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Early modern women in the English courts of law

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Abstract

The recent publication of *The Oxford handbook of English law and literature, 1500–1700* (2017) has put the field of early modern law and literature firmly on the map. Despite the growing attention to the importance of these intersecting fields in early modern England, however, working with legal records is still a daunting task for many literary scholars. The early modern legal system with its various, sometimes competing jurisdictions and numerous law courts presents, to many scholars, a difficulty to navigate maze. Particularly for those working on early modern women's literature, and women's studies more generally, this is unfortunate: The legal archives offer a wealth of records in manuscript form pertaining to the lives and narratives of early modern women from all ranks of society, including the poor and the illiterate. This article aims to offer a comprehensive overview of the early modern law courts and their records, outlining the way the law restrained women as well as the possibilities it offered them, alongside the ways women were able to navigate these restrictions and opportunities. In doing so, this article provides tools for scholars working with early modern legal records for the first time.

1 | INTRODUCTION

Early modern law and literature as an interdisciplinary field has received increasing attention over the years, culminating in the recent publication of *The Oxford handbook of English law and literature, 1500–1700* (Hutson ed., 2017). So far, however, literary scholars have mostly been focused on the ways in which the law is represented on the early modern stage.¹ Less interest has been paid to the legal records pertaining to actual, historical trials.² Such sources, however, can also be useful to the literary scholar, in particular to those who are interested in the lives and narratives of early modern women. Literacy rates amongst this group were low,³ but in the law courts, even the illiterate could leave traces of their lives: Court clerks and lawyers eternalized their words and stories on the page in legal pleadings (all documents that relate to a law suit). A first-time user of early modern English legal records, however, might be at a

loss as to where to start searching for such information.⁴ Having to work with the early modern legal system might even deter interested parties from undertaking such research altogether. This is unfortunate, as these sources hold valuable information for literary scholars interested in women's narratives in particular; the relative paucity of female authored texts can be supplemented with more documents from the legal archives, if we know where to look for such records, and understand the context in which they were created.

There are various useful sources to turn to for the literary scholar faced with the early modern legal system for the first time. J. H. Baker has outlined the early modern English legal system and its institutions as a whole in a comprehensive overview in his "Law and Legal Institutions" (Baker, 1985). More recently, Henry French's "Legal and Judicial Sources" (French, 2016) has provided an overview of legal process in common law, the church courts, and the central courts of equity, and the records such processes brought into creation. While such sources comprise useful descriptions of the various courts and their records, their focus is broad—perhaps too broad for those interested in women's writing. For secondary sources that do take a gendered approach, scholars can turn to Maria L. Cioni's *Women and law in Elizabethan England with particular reference to the Court of Chancery* (Cioni, 1985); Laura Gowing's *Domestic dangers: Women, words, and sex in early modern London* (Gowing, 1996); Tim Stretton's *Women waging law in early modern England* (Stretton, 1998); and Eleanor Hubbard's *City women: Money, sex, and the social order in early modern London* (Hubbard, 2012), to name just a few.⁵ These sources, however, have focused on individual courts and institutions and are thus potentially more specialised than those who engage with the legal process for the first time require. This article aims to offer a thorough overview of the most important law courts and their records, using a gendered lens: Which courts would women turn to? Why would they do so? What kind of records did they consequently leave behind? How can literary scholars make sense of these?

What follows is an overview of the most relevant legal jurisdictions (a court's jurisdiction determines whether it holds the authority to make a decision in a certain case) in relation to women, the kind of records that were produced in these jurisdictions, and the benefits and disadvantages such jurisdictions offered women. The first section considers the general position of women under the early modern law. The second looks more specifically at the four major types of law most relevant to female litigants: the common law, equity, the church courts, and customary law. The third explores the possibility of forum shopping (choosing the most suitable court for a case) and the way legal records were constructed. An overview of where such legal records can be found is offered in the final section. Together, these sections aim to show how early modern women navigated the courts of law, and how literary scholars, in turn, may do so too.

