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Women, attorneys and credit in late medieval England*

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Abstract

This article is a path-breaking attempt to assess systematically women's use of attorneys in English royal common law courts *c.* 1400–*c.* 1500, comprising a case study of women's litigation before the king's national Court of Common Pleas, at Westminster. It focuses on credit- and debt-litigation, the most common type of litigation before the court. First, it assesses the availability of lawyers to women. Second, it establishes which women (that is, by condition or marital status) employed attorneys in credit- and debt-related lawsuits as plaintiffs or defendants, and explores the extent to which records of women's use of attorneys can serve as a proxy measure of women's confidence in their ability to interact with the legal system. Third, it examines the attorneys who served women, asking if lawyers either specialized in representing women or discriminated against them, and whether they typically had geographical associations with the women they represented. It is concluded that women capitalized on the wide availability of lawyers, whose representation would have bolstered their confidence in using the courts and thereby helped to keep them engaged in lending and borrowing irrespective of the perceived declining social position of women at the close of the Middle Ages.

Introduction

Three growing strands of the historiography of medieval women are brought together in this chapter. These regard women's knowledge and use of the courts, women's engagement with the credit market and their use of attorneys. In recent years, quantitative research regarding the use of later medieval English courts has dispelled the old myth that women at law were mostly engaged in litigation over land.¹ That incorrect assumption had stemmed from the casual observation that a relatively high proportion of lawsuits for the possession of land involved female litigants. Emphasis has long been placed on the view that women were conduits through which male litigants might lay claims to land.² But, in later medieval English central and country courts, credit- and debt-related litigation often formed a substantial majority of the interpersonal litigation processed –for example, as much as 80 per

* I would like to thank the editor, Elise Dermineur, and Charlie Rozier for their most helpful comments on earlier drafts of this material. All errors are, of course, my own.

¹ See Stevens, 'London's married women', pp. 115–31.

² See, for example, Walker, 'Introduction', pp. 1–16.

cent of pleaded ‘London-related’ litigation, 1399–1500 (see below).³ Likewise, in manor courts, peasant debt litigation was often the main form of interpersonal litigation.⁴ Debt-related lawsuits were so much more numerous than lawsuits over land that, even though women were involved in a smaller proportion of debt lawsuits than land lawsuits, the largest number lawsuits involving women were credit- and debt-related.

The dominance of credit- and debt-related pleas among women’s litigation is amply demonstrated by the records of England’s royal Court of Common Pleas. In the fifteenth century the Court of Common Pleas, which sat at Westminster, just west of London, was the principal national venue for civil litigation in the English realm. At any given time, there were four to nine thousand cases in progress at Common Pleas. This was several hundred times as many cases as the realm’s second busiest central common law court, the Court of King’s Bench, which heard a mixture of civil and criminal pleas.⁵ Additionally, Chancery, which increasingly exercised jurisdiction in conscience (and eventually equity) towards the close of the Middle Ages, later to be associated with disadvantaged female petitioners in the early modern period, handled only a small volume of business in the fifteenth century, probably less than two hundred cases per year.⁶ It is important to remember, however, that few lawsuits brought before any of these courts were pursued to the point of receiving a judgement before the courts. Like litigation today, medieval litigation was as likely intended to encourage an out-of-court settlement or simply to harry an adversary as it was to extract a final judgement. Considerably less than one fifth of lawsuits initiated at Common Pleas were ever answered by the defendant and disputed, or ‘pleaded’, before the justices. Pleading required both parties to appear, either on their own behalf, or by way of an appointed attorney. And only one fifth of pleaded cases resulted in a judgement by jury or other means, that is to say, less than 5 per cent of all lawsuits resulted in a judgement.⁷

The Court of Common Pleas had four main sorts of jurisdiction: real actions, in land; personal actions, including actions of account, covenant, and debt over 40s.; mixed real/personal actions, including actions such as ejection from lands held for a term of years; and trespass, both against an individual and in breach of a statute of the realm, which

³ Table 1 below (5039 of 6321 cases); 69 per cent of cases brought by or against Londoners, Stevens, ‘Londoners and the Court of Common Pleas’, p. 241; 60 per cent (debt & detinue) of country court business, 1332–1413, Palmer, *The County Courts*, pp. 225–27 (tables 8.1 and 8.2).

⁴ Manor courts were highly variable, see Briggs, ‘Manor court procedures, debt litigation levels’, pp. 519–58.

⁵ Stevens, ‘Londoners and the Court of Common Pleas’, pp. 227–30; see also, Hastings, *The Court of Common Pleas*.

⁶ McIntosh, *Working Women*, pp. 20–28; Haskett, ‘The medieval English Court of Chancery’, pp. 245–313.

⁷ Stevens, ‘Londoners and the Court of Common Pleas’, pp. 227–29.

jurisdiction was shared with King's Bench.⁸ The 40s. minimum threshold for the value of disputes to be brought at Common Pleas indirectly excluded poorer artisans and traders, and all but the wealthiest of peasant cultivators. In general, litigants were most commonly described as practitioners of relatively affluent trades such as mercer, draper, or fishmonger, or as gentleman/gentlewoman, with clergy also forming a small but notable group of litigants.⁹ Female litigants, with the exception of never-married adult women, were described in relation to their present or former husband, as 'wife of' or 'widow of'.¹⁰

Table 1 represents data collected as part of a substantial Centre for Metropolitan History, University of London project which calendared and published online fifteenth-century Court of Common Pleas cases involving London or Londoners that reached the stage of pleading before the royal justices. These 'London-related' cases were either laid in London, that is revolving around disputed events alleged to have taken place in London, or involved a litigant described as 'of London'. Among the 6321 London cases found from the sample years of 1399–1409, 1420–1429, 1445–1450, 1460–1468, 1480, and 1500 (all dates inclusive), 1083 cases, or 17 per cent, involved female litigants. And among the 1083 cases with one or more female litigants, 810, or 75 per cent, were cases of debt, detention of goods, or failure to render account of money managed on another's behalf (hereafter, 'credit- and debt-related' litigation). In contrast, this sample only yielded 41 cases disseisin, or dispossession of land, involving female litigants, although to this number we might add an unknown part of the 218 trespass cases, where accusations of forceful entry to property may have been used to prompt a court determination of lawful property possession.¹¹

INSERT TABLE 1 AROUND HERE.

⁸ Hastings, *The Court of Common Pleas*, p. 16.

⁹ Stevens, 'Londoners and the Court of Common Pleas', pp. 241–43, esp. Table 12.6.

