A Piece of the Puzzle: Women and the Law as Viewed from the Late Medieval Court of Chancery

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Abstract This article uses fifteenth-century Chancery court bills to demonstrate how women negotiated solutions to social and legal disputes not just in Chancery but through a variety of legal jurisdictions. This approach sheds light on women’s actions in courts where the records have not survived, and it also adds nuance to the long-running debate about whether equity was a more favorable jurisdiction for women than the common law. By bringing into view other jurisdictions—such as manorial, borough, and ecclesiastical ones—it demonstrates how litigants might pursue justice in a number of arenas, consecutively or concurrently. Some women approached Chancery because they did not think they would get justice in a lower court, while others were keen that their cases be sent back down so that they could be fully recompensed for the offences against them. A fuller understanding of the disputes to which Chancery bills refer complicates our understanding of why women “chose” Chancery. Chancery is only one piece of the puzzle of how women negotiated justice in late medieval England, but its records can also shed light on some of the missing pieces.

In the late fifteenth century, Alice Smyth, alias Felton, from Much Wenlock in Shropshire, petitioned to get an action against her in the town court of Bridgnorth moved to Chancery.¹ Her bill’s narrative starts further back, though: it relates how her daughter, Margaret, had become pregnant within a year of marriage to one John Glover but had consequently fallen out with her husband to the extent that she feared for her life and that of her child. Margaret fled to her father-in-law’s home, and he and some of her “frendes” took up her cause before the bishop of Hereford at the time of his visitation.² The bishop, clearly swayed by the arguments made, committed the woman and child to Smyth’s custody. However, Glover—who was in service with one of the two bailiffs of Bridgnorth—began an action of detinue against Smyth in Bridgnorth’s court, which was presided over by the bailiffs, for withholding his wife from him, to the damage of forty marks. Smyth imagined that she would lose the action, as she was “a Foreyner” (not from the town) and was facing “the might of the said Bailifs,” who were connected to her opponent.

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¹ The National Archives (hereafter TNA), C 1/60/177 [1475–1480 or 1483–1485], dated by its address to the bishop of Lincoln.
² “Frend” could denote a relative as well as a comrade; see Middle English Dictionary Online, s.v., “frend” (n), 4, https://quod.lib.umich.edu/m/middle-english-dictionary/dictionary/MED17655/track?counter=1&search_id=1243152, accessed 27 July 2019.

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Smyth’s bill argues that this loss would be against “right and conscience,” as it would ignore the bishop of Hereford’s decision.

The chancellor’s jurisdiction to deal with such bills of complaint, known as the “English” side of Chancery because its records are predominantly in Middle English, differed from the king’s other central courts in that it did not operate according to the principles of common law.\(^3\) Although some scholars prefer to call the late medieval Chancery a “court of conscience” rather than a court of equity, the key point is that cases were decided according to some notion of what was fair or just rather than by strict rules of evidence.\(^4\) In order for a case to fall under the remit of the “English” side, the petitioner had to claim that she would not receive justice in another jurisdiction—for example, because the case was not actionable under common law, or there was a lack of supporting documentation, or she was too poor to afford legal counsel, or the opponent was so powerful that the trial would be unfair. Alice Smyth’s bill includes the conventional claims that she would not receive a fair trial in Bridgnorth because she did not reside there and because her opponent had strong ties with those ruling on the case. It adds that the case should be decided according to conscience as the action brought in the town court was contrary to a ruling made by an ecclesiastic. The petitioner probably expected the chancellor, also the bishop of Lincoln, to support the ecclesiastical decision.\(^5\)

The endorsement on Smyth’s bill reveals that it had successfully met Chancery’s criteria to proceed, but, as in many cases, we do not know any more about the outcome of the dispute.

If a bill had appropriately set out its case, the requested writ would be issued to summon or secure the person about whom the bill complained (\textit{sub pena or attachias}), directed to officials and holders of courts asking them why the petitioner had been arrested (\textit{certiorari}) or to produce the petitioner from prison (\textit{corpus cum causa}).\(^6\) Alice Smyth’s bill asked for a writ of \textit{certiorari} to be sent to the bailiffs of Bridgnorth so that the action could be decided in Chancery instead. If the writs were successfully actioned, the next stage was for the defendant to answer under oath the charges made. The petitioner then had the option of responding to the answer (by submitting a replication), which might in turn produce a rejoinder from the defendant, and so on, until the allegations of the bill had been whittled down to a set of agreed points at issue. These points were then used for the next stage, the gathering of evidence. A commission of justices examined witnesses under oath. If the witnesses were near London, this would happen in Westminster; otherwise the commission would record the depositions in the locality.

\(^3\) J. H. Baker, \textit{An Introduction to English Legal History}, 4th ed. (London, 2002), 101–3. Before the reign of Henry VI (1422–1461), the petitions were usually written in French.

\(^4\) Timothy Haskett reviewed this debate and argued that Chancery was not an equity court in the later sense of the term until ca.1540: Timothy S. Haskett, “The Medieval English Court of Chancery,” \textit{Law and History Review} 14, no. 2 (Fall 1996): 245–313, at 249–80. Subsequently, Penny Tucker argued that “equity” might still be used as a generic term, even if no firm set of equitable principles had yet been developed: Penny Tucker, “The Early History of the Court of Chancery: A Comparative Study,” \textit{English Historical Review} 115, no. 463 (September 2000): 791–811, at 795.


