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*Women, town courts and customary  
law in context*

When medieval women engaged in legal action, they did so through a system that was characterised by the existence of multiple overlapping and competing jurisdictions. The late middle ages was a period of increasing legal consciousness and litigiousness, which saw women frequently drawn into litigation or facing the punishment of local regulatory systems. The records created by these systems are central to our understanding of urban women's interaction with the law, and their day-to-day experiences more broadly. It is through the records of town courts that we are able to identify women as traders and consumers, their role in crafts and business, aspects of their interpersonal relationships, claims over property and their illegal activities. But despite this, town courts are often only discussed in passing in histories of medieval law, categorised as 'borough courts' among lists of various non-royal courts, with little attention paid to how they operated in practice. Though they were certainly not the most powerful courts in England, they are significant for their broad jurisdiction and the fact that they may have offered the most frequent interaction with the law for many, if not a majority, of the residents of England's towns. They dealt with disputes and issues that arose from everyday life and trade, rather than exceptional acts of crime or high-value financial disputes. It is this 'ordinariness' that makes these courts notable. Despite a wealth of records, urban court records remain relatively underused, and there is no existing overview of the practical nature of these courts and their records, nor the actions of women within urban justice in medieval England.<sup>1</sup> This chapter therefore serves as an essential introduction both to town courts and to the specific places that are the focus of this study. It surveys and describes the towns and courts that lie at the heart of this book, the nature of the legal process, and the records that this created, before setting out the way that these records have been approached

in compiling this study, thereby establishing the context within which urban women accessed and engaged with the legal system.

### Towns and courts

This study intentionally focuses on ‘middling’ status late medieval English towns. Nottingham, Chester and Winchester sat somewhere in the middle of the country’s urban hierarchy, smaller in population and of lesser political and economic stature than large cities such as London, Bristol, Norwich and York, but more developed and urbanised than the hundreds of small towns that bridged the gap between urban and rural society. The focus is therefore on the experiences of those women and men who lived at the more ‘ordinary’ level of the medieval urban experience, though of course there were variations in social status and wealth within each place. Each town had a local court (or courts) that met regularly and dealt with a range of litigation, complaints and offences arising from the interactions, rhythms and disturbances of urban life. The towns were governed by a group of officials selected from among the leading merchants of each town and often drawn from networks of families, the men of which held various offices over multiple generations. The right to elect these officials was usually granted via a town’s charter and was a key component of self-governance that made towns islands of limited independence from the crown, in return for the payment of an annual fee. Urban officials – mayors, bailiffs or sheriffs – presided over the courts of their towns, while lesser officials were responsible for administrative jobs such as collecting the payments made to the courts (affeerers). In the court rolls of each town, we find complaints about unpaid debts, withheld goods, acts of violence and misbehaviour, presentments for common nuisances and disturbances and broken trading regulations. These seemingly mundane issues illuminate the lives and relationships of thousands of individuals of all statuses, both men and women. Despite this, the court rolls have received limited attention from historians, bar a handful of antiquarian works and short studies focusing on individual aspects of the legal experience.<sup>2</sup>

Each of the three towns held a unique status within medieval England, and they were also geographically spread across the south, north-west and midland areas of the country, as Map 1 illustrates. All three towns discussed here were provincial centres with markets, fairs and trade links with their hinterlands. Nottingham and Chester had populations of around 3,000–4,000 before the Black Death, while Winchester was larger at around 6,000.<sup>3</sup> Winchester ranked as the 14<sup>th</sup> wealthiest town

according to the Lay Subsidy of 1334, and was also 14<sup>th</sup> by population under the 1377 Poll Tax.<sup>4</sup> It was the ancient capital of England, held directly for the king. However, the close connection between Winchester and the king's court lapsed during the latter part of Henry I's reign, and it was no longer a royal capital by the reign of Stephen.<sup>5</sup> As part of this decline from royal capital to provincial cathedral city, Winchester gradually came to be overtaken in wealth by other towns in the region such as Southampton, though proximity to London and the south coast meant that it maintained important political and trading connections.<sup>6</sup> These international links are also indicated through the appearance of numerous French and Flemish individuals in the city's court rolls.

Chester was also a site of administrative importance throughout the later medieval period. It was the centre of the county Palatine held by the earls of Chester, meaning that the county and city was excluded from parliamentary taxes after 1290, making comparison of population and wealth difficult. However, it has been suggested that Chester was perhaps 33<sup>rd</sup> largest in population size around the time of the 1377 Poll Tax.<sup>7</sup> As the centre of the Palatinate, Chester has been termed a 'mini-Westminster', with its own exchequer, law courts and a large number of officials.<sup>8</sup> It was also an important military base due to its proximity to North Wales and links to Ireland. The geographical setting of the city and its links beyond England are evident in the identities of some of those who appeared in the court rolls, where we regularly find names indicating Irish or Welsh roots. Chester was also somewhat unique in its region as the only centre to develop many of the characteristics of the large towns found throughout the north-east, midlands and south of England. Though the county was somewhat politically separate from the rest of England, the city itself had considerable independence in local government. In 1300, the citizens of Chester obtained the fee farm of the city from the earl of Chester for £100, in much the same way as other towns were farmed from the crown.<sup>9</sup> The governance of the city therefore echoed the administration of other medieval towns, despite the existence of the Palatinate.

Nottingham was perhaps a more 'ordinary' provincial centre. It was the 25<sup>th</sup> wealthiest town in England in 1334, and ranked 29<sup>th</sup> in terms of population under the 1377 Poll Tax.<sup>10</sup> After the Norman Conquest it consisted of two ancient boroughs, French (Norman) and English (Anglo-Saxon), though by the fourteenth century this division had very little impact on everyday town life and governance.<sup>11</sup> It was a central trading place within the midlands and was well connected to other important towns and Danelaw boroughs of Derby, Leicester, Newark and Lincoln. The royal castle was used as a residence by the king on visits to the area,

and it was the site of a number of Parliaments. During the Wars of the Roses, the castle was an important military stronghold, though the town lacked the unique status of Winchester and Chester. All three towns therefore shared common features in the nature of their urban status (and, as we will see, in the structures of local justice), while possessing unique features arising from their distinct geographical and political contexts. They were large, important towns within their local areas, though less important on the national scale, and were thus characterised by ranging social structures and a diverse collection of occupations. Individuals interacted regularly at markets, fairs, shops and through the institutions of urban government – including courts.

