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'A vice common in Wales': abduction, prejudice and the search for justice in the regional and central courts of early Tudor society

Deborah Youngs

In the 1530s, Rowland Lee, bishop of Coventry and Lichfield and the president of the Council in the Marches of Wales, claimed that rape was 'a vice common in Wales', and one that needed urgent reformation.¹ Lee is hardly to be trusted for a fair assessment of matters in Wales. He is well known, to borrow William Gerard's famous phrase, for being 'not affable to anye of the Walshrie'.² Yet the specific abduction case he used to support this assertion does appear at first reading to confirm all the worst prejudices officers and bureaucrats at Westminster had against the 'wild west' fringes of Henry VIII's kingdom. Occurring just as the first 'act of union' legislation came into force, it seemed to showcase the laxities of legal process, corrupt local gentry, packing of juries in Wales and its Marches, and demonstrate why its peoples should be governed entirely by England's courts, laws and officials. In reviewing the case in full, this essay focuses on a series of incidents occurring in the small village of Llanwern (in the lordship of Caerleon), which was brought to the assizes at Gloucester. By listening to the various participants and exploring their motivations, it will demonstrate that the suit was far more complex than Lee's overblown rhetoric suggested it to be. It will also offer an important reminder of how Wales and the Marches as an idea and as the 'other' operated

in the political and legal machinations of early Tudor governors at Westminster.

By the late 1520s, and increasingly in the early 1530s, pressure was building to reform the existing judicial and administrative structure of Wales and to bolster the king's prerogative power into the Marches. The fear felt in central government that conditions within the Marcher lordships were allowing lawlessness and disorder to go unchecked had prompted a number of actions, including the reinvigoration of the Council in the Marches of Wales in the summer of 1525. The latter's reconstitution had been partly justified by the observation that inhabitants of Wales and the Marches had found it difficult to take cases to Westminster, with the evident assumption that they would wish to do so.³ During 1534–5 statutory legislation focused on the dire need for legal reform in Wales and the Marches. The direction and tone of the political rhetoric used to justify the changes is striking. Jurors in Wales and the Marches were believed to show a 'lack of diligent and sure custody' in the trials of murderers, felons and their accessories and had acquitted them 'openly and notoriously known contrary to equity and justice'.⁴ Similarly the

people of Wales and the Marches of the same, not dreading the good and wholesome laws and statutes of this realm, have of long time continued and persevered in perpetration and commission of divers and manifold thefts, murders, rebellions, wilful burnings of houses and other scelerous deeds and abominable malefacts.⁵

This Westminster view was influenced by, and in accordance with, various voices from within the Marches that made their opinions known to Thomas Cromwell. The negative appraisal can be read in the oft-quoted letters of Thomas Philips ('All Wales is in great decay') and Sir Edward Croft of Croft Castle (the Welsh will 'wax so wild'), who denounced the Council in the Marches of Wales as woefully inadequate.⁶ At the forefront of the drive for reform, however, was the man who became president of the Council in 1534, Bishop Rowland Lee, who made Wales and its Marches his primary concern for the rest of his life. To Lee felony was a common part of Welsh life and he aimed to instil order through show trials and public executions. His energetic pursuit of good government

was infused with a deep scepticism about the cultural and social values of Welsh society.⁷

Modern historians have broadly agreed that reform was needed, or at least have accepted that those officials exercising power in the Marcher lordships were prone to ‘neglect and misconduct’.⁸ Yet the full extent of lawlessness is difficult to assess. We lack the kind of statistical data that in a later age might show comparison of crime rates across time and place, and we cannot assume that the level of fear expressed necessarily reflected the actual incidence of lawlessness. What can be done, however, is to examine more closely the events upon which this vision of Wales as disordered and mismanaged is based. One of the cases often used to justify Lee’s campaign against packed juries is the acquittal of Roger Morgan and his accomplices over the abduction of the widow Jane Howell from Llanwern church in the mid-1530s. For Gwynfor Jones, writing in his *Wales and the Tudor State*, the acquittal had occurred ‘because the law was inadequately enforced and officers unable to secure impartial justice’.⁹ It is a fascinating incident, which has attracted some scholarly attention, but its details deserve to be better known because it was not the clear-cut case Lee assumed it to be.¹⁰

The first version of events, and the one Lee believed, is most clearly iterated in a Star Chamber bill made by William Johns, Sir James ap Howell clerk, Sanders Gent, William Wever and Thomas Bettes.¹¹ They deposed that one Friday during mass Roger Morgan accompanied by James ap Morgan, Philip Morgan, and six others, all heavily armed, burst into the church of Llanwern.¹² As soon as they did so Jane ferch Howell, who was sat in the nave, ran into the chancel towards the high altar and hid behind Anthony Welshe, gentleman. Nonetheless, she was caught by Roger Morgan who took her by force and dragged her out of the church shouting to others that ‘they shuld not stere but upon their perill’. His men prevented others from leaving the church or pursuing the abductor. Three witnesses located outside the church are named in the petition – Thomas Fletcher, William ap Ieuan and Agnes Llywellyn – who, after seeing Jane’s abduction, raised the hue and cry.

This dramatic series of events involved several, notable local individuals: William Johns was presumably the person who became mayor of Caerleon in 1542¹³ and James ap Howell was the rector

of Llanwern in 1535 and may well have been one of Jane's relatives; since the 'Statute of Rapes' in 1382, the prosecution of a ravisher did not need to be by the victim because the nearest relative was given the right to sue for felony.¹⁴ This bill, however, had not been the first attempt to convict Roger Morgan of Jane's abduction because it echoes an earlier suit, which had been brought to the assize court in Gloucester. On that occasion the plaintiff was Anthony Welshe – portrayed in the bill as the protector of Jane – and a member of the Welshe or Walshe family who held land in Llanwern and Dinham (south Wales), and in Woolstrop and Netheridge (Quedgeley, Gloucestershire). He was the son of William Welshe of Llanwern and had married a daughter of Sir Christopher Beynam of Clearwell, Newland (Gloucestershire). He would later become high sheriff of Monmouthshire in 1546–7.¹⁵ As plaintiff and as a landholder in Quedgeley, it was probably Welshe's decision to bring the case to the Gloucester assizes rather than a court within the lordship of Caerleon where the offence had allegedly taken place.

