

## NOTES

### Preface

1. Emmanuel Le Roy Ladurie, *Montaillou: Village Occitan de 1274 à 1324* (Paris: Editions Gallimard, 1978), published in an abridged English translation the same year. The description is from the cover of the 1980 paperback edition. Carlo Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, trans. J. and A. Tedeschi (London: Routledge and Kegan Paul, 1980). Ginzburg's work was first published in Italian in 1976.
2. Natalie Zemon Davis, *The Return of Martin Guerre* (Cambridge, MA: Harvard University Press, 1983); Gene Brucker, *Giovanni and Lusanna: Love and Marriage in Renaissance Florence* (London: Weidenfeld and Nicholson, 1986); Richard Wunderli, *Peasant Fires: The Drummer of Niklashausen* (Bloomington, IN: Indiana University Press, 1992); Robert Bartlett, *The Hanged Man: A Story of Miracle, Memory, and Colonialism in the Middle Ages* (Princeton: Princeton University Press, 2004). Another work worth noticing is Robert C. Palmer, *The Whilton Dispute, 1264–1380: A Social-Legal Study of Dispute Settlement in Medieval England* (Princeton: Princeton University Press, 1984), which has some resonances for this present study, but although some of the sources used relate to legal proceedings, there is nothing akin to the witness statements or testimony used in the other studies.
3. Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Cambridge, UK: Cambridge University Press, 1987).
4. John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia: University of Pennsylvania Press, 2001); Noël James Menuge, *Medieval English Wardship in Romance and Law* (Woodbridge: Boydell, 2001).
5. The population of Rawcliffe is not known. Seventy persons are recorded as paying the 1377 poll tax for the neighboring village of Skelton together with that part of Rawcliffe that fell within the Liberty of St Peter: TNA (formerly PRO), E179/211/30/15; *The Poll Taxes of 1377, 1379 and 1381*, ed. Carolyn C. Fenwick, *Records of Social and Economic History* 27, 29, and 37 (Oxford: British Academy, 1998–2005), 3:242. No tax population for the remaining part of Rawcliffe survives among the returns for the

liberties of St Mary and of St Leonard (regularly listed together for taxation purposes) or elsewhere for the wapentake of Bulmer. The same is apparently true of Clifton, but Bootham at least is included within the York returns under the parish of St Olave. In 1334, Skelton and Rawcliffe within the Liberty of St Peter were assessed at 18s. and Rawcliffe within the Liberty of St Mary's at 10s. In fact the first Ordnance Survey map would suggest that most of the then settlement of Rawcliffe (as opposed to the associated lands) fell within the parish of St Michael le Belfrey and hence within the Liberty of St Peter. This might explain the apparent absence of a separate return for the Liberty of St Mary. It follows that a very crude estimate of the total number of taxpayers for Rawcliffe in 1377 might be, therefore, in order of thirty to forty, hence a total population of something below seventy.

6. Unless otherwise stated, all references and quotations in the first seven chapters of this book are derived from this case, which is BI, C.P.E.89. The depositions, but not the other materials in the case, have been largely translated in *Women in England, c. 1275–1525: Documentary Sources*, ed. and trans. P.J.P. Goldberg (Manchester: Manchester University Press, 1995), pp. 58–80.
7. R.H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge UK: Cambridge University Press, 1974), pp. 67–9.
8. Dorothy M. Owen, "White Annays and Others," in *Medieval Women*, ed. Derek Baker, Studies in Church History, subsidia I (Oxford: Blackwell, 1978), pp. 331–46 (especially pp. 338–9). Owen makes useful observations about the role of women in the remembrance of past events. Frederik Pedersen, *Marriage Disputes in Medieval England* (London: Hambledon, 2000), pp. 128–33. Pedersen's account is limited to one set of depositions (C.P.E.89/27) and his reading is sometimes erroneous. To cite two examples, he describes William Pottell as "the carpenter on the Wastelyn estate" on the basis that he prepared ("made") John Marray's bed, and elsewhere states that Alice stayed with Katherine de Rouclif "on the night preceding the ceremony [spousals]," whereas she stayed the morning after.
9. Menuge, *Medieval English Wardship*, pp. 95–9, 104. It may also be possible to see some parallels between this case and Linda Mitchell's account of Alice de Lacy, betrothed at eleven and formally married two years later, but abducted after a number of years of marriage. Linda Mitchell's discussion of this case debates the degree to which Alice de Lacy colluded with her abductors, as suggested by some of her chronicle sources, and hence explores the problematic territory of Alice's own feelings: Linda E. Mitchell, *Portraits of Medieval Women: Family, Marriage, and Politics in England 1225–1350* (New York: Palgrave, 2003), pp. 107–14.
10. Owen, "White Annays," in *Medieval Women*, p. 334.
11. Chris Given-Wilson, *The English Nobility in the Late Middle Ages* (London: Routledge, 1987), pp. 71–3.

12. This conclusion is predicated on Sir Brian's role in the case and in the events that precede it. For genealogies of the two families of de Rouclif see figs. 1 and 2.
13. Indeed the boundaries are fuzzy and porous: cf. Nigel Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford: Oxford University Press, 1981), pp. 19–20, 25–6, 242, 244–5.
14. As we shall see (chapter 4) even the status of St Olave's as a parish church is questionable. Strictly St Olave's seems to have functioned as a chapel, the parochial rights being possessed by St Mary's Abbey.
15. In my 1995 translation of this case I transcribed "Wascelyne" with a "t" rather than a "c" since the down stroke of the long "s" joins the "c" in a manner that makes it almost indistinguishable from a "t." In the case of Stephen Wascelyne, Anabilla's husband, however, the name is rendered Waceleyn. A near contemporary will, written in a clearer hand, renders the name Wasscelyne.
16. There are three versions of the cartulary extant, but the copy in the York Minster Archive has been used here since it records property in Rawcliffe: YML, St Mary's Abbey Cartulary, XVI A.1, 2.
17. The records of 17 sessions of the court in 1445–46 survive: YML, F 1/3/1.
18. The archive was temporarily moved by a chain of tradesmen whilst the fire was raging in 1829 to rest on the pews of the neighboring church of St Michael le Belfrey and again by a convoy of carriages and carts to the registrar's house in Monkgate: Katherine M. Longley, "Towards a History of Archive-Keeping in the Church of York," *Borthwick Institute Bulletin* 1 (1975): 63–7 [59–74]. I am grateful to Dr. Philippa Hoskin for this reference.

### **Chapter 1 Alice de Rouclif: An Eventful Childhood**

1. No separate population figure survives for Kennythorpe from the poll tax of 1377, but together with the neighboring hamlet of Thornthorpe a total of only forty-five taxpayers are recorded. The much less satisfactory 1381 returns record fifteen taxpayers for Kennythorpe as against fourteen for Thornthorpe, a total of only twenty-nine. Kennythorpe was assessed to pay 12s., but Thornthorpe only 10s. toward the subsidy of 1334, so a crude estimate might suggest a total population of less than fifty: *The Lay Subsidy of 1334*, ed. Robin E. Glasscock, Records of Social and Economic History, New Series, 2 (Oxford: British Academy, 1975), p. 365; TNA, E179/202/61/7; *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:160, 210, 212.
2. This is in fact the earliest of three possible dates for the events described here. Stephen Wascelyne thought it was around the feast of the translation of St Thomas (presumably Thomas of Canterbury), so about a week later on 7 July. His wife Anabilla remembered it to have been the feast of

- St James, that is, 25 July. The date used here was that remembered by Cecily de Shupton. There is little reason for preferring one date over another, though Frederik Pedersen takes 25 July observing that this “coincided almost perfectly with the York court’s summer recess”: Pedersen, *Marriage Disputes in Medieval England*, p. 133.
3. The house was excavated by the York Archaeological Trust in the course of a series of small-scale digs during the first part of the 1990s prior to the development of formerly agricultural land for housing. The final report of these excavations is still awaited. The house, located to the east of a more prominent moated site apparently abandoned in the thirteenth century, was itself first occupied around the middle of the same century. It can be tied to the de Rouclif family from the discovery of the seal matrix of Thomas de Rouclif. Gervase was Thomas’s grandson, but he had an older brother, Thomas, who leased the house to one Philip de Gillyng for twelve years in 1332. Since this appears to be the last record of Thomas, it is possible that he died unmarried or childless in or before the Black Death and hence his property would have passed to Gervase. Certainly this would help explain Gervase’s possibly advantageous marriage to the widow Ellen shortly after the Black Death and indeed how Alice came to be an heiress with land and tenants to her name. The house appears to have been used until the mid-sixteenth century. The hearth excavated within the hall below the most recent hearth was in use in the period c. 1340–80: K. Hunter-Man, “Rawcliffe the 5th,” *Interim* 17, 3 (1992): 2 [2–6]; idem, “Rawcliffe: Hall’s Well that Ends Well,” *Interim* 19, 2 (1994): 4–7 [4–9]; Nicky Rogers, “Signed, Sealed and Deciphered,” *Interim* 19, 2 (1994): 10–12; Chris Daniel, “The Family Seal,” *Interim* 19, 2 (1994): 13–17. It should be noted that the excavated structure as reported does not immediately tally with the “basement room [camera bassa subterranea]” referred to in Ellen Taliour’s account of Alice’s birth. For a reconstruction of the de Rouclif genealogy see fig. 1.
  4. The account that the unnamed woman had become senile was implicitly offered to explain the failure to use her as a witness in the ensuing court case.
  5. For a discussion of baptismal practice see Nicholas Orme, *Medieval Children* (New Haven: Yale University Press, 2001), pp. 21–9; Robert Dinn, “Baptism, Spiritual Kinship, and Popular Religion in Late Medieval Bury St Edmunds,” *Bulletin of the John Rylands Library* 72 (1990): 97 [93–106].
  6. St Mary’s Abbey in fact did not recognize St Olave’s parochial status at this date.
  7. Cf. Didier Lett, “Adult Brothers and Juvenile Uncles: Generations and Age Differences in Families at the End of the Middle Ages,” *The History of the Family* 6 (2001): 391–400.
  8. Men were supposed to abstain from sex with their wives for an extended period following childbirth: Becky R. Lee, “The Purification of Women after Childbirth: A Window onto Medieval Perceptions of Women,” *Florilegium* 14 (1995–96): 44–7 [43–55].

9. The propensity for the aristocracy to father illegitimate children seems not to have attracted much scholarly attention, but see Emma Hawkes, "Younger Sons, Illegitimate Sons and the Law: A Study of Three Yorkshire Gentry Families, 1480–1540," *Parergon* n.s.17 (2000): 125–46.
10. *Chronica Monasterii de Melsa*, ed. Edward Augustus Bond, 3 vols., Rolls Series 43 (1866–68), III:159; *The Anonimale Chronicle 1333 to 1381*, ed. V.H. Galbraith (Manchester: Manchester University Press, 1927), p. 50. Very high mortality in 1361 is also suggested by the significant peak in wills proved within the court of the Dean and Chapter that year: P.J.P. Goldberg, "Women in Late Medieval Society: Some Demographic Evidence from the York Region," unpublished University of York MA dissertation (1982), fig. 2.3.1 and p. 25.
11. Kim M. Phillips, *Medieval Maidens: Young Women and Gender in England, 1270–1540* (Manchester: Manchester University Press, 2003), pp. 32–4.
12. Menuge, *Medieval English Wardship*, ch. 5, esp. pp. 103–4.
13. Menuge, *Medieval English Wardship*, p. 104.
14. Scott L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society and Politics 1217–1327* (Princeton: Princeton University Press, 1988), pp. 217–20.
15. The prefix "St" seems to have been used into the eighteenth century, so it is not specifically a pre-Reformation usage.
16. The medieval gatehouse, which still largely survives, though substantially rebuilt in the fifteenth century and remodeled internally in the nineteenth, housed inter alia a court room. Richard Bernard's chamber is also described by Master Adam de Thornton as "le StyWard chaumber" from which Bernard's occupation may be deduced.
17. Adam de Thornton was also the parson of Potter Brompton, a church appropriated to St Mary's Abbey: Sarah Rees Jones, "Property, Tenure and Rents: Some Aspects of the Topography and Economy of Medieval York," unpublished University of York D.Phil. thesis, 2 vols. (1987), 2, tenement 24.
18. A matrimonial cause of 1398 records a marriage contracted between Alice Park of Moor Monkton and William Robynson, the servant of Adam Brynand of Cattall in the room of Adam Clerk, an employee of St Mary's Abbey. Also testifying in this case was another employee, William Brenhand, then aged twenty-two. It is tempting to surmise that this man was the son or close kinsman of Richard Bernard and that Adam Brynhand was likewise related. An Adam Brennand is listed as a spicer at the head of the 1379 poll tax listing for (Kirkby) Cattal. BI, C.P.E.238.
19. Barbara J. Harris, *English Aristocratic Women, 1450–1550* (New York: Oxford University Press, 2002), pp. 46–7.
20. Helmholz, *Marriage Litigation*, p. 98.
21. Using the *Oxford Dictionary of National Biography* as a reference, the following later medieval high aristocratic females were married as eleven-year-olds: Elizabeth Berkeley, Isabella de Forz, Margaret of England, and Katherine

- Neville. Alice Chaucer was about ten: <http://www.oxforddnb.com>. Accessed on 29 June 2005.
22. Katherine de Rouclif's deposition does not make it explicit that her brief visit to their Bootham home took place the day immediately following the spousals, but there is nothing to indicate that any longer interval occurred.
  23. This arrangement was in effect a variant of the more common practice of placing persons betrothed at a young age to live in the homes of their prospective in-laws: Waugh, *The Lordship of England*, p. 198.
  24. Stephen Wascelyne remembered that Alice came around the feast of St Andrew (30 November). Anabella Wascelyne recalled the day to be three weeks before Christmas, but Ellen de Rouclif remembered the spousals to have taken place only a fortnight before Christmas. These are still unusually precise indicators.
  25. In my translation of this case in *Women in England*, p. 62, I erroneously stated that it was the feast of St James the Apostle.
  26. Gift giving was a common aspect of marriage making. The giving and receipt of gifts thus constituted evidence for the intentions of the parties concerned. Clothing, kerchiefs, and knives all appear in Diana O'Hara's analysis of early modern marriage cases: Helmholz, *Marriage Litigation*, p. 127n.; Shannon McSheffrey, *Love and Marriage in Late Medieval London* (Kalamazoo: The Medieval Institute, 1995), pp. 42–3; Diana O'Hara, *Courtship and Constraint: Rethinking the Making of Marriage in Tudor England* (Manchester: Manchester University Press, 2000), ch. 2.
  27. Cf. Simon Payling, "The Politics of Family: Late Medieval Marriage Contracts," in *The McFarlane Legacy: Studies in Late Medieval Politics and Society*, ed. R.H. Britnell and A.J. Pollard (Stroud: Alan Sutton, 1995), p. 24 [21–47].
  28. License to go beyond the seas was issued on 26 October 1365 and attorney was granted to his brother Guy and another man: *CPR*, 1364–67, p. 175. Evidently Sir Brian had returned before the subsequent Church court action had been completed as he is noticed in the case.
  29. Helmholz, *Marriage Litigation*, p. 68.
  30. Helmholz, *Marriage Litigation*, p. 67; X 2.13.8.
  31. BI, C.P.E.89/26. The libel that precedes these articles talks merely of Alice ratifying the contract: BI, C.P.E.89/25.
  32. Michael M. Sheehan, "The Formation and Stability of Marriage in Medieval England: The Evidence of an Ely Register," *Medieval Studies* 33 (1971): 228–63.
  33. R.H. Helmholz, *The Oxford History of the Laws of England, I: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford: Oxford University Press, 2004), pp. 542–3.
  34. Edward de Cornubia was appointed on 27 September. On 8 October he was joined by Henry de Haxholm as Alice's proctor for the case: BI, C.P.E.89/13. John was represented by his proctor, John de Staunton, appointed 4 October: BI, C.P.E.89/28.

