

The Troubled Life and Loves of Lady Anne Lennard:
Illegitimacy, sexuality, and mistressesdom at the court of
Charles II, 1690-1720

by

Rebecca MacAlpine

A thesis
presented to the University of Waterloo
in fulfillment of the
thesis requirement for the degree of
Master of Arts
in
History

Waterloo, Ontario, Canada, 2016

©Rebecca MacAlpine 2016

Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including, any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

Abstract

Despite her infamy, the life of Lady Anne Lennard, formally styled the Countess of Sussex, has never received an in-depth examination. As the natural daughter of King Charles II of England born via his mistress Barbara Palmer, formally styled the Duchess of Cleveland, Lady Anne provides an avenue to examine illegitimate children, paternity, sexuality, marriage, dowry, economic security, and mistresses in early modern England. Through the analysis of three trials, filed in the Chancery court and the House of Lords, between 1690 and 1720, this thesis demonstrates that despite the possession, practice and performance of illicit sexual behaviours by Barbara Palmer her status as an elite woman allowed her to maintain access to material and symbolic capital, and manufacture the same resources for her daughter, Lady Anne. This highlights that despite previous notions of the rigidity of female reputation in the early modern period, women in the upper echelons of society maintained their social agency in instances where they contravened social convention.

Acknowledgements

This thesis would not have come together without the generous support of numerous individuals, and, thus, many thanks are due.

First, to my supportive colleagues in the Tri-University graduate program: thank you for listening to my early renderings of Lady Anne Lennard. Your support and challenges helped to shape the direction of this thesis, and for that I am sincerely grateful.

To the staff and faculty at Bader International Study Center: thank you for being so hospitable during my stay in England. Your guidance and support towards my master's thesis will not soon be forgotten.

To my amazing friends, especially Sidonie Ward, Louisa Sonosky, Anja Zinke, and Lisa Beiler, thank you for your constant support towards the assembly of this project.

To my parents: thank you for your constant support and encouragement throughout my educational journey. This thesis became what it is today because of your unwavering encouragement.

To Andrew Moore and Christina Moss: thank you for making our early morning Latin sessions enjoyable and for always providing a supportive ear and excellent advice when the graduate process became stressful.

To Caley McCarthy: thank you for generously volunteering your time to copyedit my thesis. The support and wisdom, which you so kindly provided, from the beginning of my University of Waterloo experience to the very end, was and is immeasurably appreciated.

To Dr. Greta Kroeker, thank you for constantly supporting me throughout my undergraduate and graduate degrees. Aspects of this project remain firmly rooted in your third year classroom, which provided an excellent introduction to the premodern history of sexuality and women's history. Thank you for being an amazing mentor.

To Dr. Steven Bednarski, words cannot begin to describe how grateful I am for your unconditional guidance and support over the past three years. Thank you for providing me with the opportunity to spend the summer participating in an archaeological excavation, and immersing myself in the very place that Lady Anne lived. This thesis is stronger because of your guidance and instruction in palaeography, Latin, and archival practices. Thank you for being an incredible teacher, advisor, and mentor.

Dedication

To the incredible Lady Anne Lennard; may the world finally hear your story.



Figure 1: Michael Dahl, *Anne FitzRoy, Countess of Sussex*, 1659-1743. Source: *An Account of the Families of Lennard and Barrett. Compiled Largely from Original Documents*, (East Sussex Record Office: Private Circulation, 1908), 308.

Table of Contents

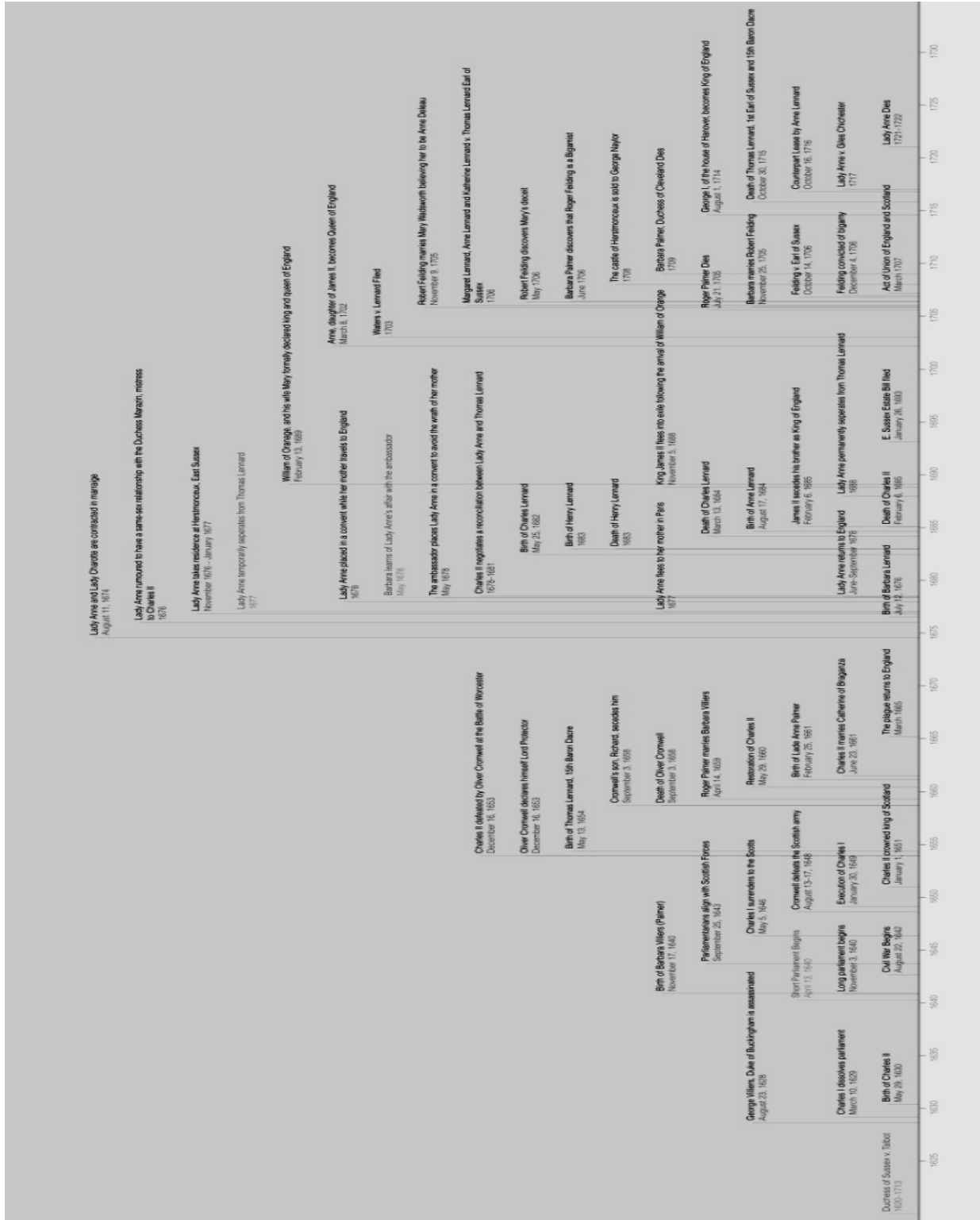
Author’s Declaration	ii
Abstract	iii
Acknowledgements	iv
Dedication	v
List of Illustrations	viii
Timeline	ix
The Lineage of Lady Anne Lennard, Countess of Sussex	xiii
1. Argument & Introduction	1
1.1 Theory & Methodology	5
1.2 Historiography.....	16
1.2.1 <i>Writings on Lady Anne</i>	16
1.2.2 <i>Sexuality</i>	19
1.2.3 <i>Prostitution</i>	23
1.2.4 <i>The Mistress</i>	30
2. The History of the Villiers Family	40
3. Chichester vs. Lady Sussex: Illegitimacy and Paternity in Early Modern England ...	46
3.1 Introduction.....	46
3.2 Paternity and Parentage	47
3.2.1 <i>The Trial Overview of Chichester vs. Lady Sussex</i>	48
4. East Sussex Estate Bill: An Example of Dowry Construction for Illegitimate Children	58
4.1 Thomas Lennard and His Family	58
4.2 Marriage and Dowry in Early Modern England	64
4.2.1 <i>Dowry Construction for Noble Women</i>	65
4.3 Dowry and Lady Anne.....	66
4.3.1 <i>Overview of the East Sussex Estate Bill</i>	69
4.3.2 <i>Financial Stability and Protection</i>	70
4.3.3 <i>An Inexpensive Alternative</i>	72
4.3.4 <i>‘The Most Detestable Act’</i>	72
5. Feilding vs. Earl of Sussex: An Example of Bigamy and the Nobility	82
5.1 Bigamy in Early Modern England	82
5.2 <i>Feilding vs. Earl of Sussex</i>	87
5.2.1 <i>The Trial Overview of Feilding vs. Earl of Sussex</i>	87
5.3 Agency and Economic Security Measures	88
5.3.1 <i>The Outcome of Feilding vs. Earl of Sussex</i>	89
6. Conclusion	92
Bibliography	95

Appendix A: Political History of the Stuart Monarchy	107
A.1 Political Context	107
<i>A.1.1 Economic Concerns</i>	107
<i>A.1.2 Dissolution, Dissent, and Decapitation</i>	108
<i>A.1.3 Cromwell and the Protectorate</i>	111
<i>A.1.4 Charles II Reinstated</i>	113
Appendix B: <i>Chichester vs. Lady Sussex</i>	115
B.1 <i>Chichester vs. Lady Sussex</i> Bill One	115
B.2 <i>Chichester vs. Lady Sussex</i> Bill Two	120
B.3 <i>Chichester vs. Lady Sussex</i> Plea	129
Appendix C: <i>East Sussex Estate Bill</i>	137
Appendix D: <i>Feilding vs. Earl of Sussex</i>	145
D.1 <i>Feilding vs. Earl of Sussex</i> Bill	145
D.2 <i>Feilding vs. Earl of Sussex</i> Answer	149
Appendix E: The British Library Manuscript Collection: EGERTON MS 3331	155
Appendix F: Family Tree Charts	156
F.1 The Lineage of Roger Palmer, Earl of Castlemaine	156
F.2 The Lineage of Barbara Villiers, Duchess of Cleveland	157
F.3 The Lineage of King Charles II	158
F.4 The Lineage of Robert Feilding	159

List of Illustrations

FIGURE 1: MICHAEL DAHL, *ANNE FITZROY, COUNTESS OF SUSSEX, 1659-1743*. SOURCE: *AN ACCOUNT OF THE FAMILIES OF LENNARD AND BARRETT. COMPILED LARGELY FROM ORIGINAL DOCUMENTS*, (EAST SUSSEX RECORD OFFICE: PRIVATE CIRCULATION, 1908), 308. V

Timeline



1620-1703: *Duchess of Sussex v. Talbot*

23 August 1628: George Villiers, Duke of Buckingham is assassinated

10 March 1629: Charles I dissolves parliament

29 May 1630: Birth of Charles II

13 April 1640: Short Parliament begins

3 November 1640: Long Parliament begins

17 November 1640: Birth of Barbara Villiers (Palmer)

22 August 1642: Civil War begins

23 September 1643: Parliamentarians enter into an alliance with Scottish forces

5 May 1646: Charles I surrenders to Scottish forces

13 – 17 August 1648: Cromwell defeats Scottish army

30 January 1649: Execution of Charles I

1 January 1651: Charles II crowned King of Scotland

16 December 1653: Charles II defeated by Oliver Cromwell

16 December 1653: Cromwell declares himself Lord Protector of England

13 May 1654: Birth of Thomas Lennard, 15th Baron Dacre

3 September 1658: Death of Oliver Cromwell

3 September 1658: Cromwell's son, Richard, secedes him

14 April 1659: Roger Palmer marries Barbara Villiers

29 May 1660: Restoration of Charles II

25 February 1661: Birth of Lady Anne Palmer

23 June 1661: Charles II marries Catherine of Braganza

March 1665: Plague returns to England

11 August 1674: Lady Charlotte Fitzroy and Lady Anne Palmer are married at Hampton Court Palace

1676: Lady Anne rumoured to have same-sex relationship with the Duchess Mazarin, mistress of Charles II

12 July 1676: Birth of Barbara Lennard

November 1676 – January 1677: Lady Anne takes residence at Herstmonceux, East Sussex

1677: Lady Anne separates from Thomas Lennard

1677: Lady Anne flees to her mother in Paris

1678: Lady Anne placed in a French convent while her mother returns to England to negotiate Lady Anne's reconciliation with Thomas Lennard

May 1678: Barbara Villiers learns of Lady Anne's affair with her lover Ralph Montagu, ambassador to Paris

May 1678: The ambassador places Lady Anne in a convent to avoid the wrath of her mother

June – September 1678: Lady Anne returns to England

1678 – 1681: Charles II negotiates a reconciliation between Thomas Lennard and Lady Anne

25 May 1682: Birth of Charles Lennard

1683: Birth of Henry Lennard

1683: Death of Henry Lennard

13 March 1684: Death of Charles Lennard

17 August 1684: Birth of Anne Lennard

6 February 1685: Death of Charles II

9 February 1685: James II secedes his brother

1688: Lady Anne permanently separates from Thomas Lennard

5 November 1688: James II flees into exile following the arrival of William of Orange

13 February 1689: William of Orange and his wife, Mary, are formally crowned King and Queen of England

26 January 1693: *E. Sussex Estate Bill* filed

8 March 1702: Anne, daughter of James II, crowned Queen of England

1703: *Waters v. Lennard* filed

21 July 1705: Death of Roger Palmer, Earl of Castlemaine

9 November 1705: Robert Feilding marries Mary Wadsworth believing her to be Anne Deleau

25 November 1705: Robert Fielding marries Barbara Palmer, Duchess of Cleveland

1706: *Margaret Lennard, Anne Lennard, Katherine Lennard v. Thomas Earl of Sussex* filed

May 1706: Feilding discovers Mary's deceit

June 1706: Barbara Palmer discovers Robert Feilding's deceit

14 October 1706: *Feilding v. Earl of Sussex*

4 December 1706: Feilding convicted of bigamy

March 1707: Act of Union of England and Scotland

1708: Herstmonceux sold to George Naylor

1709: Death of Barbara Palmer, Duchess of Cleveland

1 August 1714: George I, of the House of Hanover, crowned King of England

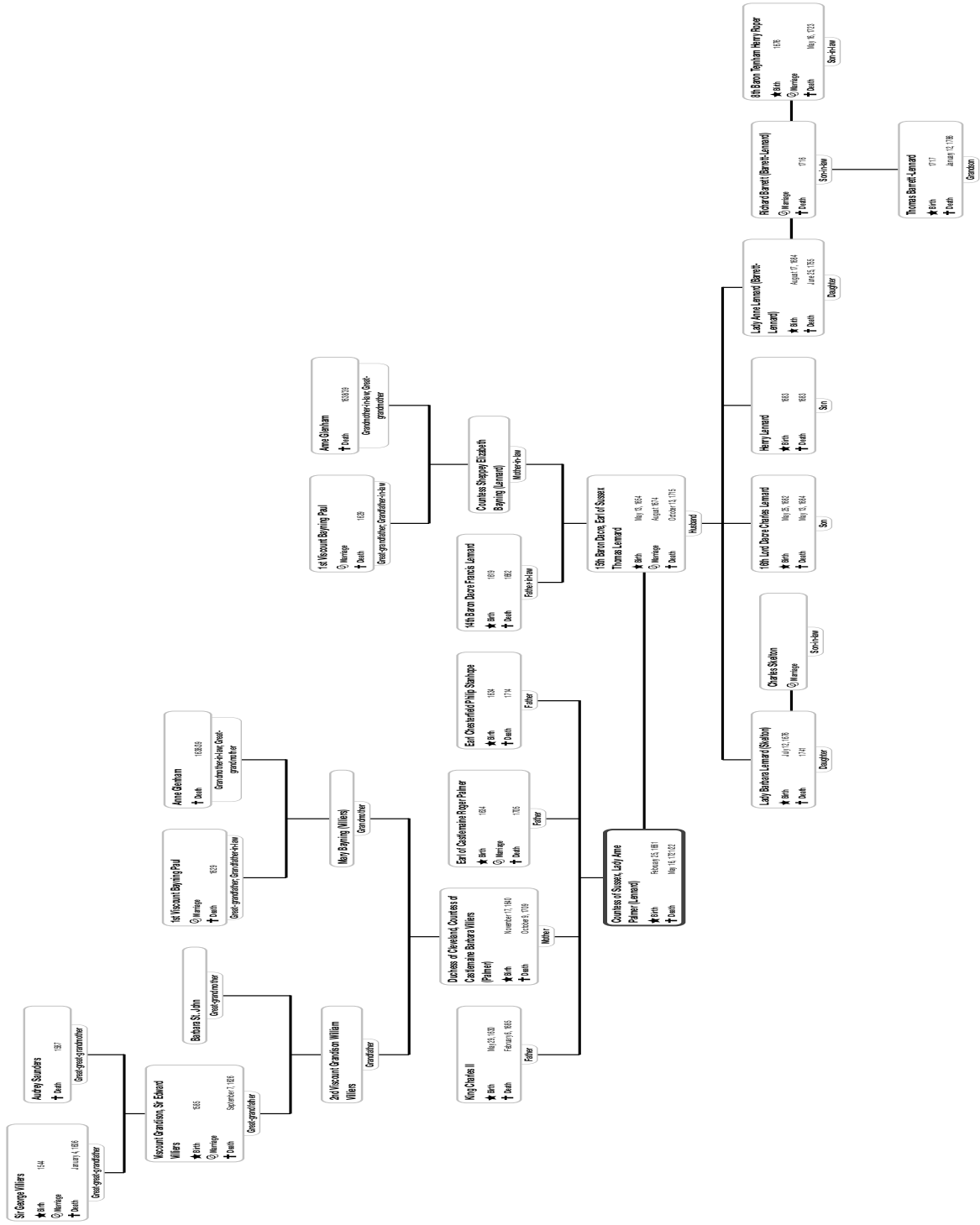
30 October 1715: Death of Thomas Lennard, 1st Earl of Sussex, 15th Baron Dacre

16 October 1716: *Counterpart Lease by Anne Lennard*

1717: *Lady Anne v. Giles Chichester*

1721-1722: Death of Lady Anne Palmer (Lennard), Countess of Sussex

The Lineage of Lady Anne Lennard, Countess of Sussex



1. Argument & Introduction

Her story lies shrouded in mystery and hemmed by gossip but has, at the very least, a clear starting point. Anne Palmer was, after all, the natural daughter of one of the most important men in English history. Charles II's return to the throne marked a clean reversion of English society to the ideals of monarchy and a fresh departure from the Parliamentarianism that had dominated the British Isles in the preceding decades. The date of Charles II's restoration, 14 May 1660, thus, presents a viable *terminus a quo* for her tale and this history. From that initial point of departure, this thesis then examines the life and legacy of Lady Anne Lennard, formally Countess of Sussex, the subject of scandalous allegations involving a sensational same-sex relationship, between 1690 and 1720.¹ The thesis also extends to examine briefly the social, political, and economic factors during the reign of Charles I, the Protectorate, under Oliver Cromwell, and the initial years of the restoration of Charles II, while providing a brief examination of French influences, as they relate to the overall discussion. These factors provide the necessary context to understand the life and legacy of Lady Anne's mother, Barbara Palmer, mistress to Charles II, and the tensions that arose between these two women as a result of Barbara's interactions with powerful men.

Through a thematic examination of three court filings, this thesis explores aspects of female sexuality, non-prescriptive sexual values, economic security, and mistress culture to demonstrate that, unlike commoners, early modern elite women were able to possess, practise, and perform sexual behaviours that contravened social norms, while still

¹ These dates, 1690-1720, encompass the creation of the three manuscripts, which detail the economic concerns of Lady Anne Lennard and her mother, Barbara Palmer.

maintaining significant social agency. This agency allowed them continued access to material and symbolic capital, despite their sexual transgressions.

Lady Anne was born to Barbara Palmer, a minor aristocrat, and Charles II, King of England. Lady Anne's mother, formally styled the Duchess of Cleveland, acted as Charles II's official mistress during the first decade of his reign.² As a consequence of the duchess' marriage to Roger Palmer at the time of Lady Anne's conception, and her infamous reputation for seducing aristocratic men,³ Lady Anne's parentage was in question.⁴ Nevertheless, Charles II recognized Lady Anne as his child, and provided her with a place in his court. Consequently, Lady Anne came into adulthood in the sensationalized court of a king.

² The title of "official mistress" or *Maitresse-en-titre*, in the French context, refers to a woman who holds the most power amongst the mistresses of the King. In France, this woman influences aspects of politics and policy that in many instances overpowered the influence of the Queen consort. Diane de Poitiers, *maitresse-en-titre* to Henri II of France, is an excellent example of a mistress' influence over policy, and the power struggles that can occur with the Queen consort.

England, however, varies slightly from the French model, as the *maitresse-en-titre* does not traditionally hold political power, but rather exerts significant influence over the private sphere [Charles Carlton, *Royal Mistresses*, (London; New York: Routledge, 1990), 68-69]. Thus, Barbara Palmer's long lasting influence over the private sector highlights her position in court. Barbara's ability to maintain the King's support of her children, and the building of relationships at court indicates that she held the most power over Charles, even following the end of their sexual engagement (Carlton, *Royal Mistresses*, 68, 78). [For further reading on Diane de Poitiers consult Philippe Erlanger, *Diane De Poitiers*, (Paris: Gallimard, 1955).]

³ According to Margret Gilmour, the biographer of Barbara Palmer, Barbara had a tendency to seduce wealthy men as a means to remedy her impoverished living conditions, which were a consequence of the demise of her father during the establishment of the Protectorate under Oliver Cromwell [Margaret Gilmour, *The Great Lady: A Biography of Barbara Villiers, Mistress of Charles II*, (New York: Alfred A. Knopf, 1941), 10.] Consequently, Barbara seduced the likes of the Earl of Chesterfield, hoping to receive a proposal of marriage; however, he instead married a higher-ranking aristocratic woman, resulting in her decision to marry Roger Palmer [Gilmour, *The Great Lady*, 11-12].

⁴ Gilmour, *The Great Lady*, 53.

In 1674, Charles contracted his daughter in marriage to Thomas Lennard, the Gentleman to the Bedchamber, the fifteenth Lord Dacre. Despite this martial ceremony, Lady Anne remained in the custody of her parents until such a time they deemed appropriate for her to reside with her husband.⁵ While the exact time of her transition into her marital life is unknown, evidence suggests that she must have taken residence with Thomas by the age of fifteen, as her eldest daughter Barbara was born circa 1676. Following the birth of her daughter, however, Lady Anne engaged in a series of illicit acts that began with the arrival of Hortense Mancini, Duchess Mazarin to the court of England.

Hortense Mancini made her arrival at court as Charles II's mistress.⁶ During her stay at court, she became close to Lady Anne, sparking numerous rumours that they had engaged in an inappropriate same-sex relationship.⁷ While this type of relationship is generally unsupported in the source material, evidence suggests that Lady Anne's behaviour troubled her husband. This worry led Thomas to remove his wife to his familial home at Herstmonceux, East Sussex.⁸ Consequently, Lady Anne spent the next year of her life in the relative isolation of the Lennard family estate, mourning her untimely separation from her companion.⁹

Following Lady Anne's removal to Herstmonceux, she briefly separated from her husband, Thomas Lennard.¹⁰ In a bid to reconcile the couple, Charles II sought the

⁵ Gilmour, *The Great Lady*, 310.

⁶ Carlton, *Royal Mistresses*, 74.

⁷ Thomas Barrett-Lennard, *An Account of the Families of Lennard and Barrett. Compiled Largely from Original Documents*, (East Sussex Record Office: Private Circulation, 1908), 315.

⁸ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 314-315.

⁹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 315.

¹⁰ Gilmour, *The Great Lady*, 319.

assistance of the Duchess of Cleveland, newly retired from her role as royal mistress. The duchess hesitantly agreed, and invited Lady Anne to her residence in Paris. When the duchess could not convince her daughter to return to her husband, the elder woman travelled to London to confer with the King.¹¹ Lady Anne, freed from her oversight, engaged in a sexual affair with Ralph Montagu, the ambassador to Paris and himself the duchess' lover.¹² Lady Anne, thus, convinced the ambassador that her own mother had partaken of a series of nefarious acts, including engaging in a sexual relationship with a known enemy of the English crown.¹³ Upon hearing these allegations, the ambassador wrote to King Charles to inform him of his former mistress' scheme.¹⁴ The ambassador however, underestimated the duchess' power and influence. Realizing his mistake, the ambassador returned to England, hoping to receive an audience with the King. Before his departure, the ambassador placed Lady Anne in a convent, under an order of *incommunicato*, to shelter her from the wrath of her mother, upon her inevitable return to France.¹⁵ When the ambassador returned to England, however, he discovered that the King had relieved him from his position as ambassador and declined his request for an audience.¹⁶

Following this engagement, Lady Anne returned to her father in England, where he quietly negotiated a reconciliation between her and her husband.¹⁷ Consequently, Lady Anne returned to Thomas' household, where she bore him three more children. In 1688, three years after the death of Charles II, Lady Anne separated from Thomas Lennard permanently.

¹¹ Gilmour, *The Great Lady*, 322.

¹² Gilmour, *The Great Lady*, 324.

¹³ Gilmour, *The Great Lady*, 325.

¹⁴ Gilmour, *The Great Lady*, 325.

¹⁵ Gilmour, *The Great Lady*, 325.

¹⁶ Gilmour, *The Great Lady*, 329.

¹⁷ Gilmour, *The Great Lady*, 346.

It was during this period, following the death of Charles II, that the documents around which this thesis revolves were created.

1.1 Theory & Methodology

The documents considered here reside in a number of repositories, including: the National Archive, the Parliamentary Archives, and the former collection of the East Sussex Record Office, currently preserved at The Keep, Brighton. These documents outline a series of filings in the Chancery Court, which deal with matters pertaining to estates and hereditaments. They contain both the bill and plea, meaning that they comprise the initial complaint and the outcome of the trial. The documents, though previously unstudied, remain in excellent condition and are relatively legible without the assistance of ultraviolet light or very much digital enhancement.¹⁸

This thesis approaches the records from a gendered perspective to highlight the relational dynamic between elite men and women in early modern England. Gender history – an outgrowth of feminist history – emerged in the Italian peninsula in the late 1970s, and began to feature prominently in Western English scholarship by the mid-1980s.¹⁹ From its inception, gender history addressed criticisms within academia, which purported that feminist history was too monothematic.²⁰ It provided, and continues to provide, a means for

¹⁸ For a full transcription of the trial documents discussed in this thesis, please refer to the appendices of this thesis.

¹⁹ Edward Muir and Guido Ruggiero ed. *Sex & Gender in Historical Perspective: Selections from Quaderni Storici*, translated by Mary M. Gallucci and Carole C. Callucci, (Baltimore: John Hopkins University Press, 1990), vii.

²⁰ Joan W. Scott, “Gender: A Useful Category of Historical Analysis,” in *The American Historical Review*, 91:5(December 1986), 1054.

scholars to examine relational aspects of femininity and masculinity, as opposed to feminist approaches, which tend to focus on women, often to the exclusion of men.²¹

Traditionally, gender scholars fall within two divergent categories. The first are gender descriptive theorists, which “refers to the existence of phenomena or realities without interpreting, explaining, or attributing causality.”²² The second are gender causal theorists, who “[theorize] about the nature of phenomena or realities, seeking an understanding of how and why these take the form they do.”²³ Despite the divergence of these two categories within gender history, both approaches, generally, refer the reader back to feminist history through a perpetuation of two binary spheres within society.²⁴

In an early attempt to delineate the effects of causality upon fragile, mutable, and constructed genders, anthropologist Julian Pitt-Rivers looked to the role played by honour in pre-industrial societies:²⁵

...while certain virtues are common to both sexes, such as honesty, loyalty, a concern for reputation which involves an avoidance of moral turpitude in general, they are not all so. For the conduct which establishes repute depends upon the status of the person referred to. This is particularly evident in the differentiation of the sexes. The honour of a man and of a woman therefore imply quite different modes of conduct. This is so in any society. A woman is dishonoured...with the tainting of her sexual purity, but a man does not...[this] obliges a man to defend his honour and that of his family, and a woman to conserve her purity.²⁶

²¹ Scott, “Gender”, 1054.

²² Scott, “Gender”, 1056.

²³ Scott, “Gender”, 1056.

²⁴ Scott, “Gender”, 1056.

²⁵ Julian Pitt-Rivers, *The Fate of Shechem or The Politics of Sex: Essays in the Anthropology of the Mediterranean Europe*, (Cambridge: Cambridge University Press, 1977).

²⁶ Pitt-Rivers, *The Fate of Schechem*, 20.

This quotation highlights that male honour is not restricted to the individual; rather, masculine honour extends beyond a man, to those within his immediate vicinity. Thus, while society delineates honour and virtues between genders, they are not mutually exclusive. While women focus on the protection of their bodies, men must be mindful and protective of the collective honour of the family unit. As a result, this essay emphasizes the need of men to be “the guardian and arbiter of [their] own honour...”, which extends beyond their own person, to those within their kin circle.²⁷

Honour, moreover, serves as a form of what sociologist Pierre Bourdieu called symbolic capital, which contributes to a man’s sense of self-worth. Pitt-River’s argues that this sense of self worth stems from both an intrinsic and extrinsic understanding of a man’s honour in society.²⁸ Society must validate a man’s preconceived notion of his honour in order to solidify his claim.²⁹ Thus, honour is a societal sentiment, which inspires behaviours in order to receive public acknowledgement through peers and the bestowal of honours.³⁰

While Julian Pitt-Rivers was an early proponent of anthropological constructions of honour codes, which historians then utilized when studying ancient cultures, significant advances have emerged since its 1971 publication. Of note is *Conflicted Identities and*

²⁷ Pitt-Rivers, *The Fate of Schechem*, 7.

²⁸ Pitt-Rivers, *The Fate of Schechem*, 1.

²⁹ Pitt-Rivers, *The Fate of Schechem*, 1.

³⁰ This notion of honour is highlighted further in *Manhood in Early Modern England: Honour, Sex and Marriage* [Elizabeth A. Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage*, (Harlow, Essex: Addison Wesley Longman Limited, 1999)]. This volume examines the connection between masculinity as the rejection of femininity, as for a man to be considered a man; he had to reject the attributes that made a woman a woman (31). These gender ideals, therefore, are often considered complementary oppositions to traditional western forms of masculinity.

³⁰ Pitt-Rivers, *The Fate of Schechem*, 2.

Multiple Masculinities: Men in the Medieval West, edited by Jacqueline Murray.³¹ This collection explores the social construction of masculinity in medieval Europe to demonstrate that despite conflicting ideas towards masculinity, society consistently consumed these notions, as they created a sense of social security.³² Significant to this thesis' rendering of masculinity, is Shannon McSheffrey's essay entitled "Men and Masculinity in Late Medieval London Civic Culture: Governance, Patriarchy, and Reputation."³³ By understanding the creation and maintenance of reputation, this article demonstrates the social constructions that led to an entrenched patriarchal order in London, both privately and publically.³⁴ Through the examination of the institution of marriage and illicit sexuality, McSheffrey determines that illicit sexuality was detrimental to both sexes, as it connected to an inability to submit to authority, whether internal or external. Specifically, male sexual engagement with unmarried women, or any women other than their wife, was problematic as it demonstrated an inability to police their own behaviour, submit to social pressure, and respect the patriarchal authority of other men.³⁵ Thus, this thesis understands the construction of male honour as the complication of reactive roles, as the result of interactions with their social landscape.

For women in the premodern West, femininity and female honour connected intrinsically with a woman's body. According to Merry Weisner-Hanks, to be a reputable

³¹ Jacqueline Murray ed., *Conflicted Identities and Multiple Masculinities: Men in the Medieval West*, (New York; London: Garland Publishing Inc., 1999).

³² Murray, *Conflicted Identities and Multiple Masculinities*, xi, xiii.

³³ Shannon McSheffrey, "Men and Masculinity in Late Medieval London Civic Culture; Governance, Patriarchy, and Reputation," in *Conflicted Identities and Multiple Masculinities: Men in the Medieval West*, edited by Jacqueline Murray, (New York; London: Garland Publishing Inc., 1999), 243-278.

³⁴ McSheffrey, "Men and Masculinity in Late Medieval London Civic Culture," 244-245.

³⁵ McSheffrey, "Men and Masculinity in Late Medieval London Civic Culture," 260-262.

woman in the early modern west, one needed to protect their sensuality and sexuality.³⁶ In order to be honourable, a woman had to be chaste. Nevertheless, women of a certain status could challenge these boundaries. Within the strict confines of marriage, for instance, feminine duty was to produce legitimate children; hence, sexual intercourse was necessary. Through marriage, a woman entered the only acceptable space for sexual congress.³⁷ This, however, was a prescriptive ideal. It fails to reflect the innumerable permutations of actual lived experience, and to capture accurately the behaviour, sentiment, and perceptions of every woman or every man who operated within the early modern landscape, and they certainly do not resonate with the men and women who form the focus of this thesis. Thus, gender performative-theory acts as an important bridge between ideals and reality.³⁸

Judith Butler's interpretation of the restraints placed upon language and gender constructs during this period assist in the interpretation of the non-prescriptive sexual behaviours of Barbara Palmer, Lady Anne, and their contemporaries.³⁹ Specifically, Butler

³⁶ Merry Weisner-Hanks, *Women and Gender in Early Modern Europe*, third edition, (Cambridge; New York: Cambridge University Press, 2008), 48.

³⁷ Weisner-Hanks, *Women and Gender*, 83.

³⁸ A selection of historical monographs that utilize this theory are: Kathryn M. Moncrief, and Kathryn R. McPherson ed. *Performing Pedagogy in Early Modern England: Gender, Instruction and Performance*, (Surrey: Ashgate Publishing Ltd., 2011); Gina Bloom, *Voice in Motion: Staging Gender, Shaping Sound in Early Modern England*, (Pennsylvania: University of Pennsylvania Press, 2007); Merry E. Weisner-Hanks ed., *Mapping Gendered Routes and Spaces in the Early Modern World*, (Surrey: Ashgate Publishing Ltd., 2015). Jennifer C. Vaught, *Masculinity and Emotion in Early Modern English Literature*, (Surrey: Ashgate Publishing Ltd., 2008); Jonas Liliequist ed., *A History of Emotions, 1200-1800*, (New York: Routledge, 2016); Helen J. Swift, *Gender, Writing, and Performance: Men Defending Women in Late Medieval France (1440-1538)*, (Oxford: Oxford University Press, 2008).

³⁹ Judith Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," in *Theatre Journal*, 40:4(December 1988), 519-531. AND Judith

purports that gender is performative, meaning that gender norms result from the consistent enactment of behaviours within a rigid social framework.⁴⁰ Individuals experience social difficulty when they enact behaviours that do not conform to this rigid social framework. Through performance, performative gender theory, thus, highlights the divergence of individuals from prescribed societal norms, while understanding that, despite their deviation, these individuals still likely understood themselves, or at the very least had to present themselves to others, within a binary masculine and feminine framework.⁴¹

Concepts such as gender and honour naturally involve dynamic power relations within structural social spaces, as, despite an outward appearance of mutual exclusivity, women contributed to a man's understanding of his own masculinity. Thus, men have an intrinsic motivation to control the actions of those within his immediate vicinity. This means the analysis contained herein owes a debt to a variety of sociologists, including Michel Foucault and Pierre Bourdieu. Foucault's *The History of Sexuality* highlights the importance of understanding power structures within relationships, specifically the importance of labels in defining sexuality.⁴² Moreover, through the employment of this framework, one can ascertain the threatening nature of non-prescriptive sexual behaviours in society.⁴³

Butler, *Gender Trouble: Feminism and the Subversion of Identity*, (New York: Routledge, 1999).

⁴⁰ Sara Salih, *Judith Butler*, (New York; London: Routledge, 2002), 62-63.

⁴¹ Weisner-Hanks, *Women and Gender*, 5.

⁴² For a complete overview of the theories which contributed to Michel Foucault's understanding of power and sexuality, please refer to Michel Foucault, *The History of Sexuality*, vol. 1 "An Introduction", (New York: Pantheon Books, 1978; 1986) AND Michel Foucault, *Discipline and Punish: The Birth of the Prison*, (New York: Vintage Books, 1995).

