over female bodies and their domestic roles meant that they were especially prominent as witnesses and searchers in cases of sexual violence. This authority also extended to searching for evidence of pregnancy in cases where female convicts pled the belly to avoid or mitigate punishments. As juries of matrons, non-elite women provided key evidentiary support for capital cases including rape, infanticide, and murder. Such cases were usually identified and prosecuted in the first place because they had been rooted out by other women, for instance in cases where mistresses suspected their maidservants had given birth. Though ultimate decisions resided with male authorities, they were reliant on female touch, expertise, and interpretations of the female body for evidence of sex and violence.

For women, the greatest defense against violence was numbers. Capp goes so far as to argue that, "the culture of female sociability was rooted in the demands of physical security as much as economic necessary." Women worked and travelled together to deter attackers.<sup>2</sup> Numbers were also important for the prosecution and committing of serious offenses. Victims needed other women to support their claims, especially in cases of sexual violence where

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<sup>2</sup> Capp, *When Gossips Meet*, 235.

physical evidence usually provided the deciding factors, in the form of wounds, recent signs of pregnancy and childbirth, and infant bodies. Patterns of female sociability, lodging, and labour meant that women, especially servants and mistresses, were simply *around* to find evidence of crimes which involved women. Women noticed when their peers went missing, and sometimes took it upon themselves to find out why. They saw soiled sheets and clothing and heard deathbed confessions. As violent offenders, women working together had a greater chance of subduing a victim and escaping harm themselves. They could also provide alibis. Female accomplices had to have a common goal, and they committed violent offences for financial gain as well as to avenge perceived wrongs. Thus, although support was crucial in all these situations, *who* provided that support varied. Women activated the networks that served best at the time. The best accomplice, for example, was not necessarily the strongest character witness in the courts.

Crimes which are entirely successful do not turn up in the records. Ideally, for perpetrators and accomplices, allies stay quiet, evidence is never found, and suspicion is not aroused. For every mistress or peer who voiced suspicions of infanticide, we have to wonder how many chose to stay silent. For heavily gendered crimes, like rape and spousal murder, bodies bound women as victims or potential victims, and women were likely to feel empathy for victims and some offenders. Many had themselves experienced a degree of sexual violence and were well aware of the trauma of rape and childbirth. Though infanticide was a heinous crime that many women were staunchly against, they also knew the pains of childbirth and could imagine the horrors of giving birth alone, perhaps as a result of rape. It seems very probable that poor mothers who were suspected or convicted of infanticide evoked pity and compassion from other women who could, perhaps, imagine themselves in the same position.

There were differences between institutional alliances and personal ones. Non-elite women could use their authority over female bodies in support of legal and cultural standards to see individuals punished. By doing so, they upheld communal values, saw crimes punished, and protected their communities from dangerous and sinful criminals. But they could also use their roles to circumvent or soften the law and protect women. The closer the ties between women, the more motivated they were, and we find mothers prosecuting the assault of daughters, female kin committing murders, and peers pursuing murderous husbands. As the punishment for felonies was execution, their choices served to prevent, avoid, or ensure, death.

Women were also sources of legal knowledge and narratives.<sup>3</sup> Gowing argues that “stories of secret birth or suspected infanticide were part of the currency of oral culture, *particularly among women* [emphasis mine].” Rather than relying on fictional narratives that were at odds with lived realities, Gowing argues, “women must have told stories that were based instead on local tales.”<sup>4</sup> Women were adept at creating narratives using cultural tropes that were palatable to legal authorities and which presented their case in the best possible light. This included repeating gendered stereotypes of ‘weak and ignorant women’ and coercion. Stories of infanticide and rape circulated in oral and written culture and provided a store of common narratives for women to pull on in their testimonies.<sup>5</sup>

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<sup>3</sup> We can glimpse this culture of informal legal advising in the 1667 deposition of Elizabeth Beales. Beales, discussed in Chapter Three, was deposing on behalf of her mistress’s separation suit in 1667. In response to a question, Beales denied “that the said Mrs. Rowles did advise the producent [Ursula Cremor, Beales’s mistress] to leave her said husband and to sue for alimony.” This statement is highly suggestive of, at the very least, socio-cultural fears of women sharing information. LPL, Case 2391 (1667), *Cremor v Cremor*, Arches Eee 2 ff. 289-295, 314-318.

<sup>4</sup> Gowing, “Secret Births and Infanticide,” 89.

<sup>5</sup> Gowing, *Common Bodies*, 14. For example, in plays, literature, conduct books, publications, like the Proceedings, based on real court cases, broadsides, and ballads.

This chapter begins with an overview of violent crime and the law, then turns to examining the types of alliances which women formed as accomplices and defendants, moving from assault to murder, sexual assault, then infanticide. It concludes with an examination of matrons and female juries, asking if these women may, sometimes, have been moved by empathy to use their judicial authority to protect female criminals from the gallows.

### **Violent Crime and English Law**

This chapter utilizes records from the Old Bailey, Cheshire Quarter Sessions, Chester Consistory Court, London and Middlesex Sessions, and published assize calendars. As discussed in the Introduction, these different courts had jurisdictions over various types of offences ranging from moral offences to felonies. Across these jurisdictions, evidence of violence involving women was rare, though by no means unheard of. Seventeenth-century culture coded violence as masculine. This did not mean that women never committed violence, but that they were especially censured as being un-feminine, and unnatural, when they did.<sup>6</sup>

As Hurl-Eamon argues in her study of gender and violence in London, in order to find incidences of violence done by women “we must shift the focus from homicide (or its attempt) to assault. We must also accept the fact that assault was of little interest to the courts and was not likely to go to trial and generate rich depositions that would give the attack more historical prominence.” As Hurl-Eamon and other scholars have noted, women simply did not carry weapons in seventeenth-century England, which meant their conflicts rarely resulted in the serious wounding and deaths which caused male violence to more frequently turn up in the

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<sup>6</sup> Cristine M. Varholy, ““But She Woulde not Consent”: Women’s Narratives of Sexual Assault and Compulsion in Early Modern London,” in Joseph P. Ward, ed., *Violence, Politics, and Gender in Early Modern England* (New York: Palgrave Macmillan, 2008), 48.



records.<sup>7</sup> As a result, this chapter is based on a limited number of sources where women's violence, and violence done to women, did result in prosecution. From these records, I identified cases where multiple women either committed a crime together, or attempted to see one prosecuted. The more serious crimes—namely murder, infanticide, and robbery—produced more extensive documentation because of the severity of the penalties as well as, at least in the case of the Old Bailey publications, their general interest.

This chapter considers violent crimes of all sorts, but English law differentiated between misdemeanors and felonies and the resulting sources differed considerably. Assault was a misdemeanor, which meant that victims could choose whether and how to prosecute. Assault could include threats of violence as well as physical violence itself.<sup>8</sup> Robbery, murder, rape, and infanticide were all classified as felonies. The complex and often flexible legal system meant that prosecutors, including women, could exercise agency by choosing which crime to prosecute, under which court, and to what extent. Their choices were informed by calculations of costs, likelihood of success, available support, and desired outcome. Personal feelings regarding the crime and the double trauma of being interrogated by the courts likely also played a role. Attempted rape, for instance, was more likely to receive sentence than rape. Victims of sexual violence were likely aware of this and may have reduced their charges to assault in hopes of obtaining satisfaction in the courts and avoiding hostile juries and traumatic interrogations. Rape survivors might obtain at least some level of retribution, and perhaps a small fee, in the lower courts. And where the higher courts might hesitate to sentence an alleged rapist to death, the

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<sup>7</sup> Jennine Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Columbus: The Ohio State University Press, 2005), 3

<sup>8</sup> Shoemaker, *Prosecution and Punishment*, 7; Hurl-Eamon, *Gender and Petty Violence in London*, 2.

parish courts could be personally invested in curbing the behaviour of lewd men, especially since female victims might require poor relief.<sup>9</sup>

Assault was considered worthy of censure in this period but its commonality, classification as ‘petty’ violence, and flexibility in prosecution meant that it rarely went to trial and, therefore, did not produce the rich details available in cases of more sensational violence, such as murder.<sup>10</sup> Hurl-Eamon has identified petty violence most strongly with London, arguing that high geographic mobility and urban anonymity resulted in people interacting as relative strangers without the informal controls that were present in smaller, more stable, communities. The lack of mediation meant that Londoners, including women, were more aggressive than their rural counterparts. John Beattie also concluded that women were more likely to be accused of assault in the city because they were “freed from the strong community pressures and constraints of the country where the figures of authority [...] were more immediate.”<sup>11</sup> Robert Shoemaker, in turn, emphasizes patterns of prosecution in the high levels of urban women who were punished for violent crimes. London had large numbers of poor, single, women who were especially prone to being suspected and prosecuted for crimes because they had no networks of defense.<sup>12</sup> However, petty violence was not confined to the metropolis, and even in London women established networks which could be used to commit, prevent, and prosecute violence, as this chapter shows.

If a victim opted to prosecute for assault, they could choose from several processes. They could prosecute by indictment, and perhaps see it to trial, or complain to a JP and obtain a

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<sup>9</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 32-33, 35.

<sup>10</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 1-3.

<sup>11</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 7-8.

<sup>12</sup> Shoemaker, *Prosecution and Punishment*, 208-209, 214.

recognizance which bound an offender to keep the peace and/or to be on good behaviour. The affordability of recognizances meant they were far more common than expensive full trials. Women commonly secured and were the target of recognizances—Garthine Walker found 300 recognizances secured by women in Cheshire in the 1660s, 40% of which bound other women. Robert Shoemaker found that about 35% of recognizances secured in Middlesex between 1660 and 1725 were by women and that women actually outnumbered male plaintiffs in urban areas. These women were predominantly single.<sup>13</sup>

Murder, rape, and infanticide were all capital crimes in early modern England and were usually handled by the Assizes. The latter two crimes, especially, depended on the testimony of women as expert witnesses who evaluated the condition of the female body for signs of sexual trauma, pregnancy, and birth. Many women also served as character witnesses, helping the courts determine how much weight to give a plaintiff's or defendant's testimony. Several of the cases discussed in this chapter show that ordinary women were also crucial to the reporting and prosecution of crimes. It was often necessary for serious crimes, including homicide, to be brought to the attention of officials in order to engage the legal process. Women brought their suspicions to authorities, reported deathbed confessions of murder, and sought out evidence of wrongdoing. Murder by poison was gendered female, as was infanticide. Murder of a husband fell under petty treason and was punishable by burning.

The law could change over time, as well, as attitudes towards particular crimes fluctuated. While infanticide was a capital crime throughout the seventeenth century, the infamous Infanticide Act of 1624 made concealing a pregnancy alone enough evidence to

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<sup>13</sup> Capp, *When Gossips Meet*, 223.

presume guilt. Executions of women increased as a result, but indictment was by no means a death sentence. Even at the height of the Act's popularity, in the decades immediately following its passing, Beattie has found that 40% of those accused at the Essex assizes were not indicted.<sup>14</sup> Working on the Chester Court of Great Sessions, Dickinson and Sharpe have found 63 cases of infanticide between 1650 and 1699, including 72 persons accused. Of these, where the outcomes are clearly stated, 25 were acquitted, four were acquitted but sent to a house of correction, and five were reprieved. Ultimately, of the 72 persons indicted, less than one-third were executed.<sup>15</sup>

Sexual crimes were especially prone to underreporting. There is an-all-too familiar, depressing, pattern, when looking at rape in seventeenth-century England. While rape was a capital crime, it was extremely hard to secure a conviction. Approximately one of every eight or ten trials resulted in a guilty verdict.<sup>16</sup> Since much of early modern thought held that women were morally weak and sexually voracious, victims of sexual assault found it difficult to prove that they had not consented.<sup>17</sup> Non-elite women were especially prone to attacks on their sexual reputation and often found it a struggle to gain the benefit of the doubt. The victim's testimony alone was not considered adequate evidence. A woman had to prove that she had resisted by showing wounds acquired during struggles with her attacker, and that she had cried out for help.<sup>18</sup> Potentially mitigating circumstances—like fear of inciting further violence—were rarely

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<sup>14</sup> Beattie, *Crime and the Courts in England*, 118.

<sup>15</sup> J.R. Dickinson and J.A. Sharpe, "Infanticide in early modern England: the Court of Great Sessions at Chester, 1650-1800," in *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000*, ed. Mark Jackson (New York: Routledge, 2017), 38, 41. The authors do not provide a gender breakdown, but at least a few of those indicted were male accomplices.

<sup>16</sup> Walker, "Rape, Acquittal and Culpability," 116.

<sup>17</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 33.

