

IMPRISONING MEDIEVAL WOMEN

*The Non-Judicial Confinement and
Abduction of Women in England,
c.1170–1509*

Gwen Seabourne



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England, c.1170–1509

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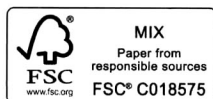
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List of Abbreviations

<i>AM</i>	Luard, H.R. (ed.), <i>Annales Monastici</i> (5 vols, London: Longman, 1864–69)
<i>Adam of Usk</i>	<i>The Chronicle of Adam of Usk AD 1377–1421</i> , ed. E.M. Thompson (Felinfach: Llanerch Press, 1990)
<i>Barbour</i>	Barbour, John, <i>The Bruce</i> , ed. A.A.M. Duncan (Edinburgh: Canongate, 1997)
<i>BDSW</i>	Ewan, Elizabeth, Sue Innes and Siân Reynolds (eds), <i>The Biographical Dictionary of Scottish Women from the Earliest Times to 2004</i> (Edinburgh: Edinburgh University Press, 2006)
<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i>
<i>BNB</i>	Maitland, F.W. (ed.), <i>Bracton's Note Book: A Collection of Cases decided in the King's Courts during the Reign of Henry III</i> (3 vols, London: C.J. Clay, 1887)
<i>Bower</i>	Bower, Walter, <i>Scotichronicon</i> , ed. D.E.R. Watt and A. Borthwick (9 vols, Aberdeen: Aberdeen University Press, 1987–98)
<i>Bracton</i>	Woodbine, George, and Samuel Thorne (eds), <i>Bracton on the Laws and Customs of England</i> (4 vols, Cambridge MA: Harvard University Press, 1968–77)
<i>Brut</i>	<i>The Brut, or the Chronicles of England</i> , ed. F.W.D. Brie (London: Kegan Paul, 1908)
<i>C</i>	The National Archives, class C (Chancery)
<i>c.</i>	chapter
<i>c.</i>	<i>circa</i>
<i>Cal. Mem. Rolls</i>	<i>Calendar of Memoranda Rolls (Exchequer) preserved in the Public Record Office, Michaelmas 1326–Michaelmas 1327</i> (London: HMSO, 1968)
<i>Cal. Pap. Let.</i>	<i>Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters</i> (18 vols, London: HMSO, 1897–1989)

- Cal. Welsh Rolls* *Calendar of Various Chancery Rolls, Supplementary Close Rolls, Welsh Rolls, Scutage Rolls, AD 1277–1326* (London: HMSO, 1912)
- CCR* *Calendar of Close Rolls* (London: HMSO, 1892–1963)
- CDS* Bain, Joseph, Grant Simpson and James Galbraith (eds), *Calendar of Documents relating to Scotland* (5 vols, Edinburgh: Scottish Record Office, 1881–1986)
- CFR* *Calendar of the Fine Rolls Preserved in the Public Record Office* (22 vols, London: HMSO, 1911–62)
- CIM* *Calendar of Inquisitions Miscellaneous (Chancery)* (London: HMSO, 1916–)
- CIPM* *Calendar of Inquisitions Post Mortem* (London: HMSO 1898–)
- CLB* *Calendars of Letter Books preserved among the Archives of the Corporation of the City of London*, ed. Reginald Sharpe (12 vols, London: Corporation of the City of London, 1899–1912)
- CLR* *Calendar of the Liberate Rolls preserved in the Public Record Office. Henry III* (6 vols, London: HMSO, 1916–84)
- Cogg.* Coggeshall, Ralph de, *Radulphi de Coggeshale Chronicon Anglicanum*, ed. J. Stevenson (London: Longman, 1875)
- Complete Peerage* Cokayne, George, *The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom* (revised edn, 13 vols, London: St Catherine's Press, 1910–59)
- Cov.* Coventry, Walter de, *Memoriale Walteri de Coventria*, ed. W. Stubbs (2 vols, London: Longmans, 1872)
- CP* The National Archives, class CP (Court of Common Pleas)
- CPMR* *Calendar of Plea and Memoranda Rolls Preserved Among the Archives of the Corporation of the City of London at the Guildhall AD 1323–1482*, ed. A.H. Thomas (6 vols, Cambridge, 1926–61)
- CPR* *Calendar of Patent Rolls* (London: HMSO, 1891–)
- CRR* *Curia Regis Rolls preserved in the Public Record Office* (London: HMSO, 1922–)
- Diceto* Diceto, Ralph de, *The Historical Works of Master Ralph de Diceto, Dean of London*, ed. W. Stubbs (2 vols, London: Longman, 1876)
- E* The National Archives, class E (Exchequer)

