Women in London's Court of Orphans, 1660-1720

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Abstract

This thesis examines the role of women in the City of London's Court of Orphans between 1660 and 1720. The Court of Orphans has been significantly overlooked by scholars of early modern London, and where the Court's records have been used, they have often been extracted from their administrative context. Little attention has been paid to the women who interacted with the Court, or their role in its administrative and financial procedures. As such, this thesis is the first substantive work to place women at the centre of investigations into the early modern Court, looking beyond the way it worked, to focus on the women who were actively involved in the Court's proceedings. By using a methodology that interrogates the relationship between administrative process and record creation, and which uses the Court's records holistically, this thesis contends that women had key roles as executors, guardians, recognitors, and financial managers.

Chapter one explains how the Court's records and administrative process developed from the medieval to early modern period. Chapters two to five each use a record collection produced by the Court, and they argue that women had important administrative, financial, and social roles in the Court's complex administrative process. The last chapter departs from this structure to focus on the City's financial crisis between 1683 and 1694, arguing that women's roles as petitioners and lobbyists in the crisis has so far been unacknowledged. This thesis concludes that the Court of Orphans nuances our understanding of women's social and economic lives in the City and offers a new way to study women's interactions with civic and corporate life.

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Author's Declaration

I declare that this thesis is a presentation of original work, and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

Introduction

This thesis examines women and their role in the City of London's Court of Orphans between the years 1660 and 1720. Women were central to the Court's administrative process as executors, guardians, recognitors, and financial managers, and they can be found at every stage of the Court's proceedings. The Court of Orphans has been significantly overlooked by historians of early modern London, and only one monograph, by Charles Carlton, has been written on it in the last 50 years.¹ Where the Court has been discussed, focus is on the Court of Orphans' role in the City of London's financial crisis from 1683-1694, or on the information it provides about London's business community, with little attention on the Court as an administrative institution. The significance of women's role in each stage of the Court's administrative process and the extent of their presence in the Court's records has yet to be acknowledged by scholars. However, the Court's records are evidence of the active role that women held as executors, legal guardians, recognitors and financial managers, and draw attention to the ways that women engaged with civic institutions, navigated administrative procedures, and managed legal obligations in this period.

As such, this thesis contributes to our understanding of the administrative, financial, and social roles that women had in the City of London's Court of Orphans in the early modern period. This research is the first substantive work to place women at the centre of investigations into the Court in this period, looking beyond the way the Court worked and the men who administered it, to focus on the women who were actively involved in its processes. It utilises research methods that have yet to be applied to these early modern Court records, by interrogating the Corporation's record-

¹ Charles Carlton, *The Court of Orphans* (Leicester: Leicester University Press, 1974).

creation and record-keeping processes to understand the way the Court worked, and how women were involved in each stage of its administrative process. By linking together dozens of different records from across the Corporation of London's archive, this thesis draws attention to the activities of individual women who engaged with the Court across the period under investigation. The multiple case studies that are used throughout this thesis highlight the ubiquity of women in the process of civic orphanage, and they demonstrate the importance of taking a holistic approach to recover women's presence in the Court's records. This thesis concludes that between 1660 and 1720, women were actively involved in each stage of the Court of Orphans' administrative process, holding various administrative, financial, and social roles, and that it is only by using a methodology that links the Court's material together is it possible for the full extent of women's presence to come to light. Many of the women under discussion were themselves practising a trade, were the widows of freemen, and were the mothers of orphans who would go on to obtain the freedom themselves when they reached adulthood. As such, women's involvement with the Court of Orphans offers a new way to study women's interactions with civic and corporate life in early modern London.

This thesis focuses on four central themes. Firstly, women's activities in legal institutions. Scholarship on women and the law often focuses on litigation in ecclesiastical and equity courts, and less on legal administration. The Court's wealth of material reveals a lot about how women understood the customary laws that they were subject to and shows that they were not only able to navigate the Court's complex administrative procedures, but also use them to their own benefit. Secondly, women's role in the economy. Financial management was at the heart of women's role in the Court, and they often managed these financial obligations alongside work as traders,

rentiers, and moneylenders. Thirdly, women's interactions with corporate and civic life. The Court perpetuated the often-exclusionary practices of citizenship and civic rights by looking after the City's would-be citizens. This in turn provided an area where women who may not have been formally incorporated could interact with the corporation and communicate ideas about the custom and civic identity. The Court's records offer new insights into the ways women were involved with corporate and civic life beyond traditional guild records. Lastly, record creation and archival processes. The way the Court's business was recorded, and the way these records have been archived subsequently, tells us a lot about how the Court has been conceptually understood over the last 350 years. Understanding these historical processes is key to locating women in the record, and the ways these records have masked women's place. Developing a methodology that works with, rather than against, these processes is central to this thesis and has allowed for the rich administrative, financial, and social lives of these women to come to light.

While this thesis discusses themes such as child welfare, family bereavement and guardianship, it is not concerned with the history of childhood. The Court of Orphans was just one of the few institutions in London that provided child welfare and gave charity to bereaved families in the seventeenth and eighteenth centuries.² As the Court only looked after the orphans of citizens, an attempt to discuss childcare provision using only the Court's records would overlook the role of both Christ's Hospital and the City's parishes in caring for poor, abandoned or foundling children within the City. Similarly, this thesis makes no attempt to judge the effectiveness of the Court of Orphans. While comments on individual estates are given throughout this thesis, the

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² This is discussed more later in this chapter.

Court's records are not detailed enough to reach an overall conclusion on its effectiveness. Instead, this thesis is solely concerned with the Court as an institution and how women engaged with, or were affected by, the Court's administrative and financial procedures.

This introduction first discusses the Court of Orphans, what it was, and the rules that governed its administrative procedures. The Court was underpinned by the custom of the City of London, which developed across the medieval and early modern period and gave citizens and orphans certain rights that are central to this thesis. The introduction then provides an overview of the scholarship on the Court of Orphans to date, the gaps in the literature, and the contribution of this thesis. The main body of discussion focuses on three key strands of scholarship: child guardianship in both London and continental Europe, women in early modern England, and histories of record creation, record keeping and archives. Last in this introduction, is an overview of the six chapters of this thesis.

The Court of Orphans and civic custom

The Court of Orphans was a customary law court with important administrative functions that was established to oversee the division of a freeman's estate after he died and provide guardianship to his orphans until they reached maturity. Freeman here means any citizen who had obtained the freedom of the City, either by serving an apprenticeship, by patrimony in right of his father's citizenship, or by redemption, and was a member of one of the City's livery companies.³ While there was a growing

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³ For discussions on the freedom and citizenship in early modern England see: Jonathan Barry, 'Civility and Civic Culture in Early Modern England: the Meanings of Urban Freedom,' in *Civil Histories: Essays Presented in to Sir Keith Thomas*, 181-196 (Oxford: Oxford University Press, 2000); Claire A. Benson, 'Boundaries of

number of women who had obtained the freedom in the seventeenth century, only the death of a freeman could trigger an estate being administered by the Court.⁴ One of the rights that came with being free of the City was use of the Court of Orphans if a citizen had the misfortune to die leaving any orphans.⁵ An orphan was considered to be any person under the age of 21, or in the case of female orphans, 18 if they were married. This was dictated by the civic custom of the City of London, and the customary laws 'shaped Londoners' understanding of their city.'⁶ For the Court of Orphans, this centred around *legitim* or the rule of thirds, in which a freeman's estate was divided into thirds upon his death.⁷ The partible division of his estate left a third to his widow—the widow's portion—a third to any orphans—the orphan's portion—and a third to dispose of how he wished, usually left in the form of bequests in his will, and this was known as the dead man's portion.⁸ In the context of London's civic custom, orphan meant fatherless, not parentless, and 'the female parent was, in law, the same as no parent at all.'⁹ Though, as many of the cases discussed in this thesis illustrate, in practice this was not the case.

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Belonging in Early Modern London, 1550-1750' (Unpublished PhD Thesis: University of York, 2018); Steve Rappaport, Worlds Within Worlds: Structures of Life in Sixteenth-Century London (Cambridge: Cambridge University Press); Hilda L. Smith, All Men and Both Sexes: Gender Politics and the False Universal in England, 1640-1832 (University Park: The Pennsylvania State University Press, 2002); Phil Withington, The Politics of the Commonwealth: Freemen and Citizens in Early Modern England (Cambridge: Cambridge University Press, 2005)

⁴ For scholarship on the increasing number of women gaining the freedom in the seventeenth century see: Sarah Birt, 'Women, Guilds and the Tailoring Trades: the Occupational Training of Merchant Taylors' Company Apprentices in Early Modern London,' *The London Journal* 46, no. 2 (2021); Laura Gowing, 'Girls on Forms: Apprenticing Young Women in Seventeenth-Century London,' *Journal of British Studies* 55 (2016): 447-473; Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth-Century London* (Cambridge: Cambridge University Press, 2021).

⁵ Rappaport, Worlds Within Worlds, 36.

⁶ Benson, 'Boundaries of Belonging in Early Modern London,' 13.

⁷ Adele Louise Ryan Sykes, 'The Medieval Foundations of the Court of Orphans: London and Wardship c.1250-c.1550' (PhD Thesis, Royal Holloway, University of London: 2021), 45.

⁸ Carlton, The Court of Orphans, 47.

⁹ Caroline M. Barron and Claire A. Martin, 'Mothers and Orphans in Fourteenth-Century London,' in *Motherhood, Religion and Society in Medieval Europe, 400-1400*, ed. Lesley Smith and Conrad Leyser (London: Routledge, 2016), 283.

The custom underpinned the Court and set out various rules that governed the way the Court worked. This included a range of administrative processes, including an executor being legally obligated to exhibit an inventory in the Court, an orphan needing to seek permission from the Court before marrying, and Judd's Law, which allowed a child to be disinherited. The details of the City's custom were laid out in publications, such as the *Privilegia Londini* and this detailed exactly how the Court's process worked from the discovery of a case of orphanage, all the way to an orphan reaching maturity. As Laura Gowing has argued, however, many of those residing within the City were born outside its jurisdiction and many citizens 'would have been more likely to learn custom from their London employers and friends than their families or natal communities.' For the men and women whose fathers had the freedom, knowledge of the custom would likely have passed to them in their family homes. The ubiquity of civic orphanage in this period means that most citizens would have had a neighbour, friend or family member who had been involved with the Court of Orphans, even if they never interacted with it themselves.

The Court was part of the City's civic administration and as such, was overseen by the Corporation of London in the Guildhall. The Corporation was made up of the Court of Aldermen, the City's executive body—who by the early modern period were managing most of the City's day-to-day administration—and the Common Council, the City's legislative body. As the first chapter of this thesis argues, the Court of Orphans cannot be defined solely by a physical space or by a set of clerks or officers. Instead, the

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¹⁰ Judd's Law was passed by the Common Council in 1551 and allowed a child to be disinherited of their portion if they married without permission or had committed a crime.

¹¹ William Bohun, *Privilegia Londini: or the rights, liberties, privilges, laws and customs of the City of London* (London: 1723).

¹² Gowing, *Ingenious Trade*, 222.

¹³ For further discussions of women's knowledge of the custom see chapters one and five.

¹⁴ For an example of two sisters who were widowed and left as guardians in the Court see chapter two.

Court of Aldermen took on the role of the Court of Orphans whenever it administered orphan business. The Court of Orphans is therefore defined by its administrative process, the way that this process was recorded, and how these records were archived. 15

The London Court of Orphans emerged in the thirteenth century, when the City started to administer some cases of orphanage, with the first case in the City's records dating to 1276. The Court was established to ensure that an orphan and their inheritance were looked after until they reached the age of maturity, thus mitigating the impact of the loss of their father, and as Carlton has argued, 'solve a social problem – that of the broken family.' Though as Ian Archer has pointed out, the City's aims were not entirely altruistic or paternal, but governed by 'social conventions' to help the 'most impotent groups in society', namely orphans and widows. As argued by Adele Ryan Sykes, however, the City's management of orphanage cases in the medieval period was ad hoc, reactive and by no means thorough. Where citizens failed to report cases of orphanage to the Guildhall or the City failed to respond, orphans were instead looked after by a network of relatives, neighbours and guild members, and women were crucial to these networks.

The Court reaffirmed its jurisdiction over cases of orphanage in 1536 and as Ryan Sykes argues, we can see the Court of Orphans—as it was in the seventeenth century—emerge after this period, as the City began to administer cases of orphanage

¹⁵ For further discussion on defining the Court of Orphans see chapter one.

¹⁶ Carlton, *The Court of Orphans*, 13; though this is the first case of orphanage found in the letter books, Adele Ryan Sykes has shown that a reference to orphan guardianship is found in a will dating to 1259: Ryan Sykes, 'The Medieval Foundations of the Court of Orphans,' 83.

¹⁷ Carlton, *The Court of Orphans*, 16.

¹⁸ Archer, *The Pursuit of Stability*, 55.

¹⁹ Ryan Sykes, 'The Medieval Foundations of the Court of Orphans,' 16.

²⁰ Ibid, 282.

more thoroughly.²¹ The Court continued to thrive throughout the sixteenth century and the Court's business grew rapidly into the seventeenth century, due to better administrative practices and the City's population growth.²² This continued until a financial crisis was triggered in 1683, when the City defaulted on its debts.²³ The Court of Orphans was central to this crisis, as the City had been using orphan inheritances deposited in its chamber as a source of capital to offset its debts in the lead up to its financial collapse. By 1694, the City was over £747,000 in debt, with over two thirds of this belonging to its orphans.²⁴

The City's financial crisis only came to an end in 1694 when the *Act for Relief of the Orphans* was passed, which established the Orphans' Fund, a publicly traded fund that was used to pay back the orphans.²⁵ However, by this point the Court of Orphans had already stopped accepting orphan funds into the chamber and the passing of the *Act for Relief of the Orphans* in1694 marks the beginning of the Court's slow decline. The founding of the Bank of England in the same year the Orphans' Fund was established also provided a more secure place for those in the City to invest inheritances. The City's testamentary custom—which underpinned the Court and required the tripartite division of an estate—was also abolished in 1725, meaning estates were no longer required to be processed by the Court.²⁶ Indeed, by this date, the Court was only

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²¹ Ibid, 280.

²² The City's mural population alone nearly doubled between 1550 and 1631: Vanessa Harding, 'City, Capital and Metropolis: the Changing Shape of Seventeenth-Century London,' in *Imagining Early Modern London: Perceptions and Portrayals of the City from Stow to Strype, 1598-1720* ed. J.F. Merritt (Cambridge: Cambridge University Press, 2001), 124.

²³ D'Maris Coffman, Judy Z. Stephenson and Nathan Sussman, 'Financing the Rebuilding of the City of London after the Great Fire of 1666,' *The Economic History Review* 75, no. 4 (2022): 3.

²⁴ I.G. Doolittle, 'The City of London's Debt to its Orphans, 1694-1767,' *The Bulletin of the Institute of Historical Research* 56, no. 133 (1983): 46.

²⁵ The Act for Relief of the Orphans and Other Creditors of the City of London, 1694, 5 & 6 Will. & Mary, c.10.

²⁶ Henry Horwitz, 'Testamentary Practice, Family Strategies, and the Last Phases of the Custom of London, 1660-1725.' *Law and History Review*, 2, no. 2 (1984): 223.

administering a few cases per year and by the mid-eighteenth century, new cases ceased to be brought to the Court as many of its functions had been absorbed by the Court of Chancery.²⁷

Historiography of the Court of Orphans

To date, there has been no comprehensive study of the activity of women in the Court of Orphans and the Court has been largely overlooked over the last 50 years. The only major work on the Court is *The Court of Orphans* by Charles Carlton published in 1974, and this in turn came out of a PhD thesis submitted in 1970.²⁸ Carlton also published two articles on the Court in the early 1970s that later featured as chapters in his book.²⁹ Both Carlton's thesis and book look at courts of orphans in Bristol, Exeter and London, tracing their emergence in the medieval period, their growth in the early modern period and their subsequent decline in the seventeenth and eighteenth centuries. Due to the substantial growth of the London Court of Orphans in the sixteenth century, its financial troubles in the mid-to-late seventeenth century and the fact that the capital's Court of Orphans was larger than those of both Bristol and Exeter, London's Court dominates his study. He focuses on the courts as institutions, the way they developed over time and the laws that underpinned them, rather on the people that interacted with them. As the individual people who engaged with the Court are not his

²⁷ Carlton, *The Court of Orphans*, 63; Charles Carlton, 'Changing Jurisdictions in 16th and 17th Century England: the Relationship between the Court of Orphans and the Chancery,' *The American Journal of Legal History* 18, no. 2 (1974): 124-136.

²⁸ Carlton, *The Court of Orphans*; Charles Hope Carlton, 'The Court of Orphans: A Study in Urban Institutions with Special Reference to London, Bristol and Exeter in the Sixteenth and Seventeenth Centuries' (University of California Los Angeles: Unpublished PhD Thesis, 1970).

²⁹ Charles H. Carlton, 'The Administration of London's Court of Orphans,' *The Guildhall Miscellany* 4, no. 1 (1971); Charles Carlton, 'Changing Jurisdictions in 16th and 17th Century England'; these went on to become chapters three and four in his monograph respectively.

focus, women and the important role they played in the Court's procedures are largely overlooked in his analysis.

While Carlton's work is important as the only comprehensive study of the Court, his discussion of women is short, and often focuses on the ways their marital status could impact the Court's procedures. For example, he highlights that in most cases where abuse was found in the administration of an orphan estate, marriage was the cause, specifically the remarriage of a widow who raised her orphan in a blended household where an orphan or their inheritance could be abused by her new spouse.³⁰ Similarly, when discussing the appraisal process, he notes that 'the court forbade any widow who was her husband's executor (as were most) from remarrying before the common serjeant had approved the inventory' in an attempt to prevent the 'mingling of two husbands' estates.'31 While these were legitimate concerns for the Court, Carlton does not qualify in how many cases this type of abuse happened, or exactly what the role of executor entailed for the majority of women who he rightly acknowledges held this role.³² He goes on, that a widow might use her widows' portion to 'catch a second husband, remarriage being her best option' as 'respectable widows had few opportunities for employment' which is a statement that is not supported by evidence from women's probate inventories from the Court.³³ By reducing women to the perceived limits of their marital status and discussing them in relation to the ways they

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³⁰ Carlton, 18.

³¹ Ibid, 43

³² For a sixteenth century example of a remarried widow and her new husband intentionally reducing the value of a freeman's estate to profit from it see: Trevor Hughes, 'The Childhood of Sir Thomas Browne: Evidence from the Court of Orphan,' *The London Journal* 23, no. 2 (1998): 21-29; Barbara Hanawalt estimates that between 1309 and 1428 about 5% of orphan cases were the subject of abuses, including all abuses, not just those as a result of a widow remarrying: Barbara Hanawalt, *Growing up in Medieval London: the Experience of Childhood in History* (Oxford: Oxford University Press, 1993), 100.

³³ Carlton, *The Court of Orphans*, 67; women's probate inventories are discussed in detail in chapter three and women and work is discussed in chapter four.

could derail the Court's administrative process, Carlton works to create a skewed and one-sided narrative of women in the Court of Orphans.

When discussing the women who entered into financial bonds to hold their orphans' portion, he argues that 'the first problem facing an executor, who was usually a widow desperate to keep her children's portion, was to find three other citizens who would stand surety with her.'34 By framing women in this way, as desperate, at the mercy of their marital status and the pressures of the Court's administrative processes, Carlton depicts women in the Court as lacking agency, with little to no active role in the Courts day-to-day procedures. While some women likely suffered as a result of the precarious stage of the life-cycle in which they found themselves, and the Court's administrative obligations, women's experiences in the Court are far more multifaceted. By moving away from a top-down study of the Court and utilising a methodology that links the Court's administrative records together and reconstructs women's activities, this thesis presents a more comprehensive and complex picture of women's place in the Court of Orphans.

While scholarship on the early modern Court of Orphans is limited beyond Carlton's foundational work, there is more scholarship on the medieval Court. Like Carlton, Elaine Clark discusses the orphan courts of both Bristol and London in her article from 1990, focusing specifically on the mid-fourteenth century. She argues that while the Court had a role to play in urban guardianship, ultimately the family was central to orphan care, stating that 'wardship was both a family matter and a public institution. It brought the persons and property of fatherless children under the jurisdiction of the courts, but still involved the participation and approval of neighbours

³⁴ Ibid, 53.

and kin.'35 She highlights the importance of women in this process, and that 'few burgesses underestimated the role of women, for when mothers and widows with property remarried they helped to create the stepfamilies in which one quarter of the wards in London and Bristol eventually lived.'36 While she draws attention to the role of women in the process of civic orphanage, like Carlton, she frames women's importance in relation to their marital status. While the remarriage of a widow is an important feature when studying a woman's interactions with the Court, focusing solely on this is reductive and women's role in the Court of Orphans needs to be considered in a wider context. By looking at the way women engaged with the Court's administrative procedures, rather than how their marital status affected an estate, a more nuanced picture of women in the Court emerges. Though, it should be acknowledged that the Court's medieval records are more limited than those of the early modern period, making it harder to recover women's presence in the Court.

Barbara Hanawalt's 1993 book *Growing up in Medieval London: the Experience from Childhood in History* considers the London Court of Orphans, but from the perspective of the children who it provided for. As expected, women feature less in her narrative in comparison to the Court's orphans, but she offers a different perspective on childhood bereavement, arguing that 'children were probably more reliant on a woman's presence than on a father's, so [a father's] death may not have been as important as the mother's would have been.'37 While it is difficult to recover the lived experience of losing a mother or father in this period and both likely caused a degree of trauma, this does emphasise the importance of mothers' roles as guardians in the Court.

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³⁵ Elaine Clark, 'City Orphans and Custody Laws in Medieval England,' *The American Journal of Legal History* 34, no. 2 (1990): 180.

³⁶ Ibid, 185.

³⁷ Hanawalt, Growing up in Medieval London, 94.

Barbara Megson's article from 1996 focuses entirely on widows and orphans in the Medieval Court, and attempts to nuance their place within it.³⁸ While the article itself focuses on the destinations of widows and orphans after they appeared in the Court's records, she draws attention to the lives of the widows who used the Court. Megson argues that 'the stamina of these London women was remarkable. Resolute stoicism alone can have carried them through repeated pregnancies and childbirth, only to see their young swept from them.... in the high rate of child mortality.'39 While Megson's statement is in part a reference to the epidemics of plague throughout the second half of the fourteenth century, this statement is still valid when applied to the seventeenth century, especially when considering the plague of 1665, which likely affected many of the women and families discussed in this thesis. These women managed the emotional turmoil of losing their spouse and in some cases their children, all while managing the administrative burdens that came with the Court of Orphans. Stephanie Tarbin also discusses the Court of Orphans in her article from 2010, but this is part of a wider narrative about the care of orphaned and impoverished children in medieval London.⁴⁰ Tarbin's work touches on the comparative provision of the Court of Orphans and Christ's Hospital, but makes little mention of women, focusing instead on institutional childcare provision for children of different economic backgrounds.

In more recent years, the work of Caroline Barron and Claire Martin has sought to place women more centrally in the narrative of the Court of Orphans in the medieval period.⁴¹ Barron and Martin's work uses record-linking methods to extract more

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³⁸ Barbara Megson, 'Life Expectations of the Widows and Orphans of Freemen in London, 1375-1399, *Local Population Studies* 57 (1996): 18-29.

³⁹ Megson, 'Life Expectations of the Widows and Orphans of Freemen in London, 1375-1399,' 25.

⁴⁰ Stephanie Tarbin, 'Caring for Poor and Fatherless Children in London c.1350-1550,' *The Journal of the History of Childhood and Youth* 3, no. 3 (2010): 391-410.

⁴¹ Barron and Martin, 'Mothers and Orphans in Fourteenth-Century London.'

information about individual estates from the source material and specifically, the roles of women. They compare the wills of freemen with the records of the same freemen's estate in the Court, highlighting the often-labour-intensive methods required to recover women from the archival record. They argue the necessity of 'read[ing] the silences' when comparing these records, to identify the activities of women providing orphan care that went unrecorded in the Court's record. 42 By deploying this method, they not only identify the women acting as both the guardian of an orphan and managers of their inheritance, but also women who were doing this for both their own children and those of other freemen.⁴³ Barron and Martin conclude that in 85% of civic orphanage cases, women were left as the guardians of both an orphan and their inheritance and that in many cases the Court was not intervening at all and 'mothers were left to get on with the job because, then as now, they were recognized as the people who, in almost every case, were likely to provide the best care for their children.'44 By using research methods that understand the relationship between the source material containing evidence of civic orphanage, Barron and Martin demonstrate the ways that women's importance in the Court of Orphans can be identified. Although the Court's early modern records are different to those of the medieval period and far more numerous in scale, this research is foundational and demonstrates how silences in the record can be overcome.

The most recent research into the medieval Court, is the PhD thesis of Adele Ryan Sykes submitted in 2021.⁴⁵ Carlton dedicates a chapter of just ten pages to the 'medieval foundations' of the Court in his monograph and Ryan Sykes' argues that the

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⁴² Ibid, 289.

⁴³ Ibid, 285-6.

⁴⁴ Ibid, 295.

⁴⁵ Ryan Sykes, 'The Medieval Foundations of the Court of Orphan: London and Wardship c1250-c1550.'

purpose of her thesis is to 'explore and expand' on this chapter. 46 She has an entire chapter dedicated to women's role in the Court and she emphasises that 'women played a significant role in London wardship, but are largely invisible in the civic record.'47 Building on the work of Barron and Martin, she also draws attention to the need to rethink the way we approach this material. She argues that when looking at guardians, 'if the categorisation of 'stepfathers' is reworded to 're-married mothers' to unveil some of the invisibility of women in the eyes of the civic record, then the ratio of women to men becomes considerably more balanced'. 48 Similarly, she argues that 'examining the sources from the perspective of the starting point of these guardianships rather than the serendipitous records of civic business, sheds a different light' on the way guardianship was managed in the community, where women often took the lead.⁴⁹ The work of Barron and Martin and Ryan Sykes' makes it clear that even before the time period under investigation in this thesis, women were instrumental to the process of civic guardianship. They emphasise why we should not take the Court's records at face value, why we need to interrogate the way the Court recorded business and why we need to use supplementary material to expand our understanding of the way the Court worked.

By the early modern period more women were interacting with the Court, and some of this is visible in the Court's records. However, the full extent of women's engagement with the Court cannot be identified by, as Ryan Sykes refers to it, looking at the 'serendipitous records of civic business.' Instead, identifying a case of civic orphanage from its starting point and tracing its threads through the network of civic

⁴⁶ Ibid, 31.

⁴⁷ Ibid, 287.

⁴⁸ Ibid, 267.

⁴⁹ Ibid, 287.

⁵⁰ Ibid.

records identifies the often-numerous impressions that each woman left on the Court's records. By using similar methodologies that have been used for the Court's medieval records, this thesis works to fill in the gaps left in the civic record to illustrate that women's role in the Court was just as, if not more, significant in the early modern period when compared to the medieval period.

In contrast to the variety of literature on the medieval Court, there is a limited amount of scholarship on the early modern Court of Orphans, and it often focuses on a specific set of records, rather than the Court itself. Since Carlton's work, various scholars have used the Court's early modern records out of their administrative context to study themes from material culture to the City of London's financial crisis. The inventories of the Court have been the most popular focus for scholars, generating a large amount of research on material culture and the wealth of London's business community. Alice Le Mesurier wrote a short overview of the Court's probate inventories in 1934, however, she not only underestimated the amount of surviving rolls by a third, but she also makes no mention of the fact that a small number are of women's estates.⁵¹ More recently, a popular trend has been to use the 3300 probate inventories to look at material culture across the seventeenth and eighteenth centuries, using the long list of domestic items noted by appraisers. Lorna Weatherill has used a small sample of 300 probate inventories from the Court—to compare with inventories from the provinces— to track the growth in ownership of certain consumer goods such as silver, clocks and utensils in the early modern period.⁵² Similarly, David Mitchell has used a sample of nearly 1500 inventories to look at the ownership of textiles in middling sort homes and

⁵¹ Alice M.C. Le Mesurier, 'The Orphans' Inventories at the London City Guildhall,' The Economic History Review, 5, no. 1 (1934): 98-103.

⁵² Lorna Weatherill, Consumer Behaviour and Material Culture in Britain, 1660-1760 (London: Routledge, 2003).

compares these with similar samples from Paris.⁵³ Both Weatherill and Mitchell do not specifically mention women's inventories, making it unclear if they included them in their sample. In contrast, Chihyin Hsiao's study on the ownership of china among London's tradesmen includes just over 500 of the Court's inventories between 1700 and 1750, including six women's inventories between these years.⁵⁴ While this scholarship uses the Court's inventories, it does not engage with the administrative context in which they were produced or the Court itself, and little attention is paid to the records of women.

The probate inventories have also been used by scholars to look at the City's business community, most notably, Peter Earle in *The Making of the English Middle Class.* Earle's study of the City's business community in the 'Augustan period,' uses a sample of 375 probate inventories because, as he argues, 'these magnificent inventories provide a superbly panoramic view of the lives of the middling people of London.' He extracts both quantitative and qualitative data from these inventories, looking at their houses, warehouses and shops, the stock and goods they contained, and the list of rents and debts they record to draw a full picture of the lives of the City's middling sort. While the Court's probate inventories form a core part of his book, women's inventories are discussed in just two pages in a chapter on women and business. His conclusion is that women were all involved in 'female types of business' and that 'not many women carried on their husband's business if not suitable to their sex'. This conclusion is not

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⁵³ David Mitchell, '"My purple Will be too sad for that melancholy room": Furnishings for Interiors in London and Paris, 1660-1735,' *Textile History* 40, no. 1 (2013).

⁵⁴ Chihyin Hsiao, 'Owning China: the Material Life of London Tradesmen, 1700-1750,' (unpublished PhD thesis: University of Glasgow, 2019); Hsiao includes all the probate inventories used in appendix 1.

⁵⁵ Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730.* (London: Methuen, 1989).

⁵⁶ Ibid, 15.

⁵⁷ Ibid, 173.

entirely supported when comparing women's inventories with that of their spouse and many of these women were still running the business recorded in their husband's inventory, working as vintners, milliners and tallow chandlers to name just a few.⁵⁸ Earle's work highlights the importance of contextualising these probate inventories within their administrative context and how information can be missed when using them only as sources of data. By linking the estates of husbands and wives, more information can be extracted from these inventories about how women's lives changed during their widowhood and whether they carried on the same business that was recorded in their spouse's inventory.

Lastly, the Court's probate inventories have also been used by Richard Grassby in various articles and books on the wealth of London's business community.⁵⁹ Grassby's work uses probate inventories from between 1660 and 1693 because, as he argues, after the *Act for Relief of the Orphans* was passed in 1694, 'the Orphans' records lose their reliability.'⁶⁰ While 1694 marks a watershed moment in the Court's life and ultimately led to its slow decline, questions about the loss of the 'reliability' of the Court's records as evidence after this point are reductive. Like any source material used by scholars, contextualisation and investigation are key to the process of extracting evidence. Despite this rigorous methodological approach, Grassby does not use any of the women's probate inventories from the Court, suggesting that the City's business community was populated entirely by men.

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⁵⁸ Peter Earle's discussion of the women's probate inventories from the Court of Orphans is discussed in more detail in chapter two of this thesis.

⁵⁹ Richard Grassby, 'English Merchant Capitalism in the Late Seventeenth Century: the Composition of Business Fortunes,' *Past & Present*, no. 46 (1970): 87-107; Richard Grassby, 'The Personal Wealth of the Business Community in Seventeenth-Century England,' *The Economic History Review* 23, no. 2 (1970): 220-234; Richard Grassby, *The Business Community of Seventeenth-Century England* (Cambridge: Cambridge University Press, 1995)

⁶⁰ Grassby, 'The Personal Wealth of the Business Community,' 228.

Women's exclusion from a large majority of the scholarship on the Court's probate inventories must in part be explained by the incorrect cataloguing of these records in the LMA. This erroneous cataloguing works to erase women from the Court's records and this is discussed in more detail in chapter two. However, this scholarship also highlights why a study of women's place in the Court of Orphans' records is vital. The inventories have an important administrative context and understanding them within the framework of the Court of Orphans allows for a more holistic understanding of why they were made, how they were created and what information was recorded. Using record-linking methodologies allows for the inventories of husbands and wives to be analysed together and for the payment of money in and out of the Court of Orphans to be traced through various Court records.

Besides the Court of Orphans' probate inventories, the Court's involvement in the City of London's financial crisis between 1683 and 1694 has also drawn the attention of scholars. The City was nearly £750,000 in debt by 1694 and as two-thirds of this was owing to the City's orphans, the Court of Orphans is central to discussions on the financial crisis.⁶¹ However, most of the literature is less concerned with the thousands of people the City's crisis affected and more on the causes that led to the City's financial failure in the 1680s. J.R. Kellet has traced the origins of the City's financial crisis to the 1660s, arguing that while the Great Fire of 1666 laid the foundations, it was the City's unsophisticated accounting practices that ultimately led to the City's default on its debts in 1683.⁶² He briefly touches on the Court of Orphans,

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⁶¹ Chapter six discusses the City's financial crisis and the historiography on this topic in more detail.

⁶² J.R. Kellett, 'The Financial Crisis of the Corporation of London and the Orphans' Act, 1694,' *The Guildhall Miscellany* 2, no. 5 (1963): 220-222. The causes of the City's financial failure are various and Kellett discusses this in more detail in his PhD thesis, including the role of the increasingly outdated livery companies: J.R. Kellett, 'The Causes and Progress of the Financial Decline of the Corporation of London, 1660-94' (University of London: Unpublished PhD Thesis, 1952).

arguing that the 'orphans of London became the most vociferous and forceful groups of critics of the Corporation.'63 He also discusses the various Chamberlain's Department records that detail the Court of Orphans' finances and how these can be used by scholars. While his work is brief in its discussions, it demonstrates how important the Court of Orphans is in the narratives of the City's financial failure and specifically the orphans' role in lobbying for a resolution.

Vanessa Harding has also written on this topic, building on Kellett's conclusions that it was the City's own internal structures that were to blame for its financial problems in the late seventeenth century.⁶⁴ However, she traces the City's financial problems further back than the 1660s, suggesting that the City's failure to modernise its accounting practices from the medieval to the early modern period was largely to blame.⁶⁵ She points to the management of the Court of Orphans as exacerbating this issue, as the City allowed orphan deposits to sit in the chamber over long periods of time accruing interest and that it failed to keep these orphan deposits separate from the rest of the City's cash.⁶⁶ As Harding's methodological approach is to trace the origin and cause of the City's financial problems from the medieval into the early modern period, like Kellett she does not go into specific detail about the role of individual people. Nevertheless, she emphasises the central importance of the Court of Orphans in this period of the City's history.

Unlike Kellett and Harding, Ian G. Doolittle does not focus on the factors that led to the City's financial crisis, but instead looks at the life of the Orphans' Fund after it was

⁶³ Kellett, 'The Financial Crisis of the Corporation

⁶⁴ Vanessa Harding, 'The Crown, the City and the Orphans: the City of London and its Finances, 1400-1700,' in Urban Public Debts, Urban Government and Market Annuities in Western Europe (14th-18th Centuries), ed. Marc Boone, Karel Davids and Paul Janssens (Turnhout: Belgium Brepols Publishers, 2003), 52.

⁶⁵ Ibid.

⁶⁶ Ibid. 58-59.

established in 1694 until the mid-eighteenth century.⁶⁷ Although, Doolittle does add to debates about the cause of the City's financial crisis, placing more emphasis on the City's refusal to augment its tax base to take into consideration its rapidly growing extramural population.⁶⁸ While his main focus is the role of the City in managing the fund, Doolittle spends time discussing the people who held key roles during the financial crisis, specifically John Dowse and John Sheppard, who lobbied the City on behalf of the orphans.⁶⁹ However, the role of women within the orphan lobby is completely overlooked, despite various women appearing in petitions and even taking part in demonstrations in the Guildhall. This highlights again the top-down approach that many scholars have taken when studying the Court. It is often analysed on a macro rather than micro level, and focus is often on the Court as an institution and the men who administered it, rather than the thousands of Londoners (and non-Londoners in some cases) who interacted with it on a weekly basis. Chapter six of this thesis argues that women were central players in the orphan lobby during the financial crisis, appearing in records alongside both John Dowse and John Sheppard.

Recently, the Court of Orphans has also been discussed by D'Maris Coffman, Judy Z. Stephenson and Nathan Sussman in their work on how the rebuilding of the City was financed following the Great Fire. They conclude that while it was likely that the City would have defaulted in the 1680s even if the Great Fire had not occurred, the subsequent rebuilding programme did play a part in the financial crisis. As the Court of Orphans and the management of orphans' inheritances in the chamber played a large

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⁶⁷ I.G. Doolittle, 'The City of London's Debt to its Orphans, 1694-1767,' *The Bulletin of the Institute of Historical Research* 56, no. 133 (1983): 46-59.

⁶⁸ Ibid, 47.

⁶⁹ Ibid.

⁷⁰ D'Maris Coffman, Judy Z. Stephenson and Nathan Sussman, 'Financing the Rebuilding of the City of London after the Great Fire of 1666,' *The Economic History Review* 31, no. 1 (2022).

⁷¹ Ibid, 6.

part in the City's default, these are discussed by Coffman, Stephenson and Sussman, but as with the work of Kellett, Harding and Doolittle, discussions are limited to the Court as an institution, and how the Court affected the financial crisis, rather than how the financial crisis affected the Court.

Only Amy Froide has sought to locate specific women within the complicated narrative of the City's financial failure. Her work on women investors during the financial revolution focuses on the women whose money was wrapped up in the financial crisis after the City had 'raided' their orphan portions from the chamber.⁷² While she focuses on the pamphlet literature being produced at the time and the petitions to the House of Commons and House of Lords, rather than on the Court's records, she draws attention to how adversely women were affected during the City's financial crisis and how both male and female orphans were discussed in the orphan lobby material.⁷³ While her discussion of this material is brief, Froide lays the foundation for researching the City's financial crisis not from the perspective of the City, but from the perspective of the hundreds of women who were affected by the crisis.

Both the Court of Orphans' and the Chamberlain's Department records provide more details to contextualise the printed pamphlets and petitions in the Commons and Lords that Froide uses, further emphasising the need to link records from across administrative jurisdictions.

This thesis, then, draws together multiple strands of scholarship on the Court, from scholarship on its medieval origins in the thirteenth and fourteenth centuries, to the various ways the probate inventories have been used to learn more about the

⁷² Amy M. Froide, *Silent Partners: Women as Public Investors during Britain' Financial Revolution, 1690-1750* (Oxford: Oxford University Press, 2017), 12.

⁷³ Ibid, 164-166.

seventeenth-century business community, to debates about the Court's role in the City's financial crisis. It is clear from an overview of this research that women's role in the Court has been overlooked and they feature very little in scholarship. As such, this thesis critically engages with, and builds on each of these strands of scholarship; it highlights how women are visible in each stage of the Court's administrative process, in all of the Court's administrative records and even had a role in the financial crisis of the 1680s and 90s, as the primary victims of the City's financial mismanagement. An updated narrative of the Court needs to place women at its centre, as they have been hidden in the Court's records by incorrect cataloguing and left out of scholarship on the Court. As such, this thesis argues that women had an active and important role in the Court and emphasises the methodologies that need to be used to identify women in the Court's records.

Childcare and orphan guardianship

Orphan care in London was not the monopoly of the Court of Orphans. In fact, the Court of Orphans was not even the only institution to care for the orphans of the City's citizens. Christ's Hospital, established in 1552, looked after impoverished children in the City, and more than half of the children the hospital looked after had fathers who were guild members.⁷⁴ As Manzione has emphasised, the hospital was 'not a geographic location' and instead children were looked after by nurses, guardians, parents, or the community, with the hospital providing the funds.⁷⁵ The hospital was run by the City of

⁷⁴ Carol Kazmierczak Manzione, 'Identity, Placement, and Circulation of the Children of Christ's Hospital,' *The Journal of the History of Childhood and Youth* 6, no. 3 (2013): 428; for further scholarship on Christ's Hospital see: Stephanie Tarbin, 'Caring for Poor and Fatherless Children in London c.1350-1550,' *Journal of the History of Childhood and Youth* 3, no. 3 (2010): 391-410; and Amy Erickson, 'Married Women's Occupations in Eighteenth-Century London,' *Continuity and Change* 23, no. 2 (2008): 272-286.

⁷⁵ Manzione, 'Identity, Placement, and Circulation of the Children of Christ's Hospital', 429-430.

London and most children were sponsored upon entry. Like the Court of Orphans, the hospital's aim was to educate children so they 'could be integrated into the existing urban economy' and 'provide the opportunity for a productive adulthood.'⁷⁶

However, parishes were also providing care for abandoned or orphaned children. Indeed, Christ's Hospital would often pay parishes to look after children that had been abandoned within their boundaries.⁷⁷ Many of the children looked after by the parishes were foundlings and were left in the doorways of dwelling houses and churches to be cared for by others, but children found in privies or in the street were likely left with no intention they would be found.⁷⁸ In 1739, after the period under investigation in this thesis, the Foundling Hospital was established to relieve some of the burden of orphan care from the parishes. The Foundling Hospital created a system where children could be left by those parents unable to care for them, but also where they could be collected by their parents if they were financially able to do so at a later date.⁷⁹ Tarbin has referred to a 'mixed-economy of care' for impoverished or orphaned children in London, between communities, the parishes, the City of London and other institutions.⁸⁰

While these studies on childcare in London focus on the children, rather than parents, similar studies on France, Italy, the Netherlands and Spain in both the medieval

⁷⁶ Ibid. 448, 450.

⁷⁷ Ibid, 437-438.

⁷⁸ Valerie Fildes, 'Maternal feelings Re-assessed - Child Abandonment and Neglect in London and Westminster, 1550-1800,' in *Women as Mothers in Pre-industrial England: Essays in Memory of Dorothy McLaren,* ed. Valerie Fildes (Abingdon: Routledge, 1990): 151; see also: Stephen McFarlane, 'Social Policy and the Poor in the Later Seventeenth-Century,' in *London, 1500-1700: the Making of the Metropolis*, ed. A.L. Beier and Roger Findlay (New York: Longman, 1986).

⁷⁹ For further reading on the Foundling Hospital: Alysa Levene, 'The Origins of the Children of the London Foundling Hospital, 1741-1760: a Reconsideration,' *Continuity and Change* 18, no. 2 (2003): 201-235; Adrian Wilson, 'Illegitimacy and its Implications in mid-eighteenth-century London: evidence of the Foundling Hospital,' *Continuity and Change* 4, no.1 (1989): 103-164.

⁸⁰ Tarbin, 'Caring for Poor and Fatherless Children in London c.1350-1550', 403-404.

and early modern periods reveal more about the role of women in child guardianship.81 Each of these studies focus not just on the legal mechanisms put in place to protect orphans (and in some cases limit mothers), but also the vital roles of both women and families in looking after children and their inheritances. Like in London's Court of Orphans, orphanage was defined as fatherless not parentless in both Spain and Italy and this highlights the contemporary perception that the father was of greater importance than the mother in the life of a child.82 In contrast, in early modern France there was a differentiation between orphans and 'semi-orphans.'83 The guardianship of orphans was usually assigned to the closest living relative, but Ancien Régime France still put emphasis on patrilineal inheritance and this distinction is not indicative of a society that considered the mother as equal to the father. For Italy, France and Spain, there was little to no legal intervention when a child's mother died and their father was surviving, but there was a legal procedure for when a child lost their father, regardless of whether their mother was alive. As such, mothers feature heavily in orphan studies, as they were often appointed the legal guardians of their children after their husbands died. They appear in wills, administrative, financial, and legal records, looking after children and protecting their inheritance while they were underage. As such, their importance in the orphanage process must not be overlooked.

⁸¹ For orphan care in France see: Antoinette Fauve-Chamoux, 'Beyond Adoption: Orphans and Family Strategies in Pre-Industrial France,' *The History of the Family* 1, no. 1 (1996): 1-13; for orphan care in Italy see: Giulia Calvi, 'Widows, the State and the Guardianship of Children in Early Modern Tuscany,' in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner (Harlow: Pearson, 1999): 209-220; for orphan care in the Netherlands see: Anne E McCants, *Civic Charity in a Golden Age: Orphan Care in Early Modern Amsterdam* (Urbana and Chicago: University of Illinois Press, 1997); for orphan care in Spain see: Grace E Coolidge, "Neither Dumb, Deaf nor Destitute of Understanding": Women as Guardians in Early Modern Spain,' *The Sixteenth Century Journal* vol 36, no. 3 (2005): 673-693.

⁸² Coolidge, 'Neither Dumb, Deaf nor Destitute of Understanding,' 673;

⁸³ Fauve-Chamoux, 'Beyond Adoption,' 3.

Although, the laws around guardianship in France, Italy and Spain in the early modern period were harsher than those in place in England in the same period. For example, in the court of the *Magistrato dei Pupilli* in Tuscany a mother automatically lost the guardianship of her child if she remarried, suggesting an assumption that a woman in a second marriage was incapable of looking after the best interest of the children from her first.84 Calvi argues that women could only receive guardianship, not appoint guardians, and that 'a remarried widow, as legal doctrine concisely stated, was like a dead mother to her children' as she sacrificed all her rights.⁸⁵ This was similar in early modern Spain, where mothers were not automatically assigned guardians of their children, but had to be legally appointed.⁸⁶ Indeed the restrictions placed on remarried mothers by Spanish law (Siete Partidas) implied that a woman's interest in her new marriage would make her 'willing, even likely, to injure her own children.'87 Similarly, while guardianship in France was traditionally managed informally by the family, if the mother remarried, cases of guardianship would often lead to intervention.⁸⁸ While in London mothers were forbidden from remarrying before their husband's inventory had been exhibited in the Court, they were automatically given guardianship of their children (unless their husband stated otherwise), entitled to a third of their spouse's estate and were not legally impeded from remarrying.⁸⁹ While women in England still faced restrictions in common law, they faced less barriers than their counterparts in Western Europe.

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⁸⁴ Calvi, 'Widows, the State and the Guardianship of Children in Early Modern Tuscany,' 209-210.

⁸⁵ Ibid, 213.

⁸⁶ Coolidge, "Neither Deaf, nor Dumb, nor Destitute of Understanding," 679.

⁸⁷ Ibid, 682.

⁸⁸ Fauve-Chamoux, 'Beyond Adoption,' 5.

⁸⁹ Carlton, *The Court of Orphans*, 43; Carlton details that the fine for widows remarrying before the common serjeant had approved her husband's inventory was eight shillings out of every pound of her widows' portion.

However, while women in Western Europe faced legal restrictions, like in London, they were active in looking after their children and their inheritances. In early modern Spain, women had to manoeuvre the restrictions placed on them, but did so to look after their children as single mothers 'while simultaneously providing efficient and competent management for Spain's great landed estates'. O Calvi paints a similar picture of the women managing guardianship in Tuscany. She uses two case studies to illustrate how women navigated the legal restrictions that were placed on them and how they could undermine the patrilineal power that had control of the process of guardianship. She concludes that 'widows could use the law across gender lines, formally acquiring a juridically male identity. While the administrative and legal hurdles women faced depended on where they lived, a theme common in the literature is their skill and ability to care for their children and manage both estates and their child's inheritance.

In contrast to Italy, France, Spain and London, orphanage in early modern Amsterdam was defined as being parentless and the *Burgerweeshuis* (Amsterdam's municipal orphanage) only took in the children of those who had been citizens for at least seven years. The *privilegeboek*, the book that laid out the privileges and customs of the city, made it 'clear that from the outset the city's corporate identity was inextricably bound up with the burden of relieving parentless children. While the definition of orphanage was different, the civic and charitable foundations of the *Burgerweeshuis* have similarities with London, as in both cities care for orphans was part of the fabric of civic culture. Indeed, Carlton cites a King's Bench case from 1420 when a guardian argued that the right to the guardianship of an orphan was one of the 'immemorial customs of

⁹⁰ Coolidge, "Neither Deaf, nor Dumb, nor Destitute of Understanding," 684.

⁹¹ Calvi, 'Widows, the State and the Guardianship of Children in Early Modern Tuscany,' 219.

⁹² McCants, Civic Charity in a Golden Age, 22-23.

⁹³ Ibid. 22.

the city.'94 For citizens of London and Amsterdam, access to orphan care was one of the privileges that came with citizenship and in both cities, the civic authorities were motivated to ensure that orphans did not fall below their social rank and the prosperity of the City and its people continued.95 While the *Burgerweeshuis* was set up by a 'founding mother,' the orphanage was run largely by a board of male 'regents' except a small number of 'regentesses', but these women had no administrative control and only oversaw housekeeping.96 As such, women feature very little in the civic record.

It is important to acknowledge that the Court of Orphans did not exist in isolation and that across Western Europe, formal orphan care was being provided in a variety of ways for children of middling and wealthy families. What unites these examples is that, while there was a degree of structure and formality that regulated orphan care and worked to restrict and limit women, they were able to negotiate and manoeuvre these limitations to care for their children and their inheritance. While the death of a father was more legally significant in all these countries, the care provided by mothers often had more social importance. Within the framework of institutions set up to facilitate patrilineal inheritance and protect the wealth and status of local communities, women were able to take an active role providing social care and financial management.

Women in early modern England

The scholarship on early modern women in England is vast and studying women in the Court of Orphans brings together literature on women's place in the family,

⁹⁴ Carlton, *The Court of Orphans*, 16.

⁹⁵ Ibid, 79; McCants, Civic Charity in a Golden Age, 79.

⁹⁶ McCants, Civic Charity in a Golden Age, 90.

society, the economy, legal culture, and the labour market. As such, this thesis is at the intersection of women's economic, legal, and social history. Underpinning any study on women in this period is common law, which defined a woman's place in early modern society and shaped the way she interacted with the world around her. Under common law a woman who married became a *feme covert* and she was bound by the principles of coverture, which meant that all her legal rights were subsumed by her husband. As Deborah Youngs has succinctly summarised, women suffered a 'loss of legal personhood upon marriage.'97 Coverture placed many restrictions on women and by marrying, women lost their 'property rights, some natural rights, and her natural legal existence.'98 In theory, all of a woman's property was considered to belong to her husband; she could hold no debts or investments in her name, all contracts entered into by her also bound her husband and she could not sue in court independent of her spouse. In some cases, coverture did offer protection. Husbands were responsible for paying a wife's outstanding debts if she was unable to and a wife could not go to prison for debt so long as her husband was alive.⁹⁹

However, coverture could prove to be flexible. Financial and legal arrangements were put in place to circumvent it, and women could sometimes find ways to subvert it, or use it to their own advantage. A marriage settlement could secure a jointure or a portion that a wife was entitled to after her husband died, and this was legally separate

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⁹⁷ Deborah Youngs, "A Besy Woman... and Full of Lawe": Female Litigants in Early Tudor Star Chamber,' *Journal of British Studies* 58 (2019): 746.

⁹⁸ Patricia Crawford, "The Poorest She": Women and Citizenship in Early Modern England' in *The Putney Debates of 1647: the Army, the Levellers and the English State*, ed. Michael Mendle (Cambridge: Cambridge University Press), 202.

⁹⁹ Craig Muldrew, "A Mutual Assent of her Mind? Women, Debt, Litigation and Contract in Early Modern England," *History Workshop Journal* 55, no. 1 (2003): 60; Helen Smith, 'Grossly Material Things': Women and Book Production in Early Modern England (Cambridge: Cambridge University Press, 2012), 112.

from her husband's estate. 100 Amy Froide has highlighted how a number of women invested in stocks and annuities—despite their *feme covert* status and in the absence of a marriage settlement—showing the degree of flexibility in the application of common law. 101 Similarly, Beverly Lemire has demonstrated how married women could use credit as a way to work around the 'constraints of coverture,' using both loans and pawnbroking to make money and provide small-scale lending within their community. 102 Using a micro-history focusing on a network of married women in London, Alexandra Shepard builds on this and shows 'the ways [women] sidestepped the legal conventions of coverture which (in theory) restricted women's ownership of and contractual rights to property. 103 She argues that we need to rethink Lemire's analysis of women's involvement with credit as both limited and driven by necessity; in fact their businesses could be large in scale and driven by profit. 104

While women found ways to work around the restrictions of their status to take an active role in the economy, in a legal forum, coverture could also be deployed as a tactic. Discussing a protracted case in Chancery, Misha Ewen and Aske Laursen Brock have shown how coverture could be a petitioning tactic when it was convenient. Discussing the case of Rebecka Duteil in the late seventeenth century, they argue that as a defendant she used her youth and coverture as evidence of her ignorance in her

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¹⁰⁰ Amy Louise Erickson, 'Property and Widowhood in England, 1660-1840,' in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner (Harlow: Pearson Education Limited, 1999), 147. ¹⁰¹ Froide, *Silent Partners*, 101.

¹⁰² Beverly Lemire, 'Petty Pawns and Informal Lending: Gender and the Transformation of Small-Scale Credit in England, circa 1600-1800,' in *Family Firms to Corporate Capitalism: Essays in Business and Industrial History in Honour of Peter Mathias*, ed. Kristine Bruland and Patrick O'Brien (Oxford: Oxford University Press, 1998), 124. ¹⁰³ Alexandra Shepard, 'Minding their own Business: Married Women and Credit in Early Modern Eighteenth-Century London,' *Transactions of the RHS* 25 (2015): 53. ¹⁰⁴ Ibid. 62.

¹⁰⁵ Aske Laursen Brock and Misha Ewen, 'Women's Public Lives: Navigating the East India Company, Parliament and the Courts in Early Modern England,' *Gender and History* 33, no. 1 (2020): 1-21.

husband's business, but later as a plaintiff, demonstrated her knowledge of her husband's financial dealings. 106

However, women's experiences of coverture were not the same across the country. In the City of London, the custom allowed women traders to act as feme sole merchants, as legally single women separate from their husband. 107 This right dates to 1419, when the *Liber Albus* noted that women in trade 'shall be bound as a single woman as to all that concerns her said craft.'108 Unlike a feme covert, women in the City were able to initiate legal proceedings in court, but also have suits brought against them, independent from their husband. Alongside running their own trade, the custom of the City also allowed the widows of freemen to carry on their husband's trade, with Earle arguing that 'the period of marriage [was] seen as the equivalent of an apprenticeship'. 109 This is a limited view, though, and many women were actively involved in their spouse's trade before their death. In reference to widows taking over stationery businesses, Helen Smith has argued that carrying on the business in this way was 'not a matter of taking on a new business, but a moment in which women already engaged in publishing lost a business partner.'110 The scale of women doing this was vast; looking at ten companies' records between 1650 and 1700, Laura Gowing has counted 90 single women taking on apprentices in comparison to 900 widows doing the same.111

As widows, women regained their *feme sole* status. Widowhood has been described as a 'transformation of status' for women, when they 'shed the restrictive

¹⁰⁶ Ibid, 14.

¹⁰⁷ Earle, *The Making of the English Middle Class*, 160; Muldrew, 'A Mutual Assent of her Mind,' 48.

¹⁰⁸ Rappaport, Worlds within Worlds, 37.

¹⁰⁹ Earle, The Making of the English Middle Class, 160.

¹¹⁰ Smith, *Grossly Material Things*, 90.

¹¹¹ Gowing, *Ingenious Trade*, 215.

bonds' of coverture. 112 They were able to manage their own finances and for those not living in the City, bring suits to court in their own name. But widowhood could also be a precarious stage of the life-cycle. Like orphans, widows were seen as one of 'the most impotent groups in society' and existing in 'a group characterised by structural poverty.'113 Similarly, Anne Laurence, Josephine Maltby and Janette Rutterford have questioned how much economic freedom women gained as widows, arguing that while they managed property, it often legally transferred from their spouse to their child which 'can be seen as an extension of the convention of feme covert.'114 While for wealthy and propertied women widowhood could offer relative freedom and prosperity, for those without means, widowhood often meant a loss of income and labour contribution to the household and required many women to provide for their children as single parents. Widowhood also brought legal burdens. Widows were more likely to be involved with litigation in the first year of their widowhood than any other time and they were involved in more marriage litigation than wives in Exchequer in the eighteenth century, as they dealt with the administrative fallout of their new legal status.115

As Barbara Todd has argued, widowhood was full of contradictions; widows were urged to marry quickly as a woman householder subverted the patriarchal order, but the widow who hastily took a new husband was a popular comic character in

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¹¹² Tim Stretton, 'Widows at Law in Tudor and Stuart England,' in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner (Harlow: Pearson, 1999), 193.

¹¹³ Archer, *The Pursuit of Stability*, 55; Laurence Fontaine, 'Women's Economic Spheres and Credit in Pre-Industrial Europe,' in *Women and Credit: Researching the Past and Refiguring the Future*, ed. Beverly Lemire, Ruth Pearson and Gail Campbell

¹¹⁴ Anne Laurence, Josephine Maltby and Janette Rutterford, 'Introduction,' in *Women and their Money, 1700-1950*, ed. Anne Laurence, Josephine Maltby and Janette Rutterford (London: Routledge, 2009), 11.

¹¹⁵ Stretton, Women Waging Law, 117; Margaret R. Hunt, 'Wives and Marital Rights in the Court of Exchequer in the Early Eighteenth Century,' in Londinopolis: Essays in the Cultural and Social History of Early Modern London, ed. Paul Griffiths and Mark S.R. Jenner (Manchester: Manchester University Press, 2000), 111.

contemporary literature. ¹¹⁶ Indeed, both Todd and Carlton have shown how the immoral, sexually incontinent widow depicted on early modern stage is a fictitious character grounded in very little evidence. ¹¹⁷ The remarriage of a widow is a complex issue. Carlton has argued that remarriage was the 'best option' for a widow of the Court, and Fauve-Chamoux has argued the same for widows with orphans in pre-industrial France. ¹¹⁸ Hanawalt argues that widows with orphans were 'desirable' as prospective wives, and marrying a freeman's widow not only provided access to both her portion and that of her orphan—and therefore two thirds of her deceased husband's estate—but also any businesses she managed. ¹¹⁹ Todd's evidence from sixteenth-century Abingdon aligns with this, as widows with young children were the most likely to remarry and she concludes that 'young children were no obstacle to marriage and perhaps encouraged it.' ¹²⁰

While remarriage was encouraged and for some women it may have been a necessity, women also faced limitations. As discussed above, the Court prohibited a widow from remarrying before her husband's inventory had been exhibited in the Court, meaning she was reliant on the appraisers of the estate and the executor, if she had not been appointed to this role herself. Similarly, guilds such as the Stationers' Company required widows to forfeit their membership if they married outside the guild, limiting women to a marriage within their professional networks if they wanted to continue running their business. When discussing the seventeenth-century poet

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¹¹⁶ Barbara Todd, 'The Remarrying Widow: a Stereotype Reconsidered,' in *Women in English Society, 1500-1800*, ed. Mary Prior (London: Methuen, 1985).

¹¹⁷ Ibid; Charles Carlton, 'The Widows' Tale: Male Myths and Female Reality in 16th and 17th Century England,' *Albion: A Quarterly Journal Concerned with British Studies* 10, no. 2 (1978).

¹¹⁸ Carlton, *The Court of Orphans*, 67; Fauve-Chamoux, 'Beyond Adoption: Orphans and Family Strategy in Pre-Industrial France', 11.

¹¹⁹ Hanawalt, Growing Up in Medieval London, 96.

¹²⁰ Todd, 'The Remarrying Widow,' 68.

¹²¹ Smith, *Grossly Material Things*, 107.

Katherine Austen, Barbara Todd discusses how her decision to remain unmarried was in part due to a clause that her husband put in his will that, should she remarry, she would lose her executorial role over his estate. While Austen and her husband were both from wealthy families and she could afford to remain single, this does highlight how economic freedoms played a part in the decision to remarry. In the context of this thesis, while some of the widows discussed did choose to remarry after they were widowed, many of them remained single. They are drawn from across the spectrum of the City's middling sort, from those with significant investment and property portfolios who were among the City's wealthiest merchant families, to those widows who survived on limited resources. Discussions on widows' status must, as it has been to date, be characterised by nuance, as women's lived experience of this stage of the life-cycle depended on their age, the age of their children, their businesses, and their wealth.

A large part of this thesis focuses on widows as financial managers and their involvement in both borrowing and lending money. The primary financial function of the Court allowed women to invest their orphans' portion in the City's chamber or hold it on recognizance, allowing them to use the money during their child's minority. Underpinning this was the view that in canon and common law, loaning money belonging to widows and orphans—designated as 'incapacitated persons'— did not come under the remit of usury. 124 This legal caveat can in part explain the financial functions of the Court in loaning out orphans' money, and why widows were so actively involved in both informal and formal lending. Similarly, Alexandra Shepard has shown how we need to acknowledge women's involvement in asset management,

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¹²² Barbara J. Todd. 'Property and a Widow's Place in Restoration London,' *Women's History Review* 19, no. 2 (2010), 184.

¹²³ This is discussed more in chapter two.

¹²⁴ Judith Spicksley, 'Usury Legislation, Cash and Credit: the Development of the Female Investor in the Late Tudor and Stuart Periods,' *The Economic History Review* 61, no. 2 (2008): 285.

'particularly... in a period when wealth was defined as much in terms of possession of goods than as a product of work-related income.' 125 As such, we need to consider their role as financial managers as a form of labour.

Beyond the realms of the Court, widows were actively involved with networks of credit and managing investments in the early modern period. B.A. Holderness has written extensively on the role of widows as sources of credit in rural communities, arguing that they provided the capital that small communities needed for economic growth. However, he rightly points to the limitations of the evidence we have available—specifically inventories—in identifying the types of credit women were involved in, from informal lending to friends and neighbours, interest-bearing lending, and lending secured by formal credit instruments. Judith Spicksley has also drawn attention to this, arguing that we cannot conflate shop credit with interest-bearing lending, as they were not understood in the same way. The Court's inventories are evidence of a spectrum of lending and borrowing and while this thesis is focused primarily on women borrowing orphan inheritances, both informal and formal types of credit are also discussed.

Spicksley also highlights the role of widows in managing money while an orphan was underage but acknowledges that it is difficult to know whether this was used 'productively rather than for conspicuous consumption.' The Court's inventories

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¹²⁵ Alexandra Shepard, 'Crediting Women in the Early Modern English Economy,' *History Workshop Journal* 79 (2015): 17.

¹²⁶ B.A. Holderness, 'Widows in Pre-Industrial Society: An Essay Upon they Economic Function,' in *Land, Kinship and Life-Cycle*, ed. Richard M. Smith (Cambridge: Cambridge University Press, 1984).

¹²⁷ Ibid, 439-440; B.A. Holderness, 'Credit in a Rural Community, 1660-1800: Some Neglected Aspects of Probate Inventories,' *Midland History* 3, no. 2 (1975): 108.

¹²⁸ Judith M. Spicksley, 'Fly with a Duck in Thy Mouth: Single-Women as Sources of Credit in Seventeenth-Century England,' *Social History* 32, no. 2 (2007): 190.

¹²⁹ See chapter two.

¹³⁰ Spicksley, 'Usury Legislation, Cash and Credit,' 289.

allow for some orphan inheritances to be traced from the Court's records to a widow's inventory and eventually paid to the orphan. Similarly, the Court's administrative records, along with other supplementary material, also provide context as to the reasons why this money was needed—from child illnesses to ongoing legal cases—offering a rare insight into how credit was used. Of course, women were also involved in other lending practices, such as small and large-scale pawnbroking, and it is important to acknowledge that these women were involved in a spectrum of borrowing and lending practices. The role of women in advocating for their children's investments during the City's financial crisis has already been discussed, but women were also more widely involved in the Financial Revolution. As Froide highlights, women from across the City's social spectrum were investing and taking advantage of the new financial opportunities available to them. Women's probate inventories show investments in ships, the Bank of England, the livery companies, along with properties and we know widows were in possession of a considerable amount of the City's housing stock. 134

While moneylending and investing allowed women to meet household needs or generate income, their involvement in the labour market is also important. As discussed above, City women were running their own businesses or running a business with their spouse, and while they do appear in company records, using this material to study

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¹³² For an example of a woman involved in pawnbroking see Anne Deacon in chapter two; for scholarship on pawnbroking see: Lemire, 'Petty Pawns'; Shepard, 'Minding their Own Business'; Marjorie McIntosh, 'Women, Credit, and Family Relationships in England, 1300-1620' *Journal of Family History* 30, no. 2 (2005):143-163.

¹³³ Froide, *Silent Partners*, 3-4.

¹³⁴ Earle, *The Making of the English Middle Class*, 173-4; Anne Laurence, *Women in England, 1500-1760: A Social History* (London: Phoenix Press, 1996), 132.

women can be challenging. ¹³⁵ Indeed, both Erickson and Gowing have drawn attention to how women, particularly wives, are 'invisible' in company paperwork, as they were 'subsumed' by their husband's presence in guild records. ¹³⁶ While Gowing has used apprenticeship records to show how guilds adapted their printed paperwork to incorporate women, it is only by using supplementary records—wills, petitions, court records—that the full extent of women's place in the City's labour market comes to light. ¹³⁷ The Court's probate inventories are key to this, and they allow us to see the economic activities of women that would otherwise go unnoticed. They note apprenticeship indentures, business debts and work that could be household-based, such as pawnbroking and laundering. Used in conjunction with the company records and wills, a complex picture of women's place in the City's business community comes to light. When considering women's use of credit, their investments in property and stock and their involvement with both guild and non-guild labour, Earle's conclusions that women were involved in 'feminine businesses' appears somewhat outdated. ¹³⁸

Along with a good understanding of business and finance, women in this period also had a good understanding of the legal system. There have been extended discussions on the growth of civil litigation throughout the early modern period, especially as the economy became more complex, and people turned to the courts to

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¹³⁵ For scholarship on women in the City's companies see: Sarah Birt, 'Women, Guilds and the Tailoring Trades: The Occupational Training of Merchant Taylors' Company Apprentices in Early Modern England,' *The London Journal* 46, no. 2 (2021): 146-164; Jessica Collins, 'Jane Holt, Milliner, and Other Women in Business: Apprentices, Freewomen and and Mistresses in the Clothworkers' Company, 1606-1800,' *Textile History* 44, no. 1 (2013): 72-94; Amy Erickson, 'Eleanor Moseley and Other Milliners in the City of London Companies, 1700-1750,' *History Workshop Journal* 71 (2011): 147-172; Gowing, *Ingenious Trade*; Smith, *Grossly Material Things*.

¹³⁶ Erickson, 'Married Women's Occupations in Eighteenth-Century England,' 272; Gowing, *Ingenious Trade*, 107.

¹³⁷ Laura Gowing, 'Girls on Forms: Apprenticing Young Women in Seventeenth-Century London,' *Journal of British Studies* 55 (2016): 447-473.

¹³⁸ Earle, The Making of the English Middle Class, 162.

resolve issues over the breakdown of networks of credit.¹³⁹ For widows, this was particularly important as Stretton has shown that widows were the only group of women whose involvement in litigation came close to reflecting their presence in society.¹⁴⁰ The scholarship on women and the law is dominated by studies on the equity courts of Chancery, Exchequer and Requests, which were established to correct the harshness of common law.¹⁴¹ Although, other courts such as Star Chamber and company courts like the East India Company have also been discussed in more recent times.¹⁴² Beyond the equity courts, a popular strand of literature on petitions centres around the petitions that women submitted during the Civil Wars and Reconstruction period.¹⁴³ These studies focus on themes such as justice, charity and how women both understood the law, but also negotiated the legal system. The most prominent theme, however, is the construction of women's petitions, whether we can access women's

¹³⁹ Steve Hindle, 'The Keeping of the Peace,' in *The Experience of Authority in Early Modern England*, ed. Paul Griffiths, Adam Fox and Steve Hindle (Basingstoke: McMillan Press, 1996), 218; Muldrew argues that a general growth in the economy and reliance on credit due to the shortage of coin is to blame for the increase in financial litigaiton: Muldrew, *The Economy of Obligation*: the Culture of Credit and Social Relations in Early Modern England (Basingstoke: Palgrave, 1998), 3; argues it was the frequent use of the unsealed bill obligatory: Eric Kerridge, *Trade and Banking in Early Modern England* (Manchester: Manchester University Press, 1988), 72.

¹⁴⁰ Stretton, Women Waging Law, 109.

¹⁴¹ For women and Chancery see: Cordelia Beattie, "I Your Oratrice": Women's Petitions to the Late Medieval Court of Chancery,' in *Women, Agency and the Law, 1300-1700*, ed. Bronach Kane and Fiona Williamson (New York: Routledge, 2016); Merridee L. Bailey, "Most Hevyness and Sorowe": The Presence of Emotions in the Late Medieval and Early Modern Court of Chancery,' *Law and History Review* 37, no. 1 (2019): 1-28; Merridee L. Bailey, 'Shaping London Merchant Identities: Emotions, Reputation and Power in the Court of Chancery,' in *The Routledge History Handbook of Gender and Urban Experience*, ed. Deborah Simonton (London: Routledge, 2017). For women in Exchequer see: Hunt, 'Wives and Marital Rights.' For women in Requests see: Stretton, *Women Waging Law*; Stretton, 'Widows at Law in Tudor and Stuart England'; Tim Stretton, 'Women, Custom and Equity in the Court of Requests,' in *Women, Crime and the Courts in Early Modern England*, ed. Jennifer Kermode and Garthine Walker (London: UCL Press, 1994).

