



Swansea University  
Prifysgol Abertawe



## Cronfa - Swansea University Open Access Repository

---

This is an author produced version of a paper published in:  
*Journal of British Studies*

Cronfa URL for this paper:  
<http://cronfa.swan.ac.uk/Record/cronfa49143>

---

### **Paper:**

Youngs, D. (in press). "A besy woman ... and full of lawe": female litigants in early Tudor Star Chamber. *Journal of British Studies*

Released under the terms of a Creative Commons Attribution Non-Commercial No Derivatives License (CC-BY-NC-ND).

---

This item is brought to you by Swansea University. Any person downloading material is agreeing to abide by the terms of the repository licence. Copies of full text items may be used or reproduced in any format or medium, without prior permission for personal research or study, educational or non-commercial purposes only. The copyright for any work remains with the original author unless otherwise specified. The full-text must not be sold in any format or medium without the formal permission of the copyright holder.

Permission for multiple reproductions should be obtained from the original author.

Authors are personally responsible for adhering to copyright and publisher restrictions when uploading content to the repository.

<http://www.swansea.ac.uk/library/researchsupport/ris-support/>

## “A Besy Woman . . . and Full of Lawe”: Female Litigants in Early Tudor Star Chamber\*

[Deborah Youngs](#), Swansea University

[d.youngs@swansea.ac.uk](mailto:d.youngs@swansea.ac.uk)

**Abstract** This article considers the opportunities available and the constraints to be negotiated by female litigants at the court of Star Chamber during the reigns of the early Tudor kings. Star Chamber was a prerogative court and grew in popularity following the transformation and clarification of its judicial functions under Thomas Wolsey in the early sixteenth century. While it has suffered losses to its records, around five thousand cases still survive from the early Tudor period, including nearly one thousand cases involving female litigants. Unlike those in other Westminster courts, such as Common Pleas, Chancery, or the Court of Requests, Star Chamber cases have yet to be fully examined for what they can tell us about women’s access to justice and their experience of legal process. This article begins by surveying the number of cases involving female litigants, showing that far more came to the court as plaintiffs than as defendants. The numbers were significant—in line with Chancery—but still show women as a minority. Drawing on a wide-range of examples, the paper explores the major factors determining, and limiting, women’s active roles as litigants, taking into consideration cultural expectations, legal practice (including the operation of coverture), and, where detected, individual decision-making.

Growing understanding of the legal experiences of medieval and early modern women has revealed the extent to which they were both proficient in the legal process and able to make informed, strategic decisions on the precise courts to petition. In so doing, their deliberations encompassed the court’s jurisdiction, the redress on offer, and the legal opportunities afforded to them; and a wealth of evidence currently suggests that certain courts were more advantageous for women, or at least enabled them to participate more frequently as named litigants.<sup>1</sup> During the early Tudor period in England and Wales, these options were broadened

---

Deborah Youngs is Professor of Medieval History at Swansea University, Wales. The research underpinning this article was undertaken as part of the AHRC-funded project “Women Negotiating the Boundaries of Justice” (ref. AH/L013568/1). She would like to

with the establishment of the prerogative court of Star Chamber as a judicial body.<sup>2</sup> Its potential for offering “impartial” justice increasingly drew plaintiffs from across the realm, which included regions such as the marches of Wales and the palatinate of Chester where local jurisdictions meant that their inhabitants were excluded from the central common law courts.<sup>3</sup> Star Chamber’s use by female litigants, however, has yet to be fully examined, and little work has been done on this area in its early years of development in the reigns of Henry VII and Henry VIII.<sup>4</sup> While there are limitations to focusing on a single court, the

---

thank Teresa Phipps, Alex Shepard, and Tim Stretton for their very helpful comments on earlier drafts of this article.

<sup>1</sup> See for example, Tim Stretton, *Women Waging Law in Elizabethan England* (Cambridge, 1998), 39–41. See also Maria L. Cioni, *Women and Law in Elizabethan England with Particular Reference to the Court of Chancery* (New York, 1985); Emma Hawkes, “‘She Will . . . Protect and Defend her Rights Boldly by Law and Reason . . .’: Women’s Knowledge of Common Law and Equity Courts in Late-Medieval England,” in *Medieval Women and the Law*, ed. Noel James Menuge (Woodbridge, 2000), 145–61; Lindsay R. Moore, “Women and Property Litigation in Seventeenth-Century England and North America,” in *Married Women and the Law: Coverture in England and the Common Law World*, ed. Tim Stretton and Krista J. Kesselring (Ithaca, 2013), 133–38, at 118, 121, 123.

<sup>2</sup> Accounts of the court’s early development can be found in C. G. Bayne and William Huse Dunham, *Select Cases in the Council of Henry VII* (London, 1958), and J. A. Guy, *The Cardinal’s Court: The Impact of Thomas Wolsey’s Star Chamber* (Hassocks, 1977).

<sup>3</sup> It was the king’s claim to offer justice to all his subjects that gave them access to prerogative courts. See Ralph A. Griffiths, “The English Realm and Dominions and the King’s Subjects in the Later Middle Ages,” in *Aspects of Late Medieval Government. Essays Presented to J. R. Lander*, ed. J. G. Rowe (Toronto, 1986), 99; Melanie Katrina Lloyd, “The Privy Council, Star Chamber and Wales, 1540–1572” (PhD diss., Swansea University, 1987). For Cheshire’s judicial independence, see Tim Thornton, *Cheshire and the Tudor State, 1480–1560* (Woodbridge, 2000).

<sup>4</sup> Research undertaken on female litigants in later sixteenth-century Star Chamber includes Garthine Walker, “‘A Strange Kind of Stealing’: Abduction in Early Modern Wales,” in

documentation generated by Star Chamber—its bills of complaint, responses, and depositions—is unusually rich in detailing women’s interactions with law. In deploying these records, this article explores the extent to which women were able to capitalize on the legal opportunities offered by early Tudor Star Chamber. It begins by assessing the quantitative data to provide a context for female participation as plaintiffs and defendants, yet it also shows the problems in relying on these statistics for understanding the scale of women’s legal involvement. Through a qualitative study of cases from across England and Wales, it considers the factors that may have determined whether, and in what circumstances, women appeared as plaintiffs, the strategies that may have underpinned decisions on how to structure litigation, and what can be inferred about women’s capacities to negotiate the system.