<i>EHD I</i>	Whitelock, Dorothy (ed.), <i>English Historical Documents I, c. 500–1042</i> (London: Eyre Methuen, 1955)
<i>EHD II</i>	Douglas, David, and George Greenaway (eds), <i>English Historical Documents 1042–1189</i> (2nd edn, London: Eyre Methuen, 1981)
ER	English Reports
<i>Eulogium Hist.</i>	<i>Eulogium Historiarum</i> , ed. F.S. Heydon (3 vols, London: Longman, 1858–63)
<i>Fleta</i>	<i>Fleta</i> , vols 2–4, ed. H.G. Richardson and G.O. Sayles, <i>Selden Society</i> , vols 72, 89, 99 (London, 1955–84)
<i>Flores Hist.</i>	<i>Flores Historiarum</i> , ed. H.R. Luard (3 vols, London: HMSO, 1890)
<i>Foed.</i>	Rymer, Thomas, and Robert Sanderson (eds), <i>Foedera, conventiones, litterae et cujuscunque generis acta publica inter reges Angliae et alios quosvis imperatores, reges, pontifices principes vel communitates</i> (3rd edn, The Hague, 1739–45)
<i>Fordun</i>	Fordun, John, <i>Joannis de Fordun Scotichronicon</i> , ed. W. Goodall (2 vols, Edinburgh: Robert Fleming, 1759)
<i>Gervase</i>	Gervase of Canterbury, <i>The Historical Works of Gervase of Canterbury</i> , ed. W. Stubbs (2 vols, London: Longman, 1879–80)
<i>GHS</i>	Stubbs, William (ed.), <i>Gesta Regis Henrici Secundi Benedicti Abbatis</i> (2 vols, London: Longmans, 1867)
<i>Giraldus</i>	Gerald of Wales, <i>Giraldi Cambrensis Opera</i> , ed. J. Brewer (8 vols, London: Longman, 1861–91)
<i>Glanvill</i>	<i>The Treatise on the Laws and Customs of the Realm of England commonly called Glanvill</i> , ed. G.D.G. Hall (London: Nelson, 1965)
<i>Guisborough</i>	Guisborough, Walter de, <i>The Chronicle of Walter of Guisborough</i> , ed. H. Rothwell (London: Camden Society, 1957)
<i>Howden</i>	Howden, Roger de, <i>Chronica Magistri Rogeri de Houedene</i> , ed. W. Stubbs (4 vols, London: Longmans, 1868–71)
<i>JLH</i>	<i>Journal of Legal History</i>
<i>JMH</i>	<i>Journal of Medieval History</i>
JUST	The National Archives, class JUST (Records of itinerant justices and other court records)
KB	The National Archives, class KB (Court of King's Bench)

