

A REMARRYING WIDOW:
LAW AND LEGAL RECORDS
IN LATE MEDIEVAL LONDON

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document (*v.*). 2. To prove or support
(something) by documentary evidence.¹

The following document, dated January 1487, or, in modern reckoning, January 1488, was pasted onto the flyleaf of a psalter (a book of psalms) now in the British Library:

In the yere of our lord M CCCC iii^{xx} and vii, The first daye of the Moneth of Janyver, the Banys where solmepnished and published betwixt Annes Skerne late wedow of the parishe of Kyngeston of the to on party, And Peres Courteys the kyngis Wardrober of London of the parishe of Saynt Andrewe in Barnardcastel in London to the on other party. Item, the second Bayn was maad don and published within the seid chirche the vi daye ensuyng. Item, the third Bayn was publissed within the seid Church the xiii daye of the seid moneth of Janyver.

Memorandum that the Banys were asked and publissed the xiii daye of Janyver betwixt Maister Peres Courteys of the parishe of Saynt Andrews in Barnardcastel of the to on party And Annes S[k]erne wedow of the parishe of Kyngeston of the to other party. Item, the second bayn it was asked the xx daye of Janyver. Item the thyrd Bayn it was asked upon the xxv daye of Janyver.

¹ *Oxford English Dictionary Online*, s.v. document, *v.*

And so after the Banys doon and fynyshed according to the Chirch lawes, the seid Maister Peres Courteys and the seid Annes were wedded fayve of þe cloke solempny within the chirch of Saynt Andrews in Barnardcastel the xxix daye of Janyver on the presence of Maistresse Stokton, Mastre Helys, gentylman, Sir D[...] Burgeis parson of Saynt Andrewe of Canterbury, Thomas Stokton, Thomas Stokton [sic], Richard Butler, clerk of the seid chirch of saynt Andrews, Thomas Hy[...]d, Thomas Lenall, Robert Diriant, James and John Boylet, and Margery Grene.

(In the year of our Lord 1487, the first day of the month of January, the banns were solemnized and published betwixt Agnes Skern, late widow of the parish of Kingston of the one party, and Piers Curtes, the king's wardrober of London, of the parish of St. Andrew's Baynard Castle in London to the one other party. Item, the second bann was made done and published within the said church the sixth day ensuing. Item, the third bann was published within the said church the thirteenth day of the said month of January.

Memorandum, that the banns were asked and published the thirteenth day of January betwixt Master Piers Curtes of the parish of St. Andrew's Baynard Castle of the one party and Agnes Skern, widow of the parish of Kingston of the to other [t'other?] party. Item, the second bann it was asked the twentieth day of January. Item, the third bann it was asked upon the twenty-fifth day of January.

And so after the banns done and finished according to the church laws, the said Master Piers Curtes and the said Agnes were wedded, five o'clock, solemnly within the church of St. Andrew's Baynard Castle, the twenty-ninth day of January, in the presence of Mistress Stoughton, Master Helys, gentleman, Sir D[...] Burgeis, parson of St. Andrew Canterbury, Thomas Stoughton, Thomas Stoughton, Richard Butler, clerk of the said church of St. Andrew's, Thomas Hy[...]d, Thomas

Lenall, Robert Diriant, James and John Boylet, and Margery Grene.)²

This memorandum records three announcements of banns between Agnes Skern, widow, and Piers Curtes, the Keeper of the King's Wardrobe, in each of their parish churches: Kingston upon Thames for Agnes, St. Andrew's Baynard Castle in London for Piers. Banns were proclamations of a future solemnization of marriage (that is, a church wedding), part of the process by which marriage was to be publicly ratified in the parish church of the bride or (as in this case) the groom.³ The memorandum also records that the marriage was duly solemnized following these banns, with a number of witnesses.

On its face, the memorandum documents a marriage. It appears to be an unexceptional piece of historical evidence, potentially useful in pinpointing the date and even the time of a marriage of a minor public figure, the King's Wardrober⁴ — but otherwise not of much interest to the modern scholar. It is only when the memorandum is read in the context of the other documents relating to the widow Agnes Skern and her new husband Piers Curtes that its less-than-innocent aspect is disclosed. Agnes's story reveals much about late medieval English widows of the gentry and the civic elite and how and why they remarried — going back over ground that Barbara Todd opened up in 1985 with a seminal essay on remarrying widows.⁵ Agnes Skern's perceived need for a new husband seems at first glance to put her in a different sphere from the more independently minded widows that Todd found in seventeenth-century Abingdon. Despite the different times and circumstances, however, Agnes's case fits well with Todd's findings — likely still well within childbearing years and with four young children, Agnes was in the categories most likely to remarry.⁶ Indeed, Agnes, her family, and her

² BL, Additional MS 18,629, fol. 1v. All spellings are as in the original manuscript, with *u* and *v* regularized; material in square brackets is supplied, and ellipses indicate illegibility. Until the mid-eighteenth century, the English New Year began on 25 March rather than 1 January.

³ On the process of forming a marriage in late medieval London, see McSheffrey, *Marriage*, ch. 1. For the canon law of marriage in late medieval England, see Helmholz, *Marriage Litigation*; Sheehan, *Marriage*; and Donahue, *Law*.

⁴ As the document is cited in Sutton and Hammond, *Coronation*, 327–328, where I first found reference to it.

