

Liberties of London: Social Networks, Sexual Disorder, and Independent Jurisdiction in the Late Medieval English Metropolis

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Jurisdiction has been called England's most important political and cultural issue of the fifteenth and sixteenth centuries, as the multiple and overlapping political and legal authorities of the high medieval period moved toward increasing (although by no means complete) consolidation.¹ The importance of jurisdiction as a force in law, politics, and culture is no surprise to historians of the English north and the Scottish borders; as the scholarship of Cynthia Neville shows, disputed jurisdictional powers and contested boundaries are the very stuff of history in the border region.² For the southern English historian these issues have not seemed so obvious, perhaps, but they were a vital aspect of life in the south, too. The London area, for instance, was a bricolage of separate jurisdictions: both within the walls of the City itself and in its suburbs were numerous liberties, territorial zones that by royal grant exercised varying levels of independence from the City, the bishop of London, and in some ways even the crown.³ Religious houses governed most of these precincts and by the fifteenth

¹ James Simpson, *Reform and Cultural Revolution: 1350-1547* (Oxford: Oxford University Press, 2004), 1; see also Bradin Cormack, *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law* (Chicago: University of Chicago Press, 2009); Tom Johnson, "Law, Space, and Local Knowledge in Late-Medieval England" (Ph.D., Birkbeck College, University of London, 2014); Seán Patrick Donlan and Dirk Heirbaut, eds., *The Laws' Many Bodies: Studies in Legal Hybridity and Jurisdictional Complexity, c1600-1900* (Berlin: Duncker and Humblot, 2015), especially Anthony Musson's essay "Jurisdictional Complexity: The Survival of Private Jurisdictions in England," 109-26; R. A. Houston, "People, Space, and Law in Late Medieval and Early Modern Britain and Ireland," *Past & Present* 230 (2016): 47-89; Richard Jeffrey Ross and Lauren A. Benton, eds., *Legal Pluralism and Empires, 1500-1850* (New York: New York University Press, 2013).

² See especially Neville's monographs *Violence, Custom, and Law: The Anglo-Scottish Border Lands in the Later Middle Ages* (Edinburgh: Edinburgh University Press, 1998); *Land, Law and People in Medieval Scotland* (Edinburgh: Edinburgh University Press, 2010).

³ See the areas marked as "ex-par." [extra-parochial] on the maps "Wards c. 1520," and "Parishes c. 1520," Mary S. Lobel, *The City of London From Prehistoric Times to c. 1520*, The British Atlas of Historic Towns, vol. 3 (Oxford: Oxford University Press, 1989), <http://www.historictownsatlas.org.uk/atlas/volume-iii/city-london-prehistoric-times-c1520->

century they had developed crowded lay populations in leased tenements. The tenants often lived within the boundaries of liberties specifically to take advantage of jurisdictional autonomy: some sought protection from prosecution for debt in city and royal courts, others (aliens and the unenfranchised English) sought to work outside London's guild system, and a number simply used the liberties' independence to skirt or escape criminal or ecclesiastical prosecution.⁴ The residents of these liberties were both dependent on and deeply embedded in the official City of London, at the same time as they were apart from it, creating a double-sided existence as both excluded from the privileges of the citizenry and benefiting from their independence from City authority. In this essay, I will consider how the politics of jurisdiction played out in the quotidian realities of those who lived in the London area around 1500, using an ecclesiastical court case to tease out the effects of jurisdictional immunities and anomalies on the social relationships and reputations of those who lived in the liberties.

The liberties of the London area have received relatively little attention from historians of the late medieval metropolis, primarily because of the archival difficulties they pose.⁵ The liberties, exempt from City and episcopal authority, had

volume-iii/view-text-gazetteer-and-maps-early. For scholarship on late medieval English liberties and peculiars (much of which focuses on the north), see R. N. Swanson, "Peculiar Practices: The Jurisdictional Jigsaw of the Pre-Reformation Church," *Midland History* 26 (2001): 69-95; Michael Prestwich, ed., *Liberties and Identities in the Medieval British Isles* (Woodbridge: Boydell Press, 2008); Tim Thornton, "Fifteenth-Century Durham and the Problem of Provincial Liberties in England and the Wider Territories of the English Crown," *Transactions of the Royal Historical Society*, Sixth Series, 11 (2001): 83-100.

⁴ See, for London-area liberties and suburbs with different focuses in their jurisdictional exemptions and thus the populations they attracted: Euan C. Roger, "Blakberd's Treasure: A Study in Fifteenth-Century Administration at St. Bartholomew's Hospital, London," in *Exploring the Evidence: Commemoration, Administration and the Economy*, ed. Linda Clark (Woodbridge: Boydell & Brewer, 2014), 81-107, esp. 96; J. L. Bolton, ed., *The Alien Communities of London in the Fifteenth Century: The Subsidy Rolls of 1440 & 1483-84* (Stamford: Paul Watkins, 1998), 11-15; idem, "La répartition spatiale de la population étrangère à Londres au XVe siècle," in *Les étrangers dans la ville: minorités et espace urbain du bas moyen âge à l'époque moderne*, ed. Jacques Bottin and Donatella Calabi (Paris: Editions de la Maison des sciences de l'homme, 1999), 425-37; Shannon McSheffrey, *Seeking Sanctuary: Crime, Mercy, and Politics in England, 1400-1550* (Oxford: Oxford University Press, 2017), esp. 112-39.