By the mid-fifteenth century, it seems that all of these elements were presented to the chancellor in written form, as some of these documents have been preserved. The chancellor could then make a decision on the evidence that was before him, order a search for more evidence, examine any of the parties involved, or delegate some of these tasks. It is likely that not all cases lasted the distance, with some being dismissed and others lapsing due to lack of funds or because the defendants had settled out of court, although this supposition is hard to quantify from the surviving evidence. In the National Archives series known as C 1, only about a third of bills have further documents stored with them; for actions pertaining to urban rather than county disputes, the proportion falls dramatically.

In the view of J. A. Guy, that we often only have the initial bill of complaint means it is difficult to make any valid generalization about the nature of Chancery’s equitable jurisdiction in the period 1450–1550. However, if we focus less on Chancery as a jurisdiction and more on how it fitted into the broader legal framework in late medieval England, the bills can be revealing. They might give us only the start of a case in Chancery, but by necessity they almost always also refer to a legal dispute already in process elsewhere and sometimes to the backstory to the dispute. While such narratives were clearly constructed to advantage petitioners in their requests to Chancery, the bills were only necessary because the petitioners were running the risk of losing in another court. The bill of Alice Smyth is particularly interesting in that it gives us some insight into three legal actions—of her daughter’s “friends,” of her son-in-law, and of Alice Smyth herself—in three different jurisdictions. Further, it gives a glimpse into actions for which we have no other surviving records than this Chancery bill. In the extant church court records, there are relatively few cases of women seeking separations from violent husbands, and the records of the particular visitation referred to in Smyth’s bill are among the many that do not


10 Guy, “Development of Equitable Jurisdictions.” He was aware that further research in C 4, which contains answered answers, replications, and rejoinders from the Court of Chancery before 1660, might help in this regard. However, for this study, searches using variant spellings of names and places only turned up some related bills in C 1 and not any related pleadings in C 4 (see note 49).

survive. Similarly, the town court records for Bridgnorth do not survive before 1592.

In this article, then, I use Chancery bills to demonstrate how women attempted to negotiate solutions to social and legal disputes, not just in Chancery but through a variety of competing but interconnected jurisdictions. In part, I offer a response to the historiographical debate about whether Chancery was a particularly attractive jurisdiction for women as a result of the restrictions that they faced under common law. The legal restrictions—and the fact that the legal system itself was entirely peopled by men—also justifies our continuing to pay attention to women as a group, although they did not operate as a coherent subordinate group with a shared mode of resistance, as I demonstrate below. I discuss a select number of Chancery cases in order to illustrate how female litigants might have had to use multiple jurisdictions for what was essentially one dispute and how we can access this information from the Chancery bills. I consider how viewing a Chancery case as part of a broader dispute, which also played out in other courts, affects the historiographical view of Chancery as a more favorable jurisdiction. To this end, I also discuss what happened after a woman petitioned Chancery, not just in that court but in other jurisdictions and beyond them, again from the surviving Chancery evidence but primarily by considering some cases where we have more than the initial bill. Janet Loengard argues that a necessary path to understanding women’s position under the law was to undertake case studies in particular sets of legal records, each one “a piece in the … jigsaw puzzle which must be put together.” I contend that while women’s actions in Chancery are but one piece of the bigger puzzle, if we want to understand how women negotiated justice in late medieval England, Chancery is an area that can help us learn more about some of the other missing pieces.

WOMEN AND CHANCERY: THE DEBATES

Scholarship on women and Chancery has debated two interconnected questions: whether equity law was better for women than common law and whether women brought suits to equity courts in higher numbers than they did to the other central courts. While there has been a certain amount of discussion pertaining to these matters for the late medieval court of Chancery, the historiographical debate

13 The town had legal privileges conferred by charters in 1227 and 1256; Adolphus Ballard and James Tait, eds., British Borough Charters, 1216–1307 (Cambridge, 1923), 156, 159. Leet records survive from 1434: First Great Leet Book, 1434–1563, Shropshire Archives, BB/F/1/1/1.
originally focused on later periods and particularly as it concerned married women’s ability to hold property.\textsuperscript{16} The key study on women and the English court of Chancery was carried out by Maria Cioni and relates to the better-documented Tudor period.\textsuperscript{17} Cioni argues that women regularly sued in Chancery because it recognized their property rights when common law would not—for example, because of coverture or lack of documentation. Chancery influenced the development of particular equitable devices such as uses or trusts, which might form part of a woman’s family or marriage settlement.\textsuperscript{18} Amy Erickson discusses the court for the period 1558–1714 in the context of an argument that “the primary purpose of a marriage settlement in early modern England was to preserve the wife’s property rights” and that Chancery was the court that would uphold such settlements.\textsuperscript{19} She then offers a more nuanced view of women’s use of this court in her longer study of women and property in early modern England: “While the number of women plaintiffs [in Chancery] illustrates the extent of women’s involvement with matters of property and business, the women themselves were not necessarily pleased to be exercising their right to appear before the court,” which was forced on them by being sued in a common law court.\textsuperscript{20}

The scholarship on women and the late medieval court of Chancery is still at a preliminary stage but has used some of these debates as springboards. For example, Eileen Spring, discussing the period 1300–1800, has argued that courts like Chancery were used by the aristocracy to defeat common law rules that were advantageous to potential heiresses (for example, strict settlements might be used to bypass daughters in favor of uncles or other collateral males), but did not demonstrate this empirically.\textsuperscript{21} In terms of numbers, Emma Hawkes has claimed that women were three times more likely to petition Chancery than to take a case to another central court. This finding was based on a very limited sample of cases from Yorkshire in the period 1461–1515.\textsuperscript{22} However, Timothy Haskett’s Early Court of Chancery in England Project (ECCE), 1417–1532, which sampled 6,850 cases of approximately 61,000 available in C 1, found that 21 percent of petitioners to Chancery in his sample were female, which does lend some support to Hawkes’s finding.\textsuperscript{23}