¹⁴² Deborah Youngs, "A Besy Woman... and Full of Lawe": Female Litigants in Early Tudor Star Chamber,' *Journal of British Studies* 58 (2019): 746; Brock and Ewen, 'Women's Public Lives.'

¹⁴³ Stewart Beale, "Unpittyed by any'? Royalist Widows and the Crown, 1660-70," *Historical Research* 92, no. 258 (2019): 737-753; Stewart Beale, 'War Widows and revenge in Restoration England,' *The Seventeenth Century* 33, no. 2 (2018): 195-217; Geoffrey L. Hudson, 'Negotiating for blood money: War Widows and the Courts in Seventeenth-Century England,' in *Women, Crime and the Courts in Early Modern England*, ed. Jennifer Kermode and Garthine Walker (Chapel Hill: University of North Caroline Press, 1994); Imogen Peck, 'The Great Unknown: The Negotiations and Narration of Death by English War Widows, 1647-60,' *Northern History* 53, no. 2 (2016), 220-235; Hannah Worthen, 'Supplicants and Guardians: the petitions of Royalist widows during the Civil Wars and Interregnum,' *Women's History Review* 26, no. 4 (2017): 528-540.

authentic voice, and the tactics that women used to obtain justice and charity.¹⁴⁴ This is important as it creates a framework in which to scrutinise women's petitions and suits, and this is discussed in-depth in chapter five.

While women's understanding and experience of justice and equity is important, less scholarship has focused on women's petitions to the City, or on how they understood and engaged with courts that had a primarily administrative function.¹⁴⁵ As Erickson has demonstrated, between 80-90% of women were appointed the executor of their husband's estate and about three-quarters of these were sole executors. 146 As such, most women in the City would have been involved with one of the church courts such as the commissary or consistory courts that dealt with probate, the Prerogative Court of Canterbury, or the Court of Orphans, and we need a better understanding of how women interacted with courts that had an administrative function. The Court of Orphans' petitions can be used in conjunction with the Court's administrative and financial records, and the context they provide allow for a better understanding as to why these women petitioned, but also their age, their family, and their wider activities in the Court. While a trend in the historiography has been to remove petitions from their legal context, to focus on their language and form rather than on the personal information within, information about the lives of women who petitioned the Court is exactly what makes these so valuable as source material.

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¹⁴⁴ For women's voices see: Beattie, "I Your Oratrice" and Joanne Bailey, 'Voices in Court: lawyers of litigants?' *Institute of Historical Research* 74 (no. 186): 2001

¹⁴⁵ For women petitioning the City see: Smith, 'Free and Willing to Remit'; Gowing, *Ingenious Trade*.

¹⁴⁶ Erickson, 'Property and Widowhood,' 156.

Record creation, record keeping and Court of Orphans' source material

Administrative and legal record-keeping is an important theme throughout this thesis. While many scholars use court records as the foundation of academic work, more attention needs to focus on how these records were created and organised from the early modern period to the modern day. For the City of London, Piers Cain has written the only academic work on the City's record-keeping practices in the early modern period. He highlights the increasing anxiety the City felt towards their records in the sixteenth century, as they sought to organise their archive more effectively, but also protect and restrict access to them. 147 Filippo De Vivo has written on the early modern archives of the Venetian Republic and provided a framework to consider how those in power structured and organised their archives. He argues that we need to view the indexing of Venice's records as a historical process, as it reflects the increasingly complex political structure of the republic and highlights their need to navigate their records with ease.¹⁴⁸ This methodology has been applied to records of the Court of Orphans. In the late sixteenth century, the City created a set of records specifically for recording the Court of Orphans' proceedings as the Court's business rapidly grew. By the seventeenth century, the Court's records created a network of volumes across the Corporation as its proceedings became more complex, and it relied on multiple arms of civic government to function. These volumes need to be viewed as more than just source material that can tell us about the history of the Court, but also as records that have their own history. As Alexandra Walsham has argued, archives originated as 'tools of jurisdiction' and the Court's complex record-creation and record-

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¹⁴⁷ Piers Cain, 'Robert Smith and the Reform of the Archives of the City of London,' *The London Journal* 13, no. 1 (1987): 3-16

¹⁴⁸ Filippo De Vivo, 'Ordering the Archive in Early Modern Venice (1400-1650),' *Archival Science* 10, no. 3 (2010): 231, 236.

keeping processes worked to enforce the custom and the City's jurisdiction over civic orphanage. 149

Walsham has also discussed how scholars need to develop methodologies when using archival material. She argues that we need to focus on the process of recordcreation and record-keeping, rather than just on the end product as 'records and archives have histories, itineraries, biographies and social lives of their own.'150 She continues that scholars need to use methods that read 'along the archival grain' as this can help 'recover traces of female and subaltern subjectivity and agency.' 151 This is even more pertinent when considering that many of the women's probate rolls in the LMA are miscatalogued. As in the early modern period, record-keeping is a process, and this tells us a lot about how the Court was understood by those archiving this material in the early twentieth century. The Court's material was recorded and organised—both in the early modern period and in the modern day—according to estate, meaning that men dominate the record. A methodology has been used throughout this thesis that works with the organisation of this material to locate women. By mapping the Court's records onto the Court's administrative process, it is possible to find each trace of an estate's journey through the Court, and therefore the ways women interacted with the Court's procedures. Court of Orphans administration was recorded in various collections in the LMA, including the Court of Orphans, the Court of Aldermen, the Chamberlain's Department, the City Printer, and the City Solicitor and following the Court into each of

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¹⁴⁹ Alexandra Walsham, Kate Peters and Liesbeth Corens, 'Introduction: Archives and Information in the Early Modern World,' in *Archives and Information in the Early Modern World*, ed. Kate Peters, Alexandra Walsham and Liesbeth Corens (Oxford: Oxford University Press, 2018): 15.

¹⁵⁰ Alexandra Walsham, 'The Social History of the Archive: Record-Keeping in Early Modern Europe,' *Past and Present* supplement 11 (2016): 46.

¹⁵¹ Ibid, 44.

the City's jurisdictions is vital to understanding how the Court worked, and how women interacted with it. 152

As such, this thesis draws primarily on the records from the LMA. While the Court's material includes the probate rolls, the recognizance volumes and the common serjeant's book, where the partible division of each estate was recorded, the repertories of the Court of Aldermen noted the Court's day-to-day proceedings. 153 The Court of Aldermen's records also include some paperwork about orphan payments, as well as petitions. The Chamberlain's Department records are used predominantly in chapter four, which discusses the financial functions of the Court. A small number of City Solicitor and City Printer records are used in chapters one and six. Supporting this material is the wealth of birth, marriage, apprenticeship, and death records on both Find My Past and Ancestry, which has been used to create many of the case studies threaded throughout this thesis, along with the livery company records found on Records of London's Livery Companies Online. Wills from church records held by the LMA and from the PCC held by The National Archives have also been used to build up information on individual women, as well as a small number of Chancery cases at TNA where they are relevant to a case study. A large amount of printed material is used in chapter six, which focuses on the City's financial crisis. Lastly, chapter six also uses House of Commons records, along with petitions from the House of Lords, held by the Parliamentary Archives.

¹⁵² An overview of these records is provided in chapter one.

¹⁵³ The repertories of the Court of Aldermen are discussed in chapter two.

Chapter overview

This thesis has six chapters. The first chapter looks at the historical development of the Court from the medieval to the early modern period and goes through the Court's complex administrative process stage-by-stage. This chapter lays the foundations for the next four chapters, which each focus on a specific set of records. The second chapter focuses on the repertories of the Court of Aldermen, in which most of the Court's day-to-day proceedings were recorded, and this chapter provides a quantitative context to the number of women interacting with the Court. The third chapter looks at the probate inventories of over 90 widows to learn more about the three main roles women had in the Court, as executors, guardians, and financial managers. It also introduces the case studies of two women who are discussed in subsequent chapters. Chapter four focuses on the financial procedures of the Court and uses material from both the Chamberlain's Department and the Court of Orphans. The fifth chapter looks at petitions submitted by women to investigate how they navigated the breakdown of the Court's administrative processes, and what this tells us about civic life. The sixth and final chapter discusses the 11-year period of the City's financial crisis and uses both printed and manuscript material to focus on the role women had in the crisis.

Chapter One

Curia Orphanorum: Orphan Administration, Record Creation and Record Keeping in the City of London, 1660-1720

Introduction:

As the introduction detailed, the Court of Orphans held an important civic function in the City. If a citizen died leaving any underage children, it ensured that they were appropriately looked after, and that the deceased freeman's estate was divided into the City's customary thirds. The Court and those who oversaw it not only ensured that orphans were safeguarded, but they also worked following a complex administrative process to make sure that their inheritance was either looked after by a recognitor or deposited into the City's chamber. The Court dealt with the day- to-day business of assigning guardians if an orphan's guardian passed away, giving consent for an orphan to be put out to apprentice, and ensuring that an orphan was given their portion when they came of age. In this way, the Court in effect acted as the paternal figure in an orphan's life, looking out for their best interests and ensuring that after they left the Court's jurisdiction, they were able to become active and successful members of the City's business community.

As we have established what the Court of Orphans was and what purpose it had in the City, it is important to pause and consider three things: firstly, how did the Court and its records develop from the thirteenth to the seventeenth centuries? Secondly, what was the Court's administrative process? And lastly, how did this process work to create a body of records relating to orphan administration in the Corporation's archives? The answers to these three questions are key to understanding how the Court of Orphans was conceptually understood by the citizens who used it and oversaw it, but

also how it has been understood by scholars writing about it in the last century. This chapter works to answer these questions and by doing this, shows how the civic orphanage administrative process and its records created the Court of Orphans.

The methodology used by Filippo de Vivo to understand the archives of early modern Venice needs to be applied to the Corporation of London's records and specifically those of civic orphanage. De Vivo argues that Venice's government administration at 'every step left extensive written traces' and that 'a continuous process led from the production to the preservation of records'. Crucially, he goes on to say that the 'evolving nature of republican politics affected the shape of the archive' and that 'increasingly rigorous organisation seen in the Republic's records reflects the growing complexity of the state.'2 This can in turn be applied to the Corporation. As the Court's business grew throughout the sixteenth century, this was reflected in the creation of records specifically dedicated to orphan business in the Corporation's archives in the 1590s, as there was an increasing need to make the records of orphan administration more accessible. Orphan business continued to permeate many of the City's administrative records across the period, because of the complexity of its procedures and the fact that it relied on multiple arms of the civic government to work. As such, the Court of Orphans' ill-defined place in the Corporation and its complex administrative process is reflected in the similarly complex web of records that this process created.

Similarly, as Alexandra Walsham has argued, we cannot use historical records as a 'transparent window through which we can view societies remote from us in time.'3

¹ Filippo De Vivo, 'Ordering the Archive in Early Modern Venice (1400-1650),' *Archival Science* 10, no. 3 (2010): 234-5.

² Ibid, 235, 246.

³ Alexandra Walsham, 'The Social History of the Archive: Record-Keeping in Early Modern Europe,' *Past and Present* supplement 11 (2016): 9.

When discussing the importance of record keeping, she goes on to argue that the process of this is just as important as the end-product because 'records and archives have histories, itineraries, biographies and social lives of their own.' To that end, this chapter interrogates the records of London's civic orphanage and focuses on the way these records were created, archived and edited at each stage of a complex administrative process. The Court's records were not merely by-products of this process. Instead, it was administering and recording its business, and then archiving and updating its records, which brought the Court into existence. We therefore need to view the Court, its administrative process, and its records as one and the same, as the Court of Orphans.

This chapter argues two things. Firstly, that the Court's administrative process was complex and involved a range of officials and clerks, overlapping jurisdictions and record-keeping practices. Secondly, that it was the recording of this administrative process that brought the Court into existence. The Court was overseen by the same officials as the Court of Aldermen, its records were archived across the Corporation, and it had no set meeting time or space in the Guildhall, meaning the City became the Court of Orphans whenever it administered orphan business. This chapter will therefore conclude that the early modern Court of Orphans must be understood as the complex process of orphan estate administration overseen by the City, and the network of records created at each stage of this process.

This chapter is divided into three sections. The first looks at the development of the Court of Orphans from the medieval to the early modern period, and the changes to the records that relate to civic orphanage. The second provides an overview of the

⁴ Ibid, 17, 46.

Court's administrative process from the discovery of a case of orphanage, until an orphan reached maturity. Finally, the third section describes each of these stages in detail to highlight how complex each stage could be, but also to highlight that the records the Court's procedures generated can be found across the Corporation's archive. It concludes that we must understand the early modern Court of Orphans not as a separate legal entity, but as an administrative process, and the record-creation and record-keeping practices that this process required.

However, locating the Court both geographically and within the City's complex administrative structure is itself a challenge. The Court of Orphans was administered in the Guildhall, in the north of the City between Aldermanbury and Basinghall Street, where it still stands. This was the home of the Corporation of London, the governing body of the City of London. The Court of Aldermen, the City's executive body, and the Common Council, the City's legislative body, both met here. The Guildhall would have been regularly attended by the lord mayor, the aldermen of the 26 wards, as well as clerks and attorneys that supported the City's various courts, including the Mayor's Court and the Chamberlain's Court. Civil disagreements, ward disputes, business with the City, as well as matters relating to the freedom and City livery companies would have brought a large number of citizens to the Guildhall on a daily basis. Many people visiting the Guildhall would have been doing so to attend the Court of Orphans.

However, identifying exactly where visitors to the Court of Orphans went after entering the Guildhall is challenging. In his PhD thesis, Charles Carlton states that the term 'Court of Orphans' was first used in 1529, 'in a description of the inaugural banquet of Ralph Dodman as Mayor when two tables were placed between the Mayor's

and the Orphans Court'. He goes on to note that a repertory from 1569 refers to 'th'utter courte, commonly called the orphans courte.'6 The Court was referenced again in the early 1570s, when the lord mayor and aldermen declared that orphan business 'shall at env courte be had before ten of the clock that the suerties that come for those causes may be dispatched.'7 The order that orphan business be dealt with between nine and ten o'clock was still in place in the late seventeenth century, and this is likely the reason why some orphan business is clustered in the Court of Aldermen repertories.8 This is followed shortly after by a reference to 'a table in the orphans co[ur]te', suggesting that a specific room was used for at least some orphan business, and this had information on the wall relating to orphan payments.⁹ In a 1773 description of the Guildhall, the Court of Orphans is named as a space on the west side of the Mayor's Court office, which was on a mezzanine over the great hall. 10 However, we must not assume that rooms within the Guildhall were used in the same way throughout the early modern period, especially after the damage of the Great Fire and the subsequent repairs to the Guildhall in the late seventeenth century. Indeed, Carlton notes that the Guildhall may have been used in the same way Westminster Hall was for the common law and equity courts, with a court taking each corner. 11 What we do know is that by the seventeenth century, the Court of Aldermen sat in the inner chamber, away from the public for private deliberation and the Mayor's Court sat in the outer chamber, where

⁵ Charles Hope Carlton, 'The Court of Orphans: A Study in the History of Urban Institutions with Special Reference to London, Bristol and Exeter in the Sixteenth and Seventeenth Centuries' (PhD thesis, University of California, Los Angeles, 1970), 108.

⁶ Ibid.

⁷ COL/CA/01/01/020, fol. 187b.

⁸ Ibid; Short instructions for the executors and administrators of free-men, in exhibiting an inventory securing orphans portions (1682).

⁹ COL/CA/01/01/020, fol. 239.

¹⁰ John Noorthouck, *A New History of London including Westminster and Southwark* (London: R Baldwin, 1773). 587-593.

¹¹ Carlton, 'The Court of Orphans: A Study in the History of Urban Institutions,' 109.

people could attend. These descriptions suggest that some room either within or near the outer chamber was used for at least some orphanage business.

To assume that the Court of Orphans was held in its own space is a conclusion that needs interrogating. The Court of Orphans was overseen by the Court of Aldermen, which sat in the Guildhall's inner chamber. Indeed, petitions about orphan matters were always addressed to the Court of Aldermen and while some orphan business in the repertories is clustered, for example satisfactions and bonds for inventory exhibitions, much of it is interspersed with other matters of civic administration. This suggests that, while a space in the outer chamber may have been used by subcommittees of aldermen to deliberate individual orphan cases, such as orphans who married without licence, or was used by the common serjeant to oversee inventory exhibitions, not all orphan administration was done here and was instead dealt with in the inner chamber with other Court of Aldermen business.

The Court also did not have its own assigned officials.¹³ The clerk of the orphans, who dealt with some matters of orphan administration like recognizances, was a role assigned to the most junior attorney in the Mayor's Court. Similarly, the common serjeant, who acted on behalf of the orphans and oversaw the exhibition of inventories, assisted the lord mayor and aldermen in all the courts. No official or clerk was employed solely to administer the Court and instead it was administered by those with responsibilities across the Corporation. Not only did it not have its own officers, but it also only developed its own records—separate from the repertories, the journals and the London letter books—in the late sixteenth century, around the same time that the

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¹² This is discussed further in chapter two.

¹³ Adele Louise Ryan Sykes, 'The Medieval Foundations of the Court of Orphans: London and Wardship c.1250-c.1550' (PhD Thesis, Royal Holloway, University of London: 2021), 68.

Corporation's archives were being reformed. However, these dedicated Court of Orphans' records are only a small collection of the dozens of records that contained orphan business in the Corporation's archive. The Court therefore has a hard-to-define place within the Corporation. It cannot be defined by a specific location, or by specific officials, or even administrative records. On the surface, it appears as if the Court of Aldermen simply became a Court of Orphans whenever it administered orphan business.

This is the conclusion reached by Carlton in his monograph. However, Carlton's book has a broad chronological scope and looks at orphan courts in Bristol and Exeter, as well as London. Because of this, he only uses the records of the London Court of Orphans to understand how its administrative process worked. He does not interrogate the way the Corporation recorded orphan business or the way that this material has been archived. The Court's existence hinges on its body of records and these need to be re-analysed and put at the centre of investigations into the Court. It is only by understanding the way that orphan business was recorded by the City and the ways that this was organised in the civic records, that it is possible to understand the confusing place the Court of Orphans had in the Corporation.

Part one: The development of the Court and its records

The Court of Orphans has its roots in the thirteenth century when the first case of orphanage was dealt with by the City. In his short chapter on the medieval foundations of the Court, Carlton dates the first case to 1276, when the City granted the wardship of the three orphans of Alan Godard to a guardian named Sarah. However,

¹⁴ Carlton, *The Court of Orphans*, 36.

¹⁵ Carlton, Court of Orphans, 13.

Adele Ryan Sykes goes into much more detail about the medieval origins of the Court than the scope of Carlton's work allows, and she demonstrates how its origins were far more complicated. She highlights that the guardian, Sarah, was likely not Alan Goddard's widow as Carlton assumes, but also that earlier cases of orphanage can be found in the wills of its citizens. In doing this, Ryan Sykes not only emphasises the importance of viewing wills of the City's citizens as an extension of the records relating to civic orphanage, but also how locating the Court in the medieval period is more complex than it appears. Indeed, she argues that before the sixteenth century, there was no formal Court of Orphans. Her thesis argues that the City's orphan administration from the thirteenth to the sixteenth centuries was ad hoc, sporadic, and reactive, and that many cases of orphanage were overlooked by the City and were instead managed informally by families, communities, and guilds. Indeed, she concludes that it was not until 1536, when the City passed a formal decree ordering all cases of orphanage to pass through the City, that a formal Court of Orphans can be seen to exist. After this date, the City's administration of orphan cases was formalised and more thorough.

This coincides with a period where the Court began to see a growth in its business. Carlton argues that by the 1560s, London was overseeing four and a half times as many cases as it had in the 1540s.²⁰ While some of this growth in orphan business was likely the result of more comprehensive administration of orphan cases, it must in part also be attributed to the population growth the City saw in this period, with the

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¹⁶ Ryan Sykes, 'The Medieval Foundations of the Court of Orphans: London and Wardship c.1250-c.1550.'

¹⁷ Ibid, 87-88.

¹⁸ Ibid, 16.

¹⁹ Ibid, 279-280.

²⁰ Carlton, The Court of Orphans, 23.

mural population alone growing from 40,000 in 1550 to 70,000 by 1631.²¹ In the decade 1660-1669 the Court issued 316 recognizances, and between 1662 and 1677, had enrolled at least 1000 probate inventories.²² Indeed, at the end of 1678, the City set up a sub-committee of aldermen with the common serjeant to discuss a report made ten years before 'touching the methods of managing orphans business and certify their opinions,' suggesting that it was taking up a considerable amount of their time and they were keen to review its administrative processes.²³ While this was probably the Court's busiest period, by the 1690s, the Court was in decline following the City's financial failure the previous decade.

It was not just the administration of the Court and the amount of business that changed across the period, but also the way this business was recorded. Indeed, Ryan Sykes primarily deals with the London letter books, volumes that at various times recorded the business of the Court of Aldermen and Common Council, and wills that were enrolled in the Court of Hustings. However, changes in both civic and testamentary administration, and the City's record-keeping practices, means that an investigation of the early modern Court of Orphans requires completely different source material. Records of the Court of Aldermen's business moved from the letter books and the journals of the Common Council (where it was recorded interchangeably) in the fifteenth century to the repertories, and by the seventeenth century, most day-to-day

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²¹ Vanessa Harding, 'City, Capital and Metropolis: the Changing Shape of Seventeenth-Century London,' in *Imagining Early Modern London: Perceptions and Portrayals of the City from Stow to Strype, 1598-1720* ed. J.F. Merritt (Cambridge: Cambridge University Press, 2001), 124.

²² The 316 recognizances between 1660 and 1669 have been counted using data from recognizance volume 8 discussed in chapter four of this thesis and the 1000 probate inventories between 1662 and 1677 have been counted using the LMAs PDF collection list for the Court of Orphans records discussed in more detail in chapter three.

²³ COL/CA/01/01/088, fol. 20; the report that this repertory relates to has not been found during the research for this thesis, which has used a sample of repertories. A comprehensive search of all repertories between 1660 and 1720 would have been too extensive for the time constraints of this research.

²⁴ The first journal of the Common Council dates to 1416 and the first repertory of the Court of Aldermen dates to 1495, however the letter books continue far beyond these dates.

orphan business was recorded here. Similarly, while wills for London's citizens continued to be proved in the commissary, consistory, and archdeaconry courts across the medieval and into the early modern period, the use of the Court of Hustings fell into decline in the fifteenth century. The Court of Hustings was a secular court overseen by the Corporation that dealt with property, but by the sixteenth century, a lot of its business had moved to the Prerogative Court of Canterbury and many of the wills used in this thesis come from the PCC, with a few others from the archdeaconry and commissary courts.²⁵

On top of this, the City developed its own records for orphan business in the late sixteenth century, meaning that, while information about civic orphanage became more organised, it also became more scattered across the Corporation's archives. The first entry in the earliest common serjeant's book—which recorded the partible division of each estate overseen by the Court—dates to April 1586 and the subsequent five volumes run to 1773.²⁶ The first recognizance volume dates to a few years later in 1590 and appears to run almost continuously until 1747.²⁷ These volumes all contain contemporary indexing, which as De Vivo has shown for Venice, suggests that as civic government became busier and more complex, there was an increased need to organise its records so they could be navigated and consulted.²⁸ These records are all organised by estate, meaning that they centre around men. This highlights not only how the City

²⁵ In theory, a person's will would be proved in either the archdeaconry, commissary or consistory court depending on which court was sitting, the value of the will and where the person lived (i.e., the City, Middlesex etc). Any will with property in more than one diocese was proved in the PCC. However, these jurisdictions overlapped, and wills were not always proved in the most appropriate court.

²⁶ The volumes are almost continuous except a gap between 1614 and 1662, suggesting that at least one volume was lost during the Great Fire.

²⁷ Nearly all the volumes have overlapping dates, but there is a gap between 1673 and 1678 which is discussed in chapter four.

²⁸ De Vivo, 'Ordering the Archive in Early Modern Venice,' 237-238.

understood the Court, but this in turn has shaped the way these records have been archived, and subsequently used by scholars.

The creation of the common serjeant's book and recognizance volumes occurred while wider Corporation archival reforms were underway. By 1570, the repertories were seven years in arrears and in the following year, the City appointed the remembrancer, whose responsibilities included 'engrossing the books, repertories and journals of the City.'29 In fact, these volumes appear to have been created in a period during which there was an increased desire for security, and to limit who had access to the Corporation's records. This was the context for the archival reforms of Robert Smith, an underclerk and later underchamberlain of the City, who is discussed in an article by Piers Cain, one of the few scholarly works to look at the City's archival practices in the early modern period. In 1578, the City ordered that anyone entering the bookhouse in the Guildhall without licence should be sent to one of the City compters, and in 1620, it was ordered that the repertories were not to be shown to anyone without explicit permission.³⁰ Citizens were limited to seeing only the acts of Common Council, and likely the records of the Court of Orphans. ³¹ That some matters of orphan estate administration were removed from the repertories to their own indexed volumes suggests the Corporation wanted to ensure that, while access to the repertories was restricted, details of orphan estates were still organised and accessible.

However, this does not mean that *all* orphan matters were removed from the Corporation's restricted records and as this thesis aims to show, this created duplicate records of the same information in multiple places. Not only did some records—such as

²⁹ Piers Cain, 'Robert Smith and the Reform of the Archives of the City of London, 1580-1623,' *The London Journal* 13, no. 1 (1987): 6.

³⁰ Ibid, 7-8

³¹ Ibid.

petitions, satisfactions, and bonds—remain in the repertories and others in the journals, at some point the chamberlain developed a set of orphan accounts to deal with orphan money coming in and out of the chamber. Most of the chamberlain's records prior to the Great Fire in 1666 do not survive, possibly because of this fire or a later one in 1786, so it is difficult to ascertain when these orphan accounts were created.³² The Great Fire also destroyed most of the probate inventories prior to 1660, with a few early seventeenth century and small number of sixteenth-century inventories surviving.³³ This thesis draws on orphan material found in the following records of the Corporation: the papers and repertories of the Court of Aldermen; various sections of the Chamberlain's Department; various records in the Mayor's Court; the journals of the Common Council; documents relating to the comptroller and City solicitor, and of course the Court of Orphans. With further time and research, it is almost certain that orphanage matters would also be found in other Corporation records.³⁴

However, it is not just the way that these records were created, organised, and archived in the sixteenth and seventeenth century that is key here, but also the way they have been archived and catalogued subsequently. Most of the Corporation's records are now held in the London Metropolitan Archives, which was established in 1997 to replace the Greater London Record Office, and the LMA later took over from the Corporation of London Record Office in 2005.³⁵ At the same time, all CLRO records were given new reference codes, creating difficulties for researchers using scholarly work published prior to 2005 as a guide to Corporation material.

³² Betty Masters ed., *Chamber Accounts of the Sixteenth Century* (London: London Record Society for the Corporation of London, 1984): ix.

³³ For probate inventories between 1639-1666 see: LMA, CLA/002/02/01/002; For sixteenth-century probate inventories that relate to cases in the Mayor's Court see: LMA, CLA/024/02/008.

³⁴ Further research on the Court of Orphans should focus on both the Mayor's Court and the papers of the comptroller and City solicitor. A search of the town clerk's records and those of the remembrancer might also yield more information on the organisation of the Court of Orphans' records. Beyond the City, cases of orphanage that extended beyond the City's jurisdiction are likely to be found in both the Courts of Exchequer and Chancery.

³⁵ The Guildhall Library still holds some records of the Corporation.

The way that both the CLRO and the LMA have organised the Corporation's material tells us a lot about how the Court of Orphans was and is understood. While the Court of Orphans has its own record series in the LMA, it is important to note that few, if any, of the records held in this collection explicitly use the name the 'Court of Orphans.'36 The Court of Orphans record series comprises the common serjeant's books, probate inventories, bonds and deeds, and recognizance volumes, along with a range of miscellaneous papers. Though this collection is a natural starting point for any research into the early modern Court, it suggests that all records of civic orphanage are held here and makes the Court seem like a small feature of the Corporation, when in fact, it consumed a large part of the lord mayor and aldermen's time.³⁷

Furthermore, the repertories of the Court of Aldermen, which note thousands of day-to-day transactions of the Court, are archived separately. The repertories are key to giving meaning to the separate material in the Court of Orphans record series, as on their own, the probate inventories and common serjeant's books are just lists of names, sums, and movable property. The repertories reveal who was bringing documents to the Court, how an estate was administered over time and the ways the Court's process could break down. Confusingly, some records are not found where you would expect to find them. For example, a number of Court of Aldermen orders, with signed receipts for money paid out of the chamber for an orphan's satisfaction, are held in the Court of Orphans record series, and not in the Court of Aldermen record series with the repertories that these orders correspond with.³⁸ Similarly, a number of petitions with a contemporary 'or' notation on the back, indicating orphan business, are held in the Court of Aldermen papers, despite the fact they clearly record orphan business.³⁹

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³⁶ The Court of Orphans record collection in the LMA is CLA/002.

³⁷ This is discussed more in chapter two.

³⁸ LMA, CLA/002/06.

³⁹ LMA, COL/CA/05.

Whether the archiving of these collections was done by the CLRO, or has since been updated by the LMA, or whether it was done before either of these archives existed, it is clear that the records of the Court of Aldermen and the Court of Orphans overlap substantially. This accurately reflects their overlapping jurisdictions in the Corporation's administrative structure. It also emphasises how important record-production and record-keeping practices are when trying to understand the Court of Orphans. Principally, that scholars must not work against the grain, but instead work with these practices, understanding that the current organisation of the records is the result of historical processes.

The archival collections not only overlap, but some are also catalogued incorrectly. Dozens of the women's probate inventories on the LMA's Court of Orphans catalogue are listed incorrectly under their husband's names and this works to mask the presence of women in the archival record. This cataloguing was done by the CLRO, probably around 1926-7, when the index to the common serjeant's books was compiled. This index contains colour-coded annotations, which correspond with annotations on the probate inventories and in the common serjeant's books, to facilitate linking the records of one estate. What this does reveal, is that cataloguers of the Court of Orphans' material in the early twentieth century conceived the Court as primarily concerned with the estates of men, and this misconception has in turn meant that women in the Court have been overlooked by scholars.

While historic and more recent archival and cataloguing processes, and the material these processes created, are vital for researchers studying the Court, they also promote a slightly warped view of the Court as a small part of the Corporation

⁴⁰ LMA, CLA/002/03/001.

concerned only with men. However, by considering the recording, editing, archiving, and cataloguing of orphan material over the last three and a half centuries as central to how we understand the Court, we can learn more about how it has been understood by both historical and modern actors. The Court's business was recorded and organised to highlight the lives of men and twentieth-century archival practices have worked to both promote and obscure the Court, the extent of its business, and the women involved in it. This thesis seeks to shed light on the Court's administrative process and its archival practices and in doing so, recover the importance of women's role in the Court of Orphans.

Part two: The Court's administrative process in the seventeenth century

The Court's process began when a case of orphanage was reported and ended when an orphan reached the age of maturity. This process, as it was in the seventeenth century, is shown in figure 1.1. Orphans were considered to have reached the age of maturity when they turned 21, or 18 if a female orphan was married.

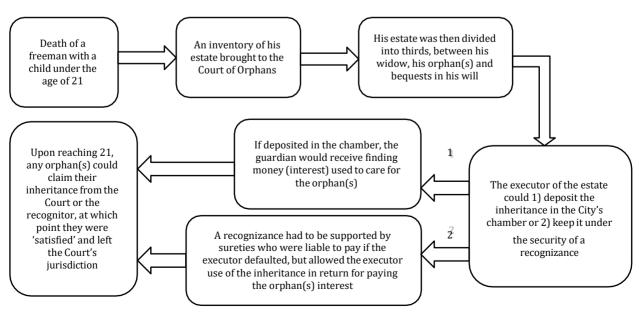


Figure 1.1: The Court of Orphans' administrative process

Once the inventory of a testator was brought to the Guildhall, this allowed the common serjeant to divide his estate into the partible thirds dictated by the City's custom: the widow's portion, which went to the widow, the orphan's portion, which was divided equally between the testators' orphans, and the dead man's portion, which the testator could dispense how he wished, and this was usually bequests in his will.⁴¹ If a freeman died intestate, then his estate was divided in half between his widow and his orphans. This estate division was recorded in the common serjeant's book and addendums could be added if a probate account was later brought in with more money owing to the estate that also needed dividing.

The executor or administrator was then bound to return, either to bring the money from the estate to deposit in the chamber, or to bring sureties to support a recognizance to keep the money. This procedure changed in 1682, when the chamberlain stopped accepting money into the chamber, probably in anticipation of the City's default on its debts the following year. The *Act for Relief of the Orphans*, passed in 1694, made it explicit that money did not have to be deposited in the chamber, as accusations that money had previously been forced into the chamber were levelled at the City during the financial crisis of the 1680s and 1690s. If the executor chose to deposit the money in the chamber, then in return they could come to the Guildhall to receive finding money from the chamberlain that could be used to maintain the

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⁴¹ Orphans were given an equal share of their father's estate, unless they had been advanced during his lifetime. The Court used an adjusted system known as 'hotchpotch' to ensure that advanced children were not given over and above their share of their father's estate. See: Carlton, *The Court of Orphans*, 48-49. If an orphan died leaving siblings, then the deceased orphans' portion was divided equally between their siblings. ⁴² Vanessa Harding, 'The Crown, the City, and the Orphans: the City of London and its Finances, 1400-1700,' in *Urban Public Debts, Urban Government and the Market for Annuities in Western Europe (14th-18th Centuries)*, ed. Marc Boone, Karel Davids and Paul Janssens (Turnhout: Belgium Brepols Publishers, 2003): 60. ⁴³ This is discussed further in chapter six.

orphan.⁴⁴ Finding money was usually paid at a rate between 4-5% of a portion's value. If they chose to hold the money on recognizance, they had to bring three sureties who would be liable to pay the inheritance to the orphan if the recognitor failed to do so when the orphan reached maturity. The recognitor also had to pay the orphan finding money during their minority, but again, this could be used to maintain the orphan.

The guardian of any orphans was either made explicit by the testator in their will, or automatically given to the mother if she was surviving. If the child was left parentless after the father had died, then guardianship of the orphan was usually given to a relative, often maternal, such as a grandparent, aunt, or uncle. In most cases referred to in this thesis, the testator left his wife as his executor, and she was granted guardianship of their children by him in his will or given it automatically. After this initial estate administration was done, the guardian of the orphan would only need to return to the Guildhall regularly if they were receiving finding money payments, to ask permission to put a child out to apprentice, or for any problems relating to the orphan.

If the Court discovered that rules had been transgressed, the orphan or guardian would be summoned to the Court. This included if an orphan married without licence, an executor or administrator refused to bring in documents, or an estate's finances were mishandled. If an orphan's guardian died, this also required further intervention by the Court. Mothers who died while their orphan was still underage had their estates processed in the same way as their husband, as more money would be left to the orphan that needed to be deposited in the chamber or secured by a recognizance.⁴⁵ The Court also had to ensure that a new guardian was appointed to the orphan and where

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⁴⁴ Finding money was essentially interest paid for 'finding' an orphan i.e., maintaining them and paying for their diet, clothing and board.

⁴⁵ Women's probate inventories in the Court are discussed in chapter two.

necessary, a new recognizance drawn up. As soon as the orphan reached maturity, they could claim their inheritance from the Court, or the recognitor who held it, and they were formally acknowledged as 'satisfied' and, in theory, left the Court's jurisdiction. If unlucky, they might have their own estate processed by the Court as they left orphans of their own, starting the Court's process all over again.⁴⁶

Part three: Orphan administration, record creation and record keeping

I. Discovery of orphanage

In theory, a freeman's administrator or executor was supposed to come to the Guildhall within 14 days of the testator's death to report a case of orphanage either of his own volition, or after a summons from the common cryer.⁴⁷ In reality, this was more complex, especially as the City's population rapidly grew in the sixteenth and seventeenth century. In 1520, the Court of Aldermen ruled that the constables were to notify the common cryer of a case of orphanage, and in 1546 charged the parish clerks to do the same.⁴⁸ In the *Privilegia Londini* published in 1723, William Bohun wrote that 'the Clerks of the respective Parishes within the Bills of Mortality, ought to give the Name of such Freemen [leaving underage children] to the Common Cryer of this City,' suggesting that by the early modern period, cases of orphanage were being discovered

⁴⁶ It is possible there are instances of an orphan's estate being processed when they themselves died leaving orphans, but the volume of estates in the seventeenth century means vertically connecting estates in this way is difficult and this thesis has not identified any.

⁴⁷ Charles Carlton, 'The Administration of London's Court of Orphans,' *The Guildhall Miscellany* 4, no. 1 (1971), 23.

⁴⁸ Ibid.

at the parochial, rather than City, level.⁴⁹ Some freemen lived outside the City, so this system must not have caught all cases of orphanages.

In fact, we know that the City printed instructions of how the estate of a freeman with underage children should be processed, as a set from 1682 survives. *Short instructions for the executors and administrators of free-men* stated that the pamphlet 'shall be Printed, to remain in Mr. Common serjeant's Office: and one copy thereof to be constantly delivered by Mr. Common Cryer's Young-man, to the Executor or Administrator of every Free-man deceasing.'50 This suggests that after the common cryer discovered a case of orphanage, either himself, through an alderman, parish clerk or through the executor or administrator themselves, a person in his employ would be responsible for delivering these instructions to begin the process of estate administration.

This is suggestive of a high degree of communication between the officials at parish, ward and City level and demonstrates how a system developed over time to ensure that as many cases of civic orphanage as possible were being reported to the common cryer. Some citizens may have attempted to bypass the Court, perhaps to avoid paying the fees to various officials, or because they wanted to take control of the estate without the Court's interference. Indeed, Adele Ryan Sykes has found examples of estates that were not processed by the City in the medieval period, even though the testator left orphans. She demonstrates how corruption led to some cases of civic orphanage not being reported to the City and it is possible that the early modern system developed to rectify

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⁴⁹ William Bohun, *Privilegia Londini: or the rights, liberties, privilges, laws and customs of the City of London* (London: 1723), 325.

⁵⁰ Short instructions for the executors and administrators of free-men, in exhibiting an inventory securing orphans portions (1682); the British Library holds the only two copies of this pamphlet from 1682 and this was either not reprinted after this date, or no other copies survive.

⁵¹ Skyes, 'The Medieval Foundations of the Court of Orphans,' 126-7.

the corruption of medieval orphan estate administration.⁵² While it is possible that a small number of cases of civic orphanage were still managing to evade the networks of informants in both the parish and ward, the population growth and increase in Court business by the seventeenth century makes this incredibly difficult to identify, and none have been included in this thesis.

II. Appraising an estate

Short Instructions for executors and administrators also gave information about how an estate should be appraised. It stated that the goods of the testator were:

...to be valued and appraised by four indifferent free-men, to be sworn before the Alderman of the Ward wherein the Deceased lived, or before the Lord mayor: And the Common Cryer, or his Deputy, is to have notice of the time and be present when the Appraisement is made.⁵³

Again, this emphasises the importance of networks of officials at the parish, ward, and City level, who were key to ensuring that the Court's process was followed and that estates made their way to the Guildhall for administration. An order from the lord mayor a few years before this pamphlet in 1668 stated the same, that the common cryer needed at least a day's notice to oversee an appraisal, and that of the four appraisers, 'you may Chuse Two Yourself'.54 It also stressed that when choosing appraisers 'regard [should] be had to Honesty and Integrity of the Persons, and their Judgement, Skill, and Experience.'55 There was clearly a concern that estates might be appraised improperly and that orphans could be swindled

⁵² Ibid, 111.

⁵³ Short instructions for executors and administrators (1682), 3-4.

⁵⁴ By the Mayor. Martis nono die Martii, 1668. Annoq; Regis Caroli Secundi Dei Gratia Angliae &c. decimo nonno (1668).

⁵⁵ Ibid.

out of any money by dishonest or fraudulent appraisal practices. In 1568, the Court of Aldermen went as far as to charge an alderman to sit with the common serjeant every Friday, and summon the executors to swear an oath declaring how many bad debts they had managed to collect from an estate.⁵⁶ Fears about estate fraud is probably why the common cryer personally oversaw the appraisal process, and he in turn charged the ward beadle to make sure no one touched the estate until the appraisers were appointed.⁵⁷

Appraisers were always men and many probably did this task more than once during their lifetime for friends, family, fellow guild members or others in their community. For example, the haberdasher Lawrence Dee appraised the estate of at least three people within the space of ten years. First, for fellow haberdasher Daniel Partridge, whose inventory was compiled in April 1669.⁵⁸ Daniel Partridge's widow Sarah remarried quickly to Samuel Saltonstall, and when he also died, Lawrence Dee was the appraiser of his estate in January 1676.⁵⁹ After being twice widowed, Sarah Saltonstall herself died in early 1679 and Lawrence Dee was the appraiser of her estate in March of that year.⁶⁰ A cursory search of the records of the Haberdashers' Company reveals that Samuel Saltonstall had served an 8-year apprenticeship under Lawrence Dee.⁶¹ Daniel Partridge's parish was also given as St Sepulchre on his inventory, the same parish Lawrence Dee lived in.⁶²

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⁵⁶ Carlton, 'The Administration of the Court of Orphans,' 24.

⁵⁷ Ibid, 23.

⁵⁸ LMA, CLA/002/02/01/0477.

⁵⁹ LMA, CLA/002/02/01/1118.

⁶⁰ LMA, CLA/002/02/01/1589.

 $^{^{61}}$ GL, CLC/L/HA/C/007/MS15857/002, fol. 123; City of London, Haberdashers, Apprentices and Freemen, 1526-1933, Find My Past, accessed 1st June 2022.

https://www.findmypast.co.uk/transcript?id=GBOR%2FHABS%2F25961.

⁶² LMA, CLA/002/02/01/0477; Lawrence Dee was noted as living in St Sepulchre when he apprenticed his own son William in 1668: GL, CLC/L/HA/C/011/MS15860/006, fol. 191; *City of London, Haberdashers, Apprentices and Freemen, 1526-1933*, Find My Past, accessed 1st June 2022.

 $[\]underline{https://www.findmypast.co.uk/transcript?id=GBOR\%2FHABS\%2F53086}.$

This reveals a network of people with both company and parish ties and demonstrates how a person could be pulled into the obligation of appraising multiple times over a lifetime.

While in some inventories the appraisers have an identifiable personal or professional connection to the testator, in others none of the appraisers have a clear link to the estate. When the inventory of Prudence Wood was drawn up in 1678, two of her appraisers were Thomas Weeks, a dyer, and Samuel Craddock, a fishmonger. In fact, Thomas Weeks was her son-in-law, having married her daughter Judith Wood a few years before, while Samuel Craddock was named as her servant in her will, and was in the Fishmongers' Company as both Prudence Wood and her husband had been. Hoth also stood to gain financially from the appraisal of her estate. Thomas Weeks and his wife were owed £300 by Prudence Wood at the time of her death and Samuel Craddock was owed £18 for wages. Prudence Wood's brother Edward Claxton was her executor, and he clearly chose two people close to his sister to appraise her estate. As the City dictated, the other two appraisers have no clear link to her estate and therefore could not financially benefit from it.

Draft probate inventories also survive in the Court's records, including those of widows Sarah Groom, drawn up in 1705, and Apolina Ratcliffe, drawn up in 1708, and they show the process of appraising an estate and how inventories were prepared. The address of Sarah Groom is listed as Goodman's Fields, Whitechapel, on her draft inventory, however, this is not included on the copy of

⁶³ LMA, CLA/002/02/01/1631; the inventory of Prudence Wood is discussed at length in chapter three.

⁶⁴ TNA, PROB 11/357/229.

⁶⁵ LMA, CLA/002/02/01/1631.

⁶⁶ LMA, CLA/002/02/02/061.

the inventory that was enrolled in the Court, demonstrating how information could be lost through the record-making process.⁶⁷ Both drafts also contain loose bits of paper with sums, totals, notes, and crossing-out, highlighting how the neat and organised material in the Court works to mask this complex record-making process.

III. Exhibiting an inventory

The pamphlet for executors and administrators made it clear that inventories had to be brought to the Guildhall within two months after first being summoned. The recognizances that executors and administrators swore also reflected this. Thousands of entries noting a recognizance to bring in an inventory are found in the repertories, and an example of this is shown in figure 1.2. This bond, from repertory 70 (1664-5) dated October 1665, states that Elizabeth Minshall of London, the widow and sole executor of Robert Minshall the testator, a scrivener now deceased, was bound to the chamberlain to present an inventory within two months, under the same conditions of the recognizance for the Ludford estate a few folios earlier in this volume. It also notes her address on New Fish Street. These recognizances in the repertories were secured by signed and sealed bonds held by the Court.

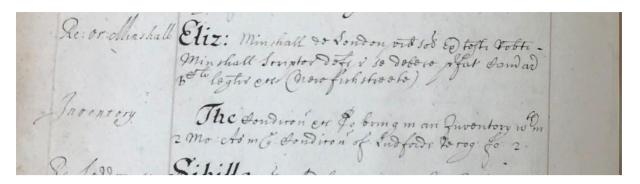
⁶⁷ Ibid; CLA/002/02/01/2785.

⁶⁸ Short instructions for executors and administrators (1682), 2.

⁶⁹ The reference to the Ludford estate is just a short hand used by the clerk.

⁷⁰ For an example of this see: LMA, CLA/002/04/0233.

Figure 1.2: Bond of Elizabeth Minshall, repertory 70.71



Invoices sent to the chamberlain by the city printer also suggest that aiding this administrative process were various loose pieces of paper moving in and out of the Guildhall and between City officials and citizens. In a bill noting the work carried out by the city printer for the City in the six month period between 25th December 1678 and 25th June 1679, three printed summons are listed, amounting to over £10 and which, in total, produced 20,000 summons. The first was for a 'sum[m]ons to bring an inventory,' the second for a 'sum[m]ons to appear before my L[or]d mayor & aldermen ab[ou]t inventories', and the last 'to appoint a day to bring in inventories'. None of these summonses survive in the Court's records, so the distinction between them is not immediately clear, but it emphasises the large amount of paperwork the City was producing for just one stage of the Court's administrative process. It also highlights the importance of print in early modern administration. The Court's procedures were being facilitated by a mixture of both manuscript and print paperwork, and while thousands of pages of manuscript records of the Court of Orphans survive, in nearly all cases this

⁷¹ LMA, COL/CA/01/01/074, fol. 3b.

 $^{^{72}}$ LMA, COL/SJ/27/316; my thanks go to Mark Jenner who kindly sent me photos of these City Printer bills from his own research trip to the LMA.

⁷³ Ibid.

ephemeral print material does not survive as it was handed out to the thousands of people who used the Court.⁷⁴

Returning to the repertories may help us understand these summonses. After an executor or administrator swore to return to the Guildhall with an inventory in two months, they then had to organise the estate's appraisal and return to the Court with the inventory. After they did this, they entered into another bond promising to return again with either money to deposit in the chamber, or sureties for a recognizance. As both these recognizances were noted in the repertories, it is possible to identify whether executors or administrators were returning to the Court within the two months they were given. Nine executors or administrators are noted in repertory 80 (1674-5) in November 1674, all of them the widow of the testator bound to bring an inventory within two months. 75 Of these nine, six have a follow-up entry showing their return to the Court. Three of these widows did so within the customary two months, the other three did so after three to six months. For the remaining three, no follow up entry has been found. This may be because it took them longer than a year to bring an inventory and so this would have been recorded in another repertory volume, or they died before they were able to bring the inventory, or perhaps it was simply not recorded.

The City's response to transgressions of these requirements varied. The widow Anne Milner was issued a warrant because of her 'obstinancy... absolutely refusing to appeare before this court to become bound according to the custome of this citty to exhibite and inventory of the estate of Tempest Millner... notwithstanding several

⁷⁴ For detailed research on the importance of print in early modern administration see: Frances Maguire, 'Bonds of Print, Chains of Paper: Rethinking Print Culture and Social Formation in Early Modern England c.1550-1700' (University of York: Unpublished PhD Thesis, 2017); for an example of a surviving print summons to the Court of Orphans from 1728 see: CLA/002/05/014.

⁷⁵ LMA, COL/CA/01/01/084, fol. 6-33.

sumons to her given from this court.'76 Another widow, Mary Tempest, was given 'respite of a month to bring in an inventory' and 'all proceedings against her upon her recognizance in the outer court shall be staid.'77 While the City could be flexible with the custom, allowing for more time to bring an inventory and staying proceedings in the Mayor's Court in the outer chamber, they did at times enforce it. Indeed, in 1678 after showing 'submission and compliance,' Elizabeth Parker was released from prison, after previously being committed for refusing to enter into a bond to bring an inventory of her husband's estate.⁷⁸ It should be noted that imprisonment of this kind was by no means a common occurrence. As discussed above, some of the business in the repertories is clustered, as the hours between nine and ten o'clock were set aside to deal with certain orphan business. Indeed, if we return to the printed summons, there is one noted as summons 'to appoint a day to bring in inventories,' suggesting that days were also set aside specifically for inventory exhibitions.⁷⁹ Clearly this was a more complicated process than it first appears, involving various summons depending on the situation, and in the worst case, warrants were issued to initiate proceedings in the Mayor's Court.

Once the inventory was brought to the Guildhall, a copy was made by the common serjeant that was then signed and used by him to divide the estate according to the custom, which was then noted in the common serjeant's book. In fact, inventories are one of the few records that make explicit reference to the Court of Orphans, with the

⁷⁶ Ibid, fol. 6-7; Anne Milner was in a lengthy dispute with the City after her husband was forced to take up shrievalty in the City at great expense and was later dismissed as an alderman. After he died in 1673, she followed his instructions and made a complaint against the City for her impoverishment. She was involved in this dispute until at least 1699 when she petitioned the Court while her brother John Houblon was lord mayor, see: LMA, COL/CA/05/01/05, 1699.

⁷⁷ Ibid. fol. 11.

⁷⁸ LMA, COL/CA/01/0/01/088, fol. 52.

⁷⁹ LMA, COL/SJ/27/316.

Latin inscription 'Exhib[ebatur] in Cur[ia] Orphanorum' (exhibited in the Court of Orphans) on the reverse. Using inventories to divide estates was a central part of administering orphan business, and this inscription highlights that these records were clearly seen to exist within the Court of Orphans' jurisdiction, even if many of the Court's other records were not. After the estate was divided, the probate inventory was archived, presumably in the Guildhall's bookroom or in the common serjeant's house during his tenure, and the executor or administrator swore to return with money or sureties. If the mother of an orphan died while the orphan was still underage, her inventory had to be brought to the Court in the same way.⁸⁰ In a few cases, this happened with the inventory of another female relative, such as a grandmother, if both the mother and father were deceased, but the female relative had left a legacy to the orphan.

IV. Chamber deposit or recognizance

The decision of an executor or administrator to deposit an orphan's patrimony into the City's chamber or enter into a recognizance was a complex one. This is discussed in far more detail in chapter four, and this section will focus on the process, rather than the factors that went into this decision. If the money was deposited in the chamber, this was noted in the orphans' journal in the Chamberlain's Department records.⁸¹ These volumes noted all orphan inheritances paid both in and out of the chamber, and also kept a running total of inheritances being deposited and withdrawn each year. If the executor or administrator chose to keep the money on recognizance, they were required to bring three sureties to the Guildhall who agreed to pay the

⁸⁰ Women's inventories are discussed in chapter two.

⁸¹ Three volumes of orphans' journals survive for the years 1661-1692, see: LMA, COL/CHD/OA/01/031-033.

orphan their patrimony if the recognitor failed to do so when the orphan reached maturity.

This recognizance was noted in three different records. The original copy was made in the journals of the Common Council, as these recognizances included the signature of the recognitors and sureties. These are interspersed throughout the journals with the Common Council's other business and included the names and amounts involved, including the Latin oral promise made with the chamberlain. A direct copy of this was made at some later stage in the recognizance volumes of the Court of Orphans, which only noted the bond and not the Latin oral promise. A third record was made in the repertories, which included the Latin oral promise. This means that for each recognizance entered into to secure an inheritance, three records of this were made in the records of three courts across the Corporation.

During the medieval period, Ryan Sykes notes that these bonds were recorded in the letter books and not in the journals, where the Court of Aldermen's business was then recorded.⁸² Importantly, she notes the reason as to why these bonds were not recorded in any of the Chamberlain Department's records and were specifically noted in the letter books; she argues that it was not the bond itself, but the recognizance—the oral promise to pay back the debt—that was important.⁸³ As common law evolved in the fourteenth and fifteenth century, recognizances could be recorded 'as evidence of a contract... supported by an action of debt *sur obligatione*, in the form of a sealed document', meaning 'the city had an effective procedure for debt recovery in common law as well as merchant law.'⁸⁴ By the seventeenth century, the journals were certainly

⁸² Ryan Sykes, 'Medieval Foundations of Court of Orphans,'263; after the creation of the repertories of the Court of Aldermen in 1495, orphans business from both the letter books and the journals was instead recorded there.

⁸³ Ibid. 263-264.

⁸⁴ Ibid, 265.

reason why these were recorded in the records of the City's legislative body. In fact, some of the corresponding signed and sealed bonds still survive in the Court of Orphans record series in the LMA.⁹⁵ In theory, then, any recognitors or sureties who defaulted, and failed to pay an orphan their inheritance when they reached maturity, could be held accountable using the recognizance in the journals, and the sealed bond as a debtrecovery mechanism, which could be enforced in the Mayor's Court. What on the surface appears as a simple transaction between the City and a recognitor, is in fact indicative of a far more complicated administrative and legal process. Again, it is the record-keeping practices of the Corporation that is important here. It underpinned these bonds and gave the City legal powers to enable debt recovery and protect an orphan's inheritance.

These recognizances were also edited over time and were not intended to be static records. Many of the entries in the recognizance volumes are crossed out, where a bond was nullified when an orphan was paid their inheritance, or sureties have been removed or added, probably when a person died, and a new surety was required to secure the bond. The editing of these recognizances is less frequent on the original copies in the journals, and this perhaps reflects the difficulty the clerks had in ensuring that duplicate records in two volumes were kept up to date. For example, the recognizance for the portions of Mary and Martha Clarke, the orphans of the brewer John Clarke, was secured by three men, Joseph and Daniel Alford and John Clarke, on $10^{\rm th}$ March 1687. The journal entry notes this, along with the signatures of the three

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⁸⁵ LMA, CLA/002/04; for an example of a signed and sealed bond and its corresponding recognizance volume entry see recognizance for Grace and Hannah Bacon, the orphans of Grace Bacon, a merchant taylor, from October 1672: CLA/002/04/006, CLA/002/05/008, fol. 275b-276.

men and the Latin oral promise to the Chamberlain. However the recognizance volume entry for the Clarke estate is crossed out, when a clerk later noted that this recognizance was nullified; the two orphans' names have 'sat' noted above them, denoting that they had been satisfied of their portion. The lack of parity between the two records reflects the difficulty of keeping these records up to date, but also how they have been used for different administrative purposes. This in turn poses challenges to the researcher, as these records cannot be taken at face value, and record-linkage is key in allowing the record-keeping methods of the City in this period to come to the fore. This stage of the Court's process not only relied on record creation but copying and editing these records over time. This emphasises again how we must understand the Court of Orphans as a set of administrative procedures and the recording of these procedures, rather than as a distinct administrative body.

V. An orphan's minority

For as long as a person was the guardian of an orphan, they were responsible for the child's upbringing, including board, diet, clothing, and schooling. How guardians managed this day-to-day was beyond the Court's control, but snippets of information are found in some of its records.⁸⁸ The probate inventories of some freemen and their widows include deductions made by their executor or administrator for money expended on an orphan following their parents' death. When Alice Baker died in 1668, the guardianship of her grandson, the orphan Richard Gillam, passed to Richard and Anne Hainsworth. The Hainsworth's charged over £17 to Alice Baker's estate for money

⁸⁶ LMA, COL/CC/01/01/048, fol. 161b.

⁸⁷ LMA, CLA/002/05/010, fol. 37.

⁸⁸ This is discussed in detail in chapter three.

spent on her grandson, including money for clothing, schooling, and medical care.⁸⁹ The repertories also contain entries of guardians asking the Court for money to assist with the care of an orphan, as well as instances of guardians who misused money. In 1674, a Mr Pim had his finding money for the 'maintenance and educac[i]on' of Elizabeth Hunt stopped because he 'refuseth to disburse [it] for the said Orphans use.'⁹⁰ Petitions submitted from guardians asking for financial relief also detail the expense of looking after orphans. A petition in 1675 from the widow Anne Barcock, who was looking after two orphans, detailed how she had put herself so 'much into Debt for the maintenance of the said Children insomuch that she dares not walke abroad for feare of being arrested.'⁹¹ It should be noted that this petition, and many others like it, were addressed to the Court of Aldermen. Again, this demonstrates that not all orphan business was considered to exist within the realm of the Court of Orphans.

Before 1682, many executors and administrators chose to pay an orphan's patrimony into the chamber, meaning that paying out finding money was a large part of the chamberlain's responsibility to the City orphans. Finding money was usually collected quarterly, biannually, or annually, but some chose to leave it for long periods of time before collecting it. Finding money was essentially the interest that had accrued on an inheritance and if uncollected, the finding money inflated the value of the portion, which in turn continued to generate interest. This meant that if an orphan could afford to do so, leaving finding money to accrue over several years was a worthwhile financial investment. However, this was changed in 1679, when interest payments were stopped on any portions where the orphan was eligible to receive it, as the City attempted to

⁸⁹ LMA, CLA/002/02/01/788.

⁹⁰ LMA, COL/CA/01/01/084, fol. 7.

⁹¹ LMA, COL/CA/05/02/001, B.

curb its spending in the years leading up to its financial crisis. ⁹² Finding money payments were first recorded in the finding acquittance books, yearly volumes of receipts noting how much was paid out of the chamber, to whom, and for what period of time. ⁹³ We know that these volumes were the first record of these payments, as they contain the signature of the person collecting the money. Curiously, though multiple acquittances are found for the same day, in some cases there are multiple changes in hand, suggesting these were recorded by different clerks. At a later stage, these payments were copied into the finding money account books. These volumes are organised by estate and contain a list of finding money payments paid to the orphans of the estate, with some of these listing more than two dozen payments over more than a decade. ⁹⁴ Again, though this orphan business of paying out finding money generated dozens of records, 'Court of Orphans' is not found in any of them, and they were kept with the Chamberlain's Department records.

Besides collecting finding money from the chamberlain, one of the most common reasons a guardian or orphan returned to the Court was to ask permission for an orphan to enter into an apprenticeship or to marry. The repertories contain dozens of entries of guardians asking the Court permission to place a child out to apprentice, and sometimes asking the Court for money to assist with the cost of doing this. For example, William Shrawley came to the Court in March 1665 as he had plans to place his sister, the orphan Judith Shrawley, as an apprentice with Mrs Walrond, a sempster, on the condition of a £10 bond for the apprenticeship, and that he provide his sister with £6 in clothes in preparation for this. 95 The Court agreed to pay William Shrawley the £16 he

⁹² Short instructions for executors and administrators (1682).

⁹³ The finding acquittance books survive from 1668-1694; LMA, COL/CHD/OA/01/004-024.

⁹⁴ Two finding money account books survive from 1643-1678; LMA, COL/CHD/OA/001-002.

⁹⁵ LMA, COL/CA/01/01/074, fol. 68.

needed out of the legacy part of Judith Shrawley's money in the chamber. 96 Ensuring that orphans went on to be active and successful members of the City's business community was one of the purposes of the Court, and they rarely if ever objected to an apprenticeship.

An orphan marrying created far more business for the Court. Court intervention in a marriage predominantly involved female orphans, who were far more likely to marry under the age of 21 than their male counterparts. 97 On the surface, the example of Sarah Yates illustrates how an orphan marrying was supposed to work. Sarah Yates, the orphan of Thomas Wates, a weaver, came to the court on 15th December 1674 to ask permission to marry Simon Burton, a stationer. 98 As he proposed a to settle a jointure of houses valued at £50 per annum on his prospective wife, the common serjeant stated to the lord mayor that he was satisfied for the marriage to take place. 99 However, their marriage was recorded on 3rd December, 12 days before they visited the Court, suggesting they sought the licence retrospectively. 100 In any case, the Court does not appear to have realised. Some of the jointures settled on female orphans survive in the Court's records. 101

The repertories are full of instances where the custom was not followed, and orphans married without licence, and the Court expended a lot of energy seeking out illicit marriages and punishing the participants. In December 1674, the lord mayor and

96 Ibid.

⁹⁷ Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730* (London: Methuen, 1989); 181-182.

⁹⁸ LMA, COL/CA/01/01/084, fol. 46.

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¹⁰⁰ LMA, P83/MRY1/1167, fol. 6b; *London, England, Church of England Baptisms, Marriages and Burials,* Ancestry, accessed 3rd June 2022.

https://www.ancestryinstitution.com/imageviewer/collections/1624/images/31280 197185-00019?treeid=&personid=&rc=&usePUB=true& phsrc=osp525& phstart=successSource&pld=10140466.

¹⁰¹ For an example see the jointure settled on Priscilla, the orphan of William Johnson, a haberdasher by her husband George Dawson in 1682: LMA, CLA/002/04/233.

aldermen heard reports that Mary Maniford, the orphan of John Maniford, a cutler and East India Company merchant, had married without permission. They ordered a subcommittee of aldermen to find out who had helped her 'adventure[...] to marry without the consent of this court if the comon report of her being married shall appeare to be true.'102 The report apparently was true because three months later in March 1675, William Howe of Grays Inn was fined £500 for marrying Mary Maniford without licence and given three months to pay the penalty by the Court.¹⁰³ The custom stated that anyone marrying an orphan without permission should be fined 'according to the Quality and Portion of the orphan', and if the fine was unpaid, then a person was liable to be sent to 'Newgate, there to remain until he submit to their [the Court of Aldermen] order.'104 This was clearly being transgressed on a regular basis, as in October 1678, the Court of Alderman reasserted in the repertories that 'no Orphan nor the Relations or Guardians of any Orphan ought or should proceed in Treaty upon any Proposals made for the marriage of such Orphan until this Court be first made acquainted therewith and have given their advice and Consent therein.'105 In extreme cases, people were sent to Newgate, as John Pullen was in either 1704 or 1705, after marrying Elizabeth Ambrose, the orphan of Richard Ambrose, a brewer. 106 The excuse used by those marrying an orphan without licence was that they were ignorant of the custom, or strangers to the City, and this is mentioned in both a number of repertories and petitions. 107

Though as already stated, the Court was flexible with the custom and showed clemency to those who transgressed it, but who were willing to show remorse and

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¹⁰² LMA, COL/CA/01/01/084, fol. 42.

¹⁰³ Ibid, fol. 121.

¹⁰⁴ Bohun, *Privilegia Londini*, 331.

¹⁰⁵ LMA, COL/CA/01/01/088, fol. 13.

¹⁰⁶ LMA, COL/CA/01/01/113, fol. 290.

¹⁰⁷ LMA, COL/CA/01/01/084, fol. 72b-73, 83; in the Court of Aldermen petitions see the two petitions of Thomas Fowler and his wife Elizabeth, the orphan of Christopher Wilkinson, a stationer: COL/CA/05/02/001, F.

make amends. For example, after marrying the orphan Elizabeth Chandler without licence, in January 1675, Robert Bacon was fined £135 by the Court, which was taken out of his wife's portion in the chamber. However, after acknowledging that Robert Bacon 'hath made a good settlement on his said wife to the liking of this court' they decided to remit the fine and pay the rest of his wife's portion out of the chamber. 108 Earlier the same month, two men petitioned the Court after they were fined for marrying Susannah and Sarah Butler, the orphans of John Butler, a fruiterer, the previous year. After considering their petition, the Court decided to pardon them and remit the fine because a report from the common serjeant stated they were 'hopefull young men and persons likely to thrive in the world.'109 Some were clearly not happy with the Court's treatment, though. A report from the chamberlain and common serjeant —now in the Chamberlain's Department records—noted that Humphrey Walbank went on to petition the king after he was fined £500 and imprisoned in Newgate for marrying the orphan Anne Bent in 1681.¹¹⁰ The Court remitted £430 of the fine after his release, but Walbank clearly felt he was entitled to the other £70 kept in the chamber as part of his fine.¹¹¹

However, some cases were far more serious and needed intervention that went beyond the realms of the Court's jurisdiction. The marriage of orphan Anne Marescoe to David Gansell in 1681 made its way to the Mayor's Court, where it was alleged that Anne Marescoe was just 15 when she was forced to marry the 50-year-old Frenchman David Gansell, when she spoke no French and he no English. This incident formed part of a much larger dispute between some of the Marescoe orphans and their mother

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¹⁰⁸ LMA, COL/CA/01/01/084, fol. 73.

¹⁰⁹ Ibid, fol. 68b.

¹¹⁰ LMA, COL/CHD/OA/01/046.

¹¹¹ Ibid.

¹¹² LMA, COL/CCS/SO/01/01/007; COL/CCS/SO/01/12/017; COL/CCS/SO/09/17/007.

and step-father over their late father Charles Marescoe's estate, as it was alleged that Anne Marescoe's step-father had orchestrated her marriage. The case eventually ended up in Chancery, taking it beyond the parameters of this thesis, but it demonstrates how complicated orphan cases could become, and how the Court's business ended up in a variety of legal jurisdictions across London. ¹¹³

It was not just the Court that handed out punishments for marrying without permission, but also citizens themselves. The custom allowed a father to disinherit a child if they married without permission or committed other crimes such as theft or gambling, under a law known as Judd's Law. In his will from June 1664, William Taylor left money to each of his children, but disinherited his eldest daughter, Anne Palmes under Judd's Law. He stated that she had married 'without my Knowledge or Consent and against my Will' and that because of this 'Undutifull Act of hers she hath forfeited all such Orphanage or Customary part of my personall Estate as she can clayme by the Custom of the Citty of London as the Child or Orphan of a freeman.'114 Even though his daughter's marriage had taken place three years before his will was drawn up, William Taylor was clearly still displeased and he used the Court's customary laws to deprive her of her orphan portion following his death. Although he did bequeath her £20 'as a fatherly Remembrance notwithstanding her undutyfull Carriage and behaviour.'115 Overseeing the marriage of children was an important part of fatherly duties and in their absence, the Court expended a lot of energy ensuring orphans married well and within their station.

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¹¹³ The Marescoe family and the husbands of at least two of the Marescoe orphans were incredibly litigious. Repertory 84 for 1678-9 (COL/CA/01/01/088) is full of entries relating to disputes over the Marescoe estate and between members of the extended family. There are at least seven suits that survive from Chancery between various members of the family and arguments over Charles Marescoe's estate continued from the 1670s to the 1710s. For the initial suit in Chancery see: TNA, C 10/137/38.

¹¹⁴ LMA, DL/AL/C/003/MS09052/014.

¹¹⁵ Ibid.

The administrative process of looking after orphans, from ensuring their guardians were paid finding money, to licensing apprenticeship and marriage, created a network of records across the Corporation. The Court relied on the work of the chamberlain, common serjeant, various aldermen, the City solicitor and scores of clerks to ensure that orphans and their inheritances were looked after, and it is impossible to understand this stage of the process by only looking at one record series in the LMA. Instead, this crucial stage of the Court's administrative procedure emphasises the way the Court permeated various parts of the Corporation and how these records need to be used together to understand the process of orphan administration, and the efforts the City went to ensure that orphans did not fall below their middling status.

VI. Satisfaction

The final stage of the Court's process occurred when an orphan claimed control of their inheritance, at which point they formally acknowledged satisfaction and left the Court's jurisdiction. This happened when an orphan turned 21, or if a female orphan was married, she and her husband could claim the inheritance when she turned 18. As with many of the Court's procedures, satisfactions can be found throughout the repertories of the Court of Aldermen, but these are nearly all from orphans whose inheritance was held in the City's chamber. Formally acknowledging satisfaction involved a trip to the Guildhall with a person willing to swear the orphan was of age, and paying a fee to the Court's officers. As a result of this, those orphans whose inheritance was held by a recognitor rarely, if ever, came to acknowledge satisfaction in the Court.

Orphans usually came to the Court to acknowledge satisfaction with their guardian, or their husband, for married female orphans. If coming with a guardian,

family member or friend, they had to swear on their corporal oath that the orphan was of age to receive their portion. If coming with a spouse, they simply had to acknowledge satisfaction for the money. In some cases, satisfaction could be acknowledged by power of attorney. For example, William Strong came to the Court in December 1674 with letters of attorney on behalf of his sister Dorothy, and her husband John Stubbing—who were living in Dresden, Germany—who were unable to come to the Court themselves. Orphans could come to the Court alone to acknowledge satisfaction, in which case, the Court 'judged' them to be of age to receive their portion.