“Star Chamber” originally referred simply to the regular meeting place used by the King’s Council at Westminster to conduct its administrative and judicial business. It was not until the early sixteenth century that it became a separate court of the realm, and mainly during Thomas Wolsey’s chancellorship (December 1515–October 1529) that its judicial function was advanced, areas of jurisdiction were defined, and procedures were formalized. As subjects could in theory petition the king and his council on any grievance, Star Chamber in this period had a broad jurisdiction, dealing with both civil and criminal business. Its main subject of litigation was real property, but it also dealt with offences including breaches of the peace (such as riot, assault, trespass) and the perversion of justice (such as perjury or maintenance, and the misdemeanors of crown officials), alongside a range of miscellaneous cases. Some of these issues, like fraud, forgery, and perjury, were ones not adequately dealt with in common law courts, and, like Chancery, Star Chamber was a court to which plaintiffs

---

*Women and Gender in Early Modern Wales*, ed. Simone Clarke and Michael Roberts (Cardiff, 2000), 50–74.

turned to circumvent the limitations of common law.<sup>5</sup> As a prerogative court, it was less formulaic and more flexible than common law courts and could be appealed to for help when other remedies had failed. Thus a significant proportion of Star Chamber bills concerned cases that had already been brought or were pending in other central or local courts.<sup>6</sup> It is a useful source, therefore, to examine women negotiating multiple jurisdictions.

The court primarily operated for the benefit of private litigants and dealt with cases between two parties. A private suit was usually entered by filing a bill of complaint according to a particular form. It was composed with the advice of counsel, written in English, engrossed on parchment by professional scribes, signed by the plaintiff's counsel, and filed by a clerk. Should the case proceed beyond the bill stage, there would be a defendant's answer, and sometimes the plaintiff's replication and the defendant's rejoinder (all of which comprised the pleadings), followed by interrogations and depositions (the proofs).<sup>7</sup> This process offers some advantages for the modern researcher. The documentation was composed from the perspective of the litigant and not the court; written interrogatories and depositions, which increasingly included those of the defendants, provide valuable details; and the narrative form and use of English in the pleadings offer the potential for "individualizing features."<sup>8</sup> Nevertheless, historians are conscious of the temptation to see these documents as

---

<sup>5</sup> Guy, *Cardinal's Court*, 52–53.

<sup>6</sup> John H. Baker, *The Oxford History of the Law of England*, vol. 6, 1483–1558 (Oxford, 2003), 118.

<sup>7</sup> Bayne and Dunham, *Select Cases*; Guy, *Cardinal's Court*, 79. The original proceedings and proofs of Star Chamber are housed in The National Archives (TNA) at Kew, UK, under the class mark STAC.

<sup>8</sup> Joanne Bailey, "Voices in Court: Lawyers or Litigants?" *Historical Research* 74, no. 186 (November 2001): 392–408, at 393; Cordelia Beattie, "'Your Oratrice': Women's Petitions in the Late Medieval Court of Chancery," in *Women, Agency and the Law, 1300–1700*, ed. Bronach Kane and Fiona Williamson (London, 2013), 17–30, at 20.

the litigants' own words and have long recognized that legal records were constructed with particular aims in mind. The process in Star Chamber, like any adversarial system, encouraged one party to demonstrate why their case was more persuasive than another, while counsel and scribes worked to ensure that petitioners had the best chance of success. This meant recognizing both what was effective within a specific court and what was sufficiently plausible to the audience and community out of which the case had emerged. It could not deviate significantly from what was culturally expected.<sup>9</sup> In the case of Star Chamber, the onus was on the litigant to establish why the suit deserved that court's attention and could not be resolved fairly in another jurisdiction, notably by common law courts. With the aim of catching the attention of the judge, allegations often included violence, usually in the form of riot, forcible entry, or assault. Given this context, it is unsurprising that standardized phrases like "force and arms" appear with some regularity, and thus allegations of widespread disorder should be treated with caution.<sup>10</sup> Claims that there would be no fair trial at common law because the opponents were too powerful and the plaintiff too poor were also "easier to

---

<sup>9</sup> Stretton, *Women Waging Law*, 13. See also Walker, "Strange Kind of Stealing," 54; Jamie Smith, "Women as Legal Agents in Late Medieval Genoa," in *Writing Medieval Women's Lives*, ed. Charlotte Goldy and Amy Livingstone (New York, 2012), 113–29, at 115; Marie A. Kelleher, *The Measure of Women: Law and Female Identity in the Crown of Aragon* (Philadelphia, 2010), 10–12; Gwen Seabourne, *Imprisoning Medieval Women: The Non-Judicial Confinement and Abduction of Women in England, c. 1170–1509* (Farnham, 2011), 130.

<sup>10</sup> Guy has estimated that while plaintiffs alleged riot and unlawful assembly in nearly half of the cases during Wolsey's chancellorship, in only 7 percent of cases is there any real evidence for it. See J. A. Guy, *The Court of Star Chamber and Its Records to the Reign of Elizabeth I* (London, 1985), 26, 52; J. D. Cooper, *Propaganda and the Tudor State: Political Culture in the Westcountry* (Oxford, 2003), 136–45.

allege than refute.”<sup>11</sup> Hence, while cases may well speak to the violence that could be meted out in all walks of life, such details were also a legal prerequisite.

The potential for finding female litigants in early sixteenth-century Star Chamber may not at first appear promising, given the research undertaken on its later records; Tim Stretton’s sampling of the court for the later sixteenth century suggested that it had the “smallest female presence” of all central courts. He estimated that women participated in 10 percent of Star Chamber cases under Elizabeth, before dropping to 8.5 percent under James I.<sup>12</sup> Yet the court may have appeared more favorable to women’s participation decades earlier, particularly following its reconfiguration under Wolsey. The cardinal had promoted Star Chamber as a vehicle for “indifferent justice,” and he convinced contemporaries that it was an effective instrument for checking the abuses of power by great men; it was less susceptible to bribery and local lawlessness.<sup>13</sup> Falls in business at both King’s Bench and Common Bench in the 1520s and ’30s have been attributed to the competition from Star Chamber, as it drew away from them cases of trespass, assault, riot, and rout.<sup>14</sup> It became a court of preference. When in the 1520s the backlog of unresolved cases in Star Chamber from parties in the Welsh marches was referred to the Council in the Marches of Wales, it raised some opposition. An attorney on behalf of a “poor” widow, Margaret Grosvenor of Bellaport (Shropshire), wrote to the president of the council arguing that her suit should be heard in Star Chamber because “her adversary is so mighty and greatly friended in those partes and

---

<sup>11</sup> Marjorie Blatcher, *The Court of King’s Bench, 1450–1550: A Study in Self-Help* (London, 1978), 26.

<sup>12</sup> Stretton, *Women Waging Law*, 40n80. For the observation that the court may have been less popular in general by Elizabeth’s reign, see Christopher W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge, 2009), 38.

<sup>13</sup> Guy, *Cardinal’s Court*, 30.