⁵ Caroline Barron's *London in the Later Middle Ages: Government and People 1200-1500* (Oxford: Oxford University Press, 2004), 34-37, discusses the liberties and the problems they posed for London's government. On Southwark's relationship with the City and the Clink manor, see Martha Carlin, *Medieval Southwark* (London: Hambledon Press, 1996), esp. ch. 4 and ch. 9. Anthony Paul House,

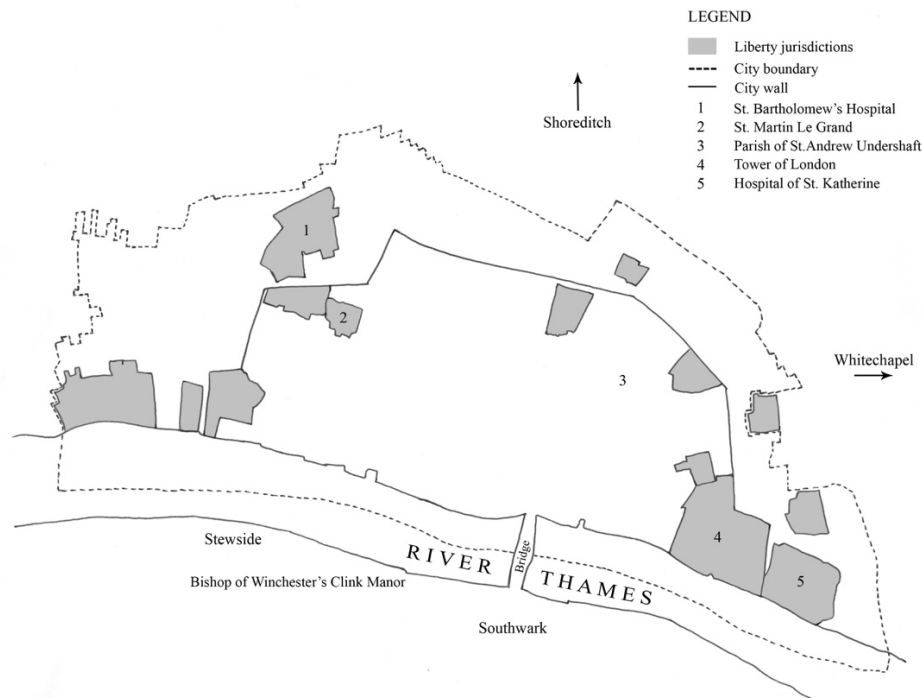


Figure 10.1 Liberties near London. (Map by Alice Reiter, after Lobel, City of London, map "Wards, c. 1520.")

their own temporal and ecclesiastical courts and functioned as self-governing communities. Few of these independent jurisdictions leave behind records of any kind of their own, however, and at the same time, as they were outside the purview of the mayor and aldermen, they leave few marks on the London civic archives on which historians have overwhelmingly depended for their understanding of the metropolis. It is thus easy to underestimate the extent of these liberties and indeed even to overlook their existence.⁶ These independent territories were, however, an important part of politics and the economy in the London area and indeed the governance ambitions of London's civic elite were worked out in part in reaction to the challenges those jurisdictions posed to the power of the City.

The relationship between the liberties and the City, or more precisely between those who lived and worked in these jurisdictions and the citizens of London, was inflected by the bundle of rights and responsibilities that "freedom of the City," as it

⁶ "The City of London and the Problem of the Liberties, c1540-c1640," (D.Phil., Oxford University, 2006), considers liberties in the aftermath of the Reformation.

⁶ The liberties are completely omitted, for instance, from Frank Rexroth's discussion of the relationship between disorder and the development of aldermannic power: *Deviance and Power in Late Medieval London*, trans. Pamela Eve Selwyn (Cambridge: Cambridge University Press, 2007).

was known, conferred. Citizenship of London was an adult male privilege, although even amongst adult men it is estimated that only about one-third were enfranchised as citizens.⁷ Some of the benefits of the freedom radiated to the women and other dependents of those citizens, although the main markers of the freedom, participation in the political life of the City and full membership in the guilds controlling trade and manufacture, were exclusively male.⁸ Thus, in some ways the liberties and other jurisdictions separate from the City were particularly significant in how their exemptions marked the reputation and standing of the men who lived in them: those men were in some way ineligible for or unworthy of London citizenship. Possession of the franchise was a matter of prestige and indeed a manifestation of male virtue, at least in the eyes of the London citizenry; it was also lucrative, both a reflection and determinant of higher status. Living in a liberty conversely connoted something quite different about a man or woman: although the urban and suburban folk who lived outside the City's rule had some advantages in escaping the sometimes overbearing supervision of civic and guild officials, most of those who were not free of the City or related to a citizen were poor. In some liberties, poverty and jurisdictional gaps also encouraged a thriving sex trade, reinforcing the reputational disadvantages of those who lived in these enclaves of the economically marginal.

A 1491-92 law suit heard in the highest court of the bishop of London, the London Consistory Court, illustrates vividly the nexus of jurisdictional exemptions, spatial boundaries, sexual commerce, and personal identity and reputation. *Elizabeth Brown and Marion Lauson c. Laurence Gilis* was in a legal sense a straightforward marriage case in which two women, Elizabeth Brown and Marion Lauson, each claimed to have made a valid contract (that is, a binding vow) of marriage with Laurence Gilis.⁹ Most of the testimony in the case – fifteen of the twenty-three depositions, many of them lengthy and detailed – did not in fact involve the alleged contracts of marriage that

⁷ Barron, *London in the Later Middle Ages*, 273. For analysis of social networks amongst the enfranchised, see Charlotte Berry, “‘To Avoide All Envy, Malys, Grudge and Displeasure’: Sociability and Social Networking at the London Wardmote Inquest, c.1470–1540,” *The London Journal* 42, no. 3 (2017): 201–17.

⁸ Barron, *London in the Later Middle Ages*, 204–6.