When the case went to the assizes it was presided over by four members of the Council in the Marches of Wales, including Bishop Rowland Lee and Thomas Holte, alongside two commissioned assize judges, Edward Montagu and John Port (who was also a councillor in his own right).¹⁶ Copies of the witness statements given to the King's Commissioners between July–October 1537 and January–27 February 1538 on behalf of Anthony Welshe appear to confirm that the abduction had taken place.¹⁷ All testimonies recount a similar story of the events of that day. Some were hearing mass at Llanwern, others had 'chanced to be there', and several were outside but had heard the commotion. Witnesses differed only on the dress and weapons of the men, and how many names of the supposed abductors they knew.

It is a terrifying rendition, and deliberately so. Anyone acquainted with abduction narratives, or Star Chamber bills, will recognise the familiar imagery and language. Accounts of abduction were shaped by legal, statutory requirements, which plaintiffs and their counsel needed to meet in order to indicate an offence had taken place. The most recent legislation had been issued in 1487 – the 'Acte against taking awaye of women against their willes' – which reaffirmed that abduction was a felony and stipulated that not only

those who took 'any woman against her will' were committing a crime, but so too their 'procurors, abettors and receivers'.¹⁸ In order to elicit sympathy for the plaintiffs, both the bill and witness statements consistently present Jane as a passive victim with no active voice.¹⁹ She is introduced in the bill as on her knees in the aisles of the nave, and one witness recounted that he had seen a woman surrounded by men 'amonges theym like as she had fallen'. That Jane ran for safety when Morgan and his accomplices entered the church usefully signalled that she was unable to fight back and her only option was to flee and seek the support of others. She is described as holding on to Thomas Bettes for safety and hiding behind Welshe for protection. Bettes himself embellished their role remarking that Morgan's men had 'manassed the said Anthony Welshe to murder hym if he should stere'. Sometimes Jane is described as crying or as crying out in order to emphasise her unwillingness to go; others are explicit in stating that she went 'ayenst her wyll'. While William Johns was not sure whether Jane had cried out 'albeit he saithe that he thought by the countyneauce of the said Jane that she went against her will'. For its iteration as a Star Chamber bill, it was also necessary to stress the armed nature of the men and how they had prevented anyone from pursuing Jane and her abductors. Finally, it was essential to show that the hue and cry had been raised. Witnesses outside the church usefully recounted that they had heard the outcry. John Hogge stated that when the company left the church he heard 'a grete crye of women without the churche that dyd followe after the said company'. Morgan Gwiliam had been ploughing in the field when he heard a cry. He ran towards the church and a place called Milton's Mile where he saw a group of seven or eight pass by with a woman. Agnes of Llanwern, widow, said she had run out of her own house to see Jane being led away and that she had made a 'grete outcrye'.

In both the bill and witness statements, therefore, key legal points were listed to indicate that abduction had taken place. It is also possible to detect a few 'paralegal' details, observations that were not vital legal requirements, but which helped make the case more credible and persuasive. One potential example is the record of the victim's name as Jane 'verch' Howell, a formulation which most commonly signifies a maiden name (verch/ferch = daughter of): it

connected her to her natal family and suggested youth and singleness. However, we know from Lee and the witnesses that Jane was a widow and her husband was called Thomas ap Howell so her Howell (or Powell) surname may well have come through marriage.²⁰ Was the absence of her widow status in the Star Chamber bill an attempt to emphasise maidenhood and therefore the abduction as a potentially greater violation?²¹ One might also include here the comments made on the use of the Welsh language. William ap Ieuan stated that he had heard Jane cry in Welsh and Thomas Bettes recalled that Roger Morgan had said ‘in Welshe tong yonder she is, go fatche her’. It was also noted in a few places that the hue and cry had been given in Welsh or ‘as it was done in that country’. Fletcher, for instance, indicated that he was dwelling near the church when he heard a woman ‘cry in Welsh hobobe’, which is presumably the scribe’s phonetic rendering of the Welsh *wbwb*.²² The strength of the case did not depend on the language in which the protagonists spoke, but these references may have been included to provide authenticity in the hope of convincing a Gloucestershire jury that the actions had actually happened over the border in Wales.

Given the local importance of the men who had brought the case, the supporting witness statements, and the carefully constructed case of the abduction, one might assume that it stood a good chance of succeeding. Yet instead of the conviction Anthony Welshe had hoped for – and perhaps expected in Gloucestershire – the jury found Roger Morgan not guilty. Records of the Gloucestershire sessions do not survive, but we know the outcome because a furious Bishop Lee wrote a series of letters to Thomas Cromwell. On 28 February 1538 Lee decried how Roger Morgan on a ‘case of rape’, forcibly carried away ‘a wedowe against her will out of a church’, and that despite the ‘pregnant’ evidence given at the inquest, he and his company were acquitted.²³ There has been considerable academic discussion on the interpretation of the Latin *raptus* in legal records and its potential to mean sexual assault, abduction or theft (from *rapere* = to seize). While lawmakers may have deliberately conflated rape and abduction in drawing up legislation, it appears that medieval jurors and judges were often more precise in their distinguishing of the two crimes.²⁴ Lee’s statement shows that he is fully aware that he is dealing with an abduction case, but his use of

the vernacular ‘rape’ shows the continual use of the term into the sixteenth century. This, he believed, was a vice common in Wales and he had wanted the trial to send a strong message to any other would-be abductors. He sent copies of the evidence to Cromwell, and begged that the matter be considered or else ‘farewell all goode rule’.²⁵

In writing to Cromwell, it is clear that Lee was not particularly concerned with the crime of abduction or its victim. What exercised Lee was the perceived failure of the legal process and his view that the verdict could only have been reached if the jury had been packed by supporters of Roger Morgan who had chosen to commit perjury. Lee’s energetic actions in the Marches had convinced him that pressure was being placed on juries by friends, families and local, influential gentry. Lee saw this as a typical problem across the borders of Wales and contrasted it with the capital: ‘For assuredly in these parts juries cannot be found as with you about London.’²⁶ He presented the jury as lowly men who lacked experience as jurors and who had only been selected because they were servants of certain gentry families who had wanted an acquittal. He complained that when the case had come before the assize judges and the council, the sheriff was unable to find the ‘honest’ gentlemen who had been originally appointed to the jury. The gentlemen ‘by and by absented themselves in so much we caused the sheriff to seke them in the town, but none appearance would be hadd’. They had to take ‘suche as remayned’.²⁷ In response, Lee had bound the jury over to appear at the assizes, and in the meantime before the council in the Star Chamber upon ten days’ warning. Such actions were not out of line with sixteenth-century judges who were putting increasing pressure on juries: they could order their appearance at Star Chamber and even have them imprisoned if they seemed to be acquitting defendants against overwhelmingly incriminating evidence.²⁸ For Lee, justice could only be guaranteed if the case was taken out of the Marches and overseen by Westminster.