<sup>18</sup> For example, in her suit against Nicholas Oliver for rape, Elizabeth Male testified that she had "cried out murder" but help did not arrive until too late. Her mistress supported Elizabeth's statement, telling the court that "upon hearing [...] Elizabeth Male her servant cry out murder did hastened down stairs" where she saw Nicholas Oliver lying upon her servant "and did strive to pull him off her." MJ SP 1695 10 016.

taken into account by legal authorities.<sup>19</sup> Victims had to open themselves up to oral and physical searches which could be profoundly upsetting. The punishment for rape may have also contributed to a lack of convictions, as juries and judges shied away from condemning rapists to death.<sup>20</sup>

Despite these many impediments, however, some victims did persist to trial. It is likely that their motive was to bring awareness to the crime as much as obtaining the satisfaction of a guilty verdict. As Hurl-Eamon, echoing Clare Brant and Garthine Walker, has said, “an idea of justice can survive its failings in practice.”<sup>21</sup> Female victims knew that they were unlikely to see their attackers hanged, but the hope of retribution—for them as well as their allies—likely persisted regardless. Gowing suggests that narratives by women in this period “suggest that there was a substantial gulf between legal and popular understandings of rape.” This chapter supports her theory that women had a strong sense of consent that was not necessarily echoed in legal or literary discourses. Since, “the violations of sexual assault and forced sex were familiar social facts as well as personal experiences”<sup>22</sup> for many women, it was in all their interests to see the crime punished.

Changes of success in rape cases varied according to the status, reputation, and age of the victim and their abuser. Higher status women could bring more force to bear against their

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<sup>19</sup> The law could be flexible on occasion. Despite accepting that “the fact appeared very foul against him,” a court did not find enough evidence to convict Edward Coker of the rape of an 11-year-old girl. “But that he might not go Scot-free the Court directed another Bill to be drawn up for an Assault upon the said Child.” Coker was found guilty of the lesser charge and fined 25 marks. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 18 March 2022), January 1675, trial of Edward Coker (t16750115-3).

<sup>20</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 33, 37. The courts sometimes saw fit to apply alternate punishments to alleged rapists who were found not guilty. Martin Page, for example, was subject to a subsequent order at the Middlesex sessions that required him to “remain in the House of Correction at hard labour till further order be given by the Judges of the King’s Bench.” Middlesex Sessions Vol. 3, 1625-1667. 14 January 23 Charles I.

<sup>21</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 39.

<sup>22</sup> Gowing, *Common Bodies*, 101.

attacker, whereas men who attacked social inferiors tended to be treated most leniently.<sup>23</sup> The rape of a child was most likely to result in prosecution and hope of conviction, as minors under the age of ten could not consent nor be expected to physically repel an adult attacker.<sup>24</sup> The child-rapist was also beyond the bonds of any acceptable sexuality in this period, which made it easier to portray them as a monster in comparison to an innocent victim.<sup>25</sup> The testimony of victim's under the age of 14 was inadmissible in court, unless the judge determined that they fully understood the meaning of an oath.<sup>26</sup> This seems to have been fairly common, and I have found children as young as seven testifying.<sup>27</sup> Since the testimony of all rape victims, regardless of age though for different reasons, was of limited legal value, their cases relied on the support of those around them. It was disproportionately women who found and developed evidence that a child or woman had been sexually assaulted. This was largely because women were responsible for childcare and domestic cleaning. In both roles they were more likely than men to find evidence of sex and violence, such as semen or blood. Proving sexual assault, then, required the interpretation of bodily, oral, and material evidence and presenting it in a way that placed it well outside of normal, if aggressive, sexual coercion, seduction, persuasion, or post-coital regret.<sup>28</sup>

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<sup>23</sup> For example, Margery Evans, a fourteen-year-old servant, was raped by a gentleman and his manservant in 1633. Evans publicly named her abuser and, with her aunt's support, pursued him up to the Privy Council. In the end, however, the evidentiary support of three women, one a midwife, was not enough to carry Evans' case. Gowing, *Common Bodies*, 91.

<sup>24</sup> Walker, "Rape, Acquittal and Culpability," 128, 132.

<sup>25</sup> Walker, "Everyman or a Monster," 18. Walker argues that, although the legal criteria for proving child rape was, if anything, harder to meet, the gravity of the offence resulted in having a higher prosecution and conviction rate than that of adult women. Almost half of rape trials prosecuted at the Old Bailey between 1674 and 1649 involved children. Even these cases, however, were highly unlikely to result in conviction. Of 25 Old Bailey trials involving 10-11 year old victims between 1674 and 1749, 21 ended in acquittal. There seems to have been some fluctuation over time. Walker has calculated that in the later seventeenth century, half of Old Bailey cases for the rape of girls aged 10-11 mentioned in the *Proceedings* ended in convictions. This was the same rate as for children under 10 and double that of victims 14 or older. Walker, "Rape, Acquittal and Culpability," 132, 134.

<sup>26</sup> Walker, "Rape, Acquittal and Culpability," 128.

<sup>27</sup> For example, the suit of Deborah Wise, discussed later in this chapter.

<sup>28</sup> Walker, "Everyman or a Monster."

The outcomes of cases, as a result, often came down to the judges and juries of individual cases rather than following a consistent pattern.

Many cases reveal evidence of confusion about the law, as well as a reluctance to convict. The 1678 indictment of Stephen Arrowsmith for ravishing and abusing an eight-year-old girl shows both these characteristics as well as male misunderstandings of the female body that would not have aligned with women's own knowledge. The victim, as well as another young girl who served as witness, testified without being under oath. Mrs. Cowel deposed that she had examined the victim and found her "shamefully abused" and sent her to the doctors to cure (presumably for the pox). This was supported by Mrs. Sherwin and by a midwife. Though the defendant protested his innocence, the court, according to the *Proceedings*, declared "great detestation and abhorrence of so horrid and vile an offence [...] the matter was so plain against him." The court added that it did not matter if the victim had consented, since she was under ten years of age. Despite this, the all-male jury first returned a verdict of not guilty. Whereupon the Recorder, "not conceiving it to be according to their evidence [...] labour'd to satisfy them of the manifestness of the proof." A member of the jury, an apothecary, countered that "it was his opinion, that a child of those years could not be ravished." He was subsequently admonished for avoiding statute and "the wisdom of a whole Parliament." When others of the jury questioned the evidence given by the two girls, the court told them that since "offenders never call others to be by while they commit such actions, they could expect no other testimony that from the party injured, which they had, and with it of an eye witness." The jury was sent out again and was again censured for having the two children among them, against the law. Finally, under great pressure from the court, the jury convicted Stephen Arrowsmith of rape and sentenced him to die. It is interesting that, even in this case where the male jury showed an extreme reluctance to

convict, they did not question the evidence of the matrons, at least according to the *Proceedings*. Rather, they focused on contesting the victim and young eyewitness. And, unlike many accounts which stressed the lack of sufficient evidence in rape cases, the court in this instance pointed out that such assaults by their nature were done in private, thereby supporting the importance of victim testimony. In this case they were further supported by the letter of the law, which held that the victim was too young to have consented in any case, so it did not matter whether she had fought or cried out, evidence which adult women were required to provide.<sup>29</sup>

### **Assault By and Against Women**

I argue throughout this work that non-elite women bonded together in recognition of the strength to be found in numbers. By working in pairs or groups, women helped overcome the social, cultural, and legal biases against their sex. And, in some cases, they found literal strength in numbers and came together to physically attack rivals or victims of both sexes. Women used physical violence for a variety of reasons, including financial gain, to avenge a perceived wrong, even to defend the honour of men. Some literally put their bodies on the line to help their allies, another way in which the female body was central to experiences of allyship in this period.

In my source base I found it quite common in assault suits to find conflicts between two women, on one side, and an individual on the other. By acting in pairs—whether this meant simply testifying against a rival or uniting to commit violence against them—women increased their chances of success. In 1683, Sarah Taylor and Elizabeth Dolly were bound to the peace for beating Elizabeth Heath. At the same Sessions, Heath, in turn, was bound to her good behaviour

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<sup>29</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 23 February 2019), December 1678, trial of Stephen Arrowsmith (t16781211e-2).



for assaulting Sarah Taylor. The record does not indicate what the source of the conflict between this group of women was, but it seems that in response to being attacked, Taylor had gotten reinforcements to help avenge her.<sup>30</sup> Margaret Tillow and Elizabeth Grimes felt compelled to issue multiple petitions against Isabella Anderson at the end of the century. The two women had already had Anderson bound to the peace, but in 1691 petitioned the Middlesex Sessions to continue her recognizance, as she persisted in threatening their lives.<sup>31</sup> Johannah Atwood made a similar follow-up petition against two women in 1696, adding that the pair had, “out of envy and malice,” had her husband arrested. This left Atwood, she claimed, very poor and pregnant, with small children to maintain, and the women still threatening her life.<sup>32</sup> Though these short records give no sense of the particulars of the rifts between women, they show that there existed enough of a bond, and dislike of an opponent, for two women to ally against them.

Women who found themselves bound to the peace clearly did not always adhere to it. When petitioning for release, they could demonstrate remorse, claim extreme poverty, or try to turn the tables against their accuser. In this, too, they might act in concert. In 1696, Rose Field and Elizabeth Haden threw themselves on the mercy of the court. Having previously been indicted for a “riot” committed on a husband and wife, they were now in prison and claimed to be reduced to extreme poverty. In their petition to the Middlesex JPs, they claimed that they were very sorry for the past and altogether unable to pay their court fees.<sup>33</sup> In the same year, two other women also petitioned to be released from recognizance based on poverty, adding that they had families who “were almost ready to perish” for want. This suggested that it was in the benefit of

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<sup>30</sup> LSP 1683 6 August.

<sup>31</sup> MJ SP 1691 10 031.

<sup>32</sup> MJ SP 1696 06 028. For another example, see MJ SP 1696 09 014, petition against Susannah Markes and Elizabeth Nelson.

<sup>33</sup> MJ SP 1696 12 007.

their parish to have them released, so they could care for their families rather than leaving them to fall on poor relief. These two women, however, did not express remorse but rather maintained their innocence and claimed that their female victim was a “person of wicked life.”<sup>34</sup> Again, common cause, and perhaps shared legal fees, had these women constructing their arguments and petitioning together. Having been convicted of a crime together, they increased their likelihood of success by presenting a unified front and cohesive version of events.

Women could also work together to commit violence against men. Here, having the physical strength of an ally was, arguably, even more crucial.<sup>35</sup> In 1691, Mary Price and Elizabeth Jones were prosecuted for assaulting and robbing the latter’s husband. Though the husband, Peter Jones, claimed that the women had been aided by two men, they were not taken. According to the *Proceedings*, the couple had long been estranged, and the women were released upon the assumption that it was a malicious prosecution. However, if the attack *had* occurred, it seems probable that the two women had very deliberately targeted Jones. Married but living apart, for whatever reason, Elizabeth Jones may have been in considerable financial trouble and/or felt entitled to her husband’s funds. Her accomplices, if they existed, had helped her frighten and embarrass her estranged husband while also acquiring the very considerable sum of £10. The connection between Mary Price and Elizabeth Jones was enough that it seemed plausible to Peter Jones that they would commit a capital offence together.<sup>36</sup>

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<sup>34</sup> MJ SP 1696 12 011.

<sup>35</sup> In contrast, children made easier physical targets, and the majority of cases where women were accused of robbing children at the Old Bailey in this period involved a single offender. There are several cases of pairs of women working together, however, such as the two women who robbed a nine-year-old girl in 1679. The women were acquitted as the girl was too young to make an oath. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 02 December 2021), June 1679, trial of Women (t16790605-15).

<sup>36</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 22 November 2021), April 1691, trial of Mary Price Elizabeth Jones (t16910422-19).

Financial gain was clearly one reason why women committed violence together. Some female allies turned to robbery—the forceful removal of property from a victim. In contrast to theft, which did not, ideally, have any witnesses, the hands-on nature of robbery meant that victims were much more likely to be able to identify their attackers. The risk was considerably higher, then, since the penalty for robbers could include execution. Victims were often other women, as when Ann Dye and Jane Sinclo were convicted of robbing the widow Margaret Walker of 40s of white-bone lace in 1685. According to the *Proceedings*, Dye and Sinclo forced Walker into a house and up the stairs, where they robbed her.<sup>37</sup> Anne Glover was similarly robbed of lace clothing and a gold earring by three women in 1691. Though all three accused were named, only Anne Butcher was tried and, ultimately, convicted.<sup>38</sup>

In other instances, groups of women came together to rob a male victim, as when Jane Bridgeman was indicted alongside three other women in 1691 for highway robbery on John Farmer. Bridgeman was ultimately acquitted, and though the other three women were named in the *Proceedings*, there is no record of them being charged.<sup>39</sup> Jane Smith and Marry Batters were less fortunate in 1688. Richard Beale testified that the prisoners “and some other women” assaulted him while he urinated against the wall one night. Smith and Batters were taken by the Watch, and “being known in Court to be old and notorious night-walkers and debauched livers” were found guilty and sentenced to death. Whether the nameless “other women” got away, or

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<sup>37</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 04 March 2019), April 1685, trial of Ann Dye Jane Sinclo (t16850429-2).

<sup>38</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 22 November 2021), May 1691, trial of Anne Butcher (t16910527-6).

<sup>39</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 24 November 2021), December 1691, trial of Jane Bridgeman (t16911209-9).

were a cover for Beale's ego, they escaped the record.<sup>40</sup> Many of these convicted female robbers went on to plead the belly to escape punishment, a phenomenon which will be discussed at the end of this chapter.