<sup>14</sup> Blatcher, *Court of King’s Bench*, 29.

she in such poverty that she thought she could have no remedy there against him.”<sup>15</sup> Such claims were not confined to female litigants, but this check on abuses may have made prerogative courts particularly attractive to widows who were vulnerable to these local pressures.<sup>16</sup>

A survey of individual litigants shows that the court appealed to a broad cross-section of the population. Among its female plaintiffs can be found a small number of abbesses and noblewomen, which include Margaret, Countess of Salisbury; Sybil Kirke, the Prioress of St. Leonard’s, Stratford-at-Bow; Agnes, Duchess of Norfolk; and Anne, Countess of Oxford.<sup>17</sup> Some wealth was required, because Star Chamber, like other Westminster courts, did not represent a cheap option, and it had the potential to be very time-consuming, especially if the plaintiff lived some distance from London and attendance was required on multiple occasions. Alice Morton from Odd Rode in Cheshire, for example, recounted how she had been forced to take lodgings in St. Giles near London “by reason of dyvers contynuall suytys that she hath aswell in thys honourable courte as in other of the kynges courtes.”<sup>18</sup> Yet if it was a court for those with some resources, it nevertheless attracted those beyond the elite: while the biggest group of litigants in Wolsey’s chancellorship was the gentry, over a quarter

---

<sup>15</sup> National Library of Wales, MS 6620D, fol. 20r. The case was originally heard by the Council in the Marches on 27 April 1528 (and given a favorable outcome to the plaintiff) before going to Star Chamber and subsequently the Court of Requests; TNA, REQ 2/13/73.

<sup>16</sup> Gwilym Dodd, *Justice and Grace: Private Petitioning in the English Parliament in the Late Middle Ages* (Oxford, 2007), 214. ← What are you comparing in this footnote? Would a “see” reference work?/// DY: I’ve deleted Cf so the reference stands as it is.

<sup>17</sup> See, for example, TNA, STAC, 2/12/310; STAC 2/17/26; STAC 2/18/167; STAC 2/22/248; STAC 2/27/113 and STAC 2/27/142.

<sup>18</sup> TNA, STAC 2/26/126; she reiterated the complaint in STAC 2/18/42. On the other hand, her adversary Richard Golborne accused her of dwelling in London simply to vex him; STAC 2/18/216.



were yeomen/husbandmen, which included those with modest incomes.<sup>19</sup> The same may be said of the women who petitioned Star Chamber. They are not so easy to characterize as a group because their status was less likely to be mentioned, but a significant proportion similarly fall under the “middling sort” and include those who defined themselves as working women.<sup>20</sup> Elen Macham, widow of Bristol, for example, described herself as someone who made her living through “manuell labour and dayly occupacion with her honndes.” She accused William Atkins of maiming her hands in Bristol on February 1530, impairing her ability to work.<sup>21</sup>

Attempts to produce reliable statistics and determine the proportion of female litigants at Star Chamber are beset by problems that are both quantitative and archival. While the court’s regular sittings and the centrality of the written record generated a considerable amount of material, significant losses have occurred over the years (John Guy estimates this amounts to half of the archive), and many suits are now incomplete.<sup>22</sup> Most often the bill survives, but some suits have to be re-created from an answer, replication, a series of interrogatories, or even a single deposition, and not all the proofs contain the litigants’ names. Frustratingly, almost no decrees, orders, or awards are extant, which means that we have no

---

<sup>19</sup> John Guy calculated that the gentry formed 28.7 percent of litigants and yeomen/husbandmen 25.4 percent; Guy, *Cardinal’s Court*, 109. See also G. R. Elton, *Star Chamber Stories* (London, 1958), 9.

<sup>20</sup> In most cases, social identifiers are only noted when mentioned in relation to husbands; hence we find a widow of a husbandman (STAC 2/27/86), a labourer (STAC 2/24/427), and a shoemaker (STAC 2/29/74). The difficulties of determining the social standing of women involved in court cases is noted in Kelleher, *Measure of Women*, 8.

<sup>21</sup> TNA, STAC 2/28/18.

<sup>22</sup> Guy, *Court of Star Chamber*, 23.

verdicts for the suits recorded.<sup>23</sup> In addition to these losses, the remaining archive of original proceedings at the National Archives has not been well-served, and its current catalogue needs to be used with caution, especially as there is some under-reporting of female litigants.<sup>24</sup> While the class STAC 1 should contain the pertinent records of Henry VII's reign and STAC 2 those of Henry VIII, both include records from other courts and other reigns, and early sixteenth-century material is scattered in several other class marks. These include the miscellaneous collection STAC 10, which remains only partially catalogued. It is also not unusual to find examples of a single suit spread across several entries; the surviving documents relating to the abduction of Jane ap Howell from Llanwern Church (near Newport, South Wales), for example, are divided among four separate references.<sup>25</sup> Ongoing revisions and corrections will improve the catalogue's reliability, but it will not be possible to overcome all these issues and reach an accurate total number of Star Chamber cases. As such it seems reasonable to use Guy's estimates of just over two hundred cases from Henry VII's reign and around five thousand for the reign of Henry VIII.<sup>26</sup>

---

<sup>23</sup> For information available for the later sixteenth century, see K. J. Kesselring, *Star Chamber Reports, BL Harley MS 2143* (List & Index Society, special series vol. 57, 2018).

<sup>24</sup> Catalogue entries where wives are not currently mentioned as co-litigants include those in STAC 2/16, fols. 181–2; STAC 2/17/389; and STAC 2/18/224.

<sup>25</sup> TNA, STAC 2/20/223 (bill of complaint); STAC 2/26/394 (list of interrogatories); STAC 2/24/34; and STAC 10/4/82 (depositions). A full discussion of this case and other related sources can be found in Deborah Youngs, “‘A Vice Common in Wales’: Abduction, Prejudice and the Search for Justice in the Regional and Central Courts of Early Tudor Society,” in *The Welsh and the Medieval World: Travel, Migration and Exile*, ed. Patricia Skinner (Cardiff, 2018), 131–54.

<sup>26</sup> Guy, *Court of Star Chamber*, 20. The careless and misguided treatment of Star Chamber records in previous centuries makes it unlikely that a definitive number of cases dating to the early Tudor kings will ever be determined; not all files can be attributed to specific suits (particularly in the case of the numerous uncatalogued depositions in STAC 10), and odd

Given these challenges, it would be unwise to proffer a definitive number of female litigants. An estimation can, nevertheless, be indicative of the attraction of Star Chamber. A search through the records of STAC 1, STAC 2, and STAC 10, produces a sample of approximately 735 cases that contain at least one female plaintiff.<sup>27</sup> If one uses Guy's suggested overall numbers for the cases in the early Tudor conciliar court (in other words, around 5,200), then this amounts to 14 percent of the surviving material, a notably higher proportion than calculated for the later sixteenth century. This figure is not out of line with calculations of female participation in other secular law courts, although different approaches to counting litigants make precise comparison difficult. One example where a similar proportion can be seen is in Penny Tucker's investigation of London law courts where, in its main court of Hustings, women comprised around one in seven (or 14 percent) first or sole demandants.<sup>28</sup> In Star Chamber, female plaintiffs appear in three ways: solely named; recorded alongside their husbands; and in a group. Of these, the largest category is that of the

---

records remain scattered in other classes. Fortunately, the catalogue is currently undergoing revision; my thanks to Dr. Amanda Bevan, Dr. Sean Cunningham, and Dr. Euan Roger of TNA for their assistance.