2 | WOMEN AND THE LAW

Various misconceptions about the position of women in the early modern legal system exist. Antonia Fraser, for example, has argued that "under the common law of England at the accession of King James I, no female had any rights at all (if some were allowed by custom)" (Fraser, 2002, p. 5). On the other side of the spectrum, we find John Florio, who, on travelling to England in the early modern period, commented on the surprising degree of (legal) freedom and independence enjoyed by women in that country, calling it "the paradise of women, the purgatory of men, and the hell of horses" (Florio, 1591, sig. 205). Both observations are incorrect: Early modern English women did possess legal rights, even under common law, but these lagged behind those of men. Despite having fewer legal rights and opportunities than their male counterparts, however, early modern English women flocked to the law courts in great numbers. These courts, in their role as fora of redress, could help to rebalance the scales whenever necessary, and gave women the opportunity to protect the rights they *did* have. Nevertheless, not all of the country's jurisdictions allowed women the freedom to seek legal redress in every situation. Different courts had different legal procedures and spheres of speciality and therefore gave rise to different kinds of records.

The early modern legal system as a whole placed no general disqualification on women (Holdsworth, 1976, pp. 187–8). In theory, therefore, a woman's gender was not considered an impediment; however, in practice, women

felt the bias of the law towards them. They could not, for example, claim benefit of clergy (a means of obtaining (partial) clemency); when they killed their husbands, they would be accused of petty treason instead of mere murder; and women accused of bastardy were penalised more severely than the fathers of illegitimate children. Women were also thought to be less reliable witnesses: Steven Shapin's paradigm of early modern credibility has argued that only men could provide reliable information and testimony (Shapin, 1994, pp. 87–91), and according to Garthine Walker, the credibility of witnesses was connected to their social status, with the testimony of men of property receiving the most weight (Walker, 2003, p. 128). While the legal system as a whole did not disqualify women as such, they suffered its negative consequences nonetheless, and individual jurisdictions could and indeed did have specific restraints with regards to women in place. Despite these specific restraints, however, women found access to the legal system anyway.

3 | THE EARLY MODERN LEGAL SYSTEM

In order to better understand women's experiences of the complexities of the early modern legal system and the ways they navigated this system, we must first gain awareness of the system as a whole. What we now refer to as the early modern legal system was in fact made up of several bodies of law: C. W. Brooks has argued that “there was in the world of procedure no such thing as an English legal system” (Brooks, 1986, p. 12). These bodies were scattered throughout England, all with potentially conflicting jurisdictions. The division between criminal and civil law had not yet fully crystalized, and the balance between the different types of law (most importantly for this overview common law, equity, custom, and ecclesiastical law) continued to shift throughout this period. In total, there were nearly 20 different jurisdictions at play in early modern England—the 17th century jurist Edward Coke counted 16 (Brooks, 1981, p. 42). Nevertheless, despite these various jurisdictions, the early modern English legal system was surprisingly harmonious. Whenever clarity was needed on a point of law, the government could issue parliamentary statutes. Statutes are bills (proposed laws) that have passed both houses of parliament and have received royal assent. These statutes could alter any existing laws or overturn judgments by creating new laws when necessary, in order to avoid unwanted precedent (the establishment of a rule that applies in cases based on similar facts). Statutes were the government's means of implementing new legislation and creating coherence within a decentralised and organic system of law.⁶

Perhaps the most well-known type of early modern law is the common law - which is perhaps also the least useful jurisdiction when it comes to the study of women's records. The common law placed particular restrictions on women, and as such, is generally thought to have been exceptionally harsh towards them.⁷ This, however, is incorrect. The common law differentiated between those women who were married (the so-called *femes covert*s), and those who were not (*femes soles*, which included unmarried women, who would be subject to their fathers until marriage, and widows). Its principle of *coverture* meant that married women became legal nonentities, forbidden from starting proceedings without their husbands' permission or presence. This made suing her husband an absolute impossibility for a woman waging law under the common law rules. Although married women may have lacked agency under the common law, single women and widows were not faced with the same kind of restrictions. One of the things that made the common law attractive to women was that it was a system based on precedent. Litigants could confidently try their luck at the common law courts when they knew that previous rulings in similar cases had been particularly favourable to their cause. With its strict insistence on using older cases and their rulings as precedent for similar, new cases, the common law could be the ideal place for women to have their suits placed on record. Their legal narratives thereby had the potential of being referred to for many years and lawsuits to come.