Less common contexts could also prompt female violence. Though women rarely participated in assaults on state officials, when they did it was often in defense of husbands and brothers. They may have been motivated by familial loyalty, but financial need also played a role. Many female dependents faced a serious loss of income when male relatives went to prison. Hurl-Eamon has found several examples of female allies attempting to rescue or keep their menfolk from incarceration. In 1691, for example, Katherine Green and Alice Williams were charged with riot and assault against the officer who had arrested Williams's husband. Seven years later, three women were bound for rescuing Francis Roach. The ties between the women and Roach are unknown—none of them share a surname—and we are left to wonder what motivated them so strongly as to unite and attempt his rescue.<sup>41</sup>

Retaliation or a desire for revenge could also bring women together in violent action. Katharen Alederidge and Margaret Kingston were acquitted of the murder of Ann Barker in 1698 after having attacked her in a public house. The women had, allegedly, targeted Barker in revenge for her having picked Kingston's husband's pocket.<sup>42</sup> Intermarital relations were also at the core of a conflict between women in Drury Lane in 1638. A baker's wife and her female allies attacked her husband's suspected mistress, including beating her with birch rods, tearing

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<sup>40</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 22 November 2021), May 1688, trial of Jane Smith Mary Batters (t16880531-10).

<sup>41</sup> Hurl-Eamon, *Gender and Petty Violence in London*, 118-119.

<sup>42</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 05 December 2021), May 1698, trial of Katharen Alederidge Margaret Kingston (t16980504-54).

her clothes, and ducking her under a pump. By targeting the woman rather than the husband, the group aimed to shame and frighten her into halting the affair.<sup>43</sup> In contrast, a man was the target of female vengeance during a game of hot-cockles<sup>44</sup> in 1650. A girl's friends were infuriated when a male player thrashed her so hard that her body shook. When it was subsequently the man's turn, the young women beat him so fiercely that he could barely move for days—and they found themselves at the Old Bailey for it.<sup>45</sup> The cause of the women's use of violence is clearer here than in other cases and speaks to the unifying power of vengeance. Amussen found a case in Sussex where mistresses joined their maidservants in a street brawl in 1680.<sup>46</sup> Female allies were not shy, then, about engaging in physical violence when needed, or desirable, nor were the courts shy in holding them accountable.

Female alliances could also be crucial to preventing or halting violence. As in instances of marital violence, female servants seem to have sometimes felt it their duty to protect their mistresses and places of employment. Dorothy Caudall, for one, deposed that she had helped evict Ellen Bower, a former servant in the same house, after the latter “fell upon her mistress and gave her several blows.” Bower was, apparently, unrepentant, returning the next day and telling the mistress that the only reason she had not burned her is because there was no fire. The mistress subsequently petitioned the quarter sessions, stating that she “is really afraid that [Ellen Bower] will either do harm to her or to something or some person that belongs to her.”<sup>47</sup> In 1675, Anne Massey, servant, testified that she had intervened to prevent violence between her fellow

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<sup>43</sup> Capp, *When Gossips Meet*, 98.

<sup>44</sup> A game where a player spansks a blindfolded victim who must guess their identity. Capp, *When Gossips Meet*, 349.

<sup>45</sup> “Strange News From Newgate,” in Capp, *When Gossips Meet*, 349.

<sup>46</sup> Amussen, *An Ordered Society*, 96-7.

<sup>47</sup> QJF 1689 No 40-41.

servant and another woman. According to Massey, Elizabeth H. had come to her master's house and both physically and verbally attacked her co-worker, calling her whore and jade, throwing water in her face, and saying she would cleave the other woman's brains. At this point, both servant women testified, Massey had stepped between them "and kept them asunder."<sup>48</sup>

Female neighbours could also act to halt violence towards women. Elizabeth Godfrey testified in 1661 that "her girl [probably her maidservant] had came in to her crying and told her that Andrew Camp was dragging Goodwife Bailey out of her house" while his wife scratched her (a common method of testing and hurting witches). According to her deposition, Godfrey asked the Camp's "why they so abused the old woman." When the Camp's replied that Bailey had bewitched their child, Godfrey admonished them that that was a matter for the law, "whereupon they let her [Bailey] go." Bailey acknowledged Godfrey's aid, telling the court that "but for the interference of Goodwife Godfrey this deponent [Bailey] fears that they [the Camps] would have done her more harm."<sup>49</sup> This case demonstrates how women informally regulated their communities. Though relationships are hard to identify, Godfrey does not seem to have had a particular bond with Bailey, yet she showed no compunctions in going to the widow's aid and invoking the law against her attackers. In doing so she acted as a good neighbour. Cases like these also reveal emotional regimes—the girl cried, Bailey was afraid, Godfrey shamed the Camps, the Camps were enraged.

In other cases, kinswomen tried to extract their daughters from violent employment situations. Sarah Hall's mother petitioned the Middlesex sessions in 1696 to have her released from her apprenticeship with the fishwoman Roberra Osmond. According to the petition,

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<sup>48</sup> QJF 1675 No. 118.

<sup>49</sup> Items 62 and 63 in Hardy, *Hertford County Records*, 187.

Osmond beat her apprentice and denied her necessities. Ann Jackson provided a similar petition for her granddaughter the same year. By 1696 Ann Jackson the younger had served over two years of her seven-year term to William Woods. According to her grandmother, in that time she had been “immoderately beaten and mistreated.” Moreover, by the time of the petition the Woods had absconded and left Jackson at their sister’s house, who would no longer keep her. In both cases, the employers were ordered to appear to answer the charges, and if they could not answer *why* they should keep their apprentices, then the latter were to be released from their contracts. These petitions, though uncommon, reveal older women looking after the interests of their younger kinswomen. They were involved in apprenticeships meant to ensure long term financial security, for the younger women and, perhaps, for the entire family. When those contracts went awry, they stepped in to protect their kin. Ann Jackson the elder explicitly stated in her petition that she wanted her granddaughter released so that she “may be put to some other person to learn her trade whereby she may get an honest livelihood.”<sup>50</sup>

Working collectively, women could also pursue justice for a victim of assault. According to Capp, “women were more likely than men to speak out over beatings they regarded as wholly unacceptable.”<sup>51</sup> Once again we see that this sense of responsibility extended to their same-sex and especially vulnerable peers, such as servants and pregnant women. Five women thus prosecuted a London sailor in 1616 for beating their neighbour and causing her to miscarry. In

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<sup>50</sup> MJ SP 1696 10 008; MJ SP 1696 10 016. Mothers could also intervene when wages were not being paid, as Marian Evaardson did on behalf of her daughter in 1668. Item 749 in Hardy, *Hertford County Records*, 207. It may be that these women had no living fathers to look after their interests and so their mothers took responsibility for their apprenticeships. But, since the apprenticeships were to other women, mothers may have played a crucial role in the apprenticeships of their daughters even if fathers were present. See Foyster, “Parenting was for Life.” Gowing discusses gendered patterns of apprenticeship and training in *Ingenious Trades*.

<sup>51</sup> Capp, *When Gossips Meet*, 284.

Stepney in 1662, three “women of good repute” accused a victualler of flogging his maid.<sup>52</sup>

Though some physical chastisement was expected from masters and mistresses, these women banded together and drew a line when they thought it had become excessive. It was fitting for women to comment on these types of offenses as they fit in with their gendered roles as mothers, matrons, and domestic managers.

### **Murder By and Against Women**

Other plebeian women showed themselves quite capable of committing murder together. Such was the case of the Davis family of Betteshanger. John Davis was evidently immensely unpopular amongst his female household members. In 1665 he was poisoned by his daughter, with his wife, another daughter, and a maidservant all being complicit.<sup>53</sup> The record tells us nothing about what Davis did to so upset the women around him, but it was enough to give them a common purpose worth risking execution for. When women came together to willingly and knowingly commit a capital offence, they had to put considerable trust in their accomplices. To be caught and convicted was to die. Most, like the Davis family, needed to be united by common purpose to take such risks. These common purposes were variable and did not necessarily indicate strong emotions. They could include shared enemies, vengeance, or hope of financial gain. But for those like the Davis women, who lived intimately and for extended periods with their victim, we can strongly suspect that passions were at play.<sup>54</sup> As I have argued elsewhere in

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<sup>52</sup> Capp, *When Gossips Meet*, 284.

<sup>53</sup> Capp, *When Gossips Meet*, 122. *Calendar of Assize Records: Kent Indictments, Charles II, 1660-1675*, ed. J.S. Cockburn (London: H.M.S.O, 1989).

<sup>54</sup> This example is in keeping with John Beattie’s research into homicide in early modern Surrey. He has estimated that in half of the indictments which resulted in a homicide conviction the accused and victim had been kin or intimately involved. Moreover, between 1678-1774 female accused outnumbered men in the murder of family members. Beattie, *Crime and the Courts*, 99, 105. These homicides did not all involve female accomplices, but they do speak towards strong emotions motivating female murderers.



this dissertation, strong emotional and practical ties could exist between maidservants and female family members, and a bad master was often a bad husband and father, too.

There are few cases of female murderers in seventeenth-century England.<sup>55</sup> The Old Bailey only saw five cases of husband-murder between 1674 and the end of 1699. As in the Davis case, these were indicted as petty treason. Two of the five female defendants were found guilty of petty treason; one was convicted only of manslaughter; and the others were acquitted. Two of the five cases included alleged accomplices. In 1688 a Frenchwoman was assisted by three men. Her connection to two of the men is unknown, but the third was her son from an earlier marriage. The three men were acquitted, while Mary Aubrey was sentenced to burn.<sup>56</sup> The other suit involving alleged accomplices tells us more about social rather than criminal ties between kinswomen. 1695 Elizabeth Symbole, her two sisters, and Jacob Reginer were charged with murdering Symbole's husband. According to the *Proceedings*, the women and Reginer were playing cards with the husband at Symbole's house when Reginer stabbed the husband. Though the *Proceedings* described the trial as "very long," the jury ultimately accepted that the women had merely been present at the offence and in no way instrumental to it. Clearly, it was *plausible* to the court that the sisters could have banded together to commit petty treason, otherwise they would not have been interrogated. But once they proved their reputations, and that the Symbole's had "always lived very lovingly together," with the aid of "cloud of witnesses" and "diverse very

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<sup>55</sup> For more on this, see, e.g., Beattie, *Crime and the Courts in England* and Sharpe, *Crime in Early Modern England, 155-1750*, and Sharpe and Dickinson, "Revisiting the 'Violence We Have Lost'."

<sup>56</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 18 March 2022), February 1688, trial of MARY AUBRY Dennis Fanet John Fanet John Desermo (t16880222-24).

credible persons”—all unnamed and ungendered in the *Proceedings*—the women were acquitted.<sup>57</sup>

Female allies could also be instrumental in procuring justice for murdered friends and peers, when aid otherwise came too late or was insufficient to protect women. Several cases at the Old Bailey involve women ensuring that husbands paid for the murder of their wives. Just as female peers could provide condemning evidence of spousal brutality as part of separation suits, the women to whom wives “revealed their bruises when alive or who prepared them for burial could offer powerful testimony of their damaged bodies.”<sup>58</sup> As Hurl-Eamon states, “bodies offered silent testimony of their own, and the words of female examiners interpreted these corporeal texts for the jury.” Female examiners included those appointed by the law, friends, or those called upon by suspicious community members.<sup>59</sup> Once again, women’s gendered roles as nurses, care givers, and experts on the female body, could give them considerably power within the courts, and they could sometimes use this power to see justice done.

The contemporary practice of women attending the sick and dying meant that some heard deathbed confessions, or witnessed the fatal marks, which they then took onwards in the quest for justice.<sup>60</sup> Four women testified in London in 1692 that Katherine Austin accused her husband of poisoning her. Two of those women had been present at Austin’s death bed. Both declared that Austin had charged her husband with her death and desired that he be taken by the law.

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<sup>57</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 18 March 2022), February 1695, trial of Elizabeth Symbole (t16950220-18).

<sup>58</sup> Jennine Hurl-Eamon, ““I Will Forgive You if the World Will”: Wife Murder and Limits on Patriarchal Violence in London, 1690-1750,” in Joseph P. Ward, ed., *Violence, Politics, and Gender in Early Modern England* (New York: Palgrave Macmillan, 2008), 225.

<sup>59</sup> Hurl-Eamon, “Wife Murder and Limits on Patriarchal Violence,” 231.

<sup>60</sup> Hurl-Eamon, working on the eighteenth century, has found numerous cases where women who had nursed or laid out the bodies of murdered wives provided damning testimony against the husbands. Often these women had prior connections to the couple. “Wife Murder and the Limits on Patriarchal Violence,” 230-232.

Katherine Austin clearly thought that the four women she shared her story, complete with specific details regarding the poisoning, with would pursue her case even after her demise. It certainly did not help the husband's position that he had, by this point, disappeared.<sup>61</sup> In a different case, Sarah Oldfield not only cared for Bridget Wells's on the latter's deathbed, but obtained an arrest warrant for the man Wells's accused of assault.<sup>62</sup> Likewise, in Hertford in 1659, Sara Smith testified that she had been at Frances Rustat's deathbed and so heard her charge Goody Free with her death.<sup>63</sup>

These types of death-bed alliances were partly motivated by a socially ingrained desire for justice, but undoubtedly the women also felt some personal obligation and duty to the deceased, having been present for their last moments, serving as keepers of their last words. Compassion and professional duty could align in the identification and prosecution of male murderers. For kin, like Martha Richardson's sister, emotions likely ran very deep.