⁵ Todd, "Remarrying Widow." See also Barron and Sutton, *Medieval London Widows*.

⁶ Todd, "Remarrying Widow," 63, 68.

friends appear to have considered a new husband crucial to the security and well-being of Agnes herself and her four young children. Agnes's story also introduces other questions about documents and what they can and cannot tell us about the functions of law and legal records in premodern English life, and indeed about the epistemic bases of historical knowledge. Explaining this entails laying out, microhistorically, what I have been able to uncover about the lives of Agnes and Piers, and where the 1488 memorandum in the British Library psalter fits in.



Agnes Stoughton Skern was the daughter of Thomas Stoughton, a prominent London fishmonger, royal servant, and Member of Parliament.⁷ We first hear of Agnes about fourteen years before her marriage to Piers Curtes. Her first confirmable appearance in a medieval document is in a November 1474 letter written by Sir John Paston, a Norfolk gentleman, to his younger brother, in confusing fifteenth-century fashion also named John (and known to us as John III). Sir John wrote to his younger brother the news that “Stoctonys doghtre” was to “be weddyd in haste to Skeerene.”⁸ This was not a piece of idle gossip, but something that may have been of considerable interest to the younger John Paston, who was apparently well acquainted with Stoughton's daughter. Sir John went on to tell his brother that he had heard from a silkmaid who was preparing Agnes's wedding clothes, and to whom Agnes had revealed her troubled heart, that she still preferred John III to Skern; from this we can infer that John III had also been courting her. In fact, she had told the silkmaid, Agnes wanted Paston to ravish her, that is, to abduct her from her father's house and marry her against her father's will.⁹ John III himself was probably more sensible. Many elopements did end in agreements with the woman's family regarding the marriage portion, but others ended in disownment and disinheritance. The two John Pastons had themselves witnessed the latter scenario in their own family five years before when their sister Margery eloped with a family servant.¹⁰

⁷ On Agnes's father Thomas Stoughton, see Wedgwood, *History of Parliament*, 2:817–818; Will of Thomas Stoughton (1478/80), TNA, PCC Prob. 11/7, fol. 23r–v.

⁸ Davis, *Paston Letters*, 1:478–479.

⁹ See further discussion of this letter and ravishment in late medieval England in McSheffrey and Pope, “Ravishment.”

¹⁰ Davis, *Paston Letters*, 1:342–343.

It is possible that the younger John was tempted, however, as his older brother went to some length in the letter to reassure him that he was well out of it, that no man would want to marry such a woman even for three thousand marks, an enormous dowry.¹¹ The younger John may have put considerable effort into wooing Agnes, as it is quite possible that she was the “Mistress Agnes,” otherwise known as the “wedow of the Blak Freiris,” whom he had been courting over previous months with love letters and other blandishments.¹² John Paston III, however, although a gentleman and thus in some ways a step up the social ladder from the daughter of a merchant, was a younger son. Undoubtedly Agnes’s father Thomas Stoughton preferred the candidacy of Robert Skern, a Surrey gentleman with considerable lands and good political connections.¹³

In any case, in late 1474 or early 1475 Agnes, perhaps already a widow, married Robert Skern. If it was her first marriage — and indeed even if she was a widow — she was likely in her teens, as women of the fifteenth-century London elite, like their aristocratic counterparts, tended to marry early. She had four surviving children with Skern: Swithun, Robert, Beatrice, and Cecily.¹⁴ After about eleven years of marriage, in the autumn of 1485 Robert Skern died. Agnes was likely then no older than her thirties, and possibly still in her late twenties, a widow with four underage children.

Following Robert’s death, she moved in with her mother, Beatrice Stoughton, herself widowed in about 1480, to Beatrice’s house in the parish of St. Nicholas Cole Abbey in London. In Beatrice’s opinion, Agnes needed to remarry quickly, as she required a husband to assist her in the legal recovery of her late husband’s disputed lands.¹⁵ About six months into Agnes’s widowhood, a man named Piers Curtes began to visit her at her mother’s house. Agnes almost certainly already knew Curtes and possibly knew him well. He had been one of the feoffees (or trustees) of her late husband’s lands.

¹¹ Davis, *Paston Letters*, 1:478–479. A mark was 13s 4d, or two-thirds of a pound sterling.

¹² Davis, *Paston Letters*, 1:590–592; judging by the bequests in Thomas Stoughton’s will (TNA, PCC Prob. 11/7, fol. 23r–v), he had a particular relationship with Blackfriars, although beyond the name Agnes and a Blackfriars connection, I have not been able to establish more firmly that “Mistress Agnes” was Agnes Stoughton.

¹³ On Skern, see below.

¹⁴ TNA, C 1/130/14.

¹⁵ LMA, DL/C/A/001/MS09065B, fols. 2v–3r; McSheffrey, *Consistory* <<http://digital-history.concordia.ca/consistory/obj.php?p=543>>.

Her mother had known him from the mid-1460s, so likely Agnes herself had known him over those twenty years, too.¹⁶

Piers's antecedents are obscure; he had a connection to Leicester and may have had his origins in Leicestershire. It is also possible that he was related to the London fishmonger, John Curteys, who died by 1469, a link which would explain his relationship with the Stoughton family.¹⁷ Although his age is not clear, we can guess by the earliest records of his life that in the mid-1480s he was in his late forties or fifties. Despite his mature age, he may not have been married before. Although he appears to have been involved in serious marriage negotiations in 1463 with a woman named Alice Russell, possibly that marriage deal foundered or she died soon after the marriage, as records indicate that by 1467 the marriage no longer (or never had) existed.¹⁸ I have found no evidence that he married anyone else before he began to court Agnes Stoughton Skern.