Common law was exercised in the central London courts, the principal courts being King's Bench (which held jurisdiction over criminal matters such as murder and theft, and civil matters such as debt), Common Pleas (which heard cases involving claims over property and debt), and the Court of Exchequer (which was concerned with any

issues relating to royal revenue).⁸ These courts heard the most serious cases, and functioned as appeal courts for cases previously heard in the provinces. Litigants sought out these courts when they feared that the prejudice of local magistrates stopped them from receiving a fair trial. In the provinces, too, courts employed the common law: The Assizes, presided over by a Chief Justice, tried the more serious felonies, whereas Quarter Sessions dealt with petty crime. In practice, however, jurisdiction of both the two local tribunals and the central courts could overlap. The Assizes took place twice a year: The country was divided into six circuits, and two judges (who during the rest of the year worked in the central law courts) set out to visit each of the six circuits and heard and provided judgement on all offences that had taken place in the respective circuits. Local justices of each county met four times a year for the Quarter Sessions.

The records left by these common law courts are particularly difficult to work with when trying to reconstruct the lives, voices, and narratives of early modern women. The records of King's Bench, for instance, are hard to navigate as there are few finding aids, and not all material has been catalogued. Moreover, while the writs (written orders issued by the court) and bills (legal documents produced by litigants) produced in and for these courts contain traces of the narratives constructed by and for female litigants, the courts' strict rules and procedures did not leave much room for the development of personal details in those stories. Although the surviving records can be rich in detail (including names of the litigants, their occupations and place of abode, and summaries of key documents), they are also formulaic, written in abbreviated Latin, and they hardly leave any room for elaboration of personal circumstances. The difficulty of navigating the records from these central criminal courts has led them to be described as "fairly inaccessible" (French, 2016, p. 43). The surviving records of the proceedings (also called "rolls") produced by the Quarter Sessions and Assizes are typically brief and unrevealing. Litigants did not produce their own bills, and were dependent on the local Justice of the Peace to note down their accounts. Although these Justices of the Peace generally seem to have executed their function most diligently, the execution of their tasks did not require legal training, and they were under no obligation to create and preserve formal records of most of their legal dealings. Even when they did leave behind any records, these vary greatly in detail, and it is usually not clear how accurately interrogations, witness statements, and testimonies were noted down. For literary scholars in search of sources relating to women's lives and stories, then, the common law records are less than helpful.

The second legal jurisdiction, equity, originated in the fifteenth century "in order to modify what was perceived as the harshness of the common law" (Erickson, 1993, p. 5). Indeed, in his legal dictionary, the jurist John Cowell (1554–1611) described the Court of Chancery as "the court of equitie and conscience, moderating the rigour of other courtes, that are streightly tyed to the leter of the lawe" (Cowell, 1607, sig. N3). In a reprint of the dictionary equity itself is described as "the Correction of the Law" (Cowell, 1727, sig. X3v). Equity and common law, however, were not meant to be rival systems: Equity was supposed to follow the common law rules where possible, and supplement and complement it when necessary. This alleged malleability and flexibility of the equity courts made waging law "more attractive to would-be litigants" and at the same time distinguished it from the common law courts (Cioni, 1985, p. 5). Equity did rule on the basis of precedent, but earlier rulings could easily be set aside if an individual case required it; the rules of equity were flexible. Especially the poor, the vulnerable, and the ignorant in law found their way to the courts of equity, where they could hope to expect more kindness and sympathy than from the common law judges. By focusing not only on the conflicting points of law presented in a case but also on the individual circumstances of the litigants, the Masters of Chancery were able to be flexible in a way that the common law judges were not. Trusting their stories to the equitable judges gave women the opportunity not only to leave a lasting trace of their life for posterity, this trace was allowed to be substantial in detail. Unsurprisingly, therefore, women flocked to the equitable courts in London (the Court of Requests, the Court of Chancery, and the equity side of the Court of Exchequer), as well as the Palatinates of Lancaster, Chester, and Durham.⁹ All these courts held jurisdiction over civil cases, such as inheritance of land and property, wills, and debts. The flexibility that was so appealing to many litigants could, however, be disadvantageous. Previous rulings offered no certainty to new litigants as the different personal circumstances in each case could lead to deviation from the set precedent.