Although none of the separation cases at the Arches or Chester Consistory were pursued by female servants, a 1684 case published via the proceedings of the Old Bailey showed that servants could be aware of, and concerned by, the marital struggles of their co-workers. The vintner Edward Kirk was sentenced to death for the "willful murder" of his wife, Joan Kirk, based largely on the testimony of Sarah Miller, a fellow servant. Miller testified that on the afternoon of Sunday, May 25<sup>th</sup>, Edward Kirk had fetched his wife from their master's house on the pretense of going to see a cousin. Miller added that Edward Kirk had asked his wife to bring her wedding ring, which Miller, at least with the benefit of hindsight, found suspicious. Miller

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<sup>61</sup> CLA 047 LJ 13 1692 007.

<sup>62</sup> CLA 047 LJ 13 1699 008.

<sup>63</sup> According to Smith, Rustat thought Free had poisoned her after being refused some charity. Item 487 in Hardy, *Hertford County Records*, 126.

had also lent Joan Kirk a hood and scarf for the visit. When Joan Kirk never returned, Miller went to her house and asked Edward Kirk what had become of his wife as well as her own scarf and hood. The wife was later found dead.<sup>64</sup>

Also in 1684, John Richardson, a tinker, was found guilty of murdering his wife Martha based on the testimony of various neighbours and her sister. John Richardson claimed that his wife was drunk and lied about the assault, but the witnesses swore they had seen him drag her along the street. According to the sister, Martha Richardson had on her death bed charged her husband with her murder and desired that “it might be revenged by her said sister.” The *Proceedings*, always keen to highlight morality tales, claimed that the murder “was the more barbarous in that the woman that was thus killed was a young woman, not above 25, and said to be of a very good and honest life and carriage” while, in contrast John Richardson had a “very ill look and character” and was also suspected by his neighbours of having also murdered a former wife.<sup>65</sup> By providing evidence of murder, women in these cases at least tried to see some form of justice done on behalf of their friends, kin, and colleagues.

As the Davis and Kirk suits demonstrate, homicide litigation contains further evidence of alliance between female servants and their mistresses. Female servants featured prominently in homicide litigation because they were often the victims of violence or present for it. When Bridget Wells felt threatened by Richard Brown, for instance, she called out to her employer’s daughter for aid. The daughter, Ann Tills, subsequently testified that she saw Brown rail at Wells

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<sup>64</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 01 March 2019), July 1684, trial of Edward Kirk (t16840702-6). Edward Kirk was the subsequent focus of a lengthy Ordinary’s Account where he served as a cautionary tale and provided a standard “gallow’s speech” of remorse and piety. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 07 October 2020), *Ordinary of Newgate's Account, July 1684* (OA16840710).

<sup>65</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 03 March 2019), September 1684, trial of John Richardson (t16840903-22).

and kick her on the right side of her breast. While, according to Tills, Wells had previously performed her work “very well,” after the kick she was “forced to leave her service.” Wells’ mistress, Anne Flower, echoed her daughter’s claims. Moreover, both women added that Wells’ leaving did not signal the end of their connection. Both went to see Wells several times before her death, thereby witnessing her decline and eventual passing.<sup>66</sup>

### **Sexual Violence**

Women were pivotal for the discovery and prosecution of sexual assault in early modern England. This was an extension of their cultural and legal authority over female bodies and sexuality. Rape in this period was classified as a violent offence. As such, it was identifiable by physical marks rather than a woman’s lack of oral consent. Since women’s bodies were only supposed to be open to other women, legal manuals held that “women are the most proper examiners and inspectors.”<sup>67</sup> Women were also an important source of emotional support in the wake of traumatic experiences which, I argue, continued throughout the trial, if one took place, and, for some, their entire lives. Though sexual violence is not restricted to women, women comprise the majority of its victims. This created a gendered sense of connection and empathy that, I would suggest, persists into the present day.

The case study of Deborah Wise shows the many points at which women were involved in rape cases in early modern England, including its discovery and prosecution. In 1698, the London sessions heard statements regarding the rape of the ‘infant’ Deborah Wise.<sup>68</sup> In addition

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<sup>66</sup> CLA 047 LJ 13 1699 008. Interestingly, though both women, as well as several other deponents in the case, linked Wells’s death to the kick by Brown, they also qualified that Brown had no malice or intent to harm. Lack of intent lessened the potential charge from willful murder to manslaughter or assault.

<sup>67</sup> Walker, “Everyman or a Monster,” 19.

<sup>68</sup> “Infant” in this period was a loose term for a child, in this case meant to indicate Deborah Wise’s minority status and that she could not consent to sex. Margaret Aslam testified that Wise was nine years old.

to the child, three women testified in the case. These included Margaret Aslam, mistress of the household where the child resided; Deborah Cowell, a servant in the household; and Mary Cook, a nurse. It was the servant, Cowell, who first found evidence that things were wrong and took it upon herself to interrogate Wise. Cowell testified that she had found the child's shift "stained with blood and something like the seed of a man." Wise subsequently told her, in great detail, that William Pheasant had three times used her body, buying her silence with pennies and sweetmeats.<sup>69</sup> It is unclear whether Cowell alerted her mistress or if Aslam examined the child on her own. Regardless, Aslam, too, told the court that she had found the child's shift stained with blood and semen and so interrogated her. Aslam's suspicions were not allayed by the child's stories of falling and so summoned the nurse to examine her. According to Aslam, the nurse told her: "the body of the said child was like to a woman newly delivered of a child." Wise, having promised her attacker her silence, continued to dissimulate but Aslam "examined her further about it" and eventually the child confirmed her fears and told her of William Pheasant.<sup>70</sup> Though both Cowell and Aslam said that Wise had "consented" to laying with Pheasant, they made it clear that the child had no concept of what she was agreeing to even as it was happening. The girl had cried out, but the man had stopped her mouth and subsequently bribed her silence. Aslam told the court that the child had been "deluded and abused."<sup>71</sup>

The story of Deborah Wise was, unfortunately, not unique.<sup>72</sup> The assault of Elizabeth Nicols, a seven- or eight-year-old girl, was similarly discovered based on the condition of her

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<sup>69</sup> CLA 047 LJ 13 1698 008, deposition of Deborah Cowell.

<sup>70</sup> CLA 047 LJ 13 1698 008, deposition of Margaret Aslam.

<sup>71</sup> CLA 047 LJ 13 1698 008, deposition of Margaret Aslam.

<sup>72</sup> For an excellent overview of how female victims described sexual assault, see Cristine M. Varholý, "'But She Woulde not Consent': Women's Narratives of Sexual Assault and Compulsion in Early Modern London," in Ward, *Violence, Politics, and Gender in Early Modern England*, 41-65.

linens and an oral and physical interrogation by her mother and aunt. The girl's father was not deposed, though his apprentice was found guilty of the rape. The *Proceedings* stated that the mother had first found her daughter to "have been abused by a man." Subsequently, the aunt borrowed linens for her ill child and found Elizabeth Nicol's shift fouled and interpreted that "some man had been dealing with her." The aunt took it upon herself to question the child.<sup>73</sup> An aunt was also instrumental in preventing the rape of her 11-year-old niece in 1675 and prosecuting her attacker.<sup>74</sup> In other cases, female networks and expertise were not enough to ensure a conviction. Philip Roberts was found not guilty of rape despite the testimony of the victim's mother and a midwife.<sup>75</sup>

On the positive side, Deborah Wise was also not alone in having female allies to take up her case and seek justice. Support was crucial to the successful prosecution of sexual assault. An unnamed apprentice, for example, was condemned to die in 1678 for "the carnal knowledge of a maiden child, under the age of ten years" upon the testimony of a midwife, other matrons, and the girl's mother.<sup>76</sup> Leonard Bate was similarly convicted of the felony of rape in 1685 upon the evidence of two midwives and the victim's mistress. The latter testified that Bate, a lodger in her house, had previously attempted to force himself on her servant. This collection of evidence

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<sup>73</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 04 March 2019), October 1684, trial of Thomas Benson (t16841008-12).

<sup>74</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 12 June 2022), January 1675, trial of Edward Coker (t16750115-3).

<sup>75</sup> In its brief summary of the case, the *Proceedings* record stated that the women "gave some evidence" but due to "their over-much modesty, or for some other reason [...] no positive proof" was given and Roberts acquitted. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 06 April 2022), December 1683, trial of Philip Roberts (t16831212-24).

<sup>76</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 23 February 2019), July 1678, trial of young fellow (t16780703-3).

provided by women gave necessary weight to the servant's cause, helping her secure a conviction.<sup>77</sup>

Many stories never reached the court either through lack of physical evidence, witness backing, or reticence on behalf of victims. Court records tend to be cold and clinical, but very real emotions and trauma were at the root of rape cases. While all genders can be subjected to sexual abuse, it is, nonetheless, strongly associated with female victims. Women, then as today, shared their personal stories of abuse with those they thought would be empathetic and compassionate. While sharing stories with men, particularly husbands and fathers, may have had the potential for more *legal* pressure and support, these hetero-networks lacked the emotional security that many victims were seeking. In an era when sexual assault was illegal but endemic, there was likely a strong and reasonable expectation that one's female peers had either been abused to some level, narrowly avoided rape, or feared being sexually assaulted. The vast majority of women would have known someone who had been so abused. The catharsis of sharing the trauma with a sympathetic listener may have been as, or even more, important for individual women than pressing for legal retribution (which included enduring difficult interrogations and likely an unsuccessful suit). Some judicial accounts can, perhaps, give a sense of the emotional import of disclosing trauma to other women. In 1683, for example, Dorothy Taylor testified that "one Symona" had confessed to her of a brutal rape by her master. According to Taylor, Symona said that she had submitted and kept her silence out of terror, the master having threatened to kill her. Symona did not testify in this suit against the master, but Dorothy Taylor had evidently seen cause to mention this conversation. Symona, a native of

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<sup>77</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 17 March 2019), December 1685, trial of Leonard Bate (t16851209-28).



France, does not seem to have been eager to press a suit, out of fear and/or the low odds of success, suggesting that she told Taylor her story as a means of catharsis.<sup>78</sup>

Catharsis and a desire for emotional support were likely strong motivators for women to share stories of attempted rape, as well. Many such instances did not go to the courts but could later be used as evidence against a man's character in other proceedings. In the adultery suit of *Chantrell v Elcock and Whamley* in Cheshire in 1662, for instance, it came out that Elizabeth Williamson had told both her mother and sister of Sam Elcock's "uncivil" conduct towards her, which included trying to pull up her clothes—a common euphemism for attempted rape—so that it was only with "much a do" that she "broke away from him." This testimony served to delegitimize Elcock, and it may have also provided Williamson, supported by her kinswomen, with a means of revenge. Her husband was the chief witness against Elcock, and it is unclear whether he was motivated by the maltreatment of his wife, or if the attack occurred after the commencement of the suit, as a means of retaliation.<sup>79</sup>

Women also played a crucial role in helping peers *avoid* sexual assault as well. As with non-sexually motivated violence, there was safety in numbers. Since sexual assault was an all-too-common threat, which largely happened to women, women were uniquely aware of it as a present danger with many serious repercussions. We find glimpses of them sharing stories of people and places of danger in efforts to keep each other safe. The case of *Fogge v Dennis*, also mentioned in Chapter One, illustrates the importance of female networks for protection against dangerous men. Though several of the women in the suit portrayed William Dennis as ridiculous, others cast him in a much more threatening light. Anne Barlow testified that the rector, when

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<sup>78</sup> CLA 047 LJ 13 1683 003.

<sup>79</sup> EDC 5 1662 No 37.

visiting her coffeehouse, “forcibly thrust his hands up her coats, in so much that her thigh was hurt and became black afterwards from the force he used.” Dennis only halted his assault, according to Barlow, when she cried out for her maid. Her servant, Margaret Speed, supported her statement. Speed told the court that, while Mr. Dennis was in the house, her mistress had beckoned her “in a sharp and hasty manner.” Speed answered the summons and “perceived the said Mrs. Barlow was much disturbed.” After Dennis left, the mistress gave her servant details about his attack.<sup>80</sup>

Anne Lacke also used the protection of other women as a defense against the wayward rector. Lacke had been working amongst other women in a barley field when Dennis approached her with much ill language, saying, among other things, that “he would fuck her.” Lacke denied him, she said, “with some surprise and heat,” and the rector was likely hindered from pressing her further by the presence of the other women. The next day he visited Lacke when she was home alone, repeated his harassment, and stuck his hand into his codpiece. At this, Lacke escaped to her neighbours, Margaret Broughton and Catherine Burton, and “acquainted them of the said behaviour of Mr. Dennis to her.” Though Lacke was married, she like Barlow, found immediate safety in female allies. Telling other women of Dennis’ conduct had multifold purposes—it was emotionally cathartic, centered Lacke and Speed’s version of events, important for protecting their own reputations, and established an ill fame against the rector.<sup>81</sup>

Similar motivations were also present in the statements of several kinswomen regarding Sam Elcock of Macclesfield. Elcock was prosecuted in 1662 by the consistory court of Chester for adultery with Sarah Whamley. Depositions in the suit focused rather more on Elcock, who

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<sup>80</sup> EDC 5 1697 No 14, depositions of Anne Barlow and Margaret Speed.

