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# SEVENTEENTH CENTURY NORTHERN NOBLE WIDOWS:

# A COMPARATIVE STUDY.

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**Submitted in partial fulfilment of the requirements of the degree of Doctor of Philosophy,**

**University of Huddersfield,**

**June 2004.**

## ABSTRACT

This thesis is presented in part fulfilment of the Degree of Doctor of Philosophy at the University of Huddersfield.

This thesis aims to explore the lives of seventeenth century noble widows in the north of England. The issues investigated include the demographics of widowhood, economics of widowhood, charitable activities, noble widows and the law, social networks surrounding widows and widows' political interests. Each of these subjects forms a chapter, where widows' contribution to each sphere through the seventeenth century is explored and assessed.

The work also covers wider issues which affected women prior to and during marriage as they were also relevant to widowhood. Therefore it has been necessary to widen the scope of research from analyzing women's lives after the deaths of their husbands. Similarly, the geographical scope of the research, whilst basically entrenched in the north of England, extends in response to the variety of widows' experiences.

The research has required examination of primary source material generated by widows such as letters, diaries, estate records and account books from institutions such as the British Library and private libraries such as that at Chatsworth.

The second aim of this thesis is to examine more recent attitudes towards seventeenth century noble widows, encompassing the writings of nineteenth century historians and contemporary authors. The subject of this study is an under researched area and the thesis highlights the importance of the only part of a noblewoman's life that was lived as an independent individual. By scrutinising the secondary source material, challenging and criticizing general arguments proposed by other writers, debate upon the subject should be increased and new ideas expressed. Despite the social, legal, economic and political changes which took place throughout the seventeenth century, noble widows remained influential figures within the contexts of family, household and society as they exploited legal loopholes or accepted conventions in order to further their individual aims.

This study advances the understanding of women's history by focussing on a neglected aspect of the subject, provides a new viewpoint for regional history and stimulates ideas for further academic debate.

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# INTRODUCTION.

This study examines the role of noble widows with interests in the north of England, throughout the seventeenth century. It is an examination of the roles of widows during a time of political and social change through their relationships with family, friends, political figures and society as a whole. By tl means, the origins and impact of their influence can be assessed.

The availability, or otherwise, of primary source material renders the actions of seventeenth century noblewomen mysterious. The scarcity of evidence compared with that for male counterparts means that the historian is confronted with a fractured and disjointed picture of female experience of the period. The destruction of the records of the Courts of Wards and Liveries, in particular, means that widows' experiences in lobbying for custody of their under-age children are lost. Similarly, the limited survival of material from the Court of Star Chamber renders the record of women's experiences within the judicial system incomplete. This, coupled with the loss or absence of personal correspondence, renders some women such as Elizabeth Rhodes, wife of Thomas Wentworth earl of Strafford, a key political figure of Caroline politics, mute. Estate records often give the minutiae of income and expenditure, but are often incomplete and may not exist for the full extent of a widow's holdings. It is therefore important to note that the official records and transactions of law courts and government departments, for example, do not tell the whole story. The channels of influence used by women were often unofficial and the product of personal contact, so their letters and diaries are just as important in terms of assessing the success of litigation for example. More personal information can be gleaned from investigating widows'

wills, although, again, not all survive. The people and chattels mentioned in the widow's final dispersal of property (or even those who were not) indicate a flow of wealth and favour to family, friends and servants. The diversity of source material is apparent when it is considered that even the tombs in which the women are laid to rest reflect their interests, families and sense of matriarchy.

Increased interest in women's history has led to the start of a wider discussion of how the changing political climate affected aristocratic women. Biographies such as Sarah Gristwood's study of Arbella Stuart focus upon individuals, but do not ignore the wider world of seventeenth century political, economic and cultural phenomena.[1] Another recent trend has been investigations into the role of women during the English Civil Wars, with both Alison Plowden and Stevie Davies writing books aimed at academic and popular audiences.[2] Such interest in women's history has led to the wider availability of primary sources, for example diaries, such as those of Lady Anne Clifford, in published format.[3] However, there is still a need for a wider ranging study, focussing upon widows as a collective section of society, to

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1. S. Gristwood, *Arbella: England's Lost Queen* (London, 2003).

2. A. Plowden, *Women all on Fire: The Women of the English Civil War* (Stroud,1998); S. Davies, *Unbridled Spirits: Women of the English Revolution* (London, 1998).

3. D. J. H. Clifford (ed.), *The Diaries of Lady Anne Clifford* (Stroud, 1990).

complement studies of individual lives and to examine the whole century, rather than just the Civil War years.

By investigating the different spheres of interest which formed the noble widow's world, and how the women responded, it is possible to plot the changing nature of widowhood itself. The worlds of politics, economics, social networks and the law were disparate, and thus have their own chapters in this thesis, in order to distinguish the different general fields. However, they also overlapped, particularly in terms of kinship, patronage and the strength of family influence, and no one area can be examined in isolation from the others. Nowhere was this more true than in the field of politics, with women expected to act as a conduit for power and influence for the betterment of their own kindred and their husband's families. This could be through actively trying to influence an electorate to vote for one of their relations, or it could take the form of political influence upon the sovereign. The widows in this study served three female monarchs, Elizabeth I, Mary II, and in the eighteenth century Anne. As members of the Royal Household they were not without influence, and contemporary politicians responded as such. Although the end of the seventeenth century coincided with the rise of political parties, these were also centred around kinship networks, within which women continued to play an active and vigorous role prior to the appearance of the political hostess.

Women's roles during the English Civil Wars cannot be ignored, with each widow having strong political convictions and possibly surprising roles during the conflict. Yet the historiography of the wars remains a study of masculine interests. Hill has outlined some of the possible causes of the conflict, elaborating that different authors have highlighted such diverse origins as 'the struggle for constitutional and religious liberty', 'the rise of the gentry', or conversely 'the decline of the gentry'.[4] Other authors stress the imposition of taxation such as ship money, highlighting the complexity of the breakdown between Crown and Parliament and the policies of Arminianism and Laudianism, with their Popish associations.[5] Yet despite their role in espionage and 'behind the scenes' networking, women have not been admitted to the historiography of the Civil Wars by, for example, Whig, Marxist or Revisionist historians.

Linked to the political issues of the seventeenth century were religious matters. The Elizabethan Church Settlement and the Reformation in general seem to have been applied in a tentative fashion in the north of England. The Ecclesiastical Commission was established at York in order to exercise jurisdiction in religious matters. However, Tyler argues 'in all

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4. C. Hill, *Puritanism and Revolution: Studies in Interpretation of the English Revolution of the Seventeenth-Century* (London, 1958); R.C.Richardson, *The Debate on the English Revolution* (London, 1977).

5. See for example, A. Fletcher, *The Outbreak of the English Civil War* (London, 1981); S. Baskerville, *Not Peace but a Sword: The Political Theology of the English Revolution* (London, 1993).

circumstances the Ecclesiastical Commissioners at York took the line of least resistance and never forced an issue with the recusant body if it could help it.'[6] Furthermore, a biographer of Archbishop Hutton of York claims 'it was the fragility of the Protestant hold on the mass of the English people and the ever present threat of Rome that were to form the dominant concerns of Hutton's career.'[7] The Ecclesiastical Commission worked with the Council of the North, the monarch's representative authority in the north of England in order to maintain good governance. Lake also argues, 'in the Lord President of the North, the earl of Huntingdon, Hutton had the perfect lay counterpart'. Thus despite the lay and secular authorities working in concert to enact the church settlements, Catholicism was never eradicated in the north of England and women had a role to play in it's survival.[8]

The Protestant settlements of the sixteenth century were difficult to enforce in the north of England and women continued to pursue charitable aims which had religious overtones that might have been acceptable prior to the Reformation. It is difficult to analyze the impact of the

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6. P. Tyler, 'The Importance of the Ecclesiastical Commission at York', *Northern History*, ii (1967), 27-44; See also J.A. Hilton, 'Catholicism in Elizabethan Northumberland', *History*, xiii, (1977), 44-58.

7. P. Lake, 'Matthew Hutton: A Puritan Bishop?' *History*, cxiv (1979), 182-204; Matthew Hutton, Bishop of Durham 1589-1595 and Archbishop of York 1595-1606.

8. *Ibid*, p. 188.

Reformation upon women. Warnicke argues that the education of elite women such as Princess Mary Tudor under Humanist principles during the early sixteenth century was followed by a declining interest in educating women during the reigns of Elizabeth I and James.[9] A further undermining of female authority may have come with the abolition of nunneries. Certainly, some members of the Royal family and upper nobility such as Elizabeth I and her step-mother Catherine Parr were well educated.[10] Yet despite these apparent setbacks, women were capable of forming their own opinions about which form of worship they wished to follow (irrespective of their husbands' views), were still important charitable benefactresses and formed an important part of the Catholic underworld, celebrating mass and hiding priests. Conversely, some widows were also keen adherents of the Protestant faith, for example Charlotte de la Tremouille. As will be demonstrated, this was an aspect of her life which had implications in terms of her political and social position.

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9. R. Warnicke, *Women of the English Renaissance and Reformation* (Westport: Conneticut, 1983), pp. 36, 154, 194 & 208.

10. It is perhaps worth noting that Catherine Parr was preceded as queen by the barely literate Catherine Howard & those English wives of Henry VIII who acquired reputations for scholarship (Anne Boleyn and Catherine Parr) did so within the Royal households of France & England. See E. Ives, *Anne Boleyn* (Oxford, 1986) and S. E. James, *Kateryn Parr: The Making of a Queen* (Aldershot: Ashgate, 1999).

The legal and economic issues surrounding marriage and widowhood have been examined in great detail, for example by Laurence Stone, Lloyd Bonfield and John Habbakuk.[11] However, these authors have confronted the issue of one aspect of widows' rights from the point of view of the male landowners whose interests formed one part of a complex equation. In Bonfield's book, widows do not even merit an entry in the index and his legal focus is upon the settlement at the beginning of marriage rather than implications later on for the widowed woman. By attempting to explain marriage settlements in terms of reconciling landowners' right of freedom of alienation with the patriarchal structure of traditional inheritance, Bonfield misses out the involvement of mothers, grandmothers and other widows in negotiating marriage settlements. Stone also adopts a patriarchal focus upon his studies of the aristocracy, regarding widows as financial burdens upon a landed estate, generally sidelining their role and failing to explain that, by acting as guardians to minors, they saved landholdings from years of neglect and may have established or re-established familial dynastic prestige. Women, and, as some of them ultimately became, widows, were very involved with the legal aspects of land holding and were sources of dynastic wealth. Far from being passive transmitters of landed wealth from one family to another, some of the wealthier widows such as Alice Spencer, Margaret Russell

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11. L. Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford, 1965), *Family and Fortune* (Oxford, 1973); L. Bonfield, *Marriage Settlements 1601-1740* (Cambridge, 1983); H. J. Habbakuk, 'Marriage Settlements in the Eighteenth Century', *Transactions of the Royal Historical Society*, 4th Series, xxxii (1950), 15-30.

and Elizabeth Hardwick defined their own brand of matriarchy through the descent of property accumulated by a woman, or passed to women through the right of inheritance. Yet, the presence of women in the masculine-orientated (both in terms of authorship and focus) historiography is negligible. Fletcher, for example, purports to write about gender issues between the years 1500-1800.[12] However, his work relating to jointure covers a few lines commenting on male honour and whilst identifying the key stages in a woman's life as 'maid, wife and widow', widowhood is dismissed as period of retirement to 'a dower house on the estate.' [13] In many cases, widowhood was not simply a gentle retirement into prosperous obscurity as Fletcher seems to imply and it is the purpose of this study to challenge such interpretations. For some women who form part of this study, changing economic fortunes exacerbated by Civil War or the processes of the courts taking decades to reach inconclusive decisions meant financial uncertainty. In other cases, to sustain constant legal pressure upon male relatives required a great deal of tenacity, friends in the right places and cash. Yet, as the century progressed there were increasing numbers of members of the peerage (see table number one) and, consequently, noble widows. However, this was not always reflected in

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12 . A. Fletcher, *Gender, Sex and Subordination in England 1500-1800* (New Haven: Yale University Press, 1995).

13. Ibid, pp. 144 & 403.

terms of their presence in the law courts, which declined throughout the seventeenth century, a phenomenon which is examined in the appropriate chapter.

The political, economic and legal interests of widows were only part of the entirety of their social networks. Cultural patronage was important to them (and even more so to those who received it), and included literary, artistic and scientific endeavours. For those who approached a widow for patronage, either as established recipients or as a speculative venture, family links were still important. Edmund Spenser naturally approached Alice, Elizabeth and Anne Spencer on the basis of a shared surname. As outlined earlier, patronage links of individual women have been examined, but in terms of individuals rather than shared experiences. The networks surrounding a widow were complex and diverse, shifting as her life changed. This study examines the networks around widows throughout their lives, as widowhood was not a state entered into in isolation from marriage or childhood.

The male-dominated historiography of the seventeenth century contrasts with work concentrating upon the medieval period and the eighteenth century. Leyser has written about the role of medieval women in general, and devotes an entire chapter to widows.[14] Archer &

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14. H. Leyser, *Medieval Women: A Social History of Women in England 450-1500* (London, 1995), p.p. 168-186; For more about medieval women see E. E. Power, *Medieval Women* (London, 1975); J. Hall (ed.) *The Cultural Patronage of Medieval Women* (Athens: University of Georgia Press, 1996); L. E. Mitchell, *Portraits of Medieval Women: Family, Marriage and Politics in England 1225-1350* (Basingstoke, 2003); D. Wood (ed.), *Women and Religion in Medieval England* (Oxford, 2003); P. Stafford and A. B. Mulder-Bakker, *Gendering the Middle Ages* (Oxford, 2003).

Rosenthal have also investigated medieval noble widows in the specific fields of economics, administration, politicians and as war widows.[15] The historiography of the eighteenth century is also mindful of widows, as they are well represented in books by Hill, Tadmor, Sweet and Lane who focus upon women's experiences and connections during the eighteenth-century.[16] The gap in the historiography represented by seventeenth century widows is therefore surprising. The women whose widowhoods form this study were active and influential politicians, litigators, plaintiffs, negotiators, landholders, industrialists and patronesses. They achieved this through property transactions, economic aggrandisement, kinship networks,

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15. R. Archer, 'Rich Old Ladies: The Problem of Late Medieval Dowagers', in A. J. Pollard (ed.), *Property and Politics: Essays in Later Medieval History* (Gloucester, 1984), pp. 15-35; R. Archer, 'Women as Landholders and Administrators in the Later Middle Ages', in P. J. P. Goldberg (ed.), *Woman is a Worthy Wight: Women in English Society 1200-1500* (Stroud, 1992), pp. 149-181; J. Rosenthal, 'Other Victims: Peeresses as War Widows 1450-1500', *History*, lxxii (1987), 213-230.

16. N. Tadmor, *Family and Friends in Eighteenth Century England* (Cambridge, 2001); B. Hill, *Women, Work and Politics in Eighteenth century England* (Oxford, 1999), pp. 240-258; R. Sweet and P. Lane, *Women and Urban Life in Eighteenth Century England: On the Town* (Aldershot, 2003).

litigation and by being able to adapt to changing circumstances when the need arose, for example during the Inter-regnum.[17]

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17. I would like to thank Dr Tim Thornton for his guidance & suggestions throughout the preparation of the text.

## THE DEMOGRAPHY OF WIDOWHOOD.

The basis of this study is a core sample of widows, illustrated by the table opposite. The sample was culled from the Complete Peerage; all the widows were married to men whose families were members of the nobility and held land in the northern English counties of Cheshire, Lancashire, Yorkshire, Westmorland, Cumberland and Northumberland.

The women are listed in alphabetical order of their peerage titles. The widows are also listed, and are referred to throughout the study, under the names they were given at birth. This is in order to clarify who is being referred to. As can be seen from the table, three generations of women could be referred to at any time as Elizabeth Percy, two countesses of Northumberland and their grand-daughter/daughter. Thus, by referring to them by their individual birth names they can be easily identified. The two Elizabeth Darcies can be identified individually by their peerage titles, Lady Lumley and Countess Rivers.

When a woman married more than one northern peer (for example, Frances Seymour married viscount Molyneux and the earl of Darcy), they are listed under their earliest title, and their widowhood is dated from the date of the death of the first peer they married. If a woman was previously married to a man who was not a member of the nobility, for example Anne Packington, countess of Chesterfield, she is referred to by her title and birth name; for the purposes of this study the date of widowhood is taken from the death of the peer. For those who married men who were not peers after the death of their noble husband, such as Elizabeth Wriothesley, countess of Northumberland, they are referred to in the text by their birth name and title. Widowhood is dated from the death of their noble husband, for the purposes of this study.

Two women in this study, Katharine Wotton and Elizabeth Darcy were granted life peerages in their own right, but this study does not include those titles, which were put under attainder, such as that of Westmorland. Peerages granted to an eldest son of another peer, such as the earldom of Ogle, son of the duke of Newcastle have been included, but not courtesy titles such as Lords Talbot and Elland, sons of the Earl of Shrewsbury and Marquess of Halifax respectively, as they are not peerage titles.

In terms of timescale, the noblemen themselves may have died in the sixteenth century and their widows survived in to the seventeenth; or the husband may have died in the seventeenth century and the widow survived into the eighteenth. Either way all or a part of widowhood took place in the seventeenth century.

Although it could be argued that their spouses are defining the women in this study, the deaths of their noble husbands heralded an era of active independence for many of them, enabling them to be judged by their own actions.

| Title | Name | Dates of widowhood | Outlived husband | Multiple dowagers | Already widowed ? | Remarriage? |
|---|---|---|---|---|---|---|
| Belasyse | Anne Paulet | 1689 - 94 | 5 years | Y | | |
| Belasyse | Anne Brudenell | 1691 - 1722 | 31 years | Y | | Duke of Richmond |
| Carlisle | Anne Howard | 1685 - 1703 | 18 years | Y | | |
| Carlisle | Elizabeth Uvedale | 1692 - 96 | 4 years | Y | Sir William Berkeley | |
| Chesterfield | Anne Packington | 1656 - 72 | 16 years | Y | Sir Humphrey Ferrers | |

| | | | | | |
|---|---|---|---|---|---|
| Chesterfield | Katherine Wotton | 1634 - 67 | 33 years | Y | Jan Van Kirkhoven; Daniel O'Neill |
| Cumberland | Margaret Russell | 1605 - 16 | 11 years | | |
| Cumberland | Frances Cecil | 1643 | 2 months | | |
| Derby | Alice Spencer | 1594 - 1637 | 43 years | | Thomas Egerton |
| Derby | Charlotte de la Tremouille | 1651 - 64 | 13 years | | |
| Derby | Dorothea Helena de Rupa | 1672 - 1703 | 30 years | | |

| | | | | | |
|---|---|---|---|---|---|
| Devonshire | Elizabeth Boughton | 1626 - 42 | 16 years | Y | Richard Wortley |
| Devonshire | Christian Bruce | 1628 - 75 | 47 years | Y | |
| Devonshire | Elizabeth Cecil | 1684 - 89 | 5 years | | |
| Downe | Dorothy Johnson | 1695 - 1709 | 14 years | | |
| Eure | Elizabeth Spencer | 1617 - 18 | 1 year | | Lord Hunsdon |
| Fairfax of Cameron | Rhoda Chapman | 1648 - 86 | 38 years | | Thomas Hussey |

| | | | | | |
|---|---|---|---|---|---|
| Fairfax of Emley | Mary Ford | 1636 - 37 | 1 year | Sir William Bamburgh | |
| Fairfax of Emley | Alathea Howard | 1641 - 77 | 36 years | | |
| Fairfax of Emley | Elizabeth Smith | 1648 - 92 | 44 years | | Sir John Goodricke |
| Halifax | Gertrude Pierrepont | 1695 - 1727 | 32 years | | |
| Hilton of Alston | Anne Bowes | 1598 - 1608 | 10 years | | Sir John Delavale |
| Hilton of Alston | Mary Wortley | 1641 - 63 | 22 years | Y | Sir William Smith |

| | | | | | |
|---|---|---|---|---|---|
| Hilton of Alston | Margaret Hilton | 1641 - 73 | 32 years | Y | Sir Thomas Hollyman |
| Irwin/Irvine / Urwin | Essex Montagu | 1666 - 77 ? | 11 years | | |
| Irwin/Irvine / Urwin | Elizabeth Sherard | 1688 - 1747 | 59 years | | Hon. John Noel |
| Knyvett | Elizabeth Hayward | 1622 | 4 months | | Richard Warren |
| Lumley | Elizabeth Darcy | 1609 - 17 | 8 years | | |
| Molyneux | Mary Caryll | 1636 - 39 | 3 years | | Raphael Tartareau |

| | | | | | |
|---|---|---|---|---|---|
| Molyneux | Frances Seymour | 1654 - 81 | 27 years | | Thomas Wriothesley; Conyers Darcy |
| Monteagle | Anne Spencer | 1581 - 1618 | 37 years | | Lord Compton; Lord Dorset |
| Morley & Monteagle | Elizabeth Tresham | 1622 - 48 | 26 years | | |
| Morley & Monteagle | Phillippa Caryll | 1655 - 60 ? | 5 years | | |
| Morley & Monteagle | Mary Martin | 1697 - 1700 | 3 years | | |
| Mulgrave | Marianna Irwin | 1646 - 76 | 30 years | Y | |

| | | | | | |
|---|---|---|---|---|---|
| Mulgrave | Elizabeth Cranfield | 1658 - 72 | 14 years | Y | Sir John Bennett |
| Newcastle | Frances Pierrepont | 1691 - 95 | 4 years | Y | |
| Northumberland | Elizabeth Howard | 1668 - 1705 | 37 years | Y | |
| Northumberland | Elizabeth Wriothesley | 1670 - 90 | 20 years | Y | Ralph Montagu |
| Ogle | Elizabeth Percy | 1680-1722 | 42 years | Y | Thomas Thynne; duke of Somerset |
| Savage | Mary Ogle | 1654 - 57 | 3 years | | |

| | | | |
|---|---|---|---|
| Savage | Arabella Bertie | 1694 - 1717 | 23 years |
| Savage / Rivers | Elizabeth Darcy | 1635 - 51 | 16 years |
| Scarsdale | Anne Carey | 1655 - 60 ? | 5 years |
| Scarsdale | Frances Rich | 1681 - 92 | 11 years |
| Scrope | Philadelphia Carey | 1609 - 27 | 18 years |
| Scrope / Sunderland | Elizabeth Manners | 1630 - 54 | 24 years |

| | | | | | |
|---|---|---|---|---|---|
| Shrewsbury | Elizabeth Hardwick | 1590 - 1608 | 18 years | | Barlow;St Loe;Cavendish; |
| Shrewsbury | Mary Cavendish | 1616 - 32 | 16 years | Y | |
| Shrewsbury | Jane Ogle | 1618 - 32 | 8 years | Y | |
| Shrewsbury | Anna Maria Brudenell | 1668 - 1702 | 34 years | | George R Brydges |
| Savile / Sussex | Anne Villiers | 1659 -70 | 11 years | | Richard Pelson |
| Savile / Sussex | Anne Wake | 1671 - 80 ? | 9 years | | Fairfax Overton |

| | | | | |
|---|---|---|---|---|
| Strafford | Elizabeth Rhodes | 1641 - 88 | 47 years | |
| Strafford | Henrietta de la Rochefoucauld | 1696 - 1732 | 36 years | |
| Widdrington | Mary Thorold | 1651 - 76 | 25 years | Y |
| Widdrington | Elizabeth Bertie | 1675 - 1714 | 39 years | Y |

## THE ECONOMICS OF WIDOWHOOD.

Theoretically, the right of widows to claim either jointure or dower from their husband's estates was well established by 1600. The financial arrangements made for a woman's widowhood were made in advance of her marriage and established at the same time as her marital income and responsibilities. At her marriage, a woman's family paid an agreed amount of money known as portion to the husband's family. This would then be used to purchase land, which would provide an income for the couple and their family during the marriage, and, if necessary, support the widow after the death of her husband. This income paid after the husband's death was jointure or dower, and as such, was inalienable from the husband's estate. He could of course hold other land which did not form part of his wife's dower or jointure entitlement. As Erickson has explained, 'the basis of coverture was ostensibly an economic exchange. The bride's portion was exchanged for her maintenance during marriage, for the groom's responsibility for her contracts and for a guarantee of subsistence during widowhood.'[18] Therefore, the economics of widowhood were considered long before a woman actually became widowed; furthermore, with the adoption of the Strict Settlement towards the end of the seventeenth century, a bride's portion was established even before her birth, at her

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18. A. L. Erickson, *Women and Property in Early Modern England* (London, 1995), p. 100.

parent's marriage. A widow's position of legal independence is in contrast with her economic dependency upon other members of her family or trustees. Thus, any examination of widows' fiscal interests must take into account the unique dynamics of each family; the widow's relationship with her son, step-son, son-in-law or brother-in-law was always important to the prompt payment or otherwise of jointure. Remarriage and inheritance disputes could complicate and polarise family relationships, influencing jointure claims. The Civil War caused financial hardship for all Royalist families, and the sequestration of estates, burden of supporting armies and the dependency for income upon the judgements of local committees (with their jealousies and territorial grievances), exacerbated problems already faced by widows. Their situation was not helped after the Restoration of Charles II, when more women were given the rights to profits from government activities. This meant that the scope of widows' financial interests expanded into the world of politics, as their economic world became directly linked to the efficiency or otherwise of government officials rather than family members.

Much work has been undertaken on the subject of portion / jointure ratio and the implications of inflation upon widow's jointure income. However, it remains true that it is difficult to track down the amounts paid in portion and therefore what income was expected in jointure or dower. Examples such as Charlotte de la Tremouille, a French bride who married the earl of

Derby and allegedly brought a portion of £24 000, are rare. Laurence Stone has argued that the average portion increased fivefold between 1580 and 1725, from £2000 to £9 700, but some members of the peerage were offering £10 000 between 1625 and 1649.[19] Stone also claims that the ratio of portion to jointure shifted from about 5 : 1 in 1485 to 10 : 1 in the early eighteenth century, thus forcing fathers to pay more for their daughter's maintenance. The impact of this economic shift did not simply reflect upon women as the recipients of portion, but also providers. As mothers, widows negotiated portions for their own daughters and granddaughters. It is difficult to question this as correspondence about portion and jointure has not survived in sufficient quantities from the sample to draw specific conclusions, but it is possible to examine the issues surrounding marriage and make more general statements about the dealings involved.

The financial settlements themselves were often a source of conflict between the families of the bride and groom. Arguably, as far as financial matters went, the bride's father (or whoever was negotiating in her behalf, and this could have been her widowed mother) would want to part with as little portion as possible, whilst the groom's father would want to provide as small a jointure as possible, yet acquire as large a portion as possible. Negotiations could be further hampered by a lack of spare cash, particularly if there were several daughters to find portions

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19. Stone, *Crisis*, p. 639.

for. Whoever conducted the business, arrangements could take a long time and cause exasperation. Other factors such as personal affection, status of the family, and the position of the daughter within the family hierarchy could affect the amount of portion paid. Whilst Alice Spencer's father Sir John was an incredibly wealthy man, a contemporary dismissed Alice's status as 'the daughter of a mean knight,' emphasizing her social incompatibility with her husband, Ferdinando, future Earl of Derby.[20] This 'mean knight' was able to marry his three youngest daughters into the aristocracy, and, although the amount paid by Sir John Spencer in portion is unknown, Alice was the youngest, made the most socially advantageous marriage and was able to demand a greater income than any previous countess dowager of Derby.[21] Considering that her mother-in-law was Margaret Clifford, great-granddaughter of Henry VII, Alice Spencer must have felt certain of her family's financial contribution to warrant demanding such consideration.

Later in the seventeenth century, during the lifetime of Henry Cavendish, duke of Newcastle, the marriages of his children, Henry, Margaret and Catherine caused him much concern. Sir John Reresby wrote of the duke,

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20. M. A. E. Green (ed.), *CSPD, 1580-1625* (London, 1872), p. 138.

21. B. Coward, *The Stanleys, Lords Stanley and Earls of Derby, 1385-1672* (Chetham Society, 3rd series, cxxxii, 1983), p.45.

as to his giving his daughter Lady Catherine to my Lord Elland, I found him infinitely averse to it, upon the subject of having to pay ready money for a portion. He told me his duchess was more against it than himself... However, at the last he told me the thing might not be impossible in a little time if Lord Halifax [father of Lord Elland] would take £9000 of his money and an assignment of £6000 due to him from the King; but he would first see Lord Elland for he had heard he was very debauched.[22]

It would appear from this extract that the duke thought longer and harder about the financial implications of his daughter's potential bridegroom than his character; Lady Catherine herself married Lord Thanet, so the negotiations with Halifax came to nothing. After the death of the duke, his widow, Frances Pierrepont, attended to the details of the marriage of her youngest daughter Arabella to Lord Spencer. In July 1694, she wrote to an agent involved with the marriage settlement,

it is more than satisfactory to me to find that Lord Spencer's character both for sobriety and all qualifications in a young man are such as are rarely met with in this age. As a parent I cannot

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22. A. J. Browning (ed.), *The Memoirs of Sir John Reresby*, second edition (London, 1991), p. 218.

but desire to know what settlements Lord Sunderland (Lord Spencer's father) is prepared to make.[23]

This extract contrasts with that above written by her husband fourteen years earlier, as the dowager duchess reversed the priorities of finance and character. Such an attitude was displayed by Elizabeth Percy's mother, Elizabeth Wriothesley when Frances Pierrepont raised the issue of their children's marriage. Although Elizabeth Percy lived with her grandmother, the Cavendishes must have communicated with her mother, Elizabeth Wriothesley, about a potential marriage. In an undated reply, the younger dowager Lady Northumberland acknowledged the potential groom's wealth and personal qualities, but was keen to stress that her daughter's happiness was of paramount importance, and when she was old enough would be free to choose for herself with the advice of friends.[24] Cavendish did correspond with the elder dowager, Elizabeth Howard for some years prior to Elizabeth Percy's marriage, and his motives will be examined below. A reply to him from Elizabeth Howard does not survive until 1678 when arrangements for the marriage were already underway and she appointed Lord

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23. F. H. B. Daniell (ed.), Royal Commission for Historical Manuscripts, *Portland MSS*, ii, (London, 1893), p. 168.

24. Nottingham, Nottingham University Library, Portland MSS, PWL 207.

Essex and Mr Gee to transact the business side of the arrangement.[25] For Charlotte de la Tremouille, Countess Dowager of Derby, the need to repair family fortunes after the Civil War contrasted with her desire that her daughter Catherine should be happy. James, Earl of Derby had been executed in 1651 and government officials had confiscated some of the family estates. Describing Lord Dorchester, her future son-in-law, she explained, 'I was very far from thinking of such a marriage in our poverty, or indeed of any marriage. He is sensible, clever, accomplished and rich, having fourteen thousand a year, his brothers and sisters provided for and money in his purse.'[26] Three months after the wedding Countess Charlotte wrote, 'I have not made her so happy as I expected. I was led to hope for better things: but what consoles me is that she behaves with admirable wisdom and patience.' When it came to the marriage of one of her other daughters, Henrietta Maria, Countess Charlotte was more optimistic, writing, 'I have every reason to hope for the greatest comfort from it, he being a very worthy man, who has an unbounded affection as well as the highest esteem for his wife; she is I think very happy.'[27] Lady Catherine's unhappy experiences may have encouraged her mother to look for

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25. Nottingham, Nottingham University Library, Portland MSS, PWL 199.

26. H.Guizot de Witt, *The Lady of Latham: Being the Life and Original Letters of Charlotte de la Tremouille, Countess of Derby* (London, 1869), p. 210.

27. *Ibid.*, p. 216.

other qualities than a full purse for her other two daughters, despite the Stanleys' own precarious financial situation.

It would appear from this evidence that women particularly felt strongly about the need for compatibility within marriage, yet still recognised the financial implications behind matrimony. The portion and jointure system remained an important constituent of marriage, throughout the seventeenth century. After all, personal feelings of love and affection between married couples could change, but when divorce remained unavailable even to the nobility, the end of a marriage only being possible by the death of one partner, the right to jointure remained constant.

The duke of Newcastle's business attitude also became apparent in his unsuccessful venture to aggrandise his Cavendish family estates by marrying the heiress Elizabeth Percy to his son, the Earl of Ogle. He committed a large amount of money to attracting Elizabeth and her guardian, Elizabeth Howard, dowager Countess of Northumberland, promising £2000 worth of jointure. Such a business plan went spectacularly wrong for Newcastle when his son died childless, 18 months after the wedding, in 1680, at the age of seventeen, leaving Elizabeth Percy to enjoy her Cavendish jointure and her own Percy inheritance until 1722. Another marriage which took place as a business arrangement was that of Elizabeth Cranfield and Edmund Sheffield,

future Earl of Mulgrave, in 1631. Upton claims that the portion due at the time of the marriage would cancel out the debt owed by Sheffield's grandfather, the then Earl of Mulgrave, to Elizabeth's father.[28] This would not therefore create an estate for the young couple nor provide an income for Elizabeth Cranfield during her widowhood. Clearly, the idea was that in time the financial pressure upon the Sheffield family finances would be reduced, and at least one large debt eradicated. However, difficulties with the estate remained, proving problematic when Elizabeth Cranfield was widowed. In 1668, a statement of her legal right to certain profits from alum mines pointed out, 'Sir John Monson, the sole surviving trustee of the late earl has made an ill bargain which will much reduce the profits.'[29] In actual fact the problems were compounded by the existence of two dowager lady Mulgraves, as Marianna Irwin, wife of the troublesome grandfather, lived until 1676.

In order for the plans outlined above to work as the patriarchs intended, the young earls had to outlive their wives and preferably father children; for the Cavendish family to appropriate the Percy inheritance and so that the estates did not have to support a widow. In both cases, the marriages for financial reasons brought greater problems for the bridegroom's families, such

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28. A. Upton, *Sir Arthur Ingram* (Oxford, 1961), p. 222.

29. M. A. E. Green, F. H. B. Daniell, and F. Bickley (eds.), *CSPD, of the Reign of Charles II, 1667-68*, (London, 1893), p. 408.

gambling by dukes and earls could be easily thwarted by demography, the early death of a son followed by the longevity of his widow alienating the very fortune they were hoping for. Both the Cavendish and Sheffield families saw the widows remarry and potentially transfer their share of the estate profits into the hands of other men, that is, their new husbands.

In 1604, Sir William Wentworth wrote a document giving advice to his son Thomas, the future first earl of Strafford. He suggested,

> for her jointure let it be not too large, lest your heir feel the smart and a second husband the sweet of that gross oversight...if you think she deserve and need it, enlarge her jointure, yet in any case for no longer time than she remain a widow. Ever remembering that after your death, yea though she may be wise and well given, she is most like to be the wife of a stranger and peradventure no friend to your house. Therefore if you be wise, make your son your executor and deal with her as liberally as you think by legacy, wherein consult with some aged faithful friend...Let her jointure be separated from your heir's lands, if it may be, so as occasion of contention may be cut off...[30]

Therefore, Sir William advised strict financial segregation of the heir's estates and the widow's entitlement. He also obviously feared that a remarriage of the widow would

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30. J. P. Cooper (ed.), *The Wentworth Papers*, Camden Society, 4th Series, xii (London, 1973), p. 20.

automatically mean that her new husband would enjoy profits from what were after all Wentworth family estates. Although Sir William argued that once a woman had remarried, she no longer considered the interests of the family, it was often the case that a woman still had to look to the financial affairs of her children, if they were still minors. It is even possible that some widows such as Alice Spencer remarried with benefits to her children from her first marriage in mind. It is also the case that husbands stipulated augmentations of dower, in addition to bequests of personal effects, in their wills. For example, Elizabeth Howard received the right to live at Sion House and an annuity from lands in Yorkshire under the terms of the will of her husband, Algernon earl of Northumberland.[31] Elizabeth Sherard also received money from lands in Knottingley from seven years after the death of her husband, Edward, Viscount Irwin.[32] Yet Sir William Wentworth was simply airing his feelings from his experience of the world around him, i.e. that of a male landowner. He was not the only author to question the motives and inclinations of widowed women.

Sir Thomas Overbury's book, *A Wife*, published in 1614 highlighted the issue of a widow's income with reference to two types of widow. He delineated between them by contrasting their

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31. London, National Archives, P(ublic) R(ecord) O(ffice), PROB 11 (Prerogative Court of Canterbury and Related Probate Will Jurisdictions: Will Registers) /328/133.

32. London, PRO, PROB 11/393/51.

attitudes towards money and their moral outlook. The 'virtuous widow' honoured the memory of her dead husband: 'the largest jointure moves her not, titles of honour cannot sway her.' In comparison, 'the ordinary widow' had different interests at heart. 'Her chiefest pride is in the multitudes of her suitors and by them she gains; for one serves to draw on another... if she lives to be thrice married, she seldom fails to cosen her second husband's creditors.'[33] Joseph Swetnam went even further, advising men seeking a wife to avoid widows altogether for 'if she be rich she will seek to govern and if she poor then art thou plagued with beggary and bondage.'[34] The figure of the wealthy widow enjoying a life of luxurious decadence is a familiar theme of seventeenth-century texts, both literary and advisory.[35]

However, it is also true to say that widows were the targets of predatory males, seeking to take advantage of a lady's jointure. In August 1618, Edmund Sheffield, earl of Mulgrave 'pleaded poverty to the Marquess of Buckingham and begs his influence to aid him in his suit to the great rich widow of Sir William Craven.'[36] Later in the century, Ralph Montagu's wealth has

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33 N. H. Keeble (ed.), *The Cultural Identity of Seventeenth-Century Woman: A Reader* (London, 1994), p. 253.

34. K. Henderson & B. McManus (eds.), *Half Humankind: Contexts and Texts of Controversy About Women in England* (Urbana, Illinois, 1985), p. 75.

35. For example see B. Todd, 'The Remarrying Widow: A Stereotype Reconsidered', in M. Prior (ed.), *Women in English Society 1500-1800* (London, 1985), pp. 54-92.