⁴³ While this theory is important to the overall rendering of power dynamics in this thesis, this theory has limited use, as Foucauldian theory spawned the social constructionist theory,

Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland highlights the gendered divisions between men and women through an examination of the negotiation and enactment of power in early modern society.⁴⁴ By challenging persisting narratives of power in dominant and submissive relationships through the use of “micro-sociologies of power” and social roles, the authors contend that this collection accounts for varying levels of hierarchy functioning within early modern English society.⁴⁵ Of particular note, “Ordering the Body: Illegitimacy and Female Authority in Seventeenth-Century England”⁴⁶ provides context to the control exerted between women in matters pertaining to unruly sexual behaviour. Through gossip and conversation, women had the ability to control the sexual morals of their community.⁴⁷ In regards to illegitimacy, married women frequently intervened in illegitimate births, which drew negative attention towards an example of untethered female sexuality.⁴⁸ Through female involvement in cases of illegitimacy, moreover, women reinforced both the patriarchal and womanly hierarchies.⁴⁹

which purports that sexuality is determined by the society in which a person lives, and this thesis takes an essentialist approach, which contends that sexuality is constant over time and space. As well, based on the social constructionist argument, women cannot have sexuality, which is a core theme in this thesis. Moreover, while Foucauldian theory is useful in explaining power structures in sexuality and premodern Europe, this theory will be employed strategically and stringently.

⁴⁴ Michael J. Braddick, and John Walter, ed. *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland*, (Cambridge: Cambridge University Press, 2001).

⁴⁵ Braddick and Walter, *Negotiating Power in Early Modern Society*, 1.

⁴⁶ Laura Gowing, “Ordering the Body: Illegitimacy and Female Authority in Seventeenth-Century England,” in *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland*, ed. Michael J. Braddick, and John Walter, (Cambridge: Cambridge University Press, 2001), 43-62.

⁴⁷ Gowing, “Ordering the Body,” 60-61.

⁴⁸ Gowing, “Ordering the Body,” 61.

⁴⁹ Gowing, “Ordering the Body,” 61.

Pierre Bourdieu's theory of symbolic capital will act as the primary interpretive lens for the monetary concerns outlined in these documents.⁵⁰ Specifically, this model can illuminate the connection between increased capital contributions in instances where sexual misconduct depreciates symbolic capital. Through the incorporation of this theory, and the theories of Foucault, this thesis will highlight the aftermath of individuals who engaged in seemingly disadvantageous relationships and behaviours.

Current historians of sexuality, including Jacqueline Murray, Lillian Faderman, and Adrienne Rich, have contributed to the ongoing debate around the importance of labels and language in sexuality studies, and their work helps frame studies of the past.⁵¹ Specifically, scholars remain concerned that categories of female sexuality spawn unintentional socio-political meanings that detract or mislead the reader. For instance, when examining same-sex female relationships, many scholars hesitate to label these relationships as "lesbian" as this label implies a contemporary political movement that does not necessarily reflect the parameters of historical same-sex female partnerships. Thus, when examining historical relationships, scholars must clearly define how society conceptualized sexuality over time and space.

Scholars of sexuality fall into two broad categories when they conceive of gender identity: biological essentialism and social constructivism. Essentialist scholars argue that "sexuality or sexual orientation is natural and innate to human beings and constant over time

⁵⁰ Pierre Bourdieu, "Structures and Habitus," in *Outline of a Theory of Practice*, (Cambridge; New York: Cambridge University Press, 2000), 72-95.

⁵¹ Jacqueline Murray, "Twice Marginal and Twice Invisible: Lesbians in the Middle Ages", from *Handbook of Medieval Sexuality*, ed. James Brundage and Vern Bullough (New York: Garland Publishing, 1996), 191. AND Adrienne Rich, "Compulsory Heterosexuality and Lesbian Existence," in *Signs* 5:4(Summer 1980): 631-660.

and space,” while social constructionist scholars assert that society determines sexual identity through the interaction of the individual with the morals and ideals of their given scope.⁵² Both schools of thought, however, lack concrete evidence to support their claims. As Jacqueline Murray demonstrates in her essay “Twice Marginal and Twice Invisible,” these two models discount almost all aspects of female sexuality in the Middle Ages, as, according to the social documents circulating at the time, women had no sexuality.⁵³ Moreover, over the past two decades, scholars have continued to work on defining and exploring themes of female sexuality, and, thus, female same-sex relationships. Consequently, over the course of several decades, scholars have redefined female sexuality in the premodern context in order to incorporate a wide range of behaviours.

Lillian Faderman, in her ground breaking work, *Surpassing the Love of Men: Romantic Friendship and Love between Women from the Renaissance to the Present*⁵⁴ aims to surpass these traditional boundaries placed on women who loved women in the premodern period. By reintroducing the notion of the romantic friendship, and removing the genital component associated with modern lesbian relationships, Faderman accounts for the breadth of emotion that women had towards other women.⁵⁵ With evidence of the romantic friendship dating to the early seventeenth century, Faderman presents an argument to satisfy the directive of the social constructionists, as the social documents consistently highlight

⁵² Murray, “Twice Marginal and Twice Invisible,” 191.

⁵³ Murray, “Twice Marginal and Twice Invisible”, 191.

⁵⁴ Lillian Faderman, *Surpassing the Love of Men: Romantic Friendship and Love between Women from the Renaissance to the Present*, (New York: William Morrow and Company, Inc., 1981).

⁵⁵ Faderman, *Surpassing the Love of Men*, 17-18.

and refer to this type of relationship, and the essentialist scholars, as the romantic friendship does not deny female love.⁵⁶

Furthering this study, Martha Vicinus' book, entitled *Intimate Friends: Women who Loved Women, 1788-1928*,⁵⁷ examines the romantic friendship to understand the social acceptability of women who loved women.⁵⁸ By focusing on social renderings and understandings of the romantic friendship, in conjunction with personal correspondence and writings, which grew exponentially during this period, Vicinus argues that women used language based in traditional romantic friendship and Sapphic sexuality to create an identity for themselves, as women who loved women.⁵⁹ Despite the semblance of an identity for these women, however, the use of language to describe these emotions was not uniform.⁶⁰ Thus, while the evidence suggests that these women attempted to understand their emotions towards other women, they did not necessarily share a collective identity in same way as modern lesbians.

Despite the relative neutrality of the term romantic friendship, Emma Donoghue argues the continued utilization of the term lesbian to describe non-prescriptive female relationships with other women. In her book, entitled *Passions Between Women: British Lesbian Culture 1668-1801*,⁶¹ Donoghue argues that the term "lesbian" is less scholastically restricting than the term romantic friendship.⁶² She purports that a lesbian culture existed

⁵⁶ Faderman, *Surpassing the Love of Men*, 16.

⁵⁷ Martha Vicinus, *Intimate Friends: Women who Loved Women, 1788-1928*, (Chicago; London: University of Chicago Press, 2004).

⁵⁸ Vicinus, *Intimate Friends*, xv.

⁵⁹ Vicinus, *Intimate Friends*, xix.

⁶⁰ Vicinus, *Intimate Friends*, xix.

⁶¹ Emma Donoghue, *Passions Between Women: British Lesbian Culture, 1668-1801*, (New York: HarperPerennial, 1995).

⁶² Donoghue, *Passions Between Women*, 7.

during this period, but restricts this culture to a combination of relationships and habits, shared by women who loved women, rather than self-identification.⁶³ The scope of words utilized to describe these women indicates that society lacked consensus on the topic; however, the evidence indicates that women who loved women challenged conventional notions of femininity rather than denying the convention of womanhood.⁶⁴

Adrienne Rich, however, in her article entitled “Compulsory Heterosexuality and Lesbian Existence”⁶⁵ purports that there is the existence of a Lesbian Continuum and a Lesbian Existence. The Lesbian Existence “suggests both the fact of the historical presence of lesbians and our continuing creation of the meaning of that existence.”⁶⁶ In addition, the Lesbian Continuum “[includes] a range – through each woman’s life and throughout history – of woman-identified experience; not simply the fact that a woman has had or consciously desired genital sexual experience with another woman.”⁶⁷ Rich’s definition highlights that lesbianism can represent different components throughout history, and is not isolated to a genital sexual experience. The argument that all women identify, to varying extents, homoerotic emotions for other women challenges the notion, presented by Donoghue, of the existence of defined and self identified culture in the premodern context. As, while personal papers and correspondences could identify habitual or relational aspects that are seemingly uniform, this does not indicate self-identification or defined culture, rather it could simply be the expression of a pre-existing disposition for homoerotic emotions towards other women.

⁶³ Donoghue, *Passions Between Women*, 8.

⁶⁴ Donoghue, *Passions Between Women*, 22.

⁶⁵ Rich, “Compulsory Heterosexuality and Lesbian Existence,” 631-660.

⁶⁶ Rich, “Compulsory Heterosexuality and Lesbian Existence,” 648.

⁶⁷ Rich, “Compulsory Heterosexuality and Lesbian Existence,” 648.

Moreover, the historiography of female same-sex relationships highlights the complex and competing methodologies that attempt to accurately define these types of relationships.⁶⁸ With all methodologies in mind, this thesis will utilize the language proposed by Lillian Faderman and Martha Vicinus, when discussing the relationship between Lady Anne Lennard and Hortense Mancini, the Duchess Mazarin. Despite Donoghue's supposition that the romantic friendship is too restrictive to adequately understand the complex social structures of premodern homosexual relationships between women, this thesis purports that because it examines a singular instance of female love, the romantic friendship provides the most accurate insight into the structural components of the relationship between Lady Anne and the Duchess Mazarin. Since only secondary sources recount the relationship between these two women, as Thomas Lennard subsequently destroyed Lady Anne's personal papers, it is indeterminable and inconsequential, to the scope of this thesis, whether Lady Anne identified or held similar behavioural patterns to other same-sex relationships during this period. Thus, based on the evidence provided of the relationship between Lady Anne and the Duchess Mazarin, this thesis understands their relationship as a romantic friendship.

1.2 Historiography

1.2.1 Writings on Lady Anne

Before beginning this analysis, it is important to situate Lady Anne and those around her within the historical narrative. Writings on Lady Anne, in particular, are sparse. Her story remains subsumed, partially concealed, even, within a larger historical narrative of

⁶⁸ Martin Bauml Duberman, Martha Vicinus, and George Chauncey Jr. ed., *Hidden From History: Reclaiming the Gay and Lesbian Past*, (New York: Nal Books, 1989), 8.

women more politically connected or infamous. It is no surprise, therefore, that there exists not a single monograph dedicated uniquely to her remarkable life. Rather, her story exists as a passing footnote in greater historical narratives. Before this thesis can present an analysis on aspects of her life, it is, therefore, important to examine the works that have mentioned her, if only briefly.

The first monograph to present her story is *An Account of the Families of Lennard and Barrett: Compiled Largely from Original Documents*.⁶⁹ Thomas Barrett-Lennard published this account for private circulation. He intended to present a survey of the affairs of the Barrett, Fiennes, and Lennard families, through a compilation of archival and personal documents. Barrett-Lennard, a descendent of Lady Anne, had access to private family papers otherwise unavailable. Nevertheless, the author does make note that there is a particular lack of records pertaining to the Earl and Countess of Sussex. This, he purports, is the direct result of the fact that the Earl of Sussex systematically destroyed sources and correspondences contemporaneous with him and his scandalous lady wife.⁷⁰ This highlights two key factors that contribute to the overall contextual analysis of this study. First, it provides insight into the lack of scholarly research on the Earl and Countess of Sussex. If the subsequent destruction of these sources occurred, then little direct textual evidence exists on which to base a scholarly study. Second, it creates the impression that these documents contained information worth destroying.

Nevertheless, the work of Thomas Barrett-Lennard provides the most complete narrative pertaining to the life of Lady Anne. Thomas Barrett-Lennard dedicates thirty-three

⁶⁹ Thomas Barrett-Lennard, *An Account of the Families of Lennard and Barrett. Compiled Largely from Original Documents*, (East Sussex Record Office: Private Circulation, 1908).

⁷⁰ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, vi-vii.

pages to the financial restraints, marriage, and life of Lady Anne and her husband Thomas Lennard.⁷¹ In addition to this detailed description, this work contains the only adult portrait of the Countess of Sussex. While some details are quite vague, specifically in reference to her alleged female lover,⁷² this work provides indispensable detail pertaining to her activities as an adult and the financial history of Thomas Lennard. As well, this monograph effectively identifies numerous primary documents for a potential future study.

Following Thomas Barrett-Lennard's publication in 1901, Margaret Gilmour published a biography on Barbara Villiers, the mother of Lady Anne, in 1941.⁷³ This monograph presents a critical interpretation of the affairs of Barbara Villiers, while making a brief reference to the exploits of her daughter. While these references present an overly simplistic version of events, when compared to the monograph published by Thomas Barrett-Lennard, this biography is significant as it affirms the sequence of events presented in the family history.

Finally, *The Kings' Mistresses: The Liberated Lives of Marie Mancini, Princess Colonna, and her Sister Hortense, Duchess Mazarin*, published in 2012, is the most recent publication to mention Lady Anne.⁷⁴ This book examines the lives of Marie and Hortense

⁷¹ Barrett-Lennard, *An Account of the Families of Barrett and Lennard*, 308-339.

⁷² I have used the term lover in this situation to denote the type of relationship that several sources have implied to have occurred between Lady Anne Lennard and the Duchess Mazarin. Despite this implication, the ensuing methodological discussion will promote the employment of the term female-companion, or same-sex female relationship. This term is thusly employed in this context to denote what the rumors insinuate, rather than the overall interpretation of same-sex female relationships, which this thesis subsequently presents.

⁷³ Margaret Gilmour. *The Great Lady: A Biography of Barbara Villiers, Mistress of Charles II*, 1st ed., (New York: Knopf, 1941).

⁷⁴ Elizabeth C. Goldsmith, *The Kings' Mistresses the Liberated Lives of Marie Mancini, Princess Colonna, and Her Sister, Hortense, Duchess Mazarin*. 1st ed. (New York: PublicAffairs, 2012).

Mancini, with the latter of whom Lady Anne allegedly had an affair. Interestingly, this book presents a completely different sequence of events of Lady Anne's life when compared to the first two books. Goldsmith asserts, for instance, that Lady Anne was removed to a Parisian monastery as a consequence of her alleged affair with Hortense Mancini; this claim is entirely unsupported and contrafactual.⁷⁵ Correspondences between King Charles II of England and Barbara Villiers suggest that Lady Anne's removal to the monastery was the result of her affair with her mother's lover. This suggests an overall disconnect in recent literature between textual and anecdotal evidence.

Despite a dearth of reliable or verifiable secondary literature on Lady Anne, there is a significant body on sexuality and sexual deviancy, which informs an overall understanding of relational dynamics between Barbara Palmer and Lady Anne. These articles and monographs demonstrate important trends in writings on sexuality and sexual deviancy in the premodern context. Scholars began their exploration in the field of sexuality by exploring what sexuality meant to the governing moral body of the time, the Catholic Church. Following this exploration, scholars sought to understand how sexuality functioned within normative institutions, including prostitution and marriage. Finally, through an examination of illicit unions – including premarital sexual relations – and mistressdom, scholars have demonstrated that, despite the renderings of sexuality by the Catholic Church, the sexual reality is more complicated than identified in the normative sources.

1.2.2 Sexuality

For the purposes of this thesis, it is imperative to identify how premodern individuals understood normative sexuality. This section will survey important monographs that

⁷⁵ Goldsmith, *The Kings' Mistresses*, 147.

significantly contributed to our understanding of what sex and sexuality meant within the premodern context. Vern Bullough is one of the first scholars to contribute to this debate. This collection of essays, entitled *Sexual Practices and the Medieval Church*, highlights the influence of the early Church Fathers to the medieval and, consequently, early modern renderings of sexuality and sexual practice.⁷⁶ Bullough emphasizes that Jesus himself made no mention of sex in scripture; consequently, the vast majority of renderings of sex and sexuality evolved from Paul of Tarsus, otherwise known as Saint Paul.⁷⁷ Saint Paul was able to streamline the vague and contradictory information articulated by Jesus, to stress that the greatest achievement by any one individual was celibacy. Sex was, however, acceptable within the confines of marriage.⁷⁸

Early Church fathers widely accepted and expanded these notions. The most significant of these individuals to the medieval inheritance was Augustine of Hippo, who expanded upon the preconceived notion that sexual intercourse was only acceptable between a husband and wife in cases where a child resulted.⁷⁹ If individuals engaged in sex outside of the marital union, and for any other purpose other than procreation, the Church would consider the act a sin.⁸⁰ Augustine of Hippo differed, however, in his understanding that sex was not inherently evil. While scholars accepted these principles before Bullough's publication, his work is significant as this collection of essays was the first to examine

⁷⁶ Vern Bullough, *Sexual Practices and the Medieval Church*, (Buffalo, New York: Prometheus Books, 1981).

⁷⁷ Bullough, *Sexual Practices and the Medieval Church*, 1-2.

⁷⁸ Bullough, *Sexual Practices and the Medieval Church*, 2-3.

⁷⁹ Bullough, *Sexual Practices and the Medieval Church*, 12.

⁸⁰ Bullough, *Sexual Practices and the Medieval Church*, 12.

canonical views on aspects of concubinage, prostitution, transvestism, homosexuality, and bestiality.⁸¹

Yet, as Joyce E. Salisbury outlines in her article “The Latin doctors of the Church on Sexuality,” few of these men shared a single view.⁸² Her article highlights the divisions within the Church between the ultraconservative views of St. Jerome and St. Ambrose, in comparison to the conservative views of St. Augustine.⁸³ This comparison denotes an important aspect about the inheritance of the medieval and early modern individual. This comparison emphasizes that discussions on sex and sexuality within the Church, the body responsible for determining morality, were often contradictory. For example, while Augustine understood sex as a component of the human existence, as demonstrated through original sin, St. Jerome and St. Ambrose believed that the greatest achievement in the human existence was surpassing these desires.⁸⁴ This demonstrates, moreover, that individuals, bombarded with conflicting notions of sexuality and what it meant to engage in a sexual act, functioned within this scape.

Once scholars demonstrated how the Church understood and dealt with normative and non-prescriptive sexuality, the literature shifted, in the 1990s, to examine how sexuality functioned within social institutions. Notably, scholars began to examine how sexuality functioned within marriage, as, according to the Church, sexuality could only exist within this institution. Michael M. Sheehan is the most notable historian for early work in this

⁸¹ Charles T. Wood, “Review of *Sexual Practices and the Medieval Church*,” in *Speculum* 61:2(April 1986), 386.

⁸² Joyce E. Salisbury, “The Latin Doctors of the Church on Sexuality,” in *Journal of Medieval History*, 12:4(1986): 279-289.

⁸³ Salisbury, “The Latin Doctors of the Church on Sexuality,” 279.

⁸⁴ Salisbury, “The Latin Doctors of the Church on Sexuality,” 288.

field.⁸⁵ Following Sheehan's death in 1992, James K. Farge compiled a collection of his essays, which examine themes of marriage, law and the family in medieval society.⁸⁶ Of note is Sheehan's essay "*Maritalis affectio* Revisited." This chapter argues that, despite the abundant literature on marriage and marital patterns throughout history, few have examined how spouses relate to one another.⁸⁷ Consequently, Sheehan explores how the Church expected couples to interact by examining aspects of canon law. Specifically, Sheehan identifies two documents that highlight these interactions. First, the *maritalis affectio* specifies how the Church expected couples to interact on an exterior level, while the *Summae confessorum* examined private interactions between a couple.⁸⁸ Nevertheless, despite his initial probing into these documents, Sheehan highlights that these are ideals outlined by the Church and do not necessarily reflect the interactions of lay peoples. Moreover, this essay highlights the movement in the literature towards examining sexuality through societal norms, rather than ecclesiastical ideals.

The next monograph to examine sexuality through societal norms is "Playing by the Rules" by James A. Brundage.⁸⁹ This essay is part of a collection that presents a survey of

⁸⁵ The majority of these works are contained within the collection: *Marriage, Family and Law in Medieval Europe*. For a more detailed list of scholarly publications, and panels, please refer to the bibliography on pages 324-330. [Michael M. Sheehan, *Marriage, Family and the Law in Medieval Europe: Collected Essays*, edited by James K. Farge, (Toronto: University of Toronto Press, 1996).]

⁸⁶ Michael M. Sheehan, *Marriage, Family and the Law in Medieval Europe: Collected Essays*, edited by James K. Farge, (Toronto: University of Toronto Press, 1996).

⁸⁷ Michael M. Sheehan, "*Maritalis affectio* Revisited," in *Marriage, Family and the Law in Medieval Europe: Collected Essays*, (Toronto: University of Toronto Press, 1996), 263.

⁸⁸ Sheehan, "*Maritalis affectio* Revisited," 277.

⁸⁹ James A. Brundage, "Playing by the Rules: Sexual Behaviour and Legal Norms in Medieval Europe," in *Desire and Discipline: Sex and Sexuality in the Premodern West*, edited by Jacqueline Murray and Konrad Eisenbichler, (Toronto: University of Toronto Press, 1996).

the types of research scholars are undertaking, as of the mid-1990s. Specifically, Brundage's essay highlights the discrepancy between principles and practice. Brundage finds that a significant gap existed between expectations and reality.⁹⁰ Nevertheless, Brundage argues that the institutions established by the Church to control sexuality, including the development of the legal profession, the proliferation of courts, and development of "inquisitorial procedure," heavily influenced how people understood and practiced sexuality.⁹¹

1.2.3 Prostitution

Following these formative discussions on sexuality, historians have examined the socio-political impact of prostitution. As an outgrowth of sexual deviancy, prostitution received scholastic attention before more significant deviancies, which include such concepts as bestiality and homosexuality.⁹² Important to this thesis is the examination of concubinage,⁹³ as it relates to the institution of prostitution.

⁹⁰ Brundage, "Playing by the Rules," 23.

⁹¹ Brundage, "Playing by the Rules," 34.

⁹² This assessment is based on the publication: George Ryley Scott, *A History of Prostitution from Antiquity to the Present Day*, (London: Werner Laurie LTD., 1936). This monograph, published in 1936, precedes notable monographs on homosexuality, notably John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century*, (Chicago: University of Chicago Press, 1980), and bestiality, notably Joyce E. Salisbury, *The Beast Within: Animals in the Middle Ages*, (New York: Routledge, 2011).

⁹³ Concubinage is important to this thesis because early documents interchange concubine and mistress with relative fluidity. As Ruth Mazo Karras outlines in *Sexuality in Medieval Europe: Doing Unto Others*, concubinage was an early precursor to the term mistress, with the term mistress increasing in importance in the later Middle Ages. [Ruth Karras, *Sexuality in Medieval Europe: Doing Unto Others*, second edition, (New York: Routledge, 2012), 127.] When examining early studies on prostitution, therefore, such monographs tend to examine concubines rather than mistresses.

The intersection of the terms concubine and mistress occur with great frequency in medieval documents, which highlights that the term “concubine” was an early precursor of the term “mistress”.⁹⁴ The examination of concubines in relation to prostitution is significant because it provided an avenue from which scholars could begin to examine more illicit and socially threatening behaviours within the regulated domain of prostitution.⁹⁵ Concubinage, and thus mistressdom, was a more threatening social structure in the medieval period, as compared to prostitution, because it threatened the institution of marriage.⁹⁶ The unregulated role of the mistress, despite its overall social acceptability, provided an avenue for men to commit adultery, the worst of the sexual sins. Moreover, while concubines only receive a passing acknowledgement in monographs on prostitution, their incorporation highlights a shift in gender history to examine unregulated sexual deviancies in the premodern period. The first volume to examine prostitution was George Ryley Scott’s *A History of Prostitution from Antiquity to the Present Day*.⁹⁷

Scott was the first scholar to attempt an examination of premodern prostitution, publishing his monograph in 1936. He acknowledges that his publication is taboo, which highlights the lack of literature on the subject thus far.⁹⁸ This monograph takes a

⁹⁴ Karras, *Sexuality in Medieval Europe*, 127.

⁹⁵ As highlighted in subsequent volumes, prostitution became increasingly institutionalized and controlled in the later middle ages. These volumes include: Leah Lydia Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc*, (Chicago: The University of Chicago Press, 1985), Jacques Rossiaud, *Medieval Prostitution*, translated by Lydia G. Cochrane, (Oxford: Basil Blackwell, 1988, AND Ruth Mazo Karras, *Common Women: Prostitution and Crime in Medieval England*, (New York; Oxford: Oxford University Press, 1996).

⁹⁶ Brothel charters outlined that only unmarried men were permitted to utilize their services (Karras, *Common Women*, 72-73).

⁹⁷ George Ryley Scott, *A History of Prostitution from Antiquity to the Present Day*, (London: Werner Laurie LTD., 1936).

⁹⁸ Scott, *A History of Prostitution*, vii-viii.

sociological approach to the study of prostitution and, due to the lack of earlier literature, presents a broad survey of the subject with the intention of presenting evidence, rather than an analysis of the political, economic, or social significance of prostitution within the medieval landscape. Of interest to this thesis is his chapter dedicated to concubines.⁹⁹ This chapter explores the “blurred lines” between the roles of a concubine or mistress and a prostitute from a social perspective.¹⁰⁰ Particularly, Scott examines the concept of the clerical concubine.¹⁰¹ Scott highlights how, following the beginning of the Reformation, society determined this role to be abhorrent, and, consequently, the role of the concubine slowly dissipated.¹⁰² Nevertheless, the most important contribution that Scott makes, despite its brief examination, is his discussion of the “kept” woman, which he uses as a term to describe a mistress.¹⁰³ While he does not discuss their role in depth, he does outline that wealthy men were the primary keepers of mistresses, as they were able to afford their upkeep.¹⁰⁴ Nevertheless, Scott’s study lacked the same level of interrogation that subsequent studies would involve.

The first study to begin to examine the social history of prostitution in medieval England was Ruth Karras’ monograph *Common Women: Prostitution and Crime in*

⁹⁹ George Ryley Scott, “Concubines and “Kept” Women,” in *A History of Prostitution from Antiquity to Present Day*, (London: Werner Laurie LTD., 1936), 109-116.

¹⁰⁰ Scott, “Concubines and “Kept” Women,” 109.

¹⁰¹ A clerical concubine was a woman who lived with a priest outside the confines of marriage. In many cases, these women had been legally married to a priest; however, following the advent of the First Lateran Council, which forbade priests to marry and associate with women, many chose to remain in the household of their husband, despite their loss of station. Nevertheless, many women also entered into this type of relationship with a priest, despite a marriage never existing.

¹⁰² Scott, “Concubines and “Kept” Women,” 111.

¹⁰³ Scott, “Concubines and “Kept” Women,” 113.

¹⁰⁴ Scott, “Concubines and “Kept” Women,” 113.

Medieval England.¹⁰⁵ This book, in many ways, reinforces aspects of the methodological theory already well established by Leah Otis and Jacques Rossiaud¹⁰⁶ for the study of prostitution and sexually “deviant” women. In addition, however, Karras’ book demonstrates the cultural factors that influenced medieval society’s understanding of prostitution and female sexuality in an English context. Karras begins her study by examining the concept of the common woman. A common woman,¹⁰⁷ as defined by Karras, in medieval society was “[a woman] who [had] many sex partners, often for money.”¹⁰⁸ Further, because medieval society inherently connected women to sexuality, unlike men, prostitution became the extreme case of an already volatile womanly sexuality.¹⁰⁹ *Common Women* seeks to examine the commercial aspects of prostitution in conjunction with how notions of prostitution affected understandings of female sexuality. It demonstrates,

¹⁰⁵ Ruth Mazo Karras, *Common Women: Prostitution and Crime in Medieval England*, (New York; Oxford: Oxford University Press, 1996).

¹⁰⁶ Ruth Mazo Karras’ study builds upon two monographs, which examine prostitution in medieval France. Leah Otis’ *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc* explores the wider social, economic and political factors that influenced the creation and execution of brothels through the tracing of the term *meretrix*, which translates to lewd woman, to demonstrate that the increased visibility of prostitutes in medieval France was the result of its institutionalization rather than the loosening of morals [Leah Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc*, (Chicago: University of Chicago Press, 1985).]. These ideas are further developed in Jacques Rossiaud’s *Medieval Prostitution*, which explores how the Church intervened in the institutionalization process of prostitution [Jacques Rossiaud, *Medieval Prostitution*, translated by Lydia G. Cochrane, (Oxford: Basil Blackwell, 1988).]

¹⁰⁷ Several other contemporary scholars sought to define the role of the prostitute. The most influential in this area, however, was St. Augustine of Hippo who understood prostitution as a necessary evil (Karras, *Common Women*, 6). Even though Augustine believed that sex should be confined to marriage, he also understood that male sexuality could not always be curbed. Consequently, in order to preserve the purity of honourable women, society needed to have the prostitute to avoid “seduction, rape, adultery and sodomy” (Karras, *Common Women*, 6). Within the medieval context, therefore, prostitution was understood as necessary to maintaining the social order.

¹⁰⁸ Karras, *Common Women*, 3.

¹⁰⁹ Karras, *Common Women*, 3.

moreover, “that prostitution deeply affected gender relations because its existence fostered the connection of feminine sexuality with venality and sin, [and], thereby, justified control of all women.”¹¹⁰

Karras’ examination of mistresses and concubines in medieval England is important to understanding the development of the role of the mistress in the premodern west. Through it, she outlines a key aspect of brothel charters; specifically, to use brothel facilities a man was supposed to have been unwed.¹¹¹ If a married man were to use the services provided by a brothel, he would have committed the most threatening of the sexual offenses: adultery.¹¹² Theoretically, married men could exact from their wives the conjugal debt, which stipulated that spouses needed to make their bodies available to each other. This mandated outlet rendered brothels unnecessary for a married man, as he could receive sex consistently from his spouse, and adultery was abhorrent in medieval canon law.¹¹³ Nevertheless, this stipulation was not necessarily put into practice, and some men may have attempted to find sexual relieve elsewhere. Consequently, depending on the social status of these men, a mistress or concubine may have provided a better alternative than attempting to utilize a public brothel.

Further, *Common Women* presents the argument that many prostitutes also took on mistress roles.¹¹⁴ Brothel records indicate that many transactions between a prostitute and

¹¹⁰ Karras, *Common Women*, 3.

¹¹¹ Karras, *Common Women*, 72-73.

¹¹² Karras, *Common Women*, 134.

¹¹³ This is referred to as the conjugal debt, which stipulated that spouses had an obligation to make themselves available to their spouse to fulfill their sexual urges. [Merry Weisner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice*, second edition, (London; New York: Routledge, 2010).

¹¹⁴ Karras, *Common Women*, 73.

her client occurred too frequently to characterize a solely commercial exchange.¹¹⁵ This suggests that, despite the emotional detachment associated with brothels, an attachment existed between men and their sexual partners, which resulted in regular visits to the brothel. Such exchanges dispel notions, similar to those presented by Scott, that mistresses were solely customary of wealthy men. Even though there was no guarantee of exclusivity, men who frequented the same prostitute likely fostered an emotional connection, similar to those associated in a typical mistress-partner relationship.

Additionally, Karras' work provides useful and precise terminology for this thesis. Through an examination of the cultural factors that encompass the determination of a woman as a whore, she argues that

[t]he figure of the whore was created out of the confluence of two factors: the need to derogate the sexually independent woman (or the woman who was independent in other ways that could be sexualized) and the need to regulate, if not institutionalize, commercial prostitution.¹¹⁶

This highlights an important theme in the study of pre-modern sexuality. Woman who did not partake of normative sexual behaviours were susceptible to the label of "whore," even if such women did not participate in the formal sex trade. Consequently, *Common Women* demonstrates the level of anxiety that society had over women's bodies and sexuality in the medieval period.

While the medieval period witnessed the systematic institutionalization of prostitution, and, as an extension, control of unruly female sexuality, the early modern period dealt with these anxieties through a fervent attempt to diminish and criminalize the trade. *Bawds and Lodgings: A History of the London Bankside Brothels c. 100-1675*,

¹¹⁵ Karras, *Common Women*, 73.

¹¹⁶ Karras, *Common Women*, 138.

explores the varying levels of tolerance expressed by British monarchs towards prostitution.¹¹⁷ Of note is the examination of prostitution tolerance and reform during the Jacobean and Caroline reigns. Prostitution reform and tolerance varied based on the reigning monarch. While James I tolerated prostitution, to the end that he and his courtiers regularly visited brothels in Southwark, for example, Charles I was intolerant of the profession.¹¹⁸ When Charles I succeeded his brother, his first parliamentary meeting aimed to rid the London suburbs of bawdy houses.¹¹⁹ With the re-emergence of plague in 1625, however, attendance diminished without monarchical intervention,¹²⁰ and the final surge of plague in 1630 effectively closed all houses in the area.¹²¹ This monograph, while not exclusively focused on prostitution, highlights that brothel legitimacy in England relied on monarchical tolerance. Examining Charles II's brothel policy furthers this argument, as the influx of brothel patrons in this period reflects his liberal sexual ideals.¹²² Thus, despite social upheaval, prostitution remained an accepted facet of society, as long as it maintained monarchical approval.

Contributing to the discussion of changes in prostitution as a consequence of the reformation, *Disorderly Women in Eighteenth Century London* examines popular sentiment towards prostitution.¹²³ This monograph highlights that, despite formal laws existing to

¹¹⁷ E.J. Burford, *Bawds and Lodgings: A History of the London Bankside Brothels c. 100-1675*, (London: Peter Owen Limited, 1976).

¹¹⁸ Burford, *Bawds and Lodgings*, 164-165, 177.

¹¹⁹ Burford, *Bawds and Lodgings*, 177.

¹²⁰ Burford, *Bawds and Lodgings*, 177.

¹²¹ Burford, *Bawds and Lodgings*, 178.

¹²² Burford, *Bawds and Lodgings*, 181.

¹²³ Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830*, (London; New York: Pearson Education Limited, 1999).

diminish the trade, popular societies exerted most of the control over prostitution in London.¹²⁴ These societies, while popular amongst some, received harsh criticisms from others. Evidence indicates that many concerned bystanders intervened when these grassroots societies attempted to apprehend a streetwalker.¹²⁵ Furthermore, this monograph highlights the dichotomies within secular society towards prostitution. While facets believed in its moral depravity and, thus, sought to hinder its spread, many also felt pity for women involved in this profession.

Literature on sexuality and prostitution provided an avenue for scholars to begin to examine critically the role of the mistress in British society. While sources on sexuality and prostitution contextualize the sentiments towards female sexuality, understanding the role of the mistress provides the most direct avenue to begin a critical examination of Barbara Palmer. Mistresses provide a means to understand the factors that contributed to Barbara Palmer, and, as an extensions, Lady Anne, being able to surpass the confines of femininity and sexual transgression in Restoration Era England.

1.2.4 The Mistress

Two separate branches exist within the study of mistresses. The first emanates from academic faculties in both the History and Woman's Studies departments. Scholars of this group examine mistresses as they relate to broader political and economic concerns in premodern Europe. These scholars tend to highlight the mistress as a submissive participant, while vilifying, by illustrating agency as a threat to court life, those who do not fit this trope. In contrast, non-academics also write on this subject. These amateurs are significant

¹²⁴ Henderson, *Disorderly Women*, 86.

¹²⁵ Henderson, *Disorderly Women*, 89.

in the literature as they seek to subvert and challenge the tropes maintained by academic writers, and to highlight both the submissive mistress and improve the image of the dominant mistress. Let us first examine publications on mistresses within the academic sphere.

The monograph *Royal Mistresses*, by Charles Carlton, was the first to examine exclusively mistress culture.¹²⁶ It lays out the political concerns associated with mistresses in English court culture.¹²⁷ Carlton seeks to highlight how the mistress influenced, destroyed, or benefited the monarch with whom she had a sexual relationship.¹²⁸ Further, this study examines the advantages and disadvantages of mistresses at court. According to Carlton,

[g]uilt and illicit passion have played their parts in shaping the history of the English crown. William [the Conqueror]'s illegitimacy helped to bring about the conquest, John's reputation for debauchery in part resulted in the sealing of the Magna Carta, Henry VIII's lusts were integral in precipitating the Reformation, while James II's sense of his own sexual sinfulness may well have helped turn 1688 into the Bloodless, as well as the Glorious Revolution.