<sup>81</sup> EDC 5 1697 No. 14, deposition of Anne Lacke.

seemed to be unpopular amongst men and women, than Whamley. Elizabeth Williamson testified that Elcock had attacked her at home and tried to pull up her clothes. Williamson subsequently told her mother and sister of the incident, and both women were also deposed in the suit. Williamson's mother claimed that she "had heard by others that he [Elcock] was wantonly given, and therefore advised her said daughter to beware of him and avoid his company as much as she could." Williamson's mother-in-law advised her own daughter to "have a care of Mr. Elcocke and not be too familiar with him" for he had a bad reputation.<sup>82</sup> Sharing stories of dangerous men helped to protect potentially vulnerable women. It also served as an emotional outlet, a way to control the narrative, and, as in the Dennis case, was used in the courts as evidence.

Even the threat of telling female allies about an attempted or completed rape could carry weight against male attackers. In 1691 Teresa Valentine told her rapist that she "will go home to my mother and tell her of it." This threat carried enough weight for Peter Brisson to first threaten to kill her, and then to offer marriage. Though Brisson repeated the promise of marriage, Valentine sent for her mother and subsequently started proceedings at the Middlesex sessions. It is interesting that, although Valentine's statement mentioned a "master," she opted to threaten Brisson with her mother rather than her male employer. Perhaps she expected support to be more forthcoming from her mother, but this also fit within cultural norms where mothers were invested lifelong in the sexuality and relationships of their daughters.<sup>83</sup>

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<sup>82</sup> EDC 5 1662 No. 37, depositions of Elizabeth Williamson, Elizabeth Hoylin de Pulford, Anna Gough, and Jane Williamson.

<sup>83</sup> MJ SP 1691 07 052.

## Infanticide

Infanticide was, according to Pollock, largely the crime of isolated women, which in itself, highlights the importance of having a female social network to help in times of crisis. Most women accused of infanticide were unmarried, financially and socially insecure, and “devoid of any help during the pregnancy.”<sup>84</sup> Beattie has qualified this, arguing that most of the women in court for infanticide “had a good character and were in trouble because of their desperation to maintain it.” Dickinson and Sharpe have further nuanced this by adding that “there is a constant sense that family solidarity, for those in a position to call upon it, would overcome any sense of horror about infanticide and produce assistance for infanticidal mothers.”<sup>85</sup> This is important for my arguments that the lines between transgressive and ‘acceptable’ women were much thinner and temporary than many scholars have suggested. Infanticidal women were rarely truly isolated from their communities. The records dealing with these desperate women reveal the workings of numerous female alliances. Some accused women were fortunate to have female allies who provided concrete support. Usually kin,<sup>86</sup> these allies could shelter pregnant single women, helping to hide or see through the pregnancy and delivery. Their presence, alone, was one level of protection when the greatest evidence for infanticide was secrecy. We might strongly suspect, in some cases, that kin willfully turned a blind eye, lied to the courts, or were complicit in the

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<sup>84</sup> Pollock, “Childbearing,” 304. ‘Help’ encompassing financial support and shelter during the pregnancy and lying-in, pressure on the father to provide child support and/or to marry, and helping to hide the bastardy and, even, the child’s death.

<sup>85</sup> Beattie, *Crime and the Courts*, 114; Dickinson and Sharpe, “Infanticide in early modern England,” 44.

<sup>86</sup> For example, when Elizabeth Inkepen, spinster, was tried for infanticide at the Kent Assizes, three others were indicted as accessories—Robert Inkepen, labourer, Mary Inkepen, spinster, and Isabel Inkepen. The relationship between the four defendants is not stated, but the shared surnames strongly indicate kin ties. All three women were identified as spinsters, so they were likely sisters, having retained their natal surnames. Elizabeth Inkepen was ultimately found guilty and failed to plead her belly. The three alleged accessories were dismissed. Items 1099 and 1100 in *Calendar of Assize Records: Kent Indictments, Charles II, 1649-1659*. Ed. J.S. Cockburn, (London: H.M.S.O, 1989).

hiding of bastard births. On a less personal level, laywomen and midwives examined the bodies of suspected women for evidence of recent, hidden, pregnancies and labour. They also examined the bodies of infants and declared whether they had died of natural causes or violence. Some women worked together and with legal authorities to see infanticidal mothers punished; but in other cases, like those below, we see them helping to *deflect* suspicions of child-murder, thus protecting the accused mother.

Most of those women accused of infanticide in seventeenth-century England were live-in servants. Of these, Gowing has found, most were in agricultural communities.<sup>87</sup> But infanticide cases took place in urban settings as well, and involved women living with family, other women, alone, and in other forms of employment. These servants, often impregnated by their masters, were moved to conceal their pregnancies and births not by innate immorality or homicidal tendencies, but by desperation. A loss of good character, as we have seen, had serious repercussions for social and economic relations moving forward, and a domestic servant was unlikely to keep her position and her child, even if she could afford the latter.<sup>88</sup> How and whether a woman was confronted with suspicions of hiding a pregnancy or birth depended on age, social position, and living situation. Young domestic servants were particularly vulnerable.

As most suspected and prosecuted infanticidal mothers were servants, it is not surprising that mistresses often discovered evidence of the crime. Ann Price was found out by her mistress, who subsequently called a midwife, in 1681. The story of Elizabeth Messenger, also indicted in 1681, follows almost the exact same pattern. Messenger, impregnated by a fellow servant, was charged with murdering her bastard. Messenger, too, was found out by her mistress, who then

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<sup>87</sup> Gowing, "Secret Births and Infanticide," 89.

<sup>88</sup> Beattie, *Crime and the Courts*, 114.

fetches a midwife. Both Price and Messenger were executed, though the *Proceedings* noted that Messenger, at least, had been enticed by a promise of marriage. In both cases, mistresses identified the signs of pregnancy on the bodies of their servants and took it upon themselves to call experts, in the form of midwives, to confirm their suspicions. Though both servant women were ultimately sentenced by a male judiciary, they were condemned through the evidence and expertise of other women.<sup>89</sup> These examples ended tragically, and we are limited by the sources. We will never know how many mistresses turned a blind eye and did not call for searchers or officials.

Women accused of infanticide often told the court that they had not known they were pregnant, and so had not intentionally kept their condition a secret. This may have been true for some women. The unsure markers of pregnancy in this period, coupled, perhaps, with a deep psychological resistance to acknowledging an illegitimate pregnancy, especially one conceived through assault, might have kept some women, especially young ones, from recognizing the signs. Some continued to deny the reality of a child even after birth, attributing large bellies and expelled matter as the product of tumours or other medical conditions. Infant bodies were often found in privies, where it was suspected that infanticidal mothers had attempted to conceal them, taking advantage of the privacy of the setting. Many alleged murderesses, in turn, claimed that they had not known that they were pregnant until the child had been born and accidentally fallen into the privy. Another common defense was that the child had died of natural causes during or

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<sup>89</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 24 February 2019), April 1681, trial of ANN Price (t16810413-1); *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 14 April 2022), May 1681, trial of Elizabeth Messenger (t16810520-3). A servant identified merely as M.S. was similarly accused of being pregnant by her mistress and some women, who then searched her and found that she was lactating. However, M.S. was ultimately acquitted, the court finding that she had made some efforts to plan for her labour. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 14 April 2022), February 1696, trial of M - S - (t16960227-18).

soon after birth. Again, these are plausible narratives, considering the physical trauma of giving birth alone. Some women claimed that they had tried to call for help during labour, thus circumventing the legal precept that hiding labour was proof of infanticidal intent. The lack of privacy in this period, especially for live-in servants, made this a challenging narrative. It was difficult to explain how other lodgers, some in the same room, had not heard a labouring woman's cries.<sup>90</sup>

Using their authority and knowledge of female bodies and childbirth, women were once again central in determining the fate of those accused of infanticide. At the most basic level, a woman suspected of infanticide could protect herself by claiming that she had given birth in the presence of other women, as Elizabeth Ashley of Aston, spinster, did in 1651. When questioned at the Cheshire Quarter Sessions, she confessed that she had given birth to a bastard child in the presence of multiple women. When the child was stillborn, some of the said women had taken the child and buried it.<sup>91</sup>

It seems probable that, in some cases, women pronounced a child stillborn or dead of natural causes in order to protect the mother. This could take the form of supporting the abovementioned tropes, thereby strengthening their explanatory power and continuation. Female deponents, as well as the male authorities acting on their testimony, were frequently willing to accept even the flimsiest stories rather than apply the full extent of the law on desperate women. In 1684, Jane Crosse, for one, was acquitted of infanticide in 1684 after her illegitimate child

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<sup>90</sup> The case of an unnamed woman convicted in 1675 at the Old Bailey includes several of these tropes. According to the *Proceedings*, woman testified that she had cried out during her delivery but the woman laying in bed with her did not wake. The other woman served as a witness and confirmed that she heard and suspected nothing, either of the birth or her peer's pregnancy. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0 15 June 2022), April 1675, trial of woman (t16750414-3).

<sup>91</sup> QJF/1651/79.

was found, still living, in a privy. According to the *Proceedings*, the child was recovered and lived for twelve more days. Thereafter, “the searchers, and other women, declaring it to be their opinion, the putting it [the child] into the house of excrement was not the cause of its death, by reason it thrived very well four days after, and that it at length died of a convulsion.” Crosse, for her part, alleged that the child had fallen in “against her will” and that she had endeavoured to save it.<sup>92</sup> Though the women provided no alternate explanation for the child’s death, nor does it seem that Cross sought help to recover the infant (rather, the child was “found”), this was enough of a defense to save Cross’s life.

A young servant woman in a victualling house was similarly acquitted in 1679 based on the testimony of a midwife and some matrons. After the body of an infant was discovered hidden under the stairs, she was arrested and searched. The defendant and the female searchers agreed that she had given birth a year or two prior, but the corpse had only been six or eight weeks old.<sup>93</sup> Individual juries varied on how strictly they applied the letter of the law. Martha Nook was acquitted in 1690, despite hiding the birth, after “the midwives and others gave their opinion that the child was stillborn.” In this case, the court was willing to understand and accept the mother’s desire, the child being born dead, “to hide her shame.”<sup>94</sup> In many other cases, however, the court applied the full extent of the law, that all hidden illegitimate births were infanticide, and condemned women to death.

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<sup>92</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 28 February 2019), May 1684, trial of Jane Crosse, (or Gosse (t16840515-15)).

<sup>93</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 15 November 2021), April 1679, trial of woman (t16790430-1). The Proceedings added that “it being a public house, it was possible it [the body] might be laid there by another.”

<sup>94</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 17 November 2021), September 1690, trial of Martha Nook (t16900903-4).



Matrons might also support a woman's denial of pregnancy by determining that the infant had died before quickening. This meant that the child had not yet fully been 'alive,' or 'ensouled,' and thus could not be murdered. It also released the mother from any obligation to have recognized her condition. A nameless woman was so acquitted at the Old Bailey in 1676, when a midwife and coroner testified that the fetus had "never been quick," and so it was a miscarriage rather than a murder.<sup>95</sup> In 1677 a young single woman was acquitted of infanticide despite concealing the pregnancy and birth and locking the child in a trunk. A woman "at whose house she lay" and a midwife examined the infant's body and concurred, based on the lack of signs of violence, that the child had been stillborn, and the jury "not believing that she had actually murdered the infant" were content to let the matter rest.<sup>96</sup> Mistresses might seek to protect their female servants. Mary Maning had been servant to Judith Manston for four or five years before being tried for infanticide. Manston testified that she had entered Maning's chamber and came across signs that the latter had recently given birth. Maning confessed that she had put the child into the house of office, where Manston had it recovered. Despite this damning evidence, Manston said that she believed her servant had not been above five months pregnant, at the far end of when quickening should have occurred, and that the child had been born dead. Manston's testimony was supported by the midwife Hannah Gardiner, who added that it would have "been impossible to have saved the child's life" even if other women had been present at the labour.<sup>97</sup> The outcome might have been quite different had Maning been new to her position,

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<sup>95</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 15 November 2021), December 1676, trial of person (t16761213-1).

<sup>96</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 15 November 2021), September 1677, trial of young Woman (t16770906-1).

<sup>97</sup> CLA 047 LJ 13 1697 002.

but, as it was, she had had years to develop what appears to have been a positive relationship with her mistress.