36. Royal Commission for Historical Manuscripts, *2nd Report* (London, 1874), p. 54.

been attributed to his two marriages, firstly to Elizabeth Wriothesley, dowager countess of Northumberland, and secondly to Elizabeth Cavendish. According to *The Dictionary of National Biography* Charles Seymour, duke of Somerset's wealth was the result of his marriage to Elizabeth Percy. She was an heiress in her own right, but also had jointure income from her marriage to Henry Cavendish, Earl of Ogle.[37]

Erickson has argued 'how women managed economically both during and after marriage was determined by two factors:- first their husband's good will and second the type of property arrangements they had made before marriage.' [38] This is true, and the importance of the first point is apparent by the number of aristocratic marriages which went awry during the early seventeenth century. Anne Spencer, dowager Lady Monteagle, Margaret Russell, countess of Cumberland, and Elizabeth Hardwick, countess of Shrewsbury all had to negotiate the financial terms of separation from their spouses prior to widowhood. Anne Spencer took Lord Buckhurst, later second earl of Dorset for her third husband in 1592, but they quarrelled shortly before his death in 1609, necessitating a separation. Some of her relatives including her sister, Alice Spencer dowager countess of Derby and her brother Sir Richard, set about negotiating an

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37. S. Lees (ed.), *DNB*, li, (London, 1897), p. 237.

38. Erickson, *Women and Property*, p. 101.

income for her. Buckhurst was required to explain her allowances, and in a letter to the earl of Salisbury, gave details of the offers for separation he has made,

> in regard of her continual violent tempestuousness in domestical conversation, greater than flesh can endure....She [Anne] rejected all Sir Richard's articles and underwrote them with certain foolish lines of her own devising... This made Sir Richard angry and the Countess merry.[39]

Their marital situation caused problems later after Anne Spencer's death, as John Chamberlain revealed to Sir Dudley Carleton; 'the lady of Dorset, the widow...hath left her executors (whereof Sir Richard Spencer is one) a great deal of trouble to gather the remainder of her jointure, which she would not accept in her lifetime and thereby it is questionable whether it will be recovered.'[40] Furthermore, Margaret Russell discovered that claiming money during her husband's lifetime could be problematic, and that it was not just during widowhood that women had to struggle to maintain any kind of income. In 1603, Margaret Russell's sister Anne, countess of Warwick, and Sir William Russell requested

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39. M. S. Guiseppi, G. D. Owens, R. A. Roberts, and E. Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS* , xix (London, 1965), pp. 341-342.

40. N. E. McClure (ed.), *The Letters of John Chamberlain*, (2 vols., Philadelphia, 1939), ii, p. 170.

that the case of the countess of Cumberland be brought to the attention of the King.

Differences of opinion have long since alienated her from her husband and attempts to reconcile them have failed. As far back as 1601 the matter was entrusted to Sir Drue Drury, Sir John Peyton and Mr Beale, who induced the earl of Cumberland to certain financial arrangements for the maintenance of his wife, daughter and household. However, he did not observe them and the matter was taken up by Lord Cecil who persuaded the earl to conclude a similar agreement whereby he granted allowances to his family and discharged their debts. Again he did not honour this undertaking.... since all other means have proved ineffectual, there is no other alternative but to solicit the King's intervention.[41]

In purely financial terms, this and the experience of Anne Spencer, could be seen as a failure of the marriage settlement and a renegotiation of the family finances brought about by the separation of the couple. Although the jointure lands assigned to the three ladies still stood, they forced their husbands to confront the issue of their welfare. Such poor treatment during their married life would stand all three of them in good stead. All three had problems claiming income they were entitled to immediately after widowhood.

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41.Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, xxiii (London, 1973), pp. 110-111.

Yet Erickson's idea is also too simplistic. No doubt exacerbated by the poor marital relations between husband and wife, the expensive lifestyles and courtly extravagance of men such as George Clifford, third earl of Cumberland or William Cavendish second earl of Devonshire, or the demands of State placed upon George Talbot, sixth earl of Shrewsbury caused financial problems for years after their deaths. If widows had unmarried minors or heiresses in their care, the financial interests of the children came within the widow's orbit. Furthermore, it fell to heirs or trustees to actually administer jointure once the husband was dead, and the widow's relationship with these people was of prime importance to the ease or otherwise with which she acquired her income. As will be demonstrated, heirs such as Gilbert Talbot, seventh earl of Shrewsbury, may have been entangled with debt and legal problems upon their father's death, meaning that the widow was not paid her jointure as quickly as she would have liked. It must be remembered that there were two aspects to jointure or dower provision; that of those who had to pay out and that of those who received. Privately, heirs may have wondered when jointure estates would return to their control, and feelings of resentment and jealousy may have been awakened in the hearts of heirs, particularly if the estate supported more than one, or a particularly long lived widow. In some cases the heirs were nephews or even great nephews who might not have met the dowager concerned, or felt any kinship affection for her. Such offence may have been felt, but was not expressed and is difficult to find in primary source material. Despite such reservations, the basic premise that a woman was entitled to income after her husband's death was never questioned or attacked. Problems with administration, collection of rents from belligerent tenants and legal issues embracing wider concerns than jointure and trustees who were slow to pay out were the main problems faced by seventeenth-century widows. Whilst conditions could be enforced, such as cancellation of jointure in the event of remarriage, these were the exceptions rather than the rules. The longevity of some

women and the incidence of multiple dowager hood, where estates supported more than one widow at a time, meant that jointure lands were effectively alienated from the heirs for decades. The estates of the Earls of Derby supported dowager countesses for seventy-eight years between 1600 and 1700; the Talbots (earls of Shrewsbury) for fifty-six; the Parkers (Lords Morley & Monteagle) for fifty-two. From the elevation of the Cavendish family to the earldom of Devonshire in 1618 to 1700, the dowagers claimed jointure for fifty-four years out of eighty-two. These estates also supported long-lived widows. Christian Bruce, Countess of Devonshire outlived her husband by forty-seven years, Marianna Irwin survived Lord Mulgrave by thirty years, and Alice Spencer was widowed for forty-three years and her sister Anne for thirty-seven. Such long periods of widowhood also meant that multiple dowager hood was more likely, thus forcing the heir to assign more lands to dowagers. The Percy estates supported Elizabeth Howard and Elizabeth Wriothesley for twenty years between 1670 and 1690.

Noblemen had to provide for the widows of their heirs should their sons predecease them. Katherine Wotton became a peeress in her own right, enjoying the title she would have held had her husband succeeded his father, in 1660 twenty-six years after the death of her husband Lord Stanhope. Stanhope's death in 1634 meant that despite her two remarriages and residence abroad, the Chesterfield estates still had to pay her jointure until her death in 1667. Henry Cavendish, duke of Newcastle was obliged to pay Elizabeth Percy's jointure in spite of her own fortune which the duke had envisaged descending to his Cavendish grandchildren. In other words, Elizabeth Percy's own substantial income did not preclude her from jointure, and, whilst the duke may have paid up very grudgingly, he did honour his daughter-in-law's rights. George Talbot, sixth earl of Shrewsbury was obliged to support the widow of his eldest son,

Anne Herbert, for ten years and George Savile, Marquess of Halifax had to maintain Esther de la Tour, widow of his son Lord Elland. Thus issues of jointure provision did not just cover those of dowager countesses and it would be interesting to examine the proportion of family lands taken up by widow's provision. It is against these pressures, as well as the general problem of bad debts that the demands of aristocratic dowagers should be viewed. Widowhood could be very demanding upon an estate and the form of dower or jointure could be changed with the agreement of the dowager. Some individuals renegotiated settlements, and it has been argued that the adoption of the Strict Settlement reduced the amount of jointure paid out. The erosion of the value of a widow's income, for example if her jointure was transferred to an annuity, reflected the changing demands upon the family's estate and the attempts by noble families to meet them. Shortly after the death of Richard, Viscount Molyneux, his widow Frances Seymour negotiated a settlement of £1,500 in lieu of jointure.[42] This took place in 1654, only two years after their marriage and thus not long after the original settlement was negotiated. On the same day Frances and Caryll, the new Viscount Molyneux ordered 'covenants for the sale of Sussex lands' and a week later were 'raising money for the payment of debts and to provide £1500 per annum to Frances Molyneux.'[43] Frances Seymour was

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42. Preston, Lancashire Record Office, DDM17, 132 & 136.

43. *Ibid.*, 138 &141.

further involved with Molyneux finances when she assigned a lease to her brother-in-law Caryll, who was negotiating a marriage settlement for his son and future daughter-in-law, Mary Herbert in 1672. Frances Seymour's financial arrangements with the Molyneux family were so beneficial to her that when she married the earl of Southampton in 1659, their marriage contract specified that she should be free to spend her jointure from Molyneux and that Southampton would not be obliged to pay her jointure from his estates in the event of his death.[44] Such arrangements may reflect Southampton's financial position (he undertook the expensive business of rebuilding a large area of London during the 1660's and his heirs were three daughters), or the desire of Frances to remain financially independent during her marriage. Whatever the reason, she was able to alter the nature of her settlement, adjusting it in relation to the needs of the Molyneux family. On the other hand, by negotiating with the dowager, Caryll Molyneux was able to sell lands in order to pay off debts after the death of his brother and later, meet the fiscal needs of his own family. The provision of jointure must therefore be seen within the context of the providing family, taking into account their debts, needs for portion, annuities for other family members etc and not simply in terms of widowhood.

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44. Stone, *Family and Fortune*, p. 237.

A further example of the erosion of the value of jointure can be gleaned from the Molyneux family. Frances Seymour's marriage settlement negotiated in c1652 was worth £8000. When Caryll Molyneux's heir married Mary Herbert twenty years later the contract was worth £7,000, thus Mary would receive a smaller jointure than Frances's £1,500. This possibly reflects Mary's inferior social status (Frances was the daughter of a duke) or the changing fiscal needs of the Molyneux family. It would be expected that the family finances would be more settled in 1672 than they were in the aftermath of the civil war (Richard, viscount Molyneux had compounded for £4000 in 1645), when Frances's portion may have helped repair the family coffers.

Yet whilst for some heirs the dowager was an ancient obstacle to their rightful inheritance, preventing them from enjoying the full value of their estates, the longevity of some was a boon to their estate, particularly if the heir was a minor. In her study of a prominent medieval family, Archer asserts

> the relative obscurity of the Mowbray family from its first elevation to an earldom in 1377 to its extinction must in some way be attributed to a remarkable run of tough old mothers. Of course, there are other factors to consider which it would be foolhardy to deny, but among

baronial incident there can scarcely have been any other single problem which recurred with the same monotonous regularity and with such unavoidable consequences.[45]

Their seventeenth-century counterparts did not have the option of taking the 'obliging' solution of becoming nuns or taking vows of chastity.[46] Stone also views long-lived women as a problem for the aristocracy, referring to them as an affliction.[47] Yet on the previous page he asserts, 'thanks to their active pursuit of heiresses, noble and otherwise, on balance the existing peerage acquired far more by their wives than they lost by their daughters.' Thus, whilst the nobility were happy to benefit from marriage with a wealthy heiress, or from the payment of a large portion, they presumably realised (and Stone should have conceded) that part of the portion / jointure system was the financial security of the bride during her widowhood. A family would know each year how much the dowager could claim as her settlement, thus enabling them to plan finances in advance. The finer points of the settlement were sometimes the causes of lawsuits, but the dowager's claims were fixed, and other causes of aristocratic poverty were excessive consumption, portion abuse (i.e. using a bride's portion to repay debts rather than capital), poor business acumen, large families or litigation. Furthermore, jointure

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45. Archer, 'Rich Old Ladies', pp. 15-36.

46. *Ibid.*, p.20.

47. Stone, *Crisis*, p. 172.

could not be used as security against a loan or mortgage or be sold to pay off debt (at least not without the agreement of the widow), thus the widow's share protected parts of the estate from the financial depredations of noblemen. As stressed earlier, the payment of jointure to a widow was the ultimate part of a long standing financial transaction. Portion at marriage was paid in the full expectation that jointure would be paid to the bride and groom during married life and to the survivor at widowhood. Jointure could not therefore be logically entered in to the family patrimony until the death of the surviving partner, so to claim that elderly women were undermining the family landholdings is misguided. In the wake of financial pressures it is easy to see that noblemen regarded the long survival of a dowager as an inconvenience, but grasping relatives have always been part and parcel of family life and speculation about beneficiaries of an estate implies an anticipation of the demise of an elderly relative. Towards the end of Elizabeth Hardwick's life, Sir John Harpur, a Derbyshire landowner, wrote to her son-in-law Lord Shrewsbury, 'the dowager Countess of Shrewsbury is confined to her room at Hardwick; Sir John Bentley is acting in her worldly interests and Henry Cavendish is hoping she will furnish Chatsworth and hand it over to him.'[48] Henry Cavendish was Elizabeth Hardwick's eldest son and apparently some manoeuvring was going on to obtain possession of Chatsworth and its contents in the event of her death. However, no widow in this study is solely responsible

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48. E. J. Bill (ed.), *The Shrewsbury Papers in Lambeth Palace Library* (London, 1966), p. 279.

for the decline of her husband's familial fortune. Although it could be argued that the lawsuits fought by Alice Spencer and Margaret Russell alienated key lands from the Stanley and Clifford patrimonies, they would argue that such properties legally belonged to their daughters anyway and that their brothers-in-law had no right to them. This was due to the state of the land law rather than the ages of the dowagers. Some women were able to overcome the problem of having to cope with the financial effects of a husband with an expensive lifestyle, such as George Talbot, Earl of Shrewsbury and build their own legacy. Arguably, the Cavendish family would not be or have been such dominant landowners in Derbyshire had it not been for two particularly long-lived dowagers, Elizabeth Hardwick and Christian Bruce. The former was the foundress of the dynasty, who married her children to other members of prominent local families, Talbots and Pierreponts; and by her business skills was able to aggrandize the family landholdings based upon her family lands around Hardwick. She was able to provide substantial inheritances for all her sons, but disinherited Henry Cavendish (he had fathered numerous illegitimate children and rebelled against his mother with regard to Arbella Stuart), leaving the furnishings from Chatsworth (which had been entailed upon him by his father) to William Cavendish.[49] Furthermore, her Talbot step-children were able to sell their property to the Cavendishes when they were in financial straits, thus keeping estates within the

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49. D. Durant, *Bess of Hardwick: Portrait of an Elizabethan Dynast* (London, 1999), pp. 218-220.

Cavendish-Talbot nexus.[50] Thus, far from being an economic drain, the widowed Elizabeth Hardwick brought about an extensive network of kinship and familial landholding in the north of England. Her granddaughter-in-law, Christian Bruce, has been described as 'more resourceful and more competent than he,' (her husband) in relation to the administration of her son's estates and was the saviour of the younger William Cavendish's inheritance.[51] Archer's view of elderly ladies deliberately withholding estates from heirs, or Stone's argument that their longevity was a problem, are not applicable to seventeenth century widows. From Frances Seymour renegotiating her settlement to accommodate the changing needs of the Molyneux family to Elizabeth Hardwick's deliberate dynastic aggrandisement, and Christian Bruce's defence of her son's inheritance, widows showed practical common sense towards the needs of their heirs. The arrangements they made were flexible enough to be altered in order to take into account the changing financial needs of the family and its heir.

Of all the women surveyed, at least twenty had some form of problem claiming their jointure. Three women out of the twenty who had trouble claiming jointure ran into problems with step-sons; three had to deal with brothers-in-law (in all three cases the heir to the widow's husband);

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50. For example Gilbert Talbot sold Bolsover and Welbeck to his step-brother and brother-in-law Charles Cavendish.

51. A. P. Martinich, *Hobbes: A Biography* (Cambridge, 1999), p. 26.

one with tenants; seven suffered the effects of sequestration as a result of the civil war; two had difficulties with sons; two with trustees of their settlements and two fell foul of the law threatening their income. The latter were Anna Maria Brudenell, whose entitlement to jointure was brought into doubt by her possible involvement in the death of her husband, the earl of Shrewsbury in March 1668 (he was killed by her lover, the duke of Buckingham, in a duel), and Mary Cavendish, countess of Shrewsbury, imprisoned for some time in the Tower of London for her involvement in the secret marriage of James I's cousin, Arbella Stuart. Two women (Elizabeth Hayward, Lady Knyvett and Frances Cecil, countess of Cumberland) died within a matter of months of their husbands and so did not have much chance to claim their jointure anyway. Most examples of difficulty come from the late sixteenth or early seventeenth centuries, or were the result of financial imposition upon Royalist families by the Commonwealth or Protectorate regimes. A variety of people thus caused noble widows financial problems, mainly by allowing jointure to fall into arrears or because the status of ownership of family estates at the time of decease was uncertain.

Both Alice Spencer and Margaret Russell had to fight hard through the courts for their jointures; both women supported their daughter's claims against the new earls of Derby and Cumberland, and took actions through the Courts, which affected the nature of their jointure settlements. During the lifetime of the ladies' husbands, jointure lands were held on the understanding that they were inalienable from the main bulk of the family estates, to be granted to the widow at her husband's decease, but they became linked to the disputes between heirs male and general because they would eventually be assimilated back into the family holdings. Tenants thus used the uncertainty of the landholding situation to withhold jointure as well. Both the Stanley and Clifford cases have features in common, such as the withholding of rents

on jointure or dower land, but there were differences which affected Alice Spencer's claim to jointure or dower.

In the case of Alice Spencer, her late husband Ferdinando transferred his estates to trustees who held them on behalf of Countess Alice and her three daughters. The income from his entire estate would pass to Countess Alice in addition to her dower, and then to their eldest daughter Anne Stanley. [52] The new earl, William, claimed that this settlement was illegal, on the basis that arrangements made by the fourth earl in 1570 were still enforceable. By 1595 Countess Alice was forced to compromise; she would have £5000, Anne Stanley £8000 and the two youngest, Frances and Elizabeth £6000 as lump sums plus dower and annuities for the girls. Countess Alice was not appeased and made further financial demands upon Earl William 'for an increase of her dower above all the dowagers that ever were of that house, to the great dishonour of the present earl.'[53] The situation regarding Countess Alice's dower lands was further complicated by the inclusion of the Isle of Man within the Stanley domain. Originally granted to Sir John Stanley in 1406, the Stanleys had dominated the island's social, political and ecclesiastical life ever since. Since Countess Alice argued that it was part of her dower, under the terms of Earl Ferdinando's settlement, she believed she had the right to amend the

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52. Coward, *The Stanleys*, p. 44.

53. Coward, *The Stanleys*, p. 44.

leases of existing Stanley tenants. The arguments between brother and sister-in-law brought the island to the attention of the queen, who promptly appropriated it for herself, installing a new captain, Thomas Gerrard in 1595. By the time the issue was finally resolved by James I in 1607, the issue of dower seems to have been subsumed beneath the dispute over the inheritances of Countess Alice's three daughters, as, eventually Earl William was granted half the island, the rest going to Anne, Frances and Elizabeth Stanley. Earl William then had to purchase the sisters' share in the island. The Stanley case illustrates how close the relationship was between dower/jointure disputes and those of inheritance. With both parties issuing leases, tenants not paying either party and costly London based litigation staggering through the courts over decades, the financial implications for both sides were serious. In 1599, one of Earl William's servants, Ralph Wilbraham estimated that £30000 worth of land would have to be sold in order to settle the estate, but hinted, 'if those that formerly had been agents for the earl may alone in this sale be used, they will sell lands worth four score thousand before they bring thirty clear for my lord's use.'[54] The financial claims of Countess Alice were, as far as Earl William was concerned, ruinous. He had to sell land and spend large amounts of money in order to claim what he believed was rightfully his. It is probably no accident that in 1624, his

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54. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, ix, p. 405.

daughter-in-law Charlotte de la Tremouille arrived from France with an incredibly large portion of £24,000. The reasons for such a large portion remain unknown, but it could be linked to the royal blood of Earl William's mother, Margaret Clifford, a great granddaughter of Henry VII, or the social standing of Charlotte herself. She was descended from the Dutch and French royal houses and was therefore a character with international connections.

The Clifford family dispute began in 1605 after the death of George, third earl of Cumberland. Unlike Earl Ferdinando, he left his landed property to his brother Francis and his wife and daughter sought to overturn his last wishes rather than uphold them. Margaret Russell's jointure was less controversial than Alice Spencer's, so her brother-in-law could not, nor did he try to overturn her authority on her jointure lands in Westmorland. The main problem with her jointure was, as Spence puts it, 'uncertainty about whether Earl Henry [sic] or Anne [Margaret Russell's daughter] was entitled to the Westmorland estates was the reason -or pretext- put forward by many of the tenants for refusing to pay their rents to Countess Margaret in 1606.'[55] The main action taken by Earl Francis against her was for waste and felling timber, rather than a complete objection to her presence in Westmorland. As in the Stanley case above, the King eventually had to intervene in the Clifford dispute, in 1616, the year of Countess Margaret's

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55. R. T. Spence, *Lady Anne Clifford* (Stroud, 1997), p. 28.

death. During the trials at law, the dowager countess had to assert her rights against her many tenants and the benefits to her are as Spence once again sums up,

> the crucial contest on which the countess's later affluence was built and the Clifford's position as landlords perpetuated was her struggles against her tenants... There was an ethical drive in them because the end was to achieve her daughter's rights as well as her own... Without Countess Margaret's tenacity and full blooded reaction to the challenge from the Westmorland farmers, neither Earl Francis nor Anne herself would have surmounted in quite the same way the opposition they in turn encountered to their seigniorial authority.

The strategic value of Countess Margaret's jointure was emphasized after the marriage of her daughter Lady Anne to the Earl of Dorset. Only days before her death in May 1616, he persuaded Anne to convince her mother to commute her jointure to an annuity. In other words, Dorset would be paid the money from Westmorland and he would reimburse his mother-in-law. As Anne expressed in her diary,

> my Lord and I having much talk about these businesses, we agreed that Mr Marsh (a member of the Dorset's household, listed as being an attendant on Lady Dorset in 1624) should go presently down to my mother and that by him I should write a letter to persuade her to give over her jointure presently to my Lord and that he should give her yearly as it was worth...

upon the twentieth being Monday I dispatched Mr Marsh with letters to my mother about the business aforesaid. I sent them unsealed because my Lord might see them.[56]

Unfortunately, Countess Margaret died on 24 May, probably before Marsh reached anywhere near Westmorland. It is unlikely that she would have agreed to the plan. Dorset was always short of cash and the chances of her annuity being paid on time were slim. Countess Margaret had established her rights in Westmorland with the help of her household officers whereas Dorset veered between compromise with Cumberland and outright support for Anne, whichever would have been most lucrative financially. Collecting money from Westmorland would temporarily swell his coffers and establish him as a local presence in right of his wife. By sending his wife's servant and encouraging Anne to broach the subject in her letters, Dorset was arguably making his idea more palatable to the dowager. She seems to have understood that for her son-in-law the issue of his wife's inheritance was purely one of finance, but for her and Anne historic, ancestral priorities were the key motives.

Both the Stanley and Clifford cases had unique features, but whilst each focussed primarily upon the implications for female inheritance, they had important consequences for jointure provision, which in turn affected later land holding. The economics of widowhood also

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56. Clifford, *Diaries*, p. 35.

impacted upon the brothers-in-law as they fought to protect their interests through the courts, paid settlements, and later, when the estates returned to the main bulk of the family landholdings.

It was not only brothers-in-law or belligerent tenants who were slow to pay up. Trustees, into whose hands jointure money was initially paid, could be slow to transfer the money to the widow concerned. Mary Caryll, dowager viscountess Molyneux had to petition Charles I in order to claim her jointure. As she explained in the petition, she

had for her jointure amongst other lands, the tithes of Knowsley Barn Co Lancaster, of the value of £100 per annum: yet Lord Strange has since her husband's decease, withheld the same from her and the annuity for her son and portions for her daughters are withheld from them. Out of respect for Lord Strange, onto whose family her son is matched, and to prevent suits, petitioner addressed herself to his Majesty for relief.[57]

As Mary Caryll outlived her husband by only three years, she actually spent most of her widowhood without her total jointure income. Strange stalled proceedings by claiming that his records were 'in the country,' and it has to be wondered whether he was taking advantage of his trusteeship or if he had trouble levying the money. It was expected at this time that Mary

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57. J. Bruce, W. Douglas-Hamilton, and S. Crawford (eds.), *CSPD, of the Reign of Charles I, 1637-38*, p. 224.

Caryll's son Richard would marry Strange's daughter Henrietta Maria, so reasonably close connections did not guarantee successful jointure administration.

Archer has pointed out that where finance was affected 'it was in cases concerning step-sons and step-mothers that most friction seems to have occurred.'[58] This was also true of the early seventeenth century, as Elizabeth Hardwick's experience with Gilbert Talbot shows. After the death of the sixth earl, the new Lord Shrewsbury was saddled with responsibility for his own debts as well as those incurred by his late brother and father. He failed to pay his mother-in-law's jointure three times and she resorted to writing letters to Lord Burghley, who had responsibility for carrying out George Talbot's will.[59] Yet sons, i.e. a widow's blood relations, could be difficult about their mother's claims for jointure. In 1667 estates in Cumberland, Westmorland and Lancashire were transferred to trustees to pay the dowager Countess of Derby, Dorothea Helena '£600 a year in satisfaction of dower.'[60] By 1697 Dorothea Helena had been widowed for twenty-five years and only one trustee, Sir Thomas Doleman survived. She complained

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58. Archer, 'Women as Landholders & Administrators in the Later Middle Ages', p. 167.

59. Durant, *Bess of Hardwick*, pp. 151-152.

60. F. J. H. Skene, and E. F. Taylor, E. F. (eds.), Royal Commission for Historical Manuscripts, *House of Lords MSS 1695-97* (London, 1903), pp. 537-8.

the earl being in possession of the said lands has suffered [the] petitioner who has very little else for her subsistence, to be £600 in arrears and refuses to put the surviving trustee into possession, insisting on his privilege. Petitioner also has several sums due to her from him on bonds and being brought to great necessity must be constrained to seek a remedy at law.

In reply her son argued that the late earl 'made no settlement upon the Petitioner his wife,' and he assigned her his leases. He also claimed that the bonds had been paid and that he did not insist on any privilege. Dorothea Helena's action at law also encouraged her two younger sons to sue for their annuities in 1698-99, so once again the issue of financial support for the dowager countess is related to other financial matters relating to the Stanleys.

As if claiming jointure that a widow was legally entitled to was not difficult enough, matters were made more difficult after the outbreak of the Civil War. Royalist families suffered financial penalties as punishment for their delinquency. Widows also suffered decreased income, and for those who had actively opposed Parliamentary forces the penalties could be severe. Charlotte de la Tremouille, countess dowager of Derby was forced to hand over property such as plate and hangings, after her attempt to withstand Parliamentary forces on the Isle of Man failed in 1651. She wrote to her sister-in-law, 'I have lost all my personal property, having had only 400 crowns worth of silver plate allowed me to bring me here from the Isle of

Man and nothing more since that.'[61] Countess Charlotte's belligerence towards Parliamentary forces ensured that she was treated with greater severity than if she had simply remained on her husband's estates bringing up her children. One of her main persecutors in Lancashire was Robert Massey, who referred to her husband as 'my professed enemy.'[62] He provided information about her activities to the Committee for the Advance of Money with the clear intention of financial gain. On 11 March 1651 he petitioned, 'that, having discovered the delinquency of the Countess [Charlotte], for which the 1/5 of her husband's estate which was allowed her is now sequestered; he may have the 1/5 part of that 1/5 allowed for his discovery assigned to the earl's estate in Lancashire.'[63] One year later she was in London, petitioning the courts there,

> it is true that in one of their courts, after incredible trouble I have had my marriage contract allowed, which settled on me, besides my dowry certain estates bought with my own money, which is all I have for my five children. I must, however obtain the authorisation of another of

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61. Guizot de Witt, *Lady of Latham*, p. 208.

62. M. A. E. Green (ed.), *CCC*, i, p. 506.

63. M. A. E. Green (ed.), *CAM*, iii, p. 1295.

their courts in order to receive the revenue of the estates, and it is here that my enemies endeavour to prove me guilty.[64]

Thus, Countess Charlotte believed that her political enemies would ruin her financially, as it was the only weapon left to them after the fighting had finished and her husband executed. This also suggests that long-standing grievances were being pursued locally in the Stanley heartland of Lancashire, and nationally.

On 9 April 1652, Philip Stanhope, son of Katherine Wotton claimed that land sold to his father by his grandfather had been neglected by his mother after his father's death in 1634. As his Royalist grandfather, the Earl of Chesterfield had taken the opportunity to re-enter the estate, it was thus sequestered by the authorities. Katherine Wotton was abroad during the Civil War and inter-regnum serving as lady-in-waiting to Princess Mary, yet was held responsible for the alienation of her son's estate. The family responsibility for the financial maintenance of widows meant that women suffered financially for the delinquency of their male relatives. Anne Stanhope, the dowager countess of Clare was paid an annuity of £100 from the Stanhope estates. This was income granted to her by her late father, Thomas Stanhope, payable after his death. As the annuity was levied upon property owned by her relative, the Earl of Chesterfield,

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64. Guizot de Witt, *Lady of Latham*, p. 208.

she had to apply to the Committee for Compounding.[65] The dowager countess also made the point that during 'the late wars' the annuity had fallen into arrears, presumably due to difficulties brought about by war time conditions; so after being bereft of her rightful income, she then had to appeal to a government department in order to claim her dues. It then took the Committee for Compounding a further year to confirm her annuity, which was valid for another five years.[66]

Even some years after a widow's death, her financial provisions and final wishes could be subverted by inter-regnum regimes. Elizabeth Boughton died in 1642 after sixteen years of widowhood. She left a total of £4,000 to her granddaughter, Elizabeth Crofts as long as certain conditions were met, particularly that she should not marry without her father's consent.[67] In actual fact, Elizabeth married Sir Frederick Cornwallis without the consent of her father, Sir Henry, in which case £2,000 was to be retained for Elizabeth's sisters, the rest for her own use. In March 1647 the Committee for the Advance of Money ordered 'the £2,000 be retained for the use of the other daughters, the £600 which he (Sir Henry) says he paid to her be allowed and the £1,400 balance of the £2,000 due to her is to be paid to the state.' The matter was not

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65. Green (ed.), *CCC*, vol. 2, p. 1265.

66. *Ibid.*

67. Green (ed.), *CAM* ii, p. 696; London, PRO, PROB 11/190/122.

settled and the Committee had such great trouble in levying the payment that they eventually decided 'as the debts owing to Mrs Crofts are so desperate and cannot be got in, and as there is no cause to continue the sequestration on the grounds of delinquency exhibited against her.'

A financial settlement also made by Elizabeth Boughton for the benefit of her daughter-in-law, Mary, ran into trouble in the mid 1650s as the estate ascribed to Mary was held in reversion to Charles and Henry Wilmot. Mary petitioned Cromwell 'on suggestion that Henry Wilmot is Henry, Lord Wilmot, a delinquent whose estate was forfeit in 1651, the treason trustees have surveyed the lands in order to their sale.'[68] She thus faced the possibility of seeing an estate, upon which she depended for income, sold without regard to her jointure. Even Christian Bruce, whose husband died in 1626, nearly twenty years before the outbreak of hostilities, was assessed at £1,000, and she had paid £300 in 1644.[69]

Therefore, quite aside from the problems of claiming jointure in the first place, some widows were financially penalised for the actions of the men within their circles. These were not necessarily husbands, brothers or sons, but also reversioners or remaindermen. The careful financial planning which took place prior to, and even during marriage many years beforehand,

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68. M. A. E. Green, (ed.), *CSPD 1656-57* (London, 1883), p. 34.

69. Green (ed.), *CAM*, i, p. 363.

were the bases upon which a woman calculated her income during widowhood. These could be cut drastically by the authorities leaving them in straitened financial circumstances.

If a widow remarried and her new husband was forced to compound for delinquency or was otherwise punished for his allegiance to the Royalists, his wife's jointure from her former husband was at risk. Anne Packington had been married to Sir Humphrey Ferrers prior to her remarriage with Philip Stanhope, earl of Chesterfield.[70] She was granted Tamworth Castle as jointure by Ferrers, but in the record for the Committee for Compounding, the property is associated with Chesterfield rather than Sir Humphrey's heir John Ferrers, presumably because as her husband he had use of the estate or income from it. An order issued by the Committee in 1649 stated that 'on payment by Anne, Countess of Chesterfield, of the composition set upon that part of Lord Chesterfield's estate which is her jointure (being Tamworth Castle and demesne worth £300 per year) it is to be discharged from sequestration.'[71] In the case of the estates of the Hilton family, the situation was complicated by two widows claiming jointure from them, and that the two women in question, Mary Wortley and Margaret Hilton remarried Sir William Smith and Sir Thomas Hollyman respectively. In May 1650, Sir Thomas petitioned the Committee for Compounding, 'on behalf of his wife Margaret widow of Robert (brother

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70. Ferrers died in 1633 and she married Chesterfield after 1636.

71. Green (ed.), *CCC*, ii, p. 1264.

and heir of Henry Hilton) the arrears of her dower, and the freedom of her dower lands, granted her three years ago in the Court of Common Pleas, but since sequestered by the Committee for Sequestrations and the Barons of the Exchequer.'[72] Eleven days later Margaret was 'allowed one third of the lands which her husband died possessed, but no damages,' ie the standard allowance of dower. On 14 June Hollyman further 'begs leave to hold lands on an elegit till £1,111 damages for extension of dower is repaid.'[73] This was not granted and the Durham Committee's investigations revealed that the lands in question were worth £1,400 and 'left by Henry Hilton for charitable uses.' The new Baron Hilton launched objections to Hollyman's claims, but by July 1650, the estate was also facing a claim from Sir William Smith on behalf of his wife Mary. In these circumstances it is likely that both widows would have had a problem with non-payment of jointure or dower, given how widespread the problem was, and that John Hilton refuted Hollyman's case. The sequestration of the estate by government officials meant that a reduced amount of capital had to support two widows (and their husbands), Lord Hilton himself and his wife Alice, who sued for her fifth of the sequestrated estate in November 1650.

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72. Green (ed.), *CCC*, iii, p. 2271.

73. *Ibid.*

Thus, the Civil War exacerbated the problems of claiming rightful income. It was rare for a widow to be pursued as Charlotte de la Tremouille was, but at the very least they had to re-establish their legal entitlements and a degree of control over their finances. It is also possible that given the reluctance of Royalist widows to remarry Parliamentarians, they lacked political protection that such an association may have offered.

For Royalist widows financial problems did not end with the Restoration of Charles II. The years of economic uncertainty were not suddenly solved by rewards from a grateful sovereign. In October 1660, Mary Thorold, widow of William, Lord Widdrington was granted a pension of £500 per annum.[74] However, in November the same year she petitioned the King 'to exchange her pension for life to one for twenty-one years. Had to assign it over on account of her debts and finds it hard to do so on account of its uncertainty.'[75] Even those who formed part of Charles's inner circle during his years of exile faced financial problems after 1660. On 24 October 1662, a warrant was ordered 'to pay Daniel O'Neale £2,815 15s due from the King to his late sister the Princess of Orange in satisfaction of a like sum due to her from the

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74. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1660-61*, p. 323.

75. *Ibid.*

countess of Chesterfield (Katherine Wotton), the wife of O'Neale.'[76] So even though the debt was owed to Katherine Wotton, the reimbursement was made payable to her husband. After the death of O'Neale in 1664, she was entitled to income from the post office. In June 1665 she was owed over £2,000 from this allowance and in September 1665, she had to petition Sir Joseph Williamson 'to remind Lord Arlington of the lease of French tonnage which she fears John Ashburnham and Sir George Carteret will get from her.'[77] In November 1666 she petitioned Charles II 'for renewal to herself of the lease granted to her late husband... of the duty of 5s per ton imposed by Parliament on all French vessels... with consideration for the diminution of income caused by the present wars.'[78] Less than six months later in March 1667 she had to petition for the payment of six thousand pounds 'for extraordinary service in the post office from 30 June 1665.'[79] These are all incredibly large amounts of money, and between 1664, the year of O'Neale's death, and her own in 1667, not a year went by without Katherine Wotton petitioning over some financial matter. Charlotte de la Tremouille was offered a position as governess to Charles II's future legitimate children, a post which remained unfilled, Countess Charlotte's death in 1664 notwithstanding. Countess Charlotte felt particularly ill

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76. Green, Daniell, and Bickley, (eds.), *CSPD, of the Reign of Charles II, 1661-62*, p. 526.

77. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1664-65*, pp. 457, 572.

78. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1666-67*, p. 291.

79. *Ibid.*, p. 567.

rewarded given the sacrifices the Stanley family had made for the Royalist cause. She wrote to her sister-in-law in 1660 to vent her feelings, 'I have been here for six weeks and the King has done me the honour to treat me with great kindness and sympathy in my heavy afflictions. Nothing, however has yet been done for me.'[80] Countess Charlotte seems to have borrowed heavily during the war years and her financial circumstances were still causing problems three years after her death. A petition from John Lucas asserts that she borrowed £3,000 from him 'on security of land, but as it proved insufficient she assigned to him 30 January 1663 her life pension of £1,000 a year granted 8 January 1661, of which a year became due and then she died.'[81] Of the pension itself she wrote, 'although this pension will assist me a little, yet having nothing but that for them [her children], I cannot tell what will become of us.'[82]

Such women were particularly vigorous in the pursuit of their claims. They were forced to petition, lobby politicians or courtiers, fight off competition from other people laying claims to their income. Thus, the issue of a widow's income could take her into the realms of politics and jostling for position at Court. Seemingly the nature of a widow's income changed as certain women were allowed to profit from government policy (for example Katherine Wotton's claim

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80. Guizot de Witt, *Lady of Latham*, p. 245.

81. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1667-68*, p. 109.

82. F. R. Raines (ed.), *The Stanley Papers, Part III, vol.II* (Chetham Society, lxvii, 1867), p. cclxxx.

to French tonnage). Reliance upon a share of their husband's estate was not always possible. Charles II was unwilling or unable to restore the land holdings of Royalist families to their pre-civil war extent, as he tried to return the country to political unity after twenty years of upheaval. Compounding, sequestration and the resultant financial hardships forced women to look to alternative source of income. Although some women were aided by their husbands, this did not necessarily speed the process or make it any easier. In terms of Royalist widows, their proximity or otherwise to the courtly inner circle in exile was a likely determinant of how satisfactorily they were rewarded after Charles II's restoration to the throne. Katherine Wotton spent the 1640's and 1650's in Holland as lady-in-waiting to the King's sister, Princess Mary of Orange. After 1645 she petitioned the King for an English Barony for her son by her second husband, the Dutchman Jan Polyander van Kirkhoven, an act which was confirmed finally in 1660. Obviously she was able to have more direct contact with the King during his years of exile than someone like Charlotte de la Tremouille, and her financial position seems to have been healthier after 1660.

