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Abduction and Power in Late Medieval England:

Petitions to the Court of Chancery, 1389-1515

Julia Pope

A Thesis

in

The Department

of

History

**Presented in Partial Fulfilment of the Requirements
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ABSTRACT

Abduction and Power in Late Medieval England:

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Julia Pope

This study examines fifty petitions sent to the Court of Chancery between 1389 and 1515 that relate to abduction. Although abduction was a serious problem in late medieval England, there have been few previous studies of the subject, and none have made use of Chancery petitions. This source sheds light on the way victims of abduction, or more often their families, presented their cases to the court. Many victims were young women who had been placed in wardship, suggesting that concerns over money and property, not primarily sexual violence, were paramount in such cases. Some of the other issues addressed include the point of view of the accused abductor, the problem of terminology, and the question of the victim's consent. The position that victims were viewed merely as male-owned property is criticized. The role of the family, and particularly mothers, in abduction cases is also examined. Finally, two cases in which the alleged abduction eventually resulted in the marriage of victim and abductor demonstrate that claims of abduction should not be simply taken at face value by historians. Rather, these petitions demonstrate the shifting claims of power exerted by various parties.

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Introduction

Near the end of the fifteenth century, a woman named Jonet Mychell was abducted.¹ Richard Rous, her step-father, consequently composed a letter to the chancellor of England, asking him to remedy the situation. As Richard related the story, Jonet had been living with her uncle, Philip Trehere, in London. A group of “evil disposed” people, however, led by one Otes Trenwyth, took her away, so that “neither fader nor moder, nor kyn nor frende that she had couth com to hyr nor wyse where she was become.” She was subsequently forced against her will to marry “such a person that was to hyr gret [shame and hevynes?].”² While there is no such thing as a “typical” medieval abduction case, this example may serve as a template, against which other cases can be compared. The victim is young and female, and her father is dead. Although it is not explicitly spelled out, the main dispute in this case seems to be over wardship and marriage. There is no unambiguous mention or description of sexual assault on the victim, although she was said to be married against her will.

I hope to show the variety of forms that abduction could take in late medieval England. While abduction has long been viewed as a crime of sexual violence perpetrated by men against women, I will suggest that it was more often related to

¹ London, Public Record Office, Early Chancery Proceedings C1/158/35, 1486-93 or 1504-1515. [Hereafter, for citation purposes, I will refer to each case simply by its number, and the date or range of dates I have assigned to it.] I am indebted to Dr. Shannon McSheffrey for providing me with her transcriptions of these documents, which, being located in the Public Record Office in Kew, would otherwise have been inaccessible to me. Except when modern translations are necessary for the sake of clarity, all personal names and documents cited will follow the original spelling. With two exceptions, all transcriptions are Prof. McSheffrey's own.

² In a few cases, the transcriptions are incomplete, whether for reason of illegibility or damage, or simply as a result of the constraints on Dr. McSheffrey's own research. When necessary, I have followed her suggestions for extrapolating the missing sections.

questions of wardship, marriage, money, and power, rather than simply rape and coercive force. I also hope to shed some light on several related problems that I believe lie at the heart of any research into this subject. In summary, these problems can be described as follows: 1. The question of complicated and often ambiguous terminology (both legal and practical), which is linked with the ambiguity of the distinction between rape and abduction in the medieval mind; 2. The issue of the consent of the victim, supposed by some scholars to be frequent to near-universal; 3. The claim that abducted women (and, by extension, medieval women in general) were viewed as merely another form of male property. As I will demonstrate, although these claims have often been made by previous scholars who have examined the subject, they are by and large not borne out by my research.

This discrepancy between my work and that of previous authors is in all probability related to the final purpose of my study. Throughout this work I will showcase a small fraction of the rich records which the court of Chancery in the late middle ages has to offer to the social historian. The statute law regarding rape and abduction was unclear and often ambiguous. Chancery records are a rich yet surprisingly little tapped source to explore this question, given that Chancery dealt with situations for which common-law remedies were not readily available. Although these records have been largely neglected except by a few legal historians, they contain a wealth of information about the social milieu of late medieval England, and may inform us about many attitudes and problems of that time. Although I have selected for this study cases which are related to abduction in one way or another, further examination of

Chancery petitions should certainly suggest many other avenues of study for the interested social historian.

Abduction in Other Times and Places

It is clear from many surviving records that abduction was not confined to late medieval England, but was also a problem in many other eras and places. I will provide a brief overview of European pre-medieval abduction, as well as abduction in medieval France and Burgundy, in order to provide a context and contrast with the late medieval English situation. Roman law originally used the term *raptus* (from *rapio*, meaning to snatch or seize) to designate abduction without any additional sexual connotations, as well as to refer to simple theft. Possibly as early as the reign of Augustus (27 BC-AD 14),³ however, and certainly by the reign of Constantine I (311-337), its definition had come to incorporate a distinctly sexual element, and under Justinian (526-565), this newer definition became the primary one.⁴ While for the most part the law of England was not directly derived from Roman sources, as Baker has noted, “the example of the Romans always lurked in the background, to be called upon whenever things went wrong with the common law.”⁵ Certainly the Latin terminology used in the Roman context was an important influence on the legal theorists of medieval England, and the

³ Angeliki E. Laiou, “Sex, Consent, and Coercion in Byzantium,” in *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, ed. Angeliki E. Laiou (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 1993), 114.

⁴ Diana C. Moses, “Livy’s Lucretia and the validity of coerced consent in Roman law,” in *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, 50.; Judith Evans Grubbs, “Abduction marriage in antiquity: a law of Constantine (CTh IX.24.1) and its social context,” *Journal of Roman Studies* 79 (1989): 62; James A. Brundage, “Rape and Marriage in the Medieval Canon Law,” *Revue de Droit Canonique* 28 (1978): 63-64.

court of Chancery, the focus of my study, could be considered one of the primary remedies for things that “went wrong” with the common law.

Saxon legal codes from the late eighth and early ninth centuries provide evidence that *raptus* was considered a serious crime, to be punished by death under at least some circumstances. As Marianne Elsackers has demonstrated, it is sometimes possible in these ambiguous legal texts to ascertain whether *raptus* means ‘rape’ or ‘abduction’ (whether forcible or voluntary) from the relative severity of the punishment assigned. Punishments tended to be comparatively light for abduction-*raptus*, generally consisting of a monetary fine paid to the victim’s family or guardians; the sum depended on the social status of the abductor and the victim, and was roughly comparable to a somewhat higher-than-usual marriage-price.⁶ Nevertheless, it seems clear that there was some degree of conflation between the two possible meanings of the term, which can probably be traced back to a large extent to the Roman influence (via Carolingian legal codes) on Saxon law.

French cases from the mid- to late medieval period demonstrate a similar conflation of rape and abduction. Geneviève Ribordy, working on the marriage practices of the late medieval French aristocracy, has shown that abduction could sometimes be a method for circumventing obstacles a couple’s family might place in their path towards marriage.⁷ Georges Duby, in his famous work *The Knight, the Lady and the Priest*, describes several cases of abduction from the earlier medieval period in France. He

⁵ J. H. Baker, *An Introduction to English Legal History* (London: Butterworths, 1971), 298.

⁶ Marianne Elsackers, “Raptus Ultra Rhenum: Early Ninth-Century Saxon Laws on Abduction and Rape,” *Amsterdamer Beiträge zur Älteren Germanistik* 52 (1999): 36; Wemple, 229.

⁷ Genevieve Ribordy, “‘Faire les nopces’: Pratiques religieuse et laïques du mariage noble en France à la fin du Moyen-âge” (Ph.D. diss., Université de Montréal, 1999).

notes that abduction was, under the Carolingians and their heirs, considered one of the four crimes involving blood law,⁸ and that any subsequent union between a girl and her abductor was illegal.⁹ As would be the case in other contexts, compensation of the abducted woman's family was of paramount importance. Duby also states that "we must suppose many of the kidnappings to have been shams, ways of getting around demands of the law or of convention."¹⁰ Although he claims that he is unable to analyze emotional issues such as love, Duby seems to suggest at times that some of these abductions could have been for reasons of affection, or at least attraction. The distinction in these works between abduction and rape seems clearer than it would later be in English law, although admittedly neither work has a primarily legal focus, and thus may obscure the finer nuances of the law.

Walter Prevenier, examining violence against women in fifteenth century Burgundy, also groups abduction and rape together, but distinguishes both from seduction (which, in his definition, assumes the consent of the victim).¹¹ Seduction, which was assumed to involve a woman's departure from her home, was typically punished by banishment of up to ten years for the couple involved, the confiscation of the woman's property, and the denial of any inheritance to the woman during the time she lived with her lover. As Prevenier notes, seduction was not firmly discouraged by the church, since canon law held that a valid marriage could be formed without the

⁸ The others were murder, arson, and theft. Georges Duby, *The Knight, the Lady and the Priest: The Making of Modern Marriage in Medieval France*, trans. Barbara Bray (New York: Pantheon Books, 1983), 39, n. 11.

⁹ Duby, *The Knight, the Lady and the Priest*, 38.

¹⁰ Duby, *The Knight, the Lady and the Priest*, 39.

¹¹ Walter Prevenier, "Violence against Women in Fifteenth-Century France and the Burgundian State," in *Medieval Crime and Social Control*, ed. Barbara Hanawalt and David Wallace (Minneapolis: University of Minnesota Press, 1999), 186-203.

consent of either partner's family, provided the two people involved consented.¹² Abduction and rape, on the other hand, were considered violent crimes, and thus came under lay jurisdiction. Abduction could be punished either by execution or banishment for life under these laws.¹³ Prevenier also noted a trend similar to that found in England when he stated that "the real indignation against seduction came from parents and extended family, who regarded it as an infringement on parental authority and on the integrity of the patrimony."¹⁴ This observation, coming from roughly the same time period, but the other side of the Channel, demonstrates clearly that the English judiciary's ideas about abduction were not unique to that island, but were part of a wider European trend in secular legal thought.

Previous Research on Abduction

Until recently, relatively few scholars have investigated medieval abduction in a serious or thorough way. Indeed, the subject is still waiting for a book-length treatment for the late medieval period in England. John Bellamy, in his seminal 1973 work *Crime and Public Order in England in the Later Middle Ages*, devotes a small amount of attention to abduction. He notes, for instance, that "abduction of heiresses...seems to have become commoner towards the end of the middle ages when competition for ladies,

¹² Prevenier, 189.

¹³ Prevenier, 188.

¹⁴ Prevenier, 189.

their hands in marriage, and thus their lands and other wealth, increased.”¹⁵ He also observes that rape and abduction were often conflated in the records, although he does not expand on this statement, or specify whether he is talking about statute or case law.¹⁶ His final contribution to the scholarship (albeit one which was not entirely original to him) was his suggestion that “often she [the victim] would allow herself to be abducted by her admirer,” a claim which has dogged the study of this subject most persistently down to the present day.¹⁷

Susan Brownmiller’s influential 1975 feminist manifesto *Against Our Will* touches on the subject in a superficial manner before concentrating on the modern period.¹⁸ Her most influential statement (for my purposes, at least) held that “Rape entered the law through the back door, as it were, as a property crime against man. Woman, of course, was viewed as the property.”¹⁹ Nazife Bashar, in her 1983 article “Rape in England between 1550 and 1700,” expresses many of the same ideas, while elaborating on them further for the early modern context.²⁰ Working from the records of the Assize courts for the sixteenth and seventeenth centuries, Bashar nevertheless devotes several pages to the medieval statute law on rape and abduction. She states clearly that “the language of medieval rape statutes defined rape and abduction interchangeably. Both involve the

¹⁵ John Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London: Routledge and Kegan Paul; Toronto: University of Toronto Press, 1973), 32.

¹⁶ Bellamy, 34.

¹⁷ Bellamy, 58.

¹⁸ Susan Brownmiller, *Against Our Will: Men, Women and Rape*, (New York: Simon and Schuster, 1975).

¹⁹ Brownmiller, 18.

²⁰ Nazife Bashar, “Rape in England between 1550 and 1700,” in *The Sexual Dynamics of History*, compiled by London Feminist History Group (London and Leichhardt, NSW, Australia: Pluto Press Ltd., 1983), 28–42.

theft of a woman.”²¹ While she correctly notes the common terminological conflation of rape and abduction, and also observes that the medieval statutes on abduction were primarily “directed at the protection of the property of the wealthy,”²² her lack of attention to court records from the middle ages has left the mistaken impression that women’s consent was, on the whole, considered irrelevant. This claim, although still occasionally found in some recent scholarship, is growing less sustainable due to more detailed studies of actual medieval abduction cases.

The major pioneer in the investigation of medieval abduction (albeit as subsumed under the heading of ‘rape’), is legal historian James A. Brundage, in his works of the late 1970s and early 1980s.²³ Brundage, working primarily on twelfth century church law, tells us that legally, *raptus* was defined as involving four required elements: violence, abduction, and sexual intercourse, and all of these without the consent of the victim. Although it seems evident from later research that such a methodical and clear-cut application of the term was rare in reality, nevertheless Brundage’s work remains valuable for informing us about the legal and canonical ideal, if not the everyday practice of the law. Still, such ideals may not have been far from the minds of the various chancellors who held the post during this period, almost all of whom were bishops or archbishops, and who had for the most part a very solid grounding in the tenets of canon law.²⁴

²¹ Bashar, 30. Emphasis in original.

²² Bashar, 31.

²³ Brundage’s early work on the subject can be seen in “Rape and Marriage in the Medieval Canon Law” and in the first volume he co-edited with Vern L. Bullough, *Sexual Practices and the Medieval Church* (Buffalo, NY: Prometheus Books, 1982).

²⁴ Haskett suggests that the very format of the court of Chancery, whereby anyone involved could be questioned by the court, was to some measure inspired by the way church courts of the time

In 1978, legal historians E. W. Ives, A. Cameron, and J. B. Post contributed articles to the literature, each dealing with a particular statute related to abduction.²⁵ Post examined the Statutes of Westminster (1275 and 1285). He states, among other arguments, that abduction was often a cover for elopement or clandestine marriage against the wishes of a guardian.²⁶ Notably, he argues that the clause making ravishment a capital felony in these statutes was a hasty afterthought (because it is written in French, whereas the rest of the statute is in Latin), and in any case, was rarely if ever applied in practice.²⁷ He also believes that the ambiguous nature of the Latin term *raptus*, rather than being problematic to medieval people, was in fact beneficial to family interests, as it would allow them to pursue a ravisher whether or not sexual contact occurred, and perhaps even whether or not any such sexual interaction was consensual.²⁸

Cameron studied the 1487 "Act against the taking away of women," and presents three documents, including a petition to the House of Commons, which he believes relate to its origins.²⁹ These documents describe the 1485 abduction of Jane Sacheverell, a young and wealthy widow who was ravished by Henry and Richard Willoughby and their associates. Richard then married Jane, but the marriage was dissolved only six months later on the basis of her precontract with William Zouche. Jane (or more

operated. Timothy Haskett, "The Medieval English Court of Chancery," *Law and History Review* 14 (1996): 256-57.

²⁵ E. W. Ives, "'Agaynst taking awaye of Women': the Inception and Operation of the Abduction Act of 1487," in *Wealth and Power in Tudor England*, ed. E. W. Ives, R. J. Knecht, J. J. Scarisbrick (London: University of London, Athlone Press, 1978), 21-44; J. B. Post, "Ravishment of Women and the Statutes of Westminster," in *Legal Records and the Historian: Papers presented to the Cambridge Legal History Conference, 7-10 July 1975*, ed. J. H. Baker (London: Royal Historical Society, 1978), 150-64; A. Cameron, "Complaint and Reform in Henry VII's Reign: the Origins of the Statute of 3 Henry VII, c. 2?" *Bulletin of the Institute of Historical Research* 51 (1978): 83-89.

²⁶ Post, "Ravishment of Women," 153.

²⁷ Post, "Ravishment of Women," 156-7.

²⁸ Post, "Ravishment of Women," 158.

accurately, her lawyers, for it seems she was at the time still in captivity) petitioned the Commons to “ordeyn and establisse and enact that a writte upon this matter may be made oute of the Chauncerye.” The petition further asks that “the seid Herry and Richard and all other misdoers before specified...be put...to lyke execution as persones of felones atteynt usuelly be comitted which punysshment...had shall cause all other riotours hereafter to feere the lawes of oure seid soverain...to do hereafter semblable rapes, riottes, robbers or other misdoers aforeseid.”³⁰ Cameron argues that this petition was in large measure responsible for the passing of the 1487 act, which made similar crimes felonies.

Ives, also examining the 1487 act against abduction, argues like Cameron that it was primarily passed as a reaction, not against a plague of abductions sweeping the nation, but rather to one particular case. However, he believes that the motivating factor was an incident which had occurred but nine days earlier, the abduction of Margery Ruyton, an heiress, from the home of her father, John Beaufitz, esquire. While I accept that there may have been a relation between this notorious, rather high-profile case and the subsequent legal action, I suspect that the supposed nine-day interval between the two may simply not be realistic for the process of medieval justice and legislation, and that Cameron’s suggested course is more plausible. Although a new statute would not apply retroactively to prior crimes, nevertheless such problems may have instigated the passing of legislation. Despite these claims, however, I believe that my own evidence will amply demonstrate that abduction was a much more wide-ranging and serious concern in late medieval England, and also that Ives and Cameron underestimated the

²⁹ Cameron, “Complaint and Reform,” 83-89.

number of abduction cases because they did not make use of Chancery petitions, instead relying only on statute law and the records of common law courts.

Post later wrote another article about a particular case of abduction, that of Eleanor, the daughter of Sir Thomas West, in 1382. Clearly influenced by Ives and Cameron, he argues that this incident gave rise to the Statute of Rapes of that same year.³¹ Again, he suggests that this act primarily served the interests of the victim's family, since it prohibited both "the ravishers and the ravished" from having dower, jointure, or inheritance.³² Furthermore, it allowed the family to pursue legal action against the abductor regardless of the subsequent consent of the victim. These arguments have been very influential, and can be found restated even in Christopher Cannon's 1999 essay "The Rights of Medieval English Women: Crime and the Issue of Representation."³³

It seems that Post may have some basis for his claims that Eleanor West's abduction was a motivating factor behind these changes to the legal machinery, but I believe he nevertheless underestimates the possible influence of many other, less famous cases, because, like Ives and Cameron, he neglects the court of Chancery as a possible source of information on the subject. By relying only on the evidence of statute law and the various common law courts, and observing there a distinct lack of abductions, these scholars demonstrate that the common law courts were, by and large, not a very popular

³⁰ Quoted in Cameron, "Complaint and Reform," 88. The petition is torn and illegible at points.

³¹ J. B. Post, "Sir Thomas West and the Statute of Rapes, 1382," *Bulletin of the Institute of Historical Research* 53 (1980): 24-30.

³² Post, "Sir Thomas West," 26.

³³ Christopher Cannon, "The Rights of Medieval English Women: Crime and the Issue of Representation," in *Medieval Crime and Social Control*, 156-85. Cannon's essay, although primarily about the representation of women in medieval English courts, demonstrates many

method for dealing with cases of abduction, and that the statute law was often perceived by contemporaries as inadequate and in need of serious modification. Their mistake lies in not probing further for other means of dealing with cases of abduction, instead assuming that abduction must not have been a frequent problem because it was not often found in the records they examined. I will demonstrate that the court of Chancery was a fairly popular alternative to bringing a case of abduction before the common law courts during the late medieval period, and that it is a mistake to ignore its records and the evidence they can provide. If indeed the common law courts were weak and ineffectual for dealing with abduction, as Cameron, Post, and Ives claim, then surely Chancery would have been a reasonable alternative for plaintiffs to resort to in order to get justice by other means.

Much of Sue Sheridan Walker's work throughout the 1970s and 1980s dealt with ravishment as it applied to cases of wardship, though her main focus was the thirteenth and fourteenth centuries.³⁴ Her work has greatly enriched the study of abduction, by bringing it into the context of family disputes over wardship, rather than simply characterizing it primarily as romantic elopement or violent rape. Many of the abductees she has studied were boys, which makes a great deal of sense when we recall that most

misunderstandings of the statute law on abduction, as I will later describe, though his evidence on the subject is largely derived from secondary sources.

³⁴ Walker's work on the subject includes "Violence and the Exercise of Feudal Guardianship: The Action of 'Ejectio Custodia'," *The American Journal of Legal History* 16 (1972): 320-33; "Proof of Age of Feudal Heirs in Medieval England," *Medieval Studies* 35 (1973): 306-23; "Widow and ward: The feudal law of child custody in medieval England," *Feminist Studies* 3:4 (1976): 104-16; "Free consent and marriage of feudal wards in medieval England," *Journal of Medieval Studies* 8 (1982): 123-34; "Common Law Juries and Feudal Marriage Customs in Medieval England: The Pleas of Ravishment," *University of Illinois Law Review* 3 (1984): 705-18; "Punishing convicted ravishers: statutory strictures and actual practice in thirteenth and fourteenth-century England," *Journal of Medieval History* 13 (1987): 237-50; "The feudal family and the common law courts: the pleas

heirs during this period were male, and thus they would tend to be more valuable to their abductors as wards or marriageable partners.³⁵ Still, it seems to me that despite the abundance of male heirs, we still see an inordinate number of young women being abducted relative to their comparative monetary value, which suggests that it was considered desirable by some people to abduct females for reasons other than their pure financial worth.