<sup>27</sup> In totting up the number, I have counted as a single suit all related documents that focus on the same subject and with the same named litigants. In some instances, the issue remains constant, but the defendant has changed, and so it has been counted as a separate suit. I have searched STAC 1, STAC 2 (catalogued material), and STAC 10 boxes 1, 3, 4, 6, 8, 10, and 18 (which contain the earliest Star Chamber material). Some documents pertaining to cases *temp.* Henry VIII's reign are also in STAC 3, although those featuring female litigants relate to suits found in STAC 2 and STAC 10.

<sup>28</sup> Penny Tucker, *Law Courts and Lawyers in the City of London, 1300–1550* (Cambridge, 2007), 234–35, 238. Other studies offer similar percentages, although through different means. For example, Emma Hawkes calculated that women comprised 15 percent of litigants in Chancery bills originating in Yorkshire during the fifteenth century; Hawkes, ““She Will Protect,”” 151.

wives who account for 46 percent of cases involving female litigants. The second largest group is the 43 percent where women entered a bill as sole plaintiff. These involve three hundred different women, the majority of whom were widows. In addition, in around 11 percent of cases, female plaintiffs were mentioned alongside one or more individuals, but to whom they were not obviously married; instead, their associates may include a sibling, parent, other relative, or member of the household. While most of these groups are mixed, there are six cases of all-female groups. For example, in the marches of Wales, Anne Massey and her daughter Magdalene brought two suits over claims to a number of Cheshire manors.<sup>29</sup> Star Chamber appears a court, therefore, that drew a range of women, and while they were slightly more likely (at 57 percent) to appear as co-plaintiff, a significant number of those women entered bills as the sole litigant. It was the recourse of the married and unmarried in roughly equal measure.

These proportions are in stark contrast to the number of women whose experience of Star Chamber was as defendants. There are just over three hundred cases in which at least one female defendant is named, or nearly 6 percent in total. Such a disparity is not present in every legal jurisdiction, and women can be found more frequently as defendants in some urban courts.<sup>30</sup> However, this figure is in line with other central courts like Chancery: in Timothy Haskett's analysis for the years 1417–1532, he calculated that women comprised 21 percent of petitioners but only 7 percent of respondents (with a figure of 13 percent for all

---

<sup>29</sup> TNA, STAC 2/28/12. This followed their attempts to seek justice at courts in Chester and the Council in the Marches of Wales. See TNA, STAC 2/6, fols. 282–92.

<sup>30</sup> See, for example, London's Sheriff's Court, where in 1461–62 only 23 percent of cases featuring female litigants involved a female plaintiff, whereas 78 percent involved a female defendant. Matthew Frank Stevens, "London Women, the Courts and the 'Golden Age': A Quantitative Analysis of Female Litigants in the Fourteenth and Fifteenth Centuries," *London Journal* 37, no. 2 (2012): 67–88, at 74.

female litigants during that period).<sup>31</sup> For the majority of this sample (85 percent), female defendants appear either as the wife of another named defendant or as a member of a group of defendants; there are only around forty cases where a woman appears as the sole defendant. Most were answering complaints by men, yet it is worth noting that 25 percent of the cases in which women were defendants were brought by female litigants or co-litigants, a greater proportion than the overall percentage of female plaintiffs. As the majority of female defendants were co-litigants with their husbands, it could be that female plaintiffs were more likely to name the defendant's wife in the bill or that their case was in reality with her. Overall, these data show firstly that Star Chamber was a court to which women went largely as plaintiffs. Secondly, the data indicate that the total number of cases featuring female litigants (plaintiffs, defendants, or both) in Star Chamber is approximately 960 or around 18 percent, a proportion close to that of Chancery and Requests.<sup>32</sup>

Figures cannot provide the whole picture, although the regularity with which similar percentages appear in studies on female litigants is noteworthy. Historians have long provided reasons for the persistently low proportion of female litigants, commonly related to patriarchal societies' expectations and the cultural and legal constraints placed on women's activity and agency, but it is worth looking more closely at the extent these conventions reduced or enhanced women's activities in Star Chamber. Fortunately, the narrative form of the court's pleadings and surviving depositions provide an opportunity to look beyond the

---

<sup>31</sup> Haskett did note a gradual increase in the proportion of women as respondents and a decline in their proportion as petitioners during the later Middle Ages. This shift might reflect women's "increasing participation in matters of property and inheritance, or a more vulnerable state as executors or heirs." Timothy S. Haskett, "The Medieval English Court of Chancery," *Law and History Review* 14, no. 2 (Autumn 1996): 245–313, at 286–87.

<sup>32</sup> Stretton, *Women Waging Law*, 38–42. See also Stevens, "London Women," 117.

named litigants and their stated cause. In these we often see far more female involvement than counting plaintiffs and defendants would suggest.

Useful examples can be found among the depositions, which are invaluable for building a fuller picture of the case, albeit through the mediating lens of legal counsel (who set and guided the questions) and the pens of scribes (who summarized and standardized the responses). It is true that the vast majority of witnesses were men: as elsewhere, there seems to be a general uneasiness about accepting a woman's testimony. It was not, however, because female testimony itself was legally unacceptable.<sup>33</sup> In Star Chamber cases, where women were questioned, they appear to have witnessed some part of the illegal activity; examples include Janet Gaunt, whose husband sold on stolen goods taken from a robbery at York,<sup>34</sup> and Margaret Stokes, whose fireside table was the surface on which Joan Bamford set out her payment in gold coin to John Wakefield in January 1521.<sup>35</sup> On occasion we glimpse a female voice being used as the main support for a plaintiff's case. Dionysis, the wife of John Dereham, for example, was the key witness in the inquest into the alleged brutality of Richard Wharton, bailiff of Bungay, in his treatment of Anne Crakingthorpe.<sup>36</sup> The examples likewise support the view that women were considered authorities on particular

---

<sup>33</sup> Nicola Whyte, "Custodians of Memory: Women and Custom in Rural England, c.1550–1700," *Cultural and Social History* 8, no. 2 (2011): 153–73, at 154; Jeremy Goldberg, *Communal Discord, Child Abduction and Rape in the Later Middle Ages* (Basingstoke, 2008), 47; Andy Wood, *The Politics of Social Conflict in the Peak District, 1520–1770* (Cambridge, 1999), 132–33; Elizabeth Ewen, "Scottish Portias: Women in the Courts in Mediaeval Scottish Towns," *Journal of the Canadian Historical Association* 3, no. 1 (1992): 27–43, at 31–2, 36.

<sup>34</sup> TNA, STAC 2/22/320.

<sup>35</sup> TNA, STAC 2/24/402.