- Langtoft* Langtoft, Pierre de, *The Chronicle of Pierre de Langtoft in French Verse*, ed. T. Wright (2 vols, London: Longmans, 1866)
- Livre de Reis* *Le Livre de Reis de Brittain e Le Livre de Reis de Engleterre*, ed. J. Glover (London: Longmans, 1865)
- LHP* *Leges Henrici Primi*, ed. L.J. Downer (Oxford: Clarendon Press, 1972)
- LHR* *Law and History Review*
- LQR* *Law Quarterly Review*
- Melrose* Broun, Dauvit, and Julian Harrison (eds), *The Chronicle of Melrose Abbey, a Stratigraphic Edition: I, Introduction and Facsimile* (Woodbridge: Boydell Press, 2007)
- Melsa* *Chronica Monasterii de Melsa*, ed. E.A. Bond (3 vols, London: Longmans, 1866–68)
- MEN* Power, Eileen, *Medieval English Nunneries c.1275–1535* (Cambridge: Cambridge University Press, 1922)
- Mirror* *The Mirror of Justices*, ed. W. Whittaker, *Selden Society*, vol. 7 (Oxford: Professional Books, 1893)
- MPCM* Paris, Matthew, *Matthaei Parisienis monachi sancti Albanis Chronica Majora*, ed. H. Luard (7 vols, London: Longman, 1872–83)
- Murimuth* Murimuth, Adam, *Chronica sui Temporis*, ed. T. Hog (London: English Historical Society, 1846)
- Newburgh* Newburgh, William of, *Historia Rerum Anglicarum*, ed. R. Howlett (London: Longman, 1884–89)
- ODNB* Matthew, Colin, and Brian Harrison (eds), *Oxford Dictionary of National Biography* (60 vols, Oxford, 2004). References are to the online edition: <<http://www.oxforddnb.com>>
- Palgrave, Docs* Palgrave, (Sir) Francis, *Documents and Records Illustrating the History of Scotland and the Transactions between the Crowns of Scotland and England 21 Henry III–35 Edward I* (London: Record Commission, 1837)
- Pipe Roll* Publications of the Pipe Roll Society
- PJP* Putnam, Bertha, *Proceedings before Justices of the Peace in the Fourteenth and Fifteenth Centuries, Edward III to Richard III* (London: Spottiswoode, Ballantyne, 1938)
- P & M* Pollock, Frederick, and Frederic Maitland, *The History of English Law Before the Time of Edward I* (2nd edn, Cambridge: Cambridge University Press, 1968)

<i>P & P</i>	<i>Past and Present</i>
<i>PPC</i>	<i>Proceedings and Ordinances of the Privy Council of England</i> , ed. (Sir) Nicolas Harris (7 vols, London: Record Commissioners, 1834–37)
<i>Reg. Peckham</i>	Peckham, John de, <i>Registrum Epistolarum Fratris Johannis Peckham Archiepiscopi Cantuariensis</i> , ed. C.T. Martin (3 vols, London: Longmans, 1882–85)
<i>Rishanger</i>	Riley, Henry (ed.), <i>Chronica Monasterii Sancti Albani vol. II, Willelmi Rishanger Chronica et Annales</i> (London: Longman, 1865)
<i>RLC</i>	<i>Rotuli Litterarum Clausarum in Turri Londinensi Asservati</i> , ed. Thomas Duffus Hardy (London: Record Commissioners, 1833–44)
<i>RLP</i>	<i>Rotuli Litterarum Patentium in Turri Londinensi Asservati</i> , ed. Thomas Duffus Hardy (London: Record Commissioners, 1835)
<i>ROF</i>	<i>Rotuli de Oblatis et Finibus in Turri Londinensi Asservati</i> , ed. Thomas Duffus Hardy (London: Record Commissioners, 1835)
<i>Rot. Fin.</i>	Roberts, Charles, <i>Excerpta e Rotulis Finium in Turri Londinensi Asservati</i> (2 vols, London: Record Commissioners, 1835–36)
<i>Royal Letters</i>	Shirley, William (ed.), <i>Royal Letters Illustrative of the Reign of Henry III</i> (2 vols, London: Longman, 1862–68)
<i>RP</i>	Given-Wilson, Christopher (ed.), <i>The Parliament Rolls of Medieval England</i> (16 vols, Woodbridge: Boydell Press, 2005)
<i>SC</i>	The National Archives, class SC (Special Collections)
<i>Seipp</i>	Seipp, David (ed.), <i>An Index and Paraphrase of Printed Year Book Reports 1268–1535</i> , at < http://www.bu.edu/law/Seipp/ >
<i>SR</i>	<i>Statutes of the Realm</i> (London, 1810–27)
<i>st.</i>	statute
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
<i>Trivet</i>	Trivet, Nicholas, <i>Annales</i> , ed. T. Hog (London: English Historical Society, 1845)
<i>Trivet Cont.</i>	Trivet, Nicholas, <i>Nicolai Triveti Annalium Continuatio</i> , ed. A. Hall (Oxford, 1722)
<i>Trokelowe</i>	Riley, Henry (ed.), <i>Johannis de Trokelowe et Henrici de Blaneforde, Monachorum S. Albani necnon Quorundam</i>