¹⁰ See, Beattie, *Medieval Single Women*.

¹¹ Disseisin actions –alleging wrongful dispossession of lands, sources of revenues, or other rights– were increasingly shunned in favour of trespass actions –alleging a wrong by force of arms (e.g. housebreaking), misfeasance/deceit, or nonfeasance– which converted the tortuous real action into a potentially more efficient personal action. See, Sutherland, *The Assize of Novel Disseisin*. An approachable summary of Sutherland's work concerning the development cited here is J. S. Beckerman, 'Review: *The Assize of Novel Disseisin*', pp. 634–36.

Table 1. London-related Cases Before the Fifteenth-century Court of Common Pleas*

Writ Type	All cases	All cases with female litigants	Cases with a married female co-litigant**	Cases with a not-married female litigant***
Debt, detinue and account	5039	810	352	458
Trespass	1134	218	120	98
Disseisin	69	41	29	12
Other	79	14	10	4
<i>Total</i>	6321	1083	511	572

Source: Mackman and Stevens ed., *Court of Common Pleas: The National Archives CP40*. Years sampled, 1399–1409, 1420–1429, 1445–1450, 1460–1468, 1480 and 1500, all dates inclusive.

* For a breakdown of litigants by role (i.e. plaintiff/defendant) and marital status see Table 4 and associated discussion below.

**Married female litigants appeared as co-litigants with their husbands.

*** Not-married comprised never-married and widowed women.

The presence of so many female litigants before the court, in just less than one-in-six cases pleaded before royal justices, overwhelmingly in credit- and debt-related litigation, does more than just dispel the myth that women were mostly party to litigation over land. It prompts questions of women's knowledge of the law and means of accessing the courts. In the year 2000 Emma Hawkes broke ground on this topic with an important, if problematic, article attempting to assess 'women's knowledge of the common law' in late medieval England.¹² Hawkes herself fell into the trap of mistaking the high proportion of land lawsuits which involved women for an indication that women most frequently litigated over land, when, in fact women in royal courts most frequently litigated over debts, as discussed above. However, her work has done much to set an agenda for researching women's competence with the law, writing that 'a careful distinction should be made between legal activity and legal knowledge [...] Women were only rarely present in the courts, and yet their informed choices [...] suggest a sure understanding of the law.'¹³ In the context of this present article, choosing to appoint an attorney is understood as an 'informed choice'.

How confident women were of their ability to make use of the courts successfully would have had an important role to play in determining their willingness to act as creditors, in particular, and thus had an effect on community credit supply. Female and male children alike were under the legal guardianship of their father, closest adult male relative, or an appointed guardian while in their minority; this was interpreted as ending, in various contexts, between fourteen and twenty-one years of age.¹⁴ Once adult, never-married women could extend or receive credit in their own name. However, like virtually all societies in medieval northern Europe, English law employed a form of gender guardianship, known by the French-speaking educated elite as *femme couverte* or *couverte de baron*, and Anglicized as 'coverture'.¹⁵ Coverture operated by the principle of 'unity of person', that is, the idea that once within the bonds of marriage, man and woman were legally one entity, with the husband exercising exclusive control over their assets. In keeping with this, a 'husband could ... [sue or] be sued for anti-nuptial debts' by way of claims made in right of a wife, normally citing his wife as a co-litigant.¹⁶ If a wife should outlive her husband, as a widow, she subsequently enjoyed legal autonomy, and might again extend or receive credit in her own name.

¹² Hawkes, "[S]he Will Protect and defend", pp. 145–62.

¹³ Hawkes, "[S]he Will Protect and defend", p. 160.

¹⁴ Philips, *Medieval Maidens*, pp. 32–34.

¹⁵ Beattie and Stevens, 'Introduction', p. 7.

¹⁶ Baker, *An Introduction to English Legal History*, pp. 483–85, 487 n. 52.

Never-married and, especially, widowed women, were also legal co-creditors or co-debtors on behalf of deceased husbands, relatives or associates who designated them as an executor of their will or who died intestate, which might lead to a woman's appointment as an administrator. About 53 per cent of wills enrolled in the London Husting Court before 1500 name a surviving wife who was to be a beneficiary of chattels or land, and a survey of sixteenth-century London wills found that 89 per cent of male testators named their wife as sole or joint executor.¹⁷ Under common law, administrators or executors were obliged to settle a married man's debts, as owed to him or by him, from his assets moveable and immovable, reserving to his widow her reasonable dower.¹⁸ Bequests, by will, were fulfilled from the residue of the deceased's assets, and widows could be held liable, with other heirs or assigns, for debts recorded by written instruments, which typically included a transmission-of-liability clause.¹⁹ More than half of young widows remarried, often still owed or owing debts from their first marriage, which were then pursued by or against such women together with a husband. Among the Court of Common Pleas lawsuits involving female litigants, as indicated in Table 1 above, in 60 per cent (212 of 352) of the debt-related cases in which the female litigant was a married co-plaintiff or co-defendant, she was litigating as an executor or administrator of a previous husband.

Women creditors and debtors came before the courts at various stages of their lives, as never-married, married, widowed, and remarried women, and in different capacities, as a not-married (that is, never-married or widowed) woman concerning arrangements of her own making, as a married co-litigant with a husband concerning anti-nuptial debts, or as an unmarried executor or administrator of a deceased party. For example, among the London-related lawsuits sampled from records of the Court of Common Pleas found to involve one or more female litigants (that is, 810 cases), about 43 per cent (352 of 810) of such cases feature a married co-litigant and 57 per cent (458 of 810) a not-married female litigant, among which latter cases roughly one third (156 of 458) feature a not-married co-litigant with a man, one third (129 of 158) feature a not-married woman litigating alone, and one third (179 of 458) feature a widow litigating alone.²⁰ A woman's legal knowledge and confidence in litigating must have varied widely relative to her life stage and the capacity in which she was acting at the time of litigation. The same could be said of male litigants, but the social and legal

¹⁷ Hanawalt, 'Remarriage as an option', p. 146; Murray, 'Kinship and friendship', p. 376.

¹⁸ Protections against the despoliation of a widow's dower were malleable throughout the Middle Ages. Loengard, '*Rationabilis dos*', pp. 70–71.

¹⁹ Brand, 'Aspects of the law of debt', p. 32.

²⁰ Data drawn from Tables 1, 4 and 5. Some cases include a female plaintiff and defendant, fitting different categories.

context within which female creditors interacted with the courts changed rapidly across the fourteenth and fifteenth centuries.