\textsuperscript{16} See, for example, Mary R. Beard, \textit{Woman as Force in History: A Study in Traditions and Realities} (New York, 1946), 198–203; Janelle Greenberg, “The Legal Status of the English Woman in Early Eighteenth-Century Common Law and Equi-}
\textsuperscript{17} Maria L. Cioni, \textit{Women and Law in Elizabethan England with Particular Reference to the Court of Chancery} (New York, 1985).
\textsuperscript{20} Erickson, \textit{Women and Property in Early Modern England}, 116.
\textsuperscript{23} Haskett, “Medieval English Court of Chancery,” 281–82, 286.
Matthew Stevens has recently pointed out that the percentages hide the higher number of litigants who used courts like the Court of Common Pleas: “While women formed a larger proportion of petitioners to Chancery than they did litigants at Common Pleas (15 percent as opposed to 5 percent, respectively), the fifteenth-century Court of Common Pleas processed twenty to forty-five lawsuits for each one petition to Chancery”; Stevens’s figures for Chancery are from Hawkes for the proportion of women but from Haskett for the number of cases heard per year.24 However, a study of the surviving Chancery writs indicates that the number of Chancery cases per year might have been much higher than that suggested by Haskett and others. For example, Penny Tucker found over nine hundred writs for 1441–42, a period for which Nicholas Pronay earlier posited an average of 136 bills. Writs were issued by the court of Chancery during the course of a case so the number of surviving writs suggests that the vast majority of bills have not survived, although Tucker does moot that the survival rate of bills might have improved by the last quarter of the fifteenth century.25

Haskett’s ECCE project also reports that women only made up 7 percent of respondents in Chancery, which suggests that when women are found in the court’s records, it is likely because they chose to take the case there, lending support to Hawkes’s argument.26 Haskett further found that from the 1430s to the 1510s the proportion of female petitioners to female respondents shifted from 80:20 to 52:48, which might “reflect increasing participation in matters of property and inheritance or a more vulnerable state as executors or heirs … [and] some diminished capacity to act at law.”27 However, as we have seen, there are problems with quantitative exercises and the surviving Chancery material. In this article I build on some of these debates, but instead of offering another quantitative approach, I suggest that a different approach to the same material might offer fruitful rewards to those studying women’s use of the law. Hawkes was primarily interested in women’s knowledge of the law, and, I contend, the Chancery bills themselves can give some qualitative evidence about women’s legal knowledge and their experience of multiple and competing legal jurisdictions.

WOMEN NEGOTIATING MULTIPLE JURISDICTIONS

The Chancery bill of Johane, widow of John Baten, gives us an insight into not only her action in Chancery in the early 1480s but also how she handled her husband’s legal affairs and then her own, both in a church court and two civic arenas.28 Johane Baten was being sued in the sheriff’s court of London by John Storke for

26 Haskett, “Medieval English Court of Chancery,” 286.
27 Haskett, 286–87.
28 TNA, C 1/60/238 [1480–1483 or 1485]; the bill is dated by its address to Thomas [Rotherham], archbishop of York, as chancellor.
one of her late husband’s debts and was seeking a writ of *certiorari* to have the case moved to Chancery. The bill contains the standard claims that would ensure it fitted the scope of the chancellor’s jurisdiction: Johane Baten was poor and not well acquainted in London, unlike her opponent, who had connections, and therefore she would not get a fair trial. The bill, presumably in a bid to back up her argument that she was being unfairly pursued, as well as to evoke sympathy, also offers further contextual information on her legal activities dating back to her husband’s death.

John Baten had been resident in Bristol. According to the Chancery bill, he had named his wife as executor of his testament, as was common, but Johane Baten refused to take on this legal responsibility as she knew that he had more debts outstanding than his goods were worth. She also secured a certificate to this effect, under the seals of the commissary and the mayorality of Bristol. Although the church had jurisdiction over probate matters, some civic governments also required wills that affected their jurisdiction (for example, burgage tenure, the protection of orphans) be enrolled before them, too, as was clearly the case in Bristol. The wills entered in the city’s Great Orphan Book from 1382 to 1492 nearly all contain a note that they had been proved before ecclesiastical authorities before being proved before the mayor and his officials. Johane Baten must have appeared before both the commissary court and the mayor’s court in order to get these certificates.

According to the bill, once Johane Baten had refused to be the executor of her husband’s testament, his goods were sequestered by the commissioner of the deanery of Bristol for the bishop of Worcester, in whose diocese they lived. She left the house where her husband died, “takyng with her no erthly goods but oonly the smok and the kyrtill” she was wearing. While this statement has the hallmarks of a legal trope, it perhaps also suggests knowledge that until her husband’s estate was settled, Johane Baten had a legal right only to her “paraphernalia.” This term is most commonly understood to mean a wife’s clothes and jewelry; the early thirteenth-century common law treatise known as *Bracton* referred to “robes and jewels, which may be said to be her own.”

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32 TNA, C 1/60/238.

33 There is also a similar statement in the bill of widow Mawte Calwey, whose husband died intestate. She was “put oute of the same house oonly in hir feble clothing wherin she than stode.” TNA, C 1/64/778 [1475–1480 or 1483–1485].

in the Court of Common Pleas in 1454 debated whether a widow had effectively taken on liability for her deceased husband’s estate when she accepted delivery of certain goods, including her own clothing. Two justices argued that the widow should not receive her apparel nor any other goods until the question of administration had been settled; another argued that she could have what apparel canon law stipulated; and two others maintained that she could have suitable (convenient) but not excessive (excess) apparel.35 Johane Baten’s act of leaving most goods behind, like her refusal to be her husband’s executor, suggests some prior knowledge of the law.