Although of obscure origins, by middle age Piers Curtes was a man of some position.¹⁹ He had served as Member of Parliament for Appleby (Leics.) and Leicester borough from 1467 and would continue to do so until 1495. He had also served in Edward IV's household from the early 1460s and was named Keeper of the King's Great Wardrobe in 1472, a position that he held through the beginning of Richard III's reign. In 1486 when he began visiting Agnes, however, Curtes had just emerged from a difficult time. As had many others during Richard III's short reign (1483–85), he had fallen into disfavour with the king. First, in 1483 he was stripped of part of his

¹⁶ TNA, E 150/1065/5, Inquisition Post Mortem for Robert Skern of Kingston-upon-Thames, 21 Hen. VII; *Calendar of Inquisitions Post Mortem*, 3:571; LMA, DL/C/A/001/MS09065B, fol. 2v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=543>>. John Snoryng, the former apprentice of Thomas Stoughton, Agnes's father, also testified that he had known Curtes from the 1460s: LMA, DL/C/A/001/MS09065B, fol. 4v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=497>>; *Calendar of the Close Rolls ... 1461–68*, 391.

¹⁷ Thomas and Jones, *Calendar of Plea and Memoranda Rolls*, 5:183; *Calendar of the Close Rolls ... 1468–76*, 88.

¹⁸ Given-Wilson, *Parliament Rolls*, 5:517, 536, 592, 610; *Calendar of the Patent Rolls ... 1467–77*, 66.

¹⁹ On Curtes, see Wedgwood, *History of Parliament*, 2:244–245 (although this account of his life has a number of errors); for a more complete biography that is especially good on his service in the Wardrobe, see Sutton and Hammond, *Coronation*, 327–328. Neither of these sources, however, takes into account the marriage suit discussed here.

position in the household as keeper of the King's Privy Purse, although he continued to work in the Wardrobe into late 1484 and possibly early 1485. By the middle of 1485, however, he was removed altogether from his position in the Wardrobe and had fled to sanctuary in Westminster Abbey, where he lived from at least June until Richard was defeated by Henry Tudor at Bosworth in August 1485.²⁰ Short-term pain may have meant long-term gain: when Henry VII acceded to the throne he welcomed many of Richard III's enemies as his friends. In September 1486, Henry restored to Piers the office of Keeper of the King's Great Wardrobe, "in consideration of his true heart and service and of the great persecution, dangers and losses of goods, sustained by him in the king's cause, he having kept sanctuary at Westminster long time in sadness, punishment, and fear, awaiting the king's arrival."²¹

During the same period he was being restored to his former position — that is, the spring, summer, and fall of 1486 — Piers Curtes frequently visited Agnes in her mother's house, apparently discussing marriage.²² This was a relatively long courtship for a mature couple, although perhaps they felt it necessary to wait the customary year after her husband's death before Agnes could commit to a new husband. The observance of a year of mourning was not universal, but was seen as proper; one London woman averred that she could not consider an offer of marriage until a year had passed, while another observed the anniversary of her husband's death by wearing a black gown, inviting a number of guests to dine with her, and, according to some witnesses, making a contract of marriage.²³ According to later witnesses, in mid-October 1486, after a year of widowhood (her previous husband having died 1 October 1485),²⁴ Piers and Agnes exchanged marriage vows twice in her mother's house, each time before a single witness. First, in the company of Ann Frisell, a thirty-six-year-old woman who was one of Agnes's relatives, the couple exchanged vows of marriage in the buttery of Beatrice's house.

²⁰ *Calendar of the Patent Rolls ... 1476–85*, 438, 513; *Calendar of the Patent Rolls ... 1485–94*, 26; Sutton and Hammond, *Coronation*, 328.

²¹ *Calendar of the Patent Rolls ... 1485–94*, 26

²² LMA, DL/C/A/001/MS09065B, fol. 2v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=543>>.

²³ LMA, DL/C/A/002/MS09065, fol. 20r–v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=548>>; LMA, MS DL/C/0205, fols. 222v–223r, 224r, 225rv, 235v–240v, 257v–258v.

²⁴ TNA, E 150/1065/5; *Calendar of Inquisitions Post Mortem*, 3:571.

After they had each taken the other as husband and wife, holding hands and saying the words of consent as dictated by canon law, they asked their witness Ann Frisell to keep the exchange secret. While it was common in late medieval London for marriage contracts to be made in domestic locations, it was very rare for those contracts to be made in service rooms rather than the reception rooms (hall, parlour, great chamber).²⁵ The location underlines the informality of the exchange, and together with Piers's and Agnes's request to Ann that she not reveal the contract to Agnes's mother, their agreement to marry begins to appear furtive. The secrecy, however, was very short-lived, as on the same day or very soon after the couple would again exchange consent before Beatrice herself, first formally asking her consent; the concealment thus likely had no other significance than that the couple did not wish it to seem to Agnes's mother Beatrice that they were not seeking her consent before proceeding.