35. BI, CP.E.89/12, 14.
36. Cf. BI, CP.E.76, F.119.
37. Many were of peasant stock. Joel Rosenthal shows, using Proofs of Age material, that persons of humble rank may still have been seen as trustworthy repositories of communal memory: Joel T. Rosenthal, *Telling Tales: Sources and Narration in Late Medieval England* (University Park: Penn State Press, 2003), pp. 150–1. Chris Wickham describes the role of “gossip” in constructing group identity: Chris Wickham, “Gossip and Resistance among the Medieval Peasantry,” *Past and Present* 160 (1998): 11 [3–24].
38. See “Preface,” note 1 above. Two Rawcliffe witnesses were married to one another, but most of the others were probably mistresses of households. The extant poll tax returns for Rutland in 1377 would suggest that households there contained a mean of a little over two taxpayers (including solitarys).
39. Most, but not all the depositions are dated, so these represent the earliest and latest recorded dates.
40. *Handbook of Dates for Students of English History*, ed. C.R. Cheney (London: Royal Historical Society, 1978), pp. 73–4.
41. BI, CP.E.89/12, 14, 16, 25, 26, 27.
42. BI, CP.E.89/2, 3, 4, 18. The argument about John’s birth was reiterated in a document dated 31 January: BI, CP.E.89/9.
43. BI, CP.E.89/17, 19, 20.
44. BI, CP.E.89/6.
45. Thomas de Buckton, LL.D. had seen the pope by 28 June and was to die on his return journey. A change in the headship of the court whilst the case was ongoing, though atypical, would have been relatively unproblematic; the actual process of judgment depended solely on an evaluation of the depositions after these had all been collected in: BI, CP.E.89/23, 24; *Testamenta Eboracensia*, vol. I, ed. James Raine, Surtees Society 4 (1836), pp. 77–9 and note, p. 77; Durham, Durham University Archives, 1.3.Archiep.2. Adam de York, a bachelor of canon law, had been appointed precentor the previous year displacing Hugh de Wymondeswold. His appointment was ended after five years and Wymondeswold was reinstated in 1371: B. Jones, *Fasti Ecclesiae Anglicanae 1300–1500, vol. VI: Northern Province* (London: The Athlone Press, 1963), p. 11.
46. YML, Dean and Chapter probate register 1, L2(4), fols. 65 (Robert de Rouclif, d. 1377), 79 (John de Rouclif, sen., d. 1384). For fuller discussions of Master John de Rouclif, senior, and Robert de Rouclif see chapter 5 below.
47. X 2.20.32.
48. X 4.2.6: “Si autem fuerit aetati proxima, ut in undecimo vel circa XII. annum, et cum suo assensu et voluntate parentum desponsata et benedicta fuerit, et cognita ab eodem viro, separari non debet.”
49. BI, CP.E.89/24.
50. YML, St Mary’s Abbey Cartulary, XVI A.1, fol. 322.

## Chapter 2 William Pottell: Stories and Storytellers

1. For a lucid and authoritative discussion of the way the Church courts operated see Helmholz, *Marriage Litigation*.
2. This informs both Helmholz, *Marriage Litigation* and Pedersen, *Marriage Disputes*.
3. Bartlett, *The Hanged Man*, p. xi.
4. Bartlett, *The Hanged Man*, p. 116.
5. Elizabeth S. Cohen, "Court Testimony from the Past: Self and Culture in the Making of Text," in *Essays on Life Writing: From Genre to Critical Practice*, ed. Marlene Kadar (Toronto: University of Toronto Press, 1992), pp. 83–93.
6. Arnold's thesis, which draws heavily on Foucault's notion of discourse, is most succinctly articulated in John H. Arnold, "Inquisition, Text and Discourse," in *Texts and the Repression of Heresy*, ed. Caterina Bruschi and Peter Biller (Woodbridge: York Medieval Press, 2003), pp. 63–80.
7. Arnold, "Inquisition, Text and Discourse," p. 63.
8. Arnold's approach is in fact no less pertinent in respect of canonization proceedings than to heresy trials; both demanded particular kinds of knowledge reflected in particular discourses on the part of those framing the questions.
9. Helmholz, *Marriage Litigation*, pp. 17, 19–20. The court may partly have been acting in deference to de Melsa's gentility, but the canon law allowed for such examinations where witnesses were sick, old, or disabled: X 2.20.8.
10. On BI, C.P.E.89/27, which consists of several membranes stitched end to end, the depositions of Agnes Fritheby and Isold de Kikeby dated 6 December follow immediately and on the same membrane those of Beatrix de Morland and Margery Gregson, dated 1 [*p*<sup>o</sup> = *primo*] November. Depositions on the immediately previous membrane are dated 26 November.
11. The concept of "common report [communis-fama]" was a regular feature of cases within the ecclesiastical courts. The concern was to show that various aspects of a witness's narrative were known at the time and so could not have been fabricated *ex post facto* for the purpose of the court action. This is a somewhat different argument to that made in Bartlett, *The Hanged Man*, p. 108.
12. Bartlett, *The Hanged Man*, pp. 53–7; Barbara Harvey, "Work and *Festa Ferianda* in Medieval England," *Journal of Ecclesiastical History*, 23 (1972): 289–308; Ronald Hutton, *The Rise and Fall of Merry England: the Ritual Year, 1400–1700* (Oxford: Oxford University Press, 1994).
13. That Alice Porter knew about Alice's birth only from the relation of others was, as was noted in the previous chapter, the subject of a marginal annotation, a reflection of the clerical eye for what was or was not important.



14. Helmholtz, *Marriage Litigation*, pp. 17–19.
15. Helmholtz, *Marriage Litigation*, p. 17.
16. The articles are BI, CP.E.89/26 and were drawn up on the basis of John Marrays's original libel (BI, CP.E.89/25). His deposition appears not to be dated, but two depositions slightly higher up the roll are dated 6 December, but see note 4 above.
17. See note 6 above.
18. X 4.2.9. The canon law is concerned with the growth of pubic hair, not the onset of menstruation, but it is the latter that is historically documented. For a discussion of age at menarche in the English later Middle Ages, see J.B. Post, "Ages at Menarche and Menopause: Some Mediaeval Authorities," *Population Studies* 25 (1971): 83–7. Post would suggest that menarche often commenced at about fifteen, that is, at an earlier age than was true of much of the nineteenth century, though in practice there would have been considerable variation around this modal age. The development of such visible secondary sexual characteristics as breast budding (representing stage two of Tanner's five-stage model of female puberty) and the first growth of pubic hair (stage three) would have preceded actual menstruation by two or more years. In this sense the canon law anticipated a possibility that was not solely hypothetical. Tanner's stages are described in W.A. Marshall and J.M. Tanner, "Variations in Patterns of Pubertal Changes in Girls," *Archives of Disease in Childhood* 44 (1969): 291–303.
19. As discussed in the previous chapter, the canon law laid down that a properly contracted marriage that had been consummated whilst the girl, though not yet having reached puberty, was close to puberty could not be annulled. The authority cited to illustrate this canon uses the case of a girl in her eleventh year: X 4.2.6.
20. Davis, *Fiction in the Archives*, pp. 15–35, 112.
21. Helmholtz, *Marriage Litigation*, p. 127.

### **Chapter 3 Ellen Taliour: Gender and the Remembrance of Times Past**

1. The normal expectation would be for a (former) female servant so closely associated with her mistress by the nature of her employment would ally with her erstwhile employer. On the other hand, as an ex-employee Ellen had little to lose from going against her former mistress. Cf. Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003), pp. 156–8.
2. The Statute of Labourers of 1351 required that, other than for seasonal employees, labor normally be contracted by the year or other usual—implicitly extended—term. We may understand that this was binding on both employees and employers. We may speculate that Ellen had contracted mastitis, a common affliction of nursing mothers that can be

- associated with fever. Were this so, being obliged to stop feeding would have damaged her health.
3. The canon law presumed witnesses to be trustworthy unless some “infamy” could be brought against them: X 2.20.1.
  4. For a discussion of the role of women as remembrancers of past events see Elisabeth van Houts, *Memory and Gender in Medieval Europe* (Basingstoke: Macmillan, 1999), esp. pp. 84–92.
  5. Just such an exception is in fact noted elsewhere in this case. One Simon de Folifayt intervened to revive Maud de Herthill’s child at birth. This incident is discussed at greater length below. For the exclusion of men from the birthing chamber see Becky R. Lee, “A Company of Women and Men: Men’s Recollection of Childbirth in Medieval England,” *Journal of Family History* 27 (2002): 94 [92–100].
  6. BI, CP.F.256. Birthing practices, albeit for a slightly later era, are described in Adrian Wilson, “The Ceremony of Childbirth and its Interpretation,” in *Women as Mothers in Pre-Industrial England*, ed. Valerie Fildes (London: Routledge, 1990), pp. 68–107. They are implicit in the entry of a priest into the birthing chamber carrying a lantern noted in Lee’s analysis of later medieval proof-of-age evidence: Lee, “A Company of Women and Men,” p. 94.
  7. The ten are Richard Forester, the wife of Robert de Rouclif, Emma Sadeler, Joan de Queldac, Marion del See, Alice Barbour, Alice Marschall, Margaret de Rekeby, Tillota de Corton, and Emma D[. . .]. We can only speculate as to their eventual noninclusion, though it is possible that their depositions have simply been lost. It may be that the proctor for John Marrays decided that the case presented by the other witnesses, including the crucial evidence relating to the spousals and the consummation, was already sufficiently presented and that these additional witnesses could add little. What is more puzzling is that the names of some of the key witnesses, notably the members of the Wascelyne household and Dom. William Marrays are not listed.
  8. BI, CP.F.40, 111, 175, 224. A couple of other impotence cases survive, but only a small number of the depositions survive.
  9. The court of course assumed that the man would be aroused, if at all, by the opposite sex, but this is also the pertinent issue. So long as the man was incapable of being aroused by the opposite sex, and hence could not consummate a marriage or father children, he would be deemed functionally impotent and his marriage null and void.
  10. The description of course relates to the canonical requirement that the examination be conducted “a matronis bonae opinionis, fide dignis ac expertis in opera nuptiali”: X 4.15.7. The York juries certainly complied with this last requirement, but departed from the procedure laid down in the Decretals by providing for an examination of the man’s genitals rather than the woman’s (in order to establish virginity or otherwise). These women can be considered as possessing “bona fama” only within this specific context; within conventional medieval understandings of “fama,”

such witnesses would be held to be “infama”: cf. Thomas Kuehn, “*Fama* as a Legal Status in Renaissance Florence,” in *Fama: the Politics of Talk and Reputation in Medieval Europe*, ed. Thelma Fenster and Daniel Lord Smail (Ithica, NY: Cornell University Press, 2003), pp. 27–46.

11. BI, C.P.E.23.
12. BI, C.P.E.76.
13. BI, C.P.F.119.
14. Jurors in proof-of-age proceedings tended to be of more humble rank: Rosenthal, *Telling Tales*, p. 2.
15. For discussion of a like observation see Bartlett, *The Hanged Man*, pp. 55–6.
16. The original text reads “puū” for “pu[er]u[m].” I am satisfied that no other material possession is intended.
17. There is of course a tendency for women to be especially vulnerable to poverty: cf. Sharon Farmer, “Down, Out and Female in Thirteenth-Century Paris,” *American Historical Review*, 103 (1998): 353–5 [345–72].
18. Visual cues are, and were understood at the time, to be important mnemonic devices. Cf. Mary Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge: Cambridge University Press, 1990), pp. 27–8.
19. Joel Rosenthal likewise finds evidence for the exchange of “women’s news” between women refracted through proofs-of-age evidence, a source that in itself relates only to the testimony of men: Rosenthal, *Telling Tales*, p. 61. For a later analogy see Capp, *When Gossips Meet*, esp. pp. 327–8. Cf. Lee, “A Company Women of and Men,” 96–7.
20. The use of such writings to aid delivery was a common practice: cf. Marianne Elsackers, “In Pain You Shall Bear Children (Gen. 3:16): Medieval Prayers for a Safe Delivery,” in *Women and Miracle Stories: A Multidisciplinary Exploration*, ed. Anne-Marie Korte (Leiden: Brill, 2001), pp. 179–209.
21. Becky K. Lee, “Men’s Recollections of a Women’s Rite: Medieval English Men’s Recollections Regarding the Rite of the Purification of Women after Childbirth,” *Gender and History* 14 (2002): 229 [224–41]; Paula M. Rieder, “The Implications of Exclusion: The Regulation of Churching in Medieval Northern France,” *Essays in Medieval History* 15 (1995): 71–80; John Bedell, “Memory and Proof of Age in England 1272–1327,” *Past and Present* 162 (1999): 13–14 [4–27]. The feast was also remembered by Margery de Rouclif, who was likewise present at the churching.
22. Patricia Skinner makes a like observation, writing from a high medieval Italian perspective, that “birth dates and relative ages of children may have been information that mothers were more likely to remember carefully”: Patricia Skinner, “Gender and Memory in Medieval Italy,” in *Medieval Memories Men, Women and the Past, 700–1300*, ed. Elisabeth van Houts (London: Longman, 2001), p. 47 [36–52]. Cf. also Matthew Innes, “Keeping it in the Family: Women and Aristocratic Memory,” in *Medieval Memories*, ed. van Houts, p. 17 [17–35].