On the one hand, the fifteenth century saw a growing male consciousness of women's work, sexuality, and speech and charged issues, contributing to a 'tightening up' of the application of coverture across legal venues.²¹ Before the Court of Common Pleas, the proportion of all lawsuits which involved female litigants fell from about 26 per cent in 1320–9 to just 15 per cent in 1420–29.²² However, debt-related litigation remained a bastion of female participation, with the proportion of women's lawsuits before Common Pleas which were debt-related increasing over this same period, from 54 per cent to 60 per cent. The same trends are evident in the records of the London Sheriffs' Court, where a comparison of the years 1320 and 1461–62 –the only years for which data is available– saw the proportion of cases in which women were litigants fall from 29 per cent to 19 per cent, while again the proportion of women's lawsuits which were debt related grew from 53 per cent to 63 per cent.²³ Similar falls in the proportion of lawsuits involving female litigants in the decades approaching the turn of the fifteenth century have been identified in the manor and borough courts of Brigstock (Northamptonshire), Great Horwood (Buckinghamshire), Oakington and Sutton-In-The-Isle (Cambridgeshire), and Ruthin (Dyffryn Clwyd, Wales (later Denbighshire)).²⁴

On the other hand, the preconscious growth of the lawyering class, in the later fourteenth and especially the fifteen century, allowed men and women easily to find and to retain men learned in the law to represent them at court.²⁵ At the end of the thirteenth century, trained lawyers were considered to be of first-rate importance to the running of large and valuable estates, whether lay or ecclesiastical.²⁶ But such men, the most skilful of whom were trained in what would emerge by the early 1300s as the fledgling 'inns of court' between London and Westminster, were in relatively short supply and expensive, and many were kept on retainer by aristocrats and religious houses. By the fifteenth century, men educated in the law were available for hire in all corners of the realm, and relatively inexpensive, obviating the need to keep retained legal counsel. For example, Ives, in his study of common lawyers, has described the tightly knit cadre of about 120 upper ranked lawyers who worked at Westminster c.1500 as 'minute' compared to the rest of the

²¹ McIntosh, *Working Women*, p. 41; Stevens, 'London women', pp. 67–88.

²² Stevens, 'London women', p. 81.

²³ Stevens, 'London women', p. 77.

²⁴ Stevens, 'London women', p. 84.

²⁵ Brand, *The Origins of the English Legal Profession*.

²⁶ Ramsay, 'Retained legal counsel', pp. 95–112.

profession.²⁷ The sample of 6321 London-related cases at Common Pleas represented in Table 1 includes about 1000 attorneys cited as representing either the plaintiff(s) or defendant(s) of those cases in 8664 of a possible 12,642 instances (that is, 68 per cent of the time), including 682 of a possible 865 instances in which a woman was represented by an attorney in credit- and debt-related litigation (that is 79 per cent of the time).²⁸ The proportion of pleaded cases in which an attorney was appointed, in any capacity, seems to have remained relatively static across the fifteenth century, but further research is needed. For men and women in positions of authority, such as abbots or prioresses, travelling to court to attend business on one's own behalf became associated with poverty, rather than the keen protection of one's legal interests.²⁹ While for the at least moderately affluent litigants who came before the Court of Common Pleas, which entertained pleas of no less than the notable sum 40s., the appointment of an attorney became an increasingly affordable option.³⁰

The decline in women's capacity to access directly courts in late medieval England, coinciding with an increase in the availability of legal counsel which might represent women before those same courts, raises important questions. How often did women use legal representation before the fifteenth-century courts, at a time when their litigation came increasingly to focus on debt-related disputes? Did they do so more than men? The answers to these questions speak directly to the day-to-day considerations and lived experiences of fifteenth-century women, most, if not all of whom, would have extended or received credit at some stage of their lives.

To date, the only work to have engaged directly with these questions is Makowski's narrow study of six houses of Bridgettine nuns and their lawyers in England.³¹ Bridgettine nuns were strictly enclosed and therefore, by rule, could not attend their own affairs at court, and were entirely reliant on legal representation. However Makowski's study is mainly contextual and focuses on an anecdotal range of select lawsuits, concluding little more than that some the nuns' lawyers were recruited from family and friends, and that 'lawyers laboured just as doggedly on their behalf as they did for their other clients'.³² Beyond this,

²⁷ Ives, *The Common Lawyers*, p. 19.

²⁸ Overall, 6321 plaintiffs + 6321 defendants = 12,642 potential instances; Female litigants, see Table 4 below, 484 cases with a female plaintiff + 381 cases with a female defendant = 865 potential instances.

²⁹ Makowski, *English Nuns and the Law*, p. 3.

³⁰ On the permeation of lawyers through English society see Ives, *The Common Lawyers*, esp. pp. 7–22.

³¹ Makowski, *English Nuns and the Law*.

³² Makowski, *English Nuns and the Law*, pp. 46, 171; See also, Stevens, 'Review: Elizabeth Makowski', pp. 799–801.

attention has been paid only to thirteenth- and early fourteenth-century medieval widows' use of attorneys, in seeking dower lands (see below).³³

The remainder of this article draws on two record series of the Court of Common Pleas to investigate, quantitatively, the extent to which women's fifteenth-century credit- and debt-related litigation was mediated through legal representation, in order to answer, at least in part, the questions set out above. One record series employed is the 'plea rolls' of the Court of Common Pleas, specifically the sample of 6321 pleaded London-related cases, dating from 1399–1500, represented in Table 1 above. The other record series, investigated first, is the 'attorneys' rolls', which have been preserved together with the plea rolls, sewn to the back of the plea rolls for safe keeping. These attorneys' rolls record appointments of attorney, each by the plaintiff(s) or defendant(s) in a lawsuit laid before the Court of Common Pleas, with respect to that lawsuit only. If an individual, or group of individuals, was simultaneously party to several lawsuits, a separate appointment of attorney would be required with respect to each lawsuit, even should the same attorney be appointed in each instance. An attorney could be appointed by either party, at any stage of legal proceedings, but almost invariably prior to the stage of pleading, should the lawsuit proceed that far; only between 5 per cent and 20 per cent of litigation reached that pleading stage, increasing towards the end of the century, with the rest discontinued or settled out of court.³⁴ Like today, an attorney was a litigant's designated legal representative, but an attorney was not necessarily a trained or professional lawyer. It is impossible to know what proportion of persons appointed or acting as an attorney, in either the plea rolls or attorneys' rolls, was trained in the law, but the frequent appearance of the same attorneys' names, often across dozens of unrelated lawsuits, strongly suggests that most attorneys in Common Pleas litigation were professional lawyers. For example, over 100 men acted as attorney in a dozen or more unrelated lawsuits, among those London-related cases represented in Table 1.³⁵ This suggests a substantial core of professional lawyers based at Westminster.³⁶

An overview from the attorneys' rolls

A sample of appointments of attorney in the fifteenth century serves to illustrate the relative frequency with which women appointed attorneys. The legal year in medieval England, as observed by the king's central courts, was divided into four law terms, in which

³³ Walker, 'Litigation as personal quest', pp. 81–108; Walker, "'Litigant agency'", pp. 1–22.