Women who were less keen on elaborating on the details of their case were wise to refrain from initiating proceedings in a court of equity.

The equitable courts followed Chancery procedure, in which English was the main language (although occasionally Latin appears in some of the administrative records): A case would be initiated by the plaintiff, who would petition for equitable justice from the King, Council or Lord Chancellor in his bill or petition, depending on the equitable court in question. In Chancery, litigants would appeal to the Lord Chancellor, but in Requests, the King or Queen was the one from whom to request an equitable solution. Defendants rebutted the claims made in the bill in their answer. After this initial round, replications (a complainant's reply to the defendant's answer), rejoinders (the defendant's reply to the complainant's replication), interrogatories (a list of questions to be put forward to witnesses, also called "deponents"), and depositions (the answers to interrogatories) could follow. These different kinds of responses were drawn up outside court by attorneys, who were instructed by their litigants. Local commissioners dealt with the administration of depositions in the countryside, but the Masters headed the courts. Commissioners were meant to read back the depositions to the deponents, in order for them to check that the written down testimony reflected the orally given statements. Pleadings addressed to the equitable courts usually followed a standard structure. Bills of complaint presented to the Court of Requests, for instance, would often commence with an explanation of the complainant's personal circumstances and go on to claim their reason for petitioning the Court of Requests, rather than one of the common law courts. Most bills of complaint would end with wishing the King or Queen well. Answers to such bills usually contained a sentence to demonstrate why the bill of complaint was insufficient or only filed to bring unnecessary costs to the defendant. Outside such formulaic defaults, however, the individual details of a litigant's narrative can often be clearly detected.

A third jurisdiction was overseen by the ecclesiastical courts, who heard cases concerning, amongst other things, matrimony, morality, defamation, heresy, and last wills and testaments. Various studies have shown that women's participation in these courts was considerable, both as litigants and as witnesses (Gowing, 1996; Hubbard, 2012). The nature of the jurisdiction may well have been the cause of this: Matrimonial issues naturally involved husband and wife as litigants; issues of morality, which were all too often concerned with different kinds of extra-marital sex, also usually implicated defendants of both genders; and defamation has long been recognised as a typically female crime. The fact that the church courts also allowed women to sue without their husband's permission or presence must also have been a contributing factor to women's large share of participation in these courts. We must be careful, however, not to exaggerate how favourable church courts felt towards women. There was risk involved in seeking justice from the church court, which positioned itself as the guardian of morality. While a favourable ruling could verify the good character of a woman in the eyes of both God and the law, the church court magistrates could strongly reprimand those women who had broken the moral codes, leaving a lasting mark on their reputation.

In the church courts, procedures could be initiated in one of two ways: by an individual litigant seeking redress from one or more fellow citizens (known as instance causes), or by church court officials, who could instigate proceedings based on disciplinary prosecution where they deemed morality was at stake (known as office causes). In practice, the distinction between the two could be blurred. Disputes about courtship and marriage, started by a jilted lover against his former partner, for instance, could easily touch on issues of morality that required disciplinary actions. Church court suits often began with a "contestation of suit," in which the plaintiff presented their libel or article. The defendant had to reply to the allegations made, after which "probation" took place: a period in which witnesses were produced and examined. Both parties in suit could decide to administer "interrogatories" to witnesses after having had time to examine their written depositions. Documentary evidence, called "exhibits," could also be introduced at this time. When the judge deemed he had gathered enough information, he would "conclude" proceedings and prepare for judgement. Not all cases reached this stage of the proceedings, however. Often, cases were stopped before judgement was given, for reasons as various as dried up funds, the start of alternative proceedings regarding the same topic in a different court, or because mediation out of court had resolved the issue. This holds true for all jurisdictions. Whether or not the cases were seen through from beginning to end, the libels, articles,

and personal answers produced in the church courts, often in English, but sometimes in Latin, provide excellent insights into the lives of their litigants - as they chose to present it.