If an orphan died while underage, then their siblings were able to inherit their portion. In some cases, it took great lengths to prove this. For example in August 1675, the parish clerk of Allhallows-on-the-Wall came to the Court to depose that the orphan Hannah Gouge had been born in the parish in 1657.¹¹⁷ This, along with an affidavit from a man in Macclesfield stating Hannah Gouge had been buried there the month before at the age of 18, allowed her sister Mary and her husband John Sawyer to collect Hannah's portion from the chamber. Acknowledging satisfaction sometimes brought families to the Court together. When Elizabeth Robins, the orphan of mercer Elisha Robins, died underage, three of her siblings came to the Court to claim their share of their sister's inheritance in November 1664. Richard Clutterbuck notified the Court of Elizabeth Robins' death, after which entries for Mary Christmas (nèe Robins), and Sarah and William Robins are found in the repertories, acknowledging satisfaction for their sister's portion.

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¹¹⁶ LMA, COL/CA/01/01/084, fol. 53b.

¹¹⁷ LMA, COL/CA/01/01/084, fol. 265-265b.

¹¹⁸ Ihid

¹¹⁹ LMA, COL/CA/01/01/074, fol. 4-4b.

¹²⁰ Ibid.

The satisfactions found in the repertories exist as loose pieces of paper in the Court of Orphans' records, too. The satisfaction was written by the town clerk on a sheet of paper with the mayoral year and date in the same formulaic way found in the repertories. This piece of paper appears to have then been given to the orphan acknowledging satisfaction, who could then take it to the chamberlain to receive their money from the chamber. Any payments made by the chamberlain to the orphan were then added to the piece of paper and signed by the orphan as proof of receipt. Once all an orphan's money in the chamber was paid to them, these papers appear to have been kept in the City's records as evidence that the orphan had been paid. In nearly all cases, the date of the first collection of money from the chamberlain was at least a few days after the satisfaction, meaning that orphans were making repeat trips to the Guildhall. In some cases, orphans collected their portion in instalments. For example, the orphan Joseph Trefusis acknowledged satisfaction for his portion on the 2nd May 1671, and collected the first part of his portion of £290 two days later on the 4th May 1671, in two separate transactions. 121 He then visited the Court six times in the following year, to collect the rest of his portion, with a note on the back stating he was paid in full on $17^{\rm th}$ May 1672.¹²² These payments were then also noted in the orphans' journal, which recorded all payments of inheritances both in and out of the chamber.

For those using the Court, this stage of the process required a good knowledge of the Court's administrative procedures, but also the ability to keep good financial accounts of which money had been withdrawn, and what was still in the chamber. Both men and women were coming to the Court to receive money in this way, and we need to consider this in the context of wider scholarship on women, money and finance. Indeed,

¹²¹ LMA, CLA/002/06/004, 20.

¹²² Ibid.

Amy Froide has observed that in this period, 'women had a level of financial knowledge and skill that may strike us as surprising'. 123 While she refers specifically to women as investors, we can extend this to the kinds of micro-transactions witnessed in the Court of Orphans, as women managed, withdrew, and deposited money. We know that women were responsible for household budgeting and accounting in this period, but for women using the Court of Orphans, they also needed to possess a knowledge of the City's administrative and financial procedures. 124

However, for the City, satisfaction, like all other stages of the Court's proceedings, required various officials within the Corporation taking part in a complex administrative process, with equally complex record-keeping practices. This in turn created a network of related records across the Corporation's archive. Satisfactions were recorded in the repertories of the Court of Aldermen, in the orphan's journal in the Chamberlain's Department, and on loose pieces of paper, now kept in the Court of Orphans record series. The movement of orphans, officials, and pieces of paper between these jurisdictions underpinned this administrative process. Even with this complicated process and the hundreds of records it created, this still does not allow us to see those orphans who collected their portion from a guardian, rather than the Court. Many orphans did not return to the Guildhall after this process, and their lives after they left the Court of Orphans become obscure.

¹²³ Amy Froide, Silent Partners: Women as Public Investors during Britain's Financial Revolution, 1690-1750 (Oxford: Oxford University Press, 2017), 4.

¹²⁴ Froide, Silent Partners, 18; Amy Froide, 'Leaning to Invest: Women's Education in Arithmetic and Accounting in Early Modern England,' *Early Modern Women: An Interdisciplinary Journal* 10, no. 1 (2015): 6-8.

Conclusion:

This chapter has had two aims. Firstly, to illustrate the complexity of the Court's administrative process. Figure 1.1 at the beginning of this thesis is a simplified illustration of a complicated administrative process underpinned by customary law but administered with flexibility and altruism by the Corporation. It required the cooperation of multiple overlapping jurisdictions such as the Court of Aldermen, Common Council, Mayor's Court and Chamberlain's Department, as well as a number of officers and clerks, to ensure that City orphans and their inheritance were looked after appropriately. Secondly, this chapter has aimed to illustrate that this administrative process created records across the Corporation, from large volumes, pieces of paper, or probate rolls. The record-creation and record-keeping practices required for the administration of one estate, from the moment a case of orphanage was discovered, until the orphan reached maturity, generated a network of records across the City's archives, permeating all parts of the Corporation. While some of these records clearly existed within a collection of 'Court of Orphans' material, many are found in other jurisdictions across the Corporation, complicating our understanding of what the Court of Orphans was in early modern London.

The conclusion of this chapter is that we need to consider the Court of Orphans not as a body of officials, a geographical space, or even a separate jurisdiction within the City's civic structure, but as an administrative process and the records this process created. Each stage of this process worked to create a complex set of records across multiple jurisdictions. We can locate the Court of Orphans in a finding money volume in the Chamberlain's Department, in a Court of Aldermen repertory, in a suit overseen by the City solicitor or in the common serjeant's books. Sometimes the notation 'or' is used to denote orphan business, such as on petitions or in the repertories, or *curia*

orphanorum is found, like on the inventories, or a passing reference to an orphan is made. In some cases, there is no explicit reference to orphan business, and a good working knowledge of the Court and estates within it is required to work out if it is evidence of orphan business. Nevertheless, any administration of orphan business and the creation and storage of these records brought the Court of Orphans into existence.

At its heart, this chapter has considered the argument put forward by Walsham, that records have 'social lives of their own' and they cannot be used solely to access the lives of people in the past. 125 Indeed, this has been at the forefront of the methodology used to study the Court of Orphans in this thesis, and the Court's records, their creation, and structure all must feature as points for investigation, along with the lives of the historical actors within them. Just as De Vivo argues with the indexing in the Venetian archives, the creation of the Court of Orphans through administration procedures and record keeping needs to be considered as a historical process itself. 126 While Carlton is right to assert that the Court of Aldermen became the Court of Orphans whenever it administered orphan business, this chapter has shown that the Court's creation was far more complex than first thought.¹²⁷ Ryan Sykes has already demonstrated that our understanding of the Court shifts when interrogating its record from the medieval period and this thesis aims to do the same for the early modern period. What this chapter has shown, is that the Court of Orphans holds a complex and hard-to-define space within the Corporation, but that its business and its records were central to the civic administration of early modern London. It is only by understanding the Court's records in this way, that it is possible to locate women within them

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¹²⁵ Walsham, 'The Social History of the Archive: Record-Keeping in Early Modern Europe,' 46.

¹²⁶ De Vivo, Ordering the Archive in Early Modern Venice (1400-1650).

¹²⁷ Carlton, *The Court of Orphans*, 36.

Chapter Two

Identifying the Roles of Women in the Court of Orphans using the Repertories of the Court of Aldermen, 1664-1715

Introduction

As argued in the last chapter, we cannot clearly separate the Court of Orphans from the business of the Court of Aldermen. The lord mayor and aldermen and the clerks that assisted them brought the Court of Orphans into existence whenever they administered orphan business and made a record of this in the Corporation's archives. While in-depth details of each stage of the orphan administrative process are found in various records across the Corporation, including the common serjeant's books, recognizance, volumes and in the orphan accounts in the Chamberlain's Department, the most in-depth details of the day-to-day administration of the Court are found in the repertories of the Court of Aldermen.

In fact, nearly each stage of the orphan administrative process left a record in the repertories. They noted recognizances entered into by executors or administrators to bring an inventory, as well as when they returned to the Court with the inventory. They also noted requests for an orphan to change guardian, enter into an apprenticeship, or marry. Most petitions submitted to the lord mayor and aldermen about orphan business were also recorded. Lastly, the repertories also noted satisfactions when orphans reached maturity. Not all orphan business was recorded in the repertories, but they provide the best and most accessible view of the Court's quotidian practices.

The repertories of the Court of Aldermen are arguably the most vital source for those wishing to study the Corporation of London in the early modern era. Spanning four centuries, the repertories are large volumes that note the day-to-day business of

the Court of Aldermen, the primary body responsible for the administration of the City. Beginning in 1495, when the proceedings of the Court of Aldermen moved from the journals of the Common Council and the London letter books, each repertory contains records from several years until 1620 when, in what appears to be because of an increase in business, each volume was produced to contain one year of proceedings, running from November when a new lord mayor was sworn in, until the following October, when his term ended. As a result of this, each repertory varies in length, depending on how much business the lord mayor and aldermen dealt with in any given year, or how much of this business was properly recorded. Indeed, we know that in 1570, the repertories and journals were seven years in arrears, indicating that Court of Aldermen business was not recorded directly into the repertory volumes.¹

The Court of Aldermen typically met every few days and always in attendance was the lord mayor and a selection of aldermen, which changed meeting to meeting. Most entries in the repertories have a corresponding marginal note to indicate the nature of the matter, though these are not consistent in each repertory. The business most frequently seen in the repertories includes admissions to the freedom, the assize of bread, selection of new City officials and members of the mayor's household, management of City-owned leases, the green wax, and appointment of the committee of the court of requests.² It is difficult to make a comprehensive summary of all the matters dealt with by the mayor and aldermen, and these varied month to month and year to year. For instance, in repertory 80 (1674-5), there are 130 transactions for

¹ Piers Cain, 'Robert Smith and the Reform of the Archives of the Corporation of London,' *The London Journal* 13, no. 1 (1987): 6.

² The green wax was an office elected monthly related to collecting levies, duties and fines, see: "green wax, n," OED Online, Oxford University Press,

https://www.oed.com/view/Entry/81242?redirectedFrom=greenwax& (accessed September 17, 2019).

November 1674, from eight meetings of the court.³ Along with a large number of admissions to the freedom, transactions for this month also include two assizes of bread, a complaint concerning the injury of a mother and her two children by a rogue squib, a bequest of £10 made to an Armenian man after he converted to Christianity and an ongoing debate concerning those aldermen living outside the City and liberties.⁴

Of the 130 transactions recorded from the November 1674 meetings of the court, 42 relate to City orphans, over 30% of the business for that month. For the following month in December 1674, the repertories contain 37 transactions relating to City orphans, 35% of the total 106 entries. In fact, references to orphan administration are one of the most common types of transaction recorded in the repertories during the late seventeenth and early eighteenth centuries. Indeed, this is not isolated to the later early modern period. Charles Carlton concluded that by 1599 'orphan affairs were by far the single greatest claim on the aldermen's time' and that in that year they dealt with 1,286 individual matters, of which 578, or 45%, were concerned with orphans.⁵ It is unwise to conclude from this that orphan matters stayed consistently high between the 1590s and 1670s, but it seems that orphan matters made up a large, if not the largest, portion of the matters dealt with by the Court of Aldermen for at least some of this period.

To refer back to November 1674; of the 42 orphan transactions for that month in the repertories, in 27 of these, or 64%, a woman is the primary named person. 20 of these were women entering into bonds to either bring an inventory, or bring in money or sureties to secure an orphan's inheritance; two were requests from a guardian to put an orphan out to apprentice; two related to administering a freeman's estate; two more

³ LMA, COL/CA/01/01/84.

⁴ LMA, COL/CA/01/01/84.

⁵ Carlton, Court of Orphans, 39.

were summons to attend the Court and one was a mother swearing an oath that her son was of age for satisfaction.⁶ A similar picture emerges from the following month in December 1674, where of the 37 orphan transactions, eighteen, or 48%, a woman is the primary person named. Whilst this is just two months in the hundreds of years in which the Court was active, this appears to suggest that not only did orphan matters dominate the lord mayor and aldermen's time in the late seventeenth century, but also that women were bringing a lot of this orphan business to the Court. If this is the case, then why has the Court—and specifically the role of women within it—been so overlooked?

Carlton's monograph is the only comprehensive study of the Court of Orphans as an administrative body, but one of the major limitations of his work is his failure to recognise the role of women in the Court. His methodology is broad in both scope and chronology, and he focuses on the Court as an institution, rather than on the people who engaged with its administrative process. As such, his argument is not set up to consider the role of women in the Court of Orphans, meaning their role is consistently overlooked throughout his work. His reference to women is brief and intermittent. For example, he notes that the Court restricted widows who were acting as executors or administrators from taking another husband before the inventory of their deceased husband's estate had been exhibited in the Court. While acknowledging that most widows were executors or administrators for their spouse, he does not explain what fulfilling this role meant within the Court's administrative process.

When referring to women who chose to hold their orphans' money on recognizance, he notes that this often led to the issue of widows 'desperate' to hold their child's inheritance, attempting to find friends, family or neighbours who would stand

⁷ Carlton, *The Court of Orphans*, 43.

⁶ LMA, COL/CA/01/01/84.

surety for them.⁸ He goes on to argue that 'while remarriage was usually the best way of repairing a widow's loss, it brought an orphan special dangers' and that 'with varying degrees of success, the court tried hard to curb the abuse of orphans, which, in nearly every instance, involved a stepparent.'9 He also asserts that widows often lent their children's inheritances to their second husband, suggesting that this must have seemed an appealing prospect to a potential husband, marrying a widow who had control of her orphan's patrimony which could be used for investment opportunities.¹⁰ Whilst all of Carlton's assertions can be supported by an example in the Court's records, his argument lacks nuance, depicting a one-dimensional image of women's place within the Court of Orphans.¹¹ As shown above, throughout his monograph, women appear as fraught widows facing a life of economic precarity, whose attempts to avoid this by remarrying often left their orphans open to exploitation.

Adele Ryan Sykes' PhD thesis on the medieval Court of Orphans has demonstrated that women had an important role in the care of orphans during the Court's early years. Ryan Sykes concludes that 'women played a significant role in London wardship but are largely invisible in the city's administrative records' and that 'women as guardians and as widows and executors underpinned the civic process and played a much greater part than has been previously recognised.' While women were certainly more visible in the Court's records by the seventeenth century, Ryan Sykes' point still stands, and women were just as essential to the Court in the early modern

⁸ Ibid, 53.

⁹ Ibid, 71.

¹⁰ Ibid, 86.

¹¹ For instances where women remarried and were later involved in disputes with the Court over abuses in their roles as guardians or executors see: Marescoe family referred to in chapter 1 and Trevor Hughes, 'The Childhood of Sir Thomas Browne: Evidence from the Court of Orphans,' *The London Journal* 23, no. 2 (1998): 21-29.

¹² Adele Louise Ryan Sykes, 'The Medieval Foundations of the Court of Orphans: London and Wardship c.1250-c.1550' (PhD Thesis, Royal Holloway, University of London: 2021), 287-288.

period. Yet, little attempt has been made to understand how women in the early modern Court were involved in the process of civic orphanage. The roles they had as executors, guardians and recognitors were vital in ensuring that orphans and their inheritance were looked after, and it is important to understand the extent of their role in the Court of Orphans.

While there is little scholarship on women in the Court of Orphans, there is a lot of discourse on women's engagement with legal institutions more generally throughout the early modern period. The sixteenth and seventeenth centuries saw a large increase in court business, as more and more people turned to litigation to solve their problems, in what has been described as 'arguably the most litigious age in Western European history'. Women's role in this changing landscape has also been discussed at length, as they became increasingly involved in suits concerning marital conflict, defamation and debt, and were visiting church, common law, and equity courts with increased frequency. Although the Court of Orphans was a customary court that fulfilled an administrative role entirely separate to the courts in Westminster Hall or those overseen by the church, it is important to provide a context for how women were involved with other legal institutions in this period.

When looking at marriage settlements in Chancery, Amy Erickson has shown that in the latter part of the sixteenth century, 17% of suits in marriage settlement cases were initiated by women, increasing to 26% in the seventeenth and early eighteenth centuries. However, she argues that this was in part due to the decline of the Courts of Exchequer and Requests, meaning more cases were referred to Chancery, rather than a

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¹³ Alexandra Shepard, *Accounting for Oneself*: *Worth, Status and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015), 8.

¹⁴ Amy Erickson, Women and Property in Early Modern England (London: Routledge, 1993), 114.

sign that more women were becoming more litigious. 15 Similarly, Tim Stretton's work on Requests shows that about a third of all cases presented to Requests involved a woman as either a plaintiff or a defendant. 16 However, he concludes that even as legal structures changed and advanced, women continued to face a number of economic, social, and legal barriers when litigating, and there was no linear line of progression of women's relationship with the law. 17 Alexandra Shepard's comprehensive analysis of church court records throughout the sixteenth and seventeenth centuries reveals a similar rate of female participation as Erickson and Stretton have found. She argues that of over 13,000 sets of deposition statements, just over 3,000 of them are from women, amounting to just under a quarter. 18 However, her data reveals that there is marked increase over time of women involved in litigation, especially between the years 1567 and 1681, contrasting with Stretton's own conclusions from Requests. 19 She goes on to argue that women were far more heavily represented when focusing solely on London's church courts. When suits concerning defamation, sex and marriage were sued, as many as 72% of plaintiffs between 1572 and 1640 were women from London.²⁰ This suggests that London women were either more likely to be involved with legal institutions or were able to access justice more easily than their counterparts in the provinces.

Margaret R. Hunt has come to the same conclusion when looking at marriage litigation in Exchequer in the early eighteenth century. A large majority of the cases were brought by women from London and Middlesex, and Hunt has argued that this was because London wives were able to access equity more easily and at a lesser

¹⁵ Ibid, 114-115.

¹⁶ Tim Stretton, Women Waging Law in Elizabethan England (Cambridge: Cambridge University Press, 1998), 7.

¹⁷ Ibid, 231.

¹⁸ Shepard, Accounting for Oneself, 17.

¹⁹ Shepard, Accounting for Oneself, 17.

²⁰ Laura Gowing, *Domestic Dangers*: *Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 1998), 37.

expense than those wives living in other counties.²¹ She has also attributed this to the fact that 'public and institutionalised airing of marital conflict' was more common in London, suggesting that City women were able to access justice more easily than women in the country.²² Similarly, Stretton has found that one-fifth of cases entering Requests in the second half of the sixteenth century originated from London and Middlesex, with a further two-fifths coming from Norfolk and the home counties.²³ He concludes that along with population size and wealth, this was due to proximity of these areas to London.²⁴ Indeed, Hilda L. Smith has argued that the variety of petitions to the Court of Aldermen by women, including those relating to the Court of Orphans, demonstrates that women were successfully and independently able to manoeuvre London's corporate structure in order to protect their economic and legal freedoms.²⁵ Just as women in Chancery, Exchequer, Requests or the church courts sued to obtain or protect their rights and privileges, so too did the women coming to the Court of Aldermen, many of whom lived, worked and raised families within the City. Looking at the same consistory court records as Laura Gowing, Eleanor Hubbard concludes that in all the cases from the City and surrounding suburbs, nearly 66% of the litigants were women and because of this, many of the witnesses were also women.²⁶

In contrast to the precarious and desperate portrayal of women that Carlton depicts, we need to understand that many London women were comfortable seeking

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²¹ Margaret R. Hunt, 'Wives and Marital Rights in the Court of Exchequer in the Early Eighteenth Century,' in *Londinopolis: Essays in the Cultural and Social History of Early Modern London*, ed. Paul Griffiths and Mark S.R. Jenner (Manchester: Manchester University Press, 2000), 123-124.

²² Hunt, 'Wives and Marital Rights in the Court of Exchequer in the Early Eighteenth Century,' 107, 123.

²³ Stretton, Women Waging Law, 76.

²⁴ Ibid, 79.

²⁵ Hilda L. Smith, 'Free and Willing to Remit: Women's Petitions to the Court of Aldermen, 1670-1750,' in Worth and Repute: Valuing Gender in Late Medieval and Early Modern London: Essays in Honour of Barbara Todd, ed. Kim Kippen and Lori Woods (Toronto: Centre for Reformation and Renaissance Studies, 2011), 297-298.

²⁶ Eleanor Hubbard, *City Women: Money, Sex, and the Social Order in Early Modern London* (Oxford: Oxford University Press, 2012), 10.

legal redress for their problems, and many would have had experience with one or more of the courts between the City and Westminster, either as plaintiffs, defendants, or witnesses. Indeed, London women were certainly more experienced with legal culture than their provincial counterparts and everyday life likely pulled most women into some kind of litigation over the course of their lifetime. Unlike the central courts many women did not have a choice about their involvement with the Court of Orphans, and their role in its procedural mechanisms would have been necessitated by their role as either executors or administrators, guardians, or recognitors. The Court was underpinned by customary law which dictated how these roles were carried out and their presence was not just out of social or economic necessity, but out of legal obligation. As many women were left with roles in the Court after a freeman died, this does explain why many women can be found within its records and why this is higher than the number of women involved in London's equity and church courts. Although, many of the women using the Court likely had experience with litigation in other courts.

However, this does not mean that women's presence within the Court of Orphans is any less important than in other London courts. Access to, and use of the Court of Orphans was one of the many privileges that came with obtaining the freedom, a privilege that was extended to the widows and orphans of a freeman after he died.²⁷ As this chapter seeks to demonstrate, women are found at each stage of the orphan administration process and they played a vital role in ensuring that the estates of freemen were processed and their orphans looked after. City women were adept at navigating the legal and civic structures of London life and we must understand their

²⁷ Steve Rappaport, *Worlds within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge: Cambridge University Press), 36.

presence in administrative records as evidence of ways in which women in the City engaged with the legal institutions within the Corporation.

Laura Gowing has investigated women's place in the City's livery companies, including the way printed apprenticeship indentures were adapted for female apprentices in the seventeenth century. She concludes that these material processes reveal a lot about the ways the City's livery companies adapted to accommodate the increasing presence of women, but also how they represented an exclusivity that worked to keep these women on the edges of the Corporation and the City companies. Claire Benson also sheds light on records that can reveal new ways of understanding how women engaged with civic life. Looking beyond company records, she looks at a range of petitions to the Corporation, from those asking for an apprenticeship to be dissolved, to gain the freedom by redemption and for trade licenses, all revealing the ways that women navigated the exclusionary practices of the City.

Whilst many of the women in the records of the Court of Orphans were involved in their own or their husband's trade, they remained on the edges of corporate life, appearing in the company records as widow traders and rarely in their own right.³¹ However, as the widow of a freeman and the mother of an orphan and potential freeman of the City, their involvement in the Court of Orphans offers a new way to study women's interactions with civic life. Fulfilling roles such as the executor of an estate, guardian of an orphan, and a recognitor holding a portion, they played an essential part

²⁸ Laura Gowing, 'Girls on Forms: Apprenticing Young Women in Seventeenth-Century London,' *Journal of British Studies*, 55 (2016): 473; Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth-century London* (Cambridge: Cambridge University Press, 2021).

²⁹ Gowing, 'Girls on Forms,' 473.

³⁰ Claire A. Benson, 'Boundaries of Belonging in Early Modern London, 1550-1750,' (PhD thesis, University of York: 2018), 180-181.

³¹ Whilst the number of women taking the freedom was increasing in the seventeenth century, only a few women studied in this thesis obtained the freedom in their own right. See: Francis Stainer and Hannah Broom in chapter five.

in the procedures of the Court of Orphans and therefore the Corporation as a whole. While it is much harder to recover the presence of women in the Court, in part because of contemporary and more recent archival practices, women were active in the Court's mechanisms and, as this chapter demonstrates, sometimes appear in orphan transactions as often as men. As many of these women were not formally part of the Corporation as freewomen, they are an example of how those women on the edges of the Corporation interacted with its processes, understood its customs and ultimately, contributed to the Court of Orphan's guardianship functions.

Those using the Court of Orphans can be seen as part of a community of women in London who were confident using the City's various courts. But more than this, women's orphan transactions in the repertories also reveal a lot about how women engaged with both corporate and legal culture in early modern London. This in turn leads to two important questions: firstly, how frequently and for what reasons were women involved with the Court of Orphans? Secondly, how does this change our understanding of how women interacted with both the Court and the Corporation?

It is the aim of this chapter to answer these questions by using the repertories to identify the women who were directly involved in Court of Orphans' transactions between 1664 and 1715 and in what ways. Using both quantitative and qualitative approaches, this chapter first argues that orphan matters made up a large percentage of the Court of Aldermen's time. It argues that women were responsible for on average between 43-65% of orphan transactions across this period, revealing that they were equally, if not more, involved with the Court of Orphans than men and therefore regularly engaged with the mechanisms of the Corporation. The chapter then identifies and details the roles that women were involved in, concluding that women were engaged in all aspects of Court administration.

This data reveals that women's involvement with the Court is more nuanced than scholarship has previously argued. Whilst some of these women can be characterised by the economic insecurity predicated by their widowed status—and some of them did remarry to avoid this—these sources demonstrate that they also had active roles as executors, guardians and recognitors. By fulfilling the number of obligations placed on them by their husbands, the Court, and the City's customs, they played an important role in ensuring that orphan estates were administered and that orphans and their inheritances were safeguarded. Taking this further, we need to view this material not just as indicative of the active role that women had in the Court of Orphans, but of the ways that women engaged with corporate life and City administration outside of the freedom.

This chapter is divided into four sections. The first section provides a qualitative and quantitative overview of the six repertories under investigation in this chapter, illustrating the fluctuations in the amount of business the lord mayor and aldermen were overseeing. The second section quantifies the orphan transactions in these repertories, showing that orphan administration made up a large part of the lord mayor and aldermen's time in the late seventeenth century, but by the eighteenth century this was in decline. The third section focuses on the women's orphan transactions in the repertories, arguing that women were coming to the Guildhall about orphan matters almost as, and in some cases more, often than men. The fourth section focuses on the specific roles women had in the Court of Orphans and demonstrates how we can use these repertories to learn more about women's engagement with the Corporation.

Methodology

The nature of the repertories means that any attempt to conduct a comprehensive study across a number of volumes presents any researcher with a variety of problems. When noting that the repertories are key to understanding the development of the City's constitution, Valerie Pearl has argued that this is in fact very difficult to do without long and intensive study, as the volumes have yet to be calendared and that from at least the beginning of the seventeenth century, they run to over 300 folios each.³² Indexes have been made, both contemporarily by a Corporation official Robert Smith in the late sixteenth and early seventeenth centuries, and later by William Alchin in the middle of the nineteenth century. However, both of these indexes exclude orphan business and Smith's indexes precede the date parameters of this thesis.³³ That both these resources purposely omit orphan business suggests that the volume of orphan transactions were too numerous to include in an index. To add further complication, while the repertories are recorded sequentially with each meeting recorded in date order, the matters within each meeting have very little organisational pattern. It is only the appointment of the monthly committee for the City's court of requests that consistently appears towards the end of each month's proceedings. While some of the orphan matters, such as recognizances, are clustered together, whether they appear at the beginning or end of each meeting varies. All other matters appear sporadically throughout the proceedings, meaning that close reading is the only way we can ensure that a specific case or set of cases can be identified.

³² Valerie Pearl, *London and the Outbreak of the Puritan Revolution: City Government and National Politics, 1625-43* (London: Oxford University Press, 1961), 46, 60.

³³ For more information on Robert Smith's reform of the Corporation archives see: Piers Cain, 'Robert Smith and the Reform of the Archives of the City of London,' *The London Journal* 13, no. 1 (1987): 3-16; for Robert Smith's index to the repertories see: LMA, COL/AC/01/011; for William Alchin's indexes see: LMA, COL/CA/01/03/001-003.

This means it is nearly impossible to follow a specific orphan case through the repertories from the moment it entered the Court of Orphans, when the executor or administrator swore to bring in an inventory, until the orphan or orphans acknowledged satisfaction and left the jurisdiction of the Court. This can be best explained using the example of the Saltonstall family, who appear in most chapters of this thesis, and for whom multiple repertory transactions have been found fortuitously during primary research for this thesis. Sarah Saltonstall was issued letters of administration for the estate of her husband Samuel Saltonstall by the Prerogative Court of Canterbury in November 1675.34 Sarah came to the Court in April 1676 with a copy of her husband's inventory that was then entered into the common serjeant's book.³⁵ During their marriage, Sarah and Samuel Saltonstall had two children, the youngest of which, Richard Saltonstall, must have been born only a few years before his father's death.³⁶ Richard Saltonstall himself appeared in the Court nearly 20 years later with his older half-brother William Partridge (Sarah's son from her first marriage), who swore an oath that his younger half-brother was over 21 and therefore able to receive his inheritance, which had been held in the City's chamber.³⁷ Whilst this case of orphanage first entered the Court in 1676, it took over 19 years before the youngest orphan was old enough to acknowledge satisfaction, formally ending the City's involvement. In fact, William Partridge had himself entered the Court as an orphan in 1669 shortly after his own father, Sarah Saltonstall's first husband, had died. Yet he was

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³⁴ TNA, PROB 6/50, fol.136; *Prerogative Court of Canterbury Administrations, 1660-1700*, Find My Past, accessed 21st June 2022. https://www.findmypast.co.uk/transcript?id=OR%2FCANT%2FCOURT%2F0056495.

³⁵ LMA, CLA/002/01/002, fol. 391b.

³⁶ His older brother Samuel was born in mid-1671, meaning that Richard must have been born between 1672 and 1676.

³⁷ LMA, COL/CA/01/01/103, fol. 137-138.

still coming to the Court over 25 years later to swear an oath allowing his younger halfbrother to collect his portion.³⁸

While it is possible to identify when a case first entered the Court by crossreferencing dates in the common serjeant's book with those of Court of Aldermen meetings in the repertories, it is only a comprehensive search of the repertories and, in this case, luck that makes it possible to find out when a freeman's estate was fully distributed to his orphan or orphans, and therefore no longer under the City's jurisdiction.³⁹ Any number of various issues, from problems with a guardian, requests for finding money, to put an orphan out to apprentice, or for them to marry, could require the Court's administration of an estate while orphans were still underage. Therefore, identifying the beginning and end of a case's journey through the Court of Orphans only provides chronological bookends for any number of times the case could appear in the Court's records in the intervening years. In the case of the Saltonstall estate, things did indeed become more complicated. Sarah Saltonstall herself died in 1679 and her probate inventory was exhibited in the Court in 1680, requiring the Court to oversee the administration of her estate, as well as the guardianship of her four orphans.⁴⁰ This is not including any other issues that may have brought the estate before the Court, such as requests for more finding money for the care of the orphans or permission to put them out to apprentice. Without carefully searching every repertory between 81 (1675-6) and 99 (1694-5), it is therefore impossible to construct a comprehensive and detailed case study of the Saltonstall estate and its journey through

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³⁸ LMA, CLA/002/01/002, fol. 107b.

³⁹ Repertory 99 (1694-5), in which Richard Saltonstall acknowledged the satisfaction of his inheritance, is one of the repertories selected as part of this chapter's sample.

⁴⁰ LMA, CLA/002/02/01/1589; Sarah Saltonstall had two orphans with the haberdasher Daniel Partridge and later two more with Samuel Saltonstall of the same trade.

the Court. That the Saltonstall family feature as frequently as they do throughout this thesis is the result of luck just as much as intentional research methods.

As it is the aim of this chapter to identify the women bringing business to the Court and the types of business they brought, a methodology centred around case studies would prove even more limiting. Each of the hundreds of orphanage transactions in the repertories between 1664 and 1715 varied; some named no women, one woman, or more than one woman. Without constructing hundreds of case studies, it would be impossible to come to any comprehensive conclusions concerning women's role in orphan business. Instead, a sample of repertories have been chosen for this investigation, to identify the women bringing business to the Court of Orphans over the course of a mayoral year, rather than tracing a specific orphan estate through the Court of Orphans from beginning to end. The sample chosen for this investigation is made up of six repertories, each from the middle year of six decades, including repertory 70 (1664-5), repertory 80 (1674-5), repertory 90 (1684-5), repertory 99 (1694-5), repertory 109 (1704-5) and repertory 119 (1714-5).

Each repertory has been read in full to note all the orphan transactions dealt with by the Court, and in which of these transactions a woman is the primary named person in the entry. No orphan business where a man is the primary named person but where a woman is mentioned as a secondary named person has been included here. This includes entries where a man is named as the recognitor and a woman as the surety, or when a man deposed that a female orphan was of age. Similarly, joint entries where a man is noted as one of two primary named people have also been excluded, for example where a husband and wife acknowledged satisfaction together, or where business concerning a woman was referred to the deliberation of a committee by the

common serjeant.⁴¹ Only those entries where a woman is the primary named person, and therefore was the one who brought the business to the Court, has been included for analysis here.

It must be acknowledged that the nature of this methodology excludes some women, namely female orphans with a male guardian, female orphans with a husband and any woman who was surety for a recognizance entered into by a man. The results included in this chapter must therefore be taken as the *minimum* of women's involvement in orphan business in the Court. Indeed, as subsequent chapters of this thesis go on to discuss, women were involved with different administrative procedures of the Court that were not recorded in the repertories, and these women's role in the Court is also important. The methodology of this chapter has been chosen firstly, to demonstrate the hundreds of orphan transactions where a woman is the primary named person and secondly, to illustrate the most common roles that women had in the Court. This chapter is therefore a starting point for investigations into women in the Court, and subsequent chapters provide further detail about these roles and others not discussed here. Including all transactions where a woman is named, even as a secondary named person, would mean more data than could comprehensively be discussed in this chapter, but also include women who may have had no active role in the Court's administration, such as young orphans.

Every entry in the repertory relating to orphan business has been considered as one transaction, with a few key exceptions. Recognizances were always entered into the Repertories with a Latin oral promise that the person was bound to the chamberlain,

⁴¹ Instances of a joint entry with the woman as the primary entrant (i.e., named first) and the husband as a secondary entrant are rare, but have been considered as an example of an orphan transaction with a woman as the primary entrant.

and this was followed by a subsequent entry in English detailing the nature of the bond, i.e., to bring an inventory, money, or sureties. These have been considered as one transaction despite being formed of two separate entries in the Repertories, as they relate to the same item of business. Similarly, any consecutive entries relating to the same person or role and concerning the same item of business have also been considered as one transaction e.g., a yeoman of the lord mayor's house surrendering his role followed by the appointment of a new yeoman, the same person deposing for the satisfaction of more than one orphan, or multiple entries concerning the same item of business. Several clerical errors or oversights have also been taken into consideration. Any marginal notes entered without corresponding text have been excluded and any entry with a woman or man's name as the primary named person, but that uses the pronoun of the opposite sex, has been assumed to refer to the person named.

Part one: The Repertories

It is important to first note that not all of the repertories are the same length and at first glance, the length of the repertory appears to be indicative of how many transactions or meetings the mayor and aldermen dealt with. This can be observed in table 2.1. Repertory 70 (1664-5) and repertory 90 (1684-5) are two of the smallest volumes in this sample, having 157 and 158 folios respectively, and as table 2.1 shows, they also contain the fewest number of transactions. Similarly, repertory 80 (1674-5) has the second-largest number of transactions and runs to 324 folios, the second-largest volume in this sample. However, the layout of the repertories appears to change sometime after repertory 90 (1684-5) as repertory 99 (1694-5) is paginated instead of foliated. For some unknown reason this manuscript is also divided into two sections mid-way through the year between April and May, with the first half running to 545

pages, and the second half to 311 pages, totalling 856 pages, or about 428 folios.

Repertory 109 (1704-5) is also paginated instead of foliated and totals 521 pages, or about 260 folios. This is also reflected in the number of transactions that these repertories noted for that year. Not only is repertory 99 (1694-5) the largest in terms of pages, but it also contains the largest number of transactions, with over 1300 transactions in that mayoral year. Repertory 119 (1714-5) is the smallest volume in both transactions and pages.

Table 2.1: Total number of transactions, meetings and pages in repertories 70, 80, 90, 99, 109 and 119

Year (repertory)	Total number of	Total number of	Number of
	transactions	meetings	folios/pages
1664-5 (70)	631	72	157 folios
1674-5 (80)	1302	88	324 folios
1684-5 (90)	765	81	158 folios
1694-5 (99)	1380	73	856 pages
1704-5 (109)	698	60	521 pages
1714-5 (119)	531	60	416 pages ⁴²

The lack of consistency in the total number of transactions displayed in table 2.1 can in part be explained. Firstly, repertory 70 running from November 1664 to October 1665 has a sudden decline in proceedings in the last three months. This is because the Great Plague of London, that had caused its first death in the parish of St Giles-in-the-Field late in December 1664, had in the last week of July 1665 alone caused over 2,000

⁴² On top of this, the volume also has a 19-page index at the back.

fatalities, both inside and outside the City's walls.⁴³ By the first week of September, this number had risen to nearly 7,000 deaths as a result of the plague.⁴⁴ Indeed, the crisis that this caused in the City during the summer of 1665 is reflected in repertory 70 (1664-5). In the last meeting of June, the lord mayor and aldermen ordered the round up and killing of any stray dogs found in the streets, and in the first meeting of September they dealt with complaints about the 'noisome stenches' coming from New Churchyard in Bethlem, as the ground struggled to accommodate the large number of burials.⁴⁵ In fact, the Court of Aldermen met only seven times between the beginning of August and the end of October, mainly to discuss matters relating to the epidemic. This explains the total number of transactions is lower than those of most of the other repertories.

The fact that repertory 109 (1704-5) contains significantly fewer transactions, and the fewest number of meetings, could possibly be linked to the shifting tides of power taking place within the City around the turn of the eighteenth century, as the Corporation's powers began to dwindle, and the Common Council began its ascendency over the Court of Aldermen.⁴⁶ Repertory 119 (1714-5), is only 416 pages— or 208 folios—suggesting that the Court of Aldermen was in a gradual decline by this period. This is emphasised even more when considering that a stylistic change in clerical hand is evident in both repertory 109 (1704-5) and 119 (1714-5), and the writing is distinctly larger than in previous years, meaning there are less entries per page when compared to repertories produced in the later seventeenth century. This

⁴³ A. Lloyd Moote and Dorothy C. Moote, *The Great Plague: The Story of London's Most Deadly Year* (Baltimore: John Hopkins University Press, 2004), 119.

⁴⁴ Moote and Moote, 129.

⁴⁵ LMA, COL/CA/01/01/74, fol. 136b, 153b.

⁴⁶ See: Henry Horwitz, 'Party in a Civic Context: London from the Exclusion Crisis to the Fall of Walpole' in *Britain in the First Age of Party, 1680-1750* ed. Clyve Jones (London: The Hambledon Press, 1987), 173-194; Mark Latham, 'From Oligarchy to a 'rate payer's democracy': the Evolution of the Corporation of London, 1680s-1750s' *Urban History* 39, no. 2 (2012): 225-245.

also suggests that, whilst page numbers at first appear to reflect the number of entries, this can be misleading when considering repertories from the latter part of this sample.

The length of repertory 99 (1694-5), running to 856 pages, with 1380 transactions, the largest in this sample, also needs to be understood within the context in which it was produced. When the first meeting of this repertory was recorded on 6th October 1694, the City had just come to the end of an 11-year financial crisis after the City had defaulted on its debts in 1683. When its debt was calculated in March 1694, the City owed the vast sum of £747,473 to its creditors, the majority of whom were the City's orphans, as their inheritances were deposited in the chamber. After years of petitions, pamphlets, discussions and bills throughout the 1680s and 90s to find a resolution for the City's debts, finally in 1694 the *Act for Relief of the Orphans and Other Creditors of the City of London* was passed by Parliament in March of that year. ⁴⁷ This established the Orphans' Fund, which consolidated all of the City's debts, could be publicly traded, and which would pay out at a rate of 4%, all in an effort to pay back both the principal and interest owed to the orphans. ⁴⁸

As expected, then, matters relating to the Orphans' Fund, and the Court of Orphans more generally, dominated proceedings in 1694 and 1695 and generated far more business than usual, explaining why repertory 99 (1694-5) is so large. Indeed, nearly all the orphan transactions in this repertory are acknowledgements of satisfaction, as a 10-year backlog of orphans came to the Court to collect inheritances deposited in the chamber. Repertory 99 (1694-5) also contains a number of disputes relating to orphan debts that had been assigned during the City's financial crisis, making

⁴⁷ Carlton, *Court of Orphans*, 99; the financial failure of the City is discussed in detail in chapter 6.

⁴⁸ Ibid, 100-101.

it clear that the *Act for Relief of the Orphans* generated a large amount of orphan business.⁴⁹

It is essential to understand the repertories in the year in which they were produced as this ultimately played a part in the form they took. As discussed, the plague of 1665 saw a decline in Court of Aldermen meetings in that year, the establishment of the Orphans' Fund in 1694 saw a large increase in orphan business in the succeeding year, and the decline of transactions in repertory 109 for 1704-5 appears to reflect the overall decline of the Court of Aldermen. This becomes more pertinent context when considering not just changes in the number of transactions, but also how many of these transactions were related to orphan business and with a woman as the primary named person.

Part two: Quantifying orphan transactions in the repertories

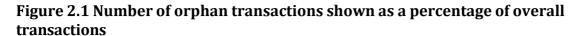
But how many of the transactions in the repertories were orphan transactions? And how did this change over time? These questions can be answered by looking at figure 2.1. For the first data set, that of repertory 70 (1664-5), orphan business made up 57% of the overall transactions, over half of all transactions in this repertory. Indeed, this is the largest number of orphan transactions in all six of the repertories used in this chapter. However, the percentage of orphan transactions declined for the next two set of repertories in the sample, falling to 35% in repertory 80 (1674-5) and then to 13% in repertory 90 (1684-5), suggestive of a relative decline in Court of Orphans business in these two decades. Although, instead of continuing to decline in repertory 99 (1694-5),

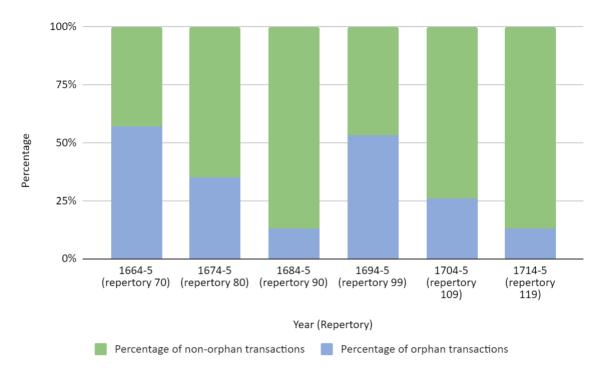
⁴⁹ The *Act of the Relief of the Orphans* included a clause that stated all assignments of orphan debt were void, as many had sold their debt below face value, meaning that all orphans could claim their true value of their portion and its interest from the City.

orphan business rapidly increased, making up over half of all transactions dealt with by the Court of Aldermen for that year. But again, this declined in repertory 109 (1704-5), when the percentage of orphan transactions fell to just 26% of all business and then again to 13% in repertory 119 (1714-5).

The first clear conclusion is that the amount of business generated by the Court of Orphans was not consistent from repertory to repertory. Instead, the data suggests that the amount of orphan business was susceptible to changes that affected both the Court and the City. Coming back to the data used by Carlton, he stated that in 1599, orphan business made up 45% of the Court of Aldermen transactions and that 'orphans affairs were by far the single greatest claim on the aldermen's time'. ⁵⁰ Carlton's conclusion is still applicable in 1664-5 according to the data in figure 2.1, where orphan business made up 58% of the mayor and aldermen's time. However, it is impossible to assert that this number remained consistent between 1599 and 1664, as the data shows in table 2.1, the number of orphan transactions could fluctuate over just a few decades.

⁵⁰ Carlton, *Court of Orphans*, 39.





The data from repertory 80 (1674-5) is perhaps the most interesting. Whilst the number of transactions more than doubled when compared to the decade before, from 631 to 1302, the number of orphan transactions increased only slightly, from 358 transactions to 460. This means that in this mayoral year, orphan business made up a smaller percentage of total transactions than the previous decade, dropping from 57% to 35% as shown in figure 2.1. This suggests that instead of a decline in orphan business, there was a rapid increase in other business that was dominating the lord mayor and aldermen's time. The damage left in the wake of the Great Fire only eight years before seems a logical explanation for this shift. Indeed, an estimated four-fifths of the square mile succumbed to the flames, including over 13,000 homes, along with 44 company halls and 87 parish churches, as well as a large number of other buildings, with the cost of rebuilding and repair estimated at ten million pounds, which was at

best a modest figure.⁵¹ In fact, the entries in repertory 80 (1674-5) for May 1675 show that of the 57 transactions for that month, at least eight of them were directly linked to the fire, including petitions for poor relief due to fire losses, the regulation of buildings to prevent future fires and the rebuilding of other property.⁵² This highlights that matters relating to the fire had become an important part of the lord mayor and aldermen's business. As such, there was a proportionate decline in orphan transactions dominating repertory 80 (1674-5), dropping from 57% of transactions to 35% of transactions from the previous decade.

The data from repertory 99 (1694-5) is perhaps the most difficult to explain. In 1682, the year before the City's financial crisis began, the City stopped accepting orphan inheritances into the chamber. The City defaulted on its debts in 1683 and in 1684 reduced its interest rates from 4 to 2.5%, all in an effort to limit its spiralling debt.⁵³ As a result of this, the references to recognizances binding a person to bring in either money to deposit in the chamber, or sureties to act as security for the sum of the patrimony, had rapidly declined by repertory 90 (1684-5) and 99 (1694-5), and there is no entry of this kind in repertory 109 (1704-5). The fact that we still see this entry at all after 1682, when the option to deposit money was allegedly removed, could perhaps be as a result of clerical shorthand, developed over decades, rather than as a sign that a policy that had in principle been abandoned, had in fact been continued. By this it is meant that, whilst the clerk continued to note these entries in the same way after 1682, in reality, the executor in fact only had the option to bring in sureties to secure a recognizance. Indeed, the orphans' journal, the record that noted payments of all

⁵¹ T.F. Reddaway, The Rebuilding of London After the Great Fire (London: Jonathan Cape Ltd, 1940), 26.

⁵² LMA, COL/CA/01/01/84.

⁵³ Harding, 'The Crown, The City and The Orphans,' 60.

orphan money into the chamber, show that deposits into the chamber became less frequent in late 1682, but that a few continued sporadically until the final deposit was made in May 1683.⁵⁴ There were no deposits in either 1684 or 1685 as the repertory would suggest, indicating a mistake in the repertory for those years.

As previously discussed, the *Act for Relief of the Orphans* generated a lot of orphan business, and it is because of this that we see a rapid increase in the number of transactions in repertory 99 (1694-5), with orphan business making up over 50% of overall transactions in that year, as shown in figure 2.1. This in turn triggered the Court of Orphans' slow decline, as it ceased to provide a secure place for inheritances to be deposited, as its effectiveness in performing this main function had been undermined by the chaos of the City's financial failure. It was in effect replaced when the Bank of England was established in the same year, providing a new and safe place for money to be invested. It is likely because of the events of 1694 that the percentage of orphan transactions decreased substantially by repertory 109 (1704-5), failing to reach even a third of Court of Alderman matters, as seen in figure 2.1.

Using this data, a picture emerges of this period in the Court's history. The lord mayor and aldermen were busy with orphan matters in 1664-5, when the Court was at its busiest, albeit still affected by the crisis of the plague along with the rest of City administration and infrastructure. Whilst this slightly decreased in the mid-1670s as rebuilding following the Great Fire took up more of the City's time, it decreased substantially in the repertory of 1684-5, as one of the Court of Orphans' main functions was stripped away and confidence in its administrative and financial procedures was undermined. Whilst orphan business again dominated the Court of Aldermen's time in

⁵⁴ LMA, COL/CHD/OA/01/033.

the wake of the *Act for Relief of the Orphans*, this marked the beginning of the slow decline of the Court, which is reflected in the reduced amount of orphan transactions in both repertory 109 (1704-5) and repertory 119 (1714-5).

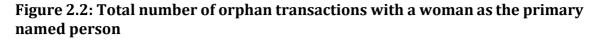
Part three: Finding women in the repertories

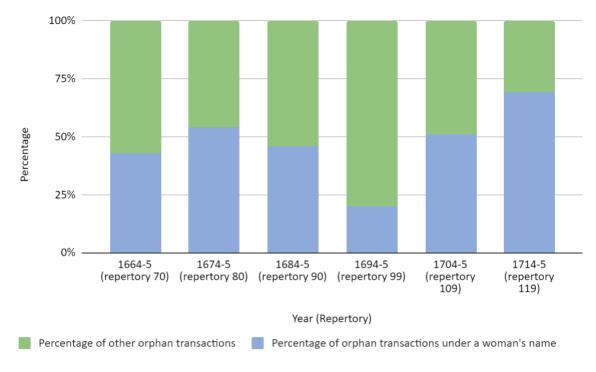
However, is this pattern the same when looking at the orphan transactions where women are the primary named person? Do women's orphan transactions stay consistent, or change with the percentage of overall orphan transactions over time? What does this tell us about women's role in the Court of Orphans? These are all pertinent questions to consider when approaching this data, and no attempt to qualify or quantify women's role in the Court of Orphans by using the repertories has previously been made. When considering that the repertories are key to identifying how the Court of Aldermen administered orphan business from meeting to meeting, they must form the foundation of any investigation into women's place in the Court of Orphans. Whilst Carlton successfully charts the rise and fall of the Court and includes indepth detail about the minutiae of its proceedings, his failure to focus on the people named in the repertories to see who was actively engaging with the Court, is ultimately why women appear so little in his narrative.

By conducting a comprehensive and comparative investigation of orphan matters within the repertories, we can see that women were essential to the success of the Court of Orphans, that they were just as actively involved as men and as such, any conclusions which overlook their role are not representative of how the Court actually worked. This chapter demonstrates that women had active administrative and financial roles in the Court's proceedings and were therefore regularly engaging with the mechanisms of the Corporation. From this, we can begin to think about how women perceived to be on the

fringes of the Corporation—wives and mothers of freemen and widows practising their husband's trade—were still an important part of its mechanisms.

For each of the repertories being discussed here, the involvement of women with the Court of Orphans has been quantified by taking the total number of orphan transactions per year and from this, identifying which of them have a woman as the primary named person. This in turn makes it possible to identify the percentage of orphan transactions per year brought to the Court by a woman. This data is shown in figure 2.2. The first thing to observe in this data is that there is a clear consistency, with one exception, across the period. Five of the six percentages, from repertory 70 (1664-5), 80 (1674-5), 90 (1684-5), 109 (1704-5) and 119 (1714-5) are very similar, with between 43% to 65% of the orphan transactions in those repertories listing a woman as the primary named person. The second conclusion that can be drawn from this data is that the percentage for repertory 99 (1694-5), is distinctly lower than that of the other results, showing that only 20% of orphan transactions, on average, have a woman as the primary named person. This is a significant drop, suggesting that something specific changed in this year that led to fewer orphan transactions with a woman as the primary named person.





However, for at least two of the repertories under investigation, women were the primary named person in *more* orphan transactions than men as shown in figure 2.2. Even for repertory 70 (1664-5) and 90 (1684-5), where 43% and 46% of women were the primary named person, it is still undeniable that women's presence in the Court of Orphans was the norm. This means that for at least two of the years under investigation here, the lord mayor and aldermen were more likely to engage with women, or petitions written on their behalf, than they were with men when administering orphan business. When considering this in light of studies of women's place in institutions, such as Amy Erickson's work on Chancery, Margaret Hunt's on Exchequer, Tim Stretton's work on Requests and Laura Gowing and Alexandra Shepard's work on the church courts, we can

see a far larger rate of female participation in the Court of Orphans.⁵⁵ This demonstrates the need to include other types of Court like the Court of Orphans in studies of women's relationship with legal culture, as it could be wide-ranging and complex.

It is necessary to consider several procedural changes that occurred in the Court of Orphans prior to 1694-5 in order to explain why the number of women as the primary named person in orphan transactions dropped to 20% in repertory 99 (1694-5). Most orphan transactions for this year were satisfactions, where an orphan formally acknowledged to the Court that they had been paid their patrimony. In fact, repertory 99 (1694-5) contains hundreds of transactions, with pages and pages that relate only to the satisfaction of an orphan debt. For example, in November 1694, the first month of the repertory, there are 108 separate transactions relating to orphanage and only 16 of these are not related to the satisfaction of an orphan's inheritance, meaning that satisfactions make up 85% of the orphan transactions for that month.⁵⁶ This is the same for the following month where of the 77 orphan entries, 52 of them, or 68%, are satisfactions.⁵⁷ This is a drastic change from repertory 80 (1674-5), where for the first month in November 1674, only two of the 42 orphan entries for that year, or less than 5%, are acknowledgements of satisfaction. Even for the following month in December 1674, only three of the 37 orphanage entries are satisfactions.⁵⁸ Not only do the number of satisfactions increase in repertory 99 (1694-5), but the way in which orphans could claim their patrimony changed. Entries in these manuscripts show that satisfactions took three forms; an orphan could be supported by a family member or friend who was

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⁵⁵ These studies all observe women's participation in legal institutions lower than a third of the overall data; Erickson, *Women and Property in Early Modern England*; Hunt, 'Wives and Marital Rights in the Court of Exchequer in the Early Eighteenth Century'; Stretton, *Women Waging Law in Elizabethan*; Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London*.

⁵⁶ LMA, COL/CA/01/01/103.

⁵⁷ LMA, COL/CA/01/01/103.

⁵⁸ LMA, COL/CA/01/01/84.

willing to depose that the orphan in question was of age; the orphan could present themselves for inspection by the lord mayor and aldermen who decided for themselves if they thought the orphan had reached majority, or the husband of a female orphan could claim her inheritance in his name by virtue of their marriage. When looking at the satisfactions for 1694-5, there is a large increase in the number of satisfactions acknowledged either by orphans on their own, but also by a husband in the name of their spouse. As a result of this, many of these entries list a man as the primary named person.

Many of the orphans claiming their inheritance in 1694-5 had reached maturity during the years of the City's financial crisis between 1683 and 1694, meaning they were far beyond the age of 21. Partly because of this, many of the female orphans who were owed money from the chamber were married, meaning there was an increase in the number of husbands acknowledging satisfaction with their wives in repertory 99 (1694-5). Similarly, as the orphans could also present themselves for inspection by the lord mayor and aldermen, fewer mothers were accompanying their children to swear they were of age. Male orphans could visit the Guildhall on their own, with female orphans doing the same or, more commonly, visiting with their husbands. All of this means that men appear as the primary named person in orphan transactions far more than women in repertory 99 (1694-5).

Part four: Women's role in the Court of Orphans

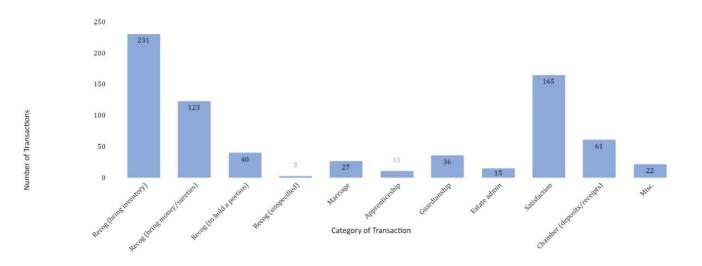
Though repertory 99 (1694-5) stands as an outlier, the other five repertories show a clear pattern of women's frequent involvement in the Court of Orphans.

⁵⁹ Before the Act for Relief of the Orphans, an adult had to accompany an orphan to acknowledge satisfaction.

However, it is not enough just to understand that women were actively involved in the Court of Orphans, it is also important to understand what roles they had in the Court and in which type of orphan transactions women were listed as the primary named person. Orphan transactions from across all six repertories have been analysed to identify eight different categories of orphan transaction. The first category relates to the four different types of recognizances: to bring an inventory, to bring money or sureties, to secure an orphan's portion or any unspecified recognizances. The second refers to requests for an orphan to marry, the third to request to put an orphan out to apprentice, and a fourth to request a change in guardian. The fifth refers to any estate administration, such as issues with estates, or requests for more time to bring an inventory. The sixth refers to satisfactions, the seventh to all chamber deposits and receipts, and the eighth to any miscellaneous entries, such as requests for charity.

These eight categories are shown in figure 2.2, with the number of women listed as the primary named person for each category also shown. The four different types of recognizances are shown separately, rather than as one category, as they make up a large proportion of the orphan transactions with a woman as the primary named person. In fact, recognizances requiring a woman to bring an inventory to the Court make up almost a third of the 734 orphan transactions in all six repertories. This is unsurprising as every estate processed by the Court *had* to present an inventory and, in many cases, women were left as the executors and administrators of their spouse's estate. In total, recognizances made up 54% of all orphan transactions with women as the primary named person. These recognizances would have required a woman to come to the Court and agree to the terms of the bond that were then signed and sealed.

Figure 2.3: Number of orphan transactions with women as the primary named person across eight categories of orphan entry noted in repertories 70, 80, 90, 99, 109 and 119.



These eight categories of orphan transaction were at the heart of the day-to-day running of the Court and women were involved in every one of them. Women were active in their capacity as executors, administrators, recognitors, and guardians. They can are in every stage of the Court's proceedings, from the moment an estate entered the Court, to ensuring an orphan was looked after and provided for, to bringing an orphan to the Guildhall to acknowledge satisfaction. It was not just widows involved in these orphan transactions, but also female orphans and other female family, kin and neighbours that held roles in the Court of orphans. The following four chapters focus on these roles in more detail, but the repertories emphasise the extent of women's presence in the Court across the second half of the seventeenth century and into the eighteenth century. They provide an overview of the ways women could be active in the Court and the various roles they could hold as executors, guardians, and recognitors. A study of the women's orphan transactions in the repertories must therefore emphasise

the essential place that women had in the proceedings of the Court of Orphans. They held key administrative and financial roles without which the Court would not have been able to function. They also worked with the Court to mitigate the effects of orphanage, providing vital care to those children who had lost their father. They therefore fulfilled important administrative, financial, social, and legal roles within their families, the Court and the City.

Conclusion

How then, does this change our understanding of the Court of Orphans? In the conclusion of his monograph, Charles Carlton states that 'the plight of widows and orphans has always been a desperate one. No substitute... can fully replace our basic social foundation, the complete family. Yet considering the difficulty of its goal, the court of orphans worked well and effectively.'60 It is not the aim of this thesis to assess the overall effectiveness of the Court and Adele Ryan Sykes' PhD thesis demonstrates that an attempt to do this must look at different periods of the Court's history, as it changed drastically over time. However, Carlton's framing of the Court as an institution working to mitigate the 'plight of widows and orphans' works to mask the active roles that women played in the Court's day-to-day administrative process, depicting them only as widows in a precarious stage of the life-cycle.

He goes on to say that 'the orphans' court was not imposed from above. Its survival depended on retaining the support of its constituents by serving their social needs', but he fails to place women within this relationship between institution and citizen.⁶¹ The Court relied on a productive working relationship existing between

⁶⁰ Carlton, *Court of Orphans*, 102.

⁶¹ Carlton, Court of Orphans, 106.

themselves and those who used and benefited from the services it provided. A citizen could act as an appraiser, executor, or recognitor in their lifetime, and then go on to have their own estate processed by the Court. Many citizens would have engaged with the Court in some capacity during their lifetime and working to ensure it provided for orphans worked to benefit of everyone, as anyone might one day require its services. Many of the women who engaged with the Court were similarly invested, as it administered the estates of their spouse and worked to look after the inheritances of their children. Figure 2.2 makes it clear that women had an active role in the Court and that they must therefore take a central role in any narratives of it. Women were the primary named person in over half of the orphan transactions in three of the six repertories used in this sample, proving that women were not merely passive actors in an administrative system that worked around them. Instead, they came to the Court with inventories and money, entered into bonds, petitioned, deposed, and signed documents and were central to the Court's administrative mechanisms.

While the proportion of orphan transactions in these six repertories changes from as low as 13% in repertory 90 (1684-5) to 65% in repertory 119 (1714-5), as shown in figure 2.1, the overseeing of orphan business was clearly a regular part of the lord mayor and aldermen's responsibilities. Indeed, this emphasises the important place the Court had in the City's civic administration. As women are listed on a large percentage of orphan transactions in the repertories as shown in figure 2.2, these volumes are an invaluable source for allowing us to see the way that women engaged with the Corporation. Just as women came to Chancery, Requests, and the church courts, these women actively engaged with the administrative procedures of the Court of Orphans to fulfil a range of administrative, financial, social, and legal roles that worked to protect themselves and the orphans they cared for. The number of

obligations placed on them by their husbands, their children, and the Court itself, made them active in the Court of Orphans, meaning they permeated all aspects of its administrative processes.

These obligations, along with the fact that most of these women lived and worked within the City, meant that by at least the mid-seventeenth century, the Court of Orphans had evolved to incorporate those women who may not have formally been part of corporate life. While women were slowly becoming more present in the City's companies and their printed records were adapting to reflect this, by the late seventeenth-century the Court's records were already noting a high level of female activity. As such, the Court of Orphans allows us a rare insight into how women in this period engaged with both corporate and legal culture. The Court of Orphans therefore provides a new perspective on the ways that women engaged with civic and corporate life in the City of London in the early modern period and adds to our knowledge of how women interacted with, and navigated the exclusionary practices of, corporate life.

⁶² Laura Gowing, 'Girls on Forms: Apprenticing Young Women in Seventeenth-Century London,' *Journal of British Studies*, 55 (2016): 473; Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth-century London* (Cambridge: Cambridge University Press, 2021).

⁶³ Benson, 'Boundaries of Belonging in Early Modern London, 1550-1750'.

Chapter Three

Exploring Women's Lives Using Probate Rolls, c.1663-1738

Introduction

The Court of Orphan probate inventories are without doubt the most used source from the Court of Orphans' records. The LMA catalogue reveals that over 3300 of them survive, mostly from between the years 1662 and 1714. About 20 inventories survive from before 1662, however most before this date were destroyed by the Great Fire along with many of the Corporation's records. About 400 exist from between 1714 and 1748, but by this point the Court of Orphans was in decline and the City's custom, which required a freeman's estate to be divided into thirds, was abolished in 1725. As we have seen, the inventories themselves were compiled by appraisers after a freeman died, after which a copy of the inventory was brought to the Guildhall by his executor or administrator and presented to the Court of Orphans. These documents were key to the Court's administrative process as they allowed the common serjeant to see the total of each estate, divide it into the customary thirds and note the amount owing to both the orphan and widow in the common serjeant's book.

As with any other probate inventory from the period, these inventories contain a list of movable goods held by the testator at the time of their death and are exclusive of real estate. In the case of the Court of Orphan inventories, they were often organised

¹ For scholarship that uses the Court of Orphans probate inventories see: Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730.* (London: Methuen, 1989); Richard Grassby, 'English Merchant Capitalism in the Late Seventeenth Century: The Composition of Business Fortunes,' *Past & Present* no.46 (1970); 87-107; Richard Grassby, 'The Personal Wealth of the Business Community in Seventeenth-Century England,' *The Economic History Review* 23, no, 2 (1970): 220-234; David Mitchell, '"My purple Will be too sad for that melancholy room": Furnishings for Interiors in London and Paris, 1660-1735,' *Textile History* 40, no. 1 (2013): 3-28; Lorna Weatherill, *Consumer Behaviour and Material Culture in Britain, 1660-1760* (London: Routledge, 2003).

room-by-room as the appraisers moved round the deceased's house. In some cases, more often than not when the testator lived in a house with only one or two rooms, a long continuous list of goods would be made without reference to where they were spatially located in the house. If the testator owned a commercial property such as a shop or tavern or another dwelling house, goods in these properties would be listed on the same probate inventory. Last to be valued with the movable goods was any apparel, linen, plate, ready money, or leases, all of which were commonly noted individually. Following this was a list of all the debts owing to the testator, sometimes categorised according to whether they were deemed good, sperate or desperate, with only the good debts that had been collected being added to the estate's value. Included in this could be petty debts, bonds, sales credit, stocks and annuities. After this, the debts owed by the testator were deducted from the total. Lastly, the funeral charges and the expenses accrued whilst the estate was being processed were subtracted. When it was brought to the Court, it was reviewed and signed by the common serjeant.

Whilst the inventories vary greatly in their contents and size depending on the wealth of the estate they detailed, they are all written on vellum, tightly rolled and are about four or five inches wide. In most cases, the inventories have been tied and catalogued individually, but in some instances, multiple copies of an inventory or an account also relating to the estate have been tied together in a bundle. Nearly all the inventories have a summary on the back, naming the testator in Latin, along with the date, the total value of the inventory, the debts that had been deducted as well as the name and address of the executor or administrator. Later additions have been made by archivists that note each inventory's catalogue number, as well as the folio number of the corresponding common serjeant's book entry.

Of the nearly 3400 probate rolls listed on the LMA catalogue, 103 relate to the estates of women, the rest all relate to the estates of male freemen. Although, some of these are not probate inventories, but probate accounts, which detailed all debts that had been collected on the testator's behalf since the original inventory had been presented to the Court. Some of these probate accounts have been catalogued separately to the corresponding probate inventory, and in some cases only a probate account survives of the estate, with the inventory probably lost or destroyed. This means that in these 103 probate rolls, there are a total of 90 separate women's estates made up of at least one document or more. Many of these belong to the widow of a freeman whose estate had previously been processed by Court, after which the widow had been appointed a guardian of their child or children. The other estates belong to women who were appointed as a guardian, but who were not necessarily a freeman's widow or the orphan's mother.² All of these women themselves died whilst their dependant or dependants were still underage, meaning their estate had to be processed by the Court of Orphans and a new guardian appointed. As the guardianship of any orphans passed to the new husband if a widow remarried, all these women were widows at the time of their death. The women these probate rolls relate to are just a small number of the thousands of women who engaged with the Court in the seventeenth and early eighteenth centuries, but they provide a good starting point for an exploration of women in the Court of Orphans in this period.

Probate inventories were central to the Court of Orphans' administrative process and the money allocated to orphans was reliant on the presentation of these documents

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² Court of Orphans probate inventories in the LMA are found under the reference number CLA/002/02/01 with each roll or set of rolls given a number. Hereafter in this chapter where a probate rolls is referenced, just the number of the probate roll or rolls will be given; examples include Elizabeth Braithwaite (551), Elizabeth Gamble (2287) and Isabel Tapsell (162, 1428) who were the guardian of their grandchildren and Elizabeth Ager (115, 1133) and Joyce Young (367) who were the guardians of other kin.

to the Guildhall. Yet, they have never been analysed to learn more about the Court or the people involved in it. Instead, these inventories have been extracted from the context of the Court and used by scholars for the evidence they contain about material culture, the lives of London's middling sort and the wealth of London's business community.³ There has been even less focus on the probate inventories of women's estates, with only Peter Earle studying them in detail.⁴ This is likely because only a fraction of women's inventories are catalogued in the LMA correctly, many of them masked by the estate of their husband and catalogued under his name. This is not helped by the fact that all the Court's records were organised and indexed by estate, meaning they focus almost entirely on men and locating women within them poses extra challenges. This, along with the incorrect cataloguing, speaks to the way that historians and archivists have understood the Court as an institution used, administered, and concerned principally with men. As such, these documents require further attention, specifically within the context of the Court of Orphans.

Probate inventories have long been used by historians to learn more about the social, economic, and material lives of people in the past. The edited collection *When*Death Do us Part contains no less than ten essays on both probate inventories and accounts, suggesting ways they can be used to learn more about prices, assets, traders, and language in the early modern period. While historians have advocated for the

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³ For scholarship that uses these probate inventories for information they contain about material culture see: David Mitchell, '"My purple Will be too sad for that melancholy room": Furnishings for Interiors in London and Paris, 1660-1735' and Lorna Weatherill, *Consumer Behaviour and Material Culture in Britain, 1660-1760*; for work on London's middling sort see: Peter Earle, *The Making of the English Middle Class*; for the wealth of London's business community see: Richard Grassby, 'English Merchant Capitalism in the Late Seventeenth Century: The Composition of Business Fortunes' and Richard Grassby, 'The Personal Wealth of the Business Community in Seventeenth-Century England.'

⁴ Earle, The Making of the English Middle Class, 172-174.

⁵ Tom Arkell, Nesta Evans and Nigel Goose ed., *When Death Do Us Part Understanding and Interpreting the Probate Records of Early Modern England* (Oxford: Leopard's Head Press Limited, 2000).

many uses of probate inventories and accounts to scholars, there is also lengthy discourse about the limitations of using probate evidence. Lena Cowen Orlin has suggested that probate inventories are very subjective and that we need to be wary as historians of the ways that appraisers interpreted, changed, omitted, and recorded what they found and how this has influenced historians. Donald Spaeth has supported this, arguing that inventories are not so much records of an estate, but 'records of the act of appraisal,' telling us how appraisers understood the material world around them.

We can see these limitations in the Court's probate inventories. Daniel Wigfall was a vintner who died in 1699 owning houses in both Woodford, Essex, and in the City. Following his death, his two houses were appraised separately. The Woodford house also appears in his widow's probate inventory from two years later in 1701 and was appraised by the same two men that had appraised her husband's inventory. The probate inventory shows that the two men moved around the house in Woodford in a different way when appraising Dorothy Wigfall's estate, as they had when appraising her husband's a few years before. They gave the rooms different names in each inventory and gave specific details on rooms they had grouped together in the previous inventory. Beyond the subjective way appraisers interpreted material spaces, the appraisal process was also not immune to corruption. Trevor Hughes has detailed the way that the mother of the author Sir Thomas Browne altered her late husband's

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⁶ Lena Cowen Orlin, 'Fictions of the Early Modern English Probate Inventory,' in *The Culture of Capital: Property, Cities and Knowledge in Early Modern England*, ed. Henry S. Turner (New York: Routledge, 2002).