John Marshall Carter, in his 1985 book *Rape in Medieval England: An Historical and Sociological Study*, focused primarily on thirteenth- and early fourteenth-century cases, drawing on many diverse records, including the eyre courts, coroners' rolls, hundred rolls, close and patent rolls, and gaol delivery records.³⁶ Although he does a commendable job of summarizing previous research on the subject of rape, he demonstrates a very simplistic interpretation of its meaning. For example, he states that "rape, as defined by the legal theorists and the pertinent statutes of thirteenth century England, was illegal, forced intercourse with any woman," neglecting any mention of abduction as a possible component of the crime despite including and discussing statutes clearly indicating the contrary.³⁷

Abduction has also been a subject of interest to literary historians. There is a considerable body of work dealing with fictional abductions, such as the 'rapes' of Proserpine and Helen of Troy.³⁸ The relationship between literature and reality is a hazy

protecting rights of wardship and marriage, c. 1225-1375," *Journal of Medieval History* 14 (1988): 13-31.

³⁵ Walker, "Free consent and marriage of feudal wards," 127.

³⁶ John Marshall Carter, *Rape in Medieval England: An Historical and Sociological Study* (Lanham, MD and London: University Press of America, 1985), 21-31.

³⁷ Carter, 37.

³⁸ Works dealing with abduction in literature include Evelyn Birge Vitz, "Rereading Rape in Medieval Literature: Literary, Historical, and Theoretical Reflections," *The Romanic Review* 88:1

one, although researchers such as Kathryn Gravdal and Noël James Menuge have begun to explore the depiction of abduction in literature and how it may have informed and influenced real-life perceptions and actions. Menuge in particular has examined the relationship between abduction literature and the “literary” genre of court documents, a project which has informed my own study to a certain extent. For the most part, however, it seems to me that the various rapes and abductions of literature are far removed from actual practices. Medieval literature on abduction is abundant, and certainly deserves attention, but unfortunately I cannot devote considerable space here to discussing it, since it is generally of little relevance to my study. The real-life criminal cases of two famous authors, Geoffrey Chaucer and Thomas Malory, are well-documented, however, and may serve as a contrast to the cases I will later be discussing.

Chaucer’s father John was abducted as a young adolescent of about twelve years old by his aunt Agnes de Westhale, who attempted (unsuccessfully) to marry him to her

(1997): 1-26; Kathryn Gravdal, *Ravishing Maidens: Writing Rape in Medieval French Literature and Law*, (Philadelphia: University of Pennsylvania Press, 1991); Carol F. Heffernan, “Raptus: A Note on Crime and Punishment in *Le Bone Florence of Rome*,” in *Medieval Studies in Honor of Lillian Herlands Hornstein*, ed. Jess B. Bessinger, Jr. and Robert R. Raymo (New York: New York University Press, 1976), 173-79; Henry Ansgar Kelly, “Meanings and Uses of *Raptus* in Chaucer’s Time,” in *Studies in the Age of Chaucer*, vol. 20. ed. Lisa Kiser (Columbus, OH: New Chaucer Society, 1998), 101-65; Henry Ansgar Kelly, “Statutes of Rapes and Alleged Ravishers of Wives: A Context for the Charges Against Thomas Malory, Knight,” *Viator* 28 (1997): 361-419; Isabelle Mast, “Rape in John Gower’s *Confessio Amantis* and other related works,” in *Young Medieval Women*. ed. Katherine J. Lewis, Noël James Menuge and Kim M. Phillips (New York: St. Martin’s Press, 1999), 103-32; Noël James Menuge, “Reading Constructed Narratives: An Orphaned Medieval Heiress and the Legal Case as Literature,” in *Medieval Women: Texts and Contexts in Late Medieval Britain*, ed. Jocelyn Wogan-Browne et al. (Turnhout, Belgium: Brepols, 2000), 115-29; Noël James Menuge, “Female Wards and Marriage in Romance and Law: A Question of Consent,” in *Young Medieval Women*, 153-71; Kim M. Phillips, “Written on the Body: Reading Rape from the Twelfth to Fifteenth Centuries,” in *Medieval Women and the Law*, ed. Noël James Menuge (Woodbridge: The Boydell Press, 2000), 125-44; and most recently, Elizabeth Robertson and Christine M. Rose, ed. *Representing Rape in Medieval and Early Modern Literature* (New York: Palgrave, 2001).

daughter Joan and thus secure control over his inheritance from his father.³⁹ Later, around 1380, Chaucer himself was involved in a legal dispute with a young woman named Cecily Champain.⁴⁰ Historians continue to debate over the exact meaning of the ambiguous documents in question, which release Chaucer and other men from all charges related to her rape. Whether this was a case of abduction or sexual rape (or both), and whether Chaucer himself was a main participant or merely an accessory to the crime is unclear. It has even been recently suggested that he may have been the former lover of this young woman, who was simply trying to get financial revenge.⁴¹ While the efforts to untangle the story have led to something of a fashion for the study of rape and abduction, at least among literary scholars, the facts of the matter remain elusive.

The case against Sir Thomas Malory is in many ways more clear-cut, both because we have more information about it, and because it clearly does involve an abduction. Since it falls more closely into the period I am studying, I will take a few moments here to examine this famous case in more detail.⁴² In May of 1450, Malory allegedly ravished a married woman named Joan Smith in her own home.⁴³ Later that same year, in August, he again slept with the same Joan, and furthermore abducted her along with forty pounds worth of her husband's goods and chattels. Malory was

³⁹ Derek Pearsall, *The Life of Geoffrey Chaucer: A Critical Biography* (Oxford and Cambridge, MA: Blackwell, 1992), 12-13.

⁴⁰ Pearsall, 135-138; Kelly, "Meanings and Uses of *Ruptus* in Chaucer's Time," 101-49.

⁴¹ This theory, which was advanced by Pearsall (p. 137), has aroused the ire of feminist scholars such as Elizabeth Robertson, who calls it one of the "continuing attempts of Chaucer's biographers to transform the possibility that Chaucer might have raped someone into something else." Elizabeth Robertson, "Comprehending Rape in Medieval England," *Medieval Feminist Newsletter* 21 (Spring 1996): 13-14.

⁴² Kelly, "Statutes of Rapes and Alleged Ravishers of Wives," 412-15, contains a good review of the case.

eventually indicted on a number of other charges, including plotting to murder the Duke of Buckingham, rustling cattle, stealing from Combe Abbey, and breaking out of prison. In addition, Hugh Smith, Joan's husband, appealed Malory and three other men for rape and breach of the peace before the court of King's Bench, under the terms of the statute of 6 Richard II, which I will discuss at greater length below. None of Malory's contact with Joan Smith was said to be against her will at any point, however, which would seem to make the charge faulty, as willing adultery should have instead been prosecuted by the church courts. Kelly suggests that it was implied that she consented some time after the first rape but before the second incident, although I am not entirely convinced by that argument.⁴³ The case was removed to King's Bench, and Malory pleaded not guilty, but his trial was repeatedly postponed for a period of ten years, probably at the instigation of a vengeful Buckingham, until he was finally pardoned in 1460. It was during his imprisonment that he wrote *Le Morte D'Arthur*. Although the case against Thomas Malory was brought before a different court than the one I will be examining, and furthermore was never actually tried, it nevertheless serves as an interesting counterpoint to the cases described herein.

Since 1995, a new generation of historians, such as Emma Hawkes, Noël James Menuge, and Garthine Walker, have skillfully brought together legal and social history to treat the question of abduction. Hawkes, after reviewing the statute law on the subject, takes issue with Brownmiller and Bashar's statements that women were viewed

⁴³ The original phrasing is "felonice rapuit et cum ea carnaliter concubuit," an unambiguous description of a sexual act, although it does not address the question of her consent to intercourse. Kelly, "Statutes of Rapes and Alleged Ravishers of Wives," 412.

⁴⁴ Kelly, "Statutes of Rapes and Alleged Ravishers of Wives," 413-14.

as property. She argues that such one-sided claims only present women as victims, when in fact the picture of women presented by case law is much more subtle and varied.⁴⁵ While the female victim's consent is not always the primary focus in statute law, in actual case law a woman's consent could be of paramount importance in determining the outcome of a trial, says Hawkes. This shift of emphasis, recognizing that women did have a role to play in their own abductions (both during the actual event and the subsequent prosecution of the case), was a significant one.

Menuge, in her 1999 article "Female Wards and Marriage in Romance and Law: A Question of Consent," and her more recent work "Reading Constructed Narratives: An Orphaned Medieval Heiress and the Legal Case as Literature," compares the construction of legal and fictional narratives, which she contends are similar.⁴⁶ She uses this framework to address the problem of what was really meant by 'mutual consent'. Her analysis of the fictionalized nature of legal documents has informed my own study. Because of the nature of these petitions, it is unwise to read them simply at face value, as a straightforward record of actual events as they happened. We may instead fruitfully consider them as constructed narratives intended to serve a very specific legal purpose – the manipulation of the chancellor towards a desired decision.

Garthine Walker examines Welsh cases of abduction that were brought before the court of Star Chamber between 1558 and 1640.⁴⁷ Although her study focuses on a later

⁴⁵ Emma Hawkes, "'She was ravished against her will, what so ever she say': Female Consent in Rape and Ravishment in late-medieval England," *Limina* 1 (1995): 51-52.

⁴⁶ Noël James Menuge, "Female Wards and Marriage in Romance and Law," 153-171; "Reading Constructed Narratives," 115-29.

⁴⁷ Garthine Walker, "'Strange Kind of Stealing': Abduction in Early Modern Wales," in *Women and Gender in Early Modern Wales*, ed. Michael Roberts and Simone Clarke (Cardiff: University of Wales Press, 2000), 50-74.

period, when different laws were in effect, some of her conclusions are noteworthy, and have proven useful for guiding my own study. She is particularly interested in those cases that deal with the abduction of wards, and draws attention to a significant quotation Hugh Latimer made before the King in 1549: "I hear tell of stealing wards to marry their children to.... This is a strange kind of stealing, but it is not the wards, it is the lands they steal!"⁴⁸ Although the language of the official statutes often conveys the idea of a property crime, she argues that it was not the victims themselves who were seen as property, but rather the lands and goods transferred through them that were at issue. This revelation is an important one to bear in mind as much for the late medieval period as for the early modern.

My own contribution to the literature on abduction will follow the lead of these scholars in many respects. The current study is an examination of fifty Chancery petitions from the late medieval period, all of which deal with abduction (in the sense of physical transportation and/or confinement, whether or not rape was also involved). To the best of my knowledge, none of the previous studies on this subject have made use of Chancery petitions, relying instead on the evidence of statute law and the legal theorists of the day, as well as the ample records of the common law courts, church courts, and Star Chamber.⁴⁹ Furthermore, none of these specific cases has been studied in relation to its evidence about abduction, although a few have surfaced in other contexts. The underuse of Chancery petitions is due, says Haskett, to their abundance rather than their

⁴⁸ Walker, "Strange Kind of Stealing," 55-56.

⁴⁹ Bellamy states in his "Select Bibliography" that the Chancery records are "also worthy of attention, if less rewarding." Bellamy, 205.

scarcity.⁵⁰ While many scholars have examined the operation of the court and the legal arguments that it incorporated, comparatively few have actually examined the petitions themselves, because of (as Lander put it) the “terrifying abundance” of records and the “considerable drudgery” involved in plowing through them.⁵¹ In studying these sadly underused records, I hope to contribute to the growing body of primary evidence on abduction, and also to illuminate some aspects of the crime which may not have been made visible in other sources.⁵²

Legal Background

Before I continue, a brief word about terminology is in order. Throughout this paper, I will be using the terms “plaintiff” or “petitioner” to refer to the person who sent the petition to Chancery. This is to distinguish them from the “victim” or “abductee,” the person who was abducted. Though in a few cases the “plaintiff” and “victim” are identical, more often the plaintiff is a family member, guardian, or other acquaintance of the victim. This is probably because the vast majority of the victims in these cases were women or underage, and it would be the moral, if not the legal, responsibility of a male

⁵⁰ Haskett, 280.

⁵¹ J. R. Lander, *Conflict and Stability in Fifteenth-Century England* (London: Hutchison, 1977), 12-13. Some of the social historians who have used Chancery petitions are Barbara Hanawalt, *Growing Up in Medieval London: The Experience of Childhood in History* (New York and Oxford: Oxford University Press, 1993); Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York and Oxford: Oxford University Press, 1996); Shannon McSheffrey, “Men and Masculinity in Late Medieval London Civic Culture: Governance, Patriarchy, and Reputation,” in *Conflicting Identities and Multiple Masculinities: Men in the Middle Ages*, ed. Jacqueline Murray (New York: Garland Press, 1999), 243-78.

⁵² I have included a brief summary of the relevant information for each petition as Appendix 2.

relative or guardian to make the suit himself. It will sometimes be necessary to further distinguish between the “defendant” and the “abductor” because there are a few cases in which these are not the same person.

In medieval England, the crime of abduction was evidently problematic. No less than eight statutes dealing with this matter can be found on the books between 1275 and 1487. Prior to 1275, there were various other laws dealing with this subject, but because they are less relevant to the cases I will be examining later, and due to considerations of space, I will not detail them here.⁵³ Furthermore, it is important to bear in mind that, although statute law certainly contributed to the formation of ideas about justice and morality, it was not directly applicable to the court of Chancery, the source of my primary documents. With that consideration in mind, however, statute law can inform us considerably both about the distance between legal ideal and actual cases, about late medieval perceptions regarding what was legal and what was illegal, and what would constitute a just punishment for a given crime.

1275 marked the date of the Statute of Westminster I (3 Edw. I, c. 13), in which the king ordered “that none do ravish nor take away by force any maiden within age, neither by her own consent, nor without; not any wife or maiden of full age, nor any other woman, against her will.”⁵⁴ The punishment for anyone found guilty of this crime was imprisonment for a period of two years⁵⁵ and a fine whose value was not set.

⁵³ An overview of the legal status of rape in England prior to 1275 can be found in Post, “Ravishment of Women,” 151-55.

⁵⁴ Statute of Westminster I, 3 Edward I, Chapter 13. My analysis of these statutes has been informed by Henry Ansgar Kelly’s useful 1997 article “Statutes of Rapes and Alleged Ravishers of Wives,” 364-77. All translations of statutes are, unless indicated, following Kelly.

⁵⁵ Imprisonment was not a common punishment at the time, given the lack of prison space and the expense and difficulty involved in holding people against their will.

Ravishment was, under this statute, not a felony, but a trespass, since it was not punishable by death. The abduction of consenting adult women was not a crime by the terms of this law. It was made clear that minors could not under any circumstances legally consent to their own abduction, an argument which would later be restated in the laws dealing with disputes over wardship, abduction, and marriage.

The Statute of Westminster II of 1285 attempted to remedy this situation whereby abduction was merely a trespass, indicating that this state of affairs must have been considered problematic by the legislators of the day.⁵⁶ It stated that “if a wife willingly leave her husband and go away and continue with her advouterer, she shall be barred forever of action to demand her dower,” unless she reconciled with her husband and returned to him. Furthermore, “It is provided that if a man from henceforth do ravish [ravist] a woman – married, maid, or other – where she did not consent, neither before nor after, he shall have judgement of life and of member.” In other words, the unwilling abduction of an adult was now considered a felony, punishable by death, although a pre-consenting abduction only served to cut the woman off financially.⁵⁷ The statute went on to state that “likewise where a man ravisheth a woman – married lady, damosel, or other – with force, although she consent after, he shall have such judgement as before is said.” Whether a woman did not consent at all, or consented after the fact, the potential punishment was the same – death for the abductor. It was only if a woman consented in advance that the couple’s punishment became merely pecuniary. Post argues

⁵⁶ Statute of Westminster II, *Statutes of the Realm*, 13 Edw. I, c. 34 A, B; c. 35. Post, “Ravishment of Women,” 156.

⁵⁷ Cannon fundamentally misunderstands this law, since he argues that it had the “implicit result of converting rapes from crimes that harmed a woman into trespassory wrongs that damaged

(mistakenly, I believe) that this law effectively discounted the question of a woman's consent. He furthermore indicates that the "time-honoured" concord by marriage (i.e. the settlement of a rape/abduction case through the marriage of victim and rapist) was thus removed.⁵⁸

Under the Statutes of Westminster, the lack of culpability or initiative assigned to women certainly worked to their benefit. They were not to be physically punished for being abducted, whether voluntarily or otherwise, although they might suffer financial repercussions for an elopement. Furthermore, the question of a woman's consent would be notoriously difficult to prove in a court of law. A victim of abduction who had consented but later reconsidered her choice might well have been able to make a case that she had resisted. While in the eyre courts and coroners' inquests regarding simple rape, clear physical signs of a struggle (blood, obvious injuries, torn clothing, screaming, and so on), along with immediate raising of the hue and cry, were considered important ways of demonstrating a woman's resistance to her rapist, these sort of tests would not have been practical for many abduction cases, in which the victim might only be recovered weeks or months later.⁵⁹

Chapter 35 of the 1285 statute turns to the subject of wards, and the threat of their abduction and marriage:

Concerning children, males and females, whose marriage belongeth to another, taken and carried away, if the ravisher ["*ille qui rapuerit*"] have no right to the

property," when instead it did nearly the opposite. Cannon, "The Rights of Medieval English Women," 173.

⁵⁸ Post, "Ravishment of Women," 158.

⁵⁹ See Carter, 27-28 and elsewhere for the importance of coroners' rolls in assessing injuries to rape victims, particularly those who died in the course of or after the attack.

marriage, though after he restore the child unmarried, or else pay for the marriage, he shall nevertheless be punished by two years' imprisonment.⁶⁰

Here, we see that the abduction of a ward (i.e. an underage child or teenager who stood to inherit some degree of wealth) was *not* a felony, but a trespass, and hence not punishable by death. Apparently the abduction of a ward was considered a lesser offence, perhaps because it was seen to be motivated by money. Furthermore, a distinction was clearly being drawn here between the capability of an adult to consent to her own abduction, and a ward's inability to consent. By the terms of this statute, there is no question of wards, even those over the legal age of marriage, consenting to their own abduction, nor is the question of their consent to any subsequent marriage addressed. Perhaps such matters were left to the ecclesiastical courts. This law is the only one I have seen for the late medieval period which even considers the possibility of the male abductee, and it echoes the Statute of Westminster I's treatment of wards in this regard. I find it significant that these clauses deal exclusively with boys and girls who were underage. The possibility of abducting an adult male is nowhere considered, and seems to have been a non-crime to the medieval legal mind. These statutes remained unchanged for nearly a century.

The statute of 6 Richard II (1382), called the Statute of Rapes, was the next piece of legislation passed against abduction. Its preamble paints a picture of abduction as an increasingly frequent and serious offence: "Against the offenders and ravishers of ladies and the daughters of noblemen, and other women, in every part of the said realm, in

⁶⁰ Statute of Westminster II, *Statutes of the Realm*, 13 Edw. I, c. 35

these days offending more violently and much more than they were wont.”⁶¹ Although legal rhetoric of this sort can be misleading and exaggerated, if there were truly an increase in abduction incidents at the end of the fourteenth century, it might indeed have provoked the passing of new laws; further research is indicated. This statute gave a woman’s next of kin the right to prosecute her abductor on her behalf even if she subsequently consented to the abduction, stating “the husbands of such women, if they have husbands, or, if they have no husbands in life, that then the fathers or next of their blood have from henceforth the suit to pursue, and may sue against the same offenders and ravishers in this behalf, and to have them thereof convict of life and of member.”⁶² There was still little that a woman’s family could do if she never claimed to have been abducted, however. Cannon misinterprets this statute when he states that it “converted the right to appeal rapes that had been held by women to a right of action that was held by *men*.”⁶³ While women still had the right to appeal their own rape, this statute gave their relatives the same right in cases when the woman refused to appeal, for whatever reason (such as coercion, elopement, or continued captivity).

By the terms of the Statute of Rapes, it is clear that the offence was still considered a felony, punishable by death or mutilation, although most scholars who have examined the subject believe these harsh punishments were rarely enforced.⁶⁴ It also prevented an abductor from inheriting property through his victim, and debarred the victim of abduction from her own inheritance, dower, or joint feoffment (if any).

⁶¹ *Statutes of the Realm*, 6 Rich. II, c. 6

⁶² *Statutes of the Realm*, 6 Rich. II, c. 6

⁶³ Cannon, “The Rights of Medieval English Women), 173. Emphasis in original.

⁶⁴ Post notes that there is only one known instance, a 1222 case cited by Bracton, which follows through with a sentence of mutilation. Post, “Ravishment of Women,” 152.