Lee had instructed Port and Montagu to fine all the gentry present at the assize for disobedience, but he had his sights on one family in particular, that of Sir William Morgan of Pencoed (d.1542), the uncle of Roger Morgan.²⁹ Sir William’s eldest sons Thomas and Giles had been at the Gloucester assizes for the whole week and

were present at the acquittal having, wrote Lee, ‘no other matter there to do’.³⁰ The family undoubtedly enjoyed a position of power in south-east Wales, and had extended its influence throughout the English Marches. Sir William held several official roles and was a key figure in local government; among his positions was the stewardship of the lordships of Usk, Caerleon and Trelleck, and the chief steward of Newport and Machen; he had also been included in the commissions of the peace for Gloucestershire, Herefordshire, Worcestershire and Shropshire, and was named in the first commission of the peace for the newly formed county of Monmouth.³¹ From 1525 he was vice-chamberlain of the household of Princess Mary and the only Welshman appointed to the Council in the Marches of Wales where his main role was to ensure its authority in the area where he held his offices. It is as a member of the council that Sir William features in several Star Chamber and Chancery bills in the early sixteenth century, and it must be acknowledged that they abound with accusations by his Welsh neighbours of corrupt and impartial justice in the localities.³² Both his sons Thomas and Giles were in royal service and connected with Cromwell, although W. R. B. Robinson noted that they attracted ‘unfavourable notice’ and Cromwell had concerns over Giles’s behaviour.³³ True to form, Lee had the sons imprisoned in Wigmore Castle where, he wrote to Cromwell, ‘I shall stay to send them up till your further pleasure be known’.

Lee had similarly little trust in a number of Gloucestershire gentry, and was particularly unhappy with Sir John Brydges of Coberley, Gloucestershire (d.1557), who was Sir William Morgan’s brother-in-law and had been with his Morgan nephews all week.³⁴ He held various offices in the county, including that of JP for both Gloucestershire and Wiltshire from 1529 until his death. While he was not among the jury, he claimed that if he had been a judge or jury foreman he would have come to the same verdict.³⁵ Brydges thought that the prosecution relied on the testimony of two female witnesses (only Agnes is named) whom he dismissed as speaking from ‘malice’ while the other side put forward ‘a goode number of honest men, which deposed contrary to the accusers which men he thought on his conscience rather spake for the justice of the matter than upon any respect’. While Brydges made no explicit comment on the

reliability of female witnesses, the gendered distinction may well reflect perceived prejudices on a woman's ability to tell the truth or be more easily coerced.³⁶ It was not a point that influenced Lee, however, who could not understand Brydges's position and assumed he must therefore be a 'favourer' of the cause.³⁷

In many ways Lee's account of the acquittal is depressingly familiar and his frustrations shared broadly with England's ruling elite. The involvement of gentry families in the abduction of women, particularly heiresses, is well attested and at least two anti-ravishment statutes, those in 1382 and 1487, appear to have been prompted by the abduction of specific landed heiresses. Eric Ives's reading of the second is markedly downbeat on the ineffectiveness of statutes in preventing the abduction of women; indeed he went so far as to comment that the legislation 'might as well not have existed' bringing forth as it did 'perjured juries, legal ingenuity and a blanket of frustration'.³⁸ Historical analyses of rape and abduction more generally have pointed to the inability of juries to deal effectively with rape/abduction suits and their propensity to acquit offenders.³⁹ Such an analysis could be extended to Wales. While Lee's claim that rape was common is impossible to assess numerically, cases are in evidence during the 1520s and 1530s, a number of which were pursued in Star Chamber. A long-running dispute between the Morgan and Herbert family, which erupted into assault and affray in Newport in 1533, resulted in the abduction of two young maidens.⁴⁰ Jurors could be and were intimidated. In 1529 Kathryn Robert petitioned Star Chamber against Owen Gruffudd whom, she claimed, had abducted her from her father's house in Neath and forced her into marriage. Within her bill is an account of her first attempt to bring Owen to book in a trial at the local town court in Neath. When the judgment should have been given, Owen's brothers and '500 persons or above' heavily armed individuals came from neighbouring lordships and surrounded the court, at which point the jury refused to proceed.⁴¹ Justice meant pursuing her abductor to London and urging redress from the king's council.

Lee evidently believed that a full examination of the jury, with the power of Star Chamber behind it, would lead to their swift punishment. As president of the council in the Marches of Wales, Lee could have investigated the jurors himself, but by calling on

the authority of the King's Council, the responsibility fell to the king's attorney John Baker to give judgment. Baker, who was Attorney General 1536–40, had himself voiced concerns about juries in the Marches and their propensity for perjury.⁴² The list of interrogatories compiled to investigate the jury had been designed to tease out their experience, the influence placed upon them and the justification for their decision.⁴³ They were asked who had selected them; whether they were servants of Gloucestershire gentlemen; if they had come to the sessions with the intent to sit on the trial of Roger Morgan; whether anyone had tried to influence their decisions directly or indirectly; the level of their experience as jurors; what evidence they had heard that caused them to acquit Roger; and, very pointedly, whether any had thought 'in their conscience' that Jane Howell had been abducted.