⁹ Elizabeth Brown and Marion Lauson c. Laurence Gilis, LMA, DL/C/A/001/MS09065, Consistory Court of London Deposition Book 1486-97, fols. 1r-3v, 85r-86v, 89r-93r, 99v-104r, 105v-107r, 110v-111r. The depositions from this case are transcribed and translated in Shannon McSheffrey, ed., *Consistory*, an online database, at <http://consistory.ca/obj.php?p=973>. References to depositions below will be made by the deponent's name, which can then be accessed through the link above.

formed the substance of the suit. Instead it consisted first of attacks and then counter-attacks on the credibility of the witnesses for each side, including allegations of corruption, whoredom, and bawdry.¹⁰ This case is of interest regarding independent jurisdictions around London because most of those involved in this contest of reputability were residents of liberties or suburbs east and south of the City: twelve of the fifteen reputational witnesses lived outside City of London jurisdiction, in Shoreditch, Whitechapel, Southwark, and the precinct of St. Katherine's hospital.¹¹

The suit was launched in October 1491 when Elizabeth Brown, probably in response to hearing that bans of marriage had been called for Laurence Gilis and Marion Lauson, sued Laurence Gilis in the London Consistory, claiming that she had made a prior contract of marriage with him in August of that same year. Brown produced two witnesses to that August exchange of vows, William Alston and John Waldron, while another witness, Margaret Smyth, offered circumstantial evidence, that she had heard Laurence Gilis confirming also at the end of the summer that he had made a contract with Brown. At the end of November 1491, Marion Lauson countersued, producing five witnesses to her October contract of marriage with Laurence Gilis, including her parish priest, who had been present for the exchange of consent at her house.¹²

Regardless of the number or status of Lauson's witnesses, if Alston's and Waldron's testimony was held by the court to be true, the contract between Brown and Gilis, being prior, would automatically have nullified any subsequent contract that Laurence Gilis made. Thus, the only way Lauson could win her case was to destroy the credibility of Brown's witnesses. Accordingly, in December, just before Christmas, Lauson (clearly with Gilis's cooperation and indeed almost certainly his coordination)

¹⁰ See the appendix for a flow chart of the case.

¹¹ William Grene, William Forster, John Travers, and William Barker lived in Southwark; Richard Keys, Peter Jamys, Ralph Bothumley, and John Shreve lived in the precinct of the Hospital of St. Katherine; William Butteler lived in Whitechapel; and Robert Harrison, Henry Bulman, and John Barton lived in Shoreditch. The three witnesses who lived in the City were Reginald a Redemayn, who lived in All Hallows Barking (neighboring the hospital of St. Katherine); John Harries of St. Denis Backchurch; and John Colyns of St. Laurence Old Jewry (who, as below, held property in Southwark).

¹² Although the making of the contract of marriage in a private house was not unusual, the priest's presence was. Most marriage contracts disputed in the Consistory court - and I argue most contracts in general in this period - were initially (and bindingly) made in domestic surroundings, later to be ratified in a church wedding. There was no necessity for the clergy to be present at the initial domestic contract, and normally they were not. See Shannon McSheffrey, *Marriage, Sex, and Civic Culture* (Philadelphia: University of Pennsylvania Press, 2006), 17-47.

produced eight witnesses, all men, who alleged in detailed terms why Brown's original witnesses, Alston, Waldron, and Smyth, could not be believed. Brown, in turn, in mid to late March produced seven more deponents, also all male, whose testimony discredited Lauson's second set of witnesses and conversely defended the honesty of William Alston and John Waldron (although, somewhat curiously, not the honesty of Margaret Smyth). Of the twenty-three witnesses in the case, the only woman was Margaret Smyth alias Morgan, one of the three initial deponents, who offered circumstantial evidence about the contract that Elizabeth Brown claimed to have made with Laurence Gilis.¹³ Although in general more men appeared as witnesses than women in fifteenth-century London marriage cases (three men for every one woman),¹⁴ this is unusually unbalanced. Although Smyth herself was the subject of attack regarding her integrity, as we will see below, most of the reputational testimony involved men's statements about male honesty and dishonesty, masculine repute and disrepute.

As usual, the Consistory court's decision on the case does not survive, although the outcome can be inferred from the final records of the case, examinations in May 1492 of Gilis and Lauson, the latter this time identified on the record with a married name, "Marion Lauson alias Gilis." The two were summoned for disciplinary action because they had, secretly, solemnized their not-yet-proved marriage in a church in February 1492, before Brown's second set of witnesses had even been heard. Although this clandestine church wedding while the suit was ongoing explicitly violated a court order not to proceed with any solemnization *pendente lite* (while the case continued), the marriage was nonetheless apparently held to be sound: Marion was not only given the name Gilis in the Consistory court record but was also termed Laurence's wife in his will, written and probated only a few months after the case finished, in July 1492.¹⁵ The court evidently upheld Marion Lauson's case, agreeing with her that Elizabeth Brown's witnesses were not credible and that Laurence Gilis was her husband, not Brown's. The sad realities of medieval mortality, however, meant that she was not to enjoy his company for very long.

Much of the reputational testimony in *Brown* focused on those who lived and worked in two London-area liberties, the hospital of St. Katherine by the Tower and

¹³ Deposition of Margaret Smyth alias Morgan.

¹⁴ Of 706 witnesses in marriage cases, 168 were women (or about 24%). The number of women deponents in defamation cases in the Consistory — a kind of suit more commensurate with this one in many ways — was lower, about 15%. See LMA, MSS DL/C/0205, DL/C/A/001/MS09065 and /MS09065B.