A fourth jurisdiction was constituted by the manorial or borough courts, local courts that were usually limited by their geographical range. The courts occupied themselves with minor offences worth up to a set amount of money, which depended on the offence in question, and local transfers and inheritances of land. These types of court used customary law on which to base their decisions. Customs differed greatly between manors and were delivered orally from one generation to another. Since customary law was essentially unwritten, memory was particularly important in customary lawsuits. For every grief, it had to be established what the custom regarding the matter was, requiring witnesses who could testify that "by all the tyme whereof the memory of man is not to the contrary there hath bene an accieyent Custome," or the like (*Denys v Rawley & Rowse*, 1590). As such, custom was fluid and uncertain, even though it is recognised as the first kind of precedent. Waging law at the customary law courts offered some advantages: The local courts did not require travel expenses or costs of accommodation to be made. On top of that, the narratives litigants told would go on record (however marginally) in their hometown or district, which ensured that they were easily available for reference to all neighbours and close friends and family. However, familiarity between judge (usually the lord of the manor or another high-ranking individual) and litigant was inevitable in small towns and villages, which could lead to bias in their judgments. When such bias worked against a potential litigant, they could be forced to take their case to a more expensive central court in London. The procedures of customary law, perhaps unsurprisingly, could differ greatly between one village and the next. Still, some generalisations can be made. Two types of manorial courts can be distinguished.¹⁰ The court baron was run by the lord of the manor, dealing with the transfer of land within the manor. The court leet heard diverse cases regarding petty offences, such as theft, assault, and scolding that had taken place in the village. The court leet held meetings only a few times a year, sometimes just once. Many cases started with a "presentment" by either an individual or a constable, and a jury, which was usually formed by tenants of the manor, passed judgement. The quality of records differs between courts: Some records were conscientiously prepared and compiled, others simply summarise the main facts. Many of these records have not survived. All adult males in the locale were generally expected to attend the court sessions, which meant that the number of attendees could be considerable. A litigant who wished to keep their concerns private would therefore be well advised to avoid the manorial and borough courts.

4 | FORUM SHOPPING AND THE CONSTRUCTION OF LEGAL PLEADINGS

Together, these four types of law offered women a wealth of choice when it came to picking the most suitable forum for their suit. Because this choice of forum determined the course of the proceedings and the shape of the accompanying records, it is necessary to further consider the factors that came into play in making such a choice. The litigant that initiated civil legal proceedings (a suit between two (or more) civilians) selected the law court in which proceedings would take place. Sometimes, there was no real choice, as jurisdiction determined that a case of a certain nature ought to be heard by a particular court. Disputes over wardships, for instance, would naturally be debated in the Court of Wards and Liveries.¹¹ In cases where jurisdiction was overlapping, however, the plaintiff had a choice of forum. In order to collect outstanding debts, litigants could try their luck in the Court of Common Pleas, as well as King's Bench, alongside the equitable courts. If the debt in question was relatively low, customary law, too, was authorised to hear the case. Forum choice was therefore an important weapon, as the litigant could opt to wage law at that court which they thought would be most susceptible to their case. Another determining factor in selecting a court of law could be the remedies such a court offered. In the case of a slander suit (trials about the communication of statements that harm an individual's reputation), for example, various courts held jurisdiction. The plaintiff could take their case to the church courts if they desired their legal opponent to do public penance or be excommunicated, or sue their opponent at common law in order to be awarded damages (monetary compensation

for loss or harm). When they were sued as defendants, litigants could start alternative proceedings in more favourable courts. As a result, the same suit could be pursued in more than one tribunal at the same time. This also meant that litigants could choose the forum that allowed them the most freedom to present their case.