Town courts lay at the heart of urban life, both physically and symbolically. They met in guildhalls or other civic buildings that were located at the centre of their towns, close to markets and shops, representing the close ties between urban government, law and trade. The rights of towns and their burgesses concerning justice were often enshrined in borough charters, setting out the privileges of towns and the right to collect the profits of justice. All courts were presided over by the town's leading officials, such as mayors, bailiffs or sheriffs, and met regularly, sometimes multiple times per week. They were therefore the most frequent, accessible site of legal recourse for most townspeople. These courts came into their own during the late medieval period. Most of the earliest surviving records stem from around the late thirteenth century, with the earliest English borough court rolls, such as those of Ipswich, surviving from the 1250s.<sup>12</sup>

Town courts provided a local, accessible and efficient forum for dispute resolution in accordance with medieval ideals of justice, governing acceptable behaviour and offering reconciliation to conflicting parties.<sup>13</sup> They were forums for both litigation between residents as well as presentments concerning local policing and regulation. Both forms of law involved numerous women of all statuses and life cycle stages, allowing an essential insight into the nature of women's experiences of the law within the urban community. Litigation was dealt with by courts often classified as borough courts (though not all towns were boroughs). They heard complaints which can be broadly categorised as either commercial (debt, detainue, covenant) or interpersonal (trespass, or trespass and bloodshed), which together spanned a wide range of interactions and transactions. These courts met frequently, usually on fixed days of the week (Wednesdays fortnightly in Nottingham) or on multiple days each week (Mondays, Wednesdays and Fridays in Winchester). The towns' charters and customs do not explicitly state whether each court was for

the sole use of burgesses, though various statements regarding the rights of foreigners (those from outside the town) or aliens (from other countries) suggest that these were primarily courts for residents, if not specifically burgesses. Pleas arose from actions or behaviours that departed from expected codes of behaviour and obligations, and they allowed litigants to publicly express their discontent and perceived harm in the process of renegotiating damaged social and commercial ties. Those who were the subject of these complaints could acknowledge the allegations against them, or contest them and face the judgement of a jury. The majority were pleas of debt and trespass, and other suits related to land and covenants. Courts also enrolled the transfer of urban landholding rights into their official records.

Local officials also had rights over the policing and regulation of trade, behaviour and the urban environment. These can be defined as rights of leet jurisdiction under which policing and enforcement rights of the crown were devolved to local officials or lords via courts that met a few times each year. This policing usually took the form of presentments made by local jurors or tithingmen (in Nottingham they were called decennaries), whereby offences were listed noting the names of the individuals responsible and the fines issued. These were offences against the town itself – and by extension the crown – and there was usually no means for offenders to respond to or deny allegations. In exercising this jurisdiction, local officials were able to punish wrongful actions as agents of the crown.<sup>14</sup> The records of these presentments, concerning affrays, illegal and immoral activity, nuisances and trading offences, are generally more patchy than the correlating records of litigation, in part due to the fact that these offences were presented only periodically each year.

The evolution of borough courts was part of the broader development of the English legal system, manifesting what Anthony Musson has described as a growth in legal consciousness both among the nascent legal professions and in ‘the reserves of knowledge and thought of those who experienced the law and legal institutions in everyday life’.<sup>15</sup> Court attendance enhanced knowledge of legal practice, and those awaiting dispute resolution might also have learned from conversations with others, observing other suits or calling on the advice of more experienced members of the community.<sup>16</sup> For men who acted in minor official roles, such as jurors or tithingmen, this would also have brought additional legal knowledge and experience. The numbers of litigants were high, as were the number of complaints brought at each court session. Women’s actions in town courts must be considered in the context of this broader legal system. Borough courts were just one part of a complex and often

overlapping court system that was relatively well-established in England by the late middle ages, offering potential litigants ‘a number of different ways of skinning the cat’.<sup>17</sup> Though some actions were reserved for particular types of jurisdiction, the various paths that a complaint could take offered a degree of choice over whether, how and where to litigate.<sup>18</sup> Similarly, offences against the king’s peace were also dealt with in different arenas depending on their severity and where they occurred. A relatively minor scuffle in an alleyway might be dealt with as affray and fined within a town’s leet court, while a more serious altercation involving weapons, bloodshed and robbery might be classed as a felony and prosecuted in the king’s courts.

While this abundance of legal action might be interpreted as evidence of a society characterised by conflict, it is important to highlight that the majority of legal action in towns was the result of minor civil complaints between neighbours rather than being a culmination of great strife and disorder. Furthermore, much of this business related to commercial agreements and debt, though of course there were also complaints of theft and violence. Litigation and legal presentments were therefore an integral means by which the social and economic relations of urban society were structured, negotiated and restored. This can present a large volume and variety of material; indeed Karen Jones commented over a decade ago that the records of civil pleas ‘survive in such daunting quantity that to make much use of them would be quite impracticable’.<sup>19</sup> However, the high volume of pleas and vast quantity of the surviving records attest to the wide remit of urban justice and the numbers of individuals brought into it, strengthening the case for the common nature of this legal experience and highlighting the value of these records for the study of ordinary urban women, and indeed all urban residents.

There were many commonalities shared by all towns and their courts, including those that are the subject of this study. Yet each town existed in its own unique context, and the various courts operated according to specifically local practices and customs. Custom is often conceptualised as having existed ‘since time immemorial’, though this did not mean that it was fixed or unchanging; customary usages could alter as circumstances changed.<sup>20</sup> Custom varied from one borough to another, and these variations could have a marked impact on the economic and legal status of women. It has been suggested that custom afforded women more rights than the common law in relation to property and inheritance practices, though we should also consider local custom to include the more ‘everyday’ procedures of dispute resolution and enforcement

of local regulations.<sup>21</sup> For women, these customs could determine if and how they were able to access the law.

Differences in practices and experiences of the law (for women and, to some extent, for men too) were not just down to local customary variations, but also regional or national differences between the legal systems that existed within medieval Britain. Though the focus here is on England, it is worth spending some time sketching out some of the key comparisons with other regions of Britain to better allow us to compile a picture of different regions, nations and their records. The later unions of England with Wales and Scotland, and the dominance of England within the historiography of medieval Britain, can lead us to forget that these areas existed under different legal and political systems during the middle ages, with varying levels of overlap with English common law and its key doctrines that influenced the position of women, such as coverture. Just as a single town and its legal system should not be read as representative of the 'national' English picture, the customs and practices of English law in the middle ages were not those of Britain in its entirety.