⁷ Donald Spaeth, 'Orderly Made: Re-appraising Household Inventories in Seventeenth-Century England,' *Social History* 41, no. 4 (2016): 419.

⁸ Daniel Wigfall (2318) and Dorothy Wigfall (2536).

⁹ The three main chambers in Daniel Wigfall's inventory are named 'the best chamber', 'the red chamber' and 'the chamber backward', yet in his widows' inventory they are called 'the paper room', 'M[a]d[a]m Wigfall's room' and 'the wainscot room'.

inventory in attempt to pocket some of his money, forcing the Court to intervene to ensure that the patrimony of Browne and his siblings was not affected.¹⁰

Given these numerous limitations, John S. Moore, in a discussion of the various problems that probate inventories present, concluded that we need to supplement probate inventories with other sources available, such as farm accounts for agricultural estates, or business accounts for the estates of traders and merchants. 11 Margaret Spufford is similarly hesitant when using probate inventories to assess a person's wealth, concluding that 'inventories must still be used, but their air of spurious exactitude and their quantifiability, must be taken no longer with pinches of salt, but with whole salt-cellars of disbelief.'12 Indeed, an earlier draft of this chapter used as its foundation quantitative data from these inventories in an attempt to assess the wealth of these widows and their involvement in networks of credit. However, this method posed a number of methodological challenges: should existing probate accounts be used to contextualise their corresponding inventories and their valuations? Would quantitative data need to consider price inflation over a 60-year period? Should the estates of women who died shortly after their husbands be used, or is their inventory merely a reflection of their joint estate? Is it possible to distinguish between shop credit and interest-bearing lending?

No other supplementary records survive in the Court of Orphans' record series, such as household or business accounts that would allow for these lists of debts or estate valuations to be contextualised. Quantitative methods would also work to

¹⁰ Trevor Hughes, 'The Childhood of Sir Thomas Browne: Evidence from the Court of Orphans', *The London Journal* 23, no. 2 (1998): 22-24.

¹¹ John S. Moore, 'Probate Inventories – Problems and Prospects,' in *Probate Records and the Local Community* (Gloucester: Alan Sutton, 1985).

¹² Margaret Spufford, 'The Limitations of the Probate Inventory,' in *English Rural Society, 1500-1800* (Cambridge: Cambridge University Press, 1990), 174.

continue the historiographical trend of taking data from these inventories outside the context in which they were produced, further removing them from the Court's administrative process. It is for this reason that a qualitative method has been used, that contextualises these records with other records from within the Court, as well as birth, marriage and guild records and wills, all produced outside the Court. These supplementary records not only work to corroborate information found in these inventories, but also allow them to take on a new meaning.

While the probate inventories of the Court of Orphans have been used by scholars, most studies have overlooked the probate inventories of women's estates. Similarly, very few scholars have considered the Court or the City's custom which necessitated the production of these inventories. Instead, they have often been used outside the administrative context in which they were produced. Alice M.C. Le Mesurier provides an overview of the Court's inventories, describing their administrative background, format, and contents, though she somewhat underestimates the number of surviving inventories, suggesting there are 'about 2,000 documents' when in reality there are over 3,300.13 Besides this, and the fact she only discusses the inventories of freemen, the article is still a good resource for scholars wishing to use the inventories, despite its publication nearly 90 years ago.

Charles Carlton's monograph states the same underestimated number of inventories as Le Mesurier, suggesting he relied on the same catalogue or lists that she used, but also that his investigation of the inventories was not exhaustive. He discusses in detail the estates that entered the Court in 1662-3, including which ones were solvent

¹³ Alice M.C. Le Mesurier, 'The Orphans Inventories at the London City Guildhall,' *Economic History Review* vol.5, no. 1 (1934): 98.

and insolvent, and the various values of the estates. ¹⁴ However, it should be noted that all the quantitative information he provides is also available in the common serjeant's book, and it appears that he used these volumes rather than the inventories themselves. The common serjeant's books list estates in the order they were received, which would have allowed him to complete a 1662-3 survey more easily than going through the inventories manually. Similarly, the common serjeant's books do not contain all the probate inventories the Court received, which would also explain the underestimated number of probate inventories he gives. The inventories therefore do not appear to have been documents central to his research and he makes no mention of the inventories of women's estates.

In later scholarship, the inventories have been used to investigate material culture in the seventeenth and eighteenth centuries. Lorna Weatherill used 300 Court of Orphans inventories as part of a much larger sample of inventories from across England to investigate consumption and consumer behaviour in the early modern period. This sample, taken from the middle year of each decade between 1675-1725, was chosen to represent 'a wealthy group of consumers', though she does not state which inventories these were, or whether she used the inventories detailing estates of men, women, or both. Weatherill focuses on specific items found within these inventories (e.g. china, utensils etc) and her study is not concerned with the people whose estates they detail, or their wider social and economic lives, focusing instead on the material items they owned.

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¹⁴ Carlton likely chosen 1662-3 as it is one of the first years we have surviving inventories with corresponding common serjeant book entries, as most other inventories before this date were destroyed in the 1666 Great Fire.

¹⁵ Lorna Weatherill, *Consumer Behaviour and Material Culture in Britain, 1660-1760* (London: Routledge, 2003): 3-4.

This is similar to David Mitchell, who has used 1470 Court of Orphan inventories from between 1660 to 1725 for details about textiles used within domestic spaces, to compare this with similar data from Paris. Like Weatherill, Mitchell is less concerned with specific people, and it is not clear if the sample of inventories he used represent both men and women's estates. In fact, the selection of inventories that are cited in his work are only from wealthy merchants, suggesting he chose his sample selectively. More recently, Chihyin Hsiao has used a sample of 600 inventories from the last 50 years of the Court's life to look specifically at the ownership of china amongst London's middling sort. Unlike Weatherill and Mitchell, the details of the inventories used by Hsiao are provided and her sample includes the estates of both men and women, including many used in this thesis.

Beyond material culture, scholars have also used these inventories for details they provide about the businesses of London's middling sort, from the shops, warehouses and stock-in-trade listed, as well as the list of debts owing to and by a testator. Richard Grassby has used the inventories in two articles that focus on London's business community, merchant capitalism and wealth in the seventeenth century. 19

Both articles are concerned with freemen, using their inventories to identify their wealth and how this wealth was made and used. Though Grassby does acknowledge that 'frequent remarriage and premature deaths benefited some families and left considerable sums in the hands of widows and daughters,' he does not explore this

¹⁶ David Mitchell, "My purple Will be too sad for that melancholy room": Furnishings for Interiors in London and Paris, 1660-1735,' *Textile History* 40, no. 1 (2013): 3-28.

¹⁷ Chihyin Hsiao, 'Owning China: the Material Life of London Tradesmen, 1700-1750,' (PhD Thesis, University of Glasgow, 2018).

¹⁸ Ibid, 242-250.

¹⁹ Richard Grassby, 'English Merchant Capitalism in the Late Seventeenth Century: The Composition of Business Fortunes,' *Past & Present* no. 46 (1970): 87-107; Richard Grassby, 'The Personal Wealth of the Business Community in Seventeenth-Century England,' *The Economic History Review* 23, no, 2 (1970): 220-234.

further or identify women as part of the group of merchants, traders, and financiers he discusses. ²⁰ In fact, in a table listing the 'trades of London freemen,' he lists 'widows' as a distinct category, even though many of them have an identifiable business in their inventory. ²¹ Citing a list 'compiled from the Orphans' Inventories and deposited in the Corporation of London Record Office,' he identifies 15 inventories belonging to widows between the years 1666-1675, though there are more than double this number from this period. ²²

One of the few scholars to use women's inventories from the Court is Peter Earle in his book *The Making of the English Middle Class*. Though Earle uses a carefully selected sample of 375 inventories from the Court and lists each of the estates in the appendices, women's inventories are excluded from this and are instead referred to in a few pages of chapter six.²³ Scholarship on women's role in the economy in the early modern period, including the work they did, the trades they were involved in and their place in networks of credit has developed considerably in the over 30 years since Earle's book was published.²⁴ In light of this, his conclusion that 'most women ran feminine businesses, not many of which were likely to lead to massive accumulation' and that 'not many widows carried on their husband's business if it was not suitable to their sex' appears rather reductive and, in some cases, inaccurate. The aim of this

²⁰ Grassby, 'English Merchant Capitalism,' 102-103.

²¹ Grassby, 'The Personal Wealth of the Business Community,' 222.

²² Ibid.

²³ Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730* (Berkley: University of California Press, 1989); the sample of inventories is listed page 395-404.

²⁴ For recent scholarship on women and work see: Jane Whittle and Mark Hailwood, 'The Gender Division of Labour in Early Modern England.' *The Economic History Review* 73, no. 1 (2020): 3-32; for women and work in London see: Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth Century London* (Cambridge: Cambridge University Press, 2021); Eleanor Hubbard, *Money, Sex and the Social Order in Early Modern London* (Oxford: Oxford University Press, 2012); for women and credit see: Craig Muldrew, 'Mutual Assent of her Mind? Women, Debt, Litigation and Contract in Early Modern England,' *History Workshop Journal*, 55, no. 1 (2013): 47-71; Alexandra Shepard, 'Minding their Own Business: Married Women and Credit in Eighteenth-Century London,' *Transactions of the RHS* 25 (2015): 53-74; Judith Spicksley, 'Fly With a Duck in Thy Mouth: Single Women as Sources of Credit in Seventeenth-century England,' *Social History*, 32, no. 2 (2007): 187-207.

chapter is to emphasise that, by contextualising these inventories with other records both inside and outside the Court, we can gain a much fuller picture of women's economic and social lives. The widows discussed in the second section of this chapter were carrying on their husband's businesses, were accumulating wealth and were doing so within City companies that were only just beginning to formally accept women. Alongside this, they were also managing the administrative and financial burdens that came with using the Court, as widowhood signified the 'opening of a new chapter in a woman's life' and they spent 'the first weeks and months of widowhood trying to clear up matters connected with the chapter of their life that had just ended.²⁵

The ambiguous social position held by widows has been discussed at length by scholars. They have been highlighted as among 'those in life-cycle crises', and in a group 'characterised by structural poverty,' but who 'enjoyed the most extensive economic rights and privileges of any working women in the early modern period' as they were no longer bound by the restrictions of coverture.²⁶ However, their life was filled with contradictions. They were often pressured to remarry in order to avoid falling into poverty and becoming a burden to their family and neighbours.²⁷ But the remarrying widow was used as a comic 'stock character' in contemporary literature, characterised

²⁵ Tim Stretton, *Women Waging Law in Elizabethan England* (Cambridge: Cambridge University Press, 1998), 112.

²⁶ Jonathan Barry, 'Civility and Civic Culture in Early Modern England: the *Meanings* of Urban Freedom,' in *Civil Histories: Essays Presented to Sir Keith Thomas*, ed. Peter Burke, Brian Harrison and Paul Slack (Oxford: Oxford University Press, 2000), 190; Laurence Fontaine, 'Women's Economic Spheres and Credit in Pre-Industrial Europe,' in *Women and Credit: Researching the Past, Refiguring the Future*, ed. Beverly Lemire, Ruth Pearson and Gail Campbell (Oxford: Berg, 2002), 20; Amy M. Froide, 'Marital Status as a Category of Difference: Singlewomen and Widows in Early Modern England,' in *Singlewomen in the European Past, 1250-1800*, ed. Judith M. Bennett and Amy M. Froide (Philadelphia: University of Pennsylvania Press, 1999), 243; Tim Stretton, 'Widows at Law in Tudor and Stuart England,' in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner (Harlow: Pearson, 1999), 193.

²⁷ Barbara J. Todd, 'The Remarrying Widow: A Stereotype Reconsidered,' in *Women in English Society, 1500-1800*, ed. Mary Prior (London: Methuen, 1985), 55.

by sexual incontinence or lewd behaviour, a caricature long discredited.²⁸ Even the Court of Orphans prohibited widows from remarrying until their husbands' probate inventory had been exhibited in the Court due to concerns about the blending of estates.²⁹ The ambiguity of widows' social position therefore requires more in-depth research into their social and economic lives and these probate rolls provide a detailed insight into their families, households and businesses.

Therefore, this chapter uses the probate inventories and accounts from these 90 estates to introduce some of the women who used the Court, to learn who they were and how they were involved in the Court's administrative and financial mechanisms. It contextualises the findings in the rest of this thesis by using these probate records as a foundation to learn more about the women involved in the Court of Orphans. Who were these women? What can their probate inventories and accounts tell us about their financial and administrative roles in the Court of Orphans? And what can these records tell us about their lives outside the Court?

This chapter argues that these probate records are a vital resource when attempting to learn more about the lives of women of the middling sort in seventeenth-and eighteenth-century London. The few scholars that have used these sources have overlooked the context of the Court of Orphans, the institution in which this material was produced. This chapter argues that they need to be understood within the framework of the Court, its administrative process, and the records this process created. By doing this, we can learn more about the roles of women in the Court of Orphans, but also about their lives beyond the confines of the Guildhall which previous scholarship

²⁸ Charles Carlton, 'The Widows' Tale: Male Myths and Female Reality in 16th and 17th Century England,' *Albion: A Quarterly Journal Concerned with British Studies* 10, no. 2 (1978): 119-120; Todd, 'The Remarrying Widow', 54-55, 77.

²⁹ Ibid, 120.

has overlooked. These probate records tell us more about the role of women as executors and administrators, guardians and financial managers and the activities women undertook in these roles. More than this, these inventories and accounts provide details about the ways these women managed commercial businesses, money, and property, and it is important to consider how this interacted with their roles inside the Court.

This chapter aims to answer the question: what can women's probate records from the Court of Orphans tell us about their roles inside the Court and their lives outside of it? It argues that these inventories reveal how women's roles in the Court of Orphans were managed in their day-to-day lives, as we can see how women administered the estates of their husbands, managed the care of children, and looked after family finances. We can see the various ways that women generated money through trading, lending out money on credit and leasing out properties. Ultimately this chapter argues that while scholarship has, until now, used women's probate inventories from the Court to focus on them as business owners and moneylenders, this chapter concludes that this works to overlook vital information about women's multi-faceted socio-economic lives in this period. The Court laid both financial and administrative obligations on women that they were successfully able to fulfil alongside the management of businesses, household finances and care work. This chapter introduces some of the middling-sort women who used the Court of Orphans, their administrative and financial roles in the Court and their social and economic lives outside it. Later chapters of this thesis refer back to many of the women that are introduced and discussed here.

This chapter has two sections. The first focuses on the three key roles of women in the Court of Orphans: as executors or administrators, as guardians, and as

financial managers. This section utilises information from across all 90 estates to identify how many women were doing each of these roles and the activities women were involved in as part of them. This section aims to expand our understanding of how women managed their administrative and financial roles in the Court of Orphans in their day-to-day lives. The second section focuses on two widows whose estates were processed by the Court of Orphans to identify how women's roles in the Court interacted with their roles outside it as business-owners, rentiers, moneylenders, and investors.

One of the major limitations when attempting to identify all the female estates in the Court of Orphans, is that so few have been catalogued correctly. The LMA's online collections catalogue and PDF collection list—which contains all records relating to the Court of Orphans—only lists 33 of the 90 women discussed here as having a probate inventory or account. Even where they are listed, the information provided is not as detailed as it is for the probate records of male estates. Whereas men have their trade, their status as citizens, the name of their widow and in most cases the number and occasionally name of their orphans, women's probate rolls are simply catalogued with their name, citizenship, and marital status. Although in some cases the entry may refer to an orphan by name, their husband's name is never stated, making it difficult to link the estates of husbands and wives, or the estates of widows with the orphan they were guardian of.³⁰ With the exception of four others which are missed off both the LMA catalogues entirely, the other 53 of the 90 women are listed on these catalogues under

³⁰ While the husband or orphan of women with a probate roll is rarely if ever on the catalogue, her probate inventory/account does often reveal whose widow she was, but this information is sometimes missing. The common serjeant's book entry that corresponds with the probate roll often reveals the name of any orphans she was guardian of.

their husband's name, with only the probate rolls themselves listing her name.³¹ A full list of the 90 women's estates can be found in the appendix of this thesis.

As both cataloguing resources are problematic, it means that identifying all probate rolls belonging to women amongst the almost 3400 total number is challenging. In attempting to find all women's probate rolls held by the LMA in the Court of Orphans records, three different methods were used.

Firstly, a search of the common serjeant's books. These volumes—in theory—noted all estates administered by the Court and the partible division of each estate. Each entry in these volumes has been annotated in pencil by an archivist with the corresponding reference number of the matching probate inventory added for that estate. This means it is possible to go through all five volumes that detail estates from 1662 to 1773 looking for all entries under a woman's name to identify all the pencil inventory reference numbers noted and this method was used. However, there are a number of problems with this method. Some of the women's estates do not have their own entry in the common serjeant's book and instead their inventory number is listed next to entry of their husband, as in the case of Sarah Jennery. Other women, such as Lydia Dunster, share a common serjeant's book entry with their husband detailing their joint estate, but the entry is listed under the husband's name but with the wife's inventory reference number. This means that Lydia Dunster's inventory number could easily be mistaken as referring to her husband and overlooked. Other women appear to

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³¹ The four probate rolls missing from the LMA catalogue include those belonging to: Sarah Jennery (46b), Mary Green (1032), Margaret Fillingham (1113) and Elizabeth Mumford (1767).

³² It is not clear when this was done, but this was definitely prior to the foundation of the LMA in 1997.

³³ The entry of Sarah Jennery's husband is noted in LMA, CLA/002/01/004, fol. 27 with the reference number of his inventory, but his estate is then noted again on fol. 46b, when in fact this should be an entry for Sarah's estate as it has her inventory number noted. This is also the case for the estate of Alice Watson.

³⁴ LMA, CLA/002/01/002, fol. 417-417b; joint-estate entries in the common serjeant's book were probably listed in this way when two spouses died close to each other. As Humphrey Dunster's inventory does not survive it is difficult to verify this.

be missing from the volumes altogether, with no clear reason as to why this is the case; five women's estates are missing from all five volumes of the common serjeant's books.³⁵ There are also some instances where it is unclear if the person named in the common serjeant's book is a man or woman, however the short description naming the person as a freeman or widow has been used to clear any confusion.³⁶

The second method used was a search of the two-volume index for the common serjeant's books that was compiled in the early twentieth century. This lists in alphabetical order each freeman whose estate is in the common serjeant's books, along with the names of his widow and children, and in green ink the inventory number of any person who has a surviving probate inventory in the LMA.³⁷ The reference number for any probate accounts are given in black ink and, unhelpfully, noted next to the names of multiple members of the same family, leaving it unclear to whose estate they belong. Though all the women's estates are listed in these indexes, 18 of them have the green ink number of their probate inventory listed next to the name of their husband, instead of next to their own name.³⁸ This in effect masks eighteen women's probate inventories behind the estates of their spouse. These same 18 women make up some of the 53 women who are miscatalogued under their husband's name on the LMA's online and collection list catalogues.

Whilst using both the common serjeant's books and their indexes together identifies nearly all the female estates, some probate rolls—such as the ones detailing

³⁵ Including the estates of Anne Brown (105), Elizabeth Hitchcock (96), Frances Palmer (83), Margaret Taylor (79) and Mary Webster (94).

 $^{^{\}rm 36}$ For example, Grace Bacon who was a freeman and merchant taylor and the husband of Elizabeth Bacon.

³⁷ LMA, CLA/002/03/001.

³⁸ Constance Wallis (19), Alice Johnson (41), Mary Webster (94), Apolina Ratcliffe (181), Abigail Waples (331), Philippa Hinton (492), Katherine Wilkinson (664), Rebecca Heatley (699), Mary Lee (706), Grace Bartlett (933), Hannah Fletcher (940), Lydia Dunster (1252), (Sarah Saltonstall) 1589, Mary Cook (1661), Grace Woodman (1785), Dorothy Harvey (2706), Martha Capell (2847), Mary Kellett (2976).

Sarah Jennery's estate—are listed under the names of the husband instead of the widow in both types of record. This means that some women's estates could be easily overlooked if attempting to identify them using these records alone. In order to ensure that all probate rolls belonging to women were identified, each box of rolls—of which there are over 50 each containing anywhere between 30 and 70 rolls—was manually searched. However, this method also has limitations. While the name of each testator is noted on the back of nearly every probate roll in Latin at the time of compilation, at some point in the twentieth century, archivists wrapped small slips of paper around most of the inventories which note the name of the testator in English, along with the corresponding common serjeant's book reference for that estate. However, in some cases, these slips of paper are missing, damaged, misattributed to the wrong inventory and most importantly, incorrect. There are six women's estates in which the slip of paper on the probate roll notes the name of a widow's husband instead of her own, which was identified by checking each Latin name on the roll against the English one on the slip of paper.³⁹

It is only by doing each of these three methods that the estates of the 90 women that make up this chapter have been identified. There are a further two women's estates that are noted in the common serjeant's books between the years 1663 and 1670, for which no corresponding probate roll can be found. This means that a probate inventory must have been presented to the Court at some point, but these do not survive with the rest of the orphan inventories in the LMA.⁴⁰ As such, these two estates have been excluded from the 90 estates with probate rolls. Of these 90 estates, three of them have

³⁹ Lydia Dunster (1252), Sarah Jennery (46b), Alice Johnson (41), Constance Wallis (19, 20) Alice Watson (1573) and Isabel Watts (151).

⁴⁰ Margaret Lewis (LMA, CLA/002/01/002, fol.87-87b) Margaret Skey (CLA/002/01/002, fol. 235b).

only a probate account surviving with no original inventory, meaning the information that can be gained from these records is limited.⁴¹ It is impossible to know the value of their estate, what debts had been recovered by the executor before the inventory was exhibited, or how much they owed at the time of their decease. All we can see is what debts had been collected since the inventory was compiled, what expenses were deducted by the executor in the process of administering the estate, along with some other contextual details. A further inventory is damaged and incomplete and two more are only partially surviving.⁴²

After identifying all the women's estates in the Court of Orphans, where possible, these were linked to the related freeman's estates. In some cases, this is simple as many women are listed in the common serjeant's book as a widow, with their husband's name and trade also listed. This can then be cross-referenced with the LMA's collection list and the index to the common serjeant's book. For women who were not the widow of a freeman, both the inventory and the common serjeant's book can be used to identify the names of the orphans and their father. In the absence of the necessary details in both the primary material or archival resources in the LMA, both Prerogative Court of Canterbury wills and administrations, along with birth, marriage and apprenticeship records on Find My Past have been used to identify biographical details that allows women's and men's estates to be linked. It has not been possible to link all 90 women's estates to that of a male freeman in the Court of Orphans, with five women's estates lacking the necessary biographical detail to do so.⁴³

⁴¹ Elizabeth Ager (115, 1133) and Alice Johnson (41) and Isabel Watts (151); According to the common serjeants' book, Isabel Watts' inventory was brought to the Court in 1663 and Alice Johnson's probate account is dated 1666, so it probable their inventories both perished in the Great Fire.

⁴² The inventory of Elizabeth Reeve (2706) is faded and incomplete and the inventories of Sarah Jennery (46b) and Dorothy Harvey (347b) are unfinished and missing a section respectively.

⁴³ Sarah Harbert (139), Elizabeth Hitchcock (96), Hannah Lyons (2535), Elizabeth Ratcliffe (1647), Mary Thornton (2041).

Linking the estates of men and women together means it is possible to identify if women were acting as executors or administrators for the estates of freemen, how long they were caring for children as guardians and allows for a more holistic approach to this material. Whilst lots of information can be extracted from both probate inventories and accounts, by understanding this material's administrative context, it is possible to learn more about the lives of women who engaged with the Court, but who also went on to have their own estates processed by it. By extracting the qualitative information that each of these documents provide, then, it is possible to learn more about the administrative and financial lives of these women within the Court of Orphans, but also beyond the confines of the Guildhall.

Part one: The roles of women in the Court of Orphans

As already established in this thesis, women appear in the records of the Court of Orphans repeatedly and they were an important part of the Court's administrative procedures. The three most important roles that women had in the Court's administrative process were as executors or administrators, as guardians to orphans, and as managers of an orphan's money. Women could do one or all these tasks, and this was in part dictated by both the City's customs, but also the instructions left in a freeman's will. While we can find glimpses of this information in the Court of Aldermen repertories, it is in probate inventories and accounts that we see how these roles overlapped and were managed by women onto whom the Court's responsibilities fell.

I. Executors and administrators

The role that fell on most women, was that of the executor or administrator of their husband's estate. Amy Erickson has argued that almost three-quarters of those

who appeared in church courts to prove wills and bring in both probate inventories and accounts were women, indicating the importance of women in estate administration.⁴⁴ While it is difficult to make a direct comparison here given the smaller sample size and different source material, there is some comment to be made on the percentage of women fulfilling the executor or administrator role in the Court of Orphans. Of the 90 women in this chapter, 63 of them, or 70% were listed as either the executor or administrator of their husband's estate, with one woman acting as executor and then administrator for two husbands in less than 10 years.⁴⁵ For a number of women in this sample, it is not possible to identify if they were the executor or administrator for their husband, so this number may in fact be higher.

If named as an executor, the widow was responsible for proving the will, after which she was then able to administer the estate which included paying off the testator's creditors, calling in his debts, arranging the funeral and burial and giving out any bequests in his will. If a freeman died intestate, letters of administration had to be sought which named an administrator who was then responsible for taking care of the estate. On top of these obligations, the Court of Orphans also required executors and administrators to bring a probate inventory, and probate account, if necessary, to the Guildhall. This allowed the common serjeant to divide the freeman's estate into customary thirds: the orphan's portion, the widow's portion and the dead man's portion . After this, the orphan's portion had to be deposited in the chamber or held on recognizance.

⁴⁴ Amy Louise Erickson, Women and Property in Early Modern England (London: Routledge, 1993), 32.

⁴⁵ Sarah Saltonstall (1589) was executor for her first husband Daniel Partridge c1669 and then administrator for her second husband Samuel Saltonstall in 1676.

This process was complex and could take months or even years. For example, when the grocer James Smith died at the end of August 1700, he was buried shortly after on 3rd September in the parish church of St Dionis Backchurch on the east side of the City. His estate was administered swiftly, with an inventory drawn up on 21st October 1700, just six weeks after his burial. He appears to have been ill several years prior to his death, as his will was dated 1695, but it was proved on 8th November 1700 a few months after his death. His two original executors renounced their control over James' estate and instead his widow, Dionis Smith, took over as sole executor. She brought a probate inventory to the Court of Orphans on 4th February 1701 and on 13th May 1701 brought with her two sureties to the Guildhall, allowing her to enter into a recognizance to secure the portions of her and her husband's eight orphans. It was less than a year, then, between James Smith's death and the complete administration of his estate.

However, it took some widows several years to deal with the administration of their husbands' estate. When George Hodilow died intestate in September or October 1670, letters of administration were issued to his widow, Abigail Hodilow, shortly after on 27th October and his estate was appraised less than two weeks later on 7th November. It was not until almost two years later on 22nd October 1672, however, that his estate was brought to the Court of Orphans by his wife and it took until 3rd July

⁴⁶ LMA, P69/Dio/A/001/Ms017602; *Greater London Burial Index*, Find My Past, accessed 16th April 2022. https://www.findmypast.co.uk/transcript?id=GBOR%2FCOLB%2FPRE1812%2F00074309; a codicil in James Smith's will mentions he died at the 'latter end of August': TNA, PROB 11/458/87.

⁴⁷ James Smith (2354).

⁴⁸ TNA, PROB 11/458/87.

⁴⁹ Ibid.

⁵⁰ LMA, CLA/002/01/005, fol. 60b; CLA/002/05/10, fol. 89b.

⁵¹ George Hodilow must have died in September or October as he purchased tobacco from his business partner on 1st September 1670 as noted in a bill of complaint from Chancery: TNA, C 5/60/27; PROB 6/45 fol. 150; George Hodilow (758).

1673 for her to bring sureties to the Guildhall to sign the recognizance for her son's portion.⁵² Abigail Hodilow was involved in a dispute in Chancery in the summer of 1672 over a £152 debt owed by her husband, and it is possible that this is why it took several years for her to secure her son's portion.⁵³ She died in or before November 1674 and her father, Henry Barker, had to take over the administration of George's estate.⁵⁴

Estate administration came with various obligations that could take years to resolve and which could not always be completed within an executor's or administrator's lifetime. Women were vital to this process and were responsible for money, paperwork as well as the organisation of the funeral and burial, and their associated costs. Executorial roles within the Court of Orphans added further obligations, as not only did his estate have to be processed, but his orphan and their portion safeguarded.

For some widows, this befell them more than once. When the haberdasher Daniel Partridge died, he named his widow as his sole executor. His inventory was compiled in April 1669 and exhibited at the Guildhall by her on 17th June. A few weeks later on 20th July 1669, a recognizance was signed for the portions of William and Mary, their two orphans. The recognitor was named as Samuel Saltonstall, also a haberdasher, and he must have married Daniel Partridge's widow Sarah shortly before or after this date as they had their first of two children in May 1671. Samuel Saltonstall died just a few years later and his wife Sarah Saltonstall was appointed his administrator in November 1675 and she brought his inventory to the Guildhall the

⁵² LMA, CLA/002/01/002, fol. 276; CLA/002/05/08, fol. 282b.

⁵³ TNA, C 5/60/27.

⁵⁴ TNA, PROB 11/349/161; PROB 6/50 fol. 136.

⁵⁵ Daniel Partridge (477); CLA/002/01/002, fol. 107b.

⁵⁶ LMA, CLA/002/05/008, fol. 260b.

⁵⁷ LMA, P69/Sep/A/001/Ms07219/001; *England's Births & Baptisms 1538-1975*, Find My Past, accessed 16th April 2022. https://www.findmypast.co.uk/transcript?id=R 939199607.

following April.⁵⁸ By this point, Sarah was the guardian of four orphans born to two different freemen, all of whom were under the age of thirteen. Within the space of six years, she was the executor and administrator for two husbands' estates, highlighting both the ubiquity of widowhood in early modern London and how the burdens of estate administration could fall on women more than once.

It was not just widows who felt the burden of estate administration, responsibilities extended to daughters, grandmothers, and friends. When Anne Deacon died unexpectedly in the summer of 1674, her daughter, also named Anne Deacon, was appointed the administrator of her mother's estate. Anne the elder died after drowning in the Thames, and a charge for ten shillings that was paid to the watermen who 'searched for [and] tooke up the body of the intestate' was included as one of the administrator's expenses on her probate inventory.⁵⁹ The nature of Anne's death incurred further expenses as two shillings were paid for 'charges at Erith'—possibly where she drowned or where her body was found as it is a few miles downstream from her own residence in Limehouse—as well as two pounds for the coroner who conducted an inquest into her death.⁶⁰ Anne the younger had only just reached adulthood when her mother died, yet she had to administer her mother's estate and care for her younger brother William.

Estate administration was a complex process, and this task was left to not just widows, but also daughters and friends. This role was different for each these women; swift, in the case of Dionis Smith, drawn out over several years, in the case of Abigail Hodilow, or even repetitive, as it was for Sarah Saltonstall. Women were key to this

⁵⁸ TNA, PROB 6/50 fol. 136; LMA, CLA/002/01/002, fol. 391b.

⁵⁹ Anne Deacon (1049).

⁶⁰ Ibid.

process and these women all demonstrated a knowledge of the ecclesiastical and customary jurisdictions that oversaw the probate process that freeman's estates had to undergo. Whether proving a will, settling an estate, or bringing an inventory to the Guildhall, each step of this process required women to fulfil an important role that was key to the Court's administrative process.

II. Guardians

Along with estate administration, women also had important roles as guardians of children. As most of the women in the Court's records were widows, they not only had to manage this precarious stage of the life-cycle, but also manage their household, and continue to care for their orphans. Probate inventories and accounts allow us to identify how women managed child rearing and childcare in their role as guardians, the tasks that this entailed and the expense that this often incurred. This includes payments women made for the schooling of their children, money spent on medical care and premiums for apprenticeships. While most of the money owed both to and by women include just a name and the amount, without any detail of what the sum was for, there are instances that refer to payments that can reveal more about what guardianship entailed.

By far the most common type of payment seen in women's probate inventories and accounts are those for school and board. There is a consensus that most children of the middling sort would have been sent to school from early childhood until their early-to-mid teens, either for the day or to board away from the family home for a few months at a time.⁶¹ Some of these children might have stayed at school until their late teens if

⁶¹ Earle, *The Making of the English Middle Class*, 238-239; Helen M Jewell, *Education in Early Modern England* (Basingstoke: Macmillan Press, 1998): 92-94.

they intended to go to university, but most would have left school around thirteen or fourteen to pursue an apprenticeship. 62 However, the price of education appears to have varied greatly, depending on the wealth of the family, the type of education and whether education was provided at home by a tutor, or in a school. 63 For example, the inventories of Constance Wallis, the widow of a merchant and Prudence Wood, the widow of a fishmonger, show considerable sums of money expended on schooling. In her inventory from 1661, Constance owed a debt of £10 to 'Mr Walton for boarding [and] schooling her two sonnes for a quarter.' Similarly, in her inventory from 1678, Prudence owed £13 18s to 'Mr Ireland for Thomas Woods for board & schooling.' Constance and Prudence were both the widows of wealthy freemen and while these are large sums, they were able to afford this cost.

Other widows expended far less money on the education of their children.

Frances Palmer, the widow of a mason, owed just nine shillings to 'Mr Burges for a quarter schooling in her inventory from 1671'.66 Similarly in her inventory from 1666, Joyce Young owed £1 to 'Mr John Lucas for schooling' of her three nieces and nephews, the orphans of a girdler.67 Elizabeth Roycroft, the widow of a wealthy stationer owed just one shilling to the 'school m[isst]r[e]s' who taught her daughter and this perhaps suggests that less money was expended on girl's education.68 These women were not as wealthy as either Constance Wallis or Prudence Wood and were likely not paying to board their children away from home. Despite the expense, providing for the education

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⁶² Jewell, Education in Early Modern England, 93-94; Rosemary O'Day, Education and Society, 1500-1800: The Social Foundations of Education in Early Modern Britain (Harlow: Longman, 1982), 38.

⁶³ David Cressy, 'Educational Opportunity in Tudor and Stuart England' *History of Education Quarterly* 16, no. 3 (1976): 307-308.

⁶⁴ Constance Wallis (19).

⁶⁵ Prudence Wood, 1631.

⁶⁶ Frances Palmer, 83.

⁶⁷ Joyce Young, 367.

⁶⁸ Ibid, 1451; O'Day, Education and Society, 185.

of an orphan was a responsibility that came with guardianship and prepared children to enter into an apprenticeship, for marriage and to receive their portion when they came of age. It is hard to get a glimpse into the tasks that came with guardianship from other Court records, and it is important to stress here that providing for an orphan could be expensive but was also a requirement of the Court. Women had to manage the tasks of guardianship alongside other types of both paid and unpaid labour. While there are examples of orphans asking for a change of guardian and the Court moving an orphan from one guardian to another, there are few instances of the Court needing to intervene.⁶⁹ Although this may be down to the lack of extant petitions rather than an indication that the Court's intervention was rarely necessary.

After formal education, guardians also had to oversee the apprenticeship of their orphans. While the repertories show orphans coming to the Guildhall with their guardians to ask the Court's permission to enter into an apprenticeship, they provide very little insight into how much this cost, or what trades orphans pursued. While references to apprenticeship in inventories are scarce, they do provide some glimpses into how the apprenticeship of children was managed. The inventory of Hester English, the widow of John English, a dyer, shows she paid a £120 premium to 'J[oh]n Fleming to take Tho[mas] English apprentice according to the contract made by the testatrix in her life tyme.'⁷⁰ Around the same time, Hester English also arranged the apprenticeship of another one of her sons, John English the younger, to the wax chandler Robert Aldersey

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⁶⁹ Repertory 70 (1664-5) notes the orphan Richard Bates temporarily being moved to the guardianship of Mrs Durance from his original guardian George Bates: LMA, COL/CA/01/01/074, fol. 7-11; the petition of William Deacon complains of poor treatment by his sister Anne Deacon who was appointed his guardian after their mother's death and the Court had to intervene. This is discussed more in the following chapter: LMA, COL/CA/05/02/001, D.

⁷⁰ Hester English (1086).

in September 1674.⁷¹ This means that during Hester's widowhood, she was the guardian of four orphans and arranged the apprenticeship of two of them.

The burdens of guardianship and care also fell on women who were not in the immediate family of a deceased freeman. When Alice Baker died in late 1668, she had been caring for the orphan of her son John Gillam, a girdler. After her death, her grandson Richard Gillam, was left to the care of Richard and Anne Hainsworth, administrators of Alice's estate. Alice Baker's inventory shows that Anne Hainsworth spent various sums while guardian of Richard Gillam, with a section listing all the 'charges and expences laid out by the s[ai]d executrix upon Richard Gillams accompt.'72 This was comprised of clothing items such as shoes, a coat, stockings and a waistcoat; medical expenses, including one shilling for a surgeon; money for hiring a horse for the orphan to go to the country and £1 13s for 'combs, knives [and] other necessaryes belonging to his trade', suggesting her was training to be a barber surgeon.⁷³ In all, Anne Hainsworth charged Alice's estate £17 14s 2d for the care of Richard Gillam.

When Isabel Watts died sometime around 1661, the care of her son Richard Watts fell to her mother Isabel Hull.⁷⁴ In the probate account of Isabel Watts, her mother charged £14 to her daughter's estate for charges when 'the s[ai]d orphan was in Holland and a further £7 15s for 'dyett [&] lodeging when he was in prison', suggesting the guardianship of her grandson was both expensive and burdensome.⁷⁵ Similarly, when Elizabeth Gamble died, the guardianship of her granddaughter Elizabeth Ridley

⁷¹ 'John English, 29th September 1674,' *London Apprenticeship Abstract, 1442-1850*, Find My Past, accessed 22nd April 2022.

https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F35142%2F85485.

⁷² Alice Baker (788).

⁷³ Ibid.

⁷⁴ Isabel Watts stated in her will that she wanted the care of her children to go to her mother and an Isabel Hull was a witness of the will: TNA PROB 11/305/357; a 'Mrs Hull' is noted as caring for Richard Watts, so it has been assumed she was Isabel Watts' mother: Isabel Watts (151).

⁷⁵ Isabel Watts (151).

must have passed to the orphan's paternal grandmother. Elizabeth Gamble's estate was charged £2 15s charge for board and schooling that was paid to the 'childs grandmother.'⁷⁶ The financial and administrative obligations of guardianship passed from woman to woman, as they cared for the City's orphans, provided them board, paid for their schooling and arranged their apprenticeships.

III. Financial managers

The other important role that women were entrusted with by the Court, was as financial managers. This could be managing the assets and finances of their spouse's estate, or the portions of their children. While freemen bequeathed their children money, property, or stock in their wills, this was often managed by their executor during the minority of their children, and we can see evidence of this in women's probate inventories from the Court of Orphans. Alexandra Shepard has argued that we need to consider 'women's responsibility for asset management [as] particularly important in a period when wealth was defined as much in terms of the possession of goods than as a product of work-related income.'77 As such, we need to view women's role as financial managers as a form of labour and important in protecting the assets of their children.

The widows whose probate inventories survive died anywhere between a few months to many years after their spouse. For example, Grace Bartlett was issued letters of administration in May 1671 to administer the estate of her husband.⁷⁸ However, Grace Bartlett's own will was proved on 30th August of the same year, meaning she was

⁷⁶ Elizabeth Gamble (2287).

⁷⁷ Alexandra Shepard, 'Crediting Women in the Early Modern English Economy,' *History Workshop Journal* 79 (2015): 17.

⁷⁸ TNA, PROB 6/46, fol. 56.

only administrator of her husband's estate for a few months before she herself died and she may not have had time to fulfil all her administrative duties.⁷⁹ Whereas Grace Woodman, who was named as executor in her husband William Woodman's will from October 1667, did not herself pass away until early 1682, nearly fifteen years after her husband, meaning she had plenty of time to fulfil her executorial obligations.⁸⁰ During this period, then, widows managed their own along with their orphan's finances, but also administered the estates of their spouse.

After the woodmonger Zachary Baggs died, his widow was issued letters of administration in February 1677.81 Elizabeth Baggs does not appear to have immediately actioned her role as administrator during the few years she was a widow, as her inventory shows a payment of £326 to her and Zachary's six orphans owing from his estate.⁸² Her will from October 1679 notes 'for the termporall estate my late husband Zachary Baggs dieing intestate two parts of it belongs to my children and the other parte to me (as yet undivided).'83 This means that during her two years as a widow, Elizabeth continued to manage the couple's joint estate, which included shares in three ships and the lease of a wharf for her husband's trade, all while caring for her six orphans.

This also appears to have been the case for the Davitts estate. Thomas Davitts, a merchant taylor, died in or before March 1678 and named his wife as one of his two executors.⁸⁴ Catherine Davitts died just over a year later in the summer of 1679 and an inventory of her estate was brought to the Court of Orphans in October of the same

⁷⁹ TNA, PROB 11/336/531.

⁸⁰ TNA, PROB 11/325/200; 'Grace Woodman, 4th March 1682,' National Burial Index for England & Wales, Find My Past, accessed 22nd April 2022. https://www.findmypast.co.uk/transcript?id=BMD%2FNBI%2F15681718.

⁸¹ TNA, PROB 6/52 fol. 22.

⁸² Elizabeth Baggs (1609).

⁸³ TNA, PROB 11/361/79.

⁸⁴ TNA, PROB 11/356/337.

year.⁸⁵ In the inventory, there is a note at the bottom stating that £61 is owed to the estate of Thomas Davitts 'for money she made use of belonging to that estate for the maintenance of her selfe and her family for upwards of a year itt being wholly in her hands till the tyme of her decease.'⁸⁶ While it is possible that both these women still had possession of their husband's estate because of the short time they were widows, it does suggest that widows made use of the financial resources their husband's estate provided during their orphan's minority, or while they were in the process of administering his estate, slowing this process down when it was financially beneficial to do so.

If we return to Hester English, who put two of her sons out to apprentice during her five years as a widow, we can see that women were also managing money from their husbands' estates long term. Hester English's inventory shows payments to her three sons, John, Thomas and Joseph, 'for a legacy left by [their] father John English & remaining in the testatrix her hands principal and interest.'⁸⁷ We can see the interest that she paid on these bequests. In John English's will he left £100 to his eldest son John English and £300 each to his youngest sons Thomas and Joseph English.⁸⁸ However, on Hester English's inventory these bequests were paid back to her three sons at £100 15s to John English and £304 10s to her other two sons.⁸⁹ She was not only managing the money left to her three sons, then, but she also paid them interest for the privilege of access to the £700, at the same time as arranging apprenticeships for the eldest two.

We know that women exploited the financial opportunities available to them to manage household finances. Beverly Lemire has drawn attention to the informal ways

⁸⁵ TNA, PROB 6/54, fol. 112; Catherine Davitts (1585).

⁸⁶ Catherine Davitts (1585).

⁸⁷ Hester English (1086).

⁸⁸ TNA, PROB 11/332/15.

⁸⁹ Hester English (1086).

that women drew on the resources available to them to contribute to the household, specifically referring to micro-credit and pawnbroking. 90 She emphasises that this was not about prospering, but subsisting, as women used credit to meet ends meet. 91 Similarly, Craig Muldrew has also shown that there are examples of spouses lending each other money to pay off their own debts, indicative of separate spousal finances and a need to balance combined household finances. 92 Indeed, we can view these women borrowing their orphan's patrimony as an extension of this kind of inter-familial credit. Judith Spicksley has also argued for the importance of single women as sources of credit, specifically those who were orphaned, as it was understood that the loaning of money of widows and orphans did not come under the umbrella of usury. 93 While some of these female orphans may have gone on to become money-lenders as adults, it is important to consider that their portions were first used by their own mothers, as appears to be the case for Hester English, and this may in turn have been lent out to others. It is important, then, to consider that the guardianship of these children came with burdens, but also opportunities, allowing these women access to capital.

The final way that women were managing money, was through formal Court of Orphans' recognizances. These were orphan inheritances that instead of being deposited in the City's chamber, were kept by the executor under the security of a bond and which could be used by them during the orphan's minority. We can see evidence of this in women's inventories as the money they borrowed is listed as a debt owing back

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⁹⁰ Beverly Lemire, 'Introduction: Women and Credit: A Historical Overview,' in *Women and Credit: Researching the Past, Refiguring the Future*, ed. Beverly Lemire, Ruth Pearson and Gail Campbell (Oxford: Berg, 2001); Beverly Lemire, 'Petty Pawns and Informal Lending: Gender and the Transformation of Small-Scale Credit in England, circa 1600-1800' in *From Family Firms to Corporate Capitalism: Essays in Business and Industrial History in Honour of Peter Mathias*, ed. Kristine Bruland and Patrick O'Brien (Oxford: Clarendon Press, 1998). ⁹¹ Lemire, 'Introduction: Women and Credit,' 4.

⁹² Craig Muldrew, 'A Mutual Assent of her Mind? Women, Debt, Litigation and Contract in Early Modern England,' *History Workshop Journal* 55, no. 1 (2003): 52.

⁹³ Spicksley, 'Fly with a Duck in Thy Mouth,' 2001.

to the chamberlain. Six women's estates contain recognizance payments in their probate inventory between 1666 and 1714 and these are shown in table 3.1. This is not to say that these are all the recognizances that relate to the 90 estates under discussion in this chapter. The six listed below are those that are listed in a probate inventory. 94 Some recognizances were not secured by a freeman's widow, but by another family member, friend or colleague who had been named as executor. Similarly, some recognizances were discharged, or the money given to another person to hold, meaning a person did not hold it when they died, and it therefore does not appear in their probate inventory.

Table 3.1: Recognizance payments in women's inventories from the Court of Orphans

Name of widow	Date inventory indented	Amount of money	No. of orphans/
			amount per orphan
Katherine Wilkinson	21st August 1666	£458 14s 7d	3/£152 18s 2d
Margaret Taylor	4 th September 1668	£603 4s 8d	4/£150 16s 2d
Abigail Hodilow	23 rd January 1678	£151 6s 0d	1/£151 6s 0d
Elizabeth Harris	20 th February 1678	£195 6s 3¼d	2/£97 13s 01½d
Mary Cook	12 th November 1680	£80 0s 0d	1/£80 0s 0d
Mary Kellet	19 th August 1714	£621 3s 4¾d	8/£77 12s 11d

These six women were all named administrators or executors of their spouse's estate, were caring for at least one orphan, as well as managing the orphan's inheritance. These inventories do not allow us to see how this money was being used, whether kept safe, lent out on credit or invested more formally, but it does demonstrate

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 $^{^{94}}$ Recognizances between 1660 and 1694 are discussed in more detail in chapter four.

the important financial role that women played as managers of their children's money, safeguarding it until they were able to receive it, or in the case of these women, paying it back to the chamberlain following their death. Recognizances and the corresponding entries in the recognizance volumes are discussed in more detail in the following chapter of this thesis, but it is important to note here that these inventories are evidence of women's role as financial managers, safeguarding money in the years between it passing from father to child. Of course, it is impossible to know the everyday decisions women made while managing their orphan's money and it is likely that not all the women under discussion were successful as financial managers. However, the evidence in these inventories highlights some of the ways this money was being used to the benefit of both the orphans and their guardians and indicates a level of sophisticated financial management among the widows using the Court of Orphans.

The probate inventories and accounts of women's estates in the Court of Orphans can not only tell us about material culture in this period, but also about the social and economic lives of women. Whether as executors, dealing with the administrative tasks that followed a freeman's death; as guardians ensuring that orphans were fed, clothed, and educated in preparation for their role as members of London's business community; or as financial managers, looking after bequests and portions on behalf of orphans while they were underage. The lists of money owed at the time of death, as well as charges made to estates by executors and administrators, give us a glimpse into how women managed these administrative and financial roles in their everyday life and make it clear that women were integral to the Court's processes and in ensuring orphans were provided for.

Part two: Women's lives beyond the Court of Orphans

These inventories and accounts also provide rich detail about women's roles beyond the administrative and financial obligations they had in the Court. They also provide an insight into the houses they lived in, the material items they owned, the businesses they ran and the staff they employed. This is especially important given that these women were always listed according to their marital rather than vocational status, and these inventories offer some of the only insight into their role in London's business community. Using these inventories in conjunction with other related source material, like apprenticeship records and wills, allows us to build up a picture of the lives of these women outside the Court, as mothers and business owners, not just as legal guardians, and executors.

The rooms listed by the appraisers can tell us about the spatial layout of their dwelling house, as well as any businesses they owned. For example, we can see that Elizabeth Harris, one of the women with recognizance money in her inventory and the widow of a vintner, was running at least six taverns. The contents of The Dolphin, The Vine, The Feathers, the Kingshead, The Crown and The Sun are all listed in her inventory from 1678, amounting to just over £11 in total. This is similar to the inventory of Mary Kellet, also the widow of a vintner, who has an entry for items 'in all the publick drinking roomes' listed on her inventory from 1714, valued at over £41. Wictualling was a common business amongst widows, as Elizabeth White, the widow of a haberdasher, has the contents of 'two coffee roomes' in her inventory from 1668. Property of the public drinking houses, Jane Binks, the widow of an upholsterer, had two

⁹⁵ Elizabeth Harris (1316).

⁹⁶ Mary Kellet (2976).

⁹⁷ Elizabeth White (414).

lodgers at the time of her death in 1699, as there are two rooms listed as 'Mrs Brumfield's room' and 'Mrs Smallwood's room' on her inventory. 98 Her inventory also has a shop with tapestry and carpet as stock, suggesting she continued her husband's business in the few years she was a widow, generating various means of income. 99

The list of goods found in inventories can also give us an insight into the material items these widows owned and allows us to identify the various ways they made money. Alexandra Shepard has argued that 'one way of approaching... probate inventories... is to treat them like bank statements, establishing the cash equivalence of goods in people's possession.' ¹⁰⁰ Probate inventories not only reveal the work that women did, then, but also their wealth, and the ways their wealth was secured. For example, Anne Deacon, the widow who drowned in the Thames, appears to have been working as a pawnbroker before her death. Below the 'other goods' heading on her probate inventory are more than two dozen rings, individually listed in bundles along with other goods such as a spoons, bodkins, pieces of plate and a porringer. ¹⁰¹ Philippa Hinton, the widow of an ironmonger, does not have a shop on her inventory from 1669, but the list of ribbons, silks, bodices and other clothing accessories suggests she was a milliner. ¹⁰²

Moving down the inventory to the list of leases and debts owed to and by the testator, we can also find more evidence of women's lives beyond the Court. For example, Margaret Holloway's probate inventory, drawn up in 1673, includes a £5 debt

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⁹⁸ Jane Binks (2583).

⁹⁹ Ibid

¹⁰⁰ Alexandra Shepard, 'Crediting Women in the Early Modern English Economy,' *History Workshop Journal* 79 (2015): 17.

¹⁰¹ Anne Deacon (1049).

¹⁰² Philippa Hinton (492); for a discussion of the term 'milliner' and how it had not yet come to solely mean a hat-maker by this period see: Amy Erickson, 'Eleanor Mosley and Other Milliners in the City of London Companies, 1700-1750,' *History Workshop Journal*, 71 (2011): 154-5.

owing to her 'by Mrs Smith and severall other persons in small petty debts for washing', suggesting she supplemented her household income by working as a laundress. 103 The wealthy widow of a shipwright, Margaret Taylor, was generating considerable income as a professional rentier, and she had houses, messuages and tenements in Ratcliff, Houndsditch, and elsewhere in the parish of St Botolph Aldgate. 104 Elizabeth Ward had a sophisticated finance and investment portfolio as evidenced in her probate inventory from 1683. This included the lease of eight houses in both Whitechapel and the parish of St Giles-without-Cripplegate, shares in five ships trading in the West Indies, hundreds of pounds lent out and secured by both bills and bonds, and a large debt owing to her worth £103. 105

Beyond the contents of the testator's house or the lists of their investments and debts, even small notes made by executors and administrators when compiling an inventory can tell us more about women's working lives. The inventory of Grisell Reeve from 1679 contains a memorandum at the bottom from her two executors noting that money was owed 'by divers persons to the said testatrix and Gyles Reeves her brother in law deceased who some years were carpenters in trade.' 106 These debts amounted to £530, so while the business may not have been successful, we do know she was in trade with her husband's brother. Similarly, the executor of Grace Bartlett, the widow of a poulter, charged her estate £1 10s in 1671 for 'turning over Leonard the testatrix late apprentice to place him to another master,' indicating she had at least one apprentice when she died. 107

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¹⁰³ Margaret Holloway (964).

¹⁰⁴ Margaret Taylor (79).

¹⁰⁵ Elizabeth Ward (1932);

¹⁰⁶ Grisell Reeve (1351).

¹⁰⁷ Grace Bartlett (933).

This kind of qualitative evidence found in probate inventories is especially important when researching the women of London's middling sort in this period. These women's inventories are listed on archival catalogues according to their marital status and not their economic activity as their husbands were. Amy Erickson has noted that this was the case for both probate and parish records, arguing that this is because women's occupational identity is 'thought to have been subsumed by their marital identity'. While she uses both criminal court and livery company records, she highlights that the livery company records must be 'read in context' due to their omission of wives who worked with their husbands 'who are completely invisible in the Company records.' Laura Gowing's recent research has sought to investigate these omissions, and argues the need to use records such as Mayor's Court disputes, apprenticeship indentures, and wills together to highlight how women 'negotiated a formalised place in the civic community.'

In tandem with this, these inventories are some of the only evidence we have of the ways that widows engaged with the economy, especially if they are absent from any company or apprenticeship records. They provide alternative ways of accessing the work that women were involved in and note ways of generating an income that are unlikely to appear in other records, such as pawnbroking and renting. Whether involved in running a shop with the assistance of an apprentice, laundering or pawnbroking, lending out money on interest, taking in lodgers or collecting rent on properties or even investing in ships and companies. Women's inventories are evidence of the complex

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¹⁰⁸ Amy Louise Erickson, 'Married Women's Occupations in Eighteenth-Century London,' *Continuity and Change* 23, no. 2 (2008): 267.

¹⁰⁹ I) Ibid, 272.

¹¹⁰ Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth-Century London* (Cambridge: Cambridge University Press, 2021), 10.

ways that women managed household finances, generated income and were involved in London's business community.

It should be noted that in a few instances, inventories can tell us very little about women's economic and social lives. For example, Grace Woodman, who had been the wife of a cutler, was widowed for thirteen years before she died in 1681 living in Dorking, Surrey. Her inventory shows no money was owed to her and her own debts include only small trade and household debts to an apothecary, a doctor, a tailor, wages for the maid and to her landlord. Similarly, when Mary Webster, the widow of a tallow chandler died in 1673, she had no debts owing either to or by her, except a £148 mortgage on a house that had been sold to Richard East in 1657. Though inventories can provide a snapshot of a person's life at the time of their death, we do not know to what extent a testator was able to discharge their debts and prepare their estate for probate before their decease. It is possible that both Grace Woodman and Mary Webster had begun to do this, and that is why we have very little evidence of financial dealings in their inventories.

It is important to stress that these women were drawn from across London's business community. They were from families of varying wealth, meaning while some have very little evidence of financial assets in their inventories, others detail extensive financial and investment portfolios. Abigail Hodilow, the widow of a merchant and tobacconist, had no money remaining in her estate to leave to her son when she died in 1674, yet Lydia Dunster, the widow of a grocer, left her three orphans over £2000 in 1677, far more than the £200 patrimony their father left them seven years

¹¹¹ Grace Woodman (1785).

¹¹² Mary Webster (94).

previously.¹¹³ Whether extensive or limited, these inventories provide an insight into a women's economic and social life beyond the boundaries of the Guildhall.

Section two of this chapter therefore focuses on two widows from this sample and seeks to use their probate inventories and accounts to learn more about their lives both inside and outside the Court. That is, how did their administrative and financial roles within the Guildhall interact and compare with their social and economic lives beyond it? The probate inventories of two widows, Prudence Wood and Mary Kellet, have been used to learn more about these women's finances, their businesses, their household, and their families, and what this can tell us about their role in the Court itself. This section sheds light on the lives of the women who had an active role in this Court and considers how this interacted with their lives beyond the Guildhall.

These two women have been chosen for a number of reasons. Firstly, both women were from similar social and economic backgrounds, allowing for direct comparison. Prudence Wood's husband Thomas Wood belonged to the Fishmongers' Company and Mary Kellet's husband Henry Kellet to the Vintners' Company, two of London's most prestigious guilds. Both women had families of a similar size, the Woods with six children and the Kellets with eight, both above the average size of a family of London's middling sort. 114 Both Thomas Wood and Henry Kellet left patrimonies of a similar value to their children at the time of their death, with the six Wood orphans left just under £650 by their father and the eight Kellet orphans left just over £620. Prudence Wood was named as the administrator and Mary Kellet as executor of their husbands' estates, meaning they were directly involved in estate administration and

¹¹³ LMA, CLA/002/01/002 fol. 424b, 417-417b.

¹¹⁴ Using a sample of families in the Court of Orphans' records, Earle concluded that the average number of children per family was three; Earle, *The Making of the English Middle Class*, 230.

were guardians to their children. Prudence Wood was about 50 or 51 when she died in 1678 and Mary Kellet was about 40 or 41 when she died in either 1713 or 1714.¹¹⁵

The estates of these women have also been chosen for how they differ. The two families are from the beginning and end of the period under investigation in this chapter. Thomas Wood died in 1669, while Henry Kellet died in 1711, meaning these two families were using the Court 40 years apart, one before the City's financial failure in 1683 and the other after. Both estates also used the Court in different ways. Prudence Wood deposited her children's inheritance in the City's chamber, while Mary Kellet held her children's inheritance on recognizance. Lastly, these women were also widows for different lengths of time. Prudence Wood was a widow for nine years before her own death in 1678 and Mary Kellet was a widow for just two or three years before her death in either 1713 or 1714. While the social and economic parity between these two women allows for comparison between the two, the difference in period and length of widowhood means that we can also identify how these variables may have affected their lives.

I. Prudence Wood

As mentioned, Prudence Wood was the widow of Thomas Wood who died in or before 1669. As her husband died without a will, Prudence Wood was issued letters of

https://www.ancestryinstitution.com/imageviewer/collections/1624/images/31281_a100796-00017?treeid=&personid=&rc=&usePUB=true& phsrc=osp360& phstart=successSource&pId=4811672; Henry Kellet stated Mary Kellet (nèe Leeke) was aged 22 in his application for their marriage license in 1695 putting her birth in either 1672 or 1673: 'Mary Leeke and Henry Kellet, 23rd November 1695,' London and Surrey, England, Marriage Bonds and Allegations, 1597-1921, Ancestry, accessed 2nd May 2022.

https://www.ancestryinstitution.com/discoveryui-

 $\frac{content/view/615396:2056?tid=\&pid=\&queryId=0dcd3f16e1552002100e90dde3c22f6e\&\ phsrc=osp374\&\ phsrc=osp374\&\$

¹¹⁵ Prudence Wood was born Prudence Claxton and baptised in June 1627 in All Hallows Honey Lane church: LMA, P69/Alh3/A/001/Ms05022, fol. 16; *London, England, Church of England Baptisms, Marriages and Burials, 1538-1812*, Ancestry, accessed 2nd May 2022.

administration in April 1669; she brought his probate inventory to the Court in January 1670, followed by a probate account in May 1673 after she had called in more of his debts. 116 Though Thomas Wood had come to London from Ludlow, Shropshire as an apprentice to a fishmonger in 1629 and is named as a fishmonger on his inventory, this does not appear to have been his primary trade when he died. 117 The warehouse listed on his inventory contained silks, satins, coifs, scarves and purses and was valued at over £500 by the appraisers of his estate. 118 Similarly, the dozens of debts listed as owing to him note both the name of the debtor and, unusually, where the debtor lived. The debtors listed came from across the British Isles, including Antrim, Dublin, Bristol, Hull, Gloucester, Ludlow and Abergavenny. 119 Thomas Wood made his living by trading as a milliner and merchant across Ireland, England and Wales and kept very detailed accounts of his business dealings with either customers or other merchants, and these must have been used by appraisers of his estate when drawing up his inventory.

Prudence Wood was either running the business with her husband and continued to do so, or took it over after her husband's death, as her inventory also lists a warehouse with an accompanying shop, containing 'a p[ar]cell of silke and made wares'. 120 It is possible that the shop was acquired during Prudence Wood's widowhood as it is not listed in Thomas Wood's inventory. She certainly moved house after his death from the address she gave to the Guildhall in January 1670 in Pilkington Court off Little Britain in Smithfield, as her inventory shows her house was smaller than the one listed on her husband's. She stated her parish as St Lawrence Jewry in her will, east of

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¹¹⁶ Thomas Wood (517, 817).

¹¹⁷ 'Thomas Wood, 1629, fishmonger,' *London Apprenticeship Abstracts, 1442-1850*, Find My Past, accessed 2nd May 2022.

https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F167463%2F384997.

¹¹⁸ Thomas Wood (517).

¹¹⁹ Ibid.

¹²⁰ Prudence Wood (1631).

Little Britain inside the City walls and had the lease of a house on nearby Lad Lane, so it is possible she moved there to a dwelling house with an adjoined shop sometime during her widowhood.

She continued to run the business in the nine years between the death of her husband in 1669 and her own in 1678. She took on two apprentices registered to the Fishmongers' Company after her husband's death, as was her right under the City's custom as the widow of a company master. She first took on Isaac Harper in 1673 and then Mary Ireland in 1676.¹²¹ In fact, her probate inventory and her will reveal that her apprentices were part of a network of inter-connected friends and kin. Isaac Harper was the son of Isaac Harper the elder and his wife Martha, who was Prudence Wood's younger sister, and she bequeathed the pair £10 in her will. 122 Similarly, she referred to 'Mr Ireland and his wife my mayds father and mother' as her 'loving friends' in her will, bequeathing each of them 20 shillings. 123 Her inventory also shows that she owed £13 18s to 'Mr Ireland for Tho[mas] Woods board & schooling' meaning that she not only took on the daughter of her friend as an apprentice, but also entrusted the education of her youngest son to him. 124

The number of debts owing to her in her inventory also suggests she continued the business in a similar manner to her husband. She had over £6000 owing to her from dozens of different people when she died, many of which were secured by bond and

May 2022.

^{121 &#}x27;Isaac Harper, 1673, fishmonger,' London Apprenticeship Abstracts, 1442-1850, Find My Past, accessed 2nd https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F162541%2F370368; 'Mary

Ireland, 1676, fishmonger,' London Apprenticeship Abstracts, 1442-1850, Find My Past, accessed 2nd May 2022. https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F163207%2F372354.

¹²² TNA, PROB 11/357/229.

¹²³ Ihid

¹²⁴ Prudence Wood (1631).

some of which had only partially been paid. 125 Some of this was very likely shop credit, some of it may have been from wholesale trade in other cities like those debts found in her husband's inventory and some may even have been from moneylending. Indeed, she even expressed a desire to see the business continue after her own death. In her will she stated that it is 'my will and desire that my said daughter Anne Wood may afterwards manage and carrie on my trade, which will be a great addition to her portion and fortune. 126 Prudence Wood's three oldest children, Prudence, Judith and Elizabeth Wood had all married during her time as a widow and she clearly wanted to ensure the financial security of her remaining daughter and sought to do this by passing on the family business.

She also used her will to provide for her other children. She charged her executors to ensure that the interest from the inheritance of her oldest son and fifth child Edward Wood was used to place him out as an 'apprentice with a considerable merchant in London.' She instructed the same for her youngest child Thomas Wood and left various sums of money to her three married daughters and their spouses. As with her apprentices, she had professional as well as personal links with her sons-in-law. She owed a debt of £7 6d to Aaron Smith the husband of her eldest daughter Prudence for 'law business,' indicating that he must have been a clerk or lawyer. Similarly, she owed John Collier the husband of her second daughter Judith £108 on bond, suggesting that she he had at some point before her death borrowed a substantial sum of money from him.

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¹²⁵ Ibid.

¹²⁶ TNA, PROB 11/357/229.

¹²⁷ Ibid.

¹²⁸ Ibid.

No recognizance was entered into to secure the portions of the Wood orphans by either Prudence Wood or anyone else and there is no recognizance payment listed in her inventory, meaning the orphans' portion must have been paid into the chamber after their father's death. However, there are also no payments of finding money from the estate of Thomas Wood in the finding money account books, meaning that Prudence Wood did not collect any finding money to maintain her orphans during her time as a widow. This is perhaps unsurprising given her substantial wealth and she does not appear to have needed the interest from her children's inheritance to support either them or herself. This meant the finding money on each of her children's portions accrued and inflated the value of the portion, allowing them to collect more than had originally been deposited. Certainly, her inventory demonstrates she was a competent businesswoman and financial manager.

Prudence Wood's inventory is rich in detail about her life and when used in conjunction with her will, we can learn a great deal about her business, her finances and both her personal and professional relationships. During her nine years as a widow, Prudence Wood was able to continue her family's millinery business, take on more apprentices and amass a large fortune that she was able to bequeath to several of her apprentices, friends, and family. She was able to do all of this alongside the administration of her husband's estate and the marriage of her three eldest daughters in what could be a precarious stage of life for women. Her inventory demonstrates that she had little need for the financial opportunities the Court offered, and this is perhaps why she does not appear in many of the Court's financial records.

¹²⁹ COL/CHD/0A/01/02; this book contains the finding money payments from all estates that entered the Court between 1661 and 1678.

The final note about Prudence Wood is that her sister, Anne Waldoe, was also a widow who used the Court of Orphans. Anne Waldoe was fifteen years older than her sister and had married Daniel Waldoe the same year that Prudence Wood was born in 1627.¹³⁰ Daniel Waldoe was a clothworker and later became an alderman in 1653 before he died sometime in or before 1661.¹³¹ As the executor of his estate and guardian to their children, Anne Waldoe brought an inventory of his estate to the Court of Orphans in 1662, followed by a probate account in 1663, just a few years before Prudence Wood did the same for her own husband. 132 Unlike her sister though, Anne Waldoe decided to hold her children's portion on recognizance. She entered into two recognizances in April 1662 and December 1663 to secure the portions of her youngest children and brought her two eldest sons as sureties. 133 Anne Waldoe died sometime in or before February 1667 when her will was proved, less than three years before her own sister was left a widow and was visiting the Court of Orphans herself.¹³⁴ That two sisters were using the Court within a few years of each other serves to demonstrate the ubiquity of the Court of Orphans in the lives of London's middling class widows and how the Court formed administrative networks that overlapped with familial networks. It is entirely possible that Prudence Wood was familiar with the Court of Orphans' administrative process because of knowledge that was passed on to her by her older

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¹³⁰ Unusually for London's middling sort, Anne Waldoe (née Claxton) married Daniel Waldoe when she was just fifteen in October 1627; 'Anne Claxton, 4th October 1627,' *England Marriages 1538-1973*, Find My Past, accessed 3rd May 2022. https://www.findmypast.co.uk/transcript?id=R 856299860%2F2.

¹³¹ Alfred P Beaven, "Chronological List of Aldermen: 1651-1700," in *The Aldermen of the City of London Temp. Henry III - 1912*, (London: Corporation of the City of London, 1908), 75-119. *British History Online*, accessed May 3, 2022. http://www.british-history.ac.uk/no-series/london-aldermen/hen3-1912/pp75-119; TNA, PROB 11/307/302.

¹³² Daniel Waldoe (016, 022).

¹³³ LMA, CLA/002/05/008, fol. 215b, 228-228b.

¹³⁴ TNA, PROB 11/323/257.

sister, or that she was able to acquire this knowledge after her husband died by consulting her nephews who may still have been acting as sureties.

II. Mary Kellet

This brings us to the final widow under discussion in this chapter. Mary Kellet, who was born Mary Leak, married the vintner Henry Kellet in 1695 and the couple went on to have eight children before Henry Kellet died in 1711. Henry Kellet's will was proved on 12th June 1711 at the Prerogative Court of Canterbury by his widow, who was named as his sole executor and also the guardian to the couple's orphans. An inventory of his estate was drawn up just over a week later on 20th June 1711 and Mary Kellet brought it to the Court of Orphans a few months later on 25th September. She returned to the Guildhall on 27th November to enter into a recognizance to hold the £621 patrimony owed to her orphans, with her kinsman Richard Leak acting as surety.

Unlike Thomas Wood, Henry Kellet's trade was closely linked to his guild membership, as his inventory includes 'severall drinking rooms', a bar, and a cellar with £1300 worth of wine. Mary Kellet's address in the common serjeant's book entry for her husband's estate shortly after his death is listed as 'Ship Tavern behind [the] Exchange,' very likely the tavern the couple were running when Henry Kellet died. Mary Kellet continued running the tavern during her three years as a widow, as the

¹³⁶ TNA, PROB 11/521/282.

¹³⁷ Henry Kellet (2899).

¹³⁸ LMA, CLA/002/05/010, fol. 217.

¹³⁹ Henry Kellet (2899).