By this first contract, Piers and Agnes would have been married in theological terms, or "before God," as Piers later put it — as consent had been exchanged in verbs of the present tense — but in legal terms, the situation was more ambiguous as the contract had only one witness. According to late medieval Catholic theology and canon law, the sacramental tie of marriage was created by the marriage contract, the exchange of consent between the man and the woman, in England normally through formulaic words ("I take thee Joan to be my wedded wife"; "I take thee John to be my wedded husband"). This could take place anywhere and anytime, and no priest's presence or blessing was necessary. But in order to prove the marriage in a church court (what witnesses called being married "before man"), two witnesses were required, rather than one.²⁶

The two later exchanged consent again, probably on the same day, this time in the future tense before Agnes's mother, Beatrice. According to Beatrice's version of events, Agnes sought her mother's advice first, telling her mother that she would put "her will to mine" (as Beatrice put it) and would do as her mother thought best regarding the marriage. This appeal to Beatrice's advice and permission was made notwithstanding the binding contract Agnes and Piers had already made before Ann Frisell — but what Beatrice

²⁵ LMA, DL/C/A/001/MS09065B, fol. 3r-v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=539>>. On location of exchanges of consent and social meaning, see McSheffrey, *Marriage*, ch. 5.

²⁶ See n. 3 above.

didn't know wouldn't hurt her. Beatrice gave her blessing and the couple exchanged words of future consent before her.²⁷ Words of future consent, "I *will* have you to be my wedded wife," were binding except when superseded by another exchange of consent in the present tense — in theory, at least, they were not loose promises that could be forsaken on a change of mind, but enforceable in a church court, which could mandate that a future contract be ratified through a repetition of the vows in church (a solemnization). Future-tense contracts could also be made binding by subsequent sexual intercourse. Beatrice later said that Piers in fact wanted to seal the bargain by sleeping with Agnes that night, but Beatrice put a stop to that and kept them separated all night, acting — or at least portraying herself as acting — as guardian of her daughter's virtue. Canonically, the second contract, again with only one witness, was still of questionable provability; Agnes might argue that two contracts, each with only one witness, added up to a proved contract, but the church courts would not have been all that likely to agree.

While it would not have been odd in fifteenth-century London, especially among the civic elite to which Agnes belonged, for a young woman to depend heavily on parents in making a decision about marriage, such dependence was much more frequently characteristic of first marriages. It was more unusual for a widow, especially one who had been married for eleven years and had had at least four children, to be this reliant on a parent²⁸ — not only "putting her will" to her mother's in the marriage choice, but even allowing her mother to dictate whether or not she should sleep with her husband. This tells us something about the personality of the two women involved — and reminds us of the point made by Barbara Todd that the category of "widow" included women of very different degrees of independence.²⁹ Agnes was apparently not one of those redoubtable widows who came into her own during the period of relative autonomy widowhood brought. She needed her mother to approve her new marriage and supervise her sexual life, and she needed a new husband to help her recover her previous husband's lands. Beatrice Stoughton, on the other hand, was evidently a woman of independent spirit; as a plaintiff in Chancery regarding a different matter complained around this same time, Beatrice was a woman of "froward

²⁷ LMA, DL/C/A/001/MS09065B, fols. 2v–3r; McSheffrey, *Consistory* <<http://digital-history.concordia.ca/consistory/obj.php?p=543>>.

²⁸ McSheffrey, *Marriage*, 52–58.

²⁹ Todd, "Remarrying Widow."

mynde and disposicion,”³⁰ an evaluation that is not inconsistent with the tone of her testimony regarding her daughter’s marriage contract with Piers Curtes.³¹

Thus Piers and Agnes moved towards marriage over a period of months, culminating in two ambiguous exchanges of consent in mid-October 1486. For some reason that we have no hint of, however, the marriage was subsequently abandoned by one or both of them. This apparently caused some gossip in the parish of St. Nicholas Cole Abbey, with neighbours buzzing that they had heard that a marriage contract had been made and yet no church solemnization had ensued.³²

Almost a year later, in September 1487, Piers Curtes made another marriage contract, again with a widow, Margaret Niter. This contract was, unlike the contract with Agnes Skern, properly witnessed — it was made in the presence of Margaret’s father, a London grocer, and one of her father’s colleagues — and in the present tense.³³ We do not know what happened following this exchange of consent, although I will hazard a guess below. In any case, again apparently the marriage failed to go forward.

In January 1488, first Margaret and then Agnes separately sued Piers, each claiming him as her legitimate husband, and witnesses for both sides were heard over a period of about a week, between 19 and 27 January.³⁴ Piers himself was examined on 26 January regarding the contracts allegedly made with the two women, offering, not surprisingly, crucial information. Questioned on positions put forth by Margaret Niter’s proctor or lawyer, he conceded Margaret’s claim that he had indeed made the September 1487 contract about which Margaret’s father and his colleague had already testified. But, Piers said, the contract with Margaret notwithstanding, he had made

³⁰ TNA, C 1/125/41, likely c. 1488. Beatrice was also involved in another Chancery suit, TNA, C 1/62/421 (1480–83).

³¹ See further discussion in McSheffrey, *Marriage*, 52–53.

³² “Per annum ultimum preteritum et amplius, publica vox et fama laboraverunt et laborant in dicta parrochia sancti Nicholai quod iidem Petrus et Agnes fuerunt affidate et reputati vir et uxor et quod plures mirabatur quod matrimonium non erat solemnissatum inter eosdem.” LMA, DL/C/A/001/MS09065B, fol. 4v; McSheffrey, Consistory <<http://digitalhistory.concordia.ca/consistory/obj.php?p=497>>.