This is not to say that there was no permeation or export of English law across borders. In Wales, the post-conquest import of English common law after 1284 existed alongside a patchwork of marcher lordships, each with their own laws and customs that were made up of differing combinations of English and Welsh legal traditions. This resulted in notable differences in the legal system in neighbouring regions or even manors. For individuals, much of this rested on the different legal rights and status of those deemed ethnically Welsh or English, set out in various statutes and ordinances after the English conquest. This meant that the Welsh often had to adhere to different legal procedures and were barred from particular activities or obtaining positions of status, such as burgess, or from office holding in both English-ruled and marcher towns.<sup>22</sup> Alongside this racial differentiation, aspects of Welsh law that specifically pertained to women, such as the virginity fine of *amobr*, were retained in some areas until the union with England. This represented a more severe tax on women's sexual activity than the equivalent English fee (*leyrwite*), evidenced by the fact that many women and their male guardians tried to claim English status to avoid paying.<sup>23</sup> The import of English law after the conquest to English-ruled lands in the former principality of Wales had a significant and seemingly positive impact upon the rights of women who were, for the first time, able to hold land and claim their dower rights in areas where land was held by English tenure.<sup>24</sup> The impact of English law in both crown conquered

and marcher Wales was also evident in the clear influence of the doctrine of coverture under various jurisdictions, including courts in urban areas, meaning that married women could not bring pleas independently of their husbands. However, as was true elsewhere, there were sometimes significant deviations from this rule.<sup>25</sup> These intersections of gender, ethnicity and place combined to create a complicated puzzle of legal status for women living in Wales, which was regularly claimed and contested, as the extant records reveal.<sup>26</sup>

In Scotland, the legal system evolved from many of the same influences as that of England, but has remained separate from the middle ages to today, and this separation meant that any differences between the rights and status of Scots and English were not enshrined in law in the way that they were in Wales. A key difference between Scots and English law lay in relation to coverture and the status of married women. The fact that Scottish women did not take their husbands' surnames upon marriage reflects the fact that they were not considered to be under coverture during marriage in the same way that English women were, with the position of married women instead being subject to *jus mariti*, a concept derived from Roman law that granted husbands the right to administer their wives' property, rather than the 'covering' of legal personhood.<sup>27</sup> Elizabeth Ewan's study of women in Scottish town courts found that, despite the theoretical constraints on women's legal actions, they 'were able to use the law for their own advantage ... [and] if they wished, to make use of it without male assistance'.<sup>28</sup> Women's experiences of the law were, therefore, variable according to different regions and political-legal systems that existed side by side, contextualised by the growing influence of English common law. This complex picture means that it is not possible, or indeed useful, to rank whether English, Welsh or Scots law was 'better' for women, the puzzle instead only further highlighting the need to examine the specific circumstances and evidence for each locality.

### Jurisdictions, procedure and records

The intrinsically local nature of urban justice and custom is encapsulated in the unique names given to each court, its jurisdiction and its working patterns. Like manorial courts, each constituted its own localised legal system catering for its own clients.<sup>29</sup> The largest volume and best surviving records are from Nottingham, where litigation was heard in a court called the borough court or town court, and presentments concerning trade and misbehaviour came under the separate jurisdiction of

the Mayor's Court. The borough court met fortnightly on Wednesdays and was presided over by the town's two bailiffs. Court rolls were titled '*Curia ville Notyngham*', '*Placita curia Notyngham*' or later '*Placita curia Burgensis Notyngham*', so the commonly used title of the 'borough court' is in fact one that was only used or applied later. It met in the Common Hall (later called the Guild Hall) next to the weekday cross, the site of the town's daily market. The borough court has been described as a local version of the central courts at Westminster, and the town's rights relating to law and justice were laid out in various borough charters, particularly that of Edward II in 1313. This charter set out that burgesses should only be impleaded within the borough in relation to land, transgressions (trespasses) or contracts arising in the borough, and that only pleas touching the king (i.e., felonies, breaking the king's peace) should be heard outside the borough. Assizes, inquests and juries relating to matters arising in the borough were to be made up of burgesses from the town.<sup>30</sup> Prior to this, the Charter of King John of 1200 stated that only burgesses could bring complaints about other burgesses. However none of the town's early charters referred specifically to the court itself but instead discussed the more general rights and privileges of the burgesses.<sup>31</sup> The right to hear pleas within the town was included in the 1399 charter of Henry IV which said that the mayor, bailiffs and burgesses should have cognisance of all pleas within the town, as well as profits from all fines and amercements.<sup>32</sup> This was a retrospective acknowledgement of practices already in place for at least eight decades, as evidenced by the extant court records which begin in the 1320s, and demonstrating the evolutionary nature of local customary law which developed over time and was only later formalised in charters. It is unclear whether the borough court was reserved solely for burgesses or whether non-burgesses used it too, even if they could not sue burgesses. Some of the surviving rolls pertain specifically to *forensic* or foreign pleas for outsiders, which were meant to have involved at least one foreigner, suggesting that those in other rolls related only to burgesses or at least residents of the town. However, many 'foreign' cases in fact involved both parties described as being 'of Nottingham'. The court shifted to recording its business in books c.1480, and these include both burgess and foreign pleas recorded under separate headings, again with some overlap in the status of litigants.

The Mayor's Court of Nottingham heard presentments concerning affrays and violence deemed to have broken the king's peace, as well as trading offences that broke local regulations. These presentments were usually made twice a year by tithingmen called decennaries and the jury

of the *Magnum Turnum* (later called Mickleton Jury) of 25 men. Survival of these records is far more sporadic than those of the borough court.

Chester had two main town courts, the Pentice Court and the Portmote, plus the Crownmote which dealt with breaches of the peace and other leet offences. The Pentice Court is the focus here, as it was dominated by complaints of debt and trespass, while the Portmote was largely concerned with issues pertaining to urban real estate. This was a not a formal separation in jurisdictions, but one that developed over time. The regulation of trade and misbehaviour was recorded in the mayor's and sheriff's books, as well as other administrative business such as the admission of freemen. The rolls of the Pentice Court were headed '*Placita Penticii Cestrie*'. Its unusual name derived from the location in which it sat, a pentice which was originally a wooden extension abutting St Peter's Church. This building sat at the heart of the city and its four intersecting main streets and was the domain of the city sheriffs in the medieval period. The court met three times a week by the 1390s and dealt with all pleas except those pertaining to real property.<sup>33</sup> Chester received numerous charters from the crown and earls of Chester, including a 1300 charter of Edward I, perhaps granted in recognition of the city's contribution to the conquest of Wales, coinciding with a period of prosperity and development for the city.<sup>34</sup> The charter granted the right to hear pleas of the crown, as well rights of *sok* and *sak*, probably referring to the liberty to hold a court, hear pleas, impose fines, as well as excusing Chester citizens from suits in other courts. In the same charter, the city was also granted ancient rights to trading tolls (*tol*), jurisdiction over matters of legal possession (*theam*) and over thieves caught within and outside the city (*infangenthef* and *utfangenthef*).<sup>35</sup> It is from these rights that the jurisdiction and rights of the Pentice and Portmote courts stemmed. The Crownmote had jurisdiction over pleas of the Crown and also dealt with infringements of civic ordinances and trading offences until this was transferred to the Portmote in the 1450s. These offences also survive in the mayor's and sheriff's books of the fifteenth century.