¹⁴⁰ LMA, CLA/002/01/005, fol. 211b.

same property is listed on her own probate inventory from August 1714.¹⁴¹ The wine in the cellars of the tavern was also worth £400 more when Mary Kellet died than when her husband's inventory had been drawn up three years previously, with 134 hogsheads valued at £1736.¹⁴² It was clearly a large business and the Kellets had help running the tavern. Henry Kellet's inventory shows they had two live-in 'drawers', who served drinks to customers, residing in the garret rooms of their house, while Mary Kellet must have taken on another employee to help with the business after her husband died, as her inventory lists three 'drawers lodging roomes'.¹⁴³ In fact, Mary Kellet took on two apprentices the year before she died in July 1713 and one of them may have been the extra drawer in her inventory. The first, her eldest son, also named Henry Kellet, and the second James Haight from Covent Garden, where she herself was from.¹⁴⁴

Like Prudence Wood, Mary Kellet was responsible for the administration of her husband's estate and visited the Court several times in the months following his death. As head of the family after her husband's death, she also continued the family's trade, managing the tavern and its stock, overseeing at least three apprentices or workers who helped in the business, as well as at least one domestic servant, all while caring for the orphans still at home in the family's nursery, a room listed on her probate inventory. That she took on her son as an apprentice as opposed to putting him out to apprentice

¹⁴¹ Mary Kellet (2976).

¹⁴² Ibid

¹⁴³ The OED a defines drawer as 'a person who draws and serves alcoholic drinks for customers in a tavern or inn'; Henry Kellet (2899), Mary Kellet (2976).

¹⁴⁴ 'James Haight, 8th July 1713,' *London Apprenticeship Abstracts, 1442-1850*, Find My Past, accessed 16th May 2022. https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F147553%2F326918; 'Henry Kellet, 8th July 171,' *London Apprenticeship Abstracts, 1442-1850*, Find My Past, accessed 16th May 2022. https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F149899%2F333667.

with another merchant suggests that like Prudence Wood, she also wanted to ensure that the business continued for the benefit of her family.

The couple were also in receipt of money for a property referred to in both their inventories as 'Mr Leaks'. 145 Mary Kellet's father, Ralph Leak, owed her £430 principal money for a mortgage, suggesting they had previously conveyed this property to him, for which they were still receiving payment. 146 In fact, Mary Kellet had a large amount of money owing to her, including repayments of money she had leant on principal and interest, secured by both bond and note. She also had two lottery tickets worth £200, as well as three Dutch lottery tickets, which her executor was unwilling to try and claim money for because of their 'uncertain nature.' 147 In total, she had nearly £4000 owing to her in both good and bad debts, including from at least four of her own kin. She was not just lending money out, but also borrowing it, as well as trading on credit. She owed money borrowed on principal and interest, small sums to a cooper, woodmonger and grocer, and money for parish duties and for wages. Listed last is the £621 that she had borrowed from the City's chamber three years previously allowing her the use of her orphans' inheritance money. Her success as a businesswoman is evidenced by the £1185 that she was able to leave the orphans on top of the money left to them by their father.148

Following their mother's death sometime in 1713 or 1714, the eight Kellet orphans were parentless and all under the age of 21. Their guardianship appears to have passed to their mother's brother John Leak who entered into a recognizance to secure the money left to them by their mother in November 1714.¹⁴⁹ Henry Kellet junior

¹⁴⁵ Henry Kellet (2899), Mary Kellet (2976).

¹⁴⁶ Ibid.

¹⁴⁷ Mary Kellet (2976).

¹⁴⁸ LMA, CLA/002/01/006, fol. 6.

¹⁴⁹ LMA, CLA/002/05/011, fol. 40b.

did not continue as a vintner and along with his younger brother Ralph Kellet, went on to become a factor in the East India Company in Bombay where they both married. 150 Elizabeth Kellet was apprenticed to a mistress in the Grocers' Company in 1715 and Martha Kellet was apprenticed to a mistress milliner in 1723. 151 They both went on to have their own links to the East India Company; Elizabeth's husband or son went on to become a writer in the company, and Martha Kellet married Stephen Law, who was the Governor of Bombay from 1739-1742. 152 The eldest orphan, Mary Kellet, also went on to marry and her son John Cartier followed his family into the East India Company, becoming the Governor of Bengal in 1769. He married his cousin Stephana, the daughter of Martha Kellet and Stephen Law. 153 As with many children born to London's merchant class in the late seventeenth and early eighteenth centuries, the Kellet orphans were at the forefront of Britain's colonial expansion throughout the eighteenth century.

Mary Kellet's inventory allows us an insight into her economic and social life, as a mother, a businessowner and financial manager. She dealt with the administration of her husband's estate, managed, and expanded her family's business and used her children's patrimony as a source of capital during their minority. Not only was she able

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¹⁵⁰ BL, IOR/N/3/1, fol. 99; *British India Office Marriages*, Find My Past, accessed 16th May 2022. https://www.findmypast.co.uk/transcript?id=BL%2FBIND%2FM%2F115269%2F1; BL, IOR/N/3/1, fol. 173; *British India Office Marriages*, Find My Past, accessed 16th May 2022.

https://www.findmypast.co.uk/search/results?datasetname=british+india+office+marriages&firstname=ralph &firstname variants=true&lastname=kellet&lastname variants=true&sid=998.

¹⁵¹ 'Elizabeth Kellet, 1715,' *London Apprenticeship Abstracts, 1442-1850,* Find My Past, accessed 16th May 2022. https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F196091%2F470266; TNA, IR 1/10, fol. 69; *Britain, Country Apprentices, 1710-1808*, Find My Past, accessed 16th May 2022. https://www.findmypast.co.uk/transcript?id=GBOR%2FAPPRENTICES%2F117921%2F1.

¹⁵² Elizabeth married Egerton Henshaw in 1717 and they had a son also named in Egerton 1721. Egerton Henshaw senior took a number of apprentices in the Tallow Chandlers' Company until the 1730s and Elizabeth Henshaw continued to take on apprentices as a widow from 1743. An Egerton Henshaw died in Bombay in 1742 and it is not clear if this is Elizabeth Henshaw's husband or son.

¹⁵³ 'Stephana Law, 1774,' *England Marriages, 1538-1973*, Find My Past, accessed 16th May 2022. https://www.findmypast.co.uk/transcript?id=R 859643035%2F2.

to pay this back to the chamberlain, but also leave an additional substantial sum to her children. Though she died before any of her children reached adulthood, their socially mobile marriages and careers demonstrate the importance of women in the Court, as guardians and financial managers, securing the futures of the City's orphans. Moving beyond the Court, Mary Kellet and her daughters demonstrate the importance of women in the City's guilds as mistresses, taking on apprentices after their spouse's had died, and as one of the increasing number of women apprentices in the City's livery companies. As Edmond Smith has shown with the Saltonstall mercantile family in the late sixteenth century, women formed key familial links in the network of business owners and merchants connected with the East India Company and the Kellet women are no exception. 154

The inventories of Prudence Wood and Mary Kellet reveal a lot about their social and economic lives inside and outside the Court of Orphans. They not only had to deal with the administrative burdens of being an executor or administrator, but also provide for the orphans in their care, continue their family's trade and manage their household finances. These widows are just two examples of agroup of women who had similar roles within the Court and who were likely also living, trading, and raising children in the City. By using these inventories as the foundation for research and considering them in the wider context of other records both inside and outside the Court, the evidence within them has greater meaning. We can identify inter-personal lending not just between two people, but between a widow and her sons-in-law. We can learn not just about the trade she was involved in, but how the business changed under her management and how she left it to her children. Oblique references to domestic

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¹⁵⁴ Edmond Smith, 'The Social Networks of Investment in Early Modern England,' *The Historical Journal* 64, no. 4 (2021): 924-925.

staff, apprentices and tenants become people in the overlapping familial and professional networks of a widow's life. By considering these probate inventories as records that can tell us about women's lives both in and outside the Court, we can gain a fuller picture of widows' social and economic lives in the late-seventeenth and early-eighteenth centuries.

Conclusion

This chapter has sought to recover women's lives from the archive, as they have been the victims of erroneous cataloguing that has masked them behind the estates of their husbands. A thorough investigation of the probate rolls in the Court of Orphans' records reveals 90 women's estates, almost triple those identifiable on the LMA's collections catalogue. This chapter has also demonstrated how it is not enough to recover women's probate rolls from the Court of Orphans, they must also be analysed and understood within the administrative context in which they were produced. While probate inventories and accounts can tell us a lot about the wider social, economic, and material lives of widows living in the City in this period, by considering them within the context of the Court of Orphans' administrative process and records this created, we can learn more about widows' lives both inside and outside the Court and the ways they navigated this 'new chapter' in their life. 155

Scholarship on widows and probate rolls has focused on widows' use of credit, as B.A. Holderness has done, on widows and remarriage as they have been used by Barbara Todd or in Peter Earle's work, on women and business. This chapter has

¹⁵⁵ Stretton, Women Waging Law, 112.

¹⁵⁶ B.A. Holderness, 'Widows in Pre-Industrial Society: an Essay upon their Economic Functions,' in *Land, Kinship and Life-Cycle*, ed. Robert M. Smith (Cambridge University Press, 1984); Todd, 'The Remarrying Widow'; Earle, *The Making of the English Middle Class*.

offered an alternative way of using these rolls, arguing that more can be gained from them by using them holistically, making use of all the categories within them and by linking both the personal and professional details of these women's lives. By using them in conjunction with other sources from the Court, along with wills and apprenticeship records, we can gain a more dynamic understanding of the women who used the Court of Orphans

It is possible to identify women as rentiers, traders, and moneylenders, but also how they managed these roles alongside responsibilities as executors or administrators, guardians, and financial managers. They paint a complex picture of women's social and economic lives, with various responsibilities to their spouse, their children, and the Court. These probate rolls also provide a good introduction for the middling sort women that this thesis discusses in detail over the next three chapters. Many of the women mentioned here, such as Anne Deacon, are discussed in more detail in the next chapter and their probate inventories serve to provide an insight into their wider lives.

By embedding these inventories back in the process of the Court of Orphans, we can gain a well-rounded picture of the women who engaged with the Court. Rather than simply identifying Prudence Wood as a successful businesswoman by using her inventory, by considering this alongside her will and other biographical sources, we can see how this was underpinned by an extensive network of family and friends with money, trade and marriage linking them together. Similarly, rather than simply identifying Mary Kellet as the owner of a tavern, we can see how she enriched the business during her lifetime, increasing its stock and its staff. Beyond this, we can begin to see how women fit into wider networks, such as business-family networks, as business passed from husband, to wife, to child; into trade networks that saw wives take over their spouse's trade and apprentice their own children and even the

beginning of colonial networks, as children of successful business and entrepreneurial households took on important roles in the East India Company throughout the eighteenth century.

The research in this chapter on women's probate rolls from the Court of Orphans only scratched the surface of the potential they have for scholars interested in the social, economic, and material lives of women in early modern London. Further research on this material needs to focus on the thousands of inter-personal debts owed by and to these women and listed in their inventories and accounts. Network analysis of the thousands of names would allow for more horizontal links to be drawn between the members of London's business community. Similarly, close attention to the qualitative descriptions that accompany the lists of credits and debts, such as information about interest charged and credit instruments used would also allow for more quantitative conclusions about London widows' use of credit and would extend conclusions made by B.A. Holderness and Judith Spicksley.¹⁵⁷ The rare opportunity to access a good sample of estate information relating to both a husband and a wife also provides the opportunity for an extensive investigation into how an estate changed as it moved from the control of a married couple to the hands of a sole widow. This material needs far more scholarly attention as it provides a lens into the social and economic lives of London's widows in the seventeenth and eighteenth century that many other sources are unable to do in such detail.

¹⁵⁷ Holderness, 'Widows in Pre-Industrial Society'; Spicksley, 'Fly with a Duck in Thy Mouth.'

Chapter Four

Identifying Women's Financial Roles in the Court of Orphans using Administrative Record Linkage, 1660-1694

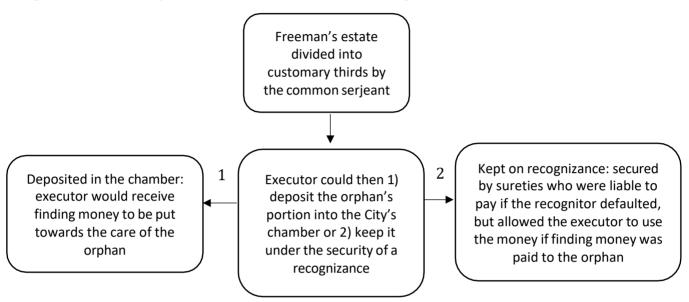
Introduction

The Court of Orphans was underpinned by a range of financial mechanisms that ensured the safety of both an orphan and their portion. After the testator's probate inventory had been presented to and examined by the common serjeant, the executor then had two months to return to the Guildhall with either the orphan's portion or sureties. As with many of the obligations of the Court, this task was often undertaken by women, who were named as the executor or administrator of their spouse's estate and as guardian to their now fatherless children. As executors had a choice over what to do with the orphan's portion, it is here that we see a divergence in the Court's administrative process and the records it created. As shown in figure 4.1, executors could choose from one of two options.

As discussed in chapter one, they could first choose to deposit the orphan's inheritance into the City's chamber. This was a form of public investment that could be held long-term and which, at the beginning of this period, was considered a safe option. Though as we will see in the last chapter, trust in the City's financial management greatly diminished in the second half of the seventeenth century. In return for this investment, executors could collect interest from the chamberlain known as finding money set at 4% and which could be used to maintain the orphan during their minority.

While this chapter focuses on orphan deposits, it is important to note that others could also invest in the chamber.¹

Figure 4.1: Flow chart showing the two options available to an executor after a probate inventory was exhibited in the Court of Orphans.



The second option available to an executor was to keep the money on a bond known as a recognizance. For this, they would need to find guarantors, known as sureties, who would be liable to pay back the money if the recognitor defaulted and was unable to pay the orphan their portion when they reached maturity. In return for this source of private credit, the executor had to pay the orphan finding money, which again could be used to maintain the orphan. Whatever option the guardian picked, as soon as the orphan reached maturity, the inheritance and any finding money in arrears was paid to the orphan and they were acknowledged as satisfied and, in practice, left the Court's jurisdiction.

¹ This is discussed in more detail in chapter six.

Of course, there were likely several factors that determined whether an executor withdrew or deposited the money. Indeed, Carlton has pointed out that 'once an executor had paid the money into the chamber, his responsibilities were over. Some might do so if they were old and the orphans young, or if they had no great interest in the orphan's future, or if they simply wished to save themselves the trouble.' He goes on to say that 'the interest the court offered on inheritances might also influence an executor's decision, as might the current market rate, which might be high enough to enable him to re-lend the inheritance at profit.' Of course it is difficult to know for certain what motivated an executor, or if they were re-lending an orphan's portion, but as the previous chapter showed, widows were involved in a range of financial management and investment strategies, so Carlton's suggestion is plausible.

Whether the executor needed the money was also an important factor when making this decision, as was the ability to find sureties. A petition submitted in the autumn of 1676 by Elizabeth Darling states that her husband's estate was made up of rental income and because of this, she was incapable of paying the £288 portion belonging to her orphans into the City's chamber. She goes on to say that they being good rents', she did not want to sell the houses and 'nor [does she have] any friends to become bound for the s[ai]d' money and so asked the Court if she would be able to use the leases as security instead. By 1680, Elizabeth Darling had brought in two probate accounts for her husband's estate, but it is not clear if the Court granted her request. Not only could an estate's liquidity influence this decision, but also whether an executor was able to find people who were willing to stand as sureties.

² Charles Carlton, *The Court of Orphans* (Leicester: Leicester University Press, 1974), 51.

³ Ihid

⁴ LMA, COL/05/02/001, D; for the corresponding repertory entry see: LMA, COL/CA/01/01/086, fol. 27.

⁵ Ibid.

These two choices and the records they created tell us two different things. In the case of the recognizances, they tell us who was making use of the Court as a source of private credit, and the people who stood as sureties and who were pulled into these financial and social obligations. Or, as Patrick Wallis has done, we can use the recognizances as evidence of social capital and the networks of London's guild members. 6 In the case of deposits into the City's chamber, we can identify executors and guardians returning to the Court year-on-year to collect finding money and see how investments in public credit were managed over time. Evidence of these deposits, collections and bonds cannot be solely found in the Court of Orphans' records. As this thesis has already shown, documents that recorded the administration of orphan estates were scattered across multiple records in the Corporation, showing how 'orphan business' permeated all parts of the City's civic administration. In fact, information relating to Court of Orphans' finance, whether in the chamber or out on recognizance, can be found in the journals of the Common Council, the repertories of the Court of Aldermen, various records in the Chamberlain's Department and in both the common serjeant's books and recognizance volumes of the Court of Orphans record series in the LMA. As discussed in chapter one, this emphasises the difficulty in defining the Court of Orphans and the place it had within the Corporation and that by the mid-seventeenth century, the Court's existence came about as a result of specific administrative processes and record-keeping practices.

Court of Orphans recognizances and chamber deposits generated many records.

Understanding the financial mechanisms that underpinned the quotidian practices of the Court therefore means linking together and analysing multiple record series and

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⁶ Patrick Wallis, 'Guild Society: Social Capital and Guilds in Early Modern England' (conference paper, Economic History Society Annual Conference 2021, University of Warwick, online, 6-9 April, 2021).

cross-referencing them to see the flow of information between manuscripts and jurisdictions. This allows us to understand the textual and administrative relationship between these records, but also identify the full scope of women's activity within the Court, and the networks they were involved in.

This chapter argues that each stage of this process left a mark on the record, with each reference telling us about the activities and roles of women in the Court of Orphans. By using what has here been termed 'administrative record linkage', this chapter pieces together these references to reconstruct the administrative and financial lives of women who engaged with the processes of the Court.⁷ It will show that it is only by using this methodology, by piecing together references scattered across multiple financial records, that we can see women's active role as financial managers, investors, recognitors and sureties. References to women dominate the Court's financial records and show that they were making repeat trips to the Guildhall, important financial decisions, and were actively involved in managing money. The methodology deployed in this chapter works to show how individual women manoeuvred the Court's administrative process, made important financial and administrative decisions, and how we must use knowledge of the Court's financial mechanisms to extract this information from the records.

This chapter is divided into two sections; the first focuses on the recognizance volumes found in the Court of Orphans record series in the LMA, which recorded the bonds entered into by recognitors and sureties to secure the portions of a testator's orphans.⁸ This money could then be held by the guardian of the orphan until they came

⁷ Record linkage was pioneered by the Cambridge Group for the History of Population and Social Structure (CAMPOP).

⁸ LMA, CLA/002/05.

of age and used by them during the orphan's minority. The second section of this chapter focuses on records found in the 'Chamberlain's Department: orphans' accounts, payments to orphans' record series in the LMA. Various records in this series relate to money held in the chamber, including the portions that were deposited and withdrawn and interest paid out to orphans and their guardians. The two sections of this chapter represent the two financial choices (shown in figure 4.1) available to an executor when deciding what to do with an orphan's portion, as well as the sources of credit they could provide.

The first section begins with a discussion of quantitative data that can be extracted from the recognizance volumes, specifically the large number of women involved in recognizances between 1660 and 1694. It then argues for the importance of using administrative record linkage to identify the activities of women and demonstrates this by focusing on three widows and their role as recognitors. The second section continues this methodology to show how one of these three widows made use of both the financial mechanisms offered by the Court and, by using a range of Chamberlain's Department records, focuses on a further three women who deposited money in the chamber. This chapter ultimately aims to answer the question: what can we learn about women's financial roles in the Court of Orphans by using administrative record linkage?

It argues that it is only by using the Court's material in this way that we can see women as confident financial managers, engaging with the Court's mechanisms year after year and making financial decisions on behalf of themselves and their children. Indeed, it is only with a focus on a small number of women over a short period of time

⁹ LMA, COL/CHD/OA/01.

that it is possible for this chapter to provide in-depth, specific details, given the number of financial records relating to orphan matters in the LMA. This highlights the importance of understanding this material in the context of the Court and that it is only by using administrative record linkage that we can gain a full understanding of women's active financial role in the Court of Orphans.

Very little has been written about the financial records that relate to orphan matters in the Corporation of London. The historiographical focus on the Corporation's sixteenth-and-early-seventeenth-century records means that records such as the recognizance books and the orphan accounts after the Great Fire in 1666 have been somewhat neglected. Piers Cain's article on Robert Smith's reforms of the archive of the City of London does a good job at highlighting the anxieties of the City about the archiving, organisation and security of their records, but these reforms only calendared orphan matters in the repertories and did not extend beyond Smith's death in 1623. ¹⁰ Betty R. Masters, the former Deputy Keeper of Records of the now defunct Corporation of London Record Office, has written on the chamber accounts from the sixteenth century. Providing an introduction and guide to these records, her discussion on orphan estates focuses only on how these were recorded in the City's cash accounts and does not consider orphan recognizances. ¹¹

Even Charles Carlton spends little time focusing on either the recognizances or chamber deposits beyond the administrative function that they served in the Court's process. While mentioning that executors could pay money into the chamber, he says nothing about the hundreds of entries in the acquittance books showing finding money

 10 Piers Cain, 'Robert Smith and the Reform of the Archives of the City of London, 1580-1623,' *The London Journal* 13, no. 1 (1987): 3-16.

¹¹ Betty R. Masters ed., 'Chamber Accounts of the Sixteenth Century,' London Record Society20 (1984).

being collected from the chamberlain. Similarly, he briefly concludes that of the 35 recognizances first issued in 1572-3, in at least eight, one surety was a widow. 12 He concludes that at least half of them were being guaranteed by relatives and friends but does not extend this analysis any further. 13 Writing a decade before Carlton, John R. Kellett thinks beyond the Court's financial functions, to consider the records that they created. He notes the rich detail the Court's financial records provide, showing regular finding money collections by those in need, the marriages of female orphans as their husbands came to collect money, and money given out for apprenticeships. 14 Despite these observations, nearly 60 years later there has been little investigation into the Court's financial records and what they can tell us about people's interactions with the Court. More specifically, they have never been used as a way for us to learn more about women's engagement with these administrative and financial procedures.

The financial records of the Court have also been used outside of the administrative context in which they were created. Most recently, Patrick Wallis and a team of researchers at UCL and Manchester have conducted a long-run investigation using the orphan recognizances in the journals of the Common Council from the fourteenth to the seventeenth century to investigate social capital in London's guilds. These bonds show the recognitors and sureties who came to the Court to secure an orphan's portion, and the value of the portion itself. While this research has yet to be published, it was presented at the Annual Conference of the Economic History Society in April 2021. It argues that across the period, these bonds were less likely to be made

¹² Carlton, The Court of Orphans, 53.

¹³ Ihid

¹⁴ John.R. Kellett, 'The Financial Crisis of the Corporation of London and the Orphans' Act, 1694.' *The Guildhall Miscellany* 2, no. 5 (1963): 225-226.

¹⁵ Patrick Wallis, 'Guild Society: Social Capital and Guilds in Early Modern England' (conference paper, Economic History Society Annual Conference 2021, University of Warwick, online, 6-9 April, 2021); researchers

up of people from the same guild and that the networks of people within them became more diverse, including the increasing inclusion of women. ¹⁶ It also summarises that over time, networks in these bonds became more reliant on kinship, but that guild and kinship ties overlapped with those of place, which Wallis terms 'multiplex ties.' ¹⁷

This wide-scope and long-run investigation demonstrates the value of Court of Orphan records and what they can tell us about the social, economic, and spatial lives of London's citizens in the medieval and early modern period. These bonds provide a snapshot look at the networks that bound Londoners together and the role of personal relationships, communities, and institutions in pulling citizens into mutual obligations. In fact, no other material allows scholars the opportunity to look at networks across multiple guilds, spatial boundaries of parish and street, gender, and time period within London's middling urban population in such depth.

While invaluable in its conclusions, an investigation of this type has limitations. It extracts information from these records without contextualising them within the Corporation's administrative process. It does not have the scope to identify the individuals within these recognizances, who they were, or how they related to an estate. As it looks at social capital within London's guilds, it also focuses on the networks of men, as only men's guild membership is listed. This is important as Laura Gowing has argued that 'the paperwork of apprenticeship reflect[ed] the impulse, apparent across London's livery companies as in guilds everywhere, to celebrate male artisanship and repress the place of women.' This conclusion can be extended to more than just

on the project include Ammaarah Adam, Raphael Ades, William Banks, Canbeck Benning, Gwyneth Grant, Harry Forster-Brass, Joe Miller, Daniel Phelan, Seb Randazzo, Owen McGiveron, Matthew Reilly, Michael Scott, Sebastian Serban, Carys Stockton and Patrick Wallis.

¹⁶ Ibid.

¹⁷ Ihid

¹⁸ Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth-Century London* (Cambridge: Cambridge University Press, 2022), 8.

records of apprenticeship. It speaks to the way that the Corporation and City companies categorised the men and women who inhabited the City in its records. While men are always listed in the recognizances according to their professional and civic status, women are only ever referred to according to their marital status. This chapter therefore argues that by using a different methodological approach we can nuance Wallis' conclusions; to learn more about the role of women, we need to understand the administrative context of these records, use a different methodology and ask different questions of this material. By doing this, we can see these recognizances as the networks of spousal couples, not just the husband, as they were made up of their wider kin, community, and colleagues.

In doing this, we need to acknowledge that textual relationships and archival structures are essential to research using the Court's financial records. Alexandra Walsham has argued that the phrase 'record keeping' had more than one meaning in the early modern period, denoting not only the practice of record creation, but also 'watching, guarding, saving and preserving' the records and that contemporary investigations 'are interested as much in process as in end-product.' We can see the relevance of this in the Corporation's records, and especially the ones that relate to orphan business, as it is not just the records themselves that are important, but also the way they were edited, archived and preserved. It was the complex record-keeping process of the Corporation that created the body of orphan records which brought the Court of Orphans into existence. But this process, as highlighted by Caroline Barron and

¹⁹ Alexandra Walsham, 'The Social History of the Archive: Record-Keeping in Early Modern Europe,' in The Social History of the Archive: Record-Keeping in Early Modern Europe ed. Liesbeth Corens, Kate Peters and Alexandra Walsham, *Past and Present*, supplement 11 (2016): 17.

Claire A. Martin, left 'silences.'²⁰ It is only by interrogating the archival structure and the record-keeping practices of the Corporation, that this chapter has been able to identify women's financial activities in the Court of Orphans. By using administrative record linkage to identify references to women scattered across various volumes, the aim of this chapter is to fill in the gaps left by the Corporation's archival process and demonstrate how the activities of women can be identified when we consider both the text *and* the textual process.

Indeed, Laura Gowing has shown in her recent book *Ingenious Trade* the value of taking a holistic approach when trying to understand women and their interactions with the Corporation of London. When discussing female apprentices, she argues that 'glimpses of apprentices' lives come from a variety of records which leave only basic details, but there are enough to put together a rich profile.'²¹ She goes on to say that guild records, tax listings, wills and indentures can all be used to understand women's economic and social lives, and the networks they were involved in.²² This chapter argues that a methodology that utilises both records from within and beyond the Corporation is key to identifying traces of women's lives in the Court.

Lastly, this chapter also considers the importance of scholarship on wills and will-making in early modern England. Wills not only provide more information about women's lives, but they also tell us about the networks of people they were involved in, through the beneficiaries and witnesses they named. Will-witnessing has been used by scholars to reconstruct the networks of both religious and economic groups and shows that 'testators generally selected their witnesses quite deliberately, basing their choices

²⁰ Caroline M. Barron and Claire A. Martin, 'Mothers and Orphans in Fourteenth-Century London,' in *Motherhood, Religion and Society in Medieval Europe, 400-1400*, ed. Lesley Smith and Conrad Leyser (London: Routledge, 2016), 289.

²¹ Gowing, *Ingenious Trade*, 7.

²² Ibid, 7.

upon personal friendship and social respect.'²³ Putting this into the context of women's wills, then, the people that women were listed alongside in recognizances need to be mapped, where possible, with the witnesses named in their wills, to see if these networks overlapped. It is only by using this type of administrative record linkage that we can learn more about the financial and administrative lives of these women and the networks they were involved in.

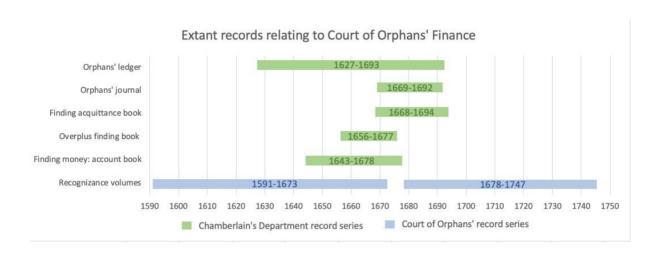
The documents that contain financial information about the estates processed by the Court of Orphans span over 150 years, from as early as the 1590s and continuing until the 1740s and this is shown in figure 4.2. All the records surviving from the Chamberlain's Department relate specifically to the mid-to-late seventeenth century, likely because most of the records before this date were destroyed during the Great Fire.²⁴ This is not the case for the recognizance volumes, which survive across the whole period from 1591 to 1747 with only five years missing between 1673 and 1678. The fact that recognizance volumes survived the Great Fire suggests that they were stored somewhere separate to the Chamberlain's Department records. As all the records relating to Court of Orphan finance all span different years, there are just four years from which data can be found from all records, between 1669 and 1673.

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²³ Christopher Marsh, 'In the Name of God? Will-making and Faith in Early Modern England,' in *The Records of the Nation* edited by G.H. Martin and Peter Spufford (Woodbridge: Boydell Press for the British Record Society, 1990): 233; for examples of witnesses in wills being used to investigate the relationship between family members of different social and economic standing see: Margaret Spufford and Motoyasu Takahashi, 'Families, Will Witnesses, and Economic Structure in the Fens and on the Chalk: Sixteenth-and-Seventeenth-Century Willingham and Chippenham,' *Albion: A Quarterly Journal Concerned with British Studies* 28, no. 3 (1996): 379-414; for the witnesses named in women's wills see: Carmel Biggs, 'Women, Kinship, and Inheritance: Northamptonshire 1543-1709,' *Journal of Family History* 32, no. 2 (2007): 107-132.

²⁴ The bookhouse of the Guildhall was not damaged by the Great Fire, so it is unclear why so many records from before this date do not survive. This suggests that many of the City's records were stored elsewhere in the Guildhall or in the houses of City officials.

Figure 4.2: Existing records containing information about Court of Orphans' finance in both the Chamberlain's Department and Court of Orphans' record series in the LMA.



This chapter is focused on the period 1660 to 1694 as not only do more records survive from this period, but this is also when the Court was at its busiest. It also means that many of the estates that have been included in previous chapters can be discussed further here. As many of the Court's financial functions ceased after the *Act for Relief of the Orphans* was passed in 1694, this chapter therefore focuses on the last 30 years of the Court as an important financial institution in the City. To look at all records that survive from this period would be too wide in scope as this would include extracting full or partial data from some 36 volumes. Similarly, to focus on just the four-year period in which all the records overlap is too narrow in scope.

Therefore, a selection of volumes has been chosen from across the period and these can be seen in table 4.1. The overplus finding book and the orphans' ledger have both been excluded from this chapter as they contain either irrelevant or repeat data that can be found in other volumes.²⁵ Similarly, while the repertories of the Court of Aldermen and the journals of the Common Council will be referenced to provide

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²⁵ LMA, COL/CHD/OA/01/003, 035-040.

context, the financial information they contain is largely a repeat of data that can be found in the recognizance volumes, so they have not been used in any quantitative analysis.

Table 4.1: Records used in chapter four

Record series	Record name	Reference in LMA	No. of volumes	Date range
Chamberlain's Department	Finding money account book	COL/CHD/OA/01/002	1	1661-1678
Chamberlain's Department	Finding acquittance book	COL/CHD/OA/O1/011- 015	5	1675-1680
Chamberlain's Department	Orphans' journal	COL/CHD/OA/01/01/033	1	1678-1692
Court of Orphans	Recognizance volumes	CLA/002/05/008, 010	2	1660-1694

Even focusing on these nine volumes provides a large amount of data. As such, while quantitative analysis has been used, this chapter will primarily use qualitative methods, namely administrative record linkage. This methodology pulls together a range of these financial and administrative records to draw a full picture of how women were involved with the Court's financial mechanisms, which quantitative methods alone cannot do. It is only by taking the time to cross-reference these records and find traces of women's lives, is it possible to understand and locate the role of women in the Court. Individually, these volumes tell us about one stage of the Court's procedures, but by using data from a range of volumes and tracing one woman's involvement with the Court over several years, it is possible to learn more about how all these stages worked together.

However, this methodology has limitations. The detail needed to gain a full picture of these women's lives within the Court is time consuming and means that this methodology can only be used to identify a small selection of women. This is in direct contrast with the investigation by Patrick Wallis and his research team, which focuses

on hundreds of estates and means the research shown here is not able to identify trends over time. The methodology used in this chapter is reliant on the existence of baptism, marriage, death, and apprenticeship records, as well as on wills and records from the Corporation. Alexandra Shepard has argued that the 'social composition' of women in court records 'can only be recovered through painstaking record linkage undertaken in the context of local study.' However, the Court of Orphans is unique in the rich sources it provides about the activities of women. The ubiquity of material that relates to middling status Londoners in the Court's records makes administrative record linkage an effective methodology that allows us to successfully access the activities of women.

The Corporation of London's entire administrative process for orphan estates was organised under the name of the deceased freeman. The recognizance volumes, common serjeant's books and repertories were organised so that orphan matters could be identified by the freeman whose estate was being processed. This means that the organisation of these records centres around men and therefore works to highlight them in the records. Though it may have been women bringing in documents or money, or who were named as executors or guardians, we must look past the deceased male testator to find women involved in the Court year after year. So, the methodology employed here must be thorough, working with, rather than against the administrative organisation of these records. By identifying specific orphan estates and looking through years of material, it is possible to find the women active in the Court and who were responsible for doing many of the administrative tasks for estates in the Court of Orphans.

²⁶ Alexandra Shepard, 'Worthless Witnesses? Marginal Voices and Women's Legal Agency in Early Modern England,' *Journal of British Studies* 58 (2019): 719-720.

Questions used to guide this research include: who was the testator's executor? Who was the guardian of his orphans? Who was bringing inheritance money to the Guildhall? Who was collecting finding money? How often were they doing this? Who was signing documents? Who was acting as recognitor and surety for a recognizance? In many cases, it was a testator's widow or another female relative who were doing these tasks and it is only by building up a picture of their activities in the Court of Orphans that we can understand the full scope of women's roles. The records that the Court created are not a clear reflection of how the Court worked and, as the next section will show, there was not a straight line between procedure and record. Instead, the Court's administrative process created a complex web of records across the Corporation. It is only by analysing these records as a whole and knitting together the information that can be found in them that we can learn about the roles of women in the Court of Orphans in the seventeenth century.

Part one: Recognizances

There are 12 recognizance volumes in the Court of Orphans record series in the LMA from between 1591 and 1747. These are not completely chronological, however, and there are overlaps and gaps between these volumes. Two of these recognizance volumes have been used for analysis in this chapter; volume 8 (1649-1673) and volume 10 (1678-1745). As the focus for this chapter is the years 1660 to 1694, only data from between these years has been extracted from these two volumes. As shown in figure 4.2, there is a five-year gap in these records between the years 1673 and 1678 and this data is not in any of the other volumes. It is not clear where this data was recorded and why

this has not survived. Oddly, the volume between the two used here, volume 9, is from 1651-1657 and so has not been used in this chapter.²⁷

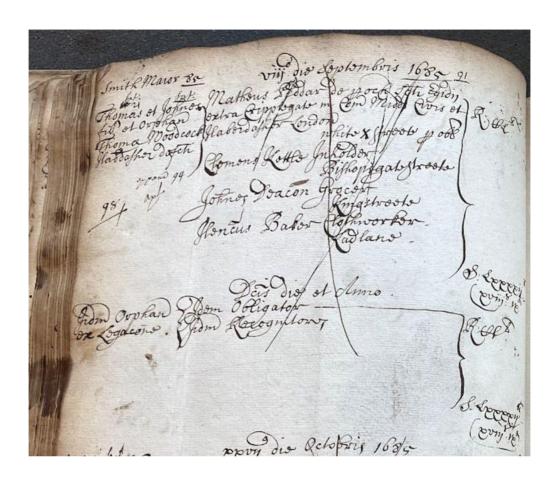
As mentioned above, recognizance information appears in various records from across the Corporation's archives and it is important to pause here and focus specifically on what information was recorded in each of these volumes and what the administrative relationship was between them. To do this, the recognizance entry relating to the estate of Thomas Woodcock has been used as a case study. Thomas Woodcock, a haberdasher from St Giles-without-Cripplegate, died in December 1684 and an inventory of his estate was exhibited in the Court of Orphans in May 1685.²⁸ In September of that year, a recognizance was entered into to secure the portions of his two orphans Thomas and John. This was recorded in recognizance volume 10, shown in figure 4.3.

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²⁷ It is quite likely that these volumes were numbered in the twentieth century when many of the Court of Orphans' records were organised and catalogued in the Corporation of London Record Office.

²⁸ For Thomas Woodcock's will see: TNA, PROB 11/378/392; for the inventory of his estate see: LMA, CLA/002/02/01/1987; for the corresponding common serjeant's book entry see: LMA, CLA/002/01/004, fol. 224-224b, 313.

Figure 4.3: Entry in recognizance volume 10 for the portions of Thomas and John Woodcock, orphans of the haberdasher Thomas Woodcock.²⁹



In the left column we see the names of Thomas and John and a note that they are the orphans of Thomas Woodcock a haberdasher who is now deceased. In the middle column we see the date of the entry, 8th September 1685, followed by the name of the recognitor who is listed first, in this case Matthew Peddar from the parish of St Giles-Without-Cripplegate in the county of Middlesex, a citizen and haberdasher who lived on Whitecross Street. Under this we see the three sureties: Thomas Kettle an innholder of Bishopsgate Street, John Deacon a grocer of Kings Street and Henry Baker a clothworker of Lad Lane. In the right-hand column, an 'r' next to the recognitor's name denotes the

²⁹ LMA, CLA/002/05/010, fol. 33b.

³⁰ Incidentally, a Matthew Peddar was also the name of one of the appraisers of the estate of widow Prudence Wood, who was discussed in the last chapter, see: LMA, CLA/002/02/01/1631.

value of the recognizance, set at £150. Below this, an 's' denotes the surety amount, set at £92 18s 9d. The surety amount was the value of the portion itself, with an inflated price set for the recognizance amount to discourage the recognitor from defaulting and to punish them financially if they did. As the value of a single recognizance could only be up to £300, multiple recognizances were entered for the same portion and a second recognizance can be seen below the first for the same amount. The total money secured by the recognizance was just over £185 for both Thomas and John, but this was only some of the money owed to them, as the common serjeant's book notes more money. 31

The difference between the portion amount and the amount the recognitor was liable for was not a set rate. Instead, Carlton has shown that in 1572-3 it was on average about 20.6% and 30.8% in 1662-3.32 The recognizance amount for the orphans of the Woodcock estate in 1685 is extraordinarily high, at just over 60% and it is not immediately clear why this is the case. For context, the entry immediately following this for the Clarke estate has two recognizances inflated from the inheritance amount by 33% and 50% respectively.33 Carlton has suggested that this inflation may have been 'a crude form of credit rating', with the varying amounts set depending on the people involved.34 This theory suggests a degree of sophistication in the Court's procedure. However, by the time the Woodcock estate was being processed by the Court, the City was in financial crisis. It had stopped accepting portions into the City's chamber in 1682 and had reduced its interest rates from 4% to 2.5% in 1684. It is likely that the inflated values of recognizances from 1685 were implemented by the City following changes to its procedures as an attempt to provide an extra layer of security for

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³¹ LMA, CLA/002/01/04, fol. 313-313b; John was left £177, and Thomas was left £251.

³² Carlton, *Court of Orphans*, 52.

³³ LMA, CLA/002/05/010, fol. 33b.

³⁴ Carlton, Court of Orphans, 52.

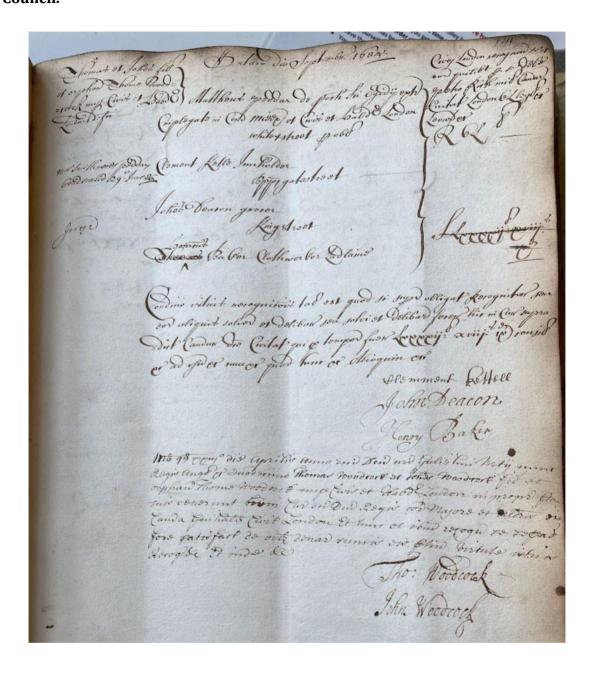
orphans' portions as the Court was no longer able to do so by storing them in the City's chamber.

We can also find the Woodcock recognizance in the journals of the Common Council, shown in figure 4.4 and figure 4.5. This is largely a repeat of what can be found in the recognizance volumes, such as names of the recognitor and sureties, the portion and recognizance amount and the names of the orphans to whom the portion belonged. What is present here that is not elsewhere, however, are the signatures of the three sureties. This indicates that the journal entry was the original record of the recognizance and the recognitor and sureties would have been required to come to the Guildhall for this.³⁵ From this, it seems the recognizance volume entries were copied up from the journals at a later stage and by a different clerk within the Guildhall, as evidenced by the distinctly different hand. Indeed, the five-year gap in the recognizance volumes between 1673 and 1678 (shown in figure 4.2) almost exactly corresponds with the date range of journal 48, making it even more likely the recognizance volumes were copied out directly from the journals.³⁶

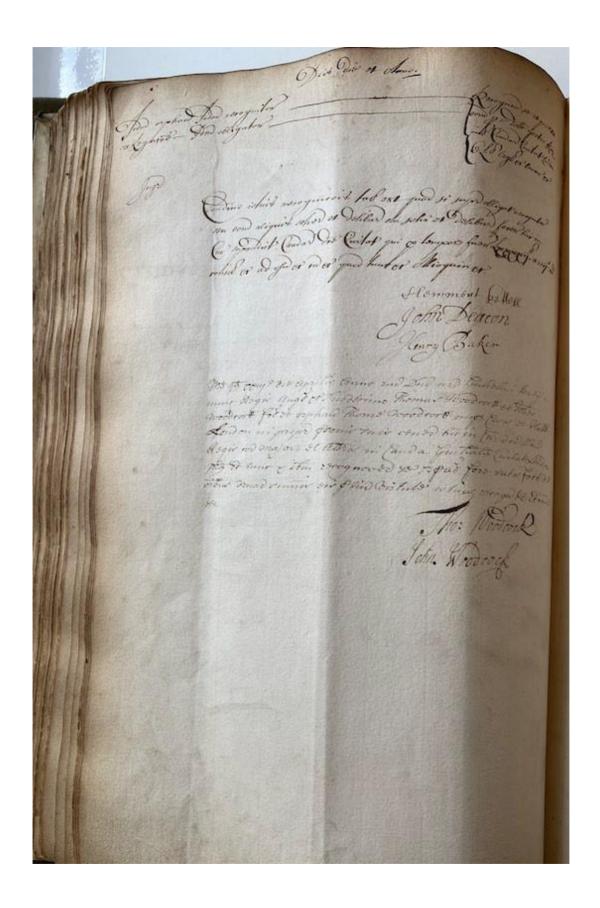
³⁵ The legal relationship between the recognizances in the recognizance volumes and in the journals is discussed in chapter one.

³⁶ LMA, COL/CC/01/01/046; journal 48 dates from December 1673 to October 1678 and the five-year gap in the recognizance volumes is between October 1673 and December 1678.

Figure 4.4 and 4.5: Entry for the Woodcock estate in the journals of the Common Council. 37

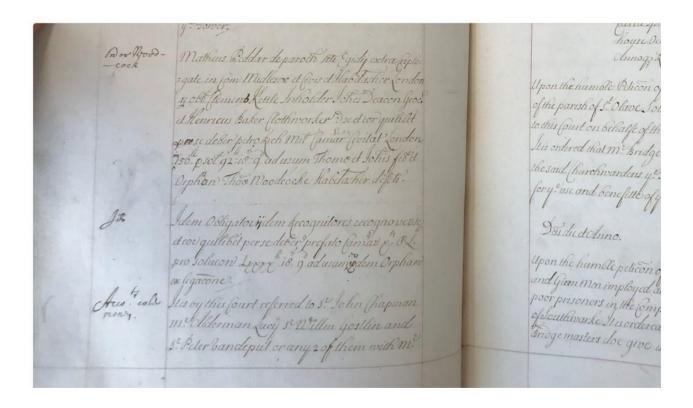


³⁷ LMA, COL/CC/01/01/48, fol. 141-141b.



These recognizance records also ended up in the repertories of the Court of Aldermen and we can find an entry relating to the Woodcock orphans again shown in figure 4.6. Instead of the bond itself, the repertory contains a Latin recognizance noting that Peddar, Kettle, Deacon and Baker were liable for the portions of the Woodcock orphans and bound to Sir Peter Rich, the City's chamberlain.³⁸ This hand differs from both the entries in the recognizance volumes and in the Common Council journals, demonstrating how orphans' business permeated various parts of the Corporation and involved clerks and records across the City's administrative structure.

Figure 4.6: Latin bond for the Woodcock estate in the repertories of the Court of Aldermen. $^{\rm 39}$

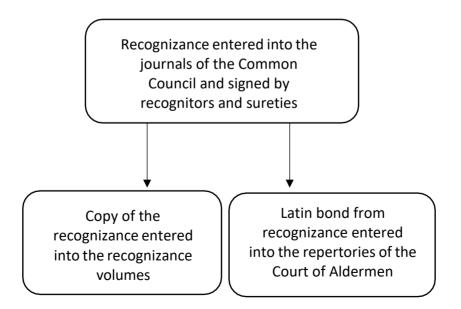


³⁸ Ibid.

³⁹ LMA, COL/CA/01/01/094, fol. 125b.

It is not immediately clear how this information was transferred to the repertories. It is possible that while in the Guildhall to sign the journals, recognitors and sureties also visited the Court of Aldermen and verbally acknowledged their bond to the chamberlain. It is also possible that notes were sent between the City's executive and legislative bodies to share orphan business that involved the other court with clerks copying this information up at a later stage. What this reveals is that multiple officers and clerks in the Corporation were involved in administering the Court of Orphans and that there was a complex textual or verbal relationship between the two branches of the City's governing body. It also shows the intentional efforts put into creating Court of Orphans' records like the recognizance volumes, as information was consciously and purposely copied up into separate volumes, probably because of restrictions on who had access to both the journals and the repertories.⁴⁰

Figure 4.7: Flow chart showing how recognizance information was transferred from the journals to the recognizance volumes and repertories.



⁴⁰ Cain, 'Robert Smith and the Reform of the Archives of the City of London,' 7.

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These textual and administrative relationships also allow us to reflect on the nature of Corporation record production. While the date of the journal entries reflects the date that the recognitors and sureties came to the Guildhall, entered into the bond and signed their name, it is not possible to tell if the dates in either the repertories or recognizance volumes reflect when this information was copied up. If the copying up of Corporation records was allowed to fall into arrears—like the repertories in 1570— it is possible the dates in the recognizance volumes reflect the date of the original bond in the journals, suggesting we must be cautious when trying to understand the relationship between court procedure and record production.⁴¹ That is, we cannot always reconstruct court practice using court records, as methods of record production work to obscure our view of court procedure.

I. Whole sample analysis

Using the recognizance volumes, then, to look at the years between 1660 and 1694, we can identify 745 separate recognizance transactions. Multiple entries, as we saw in the example of the Woodcock estate where two separate recognizances were entered for the same estate, have only been counted as one transaction. This is because the information all relates to one estate and the recognitors and sureties remained the same for each separate recognizance. Although, this does not mean that all the recognizances that relate to the same estate have been excluded from this data. For example, the recognizance for the portions of John, Thomas, Anne and Mary Cook—the orphans of John Cook—was originally entered into recognizance volume 8 in April 1670.42 The elder John Cook's widow, Anne, was the recognitor, with Hercules

⁴¹ Ibid, 6.

⁴² LMA, CLA/002/05/08, fol. 261b.

Commander, Henry Burnby, Edward Woodward and John Cook as sureties. The latter John Cook was only added to the recognizance in 1679, as indicated by a small note.⁴³

However, a recognizance for the portions of the four Cook orphans is also found over nine years later in December 1679 in recognizance volume 10.44 As shown in table 4.2, this recognizance has four of the same people, but with John Cooke as the recognitor and Anne Cook, Hercules Commander and Edward Woodward as the sureties. Missing from this recognizance is Henry Burnby and it seems safe to assume that this recognizance was redrawn because of his death. Amending and adding recognitors and sureties to existing recognizances seems to have been a common practice, as was crossing out those who were no longer bound for the portion. While in this case John Cook was added to the existing recognizance in 1679, Henry Burnby was not crossed out. Instead, a new recognizance was entered into recognizance volume 10, suggesting that there were at least some discrepancies in how these volumes were written, edited, and updated. As these recognizances provide different information and the roles of recognitor and surety changed, examples such as this one has been counted as separate recognizance transactions.

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⁴⁴ LMA, CLA/002/05/010, fol. 7b.

Table 4.2: The two recognizances for the portions of John, Thomas, Anne and Mary Cook, orphans of John Cook, a butcher.⁴⁵

	Recognizance volume 8 12 th April 1670	Recognizance volume 10 9 th December 1679
Recognitor	• Anne Cook, widow	John Cook, vintner
Sureties	Hercules Commander, scrivener	Anne Cook, widow
	Henry Burnby, butcher Edward Woodward, cook	 Hercules Commander, scrivener
	Edward Woodward, cookJohn Cook, vintner (added in 1679)	• Edward Woodward

In only three of these 745 transaction is a woman the testator, all the other entries concern money that relates to a man's estate. These women, Hannah Bathurst, Amy Springham and Anne Mayham Hill were all widows with at least one young orphan. We know that widows' inventories were processed by the Court of Orphans after their husbands had died leaving underage children and then they themselves had also died while their children were still minors. However, if the widow had been holding an orphans' portion when she died, then any future recognizances for the portion would still be under the husband's name. It seems likely that these three women had left a legacy to the orphan, on top of the money they would already be entitled to after their mother's death. All three entries have a 'legacor' or 'lega' notation, suggesting these relate to legacy amounts. 46

So, of these 745 transactions in the recognizance volumes between 1660 and 1694, in just three of them is a woman the testator. However, in 386 of these 745

⁴⁵ LMA, CLA/002/05/008, fol. 261b; CLA/002/05/010, 7b.

⁴⁶ LMA, CLA/002/05/08, fol. 243; LMA, CLA/002/05/010, fol. 64b-65.

recognizances, or 51.8%, a woman is listed as either a recognitor or as a surety or both. As shown in figure 4.8, this means that at least one woman's name can be found in over half of these recognizances. Furthermore, in 326, or 43.7% of these recognizances, a woman is listed as the recognitor, shown in figure 4.9. This means that in 43.7% of these recognizances, the person who was entered first on the bond and who would have most likely been responsible for holding the money, was a woman. In stark contrast to this, in nearly all cases only one woman is named on the recognizance and in only 16, or just over 2%, are at least two women listed as a recognitor or surety. This means that in nearly all cases, a woman was involved in a recognizance exclusively with other men.

Figure 4.8: Gender distribution in each recognizance

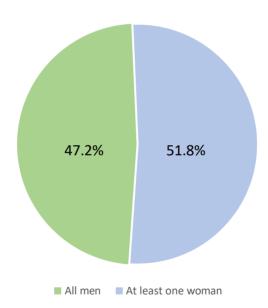
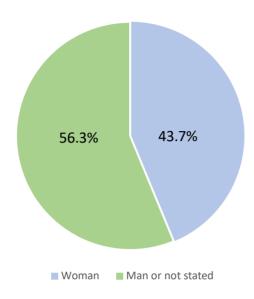


Figure 4.9: Gender distribution of recognitors



It is important to question why women were not turning to other women when it came to matters of finance and evidence from early modern wills helps contextualise this. Carmel Biggs when looking at Northamptonshire wills between 1543 and 1709, points out that of the 192 witnesses named in 73 women's wills, only 26 (13.5%) were women.⁴⁷ This suggests that not only were women predominantly calling on men to act as witnesses in their wills, but that the few women who were named as witnesses would have been doing so alongside men. The importance of witnesses in the will-making process has been discussed at length. Nigel Goose and Nesta Evans have highlighted that along with beneficiaries, kin named as witnesses are a 'powerful index of the depth and range of kinship bonds.'⁴⁸ Christopher Marsh has argued that while

⁴⁷ Biggs, 'Women, Kinship, and Inheritance: Northamptonshire 1543-1709,' 122-123.

⁴⁸ Nigel Goose and Nesta Evans, 'Wills as a Historical Source,' in *When Death Do us Part" Understanding and interpreting the Probate Records of Early Modern England*, ed. Tom Arkell, Nesta Evans and Nigel Goose (Oxford: Leopard Press, 2000), 64.

some witnesses were chosen because they happened to be passing, most of them were chosen deliberately because they were understood to be 'credible.' Similarly, Margaret Spufford and Motoyasu Takahasi have argued that 'will-witnessing was a significant and important activity frequently demonstrating kinship, friendship, or business or religious links.' The administrative and financial networks that people chose to be in overlapped with their personal, professional and local networks, but that these choices were often deliberate.

It is interesting that women were most likely to draw on their male kin, friends, neighbours, and business partners when choosing people to witness their wills and that this is also the case for the people they chose to be their financial partners in recognizances. Evidence of the beneficiaries named in women's wills, as well as those named as both debtors and creditors in probate inventories shows women's personal and professional networks could be far more diverse. What this does tell us, is that women were not only regularly involved in matters of estate finance and administration, but that they were often doing so alongside other men.

This data allows for a different perspective on these records. They relate almost entirely to the estates of men, often have two or three men listed in the recognizance itself and would have been written by male clerks in the Guildhall. Further inspection allows the reader of these volumes to identify the names of the orphans whose portion was being secured and that it was often the testator's widow who was noted first in the

⁴⁹ Marsh, 'In the Name of God?,' 233.

⁵⁰ Spufford and Takahasi, 'Families and Will Witnesses and Economic Structure,' 382.

⁵¹ For women as beneficiaries in women's wills see: Biggs, Women, Kinship, and Inheritance: Northamptonshire 1543-1709,' 114-116; Amy Louise Erickson, *Women and Property in Early Modern England* (London: Routledge, 1993), 212-215; Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (New York: Columbia University Press, 1988), 91-93; For women with other women as creditors or debtors in their probate inventories see: B.A. Holderness, 'Widows in Pre-Industrial Society: an Essay Upon they Economic Functions,' in *Land, Kinship and Life-Cycle*, ed. Richard M. Smith, 423-442 (Cambridge: Cambridge University Press, 1984).

recognizance itself. It is only with quantitative analysis, however, that we can see the full extent of women's presence. In nearly half of these entries, a woman would have been responsible for finding neighbours, friends or family who were willing to stand as guarantor for the bond, bringing these sureties to the Guildhall to sign the bond itself and then holding the money in question.

This is interesting in light of recent research into these records. Patrick Wallis' long-run investigation into these recognizances from the fourteenth to eighteenth centuries fails to come to this same conclusion. While he does acknowledge that women's involvement in recognizances increased over time, his overall conclusion is that there are not a lot of women. Of course, more men are found in these records than women, but when focusing specifically on evidence from the late seventeenth century, there are also a large number of women.

II. Administrative record linkage

While the whole sample analysis for the recognizances between these years reveals that women were integral to the Court's financial mechanisms, by cross-referencing these records together we can learn more about what this meant for individual women. That is, by using administrative record linkage we can learn more about these women, who they entered into bonds with, whether they were responsible for holding recognizance money and how they engaged with the Court and its mechanisms. The purpose of this thesis is to emphasise not only the importance of women in the administration of the Court, but also to show how reconstructing the financial and administrative lives of these women is crucial to understanding how

⁵² Patrick Wallis, 'Guild Society: Social Capital and Guilds in Early Modern England'.

⁵³ Ibid.

women interacted with and understood the Court of Orphans and administrative record linkage is key to this.

To return to Patrick Wallis' research: while his research tells us a lot about the declining importance of guilds in London's pre-modern economy, the approach is structured to prioritise the relations between guild members.⁵⁴ As women were defined by their marital status, rather than their profession, those with a guild affiliation in the recognizances are all men. As such, this assumes that guild membership was exclusive to men, which by the late seventeenth century, we know is not true.⁵⁵ Networks between guild members are undoubtedly an important feature in these recognizances, but this approach does not address the fact that these recognizances are not necessarily a reflection of just the testator's networks. Rather, they reflect the networks of the testator *and* the recognitor. It was the recognitor who would have been responsible for finding neighbours, kin, family, or colleagues who would agree to stand as a guarantor for the bond, meaning that their own personal relationships must also be reflected in these recognizances. As has already been shown, women acted as the recognitor in just over half of these recognizances and we must consider that these bonds can tell us a lot about spousal networks, the networks of both husband and wife and their joint relationships with kin, neighbours, and business partners.

Evidence of will witnesses has already shown that there was a close personal and professional relationship between testators and those they chose to involve in administrative obligations. When considering financial obligations, Craig Muldrew has argued for a cultural understanding of credit as a 'currency of reputation' underpinned

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⁵⁵ For women as mistresses and apprentices in London's guilds see: Laura Gowing, 'Girls on Forms: Apprenticing Young Women in Seventeenth-Century London,' *Journal of British Studies* vol 55, no. 3 (2016): 447-473; Laura Gowing, *Ingenious Women*; Amy Louise Erickson, 'Eleanor Mosley and Other Milliners in the City of London Companies, 1700-1750,' *History Workshop Journal* 71 (2011): 147-172.

by trust and existing in a moral economy in which competing and cooperating households exchanged.⁵⁶ In an attempt to nuance and complicate this understanding of creditworthiness and social relations, Alexandra Shepard has argued that while ethical relations were important, assessments of material worth were 'critical to the processes whereby credit and wider social standing [were] assessed.'⁵⁷ The financial obligations that recognitors pulled sureties into are evidence not only of professional and personal networks between the testator, the recognitor and the sureties, but that these networks were underpinned by the material and ethical definitions of worth and trust.

This would lead us to conclude that these recognizances represent members of London's civic community who knew both the testator and recognitor, trusted the recognitor and were also aware of her social and economic worth. This is not to suggest that these are networks that solely reflect the relationships of the recognitor. Rather, that to approach these records using guild membership as a focus brings to the fore social relations primarily between men. To understand the role of women in these recognizances, and their relationship to the people in these bonds, we must ask different questions and use a different methodology than the one used by Patrick Wallis.

Some of the women in these recognizances also had an inventory in the Court of Orphans. As discussed in the previous chapter, these inventories relate to women who were guardians for their children and who died while their children were still underage. Along with material items, money, and investments, some of these inventories also contain money held on recognizance. The same 90 inventories used in the previous chapter have been used here and table 4.3 shows the six women's inventories that have

⁵⁶ Craig Muldrew, *The Economy of Obligation: the Culture of Credit and Social Relations in Early Modern England* (Basingstoke: Palgrave, 1998), 3, 7.

⁵⁷ Alexandra Shepard, *Accounting for Oneself: Worth, Status and Social Order in Early Modern England* (Oxford: Oxford University Press, 2015), 35.

a reference to money owing to the City's chamber for a recognizance between 1660 and 1694. While one other inventory also contains recognizance money, it falls outside this date range.⁵⁸ The two bottom rows showing Elizabeth Harris and Mary Cook have a recognizance date taken from journal 48 as they both date from the five-year period in which no data survives from the recognizance volumes.⁵⁹

Table 4.3: Widows who have Court of Orphans recognizance money in their inventory

Name of widow	Date of	Date widows' probate	Value of
	recognizance	inventory indented	recognizance
Katherine Wilkinson	1) 04/09/1660 2) 24/03/1663 ⁶⁰	21/08/1666	£458 14s 07d
Margaret Taylor	03/12/1667	04/09/1668	£603 04s 08d
Abigail Hodilow	03/07/1673	23/01/1678	£151 06s 00d
Elizabeth Harris	04/09/1677	20/02/1678	£195 06s 03¼d
Mary Cook	19/07/1677	12/11/1680	£80 00s 00d

The first thing to note is that four of the five widows who had recognizance money in their inventory were noted first on the recognizance entry as the recognitor, not as a surety. The fifth, Mary Cook, is not named on the recognizance at all, but her second husband John Cook is.⁶¹ It seems likely that after her husband died, she kept the recognizance money and that is why we see it in her inventory. Carlton has argued that 'recognizances do not tell us to whom it went' but 'that we may, however, assume that if

⁵⁸ LMA, CLA/002/02/01/2976.

⁵⁹ LMA, COL/CC/01/01/046.

⁶⁰ The £458 14s 7d portion owing to the three orphans of Richard Wilkinson, tallow chandler, were secured by two recognizances two and a half years apart. This is likely because Richard Wilkinson's estate was made up of a lot of desperate debts that took some time for his executor and widow to collect and bring to the Guildhall. ⁶¹ LMA, COL/CC/01/01/046, fol. 305b; Mary had been married to Joseph Suckling, a tallow chandler, before he died in 1674 and she must have married John Cook, a shipwright, sometime before the summer of 1677 when he is named as the recognitor for his stepson's portion. He must have died before Mary, as she held the money by the time her own inventory was indented in 1680, where she is named as a widow.

a widow or close relative was one of the sureties, they probably held the money'.⁶² Evidence from the inventories supports this theory, or that the money was automatically held by the recognitor. But with such a small sample, it is difficult to come to a definitive conclusion. Either way, these five women held the recognizance money at the time of their death which is why it was then recorded in their inventory. Comparing the recognizance book entries with the inventory also confirms that these women were holding the full recognizance amount, as the sums in both sets of records matches for all the women.⁶³

The other thing to note is the varied sums of money that each of these widows held, from £80 in the case of Mary Cook, to just over £600 held by Margaret Taylor. We must remember that these values could reflect the money left to one orphan, or multiple orphans. In fact, if we divide the values according to how many orphans each recognizance secured the portion for, we can see in table 4.4. that in three instances, the values are almost identical at around £150. These values can also be considered in relation to the net value of the widows' estate, which can be found on the back of their probate inventory. This shows estate values as low as £44 in the case of Elizabeth Harris and as high as £4300 in the case of Margaret Taylor, making her the wealthiest widow in the Court of Orphans in the 1660s. This sample is too small to come to any definitive conclusions, but this does at least suggest that these widows were motivated

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⁶² Carlton, Court of Orphans, 53.

⁶³ For Katherine Wilkinson see: LMA, CLA/002/05/08, fol. 197b, 223b and CLA/002/02/02/01/664; for Margaret Taylor see: LMA, CLA/002/05/08, fol. 249 and CLA/002/02/01/079; for Abigail Hodilow see: LMA, CLA/002/05/08, fol. 282b and CLA/002/02/01/1293; for Elizabeth Harris see: COL/CC/01/01/01/046, fol. 319 and CLA/002/02/01/1316; for Mary Cook see: LMA, COL/CC/01/01/046, fol. 305b and CLA/002/02/01/1661.

⁶⁴ The net value was calculated by the common serjeant by deducting the debts owing by the testator from the total of the estate's value. Any uncollected debts owing *to* the testator were not part of this calculation and these were listed separately. While these debts could later be collected and the value could go up, bequests in the will were deducted at a later stage, meaning the total could also go down.

by different factors when deciding whether to deposit this money in the City's chamber or hold it on recognizance. For Abigail Hodilow whose estate was worth just £52, this money may have provided vital funds needed by her and her orphan. Margaret Taylor's estate was worth over seven times the value of her recognizance, meaning that the decision to hold the money on recognizance instead of deposit this money was unlikely a decision motivated by necessity.

Table 4.4: Total recognizance value shown next to the value per orphan

Name of widow	Total value of recognizance	No. of orphans/value per orphan	Net value of widows' estate
Katherine Wilkinson	£458 14s 07d	3/£152 18s 02d	£525 12s 7d
Margaret Taylor	£603 04s 08d	4/£150 16s 02d	£4310 18s 8d
Abigail Hodilow	£151 06s 00d	1/£151 06s 00d	£52 17s 07d
Elizabeth Harris	£195 06s 03¼d	2/£97 13s 01½d	£44 15s 04¾d
Mary Cook	£80 00s 00d	1/ £80 00s 00d	£174 16s 06d

Using administrative record linkage does not just suggest different motivations for why women entered into recognizances, though. By bringing in other administrative records, we can learn more about the relationships that made up some of these networks. For example, Margaret Taylor entered into a recognizance in December 1667 for the portions of her four youngest children Daniel, Elizabeth, Margaret and William. ⁶⁵ As shown in table 4.5, three men acted as surety for the recognizance, and they all lived in the east part of the City. John Palmes is also listed as one of the administrators of Margaret Taylor's inventory along with his wife Anne

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⁶⁵ LMA, CLA/002/05/08, fol. 249.

Palmes and further investigation reveals that John Palmes was in fact her son-in-law and Anne Palmes her eldest daughter.⁶⁶

To further complicate this network, this recognizance is immediately followed by a recognizance relating to the estate of George Waples, a haberdasher, in recognizance volume 8.67 Gabriel Harper, a surety for the Taylor estate shown in table 4.5., was the master who apprenticed George Waples in 1655 and it appears to be only a coincidence that these two recognizances share the same page, as Gabriel Harper is not listed on this second recognizance.68 George Waples' widow also later died while their orphans were underage and so her inventory was included in the previous chapter. If nothing else, this complex network of people and records serves to demonstrate the ubiquity of the Court of Orphans in citizens' lives and the value of these recognizances in showing us the connections that linked both the men and women of the City.

⁶⁶ LMA, CLA/002/02/01/079; Joseph Foster, John Ward Dean and Joseph Lemuel Chester ed., *London Marriage Licences*, *1521-1869* (London: Bernard Quaritch, 1887), 1013.

⁶⁷ LMA, CLA/002/05/008, fol. 249.

 $^{^{68}}$ GL, CLC/L/HA/C/007/MS15857/002, fol. 63; City of London, Haberdashers, Apprentices and Freemen, 1526-1933, Find My Past, accessed 20^{th} November 2021.

https://www.findmypast.co.uk/transcript?id=GBOR%2FHABS%2F22796.

Table 4.5: Recognizance for the portions of Daniel, Elizabeth, Margaret and William, orphans of William Taylor, shipwright.⁶⁹

	Recognizance volume 8		
	3rd December 1667		
Recognitor	Margaret Taylor, widow, Mile End Stepney		
Sureties	 Gabriel Harper, haberdasher, Houndsditch John Quick, clothworker, [St Botolph's] without Aldgate John Palmes, gentleman, Houndsditch John Hobson, dyer, Houndsditch (added in 1671) 		

The wills of Abigail Hodilow and Katherine Wilkinson survive from the PCC, meaning we can attempt to contextualise the networks found in their recognizances with those in their own will. Abigail Hodilow's husband George died in 1669 leaving her with one young son. With Abigail as the recognitor, the recognizance for his portion from 1673 was supported by three sureties, shown in table 4.6. Two of these three people are also in her will. The first, Henry Barker, was Abigail's father and she later named him as executor in her will. ⁷⁰ Her husband's inventory indicates that the Hodilow's 'dwelling house' was on Walbrook, but her address is listed as Well Yard off Soper Lane on this same inventory, suggesting she was living with her father following her husband's death, as Soper Lane is also his address on the recognizance. ⁷¹ Although it should be noted that Walbrook and Soper Lane were neighbouring streets. The third

⁶⁹ LMA, CLA/002/05/08, fol. 249.

⁷⁰ TNA, PROB/11/349/161.

⁷¹ LMA, CLA/002/02/01/758.

surety, John Strayherne, was her brother-in-law, the husband of her sister Rachel Strayherne, and she also named him as one of the supervisors in her will.⁷² While the other surety William Empson is not named in her will, an Elizabeth Empson is listed as one of the witnesses, suggesting she knew the Empson family. Indeed, Walbrook and Soper Lane were off Cheapside, the address of William Empson on the recognizance, suggesting they were neighbours. This recognizance is made up of Abigail Hodilow's family members and neighbours, emphasising that we need to view these networks not just as a reflection of the social capital of the testator, but the familial, professional, and local network of the spousal couple.

Table 4.6: Recognizance for the portion of George, orphan of George Hodilow, merchant taylor.⁷³

	Recognizance volume 8 3 rd July 1673		
Recognitor	Abigail Hodilow, widow		
Sureties	Henry Barker, barber-surgeon, Sop[er] Lane		
	William Empson, leatherseller, Cheapside		
	John Strayherne, grocer, Ald[e]rsgate Str[eet]		

George Hodilow was by trade a merchant taylor and was also named as a tobacconist in a Chancery case from 1672 where Abigail Hodilow was a complainant in a suit over one of his outstanding debts.⁷⁴ Neither of the three sureties in the

⁷³ LMA, CLA/002/05/08, fol. 282b.