<sup>36</sup> TNA, STAC 2/4, fol. 109 (her deposition); STAC 2/11/17 (the bill where Dionysis is named as an eyewitness).

matters, such as kinship, births, deaths, marriage, and household goods.<sup>37</sup> Of the three women called in the depositions taken in the case of Alice Symonds versus John Goddisland, one recounted a family's connections, another was in possession of a relevant household chest, while a third was an eyewitness to a meeting between her husband and Goddisland at their home.<sup>38</sup> We also get a sense of how information passed between women. When Alice Swettenham petitioned Star Chamber following the murder of her husband, she claimed that the wife of the "principal" murderer, John Brydon, had spoken of her husband's involvement and had consorted with and abetted him.<sup>39</sup> What this indicates is that, while women were rarely legal witnesses, they evidently heard and saw actions that gave them the potential to provide testimony, even if it was deemed unnecessary or unhelpful for them to do so. As Nicola Whyte has shown, female social and gossip networks were vital in the forming and maintaining of local oral memories.<sup>40</sup> These witnesses remind us that female involvement in legal process was not confined simply to those named as plaintiff or defendant, and that gendered choices were made in selecting legal voices.

Women's potential presence and legal absence also have a bearing on the small number of female defendants. The type of cases taken to Star Chamber and the framing of bills reduced the likelihood that women would be named defendants. In some cases, it was simply unlikely for them to be accused. Suits directed at corrupt officials and the maintenance of criminals would have excluded women who did not inhabit these judicial or administrative functions. The largest issue in early Star Chamber was real property, often in terms of trespass and unlawful entry or disseised land, and these cases were dominated by

---

<sup>37</sup> Kelleher, *Measure of Women*, 43.

<sup>38</sup> TNA, STAC 2/23/271.

<sup>39</sup> TNA, STAC 2/18/162.

<sup>40</sup> Whyte, "Custodians of Memory," 155, 169.

men.<sup>41</sup> In addition, the emphasis placed in Star Chamber bills on force, weaponry and riotous gang-like behavior reduced the probability of women being mentioned because they were less likely to cause such disorder, or at least to be accused of doing so. Individuals and their legal advisers may have felt less able—or willing—to construct a convincing case of uncontrolled female power to set before the judges in Star Chamber.<sup>42</sup> Nevertheless, it is important to draw attention to those occasions where women were accused of commanding or being among “diverse riotous and evil persons,” notably in the defense of property.<sup>43</sup> A few cases are revealed in the depositions,<sup>44</sup> but others feature in the framing of the original bill. John Holwell, for example, accused Anne Weneman and various men of entering his property with force and arms.<sup>45</sup> Wives appear most frequently in these instances, often alongside their husbands as named rioters and sometimes as proxies carrying out their husbands’ orders, usually by commanding their servants to undertake the trespass.<sup>46</sup> Nonetheless, it appears accepted that women could take a more active role, and that female violence was part of the common legal framing of violence, not something separate. In a case brought by Alex

---

<sup>41</sup> Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460–1560* (Woodbridge, 2006), 36–39, 204–5.

<sup>42</sup> On courts viewing violence by women as unnatural, see Miriam Müller, “Social Control and the Hue and Cry in Two Fourteenth-Century Villages,” *Journal of Medieval History* 31, no. 1 (2005): 29–53, at 41–42.

<sup>43</sup> For an analysis of female assailants and their significant role in disputes over property, see Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003), chap. 3, particularly 75–77.

<sup>44</sup> For example, TNA, STAC 2/18/219; STAC 2/24/383.

<sup>45</sup> TNA, STAC 2/21/70.

<sup>46</sup> For example, TNA, STAC 2/4, fols. 92, 194–95; STAC 2/6/279 STAC 2/10, fols. 47, 79; STAC 2/11/31; STAC 2/13, fols. 23, 171; STAC 2/21/70; STAC 2/29/31. At the commandment of their husbands: TNA, STAC 2/29/21; STAC 2/6/68.



Marshland, he not only accused Margaret Holford of leading the riot in Bosden (Cheshire) but specified that she had carried a staff while doing so; the men alongside her were listed as brandishing the frequently cited “swords, daggers, and bucklers.” Marshland’s bill also accused Holford’s daughters Elyn and Blanche of wielding staffs and using them to beat both his wife and his servant (they tellingly did not touch him).<sup>47</sup> In other suits, women were alleged to have attacked or guarded property with weapons such as bills, pitchforks, stones, and boiling water.<sup>48</sup> Accusations of women meting out violence, therefore, were considered sufficiently believable to be included in the bill, but the weapons were of lower grade than the men’s, direct violence was commonly enacted on other women, and the overall numbers are small.

Women’s potential to disrupt was more conspicuous, however, in the attempts to discredit their petitions. Such challenges, it should be noted, were not a routine feature of pleadings, but broad cultural and social predispositions did generate prejudicial views of disobedient and disorderly females that speak to a society’s distrust of a woman’s voice. There are cases that illustrate their susceptibility to accusations of sexual misconduct, which female plaintiffs had to negotiate. Joan Perry of Kensington, widow, was called “a comyn advonterer [i.e., adulterer] and bawde,”<sup>49</sup> while Jane Apryce was accused (by her ex-husband) of “vicious lyving which she dayly usith in maynteynyng commen single women.”<sup>50</sup> Other women who chose to use their voice in a legal and public arena drew criticism for electing to do so and were rebuked for interfering. Alice Symonds of Barnstaple in a bill of complaint against John Goddisland drew on perceptions of female weakness in

---

<sup>47</sup> TNA, STAC 2/33/287.

<sup>48</sup> For example, TNA, STAC 2/10, fol. 53; STAC 2/17/277. For the (potentially) gendered use of weapons, see Walker, *Crime, Gender and Social Order*, 78–79.

<sup>49</sup> TNA, STAC 2/25/281.

<sup>50</sup> TNA, STAC 2/10/130.

describing herself as “on lerned” [i.e., unlearned] and blamed her counsel for failing to remember all the legal niceties when they had engaged in a previous suit. This image Alice presents of herself draws on representations of the naïve woman, a trope found in other assertions that female litigants had been duped through the “synastre counsaill” of male relatives or advisers.<sup>51</sup> Yet the number of suits Alice pursued during the first half of the sixteenth century belies this picture of ignorance, as her adversary was all too aware.<sup>52</sup> Such activity had gained her a reputation for a litigiousness considered unseemly for women: Goddisland had apparently scuppered a potential marriage arrangement by telling her intended that Alice was a “besy woman of her tong and she ys full of lawe & she doth put one to moch besynes.”<sup>53</sup> In a similar vein, Richard Golborne’s response to Alice Moreton’s complaint was to describe her as a “veray trobelous and besy woman” whose sole pleasure was to trouble and vex the said defendant.<sup>54</sup> This is not to argue that male litigants were immune to criticisms of licentiousness, but that women’s susceptibility to such accusations—especially given the widespread belief that women should be under the guidance of men—more directly influenced the framing of their bills and responses.

In this context of limited legal authority, female litigants and their counsel made strategic decisions about which court to petition and how to present their case, including whom to name as plaintiff(s). One determining factor appears to be the type of suit brought.

---

<sup>51</sup> As was argued, for example, in the cases involving Edith Darnell (TNA, STAC 2/12/166), Anne Harwell (STAC 2/26/479; STAC 2/25/237), and Joan Stanton (STAC 2/18/228).