³³ LMA, DL/C/A/001/MS09065B, fols. 1r–2r.

³⁴ *Margaret Niter c. Piers Curtes; Agnes Skern c. Piers Curtes*, LMA, DL/C/A/001/MS09065B, fols. 1^r–2^r, 4^r–v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=437>>.

a prior contract with Agnes Skern (which legally would have rendered the contract with Margaret null and void). This second part of his response (the “but”) was squeezed into the margin of the deposition book, indicating that it was an answer the court’s registrar had not expected and that required more elaboration than he had originally allocated on the page. Around the middle of October 1486, this marginal testimony records, Piers and Agnes had exchanged consent, in the presences of Ann Frisell and Beatrice Stoughton, just as those witnesses had already deposed. More intriguingly, however, Piers added something new: “and afterwards [they also contracted] in the presence of the earl of Oxford, Lady K. his wife, James Blount, William Noris, Philip Lewis, and others.”³⁵

This must have been something of a bombshell. John de Vere, thirteenth earl of Oxford, had emerged from the Tudor ascendancy as a kingmaker. It would not be out of line to suggest that in 1487 he was the most powerful man in the kingdom after the king himself.³⁶ James Blount was Oxford’s right-hand man; William Noris and Philip Lewis were both prominent retainers of the earl.³⁷ Curtes does not indicate precisely when this contract was made, only that it was after the day on which he made the two contracts of marriage with Agnes in October 1486.

Why would Oxford and his senior henchmen have been present at the making of a marriage contract between a second-tier palace functionary and the daughter of a London fishmonger? At first glance, it would seem that the connection to these illustrious persons must have come through Piers Curtes’s ties to the royal household. But while it is quite possible that Oxford knew Curtes, the closer ties were almost certainly to Agnes, fishmonger’s

³⁵ “Sed fatetur tamen quod prius contraxit videlicet circiter festum sancti Dionisii ad annum elapsu[m] contraxit matrimonium cum Agnete Skern in presencia Anne Frisley et Beatricis Stokden, et postmodum in presencia domini Comitis Oxonie, domine K. [deleted?] eius uxoris, Jacobi Blount, Willelmi Norris, Philippi Lewes et aliorum.” LMA, DL/C/A/001/MS09065B, fol. 4r; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=494>>. The Countess of Oxford’s name was Margaret – see S. J. Gunn, “Vere, John de, thirteenth earl of Oxford (1442–1513),” *Oxford Dictionary of National Biography (ODNB)* <<http://0-www.oxforddnb.com/view/article/28214>> – and thus this appears to be an error on the part of the scribe or Piers Curtes.

³⁶ Gunn, “Vere.”

³⁷ On James Blount, see Rosemary Horrox, “Blount, Walter, first Baron Mountjoy (d. 1474),” *ODNB* <<http://www.oxforddnb.com/view/article/2700>>; on Lewis and Noris (Oxford’s brother-in-law), see Wedgwood, *History of Parliament*, 2:539, 640–641.

daughter though she was. Agnes's previous husband, the Surrey gentleman Robert Skern, had been a long-time faithful servant of the earl of Oxford.³⁸ The earl of Oxford, it would seem, was here acting as a good lord should, helping his retainer's widow in her hour of need; indeed, it was upon the chain of such favours given and received that much of fifteenth-century English political and social life rested.³⁹ Robert Skern had served Oxford, on and off, for two decades before his death. Skern first entered into the historical record when he came into his lands in Kingston and elsewhere in Surrey upon his father's death in 1464, at which time he was a law student at the Inns, and thus probably between eighteen and twenty-three years old.⁴⁰ Despite his youth, he evidently soon after this became a trusted member of the household of the equally young earl of Oxford, as by 1467 the Paston Letters record him acting as Oxford's agent in discussions with the Archbishop of York.⁴¹ Around this time, the later 1460s, Oxford joined the growing opposition to Edward IV's regime and throughout the next five years played a central role in both the temporary overthrow of the Yorkist king and Henry VI's transitory recovery of the throne in 1470–71. Robert Skern probably acted as Oxford's retainer throughout this period; he was certainly doing so in 1469 at the very point Oxford was joining forces with the duke of Clarence and his brother-in-law, Warwick the Kingmaker.⁴² Skern may have accompanied his lord into exile in 1469 and then taken part in the Lancastrian invasion of 1470. Skern's first appearance as a Crown commissioner came during Henry VI's brief second reign,⁴³ presumably a

³⁸ On Oxford's movements during this time, see Gunn, "Vere," and Scofield, "Early Life."

³⁹ Horrox, "Service."

⁴⁰ Will of William Skern, Sr., 1463, TNA, PCC Prob. 11/ 5, fol. 31r-v; Baker, *Oxford History of the Laws of England*, 6:449. Although William Skern had not been a man of national prominence, earlier Skerns had had brushes with royalty: William was heir to his uncle, Robert Skern (d. 1437), who had been an M.P. and married Joan, daughter of Alice Perrers, mistress of Edward III. Although sometimes Joan is called the daughter of Edward III, she was more likely daughter of Alice Perrers' later husband, William, Lord Windsor. Robert and Joan Skern left a memorial brass "of particular distinction" in Kingston-upon-Thames parish church. See Roskell, Clark, and Rawcliffe, *History of Parliament*, 4:382–384; Biden, *History*, 46.