The answers the jurors provided relay an entirely different tale to that told by the plaintiffs and this alternative version suggests the jury had strong grounds for questioning the substance of the petition.⁴⁴ The jurors, themselves, were no ingénues. When Thomas Holte, king's attorney and prone to see corruption in the Marches, rebuked the jury for their decision,⁴⁵ he received a short reply from the foreman Thomas Marston, an experienced official.⁴⁶ None of the jurors, it is true, was of gentry stock (one described himself as a 'clothur') and a couple were in the service of local landowners; nonetheless they came from that broad range of the middling sorts of society, including those who held the position of bailiff, tax collector or coroner, that was expected by this time.⁴⁷ Their responses to the questions raised by Star Chamber illustrate Geoffrey Elton's point that juries were 'thinking men' who were not always bowing to pressure or bribery; there are notable examples of diligence in the means by which they tried to determine the nature of offences.⁴⁸ By the sixteenth century, jurors would learn most about the case from their time in court and the evidence presented there.⁴⁹ They were less likely to come from the hundred in which the offence took place, and this is alluded to by one of the Morgan jurors who commented that he lived 50 miles from the place of the rape and that none of the jury lived within 30 or 40 miles of the incident.⁵⁰ This can also be seen as a pointed comment on why an incident occurring in Llanwern should be brought before a Gloucestershire

jury. The men themselves were keen to stress that they had been appointed correctly, they had previous experience of the sessions and they knew when to be distrustful of procedural irregularities. They highlighted the suspicious witness testimonies, which had been read out from a book by a clerk of the court: witnesses 'did not tell their tale by mouth but yt was redd unto them and thereupon demaunded whether yt were true and soo affirmed yt'. The choice of witnesses was also dubious: all were reckoned servants and tenants of Welshe, and men of little reputation. One jury member said he had acquitted Morgan because there were no substantial honest men of the parish who gave evidence against him. There was a sense that the impetus behind the case had been 'rather done of malice then of trouth'. Another was sceptical about the number of eyewitnesses who had apparently been in or around the church on a Friday. As he put it 'he thinketh that any person shuld comme to the churche xxvi Fridayes in the yere, he shuld not fynde all them that gave evidence in the church upon a Fridaye at one tyme, being noo holy daye'.⁵¹

The alternative narrative, as mediated through the jurors' testimonies, can be pieced together as follows. When Jane ap Howell's husband, Thomas ap Howell,⁵² died she called upon the aid of Anthony Welshe because she considered him her friend, and she stayed within his house. A marriage was proposed between Jane and Roger Morgan, but the financial settlement could not be agreed. As such, Welshe decided at first that she should marry one of his servants and when Jane refused, he took matters into his own hands. He pushed his servant into Jane's room with the words 'nowe playe the man, get her if thou can', and locked the door. Jane cried out in fright, which drew the attention of Welshe's wife who went to investigate what was happening. Jane informed his wife that her husband's actions were shameful, and stated that she thought that she had come to friends, but they turned out to be her foes. Welshe's wife persuaded her husband to unlock the door, but it became clear to Jane that Welshe had sold her to a local man for a certain sum of money and Welshe had already received a deposit. It was at this point that she took matters into her own hands and sent word to her friend Alice ap Rosser to come to her. When Alice arrived, Jane begged her to travel to Caerleon and to Roger Morgan where

she was to give him a ring as a token of her intent. Alice was to say to Roger that if he loved Jane as much as she loved him, then he was to fetch her away on Friday next for she was sold to another man.⁵³

In this version of events, therefore, the abduction had been a consensual act between Jane and Roger, instigated by the former. Far from wickedly stealing her away, Roger had actually come to rescue Jane; it was Anthony Welshe, her protector in the first version, who was the villain of the piece. Evidence shown and spoken at the trial appears to verify this interpretation. One of the jury, John Seymour, stated that Alice ap Rosser declared openly that she bore a ring that Jane had given her for Roger. It also fits with the witness statement of Thomas Latche who had been chopping wood about a quarter of a mile from Llanwern church when he saw Alice ap Rosser run by with her shoes in her hands from the direction of Llanwern town and entering a wood nearby. Immediately he saw others running out of the wood, over the meadow towards the church of Llanwern, and shortly afterwards he heard a cry at the church.⁵⁴

That it might have happened this way would not be surprising. The use of consensual abduction – or elopement – was something known to, and feared by, medieval landed society. As Caroline Dunn has pointed out, ‘anxieties about elopement and seduction loom large in the ravishment legislation of later medieval England’.⁵⁵ Bills in Star Chamber, as in other courts, reveal the claims and counter-claims over marriage alliances and false abduction cases.⁵⁶ There are also examples to be found of the abducted or ravished woman appearing at a trial herself and challenging the plaintiff’s case: in fifteenth-century Norfolk Jane Boys contradicted her father by stating that she had consented to go with her accused abductor.⁵⁷ Consensual abduction was used actively by women as a means to avoid marriages, to leave a marriage or ensure one took place. As the case of Jane Howell shows, women’s choices about their own marriages could be significantly restricted, especially if they held an attractive inheritance or dower. When she became a widow, Jane may have believed that she would gain more choice in future partners; her bitter disappointment perhaps coming through in a juror’s account that Welshe had ‘cast her away for money’. The

restrictions on marriage are also heard in John Port's recorded intervention at Gloucester when he asked whether Jane was Welshe's ward. If she had been so, selling the marriage would have been lawful.⁵⁸ How a widow could also be a ward is not explained, but it may suggest that Jane was young and potentially under age.

Yet what is essential here is not to determine which version is right, but to underline the existence of two competing and conflicting accounts. It was not simply that bills and writs were shaped to fit legal requirements, but that they were creatively written to achieve particular ends. There is now a growing body of work on the fictional and performative nature of legal texts, which is sensitive to the possibility that accounts may contain what the litigant wanted or hoped had happened as much as what actually did.⁵⁹ This performative element can be extended to the trial itself where narratives were constructed to appeal to the prejudices of judges and juries. Jane may not have appeared as a plaintiff in her own alleged abduction case, but she was determined to play a strong role in Roger Morgan's defence. Indeed she seems to have stage-managed much of it. One of the jurors, John Seymour, recalled how after the evidence had been given to support Welshe's claims, Jane ap Howell, realising that nothing had been produced on her behalf, demanded of Bishop Lee what had happened to the bills she had apparently presented to him at Hereford. And 'he layeng his hand upon his brest sayed they were goone'. Jane immediately requested, on bended knee, that she be allowed to tell her story, which was granted (the reported phrase was 'saye on woman'). The jury therefore heard what Jane had to say – and did so alongside Roger Morgan and Alice ap Prosser – a visible contrast to the witnesses for Welshe whose words were read.