Both of these clauses were clearly intended to protect the patrimony of the victim, and thus, by extension, the interests of her extended family. Furthermore, the abduction trial was no longer to be decided by battle, which had previously been an option. Post argues this change was due to concern over the probable age difference in most cases between wronged fathers and putative sons-in-law, which would give the younger man an advantage.⁶⁵ In the next regnal year, the Commons asked for the statute of 1382 to be repealed, because they apparently believed it was too harsh, but this request was not granted and the statute remained in effect.

Much like its predecessor, the preamble to the Statute of 31 Henry VI (1453) depicts abduction as an ever-more-serious crime:

Item, whereas in all parts of this realm divers people of great power, moved with unsatiable covetousness, against all right, gentleness, truth, and good conscience, have laboured and found new inventions and them busily do execute, to the danger, trouble, and mistreating of all ladies, gentlewomen, and other women sole having any substances, lands, tenements, or other moveable goods within this realm, perceiving their great innocence and simplicity, will take them by force, or otherwise come to them, resembling to be their greatest friends, promising them their faithful friendship, and so by great dissimulation, or otherwise, get them into their possession, conveying them into such places where the said offenders be of most power, and when any woman by such means or my any other means be in their government, the said evil-disposed person or persons will not suffer them to go at large and be at their liberty.⁶⁶

This is the first English statute to describe seduction or persuasion as a means of gaining a victim's consent, and also the first to explicitly discuss marriage following abduction (the earlier statutes refer only to a generalized sexual contact). Furthermore, it avoids the use of the ambiguous term 'ravish', or rather the Latin variants thereof, thus further clarifying the nature of the problem as it was perceived. It does not, however, deal with

⁶⁵ Post, "Sir Thomas West," 27.

⁶⁶ *Statutes of the Realm*, 31 Hen. VI, c. 9

the felonious aspects of abduction. Rather, it provides a means for women who are so treated to void any financial bonds that they may have been coerced into making during their abduction. It states that in many cases these abductors will not let their victims go

...until they will bind themselves to the said offenders, or other person or persons to their use, in great sums, by obligation or obligations, as well single as conditional, or by obligation or obligations of statute merchant, made before a mayor or bailiff.... Also they will many times compel them to be married to them, contrary to their own likings, or otherwise they will levy the said sum or sums on their lands and goods, and put their person or persons in danger.⁶⁷

The statute provided that any bonds made under duress could be voided by a writ from the court of Chancery. Although this statute seems, at first glance, to be much more denigrating to the intelligence and willpower of the women who are the victims of abduction, in fact it gives them a considerable amount of personal latitude. If an abducted woman could later claim that she had not in fact consented to her marriage, the union could be dissolved through the church courts, and any financial obligations she had been compelled to make during her abduction could be dissolved through Chancery.

The statute of 3 Henry VII (1487) was entitled "An Act Against Taking Away of Women Against Their Will."⁶⁸ It is of sufficient importance to merit a complete reproduction, with updated spelling:

Where women, as well maidens as widows and wives, having substances, some in goods moveable and some in lands and tenements, and some being heirs apparent unto their ancestors, for the lucre of such substances, been oft-times taken by misdoers contrary to their will, and after married to such misdoers or to others by their assent, or defouled, to the great displeasure of God, and contrary to the king's laws, and disparagement of the said women, and utter heaviness and discomfort of their friends, and to the evil example of all other: it is therefore ordained, established, and enacted by our sovereign lord the king, by the assent

⁶⁷ *Statutes of the Realm*, 31 Hen. VI, c. 9

⁶⁸ *Statutes of the Realm*, 3 Hen. VII, c. 2

of his lords spiritual and temporal and the Commons in this present Parliament assembled, and by the authority of the same, that what person or persons from henceforth that taketh any woman so against her will unlawfully, that is to say, maid, widow, or wife, that such taking, procuring, and abetting to the same, and also receiving wittingly the same woman so taken against her will and knowing the same, be felony; and that such misdoers, takers, and procurators to the same, and receptors knowing the said offence, in form aforesaid, be henceforth reputed and judged as principal felons. Provided always that this act extend not to any person taking any woman only claiming her as his ward or bondwoman.⁶⁹

The ambiguous term 'ravish' was once again avoided, and the acts involved were further clarified by the comparative use of the two terms "taken" and "defouled", implying a difference (but still a strong association) between physical abduction and sexual rape (and further, between post-abduction marriage and simple sexual contact). It also draws attention to the "disparagement" that women so abducted would face, suggesting that some connotation of sexual violation was at least implied in a case of abduction, and could have ramifications for such a woman's future social status, marriage possibilities, or general reputation. Under this statute, abduction was still a felony, punishable by execution, and such punishment was now applicable not only to the primary abductor(s), but also to those who aided them in their crime and anyone who knowingly received them following the abduction. Technically, however, this statute was only intended to apply to those abductees "having substances" or who were "heirs apparent" - those of lesser means were not included under the terms of the statute, although, as Ives argues, they may later have been included in practice as their cases appeared before the courts.⁷⁰ Again, we see here the tendency of the statutes in general to emphasize the protection of family property and wealth, rather than the

⁶⁹ *Statutes of the Realm*, 3 Hen. VII, c. 2

⁷⁰ Ives, "Inception and Operation," 24.

interests of the victim (insofar as her interests may be presumed to be separate from those of her extended family, which may not always have been the case). Interestingly, the statute was not intended to apply to those claiming wards, which would seem to have left something of a loophole. Wardship was often a very complex and convoluted issue, as I will discuss below, and determining who had the right to claim a ward was not always simple. Ives and Cameron have both examined this statute in some detail, and each believes that it was passed as the result of a specific case. Cameron argues that the impetus was provided by the abduction of the widowed Jane Sacheverell in 1485, while Ives sides with the high-profile abduction of the heiress Margery Ruyton in 1487, which he states was “the first [case] of its kind since 1480 at least.”⁷¹ Although his argument has some merit, it is clear that this last statement is simply false – there were numerous cases of alleged abduction that came before the court of Chancery during that period.

Chancery Petitions

For the Chancery cases I am examining, statute law is not of paramount importance, although it does provide an important context for illustrating the moral and legal standards of the period and the pre-existing beliefs that the various people involved may have held. In the late medieval period, Chancery functioned (among other things) as a court of equity - a last resort for people who could not get justice through

⁷¹ Ives, “Inception and Operation,” 29.

normal channels.⁷² Chancellors were meant to supplement the common law, but were not strictly bound by it.⁷³ Maitland states that it was very desirable that the chancellor “should be acquainted with canon law and Roman law, as well as with the common law of England.”⁷⁴ Furthermore, the complex procedures of the common law did not apply to Chancery. The plaintiffs began the suit by composing a letter (generally written in the vernacular, especially as time went on⁷⁵) directly to the chancellor, in which they described the details of the crime of which they or their relative had been the victim. The accused might then draft a response, denying the charges that were being leveled against them. If the court decided to hear the case, then subpoenas would be issued commanding the various people involved to appear in court for depositions to be heard and for the case to be decided.

It is important to recognize that the chancellor was not bound by the normal restrictions of the legal system and statute law as described above, but was rather supposed to base his judgements on “conscience.”⁷⁶ Haskett devotes considerable attention to the meaning of this term, and argues that “conscience” implies a degree of personal latitude on the part of the chancellor, but also that it meant “reason and right and law.” In other words, the chancellor would try to follow the dictates of his

⁷² Although Haskett debates whether the use of the term ‘equity’ in a strict legal sense (meaning the provision of a remedy that was outside the law, but fulfilled the *intention* of the law) is truly applicable to the late medieval court, I will use it here for the sake of clarity, with the understanding that some believe it may not be the proper technical term. Haskett, 266-68.

⁷³ Haskett, 253.

⁷⁴ F. W. Maitland, *The Constitutional History of England* (Cambridge: Cambridge University Press, 1908), 222.

⁷⁵ Of the fifty cases I have examined, only one was in Latin, and a small number in French, while the majority were in English.

⁷⁶ Baker, 42.

conscience (his sense of moral rightness) and also obey his knowledge of the law.⁷⁷ Indeed, some of these cases may have been brought before Chancery precisely because they did not fall easily under any of the pre-existing statutes, or because the common law courts were generally perceived as ineffective in remedying such situations. There are other reasons, too, why a case might appear in the court of Chancery. If the people featured in the case were wealthy and/or involved in local government, it might prove difficult or impossible to find a jury who could not be influenced (whether economically or with more subtle, social pressures) to favour one side over the other. Finally, it is possible that some of these cases began their lives in the mainstream court system, but were transferred to Chancery for some now-unknown reason.

The bulk of late medieval Chancery records that survive are not the actions of that court itself, but the petitions sent by ordinary people to begin legal action. These Chancery petitions, technically called bills of complaint, have several benefits for the researcher, but also several problems. They contain more details about particular crimes than do many other court records of the day, some of which are little more than a list of the charges, the names of the people involved, and the verdict. As well, they have the added advantage of being related in the victim's terms (though no doubt generally as mediated by a lawyer, who would have in most cases drafted the document), rather than being recorded from oral testimony and translated into Latin (and possibly in the process misheard or misinterpreted) by a court clerk, for example. They are, however, manipulative documents, and are consciously intended to evoke in the intended reader, the chancellor, a sense of pity, outrage, and the sheer enormity of the crime. As

⁷⁷ Haskett, 311.

Chancery was a court of conscience, the complaints directed towards it were meant to describe unconscionable acts. We may question whether any court document is without considerable bias, but these documents are clearly more slanted than most. This does not render them unusable, though; they can, if read cautiously, impart valuable information about the way in which people chose to present their cases for maximum effect, and thus about contemporary concepts of justice and morality - about standards of what constituted acceptable and unacceptable behaviour. Following the ideas pioneered by Natalie Zemon Davis in her 1987 work *Fiction in the Archives*,⁷⁸ it is in this context that I have chosen to examine the petitions: considerations of 'truth' and 'fact' in each case will take on a secondary importance in the face of presentation, motivation, and legal or rhetorical strategies.

An additional difficulty is that no verdicts for these particular cases have survived, because Chancery was not part of the normal justice system and its rulings were not meant to set precedents. Since its judgements only affected the individuals involved in each case, they were considered of comparatively little importance, and were rarely recorded during this period. It is impossible for us know what was decided, or even (in many situations) whether the case was ever heard before the Chancery court at all.⁷⁹ Written depositions did not appear in Chancery until the mid-fifteenth century, and final verdicts did not begin to be formally recorded until after the Reformation, when the operation of the court was considerably altered. Before that, occasional Chancery cases

⁷⁸ Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford, CA: Stanford University Press, 1987).

⁷⁹ Haskett, 278-79.

were recorded in Year Books, but only ones that were considered of use for lawyers to study. Sporadically, a verdict might have been recorded on the reverse of a petition, but this was rare, and was not the case for any petitions in my sample group. While this is often frustrating for the researcher (and, no doubt, for my readers as well), it is a common problem in dealing with any medieval legal documents, where records are often incomplete. Whether one party or the other was eventually found culpable, and what reasons the chancellor gave for his decision, would certainly be interesting and useful information. In any case, though, it would probably not serve to inform us about the ultimate truth of the matter any more than modern trials determine the actual guilt or innocence of the defendant. Furthermore, as Haskett argues, we can sometimes read between the lines of petitions to see what the plaintiffs believed Chancery could do for them, and from that starting point make further inferences about how the chancellor may have made his decisions, although to do so would require the study of a great many more cases than I have examined here.⁸⁰

Another problem is the difficulty involved in dating many Chancery petitions precisely, since they are often addressed only to the chancellor by title, not by name. The process of dating thus involves cross-referencing the address of the petition with a chronological table of the Lord Chancellors of England.⁸¹ For example, a petition addressed only to “The Archbishop of Canterbury” could reasonably be dated to 1487-93 or 1504-15, because both are time periods when an Archbishop of Canterbury served as chancellor. Sometimes we are fortunate to have other clues which enable us to further

⁸⁰ Haskett, 284-85.

⁸¹ I have included the table I compiled for this purpose as Appendix I.

narrow down the date in question, such as the first name of the chancellor, or a date within the petition itself, but in most cases, a range of some years is the best we can do. When a petition is only addressed to "The Lord Chancellor", or has no surviving address at all, dating must be based on considerations of language and general chronological placement within the larger bundle of records, resulting in an even more uncertain identification. The Public Record Office has assigned dates to each large bundle of petitions, but my analysis has shown me that these dates are not always accurate, and petitions from many different periods may be grouped together for reasons of similarity in address, handwriting, or appearance. When a specific question of date arises in context, I will explain how I arrived at the date or date range given. To give a general idea of the time period covered, the earliest petition in my sample dates from c. 1389, and the latest may be as late as 1515. The majority, however, probably fall into the period between 1450 and 1500. This corresponds with the general survival of Chancery records, which are much more plentiful for the later medieval period.

Identifying Petitioners and Others Involved

Who are the people appearing in these petitions? Social status is always a difficult thing to determine, but several of my cases clearly involve people from the upper echelon of society. Avery's more exhaustive study of petitioners to Chancery has found that before the reign of Henry VI, most petitioners were from the poorer sectors of society, whereas between 1432 and 1450, over ninety percent of cases were from the landowning classes. While this category is still very broad, it does give some idea of the

general status of the petitioners.⁸² My selection of cases seems to confirm this trend, and it clearly continues past 1450. Five plaintiffs are named as esquires and one is the widow of an esquire, one is the widow of a knight, and one is not only a knight, but also Baron of Clinton and Say. In the category of “accused”, I find one yeoman, one esquire, seven gentlemen and one bastard son of a gentleman, two Justices of the Peace, and six knights. In addition, two other petitions involve (in somewhat more peripheral ways) Elizabeth, Countess of Oxford and John Welles, Viscount Welles.⁸³ Furthermore, several cases involve minor nobility and gentry who are not referred to by their titles, making an entirely accurate count of their numbers difficult. The comparatively large number of aristocrats is fairly typical of legal documents of the period, because high-ranking individuals generally made the greatest use of the court system. Haskett’s study of the demographics of Chancery petitioners has found that esquires and knights were the most active principals in his much larger sample.⁸⁴ Even many of the non-aristocrats come from the more prestigious or wealthy trades; the plaintiffs include a goldsmith, three merchants, a dyer, a netter, a draper, a barber, and an anchoress, as well as a number of more conventional churchmen. Although the accused individuals’ occupations are less often mentioned in these petitions (possibly because it was not always known or considered relevant to the case), those that are described seem to come from a somewhat lower social class. The abductors include several members of the clergy, as well as a tailor, a barber, a laborer, and a “comune rover a ponne the see.” We

⁸² Baker, 41.

⁸³ The son of Margaret Beaufort by her third husband Lionel, John Welles was an uncle of Henry VII and also Edward IV’s son-in-law.

⁸⁴ Haskett, 290. His project involves the study of over 16,000 Chancery petitions from the fifteenth century.

should bear in mind, however, that some upper-class petitioners may have consciously chosen to represent their antagonists as being from a lower (and hence, a more criminal) sector of society, in order to further impress the chancellor with the seriousness of their case and the need for a swift remedy.

Identifying a petitioner's location within the country is somewhat easier, since most petitions inform us about this detail in the address, although this may not always be the location where the crime was committed. Indeed, some cases span several counties, as abduction was a crime which could involve a considerable degree of physical relocation. The largest group of my petitions (eighteen out of fifty) come from London, which is not surprising, considering its population. The next most popular location was, quite interestingly, Cornwall, with six petitions coming from that area. There is no great concentration of cases in any other county, but rather a scattering of cases from around the rest of the kingdom, with few counties having more than one or two incidents in this sample.⁸⁵

The strange number of cases from Cornwall, which greatly outweighs its small population, begs for an explanation. Unfortunately, I cannot provide a completely satisfactory one at this juncture, though I can make some suggestions. We should first consider that this could simply be an anomaly produced by the small size of my sample, and that in fact Cornwall experienced no more abductions than all the other counties of England. It is possible, however, that this trend was a real one, in which case further research should be able to confirm it, and even propose a cause. Perhaps Cornwall was

⁸⁵ Yorkshire and Lancashire each had three petitions, while Somerset, Wiltshire, Surrey, Kent, and Devon had two each. Chester, Lincoln, Derby, Shropshire, Hertfordshire, Norfolk, Berkshire,

more prone to lawless behaviour in general, or to incidents of abduction in particular.

Rowse suggests tantalizingly that in the late fifteenth century the gentry of Cornwall engaged in many feuds, "usually over property or office," feuds which could have contributed to a higher incidence of abduction.⁸⁶ He also notes that the Cornish gentry of this period were distinguished above their colleagues in other counties by their litigiousness.⁸⁷ Perhaps the Cornish land-holding class simply made greater use of the court of Chancery because of some inadequacy of the courts in the Duchy itself. Hatcher states that during this period "the full complement of thirteen courts continued to be held each year, almost without exception and, although receipts from the courts were invariably lower in the fifteenth century than they had been in the fourteenth, there were no signs of any severe decline in judicial profits" in Cornwall, which could at least tentatively suggest an increase in the use of the court of Chancery over local courts.⁸⁸ Although it is not a satisfactory conclusion to this problem, and clearly more work needs to be done, at the moment it seems likely to me that some combination of these factors is at work.

At the final level of identification, I have tried to find other traces of these individuals in existing records of the time period. For example, I have consulted the wills of people involved in these cases whenever they were available to me. In most cases the will has unfortunately done little to shed light on the details of the abduction

Northampton, Herefordshire, Gloucester and Rutland each provided one petition to my sample group.

⁸⁶ A. L. Rowse, *Tudor Cornwall: Portrait of a Society* (London: Macmillan and Co., 1969), 106.

⁸⁷ Rowse, 85.

⁸⁸ John Hatcher, *Rural Economy and Society in the Duchy of Cornwall 1300-1500* (Cambridge: Cambridge University Press, 1970), 167.

incident itself. In some cases it has confirmed a family relationship or neighbourly bond between people involved in the case, while in others, the date of an individual's death has proved helpful in narrowing down the date of the petition. It is, of course, easiest to locate the wealthy and powerful individuals, since they simply tend to show up in more sources, but even then, many of these subjects remain obscure, beyond a name and perhaps a date of death.⁸⁹

Is Abduction a Gendered Crime?

Perhaps because of the long-standing association with rape, abduction has been primarily seen as a crime committed by men against women, and these documents do, to a large extent, bear that claim out. I have, however, found two cases of abduction of males. Both seem to have been under the age of fourteen, the legal age of marriage for men, at the time they were abducted. This is in accordance with the statute laws, which do not consider the possibility of adult males being abducted. As Sue Sheridan Walker has observed, the preponderance of male heirs made the abduction of young males a more frequent crime than we might expect.⁹⁰ I feel certain that further research in the Chancery files would turn up more such cases. As I noted, however, the vast majority of

⁸⁹ Other sources I have consulted include *Burke's Peerage and Baronetage*, *Burke's Extinct and Dormant Peerage and Baronetage*, *Cokayne's Complete Peerage and Complete Baronetage*, *Debrett's Peerage and Baronetage*, the *Victoria County Histories* for various counties (where they were available), and several of the county historical societies. I have checked the Harleian visitation records for London (the area where the largest concentration of my cases lay), and found them to be of little help for this time period.

the victims described in these petitions were female. This begs for an explanation, since they might not always be the most financially lucrative choices for abduction. Were women a more desirable target for abduction because they were more physically vulnerable, or less well supervised? Were they considered to be more easily manipulable than young men (either in terms of being convinced to leave their guardian, or being pressured into a later marriage)? Was there some factor of sexual attraction involved on the part of male abductors? Or was it part of a larger pattern of medieval male/female courtship behaviour, in which it was customary for males to take a more active role, as McSheffrey has demonstrated?⁹¹ It seems likely that all of these answers were true to varying degrees, depending on the individual situation.

I have found four cases in which a woman is the defendant facing a charge of abduction. For example, Isabel, widow of Richard Russell of York, took her daughter Jane away in order to prevent her marriage to Nicholas Wodehyll.⁹² Family concerns were at issue here, and two of the female abductors in this sample were closely related to their victims. In fact, these women were both the mothers of their abductees, a problem that I will discuss below.⁹³ But the female abductor need not necessarily have been an immediate family member of the victim. One Maud de Lye is included along with various men who allegedly abducted Margerie, wife of Richard Cliderowe, in the early

⁹⁰ Sue Sheridan Walker, "Free consent and marriage of feudal wards in medieval England," 127.

⁹¹ Shannon McSheffrey, " 'I Will Never Have None Ayenst My Faders Will': Consent and the Making of Marriage in the Late Medieval Diocese of London," in *Women, Marriage, and Family in Medieval Christendom: Essays in Memory of Michael M. Sheehan, C. S. B.*, ed. Constance M. Rousseau and Joel T. Rosenthal (Kalamazoo, MI: Western Michigan University: Medieval Institute Publications, 1998), 153-74.

⁹² PRO C1/10/329, 1432-43 or 1468-73.