Even by declaring ignorance, women made a *choice* to not use their authority against a woman, thus protecting her from death, if not all possible repercussions (such as communal suspicion and ostracization, loss of employment, poor marital prospects). The three women deposed in the infanticide suit against Mary Gray in 1676 all refused to state whether the child had been born alive or dead. Gray was unmarried, kept the pregnancy secret, and had hidden the body in a box in her chamber (another common theme in such cases). Though none of the deponents were willing to firmly state that Gray had miscarried, two, including a midwife, deposed that the body was very small. This supported Gray's claim that the child had not come to full term and that she had intended to eventually confess the pregnancy.<sup>98</sup>

Ignorance could be used as a deliberate defense, as in the case of Isabel Thompson of Yorkshire and her two sisters in 1656. Thompson was arrested for infanticide after an infant body was discovered. Thompson was living with her sisters at the time, and they denied any suspicions of pregnancy. Gowing argues that the sisters were "complicit in her secrecy [...] refusing to see the evidence of unchastity." They attributed her changing form and pains to other causes, such as colic. We cannot know how deep this refusal went—were the women convinced of Isabel Thompson's chastity? Were they too scared to acknowledge the true meanings of her changing form? Did their complicity end with denial, or did they otherwise try to shelter and shield their sister, perhaps by helping with her concealment? Thompson herself ultimately confessed to having a stillbirth and keeping the child in bed for a week before disposing of the

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<sup>98</sup> LSP 1676 Oct. 6. Information taken regarding the death of a female bastard infant.

body. It is very difficult to believe that the sisters saw, smelled, and heard nothing suspicious during this period.<sup>99</sup>

Few records show women deliberately working together to commit or conceal an infanticide. Having accomplices may have increased the chances of getting away with the crime, but also meant that a woman put her life in the hands of others; she had to depend considerably on their secrecy as well as their criminal skills. We might suspect that close kin and friends were sometimes willing to literally bury bodies to safeguard desperate single women, and there is some compelling evidence for this. In 1691 a gentlewoman was tried on suspicion of infanticide, along with two other women who were indicted as accessories. After a child was found dead “by great violence,” the gentlewoman owned that it had been hers and that the two other women had carried it, already deceased, away. Despite these suspicious circumstances, all three women were acquitted, quite possibly helped by the gentlewoman’s rank and connections, though this was not mentioned in the *Proceedings*.<sup>100</sup>

Ann Thompson, as principal, and Margaret Griffeth, for abetting, were likewise acquitted of infanticide in 1698. The child was found under two bolsters, almost smothered to death, and died 24 hours after discovery. According to the *Proceedings*, Thompson had “hid the child to conceal her shame,” which, under statute, should have been enough to secure conviction. It may be that the jury, already inclined to let the women go, was willing to take Griffeth’s presence at the birth as mitigation against the “secrecy” provision of the law. Whether the women had

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<sup>99</sup> Gowing, *Common Bodies*, 140.

<sup>100</sup> *Old Bailey Proceedings Online* *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0 17 November 2021), December 1691, trial of B – B – Anne Richardson Jane Bromley (t16911209-3). The *Proceedings* names the two accomplices, but referred to the gentlewoman only as “Mrs. B. G.” or “Mrs. B.” perhaps in a nod towards confidentiality.

colluded with intent to commit infanticide or not, it is clear that Griffeth was present for the illegitimate birth as well as Thompson's lying-in, and had helped keep her secrets. Griffeth had also tried to delay the (male) Churchwardens and Overseers who came to inquire after Ann Thompson. The *Proceedings* stated that the men, alerted to an illegitimate pregnancy at the very least, had come to see Thompson. Griffeth waylaid them on the stairs, assuring them that no one was lying-in and that Thompson would come down to them. The men inquired after Thompson's "big belly" and, after she pointed out she did not have one, they forced their way into her room. It was there that they found the newborn, near death. The infant was quickly baptized, before it passed.<sup>101</sup>

We have slightly more information for a case at the Old Bailey in 1679 involving a mother and daughter suspected of infanticide. It was reported that a pregnant servant was put out of service and went to her mother's, in another town, for ten to twelve days. When she returned seeking employment, the servant was questioned and admitted that she had had a child, which she and her mother had buried. The nameless servant and mother were indicted for murder but ultimately acquitted.<sup>102</sup> This brief summary raises tantalizing possibilities. In a desperate situation, the daughter sought, and received, care from her mother. How far this care went is unknowable. Had the child died of natural causes? Or did the two women, unable or unwilling to bear the costs of an illegitimate pregnancy, kill the child? At the very least, the mother was willing to shelter her pregnant daughter, see her through the birth, and bury the deceased infant.

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<sup>101</sup> *Old Bailey Proceedings Online* *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 17 November 2021), February 1698, trial of Ann Thompson Margaret Griffeth (t16980223-30).

<sup>102</sup> *Old Bailey Proceedings Online* *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 15 November 2021), December 1679, trial of wench Mother (716791210-13).

On the other side, women could also use their authority to seek out and punish infanticidal mothers, operating collectively and in concert with the law to see that justice was done. As we saw with suspected pregnancies, mistresses took it upon themselves to find evidence of infanticide, even when masters existed. In Chester in 1666, for example, Elizabeth Hill testified that she had questioned her servant, Frances Rowbothom, about giving birth. Her husband, Richard Hill, also deposed, but added only that he had been present for the said examination and so heard Rowbothom's alleged confession. But the three women who deposed in this suit also tried to soften the allegations. Elizabeth Hill, Ellen Shaw, and Anne Shaw deposed that Rowbothom, deceased by the time of the Quarter Sessions, had said the child was never quick (and so not alive to be murdered) and that she had named William Cottrel as the infant's father.<sup>103</sup>

Other women were firmer in their prosecutions of infanticidal mothers. A "wench" was convicted of infanticide in 1679 after "being suspected by her mistress and examined."<sup>104</sup> And in 1681 Ann Price was found guilty of murder after her mistress's suspicions were aroused and she called a midwife. Upon examining Price, the midwife determined that she had given birth and Price was pressed to confess. Though Price maintained that the child was stillborn, and that she had tried to call for help during delivery, she was sentenced to death.<sup>105</sup> Five women deposed in the infanticide case against Mary May in the 1690s. Three of these had been appointed by the constables to search May's body, and they determined based on her breasts that she had very recently given birth. May claimed that she had only been 25 weeks along, and the child born

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<sup>103</sup> QJF 1666 No. 99-100.

<sup>104</sup> *Old Bailey Proceedings Online* *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 15 November 2021) April 1679, trial of wench (t16790430-13).

<sup>105</sup> *Old Bailey Proceedings Online* *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 17 November 2021), April 1681, trial of ANN Price (t16810413-1).

dead. Interestingly in this case, the strongest defense of May was given by her brother. He claimed that he had heard her cry out and, going to her aid, had seen her give birth, but the child had made no sound or movement. Moreover, he added that he had immediately gone to fetch some women, but been told by his sister that their father had already done so.<sup>106</sup>

As with rape, trials for infanticide tend to erase the emotional aspects. As Gowing states, “infanticide is, it is generally argued, a product of exceptional mental conditions. But it is also, in this period as in others, a product of unexceptional economic and social circumstances, where unmarried women might very well see no way in which they could bear and keep a child.”<sup>107</sup> Most women who committed infanticide were single, poor, and desperate, not unfeeling. In some cases, the horror of their situation may have prevented pregnant women from accepting that they were with child. Others experienced extremely difficult births, often alone, stillbirths, miscarriages, or infant deaths through natural causes, yet had to defend themselves from the death penalty. As a crime exclusively related to the female body, women shared, if not the actual experience of an unwanted pregnancy and/or infanticide, then an understanding of *why* some women could end up in that situation.

Published for mass entertainment as well as to relay moral messages and the righteousness of the law, the Old Bailey *Proceedings* contained some emotional language in their write-ups of infanticide cases. Most highlighted the heinousness of the crime, though some described the homicidal mother in sympathetic terms. An *Ordinary's Account* in 1679 declared that “a poor young wench,” who had allegedly been “betrayed” by a promise of marriage, “seemed to be an object of compassion to most people present.” When the young woman fell

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<sup>106</sup> MJ SP 1694 07 018-022 and MJ SP 1696 05 026.

<sup>107</sup> Gowing, “Secret Births and Infanticide,” 88.

into labour, the woman she lodged with “cruelly turned her out of doors, and set her in another parish, and there left her.” “In this sad condition,” the *Account* continued, “and without any help was this poor creature delivered.” She was found half dead by the watch with the child still attached via the umbilical. When questioned by a midwife, the woman confessed that the infant had not been stillborn, for she had heard it cry out. The mother denied any intent to harm the child, and no suspicious signs of violence were found on the body. Despite all this, however, “the law making it death in that case for any woman to be delivered alone without calling help, she was thereupon found guilty.”<sup>108</sup>

Stories like these which showed the unenviable fate of infanticidal mothers served to warn young women, especially servants, away from any extramarital sexuality. The *Proceedings* do not give us the voice of the mother, or of her kin or friends, but they can give us a sense of how the stories were meant to be received and the emotions they were intended to evoke in their reading audience. The *Proceedings* show that not all pregnant single women, not even those who were convicted of murdering their infants, were ostracized or seen as monsters. It was possible, in the seventeenth century, to view such women with pity and compassion, understanding that their condition could be the result of various factors, including understandable desperation, not just immorality. Moreover, the *Account* of the pregnant lodger turned out of doors in 1679 showed contempt towards women who did not offer care. Such women were seen as cruel and lacking Christian compassion. It could be that ordinary women imbibed these ideas and internalized them, thus increasing the odds that they would turn a blind eye to signs of illicit

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<sup>108</sup> *Old Bailey Proceedings Online Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 15 November 2021), October 1679, trial of Wench (t16791015-2).

pregnancy or infanticide, provide testimony in support of the mother, or opened them up to receiving pregnant daughters and friends with compassion and offers of aid.

### **Juries of Matrons: A Female Conspiracy?**

Key to the identification and prosecution of crimes committed both on and by the female body were juries of matrons.<sup>109</sup> Juries of matrons examined women for signs of violence, rape, infanticide, pregnancy, and recent secret births (used as evidence in infanticide suits). In many instances, the decisions these all-female juries made could determine life and death for individual men and women. In these cases, compassion could align with professional duty. I have argued throughout this chapter that many women likely felt empathy for those who had been raped, or the conditions which lead to assault, murder, and infanticide. Building on this, I theorize that the matrons who provided crucial evidence for felonies may have been moved by compassion and used their positions of authority, based on their examinations of female bodies, to see female defendants released.<sup>110</sup>

It was a common tactic, and not always a lie, for female criminals to claim to be pregnant in order to avoid the full punishment of the law. Griffiths has found that pregnant women were treated more leniently by the courts in London. Moreover, a pregnant woman could not be executed under English law.<sup>111</sup> Considerable numbers of female convicts thus “pled the belly,”

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<sup>109</sup> Formal juries of matrons, as compared to neighbouring women who might take it upon themselves to search a body, were usually of middling status. Griffiths, *Lost Londons*, 270.

<sup>110</sup> There is little written on juries of matrons, despite their important role in the due process of law. The only work I am aware of that explicitly discusses the function and make-up of juries of matrons in early modern England is Jane Bitomsky, “The Jury of Matrons: Their Role in the Early Modern English Courtroom,” *Lilith: A Feminist History Journal*, No. 25 (2019): 4-22. There is also James C. Oldham, “On Pleading the Belly: A History of the Jury of Matrons,” *Criminal Justice History*, 6 (1985): 1-64, but I was unable to find a copy. Sara Butler has worked on juries of matrons and pleading the belly in medieval England. Butler, “More than Mothers: Juries of Matrons and Pleas of the Belly in Medieval England,” *Law and History Review*, 37, No. 2 (2019): 353-396.

<sup>111</sup> Griffiths, *Lost Londons*, 259.



i.e. claimed pregnancy.<sup>112</sup> These women faced physical examinations by a group of, usually 12, matrons who were employed for just this purpose.<sup>113</sup> A rather high proportion of female convicts, though by no means all, were subsequently declared to be pregnant. As Table 1.1 shows, of the women sentenced to death at the Old Bailey ca. 1674-1700, 27% were respited for pregnancy. Bitomsky has calculated that a significantly higher rate of female convicts, 48%, were respited for pregnancy at the Home Circuit assizes between 1576 and 1659. This means that of the 221 women who were examined, 107 had their executions delayed, if not outright cancelled.<sup>114</sup> Sometimes, all or most of the female convicts were respited for pregnancy. On 9 September 1696 all seven women who claimed pregnancy at the Old Bailey were so respited; in December of the next year three out of four were similarly respited based on the recommendations of the female jury.<sup>115</sup> And this phenomenon was not unique to London. I do not have statistics for other Assizes, but calendar entries show that female convicts were regularly respited for pregnancy in mid-century Kent.<sup>116</sup> Bitomsky notes that the years with the highest numbers of positive pregnancies were also years of exceptional hardship, where more women were convicted of felony theft, including of food items.<sup>117</sup> This further suggests that the decisions of juries of matrons might be influenced by empathy.

Some of the records from the Sussex Assizes include the names of those matrons impanelled to examine convicts remanded for pregnancy. Although these records are from the

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<sup>112</sup> Bitomsky has calculated that 49% of female convicts pled their bellies at the Home Circuit assizes between 1576 and 1659. Bitomsky, "The Jury of Matrons," 4-5.

<sup>113</sup> Griffiths, *Lost Londons*, 259.

<sup>114</sup> Bitomsky, "The Jury of Matrons," 6.

<sup>115</sup> September 1696 (s16960909-1), December 1697 (s16971208-1), in *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 1 July 2014); Capp, *When Gossips Meet*, 298-299.

<sup>116</sup> Examples include Items 548 and 553 in *Kent Indictments, Charles II, 1649-1659*, ed. Cockburn, (London: H.M.S.O, 1989). See also Items 322, 569, 625 in *Kent Indictments, Charles II, 1660-1675*, ed. Cockburn.