<sup>52</sup> Alice took several cases to Chancery, including a few where she acted as executrix for her second husband, Robert Symonds. She had previously been married to John Chaffy, an innholder in Illminster, and had presumably gained considerable experience negotiating with people. TNA, C1/279/39, C1/284/49, C1/442/15, C1/446/15, C1/1513/78.

<sup>53</sup> TNA, STAC 2/23/271.

<sup>54</sup> TNA, STAC 2/18/216. These accusations call to mind Juan Luis Vives’s criticism of women as “bablyng, and busy, and troublous,” quoted in Stretton, *Women Waging Law*, 51.

Female plaintiffs went to court over the same range of issues as men, if not on the same scale; nevertheless, it is possible to find suits where the female voice was considered more powerful, although it was heavily circumscribed. According to common law, a woman could prosecute in an appeal involving the murder of her husband: it was she who provided the narration of the events and identified the perpetrators.<sup>55</sup> Indeed, legally and culturally, there appears to have been an expectation, an obligation even, that widows would be the ones to prosecute the death of a husband rather than another member of his kin. In early Star Chamber records, thirty widows brought bills of complaint as sole plaintiffs in cases relating to the murder of their husbands.<sup>56</sup> The narrative detail recounted in each petition describes the events leading up to the murder and the kill shot or blow. On occasion the widow was with her husband when the attack happened and hence would have direct knowledge of the murder,<sup>57</sup> yet in the majority of cases wives were nowhere near when the fatal wounding occurred. The bill's narrative therefore drew on a range of information the woman and her legal counsel must have learnt subsequently from witnesses, friends, and potentially the coroner's account. There had been time to do so because in many instances the widow was not petitioning for an individual to be charged, as that had already occurred in a common law court, but for the guilty party to be properly punished. The widow's responsibility to seek full justice for her husband meant negotiating multiple jurisdictions.

---

<sup>55</sup> Barbara A. Hanawalt, *"Of Good and Ill Repute": Gender and Social Control in Medieval England* (Oxford, 1998), 124.

<sup>56</sup> Alice Swetenham, however, petitions once on her own and in another petition appears alongside her father-in-law. See TNA, STAC 2/26/30 (her own petition); STAC 2/18/162 (alongside her father-in-law).

<sup>57</sup> For example, TNA, STAC 2/33/66.

By way of contrast, women do not dominate among plaintiffs as victims of personal aggression, including rape and abduction.<sup>58</sup> The rape, abduction, or seduction of women appears the main cause in over fifty suits but also featured as an accusation in others. For instance, the action taken by Robert Davies of St. Athan (Glamorgan) against William Ievans, clerk, seems at first to be a complaint against the exercise of ecclesiastical jurisdiction without the king's royal assent, yet answers given to interrogatories reveal an alleged abduction of a local maiden.<sup>59</sup> In all these suits, barely a handful were brought to Star Chamber by the female victim as plaintiff. Only Margaret Kebell, Katherine Roberts, Joan Stanton, Agnes Typlery, and Isabel White did so. All were single women or presented themselves as such.<sup>60</sup> On the one hand, we might have expected to see more examples of female involvement in this type of litigation in Star Chamber. It was limitations in common law preventing women bringing cases of abduction that had encouraged women to bypass those courts and make their complaints to the king and his council.<sup>61</sup> However, as Caroline Dunn has pointed out, when a woman was abducted, it jeopardized the properties she held for

---

<sup>58</sup> The verbs most regularly used in these cases are "to ravish" and "to take away." The majority of cases in Star Chamber relate to abduction, often with the intention of forced marriage, although sexual assault is likely in several cases.

<sup>59</sup> TNA, STAC 3/7/40.

<sup>60</sup> TNA, STAC 2/19/71; STAC 2/23/4; STAC 2/25/68 (Kebell); STAC 2/26/105 (Roberts); STAC 2/18/228 (Stanton); STAC 2/18/15 (Typlery); STAC 10/1/21 (White). Margaret Kebell's case has been discussed in E. W. Ives, "'Agaynst Taking Away of Women': The Inception and Operation of the Abduction Act of 1487," in *Wealth and Power in Tudor England: Essays Presented to S. T. Bindoff*, ed. E. W. Ives, R. J. Knecht, and J. J. Scarisbrick (London, 1978), 31–43. For more on Katherine Roberts, see Deborah Youngs, "'She Hym Fresshly Folowed and Pursued': Women and Star Chamber in Early Tudor Wales," in Kane and Williamson, *Women, Agency and the Law*, 73–85.

<sup>61</sup> Seabourne, *Imprisoning Medieval Women*, 129–30.

her present (or future) husband and children or other heirs. As such, the rights of male relatives to “claim the status of injured party” were increasingly upheld by the courts in the later Middle Ages.<sup>62</sup> Where women most regularly appeared as plaintiffs in bills alleging abduction, it was as co-litigants alongside their husbands and mainly where the victim was a female relative (often daughter, sometimes sister). It is also noteworthy that the five single female plaintiffs mentioned above were not pursuing an appeal of rape (as they might do at common law) but for ancillary problems, including the failure of local justices in lower courts to deal with their cases. In Typlary’s bill, the emphasis was not on the details of the attempted rape—which were provided—but on the broken leg she sustained as she was attacked. This had left her, a girl in service, “not able to labor for leving” who thus would be forced to beg. The evidence from Star Chamber, therefore, supports the view that male relatives rather than the female victim brought cases of abduction to court. It may also indicate that, strategically, counsel and their clients considered the case more likely to succeed in Star Chamber with a male plaintiff.

Of all the factors determining the extent of female legal involvement in a suit, none was as influential as a woman’s marital status. In theory, women’s loss of legal personhood upon marriage placed limits on their economic capacity and wives were prohibited from suing in common law courts without the consent and cooperation of their husbands. This legal concept of “coverture” does appear to be honored in practice in Star Chamber given the numerous

---

<sup>62</sup> Caroline Dunn, *Stolen Women in Medieval England: Rape, Abduction and Adultery, 1100–1500* (Cambridge, 2013), 97. It must also have been the case that some of these instances were actually elopements and the suits brought by irate male family members against the actions of the women allegedly abducted. Dunn, *Stolen Women*, ch.4; Sara Butler, “Runaway Wives: Husband Desertion in Medieval England”, *Journal of Social History*, 40, no. 2 (2006): 337–359, at 341–4; Youngs, “Vice Common in Wales.”

cases that illustrate a husband's legal guardianship over his wife's property, and where a breach was swiftly identified by defendants. When Margaret Kebell brought a bill to Star Chamber against Henry Vernon, knight, the latter countered that Margaret was married to Roger Vernon, not named in the bill, and therefore the suit should "abate."<sup>63</sup> Similarly, in response to a complaint by Alice Tapton, the defendants pointed out that she was *covert de baron* with one William Tapton, who was not named in the bill, and hence they did not need to provide an answer.<sup>64</sup>

Nevertheless, in both cases the defendants' responses continued to list other reasons why the plaintiffs' bills were wrong, a recognition that they realized a missing husband's name did not in itself amount to a sufficient rebuttal. Recent research on coverture has questioned the strict use of the doctrine in a number of jurisdictions and shown that its application depended both on the specific court and the litigants themselves; experience often varied from spouse to spouse.<sup>65</sup> Star Chamber suits can show the variety in approaches. Wives rarely appear as litigants, for example, when the offence was a violent attack on their person. In many cases this seems to be because a wife's assault was merely one of a series of wrongdoings committed against a household's property and goods, but the pattern is not consistent.<sup>66</sup> In cases of real property, however, a high proportion of married women appear

---

<sup>63</sup> TNA, STAC 2/22/18. See Ives, "Agaynst Taking Away of Women."