As Sir William Wentworth explained above, a woman's jointure could be increased or for that matter decreased at any time during her marriage. In 1595 Lord Lumley wrote to Sir Robert Cecil,

I have sent you an assurance for my Bess's further increase of her jointure of certain lands in Sussex to the value of £200 per year, which maketh the note you had before £1100 per year. It is true I have in other my conveyances assured the same already unto her, yet to the end it may manifestly appear I am bold thus to covenant with you on her behalf.[83]

An increase in jointure was a reflection of the regard of a woman's husband and may point to a happy and mutually fulfilling union.

Jointure was not necessarily the only form of income available to noble widows. Their legal status as femme sole meant that they could buy and sell land or property in their own name. Some of the more business minded such as Elizabeth Hardwick, countess of Shrewsbury were able to undertake their own business transactions, and became shrewd industrialists. Christian Bruce, countess of Devonshire purchased a lease of lead mines in the Peak District of Derbyshire and in 1672 further petitioned King Charles II for an extension of the lease as 'the premises (were) lying in the midst of the estate of the earl of Devonshire, the petitioner's son.'[84] The claims were disputed in a report produced in November the same year, but a

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83. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, v, p. 227.

84. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1672*, p. 242.

warrant for a further thirty-one years was granted in March 1673.[85] Although Christian Bruce acted on behalf of herself and son, the Cavendish family had been involved with the lead industry for many years. George Talbot, Elizabeth Hardwick's husband had taken an interest in the Derbyshire lead industry and also in the emergent ferrous metal industries in South Yorkshire. The income to be derived from lead mining alone was considerable as the miners paid a duty - lot - to the lord of the liberty for the right to search and mine and the purchaser paid another duty - cope. Elizabeth, countess of Shrewsbury is listed as owning a water-powered smelter at Shacklow as early as 1581 and her sons owned similar properties at Cromford and Barlow.[86] Kiernan argues 'the contribution of the Earl of Shrewsbury, his wife and step-sons, Charles and William Cavendish was of the utmost significance in the development of the industry...'[87] Yet the lead mining industry became a magnet for conflict within the Cavendish - Talbot family and the wider context of business families within Derbyshire. Although Kiernan argues that after the death of the sixth earl in 1590 Elizabeth and her sons retreated from the business, a petition dated shortly before her death in 1608 relates to her treatment of lead miners in the Peak District. Richard Stephenson and Christopher Garrett

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85. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1673*, p. 56.

86. D. Kiernan, *The Derbyshire Lead Industry in the Sixteenth Century* (Derbyshire Record Society, xiv, 1989), pp. 195-196.

87. Kiernan, *Derbyshire Lead Industry*, p. 214.

appealed to the Privy Council on behalf of a group of miners from High Peak, Derbyshire, arguing that the dowager countess and her son denied them the privilege of mining and had used violence against them. They further claimed that their complaint should be dealt with at the assizes in Derby rather than in London, presumably as the Cavendish family had powerful connections in the latter.[88] The other economic angle to Elizabeth Hardwick's industrial interests was their connection to her building works. In addition to selling or giving lead, she was able to use it herself as part of her reconstructions of Chatsworth, Oldcotes and Hardwick Halls. She was even able to establish a temporary glassworks at Hardwick for her own use, although it was not economically viable to continue after the completion of her own buildings.[89]

The economic power of noblewomen was finally expressed in their last will and testament, and, for those who were economically powerful, their will could be used as a financial lever to control the actions of their families, often anticipating the actions of any who may be disaffected by their bequests. Elizabeth Hardwick wrote her will 'to prevent debates and

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88. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, xx, p. 38.

89. M. Airs, *The Tudor and Jacobean Country House: A Building History* (Stroud, 1998), p. 127.

controversies that otherwise might arise...amongst my children.' She added a later codicil disinheriting her granddaughter Arbella Stuart, her daughter Mary and her husband Gilbert, earl of Shrewsbury, and her son Charles Cavendish.[90] Her desire to avoid conflict was not realised as the earl of Shrewsbury challenged his mother-in-law's will after her death. Elizabeth Boughton, widow of the first earl of Devonshire specified that one of her granddaughters, Elizabeth Crofts would inherit pearl jewellery 'if she be an obedient child unto her father,' and money for a portion. However, 'if the said Elizabeth shall at any time be married without the consent of her father then my will is that two thousand of the said four thousand shall be divided equally between Hester and Katherine Crofts, sisters of the said Elizabeth, for the better advancement of them.'[91] Elizabeth was the only one of the countess's many grandchildren to be singled out for such treatment, suggesting that she had given her family some trouble over the matter of her marriage. The dowager countess also added,

> I do further declare that if any person or persons to whom I have given or bequeathed any part of my estate shall not accept thereof, but shall commence suit against my executors... then my will is that the gift herein by me given and bequeathed to such person or persons shall be void

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90. London, PRO, PROB 11/111/23.

91 . London, PRO, PROB 11/190/122.

and that such person or persons for commencing such suit aforesaid against my executors shall not have any benefit of this will.

Alice Spencer ordered that her executors 'shall be free from any molestation or trouble.'[92] In addition to spelling out her financial position to her immediate family, Margaret Russell also clarified how much her tenants would owe her executors depending upon the time of her death, and gave Sir Christopher Pickering 'full power and absolute authority over my household...and also for the safe keeping of my stuff, both moveable and immoveable until they may be quietly conveyed away, and if anything be amiss they shall send response to him.'[93] From the specific details of their wills it seems likely that Elizabeth Hardwick, Margaret Russell and Alice Spencer sought to avoid familial lawsuits, the likes of which they had initiated during their own lifetimes.

The wills of the most wealthy noblewomen also upheld the system of portion (and by extension jointure) in relation to marriage. Many of the female beneficiaries in these wills are provided with a financial sum in order that it would constitute a part of, or the total, marriage portion. As demonstrated earlier with the example of Elizabeth Bough ton's conditions upon Elizabeth Crofts' inheritance, this could bolster paternal control over his daughter's marriage. Alice

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92. London, PRO, PROB 11/174/70.

Spencer was granted the wardship of her grandson Lord Chandos during the reign of Charles I, and, under the terms of her will, he was encouraged to marry the daughter of the earl of Manchester, Lady Susanna. Manchester was also to have custody of Chandos until he reached the age of twenty one or married, and so keen was Countess Alice to see one of her grandchildren married to Lady Susanna, that she decreed that if Chandos died, his next male heir would have the marriage. The dowager countess also made provision for a portion of £3,000 for her seemingly favourite granddaughter, Lady Alice Hastings. Charlotte de la Tremouille provided a £3,000 portion for her daughter Aemilia under the terms of her will in 1664. These sums are at the lower end of Stone's scale examined at the beginning of the chapter, and not all daughters or granddaughters were provided with money for a portion. This may represent difficulties in raising larger amounts of money, particularly for those experiencing financial problems in the wake of the Civil War.

Noticeably, the wills of those who died during the earlier seventeenth century are longer and more detailed than those written later in the century. The former are as much concerned with the disposal of land and property, with landowners such as Elizabeth Hardwick and Alice Spencer devising their own systems of entailment with regard to their own property. Elizabeth Hardwick laid out the terms of succession to her estates through the male line and then in

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93. London, PRO, PROB 11/128/82.

default of male heirs, but placed her granddaughter Arbella (the daughter of her youngest daughter Elizabeth) before her eldest daughter Frances. For those who had daughters and no sons, the lines of succession were worked out in the same way. For example, Alice Spencer left property to her eldest daughter, the dowager countess of Castlehaven, 'with remainders to my other daughters...and the issue of their bodies respectively.'[94] Margaret Russell left the profits of the sale of her estates to her daughter, Lady Anne Clifford and in turn, her daughter, Lady Margaret Sackville. Anne Paulet, Lady Bellasis and Elizabeth Uvedale, countess of Carlisle were the only women from the sample from the later period, who laid out a succession to their estates beyond the term of one life. Anne Paulet bequeathed copyhold land to her daughter, Lady Bergavenny, 'for her natural life, and after her decease to such heirs of her body as shall then be living. And in default of such issue, then I give and devise to my eldest daughter who shall be living at her decease.'[95] This land was bequeathed to her by her husband, John Lord Bellasis, and thus it continued through the Bellasis lineage. Elizabeth Uvedale made extensive provision for the descent of a moiety from her Uvedale property in Hampshire, Wickham Ffontley. It was to descend

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94. London, PRO, PROB 11/174/70.

95. London, PRO, PROB 11/422/210.

to my son Charles, earl of Carlisle...and after his decease to the Right Honourable Henry, Lord Morpeth [earl Charles' eldest son and heir] and the heirs male of the body of the said Henry, Lord Morpeth lawfully to be begotten and for want of such issue to all and every other the sons of the said Charles earl of Carlisle and the heirs males of the body and bodies of every such son and sons, lawfully issuing in order as they shall be, one after another according to their priority of birth and seniority of age, every eldest son and the heirs male of their bodies lawfully issuing to be always preferred...[96]

If the male line failed, only then did daughters take their place in the line of succession, but the inheritance was left to Lady Elizabeth Howard, and 'the heirs male of the body of the said Elizabeth Howard.' Elizabeth Uvedale's second daughter, Lady Anne Howard, and her descendants, came last in the family queue. Widows were therefore behaving in the same way as men with regard to the disposal of their property. Alice Spencer, Margaret Russell and Elizabeth Hardwick in particular, were dealing with property they had purchased themselves during widowhood, and, having spent many years engaged in litigation over property in the past, were able to dispose of their own as they wished. Anne Paulet and Elizabeth Uvedale disposed of lands they inherited from their natal families, and took great pains to ensure the succession to the estates.

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96. London, PRO, PROB 11/436/26.

Although the later wills do provide for the disposal of land, the emphasis of them is upon property or money income. Anna Maria Brudenell simply left her interest in two annuities paid from excise duties of 'beer, ale and other liquors' to her second husband, George Brydges, therefore also disinheriting her son.[97] For others, the shadow of entailing property still remained, as certain items were left for the benefit of heirs male. Dorothy Johnson, viscountess Downe, left a diamond ring to Jack Dawnay, a member of the family, so that, 'it being an ancient stone, may be kept in the Downe family.'[98] Christian Bruce left several pieces of valuable plate to her nephew, the earl of Ailesbury (son of her brother) 'to be preserved for the heirs male of his body.'[99]

The economics of widowhood therefore placed a noble widow firmly within the context of the family, encompassing the permutations of natal families (through portion), marital families and step families. Theoretically, a widow was supposed to be financially independent, but the ability of relatives, trustees and tenants to withhold or contest payment compromised her autonomy. Furthermore, a survey of widows' experiences during the seventeenth-century reveals that their sources of economic support could change depending upon family and

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97. London, PRO, PROB 11/464/85.

98. London, PRO, PROB 11/509/sig139.

99. London, PRO, PROB 11/348/61.

political fortunes. The examination of the economics of widowhood therefore cannot entirely focus upon jointure or dower. Some women had wider economic concerns, particularly if their children were minors with claims of their own. There were links between the issue of daughters' inheritance rights and their mothers' claims for jointure, as the rights of the mothers reinforced the presence of their daughters. Years of political instability between 1640 and 1660 changed the nature of widow's incomes, as they campaigned for positions which gave them income other than rents from a given amount of land as jointure. It could be argued that by looking for income other than that of jointure, their entitlements by marriage settlement must have been insufficient for their needs. This is particularly true of Royalist widows whose designated estates suffered from sequestration and confiscation. Thus, by lobbying for income from government sources, the issue of widow's finances became part of the wider political sphere. By elbowing other contenders for favour out of the way, women such as Katherine Wotton were behaving in the same way that their male counterparts had done during the reigns of James I and Charles I, jostling for favour and preferment. Yet, even during this period, the right to jointure was incontrovertible, and the Strict Settlement, more widely adopted after the Restoration, fixed daughter's portions and thus to some extent their jointures at their parent's marriage. As the Restoration settlement brought political calm, there is little evidence of widows campaigning for government income, thus implying that they are relying upon their jointures once again (and therefore bringing their finances back into the family sphere rather than the political). Such a change in emphasis seems to have been a natural progression for women who were already members of a politically aware section of society. As the letters of Charlotte de la Tremouille illustrate, they were not always happy with their financial lot, as her private grumblings reveal her disappointment with the speed at which the Court worked. At least even she recognized that times had changed, and if she wanted to live within her means

she would either have to go to London and petition the King for more money, or live in Lancashire frugally. By entering the political world in pursuit of money, some of the widows in the sample also proved to be remarkably flexible with their financial arrangements. Widows living in more stable times were able to renegotiate contracts and settlements, converting landed income for cash annuities if necessary.

Thus, despite the changing nature of the economics of widowhood, women showed themselves to be more than capable of upholding their rights to jointure, campaigning against those who threatened their livelihood and pursuing alternative sources of money if necessary. However, despite their ability to adapt to changing financial climates, their wills indicate inherent conservatism in the way widows distributed their own property, wishing to emulate and perpetuate their own system of primogeniture.

## CHARITY.

Prior to the Reformation, charitable activity was a major feature of religious observance, based upon the seven works of corporal mercy: - giving food to the hungry, drink to the thirsty, shelter to the stranger, clothing to the naked, visiting the sick, comforting prisoners and burying the dead; all eminently suitable interests for noble widows. Rosenthal claimed that during the medieval period, 'all forms of gift giving were part of a unified spectrum of activity,' and 'the medieval mind made no distinction between an eventual sacredotal and a social end of charity.'[100] Thus the provision of prayers and masses (chantries) for the repose of a particular person was viewed in the same light as poor relief and public works. Crawford has pointed out the suitability of charitable work for women of all backgrounds, arguing, 'practical charity was an acceptable public manifestation of the private virtue of piety, as numerous sermons attest. Godly women prepared cordials for the sick, dressed the sores of neighbours and attended at the childbirths of 'mean and poor women.'[101]

Furthermore, even before the Reformation there was a changing attitude towards poverty itself, reflecting the changing nature of the poor. As Beier points out, during the Middle Ages,

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100. J. Rosenthal, *The Purchase of Paradise* (London, 1972), p. 10.

101. P. Crawford, *Women and Religion in England 1500-1720* (London, 1996), p. 88.

poverty was idealised.[102] The teachings of St Francis, for example, instructed the faithful that beggars were holy, but certainly, in the years after 1500, increased unemployment meant that people in need were no longer simply the aged, infirm, sick or those on pilgrimage. The increased number of socially dispossessed was perceived to be a source of vagabondage by critical opinion of the day, and such vagrancy was acknowledged as the root of sedition, treason, crime and illness. The religious upheaval undertaken by Henry VIII removed a major source of medical care and poor relief by the abolition of religious houses, and it was not until the later years of Elizabeth I's reign that the State tried to tackle the problem of poverty through the force of law. The Poor Law Acts of 1597-1601 empowered local Parish officials such as JPs and Overseers of the Poor to whip and return vagabonds to their place of origin, raise taxes for the building of Houses of Correction and provide for those unable to work. At the same time, legislation was passed aimed at simplifying the legal processes involved in establishing almshouses. Land intended to support a charitable donation could be bequeathed in fee simple by enrolling a deed in Chancery, rather than by Act of Parliament or Royal License, and a foundation had to be supported by an endowment worth at least £10 per annum. The basic requirements of the poor were the same during the 1400's as they were two hundred years later, irrespective of the social and religious changes of the sixteenth century. Noblewomen of

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102. A. L. Beier, *Masterless Men: The Problem of Vagrancy in England 1560-1660* (London, 1985), p. 4.

the seventeenth century tackled the problems of poverty in the same way as their predecessors, issuing casual doles or regular doles of food from their residences, establishing almshouses and charities.

Three women from the sample are known to have sanctioned the construction of almshouses. Margaret Russell (in conjunction with her husband) at Beamsley in 1593, Elizabeth Hardwick at Derby in 1597 and the post mortem foundation of Alice Spencer at Harefield in 1636. It is unfortunate that such a large core sample yielded a small number of benefactresses, thus rendering any comparisons or conclusions tenuous. However, Jordan (admittedly a heavily criticised writer) has highlighted that the number of almshouse foundations rose steeply between 1590-1620, falling dramatically after that date, before increasing again.[103] This does tie in with the findings from the sample in which sixty six per cent of the almshouses were authorized during the 1590's. Additionally, Margaret Russell's daughter, Lady Anne Clifford founded her almshouse in Appleby in 1653, during Jordan's second period of expansion. During the later seventeenth-century, Elizabeth Uvedale, countess of Carlisle chose not to build her own almshouse but augmented the endowment of the hospital at Brampton, Cumberland, by two thousand pounds.[104]

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103. W. K. Jordan, *The Charities of Rural England 1480-1660* (London, 1961), p. 260.

104. London, PRO, PROB 11/436/26.

Apart from Alice Spencer, whose almshouse was founded under the terms of her will, all the women took an active role in governing their foundations. The almshouses at Beamsley accommodated one mother and six sisters, later expanded to twelve, Harefield six women and a Master, that in Derby eight men and four women. Both Margaret Russell and Elizabeth Hardwick chose the original residents, who had to be resident within the Parishes of Skipton and Derby respectively. Margaret Russell stated in the preamble to the Letters Patent establishing her foundation, she had been dismayed at the sight of so many poor women in Skipton, ie those who were native to the area and whose situation was known to Parish officials and were perhaps already in receipt of poor relief. [105] As she also spent much of her time in the North of England, she was able to investigate personally the background of those in receipt of her charity. Elizabeth Hardwick was also aware of poverty 'especially in the northern parts of this realm.'[106] During her widowhood, the majority of her time was spent in her native Derbyshire. She appointed the Bailiffs and Burgesses of Derby to oversee the interests of the almshouse in the absence of herself or her heirs; local people who knew the needs of the townspeople and enforced the government's poor laws in the town.

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105. Spence, *Lady Anne Clifford*, p. 9.

106. H. E. Currey, 'Supplemental Notes on the Almshouse of Elizabeth, Countess of Shrewsbury,' *Journal of the Derbyshire Archaeological and Natural History Society*, xvi (1894), 4.

Donors were thus able to ensure that the itinerant, dirty or diseased poor did not take up places, only the deserving elements of society were admitted. As Slack suggests, 'almshouses were for the deserving pauper.'[107] By stipulating that future occupants of their almshouses had to be resident within a certain area before they could apply for residency, donors were able to omit the itinerant vagabonds targeted by the government.

Elizabeth Hardwick was also swayed in her choice of location by personal sentiment. The Hardwick family were natives of Derbyshire and Elizabeth had pursued a policy of aggrandising her familial territory, to pass by her descendants by Sir William Cavendish. The presence of her almshouse in Derby, her alms people wearing her livery, may have been a long-term visual affirmation of the countess of Shrewsbury's pre-eminent position in local society.

This was certainly true of Lady Anne Clifford's almshouse in Appleby. Arguably the coats-of-arms relevant to her lineage within the courtyard represent one of her attempts to reinforce her claim to the Clifford Baronies and lands, which she contested for decades. Along with the displays of heraldry on her tomb and various castles and churches she restored, the decoration of St.Anne's served as a reminder to the town of Lady Anne's station in life.

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107. P. Slack, *Poverty and Policy in Tudor and Stuart England* (London, 1988), p. 165.

Slack claimed that, 'after the Reformation almshouses no longer had chapels.'[108] This was not true of Margaret Russell's foundation at Beamsley and Lady Anne Clifford built one for St. Anne's. The links between the almshouses and religion was very strong. The female residents were known as 'sisters,' the male residents 'brethren,' terms reminiscent of those used in religious foundations prior to their suppression. The residents of the almshouse in Harefield were provided with a curate and Elizabeth Hardwick located her paupers next to the Parish Church in Derby. An indenture concerning the establishment of her almshouse provided an area within the Parish Church for the burial of Elizabeth and her heirs, 'and convenient places for the said poor to repair unto, and have private to themselves, for to perform their prayers and other duties there to the honour of almighty God, in such sort as her Lap. shall please to appoint the same.'[109] Therefore, all almshouses catered for the spiritual welfare of the residents, as well as providing a roof over their heads. This may be a remnant of the pre-reformation idea of the recipients of charity remembering their benefactors in prayers and chantries.

Casual doles of alms were often given from the gates of great houses. Lady Anne Clifford is reported to have distributed food from the gates of whichever castle she happened to be

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108. Slack, *Poverty and Policy*, p. 165.

109. Currey, 'Supplemental Notes,' pp. 4-5.

resident in.[110] Beier claims that 'a higher proportion of vagrants slept rough than had relief at the gates of great houses in the early seventeenth century.'[111] Beier does not state what type of relief they may have had, and in a table on a later page, restricts the definition of provision to food, drink and lodging, with no mention of casual doles of money or clothes. The list of vagrants is also limited to those who had been apprehended and interviewed by government officials.

The household account book of Christian Bruce, countess of Devonshire, gives some details of her charitable activities.[112] These included casual doles to the poor encountered on her journeys to London and Bath, which were treated as general expenses incurred by travel. Alms for the poor of Hardwick and Chatsworth were incorporated into the household expenditure. Between Michaelmas and Lady Day 1639, over £18 was spent on poor allowance, the majority of which went to the poor of Hardwick. The previous year they only received £1 4s during the same time period, and it would appear that the local economy had changed for the worse in 1639. The account books show that countess dowager Christian did not simply throw money at the poor.

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110. Spence, *Lady Anne Clifford*, p. 226.

111. Beier, *Masterless Men*, p. 180.

112. Derbyshire, Chatsworth, Hardwick MSS at Chatsworth vols. 30 and 30A.

She (or her household officers) were able to supply more poor relief to those areas that needed it, and she regarded it as her duty to provide poor relief wherever she happened to be.

Most of the women whose wills are available left bequests to the poor. Generally speaking, even the most cursory disposal of property, such as Elizabeth Tresham's will, did not fail to address the needs of the poor and she left them three or four pounds.[113] Other women made more complicated bequests. Apart from endowing and appointing a master to her almshouse, Alice Spencer provided mourning apparel for forty women, even specifying where they were to come from; twenty from Harefield, ten from Hillingdon and ten from Colham. She gave fifty pounds to the poor of Harefield, and fifty to the poor of Hillingdon and Colham, a more generous sum than Elizabeth Tresham was able to provide and probably reflecting the differing wealth of the two women.[114] The bequests to the poor reflected the noblewoman's connections and close links with certain areas; for example, Alice Spencer lived at Harefield for much of her widowhood, hence her bequests centred upon the community there.[115] Elizabeth Boughton, countess of Devonshire, was buried at Windsor with her first husband Richard Wortley and

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113. London, PRO, PROB 11/203/25.

114. London, PRO, PROB 11/174/70.

115. *Ibid.*

ordered that twenty pounds be distributed amongst the poor there after her funeral service.[116] She also bequeathed money to a further eight towns including Barnsley and Wortley in Yorkshire, gifting a total of two hundred and thirty pounds to the poor. She did not leave money to the poor in areas associated with the Cavendish family such as Derby, Hardwick or Edensor, and the bounties were to be distributed by her 'cousin' Sir William Boughton, Sir Edward Wortley her son and the Ministers and Magistrates of the towns concerned. The involvement of local government officials in administering the charitable bequests of widows also blurs the boundaries between private benevolence and public provision.

Christian Bruce was a particularly charitable figure, as she left

> four hundred and twenty pounds for the purchase of lands of the best yearly value…the yearly profits thereof in placing and binding out one or more apprentices yearly… of such poor children as have been born or will be born in the Parishes of Derby and Endsor in the County of Derby.

She also left ten pounds to one of her servants, Betty Bate, 'to place her in apprenticeship.'[117] These sums were in addition to the ten pounds per Parish to benefit the poor in Wandsworth,

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116. London, PRO, PROB 11/190/122.

117. London, PRO, PROB 11/348/61.

Putney, Barnes, Roehampton and Richmond in Surrey; twenty pounds for poor widows in the Parish of St Giles and one hundred pounds for the poor of Derby. She later added that a four hundred pound debt owed by the executors of the countess of Berkshire should be disposed of 'for the relief of such poor widows and orphans as they [her executors]...shall think fit.'

Yet not all widows were so generous, and some left nothing at all to charity. Mary Ogle, Essex Montagu, Dorothy Johnson, Anna Maria Brudenell, Elizabeth Cecil, Elizabeth Smith, Elizabeth Sherard and Elizabeth Hayward all failed to make provision for the poor in their wills.[118] All but the latter died in the later seventeenth century, suggesting that there was a greater imperative for charitable activity during the years 1600-1650. Those who did leave money for charitable use in the later seventeenth or early eighteenth centuries were Anne Paulet who left two hundred pounds to be distributed at the discretion of a Mr Bonaventure; Elizabeth Howard who specified that her ten pound bounty simply be distributed 'where it shall please God I shall die,' and who left one thousand pounds for the maintenance of five poor widows, to be distributed at the discretion of the duke of Somerset; Gertrude Pierrepont and Elizabeth Uvedale, countess of Carlisle were the only ones who explicitly stated which parishes their

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118. London, PRO, PROB 11/272/5; PROB11/355/99; PROB 11/509/sig 139; PROB 11/464/sig 85; PROB 11/402/179; PROB 11/411/166; PROB 11/754/sig 129 and PROB 11/140/84.

bequests would benefit.[119] The strong familial ties, which bound people to certain geographical areas, may be a factor concerning the distribution of these charitable bequests. Margaret Russell, Alice Spencer, Elizabeth Darcy, Elizabeth Hardwick, Elizabeth Boughton and Christian Bruce had links with Cumberland; Harefield in Middlesex; Northumberland, Newcastle and County Durham; Wortley and Barnsley in Yorkshire; Derbyshire and Roehampton in Surrey respectively. Another factor may be the distancing in time from the pre-Reformation ideals of charitable provision and the adoption of poor relief via local government officials, for example under the terms of the Elizabethan Poor Law Acts. Coupled with the shifting methods of providing for the poor was the changing nature of financial provision for widows The increased adoption of the Strict Settlement coincides with a stoppage of almshouse foundation by widows and with decreased provision for the poor under the terms of noblewomen's will. Under the terms of a Strict Settlement, portion provision for a girl was established at the time of her parent's marriage, some years before her birth, and possibly, many years before her widowhood. By the time she came into her jointure (the value of which according to Stone decreased in relation to portion throughout the century), a widow may not have had the ability to be generous to the poor. It is also noticeable that earlier widows such as Alice Spencer, Elizabeth Hardwick and Margaret Russell purchased lands during their

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119. London, PRO, PROB 11/421/163; PROB 11/481/sig 62; PROB 11/617/sig 234 and PROB 11/436/26.

widowhood, which either descended under the terms of their wills or were ordered to be sold for the benefit of heiresses.[120] Later widows such as Anne Paulet, Charlotte de la Tremouille, and Elizabeth Cecil bequeathed property that they had inherited rather than purchased themselves, which may have encouraged them to hand the land on to future generations instead of dispersal through sale.[121]

Thus, the evidence suggests that the charitable activities of noblewomen diminished as the century wore on. A variety of socio-economic factors caused this shift, from the changing nature of poor relief to differing religious views and the evolving fiscal concerns of noblewomen themselves. Yet whilst such a phenomenon suggests diminishing economic

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120. London, PRO, PROB 11/174/70; PROB 11/111/23 and PROB 11/128/82.

121. London, PRO, PROB 11/421/163; PROB 11/314/51 and PROB 11/402/179.

influence during the century, it does not appear to have adversely affected noblewomen's social standing amongst their peers or reflected upon their families as their political, social and other economic activities did. Anna Maria Brudenell, for example, was renowned for her lovers, receiving presents from the French and her close relationship with the King, rather than for being uncharitable.

## NOBLEWOMEN AND THE LAW.

Tim Stretton has argued that 'historians are familiar with the legal exploits of a select band of women at this time including Anne Clifford, Bess of Hardwick and Lady Elizabeth Russell...'[122] His choice of women suggests that his 'select band' is drawn entirely from the ranks of the aristocracy and implies that their legal encounters explain the whole scenario of female, aristocratic legal experience. Noblewomen did fight for their inheritances, but were involved with other legal issues such as upholding or breaching State security and enforcing State control in areas far from central government. Although it is true that we do know a great deal about the aforementioned women's legal sagas in terms of individual cases, the experiences of noblewomen within the context of the seventeenth century as a whole have not been investigated. Admittedly, much useful work has been done upon the subject of women's use of the law during the early years of the seventeenth century, but the legal experience of women at the end of the century has not had any coverage. Studies of the Peerage during this period acknowledge that the aristocracy became more numerous during the century, but the number of noble widows initiating litigation appears to have declined, and there are no apparent successors to Stretton's list of belligerent litigators. One of the aims of this chapter is

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122. T. Stretton, *Women Waging Law in Elizabethan England* (Cambridge, 1998), p. ix.

to investigate and analyse the phenomenon of noble widows becoming more numerous but legally less visible. Another area which has not been properly examined is the experience of the wives and widows of former Royalists, who had to petition Parliament in order to acquire an income for themselves and their families. Some, such as Margaret Lucas, duchess of Newcastle, found the procedures and atmosphere totally exasperating, and gave up without much of a fight, whereas others spent years lobbying at Westminster and dealing with the local County Committees. Furthermore, women did not work in isolation, calling upon the services of brothers, sisters and other family members as well as extended family and friends.

Neither Stretton, nor Maria Cioni for example, consider that the 'select band' and their opponents could not find a solution to their legal problems through the law as exercised by the Courts.[123] However, the processes of compromise and arbitration were particularly important in settling large inheritance disputes. In real terms, intervention by the king and a panel composed of other members of the nobility promised to end disputes where the due processes of law failed, and the inability of the Courts to solve the problems (usually of inheritance) brought before them by widowed noblewomen will be considered.

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123. M. Cioni, 'The Elizabethan Court of Chancery and Women's Rights', in D. J. Guth and K. McKenna (eds.), *Tudor Rule and Revolution* (Cambridge, 1982), pp. 159-182.

It was only after a woman was widowed that she became an individual legal entity for the first time, and as such became entitled to prosecute those who threatened her rights as defined by the law. Common law for example, had established basic rights which concerned widows. Firstly, a woman's right to dower upon the death of her husband, which usually consisted of one third of his property held either at death or marriage. By the seventeenth century, this had generally been commuted into a jointure, i.e. lands held by husband and wife jointly, with the surviving partner having a life interest in them. Alternatively, jointure could be held as an annuity. The amount of jointure was arranged prior to marriage along with the amount of portion paid by the bride's father. Theoretically, the portion paid at least in part for the jointure lands, but in reality, debts and straitened financial circumstances meant that the money could be spent in other ways.[124] Jointure could be increased at any time, but many women faced problems in claiming their entitlement, and some women had to fight for their income, despite still being entitled to either dower or jointure under common law. Elizabeth Hardwick, countess dowager of Shrewsbury (Bess of Hardwick) had to resort to legal sanction in order to force the new Earl Gilbert to pay her rightful income. The right of each generation of widow to

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124. C. Clay, 'Marriage, Inheritance and the Rise of Large Estates in England, 1660-1815,' *The Economic History Review*, 2nd Series, XXI (1968), 507-509, for the uses of money paid as portion.

income from a parcel of land could span the generations, as will be seen in the case of the Mulgrave family.

Secondly, for centuries, common law had acknowledged that should a man die seized of land or property, his daughter or daughters should inherit if there were no sons.[125] Therefore daughters (and by extension their husbands) took precedence over collateral male heirs such as uncles, cousins or nephews. Gradually this right was eroded to the extent that by the seventeenth century, the common law rights of dower and female inheritance had undergone a process of attrition, but had not been outlawed or repealed. Barry Coward has explained the likelihood of the failure of the direct male line and subsequent female inheritance, as well as the evolution of the land law, highlighting that the descent of property and titles was unclear. As he argued, 'scant regard was paid to the will of the last noble landowner because the uncertainty of the land law allowed all settlements to be brought into question.'[126] Therefore cases could spend decades lumbering through the courts without reaching a solution.[127] Maria

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125. E. Spring, *Land, Law and Family* (Chapel Hill, North Carolina, 1994), pp. 12-13; Erickson, *Women and Property*, p. 26.

126. B. Coward, 'Disputed Inheritances: Some Difficulties of the Nobility in the Late Sixteenth and Early Seventeenth Centuries,' *BIHR*, XLIV (1971), 197.

127. *Ibid.*, pp. 194-215.

Cioni has contended that 'equity guarded the widow where common law too often failed.'[128] This may be true to a point, but it has to be said that there were some long running legal battles involving widows, for which Chancery (or any other court for that matter) failed to provide a long term solution. A number of celebrated cases involving aristocratic widows appeared before the Courts in the late 1500's and early 1600's as they attempted to reinforce the common law rights of daughters to inherit land and property. In the cases involving the Cliffords and the Stanleys, arbitration had to be employed to solve disputes over land and titles. Both cases were referred to the king thereby removing them from a purely judicial framework and into the realms of Court politics.

The situation was further complicated by the evolution of the courts themselves. No one court dealt with equity and another with criminal cases for example. The common law court of Queen's / King's Bench held both civil and criminal jurisdiction. The Exchequer had, by the end of the sixteenth century, developed from its original financial function into both common law and equity. The Court of Requests mainly dealt with the claims of widows and orphans, and Chancery remained an equity court, but the latter's use of the injunction to sanction its

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128. Cioni, 'Elizabethan Court of Chancery', p. 182.

authority meant that it could effectively over-rule other courts by staying proceedings at common law.[129]

Thus proceedings at law could take place in a number of courts with different views of the law and powers of sanction. If noble widows were to use the courts effectively, they had to steer their way carefully through the differing jurisdictions.

One of the largest problems faced by the Northern aristocracy during the early seventeenth century was that of inheritance. Between 1594 and 1616, the powerful, traditional, landowning families of Stanley and Clifford were divided by inheritance disputes, which pivoted upon the rights of daughters to inherit lands and titles after the deaths of their fathers, the Earls of Derby and Cumberland respectively.

Alice Spencer, countess dowager of Derby and Margaret Russell countess dowager of Cumberland identified themselves with, and worked hard on behalf of, their daughters' claims to lands and titles from their late husbands. They knew how to use the law, and knew where to find the documents they argued proved their claims.[130] However, they did not just spend their time slugging away at their brothers-in-law in court. Their experiences at law raise wider

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129. Stretton, *Women Waging Law*, p. 242; Erickson, *Women and Property*, p. 31.

130. Clifford, *Diaries*, p. 3.

questions than that of female inheritance, such as the role of women in governing areas remote from Westminster, the informal influence which shaped the attitudes of the daughters on whose behalf they fought and the resultant influence upon the exercise of coverture.

Ferdinando Stanley, 5th Earl of Derby died in 1594, leaving his wife Alice with three daughters, Anne, Frances and Elizabeth, but no sons. He left his property to his daughters, but the earldom devolved upon his brother William, who sought to gain possession of his niece's estates. George, 3rd earl of Cumberland also left no surviving sons and died heavily in debt in 1605, leaving his property to the new earl, his brother Francis. This settlement was subsequently challenged by his widow on behalf of their daughter, Lady Anne Clifford. Another case, involving the three daughters of the 7th Earl of Shrewsbury, could have dragged on for years, had their adversary the 8th Earl not died without issue shortly after his elder brother.[131]

Although Alice Spencer sought to uphold her husband's will and Countess Margaret challenged hers, both cases had features in common. Neither woman denied the right of the collateral heirs to the earldoms of Derby or Cumberland, but challenged the idea of 'attraction', or the automatic descent of lands and baronies with the senior title held by the family. In both cases, proceedings in the various law courts continued for over ten years before the parties had to submit to the judgement of the King.

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131. Coward, 'Disputed Inheritances,' pp. 201-203.

Royal intervention reflected the ease with which each side could claim and counter claim against one another through the courts causing legal impasse. It also meant that other interests became more significant. As Spence and Bacon point out, 'whatever was most beneficial to the King would in most cases take precedence.'[132] This was illustrated during the Stanley case, when both the heirs general and Earl William lost control of the Isle of Man in 1595, when the Privy Council took the opportunity of returning it to the Crown. It was not until 1610, after a large payment by Earl William that it reverted to the Stanley family. Even then, the situation was not clear as the £2,000 the Earl paid the Crown did not mean that the whole of the island was his. He was entitled to half and his nieces held the other half despite not having to pay. Earl William was then forced to purchase the rest of the island from them, effectively paying twice for what he regarded as his own property.

Lady Anne Clifford hinted at some of the work that went on 'behind the scenes' in preparation for the formal agreement before the King. With the Dowager Countess resident in Westmorland, the embassies were addressed to Lady Anne herself, and presumably, her husband. On 17 February 1616, the Archbishop of Canterbury, Lord William Howard, Lords Roos and Russell, her brother-in-law 'and a great company of men of note' congregated in

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132. Spence, *Lady Anne Clifford*, p. 48.

Great Dorset House in order to 'set my hand to their arguments.'[133] The presence of such people, who were not immediately connected with the Clifford question, suggests a panel of nobles, specially convened to help sort the problem out. They agreed to let Lady Anne consult with her mother, which she duly did, setting off for Brougham the following week. The countess and her daughter tried to stall proceedings by leaving the papers they were supposed to sign in Westmorland, but it was a futile gesture. Having been ordered back to London by Dorset, Lady Anne was back in the South by mid-April. In February 1617, she appeared in front of the king twice. Before she met James however, she was presented to the queen who 'gave me a warning not to trust my matters absolutely to the King lest he should deceive me.'[134] Interestingly, she was presented to the Queen by 'my Lady Derby' who explained Lady Anne's situation. Although she does not specify whether the Lady Derby in question was Alice Spencer or her sister-in-law, Elizabeth de Vere, wife of the sixth Earl of Derby, Lady Derby presumably had intimate knowledge of the Stanley case, which could have influenced the Queen. Lady Anne's meetings with the King were not as successful, and she reiterated her point that 'I would never agree to it [the settlement] without Westmorland.'[135] Also present at the second meeting were the Earl of Cumberland and his son Lord Clifford, three high ranking

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133. Clifford, *Diaries*, p. 29.

134. Clifford, *Diaries*, p. 45.

135. *Ibid.*, p. 47.

members of the judiciary, Lord Chief Justice Montagu, Hobart Yelverton and Sir Randall Crewe. Lords Arundel, Pembroke, Montgomery and Sir John Digby were also present. For at least one year several members of the nobility, social equals to the dowager countess and her family, were involved in trying to find a solution to the case, as part of the formal process of conciliation. In the Stanley case, Lord Treasurer Buckhurst, Gilbert Talbot, earl of Shrewsbury, George Clifford, earl of Cumberland, Lord Hunsdon and Sir Robert Cecil acted as arbitrators between 1600 and 1602, however the solution to both cases had to be confirmed by the king and Parliament.[136] Although Royal intervention took place outside the law courts of Westminster, the presence of the lawyers does not necessarily suggest that such action was strictly extra-legal. As Ian Rowney has demonstrated, intervention, arbitration or conciliation had been applied at other levels of society successfully. He cites examples from Derbyshire of the Agard, Babington, Pole and Curzon families frequently acting as arbitrators in order to settle disputes amongst yeomen and minor gentry, so it is entirely possible that such intervention was viewed as a natural extension of the formal legal process. He also points out, 'the success rate of arbitration was high because solutions likely not to be adhered to tended to be rejected in debate.' [137] The latter point can be applied to the monarch's role in arbitrating in

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136. Coward, 'Disputed Inheritances,' pp. 208.