Carlton's study demonstrates that, while mistresses received few legal rights from their unsanctioned unions since they occupied an illegitimate status under law, their position was important in shaping the overall political landscape of Tudor/Stuart England.

Of particular interest within Carlton's monograph is the chapter that examines the relationship between King Charles II and Barbara Palmer. Carlton's chapter, "'Never Lay Hands Upon his Sceptre,'" outlines the concerns of politicians and courtiers alike over Charles' sexual exploits. Carlton argues that Charles' entry into a world dominated by

¹²⁶ Charles Carlton, *Royal Mistresses*, (London; New York: Routledge, 1990).

¹²⁷ Carlton, *Royal Mistresses*, 2.

¹²⁸ Carlton, *Royal Mistresses*, 2-3.

religious extremes resulted in a heightened awareness and increasing concern over the King's intimate life.¹²⁹ This chapter also highlights Barbara's ability to manipulate economic assets from the King for herself and her children.¹³⁰ As a result, Carlton, much like Gilmour, accords Barbara Palmer significant agency. That agency, however, comes at a cost in their narratives. Carlton uses it to depict her as an overbearing and controlling mistress, who attempted to regulate the behaviours of Charles' other lovers.¹³¹ Significantly, this highlights dominant tropes within the literature on mistress culture. Authors tend to portray mistresses as either submissive or dominant within relationships. Mistress considered dominant, consequently, are shown as an overbearing and unsympathetic individual, while submissive women are pitied. Such trends shape the overarching narrative on mistresses throughout the literature.

Furthering the work of Charles Carlton, Elizabeth Abbott, in *Mistresses: A History of the Other Woman*,¹³² explores the dynamics between mistresses and their partners.¹³³

Through the examination of a series of historical case studies, this book demonstrates what it meant to be a mistress across cultural time and space.¹³⁴ This book affirms Carlton's idea of mistresses acting as dominant or submissive within their relationship, while attempting to provide more agency to the submissive woman. Of note, is the definition that Abbott proposes for a woman acting as a mistress. Abbott understands a mistress as "...a woman who voluntarily or forcibly engaged in a relatively long-term sexual relationship with a man

¹²⁹ Carlton, *Royal Mistresses*, 64.

¹³⁰ Carlton, *Royal Mistresses*, 78.

¹³¹ Carlton, *Royal Mistresses*, 69.

¹³² Elizabeth Abbott, *Mistresses: A History of the Other Woman*, (Toronto ON: HarperFlamingo Canada, 2003).

¹³³ Abbott, *Mistresses*, XVIII.

¹³⁴ Abbott, *Mistresses*, XVIII.

who is usually married to another woman.”¹³⁵ This definition, she argues, encapsulates the conflicting social norms between the east and west, in order to highlight eastern concubinage and western mistressdom. This definition, however, is still inherently flawed. By juxtaposing voluntary with forcibly, Abbott detracts from the complicated factors like family, and economic and social pressures that result in a woman in the west choosing to enter into this type of sexual relationship. In the case of Barbara Palmer, for instance, her financial destitution following the death of her father influenced her decision to enter into these types of relationships.¹³⁶ Moreover, the factors that contribute to the decisions of these women are neither monothematic nor static across time and space. This lack of exploration, however, is reflective of the overall purpose of this monograph. While the monograph’s title suggests that Abbott is attempting to present a history of mistresses, her monograph intended to demonstrate the state of marriage and societal norms on sexuality throughout time and space. Her attempt to incorporate, in a single definition, the differing norms of the East and West, results in a definition that fails to illuminate the multidimensional aspects of mistressdom in the West.

Chapter Three of *Mistresses*’ exemplifies the failure to acknowledge the dominant mistress in western mistress culture. This chapter entitled “Whose Whore? Europe’s Royal Mistresses”, examines Nell Gwynne, a later *Maitresse-en-titre*, to Charles II. Significantly, this chapter makes little reference to Barbara Palmer, the other *Maitresse-en-titre* to Charles II and the mother of Lady Anne. The chapter only divulges that Barbara received a significant living allowance compared to Nell Gwynne, with no explanation as to why this

¹³⁵ Abbott, *Mistresses*, XVIII.

¹³⁶ Gilmour, *The Great Lady*, 11-12.

discrepancy occurred.¹³⁷ By failing to highlight the provisions that Barbara legally arranged to protect herself and her children in the case that Charles died, Abbott ignores the notion that a mistress could be financially agent. Thus, the literature portrays Nell Gwynne, who failed to create similar provisions and who was, in the end, was left without a living, as the scorned, and submissive mistress. The choice to focus on the submissive relationship, between Charles II and Nell, rather than Barbara and Charles, further highlights the general tendency of academic historians to examine the submissive mistress-partner relationship, rather than the relationship between the agent mistress and her partner.¹³⁸

While *Mistresses* begins to ask questions of the social and cultural significance of mistresses within broader societal institutions, it fails to demonstrate any significant trends in western mistressdom. Though this monograph grants agency to the submissive mistress, it leaves significant questions over the partnership and power dynamics that might result from interactions between a dominant and submissive mistress through the unequal allocation of economic resources. Moreover, while this monograph represents a shift towards mistresses as agent characters, it leaves significant room for further exploration.

Following these examinations of mistress culture, and how they relate to other social institutions, *Maids, Mistresses, Cousins and Queens*¹³⁹ considers female agency through an

¹³⁷ Abbott, *Mistresses*, 75.

¹³⁸ This assessment is based on Abbot's discussion of Nell Gwynne's demise following the death of Charles II. In particular, the book highlights how Nell's economic provisions did not have the same legal stability as Charles' other mistresses, and, consequently, terminated upon his death. By focusing exclusively on this particular case study, however, Abbott highlights the exception of Charles' mistresses rather than the rule. This consequently detracts from the pseudo-family structures that Charles built with his other mistresses, most notably Barbara Palmer. (Abbott, *Mistresses*, 77.)

¹³⁹ Susan Frye and Karen Robertson ed. *Maids and Mistresses, Cousins and Queens: Women's Alliances in Early Modern England*, (New York; Oxford: Oxford University Press, 1999).

examination of female solidarity and social structures. This study is a direct outgrowth of the emergent perspectives of “feminism, historicism, Marxism, cultural theory, queer theory, and postcolonialism,” with the intention to redefine the “prevalent conceptions of women’s limitations within patriarchal society.”¹⁴⁰ Through this lens, the collection highlights how women, whether dominant or submissive, relate to one another through economics. Moreover, this approach addresses the discrepancy within the literature of how mistresses relate to one another.

This collection highlights the overall importance of understanding how women interacted and connected with one another through their bodies. This approach begins to explore power dynamics between mistresses, rather than exclusively between her and her partner. Since mistresses order themselves hierarchically, based on sexual favouritism, it is important to understand sexual economies in order to appreciate the interactions between dominant and submissive mistresses. Moreover, even though this collection does not discuss western mistressdom in detail, its theoretical approach to understanding female interactions is relevant to the discussion of how dominant and submissive mistresses would relate to one another.

Parallel to these emergent discussions of unorthodox sexual relationships, *Unmarriages*¹⁴¹, by Ruth Mazo Karras, examines sexual unions between men and women. To understand heterosexual sexual unions, this book explores a variety of unorthodox relationships rather than focusing exclusively on marriage.¹⁴² Specifically, Karras hopes to

¹⁴⁰ Frye and Robertson, *Maids and Mistresses, Cousins and Queens*, viii.

¹⁴¹ Ruth Karras, *Unmarriages: Women, Men and Sexual Unions in the Middle Ages*, (Philadelphia: University of Pennsylvania Press, 2012).

¹⁴² Karras, *Unmarriages*, 4.

answer the research question of where and why medieval peoples drew the line that defined marriage from non-marital unions.¹⁴³ This book is significant as it highlights the increasing importance of language in scholarship on sexuality and gender. Specifically, this monograph demonstrates that terms like marriage isolate a significant portion of the population that would consider themselves married even though they lack canonical recognition. Moreover, it highlights the importance of scholarly awareness when discussing issues of sexuality, whether normative or non-prescriptive.

Following England's departure from the Catholic Church, however, notions of normative and illicit sexuality transformed in numerous ways. These definitions varied based on class and gender. Aspects of sexuality, including intercourse and illicit affairs, became prevalent issues, and received different levels of tolerance depending on the ruling class. The monograph *Love, Lust, and Licence in Early Modern England*¹⁴⁴ explores the toleration of illicit and licit affairs in the English court during the sixteenth and seventeenth centuries. This monograph highlights that illicit love affairs received varying levels of lenience based on the reigning monarch. Through the exploration of gender ideals, Rickman examines the how competing notions of masculinity and femininity, nobleman and noblewoman, collided to manifest the courtly love ideal.¹⁴⁵ As Rickman's case studies highlight, the reigning monarch determined how these conflicting ideals would manifest themselves. For instance, in Queen Elizabeth's court, people who engaged in premarital or marital sex without her express permission risked imprisonment and banishment from

¹⁴³ Karras, *Unmarriages*, 5.

¹⁴⁴ Johanna Rickman, *Love, Lust, and License in Early Modern England: Illicit Sex and the Nobility*, (Hampshire: Ashgate, 2008).

¹⁴⁵ Rickman, *Love, Lust, and License*, 13.

court.¹⁴⁶ These punishments, however, increased in severity when a sex scandal involved one of Queen Elizabeth's maids.¹⁴⁷ Rickman argues that these discrepancies and concerns over controlling sexuality at court are the result of Elizabeth using gender and sexuality to exert and maintain control.¹⁴⁸

A comparison of James I to Elizabeth I reveals that his approach to sexuality in the royal court varied greatly. Rickman argues that this discrepancy reflects the different social status of James. As a married man with a legitimate heir, James occupied a space in society inaccessible to Elizabeth. Thus, legitimacy never concerned James. In contrast to his predecessor, James wholly supported marriage between his courtiers. According to many sources, James frequented the marital bed following a couple's marriage ceremony to guarantee consummation.¹⁴⁹

To further illustrate these conflicting notions of sexuality within English society in the seventeenth century, *Enclosure Acts: Sexuality, Property, and Culture in Early Modern England* examines how historians render notions of enclosure, consolidation, and containment.¹⁵⁰ This monograph intends to "critique early modern symbolic practices" through the examination of boundaries placed on sexuality and land.¹⁵¹ The editors argue that this will help historians understand the redefinition of sexuality, and the transition between feudalism and capitalism, which began in the early modern period.

¹⁴⁶ Rickman, *Love, Lust, and License*, 29.

¹⁴⁷ Rickman, *Love, Lust, and License*, 39.

¹⁴⁸ Rickman, *Love, Lust, and License*, 46.

¹⁴⁹ Rickman, *Love, Lust, and License*, 73.

¹⁵⁰ Richard Burt and John Michael Archer ed. *Enclosure Acts: Sexuality, Property, and Culture in Early Modern England*, (Ithaca; London: Cornell University Press, 1994), 1.

¹⁵¹ Burt and Archer, *Enclosure Acts*, 1

Of particular interest to this thesis is the essay entitled “The Enclosure of Virginitude: The Poetics of Sexual Abstinence in the English Revolution.”¹⁵² This essay examines the shift in perception of perpetual virginity from a moral ideal to a political principle.¹⁵³ Rogers purports that the emergence of Protestantism and Puritanism shifted the moral ideal of virginity and chastity, now understood as popery, in favour of marital love, which involved controlled sexuality.¹⁵⁴ Nevertheless, English Protestants reengaged with the notion of bodily virginity following the death of Queen Elizabeth.¹⁵⁵ These ever changing notions of virginity and sexuality intensified during the social upheaval of the English Revolution. By the restoration of Charles II, moreover, high culture had to contend with a reversion to a more conservative model of sexuality, as a result of the English Revolution, despite a movement towards liberality at court. This source illustrates, furthermore, that discrepancies existed between popular culture and high culture in Restoration Era England. While the aristocracy changed their sexual morals based on the convictions of the reigning monarch, popular culture contended with slow and robust changes that often occurred as a result of social upheaval. Thus, one can argue that the concerns of lay society toward Charles court resulted from this division of sexual morals.

Moreover, this thesis understands the limitations and scholarly inheritance of constructing an argument in the field of sexuality and gender history. Thus, while this

¹⁵² John Rogers, “The Enclosure of Virginitude: The Poetics of Sexual Abstinence in the English Reformation,” in *Enclosure Acts: Sexuality, Property, and Culture in Early Modern England*, ed. Richard Burt and John Michael Archer, (Ithaca; London: Cornell University Press, 1994), 229-250.

¹⁵³ Rogers, “The Enclosure of Virginitude,” 229.

¹⁵⁴ Rogers, “The Enclosure of Virginitude,” 233.

¹⁵⁵ Rogers, “The Enclosure of Virginitude,” 234.

section established the secondary scholarly inheritance of this thesis, it is also important to situate Barbara Palmer and Lady Anne within their political, economic, and social scape before beginning an examination of their lives.

2. The History of the Villiers Family

In order to understand the context in which Barbara Palmer operated, it is important for the reader to be knowledgeable of the complex social and political dynamics within the Villiers family. This context will be framed, informed, and assessed Barbara Palmer's thoughts, feelings, and actions.

The future Charles II met the illustrious Barbara Palmer upon his return from exile.¹⁵⁶ Barbara Palmer was a descendent of the Villiers family, who originated from the lower nobility. It is unclear how the family managed to find a place in the court of the Stuart monarchs; however, Lady Villiers, the wife of an obscure Leicestershire knight and the great-grandmother of Barbara, reportedly facilitated this transition.¹⁵⁷ The biographer of Barbara Villiers treats Lady Villiers harshly, perceiving her character as conniving and devious:

[i]n the beginning it was Lady Villiers, the wife of an obscure Leicestershire knight, who wormed her way by God knows what devious routes from the place of an unidentified servant in the royal household to the bottle-crony of the drunken, drooling king [James I].¹⁵⁸

Despite this harsh interpretation of Lady Villiers, her apparent scheming secured a place in the royal court for her sons.

It was Lady Villiers's son George, specifically, who caught the attention of James I. Through royal patronage, George was made a viscount, then the Duke of Buckingham, and

¹⁵⁶ Charles II fled into exile following the decapitation of his father by Parliamentary forces under Oliver Cromwell.

¹⁵⁷ Margaret Gilmour. *The Great Lady: A Biography of Barbara Villiers, Mistress of Charles II*, 1st ed., (New York: Knopf, 1941), 5.

¹⁵⁸ Gilmour, *The Great Lady*, 5.

was provided with a marquissate, named Lord High Admiral of England and Chief Commander of the Fleet.¹⁵⁹ James I also arranged for George to marry into the Plantagenet line through Lady Katherine Manners. Biographers suggest that he dominated the royal courts in London, and could do no wrong, but his assassination in 1628, proved that many believed he posed a threat.¹⁶⁰

Even with popular opinion turning increasingly sour towards Charles I,¹⁶¹ the Villiers remained staunch loyalists to the English crown.¹⁶² Legends from the rebellion against the monarchy, which resulted in the future Charles II fleeing to the continent, for instance, recount the bravery of all Villiers men.¹⁶³ Barbara's own father, William Villiers, Viscount Grandison, died following a wound to the thigh received during the Siege of Bristol in 1645.¹⁶⁴ Tensions however, continued to rise for the Grandisons¹⁶⁵ following the capture of Charles I in 1646, and his subsequent execution.¹⁶⁶ Despite his execution, the Grandison and Villiers family remained quietly loyal to the future Charles II, but lived in great poverty as a consequence of their loyalty. Barbara, specifically, felt much of these effects; as her

¹⁵⁹ Gilmour, *The Great Lady*, 6.

¹⁶⁰ As demonstrated through the following quotation: "You may be sure that I love the Earl of Buckingham more than anyone else, and more than you who are here assembled. I wish to speak in my own behalf and not to have it thought to be a defect, for Jesus Christ did the same, and therefore I cannot be blamed. Christ had John, and I have George." [Alan Stewart, *The Cradle King: A Life of James VI & I, The First Monarch of a United Great Britain*, (New York: St. Martin's Press, 2003), 281-282.]

¹⁶¹ For a full account of the concerns facing the British monarchy, please refer to appendix A: Political History of the Stuart Monarchy.

¹⁶² Gilmour, *The Great Lady*, 7-9.

¹⁶³ Gilmour, *The Great Lady*, 9.

¹⁶⁴ Carlton, *Royal Mistresses*, 65.

¹⁶⁵ In order to avoid confusion over the line of Villiers being discussed, the paper will henceforth refer to Barbara Palmer's family as the Grandisons, their peerage, rather than by their last name.

¹⁶⁶ Gilmour, *The Great Lady*, 10.

biographer recounts: “Barbara had returned from poverty in the country to poverty in London, where she was freely jeered at in the streets for her ungainly flannel petticoats and cheap straw hat.”¹⁶⁷ It is under these premises that Barbara began a “fervent and fruitless flirtation with the Earl of Chesterfield”.¹⁶⁸ Despite her insistence, the Earl of Chesterfield never returned her advances and, consequently, she married Roger Palmer to avoid destitution. Nevertheless, sources suggest that Barbara remained optimistic about her relationship with the Earl of Chesterfield; however, the moment he left for Bourbon her plans changed, and she decided to pursue King Charles II.¹⁶⁹

In an attempt to draw the attention of the men at court, Barbara conducted herself with an unfaltering bluntness. When Barbara met the future king Charles II, her behaviour seems to have greatly concerned her husband; however, Charles did not seem to mind, as during the last days of April 1659, Charles reportedly succeeded in bedding the wife of Roger Palmer.¹⁷⁰ While the official word had yet emerged on whether the restoration of Charles to the throne of England would occur, when the news did come, Barbara was greatly enamoured of the notion that she was the lover of the King of England.¹⁷¹

Barbara’s behaviour, while beneficial to her own agenda, would have greatly affected the honour of her husband. At the beginning of the seventeenth century, rigid social structures existed, which outlined the roles husbands and wives should occupy within marriage. Both popular and religious sources highlight that the husband must dominant his

¹⁶⁷ Gilmour, *The Great Lady*, 11.

¹⁶⁸ Gilmour, *The Great Lady*, 12.

¹⁶⁹ Gilmour, *The Great Lady*, 21.

¹⁷⁰ Gilmour, *The Great Lady*, 25.

¹⁷¹ Gilmour, *The Great Lady*, 25-26.

wife, to avoid unruly female behaviour.¹⁷² If the husband was unsuccessful in this role, popular literature suggested that wives would enter into adulterous relationships.¹⁷³ Barbara and Roger Palmer, thus, embody these concerns, as both individuals transgressed socially through their nonconformity to the traditional role of husband and wife. Despite a semblance of mutual responsibility in this situation, however, the reality was that Roger Palmer held greater accountability. This incident challenged Roger's honour on two accounts. Society would chastise him, theoretically, for both his inability to control, and the enactment of Barbara's behaviour. As explained in the methodology section of this thesis, men had the responsibility to cultivate their own honour, but also the honour of those within their immediate kin circle.¹⁷⁴ Moreover, while Barbara's interactions with Charles had the ability to affect her, it likely had greater negative effects on Roger, as he had the responsibility, as her husband, to control her sexuality.

Roger Palmer's inability to control Barbara Palmer's behaviour provides an avenue to understand the power dynamics within their relationship. Roger's inability to assert his dominance over his wife indicates that Barbara held more social agency within their relationship, and, thus, asserted more power. It is unclear the source of this power; however, Barbara's alliances, both sexual and political, with men considered the social superiors of her husband, likely created significant barriers for Roger to effectively intervene in his wife's affairs. Barbara's ability to acquire social capital through strategic alliances with men, socially superior to her husband, afforded her manoeuvrability within the social

¹⁷² Robert B. Shoemaker, *Gender in English Society 1650-1850: The Emergence of Separate Spheres?*, (London; New York: Longman, 1998), 101.

¹⁷³ Shoemaker, *Gender in English Society*, 101.

¹⁷⁴ Pitt-Rivers, *The Fate of Schechem*, 20.

institutions of early modern England, as this capital effectively diminished Roger Palmer's honour, and, thus, manoeuvrability, while simultaneously elevating the status of Barbara Palmer. Moreover, this discrepancy in social agency, between Barbara and Roger, is significant in the deconstruction of the subsequent trail documents regarding their alleged child, Lady Anne Palmer, and the treatment of Barbara Palmer within the royal court following their separation.

It was on the night of the restoration that the conception of Lady Anne reportedly occurred. Born 25 February 1661, Lady Anne grew up in a world where many questioned her paternity. Some reports claim that it was an old lover of Barbara who fathered the child, few claim that Barbara's husband, Roger, fathered her; however, he seems to have believed the child his.¹⁷⁵ Nevertheless, Charles felt that the child was his, and proceeded to recognize formally Lady Anne.

Thus, the young Lady Anne grew up in the court of Charles II; a court rife with sensationalized sexuality and sensuality. Barbara remained an important individual within the court, fulfilling the role of Charles II's official mistress. This role gave her great power and brought fear to the advisors of the King, who feared that her brashness would influence him poorly in all facets of royal life. Despite these concerns, Charles appointed Barbara the role of Lady of the Bedchamber to his new queen, Catherine of Braganza, despite the objections of the Queen and his advisors. Nevertheless, Barbara's role as the official mistress of the King led to the demise of her marriage to Roger Palmer. After Barbara gave birth to a second illegitimate child, a boy, Roger Palmer removed himself from the equation.

¹⁷⁵ Gilmour, *The Great Lady*, 53.

Nonetheless, it seems that he continued to recognize Lady Anne as his daughter, despite numerous claims to the contrary.

3. *Chichester vs. Lady Sussex: Illegitimacy and Paternity in Early Modern England*

3.1 Introduction

Chichester vs. Lady Sussex, filed circa 1717, demonstrates clearly that Roger Palmer recognized Anne as his daughter. This transpired between 1717 and 1718. Though this was not the first time the Lennard family appeared in court, it is the only suit in which Anne Lennard appears as the primary defendant. The composition of this trial, as compared to the others,¹⁷⁶ highlights themes of paternity and the acquisition of financial resources for illegitimate children in Restoration Era England.

Questions of paternity will be the focus of this chapter. This section explores why Lady Anne was the primary defendant in the estate trial of Roger Palmer, a man to whom she, theoretically, had no relation,¹⁷⁷ as well as what the trial tells historians about perceived paternity in Restoration Era England. The following section, moreover, demonstrates Barbara Palmer's agency, through her ability to strategically select the father of her child.

¹⁷⁶ These trials include: the *E. Sussex Estate Bill*, and *Fielding v. Earl of Sussex*. As this thesis is organized thematically, rather than temporally, these filings will be discussed throughout the overall narrative. Moreover, the comparative analysis, which will link the three proceedings to the overall argument, will be presented at the end of this study.

¹⁷⁷ "Charles, though he made no public avowal of Anne's paternity, lost no time in making a free demonstration that he thought her his daughter. Roger, preposterous as it seems, appeared to have been still in ignorance of his wife's liaison with the King...He, feeling perhaps that the right of fathering a wife's infant belongs to the husband, called the baby "Anne Palmer,"... Thus the little girl was well stocked with fathers, both legitimate and royal. Nor was the supply exhausted with the King and Roger. Lord Chesterfield took a very personal interest in the advent of Mrs. Palmer's daughter, and did not deny the circulating rumour that he had officiated at her conception." (Gilmour, *The Great Lady*, 52-53) This quotation demonstrates that while Roger recognized Lady Anne as his child, the evidence suggests he was mistaken in this assumption, and the more likely fathers were either King Charles II or the Earl of Chesterfield.

3.2 Paternity and Parentage

Despite ambiguities over paternity, it is evident that Charles believed Anne his child, as he gave her the surname Fitzroy, meaning son of the king, and raised her within the royal court. This highlights a level of confidence in his relationship with Barbara Palmer. When men acknowledged paternity, they simultaneously acknowledged a level of security and confidence in their sexual relationship with a woman.¹⁷⁸ As Ruth Karras summarizes:

[i]n practical terms, the presence of offspring is useful to the historian in determining whether a sexual relationship can be considered a long-term union rather than a casual liaison: while pregnancy can result from the latter, for the man to acknowledge the child as his implies a confidence in his paternity that suggests a meaningful bond between the partners.¹⁷⁹

Despite Barbara's history of sexual liaisons with other men, Charles must have had enough confidence in their relationship to claim Lady Anne as his offspring.

If Charles believed that Lady Anne was, in fact, his offspring, could another man feasibly challenge the king for paternity? The case of *Chichester vs. Lady Sussex* suggests that Roger Palmer believed Lady Anne to be his daughter through his decision to appoint her as his heir.¹⁸⁰

¹⁷⁸ Karras, *Unmarriages*, 4.

¹⁷⁹ Karras, *Unmarriages*, 4.

¹⁸⁰ There is a conflicting report that claims that both Anne Lennard and Katherine Chichester, Roger Palmer's niece, were co-heirs to this estate. However, this conflicts with the introductions presented in trial manuscript, which names Lady Anne as heir to Roger Palmer's estate, and John Jenkyns as his executor. There is no evidence within the court proceedings, moreover, to suggest that Katherine was a co-heir to the estate. Since Katherine needed to go to file a suit to claim several sums of money, promised by the late Roger Palmer, this suggests that Lady Anne was in fact the sole heir to the estate. The conflicting report is found in Angus Macdonald, *A Family Memoir of the Macdonalds of Keppoch*, ed. C.R. Markham, notes by C.E. Stuart, (London: Whiting and CO., Limited, 1885), 84.

3.2.1 The Trial Overview of *Chichester vs. Lady Sussex*

Chichester vs. Lady Sussex, centres on a dispute raised by Roger Palmer's niece, Katherine Chichester, her husband Giles Chichester, and Katherine's mother, also named Katherine, over two separate sums, of £4,000 and £3,000 respectively, from the estate of the late Roger Palmer, formally styled the Earl of Castlemaine. The trial consists of three manuscript pages, which represent three separate proceedings within the Chancery Court. The complainants, Katherine and Giles Chichester, argued that these sums of money remained unpaid, by Roger Palmer, and consequently sued Lady Anne, as heir of Roger Palmer's estate, and John Jenkyns, his executor.¹⁸¹

Before beginning an examination of paternity and parentage, however, it is important to identify the key individuals involved and scope of the trial. The defendants listed in this trial are: Lady Anne Lennard, Charles Palmer, John Jenkyns, Sir Walter Kirkham Blount, and Catherine Palmer, as well as Lady Anne's husband, Thomas Lennard.¹⁸² Despite the plethora of defendants, these documents refer, most commonly, to Lady Anne as the defendant, indicating that she, in particular, is of significant importance within this trial. The orator and oratrix, otherwise referred to as the complainants, are Roger Palmer's

¹⁸¹ "...said Earle made his last will and [testament] in [???] bearing date on or about the thirteenth of November one thousand six hundred and ninety six and thereof the Right Honourable the Countess of Sussex and the said John Jennings [executor] but made no [settlement]..." This quotation highlights that the Countess of Sussex and John Jennings (Jenkyns) had control over the estate of Roger Palmer. (*Chichester vs. Lady Sussex* (1719) C11/1410/7) For a full transcription of this trial please refer to *Chichester vs. Lady Sussex*, in appendix B.

¹⁸² "in or about the month of May in the year of our Lord one thousand seven hundred and six, your orator and oratrix did exhibit their bill into this honourable court against Charles Palmer, John Jenkyns, Right Honourable Thomas Earle of Sussex and the Lady Anne his wife, Catherine Palmer, and [Sir] Walter Kirkham Blount." [*Chichester vs. Lady Sussex*, (1719), C11/1410/7.]

immediate family. The complainants include: Katherine Palmer, the niece of the deceased Roger Palmer, her husband, Giles Chichester, and her mother, also named Katherine Palmer, the wife of James Palmer, brother to the deceased. Significantly, several documents produced in the nineteenth century refer to Katherine Chichester, the niece of Roger Palmer, as the co-heir to his estate; however, the evidence presented in this trial indicates otherwise. The records presented, specifically those contained within the plea, highlight that there was a single heir to the estate. Specifically, Lady Anne contends that,

...the said Earl of Castlemaine did by his said will devise all his personal estate in trust for this [defendant], and it thereby appears it was the said Earls mind and will that his personal Estate should be exonerated from payment of any of the [complainants] demands, all which matters and things this [defendant] averrs to be true and is ready to prove...¹⁸³

Additionally, bill contended that,

...the Earl of Castlemaine likewise made his will of the date, as in the [said] bill was also set forth, and this [defendant], and the [said] John Jenkyns, executors thereof, and that the [said] Jenkyns, renouncing this [defendant] alone, proved the [said] will and did referr her self to...and did declare her self ready and willing to do any [thing] whatsoever that the sever all estates devised by the [said] Earl of Castlemaine will for the purposes in the [said] bill alleadged should be forth with sold for satisfying the said [plaintiffs] demands...¹⁸⁴

The second bill further contended that,

...[the] widow Charles Palmer the son of Jane Palmer the widow and [executrix] of the [said] Charles Palmer deced and John Jenkyns heire of the said John Jenkyns deced and Jane Jenkyns widow and [executrix] of the said John Jenkyns decree who combineing and condedorating together to hinder your orator and oratrix from receiving satisfaccon of their demands and likewise the right honourable Anne Countess of Sussex may fully answer the [promises]...of the real and [personal] estate of the said Earle of Castlemaine to satisfy your orator and oratrix demand...¹⁸⁵

¹⁸³ Chichester vs. Lady Sussex, (1719), C11/1410/7.

¹⁸⁴ Chichester vs. Lady Sussex, (1719), C11/1410/7.

¹⁸⁵ Chichester vs. Lady Sussex, (1719), C11/1410/7.

These excerpts identify Lady Anne as the sole heir to the estate of Roger Palmer, and suggest that she had significant control over its management. They highlight that the complainants had reasonably negotiated with the plethora of estate executors, and now sought deferral to the sole heir, as they perceived her to have the most power over the outcome of this suit. This suggests that, while Katherine may have been the heir to the estate at one time, by the time chancery court created these documents, Katherine no longer had power over the estate; rather this control belonged to Anne Lennard.

The decision to sue the estate of Roger Palmer further indicates the disinherited status of Roger's extended family. If the evidence correctly suggests that Roger disinherited Katherine Chichester, her decision to sue the estate reflects a desire to gain control of assets that her family believed belong rightfully to them. The courts involvement substantiates this claim, as one can reasonably assume that, if Katherine had a majority claim on the estate, it would not be required of her to seek payment from all of the trustees before resorting to legal intervention by filing a suit against the heir to the estate.

To contextualize briefly the charges filed against Roger Palmer's estate, Katherine Chichester purported that Roger Palmer promised or owed her a series of payments that totalled £7,000. In reference to the £4,000 amount, the trial states that:

...Roger Earle of Castlemaine deced in consideracon of a marriage, before James Palmer, his brother, and Katherine Palmer, your oratrix's mother, and of four thousand pounds paid to the said Earle, as her porcon, did by indenture of lease and release dated the twenty fourth and twenty fifth days of August, which was in the year of our lord one thousand six hundred seventy five, made between him [the] said Earle Roger, John Jenkyns, and Edward Nicholas [esquire], of the first part and the said James Palmer and Katherine Southcott, ats Fairfax (grandmother of your oratrix Katherine), your oratrix mother...¹⁸⁶

¹⁸⁶ Chichester vs. Lady Sussex, (1719), C11/1410/7.

The suit contends that Roger received a sum of £4,000 from Katherine Palmer upon her marriage to James Palmer, which he would repay, with interest, by the said deadline.

Despite this agreement, the deadline had since passed, and Katherine Chichester had not received repayment from the estate.

Undeterred by this fervent attempt to receive repayment, the defendants were able to argue successfully their case. As outlined in the trial, the defendants claimed that

...no part of the [said] Earl's personal estate should be subject to this [payment] thereof the same being expressly devised by his the [said] Earl's will to or in trust for this [defendant] to which [said] severall answers of the [said] Earl of Sussex and this [defendant] and the rest of the [defendants] to the [said] bill (as this [defendant] hath been informed) the [complainants] replied and the [said] cause being at issue...¹⁸⁷

From this point of departure, the defendants successfully proved that,

...[Sir] Walter Kirkham Blount, the only surviving obligee in the said Bond, and trustee of the said five hundred yeare terme to have [payment] and satisfaccion of the said three thousand pounds and four thousand pounds with interest and costs whereto the [defendant] to such bill opposed...¹⁸⁸

Thus, the judge ruled that Katherine and her mother had, overall, received more money than the disputed £7,000 and that their case had no merit. As highlighted in the last proceedings,

...any other matter or thing in the [complainants] said bill of [complaint], contained material or effectual in the law for this [defendant], to make answer unto and not herein and hereby well and sufficiently pleaded and answered, unto confessed or avoided, traversed or denied, is true to the knowledge of this defendant all which this defendant is ready to over maintain and prove as this honourable court shall direct and humbly prays to be here dismissed with her reasonable costs and charges in this [court]...¹⁸⁹

¹⁸⁷ Chichester vs. Lady Sussex, (1719), C11/1410/7.

¹⁸⁸ Chichester vs. Lady Sussex, (1719), C11/1410/7.

¹⁸⁹ Chichester vs. Lady Sussex, (1719), C11/1410/7.

Moreover, while this trial had insufficient evidence to force payment from the estate, the breadth of this trial highlights aspects of paternity and parentage, otherwise unexplored between Lady Anne and Roger Palmer.

3.2.2 Honour and Fatherhood

When determining hereditary claims in early modern England, an heir to an estate is, typically, the child of, or the closest male relative to, the deceased. Women, generally, assisted in the disposal and distribution of moveable goods, rather than monetary or land holdings.¹⁹⁰ Evidence suggests, however, that in the absence of an appropriate male heir, women could inherit monetary and land holdings of their families.¹⁹¹ Nevertheless, while women appear legally restricted in their ability to engage business, a large portion of women circumvented these strictures.¹⁹²

When examining *Chichester vs. Lady Sussex*, it is important to note that the closest male relative, James Palmer, predeceased Roger.¹⁹³ While this highlights that there was not an appropriate relation in the immediate family to whom Roger could bequeath his estate, there would likely have been several alternatives within the family's kin circle.¹⁹⁴ That Roger did not select one of his legitimate nieces or nephews to inherit his estate emphasizes

¹⁹⁰ Weisner-Hanks, *Women and Gender in Early Modern Europe*, 131.

¹⁹¹ Weisner-Hanks, *Women and Gender in Early Modern Europe*, 131.

¹⁹² Weisner-Hanks, *Women and Gender in Early Modern Europe*, 132.

¹⁹³ "The twenty fourth and twenty fifth days of august one thousand six hundred seventy five and to be made on the marriage of James Palmer the [said] Earl of Castlemaine's late brother with the [said defendant] Katherine Palmer the [complainant]." *Chichester vs. Lady Sussex*, (1719), C11/1410/7. For a full transcription of this trial, please refer to *Chichester vs. Lady Sussex* appendix B.

¹⁹⁴ For instance, Katherine Chichester, nee Palmer, was the legitimate niece of Roger Palmer and it has been suggested that she was co-heir to the estate at one time.

the potential relationship between Roger and Lady Anne that remains overshadowed by the illegitimate child and sexually transgressive narratives.

The decision of Roger to name Lady Anne as his universal heir, and not Lady Anne in combination with Katherine Chichester, who was originally a co-heir to the estate, is indicative of a discourse that few have considered: connecting directly to notions of childlessness in early modern England. Childlessness, in the early modern context, had negative effects for both men and women. While the concern of barrenness is generally associated with women, evidence now suggests that these anxieties were not gender specific.¹⁹⁵ Conception, in actuality, was directly associated with male virility.¹⁹⁶ Popular literature, specifically, indicates that if a man had no children, his reputation would suffer.¹⁹⁷ This ridicule, over childlessness, connects to notions of sexual potency, as the literature highlights that women typically blamed men for their inability to conceive.¹⁹⁸ Consequently, until proven otherwise, the initial responsibility for barrenness was a husband's impotence. Further, because society associated masculinity with the control of the body, when men publically faced impotence, through their inability to produce a child, their peers questioned the masculinity, and, thus, honour of the impotent individual.¹⁹⁹ As outlined in Helen Berry and Elizabeth Foyster's article on childlessness:

without children, a married man's honour, reputation and credit were open to question. An impotent man was portrayed in medical texts as one who did not have the social skills to earn him the respect of others. Men with bodies that lacked potent heat were thought weak and ineffectual outside the bedroom as well as within it. Without the ability to control their sexual bodies, their management of undesirable

¹⁹⁵ Helen Berry and Elizabeth Foyster, "Childless men in early modern England," in *The Family in Early Modern England*, ed. Helen Berry and Elizabeth Foyster, (Cambridge: Cambridge University Press, 2007), 159.