The bill ends with Johane Baten appealing to the chancellor as “a power [poor] widowe.”36 Yet this position seems at odds with the incidental reference that she had gone “to the cite of London for certeyn besynes which she had ther to doo.”37 That a Bristol widow had business to conduct in London also suggests that she owned more than a smock and kirtle. It is possible that she had her own business and property separate from her husband’s, as Bristol allowed women to register as a “femme sole,” which allowed them to enter into contracts independently of their husbands.38 It was also while Johane Baten was in London that John Storke affirmed a plaint of debt against her in the sheriffs’ court for £8 22d., a debt that was actually her husband’s.39

While we do not know the chancellor’s ruling, the bill does give us an insight into Johane Baten’s actions, particularly her legal ones prior to the Chancery case. Rather than bemoan the fact that we do not know how this case progressed in Chancery, we can approach the Chancery bill as one step in a more complex social and legal dispute and consider what light it sheds on this woman’s knowledge and experience of the law. Johane Baten shows knowledge of the rules regarding the administration of probate, and she appeared before both ecclesiastical and civic officials to get the relevant paperwork. Her own work brought her into contact with the courts in another city, and it is there that she was forced to appeal to a higher court because she was not as well connected in London as her male opponent. Appealing to Chancery was a defensive measure and not the start of her legal battle, which was triggered by her husband’s dying while effectively bankrupt.

The Chancery bill of Alice Parkyns can be used similarly to look beyond a woman’s approach to this particular court and gain a broader sense of her interactions with a number of different legal jurisdictions about a related matter.40 The case that Parkyns

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36 For example, see TNA, C 1/58/421 [1475–1480 or 1483–1485]; TNA, C 1/60/204 [1475–1480]; TNA, C 1/64/1049 [1475–1480 or 1483–1485]; TNA, C 1/64/1130 [1475–1480 or 1483–1485].

37 TNA, C 1/60/238.

38 Peter Fleming, Women in Late Medieval Bristol (Bristol, 2001), 7.


40 TNA, C 1/64/738 [1475–1480 or 1483–1485].
sought to have moved to Chancery was again one for debt linked to her late husband's dealings, although this time from the bishop of Winchester's court in Southwark, which he ran as a manor. Parkyns had been sued by brewer John Gould for 40s., which she claimed was a malicious action. In order to demonstrate the need to get the case heard in Chancery, the bill rehearses Parkyns's dealings with an ecclesiastical jurisdiction (her husband died intestate) and a civic court (Gould first sued her in the city of London) before it turns to the case in the bishop's manorial court in Southwark.

According to Alice Parkyns's bill, Roger Parkyns had paid his debt of 47s. to John Gould, but in an effort to avoid other creditors, he took sanctuary in Westminster. A number of religious houses in late medieval England used their status as royally chartered liberties to offer permanent sanctuary to debtors as well as accused criminals. Roger Parkyns was there only for three weeks before he died. As he died intestate, Alice Parkyns decided to pay for the cost of his burial, which suggests she had some money at her own disposal or she was considered good for credit. Roger Parkyns's goods, though, were sequestered by the archdeacon of Westminster for the abbot of Westminster, presumably so they could be used to pay back his creditors. Alice Parkyns's bill relates that she was not allowed "to come within her doors … under the seal of the archdeacon," as she was willing to show the chancellor. This suggests that a widow did not automatically get her share of her husband's property in such bankruptcy cases. The bill then turns to the actions of John Gould. He first took an action of debt against Alice Parkyns in the City of London but did not see it through as he knew he would not get remedy there. According to Alice Parkyns's bill, Gould then started an action of debt in the neighboring area of Southwark, where he, unlike Alice Parkyns, had important friends, and so he was more likely to be successful there; hence her request for a writ of certiorari to get the case moved. The bill's endorsement reveals that the request was accepted.

Again we have a woman who was appealing to Chancery for help in a dispute prompted by the death of her debtor husband. The bill positions her as a victim in need of help, but it also reveals a woman who had attempted to handle the situation in a variety of ways before this appeal. After her husband's death, Alice Parkyns was refused access to their shared house because of his debts, but she used this official decision as a defense against her husband's creditors, who tried to make her liable

44 TNA, C 1/64/738. For another bill that refers to the doors of the property being sealed (in this case, while the widow was burying her husband), see TNA, C 1/48/60 [1473–1475].
45 Helmholz suggests that a wife might have been given a forced share of her husband's estate before the claims of creditors, but he cautions that he only has two examples from the same diocesan court (Chichester, post-1527), and possibly a third from Rochester (1499): Helmholz, “Bankruptcy and Probate Jurisdiction before 1571,” 424–25.
46 Falling "nonsued" is a common strategy, according to Chancery bills. For example, see TNA, C 1/46/171 [1467–1472, possibly 1433–1443]; TNA, C 1/48/43 [1473–1475]; TNA, C 1/64/1130; TNA, C 1/169/5 [1486–1493 or 1504–1515].
for the debts. She was confident of victory in a London court, and it was only when John Gould brought a claim in Southwark, where she lacked his connections, that she sought to move the case to Chancery. Gould pursued Alice Parkyns serially in neighboring jurisdictions, just as her husband had made use of a neighboring jurisdiction to avoid his creditors.47 This issue was not one confined to London: we also saw how Alice Smyth from Much Wenlock was pursued in Bridgnorth, both in Shropshire. In all these examples, the women made a decision to petition Chancery, but they were responding to actions initiated by male opponents in other courts. This was not always the case: women might have initiated the original lawsuits or the opponent might also have been female, as is exemplified below.