¹⁵ The will was dated 1 Jul. 1492 and probated 16 Jul. 1492. TNA, Prob. 11/9/161.

the Clink manor in Southwark. Both were known in the later fifteenth century as dens of vice and whoredom. Historians have long recognized the contemporary reputation of the Clink, a manor held by the bishop of Winchester which had a more-or-less tolerated and indeed arguably licensed strip of brothels along the river, known as Stewside.¹⁶ St. Katherine's poor repute is less well known, perhaps because the precinct changed character over the course of the fifteenth century. The hospital, founded in the twelfth century, had a master, three brethren, and three sisters. In 1441, Henry VI granted the master a broad jurisdiction in both temporal and spiritual spheres.¹⁷ In the mid-fifteenth century the hospital church itself was evidently a place of some prestige: John Holland, duke of Exeter, was buried there in 1448 and gave to the chapel a significant bequest.¹⁸ By the end of the century, however, the hospital's large precinct had, like other eastern suburbs, gained an important immigrant presence and moreover had become notorious as a haven of prostitutes and thieves. In defamation accusations in the late medieval London commissary court, for instance, several women claimed that others had insulted them as "whores of St. Katherine's."¹⁹ The precinct's

¹⁶ On the Clink, see Carlin, *Medieval Southwark*, 211-19; Richard M. Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge, MA: Medieval Academy of America, 1981), 96-98; Ruth Mazo Karras, "The Regulation of Brothels in Later Medieval England," *Signs* 14, no. 2 (1989): 399-433. Henry Ansgar Kelly's counter-argument ("Bishop, Prioress, and Bawd in the Stews of Southwark," *Speculum* 75 [2000], 342-88) that the inns on Bankside were not brothels in the fifteenth century is refuted by Carlin's work and by the evidence presented below. For prostitution in late medieval London more generally, see Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York: Oxford University Press, 1996).

¹⁷ Catherine Jamison, *The History of the Royal Hospital of St. Katharine by the Tower of London* (London: Oxford University Press, 1952), xiii-xiv, 42-47, 126-30, 134-36; M. Reddan, "The Hospital of St. Katherine by the Tower," in Caroline M. Barron and Matthew Davies, eds., *The Religious Houses of London and Middlesex* (London: Institute of Historical Research, 2007), 155-59. Christine L. Winter, "The Portsoken Presentments: An Analysis of a London Ward in the Fifteenth Century," *Transactions of the London and Middlesex Archaeological Society* 56 (2005): 97-161, mistakenly assumes (at p. 99) that the precinct of St. Katherine's was part of Portsoken ward and thus within the City of London.

¹⁸ Reddan, "Hospital of St. Katherine," 157.

¹⁹ For the precinct's boundaries, see Lobel, *City of London*, map 4, at http://www.historictownsatlas.org.uk/sites/historictownsatlas/files/atlas/town/maps/london_1520_map_4_south.pdf. On aliens, see Robert Fabyan, *The New Chronicles of England and France*, ed. Henry Ellis (London: F. C. and J. Rivington, 1811), 658; A. H. Thomas and Isobel Thornley, eds., *The Great Chronicle of London* (London and Aylesbury: George W. Jones, 1938), 211-12; R. E. G. Kirk and Ernest F. Kirk, *Returns of Aliens Dwelling in the City and Suburbs of London from the Reign of Henry VIII. to that of James I*, Publications of the Huguenot Society of London 10 (Aberdeen:

geographical situation – next to the Tower garrison and with many mariners landing on its dock or in the vicinity – made prostitution an obvious economic activity. It was also, equally obviously, a problematic one in the precinct of a religious house: the tradition of immunity and asylum of the sacred space of the church, which prompted Henry VI to grant St. Katherine's its liberties, created ironies and controversies as the church was cast as protector of criminals and fosterer of lechery. This reflected not only on the church but also on the crown, for by tradition the queen consort was patron of the hospital.²⁰ In August 1491 (as witnesses in *Brown* testified), on the orders of Queen Elizabeth, the master and brethren of St. Katherine's expelled forty bawds and prostitutes from the precinct.²¹ This expulsion was witnessed by many onlookers and – by analogy with similar kinds of shaming processes in the City – was likely accomplished in a formal procession accompanied by minstrelsy, the mocking playing of bagpipes and drums.²²

The jurisdictional perquisites of the religious houses that governed the liberties thus conveyed to contemporaries a complex of meanings about the precincts' residents, meanings that were contested in the testimony in *Brown*. By their own descriptions the witnesses, male and female, were mostly drawn from the working poor of the metropolitan region. Although the defendant, Laurence Gilis, a wealthy beer-brewer, was Dutch, as were several of those named as present for both the alleged marriage contracts,²³ the reputational witnesses all appear to have been English-born.

Aberdeen University Press, 1900), 9–11, 19–23, 109–110, 154–56. For the rougher aspect of St. Katherine's past (not noticed in Jamison, *History* or in Reddan, "Hospital of St. Katherine") see, for instance, LMA, DL/C/B/043/MS09064/002, fol. 46r; DL/C/B/043/MS09064/004, fols. 115r, 172r, 202rv, 230r, 250r, 292r; DL/C/B/043/MS09064/005, fols. 6v, 8r, 11v, 127v. The epithet was still current in 1513: DL/C/B/043/MS09064/011, fol. 122v.

²⁰ Jamison, *History*, xiii–xiv.

²¹ Deposition of John Harries; see also the deposition of Richard Keys. See for previous concerns about disorder at St. Katherine's, Reginald R. Sharpe, ed. *Calendar of Letter-Books, Letter Book H (1375-1399)* (London: J. E. Francis, 1907), 283 (1386) and *Calendar of Patent Rolls preserved in the Public Record Office, 1446-1452* (London: HMSO, 1909), 533. I have not uncovered any other evidence regarding the 1491 vice campaign.

²² Karras, *Common Women*, 15–16.