- Anonymorum Chronica et Annales Regnantibus Henrico Tertio, Edwardo Primo, Edwardo Secundo, Ricardo Secundo, et Henrico Quarto*, vol. III, Trokelowe and Blaneфорde (London: Longmans, 1866)
- VCH* *Victoria County History*
- VES* *Vita Edwardi Secundi: The Life of Edward II*, ed. N. Denholm Young (London: Nelson, 1957)
- Walsingham HA* Walsingham, Thomas, *Chronica Monasterii Sancti Albani, Thomae Walsingham, quondam monachi S. Albani Historia Anglicana*, ed. H. Riley (2 vols, London: Longmans, Green, 1863–64)
- Wendover* Wendover, Roger of, *Rogeri de Wendover liber qui dicitur Flores Historiarum*, ed. H.G. Hewlett (3 vols, London: Longman, 1886–89)
- Westminster Chron.* *The Westminster Chronicle*, ed. L.C. Hector and B.F. Harvey (Oxford: Clarendon Press, 1981)
- Wyntoun* Wyntoun, Andrew of, *The Original Chronicle of Andrew of Wyntoun*, ed. F.J. Amours (6 vols, Edinburgh: Scottish Text Society, 1903–14)
- YB* Year Book (Vulgate edition, London, 1679–80)
- YB(Ames)* Ames Society Year Books for the reign of Richard II
- YB(RS)* Rolls Series Year Books for the reigns of Edward I and Edward III
- YB(SS)* Selden Society Year Books for the reign of Edward II

Preface

I began looking at the issue of non-judicial confinement of women after other research kept leading me back to the intriguing figure of Eleanor of Brittany, who spent many years confined in Bristol, my adopted home, in a castle which is no more (its place now being occupied by a park, a road, shops and a car park). After writing a paper on Eleanor, I found that there were many issues connected with such imprisonments which deserved more sustained consideration. In looking at them, I have been led some distance away from my core area of scholarship, legal history, into the fields of women's/gender history and 'straight' medieval history. Such endeavours in 'interdisciplinarity' are stimulating, but also somewhat daunting, particularly when working within the limitations of a short monograph, and I can only hope that scholars in those fields in which I have trespassed, as well as those in my own field, will find something of interest and worth in what follows.

Gwen Seabourne
Spring 2011

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I have enjoyed my research trips to the National Archives and Bodleian Library, and the staff of those institutions deserve my gratitude. I would, however, also like to express admiration and appreciation for those who have been involved in creating some of the excellent internet resources which have made such travel less necessary. Three initiatives in particular have been of great benefit to me in this research: first, the *Anglo-American Legal Tradition* website, a digital archive assembled by Robert C. Palmer and Elspeth K. Palmer,¹ which has made available online images of a large proportion of common law court rolls covering the period of this study; secondly, '*Seipp's Abridgement*', the index and paraphrase of printed Year Book reports, 1268–1535, compiled by David J. Seipp at Boston University;² and, thirdly, the AHRC project led by W. Mark Ormrod, 'Medieval Petitions: A Catalogue of the "Ancient Petitions" in the Public Record Office', which has made available online images of documents in class SC 8 at the National Archives, and provided much useful detail on individual petitions.