³⁴ Stevens, 'Londoners and the Court of Common Pleas', pp. 227–29.

³⁵ Mackman and Stevens, ed., *Court of Common Pleas: The National Archives, CP40*.

³⁶ See Brand, *The Origins of the English Legal Profession*.

the central courts each convened once. Each term followed a major feast day, namely Hilary term (St Hilary, 13 January), Easter term (moveable), Trinity term (moveable), and Michaelmas Term (St Michael, 29 September), at roughly quarterly intervals throughout the year; a recess was held between terms.³⁷ Lawsuits, once initiated –typically by way of an original writ (that is, a formal complaint demanding justice in the king’s name)–, were first processed in the law term next following and usually adjourned from term to term until resolved.³⁸ Four plea rolls were produced annually to record the proceeding of the Court of Common Pleas, one reflecting each of the four law terms, to the back of each was appended an attorneys’ roll, itemising appointments of attorney. Table 2 details sample data reflecting the first one hundred appointments of attorney –wholly or partially legible– on the Hilary term attorneys’ rolls of 1420, 1460, and 1500.

Women were proportionally no more or less involved with the appointing of attorneys than they would later be in seeing their cases through to the stage of pleading, despite the months or years of mesne process often required to secure the appearance of all litigants, or their representatives, before the justices. Across the three attorneys’ rolls samples, 17 per cent to 26 per cent of appointments of attorney were made by women acting either jointly with a man (usually as his wife) or alone. Further refined, 8 per cent or less of appoints of attorney were made by women acting alone, as either a never-married or widowed litigant. This is very similar to the roughly 17 per cent (1083 of 6321) of London-related pleaded cases indicated in Table 1 in which a woman was a litigant, and the 9 per cent (572 of 6321) of London-related cases in which a not-married woman litigated, either with or without representation by an attorney.

Parallels between appointment data and the records of pleaded cases are less apparent when, particularly for women, we look at the types of cases to which attorneys were appointed. Overall, credit- and debt-related litigation gave rise to 62 per cent of all appointments of attorney in 1420 and 1460, and 35 per cent of appointments in 1500, when debt was overtaken by disputes about land as the main case type to which attorneys were appointed. For men litigating alone, the appointing of attorneys to handle credit- and debt-related cases comprised more than 60 per cent of men’s appointments in 1420 and 1460, falling to 40 per cent in 1500, when land disputes became more prominent. This is broadly reflective of the majority share of litigation pleaded before the fifteenth-century Court of

³⁷ The duration of law terms varied considerably, relative to moveable feasts (e.g. Easter and Trinity Sunday) and volume of business, with Trinity and Michaelmas terms being longest. See Cheney, *A Handbook of Dates*, pp. 98–105.

³⁸ Hastings, *The Court of Common Pleas*, pp. 157–83.

Common Pleas that was credit- and debt-related, that is, as much as 80 per cent (5039 of 6321; Table 1) of pleaded cases. For women, in contrast, whether acting as a co-litigant with a man or as a litigant alone, only about a quarter of their appointments of attorney pertained to actions of credit or debt (11 of 47). Only for female co-litigants with men, in 1460, were appoints in debt litigation in the majority (4 of 7; Table 2). Overall, women acting alone or as co-litigants most often appointed attorneys to handle cases of disseisin (26 of 47 appointments).

Despite the relatively small number of appointments of attorney considered here, there is a discernable contrast between, on the one hand, the low numbers of appointments to represent women concerning credit- and debt-related litigation –just 11 such appointments versus 26 appointments concerning disseisin (Table 2)– and, on the other hand, the dominance of credit- and debt-related disputes among women’s pleaded cases. Women appeared before the justices of Common Pleas in person, or by attorney, in nearly twenty times as many credit- and debt-related suits as actions pertaining to disseisin, that is, 810 versus 41 disputes, respectively. This contrast begs explanation.

INSERT TABLE 2 AROUND HERE.

Table 2. Sample, appointments of attorney, 1420, 1460 and 1500.

	No. of Appointments (per cent of subtotal)			No. of male appointers acting alone (per cent of subtotal)			No. of male and female joint appointers			No. of appointers acting alone	
	1420	1460	1500	1420	1460	1500	1420	1460	1500	1420	1460
Debt, detinue and account	61 (62%)	48 (62%)	34 (35%)	56 (67%)	39 (64%)	29 (40%)	2	4	2	2	2
Trespass	26 (27%)	26 (33%)	5 (5%)	22 (27%)	18 (30%)	5 (7%)	2	3	0	2	2
Disseisin	11 (11%)	4 (5%)	59 (60%)	5 (6%)	4 (7%)	38 (53%)	3	0	15	3	3
<i>Subtotal</i>	98	78	98	83	61	72	7	7	18	7	7
Other/ illegible*	2	22	2	1	16	2	0	0	0	1	1
<i>Total no.</i>	100	100	100	84	77	74	7	7	18	8	8

Source: The National Archives, CP 40/636, 796 and 951 (attorneys rolls).

* These are overwhelmingly illegible appointments.