It will not have gone unnoticed that the tale Jane recounted has several elements of the romance story, and provides more evidence for those who advocate the intertwining of law and chivalric culture. Kathryn Gravdal's reading of medieval French literature led her to demonstrate that 'linguistic paradigms first identified in fictional texts reappear in legal documents', while McSheffrey and Pope portrayed romances as providing 'culturally available models shaping how an event is understood'.⁶⁰ By the early Tudor period in England transmission did not necessarily travel in one direction and various

linguistic models were available to our protagonists when it came to (re)telling their version of events. The ‘Welshe’ storyline itself echoes those popular romance and legal narratives which portray a hapless victim and a dishonourable abductor. But it is more palpable in Jane’s version, which has at its heart a hero rescuing her from captivity. She has reframed the story so it is one of liberation rather than defilement. There is perhaps an element of the woman longing to be rescued from an arranged marriage and her desire to be whisked away.⁶¹ In Jane Howell’s case, this fantasy may have played out in a number of ways. Sat, locked in her room in the Welshe residence, Jane’s mind might have worked through various scenarios and inspired her to convince others to assist in a rescue plan that had her dramatic escape at its centre. Equally, however, she may have found herself dragged unceremoniously out of the church by brutish thugs and chose to recast those events in a way that made sense to her afterwards. Did she really run towards Welshe and Bettes for help or for dramatic effect, or were the two men pinning her down so she could not escape? She, at least, could claim a champion who had risked a trial in order to carry her away,⁶² and had done so in front of others (Roger secretly taking Jane away would have served the purpose of neither side in their desire to cast him as hero or villain).⁶³

In either reading, Jane’s account places her at the centre of the narrative in contrast to the legal petition where she is merely the passive victim. If most Star Chamber bills on abduction can be described as ‘male stories’, this might provide an example of a female one.⁶⁴ We are accustomed to seeing women play on their helplessness and vulnerability in court cases⁶⁵ – and Jane was careful to get on one knee and petition in front of Lee at Gloucester – but here she makes her personal situation the focus of that powerlessness. Choosing to describe her own dramatic solution may also have been the best legal strategy: that the abduction was the product of a young woman’s desires could be seen to fit the jury’s view of how a woman would act. That she was aided and abetted by women to achieve her aims may have similarly fitted a stereotype of female whimsy. There was Alice ap Rosser, the female messenger and go-between so redolent of romance stories. Not only does she appear to have delivered the ring, but also led the men to the church. There was also Welshe’s

wife who managed to convince her husband to release Jane. They can be celebrated as active women, a supportive sisterhood, who were willing to help Jane in her hour of need. But they may also have been part of an effective legal tactic that helped increase the authenticity of Jane's account. It was not Welshe, for example, who simply changed his mind about releasing Jane, but his wife who had persuaded him to do so.

Ultimately, however Jane's story came about, and whatever the balance between accuracy, embellishment, exaggeration and fiction, what is important is that the jury found it convincing. The jurors were all clear in their consciences that it was right to free Roger, not as Rowland Lee instinctively believed because this is what Welshmen do and how jurors in the Welsh Marches react, but because they were suspicious of the case and sided with Jane's understanding of fairness, acceptable behaviour and the law.

What can a detailed exploration of this cross-border abduction case tell us about relations between Wales and its largest neighbour in the early Tudor period? First, while Wales may well have needed legal reform, the evidence used to support the prevailing view is problematic, and more complex than previous commentators have supposed. There is no reason to assume that rape was more common in Wales or that the country was necessarily worse than other parts of the kingdom in terms of judicial process; certainly Star Chamber bills can provide evidence of unwelcome acquittals, local influence and prejudicial juries from around England. Nevertheless, for Cromwell and his faithful servant Lee, Wales was a problem that became one of (inter)national security in the years following Henry VIII's divorce. Lee needed the Morgan/Howell case for his own purposes, and he was adept at deploying rhetoric to this end: he is known to exaggerate the problems of the Welsh border in order to underline why the Council in the Marches of Wales needed to exist and why he was essential for the success of good government.⁶⁶ The Welsh people, therefore, needed to be brought fully into England's legal system, and juries from the Marches were subjected to the authority of Star Chamber.

Nevertheless, while Morgan's guilt is more questionable than Lee believed, it cannot be ignored that the case itself uncovered claims of witness manipulation, and that the suit was initially heard in

Gloucester, a fair distance away from the royal lordship of Caerleon. One could explain it on the grounds that Welshe held lands in this area and point to the strong familial and business interconnections between south Wales and the English counties on the western March. Past kin and current marriages linked the families of Morgan, Howell, Welshe, Bridges and Beynam, among others, blurring distinctions of a 'Welsh' or 'English' identity in these areas; travel through this border region for trade and labour was frequent.⁶⁷ Yet, for Welshe, the choice of court must have offered greater potential for victory as the Gloucestershire jurors would have little knowledge of the Llanwern area. He perhaps had not counted on Jane Howell herself travelling to Hereford and then Gloucester in her own pursuit for justice.