²³ On Gilis, see Bolton, *Alien Communities*, 80; he was originally from Brussels and was given letters of denization in 1475 (*Calendar of the Patent Rolls Preserved in the Public Record Office, Edward IV, Henry VI, 1467-77* [London: HMSO, 1900], 488). Apart from brewing, he was also involved in overseas cloth trade c. 1480–81. Henry S. Cobb, ed., *The Overseas Trade of London: Exchequer Customs Accounts: 1480-1* (London: London Record Society, 1990), 94–99, 144–164. His will survives, TNA, Prob. 11/9/161. On deponent Godfrey Sperung, a beerbrewer from Holland, and others mentioned in

Three lived in London, of whom two at least were citizens of London,²⁴ while the other twelve, residents of the liberties and suburbs, were all non-citizens, the archivally under-represented majority of London's male population both within and without the City's jurisdiction. One did not have to be a citizen to live within the City's boundaries (indeed most who lived in City jurisdiction were not citizens), but the liberties and suburbs were almost entirely populated by those outside the freedom. The testimony in the case suggests a pattern of mobility and social connection between and among the different liberties and suburbs in the London area, particularly between those on London's east end and the south bank. A striking number of witnesses had moved from one liberty or suburb to another, bypassing areas under London civic jurisdiction.²⁵ Similarly, people from one area outside city guild supervision might work in another: a tailor and a fustian shearer from Shoreditch, for instance, plied their trades on the Clink manor. Living in a liberty thus connoted exclusion from the franchise, which for lower-status laymen²⁶ in turn connoted poverty; it also potentially – although not necessarily – implied a connection to prostitution and other unsavory and disreputable activities.

The two women plaintiffs were themselves representative of these complications. It seems likely – judging by her friends – that Elizabeth Brown was a poor woman of little status. William Alston, who lived in the precinct of St.

the testimony - Michael Harrison, Arnold leBurd or Lyberd, and John de Grave - see Bolton, *Alien Communities*, 79-80, 117, 116, and 47.

²⁴ John Harries and John Colyns were citizens; Reginald a Redemayn lived in the City but it is not clear that he was a citizen.

²⁵ William Alston said in his deposition that he had moved to St. Katherine's from the liberty of the Tower. John Waldron, by his own account, had lived in Berkshire before moving to St. Katherine's, but other witnesses claimed that he had lived for several years on the Clink manor before he became resident in the hospital precinct (see depositions of Ralph Bothumley, William Grene, and John Colyns). William Barker in his testimony indicated that he had moved to the parish of St. Margaret, Southwark, having lived before in the liberty of the Tower. John Shreve said that he had moved to St. Katherine's from another Southwark parish, St. Olave, while Robert Harrison indicated that he had moved from St. Margaret's, Southwark, to Shoreditch. William Butteler, resident at the time of his testimony in Whitechapel, had lived for seven or eight years in St. Katherine's precinct, having spent some of his youth in Kent and originally coming from Barnstaple, Devon.

²⁶ Others were also excluded from the franchise – the clergy and the aristocracy, for instance – but their exclusion of course did not imply poverty.

Katherine's hospital, referred to her as his neighbor²⁷; her residence in the precinct suggests relative poverty. Marion Lauson, on the other hand, was likely wealthier as she lived within the City in her own house in the parish of St. Andrew Undershaft.²⁸ In keeping with their different economic situations, Marion's chastity was never impugned by any of the witnesses, while Elizabeth's was. John Assheford, for instance, testified that "the said Elizabeth, as he has heard, is a woman of dishonest and evil conversation with diverse men."²⁹ She was also associated even by her own witnesses with people on the suspect side of respectability. Margaret Smyth testified that a woman named Margaret Chirk had questioned Laurence Gilis on Elizabeth Brown's behalf; Chirk, Smyth casually noted, was "now in the Counter," that is the sheriffs' prison where prostitutes and bawds were kept awaiting processes against them in the London civic courts. Chirk can be found in London records from the early 1470s in association with the sex trade on the east end of London.³⁰ The difference between Brown's and Lauson's reputations seems to have prompted the Consistory court registrar to editorialize in his record of the case, using as his heading for one set of witnesses, "Ex parte honeste mulieris Marione Lauson contra Laurencium Gilys [On behalf of the honest woman Marion Lauson c. Laurence Gilis]."³¹ The two women likely inhabited worlds where economic and sexual calculations and life choices were very different.

²⁷ Deposition of William Alston. On the other hand, three other residents of St. Katherine's precinct said that they did not know her: two of Lauson's witnesses, Ralph Bothumley and Richard Keys, and one of her own witnesses, John Shreve. Of the reputational contest witnesses, only one had known Elizabeth Brown for a substantial period of time, Reginald a Redemayn, who said that he had known her for twenty years. Redemayn lived in the City, in the parish of St. Mary Barking by the Tower, next to St. Katherine's precinct.

²⁸ Lauson was a relative newcomer to the parish, as the witnesses to the marriage contract she made with Laurence Gilis in October, all fellow parishioners including the parish priest, each said that they had known her for between six months and a year. Except for the parish priest, the witnesses' closer relationship was clearly to Laurence Gilis, whom each of them had known for seven to twenty years, although he was a resident of a different parish, St. Botolph without Bishopsgate.

²⁹ "Elisabeth ut audivit dici fuit inhoneste et male conversacionis cum diversis viris." Deposition of John Assheford.

³⁰ LMA, LMA, COL/CC/01/01/008, Journals of the Court of Common Council, vol. 8, fols. 47rv; DL/C/B/043/MS09064/002, Act Book of the Commissary Court of the Diocese of London, vol. 2, fol. 193r. By 1492, she had apparently moved to the liberty of the Tower (deposition of Margaret Smyth).

³¹ Deposition of John Assheford. (This is the only occasion the registrar makes such a comment in any of the fifteenth- and early sixteenth-century London deposition books I have read.)

But if Marion Lauson apparently easily won the battle of reputability and status with Elizabeth Brown, the battle of the two sides' witnesses was not as clear-cut. Neither of the women appears to have been closely involved in the arrangement of testimony, as few of the fifteen witnesses who focused on reputation issues apparently knew either of the women – and the controversy was not directly about them or Laurence Gilis, but about the other witnesses' trustworthiness. Each side mounted a credible campaign against the other; either one side was honest and upstanding and the other side lying furiously in detailed and (relatively) consistent terms, or all the witnesses in this war of reputations were men who inhabited a rough and corrupt world where the major economic engines were theft, the sex trade, and the offering of testimony for money or other rewards.