These data of women's and men's appointments of attorney suggest two very tentative conclusions. First, women, and single women in particular, did not increase the frequency with which they appointed attorneys across the century, however more restrictive of women's activities the prevailing social framework may have become. Second, in contrast to male litigants, while most of women's lawsuits which would reach the stage of pleading were credit- and debt-related, that is 75 per cent (810 of 1083; Table 1) of their cases, women were more inclined to appoint attorneys to handle pleas concerning land, embodied by actions of disseisin, than to handle pleas concerning debt. There are several possible reasons why this was the case. Litigation over land may have been perceived as more complex, as witnessed by the precocious growth of a culture of employing conditional grants and intricate recoveries, or of higher value, as land represented a perpetual revenue stream.³⁹ Alternatively, widows, who were both regular litigants and dependent on the income of dower lands for survival, may have felt a greater imperative to seek legal counsel to attain those lands than to aid in the recovery of individual debts (see below), which by this period were usually secured by a bond, or written instrument.⁴⁰

Details from the plea rolls

A closer look at the use of attorneys by litigants in cases at the stage of pleading –that is, the logical litigation mid-point between initiating a lawsuit and receiving a decision by jury, at which both parties were present in person or represented by an attorney and the lawsuit was distilled to a single yes/no 'issue'–, shows that cases which involved one or more female litigants were more likely to also involve appointed attorneys. In hard numbers, for both men and women, about 75 per cent to 80 per cent of their pleaded cases were credit- and debt-related cases of debt, detinue, or account (Table 1). Table 3 separates these credit- and debt-related cases into those with exclusively male litigants and those in which a female litigant was involved in some capacity. It does not differentiate dependent upon whether the female litigant acted as a plaintiff, as a defendant, or in both capacities within cases in each category. In all instances, plaintiffs were more likely to be represented by an attorney than defendants, suggesting that attorneys may have been considered an 'offensive tool' in litigation, perhaps associated with a need to employ an attorney to help secure from the king's chancery the correct royal writ, or formal written complaint, in order to initiate

³⁹ Baker, *An Introduction*, pp. 280–89.

⁴⁰ Walker, "Litigant agency", pp. 1–22.

successful litigation.⁴¹ Equally, plaintiffs, who were creditors, may have been better able to afford attorneys (see below).

Cases involving a female litigant were more likely to involve attorneys, appointed by plaintiffs or defendants, than those involving exclusively male litigants. But, while plaintiffs in cases involving a female litigant employed an attorney more than defendants, the difference between plaintiffs' and defendants' rates of appointment of attorney was considerably smaller in cases involving female litigants. In cases with exclusively male litigants, plaintiffs appointed an attorney 79 per cent of the time and defendants did so 55 per cent of the time, a difference of 24 per cent (Table 3). By comparison, in cases involving a female litigant acting in any capacity, plaintiffs appointed an attorney 82 per cent of the time and defendants did so 67 per cent of the time, a difference of only 15 per cent. And if cases involving only married female co-litigants acting with husbands in any capacity are isolated, plaintiffs appointed an attorney 83 per cent of the time and defendants did so 70 per cent, a difference of just 7 per cent (Table 4).

INSERT TABLE 3 AROUND HERE.

A detailed analysis of men's and women's use of attorneys by litigant role and marital status follows below (Tables 4 and 5). But it is worthwhile to consider first this general profile of appointments of attorney, wherein cases involving a woman more frequently involved an attorney, coupled with a higher relative use of attorneys by defendants. Much of the frequent use of attorneys in cases featuring a female litigant can be attributed to the complexity of such lawsuits. The majority of cases involving a female litigant were either those in which a never-married or widowed woman was a co-heir or co-executor of a will, or those in which a married female co-litigant and her husband sought or were pursued for monies owed to or by the wife from a time before her present marriage. For example, in 1461, Isabel, widow and executor of John Ryche, citizen and mercer of London, together with two unrelated male co-executors, appointed high-profile attorney Thomas Torald (discussed below) to represent them in their lawsuit alleging that John Derham, citizen and mercer of London, owed them £86 13s. 4d., arising from two unpaid bonds of £43 6s. 8d. each, agreed between the late John Ryche and John Derham in 1459.⁴² Derham represented himself, and refuted the bonds as forgeries. As indicated in Table 4, cases featuring married

⁴¹ Baker, *An Introduction*, pp. 53–64.

⁴² TNA, CP 40/800, rot 121.

co-litigants were those in which both plaintiff and defendant were most likely to act through an attorney. Newly married couples frequently brought or answered such litigation. This suggests both that not-married female creditors sometimes may have lacked the requisite confidence, in either their own legal knowledge or in the fair treatment of female litigants before the court, necessary to initiate litigation, and that not-married female debtors may have been presumed unable to pay until marriage.⁴³ For example, in 1450 Roger Penyton and his wife Alice, widow and executor of Richard Brok of Hackney, Middlesex, appointed attorney Richard Levermore to represent them in their lawsuit alleging that John Gylle, citizen and tailor of London, owed them 10m. on a bond made between the late Richard and John at Hackney in 1438, twelve years earlier.⁴⁴ Roger and Alice claimed, via their attorney, that payment of the debt had been sought persistently (without litigation) before Richard's death, while Alice was a widow and after her marriage to Roger. John appointed high-profile attorney Thomas Torald to represent him in his defence that he had been given a written release from this debt by Richard back in 1440. The plaintiffs refuted the document as a forgery. Roger and Alice also brought an identical claim, again represented by Richard Levermore, against Roger Slak, citizen and Fishmonger of London, who appointed another high-profile lawyer, Robert Vaus (discussed below), to field precisely the same defence used by John Gylle.⁴⁵

More complex still were lawsuits, not uncommon, in which a not-married or remarried female executor initiated or answered lawsuits pitted against other executors, following the death of both the original creditor and debtor.⁴⁶ In such cases both plaintiffs and defendants invariably appointed an attorney. Lastly, all litigants in the lawsuits cited here lived within easy walking distance of Westminster, and so each presumably could have appeared on her or his own behalf. This strongly suggests that the decision to appoint an attorney must have been one of perceived need for his skills, rather than the convenience of his physical proximity to the court.

INSERT TABLE 4 AROUND HERE.

⁴³ Such litigation following marriage suggests that not-married female debtors may have remained unmarried longer than their creditor counterparts. Stevens, 'London's married women', pp. 130–31.

⁴⁴ TNA, CP 40/759, rot 115d.

⁴⁵ TNA, CP 40/759, rot 305d.

⁴⁶ For example, TNA, CP 40/829, rot 413 (remarried widow/executor and new husband versus male executors); TNA, CP 40/807, rot 355 (remarried widow/executor and new husband versus a remarried widow/executor).

Table 3. Litigants' use of attorneys, London-related pleaded cases of debt, detinue and account, Court of Common

	All cases		Cases with male litigants only		Cases with a female litigant in any role	
No. of cases in group	5039		4229		810	
	Plaintiff	Defendant	Plaintiff	Defendant	Plaintiff	Defendant
No. of cases, attorney appointed	4051	2869	3324	2276	665	539
Percent of cases in group	80%	57%	79%	55%	82%	67%

Source: Mackman and Stevens, ed., *Court of Common Pleas: The National Archives CP40*. Years sampled 1445–1450, 1460–1468, 1480 and 1500, all dates inclusive.

Table 4. Women's use of attorneys, respective of marital status, London-related pleaded cases of debt, detinue and Pleas, 1399-1500.