⁴¹ Davis, *Paston Letters*, 2:383.

⁴² Davis, *Paston Letters*, 2:399; Gunn, "De Vere."

⁴³ *Calendar of the Patent Rolls ... 1467–77*, 246, 248.

reward for his Lancastrian loyalties. The extent to which Skern was tied to Oxford after the Lancastrians were defeated at Barnet and Tewkesbury is unknown; Oxford continued to resist the Yorkist Edward IV, but by 1473 he had been captured and imprisoned at Hammes Castle in the Calais pale, where he remained for the next decade. In the meantime, as we have seen, in late 1474 or early 1475 Skern married Agnes Stoughton when he was about thirty years old. Perhaps as a result of the marriage, he seems to have put his rebel days aside or at least on hold: between 1476 and 1478, Robert Skern served on several commissions for the Yorkist Crown.⁴⁴

His connections to Oxford may well have continued, however, or at least were resumed during the reign of Richard III. In October 1484, Oxford's jailer in Hammes Castle, none other than James Blount (later witness to the marriage of Agnes Skern and Piers Curtes), turned against Richard III and released his prisoner, and together Oxford and Blount joined Henry Tudor in France. Robert Skern, too, joined Henry's forces at this time. As Henry himself later put it, Skern gained the future king's affection during this period "not only in favouring his royal title by virtue whereof he has arrived at the crown of England, but in repressing his enemy Richard, late duke of Gloucester, the usurper of his crown and right, and his accomplices who had raised war against him."⁴⁵ Skern was rewarded with offices soon after Tudor's victory at Bosworth in August 1485, but died only a week after they were granted, on 1 October 1485.⁴⁶ Through the later part of their marriage, then, Agnes likely saw relatively little of her husband, and just as peace and prosperity seemed poised to return to the Skern family after Henry Tudor's victory at Bosworth, Robert Skern died and Agnes was left a widow with four children and an uncertain hold on her husband's lands.

Thus, the presence of the earl of Oxford and his retainers at the marriage of Agnes Skern and Piers Curtes in 1486 or 1487 suggests that the earl was doing a favour for the widow of a faithful servant who was in a tough

⁴⁴ *Calendar of the Patent Rolls ... 1476-85*, 23, 24, 144.

⁴⁵ *Calendar of the Patent Rolls ... 1485-94*, 36-37.

⁴⁶ The offices (keeper of the park at Sheen and associated duties and perquisites) were granted 23 September 1485 (*Calendar of the Patent Rolls ... 1485-94*, 36-37); his death was dated 1 October 1485 in his inquisition post mortem. TNA, E 150/1065/5, calendared in *Calendar of Inquisitions Post Mortem*, 3:571. He may have died of the "sweating sickness," which according to contemporary chronicles was raging through London in late September 1485. Thomas and Thornley, *Great Chronicle*, 239; Pronay and Cox, *Crowland Chronicle Continuations*, 169, 185.

situation; she needed a husband, but the man whom everyone in her parish thought she had married had made a contract with someone else. Not only did this leave her without Piers Curtes as her husband, but the ambiguity of her marital status — the lack of clarity about whether she and Piers Curtes had really contracted or not — would have made any other man reluctant to take her as his wife. Although Piers's testimony indicates only that the exchange of vows before Oxford and his retinue took place after mid-October 1486, it is plausible that the contract witnessed by the earl of Oxford was made in fall 1487, triggered by Curtes's contract with Margaret Niter in September 1487. The presence of the earl's henchmen has the hallmarks of the kind of intimidation by show (if not exercise) of force and influence that marked much of fifteenth-century English political life.⁴⁷ Piers Curtes, whose position as Keeper of the Great Wardrobe may still have been somewhat precarious in 1487,⁴⁸ could hardly fail to acquiesce when the earl of Oxford demanded that he fulfill the contract of marriage he had made with Agnes Skern. No member of the illustrious wedding party came to testify when first Margaret Niter and then Agnes sued Piers in the London Consistory in January 1488; perhaps they were being held in reserve in case Agnes appeared to be losing her suit. In any case, they did not need to appear, as the decision went in favour of Agnes rather than Margaret and she and Piers married.⁴⁹

For both of Agnes's known marriages,⁵⁰ other parties besides the principals were involved in applying pressure and influence, and in both cases — although the second more evidently than the first — Church law concerning marriage provided tools and an inescapable, if flexible, framework for that pressure. The nature of the influence in the Skern marriage is obscure, but we can see traces of a conflict between romantic desires on Agnes's and perhaps John Paston's part and the need to marry Agnes quickly and safely to Robert Skern. That conflict was solved, in a sense, by the finality of the bond created by medieval marriage law: once married, there was no easy way out, or at least no way out that saved the honour of all parties involved.

⁴⁷ See, for example, Hicks, *English Political Culture*, esp. 141–148, 175–179, 183–184.

⁴⁸ Sutton and Hammond, *Coronation*, 328.

⁴⁹ There is no actual record of the sentence; I infer that Agnes won from the fact that Agnes and Piers did marry.

⁵⁰ As above (see n. 10), Agnes may have been widowed already when she married Skern in about 1474, but I have not been able to find any trace beyond the implications of the Paston Letters for a previous marriage.