**DID WOMEN FAVOR CHANCERY?**

As discussed, Haskett’s ECCE project suggested that women were more likely to appear in Chancery as petitioners than as respondents. This pattern perhaps indicates that women favored this jurisdiction, although the project also found that the proportions evened up over the course of the fifteenth century. If we take a qualitative approach, though, the question of whether women “chose” Chancery becomes more complicated, in that we must also factor in earlier decision-making. The detail of Chancery bills makes clear that they were the next stage in a dispute, which was often at issue in another court, so the choice was not so much between the central courts as between seeing the case through in a local court or trying to get it moved to Chancery. Also, even when we have a bill in a woman’s name, it need not mean that the initial choice of taking a dispute to Chancery was hers—what we might have is a countersuit in response to a man petitioning the court.

The bill of Alice, wife of John SeintJohn, for example, relates how she had long been seeking compensation from one John Goldesburgh for a leg injury that had prevented her from working: she had tried arbitration and love days, then an action of trespass in the sheriffs’ court of London. It was at this point that Goldesburgh tried to change the jurisdiction: first to the mayor’s court (it was sent back down to the sheriffs’ court, where a jury found against him). Then he petitioned Chancery for a writ of corpus cum causa, which stopped the sheriffs’ court enacting the jury verdict. Alice SeintJohn was therefore counterpetitioning Chancery to get a procedendo, which would send the case back down to the sheriffs’ court so that judgment could be given on her compensation.48 Thus while Alice SeintJohn did petition Chancery, and would feature in Haskett’s statistics as doing so, the jurisdiction that she preferred for her action was the sheriffs’ court, which had already found in her favor.

The bill of Johane Martok, a widow in Bristol, reveals that she was also the original initiator of legal action but not of the Chancery phase. Martok had successfully sued one Thomas Walsh and been awarded 51s. 8d. “by processe of the lawe and after the

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47 McSheffrey, “Sanctuary and the Legal Topography of Pre-Reformation London,” 487–88, discusses the other liberties in medieval London, within the city limits or on its immediate outskirts.

custume of the Towne of Bristowe.”

Walsh delayed the execution of this decision by securing a writ of certiorari from Chancery. He then took an action of debt against Martok in one of Bristol’s courts for 43s., claiming that her late husband owed him this amount and that she was the administrator of his goods. At this point Martok’s recourse was to Chancery, claiming she was “of none power to hold ple[a]” with him, asking for a procedendo so that the result of her initial case could be enacted, and a certiorari so that Walsh’s action of debt could be moved to Chancery. While Martok had clearly had legal advice in putting together this bill, it nevertheless is revealing of how a fifteenth-century woman might have to negotiate a legal action and Chancery’s role in this. In this case, it was not just a simple matter of suing a man in Bristol: Martok then had to deal with a countersuit of debt in one of Bristol’s courts and had to use Chancery as a higher court, as had her opponent. Martok was not the first one in this dispute to involve Chancery, but her petition was a necessary next step. Even then, the bill shows awareness of which jurisdiction was better for which action in that it asked for one legal action to be sent back to the court in Bristol (so that Martok could receive her 51s. 8d.) and the other to be decided in Chancery (so that Walsh’s debt claim could be quashed).

The bill of one Johan Detton, likely from 1471, reveals that the origin of her Chancery dispute was that she had similarly been “successful” in her initial legal action. She had brought an action of debt in the bishop of Winchester’s court in Southwark against one John Vernon, and he was told to pay her 35s. However, her victory was pyrrhic. There were deliberate delays in getting the written condemnation delivered to Detton, which she blamed on the bailiff of the court. Then one John Neuland, who was one of Vernon’s sureties in the case, brought a feigned action of debt (40s.) against her and caused her to be arrested. Neuland wanted to have his suit settled before “a court of pepouders.” Piepowder courts were special courts convened to deal quickly with disputes that arose during public fairs, as many of the participants were visitors rather than residents; these courts should not have been used for disputes between locals. The bill alleges that John Neuland had already arranged Detton’s condemnation with the intention that she would be forced to drop her claim to the outstanding 35s. in return for his dropping his for 40s. Detton was in prison, fearing a guilty verdict on a false charge, and her petition was for a corpus cum causa writ to get her and her case moved to the court of Chancery. Her bill

49 TNA, C 1/64/1049 [1475–1480 or 1483–1485]. Thomas Walsh was involved in another Chancery case: TNA, C 1/17/214-5. It is dated by its bundle to 1407–1456, but when it is linked with a surviving replication in C 4, we can see that the case was heard in Chancery in 1477: TNA, C 4/6/32.

50 It was most likely the mayor’s court, which could handle all civil pleas, although there was also a Tolsey court for commercial matters, a staple court, which focused on commercial credit, and a court of Piepowder, which should have dealt with outsiders only, but see the case of Johan Detton, below. On the courts, see Fleming, Women in Late Medieval Bristol, 1–2. For a Bristol widow in the Tolsey court, see TNA, C 1/60/204 [1475–1480]. A Bristol wife claimed that her opponent got actions taken against her “in dyverse cortes” in the city: TNA, C 1/64/1140 [1475–1480 or 1483–1485].