⁹³ The other case of a mother abducting her own child, the abduction of Richard Heaton, will be discussed in greater detail below.

fifteenth century.⁹⁴ This group of five named and “plusours autres meffesours” who remain unnamed not only took Margerie away to the county of Chester from her home in Derby, but also allegedly made war against Richard and his servants with a force of some nine hundred armed men over the course of several days. Maud de Lye’s exact role in this apparent vendetta is unclear, but her very presence in the records is worth mentioning, even if at this juncture we cannot explain it.

Thirteen cases include a woman as a plaintiff, often with their husbands (especially second husbands) or other male relatives as co-plaintiffs. Eight of those thirteen petitions feature a woman as the sole plaintiff, and six of those women are specifically described as widows, which may explain their more active role in petitioning the chancellor.⁹⁵ In my sample, women are (for the most part) not petitioning on their own behalf, but in order to protect their children or other relatives. The widowed Eleanor Lambroke petitions for the return of her daughter Margaret, while Joan, late the wife of Sir Richard de Peshale, is concerned over the abduction of her dead son’s wife Maud.⁹⁶ Elizabeth Wakehearst was the strongest voice behind the petition demanding the return of her two granddaughters.⁹⁷

Only one still-married woman in my sample, Elizabeth, wife of Joice Lamanva, petitions alone and on her own behalf, but she justifies her actions because her husband “is nowe and hath bene this thre wikes and more at Bristowe,” and the case demands

⁹⁴ PRO C1/6/195, 1413-1417 or 1424-1426.

⁹⁵ Haskett has found a similar trend, as widows comprise between 34.2 and 44.9 percent of all female principals in his survey. Haskett, 289-90.

⁹⁶ PRO C1/5/45, 1404-1423; PRO C1/7/2, c. 1389

⁹⁷ PRO C1/26/304, 1457-1460. I will discuss this case in much greater detail in a later section.

immediate action.⁹⁸ Elizabeth's situation was indeed difficult, and difficult for me to categorize. She, her absent husband, and her servant Alice Ryder had all been accused by William Rothley, armorer, of abducting his wife around 1467-72. As previously mentioned, Joce Lamanva (the family name is, interestingly, of Cornish origin, although the case takes place in London) was in Bristol. Elizabeth claims that Rothley, "of pure malice onely to thentent to put youre said oratrice in sclaundre, costes, and trowble," took advantage of this absence to begin an action of trespass⁹⁹ against the couple and their servant, believing that the women left alone would be vulnerable. He accused them of collaborating in Joce Lamanva's leading away his (unnamed) wife. Alice, her singlewoman servant, was apparently imprisoned on this charge, since Elizabeth asks the chancellor to grant a writ of *corpus cum causa* (to "bryng up the body and cause.") This writ would require Alice to be brought before the court and have the charges against her laid out promptly.

Although she is clearly taking a very active role in the defense of her reputation and her household, Elizabeth's petition plays up her stereotypical image as a helpless woman. It reiterates no less than three times that her husband is currently absent from the city, saying that Rothley "is of such disposicion that he, thorowe his acquyntance in like wyse maliciously disposed, entendith nowe in the absence of her husband to oppresse and utterly to undo your said oratrice and the said Alice, without your gode lordship unto them beshewed." Elizabeth seems almost to be asking the chancellor to take on some of the functions of her absent husband and protect her (and especially her

⁹⁸ PRO C1/46/47, 1467-72.

⁹⁹ At this date, being an accomplice to abduction could not incur a felony charge, which explains why Rothley had to content himself with an allegation of trespass.

more vulnerable servant) from the legal machinations of the malevolent Rothley, whom she claims never to have met before, and certainly not to have offended in any way. Although her portrait as a helpless woman seems not to match fully the picture of a woman petitioning the chancellor both on her own behalf and that of her servant, she (or her lawyer) clearly thought that such a presentation would help her case, probably by evoking sympathy from the men who would read it and weigh its merits.

One of the female plaintiffs in my study did petition on her own behalf as the victim of abduction: Agnes, daughter of John Terry. She was also a widow, although she evidently preferred to identify herself in relation to her father.¹⁰⁰ Agnes accused Master John Bicombe, the parson who was her guardian after her father and mother died, of withholding most of her inheritance: money to the value of forty pounds and goods amounting to twenty pounds, as well as lands in Oxfordshire and Berkshire. She also accused him of imprisoning her in his sister's house for more than forty weeks "that noe man ne woman shulde speke with me, ne knowe where your seid besecher [was] safe." This treatment continued until Agnes said she became "enfeblisshed in brayne." Then, "he cared [carried] your seid besecher unto Hampshire be nyght in a pages clothyng, and then, by the seid maister John, your seid besecher was mared unto such a man that was after his fantasie." This (unfortunately unnamed) husband had since died, but he revealed to Agnes while on his deathbed that he had sworn before the mayor of Oxford and made a bond of one hundred pounds not to pursue any legal action against

¹⁰⁰ PRO C1/19/152, 1450-53. The reason why Agnes preferred to identify herself by her father's name rather than that of her husband is of course ultimately unknowable, but it is tempting to speculate that because she was apparently coerced into her marriage, she chose after her husband's death to use the name of her birth. Indeed, she names her husband nowhere in the

Master John; Agnes consequently petitioned the court for the right to sue her former guardian herself.

Like Elizabeth Lamanva, Agnes too presents herself as defenceless in the face of her oppressor. Indeed, her petition goes still further, claiming that she was emotionally and mentally unstable during and following her long ordeal (as she says, “atte summe tyme shee is not [alder?] beste disposed.”) Furthermore, although she ostensibly petitioned by herself, there is a postscript to the petition in Latin which states that Agnes had apparently lined up two gentlemen, Denton de Appleton and Thomas Rugeley, to further support her claims. Because Agnes would have been without a legal guardian at this point (since her father and husband were both dead), it is likely that these gentlemen were providing her with informal support and aid in order to help her file this petition. Although as with all petitions there is the near-certainty that a professional lawyer was involved at some stage, I get the sense that on occasion Agnes Terry’s real voice may slip through the cracks. The petition alternates between the third and first persons (Agnes is at various times in the same sentence “me” and “your said besecher”), and has a somewhat idiosyncratic style. One gets the impression that Agnes, daughter of John Terry, was a woman not afraid to stand up for what she believed were her rights.

It is clear even from this relatively small sample that Chancery was a court where some women (particularly widows and women from the property-owning classes) could have a voice, and a strong one at that, even if it meant bowing to custom and their lawyers’ advice and presenting themselves as defenseless victims, or alternately as

petition, an absence which is quite striking in an environment when it was much more common to find female figures lacking personal identification.

outraged mothers.¹⁰¹ This female presence in Chancery has been largely ignored by previous researchers examining the question of medieval women's participation in the law. Haskett has found, however, that women took a more active role in Chancery as the fifteenth century wore on, with the proportion of women principals rising by fifty-five percent.¹⁰² Evidently Chancery was not an entirely male-dominated preserve, although surely in many cases where the petitioner was female, there were also male lawyers who aided with the presentation of the petition. As well, there are often more nebulous male figures in the background who aided female petitioners to gain access to legal counsel and no doubt provided advice and financial assistance. Nevertheless, scholars interested in the role of women in medieval law would do well to peruse these records.

The Abductor's Point of View

Ten of the petitions in this sample are noteworthy because they come from the alleged abductor's side of the story. In each of these cases, an individual has been accused of the crime of abduction. Some have even been imprisoned (they say wrongly, of course) on the basis of such an accusation. It is possible that these bills were responses to previous petitions from their accusers, or perhaps these cases may have begun in the common law courts, but it is clear that each of these petitions is responding to an already

¹⁰¹ If corporate entities are excluded, women comprised twenty-one percent of the petitioners in Haskett's study. He has also found that, of the female principals, seventy-three percent were petitioners and twenty-seven percent were respondents. Male principals were more or less evenly divided. Thus, if a woman was involved with a Chancery case, she was likely to have initiated it. Haskett, 286.

¹⁰² Haskett, 286.

ongoing legal proceeding. Each petitioner begs the chancellor to examine the original case, provide justice, and release them.¹⁰³

A sampling of these cases will suffice to give the general tenor of the whole. Francis Dore, a merchant of Genoa, petitioned because he had been imprisoned for the abduction of Johanne, wife of William Frythe. He requested the court's intervention because the jury, in a striking demonstration of national solidarity and xenophobia, had promised Frythe that they "will credit no Lombard."¹⁰⁴ William Henley, a draper of London, was imprisoned ("fetered with heuy ironnes lyke a felon") for the alleged abduction of the wife of John Garstange, grocer, "wherof as god knowith, he is not gyilty, and therof dare be tried by his neighburs."¹⁰⁵ A tailor named Richard Gybson of London had claimed that John Seton, a priest, "with force of armes lede away a woman seruaunt of the seid Richard with certayn stuff of his," a charge which Seton denied utterly.¹⁰⁶ Each of these petitions is essentially a wrongful arrest suit, in which the accused denies the charges against him or her, and begs the chancellor to rectify the situation. Only rarely does the petitioner even admit to knowing the person they are accused of abducting. This legal strategy may have been useful, but it provides us with comparatively little evidence from which to reconstruct the alleged abduction.

One petition of an accused abductor which contains a considerable amount of information about the alleged abduction involves Thomas Clynte, parson of St. John's, in

¹⁰³ Most of the 'accused' in these petitions are actually the sheriffs and mayors of the various communities.

¹⁰⁴ PRO C1/32/439, c. 1481.

¹⁰⁵ PRO C1/46/102, 1467-72.

¹⁰⁶ PRO C1/160/18, 1486-93 or 1504-15.

Bristol.¹⁰⁷ His version of the story is as follows: Isabell, the wife of a mariner named John White, “beyng of long contynuaunce a woman of evyll name and fame,” came “in suspicious tyme” (perhaps meaning at night) to his house. What then transpired between them is not described, but Thomas claims that it was all a set-up; Isabell had been sent (and possibly paid) by William Toket, a bailiff, who seems to have been a personal and long-standing enemy of the parson. John White, Isabell’s husband, caught the parson with his wife and, “with other evill dysposed persones,” beat him up, then charged him with “the takyng a waye of his seid wif and godes to his dammages of a C marcis.” The phrase “takyng a waye” would seem to preclude the possibility that this was purely a sexual offence. Whether or not this was a case of entrapment, it is certainly noteworthy that a charge of abduction could apparently be laid successfully when the alleged victim had only been at her abductor’s home for a period of (at most) a few hours, and possibly a much shorter time.

How these accused abductors chose to present their cases is informative. As I already mentioned, some claimed that they have never even met the person in question, let alone abducted them. Some, like Thomas Clynte, chose instead to cast aspersions on the character of either their alleged victim or their accuser. For example, John Langrake, barber and citizen of London, said that the girl he was accused of accosting, a twelve-year-old servant named Johane, “is of right wanton disposicion, and often tyme and many hath departid and renne awaye.”¹⁰⁸ William Henley claimed that he could not possibly have committed the crime he was accused of because “your seid oratour this

¹⁰⁷ PRO C1/31/447, 1464-67.

¹⁰⁸ PRO C1/64/1158, 1483-85.

half yere and more hath been sore greued with dyuerse grete infirmytees in his lymmes and other partees of his body, that he myght not ne yet may not ryde nor goo.”¹⁰⁹ Only one man, John Gravener, whose case is discussed in more detail below, admitted to the “abduction,” but he claimed it was lawful because the woman in question was his wife, who came with him willingly.

Denying everything was a popular strategy for medieval defendants, and these alleged abductors tended to follow that pattern.¹¹⁰ Although the denial of all knowledge of one’s accusers may have been common, it is a claim which stretches the borders of credibility somewhat. The tactic of denigrating one’s legal opponent was also used frequently, and, in a court where reputation was all-important, would have been an effective strategy for besting a system that tended to favor the defendant. Further research into similar petitions could provide considerable information about the opposing side in legal cases, which is not always well-represented in the literature. If petitions like these could be matched with the petitions from the original plaintiffs, we could attempt to reconstruct both sides of the story, which would no doubt inform us even more.

Problems: 1. Nature of the Offence and Terminology

Any study of abduction in late medieval England must surmount at least three major problems. First among these is the ambiguous terminology used in many legal

¹⁰⁹ PRO C1/46/102, 1467-72.

¹¹⁰ Baker, 91.

documents. The most frequently-used Latin term, *raptus*, can mean “carrying off, abduction, rape, or plunder,” and derives from the verb *rapio*, meaning “to snatch, or seize hastily.” The preferred equivalent English verb is “to ravish,” since it incorporates in its definition a similar ambiguity regarding the possibility of sexual contact. It is certain that contemporaries also recognized this ambiguity in the law and their terminology, but it seems not to have posed a problem for their legal purposes. J. B. Post even suggests that wealthy families favoured such blurring of the lines between abduction, elopement, and rape, in order to be able to further their own aims above the desires of the victim.¹¹¹ Pearsall argues that only sexual rape was described by the term *raptus*, whereas abduction would more frequently be implied by the use of a phrase such as “*rapuerunt et abduxerunt*.”¹¹² Cameron states that for an indictment to include “rape as we now understand it,” the phrase “*carnaliter cognovit contra voluntatem suam*” would have to be included.¹¹³ It seems, however, that neither of these suggestions can be borne out in actual practice. The Latin terminology is rarely useful for Chancery petitions, in any case, because they are almost all written in the vernacular.¹¹⁴

Because abduction and rape fell under the same laws, previous scholars, including Post and Brundage, have generally not distinguished between them and have grouped the offences together. The terminology I have seen used in the petitions does not always bear out the validity of this practice, however. Among the petitions I have

¹¹¹ Post, “Ravishment of Women,” 158.

¹¹² Pearsall, 135.

¹¹³ Cameron, 85.

¹¹⁴ Only one of the petitions I have examined was written in Latin. PRO C1/52/3, the case of the abduction of Elizabeth Barantyne.

examined, we find Margerie Cliderowe, who “*fuist aloigne*”¹¹⁵ from her husband; Jane Russell who was “*esloignez...en estraungez lieux*”¹¹⁶ from her mother; Agnes Terry who “*was cared [carried] and ladde a way*”¹¹⁷ by her guardian; Anneys Walton, who was “*purleynd and taken away*”¹¹⁸ by sailors; Margaret Monmouth, who was “*intysed, moved, and stirred to goo*”¹¹⁹ with her abductors; Agnes Ferby, who was “*intysed and conveyed*”¹²⁰ from her parents; and the unnamed female servant of Richard Gibson who was “*with force of armes lede away.*”¹²¹ This terminology tends to be unambiguous in conveying the idea that the woman was physically moved, although most leave vague the question of sexual assault. These petitioners wanted to make clear to the court that the victim had been removed from her previous location, and consequently most avoided ambiguous terms such as “*ravishment.*”

The only petition I have examined in Latin, which deals with the abduction of Elizabeth Barantyne, uses a variant of the term “*raptus*”, when it states that

...*Johannes Smyth, nuper de London gentilman, Ricardus Freebodie nuper de London gentilman, Thomas Beere nuper de parochia Sancti Clementis Dacorum extra barram noui templi London in comitatu Midd’ gentilman, Johannes Wiett nuper de eisdem parochia et comitatu gentilman et Johannes Mayne nuper de London yoman, quinto die mensis Augusti ultimo preterito apud London, in religiosa domo fratrum predicatorum London situata in parochia sancti Martini infra Ludgate London in warda de Faryngdon infra London aggregatis sibi quampluribus malefactoribus et pacis domini regis perturbatoribus ignoter riote in magna routa modo guerrino arrarater vi et armis, videlicet gladiis, arcubis, sagittis, et glayves, in Elizabeth Barantyne viduam nuper uxorem Johannes Barantyne armiger ad ipsam Elizabeth rapiendum adtunc et ibidem insultum fecerunt ipsi que nec deum neque censuras ecclesiasticas timentes ac manus in ipsam Elizabeth adtunc et ibidem iniacentes eandem Elizabeth vi et armis contra*

¹¹⁵ PRO C1/6/195, 1413-17 or 1424-26.

¹¹⁶ PRO C1/10/329, 1432-43 or 1468-73.

¹¹⁷ PRO C1/19/152, 1450-53.

¹¹⁸ PRO C1/24/222, 1454-55.

¹¹⁹ PRO C1/150/54, 1486-93 or 1504-15.

¹²⁰ PRO C1/234/71, 1493-1500.

¹²¹ PRO C1/160/18, 1486-93 or 1504-15.

voluntatem suam adtunc in religiosa domo predicta quandoque portando ac interdum trahendo usque pontem fratrum predicatorum vocatum le frerebrigge in eisdem parochia sancti Martini et warda de Faryngdon infra prope Ripam Thames abduxerunt ac eandem Elizabeth in quoddam batellum adtunc in aqua Thames in eisdem parochia Sancti Martini et warda de Faryngdon infra prope Ripam predictam existentem ad eorum nephandum propositum perimplendum et per ipsos ad hoc constitutum iniecerunt.¹²²

...John Smyth, lately of London, gentleman, Richard Freebody, lately of London, gentleman, Thomas Beere, lately of the parish of St. Clement Danes outside the New Temple Bar, London, in the county of Middlesex, gentleman, John Wiatt, lately of the same parish and county, gentleman, and John Mayne, lately of London, yeoman, on the fifth day of the month of August last past gathered at the religious house of the Dominican friars in London situated in the parish of St. Martin within Ludgate, London, in the ward of Faringdon Within, London, together with a great many malefactors, and disturbed the Lord King's peace with ignoble riot in the highway, arrayed in the manner of warriors with force and arms, that is to say, swords, bows, arrows, and glaives. They went to Elizabeth Barantyne, widow, lately wife of John Barantyne, esquire, and in order to **ravish** the same Elizabeth they then and there insulted her, fearing neither God nor ecclesiastical censures. They laid hands on the same Elizabeth and abducted the same Elizabeth, who was at that time in the aforesaid religious house, with force and arms against her will, sometimes carrying and sometimes dragging her up to the bridge of the Dominican friars called *le frerebrigge* in the same parish of St. Martin and ward of Faringdon Within near the River Thames. They threw same Elizabeth into a certain boat that was at that time in the river Thames in the same parish of St. Martin and ward of Faringdon Within near the river in order to fulfil the nefarious proposals they had devised for this purpose.

In this case, the petitioners are the mayor and aldermen of London, who may have been seeking to impress the chancellor with just how learned and skillful they (or their lawyers) are by using rather high-flown Latin, rather than the more typical English. The case involved many relatively high-profile gentlefolk. The Barantyne family were relatives of the famous Stonor clan of letter-writers, as Elizabeth and John's eldest son

¹²² PRO C1/52/3, 4 Dec. 1475. A copy of the petition also survives in the Journals of the Court of Common Council of the City of London. London, Corporation of London Record Office, Journal 8, fols. 121v-122r. This transcription, from that source, and the translation that follows, are my own.

John married Mary Stonor.¹²³ John Barantyne Sr. had died in 1474, leaving a will in which his four minor children (John, Austyn, John II, and Anne) were given into the care of his wife. The bulk of his money and goods were also left to his wife “to the entent to dispose it for my soule and to pay and content alle my dette”, along with most of his considerable property in the counties of Oxford, Bedford, and York, which she was to hold until her death.¹²⁴ Elizabeth was also one of the executors of his will, which was not probated until 1477.

The circumstances of the case as described in the petition are as follows: on 5 August 1475, Elizabeth was with several male servants at the house of the Blackfriars in Faringdon ward, London. A number of malefactors, led by John Smyth, gentleman, Richard Frebodie, gentleman, Thomas Beere, gentleman, John Wiett, gentleman, and John Mayne, yeoman, all armed with swords, bows and arrows, arrived and took Elizabeth and her servants away to a boat in the river Thames near Blackfriars Bridge. They are said to have “insulted” her and put her into the boat, where they kept her for the space of one hour. The group also beat her servants so badly that their lives were in danger. Then the “misgoverned” and “riotous” men fled to unknown places and could not be found. Elizabeth’s supporters were petitioning the chancellor by 4 December 1475 for remedy. These supporters included the mayor of London, Robert Basset, and several other former mayors, knights, and aldermen of the city of London.

The motivation for this attack is uncertain. There was no mention of any theft during the course of the abduction, or of any previous dispute between any of the

¹²³ Charles Lethbridge Kingsford, ed., *The Stonor Letters and Papers 1290-1483*, 2 vols. (London: Offices of the Royal Historical Society, 1919), 2: 128.

¹²⁴ PRO PCC Prob. 11/6, fols. 246v-266r.

abductors and the Barantyne family. Unfortunately, I have been unable to trace any previous or subsequent connection whatsoever between the Barantynes and any of the accused, although there may have been some relationship which is not evident from the records I have examined. The question of the exact meaning of the Latin term "rapiendum" used by the petitioners will be discussed at greater length below. The petition alleges that the armed men "abduxerunt" (abducted) Elizabeth, which could imply that here "rapiendum" was being used in its sexual sense. The ambiguous term "insult" could also be interpreted as a sexual violation, although later in the same petition Elizabeth's male servants were also said to have been subjected to "insults," which, while it does not disprove the idea that this may have been a sexual "insult," does call that interpretation into question. Perhaps the attack was motivated by some previous confrontation between some of the parties, or perhaps it was a more random act of violence whose cause is ultimately irretrievable.