⁷² Ihid

⁷⁴ TNA, C 5/60/27.

recognizance for his son's portion were in the same guild, which would confirm the argument of Patrick Wallis regarding the declining importance of guilds as a source of social capital. This emphasises the importance of women in these networks and how viewing these bonds through the lens of guild membership only reveals some of the relationships. Two of the sureties were Abigail's direct relations and the other, if nothing else, was one of her neighbours. This network therefore represents both Abigail and George Hodilow's wider kin network, as well as those living within their community and demonstrates how we need to understand social capital within these recognizances as that of the spousal couple, not just the husband and guild member.

Building on this, the recognizance of Katherine Wilkinson from 1660 is shown in table 4.7 and demonstrates the necessity of using administrative record linkage when trying to understand the relationships in these bonds. Like the Hodilow recognizance, none of the sureties were in the same company as the testator, Richard Wilkinson, who had been in the Tallow Chandlers' Company until his death in early 1660. Instead, the sureties were drawn from across the hierarchy of the City's livery companies, including a brewer, a cutler, a woodmonger, a merchant taylor and a gentleman. Two of the sureties, Matthew and Gabriel Wilkinson, were Katherine's brothers-in-law, the brothers of her late husband. In fact, in her will from August 1666, she refers to Gabriel and Matthew as 'my loveing brothers', suggesting that she had a close relationship with her husband's siblings. Her will also reveals that Richard Hubbard was her cousin and he, along with the two Wilkinson brothers, were later named as the executors of her own estate. Richard Wilkinson had previously taken on an apprentice named 'John

⁷⁵ Patrick Wallis, 'Guild Society: Social Capital and Guilds in Early Modern England.'

⁷⁶ TNA, PROB 11/321/430.

⁷⁷ Ibid.

Hubbert' in 1648 and it is possible that him and his wife had both familial and professional links to the Hubbard family.⁷⁸

Table 4.7: The two recognizances for the portions of Gabriel, Hannah, Elizabeth and Susanna, orphans of Richard Wilkinson, tallow chandler.⁷⁹

	Recognizance volume 8 Recognizance volume 8	
	4 th September 1660	24 th March 1663
Recognitor	 Katherine Wilkinson of London, widow 	 Katherine Wilkinson of London, widow, Newgate Market
Sureties	Thomas Collier, brewerMatthew Wilkinson, cutler, St	 Matthew Wilkinson, cutler, St. Martins
	Martin-le-Grand	 Gabriel Wilkinson, brewer, Old Fish Str[eet]
	 Gabriel Wilkinson, woodmonger, upon old Fish Street 	Richard Hubbard, merchant tailor, Grey Friars
	• Edward Dallow, Fleet Street (added 1672)	• Edward Dallow, gentlemen, Fleet Street (added 1672)
	 Richard Hubbard, of the parish of St Giles-in-the-Fields in the county of Middlesex, merchant tailor (added 1672) 	

Again, by finding traces of these women's lives in the Court's financial records, the common serjeant's books, probate inventories, wills, and the City's livery company records, we can begin to understand the relationships that underpinned these networks and the importance of women within them. These sureties were likely chosen by

⁷⁸ 'Tallow chandlers, John Hubbert, November 1648,' *Records of London's Livery Companies Online: Apprentices and Freemen, 1400-1900*, accessed 3rd December 2021. https://www.londonroll.org/event/?company=tch&event_id=TCMM3766

⁷⁹ LMA, CLA/002/05/08, fol. 197b, 223b; as mentioned earlier, these two recognizances reflect the further money that was brought to the Court after more of Richard Wilkinson's debts has been called in.

Katherine Wilkinson because of her own relationship to them, but also because of their relationship with her late husband. It shows that she had a good working relationship with her brothers-in-law and cousin that they were willing to stand as surety for her bond, but also that she trusted them enough to make them executors of her estate. In fact, Gabriel Wilkinson was still the guardian of his niece Susanna Wilkinson—
Katherine and Richard Wilkinson's youngest child—in 1673.80 We must therefore view this recognizance as the network of Katherine and Richard Wilkinson as a spousal unit, made up of their wider kin.

It should also be noted that following Richard Wilkinson's death in early 1660, Katherine Wilkinson herself continued the family business and took on two apprentices under her own name in the Tallow Chandlers' Company in both 1664 and 1665.⁸¹ This might also have been alongside her own business as a mealwoman, as her inventory shows two separate shops with various types of meal and meal-tubs.⁸² One of these apprentices, Knightley Kidwell, was only taken on by Katherine eighteen months before she died. His father Neville Kidwell petitioned the chamberlain to be reimbursed for the £12 premium he paid Katherine for his son's apprenticeship, as this deduction appears on Katherine's probate inventory at the order of the chamberlain.⁸³

This emphasises the necessity of using record linkage when trying to learn more about women in these recognizances. We know that women were becoming increasingly involved with the City's livery companies by the middle of the seventeenth

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⁸⁰ LMA, COL/CHD/0A/01/02, fol. 470.

⁸¹ 'Tallow chandlers', Catherine Wilkinson, February 1664', *Records of London's Livery Companies Online:*Apprentices and Freemen, 1400-1900, accessed 3rd December 2021.
https://www.londonroll.org/event/?company=tch&event_id=TCMM4630; 'Tallow chandlers', Catherine Wilkinson, February 1665', *Records of London's Livery Companies Online: Apprentices and Freemen, 1400-1900*, accessed 3rd December 2021. https://www.londonroll.org/event/?company=tch&event_id=TCMM4652.

⁸² LMA, CLA/002/02/01/0644; it is not clear if this was the business that Richard also ran, or whether he was running a tallow chandelling business. As he died before the Great Fire in 1666 his inventory does not survive.

⁸³ Ibid.

century as apprentices and mistresses, but there is no evidence of this in the recognizance books. As Laura Gowing has argued, 'the paperwork of apprenticeship reflect[ed] the impulse, apparent across London's livery companies as in guilds everywhere, to celebrate male artisanship and repress the place of women. This conclusion can be extended to more than just records of apprenticeship. It speaks to the way that the Corporation and City companies categorised both the men and women who inhabited the City in its records. While men are always listed in the recognizances according to their professional and civic status, women are only ever referred to according to their marital status. Katherine Wilkinson was working as a meal woman and possibly also a tallow chandler following her husband's death, but in both recognizances, she is listed as a widow. It is only by using administrative record linkage to find traces of these women across the City's records, that we can understand not only the relationships between people, but also the involvement of women in the City's various institutions.

Besides the five women shown in table 4.3, one other widow has a probate inventory in the Court of Orphans, as well as her name listed on two recognizances from 1668 and 1670. However, the recognizance amount cannot be found in her probate inventory as in the case of the other five widows discussed above. Grisell Reeve was the recognitor for the bond that secured her daughter Agnes Reeve's £918 4s $2^{1/4}$ d portion in December 1668, as well as for the second recognizance in December 1670 that secured a further £293 brought to the Court from her husband Edward Reeve's estate shown in table 4.8. Both recognizances originally had three sureties, Benjamin Spires, John Clements and Edmund Baker, with a fourth surety, Richard Baker added for an

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⁸⁴ Gowing, 'Girls on Forms,' 450.

⁸⁵ Gowing, *Ingenious Trade*, 8.

unknown reason in 1672. Like all the recognizances discussed so far, none of the sureties were in the same guild as the testator, Edward Reeve, who was a wax chandler. Instead, they were all from different trades, a merchant taylor, a mercer, a draper, and a haberdasher.

Table 4.8: The two recognizances for the portion of Agnes, the orphan of Edward Reeve, a wax chandler.⁸⁶

	Recognizance volume 8 15 th December 1668	Recognizance volume 8 1 st December 1670
Recognitor	 Grisell Reeve of London, widow, [St. Botolph]-without- Bishopsgate 	Grisell Reeve, widow, near Spital[fields]
Sureties	 Benjamin Spires, merchant tailor, Bethlehem John Clements, mercer, Broad Street 	 Benjamin Spires, merchant tailor, Bethlem John Clements, mercer, Broad Str[eet]
	 Edmund Baker, draper, Aldersgate Street Richard Baker of the parish of St. Clement Danes in the county of Middlesex, citizen, and haberdasher (added 1672) 	Edmund Baker, draper, Ald[e]rsgate St[reet]

Edmund Baker was Grisell Reeve's brother, and she later bequeathed him £200 in her will.⁸⁷ Similarly, Richard Baker, the recognitor added in 1672, was another one of her brothers who she named as one of the executors of her estate, and she left two bequests to his son in her will.⁸⁸ Neither Benjamin Spires or John Clements are mentioned in her will, either as beneficiaries or witnesses, but they did live near her.

⁸⁶ LMA, CLA/002/02/01/1351; CLA/002/05/008, fol. 253b, 265b.

⁸⁷ TNA, PROB 11/355/354.

⁸⁸ Ibid.

The address given for her in the entry for her husband's estate in the common serjeant's book in July 1668 was the 'rainbow w[i]thout B[isho]psgate'.89 On the recognizance from December of that year, her address was also given as 'without Bishopsgate.'90 St. Botolph-without-Bishopsgate church almost directly adjoined Bethlem where Benjamin Spires lived, and both were just beyond Bishopsgate, one of the City's northern gates. Broad Street, where John Clements lived, sat directly within the city walls near Bishopsgate and would have been no more than a few minutes' walk from either Grisell Reeve's or Benjamin Spires' house. As St Botolph was also the address given for her husband when the PCC issued her letters of administration for his estate, it seems safe to assume that Benjamin Spires and John Clements were neighbours to the Reeve family. 91 Indeed, Tim Reinke-Williams has argued 'that the credit women earned by having good reputations and standing in their neighbourhoods affected the levels of protection and support they could hope for' and it is possible that Grisell's good credit with her neighbours allowed her to call on them as sureties. 92

This all works to demonstrate the necessity of using administrative record linkage when trying to understand the networks in these recognizances, but also the importance of women in the relationships that underpinned them. While it is possible that the sureties within these recognizances were colleagues of the testator, or that their respective trades saw them cross paths in a professional capacity, it is not possible to access this information. However, reconstructing these women's economic and social lives reveals that in nearly all cases, sureties were neighbours or family members of not just the testator, but also his widow. We must view these recognizances as

⁸⁹ LMA, CLA/002/01/02, fol. 73.

⁹⁰ LMA, CLA/002/05/008, fol. 253b.

⁹¹ TNA, PROB 6/42, fol. 123.

⁹² Tim Reinke-Williams, Women, Work and Sociability in Early Modern London (Basingstoke: Palgrave Macmillan, 2014), 131.

representative of the networks of spousal units, then, and put women back into the complex web of relationships that linked people together.

Part two: Deposits in the chamber of London

As mentioned, the recognizance that Grisell Reeve entered into to secure her daughters' portion cannot be found in her probate inventory. This is because while she chose to hold her daughter's portion on recognizance in 1668 just a few months after her husband's death, in 1674 she made the decision to deposit the money into the City's chamber. We know this because of a small Latin note next to both recognizances that denotes the portion had been paid into the chamber. The first 'sol[vit] in cam[er]a 7ber 1674' and the second 'sol[vit] in cam[er]a primo February 1674.'93 So it is to the records of the Chamberlain's Department that we must turn to learn more about how orphans' portions were invested and managed by the City.

The Chamberlain's Department records are extensive. The PDF collection list for the Corporation of London's records has over 3000 pages dedicated to the Chamberlain's Department reference detailing everything from the bridge house estates to the City's cash accounts and records relating to poor relief.⁹⁴ Indeed, it is important to state from the outset that this thesis is only interested in the 'orphans' accounts: payments to orphans' subseries and that there are thirteen further subseries under the reference that contain a variety of records relating to the Orphans' Fund.⁹⁵ Even by

93 LMA, CLA/002/05/008, fol. 253b, 265b; 7ber has been interpreted as September and February 1674 here means February 1675 because of the Lady Day dating.

⁹⁴ The Chamberlain's Department records are under COL/CHD; For research on the City's bridge house estate see: Mark Latham, 'The London Bridge Improvement Act of 1756: A Study of Early Modern Finance and Administration,' (PhD thesis, University of Leicester: 2009).

⁹⁵ Orphan accounts in the Chamberlain's Department records are under COL/CHD/OA and the orphan accounts: payments to orphans subseries is under COL/CHD/OA/01; The Orphans' Fund subseries is under COL/CHD/OA/02-14; These all relate the management of the Orphans' Fund after it was established in 1694 and includes annual accounts, general accounts, stocks and assignments.

narrowing down the scope of the research to look at one subseries, this still leaves over 50 individual volumes, and this chapter has used samples of various volumes between 1660 and 1694 which is shown in table 4.9.

Table 4.9: Chamberlain's Department records used in this chapter

Record name	Reference code in LMA	Number of volumes	Date range
Finding money account book	COL/CHDA/OA/01/002	1	1661-1678
Finding acquittance book	COL/CHD/OA/01/011-015	5	1675-1680
Orphans' journal	COL/CHD/01/01/033	1	1678-1692

Though each of these volumes is under the 'payments to orphans' heading, this is not strictly speaking accurate. The finding money account book is organised by estate (with the name and trade of the testator as the heading) and shows all payments of finding money from that estate and the date of these payments. The finding acquittance books run yearly from Michaelmas to Michaelmas and record all payments to guardians and orphans for finding money in each year. Hese finding acquittance books show us which estate the payment related to, how much was paid, who to and for which orphans and for what period the payment covered i.e., the last quarter, the last year etc. The person collecting the money also signed the volume. The orphans' journal was made up of three parts; it showed portions paid into the chamber and from which estate, running from Michaelmas to Michaelmas with a running total of deposits; this was then followed

 $^{^{96}}$ All 21 volumes of the finding acquittance books run yearly except for three volumes: COL/CHD/OA/01/019 which runs from 1683-5, and COL/CHD/OA/01/023-024 which run from 1690-2 and 1692-4 respectively.

by all portions paid out of the chamber for the same period, also with a running total; the third section listed all estates that had portions lodged in the chamber along with the value of the portion or portions, again with a running total. This repeats for each consecutive year between 1678 and 1692, with some variation after the chamber stopped accepting orphans' portions in 1682 and the City's financial crisis which hit the Corporation from the mid-1680s.⁹⁷ So, at least one of these records shows orphan payments into the chamber, as well as out of it.

The finding acquittance books and the finding money account books were used in conjunction with each other. The acquittance book runs chronologically and appears to have been used in the Guildhall to record receipts of money paid out, with the guardians and orphans signing their name to acknowledge this. The acquittance books must have then been used to compile the finding money account book, with the clerk updating existing accounts with recent payments, or adding new accounts where necessary. The fact that this volume has a contemporary index appears to confirm this, as clerks would have been able to use this to navigate the volume more easily, updating an account or creating a new one and then adding this to the index. As this volume runs for 14 years, it would have compiled information by estate that spanned more than ten acquittance books.

These three records alone show us how complex the Chamberlain's Department record-keeping practices were. Not only did they manage the day-to-day payments of finding money to guardians and orphans, but also the large sums of money deposited and withdrawn from the chamber year on year and this money could sit in the chamber

⁹⁷ No money is noted as having been received in the orphans' journal after 1682 and from this date, only small sums of money are paid out. In 1687 any portions valued at under £50 were paid out from the aldermen and sheriff's fines to clear the Corporation's smallest debts. There are no payments at all between 1689 and 1692 when the City's financial crisis hits its peak.

for up to two decades if orphans were infants at the start of their orphanage. By contextualising this material with other records and taking a holistic approach, we can begin to identify the extent of women's presence in these financial records and how they engaged with the Court of Orphans.

To return to Grisell Reeve; we know that while she was a recognitor in two recognizances securing her daughter's portion, she eventually deposited this money into the City's chamber between 1674-5 and this is why there is no evidence of this recognizance money in her probate inventory as is the case for the widows discussed earlier. Cross-referencing the recognizance volumes with the repertories sheds more light on this. An entry in repertory 80 (1674-5) from 14th January 1675 notes that Grisell had already brought in the near £900 from the first recognizance and that she was now bringing in just under £300 from the second one.98 Grisell therefore brought in the first recognizance amount in late 1674 and then returned in January 1675 to bring the second amount, though this does not appear to have been processed by the chamberlain until early February. It is not clear why Grisell chose to switch from using her daughter's portion as a form of private credit to holding it as a public investment. The repertory also notes that Grisell requested more finding money to maintain her daughter Agnes Reeve because she was 'very infirme and requires a considerable expence for her maintenance' and it is possible that her ability to claim more money from the City to look after Agnes was a factor in this decision.⁹⁹

Turning to the records from the Chamberlain's Department, we can find further evidence to support this idea. The finding acquittance books show us that Grisell Reeve came to the Guildhall three times between March 1676 and March 1677 to collect the

⁹⁸ LMA, COL/CA/01/01/084, fol. 65.

⁹⁹ Ibid.

£25 finding money owed to her for the previous six-month period. 100 Guardians visited the chamberlain at a variety of different intervals to collect finding money and we can use this to speculate about how in-need guardians were. For example, on 20th July 1676 Mary Michelborne came to the Guildhall to collect £15 finding money that she was owed as the guardian of her two orphans, Richard and Mary Michelborne and which had accrued over the previous two years. 101 However, the following day Elizabeth Debert visited the chamberlain to collect the £24 7s finding money that she was owed for the guardianship of her five orphans over the last three months. 102 It is possible that the larger sum of finding money, plus the fact that Debert was a widow supporting five children under 21 was in part the reason she came to collect finding money more regularly than Mary Michelborne. That Grisell Reeve visited the Guildhall every six months to collect finding money does suggest that she required the money to help with the raising of her daughter.

However, she did not collect finding money for her daughter as her pattern would have suggested in September 1677 and judging from the date on her will she appears to have died in November or December of that year. Her daughter did not succumb to the illness her mother described in 1675 and went on to marry in April 1679 to Robert Peter, a girdler after a lengthy debate in the Court as to the nature of her jointure, the estate that she was entitled to after her husband's death. Her husband came to the Guildhall in May 1682 to withdraw her portion from the chamber, luckily just before the City's financial crisis began to take hold. The simple entry of Agnes

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¹⁰⁰ LMA, COL/CHD/OA/01/011, fol. 48, 98; COL/CHD/OA/01/012, fol. 51b.

¹⁰¹ LMA, COL/CHD/OA/01/011, fol. 95b.

¹⁰² Ibid, fol. 96.

¹⁰³ TNA PROB 11/354/355

 ¹⁰⁴ GL, CLC/L/HA/C/007/MS15857/002; England Marriages, 1538-1973, Find My Past, accessed 15th March
 2022. https://www.findmypast.co.uk/transcript?id=R 853053847%2F2; LMA, COL/CA/01/01/088, fol. 89-89b.
 105 LMA, COL/CHD/01/01/033, fol. 126b.

Reeve's husband collecting his wife's inheritance again demonstrates why it is important to construct biographies with these records. We must remember that it was Grisell Reeve's careful financial management of her daughter's portion for nearly a decade that allowed her son-in-law to collect it from the Guildhall. It is only by linking entries together from a range of records that we can reconstruct the women's financial dealings with the Court.

It was not just widows who were involved in the Court of Orphans' financial mechanisms, however. In some cases, the older children of freemen were responsible for looking after their young, orphaned siblings. Two such young women, Rebecca Wallis and Anne Deacon, were left responsible for their younger siblings after both their fathers, and later their mothers, died in the mid-seventeenth century. The traces of these women found across a range of records show how the mechanisms of the Court of Orphans—as well as the obligations that came with wider familial bonds—pulled women into financial and administrative obligations and how in some cases, this could lead to conflict.

Rebecca Wallis was the eldest daughter of William Wallis, a mercer, and his wife Constance Wallis. William Wallis died in 1652 leaving seven orphans when the eldest, Rebecca Wallis, was just 11 and the youngest Anne Wallis had been born only the year before. Unfortunately, as William Wallis died in the early 1650s and sometime before the Great Fire, the common serjeant's book that would have recorded the division of William Wallis' estate does not survive. However, his widow died nine years later in 1661 and both her probate inventory and account survive, as does an entry for her estate in the common serjeant's book. In fact, as this is one of the first inventories in the catalogue, Constance Wallis' inventory and account are one of the over 20 transcribed

by P.E Jones sometime in the mid-twentieth century. As stated in the previous chapter, her inventory and account are both victims of incorrect and inconsistent cataloguing. The LMA's Court of Orphans' collection list lists both her inventory and account as belonging to her husband, whereas the individual slips of paper that accompany each probate roll list the inventory under her husband's name and the account under her daughter Rebecca Wallis' name. To make matters more confusing, the collection list puts the transcriptions of the inventory under Constance Wallis' name and the account again under her daughters. In fact, the probate rolls both relate to Constance Wallis' estate, with the account also mentioning her eldest daughter, as she was responsible for its compilation.

When Constance Wallis died in 1661, she named both her daughter and Sir Thomas Player senior as executor of her estate. She referred to the latter as 'my kinde and worthy friend' in her will, though he also happened to be the City's chamberlain at the time. She Rebecca Wallis was only 20 when her mother died and therefore a year short of maturity, this probably explains why Constance Wallis named Sir Thomas Player senior as joint executor of her estate with her eldest daughter. That he would also have been personally involved in overseeing the financial administration of her estate, as well as her children's inheritance in his role as the City's chief financial officer, can only have been an upside to this arrangement. The inventory was compiled

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¹⁰⁶ LMA, CLA/002/03/004; P.E. Jones was Deputy Keeper of the Records of the Corporation of London Record Office from 1945-1970.

¹⁰⁷ LMA, CLA/002/02/01/019, 020.

¹⁰⁸ Thomas Player's son, Thomas Player junior went on to become chamberlain of London after his father.

¹⁰⁹ TNA, PROB 11/305/433.

less than two weeks after she was buried in September 1661 and exhibited in the Guildhall and examined by the common serjeant in January the following year. 110

When a probate account for her estate was brought to the Court in November 1662, only Rebecca Wallis was listed as its compiler, though it was signed and exhibited by both her and Sir Thomas Player. This does suggest she was more involved in the administration of her mother's estate than her co-executor was. Records from the Chamberlain's Department support this. In August 1662, Rebecca Wallis came to the Guildhall to collect the just over £170 owing to her and her six siblings for finding money, as their portions must have been deposited in the City's chamber, and we can see almost the exact same amount of finding money listed as received on the probate account from her mother's estate she brought to the Guildhall a few months later. 111 On the same account, there is a deduction of over £276 from Constance Wallis' estate for 'house keeping, clothes and necessaries for the testatrix her children & for physick for them' dating between January 1662 and September 1662. 112 Keeping house and raising the six Wallis orphans was therefore a considerable expense. More finding money was claimed for the six orphans again six months later in February 1663, but it is not explicitly mentioned if it was Rebecca Wallis herself who came to collect the money. She came to the Guildhall again in March and August 1663 to claim her own finding money and continued to collect finding money from her own portion until September 1666.

What this tells us, then, is that from the death of Constance Wallis in September 1661 until at least August 1662, her eldest daughter Rebecca Wallis was responsible for

¹¹⁰ LMA, P69/Pan/A/001/Ms05015, fol. 87b; *Greater London Burial Index*, Find My Past, accessed 10th December 2021. https://www.findmypast.co.uk/transcript?id=GBOR%2FCOLB%2FPRE1812%2F00076912.; LMA, CLA/002/02/01/020; the inventory was compiled on 25th September 1661.

¹¹¹ LMA, COL/CHD/OA/01/02, fol. 124; CLA/002/02/01/020.

¹¹² LMA, CLA/002/02/01/020.

her six younger siblings and for ensuring that they were provided for. In her role as both executor and guardian, she not only had to execute all the requests in her mother's will, as well as collect all her debts, she also visited the Guildhall at least four times between January 1662 and February 1663 to bring either documents to be exhibited or to collect finding money from the chamberlain to support her and her siblings. This demonstrates how the burdens and responsibilities of losing the head of the family did not just fall on widows when they lost their spouse. Rebecca Wallis' biography shows how this burden could also fall on children and at just 20 years old, she not only had to settle her mother's estate, but also collect the money needed to provide for her and her younger siblings.

Like Rebecca Wallis, Anne Deacon—who was discussed in the previous chapter
—was also left responsible for her younger siblings after her parents died. Anne was the
daughter of William Deacon a saddler and his wife, also named Anne Deacon. Unlike
most freemen of the Court of Orphans, William Deacon left his three nephews John,
William, and Robert Chevall as executors of his estate, and not his wife, when he died in
1671. Although, his wife was collecting finding money from the Court as early as 1664
for their youngest two children, confusingly also named Anne and William Deacon, so
she must have maintained guardianship of the two children after her husband died.

113
Anne the elder's unexpected death in the summer of 1674 after drowning in the Thames
left Anne the younger as administrator of her mother's estate.

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Problems arose less than a year later in April 1675, when William Deacon the younger came to the Guildhall to present a petition complaining of his older sister's

¹¹³ LMA, COL/CHD/OA/01/02, fol. 264.

¹¹⁴ LMA, CLA/002/02/01/1049; there is a deduction from Anne Deacon's estate for ten shillings to pay the watermen who retrieved her body from the Thames and the coroner was paid fees in July 1674.

behaviour as guardian. In it, he stated that she 'hath wholely possessed her self'of their mother's estate and 'doth refuse to allow your petitioner any reliefe' and 'that he would have starved if one Rachell Hickes... had not out of her christaine charity relieved him.'115 The petition ends by asking that Rachel Hickes be reimbursed for the expense of providing for him, including 'thirty shillings to a doctor for physicke'.116 William Deacon was about 17 when this petition was submitted and it seems likely that Rachel Hickes had some involvement in both its composition and its eventual submission to the Court of Aldermen, highlighting again the ways the Court could pull women into its procedures. In response to this, the lord mayor and aldermen summoned Anne Deacon the younger to appear at the Guildhall the following week.117

Either she did not appear when summoned, or her appearance was not recorded, as the Deacon estate is not mentioned again until early June 1675 when Anne Deacon was ordered and bound to bring the money owing from her mother's estate to the Court. A month later on the 27^{th} of July, she must have come to the Court of Orphans to present her mother's inventory, as that is the date the Court acknowledged receipt. During the same visit to the Guildhall, she also requested that she receive finding money owing to her from the £100 she had in the chamber left to her from her father's estate, which the Court granted and the finding money account book tells us this amounted to £6 5s. As Rachel Hicks came to the Court the same month to claim finding money for William Deacon, and Anne Deacon was only collecting finding money for herself, this suggests Hicks was continuing to act as guardian to William Deacon in mid-1675. Deacon in mid-1675.

¹¹⁵ LMA, COL/CA/05/02/001, D.

¹¹⁶ Ihid

¹¹⁷ LMA, COL/CA/01/01/084, fol. 170-170b.

¹¹⁸ LMA, COL/CA/01/01/084, fol. 206.

¹¹⁹ LMA, CLA/002/02/01/1049.

¹²⁰ LMA, CLA/CA/01/01/084, fol. 253b; LMA, COL/CHD/OA/01/02, fol. 264.

¹²¹ LMA, CLA/CA/01/01/084, fol. 222.

The Court's financial records suggest that the dispute between members of the Deacon family became more complicated the following year. The finding money acquittance book that contains receipts from Michaelmas 1675 to Michaelmas 1676 shows that Anne Deacon, as well as two of her older half-siblings Judith Satterthwaite and Jacob Deacon, came to the Guildhall in June 1676. Judith Satterthwaite and Jacob Deacon both had a different mother to the younger Deacon children, and they had already reached maturity by the time their stepmother died in 1674. Nevertheless, they accompanied their younger half-sister to the Guildhall on 23rd June 1676 and all three signed to acknowledge receipt of 58 shillings owing to their youngest sibling William Deacon. On the entry below for the same date, Anne Deacon also acknowledged receipt of a further £4 7s owing to her younger brother, but in just her name and not her siblings.

This is unusual as in no other instance in the five acquittance books used here is more than one person noted as receiving finding money from the chamberlain. It also is not clear why Rachel Hicks was no longer coming to the Court to collect finding money for the youngest Deacon orphan as she had been doing the previous year. It is possible that Anne Deacon once again had the guardianship of her brother and, because of her prior attempt to take control of her mother's estate and deprive her younger brother, her two older half-siblings came to the Guildhall to supervise her and ensure that William Deacon received his portion. It is also possible that all three siblings were summoned to the Court. Whatever the reason, information of the Deacon estate in these records show us the issues that arose when children were left to deal with the administration of their parent's estate. The Court of Orphans saw four out of the five

¹²² LMA, COL/CHD/0A/011/01, fol. 76b.

¹²³ Ibid.

Deacon children attend the Guildhall between 1675 and 1676 as orphans had to take responsibility for their other siblings. Anne Deacon went on to marry Richard Chevall, likely one of her cousins and a relation of one of the three Chevalls her father named as his executors, and they both acknowledged satisfaction for her portion in September 1677.¹²⁴

However, some women were not just involved with the Court for a year or two but continued to come to the Guildhall on a regular basis year after year. One such woman was Jane Best. Jane Best had previously been married to Abraham Vanhack, a weaver who had died sometime in late 1661. She was left with their young son, also named Abraham Vanhack, and was pregnant with the couple's daughter Mary Vanhack, who was born about six months after her father's death. Abraham Vanhack the elder left his eldest son John Vanhack (who was born during his father's first marriage) as executor of his estate, perhaps because of his wife's pregnancy. Abraham Vanhack the elder James Best, a silkthrower in 1664. Though her stepson was named as his father's executor, Jane Best maintained the guardianship of her two children as the finding money account book shows that as early as 1663 and before she remarried, she was collecting finding money from her orphans' two portions in the City's chamber. In fact, between Michaelmas 1675 and Michaelmas 1680, Jane Best came to the Guildhall at least nine times to collect finding money to maintain her two children. First to collect

¹²⁴ LMA, COL/CA/01/01/088, fol. 257-257b.

¹²⁵ LMA, P69/Bot2/A/004/Ms09224, fol. 533; *England Births & Baptisms, 1538-1975*, Find My Past, accessed 13th December 2021. https://www.findmypast.co.uk/transcript?id=R-940098260; Abraham's will was written on 17th October 1661 and proved on 6th November. In it, Abraham refers to the 'child as my wife now goeth with'. Abraham and Jane's daughter was baptised on 8th May 1662.

¹²⁶ LMA, P69/Bot2/A/004/Ms09224, fol. 65b; *England Births & Baptisms, 1538-1975*, Find My Past, accessed 13th December 2021. https://www.findmypast.co.uk/transcript?id=R_940113939; John was born in 1638 to Abraham and Ellen Vanhack meaning that he was about 23 when his father died.

¹²⁷ LMA, P69/Mic2/A/003/Ms04063/001, fol. 81b; *England Births & Baptisms, 1538-1975*, Find My Past, accessed 13th December 2021. https://www.findmypast.co.uk/transcript?id=GBPRS%2FM%2F710672691%2F1. https://w

£15 finding money every six months for both her son and daughter and from 27th May 1679, to collect £7 10s interest from just her daughter's portion. ¹²⁹ Just over two weeks later on 14th June 1679, her son Abraham Vanhack began to visit the Guildhall to collect his own portion, rather than his mother collecting it for him, suggesting his portion had been left to collect interest in the chamber. ¹³⁰

The Vanhack family appear to have had similar disputes as the Deacon family. A petition from Jane Best submitted to the lord mayor and aldermen in February 1677 laid a complaint against her stepson in relation to her late husband's estate. In it Jane Best, who by this point was widowed for the second time, stated that the portion owing to her two orphans was about £1000, but that her stepson only paid £600 of this into the City's chamber, even though he promised to pay in the rest at a later date. 131 She goes on to say that she was now 'out of pocket for the maintenance of the said orphans above £300 over and above £100 which she gave to bind the said Abraham an apprentice.'132 As this petition was probably submitted just before the five-year period when Jane was visiting the Guildhall every six months to collect finding money, it is probable she was struggling to maintain the orphans on £30 a year and needed the extra finding money that a larger portion in the chamber would have generated. The petition also explains why she was still collecting her son's portion as late as 1678 when her son would have been in his mid-twenties. It is likely that by May 1679 when he began to collect his own portion, that Abraham Vanhack had finished his apprenticeship and had begun to manage his portion alone. It is not clear what the response to Jane Best's petition was or whether her stepson did bring in the extra

¹²⁹ LMA, COL/CHD/OA/01/014, fol. 89b.

¹³⁰ Ibid. fol. 97b.

¹³¹ LMA, COL/CA/05/02/001/042; for the corresponding repertory entry see: LMA, COL/CA/01/01/086, fol. 84.

¹³² LMA, COL/CA/05/02/001/042.

money owing to his two siblings, but the matter was referred to a committee of aldermen in June 1677. 133

The disputes between the Vanhack family spilled beyond the City's jurisdiction and into Chancery, where there are over half a dozen suits as evidence of the litigious sparring between various members of the family. These include suits between John Vanhack and his two younger half-siblings in the 1660s, between him and his stepmother in the 1670s and even between him and his own son in the 1690s. 134 Though many of these relate to the late Abraham Vanhack's estate, these suits lie beyond the remit of this thesis and have not been looked at, meaning it is not clear whether these are related to Jane's petition to the lord mayor and aldermen.

What evidence of the Vanhack family in the Court's financial records does show is the repetitive nature of the Court of Orphans, but also the longevity of its financial obligations. Jane Best signed nine acquittances between September 1675 and September 1680 to collect the money she needed to maintain her children following her first husband's death, and possibly a dozen more in earlier and later volumes of the finding money acquittance books not used here. The last acquittance used in this chapter, dated the 16th July 1680, means that during her second time as a widow, Jane Best was still visiting the Court almost two decades after her first husband died in 1661, demonstrating how financial obligations in the Court could extend far beyond the testator's death and required women to attend the Guildhall time and time again. 135 Women's involvement with the Court, either as an executor like Rebecca Wallis or as a

¹³³ LMA, COL/CA/01/01/086, fol. 208.

¹³⁴ For suits between John Vanhack and his siblings Abraham and Mary over their father's dwelling house and money matters see: Vanhacke v Vanhacke: C 5/414/81, C 6/177/62; for suits between John Vanhack and his stepmother Jane Best over Abraham Vanhack's estate and money matters see: C 6/191/11, C 6/193/5, C 10/153/153 and C 10/458/23; for suits between John Vanhack and his wife Hester with their son Isaac Vanhack see: C 5/191/55.

¹³⁵ LMA, COL/CHD/OA/01/015, fol. 115.

guardian like Jane Best, brought them into regular contact with the Corporation. The Court is therefore an important focal point for understanding the ways that women directly engaged with civic life.

The ways that Grisell Reeve, Rebecca Wallis, Anne Deacon and Jane Best were involved in the Court of Orphans in the second half of the seventeenth century emphasises the importance of using administrative record linkage to understand the Court's financial records. While using individual records from the Chamberlain's Department on their own can provide information about how women engaged with the Court of Orphans, we are not able to understand the wider implications of this. Instead, by finding traces of women's lives in a range of records both from the Corporation and beyond, we can use these to draw a full picture of the ways that individual women interacted with the Court, how they managed financial investments over time and what types of women the Court pulled into its financial and administrative obligations. Using this methodology reveals that orphans, widows and wives were engaging with the Court, that they were responsible not just for estate administration, but also complex financial management, sometimes over one or more decades. This methodology reveals the way that women were involved with an estate over the course of time it was being administered by the Court and works to bring to the fore the administrative and financial roles of women. These administrative and financial interactions are key to understanding how seventeenth-century women engaged with civic life, as they worked to facilitate the Court's process, but also formed key nodes in wider civic networks.

Conclusion

This chapter has focused on a small selection of financial material relating to the Court of Orphans in the late seventeenth century and has used administrative record

linkage to identify the role of women. It has sought to demonstrate that we must work with rather than against the contemporary archival processes of the Corporation and use a methodology that can identify the full extent of the role of women in the Court's day-to-day financial procedures. As Gowing highlights for the City's apprenticeship records, the Court's records similarly bring the male testator to the fore and leave women's involvement in the Court difficult to trace. 136 As estate administration often fell to women, they dominate the Court of Orphans' financial records. By using a knowledge of the ways the Corporation organised and archived its records, it is possible to identify a network of records which contain traces of these women's lives. It is only by using information from multiple volumes in various record series that we can reconstruct the full extent of women's role in the Court and identify their use of private credit and involvement in public investments. This reveals that women were confident financial managers, looking after the investments of orphans and they were able to confidently manoeuvre the Court's complex administrative process. Visiting the Guildhall year after year, they left traces scattered across the Corporation, as well in guild records, and it is only by piecing this together we can learn the full extent of women's role in the City's institutions and the ways they interacted with civic life.

While this chapter has focused on the years 1660 to 1694 and in some cases used volumes covering just five years, further investigation of the Court's financial records is needed beyond these years to learn more about the changing nature of the Court and the role of women within it. Indeed, an entire thesis could be dedicated to the City's long-term management of orphan inheritances and the intricacies of the Court's financial mechanisms. Similarly, the methodology of this chapter has required a focus

¹³⁶ Gowing, *Ingenious Trade*, 8.

on a small selection of women, and many other women have not been included. There are hundreds of women noted as recognitors and sureties in the recognizance volumes, as well as in the finding acquittance books who were collecting portions from the chamber. The survival of corresponding inventories and petitions used in other chapters of this thesis has dictated which women were identified in this chapter as the estates they were involved in make up the backbone of this thesis.

With this small range of material, what this chapter has done, however, is not only illustrate the different financial options available to a guardian when deciding how to manage an orphan's portion, but also the different factors that may have been involved in this decision. Although as we saw in the case of Grisell Reeve, guardians sometimes used both financial mechanisms to secure an orphan's money during their time as guardian. More than this, it has sought to argue that the role of the widow-executor needs to be considered more than a widow passively acting out the wishes of her deceased spouse. Instead, within the Court of Orphans we can see the widows, executors and recognitors making important financial decisions about their children's investments, visiting the Guildhall time and time again to bring documents and money, as well as managing the estate administration of their spouse. But also, that it was not just widows, but also orphans and remarried women who were pulled into the Court's obligations.

Using the records in this way, this chapter has sought to demonstrate how we need to 'read the silences' identified by Barron and Martin that have been left by the Court of Orphan's processes.¹³⁷ The activity of the widows, executors and orphans who engaged with the Court and its administrative procedures can only be identified in this

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¹³⁷ Barron and Martin, 'Mothers and Orphans in Fourteenth-Century London,' 289.

way, by using a methodology that recovers women's presence in the record and their activities in the Court. Administrative record linkage not only reveals the extent to which women were administering estates, managing money and visiting the Guildhall, but also highlights women's wider social networks and the relationships that underpinned them. This allows us to see these networks not just as a reflection of a freeman's social capital as Wallis discusses, but on the overlapping familial, professional and community networks of spousal couples. 138 Women's obligations in the Court of Orphans as executors, guardians, recognitors and sureties not only placed on them financial and administrative obligations, but as we have seen in the recognizance volumes, these obligations extended to their kin, neighbours, and business partners. Widows, guardians, and orphans were required to come to the Court year after year to fulfil these administrative and financial obligations and it is only by tracing women through various records that can we identify them as confident financial managers and investors. The Court of Orphans' records therefore offer an insight into the ways that women engaged with corporate life beyond the livery companies and that they were important nodes in civic networks.

¹³⁸ Wallis, Guild Society: Social Capital and Guilds in Early Modern England.'

Chapter Five

Women's Petitions to the Court of Orphans, c.1660-1740

Introduction

The previous three chapters of this thesis have looked at a set of records produced by the Court of Orphans' administrative process. Chapter two used the repertories of the Court of Aldermen to see what percentage of orphan business was brought to the Guildhall by women; chapter three used the probate inventories to learn more about both women's roles inside the Court and their roles outside it, and chapter four used the Court's financial records to learn more about the role of women in the Court's financial procedures. Each of these records shows women in their capacity as executors, guardians, recognitors and sureties, following the City's custom to protect an orphan and their inheritance, alongside the lord mayor and aldermen.

As records of an administrative process, most of this material only allows us to see information that was relevant to the processing of an estate, from the perspective of the common serjeant and clerks who produced the Court of Orphan and Court of Aldermen records. While we can sometimes see further contextual detail, such as a freeman who did not follow the partible division required by the City's custom, as noted in the common serjeant's book, or an orphan requesting a change of guardian in the repertories, these records were created to do just as they suggest: record each stage of the process.¹ As with any source material, these records therefore have limitations in what they can tell us. What happened when the administrative process of the Court

¹ For an example of a freeman who did not follow the custom see common serjeant's book entry for Thomas Roycroft: LMA, CLA/002/01/004, fol. 12-12b; for other references to contextual detail in common serjeants see entry for Daniel Wigfall, which notes that he owned property across Yorkshire, held an annuity in the Million Lottery and requested his widow have control of educating their two orphans: LMA, CLA/002/01/005, fol. 44-44b.

broke down? How did women communicate with the Court? How did women understand the role of the Court of Orphans in civic life? Beyond just administrative complications, these records also reveal little about the relationship between the women and the Court itself, how they understood its role in the City, and the tactics they used to navigate its procedures.

To attempt to answer these questions, we must turn to the petitions written by women who engaged with the Court, who had financial and administrative responsibilities within it, were looked after by the privileges it extended, or were affected by the breakdown of its procedures. However, these petitions cannot be found in the Court of Orphans' record series in the LMA. Instead, petitions relating to matters of City orphanage are found in the Court of Aldermen record series. A collection of over 30 petitions that relate to civic orphanage are part of the Court of Aldermen papers, alongside a range of petitions to the lord mayor and aldermen on a variety of others matters relating to City governance.² These are petitions that were written by either the petitioner, or by someone on their behalf, and which were submitted to the Court of Aldermen and kept in their records. The repertories of the Court of Aldermen also record petitions that were received. These detail the nature of the issue and often the formation of a sub-committee of aldermen to deliberate any matters and in some cases, they also note the outcome.

The material and textual relationship between the loose petitions and the repertories can be understood with the example of the three petitions submitted by the orphan Margaret Clark in 1691. All three of her petitions survive in the Court of Aldermen papers and three corresponding entries can be found in repertory 95 (1690-

² For Court of Aldermen papers see: COL/CA/05.

91) and 96 (1691-92). Margaret Clark's first petition from June 1691 lays a complaint against her father's executor William Brice for not disclosing the full extent of her father's estate, and for not providing security for her inheritance, causing the Court of Aldermen to summon both of them to the Guildhall.³ In the meantime, the Court must have granted her maintenance money and permission to live outside the City—with the promise to return in three months to decide her future place of residence—as she returned in October 1691 to submit a petition, stating that 'in obedience to the said order your petitioner now stands before this court.'4 An entry from repertory 95 from October 1691 notes that following this, she was granted permission to continue living in Sutton, Berkshire with her mother's family and that William Brice was ordered to pay her £35 for a year's maintenance. Margaret Clark submitted another petition just over a month later in November, stating that William Brice had refused to pay her the £35 and this had necessitated a longer stay in the City.⁶ The corresponding repertory entry noted his refusal to pay her maintenance money, as well as to attend the court when summoned, and noted that he 'be forthwith prosecuted upon his recognizance by the clerke of the orphans.'7

This suggests that loose petitions were submitted to the lord mayor and aldermen, deliberated, any details from the petition noted in the repertory along with any orders or summons and then the petitions were either preserved or discarded. However, most petitions mentioned in the repertories do not have a corresponding loose petition, suggesting that many were not kept, or if they were, they have not

³ LMA, COL/CA/05/02/001, C; COL/A/01/01/099, fol. 283b-284.

⁴ LMA, COL/CA/05/02/001, C.

⁵ COL/A/01/01/099, fol. 348b-349.

⁶ LMA, COL/CA/05/02/001, C.

⁷ COL/A/01/100, fol. 7; the clerk of the orphans was the most junior clerk in the Mayor's Court.

survived. Indeed, of the 31 petitioning women found in the repertories between 1685 and 1695, only four of them have a corresponding loose paper petition in the Court of Aldermen papers, emphasising the number of petitions that are missing from the archive. Though the original petitions in the Court of Aldermen papers are far more detailed, references to petitions in the repertories can still provide useful information, and in many cases, further details about the lord mayor and alderman's response to the petition, such as verdicts and orders.

This chapter uses a selection of petitions from both the Court of Aldermen papers and repertories between 1660 and 1740 and argues that they allow us to learn more about the important role women played in the Court when its procedures broke down, but also how women understood the role of the Court of Orphans in the City. These petitions are some of the only documents that allow us to see the quotidian reality of the Court's procedures, what happened when its customary process broke down and the role that women played in this. Similarly, they also allow us to see how the Court was conceptually understood, not by those who administered it, but by the women who engaged with and used its services.

While a great deal of scholarship has looked at petitions in the early modern period, research on petitions submitted by women has tended to focus on those submitted by war widows during the Civil Wars, Interregnum and Restoration periods. Geoffrey L. Hudson uses petitions submitted by war widows across England to the quarter sessions in the second half of the seventeenth century to learn more about the tactics they used while attempting to obtain county pensions.⁸ He concludes that these

⁸ Geoffrey L. Hudson, 'Negotiating for blood money: war widows and the courts in seventeenth-century England,' in *Women, Crime and the Courts in Early Modern England,* ed. Jennifer Kermode and Garthine Walker (Chapel Hill: University of North Caroline Press, 1994).

tactics demonstrate war widows' acute awareness of their entitlement and that they were often successful in securing some kind of pension. Building on this, there have been several articles in recent years focusing specifically on petitions submitted by either Parliamentarian or Royalist widows across the second half of the seventeenth century. Like Hudson, Imogen Peck's article also uses records from quarter sessions—specifically in Lancashire and Cheshire—to explore the 'strategies which women used to navigate and narrate the death... of their husbands' in order to obtain relief during the Civil Wars and Interregnum. Peck argues that petitions from Parliamentarian widows demonstrate that they were not only able to navigate and exploit the petitioning process successfully, but that the language and rhetoric they used to frame their narratives reveals how they understood loss and death within this process.

Focusing on a similar period to Peck, Hannah Worthen's work instead uses petitions submitted by Royalist widows who turned to Parliament in the hope of regaining sequestered lands from the Committee for Compounding with Delinquents. 11 Worthen argues that these widows used tactics such as the language of loyalty and distress to weave persuasive narratives, along with a knowledge of their entitlement, to try and obtain the return of their lands. Stewart Beale's article draws parallels and differences with this, focusing on petitions to the House of Lord by Royalist widows who sought vengeance against those who killed their husbands. He argues that petitioners deployed a number of rhetorical strategies, such as the imagery of violence, female suffering and loyalty, along with a knowledge of the ongoing political uncertainty and

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⁹ Ibid.

¹⁰ Imogen Peck, 'The Great Unknown: The Negotiations and Narration of Death by English War Widows, 1647-60,' *Northern History* 53, no. 2 (2016), 222.

¹¹ Hannah Worthen, 'Supplicants and Guardians: the petitions of Royalist widows during the Civil Wars and Interregnum,' *Women's History Review* 26, no. 4 (2017): 528-540.

due legal process.¹² In a second article on Royalist widows, Beale argues that the petitions to Charles II in the first years of the Restoration demonstrate the use of emotive language and self-fashioning to obtain relief, but also that what they asked for allows us to see what women thought they were entitled to. ¹³

While the petitions used by these scholars vary in geography, chronology, and purpose, they all focus on the strategies, tactics and narratives deployed by widows in their petitions to obtain relief or justice. Whether this was use of emotive language, rhetoric, or imagery or even a knowledge of the political and legal arena in which they operated, they all attempted to navigate the system by framing themselves and their plight in a certain and specific way. This in turn sheds light on women's ideas about entitlement, self-worth, self-identity, and knowledge of charitable and judiciary systems. However, these petitions speak only to experiences born out of the Civil Wars, characterised by bipartisanship, violence and loss, and do not consider other social or economic aspects of women's lived experiences in this period. They also do not adapt their methodologies to consider the court in which these petitions were being submitted to and therefore do not reflect how their conclusions may be limited to specific legal processes.

Of course, other scholarly work has focused on the petitioning practices of women outside the context of the Civil Wars. Aske Laursen Brock and Misha Ewen have used women's petitions to various courts in the seventeenth century to learn more about their dealings with the East India Company and how this was entrenched within wider familial networks. In fact, Brock and Ewen use a similar methodology to the

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¹² Stewart Beale, 'War Widows and revenge in Restoration England,' *The Seventeenth Century* 33, no. 2 (2018): 195-217.

¹³ Stewart Beale, "Unpittyed by any"? Royalist Widows and the Crown, 1660-70," *Historical Research* 92, no. 258 (2019): 737-753.

scholars mentioned above, focusing on the strategies used by women in their petitions as evidence of their agency and ability to navigate various institutional processes. ¹⁴

Focusing on an earlier period, Cordelia Beattie has analysed the use of language and structure of petitions submitted by women to Chancery in the fifteenth century to learn more about women's involvement in their production. She argues that it is only by adopting a 'methodology [that] is tailored to the specific legal arena and records under discussion' that it is possible to reveal 'women's experiences of an interactions with the law.' ¹⁵

Among the various scholars of female petitioners there is a broad methodological consensus that a study of petitions should focus on language, rhetoric, and imagery, rather than on the life of the petitioner herself. This means focusing on the words and techniques used to construct the narrative in the petition, rather than on the narrative itself. The consensus among scholars is that the focus should be on *how* women petitioned, not *why* they petitioned. This works sits within a broader historiographical debate about the ability of historians to access the authentic voices of historical actors when using legal documents, which Tim Stretton, Laura Gowing and Joanne Bailey have all contributed to. ¹⁶ While this debate is too nuanced to address in detail here, it can be broadly summarised using the words of Tim Stretton, that by focusing 'on the story-telling rather than on the story-teller' historians can overcome a

¹⁴ Aske Laursen Brock and Misha Ewen. 'Women's Public Lives: Navigating the East India Company, Parliament and the Courts in Early Modern England.' *Gender & History* vol.33, no.1 (2021): 1-21.

¹⁵ Cordelia Beatie, 'I your Oratrice: Women's Petitions to the Late Medieval Court of Chancery.' in *Women, Agency and the Law, 1300-1700* ed. Bronach Kane and Fiona Williamson (New York: Routledge, 2016), 20, 29. ¹⁶ Tim Stretton, *Women Waging Law in Elizabethan England* (Cambridge: Cambridge University Press, 1998); Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern* London (Oxford: Clarendon Press, 1998); Joanne Bailey, 'Voices in Court: lawyers of litigants?' *Institute of Historical Research* 74 (no. 186): 2001. This topic has been discussed at length by scholars and for further literature see: Aidan Collins, 'Narratives of Failure, Bankruptcy and Decline in the Court of Chancery,' *Cultural and Social History* 19, no. 1 (2022): 1-17; Alexandra Shepard, *Accounting for Oneself: Worth, Status and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015); Tim Stretton, 'Women, Legal Records and the Problem of the Lawyer's Hand,' *Journal of British Studies* 58, no. 4 (2019): 684-700.

number of the methodological problems that legal documents present, including collaborative authorship, accessing authentic voices and the construction of fictional narratives in legal documents. ¹⁷

However, this chapter takes a different methodological approach. While it builds on the wealth of research that focuses on petitions submitted during the Civil Wars and Interregnum years, it seeks to fill a gap in the historiography and focus on a period beyond the mid-seventeenth century and the conflict that characterises it. Similarly, research on petitions during this time has tended to consider the institution in which they were submitted to as a secondary factor, focusing primarily on the request of the petition, how this was communicated and what this tells us about contemporary knowledge and beliefs. In the spirit of Cordelia Beattie's assertion that methodological approaches must pay attention to the legal institution and records under investigation, this chapter considers petitions in the wider context of the Court of Orphans and what they can tell us about how the role of the Court was conceptually understood by those petitioning it. By using a methodology that contextualises these petitions within the Court of Orphans' administrative process and the records it produced, it is possible to see how this process, and the civic culture it was part of, was understood and communicated.

By extracting the 'storyteller' from any analysis, we leave out crucial details that allow us to learn more about these women's role in the Court of Orphans' process and how this process could break down. That is, by focusing on *why* women petitioned, we can see how their knowledge and understanding of the Court of Orphans informed *how* they petitioned. It is not the aim of this chapter to assess whether these women's

¹⁷ Stretton, Women Waging Law, 19.

requests were genuine or whether they were granted any legal or financial aid, but rather to use these petitions to understand how women understood and communicated with the City and the Court. What role did they have in the Court, and what role did the Court have in the lives of these women?

Most relevant to this chapter is the work of Hilda L. Smith, Claire Benson and Laura Gowing. Smith's article focuses on women's petitions to the Court of Aldermen in the seventeenth and eighteenth centuries. She nuances debates around the presentation of women in petitions, arguing that they 'present women as stronger and more persuasive speakers... and downplays the broad stereotype of women speaking only as family members, as widows or as single women in need.'18 Using a broad range of petitions submitted by women trying to gain the freedom, admission to an almshouse or hospital or in relation to a Court of Orphans' estate, her chapter serves to demonstrate 'how women traversed the interstices of London's economic, legal and political realities.'19 While more recent scholarship surveyed above has shown that women could be both a widow and deploy strategic and tactical rhetoric, Smith's work is key to understanding how a variety of women interacted with the City's civic authorities and she successfully demonstrates how women's petitioning tactics can be characterised by more than their marital status and family relationships.

Claire Benson has also used petitions that women submitted to the City, arguing that they reveal how a range of women were able to 'manipulate custom in ways that undercut the City's patriarchal vision of what citizenship should be, and who should

¹⁸ Hilda L. Smith, 'Free and Willing to Remit: Women's Petitions to the Court of Aldermen, 1670-1750,' in Worth and Repute: Valuing Gender in Late Medieval and Early Modern Europe: Essays in Honour of Barbara Todd, ed. by Kim Kippen and Lori Woods (Toronto: Centre for Reformation and Renaissance Studies, 2011),

¹⁹ Ibid, 278.

belong within it.'20 Her research focuses on how women negotiated a civic and economic place in the City as apprentices, citizens and as non-free traders, and draws attention to the ways that we need to look beyond the livery company records to learn more about women's place in the City. Overlapping with this is Laura Gowing's recent work on women and work in the City's livery companies. Gowing has studied a wide range of petitions submitted by women to the City in relation to apprenticeship and the freedom and has done so within the corporate and civic context in which they were produced. She argues that 'petitions and the diverse documentation of freedoms reveal the paths by which women negotiated a formalised place in the civic community.'21 Indeed, she adds that 'the process of petitioning was still a meaningful one... it adds a missing piece to the history of the City.'22 As the scholarship demonstrates, petitions are key to understanding the civic, social and economic role of women in the early modern City.

Building on work on City women's petitions by Smith, Benson and Gowing, this chapter uses petitions submitted by women to the Court of Orphans to learn more about how women understood and engaged with it. It focuses on the language they used, the plights they drew attention to and the form and style in which they framed their requests. This tells us about the role of women in the Court of Orphans, but also how they understood the Court within a specific civic context. By refocusing on the storyteller and the reasons why they petitioned, it is possible to gain a new understanding of women's place in the Court, but also how women understood the Court and their own place within it. As such, women's petitions to the Court offer a new

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²⁰ Claire A. Benson, 'Boundaries of Belonging in Early Modern London, 1550-1750,' (PhD thesis, University of York: 2018), 180.

²¹ Laura Gowing, *Ingenious Trade: Women and Work in Seventeenth-century London* (Cambridge: Cambridge University Press, 2021), 10.

²² Ibid, 218.

way to study women's engagement with civic culture and their understanding of the customs that underpinned it.

Women's petitions to the Court of Orphans demonstrate that they were active petitioners who were comfortable bringing business to the Court to obtain a financial or legal resolution. Various financial and administrative obligations were placed on women by the Court's customary process, and they played a key role as mediators and communicators when this process broke down. Women frequently came to the Guildhall about orphan matters, to complain about others, to apologise when they had undermined the custom, but knew how to use the City's customary laws for their own or their orphan's financial benefit. They deftly manoeuvred and negotiated the boundaries of the City's customs, using petitioning as a powerful communicative tactic and these petitions reveal how women understood the Court, and the role the Court had in the City. The language they used shows how women understood concepts such as civic identity, civic orphanage, and the City's customs, all which underpinned the Court of Orphans. Indeed, the Court had an important civic function and acted as a place where the City's customs and ideas about civic identity were negotiated, enforced, and moulded.

This chapter ultimately seeks to answer two questions: what do these petitions reveal about the role of women when the Court of Orphans administrative process broke down? And, what in turn do these petitions tell us about how women understood ideas of civic orphanage, civic culture and the City's custom? This chapter is divided into two sections. The first section argues that women played an important role as mediators, communicators, and petitioners when the Court's process broke down and that they were confidently able to negotiate the Court's customary process to obtain the financial or legal help they needed. The second section argues that these petitions show

us the importance of the Court of Orphans as a place where women could communicate ideas about civic culture, civic orphanage, and the City's custom and their own understanding of their place in civic life.

However, finding Court of Orphans petitions is itself a difficult task. The Court of Aldermen papers subseries in the LMA is made up of three further subseries: the main series, petitions, and subject series.²³ While it would seem logical to assume that all petitions would be held in the petition subseries, this thesis has already demonstrated that logic does not always prevail when trying to navigate the Corporation's records. Petitions are in fact found in both the main series and petition subseries. The main series (COL/CA/05/01) is made up of hundreds of boxes, and for the period under investigation here, each containing several folders with one year's worth of documents. The petition subseries (COL/CA/05/02) is divided into four boxes; three containing alphabetically catalogued petitions and a fourth containing petitions relating to two specific matters, only one of which—the freedom petitions—is relevant here.²⁴ The main series mostly contains petitions related to the City freedom, many with attached indentures, and building regulation disputes after the Great Fire. The petitions subseries contains petitions from prisoners in City gaols, group petitions from parishes and wards, petitions from elderly inhabitants seeking admission to a hospital or almshouse and complaints and requests from City officials, to name just a few. Of course, both subseries also contain Court of Orphans petitions.

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²³ LMA, COL/CA/05/01-03.

²⁴ LMA, COL/CA/05/02/001-004; The first box contains petitions with surnames A-F, the second G-Q and the third R-Y. Within these boxes each letter has its own folder. The fourth box contains freedom petitions and petitions to be searcher and sealer of leather and only the freedom petitions were searched; It is also worth noting that all petitions from those whose surnames begin with 'A' have been indexed and assigned their own reference number, but this is not the case for B-Y.

A systematic approach to both these two subseries was taken in order to find women's petitions to the Court of Orphans. Firstly, as the main series is large and most of the petitions relate to other non-relevant matters, only the first five boxes were looked through, which contains documents from 1663-1700. Within these five boxes, there are nine petitions from women in relation to the Court of Orphans between 1675 and 1699. For the petition subseries, all four boxes were looked through and this search found 36 Court of Orphan women's petitions, roughly dating from the 1670s to about 1740. As the petition subseries is organised alphabetically and not chronologically and most do not include dates, these have been dated using inference and context, such as when a mayor was named, or the corresponding repertory entry also survives.

Finally, as most of these petitions clustered around the 1680s and 1690s, ten repertory volumes were also looked through from repertory 90 (1685-6) to repertory 99 (1695-6).²⁵ This date range was chosen in the hopes of finding the corresponding repertory entry for many of these loose petitions, but also to identify petitions in the repertories where the loose petition no longer survives. This search yielded 31 petitioning women. Other repertories outside these dates are referenced throughout this chapter to provide contextual detail for the loose petitions where circumstantial information about these petitioning women has been found when conducting research for other chapters of this thesis. As some of these women submitted more than one petition about a dispute, such as Margaret Clark mentioned above, or more than one copy of a petition survives, the number of petitioning women has been counted, rather than the number of individual petitions. A list of all the reference codes, date ranges and number of petitioning women that were found and have been used in this chapter can

²⁵ COL/CA/01/01/094-103.

be found in table 5.1 A full list of all these women and their relevant petitions can be found in appendix 2 of this thesis.

Table 5.1: Petitions used in chapter five

LMA reference	Location	Date range	Number of petitioning women
COL/CA/05/01/001-006	Court of Aldermen papers - main series	1675-1699	9
COL/CA/05/02/001-004	Court of Aldermen papers - petitions	c.1670-c.1740	36
COL/CA/01/01/094-103	Court of Aldermen - repertories	1686-1695	31

Of course, this approach has its limitations. As chapter one argued, the Court of Orphans held a difficult to define space within the City's civic administration and the petitions submitted to the Court work to demonstrate this further. These petitions are catalogued with the Court of Aldermen's records and are interspersed with the rest of the City's business. At first glance, when looking through all this material, it seems as if Court of Orphans petitions have been helpfully categorised as such by a clerk, as many have the word 'orphan' or abbreviation 'or' written on the back to signify the matter of business to which they relate. This categorisation is the case for several other petitions as well, which have the word 'charity', 'hospital' or the phrase 'for relief' written on the back. However, this is by no means systematic and many of these manuscripts only have the name and age of the petitioner, with others sometimes having recommendations, or the name of the court to which they were being addressed. While scholars first approaching this material would

²⁶ These notations appear to have been written by the clerk upon receipt of the petition in the Court of Aldermen, or at a later date when they were being filed.

be forgiven for assuming that *all* petitions relating to the Court of Orphans have been categorised as such, this is clearly not the case.

One of the petitions in the first alphabetised box in the petition subseries is that of Mary Garthwaite. Her petition claimed that in 1684—and following her husband Timothy Garthwaite's death—she paid their daughter Anne Garthwaite her inheritance in full out of her own share of her husband's estate in order 'to advance the said Anne in the world'.²⁷ Her petition continued that Anne Garthwaite assigned her orphan portion in the City's chamber to her mother and provided her with a receipt and that when she later married, her husband did the same. However, the now Anne Egan and her husband subsequently moved to Ireland and Darby Egan then laid claim to his wife's portion held in the City's chamber, which Mary Garthwaite believed was rightfully hers. Her petition requested that she be allowed to acknowledge satisfaction for her daughter's portion. This case is clearly a dispute over an assigned orphan's inheritance in the chamber, but despite this, the petition does not have an 'or' or 'orphan' note as many others do and instead has a note saying, 'to acknowledge satisfaction for money in the chamber'. This means that the categorisation system used by the City's clerks cannot be fully trusted to identify which petitions relate to matters of City orphanage.

Hilda L. Smith's article discussed earlier includes an alphabetised table of women's petitions to the Court of Aldermen, along with categories for the type and date of the petition. However, a closer inspection reveals this table is problematic. When including the petition of Priscilla Dawson, Smith's only note is that she was 'seek[ing] funds in the chamber' with no mention of the word orphan, despite the notation 'or'

²⁷ LMA, COL/CA/05/02/001, C; this petition is miscatalogued in the folder of surnames beginning with C in the first box containing surnames A-F when it should in fact be in the second box containing folders G-Q (COL/CA/05/02/002).

written on the petition.²⁸ The 'or' note on Priscilla Dawson's petition is not a mistake as she is named as the orphan of William Johnson, a haberdasher, on a Court of Orphans bond from 1681.²⁹ Like the 'or' notations on the back of the petitions, Smith's table is not systematic and cannot be relied on to identify all the orphan petitions in the Court of Aldermen papers. Indeed, she does not distinguish where any of the petitions were from and fails to mention they are from three different subseries in the LMA.

Judgement and a good knowledge of the Court is therefore required to identify petitions which relate to a Court of Orphans' estate. For example, the petition of the widow Elizabeth Baggs, which is listed on Smith's table as 'seek[ing] funds for husband's lands', does refer to an issue over a piece of land in Dorset Gardens that had belonged to her husband. However, Elizabeth Baggs was the mother and guardian to six orphans, whom she mentions in her petition, and this petition can tell us a lot about her role as the guardian to City orphans, so needs to be considered as an orphan petition. However, it is only because the probate inventory of Elizabeth Baggs has been used in a previous chapter of this thesis that her status as the guardian of City orphans has been identified, emphasising the need to analyse material relating to the Court of Orphans together.

To clarify, then, women's Court of Orphans petitions have in this chapter been identified as any petition submitted to the lord mayor and aldermen by a woman (and in some cases jointly with her spouse) and which in some way refers to money in the City's chamber, an orphan or orphan estate, the Court of Orphans or the Orphans' Fund. These women could be either orphans themselves, the mother or guardian of an orphan, or proprietors of stock in the Orphan Fund. This definition has guided the

²⁸ LMA, COL/05/02/001, D.

²⁹ LMA, CLA/002/04/233.

methodological approach used in this chapter and which has identified the petitions in the Court of Aldermen papers and repertories. As I have demonstrated, this definition does not directly align with petitions containing the clerk's 'orphan' or 'or' notations, or the petitions under the 'orphan' category in the table in Smith's article. This means that, while these have both been used as a guide for identifying orphan petitions, it is only by individually going through every woman's and couple's petition in the Court of Aldermen papers and through repertories 90 to 99 (1685-1695) that the petitions used in this chapter have been found. Of course, the subjective nature of this methodology means that more research on the Court of Orphans would likely identify other Court of Orphans' petitions. Instead of using women's petitions concerning the Court of Orphans because they were submitted to the Court of Aldermen as Smith does, the methodology used here utilises petitions submitted to the Court of Aldermen because they concern the Court of Orphans.

Part one: The role of women in the Court

I. Petitions and petitioning

These Court of Orphans petitions deal with issues such as the guardianship of an orphan, the division of an estate, money held in the chamber or the poverty of an orphan or their guardian. Nearly all follow the same clear format and the consistently high quality of the penmanship in many of the petitions suggests that the women submitting them were not always the ones writing them. Indeed, there is a general consensus among scholars that most petitioners would have employed a scrivener,

notary or clerk to help write up their petition.³⁰ The similarity in language and structure between these petitions would support this and Cordelia Beattie has described this structure as fitting a 'universal set of epistolary principles'.³¹ First the *salutatio*, addressing 'the right honourable the lord mayor and court of aldermen', the petitioner then introduced herself, the *exordium*, often listing her marital status, whether she was an orphan and the name of her husband or father. The petition then detailed information relevant to the petitioner's request, the *narratio*, such as a dispute or financial difficulties and why this necessitated intervention or help from the Court of Aldermen. In the *petitio*, the petitioner clearly laid out her request to the lord mayor and aldermen and ended the petition with the *conclusio* 'humbly pray[ing] this honourable court' for a resolution to her problem.

Margaret Clark's petition clearly shows this format, as seen in figure 5.1. The petition contains perfectly straight lines of handwriting and intricate calligraphy, with a swirl pattern coming off one of the letters in the introductory address, leaving little doubt that this petitioner employed a professional to write her petition.³² Given that she was probably about 14at the time it was submitted, this conclusion seems all the more likely.³³ The petition of Mary Harris, figure 5.2, stands in contrast to this, appearing as a short, handwritten note on a small scrap of paper not following this

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³⁰ Stewart Beale, "Unpittyed by any'? Royalist Widows and the Crown, 1660-70," *Historical Research* 92, no. 258 (2019): 744; Stewart Beale, 'War widows and revenge in Restoration England,' *The Seventeenth Century* 33, no. 2 (2018): 197; Geoffrey L. Hudson, 'Negotiating for blood money: war widows and the courts in seventeenth-century England,' *Women, Crime and the Courts in Early Modern England,* ed. Jennifer Kermode and Garthine Walker (Chapel Hill: University of North Caroline Press, 1994): 163; Imogen Peck, 'The Great Unknown: The Negotiations and Narration of Death by English War Widows, 1647-60' *Northern History* 53, no. 2 (2016): 222; Hannah Worthen, 'Supplicants and Guardians: the petitions of Royalist widows during the Civil Wars and Interregnum, 1642-1660,' *Women's History Review* 26, no. 4 (2017): 530.

³¹ Cordelia Beattie, 'I Your Oratrice: Women's Petitions to the Late Medieval Court of Chancery,' in *Women, Agency and the Law, 1300-1700,* ed. Bronach Kane and Fiona Williamson (New York: Routledge, 2016): 20. ³² LMA, COL/CA/05/02/001, C.