51 TNA, C 1/46/344: the endorsement is dated Friday 28 July, and so this and the address to the bishop of Bath and Wells as chancellor narrow the date range to 1471 (most likely), 1437, or 1443. The bill notes that the original debt was 25s., but the verdict that Vernon should pay 35s. is written twice, and so the latter amount seems to be accurate. Either the initial notation of 25s. is a mistake or the court had awarded Detton substantial damages.

gives us insight not only into a woman successfully suing for debt in a manor court, something we can see in surviving court records, but also into the potential ramifications of such an action—here an allegedly false accusation of debt by her opponent’s friend, leading to imprisonment, which forced her to turn to Chancery for redress. The bill’s endorsement reveals that she was successful in securing the writ.

An unrelated bill supports Johan Detton’s claims in that it also attests to John Neuland’s undue influence in Southwark’s courts. Agnes Johnson was being sued by Neuland (here spelled Newlond) for debt and trespass while her husband was “out of country” and was petitioning from prison. The bill does not appeal to coverture as a defense, which perhaps did not apply in this manorial court, but claims that she feared she would lose as Neuland was wealthy and, more significantly, was brother-in-law to the bailiff of the court and “hath such rule in that courte” that the jury always sided with him. Johnson was also successful in securing a corpus cum causa writ.

The bills of SeintJohn, Martok, and Detton all show that women petitioned Chancery for a variety of reasons. In contrast to the cases discussed earlier, the bills do not position the female petitioners simply as victims of corrupt practices in local courts, although that is one feature of Johan Detton’s bill. In all three cases the women had been successful in their initial legal actions at a local level; in two of the cases, the women were petitioning to get their cases returned to that jurisdiction because that would be their best chance of getting full recompense. A qualitative approach to Chancery bills, then, complicates the picture about why women might petition the court and how it functioned as part of a broader strategy of negotiating justice.

**GENDERED JUSTICE?**

I have discussed a number of cases in which women alleged that they were unable to get justice in a customary court because their opponents had powerful friends. Allegations of corrupt practices in local courts are not atypical in Chancery bills, as the claim is one that would help get the matter moved to Chancery. For example, the bill of widow Alyn Jane alleges that Robert Cruys, who was suing her in Exeter’s mayor’s court for breach of contract and theft, was brother to one of the bailiffs of the court, who had put together a jury with the intention of finding against her. Elizabeth, the wife of William Thornton, petitioned from prison that she

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53 TNA, C 1/46/343 [1467–1472, possibly 1433–1443].
54 For a discussion of how coverture was optionally applied in manorial courts, see Miriam Müller, “Peasant Women, Agency and Status in Mid-Thirteenth to Late Fourteenth-Century England: Some Reconsiderations,” in Beattie and Stevens, *Married Women and the Law*, 91–113. Some Chancery bills did use neglected coverture as part of their argument for moving cases from customary courts. For example, see TNA, C 1/32/344 (Canterbury; [1465–1471 or 1480–1483]); TNA, C 1/46/47 (London, dated to 1471 by matching writ: TNA, C 244/112 no. 105); TNA, C 1/64/755 (Coventry); TNA, C 1/64/1140 (Bristol; [1475–1480 or 1483–1485]).
55 Carlin argues that the bishop’s court in Southwark was particularly notorious in this regard; Carlin, *Medieval Southwark*, 218–19. For a discussion of such allegations in relation to London’s juries, officials, and judges, see Penny Tucker, *Law Courts and Lawyers in the City of London, 1300–1550* (Cambridge, 2007), 345–49.
56 TNA, C 1/66/51 [1475–1480 or 1483–1485]. For more on this court, see Maryanne Kowaleski, *Local Markets and Regional Trade in Medieval Exeter* (Cambridge, 1995), 337–8.
would not get a fair trial in Coventry as her opponent, William Rowley, was motivated by “malice” and was one of the twenty-four worshipful men of the city.\(^{57}\)

While male petitioners could and did make similar claims, it is worth reflecting that the people with the power to influence decisions in the courts were all male, and so women were structurally disadvantaged by their more limited access to patronage networks that might sway rulings in local courts. This point is perhaps most clearly demonstrated with reference to Chancery cases in which the petitioner had a female opponent who was accused of taking part in corrupt practices.

The bill of widow Petronill Rothirford relates how she had had various malicious actions brought against her in the sheriffs’ court of London by a former landlady, Thomasyn Berkeley, who generally let them fall non-sued.\(^{58}\)

Rothirford had lodged with Berkeley but left because the house was not of good government.\(^{59}\)

The bill claims that the most recent action of trespass brought by the landlady was likely to be successful due to “the help and mayntenance of certayn officers and yong wyld men that dayly drawith” to Berkeley’s house, who had ensured that people of their affinity were empanelled on the jury.\(^{60}\)

As a result, the widow was refused bail even though she had offered sufficient sureties, and therefore Rothirford’s bill requested a\textit{ corpus cum causa} writ. In this case, the opponent—as in other examples we have seen—allegedly sought help from better-connected people.

However, while the male opponent in Alice Smyth’s case worked for a bailiff and the male opponent in Alcyne Jane’s case was the brother of one, Thomasyn Berkely allegedly called on customers at her disorderly lodging house, who used their more official networks. Another London bill, that of Anne, wife of John Davell, goes further and claims that the action of trespass brought against her by Christine Baxster, singlewoman, was on the advice of Baxster’s master, an attorney in the court of the Guild Hall, who would also be able to get the jury to find against Anne Davell.\(^{61}\)

While this claim does have the hallmarks of a trope, of a more powerful man pulling the strings, such tropes existed because they had the ring of truth in a world in which only men could be court officials, jurors, or professional attorneys.