23. It is possible that the apparent pathos of this sentence may in fact be the accidental product of the clerk abbreviating Isabel's testimony.
24. Genesis 3: 16.
25. Cf. Dorothy M. Owen, *Church and Society in Medieval Lincolnshire* (Lincoln: Lincolnshire Local History Society, 1971), p. 109.
26. Men, notably clergy, might exceptionally be admitted to the birthing chamber where the life of the mother of the child was deemed to be at risk: Lee, "A Company of Women and Men," p. 94.
27. The Statute of Labourers (1351) required that, other than for specified seasonal tasks including harvest, labor should "be hired to serve for a whole year, or for other usual terms": *The Black Death*, ed. and trans. Rosemary Horrox (Manchester: Manchester Medieval Press, 1994), p. 313.
28. The disparity was much slighter in pastoral than arable regions: P.J.P. Goldberg, *Women, Work and Life Cycle: Women in York and Yorkshire c. 1300–1520* (Oxford: Oxford University Press, 1992), pp. 159–160.
29. Servanthood is briefly noticed as a mnemonic device in Bedell, "Memory and Proof of Age," p. 15 and table 2, p. 17.
30. Robert de Rouclif was clearly an astute master. Late in 1371 he registered an agreement with one Alice de Neuton, then servant to Robert Calcrofte, spurrier of York, that she would serve him from the following Pentecost to Martinmas. If she failed to honor this contract, she was bound to pay him 20d. in compensation: YML, M2(1)c, fol. 4.
31. P.J.P. Goldberg, "What was a Servant?" in *Concepts and Patterns of Service in the Later Middle Ages*, ed. Anne Curry and Elizabeth Matthew (Woodbridge: Boydell, 2000), pp. 11–12 [1–20].
32. YML, Dean and Chapter probate register 1, L2(4), fol. 37.
33. Extended breast feeding was probably the norm. Recent analysis of skeletal remains from the Wolds village of Wharram Percy, a few miles east of York, suggest weaning at around two years: cf. M. Richards, S. Mays, and B. Fuller, "Stable C and N Isotope Values of Bone and Teeth Reflect Weaning and Growth Events at the Mediaeval Wharram Percy Site, Yorkshire, UK," *American Journal of Physical Anthropology* 119 (2002): 205–10. Juliet's nurse (*Romeo and Juliet* I: III) remembered that Juliet was nearly fourteen by the fact she had been weaned nearly eleven years earlier.
34. 1 Timothy 2: 15.
35. Something of Bernard's activities in pursuit of property rights etc. can be glimpsed from the Chancery records for 1356: *CPR*, 1354–58, pp. 454, 494, 496. In the first instance cited, concerning a shipwreck at Scarborough, Bernard acted with one Richard de Rouclif.
36. This will be discussed at slightly greater length in chapter 5 below.
37. YML, Dean and Chapter probate register 1, L2(4), fol. 106v.
38. Later in the century it became common practice for the ages of deponents to be recorded. There is no obvious pattern to the deponents whose ages are recorded and no indication that particular age groups are being singled out.

39. Maud de Herthill's name is not found in the court act book for the Dean and Chapter of York's jurisdiction which runs from 1358: YML, M2(1)c.
40. L.R. Poos, "Sex, Lies, and the Church Courts of Pre-Reformation England," *Journal of Interdisciplinary History* 25 (1995): 586–7, 591–2, 594–607 [585–607]; Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1996), esp. ch. 3; Trevor Dean, "Gender and Insult in an Italian City: Bologna in the later Middle Ages," *Social History* 29 (2004): 218–21 [217–31].
41. X 2.20.1.
42. Cf. Natalie Zemon Davis, "The Reasons for Misrule: Youth Groups and Charivaris in Sixteenth-Century France," *Past and Present* 50 (1971): 41–75.

#### **Chapter 4 Robert Thewed: The Ties of Tenure and Locality**

1. Robert Thewed testified on 18 November 1365, his wife on 27 November.
2. Although it is very possible that Margery was single at the time of Alice's birth, the term servant here may well simply mean employee and hence not life-cycle servant.
3. Cf. R.H. Hilton, "The Peasantry as a Class," in *The English Peasantry in the Later Middle Ages*, ed. Hilton (Oxford: Oxford University Press, 1975), pp. 3–19.
4. Cf. Natalie Zemon Davis, *The Gift in Sixteenth-Century France* (Oxford: Oxford University Press, 2000), pp. 62–72.
5. Orme, *Medieval Children*, pp. 37–8; Dinn, "Baptism, Spiritual Kinship, and Popular Religion," pp. 93–106.
6. Neighborliness is also stressed in proof-of-age evidence: Bedell, "Memory and Proof of Age," p. 21. There is also a resonance of the legal convention found for example in coroners' inquests whereby the "first finder" was to notify the four "nearest neighbors." Neighborliness here is legally constituted in terms of knowledge and trustworthiness.
7. Richard K. Emmerson and P.J.P. Goldberg, "'The Lord Geoffrey had me made': Lordship and Labour in the Luttrell Psalter," in *The Problem of Labour in Fourteenth-Century England*, ed. James Bothwell, P.J.P. Goldberg, and W.M. Ormrod (Woodbridge: York Medieval Press, 2000), pp. 43–63.
8. Christopher Woolgar, *The Great Household in Late Medieval England* (New Haven: Yale University Press, 1999), p. 34.
9. In the previous chapter we suggested that Ellen Taliour may have been made pregnant by her employer and Gervase's friend, William de Huntynghton.
10. Although "woman" can be used to designate females of any age and can include servants, the term "maid" might perhaps have been more obvious

- for a young, unmarried servant, but not for a mistress. Another deponent is known as Joan Symkyn [= “little” Simon] Woman.
11. Hemholz, *Marriage Litigation*, pp. 155, 160. The underlying concern was a pertinent one, namely that a serf would testify according to his lord’s will. A later thirteenth-century Rawcliffe deed refers to one John Godynogh “nativus” and his “sequela,” but another slightly later deed already refers to a Swayn de Rouclif as a manumitted serf: YML, St Mary’s Abbey Cartulary, XVI A.1, fol. 319v; A.2, fol. 69. It may well be that by the later fourteenth century most or all serfs had been freed.
  12. Cf. L.R. Poos, Zvi Razi, and Richard M. Smith, “The Population History of Medieval Villages: A Debate on the Use of Manor Court Records,” in *Medieval Society and the Manor Court*, ed. Razi and Smith (Oxford: Oxford University Press, 1996), pp. 298–368. Nicholas Orme offers a brief discussion of child mortality: Orme, *Medieval Children*, pp. 113–16.
  13. Several contemporary chroniclers specifically note that the second pestilence was characterized by high child mortality: Horrox, *The Black Death*, pp. 85–6.
  14. These anecdotal figures are in fact probably as bad or worse than would be true of developing countries today. For extended maternal breastfeeding see Richards, Mays, and Fuller. “Stable C and N Isotope Values of Bone and Teeth.”
  15. *Romeo and Juliet* I: III. Nicholas Orme also notes that extended breastfeeding was commonplace: Orme, *Medieval Children*, p. 66.
  16. C.C. Dyer, “Gardens and Orchards in Medieval England,” in *Everyday Life in Medieval England*, ed. Dyer (London: Hambledon Press, 1994), pp. 113–31.
  17. Hunter-Man, “Mind Your Manors,” pp. 3–5; YML, St Mary’s Abbey Cartulary, XVI A.2, fols 62v, 66.
  18. The importance of peat extraction to the economy of nearby Selby Abbey is documented in surviving account rolls. These indicate the use of boats for transporting turves and the employment of women in the backbreaking and dusty task of stacking turves: *Monastery and Society in the Late Middle Ages: Selected Account Rolls from Selby Abbey, Yorkshire, 1398–1537*, ed. John H. Tillotson (Woodbridge: Boydell and Brewer, 1988), p. 138.
  19. For York as textile city see Goldberg, *Women, Work, and Life Cycle*, ch. 2.
  20. YML, Dean and Chapter probate register 1, L2(4), fol. 106v.
  21. Cf. BI, Prob. Reg. 3 fols 49v (del Syke), 437 (Crosseby), 567v (Clynt). Thomas del Syke, a weaver, left 10d. each to “Christine and Beatrice, resident in Huntington, working for me in my craft.”
  22. For discussions of migration to York see Peter McClure, “Patterns of Migration in the Late Middle Ages: The Evidence of English Place-Name Surnames,” *Economic History Review*, 2nd ser. 32 (1979): 167–82; Goldberg, *Women, Work, and Life Cycle*, ch. 6.
  23. Part of Jubbergate, a now much truncated street, fell within the Liberty of St Peter.

24. By the early modern era it is not uncommon to find details of the pattern of residence (and hence migration) recorded as part of the basic biographical information respecting each deponent, but this was not the norm in this kind of case at this date. Some such biographical data is, however, recorded in an early-fifteenth-century book of depositions generated in respect of a dispute over parochial rights where it was useful to demonstrate that witnesses had been long resident within the parish: YML, M2(3)c.
25. The very limited comparative evidence available for the English later Middle Ages suggests that life-long residence within a particular community was a minority experience for persons achieving adulthood: L.R. Poos, *A Rural Society After the Black Death: Essex 1350–1525* (Cambridge, UK: Cambridge University Press, 1991), pp. 162–4; P.J.P. Goldberg, “Migration, Youth and Gender in Later Medieval England,” in *Youth in the Middle Ages*, ed. Goldberg and Felicity Riddy (Woodbridge: York Medieval Press, 2004), p. 88 [85–99].
26. Parts of Rawcliffe, Clifton, and Bootham all fell both within the parish of St Olave and the Liberty of St Mary, so the pattern of intensely local migration just described did not necessarily involve leaving either the parish or the liberty.
27. YML, Dean and Chapter probate register 1, L2(4), fol. 37v.
28. Cf. Goldberg, “Migration, Youth and Gender,” p. 88.
29. In addition to property in Petergate, he possessed land in Huntington. He also owned the Bootham house rented by Robert de Rouclif (see chapter 5 below): YML, Dean and Chapter probate register 1, L2(4), fol. 37v.
30. Shipton, six miles from York, fell within the parish of Overton, which itself belonged to St Mary’s Abbey. Shipton, however, appears to have come within the Liberty of St Peter. This is the toponymic of Cecily de Shupton, who spent time in the de Rouclif household around the times of the births of the two children. An invaluable description of the extent of the Liberty is printed in Adrian Leake, *The Liberty of St Peter of York 1800–1838*, Borthwick Paper 77 (York, 1990), pp. 31–4.
31. Rees Jones, “Property, Tenure and Rents,” 2, tenements 37 and 39.
32. Tollerton is about eight miles northwest of Rawcliffe.
33. It is possible Agnes de Polles hailed from Cawood (within the Liberty of St Peter). An Alice Polles of Cawood is associated with a will dated 1398: YML, Dean and Chapter probate register 1, L2(4), fol. 119v.
34. Each county was divided into a number of administrative districts known generally as hundreds, but in this region as wapentakes.
35. Charles R. Young, *The Royal Forests of Medieval England* (Philadelphia: University of Pennsylvania Press, 1979), graph 1, pp. 118–19.
36. There are some extant records for the late thirteenth century.
37. This record is not referenced by Cox and I have been unable to trace it in The National Archives catalogue: J. Charles Cox, *The Royal Forest of England* (London: Methuen, 1905), p. 129.

38. *CPR*, 1354–58, p. 620. Regarders were local men appointed by the county sheriff. They had responsibility to assist in the periodic inspection (“regard”) of the forest for encroachments. See Young, *The Royal Forests of Medieval England*, p. 87.
39. The de Rouclifs stabled their horses at Beatrix’s hostelry when visiting York, so the logic is that the inn was along the main entrance road into York. In her testimony, Beatrix refers to her husband being killed in Bootham. Thomas may well have been her son; marshals, who cared for horses, might also run a hostelry: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:139, 149.
40. YML, Dean and Chapter probate register 1, L2(4), fol. 65.
41. Drake, *Eboracum*, p. 624. Although there is no evidence that Kannythorpe ever belonged to the Liberty of St Peter, it is possible that the Wascelyne family may have associated themselves with the Liberty; William Wascelyne of Kannythorpe, d. 1399 or 1400, possibly Stephen and Anabilla’s son, requested burial not in his parish church, but in St Michael le Belfrey: YML, Dean and Chapter probate register 1, L2(4), fol. 122.
42. Becky Lee observes that it was often women who negotiated to find wetnurses: Lee, “A Company of Men and Women,” 97.
43. BI, C.P.E.248 (1345–46). The case is described in detail in Pedersen, *Marriage Disputes*, ch. 2. See especially p. 48.
44. The treasurer held significant assarts within the Forest of Galtres. One John de Shupton is also named as an alleged wrongdoer: *CPR*, 1350–54, p. 280; TNA, C 143/112/9.
45. YML, Dean and Chapter probate register 1, L2(4), fols 37v, 65, 79.
46. *Yorkshire Sessions of the Peace, 1361–1364*, ed. Bertha H. Putnam, Yorkshire Archaeological Record Series 100 (1939), p. 131.
47. Two comparatively late examples of grants of land at Rawcliffe to the abbey are: William Dugdale, *Monasticon Anglicanum: A History of the Abbies and other Monasteries, Hospitals, Frieries and Cathedral and Collegiate Churches . . . in England and Wales. . . originally published in Latin by Sir William Dugdale*, 6 vols. (London: James Bohn, 1846), III:565–6 (grant of toft and two bovates in 1309); TNA, C 143/230/12 (grant of meadow in 1334). At the time of the dissolution, the abbey enjoyed extensive property rights throughout the locality, but especially in Clifton, Shipton and St Marygate: Dugdale, *Monasticon Anglicanum*, III:570.
48. Cox, *The Royal Forest*, pp. 129–30; TNA, C 1/43/82; *Rotuli Parliamentorum*, 6 vols. (London, 1767–83), IV:558–9.
49. If any deponent had been a tenant of Sir Brian, but failed to note this, it would surely have been picked up by one of the witnesses called to undermine the credibility of Sir Brian’s witnesses. John de Alne, for example, stated that Alice Sharpe, who is described as Sir Brian’s tenant, was also a servant in his garden.
50. Our understanding of neighborliness as performative is influenced by Judith Butler’s treatment of gender in her *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), esp. pp. 24–5, 136.