Group		No. of cases	Plaintiffs' use of attorneys			Defendants whatever has attorney (per cent of cases)
			Plaintiff, whatever gender, has attorney (per cent of 'No. of cases')	No. of Cases with female plaintiff	Cases with female plaintiff by attorney (per cent of 'No. of Cases with female plaintiff')	
All cases with a female Litigant (A1+A2)		810	665 (82%)	484	406 (84%)	54 (68%)
A1	Cases with a married female co-litigant	352	292 (83%)	229	195 (85%)	24 (70%)
A2	Cases with a not-married female litigant: acting with or without a male co-litigant	458	377 (82%)	255	211 (83%)	29 (65%)
B	Cases with a not-married female litigant, acting alone. (B is a subset of A2)	302	NA	153	121 (79%)	NA

Source: Mackman and Stevens, ed., *Court of Common Pleas: The National Archives CP40*. Years sampled 1445–1450, 1460–1468, 1480 and 1500, all dates inclusive.

The disaggregation of men's and women's roles in lawsuits, their use of attorneys, and of female litigants by marital status, further emphasizes the strong correlation between marriage and representation by an attorney. Overall, women were more likely to be plaintiffs than defendants (484 pl. vs. 381 def.) in credit- and debt-related litigation, keeping in mind that some cases involved a female plaintiff and female defendant (Table 4). In addition, married female co-litigants were most likely, among female litigants, both to be plaintiffs and to be represented by an attorney, acting by attorney in 85 per cent of 229 cases as co-plaintiffs, and 72 per cent of 159 cases as co-defendants (Table 4, group A1).

Not-married women were more likely to be defendants than their married counterparts, especially when acting alone, as the only plaintiff or only defendant in a case (Table 4, groups A2 and B). In fact, not-married female litigants acting alone were the only group of women whose appearances before the court as defendants were as numerous as their appearances as plaintiffs (Table 4, group B). On the one hand, these independent female actors were notably less likely to appoint an attorney, as plaintiff or defendant, than married or not-married female co-litigants. On the other hand, they were still considerably more likely than men to employ an attorney, as defendants. As plaintiffs, both not-married women acting alone, and men, each appointed an attorney in 79 per cent of their cases. But, as defendants, not-married women acting alone appointed an attorney in 69 per cent of their cases, while men appointed an attorney just 55 per cent of their cases (Tables 3 and 4, group B). This makes not-married female litigants acting alone a 'middle group', between married female co-litigants and male litigants, in terms of the frequency with which they sought legal representation.

Understanding the decision of these not-married women acting alone to appoint, or not to appoint, an attorney is of particular importance. While litigant agency can never be established with certainty, these women are those most likely to have decided for themselves whether or not to employ an attorney. Two possible explanations present themselves for the middling frequency with which not-married women acting alone employed an attorney, especially as defendants. First there may have been a 'confidence gap' between male and female litigants. Not-married women acting alone may less often have felt they needed the assistance of an attorney than did their married counterparts who were engaged in complex litigation, and yet they may more often have felt they needed an attorney than male litigants. A probable 'confidence gap' can only be established by the data shown here if all else, beyond the complexity of cases, was more or less equal. The most obvious additional variables to consider are the value of debts sought and the wealth of the litigants. Regarding

debt values, *prima facie* –all lawsuits concerning claims for 40s or more– there is no obvious difference between the value of men’s and women’s lawsuits; the main factors determining debt values were debt type (typically, cash loan c.£5., sale of goods c.£10, or bond c.£20) and creditors’ sensitivity to the state of the London economy.⁴⁷ Regarding the wealth of litigants, the second possible explanation for not-married lone female litigants’ particular use of attorneys is that there was a wealth gap between not-married women and other groups of litigants. As suggested by Makowski, a lack of legal representation may be considered an indication of relative poverty.⁴⁸

Neither of these explanations sits well with our knowledge of late medieval women. It is not unreasonable to suppose that, at least in part, the cause for any defendant to be less likely than a plaintiff to employ an attorney, in credit- and debt-related litigation, was ‘relative poverty’, defendants being alleged debtors. One must keep in mind the term ‘relative poverty’, as pre-modern people almost invariably acted simultaneously as both creditors and debtors, in complex webs of credit, although poverty nevertheless ensued when the balance of one’s accounts tipped too far into arrears.⁴⁹ On this basis, we might well expect not-married female defendants appearing alone to be relatively poor, compared to married or male defendants. But problematically, they employed attorneys in a significantly higher proportion of their cases than male defendants. The prospect of a ‘confidence gap’ between not-married women and men is more plausible, whether that took the form of less confidence in one’s legal knowledge, or less confidence of fair treatment or success when acting alone in the masculine space of the court. But, is it realistic to expect not-married female defendants, that is, alleged debtors, to be so readily and more frequently able to afford an attorney when compared to men?

A closer look at these not-married female litigants in credit- and debt-related cases serves to resolve this point. These female litigants were either never-married women of legal majority, or widows. As indicated in Table 5, among cases featuring a not-married woman litigating alone as a plaintiff, or creditor, the female litigant was twice as often a never-married maiden as a widow. Overall, these never-married creditor-plaintiffs acting alone were nearly as likely as male litigants (Table 3) to employ an attorney, while widow creditor-plaintiffs used attorneys considerably more, doing so as often as married co-plaintiffs—in 85 per cent of their cases. In contrast, in cases featuring a not-married woman litigating alone as

⁴⁷ Stevens, ‘London creditors’, pp. 1083–1107, esp. 1089–93.

⁴⁸ Makowski, *English Nuns and the Law*, p. 3.

⁴⁹ See, for example, Muldrew, *The Economy of Obligation*.

a defendant, or debtor, the female debtor was nearly four times as often a widow as a never-married maiden. As defendants, both groups of female debtor-defendants acting alone were equally likely to appoint an attorney, in 69 per cent of their cases –that is, less than married co-defendants (72 per cent of cases) and more than male defendants (55 per cent of cases; Tables 3 and 4).

INSERT TABLE 5 AROUND HERE.

Table 5. Not-married female litigants acting alone, London-related pleaded cases of debt, detinue and account 1399-1500.

	No. of cases	Never-married women		Widows	
		No. of cases, never-married women	Appeared by attorney (per cent of 'No. of cases, never-married women)	No. of cases, widows	Appeared by attorney (per cent of 'No. of cases, widows)
Plaintiff alone	153	100	76 (76%)	53	45 (85%)
Defendant alone	155	29	20 (69%)	126	87 (69%)

Source: Mackman and Stevens, ed., *Court of Common Pleas: The National Archives CP40*. Years sampled: 1429, 1445–1450, 1460–1468, 1480 and 1500, all dates inclusive.