One female plaintiff apparently used a fictional man to help her case. The bill of Cecile, late the wife of John Burnard, claims that Maude Tylard vexatiously took out a joint plaint of debt against her and one John Bowhill in the mayor’s court of Exeter, “where of trouth ther is no suche man knowen by the name of John Bowhill.”\(^{62}\)

Cecile Burnard was arrested, but the mayor and bailiffs refused to hear her plea until she brought this John Bowhill, too. Cecile Burnard’s bill alleges that Tylard’s intention was to weary Burnard through imprisonment until she admitted

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\(^{57}\) TNA, C 1/64/755 (1485). William Rowley was a sometime sheriff (1486) and mayor (1492, 1496–97) and seems to have been one of the twenty-four from 1485 to 1504; hence my narrower dating of the bill. Mary Dormer Harris, ed., \textit{The Coventry Leet Book: or Mayor’s Register}, Early English Text Society original series nos. 134, 135, 138, 146 (Berlin, 1907–1913), 522, 528, 542, 581, 602.

\(^{58}\) TNA, C 1/64/1130 [1475–1480 or 1483–1485].

\(^{59}\) The bill does not make any specific allegations about what happened in this house beyond being visited by “yong wyld men” and being “of no sad [sober] rewle,” but such allegations are common for brothels, disorderly alehouses, and innkeepers who took in “vagabonds.” Marjorie Keniston McIntosh, \textit{Controlling Misbehavior in England, 1370–1600} (Cambridge, 1998), 68–81.

\(^{60}\) TNA, C 1/64/1130.

\(^{61}\) TNA, C 1/80/12 (1486).

\(^{62}\) TNA, C 1/64/198 [1475–1480 or 1483–1485].
the feigned debt. This case has shades of the story told in Johan Detton’s bill about John Neuland’s contrived action of debt in Southwark and shows that women could be the agents of corruption as well as the victims. As argued from the outset, women did not negotiate the legal system as a coherent subordinate group, with a shared mode of resistance. Nevertheless, they are still worthy of attention as an entity given that the courts were entirely run by men and, as a result, women faced structural disadvantages in accessing justice.

WHAT HAPPENED NEXT?

I have discussed why some women sought justice in the court of Chancery and why others petitioned Chancery to get cases sent back to another jurisdiction. Although often only the initial bill of complaint survived, I now consider some cases in which further documentation is extant or in which the bill makes evident that it was not the petitioner’s first petition to Chancery. The survival of further documents—or the need for subsequent bills—attests to how contested Chancery cases could be and demonstrates that the path toward securing justice was beset with troubles even after this stage had been reached. These documents also reveal more about the process of seeking redress in Chancery, and how sometimes it continued to intersect with other jurisdictions.

The widow Fyne Popyngeay of Bishop’s Lynn (now King’s Lynn) in Norfolk petitioned Chancery at least three times, and one of these bills notes that the action had been ongoing for two years.63 It is clear that not all the documentation associated with this case has survived, but it seems that Popyngeay’s claim is that she and her late husband, Robert, had purchased 8s. of quit rent (rental payments from land) and forty acres of land in West Lynn from one Edmund Bray for forty marks, but the land had ended up in one Simon Grene’s hands. The first bill to allege this was clearly not the first time Chancery had heard of the dispute, as it refers to a commission that the chancellor had ordered to look into the matter; such commissions could examine witnesses and draw up written depositions as well as take a defendant’s answer in the county.64 While we lack responses from any of the men concerned, one was clearly made by Edmund Bray, as we have a replication from Popyngeay responding to it. Edmund had clearly tried to get her bill rejected by Chancery as her replication asserts that the matter contained in the bill was sufficient in law and that she would not receive remedy at common law.65 What seems to be the latest of three extant bills from Fyne Popyngeay claims that the action against

63 TNA, C 1/153/64; TNA, C 1/73/17; TNA, C 1/15/189. The first and third of these are addressed to the archbishop of Canterbury as chancellor, but TNA has dated them differently: the first as 1486–1493 or 1504–1515, and the third as 1443–1450 or 1455–56. The earlier dates seem likely for both as the petitioner (and husband) are named as defendants in an action ca.1433, and one of the named opponents, Simon Grene, can be linked with two other bills dated 1426–31. TNA, C 1/12/35; TNA, C 1/7/99; TNA, C 1/7/170.
64 TNA, C 1/73/17. TNA, C 1/153/64 is very similar but alleges that one William Harman instead of Simon Grene was involved. However, subsequent documentation suggests that it was the bill involving Grene that went forward. On commissions, see Jones, “An Evaluation of the Effectiveness of the Court of Chancery,” 91–92.
65 TNA, C 1/73/18 [1443–1450 or 1455–56].
Edmund Bray—and Simon Grene—had been ongoing in Chancery for two years. It states that both men had now appeared before the court, suggesting that this was probably one of the causes of the delay, and Popyngeay was seeking judgment. She seemed to anticipate that the court would find in her favor as she also requested that the two men pay a surety to keep the peace so that she could take up the lost property without fearing for her life.66 The request also suggests that she suspected that succeeding in Chancery would not be the end of the dispute.