51. Margery Bell was a witness for John Marrays, but that is immaterial here. Her distinction between friends and neighbors is in fact a distinction between kin and non-kin since the term "friend" invariably implied kin at this period.
52. *Victoria History of the County of York: The City of York*, ed. P.M. Tillott (London: Oxford University Press, 1961), pp. 311–14.
53. We have some extant evidence for the operation of the liberty court of St Mary's, but the only surviving court material for the Liberty of St Peter long postdates this case: TNA, JUST 2/215, 223, 251; YML, F 1/3/1.
54. Dugdale, *Monasticon Anglicanum*, III:570.
55. Sir Brian had also recently sold some property in Rawcliffe to Lady Margery de Rouclif, her son Guy, and her son-in-law William Fairfax: *Feet of Fines for the County of Yorkshire*, III, ed. William Paley Baildon, Yorkshire Archaeological Society Record Ser. 52 (1915), p. 102.
56. There are numerous examples of more conservative and indeed oppressive lordship exercised by monastic landlords in the post-plague era. For a local and near contemporary example of conflict between a peasant family and Meaux Abbey see M.J.O. Kennedy, "Resourceful Villains: The Cellarer Family of Wawne in Holderness," *Yorkshire Archaeological Journal* 48 (1976): 107–17.
57. Alice de Rouclif was baptized in the church, though her deceased older brother had been baptized in the abbey church. In a case of 1398 the abbey prosecuted three women in the Court of York for burying elsewhere a man whom the abbey claimed should have been buried in the churchyard of St Olave's, requiring that they dig up the body and have reburied at St Olave's with due ceremony: Drake, *Eboracum*, pp. 581–2.
58. In the abbey cartulary St Olave's is described as a church dependent on the abbey: YML, XVI A.2, fol. 4v. I am grateful to Dr. Christopher Norton for discussion of this issue.
59. Angelo Raine, *Mediaeval York: A Topographical Survey based on Original Sources* (London: John Murray, 1955), p. 264; Tillott, *The City of York*, p. 398.
60. Drake, *Eboracum*, p. 581.
61. In fact the substantial rebuilding of the church and the creation of a new north aisle that breached the old precinct wall so as to provide direct access by the parishioners only followed the grant of parish status a century after the de Rouclif case.
62. Royal Commission on Historical Monuments, *City of York*, 6 vols. (London, 1972–81), IV:25. It is possible that numbers of parishioners living in Rawcliffe and Clifton found it more convenient to attend respectively the church of St Giles, Skelton, or the chapel of St Mary Magdalene for worship.
63. YML, Dean and Chapter probate register 1, L2(4), fol. 65. Robert is listed in the 1377 poll tax returns for St Olave's parish with his wife and three servants. In 1381 only his widow Katherine is listed, assessed at the above

average rate of 3s. together with her servant Agnes (4d.): *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:139, 149.

64. Janet Burton and Christopher Wilson, *St Mary's Abbey, York* (York: Yorkshire Museum, 1988), p. 13.

## Chapter 5 Anabilla Wascelyne: The Ties of Kinship

1. The literature on later medieval English kin networks is comparatively slight, but pertinent are two urban will-based studies: Jenny Kermode, "Sentiment and Survival: Family and Friends in Late Medieval English Towns," *Journal of Family History* 24 (1999): 5–18; Lynne Bowdon, "Redefining Kinship: Exploring Boundaries of Relatedness in Late Medieval New Romney," *Journal of Family History* 29 (2004): 407–20. Zvi Razi has argued for functionally extended families before the plague using manor court roll evidence: Zvi Razi, "The Myth of the Immutable English Family," *Past and Present* 140 (1993): 3–44.
2. This speculation is, of course, somewhat academic. No relationship is recorded in Dom. William's deposition and it was his deposition alone that would subsequently be used by the presiding officer to determine the case.
3. A "Marras" is recorded in the probate inventory of Thomas Vicars of Strensall dated 1451. No such place is recorded in the 1334 lay subsidy, nor has such a location been identified as a deserted medieval village. A perusal of the first Ordinance Survey map for the area around Strensall likewise draws a blank, but it is quite possible that the name means little more than marsh: *Probate Inventories of the York Diocese*, ed. P.M. Stell and Louise Hampson (York, n.d.), p. 180.
4. It will be suggested below that he may have hailed from an area called Marshland.
5. *The Heads of Religious Houses: England and Wales, 1216–1377*, ed. David M. Smith and Vera C.M. London (Cambridge, UK: Cambridge University Press, 2002), p. 88; Dugdale, *Monasticon Anglicanum*, III:539.
6. BI, C.P.E.132. The case was an action for breach of promise brought by Master Robert, as former rector, against the current rector claiming that, having agreed to the joint arbitration of the abbot and Master Walter Skyrlaw, he had failed to honor in full the damages subsequently awarded by the arbitrators against the rector. In effect the damages awarded would have given Master Robert control over the glebe at Huggate. We may surmise that the abbot was the arbitrator nominated by his namesake, although we cannot know their actual relationship. The case represents a further example of Marrays family interests located in the western part of the Yorkshire Wolds, Huggate being only a few miles from Kennythorpe. Apparently Master Robert had previously exchanged Huggate for a living at Uldale in the diocese of Carlisle: David M. Smith, *Ecclesiastical*

- Cause Papers at York: The Court of York 1301–1399*, Borthwick Texts and Calendars 14 (1988), p. 52. A Robert Marrays was presented for fornication with Agnes Wetby within the Dean and Chapter's jurisdiction in York in 1360: YML, M2(1)f fol. 4v.
7. Helmholz, *Marriage Litigation*, pp. 160–1.
  8. For example, BI, CP.E.114, 153, 259.
  9. BI, CP.E.112.
  10. Another monk of St Mary's is noticed in a cause dated 1432 traveling to the horse fair at Pontefract and eating in lay company at "The Lion" there before going on to spend the night in Doncaster: BI, CP.F.104. Cf. David Knowles, *The Religious Orders in England*, 3 vols. (Cambridge, UK: Cambridge University Press, 1948–59), II:209–12.
  11. Dom. William's testimony merely states that the conversation took place "in the fields of Grimston and elsewhere," but, given the social rank of those involved, this does seem to imply that they were out riding.
  12. It may well be that, in contrast to our own more sexually anxious age, contact between a religious and an underage girl would not of itself have been a cause of concern or scandal precisely because of the former's vows and the latter's youth.
  13. Drake, *Eboracum*, p. 624; Dugdale, *Monasticon Anglicanum*, III:571.
  14. Alice de Rolleston is described as the "daughter of Anabilla, her fellow witness" despite the fact that Stephen Wascelyne testified at the same time. This and the difference of name suggest the de Rolleston children were not Stephen's daughters.
  15. Alice de Rolleston was fourteen at the time of the case, so her mother would likely have been at least thirty. If Dom. William had fathered her as a young adult, he need not have been more than fifty. This would be compatible with his achieving the abbacy in his forties and dying in his sixties. These observations do not strengthen the suggestion that Dom. William was in fact father to Anabilla and John, but they do show that the suggestion is at least compatible with the evidence.
  16. The returns are headed "Bretton," which can be identified with Burton, later Burton Salmon in the parish of Monk Fryston: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:370; A.H. Smith, *The Place-Names of the West Riding of Yorkshire, part IV* (Cambridge, UK: Cambridge University Press, 1961), p. 40. I am grateful to Colin Hinson for helping clarify the identity of this settlement. The "Monk" of Monk Fryston relates to Selby Abbey, which held lands here, rather than St Mary's, York.
  17. Saul, *Knights and Esquires*, pp. 19, 25.
  18. *Register of the Freemen of the City of York, 1272–1588*, ed. Francis Collins, Surtees Society 96 (1896), p. 85. The form of the entry would suggest that John Marrays, junior, was admitted by right of patrimony, that is, his father was himself a citizen prior to the birth of his son. The conventional, but essentially unsubstantiated, understanding is that a son could be admitted by right of patrimony on achieving his majority at twenty-one. If this

- were the case here, and the John Marrays, senior, is indeed the plaintiff in the case, then Alice would have had to have conceived and given birth within a year of the court's verdict, even though she could hardly have been more than thirteen and may well have been younger. This seems unlikely. If, however, majority was attainable after fifteen, then the circumstances would fit quite well. I am grateful to Sarah Rees Jones for discussion of this last. For a discussion of the franchise at York see: R.B. Dobson, "Admissions to the Freedom of the City of York in the Late Middle Ages," *Economic History Review*, 2nd series 23 (1973): 1–22.
19. Malbys made several bequests to the abbey including a horse and foal grazing at Overton park. He also named a group of persons whose bynames include "de Camera" [chamber], "de Stabulo" [stable], "de Salario" [salt or larder], "del Hall" and "Bakester" [baker]. The name John Marras follows immediately and it would be tempting to conclude that he was also a member of the household staff at Overton: BI, Prob. Reg. 1 fol. 82.
  20. YML, St Mary's Abbey Cartulary, XVI A.1, fol. 322.
  21. For the social origins of nuns see Marilyn Oliva, "Aristocracy or Meritocracy? Office-Holding Patterns in Late Medieval English Nunneries," *Studies in Church History* 27 (1990): 197–208. Barbara Harvey characterizes the monks of Westminster as predominantly "middle class" in social origin: Barbara Harvey, *Living and Dying in England 1100–1540: The Monastic Experience* (Oxford: Oxford University Press, 1993), pp. 75–7.
  22. Chichester, West Sussex Record Office, Cowdray archives, Cowdray/5129/6; Drake, *Eboracum*, p. 626.
  23. Scott L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society and Politics 1217–1327* (Princeton: Princeton University Press, 1988), p. 37.
  24. The abbots had another residence at Deighton: Dugdale, *Monasticon Anglicanum*, III:540, 570; Drake, *Eboracum*, pp. 577–8.
  25. There is no agreement between witnesses on this last date.
  26. Cf. Menuge, *Medieval English Wardship*, p. 97.
  27. This clause was inadvertently omitted from my published translation.
  28. For an example of this kind of detailed knowledge of household possessions, particularly textiles, see the 1450 will of Joan Buckland of Edgcott: *Lincoln Diocese Documents, 1450–1544*, ed. Andrew Clark, EETS o.s. 149 (1914), pp. 38–44.
  29. X 4.2.3.
  30. This observation is based on a reading of most extant matrimonial causes for the fourteenth and fifteenth centuries.
  31. BI, CP.E.82. The pertinent depositions are translated in Goldberg, *Women in England*, p. 157.
  32. Chapter 4 above.
  33. BI, CP.E.89/26.
  34. YML, Dean and Chapter probate register 1, L2(4), fol. 65.

35. Ellen appears to have owned part of a messuage in York from her first marriage: *Feet of Fines for the County of York*, III, ed. William Paley Baildon, Yorkshire Archaeological Society Record Ser. 52 (1915), pp. 38–9. The record refers to Gervase de Rouclif, Elena his wife and *her* heirs.
36. Bradford, West Yorkshire Archive Service, Spencer Stanhope MSS, SpSt/4/11/66/39.
37. The custom of allowing a widow a year's mourning can be traced back to before the Conquest. It is forcefully articulated by Alice Brathwell of Doncaster to deter a pressing suitor in a matrimonial cause of 1391: BI, CP.E.188. There are a few extant matrimonial causes where widows claim to have been forced into second marriages, for example, BI, CP.F.253, 263. This was probably more common within aristocratic society.
38. It was not uncommon for children to begin service in their very early teens, though evidence from York would suggest that girls may have started a little sooner than boys: Goldberg, *Women, Work, and Life Cycle*, pp. 168–9.
39. Barbara Todd's study of widow remarriage in early modern Abingdon has demonstrated that it was widows with young children to support who were most likely to remarry: Barbara J. Todd, "The Remarrying Widow: A Stereotype Reconsidered," in *Women in English Society 1500–1800*, ed. Mary Prior (London: Methuen, 1985), pp. 54–92.
40. Alice's aunt, Margery de Rouclif, testified in November 1365 that Alice was nine at the time of her father's death four years previous, but this conflicts with her own evidence that she would not be thirteen until the following Easter.
41. Cf. Payling, "The Politics of Family," esp. p. 24.
42. I am indebted to Mark Ormrod for talking me through the technicalities of this procedure. It may be noted that had parliament been in session, Ellen would have been able to present her petition there and this would likely have survived, but parliament only sat in January of 1365 and May of 1366.
43. A Margaret Rouclyf is recorded in the extant 1381 poll tax return for Thornthorpe, a village in the immediate proximity of Kennythorpe, but beyond that coincidence, there seems little to relate this woman to Margery or any other Rouclif in the case: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:210.
44. Only one name separates the two entries: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:139.
45. Most married women seem to have been identified with reference to their husbands even where their surnames differed. Widows are also identified by reference to their late husbands, but not all widows were so identified: Lady Margery de Rouclif was not identified as a widow, though it is evident that she was.
46. Robert evidently died without surviving children of his own: YML, Dean and Chapter probate register 1, L2(4), fol. 65.