On a more personal level, I would like to thank my family for consistent interest and support, as well as patience in the last few weeks of writing-up and unnatural absorption with footnotes. This book is dedicated to my parents, and to Ewan, Owen and Rhiannon, with love and gratitude.

¹ <<http://aalt.law.uh.edu>>

² <<http://www.bu.edu/law/seipp/>>

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Introduction

Introductory Examples

In 1306, Edward I made provision for a number of Robert Bruce's female relations and connections, who had recently fallen into his hands. He ordered that Mary, Bruce's sister, and Isabel, countess of Buchan, should be locked in cages, in Roxburgh and Berwick respectively. The privy seal order instructing the authorities in Berwick on the confinement of Isabel specified that

in one of the towers in the castle, in the place which he considers most fitting, he is to have made a well-reinforced cage of strong wooden lattice and planking secured with iron, and have the Countess of Buchan put into it. He is to ensure that she is so well and securely guarded in the same cage that she may not leave it in any way.¹

Marjorie, the daughter of Robert Bruce, aged twelve or less, was at first also ordered to be caged, in her case, in the Tower of London, though this order was soon amended, and she was instead held in a priory.² With Elizabeth, Bruce's wife and Christian, his sister, as well as unrelated adherents, they were kept in England from 1306 until 1314,³ when, after Bannockburn, the majority were sent back to Scotland, partly in exchange for the release of high-ranking English prisoners.⁴

It must be assumed from the silence of official and narrative sources that none of the Bruce women so confined in England had undergone any recognisable judicial process separate from the king's decision to confine them, and, while the countess of Buchan's participation in the inauguration of Robert Bruce as king of Scots was considered to have amounted to an offence against Edward I,

¹ CDS, vol. 2, no. 1851; Palgrave, *Docs*, p. 358, no. 6; David Dalrymple, Lord Hailes, *Annals of Scotland* (2 vols, London, 1776), vol. 2, pp. 11–12. See also Michael Prestwich, *Edward I* (London, 1988), p. 508; *Guisborough*, p. 367, *Flores Hist.*, vol. 3, p. 324.

² Palgrave, *Docs*, pp. clxxxviii, p. 359, no. CLIV, 8; CDS, vol. 2, nos 1851, 1910.

³ The Countess of Buchan's whereabouts from 1312 onwards are, however, unclear.

⁴ CDS, vol. 3, nos 131, 227, 244, 248, 313, 340; *Foed.*, vol. 2, p. 209; *CPR 1313–18*, pp. 183, 411.

there is no record of the others having taken an active role in the Bruce cause, or being described as rebels.⁵ More than thirty years after the imprisonment of the Bruce women, a petition to the king and council alleged that, at a point between 1338 and 1343, another woman was experiencing confinement in the troubled borderlands. Isabel, widow of Sir Richard de Cleterne stated that Adam, son of Gilbert de Culwen, her uncle, had come by night to her manor of Ellenborough in Cumberland, with a group of men, and forcibly seized her, assaulting and wounding her attendants. She had been thrown across a horse and taken to Aykhurst Castle. There, they detained her until the prominent royal servant Sir Antony de Lucy, warden of the Marches in 1336, came to her rescue. Isabel was concerned that her abductors might obtain pardons for their offences, through their friends at court, and asked 'for the love of God, the salvation of the king's soul, and for the honour of women' that they should not be pardoned, adding that the common grant of pardons through influence led to disorder and a lack of respect for the law, especially in the March, from which escape to Scotland was easy.⁶