In Winchester, the City Court was the venue for all legal business in the city, both civil pleas and presentments of illegal and trading offences. Its rolls were usually headed simply '*Curie tenta Wyntonie*' with the title of 'City Court' apparently being added by later historians or archivists. It acted as the executive arm of royal jurisdiction in the city and was usually held twice a week, before the mayor and bailiffs, in the guildhall near the busiest part of the High Street.<sup>36</sup> The site of the guildhall moved in the fourteenth century but both buildings were on or adjacent to the High Street, where market functions had become concentrated by the

later middle ages.<sup>37</sup> The rooms underneath both guildhalls were rented out and used as shops, demonstrating the close ties between city government and urban trade.<sup>38</sup> The procedures for local justice in Winchester were set out in the late thirteenth-century text on the *Ancient Usages of the City of Winchester*, including the number of summons allowed for burgesses and outsiders before being attached (the arrest of a person of their goods in order to force them to appear in court), the types of plea allowed and the procedure in debt pleas.<sup>39</sup> This text provides probably the most detail on the procedures of the court and the rights of townspeople of the three towns studied here. The rights of burgesses, denizens and foreigners were differentiated, demonstrating that the Winchester court was not restricted only to use by burgesses, though they were afforded more time and chances to respond to summons than those of lesser or outsider status. The presentment of other offences was documented among the records of civil pleas, though usually grouped together. Long lists of names grouped under various headings recorded offenders who broke rules relating to brewing, baking, the selling of fish, as well as incidences of violence. As Chapter 3 discusses, the attention paid to these offences appears to have increased over the late medieval period, with far more offences being documented in the mid-fifteenth century than at the turn of the fourteenth century.

As we have seen, the various charters and customs of each town imply that there were protections in place for the use of the courts by burgesses or citizens, though it is difficult to be definitive about the extent of these rights in practice. Burgess status was generally reserved for men who were either born into or admitted to the freedom of a borough or city, but this did not preclude women and non-burgesses from using their local courts. It is likely, therefore, that the right to litigate extended beyond those entered on formal burgess lists for each town, as it was in the interests of town officials to provide accessible forums for dispute resolution and the regulation of the credit relationships that pervaded all levels of urban society.

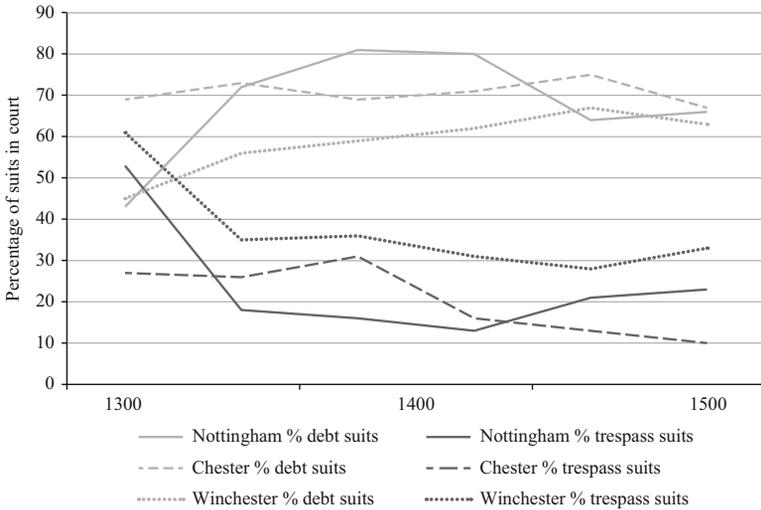
### Litigation in town courts

The choice to bring a complaint to court lay with the plaintiff. Individuals seeking redress for wrongdoing or broken obligations were proactive in entering their pleas which would then be dealt with over subsequent court sessions. Defendants were required to attend court to respond to these complaints, though they were able to enter an *essoin* to excuse non-attendance via sending another person in their place to deliver

the excuse. If they continually failed to come to court, they might be ordered to appear (distrained) or forced via the seizure (attachment) of goods.<sup>40</sup> The entire process of dispute resolution usually took place over the course of several sessions. A complaint concerning the detention of a strong-box between Emma de Brinchull and Geoffrey le Lockesmyth appeared in the records of eight different court sessions at Nottingham's court in 1322–3, and may never have been resolved as Lockesmyth repeatedly refused to show up to court.<sup>41</sup> Maryanne Kowaleski observed that some cases in Exeter's Mayor's Court continued for as long as two years or longer.<sup>42</sup> However, the high number of residents who used their local courts suggests that this was not a particularly detrimental factor in the popularity of these courts. The presentments and punishments given under leet jurisdiction, meanwhile, represented a more efficient and simpler system of regulation and punishment for those who caused disorder or disobeyed trading rules. The records of these offences take the form of long lists, outlining the individuals responsible and the fines issued, often itemised in order of a town's various streets or neighbourhoods or grouped under different types of offence.

The popularity of civil litigation stemmed from the courts' inherently practical nature, as well as the increasingly litigious character of late medieval society. Their location in the centre of town was more practical, convenient and cheaper than travelling elsewhere to county or itinerant crown courts, or to the central courts at Westminster. Bringing a complaint before the local court was thus far less disruptive than travelling elsewhere to seek justice, enabling litigants to continue with everyday life and trade at the same time, even if it meant repeat trips to court. The relatively minor nature of many of the pleas heard by borough courts also meant that it was probably not worthwhile pursuing these claims at a higher court if it would cost considerable time or expense, but town courts provided an accessible forum in which to settle disputes of a local, low-key nature. It was even worthwhile pursuing debts of the lowest sums, such as the 2d that John, brother of William Coteler, sought from Thomas de Hutton at Nottingham in June 1360, or the 3d for milk that Matilda le Spenser acknowledged owing to Alice, widow of John Hammes, at Chester in 1317.<sup>43</sup>

The graph in Figure 1.1 illustrates how commercial disputes of debt, detinue and covenant (labelled under 'debt') dominated town courts, reflecting the importance of trade in towns and their role as the sites of the country's larger markets and fairs, as well as numerous shops and stalls. They were home to more merchants, traders and craftsmen than rural communities, all of whom were reliant on credit transactions in



**Figure 1.1** Percentage of debt and trespass suits in Nottingham, Chester and Winchester, fourteenth and fifteenth centuries.

Source: CALS ZSR 21, 81–85, 109–112, 147–155, 201–210, 369–380; NA CA 1258B, CA 1279, CA 1294, CA 1324, CA 1325, CA 1336, CA 1374; HRO W/D1/3, W/D1/13, W/D1/27, W/D1/60, W/D1/61, W/D1/64.

order to buy and sell goods and services. It has even been suggested that this was the original reason for the existence of town courts.<sup>44</sup> Credit dominated commercial life at all levels of society, and this led to widespread use of borough courts for the recovery of debts that were not paid on time or in full.<sup>45</sup> The analysis of women’s roles in debt litigation thus provides an insight into their economic lives and their role in credit networks, as well as how this was represented and governed by legal action. Town courts also heard a large number of trespass complaints. This category, united by the essence of wrongdoing and defined in more detail in Chapter 4, encompassed a wide range of violent (often specified as trespass and bloodshed) and non-violent actions, including complaints of assault, theft, slander and damage to property or goods. It should not be surprising that these issues were common in towns, where people lived close to one another and were tied together by multiple commercial, familial and social networks; inevitably, these ties were not always harmonious. Through trespass litigation, we gain an insight into the ways that these interpersonal ties could break down and how this was manifested in legal action, which served as a means to redress wrongdoing and restore relationships and reputations.