137. I. Rowney, 'Arbitration in Gentry Disputes of the Later Middle Ages,' *History*, LXVII (London, 1982), 369-71.

noble disputes and there is no reason to suppose that a similar system could not have worked at a higher level of society at a later period. It is notable in the above negotiations that the influence of the countess dowager appears to be diminished by her residence in the north, and the fact that under the law of coverture, a married woman was represented at law by her husband. Therefore, in terms of the official court systems, the key player now became the widow's son-in-law, but the dowager herself was not without influence.

Alice Spencer enjoyed cordial relations with her sons-in-law, and they were supportive of their wives' claims. Margaret Russell, on the other hand, faced opposition from her son-in-law, the earl of Dorset. He married Lady Anne Clifford in 1609, but his spendthrift lifestyle at the Jacobean Court left him constantly short of cash. After their marriage his support of his wife's claims wavered, depending upon the potential benefits or otherwise to him. Therefore, when a financial settlement with Earl Francis was mooted in 1616 it proved to be acceptable to him, until Countess Margaret's death later in the year made him reconsider his options. Despite the law of coverture limiting her ability to use the Courts on her daughter's behalf, Countess Margaret remained a significant figure within the dispute.

Lady Anne described her mother's death in 1616 ' as the most lamentable Cross that could have befallen me,' implying that her support had been invaluable in the light of her husband's

unreliability.[138] However, one month before her mother's death, Lady Anne and her husband 'agreed that Mr Marsh should go presently down to my mother and that by him I should write a letter to persuade her to give over her jointure to my Lord, and that he would give her yearly as it was worth.'[139] This would have given the Dorsets direct influence in Westmorland, but it is unlikely that as doughty a character as Margaret Russell would willingly assign her income over to her feckless son-in-law. Furthermore, Spence claims that 'despite Dorset it was Countess Margaret who remained the key player. Francis regarded her as such and acted accordingly.'[140] As he rightly points out she was in physical possession of the disputed lands in Westmorland because they formed her jointure. After her death, Lady Anne was unable to establish a presence in Westmorland and thus could only offer a stubborn refusal to accept anything less than her inheritance. After his mother-in-law's death, Dorset saw an opportunity to grab at least the Westmorland portion of his wife's inheritance, and performed an about - face. He sent servants North to establish his authority in Appleby and Brougham, and the threat of violence between them and the officers working for Cumberland was so great, that the Lords of the Council wrote to the Lieutenant, Deputy Lieutenant and the Justices of the Peace to warn them that confrontation might ensue. Margaret Russell's presence in

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138. Clifford, *Diaries*, p. 36.

139. *Ibid.*, p. 35.

140. Spence, *Lady Anne Clifford*, p. 50.

Westmorland was more than simply keeping her brother-in-law at bay. Earl George's lands had been badly administered during his lifetime and after Countess Margaret entered her jointure the tenants refused to pay her any gressums (entry fines) or rent.[141] She therefore had to resort to the Westminster Courts in order to enforce her rights and local customary law. For four years (1607-11), Countess Margaret fought to clarify her rights in Westmorland, a course of action which served two purposes. In the immediate term, she was able to increase her rightful dues and stamp her authority upon her jointure lands. In the longer term, by regulating the finances of Westmorland, she paved the way for a smoother transition to her successor, be it Earl Francis or Lady Anne. Furthermore, the agreement favoured by the Earls of Cumberland and Dorset in 1615, whereby Cumberland paid a composition in return for the Honour of Skipton, needed to be signed by both Lady Anne and her mother if it were to be enforceable. This they both refused to do. Despite coverture, therefore, a widowed mother could still exert influence over the legal affairs of her daughter.

The fact that Lady Anne explained her case to the Queen Consort prior to the King suggests that her Court was a rival establishment, likely to favour the ladies within it although subordinate to that of the King. Additionally, Anne Spencer, Lady Buckhurst made a complete nuisance of herself at Newmarket in December 1607, when she wanted a separation from her

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141. Spence, *Lady Anne Clifford*, pp. 25-27.

second husband. To the amusement of the Court, she pursued the king and 'kept him locked in his bedchamber to avoid her company, she having attended him all his dinner time and after with much importunity, and not departed till now, with purpose to follow him again tomorrow.'[142] The following day, Sir Thomas Lake wrote to Salisbury with the intention of warning the queen of trouble ahead. One of Lady Buckhurst's suits was that the queen should sit in judgement upon her, 'for she would have your Lordships sit in Council and the Queen to be president for this cause.'[143] Any solution would have appealed to the King as long as he was left in peace, so it is difficult to say quite what effect the Queen's presence in Newmarket would have been. In any case, the lady's husband died just over a year later in February 1609, thereby releasing her from her torment. It is entirely possible that for the ladies of the Court who required legal help, the Court of Queen Anne was able to supply influence rather than real power, especially given that Anne Spencer had to harangue the King before she could submit to the queen. The Court of the consort if it did have any legal role to play, could have reflected the jealousies and jostling of the King's Court, therefore rendering it ineffective.

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142.Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, xix, p. 361.

143. *Ibid.*

Elizabeth I, on the other hand, was able to take unilateral action when dealing with her courtiers. She took the opportunity to control lands in England claimed on behalf of Arbella Stuart by her maternal grandmother Elizabeth Hardwick. Arbella was the product of the marriage between Elizabeth's daughter Elizabeth Cavendish and Charles Stuart, son of the Earl and Countess of Lennox. Charles was a descendant of Henry VII and thereby had a claim to the throne of England, a touchy subject where Elizabeth I was concerned. He was uncle to King James VI of Scotland, through the marriage of his brother Lord Darnley to Mary Queen of Scots. The Lennox family possessed lands in England and Scotland, but they were exiled in England after the earl attempted to oust the Regent of Scotland during Mary's minority. By 1578, Arbella's father, uncle and paternal grandparents were all dead, leaving their two grandchildren James and Arbella. Technically, as the son of the eldest son of Lennox, James was entitled to the earldom, and indeed he disposed of it as he wished to the Bishop of Glasgow. This did not stop Elizabeth Hardwick from attending Court in June 1576 in order to petition Elizabeth to write to James to grant the earldom to Arbella. The queen duly obliged, but after the death of the old dowager countess in 1578, took the opportunity to appropriate the Lennox lands in England on the grounds that they would cover the cost of the Countess's Royal funeral.[144] Elizabeth I also continued to write to the Scots government supporting Arbella's

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144. Durant, *Bess of Hardwick*, pp. 94, 102.

claim for her inheritance there, whilst withholding lands she claimed in England.[145] This dichotomy resulted in a state of limbo for Arbella and her grandmother as the responsibility for her upkeep fell upon Lady Shrewsbury rather than her royal relatives. Instead of using the courts, she was forced to petition the Queen directly, and by claiming the Lennox lands in both England and Scotland, had to accept the will of two monarchs not just one. As Alice Spencer discovered when Elizabeth I unilaterally acquired the Isle of Man in 1595, inevitably the will of the monarch prevailed.

Noblewomen such as Elizabeth Hardwick, had legal departments attached to their households.[146] So much so that when Earl Gilbert was unforthcoming over the matter of her jointure his step-mother engaged a large number of lawyers in London simply to prevent him from presenting his case in the capital. It would therefore be brought before the justices in her native Derbyshire where the Countess Dowager was sure to influence the local judiciary. Durant goes further, and suggests that she was guilty of bribing or otherwise manipulating juries in Derbyshire.[147] During an altercation with Francis, Earl of Cumberland he complained to the Court of Star Chamber that she and her son William Cavendish had bribed the juries.

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145. *Ibid.*, p. 94.

146. Durant, *Bess of Hardwick*, p. 166.

147. *Ibid.*, pp. 187-188, 244.

Furthermore, one sheriff involved in the case owed her five hundred pounds. As Durant admits, 'it would have been very difficult indeed to draw a jury from Derbyshire without involving men who were concerned with the Cavendish family in one way or another.' In such a situation it would be expected that Countess Elizabeth and her Cavendish offspring would be able to easily get their own way. However, this case was fought throughout most of the late 1590's, suggesting that either Clifford was able to purchase support, or that Countess Elizabeth's was not as reliable as first assumed. She was in trouble shortly before her death in 1608, when some lead miners from Derbyshire presented a case against her and her son for using violence against them.[148] Although she died before the case went any further, it could indicate that Countess Elizabeth viewed herself as being above the law, and it certainly was a brave group of people who used the law against her.

Alternatively, noblewomen could find themselves on the receiving end of the criminal justice system, when once again the interests of the monarch took precedence. When criminal matters touched upon the succession to the throne, both Elizabeth I and James I were keen to neutralise any alternative sources of loyalty. Lady Arbella Stuart's existence was a thorn in the side of her cousins, and after her birth in 1575 she was kept out of the way in Derbyshire, in the

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148. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, xx, p. 38.

household of her maternal grandmother Elizabeth Hardwick. James did welcome her to Court after his accession, and as Arbella's closest surviving male relative, it was his responsibility to match her with a suitable groom. At Court, she was expected to carry out her royal role with a very limited income and James consistently failed to countenance any possibility that she might marry. Arbella was shackled by her royal ties, having neither freedom of movement nor association. It was against this background that Arbella herself decided to take matters into her own hands, secretly marrying William Seymour, grandson of the Earl of Hertford in 1610. Seymour also had a claim to the throne, and therefore in King James's eyes the marriage was a double offence. Arbella was placed under house arrest, but managed to escape and headed for the continent. Less than one day after Arbella left the country, her aunt Mary Cavendish, countess of Shrewsbury was imprisoned in the Tower of London for encouraging her niece to abscond.[149] She was not released until 1623, by which time Arbella herself had been dead for eight years.

Countess Mary does not appear to have sanctioned the marriage between Seymour and Arbella, but compounded their mistake by encouraging them to flee the country. For some time the countess had sympathised with Arbella's situation. As soon as James I ascended the throne, she wrote on her niece's behalf in order to improve her situation. A letter written by James to the

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149. Green (ed.), *CSPD, of the Reign of James I, 1611-18* (London, 1858), p. 48.

earl of Kent on 11 May 1603 states, 'we have been informed by our cousin the Countess of Shrewsbury of the great desire which our cousin Arbella Stuart hath to come to our presence... we shall be willing to confer with her and make her know how well we wish her in regard to her nearness in blood, and how much it doth content us to understand so much of her good carriage of herself as we do by report of her aunt the bearer thereof.'[150] The issue of Arbella was probably raised again when the king stayed with the earl and countess of Shrewsbury at Worksop during his journey from Scotland to London. To Countess Mary, her attempt to clarify Arbella's status had failed, and, although she may not have condoned the marriage, she must have understood the reasons behind it. On 9 June 1611, the earl of Northampton wrote to the king that, 'Lady Shrewsbury was the only contriver of her [Arbella's] bedlam opposition to the king and her purse the only instrument of her escape.'[151]

Countess Mary spent the years 1611-23 under guard, only being released briefly from the Tower of London in 1616, to nurse her dying husband. The death of Arbella in 1615, did not alter her position as a prisoner and her long incarceration reflects the seriousness of her actions against the State. Her accommodation in the Tower was far from pleasant and on 9 October

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150. P. M. Handover, *Arbella Stuart: Royal Lady of Hardwick and Cousin to King James* (London, 1957), p. 173.

151. Green (ed.), *CSPD, of the Reign of James I, 1611-18*, p. 41.

1611, the earl wrote requesting that repairs be made to doors, windows, and 'a hole in the roof' in his wife's lodgings in the Tower.[152] The conditions failed to break her spirit and she refused to answer questions, 'pleading the privilege of her nobility' in 1612 and 'a vow for her excuse for not replying,' in 1618.[153] Star Chamber punished her for contempt in 1618 by imposing a fine of £20,000 and life imprisonment.[154] In the same year, she refused the Oath of Allegiance, and Chamberlain reported, 'she may lose all she has.'[155] Perhaps it was also her Roman Catholic sympathies which really kept her behind bars where a close eye could be kept upon her, her crime coming six years after the Gunpowder Plot. On 9 May 1617, George Gerrard wrote to Dudley Carleton, ' the widowed Countess of Shrewsbury is almost out of her mind, with a dread of being poisoned...'[156] It is a mystery as to what this may refer to, but Countess Mary was resident in the Tower when Sir Thomas Overbury died there in suspicious circumstances in 1613, and when the earl and countess of Somerset, who had been convicted of his murder were also imprisoned there from 1616 until 1622. It is perhaps a reflection upon the priorities of the law and politics during this period that whilst the Somersets were convicted of

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152. Green (ed.), *CSPD, of the Reign of James I, 1611-18*, p. 80.

153. *Ibid.*, pp.136, 548.

154. *Ibid.*, p. 48.

155. *Ibid.*, p. 565.

156. *Ibid.*, p. 465.

murder against an individual, they received a sentence of only six years in the Tower, whilst Countess Mary who badly advised her niece but admittedly breached State security and the king's trust, was imprisoned for twice as long.

In some cases, the murky legal waters may have been muddied further by multiple dowagerhood, where more than one widow at a time expected to be supported by her husband's family. The maintenance of widows must have been viewed by new peers as a drain upon limited landed income, but dowagers were entitled to their dower or jointure which could have been their only source of income. In 1648, Marianna Irwin, countess dowager of Mulgrave petitioned the House of Lords for 'a lawful interest in the sum of £1,640 out of the alum mines at Mulgrave,' for herself and younger children. She then added, 'which sum is all the provision left them by the late Earl.'[157] Twenty years later, but still during the lifetime of Marianna Irwin, the latest countess dowager of Mulgrave Elizabeth Cranfield, complained that she had not received £1,800 due to her from the alum extraction industry near Whitby.[158] The alum mines may have been the same, but Marianna Irwin is not mentioned in connection with Elizabeth Cranfield's case, so there is no evidence that the two dowagers cooperated with or

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157. Royal Commission for Historical Manuscripts, *7th Report* (London, 1879), p. 27.

158. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II*, 1667-68, pp. 77, 196, 408.

opposed one another. Furthermore, Elizabeth Cranfield's remarriage to Sir John Bennet may have provided her with financial and moral support.

However, for families concerned with the financial burden of supporting two dowagers, matters could be compounded by problems posed by the extinction of the earldom and the relationship between a remarried widow and her new husband. Several titles died out or fell into abeyance during the seventeenth century, as with the Clifford earldom of Cumberland, and despite the subsequent arguments over the rights and wrongs of female inheritance, no claimant to the title appeared. Between 1671 and 1689 however, two dowager countesses of Northumberland were forced to defend themselves against the claims of James Percy, an Irish trunk maker who demanded the earldom for himself. Additionally, their experiences demonstrate the difficulties which multiple dowagerhood and remarriage could pose when the future of great landed estates were at stake. Although their cases were unique in the range of problems they faced, any number of dowagers and multiple dowagers could have found themselves in the same circumstances.

In 1670, Joscelin Percy the eleventh earl of Northumberland died at the age of twenty five, leaving the existing dowager, his own widow, and a young daughter, all confusingly named Elizabeth (Howard, Wriothesley and Percy respectively). The situation is also confused by the

fact that Elizabeth Wriothesley continued to use her Northumberland title, even after her remarriage.[159] As there were no sons or other male relatives, the earldom was extinguished, but in around 1671 James Percy began campaigning to prove that he was the rightful heir to the title. If the Percy lands had been dismembered after the death of Joscelin, with some reverting back to the king and others being held by the dowagers for the young Elizabeth Percy, the claimant threatened to reduce the income of all the women concerned. Along with the title Percy would also have been trying to prove his claims to land, property, other financially lucrative operations, and the right to sit in the House of Lords. He initiated legal proceedings against both dowagers in Chancery, Common Law and the Houses of Parliament, but Elizabeth Wriothesley pleaded the privilege of nobility in 1674.[160] Percy's situation was not helped by Charles II who granted some of the earl's land to the royal illegitimate offspring, even creating a son Duke of Northumberland. Percy further alleged in 1674 that the trustees of Elizabeth Wriothesley's estate wished to ally themselves with him in order to prevent the King from granting Percy land to one of his children. It is difficult to see why she should ally herself with Percy to challenge the King when she had already successfully stalled his legal proceedings

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159. Technically, after her marriage to Ralph Montagu who was not a member of the peerage, Elizabeth Wriothesley was not qualified to use the Northumberland title and could only use the rank permitted her husband. See E. C. Metzger, *Ralph, 1st Duke of Montagu 1638-1709* (New York, 1987), p. 379.

160. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1673-75* (London, 1904), pp. 100-101.

against her; in 1673 she married Ralph Montagu, an ambitious politician and ambassador to Paris, and thus had strong Court connections; finally, she certainly was more likely than Percy to have direct access to Charles II. In March 1677 'the Countess of Northumberland's agents charged the jury to take notice that Percy's name was not so, for he was an impostor and a branded person.'[161] Thus, if the countess referred to in the above statement is the younger countess, and had she approached Percy in 1674, their alliance did not last long. Over the years Percy's claims became increasingly improbable and confused. Initially claiming to be descended from

> Sir Richard Percy, the fifth brother of the eighth Earl of Northumberland...it appearing to their lordships that the said Sir Richard Percy was never married, and if he had been married, to make out the trunk maker's pedigree as he would have it, Sir Richard must have been a grandfather at thirteen years of age.

Percy then claimed to be mistaken about his descent from Sir Richard, and changed his ancestor to Sir Ingelram Percy, the third son of the fifth earl. He also explained his brand as 'a mole like a half moon, therefore no brand but a crescent which belongs to the Percy arms.'[162]

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161. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1677-78* (London, 1911), p. 67.

162. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1677-78*, p. 67.

Percy was still campaigning in 1689, when the onus of opposition fell upon the Duke of Somerset, the third husband of Elizabeth Percy.

The relationship between Elizabeth Howard and her daughter-in-law does not seem to have been close and therefore not conducive to cooperation over the claims of James Percy, but it was in the interests of both (not least on behalf of Elizabeth Percy) to deny his challenge. Whereas his case was constantly non-suited, badly researched, poorly presented and partly ridiculous, he did pursue it for the best part of twenty years, so at the very least, he must have been a thorn in the side of the two dowagers. It was one thing for the countesses of Cumberland and Derby to challenge their own politically powerful, legally literate brothers-in-law earlier in the century, but the simple fact of Percy's persistence through the Courts indicates that the dowagers were powerless to eradicate his claim. The *Dictionary of National Biography* suggests that there was some sympathy for him, but does not provide any clues as to where he may have looked for support. It is interesting that a character with few or no apparent social connections was able to maintain a case in the Courts for as long as the aristocratic litigants of the early Stuart period. Presumably he was able to attract the attention of a wealthy patron or his trunk making trade was able to support his legal actions and subsequent long absences from the business. It is thought that he died in 1690, shortly after he was sentenced to stand in

Westminster Hall with a piece of paper upon his chest stating, 'The False and Impudent Pretender to the Earldom of Northumberland.'[163]

As far as the two dowagers were concerned there was scope for dispute between the two of them over the clause in Earl Joscelin's will, which stipulated that if his widow remarried, she had to surrender custody of her daughter to her mother-in-law. After the remarriage of her mother, Elizabeth Percy was duly transferred to the custody of the elder dowager Countess under the terms of the will. This was presumably to prevent an unscrupulous stepfather enjoying possession of both her inheritance and Elizabeth Wriothesley's jointure. Obviously the influence of the elder dowager was very strong, even prior to her mother's remarriage because as early as 1671, Elizabeth Howard, rather than Elizabeth Wriothesley, was consulted by the Duke of Newcastle about the marriage of her granddaughter. It appears that immediately after her remarriage, Elizabeth Wriothesley considered denying her former mother-in-law custody of her daughter. Sir Robert Southwell wrote less than a week after the wedding, '...the old lady has sent for the child, but the answer was in the negative and preparations are making to assert this refusal and the Town has....made the mother a Duchess.'[164] James Vernon

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163. Lees (ed.), *DNB*, xliv (London, 1895), pp. 424-425.

164. W. D. Christie (ed.), *The Letters Addressed to Sir Joseph Williamson While Plenipotentiary at the Congress of Cologne in the Years 1673 and 1674* (2 vols., Camden Society, New Series, viii-ix, 1874), viii, pp. 197, 179.

described the term of Earl Joscelin's will 'which takes away from her the care of the bringing up of her daughter... and puts her into the hands of the dowager; this is of hard digestion and no stone will be left unturned if either King or Parliament can be prevailed with to keep the mother's right.' Clearly, it was expected that Elizabeth Wriothesley would make vigorous efforts to keep custody of her daughter and mount a legal challenge to her late husband's wishes, but this never appears to have happened. Despite marriage to an influential politician, her closeness to the King and the apparent sympathy of 'The Town,' the terms of Earl Joscelin's will prevailed and Elizabeth Howard gained custody of her granddaughter without anything in the way of a legal struggle. The younger countess may have been advised that the will was legally watertight and a Court battle unlikely to succeed. Also, personal problems and wider political issues overtook the newly married countess. By early October Henry Ball (amongst others) reported that Montagu and his wife were having marital problems, 'and the Town talk of them parting.'[165] Furthermore, in December it was reported that Lady Northumberland had suffered a miscarriage whilst her husband was imprisoned in the Tower of London after an altercation with the Duke of Buckingham. By 1676, Montagu had been re-

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165. W. D. Christie (ed.), *The Letters Addressed to Sir Joseph Williamson* (Camden Society, New Series, 1874), ix, pp. 35, 63, 71 & 99.

appointed Ambassador to France; therefore his wife was obliged to move abroad and undertake her own duties, making it even more difficult to snipe at her former mother-in-law.

The precise amount of influence and contact Elizabeth Wriothesley was able to have with her daughter is impossible to determine. In 1677 when it was rumoured that Elizabeth Percy would marry the Duke of Grafton, an illegitimate son of Charles II and the Duchess of Cleveland, Lady Chaworth reported, 'Lady Northumberland and her husband approve.'[166] However, four years later when Elizabeth's hand was sought by another of Charles II's sons, she was dissuaded by her grandmother who quoted Scripture against his base origins.[167] So although the mother may have been consulted about the future of her daughter, the conflicting attitudes shown towards illegitimacy by the dowagers reaffirms their hostility towards each other.

The two dowagers of Northumberland, then, were unable to face the challenge posed by James Percy, and the younger widow was unable to challenge her husband's will in order to claim custody of her daughter after marriage. Contrasted with the vigorous, litigious nature of Alice Spencer, Margaret Russell and other early seventeenth century dowagers, the Northumberlands seem powerless in the face of a rather feeble opponent. From the available evidence it seems

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166. H. C. Maxwell-Lyte (ed.), Royal Commission for Historical Manuscripts, *Rutland MSS*, ii (London, 1889), pp. 43-44.

167. *Ibid.*, pp. 58-59.

that rather than the women, Percy initiated all the litigation and no formal challenge to Earl Joscelin's will seems to have been lodged. The fact that Percy was able to pursue his case for so long and that Elizabeth Percy remained in the care of her grandmother, suggests that any informal approaches through members of the Royal family made by the mother also failed.

From the examples in this chapter, it would appear that the legal stature of noble widows had diminished by the middle years of the Restoration. It is certainly true that the Peerage was more numerous in 1700 than it had been in 1600, and, correspondingly, there were more dowagers in the later years of the Seventeenth Century. Cannon has identified 55 members of the Peerage in 1603, rising to '138 by the outbreak of the Civil War', and '173 at the start of the eighteenth century.'[168] In the case of this study, women who married, and then were widowed by, members of the nobility who had extensive landed or political interests in the North of England, were identified from the *Complete Peerage*. As shown in Appendix 1, the numbers of dowagers rose from five in 1600 to fourteen in 1700, peaking at sixteen in 1672. Although the widows are more numerous, fewer individuals were involved with litigation after 1655, therefore the proportions of widows concerned with the law decreased from 40 per cent in 1600 to 0 per cent in 1700. It is noticeable from the table in Appendix 1, that widows were involved with litigation constantly between 1595 and 1623, six individual cases between 1625 and 1640,

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168. J. Cannon, *Aristocratic Century: The Peerage of Eighteenth Century England* (Cambridge, 1984), pp. 13-14.

a gradual increase in business during the late 1640's and early 1650's, followed by a tiny proportion of women involved with the law after 1655.

Several factors may explain the changes in the proportion of noble widows involving themselves in litigation. Swartland has established the number of Peers entitled to sit in the Restoration House of Lords.[169] Of the 262 aristocrats named, 67 per cent were, or were descended from, Royalists, or those who had changed sides from Parliamentarian to Royalist during the Civil War. An Ordnance of 23 March 1643, demanded that all Royalists had to pay fines for their 'delinquency.' The amount paid depended upon the level of perceived delinquency. After July 1644 the Committee for Compounding, which sat in Goldsmith's Hall, negotiated terms with the delinquents and their families and County Committees dealt with enforcing the seizure of property. Usually the wife and family of the delinquent were granted a proportion of the value of the seized estates as income, but some Royalists such as the earls of Derby and Chesterfield, were deemed to be beyond reprieve and had their entire estates sequestrated. Therefore a large proportion of the nobility suffered from the financial burdens of sequestration or compounding. Often the widows of Royalists were forced to rely upon various Committees to assign them an income, hence the flurry of petitions during the Inter-Regnum. Government departments effectively dictating the level of income and where it

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169. A. Swartland, *The House of Lords in the Reign of Charles II* (Cambridge, 1996), pp. 266-271.

should come from, may have been the first stage in the nobility's need for the land law to be tightened up. Confiscation, sequestration and sales of land were the Seventeenth Century equivalents of attainder and forfeiture of previous civil conflicts.

It is fair to say, however, that the Inter-regnum years saw increased numbers of noblewomen petitioning the law Courts, admittedly as supplicants in need of relief rather than belligerent litigators. The wives of some prominent Royalists were forced to act on behalf of their husbands because their husbands were deemed to be so dangerous to the peace of the country. Margaret Lucas, the wife of the exiled marquess of Newcastle, noted the altered status of women seeking redress from the law, but did not necessarily approve.

The customs of England being changed as well as the laws, where women become pleaders, attorneys, petitioners and the like, running about with their several causes, complaining of their several grievances, exclaiming against their several enemies, bragging of their several favours they receive from the powerful, thus trafficking with idle words bring in false reports and vain discourse. For the truth is, our sex doth nothing but jostle for pre-eminence of words, (I mean not for speaking well but speaking much) as they do for pre-eminence of place... I despairing, being positively denied at Goldsmith's Hall (besides I had a firm faith or strong opinion that the pains was more than the gains) and being unpractised in public employments, unlearned in

their uncouth ways, ignorant of the humours and dispositions of those persons to whom I was to address my suit, and not knowing where the power lay and being not a good flatterer, I did not trouble myself or petition my enemies.[170]

Some women acted together in order to secure an income, for example, Phillippa, Lady Morley and her mother Lady Mary Caryll, even before the death of Lord Morley.[171] Even Rhoda Chapman, the wife of Ferdinando, Lord Fairfax and step-mother of the famous Parliamentarian general Thomas Fairfax had to petition the Committee for Compounding in 1650, in order to acquire income from the estate of her first husband. She acted with Lady Elizabeth Hussey in order to suspend the sequestration of the estate of Sir Edward Hussey, and on July 31 they received notice that the fine had been discharged by Parliament. Sir William Smith petitioned on behalf of his wife Mary, the widow of Henry, Baron Hilton in 1650 and in 1652, he was required to produce receipts from the estate in right of his wife's jointure.

The earl of Derby sent his wife Charlotte de la Tremouille to London to treat with Parliament in June 1647, and she wrote to her sister-in-law describing her duties. 'I have no power of attorney from Monsieur [the earl].... only a letter in which he tells me that whatever I may do

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170. C. H. Firth (ed.), *The Life of William Cavendish, Duke of Newcastle to which is added the True Relation of my Birth and Breeding by Margaret Cavendish, Duchess of Newcastle* (New York, 1886), p. 168.

171. Green (ed.), *CCC*, vol. 3 (London, 1891), p. 2278.

for his submission to Parliament he will subscribe to.'[172] Some months later she indicated her own lack of success in lobbying for money and hinted at the difficulties in enforcing in the North of England, settlements made in London. ' I am advised to go to Lancashire and try to live on what they have allowed my children for I receive no money; and I hope that my presence may facilitate the means employed for getting it.'[173] By 1649, the Derbys' financial situation had not improved and Countess Charlotte reported,

> I believed as you did that our business was accomplished and the person who hitherto managed it brought us the news with congratulations natural in the circumstances...when he got back to England he found everything in worse condition than ever, and some of our estates already given away.[174]

Countess Charlotte's situation did not improve after the Earl's execution in 1651. On March 25 1652 she indicated some of her legal difficulties.

> It is true that in one of their Courts after incredible trouble, I have succeeded in getting my marriage contract allowed, which settled on me, besides my dowry, certain estates, bought with

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172. Guizot de Witt, *Lady of Latham*, p. 123.

173. *Ibid.*, p.131.

174. *Ibid.*, p.142.

my own money, which is all I have for my five children. I must, however obtain the authorisation of another of their Courts in order to receive the revenues of the estates, and it is here that my enemies will endeavour to find me guilty; if this should happen, it will be necessary to present a petition to Parliament, which is a very difficult and tedious thing.[175]

Therefore, some women were able to appear before the Committees on behalf of husbands, on behalf of themselves and their families, in co-operation with other female relatives, or under the protection of later husbands, who would have benefited from income from jointure owed their wives from the estate of a previous spouse.

In some cases however, the Civil War activities of the women themselves coloured the attitudes of the Inter-Regnum authorities towards them. Katherine Wotton, Lady Stanhope was appointed lady-in-waiting to Charles I's daughter, Mary Princess of Orange. She was the daughter-in-law of the first earl of Chesterfield who was regarded as a notorious delinquent. She travelled to Holland with the Princess upon her marriage in 1642 and remained in her service, marrying a Dutch Court official. On 25 December 1651, the Council of State issued a warrant 'to apprehend Lady Stanhope, the wife of Herr Heinfleet, lately come from Holland to

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175. Guizot de Witt, *Lady of Latham*, p.208.

carry on designs to the prejudice of the peace, and seize all her papers.'[176] A fortnight later she was set at liberty and presumably returned to Holland. As she was resident abroad, she was not subject to years of compounding, but her contribution to the Royalist cause was such that Charles II granted her a life peerage, creating her countess of Chesterfield in her own right.

Charlotte de la Tremouille withstood a three month siege at Lathom House in Lancashire in 1644, and continued a policy of resistance in the Isle of Man until the defeat of Royalist hopes after the Battle of Worcester in 1651. On June 10 1653, Countess Charlotte was awarded '1/5 of the estate now sequestered for her own delinquency.'[177] In 1654, she petitioned Cromwell on the grounds that, 'as she conceives, she is the only woman that ever was sequestered for acting on that side which her husband adhered.'[178] Her activities were considered to be so belligerent that some kind of criminal prosecution against her was initiated. Lieutenant-Colonel Mitchell, Colonel Birch, Major Worsley, Lady Mary Stanley (Countess Charlotte's daughter) and various witnesses from the Isle of Man were ordered to be questioned in early 1652.[179] Countess Charlotte was not actually prosecuted for any alleged crimes committed during the

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176. Green (ed.), *CSPD, of the Commonwealth, 1651-52* (London, 1877), p. 148.

177. Green (ed.), *CCC*, vol. 2, p. 1104.

178. *Ibid.*, p. 1105.

179. Green (ed.), *CAM*, vol. 3, p. 1296

Civil War, but the authorities clearly viewed her as a delinquent in her own right. The Restoration did not always solve the financial predicaments of those who had been loyal to the monarchy. As Charlotte de la Tremouille found, Charles II was not in a position to restore land or property to his most loyal followers. Her husband was executed in 1651, after the Battle of Worcester, but his wife complained to her sister-in-law in France of the King's failure to restore any of their pre-war income. She was promised a Court position instead, unfortunately as Governess to Charles II's future legitimate children.[180]

Therefore, the Civil War and Inter-Regnum years mark a temporary upsurge in the involvement of women in legal processes, but the decline of the 1630's re-emerged after 1655. The circumstances of this decline may have their origins in the aftermath of the compounding and sequestration of noblemen such as the earls of Derby and Chesterfield. Others such as Lord Molyneux had to part with a sixth of their landed wealth, and as a large percentage of the nobility bore arms on behalf of the King, numerous nobles were forced to sell land, initially to support the Royalist army, later to pay for their delinquency.

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180. Guizot de Witt, *Lady of Latham*, p. 293.

Spring tentatively hints that the Strict Settlement became popular prior to the Civil War in order to avoid the privations of attainder.[181] Certainly, some historians acknowledge that the Strict Settlement was initially devised by a Royalist lawyer, Sir Orlando Bridgeman, and may have been a result of his experiences during the period 1640-60.[182] It is quite likely that the increased use of the Strict Settlement led to a decrease in the number of widows resorting to law in order to uphold the claims of daughters.

Basically, the Strict Settlement was a legal device initiated when the eldest son of a landowner married. After the death of his father, the son became tenant in chief of the family lands which were held by trustees, with special remainder to the future eldest son of the new marriage. Special conditions provided for younger children, daughter's portions and widow's incomes and the descent of property in the event of the failure of the male line. The tenant in chief could not freely alienate land or overturn provisions for other members of the family, and the trustees ensured that the settlement was adhered to. By defining the entitlements of each child before they were born, landowners managed to eradicate the need for long running and costly litigation in the next generation, thus keeping daughters and dowagers out of the Courts. Additionally, the settlement was dissolved and renegotiated at the time of the eldest son's

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181. Spring, *Land, Law and Family*, p. 140.

182. Canon, *Aristocratic Century*, p. 133.

marriage, thereby creating a new legal footing for the family estates at each generation. It would presumably be far more difficult to challenge a Strict Settlement on the basis of ancient documents dating back centuries as the early Seventeenth Century dowagers were able to do. Arguably, in devising the Strict Settlement, lawyers in the late Seventeenth Century succeeded in creating a legal instrument which harked back to the employment of the Use during the early Sixteenth Century. Under this system, land was held by trustees on behalf of the landowner, enabled the owner to dispose of his lands by will, enabling greater freedom of alienation than under the Strict Settlement, but at the time enabled landowners to avoid various feudal dues such as for wardship. Unfortunately, the nail in the coffin of the Use was the 1535 Statute of Uses, which authorized the levying of the feudal dues on to the benefactor of the land rather than the feofee. The amount of opposition to the Statute of Uses was such that Henry VIII was forced to pass the Statute of Wills five years later, thereby permitting landowners the right to will two thirds of land held by Knight Service and all that held in socage. As Coward has pointed out, in the immediate term, the land law became even more confused, particularly between equity and common law jurisdictions.[183] It was not until over a century later, with the removal of the feudal dues of wardship and marriage that the Strict Settlement was able to develop thus guaranteeing the descent of property to the next benefactor. In terms of the rights

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183. Coward, 'Disputed Inheritances,' p. 196.

of widows therefore, it meant a clearer delineation of what they and their descendants were able to claim, thus preventing litigation and protracted wrangling through the differing jurisdictions of the law courts.

It must also be remembered that widows could sue other widows in the courts. Lady Grace Cavendish sued her sister-in-law Jane Ogle, countess of Shrewsbury for,

> forcible entry on to the manor of Handsworth, whereof the said countess had ceded sole possession to the plaintiff in exchange for that of Rufford, siege of the plaintiff's servants in the washouse there, drinking sixty hogsheads of beer, forcible ejection of the plaintiff's servants from the manor of Bolsterstone and Shirland which she held in common with the said countess and from the manor of Rufford, perjury at Nottingham assizes etc.[184]

Jane Ogle had a powerful friend at Court in the person of Thomas Wentworth, future earl of Strafford. He wrote to her in February 1618, 'the Lady Grace by her counsel did yesterday move in Chancery for possession of a moiety of those lands she pretends rights in...'[185] Grace

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184.London, PRO, STAC 8 (Records of the Court of Star Chamber and Other Courts 1461-1641), 97/7. Grace Talbot was the daughter of George sixth earl of Shrewsbury and wife of Henry Cavendish (1550-1616), son of Elizabeth Hardwick.

185. Cooper, *Wentworth Papers*, pp. 109-110.

Cavendish was not without her supporters, as Wentworth wrote to the countess a day later, 'my Lord Cavendish himself declared to Mr Cookson he had been a means to my Lord Chancellor for my lady Grace.'[186] Jane Ogle may have inadvertently hampered her case as she was already in dispute with the Lord Chamberlain.[187] Wentworth wrote to Jane Ogle,

> for my Lord Chamberlain, he will not stir, nor hold arbitrament (sic) with you, unless he may have possession of Emley Lodge again and it is now too late for your Ladyship to contest with him...I will be bold to deliver my opinion unto you, I would advise your Ladyship to be pleased to write to my Lord Chamberlain, signifying that you will not run in any course displeasing to his lordship in matters of greater moment and therefore you will give up the Lodge to such as he shall appoint.[188]

Both Star Chamber and Chancery seem to have been involved with the Cavendish-Shrewsbury dispute and numerous relatives and courtiers were recruited for both sides. The incomplete state of the Wentworth correspondence and Star Chamber records means that it is impossible to conclude the outcome of the case. Suits involving women as plaintiffs and defendants are rare, but it is clear that this time  men worked exclusively on behalf of women.

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186. *Ibid.*, pp. 110-111; the Lord Chancellor was Thomas Egerton, Lord Ellesmere.