Eleanor Cotton, wife of Thomas Cotton, had to re-petition Chancery, even though her first bill had been successful.67 Eleanor Cotton’s bill alleges that Richard Lovell had taken a feigned action of trespass against her in London, leading to her arrest. She had successfully gained a corpus cum causa writ from Chancery and was granted bail.68 However, the bill claims that Lovell had Cotton arrested for the same cause while she was out on bail, leading to her being returned to prison in London. She again requested a corpus cum causa writ. The comparatively well-documented case between Katherine Bee and her late husband’s cousin Robert Bee also demonstrates how securing a favorable judgment in Chancery might not put an end to related litigation in lower courts, particularly because parties often launched multiple suits in one or more courts. In 1477–78, Katherine Bee petitioned Chancery about a long list of her goods, including some silverware, which she claimed she had entrusted to Robert Bee for her own use (she had been lodging with him), but he had sold some goods and was withholding others.69 The dorse of the bill notes that the court found in her favor on 5 February 1478. However, another bill from Katherine Bee reveals that this was not the end of her legal wrangling with Robert Bee. It alleges that on 9 February her suit (presumably another one) was still hanging in Chancery and that when she was returning home from Chancery that day, she was arrested in London “in contempt of the seid courte.”70 This arrest was the result of Robert Bee’s taking an action of trespass against her in the “counter of Bredstrete”—also known as Bread Street Compter, a court and prison run by a sheriff.71 The bill asserts that Katherine Bee was “credibly enformed” that Robert

66 TNA, C 1/15/189. (For the date, see note 68.)
67 TNA, C 1/46/424 (probably (1462–1472)); see note 68 below.
68 Tucker argues that the frequent requests for corpus cum causa writs was probably because it would have been easier for strangers to get bail from Chancery than from London’s city courts; Tucker, “The Early History of the Court of Chancery,” 800. Eleanor Cotton was from Cambridge, and she used the argument that the court in London was “foreyn” in order to get a corpus cum causa writ in a bill relating to an action of trespass; TNA, C 1/46/113. Cotton seems to have been a frequent visitor to Chancery as there are surviving chancery writs relating to actions of debt and trespass taken against her; TNA, C 244/112 nos. 173–75, 114 (1471–72). See also Patricia M. Barnes, “The Chancery Corpus Cum Causa File, 10–11 Edward IV,” in Medieval Legal Records Edited in Memory of C. A. F. Meekings, ed. R. F. Hunnisett and J. B. Post (London, 1978), 429–76, at 454–55, 462–63. Barnes comments that a married woman, as feme covert, could take no part in her own recognizance (435), but Eleanor Cotton did (454, 463).
69 TNA, C 1/67/93; the dorse of the bill contains the chancellor’s verdict, dated 5 February 1478. A translation of the bill and the schedule of her goods that was attached to it (from Middle English), and the verdict (from Latin), plus summaries of Robert’s answer, Katherine’s replication, and Robert’s rejoinder, can be found in A. R. Myers, ed., English Historical Documents, 1327–1485 (London, 1969), 493–96. These other documents can be found in TNA, C 1/67/94-7.
70 TNA, C 1/64/836 [ca.1478].
Bee had also taken a plaint of trespass against her in the city’s Mayor’s Court. It argues that these vexatious actions were intended to make her drop “hir sutes” (plural) against him. This example illustrates that, with multiple suits in play, a verdict on a single suit in one court would not settle the dispute.

The bill of Margaret Couper suggests that it was not just defendants who might ignore Chancery’s decisions. The bill relates how Couper had been imprisoned in one of the London’s counters after Rose Wymbyssh, who allegedly had a grudge against her, complained to the mayor. Couper, with the aid of a friend, petitioned the chancellor and was successful in getting a corpus cum causa writ. However, the mayor delayed returning the writ so that he missed the specified deadline and then, the day after the deadline, moved Couper to Newgate, a purpose-built prison that housed those who had committed more serious crimes.72 The surviving bill therefore asks for another corpus cum causa writ with a time limit. The endorsement on the bill reveals that Couper successfully achieved the second writ, but we do not know how the mayor responded on that occasion. Margaret Avery commented that “the difficulty of securing obedience to … writs ordering attachments is shown by the frequency with which commissions of arrest were issued,” although she was optimistic that such abuses were not the norm.73 For our purposes, though, it reveals another dimension to the interplay between Chancery and other legal jurisdictions. Female petitioners might be successful in acquiring what they sought from Chancery, be it a writ or a judgment, but this might not lead to them securing justice in the underlying dispute.

CONCLUSION

A detailed study of women in the late medieval court of Chancery faces many obstacles, ranging from the sheer amount of documentation surviving to the fact that we might only have the initial bill of complaint for a case or a Chancery writ. I have deliberately adopted a different approach to the material in order to stress that in this period a dispute might involve a variety of competing but interconnected jurisdictions. Litigants, including female ones, might pursue justice in a number of arenas, consecutively or concurrently. While Chancery was but one jurisdiction, its bills shed light on women’s actions in courts where the records have not survived. This approach nuances the long-running debate about whether equity was a particularly favorable jurisdiction for women, a debate that has tended to focus on common law restrictions, by bringing back into view other jurisdictions, such as manorial, borough, and ecclesiastical courts. I argue that while some women did indeed approach Chancery because they did not think they would get justice in a lower court, others were keen that their cases be sent back down so that they could be fully recompensed for the offences against them. This argument is in line with the stance that women did not operate as a coherent subordinate group with a shared mode of negotiating justice. Yet we do see possible trends in the evidence in terms of women lacking direct links to the men who peopled the courts, a structural bias that they would have had to overcome.

73 Avery, “As Evaluation of the Effectiveness of the Court of Chancery,” 95, 97.
In the evidence that survives, we do not actually see any woman securing justice, even when we know that she received a favorable decision on a particular matter. We rarely know if and how a dispute was resolved. Chancery bills are only one stage in taking a case to Chancery and in the dispute more generally, which played out inside and outside various courts. Nevertheless, the bills give us valuable insight into some women’s knowledge and experiences of the law in all its complexity, and that is an important piece of the puzzle.