<sup>64</sup> TNA, STAC 2/26/59; STAC 2/34/152.

<sup>65</sup> Stretton, *Women Waging Law*, 130–32. See also the introductions and essays in Stretton and Kesselring, *Married Women and the Law*, and *Married Women and the Law in Premodern Northwest Europe*, ed. Cordelia Beattie and Matthew Frank Stevens (Woodbridge, 2013).

<sup>66</sup> While the vast majority of suits featuring assaults on wives were brought by husbands alone, in a small number of cases the wife appears as a co-litigant. There is no obvious pattern, although one possibility is that the wife was named in those cases where the husband was not an eyewitness: for example, where a wife was alone when attacked and so

alongside their husbands, which shows that they were considered two persons in the court of Star Chamber.<sup>67</sup>

Moreover, as the case of Agnes Tapton indicates, married women could be not only co-litigants but sole plaintiffs. Wives can be found acting on behalf of their spouses when the latter were absent for some reason: this may have been because the husband was not of sound mind,<sup>68</sup> because a wife was pleading for safe-conduct to be granted to her husband,<sup>69</sup> or because he had been imprisoned.<sup>70</sup> In these instances she acted as her husband's deputy: these responsibilities fell within her role as householder and she would be expected to draw on the legal knowledge she had gained through that lived experience.<sup>71</sup>

The court also allowed some wives to sue their husbands, and they did so usually on the grounds that their position as wife was not being honored. This was often when

---

traumatized by the assault that she had lost her "perfytt wytt and reason." TNA, STAC 2/13, fol. 241.

<sup>67</sup> For comparison with other central courts, see Janet Loengard, "What Is a Nice (Thirteenth-Century) Englishwoman Doing in the King's Courts?," in *The Ties That Bind: Essays in Medieval British History in Honor of Barbara Hanawalt*, ed. Linda E. Mitchell, Katherine L. French, and Douglas L. Biggs (London, 2010), 55–70, at 59. By contrast, wives as co-litigants were not visible, and increasingly invisible, in fifteenth-century London courts. Stevens, "London Women in the Courts," 75.

<sup>68</sup> Margaret, wife of Thomas Forster, merchant of London, petitioned Star Chamber because she feared that her husband, who was "lakkyng sufficient naturell reason how to guyde himself," had been duped into giving his goods to the charterhouse in the city. TNA, STAC 2/33/64.

<sup>69</sup> TNA, STAC 2/4, fol. 124.

<sup>70</sup> TNA, STAC 2/24/427. Wives might also petition together, as in the case of the three women who brought an action against the abbot of Bury St. Edmunds concerning the imprisonment of their husbands in the Fleet; STAC 2/1, fols. 23–27.

<sup>71</sup> Anthony Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt* (Manchester, 2001), 84.

absenteeism had become more permanent, there was abusive spousal behavior, or where lands, goods, and maintenance, which she should legally use and enjoy, were being denied to her. In these examples, we see both an acceptance that a woman retained claims over property she brought to a marriage and that the husband had a legal duty to support and protect his wife.<sup>72</sup> For example, Anne Banester complained that she had been married legally to her husband, John, for over ten years, yet without any obvious cause he had “absented” himself from her company. He had refused to provide any allowance and taken all the profits from her inheritance; she and her child were solely reliant on their friends for subsistence.<sup>73</sup> Similarly, Agnes Wildecote alleged that her husband had taken for himself the yearly profits of both the lands she had brought to the marriage and the jointure bestowed upon them; he had also deprived her of meat, drink, and clothing so that she was thrown into extreme poverty.<sup>74</sup> Other examples of the misuse of inheritance and dower/jointure were accompanied with accusations of domestic abuse. Hence Kathryn Rocheford accused her husband, John Rocheford of Lincoln, of keeping her a prisoner as he signed away her dower,<sup>75</sup> and some husbands of “evil” dispositions were accused of more violent actions.<sup>76</sup>

---

<sup>72</sup> Amy L. Erickson, *Women and Property in Early Modern England* (London, 1993), 150; Tim Stretton, “The Legal Identity of Married Women in England and Europe, 1500–1700,” in *Europa und seine Regionem: 2000 jahre rechtsgeschichte*, ed. Andreas Bauer and Karl H. L. Welker (Köln, 2007), 309–21, at 315–17; Cioni, *Women and Law*, 173.

<sup>73</sup> TNA, STAC 2/3, fol. 62.

<sup>74</sup> TNA, STAC 2/35/39.

<sup>75</sup> TNA, STAC 2/17/202.

<sup>76</sup> For example, Thomas Lewis was accused of beating his wife and trying to poison her. TNA, STAC 2/21/62. Very few men brought marital issues to Star Chamber; the odd example includes a suit regarding a pre-contract (STAC 2/25/176) and one where a husband accuses his wife and son of trying to dispossess him (STAC 2/6, fol. 62).



These, and similar suits, clearly overlap with the jurisdiction of the church courts, and a few Star Chamber plaintiffs had pursued actions in those courts prior to petitioning the king. Yet their strategy in Star Chamber was different. Whereas in the ecclesiastical courts, accounts of unreasonable behavior were central to cases of separation, especially those claiming cruelty or coercion, in Star Chamber they were intended to build a character sketch that validated bringing the case to its judges. Nor were the women pleading for violent trespass against their husbands, but instead were attempting to reinforce a contract or reclaim the loss of their property. As such, Star Chamber acted as a mechanism to prevent husbands abusing their control over their wives' properties.<sup>77</sup>

In the cases discussed above, spousal relations had broken down. However, married women did not go to the law as sole plaintiffs only when their husbands were incapacitated or had left them. Other considerations beyond strict legal necessities were weighed up when individuals and their counsel decided whom to name as co-litigant. As Stretton has shown, wives occasionally appeared as co-litigants in actions that, legally, did not involve their property or rights, and the involvement of husbands and wives in each other's legal affairs was frequently assumed.<sup>78</sup> Yet this flexibility also meant that it was legally possible for wives to go to Star Chamber without their husbands explicitly being named as co-litigants. While this can be demonstrated conclusively in only a handful of cases, they again provide supporting evidence of the cultural acceptance that title to real property brought to a marriage by the woman would remain attached to her. In the late 1520s, for example, Anne Llewellyn from St. Mildred's parish, City of London, made a complaint to Star Chamber against Watkin Vaughan of Glasbury (Breconshire), who was accused of forcefully preventing her from

---

<sup>77</sup> In this way, it closely compares to Chancery. Sara M. Butler, *Divorce in Medieval England: From One to Two Persons in Law* (London, 2013), 6.