<sup>117</sup> Bitomsky, "The Jury of Matrons," 16-17.

first decade of the seventeenth century, they provide as opportunity to look for repeat names, total number of women involved, and outcomes. Between 1603 and 1608, the Sussex Assizes called four juries of matrons to examine female convicts who had plead their bellies. This involved a total of 45 matrons. Three of these matrons—Mary Methell, Elizabeth Gee, and Mary Stocker—served twice. The 1608 jury included a mother and daughter. The repeated use of certain women, a trend noted by Bitomky as well, suggests that these women were respected and trusted, both within their communities and by legal authorities.<sup>118</sup> Upon the decisions of these 45 matrons, four women successfully plead their bellies and had their executions stalled; three women were unsuccessful. The eighth, Fortune Bennett, was remanded for pregnancy in February of 1608, a jury of matrons was quickly empanelled, but no decision was recorded. Regardless, Bennett was still, or again, in gaol in July of 1609.<sup>119</sup>

As previously mentioned, the Infanticide Act of 1624 made the concealment of pregnancy enough to warrant conviction for infanticide. However, despite the hardline presented in the Act, convictions for infanticide in our period remained, somewhat suspiciously, low. The Old Bailey oversaw 65 cases in the 26 years between 1674 and 1700. That works out to an average of 2-3 cases per year. Of those 65, over half, 34, were found not guilty. One who was convicted was subsequently respited for pregnancy. This is in keeping with Beattie's findings for the Surrey assizes.<sup>120</sup> When considering these statistics, we must keep in mind that cases for infanticide depended upon women formally or informally examining the bodies of suspected

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<sup>118</sup> Jenny Kermode and Garthine Walker, *Women, Crime and the Courts in Early Modern England* (London: UCL Press, 1994), 14.

<sup>119</sup> Items 111, 130, 170, 695 in *Calendar of Assize Records: Sussex Indictments, James I*, ed. J.S. Cockburn (London: H.M.S.O., 1975).

<sup>120</sup> Beattie calculated that, between 1660 and the end of the eighteenth century, the Surrey assizes averaged one infanticide case every eighteen months. Beattie, *Crime and the Courts*, 114.

infanticidal mothers and/or dead infants and providing their statements to the courts. As such, it is worth wondering 1. How often the female examiners *chose*, either consciously or subconsciously, to find that a woman had not been pregnant or given birth, or that the child had died naturally, regardless of the evidence they saw; 2. How often female witnesses *chose* to speak and interpret evidence ambiguously rather than see another woman condemned to death; and 3, how many women turned a blind eye to signs of pregnancy and infanticide, thus preventing accusations from ever reaching the authorities. These questions are unanswerable. We cannot go back and ask the women. But the ideas seem, to me, highly plausible. Remembering that most infanticidal mothers were servants, that domestic service was very common among women in seventeenth-century England, and that most of the accused were of a good reputation, I wonder if female juries were reluctant to sentence them to death.

As we know, reputation mattered in early modern England, as elsewhere, and this may have impacted a jury's decision to respite a female convict. In 1674, for instance, two female accomplices were condemned to be executed at the Old Bailey. The first, described as "an old offender" was executed, but her "companion" successfully plead her belly.<sup>121</sup> Juries of matrons were comprised of 12 women, and the odds are high that at least some had prior knowledge of, or contact with, a defendant. Feelings of empathy were likely to exist if that defendant was known to be of good credit and a tragic victim of circumstance. Reprieves could, moreover, be requested and granted because women were already mothers. In the middle of the century, parishioners of Chatham petitioned the court for a reprieve of Mary Ridgeway, who was sentenced to death for the murder of Elizabeth Ridgeway. The petition, signed by three

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<sup>121</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 14 April 2022), September 1674, trial of three other Men Woman another (t16740909-5).

churchwardens and ten other men, did not claim that Ridgway was innocent, but that she “has four small children who need their mother and the parish cannot provide for them.” Similar reasons may explain why Margaret Fowle was reprieved after being convicted of infanticide a few years later.<sup>122</sup>

The unclear markers of pregnancy in this period undoubtedly played a role in the high numbers of female convicts who successfully plead their bellies, and credulity could be stretched. Elizabeth Longman’s history of ill conduct finally resulted in her execution in 1676. The *Proceedings* reported that Longman was “an old offender, having been above a dozen several times in Newgate [Prison].” Longman had been transported to Virginia but returned, and had previously plead her belly. By 1676, after she helped rob a person of quality, Longman seems to have exhausted her good luck and judicial good will. The *Ordinary’s Account* described her as “wholly incorrigible, not to be reclaimed with any warnings.”<sup>123</sup>

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<sup>122</sup> Items 1691, 1715, 1716 in *Kent Indictments, Charles II, 1649-1659*, ed. Cockburn; Item 372 in *Calendar of Assize Records: Kent Indictments, Charles II, 1660-1675*, ed. J.S. Cockburn (London: H.M.S.O, 1989).

<sup>123</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 8.0, 23 February 2019), *Ordinary of Newgate’s Account*, May 1676 (OA16760517).

	Total	unknown	burning	respited	respited for pregnancy
Total	374 100% 100%	227 100% 60.7%	20 100% 5.35%	27 100% 7.22%	100 100% 26.74%
unknown	6 1.6% 100%	6 2.64% 100%	0 0% 0%	0 0% 0%	0 0% 0%
multiple verdicts	1 0.27% 100%	1 0.44% 100%	0 0% 0%	0 0% 0%	0 0% 0%
Guilty	363 97.06% 100%	219 96.48% 60.33%	20 100% 5.51%	26 96.3% 7.16%	98 98% 27%
Not Guilty	4 1.07% 100%	1 0.44% 25%	0 0% 0%	1 3.7% 25%	2 2% 50%

**Table 1.1 - *Proceedings of the Old Bailey, 1674-1699*.<sup>124</sup> Outcomes for female convicts sentenced to death.**

Female convicts sentenced to be executed who pled the belly were gambling on the support of other women. If the convict was searched and confirmed to be with child, her punishment was stayed and possibly reprieved.<sup>125</sup> Even some of those who were meant to be see their fate after giving birth simply faded from the record and did not return to the court. It may not have been worth it to pursue the women after their births, or, as in the Ridgway case, to make orphans who would require community relief. Juries of matrons did regularly produce negative verdicts, effectively sending the convicts to their ends. However, many claims of pregnancy were confirmed, enough that we might be suspicious of the motives of the matrons. According to Beattie, “there was a distinct shift of opinion about infanticide in the early years of the eighteenth-century.” By the middle of the 1720s, he argues, the courts were being more lenient with women on trial for infanticide. Focused on male magistrates, coroners, judges, and jurors,

<sup>124</sup> *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 6.0, 17 April 2011), Tabulating verdict category against punishment subcategory where sentence category is death and defendant gender is female, between 1674 and 1699. Counting by punishment.

<sup>125</sup> Capp, *When Gossips Meet*, 298.

Beattie has found that the Act of 1624 came to be seen as too harsh.<sup>126</sup> Dana Rabin argues that emotions gradually came to matter more than physical evidence in eighteenth-century cases. This change aligned with the growing importance of male medical expertise on matters of the female body. Focusing on legal outcomes and defense strategies, Rabin still sees “implicit sympathy evident in most trials for infanticide.”<sup>127</sup> It is probable that these sentiments existed prior to their recognizable impact on the law, perhaps most predominantly among women who could easily empathize with the conditions that had led vulnerable women to become pregnant and the desperate ends they may have been driven to. The idea that women were using their roles in the courts to see female convicts unjustly released was plausible enough to be noted by contemporaries. Broomhall has argued that these suspicions helped usher in the masculinization of medical care.<sup>128</sup>

## Conclusion

This chapter has examined the alliances of non-elite women in matters of violent crime. Early modern Englishwomen were well acquainted with violence, both as perpetrators and as victims. In either capacity, female allies were a common and vital means of support. Together, non-elite women committed assaults, robbery, and murder. They also defended their allies from punishment for these crimes. As we have seen in the other chapters, women found safety as well as strength in numbers. By keeping together women kept each other safe, especially from gendered threats like sexual assault. Violent female criminals, because of their rarity and

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<sup>126</sup> Beattie, *Crime and the Courts*, 118-123; Dickinson and Sharpe also identified a sharp decline in indictments for infanticide after 1700, from 63 cases in 1650-1699 to 31 in 1700-1749. Dickinson and Sharpe, “Infanticide in early modern England,” 38. It seems clear that the Infanticide Act quickly became unpopular.

<sup>127</sup> Dana Rabin, “Bodies of evidence, states of mind: infanticide, emotion and sensibility in eighteenth-century England,” in *Infanticide*, 74, 78.

<sup>128</sup> Broomhall, *Women’s Medical Work in Early Modern France*.

seeming transgressiveness, have been well-studied by contemporaries as well as historians. In this chapter I have sought to further complicate ideas of female criminality and communities by considering how even condemned women could still benefit from the support of female allies.

There were clear gender differences in the roles of women and men in the defense and prosecution of violence centering on women. Men could also be involved in defending wronged women, but their motivations were likely quite different depending on context and relationship to the parties. Most men were simply covering their tracks when they helped a sexual partner hide or abort her pregnancy. Husbands, brothers, and fathers might defend a woman out of a sense of loyalty, care, or personal motivation, ex. damage to their property or good name. And, of course, not all women were allies. A man's female kin, as we saw in Chapter Two, could similarly be invested in helping end an unwanted pregnancy, avoid an undesirable marriage, or deny a sexual assault. Women as well as men could dismiss female concerns over sexual misconduct.<sup>129</sup> But the converse of this was that a woman's allies were invested in her best interests. Some of these allies, including blood but also fictive kin like mistresses, had clear pre-existing ties. Others, however, had little obvious personal stakes in helping a pregnant single woman. Whereas men wanted to avoid being forced into marriage or paying child support, women were trying to make life easier for the vulnerable, perhaps desperate, woman. By hiding, denying, or ending pregnancies and births, women protected their female allies from a hard life as a single mother, or execution for infanticide. Non-elite women could also come together to increase their odds of successfully committing crimes such as assault, even murder. Female support was especially

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<sup>129</sup> For example, Walker cites a 1627 case where a married woman complained about sexual harassment by a preacher, including an episode where he ejaculated on her. The woman was reproached by female neighbours and told the minister was "but a man." Walker, "Everyman or a Monster?", 17.

important if the pregnant or raped woman had no male support to prosecute on her behalf. Male leverage was important to prosecution, but it still came fell to the juries of matrons to determine guilt or innocence based on their expert examination of the female body. They protected their own authority, and upheld cultural norms, by convicting some women. Had they released every woman who pled her belly or claimed miscarriage then the institution of matrons would have quickly lost credibility. Indeed, it was male fear that these matrons were releasing guilty women that led to their gradual decline and loss of influence.

Some of the most intriguing questions about female alliances in the doing and prosecuting of violent offenses have answers that can only be guessed at. The importance of secrecy and trust are rarely revealed to us in the sources, save when they failed and a crime was found out. We must read into the absences, and apply what I see as “emotional logic” to the past.<sup>130</sup> We are more sympathetic to those we share experiences with, or when we can easily imagine sharing experiences, such as rape. Many seventeenth-century Englishwomen were motivated to see female criminals punished, but, depending on the accused, it may have been more desirable to turn a blind eye. A matron, for instance, might generally be willing to testify to infanticide, but emotions muddy the waters when the suspect is a friend, peer, confidante, or kin, or when they were the victim of assault. Similarly, women were probably against murder as a concept, but still felt some compassion towards abused wives who killed their husbands. And if female criminals could have told authorities where to find their accomplices some opted not to, thus sparing them punishment, up to and including execution. Moreover, women who had been

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<sup>130</sup> Where Rabin is focused on male-controlled trials and defense strategies, I extend the concepts of “implicit,” or unconscious, sympathy to the reactions of non-elite women to gender-specific crimes such as rape, abortion, and infanticide. Rabin, “Bodies of evidence, states of mind,” 78.



assaulted, sexually or otherwise, may have been counselled by other women on whether to prosecute or not. Such decisions had to take into account the likelihood of conviction alongside the trauma of prosecution and desire for justice. There were, in sum, many emotional variables when non-elite women committed, hid, or prosecuted violent offences and this chapter has tried to add that crucial nuance.<sup>131</sup>

In sum, non-elite women paid attention to each other and the goings on around them. They noticed the signs of violence on bodies and clothes, shared stories, asked questions, and noticed suspicious absences. Many took it upon themselves to root out causes and pressed for justice for their female kin, friends, and neighbours. As official searchers, matrons, like those used by the Bridewell, were responsible for identifying and interpreting physical evidence. They determined whether a woman had been a victim or protagonist of a crime, for instance by looking for the physical damage which rape was supposed to leave on the female body. The conclusions they gave the courts determined what kinds of punishment or justice, if any, a woman might receive.<sup>132</sup> And even if only a fraction of what women told the courts about their crimes and the crimes of others was ‘true,’ neither they or the courts had trouble conceiving of violent women or women operating together.