¹⁹⁶ Berry and Foyster, "Childless men in early modern England," 169-172.

¹⁹⁷ Berry and Foyster, "Childless men in early modern England," 165.

¹⁹⁸ Berry and Foyster, "Childless men in early modern England," 167.

¹⁹⁹ Berry and Foyster, "Childless men in early modern England," 173.

emotions was also at risk... With no children to prove their potency, it could even be suggested that childless men would make inept politicians....The stereotypical idea, expressed in [*The New Athenian Comedy* (1693)] as in so many other popular literary forms, was that unless a man could make his wife pregnant she would cuckold him with another man...²⁰⁰

Children, moreover, were an important indicator of male power and virility in both the private and public spheres. Children as a demonstration of virility and power, thus, provide an avenue to explore Roger Palmer and Charles II's motivation in declaring Lady Anne as their child.

Roger Palmer recognized the infant in an attempt to repair his tarnished reputation. As explained in the Villiers family history section of this thesis, Barbara Palmer's affair with Charles II greatly affected Roger Palmer's honour. By recognizing Barbara's child as his own, Roger could prove his potency. If, however, Charles II proved to be the child's father, Roger's honour would be further depleted, as his cuckoldry was two-fold: Roger's inability to control his wife sexuality resulted in a publically acknowledged affair with the King of England, and his inability to father his wife's first child confirmed his impotency. Thus, Roger's continued desire to highlight his connection to the child, even following his death, indicates a concerted effort to renegotiate his virility and masculine honour following his cuckoldry.

Charles II, similarly, could utilize the birth of the infant Lady Anne, via his mistress Barbara Palmer, as a demonstration of his masculinity following his restoration to the English throne.²⁰¹ Through Lady Anne, Charles II provided evidence of his ability to

²⁰⁰ Berry and Foyster, "Childless men in early modern England," 178-9.

²⁰¹ While an argument could be made to suggest that Charles acknowledged Lady Anne to demonstrate his affinity towards her mother, there is insufficient evidence concerning Charles' acknowledgement patterns of his illegitimate children to make any conclusive statements. Despite suggestions that female illegitimate children would, overall, cost less for a man to acknowledge, and, thus, he may do so in order to prove connectedness to the

produce children, a concern which plagued England's elite since the reign of King Henry VIII.²⁰² This demonstration would prove beneficial, as when the union between Charles II and Catherine of Braganza proved fruitless, Charles' plethora of illegitimate children allowed his honour to remain unchallenged. Further, because popular literature connected potency and politics, Lady Anne's conception, which reportedly occurred on the night of the restoration, provided propaganda for the newly restored king. Moreover, in the face of the restoration, Charles could utilize the fathering of this child as a means to bolster his male virility, and political prowess.

The complex ideas associated with male potency, allowed Barbara to strategically validate the paternity claim of her ideal partner; Barbara's agency in this situation, however, is not normative. When discussing illegitimacy concerns, the women involved were, typically, single and residing within the lower echelons of society.²⁰³ Financial obligation for the child, consequently, became a great concern for communities, as when an expectant mother was not forthcoming with the father's identity, the community took on the financial

mother, Charles was equally likely to recognize illegitimate male children, which indicates that he acknowledged based on perceived paternity. As well, one source suggests that Charles never formally acknowledged Anne; however, despite a lack of formal recognition, Charles believed Anne to be his child, as "Charles...lost no time in making a free demonstration that he thought [Anne] his daughter," (Gilmour, *The Great Lady*, 53). Due to a lack of evidentiary support within this source, however, it remains unclear as to whether there ever was a public acknowledgement for any of Charles' natural children. Since there is little evidence on Charles' acknowledgement patterns, a "free demonstration" could be the extent of a formal acknowledgement in his court, especially considering that Thomas Barrett-Lennard asserted that Charles did in fact acknowledge Anne as his daughter (Barrett-Lennard, 309).

²⁰² Berry and Foyster, "Childless men in early modern England," 166-167.

²⁰³ Laura Gowing, "Ordering the Body: Illegitimacy and Female Authority in England in Seventeenth Century England," in *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland*, edited by Michael J. Braddick and John Walter, (Cambridge: Cambridge University Press, 2001), 48-49.

burden of the child.²⁰⁴ Thus, unwed pregnant women received significant pressure from female authority figures, whether wed mothers or midwives, to disclose the identity of the child's father.²⁰⁵ These authority figures questioned the mother throughout her pregnancy, going as far as refusing assistance in the birthing room until the mother disclosed the father's identity.²⁰⁶

Nevertheless, as an elite, married woman, Barbara does not fit within the normative tropes of illegitimacy in early modern England. The financial concerns, which dictated the behaviour of a community towards an unwed expectant mother, did not apply to Barbara Palmer as her pre-existing marriage provided financial security for child. Further, as the mistress to Charles II and an elite woman, in her own right, Barbara could avoid the social pressures exerted by powerful women within the community, as her status as the elite mistress of Charles II protected her from the forthright scrutiny of her peers. Moreover, Barbara could remain silent on the matter of her child's paternity and instead allow the complex notions of honour and masculinity to determine which man would be most suited to father her child.

Barbara Palmer was an exception to the rule of illegitimacy. As a married aristocratic woman, Barbara held power over both other women, as married women ranked higher on the female hierarchy, and other people, as her position as an aristocrat made her unimpeachable by commoners. Further, evidence suggests that illegitimate pregnancies rarely involved two fathers claiming paternity. In most instances, the process to extract the father's identity was arduous and

²⁰⁴ Gowing, "Ordering the Body," 52.

²⁰⁵ Gowing, "Ordering the Body," 48-49, 52-53.

²⁰⁶ Gowing, "Ordering the Body," 53.

only divulged when a midwife threatened and questioned the labouring mother-to-be.²⁰⁷

Barbara's ability to select strategically the father of her child – as one can assert that, even if Roger Palmer was the biological father, Barbara would receive a greater return if Charles was confident enough in their sexual relationship to declare Anne his child – indicates a certain level of social manoeuvrability of elite women. Roger Palmer's continued connection with a child no one believed he sired further demonstrates Barbara's power and political manoeuvrability over the men she engaged with sexually.

²⁰⁷ Gowing, "Ordering the Body," 53.

4. *East Sussex Estate Bill: An Example of Dowry Construction for Illegitimate Children*

Despite the ambiguous paternity of her children and a resultant separation from her husband, Barbara Palmer, now formally styled the Duchess of Castlemaine, remained a prominent figure at court. Charles II continued to provide for his mistress and illegitimate children through the contraction of marriages for his daughters and land tenements and titles for his sons. The marriage contracts, negotiated for Lady Anne and Lady Charlotte are the focus of this section. Charles and Barbara hand selected for their daughters two minor aristocratic men; Lady Anne's younger sister, Charlotte Fitzroy, married Edward Lee, while Lady Anne married the Gentleman to the Bedchamber, the fifteenth Lord Dacre, Thomas Lennard.

4.1 Thomas Lennard and His Family

The Fiennes family, subsequently named Lennard, had a tumultuous experience moving up the ranks of the English peerage. The family appears in England immediately following the 1066 Norman invasion;²⁰⁸ however, records indicate that they entered the English peerage circa 1325, when a royal summons referred to them as Baron Dacre.²⁰⁹ This title falls within the lower ranks of the English peerage, while the titles of viscount, earl, marquis, and duke subsequently follow. The family legacy, which Fiennes and Lennard men and women had manufactured over several hundred years, ends abruptly with Thomas Lennard, the husband of Lady Anne. The events discussed in this thesis directly contribute to this abrupt halt, and, as such, it is important to contextualize the state of the

²⁰⁸ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 154.

²⁰⁹ Rev. Edmund Venables, *The Castle of Herstmonceux and its Lords*, (London: J.R. Smith, 1851), 32.

Lennard family when they agree to the marriage contract between Lady Anne and Thomas Lennard, subsequently styled the Earl of Sussex.

During the fifteenth century, the Fiennes family experienced both stability and growth. Percussed by a release from feudal services, under King Henry V and VI, the Fiennes maintained an important position within the lower peerage, while simultaneously being able to avoid mandatory monetary, military, and legal obligations to the crown.²¹⁰ Roger Fiennes, however, continued to swear an oath of fealty to the King, indicating a continued, if not increasing, prominence within the English court.²¹¹ The English crown additionally gave the Fiennes permission to fortify the manner house and expand the deer park. The castle, otherwise known as Herstmonceux, was the first complete brick castle to be built in England, and acted as the Southern seat²¹² of the Baron Dacres until its sale in 1708.²¹³

The sixteenth century, however, marked the beginning of a hundred-year decline in the family's prosperity. Initially, the current Lord Dacre, Thomas Fiennes, held an important position in court, as demonstrated by the King summons to witness several important events. The first of which was the contract "between the Archduke Charles and the Lady Mary, daughter to King Henry VIII."²¹⁴ Followed in 1522 by the "[appointment] to give

²¹⁰ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 170.

²¹¹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 170.

²¹² In the fifteenth century, two families held the title of Baron Dacre. One such family resided in the south, and the other, cousins of the southern Baron Dacres, lived in the North. These families eventually amalgamated, and the seat of Baron Dacre was moved permanently to Herstmonceux Castle (Venables, *The Castle of Herstmonceux and its Lords*, 33).

²¹³ Venables, *The Castle of Herstmonceux and its Lords*, 48.

²¹⁴ Venables, *The Castle of Herstmonceux and its Lords*, 33.

attendance to the King at Canterbury on the coming of the Emperor Charles V,” and commenced with his service overseas “under the leadership of the Duke of Suffolk”.²¹⁵

While the beginning of the sixteenth century showed promise for the Fiennes, 1525 marked a slow decline for the family as they became involved with increasingly concerning criminal activity. The first of these charges, dated 1525, purports that the Lord Dacre was charged with the harbouring of “suspected felons.”²¹⁶ These charges remained thus, as Lord Dacre received pardon from the King and was able to reintegrate successfully into the royal court.²¹⁷ Thomas’ grandson, also named Thomas and heir to the estate, however, was not nearly as lucky.

Thomas Fiennes’ inauguration into the role of Baron Dacre was rife with complications. Due to his status as ward upon the death of his grandfather, Thomas had to file several suits to seize access from Lord Lawarr, the executor to the estate of his grandfather.²¹⁸ Lawarr argued that the will outlined that Thomas would gain access to ancestral lands and collect their subsequent profits; however, Lawarr would collect the rents.²¹⁹ Nevertheless, the courts ruled in favour of Thomas Fiennes, as consequent trial records indicate that the Lennard family collected rents from the ancestral land holdings.²²⁰

²¹⁵ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 189.

²¹⁶ Venables, *The Castle of Herstmonceux and its Lords*, 33.

²¹⁷ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 189.

²¹⁸ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 194.

²¹⁹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 194.

²²⁰ This is based on the *E. Sussex Estate Bill*, which is the focus of this discussion. The suit outlines that Thomas Lennard consistently collected rents off the historical estates of the family. This indicates that even if the family lost the rights to collect rents for a time, these rights were restored to the family by the time that Thomas Lennard sought permission to liquidate his family’s ancestral land holdings.

When Thomas finally gained access to the familial lands he was ill prepared.²²¹ As a consequence of his orphaning at a young age, and his association with people of poor character, Thomas never acquired the skills necessary to manage effectively such a vast estate.²²² Despite these shortcomings, Thomas remained a prominent figure at the court of Henry VIII. Lord Dacre was present at the trial of Anne Boleyn and Lord Rocheford, as well as at the treason trials for Lord Darcy, Lord Montagu, and the Marquis of Exeter.²²³ His last appearance of significance in the royal court was his presence at the arrival of Anne of Cleves in 1540; shortly thereafter, however, the crown charged Thomas with murder.²²⁴ The story goes that Lord Dacre, in company with the husband of his sister and a few other noblemen, decided to hunt deer illegally in a neighbour's park.²²⁵ During the hunt, the keepers approached the poachers, and a fight ensued that resulted in the demise of one of the keepers.²²⁶ Eventually, the courts found Thomas guilty of murder, and subsequently sentenced him to death.²²⁷ The sentence resulted in the stripping of the title of Baron Dacre; however, the seat of the Baron Dacres, Herstmonceux castle, remained in the possession of the family.²²⁸

The decision of the crown to allow the remaining Fiennes family members to retain Herstmonceux remains shrouded in conflicting reports. The first source suggests that provisions in the late Thomas Fiennes' will allowed the estate to remain in the family.²²⁹

²²¹ Venables, *The Castle of Herstmonceux and its Lords*, 35.

²²² Venables, *The Castle of Herstmonceux and its Lords*, 35.

²²³ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 194-195.

²²⁴ Venables, *The Castle of Herstmonceux and its Lords*, 35-36.

²²⁵ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 196-197.

²²⁶ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 197.

²²⁷ Venables, *The Castle of Herstmonceux and its Lords*, 36-37.

²²⁸ Venables, *The Castle of Herstmonceux and its Lords*, 38.

²²⁹ Venables, *The Castle of Herstmonceux and its Lords*, 38.

The second source, however, asserts that the family lived in destitution following the execution of Thomas Fiennes, and that Herstmonceux remained in the family's possession out of the benevolence of Parliament, who sought to provide an income for Thomas' widow and children.²³⁰ Determining which source is true is inconsequential to this thesis. What is important, is that the royal court maintained a connection to the widow and children of Thomas Fiennes, and, thus, in 1558 an Act of Parliament restored the title Baron Dacre to Thomas' son, Gregory Fiennes.²³¹ Gregory held this title until his death in 1593; however, his lack of male heir forced the title to pass to his daughter, Margaret Lennard.²³²

Over the successive generations, the Lord Dacres slowly regained their position within the royal courts of England. This rise became especially prominent during the life of Francis Lennard, father of Thomas Lennard. Francis Lennard served in the court of Charles I during the dissension of the monarchy and parliament. Aligning with the parliamentary cause, Francis consistently supported petitions and committees with the objective of limiting the power of Charles I.²³³ For instance, Francis supported the movement to suspend the Lords-Lieutenant, traditionally nominated by the King, in order to supplant him with a person aligned more closely with parliament.²³⁴ This culminated in Francis and twenty-one other peers refusing a summons to Oxford, choosing, instead, to remain in Westminster.²³⁵

In the years leading to 1649 – the year parliament executed Charles I – Francis' alignment with parliament began to wane. In the preceding years, Francis began excusing

²³⁰ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 205-206.

²³¹ Venables, *The Castle of Herstmonceux and its Lords*, 38.

²³² Venables, *The Castle of Herstmonceux and its Lords*, 38-39.

²³³ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 280.

²³⁴ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 280.

²³⁵ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 280.

himself from political business with increasing frequency. Citing poor health, Francis was absent during the vote to determine whether Charles I would be executed.²³⁶ Despite this absence, Francis ardently opposed the decision to execute.²³⁷ Thus, between the years 1649 and 1660, Francis Lennard retired from political business, and instead chose to remain in the south, where he busied himself with local politics and hobbies.²³⁸ Francis' position over the climatic events of 1649 proved wise, as when England restored Charles II in 1660, Francis Lennard was one of the few parliamentary sympathizers who received pardon under the great seal.²³⁹ The role of the Fiennes/Lennard family in the royal courts of England reached their climatic height in 1674 when Charles II contracted Thomas Lennard to marry his natural daughter.

On a morning in August of 1674, Thomas received a summons to the chambers of the King.²⁴⁰ The King wished to contract Thomas to his eldest daughter, Lady Anne. Thomas knew of Anne, she was one of great beauty, and the marriage contract was attractive; Thomas would receive an added £2,000 to his robust £3,000 per annum income, and he would also become connected to the King through marriage, an alliance that would likely result in great benefit to his family name.²⁴¹ Thus, a mixture of honour, financial stability, and lust motivated Thomas to accept the proposed marriage contract to Lady Anne Palmer. Thomas Barrett-Lennard, author of *An Account of the Families of Lennard and Barrett*, argued, however, that Anne's beauty blinded Thomas and that, if he had had adequate

²³⁶ Venables, *The Castle of Herstmonceux and its Lords*, 41.

²³⁷ Venables, *The Castle of Herstmonceux and its Lords*, 41.

²³⁸ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 292.

²³⁹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 293.

²⁴⁰ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 310.

²⁴¹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 308.

counsel, he would have refused the contract.²⁴² Since this is speculation, and since such counsel did not exist, Thomas proceeded to marry the natural daughter of Charles II.

4.2 Marriage and Dowry in Early Modern England

Marriage was an important social convention in early modern England. The Book of Common Prayer understood marriage as providing a legitimate avenue “for the procreation of children...for a remedy against sin and to avoid fornication...[and] for the mutual society, help and comfort of the partners.”²⁴³ Thus, marriage was a social and emotional institution that attempted to regulate sexuality and reproduction, while simultaneously intending to provide emotional support for one’s partner. For both men and women, the induction into the institution of marriage acted as a transformative process that ushered them into adulthood. Nevertheless, for women, in particular, marriage was both restrictive and empowering. By entering into the institution of marriage, women gained power over other women through their perceived knowledge of a woman’s body.²⁴⁴ For many women, however, marriage restricted their social agency, as marriage symbolized the transfer of a woman from the custody of her father, to the custody of her husband.²⁴⁵ This notion of a woman as property is reflective of larger marital customs, specifically dowry.

Dowry played a significant role in the negotiation of marriage. In the early modern context, marital contracts typically involved some form of economic exchange. In Western Europe, the bride’s family provided the economic capital for exchange, with the bride

²⁴² Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 308.

²⁴³ Anne Laurence, *Women in England 1500-1760: A Social History*, (Frome; London: Pheonix, 1994), 41.

²⁴⁴ Gowing, “Ordering the Body,” 48.

²⁴⁵ Sara Mendelson and Patricia Crawford, *Women in Early Modern England, 1550-1720*, (Oxford: Clarendon Press, 1998), 129.

legally retaining control and her husband acting as financial manager. This allowed familial access to the estate of the wife, so that all members of the new family unit could benefit from the matriarchal wealth.²⁴⁶ Nevertheless, if a woman believed her husband to be mismanaging her dowry, or the family resources, she could regain the rights to manage her own dowry through court, as she legally maintained possession of the dowry.²⁴⁷ This practice, however, is unique to continental Europe. Common Law, the legal system unique to England, outlined different provisions for the transfer of wealth upon marriage. While a dowry was requisite for marriage, the possession of the dowry transferred directly to the husband.²⁴⁸ Consequently, if a wife believed her husband was mismanaging her dowry, she had no legal rights to regain managerial control.²⁴⁹ In conjunction with losing managerial control of their dowries, women in England also typically took residence with their husband's family following the contraction of marriage.²⁵⁰ This placed additional stress on the young woman who sought to impress both her husband and his family.²⁵¹ Thus, marriage for early modern English women was likely not as emotionally comforting for all women as the Book of Common Prayer insinuated. The provisions for English women created the possibility of isolation and further restrictions on an already restricted social manoeuvrability.

4.2.1 Dowry Construction for Noble Women

²⁴⁶ Weisner-Hanks, *Women and Gender in Early Modern Europe*, 45.

²⁴⁷ Weisner-Hanks, *Women and Gender in Early Modern Europe*, 45.

²⁴⁸ Siwan Anderson, "The Economics of Dowry and Brideprice," in *The Journal of Economic Perspectives*. 21:4(2007), 162-163.

²⁴⁹ Anderson, "The Economics of Dowry and Brideprice," 162-163.

²⁵⁰ Mendelson and Crawford, *Women in Early Modern England*, 130.

²⁵¹ Mendelson and Crawford, *Women in Early Modern England*, 130.

Marriage, however, differed based on class. For noblewomen, marriage did not necessarily reflect the same transformative social process; rather, family members negotiated their marriage contracts under a variety of political, economic, and social factors. The most notable difference between noble and peasant marriages was that the nobility contracted marriage between their children at relatively young ages.²⁵² This was especially true for women who would inherit large fortunes. Since men received control of their wives' dowry upon marriage, many powerful British families built their fortunes through strategic marriages to young heiresses.²⁵³ The role of the heiress, moreover, held an important role in the overall establishment and perpetuation of the medieval and, subsequently, early modern, elite.

4.3 Dowry and Lady Anne

Lady Anne's social position makes her dowry construction particularly interesting. While considered a noblewoman, her position as an illegitimate child affected her ability to secure an ideal marriage. The *East Sussex Estate Bill* provides a means to explore both dowry construction for illegitimate children, and the financial aftermath of not securing the promised sum. In particular, this chapter will explore the relative importance of the marriage between Lady Anne and Thomas Lennard at court, and the provisions made by her father and mother to secure her future. This chapter will demonstrate that the royal court regarded Lady Anne's marriage with importance and that the change to the provisions of her dowry reflect a desire to secure her financial future and create a façade of social agency at court.

²⁵² Jennifer C. Ward, *English Noblewomen in the Later Middle Ages*, (London; New York: Longman Publishing, 1992), 12.

²⁵³ Ward, *English Noblewomen*, 17.

Lady Anne Palmer married Thomas Lennard in an elaborate ceremony at Hampton Court Palace. Sources describe this marriage as a joyous occasion that witnessed the marriage of not only Lady Anne, but also her younger sister, Lady Charlotte.²⁵⁴ Thomas Barrett-Lennard's recounting of the marriage contract indicates that these weddings were elaborate, as they incorporated the entire royal court. As Barrett-Lennard recounts,

[at] about 9 in the morning, the Lord Dacre was conducted to the Dutchess of Cleveland's lodgings from his own by Mr. Onslow (tutor to the Dutchess's children) Sir John Baker and some other gentleman attending him, where the bride was ready dress'd to receive him. The King came from Windsor, a little after 12 o'clock, and, having stayed a while, he led the bride out by the hand; and after them, came the bridegroom, then the Duke of York, leading the Dutchess of Cleveland, then Prince Rupert, then the ladies of kindred to the bride and bridegroom.²⁵⁵

This is the only known description of the wedding between Lady Anne and Thomas Lennard; nevertheless, this description, presented in *An Account of the Families of Lennard and Barrett* highlights that the wedding ceremony retained its importance to the family members involved. Despite this semblance of prominence, however, it is important to note that no comparable records exist to establish whether the Fitzroy daughters held a peculiar position within Charles' court.

Research conducted on illegitimate children is inconsistent. Several sources suggest that illegitimate children in England rarely captivated attention if the men and women involved could adequately afford the child's upkeep.²⁵⁶ Illegitimacy became a problem,

²⁵⁴ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 309-310.

²⁵⁵ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 310.

²⁵⁶ Alan Macfarlane, "Illegitimacy and Illegitimates in English History," in *Bastardy and its Comparative History: Studies in the history of illegitimacy and marital nonconformism in Britain, France, Germany, Sweden, North America, Jamaica, and Japan*, ed. Peter Laslett, Karla Oosterveen and Richard M. Smith, (London: Edward Arnold (Publishers) Ltd., 1980), 75.

therefore, in instances where the parents sought secondary assistance from charitable institutions, such as the Church.²⁵⁷ These studies, however, focus primarily on the lower echelons of British society, where economic capital was sparse; hence, the importance placed on financial upkeep. Since Charles II, theoretically, had the resources to maintain his children, society likely took no notice of them; but studies addressing illegitimacy at court do not adequately explore the role of female illegitimate children.²⁵⁸ While this is reflective of available source material and the relative importance placed on sons, it, regardless, remains difficult to ascertain cultural norms for illegitimate daughters of the aristocracy. Moreover, while the source suggests that the court regarded the wedding of Lady Anne and Thomas Lennard as a celebration, the construction and, more importantly, reconstruction, of Lady Anne and Lady Charlotte's dowries presents a more convincing argument to the treatment of marriage for illegitimate daughters.

Following England's defeat of the Netherlands Charles had the necessary capital available to change the overall parameters of the dowry. As outlined above, the initial dowry amount was a £2,000 annuity, which was a substantial amount considering that Charles intended the dowries for his natural daughters, rather than legitimate heirs. Now having access to the necessary capital, Charles decided to change the dowry from a £2,000 annuity, to a £20,000 lump sum.²⁵⁹ This decision was exceptionally significant for the

²⁵⁷ Macfarlane, "Illegitimacy and Illegitimates in English History", 75.

²⁵⁸ This is based on the contents of *The Royal Bastards of Medieval England*, which examines case studies of famous illegitimate royal children. Of the eleven case studies included in this monograph, only one examines a female child. This brief reference to female illegitimate children, moreover, highlights that their presence in the overall historical literature is obscure. [Chris Given-Wilson, and Alice Curteis, *The Royal Bastards of Medieval England*, (London; Boston; Melbourne; Henley: Routledge & Kegan Paul, 1984).]

²⁵⁹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 311.

Lennard family, as the poor management skills of Thomas' relatives had left him with significant debt.

Thomas Lennard inherited the money management skills of his male predecessors. Francis Lennard, Thomas' father, exacerbated much of this financial trouble, as reports estimate that he consistently spent twice his annual income.²⁶⁰ As confirmed through papers filed upon his death, Francis Lennard was approximately £18,000 in debt, which Thomas Lennard subsequently inherited.²⁶¹ Despite a generous income provided through land tenements, which included holdings in Herstmonceux and Chevening, and an annuity, Thomas had great difficulty living within his means.²⁶² Thus, the promise of £20,000 would likely have seemed very enticing to the financially unstable Baron Dacre.

4.3.1 Overview of the East Sussex Estate Bill

The *East Sussex Estate Bill* outlines the extent of these financial concerns circa 1693. Following the realization that Thomas would never receive payment of the £20,000 dowry, he moved to begin the liquidation of his familial estate, in order to remedy his climbing debt. This process, however, would prove difficult, as Thomas remained unsure of whether he was able to liquidate assets. As outlined in the bill,

...the said sume of twenty thousand pounds or any thereof hath not been paid nor is likely ever to be paid to [Thomas Lennard] nevertheless some doubt is made whether the said Earle can dispose of or charge the premisses or any of them without being subject to the said Agreement where by the said Earle is disabled to raise money for the discharge of his debts amounting to about the sume of twenty thousand pounds partly contracted by his late father Francis Lord Dacre deceased and partly occasioned by the great expence he has been put unto by means of his intermarriage with the said Lady Anne...²⁶³

²⁶⁰ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 290.

²⁶¹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 294.

²⁶² Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 279.

²⁶³ E. Sussex's Estate Bill (26 January 1693) HL/PO/JO/454/675.

This determination, that he would not receive payment of the £20,000 also stemmed, at least in part, from Lady Anne's permanent separation from Thomas Lennard, nearly five years previous to this filing. Even though Charles contractually guaranteed this payment at the time of her marriage, it is unlikely that the new king would pay out this amount, given that Lady Anne was both an illegitimate child and estranged from her husband. This, moreover, demonstrates that economic security for illegitimate children lasted only as long as the economically wealthy partner remained alive.²⁶⁴ Thus, having realized that the payment of £20,000 would never enter his possession, Thomas Lennard petitioned the court to sell his family's ancestral land holdings; specifically, he requested permission to discharge all assets in the county of Sussex. As outlined in the bill, he sought to liquidate,

...the manors or lordships of Herstmonceux Old court, Gothams, Buckholt and Ingrams in the said county of Sussex and all other the manors messuages lands tenements rectorys advonsons and hereditaments of him the said Earle whereof he or any other person or persons in trust for him are seized of any estate of inheritance in the said county of Sussex...²⁶⁵

4.3.2 *Financial Stability and Protection*

There are three theories that can explain the restructuring of Lady Anne's dowry. Since no comparative sources exist to assist in the interpretation of this restructuring, it is important to explore the relevant political, economic, and social factors that contributed to

²⁶⁴ As previously discussed, this assessment is based on Elizabeth Abbot's discussion of Nell Gwynne's demise following the death of Charles II. In particular, the book highlights how Nell's economic provisions did not have the same legal stability as Charles' other mistresses, and, consequently, terminated upon his death. By focusing exclusively on this particular case study, however, Abbott highlights the exception of Charles' mistresses rather than the rule. This consequently detracts from the pseudo-family structures that Charles built with his other mistresses, most notably Barbara Palmer. (Abbott, *Mistresses*, 77.)

²⁶⁵ E. Sussex's Estate Bill (26 January 1693) HL/PO/JO/454/675.

the decision. Moreover, the following paragraphs will explore such ideas, and argue their validity and influence over the decision to change the construction of the dowry.

Charles changed the parameters of the dowry with the intention of financially protecting Lady Anne and Lady Charlotte following his inevitable demise. Outlined in *East Sussex Estate Bill*, dated 26 January 1693, the purpose of this bill was to gain permission from Parliament to liquidate assets in Sussex and Kent following the failure of the crown to pay Lady Anne's dowry of £20,000. Based on the evidence outlined in this bill, the annuity payment would have ceased following Charles' death. This is evident from Thomas Lennard's pessimism towards receiving the dowry payment following Charles' death. As stated in the bill:

...Thomas, Earle of Sussex, in his minority agreed by writing, under his hand and seale, in confideracon of the sume of twenty thousand pounds, promised by the late King Charles the Second over England [ect.], to be paid unto him, as an for the porcon of the Lady Anne his wife, to settle his mannors lands and tenements in the countys of Sussex and Kent ...And Whereas the said sume of twenty thousand pounds or any thereof hath not been paid nor is likely ever to be paid to him...²⁶⁶

Thus, by changing the dowry payment from an annuity to a lump sum, Charles, theoretically, would avoid the trepidation of his daughters attempting to receive payment following his death.

The similar restructuring of Lady Charlotte's dowry bolsters this claim.²⁶⁷ While it is reasonable to assert that the restructuring of Lady Anne's dowry occurred to assist in the repayment of Thomas Lennard's debt, the simultaneous restructuring of Lady Charlotte's dowry indicates that this was likely not the case. Moreover, this highlights that the change

²⁶⁶ E. Sussex's Estate Bill (26 January 1693) HL/PO/JO/454/675.

²⁶⁷ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 310-311.

in dowry parameters reflected a joint concern for the payment of both dowries rather than simply Lady Anne's financial situation. Thus, one can understand this restructure, at least in part, to represent Charles' desire to secure his natural daughters' financial future.

4.3.3 *An Inexpensive Alternative*

The decision to change the dowry, however, could simply reflect smart accounting practices, as the parameters of the original dowry contract are vague. Thomas Barrett-Lennard is the only author to acknowledge the original dowry, and states that the change occurred within six months of the contraction of marriage; however, he provides no additional details.²⁶⁸ Thus, it is difficult to ascertain when the annuity payments would expire. If the annuity payments would continue for the duration of marriage, Charles would easily have spent more than £20,000. Considering solely Lady Anne's marriage to Thomas Lennard, Charles would have paid nearly £60,000 to the couple. Further, because the money for these dowries came from Charles' secret service fund, the unpredictability of the marriages had the potential to bankrupt the crown if the annuity payments continued for the duration of marriage.²⁶⁹ Since these daughters were illegitimate, it is reasonable to assert that this would be an ill advisable decision, and would be better practice to pay a substantial, but single payment to the newly married couples. Thus, while a combination of financial security and good accounting influenced Charles' decision to change the dowry of his natural daughters, there is a third theory, or, more accurately, a persisting rumour, that potentially contributed to Charles' restructuring of Lady Anne's dowry.

4.3.4 *'The Most Detestable Act'*

²⁶⁸ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 311.

²⁶⁹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 311.

Anne was unhappy. At the age of fifteen, she was three years wed to her husband and had given birth to a child. Unprepared for the realities of adulthood, she sought solace elsewhere. Anne found her solace in Hortense Mancini, formally styled Duchess Mazarin, who had recently arrived at the court of her father, and she was enamoured. Hortense and Lady Anne began spending time together, so much in fact that her husband vocalized, adamantly, his distaste.²⁷⁰ Lady Anne, however, refused to desist and, consequently, Thomas made the decision to remove Lady Anne from court, in favour of the familial estate at Herstmonceux.²⁷¹ By removing her to the family estate, Thomas' hoped that Lady Anne would be able to rid herself of the influence of the Duchess Mazarin from the relative seclusion of his southern estate; he was, however, mistaken.²⁷²

Upon Lady Anne's removal to the isolation of Herstmonceux Castle, her mood fouled. Rumours reported that Lady Anne, distraught from her untimely separation from the Duchess Mazarin, kissed her portrait daily, and wished greatly to return to the intrigue of court life.²⁷³

Over the centuries, the story of Lady Anne and the Duchess Mazarin has remained a sensationalized tale of intrigue and heartbreak. Consequently, it is difficult to ascertain the truth within the fiction. The most persisting rumour is that Lady Anne and the Duchess Mazarin engaged in a sexual relationship. While no evidentiary support exists to validate this rumour, the decision of the Earl of Sussex to remove his wife to the isolation of his

²⁷⁰ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 314.

²⁷¹ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 314-315.

²⁷² Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 315.

²⁷³ Barrett-Lennard, *An Account of the Families of Lennard and Barrett*, 315.

familial residence indicates that their relationship made him uncomfortable; this discomfort, however, neither confirms nor dispels these rumours of genital contact. Nevertheless, Lady Anne and the Duchess Mazarin undoubtedly shared an intense emotional bond, which reflects the paradigms of a romantic friendship.

The romantic friendship involved an intense emotional-erotic bond to another woman that did not necessarily include genital contact.²⁷⁴ Evidence suggests that the notion of the romantic friendship was socially acceptable prior to marriage; however, society expected the female bond to diminish following a woman's entry into marriage.²⁷⁵ Moreover, these types of relationships were acceptable, so long as they did not challenge the entrenched patriarchal order of the early modern world.²⁷⁶ Thus, the overtness of Lady Anne's relationship with the Duchess Mazarin was problematic to her husband, as it challenged his sense of masculinity through the rejection of the values of marriage. Thus, while one cannot provide evidence to support nor invalidate whether these rumours, what this thesis can assert is that these women were peculiarly close, and drew attention – and disdain – from many at court. Regardless, if these rumours, of genital contact, were true, they could affect the overall construction of a woman's dowry.

The most effective way to describe how a romantic friendship would influence the construction of a woman's dowry is through Bourdieu's theory of symbolic capital.

According to this theory, all aspects of society contain a type of symbolic capital, which underpins the types of relationships that people forge. Thus, in societies that value notions

²⁷⁴ Vicinus, *Intimate Friends*, xviii-xix.

²⁷⁵ Vicinus, *Intimate Friends*, xviii.

²⁷⁶ Francesca Canadé Sautman and Pamela Sheingorn ed., *Same Sex Love and Desire Among Women in the Middle Ages*, (New York: Palgrave, 2001), 21.

of chastity and virginity, a woman's body will hold a specific value, which will depreciate upon engagement in sexual intercourse or behaviours unbefitting of a chaste woman.

Further, when behaviour depreciates symbolic capital, it, typically, requires real capital to offset the depreciation. While the upper classes can successfully manoeuvre within these situations, as they have the necessary real capital to offset the symbolic depreciations, this is not the case of those in the lower echelons of society. As a result, those who cannot afford to offset these depreciations either cannot marry, or marry beneath their station.

Nevertheless, in instances where a woman has the necessary capital to offset the depreciation, her male relatives typically bolster her dowry and contract a speedy marriage. Thus, a woman's family compensates, in monetary value, her new husband for the depreciation of her symbolic capital. When examining the marriage of Lady Anne and Thomas Lennard, moreover, the decision to change the parameters of the dowry could draw parallels to marriages contracted in instances where a woman has depreciated her symbolic capital. Despite these parallels, however, the sheer distance between the alleged acts and the contract of the marriage indicates that there is no correlation. Moreover, the overall decision to restructure the dowry stems from both a desire to secure financial assets for Charles' daughters and maintain the financial health of the crown.