Through his actions Welshe was adopting a common tactic, and by the early sixteenth century Welsh people, as elsewhere, were used to choosing among the various jurisdictions the court(s) that suited their claims the best. During this article several examples have been mentioned of Welsh men and women taking their suits to Star Chamber and evidence indicates that these were becoming more frequent in the reign of Henry VIII.⁶⁸ Among these cases can be found examples of plaintiffs themselves blaming corruption, inadequate legal knowledge and process in the localities as part of their strategy for getting their suits heard. Katherine ferch David of Llandaff who petitioned Star Chamber when the murderers of her husband were acquitted, complained that the jury at Cardiff was packed, and condemned the bailiffs of Cardiff as ignorant and not learned in the law. The 'scarcytie of lerned men in thos parties in Wales' was a reason offered in another suit for it being taken to Star Chamber.⁶⁹ The argument that the Westminster courts could offer more impartial justice is also evident in a number of cases. It was clearly a trope not confined to Welsh suits, but it was a plea felt to ring true. When in the late 1520s, the president of the Council in the Marches of Wales received several appeals following the decision to direct all undecided cases in Star Chamber from parties in the Marches back to the council, the focus was on the 'indifferent justice' offered by the King's Council.⁷⁰

Within these real and imagined legal contexts, therefore, it is understandable how local life events could be read in ways that

confirmed the worst prejudices of those set on seeing the worst of Wales. We do not know Jane Howell’s real story, although in any reading she is both a victim of the machinations of local gentlemen and a determined survivor. Yet this multivalent case of marital choice and misfortune could be conveniently shaped to fit the reforming agenda of Wales’s legal union with England.

Notes

- ¹ TNA, SP 1/129, fo. 124.
- ² D. Lleufer Thomas, ‘Further Notes on the Court of the Marches with Original Documents’, *Y Cymmrodor*, 13 (1899), 159.
- ³ Penry Williams, *The Council in the Marches of Wales under Elizabeth* (Cardiff: University of Wales Press, 1958), p. 13; C. A. J. Skeel, *The Council in the Marches of Wales* (London: Hugh Rees, 1904), particularly pp. 49–57.
- ⁴ 26 Henry VIII, c.4; Ivor Bowen (ed.), *The Statutes of Wales* (London: T. Fisher Unwin, 1908), p. 51.
- ⁵ 26 Henry VIII, c. 6; Bowen, *The Statutes of Wales*, p. 54.
- ⁶ *Letters and Papers, Foreign and Domestic, Henry VIII*, v, ed. James Gairdner (London: HMSO, 1880), henceforth *LP*, p. 991; Glanmor Williams, *Renewal and Reformation: Wales, c.1415–1642* (Oxford: Oxford University Press, 1993), p. 258. See too the comments by Thomas Croft who supplied Thomas Cromwell with a steady stream of information on government in the Marches, generally with one eye closely on the dispersal of the recently dissolved monastic estates: *LP*, vi, ed. James Gairdner (London: HMSO, 1882), pp. 210, 946; S. T. Bindoff, *The House of Commons, 1509–1558*, 3 vols (London: Secker and Warburg, 1982), i, pp. 725–6.
- ⁷ M. A. Jones, ‘Cultural Boundaries within the Tudor State: Bishop Rowland Lee and the Welsh Settlement of 1536’, *WHR*, 20.2 (2000), 234; Michael Jones, ‘Lee, Rowland (c.1487–1543)’, *Oxford Dictionary of National Biography* (2004), online at www.oxforddnb.com/view/article/16307 (accessed 20 August 2016).
- ⁸ E.g. T. B. Pugh (ed.), *Glamorgan County History, vol. III* (Cardiff: University of Wales Press, 1971), p. 563.
- ⁹ J. Gwynfor Jones, *Wales and the Tudor State: Government, Religious Change and the Social Order, 1534–1603* (Cardiff: University of Wales Press, 1989), pp. 1–2.

- ¹⁰ It is discussed in M. A. Jones, “‘An earthly beast, a mole and an enemy to all godly learning’”: the life and career of Rowland Lee, Bishop of Coventry and Lichfield and Lord President of the Council in the Marches of Wales, c.1487–1543’ (unpublished MPhil thesis, Cardiff University, 1997). The case is also briefly outlined in Geoffrey Elton, *Policy and Police: the Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge: Cambridge University Press, 1985), pp. 312–13.
- ¹¹ TNA, STAC 2/20/223.
- ¹² For Llanwern church, which was completely rebuilt in fifteenth-century perpendicular, see Madeleine Gray, ‘The pre-reformation church’, in R. A. Griffiths (ed.), *The Gwent County History, vol. 2: The Age of the Marcher Lords* (Cardiff: University of Wales Press, 2008), p. 337.
- ¹³ TNA, STAC 2/8/8; STAC 2/34/8.
- ¹⁴ Joseph Bradney, *A History of Monmouthshire from the coming of the Normans into Wales down to the present time*, 5 vols (London: Mitchell Hughes and Clarke: 1904–23), iv, p. 256; J. B. Post, ‘Sir Thomas West and the Statute of Rapes, 1382’, *Bulletin of the Institute of Historical Research*, 53 (1980), 24–30.
- ¹⁵ The history of the Welshe family is not easy to piece together although Anthony’s father, William, was embroiled in a number of suits in the 1520s: TNA, REQ 2/5/59; REQ 2/10/69; his inquisition post-mortem is TNA, C 142/60/23. Anthony’s wife is sometimes listed in genealogies as Catrin, but she is clearly named ‘Margaret’ in mid-sixteenth-century Llanwern deeds: Gwent Archives D43/3739, 3740 and 3987. For some sense of the family, see C. R. Elrington and N. M. Herbert (eds), *The Victoria History of the County of Gloucestershire* (Oxford: Oxford University Press, 1972), x, pp. 218–19.
- ¹⁶ J. H. Baker, ‘Montagu, Sir Edward (1480s–1557)’, *Oxford Dictionary of National Biography* (2004), online at www.oxforddnb.com/view/article/19006 (accessed 21 August 2016); J. H. Baker, ‘Port, Sir John (c.1472–1540)’, *Oxford Dictionary of National Biography* (2004), online at www.oxforddnb.com/view/article/22552 (accessed 21 August 2016).
- ¹⁷ The witness testimonies were taken at the following times and places; the given age of each witness is in parenthesis. Bishopsgate, 5 July 1537: William Jones of the parish of Llanwern (48); Sir James ap Howell, parson of Llanwern (34); John Hogge of Biston (34); Thomas Fletcher of Christchurch (30); William ap Ieuan of Christchurch (40); Morgan Gwilliam of Caerleon (25). Shrewsbury, 9 October 1537: Sander Gent of Wiston (31); William Terner (30). Bridgnorth, 23 January 1538: Agnes of Llanwern, widow (47). Gloucester, 27 February