Once they had selected their court of law (or this had been chosen for them), pleadings would have to be drawn up. Lawyers and litigants produced such legal records together, but it was the client's story that formed the foundation for the legal record that was to be created. Based on the information their clients gave them, lawyers would mould the litigant's story into an official legal record, making use of the required formulaic information. Litigants necessarily had to agree with the document drafted by their legal counsel, because the courts could ask them to provide oral clarification or answer any lingering questions in open court whenever it was deemed necessary. Lawyers could prime their clients for such court appearances, as well as for depositions given in court, but litigants still needed to feel comfortable with the version of events they were conveying. As Thomas G. Barnes has noted,

[t] he private litigant was, by and large, a 'learned lay client' who not only retained his counsel directly but also instructed him directly. This meant that the litigant knew enough law to know what he wanted from the law, and that the task of counsel was to secure it for him. (Barnes, 1978, p. 23)

Legal records such as bills of complaint, answers, and rejoinders were thus the product of the combined forces of lawyers and their clients. As such, the legal archives are treasure troves for those interested in the narratives early modern women told about their lives and their experiences.

In their selection of a receptive audience and through the narrative related during the subsequent legal trial, women were thus able to navigate the legal system to their advantage. An example of a woman doing so was Eleanor Gresham. At the beginning of the sixteenth century, Gresham fell into conflict with her neighbours, Evan Lloyd and his wife. The Lloyds filed three subsequent suits in Chancery (the records of which unfortunately seem to be lost), accusing Gresham of raucous, dissonant behaviour. In each of these cases, Gresham lost the suit, and each time she spent a short spell in prison as a result. But Gresham refused to accept this course of events, and initiated a counter suit in the Court of Star Chamber, accusing her neighbours of slander and libel (*Gresham v Lloyd*, 1613).¹² Star Chamber was a criminal court, hearing cases regarding riot, trespass, and sedition, but it followed equity procedure. It supplemented both common law courts and equity and was presided by a mixture of common law judges and equity judges. By filing a suit before a different forum, Gresham may have hoped to find a more receptive audience for her legal issues. Whether this new trial gave Gresham the positive outcome she was hoping for is unknown, as the verdict seems to be no longer extant. What remains is a rich and colourful description of the various grievances between the neighbours. Gresham accused the Lloyds of tarnishing her reputation by attaching a piece of paper to her door that read: "within this doore dwelleth a verie notorious whore, let noe body else beare the blame for Ellen Gresham is her name, she doth her self soe muche abuse that she keepeth a house worse then the stewes." The Lloyds, on the other hand, claimed, amongst other things, that Gresham worked as a "matchemaker" and "sould one widow vnto three seuerall men," and that she had "taken a house of a very honest man[,] when he came to demaund his rent shee rann at him with a halberd and had there slayne him had he not fled (...) and to this daie hath not paid the rent due."¹³ Gresham's case shows just how detailed and evocative legal cases can be and demonstrates that despite seemingly strict jurisdictional rules, women were able to navigate the legal system to their (perceived) advantage.

Literary scholars can do so too. The legal archives offer a wealth of information about the lives of women like Eleanor Gresham and the narratives such people shared about their lives in the courts of law. Gresham's case also shows how integrated the law was in the lives of ordinary early moderns: Many of them would come into contact with the law at least once in their lives.¹⁴ As such, engaging with the legal records of the early modern courts of law allows for a more thorough understanding of early modern women, and the stories they narrated about themselves and their lives.