The construction and reconstruction of Lady Anne and Lady Charlotte's dowries highlights normative social conventions for elite marriage. While their illegitimate status indicates the potential for a hasty wedding in order to secure their futures and remove the financial burden from their father, the evidence presented here implies that the opposite was true. The royal court celebrated the weddings of the children and the dowry provisions

highlight a concerted effort by Charles II to secure adequately their future, without jeopardizing the royal treasury.

The *East Sussex Estate Bill* provides an avenue to explore the importance of marriage, and the process of securing financial assets for the illegitimate children of Charles II and Barbara Palmer. By providing their daughters with aristocratic husbands, and substantial dowries, Charles and Barbara created a sense of agency for Lady Anne and Lady Charlotte at court. Through these economic provisions Lady Anne, in particular, developed a perceived ability to negotiate her landscape. Nevertheless, her agency was restricted. In instances where Lady Anne transgressed normative social boundaries, intervention took place. Comparatively, when Barbara Palmer gave birth to Lady Anne in 1661, Barbara held enough social agency that intervention was not necessary. Thus, when Lady Anne reportedly transgressed with the Duchess Mazarin, her husband was able to exert his power, and have her removed to the country. This document, moreover, demonstrates Charles II and Barbara Palmer's ability to manufacture agency for their daughters. Despite the continued sexual transgression of Barbara Palmer with the King of England, and the separation from her husband, Roger Palmer, Barbara's ability to manufacture agency for her illegitimate offspring demonstrates her continued agency at court. Thus, the long-term practice and performance of non-prescriptive sexual behaviours had no impact on Barbara Palmer's ability to negotiate her social boundaries within early modern England.

Following her time at Herstmonceux, after her friendship with the Duchess Mazarin, Lady Anne remained unsettled and refused to transition into country life. Despite her boredom and solitude, Lady Anne remained, unhappily, in Sussex for a year, even though

she craved adventure. She spent the year pursuing any excuse to remove herself from her responsibilities as a wife and mother. Thus, her behaviour, continued to infuriate her husband, who deemed her ridiculous, and, consequently, he decided to separate from his wife.²⁷⁷ Unimpressed with this separation, and his eldest daughter's behaviour, Charles decided to send Lady Anne to Paris, with the hope that her mother, now residing on the continent, would be able to tame her whims.²⁷⁸ Barbara reluctantly agreed to take her daughter as a charge, but stated that she would only remain in her care until the spring, and if her behaviour had yet improved, she would send her to a convent.²⁷⁹

In the historical narrative, it is unclear why Charles II sent his daughter to Paris, rather than to return her to his own court, where he and his creatures could monitor her behaviour. There were two reasons that might have drawn Lady Anne herself to Paris. First, in Paris, there was a thriving and tolerant homosexual culture fostered by Philippe I, Duke of Orleans and brother to the Sun King, Louis XIV. Like Lady Anne's friend Hortense Mancini, Philippe had a long public history of cross-dressing and same-sex relationships. Second, Paris was the former home of her estranged companion, the favourite niece of Cardinal Mazarin, Chief Minister to the French Crown. Doubtless Lady Anne's intimate friend Hortense Mancini, Duchess Mazarin, had shared tales of the wild French court and life in the capitol with Lady Anne.

But Hortense Mancini was not in France when the Lennard's separated. Despite her romantic friendship with Lady Anne, Hortense had remained in London, where she became official mistress to Lady Anne's father, Charles II. Given Hortense's involvement with the

²⁷⁷ Gilmour, *The Great Lady*, 319.

²⁷⁸ Gilmour, *The Great Lady*, 319.

²⁷⁹ Gilmour, *The Great Lady*, 319.

English king, it is understandable that he chose to move his daughter as far away from his court as possible. Even in the tolerant court of Charles II it would have been problematic to share a lover with his own flesh and blood.

When Lady Anne arrived in Paris, however, her life lacked supervision. The Duchess of Cleveland appears to have been concerned with her own affairs, as she continued to grow her circles of acquaintances, through the incorporation of Ralph Montague and Chevalier de Chastillon.²⁸⁰ The acquaintances quickly developed into relationships, with the Duchess taking both as her lovers. Of these two men, the most significant was Ralph Montague, the ambassador of Paris. The Duchess initiated this relationship with the intention to use the ambassador's negotiation skills to further her own agenda.²⁸¹ Nevertheless, these plans further complicated themselves when, reportedly, the ambassador fell madly in love with her.²⁸² This hindrance, however, would not impede the Duchesses motives, and, consequently, she proceeded to play into his desires. This plan, which coincided with Lady Anne's arrival in Paris, allowed Lady Anne to have close contact with the handsome ambassador. When spring arrived in Paris, the Duchess returned to England, as promised, to being negotiations for a reconciliation between Thomas Lennard and Lady Anne.²⁸³ While engaged in these negotiations, Lady Anne remained in Paris in the company of the ambassador.

²⁸⁰ Gilmour, *The Great Lady*, 319.

²⁸¹ Margaret Gilmour suggested that Barbara was engaged in espionage in Paris during this period. (Gilmour, *The Great Lady*, 319-320).

²⁸² Gilmour, *The Great Lady*, 320.

²⁸³ Gilmour, *The Great Lady*, 322.

It was during her mother's absence that Lady Anne, reportedly, began a sexual relationship with the ambassador.²⁸⁴ During their liaison, Lady Anne began to tell the ambassador of her mother's business in Paris, which included engaging with multiple men simultaneously. The Ambassador was furious. Despite his affair with Lady Anne, jealousy over the Duchess' affair with Chevalier de Chastillon drove him mad. With the assistance of Lady Anne, the Ambassador found a letter that confirmed his suspicions, and, upon receiving this news, he sent word to Charles II.²⁸⁵ Following the receipt of this letter, the Duchess status at court changed. Within the course of a day, the royal court began to regard the Duchess with harshness, and, to her further astonishment, Charles commanded her to return to France.²⁸⁶ When she returned, however, Lady Anne was nowhere to be found.

During her mother's absence, Lady Anne continued to exaggerate and tell tales of intrigue to the ambassador. Lady Anne convinced the ambassador that she would receive a severe, violent punishment upon her mother's return.²⁸⁷ Whether spite or concern motivated the ambassador, he determined the best course of action, to protect Lady Anne, was to place her in the security of a convent. Forging a letter in the King's hand, the ambassador secured lodging and an order of *Incommunicado*, in the Convent of Belle Chase.²⁸⁸ With this order firmly in place, the Duchess would not receive access to her daughter following her inevitable return to France. Despite an inaccessible daughter, the Duchess quickly realized the tale her daughter had weaved, and sent an immediate dispatch to Charles. This letter reads as follows:

²⁸⁴ Gilmour, *The Great Lady*, 324.

²⁸⁵ Gilmour, *The Great Lady*, 325.

²⁸⁶ Gilmour, *The Great Lady*, 325.

²⁸⁷ Gilmour, *The Great Lady*, 325.

²⁸⁸ Gilmour, *The Great Lady*, 325.

I was never so surprized in my holle life-time, as I was at my coming hither, to find my Lady Sussex gone from my house and monestrey where I left her, and this letter from her, which I here send you a copy of. I never in my holle life-time heard of suche government of herself as she has had, since I went into England. She had never been in the monestary two daies together²⁸⁹, but every day gone out with the ambassador; and has often layen four daies together at my house, sent for her meat to the Ambassador, he being allwaies with her till five a'clock in [the] morning, they two shut up together alone, and [would] not let my miastre d'hostel wait, nor any of my servants, only the Ambassadors. This has made so great a noise at Paris, that she is now the holle discours. I am so much afflicted that I can hardly write this for crying, to see that a child that I doated on as I did on her, [should] make so ill a return, [and] join with the worst of men to ruin me.²⁹⁰

Following receipt of the Duchess' letter, Charles welcomed her back to court. With this new information before him, Charles expelled the ambassador from court, an overall shocking and unexpected change from their initial correspondence.²⁹¹ The ambassador attempted, with haste, to return to court, in order to remedy the situation; however, when he arrived in court he learned that Charles no longer wished to discuss the matter, and refused his request for an audience.

With the matter of Lady Anne's behaviour firmly closed, she returned to the court of her father. Lady Anne expected Charles to chastise her behaviour, but, instead, he welcomed her warmly to court, and lodged her in her mother's old rooms.²⁹² She remained at court until Charles facilitated a quiet reconciliation with her husband, and she willingly returned

²⁸⁹ This letter demonstrates that the Duchess placed Lady Anne in a convent with the intention of her remaining there until she returned from England. Despite the inclusion of this letter within numerous secondary monographs, Lady Anne's initial stay within a convent remains overlooked. Thus, Lady Anne's original stay within this institution affirms the persisting rumour that the ambassador abducted Lady Anne from a convent. While this is the extent of the evidence pertaining to the rumour of abduction, it is important to acknowledge where this rumour stems, and the factual conflicts within the surviving secondary literature.

²⁹⁰ Gilmour, *The Great Lady*, 326.

²⁹¹ Gilmour, *The Great Lady*, 329.

²⁹² Gilmour, *The Great Lady*, 346.

to his home.²⁹³ The reconciliation resulted in the Countess, as she was formally styled following her marriage to Thomas Lennard, giving birth to three more children. Of the four children born to the Earl and Countess, only their two daughters, Barbara and Anne, survived into adulthood. Nevertheless, despite the semblance of reconciliation, the Earl and Countess remained unhappily married; consequently, Lady Anne permanently separated from Thomas Lennard in 1688, following the death of Charles II.

²⁹³ Gilmour, *The Great Lady*, 346.

5. *Feilding vs. Earl of Sussex: An Example of Bigamy and the Nobility*

During the time in which Lady Anne defended the estate of Roger Palmer, Robert Feilding served Thomas Lennard with an injunction to stop suit against him and his wife, Lady Anne's mother, now known as, Barbara Feilding.²⁹⁴ The marriage between Barbara and Feilding, which took place only four months and four days after Roger Palmer's death, spawned rumours of the Duchess' insensitivity.²⁹⁵ This happiness with Robert Feilding, however, was short lived, as shortly thereafter the Duchess discovered that Robert was a bigamist.²⁹⁶ The suit, while filed under the names of the men involved with the Palmer women, outlines a suit between Lady Anne and her mother over a sum of money intended for Lady Anne's daughter, Barbara Lennard, and permission for Lady Anne to collect rents from her mother's properties.²⁹⁷ This trial, thus, highlights the social manoeuvrability of Barbara Palmer. Through an examination of bigamy in England, and the social consequences of such engagements, this section will demonstrate that, despite the innumerable transgressions on the part of Barbara Palmer, she was able to maintain considerable political power and social manoeuvrability.

5.1 Bigamy in Early Modern England

²⁹⁴ Gilmour, *The Great Lady*, 377.

²⁹⁵ Gilmour, *The Great Lady*, 377.

²⁹⁶ Gilmour, *The Great Lady*, 377.

²⁹⁷ "nominate direct and appoint all her the said Dutchesse of Cleveland share part and of those copy holds or customary lands tenements and hereditaments lyeing within or hold of the [severall] mannors ... which we the copyhold lands and hereditaments of the late countesse of Oxon declares and after her death came to and were vested in the Lady Grace Pierpoint²⁹⁷ declared and after the lady Grace Pierpoint decease descended and came to the said Dutchesse of Cleveland as one of the coheirs of the said Lady Grace Pierpoint and should in the meane time permit the said Countesse of Sussex or such persons as she should appoint by writing under her hand alone to receive the rents and profits..."²⁹⁷ (Feilding vs. Earl of Sussex (1706) C6 412/80.)

England viewed bigamy as a significant problem in the early seventeenth century.²⁹⁸

With divorce nearly impossible to obtain, many individuals chose to enter into bigamous marriages, or allow nosy neighbours to believe that their cohabitation was, in fact, a legal marriage.²⁹⁹ Initially, the offense of bigamy was a spiritual matter, dealt with in the Canonical courts; however, an act of Parliament in 1604 made the act a felony.³⁰⁰ This decision reflects a combination of concerns amongst lay society. These concerns included the Church's poor response to controlling bigamous, incestuous, and scandalous marriages,

²⁹⁸ Few scholastic works examine themes of bigamy in Restoration Era England. Bernard Capp's article, entitled "Bigamous Marriage in Early Modern England," provides the only detailed study of bigamy cases in seventeenth century England. Capp examines previously unexplored records on bigamy from various county record offices across England. In doing so, he is the only scholar to offer a typography of bigamists in early modern England. While this thesis made a concerted effort to trace Capp's research, problems arose in diversifying the source base, as the majority of secondary commentary, within this article, stems from monographs on marriage and divorce, which only mention bigamy as a passing phenomenon. Nevertheless, one scholar has conducted research in the French medieval context. Sara McDoudall's monograph, entitled *Bigamy and Christian Identity in Medieval Champagne*, argues that bigamy was a reflection of Christian identity. The impregnation of such values, moreover, is reflective of the overall desire and need to marry in times of peace [Sara McDoudall, *Bigamy and Christian Identity in Medieval Champagne*, (Philadelphia: University of Pennsylvania Press, 2012), 6-7]. Importantly, McDougall highlights why the literature fails to examine questions of bigamy until the early modern period. She purports that sources of bigamous marriage do not emerge until the fifteenth century, and are unique to Northern France. In all other regions including: Italy, southern France, England, and Germany, there are no such efforts to systematically control marriage (McDougall, *Bigamy and Christian Identity*, 3). Sources in the English context, as demonstrated by Capp, however, emerged in the early seventeenth century as a response to increased parliamentary and regnal concern over marriage, and dissipated by the end of the seventeenth century. Thus, despite the assertion by McDoudall that records exist on bigamy in early modern England: in reality, there exists a small window to study this phenomenon. Consequently, while this thesis makes a concerted effort to diversify the source material referenced, this endeavour is difficult as such secondary sources do not exist.

²⁹⁹ Capp, "Bigamous Marriage in Early Modern England," 538.

³⁰⁰ Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640*, (Cambridge; New York: Cambridge University Press, 1987), 149-150.

in conjunction with a desire for the Church of England to distinguish itself from reformers on the continent.³⁰¹

By the late sixteenth century, scholars had long become aware of the long-term resorting, of many men, to enter into relationships deemed inappropriate by society.³⁰² Members of Parliament in 1597 explored many of these cases and concluded that “rogue clerics” and an overall abuse of marriage licences allowed for such cases of bigamous marriage to occur. Queen Elizabeth I, scandalized by these accusations, had new canons drawn and conferred in 1604.³⁰³ The canons outlined that all individuals were to be “judicially separated [and] to give bond not to remarry during the lifetime of a former spouse.”³⁰⁴ These provisions, however, were not sufficient to a scandalized parliament, and they proceeded to pass parliamentary acts with the sole purpose of stopping this form of clandestine marriage.³⁰⁵ Thus, the transition of the crime of bigamy from the canonical to secular courts highlights that, as of the seventeenth century, England viewed bigamy as more than a moral issue.

Nevertheless, bigamy retained strong ties to the Church of England. During the sixteenth and seventeenth centuries, England sought to distinguish themselves from Reformers on the continent. Continental Reformers had recently outlined that divorce would

³⁰¹ Capp, “Bigamous Marriage in Early Modern England,” 539.

³⁰² Capp, “Bigamous Marriage in Early Modern England,” 540.

³⁰³ John Strype, *The Life and Actis of the Most Reverend Father in God, John Whitgift D.D. the Thurd and last Lord Archbishop of Cantebury, in the Reign of Queen Elizabeth; ... In Four Books. Together with a large Appendix of the said Papers, ...*, (London, 1718), 508-510.

³⁰⁴ Capp, “Bigamous Marriage in Early Modern England,” 541.

³⁰⁵ Strype, *The Life and Actis of the Most Reverend Father in God*, 508-510.

be acceptable in mitigating circumstances.³⁰⁶ Despite this avowal, however, England remained sceptical. The scripture, in the English context, was exceptionally vague on the acceptability of divorce, and, consequently, the English monarchs quelled all attempts to implement divorce in mitigating circumstances.³⁰⁷ Moreover, the seventeenth century marked a concerted effort by English authorities, both moral and secular, to control the institution of marriage.

The burden of proof in a bigamy case was significant. The accuser would have to go through a series of preliminary trials to determine if enough evidence existed to prosecute.³⁰⁸ In cases where enough evidence existed, few trials resulted in a conviction, as the accused, unsurprisingly, would ardently deny partaking of a bigamist act.³⁰⁹ Nevertheless, in instances where a jury found the accused guilty, they struggled with administering harsh punishments, as these trials tended to have numerous evidentiary conflicts.³¹⁰ Further, as the moral fervour that drove the transfer of bigamy from the canonical to secular courts weakened in late seventeenth century, jurors became even more lenient.³¹¹ Thus, while the crown executed some individuals in the immediate aftermath of the 1604 act, by the end of the seventeenth century, the normative punishment was the burning of one's hands.³¹²

³⁰⁶ Roderick Philips, *Untying the Knot: A Short History of Divorce*, (Cambridge: Cambridge University Press, 1991), 24.

³⁰⁷ Capp, "Bigamous Marriage in Early Modern England," 539-540.

³⁰⁸ Capp, "Bigamous Marriage in Early Modern England," 551-552.

³⁰⁹ Capp, "Bigamous Marriage in Early Modern England," 552.

³¹⁰ David M. Turner, *Fashioning Adultery: Gender, Sex, and Civility in England, 1660-1740*, (Cambridge; New York: Cambridge University Press, 2002), 70-71.

³¹¹ Capp, "Bigamous Marriage in Early Modern England," 553.

³¹² Capp, "Bigamous Marriage in Early Modern England," 554.

Importantly, bigamy was, statistically, a masculine crime. Evidence collected in Kent and Essex highlight that the crown filed charges far more frequently against men than women.³¹³ Courts held men responsible more frequently for the crime of bigamy on the basis that society provided women with fewer options if their husbands abandoned them. Due to a woman's restricted access to resources, the court determined that women, especially those with dependents, had no other viable options than to live in a bigamous relationship under the financial support of their partner.³¹⁴ The prosecution of bigamy, moreover, highlights the differentiated power dynamics between men and women. Since men held an overall more powerful position, society held them accountable for bigamy because they perceived that men had a choice. Women, however, avoided accountability because this choice did not exist. Thus, in instances where a couple came before the court, women received pity rather than punishment. The Duchess of Cleveland, however, was never in such a destitute position, as she was the wealthier of the pair, and had greater social manoeuvrability: consequently, Robert Feilding felt her full wrath.

Unlike the normative woman in cases of bigamy, the Duchess of Cleveland's resources far surpassed her new husband. Consequently, when Barbara learned of his deceit she had Feilding imprisoned and tried for his crime. As outlined in Margaret Gilmour's biography of Barbara Palmer:

Feilding [was imprisoned] by the enraged Duchess, and a trial which may safely be said to have excited as much contemporary interest as any criminal case of its kind in the history of the modern world. Feilding's cause, against the array of power marshalled by Barbara and her family, was lost before he started. Incontestably guilty, he deserved his conviction. He was condemned

³¹³ J.A. Sharpe, *Crime in Seventeenth Century England: A County Study*, (Cambridge; New York: Cambridge University Press, 1983), 67.

³¹⁴ Capp, "Bigamous Marriage in Early Modern England," 547.

to be branded in the palm of each hand with the red-hot iron and transported for a period of servitude to a penal colony.³¹⁵

The level of punishment levied against Roger Feilding, for the crime of bigamy, demonstrates the political manoeuvrability and influence of the Duchess and her family. Barbara Palmer was able to pressure the court into providing an unusually harsh punishment to the accused. While the crime of bigamy does not directly influence the case of *Feilding vs. Earl of Sussex*, the bigamy trial provides context to the familial dynamics at the time of the injunction, as it was following the Duchess' oversight of Robert Feilding that Lady Anne attempted to gain control of the Duchess' vast resources.

5.2 *Feilding vs. Earl of Sussex*

5.2.1 *The Trial Overview of Feilding vs. Earl of Sussex*

The trial, *Feilding vs. Earl of Sussex*, is comprised of two manuscript pages detailing the injunction, filed by Robert Feilding, and plea to the original complaint filed by the Earl of Sussex. The document asserts that the Duchess had promised a sum of £2,000 pounds to Thomas Lennard, in conjunction with a secondary sum promised to Lady Barbara.³¹⁶ The suit, however, highlights a broader desire, by Lady Anne, to gain access to her mother's estate. The oratrix urged the court to:

nominate direct and appoint all her, the said Dutchesse of Cleveland, share part and of those copy holds or customary lands tenements and hereditaments, lyeing within or hold of the [severall] manors, ...which we the copyhold lands and hereditaments of the late countesse of Oxon declares and after her death came to and were vested in the Lady Grace Pierpoint³¹⁷

³¹⁵ Gilmour, *The Great Lady*, 377-378.

³¹⁶ *Feilding vs. Earl of Sussex* (1706) C6 412/80.

³¹⁷ This is the spelling included in the original manuscript; however there is a discrepancy between the spelling included in the document and the one included within the description component on The National Archive website. The website denotes this last name as Pierrepont, while the document denotes it as Pierpont. To maintain the original meaning, the original spelling has been used in this transcription.

declared and after the lady Grace Pierpoint decease descended and came to the said Dutchesse of Cleveland as one of the coheirs of the said Lady Grace Pierpoint and should in the meane time permit the said Countesse of Sussex or such persons as she should appoint by writing under her hand alone to receive the rents and profits...³¹⁸

Thus, the original bill, as filed by the Earl of Sussex, demonstrates a combination of desperation to secure financial resources and insight into Lady Anne's interpretation of her mother following the scandal with Robert Feilding.³¹⁹

5.3 Agency and Economic Security Measures

The Lennard family needed money. Following years of mismanagement, and despite efforts to liquidate the ancestral estate, which would not occur until 1708, Thomas Lennard continued to expend familial resources. Consequently, by the turn of the eighteenth century, the family estate was in ruin. Lady Anne and Thomas Lennard made fervent attempts to gain access to funds between 1700 and 1720; however, the Lennard's were never able to regain financial stability.³²⁰ Consequently, these proceedings represent, in part, a desire to gain economic security for the Lennard daughters. While desperation seems a powerful

³¹⁸ Counterpart lease by Anne Lennard, dowager Countess of Sussex, Charles and Hon. Lady Barbara Shelton of Chevening and Richard Barrett and Hon Anne Lennard of the same to Joseph Coules of Brasted, fellmonger, of the Lower Blath land, Ridgefield, Church Quarters and Parkefield in Brasted for twenty-four years; 16 Oct. 1716. Signed and sealed. (16 October 1716). Add Ch 77712.

³¹⁹ The timing of the filing of *Feilding vs. Earl of Sussex* is no coincidence. Robert Feilding filed the injunction against Thomas Lennard in the immediate aftermath of his bigamy trial. While the trail was filed in Robert Feilding's name, the timeline compiled for the purpose of thesis indicates that in all likelihood, Feilding was still serving time at a penal colony and, thus, was incapable of submitting the injunction. Moreover, it is more likely that Barbara filed the injunction under her estranged husband's name.

³²⁰ For instance, Lady Anne filed a counterpart lease in 1716, with the intention of gaining access to rents promised to her eldest daughter Barbara. [Counterpart lease by Anne Lennard. (16 October 1716). Add Ch 77712.]

motivator to explain Lady Anne's decision to file a suit against her mother, this does not adequately explore why Lady Anne believed that she could be successful in this endeavour.

To compare briefly these proceedings to the future *Chichester vs. Lady Sussex*, filed 1717, these proceedings target markedly different kin groups. *Chichester vs. Lady Sussex*, illustrates a dispute between the extended kin of Roger Palmer, while *Feilding vs. Earl Sussex*, highlights a dispute within Lady Anne's immediate kin circle. Katherine Chichester demonstrates her familial removal from Lady Anne through purporting that she went through several legal channels before having the ability to bring her suit directly to Lady Anne. Thus, Lady Anne's belief that she could acquire assets from her mother through the legal system indicates that she believed the Duchess had lost her social agency.

Nevertheless, Barbara Palmer's case of bigamy includes more complex factors. In a typical, early modern marriage, the assumption would be that the man holds the power. In Barbara Palmer's case, as evident by the outcome of her husband's bigamy trial, she does not fit into the normative construction of marriage, for a married woman. Barbara held more power in rank, political connections, and property than her new husband. Thus, the social manoeuvrability of the couple lay with the wife, rather than the husband. Consequently, while Barbara was not accountable in this case of bigamy, as her gender protected her, the Duchess' oversight of her husband's bigamous past called into question her judgement, and, thus, impacted negatively her reputation.

5.3.1 *The Outcome of Feilding vs. Earl of Sussex*

The swift verdict for the injunction further reflects that this case attempted to take advantage of the vulnerable Duchess following her hasty decision-making. The judge ruled

that there was no cause to order a transfer of the Duchess' assets to her daughter. The trial concluded that,

the said five hundred pound[s], the same haveing bin by her said Grandmother, the Dutchesse of Cleveland, [was] given to this [defendant] many yeers into without that that any other matter cause or thing in the [complainants] said bill of complaint conteyned for answere there unto and not of therein by these [defendants] well and sufficiently answered unto confessed avoided traversed or denyed is true all with things there defendants are ready to avow mainseyne and prove as this honourable court shall direct order award and humbly pray to be hence dismissed with their reasonable cost and charges in this behalf most wrongly susteyned.³²¹

The court believed moreover, that Lady Barbara, the Duchess' granddaughter, had in fact received the payment promised to her, and that there was no cause to allow Lady Anne to collect the rents from the Duchess' properties. Moreover, the closing remarks of this trial are most illuminating, as they highlight that Lady Anne had no cause to put these charges before the court. Hence, while the immediate family attempted to take advantage of the Duchess' vulnerability following her marriage to Robert Feilding, the courts did not view these decisions in the same light.

Agency and economic security, moreover, are the two most important factors affecting this trial. Lady Anne filed this suit in order to gain economic security for herself, as she was both estranged from her husband and destitute, as a result of his financial mismanagement, and her daughters who would need dowries to secure appropriate marriages. The increase in frequency of charges filed in the Chancery court by Lady Anne or her husband, Thomas Lennard, between 1700-1720, further substantiate that Lady Anne was attempting to secure financial resources for herself and her daughters. This trial in particular, however, also involves the perception of agency following a sexual transgression.

³²¹ Feilding vs. Earl of Sussex (1706) C6 412/80.

It is reasonable to assert, based on the timing of these charges, that Lady Anne and her family perceived her mother to have depreciated her social capital as a result of her untimely marriage to a bigamist. Thus, they believed that the courts would be inclined to transfer rents from the Duchess' properties to Lady Anne. Nevertheless, because bigamy was a masculine crime, with women rarely, if ever, facing accountability, the courts deemed this suit frivolous and lacking merit. Moreover, in the Lennard family's desperation to find economic security, they were willing to believe that a masculine transgression would negatively affect the social and political agency of their elite Duchess mother.

6. Conclusion

Before this thesis, the life and legacy of Lady Anne Lennard was lost within the historical record. Through the examination of three court proceedings and several biographical works on her immediate family, this thesis has sought to demonstrate broader trends within the history of sexuality. Each court proceeding, while polarized in many respects, provided an avenue to examine aspects of female agency in instances where women preformed and practiced sexual identities that contravened social norms.

Chichester vs. Lady Sussex provides a means to assess factors that determined biological paternity and illegitimacy in early modern England. Through this examination, this thesis demonstrated that Barbara Palmer was the exception to the rule. As a married aristocratic woman, who also happened to be the mistress of Charles II, Barbara was able to avoid scrutiny from other women, while strategically accepting her sexual partners' bids for paternity of her child. Further, Roger Palmer's immediate acceptance of Lady Anne as his child indicates that social standing determined legal paternity, as Charles II was able to claim the child as his, despite a legitimate marriage between Barbara and Roger. Moreover, as an elite woman, Barbara was able to utilize her sexual relationships to her benefit. Thus, a typically disastrous situation for mother and child provided a means for Barbara Palmer and Lady Anne, as an extension, to gain social manoeuvrability, rather than become further restricted by her sexual transgression.

East Sussex Estate Bill, however, provides a means to explore themes of dowry, female illegitimacy, and sexual rumour. The bill, and available secondary commentary highlighted that the dowries of Lady Anne and her sister, Lady Charlotte, were subsequently reconstructed following a victory in the Netherlands. The examination of both the

construction and reconstruction of the dowries, in combination with accounts of the marriages of Lady Anne and Lady Charlotte highlighted that the court celebrated their marriages despite their illegitimate status. This celebration, in conjunction with the substantial dowries highlights a concerted effort by Charles II to provide a strong future for his illegitimate daughters. As well, it highlights Barbara Palmer's ability to manufacture agency for her children through provisions provided by her partner. Consequently, even though a sexual transgression resulted in the birth of these children, their parents provided them with a sense of agency, as they received protection under their mother and father's status as elite members of British Society.

Finally, *Feilding vs. Earl of Sussex*, demonstrates perception of agency and symbolic capital following a sexual transgression. Since Barbara Palmer filed the injunction to stop Lady Anne's suit mere months after the conviction of her husband Robert Feilding for bigamy, this trial allows the historian to draw conclusions about how Lady Anne viewed her mother's transgression as compared to the court in which Lady Anne brought these charges. In particular, Lady Anne believed that the court would allow her to collect the rents from her mother's properties because her social capital was depreciated as a result of her bigamous marriage. Nevertheless, the court's decision in Barbara's favour indicates that she maintained her status, despite her bigamous marriage. Thus, Barbara Palmer's status as an elite, politically connected woman allowed her to maintain her social agency despite years of sexual transgressions.

Thus the life of Lady Anne Lennard provides an avenue to examine themes of female sexuality, sexual deviancy, economic security, and mistress culture in early modern England. Through the examination of three court filings, and the complicated familial

politics that preceded each case, this thesis demonstrated, that despite the sexual transgressions of Barbara Palmer, as highlighted through the life and legacy of Lady Anne Lennard, she maintained her social agency due to her status as an elite woman. To conclude, sexual transgression was not necessarily a defining moment for a woman in early modern England; however, in order to circumvent normative sexual ideologies, a woman had to maintain power through her position as an elite member of society.

Bibliography

Primary Sources

The National Archives

C6/338/101 – Waters v. Lennard (1703).

C6/412/80 - Feilding v. Earl of Sussex (1706).

C7/327/100 – Duchess of Sussex v. Talbot (1620-1713).

C10/437/56 – Margaret Lennard, Anne Lennard and Katherine Lennard v. Thomas Lennard Earl of Sussex (1706).

C11/1410/7 - Chichester v. Lady Sussex (1717).

The Keep

AMS 6326/34 - Inventory of the Goods of the Hon Thomas Lennard of Batsford remaining at Herstmonceux, taken 30 May 1673.

Parliamentary Archive

HL/PO/JO/454/675 - E. Sussex Estate Bill. 26 January 1693.

The British Library

Add Ch 77712 - Counterpart Lease by Anne Lennard. 16 October 1716.

Egerton MS 3331 – Vol VIII (ff. 131) 1678-1680 Accompts: Osborne Family, Duke of Leeds; official and private accompts: 1671-1835, n.d. includes: ff. 1, 11, 14,42, 47-52b, 58 James Butler, 1st Duke of Ormonde: Letters to Lord Danby: 1678.

Printed Primary Documents

Evelyn, John. *The Diary of John Evelyn*. Edited by William Bray. New York: M. Walter Dunne, Publisher, 1901.

Pepys, Samuel. *The Diary of Samuel Pepys*. Vol. 1-11. Edited by Robert Latham and William Matthews. Berkley: University of California Press, 1970-1983.

Strype, John. *The Life and Actis of the Most Reverend Father in God, John Whitgift D.D.the Thurd and last Lord Archbishop of Cantebury, in the Reign of Queen Elizabeth; ...In Four Books. Together with a large Appendix of the said Papers, ...* London, 1718.

Secondary Sources

- Abbott, Elizabeth. *Mistresses: A History of the Other Woman*. Toronto: HarperFlamingo Canada, 2003.
- Alexander, Julia Marciari, and Catharine MacLeod. *Politics, Transgression, and Representation at the Court of Charles II*. New Haven, CT; London: Yale Center for British Art; Paul Mellon Centre for Studies in British Art, 2007.
- Anderson, Siwan. "The Economics of Dowry and Brideprice." *The Journal of Economic Perspectives*. 21:4(2007): 151-74.
- Arnade, Peter, and Michael Rocke, ed. *Power, Gender, and Ritual in Europe and the Americas: Essays in Memory of Richard C. Trexler*. Toronto: Center for Reformation and Renaissance Studies, 2008.
- Barclay, Katie. *Love, Intimacy, and Power: Marriage and Patriarchy in Scotland, 1650-1850*. Manchester: Manchester University Press, 2011
- Barrett-Lennard, Thomas. *An Account of the Families of Lennard and Barrett. Compiled Largely from Original Documents* Private Circulation, 1908.
- Berry, Helen, and Elizabeth Foyster, ed. *The Family in Early Modern England*. Cambridge: Cambridge University Press, 2007.
- Bednarski, Steven. *A poisoned Past: The Life and Times of Margarida de Portu, A Fourteenth Century Accused Poisoner*. Toronto: University of Toronto Press, 2014.
- Biggs, Carmel. "Women, Kinship, and Inheritance: Northamptonshire 1543-1709." *Journal of Family History*. 32:2(2007): 107-32
- Bloom, Gina. *Voice in Motion: Staging Gender, Shaping Sound in Early Modern England*. Philadelphia: University of Pennsylvania Press, 2007.
- Bonfield, Lloyd. "Seeking Connections between Kinship and the Law in Early Modern England." *Continuity and Change*. 25:1(2010): 49-82.
- — —. "Affective Families, Open Elites and Strict Family Settlements in Early Modern England." *The Economic History Review*. 39:3(1986): 341.
- Boswell, John. *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century*. Chicago: University of Chicago Press, 1980.
- Bourdieu, Pierre. *Outline of a Theory of Practice*. Cambridge; New York: Cambridge University Press, 2000.