47. The extant 1381 poll tax returns for Kenyngthorpe list one Joan "Watelyn"—this is Fenwick's transcription and it may well be that Wacelyn was intended—but no other family members: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:212.
48. John's will, which was proved in 1384, also suggests that he was connected with Selby Abbey: YML, Dean and Chapter probate register 1, L2(4), fol. 79.
49. *York Memorandum Book*, I, ed. Maud Sellers, Surtees Society 120 (1912), pp. 26–9.
50. BI, Prob. Reg. 1, fol. 73v. The original will is preserved in York, Merchant Adventurers' Archive, D 43/6.
51. William Wascelyne of Kenyngthorpe died in 1399 or possibly at the very beginning of 1400. His will is unfortunately brief and comparatively uninformative. Beyond naming his wife, Agnes, it provides no clues as to his family ties, but it is plausible that he was a child of the Stephen and Anabella of the case and perhaps a brother of the Katherine noted in John de Rouclif senior's will: YML, Dean and Chapter probate register, L2(4), fol. 122.
52. BI, Prob. Reg. 1, fol. 53v.
53. Baptismal practice is discussed in Orme, *Medieval Children*, pp. 21–9.
54. In a rather earlier marriage case, John de Draycote testified that he knew the groom's age "from the relation of his godmother who raised him from the holy font": BI, C.P.E.23. The testimony is transcribed in Helmholz, *Marriage Litigation*, p. 202.
55. As we shall shortly see, this contrasts with John de Melsay's testimony as a godfather.
56. Rosenthal, *Telling Tales*, p. 60; Bedell, "Memory and Proof of Age," p. 19.
57. *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:194–209, 301–453.
58. One of these daughters is not in fact so described, but she shares the same surname as the immediately preceding married couple. As is conventional in the more detailed Howdenshire returns, both these women are also described as "servant."
59. *CPR*, 1364–67, p. 175.
60. X 6.2.22. The canon reads "testimonium matris est suspectum, ubi filia petit in virum aliquem se maiorem." Ellen de Rouclif's promotion of her daughter's marriage to the son of the abbot of St Mary's could have been understood in these terms.
61. *CPR*, 1350–54, p. 425; *Feet of Fines for the County of Yorkshire*, III, ed. Baildon, p. 102. The land purchased in 1364 was to pass in time to Guy de Rouclif's heirs. Guy was a career administrator with strong literary connections. He became a senior administrator in the Privy Seal Office and was at the end of his career the manager of the poet Thomas Hoccleve, referred to in his will as "my clerk" and to whom he bequeathed a book called *The War of Troy*. He was also associated with John Gower, who purchased two manors in East Anglia from Rouclif, and perhaps more

- generally as part of a “Langlandian reading circle”: J.A. Burrow, *Thomas Hoccleve* (Aldershot: Variorum, 1994), pp. 9–10; Kathryn Kerby-Fulton and Steven Justice, “Langlandian Reading Circles and the Civil Service in London and Dublin, 1380–1427,” in *New Medieval Literatures*, 1, ed. Wendy Scase, Rita Copeland, and David Lawton (Oxford: Oxford University Press, 1997), pp. 59–83, esp. pp. 64–5; TNA, Prob/11/1.
62. Sir Brian’s daughter, Ellen, married John de Ingleby who was associated with the founding of the Charterhouse of Mount Grace. Sir Brian’s wife’s identity is not recorded. The genealogical information here is largely derived from William Flower’s compilation of nearly two centuries later, but Lady Margery is not named in Flower’s genealogy of the Roclyff family: *The Visitation of Yorkshire in the Years 1563 and 1564 made by William Flower, Esquire*, ed. Charles Best Norcliffe, Harleian Society 91 (1881), pp. 265–6.
  63. The small York parish of St Wilfred was centered on Blake Street and was located next to St Leonard’s hospital. It is possible that by this date Lady Margery held a corrody at St Leonard’s. Age and incapacity were both canonically valid reasons for the court to come to the witness rather than vice versa: X 2.20.8.
  64. The child was presumably given an emergency baptism by the midwife and a subsequent conditional baptism in church. From a theological perspective, the first event constituted the actual baptism, the second ceremonial event serving primarily a social function.
  65. Cf. Rowena E. Archer, “‘How Ladies ... Who Live on their Manors ought to Manage their Households and Estates’: Women as Landholders and Administrators in the Later Middle Ages,” in *Woman is a Worthy Wight: Women in English Society c. 1200–1500*, ed. P.J.P. Goldberg (Stroud: Alan Sutton, 1992), pp. 149–81.
  66. Scott L. Waugh, *England in the Reign of Edward III* (Cambridge, UK: Cambridge University Press, 1991), pp. 108–9.
  67. Carole Rawcliffe, “The Great Lord as Peacekeeper: Arbitration by English Noblemen and their Councils in the Later Middle Ages,” in *Law and Social Change in British History*, ed. John A. Guy and H.G. Beale (London: Royal Historical Society, 1984), pp. 34–54.
  68. Charles Clay, “The Family of Meaux,” *Yorkshire Archaeological Journal* 43 (1971): 99–111.
  69. Houghton is located near Market Weighton and remains to this day the location of Houghton Hall.
  70. See note 33 above.
  71. Implicit in this observation is that St Mary’s, like a number of other monastic churches, also functioned to some degree parochially. In fact this case presents the only evidence so far discovered that St Mary’s possessed a font and indeed maintained any kind of parochial function. I am grateful to Dr. Christopher Norton for discussing this point.
  72. By adding how old John would have been when he moved to Houghton (just under two) to the time he had been resident in Houghton (just under

twelve years), he adduces that John would have been nearly fourteen had he lived.

73. Clay, "The Family of Meaux," p. 106. The couple apparently moved within weeks of William de Houghton's death.

## Chapter 6 Dom. William Marray's: Stories and Readers

1. See, *Fama: the Politics of Talk and Reputation in Medieval Europe*, ed. Thelma Fenster and Daniel Lord Smail (Ithaca, NY: Cornell University Press, 2003), pp. 1–11 for a discussion of the related concept of "*fama*."
2. Adrian Wilson, "The Ceremony of Childbirth and its Interpretation," in *Women as Mothers in Pre-Industrial England*, ed. Valerie Fildes (London: Routledge, 1990), pp. 68–107.
3. Three are of similar date to the present case: BI, C.P.E.33 (1337), C.P.E.70 (1356), E.105 (1370), E.126 (1382). Visual testimony for intercourse is not found by the fifteenth century.
4. The canon law laid down that for proof of intercourse testimony of actual sight was preferred, followed by testimony of hearing, and lastly testimony of strong supposition: X 2.20.27.
5. Such observations become much less common by the fifteenth century and may be related to the dissemination of the use of bed curtains and the increasing provision of separate chambers: P.J.P. Goldberg, "John Skathelok's Dick: Voyeurism and 'Pornography' in Late Medieval England," in *Medieval Obscenities*, ed. Nicola McDonald (Woodbridge: York Medieval Press, 2006), pp. 105–23.
6. Account written in 1504 published in *Plumpton Correspondence*, ed. Thomas Stapleton, Camden Society o.s. 4 (1839), p. lxiv.
7. This was true of well-to-do Florentine marriages by the fifteenth century: Christiane Klapisch-Zuber, *Women, Family, and Ritual in Renaissance Italy*, trans. Lydia G. Cochrane (Chicago: University of Chicago Press, 1985), p. 191.
8. For a discussion of this point see Charles J. Reid Jr., *Power over the Body, Equality in the Family: Rights and Domestic Relations in Medieval Canon Law* (Grand Rapids, MI: William B. Eerdmans, 2004), pp. 113–14.
9. Thomas was some thirteen years older than his bride. Karl P. Wentersdorf, "The Clandestine Marriage of the Fair Maid of Kent," *Journal of Medieval History* 5 (1979): 204–5, 220.
10. Thomas Holland went overseas to fight shortly after his contract to Joan Plantagenet. Wentersdorf, "Fair Maid of Kent," 205–7.
11. There is an analogy here with the strategy deployed by John, son of James, a witness in the slightly earlier case of Aunger c. Malecake (BI, C.P.E.76). Here William Aunger petitioned for the annulment of his marriage to one Joan Malecake contracted whilst he was under age. Although it was not disputed that William had subsequently achieved his majority, the



- case revolved around the issue of whether William had consummated the earlier contract. John, son of James testified that he thought not, both because William had tried to shun Joan, and also because William was not sexually mature, was physically stunted, and looked more like a nine- or ten-year-old.
12. Kathryn Gravdal, *Ravishing Maidens: Writing Rape in French Literature and Law* (Philadelphia: University of Pennsylvania Press, 1991), pp. 135–40.
  13. Copies of depositions would have been made for both sets of proctors and for the use of the presiding Official who used them to determine the case.
  14. Pedersen, *Marriage Disputes in Medieval England*, pp. 94, 97.
  15. P.H. Cullum, “Clergy, Masculinity and Transgression in Late Medieval England,” in *Masculinity in Medieval Europe*, ed. Dawn Hadley (London, 1999), pp. 178–96.
  16. Here I follow Roger Thompson’s usages, namely, “*pornographic*, writing or representation intended to arouse lust, create sexual fantasies or feed auto-erotic desires” and “*obscene*, intended to shock or disgust, or render the subject of the writing shocking or disgusting”: Roger Thompson, *Unfit for Modest Ears: A Study of Pornographic, Obscene and Bawdy Works Written or Published in England in the Second Half of the Seventeenth Century* (London: Macmillan, 1979), p. ix.
  17. The use of drapes and of onlookers, who stand as proxy for the observer’s own voyeurism, is a motif to be found in late medieval art. This is true, for example, of the Boethius Master’s representation of coitus in a manuscript of Bartholomeus Anglicus, Hans Memling’s representation of Bathsheba, or various of the erotic drawings of Giulio Romano. For the Boethius Master see Michael Camille, “Manuscript Illumination and the Art of Copulation,” *Constructing Medieval Sexuality*, ed. Karma Lochrie, Peggy McCracken, and James A. Schulz, (Minneapolis: University of Minnesota Press, 1997), pp. 78–80.
  18. Goldberg, “John Skathelok’s Dick,” pp. 117–22.
  19. It should be noted that clerics and the educated represent likely audiences for the consumption of pornographic discourses. Talvacchia has argued that the earliest patrons of the erotic drawings of Giulio Romano and of his notorious “I modi” engravings were “the elite of Rome’s papal curia”: Bette Talvacchia, *Taking Positions: On the Erotic in Renaissance Culture* (Princeton: Princeton University Press, 1999), p. 72. Michael Camille has also discussed images of copulation found in medieval learned and clerical texts: Camille, “Manuscript Illumination and the Art of Copulation,” pp. 58–90. A parallel observation has been made about the educated and Puritan backgrounds of consumers of pornographic writings, primarily composed in Latin, French or Italian, during the later seventeenth century: Thompson, *Unfit for Modest Ears*, pp. 198–207.
  20. X 4.15.7; Jacqueline Murray, “On the Origins and Role of ‘Wise Women’ in Causes for Annulment on the Grounds of Male Impotence,” *Journal of Medieval History* 16 (1990): 235–49; Goldberg, *Women, Work and Life Cycle*, p. 151.

21. Monks appear normally to have been professed in their very late teens or early twenties: Harvey, *Living and Dying in England 1100–1540*, pp. 118–22.
22. BI, CP.E.89/16, 27. None of the other sets of depositions are annotated.
23. Testimony relating to Alice's spousals was also indicated by two marginal "m"s placed one above the other.
24. Becky Lee specifically makes this point in citing this case in her analysis of proof-of-age evidence: Lee, "A Company of Women and Men" p. 94, 97n.
25. "They are best thought of as village elders and spokesmen and elders": Rosenthal, *Telling Tales*, p. 2.
26. Rosenthal, *Telling Tales*, pp. 10–12, 19–21.
27. Charles Donahue, Jr., "Proof by Witnesses in the Church Courts of Medieval England: An Imperfect Reception of the Learned Law," in *On the Laws and Customs of England*, ed. Morris S. Arnold, Thomas A. Green, Sally Scully, and Stephen D. White (Chapel Hill: University of North Carolina Press, 1981), pp. 149–51.