Once a complaint had been brought to court (and the parties had decided to show up when required), dispute resolution could come about through various means.<sup>46</sup> The defendant could acknowledge the plaintiff's complaint, or the two parties could agree with the permission (licence) of the court. This could be facilitated by the grant of a 'love day' (recorded by the annotation '*Amor*'), a form of arbitration employed by the court in the hope of achieving agreement between the two parties and requiring that they come back to court at a later date. Alternatively, if the allegation was contested, an inquisition jury would be summoned to determine the 'facts' and report back to the court. Either the defendant would be found guilty and required to pay damages and an amercement to the court, or, if the jury refuted the complaint, the plaintiff would be amerced for bringing a false plea. Amercements were paid to the court, rather than the plaintiff, usually to the value of a few pence, depending on the court and the nature of the offence. Damages were sought in high sums, but never awarded. An individual might claim damages of 40s for a trespass offence, but eventually be awarded less than a shilling. These claims were therefore representations of the individual's perception of the harm caused by an offence or unpaid debt, rather than actual expectations of the sums that plaintiffs hoped to win. In some cases, both parties might be amerced, if the plaintiff was judged to have been untruthful in part of their complaint, but the defendant was still found guilty of overall wrongdoing.

Cases were regularly decided by jury, but little is known about the identities of jurors, as jury lists rarely survive. We can sometimes identify jurors by their defaults when they failed to appear in court. The jury became an increasingly prominent method of trial in many boroughs by the second half of the fourteenth century and was a common means of judgement in these towns as well as elsewhere, like the courts of Canterbury, Southampton, Norwich and Exeter.<sup>47</sup> Members were drawn from among the *probi homines* of the town, men of good repute who, due to their good standing and connections, would be well-informed regarding the people, activities and events of the town.<sup>48</sup> Unlike modern juries, their role was not to deliberate over evidence but to obtain the facts about the alleged events and report a verdict accordingly. Of course, this does not mean that what these juries reported amounted to the 'truth' of a dispute. In these relatively compact urban environments this fact-gathering may not have been an especially difficult task, as the small populations meant that many people would have known each other (or at least known about each other) and possibly also known of their extralegal activities or failures to fulfil agreements. But this does not mean that

juries might not have been open to corruption, or to reporting against individuals whom they did not like or who had bad reputations. We frequently find references to suits being delayed due to the default of jurors who did not show up to court when required, suggesting that at least some jurors did not hold this position in particularly high esteem.<sup>49</sup>

Litigants sometimes used attorneys to act on their behalf or perhaps to improve their chances of success. We find women using attorneys – sometimes their male relatives – but men sought legal assistance too, so this was not simply a case of female inferiority or a need for male assistance in court. Whether these were professionally trained lawyers, or simply local knowledgeable and well-connected men, is not clear.<sup>50</sup> The same men appeared as attorneys for multiple individuals, suggesting a degree of professionalisation, particularly as the period progressed. At Nottingham, men who acted as attorneys also held the posts of mayor and bailiff and were involved in their own personal suits at the borough court.<sup>51</sup> Women very rarely acted as attorneys or jurors, and did not fulfil any other official roles within urban law or government. Female litigants therefore operated within a distinctly male legal system.

### **Recording and reading legal practice: approaches to town court records**

The overall survival of the court rolls in each of the county archives varies. In Winchester, a handful of early rolls exist from 1269–70, though the first complete set of records is from 1299–1300. There are no surviving court records between 1300 and 1361, but following this there are relatively complete rolls for much of the remainder of the fourteenth century. After 1433, standards of record-keeping appear to have deteriorated somewhat, and the survival of rolls from c.1450–1500 is more fragmentary. In Chester, the survival of Pentice Court rolls is more consistent across a longer period. The earliest is from 1298, and while rolls survive throughout the whole late medieval period, for some years this consists of only a small number of manuscripts (each one usually stemming from one court session), meaning that analysis of full year series of records is not always possible. The Nottingham court rolls offer most potential for the study of an extended period, and they also offer the most detail. For this reason, evidence from Nottingham features most prominently throughout this book. The earliest records are extracts from 1303, though the rolls begin in full from 1322. After this point, large and often complete series of rolls survive for most years during the 1320s, 1350s, 1360s, 1370s, 1390s, 1400s, 1410s, 1430s and 1440s. After this point, court records were

kept in books, wherein it appears that the details of cases were edited and compiled into one entry, rather than being spread across several pages. The books are neatly arranged and include spaces apparently left for details to be added later, indicating a revision in recording practices.

In order to allow for the varying quality and survival of the records, and to enable measurable comparisons between towns, this book draws on considerable quantitative analysis of records from each of the three towns. The records have been sampled at six intervals across the fourteenth and fifteenth centuries (three per century) with specific years being chosen to reflect the best survival of each town's records, though these are not always complete rolls. This is combined with a broader collection of records to create a qualitative analysis that illuminates the actions and status of different women in more detail.

The quantitative basis for the study of each town is as follows: Nottingham 1323-4, 1375-6, 1394-5, 1433-4, 1446-7, 1491-2; Chester 1317-18, 1378, 1395, 1423, 1435, 1490; Winchester 1299-1300, 1365-6, 1385-6, 1432-3, 1454-5, 1494-5. In Nottingham and Winchester, the rolls are collated in series that run from Michaelmas to Michaelmas, meaning that the records run across two calendar years. In Chester, the records have typically been collated and catalogued according to the calendar year, and sometimes individual court sessions. In drawing upon the most complete sets of extant records for analysis, any potential seasonal variations in patterns of litigation or legal action (reflecting links between local trade and agricultural production, for example) is mitigated, though this would have been more of an issue in manorial courts than in towns. It has not been possible to compare statistics from identical years across different towns, due to the varying survival and quality of records from the three towns across the period. However, the spread of sampling across two centuries still allows for assessment of change over time within towns as well as comparison between places, in line with other studies (particularly those addressing the 'golden age' question). But the analysis included in this study is not limited to these sample years; nor, as discussed in the Introduction, does it rest solely on quantitative data. Additional records from across the period have also been consulted to enable a more detailed examination of women's legal experiences by drawing on cases that are particularly illustrative of the various ways in which women engaged with the law, and in some instances – particularly for Nottingham – to explore the legal actions of individual women over an extended period. For Nottingham and Chester, the records of local policing and trading regulation, dealt with under separate jurisdictions, supplement the records of litigation to create a more rounded picture of

women's engagement with the law; in Winchester, these issues are contained within the city court rolls, alongside personal pleas.