<sup>78</sup> Stretton, *Women Waging Law*, 136–38.

inhabiting a tenement called Maesllwch lying within the lordship of Glasbury. She had made suit at the Council in the Marches of Wales, but Vaughan had failed to attend and his direct actions had occurred at a point where Anne was awaiting the Council's judgment. She appealed, therefore, to the king's council to *sub poena* Watkin to appear before Star Chamber. In this bill, Anne was the sole orator, but in a set of documents relating to the case she was named alongside her husband, John Llewellyn. Anne was evidently married when the Star Chamber bill was created (she shares his surname), and she was not described as a widow. More strikingly, the supporting documentation indicates that Anne had acted on behalf of her and her husband when she laid down her demands:

At whiche day [13 November 1527] Anne Llewellyn for hyr self & for hir husbände, complaynautes, and Watkyn Vaughan, defendant, appered at Beudeley biffore the pryncesse counsaill<sup>79</sup> where these books were seen and red. And forasmoche as the said Anne refuseth to appere agayne at any further day affore this counsaill to be ordered in this matter, but maketh sute and petition to have these books to her deliivered to seche hir further remedye hereyn, therefore it is ordred that the said Anne have to her delivered all these books annexed together.<sup>80</sup>

The items were then detailed and delivered to both Anne and the defendant. The lands in question were those inherited by Anne from her father, and it is evident that even when the documentation recorded the plaintiffs as John Llewellyn and Anne, his wife, it was the latter who was recognized as the decision-maker. There is no sense that Anne needed her husband's physical presence in the actual proceedings, but for conformity she had indicated

---

<sup>79</sup> In other words, the Council in the Marches of Wales.

<sup>80</sup> TNA, STAC 2/23/176, 178; punctuation added.

that she was acting legally for them both. Comparable examples appear in other suits focused on a wife's inherited property or actions and where the main contribution of a husband was his name.<sup>81</sup>

Nevertheless, if the presence of a co-litigant did not necessarily suggest an active role, the absence of one may not adequately reflect the relative roles played by either spouse, which could be mutually supportive. The narrative details in Star Chamber proceedings and proofs indicate that many more wives were accessories to actions involved in the disputes than the list of co-litigants suggests.<sup>82</sup> They may also be the main protagonist. A case brought by Dame Sybil Kirke, prioress of St. Leonard's, Stratford-at-Bow, against John Higham and his wife, Mary, detailed their violation of the injunctions set down by the lord chancellor following an earlier suit. This case included how Mary had often entered the cloister and various ladies' chambers, as well as other parts of the nunnery, without any leave or license. Being a woman meant she was able to advance the couple's cause in locations where her husband could not venture. She seems to have been far more of a nuisance than her husband to Dame Kirke, yet the interrogatories were directed solely to John Higham.<sup>83</sup> It appears to be another example where legal authorities assumed a wife had not acted independently but had been directed by her husband. By the same token, husbands could support their wives in various ways. This can be seen in the case of Margery Finche who described herself as "now

---

<sup>81</sup> For example, TNA, STAC 2/23/249, where the bill concerns the wife's goods, refers to events prior to her marriage and is written entirely from her perspective; the husband's name is his only obvious input.

<sup>82</sup> See, for example, the bill of Robert Bate, a Lincolnshire merchant, which recounts his wife's persistent attempts at seeking justice at the Sleaford quarter sessions for her eviction from the family home while he was abroad, yet in this bill he is the sole plaintiff. TNA, STAC 1/1/25.

<sup>83</sup> TNA, STAC 2/17/26 (bill); STAC 2/22/349 (answer of John Higham); STAC 2/24/42 (the interrogatories of John Higham).

the wyf of your faithfull subgit Richard Ffinche, doughter & heire of Robert Water & Jone his wyf.” Her complaint concerned land she stated she had inherited from her father and which one William Wood wrongfully held. Margery was the sole plaintiff, and her relation to her parents was more legally relevant than her marriage to Richard Finche. Despite his absence as co-plaintiff, however, Margery made it clear that her husband had and continued to play an active role in assisting her with the case. She mentions how he “hath often & diverse tymes in curtesse wise questenyd with the said William Wode,” but to no avail. Indeed, her husband had been threatened by William and told that if he continued to press his wife’s title, he would be in jeopardy of his life.<sup>84</sup> It is interesting then that while Richard had provided some physical and moral support, Margery did not feel the need to include him alongside her as co-plaintiff. William Wood’s answer has survived, and while he disputes Margery’s claims, he does not question her right to bring the case herself, and neither did the court.<sup>85</sup> Her case reinforces the point that coverture had to be invoked, not assumed.

During the early years of its development, Star Chamber was a court that attracted female litigants from across England and Wales, and in similar proportions to those in Chancery, a court considered advantageous for women. Yet less than a fifth of cases explicitly included female litigants, and this article has discussed the means by which the court both impinged upon and facilitated a woman’s negotiating capacities. On the one hand, the court shared a flexibility toward married women’s legal identities that was conducive to female litigants: in real property cases, there is an acceptance that a wife should be legally named as plaintiff in disputes involving her own inheritance or dower. More significantly, the court enabled wives to bring suits against their husbands where they had been excluded from those properties and

---

<sup>84</sup> TNA, STAC 2/15/369.

<sup>85</sup> TNA, STAC 2/15/368A.

the expected securities of married life. Nevertheless, the choice of litigant was dependent on a range of factors, linked to broad cultural expectations and legal practice. It is evident from Star Chamber documentation that more women were involved in disputes—either as victim or accessory—than are named as litigants, despite them having sufficient legal standing to be so. Wives (and female plaintiffs more generally) were unlikely to be named as litigants when they had been physically hurt either in lone attacks or part of a wider attack on a household. It is also the case that far fewer women came as defendants to Star Chamber, and its focus on corrupt officials and emphasis on physical force may well have played a part here. Given these structural constraints, the extent to which an individual woman’s voice contributed to legal decisions is difficult to discern, and we cannot assume that where they were present, it was a product of their power. Widows may have felt pressured into pursuing their husbands’ murderers, while daughters and wives were perhaps relieved that male relatives were the ones expected to take action against their attackers. Yet the narrative details afforded by Star Chamber records do not suggest that female plaintiffs were passive and manipulated, or that it was considered unusual for them to be litigating: they were presented as active participants in the framing of the case, their opponents’ responses, and in any procedural documentation. For many, too, this was not their first or only attempt at pursuing justice, and the insights afforded by Star Chamber of their previous actions helps deepen our understanding of women’s full and complex involvement in the multiple jurisdictions of early Tudor society.