After her attack, Elizabeth married Sir John Boteler, apparently in the fall of 1476.¹²⁵ Even after she was remarried, however, she continued to be occasionally called Lady Barantyne in the Stonor letters.¹²⁶ She was later involved in another abduction case, this time on the other side, as the Prince of Wales accused her and Sir William Stonor "of ravishment of his ward Barantyne."¹²⁷ Kingsford believed this to have been Elizabeth's eldest son John, who was married to Sir William's sister Mary when they were both underage. There is also a record from 1475, however, whereby the Stonor family granted Elizabeth Barantyne the wardship of a girl named Edith, daughter of

¹²⁵ *Stonor Letters and Papers*, 2: 128.

¹²⁶ *Stonor Letters and Papers*, 2: 142-44.

¹²⁷ *Stonor Letters and Papers*, 2: 143.

John Hore of Elsfeld, which could conceivably be connected to either of the other cases discussed above.¹²⁸ Although many of the details of this case are uncertain at the moment, the prominence of the families involved means that other evidence could come to light with further research.

I find it significant, however, that of the petitions I have examined, none (with the possible exception of Elizabeth Barantyne's case, with its use of the loaded terms "rapiendum" and "insultum") gives a specific, clear description of a sexual assault on the victim. Two cases do, however, use the term "ravish", and the ambiguity of that concept means that some connotation of sexual violence might have been implied. The daughter of Otis Treunwith was "contrarye to here wille toke, rauysshed, and ladde away to placis unknowe."¹²⁹ In the second such case, the Mone family of Tredyneke were confronted by men "with force and armes in manere of werr arraied...maden assaute upon the seid Margarete, beyng sool, and Johane doughter and heir of the seid... [petition damaged] with her rauysshed, toke, and ledde away into an arme of the see called the hauyn of seint germyn, and ther cast her with greet violence into a bote,"¹³⁰ and then threw her overboard, leaving her to drown. It may be significant that both of these petitioners used essentially the same phrase to describe the event, which could suggest that it was a common legal formula. The apparent duplication of the terms "took", "ravished", and "led away" may not be as repetitive as it seems, however, and

¹²⁸ *Stonor Letters and Papers*, 2: 168.

¹²⁹ PRO C1/20/154, 1450-53. It is possible that this Otis Treunwith is the same as the Otes Trenwyth of PRO C1/158/35, 1486-93 or 1504-15, although there is no other evidence to link the two cases, and the tentative dates would make this interpretation impossible.

¹³⁰ PRO C1/43/49, 1467-72.

there may have been subtle nuances to each phrase, with “ravished” in this context taking on a sexual overtone.

Perhaps in such cases the use of the ambiguous term “ravish” was deliberate, or even desirable, for those late medieval petitioners who employed it. I would suggest that the concept of ravishment involved the *appearance* of impropriety, not just (or even necessarily) the physical act of rape. The modern concern with whether or not sexual contact took place may have been foreign to the fifteenth-century mind – what was important was that it *could have* taken place. It would have been difficult to prove after the fact whether a woman had or had not had sex, and nearly impossible to conclude whether she had genuinely consented to any such sexual contact. In order to be on the safe side, the medieval mentality may have simply avoided trying to prove or disprove any claims one way or the other. By using ambiguous terms like “raptus” or “ravish,” there was no need to distinguish between abduction and rape. This served the interests of the victims’ families as well, because it obfuscated the line between elopement and rape. Henry Ansgar Kelly suggested a similar idea when he argued that “there was probably an implicit accusation of sexual violation where the circumstances admitted it: that is, whenever a woman was abducted by a man.”¹³¹ My suggestion, however, contains the additional nuance that it may not have actually mattered whether the woman was raped or not – it was the *appearance* of impropriety that was of concern. Whenever a woman was alone with a man who was not a close relative, some degree of sexual impropriety may have been automatically implied, at least as far as her family and her future reputation were concerned. On the other hand, the choice on the part of

¹³¹ Kelly, “Meanings and Uses of ‘Raptus’ in Chaucer’s Time,” 147.

many petitioners to employ less ambiguous phrases such as “cared [carried] and ladde a way” might mean that they wanted to present their case as clearly as possible, in order to prevent misunderstanding on the part of the chancellor. It is possible, however, that it would be a mistake to over-simplify the interpretation of phrases of this sort, and indeed they may be as loaded as “ravishment,” despite their seeming clarity.

There are some cases where sex is clearly involved, although it seems for the most part to be described as consensual. For example, the petition written between 1480 and 1482 by John Grove of London, netter, describes how he had been imprisoned for having “prouoked and caused” a London woman named Grace Loryng to leave her husband Thomas and go to “Maister Wellys” in the county of Lincoln.¹³² This was John Welles, Viscount Welles, the son of Margaret Beaufort, Duchess of Somerset, by her third husband, and thus an uncle of the soon-to-be-king Henry Tudor.¹³³ Master Welles was not long after this case married to Cicely Plantagenet, the second daughter of Edward IV and Elizabeth Woodville.¹³⁴ At the time of this petition, however, he was an unattached bachelor, and it would certainly not be strange for him to procure women for sexual purposes. What would be rather more unusual would be for him to procure a married woman to travel from London to Lincoln, and to use a netter as his procuror. It is of course possible that the association with the nobility was untrue, but merely alleged by

¹³² PRO C1/63/176, 1480-82.

¹³³ Shannon McSheffrey suggests that Grace Loryng could be the same as Grace, an illegitimate daughter of Edward IV, who is mentioned in two commissary court records from 1490 and 1494 in which she is accused of fornication. The possible connection is tantalizing, although uncertain. It would mean that John Welles was involved with a half-sister of his future wife, rather than simply with an anonymous Londoner’s wife, and would bring this case to another level entirely. London, Guildhall Library, MS. 9064/4, fol. 18v (1490); 9064/6, fol. 88v (1494).

¹³⁴ As Cameron describes, Welles was later involved in the 1485 abduction of Jane Sacheverell in a minor way, as he was chosen by the king to arbitrate the matter. The irony is palpable. Cameron, “Complaint and Reform,” 85, 88-89.

the accuser, Thomas Loryng, in order to further his own charges in some way. Interestingly, however, Grove does not explicitly deny a relationship with Viscount Welles, or indeed with Grace Loryng, but contents himself with pleading not guilty to the charges leveled against him. Indeed, he seems to know a great deal about "Maister Wellys," including where and with whom he was staying at the time of the incident. As I have described in my analysis of those petitions from the side of the accused, it would be more typical for him to deny any knowledge whatsoever of the events, if he or his lawyer felt such a claim to be at all provable.

Another case which seems to contain an allegation of sexual contact involves John Langrake, citizen and barber of London.¹³⁵ He was accused by William West, "rentgatherer to the master of St. Thomas of Acres," of having "devoured"¹³⁶ West's twelve-year-old servant, Johane. Langrake's version of the story held that he had found the girl "quakyng and chyveryng for colde" in the street. She claimed she had been beaten out of the house by her mistress, and Langrake took her in "bi thassent of his wif," gave her a meal, and lodged her in his shop until morning, whereupon he took her home to her mistress. Within ten days, however, Langrake was brought up on charges (although the petition is somewhat damaged, and the exact charge is unclear). That a sexual crime was at least one of the accusations is suggested by part of Langrake's defence, in which he claims that "the seid Johane was all the aftir noon in the hous of a bawde and with her a yong felowe which cannot yet be had nor gotten." Furthermore, he stated that Johane was "of right wanton disposicion," and had often run away from her employers' home.

¹³⁵ PRO C1/64/1158, 1483-85.

If sexual violence is generally lacking in these petitions, ten of the cases I have examined describe some degree of other physical violence. For instance, in one case, one of the two women abducted was killed, and her sister forced to enter a convent,¹³⁷ while in another case a woman was thrown overboard from a boat, although her fate after that point is unclear.¹³⁸ Margaret, the daughter of petitioner Eleanor Lambroke, was abducted in the early fifteenth century, and was pressured to marry one of her abductors, a man named William Cloutysham. Eleanor's petition states that he and his colleagues "...auesque force et armez... le veille de seynt John pristeront et enprisoneront et unqore en prison deteignent et la dite Margarete de jour en autre, continuelment manassont de vie et de membre et de luy tuer sinon ele voet assenter pour estre mariee a dit William Cloutysham."¹³⁹ [*...with force and arms... the eve of Saint John took and imprisoned and still detain in prison the said Margaret from that day to this, continually menacing her life and limb and threatening to kill her unless she will consent to be married to the said William Cloutysham.*] Several petitions use this same formula, "with force and arms,"¹⁴⁰ which in at least some cases may have been little more than a legal trope inserted by lawyers in order to make the petitioner's claims seem more serious, or to allow it to be presented as a more violent offence. I would suggest, however, that although the language may have been formulaic at times, we should not therefore automatically assume that it was not also a more or less accurate description of the crime. The use of a legal trope such as "force and arms" served the purpose of

¹³⁶ The word is unclear in the original petition.

¹³⁷ PRO C1/7/70, 1413-1422.

¹³⁸ PRO C1/43/49, 1467-1472.

¹³⁹ PRO C1/5/45, 1404-1423.

strengthening the plaintiff's case, but since not all petitioners chose to use such a phrase, we may reasonably believe that it was most frequently used in cases where it could be backed up with some other evidence, such as eyewitness testimony.

Problems: 2. Consent

The second problem that has bedeviled the scholarship on abduction is the question of the consenting victim. Some historians, following Bellamy and Ives, have suggested that "abductions were...often collusive, with the woman's surrender to force a mere disguise."¹⁴¹ This claim stems from the widespread belief that most abductions were a way for a young, lovesick couple to marry without the permission of their parents (i.e. to elope), or for a married woman to escape her unhappy relationship. Although there is evidence from other primary sources to support both of these patterns of abduction, I have only found completely certain signs of the second among my documents. By the statute of 1382, a woman's family was granted the right to prosecute her abductor even if she subsequently consented to the abduction. Perhaps this meant that such cases were less likely to come before Chancery, because they could be resolved through the Common Law courts without recourse to other special procedures.¹⁴² It is also possible that such elopements were more often handled by a financial settlement

¹⁴⁰ The vernacular equivalent of the Latin phrase "*vi et armis*", which was used so frequently in legal records, following the language of the statutes, that is it generally assumed to be a fiction in most cases. Baker, 83-84.

¹⁴¹ Ives, "Inception and Operation," 23.

¹⁴² Although consensual abductions were still not illegal, a family could argue under the 1382 statute that the victim had objected to the abduction at first, and only consented later. Such cases could be brought before the common law courts to decide the veracity of their claims.

between the families involved without ever bringing the case before the courts. Certainly there were a few cases of voluntary abduction, and I will examine these in greater detail below, but elopement was by no means the most common pattern in the Chancery petitions I have examined.

I have found six petitions that, taken at face value, may be instances of voluntary abduction – that is, in which the petitioner suggests that there was consent on the part of the victim.¹⁴³ None are cases of young couples eloping without their parents' consent, and only three can be plausibly interpreted as cases of lovers running away from an unwanted spouse. For example, the petition of John Haket against Nicholas Moun gumrey presents a story about John's wife Alice being taken, along with "all his godes and hise ca[tell] to a notable somme," by Nicholas. John, however, also mentions that "þe seid Nicholas and Alice haue procured strange persones to lye in wayte for þe seid suppli[aunt] to slee hym," which sounds suspiciously compliant of Alice.¹⁴⁴ A second example is even less ambiguous. In the case of George Johnson v. Richard Armyston, George petitions the chancellor because Richard "hath kept a waye [Eleyne] the wiff of youre said bisechere ageynes goddis lawe and þe kingis, þis viii yere and more."¹⁴⁵ It was only upon being reprimanded by his priest and instructed to make amends with his alienated wife for the good of his soul that George finally made the required legal effort and sought her out. Clearly if Eleyne was content enough to remain with Richard for eight years, she was not all that upset about her alleged abduction. Stephen Middleton's sister-in-law Katherine was allegedly carried away, and later tried

¹⁴³ I say this to distinguish these cases from others which might, with further research, prove to have been consensual, but are presented as non-consensual by the petitioners.

¹⁴⁴ PRO C1/71/139, 14th-15th century.

to obtain a divorce from her husband, which also suggests some degree of dissatisfaction with her married life.¹⁴⁶

One of these probable cases of voluntary abduction is quite interesting because it involves a woman named Margaret Cabull who was taken away from her second husband not by a lover, but by her two grown sons from a previous marriage.¹⁴⁷ Her new husband, Philip Cabull, petitioned the court because her sons, William and John Barthelmewe, came to his Bristol house while he was away in London and “thane ther by the consent and agreament of the same Margarete toke her and goodis and catallis of your seid oratour of great value” to London. Philip, despite his victimization, clearly indicates Margaret’s “consent and agreament” to this ‘abduction’. Perhaps Margaret was trying to get out of an unhappy match with the help of her sons, or perhaps the two men coerced her in some way, though Philip’s petition seems to indicate that he believed she was not acting under any compulsion. How he knows this, however, is uncertain, since he states that “sithe the same tyme your seid oratour cowde never spake with the said Margaret.” Cabull does not directly ask for his wife’s return in his petition, perhaps because he recognised that her departure from his household was willing and that thus he would have little chance of winning such a case, but he does want his property back.

Another apparent case of voluntary abduction features John Gravener, yeoman, whose unnamed wife was in service with Elizabeth, Countess of Oxford.¹⁴⁸ It seems that the Countess was at first unaware of the couple’s marriage, and perhaps was unhappy

¹⁴⁵ PRO C1/33/126, 1464-67 or 1480-83.

¹⁴⁶ PRO C1/102/60, 1486-93.

¹⁴⁷ PRO C1/87/38, 1486-93.

¹⁴⁸ PRO C1/46/4, 1467-72.

that her permission had not been sought, or disapproved of the match in general. John wanted his wife to come and live with him, but he states that this was denied to him. So he went to the Countess's London residence and "sent for his seid wyfe and she come to hym and there he toke her with hym as he thought was lefull." The Countess's servants pursued him, retook his wife, and the Countess herself charged him with trespass and he was imprisoned. He therefore begs the chancellor to release him. There is surely more to this case than meets the eye, but it seems evident that John Gravener's wife was a willing abductee, since she allegedly came to her husband, rather than being taken away.

The last possible case of voluntary abduction deals with Anneys Walton, who was "purleynd and taken away" by "certein maryners."¹⁴⁹ Her mother Rose searched for her and eventually found her living in Bishop's Lynn "in the keypyng and under the rule" of John Dasshwyn or Dashwelle, who was described as a laborer. John refuses to give her up (or perhaps Anneys refuses to come with her mother – the petition is unclear at this point), and Rose asks the chancellor to intervene on her behalf to return her daughter to her. This case is more ambiguous than the previous two because it contains less information, but it seems within the realm of possibility that Anneys consented to her abduction, although whether it was before or after the fact is difficult for me to say. The reasons why petitioners included such information about the willingness of the alleged victim are not always clear, for in most cases it would not have strengthened their arguments. It is interesting, however, that in several of these cases, the petitioner is not asking for the return of the abducted party, but merely some sort of financial compensation or the return of lost goods.

¹⁴⁹ PRO C1/24/222, 1454-55.

In an additional three petitions, the abductor is said to have “intysed” the victim away. Richard Westmerland and Alice, his wife, accused John Middelton of abducting Agnes, Alice’s daughter from her first marriage.¹⁵⁰ Specifically, they claimed that he, “by crafte and subtle dealyng hath intysed and conveyd the saide Agnes from your said oratours and hath hir in his possession and keypyng.” John Monmouth, a merchant, accused Richard Coote and Thomas Bondiant, “euylly disposed persons,” of abducting his wife.¹⁵¹ He states that the two men “came to Margarete late the wif of your said oratour to Bristowe and there here intysed, moved, and stirred to goo with theym from her said husbond, and through the which euylly intysyng, the said Margaret departed and went with theym to Glastonbury,” taking with them goods to the value of one hundred pounds and various deeds to lands. William Umfrey was imprisoned on charges of trespass laid by one Thomas Digonson, the man whom he says “by his subtiell disposition caused oon Johan, wife unto the seid William, to assent unto his corrupt desire.”¹⁵² The charges are false, he claims, and are only intended to keep him out of the way “that the seid Thomas myght haue his contynuaunce notte godly with the wife of your seid besecher.”

These cases and the like may in fact be examples of voluntary abduction dressed up in the language of enticement or seduction by an unhappy parent or spouse to make the crime seem more serious, by presenting a woman’s departure as being due to deceit on the part of the abductor rather than her own initiative. Furthermore, I would suggest

¹⁵⁰ PRO C1/234/71, 1493-1500.

¹⁵¹ PRO C1/150/54, 1486-93 or 1504-15.

¹⁵² PRO C1/61/574, 1480-83.

that cases in which the victim is said to have been “led away” are also intended as descriptions of seduction (in a sense that is not necessarily sexual) rather than a more violent abduction. Although the women involved seemingly went without violence or aggressive coercion, their guardians apparently felt it would be beneficial to the success of their petition to portray them as having been manipulated into leaving, rather than as having made the decision on their own behalf. Clearly even a non-violent departure could be construed as abduction in a legal sense. It is interesting to note that the cases specifically using the language of seduction tend to be from the later part of my sample, which would correspond with the terms of the 1453 statute of 31 Henry VI, which stated that abductors would come to women, “perceiving their great innocence and simplicity, [and] will take them by force, or otherwise come to them, resembling to be their greatest friends, promising them their faithful friendship, and so by great dissimulation, or otherwise, get them into their possession, conveying them into such places where the said offenders be of most power.”¹⁵³

Although historians who have distinguished between abduction and seduction have generally viewed seduction as representing a more ‘active’ decision on the part of the female ‘victim’, I do not find this view entirely convincing. The decision of the petitioner to represent their daughter’s or ward’s departure as a seduction rather than an abduction may have served some specific legal strategy, rather than being a fully accurate description of the events that took place. If they claimed that the victim left of her own accord and initiative, without any degree of coercion, it would be much less likely that their case would carry any weight before the court. It was necessary to the

¹⁵³ *Statutes of the Realm*, 31 Hen. VI, c. 9 (1453).

potential success of their petition for the incident to be represented as *at least* a seduction, especially if it could not reasonably be interpreted as a more violent crime. A woman's lack of consent was clearly important to these cases, so much so that petitioners might have been prepared to lie if necessary. Although we cannot take these petitions at face value in terms of how accurately they represent the real events of an incident, we can observe how the petitioners used these strategies in attempts to further their own cases. Presenting a petition in which an unmarried woman simply decided to run away with her lover would not be an effective legal course for a parent or guardian to take because, although such marriages were certainly not encouraged, they were still valid in the eyes of the church as long as the couple themselves consented to the union. Unless goods were involved, such a case would be unlikely to come before Chancery. This tendency to underestimate the value of female consent was part of a wider set of medieval assumptions about male and female agency and gender roles.

Problems: 3. Victims as Property

The final major problem that I perceive in some earlier studies, such as the works of Susan Brownmiller and Nazife Bashir, is the claim that abducted women were viewed merely as property, or that abduction was considered a variant form of theft, a crime committed not against women, but against the men who were their guardians. This view has been expressed as recently as 1999 by Cannon, when he stated that "In this new form [following the Statutes of Westminster I and II], of course, women were the property in question, wives or marriageable daughters 'damaged' in their

marriageability by sexual violence, daughters or wards withheld from the remunerative marriages arranged for them by fathers or guardians.”¹⁵⁴ As a growing body of scholarship, most notably the works of Emma Hawkes and Garthine Walker, has shown, the consent of the victims (or lack thereof), as well as their treatment at the hands of their abductors, was often an issue of great concern in such cases. And, as Garthine Walker recently observed, even the much-maligned statutes do not actually describe females as property, but are more concerned with protecting the money, goods, and lands of the victims’ families and the victim’s own inheritances.¹⁵⁵ Furthermore, the statutes I have reviewed above are expressly concerned with protecting women and children, and to a lesser extent, their male guardians or spouses. It would surely be deliberate misinterpretation to claim that these statutes did not consider women to be the true victims of abduction.

Not only the statutes express concern over the female victim and her well-being. In a number of the petitions I have examined, the emotions involved surpass what a person might be expected to feel were he to be robbed of goods or lands. For example, in the case of the abduction of John Polmorva’s wife Elizabeth by Thomas and John Peverell and their servants, c. 1392, the wronged husband states that “*la dicte Elizabeth ne fuist en son bon memorie par une moye apere et plue, et enqore est en point destre perdiz a touz iuors pur la dicte affraye [the said Elizabeth was not in her right mind for a month after and more and still is in danger of being lost for all time by the said fright].*”¹⁵⁶ William Rosmodres and Piers Treunwith, feofees of the late Otis Treunwith, petitioned

¹⁵⁴ Cannon, 173.

¹⁵⁵ Garthine Walker, 55-6.

for the return of Treunwith's daughter who was in their care between 1450 and 1453.