- 1538: Thomas Bettes of Llanwern (24), Thomas Latche of Biston (26): TNA, SP 1/129, fos. 124–32.
- ¹⁸ E. W. Ives, “‘Agaynst taking awaye of women’: the inception and operation of the abduction act of 1487”, in E. W. Ives, R. J. Knecht and J. J. Scarisbrick (eds), *Wealth and Power in Tudor England: essays presented to S. T. Bindoff* (London: Athlone Press, 1978), pp. 25–6.
- ¹⁹ This was not unusual because rape and abduction victims infrequently appear as plaintiffs in their own cases at Star Chamber. For a discussion of the conventions of narrative rape and abduction accounts in legal records, see Garthine Walker, ‘Rereading Rape and Sexual Violence in Early Modern England’, *Gender and History*, 10.1 (1998), 1–25, particularly 5–11; and Garthine Walker, “‘A strange kind of stealing’: abduction in early modern Wales”, in Simone Clarke and Michael Roberts (eds), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), p. 64.
- ²⁰ There are contemporary examples of ap Howell (or Appowell) being adopted as a family name, and the prefix ‘ap’ (usually son of) being used as part of a woman’s name. For example: Susan ap Howell, daughter of John ap Howell (TNA, C1/1346/23–24) and Margaret ap Gwillim, widow, who wrote her will in 1550 (TNA, PROB 11/38/16).
- ²¹ For a reading of the use of ‘filia’ in relation to the case of Jane Boys, which connected her to her parents even though Boys was a widow, see Shannon McSheffrey and Julia Pope, ‘Ravishment, Legal Narratives and Chivalric Culture in Fifteenth-Century England’, *Journal of British Studies*, 48.4 (2009), 827.
- ²² In the Star Chamber petition it is rendered *oob oobe* (STAC 2/20/223). Similar to hubbub, this would appear to be an early recording of wbbw, which is found elsewhere in the sixteenth century, but is more frequently seen in nineteenth-century texts on the hue and cry. For the Welsh hue and cry, see Helen Fulton, ‘Fairs, feast-days and carnival in Medieval Wales: some poetic evidence’, in Helen Fulton (ed.), *Urban Culture in Medieval Wales* (Cardiff: UWP, 2012), pp. 238–44. For derivations and dated examples of wbbw: see the *Geiriadur Prifysgol Cymru*: <http://welsh-dictionary.ac.uk/gpc/gpc.html>.
- ²³ TNA, SP 1/129, fo. 124.
- ²⁴ For a recent, detailed account of the legal definitions of raptus/rape, see Caroline Dunn, *Stolen Women in Medieval England. Rape, Abduction and Adultery, 1100–1500* (Cambridge: Cambridge University Press, 2013), chapter 1.
- ²⁵ TNA, SP 1/129, fo. 124.

- ²⁶ TNA, SP1/97, fo. 94; *LP*, ix, ed. James Gairdner (London: HMSO, 1886), p. 510.
- ²⁷ TNA, SP 1/130, fo. 63r.
- ²⁸ Thomas Andrew Green, *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200–1800* (Chicago: University of Chicago Press, 1985), p. 106.
- ²⁹ Roger was son of John Morgan of Caerleon esq and his second wife Janet (daughter of David ap Morgan Rhys): Bradney, *Monmouthshire*, iii, pp. 263–4. Bartrum suggests that the three sons John had with her – the Roger, James and Philip mentioned in the Star Chamber bill – were all illegitimate: Peter C. Bartrum, *Welsh Genealogies, AD 1400–1500*, 18 vols (Aberystwyth: National Library of Wales, 1983), iii, p. 395.
- ³⁰ TNA, SP 1/130, fo. 63v.
- ³¹ A full account of Sir William and his family can be found in W. R. B. Robinson, ‘Sir William Morgan of Pencoed (d.1542) and the Morgans of Tredegar and Machen in Henry VIII’s Reign’, *National Library of Wales Journal*, 27.4 (1992), 405–29.
- ³² These cases include: TNA C1/693/32 and C1/734/33; STAC 2/15/164–166, STAC 2/15/328, STAC 2/32/52 and STAC 2/32/54. On the other hand, Glanmor Williams saw Sir William as a hard-working official who, as a commissioner for the diocese of Llandaff during the dissolution of the monasteries, compiled the ‘best returns we have for any part of Wales’: Glanmor Williams, ‘The Dissolution of the Monasteries in Glamorgan’, *WHR*, 3 (1966), 25–6.
- ³³ Robinson, ‘Sir William Morgan’, 417. For the political careers of Thomas and Giles, see Bindoff, *House of Commons*, ii, pp. 627, 630; both were MPs in 1547.
- ³⁴ William Morgan was married to Florence, the daughter of Sir Giles Brydges of Coberley (d.1511) and sister to Sir John. For an account of the latter’s lengthy service, which saw him raised to the peerage as Lord Chandos of Sudeley in 1554, see M. M. Norris, ‘Brydges, John, first Baron Chandos (1492–1557) *Oxford Dictionary of National Biography* (2004), online at www.oxforddnb.com/view/article/3807 (accessed 21 August 2016).
- ³⁵ TNA, SP1/131, fo. 137.
- ³⁶ For discussion on women as witnesses, see, e.g. Elisabeth van Houts, ‘Gender and Authority in Oral Witnesses in Europe (800–1300)’, *Transactions of the Royal Historical Society*, 6th ser., 9 (1999), 201–20; Sandy Bardsley, *Women’s Roles in the Middle Ages* (Westport, CT: Greenwood Press, 2007), pp. 134–6.