### Chapter 7 Alice through the Looking Glass

1. T.H. Hollingsworth, "A Demographic Study of British Ducal Families," *Population Studies* 11 (1957): p. 14 [4–26].
2. The ability to control a ward's marriage was recognized as the guardian's right: Waugh, *The Lordship of England*, pp. 146, 207–21.
3. A number of early Canterbury cases are published in *Select Cases from the Ecclesiastical Courts of the Province of Canterbury, c. 1200–1301*, ed. Norma Adams and Charles Donahue, Jr, Selden Society 95 (1981).
4. BI, CP.E.89/26, article 6.
5. BI, CP.E.89/12, especially articles 1–3.
6. Helmholz found only three such actions among the fourteenth-century York cause papers and broadly similar patterns elsewhere: Helmholz, *Marriage Litigation*, p. 68.
7. Helmholz, *Marriage Litigation*, p. 67.
8. J.M.W. Bean, "Henry Percy (c. 1321–68)," in *Dictionary of National Biography*, <http://www.oxforddnb.com/> accessed on 17 May 2005.
9. Menuge, *Medieval English Wardship*, pp. 97–9.
10. Menuge, *Medieval English Wardship*, p. 97.
11. BI, CP.E.89/12, article 1; CP.E.89/14.
12. Waugh, *The Lordship of England*, pp. 217–18.
13. Cf. Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing unto Others* (New York: Routledge, 2005), p. 154.
14. "Leman" is a standard Middle English usage for lover or concubine.
15. Similar sentiments with similar objectives can be found in French court material four centuries later. Thus Jeanne James told her suitor, "if he wanted to look upon her as a mistress, he was wrong, and that she would

- only listen to him if he intended to marry her.” Jeanne, like Alice, was seeking commitment in an essentially unequal power relationship, though Jeanne presumably had not yielded to her suitor’s sexual advances: Sarah C. Maza, *Servants and Masters in Eighteenth-Century France: The Uses of Loyalty* (Princeton: University of Princeton Press, 1983), p. 70. I am indebted to Cordelia Beattie for drawing this reference to my attention.
16. Kim M. Phillips, *Medieval Maidens: Young Women and Gender in England 1270–1540* (Manchester: Manchester University Press, 2003), pp. 83–96, 143–76.
  17. Anabilla Wascelyne stated she could not remember whether he had said 100 marks or £100, but this does not alter the rhetorical effect of John’s statement.
  18. Modern legal definitions of rape tend to require that the woman experience penetrative sex without her consent as a consequence of force or threat or because the woman is incapable of giving consent. Sexual intercourse with children below the age of consent is often regarded as statutory rape. The English Sexual Offences Act, 2003, defines rape more simply as any act of sexual intercourse where the woman does not consent. This accords with current feminist thinking and is also the definition used here: The Scottish Parliament, *The Legal Definition of Rape*, Research Note RN 01/46 (Edinburgh, 2001), p. 5. English medieval legal conceptions of rape unsurprisingly stress force or violence, though Kim Phillips has argued that around the mid-thirteenth century, legal rape narratives tended to highlight the loss of virginity rather than violence whereas later medieval rape law tended to conflate rape and abduction: Kim M. Phillips, “Written on the Body: Reading Rape from the Twelfth to Fifteenth Centuries,” in *Medieval Women and the Law*, ed. Noël James Menuge (Woodbridge: Boydell, 2000), pp. 125–44. Medieval notions of rape are thus far removed from both the contemporary legal and feminist understandings. Indeed, ironically, medieval law would probably have considered Alice’s abduction by Sir Brian de Rouclif more akin to rape than Alice’s sexual initiation by John Marrays. Consequently, I do not feel it is either helpful or appropriate to apply later-fourteenth-century legal notions of rape in order to try to understand Alice’s experience.
  19. E. Schwarz and B.D. Perry, “The Post-Traumatic Response in Children and Adolescents,” *Psychiatric Clinics of North America* 17 (1994): 311–26; Nicola Gavey, *Just Sex: The Cultural Scaffolding of Rape* (London: Routledge, 2005), pp. 159–60. In March 2006 Merle Friedman, a clinical psychologist, testified to the Johannesburg High Court in the trial of Jacob Zuma, formerly vice president of South Africa, that freezing was a common response in rape victims, but that it was all the more likely in the case of Zuma’s alleged victim since she had looked to him as a father figure.
  20. Gavey, *Just Sex*, chs. 5 and 6. Gavey offers a series of case studies of women who felt constrained or coerced to have unwanted sex by reason of their own understanding of prevailing social conventions. Such women may

- retrospectively accept that sex was coercive, but will deny that they have been raped.
21. Cf. Helen Cooper, "Good Advice on Leaving Home in the Romances," in *Youth in the Middle Ages*, ed. P.J.P. Goldberg and Felicity Riddy (York: York Medieval Press, 2004), pp. 101–21.
  22. Cf. Karen Sullivan, *The Interrogation of Joan of Arc* (Minneapolis: University of Minnesota Press, 1999), pp. 12–15.
  23. The spouses are specifically described as occurring within the abbey precinct. If, as is likely, they were conducted in the abbey gatehouse, they would in fact have been hard by the church of St Olave which abutted the gatehouse and could only be entered through the same gateway.
  24. Barbara J. Harris, *English Aristocratic Women, 1450–1550: Marriage and Family, Property and Careers* (New York: Oxford University Press, 2002), p. 58.

### **Chapter 8 Brewing Trouble: The Devout Widow's Tale**

1. Unless otherwise stated, all references and quotations in this chapter are derived from this case, which is BI, CPF.36. The case is briefly, but somewhat inaccurately, discussed in S.M. Butler, "'I will Never Consent to be Wedded with you': Coerced Marriage in the Courts of Medieval England," *Canadian Journal of History* 39 (2004): 247–70.
2. *Probate Inventories of the York Diocese*, ed. P.M. Stell and Louise Hampson (York: privately printed, 1998), pp. 61–8; YML, Dean and Chapter probate register 1, L2(4), fol. 154v. Both, the date of making and of probate fall in March. It is very likely that the William Smyth who testified on Agnes's behalf can be identified with the man of the same name who was paid 5s. 4d. out of Hugh's estate.
3. Agnes's age may be exaggerated as this was part of a strategy to cast doubt on the likelihood of her freely consenting to marry John Dale, described as a young man. We do not know how old she in fact was, but it is likely she was of similar age to her late husband. He was made a freeman of York in 1385, so may have been born in or before c. 1364. This would suggest an age in the mid-forties: *Register of the Freeman*, ed. Collins, p. 82. Sara Butler initially describes Agnes as William Pountfret's servant, but later qualifies this to the suggestion that Pountfret was "seemingly her employer, although in what capacity is unclear": Butler, "'I will Never Consent...,'" p. 258. Neither suggestion is substantiated by the evidence.
4. He was admitted to the franchise in 1368 and was chamberlain in 1381–82. This would suggest that he was in his early sixties by 1411: *Register of the Freeman*, ed. Collins, pp. 63, 78. It is tempting to speculate that his office-holding career, begun in the very year of major civic disturbances in York, was consequently short-lived, though in fact more

- ambitious men tended to hold office as chamberlain somewhat sooner. For a discussion of the events in York in 1380–81 see R.B. Dobson, “The Risings in York, Beverley and Scarborough, 1380–1381,” in *The English Rising of 1381*, ed. R.H. Hilton and T.H. Aston (Cambridge, UK: Cambridge University Press, 1984), pp. 112–42, esp. pp. 118–24 [112–42].
5. Pountfret’s deposition gives his age as sixty years. Pountfret and Thornton are both listed thirty years earlier under All Saints, Pavement in the 1381 poll tax returns for York, though their names are quite widely separated. This could well imply that the two men lived in different parts of the parish at that date. Pountfret was assessed with his wife Avice at 8s. 2d., some four times the mean rate. His two female servants were assessed at 6d. each. Thornton was assessed with his wife Katherine and one female servant, but damage to the roll means that the actual assessment is lost. Both men are described as drapers: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:142.
  6. Helmholz, *Marriage Litigation*, pp. 90–4.
  7. D.M. Smith, *The Court of York, 1400–1499: A Handlist of the Cause Papers and an Index to the Archiepiscopal Court Books*, Borthwick Texts and Calendars 29 (2003), pp. 13–14.
  8. Butler argues that Agnes Grantham claimed that she was precontracted to John Thornton. In fact her case against John Dale rests solely on force and fear: Butler, “I will Never Consent. . .,” p. 258.
  9. Alice de Rouclif’s contract, it may be remembered, was allegedly made with a cheerful countenance in the presence of her immediate kin.
  10. These articles are dated 26 November 1410.
  11. Articles dated 21 February 1411.
  12. See note 2 above.
  13. These settlements were all within the Liberty of St Peter. It is tempting to conclude that, as discussed in the first part of this book, the Liberty played a role in shaping patterns of migration. In the particular case of Hugh Grantham, it may be that the lure of employment on York Minster, whose eastern parts were being rebuilt from the 1360s, drew the young man to the city and the parish of St Michael le Belfrey: J.H. Harvey, “Architectural History from 1291 to 1558,” in *A History of York Minster*, ed. G.E. Aylmer and Reginald Cant (Oxford: Oxford University Press, 1977), p. 163 [149–92].
  14. Neither Catton’s will nor the associated inventory adds very much to our understanding of the case. He was clearly a weaver of some means possessing net assets, including two looms and various lengths of cloth, valued at some £30. He was a member of both the St Mary’s guild of weavers and the fraternity of the Holy Trinity in Fossgate: *Probate Inventories*, ed. Stell and Hampson, pp. 68–72; YML, Dean and Chapter probate register 1, L2(4), fol. 164.
  15. *The Book of Margery Kempe*, ed. Lynn Staley (Kalamazoo: The Medieval Institute, 1996), book 1, ll. 204–12.

16. P.H. Cullum, "'And Hir Name was Charite': Charitable Giving by and for Women in Late Medieval Yorkshire," in *Woman is a Worthy Wight: Women in English Society c. 1200–1500*, ed. P.J.P. Goldberg (Stroud: Alan Sutton, 1992), pp. 196–7 [182–211].
17. Sara Butler argues that Agnes was in fact repeatedly raped and cites the phrase "Johannes carnalem copulam extorquisset ab eadem" as evidence of actual rape: Butler, "'I will Never Consent...,'" p. 258. This phrase, taken from the deposition of Thomas Catton, is in fact preceded by the words "[Agnes]...semper timuit quod idem" [Agnes "the whole time feared that the said John [Dale] would force intercourse with her"]. Article xx of a very full set of 34 articles reads "...prefatus Johannes Dale tempore predicto minabatur et conabatur extorquere carnalem copulam de eadem Agnete." Against this has been written the response on behalf of John Dale denying the article and asserting that he had intercourse with her willingly ("voluntate").
18. Cullum, "Vowesses and Female Lay Piety," pp. 21–41.
19. John Watton, who is said to have been twenty-five years at the time of his deposition, can probably be identified with the parochial chaplain of St Crux whose will was proved in 1445: BI, Prob. Reg. 2 fol. 400.
20. The career of William Feryby, a royal clerk and master 1409–15, is somewhat obscure. He had previously been archdeacon of the East Riding 1393–1409 and chancellor to Henry, Prince of Wales in 1403: B. Jones, *Fasti Ecclesiae Anglicanae 1300–1500, vol. VI: Northern Province* (London: The Athlone Press, 1963), p. 22; J.L. Grassi, "Royal Clerks from the Archdiocese of York in the Fourteenth Century," *Northern History* 5 (1970): 26, 30 [12–33]; Patricia Helena Cullum, "Hospitals and Charitable Provision in Medieval Yorkshire, 936–1547" unpublished University of York D.Phil. thesis (1989), pp. 149, 153.
21. *Select Cases in the Court of King's Bench under Edward III*, vol. V, ed. G.O. Sayles, Selden Society 76 (1957), pp. 90–1. In this instance the countess was allegedly taken against her will to the castle of Somerton. Her abductors then raped her and "did their will with her". The jurors, however, ruled that no such abduction or rape had occurred and acquitted the defendants.
22. "et puis la dite Geffrei la prist afforce en counter son gre et la getta de sur un chival dreere Iohnan de Causton' et ele chey a terre et rescust si graunt damage de son corps que ne pout travailler ne aler deuz semeignes apres; et puis le ditz Geffrei et Iohan lamenerunt tanqe a un bois qest apel Boxted' Park' et parceqe ele cria et fist noise ils la treyerunt en bossouns et rounces et estoperunt le bouche la dite Alice dun gaunt et de chaperoun le dite Alice et si vilement la leiderunt tanque ele devynt tut sanglent et prie remedye": *Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries Edward III to Richard III*, ed. Bertha H. Putnam (London: The Ames Foundation, 1938), no. 68, p. 344. I am grateful to Nicola McDonald for helping me with the French.
23. *CCR*, 1317–21, p. 485; *CCR*, 1358–61, p. 83; *CPR*, 1381–85, pp. 453–4.

24. Woodland is noted in one of the Domesday Book entries relating to Acomb. Thomas Forester, one of the three attackers, is elsewhere identified as the forester of Healaugh Park, which lay further west beyond Acomb Grange.
25. For an invaluable exploration of the cultural significance of forest, see Corinne Saunders, *The Forest of Medieval Romance: Avernus, Broceliande, Arden* (Cambridge, UK: D.S. Brewer, 1993), esp. pp. 133, 135, 184–5 (abduction) and 132, 163 (rape).
26. *Sir Degaré* is found in four late medieval manuscripts of which one is late fourteenth century and two fifteenth century. Corinne Saunders argues that in romance literature it is the threat of rape rather than actual rape that prevails: “Sir Degaré,” in *The Middle English Breton Lays*, ed. Anne Laskaya and Eve Salisbury (Kalamazoo: The Medieval Institute, 1995), pp. 89–144; Corinne Saunders, *Rape and Ravishment in the Literature of Medieval England* (Cambridge, UK: D.S. Brewer, 2001), pp. 187, 213–18.
27. The will of William de Ulskelf, who died in September 1391, is extant. He may have been the father of Richard Ulskelf. Both were walkers or fullers and both resided in the parish, though there is tension between the father’s provision for his son to be cared for and schooled—the implication being that he was still a child—and the Richard’s declared age of forty (in one deposition) and sixty (in a second deposition) some twenty years later. This may only reflect the unreliability of the ages declared by witnesses, but is perhaps evidence that William de Ulskelf was not Richard’s father, but some other relative. Unfortunately there appears nothing in William’s will to help our analysis beyond the observation that this was evidently an artisanal family of middling rank. The suburban nature of Walmgate is reflected in William de Ulskelf’s bequest to his son of two cows: BI, Prob. Reg. 1 fol. 35v.
28. Richard de Ulskelf remembered the date in respect of the feast of St Margaret, no doubt because this was the feast day of his parish church of St Margaret in Walmgate. The feast may also have had symbolic importance in relation to Agnes Grantham for St Margaret famously escaped the belly of the dragon.
29. McSheffrey, *Love and Marriage*, p. 41.
30. Sylvia Landsberg, *The Medieval Garden* (London: British Museum Press, 1996), pp. 49–50. See also Derek Pearsall, “Gardens as Symbol and Setting in Late Medieval Poetry,” in *Medieval Gardens*, ed. Elizabeth B. MacDougall (Washington: Dumbarton Oaks Research Library and Collection, 1986), pp. 245, 250 [237–51].
31. Pearsall, “Gardens as Symbol and Setting,” pp. 238–45.
32. Cf. Pearsall, “Gardens as Symbol and Setting,” p. 241.
33. Sarah Rees Jones, “Historical Introduction,” in *Medieval Urbanism in Coppergate: Refining a Townscape*, ed. R.A. Hall and K. Hunter-Mann, , The Archaeology of York, 10, 6 (York: Council for British Archaeology, 2002), pp. 693, 696 [684–98]. The extant property (no. 151) is discussed in Royal Commission on Historical Monuments (England), *An Inventory*