- Bozon, Michel, and Henri Leridon, ed. *Sexuality and the Social Sciences: A French Survey of Sexual Behaviour*. Translated by Godfrey Rogers. Aldershot: Dartmouth, 1996.
- Braddick, Michael J., and John Walter, ed. *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland*. Cambridge: Cambridge University Press, 2001.
- Broomhall, Susan, ed. *Emotions in the Household, 1200-1900*. New York: Palgrave Macmillan, 2008.
- Brown, Judith C. *Immodest Acts: The Life of a Lesbian Nun in Renaissance Italy*. New York; Oxford: Oxford University Press, 1986.
- Burke, John Bernard. *A Genealogical and Heraldic Dictionary of the Peerage and Baronetage of the British Empire*. Eighth edition. London: Henry Colburn, 1895.
- Burt, Richard, and John Michael Archer, ed. *Enclosure Acts: Sexuality, Property, and Culture in Early Modern England*. Ithaca; London: Cornell University Press, 1994.
- Bullough, Vern. *Sexual Practices and the Medieval Church*. Buffalo, New York: Prometheus Books, 1981.
- Burford, E.J. *Bawds and Lodgings: A History of the London Bankside Brothels c. 100-1675*. London: Peter Owen Limited, 1976.
- Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge, 1999.
- — —. "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory." in *Theatre Journal*, 40:4(December 1988): 519-531.
- Capp, Bernard. "Bigamous Marriage in Early Modern England." *The Historical Journal*. 52:3(September 2009): 537-556.
- Carlson, Eric Josef. *Marriage in the English Reformation*. Oxford: Blackwell, 1994.
- Carlton, Charles. *Royal Mistresses*. London: Routledge, 1990.
- Clark, Anna, ed. *The History of Sexuality in Europe: A Sourcebook and Reader*. London; New York: Routledge, 2011.
- Clark, G. N. *The Later Stuarts, 1660-1714*. 2nd ed. Oxford, England: Clarendon Press, 1961.
- Clarke, Dr. "The 'Land- Family Bond' in East Sussex, c.1580-1770." *Continuity and*

- Change; Continuity Change*. 21:(2006): 341-69.
- Cohen, Thomas. "Bourdieu in Bed: The Seduction of Innonentia (Rome 1570)." *Journal of Early Modern History*. 7:1(2003): 55-85.
- Coontz, Stephanie. *Marriage, a History: From Obedience to Intimacy Or how Love Conquered Marriage*. New York, New York: Viking Penguin, 2005.
- Coward, Barry. *Cromwell*. London: Longman, 1991.
- Davis, Natalie Zemon. *The Return of Martin Guerre*. Cambridge; London: Harvard University Press, 1983.
- De Krey, Gary Stuart. *Restoration and Revolution in Britain: A Political History of the Era of Charles II and the Glorious Revolution*. Basingstoke; New York: Palgrave Macmillan, 2007.
- Donoghue, Emma. *Passions Between Women: British Lesbian Culture 1668-1801*. New York: HarperPerennial, 1995.
- Duberman, Martin Bauml, Martha Vicinus, and George Chauncey Jr. ed. *Hidden From History: Reclaiming the Gay and Lesbian Past*. New York: Nal Books, 1989.
- Durston, Christopher. *Charles I*. London; New York: Routledge, 1998.
- Elliott, Dylan. *Fallen Bodies: Pollution, Sexuality and Demonology in the Middle Ages*. Philadelphia: University of Pennsylvania Press, 1999.
- Erlanger, Philipe. *Diane De Poitiers*. Paris: Gallimard, 1955.
- Erler, Mary, and Maryanne Kowaleski, ed. *Gendering the Master Narrative: Women and Power in the Middle Ages*. Ithaca; London: Cornell University Press, 2003.
- Faderman, Lillian. *Surpassing the Love of Men: Romantic Friendship and Love Between Women from the Renaissance to the Present*. New York: William Morrow and Company, Inc., 1981.
- Fissell, Mary. "Gender and Generation: Representing Reproduction in Early Modern England." *Gender and History*. 7:3(1995): 433-56.
- Flather, Amanda. *Gender and Space in Early Modern England*. Woodbridge: The Boydell Press, 2007.
- Fletcher, Anthony. *Gender, Sex, and Subordination in Early Modern England, 1500-1800*. New Haven: Yale University Press, 1999.

- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, 1995.
- Foucault, Michel. *The History of Sexuality*. vol. 1-3. New York: Pantheon Books, 1978; 1986.
- Foyster, Elizabeth. *Manhood in Early Modern England: Honour, Sex and Marriage*. London; New York: Longman, 1999.
- . "Parenting was for Life, Not just for Childhood: The Role of Parents in the Married Lives of their Children in Early Modern England." *History*. 86:283(2001): 313-27.
- Frye, Susan, and Karen Robertson ed. *Maids, Mistresses, Cousins and Queens: Women's Alliances in Early Modern England*. New York; Oxford: Oxford University Press, 1999.
- Gerber, Matthew. *Bastards: Politics, Family, and Law in Early Modern France*. Oxford: Oxford University Press, 2012.
- Gil, Daniel Juan. *Before Intimacy: Asocial Sexuality in Early Modern England*. Minneapolis; London: University of Minnesota Press, 2006.
- Gilmour, Margaret. *The Great Lady: A Biography of Barbara Villiers, Mistress of Charles II*. 1st ed. New York: Knopf, 1941.
- Ginzburg, Carlo. *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*. Translated by John and Anne C. Tedeschi. Baltimore: John Hopkins University Press, 1980.
- . *The Night Battles: Witchcraft and Agrarian Cults in the Sixteenth and Seventeenth Centuries*. Translated by John and Anne C. Tedeschi. Baltimore: John Hopkins University Press, 1983.
- Given-Wilson, Chris, and Alice Curteis. *The Royal Bastards of Medieval England*. London; Boston; Melbourne; Henley: Routledge & Kegan Paul, 1984.
- Goldsmith, Elizabeth C. *The Kings' Mistresses the Liberated Lives of Marie Mancini, Princess Colonna, and Her Sister, Hortense, Duchess Mazarin*. 1st ed. New York: PublicAffairs, 2012.
- Gowing, Laura. *Common Bodies: Women, Touch and Power in Seventeenth Century England*. New Haven: Yale University Press, 2003.
- . *Domestic Dangers: Women, Words, and Sex in Early Modern London*. Oxford: Clarendon Press, 1996.

- . *Gender Relations in Early Modern England*. London; New York: Pearson Education Ltd., 2012.
- Griffin, Victoria. *The Mistress: Histories, Myths and Interpretations of the "Other Woman"*. New York: Bloomsbury; Distributed to the trade by St. Martin's Press, 1999.
- Hair, Paul ed. *Before the Bawdy Court: Selections from Church Court and Other Records Relating to the Correction of Moral Offences in England, Scotland and New England, 1300-1800*. London: Paul Elek Books Ltd., 1972.
- Helmholz, R.H. *Marriage Litigation in Medieval England*. Florida: Wm. W. Gaunt & Sons, Inc., 1986.
- Henderson, Tony. *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830*. London; New York: Longman, 1999.
- Heneage, John Jesse. *Memoirs of the Court of England during the Reign of the Stuarts: Including the Protectorate*. Boston: C.F. Rice, 1850.
- Herbert, Amanda. *Female Alliances: Gender, Identity, and Friendship in Early Modern Britain*. New Haven: Yale University Press, 2014.
- Herman, Eleanor. *Sex with the Queen: 900 Years of Vile Kings, Virile Lovers, and Passionate Politics*. 1st ed. New York: W. Morrow, 2006.
- . *Sex with Kings: 500 Years of Adultery, Power, Rivalry, and Revenge*. 1st ed. New York: Morrow, 2004.
- Hill, Bridget. *Women, Work and Sexual Politics in Eighteenth-Century England*. London; New York: Routledge, 2005.
- Hindle, Steve, Alexandra Shepard, and John Walter, ed. *Remaking English Society: Social Relations and Social Change in Early Modern England*. Woodbridge: The Boydell Press, 2013.
- Holmes, Clive. *Why was Charles I Executed?*. London; New York: Hambledon Continuum, 2006.
- Houlbrooke, Ralph. *Church Courts and the People During the English Reformation, 1520-1570*. Oxford: Oxford University Press, 1979.
- Hutton, Ronald. *The Restoration a Political and Religious History of England and Wales 1658-1667*. Oxford: Oxford University Press, 1993.

- Ingram, Martin. *Church Courts, Sex, and Marriage in England, 1570-1640*. Cambridge: Cambridge University Press, 1987.
- Inwood, Kris, Chris Briggs, Maria Ågren, Mary Nagata, Eileen Mulhare, Mary Combs, and Sarah Sligtenhorst. "Women, Property and Legal Change." *Continuity and Change*. 19:1(2004): 9-197.
- Jones, James Rees. *Country and Court: England 1658-1714*. London; Cambridge, Mass.: Edward Arnold; Harvard University Press, 1978.
- Karras, Ruth Mazo. *Common Women: Prostitution and Sexuality in Medieval England*. New York; Oxford: Oxford University Press, 1996.
- . *Sexuality in Medieval Europe: Doing Unto Others*. Second ed. London; New York: Routledge, 2012.
- . *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages*. 1st ed. Philadelphia: University of Pennsylvania Press, 2012.
- Kenyon, John. *The Civil Wars of England*. London: Phoenix Giant, 1988.
- Kippen, Kim, and Lori Woods. *Worth and Repute: Valuing Gender in Late Medieval and Early Modern Europe Essays in Honour of Barbara Todd*. Toronto: Center for Reformation and Renaissance Studies, 2011.
- Knights, Mark. *Politics and Opinion in Crisis, 1678-81*. Cambridge; New York: Cambridge University Press, 1994.
- Laslet, Peter, Karla Oosterveen, and Richard M. Smith, ed. *Bastardy and its Comparative History: Studies in the history of illegitimacy and marital nonconformism in Britain, France, Germany, Sweden, North America, Jamaica and Japan*. London: Edward Arnold (Publishers) Ltd., 1980.
- Laurence, Anne. *Women in England: A Social History*. London: Phoenix Giant, 1999.
- Le Roy Ladurie, Emmanuel. *Montaillou: The Promised Land of Error*. Translated by Barbara Bray. New York: George Braziller, Inc., 1978.
- Levene, Alys, Thomas Nutt, and Samantha Williams, ed. *Illegitimacy in Britain, 1700-1920*. New York: Palgrave Macmillan, 2005.
- Levering, Matthew. *On Marriage and Family: Classic and Contemporary Texts*. Lanham, Md.: Rowman & Littlefield, 2005.

- Lewis, Ann, and Markman Ellis, ed. *Prostitution and Eighteenth Century Culture: Sex, Commerce and Morality*. London: Pickering & Chatto, 2012.
- Liliequist, Jonas ed. *A History of Emotions, 1200-1800*. New York: Routledge, 2016.
- Linkinen, Tom. *Same-Sex Sexuality in Later Medieval English Culture*. Amsterdam: Amsterdam University Press, 2015.
- Longfellow, Erica. "Public, Private, and the Household in Early Seventeenth-Century England." *Journal of British Studies*. 45:2(2006): 313-34.
- Macdonald, Agnus. *A Family Memoir of the Macdonalds of Keppoch*. C.R. Markham ed. With notes by C.R. Markham. London: Whiting & CO. Limited, 1885.
- McDougall, Sara. *Bigamy and Christian Identity in Late Medieval Champagne*. Philadelphia: University of Pennsylvania Press, 2012.
- Mendelson, Sara and Patricia Crawford. *Women in Early Modern England, 1550-1720*. Oxford: Clarendon Press, 1998.
- Moncrief, Kathryn, M., and Kathryn R. McPherson ed. *Performing Pedagogy in Early Modern England: Gender, Instruction and Performance*. Surrey: Ashgate Publishing Ltd., 2011.
- Muir, Edward, and Guido Ruggiero ed. *Sex & Gender in Historical Perspective: Selections from Quaderni Storic*. Translated by Mary M. Gallucci and Carole C. Callucci. Baltimore: John Hopkins University Press, 1990.
- Murray, Jacqueline. "Twice Marginal and Twice Invisible: Lesbians in the Middle Ages." *Handbook of Medieval Sexuality*, 191-222. ed. James Brundage and Vern Bullough. New York: Garland Publishing, 1996.
- Murray, Jacqueline, ed. *Conflicted Identities and Multiple Masculinities: Men in the Medieval West*. New York; London: Garland Publishing, Inc., 1999.
- Murray, Jacqueline, ed. *Marriage in Premodern Europe: Italy and Beyond*. Toronto: Center for Reformation and Renaissance Studies, 2012.
- Murray, Jacqueline, and Konrad Eisenbichler ed. *Desire and Discipline: Sex and Sexuality in the Premodern West*. Toronto: University of Toronto Press, 1996.
- Nelson, Sarah, Hortense Mancini Mazarin, and Maria Mancini. *Memoirs Hortense Mancini and Marie Mancini*. Chicago: University of Chicago Press, 2008.

- Otis, Leah Lydia. *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc*. Chicago; London: The University of Chicago Press, 1985.
- Outhwaite, R.B. *Clandestine Marriage in England, 1500-1850*. London: The Hambledon Press, 1995.
- Parker, Derek. *Nell Gwyn*. Phoenix Mill: Sutton Publishing Ltd., 2000.
- Peters, Christine. "Gender, Sacrament and Ritual: The Making and Meaning of Marriage in Late Medieval and Early Modern England." *Past & Present*. 169(2000): 63-96.
- Phillips, Roderick. *Untying the Knot: A Short History of Divorce*. Cambridge: Cambridge University Press, 1991.
- Pitt-Rivers, Julian. *The Fate of Shechem or The Politics of Sex: Essays in the Anthropology of the Mediterranean Europe*. Cambridge: Cambridge University Press, 1977.
- Purkiss, Diane. *The English Civil War: A People's History*. London: HarperPress, 2006.
- Reinke-Williams, Tim. "Manhood and Masculinity in Early Modern England." *History Compass*. 12:9(2014): 685-693.
- Rickman, Johanna. *Love, Lust and License in Early Modern England: Illicit Sex and the Nobility*. Aldershot; Burlington: Ashgate, 2008.
- Rich, Adrienne. "Compulsory Heterosexuality and Lesbian Existence." *Signs* 5:4(Summer 1980): 631-660.
- Roper, Lyndal. "Discipline and Respectability: Prostitution and the Reformation in Augsburg." *History Workshop*. No. 19 (Spring 1985): 3-28.
- Rossiaud, Jacques. *Medieval Prostitution*. Translated by Lydia G. Cochrane. Oxford: Basil Blackwell, 1998.
- Ruff, Julius R. *Violence in Early Modern Europe, 1500-1800*. Cambridge: Syndicate of Cambridge University Press, 2001.
- Rushton, Peter. "Property, Power and Family Networks: The Problem of Disputed Marriage in Early Modern England." *Journal of Family History*. 11:3(1986): 205-19.
- Russell, Conrad. *The Fall of the British Monarchies, 1637-1642*. Oxford; New York: Clarendon, 1991.
- Salih, Sara. *Judith Butler*. New York; London: Routledge, 2002.

- Salisbury, Joyce E. *The Beast Within: Animals in the Middle Ages*. New York: Rutledge, 2011.
- Salisbury, Joyce E. "The Latin Doctors of the Church on Sexuality." *Journal of Medieval History*. 12:4(1986): 279-289.
- Sampson, Margaret. "'the Woe that was in Marriage': Some Recent Works on the History of Women, Marriage and the Family in Early Modern England and Europe." *The Historical Journal*. 40:3(1997): 811.
- Sautman, Francesa Canadé and Pamela Sheingorn ed. *Same Sex Love and Desire Among Women in the Middle Ages*. New York: Palgrave, 2001.
- Schlegel, Alice, and Rohn Eloul. "Marriage Transactions: Labor, Property, Status." *American Anthropologist*. 90:2(1988): 291-309.
- Scott, George Ryley. *A History of Prostitution from Antiquity to Present Day*. London: Werner Laurie LTD., 1936.
- Scott, Joan W. "Gender: A Useful Category of Historical Analysis." *The American Historical Review*. 91:5(December 1986): 1053-1075.
- Sharpe, J.A. *Crime in Seventeenth-Century England: A County Study*. Cambridge: Cambridge University Press, 1983.
- Sheehan, Michael M. *Marriage, Family and the Law in Medieval Europe: Collected Essays*, edited by James K. Farge, Toronto: University of Toronto Press, 1996.
- Shepard, Alexandra and Phil Withington ed. *Communities in Early Modern England: Networks, Place and Rhetoric*. Manchester; New York: Manchester University Press, 2000.
- Shoemaker, Robert B. *Gender in English Society 1650-1850: The Emergence of Separate Spheres?*. London; New York: Longman, 1998.
- Simons, Patricia. *The Sex of Men in Premodern Europe: A Cultural History*. Cambridge: Cambridge University Press, 2011.
- Stewart, Alan. *The Cradle King: A Life of James VI & I, The First Monarch of a United Great Britain*. New York: St. Martin's Press, 2003.
- Stone, Alison. "Towards a Genealogical Feminism: A Reading of Judith Butler's Political Thought." *Contemporary Political Theory*. 4:1(Feb. 2005): 4-24.
- Stone, Lawrence. *The Family, Sex and Marriage in England 1500-1800*. London: Penguin Books, 1977.

- Storey, Tessa. *Carnal Commerce in Counter-Reformation Rome*. Cambridge: Cambridge University Press, 2008.
- Swift, Helen J. *Gender, Writing, and Performance: Men Defending Women in Late Medieval France (1440-1538)*. Oxford: Oxford University Press, 2008.
- Tadmor, N. "Early Modern English Kinship in the Long Run: Reflections on Continuity and Change." *Continuity and Change*. 25:1(2010): 15-48.
- Tague, Ingrid H. *Women of Quality: Accepting and Contesting Ideals of Femininity in England, 1690-1760*. Woodbridge, UK; Rochester, NY: Boydell Press, 2002.
- Tapsell, Grant. *The Personal Rule of Charles II, 1681-85*. Woodbridge, UK; Rochester, NY: Boydell Press, 2007.
- Traub, Valerie. *Thinking Sex with the Early Moderns*. Philadelphia: University of Pennsylvania Press, 2016.
- Traub, Valerie. *The Renaissance of Lesbianism in Early Modern England*. Cambridge: Cambridge University Press, 2002.
- Venables, Edmund. *The Castle of Herstmonceux and its Lords*. London: J.R. Smith, 1851.
- Walker, Garthine. *Crime, Gender, and Social Order in Early Modern England*. Cambridge: Cambridge University Press, 2003.
- Ward, Jennifer C. *English Noblewomen in the Later Middle Ages*. London; New York: Longman Publishing, 1992.
- Wiesner-Hanks, Merry E. *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice*. 2nd ed. London; New York: Routledge, 2010.
- , ed. *Mapping Gendered Routes and Spaces in the Early Modern World*. Surrey: Ashgate Publishing Ltd., 2015.
- . *Women and Gender in Early Modern Europe*. Third edition. Cambridge: Cambridge University Press, 2008.
- Wilkie, Vanessa Jean. "'Such Daughters and Such a Mother': The Countess of Derby and her Three Daughters, 1560-1647." PhD. Dissertation., University of California, Riverside, 2009.
- Withington, Phil. *Society in Early Modern England: The Vernacular Origins of Some Powerful Ideas*. Cambridge: Polity Press, 2010.

Vaught, Jennifer C. *Masculinity and Emotion in Early Modern English Literature*. Surrey: Ashgate Publishing Ltd., 2008.

Vicinus, Martha. *Intimate Friends: Women who Loved Women, 1778-1928*. Chicago: University of Chicago Press, 2004.

Zunshine, Lisa. *Bastards and Foundlings: Illegitimacy in Eighteenth-Century England*. Columbus: The Ohio State University Press, 2005.

Appendix A: Political History of the Stuart Monarchy

A.1 Political Context

In order to understand the context in which Lady Anne and Barbara Palmer operated, it is important for the reader to be knowledgeable of the wider landscape of sixteenth and seventeenth century England. This context will be large framed, informed, and assessed Lady Anne's thoughts, feelings, and actions.

A.1.1 Economic Concerns

In the sixty years leading up to the birth of Lady Anne, English religious and political tensions mounted. They culminated in two civil wars and the beheading of the king. Charles I ruled from 1625-1649. While aspects of his rule are controversial, his decisions and behaviours are important in this analysis as they highlight some of the major political and religious concerns of the period. This section explores key political and religious events, which climaxed with his decapitation, and concluded with the restoration of Charles II to the English throne.

When Charles I inherited the throne from his father, James I, in 1625, it appeared that he was at an advantage as, “[a]t the age of twenty-five he was handsome and distinguished, if rather short in stature; his chasteness and his austere self-discipline contrasted markedly with his father's slovenliness, drunkenness and barely concealed homosexuality.”³²² Charles, nevertheless, had an overall disadvantage. At the time of his ascension, Europe struggled

³²² John Kenyon, *The Civil Wars of England*, (London: George Weidenfeld and Nicolson, 1988), 7.

economically. The cost of maintaining a kingdom was rising exponentially.³²³ Due to an ever increasing internal bureaucracy, and the new need for a standing centralized army, monarchs experienced increasing difficulty in securing the necessary funds to run a country effectively.³²⁴ In under-populated countries like England, this was especially difficult and resulted in a drastically depleted treasury.

British monarchs also had the added constraint of a standing parliament. In conjunction with its ability to curb the crown's powers of taxation, parliament's influence continued to expand during this period.³²⁵ The problem was cyclical. The parliament's power continued to expand because no centralized military existed to challenge the power of the aristocracy, and the creation of an army could not occur because parliament controlled the crown's ability to collect taxes. With a standing parliament, moreover, Britain could not compete in the changing economic and political climate of the European continent.

A.1.2 Dissolution, Dissent, and Decapitation

War was a continual issue in Europe at this time. The seventeenth century witnessed further divisions within the Catholic Church, as the increasingly influential fractions of Protestantism continued to emerge throughout the continent. This period, generally termed by English historians as The General Crisis, witnessed the breakdown of society, which resulted from the collapse and strain on economic, religious, and social factors.³²⁶ This influx of conflict created a greater stress over the problem of England's lack of treasury or standing army. Despite England's subscription to its own form of Protestantism, the

³²³ Kenyon, *The Civil Wars of England*, 6.

³²⁴ Kenyon, *The Civil Wars of England*, 6.

³²⁵ Kenyon, *The Civil Wars of England*, 6.

³²⁶ Kenyon, *The Civil Wars of England*, 6.

marriage of Charles I's sister, Elizabeth, to Frederick V, Elector Palatine, created a familial obligation to support continental Protestants.³²⁷ England, however, could not easily afford to assist monetarily or physically with matters on the continent, due to internal religious dissent.

The puritans, an orthodox English sect, were the primary purveyors of discussions pertaining to the state of religion in England. They were primarily concerned that Catholic popery remained in England.³²⁸ This religious sect believed that religious reform was necessary for the health of church and society.³²⁹ They wished to diminish the episcopacy of the church and introduce gradual amendments to the book of English Prayer, which, with the support of James I, succeeded.³³⁰ James I's alignment with the right wing of the English Church provided puritans with the ability to implement reform; however, at the commencement of his reign, Charles I chose to align himself with the Bishop of London, William Laud.³³¹ Laud took a more aggressive stance towards reform than did other church officials, and consequently called for a moratorium on church reform. To aggravate an already tense religious climate, clergy associated with Laud began to preach of the divine rights of kings.³³² These clergymen proclaimed it a sin to object to the King's right to accumulate wealth through taxation. This contributed to the already mounting tension over the means by which Charles was collecting taxes to aid in the war overseas.

³²⁷ Kenyon, *The Civil Wars of England*, 8.

³²⁸ *Encyclopedia Britannica*, online edition, s.v. "Puritanism".

³²⁹ *Encyclopedia Britannica*, online edition, s.v. "Puritanism".

³³⁰ Kenyon, *The Civil Wars of England*, 11.

³³¹ Kenyon, *The Civil Wars of England*, 11.

³³² Kenyon, *The Civil Wars of England*, 11-12.

The Dutch campaign had become Charles' primary preoccupation throughout his reign. The English initially entered into the conflict to uphold the Protestant cause on the continent.³³³ Parliament, however, heavily criticized this decision. Over the next four years, until 1629, parliament passed a series of acts, which specifically targeted and condemned Charles' behavior.³³⁴ This led Charles to dissolve the current parliament, claiming that it would be recalled only when the situation became conducive to his personal agenda.³³⁵ This created a significant problem, however, because, due to the Petition of Right, passed during the previous parliamentary sitting, Charles was unable to collect taxes without parliamentary consent.³³⁶ Consequently, Charles began to use a medieval precedent that allowed the king directly to collect money, much to the disdain of the English populace.³³⁷

Despite having the express approval of Laud to collect taxes directly from the English populace, the political climate forced Charles to reconvene parliament under the directive of his advisors.³³⁸ The hope was that the new parliament, compelled by their patriotism to the crown, would protect the king. This was not to be.³³⁹ The newly established parliament forced Charles to accept new conditions, including the Triennial Act, which required the King to call a parliament every three years.³⁴⁰ In addition, the parliament passed another act to render illegal the king's ability to dissolve parliament without its

³³³ Clive Holmes, *Why Was Charles I Executed?*, (London: Hambledon Continuum, 2006), 1.

³³⁴ *Encyclopedia Britannica*, online edition, s.v. "Charles I".

³³⁵ Holmes, *Why Was Charles I Executed?*, 2.

³³⁶ *Encyclopedia Britannica*, online edition, s.v. "Charles I".

³³⁷ Holmes, *Why Was Charles I Executed?*, 2.

³³⁸ *Encyclopedia Britannica*, online edition, s.v. "Charles I".

³³⁹ Holmes, *Why Was Charles I Executed?*, 3-4.

³⁴⁰ Kenyon, *The Civil Wars of England*, 20.

consent. Overall, the concessions outlined in the Triennial Act weakened the monarchy and essentially discredited Charles in the absence of a sitting parliament.³⁴¹

Tensions finally erupted in 1642 with the first English Civil War. This war pitted the parliamentarians – supporters of parliament – against the royalists – supporters of the crown, with the intention of overthrowing the current monarchy.³⁴² Charles' inability to capture London and to secure the support of its wealthy suburbs resulted in the capture and defeat of the royalist contingent.³⁴³ Subsequently, the courts charged Charles as a tyrant, traitor, and murderer, an implacable enemy. At the will of his people, the king lost his head on 20 January 1649.³⁴⁴

A.1.3 Cromwell and the Protectorate

Not everyone abandoned their monarch. Despite Charles' unpopularity, many still did support the monarchy and were dismayed with this outcome. Some members of parliament, and Scottish Presbyterians, protested the transition from monarchy to the new so-called commonwealth under the directive of Oliver Cromwell.³⁴⁵

The death of the king failed to relieve the tensions still brewing in England. A series of policies enacted by Cromwell belied continuing problems throughout the British Isles.³⁴⁶ Cromwell's ability to create or maintain a façade of centralized and consolidated authority meant that, by 1658 he had effectively created a government that closely resembled that of

³⁴¹ *Encyclopedia Britannica*, online edition, s.v. "Charles I".

³⁴² *Encyclopedia Britannica*, online edition, s.v. "English Civil War".

³⁴³ *Encyclopedia Britannica*, online edition, s.v. "English Civil War".

³⁴⁴ Holmes, *Why Was Charles I Executed?*, 93.

³⁴⁵ Gary Stuart De Krey, *Restoration and Revolution in Britain: A Political History of the Era of Charles II and the Glorious Revolution*, (Basingstoke; New York: Palgrave, 2007), 1-2.

³⁴⁶ The British Isles in this context refers to a combination of England, Wales, Scotland and Ireland, or more correctly all fractions under the direct influence of the British crown.

the previous Stuarts.³⁴⁷ The difference between the government under Charles I, and Cromwell, however, was Cromwell's ability to create a government that met the needs of competing factions within the British Isles. During his reign as Lord Protector, Cromwell appeased the conservative religious groups who desired religious reform, while simultaneously highlighting that a monarchical figure could reign with the direct consultation of a sitting parliament.³⁴⁸

Nevertheless, the protectorate spawned several changes of opinion that allowed for the eventual reinstatement of the monarchy. During the reign of Charles I, the civilian body understood a standing army as necessary and important aspect of state structure. By the ascension of Cromwell, however, military structures became associated with a type of power that was disadvantageous to parliament.³⁴⁹ Further, while Charles I's reign highlighted a desire for strategic reform, subjects of the protectorate became increasingly suspicious of religious and political reform.³⁵⁰ Both concerns fed into the other. The concerns over religious and political reform were exacerbated when Cromwell, initially, attempted to implement reform through parliament. This 'Rump Parliament', however, limited reform.³⁵¹ It avoided all attempts to reform aspects of parliament, religion, and law.³⁵² More concerning, however, was its insistence on passing acts that enforced conformity to the Church of England, rather than religious tolerance and freedom.³⁵³ Despite this overall call for reform, Cromwell could not convince parliament to dissolve so that he

³⁴⁷ De Krey, *Restoration and Revolution in Britain*, 7.

³⁴⁸ Barry Coward, *Cromwell*. (London: Longman, 1991), 68.

³⁴⁹ Coward, *Cromwell*, 80.

³⁵⁰ Coward, *Cromwell*, 84.

³⁵¹ Coward, *Cromwell*, 84.

³⁵² Coward, *Cromwell*, 84.

³⁵³ Coward, *Cromwell*, 84.

could begin the effective implementation of societal reforms. Further, due to the nature of the laws passed in 1649, a parliament could not dissolve without the permission of the current sitting parliament.³⁵⁴ Consequently, when parliament refused to dissolve of its own volition, Cromwell dissolved the ‘Rump Parliament’ through violence³⁵⁵ and replaced it with forty individuals, who acted as an interim parliamentary body until, after an unspecified interval, parliament would reconvene.³⁵⁶

Despite criticism from the English over the lack of effective reform, Cromwell’s decision to dissolve parliament through violence spawned an equal amount of disapproval. Many believed that this act betrayed his intention to establish a military dictatorship.³⁵⁷ Cromwell’s quick response with the redistribution of power within the forty-person committee, however, lessened the fear over a potential military dictatorship.³⁵⁸ With the implementation of a committee willing to pass reforms, Cromwell began to emphasize his concept of a commonwealth, which highlighted social justice, the maintenance of a social order, and the idea of a godly ministry, which would provide religious authority to the standing government.³⁵⁹

A.1.4 Charles II Reinstated

Despite creating the facade of order and control, Cromwell never overcame the problems of the Jacobean and Caroline reigns.³⁶⁰ Consequently, Cromwell’s death in 1658,

³⁵⁴ Coward, *Cromwell*, 84-85.

³⁵⁵ Coward, *Cromwell*, 84-85.

³⁵⁶ Coward, *Cromwell*, 85.

³⁵⁷ Coward, *Cromwell*, 91.

³⁵⁸ Coward, *Cromwell*, 91.

³⁵⁹ Coward, *Cromwell*, 106-109.

³⁶⁰ De Krey, *Restoration and Revolution in Britain*, 12.

created a power vacuum. His death renewed calls for religious freedom.³⁶¹ The military also decentralized following a lapse in leadership.³⁶² This lapse in leadership resulted in a fear of parliamentary control amongst the English, and, as a result, the populace called for the restoration of the exiled Charles II to the throne.³⁶³ The government, thus, restored Charles to the throne, and effectively disbanded the English Commonwealth.³⁶⁴

³⁶¹ De Krey, *Restoration and Revolution in Britain*, 12-13.

³⁶² De Krey, *Restoration and Revolution in Britain*, 12-13.

³⁶³ De Krey, *Restoration and Revolution in Britain*, 13.

³⁶⁴ De Krey, *Restoration and Revolution in Britain*, 13.

Appendix B: *Chichester vs. Lady Sussex*

B.1 *Chichester vs. Lady Sussex* Bill One

LEGAND

[.....]	Inserted word; expansion of short handed script based on context
[???	Unknown words
	Hole in document, potential missing information

DOCUMENT ABBREVIATIONS

hono ^{ble}	honourable
Comp ^{lt}	Complainant
Defen ^{ts}	Defendants (abbreviation without the “s”, defendant)
Agreem ^t :	Agreement
W th :	with
Esq ³	Esquire
S ^r	Sir
Barr ^t	Baronett
M ^r	Mr.
Tenem ^{ts}	tenements
Y ²	The
P ^r misses	Promises
crom ^{to}	
Settlem ^t	settlement
extors	executors
Paym ^t	payment

3 die July 1717

To the Right Honourable William Lord Cowper Baron of Wingham
Lord High Chancellor of Great Britain

In all humble manner compliment show unto your lordship your orator and oratrix Giles Chichester of Arlington in the county of Devon [esquire] and Katherine his wife that or about the month of may in

The yeare of our lord one thousand seven hundred and six your orator and oratrix did exhite their bill into this honoble court thereby charging as the truth was and is that Roger Earle of Castlemaine decred in

Considacon of a marriage between James Palmer his brother and Katherine Palmer your oratrix's mother and of four thousand pounds paid to the said Earle as her porcon did by indentures of lease and

Release dated the four and twentieth and five and twentieth day of August which was in the yeare of our Lord one thousand six hundred and seventy five made between him the said Earle Roger John

Jennings and Edward Nicholas [esquire] of the first part of the said James Palmer and Katherine Southcott afs Fairfax (Grandmother of your oratrix Katherine) your oratrix mother [Sir] Walter Kirkham Blonnt

Baronett [Sir] William Portman [Baronett] and John Southcott [esquire] of the second part and John Robinson and Thomas Longhorne of the third part the said Earle and by his direcon the said [Mr] Jennings and [Mr] Nichols

Did convey to the said Robinson and Longhorn and their heiree divers mannor's rectory mesonages lands [tenements] and hereditaments in the county of Cardigan and Mountgomery of about one thousand

Two hundred pounds per annid to the use of [the] said Earle and his heires until the said then intended marriage should take effect [and] after the solempnizacon thereof to the use of the said James Palmer for [???

Nine yeare if he should so long live and after his decease to the use of [Sir] Walter Kirkham Blount [Sir] William Portman and John Southcott for one hundred yeare determinable on the death of your oratrix said

Mother in trust to raise six hundred pounds per annid for her jointure and to permitt the residne of the profits of the [promises] during that term to be received by the person to whom the freehold of the [promises]

Expectant on the determinacon of the said terme belong and after the determinacon of the [said] estates than the said Robinson and Longhorne was to stand seized of the [promises] to the use of the first and dudry

Other son of the said then intended marriage in Tayle Male and in default of such issue and in case the said James Palmer should have one or more daughter or daughters by the said Katherine your Oratrix's mother

Then to the use of the [said] Sir Walter Kirkham Blount [Sir] William Portman and John Southcott their [executors] and [???] for five hundred yeare on trust to pay four thousand pounds if per daughter at her age of

Twenty one yeare or marriage which should first happen as by the said [settlement] resacon being there into had there unto had might appeare and that the said Roger Earle of Castlemaine by bong dated the thirteenth of August

One thousand six hundred and seventy five did oblidge himself his heires [executors] and [???] in the penalty of six thousand pounds to the said [Sir] Walter Kikham Blount and othere ^[???] so that in case the [second] marriage should take effect that hee^ would be conveyances or

His last will settle lands of five hundred pounds per annid at least (besides the lands and [tenements] is in the aforesaid deeds! So as the same after his decease for want of issue male of the aforesaid intended marriage

Should come to the issue female in tayle and in case of no [settlement] that the said Earle's [executors] should within a month after his decease pay to the obligees in such bond three thousand pounds to purchase land

To be settled to the same uses as by the same bond and condicon resacon being there unto had may appeare and your orator and oratrix did further show that the said marriage between the said James

Palmer and your oratrix mother was had and solempnized and that your oratrix is the only issue of that marriage and that the said Earle made his last will and [testament] in [???] bearing date on or

About the thirteenth of November one thousand six hundred and ninety six and thereof the Right Honourable the Countess of Sussex and the said John Jennings [executor] but made no [settlement] [???] to the

Condicon of the said bond whereby the three thousand pounds as well as the four thousand pounds became payable to your orator and oratrix and the said Earle in order to exonerate his personal

Estate from the said bond did by his said will devise to his executors and their heirs all his manners ^ mesonages ^, lands , [tenements] and hereditaments in the county of Cardigan Mountgomery and [???] for ^the payment^ as well as

The three thousand pounds as four thousand pounds and all other his obligacons and by his said will devised to the said Jennkins in trust for the said Countess of Sussex [???] [???] in the savoy

Leasehold estate for three lives in the county of Monmouth hold of the Right Honourable the Estate of Pembroke and all his [personal] estate and your orator and oratrix exhibited their said bill against the said Katherine

Palmer your oratrix's mother the said John Jennkins Charles Palmer who claimed some interest in the [promises] the Right Honourable Thomas Earle of Sussex and the said Anne Countess of Sussex his wife and

[Sir] Walter Kirkham Blount the only surviving obligee in the said Bond and trustee of the said five hundred yeare terme to have [payment] and satisfacon of the said three thousand pounds and four

thousand pounds with interest and costs whereto the [defendant] to such bill opposed and answered and your orator and oratrix replied and such proceedings coere thereon had that the said cause came

to be heard in this honourable court the seventh day of July one thousand seven hundred and eight when the court declared and decreed that the said three thousand pounds and four thousand

pounds with interest from the respective [???] the same became payable at five pounds per cent per annud should be paid to your orator and oratrix and that the trusted estate called the [???]