187. William Herbert, 3rd earl of Pembroke (1580-1630), Lord Chamberlain 1615-26.

188. Cooper, *Wentworth Papers*, p. 111.

In conclusion, access to legal help was not a difficulty for those such as Elizabeth Hardwick and Alice Spencer who had sufficient finances available to engage the best lawyers, and the political or social connections to ensure the best outcome for themselves. The seventeenth-century was characterised by a rising number of noble widows, but a declining number using the courts to challenge or uphold land settlements. The mid seventeenth-century peak of widows involved with litigation reflected a threat to noble, landed interests, but, this threat did not come from uncles or cousins but the State. Women were key players for the Royalist cause, and their forays to the courts at Westminster, to uphold family rights, centred upon the rights of land holding. Yet, whilst the number of women suing at law changed, one nature of their complaints did not. Elizabeth Hardwick resorted to the law when her son-in-law failed to pay her jointure in 1590, and Dorothea Helena, countess of Derby complained about the same problem in 1697. Thus, for such women, the problem did not lie with the law itself, but the enforcement of their entitlement. Yet the legal landscape had altered for widows between 1600 and 1700 through the changing methods of economic provision. The use of the annuity in lieu of jointure, with the agreement of the widow, and the adoption of the Strict Settlement meant that widows were more likely to be paid in cash or from estates specified at marriage. Stretton has argued that there was, 'a decline in control of land which came with the move from dower

thirds to money jointures.'[189] This would reduce the number of arguments about who controlled which parcel of land, but not necessarily force noblemen to pay up any more regularly. Furthermore, provision for their children was established at the time of marriage, and not dependent upon the statutes and laws of the medieval past, thus clarifying the inheritance rights of daughters at each generation. As Habbakuk has pointed out, 'the family estate remained intact in the hands of the eldest son, and younger children were provided for without burdening the estate.'[190] He adds, 'children had a legal claim to the portions fixed for them in

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189. Stretton, *Women Waging Law*, p. 236.

190. Habbakuk, 'Marriage Settlements,' p. 15.

the marriage settlements of their parents.'[191] By the late Seventeenth Century, feisty widows such as Alice Spencer and Margaret Russell, fighting for the rights of their daughters, were therefore excluded from waging law by the evolution of the legal system. The legal problems they were involved with were exactly the sort the Strict Settlement sought to solve.

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191. *Ibid.*, p. 20.

# NOBLEWOMEN & NETWORKS.

The extent of noblewomen's networks stretched over many different fields during the seventeenth century, but the one constant factor was that of family, although its format underwent constant change. Widowed noblewomen were, on the whole, able to choose the people who surrounded them:- family, servants, professionals such as architects or lawyers; musicians, poets who required patronage, and political figures of international, national or local importance. With such a diverse range of interests, noblewomen maintained complicated patterns of influence. Families did not remain static, but changed as for example, familial or property disputes altered previous allegiances. This chapter will examine the different networks of which noblewomen were a part and analyze the contributions they made to them.

Kinship was of great importance to the exercise of a noblewoman's political influence for example. Family links could, however, be incredibly complicated, and a widow such as Elizabeth Hardwick, who married four times, was the common factor linking a web of children, step-children, grandchildren, step-grandchildren as well as her own birth family. For Elizabeth, the connections between her Cavendish children, and her Talbot step-children were tied very strongly by the bonds of marriage, as when she married the sixth earl of Shrewsbury her eldest son Henry Cavendish married Shrewsbury's daughter Grace Talbot; and her daughter Mary Cavendish married Gilbert Talbot. This situation brought Elizabeth herself, and another female member of the Cavendish family, into the ranks of the peerage whilst the male representatives of the family had to wait until the reign of James I to be elevated. The marriage of one of Lady Shrewsbury's other daughters, Elizabeth, to Lord Lennox also raised the standing and

connections of the Cavendish family into the royal family, so it seems their initial social advancement (and some of their later problems) owed much to the ability of daughters to attract noble husbands.[192] Furthermore, even though Shrewsbury did not have a blood relationship with him, he was expected to contribute £5000 towards the betrothal of his step-son Charles Cavendish and Margaret Kitson.[193] The marriage of a widow with a nobleman at the same time as a union between their children seems to have been an accepted practice in noble circles. Alice Spencer, countess dowager of Derby married Lord Egerton in 1600, and her daughter Frances married his son sometime between 1600 and 1602. The countess was engaged in extensive legal battles with her brother-in-law the sixth earl of Derby, and if her claims were settled to her advantage, her three daughters would acquire a substantial inheritance, from which the Egerton family would benefit. Egerton himself had been a legal adviser to the Stanley family during the 1590's and rose through the ranks of the legal profession to become Lord Chancellor in 1603. The advantages to Alice of a marriage with Egerton are obvious - he could help her with her legal struggles, but when she allied her daughter into the same family, Egerton family interests became more closely bound with the Stanley legal case.

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192. Charles, earl of Lennox, 1555-1576, great-grandson of Henry VII through his daughter, Margaret Tudor.

193. Durant, *Bess of Hardwick*, p. 115.

The issue of long lasting legal challenges, as exemplified by Alice Spencer and Margaret Russell, fixes the widow's position at the hub of the family, enhances the idea of female dynasty and the widow's position within it. A woman such as Alice Spencer was the catalyst by which land, property and titles were alienated from one family and passed to another or others. From some of the evidence available it would seem that some women viewed themselves as a member of their own birth family, the final representatives of one family (in Alice's case the Stanleys), but the means by which future generations, her later descendants, would be well placed (even if they had a prestigious surname in the first place). For example the widows who were able to supervise the design and construction of their tombs often commemorated their own place at the head of, or within, a family network of their own creation. These monuments are important because they were an opportunity for a widow, or those close to her, to express her own achievements at the end of her life. Alice Spencer's elaborate tomb in Harefield church depicts her and her three daughters.[194] Alice's own parentage and her marriage to Ferdinando Stanley are mentioned, but her second union with Egerton is ignored, as is her eldest daughter Anne's second husband the earl of Castlehaven.[195]

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194. London, National Portrait Gallery Archive Engravings Collection (D108).

195. Castlehaven was at the centre of a sexual scandal involving allegations of rape, incest and sodomy, for which he was executed in 1631. As he was tried and condemned for this crime only six years before Alice Spencer's death, the name of Castlehaven was clearly unsuitable to grace her tomb.

Alice herself is thus the focus of Spencer-Stanley descent and the focal point from which are descended the bloodlines of Chandos, Bridgewater and Huntingdon. By describing her daughters as 'coheirs' of their father, Alice also emphasises that these families benefit from their Stanley inheritance.

Margaret Russell's tomb in Appleby church was not commissioned by her, but by her daughter, Lady Anne Clifford. It depicts her in prayer, and does not give any clue about her role in fighting for her daughter's inheritance. Lady Anne was responsible for the design of her mother's and her own tombs, and it is the latter which graphically illustrates Lady Anne's noble ancestry, herself and her two daughters, in the form of coats-of-arms, thus providing a link (in the form of Lady Anne) between past and future generations of her own family, which was different from that of her husband. The Sackville heritage of Lady Anne's daughters is simply represented by the inclusion of the coat-of-arms of their father, the earl of Dorset.

Elizabeth Hardwick behaved in a similar way, although she enhanced the fortunes of a dynasty, rather than transmitting a noble heritage, lands and titles. Therefore, her position within the family hierarchy was at the very top. Elizabeth chose not to be buried with any of her husbands; William Cavendish, the father of her children, was interred in St.Botolph's Aldgate,

and Shrewsbury in Sheffield.[196] She was buried in All Hallows Church, Derby, later to become a cathedral, in the midst of her native county, where she had aggrandized her own landholdings to pass to future generations of Cavendishes.[197]

Eighteen widows in all are definitely buried apart from their aristocratic husbands. Of those couples where each partner only married once, thirteen out of twenty six are buried together, seven are apart and for six it is not known whether they were buried apart or not.

Certain spirited noblewomen therefore, were able to completely define their dynastic role in their final statement to the world. By choosing to be buried away from husbands they disengaged them from the dynastic process, reducing them to a small mention (not even a statue) in the main body of the inscription, if they were referred to at all. By being buried in a location of her choosing, and emphasising that the future generations of the family were hers, rather than a joint production with her husband, Elizabeth Hardwick for example created an impression of a dynasty of which she alone was the head. Furthermore, successive congregations, including her descendants, would be reminded of the fact every time they prayed in the church.

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196. Durant, *Bess of Hardwick*, pp. 30, 150.

197. *Ibid.*, p. 225.

Of course, the links with her late husband's family were never completely eradicated, as the widow had the right to an income from his estates in the form of jointure or dower, and her daughters were still members of that family. However, to some extent, if a woman had been widowed for a long time, the importance of the family into which she had originally married may have been eroded by her own remarriage, the marriages of her children and the existence of grandchildren. This process of attrition would have been exacerbated by the legal arguments against their brothers-in-law undertaken by Margaret Russell and Alice Spencer. Thus, particularly if the widow's only children were daughters, she became occupied with the creation of new family networks as her immediate family grew older, taking her into the orbit of other families and distancing her from the sphere of the family she married into. Documentary evidence also attests to the sense that mothers and daughters could perceive their own bloodline, as Lady Anne Clifford wrote in 1615, when she sent a picture of herself to her mother, 'I know you will accept the shadow of her whose substance is come from yourself.'[198]

If widows wished to see their bloodline continued, they had to seek suitable marriage partners for their children. As demonstrated above, only two widows married their children to step-

children, tying the family links closer. Both of these took place in the late sixteenth or early seventeenth centuries. Alternatively, women had to actively seek out suitable partners for their offspring, or, those with daughters of marriageable age were courted by aristocrats (often men) who wished to seek an alliance with their family, and acquire a substantial marriage portion and/or inheritance. Either way, women were keen participants in forging new links and familial networks, often becoming dominant forces within the negotiations. Frances Pierrepont, duchess of Newcastle, ensured that her daughters were well matched. She held strong opinions upon the choice of bridegroom even whilst her husband was alive.[199] Sir John Reresby reported the upheaval caused at Welbeck, the family home, when the duke and duchess quarrelled over the choices put forward as potential bridegrooms for their three daughters in 1686.

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198. W. D. Macray, J. Stevenson, W. O. Hewlett, J. J. Cartwright, and H. Le Strange (eds.), Royal Commission for Historical Manuscripts, *Duke of Leeds MSS, Bridgewater Trust MSS, Reading Corporation, Inner Temple MSS and Hothfield MSS etc* (London, 1888), p. 83.

199. For a discussion of the role of married women in arranging marriages, see R. O'Day, 'Tudor and Stuart Women: Their Lives Through their Letters', in J. Daybell (ed.), *Early Women's Letter-Writing, 1450-1700* (Basingstoke, 2001), p. 131.

The young ladies took the part of the mother and joined with her against their father, which infinitely troubled my Lord Duke. He desired me to go and speak to the Duchess and his daughters to make them friends, which I endeavoured all I could, but to no purpose.... in this humour he burnt his will and made another settlement, not at all to the advantage of those daughters.[200]

The duke and duchess separated for over six months over the matter, but the issue of his will could have had serious ramifications for the dowager duchess had he died and it been legally enforceable. If it practically disinherited his daughters, their marriage prospects would have been less attractive. By the time she was widowed in 1691, Frances Pierrepont had two daughters, Arabella and Elizabeth, unmarried. The events surrounding Arabella's betrothal and marriage to Lord Spencer contrast with the domestic disharmony which erupted during negotiations involving her sisters. Lord Sunderland, Spencer's father, seems to have asked an intermediary to treat with Arabella's family, and he also wrote to Frances Pierrepont's son-in-law, the new duke of Newcastle in July 1694, adding, 'it is on your friendship and good offices I depend.'[201] It seems that given the duchess' persistent attitude in 1686, Sunderland under-estimated her influence, although he need not have feared a belligerent policy of opposition as

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200. Browning, *Memoirs of Sir John Reresby*, p. 437.

201. Daniell (ed.), Royal Commission for Historical Manuscripts, *Portland MSS*, ii, p. 168.

Lord Spencer's personality was most acceptable. Twelve days later, the duchess wrote to her sister the marchioness of Halifax, 'as to the proposal for my daughter Bell, I do very well approve, the young lord having the character of sobriety and good humour it is rare to find with. We have both desired the duke of Newcastle to treat for us.'

During the early seventeenth century, marriages were sometimes the result of the sale and purchase of a ward.[202] If a nobleman died leaving a minor as his heir or heiress, the Crown was entitled to income from one third of his or her lands, and could sell the minor's marriage to the highest bidder, irrespective of the wishes of the child or his or her family. Until it was abolished in 1660, the Court of Wards was a device by which the Crown could sell its interest in the inheritances of minors, and those who purchased such commodities applied to the queen or the Master of the Court of Wards, but not to the surviving widow, mother or step-mother of the child. They sought to aggrandise their own families by marrying themselves or one of their own children to the ward, or benefit from some form of political advantage. The very nature of wardship depended upon the death of the father before his eldest child reached his or her majority or marriage, so any discussion of the implications of wardship involved the provision made for his child by the father, which was presumably accomplished with the agreement of the mother. To some extent this overshadows the involvement of the widow, who was forced to

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202. Stone, *Crisis*, pp. 600-602.

oversee the settling of affairs after the death of her husband, including her children's financial welfare. As has been demonstrated in the chapter about politics, the marriages of the northern nobility were regarded as politically expedient in view of the 1569 rebellion and the inability of the Tudor regime to trust the native Percy, Neville or Dacre families. The involvement of courtiers such as Leicester and Bedford (who purchased the wardship of George, third earl of Cumberland), in the marriages of Earl George and Ferdinando Stanley ensured that their wives were of good Protestant background, thus bolstering the Elizabethan regime in the north of England.[203] It seems that negotiations for the marriage of George Clifford and Margaret Russell began prior to the death of the second earl in 1570, and so Bedford sought to control the young earl's wardship before anyone else.[204] Before the second earl's death, he and his wife, Anne Dacre had placed George in the household of one of her sisters, Magdalene, Viscountess Montague. The education of elder sons in alternative noble households was not new, indeed, was to be expected as part of a well rounded education, but as George Clifford was lodged with his Dacre kindred, it seems likely that his mother had influenced where he would go. The Dacre family were disgraced during the 1569 uprising and so the dowager countess arguably lost a great deal of control over her son's education when he

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203. R. T. Spence, *The Privateering Earl: George Clifford, 3rd Earl of Cumberland 1558-1605* (Stroud, 1995), pp. 14-15.

204. *Ibid.*, p.18.

was removed from the care of his aunt and uncle into the household of Bedford. Anne Dacre's feelings about her son's removal from her family's sphere of influence are apparently unrecorded, but contrast with the experience of her daughter-in-law, Countess Margaret. She was able to remain in control of her daughter Anne's marriage to Richard Sackville in 1609. At the time of his marriage Sackville's father, the earl of Dorset was on his deathbed, and the marriage was held in haste to keep him out of the clutches of the wardship system (in particular the duke of Lennox).[205] Spence also points out that whilst Lady Anne's marriage was a hasty affair, she had known Sackville for some time, and had been on the marriage market for about four years before she finally wed. The girl herself was consulted by her father, and latterly her mother, who had suffered from incompatibility with her husband and knew what benefits mutual affection could bring. Likewise, Alice Spencer was able to negotiate marriages for her three daughters and her overtures for the son of the earl of Huntingdon for her daughter Elizabeth, obviously took place before he could fall into the hands of the Master of the Court of Wards. A letter to Cecil from the earl, written in 1600, reveals his intentions for his son. 'If he is called away during his boy's minority, his boy is to be disposed of by Cecil, with the queen's consent. He has agreed with the Countess of Derby to match him with her daughter and begs

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205. Spence, *Lady Anne Clifford*, p. 21; Stone, *Crisis*, p. 601.

Cecil to further the matter.'[206] The dowager countess was also matchmaking at the end of her life, when under the terms of her will she made provision for the marriage of her grandson Lord Chandos and Lady Susanna Montagu.[207]

More politically stable times enabled both men and women to play the wardship game in relation to their children's marriages by agreeing to a union some years before the death of the boy's father; thus enabling his parents, in principle, to have some degree of control over who their son married. Only in twenty cases from the sample was the male heir (if there was one) married before his father's death. Although women became their children's guardian, the processes by which they did so remain unresolved and the absence of surviving records from the Court of Wards and Liveries means that general conclusions must be speculative. As Stone argues, 'the evidence for this sordid traffic is fragmentary, and few of the items can be traced right through.'[208] The right of widows to bring up their children seem to have been accepted by the seventeenth century, and they were able to connive with the fathers of heirs to minimise or preferably eliminate the claims of the Court of Wards by agreeing to their children's marriage

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206. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, x (London, 1904), p. 314.

207. London, PRO, PROB 11/190/122.

208. Stone, *Crisis*, p. 601.

before they inherited. The actions undertaken by the second earl of Cumberland, second earl of Dorset and George, earl of Huntingdon aimed to retain control of their children's marriage even if that marriage took place after their own death, keep their estates from the grasping hands of a guardian who would not act in the child's interest and bring as stable transfer of tenure as was possible to their estates. The connections and kin would thus be those desired primarily by the father. This may have sidelined the widow, and it is here that fragmentary evidence gives way to supposition. On the one hand, depending upon the level of cooperation between husband and wife prior to the agreement for marriage, the wife / widow could have been influential in marriage negotiations, as Anne Dacre was in 1570, or totally sidelined. On the other, women such as Alice Spencer and Margaret Russell retained full control over who their children married and were able to manipulate the wardship system in order to gain the connections that they wanted for their children, possibly to the detriment of other widows.

For some widows, the burden of finding partners for their children was potentially hindered by family loyalties expressed during the Civil War. The expense of raising and equipping troops, coupled in the Royalists' case with the burden of paying fines for delinquency and having estates confiscated placed them under fiscal hardship. The need to attract a reasonably wealthy partner in order to repair family fortunes coupled with the need to provide a decent marriage portion for daughters was a difficult balancing act for some widows. It would be understandable given the financial circumstances of the Royalists that they would seek alliances with the new elite; for example, Viscount Fairfax's daughter Mary married the Royalist duke of Buckingham. New connections would potentially ease their financial burdens and provide them with access to political figures. Charlotte de la Tremouille, the widow of the

Royalist seventh earl of Derby laboured under straitened financial circumstances after the execution of her husband in 1651. (For further details see the economics of widowhood, p.22) Nevertheless, the marriages she arranged for her daughters strengthened her links to the Royalist cause, and, given her temperament, it is highly unlikely that she would seek reconciliation with the government regimes through marriage. In 1652, Countess Charlotte's eldest daughter Catherine married the marquess of Dorchester who compounded for over £7 000 in 1647; Amelia married the earl of Athol in 1659 and Henrietta Maria married William Wentworth in 1655.[209] Athol joined the King's party in 1653, and whilst Wentworth spent the Civil War abroad, his estate was sequestered by Parliament and he could not use his father's title until the earldom of Strafford was regranted at the restoration of the monarchy.[210] It was with something approaching relief that Countess Charlotte described the chief attributes of Lord Dorchester to her sister-in-law. 'I was very far from thinking of such a marriage in our poverty, or indeed of any marriage. He is sensible, clever and rich having about fourteen thousand a year, his brothers and sisters provided for and money in his purse... he has given her a ring and a bracelet clasp worth ten thousand crowns. She will be a rich woman..'[211] In 1659,

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209. Guizot de Witt, *Lady of Latham*, pp. 210, 216, 229.

210. For Athol, see C. P. Gibbs & G. E. Cockayne (eds.), *C P*, i, (London, 1910), p. 315; Wentworth, Cockayne & G. White (eds.), *CP*, xii (London, 1953), p. 327.

211. Guizot de Witt, *Lady of Latham*, pp. 210-211.

she wrote in a similar vein about Lord Athol, whose main attraction was his rent roll of over £30 000 per year. The marital history of Henrietta Maria Stanley is more complicated. She seems to have been betrothed whilst still a child to Viscount Molyneux, a Royalist officer who owned land in Lancashire, close to the Stanleys. In a news book relating details of conditions on the Isle of Man in 1651, she is referred to as 'Lady Molyneux,' but in 1652 he married Frances Seymour.[212] It is not possible to ascertain why the marriage did not take place, and either party could have ended the betrothal for personal or financial reasons.

The other woman to be widowed as a direct result of the Civil War was Mary Thorold, wife of another Royalist, William, Lord Widdrington. Her eldest son, also William, married in 1654 Elizabeth Bertie, whose grandfather, the first earl of Lindsey, was killed at Edgehill fighting for the King, and two of whose uncles died for the same cause.[213]

Rosenthal has demonstrated that during the Wars of the Roses, some widows were initially married to a nobleman fighting on one side, then after being widowed, married another nobleman, but one fighting on the opposing side to her first husband. He cites the example of

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212. T. A. Earle and R. D. Ratcliffe, 'The Child Marriage of Richard, Second Viscount Molyneux, With Some Notices of His Life', *Transactions of the Historical Society of Lancashire and Cheshir*e, New Series, vii & viii (1893), 245-278.

213. H. A. Doubleday & Howard de Walden (eds.), *CP*, viii (London, 1932), pp. 19-21.

Elizabeth Wydville who 'turned in no significant interval from the role of Lancastrian widow to Yorkist queen.'[214] This does not seem to have happened to those Civil War widows within this survey. Of the two women whose husbands were killed or executed, both men were of the Royalist party, but neither of their widows, Charlotte de la Tremouille or Mary Thorold remarried. Of those ten widows whose husbands died during the period of conflict or during the inter-regnum, only three remarried. Elizabeth Smith, Lady Fairfax married Sir John Goodricke in 1653; Frances Seymour, Viscountess Molyneux married the earl of Southampton in 1659 and Conyers Darcy in 1676. Anne Villiers, Countess of Sussex married Richard Pelson at an unknown date. Sir John Goodricke and Lord Darcy fought for the Royalists, and the earl of Southampton signed the King's declaration of surrender in 1646 and attended his funeral in 1649.[215]

Although Katherine Wotton, Lady Stanhope was not widowed as a result of military action during the Civil War, her service in the household of the Princess of Orange brought her into contact with the court in exile. She was a devoted Royalist, and, after marrying a Dutch

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214. Rosenthal, 'Other Victims', *History*, lxxii, (1987), 224.

215. The precise sympathies of Elizabeth Smith's first husband, William, Lord Fairfax of Emley and Anne Villiers' second husband, are unclear. The Lords Fairfax of Emley are not to be confused with Lords Fairfax of Cameron see table pp. 20.

official, Jan Polyander van Kirkhoven, for her third husband took Daniel O'Neale, a leading member of the court circle.[216] Her service to the Stuarts continued during the 1640's and 1650's and given her intimate position at the highest levels of Cavalier society, it is unsurprising that she should remarry a character whose sympathies were in keeping with her own demonstrably political outlook.

The Civil War networks surrounding Christian Bruce, countess dowager of Devonshire were more complicated. Countess Christian was a committed Royalist, but, like Katherine Wotton, her precise role within the King's circle is difficult to pin down. A commemoration of her life written sometime after her death in 1675 by Thomas Pomfret extolled her position at the centre of Royalist politics.

She had continual correspondencies with such persons both in England and Scotland as she found would assist the resettlement of the King, and the recovery of Church and State from those thraldoms under which they both groaned. To this end, many letters passed between her and the duke of Hamilton, the earls of Holland and Norwich... and many others of excellent conduct: which letters were both written and received in characters; in the writing and opening

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216. Gibbs & Doubleday (eds.), *CP*, iii (London, 1913), p. 180.

of which she instructed none but her nephew, the lord Bruce (now earl of Ailesbury) and her chaplain Mr Goode.[217]

Pomfret also asserts that after the capture of Charles I, the janissaries of the rebel army by the basest treachery and violence soon made themselves masters of the King's person and carrying him from place to place, whether they pleased they brought him to Latimers, where our noble lady then happening then to be with her son the earl of Devonshire, his Majesty had much private consultation with her concerning the state of his affairs, and at the same time expressed both to her and the Earl the great sense he had of the faithful services they had done him.[218]

Writing at least twenty five years after the Restoration, and not necessarily having met his subject in person, Pomfret was keen to emphasise the loyalty of Lords Devonshire and Ailesbury to the Stuart regime through Christian Bruce, probably in order to garner future patronage from them. Twelve pages are directly devoted to the conduct of Devonshire and his brother Colonel Charles Cavendish during the wars, the latter being killed near Gainsborough 'in cold blood... after quarter given,' a reassertion of the treacherous nature of the Parliamentary forces.[219] It is possible that given Lady Devonshire's forceful personality, her

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217. T. Pomfret, *The Life of Christian, Late Countess of Devonshire* (London, 1685), pp. 72-73.

218. Pomfret, *Life of Christian, Late Countess of Devonshire*, p. 65.

219. *Ibid.*, p. 54.

sons were encouraged by her to take the Royalist side. In 1637, Lady Leicester wrote of her, 'she speaks much of the liberty she gives her son, and yet everyone perceives that he dares not eat or drink but as she appoints.'[220]

Irrespective of the outpourings of Pomfret, it is clear that Christian Bruce was an active supporter of the Royalist cause. On 4 October 1653, she wrote a letter to Lord Bruce describing the ladies within her circle.

My lady Carlisle comes to be a neighbour within two or three days. Much of our discourse here is of ladies who come from France. My lady Ormond embarked a week ago, as her children told me yesterday. My lady Derby and many more that come hither have enjoined me to present their services to my sister.[221]

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220.G. Dynfnallt-Owen (ed.), Royal Commission for Historical Manuscripts, *De Lisle & Dudley MSS*, vi (London, 1966), p. 101.

221. Royal Commission for Historical Manuscripts, *15th Report, Somerset, Ailesbury & Puleston MSS* (London, 1898), p. 158. Lady Carlisle was possibly Lucy Percy, an influential member of the queen's household; Lord Ormond attended the King in exile in France and Flanders and Lady Derby was either Charlotte de la Tremouille, or her daughter-in-law.

In 1659, Hyde, the future Charles II's Lord High Chancellor, wrote to Lord Mordaunt, 'when the King was ready to set out on Sunday last he left order that such money as should come was to be immediately spent on arms and ammunition, but as yet none mentioned by Mordaunt has come, nor that from Lady Devonshire...'[222] The Committee for the Advance of Money also assessed her for £1000, but from the brief entry in their records, it appears that only three hundred pounds of it was ever paid.[223] Correspondence in the British Library shows that Countess Christian worked on behalf of, and was in direct contact with, the imprisoned earl of Lauderdale in 1658.[224] She reported on 5th April,

I am confident that he (Oliver Cromwell, Lord Protector) will show your Lordship as much favour as he possibly can... your Lordship has one powerful enemy, but truly I find you have very many friends...my Lord George (Fleetwood) hath not left one person in the council unsolicited that can be of use to you.[225]

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222. F. J. Routledge (ed.), *Calendar of the Clarendon Papers in the Bodleian Library, vol. IV: 1657-60* (Oxford, 1932) p. 275.

223. Green (ed.), *CAM, 1642-56*, vol. 1, p. 363.

224. John Maitland, 2nd earl of Lauderdale (1616-82), taken prisoner after the battle of Worcester in 1651; created 1st duke of Lauderdale in 1672.

225. London, B(ritish) L(ibrary), Add(itional) MS, 38,855 f. 86.

By June, the case had not advanced as far as the countess would have liked and she wrote to Lauderdale, 'God knows all those that hath to do in affairs find it a very slow proceeding and I believe in your Lordship's particular more than ordinary difficulty.'[226]

Yet, whilst she was actively supporting the Royalist cause, her family links brought her within the orbit of the Cromwell family. Her daughter Anne married the heir to the earl of Warwick in 1635 prior to the outbreak of hostilities, and their son Robert Rich, married Frances, daughter of Protector Cromwell in 1657. In 1658 Countess Christian wrote to Lady Frances when her sister, Elizabeth Claypole, was dangerously ill, 'I bear a great part of your trouble and grief at this time for your worthy sister,' and then gave a remedy for Elizabeth's ease.[227] One week later she wrote again to Lady Frances 'condoling with her on the death of her sister...and offering unfeigned sympathy to the Lord Protector and Her Highness in their sorrow.' Christian Bruce was thus able to contribute towards the Royalist cause whilst at the same time supporting her Parliamentarian relatives by marriage at a time of bereavement. The second earl of Warwick was a Parliamentarian and may have prevented her from being excessively financially penalized during the Inter-regnum.

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226. London, BL, Add. MS, 38,855 f. 88.

Such connections did not hinder her position within Restoration society because upon the return of Charles II to England he and his brothers were regular visitors to the dowager Countess of Devonshire's estate at Roehampton. A correspondent of Sir Richard Leveson described how in June 1660 'the king and two dukes dined upon Saturday at Roehampton at the Countess of Devonshire's and General Monk with them, where they were gallantly treated, and, after dinner the king and the two dukes danced with the ladies above an hour and danced rarely well as one that saw them dance told me, who hath very good judgement.' [228] Two years later, on 27 September 1662, the earl of Devonshire wrote of 'my mother's being well, and no news but the duke of York surprising her on Thursday after hunting.'[229]

Of those women who remained in England and articulated their own political viewpoints during the 1640's and 1650's, it appears that financially, politically and socially Christian Bruce fared the best in the long run. Her experiences contrast sharply with those of Charlotte de la Tremouille who maintained a belligerent opposition to the Commonwealth and Protectorate, was continually fined by the government, yet did not receive (in her opinion)

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227. R. A. F. R. Astley (ed.), Royal Commission for Historical Manuscripts, *Frankland, Russell, Astley MSS* (London, 1900), p. 23.

228. Royal Commission for Historical Manuscripts, *5th Report, Duke of Sutherland's MSS* (London, 1876), p. 265.

229. Royal Commission for Historical Manuscripts, *15th Report*, p. 165.

adequate compensation from Charles II for the loss of estates, revenue, personal property and the execution of her husband. One dowager Countess was able to make the most of her connections and by using a measure of diplomacy and tact could support her favoured cause without being overly penalised; the other always maintained a rigid, uncompromising stance only to be disappointed by a lack of recompense at the Restoration.

It would appear from these admittedly limited samples that during the 1640's and 1650's widows helped maintain a network of Royalist sympathisers, marrying their children into other families which had suffered from sequestration and compounding rather than into the new ruling families. This is a reversal of Rosenthal's findings, that some women 'changed sides' when they remarried. This probably reflects the longer period of warfare of a more complicated nature, with a different political ideology, endured during the Wars of the Roses, but may also indicate that women during the seventeenth century held their own uncompromising political principles.

As far as remarriage in general goes, it could provide an opportunity for a widow to extend her personal and social networks. As can be seen from the table on pp.7-8, of the total number of women in this survey, 30% chose to remarry and 13% had previously been married to men who were not members of the Northern nobility. Some women remarried into the peerage from outside it (Elizabeth Hardwick, Anne Packington and Marianna Irwin for example), whilst some married into the peerage with their first marriage. Just because a woman was not born into a peerage family does not mean that she lacked wealth or social connections, after all she was unlikely to attract a noble husband without them. However, in remarrying new familial and social networks were created as Warnicke has pointed out. 'Lady Danvers's major reason for remarriage may have been primarily social. Her husband was a brother of the earl of Danby

and a friend of the Prince of Wales. Shortly after their wedding she participated in John Marston's entertainment for the Countess of Derby. Her new marriage thus elevated her social standing and provided important new contacts for one of her children George, who married a relative of his step-father's.'[230] This is a similar story to the marriage of Bess of Hardwick and the earl of Shrewsbury as outlined above and can be applied to others. Sir John Bennet was the brother of the earl of Arlington, the confidante of Queen Henrietta Maria, and the second husband of Elizabeth Cranfield, countess dowager of Mulgrave, whom he helped with a legal case involving alum extraction. Raphael Tartareau, second husband of Mary Caryll, viscountess Molyneux was Carver to Queen Henrietta Maria, and presumably was a member of the queen's Court circle.

However, whilst the remarriage of a widow to a prominent man might afford her greater social prestige, arguably the same is true of a man who married a prominent (and wealthy) widow. Of those women who did remarry, fourteen out of sixteen or 87.5%, next married men who were not members of the peerage. The women who remarried these men after their key marriage, seem to have kept their noble titles. Alice Spencer was still known as Lady Derby after her marriage to Egerton (who was only elevated to the peerage in 1603, as a Baron, lower

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230. R. Warnicke, 'Eulogies for Women: Public Testimony of their Godly Example and Leadership,' in B. S. Travitsky and A. Seef (eds.), *Attending to Women in Early Modern England* (London, 1994), p. 175.

in the social scale to an earl, her previous husband) in 1600. Her correspondence with her nephew Robert Spencer dating from 1600-1603 is signed with an elaborate A. Derby.[231] Later in the century, Elizabeth Wriothesley, the widow of Josceline Percy, eleventh earl of Northumberland was frequently referred to by her noble title after her marriage to Ralph Montagu. Montagu's biographer has concluded that Lady Northumberland's rank and connections at Court enabled her husband to advance his career.[232] Again, just because these men did not hold a noble title does not mean to say that they were uninfluential. Sir John Goodricke, the second husband of Elizabeth Smith, had been forced to sell land in order to pay composition fines levied in 1646. He married Elizabeth, Viscountess Fairfax, seven years later, in 1653 and Roebuck argues that 'only after a second marriage (to Elizabeth), did he re-establish himself and his family.'[233] This suggests that remarriage with an aristocratic widow greatly contributed to his later social and financial prosperity. He had re-established himself so firmly that in 1663 he had agreed to contribute towards the cost of supplying new stained glass for Ripon Minster, but instructed the glazier 'to take care my arms are placed according to my rank.'[234] Even those men with an aristocratic title could acquire further wealth and prestige

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231. BL, Add. MS 25,079, ff. 53 & 59.

232. Metzger, *Duke of Montagu*, pp. 114-115.

233. P. Roebuck, *Yorkshire Baronets 1640-1760* (Oxford, 1980) p. 45.

234. *Ibid.*, p. 261.

from a suitable wife. Elizabeth Percy was the only surviving child of Josceline Percy, eleventh earl of Northumberland, and his wife Elizabeth Wriothesley. After the death of the earl of Ogle, she was widowed for the first time in 1680 at the age of fourteen; a year later she was widowed for the second time and in 1682 married Charles Seymour, Duke of Somerset. The *Dictionary of National Biography* attributes 'all his wealth and half his importance' to his marriage with Elizabeth Percy.[235] Admittedly, Elizabeth Percy is unusual in that she was widowed twice in quick succession at such a young age and was a substantial heiress in her own right. Nonetheless, like her mother, she provided wealth and important social connections for her final husband.

Therefore, to some extent Warnicke is correct that a woman could remarry for the benefit of increased social status and more influential connections, but the converse is also true, that men remarried for the same reason.

Whilst family networks could provide unity and support for a widow, they could also be the source of discord, sometimes requiring the widow to look outside the immediate family for support. The right of daughters to inherit property and titles from their fathers was an obvious area of conflict for a widow, which had ramifications outside the immediate family orbit.

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235. Lees (ed.), *DNB*, li, p. 297.

Shortly before the death of her husband, Alice Spencer wrote to Robert Cecil, soliciting support for future action she might face.[236] Cecil was in fact the uncle of Elizabeth de Vere, who married Countess Alice's brother-in-law, the sixth earl in 1596. Due to his family connections he proved to be unwilling to help her. Alice Spencer retained good relationships with her daughters during the period 1594 - 1607, because they shared a common interest in acquiring land. Where sons were concerned the situation could be quite different, as widows could claim land as jointure which they believed was theirs by rights. Such arguments could be exacerbated by a poor relationship between mother and son in the first place. Two later Countesses of Derby, Charlotte de la Tremouille and Dorothea Helena de Rupa had difficult relationships with their eldest sons during the mid to late seventeenth century.

During the Civil War, Charlotte de la Tremouille's son Charles married Dorothea Helena, a woman she deemed to be totally unsuitable for him, and the breach in their relationship was never properly healed. Although Earl Charles' involvement in a Royalist plot in 1659 led to a thawing of his relationship with his mother, it proved to be temporary. When some of the Stanley estates were returned to the family at the Restoration, she maintained that they should

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236. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, iv (London, 1892), p. 508.

have been granted to her.[237] Yet whilst Countess Charlotte had a rather stormy relationship with her eldest son, her three daughters in contrast, who could not threaten her claim to income from the Stanley estates, enjoyed a more cordial relationship with her. When it was Dorothea Helena's turn to become countess dowager, her relationship with the new earl also came under stress. In 1673, the year after the death of his father, the new earl embarked upon a foreign tour. His behaviour in Paris caused his mother and guardian, the duke of Ormonde a great deal of consternation.[238] The young earl accused his companion, possibly appointed by Ormonde, of trying to defraud, rob and murder him. Ormonde and the dowager countess clearly believed the worst of the earl. Dorothea Helena wrote to Ormonde, 'I am so much ashamed for it that I dare never see your Grace or my Lady Duchess...My Lord, I am not capable to advise in this affair which has so bad an aspect that it threatens no less than the ruin of his family.'[239] The rest of the surviving correspondence concerning the matter is between Derby and Ormonde, implying that the latter took a leading role in mentoring him, but clearly the episode distressed the dowager countess.[240] Later, in 1697, she sued her son in order to force him to pay her what she believed to be her rightful dower.[241]

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237. Guizot de Witt, *Lady of Latham*, p. 270.

238. James Butler (1610-88), created 1st duke of Ormonde 1661.

239. BL, Add. MS. 33,589, f. 192.

240. BL, Add MS, 33,589, ff. 194, 198 & 199.

241. Skene and Taylor (eds.), Royal Commission for Historical Manuscripts, *House of Lords MSS 1695-1697*, p. 537.

Elizabeth Hardwick's youngest daughter Mary also fell foul of her mother by virtue of the conduct of her husband Gilbert Talbot, sixth earl of Shrewsbury. Arguably, by being both mother-in-law and step-mother to Talbot, the chances of conflict with him were greater, particularly over the issue of jointure. Gilbert had been supportive of her when she experienced difficulties with her final husband, Gilbert's father, the sixth earl of Shrewsbury. However, after his death Gilbert assumed responsibility for his father's will. Faced with the need to pay off his own, his late brother's and his father's debts he was unable to pay Elizabeth's jointure on time, leading to hostility from her and a distancing from her daughter Mary, (see p.42 & p.58).

The unity between Alice Spencer and her daughter Frances, who married her step-brother John Egerton, also disappeared. Jones has argued 'the Countess was unable to exercise any influence over the young couple, and soon came to treat her daughter with hostility and aversion. Indeed she may have believed herself to be thwarted by John Egerton, a capable person who took over the running of his father's estates and private business.'[242] Thus, whilst Alice Spencer initially looked to the Lord Chancellor's family as a means of supporting her and her daughter's legal

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241. Skene and Taylor (eds.), Royal Commission for Historical Manuscripts, *House of Lords MSS 1695-1697*, p. 537.