5 | FINDING THE LEGAL ARCHIVES

Legal records, and early modern women's narratives in them, are ubiquitous. But where to find them? Records of manorial and borough courts, church courts, and the Quarter Sessions can be found in local archives. Such records can be well-catalogued, and some of these catalogues are available online. The online catalogue of the West Sussex Record Office, for example, identifies names and ages of litigants and deponents, parishes, dates, and causes for the Deposition Books of the Diocese and Archdeaconry of Chichester.¹⁵

The National Archives, Kew, hold the records of the Assizes and central London based courts. Many of these are at least roughly catalogued and searchable via the online catalogue *Discovery*.¹⁶ *Discovery* also offers helpful research guides of individual courts, which can be a useful starting place if one knows which court one is interested in. For Chancery records, for example, the research guide *Chancery equity suits after 1558* outlines which catalogue reference holds what kind of records, and whether these are searchable online or via the unpublished finding aids in the reading rooms.¹⁷

Various records have been made digitally available. The Anglo-American Legal Tradition website comprises a collection of digital photographs of a large number of central London based courts held at The National Archives, including records of King's Bench, Common Pleas, and Chancery.¹⁸ The Archdiocese of York's records are available as digitised records as well.¹⁹ These kinds of digitalisation projects make legal records accessible from one's own home, offering direct access to the lives and narratives of early modern women. As such, a wealth of archival material pertaining to the lives and narratives of early modern women is waiting to be uncovered.

ENDNOTES

- ¹ See, for instance: Mukherji (2006); Cormack (2007); Hutson (2007); Skinner (2014); and Dunne (2016).
- ² Those that have worked with legal records include literary scholar Subha Mukherji (2006) and theatre historians such as Theodore Leinwand (1999).
- ³ See, for more on literacy rates amongst women, Brayman Hackel (2005); and Brayman Hackel & Kelly (2008). Ferguson and Suzuki (2015) have argued for a new "historically contextualised investigation of literacy" in order to establish more accurate literacy rates.
- ⁴ Scottish law falls outside the scope of this article.
- ⁵ Stretton's *Women waging law in Elizabethan England* (Stretton, 1998) has offered a beautifully concise and accurate overview of the early modern law, its institutions, and how these relate to women (see pp. 25–33), but it lacks a focus on the records such institutions brought into creation.
- ⁶ See, for example, David Dean's *Law-making and society in late Elizabethan England* (Dean, 2009) for more on bills, statutes, and their procedural details.
- ⁷ See Stretton (1998) pp. 31–33 for a discussion of this.
- ⁸ References for these records at The National Archives (TNA) are "KB" (King's Bench), "CP" (Common Pleas), and "E" (Exchequer).
- ⁹ TNA references are "REQ" (Requests), "C" (Chancery), "E" and "C" (Exchequer), "PL" (Palatinate of Lancaster), "CHES" (Palatinate of Chester), and "DURH" (Palatinate of Durham).
- ¹⁰ J. A. Sharpe offers a useful description of the manorial courts in his *Crime in early modern England 1550–1750* (1984), pp. 25–6.
- ¹¹ This court followed equity procedure, but its jurisdiction included both equity and common law rights and duties. TNA reference is "WARD."
- ¹² TNA reference is "STAC." The distinction between slander (spoken statements that harm an individual's reputation) and libel (written statements) had not yet fully crystalized, and the two terms were often used interchangeably.
- ¹³ *Gresham v Lloyd* (1613). Kew: The National Archives, Stac 8/151/7. See also: Stac 8/156/29.
- ¹⁴ See for the omnipresence of the law in early modern England: Sokol and Sokol (2003). *Shakespeare, law, and marriage*. Cambridge: Cambridge University Press, pp. 2–3; T. Stretton (2002). Women, property and law. In A. Pacheco (Ed.), *Early modern women's writing* (pp. 40–57). Oxford: Blackwell, p. 53.
- ¹⁵ See <http://www.westsussexpast.org.uk/SearchOnline/default.aspx>.
- ¹⁶ See <http://discovery.nationalarchives.gov.uk>.

¹⁷ See <http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/chancery-equity-suits-after-1558/>.

¹⁸ See <http://aalt.law.uh.edu>.

¹⁹ See <https://www.dhi.ac.uk/causepapers/>.

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