Estate in wales devised and subjected by the will of the said Earle for [payment] of the aforesaid sumes should in the first place be sold for satisfying your orator and oratrix said demand and if

That should prove deficient then the said form of five hundred years waste be sold for that purpose and all [partys] were to have their costs out of the said estate as by the same decree resacon

Being there unto had ^most fully^ may appeare and it was referred to William Followes [esquire] and of the mastere of this court to take an amount of what was one to your orator and oratrix said demand and if

Mostyn estate and the form of five hundred yeare pursuant to the said decree which decree is signed and inrolled and the said master made his report in the said cause bearing date on or about the

Ninth day of October one thousand seven hundred and nine whereby the said master reported then due to your orator and oratrix all that time nine thousand two hundred forty and seven pounds

And seven shillings besides costs of suite and the said Mostyn's Estate was afterward sold pursuant to the said decree for five thousand and seven hundred pounds which neerly satisfied what was secured by the

Said terme but not what was secured by the said Bond and your orator and oratrix further show that the said terme for five hundred yeare was afterwards sold on or about the twenty third of October

One thousand seven hundred and twelve for four thousand and five hundred pounds by the said master pursuant to the said decree both which sales were confirmed by the honourable Count but this defendant

In the aforesaid cause did so long [??] the said sales and the interest and costs run on in the mean time that those remains one thousand nine hundred thirty eight pounds ^[??] [??]^ besides costs of suite

Still due to your orator and oratrix your orator and oratrix being thereby necessitated to seek out for a discovery of other lands to make full satisfacon of their said just demand and for that purpose

Thereby charge that the inheritance and fee simple of the said estate and [promises] granted for five hundred yeare as aforesaid and like was [??] of the annuall profits beyond the aforesaid jointure

Are and ought to be applied to discharge your orator and oratrix's demand and the said Earle of Castlemaine or some other in trust for him dyed seized or otherwise interested of and in a

Large estate in the [??] and in severall other places and lost behind a him a very considerable [personal] estate all which came to the hands custody or power of his confadate herein afternamed some or

One of them or to the hands of those whom they represent or for their [??] and your orator and oratrix also show that Charles Palmer one of the [defendants] to the said former bill is lately dead leaving

Charles Palmer his son and heire at law and Jane Palmer his widow [executrix] against whom the said suite hath been executed and the Right Honourable the Earle of Sussex and John Jenkyns and [Sir] Walter

Kirkham Blount [defendant] to the said former bill are likewise dead and the [??] herein after named some or one of them is or are heire of heires and [executors] or [??] to the said John Jenykns and likewise

Executor or [administrator] to the said Earle of Sussex and [Sir] Walter Kirkham Blount and the said Charles Palmer decree out of the said Mostynes estate after the death of the said Earle of Castlemaine until

Sale thereof as aforesaid [??] considerable sum which ought to be applied to the [payment] of your orator demands and ^come^ in and of the said decree to the end therefore that the said Katherine Palmer

Widow Charles Palmer the son of Jane Palmer the widow and [executrix] of the [said] Charles Palmer deced and John Jenkyns heire of the said John Jenkyns deced and Jane Jenkyns widow and [executrix] of

The said John Jenkyns decree who combineing and condedorating together to hinder your orator and oratrix from receiving satisfaccon of their demands and likewise the right honourable Anne

Countess of Sussex may fully answer the [promises] and [??] [??] of the real and [personal] estate of the said Earle of Castlemaine to satisfy your orator and oratrix demand and set forth

The natures kinds and values thereof and that your orator and oratrix may have full satisfaccon and be relieved according to nature of their care may it please your lordship to grant unto

Your orator and oratrix your lordships letter to be directed to the said Anne Countess of Sussex thereby desireing her and his majesty most gracious [??] or [??] of [??] to be directed

To the said Charles Palmer Jane Palmer Jane Jenkyns ^John Jenkyns^ Katherine Palmer and [executor] or [administrator] of the said [Sir] Walter Kirkham Blount thereby commanding them and

Every of them at a certaine day and under a certaine name therein to be limited [personally] to be and appeare before your lordship in the honourable court then and there trie and [profit] answer make to

On and [??] [??] the [??] and further to stand to and abide such further order direction and decree herein as your lordship shall soon meet and your orator and oratrix shall

Pray er

B.2 *Chichester vs. Lady Sussex* Bill Two

DOCUMENT ABBREVIATIONS

hono ^{ble}	honourable
Y ^t	that
Defen ^{ts}	Defendants (abbreviation without the “s”, defendant)
Agreem ^t :	Agreement
W th :	with

Esq ³	Esquire
S ^r	Sir
Coven ^{td}	Coveted
lordsp	Lordship
Tenem ^{ts}	tenements
Y ²	
P ^r misses	Promises
crom ^{to}	
Settlem ^t	settlement
extors	executors
Paym ^t	payment
Y ³	the
Barr ^t	baron
Barron ^t	Barronett
M ³	Mr
p ^d	paid
lO ^t	
w ^t	Which
afores ^d	Aforesaid
acco ^t	account
spna	subpeona

To the Right Honourable William Lord Cowper Baron of Wingham Chancellor of Great Britaine

In all humble manner complaining shew unto your lordship your orator and oratrix Giles Chichester of Arlington in the county of Devon [esquire] and Katherine his wife that in or about the month of May in the year of our Lord on thousand

Seven hundred and six your orator and oratrix did exhibit their bill into this honourable court against Charles Palmer John Jenkyns Right Honourable Thomas Earle of Sussex and the Lady Anne his wife Catherine Palmer and [Sir] Walter Kirkham

Blunt [baron] defendants thereby charging as the truth was and is that Roger Earle of Castlemaine deced in consideracon of a marriage before James Palmer his brother and Katherine Palmer your oratrix's mother and of four thousand pounds paid

To the said Earle as her porcon did by indenture of lease and release dated the twenty fourth and twenty fifth days of August which was in the year of our lord one thousand six hundred seventy five made between him [the] said Earle Roger John Jenkyns and Edward

Nicholas [esquire] of the first part and the said James Palmer and Katherine Southcott ats Fairfax (grandmother of your oratrix Katherine) your oratrix mother [Sir] Walter Kirkham Blount [baron] [Sir] William Pourtman [Barronett] and John Southcott

[Esquire] at the second part and John Robinson and Thomas Longhorn of the third part the said Earle and by his direcon the said [Mr] Jenkyns and [Mr] Nicholas did convey to the said Robinson and Laughorn and their heirs diverse manners reccoryes

Messuages land tenements and hereditaments in the county of Cardigan and Mountgomery of about one thousand two hundred pounds pawn to the use of the said Earle and his heirs until the said then intended marriage should take

Effect and after the solemacon threereof to the use of the said James Palmer for ninety nine years if he should so long live and after his decease to the use of [Sir] Walter Kirkham Blount [Sir] William Portman and John Southcott for one hundred

Years determinable on the death of your oratrix said mother in trust to raise six hundred pounds pawn for her jointure and to [???] the residne of the [???] of the premises during that term to be [???] by the [person] to whome the free hold

Of the premises expectant on the determination of the said term should belong and after the determination of the said Estates then the said Robinson and Langhorne was to stand seized of the premises to the use of the first and every other son of the

Said then intended marriage in taylor male and in default of such issue and in case the said James Palmer should have one or more daughter or daughters by the said Katherine your oratrix mother then to the use of [Sir] Walter Kirkham Blount

[Sir] William Portman and John Southcott their executors and Administrators for five hundred years on trust to pay four thousand pounds if but one daughter at her age of four and ^twenty^ years or marriage [which] should first happen as by [the] said

Settlement relacon being thereunto had might appear and that the said Roger Earle of Castlemaine by bond dated the thirteenth of August one thousand six hundred seventy five did oblige himself his heirs executors and administrators

In the penalty of six thousand pounds to the said [Sir] Walter Kirkham Blount and others condiconed that in case the said marriage should take effect that he would by conveyanced or his last will settle lands of two hundred ^pounds^ paid

At least besides the lands and tenements in the aforesaid deed so as the same after his decease for want of issue male of the aforesaid intended marriage should come to the issue female in cause and case of no settlement that the said Earles

Executors should within a month after his decease pay to the obligees in such bonds three thousand pounds to purchase lands to be settled to the same uses as by the same bond and condition relacon being thereunto had many appear and your orator [and]

Oratrix did further show that the said marriage between ^the^ said James Palmer and your Oratrix mother was had and solemnized and that the said James Palmer is dead and that your oratrix is the only issue of that marriage and your orator and oratrix

By their said bill further charged that [the] said Earle of Castlemaine did not make any settlement pursuant [the] condition of [the] said bond whereby [the] said three thousand pounds as well as the four thousand pounds became payable to your orator

Oratrix And your orator and oratrix further shew unto your lordship that the said Earle of Castlemaine being desirous to and one rate his personal estate as much as he could from [the] said three thousand pounds one on [the] said bond [and] to provide for

[The] full payment thereof [and] of the said four thousand pound porcon and interest of the said two summes did by his last will and testament in writing bearing date the thirteenth day of November in [the] year of our lord one thousand six hundred ninety six give and

devise unto [the] ^said^ Countesse of Sussex and [the] said John Jenkyns and their heirs all his manors, rectories and messuages lands tenements and other hereditaments in the countyes of cardign mountgomery and meruionth to hold [the] same to [the] said Lady Sussex and John Jenkyns

their heirs to the use of them and their heirs and assignes the estates in Mountgomery and meruionth late mostyns subject to ^[??]^ annuities of forty pond a piece to John and Charles Dorret for life and whom both since dead and the premises in the county of Cardign

Subject to a jointure of six hundred pounds paid to the said Katherine Palmer upon trust ^and^ to the intent and purpose that [the] said lady Sussex and John Jenkyns the survivor of them his and their heirs and assignes should permit and suffer [the] [said] Charles Palmer and his assignes to take [the] rents

Issues and profits of [the] said premises for life and after his death [that] the first [??] second and all and every son and sons of [the] [said] Charles Palmer [and] [the] respective heirs male of their bodies might in like manner sumessively one after another take [the] rents issues and profits of [the] [said] premises and [the] [said] Earle of Castlemaine

By his said will declared [that] whereas [the] said premises in [the] county of Cardign stood ^charged^ with [the] [said] jointure and your oratrixs porcon and [with] [covents] or obligations relating to [the] said marriage and children or [the] [said] Catherine Palmer that this will and meaning was in case his [said] trustees or their heirs found

Good his legal obligations and preserving [the] said estates in Cardignshire free from incumbrances should at any time be minded to raise any sume or sumes of money necessary for [that] purpose by and out of the [said] other above menconed land in ^that^ several countyes of meruionth and Mountgomery or either of [them]

That then it should and might be lawful to and for his said trustees by and out of the rents issues and profits of [the] [said] premises or by sale mortgage or other dispositions there of to raise such summes of money as should be sufficient to discharge [the] said incumbrance so as aforesaid chargeable

On [the] said premises in [the] said county of Cardigan and accordingly pay off and discharge [the] same and [the] said Earle by his said will gave and bequeathed unto [the] said John Jenkyns certain leasehold messuages in the same and leasehold lands in the county of meruionth

And all his plate jewells arreared of rent and all other his personal estate in trust to by him disposed of and paid to [the] said Countess of Sussex or as she should direct and appoint notwithstanding her then coverture and [that] [the] said Earle of his [said] will constituted

And appointed [the] said Countess of Sussex and John Jenkyns executors as by [the] said will relacon being there unto had more fully and at large it doth and may appear and your orator and oratrix further shew unto your lordship [that] [the] orator and oratrix by their

Said bill charged that the said [Sir] Walter Kirkham Blount was only surviving trustee of the said term of five hundred years and only surviving obligee in the said bond and [that] they ought to have payment and satisfaccon of [the] [said] three thousand and four thousand

Pounds with trustees and costs and by [the] said bill prayed [the] same accordingly and [the] said debts to such bill appeared and put in their answers and your orator and oratrix replied and such and [proceedings] were thereon had [that] [the] said cause ^came^ to be heard in this honourable court [the] seventh

Day of July one thousand seven hundred and eight when this court declared and decreed [that] [the] three thousand pounds and four thousand pounds to the interest of five pound percent from [the] same became payable should be [paid] to [your] orator and oratrix and [that] [the] trust effect and called

Mostings was devised and subjected by [the] will of [the] [said] Earle for [payment] of [the] [aforesaid] summes should in [the] first place be sold for satisfying your orator and oratrixs ^[said]^ demands in case [the] [said] trust estate by [the] will should not be sufficient to discharge [the] same [that] [the] [said] term of five hundred years was to stand charged

[With] [what] thereof [the] [said] trust estate should so fall short to satisfy as [aforesaid] and it [???] thereby referred to William Fellowes esquire one of [the] masters of this court to take an account of [what] was due to your orator and oratrix and to sell [the] [said] trust estate [the] said master was to tax all [properties] their costs [which] were

To be paid them out of [the] said trust estate to [which] decree is duly signed and inrolled And the said master pursuant to [the] said decree made his report out of this court bearing date [the] ninth day of August in [the] year of our lord one thousand seven hundred and nine and thereby certified [that] the ^[said]^ was

Due to your orator and oratrix on [the] nineteenth day of October in [the] said yeare one thousand seven hundred and nine for principal and interest [the] sum of nine thousand two hundred forty seven pounds seven shillings and besides costs of suit which report stands absolutely confirmed and [the] orator and oratrix further she to

Unto [the] lordship of [the] [said] trust estate late mostyned was afterwards sold by [the] said master for [the] sume of five thousand seven hundred pounds and afterwards by an order made by this court [the] twentieth of July one thousand seven hundred and eleven it was ordered [that] it should be referred to [the] [said] master to direct a sale of [the] said

Term of five hundred years and [the] same was afterwards covenorable [the] twenty third of October one thousand seven hundred and twellev sold by [the] [said] [master] for [the] summe of four thousand five hundred pounds and [the] [said] several sales were confirmed by this court but [the] [said] mostyne estate being charged to the payment of [???

[????????????????????] in [the] [???] did so long obstruct [the] [said] sale and [the] interest and costs [???] the meantime [that] [the] money raised by [the] said sales falls short of paying [what] is due to your orator and oratrix and your orator and oratrix further show unto your lordship [that] by an order made in this ^honourable^ court

[The] eight day of July one thousand seven hundred and thirteen it was ordered that [the] [said] master should carryon [the] amount of principale and interest due to your orator and oratrix from [the] foot of [the] [said] report of [the] ninth of August one thousand seven hundred and nine and [the] [said] master was to take ^an^ account

of [the] moneys vested by your orator and oratrix [which] was to go towards satisfacon of [what] was due to [them] and [the] [said] master hath pursuant to [the] [said] order carried on interest for [the] moneys ^so^ reported due to [your] orator and oratrix and took an account which they had reced towards satisfacon thereof either by [the] profits of [the] said estate called

mostyns or by and out of [the] moneys caused by [the] [said] sales and hath reported there estimated due to [your] orator [and] oratrix on [the] twenty third day of May in [the] year of our lord one thousand seven hundred and fifteen over [and] above ^all^ [that] they had reced [the] sum of one thousand eight hundred ninety five

pounds eleven shillings [and] six pence as by [the] severall pleadings [and] proceedings had in [the] said cause remaining filed [and] as of record [and] entered in [the] registry of this honourable court relacon being thereunto had more fully [and] at large it doth [and] may appear ^and^ [the] orator and oratrix furthers shew

unto your [lordship] [that] there ^is^ remaining due to your orator [and] oratrix [the] [said] sume of one thousand eight hundred ninety five pounds eleven shillings [and] six pence together [with] interest from [the] ^said^ twenty third of May one thousand seven hundred and fifteen [and] their subsequent cost [and] there being no further

fund provided by [the] [said] decree for [the] [payment] there of ([the] [said] estates being at [that] time thought to be of value more than sufficient to satisfy [the] [orator] [and] oratrixes said demands they are recessitated to seek out for a discovery of the personal estate [and] lands of [the] said Earl of Castle=

main to make them a full satisfaction of ||x||x their said demands [and] for that purpose your orator [and] oratrix hereby charge [that] [the] said Earle of Castlemain having by his said bill charged [the] [said] estate in [the] counties of meruionth [and] Montgomery late mostyns [with] [the] [payment] of [the] oratrix [and] porcons

of four thousand pounds [and] alsoe [the] [said] three thousand pound upon bond [and] both [the] [said] estates falling short of paying what is due for [the] [said] four thousand pounds and three thousand pounds ^And three thousand pounds^ [and] interest [and] there being so much money remaining due to your orator and oratrix as [aforesaid] [that] therefore [the] personall estate of [the] said

Earle of Castlemain ought to be subject [and] lyable to satisfy your orator and oratrixes demands [and] the ought to have an account [and] discovery ^thereof^ and your orator [and] oratrix further charge that [the] said Earle of Castlemain or some other in trust for him was at the time of his

Death seized [and] possessed of and in a conferrable reall estate and of a leasehold estate in the savoy near the strand in the county of Midd [and] together with certain lands [and] hereditaments in the county of Monmouth hereby [???] of a lease for three [???]

From the Earle of Pembrook of a very considerable yearly value and also of other personall estate of a very great value sufficient to pay your orator [and] oratrixes demands and all other debts with a very great over plus and that after the death

Of the said Earle and the said Countess of Sussex or the said John Jenkyns or some other person or persons in trust for her possessed her him or the inselod thereof and aplied the same to their own use and your orator and oratrix further charge the inher=

itance [and] fee simple of the said estate [and] premises granted for the term of five hundred years as aforesaid and likewise the surplus of the annual profits beyond the aforesaid jointure are and ought to be aplied as [???] [???] to discharge your orator

oratrixes said demands and your orator and oratrix further charge that the said Charles Palmer after the death of the said Earl of Castlmain received by [and] out of the rents [and] profits of the said trust estate late mostlyn [and] severall sums of

money amounting to the sum of seven hundred sixty one pounds or thereabouts which rents and profits were by the said Earles will subjected to satisfy your orator and oratrixes demands [and] ought to be applied accordingly and come in

aid of the said decree And your orator and oratrix further show unto your lordship that the said Charles Palmer ^is lately [??] [??] Charles Palmer^ his eldest son and heir having first made his will [and] thereof Jane Palmer his widow [and] relict executrix who hath duely proved

the said will and possessed herself of the said Charles Palmers personall estate of a very considerable value sufficient to pay all his debts with a very considerable over plus And the said hath been received against the said Charles Palmer [and] Jane Palmer and

the said Earle of Sussex [and] John Jenkyns and [Sir] Walter Kirkham Blount [??] to the said former suite are likewise dead and ^there^ confessed estates herein after named some or one of them is or are heir or heirs at law executors or administrators to [the] said John

Jenkyns and likewise executor or administrator to the said Earle of Sussex and [Sir] Walter Kirkham Blount But now so it is may it please your lordship that the said Countess of Sussex Charles Palmer ^Jane Palmer^ Jane Jenkyns John Jenkyns Katherine

Palmer and.....executor or administrator of [Sir] Walter Kirkham Blount combining [and] considering themselves with others to your orator and oratrix unknown to defeat your orator and oratrix of a satisfactcon for the money

So remaining due to them as aforesaid the said countess of Sussex refuses to pay unto your orator and oratrix the said money due to them as aforesaid sometimes pretending that the said Earle of Castlemaines estate either reall or personall

Are not lyable to pay your orator [and] oratrixes demands and likewise pretends that she did not possess the said earles personall estate but that the said John Jenkyns possessed the same and never gave her any [account] thereof and at other times she pretends that

The said Earles personall estate was not sufficient to pay his debts of a superior nature to the debt claimed by your orator and oratrix and that she hath fully administered his assets and ^that he^ the said Earle did not die seized of any reall estate lyable to your

Orator and oratrixes demand other than what has been sold for that purpose as aforesaid and the said Charles Palmer pretends that ^hee^ by venture of the will of the said Earle of Castlemain and as heir at late of the said Charles Palmer deceased

Is entituled to the free hold and inheritance of the said estate in the county of cardigan and to the surplus of the rents and profits of the said estate during the life of the said Katherine Palmer over and above the said jointure of six hundred pounds

Paid and the said Jane Palmer the widow and relict of the said Charles Palmer deceased also pretends that your orator and oratrix are not entitled to any amount of the rents and profits of the said trust estate received by him since the death

of the Earle any satisfaction of their demands out of the same and at other times that the said Charles Palmer left little or no personall estate and that she has fully administrated the same in the [payment] of debts of a superior nature to your orator oratrixes

and the said Jane Jenkyns pretends that the said John Jenkyns her testator never intermeddled with the said Earles personall estate but that the ^said^ Countess of Sussex possessed herself thereof all which pretences of the said confederates are contrary to equity good

conscience and tend to the manefest wrong and injury of your orator and oratrix intender consideration whereof and for that orator and oratrix are remediles in the premises save in a court of equity before your lordship to the end therefore

that the said Anne Countess of Sussex Charles Palmer Jane Palmer Jane Jenkyns John Jenkyns Katherine Palmer [and].....executor or administrator of the said [sir] Walter Kirkham Blount and other the confederates when discovered may

true and perfect answer make to all and singular the premises as fully particularly as if the same were here again particularly repeated and interrogated and may set forth and discover what assets of the said Earle of Castlemaine recall and

personall have come to their or any or either of their hands and may set forth the nature kind and values thereof and that the said Jane Palmer may set forth a particular amount of all sumes of money the said Charles Palmer her late

husband received by and out of the said trust estate late mostyns and that the said Earles personall estate together with the rents and profits of the said trust estate late mostyns received by the said Charles Palmer in ^his^ life time and the freehold and inheritance

of the said Estate in the county of Cardign and jointure to the said Katherine Palmer and the surplus of the rents and profits thereof over and above the said jointure may be decreed to be subjected to satisfy the money so reported due to your orator

and oratrix and interest for the same together with their costs and that the confederates may account for and pay the same accord might and that your orator and oratrix may be further and otherwise received in the premises as the nature of their

^case^ shall require and as shall be agreeable to equity and good conscience may it please your lordship to grant unto your orator and oratrix your lordship letter to be directed to the said Anne Countess of Sussex thereby desiring her and his majesties most

gracious writ or writs of [subpoena] to be directed to the said Charles Palmer Jane Palmer Jane Jenkyns John Jenkyns Katherine Palmer [and].....executor or administrator of Sir Walter Kirkham Blount thereby commanding them and

every of them at a certain day and under a certain pain therein to be lymitted personally to be and appear before your lordship in the high and honourable court to answer all and singular the [promises] and further to stand to and abide such further order

and decree herein as to your lordship shall seem meet [and] your orator [and] oratrix shall ever prayer

Nic: Hooper

B.3 Chichester vs. Lady Sussex Plea

DOCUMENT ABBREVIATIONS

Compl ^{ets}	Complainants (abbreviation without the “s”, complainant)
Def ^{ts}	Defendants (abbreviation without the “s”, defendant)
S ^d :	Said
Acco ^t	
Y ²	
Ab ^t :	About
R ^t :	Right
Ag st :	Against
Testam ^t :	Testament
Settlem ^t :	Settlement
P ^{lts.s}	Plaintiffs
Paym ^t :	Payment
maty	Majesty
M ^a	
S ^a :	Sir

January 1718

The plea of the right honorable Ann Countess of Sussex to part and her answer to the Residne of the bill of [complaint] of Giles Chichester and Katherine his wife x

[Complaints] against the said countess and others [Defendants]

The [said defendants] by protestation not confessing or acknowledging all or any [??] matters and in that part of his complaints [of] said bill of complaints contained as is herein after pleaded unto to be his such manner and [??] as the same are herein

And hereby set forth as to so much of the [said] bill as looks to have an [???] and discovery from this [defendant] of the personal estate of Roger Palmer late Earl of Castlemaine in the Kingdom of Ireland decreed in the bill named and of the nature kind and values hereof and to

subject the same to satisfye [?] [complaints] demands This [defendant] doth plead and for plea saith that in or [about] the fine in the [said] bill in that behalf mentioned the [complainants] did exhibit their bill of complaints unto this honourable court against Charles Palmer, John [Jenkyns] the [right] honourable

Thomas Earl of Sussex this [defendant's] late husband and this [defendant] and [against] Katherine Palmer and [said] Walter Kirkham Blount as [defendants] thereto and did [???] after set forth and charge to the purport and effort in their in their now bill of complaint [???] and by their [said] bill xx

(among other things) did pray that this [defendant] and the said Earl of Sussex her late husband and the said John Jenkyns might either raise the sume of three thousand pounds and the interest that was payable on the bond charged by the [said] bill to be entered into by the

[said] Earl of Castlemaine and to be dated the fifteenth of thirteenth of August one thousand six hundred seventy five out of the [welth?] estate maintained and to be devised to this defendant and the said John Jenkyns and their heirs by the last will and [testament] of the [said] Earl of

Castlemaine in the [said] bill mentioned or that they might pay the same out of the personal estate of the said Earl of Castlemaine as this [defendant] and the said John Jenkyns were ^his^ executors and that the [said] three thousand pounds and interest might be paid x

Unto them [?] [said complainants] or disposed of according to the condition of the [said] bond and that the four thousand pounds and interest charged to be payable by virtue of certaine indentures of lease and release mentioned in the [said] bill to be dated

The twenty fourth and twenty fifth days of august one thousand six hundred seventy five and to be made on the marriage of James Palmer the [said] Earl of Castlemaine's late brother with the [said defendant] Katherine Palmer the [complainant] xx

Katherine's mother might be raised according to the direction of the [said settlement] and that the term of five hundred years thereby vested in the [said defendant said] Walter Kirkham Blount said William Portman and John Southcott might be sold

Or mortgaged for that purpose to which bill this [defendant] and the [said] Earl of Sussex her late husband and also the other [defendants] thereto (as this [defendant] is informed and believes) put in their severall answers and the [said] Earl of Sussex and this [defendant] by~

Their [said] answer did (inter alia) set forth that they did believe the [said] Earl of Castlemaine made such [settlement] on the marriage of the [said] complainant Katherine's father and entered into such bond as in the said bill was set forth and that the Earl

Of Castlemaine likewise made his will of the date as in the [said] bill was also set forth and this [defendant] and the [said] John Jenkyns executors thereof and that the [said] Jenkyns renouncing this [defendant] alone proved the [said] will and did referr her self to [?] same

And did declare her self ready and willing to do any [???] whatsoever that the sever all estates devised by the [said] Earl of Castlemaine will for the purposes in the [said] bill alleadged should be forth with sold for satisfying the said [plaintiffs]

Demands but did insist that no part of the [said] Earl's personal estate should be subject to this [payment] thereof the same being expresly devised by his the [said] Earl's will to or in trust for this [defendant] to which [said] severall answers of

The [said] Earl of Sussex and this [defendant] and the rest of the [defendants] to the [said] bill (as this [defendant] hath been informed) the [complainants] replyed and the [said] cause being at issue divers witnesses were examined therein and their depositions published

And the [said] cause was on or about the seventh day of July in the seventh year of the reign of her late [majesty] Queen Ann heard and debated before the [Right] Honorable William Lord Cowper Baron of Wingham then Lord high ~

Chancellor of Great Britains in the presence of Councell for all the [said] party as and upon debate of the matter and hearing this [said] deed of settlement dated the twenty fifth day of august one thousand six hundred and seventy

Five the [said] bond the said will of the said Lord Castlemaine and the proofs taken in the said cause read his lordship declared the three thousand pounds due on the [said] bond to be part of the obligation the said Earl of ~

Castlemaine was lyable unto upon the marriages of the [said] James Palmer with the said [complainant] Katherine's mother and that by the said Earls will [?] same [???] was charged on the real estate and ought to be x.

Paid with interest for the same after the rate of five pounds [?] cent [?] and from the time the same became payable and that the same should be raised by sale of the said trust estate and that

As to the said four thousand pounds and portion his lordship declared the same was well charged on the term created by the said marriage settlement but that the said Earl having by this [said] will

Charged the same on the said trust estate and it being more convenient for the family therefore after the said three thousand pounds and interest should be raised the said four thousand pounds and

Interest after the rate of five pounds [?] cent [?] and from the fine of the last receptor amount given or made for interest for the same ought to raised and paid out of the said trust estate and did

Order and decree the same accordingly and did divert that it should be referred to [??] fellows one of the masters of this court to divert a sale of the said trust estate as should be sufficient to raise

And pay the said sumes of three thousand pounds and interest and four thousand pounds and interest aforesaid and make the trust estate by the will should not be sufficient to discharge

The sume then the said term was to stand charged with what thereof the said trust estate should so fall short to satisfy as aforesaid and the said master was to tax all parties their costs of

That suit which were to be paid them out of the said trust estate and this [defendant] for further plea saith that the said master pursuant to the said decree or decreetal order did by his report x

bearing date the ninth day of August in the year if our lord one thousand seven hundred and nine certifie that there was due to the [plaintiffs] for principal and interest on the said bond to the ninth of

October then next following three thousand six hundred and twenty pounds two shillings and eight pence and for the said four thousand pounds portion and the interest thereof to the same fine five thousand

Six hundred twenty nine pounds four shillings and four pence and that the same did make together the full sume of nine thousand two hundred forty nine pounds and seven shillings due to the [said]

[Complainants] on [?] [said] ninth of October which report was afterwards confirmed by two several orders of this court ^the one bearing date the eighteenth day of February in the said year one thousand seven hundred and nine and the other bearing date the seven and twentieth day of June one thousand seven hundred and ten^ and this [defendant] further saith that the said trust estate called mostly us was afterwards sold by

The said master for five thousand seven hundred pounds as was likewise the said term of five hundred years for the sume of four thousand five hundred pounds and the said severall sales

Were confirmed by the orders of this court the one of which said orders ^bears date the twenty third day of January 1711 one other whereof bears date the twenty third day of October 1712 - and other of the said orders bears date the eighth day of July one thousand seven hundred and thirteen and by^ the said order of the xxxxxxxxxxxxxxxxxxxxxxxxxxxx eighth day of July one thousand seven hundred and thirteen it was ^(inter alia)^

Ordered that the said master should carry on the said account of principal and interest from the foot of the said report of the ninth of august one thousand seven hundred and nine and take an xx

Amount of the moneys received by the [complainants] and the said master by his report bearing date the tenth day of March one thousand seven hundred and seventeen did in pursuance of the said order made

Upon the hearing of the said cause and of the said subsequent order of the eighth of July one thousand seven hundred and thirteen (inter alia) certifies that he had carried on interest for the said sume

Of three thousand six hundred and twenty pounds two shillings and eight pence after the rate of five pounds [?] cent [?] annid from the said ninth of October one thousand seven hundred and nine and

Had taken an amount of the severall sumes of money which the [plaintiffs] from time to time had received from him for the rents and profits of the said trust estate and for the purchase thereof after deduction

And that where the moneys received by the [plaintiffs] had sunk the said principal sume he had dedicated the same accordingly and carried on interest for the remainder and the said master by the said last mentioned

Report certifies that he found that on the sixteenth day of august one thousand seven hundred and fourteen there remained due to the said [plaintiffs] the sume of two thousand two hundred and four pounds xx

Seventeen shillings and ten pence and that he then paid to the said [plaintiffs] the sume of two thousand five hundred twenty one pounds one shilling and seven pence which exceeds the said sume of two thousand ~

Two hundred and four pounds seventeen shillings and ten pence by the sume of three hundred and sixteen pounds three shillings and nine pence and the he afterward on the twenty third of may one xx

Thousand seven hundred and fifteen paid unto the [plaintiffs] the further sume of one hundred eighty seven pounds and three shillings being the remainder of the purchase money of the said trust estate in his hands

And that the same being added to the said three hundred and sixteen pounds three shillings and nine pence did make together the sume of five hundred and three pounds six shillings and nine pence

More than was then due for principal and interest on the said bond ~~which report was afterwards confirmed by two severall orders of this court the one bearing date the~~

[BLANK SPACE] ~~And the other bearing date the~~ and the said decree and pleading have been~

Signed and inrolled amongst the record of this honourable court as by the said bill answers, depositions, decrees, reports, orders and offers, pleadings in said cause remaining on record in this honorable

Court and to which this [defendant] for more certainty braveth leave to refer herself relation being there into find more fully may appear and this defendant for further plea saith that it is not so much as x

Suggested or charged by the [complainants] now bill that ^ the said Earl mentioned report hath been yet confirmed by this honourable court or that ^ the said Earl of Castlemaine did enter into any bond covenant or other security whatsoever whereby he did oblige himself his heirs or executors

To raise or pay four thousand pounds for [plaintiff] Katherine's portion otherwise than by sale of the said term of five hundred years as that he did in any wife subject his personal estate to the payment x

Thereof and on the contrary this [defendant] saith that the said Earl of Castlemaine did by his said will devise all his personal estate in trust for this [defendant] and it thereby appears it was the said Earls

Mind and will that his personal Estate should be exonerated from payment of any of the [complainants] demands all which matters and things this [defendant] averrs to be true and is ready to prove as this honorable

Court shall award and doth plead the same ^in^ bar to so much and such part of the [complainants] said bill as aforesaid and humbly demand the judgement of this honorable court whether she shall be compelled to

Put in any further or other answer thereto save as herein after is set forth and this [defendant] not waving her said plea but relying thereon and for better supporting the same for answer to so much or such park

Of the [complainants] said bill as is not before pleaded unto this [defendant] referring to herself all benefit and advantage of exception to the incertaintyes and insufficionies therein contained doth answer and say

She doth believe that before xxx the trust estate called mostly us was ^absolutely^ sold by the said master an order of this court obtained for sale of the said term of five hundred years which this [defendant] believes

May bear such date as in the said bill is mentioned and this [defendant] admits that the said term was about the time in the said bill charged for that purpose sold by the said master for four thousand five hundred

Pounds and that the severall sales made by the said master of the said trust estate and of the said terms were confirmed by this court and she denyeth that she did in any manner obstruct the sales thereof

And this [defendant] confesseth that the said master hath by his report dated the tenth of March one thousand seven hundred and seventeen certified that there remained due to the [plaintiffs] on the twenty third day ~

Of May one thousand seven hundred and fifteen the sume of one thousand eight hundred ninety five pounds eleven shillings and six pence more than the moneys raised by sale of the said trust estate to and of the

Said term of five hundred years (after the severall payments therein mentioned to be made thereout by the said master) will satisfye but this [defendant] saith that the said Master hath by the same report

Certified that the [plaintiffs] had received out of the moneys arising by sale of the said trust estate the sume of five hundred and three pounds six shillings and nine pence more than was due for principal and

Interest on the said bond and that the whole moneys due on the said bond was satisfied And that the one thousand eight hundred ninety five pounds eleven shillings and six pence thereby certified to be

Due to the [plaintiffs] as is aforesaid was due to them upon accompt of the said four thousand pounds portion and interest as by the said last mentioned report to which this [Defendant] travoth leave to referr x

Her self may more fully appear and this [defendant] saith she humbly conceives that it appears by the aforesaid decree and by the will of the said Earl of Castlemaine and by the settlement made on x

The [plaintiff] Katherine's father and mother's marriages there are not any other estates besides the said trust estate and the lands comprised in the said term of five hundred years made subject or lyable to the

Raising or paying the four thousand pounds portion and interest and this [defendant] believes that Charles Palmer late husband of the [defendant] Jane Palmer is dead and that the [defendant] Charles Palmer is

His eldest son and heir But whether the said Charles Palmer the father made any will or who he made his executrix or what personal Estate he dyed possessed of she saith she knoweth not and this [defendant]

Admitteth that the said Earl of Sussex her late husband and John Jenkyns and Sir Walter Kirkham Blount are all of them dead, and she saith she is administratrix to her said late husband Earl of Sussex

And that the [defendant] Jane Jenkyns is executrix of the said John Jenkyns but she doth not know who is executor or administrator to the said Sir Walter Kirkham Blount and this [defendant] denyeth all unlawful

Combination and confederary in the [complainants] said bill of [complaint] charged WITHOUT that that any other matter or thing in the [complainants] said bill of [complaint] contained material or effectual in the law for

This [defendant] to make answer unto and not herein and hereby well and sufficiently pleaded and answered unto confessed or avoided traversed or denied is true to the knowledge of this ~

defendant all which this defendant is ready to over maintain and prove as this honourable court shall direct and humbly prays to be here dismissed with her reasonable costs and charges in this x

Behalf most wrongfully and without just cause sustained.