242. W. J. Jones, *The Elizabethan Court of Chancery* (Oxford, 1967), p. 94.

case, once she became a central character within the Egerton network, her authority over the familial financial interests was such that her position became one of interference rather than influence. Such a situation implies that Alice Spencer sought to control the Egerton portion of the Stanley inheritance once it passed into the hands of the male representatives of the family.

Altercations stemming from breaches of the law appear to have occurred rarely. In fact, by supporting the King in 1659, the earl of Derby arguably earned some respect from his mother. Elizabeth Hardwick had a poor relationship with her eldest son Henry Cavendish, largely because of his bad behaviour. He was not included in his mother's will and any dynastic dreams she may have had of him were shattered by the failure of Henry and his wife to conceive a child. His most serious misdemeanour was to encourage his niece Arbella Stuart to react against the constraints of her residence with her grandmother at Hardwick. Arbella was the only child of Lady Shrewsbury's daughter Elizabeth Cavendish and her husband the earl of Lennox. The earl was descended from Margaret Tudor, daughter of Henry VII, and therefore possessed royal blood. After the death of her parents before she was eight years old, Arbella was brought up by Elizabeth Hardwick and her Cavendish aunts and uncles. In 1602, she was twenty seven years old, still living under her maternal grandmother's roof and still unmarried. An attempt by Arbella to escape from the dowager countess's clutches resulted in a visit from Sir Henry Brounker, on behalf of the queen, to discover what was going on. In January 1602, Elizabeth I dictated that Arbella was to remain at Hardwick under close supervision. On 10 March however, Henry Cavendish assisted by a Catholic named Stapleton, attempted to remove Arbella from Hardwick. The lords of the Council once again sent Brounker to investigate, but because the queen was now dying, the prime interest of Sir Robert Cecil was the smooth transition of power from Elizabeth to James of Scotland. In a letter to Brounker,

Elizabeth Hardwick described her son as 'my bad son Henry,' and begged that Arbella should be taken to the South of England, where she had few friends.[243] Such rebellious behaviour was a challenge to the dowager countess's domestic authority as head of the household at Hardwick, but because the queen could not let her become a rallying point for those dissatisfied with her regime, it was also close to treason.

Alice Spencer also had a trying time with one of her granddaughters, Elizabeth Brydges, whilst she was in her care. Alice Spencer's eldest daughter Anne Stanley married Grey Brydges, Lord Chandos in 1608 and had several children by him, including Elizabeth, before he died in 1621. She remarried the earl of Castlehaven in 1624 and young Elizabeth married Castlehaven's eldest son, Lord Audley, at the age of twelve. Clearly, Alice Spencer did not approve of Castlehaven, and as early as 1618 wrote disparagingly of him to her daughter Frances, 'that if it should please God to call for me I might have a place to lay my stuff in out of my Lord Castlehaven's fingering.'[244] In 1631, Castlehaven was executed for sodomy with his

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243. Guiseppi, Owens, Roberts and Salisbury, (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, HMC, *Salisbury MSS*, xii (London, 1910), p. 689.

244. Macray, W. D., Stevenson, J., Hewlett, W. O., Cartwright, J. J., and Le Strange, H. (eds.), Royal Commission for Historical Manuscripts, *Duke of Leeds MSS, Bridgewater Trust MSS, Reading Corporation, Inner Temple MSS and Hothfield MSS etc*, p. 136.

manservant, but more prurient details of life in the household became widespread currency.[245] Both Anne Stanley and her daughter were violated by servants with Castlehaven's connivance, but he was executed for 'an unnatural act' not rape. During the subsequent trial and in the years afterwards, Alice Spencer became responsible for the welfare of her daughter and granddaughter by command of Charles I, but from the words she used in the following letter to Secretary of State Dorchester, it is clear that she regarded them as being guilty of some crime, 'the King had recommended her daughter Castlehaven into her hands, but she now desires to know whether she may take her from the Bishop of Winchester's house until after the

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245 . For further details of the Castlehaven trial see C. B. Herrup, *A House in Gross Disorder : Sex, Law, and the 2nd Earl of Castlehaven* (Oxford, 1999); *Crimes Most Dishonorable : Sex, Law, and the 2nd Earl of Castlehaven* (Oxford,1999); "To pluck bright Honour from the pale-faced moon': Gender and Honour in the Castlehaven Story', *TRHS*, 6th series, xi (1996), 137-159; 'The patriarch at home: the trial of the second earl of Castlehaven for rape and sodomy', *History Workshop Journal*, xxxxi (1996), 1-22; T. Feroli, 'Sodomy and female Authority: The Castlehaven Scandal and Eleanor Davies's The Restitution of Prophecy (1651)' *Women's Studies*, xxiv 1-2 (1994), 31-49; N. F. Radel, 'Can the sodomite speak? Sodomy, satire, desire and the Castlehaven case', in K. O'Donnell and M. O'Rourke (eds.), *Love, Sex,Iintimacy and Friendship Between Men 1550-1800* (Basingstoke, 2003) pp. 148-167.

trial of the other offenders.'[246] Unsurprisingly, Lord and Lady Audley had become estranged, but Countess Alice found Elizabeth Brydges' unwillingness to return to her husband exasperating writing, 'she disobeyed the writer's commands in refusing to live with her husband. The writer already has two of her young brothers and her sister and is fearful lest there should be some sparks of her grandchild Audley's misbehaviour remaining which might give ill example. Until there be an atonement between her and her husband and her daughter and she receive their pardon from the King, she will never willingly yield to see either of them.' Alice Spencer may have been deliberately exaggerating the extent of her problems which were not as one sided as first appears, or keen to be identified as co-operative with the authorities. The King directed the Attorney General in June 1631 that the new earl of Castlehaven (as Lord Audley now was following his father's execution) was unwilling to live with his wife and vice-versa. Despite the strained circumstances, there is little evidence here for anything more than familial female solidarity. In both Elizabeth Hardwick and Alice Spencer's cases, providing welfare for their granddaughters produced strains which were more serious than a simple generation gap. Both women were very elderly and the monarch ordered them to be responsible for the welfare of young women whose presence in wider society was deemed to

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246. J. Bruce, W. Douglas-Hamilton, and S. Crawford (eds.), *CSPD, of the Reign of Charles I, 1631-33*, p. 26.

be contentious. Obviously, it was felt that aristocratic grandmothers could keep a watchful eye over their more rebellious descendants.

When the transgressor was an elderly widow herself, the issue of guardianship was more vexed. Mary Cavendish, Countess of Shrewsbury was imprisoned for many years for aiding and abetting the escape from royal control of her niece, Lady Arbella Stuart in 1611. Although Arbella Stuart died in 1615, her aunt was not released until 1623, and even then was not entrusted to the care of her family; one of her three daughters for example. As Mary Cavendish expressed when she wrote to the Council of State petitioning for release, 'being confined for no cozenage, felony nor treason; no lord or lady released during her twelve years imprisonment has been restrained except to their own house or one chosen by themselves.'[247] Instead, at the age of sixty seven, she entered the household of the Bishop of Bath and Wells after her years in confinement.[248] The reason for her being in the custody of the Bishop may be related to the length of time she was incarcerated. The dowager countess held Roman Catholic sympathies, and it was rumoured she had actually celebrated Mass. Furthermore, in 1609 a correspondent sent her 'a piece of the true cross and the measures of the length and breadth of the body of St

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247. Green (ed.), *CSPD, of the Reign of Charles I, 1623-25*, p. 34; Gristwood, *Arbella*, p. 314.

248. *Ibid.*, *CSPD*, p. 108.

Mary Magdalene from St Maxent in Provence.'[249] Such an interest in Holy relics suggests Romish sympathies which may in turn explain the length of Mary Cavendish's imprisonment and why she was not released into the care her family or to a location of her choosing. This is an example of the State attempting to control the people close to the dowager countess, influencing the networks of those around her, ensuring that she could not have contact with fellow Roman Catholics or enact the rituals associated with Catholicism.

It would appear therefore, that mothers such as Elizabeth Hardwick, Margaret Russell, Frances Pierrepoint and Charlotte de la Tremouille had strong ties with their daughters and their families, even before the widowhood of the mother. The major fault lines within the family network, provoking long term contention, seem to have been with the eldest son, or whoever was responsible for paying jointure and in some cases were exacerbated by pre-existing difficulties. To someone such as Elizabeth Hardwick, her previously good relationship with the seventh earl of Shrewsbury and his support for her during her marriage were irrelevant to her in her rightful claim to jointure.

The kinship ties of brother- and sister-hood proved to be strong, enduring both marriage and widowhood. By the early 1600's Anne Spencer, Lady Monteagle, had been widowed twice and

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249. G. R. Batho (ed.), *A Calendar of the Talbot Papers in the College of Arms* (London, 1971), p. 335.

was married for the third time to Lord Buckhurst. The marriage was not happy, and Anne Spencer's friends and family went to great lengths in order to negotiate a separation settlement. In 1607, Lord Buckhurst wrote to Salisbury complaining of his wife's 'continuous violent tempestuousness in domestical conversation, greater than flesh and blood could endure.'[250] Alice Spencer, Countess of Derby and Sir Richard Spencer, her sister and brother are named as working on her behalf. Unfortunately, 'she rejected all Sir Richard's articles and underwrote them with certain foolish rhymes of her own devising...this made Sir Richard angry and the Countess merry.' Anne Russell, Countess of Warwick and Sir William Russell were involved in negotiating an income for Margaret Russell, during her marriage to the Earl of Cumberland in June 1603, but the issue does not seem to have been resolved when the earl died in 1605.

Spence has argued that during the 1580's Ladies Derby, Warwick and Bath were 'more influential than is often thought' because of their connections as the queen's ladies-in-waiting.[251] Lady Anne Clifford wrote of the close relationship she and her mother had with her aunts Anne and Elizabeth Russell, Countesses of Warwick and Bath respectively. Lady Anne described the period of time between the death of Elizabeth I and the coronation of James I in

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250. Guiseppi, Owens, Roberts and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, xix, p. 341.

251. Spence, *Privateering Earl*, p. 53.

her diary. Although Margaret Russell was not yet widowed, in the eyes of her daughter, her networks of information were defined by her birth family rather than her Clifford alliance. 'About the 21st or 22nd March my Aunt Warwick sent my mother word about 9 a clock at night- she then living in Clerkenwell- that she should move to Austin Friars her house for fear of some commotions. The 20th March Mr Frocknall, my aunt of Warwick's man, brought us word from his lady that the queen died about 2.30 in the morning.'[252] Lady Anne also wrote of the political alliances which prevailed prior to the coronation. 'My mother being all full of hopes, every man expecting mountains and finding molehills, excepting Sir Robert Cecil and the House of Howards, who hated my mother and did not much love my aunt of Warwick.'[253] The closeness of the Russell siblings is further emphasised by Lady Anne's description of them all going to meet the new queen together and 'my Lady of Bedford was so great a woman with the Queen that everybody much respected her.' The only sour note was caused by Margaret Russell's husband, who entertained the King and Queen at his estate at Grafton; the Countess of Cumberland 'was there, but not held as mistress of the house by reason of the difference between my lord and her which was grown to a great height.' Unfortunately, Anne Russell died in 1604, shortly before the widowhood of her sister, so she could not provide support for

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252. Clifford, *Diaries*, p. 21.

253. *Ibid.*, p. 22.

her when she was trying to stamp her authority upon the Westmorland jointure estates. For this reason, and after the marriage of her daughter, Margaret Russell resided permanently in the North of England some time after 1609 until her death in 1616. If her interests had shifted away from the Court, and towards her Northern estates her residence at Brougham amongst her household officers rather than her family, would have been more convenient for her.

Strong bonds of sisterhood were explored by poets, particularly Edmund Spenser, who dedicated his work 'Fowre Hymns' jointly to Anne and Margaret Russell. It is unclear whether the work was produced in a speculative manner in order to elicit further patronage, or if it was written in response to a request from the sisters for his work. Tuve has acknowledged the importance of such sisterly relationships as she states, 'the dedication jointly to two sisters, signalizes a friendship between them that is typical of the close relationship most members of these families seem to have kept up with each other.'[254] As she also rightly points out, the sisterly networks can be extended to form a Russell-Clifford-Stanley family group many of whose members had connections with Spenser. Margaret Russell's sister-in-law, Margaret Clifford married the fourth earl of Derby and was mother-in-law to Alice Spencer, with whom the poet tried to claim kinship. He dedicated works the Fate of the Butterfly, Mother Hubbard's Tale and The Tears of the Muses to the three Spencer sisters who married into the Peerage,

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254. T. P. Roche Jr. (ed.), *Essays by Rosemond Tuve: Spenser, Herbert and Milton* (Princeton, 1970), p. 157.

Elizabeth, Anne and Alice respectively. In 1595, he also mentioned them in his pastoral poem Colin Clout's Come Home Again, calling them Phyllis ('the flower of rare perfection'), Charyllis ('the paragon of peerless price, and ornament of praise,' who would terrorise the King and her third husband) and Amaryllis ('That freed is from Cupid's yoke by fate' and had already started suits at law against her brother-in-law). It is noteworthy that Spenser seemed interested only in those sisters who had married into the Peerage and Margaret, Katherine and Mary Spencer were not saluted by the poet.

As Bevington has pointed out, 'acting companies adopted the political viewpoint of their noble patrons and churned out plays that were, despite their guise of entertainment, little more than propagandistic weapons of a continuing factionalism at Court.'[255] Poets such as Spenser were hardly likely to bite the aristocratic hands that fed them, and in fact, had a vested financial interest in wooing and flattering influential noblewomen. By the later years of the century the situation had changed. During the Civil War years and inter-regnum, some poets and writers became closely involved in politics, thus providing them with an income unconnected to aristocratic poetic patronage, and an alternative outlet for their creative talents. In the early 1630s the young John Milton was commissioned to write Arcades, to be performed in honour of Alice Spencer. The elderly dowager countess was transformed by Milton into a glorious

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255. D. V. Bevington, *Tudor Drama and Politics* (Cambridge, Mass., 1968), p. 2.

monarch sitting on a throne. Shortly afterwards, he wrote Comus for the family of the earl of Bridgewater, Alice Spencer's step-son and son-in-law, thus briefly creating a family nexus of patronage for the writer.[256] (This was a time of scandal for Countess Alice's immediate family & for further details, see NOBLEWOMEN & NETWORKS.86 & 104.) Campbell has argued 'the notion might be shocking to some of Milton's admirers, but it is not inconceivable that at twenty one he was wondering about the viability of finding a great patron.'[257] Milton later worked for the Republican government under Thurloe, wrote for *Mercurius Politicus* under the editorship of Marchamont Needham and discussed the right of the people to judge their rulers in Tenure of Kings and Magistrates.

Another feature of aristocratic patronage exercised by noblewomen was the employment of tutors for children. Thomas Hobbes was originally employed by the first earl of Devonshire to teach his son, William Cavendish, who eventually succeeded to the earldom in 1626. Hobbes's presence within the household was maintained after Cavendish's marriage to Christian Bruce. Shortly after the earl's death in 1629, Hobbes left in order to enter the service of Sir Gervase

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256. There has been debate concerning Alice Spencer's family patronising Milton and the Castlehaven scandal. See French Fogle, 'Such a Rural Queen' in *Patronage in Late Renaissance England* (Los Angeles, 1977), pp. 3-28; Barbara Breasted, 'Comus and the Castlehaven Scandal', *Milton Studies*, iii (London, 1971) pp. 201-224.

257. G. Campbell (ed.), *Milton, A Biography*, i (Oxford, 1996), p. 80.

Clifton, a neighbour of the Cavendishes, but by 1630, he had returned to Hardwick and the service of countess dowager Christian. Hobbes's position seems to have been wide ranging, as he was called upon to advise Countess Christian about the running of debt ridden family estates as well as tutor her son. This proved to be a problem when Devonshire queried his mother's running of the family estates and also asked Hobbes for advice. When Countess Christian discovered that he had, in her view, been acting against her interests, she called his position into question, arguing that his first loyalty was to her, as she employed him.

Hobbes was a polymath, interested in political philosophy, geometry and astronomy, and it is unlikely that Christian Bruce helped to directly shape his theories. In 1628, when she was first widowed, Hobbes wrote a dedicatory epistle in honour of her husband, which appeared in his translation of Thucydides Eight Books of the Peloponnesian War. Prior to its publication, he consulted her about the wording,

> wherein I have intended to do his Lordship honour... but because I may fail through ignorance to do what I intend and it is my duty to acquaint your ladyship with my doings in things that concern my lord I have sent it to you to correct or alter as shall seem necessary to your ladyship's better judgement.[258]

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258. N. Malcolm (ed.), *The Correspondence of Thomas Hobbes* (Oxford, 1994), p. 6.

She therefore had a limited input into work directly relating to her family, but did not necessarily have direct influence over Hobbes's thought processes. In 1634 Hobbes accompanied the young earl of Devonshire upon his grand tour, which brought both men into contact with continental influences and a meeting with Galileo. Christian Bruce provided Hobbes with a means of absorbing ideas rather than discussing or arguing with him herself. He stayed with the Cavendish family until his death at Hardwick in 1679. Hobbes also produced works of political philosophy, particularly Leviathan and Behemoth, but unlike Milton and Marvell, remained within an aristocratic household. He did not hold political office, but the fact that he was able to produce such influential work shows his awareness of the changing political climate, possibly as a result of his aristocratic connections.

The same was probably true of John Locke's relationship with Elizabeth Wriothesley, countess dowager of Northumberland. Cranston mentions that two of Locke's cousins, Mrs Gregg and Mrs Blomer were members of the earl and countess's household, so he already had connections with the Northumberlands prior to the death of the eleventh earl in 1671.[259] In 1672, Locke accompanied the dowager countess to France and treated her in his capacity as a surgeon. In 1677, when she resided in Paris with her second husband, Montagu, Locke successfully treated her for trigeminal neuralgia, something of a medical breakthrough. There is no evidence

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259. M. Cranston, *John Locke: A Biography* (London, 1957), p. 134.

however, that Elizabeth Wriothesley spent her spare time discussing philosophy with Locke, but her support enabled him to travel and absorb new ideas. After his journey in 1672 he asked the dowager countess's physician, Mapletoft to carry 'all manner of thanks...to that excellent lady to whose favour I owe my voyage and all the advantages of it.'[260]

A noblewoman could also be at the centre of aristocratic patronage post mortem. In the late 1620's, Hobbes referred to Elizabeth Hardwick in De Mirabilis Pecci, and Thomas Pomfret wrote *The Life of Christian, Countess of Devonshire* in 1685, ten years after her death.[261] An unknown author also produced *An Elegy on the Truly Honourable and Most Pious Lady, Countess of Devonshire* in 1675.[262] Robert Codrington sought the patronage of Lady Alice Hastings, grand-daughter of Alice Spencer by writing a long elegy in honour of the dowager countess, celebrating her as 'Queen in the Isle of Man.'[263] Edmund Waller's celebration of the life of Christian Bruce's daughter, Lady Rich, also included lines in tribute to her mother and

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260. Cranston, *John Locke*, p. 146.

261. Pomfret, *Life of Christian, Late Countess of Devonshire.*

262. Anonymous, *An Elegy on the Truly Honourable and Most Pious Lady, Christian, Countess of Devonshire* (London, 1675).

263. F. Bickley (ed.), Royal Commission for Historical Manuscripts, *Hastings MSS*, iv (London, 1947), pp. 341-2.

their descent from Scottish Kings.[264] As indicated elsewhere, such works would not be for the benefit of the deceased, but for the living, particularly the financial well-being of the poet.

The work of Spenser glorifying the virtue and beauty of Elizabethan society ladies contrasts with some of the poetry produced one hundred years later. A poem entitled The Ladies of The Court produced in 1663, is pornographic in its depiction of the activities of noblewomen including Anna Maria Brudenell and her mother. Even before the death of her husband, the earl of Shrewsbury, by the hand of her lover the duke of Buckingham in March 1668, satirists attacked her for her promiscuous behaviour particularly with Sir Henry Jermyn.[265] The circumstances of the earl's death added to the relish of satirists who made further revelations about the dowager countess's lovers. Another favourite target was Elizabeth Percy, the widowed Countess of Ogle. In 1682 her unfortunate marital history was recounted in at least three ribald verses; Satire in its Own Colours, Satire, and Lady Freschvile's Song of the

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264. A. B. Chambers, *Andrew Marvell and Edmund Waller: Seventeenth-Century Praise and Restoration Satire* (Pennsylvania, 1991), p. 188.

265. Jermyn was a courtier who had been appointed Master of the Horse to the Queen in 1639 and accompanied her into exile in 1644. He managed Queen Henrietta Maria's finances whilst in France, and was appointed Ambassador to France and created earl of St.Albans at the Restoration. See Lees (ed.), *DNB,* xxix, (London, 1892), p. 343.

Wives.[266] In actual fact, as Wynne has argued, sexual slander was not confined to satirists. She has demonstrated that some noblewomen criticized Charles II's mistresses and their influence in terms of prostitution. Thus aristocratic society as a whole in the 1660's onwards accepted such abuse as common currency. The sexual politics of the Restoration court has been examined in detail, and Wynne has also argued that the King's mistress Louise de Keroualle 'became an important political figure being directly involved as an intermediary between Charles and his ministers and the French Ambassadors.'[267] As for the core sample of noble widows, none of them became mistresses to Charles II, but Anna Maria Brudenell wielded some influence as the mistress of the Duke of Buckingham. During diplomatic negotiations, King Louis XIV of France sent her a present in order to smooth the path of diplomacy with Buckingham.[268] Lady Shrewsbury was also busy influencing domestic politics as well, if the Countess of Danby is to be believed. She wrote to her husband, 'my lady Shrewsbury, they say and all the Cardigan family have done all against you, which I could not have thought.'[269] As

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266. J. H. Wilson, *Court Satires of the Restoration* (Ohio, 1976), pp. 14, 83, 274.

267. S. Wynne, 'The Brightest Glories of the British Sphere: Women at the Court of Charles II', in A. Bulley (ed.), *Painted Ladies: Women at the Court of Charles II* (London, 2001), pp. 36-39.

268. J. Miller, *King Charles II* (London, 1991), p. 179.

269. C. G. O. Bridgeman and J. C. Walker (eds.), Royal Commission for Historical Manuscripts, *Lindsey MSS* (London, 1942), p. 60

this may have been written in 1679, it may refer to Danby's political problems and impeachment in the wake of the Popish plot to kill Charles II.[270]

Thus in the space of less than a century widowed noblewomen had been transformed from virtuous ornaments of Gloriana's Court (even if they were feisty characters in reality) to lascivious adulteresses. The need to flatter and exaggerate virtues of a particular group of women had gone. Admittedly, as Lady Anne Clifford confided, the Restoration Court was a very different place to that of Elizabeth.[271] However, there seems to be no evidence that the women themselves patronised authors in order to counter the accusations of the bawdy verses; in actual fact, the poem Signor Dildo was written by a nobleman, Lord Rochester.[272] Wheale has pointed out that the years 1590-1660 saw a growth of women's literacy and also 'increased opportunities for reading and writing amongst the middling and poorer ranks of society.'[273] Given the huge output of news books during and after the Civil War, the 'middling and poorer ranks of society' may have had a better idea of the make-up of the nobility than their Elizabethan predecessors. In addition, the more widespread use and affordability of engravings

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270. For details of the plot see J. Kenyon, *The Popish Plot* (London, 1972).

271. Spence, *Lady Anne Clifford*, p. 207; Clifford, *Diaries*, p. xiii.

272. *Ibid.*, p.16.

273. N. Wheale, *Writing and Society: Literacy, Print and Politics in Britain 1590-1660* (London, 1999), pp. 112-113.

ensured that social satire could be depicted as well as written. By portraying the presumed peccadilloes of the nobility, satirists were clearly writing for an audience which did not exist one hundred years earlier, and were not reliant upon the patronage of a small group of people at the apex of society. By giving aristocrats pastoral names only they could understand or identify, Spenser limited the appeal of his work to educated members of the Courtly clique. Thus the nature of the networks of literary patronage by aristocratic widows changed drastically over the course of the century, as they were not the only readership available to writers.

The Russell-Clifford-Stanley nexus identified by Tuves can be extended to the ranks of the Spencers and Careys, when wider interests are considered. Those concerned with literary patronage were also associated with scientific research, exploration, alchemy, and astrology. Margaret Clifford, mother-in-law to Alice Spencer, was imprisoned for the treasonous offence of casting the queen's horoscope in 1580; her son Ferdinando, earl of Derby died in circumstances suspicious enough to trigger something of an official investigation into whether he was bewitched or poisoned and his acting company, Lord Strange's men, were early performers of William Shakespeare's plays; Ferdinando Stanley's sister-in-law Elizabeth

Spencer was Spenser's Phyllis and married to George Carey, the future Lord Hunsdon. Her sisters-in-law Philadelphia and Lady Hoby certainly visited Simon Foreman for prognostications of Carey's health. Carey himself received dedications from scientific authors. James Forester dedicated *The Pearl of Practise* to him in 1594, a book containing chemical recipes and printed in Blackfriars by the same printer who printed some of Shakespeare's early works, *Venus and Adonis* and *The Rape of Lucretia* in 1593 and 1594. George Chapman also dedicated a book *Shadow of Night* to 'most ingenious Darbie, deep searching Northumberland and skill embracing heir of Hunsdon.' Nicholl concludes that their mutual interest was in 'the restorative distillations of medicinal chemistry.'[274] Elizabeth Spencer's father-in-law, the Lord Chamberlain, also sponsored a company of actors associated with Shakespeare's early works, bringing the circle of patronage back to Shakespeare. Although modern scholarship draws a fine line between technical scientific investigation, be it medicinal, chemical or astronomical and black magic, prophecy and astrology, this was not the case during the early Tudor and Stuart period, and the Northern  nobility may also have been emboldened by the discovery of new exotic plants and products such as quinine from the New World. Certainly, George, earl of Cumberland undertook voyages to the Americas and others such as Hunsdon, were members of Raleigh's intellectual circle along with John Dee and John Donne. Stone's argument 'the pre-

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274. Nicholls, *The Chemical Theatre*, p. 77.

1640 virtuosi failed as scientists' is a generalised dismissal of aristocratic efforts, conjuring up images of eccentric earls brewing up noxious potions in remote castles.[275] He does not mention that the aristocracy were in communication with the leading scientific minds of the day, and that the connections were mutually beneficial. Margaret Russell, Countess of Cumberland stood as godparent to John Dee's daughter Margarite, alongside the countess of Essex and the Lord Keeper Puckering.[276] Dee obviously expected a social and economic bond between his daughter and her influential godparents. Beyond this, the role of women within this network suddenly becomes more problematic once the simple fact of kinship, and the literary and consultative worlds are left behind. Whilst most aristocratic families boast a 'wizard earl' amongst their ranks, it is impossible to find an equivalent dowager countess. This could be considered quite surprising considering that the female members of the household were traditionally responsible for the distillation, preparation or purchase of medicinal unguents, potions and pastilles. However, there is some evidence that women were interested in medical advancements precipitated by exploratory voyages. Sir Walter Raleigh sent Mary Cavendish,

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275. Stone, *Crisis*, p. 717.

276. W. H. Sherman, *John Dee: The Politics of Reading and Writing in the English Renaissance* (Massachusetts, 1995), p. 16.

Countess of Shrewsbury 'two sorts of a medicine of pearl and coral in which she has been interested.'[277]

The issues of literary patronage networks are confusing, complicated and surprising. It is tantalising to speculate about the very short links which connect the work of Alice Spencer (married into the Stanley family, loyal to the Crown), Milton and Thurloe. There is little evidence to suggest that widowed noblewomen engaged in theoretical discourse with the likes of Hobbes, Milton, Marvell and Locke. However, all of them depended upon noble patronage at some point in their careers, however different their future paths became. Hobbes did not spend his years in complete isolation in Derbyshire; Christian Bruce's support had enabled him to develop national and international connections, whilst Milton, Marvell and Waller prepared for government. At the very least, the patronage of a noblewoman enabled writers to absorb new ideas and thinking, but there was also a clear shift away from aristocratic patronage during the 1640s and 1650s which continued after the Restoration, as writers were able to take their place at the centre of national politics. This is not to say that women were disengaged from the world of 'masculine' thought processes. In October 1693 the editor of *The Gentleman's Journal* was so bombarded with material written by female correspondents that he renamed his

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277. Batho, *Talbot Papers*, p. 283.

publication *The Lady's Journal*.[278] Obviously a large number of women were quite happy reading and contributing to a journal which featured the latest scientific news, political and military events, stories, puzzles and music aimed at a male audience, yet their direct impact upon the groundbreaking works of the time is difficult to pin down; for example there is no evidence that Christian Bruce helped formulate Hobbes's theory of social contract, yet in the general sense of *The Gentleman's Journal*, women were keen to contribute.

For those who did not form part of the literary scene, other noble widows were part of different patronage networks. Elizabeth Hardwick for example was one of a number of wealthy patrons engaged in extensive rebuilding work during the late Tudor and early Stuart period. Airs argues that 'this frenzy of construction reached its height in the reign of James I.'[279] In about 1587 she began work at Hardwick Hall, her familial home, but by 1590 she started a new hall only yards away from the old. She was no stranger to remodelling existing structures as she and Sir William Cavendish altered Chatsworth in the 1550's and her last husband, the earl of Shrewsbury carried out work to various Talbot properties in Derbyshire and South Yorkshire. By independently starting construction work at Hardwick in 1590, Lady Shrewsbury became a centre of linked, but independent networks. As a member of a wealthy elite, she was in

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278. *The Lady's Journal*, October 1693.

279. Airs, *Tudor and Jacobean Country House*, p. 3.

communication with builders such as Lord Burghley, John Thynne and her near neighbour Francis Willoughby. Some noble patrons exchanged building materials, and Elizabeth gave some stone from Derbyshire to Lord Cobham which was used in the construction of his house, Cobham Hall.[280] The second network to be considered is that which actually executed the design and building of the house. Girouard has argued that the architect, Robert Smythson, and the countess had a clearly defined relationship. 'Employers did not see themselves as consulting a creative genius; they were employing a servant to give form to their ideas or provide ideas of his own which they would have no hesitation in adapting or expanding.'[281] Smythson's role seems to have been consultative, adapting his patroness's ideas into practical architecture, as Girouard also suggests,

> no discussion of Hardwick can discount the influence of its builder. Bess was not the sort of person to leave the details of her house to others. Many of the idiosyncrasies of its planning were due to her...it is clear she had a passion for height, light, squareness and symmetry. But one only has to compare the old with the new Hardwick to see how Smythson transformed her overbearing and crude preferences into a work of art.[282]

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280. Airs, *Tudor and Jacobean Country House*, p. 110.

281. M. Girouard, *Robert Smythson and the Architecture of the Elizabethan Era* (London, 1993), p. 286.

282. *Ibid.*, p. 160.

Smythson and his master craftsmen may have been viewed as being servants, but patron and artisans had a mutually beneficial relationship. So much so that the clerk of works, John Balechouse, and Thomas Accres, the principal mason, enjoyed the benefit of rent free farms for the duration of the works. Abraham Smith, a plasterer, was able to rent a fifty five acre farm from her and was still renting it from the earl of Devonshire, twenty years after the dowager countess's death. In the 1630's one James Balechouse was steward to Christian Bruce, widow of Lady Shrewsbury's grandson, the second earl of Devonshire, so the relationship of mistress and servant continued between the two families.[283]

For those women associated with a particular locality, for example, Elizabeth Hardwick in Derbyshire and Margaret Russell in Westmorland, the links with local tradesman, landowners and their own household staff would have been particularly strong. Noblewomen gave alms to the local poor, and, as Christian Bruce's disbursements demonstrate, those in a particular village could be more needy than others.[284] The dowager countess kept a close check upon her expenditure, signing the bottom of each page.

Noblewomen ensured their continued presence in an area after their death by endowing almshouses; Alice Spencer in Harefield, Elizabeth Hardwick in Derby and Margaret Russell at

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283. Chatsworth House, Derbyshire, *Hardwick* MSS, vol. 30 (No pagination).

284. *Ibid.*

Beamsley, North Yorkshire, all ensured that their names would be linked to a certain area by ensuring that the local poor would be provided for indefinitely.

Christian Bruce's accounts also show that whilst some items needed by a large household were readily available in the North of England, others had to be brought from London or elsewhere. Despite the need to import luxuries such as lemons or oranges, local tradesmen benefited because they were given the task of transporting the items. On 30 October 1635, 'the carrier of Chesterfield' was paid 'for the carriage of vinegar from London to Hardwick;' on 26 November 1635, 'Mr Boorne, the carrier of Derby' was entrusted with 'the carriage of My Honourable Lady's Plate;' and on 28 December 1635, 'the carrier of Mansfield' was hired to transport 'a hind, a brace of does and eighteen partridges to London from Hardwick. [285] However, unlike Elizabeth Hardwick in later years, Countess Christian's household was peripatetic, and when she moved to take the waters at Bath, the network of people surrounding her changed. Payments were made to 'the fiddlers,' 'servants' and 'the poor' she encountered along the way.[286]

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284. *Ibid.*

285. Chatsworth House, Derbyshire, *Hardwick* MSS, vol. 30A (no pagination).

286. *Ibid.*

In conclusion, the networks surrounding seventeenth century widows were complex and ranged from locality interest to international courtly intrigue. By having interests at Court and in the North of England, widows were able to form links with influential national figures, yet were still aware of how much it cost to catch moles in the gardens.[287] The networks over which they seemed to have the most influence were those where they acted as patronesses. By holding the purse strings they were able to dictate their requirements, and as speculative approaches for patronage were only ever going to be complimentary, poets and artists would flatter noblewomen. By emphasising that skilled workers were servants, widows were able to maintain hierarchical superiority over them, even if the woman was not a member of the nobility by birth. As members of a status conscious social grouping based upon wealth and family connections, aristocratic widows were concerned with the promotion of the interests of their various families, those of birth, marriage and in some cases remarriage. The most important point about family connections is that they changed several times over the course of a woman's life, and it is impossible to consider the networks surrounding a widow without examining those which surrounded her during her pre-marital and marital years. As Stone has argued, 'the family was far from the stable and enduring thing that it is commonly taken to be. Owing to the premature death of husband or wife over a third of all first marriages lasted less

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287. *Ibid*, it cost five shillings for moles but only three pence for catching peacocks.

than fifteen years, and in most cases the survivor hastened to remarry and create a fresh family.'[288] The networks were strained further by family conflict, usually caused by a collision between a male heir's need to pay debts and creditors and the widow's right of jointure and need of income for female relatives who may have had inheritance rights. The length of time taken by lawyers to sort out such disputes, such as the thirteen years it took for the due processes of the law to adjudicate between Alice Spencer and the earl of Derby, no doubt exacerbated the situation. The legal records do not leave any clues about the personal relationship between the protagonists, which in other families, such as the Talbots in 1590 led to a complete breakdown.

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288. Stone, *Crisis*, p. 590.

well with him; but if he put anything to compromise she [his wife, Elizabeth Hardwick] is too well friended. For my lord's money safe locked in his chest will do him no good.'[289]

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289. H. C. Maxwell-Lyte (ed.), Royal Commission for Historical Manuscripts, *Rutland MSS*, i (London, 1888), p. 198.

## NOBLEWOMEN & POLITICS.

As Crawford and Mendelson have argued, it is difficult to gauge accurately the overall involvement of women in politics.[290] However, their argument that there were three ways in which women could acquire political power, through birthright or inheritance, participation or defending common or religious rights, seems to over simplify a complicated situation. It does not take into account the importance of women to patronage or family networks, fails to probe the informal methods of political debate or lobbying, or examine women's political ideas or their expression. The changing face of politics affected the ability of women to participate in the processes of debate, deliberation and soliciting support which were vital to the political processes of the time.

The only statement that can be made with certainty is that the involvement in politics of the women concerned in this study varied enormously. Elizabeth Rhodes, the third wife of Thomas Wentworth, first earl of Strafford was the eighteen year old daughter of his neighbour in Yorkshire when he married her, not presented at Court after her marriage, and her main role in the household seems to have been looking after the young Wentworths during their father's

290. S. Mendelson & P. Crawford, *Women In Early Modern England, 1550-1720* (Oxford, 1998), p. 347.

absences as Lord Deputy in Ireland. Strafford was the most prominent politician of his time, yet during their marriage Elizabeth was kept well away from interfering in politics; he preferred to rely upon a member of Queen Henrietta Maria's circle, the nobly born Lucy Percy, countess of Carlisle, for political intelligence.[291] After Strafford's attainder and execution the dowager countess stayed at Hooton Roberts, near Rotherham, in retirement. As the widow of a disgraced and discredited politician, Elizabeth Rhodes stands in contrast with Charlotte de la Tremouille, whose husband was also executed, but who adopted a clear political allegiance and when faced with sequestration and the loss of estates, failed to let a lack of resources quench her opposition to Parliamentary policies. It is possible to suggest that the daughter of a Yorkshire landowner, suddenly elevated to the peerage through marriage to a well established political figure, had fewer opportunities or social connections of her own to enable her to undertake much political networking than a daughter of a French duke who would be familiar with courtly life.

Although women were prohibited from standing for election or sitting in the House of Lords, and there were times when the absence of a queen's household restricted participation in politics further, women still held and expressed political ideas or lobbied on behalf of family

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290. S. Mendelson & P. Crawford, *Women In Early Modern England, 1550-1720* (Oxford, 1998), p. 347.

291. A. Somerset, *Ladies in Waiting from the Tudors to the Present Day* (London, 1994), p. 128.

members. The breakdown of social norms during the Civil War provided a further chance for aristocratic women to enunciate aggressively their own political views, although they did not argue for female suffrage or for the right to sit as MPs for example. Their political beliefs were constructed within the same ideological, religious or family frameworks as those of their male counterparts, and their actions had repercussions for husbands and sons. After the restoration of the monarchy in 1660, women were able to influence the king through his mistresses, and the appointment of women to the new queen's household meant that personal networks at Court remained important. The development of political parties by 1700 led to women adopting more obvious political values and identities. However, by the end of the seventeenth century, the Whig and Tory parties seem to have been an extension of family networks of like-minded individuals, but the era of the great political hostesses had not yet arrived by 1700. The constantly changing political climate did not lead to the long term undermining of noblewomen's political influence, but led to different experiences, underpinned by the omnipresent need to advance family fortunes and interests.