We can see these ambiguities at play in the rhetoric of those who impugned the trustworthiness of the two primary witnesses for Elizabeth Brown's marriage claim, William Alston and John Waldron. Alston and Waldron were residents of St. Katherine's hospital precinct and identified themselves as a tailor and a carpenter, respectively.³² Their defenders drew a picture of decent hard-working men with skills: although their residence in the liberty indicated they were not guild members, they lived honestly from the labor of their saws and needles. They were, moreover, householders in the hospital precinct, if admittedly only tenants of chambers, one-room dwellings in the multi-story tenements that made up much of the housing stock in London during this period.³³ Their respectability and (the legally important point here) their reliability as witnesses were reflected in their hard, honest work in their crafts and their status as householders, small and poor though those households were.

Those who attacked them, on the other hand, outlined in detail not only Alston's and Waldron's bawdry, adultery, thievery, and penchant for perjury, but also their homelessness (or really householdlessness) and instability: both men were accused of living adulterously with women in the women's chambers, shamefully living outside marriage in female-headed households.³⁴ Neither could rule a wife: Alston, for instance, was accused of having abandoned his wife to a life of prostitution in Southwark.³⁵ (By contrast, Waldron's and Alston's defenders largely ignored their marital lives, glossing over their wife-less states.³⁶) Their opponents suggested furthermore that the two got their meager living by "filthy means" rather than by

³² Depositions of William Alston and John Waldron.

³³ Depositions of Reginald a Redemayn, William Barker, John Shreve, and William Butteler.

³⁴ Depositions of Ralph Bothumley, Richard Keys, and Peter Jamys.

³⁵ Deposition of Ralph Bothumley.

³⁶ Depositions of Reginald a Redemayn, William Barker, John Shreve, and William Butteler.

honest skilled work, filthy both in the more common medieval meaning of that phrase, that is living from the avails of prostitution, and more literally, in John Waldron's case, being hired by the day to cart away dung, presumably from privies.³⁷ Waldron's and Alston's opponents implied not only that they were thieves and pimps but also, somewhat contradictorily, that Waldron at least was so singularly unsuccessful at both these activities that he "never had a household of his own within the hospital, but was and is a vagabond," homeless and forced to shovel shit just to keep his belly full.³⁸ The accusations against Waldron and Alston, straightforward catalogues of the worst a man could be, alleged a reciprocal relationship between these men's material and moral poverty: as paupers, what would stop such men from selling their testimony, when they had no status or reputation to lose?

Some of the testimony attacking Waldron and Alston came from functionaries who worked in temporal and spiritual courts in St. Katherine's and in the bishop of Winchester's Clink manor. In their testimony, these witnesses invoked both their authority as office-holders and the specific knowledge gained through the exercise of their positions. Their depositions projected their status as men of substance, working for the king or the bishop of Winchester or the master of St. Katherine's hospital; Waldron and Alston were, conversely, wastrels and vagabonds. Waldron's and Alston's witnesses, in response, challenged not the fact of those men's office-holding, but its significance, especially in relation to two of the office-holders. Both, it was alleged, were corrupt, partial, and deeply implicated themselves in the same world of bawdry the officials themselves alleged for Waldron and Alston. The relationship between substance, good fame, and governance, these arguments demonstrated, was not as straightforward as Waldron's and Alston's attackers suggested.

One of the witnesses attacking Waldron and Alston was Richard Keys, the summoner for the Commissary court (the local ecclesiastical forum) for St. Katherine's precinct. He testified that as summoner he had frequently called William Alston to answer to charges of adultery, and offered other evidence of local opinion and public fame regarding Waldron and the case's only female witness, Margaret Smyth. He testified in detail about the expulsion of prostitutes and bawds, including Smyth, from St. Katherine's in August 1491, just weeks before Brown allegedly married Gilis.³⁹ Several witnesses claimed, however, that despite his office, Keys was notorious as a witness for hire. He had been infamously implicated, they said, in a case of perjury in

³⁷ Depositions of Ralph Bothumley, William Grene, and John Colyns.

³⁸ Deposition of Richard Keys.

³⁹ Deposition of Richard Keys.

Greenwich and Lewisham a decade before,⁴⁰ the witnesses giving details that match up with allegations in a surviving Chancery bill related to the case.⁴¹ One witness, John Barton, went further, saying that Keys was well-known in the precinct as a bawd himself, and that, contrary to the oath he had sworn as summoner, he would pretend not to know certain women when ordered to summon them to appear in the court for sexual offences.⁴² In keeping with his “light conscience,” a number of witnesses alleged that his false testimony in *Brown* discrediting Waldron and Alston was rewarded by Laurence Gilis with a kilderkin (half a barrel, 16 to 18 gallons) of double (strong) beer.⁴³ This reward for testimony implies not only that Keys’s testimony was perjured, but that he could be bought cheaply: a kilderkin of double beer would probably have fetched no more than three shillings.⁴⁴ If Keys was presumably some distance from the abject poverty in which Waldron and Alston were alleged to live, the source of his (relative) prosperity was called into question, muddying the relationship between substance and respectability. If local office-holders were corrupt and their wealth derived from the proceeds of perjury and bawdry, then it was much more difficult to see who was a reliable witness and who was not.⁴⁵

In another liberty about which *Brown* witnesses testified, the bishop of Winchester’s Clink manor, the sex trade was more openly tolerated in Stewside, a row of brothels on the bank of the Thames. As historians have described and the testimony in *Brown* corroborates, a court “for bawds and prostitutes” was held every third week, at which “all the bawds and prostitutes living there were called by name from a document,” and the bawds fined (or licensed, to look at in another way) for operating a bawdy house.⁴⁶ Three of the witnesses in *Brown* were cogs in that regulatory machinery, working as constables in the Clink manor, responsible for ensuring the

⁴⁰ The most detailed account comes from the deposition of William Butteler, and the allegation is also made in the depositions of Reginald a Redemayn and William Barker.