- of the Historical Monuments in the City of York: vol. V, The Central Area* (London: H.M.S.O., 1981), p. 128. The two bays to the north can only be surmised from the evidence of the numbering of the extant timber framing. The space is currently occupied by the much more recent, but now defunct White Swan hotel and much structural change has occurred, including the curtailment of the eastern part of the parish church, as a consequence of the construction of Piccadilly shortly before the First World War.
34. Many of the properties on Coppergate opposite the church of All Saints were apparently destroyed in a fire in 1694: Drake, *Eboracum*, p. 292.
  35. BI, Prob. Reg. 3, fols. 111–12.
  36. He was chamberlain in 1379–80, two years before John Thornton: *Register of Freeman*, ed. Collins, pp. 68, 76; note 4 above. Another will, that of William de Pontfract, draper (d. 1390), may well represent the William “senior” implicit in the franchise register entry, but he was apparently not William junior’s father since there is no mention of any son in this earlier will: BI, Prob. Reg., 1 fol. 15.
  37. Cf. P.H. Cullum, “For Pore People Harberles: What was the Function of the Maisondieu?” in *Trade, Devotion and Governance in Fifteenth Century England*, ed. Dorothy J. Clayton, Richard G. Davies, and Peter McNiven (Stroud: Alan Sutton, 1994), pp. 36–54.
  38. Rees Jones, “Historical Introduction,” pp. 693, 696. A deed recorded in the cartulary of the Vicars Choral of the Minster records that John de Thornton, citizen and draper, owned the property to the west and that there was reserved to him and his heirs “free supply of all rain water and egress from John’s house”: *Charters of the Vicars Choral of York Minster, City of York and its Suburbs to 1546*, ed. Nigel Tringham, Yorkshire Archaeological Society Record ser. 148 (1993), no. 577, p. 313.
  39. Drake, *Eboracum*, p. 295.
  40. *Charters of the Vicars Choral*, ed. Tringham, no. 111, p. 64.
  41. Stell and Hampson, *Probate Inventories*, p. 68.
  42. Drake, *Eboracum*, p. 295.
  43. For a discussion of the notion of the chaste marriage see Diane Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton: Princeton University Press, 1993), especially pp. 195–265. See note 3 above.
  44. Dorothea of Montau, a native of Danzig, may have been known in York as a consequence of the city’s trade links. St Brigit was certainly known. She is depicted in the so-called Bolton Hours owned and probably produced in the city at about this date. The city was also the focus of an abortive attempt to establish a Brigittine house at much the same date. The two may be connected to the legacy of Archbishop Richard Scrope who had spent part of his career in Rome at the time canonization proceedings for Brigit were started and who himself promoted Brigit’s interest in the Five Wounds. Scrope’s execution in 1405 made him the focus for veneration in York and the city’s Corpus Christi guild, founded in



1408, which Pountfret and his vowess kinswoman joined in the first year, seems to have been active in promoting the cult. See chapters by Goldberg and Rees Jones in P.J.P. Goldberg, ed., *Richard Scrope: Archbishop, Rebel, Martyr* (Donington, UK: Shaun Tyas, forthcoming).

## Chapter 9 Patriarchy, Civic Identity, and the Widow of Doncaster

1. Unless otherwise stated, all references and quotations in this chapter are derived from this case, which is BI, C.P.E.188.
2. It had a recorded tax population of 800 in the 1377 poll tax returns. Using a multiplier of 1.65 to allow for persons below taxation age (fourteen years), clergy (taxed separately), the exempt poor, and the like, this would yield a total population of 1,320. Using like poll tax evidence, and allowing for London, Chester and Durham that are not recorded, it would appear that Doncaster was probably about the fiftieth biggest town in the realm and the fifth largest in the county: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:269; Alan Dyer, *Decline and Growth in English Towns 1400–1640* (Cambridge, UK: Cambridge University Press, 1995), appendix 1, pp. 56–7.
3. For this and the discussion that follows see P.J.P. Goldberg, “From Conquest to Corporation,” in *Doncaster: A Borough and its Charters* ed. B.J. Barber (Doncaster: The Waterdale Press, 1994), pp. 47–65, 116–21.
4. That is to say the burgesses were allowed to collect various revenues from tolls, the mills, the borough court, and so on and from these pay a fixed sum (“fee farm”) to the crown, enabling them to keep and spend for their own purposes any surplus.
5. D.A.L. Morgan, “The Individual Style of the English Gentleman,” in *Gentry and Lesser Nobility in late Medieval Europe*, ed. M.C.E. Jones (Gloucester: Alan Sutton, 1986), pp. 15–35.
6. BI, Prob. Reg. 1 fol. 9v; Prob. Reg. 2 fol. 9.
7. *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:323–6. I have also found useful the searchable electronic version of the older Yorkshire Archaeological Society edition at <http://www.genuki.org.uk/big/eng/YKS/Misc/SubsidyRolls/YKS/SubsidyRolls1379Index.html>. Accessed on 7 June 2005.
8. *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 1:xiv–xvi.
9. BI, Prob. Reg. 1 fol. 9v.
10. BI, Prob. Reg. 2 fol. 9.
11. In the next entry we find “Ricardus Rogerman Magota uxor ejus.” The suffix “man” can be read to imply that Richard was Roger’s employee, but as a married man he is not specifically described as being in a dependent relationship and it is unclear whether Richard and his spouse co-resided with William Roger, a single man, or whether they occupied separate, but adjacent accommodation. We may surmise the former and

- posit that Magota (or Margaret) acted as de facto housekeeper for William as well as for her husband. *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:347–51.
12. *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:225 (North Cave).
  13. *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:230; BI, Prob. Reg. 1 fol. 80.
  14. The depositions appear to record “Grenake.” Of the two most likely candidates, namely, Greenoak in Howdenshire (East Riding) and Greenhow in the North Riding, the former seems far the better fit. In the 1334 lay subsidy the hamlet is recorded as “Grenayk” and in the 1379 poll tax as “Greneyak.”
  15. The number of persons listed in 1379 was 101 suggesting a total population of over 160 persons: *The Poll Taxes of 1377, 1379 and 1381*, ed. Fenwick, 3:169, 199.
  16. P.H. Cullum, “Vowesses and Female Lay Piety in the Province of York, 1300–1530,” *Northern History* 32 (1996): 21–41.
  17. *An Episcopal Court Book for the Diocese of Lincoln 1514–1520*, ed. Margaret Bowker, Lincoln Record Society 61 (1967), p. 53; *The Black Book of Winchester*, ed. W.H.B. Bird (Winchester: The Wikeham Press, 1925), pp. 3–4.
  18. BI, Prob. Reg. 2 fol. 633v.
  19. Michael Young and Peter Willmott, *Family and Kinship in East London* (London: Routledge and Kegan Paul, 1957); Charlotte Gower Chapman, *Milocca: A Sicilian Village* (Cambridge, MA: Schenkman, 1971).
  20. BI, Prob. Reg. 1 fol. 9v.
  21. *CPR*, 1361–64, pp. 197–8, 208, 288, 433; *CPR*, 1364–67, p. 146; *CPR*, 1367–70, pp. 60, 144; *CPR*, 1374–77, p. 326; *CPR*, 1381–85, pp. 198, 200; Goldberg, “From Conquest to Corporation,” p. 52.
  22. *CPR*, 1361–64, p. 150; *CPR*, 1364–67, p. 146; *CPR*, 1374–67, p. 326; *CPR*, 1377–81, p. 128; *CPR*, 1381–85, pp. 198, 200; *CPR*, 1391–96, p. 35; *CPR*, 1399–1401, pp. 258, 274; Goldberg, “From Conquest to Corporation,” pp. 52, 58.
  23. This is discussed at length in Sarah Rees Jones, “Household, Work and the Problem of Mobile Labour: The Regulation of Labour in Medieval English Towns,” in *The Problem of Labour in Fourteenth-Century England*, ed. James Bothwell, P.J.P. Goldberg, and W. M. Ormrod (Woodbridge: York Medieval Press, 2000), pp. 133–153.
  24. Philippa Maddern, “Order and Disorder,” in *Medieval Norwich*, ed. C. Rawcliffe and R. Wilson (London: Hambledon, 2004), pp. 189–212, esp. pp. 189–91.
  25. Chaucer describes a merchant dressed in motley and an account roll dated 1394–95 includes motley “for summer garments for esquires.” Well-to-do male dress c. 1400 seems to have been characterized by the brevity of the gown or doublet: *Middle English Dictionary*, see under mōtlē (n), (a); Margaret Scott, *A Visual History of Costume: The Fourteenth and Fifteenth Centuries* (London: Batsford, 1986), plates 43 and 46, pp. 52–4.

26. Gervase Rosser, "Crafts, Guilds and the Negotiation of Work in Medieval Town," *Past and Present* 154 (1997): 3–31.

### Conclusion

1. Elizabeth Robertson, "Public Bodies and Psychic Domains: Rape, Consent, and Female Subjectivity in Geoffrey Chaucer's *Troilus and Criseyde*," in *Representing Rape in Medieval and Early Modern Literature*, ed. Robertson and Christine M. Rose (New York: Palgrave, 2001), p. 283 [281–310].
2. Michael Camille, *Mirror in Parchment: The Luttrell Psalter and the Making of Medieval England* (Chicago: University of Chicago Press, 1998), pp. 95–6.
3. See, for example, Keith Dockray, "Why did Fifteenth-Century English Gentry Marry?: the Pastons, Plumpton, and Stonors Reconsidered," in *Gentry and Lesser Nobility in Later Medieval Europe*, ed. Michael C.E. Jones (Gloucester: Alan Sutton, 1986), pp. 61–80.
4. P.J.P. Goldberg, "Young Women in the *Oxford Dictionary of National Biography*," unpublished paper given at the International Medieval Congress, Leeds, July 2005.
5. Elizabeth Robertson writes: "As Kelly and other have argued, rape, as it appears in various forms of 'rapire' in the fourteenth century, can refer to a wide variety of events including sexual assault, abduction for the purposes of marriage without the consent of the abductee, abduction for the purposes of marriage with the consent of the abductee, and abduction for the purposes of marriage with the later consent of the abductee." See Robertson, "Public Bodies and Psychic Domains," p. 294. The English term "ravished," meaning "abducted," is found in an English petition dated 1437, but the same term, preceded by the phrase "ayenst hir will" is found in another petition of 1439 where actual rape is probably implied. Both terms have been rendered as "raped" in the TNA catalogue: TNA, SC 8/27/1305, 1316.
6. Theobald retrospectively claimed that Elizabeth had consented to this marriage and abduction. He was to die only months later: Frances A. Underhill, *For Her Good Estate: The Life of Elizabeth de Burgh* (New York: St Martin's Press, 1999), pp. 15–16; Waugh, *The Lordship of England*, p. 219; Jennifer Ward, "Elizabeth de Clare," in *The Oxford Dictionary of National Biography*.
7. *CPR*, 1374–77, p. 223.
8. William Flower's pedigree made nearly two centuries later records Ellen as having married one John Ingleby, so what became of this abduction we cannot tell: Norcliffe, *The Visitation of Yorkshire in the Years 1563 and 1564*, pp. 265–6.
9. Waugh, *The Lordship of England*, p. 219. For two further examples from much the same period see *CPR*, 1367–70, p. 472 (Juliana de Rous); *CPR*, 1385–89, p. 326 (Isabella ate Hall).

10. Frederick Pollock and Frederic William Maitland, *The History of English Law before the time of Edward I*, 2 vols. (Cambridge, UK: Cambridge University Press, 1898), 2:365; Helmholz, *Marriage Litigation*, p. 90.
11. *Sessions of the Peace in the City of Lincoln 1351–1354 and the Borough of Stamford 1351*, ed. Elisabeth G. Kimball, Lincoln Record Society 65 (1971), no. 1, p. 2.
12. *CPR*, 1350–54, p. 489.
13. *CPR*, 1385–89, p. 182.
14. *CPR*, 1354–58, p. 445.
15. *CPR*, 1374–77, p. 365.
16. *CPR*, 1391–96, p. 82.
17. *CPR*, 1361–64, p. 533.
18. Cf. Corinne Saunders, “A Matter of Consent: Middle English Romance and the Law of *Raptus*,” in *Medieval Women and the Law*, ed. Noël James Menuge (Woodbridge: Boydell, 2000), pp. 105–11 [105–24].
19. Henry Ansgar Kelly, “Statutes of Rapes and Alleged Ravishers of Wives: A Context for the Charges against Thomas Malory, Knight,” *Viator* 28 (1997): 361 [361–419]. Kelly positions himself against Cannon who has argued that by the later fourteenth century “the lines between abduction and forced coitus” were blurred “so substantially that any clear, legal distinction between the two wrongs seems to have been all but impossible to make”: Christopher Cannon, “*Raptus* in the Chaumpaigne Release and a Newly Discovered Document Concerning the Life of Geoffrey Chaucer,” *Speculum* 68 (1993): 82 [74–94].
20. Sue Sheridan Walker, “Punishing Convicted Ravishers: Statutory Strictures and Actual Practice in Thirteenth and Fourteenth-Century England,” *Journal of Medieval History* 13 (1987): 237 [237–50]; Henry Ansgar Kelly, “Meaning and Uses of *Raptus* in Chaucer’s Time,” *Studies in the Age of Chaucer* 20 (1998): 131 [101–65]; Marie A. Kelleher, “Law and the Maiden: *Inquisitio*, *Fama*, and the Testimony of Children in Medieval Catalonia,” *Viator* 37 (2006): 356 [351–67] citing Gratian.
21. *English Historical Documents, III: 1189–1327*, ed. Harry Rothwell (London: Eyre and Spottiswoode, 1975), p. 447 cited in Saunders, “A Matter of Consent,” p. 110.
22. J.B. Post, “Ravishment of Women and the Statutes of Westminster,” in *Legal Records and the Historian*, ed. J.H. Baker (London: Royal Historical Society, 1978), pp. 150–64. Phillips follows Post’s reading in her discussion of the changing meanings of rape during the later medieval era: Phillips, “Written on the Body,” pp. 135–8, 141–2.
23. He argues that it is only since Edward Coke (1552–1634) that the Statutes of Westminster have routinely been thought of as concerning rape: Kelly, “Statutes of Rape,” 364–70, 382–7, 391–5.
24. *CPR*, 1354–58, p. 418.
25. The record indicates that Elizabeth was in fact leaving her husband as part of divorce proceedings. This sounds like a divorce “a mensa et a thoro,” which