In the Curtes marriage more than a decade later, the pressure exerted by her husband's former patron intersected with legal strategies in somewhat different and quite complicated ways. The most likely scenario is that after Piers contracted with Margaret Niter in September 1487, Agnes Stoughton Skern's friends and patrons rallied to her cause. As a result, Piers was forced to acknowledge his previous contract and indeed renew it before witnesses whom it would be extremely difficult to gainsay. Although Oxford's position and influence might seem to make Curtes's acknowledgement of a previous contract with Agnes inevitable, simply putting Margaret Niter aside was not as easy as Curtes might have liked. After Piers and Agnes set out on the road to canonical marriage for the second time, Margaret Niter sued Curtes to uphold what she considered her better claim. Agnes's counter-suit against Piers, although framed through the system of litigation as adversarial, was in fact undertaken in concert with him,⁵¹ a bid to prevent Margaret Niter from making her very plausible claim good. Margaret's suit could well have succeeded as Agnes's case was legally weak, but had Margaret won, Piers would have been in deep trouble. The sentence of the ecclesiastical court could not easily be disregarded whether or not one had the earl of Oxford breathing down one's neck. Fortunately for Piers, the sentence went for Agnes, although it is hard to know how much of this was due to legal right, how much to strategy (the way Piers negotiated his own examination, for instance), and how much to influence. Perhaps the judge believed that Piers had made a valid contract with Agnes prior to the second one with Margaret, accepting Piers's own admission of the October 1486 contracts. Or perhaps the judge, upon hearing that the earl of Oxford himself was involved, decided that a sentence for Agnes Skern was the only politic choice, even if legally the facts as recorded in the depositions could have given the nod to Margaret.

At the same time as Agnes Skern and Piers Curtes, in defensive mode, argued for the canonical nature of their marriage in the Consistory Court in January 1488, they simultaneously covered their backs in a secondary manoeuvre intended to ensure that their union would be legally

⁵¹ Piers's support for Agnes's case was both clear and explicit; for instance, it was he who asked Ann Frisell, one of Agnes's witnesses, to testify in the case. LMA, DL/C/A/001/MS09065B, fol. 3v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=539>>. The cooperation of parties who were theoretically adversarial was not unusual in Consistory court litigation, as the oppositional form of the suit did not always conform to the legal situation for which remedy was sought (see, for instance, LMA, DL/C/A/002/MS09065, fols. 213r–214v; McSheffrey, *Marriage*, 63).

unassailable. This move reveals even more interesting attitudes towards law, legal proof, and the use of documents. The evidence for it is the innocent-sounding memorandum that opened this essay, which recorded the banns announced between Agnes Skern and Piers Curtes in their parish churches. The timing of the reading of the banns is particularly interesting in relation to the Consistory court case. In Kingston, banns were read 1, 6, and 13 January 1488; in St. Andrew's Baynard Castle in London, 13, 20, and 25 January. The last two of these readings occurred while Margaret Niter's case was being heard in the Consistory Court (depositions first being heard on 19 January). The timing suggests two things. First, that Niter's case was quite possibly launched in response to the first reading of the banns at St. Andrew's, as such reclamation cases were usually heard promptly. Second, that the last two readings of the banns in St. Andrew's were uncanonical, as parties were barred from proceeding with any banns or solemnization while a suit pended before the Consistory Court (*pendente lite*).⁵² The third part of the memorandum, which details the solemnization of Agnes's and Piers's marriage, suggests why they wanted to complete the issuing of the banns even as the case proceeded: it records that Piers Curtes and Agnes Skern solemnized their marriage at five o'clock in the morning of 29 January 1488.⁵³ The early hour was not in itself unprecedented or perhaps even unusual for a solemnization of marriage,⁵⁴ although it must have been very dark that early on a January

⁵² Helmholz, *Marriage Litigation*, 169–170. Helmholz notes, however, that this prohibition did not render invalid the union made while the suit was being heard; it inhabited a tricky grey zone where the union was indissoluble despite being illicitly procured.

⁵³ British Library, Additional MS 18,629, fol. 1v.

⁵⁴ See for examples of other early solemnizations, LMA, MS DL/C/0205, fols. 45v–46r (a solemnization taking place “in aurora eiusdem diei circiter horam quintam”); LMA, DL/C/A/002/MS09065, fols. 225r–226r (“hora v^a in aurora”). Although in medieval Europe, various forms of the reckoning of hours were used, a fifteenth-century Londoner's “five o'clock in the morning” would have been congruent with ours, with the exception of the shifts associated with Daylight Savings or Summer Time (see, for instance, regulations from the 1450s regarding the reckoning of curfew in LMA, Letter Book K, fol. 298v). This method of reckoning time was relatively new at this time, however; through much of the medieval period, time was reckoned so that the day and the night were each of twelve hours duration, with the first hour of day starting at dawn and the first hour of night at dusk. The hours varied in length depending on the season, with daylight hours being much longer in the summer than in the winter. The introduction of mechanical clocks in the fourteenth century introduced both the phenomenon of hours of equal length and new ways of counting the hours, although in some parts of Europe, notably Italy, older

morning. The date itself, however, is surprising, as it immediately followed the Consistory Court sentence. The last depositions in the suit were taken on 27 January 1488,⁵⁵ and judgment in Agnes's favour was probably issued either immediately that day or the next. Piers and Agnes obviously wanted to ensure that the marriage was signed and sealed as quickly as possible, rendering any further legal action on Margaret Niter's part much more difficult. Having the banns completed, even though they had to be issued while the case was being heard, made this possible.