During the seventeenth century the political epicentre of the realm was the monarch's court and as Anne Laurence has pointed out, the opportunities for women to exert influence upon politics varied according to its make up.[292] During the reigns of both Mary Tudor and Elizabeth I,

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292. A. Laurence, *Women in England 1500-1760: A Social History* (London, 1994), p. 250.

women were employed as members of the royal household, performing duties which brought them into intimate contact with the female monarch, but the offices of State were still held by men. The household offices have been described as virtually a closed shop with members of the Howard, Carey, Radcliffe, Stafford, Brooke and Knollys families omnipresent in the departments. Furthermore, 'it was death rather than resignation or dismissal that usually terminated their employment...with daughters following in mother's footsteps.'[293] Such a closely knit network of relatives surrounding the Queen suggest limited opportunities for women at Court to create their own networks of friendship for example rather than family. Households for both king and queen reappeared after the accession of James I when Anne of Denmark's household provided opportunities for new political alliances and advancement. The establishment of a court for the consort encouraged the political ambitions of noblewomen in particular, and Eales has argued that many of Anne of Denmark's attendants such as the countesses of Bedford and Carlisle were highly influential courtiers.[294] Political networking and bargaining may have been increasingly important immediately after James' accession when his Scots retainers followed him to England and were forced to jostle for position with English courtiers. They were both forced either to contend or ally with newly elevated peers

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293. P. Wright, 'A Change in Direction: The Ramifications of a Female Household 1558-1603, in D. Starkey *et al*, *The English Court From the Wars of the Roses to the English Civil War* (London, 1987), pp. 151-161.

294. J. Eales, *Women in Early Modern England 1500-1700* (London, 1998), p. 54.

such as the duke of Buckingham. Arguably, the origins of the women themselves altered with the advent of the Jacobean Court, as Chamberlain wrote, 'Lord Mulgrave hath in a doting humour married a young Scots wench.' Consequently, after Anne's death in 1619, the opportunities for female involvement in Court politics were restricted until the formation of Henrietta Maria's household in 1625.

Another important aspect of Court life after 1603, which had particular consequences for women, was the presence of children within the royal family. The children of James I and Charles I did not live under the same roof as their parents and their welfare was generally the responsibility of noblewomen. Elizabeth Hayward, Lady Knyvett became responsible for the welfare of Princess Mary, a daughter of James I. Unfortunately, she died in infancy, but at her funeral, the sermon was dedicated to Lady Knyvett, and the care she had taken of her young charge.[295] This example underscores one of the problems faced by women at Court. Elizabeth Hayward's position within the royal household came to an end with the death of Princess Mary and there would have been no chance to place other members of the Hayward or Knyvett families within the Princess's household as she grew up and married. Charlotte de la Tremouille was promised a position of governess to Charles II's future legitimate children.[296]

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295. Travitsky and Seef (eds.), *Attending to Women*, p. 179.

296. Guizot de Witt, *Lady of Latham*, p. 293.

Whilst the King's mistresses produced many illegitimate offspring, the queen did not give birth to an heir to the throne. So, whilst those who had served Elizabeth I from childhood thrived during her reign, working in the royal nursery was not a guarantee of future political influence for women. Service in the household of a princess who survived to maturity and marriage could bring great political influence which extended beyond the immediate sphere of the individual served. Elizabeth Percy became a confidante of Queen Anne through her service as Lady of the Bedchamber in the royal household, a position which bolstered the political fortunes of her third husband, the whig duke of Somerset. The duchess disbursed over £10,000 in the three years leading up to 1714, in her position as Mistress of the Robes.[297] This was a substantial amount of money and trust. Furthermore, during the reign of Queen Anne's sister Mary, Dorothea Helena, countess of Derby, was appointed Groom of the Stole, with responsibility for a large number of jewels, including the Little Sancy diamond, which had to be accounted for after the queen's death in 1694.[298] Elizabeth Percy came to prominence at the end of the seventeenth century, when political parties were starting to evolve; thus women became identified with particular political beliefs for the first time since the civil war. Katherine Wotton, Lady Stanhope, another royal lady-in-waiting, acted decisively throughout

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297. BL, Add. MS 61,420 (Blenheim MSS), f. 110.

298. BL, Add. MS 61,420 (Blenheim MSS), f. 112; Somerset, *Ladies in Waiting*, p. 164.

her life; she made a stand against having to pay ship money during the 1630's, but became a leading member of the English Court in exile during the Civil War and Inter-Regnum.[299] Appointed as a lady-in-waiting to Princess Mary, she accompanied her to Holland after the princess' marriage to William of Orange in 1642. As a trusted servant of the English princess, she must have gained the confidence of Queen Henrietta Maria and her son Charles during their exile. By 1655, Secretary Nicholas wrote that one of Lady Stanhope's servants 'may be knighted, for a word of his mistress would effect it.'[300] Her contribution towards the Royalist war effort was so great that she was created Countess of Chesterfield in her own right at the Restoration of Charles II. Additionally, her second husband, a Dutchman, may have held an English Barony; her son by him was created Lord Wotton and after hearing the news of her third husband's death Charles II described him 'as honest a man as ever lived. I have lost a very good servant by it.'[301] Letters in the Clarendon Papers attest to the high esteem in which she was held by Henrietta Maria, Princess Mary and Charles himself. Another letter written in cipher to Cromwell's spymaster Thurloe in 1655 states that she sheltered a 'weekly

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299. J. Bruce, W. Douglas-Hamilton, and S. Crawford (eds.), C*SPD, of the Reign of Charles I, 1636* (London, 1866), p. 285.

300. Green (ed.), *CSPD, of the Commonwealth, 1655*, (London, 1881), p. 335.

301. Royal Commission for Historical Manuscripts, *House of Commons MSS, 1660-1690*, p. 172.

intelligencer' in her house.[302] In 1651 the English Government took a dim view of her activities as they issued an order to apprehend her and seize her papers.[303] From the evidence it would appear that Katherine Wotton was an important figure to the Royalist party between 1642 and 1660, at the centre of the Royalist web, but her precise role within it is difficult to pinpoint; at the very least she must have been a conduit of information between members of the circle. Eales also highlights the presence of women at the royalist headquarters and their intelligence role in England.[304] Katherine Wotton's service with the Princess was a direct lead into the exiled Royalist circles of the Inter-regnum period and the evidence of her connections supports the idea that her political world encompassed the advancement of her family's interests through the medium of service within the royal household.

Schwoerer has argued 'women were more active and outspoken during the Civil War than at the time of the Glorious Revolution.'[305] This is true for a prominent few members of the sample. Certainly wartime conditions enabled women such as Katherine Wotton and Charlotte de la Tremouille, Countess of Derby to identify with a clearly defined politico-military cause.

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302. W. Dunn Mackay, (ed.), *The Clarendon State Papers*, vol. III: *1655-57* (Oxford, 1876), p. 43.

303. Green (ed.), *CSPD, of the Commonwealth, 1651-52* (London, 1877), p. 148.

304. Eales, *Women in Early Modern England*, p. 55.

305. L.Schwoerer, 'Women and the Glorious Revolution,' *Albion*, xviii (1986), 198.

After successfully withstanding a siege at Lathom House, enabling Prince Rupert to gain control of Lancashire, Countess Charlotte remained belligerently opposed to Parliamentarian troops, the Commonwealth and Protectorate. Her husband the earl of Derby gave her full political and military control of the Isle of Man when he left the island in 1651. The document appointing her grants 'full power and authority to dispose of place or displace all officers of this island, spiritual or temporal.'[306] Her appointment appears to be a sign of the strength of her personal authority; however, the position she commanded rapidly weakened. Events had overtaken the Royalist cause and the defeat of the King's forces on the mainland rendered Countess Charlotte's position untenable. Once Parliamentary ships had been sighted off the Isle of Man, one of the island's officials William Christian welcomed their forces and allowed them to land on 26 October. Therefore the whole of the island with the exception of Peel and Rushen castles where Countess Charlotte's troops were garrisoned was handed over at a stroke. Her bases were unable to hold out and a surrender document for the whole island was signed on 30 October. Countess Charlotte's brief term of office demonstrates how easy it was to by-pass her authority, not because of her gender but because the Royalists as a military force were completely weakened.

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306. A. W. Moore, *History of the Isle of Man* (Douglas, 1992), pp. 263-264.

Although the siege of Lathom and Countess Charlotte's governorship of the Isle of Man took place within her husband's lifetime, these events and her continued opposition to the Protectorate affected her treatment by government officials (local and national) during her widowhood. The true legacy of Countess Charlotte's political actions, and, to some extent, revenge for the actions of Earl James (for the sack of Bolton, for example) were visited upon her when she was a spent force in military and political terms. The collapse of the Royalist cause meant that the only weapon available to her was the pen. She frequently wrote letters to her sister-in-law in France, commenting upon contemporary politics. In 1658 she wrote in exasperation, 'there are so many different opinions about the Parliament that I know not what to think of it.'[307] Nevertheless, Countess Charlotte was viewed with suspicion by the new rulers of England and Lancashire. Forced to live at Knowsley through financial necessity, she became a target for local government officials who had clashed with the earl and countess before 1651. Robert Massey, a merchant from Warrington, whose cloth goods were seized by Earl James and Countess Charlotte in 1650 petitioned the Committee for Compounding for a share of the Stanley estate on the strength of information he had given about the activities of the Derbys.[308] He was also appointed a Commissioner for Lancashire, a position from which he

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307. Guizot de Witt, *Lady of Latham*, p. 223.

308. Green (ed.), *CCC*, pp. 1100-1106; C. F. Stanning (ed.), *The Lancashire Royalist Composition Papers*, vol. II (Record Society of Lancashire and Cheshire, xxvi, 1892), pp. 131-135.

could have harassed Countess Charlotte for more money, had he been able to co-operate with his fellow officials.[309] Another official 'asserted that I had great estates beyond the sea (as he expressed it) and many jewels and other imaginary things and would hear nothing in my behalf.'[310] Of serious concern to the Stanleys must have been plans for some sort of criminal trial to which witnesses, including Countess Charlotte's daughter Henrietta Maria, were called in 1652.[311] This action must have fizzled out, but it does seem that during the 1650's attempts were made to settle old scores with Countess Charlotte, although these did not diminish her contempt for the Protectorate, as expressed in her letters to France.

The involvement of her son, earl Charles, in General Booth's rising in Cheshire in support of the future Charles II excited her interest. Having spent most of the 1640's on the continent, Charles had become estranged from his parents over the matter of his marriage in 1646 to Dorothea Helena de Rupa, whom Countess Charlotte deemed to be unsuitable, and by surrendering to Parliament. The Countess wrote disparagingly of her son's lack of military experience, 'it is shameful for a person of his age never yet to have seen anything.'[312] This was

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309. Green (ed.), *CCC,* p. 506.

310. Guizot de Witt, *Lady of Latham*, p. 220.

311. Green (ed.), *CAM*, p. 1296.

312. Guizot de Witt, *Lady of Latham*, p. 153.

in stark contrast with his sisters Catherine who had been present at Lathom and was imprisoned in Liverpool in 1650 with her sister Aemilia, and Henrietta Maria, who was also present at Lathom and the Isle of Man in 1651. Earl Charles's involvement in the uprising marked a thaw in his relationship with his mother, as she wrote, 'you know dear sister how he has failed in his duty to me, but the tenderness of a mother is easily aroused if her children are in danger.'[313] It is interesting that during the siege of Lathom Countess Charlotte justified her actions in terms of wifely obedience, looking after her husband's property during his absence. In 1659, she claimed her maternal affections were roused, another socially acceptable feminine duty, in order to justify her support for political actions.[314]

Countess Charlotte was an exceptional character, being the most belligerently politically active widow in this study, certainly during the Civil War and Inter-Regnum. Yet, whilst widows are few and far between in the surviving sources, they were not apolitical and took part in covert activities. A letter dated 1659 shows that Christian Bruce, Countess of Devonshire sent money

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313. *Ibid.*, p. 232.

314. G. Ormerod (ed.), *Tracts Relating to Military Proceedings in Lancashire during the Civil War* (Chetham Society, Original Series ii, 1844), pp. 161-167.

to the exiled Court.[315] A celebration of her life, published by Thomas Pomfret after her death in 1675 also indicates that she worked behind the scenes on behalf of the Restoration, corresponding with leading politicians abroad (for further details of this see p.96).[316] Although it is easy to believe that a flattering account of her wartime role would overstate her importance to the Royalist cause, the friendly relationship between Countess Christian and Charles II after the Restoration suggests some degree of familiarity between the two. As will be shown, this relationship stands in contrast with the disappointments felt by Charlotte de la Tremouille after 1660.

As most of the widows in this sample were married or remarried to Royalists, they do feature in the Composition records with regard to financial penalties imposed upon combatants. During peacetime, the status of widows as financially independent individuals was well recognized. They still retained the right to jointure during the Commonwealth and Protectorate, but the financial penalties of Composition and Sequestration imposed upon husbands impinged upon their wives' welfare. It is this aspect of civil war politics which affected widows the most and will be dealt with in the chapter devoted to economics of widowhood.

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315. F. J. Routledge (ed.), *Calendar of Clarendon Papers in the Bodleian Library*, vol. IV *1657-60* (Oxford, 1932) p. 275.

316. Pomfret, Life *of Christian, Late Countess of Devonshire*, pp. 72-73.

The concepts of gender which pre-occupied the opinion forming media of the time did not concentrate upon widowhood, but rather hinged upon nationality, religion and the perceived propensity of women to dominate their husbands. The news books were divided into those who supported Parliament such as *Mercurius Britanicus* and those who supported the Royalists, for example *Mercurius Aulicus*. Countess Charlotte was a particular heroine of *Aulicus* during the siege of Lathom; the editor Sir John Birkenhead overstated the number of men, munitions and colours taken by her troops and gave details of 'three gallant sallies' from the house during a period described as 'prolonged calm' by a diarist present.[317] Birkenhead was keen to emphasise the role of Countess Charlotte because the enemy would appear to be particularly weak if defeated by a woman. For the Parliamentarians, the news books were highly critical of prominent Royalist women. *Britanicus* described the Court circle as comprising of 'Dukes and Duchesses, Counts and Countesses, Juntos and Juntas, so many male and so many female privy counsellors, so many Spanish and so many French, so many prelates and so many Jesuits.'[318] *Britanicus* was keen to emphasise the French origins of the queen, Henrietta Maria claiming, 'Her Majesty hath so long commanded in chief that the Court Countesses have great hope to be

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317. P. W. Thomas (ed.), *The English Revolution III, News books I*, vol.III (London, 1971), pp. 68, 71, 80-81; Ormerod, *Military Tracts*, p. 180.

318. J. Birkenhead (ed.), *Mercurius Britanicus* (1644), p. 247.

made Generalissimaes of all the forces for Popery.'[319] The first attack upon the French born Charlotte de la Tremouille came from a priest in Wigan named Bradshaw.[320] He likened her to 'the scarlet whore' and 'the whore of Babylon,' terms which seem to have been used during the Seventeenth Century to signify foreign, particularly French ascendancy. During the reign of Charles II, for example, his French mistress the duchess of Portsmouth was criticised in the same terms by Dryden.[321] News books of both sides used the conduct of aristocratic women to bolster their own preconceptions about gender roles; to *Aulicus* Countess Charlotte and the Queen were noble heroines, but to *Britanicus* the same women were idle, decadent Papists. Yet, Countess Charlotte vanished from the news books once her military career ended in 1651. Her role as widow of the executed martyr earl did not guarantee her celebrated (or notorious) status within the pages of the news books. Although her opposition to the Commonwealth and Protectorate never wavered, the means by which she fought against the actions of Massey et al did not hit the headlines in the same way that leading an army into battle did. This is the crux of the matter when considering the actions of noble widows at this time. The propaganda machines of both sides dwelt upon dramatic events such as sieges and

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319. Birkenhead (ed.), *Mercurius Britanicus*, (1644), p. 266.

320. Ormerod, *Military Tracts*, p. 163.

321. N. K. Maguire, 'The Duchess of Portsmouth,' in R. M. Smuts (ed.), *The Stuart Court and Europe* (Cambridge, 1996), p. 252.

commanding armies, but for all widows, Countess Charlotte included, politico-economic opposition to the Inter-regnum regimes took place through the Courts (for example the Committees for Sequestrations and Compounding as illustrated in the chapter on economics) as well as on the battlefields. In concentrating upon the same military topics as the news books of the 1640's some modern writers do not examine the full extent of noble women's political opposition. Plowden asserts that after the siege of Lathom, 'she [Charlotte] gave no sign of wishing to prolong her martial career. As soon as the siege was over ...she departed serenely for the Isle of Man.'[322] She thus does not take into account that Countess Charlotte held full political and military command on the island in 1651, her continued opposition to and difficulties with Parliament after the final Royalist defeat at Worcester, and her continued interest in the political machinations expressed in letters to her sister-in-law. Davies concentrates upon the writings and actions of Katharine Chidley, Anna Trapnel and Elizabeth Lilburne, and her 'Women of the English Revolution' do not include elite women of the nobility who also held strong political ideas. She rapidly dismisses accounts of the military role of women such as Charlotte de la Tremouille and Lady Brilliana Harley as 'tales of great ladies manifesting what was always referred to as masculine spirit belong to a male and dynastic

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322. Plowden, *Women all on Fire*, pp. 110-111.

myth of valour.'[323] This dismissive statement seems to be not so much a response to the beliefs and actions of the women themselves as a reaction against the historiography of the nineteenth century when Sir Walter Scott created the fictional Charlotte for his novel *Peveril of the Peak*, Guizot de Witt published her life and letters and the fourteenth earl of Derby became a Vice-President of the Chetham Society and Chancellor of Oxford University. An ode performed at his installation as Chancellor refers to Charlotte, celebrating her heroic and noble achievements thus;

In a lonely sea girt isle afar she sate,

Waiting the dreary tidings of thy fate,

Hemmed in with traitors full of grief and fear,

Not as in erst in Lathom's leaguered towers,

Knowing that God would curb unrighteous power,

Unmoved she heard the storm of battle roar...[324]

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323. Davies, *Unbridled Spirits*, p. 22.

324. Raines (ed.), *The Stanley Papers*, Part III, Vol. 2, pp. ccxci-cccxcv.

Crosby has stressed that nineteenth-century attitudes towards the seventh earl of Derby and his family were overwhelmingly biased in their favour, and this may be true of other families elsewhere.[325] The conclusions of both Davies and Plowden are unsatisfactory, implying that noblewomen briefly acquired military roles, only to return to placid domesticity afterwards. They do not appreciate the more complex and sometimes contradictory political feelings expressed by noblewomen, which in Countess Charlotte's case exceeded those of her husband, or in Katherine Wooton's case seem to have been formed during her first widowhood, serving the Princess of Orange. The authors do not investigate the stresses within noble political relationships, for example, internal dissatisfaction within the ranks of the Royalists. Countess Charlotte was critical of the King and Queen for personal reasons and because of their religious leanings, and Katherine Wooton refused to pay ship money as indicated earlier, and members of the court in exile suspected her of having 'compounded with the rebels for her estate.'[326] In addition, Countess Charlotte had relatives on the continent, and in 1642, hoped that the States General in Holland would 'mediate for her with the Parliament, that her person, her children and her house may be

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325. A. Crosby, *A Society With No Equal: The Chetham Society 1843-1993* (Chetham Society, 3rd Series, xxxvii, 1993), pp. 26-27.

326. W. Dunn Mackay (ed.), *A Calendar of the Clarendon State Papers*, vol II, *1649-54* (Oxford, 1869), p. 304.

secured from the dangers she will be exposed by her Lord's following the King's party.'[327]

This does not suggest that she planned to take a strong military role at the beginning of the wars, rather the contrary. Therefore, the political attitudes of noblewomen during the Civil War were changeable and far more complex than simply blind loyalty to the Royalists or Parliamentarians. Furthermore, the news books of the time treated women differently depending upon their political stance. The opinion forming media of the day, the news books, used the exploits or flawed stereotypes of women for their own selfish purposes. Pro-Royalist publications exaggerated the exploits of Countess Charlotte in order to humiliate their opponents, whilst the pro-Parliamentarian press bemoaned the political power of foreign Papist women, and as Davies observes, 'one plank of the republican argument was that monarchy allowed women...unmerited power.'[328]

Lady Stanhope (as she then was) and Charlotte de la Tremouille are the two women from the sample whose political views during the 1640's and 1650's are easily traceable through actions and written words. Few widows seemed able to articulate their political views during the Civil War, and those who did reflect the diversity of the sample. Charlotte de la Tremouille's belligerence towards Parliamentarians began during her marriage, conveniently explained by her as wifely duty,

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327. Royal Commission for Historical Manuscripts, *10th Report, Appendix 6, Abergavenny, Braye & Lutterell etc MSS* (London, 1887), pp. 92-93.

328. Davies, *Unbridled Spirits*, p. 18.

upholding her husband's estate rule during his absence;[329] Christian Bruce paid her composition and mourned the death of her youngest son; for others the sources are silent apart from the records of financial demands made upon widows by the Committee for Compounding and the choice of marriage or remarriage partners. It can only be assumed that the widowed Countess of Strafford remained at Hooton Robarts near Rotherham, supervising the education of her late husband's children. Yet, as Rosenthal wrote of the Wars of the Roses,

> many of them [peers who fought and died during the wars] also left hostages to fortune, wives and children...These vicarious and dependent victims of war ran their own risks and might have been called on to face, over a much longer span than their fallen fathers and brothers the full consequences of battle and defeat.[330]

The consequences of political action could have financial and legal ramifications for widows, and these have been dealt with in the appropriate chapters.

The effects of the Civil War were not only apparent during the 1640's and 50's. It is worth examining the experiences of the three most politically active widows after the Restoration in order to gain an idea of how grateful Charles II was for their services. As indicated earlier, Katherine

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329. Ormerod, *Military Tracts*, p. 163.

330. Rosenthal, 'Other Victims,' p. 214.

Wooton had remained on the continent with the Court in exile; Charlotte de la Tremouille had remained in England, loyal to the Royalist cause and Christian Bruce had remained quietly in England, seemingly without drawing attention to herself. Thus, they all had different experiences of the war and were thus rewarded in different ways. Katherine Wooton was granted a peerage in her own right and with her third husband accrued lucrative moieties from the Post Office, French tonnage and the manufacture of gunpowder. She was forced to enter Courtly politics in order to defend her rights to this income. [331] Countess Christian enjoyed frequent visits from Charles II and his brother James, duke of York, neither of whom were renowned for their appreciation of the company of elderly women.[332] Charlotte de la Tremouille made the boldest stance of any of the women (and for the financial penalties she suffered see p.32), but felt that her rewards from the King were not sufficient. She was appointed governess to the King's future legitimate children and granted a pension, but became increasingly frustrated at his failure to restore the Stanley estates in their entirety.[333] Charles II's failure to produce a legitimate heir meant that her future position as governess was initially a reward, but later proved inadequate. Her attempts to bring to justice the 'murderers' of her husband failed, and her problems were compounded by her strained relationship

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331. Green, Daniell, and Bickley (eds.), *CSPD, of the Reign of Charles II, 1664-5*, pp. 87, 457, 572.

332. Royal Commission for Historical Manuscripts, *5th Report*, p. 205; Royal Commission for Historical Manuscripts, *Somerset, Ailesbury and Puleston MSS*, p. 165.

333. Guizot de Witt, *Lady of Latham*, pp. 291-293.

with Earl Charles, a problem which does not seem to have affected other widows at this time.[334] The dowager countess remained belligerent when she wrote, 'the Isle of Man was restored to my son Derby immediately after the arrival of the King. Monsieur his late father (James Stanley) gave it to me for twenty-one years... I do not believe I will get anything except by force.'[335] These examples suggest that whatever their contribution to the war effort, loyal widows were easily by-passed in the Restoration settlement, even to the point of the King's failure to produce an heir. However different their experiences and rewards, they all relied upon access to the King or Chancellor Clarendon for their recompense. The rewards for such women were financial at best and did not include any directly political appointments. They are not necessarily a good guideline for assessing how influential widows were during the 1640's and 1650's because at a time when a new regime was establishing itself, all three were elderly survivors of a previous era; there were new courtiers who were jostling the monarch for power and whose needs had to be accommodated. For Charles II it was time to look to new blood for the future, not to the past.

The example of Charlotte de la Tremouille agrees with the theory of Harris, that sixteenth-century 'women moved unselfconsciously into the world of politics as they fulfilled their responsibilities as

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334. Guizot de Witt, *Lady of Latham*. p. 246.

335. *Ibid.*, p. 270.

wives, mothers and widows.'[336] Noblewomen of the seventeenth century had the same concerns as their foremothers, the advance of family interests through intermarriage and political or courtier networks. For example she cites the example of Katherine Blount campaigning for the election of her eldest son to the office of MP for Shropshire in 1536.[337] Ninety years later, Elizabeth Boughton, Countess of Devonshire wrote to Sir Nathaniel Rich on behalf of her son, asking him to relinquish his duties as MP for Retford. Presumably her overtures were successful because she later wrote to him thanking him as he had 'quitted his pretence to represent Retford in Parliament, and shown her how to obtain the election for her son.'[338]

Gertrude Pierrepoint, dowager marchioness of Halifax was approached by the earl of Chesterfield in order to support Thomas Coke in 1701. He described the experience to Lady Mary Coke. 'I went yesterday to the Lady Halifax for her favour and the Lady Grace Pirpont's to Mr Coke in his election, whereupon her ladyship made me a great compliment and told me that all the Pirponts in England upon my account would be for my son-in-law, and besides on his own account to do him all the service they could. She said that the Lady Grace had very little or no interest, but she had

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336. B. Harris, 'Women and Politics in Early Tudor England', *Historical Journal*, xxxiii (1990), 260.

337. Harris,'Women and Politics', p. 268.

338. Royal Commission for Historical Manuscripts, *8th Report, Appendix Part II*, 1881 (Reissue 1910), 29b, pp. 164-165.

sent to her brother and to all the rest of her relations and they did assure her that they had already made all the interest for him they could...'[339] In the same month, Lord Scarsdale wrote to Coke promising to influence Lady Halifax. 'Tomorrow I shall write to my Lord Nottingham and do not doubt but he will serve both you and Mr Curzon with his power in relation to my Lady Halifax...'[340] Although Lady Halifax promised the enthusiastic support of all her family with the exception of Lady Grace, she was in the event less able to influence the voting of her officials. Five months after the political lobbying, one of Coke's (by now Sir Thomas Coke MP) correspondents advised him 'the Lady Halifax ...should be spoken to about Mr Horton her steward of Winfield Manor who though directed last election, I hear did you and cousin Curzon not that service which he should have done...'[341] Therefore, Gertrude Pierrepoint was at the centre of a web of supporters for Coke in his attempt to become elected Member of Parliament. However, it appears that her influence over her staff was limited, and it may be that Horton felt free to vote according to his own choice without losing his employment. From the letter it seems that Lady Halifax herself was held responsible and would have to answer for the actions of her steward. Although political parties of like-minded male politicians had developed by the late seventeenth century, they still relied upon ties of kinship. For example, Lord Nottingham's daughter was Gertrude Pierrepoint's

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339. Royal Commission for Historical Manuscripts, *Coke MSS*, ii (London, 1888), p. 440.

340. Royal Commission for Historical Manuscripts, *Coke MSS*, ii, p.441.

341. *Ibid.*, iii (London, 1888), p. 3.

granddaughter-in-law and the earl of Chesterfield was her son-in-law. Prior to the death of her husband, Lady Halifax took a keen interest in the marriage of her niece Arabella Cavendish, the daughter of her sister Frances Pierrepoint, the dowager duchess of Newcastle. Arabella married Lord Spencer the son of the earl of Sunderland, who, like Halifax, was a member of the Whig party. The two politicians had quarrelled, but the Halifax's keen interest in the marriage of their niece indicates that they saw the alliance as an opportunity for political unity.[342] Thus, the advent of the Whig and Tory parties did not siphon politics into an exclusive male domain, and the supportive role of women basically did not change; they still lobbied on behalf of relatives in association with male supporters.

One aspect of political life which had particular relevance for noblewomen in the North of England, and which underwent profound change over the course of the seventeenth century, was the affairs of the border with Scotland as family relationships seem to have been important in the appointment of Anglo-Scottish border officials. Philadelphia Carey's position, for example as lady-in-waiting, and relationship through the Boleyn family to Queen Elizabeth I, potentially enabled her to work for the benefit of her Carey relations and her husband Lord Scrope. Her father-in-law, Henry Lord Scrope was Warden of the Western March on the Anglo-Scottish border from 1563 until his death in 1592, when her husband became warden. (See Appendix 2 for a family tree

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342. J. P. Kenyon, *Robert Spencer, Earl of Sunderland 1641-1702* (London, 1958), p. 267.

illustrating the family relationships between border officials). The three wardens of the Eastern, Middle and Western Marches were responsible for upholding law and order on the border, and as the monarch's direct representative in the area, were highly trusted officials. However, the government of the marches was beset by factional politics as local border families saw their influence challenged by outsiders, men from Court who had little grasp of local customs. Furthermore, thieving, reiving, plundering, looting, and feuding were part and parcel of border life. As Fraser has pointed out, 'no fewer than three of the later English Wardens were close relations of Queen Elizabeth I.'[343] Additionally, 'a warden had opportunities of enrichment and power. He was officially the Master of his March, and could use his office to establish him and his family and secure himself and his property against his enemies. His influence was vast, and in an atmosphere of constant feud and family rivalry the shadow of royal power obviously counted for a great deal. He was the law and he could take the profits.' The close kinship network between some of the wardens can be seen in the diagram. Unfortunately most of the writing on the subject of border politics deals with the experiences of the men; the role of women as wives, mothers and widows is not as well documented. The Anglo-Scottish Border was a dangerous place, even for elderly widows. The Scots Lady Elizabeth Ker was killed by her own relatives when they set fire to her

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343. G. MacDonald Fraser, *The Steel Bonnets* (London, 1990), p. 131.

home in 1548.[344] Meikle, who has made one of the few studies of the area, also asserts 'wives deputising for absent husbands are fairly common among the elite border women when warfare or political exile intervened. They proved to be just as efficient as their husbands at managing estates, though some went further than this and took on the diplomatic intrigues of their husbands.'[345]

Spence has touched upon the importance of strategic marriage to the government of the North of England, in particular in the wake of the rebellion of the Catholic earls of Westmorland and Northumberland in 1569.[346] The replacement of native office-holders with more reliable Tudor courtiers such as the Puritan earl of Huntingdon as Lord President of the Council in the North in 1572, and the earl of Bedford as Governor of Berwick, was cemented by alliances with families loyal to the Elizabethan regime. It is against this background that the purchase of George Clifford's wardship by the Puritan earl of Bedford (rather than his mother the dowager countess Anne Dacre) in 1570, and marriage to his daughter Margaret Russell in 1577, must be considered. Spence also highlights the involvement of the earl of Leicester in the arrangements, drawing the northern nobility into a political axis of Protestantism. His policy may also be seen with regard to the

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344. M. Meikle, 'Victims, Viragos and Vamps: Women of the Anglo-Scottish Border', in J. C. Appleby & P. Dalton (eds.), *Government, Religion and Society in Northern England 1000-1700* (Stroud, 1997), p. 174.

345. *Ibid.*, p. 181.

346. Spence, *Privateering Earl*, pp. 14-16.

marriage of Alice Spencer and Ferdinando, Lord Strange. A source hostile to Leicester wrote in 1584, 'he discourages the nobility, witness his marrying the earl of Derby's son and heir to the daughter of a mean knight.'[347] The Spencer - Stanley match took place in 1579, only two years after the Russell - Clifford marriage, and ten years after the rebellion of the northern earls, so it is likely that the connections made by the families were intended to strengthen Tudor rule in the north. The importance of Margaret Russell's presence in Westmorland during her widowhood has been examined in the chapter dealing with the law and it is appropriate to suggest that her strong governance of the area affected the political standing of her brother-in-law the 4th earl of Cumberland.

The importance of wives is illustrated by the situation of Robert Carey. 'Carey temporarily lost favour with Queen Elizabeth in 1593 when instead of marrying a great heiress he married Elizabeth Trevannion, widow of the spendthrift marshall of Berwick, Sir Henry Widdrington. This love match greatly strengthened Sir Robert's position in Northumberland.'[348] It is tempting to believe that his sister Philadelphia's access to the Queen provided a conduit of information for her husband and a vital political link between his rule in the North and his sovereign in the South. One occasion when Philadelphia Carey did play an important role was at the death of Elizabeth I. She

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347. Green (ed.), *CSPD, 1580-1625*, p. 138.

348. S. J. Watts, *From Border to Middle Shire: Northumberland 1585-1625* (Leicester, 1975), p. 125.

was so close to the dying queen that she was able to transmit her wishes to the Bishop present.[349] Her brother Robert Carey believed that the first messenger to deliver the news of the queen's death to James VI of Scotland would be handsomely rewarded by the new King. As his sister was in close attendance upon the queen, she was able to notify Carey of the death immediately. He then began his ride to Scotland and was indeed first to congratulate James upon his accession to the English throne. Therefore, Philadelphia Carey had a small but vital role to play in her brother's attempt to further the family fortunes. As a lady-in-waiting to the queen, Philadelphia Carey, Lady Scrope, and her sister Catherine Carey, Countess of Nottingham were powerful figures in terms of patronage and access to the monarch. For example, it is believed that the Countess, an enemy of the earl of Essex, ensured his destruction by withholding a ring sent by him to Lady Scrope to pass on to Elizabeth.

The danger of life on the borders is illustrated by the death of Francis Russell, son of the earl of Bedford and brother of Margaret Russell, Countess of Cumberland. In 1585, he was shot dead at a day of truce. Despite confusion over the exact sequence of events, Fraser concludes, 'possibly it was a genuine accident, more probably it was a revenge killing. Either way Russell's death illustrates the unpredictability and volatility of life in the Border area.' Margaret Russell herself took a keen interest in the circumstances of her brother's death. In 1588, she wrote to the earl of

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349. G. H. Powell (ed.), *The Memoirs of Robert Carey* (London, 1905), p. 74.

Rutland, 'the queen has appointed me to search for the accusations had against the Scots... for the slaying of my brother.'[350] Unfortunately, the mystery which still surrounds the death suggests that her investigations did not bear fruit.

Anglo-Scottish problems were also to the fore in Elizabeth Hardwick's household between 1569 and 1585 when her third husband, George Talbot, sixth earl of Shrewsbury was appointed Mary Queen of Scots' jailer. His appointment held significant responsibilities for his wife whose jointure property at Chatsworth was sometimes used to house the former queen. Security, finance and provisioning the enlarged household caused local difficulties for the countess, but the political ramifications of Mary's existence South of the border, and her taste for intrigue, were of national and international significance. Elizabeth Hardwick was frequently in Mary's presence, as were her children and grandchildren, and it well is documented that they spent part of their time in the perfectly respectable feminine pastime of embroidering hangings and cushion covers. However, some of those stitched by Mary had serious political overtones. A cushion cover worked by her and sent as a present to the duke of Norfolk depicts a hand cutting an unfruitful vine in order that a more fruitful one will flourish; a clear reference to the replacement of Elizabeth upon the throne of England by Mary. This gift, along with damning letters written by Mary, formed part of the evidence against Norfolk at his trial for treason in 1572, after which he was condemned and

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350. Royal Commission for Historical Manuscripts, *Rutland/Manners MSS*, i (London, 1888), p. 238.

executed.[351] Part of the Oxburgh hanging, also stitched by Mary, depicts a crowned marmalade cat watching a mouse, a reference to the uneasy situation between the two queens.[352] Frye and Robertson have argued that the needlework produced by Mary during her captivity 'constitute ciphers of her political identity and consequent ambition...Mary Stuart's needlework coveys the strong sense of her own dynastic identity that made conflict with Elizabeth inevitable...' As Swain has pointed out, the messages contained within Mary's needlework reflect the Scottish queen's hopes that her imprisonment would end.[353] The politically subversive messages she sent to the duke of Norfolk, and his daughter-in-law Anne Dacre, stand in contrast with the presents of skirts and coifs and petitions using the language of submission sent to Elizabeth I. Such politically delicate artefacts must have been produced without Lady Shrewsbury's knowledge, but possibly under her own roof, and certainly she does not seem to have been implicated in any of Mary's plots or intrigues.

Frye and Robertson also argue that women embroidered Biblical heroines 'as an imaginative means to push boundaries of acceptable behaviour to include vigorous public, political activity.' In

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351. S. Frye, 'Sewing Connections: Elizabeth Tudor, Mary Stuart, Elizabeth Talbot and Anonymous Seventeenth Century Needleworkers,' in S. Frye & K. Robertson (eds.), *Maids, Mistresses, Cousins and Queens: Women's Alliances in Early Modern England* (Oxford, 1999), pp. 170-171, 173.

352. R. Parker, *The Subversive Stitch* (London, 1984), p. 77.

353. M. Swain, *The Needlework Of Mary Queen Of Scots* (London, 1973), pp. 78-84.

Elizabeth Hardwick's case her political views may have also been represented by characters such as Cleopatra, Penelope, Artemesia, Lucretia and Zenobia. She also worked designs encompassing her Hardwick, Cavendish and Talbot/Shrewsbury connections, but not those of St Loe or Barlow, articulating her own dynastic ambition in the same way as Mary Stuart.

Needlework may also have been an important indicator of Charlotte de la Tremouille's politico-military views. During the siege of Lathom and her tenure of power in the Isle of Man, she was accompanied by her eldest daughter Henrietta Maria. An edition of *Mercurius Politicus* described Henrietta Maria's behaviour when faced with a summons to surrender,

> Mr Rutter their Archdeacon, being a man of very timorous spirit urging also terms of agreement, the notable spirit of the young virago Lady Molyneux (that should be) was observable, answering Mr Rutter's motion with this, that she wished that he, and all such as he, were out of the Castle, and bid him and them get them gone since they were afraid and leave them alone, who were resolved to sell their lives blood at a dearer rate then so, and follow her noble father.[354]

Henrietta Maria Stanley had contracted some form of betrothal with Richard, Viscount Molyneux, a Royalist Lancashire landowner, but married William, earl of Strafford in 1655. An inventory

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353. M. Swain, *The Needlework Of Mary Queen Of Scots* (London, 1973), pp. 78-84.

354. P. W. Thomas (ed.), *The English Revolution III, Newsbooks V*, vol. III (London, 1971), p. 394.

attached to his will singles out 'the flat capp hangings, old ones I found here the same with a suite at Knowsley taken in Richard the 3rds tent in Bosworth Field.'[355] Any items taken from the defeated King in 1485 would have special significance for members of the Stanley family because the victorious Henry VII was the step-son of Sir Thomas Stanley through the latter's marriage with Lady Margaret Beaufort. He was granted the Derby earldom shortly after the battle in 1485. The hangings were therefore closely linked to the rise in Stanley and Tudor fortunes and would be expected to descend with Charlotte's eldest son with the earldom. Charlotte also had two other daughters, Catherine, who was also present at the siege of Lathom and was imprisoned in 1650-51 in Liverpool along with her younger sister Amelia. Only Henrietta Maria was present with her mother at both Lathom and on the Isle of Man. Therefore she may have been given the hangings during the Inter-Regnum as a token of her mother's esteem, a reminder of her own royal connections and their own condition might improve. It is worth noting that they came to the Stanleys when the family's fortunes were on the rise, after a civil war; they were alienated from them after another civil war when the future was uncertain.