As we will see throughout this book, the form, content and nature of the records plays a significant role in determining what can be recovered about the litigants and issues that were dealt with under local justice. The records do not necessarily reveal the whole picture concerning what happened in court, or events that happened outside it before or after a plea was heard. This does not mean that we cannot uncover any real aspects of women's experiences of the law, and of their lives more broadly, but it does mean that they cannot simply be read at face value. Town court rolls were characterised by a relatively strict and persistent structure and formula, under which those details deemed necessary by the town's officials were documented in brief and efficient ways. The legal year began and ended at Michaelmas, so series of rolls and books (when complete) tend to cover this annual time period. Court rolls (or books) were headed with the name of the court and the date, established through reference to the regnal year and nearest feast day. A typical example from Winchester's City Court thus reads 'Winchester court held there on Friday in the Feast of Saint Faith the Virgin', the year being given as 'the ninth year of the reign of King Richard the second after the conquest'.<sup>52</sup> By the later fifteenth century, some records give the date in full. Following this, the details of pleas and presentments were listed, often with only one or two lines per case. In civil pleas, for example, the names of the complainant and defendant were generally followed by the names of the pledges (or sureties) for each party. Some details of the alleged offence or obligation might be included at this point, or they might follow in the records of subsequent court sessions. More details are often found when an inquisition jury was summoned; its report may have followed in a subsequent session. The details of amercements and damages were listed at the end of an entry, often in the margins, or sometimes interlineated above the text.

In contrast to the processes involved in litigation, the presentment of various offences by local officials was seemingly more straightforward. When offences relating to trade or misbehaviour were presented by juries or other officials, this was not recorded in the same fragmentary nature as interpersonal pleas, as these issues were concluded in one court session. Due to the inability of offenders to contest their guilt, these records instead took the form of lists of names or brief, one-off entries, often organised by locality within a particular town. There was certainly overlap in the nature of the actions dealt with by litigation and presentment, particularly between trespasses and affrays, both of which might

concern interpersonal acts of violence. However, because presentments were only made periodically and offered no opportunity for contestation or response, they did not become protracted issues in the same way that civil complaints might. Responsibility for this policing lay with local officials who reported their knowledge of misbehaviour and illegal activity within their localities.

Studying town court records requires working around their highly formulaic nature. Despite their richness and unique value, the records do not give a direct insight into what happened and why, nor can we access the ‘truth’ of any given dispute. This is an issue which many historians working with medieval and later legal records have highlighted, each having their own ways of conceptualising the narratives that legal records present. Much of this discussion rests on how we identify these narratives and the filters created by lawyers, scribes, the legal process, legal and cultural norms and the manipulations of litigants, and whether we can separate from these factors any sense of ‘what really happened’. But there is also a question of whether this should be our aim at all, as these factors that were inherent parts of the legal process are also revealing of the way in which individuals engaged with and experienced the law. Cordelia Beattie has highlighted the storytelling aspects of court records, as the women’s ‘voices’ that we might read in accounts of depositions or testimony are in fact products of the legal process, rather than records of what was actually said. By acting as ‘translators’, historians can identify the filters employed by scribes while also using these records to recover women’s experiences and interactions with the law.<sup>53</sup> Jeremy Goldberg similarly suggests that we are, at best, accessing voices ‘ventriloquized’ by clerks and lawyers.<sup>54</sup> He also reminds us that the legal documentation upon which the historian is so dependent is only one part of the legal process, with the ‘flesh and blood interactions’ (sometimes literal) being either hidden, or only glimpsed through the distortion of the court records.<sup>55</sup> Suzannah Lipscomb has also recently highlighted the value of legal documents in allowing us to ‘hear the voices of ordinary French women ... mediated, curtailed, but audible’.<sup>56</sup> The process of recovering and analysing these ‘voices’ is therefore a balancing act taking account of the details contained within the court records and the many factors that obscure and filter various aspects of these stories and voices. In her discussion of the detective work that can be involved in working with medieval legal records, Shannon McSheffrey terms them records of ‘what-will-have-been’: things to be remembered, not simply factual accounts. This conceptualisation of the records destabilises their meanings, but also allows us to think about the law beyond a system of

rules, challenges and outcomes, as something that was also a process or tool that was flexible and vulnerable to influence.<sup>57</sup> Such an approach requires us to think about what was going on below the surface, why a particular legal process or action occurred, and why certain details were recorded or not recorded. All of these issues had a role to play in determining women's access to justice.

Town court records feature no formally constructed writs, oral testimony or deposition accounts, which have variously been used to gain an insight into women's thoughts, motivations, values and attitudes, as well as everyday experiences.<sup>58</sup> As a result, litigants' voices are harder to access via town court records than other legal sources. Nor do we find the 'storytelling' narratives that define other court records, particularly those of equity courts such as Chancery. While this might mean that the records present information in a more 'black and white' manner and are perhaps less in need of translating or dissecting, it also limits the amount of information that we can access. Civil disputes were recorded according to largely fixed language and phrases, due in part to the pragmatic desire for efficiency and common understandings of how the law should work, but probably also as a reflection of the linguistic abilities of local scribes.<sup>59</sup> They had to translate spoken proceedings from English to written documentation in Latin, adapting and condensing the events of court according to a common framework. Most cases ran from one court session to the next, so multiple rolls must be studied to compile the fragments of litigation to gain the fullest information about any one case. Some cases disappear from the records, perhaps because they were abandoned or settled out of court, or because the details or outcome have been lost or damaged over time. As a result, we may not always be able to recover how a debt was accrued or whether it had to be repaid, exactly how an individual was alleged to have been assaulted, or what 'malicious words' were used in defaming another. But this does not negate their value. While it might be tempting to seek out the 'truth' of the various disputes contained within the court rolls, this need not be the ultimate aim of studying legal sources. It may be intriguing to know whether Hawise and Alice Spondon really did assault Margery Dod in Nottingham's Saturday market, and with what combination of insults they allegedly called her false, a thief and whore, or whether Dod really did steal a tabard from them.<sup>60</sup> But even without knowing these details, the case still offers a valuable insight into the way in which women were involved in litigation, the types of offence they might be victim or perpetrator of, how these issues were brought to and recorded in court and the legal culture that was associated with these allegations.