What is particularly interesting about the memorandum, and indeed the uncanonical issuing of the banns, is the way in which they appeared to adhere to canonical form at the same time as they violated its spirit. The document was placed in a psalter, a work of devotional spirituality, perhaps to emphasize the sacramental nature of the marriage. At the same time, its wording rhetorically underscores the legality of the marriage: the marriage was solemnized "according to the Chirch lawes" between "the party of the one part" and "the party of the other one part." Alone, the document, with its precision regarding dates, times, locations, and witnesses of the banns and solemnization, seems to prove that absolutely proper procedure was followed. But when put side by side with the court records of the suits, the memorandum shows the exact opposite, that the marriage was solemnized in contempt of the Church's laws and in particular the Consistory's ban *pendente lite*. (Of course, it is possible the contempt went even further, and that the banns were not actually issued as recorded, compounding the contempt, not to mention the sin.) The document shows an attention to the law that is simultaneously slavish and cavalier. Some aspects of legal form had to be

customs persisted. See Dohrn-von Rossum, *History of the Hour*, esp. 113–117. By the fifteenth century in London, time was measured in a way recognizable to most modern English-speakers: there were two twelve-hour segments to each day, with hours, measured by the clock, of equal rather than varying lengths and midnight and noon marking the hour of twelve.

⁵⁵ LMA, DL/C/A/001/MS09065B, fol. 4v; McSheffrey, *Consistory* <<http://digitalhistory.concordia.ca/consistory/obj.php?p=497>>. 27 January 1488 was a Sunday and the date is not clear in the manuscript, as damage to the left side means that only "... xvii januarii" is visible. As the previous and subsequent entries in the deposition book are dated 26 January and 22 February, 27 January appears to be the only possible date to ascribe to the entry. The dating could, of course, be a scribal error. While Sundays were an unusual day to take depositions for Consistory cases, there are nonetheless other instances of testimony recorded as having been taken on a Sunday: for instance, 31 January 1490; 4 November 1492; 10 November 1493; 17 November 1493 (LMA, DL/C/A/002/MS09065, fols. 68r–69r; 117r; 167v; 169r).

followed; some were apparently dispensable as long as no one called them on it. And, apparently, no one did.

The memorandum encapsulates two aspects of the late medieval use of legal processes and the power of the archive. First, it epitomizes how law and its documents could be manipulated at the same time as there was no escaping the necessity to be *seen* to work within the legal framework; if a proper marriage required banns' being thrice called, so much more so did an improper marriage attempting to masquerade as an unassailable union. Second, late medieval people often pursued legal strategies on several fronts and made claims in those different processes that were incompatible with one another.⁵⁶ As legal strategies, they could work only if the processes were discrete, if the documents were kept in separate places — which indeed they often were. Had anyone in the late fifteenth century juxtaposed the memorandum in the psalter with the records of the Consistory Court case, for instance, the impropriety of the Skern-Curtes marriage would have been revealed. But there is no evidence that anyone put those documents next to one another until I did in 2005, and their marriage remained unchallenged until Agnes's death fifteen years later.

History is an empirical discipline: we “document” our arguments with careful references to the evidence that underpins them. From the development of scientific history in the nineteenth century, historians have often employed their dependence on documents, particularly “original” archival documents, in a rhetoric of authenticity. As Carolyn Steedman has put it, the archival citation in a note — the arcane string of letters, slashes, and numbers, TNA, E 150/1065/5 and BL Add. Ms. 18629 — announces “that you *know* because you have been there,”⁵⁷ you have sat in the Manuscripts Room of the British Library, or the third floor of the National Archives at Kew and you have personally seen and touched that evidence. They document, “prove,” your point. The British Library memorandum, however, reminds us that as scholars we must think long and hard not just about what the piece of paper or parchment seems on its face to “document,” but why someone sought to write this down and what uses such a record might have had.

The marriage of Piers Curtes and Agnes Stoughton Skern Curtes lasted until Agnes's death in 1504, Piers himself dying in 1505. They apparently had no children together. Curiously, Curtes's will contains no mention of any

⁵⁶ Musson, *Medieval Law*, 9–17.

⁵⁷ Steedman, “Something She Called a Fever,” 13.

wife or step-children; although he asks for prayers to be said for his soul, and “the soules of my fader and moder, brethren and sustren, frendis, and benefactours,” conspicuously absent is any bequest for the soul of his recently deceased wife. The will’s bachelor tone has led some scholars to conclude that he never married.⁵⁸ We know from Chancery cases involving the probate of his will that he had played the role of paternal figure in the marriages of his Skern stepchildren,⁵⁹ although that need not have been a sign of emotional closeness. I suspect the marriage was not a success, which would have been ironic given how much effort was taken to make it.

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⁵⁸ For example Wedgwood, *History of Parliament*, 2:244.

⁵⁹ TNA, E 150/1065/5; *Calendar of Inquisitions Post Mortem*, 3:571; Will of Piers Curtes, TNA, PCC Prob. 11/14, fol. 232v, written February 1505 and probated April 1505; TNA, C 1/130/13 and /14.

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