Even though they were apparently not closely related to the young girl, they do seem genuinely concerned for her safety, as they state that she is in danger of being married "contrary to the wille of her fader and your said besechers, ayenst alle lawe, reson and gode consiens, and to the utterest undoyng and [disquityng?] of the saide childe."¹⁵⁷ Expressing concern about the mental state of the victim may of course have been a legal strategy designed to elicit sympathy from the chancellor, much in the way that women presented themselves as helpless or desperate in their petitions. But given that not all petitioners used this tactic, it seems at least possible that those who did were in fact genuinely concerned not only about the physical and marital status of the abductee in question, but also his or her psychological well-being.

Thus it seems to me that, while we might find some cases where the general treatment of the victim seems less than sympathetic (by modern standards), it would be incorrect to state flatly that medieval law, or indeed medieval men, viewed abduction as "merely" another form of theft. Rather, in many cases there were complex bonds between the parties involved, which were often related to money and power. Abductees were not themselves considered property, but they could be an important means towards gaining property and wealth, whether through their inheritances or the control of their wardship and marriage. This financial importance in some cases apparently did surpass the presumed emotional impact of having a ward or close relative abducted. Perhaps expressing strong emotions might not have been considered beneficial to their particular case by some petitioners, if financial matters were believed to have a better

¹⁵⁶ PRO C1/7/299, c. 1392.

chance of swaying the chancellor. Furthermore, as Chancery was a court largely concerned with financial matters, it makes sense to find a considerable number of petitions which are concerned with property. Making this distinction between victims and their property clear is very important in moving towards an accurate understanding of the nature of abduction and the attitudes surrounding it in the late medieval period.

Wardship, Abduction, and the Family

Concerns about wardship and property are central to eighteen of my cases. When a wealthy man died with an heir who was still underage, it was customary for that heir to be put into wardship, whether with someone of their father's choice (if he had indicated such a guardian in his will), or (in the case of the children of tenants-in-chief, who held their land directly from the king) at the discretion of the crown. The guardian would have control over the heirs' lands and other wealth until they came of age, and would also arrange their marriage to a person of their own choice, sometimes a family member. Perhaps surprisingly by today's standards, wardship arrangements took place even if the child still had a mother or other close relatives living. For example, Richard and Alice Westmerland accused John Middelton of abducting Alice's daughter from her first marriage, Agnes (or possibly Anne) Ferby.¹⁵⁸ He was also said to have "taken unto his owne use and possession," a place called "Russham" in Surrey, and intended to marry Agnes to someone of his choosing, "by meane wherof he purposeth to delude and disenheryte the forsaide Agnes." Obviously, abduction could be quite a profitable

¹⁵⁷ PRO C1/20/154, 1450-53.

venture, particularly if the heir was wealthy. It is easy to see how controversy could arise over the choice of a wealthy heir's marriage partner, when multiple parties felt that they should have some say in the matter.

For instance, the abduction of Isabell Chene, c. 1484, illustrates the many family complexities that could surround the marriage of a young heiress.¹⁵⁹ The petition was sent by Thomas Coterell, esquire, and his wife Alice, who had previously been the wife of John Chene. They state that Alice's daughter from her first marriage, Isabell, who was under the age of twelve, was handed over to Sir William Say "to the entente that a marriage should be solemnised and hadde bytwene Phelip [Wentworth]" and the girl. It seems likely to me that Sir William was not Isabell's legal guardian, but had instead purchased her marriage from that guardian, in order to marry her to Philip Wentworth, who was possibly his grandson. It would not be uncommon for a girl to live with her future in-laws once a marriage had been arranged. The petition claims that Sir William instead kept Isabell prisoner "to cause her to be maryed at his pleasure ayenst her will." No further details are forthcoming from the petition itself, but other surviving records provide some useful, if ambiguous, information.

Sir William Say's wife Elizabeth was a Cheney or Chene, and thus it seems likely that Isabell Chene was related to her in some way. Sir William and Elizabeth's daughter Anne married Sir Henry Wentworth, and they had an indeterminate number of children, including a daughter, Margery, who would later become the mother of Jane Seymour. I

¹⁵⁸ PRO C1/234/71, 1493-1500. The John Middleton in this case may be the same as one of the two John Middletons mentioned in PRO C1/102/60, 1486-93, but there is no further evidence to link the two cases.

¹⁵⁹ PRO C1/66/293, 1484.

have not been able to trace Isabell Chene's original intended marriage partner, Philip Wentworth, but it seems probable that he was a relative of Henry and Anne Wentworth's, possibly even their son.¹⁶⁰ Regardless, this was clearly a closely intertwined family affair, since Isabell's mother Alice had apparently married into the family of Sir William's wife, and then handed her own daughter over to that family in order for her to marry yet another member of the same extended family. That Isabell's mother and stepfather chose to resort to Chancery in order to regain control over her marriage no doubt sets this case apart from the majority of family disputes over marriage, but I believe this is a matter of degree, not kind. This type of problem was likely very common, as many people in different branches of the family felt they should have a say over whom a young woman married.

Most striking to a modern eye are those cases that show a mother accused of abducting her own child. Because of the convolutions of medieval inheritance and wardship, it was not uncommon for a mother to find her child becoming the ward of someone else upon her husband's death. Although Sue Sheridan Walker has argued that in practice the young child may still have lived with his or her mother, though he or she was technically under the guardianship of someone else, it is difficult to ascertain whether this was the normal pattern, or an exception to the rule.¹⁶¹ Regardless of where the child had been living, once a marriage was arranged it was typical for the heir or heiress to take up residence at the home of his or her future in-laws, even if the wedding

¹⁶⁰ If he died at a fairly young age, it would not be strange for little or no trace of his existence to remain in the historical record, and a boy who was sickly could explain Say's apparent reluctance to proceed with the planned match. Sir Henry's father was named Philip, which might also suggest that he could have had a son with that name.

¹⁶¹ Sue Sheridan Walker, "Widow and Ward," 106-107.

might still be several years away.¹⁶² But the important role of the mother could still be felt through visits or correspondence, even if she was not the legal guardian of her eldest child, and a great deal of emphasis was placed on her capacity to “nurture” her children.¹⁶³ This could sometimes extend so far as abduction, in cases when the mother felt the child’s legal guardian was not making the best decisions as concerned her offspring’s marriage or control of property.

Garthine Walker finds a similar trend in sixteenth-century Wales. She notes that many Welsh mothers contested the rights of others to hold wardship of their children, even going so far as abducting them if necessary. Although their stated motives might just as often be financial as emotional (for example, claiming to have found a better, more lucrative marriage match elsewhere), this was not considered unfeminine, Walker argues. The role of “nurturing mother” included selecting a suitable marriage partner, the richer the better. As she notes, this was not necessarily a financially mercenary act on the mother’s part, but was more likely motivated by a genuine desire to help her offspring fare well in the world.¹⁶⁴

For instance, Chancery records contain the traces of what was doubtless a long, bitter, and convoluted legal battle surrounding the proposed marriage of a young man named William of Heaton, in Lancashire between about 1441 and 1443.¹⁶⁵ When

¹⁶² Sue Sheridan Walker, “Widow and Ward,” 106.

¹⁶³ Sue Sheridan Walker, “Widow and Ward,” 107.

¹⁶⁴ Garthine Walker, 60-61.

¹⁶⁵ PRO C1/9/204, PRO C1/43/23, PRO C1/142/40. The dating of these cases, as well as a related letter from the monks of Whalley, has been a complex process, which I will briefly explain here. The author of a 1912 article in the *Journal of the Historic Society of Lancashire and Cheshire*, “The Last Ancess of Whalley,” only mentions two petitions, the first from Richard of Barton before 1443, and a later one from Isolde herself after 1443. Between these two, he locates the letter from the monks of Whalley to the king. However, one of the two petitions from Richard of Barton is dated 19 Henry VI (1441). Barton’s second petition is undated, but seems likely to come

William's father Richard of Heaton passed away, his paternal grandfather, another William, became his guardian, and apparently sold his grandson's marriage for sixty-six pounds, thirteen shillings and fourpence to Richard of Barton, Lord of Fryton and Whenby in Yorkshire, who intended to marry William to his daughter Agnes (who is also referred to as Anne in some sources). William's mother Isolde, however, who had become an anchoress at Whalley in 1437 after her husband's death, and her brother Alexander of Standish had other ideas about the proposed marriage. Under the pretense that Isolde wanted to give her son a blessing, Alexander took William to her.¹⁶⁶ His maternal relatives then refused to return William to his potential father-in-law, who, insisting that the young couple had already been legally married, complained in his petition that Isolde and Alexander are "like to cause deuors [divorce] be twix the saide chyld and the saide Agnes his wyfe."

Some two years later, the Heaton's were again writing to Chancery, likely still fighting over the proposed marriage to Agnes, or just possibly in conflict over a new match. This time, Isolde complained that her father-in-law intended to marry her son "ayenst his will and all his frendz will, and also within age." She had found a better and

from shortly after that date, and is addressed to the Bishop of Bath. This Lord Chancellor would be John Stafford, who became Archbishop of Canterbury in May of 1443 and retained his Chancery office after this promotion. Thus this petition dates from earlier than May of 1443. The petition from Isolde is addressed to the Archbishop of Canterbury, placing it some time after May 1443. In this petition, she identifies herself as an anchoress at Whalley, but she later left that post. Since the letter from the monks of Whalley specified that she has been away from her post for two years and more, it would seem more plausible to date it to 1445 or later. T. D. Whitaker, *An History of the Original Parish of Whalley and the Honor of Clitheroe*, 4th ed., 2 vols., revised and edited by J. G. Nichols and P. A. Lyons (London: Routledge and Sons, 1872), 1:102; "The Last Ancess of Whalley," *Historic Society of Lancashire and Cheshire* 64, n.s. 28 (1912): 268-72; Ann K. Warren, *Anchorites and Their Patrons in Medieval England* (Berkeley, Los Angeles, London: University of California Press, 1985), 182-183.

more financially beneficial match elsewhere that would bring the family three hundred marks, and wanted to use that money to help her other children (a son and an indeterminate number of daughters) find suitable marriage partners, despite the fact that she had no right to any of this, not being the young man's legal guardian. Isolde's petition explains that the reason she resorted to the court of Chancery was because she was an "ancrys closeyd" at Whalley and could pursue the case in the common law courts. Her professed religious vocation was another reason she could not legally have held the wardship of her eldest son. Like many other female petitioners, Isolde emphasizes her helplessness and vulnerability and her unselfish desire to help all of her children. Her religious role provided an added selfless and devout quality to the tone of the petition, although as we shall see, she may not have been tremendously dedicated to the church.¹⁶⁷

Isolde was the last anchoress of Whalley's hermitage for a variety of reasons, not least of which was her escape and flight with her eldest son around the time these petitions were being filed. At least two years after her flight (in which local tradition in the village of Whalley holds that she broke her leg¹⁶⁸), the monks of her former establishment sent a letter to the king.¹⁶⁹ They asked that they no longer be required to support and fund the reclusorium, because

¹⁶⁶ Interestingly, this same ruse was also employed in another case I have examined, the abduction of the daughter of Otis Treunwith (PRO C1/20/154, 1450-53), although in that case it was the girl's father-in-law who apparently concocted the plan, not her mother.

¹⁶⁷ Whitaker suggests that Isolde's vows were taken "in the first fervours of sorrow, which soon wore off," which may have been the case, although there were clearly other factors involved. Whitaker, 1: 102.

¹⁶⁸ Whitaker, 2: 12.

¹⁶⁹ This letter is reprinted in Whitaker, 2: 102-103, "The Last Ancess of Whalley," 270, and Warren, 182-83, citing the *Whalley Coucher* as their source.

...Isold of Heton that was last reclusyd in the seyde place, at demynatyon and preferment of owre Sovereign Lord and Kyng that now is, is broken owte of the seyde place and hath departyd therfrom contrary to her own oth and professyon, not willyng nor entending to be restoryd agayn, and so livyng at her own liberte by this two yere and more, like as she had never bin professed.¹⁷⁰

The monks also complained that various female servants (not necessarily those attending Isolde, although they may have been included) had been misgoverned and had gotten pregnant “withyn the seyde place halowyd,” to the great displeasure and “disclander” of the clergy. Their petition to the king was heeded, and the funds for the reclusorium were redirected to the foundation of a chantry.

The outcome of the case beyond this point is unclear. In the end, the Heaton/Barton marriage did not hold up, since Agnes eventually married another man, Sir Henry Everingham, around 1454. The fairly long gap between the series of petitions in the early 1440s and this later marriage date make it possible, however, that the first marriage was not successfully dissolved for some time. William was recorded as holding the manor of Heaton in 1473, and it seems he had by that time married and had children.¹⁷¹ He was still alive in 1489, when he was exempted from serving on juries for reasons of infirmity. Isolde’s eventual fate is also uncertain, although she clearly did not return to her role as an anchoress at Whalley, the reclusorium there having been dissolved after her abrupt departure. This case is ambiguous but very intriguing, and it illustrates well the many complexities that could arise when wardship, considerable money and property, and the marriage of an heir were at issue.

¹⁷⁰ Warren, 183.

¹⁷¹ VCH Lancashire, 5:10.

Abduction and Gain

Financial matters unrelated to wardship seem to be at the root of several other cases. Although Ives argued that “abduction for gain is almost unknown”¹⁷² in the fifteenth century, four of the cases I have examined follow a kidnapping pattern more recognizable to the modern reader, whereby the victim was abducted and held captive until such time as a ransom of a certain amount was paid, a bond was signed, or (as in the case of seven-year-old Alice Wodelock) until the abductor’s debts to her family were cancelled.¹⁷³ William Dunnyng’s wife was held captive by John Ashwelle, Walter Blake, and John Bartram, until her husband handed over various lands to them.¹⁷⁴ John Monmouth’s wife Margarete was abducted by Richard Coote and Thomas Bondiant, who also took with them “certen euydencez of lond.” Although Margarete had since died, Monmouth still petitioned for the return of the property.¹⁷⁵ But the question of what constitutes financial gain, or indeed any sort of gain, through abduction is a thorny one – “gain” might not simply mean receiving a sum of ready cash, as it is in the modern view of things. For instance, the control of a valuable wardship or marriage could be even more useful to an abductor in the long term, when property was involved. Perhaps the reason for the comparative paucity of abductions for direct monetary ransom is the relative unimportance of hard cash and the higher value placed on land, and the consequent collection of rents and duties, in late medieval English society.

¹⁷² Ives, “Inception and Operation,” 26.

¹⁷³ PRO C1/5/175, 1404-23.

¹⁷⁴ PRO C1/16/505, 1404-57.

¹⁷⁵ PRO C1/150/54, 1486-93 or 1504-15.

Notwithstanding this trend, seven cases of abduction in this sample also involved the theft of goods or money. William Waryn, a goldsmith of London, accused his own father-in-law, John atte Welle, of detaining his wife Denyse “and certeyn goodes...with here to be value of CC li. and more.”¹⁷⁶ William Henley of London, a draper, was accused of leading away the wife of John Garstange, grocer, “with dyuers godes and catelx.”¹⁷⁷ Thomas Digonson allegedly “caused oon Johan, wife unto the seid William [Umfrey], to assent unto his corrupt desire and also there toke goodez and catelx of your seid besechers to the value of xx marcs.”¹⁷⁸ Thomas Gwyn claimed that a parson, Thomas Colle, “toke away Johan, the wiff of youre seid besecher, and all his goodes and yit tham kepith, soo that youre foreseid poor bedeman by the foreseid Thomas Colle is brought in soo grete pouertee that he hath nothyng to sewe him by the comen law.”¹⁷⁹ While it is true that the plaintiffs in these cases were concerned with the theft of their goods, I would not say that they were consequently less concerned with the fate of their wives, daughters, or wards. Certainly there was some degree of concern over the victim. If it seems inadequate to our twenty-first century sensibilities, we would do well to remember that a family’s emotions might well be occluded in a legal document, especially if expressing them in writing would not reasonably be expected to further the desired outcome of the case in any way.

The claim that the victims of abduction were viewed as simply another form of male-owned property, a view that was already in decline following the groundbreaking work of Garthine Walker, seems more and more untenable in the light of the evidence

¹⁷⁶ PRO C1/10/26, 1432-43 or 1468-73.

¹⁷⁷ PRO C1/46/102, 1467-72.

¹⁷⁸ PRO C1/61/574, 1480-83.

found in these documents. Although as wards the victims of abduction could be a route to gaining property and wealth, they were clearly distinguished and distinguishable from that wealth. Cases in which theft occurred alongside abduction may have mentioned the two offences in the same breath, but there was still a definite separation of victim and property.

Abductions Resulting in Marriage

Since I began my thesis with an example of one of the more typical cases I have been studying, I would now like to share two of the most atypical, in that we have some indication of the outcome. In the 1480s, Sir John Clinton, sixth Baron of Clinton and Say, was in a London prison for various debts amounting to six hundred pounds.¹⁸⁰ He wrote to the chancellor to protest his detention during “this grete plage of the visitacion of god nowe most specially reignyng in the cite of London.”¹⁸¹ As well, he complained that one of his creditors, a prominent Welsh landowner and political figure named Sir John ap Morgan, held his son “in to Walis and ther kepeth hym and purposeth to mary hym ayenst his will.” Because Morgan had lent Sir John money, there was evidently some previous connection between the two families. Perhaps Morgan was trying in some way to recoup his financial losses to Clinton (which could have been quite considerable) by taking control of the marriage of Clinton’s son.

¹⁷⁹ PRO C1/71/139, 14th-15th century.

¹⁸⁰ PRO C1/61/412, 1480-83.

¹⁸¹ This might serve to date the petition to 1484, when Stow says that three Lord Mayors died of the sweating sickness, but there is no way to be certain.

As usual, no verdict survives to indicate the court's decision in this matter.

Burke's *Peerage and Baronetage*, however, indicates that the sixth Baron died on 29 February 1488. His son, also named John, succeeded him to become the seventh Baron of Clinton and Say (a barony on the northern coast of Devon, located just across the Bristol Channel from Wales) at the age of seventeen, and shortly thereafter he married Elizabeth, daughter of Sir John Morgan of Tredegar, Wales, who was probably about fourteen years old at the time (although sources vary regarding her age). The couple had several children before Elizabeth died c. 1501, and the younger John, after remarrying, died in 1515. This case is interesting for a number of reasons – the sex of the abductee, the high social status of the people involved, and, most significantly, the additional evidence that gives some suggestion of the eventual outcome. It seems that, at least in some cases, an incident that was originally described in a petition to Chancery as an act of abduction could eventually prove to have formed an enduring (perhaps even a willing) marriage bond.

I find it particularly noteworthy, however, that the marriage in question did not take place until several years after the petition was sent to Chancery, and indeed after the sole plaintiff, the father of the alleged victim, had died. By that time, the younger John was apparently in his late teens, and was furthermore a Baron in his own right, although it is highly likely that he was still under wardship (indeed, perhaps under the guardianship of the very same man who was later to become his father-in-law).¹⁸² Perhaps this was simply a case where the remaining obstacle to the marriage (i.e. John's

¹⁸² Orme notes that it would be usual for an underage nobleman to remain in wardship. Nicholas Orme, *From Childhood to Chivalry: The education of the English kings and aristocracy, 1066-1530* (London and New York: 1984), 7-8.

father) had to be out of the way before the marriage could proceed. On the other hand, Elizabeth's apparent young age at the date of her marriage might indicate that the couple were merely betrothed (or about to be betrothed) at the time the petition was written, when Elizabeth would possibly have been under the age of ten, and the subsequent long gap between the alleged abduction and the marriage was simply intended to allow the two children involved to mature.

Another case in which we have some indication of the eventual outcome centers around the abduction of two young sisters, Elizabeth and Margaret Wakehearst, some time between 1457 and 1460.¹⁸³ The original petition itself is unfortunately mutilated, but fortunately the events surrounding it can be largely reconstructed from other surviving records.¹⁸⁴ The girls' grandfather (who was evidently also their legal guardian), Richard Wakehearst the elder, a member of Parliament and Justice of the Peace, had died in 1455.¹⁸⁵ In his will he named Thomas Hoo and William Gaynesford as the supervisors who would ensure that the executors fulfilled their duties properly.¹⁸⁶ Apparently he left no living male heir, for his son Richard had predeceased him. His daughter Ann was married to John Gaynesford, a brother of William, but she may also already have been deceased by the time her father passed away.¹⁸⁷ His only surviving heirs were his two granddaughters, Margaret and Elizabeth, the children of his son

¹⁸³ PRO C1/26/304, 1457-60.

¹⁸⁴ All quotes from this petition are taken from the excerpts provided by Col. F. W. T. Attree and Rev. J. H. L. Booker in "The Sussex Colepepers," *Sussex Archaeological Collections* 47 (1904), as it is reproduced at <http://gen.culpepper.com/historical/sussex/3-nextgens.htm> (June 13, 2002). This page reproduces selected quotations from the original petition.

¹⁸⁵ J. S. Roskell, Linda Clark, Carole Rawcliffe, ed. *The History of Parliament - The House of Commons 1386-1421*, vol. 4 (Stroud: Allan Sutton Publishing, 1992), 731-733.