These data reinforce the conclusion that creditor-plaintiffs were more likely to appoint attorneys than debtor-defendants, whatever their life stage. More importantly, they suggest that never-married women were substantially more likely to act as creditors than widows, and possibly more likely to feel the need to sue (Table 5). It seems that the never-married women litigating at Common Pleas were wealthier, or at least had considerably more credit-generating assets at their disposal, than did widows. This assessment is reinforced by Staples' recent and extensive survey of inheriting daughters in medieval Londoners' wills. Here, she concluded that men more often bequeathed assets to women (daughters and widows) than to (lay)men, that daughters received more moveable wealth (such as cash) than sons, were seen as suitable heirs with business skills, and that their control of these assets (such as rental property) gave them genuine scope to manage and increase their net worth.⁵⁰ Cases before Common Pleas, in which newlyweds sought anti-nuptial debts owed to brides, suggest that never-married women tended to extend as credit larger sums of money than they borrowed.⁵¹ Likewise, recent case studies of women elsewhere in Europe, such as Hutton's study of late medieval Ghent, have begun to call into question the emphasis historians tend to place on widows as moneylenders. Hutton found that 'single women investing their own property not only made far more loans than widows did, but their loans were also just as large'.⁵² Widows, by comparison, might have had additional financial commitments associated with their life stage, such as the rearing of children, conspicuous consumption to maintain their social standing, and the servicing of a former husband's debts.

Having established the probable affluence of never-married maidens, the question remains: Why did widows acting alone as creditor-plaintiffs appoint attorneys considerably more often than never-married maidens, despite presumably having less ready money and being less able to afford them? Likewise, one might question why an equal proportion of never-married and widowed female debtor-defendants acting alone appointed an attorney, despite widows, who comprised the lion's share of debtors, presumably being poorer and less able to afford the expense.⁵³ Again, the answer may lie in a 'confidence gap', as surely women at the life-stage of widow generally would have accrued more life-experience and legal competence. The explanation may be as simple as youthful (over)confidence versus

⁵⁰ Staples, *Daughters of London: Inheriting Opportunity*, esp. pp. 71–109.

⁵¹ Stevens, 'London's married women', p. 130.

⁵² Hutton, *Women and Economic Activities*, p. 90.

⁵³ Attorneys' fees were highly variable, ranging from a few shillings to several pounds, depending on the attorney's skill, and period and scope of employment. See Ramsay, 'Retained legal counsel', pp. 95–112.

mature consideration, as per William Shakespear's refrain of a century later '...age is full of care [...] Youth is hot and bold, age is weak and cold; Youth is wild, age is tame'.⁵⁴ Widows may well have felt it best not to leave matters to chance, and so appointed an attorney if at all possible.

No comparable examination of never-married or widowed women's use of attorneys in credit- and debt-related litigation has been undertaken, but three studies of earlier medieval widows pursuing pleas of dower are somewhat instructive regarding widows' intense use of attorneys. Walker, in two articles, surveyed thirteenth- and early fourteenth-century widows' suits of dower before Common Pleas and elsewhere for what she termed 'litigant agency' and litigation as a 'personal quest'.⁵⁵ In these she affirmed that widows seeking dower were familiar with the legal processes involved in litigation, but nevertheless increased substantially the frequency with which they employed attorneys towards the mid fourteenth century, as the professionalism and complexity of legal proceedings increased.⁵⁶ Hanawalt has more recently undertaken a systematic survey of women's use of attorneys in actions of dower before the London courts, 1301–1405, and found that about 52 per cent of widows employed an attorney to represent them, while only about 32 per cent of the defendants they sued did so.⁵⁷ In fact, widows' use of attorneys rose across the period, and in Hanawalt's final sample, 1400–1405, some 75 per cent of widows employed attorneys, whereas just 19 per cent of the defendants they sued did so, with remarried widows calling upon attorneys more frequently than single widows.⁵⁸

This extreme difference, highlighted by Hanawalt's research, between the high proportion of London widows who appointed attorneys and the low proportion of the predominantly-male defendants they sued who did so again suggests a 'confidence gap', here between male litigants and widows. This reasoning would posit that the use of attorneys by male debtor-defendants, in just 55 per cent of their credit- and debt-related litigation at Common Pleas (Table 3) –as opposed to 69 per cent of not-married female debtor-defendants acting alone (Table 5)–, exhibits a great deal of (over)confidence in their legal skills. Moreover, at least some cases with all-male litigants were invariably complex cases involving executors or administrators of the type discussed above, making more remarkable still the low proportion of such cases in which male debtor-defendants appointed an attorney.

⁵⁴ Shakespeare, 'The passionate pilgrim', p. 1249.

⁵⁵ Walker, 'Litigation as personal quest', pp. 81–108; Walker, "'Litigant agency'", pp. 1–22.

⁵⁶ Walker, "'Litigant agency'", pp. 6–9.

⁵⁷ Hanawalt, *The Wealth of Wives*, pp. 98–99, 251 n.16.

⁵⁸ Hanawalt, *The Wealth of Wives*, pp. 98–99, 251 n.16.

But it may be that a combination of the two explanations already put forward may apply specifically to male debtor-defendants, that poorer male litigants less frequently employed attorneys, as did more confident litigants. While it strains what the source material can tell us, it is possible to envisage a gendered response to the challenges of litigation. On the one hand, widows, who comprised most lone female debtor-defendants, although comparatively poor, committed to appointing an attorney if they could at all afford to do so. On the other hand, male litigants, where poor debtor-defendants, were those who most willingly trusted in their own capacity to represent themselves in court. Such a gendered ‘confidence gap’ would make sense in light of our current understanding of the human psychology of risk taking, in which men are generally less risk averse, particularly with reference to what might be perceived as ‘gambling’.⁵⁹

Attorneys and clients

Attorneys were an important tool in litigation, but how they were located and retained by male or female clients in the fifteenth century is as yet little explored. Unfortunately the value of an appointed attorney to attaining a satisfactory outcome to litigation is hidden by the 95 per cent or more of lawsuits which were discontinued before reaching a judgement, presumably often settled out of court (as above). As indicated above, the fifteenth century was a period in which the long-term retention of legal counsel by great families and institutions was largely replaced by the casual employment of lawyers, which were available to ordinary litigants in rapidly increasing numbers.⁶⁰ Two questions are particularly germane to the research presented here. First, did women have equal access to professional attorneys trained in the law? Second, did some attorneys specialise in serving, or discriminate against, female litigants?