The records do not provide a true window onto the ‘lived lives’, actions and relationships of those who appear in the rolls. Instead, we might approach them as though we are looking through broken glass: we cannot see the whole picture, as a result of various fractures and diffractions, but we can access fragments which can be pieced together in an attempt to better understand the situation. Clerks and scribes had the power to condense the records of proceedings through ‘the twin processes of editing and translation’, and the formulae and patterns involved in what they did (and did not) decide to record are indicative of the attitudes and priorities of the courts, revealing the matters perceived to be of the most importance to record for future reference.<sup>61</sup> Being conscious of these various hidden or diffracted aspects of events and legal process might allow us, as Garthine Walker has suggested, to use court records to both understand structures and practices of the law, but also to strive ‘to hear individual women’s voices in these texts, in keeping with conventional women’s history that seeks to recover women’s agency from a past of structural inequalities’.<sup>62</sup> Despite their limitations, the court records provide a window – however fragmented – onto the lives, actions and disputes of the women (and men) who inhabited England’s towns, and the legal processes to which they were subjected.

## Notes

- 1 Maryanne Kowaleski’s chapter ‘Town courts in medieval England: an introduction’ in Richard Goddard and Teresa Phipps (eds), *Town Courts and Urban Society in Late Medieval England* (Woodbridge: Boydell and Brewer, 2019), pp. 17–42 does much to address this gap.
- 2 W.H. Stevenson (ed.), *Records of the Borough of Nottingham*, vols. 1–3 (London: Quaritch, 1882–9); A. Hopkins (ed.), *Selected Rolls of the Chester City Courts* (Manchester: Chetham Society, 1950); J.S. Furley, *City Government of Winchester from the Records of XIV and XV Centuries* (Oxford: Clarendon Press, 1923) and *Town Life in the XIV Century as seen in the Court Rolls of Winchester City* (Winchester: Warren, 1946). Richard Goddard has used the Nottingham sources to study debt litigation and local networks. Goddard, ‘Trust: Business networks and the borough court’ in Goddard and Phipps (eds), *Town Courts*, pp. 176–199. Jane Laughton provided an overview of women in Chester’s city courts: ‘Women in court: some evidence from fifteenth-century Chester’ in Nicholas Rogers (ed.) *England in the Fifteenth Century* (Stamford: Paul Watkins, 1994), pp. 89–99.
- 3 On urban populations, rankings and the urban hierarchy, see Alan Dyer, ‘Ranking lists of English medieval towns’ in D.M. Palliser (ed.), *The Cambridge Urban History of Britain, vol.1 600–1540* (Cambridge: Cambridge University Press, 2000), pp. 747–770. On Nottingham’s population, see Trevor Foulds, ‘The medieval town’, in John Beckett (ed.), *A Centenary History of Nottingham* (Manchester: Manchester University

- Press, 1997), p. 56; for Chester, see Jane Laughton, *Life in a Late Medieval City: Chester 1275–1520* (Oxford: Oxbow, 2008), pp. 11–12; for Winchester, see Derek Keene, *Survey of Medieval Winchester*, vol. 1 (Oxford: Clarendon Press, 1985), pp. 366–367.
- 4 Dyer, 'Ranking lists', pp. 755, 758.
  - 5 Martin Biddle, *Winchester in the Early Middle Ages: An Edition and Discussion of the Winton Domesday* (Oxford: Clarendon Press, 1976), pp. 29, 489.
  - 6 See Keene, *Winchester*, vol. 1, p. 7.
  - 7 Dyer, 'Ranking lists', p. 758.
  - 8 Laughton, *Chester*, p. 11.
  - 9 K.P. Wilson (ed.), *Chester Customs Accounts 1301–1556*, Record Society of Lancashire and Cheshire, vol. 111 (1969), p. 8; Dorothy J. Clayton, *The Administration of the County Palatine of Chester 1442–1485* (Manchester: Chetham Society, 1990), pp. 31, 59.
  - 10 Dyer, 'Ranking lists', pp. 755, 758.
  - 11 Administration of the two boroughs is thought to have merged with the creation of the office of mayor in 1284. Stephen N. Mastoris, 'Regulating the Nottingham markets: New evidence from a mid-thirteenth century manuscript', *Transactions of the Thoroton Society*, 90 (1986), 79.
  - 12 Kowaleski, 'Town courts', p. 20.
  - 13 Susan Reynolds, *Kingdoms and Communities in Western Europe 900–1300*, second edn (Oxford: Oxford University Press, 1997), p. 45.
  - 14 On leet courts, see James Davis, *Medieval Market Morality* (Cambridge: Cambridge University Press, 2011), p. 147.
  - 15 Anthony Musson, *Medieval Law in Context* (Manchester: Manchester University Press, 2001), p. 8.
  - 16 Musson, *Medieval Law in Context*, p. 97.
  - 17 Penny Tucker, 'Historians' expectations of the medieval legal records', in Anthony Musson (ed.), *Expectations of the Law in the Middle Ages* (Woodbridge: Boydell and Brewer, 2001), p. 191.
  - 18 Judith M. Bennett and Ruth Mazo Karras, 'Women, gender and medieval historians', in Bennett and Karras (eds), *The Oxford Handbook of Women and Gender in Medieval Europe* (Oxford: Oxford University Press, 2013), p. 7.
  - 19 Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460–1560* (Woodbridge: Boydell and Brewer, 2006), p. 13.
  - 20 On borough customs and customals, see Esther Liberman Cuenca, 'Borough court cases as legal precedent in English town customals' in Goddard and Phipps (eds), *Town Courts*, pp. 43–45; Tim Stretton, *Women Waging Law in Elizabethan England* (Cambridge: Cambridge University Press, 1998), p. 158.
  - 21 Stretton, *Women Waging Law*, pp. 175–177.
  - 22 R.R. Davies, 'The peoples of Britain and Ireland 1100–1400 I: Identities', *Transactions of the Royal Historical Society*, 4 (1994), 6–7; Matthew Frank Stevens, 'Anglo-Welsh towns of the early fourteenth century: a survey of urban origins, property-holding and ethnicity' in Helen Fulton (ed.), *Urban Culture in Medieval Wales* (Cardiff: University of Wales Press, 2012), pp. 138, 141.
  - 23 Lizabeth Johnson, 'Amobr and Amobrwy: the collection of marriage fees and sexual fines in late medieval Wales', *Transactions of the Honourable Society of Cymmrodorian*, 18 (2012), 10–21.