¹⁸⁶ PRO PCC Prob. 11/4 24rv.

Richard and daughter-in-law Agnes Gaynesford (a sister of William and John). Although their ages are not clear, they were still in wardship and unmarried at the time of their grandfather's death, and were probably quite young, most likely in their early or mid-teens. Although their mother Agnes was still alive, their wardship apparently passed to their grandmother or to one of her relatives (not an uncommon situation, as I have described above).

Not long afterwards, a petition was sent to the chancellor by the girls' grandmother Elizabeth, who was writing along with Thomas Echyngham, Thomas Hoo, and John and William Gaynesford, esqs.,¹⁸⁸ stating that her granddaughters had been placed under the care of Sir John Colepepir, who had married Agnes Gaynesford, their mother.¹⁸⁹ Colepepir had, the petitioners said, "promysed on the faithe and trouthe of his bodye and as he was a gentylman" that no harm would come to the girls. The plaintiffs made accusations against John, along with his brothers Richard and Nicholas Colepepir and their brother-in-law Alexander Clifford, stating that they "with force and armes, riotously agense the Kynges peas arayed in the manner of warre...toke and caried away" the girls to Bobbing in Kent, to Clifford's home. The petition further states that at the time of their abduction, Margaret and Elizabeth made "grete and pittious lamentacion and wepyng." Elizabeth and her co-petitioners ended by claiming that the two young women were still being detained in London against their wills.

¹⁸⁷ She was certainly deceased before 1460, when her husband John wrote his will and mentioned her as his late wife. He had had enough time to remarry, to a woman by the name of Katherine, but he wished to be buried beside his first spouse. PRO PCC Prob. 11/5 27rv.

¹⁸⁸ All of these men were relatives of the family and had been feoffees of Richard Wakehears; in all probability one or more of these writers may also have held the girls' wardship.

¹⁸⁹ This detail seems not to be present in the petition, although the damage makes it uncertain. It is, however, included in Richard Wakehears's entry in *The History of Parliament*, 732.

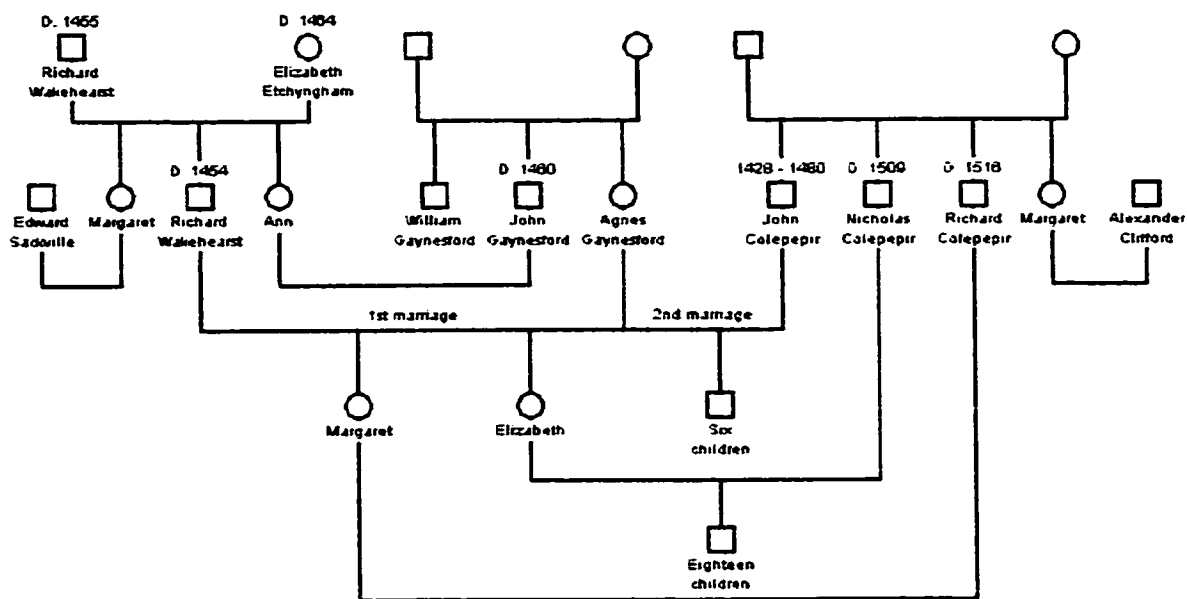


Figure 1: Family Tree of Wakeheurst and Colepepir Families

No further evidence is forthcoming from this text, but other documents can fill in some of the surrounding story. The various families involved here, all members of the local gentry, were clearly heavily connected by various marriages.¹⁹⁰ There is strong evidence that Echyngham and Hoo (whose father was married to a woman named Elizabeth Echyngham or Wychingham¹⁹¹) were relatives of the girls' grandmother Elizabeth (whose maiden name was also Echyngham), although the exact nature of their relationship remains unclear.¹⁹² John Colepepir (1428-1480) was, as I mentioned, married to Agnes Gaynesford slightly before the time of the petition, and their joint tomb still

¹⁹⁰ I have compiled a family tree of the known members of the families involved in this case, which is included as Figure 1. Members of each family whose exact relationship is unknown have not been included on this chart.

¹⁹¹ There is some doubt whether this Elizabeth Echyngham was his mother, as there were two Thomas Hoos alive at this time, said to be half-brothers. One was Baron of Hoo and Hastings after 1446, so I suspect that this Thomas Hoo is his half-brother (perhaps a son by a later spouse, or even a bastard, since he apparently did not inherit his brother's title when the latter died without issue).

¹⁹² <http://gen.culpepper.com/places/intl-eng/wakehurst2.htm> (June 13, 2002).

remains in the Lady Chapel at Goudhurst, Kent, where it indicates that they had at least six children.¹⁹³ The two young co-heiresses, Margaret and Elizabeth, married their abductors not long after the incident (the exact date of their weddings is not certain), although technically these marriages would have been incestuous by medieval standards. After the death of their grandmother in 1464, the couples returned to Wakehurst Place and seem to have lived in comparative peace. Burke's informs us that Richard Colepeper (d. 1516) was married to Margaret Wakehearst, but the two died without issue, with Margaret predeceasing her husband.¹⁹⁴ Nicholas Colepeper (d. 1509) married Elizabeth Wakehearst, and Burke's states that they had five surviving sons,¹⁹⁵ but their funeral brass in Ardingly Church, Sussex, shows a remarkable ten sons and eight daughters.¹⁹⁶ Perhaps many of these children died young or predeceased their parents, who certainly lived long lives.

Although this case is complicated, and almost certainly some of the details, such as the role of the girls' mother Agnes, are likely to remain obscure, it nevertheless presents a much fuller story than many of the other petitions I have examined. As with the case of John Clinton and Elizabeth Morgan described above, we can see that what was originally presented to Chancery as an abduction incident by a relative or guardian could eventually form the basis of an enduring marriage, or two enduring marriages in this case. While in the Clinton/Morgan case the marriage did not proceed until after the

¹⁹³ <http://gen.culpepper.com/places/intl-eng/goudhurst.htm> (June 13, 2002).

¹⁹⁴ John Burke, *Extinct and Dormant Baronetcies of England, Ireland, and Scotland*, 2nd ed. (London: John Russell Smith, 1844), 145.

¹⁹⁵ Burke, *Extinct and Dormant Baronetcies*, 145.

¹⁹⁶ It has been colourfully described as "so crowded as to look like a poster warning against rush hour travel." (<http://gen.culpepper.com/places/intl-eng/wakehurst2.htm> [June 13, 2002]). Photographs reproduced by permission of Warren Culpepper.

death of the opposing party, here it seems that the marriages *did* go ahead despite the antagonism of the girls' grandmother and other relatives, which seems to contradict Post's statement that the "time-honoured" concord by marriage was no longer possible after the Statutes of Westminster.¹⁹⁷ The young couples seemingly did not return to their homes until the death of the primary opposing party, grandmother Elizabeth Wakehearst, but instead remained in London. Furthermore, Elizabeth's opposition to the two marriages managed to persist beyond her death, in a legal sense, as she had apparently made it difficult for the girls to successfully inherit their father's property.

¹⁹⁷ Post, "Ravishment of Women," 158.

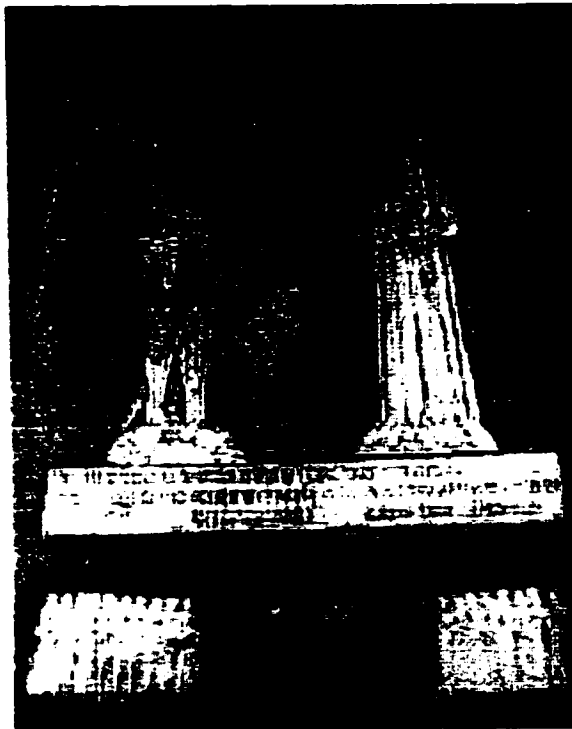


Figure 2. Funeral Brass of Nicholas and Elizabeth Colepeir, Ardingly Church, Sussex

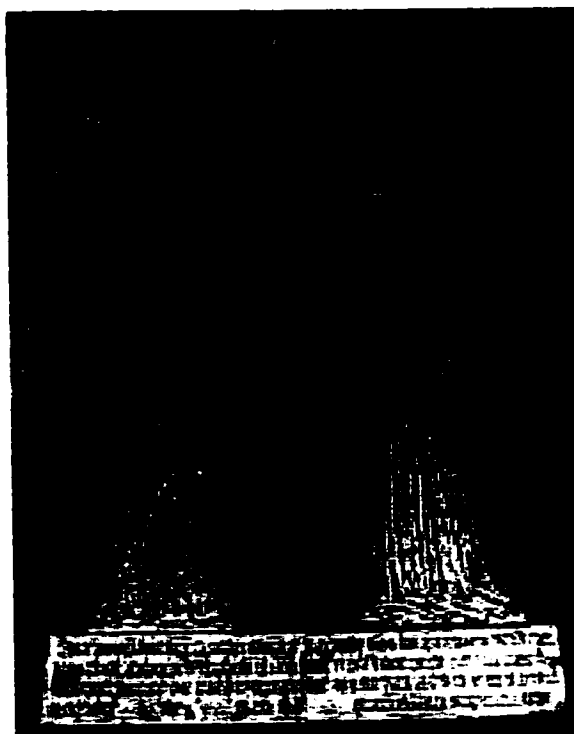


Figure 3. Funeral Brass of Richard and Margaret Colepeir, Ardingly Church, Sussex

Photographs reproduced by permission of Warren Culpepper

Even twenty years later, the two couples were still engaged in legal disputes with their grandmother's relatives over various pieces of property that were originally part of the Wakehearst women's inheritance from their father and grandfather.¹⁹⁸ Her precise reasons for objecting to the marriages are not immediately evident from the documents available, but it is possible that she considered the Colepeir men to be poor matches for her wealthy heiress granddaughters because Nicholas and Richard were both younger sons and thus were not likely to inherit a great deal of wealth or property in their own rights. Or, it could be that she objected to the girls incestuously marrying men who had recently become their step-uncles, or that she felt that further ties with the Colepeir family were unnecessary, following the marriage of John Colepeir and Agnes Gaynesford.

We cannot know for certain whether Margaret and Elizabeth Wakehearst consented to their abduction before or after it happened, but evidently they were convinced to marry the Colepeir brothers at some point during the process. As the older brother of their abductors was also their stepfather, it is likely they would have known the men who would eventually be accused of abducting them quite well. Indeed, it is probable that the entire abduction was a carefully orchestrated act, which might have been planned in advance due to some previously-expressed opposition from the girls' grandmother or guardians towards a proposed match. Or perhaps there was never a violent abduction as described in the petition. Perhaps there was merely a calm, well-planned departure to the house of another relative on the part of the two couples, and

¹⁹⁸ <http://gen.culpepper.com/places/intl-eng/wakehurst2.htm> (June 13, 2002).

the description provided in the petition is pure legal rhetoric intended to sway the chancellor with a sense of the horrors of the alleged crime.

The tactic of petitioning the chancellor in an attempt to forestall an undesirable union and protect family property was evidently unsuccessful, at least in this case. But if Elizabeth Wakehears't's petition had *not* presented her granddaughters' departure as a case of abduction, complete with heart-wrenching descriptions of their "grete and pittious lamentacion and wepyng," her case would more than likely have been hastily dismissed, as voluntary elopement was not criminal. Elizabeth could also have attempted to have her granddaughters' marriages dissolved on grounds of incest; whether or not she did could possibly be ascertained with research in the relevant ecclesiastical archives. The petition seems not to have raised the question of the violation of wardship (although the considerable damage means I cannot be entirely certain on this point). This suggests that either the girls were wards of John Colepepir directly, or that they were simply living with him because of their mother's remarriage. Evidently Elizabeth (or her lawyers) did not consider this strategy to be the most effective means of achieving her goal - not simply the return of the girls, but the protection of their property. This petition was thus intended as a legal manoeuvre of some skill, and, although the chancellor's ruling is not known, the care and thought that went into the preparation of this argument were evidently considerable. Although her attempt to disinherit the two couples eventually failed, Elizabeth Wakehears't probably managed to make things very unpleasant for them while she lived by means of her petition and other legal strategies (such as those that prevented the girls from gaining some parts of their rightful inheritances).

Conclusions

Abduction in late medieval England, as illustrated by these previously unused Chancery petitions, was primarily a crime revolving around power and money, not sex or even (usually) violence. It is significant that even in documents which by their very nature tend to exaggerate the horrors of each particular crime, no petition that I have examined explicitly and unambiguously describes a sexual assault. As I have argued, however, the very abduction of a woman by a man who was not an immediate relative might have been viewed by contemporaries as at least a *potentially* sexual crime, with serious ramifications for the victim's reputation and future marriage prospects. Marriage against the victim's will was depicted as an important part of some abduction cases, which may imply some degree of sexual violence. Several questions dealing with sex and gender remain still to be answered, however. Although in two of these petitions the victims were male, and four alleged abductors were female, the overwhelming majority of cases involved women and girls being abducted by men. Examination of a larger body of Chancery cases might be able to confirm whether this is indeed the general pattern, or whether there were more abductions of males, or abductions by females, than most scholars currently suspect. Although males were more often heirs, and would be more profitable to a potential captor, why were women so much more frequently the victims of abduction? I have suggested several reasons why this may have been the case, but further research needs to be done in order to confirm or rule out any of these ideas, which are for the moment largely speculative.

Petitioners, by and large, chose to represent their cases in terms related to legal guardianship, inheritance, marriage, and property, rather than either simple sexual attraction or sexual violence. While this concern with financial matters may be a characteristic of Chancery petitions in general, I believe that it can also inform us about medieval perceptions of abduction and what it really meant. For all of the heated discussion in the scholarly literature about the distinction or lack thereof made between rape and abduction in statute law, the question seems less important when reading Chancery petitions. In this context, Latin was rarely used, and even in the vernacular petitioners tended to avoid such ambiguous terms as "ravish." They preferred to describe the event as "carrying" or "leading" away, a phrase which seems to leave little room for misinterpretation. Perhaps these petitioners were aware of the potential confusion that surrounded terms like "ravish," and thus chose to avoid it. Clearly to the mind of the people who drafted these petitions, there was a difference between a rape in which the victim was not abducted, and an abduction in which the victim was not raped, despite any ambiguities in the relevant legal terminology. Those petitioners who did choose to use terms like "ravish" may have been deliberately obscuring the exact nature of the crime that was committed, in order to obfuscate an elopement and thus gain the outcome they desired for the case.

Most cases in my sample group were not presented by the petitioner as the stereotypical willing abduction of a young woman by her betrothed, or of a married woman by her lover, although there were a few examples of the second pattern. There is at least one plausible example of the first trend in the case of the Wakehearsst girls, although their grandmother certainly did not present their departure as a voluntary

abduction. Presentation and fact are not the same thing, of course, and more of these cases may have been voluntary than were depicted as such by aggrieved relations. A woman's lack of consent to her abduction was so necessary for the success of a petitioner's case that it seems probable many would have lied about it if necessary. Furthermore, I have suggested that the use of terms like "enticed," "seduced," or "led away," implies some degree of consent on the part of the "victim," although this consent is undermined by the language of the petitions. Perhaps the petitioner chose to represent the victim's departure as being due to trickery or manipulation in order to further his or her petition. It is clear from these petitions, however, that the claim that most late medieval abductions were "really" consensual could merely be a consequence of the type of records previous scholars have examined, rather than a genuine trend. Although further examination of this question is still needed, Chancery petitions by and large show a very different side of medieval abduction, one in which the victims were generally envisioned as non-consenting.

Frequently the victims in these petitions were underage wards, and their abductors adults who wished to gain control over their inheritance and their marriage, and the corresponding wealth involved. Even in those few cases where it seems clear that the "victim" was in fact perfectly willing to go with her abductor, the case is more concerned with power – who would have control over the victim's wealth, her marriage, or indeed her decisions in life. Those few women who evidently chose to be abducted can be seen as taking control of those decisions, even though they were likely giving up financial stability in the process, due to the legal constraints placed on abductees' ability to inherit. Cases concerning wardship in particular involved many auxiliary concerns

over property, marriage, and which potential guardian would have power over those matters. Although financial gain in the modern sense (for example, a ransom paid in cash) was not generally the goal of abductors, a broader definition of "gain" which encompasses control of property and wardship rights, shows that in many cases abductions may have been financially motivated. The victim, however, was not simply viewed as a piece of property for the most part. In several cases women petitioned on their own behalf, and in other cases the relative who composed the petition was evidently very emotionally involved in the case. While in some cases the abductees were valued as heirs because of their potential access to property and wealth, I have demonstrated that this does not mean that they were consequently considered indistinguishable from that wealth.

I have also shown with this sampling of cases the vast potential that Chancery petitions, an underused source, have to offer to the researcher interested not only in legal history, but in social questions, particularly when they can be supplemented by other records. For example, the formation of lasting marriages by means of abduction, as in the Clinton/Morgan and Wakehearst/Culpeper cases, is a pattern of behaviour that has previously been suspected, but rarely demonstrated in practice. The abduction of children by their own family members, especially mothers, is another important illustration of practice, which has considerable bearing on studies of wardship and family life. A further problem hinted at by the petitions used in this study is the seemingly large number of cases that originated in Cornwall, although without additional study it is impossible to determine whether that part of the country was

genuinely more prone to abductions, more inclined to take any such cases to Chancery, or whether this pattern is simply a statistical anomaly.

The way in which cases were presented is also telling. Women, particularly widows, who petitioned to Chancery were often depicted as helpless, even desperate victims who needed the protection of the chancellor. Conversely, those who were accused of abduction proclaimed their innocence in strong voices, and often cast aspersions on the characters of their accusers and alleged victims, a tactic which might have served them well in court when reputations came under examination. When we understand that these are legal documents designed to further the success of the petitioner's case, we can see them in a more accurate, and often more comprehensible, light. Further study of such legal strategies, particularly taking into account their possible ramifications, should serve to inform us still further about use and manipulation of the law in medieval England, and about perceptions of the function and capabilities of Chancery. If various petitions related to the same case could be gathered together and cross-referenced, as I have tried to do herein with the Barton/Heaton case, they might serve to shed considerable light on the events of those cases, as well as on more general patterns of social interaction and the process of Chancery law.

Abduction was evidently a matter of considerable concern in late medieval England. As these petitions demonstrate, it was not an especially rare occurrence, nor was it only a problem of the highest aristocracy. Despite the prominence of some high-profile cases, abduction was clearly a much wider-reaching problem. The revelation of these petitions provides some justification for the large amount of legislation devoted to abduction during the medieval period in England, and suggests that such laws may not

simply have been inspired by one or two incidents, as scholars have previously claimed. Although it is difficult to generalize about such a wide variety of cases, I hope that I have demonstrated the tremendous potential these documents have to inform us about a complex crime that has, until recently, been poorly understood.

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Appendix 1: Lord Chancellors of England, 1386-1515

Although there are several lists of chancellors available, none that I could locate at the time I was beginning my research provided both the names and titles of the men who held that position. As this information was crucial for dating these Chancery petitions, I compiled this list to aid in my work. I began with the official list provided by the Lord Chancellor's Department at www.lcd.gov.uk/lc.htm, which contains the names of all the chancellors from 605 AD to the present, although with numerous spelling errors (for instance, "Bonchier" instead of "Bourchier.")