First, regarding access to trained attorneys, there is no evidence to suggest that women had any less access to attorneys than did other litigants. It is evident from both the attorneys’ rolls and plea rolls that lawyers typically had close city, county, or regional affiliations. For example, the attorneys’ roll of Hilary term 1460 contains numerous clusters of appointments, such as seven appointments of attorney Richard Reynold, all to cases laid in Leicestershire, or six appointments of Henry Wheteley, all to cases laid in York or Yorkshire.⁶¹ Where women’s appointments of attorneys appear on the attorney’s rolls they

⁵⁹ Harris, Jenkins, Glaser, ‘Gender differences in risk assessment’, pp. 48–63.

⁶⁰ See Ramsay, ‘Retained legal counsel’.

⁶¹ TNA, CP 40/796, attorneys’ roll, rot 1 & 1d.

employed the same attorneys otherwise associated with cases laid in the same county as their own case, indicating that they did not have to go to extraordinary lengths, due to their gender, to locate legal counsel. For example, in 1420 Robert Tettebury was appointed in five London and Hertfordshire cases, in one of which represented Alice Sphere as a co-litigant in a plea of debt.⁶² The county lawyer, with a mixed client base and an interest in country affairs at large, was a well-known if sometimes much maligned character in fifteenth-century England.⁶³

Walker has suggested that familial and community connections may well have encouraged widows, in particular, to make use of such county men in preference to ‘top professionals’.⁶⁴

The question of whether attorneys may have especially aided or discriminated against female litigants is considerably more difficult to answer. The most high-profile attorneys to appear before the Court of Common Pleas – those most often appointed – were London lawyers. The most frequently cited attorney from the sample of pleaded London-related cases examined here was Tomas Torald, who was recorded as attorney for either the plaintiff(s) or defendant(s) in a remarkable 468 of the 6321 cases sampled, with a long career spanning the 1440s–60s.⁶⁵ He represented a female client acting either alone or as a co-litigant in 41, or 9 per cent of his cases; almost 90 per cent (36 of 41) of the cases Torald handled for his female clients were credit- and debt-related. The frequency with which he represented women is markedly lower than the roughly 17 per cent of cases before Common Pleas which involved female litigants, who were at least as likely as men to be represented by an attorney. The work of Torald is typical of that of other high-profile lawyers such as Robery Vaus (8 per cent of appearances representing women; 20 of 245), Thomas Adams (13 per cent; 25 of 188 appearances), or Robert Tettebury (12 per cent; 17 of 142 appearances) in showing a bias against female clients, but one which dissipates the less prominent the attorney. The modest gender bias in the client base of attorneys such as Thomas Adams, for example, may well be attributable to female litigants preferring county lawyers with whom they had a connection over such high-profile Westminster professionals, as Walker has suggested.⁶⁶ While it is plausible that a handful of the most high-profile Westminster lawyers may have turned away some female litigants, it could also be the case that some women, especially widows, might

⁶² TNA, CP 40/636, attorneys’ roll, rot 1d.

⁶³ This is as amply illustrated by the infamous murder of Devonshire lawyer Nicholas Radford by Sir Thomas Courtenay, son of the Earl of Devon, in 1455. Storey, *The End*, pp. 167–70.

⁶⁴ Walker, “Litigant Agency”, p. 14.

⁶⁵ Mackman and Stevens, ed., *Court of Common Pleas: The National Archives CP40*. Years sampled, 1399–1409, 1420–1429, 1445–1450, 1460–1468, 1480 and 1500, all dates inclusive.

⁶⁶ Mackman and Stevens, ed., *Court of Common Pleas: The National Archives CP40*.

have been less able to afford their premium services.⁶⁷ And there is little evidence of such discrimination among the rank-and-file county attorneys of the realm.

Conclusion

Women were extensively involved in credit- and debt-related litigation in fifteenth-century England. Such litigation represented 70 to 80 per cent of all lawsuits for both married co-litigants and for not-married maidens or widows, whether litigating jointly or alone. All of these women made use of attorneys, with consistent frequency, across the fifteenth century. As a whole, a higher proportion of female litigants made use of attorneys than did men, particularly when acting as defendants. For married women, this was probably due to the complex nature of the lawsuits they were involved in, by which married couples brought or answered claims regarding monies owed to or by the women from before their current marriage. For not-married women, and especially the widows who most regularly acted alone as defendants, their greater reliance on attorneys than was shown by male litigants may well have sprung from a lack of confidence. This could have been either a lack of confidence in their legal abilities or in the rectitude of the court's legal machinery when interacting with female litigants. The tendency of the highest profile lawyers at Common Pleas to have a smaller share of female clients than would have been proportional to women's litigation through attorneys hints at some gender bias, possibly arising from misogyny or economic factors. But there is nothing to suggest that women were unable to appoint attorneys when they wished to do so. Indeed widows, a potentially vulnerable group within society, did so when acting alone as plaintiffs with greater frequency than anyone but married couples.

As discussed at the beginning of this chapter, female litigants appeared in English courts with decreasing frequency from the fourteenth to the fifteenth century, as society moved to conform more closely in practice to the theoretical limitations which common law and coverture placed on women.⁶⁸ However, for those women who had a case to bring, within those limitations, legal representation was consistently and readily available at the king's courts throughout the fifteenth century. While top lawyers may have been slightly less ready to welcome their business than that of male clients, appointments of attorney by widows amply demonstrate that where women felt they needed an attorney they had no difficulty in employing one. Ultimately, in a social environment that women likely would have found increasingly restrictive or repressive across the fifteenth century – we need think

⁶⁷ On attorneys' fees see Ramsay, 'Retained legal counsel', pp. 95–112.

⁶⁸ See Stevens, 'London women'.

here, for example, of the rise of local fines for scolds and common gossips at this time— the availability of legal representation would have been key in providing women with the confidence to extend or to take credit.⁶⁹ Knowing that they would be able to access and to interact with the courts effectively via an attorney if they did not feel confident to do so on their own, as plaintiffs or defendants, would have assisted women to stand firm against the rising tide of misogyny, and to remain fully integrated in late medieval English credit networks. Moreover, the positive implications for women of being able to readily employ an attorney, as and when needed, extend not only to the credit- and debt-related litigation considered here, but to all forms of legal action.

⁶⁹ Jones and Zell, 'Bad conversation?', pp. 11–31; David Underdown, 'The Taming of the scold', pp. 116–36; Well, 'Politics and Gender', pp. 381–88.