- 24 Llinos Beverley Smith, 'Towards a history of women in late medieval Wales', in Michael Roberts and Simone Clarke (eds), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), p. 21.
- 25 Matthew Frank Stevens, *Urban Assimilation in Post-Conquest Wales: Ethnicity, Gender and Economy in Ruthin, 1282–1350* (Cardiff: University of Wales Press, 2010), p. 118.
- 26 For example, the court rolls of the marcher lordship of Dyffryn Clwyd feature numerous references to individuals either claiming or challenging English or Welsh ethnic status in a range of cases as a means to assert the different legal rights that were tied to the different ethnicities.
- 27 Rebecca Mason, 'Women, marital status and law: the marital spectrum in seventeenth-century Glasgow' *Journal of British Studies*, 58 (2019), 789; Katie Barclay and Rosalind Carr, 'Rewriting the Scottish canon: the contribution of women's and gender history to a redefinition of social classes', *Études écossaises*, 16 (2013), 16; A.E. Anton, 'The effect of marriage upon property in Scots Law', *The Modern Law Review*, 19 (1956), 653.
- 28 Elizabeth Ewan, 'Scottish Portias: women in the courts in mediaeval Scottish towns', *Journal of the Canadian Historical Association*, 3 (1992), 29.
- 29 On manorial courts, see Paul R. Hyams, 'What did Edwardian villagers understand by law?', in Zvi Razi and Richard Smith (eds), *Medieval Society and the Manor Court* (Oxford: Clarendon Press, 1996), p. 69.
- 30 Foulds, 'The medieval town', p. 68; Stevenson, *Nottingham*, vol. 1, pp. 76–80.
- 31 Charter of King John, 19 March 1200 in Stevenson, *Nottingham*, vol. 1, pp. 10–13. 'Neque praeposito burgi de Nottingham aliquem burgensium calumpnianti respondeatur nisi alius fuerit accusatory in causa.'
- 32 Charter of Henry IV, 18 November 1399 in Stevenson, *Nottingham*, vol. 2, pp. 2–11.
- 33 Laughton, *Chester*, p. 124. The Pentice was presided over by the mayor and sheriffs together for a brief period c.1320–1340: see C.P. Lewis and A.T. Thacker, *A History of the County of Chester Volume V: The City of Chester* (Woodbridge: Boydell and Brewer, 2005), p. 44.
- 34 Laughton, *Chester*, p. 24.
- 35 Charters recorded in R.H. Morris (ed.), *Chester in the Plantagenet and Tudor Reigns* (Chester, 1893), pp. 490–493.
- 36 Keene, *Winchester*, vol. 1, pp. 22, 82.
- 37 Biddle, *Winchester in the early Middle Ages*, p. 285.
- 38 Keene, *Winchester*, vol. 2, p. 593.
- 39 'Usages of the City of Winchester', in Furlley (ed.), *City Government of Winchester*, pp. 167–177, translated in Harry Rothwell (ed.), *English Historical Documents: 1189–1327* (London: Eyre and Spottiswoode, 1996), pp. 870–878.
- 40 On essoins, see *Bracton on the Laws and Customs of England*, trans. Samuel E. Thorne, vol. 4 (Cambridge, MA: Belknap Press, 1977), pp. 71–146. See also Davis, *Market Morality*, p. 209 for examples of town ordinances for the recovery of debt and local court practices.
- 41 NA CA1258a rots 15, 16, 17, 18, 19, 22, 23, 24.
- 42 Maryanne Kowaleski, *Local Markets and Regional Trade in Medieval Exeter* (Cambridge: Cambridge University Press, 1995), p. 337.

- 43 NA CA1269 rot. 8; CALS ZSR 21 rot. 4.
- 44 Alan Harding, *The Law Courts of Medieval England* (London: Allen and Unwin, 1973), p. 43.
- 45 Richard Goddard, *Credit and Trade in Later Medieval England, 1353–1532* (London: Palgrave, 2016), p. 2.
- 46 On the processes of Nottingham’s borough court, see Richard Goddard, ‘Nottingham’s borough court rolls: a user’s guide’, <https://www.nottingham.ac.uk/ucn/documents/online-sources/nottinghamsboroughcourtrolls-usersguide2.pdf> (accessed 23 August 2018).
- 47 Charles Gross, ‘Modes of trial in the mediaeval boroughs of England’, *Harvard Law Review*, 15 (1902), 705.
- 48 On the construction of ‘good repute’, see Barbara Hanawalt, *Of Good and Ill Repute: Gender and Social Control in Medieval England* (Oxford: Oxford University Press, 1998), pp. 1–2; on urban jury composition, see Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370–1600* (Cambridge: Cambridge University Press, 2002), p. 109.
- 49 On the makeup of jury panels and the failure of jurors to appear, see J.B. Post, ‘Jury lists and juries in the late fourteenth century’, in J.S. Cockburn and Thomas A. Green (eds), *Twelve Good Men and True: The Criminal Jury in England, 1200–1800* (Princeton: Princeton University Press, 1988), pp. 65–78.
- 50 On the status of attorneys, see Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*, vol. 1 (Cambridge: Cambridge University Press, 1895), p. 213. Women were rarely named as attorneys. However, at Norwich in 1299–1300, Emma Pruding of Trowse was named as attorney of the wife of John Rodland. William Hudson (ed.), *Leet Jurisdiction in the City of Norwich during the XIIIth and XIVth centuries* (London: Quaritch, 1892), p. 51.
- 51 For example, John Croushawe was a bailiff, mayor and collector of the guild of All Saints in the 1380s and acted as an attorney, but also appeared in court in various suits. Similarly, Adam Payntour acted as an attorney but was also recorded as a clerk.
- 52 6 October 1385. HRO W/D1/27 rot. 1.
- 53 Cordelia Beattie, ‘“Your oratrice:” women’s petitions to the late medieval court of Chancery’, in Bronach Kane and Fiona Williamson (eds), *Women, Agency and the Law, 1300–1700* (London: Pickering and Chatto, 2013), pp. 18–20, 29. See also Joanne Bailey, ‘Voices in court: lawyers’ or litigants?’’, *Historical Research*, 74 (2001), 406–407.
- 54 Jeremy Goldberg, ‘Echoes, whispers, ventriloquisms: on recovering women’s voices from the court of York in the Later Middle Ages’, in Kane and Williamson (eds), *Women, Agency and the Law*, p. 31.
- 55 Jeremy Goldberg, ‘The priest of Nottingham and the holy household of Ousegate: telling tales in court’ in Goddard and Phipps (eds), *Town Courts*, p. 61.
- 56 Suzannah Lipscomb, *The Voices of Nimes: Women, Sex and Marriage in Reformation Languedoc* (Oxford: Oxford University Press, 2019), p. 4.
- 57 Shannon McSheffrey, ‘Detective fiction in the archives’, *History Workshop Journal*, 65 (2008), 73.
- 58 See, for example, Lipscomb, *The Voices of Nimes*, p. 5.

- 59 This would explain why scribes sometimes switch to recording the name of objects in English within the Latin record of pleas. An action for detinue in Nottingham's court in 1492 included a long list of household items, some given in Latin but others, like 'Frying panne', recorded in English, suggesting this was something that scribes could not or did not translate. Thomas Copeland and Margery his wife v Thomas Hygyn and Johanna his wife, NA CA1374, p. 107.
- 60 NA CA1258b rot. 13.
- 61 Goldberg, 'Recovering women's voices', p. 40.
- 62 Garthine Walker, 'Just stories: telling tales of infant death in early modern England', in Margaret Lael Mikesell and Adele F. Seeff (eds), *Culture and Change: Attending to Early Modern Women* (Newark, Delaware: University of Delaware Press, 2003), p. 99.