⁴¹ TNA, C 1/60/224, John Totehyll v. William Freman of Greenwich.

⁴² Deposition of John Barton.

⁴³ Depositions of Reginald a Redemayn and William Barker.

⁴⁴ See W. H. Sykes, “The Price of Edibles and Potables in A.D. 1506,” *Journal of the Statistical Society of London* 27, no. 2 (1864): 260; Ian Spencer Hornsey, *A History of Beer and Brewing* (London: Royal Society of Chemistry, 2003), 349.

⁴⁵ It is worth noting that another of the witnesses, Henry Bulman (or another man of the same name and parish) was accused about twenty-five years later of being a witness for hire. LMA, DL/C/B/043/MS09064/011, Act Book of the Commissary Court of the Diocese of London, vol. 11, 1511-16, fol. 235v.

⁴⁶ Deposition of William Grene. See Carlin, *Medieval Southwark*, 217-18; Karras, “Regulation of Brothels,” 112, 117, 124-25.

attendance of the brothelkeepers at the court. Two others were artisans in cloth trades – a shearer and a tailor – who testified about their knowledge of the brothels from having visited them regularly to sell fustian and to fit the prostitutes’ clothes.⁴⁷ They wielded their familiarity with Stewside operations to accuse John Waldron of having been a brothelkeeper at several houses along Stewside before he moved to St. Katherine’s precinct.⁴⁸ Another of Lauson’s witnesses, John Colyns, held leases on several houses at Stewside from the bishop of Winchester. Colyns was a citizen and resident of the City of London and a mercer, a member (although not a leading one) of one of the City’s most important guilds.⁴⁹ Colyns testified that at different times John Waldron leased two of the tenements Colyns held from the bishop of Winchester, the Rose and the Bull, and ran them as brothels. Waldron thus “made his living,” Colyns pointed out, “from evil means and carnal commerce.”⁵⁰

Colyns’s self-righteous dig about making one’s living from “carnal commerce” may have rung hollow to medieval as well as modern ears, as later witnesses attacked his credibility precisely as a Stewside landlord. They furthermore argued that Colyns took a more hands-on approach to the operation of his properties in Stewside than he himself had indicated, personally recruiting prostitutes for his brothels.⁵¹ Similarly, they accused one of the Clink manor constables who testified, William Grene, of himself being a Stewside brothelkeeper.⁵² It was not difficult for Waldron’s defenders to cast doubt on the trustworthiness of those who participated, directly or indirectly, in the economy of prostitution at Stewside. Those who had the most knowledge of Stewside were by necessity those who were implicated in its trade.

By contrast, a City ward official, John Harries, beadle of Langbourn ward, delivered detailed testimony about the case’s lone female witness, Margaret Smyth alias Morgan, that was uncompromised by any allegations about his own corruption. It was apparently so convincing that no defences of Smyth’s probity and reputation were offered by any of Brown’s witnesses. Although Smyth herself told the court that she

⁴⁷ Depositions of Robert Harrison and Henry Bulman.

⁴⁸ Depositions of William Grene, William Forster, and John Travers.

⁴⁹ Will of John Colyns, 1501, TNA, Prob. 11/13/152. He may be one of the men named John Colyns (there were at least two separate men) named in Laetitia Lyell and Frank D. Watney, eds., *Acts of Court of the Mercers’ Company, 1453-1527* (Cambridge: Cambridge University Press, 1936), 56, 191, 241. The *Acts* do not suggest he played a major role in the guild.

⁵⁰ “Per idem tempus exercuit lenocinium et ex turpi questu et carnali commercio victum suum quesivit.” Deposition of John Colyns.

⁵¹ Depositions of John Barton and William Buttelel.

⁵² Depositions of John Shreve, Robert Harrison, Henry Bulman, and William Buttelel.

had been born in Wales and had recently moved into the precinct of a nunnery of St. Helen Bishopsgate, a Benedictine nunnery within the city walls, after having lived with her now-dead husband in Gravesend, Kent, for three years, Harries and other witnesses who attacked her credibility gave her a rather different life history.⁵³ Harries alleged that he, on order of his alderman, had evicted Smyth from Langbourn ward about 1488, after which she went to St. Katherine's, where she lived for about three years. After being thrown out of there during the prostitution sweep of August 1491, he said she was soon after evicted in short succession from Tower ward, Langbourn ward (again), and Billingsgate ward. Although he did not indicate where she went from Billingsgate, when she testified in early November 1491 she said that she was living in the precinct of St. Helen's nunnery. According to Harries's account, Smyth's sojourns within City jurisdictions were brief, as her sort was not tolerated; she was able to live for longer periods – three years in St. Katherine's – in the relatively less regulated liberty precincts.

The sex trade was clearly one of the primary vectors in the social networks that connected the witnesses in *Brown* together. This was tied to the issue of jurisdiction, for the sex trade, facilitated by the status of the Clink manor and the hospital of St. Katherine as liberties, was central to the economies and social networks in both those properties. The simple fact of jurisdictional autonomy did not automatically bring with it a sex trade – there is little evidence of prostitution in the precinct of St. Martin le Grand, for instance⁵⁴ – but there is no doubt that in Stewside and (to a lesser extent) the precinct of St. Katherine's hospital, the jurisdictional anomalies were important preconditions for the creation of a flourishing sexual commerce, which in turn meant that association with these areas as resident or investor brought reputational effects in its wake.

A further crucial factor is what we make of the fact that these were ecclesiastical properties: how did contemporaries see the church's seeming tolerance and even fostering of the sex trade in ecclesiastical precincts? Several historians have argued that the bishop of Winchester's lordship of the Clink manor would not have seemed problematic to late medieval people: he was there a secular lord rather than a spiritual leader.⁵⁵ This seems a more compartmentalized attitude towards sex and the

⁵³ Depositions of John Harries, Ralph Bothumley, Richard Keys, and Peter Jamys.