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<sup>131</sup> In this I hope to have contributed to Walker’s call for scholars to recognize the multiplicity of emotions which likely existed around infanticide in early modern England. Like Walker, I argue that pity for desperate unmarried women was not new even by 1700. Moreover, contemporaries experienced conflicted feelings towards child death which should not be read as a simple dichotomy between wrong and right. Garthine Walker, “Child-Killing and Emotion in Early Modern England and Wales,” in *Death, Emotion and Childhood in Premodern Europe*, eds. Katie Barclay et al. (London: Palgrave Macmillan, 2017), 151-171.

<sup>132</sup> Griffiths, *Lost Londons*, 270-271, 379.

## Conclusion

Drawing on a variety of judicial sources from London, Middlesex, and Cheshire in the decades between 1630 and 1700, this dissertation has for the first time brought to light the kinds of alliances that non-elite women built, nurtured, and relied upon in the face of their many vulnerabilities. I have argued that these alliances were founded on shared bodily, social, and spatial experiences and values, or on the expectation of them. These experiences and values were shaped by early modern ideas about gender, as well as norms and laws. Early modern concepts of the female body and nature, as well as economic and legal realities, promoted the formation of same-sex relationships by focusing on women's roles as mothers, wives, and domestic managers. Common experiences encouraged emotional ties, especially empathy, compassion, and trust between women. Based on these feelings and shared understandings of problems and risks, non-elite women defended and assisted their allies. They worked and socialized together; they chatted in alehouses and on the streets; attended births and lying-ins' and nursed the sick and dying. Sometimes, they participated in regulating their communities, such as informally identifying and penalizing sexual misconduct, or, more often, testifying in court. Women's relationships changed through their life cycle, but at every stage they still fostered networks not only with family, but also beyond—within peer groups, such as wives or single women, or across different life stages and roles, as seen with mistresses and servants.

This is the first study to examine the lives and coping strategies of non-elite Englishwomen through the prism of female alliances. In doing so, it goes towards filling several historical gaps recently identified by scholars such as Laura Gowing and Amanda Herbert. The former states that “the social history of later seventeenth-century women is still under-

developed.”<sup>1</sup> The latter, working largely on elite women, published the first monograph on female alliances in Britain. Herbert recognized that the study of female communities “is critical to our understanding of early modern history.”<sup>2</sup> This dissertation aims to further that understanding by turning our gaze to non-elite women. It also contributes to the emerging field of trust studies. Trust has rarely been explicitly studied by historians, yet, as Geoffrey Hosking has argued, “if we do not study systematically the structures of trust and social cohesion, we risk missing essential features of a society.”<sup>3</sup> A focus on conflicts and other relationships has been true, especially, in scholarship on non-elite women. As this dissertation has shown, however, women in seventeenth-century England developed networks of trusted allies to whom they turned for knowledge, care, and protection. It has shown that scholarship focused on male friendships, on elites, and, among ordinary women, on conflicts has resulted in the erasure of a major facet of early modern social practice and culture.

Relationships between women were frequently depreciated in early modern popular culture and prescriptive literature. Alliances were also hampered by regulations, like the Act of Artificers which prevented female households, and by laws against sheltering women. The reality was, though, that non-elite women *needed* homosocial networks for their social standing as well as economic, legal, and bodily protections. They were also *expected* to have female networks. A woman who could call no one to attest to her character or history was highly suspect, especially if she was single. They had what Edward Muir, in his studies of Italian institutions, has characterized as “negative trust,” i.e., they lacked essential legitimacy.<sup>4</sup>

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<sup>1</sup> Gowing, *Ingenious Trade*, 9.

<sup>2</sup> Herbert, *Female Alliances*

<sup>3</sup> Hosking, “Trust and Distrust,” 101.

<sup>4</sup> Edward W. Muir, “Negative Trust: An Italian Paradox” (presentation, Renaissance Society of America, Online, 14 April 2021).

Additionally, informal support was a means of making ends meet, and the opinion of female neighbours often determined whether, and where, formal aid would be distributed.<sup>5</sup>

Engaging with theories of modern selfhood, Herbert has argued that early modern women were “autokeonomous.” That is, they created and developed their identities through “relational acts of sociability” and through belonging to female communities.<sup>6</sup> This framework effectively helps us to recognize and analyze women’s relationships without comparing them to men’s. It also highlights agency and responses within our environments, including the social and the legal, and allows for the power of emotions in relationships. Using judicial sources, this dissertation has shown that belonging to female communities, and the power of choice rather than independence (often used as the standard of the masculinized modern self), was also true of women further down the social scale. Female allies solidified relationships through acts of sociability, like visiting and participating in the rituals of childbirth. These relationships were facilitated by repeated contact and gendered uses of spaces, both public and private.<sup>7</sup> Despite restrictions on their agency and credit, non-elite women also used the law to protect their best interests, which were not always in line with male cultural values, and they regularly called upon other women, as witnesses and experts, in doing so. Non-elite women further contributed to the defining of their communities through the policing of outsiders and upholding of cultural values, such as sexual honesty. In some ways, I would suggest, female communities were even more important to non-elite than to elite women. As examples throughout this study have shown, female allies could contribute to making ends meet; to determining punishments for sexual

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<sup>5</sup> A very serious matter since, as Hindle has shown, 20% of the English population in the seventeenth century were ‘in need’ while only 5% received formal poor relief. Hindle, *On the Parish?*, 4.

<sup>6</sup> Herbert, *Female Alliances*, 12-13.

<sup>7</sup> This, too, connects with Herbert’s work on gender-specific uses of space. Herbert, *Gender and the Spa*, 362.

transgressions; and to handling many difficulties such as unwanted pregnancies, damaged reputations, and charges for adultery, witchcraft, rape, and infanticide, among others.

Gender, mediated by marital status and other social circumstances, was foundational to the identities of early modern women. The presumed inferiority of women was rooted in scripture and prescriptive literature, including law and medicine. They had fewer occupational choices than men and earned less, because they were expected, and encouraged, to marry. The female body was perceived as imperfect and prone to immorality, and women were disproportionally penalized for sexual misconduct. Yet this dissertation has argued that women were connected by their bodies and wielded considerable authority in social and legal matters based on their expertise. All-female birthing rituals allowed for the fostering and maintenance of women's networks. The practices of lying-in, labour, and churching promoted sociability among local women. Furthermore, these rituals were an important part of determining the status and credit of some women versus others. Matrons, usually, supported married mothers. They used their knowledge of sex, pregnancy, and labour, and their presence at births, to identify signs of sexual immorality in single women to see that costs did not fall on the community. Their roles as experts on the female body gave some women a prominent place in legal proceedings, including their highest legal positions as juries of matrons. But women also carried this expertise into the margins—operating largely with other women as sex workers, to hide or end unwanted pregnancies, and to commit crimes. In turn, I have argued throughout this dissertation that shared circumstances promoted empathy, compassion, and allyship between non-elite women. In a period when sexual assault, domestic violence, poverty, and defamation were always risks, women had either been there or knew they could easily find themselves in the same vulnerable position as their less fortunate peers.

Having female allies was one key strategy by which non-elite women mitigated their legal, social, and physical disadvantages. By collaborating, non-elite women increased their physical and moral strength, for defense and sometimes attack. Allies provided supportive testimony and evidence, thus increasing a woman's chances of judicial success. Even respectable and established women, like matrons, midwives, and female jurors, all required a collective of women to support their statements in court. Those suspected of even supposedly 'hidden' crimes like infanticide could benefit from female allies. The quality of allies, legal and illegal, was, of course, important as well. Women needed allies who could be trusted, and who would be believed and effective as witnesses. At the baseline, though, it was important for non-elite women to have strength in numbers to support their causes. Who made up those numbers depended on context and choice. They activated relationships that would serve best in the moment, whether that was reliable sources of knowledge, silence, or competent criminal accomplices. Kinship might provide pre-existing bonds that some could call upon in times of need; but proximity was also an important factor. Women made use of the people around them, who, due to gendered patterns of labour and space, were often other women.

This dissertation has examined several of the forms that alliances took among non-elite women. It has connected women's legal and illegal activities, the normative and the transgressive, demonstrating that few women were truly without same-sex allies. Female alliances were important for individual women and central to the workings of communities. By limiting and punishing sexual immorality, by constructing the 'fame' of individuals, and by defending allies in the streets, non-elite women, working together, contributed to the functioning of their communities and the maintenance of behavioural norms. Female alliances were also an important part of the ecclesiastical and lay legal systems, helping to determine guilt and

innocence, punishments, and the allocation of financial resources. This included providing key evidence in capital cases where they assessed and interpreted the bodies of women and infants. On the other side of the law, female criminals often committed crimes with other women, including crimes of necessity—including theft, of food or items to sell to make ends meet, and even violent crimes like robbery, murder, and infanticide.

In each chapter I have underscored the importance of having female allies by examining the harsh conditions which faced those women who, as a result of personal behaviour or unfortunate circumstances, lacked them. An ordinary woman with no female allies to attest to her character was in a very vulnerable position. As this dissertation has shown, such women were vulnerable to slander and the development of a common fame that could be used as evidence against them in court. Networks were often dependent upon age, marital status, and overall credit. All of these things took time to develop. Single women, those without family, and those new to a community would face more difficulty than those with an established place and reputation. While even somewhat marginalized women, like single mothers and sex workers, had some allies, they were still, largely, omitted from the powerful collective of respected matrons that policed their communities. Some unfortunate women found themselves and their children passed back and forth between parishes as churchwardens argued over who should be responsible for maintaining them.<sup>8</sup>

Further evidence of the potential power of female alliances in seventeenth-century England can be seen in reactions to them. Female sociability, especially among plebeian women, was frequently dismissed as gossip, disruptive, immoral, even evil. Common practices, like the

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<sup>8</sup> A sample of examples from the Middlesex Sessions (MJ SP) include 1690 06 013, 1690 07 017, 1691 08 007, 1694 04 020-021, 1694 07 010, 1696 07 052

rituals of childbirth, were subject to critique. These attitudes reflected male anxieties and fear of female talk.<sup>9</sup> Women's words had real impact, on other women, but also on men, including those in positions of authority, like the rector William Dennis. Like Broomhall and McLaren, I see the increased masculinization of female medical care as intrinsically linked to fears of women's homosocial networks.<sup>10</sup> Women's expertise over female bodies was the source, as I have shown, of many of their alliances; it was also what gave them authority within the courts and in regulating the sexual conduct of their communities. Froide has demonstrated that single women were increasingly subject to negative stereotypes as the seventeenth century progressed. They were imagined as old maids and spinsters who had failed to get married. At the same time, Froide has found that never married women operated in largely same-sex circles.<sup>11</sup> It seems probable that, here, too, suspicions of women together generated negative images that sought to reduce the power, value, and meaning of those networks.

Non-elite women's networks often had fluid boundaries and varied in size and duration. These female allies were generally most effective in supporting and policing other women. However, as examples throughout this dissertation have shown, women who were excluded from some alliances were often included in others. Because shared life experiences supported bonds, I have posited, for instance, that sex workers, pregnant single women, even infanticidal mothers, benefited from female alliances. Moreover, personal and emotional relationships, the 'emotional community,' could trump women's normal cultural values. This is not to argue that women did not form alliances with men or that women always got along or that female alliances existed in a

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<sup>9</sup> Gowing, *Common Bodies*, 172; Capp, *When Gossips Meet*, 272-274.

<sup>10</sup> Discussed on pages 117-118 of this dissertation.

<sup>11</sup> Froide, "Spinsters, Superannuated Virgins, and Old Maids: Representations of Singleness" in *Never Married*: 154-182.



vacuum. Women formed these alliances as a response and strategy for dealing with a culture that prioritized male authority, words, and actions. Women had to make careful choices about who to ally with and when to activate certain connections. Sometimes, male allies were useful. More often, men, lacking interest in or knowledge of women and their bodies, would not or could not contribute.

Throughout this dissertation I have emphasized choice and agency in the lives of non-elite women, even in contexts where scholars have tended to see subjection, degradation, and isolation, such as sex work and violent crime. Women faced many restrictions in seventeenth-century England, but they were not powerless. While women pregnant outside of marriage, engaged in sex work, and prosecuted for infanticide are often represented as desperate victims of circumstance, I have tried to view their situations from the perspective of networks. A collective of women might work to restrict the choices of individual women—by finding evidence of sexual immorality, for instance—but having female allies also expanded their options in times of crisis. Illegitimate pregnancies were probably devastating for most single women, but being sexually active and choosing to give birth or terminate an unwanted pregnancy were all parts of bodily autonomy. I have also argued that non-elite women sometimes exercised agency and support by *choosing* silence and claims of ignorance. Mistresses, kinswomen, servants, neighbours, even jurors, could choose *not* to see the evidence of illicit sex, pregnancy, and childbirth. I have also argued that women's illegal alliances—including among sex workers and violent criminals—were rooted in the same structures that fostered women's normative networks. Women turned to other women in times of need—including domestic violence, material neglect, sexual assault, and unwanted pregnancies—because they expected to find knowledge and sympathy there.

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*“A dialogue between Mistris Macquerella, a suburb bawd, Ms Scolopendra, a noted curtezan, and Mr Pimpinello an usher, &c. Pittifully bemoaning the tenour of the Act (now in force) against adultery and fornication.”* University of Oxford, 2013. Oxford Text Archive, <http://hdl.handle.net/20.500.12024/A81419>.

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