This case is less familiar than that of the Bruce women, and the background to it rather less clear. It concerns border lawlessness, and probably mercenary motives. The Culwens of the Western March appear to have been cross-border landholders, split, or inconsistent, in their allegiance, and with financial difficulties.⁷ Adam, the alleged abductor, was involved with the pro-Bruce Scots at some period in the 1320s, being pardoned in 1344 for adhering to the Scots some sixteen years previously when he was 'of tender age'.⁸ The identity of the Cleterne family is unclear, though 'Cleterne' can be identified with Cleator in Cumberland.⁹ The case probably revolves around an attempt to gain Isabel's land. Whatever the exact nature of the conduct, however, the petition is suggestive of female vulnerability to abduction and confinement. Furthermore, it displays

⁵ Eileen Power, ed. Michael Postan, *Medieval Women* (Cambridge, 1975), p. 45; Andrew Barrell, *Medieval Scotland* (Cambridge, 2000), p. 116; Cynthia Neville, 'Widows of War: Edward I and the Women of Scotland during the War of Independence', in Sue Sheridan Walker (ed.), *Wife and Widow in Medieval England* (Ann Arbor, 1993), pp. 109–39, 123. Edward's broadening of the scope of rebellion seems to have been calculated to encompass clergymen and receivers, rather than women: *CDS*, vol. 2, nos 1908, 1909.

⁶ SC 8/39/1937; Constance Fraser, *Northern Petitions Illustrative of Life in Berwick, Cumbria and Durham in the Fourteenth Century* (Durham, 1981), pp. 99–100, no. 66; Gwilym Dodd, *Justice and Grace, Private Petitioning and the English Parliament* (Oxford, 2007), p. 315.

⁷ C 143/132/2; SC 8/82/4085, C 143/258/2; *CDS*, vol. 3, nos 108, 810, 895, appendix iii and no. 578; *CCR 1331–33*, p. 39; *CPR 1354–58*, p. 130. Fraser, *Northern Petitions*, p. 145.

⁸ *CDS*, vol. 3, no. 1428; *CPR 1343–45*, pp. 209, 582; C 143/32/3; DL 25/1079; C 143/258/2.

⁹ See, for example, *CCR 1316–23*, index.

both a sense that the king, and royal justice, ought to act against such offences and also a doubt that the authorities would actually impose due punishment on the apparently well-connected miscreant.

On a humbler level, a Devon entry in the 1427 King's Bench plea roll tells us that

Thomas Donryssh, in person, ... proceeded against Thomas Isak of the parish of Morebath in the said county, labourer, and John Wynkelegh of Plympton Comitis in the same county, yeoman, in a plea of why with force and arms he assaulted, wounded, imprisoned and mistreated Joan Foxcombe, servant of Thomas Donryssh, so that Thomas Donryssh lost her services for a long time, ... to Thomas Donryssh's great damage and against the peace of the lord king.¹⁰

This brief record, one of several such plea roll entries, tells us little about the background or the alleged incident. Were Thomas Isak and John Wynkelegh strangers to the plaintiff and his servant, Joan? Was there perhaps a pre-existing antagonism? Where did they imprison Joan, and for how long?

These three examples give some indication of the complex issues surrounding non-judicial confinement of women in medieval England. The women confined, or alleged to have been confined, are of differing status (from royalty or high aristocracy to the servant of an obscure man of Devon), they are at different stages of life (girl, maiden, wife, widow) and from different national or political allegiances. They also demonstrate the obvious fact that a history of non-judicial confinement of women cannot be written without reference to men, who appear here as confiners, abductors, rescuers, plaintiffs, and, in the case of the king, as the sovereign lord expected to punish the alleged abductor or confiner. Men are also, of course, the almost exclusive source of the records which must be used in any study of medieval history.

Confining the Subject-Matter

From the stories of Persephone and Danaë onwards, imprisonment or abduction of women is commonplace in European literature.¹¹ The image of the imprisoned

¹⁰ KB 27/666 m. 86d. The defendants did not come, and the sheriff was ordered to arrest them. He made return that they were not to be found, so they were put in exigent.

¹¹ See, for example, Roger Woodward (ed.), *The Cambridge Companion to Greek Mythology* (Cambridge, 2007), pp. 331, 355.