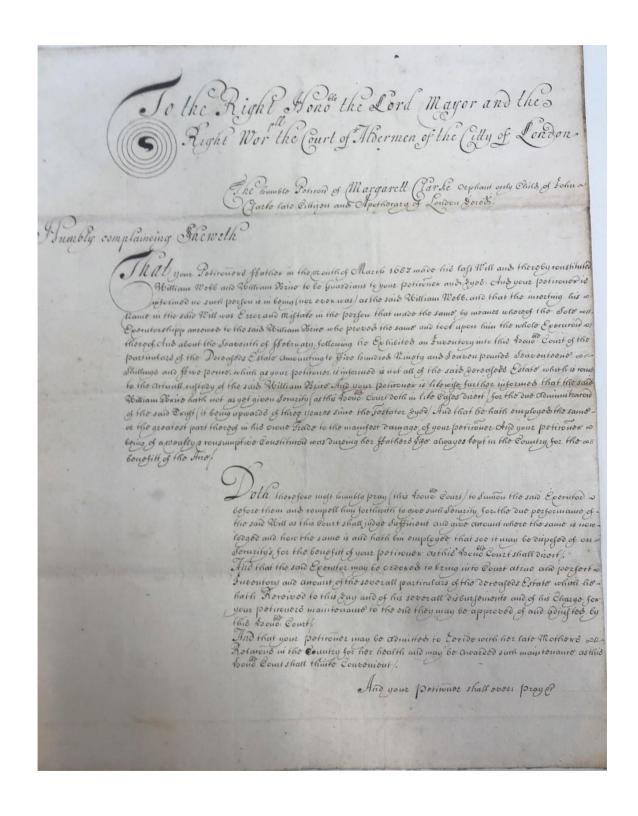
³³ LMA, P69/MRY2/A/001/MS03572/001; *England Births & Baptisms 1538-1975*, Find My Past, accessed 1st June 2021. https://www.findmypast.co.uk/transcript?id=R 952163130.

format, suggesting it was written by the petitioner herself or by a friend or family member.³⁴ This is the only petition discussed in this chapter that departs from the petitioning structure mentioned above. Nearly all are in a good condition and were at some point folded like a letter, either when they were presented to the lord mayor and aldermen or when they were archived.

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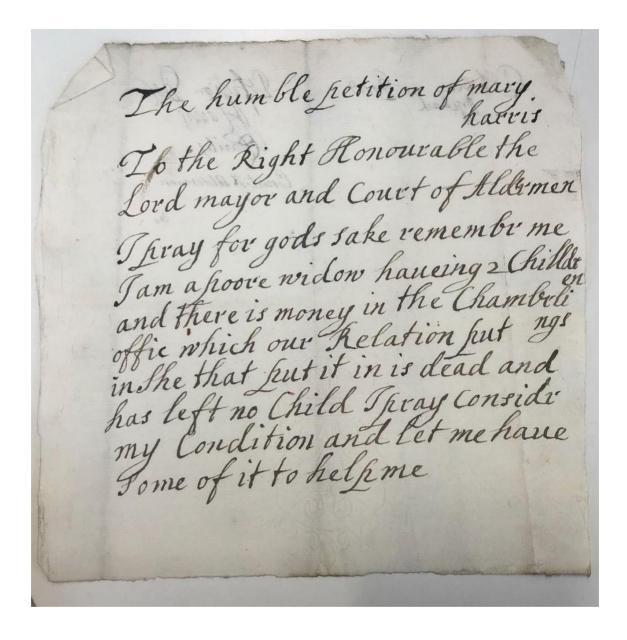
³⁴ LMA, COL/CA/05/02/002, H.

Figure 5.1: One of the petitions submitted by Margaret Clark.³⁵



³⁵ LMA, COL/CA/05/02/001, C.

Figure 5.2: Petition of Mary Harris.³⁶



While Margaret Clark was still a child and an orphan when she petitioned the Court, and Mary Harris' petition suggests that she had limited resources available to her, women in the court came from a variety of age groups and backgrounds. Many of them showed an adept ability to navigate the Court's procedures and used sophisticated petitioning strategies to seek financial or legal redress. Women petitioning the Court

³⁶ LMA, COL/CA/05/02/002, H.

could be teenagers, or in middle age; they could submit one petition or submit multiple petitions over an eighteen-month period as Margaret Clark did; they could have little resources available to them as Mary Harris' petition suggests or have high-status connections. Women's petitioning experiences in the Court were varied and likely motivated by necessity, drawing on tactics they thought would be most effective for their petition. These petitions give us an insight into the resources that women had available to them, whether repeat petitioning or submitting a small desperate note, women were key as communicators and mediators within the Court, advocating for themselves and their orphans.

II. Navigating the breakdown of Court procedure

But what burdens and obligations fell on women when the Court's administrative processes broke down? Many of the women petitioning the Court were orphans, who benefitted from the safekeeping of their portion, or were guardians who were responsible for an orphan's day-to-day care. Any breakdown in the Court's procedures that jeopardised an orphan's portion or did not allow the guardian to collect money that could go towards the maintenance of an orphan was a cause for concern and this is often what brought women to the Guildhall. These petitions reveal that women often shouldered the financial burden when the administrative mechanisms of the Court broke down, or executors and administrators refused to follow the custom. By focusing on these financial obligations, it is possible to conclude that women played an important role in petitioning for estate disputes to be settled or for more financial aid to assist with the care of an orphan. As such, they were important actors facilitating the Court's administrative mechanisms.

A number of these petitions come from women who were directly responsible for providing day-to-day care for a freeman's orphan, including providing an orphan with food, board, clothing, and payment of school costs. In many cases, these women were widows. An example of this is the petition from Anne Barcock from 1675, in which she described herself as a 'very poore widow.'³⁷ In the petition, she says how she 'did lately board' the two orphans of James Drawater and 'found the said children with meate, drink, apparrell, lodgeing, schooling and all other necessaries for whych their said ffather was indebted to yo[u]r pet[itione]r the sum[m]e of forty poundes.'³⁸ Her petition goes on to say that she 'hath runn herselfe much into debt for the maintenance of the said children insomuch that she dares not walke abroad for feare of being arrested.'³⁹

This is similar to the situation that Rebecca Whitwell found herself in in the mid-1690s. Whitwell noted that the orphan of Jonah Smith, a cooper, 'became indebted to yo[u]r petitioner in the sum of five pounds two shillings and nine pence for mourning lynnen and other things upon the death of her mother. The petition goes on to say that the orphan's new guardian 'refuseth to pay your peticoners said debt' as he claimed that it had been settled when alderman Darwin had previously been the orphan's guardian, when in actuality this was not the case. Both of these petitions detail how the cost of providing for an orphan could fall on women and they were not always reimbursed for this work. In the case of Anne Barcock, money she had spent caring for

³⁷ LMA, COL/CA/05/02/001, B

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Her petition must have been submitted between 1693 and 1696 as she refers to an 'alderman Darwin' and the only alderman with the surname Darwin in this period was Thomas Darwin, a merchant taylor who became aldermen of the Castle Baynard ward in 1693 before surrendering his post in 1696; Alfred P Beaven, 'Aldermen of the City of London: Castle Baynard ward,' in *The Aldermen of the City of London Temp. Henry III - 1912* (London: Corporation of the City of London, 1908), 88-98. British History Online, accessed 19th July 2021. http://www.british-history.ac.uk/no-series/london-aldermen/hen3-1912/.

⁴¹ LMA, COL/CA/05/02/003, W.

⁴² Ibid.

the two orphans of James Drawater before his death had not been repaid to her as it should have been when his estate was being settled. For Rebecca Whitwell, apparel she had provided for Joanna Smith after her mother had died had not been reimbursed when a guardian was eventually appointed.

While both of these women were not the mothers of the orphans they cared for, this does demonstrate how women who would not otherwise have been involved with the Court were pulled into its administrative process. The complex and in some cases slow nature of estate administration made victims of women who had provided care for children but who were not formally guardians and therefore unable to receive finding money. While chapter three looked at the day-to-day financial burdens that came with guardianship, these petitions reveal how when the Court's process broke down, these financial burdens could worsen. Incidentally, the estate of Jonah Smith was the cause of a dispute between various people, including his orphan, his executors and the alderman Thomas Darwin in Chancery in 1696 and 1697 and it seems likely that the failure to repay Whitwell was part of a larger estate dispute. Even though an alderman was directly involved in this case of orphanage, the Court's procedures still broke down and it was a woman who shouldered the burden of this administrative failure.

Indeed, it was common for disputes over a testator's estate to lead to petitions being submitted to the Court of Orphans as well as to Chancery. Jane Best—the widow of weaver Abraham Vanhack discussed in the previous chapter—petitioned the Court regarding a dispute she had with her stepson John Vanhack over her husband's estate and the portions of her children, John Vanhack's younger half-siblings. In her 1677 petition, Jane Best claimed that her stepson had been appointed executor of his father's

⁴³ TNA, C 7/222/56; C 8/358/54; C 8/574/37; C9/338/76.

estate and that he had only paid in £600 of the £1000 patrimony owed to his two half-siblings and orphans and 'hath since paid neither principall nor interest nor given security for the same.'⁴⁴ Being the mother of an orphan put increased responsibility on women as they acted as advocates for their children in an attempt to ensure that they received all that was owing to them from their father's estate.

This case is all the more interesting as Charles Carlton takes time to highlight the ways that the remarriage of a widow 'brought an orphan special dangers' and the marriages of orphans and widows 'posed a major threat to the security of estates.' ⁴⁵ While for some estates this is certainly the case, he fails to mention the protective role that mothers took on when orphans were under threat from other members of their family. Indeed, following Abraham Vanhack's death in 1661, Jane married James Best in 1664, but was widowed for a second time by 1669. ⁴⁶ Despite her remarriage, then, the biggest threat to the orphans was from their half-brother. Like the estate of Jonah Smith mentioned above, this also seems to have been a more complex dispute, as Jane Best and her son John Vanhack were involved in litigation in Chancery in 1670 and 1671, both filing bills of complaint against each other. ⁴⁷ Cross-institution petitioning was costly and time consuming, requiring visits to the Guildhall and to Westminster, and demonstrates the lengths that women went to protect their children and their assets.

These petitions also reveal the complex ways that women tried to provide for their children during their time as single mothers while also managing their spouse's estate.

⁴⁴ LMA, COL/CA/05/02/001, B.

⁴⁵ Charles Carlton, *The Court of Orphans* (Leicester: Leicester University Press, 1974), 70-71.

⁴⁶ LMA, P69/Mic2/A/003/Ms04063/001, fol. 81b; *England Births & Baptisms, 1538-1975*, Find My Past, accessed 13th December 2021.

https://www.findmypast.co.uk/transcript?id=GBPRS%2FM%2F710672691%2F1; LMA,

P69/Tri2/A/001/Ms09238, fol. 68; London, England, Church of England Baptisms, Marriages and Burials, 1532-1812, Ancestry, accessed 1st July 2022. https://www.ancestryinstitution.com/discoveryui-content/view/4781960:1624?tid=&pid=&queryId=0f94f318b5fe3a299b1ad81b016cbe3b&phsrc=osp595&phstart=successSource.

⁴⁷TNA, C 6/191/11; C 6/193/5; C 10/153/153; C 10/458/23.

Elizabeth Darling was left as single mother and guardian to her five children by her husband when he died in 1676.⁴⁸ As mentioned in chapter four, she submitted a petition to the Court in the autumn of 1676 detailing that the £288 owing to her children and left to them by their father was tied up in tenements built by her husband during his lifetime, and which brought in good rents.⁴⁹ Her petition asked that, as she does not have the money to deposit in the chamber or the friends to stand as surety for the amount, that she be allowed to use the leases for the tenements as security.⁵⁰ While the custom was clear that an estate should be divided and an orphan's money secured, this petition demonstrates how this might hinder women's ability to manage their assets and generate income to support them through widowhood. It shows the limits of the customs when put into practice and the inability of women to meet the obligations that the Court placed on them.

However, when women tried to work in the confines of the custom, this in turn also presented problems. As already mentioned in this chapter, the petition of Mary Garthwaite detailed how in 1684 she gave her youngest daughter £460 in preparation for her future, with Anne Garthwaite assigning her much smaller portion in the chamber to her mother in part repayment.⁵¹ However, when she later married, her husband tried to claim her portion from the chamber, in contradiction to his wife's assignment of the debt some years before.⁵² While some mothers attempted to use their financial resources to invest in their child's future, this was not always successful as disputes arose over how money was managed and who it belonged to. In fact, this dispute was

⁴⁸ TNA, PROB 11/350/472.

⁴⁹ LMA, COL/CA/05/02/001, D; COL/CA/01/01/086, fol. 27.

⁵⁰ Ibid.

⁵¹ Ibid, C.

⁵² Ibid.

not resolved until July 1696, when the Court allowed Anne Garthwaite to acknowledge satisfaction for her daughter's portion, twelve years after it was assigned to her.⁵³

In another petition in repertory 98 (1693-4), Lucretia Eden detailed how she gave £100 of her orphans' inheritance to John Hodgson for him to invest it.⁵⁴ However he then assigned her a 'statute and judgement which he had before taken as security for his own money w[hi]ch hee then knew to be nought and of noe value' and 'defrauded & cheated the said orphans'.⁵⁵ Widows were often left with the responsibility of managing their children's assets and these petitions demonstrate that while they attempted to provide for their children during their minority as well as prepare for their future, they were sometimes victims of greed and fraud. It was at this point they turned to the Court for help.

These petitions reveal that women often shouldered the burden when the Court's procedures broke down. Women acting as guardians were often left out of pocket paying for the day-to-day care of children, as board, clothing, and food cost considerable sums for women with little means. Women also had to advocate for their children and their inheritance when executors did not follow the custom and bring an estate's full value to the Court, as happened with the Vanhack estate. Even when women tried to improve the lot of their children by advancing money, or investing it, this sometimes backfired and put them or their children at a loss. The Court put financial obligations on women and required a degree of responsibility of them and when the Court's administrative procedures broke down, this had serious financial ramifications.

⁵³ COL/CA/01/01/104, fol. 169b-170.

⁵⁴ LMA, COL/CA/01/01/102, fol. 325-326.

⁵⁵ Ibid.

Part two: The Court of Orphans and civic life

I. Civic orphanage

One of the ways to identify an orphan petition in the Court of Aldermen papers is by reading the *exordium*, or the address that the petitioner used to introduce herself. For the women that were also orphans of freeman, this is where they identified themselves as such. Margaret Clark, who was referenced earlier in this chapter, is named as a 'daughter & orphan of John Clarke late citizen and Apothecary of London dec[eas]ed' in the opening address of one of her petitions and 'inphant and orphan of John Clarke' in another.⁵⁶ This is the same as Frances Stainer, who referred to herself as 'daughter & orphan of Francis Stainer citizen & Pewterer of London deceased'.⁵⁷ This seems a simple part of the petition to focus on—these women were orphans, so named themselves as such—but by looking more closely at the context of the petition, this small detail is more revealing than it appears. While Margaret Clark introducing herself as an orphan seems pertinent when considering that the issue she raised in her petition was directly related to her guardian, this is not the case for Frances Stainer. Her petition has less to do with her position as an orphan and was a plea for charity as a result of her being 'reduced to extream poverty', yet she mentioned her orphaned status.⁵⁸ This reveals a lot about how these women may have perceived the concept of civic orphanage in the City of London and the rights and privileges that came with this. In fact, this chapter argues that these women were aware that their status as an orphan of the City held a civic currency when petitioning the lord mayor and aldermen and was likely to elicit a more positive outcome for their request.

⁵⁶ LMA, COL/05/02/001, C.

⁵⁷ LMA, COL/05/02/003, L; this petition was originally in the wrong folder under 'H' as her name has been read as Hammer, but archivists at LMA have since moved this back to correct folder.

⁵⁸ LMA, COL/05/02/003, L.

A further example of this can be seen in the petition of Hannah Fowler, who introduced herself as 'daughter & late orphan of Christopher Wilkinson Stacon[er] dec[ease]d.'59 Her petition was submitted after she, 'privily conveying herself out' her guardians house in January 1696, married Thomas Fowler without licence, despite being previously prohibited by the Court from doing so. 60 Despite the fact that most married women referred to themselves as the wife of their husband in the opening address of their petition, Hannah Fowler still chose to list herself according to her status as an orphan, not as a wife In contrast, the petition of Elizabeth Adams, which referenced a fine she received over ten years before for marrying without the Court's licence, uses her married name, noting that she was a 'widdow.'61 It is only with the mention that her husband was fined 'for marrying Elizabeth Holden an orphan,' which is a reference to herself, that her orphaned status becomes clear. This suggests that Hannah Fowler made the choice to list herself as an orphan and not as a wife, perhaps because the Court had yet to validate her marriage. As Elizabeth Adams' petition demonstrates, petitioners do not appear to have been required to put their status as an orphan in the exordium and the petition of Priscilla Dawson and the second petition of Frances Stainer also illustrate this.⁶² This suggests that these women used their orphan status in the opening address of their petition in the hopes that this status would hold more currency in the Court, even when not directly relevant to their plea. Stewart Beale notes a similar instance in a 1660 petition submitted by a Royalist war widow seeking revenge for her husband executed by the Parliamentarians. Rather than referring to herself as a widow, she introduced herself as the daughter of an Earl, in the hope 'that

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⁵⁹ LMA, COL/05/02/001, F.

⁶⁰ LMA, COL/CA/01/0/104, fol. 46b-47.

⁶¹ LMA, COL/05/002/026.

⁶² LMA, COL/05/002/001, D; LMA, COL/05/002/003, S.

her father's title would have enhanced her standing.'63 Seventeenth-century women clearly knew to pick the status they identified themselves with carefully. For City women, a reference to their orphan status drew attention to their close ties to the City and citizenship.

But it is not just orphans who wielded orphan status as a petitioning strategy, but also those who acted as their guardians. When petitioning the Court of Aldermen about an issue with a piece of land belonging to her now deceased husband in Dorset Gardens, Elizabeth Baggs used her orphaned children as a tactic to elicit a more sympathetic response from the lord mayor and aldermen. In the petitio, she stated that 'your petitioners lat[e] husband hath left 6 children orphans to the citie and the loss and danger accrewed by the occations abovesaid... will neare hand swallow all the said orph[an]s porc[io]ns and be the occasion of ther utter ruin.'64 Rather than simply stating what remedy she required, Elizabeth Baggs couched her request in reference to her children, making it clear that if the issue over the parcel of land was not resolved, that the inheritances of her children would be in jeopardy. Using the potential poverty of her orphans was a useful petitioning tactic, as it cut to the very heart of the Court of Orphans and what it was established to do. The Court's primary function was to protect the orphans of the City's freemen, act as their guardian and ensure that they were not negatively impacted by the loss of their father. If the lord mayor and aldermen rejected this plea, then, they were not acting in their capacity as civic guardians.

Elizabeth Baggs' claim that her orphans would suffer if the issue was not resolved was not hyperbole either. Her husband Zachary Baggs died in early 1677, meaning she must have submitted her petition between this date and when she made her own will in

⁶³ Beale, 'War Widows and Revenge in Restoration England,' 202.

⁶⁴ LMA, COL/05/002/001, B.

October 1679 and when her probate inventory was drawn up in November of the same year. 65 Her inventory reveals that the land in Dorset Gardens was leased at £800, a large sum, especially given that her husband could only operate his business on a small fraction of this land following a command from the City about how it was to be used. 66 As the common serjeant's book shows that her children's inheritances at the time of her own death amounted to little over £1300, the inability to generate income from such a large investment was clearly cause for concern. 67 Indeed, as mentioned in her petition, her husband had already tried and failed to seek a resolution from the Court of Aldermen before his death. The inclusion of a plea on behalf of the orphans in Elizabeth Baggs' petition was clearly an attempt to encourage a more sympathetic and generous response from the lord mayor and aldermen and demonstrates her understanding of the protection that civic orphanage could afford. As this demonstrates, embedding these petitions back in the context of the Court of Orphans can reveal far more about these petitions than just their contents.

Contextualising these petitions can also reveal more about the people who were referring to themselves as orphans. Baptismal records have already shown that Margaret Clark was in her mid-teens when she submitted her petition, making it all the more likely that she was not the author and that she did not come to the Court alone. However, this is not the case for Anne Wheat, who submitted two petitions that survive in the Court of Aldermen papers, one of which must have been submitted in or after 1694 as it refers to the *Act for Relief of the Orphans* which was passed in March of that year. In this petition, Anne is named as a 'widowe one of the daughters & orphans of

⁶⁵ TNA, PROB 6/52 fol.22; PROB 11/361/79; LMA, CLA/002/02/01/1609.

⁶⁶ LMA, CLA/002/02/01/1609.

⁶⁷ LMA, CLA/002/01/004, fol. 104-104b.

Henry Grinden citizen and draper.'68 However, Anne was born sometime in 1649, meaning she was in her mid-forties when she came to the Court of Aldermen, some 20 years after she reached adulthood.⁶⁹ This demonstrates how broad-ranging the word 'orphan' is in this context; it could refer to an infant, young child or widow in middle-age with her own children. 'Orphan' was therefore used as a form of civic status with a civic currency, and not only as an indicator of the fatherless status it was intended to mean. Building on work by Benson and Gowing, we need to view women's place in the City as not only centred around apprenticeship, the freedom and trading rights, but also around civic orphanage, as women used this as a form of civic currency to negotiate a place within the civic community⁷⁰.

In fact, several petitions show orphans coming back to the Court many years after they had reached the age of maturity and formally left the Court's jurisdiction. Frances Stainer referred to herself as 'late daughter & orphan' and in the opening section of her petition, noted that she 'was formerly an orphan under the care of this hon[oura]ble court', making it clear she was no longer under the Court's wardship. But as previously mentioned, her petition was a request for charity and it makes no reference to the Court specifically, and only noted that she has nothing 'to keep herself from starveing without some charitable assistance. Peen though Francis Stainer referred to herself as a 'late' and 'former' orphan, the fact that she saw fit to come back to the Court as an adult to seek charitable aid suggests that she felt her previous status as an orphan still held some currency in the Court and entitled her to financial help later in life.

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⁶⁸ LMA, COL/05/002/003, W.

⁶⁹ LMA, P69/Bat1/A/001/Ms04374/001; *England Births & Baptisms 1538-1975*, Find My Past, accessed 15th June 2021. https://www.findmypast.co.uk/transcript?id=R 940896806.

⁷⁰ Benson, 'Boundaries of Belonging in Early Modern London'; Gowing, *Ingenious Trade*.

⁷¹ LMA, COL/CA/05/02/001, L.

⁷² Ibid.

This is the same for Anne Grindall who is described as 'late an orphan of the City' who petitioned the lord mayor and aldermen because she had 'a great charge of children and being in a very necesutus condic[i]on'.⁷³ She was granted fifty shillings 'out of the moneyes ariseing by the freemans roome granted for charitie to bee disposed of by this court.'⁷⁴ Although this petition from the Court of Aldermen repertories does not provide as much detail as those found in the papers, it does suggest that, like Frances Stainer, Anne Grindall also used her former position as an orphan to solicit the City for charity when facing financial problems. Though they both acknowledged that they were no longer orphans in the eyes of the City's customs, they clearly felt that the privileges of orphanhood extended beyond the age of maturity. As with 'orphan', 'late an orphan' was being used by these women as a form of civic status.

II. Civic status

Indeed, the way that women described their relationship to orphans and citizens—either as children or mothers—tells us a lot about how they understood the importance of civic status. The petition of Hannah Broom from the late 1730s reveals a lot about how this type of civic status was understood and used to frame requests to the City. Petitioning in relation to an investment she had in the Orphans' Fund, the introduction of Hannah Broom's petition goes into lengthy detail about not only her own status, but also that of her family:

The humble petition of Hannah Brome spinster sheweth that she is the daughter of George Brome late citizen & ironmonger of London deceased & is now made free by patrimony. That her mother was the daughter of Thomas Cole late citizen & brewer deceased who was an orphan originally

⁷³ LMA, COL/CA/01/102, fol. 70.

⁷⁴ Ibid.

& suffered very considerably in her fortune before the act passed for their reliefe.⁷⁵

Many of these petitions lack the detail necessary to match them with specific orphan estates, often providing only a name and details of a petitioner's financial or legal need. The detail that Hannah Broom went into suggests she thought it would be beneficial to her request to show her strong civic heritage as the daughter and granddaughter of two citizens, a citizen herself, and the daughter of an orphan. She also stated that she had recently gained the freedom through the right of her father and the register of freedom admissions from the Ironmongers' Company does show that Hannah Broom, the daughter of George Broom, was admitted to the company in June 1737.76 Curiously, Hannah Broom was born in or before July 1684, putting her at about 52 or 53 when she was admitted to the City freedom.77

Her petition must have been submitted shortly after this and in it she stated that she was a spinster and this, in consideration with her age, makes it unlikely that her entry to the freedom was one of vocational necessity. Although, it should be noted that it was common for citizens to be a member of one livery company but be practising another trade and City freedom could be obtained for a variety of reasons. Indeed, Laura Gowing has argued that women taking the freedom later in life was a common trend by the eighteenth century, but the rationale for this is not immediately clear. However, it makes sense to speculate that, along with her strong familial links to civic orphanage and citizenship, she felt her own status as a citizen might increase her chances of

⁷⁵ LMA, COL/CA/05/02/001, B.

⁷⁶ GL, CLC/L/IB/C/003/MS16978, fol. 68; *City Of London, Ironmongers' Company, Apprentices And Freemen 1511-1939,* Find My Past, accessed 14th July 2021.

https://www.findmypast.co.uk/transcript?id=GBOR%2FIRONMONGER%2F13695%2F1.

⁷⁷ LMA, P69/Mry7/A/002/Ms04997; *England Births and Baptisms, 1538-1975*, Find My Past, accessed 14th July 2021. https://www.findmypast.co.uk/transcript?id=R 951984086.

⁷⁸ Gowing, *Ingenious Trade*, 231.

success when petitioning the City. Either way, her petition demonstrates that civic status was constructed not only in relation to a person's engagement with civic culture and institutions, but their lineage and the way their family engaged with civic life.

This idea of a civic lineage is also seen in other petitions. Elizabeth Maund—the orphan of Theophilus Cope, a haberdasher—submitted several petitions to the lord mayor and aldermen. Three are in the Court of Aldermen papers and one is in repertory 98 (1693-4). Her husband, Thomas Maund, also submitted a petition that can be found in the papers. These petitions reveal that Elizabeth Maund and her husband faced a number of troubles, including an illness suffered by Elizabeth Maund herself, her husband's frequent imprisonment and a prolonged legal battle against her relatives in Chancery regarding her father's estate. The petition that is recorded in the repertories was submitted on 6th February 1694 where Elizabeth Maund is listed as a widow, suggesting her husband must have died some time before this date.

Like petitions discussed earlier, Elizabeth Maund described herself as 'late an orphan of this City', and by 1694 she was in her mid-30s.⁸² In fact, Elizabeth Maund had first come under the Court of Orphans' guardianship over 30 years before and was only one or two when her father died in 1660 and his estate processed by the Court shortly after.⁸³ She left the Court's care when she married sometime in or before 1677 as shown by a bond in the Court of Orphans' records.⁸⁴ This means that Elizabeth Maund was still petitioning the Court over fifteen years after she had formally left its jurisdiction. Again, by putting these petitions back in the context of the Court of Orphans we can learn far

⁷⁹ LMA, COL/CA/05/02/002, M.

⁸⁰LMA, COL/CA/05/02/002, M; C 5/523/7; C7/239/55.

⁸¹ LMA, COL/CA/01/01/102, fol. 131.

⁸² LMA, P69/SWI/A/001/MS04311; *England Births & Baptisms, 1538-1975*, Find My Past, accessed 1st July 2022. https://www.findmypast.co.uk/transcript?id=R_940453578.

⁸³ PROB 11/300/46.

⁸⁴ LMA, CLA/002/04/104.

more about these women and how they understood ideas of civic identity and status that underpinned the Court.

In her petition in repertory 98 (1693-4), Maund stated that 'being by sickness reduced to a very necessetus condic[i]on insomuch that shee cannot cloath her son to place him out apprentice (her fortune being now in the chamber of London).'85 This echoed her other petitions in which she cited her ill health and the money owed to her that was stuck in the City's chamber as a cause for her troubles. However, in this petition she also mentioned her son and her inability to pay for the necessary clothing to place him out to apprentice. While citing poverty and the need to provide for a child was a well-established petitioning tactic, the fact that Elizabeth Maund came back to the Court years after she left its wardship, mentioning both her orphan status and the apprenticeship prospects of her son, reveals a lot about her understanding of the continuation of the civic community. By emphasising her own status as an orphan of the City who had fallen into poverty and her son's inability to engage with civic life by entering in to an apprenticeship, she drew attention to the Court's function; that is, to look after members of their own community. The Court was supposed to mitigate the hardships felt by children who had lost a father and ensure their prospects were not hindered and Elizabeth Maund's petition reveals that for her, this was not the case, and this was preventing her from providing for her own children. Indeed, her plea was successful, and the lord mayor and aldermen granted her 40 shillings 'to be disposed of as charity by order of this court'.86

This is similar to the petition of Elizabeth Billinghurst from December 1686 which can be found in the Court of Aldermen repertories. It detailed that Elizabeth

⁸⁵ LMA, COL/CA/01/01/102, fol. 131.

⁸⁶ Ibid.

Billinghurst—the orphan of the stationer Thomas Dainty—had previously married without the Court's license and as such had been fined £5.87 It goes on to say that 'afterwards upon her humble petic[i]on it was thought fit by this court that the s[ai]d sum[m]e should be imployed for the benefit of her child in such man[n]er and at such time as should be appointed by this Court.'88 Her visit to the Court in 1686 must have occurred some years after this, by which time she had placed one of her children out to apprentice and the Court saw fit to grant her the £5 fine towards the cost. While imposing fines on those who did not seek permission to marry was a normal part of the Court's procedures, putting this fine in the chamber for the future use of the orphan's offspring suggests that the Court sought to invest in the future of the orphans they cared for. By allowing Elizabeth Billinghurst to claim the money back at a later date for her child, the Court ensured that he would be able to carry on the civic lineage of her and her father, enter into apprenticeship and eventually gain the freedom. Although, it should be noted that this was not necessarily the case for every fine that was imposed for marrying without permission and as we shall see, much stricter penalties were dealt out to those who broke the City's customary laws.

III. The custom

As detailed in chapter one, the City's customary laws dictated that any orphan under the age of 21 had to seek the Court of Orphans' permission before marrying. This was a common procedure of the Court and entries granting a licence for an orphan to marry are found with varying frequency in most of the Court of Aldermen repertories. In repertory 70 (1664-5) for example, nine licenses were granted for the marriage of an

⁸⁷ LMA, COL/CA/01/01/096, fol. 31b-32.

⁸⁸ Ibid.

orphan to take place.⁸⁹ The petition of Hannah Fowler sometime in the late 1690s shows what happened when this rule was ignored. Her petition uses the typical deferential language highlighted by other scholars. She begged the lord mayor and aldermen's pardon for 'inadvisedly' marrying without their consent, but also asked for the interest from her portion—which was being held by her mother—that she claimed she needed to maintain herself.⁹⁰ Her husband Thomas Fowler also submitted a petition, asking to be pardoned and claiming that he was a 'stranger' to the court and therefore did not act out of contempt of its customs.⁹¹ Hannah Fowler also used the fact that she was 'ignorant' of City customs in explanation of the couple's indiscretion, which Laura Gowing has highlighted was a common claim when petitioning the City when the custom had been broken.⁹² This holds a certain irony as while she claimed she did not know the custom, it is clear from her petition that she knew them well enough to know that she was entitled to her portion now that she was married and no longer under the Court's jurisdiction. Similarly, repertory entries show that she had been forbidden from marrying Thomas Fowler even before they married.⁹³

As such, these petitions highlight how women understood ideas of civic orphanage, citizenship, and the City's custom and the role the Court of Orphans had in women's lives. For Hannah Fowler, the custom was clearly an inconvenience and claiming ignorance of it was a petitioning tactic that she hoped would elicit a more sympathetic response. For Hannah Broom, the inclusion of her civic lineage in her petition suggests she understood the importance of civic status in the City and identified herself as part of a family with strong civic ties. The Court of Orphans and engagement

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⁸⁹ LMA, COL/CA/01/01/074.

⁹⁰ LMA, COL/CA/05/02/001, F.

⁹¹ Ibid.

⁹² Gowing, *Ingenious Trade*, 221.

⁹³ COL/CA/01/01/104, fol. 41.

with its processes and the contravention of the custom that underpinned it therefore created a forum where civic identities and ideas about civic life could be moulded, shaped and boundaries pushed.

It is important to note that Charles Carlton does not use any of these petitions in his monograph, and it is because of this that his work fails to understand the important role that women played in the Court, especially when its administrative process broke down. More than this, overlooking these petitions means that it is not possible to understand how the Court was understood by the people who used it, and how they understood its role in wider civic life. By using these petitions as a foundation of study and focusing specifically on the petitioner, their biographical information, as well as the language they used in their petition, it is possible to see how women understood the complex place of the Court in the City's administrative and civic context.

Conclusion

As the previous three chapters have sought to emphasise, women held important financial and administrative roles in the Court of Orphans, at each stage of its administrative process. These petitions allow us to fill in the gaps of the Court's process and see the role that women played when this process broke down. The reality was that women often had financial obligations placed on them, as they struggled to pay for the day-to-day care of the orphans they looked after. They had to come to the Court to ensure that either themselves or their orphans were provided for, and that the custom were being duly followed. As the cases of Jane Best and Mary Garthwaite illustrate, this process could be both lengthy and require repeat trips to the Guildhall and in some cases, this also necessitated trips to other legal institutions. Women were therefore vital

to ensuring the Court's administrative process was followed according to the custom, and they held key roles as petitioners, mediators, and communicators within the Court.

These petitions tell us about more than just their role within the Court, but also how they understood ideas about wider civic life. Civic orphanage, the custom and civic identity were all ideas discussed by these women as part of their petitioning tactics and reveals how women identified themselves within civic arenas like the Court. Indeed, the Court was a space where a civic language was used in the hopes that this would elicit a more generous response. It was where ideas about civic orphanage, civic identity and the custom could be moulded and shaped, and the boundaries tested. This works to complicate our understanding of the Court and orphans themselves, as women visited the Court years after they had left its jurisdiction and identified as orphans well into middle age. As with conclusions in previous chapters of this thesis, this further complicates our understanding of the space the Court of Orphans held in the City's civic administration.

Chapter Six

Women, the Court of Orphans and the City of London's Financial Crisis, c. 1683-1694

Introduction

In July 1693, the London periodical the *Athenian Mercury* printed a question from a young woman in its advice column. The young woman described herself as 'descended of a good family and an orphan of London, and of late been much exposed to the world (through the unkindness of relations)'.¹ She went on to say that because of this, she had become afflicted with 'strange fancies and thoughts' which 'so seized upon [her] mind that for a great while was burthensom' to her.² The *Athenian Mercury* responded to her question:

Poor lady! Your mind is disturb'd with your misfortunes, and that raises these melancholy fancies which a good husband wou'd soon cure: But alas, where shall an orphan find one, it being almost as ease to recover her money agen, as to get such convenience without it.³

While it is clear that the young woman's plight relates to a family issue, it is her self-ascribed status as an 'orphan of London', as well as her unfortunate family circumstances, that elicits such a sympathetic response from the *Athenian Mercury*. By 1693, the decade-long plight of the orphans of London—that is, those who were or who had previously been under the guardianship of the Court of Orphans—was common knowledge to the people working and living in the City. Certainly, the orphans' attempts

¹ The Athenian Mercury, 11, no.2, 15th July 1693.

² Ibid.

³ Ibid.

to try and claim their inheritance from the City following its financial collapse in 1683 was understood by the respondent at the *Athenian Mercury*. He sympathised that it was equally difficult for her to live without the financial support of her inheritance as it was for her, as an orphan, to try and recover it from the City following the financial crisis. Whether the orphan's 'strange fancies and thoughts' were also caused by the stress of an owed inheritance is not certain, but her status as a City orphan was enough for the *Athenian Mercury* to show her sympathy and encourage her to turn to God, 'who is a father to the fatherless.'⁴

This brief query and answer is just one particular case from a larger political and financial event in the City's late seventeenth-century history. The City defaulted on its debts in September 1683 owing just over £600,000, £518,000 of which was owed to the City's orphans. This triggered a financial crisis—with the City's orphans at the centre—that lasted for over a decade. Between 1683 and 1694, several petitions, broadsheets and pamphlets were printed and circulated, all commenting on the 'orphan issue', as the orphans continued to petition the City, Parliament, and the King for relief. A solution was only reached in 1694 with the passing of the *Act for Relief of the Orphans*, by which time the City's total debt was £747,473, two thirds of which belonged to the orphans. The act consolidated all the City's debts and established the Orphans' Fund, a publicly traded fund paid at four per cent interest which was used to pay back the City's creditors.

An administrative feature of the Court of Orphans, which allowed guardians to deposit an orphan's patrimony into the City's chamber in return for finding money, tied

⁴ Ibid.

⁵ LMA, COL/CHD/OA/01/53.

⁶ The Act for Relief of the Orphans and Other Creditors of the City of London, 1694, 5 & 6 Will. & Mary, c.10.

the fate of orphans' inheritances to the City's finances. Many historians have acknowledged the City's lack of sophisticated accounting practices and, rather than keeping orphan deposits separate from the City's cash, inheritances were instead merged with the rest of the City's revenues. This meant that, as the City slowly fell into debt throughout the seventeenth century, the inheritances of many of the City's orphans were lost. To make matters worse, the chamber's reputation as a low-risk investment with good returns saw some orphans leave their deposits in the chamber past the age at which they could withdraw them, meaning that when the City defaulted, there were more portions lost than just those belonging to orphans who were underage.

Perhaps anticipating the City's potential financial troubles—which were only being made worse by continued orphan deposits and the interest payments that had to be made on them—the chamberlain stopped accepting orphan inheritances into the chamber in 1682, forcing all subsequent guardians to hold portions on recognizance. The City's default in 1683 was followed the next year by the City dropping its interest rate from 4% to 2.5% in an attempt to try and limit its losses. The finding money paid out by the chamber was used by many guardians to maintain the orphans in their care, paying for schooling, clothing, and board. These guardians, many of whom were widows, faced financial loss along with the orphans. In fact, if we assume that female and male orphans were proportionately represented among those who had money in the chamber, it seems likely that within the orphan lobby, women were the primary victims of the City's financial failure.

⁷ J.R. Kellett, 'The Causes and Progress of the Financial Decline of the Corporation of London, 1660-94' (University of London: Unpublished PhD Thesis, 1952); Charles Carlton, *The Court of Orphans* (Leicester: Leicester University Press, 1974); Vanessa Harding, 'The Crown, The City, and The Orphans: The City of London and its Finances, 1400-1700.' In *Urban Public Debts, Urban Government and the Market for Annuities in Western Europe (14th-18th Centuries)*: 51-60 (Turnhout: Belgium Brepols Publishers, 2003).

⁸ John R Kellett, 'The Financial Crisis of the Corporation of London and the Orphans' Act, 1694' *Guildhall Miscellany* 2, no. 5 (1963): 221.

The City's default and changes to the Court of Orphans led to the first collective print petition in 1685 on behalf of the Court's orphans and widows. In an attempt to reduce the number of the City's creditors, efforts were made by the chamberlain in the summer of that year to pay off any of the chamber's debts valued at under £50. This was done again in 1687 after £1000 was granted to the chamber and allocated for payment to the orphans by a royal commission. Discussions to find a long-term solution continued throughout 1687 and a petition that was presented to the King in Windsor on 7th August was published in the *London Gazette*, with another petition presented to the King at Whitehall in October 1688. However, the continued prorogation of Parliament from November 1688 by James II halted any attempts to solve the City's financial crisis in the Commons.

Copies of the proposals made by Nathaniel Reading, a solicitor for the orphans, and details of the Guildhall sessions between the City, the orphans, and widows were published in a pamphlet printed in 1688.¹³ Following the accession of William III and Mary II, renewed attempts were made to discuss the orphan issue in Parliament from spring 1689, with efforts to seek a resolution intensifying in the first years of the 1690s. During this time several petitions, broadsheets and pamphlets were printed and circulated, written by the orphans and widows, other parties suggesting proposals and

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⁹ The Case of the Poor Widdows and Orphans of the City of London (1685); accompanying pamphlet in state papers: The Case of the Poor Widows and Orphans of the City of London. Humbly Recommended to the High Court of Parliament (1688), TNA, SP 31/3, fol. 3; a variation of the petition, The Case of the Widdows and Orphans of the City of London, Presented to the Honourable Houses in Parliament Assembled, found in COL/CHD/OA/14/001.

¹⁰ LMA, COL/CA/01/01/094, fol. 110.

¹¹ LMA, COL/CA/01/01/096, fol. 367b.

¹² London Gazette, issue 2266, 4th-8th August 1687; *The Case of the Orphans and Creditors of the City of London* (1688).

¹³ The Case of the Orphans and Creditors of the City of London (1688).

also from the City itself.¹⁴ On top of this, women also came to the Guildhall to present petitions directly to the lord mayor and aldermen and also to the Commons asking for relief. Factional party politics also played a role in the financial crisis, with the Whigs—who dominated the Court of Aldermen—supporting the City, and the Tories—who dominated the Common Council—supporting the orphans.¹⁵ Fighting between the two parties, and the legislative and executive arms of the City, as they vied for power, ultimately led to the crisis being drawn out. But, as Doolittle argues, the fact the crisis was 'drawn along party lines' led key Tory, Charles Montagu, to criticise the House of Lords for making further inquiry bills into proposed legislation at the expense of the City, and this eventually led to the passage of the *Act for Relief of the Orphans* in March 1694.¹⁶ While this chapter is not concerned with the factional politics of the financial crisis, it is important to remember that there were other actors involved than just the lord mayor, aldermen and the orphans.¹⁷

This chapter takes as its focal point the City of London's financial crisis and aims to consider how the women who made up the orphan lobby were involved in the decade-long campaign to seek financial relief in the aftermath of the City's financial failure. It draws on a range of materials, predominantly produced outside the Guildhall, including pamphlets, broadsheets, newspapers, and journals of the Commons. This is

¹⁴ Proposals include a suggestion by Robert Murray in 1691 for an act that would allow the City to license and regulate pawn brokers (LMA, COL/CHD/OA/14/006), tolls to be paid at the City gates (COL/CHD/OA/14/009) as well as a broadsheet from 1694 entitled *A Plain and Easy Way to Pay the Debt Due to the Orphans of London*, 1694, which suggested levies on property registration within the City.

¹⁵ I.G. Doolittle, 'The City of London's Debt to its Orphans, 1694-1767,' *Bulletin of the Institute of Historical Research* 56, no. 133 (1983): 50.

¹⁶ Ibid.

¹⁷ For Whig and Tory politics in the City see: Eleanor Bland, "We Care not a Fig who is the Lord Mayor of London, or Tory or Whig": Popular Political Culture in the City of London, c. 1725-1746,' *The London Journal* 42, no. 1 (2016): 34-52; Henry Horwitz, 'Part in a Civic Context: London from the Exclusion Crisis to the Fall of Walpole' in *Britain in the First Age of Party, 1680-1750,* ed. Clyve Jones (London: The Hambledon Press, 1987), 173-194; Mark Latham, 'From Oligarchy to a 'rate payer's democracy': the Evolution of the Corporation of London, 1680s-1750s,' *Urban History* 39, no. 2 (2012): 225-245.

supported by several manuscript petitions to the Court of Orphans itself, along with repertories from the Court of Aldermen and a range of other supplementary material.

It argues that women have so far been largely absent from narratives of the City's financial failure and that by utilising a wide range of material produced both inside and outside the Court, we can locate women's place in this narrative. By focusing on how women were represented in material produced by themselves, the orphan lobby, and the City itself, it is possible to understand the relationship between these women and the City, but also the experience of the women who were the primary victims of the City's financial failure. This not only improves our understanding of the role of women in later seventeenth-century London, but also the Court of Orphans, those who used it, and those who were pulled into its administrative processes during the City's financial crisis. This chapter concludes that women played an active role during the City's financial crisis as both petitioners and lobbyists, and that locating women in this narrative complicates and nuances how we conceptualise the Court of Orphans and the people who engaged with it.

Scholarship on the City's financial failure is broad in scope. It not only looks at the crisis years in the 1680s and 90s, but also the origins of the Corporation's debt, the management of the orphan debt through the seventeenth century and the role of the Orphans' Fund in City finances after 1694. Where the City's financial crisis has been discussed, scholars have often overlooked the orphans and widows at the heart of it, in favour of a broader approach focusing on the City officials, the orphans' advocates, Parliament and MPs. In fact, where the City's orphans are referenced, this is often in a generalised way that consider 'the orphans' and the 'orphan lobby' as a homogenous group, rather than made up of men and women of various ages facing individual

financial struggles. Even then, widows are left out of modern scholarship, despite the fact they frequently feature in both manuscript and print material from the period.

In his 1963 article, Kellett specifically focuses on the orphan inheritances tied up in the City's financial crisis. He points to the practice of orphans leaving their inheritances in the chamber to accrue interest and the City's long-term reliance on these cash deposits, as a contributing factor to the financial failure. During the financial crisis, Kellett argues that the City's orphans were 'one of the most vociferous and forceful groups of critics of the Corporation.' Kellett's work is brief, providing an overview of the City's financial failure and the role of the City's orphans within it. His article does begin to show an appreciation for the role of women in the City's financial crisis with a discussion of the two fictional orphans Aurelia and Francisco in one of the orphan lobby's pamphlets, but the scope of his work is broad and does not allow for indepth research.²⁰

More recently, the City's financial crisis has drawn the attention of Amy Froide, who has looked at how women were affected following the City's default as part of her monograph on women investors during the financial revolution. Using this as an example of female investors becoming victims of 'financial fraud', Froide's work focuses specifically on the role of women in the City's financial crisis.²¹ Her work also considers how the effects of this were felt by more than just the orphans, and she does briefly mention both widows and the families of orphans. While Froide is right to assume that for some of these women this was an example of investment gone wrong, as this chapter demonstrates, identifying people or groups of people as 'investors' and 'orphans'

 $^{^{\}rm 18}$ Kellett, 'The Financial Crisis of the Corporation of London and the Orphans' Act, 1694', 221-222.

¹⁹ Ibid, 223.

²⁰ Ibid. 223-225.

²¹ Amy Froide, *Silent Partners: Women as Public Investors during Britain's Financial Revolution, 1690-1750* (Oxford: Oxford University Press, 2017), 167.

requires caution. Many of these orphans had their inheritances deposited in the chamber for them by their guardian and, as the orphans themselves consistently tried to argue, this was because the City pressured them to do so. Similarly, some of the women petitioning were not themselves orphans of the City at all. Depending on how 'investor' and 'orphan' are defined, then, means we must carefully consider the role of those who were affected by the City's financial collapse.

Ian G. Doolittle moves beyond the City's financial failure and has written on the life of the Orphans' Fund after the *Act for the Relief of the Orphans* was passed in 1694.²² Doolittle goes into detail about the initial failure of the City to meet the interest payments in the first two decades after the stock was floated, but its later success as the century progressed. Even then, his discussion of how it was brought into legislation is far more concerned with the actions of the City itself, along with a range of male actors, including advocates of the orphans such as solicitors, various aldermen, as well as the involvement of party politicians from the Whig and Tory factions. As such, Doolittle's methodology does not allow for the individual victims of the crisis—that is the orphans and widows themselves—to inform the narrative and the role of women is not considered. Vanessa Harding has also addressed the role of the City's orphans in her article looking at the City's finances from the medieval into the early modern period.²³ Like Doolittle, she has a broad chronological scope and is concerned not so much with the crisis itself, but what factors led the City to default in the first place. As such, she refers more to how the Court worked, the City's growing debt to its orphans and how this in turn led to the financial crisis.

²² Doolittle, 'The City of London's Debt to its Orphans, 1694-1767'.

²³ Harding, 'The Crown, the City and the Orphans: the City of London and its Finances, 1400-1700.'

To be clear, this chapter is not concerned with the causes of the City's default in 1683. Indeed, the topic is too broad for consideration in just one chapter as demonstrated by the fact it is the topic of Kellett's doctoral thesis.²⁴ On top of this, the scholarship varies greatly. Kellett stresses the effects of the Great Fire and its collateral damage, along with the City's poor accounting.²⁵ Carlton argues that it can be traced back before the Great Fire and was rooted in the City's failure to modernise its government structure and taxation system from the medieval into the early modern period.²⁶ Harding expands on this, arguing that along with orphan money and outdated financial and municipal structures, burdens placed on the City by the crown exacerbated their financial woes.²⁷ More recently, an article by D'Maris Coffman, Judy Stephenson and Nathan Sussman has shed more light on the City's accounts, revealing that deficits in the coal cash, which the City relied on to rebuild after the Great Fire, was also an important factor in the City's default.²⁸ What all of these scholars do agree on, is that the management, or rather mismanagement, of Court of Orphans' inheritances is crucial to this narrative.

So, this chapter is concerned not with the cause of the default, but with the crisis that it triggered, as various parties sought a resolution over the course of the decade that followed. As narratives of the City's financial crisis have predominantly focused on the role of the City, various MPs and Aldermen, advocates, and lawyers for the orphans and even on the orphans as a homogenous group, this chapter will instead focus on the role of women. As both widows and female orphans, women made up a significant

²⁴ J.R. Kellett, 'The Causes and Progress of the Financial Decline of the Corporation of London, 1660-94.'

²⁵ Ibid.

²⁶ Carlton, *The Court of Orphans*.

²⁷ Harding, 'The Crown, the City and the Orphans: the City of London and its Finances, 1400-1700.'

²⁸ D'Maris Coffman, Judy Z. Stephenson and Nathan Sussman, 'Financing the Rebuilding of the City of London after the Great Fire of 1666,' The Economic History Review 31, no. 1 (2022).

proportion of those that were affected by the City's default and subsequent reduction of its interest rates. They have been consistently overlooked in scholarship of the City's financial crisis, despite them appearing in broadsheets, pamphlets, and newspapers, as well as in various types of petitioning material from the period.

This chapter is made up of four sections: the first draws on collective print petitions that were submitted to Parliament, as well as more widely circulated, and the references they make to women. The second looks at the number of pamphlets and broadsheets produced either by, or on behalf of, the orphans as the debates intensified between 1688 and 1692, and how they discuss both female orphans and widows. The third focuses on petitions submitted by women to both the Court of Orphans and the House of Commons, about legislation that would become the *Act for Relief of the Orphans* between 1693 and the early eighteenth century. The fourth and final section focuses on material produced by the Corporation itself between 1689 and 1693, and how they changed their narrative on the women of the Court and their own role in the City's financial crisis.

This large body of print literature—along with women's manuscript petitions to the Court of Aldermen and journal entries of received petitions to the Commons—provides a snapshot into the financial crisis not just from the perspective of the City, but also from those who had the most to lose; that is, the orphans and widows. As such, this chapter uses a distinctly different methodology than the one used in previous chapters of this thesis. Rather than predominantly using material from the records of the Corporation, it will instead use print petitions, broadsheets, pamphlets, and newspapers, alongside petitions submitted to the City and Commons. Similarly, rather than focusing on records that stretch across the period, this chapter takes as its focal point the City's financial failure in 1683, the subsequent campaign by the orphans, their

families, and their advocates to find a resolution, the City's response to this and concludes in 1694 with the *Act for Relief of the Orphans* and the fund it established.

By doing this, this chapter aims to extend conclusions made so far in this thesis, that women held integral roles within the Court of Orphans, but that these roles also moved beyond the confines of the Guildhall into other legal arenas and public forums of the City. On top of this, this material reveals how these roles were understood by the women themselves and others writing about them at the time. Narratives of the City's financial failure have overlooked the role that female orphans and widows played in the campaign for relief, and it is only by considering all this material together that we can situate women's place in this narrative. As such, the Court of Orphans and the women who engaged with it provide a new perspective on the ways that early modern women interacted with the City and its institutions.

As in the previous chapter, a small number of petitions submitted by women to the Court of Aldermen are used. As they all refer to the *Act for Relief of the Orphans* as well as portions lost from the City's chamber, they all date from after 1694. References to a small number of petitions can also be found in the journals of the House of Commons. These are different from the ones in the Court of Aldermen's records. Not only are they to a different institution and are all in response to one specific issue, but they are also far less detailed as they note that a petition was presented to the Commons and are not records of the actual petition itself. Because of this, they only note a few contextual details such as names and a summary of the grievance. All of these petitions were presented to Parliament in the twelve months preceding the passing of the *Act for Relief of the Orphans* in March 1694. Various print petitions, pamphlets and broadsheets are also used. Written and printed between 1685 and 1694, all of this print material is anonymous, but was produced by either the orphans or their advocates,

third parties commenting on the issue or the City itself, in a bid to try and seek a resolution to the ongoing crisis.

This chapter is not intended to be an exhaustive summary of all the manuscript and print material relating to the City's orphans during this decade. The volume of this material and the fact that it can be found in multiple record series in multiple archives and in a range of online repositories, does not allow for every last reference to be included and this is a topic which requires further research by scholars. Instead, this chapter hopes to demonstrate that by re-examining this material together, it is possible to identify the place of women in a narrative that has so far overlooked them. The financial crisis is a crucial part of the City's history, as the Corporation was forced to confront over a century of financial mismanagement, and it signals its departure from its medieval foundations. Not only this, but the aftereffects of the crisis triggered the slow decline of the Court of Orphans. It is important, then, to locate women's place in this critical period of the City's historical narrative.

However, this narrative is a complex one. Indeed, the methodology of this chapter not only differs in the types of sources used and the chronology covered, but also in the conclusions it makes. If all the preceding chapters of this thesis have sought to clarify what the Court of Orphans was, how it worked and women's place within it, then this chapter seeks to intentionally complicate and problematise these conclusions. This is not to contradict the conclusions that have been made thus far, but rather to demonstrate that the boundaries of the Court of Orphans were blurred. We may initially perceive the orphan lobby in this crisis as made up of those who used the Court of Orphans, namely underage children, their guardians, and their families. However, this material shows that it was comprised of City orphans who had reached adulthood and who may have long since left the jurisdiction of the Court, without being able to receive

their inheritance. It also included those fatherless children to whom the privileges of the Court of Orphans did not extend and were orphans, rather than City orphans, but who nonetheless used the chamber as a safe place to deposit their inheritance. It may also have included speculators who bought up orphan inheritances at low prices, in the hopes the debt could be later recovered at its face value. The Court of Orphans and the people using it, then, become lost in a sea of the City's creditors all trying to claim their money and complicates how we understand the exclusivity of the Court's privileges and the status of those who benefited from them. If the Court of Orphans as an urban institution held a complex and hard-to-define position in London's civic government, then the case study of the City's financial crisis only makes the Court harder to pin down.

Part one: Collective print petitions

Collective petitions were the first printed material produced following the City's default in 1683. The first of these was produced in 1685 and survives in three different versions. The Case of the Poor Widdows and Orphans of the City of London and The Case of the Widdows and Orphans of the City of London, Presented to the Honourable Houses in Parliament Assembled are very similar in language and both quite short and appear to be different versions of the same petition. ²⁹ The similarly titled, The Case of the Poor Widdows and Orphans of the City of London. Humbly Recommended to the High Court of Parliament survives in the State Papers and is much longer and contains far more details. ³⁰ Indeed, Jason Peacey has drawn attention to the distinction between petitions that were produced for wider circulation to publicise an issue, and ones used to directly

²⁹ The Case of the Poor Widdows and Orphans of the City of London (1685); LMA, COL/CHD/OA/14/001.

³⁰ TNA, SP 31/3 fol. 3.

petition Parliament itself.³¹ He notes that petitions intended for discreet circulation within Parliament often did not have any printer listed, however this applies to all three of these petitions.³² However, as the lengthy petition in the State Papers is written in the first person, it seems logical to assume this was intended to interest general readers, and the first two smaller ones were submitted to Parliament.

In the two shorter versions there are clear distinctions about how groups of people had been affected differently by the City's financial crisis. For young men, 'who are out of their apprenticeships, for want of their moneys cannot set up their trades, whereby they are lyable to take ill and vicious courses.'33 On the other hand, 'young gentlewomen who have thousands of pounds in the chamber ...that are forced to goe to service for a livelyhood, though by their former breeding and education very unfit for such servile imployment.'34 On top of this, 'divers poor widows so disabled to relieve their Children, for want of the supply the said chamber ought to pay them for finding money; that they are ready to beg their bread.'35 This is the only petition to explicitly detail how both male and female orphans, as well as widows, were being directly affected by the City's financial failure. Bernard Capp has argued that the 'act of petitioning asserted [the] right to a voice in matters of public and national concern, and some petitions voiced an embryonic ideology of female citizenship.'36 This can be seen in these collective print petitions, as women's equal interest in the financial crisis was worded alongside those of their male counterparts, as both the male and female orphans of the City's citizens

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³¹ Jason Peacey, 'Parliament, Printed Petitions and the Political Imaginary in Seventeenth-Century England,' *Parliaments, Estates and Representation* 38, no. 3 (2018): 350.

³² Ibid, 351.

³³ The Case of the Poor Widdows and Orphans of the City of London.

³⁴ LMA, COL/CHD/OA/14/001.

³⁵ Ihid

³⁶ Bernard Capp, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003): 289.

were affected in the same way. The petition goes on to say that some orphans 'being destitute of both their parents, do live on the charity of friends', which was also the case for the female orphan who wrote to the *Athenian Mercury*.³⁷

Similarly, the long petition from 1685 draws on many of the same themes referring to the 'vast number of distressed widows and orphans in this City, reduc'd from plentiful fortune to the utmost necessities even of poverty and servitude.'38 It makes countless references to the 'utterly abandon'd orphans and widows', the 'hard fate of widows and orphans' and 'desolate widow and orphan' and uses both hyperbole and rhetorical questions in its address, imploring Parliament to help the orphans and widows who were being affected by the City's financial collapse.³⁹ Oddly, the petition is written in the first person but with no specified author and it is possible that this was a device used to make the petition more persuasive to readers.

While on the surface the specificity of these petitions appears to ensure that all those affected by the financial crisis are represented, this chapter argues that these petitions had more specific intentions. Orphans and widows held a distinct space in the early modern world and Ian Archer has described them as 'conventionally the most impotent groups in society.'⁴⁰ Widows and orphans made up a group of people 'characterised by structural poverty, on the same level as... the infirm and the elderly'.⁴¹ In fact, the foundation of the Court of Orphans was based in both the charitable need to look after the most vulnerable in society, but also 'the duty to ensure that the money of those who were incapable (orphans, widows, the physically or mentally incapacitated)

³⁷ Ibid.

³⁸ TNA, SP 31/2, fol. 3.

³⁹ Ibid.

⁴⁰ Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge: Cambridge University Press, 1991), 55.

⁴¹ Laurence Fontaine, 'Women's Economic Spheres and Credit in Pre-industrial Europe,' in *Women and Credit: Researching the Past, Refiguring the Future* (Oxford: Berg, 2001), 20.

was carefully managed.'42 The distinctions between the orphans and widows in this petition, then, works to emphasise the various shortcomings of the Court of Orphans and their failure to provide for the vulnerable people that depended on the institution; by taking the time to detail the way that male and female orphans as well as widows were suffering from economic precarity as a result of the City's financial failure, the petition hoped to elicit sympathy from those reading it. More than just a tactical device that attacked the very functions and principles of the Court itself, this petition also provides a voice for different groups within the orphan lobby, ensuring that Parliament knew that the City's administration was failing not only the City's sons and daughters, but also the widows of its citizens.

More than just Christian charity, the petition's focus on men unable to take up apprenticeships and women forced into servitude also speaks to contemporary ideas of status within London's middling sort. Completing an apprenticeship and gaining admission to the freedom has been described by Peter Earle as bringing 'social prestige' and was 'the commonest introduction to the world of business.'43 Similarly, Deborah Simonton has argued that 'in an age which made fine social distinctions between artisan and labourer, between master and journeyman, access to apprenticeship, particularly in a 'good' trade was seen as enhancing a child's opportunities.'44 In the same vein, it was expected that a young girl would stay at home after her education, moving directly from her father's house to her marital house as 'domestic service was... hardly a middle-class

⁴² Anne Laurence, Josephine Maltby and Jeanette Rutterford, *Women and their Money, 1700-1950* ed. Anne Laurence, Josephine Maltby and Janette Rutterford (London: Routledge, 2009), 5.

⁴³ Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730* (Berkley and Los Angeles: University of California Press, 1989), 85-86.

⁴⁴ Deborah Simonton, 'Claiming their Place in the Corporate Community: Women's Identity in Eighteenth-Century Towns,' in *The Invisible Women: Aspects of Women's Work in Eighteenth-Century Britain*, ed. Cecile Revauger, Isabelle Baudino and Jacques Carré (London: Routledge, 2016), 104.

occupation.'45 The expectations for the children of London's middling sort was an apprenticeship for men and marriage rather than domestic service for women. Indeed, the previous chapter of this thesis discussed the importance of civic status and civic lineage in the Court of Orphans and the control the City exerted over the apprenticeship and marriages of orphans. The petition's focus on these points therefore works not only to emphasise to other middling sort Londoners the peril the orphans were in, but also to highlight the failing of the Court in its primary function, to protect the orphans.

To emphasise further their status as vulnerable members of society, the orphan lobby also used the language of poverty commonly seen in petitionary material during this period as was discussed in the previous chapter. That is, language that drew attention to their helpless and orphaned condition and the poverty they had fallen into. In one of the 1685 petitions, the orphans are described as 'destitute of both father and mother' and in one of the 1692 petitions, the orphans twice refer to themselves as 'we poor fatherless ones' and they 'humbly beg for Gods sake, who hears the cries of the fatherless'. 46 The language of poverty can be found in all the petitions with phrases such as 'beg for their bread', 'lye sick' and 'send us away starving', and words such as 'deprived', 'subsist' and 'starving'. 47 Like the efforts to highlight the plight of both male and female orphans, these phrases and words work to emphasise not only their own status as deserving of charity, but also the malpractice and failings of a Court that was established to protect them.

It should also be stated that all the collective print petitions are anonymous and so could have been authored—and printed —by either a man or woman. To

 $^{\rm 45}$ Earle, The Making of the English Middle Class, 239, 76.

⁴⁶ The Most Deplorable Case of the Orphans of the City of London (1692).

⁴⁷ The Case of the Poor Widdows and Orphans; The Case of the Miserable Orphans (1692); The Most Deplorable Case of the Orphans.

exclude them from analysis here would be to assume male authorship and to assume that they represent only the male voice, which is not the case. As Patricia Higgins has argued for the petitions submitted by women during the Civil War years, 'even if they were penned by men, they are of interest for the light they throw on the status of women.'⁴⁸ Equally, Helen Smith has demonstrated how important women were in early modern London's print workshops, not just as business partners of their husbands, but also as sole traders during their widowhood.⁴⁹ It is entirely possible that women were involved in the production of some of these petitions.

An indication into how these petitions were written can be found in the newspaper *Publick Occurrences Truely Stated* from March 1688. An advert in the issue from the 6th March invites 'orphans and persons concerned for orphans' to attend the 'house of Mr Unwin, Scrivener... in order to their subscribing to the proposals made by said Mr Reading for their relief.'50 This suggests that Nathaniel Reading, the orphans' solicitor, was writing at least some of the petitioning material to present to the Court of Alderman and the Commons and this was being formally written up by an employed scrivener.⁵¹ The fact that both orphans and their advocates were being invited to

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⁴⁸ Patricia Higgins, 'The Reactions of Women, with Special Reference to Women Petitioners,' in *Politics, Religion and the English Civil War*, ed. By Brian Manning (London: Edward Arnold, 1973), 210.

⁴⁹ Helen Smith, 'Grossly Material Things': Women and Book Production in Early Modern England (Cambridge: Cambridge University Press, 2012), 90-91.

⁵⁰ Publick Occurrences Truely Stated, issue 3, 6th March 1688; this advert is also found in the pamphlet the Case of the Orphans and Creditors of the City of London (1688), 14.

solution of Inner Temple, he was prosecuted and sentenced to a year in prison and the pillory in 1679 in the aftermath of the Popish Plot for supposedly concealing evidence and defending Catholics. There have been suggestions that he was the secretary of Masaniello during the Neapolitan rebellion in 1647, but chronology makes this questionable: Sir John Pollock, The Popish Plot: A Study in the History of the Reign of Charles II (Cambridge: Cambridge University Press, 1944), 335. He was representing the orphans as early as 1687 and was prosecuted by the City in 1688 for slander: COL/CA/01/01/097, fol. 55b. He appears in numerous disputes with orphans in the wake of the Orphan Fund's establishment in 1694, in part over assigned debts which he appears to have been buying up prior to the Fund's establishment. He was still in dispute with the City as late as 1709 over the actions of Sir Francis Child in the orphan debt during his time as aldermen: COL/CCS/SO/01/07/007. Little biographical information about

subscribe does suggest that some of the subscriptions were from female orphans or guardians, or widows.

In fact, a petition from '1400 distressed orphans of the City of London' is recorded in the *Manuscripts of the House of Lords* and has eleven signatures recorded, six of which are women.⁵² The petition received by the Lords on 18th November 1691 contains the signatures of Ann Symonds, Susanna Butler, Mary West, Sarah Browne, Edith Stanton and Hannah Hickes, alongside five men: John Walsh, Robert Chevall, John Sheppard, Nathaniel Newdigate and John Dowse .53 Though we do not have the names of any other subscribers to orphan petitions, this does confirm that women were adding their name to petitioning material. So, while these petitions may not have been written by women, they were amongst the subscribers, confirming that the petitions represented their interests.

In his argument that the orphan lobby likely included speculators as well as orphans, Carlton argues that when looking at lists of people who subscribed to petitions or who paid lobbyists, only a few of these are on the lists of the City's debtors, and he suggests that only some of this could be explained by women marrying and their name changing.⁵⁴ He concludes that if there were a number of people calling themselves orphans who were in fact those to whom orphan stock had been assigned, they knew they were likely to receive more sympathy as poor orphans.⁵⁵ However, what Carlton does not consider is that some of

him can be confirmed, apart from the fact he had a son also named Nathaniel who was apprenticed to the Vintner's Company in 1695: 'Nathaniel Reading', London Apprenticeship Abstracts, 1442-1850, Find My Past, accessed 12th February 2023.

https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F154163%2F345942.

⁵² Thirteenth Report, Appendix, Part Five: The Manuscripts of the House of Lords, Volume 3, 1690-1691 (London: Historical Manuscripts Commission, 1892), 297; PA, HL/PO/JO/10/435, fol. 434c; my thanks go to Sarah Birt for her help in deciphering the palaeography in the manuscript copy of this petition to identify the first name of Edith Stanton as the print version leaves her first name blank.

⁵³ PA, HL/PO/JO/10/435, fol. 434c.

⁵⁴ Carlton, *The Court of Orphans*, 97-98.

⁵⁵ Ibid, 97-99.

the people he accuses of being speculators, may also have been relatives and guardians who signed subscriptions on behalf of their children. Indeed, the advert in *Publick Occurences* makes it clear that not just orphans could support petitions and literature that was to be presented to the Court or to Parliament.

In fact, Edith Stanton, one of the signees of the House of Lord petition mentioned above, is an example of a relative signing a petition. She married Thomas Gillingham, a glover, in 1656 with whom she had three children. Thomas Gillingham died in late 1675 or early 1676, leaving Edith with three orphans, all under the age of 21. Edith married again in November 1676 to Richard Stanton and appears to have continued her first husband's glove-making business as she took on two apprentices in 1678 and 1679. At least two of her children were born in the late 1660s, meaning that the City's financial crisis was well under way when they became of age to collect their portions in the late 1680s. By the time she was signing the House of Lords petition in 1691, Edith Stanton was in her early sixties and once again a widow. After the *Act for Relief of the Orphans* was passed, she came to the Court to acknowledge satisfaction for her son's portion in November 1694.

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https://www.findmypast.co.uk/transcript?id=R 940097610.

⁵⁶ 'Edith Smalley, 1656', England Marriages 1538-1973, *Find My Past,* accessed 23rd February 2022. https://www.findmypast.co.uk/transcript?id=R_857042044%2F2.

⁵⁷ For Thomas Gillingham's will see: TNA, PROB 11/350/114; for the common serjeant's book entry of his estate see: LMA, CLA/002/01/02, fol. 403.

⁵⁸ LMA, P89/MRY1/001, fol. 99; *England Marriages 1538-1973*, Find My Past, accessed 23rd February 2022. https://www.findmypast.co.uk/transcript?id=R 22085745550%2F2; 'Edith Stanton, 1678', *London Apprenticeship Abstracts, 1442-1850*, Find My Past, accessed 23rd February 2022. https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F67051%2F164369; 'Edith Stanton, 1679', London Apprenticeship Abstracts, 1442-1850, *Find My Past*, accessed 23rd February 2022.

https://www.findmypast.co.uk/transcript?id=ORIGINS%2FLONDONAPPRENTICE%2F67212%2F164833.

59 LMA, P69/Bot2/A/004/Ms09224; England Births & Baptisms 1538-1975, Find My Past, accessed 23rd
February 2022. https://www.findmypast.co.uk/transcript?id=R_940099656; LMA, P69/Bot2/A/004/Ms09224; England Births & Baptisms 1538-1975, Find My Past, accessed 23rd February 2022.

⁶⁰ The record of Edith's first marriage to Thomas Gillingham in Stepney parish notes she was 27 at the time, putting her birth year around 1629; her second husband Richard Stanton died in or before 1689 according to letters of administration issued to Edith in that year: TNA, PROB 6/65, fol. 160.
⁶¹ LMA, COL/CA/01/103, fol. 62.

to acknowledge satisfaction for his wife's portion, as well as for her share of her brother Thomas Gillingham's portion and he must have died sometime before this.⁶²

Her will from August 1701 reveals that she had 'the sum[m]e of two hundred pounds orphans money in the chamber of London which [she] purchased of [her] said sonn Andrew.'63 It is entirely possible that Edith Stanton bought her son's debt as a way to allow him the capital he needed, possibly for an apprenticeship, while he was unable to collect it from the chamber following the City's financial failure in 1683. Indeed, the previous chapter looked at the example of Mary Garthwaite who advanced her daughter her portion in this way, and it is possible many parents were doing this for their children.⁶⁴ This provides a very clear reason as to why Edith Stanton was signing the House of Lords petition. Not only did she have children with portions owing to them, but she also appears to have been assigned her son's money in the chamber and securing the City's financial liquidity secured her own investment, as well as her children's.