Some women found themselves cast onto the stage of international politics as several women had husbands who served abroad in some capacity or other: Anne Howard's husband the earl of

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355. O. Millar, 'Strafford and Van Dyke,' in R. Ollard & P. Tudor-Craig (eds.), *For Veronica Wedgewood These* (London, 1986), p. 123.

Carlisle travelled to Russia, Denmark and Sweden from June 1663 until January 1665 and between 1668-69; the seventh earl of Shrewsbury was sent to France in 1569; the Carey family were closely associated with border affairs and Scotland; George Savile, was sent to the Low Countries shortly before he married Gertrude Pierrepoint and Elizabeth Wriothesley, dowager Countess of Northumberland married as her second husband Ralph Montagu, who became ambassador to France between 1676 and 1678. Unfortunately, information concerning the role of women as the wives of seventeenth- century diplomats is very scarce, and the only clues to the importance or otherwise of their presence come from Elizabeth Wriothesley. The conduct of the wife of the ambassador apparently came under great scrutiny from this comment about Elizabeth Wriothesley's presentation at the French Court, 'It's said when she went to wait upon the Queen of France, never such a concourse of people was seen upon such an occasion as then to view her.'[356] Lady Northumberland's residence in Paris was marred by prolonged bouts of illness, but Montagu was expected to maintain lavish entertainments as the King's representative in Paris. As a result, his sister Lady Harvey was often asked to take the role of hostess, although her behaviour was criticised, and her meddlesome reputation was contrasted with the 'virtuous and good natured' Lady Northumberland.[357] Elizabeth Wriothesley's reluctance or inability to participate in public

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356. Royal Commission for Historical Manuscripts, *Buccleuch MSS (Montagu House)*, i (London, 1899), p. 325.

357. Metzger, *Duke of Montagu*, p. 159.

life relegates her to a position of bystander, and hides from us her real political views.

However, Metzger concludes that she may have had more influence in England as she was already a favourite with Charles II when Montagu married her. Montagu was able to use her status as a member of the nobility in order to gain respectability amongst titled politicians and access to the King. 'Montagu knew the value of the rank of his wife and no doubt intended to make the best use of it for his own personal gain. His marriage was, like everything for Montagu, a means to an end.'[358]

Lady Northumberland was part of an extended family of half brothers and sisters and was thus a half-sister of Lady Rachel Russell, whose husband William was executed for treason in 1681. Schwoerer alleges that the close relationship between the sisters 'not only enriched the personal lives of these three women, but also enlarged their political connections...'[359] In spite of their closeness, the sisters did not always agree upon politics as Schwoerer demonstrates,

Rachel wrote immediately to her half sister regretting the steps her brother in law Montagu and others had taken against Halifax and expressing grief over her husband's death. Elizabeth impatiently replied that the punishment of men responsible for William's death should be a

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358. *Ibid.*, pp. 114 -115.

359. L. Schwoerer, *Lady Rachel Russell* (London, 1988), p. 18.

comfort to Rachel. In doing so she failed to take into account the friendly relationship between Rachel and Halifax.[360]

Therefore, although the two women were restricted in terms of official public roles, they held their own views about politics and alliances.

It was Lady Northumberland's daughter, Elizabeth Percy who was probably the most politically influential widow in this study. She married the Earl of Ogle in 1680 at the age of twelve, but his death one year later left her widowed. Her second marriage to Thomas Thynne ended in 1682, when he was murdered in Pall Mall by Count Koningsmark, and her third husband was Charles Seymour, duke of Somerset, whom she married later in 1682. Somerset became Master of the Horse to Queen Anne and 'served the queen longer than any other minister.'[361] After 1711, Gregg argues, 'the most important' of Queen Anne's personal attendants was Elizabeth Percy and 'she was to remain the closest royal companion during the last years of the queen's life.'[362] The close personal friendship between queen and duchess became of political importance when Elizabeth Percy was appointed to some of the household duties formerly performed by the duchess of Marlborough, the previous favourite, Groom of the Stole and Lady of the Bedchamber. Although

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360. Schwoerer, *Lady Rachel Russell*, p. 193.

361. E. Gregg, *Queen Anne* (London, 1980), p. 299.

362. *Ibid.*, p. 331.

members of the royal household did not hold any official political office, their influence was acknowledged by the queen's ministers by their opposition to Elizabeth Percy's appointment as Groom of the Stool. Both women and men were involved in political machinations, as the activities of Anne's physician, Sir David Hamilton show. Hamilton also held Whig sympathies and is described by Gregg, 'regarding the duchess as his political ally, [he] attempted to reinforce her position in his conversations with the queen. Hamilton recorded in his diary, 'I presum'd to tell her [Anne] that if she had a liking to the duchess of Somerset it was a pity she did not act her own will. For she needed an agreeable Friend to open to, in order to lessen the ill effects of her disquiets. And if she did not use her Own Power to keep in the duchess of Somerset for her own quiet, it would give the duchess of Marlborough a handle to say, that it was not her fault that Her Majesty parted with her, but Her Majesty's circumstances which occasion it.'[363] Elizabeth Percy became so associated with political activity that the satirist Jonathan Swift wrote two verses attacking her. The Windsor Prophecy was written in 1711 and remarked disparagingly about her red hair and marital history.

> Their Conyngs mark thou, for I have been told,
>
> They assassine when young, and poison when old.

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363. P. Roberts, (ed.), *The Diaries of Sir David Hamilton* (Oxford, 1975), p. 37.

Root out these carrots, O Thou whose name

Is backwards and forwards always the same: [Anna]

And keep close to thee always that Name,

Which backwards and forwards is allmost the same. [Masham]

The Windsor Prophecy hampered Swift's ecclesiastical career, and on 15 February 1712, Hamilton recorded 'she [Anne] discours'd of Dr Swift's character. He was good for some things she said, but had not dispos'd of that Benefice [of Wells] to him nor would not.'[364] Furthermore, Gregg asserts

> the queen found it impossible to prevent the further politicization of her family. Among other things the ministers were determined to get rid of Somerset and his seditious duchess. Yet this was treading on dangerous ground; any attempt to interfere with her personal servants smacked too much of the "tyranny" from which the queen had lately escaped...Somerset's reply was that if he went, the duchess would leave the queen's service too. This effectively delayed Somerset's dismissal because the queen was loath to lose the companionship of the duchess.[365]

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364. Roberts (ed.), *Diaries of Sir David Hamilton*, p. 41.

365. Gregg, *Queen Anne*, p. 351.

Gregg also asserts that as far as the Duke was concerned his political importance depended entirely upon his wife's relationship with the queen.

Another lady, Lady Belasyse was a close friend of Mary Beatrice d'Este, wife of James duke of York who became James II in 1685, after the death of his brother Charles II. The duke and duchess were Catholics and thus the focus of anti-Papist politics, which came to a head with the Popish Plot of 1678 and the Exclusion Crisis, which sought to by pass James' accession to the throne on the basis of his Catholicism.[366] The issue of the duke and duchess's Catholicism posed questions concerning the future of the monarchy which were only resolved with the accession of James' daughter Mary and her husband William in 1688 after the Glorious Revolution. The duke and duchess spent 1679 in exile in Brussels, when Mary Beatrice wrote of the political situation in England, 'I am very glad you chose a day to see the queen when she was in so good a humour, I believe that she does hope that this prorogation will do good, as I pray to God it may...'[367] Three years later, the duchess wrote to Lady Belasyse from Edinburgh, telling her of her pregnancy, 'I was a great while before I durst believe myself sure of it for fear of being disappointed, but now thank God I am very gay for I have been quick this good while

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366. G. White & R. S. Lea (eds.), *CP*, vol. XII/2 (London, 1959), pp. 917-918.

367. BL, Add. MS, 24,901, f. 3.

and think I am almost five months gone...'[368] This was an era when the birth of a child affected the political future of the country, and, whilst the pregnancy of 1682 ended in miscarriage, the excitement which attended the birth of her son James in 1688 reflected the uncertainty of the times.[369] Nevertheless, the issue of maternity was a unique feature of women's role within politics at a level of society where the care of the mother and child was of political consequence.

Elizabeth Percy therefore, was perceived to be a highly influential political figure through her friendship with Queen Anne. Lady Belasyse's friendship with Queen Mary Beatrice less so, yet both had political overtones. Political contemporaries were convinced of the influence of members of the monarch's household otherwise they would not have opposed their appointment so vigorously. There was therefore, a fine line between personal friendship where the domestic arrangements of the royal family became politically important, service as a member of the household and political influence. As during the Civil War, the involvement of women in politics was a target for satirists, whereas during the reign of Elizabeth, petticoat government was personified by the queen herself. Although the official functions of women had changed little since the reign of Elizabeth I one hundred years previously, such jobs were

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368. BL, Add. MS, 24,901, f. 5.

369. Somerset, *Ladies in Waiting*, p. 162.

still the only vaguely political outlets available to them. It must be stressed that the fact that contemporary politicians viewed the appointment of women to the queen's household as a politically sensitive issue, lends weight to the fact that members of the household were perceived as holding substantial influence.

While Elizabeth Wriothesley was one of a handful of Englishwomen able to wield influence at home and abroad, other aristocratic women featured indirectly in foreign political affairs as the mothers or grandmothers of claimants to the throne. By the late sixteenth century, it became obvious that Elizabeth I was too old to bear children, even if she did marry, and the question of her successor became a matter of State importance. Politics was largely synonymous with dynasty and family aggrandizement, and there were plenty of foreign Kings who hoped to marry a descendant of Henry VII and place themselves upon the throne of England once Elizabeth was dead. The potentially treasonous question of the marriages of several teenage girls, thus became a matter of the utmost political importance and sensitivity. Although there was little they could do to influence the predatory eyes of foreign monarchs, these women had to tread a delicate path where Elizabeth I was concerned. Any attempt to arrange the marriages of those with royal blood without the queen's consent would have to explain their actions to Elizabeth personally. The question of the Tudor succession has been dealt with in great detail by Levine, but his investigations end in 1571, before the birth of Arbella Stuart and the

execution of Mary queen of Scots.[370] At the end of the sixteenth century, some of Levine's claimants were dead, Margaret Clifford, Lady Catherine Grey and Mary Stuart for example, and their claims had therefore passed to their descendants.

Alice Spencer, countess of Derby and Bess of Hardwick had to contend with the perils of royal blood in their families, although neither woman was related to the Tudor or Stuart dynasty except by marriage. They dealt with the contentious issues of royal marriages and births in totally contrasting ways, and with differing results.

Alice Spencer married Ferdinando Stanley, the future fifth earl of Derby in 1579. He was descended from Henry VII through his mother, Lady Margaret Clifford. He and his three daughters by Alice thus possessed a diluted but dangerous dash of royal blood, which became increasingly important as Elizabeth became older and less likely to produce an heir herself. In fact, the mysterious circumstances in which Earl Ferdinando died have not been satisfactorily explained, and suppositions of Papist plotting and poison have never been proved or disproved. Suspicions must have been roused in the highest government circles as Sir George Carey wrote to the vice-chamberlain and Sir Robert Carey on 28 April 1594, 'I find ... greater presumptions that the earl of Derby was 'bewitched' than poisoned. A vehement suspicion may also be

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370. M. Levine, *The Early Elizabethan Succession Question 1558-1568* (Stanford, California, 1966); *Tudor Dynastic Problems 1460-1571* (London, 1973).

gathered by a letter found by chance, that the younger brother of Dowtie, this lord's secretary... can discover much of this matter...'[371] In the light of these investigations, Countess Alice must have been aware of the need to protect her daughters from harm, and the need for tact when arranging their marriages. In fact, her daughter Elizabeth married Henry Hastings, a grandson of the fourth earl of Huntingdon, and himself of Royal descent. Both Countess Alice and Huntingdon worked hard to overcome objections from the queen and members of the Court; clearly, they would rather have the political expedient of queen's blessing for the union. Her letter to Huntingdon dated December 1600, indicates some of the difficulties they had faced, 'about the finishing of that with your grandchild which both of us have so much desired and so long laboured for at her Majesty's hands, which in my opinion is the best course I could take to prevent those that might go about to cross our proceedings.'[372]

Foreign monarchs were aware of the queen's unmarried female relatives, and tarried with the idea of claiming the English throne either by marrying them themselves or allying them to a suitable relative. In 1599, during the period when Countess Alice was in negotiation with Huntingdon, Francesco Contarini, the Venetian Ambassador in Paris, wrote a dispatch to the

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371. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, iv, p. 517.

372. Bickley (ed.), Royal Commission for Historical Manuscripts, *Hastings MSS*, ii, p. 47.

doge and senate that 'the Huguenots also suggest a wife for His Majesty (the King of France) as they wish him to marry one of their sect, among others they suggest...an English lady, the daughter of the earl of Derby, a relation of the Queen of England through whom the King would acquire a certain claim to the throne.'[373] In 1603, Philip III of Spain was informed by his Council, 'they proposed the Duke of Savoy might marry the Lady Arabella (Stuart) or a daughter of the Earl of Derby, the latter being preferable as the lady was a Catholic and had a larger following.'[374]

Paradoxically, the daughters of Alice Spencer were seen as malleable by both Protestant and Catholic factions abroad.

Another monarch interested in the bloodline of Alice Spencer's daughters was Boris Gudunov, the Tsar of Muscovy, who was given a genealogical chart of the royal pedigree of the queen's relations. Elizabeth I wrote to him on 11 September 1601 in order to retract an undated and

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373. Brown (ed.), *Calendar of State Papers, Venice, 1592-1603* (London, 1897), pp. 366-7.

374. R. Tyler (ed.), *Calendar of Letters, Despatches, and State Papers, Relating to the Negotiations Between England and Spain: Preserved in the Archives at Vienna, Simancas, Besancon and Brussels* (London, 1899), pp. 719-22.

unspecified offer of a Stanley in marriage.[375] The Muscovites had made advances towards the hand of Elizabeth herself and Lady Mary Hastings in 1583, so the Stanley sisters were not the only English women close to the throne who had been considered for the role of Tsarina.[376] In the queen's letter, she mentioned that the Muscovites were considering an alliance with the Austrians. Only eight years earlier, in 1593, some Muscovite nobles had offered the throne to Archduke Maximilian. English politicians and merchants may have feared for the future of their very lucrative trading rights and privileges if an Austrian had ascended the throne, and wished to promote their own candidate for the Muscovite throne. The Muscovite marriage plans may have been an attempt by Gudunov to take a more central role in European politics, and by the English, to become more influential in the internal politics of a valuable trading partner.[377] Ironically, Countess Alice's daughters were identified with both the Huguenot and Catholic factions by forces abroad beyond their control, and their mother had no control over debates in the Courts of Europe. Although nothing came of these international deliberations,

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375. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, xi (London, 1906), pp. 387-8.

376. C. Cross, *The Puritan Earl: The Life of Henry Hastings, Third Earl of Huntingdon 1536-1595* (London, 1966), pp. 29-30.

377. N. E. Evans, 'The Anglo-Russian Royal Marriage Negotiations of 1600-1603', *Slavonic and East European Review*, 3rd Series, lxi (1983), 376-380.

they do demonstrate the political importance of Countess Alice's daughters and that their choices of husbands were possibly a matter of international significance. An aging Elizabeth I may have realized that political stability would be more likely after her death if her relatives married in England with her blessing, than remained the unmarried foci of intrigue. In 1575, when her husband had been the jailer of Mary Stuart for seven years, Elizabeth Hardwick managed to engineer a match for her daughter Elizabeth Cavendish with Charles Stuart, earl of Lennox (for legal implication of this match see p.p.64-65). He was brother-in-law of Mary Queen of Scots and a descendant of Henry VII. Both Lady Shrewsbury and Lady Lennox were summoned to London to explain their actions to the queen, but it was the latter who subsequently spent time in the Tower as a result. Whilst the two ladies argued that the couple had simply fallen in love, other reasons for the marriage may be surmised.[378] Margaret, Countess of Lennox, mother-in-law of Mary Queen of Scots, was short of money and an alliance with the Cavendishes would bring some much needed cash to her coffers. This marriage, with its royal ties, could be cited as the ultimate aggrandizement of Elizabeth Hardwick's Cavendish dynasty. The birth of a daughter, Arbella, to Elizabeth Cavendish, provided another candidate for the throne after the queen's demise, but the death of the young earl of Lennox in 1576, followed by that of his wife six years later, ruled out the possibility of

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378. Durant, *Bess of Hardwick*, pp. 84-87.

Elizabeth Hardwick seeing a grandson rule England. After Elizabeth Cavendish's death, her mother assumed responsibility for Arbella's welfare. Whatever the reasons for the Lennox-Cavendish connection in the first place, the long term political repercussions were visited upon Lady Shrewsbury and her family, as she, Arbella and eventually her daughter Mary Cavendish, were caught within the paradox which affected all women at the apex of Tudor and Stuart society; ie that their existence and activities were politically significant, but the women themselves were politically unenfranchised. Thus there was a great deal of trust vested in Elizabeth Hardwick for three years 1582-85. For some of this time she was responsible for two royal women, Arbella and Mary Stuart, whilst her relationship with Shrewsbury was crumbling. The issue of Arbella's existence proved to be bothersome for the queen and subsequently James I, Bess, and Arbella herself. Although she was at times welcomed at Court, and used as a diplomatic pawn by Elizabeth when it suited her, Arbella was forced to live much of her life out of royal sight, under her grandmother's roof in Derbyshire. [379] Here, frustrated by her rustication and her grandmother's eagle eyes, she encouraged ill-considered plotting in order to win her freedom. Whilst Mary, Queen of Scots was officially a prisoner in the custody of Lord and Lady Shrewsbury, her position as a former queen ensured some respect for her status. Arbella was nominally as free an agent as any unmarried woman, but in reality, she

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379. *Ibid.*, pp. 160, 201

could not leave her grandmother's gates without permission and as such was as much a prisoner as her aunt had been. Unsurprisingly, Arbella resented the shackles her royal blood conferred, perhaps personally blaming her grandmother for the awkwardness with the queen which her existence created. As she grew to adulthood, her only hope of escaping the narrow world of the household at Hardwick was marriage. On 22 March 1603, two landowners in Derbyshire, John Manners and Sir Francis Leek, were informed by the Lords of the Council, 'that some dangerous practices have been intended for the violent removal of the Lady Arabella out of the charge of her grandmother, the old Countess of Shrewsbury and she (the queen) has therefore sent Sir Henry Brounker to assist the Countess for the well governing of the young lady and to prevent any disorder. We require you therefore that if Sir Henry Brounker gives you notice of cause to apprehend any doubt of such a danger, and demands your assistance, that you fail not to assist him with a number of trustworthy men, well armed and furnished for the well guarding of the young lady.'[380] The queen and her officials clearly believed serious trouble was afoot in the North and although, the dowager countess reported to Elizabeth 'I rest most certain of her loyal and dutiful mind to your Majesty,' she added, I cannot now assure myself of her as I have done.'[381] By 1603 the dowager countess was about seventy five years

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380. Royal Commission for Historical Manuscripts, *Rutland Manners MSS*, i, p. 388.

381. Guiseppi, Owens, Roberts, and Salisbury (eds.), Royal Commission for Historical Manuscripts, *Salisbury MSS*, xii, p. 593.

old, and her granddaughter's exhibition of independent spirit was not conducive to a peaceful old age. Whilst the countess' loyalty does not seem to have been questioned, her ignorance of what had been going on under her own roof led her to beg Elizabeth 'either to accept of her [Arbella's] service about your Royal person, or to bestow her in marriage.'[382] Arbella seems to have taken the matter of her marriage into her own hands, sending one of her servants to approach the earl of Hertford on behalf of his grandson, Edward Seymour, who also had a claim the throne. Arguably, to Arbella, marriage was not a seditious activity but the only visible means to escape from the prison-like world of her grandmother's care and secure an income. After the death of Elizabeth I, shortly after Arbella's attempted escape, James I welcomed his cousin to Court. However, like his predecessor, he never solved the problem of keeping his cousin in royal style but without an adequate income. In 1611, three years after her grandmother's death, Arbella again seized the initiative and succeeded in marrying Edward Seymour, but they were caught and sent to the Tower of London where Arbella died in 1615.

Mary Cavendish, Countess of Shrewsbury was also imprisoned, but not released until 1623, twelve years later, and for her the issue of Arbella's freedom of movement and association

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382. *Ibid.*, p. 593. For further details of Arbella Stuart's life, including the possibility that she suffered from Acute Intermittent Porphyria, see Gristwood, *Arbella*; S. J. Steen, 'How Subject to Interpretation: Lady Arbella Stuart and the Reading of Illness', in Daybell (ed.), *Early Modern Women's Letter-Writing*, pp. 109-126.

became a prelude to a more serious question of political allegiance. The earl of Northampton described her as 'the only contriver of her (Arbella's) bedlam opposition to the King.'[383] The last five words sum up the problem in the eyes of the State; Arbella and Mary's behaviour was rebellious, aimed at James personally. By 1618 'Lady Shrewsbury, refusing the oath of allegiance has incurred a praemunire and may lose all she has.'[384] Although imprisoned over the matter of her niece's marriage, Mary Cavendish remained in the Tower because of her hostile attitude towards the Jacobean regime, which was probably exacerbated by her suspected Catholicism. This suggests that she had a grasp of the political issues of the time and was able to enunciate her opinions. The case of Arbella Stuart opens up an aspect of politics affecting the highest strata of elite women:- Arbella either failed to grasp or refused to acknowledge the political significance of any marriage she made, probably because she did not see it as a political issue. As Steen has argued, 'the women of rank around her in her youth-Mary Queen of Scots, Queen Elizabeth and Bess of Hardwick were active and aggressive role models. The paradox of the aristocratic woman whose sex signified subordination, but whose

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383. Green (ed.), *CSPD, of the Reign of James I, 1611-18*, p. 41; Gristwood, *Arbella*, p. 314.

384. Green (ed.), *CSPD, of the Reign of James I, 1611-18*, p. 565.

class signified authority was more extreme in Stuart's case because of her birth and upbringing.' [385]

Conversely, Mary Cavendish seems to have been well aware of the implications of helping Arbella and her subsequent actions attest to her dislike for James' policies. To a large extent, the life of Mary Cavendish has been overshadowed by the achievements of her mother Bess of Hardwick, and the fate of her niece Arbella, but that is not to say that she did not have strong views of her own. Her religious views seem to have been well known, as one John Parker revealed to her husband, 'he heard Sir Peter Frecheville (a Derbyshire landowner) telling Sir John Manners that the Countess of Shrewsbury's open leanings to Popery might endanger the earl's public standing.'[386] Indeed, some of Mary Cavendish's female friends took an interest in her views and tried to reform her opinions. An undated letter from Elizabeth Cooke, Lady Russell urged her to read an enclosed book 'and be not deaf like the adder to reasoning in religion.'[387]

Mary Cavendish was not the only Catholic sympathiser to land in trouble. Elizabeth Tresham was married to Lord Monteagle, a well known Romish sympathiser who famously received a

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385. S. J. Steen, (ed.), *The Letters of Lady Arbella Stuart* (Oxford, 1994), p. 5.

386. Batho, *Talbot Papers*, p. 280.

387. *Ibid.*, p.286.

letter warning him not to attend the opening of Parliament in 1605. In 1625, the by now widowed Elizabeth was petitioning the King, 'that on account of the many crosses lately befallen herself and her family, her composition as a recusant must not be insisted upon.'[388] Elizabeth Tresham was brought up within a Catholic household, unlike Mary Cavendish, whose religious principles obviously threatened to compromise her husband's standing at Court. As indicated in the introduction, the sixteenth century church settlements were not easily enforced by the Ecclesiastical Commission or the Council of the North, both based in York and such religious activity held political overtones.

Eales has concluded that women's political interests during the seventeenth century 'have been trivialized as petticoat politics,' and argues that there was little difference between the sexes in terms of political roles.[389] By relegating the political functions of aristocratic women, historians fail to grasp the more delicate workings of political thought, debate and influences. As has been established above, noblewomen played a part in all these processes. Despite being barred from holding a large number of state offices, their influence upon politics was more subtle than simply being able to participate or not. It is not true to say that because noblewomen had no formal political representation, they were disinterested in politics. The

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388. Green (ed.), *CSPD, of the Reign of Charles I, 1625-26* (London, 1858), p. 196.

389. Eales, *Women in Early Modern England*, p. 59.

methods by which they expressed themselves directly changed according to the accessibility or otherwise of the monarch. There was not a clear delineation in the minds of late seventeenth-century political figures between personal friendship with the monarch, service within the royal household and the possibilities of political influence. However, the need to influence patronage networks and advance family interests was the same in 1600 as it was in 1700 and took place through marriage and political sponsorship. The influence of noble widows upon politics cannot be seen without reference to their married lives, or the connections with their own birth families. Whilst there were women who married prominent men because they had no national connections of their own, and did not form part of the sophisticated system of the court, it was precisely because they were apolitical that they made attractive marriage partners. Widowers who had already established their political networks, needed a housekeeper rather than a new political alliance. Thomas Wentworth, for example married into the Clifford and Holles families before he married Elizabeth Rhodes. In contrast, for those women of an independent turn of mind, such as Mary Cavendish, her political beliefs threatened the courtly position and integrity of her husband, but not even a lengthy stay in the Tower of London could jeopardize her political tendencies.

# CONCLUSION.

The definition of a widow, as a woman who has survived her husband, covers a wide range of women aged from 15 to 85 years old. The survival of the wives of noblemen meant that the gamble taken with portion and jointure worked in their favour and theoretically, they were able to dispose of their own income as they saw fit.

The absence of a husband meant that the women were able to act independently for the first time in their lives, be the heads of their household(s), govern their estates and families, become business entrepreneurs, litigate and patronise poets architects and musicians. They were not necessarily elderly relics, but intelligent, influential, and sometimes young women, keen to participate in society. Widowhood did not mean the end of an era but often the beginning of a new one, in some cases expanding a constantly evolving family structure through their own remarriage and by negotiating marriages for their children or grandchildren. As such, they always remained central to their own individual version of family as mothers, step-mothers, mothers-in-law, sisters, aunts or cousins. Family concerns were the focus of noble widows' lives and can be linked to every other sphere of their activity. Natal, marriage and step-families

all produced social, economic and political connections which benefited or otherwise a noble widow. Family was the most important consideration no matter how distant the connection. When Daniel O'Neale died, he commended his widow, Katherine Wotton, to take his niece and nephew into her care for preferment.[390]

The wider worlds of politics and the law were available to widows through the medium of family. The mechanisms by which they expressed themselves were often more subtle than historians have previously suggested, and researchers are moving to a more complete understanding of how women operated in these worlds. In a critique of Stone's work, Schwoerer argues that noble women were ill served in his works and questions his assumptions about women, concluding, 'it is not desirable for seventeenth century English women to be set in Stone.'[391] Writing about the late medieval period, Hawkes has argued 'anecdotal evidence suggests that late medieval gentlewomen worked in an extra-curial world, by this I mean that they took part in the behind the scenes activity which was necessary to the functioning of legal

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390. London, PRO, PROB 11/315/124.

391. L. Schwoerer, 'Seventeenth-Century English Women Engraved in Stone?' *Albion,* xvi (1984), 392.

mechanisms.'[392] This statement is also applicable to women operating in the seventeenth-century worlds of law and politics.

As Wynne argues, 'seventeenth-century strictures on the participation of women in public life decreed that women were not part of the political world, but the dynamics of the early modern court meant that in practice they could have a significant role.'[393] Whilst it renders their contribution more difficult to quantify, it also means that the women themselves had a more interesting role to play than was previously thought. Arguably, if historians are to reveal a clearer picture of political mechanisms, they have to consider the writings and correspondence of women as well as men.

Similarly, the scarcity of evidence for charitable activity does not mean that widows did not participate and general observations must be made from the available evidence rather than firm conclusions. It is fair to say that charitable donations given at the end of her life, could reflect a widow's sentimental attachment to a certain geographical area, as well as a response to the problem of poor relief. A declining number of women made charitable provision throughout

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392. E. Hawkes, 'Women's Knowledge of Common Law and Equity Courts in Late Medieval England', in Menuge, (ed.), *Medieval Women and the Law*, p. 145.

393 . S. Wynne, 'The Mistresses of Charles II and Restoration Court Politics', in E. Cruickshanks (ed.), *The Stuart Courts* (Stroud, 2000), p. 171.

the century; this was caused by a number of socio-economic factors including changing perceptions of religious duty, parish provision of poor relief and the nature of economic provision for widows.

Widows were less likely to be engaged in litigation at the end of the century than the beginning. The number of noblewomen was greater in 1700 than 1600, but few of them were involved in litigation. At the same time the increased use of the Strict Settlement clearly delineating a widow's jointure and outlining daughters' entitlements may well have contributed towards keeping women out of the courts. Landowners' search for the freedom of alienation whilst providing for all members of the family brought about a gradual reformation of the legal system, with the descent of property renegotiated at each generation. This prevented widows from exploiting confusion over the land law to claim extra jointure and inheritances for daughters.

In the most conspicuous families, the widow's orientation was matriarchal rather than patriarchal, particularly amongst those who had daughters but no sons. Yet, whilst some women such as Alice Spencer and Margaret Russell challenged the law and questioned the rights of men to inherit land automatically, they also upheld the practice of portion and

marriage settlement with regard to their own female descendants.[394] The wills of Elizabeth Boughton and Alice Spencer show that they were keen to uphold the economic basis of marriage whilst questioning and challenging society's expectations through the courts. Land holding and economic power was based upon family land holdings and widows took the basis of traditional patriarchal land transfer, that is inheritance through the eldest son and created their own codes of property descent. Their ideas of dynasty could marginalize the roles of men to the position of mere providers of aristocratic titles, with daughters (in the absence of sons) and their descendants becoming the noblewoman's dynasty as she defined her role as mother and grandmother. The memorials that are noblewomen's tombs still proclaim their identities as they wished to be defined.

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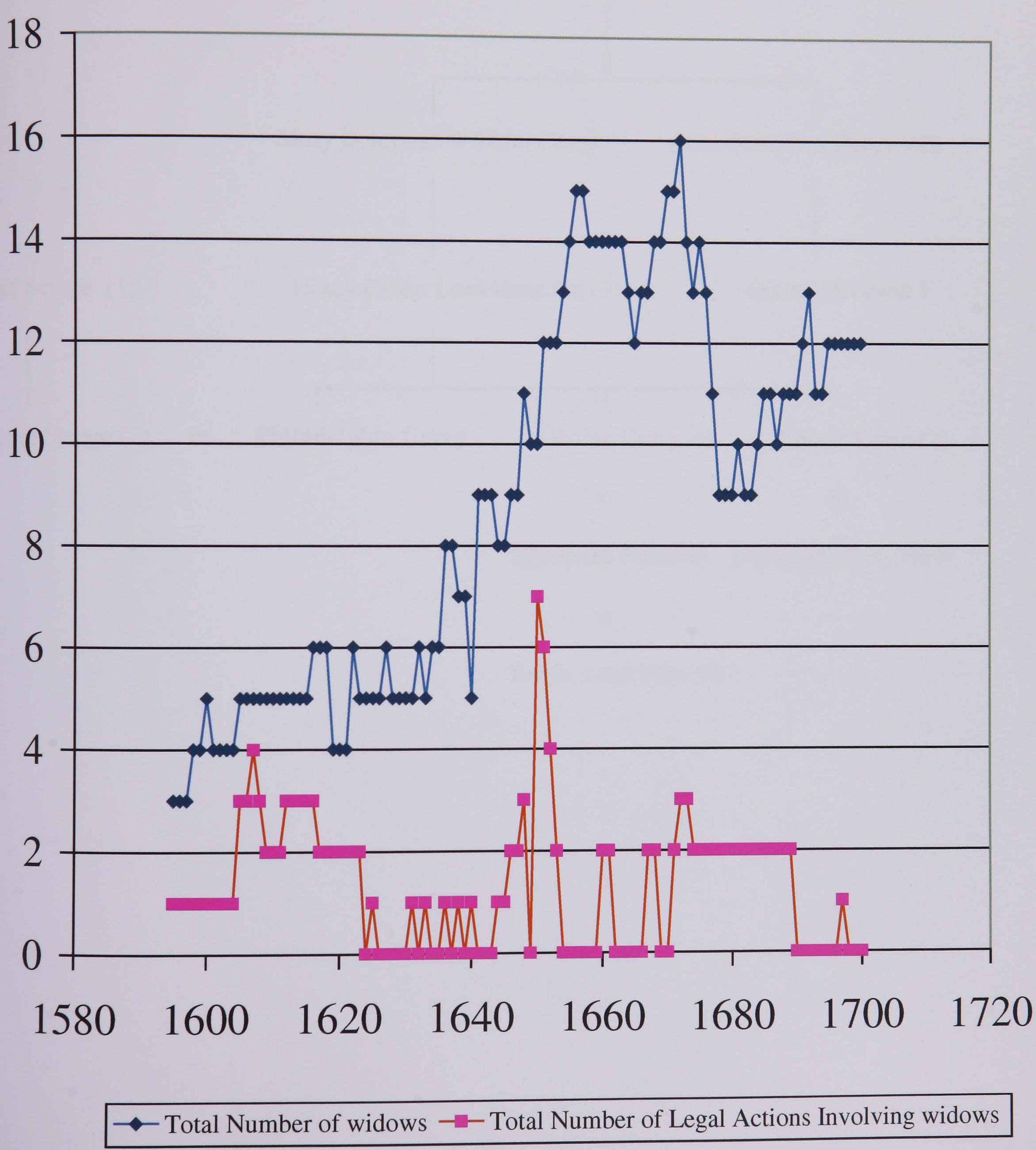
394 . London, PRO, PROB 11/179/59; PROB 11/128/68.

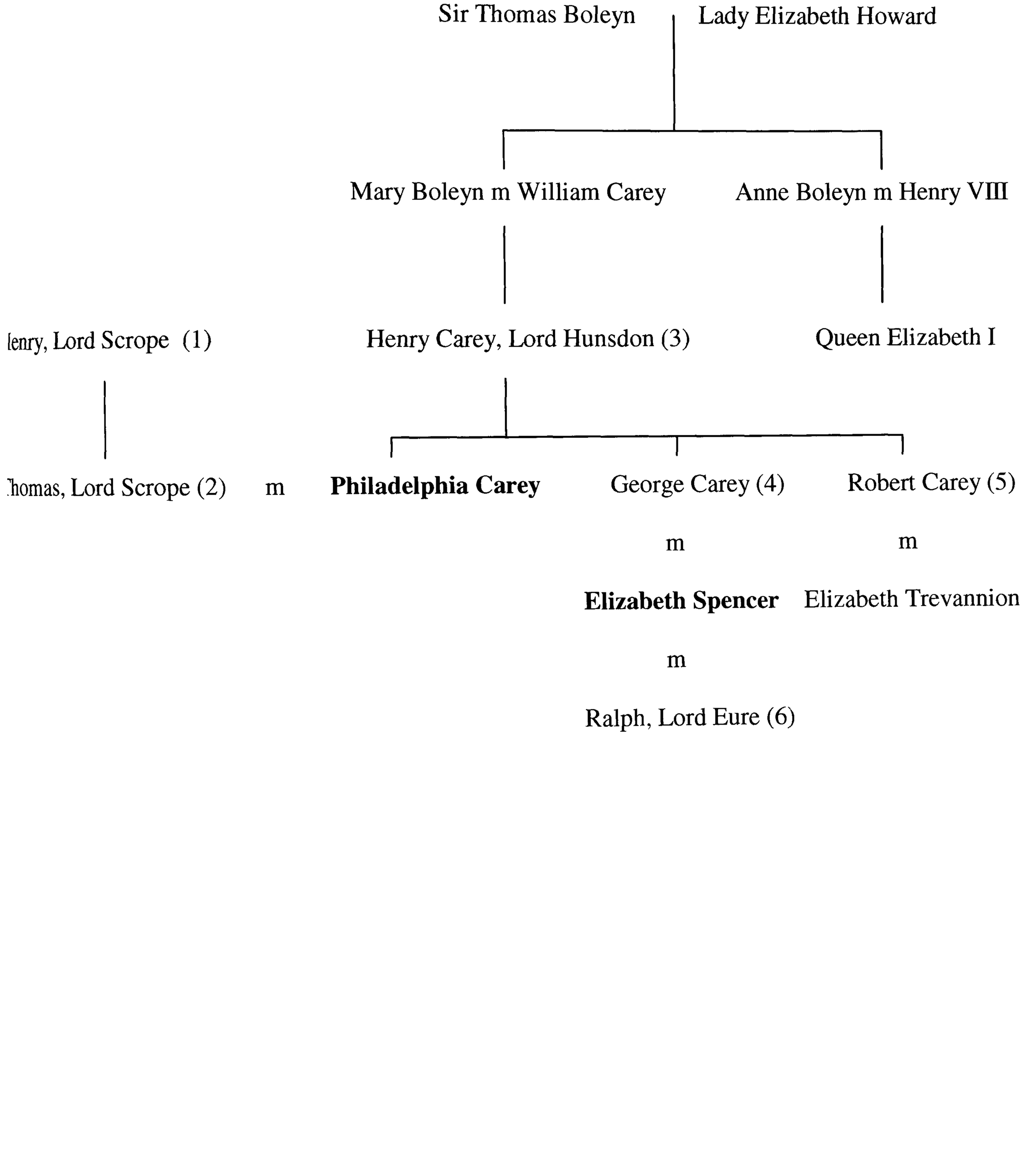
# APPENDIX 1.

## Number of widows and the number of widows litigating.



# APPENDIX 2.

## Relationships Between Border Families & the Tudor Regime.



1) Henry, Lord Scrope, Warden of the Western March 1563-92.

2) Thomas, Lord Scrope, Warden of the Western March 1592-1603.

3) Henry Carey, Lord Hunsdon, Warden of the Eastern March 1568-1596.

4) George Carey, Special Ambassador to Scotland 1569.

5) Robert Carey, Warden of the Eastern March 1596-1603 and also served as Warden of the Middle March.

6) Ralph, Lord Eure, Warden of the Middle March 1595-98.

Names in bold refer to women included in this study.

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