⁵⁴ See McSheffrey, *Seeking Sanctuary*, 9-10, 62, 121.

⁵⁵ Ruth Karras, Gervase Rosser, and Martha Carlin have argued that to contemporaries there would have been no obvious hypocrisy in the bishop of Winchester's involvement in Southwark brothels, since his jurisdiction there was in his capacity as a secular lord rather than as a spiritual leader. Karras, *Common Women*, 41-42; 1. Gervase Rosser, *Medieval Westminster 1200-1540* (Oxford:

clergy than many late medieval people likely held. In any case, no such distinction could be made regarding St. Katherine's: there an apparently booming sex trade (with at least forty prostitutes directly involved, judging by the numbers expelled in 1491) developed in the hospital precinct under the nose of the master, brethren, and sisters.

How we can explain this? Hypocrisy, corruption, and willful ignorance all played their roles, but they do not represent the whole story: the sex trade in ecclesiastical precincts was in part a byproduct of a clash between urban authorities and ecclesiastical institutions in the fifteenth and early sixteenth centuries over jurisdiction.⁵⁶ In the London area, that conflict was acute: at the same time as ecclesiastical institutions themselves began to develop and expand the rights and perquisites that their status as liberties conferred (including, notably, the welcoming of non-citizen artisans within their precincts), the City undertook an aggressive campaign, particularly in the middle and last decades of the fifteenth century and in the reign of Henry VIII, to bring the many independent jurisdictions in the metropolitan area under the firm control of the mayor and aldermen. Although this campaign saw some success – by about 1500, for instance, the monopolies of the London guilds on manufacture and retail had become tighter than ever before – it was, and would remain, far from a complete victory. This was at least partly because the crown fostered in the fourteenth and fifteenth centuries the independence and self-government of the ecclesiastical precincts through the grant of royal charters; this both demonstrated the piety, mercy, and magnanimity a true Christian king should manifest and (in the case of the London-area liberties) conveniently sent a pointed message to the uppity London mayor and aldermen about the limitations of their power. Henry VI's 1441 grant to St. Katherine's of an extensive jurisdiction independent of any authority, save the master of the hospital and the chancellor, was made in the wake of a series of belligerent, although ultimately unsuccessful, maneuvers by the City of London against St. Martin le Grand, St. Bartholomew's Hospital, St. Katherine's, and other religious houses around London.⁵⁷ This was thus a political conflict involving some of the most

Clarendon Press, 1989), 262; Carlin, *Medieval Southwark*, 213. Ian Archer, on the other hand, has argued that Stewside became a liability for Winchester Bishop Stephen Gardiner's conservative position in the Reformation disputes of Henry VIII's later years. Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge: Cambridge University Press, 1991), 252.

⁵⁶ Peter Fleming, "Conflict and Urban Government in Later Medieval England: St Augustine's Abbey and Bristol," *Urban History* 27 (2000): 325–43; H. Carrel, "Disputing Legal Privilege: Civic Relations with the Church in Late Medieval England," *Journal of Medieval History* 35 (2009): 279–96; McSheffrey, *Seeking Sanctuary*, 15–23, 55–82, 94–95, 112–39, 191–96.

⁵⁷ See McSheffrey, *Seeking Sanctuary*, ch. 58–82.

powerful entities in the realm, with significant jurisdictional rights at stake. Precisely because the jurisdictional rights had become valuable property, both economically and ideologically, the ecclesiastical rights-holders (heads of religious houses, bishops) expended less energy on the governance of their liberty jurisdictions than they did on fighting to maintain their independence. The result was lax regulation coupled with vehement defence against City interference. It is thus hardly surprising that an ecclesiastical precinct like St. Katherine's hospital, with its geographical situation by the Tower and the Thames, would develop a prostitution problem.

The high politics of jurisdiction in late medieval England had real and significant ramifications for ordinary people living in and around the kingdom's liberties. As the life histories of the witnesses in *Brown* show, those who resided in the liberties were linked to one another in a semi-underground network of people living in the metropolitan region but outside of London civic jurisdiction. For some, economic necessity determined their residential choices: it was harder, and for some impossible, to work within the City due to guild restrictions, and thus alien and unenfranchised artisans and workers made moves from one liberty to another, probably in chain-migration fashion. For others, this economic necessity was not about guild exclusion but about the safe or at least safer harbors that places like the Clink manor and the precinct of St. Katherine's hospital provided, above all for the sex trade. The struggle between the corporation of the City of London and the governors of the liberties of the metropolitan area produced reputational and sexual economies that offered, on the one hand, occupational and commercial niches to those who were largely excluded from official craft guilds in the City, but on the other hand marked those who lived in the liberties as at least potentially disreputable simply by virtue of their dwelling place.

Appendix: Flow Chart of Elizabeth Brown and Marion Lauson c. Laurence Gilis

25 Oct., 4 Nov. 1491	→	28 Nov. 1491	→	22 Dec. 1491	→	14, 16, 27 Mar. 1492	→	21 May 1492
E Brown's witnesses to prove August contract		M Lauson's witnesses to prove October contract		M Lauson's witnesses to discredit Alston, Waldron, and Smyth		E Brown's witnesses to discredit Bothumley, Keys, Jamys, Grene, Foster, Travers, Colyns and to defend Alston and Waldron		Examinations regarding solemnization <i>pendente lite</i> in February
William Alston John Waldron Margaret Smyth (alias Morgan)		John Asshford Sir William Walker William Kyrkeham Thomas Smyth Godfrey Sprung		John Harries William Grene Ralph Bothumley William Forster John Travers John Colyns Richard Keys Peter Jamys		Reginald a Redemayn William Barker John Shreve Robert Harrison Henry Bulman John Barton William Butler		Laurence Gilis Marion Lauson

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