- ³⁷ TNA, SP1/131, fo. 137.
- ³⁸ Ives, ‘Agaynst taking away of women’, p. 40.
- ³⁹ E.g. John Bellamy, *The Criminal Trial in Later Medieval England* (Toronto: University of Toronto Press, 1998), p. 173; Gwen Seabourne, *Imprisoning Medieval Women: the Non-Judicial Confinement and Abduction of Women in England, c. 1170–1509* (Farnham: Ashgate, 2011), p. 159.
- ⁴⁰ TNA, STAC 2/25/16; STAC 2/34/18.
- ⁴¹ TNA, STAC 2/26/105. The case is discussed in Deborah Youngs, ‘“She hym fresshely folowed and pursued”: women and Star Chamber in early Tudor Wales’, in Bronach Kane and Fiona Williamson (eds), *Women, Agency and the Law, 1300–1700* (London: Pickering and Chatto, 2013), pp. 73–85.
- ⁴² J. D. Alsop, ‘Baker, Sir John (c.1489–1558)’, *Oxford Dictionary of National Biography* (2004), online at www.oxforddnb.com/view/article/1124 (accessed 21 August 2016).
- ⁴³ TNA, STAC 2/26/394
- ⁴⁴ TNA, STAC 2/24/34.
- ⁴⁵ Thomas Holte (d.1546) was educated at the Middle Temple, served as JP in several counties and was attorney for the Council in the Marches of Wales by 1534 (and until 1541). He had also served on a commission of inquiry into extortions and misdemeanours in the Marches of Wales which had reported early in 1533. Bindoff, *House of Commons*, II, pp. 381–2; TNA, E 163/11/34.
- ⁴⁶ He may have been the bailiff of Hinton and keeper of Whitecliff Park in 1495–6: *Descriptive Catalogue of the Charters and Muniments in the Possession of Lord Fitzhardinge at Berkeley Castle*, ed. I. H. Jeayes (Bristol: C. T. Jefferies and Sons, 1892), p. 280.
- ⁴⁷ J. B. Post, ‘Jury lists and juries in the later fourteenth century’, in J. S. Cockburn and Thomas A. Green (eds), *Twelve Good Men and True: the Criminal Trial Jury in England, 1200–1800* (Princeton: Princeton University Press, 2014), p. 68; Edward Powell, ‘Jury trial at gaol delivery in the late middle ages: the Midland circuit, 1400–1429’, in Cockburn and Green (eds), *Twelve Good Men*, pp. 90–2.
- ⁴⁸ Elton, *Policy and Police*, p. 312; Sara M. Butler, *Divorce in Medieval England: from One Persons to Two in Law* (New York: Routledge, 2013), p. 68.
- ⁴⁹ Powell, ‘Jury trial’, pp. 78–116.
- ⁵⁰ Given that the case went to the Gloucestershire assizes, it is not surprising that the jurors were from that area. In recounting who had called them to the jury, they listed constables and bailiffs from Berkeley, Thornbury, Henbury, Haresfield, Grumbalds Ash and Whitstone (where part of Quedgely is situated).

- ⁵¹ TNA, STAC 2/24/34, fos. 1v, 2v, 3v and 5r.
- ⁵² It is possible that this Jane Howell is one and the same with the widow who petitioned Star Chamber concerning the murder of her husband Thomas ap Howell, who had been slain in the lordship of Ogmor: TNA, STAC 2/21/114. Another potential candidate for Thomas is the individual from Magor who was heavily involved in the dispute between the Herbert and Morgan families, which erupted in Newport in 1533: *LP*, x, ed. James Gairdner (London: HMSO, 1887), p. 91. Unfortunately, without a firm identification of Jane Howell, her wealth, connections and attractiveness as a marriage partner remain undetermined.
- ⁵³ The main account of this narrative comes in the statement of the juror John Seymour who interestingly related Jane's words in the first person as she gave them in court: TNA, STAC 2/24/34.
- ⁵⁴ TNA, STAC 2/24/34.
- ⁵⁵ Dunn, *Stolen Women*, p. 98; a fuller treatment of elopement can be found in chapter 4 of Dunn's monograph.
- ⁵⁶ E.g. TNA, STAC 2/10/54–5 and 186–7.
- ⁵⁷ McSheffrey and Pope, 'Ravishment', 823.
- ⁵⁸ See also Walker, 'A strange kind', p. 55, where a high proportion of alleged abduction cases for the purposes of forced marriages were of wards.
- ⁵⁹ Examples include: Tim Stretton, *Women Waging Law in Elizabethan England* (Cambridge: Cambridge University Press, 1998), chapter 8; Shannon McSheffrey, 'Detective Fiction in the Archives: Court Records and the Uses of the Law in Late Medieval England', *History Workshop Journal*, 65 (2008), 65–78; Jeremy Goldberg, *Communal Discord, Child Abduction and Rape in the Later Middle Ages* (Basingstoke: Palgrave, 2008), particularly pp. 37–8.
- ⁶⁰ Kathryn Gravdal, *Ravishing Maidens: Writing Rape in Medieval French Literature and Law* (Philadelphia: University of Pennsylvania Press, 1991), p. 140; McSheffrey and Pope, 'Ravishment', 834.
- ⁶¹ McSheffrey and Pope, 'Ravishment', 833.
- ⁶² Unfortunately we do not know what happened afterwards. According to surviving genealogies, Roger married Jenet, daughter and heir to James Adams of the Garn (Tredunnoch) from whom the Morgan family of the Garn descended: Bradney, *Monmouthshire*, iii, p. 263. Potentially Jenet could be Jane, but there appears to be no surviving records of James Adams or his family to indicate either way.
- ⁶³ Gravdal, *Ravishing Maidens*, p. 67; McSheffrey and Pope, 'Ravishment', 835.

‘A vice common in Wales’

- ⁶⁴ Walker, ‘A strange kind’, p. 51.
- ⁶⁵ Stretton, *Women Waging Law*, pp. 180, 212.
- ⁶⁶ Jones, ‘Cultural Boundaries’, 253.
- ⁶⁷ E.g. Ralph A. Griffiths, ‘After Glyn Dŵr: an Age of Reconciliation?’, *Proceedings of the British Academy*, 117 (2002), 139–64.
- ⁶⁸ Some indication of this increase can be found in Ifan ab Owen Edwards, *A Catalogue of Star Chamber Proceedings relating to Wales* (Cardiff: University Press Board, 1929); H. A. Lloyd, ‘Wales and Star Chamber’, *WHR*, 5 (1971), 257–60; and comments in Tim Thornton, *Cheshire and the Tudor State, 1480–1560* (Woodbridge: Boydell, 2000), pp. 109–14.
- ⁶⁹ TNA, STAC 2/32/23; STAC 3/3/73.
- ⁷⁰ National Library of Wales, MS 6620D.