Armed with these names, I searched for the various titles each man had held during his tenure as chancellor. The Catholic Encyclopedia at www.newadvent.org/cathen/ was very helpful in this task, as it provides online lists of bishops for most English sees. For example, the list of the bishops of Winchester can be found at www.newadvent.org/cathen/15649c.htm. Another source I frequently used was www.britannia.com, which also provides lists of office-holders for various ecclesiastical posts. The bishops of Bath and Wells can be found at www.britannia.com/history/resource/bishbath.html, for example. The very few non-ecclesiasticals on the list proved equally simple for me to find, through the use of Burke's *Peerage*.

Since the time I compiled this list, I have been able to cross-check my research with that provided in the *Handbook of British Chronology*, ed. E. B. Fryde et al, 3rd ed. (London: Royal Historical Society, 1986), which has allowed me to correct a few minor errors and add more precise dates when necessary.

- 1386 Thomas de Arundel, bishop of Ely, archbishop of York after 1388
- 1389 William de Wickham, bishop of Winchester
- 1391 Thomas de Arundel, bishop of Ely
- 1396 Edmund Stafford, bishop of Exeter
- 1399 Thomas de Arundel, archbishop of Canterbury
- 1399 John Scarle, archdeacon of Lincoln
- 1401 Edmund Stafford, bishop of Exeter
- 1403 Henry Beaufort, bishop of Lincoln, bishop of Winchester after 1404
- 1405 Thomas Langley, Archbishop of York (excom.), bishop of Durham after 1406
- 1407 Thomas de Arundel, archbishop of Canterbury
- 1410 Sir Thomas Beaufort, Earl of Dorset after 1412
- 1412 Thomas de Arundel, archbishop of Canterbury
- 1413 Henry Beaufort, bishop of Winchester
- 1417 Thomas Langley, bishop of Durham
- 1424 Henry Beaufort, bishop of Winchester
- 1426 John Kempe, archbishop of York
- 1432 John Stafford, bishop of Bath and Wells, archbishop of Canterbury after 1443
- 1450 John Kempe, cardinal archbishop of York
- 1454 Richard Neville, Earl of Salisbury
- 1455 Thomas Bourchier, archbishop of Canterbury
- 1456 William Waynflete, bishop of Winchester
- 1460 George Neville, bishop of Exeter, archbishop of York after 1464

- 1467 Robert Stillington, bishop of Bath and Wells
- 1470 George Neville, archbishop of York
- 1471 Robert Stillington, bishop of Bath and Wells
- 1473 Lawrence Booth, bishop of Durham
- 1474 Thomas Rotherham, bishop of Lincoln
- 1475 John Alcock, bishop of Rochester
- 1475 Thomas Rotherham, bishop of Lincoln, archbishop of York after 1480
- 1483 John Russell, bishop of Lincoln
- 1485 Thomas Rotherham, archbishop of York
- 1485 John Alcock, bishop of Worcester, bishop of Ely after 1486
- 1487 John Morton, archbishop of Canterbury, cardinal after 1493
- 1504 William Worham, archbishop of Canterbury
- 1515 Thomas Wolsey, cardinal archbishop of York

Appendix 2: Chancery Petitions Related to Abduction

Petitions from Plaintiffs

PRO C1/4/147

Date: 1405-1424 (more likely later)

Plaintiff: John son of Philip de Eggerton, esq.

Accused: Richard and Hugh de Cholmoundesley

Victim / Relation to Plaintiff: Margaret Wareyn / wife

Location: co. Chester

Description: The Cholmoundesleys carried off John's wife Margaret.

PRO C1/5/41

Date: 1405-1424

Plaintiff: John Fusdon

Accused: Richard (gent.), John (gent.), and Thomas Trevaignon (bastard)

Victim / Relation to Plaintiff: name unknown / stepdaughter

Location: Fursdon manor, Cornwall

Description: The Trevaignons carried off plaintiff's stepdaughter, who was the heiress of John Lanyein.

PRO C1/5/45

Date: 1404-1423

Plaintiff: Eleanor widow of John Lambroke

Accused: William Cloutysham, William Sowe, John Joyet, Walter Wybhulle

Victim / Relation to Plaintiff: Margaret / daughter

Location: Torelys Preston, Somerset

Description: Margaret was abducted and is still being held by the accused, who are trying to force her to marry William Cloutysham.

PRO C1/5/175

Date: 1404-1423

Plaintiff: William Burton, servant of Master Robert Burton, chaplain to the Bishop of Durham

Accused: Lewis Gryville

Victim / Relation to Plaintiff: Alice Wodelock / stepdaughter?

Location: Collingbourne, Wiltshire

Description: Alice (daughter and heiress of petitioner's wife Parnell) was abducted and is still being held by the accused, who wants to be released from debts of 100 marks to the family.

PRO C1/6/34

Date: c. 1413

Plaintiff: John Dey and his son John

Accused: John Graa, esq., Simon Manfeld, and others

Victim / Relation to Plaintiff: name unknown / wife of John Sr.

Location: Coningsby, Lincoln

Description: Accused violently carried off John Sr.'s wife, along with cattle and sheep.

PRO C1/6/195

Date: 1413-1417 or 1424-1426

Plaintiff: Richard Cliderowe

Accused: Raulyn Langford, Thomas Okore, Nicholas Gousyll, William Hondford, Maud de Lye, and many others

Victim / Relation to Plaintiff: Margerie / wife

Location: Derby?

Description: Accused carried off Margerie, and then made war against Richard and his servants with nine hundred armed men.

PRO C1/7/2

Date: c. 1389?

Plaintiff: Joan widow of Richard de Peshale, knt.

Accused: John Ipstones, Philip Hokor, John Coken, Thomas Beek, knts. and others

Victim / Relation to Plaintiff: Maude widow of Humphrey de Peshale / daughter-in-law

Location: Salop (Shropshire)

Description: Maude and her chambermaid were carried off by the accused and one hundred armed men.

PRO C1/7/70

Date: 1413-1422

Plaintiff: Richard Haldenby and Agnes his wife

Accused: John Northfolk, brother of Agnes's first husband

Victim / Relation to Plaintiff: Katherine and Johane / daughters of Agnes

Location: Naburn, York

Description: John, along with armed men, carried off the two girls, seized tenements worth forty pounds a year, forced Katharine to become a nun at "Walandwelles" and killed Johane.

PRO C1/7/299

Date: c. 1392

Plaintiff: John Polmorva

Accused: Thomas and John Peverell and others

Victim / Relation to Plaintiff: Elizabeth / wife

Location: Cornwall

Description: Accused broke into the plaintiff's house while he was at church and carried away his wife and extorted a ransom.

PRO C1/7/323

Date: 1392-1432 or 1450-1453

Plaintiff: John Treverthyan

Accused: John Colshull and John Hurle, knt., justices of the peace

Victim / Relation to Plaintiff: names unknown / wife and ward

Location: Restronget Manor, Cornwall

Description: Accused broke into plaintiff's manor and imprisoned his wife, ward, and servants.

PRO C1/9/204

Date: 1441

Plaintiff: Richard of Barton

Accused: Alexander of Standish, Iseult of Heaton

Victim / Relation to Plaintiff: William of Heaton / son-in-law?

Location: Lancashire

Description: Accused have carried off the victim, whose marriage Richard had purchased for his daughter Agnes.

PRO C1/10/26

Date: 1432-1443 or 1468-1473

Plaintiff: William Wareyn, goldsmith

Accused: John atte Welle of Watford

Victim / Relation to Plaintiff: Denise / wife

Location: Watford, Hertfordshire

Description: Accused is Denise's father, and he invited her to come and visit him and would not let her return to her husband.

PRO C1/10/329

Date: 1432-1443 or 1468-1473

Plaintiff: Nicholas Wodehyll the younger

Accused: Isabel widow of Richard Russell of York, John Marchall, Thomas Gare, William Bowys (all merchants), and Robert Burlay alias Dene, papal notary

Victim / Relation to Plaintiff: Jane Russell / betrothed

Location: York

Description: Jane was betrothed to Nicholas, but her mother and others took her away and hid her from him.

PRO C1/16/51

Date: 1407-1457

Plaintiff: Roger Skete

Accused: John Bray, vicar of Reigate, Thomas Ingelond

Victim / Relation to Plaintiff: name unknown / wife

Location: Surrey

Description: Accused seized plaintiff's wife, along with various goods.

PRO C1/16/505

Date: 1407-1457

Plaintiff: William Dunnyng, merchant

Accused: John Ashwelle, Walter Blake, John Bartram

Victim / Relation to Plaintiff: Dateryn? / wife

Location: Norfolk

Description: Accused took plaintiff's wife and held her captive until Dunnyng handed over various lands to them.

PRO C1/19/152

Date: 1450-1453

Plaintiff: Agnes daughter of John Terry

Accused: John Bicombe, parson

Victim / Relation to Plaintiff: Agnes Terry / self

Location: Farendon, Berkshire

Description: Agnes was Bicombe's ward, but he held her captive for forty weeks, and then compelled her to marry against her will.

PRO C1/20/154

Date: 1450-1453

Plaintiff: William Rosmodres, Piers Treunwith

Accused: Thomas Lucumbe

Victim / Relation to Plaintiff: name unknown / ward

Location: Cornwall and Kent

Description: Plaintiffs were the guardians of the daughter of Otis Treunwith, who had been married under age to Harry Lucumbe, son of the accused. Harry died, and his father, fearing the loss of the marriage portion, claimed that the girl's mother was dying and took her away with the intent of marrying her.

PRO C1/24/222

Date: 1454-1455

Plaintiff: Rose Vernon widow of John Walton

Accused: John Dasshwyn/Dasshwell, laborer

Victim / Relation to Plaintiff: Anneys Walton / daughter

Location: Scarborough and Lynne

Description: "Certein maryners" abducted Rose's daughter, and though Rose later found her living with a laborer in Bishop's Lynne, she would not (or could not) return.

PRO C1/26/304

Date: 1457-1460

Plaintiff: Elizabeth widow of Richard Wakeherst the elder, Thomas Echyngnam, Thomas Hoo, John and William Gaynesford, esquires

Accused: John, Richard, and Nicholas Colepepir, Alexander Clyfford

Victim / Relation to Plaintiff: Margaret and Elizabeth Wakeherst / granddaughters

Location: Goudherst, Kent, and London

Description: Margaret and Elizabeth, heiresses, were carried off to London by Richard and Nicholas Colepepir.

PRO C1/33/126

Date: 1464-1467 or 1480-83

Plaintiff: George Johnson

Accused: Richard Armyston, gentleman

Victim / Relation to Plaintiff: Elaine / wife

Location: Brigstock, Northampton

Description: Richard kept away George's wife for eight years, and when George, on the instructions of his priest, went to retrieve her, he was imprisoned by Richard until he paid him fifty pounds.

PRO C1/43/23

Date: c. 1441

Plaintiff: Richard of Barton

Accused: Alexander of Standish (and Iseult of Heton)

Victim / Relation to Plaintiff: William of Heton / son-in-law?

Location: Lancashire

Description: Isolde asked for William to be sent to her so that she could give him her blessing, but then took him away.

PRO C1/43/49

Date: 1467-72

Plaintiff: William Mone and Margaret his wife

Accused: William Tredewe and others

Victim / Relation to Plaintiff: Johane / Margaret's daughter

Location: Tredyneke Manor, Cornwall

Description: Accused and other armed men too Johane, heir of Nicholas Tredyneke, from her home, took her out to sea in a boat and threw her overboard.

PRO C1/44/234

Date: 1467-72

Plaintiff: John Yersyk

Accused: Thomas Silcock, Richard Bryddes, John Branston

Victim / Relation to Plaintiff: Isabel Prowdefote / servant

Location: Huntingdon

Description: While plaintiff was away, the accused came to his house and took away his servant, and still keeps her.

PRO C1/45/139

Date: 1467-72

Plaintiff: William Campion

Accused: Piers Boteler

Victim / Relation to Plaintiff: name unknown / wife

Location: London

Description: Boteler keeps Campion's wife "at his pleasure", and when Campion tried to get her back, Boteler had him put in prison.

PRO C1/52/3

Date: 4 Dec., 1475

Plaintiff: Elizabeth widow of John Barantyne, esq.

Accused: John Smith (gent.), Richard Frebodie (gent.), Thomas Beere (gent.), John Wielt (gent.), John Mayne (yeoman)

Victim / Relation to Plaintiff: Elizabeth Barantyne / self

Location: London

Description: Elizabeth was carried away with some of her servants, kept and insulted for an hour.

PRO C1/61/412

Date: 1480-83

Plaintiff: John Clinton, knight, lord of Clinton and Say

Accused: John ap Morgan, knight

Victim / Relation to Plaintiff: John / son

Location: London

Description: Clinton, in prison in London for debt, claims that his son has been abducted by one of his debtors, Morgan, who intends to marry him against his will.

PRO C1/61/574

Date: 1480-83

Plaintiff: William Umphrey

Accused: Thomas Digonson

Victim / Relation to Plaintiff: Johan / wife

Location: London

Description: Digonson has taken Umphrey's wife, along with various goods worth twenty marks, and had Umphrey arrested.

PRO C1/66/293

Date: 1484

Plaintiff: Thomas Coterell, esq. and Alice his wife

Accused: Sir William Say, knight

Victim / Relation to Plaintiff: Isabel / Alice's daughter

Location: Devon

Description: Isabel was handed over to Say, so that he could marry her to Philip, son and heir apparent of a knight named Wentworth, but instead Say held Isabell prisoner and intended to marry her to someone else against her will.

PRO C1/66/441

Date: 1475-80 or 1483-85

Plaintiff: Richard Plawstowe

Accused: John Blaunche, chapemaker

Victim/ Relation to Plaintiff: name unknown / wife

Location: London

Description: Plawstowe was suing Blaunche at King's Bench for taking away his wife and goods, but Blaunche had him arrested and imprisoned.

PRO C1/69/161

Date: 14th-15th century

Plaintiff: Roger Banastre

Accused: Richard de Tounlay and others

Victim / Relation to Plaintiff: William Flemmyng / ward

Location: York, Lancashire

Description: William, son of John, son of Thomas Flemmyng, knight, was abducted by the accused and married to Tounlay's sister.

PRO C1/69/232

Date: 1450-1454

Plaintiff: Richard Thwaytes, esq.

Accused: John Clerk of Wyssenden

Victim / Relation to Plaintiff: Margaret and Agnes Clerk / wards

Location: Rutland

Description: Margaret and Agnes, heirs of Francis Clerk, were wards of Thwaytes, who also owned their marriage, but they were abducted by Clerk.

PRO C1/71/139

Date: 14th-15th century

Plaintiff: John Haket

Accused: Nicholas Mounyumrey alias Shyrley

Victim / Relation to Plaintiff: Alice / wife

Location: Wiltshire

Description: Haket's wife was taken away by the accused, along with many goods, and the two later procured strange people to try and kill Haket.

PRO C1/74/92

Date: 14th-15th century

Plaintiff: Walter Wymond

Accused: John Penrose

Victim / Relation to Plaintiff: name unknown / wife

Location: Fowy, Cornwall

Description: Wymond accused John Penrose of providing assistance to Michael Route, an outlaw and "comune rover a ponne the see," who led away his wife and kept her with him at sea for a long time.

PRO C1/75/39

Date: 14th-15th century

Plaintiff: Thomas Gwyn

Accused: Thomas Colle, parson

Victim / Relation to Plaintiff: Johan / wife

Location: Ilfercombe, Devon

Description: Colle took away Johan and all of the plaintiff's goods, and keeps them still, so that Gwyn has no money to take the case to common law.

PRO C1/87/38

Date: 1486-93

Plaintiff: Philip Cabull, dyer

Accused: William and John Barthelmewe

Victim / Relation to Plaintiff: Margaret / wife

Location: Bristol

Description: William and John, Margaret's sons from her previous marriage to Philip Barthelmewe came to her house while Cabull was in London and took her and various goods away with her consent.

PRO C1/102/60

Date: 1486-93

Plaintiff: Stephen son of John Middelton

Accused: Thomas Thornes

Victim / Relation to Plaintiff: Katherine / sister-in-law

Location: London

Description: Katherine was the wife of Stephen's late brother John, and was carried away from his house with various goods, and later endeavoured to obtain a divorce.

PRO C1/142/40

Date: after 1443

Plaintiff: Isot widow of Richard Heton, anchoress

Accused: William Heton

Victim / Relation to Plaintiff: William / son

Location: Hereford

Description: The plaintiff, an anchoress at Whalley, complains that her father-in-law, the accused, has taken custody of her son and intends to marry him under age and against his will.

PRO C1/150/54

Date: 1486-93 or 1504-15

Plaintiff: John Monmouth, merchant

Accused: Richard Coote and Thomas Bondiant

Victim / Relation to Plaintiff: Margaret / wife

Location: Gloucester, Somerset

Description: The accused took away Margaret and goods and deeds to land amounting to the value of one hundred pounds to Glastonbury. Margaret has since died, but Monmouth wants the return of the good and deeds.

PRO C1/158/35

Date: 1486-93 or 1504-15

Plaintiff: Richard Rous

Accused: Otes Trenwyth and others

Victim / Relation to Plaintiff: Jonet Mychell / step-daughter

Location: London

Description: Richard was the guardian of Jonet, but she was sent to live in London with her uncle Philip Trehere. Trenwyth and others came there and took her away, and she was compelled to marry against her will.

PRO C1/234/71

Date: 1493-1500

Plaintiff: Richard Westmerland and Alice his wife

Accused: John Middelton

Victim / Relation to Plaintiff: Agnes or Anne / Alice's daughter

Location: London, Surrey

Description: Agnes/Anne was heir to her father Thomas Ferby, but Middelton took her away and still keeps her, and has also taken her property for his own use. He intends to marry her to someone of his choosing.

Petitions from the Accused

PRO C1/16/69

Date: 1407-1413 or 1443-1450 or 1455-1456

Accused: Thomas Markeston, chaplain

Plaintiff: Henry Corbet, tailor

Victim / Relation to Plaintiff: name unknown / wife

Location: London

Description: Markeston says that Corbet falsely accused him of taking his wife and demanding ransom.

PRO C1/31/447

Date: 1464-7

Accused: Thomas Clynte, parson

Plaintiff: John White

Victim / Relation to Plaintiff: Isabell / wife

Location: Bristol

Description: White accused Clynte of corrupting and taking away his wife, who was "of evyll name and fame". Clynte claims Isabell came to his house of her own accord.

PRO C1/32/439

Date: c. 1481

Accused: Francis Dore, merchant of Genoa

Plaintiff: William Frythe

Victim / Relation to Plaintiff: Johane / wife

Location: London

Description: Dore was accused of taking away Johane with force of arms, and claims he is not guilty, but the jury will "credit no Lombard".

PRO C1/46/4

Date: 1467-72

Accused: John Gravener

Plaintiff: Elizabeth, Countess of Oxford

Victim / Relation to Plaintiff: name unknown / servant

Location: London

Description: Gravener's wife was in service with the Countess, and he took her to live with him, which he thought was lawful, but the Countess objected and charged him with a trespass.

PRO C1/46/47

Date: 1467-72

Accused: Elizabeth and Joce Lamanva, Alice Ryder

Plaintiff: William Rothley

Victim / Relation to Plaintiff: name unknown / wife

Location: London

Description: Elizabeth petitions the court because her husband is in Bristol. She has been accused and her servant, Alice Ryder, has been imprisoned for assenting to Joce's alleged abduction of Rothley's wife.

PRO C1/46/102

Date: 1467-72

Accused: William Henley, draper

Plaintiff: John Garstange, grocer

Victim / Relation to Plaintiff: name unknown / wife

Location: London

Description: Garstange alleged that Henley led away his wife and took various goods, and has had Henley imprisoned without bail.

PRO C1/63/176

Date: 1480-82

Accused: John Grove, netter

Plaintiff: Thomas Loryng

Victim / Relation to Plaintiff: Grace / wife

Location: London

Description: Loryng accused Grove of provoking his wife Grace to leave him and go to "Maister Wellys, soon unto my lady of Somerset" (John Welles, Viscount Welles).

PRO C1/64/1158

Date: 1483-85

Accused: John Langrake, barber

Plaintiff: William West, rentgatherer to the master of St. Thomas of Acres

Victim / Relation to Plaintiff: Johane / servant

Location: London

Description: West's servant Johane, aged twelve, was found by the accused, who took her home out of the goodness of his heart, but was later charged by her master with trespass.

PRO C1/160/18

Date: 1486-93 or 1504-15

Accused: John Seton, priest

Plaintiff: Richard Gybson, tailor

Victim / Relation to Plaintiff: name unknown / servant

Location: London

Description: Seton was accused of taking Gybson's female servant away by force, along with certain goods.

PRO C1/240/59

Date: 1500-2

Accused: John Grene, parson

Plaintiff: John Langlee, barber

Victim / Relation to Plaintiff: name unknown / wife

Location: London

Description: Grene has been arrested for the alleged abduction of Langlee's wife and theft of his goods, among other false charges.