Appendix C: *East Sussex Estate Bill*

LEGAND

[.....]	Inserted word; expansion of short handed script based on context
[???	Unknown words
	Hole in document, potential missing information

DOCUMENT ABBREVIATIONS

&c.	Etc.
&	And
Agreem ^t :	Agreement
S ^d :	Said
y ^e	Yearly
Esq ^{re}	Esquire
Impeachm ^t :	Impeachment
S: ^r	Sir
Appointm ^t :	Appointment
E ^e	Executed

26 July 1693

An Act to Enable the
Right [Honourable] Thomas Earle of Sussex to Sell part
Of his mannors lands tenements [and] hereditaments
Of inheritance And to settle as her parts thereof
Upon the Right [honourable] the Countesse Anne his
Wife for her joynture

An act to the right honourable Thomas
Earle of Sussex to sell part of his mannors
Lands [tenements] and endowments of
Inheritance and to selle other part –
thereof upon the right [honourable] the countesse
Anne his wife for her joynture

Whereas Thomas Earle of Sussex

In his minority agreed by writing under his hand and seale in confideracon of the

Sume of twenty thousand pounds promised by the late King Charles the Second

Over England [ect.] to be paid unto him as an for the porcon of the Lady Anne

His wife to settle his mannors lands and tenements in the countys of Sussex

And Kent upon his said wife for her life for her jointure and upon his issue
Male by her and in default for such issue for the raising porcons for his
Daughters by the said Lady **And** in regard part of his estate in Sussex
And Kent was then in joynture to his mother the late Countesse of Sheppey since
Deceased and his Grandmother Dorothy Lady Dacre yet living the other estate
Of inheritance of the said Earle in the countys of Cumberland Westmorland
Cambridge and Lincolne where then agreed by him to be settled by way of

Supplement ~

Supplement until the said joynture should determine **And**

Whereas the said sune of twenty thousand pounds or any thereof

Hath not been paid nor is likely ever to be paid to him neverthelesse some
Doubt is made whether the said Earle can dispose ^{^of^} or charge the premisses or any
Of them without being subject to the said Agreement where by the said Earle is
Disabled to raise money for the discharge of his debts amounting to about the
Sune of twenty thousand pounds partly contracted by his later father Francis
Lord Dacre deceased and partly occasioned by the great expence he has ^{^been^} put
Unto by means of his intermarriage with the said Lady Anne **Now**

Therefore at the humble petition of the said Earle to their most

Excellent **majesties** that it be enacted **be it enacted** by

Their~

Their said majesties by and with the consent of the Lords spirituall and
Temporall and of the commons in this present parliament assembled and by the
Authority of the same That the manors or lordshipps of Herstmonceux

Old court, Gothams, Buckholt and Ingrams in the said county of Sussex and
All other the mannors messuages lands tenements rectorys advonsons and
Hereditaments of him the said Earle whereof he or any other person or persons
In trust for him are seized of any estate of inheritance in the said county of
Sussex and the revercon and revercons remainder and remainders
Power and equity of redemption Clayme and demand whatsoever of the
Said Earle of in or to the same be and shall be from the second day of January in
The year of our Lord one thousand six hundred ninety and two wested in

The~

The said Earle his heirs and assigns of an absolute estate of inheritance
In fee simple ^ Freed [and] absolutely discharged of [and] from the [said] [agreement] [and]
every thing therein contained^ **And** that the mannors or Lordshipps of chepsted
Chevening and Brasted with their rights members and appurtenances
Parcel of the premisses in the said county of Kent wherein the said Dorothy
Lady Dacre hath an estate for her life for her joynture (subject to the same
Estate) for life **And** the revercon and revercons remainder and
Remainders power and equity of redempcon Clayme [and] demand whatsoever
Of the said Earle of in or to the same Be and shall be likewise vested in the
Said Earle his heirs and assigns of an absolute estate of inheritance in
Free simple ^freed [and] absolutely discharged of [and] from the [said] [agreement] [and]
every thing contained ^ **And further** that the mannors or lordshipps of
Cudham [and] appersfeild ato appulderfeild with their rights members and

Appurtenances~

Appurtenances in the said county of Kent and the castles and manners

Of Dacre and [??] and the manners or Lordships of Blackall sowelby
Staffall, mosedale, lassenby ats Lazenby, Glassonby, Brackenthwaite and
New Biggin in Gillesland in the county of Cumberland And also the manners
Or Lordships of Barton Mertendale and Paterdale in the county of mestmeres
Land (~~amounting together to about the yearly sume of twelve hundred pounds~~)
And all other the Castles mannors Lorships ^[??]^ lands tenements rectorys
Advowsons and hereditaments within the said countys of Kent, Cumberland and
Westmoreland or any of them whereof or wherein the said Earle or any other person
Or persons in trust for him are seized of any estate of inheritance ^amounting together in
[yearly] whole to above the yearly sume of twelve hundred pounds^ and the
Revercon and revercons remainder [and] remainders power [and] equity of

Redempcon~

Redempcon clayme [and] demand whatsoever of the said estate of in or to the
Same ^freed [and] dutifully [??] of [and] from [??] [said] [agreement] [and] every thing
therein contained^ be and shall be from the said second day of January vested in the said
Earle

For and during the terme of his naturall life without impeachment of or for
Any manner of waste And from and after his decease Then the same shall be
Vested in the said Lady Anne for and during the terme of her naturall life for
Her joynture and in lieu and Barr of her Dower And from and after her
Decease then the same shall be vested in the Right [Honourable] George Lord Viscount
Grandison, [Sir] John Baber [Knight], William Campion of Cuinnell in the county
Of Kent [esquire] and John Niccoll of the Inner Temple London [esquire] their
Executors Administrators and Assignes for and during the full time and
Terme and unto the full end and Terme of two hundred years without

[Impeachment] of wast upon the trusts neverthelesse and to [and] for the
Uses intents and purposes herein after the expiracon or other sooner determinacon
Of the same terme then the same promises shall be vested in the said Earle
His heires and assignes of an estate of inheritance in free simple **And**
Be it enacted And it is hereby **enacted** and declared that
The said terme of two hundred years is so limited to the said George Lord
Viscount Grandison, [Sir] John Baber, William Campion and John Nicoll
As aforesaid upon the trusts and to [???] uses intents [and] purposes and with an
Under the provisoes and limittacons following (that is to say) that they the
Said George Lord Viscount Grandison, [Sir] John Baber, William Campion and
John Nicoll their executors administrators [and] assignes shall and
Doe by sale or mortgage of the same terme of and in the premisses therein
Contained or of and in a competent part thereof and by the rents and profits
Of the same premises ariseing until such sale raise and leavy the sume of
Tenn thousand pounds of lawfull money of England for the porcons of the
Lady Barbarah and Lady Anne (at present [???] only children of the said Earl
By the Countesse his wife) And of all such other Daughters and younger sons
As he shall beget on the body of his [^][said][^] wife to be paid them att such times and in
Such parts and proporcons as the said Earle shall by any writing under his
Hand signifie or appoint And in default of such significon or [appointment]
Then the same to be paid to the said daughter [and] sons share and share alike in

John~

Manner

Manner following that is to say the shares of the said sons to be
Paid them at their respective Ages one and twenty years and the shares
Of the said daughters to be paid them at their respective ages of one and
Twenty years or days of marriage which shall first happen and upon
This further trust that the said George Lord Viscount Grandison [Sir] John
Baber William Campion and John Nicoll their executors administrators
And assignes shall and doe by and out of the rents and profits of the same
Premises from and after the severall deceases of the said Earle and Countesse
his wife pay and allow unto the said sons and daughters such yearly
Maintenance as to them shall seeme meet soe as such yearly maintenance
Of each of the said sons [and] daughters doe not exceed the interest of their said

Respective

Respective shares at the rate of five hundred pounds [???] centu [???] annid
Provided always that if any of the said sons or daughters shall happen
To dye before his or her said share shall become payable as aforesaid
Then the share of him her or them so dying shall goe [and] accrew to the
Survivors and survivor of them share and share alike att such time when their
Said original share or shares shall become payable as aforesaid
Provided also that if all the said sons and daughters shall
Happen to dye before any of their said shares shall become payable as
Aforesaid then all their said porcons shall cease [and] not be raised for the
Benefit of the persons who shall next revercon or remainder

Of the same promises immediately expectant upon the determination of

The same terms **Provided also** that no such sale or mortgage

Shall

Shall be made until some or one of the said persons shall become

Payable as aforesaid **Provided also** that when the said persons and

Maintenance shall be paid according to the true intent [and] meaning of the

Trusts aforesaid or in case all the said sons [and] daughters shall happen

To die before any of their said persons shall become payable aforesaid

Then the said term of two hundred years of and in the promises therein

Contained or of and in so much thereof as shall remain undisposed of for

The purposes aforesaid shall cease and be void to all intents [and] purposes

Any thing herein contained to the contrary thereof in anywise

Notwithstanding **Provided also** that if the said Earle shall

Give leave unto the said sons and daughters or any of them for their

[Advancement]

Advancement any sum or sums of money lands [tenements] goods or chattels

Then such moneys [and] the value of such lands tenements goods [and] chattels

Shall be accounted as part of their said shares unless the said Earle shall

Declare or signify the contrary by any writing under his hand **Saving**

Unto the King [and] Queen's **Majesties** their heirs [and] successors and

Unto all Bodies politiques [and] Corporate and their successors [and] to all and

Every other person and persons their heirs executors [and] administrators

(Other than [and] except the said Earle and Countesse his wife [and] their or either

of their issue heires executors [and] administrators And other than [and] except
all and every such person [and] persons who are or shall be seized or interested
of and in the said manners [and] premisses or any of them of any revercon

or

Or remainder expectant upon any estate Tayle whereof the said Earle
Is seized of and in the said mannors hereditaments [and] premisses of any of
Them for or in respect only of such revercons [and] remainder) All such right
Title interest clayme and demand as they or any of them might have had
[executed] or claymed in like manner as if this act had never been had or made

Appendix D: *Feilding vs. Earl of Sussex*

D.1 *Feilding vs. Earl of Sussex* Bill

LEGAND

[.....]	Inserted word; expansion of short handed script based on context
[???	Unknown words
	Hole in document, potential missing information

DOCUMENT ABBREVIATIONS

S ^l	Saint
w	Was
w th	With
Altho ^t	although
Esq	Esquire
yo ^d	your

14 Die October 1706

To the Right Honourable William Cowper [Esquire] Lord Keeper of the Great Seale of England

Humbly complaining sheweth unto your Lordshipp your orator Robert Fielding as the parish of [Saint] [???] in the field ^in the county of [Middlesex?]^ that on the five and twentieth day of November in the year one thousand seven hundred and five your orator intermarried with the

Most noble Barbara Dutchesse of Cleveland since which marriage he finds that the said Dutchesse on the two and twentieth day of the same month of November was prevailed on to enter into a recognisance to the Right Honourable Thomas XHX

Earle of Sussex in the sume of two thousand pounds to be paid to the said Earle of Sussex at the day of therein mentioned as in and by the sume recognisance inrolled in this honourable court reference being thereto had may more fully appdare

And your orator likewise finds that by an indenture of the same date made or menconed to be made between the said Earle of Sussex and the Right Honourable Anne Countess of Sussex his wife and the Honourable Lady Barbara Lennard ~~

Eldest daughter to the said Earle and Countesse of Sussex of the one parte and the said Dutchesse of the other parte it [was] witnessed and the said Earle of Sussex doth thereby covenant promise declare and agree to and with the said Dutchess her heires

Executed and administrated that of the said Dutchesse before the give and twentieth day of march then next concerning and now last past (if she should continue in her widowhood soa long but if she should marry againe if she and her then husband

Should at the request costs and charges of the said countesse surrender and cause to be surrendered to and vested in such person or persons his and their heires for such [??] ends and purposes as the said Countesse should by writing under her purpose hand

Nominate direct and appoint all her the said Dutchesse of Cleveland share part and of those copy holds or customary lands tenements and hereditaments lyeing within or hold of the [severall] manors of Bungay lake

Priory Flixon {Flixton} Briary wisfsett halesworth manor rectory of halesworth dame Margareyes in Halesworth Blibergh Priory mellis wenhafton laxfield creating saint marys bridge place Blyford Hayston and Barking in the county of Suffolke and which we

The copyhold lands and hereditaments of the late countesse of Oxon declares and after her death came to and were vested in the Lady Grace Pierpoint³⁶⁵ declared and after the lady Grace Pierpoint decease descended and came to the said Dutchesse

Of Cleveland as one of the coheirs of the said Lady Grace Pierpoint and should in the meane time permit the said countesse of Sussex or such persons as she should appoint by writing under her hand alone to receive the rents and profits

Thereof for such purposes as she the said countesse should alone by writing direct and appoint until such surrender could be made and admittance had as aforesaid and if the said Dutchesse should well and truly pay or cause to be paid

Unto the said Lady Barbara Lennard on the one and twentieth day of November next [??] the date of the said indenture the full sume of five hundred pounds of lawfull English money then she said recognizance should seale

Be void as by the same indenture reference being thereto likewise had may likewise appear and your orator further sheweth that the said recognizance was voluntarily entered into after the contract or agreement had been made for the

Said intermarriage betweene the said Dutchesse and your orator and after the said Earle and [??] Countesse of Sussex and Lady Barbara or some of them had notice or had been told or informed that such contract of marriage had been

³⁶⁵ This is the spelling included in the original manuscript; however there is a discrepancy between the spelling included in the document and the one included within the description component on the TNA website. The website denotes this last name as Pierrepont, while the document denotes it as Pierpont. To maintain the original meaning, the original spelling has been used in this transcription.

Made or that such marriage was concluded agreed upon or intended and yet the same was entered into without the consent or knowledge of your orator and therefore out to be felt aside in a court of equity as fraudulent and if the

Said dutchesse hath executed any counter part of the said indenture to thereby or otherwise obliged herself to surrender her said share part or [??] of the said copyhold promises or any part thereof or for the receiving or permitting the rents

And profits thereby to be received to any [??] ^or^ for any purposes to the wrong or prejudices of your orator the same was and is fraudulent and ought not to prevaile but to be let aside and avoided in a court of equity the same being done

After the said agreement or contract for the said marriage and without the consent knowledge or privity of your orator who never agreed thereto or to the giving or paying of the said sume of five hundred pounds or any part thereof to

The said lady Barbara or that she said Countesse should have the profitts of the promises or any part thereof or knew before the marriage of any agreement to give her the same or any part thereof or give to the said Lady Barbara

The said five hundred pounds or any part thereof but now soe it is may it please your lordships that the said Earle and Countesse of Sussex and Lady Barbara (by agreement together and also with the said Dutchesse your orators

With whome they have prevailed [with] to enter into such recognizance as aforesaid and some other contracts and obligations before the said marriages after the sume had been agreed on to the prejudices and wrong of your orator the

Then intended husband of the said Dutchesse and without his consent or knowledge and also to side with them in endeavouring to support the same doe threaten to sue your orator at law on the said recognition and to recover of

him the whole penalty thereof contrary to equity [although] he is ready and willing to joyne with the said Dutchesse in the doing any act she is obliged to doe by any contract or obligation entered into or made by her before the said

marryage which is not to the wrong and injury of your orator or in diminution of any right matter or thing to which by vertue of the said marryage he is or would be by any law or custome intituted {instituted} had noe such contract or obligation been

made or entered into now forasmuch as your orator cannot be relieved in the promises at the common law but is properly and onely relievable in a court of equity where he hopes the defendants to this Bill will be soe just and honourable

as so setforth the full and whole truth touching all and singular the promises to the end therefore that the said Earle and Countesse of Sussex and Lady Barbara may true perfect distinct and perticular answer make to all and

singular the promises and that as fully distinctly and particularly as if they were all againe repeated and interrogated in the prayer of this Bill and in particular may setforth whether the said Dutchesse did at anytime and when

and how long before the said marryage or before the said five and twentieth day of november one thousand seven hundred and five enter into execute or suffer any and what judgement or judgements obligations or contracts other

then the said recognizance unto them or any and which of them or to any other person or persons and to whome in trust for them or any and which of them and whether at or before and how long before

the entering into executeing acknowledging or suffering such [judgement] or judgements obligations or contracts and specially at or before and how long before the tyme of the acknowledging the said recognizance they the

said Earle and countesse and Lady Barbara or some or one and which of them had not been told or informed by some person or persons and by [???] and in perticular whether by the said Dutchesse that

a marriage had been concluded as agreed upon between the said Dutchesse and your orator or to that or the like effect and whether your orator did in any wise and how content unto or was in any

wise and how informed of the said judgement or judgements or other contract or contracts or obligations or any and which of them especially the said recognizance and deed herein set forth or menconed

before the solemnisation of the said marryage and that all proceedings at law against your orator upon the said recognizance and all other contracts and obligations and all judgements entered into suffered

confessed or acknowledged by the said Dutchesse before the said marryage unto or in trust for the defendants to this Bill or any of them may be played by the injunction of this honourable court and that

your orator may have such discovery and reliefe touching and concerning all and singular the promises as shall be agreeable to justice and equity may it please your lordshipp to grant unto your orator

your lordships letters to be directed to the [said] right honourable Thomas Earle of Sussex and Anne Countesse of Sussex his wife and her majestys most gracious writ of subpena to the honourable Lady Barbara Lennard

thereby commanding them and every of them at a certain day and vnder certaine paine therein to be limited [unidentified sign] personally ^ to leiand^ approval before your lordshipp in this honourable court and then and there to me and perfect

answers make to all and singular the promises and further to stand to and abide such further order and decree as to your lordshipp shall seem meet and your orator shall ever pray

****Signed****

Spencer Cowper

D.2 Feilding vs. Earl of Sussex Answer

DOCUMENT ABBREVIATIONS

hono ^{ble}	honourable
Esq ³	Esquire
Comp ^{lt}	Complainant
Defen ^{ts}	Defendants (abbreviation without the “s”, defendant)
Agreem ^t :	Agreement
W th :	with
yyy	three
agreem ^t	agreement
p ^E sented	presented
xte	amount
w ^{ch}	which

26 November 1706

The Joynt and severall answers of the Right [Honourable] Thomas Earle of Sussex the Right [Honourable] Anne Countesse of Sussex his Wife and [Honourable] the Lady Barbarah

Lennard defendants to the Bill of Complaint of Robert Feilding Esquire [Complainant]

Hereby of [and] ^to^ and every of their saving and referring to [??] and [??] of them [??] of benefit and advantage of exceptions to the many in certain and insufficientyes in the [??] said bill of [complaint] contained for answer here unto

[above?] make hereof as these [defendants] are advised is materiall for them any of them make answer unto these [defendants] soe joyntly and severally answer and say, and this the said Earle of Sussex and Countesse of Sussex for themselves soe say that

either of them doe not or ever did clayme any benefit Right or future [???] the five hundred pound in the bill mentioned or any parte thereof bill believe the same and every part thereof is and of Right belongs to the said other [defendant] the lady

Barbarah Lennard in the Bill named elder daughter to those [defendants] and those [defendants] the said Earle and Countesse of Sussex and the Lady Barbara Lennard doe say that the most noble Barbarah Dutchesse of Cleveland in the Bill named being

heir to the [defendant] the Countesse of Sussex and grandmother to the [defendant] the said Lady Barbarah Lennard and the other said Dutchesse [???] a great affection love and kindness for the said Lady Barbarah Lennard grand daughter the

said Dutchesse (about four years since (to the best of these [defendants] remembrance of her meer bounty assertion and good will did declare and promise that shee would give to the said [defendants] the said Lady Barbarah Lennard the

Sume of one thousand pound sterling as an addicon and increase to that procon and fortune shee the said [defendant] the Lady Barbarah Lennard might have or export from her father the [defendant] the Earle of Sussex and this [defendant] the Lady Barbarah

Lennard doth further say that the said Dutchesse did advise this [defendant] to place the said moneys out at future if or to such other advantage for this [defendant] as this [defendant] should think me of whereby this [defendant] might have the said thousand

Pound and proceed thereof to her own onto the proceed of IV ^{III} thousand pounds would make an addition and increase to this [defendants] maintenance money allowed her by her said father the Earle of Sussex and this [defendant] the Lady Barbarah

Lennard doth further say that afterwards in p. finance and part of performance of such promise as aforementioned the said Dutchesse did in or about the month of September or October one thousand seven hundred and four (to the best of

This [defendants] remembrance) pay give and deliver to this [defendant] the Lady Barbarah Lennard in East India bank of England nine [???] and Goldsmiths Bills and notes the sume of three hundred and fifty pounds sterling part of

The said thousand pounds and this [defendant] the Lady Barbarah Lennard further said that the said Lady Dutchesse did at her payment of the said three hundred and fifty pound to this [defendant] know her promise to this [defendant]

And did affirme and promise shee the said Lady Dutchesse would make [???] pay to this [defendant] the residne of the said yyy thousand pounds in some short time then after and in or about the month of march then next following the said

Lady Dutchesse did give and pay to this [defendant] by a bill payable on [??] [??] [??] Goldsmith one hundred and fifty pounds more part of the said [three] thousand pounds all with sumes the [defendant] the Lady Barbarah Lennard did receive to her own onto and

This [defendant] saith that the said Lady Dutchesse of Cleveland this [defendants] grandmother did not only at the times or payments of the sumes aforesaid promise to make up the sume [three] thousand pounds to this [defendant] but also at severall other times

During the life of the late Earle of Castlemaine the said Dutchesse's former husband (hee not dying till the latter end of July one thousand seven hundred and five and therefore the said one thousand pounds was long given by promise

To this defendant before it could be prevented there had binary treaty [agreement] or intention of the [complainants] intermarriage with the said lady Dutchesse as in the Bill is [presented] and all the [defendants] do further say that they

Being in the country most part of the sumes one thousand seven hundred and five and returning to London in or about the month of October on thousand seven hundred and five the [defendant] the Countesse of Sussex doth say that shee soon

After shee came to London did waite on the said Dutchesse her mother who told this [defendant] that shee the said lady dutchesse was glad to see her for that shee had by her then coming prevented the said lady dutchesse from writing to the

[Defendant] the Lady Barbarah Lennard for that shee the said Dutchesse did then declare shee was then just going to write to the [defendant] the Lady Barbarah Lennard to desire her to prepare or procure some writeing or instrument that shee

The said Lady Dutchesse might execute to the [defendant] Lady Barbarah for securing ^{to} her five hundred pounds the remaining [amount] of the said one thousand pounds long suite promised and owing to her whereupon this [defendant] the countesse

Of Sussex did informe the [defendant] the said Earle of Sussex her husband thereof and the Lady Barbarah Lennard her daughter of the said Dutchesse's kind offers and intentions for secureing the said five hundred pound to the [defendant] the Lady

Barbarah Lennard [with [the]] offer of the said Lady Dutchesse to secure the said five hundred pound to the said Lady Barbarah Lennard as aforesaid the countesse of sussex doth say were freely and voluntarily done by the said Lady Dutchesse shee this [defendant]

Nor any person else whatsoever to this [defendants] knowledge either desiring or receiving the said Dutchesse thereto and these [defendants] the earle of Sussex and countesse of sussex doe further say that the said Dutchesse of Cleveland apprehending shee had some

Right or tittle answered unto her to certain copyhold lands lying in the county of Suffolke of a very small value after the death of the Lady Grace Peerpoint did some years since also give all her right and tittle thereto to the [defendant] the countesse of Sussex but

The said Dutchesse haveing noe possession of the said copyhold lands herself could not surrender the same to these [defendants] the said Earle and Countesse of Sussex and thereupon the said dutchesse did desire of this [defendant] the ^said^ countesse of Sussex to prepare and

Accept some writeing under her the said Dutchesses hand for securing the said copyhold lands to this [defendant] the Countesse of Sussex whereupon all these [defendants] doe say that the said Dutchesse did agree to enter into a recognizance of five thousand pounds penalty

to this [defendant] the Earle of Sussex for securing the payment to the [defendant] the Lady Barbarah Lennard of the said five hundred pound remaining money unpaid of the said thousand pound aforesaid and agree for surrounding the said copyhold lands for the use of the [defendant]

the said countesse of sussex and on or about the time in the bill for that purpose setforth shee the said Dutchesse did enter into the recognizance in the bill mentioned for the purposes herein before setforth and all these [defendants] doe say that they verily believe the

[complainant] was by the said Dutchesse herselfe before their future marriage informed of and acquainted with that shee had given the [defendant] the Lady Barbarah Lennard the said five hundred pound and [???] engaged unto her the [defendant] for the same and

Had given security for payment thereof or words to that effect and the [complainant] declared himself very ^well^ satisfied and pleased there with as the said Dutchesse herselfe hath well only declared but this [defendant] the Earle of Sussex doth say that some months after

The said marriage between the [complainant] and the said Dutchesse had hee this [defendant] the Earle of Sussex did goe to the [complainant] and informe him of the said Dutchesses gift of five hundred pound to the [defendant] Lady Barbarah Lennard and that the said dutchesse

Had entered into a recognizance to this [defendant] for payment thereof and the [complainant] did then declare to this [defendant] the Earle of Sussex that hee the [complainant] did well know thereof and was fully acquainted there with by the said Dutchesse herselfe before

Their intermarriage and that hee did freely consent to the same and did declare when the Dutchesse first told him thereof before their intermarriage that he was soe farr from disagreeing or disapproveing thereof that hee did wish that instead

Of the five hundred pounds shee the said Dutchesse had given to her said Granddaughter the Lady Barbarah Lennard the [defendant] [???] a thousand pounds or words to that effect and these [defendants] doe positively denye that they or any of them

Doe knowe that the said recognizance was entered into by the said Dutchesse after the contract or [agreement] had bin made for the [complainant] and the said Dutchesse intermarriage as in the said bill is untruly suggested butt on the contrary the [defendant] the

Coutnesse of Sussex doth say then [???] the [???] when the said Dutchesse did mencon to the said Countesse to procure and prepare some writinge for the said Dutchesse to execute whereby to secure the said Countesse of Sussex [and] the said copyhold lands [which] was

After her the said Dutchesse declaracon of secureing to the lady Barbarah Lennard her five hundred pounds aforesaid this [defendant] the Countesse of Sussex did then enquire the said Dutchesse whether shee were then married or did intend to

Marry and the said Dutchesse did the declare and affirme to this [defendant] the said Countesse of Sussex that shee the said Dutchesse was nott then married ^and that some time before told the [defendant] that^ she never would marry ~11~11~11 the [complainant] and shee the said Dutchesse did then give

This [defendant] many reasons to assure the [defendant] that shee the said Dutchesse would never marry especially the [complainant] and thereupon some time after such discourses the said recognizance was [prepared] and brought to the said Dutchesse who executed

The same about the time in the bill for that purpose sett forth and as to the said copyhold lands in the bill menconed these [defendants] say they know nott the vallues thereof nor doth the Lady Barbarah claime any interest therein only the

[defendant] the said Earle of Sussex saith hee believes they are of a very inconsiderable value not above ten or twelve pounds x anuid and those [defendants] the said Earle and Countesse of Sussex doe say that they did never apply to the said Dutchesse

For a gift thereof butt the said Dutchesse being pleased freely to give her right thereto this [defendant] the Countesse of Sussex ^this [defendant]^ would not refuse the same but these [defendants] doe say that they nor either of them have [recorded] any rents or profits there from

But believe the same are claimed by some other [persons] relations of the said Lady Grace Peerpoint who have as these [defendants] are informed before right thereto then either these [defendants] or the [complainants] and these [defendants] doe well thinke

It worth the trouble or charge to controvert the right thereof and these [defendants] say they knowof noe other contracts or obligations entred into by the said Dutchesse before the [complainants] marriage after the same had bin agreed onto the [???]

Of the [complainant] as in the bill is suggested deny these [defendants] or any of them did [??] she the [complainant] as lace to recover the whole penalty if the said recognizance but the [defendant] the Lady Barbarah Lennard doth insist and hopes she is well in

Entituled unto the said five hundred pound the same haveing bin by her said Grandmother the Dutchesse of Cleveland given to this [defendant] many yeers into without that that any other matter cause or thing in the [complainants] said bill of complaint

Conteyned for answare there unto and not of therein by these [defendants] well and sufficiently answered unto confessed avoided traversed or denyed is true all ^with^ things these defendants are ready to avow mainteyne and

Prove as this honourable court shall direct order award and humbly pray to be hence dismissed with their reasonable cost and charges in his behalf most wrongly susteyned

Appendix E: The British Library Manuscript Collection: EGERTON MS 3331

DOCUMENT ABBREVIATIONS

Sev ^x	Servant
L ^a _{dy}	Lady

(44) Your lordship has soe good a reputation &

Is so much esteemed in the world that it gives

Me the confidence though I ame not much

Knowne to you to beg your protection and

Good offices to the king which I ame conf-

Idente you will not refuse me when you

Shall have read this enclosed which will

Tell you the reason why I desire them, my

Brothers are very happy to be under your
(45) Care I wish the same good fortune
might

Happen to

My lord

Your lordship most humble [servant]

Anne Sussex

July the 8, 1678

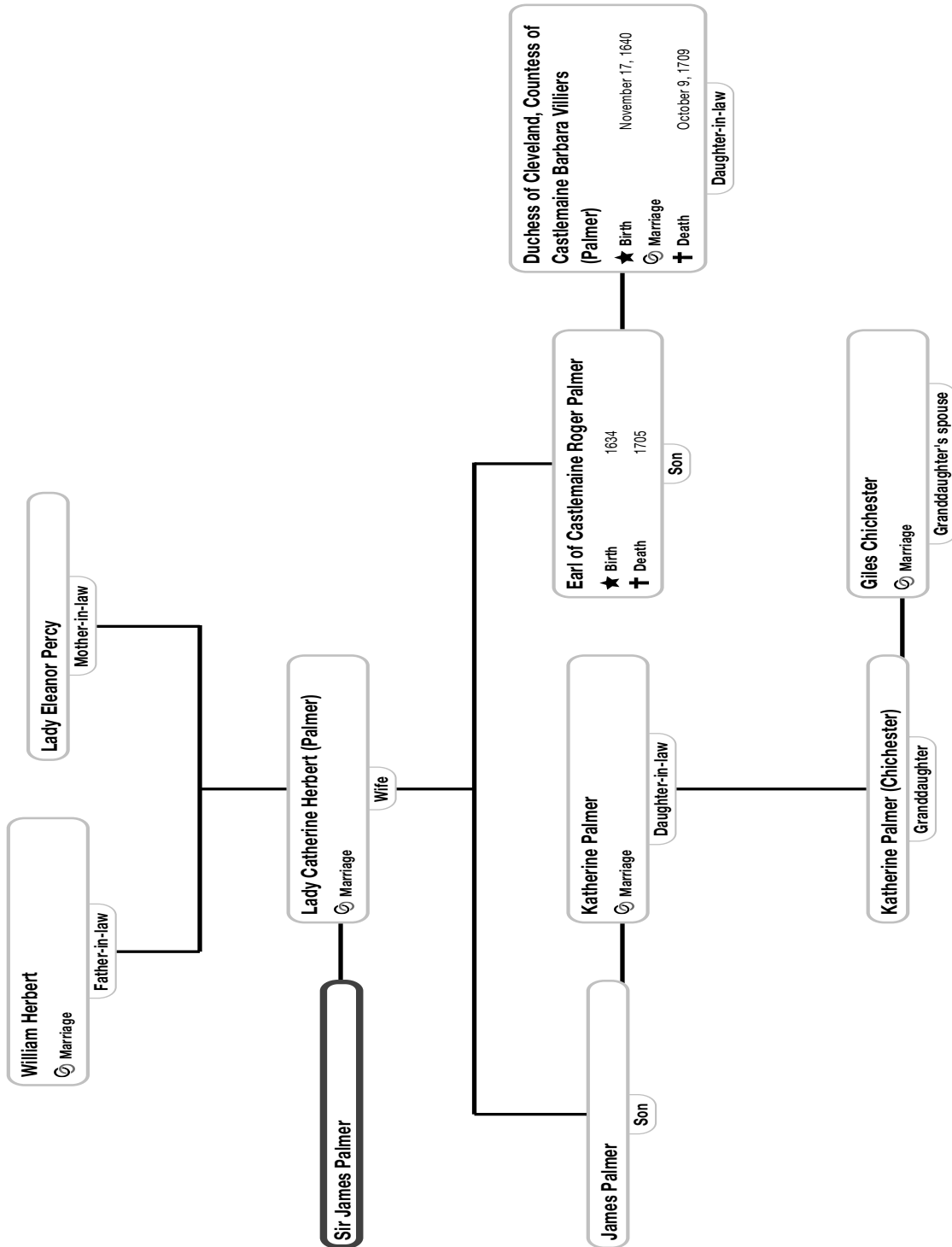
(46) [Lady] Sussex

July 8, 1678

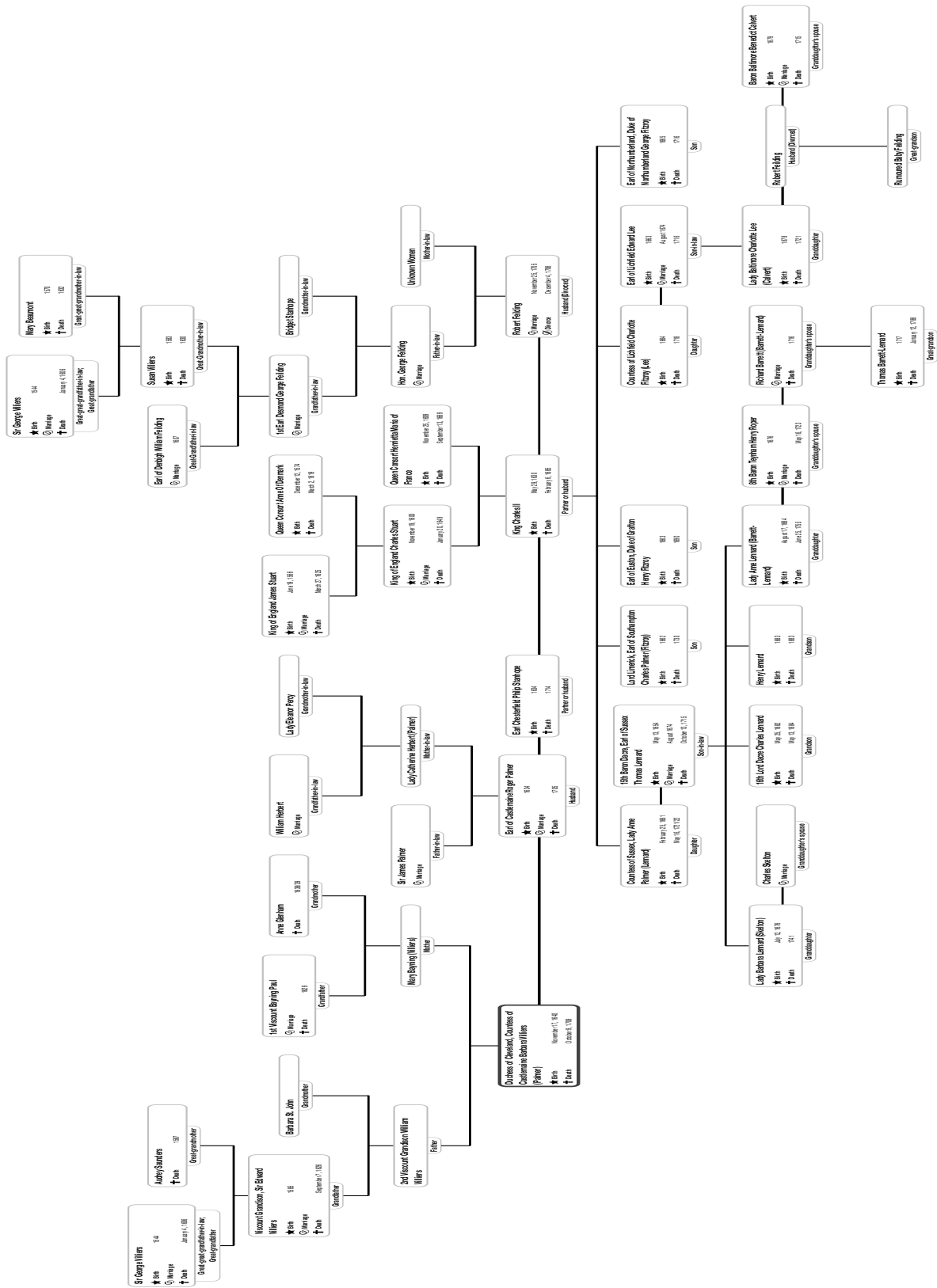
For my Lord Treasurer [Earle of Danby]
Of England

Appendix F: Family Tree Charts

F.1 The Lineage of Roger Palmer, Earl of Castlemaine



F.2 The Lineage of Barbara Villiers, Duchess of Cleveland



F.4 The Lineage of Robert Feilding