- could be sought on grounds of adultery or cruelty, rather than an annulment, but the evidence is unclear. From a legal perspective Robert was pardoned not because Elizabeth's voluntarily leaving her husband did not count as abduction—Elizabeth was still taken from her husband—but because as a servant he had a duty to obey his mistress's order: *CPR*, 1358–61, p. 191.
26. *CPR*, 1358–61, p. 394.
  27. See Chapter 8 above.
  28. *CPR*, 1350–4, p. 440.
  29. *Lower Ecclesiastical Jurisdiction in Late-Medieval England: The Courts of the Dean and Chapter of Lincoln, 1336–1349 and the Deanery of Wisbech, 1458–1484*, ed. L.R. Poos, Records of Social and Economic History, new ser. 32 (Oxford: British Academy, 2001), pp. 92–3.
  30. *Some Sessions of the Peace in Lincolnshire 1381–1396*, vol. II, ed. Elisabeth G. Kimball, Lincoln Record Society 56 (1962), no. 169, p. 59.
  31. *Sessions of the Peace in Lincolnshire*, ed. Kimball, no. 412, pp. 152–3.
  32. *Sessions of the Peace in Lincolnshire*, ed. Kimball, no. 736, p. 257.
  33. Kim Phillips presents a table analyzing references to five elements—“bleeding,” “violence/force,” “defloration,” “abduction,” “consent”—within recorded rape case narratives drawn from a sample of 154 cases dated 1198–1256. The bald nature of most records means that the majority of cases mention none of these elements, but whereas “bleeding,” “abduction,” and “consent” together are elements noted on a total of only ten occasions, “defloration” is noted fourteen times and “violence / force” nineteen times. Only “defloration” and “violence/force” appear to be noted throughout the period encompassed within Phillips's sample: Phillips, “Written on the Body,” p. 131.
  34. Britton, ed. Francis Morgan Nichols, 2 vols (Oxford: Oxford University Press, 1865), 1:55.
  35. *Statutes of the Realm*, I:41. This mirrors the rather earlier account in *Glanvill* that the raped woman must show her injuries in the form of bleeding and of torn clothing to trustworthy men: Phillips, “Written on the Body,” p. 129.
  36. Britton, ed. Nichols, 1:17.
  37. Cited in Phillips, “Written on the Body,” p. 137.
  38. Hanawalt notes how the three versions of this rape narrative were refined over time. It is only the third version that contains all three elements: Barbara A. Hanawalt, “Whose Story Was This? Rape Narratives in Medieval English Courts,” in *“Of Good and Ill Repute”: Gender and Social Control in Medieval England*, ed. Hanawalt (New York: Oxford University Press, 1998), pp. 127–34.
  39. Phillips, “Written on the Body,” p. 132.
  40. Helmholz, *Marriage Litigation*, pp. 90–4.
  41. The words of betrothal spoken by Alice had been in the form of present consent but they had the effect of words of future consent because Alice

- was then too young to make an immediately binding marriage by words alone. The subsequent consummation, albeit only a couple of weeks later, changed that.
42. Phillips cited three rape cases from the mid-thirteenth century where the victim was taken to a wood, a park, and to moorland respectively: Phillips, "Written on the Body," pp. 133–4.
  43. Kelleher, "Law and the Maiden," 357.
  44. TNA, SC 8/27/1316.
  45. Articles for John Thornton against John Dale dated 21 February 1411 note Thomas Wakfeld of Wighill, Thomas Chamblayn, John Smyth, John de Whetlay, and Thomas Graunge of Healaugh as deponents supporting Dale's original libel. This was presumably where John Dale outlined his case that he was contracted to Agnes Grantham.
  46. *Sessions of the Peace in Lincolnshire*, ed. Kimball, no. 238, p. 82 and no. 585, p. 206.
  47. For a discussion of the concept of homosociality see Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1988), pp. 1–5.
  48. This has a parallel with the legal requirement that a raped woman make her complaint before trustworthy men first found in Glanvill: Phillips, "Written on the Body," p. 129.
  49. Drake, *Eboracum*, p. 295.
  50. Bray discusses two particular examples from the later fourteenth century, namely, Sir John Clanvowe and Sir William Neville (d. 1391) and Master John Bloxham and Dns. John Whytton: Alan Bray, *The Friend* (Chicago: University of Chicago Press, 2003), pp. 13–19, 78–82, 106–8, 135–8.
  51. Bray notices this theme in *Amys and Amylion*, *Floris and Blanchefleur*, and *Guy of Warwick*: Bray, *The Friend*, pp. 33, 82. These three romances were all popular and circulated widely in English. See also M.J. Ailes, "The Medieval Male Couple and the Language of Homosexuality," in *Masculinity in Medieval Europe*, ed. Dawn Hadley (London: Longman, 1999), pp. 214–37.
  52. *Register of the Guild of Corpus Christi in the City of York*, ed. Robert H. Scaife, Surtees Society 57 (1872), p. 12. It may be that the guild was associated with the memorialization of Archbishop Richard Scrope who had been executed for his part in a rebellion against the king in 1405. Scrope himself appears to have been venerated as a virgin martyr and as such a model of chaste living: see essays in *Richard Scrope*, ed. Goldberg.
  53. BI, Prob. Reg. 3 fols. 111–12.
  54. For the male-headed household as a civic "norm" see Rees Jones, "Household, Work and the Problem of Mobile Labour," pp. 133–53.
  55. P.J.P. Goldberg, "Masters and Men in Later Medieval England," in *Masculinity in Medieval Europe*, ed. Dawn Hadley (London: Longman, 1999), p. 64 [56–70].

56. We know about this case only because Waryngton subsequently contested the marriage on grounds of “force and fear” with his master’s support: Goldberg, “Masters and Men,” pp. 58–61.
57. The centrality of chastity and devotion to the construction of the household is reflected in a recent discussion of a contemporary York book of hours: Sarah Rees Jones and Felicity Riddy, “The Bolton Hours of York: Female Domestic Piety and the Public Sphere,” in *Household, Women, and Christianities in Late Antiquity and the Middle Ages*, ed. Anneke Mulder-Bakker and Jocelyn Wogan-Browne (Turnhout: Brepols, 2005), pp. 215–60.
58. Marjorie Keniston McIntosh, *Controlling Misbehaviour in England, 1370–1600* (Cambridge, UK: Cambridge University Press, 1998).
59. Maddern, “Order and Disorder,” p. 189; P.J.P. Goldberg, “Coventry’s ‘Lollard’ Programme of 1492 and the Making of Utopia,” in *Pragmatic Utopias: Ideals and Communities 1200–1630*, ed. Rosemary Horrox and Sarah Rees Jones (Cambridge, UK: Cambridge University Press, 2001), pp. 97–116.
60. For aristocratic masculinity, the most recent and wide-ranging discussion is Ruth Mazo Karras, *From Boys to Men: Formations of Masculinity in Late Medieval Europe* (Philadelphia, University of Pennsylvania Press, 2003), pp. 20–66. Karras argues that violence lay at the heart of chivalry and hence the construction of aristocratic masculinity (p. 21) and that aristocratic heterosexual desire served to objectify and commoditize women (pp. 47–57). See also Rachel Dressler, “Steel Corpse: Imagining the Knight in Death,” in *Conflicted Identities and Multiple Masculinities: Men in the Medieval West*, ed. Jacqueline Murray (Garland: New York, 1999), pp. 135–67; Andrew Taylor, “Chivalric Conversation and the Denial of Male Fear,” in *Conflicted Identities*, ed. Murray, pp. 169–88. For a subtle and nuanced study of royal masculinity see W.M. Ormrod, “Monarchy, Martyrdom and Masculinity: England in the Later Middle Ages,” in *Holiness and Masculinity in the Middle Ages*, ed. P. H. Cullum and Katherine J. Lewis (Cardiff: University of Wales Press, 2004), pp. 158–73. For an earlier era see M. Bennett, “Military Masculinity in England and Northern France c.1050–c.1225,” in *Masculinity in Medieval Europe*, ed. Hadley, pp. 71–88. The socialization of aristocratic girls is discussed in Phillips, *Medieval Maidens*, especially pp. 61–107; John Carmi Parsons, “‘Loved Him—Hated Her’: Honor and Shame at the Medieval Court,” in *Conflicted Identities*, ed. Murray, pp. 279–98; Sharon D. Michelove, “The Education of Aristocratic Women in Fifteenth-Century England,” in *Estrangement, Enterprise and Education in Fifteenth-Century England*, ed. Sharon D. Michelove and A.C. Reeves (1998), pp. 117–39; Harris, *English Aristocratic Women*, especially pp. 27–42. For a somewhat later era see Linda Pollock, “‘Teach Her to Live under Obedience’: The Making of Women in the Upper Ranks of Early Modern England,” *Continuity and Change* 4 (1989): 231–58.
61. For bourgeois masculinity see Goldberg, “Master and Men,” pp. 56–70; Shannon McSheffrey, “Men and Masculinity in Late Medieval London

- Civic Culture: Governance, Patriarchy and Reputation,” in *Conflicted Identities*, ed. Murray, pp. 243–78. For the bourgeois workshop, trust, sociability, and so on, see Rosser, “Crafts, Guilds and the Negotiation of Work,” pp. 3–31; Rees Jones, “Household, Work and the Problem of Mobile Labour,” pp. 133–53; P.J.P. Goldberg, “Household and the Organisation of Labour in Late Medieval Towns: Some English Evidence,” in *The Household in Late Medieval Cities: Italy and Mediterranean Europe Compared*, ed. Myriam Carlier and Tim Soens (Leuven: Garant, 2001), pp. 59–70; Felicity Riddy, “Looking Closely: Authority and Intimacy in the Late Medieval Urban Home,” in *Gendering the Master Narrative: Women and Power in the Middle Ages*, ed. Mary C. Erler and Maryanne Kowaleski (Ithaca: Cornell University Press, 2003), pp. 212–28; Isabel Davis, *Writing Masculinity in the Later Middle Ages* (Cambridge, UK: Cambridge University Press, 2007). There is a very substantial literature on urban and bourgeois women, though only some of it specifically framed in terms of the construction of femininity. Much emphasis has, for example, been placed on women’s piety: see for example: P.H. Cullum, “‘And Hir Name was Charite’: Charitable Giving by and for Women in Later Medieval Yorkshire,” in *Woman is a Worthy Wight: Women in English Society, c. 1200–1500*, ed. P.J.P. Goldberg (Stroud: Alan Sutton, 1992), pp. 182–211; Caroline Walker Bynum, “The Female Body and Religious Practice in the Later Middle Ages,” in *Fragmentation and Redemption: Essays of Gender and the Human Body in Medieval Religion*, ed. Bynum (New York: Zone Books, 1991), pp. 181–238; Felicity Riddy, “Women Talking about the Things of God: A Late Medieval Subculture,” in *Women and Literature in Britain, 1150–1500*, ed. Carol Meale (Cambridge, UK: Cambridge University Press, 1993), pp. 104–27. Poos’s study of defamation in the Church courts suggests that women’s standing in the community was understood in terms of their sexual honor whereas men’s had more to do with honesty: L.R. Poos, “Sex, Lies and the Church Courts,” 585–607. For discussions of the socialization of young urban women see note 62 below, also P.J.P. Goldberg, “Girls Growing Up in Later Medieval England,” *History Today* 45,6 (1995): 25–32; Caroline M. Barron, “The Education and Training of Girls in Fifteenth-Century London,” in *Courts, Counties, and the Capital in the Later Middle Ages* (Stroud: Alan Sutton, 1996), pp. 139–53; Katherine J. Lewis, “Model Girls? Virgin Martyrs and the Training of Young Women in Late Medieval England,” in *Young Medieval Women*, ed. Katherine J. Lewis, Noël James Menuge, and Kim M. Phillips (Stroud: Alan Sutton, 1999), pp. 25–46.
62. *The Book of the Knight of Tour-Landry* almost certainly circulated across the Channel in French from the later fourteenth century. A unique mid-fifteenth-century English translation is extant: Geoffroy de La Tour-Landry, *Book of the Knight of La Tour-Landry*, ed. Thomas Wright, EETS o.s. 38 (1906). The text was translated and printed by Caxton in 1484, by which date it was probably of more interest to families below the ranks of the greater aristocracy. “How the Goodwife Taught her Daughter” was



- probably first composed around or before the middle of the fourteenth century, but is known in a number of manuscript editions up until the later fifteenth century. The earlier texts are edited in *The Good Wife Taught Her Daughter, The Good Wyfe Wold a Pylgremage, The Thewis of Gud Women*, ed. Tauno F. Mustanoja (Helsinki: Suomalaisen Kirjallisuuden Scuran, 1948). For a discussion of this last and the ideology of femininity constructed within the text see Felicity Riddy, "Mother Knows Best: Reading Social Change in a Courtesy Text," *Speculum* 71 (1996): 66–86. For another useful study of conduct literature addressed at bourgeois women see Kathleen M. Ashley, "Medieval Courtesy Literature and Dramatic Mirrors of Female Conduct" in *The Ideology of Conduct: Studies in Literature and the History of Sexuality*, ed. Nancy Armstrong and Leonard Tennenhouse (London: Methuen, 1987), pp. 25–38. See also Anna Dronzek, "Gendered Theories of Education in Fifteenth-Century Conduct Books," in *Medieval Conduct*, ed. Kathleen Ashley and Robert L.A. Clark (Minneapolis: University of Minnesota Press, 2001), pp. 135–59, a study that privileges gender over considerations of social rank.
63. See Isabel Davis, "Men and Margery: Negotiating Medieval Patriarchy," in *A Companion to the Book of Margery Kempe*, ed. John H. Arnold and Katherine J. Lewis (Cambridge, UK: D.S. Brewer, 2004), pp. 35–54.

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