The example of Edith Stanton makes it clear why we cannot simply compare lists of the City's creditors in the 1690s with that of a list of signees on petitions as Carlton does. Indeed, the estate of Thomas Gillingham is found in the orphans' journal in the Chamberlain's Department as an estate that still had money in the chamber in 1692.65 However, without in-depth research, it would otherwise be impossible to identify the connection between Edith Stanton and the orphan debt and specifically the Gillingham estate, due to the fact she remarried and changed her name. Rather than a woman using the plight of the orphans in an attempt to try and receive more sympathy as Carlton

⁶² Ibid, fol. 104.

⁶³ TNA, PROB 11/462/202.

⁶⁴ LMA, COL/CA/05/02/001, C; COL/CA/01/01/104, fol. 22b, 119b-120, 125b, 134b.

⁶⁵ LMA, COL/CHD/0A/01/033.

suggests, Edith Stanton was in fact directly involved in the orphan debt. Not only did her children have their inheritance tied up in the chamber's nearly £750,000 debt, but she also later purchased her son's portion and was therefore herself a creditor of the City and the mother of three orphans.

The ubiquity of the surnames of the other women signees of the House of Lords petition—Butler, West, Browne—makes this kind of in-depth research difficult, but this example suggests that Carlton's analysis is overly sceptical. It is important to consider not just the petition itself and its content, but the method of production, the ways women could be involved in the petitioning process and who these women were. It is clear that women were being invited to subscribe to petitions and that they were doing this, either as orphans, guardians, or creditors.

Doolittle perpetuates the idea that 'the orphans' likely included and were organised by speculators who had bought orphan stock at low prices, in the hopes they could redeem it at full value when a financial settlement was reached. One of those he includes in this list is John Dowse, another of the signees of the 1691 House of Lords petition. Dowse acted as a lawyer on behalf of the orphans and his name appears in various manuscript and print material in relation to the orphan issue. However, Doolittle suggests that Dowse's 'motives, if not [his] identity, remain obscure' and is sceptical that Dowse was even an orphan, as he is contemporarily referred to. But Dowse was in fact an orphan, who was at one point under the jurisdiction of the Court of Orphans. The son of a stationer and later haberdasher—also named John—who died in late 1676, he and his two siblings were all underage at the time of their father's

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⁶⁶ Doolittle, 'The City of London's Debt to its Orphans, 1694-1767', 47.

⁶⁷ For more on John Dowse see: *The Case of the Orphans and Creditors of the City of London* (1688); LMA, COL/CA/01/01/103, fol. 152.

⁶⁸ Doolittle, 'The City of London's Debt to its Orphans, 1694-1767', 47.

death, meaning the estate of the elder John Dowse was processed by the Court of Orphans.⁶⁹ The date of his death makes it entirely possible that John Dowse the younger and his siblings were still underage when the City defaulted seven years later, and therefore unable to collect their inheritance. Indeed, John Dowse did come to the Court of Orphans to acknowledge satisfaction for money in June 1695, and the husband of his sister did the same in October 1694 and June 1695.⁷⁰

It is certain that Dowse was motivated by a personal interest in the orphan issue, either on behalf of himself or his siblings and not as a speculator as Doolittle suggests. In fact, two other men listed on the House of Lords petition, Nathaniel Newdigate and Robert Chevall had also been orphans, the fathers' estates found in the Court of Orphans' records, and who acknowledged satisfaction for their portions in 1695.⁷¹ As such, the scepticism expressed by both Carlton and Doolittle must be considered with caution. While speculators were undeniably involved, the status of City orphan was held by many in the capital and as this chapter will demonstrate, the orphans had many overlapping ties within the City.

Beyond considering the contents of these petitions, or who subscribed their name to them, we must also consider *how* they were presented to institutions. Reporting a meeting at the Guildhall on the 19th December 1687, the pamphlet *The Case of the Orphans and Creditors* details how the orphans came to present a petition to the Sheriff of the City of London Sir Basil Firebrace, asking for it to be read by the lord mayor and aldermen.⁷² However Firebrace informed them that the lord mayor would not agree to read their petition until after the Christmas period, as the current period had been

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⁶⁹ LMA, CLA/002/01/04, fol. 6-6b, 26, 195b-196.

⁷⁰ LMA, COL/CA/01/01/103, fol. 95-96; COL/CA/01/01/102, fol. 515-516.

⁷¹ LMA, COL/CA/01/01/103, fol. 535-6, 96.

⁷² The Case of the Orphans and Creditors of the City of London (1688), 2.

'particularly appointed for the business of the stewardship of Southwark.'⁷³ Upon hearing this, 'several widows and orphans appear'd the court before, and were very clamorous; and his lordship apprehended, that they were set on by the promoters of that petition'. It goes on to say that the solicitors and advocates for the orphans were 'resolv'd against appearing with the said widows, fearing their importunities might give offence.'⁷⁴ While this does not provide us with much detail, the word 'clamorous' is striking. It suggests that the widows present in the Guildhall were vocal in their disappointment and again stresses the importance of women in the orphan lobby as both petitioners and lobbyists.

Further to this, the Court of Aldermen repertory for the 1687-8 mayoral year also records women visiting the Guildhall in early 1688. After a petition was presented 'in the name of the orphans and widowes of this city', the 'diverse widowes and orphans being now present before this court' when asked 'whether they would subscribe or owne the said petic[i]on, they all refused to subscribe it and most utterly declared against it.'⁷⁵ When pressed further, only 'Mrs Symonds, Mr Shephard, Mr Dowse and Mr Windham' owned the petition, arguing that Nathaniel Reading had written it and then urged them to present it, but that they were not familiar with its contents.⁷⁶ As Symonds, Sheppard and Dowse were all signees of the House of Lords petition a few years later, we can be certain that they were key players in the orphan lobby. It is unclear what the disagreement was over this petition, or whether Nathaniel Reading's clearly dubious role in the orphan lobby was to blame. What is clear, is that women

⁷³ Ibid.

⁷⁴ Ihid

⁷⁵ LMA, COL/CA/01/01/103, fol. 152.

⁷⁶ Ibid, fol. 152b.

were coming to the Guildhall to present petitioning material and were doing so alongside men.

While Carlton and Doolittle emphasise key players such as Shepard and Dowse in the orphan lobby, signing petitions presented to both the Court of Alderman in 1688 and the House of Lords in 1691, they make no mention of Ann Symonds, despite the fact she also signed both these petitions, and is noted in the repertories as visiting the Guildhall, emphasising how women's role in the orphan lobby has been overlooked. Identifying Ann Symonds in the Corporation's records is difficult. She is referred to as 'Mrs Symonds' suggesting that like Edith Stanton, she was a widow and the mother of a City orphan, rather than an orphan herself.⁷⁷ However, like Edith Stanton, she may have remarried, making it difficult to connect her with a specific estate. She may have been the widow of Thomas Symonds, a barber-surgeon who had a widow named Anne and whose estate was noted in the orphans' journal as still having money in the chamber in 1692.⁷⁸ William Hall, a cutler who was also in the same list, also had a widow named Ann and who remarried and was going by the name Ann Symonds after his death.⁷⁹ Even without identifying which estate Ann Symonds was linked to, her activities in the orphan lobby have been overlooked in the literature, despite her role in the petitioning and lobbying process.

It is clear that women were active agents in the collective petitioning process. Not only were they subscribing their names to petitions, but they were also attending the Guildhall and in the case of the 'clamorous widows', were comfortable demonstrating their displeasure when they believed the lord mayor and aldermen were not moving

77 Ihid

⁷⁸ LMA, COL/CHD/0A/01/033.

⁷⁹ Ibid.

quickly enough to resolve the ongoing issue of the City's financial crisis. A reexamination of this material can also identify women such as Edith Stanton and Ann
Symonds who were acting as key advocates and signatories on petitions alongside men
who feature more prominently in modern discussions on the crisis. While the presence
of women in the Guildhall does not appear to have led to the same violence of the
demonstrations by women during the 1640s and 1650s, when Parliamentary officials
used force on female petitioners, this period provides a historical context for women
occupying physical spaces as part of the petitioning process.⁸⁰ Whether subscribing to
petitions, attending in groups to deliver a petition and even making vocal objections,
this illustrates the active ways women were involved in the process of collective
petitioning.

Part two: Pamphlets

...give me leave to enquire of you the Reasons, or Occasions, of the Practise of putting the Orphans Money into the Chamber of London; by what Authority demanded, and whether our Deceased Parents were not influenced by Custom, and had a wrong Notion of the Matter; for could they have forseen what has since happened, they would as soon have ordered their Executors to have laid out their Money in Ruffs and Farthingals, as to have put it into that bottomless Pit. the Chamber.⁸¹

This is the question put to the orphan Francisco by fellow orphan, Aurelia, after they meet one fictional morning in the Guildhall in November 1690. This extract and Francisco's subsequent answer serves as exposition for readers of this pamphlet—*A*

⁸⁰ Ann Marie McEntee, '"The [Un]Civill-Sisterhood of Oranges and Lemons": Female Petitioners and Demonstrators, 1642-53,' in *Pamphlet Wars: Prose in the English Revolution*, ed. James Holstun (London: Frank Cass, 1992), 95.

⁸¹ A Dialogue Between Francisco and Aurelia, Two Unfortunate Orphans of the City of London (1690), 3.

Dialogue Between Francisco and Aurelia, Two Unfortunate Orphans of the City of London—who were perhaps not up to speed on the dispute between the City and its orphans that had been rumbling on for a few years by 1690. Although the characters are fictional, Francisco and Aurelia represent both the male and female orphans affected by the crisis, and their conversation is revealing.

If readers of the pamphlet were in any doubt of the relationship between the City and its orphans then the title page quickly remedies this, with Francisco accusing some of the aldermen of taking 'their Cook Maids into Bed with them.'82 This is after Francisco asks Aurelia what reasons she could have to be at the Guildhall so early in the morning, if not to attract an alderman. Aurelia responds 'why, sir, think you that young women have no business in the Guildhall?'83 From the outset, the pamphlet makes clear that both male and female orphans have an equal interest in the orphan problem, with Aurelia defending her right to attend business at the Guildhall alongside her male counterparts. Aurelia is confident and assertive and is not afraid to question Francisco and offer her own opinion; her clear disdain at discussing the Aldermen leads him to comment that: 'this aversion of yours to an Alderman, I humbly conceive, Madam, you are one of the orphans of the City of London.'84 The fact that orphans are portrayed to be identifiable by their hatred of aldermen leaves no doubt in the readers mind that the orphan lobby clearly felt the City was at fault.

Despite initial bickering, Aurelia and Francisco are able to agree on the ways that they and their fellow orphans have been affected by the City's financial failure. Aurelia comments that men 'for want of that money of his which lies in the chamber of London,

82 Ibid.

83 Ibid, 1.

84 Ibid, 2.

be exposed to all indignities of fortune' and 'to keep him from starving, list himself a common sentinel, to stave of his importune creditors.'85 Francisco balances this by lamenting that it is also pitiable that 'a young gentlewoman, whom nature and education have made a finished piece, for want of those bags which lie sleeping in the chamber, be take herself to some mean employ' and may be forced to marry 'some inferiour fellow.'86 Just like the petitions from 1685, this pamphlet speaks to ideas about the middling sort falling below their rank and the heritage of the City's civic community being lost and does this by making clear distinctions about how this would affect the City's sons and daughters differently. As nicely summarised by Froide, 'according to this pamphlet, the prospects of the defrauded orphans depended on their gender.'87

This pamphlet is crucial in providing a voice for the orphans who were at the centre of this crisis. It is directly critical of the aldermen who oversaw the Court of Orphans and provides a perspective and experience of the crisis not just from the orphans as a collective group, but as a group made up of young men and women. Aurelia provides a voice for female orphans that is critical, assertive, and knowledgeable, and serves to demonstrate that women were as much a part of this narrative as men. In the same way as the 1685 petitions, Aurelia and Francisco's description of the conditions in which orphans were forced to live worked to undermine the authority and efficacy of the Court of Orphans. Making sure that women did not enter into inferior marriages and men into inferior trades was one of the primary functions of the Court's custodial role. By using this in their attack, they illustrate not only the failings of the Court, but also that women's experiences were a central part of this crisis.

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⁸⁵ Ibid. 6.

⁸⁶ Ibid, 7.

⁸⁷ Froide, Silent Partners, 66.

Kellett draws attention to this pamphlet as one of the many examples of print literature produced by the orphans of the City as part of their campaign. Specifically, that Francisco's 'conversational flirting' with Aurelia about the perils of being an 'orphaness' is a device used to offset the dryer descriptions of the City's customs.⁸⁸ While Kellett begins to try and locate the role of women in the range of literature produced during the City's financial crisis, the scope of his work does not allow for this to be taken far enough and he is in danger of over-simplifying the complexities of this material. While Kellett makes a sensible assumption that Aurelia and Francisco's witty conversation serves to provide comic relief from an otherwise serious topic, discussions about how orphans and orphanesses were affected differently draws on similar concerns outlined in the petitions from 1685 and have something in common with the concerns about the young woman's marriage prospects expressed in the column of the Athenian Mercury from 1693. Rather than just acting as a literary device, their conversation draws on existing narratives that were being circulated by the orphans already from the mid-1680s and demonstrates the important role of women in this discourse.

We do not know who wrote this pamphlet, only that it was printed by Randall Taylor, who printed another orphan pamphlet in the same year. Randall Taylor was a printer and bookseller who produced hundreds of books between about 1663 and his death in or after 1694 and who lived in St Martin Ludgate. The other pamphlet produced by Taylor in the same year was equally strong in its language and its criticisms of the City. A Plea for the City Orphans and Prisoners for Debt, Humbly Offered

⁸⁸ Kellett, The Financial Crisis of the Corporation of London and the Orphans' Act, 1694, 224.

⁸⁹ Wayne H. Phelps, 'The Will of Randall Taylor, a Restoration Bookseller,' *The Papers of the Bibliographic Society of America: Third Quarter* 72, no. 3 (1978): 335-337.

Psalms. These lines implore the reader that 'if thy brother be waxen poor, and fall into decay with thee, then thou shalt relieve him' and to 'deliver the poor and needy' leaving in no doubt the tone of the pamphlet from the outset. 90 In fact, the pamphlet's underlying message is that of Christian charitable behaviour, which the writer clearly believed was not being shown to either the City's orphans or prisoners. Quoting Deuteronomy, the pamphlet tells the reader to 'do no wrong, do no violence to the stranger, fatherless, nor widow' and 'ye shall not afflict any widow or fatherless child'.91 It goes on: 'we cannot but suppose that the fathers being traders and, in a fraternity... that their fellow citizens, who might survive them, would do by their children, as they should expect to have their own children dealt by.'92 This language of charity towards the vulnerable, in this case widows and orphans, is similar to that found in the petitions previously mentioned and again suggests that the City was not doing its Christian duty.

However, this pamphlet takes this further. One of the core founding principles of the Court of Orphans, alongside a need to protect the vulnerable, was that the Court was administered by those who also used its services. 93 In the words of Charles Carlton: 'those who ran the Court of Orphans were also its customers.'94 John Strype highlighted this in his *Survey of London*, stating that the improper guardianship of orphans led to 'the great Slaunder of the Lord Maior and Aldermen of this City, (who been reputed and taken as Fathers and Protectors of the same Orphanes) and to the great loss and

⁹⁰ A Plea for the City Orphans, and Prisoners for Debt, Humbly Offered to this Present Parliament (1690); the second half of the tract is dedicated to the prisoners in the City's prisons for debt, most likely the Wood Street Compter and Fleet Prison.

⁹¹ Ibid, 7-8.

⁹² Ibid, 13.

⁹³ Elaine Clark, 'City Orphans and Custody Laws in Medieval England,' *The American Journal of Legal History* 34, no. 2 (1990): 170;

⁹⁴ Carlton, *The Court of Orphans*, 73.

hindrance of the said City.'95 The City's officials were invested in the fate of orphans as they were part of the same civic community. *A Plea for the City Orphans* demonstrates an awareness of this founding principle; by referring to the orphans' fathers as both 'traders' and 'in a fraternity' it reminded the reader, and perhaps the City itself, that these men were citizens and members of the livery companies, in the same way as the lord mayor and aldermen. As Carlton goes on to say: 'living in an age of sudden death, they [the lord mayor and aldermen] were constantly reminded that the estate they administered today could tomorrow very easily be their own.'96 The writer of this pamphlet clearly thought that the City's elites had forgotten and needed reminding that they would not wish the same fate of uncertainty and economic precarity on their own children. In simple terms, the pamphlet suggested that the City's civic administration was not looking after its own.

A year later in 1691, another pamphlet was printed entitled *the Case of the Distressed Orphans of London*. Its title page is accompanied by a rather ominous Latin script: *metuendum est esse sine custode/ sed multo magis a custode;* 'fearful without a keeper, but even more so with a guard', casting the City as captors, rather than as guardians. Carrying on the sentiments in the pamphlets that had been produced a year earlier, this pamphlet uses the same rhetoric of civic community and need for charity towards vulnerable groups. More than just a need to support the members of the civic community, this pamphlet situates the Court of Orphans within the City's history, and that its creation was as a result of the City's elite 'supposing their City to have immortality, and to be perpetuated by succession'. By failing to provide for the

⁹⁵ John Strype, Survey of London (1720), 322.

⁹⁶ Ihid

⁹⁷ The Case of the Distressed Orphans of London (1691).

⁹⁸ Ibid, 2.

successors of the City's citizens, then, the City officials were jeopardising the continuation of London and its 'grandure'.⁹⁹

It also repeats much-used rhetoric by the orphan lobby, including referring to the City as 'father of the fatherless' and the need for maintenance to be paid to the orphans and widows to keep them from starving. 100 A broadsheet from the following year repeats this, claiming that 'many of the fatherless and widows being in rags and wanting bread. 101 This repetitive language and rhetoric demonstrates two things: firstly, that by the 1690s the orphan lobby were well versed at criticising the City in a variety of ways and casting themselves in a sympathetic light. Secondly, that while female orphans may not have always been given a voice as they are in *A Dialogue between Francisco and Aurelia*, widows feature in almost all of the print material that was produced. Though they have been overlooked by Carlton and Doolittle in their own analysis of this period, widows were mentioned alongside the orphans in narratives of the City's financial crisis and played a key part in emphasising the failure of the City to look after not only members of its own civic community, but also those that were most vulnerable.

Part three: Petitions to the Court and Commons

From February 1693 to February 1694, nine petitions about the orphan issue were submitted to the Commons, listing a woman as either the sole or one of the named petitioners. By this stage, various draft bills to establish what was to become the Orphans' Fund were being presented and read in the Commons. One such bill was first read on 21st February 1693, but no more mention is made of this bill after March of that

¹⁰⁰ Ibid.

⁹⁹ Ihid

¹⁰¹ The Case of the Distresses Orphans of the City of London (1692).

year. The bill that went on to become the *Act for Relief of the Orphans* was first read on 17th February 1694 and after three readings and some amendments, was passed by the Commons on 12th March. If we use definitions developed by Philip Loft, these nine petitions noted in the journals of the House of Commons can be identified as 'responsive petitions', that is, petitions that were submitted in response to specific legislation, to either show support or opposition. ¹⁰² These petitioners were aware that bills being debated might not accommodate them, and they petitioned to ensure that their own circumstances were considered and provided for in any legislation that was passed.

Amy Froide is the only scholar to consider some of these women's petitions to the Commons. She includes these petitions in a discussion of the 'raiding' of orphan inheritances held in the City's chamber by the Corporation as an early example of women's investments that became the victim of 'financial fraud'. 103 She uses these petitions to the Commons to demonstrate how women complained about the misuse of their money in an attempt to recover their investment and in response to legislation that hoped to resolve the issue. 104 While Froide's assertions are accurate, her analysis is over-simplified. These petitions reveal more than just loss of money and by considering them within the context of the Court of Orphans' records, we can learn more about the women within them, how they considered themselves and what this tells us about money in the Court of Orphans.

By reading these petitions more closely, as well as cross-referencing them with estates processed by the Court of Orphans, it is possible to conclude that only two of the nine petitions under discussion here were actually related to an estate in the Court of

¹⁰² Philip Loft, 'Involving the Public: Parliament, Petitioning, and the Language of Interest, 1688-1720' Journal

of British Studies 55 (2016): 2; Loft refers to large responsive petitions as petitions signed by more than 20 people in support or contestation of specific legislation.

¹⁰³ Froide, *Silent Partners*, 164.

¹⁰⁴ Froide, *Silent Partners*, 167.

Orphans. The other seven represent people and families who had invested in the City's chamber but were not themselves City orphans. As they had been impacted in the same way, with their inheritance lost from the chamber, these women, often with their siblings or spouse, came to the Commons to ask that they be considered in the same way that the orphans were in the bills that were being drafted.

One of these women, Ann Wright, submitted a petition to the Commons on 1st March 1693 detailing how in 1682, she had lent the chamber £600 secured by two bonds in return for 5% interest. ¹⁰⁵ However, she claimed that since then, she had only received half a year's interest at 1%. The entry goes on to say that as she has no mother or father, she is 'reduced to great streights' and she hopes that 'there being a bill now in this house paying the debts due to the orphans of the City of London; and the petitioner's said money being lent towards paying part of the said debts, and praying, that she may reap the same benefit as the said City orphans. ¹⁰⁶ She petitioned again almost a year later in February 1694, repeating the same details as before, but also adding that 'had it not been some friends did supply her necessities, being sickly, she must have perished for want. ¹⁰⁷ Luckily for her, *the Act for Relief of the Orphans* was passed the following month and she was able to benefit from the Orphans' Fund; a counterfoil certificate survives from the Chamberlain's Department from October 1695 showing that she was paid the £600 owed to her from the chamber, plus just over £94 in interest. ¹⁰⁸

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¹⁰⁵ Journal of the House of Commons: volume 10: 1688-1693 (1802), 838. British History Online (accessed 2nd March 2021).

¹⁰⁶ Ibid.

¹⁰⁷ Journal of the House of Commons: volume 11: 1693-1697 (1802), 98. British History Online (accessed 2nd March 2021).

¹⁰⁸ LMA, COL/CHD/OA/13/001.

Although not a ward of the Court of Orphans, Ann Wright appears to be in very similar circumstances to many of the City orphans, with no parents, reliant on the charity of friends and a portion lost from the chamber. She even attempted to further her cause by arguing that as her portion had been used by the City to pay back some of the orphans, she should be able to benefit from the same relief the bill would provide for the City orphans. Petitions like Ann Wright's demonstrate how those who may not have formally engaged with the Court of Orphans became embroiled in its financial affairs in the aftermath of the City's default and had to petition alongside the City's orphans for relief. Indeed, closer analysis of the petitions themselves shows that the situation of the City's other creditors was often similar to those of the City's orphans and that the City's financial failure affected more than just those who were directly involved in the Court of Orphans.

While this distinction does not at first seem important—both orphans and City orphans had lost money from the chamber and wanted to be considered in legislation that would see it returned—it complicates how we understand the Court of Orphans. If, as Steve Rappaport has argued, use of the Court of Orphans was a privilege that came with the status of being a freeman of the City, then we must see its financial services as part of these privileges. ¹⁰⁹ But, if those outside the Corporation were able to deposit money in the chamber on behalf of young children and orphans in return for interest and they were then provided for as part of the *Act for Relief of the Orphans*, then little distinguishes them from the orphans the Corporation provided for. This brings into question how distinct and separate the orphans of the City were and emphasises how the City's financial failure blurred the line between those to whom the Corporation's

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¹⁰⁹ Steve Rappaport, *World Within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge: Cambridge University Press, 1989), 35-36.

privileges extended, and those to whom it did not. Indeed, it suggests that the rhetoric used in pamphlets and petitions to discuss civic orphanage drew on perceived ideas about what it meant to be a City orphan, but that the idea of orphans holding an elite and exclusive status was not necessarily the case. Benson has argued that the 'boundaries of the freedom were permeable' in the City and that 'groups outside London's corporate system had access to civic culture and were able to claim rights and privileges associated with citizenship.' This conclusion can be extended beyond citizenship to civic orphanage, as those beyond City orphan status were able to benefit from the privileges it provided.

Furthermore, while Froide is quick to view these women as examples of women investors who had become the victims of financial risk, this chapter argues that 'investor' is not an entirely accurate descriptor for these women. Francis Bradbury, Ellen Pank and Grace Bell's petition detailed that money 'was put into the chamber of London by [their] father, deceased, for their livelyhood.'111 Likewise, the Dowager Lady Anne Rockingham's petition said that her 'late husband, about 1681, did pay into the chamber of London 5,000*l* by way of loan... which is a very considerable part of the provisions made for her younger children.'112 This is similar to the petition of John Chapel and his wife Mary, which said that 'the petitioner Mary's guardian, she being an orphan, put her money... into the chamber of the City of London.'113 In fact, of all these women, only Ann Wright was responsible for putting money into the chamber herself. Instead, their parents, guardians or spouse did so, in most cases for the benefit of

¹¹⁰ Benson, 'Boundaries of Belonging,' 230.

¹¹¹ Journal of the House of Commons: volume 10, 1688-1692 (1802), 835. British History Online (accessed 2nd March 2021)

¹¹² Journal of the House of Commons: volume 11, 1693-1697 (1802), 29-30. British History Online (accessed 2nd March 2021).

¹¹³ Journal of the House of Commons: volume 10, 838.

younger children. If we define investor as 'a person who invests or has invested money in a particular, property, stock, bond', then it is difficult to define these women as investors. ¹¹⁴ They would perhaps be better defined as beneficiaries, benefiting from the money that was invested on their behalf. These petitions not only complicate how we understand the Court of Orphans, then, but also how we conceive investment and those who inherited investments.

The Commons received another petition in late 1692 from William, Henry and Katherine Goodwin and Audrey Beale, who like Ann Wright and Mary Chapel, had their portions invested in the chamber on their behalf by their guardian. Like the others, they asked 'that an equal consideration shall be had of William Goodwyn, Katherine Goodwyn and Audre Beale, upon their petition as of the Orphans of the City of London.'115 Similarly, their third petition in December 1693 asked the Commons that they 'be equally relieved with the City-Orphans.'116 Further research reveals that they were siblings, with another sibling named Stewkley also mentioned in a later entry.'117 Katherine, William, Henry and Stewkley Goodwin were the youngest of eleven siblings and Audrey Beale their eldest sister.

However, Audrey Beale does not just appear in the House of Commons' journals. In fact, she appears in three further petitions, two to other institutions. Shortly after she petitioned the Commons with her siblings, Audrey Beale submitted another petition, this time to the Court of Aldermen sometime in the second half of the 1690s. ¹¹⁸ In it, she stated that she had visited four years before, but the lord mayor would not grant her

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¹¹⁴ "investor, n.", OED Online, March 2021, Oxford University Press https://www.oed.com/view/Entry/99053?redirectedFrom=investor (accessed 2nd March 2021).

¹¹⁵ Journal of the House of Commons: volume 10, 817-818.

¹¹⁶ Journal of the House of Commons: volume 11, 29-30.

¹¹⁷ Journal of the House of Commons: volume 11, 98-100.

¹¹⁸ This petition must be after March 1694 as it refers to *the Act for Relief of the Orphans* and it seems likely to suggest that she came to the Court within a year or two of being able to claim her money.

relief for the money she had in the chamber.¹¹⁹ She goes on to say that since then, she has come as she was 'recom[m]ended by the Parliament that made the Act' and 'that she has been at great expences in soliciting this Court since the Act, and great while without her money.'¹²⁰ She referred to a 'former petition' in the mayoral year of Sir Thomas Stampe (1691-2), but there is no reference to this in repertory 96 (1691-2). This suggests when Audrey Beale could not gain financial relief from the Court of Aldermen, she went with her siblings to the Commons to ensure they were written into the *Act for Relief of the Orphans*. When this was done, she returned to the Court of Aldermen to claim the financial relief she was now owed.

Sometime before or after this in June 1696, Audrey Beale returned to the Court of Aldermen with her two sisters Dulcibella and Katherine Goodwin. The sisters had come with two bonds owing to their brother Francis Goodwin who had money in the City's chamber, but who had died two years previously. As Audrey Beale now had letters of administration, the Court ordered the sisters be given promissory notes with the money owing to them in the chamber. While this trip to the Guildhall was uneventful, it demonstrates that Audrey was adept at managing both her own finances as well as those of her family.

Ten years before this, she had also petitioned King Charles II to try and seek aid for her younger brother William Goodwin. In December 1684, Audrey Beale petitioned the King at Whitehall to complain that in 1682, her 16-year-old brother William had been apprenticed to a Joseph Eaton of Maryland in order to learn navigation, and had later been sold by his master as a slave to one Thomas Gerard. After witnesses were called

¹¹⁹ LMA, COL/CA/05/02/001, A.

¹²⁰ Ihid

¹²¹ TNA, PROB 6/70, fol. 102; LMA, COL/CA/01/01/104, fol. 118-8b.

¹²² LMA, COL/CA/01/01/104, fol. 118-8b.

¹²³ TNA, CO 1/56, fol. 201-201b, 224.

and questioned, it was finally agreed on 31st December that William Goodwin's relatives were to pay for his return and Joseph Eaton was sworn to a £100 bond to bring him back from Maryland. However, he maintained his innocence, claiming that the only corroborating evidence for the allegation was the testimony of a black boy who had only been in London four months. Although there is no more information in the records of the Lords of Trade and Plantation, the fact that William Goodwin was petitioning with his sister nine years later indicates he was able to return safely from the American colonies.

All of this serves to paint a clear picture of Audrey Beale's activities as a petitioner; between 1684 and 1696, she submitted at least five separate petitions to three different institutions about three different matters. Whether to the King in Whitehall, the Commons in Westminster or the lord mayor and aldermen in the Guildhall, she was clearly a confident and competent petitioner, deftly navigating London's legal institutions to obtain legal or financial aid. Unable to obtain the help of the lord mayor and aldermen for her problem in 1691, Beale—with the help of her siblings—petitioned the Commons three times in 1692-3 in response to the draft bill for the *Act for relief of the Orphans* in a bid to influence the legislation. When this was achieved, Beale returned to the Guildhall in the mid-1690s to claim the legal aid she had been denied four years before, demonstrating her tactical ability to use crossinstitutional petitioning to achieve her aims, as well as represent her family in financial matters. Audrey Beale is also listed as a defendant with her brother Francis Goodwin on two suits in the Court of Chancery from 1688 and was again the sole defendant on a suit

124 Ibid.

¹²⁵ Ibid.

from 1710, suggesting that by the time of her death in 1725, Beale was well versed navigating London's various legal institutions. 126

Part four: The City of London's Response

Print was not only used by orphans in the 1680s and 1690s, but also by the City itself, as it attempted to defend its role in the wake of the financial failure. The broadsheet The case of the City of London, in reference to their debts due by them to the orphans of the said City was first published by the City in 1689, for which they paid 16s 8d for 200 copies to be printed in December 1689.¹²⁷ This was followed by three further editions in 1691, 1692 and 1693. The evolution of this pamphlet during ongoing attempts to reach a settlement in Parliament reflects the changing way the City not only viewed itself, but also the orphans and widows. The 1689 edition opens by explaining that, as the City's custom states, the lord mayor and aldermen have the guardianship of orphans and their estates. In this, it states clearly that the option to either deposit an inheritance in the chamber or hold it on recognizance was just that: an option. '[E] very free-man's executors are bound by recognizance to pay his children's portions into the chamber of London, Or else become bound with three sufficient securities.'128 The emphasis on the optional nature of the Court's procedure in regard to inheritances was necessitated by assertions found in a number of petitions and pamphlets that investing an orphan's portion in the chamber was in fact compulsory.

Although defending that the procedures of the Court were in line with the custom, the 1689 broadsheet makes clear the chamber's significant debts to the City's

¹²⁶ TNA, C 5/144/77, C 5/146/25, C6 362/46.

¹²⁷ LMA, COL/SJ/27/316.

¹²⁸ The case of the City of London, in reference to their debts due by them to the orphans of the said City, and others (1689).

orphans and other creditors, even going so far as to state both the principal and interest they owed. Although, a large proportion of the pamphlet is spent listing the various factors that are to blame for this debt, with the City's own financial mismanagement not included as one of these factors. Instead, the cost of the Civil Wars and Restoration, the loss of the City's property portfolio and subsequent expense of rebuilding after the Great Fire and the Quo Warranto proceedings against the Corporation are listed as causing the City's substantial debts. While in this broadsheet the City does not make attempts to shoulder the blame, it does acknowledge that 'the widows and orphans (to whom this debt is owing) are many hundreds in number, and very many of them have no other subsistence to depend upon.'129 The plight of the widows and orphans is followed up by a plea that a settlement in Parliament also needs to be reached because is 'the support of the City of London... not for the interest and benefit of the whole kingdom?'130

However, the tone of the City is completely different in the broadsheet's second edition, printed in 1691. Like the previous edition, it starts by explaining the option of an executor to either deposit or hold an orphan's portion, but then goes on to justify the importance of the chamber, otherwise portions were 'liable to be wasted by widows and executors.' This is quite different to the way that widows are referenced in the first edition; whereas they had previously been included as one of the victims of the City's indebtedness, in this edition they are instead framed as one of the reasons why the chamber was necessary, to protect inheritances from falling prey to their financial mismanagement.

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¹²⁹ Ibid.

¹³⁰ Ibid

¹³¹ The case of the City of London. In reference to the debt to the orphans, and others (1691).

This is especially interesting given that previous chapters of this thesis have sought to demonstrate the variety of sophisticated ways that widows who used the Court of Orphans were able to manage, invest and lend-out their money, some of which was orphan inheritances borrowed from the City's chamber. In fact, the six case studies in chapter four showed that, of the six widows who had their Court of Orphans recognizance owing back to the chamber listed in their probate inventory, only one of them left an insolvent estate. 132 Whether the City actually believed that widows and other executors holding an orphan's inheritance was a detriment to their estate is itself impossible to know; regardless, it was still suggested in the broadsheet. Attempts to blame others and defend themselves are also seen in their inclusion of 'rebellion in Ireland' as another factor causing them further financial burdens, along with the assertion that yet 'the Court of Aldermen ceased not their continual endeavours, to find the best ways and methods... towards satisfying the said debt.'133 The broadsheet closes by claiming that 'there can neither be justly objected against them [the Court of Aldermen] any failure of their duties, or the least wast or misemployment of any part of their income.'134

However, this is exactly what the orphans did claim. In a *Dialogue between*Francisco and Aurelia printed a few months prior, Aurelia compares the Court of

Aldermen to the 'Religious Houses in the Times of the Primitive Persecutions' as moral corruption turned them from places of piety and charity to 'nurseries of luxury and idleness.' The City's clear defence of themselves—and suggestion that other factors

¹³² See: Abigail Hodilow: LMA, CLA/002/02/01/1293; CLA/002/01/02, fol. 242b.

¹³³ The case of the City of London. *In reference to the debt to the orphans, and others* (1691).

¹³⁴ Ibid.

¹³⁵ A dialogue between Francisco and Aurelia (1691).

and parties were to blame—must be understood within the climate of circulating print material which directed blame towards the lord mayor and aldermen.

Indeed, the City's move to a defensive stance between 1689 and 1691 is likely explained by the increasing amount of print material being produced by the orphan lobby from 1690, as debates around the City's financial crisis intensified. In 1690 alone a petition and two pamphlets were produced, including *A Dialogue Between Francisco* and Aurelia and A Plea for the City Orphans, two pamphlets that were particularly critical of the City. 136 This material not only accused the City of corruption and mismanagement but also attempted to elicit sympathy towards the orphans and direct censure towards the City's officials. On top of this, all attempts between 1685 and 1690 to find a resolution for the crisis had been unsuccessful, and the lord mayor and aldermen were called to the House of Lords to defend themselves as debates raged on through 1690.¹³⁷ In fact, the City's reluctance to accept criticism and blame is not only seen in the language they used in their own print material, but also in how they responded to those produced by the orphan lobby. The broadsheet the Case of the Distressed Orphans of the City of London was printed in 1692 and accused the City of the 'imbezzlements of their deposites' and repeated the same powerful rhetoric that the orphan lobby had successfully been using since 1685.¹³⁸ Clearly unhappy at its contents, in early 1693 the City ordered its solicitor to find the author of this 'scandalous paper' and also the names of those who were responsible for its circulation. 139 The City's seemingly defensive stance after 1690 was likely caused by this increased pressure and

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¹³⁶ The Case of the Orphans of the City of London, A Dialogue Between Francisco and Aurelia and A Plea for the City Orphans.

¹³⁷ Journals of the House of Lords: volume 14, 1685-1691 (1767-1830), 561. British History Online (accessed 27th March 2021).

¹³⁸ The Case of the Distressed Orphans.

¹³⁹ LMA, COL/CA/01/01/101, fol. 121.

criticism. Their casting of widows and executors as a danger to orphans and their inheritances appears to have been an attempt to undermine the sympathetic narrative surrounding widows, but also shift the blame from themselves to those who were directly responsible for the orphans.

The third and fourth editions of the City's broadsheet are nearly identical and include much of the same material as in the second edition, with further insistences that the debt has not been incurred by the Court of Aldermen's 'default, negligence, or expence.'140 Although, it is possible to detect a tone of deference in these two editions not seen in the second. The words 'humble' and 'humbly' occur three times in the last few lines, with the last sentence suggesting that an act of Parliament would help along with any other relief 'as the Wisdom of the Parliament shall think most convenient.'141 This echoes the petitioning tactic identified by Geoffrey L. Hudson in his analysis of war widow petitions, in which they laid out their own request, but also deferred to the judgement of the adjudicator, in a hope that a willing display of flexibility would increase their chance of being granted some kind of monetary relief. 142 Whether endearing themselves to Parliament as debates for a settlement were ongoing—or for another reason entirely—this petition's tone shows a degree of deference that is overshadowed by defensiveness in the second edition the year before. It suggests that the City was constantly renegotiating its position in-line with ongoing parliamentary debates and new print literature produced by the orphan lobby, navigating the line between deference and defence. The portrayal of widows changed in line with this

 $^{^{140}}$ The Case of the City of London, in reference to the debt to the orphans, and others (1692).

¹⁴¹ Ihid

¹⁴² Geoffrey L. Hudson, 'Negotiating for blood money: war widows and the courts in seventeenth-century England,' in *Women, Crime and the Courts in Early Modern England* (Chapel Hill: University of North Carolina Press, 1994), 166.

constant renegotiating, depicting them as the victims of financial failure and then the causing factor, as they tried more vigorously to defend themselves.

It is also important to note that all four editions of these broadsheets were printed by Samuel Roycroft, the City Printer. Born in 1657 he was the son of Thomas Roycroft, who had himself been a distinguished stationer, printer and bookseller in London and had been appointed the King's Printer of oriental languages by Charles II in 1668. 143 In September 1677 the 20-year-old Samuel gained the freedom of the City, perhaps necessitated by his father's death the month before, and was appointed City Printer on 18th December of that year. 144 In fact, his father's death had pulled the Roycroft estate into the Court of Orphans, as just shy of his 21st birthday, Samuel—along with his younger sister Mary—was underage. This means that for a few months, Samuel was simultaneously an orphan of the City, as well as City Printer. Although, the senior Roycroft's estate was not actually brought to the Court of Orphans for administration until a year after his death in August 1678, by which time Samuel Roycroft had turned 21 and his portion was never put in the chamber.

The estate of Samuel's mother Elizabeth Roycroft was also processed by the Court of Orphans following her death in November 1678, as Mary Roycroft was still underage. An inventory of her estate was drawn up in that same month and was brought to the Guildhall in June the following year. As Mary Roycroft was eleven years younger than her brother, she would have remained under the lord mayor and aldermen's guardianship for at least a decade after her mother's death. However, she

¹⁴³ James Raven, *Publishing Business in Eighteenth-century England* (Woodbridge: The Boydell Press, 2014), 91; Katherine Mary Quinn, 'Roycroft, Thomas', in *The Oxford Companion to the Book*, ed. Michael F. Suarez and H.R. Woudhuysen (Oxford University Press, 2010).

¹⁴⁴ LMA, COL/CA/01/01/087, fol. 41b; Thomas Roycroft's will is dated 13th August 1677, an inventory of his estate was drawn up on 20th August 1677 and Samuel's admittance to the Stationers' Company by patrimony is dated 10th September 1677; It is possible that Samuel was not able to continue the running of his father's workshop until he gained the freedom.

predeceased her brother and he came to the Guildhall in April 1695 with letters of administration to acknowledge satisfaction for his sister's portion, which appears to have been put in the City's chamber during her orphanage. 145 Mary Roycroft appears to have died in or before June the previous year as a spinster living in Dorset, with her brother appointed as administrator of her estate. 146 It is not clear if Mary Roycroft's portion remained in the chamber past her reaching the age of maturity because she had left it there as an investment, or more likely, because she was unable to claim it during the City's financial troubles. Either way, by the time Samuel Roycroft collected his sister's patrimony in April 1695, the *Act for Relief of the Orphans* had been passed and City orphans were called to the Guildhall to claim their inheritance.

While Samuel Roycroft's workshop in St. Bartholomew's Close was printing broadsheets on the City's behalf about the orphan problem between 1689-93, he himself was familiar with the Court of Orphans. In fact, it appears that Roycroft's workshop was printing not just for the City, but also for the orphan lobby. When the chamberlain and two aldermen were reviewing an invoice from Roycroft in September 1689, they disputed some charges amounting to £5 16s 8d, arguing that it 'ought to be charged & paid by the managers of the orphans case, who have received great sums out of the chamber for defraying of those charges.' This money was for the cost of printing '40 q[uir]es of the Orphans and Widows Case' and '16 q[uir]es of Reasons offered to the Parliament' for which the City had apparently already provided funds to the 'managers of the orphans case' to pay for this. As such, Roycroft must have been familiar with the crisis, as his workshop was printing so much material about the issue.

¹⁴⁵ LMA, COL/CA/01/01/103, fol. 487-88.

¹⁴⁶ TNA, PROB 6/70, fol.130.

¹⁴⁷ LMA, COL/SJ/27/316.

¹⁴⁸ Ibid.

Even before the City's financial crisis, he would have been responsible for bringing an inventory to the Guildhall as his father's executor and is also likely the one who placed his sister's portion in the City's chamber. His family are also one of the few where both the freeman and his widow's inventory had to be presented to the Court of Orphans, as both parents died with at least one child still underage. It is impossible to know what Samuel Roycroft thought about the orphans' troubles with the city, or if his sister was one of these orphans unable to claim her inheritance. But, if nothing else, the case of the Roycroft family emphasises the ubiquity of the Court of Orphans process in the lives of City citizens, but also that this process is one in which women can be found at every stage. Both Thomas and Elizabeth Roycroft were testators with estates in the Court; Elizabeth Roycroft was an orphan's guardian before her own death; her son was both an executor and orphan and her daughter was an orphan whose portion was likely caught up in the City's financial crisis.

The Roycroft family is as an example of the complexity of the Court of Orphans, especially after the City's financial failure. Though Samuel Roycroft was part of the Corporation as City Printer, and was printing material for the City, he had himself previously been an orphan and his sister still had money in the chamber at the time of the City's financial failure. While it is easy to view the City and the orphan lobby as two competing sides of one narrative, Samuel Roycroft stands as an example that this dichotomy is not as clear cut and that on an individual level, people had involvement in both sides. The Court of Orphans featured in the lives of many citizens and this example illustrates how women were key in creating familial links that pulled people into the Court, as Samuel was dealing with the inheritance of his sister almost two decades after

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¹⁴⁹ LMA, COL/CA/01/01/085, fol. 265b

he himself left the Court's jurisdiction. The key roles these women played, particularly as 'widow-executors', left them open to attack from the City as they tried to deflect criticism and blame away from themselves and renegotiate their position in the narrative of the City's financial failure. 150

While the City wanted to reach a settlement with their creditors, it is clear they were only willing to do this on terms that were agreeable to them. Their defensive stance must be understood within the context of not only the critical circulating literature of the 1690s, but also that less than a decade earlier the City had its charter stripped away by Charles II, and its authority was on unsteady footing by 1690 shortly after its charter was restored. Just as women were a part of the narrative in petitions and pamphlets that levelled criticism at the City, so they featured in narratives by the City that criticised others they believed to be at blame for the City's financial failure. This emphasises the importance of women's role in the City's financial crisis, not only as active petitioners, and lobbyists, but also as central actors in the circulating literature which portrayed them as both victims and aggressors.

Conclusion

On 23rd March 1694, royal assent was given, and the *Act for Relief of the Orphans* and *Other Creditors of the City of London* was formally passed by the House of Commons. By this point, 11 years after the City's default, their total debt stood at just under £750,000. The act consolidated all these debts and established the Orphans' Fund, a publicly traded fund that would pay out 4% interest per year. In order to pay the annual

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¹⁵⁰ Amy Louise Erickson, 'Property and Widowhood in England 1660-1840,' in *Widowhood in Medieval and Early Modern Europe* ed Sandra Cavallo and Lyndan Warner (Harlow: Pearson Education Limited, 1999), 157.

interest of £30,000, the act laid out a number of levies and taxes, including £2,000 from a tax on inhabitants, a duty on coal imports and £8,000 from the Corporation's revenues.

1694 was, in effect, the beginning of the end of the Court of Orphans. Confidence in the City and its civic institutions was greatly undermined by the end of the seventeenth century and the Court of Orphans was administering fewer estates than it had been 20 years before. By the second decade of the eighteenth century, it was only administering a few cases per year. On top of this, the financial functions of the Court as a safe, long-term investment opportunity were undermined by the founding of the Bank of England in the same year the Orphans' Fund was established. Founded in July 1694, the Bank provided for the first time an alternative for those who would have otherwise invested capital in the City's chamber. Incidentally, the Bank's first governor Sir John Houblon had nieces and nephews that had been orphans of the City a few years previously. On top of this, just over 30 years later in 1725, the testamentary custom—which required that City freeman to divide their estate into thirds—was abolished, effectively making the Court of Orphans 'surplus to requirements'.

While the Court of Orphans continued its decline in the eighteenth century, the Orphans' Fund went on to have a long life. The act included a clause which allowed the City to default on the interest payments for the first seven years, which it did, and at first it appeared that Parliament had miscalculated the City's ability to reach the £30,000 interest payments. It was only after 1710 that the fund was able to meet and then actually exceed this sum, largely in part due to the coal dues which were

¹⁵¹ See estate of Tempest Milner, husband of John Houblon's sister Anne: LMA, CLA/02/02/01/1242.

¹⁵² Henry Horwitz, 'Testamentary Practice, Family Strategies, and the Last Phases of the Custom of London, 1660-1725.' *Law and History Review*, 2, no. 2 (1984): 237.

contributing £20,000 to the fund by the 1720s as the demand for coal increased. The City was able to renew the rights to the coal dues in 1748 for another 35 years, as they had been due to expire in 1750, and throughout the later eighteenth-century these were used to finance public works, such as Blackfriars Bridge. The fund was continued until 1832 when all the City's debts were paid off and it was liquidated.

This chapter has shed light on the role of women in the City of London's financial crisis, that until now has been overlooked in the existing literature. By looking at both manuscript and print petitions, pamphlets, and broadsheets, the chapter has demonstrated that women were actively involved as petitioners, lobbyists and supporters in the orphan lobby following the City's financial failure. As orphans themselves, widows, and mothers of orphans, as investors or beneficiaries of investments in the chamber, these women were actively involved in lobbying for a resolution to the City's financial troubles. Important women such as Edith Stanton, who signed a petition to the House of Lords, Ann Symonds, who represented the orphan lobby on more than one occasion and Audrey Beale, who was involved in repeat crosscourt petitioning, are all important in the narratives of the City's financial failure and yet have not drawn the attention of scholars. This chapter has shown that a close reexamination of the various records, as well as a knowledge of the relationship between the Court of Orphans and the City's financial failure, can allow us to learn more about those actively involved in lobbying for the *Act for Relief of the Orphans* to be passed.

This chapter has also aimed to complicate conclusions that have so far been made in this thesis. Petitions reveal that many women appealing to the Guildhall or the Commons for help were not in fact City orphans but were instead those who had money in the City's chamber. We must therefore rethink our understanding of the exclusivity of the Court's customs; while the actions of the lord mayor and aldermen, as

well as the orphans themselves, suggests that the benefits the Court conveyed were for a privileged few, in reality, these were not as exclusionary as they appear. Similarly, this chapter has posited that we must be cautious when using the word 'investor'. While many of these women had rights over money in the City's chamber, they were not in fact investors but beneficiaries, who had money put in the chamber by their guardians for their benefit. While their astute management of their investments in the chamber is indicative of competence and experience of wider financial management, we cannot identify these women as straightforward investors.

What unites all these women, is their active role in the orphan lobby and the limitations of this thesis have prevented further research into the records of the Orphans' Fund. Indeed, some of these petitions reveal that women were involved in assigning their money in the chamber to others, or that that they were buying up this debt. Similarly, records from the Orphans' Fund would likely reveal the women who invested in the fund and how these investments were managed over time. While both the time and word limitations of this project have prevented further research into the life of the Orphans' Fund after 1694, it is important to highlight that the research in this chapter sits within a wider context, of women's economic lives as financial managers, investors, and moneylenders in the early years of the financial revolution. Indeed, further research could investigate whether any orphans invested further into the Orphans' Fund, if so, who else was investing in the fund and whether we can see any of the same women in the records of the formative years of the Bank of England.

However, this thesis is concerned with the Court of Orphans and those women who had an active role in its administrative and financial mechanisms. While this chapter has moved beyond the confines of the Guildhall and the Corporation's records, it has aimed to highlight the public stage that the Court, the orphans, and widows

associated with it took in the latter years of the seventeenth century. This chapter has shed light on the importance of the Court, and the women involved in it, in the social and economic history of London in the early modern period. More than this, how up until now, the scholarship has underestimated the importance of the City's financial failure, its ubiquity in the lives of seventeenth-century Londoners and the active role of women within it.

Conclusion

Women's place in the early modern Court of Orphans has been drastically overlooked in studies on both the City and the Court, and this thesis is the first original contribution to the scholarship on this topic. To date, research on the Court has taken a top-down approach, focusing on the officials who administered it, the customs and laws that shaped its administrative processes or its involvement in politically important events such as the City of London's late-seventeenth century financial crisis. Instead, this research has focused on the day-to-day interactions that women had with the Court and the important administrative, financial, and social roles they had within it. This thesis has argued that women were central to the Court's administrative procedures and that any research into the early modern Court of Orphans must place women at the centre of investigations. Women administered the estates of their husbands, acted as guardians for their orphaned children, managed investments and skilfully and confidently navigated the City's administrative procedures, and the customary laws that underpinned them. They looked after the financial interests of both them and their children and advocated for their rights when the Court's process broke down. Many of them did this while managing businesses and investments beyond the confines of the Guildhall. As such, this thesis contends that the Court of Orphans offers a nuanced perspective of women's social and economic lives in the City, and new ways to understand their interactions with civic and corporate life.

This thesis has had three aims. Firstly, to highlight the significant role of women in the City of London's Court of Orphans from the mid-seventeenth to the early-eighteenth century. Charles Carlton's *The Court of Orphans* spends little time discussing women, and his narrative reduces their role to unimportant, or even antagonistic in the

civic orphanage process.¹ While more recent scholarship by Caroline Barron and Claire Martin, Barbara Megson and Adele Ryan Sykes has demonstrated that medieval women had a more active role in the guardianship process than Carlton contends, there has been no examination of women's role in the early modern Court of Orphans.² As such, this thesis has argued that women can be found in significant numbers in nearly every record of the Court, engaging with each stage of its complex administrative procedures, as executors, guardians, recognitors and financial managers. The lord mayor and aldermen were just as likely—and in some cases more likely—to deal with women when administering the Court's business and they dominated roles such as executors of freemen and those bringing orphans to acknowledge satisfaction.

The second aim of this thesis has been to develop a methodology that locates women in the Court's record by interrogating the City's record-creation and record-keeping practices. While there are no straight lines between the Court's administrative processes and the records it created, understanding how and why these records were made allows us to identify all the ways that actions of women could be recorded in the Court's material. Building on work by Alexandra Walsham, who argues that records have 'social lives' of their own, and Filippo De Vivo, who contends that we need to look at the historical processes that create archival material, this thesis has argued that women's place in the Court of Orphans can only be understood by looking at the

¹ Charles Carlton, *The Court of Orphans* (Leicester: Leicester University Press, 1974).

² Caroline M. Barron and Claire A. Martin, 'Mothers and Orphans in Fourteenth-Century London,' in *Motherhood, Religion and Society in Medieval Europe, 400-1400*, ed. Lesley Smith and Conrad Leyser (London: Routledge, 2016), 281-296; Barbara Megson, 'Life Expectations of the Widows and Orphans of Freemen in London, 1375-1399, *Local Population Studies* 57 (1996): 18-29; Adele Louise Ryan Sykes, 'The Medieval Foundations of the Court of Orphans: London and Wardship c.1250-c.1550' (PhD Thesis, Royal Holloway, University of London: 2021).

Corporation's record-creation and record-keeping practices.³ Records from more than half a dozen jurisdictions across the Corporation have been used throughout this thesis, along with supplementary material from livery companies, church courts and parish records. It is only by using this record linkage that it has been possible to create the case studies of Prudence Wood, Jane Best and Anne Deacon threaded throughout this thesis.

Lastly, this thesis has aimed to show how the Court's records provide a new way to think about how women interacted with corporate and civic life. While research on City women often focuses on the ways they engaged with the livery companies and the freedom, women's interactions with the Court highlight how they managed the administrative and financial responsibilities that came with civic orphanage.⁴ Indeed, Amy Erickson has drawn attention to the ways women are 'hidden' in company records, and Laura Gowing's recent book *Ingenious Trade* moves beyond guild records to explore women's engagement with the companies.⁵ This thesis therefore provides a new way to explore how women understood the City and the customs that underpinned it, and their interactions with corporate life.

The first chapter explained the Court's complex administrative procedures and laid the foundation for the other five chapters of this thesis. It argued that a good knowledge of these procedures and the records they created is key to understanding

³ Alexandra Walsham, 'The Social History of the Archive: Record-Keeping in Early Modern Europe,' Past and Present supplement 11 (2016): 46; Filippo De Vivo, 'Ordering the Archive in Early Modern Venice (1400-1650),' Archival Science 10, no. 3 (2010): 231-248.

⁴ Claire A. Benson, 'Boundaries of Belonging in Early Modern London, 1550-1750,' (PhD thesis, University of York: 2018); Sarah Birt, 'Women, Guilds and the Tailoring Trades: The Occupational Training of Merchant Taylors' Company Apprentices in Early Modern England,' The London Journal 46, no. 2 (2021): 146-164; Jessica Collins, 'Jane Holt, Milliner, and Other Women in Business: Apprentices, Freewomen and and Mistresses in the Clothworkers' Company, 1606-1800,' Textile History 44, no. 1 (2013): 72-94; Amy Erickson, 'Eleanor Moseley and Other Milliners in the City of London Companies, 1700-1750,' History Workshop Journal 71 (2011): 147-172; Laura Gowing, 'Girls on Forms: Apprenticing Young Women in Seventeenth-Century London,' Journal of British Studies 55 (2016): 447-473.

⁵ Erickson, 'Eleanor Moseley and Other Milliners in the City of London Companies, 1700-1750,' 153; Laura Gowing, Ingenious Trade: Women and Work in Seventeenth-Century London (Cambridge: Cambridge University Press, 2021).

how women interacted with the Court's process, as they appear in thousands of transactions scattered across the Corporation. Building on this, this chapter also argued that we need to reconceptualise how we understand the Court of Orphans; it was not a separate legal entity, defined by geographical location or a set of officials. Instead, it must be defined by the administrative procedures that underpinned it, and the records that these procedures created.

The second chapter focused on the repertories of the Court of Aldermen and used a quantitative approach to identify the number of individual transactions where a woman was the primary named person. To do this, it took six repertories from the middle years of six decades, as the repertories recorded each stage of the Court's administrative process, from the exhibition of inventories to recognizances, petitions, and satisfactions. By attempting to quantify the individual interactions women had with the Court, this chapter presented the minimum number of women who were engaging with the Court across this period. This chapter argued that on average, women were named in almost as many transactions as men, and in some cases, they were named more than men. This highlights how actively involved women were with the Court, but also that the lord mayor and aldermen were frequently interacting with women when administering orphan business.

The third chapter focused on women's probate rolls and used these to explore the three main roles women had in the Court, but also how we can use this material to learn more about women's economic and social lives outside the Court. These rolls were brought to the Court after a woman had been widowed and left as the guardian of an orphan, meaning that they reveal a lot about how women managed their roles as executors, guardians, and financial managers. This chapter developed arguments in chapters one and two about the City's contemporary archival practices obscuring the

place of women. The 90 women identified in this chapter who have been catalogued in the LMA under the name of their spouse draws attention to the ways the Court has been understood in more recent times, but also how this material needs to be interrogated to uncover the place of women.

The fourth chapter focused on the financial procedures of the Court, specifically the options available to an executor, to deposit an inheritance in the chamber, or hold it on recognizance. This chapter again highlighted how scattered the Court's records are, as orphan financial information is found in the archives of the Court of Orphans, Court of Aldermen, Chamberlain's Department and Common Council. This chapter argued that using administrative record linkage is key to navigating this complex web of material, and the only way to identify how individual women navigated this complex stage of the Court's procedures. It built on case studies developed earlier in this thesis and highlighted the benefits of this methodology in identifying the interactions of women with the Court.

The fifth chapter focused on petitions found in the Court of Aldermen's record series in the LMA, in the repertories, and in the papers. These are some of the only records that allow direct access to the way women discussed themselves and the Court, but also how they understood the custom and the process of civic orphanage. This chapter highlighted the ways the Court's procedure could breakdown and argued that women were able to successfully navigate this by using a variety of tactics that emphasised their civic status as freewomen or orphans, or even their understanding of the custom. This chapter concluded that these petitions tell us a lot about how women understood the civic society they lived in, as well as their own place within it.

The last chapter departed from the previous chapters and rather than focusing on a set of records from the Court, focused on the City's 11-year financial crisis between

1683 and 1694. It argued that like the rest of the Court's history, women had an important role in the financial crisis as members of the City's orphan lobby and were involved in demonstrating and petitioning for a resolution. This chapter argued that women were central to the narratives created by both the orphan lobby and the City, but also took an active role in attending the Guildhall and Parliament and signed petitions along with important figures. As with previous chapters, this chapter concluded that key women like Ann Symonds and Edith Stanton only become visible in the record when contextualising orphan petitions and pamphlets produced outside the Court, with the records produced by the Court.

The time constraints of this project mean that not all the available source material relating to the Court has been used. The Court of Orphans and the Court of Aldermen collections in the LMA have formed the foundation of this thesis, with most chapters also using other City collections, such as those of the Chamberlain's Department, along with birth, and marriage records from Find My Past and Ancestry, or printed material, which is used extensively throughout chapter six. However, this is by no means an exhaustive list. As has been argued throughout, the Court's administrative process left records across the Corporation, and protracted estate disputes also ended up in the central equity courts in Westminster Hall. This research project has been unable to explore the records of each of the City's jurisdictions to look for Court records or follow the paper trail of all estate disputes from the Court of Orphans to the Mayor's Court and to Exchequer or Chancery. What this thesis has hopefully achieved, is provide a foundation for further studies into women in the Court of Orphans, to emphasise their central role in the process of civic orphanage and draw attention to the methodologies scholars can use to locate women in the Court's records.

Further research needs to begin by exploring the City's other records in the LMA, specifically the Mayor's Court, the Comptroller and City Solicitor and the Chamberlain's Department. As chapter five discussed, many women identified themselves as either orphans or the mother of orphans when petitioning the lord mayor, and it is likely that at least some of the women using the Court of Orphans were also doing this when petitioning the Mayor's Court. Similarly, some estate disputes can be traced through numerous repertories, as they dragged on for months or even years at a time and the Marescoe family discussed in chapter one is a good example of this.⁶ Suits relating to these estates can be found in City Solicitor's records, and a more comprehensive search of the other legal records of the Court could identify the further disputes in which women were actively involved. Disputes between families such as the Marescoes and the Vanhacks discussed in chapter four also led to litigation in Chancery and following the legal paper trail of these cases to Chancery records in TNA would also reveal more about how women managed estate administration and legal disputes beyond the confines of the Court. A search of Chancery records using the 90 women identified in chapter two—and shown in appendix 1—as a starting point could also reveal more about how these women interacted with other legal institutions in this period. This could also help to develop more case studies and provide key contextual details about the lives of these women outside the Guildhall.

Chapters four and six drew attention to the extensive records relating to Court of Orphans' finance and a more thorough search of the orphan account volumes in the Chamberlain's Department is an essential starting point for future research. Chapter

⁶ For disputes between the Marescoe family in the repertories see repertory 84 from 1678-9: COL/CA/01/01/088; for various briefs in the City Solicitor's records see: LMA, COL/CCS/SO/01/01/007; COL/CCS/SO/01/12/017; COL/CCS/SO/09/17/007; for the first of many suits in Chancery see: C 10/137/38.

four used just five years of acquittance books—where women signed to acknowledge receipt of finding money payments—and a more thorough search of these records would highlight other women visiting the Court over several years, and possibly those whose case studies feature heavily in this thesis. There are also more than 10 subseries relating to the management of the Orphans' Fund after 1694 in the Chamberlain's Department records which were beyond the scope of the research in this thesis.⁷ It is possible that these records reveal more about the individuals in the orphan lobby, but also how women managed investments in the Orphans' Fund into the eighteenth century.

The establishment of the Orphans' Fund in the same year as the Bank of England marks 1694 an important year in the Financial Revolution and the links between these two events needs further exploration. We know that many of the women investing in the bank in its early years were 'urban tradespeople' and it is entirely possible that some of the women who had used the Court in the 1660s-1690s also had investments in the Bank of England.⁸ As the Court's financial functions were effectively stripped away from the early 1680s, the Bank of England was likely used as a safe place to invest money from the 1690s onwards, and cross-referencing a list of the Bank's investors with the women who used the Court of Orphans, could identify women using both institutions. Indeed, one of the 90 women discussed in chapter three owned £2000 in Bank of England stocks that had been bought by her husband, and this would be a good starting point.⁹

⁷ Various records from LMA, COL/CHD/OA/01 were used in chapter four as these predominantly relate to money paid into and out of the chamber before the City's financial crisis. COL/CHD/OA/02-14 all relate to the management of the Orphans' Fund from the 1690s onwards.

⁸ Amy Froide, *Silent Partners: Women and Public Investors during the Financial Revolution, 1690-1750* (Oxford: Oxford University Press, 2017), 63.

⁹ Dyonis Smith, widow of James Smith, a grocer: LMA, CLA/02/002/01/2659.

Lastly, this thesis has relied on livery company records available on both

Ancestry and Find My Past, as well as on Records of London Livery Companies Online. Online. This has allowed for discussions of various women's membership in the City's companies that would otherwise not be possible using the companies records alone, but this has in turn been limited by the availability of livery company records available online. Further research into the 90 women discussed in chapter two and their membership of those livery company records that are only searchable at Guildhall Library would allow for the discussions throughout this thesis to be extended. This would paint a fuller picture of women's interactions with civic and corporate culture, showing how they were involved in the full scope of the City's economic, social, and civic institutions.

What this thesis has done, however, is draw attention to the significant roles of women in London's Court of Orphans and laid the foundation for further research into the rich source material of this court in the LMA. The women of the Court of Orphans were active members of their civic community and their family unit in seventeenth- and eighteenth-century London. Their roles as guardians, executors and financial managers not only allowed the Court to function, but also designates them as key civic, social, and economic actors in the early modern City of London and who have, until now, been overlooked.

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¹⁰ These include apprenticeship and freedom records for the following companies: Bowyers, Clothworkers, Drapers, Founders, Girdlers, Goldsmiths, Gunmakers, Haberdashers, Ironmongers, Mercers, Musicians, Salters, Stationers and Tallow Chandlers as well as a small number of records from various smaller companies, such as the Glovers.

¹¹ Specifically, Prudence Wood in chapter two, Katherine Wilkinson in chapter four and Edith Stanton in chapter six.

Appendices

Appendix 1. List of all probate inventories and accounts relating to women's estates in the Orphans' Inventories subseries of the Court of Orphans series in the LMA (CLA/002/02).

Name	Year (inventory exhibited in the Court of Orphans)	LMA reference(s)	Type of probate roll	
Ager, Elizabeth	1679	115, 1133	Account	
Atkins, Jane	1707	2746	Inventory	
Baker, Alice	1680	788	Inventory	
Baggs, Elizabeth	1672	1609	Inventory	
Bartlett, Grace	1674	933	Inventory	
Beacon, Elizabeth	1672	1278	Inventory	
Beazley, Rebecca	1709	2833, 2901	Inventory and account	
Bell, Mary	1667	1037	Inventory and account	
Binks, Jane	1701	2391	Inventory and account	
Bowler, Sarah	1709	182, 2827	Inventory	
Braithwaite, Elizabeth	1670	551	Inventory	
Brown, Anne	1672	105	Inventory	
Capell, Martha	1709	2847	Inventory	
Cook, Mary	1680	1661	Inventory	
Davitts, Catherine	1680	1585	Inventory	
Deacon, Anne	1675	1049	Inventory	
Deacon, Bridget	1709	2826	Inventory	
Dodd, Mary	1738	3373	Inventory	
Drew, Martha	1683	1962	Inventory	
Dunster, Lydia	1677	158, 1252	Inventory and account	
English, Hester	1675	1086, 1126	Inventory and account	
Field, Jane	1682	1894	Inventory	
Fillingham, Margaret	1675	1113	Inventory	

Fletcher, Hannah	1674	940	Inventory
Gamble, Elizabeth	1698	2287	Inventory
Green, Mary	1675	1032	Inventory and account
Groom, Sarah	1708	2785	Inventory
Hamerton, Susanna	1675	1026	Inventory
Harbert, Sarah	1676	139	Inventory
Hardy, Susanna	1676	1151	Inventory
Harris, Elizabeth	1678	1316	Inventory
Harvey, Dorothy	1706	2706	Inventory
Heatley, Rebecca	1671	699	Inventory
Herbert, Elizabeth	1673	875	Inventory
Hill, Elizabeth	1679	1501	Inventory
Hinton, Philippa	1669	492	Inventory
Hitchcock, Elizabeth	1671	96	Inventory
Hodilow, Abigail	1677	1293	Inventory
Holloway, Margaret	1674	964	Inventory
Howes, Frances	1668	451	Inventory
Jackson, Anne	1667	43	Inventory
Jeffries, Jane	1670	516, 707	Inventory and account
Jennery, Sarah	c.1681	46b	Inventory and account
Johnson, Alice	1667	41	Account
Kellett, Mary	1714	2976	Inventory
Lee, Mary	1671	706	Inventory
Lyon, Mary	1682	1871	Inventory
Lyons, Hannah	1702	2535	Inventory
Mayham Hill, Ane	1691	2144	Inventory
Morris, Mary	1671	713, 1040, 1567	Inventory and account
Mumford, Elizabeth	1681	1767	Inventory
Noel, Elizabeth	1669	522, 651	Inventory
Packwood, Elizabeth	1670	639	Inventory

Palmer, Anne	1677	1281	Inventory
Palmer, Frances	1671	83	Inventory
Palmer, Mary	1678	1310	Inventory
Parr, Elizabeth	1719	3081	Inventory
Paxton, Anne	1691	2130, 2138	Inventory and account
Ratcliffe, Apolina	1708	181	Inventory and account
Ratcliffe, Elizabeth	1680	1647	Inventory
Reeve, Elizabeth	1667	347b	Inventory
Reeve, Grisell	1678	1351	Inventory and account
Roycroft, Elizabeth	1679	1451	Inventory
Saltonstall, Sarah	1680	1589	Inventory
Scott, Jane	1729	3286	Inventory
Seward, Katherine	1675	1024	Inventory
Smith, Dyonis	1705	2659	Inventory
Springham, Amy	1691	2135	Inventory
Stevenson, Elizabeth	1680	2055	Inventory and account
Strong, Abigail	1669	473	Inventory
Tapsell, Isabel	1679	162, 1428	Inventory and account
Taylor, Margaret	1670	79	Inventory
Thornton, Margaret	1687	2041	Inventory
Wallis, Constance	1661	19, 20	Inventory and account
Walmsley, Elizabeth	1701	2424, 2662	Inventory and account
Waples, Abigail	1667	331	Inventory
Ward, Elizabeth	1683	1932	Inventory
Watson, Alice	1680	1573	Inventory
Watson, Elizabeth	1709	2824	Inventory
Watts, Isabel	1681	151	Account
Webster, Mary	1671	94	Inventory
Wells, Eleanor	1674	960	Inventory
White, Elizabeth	1668	414, 610	Inventory and account

White, Hester	1687	2059	Inventory
Wigfall, Dorothy	1702	2536	Inventory and account
Wilkinson, Katherine	1671	664	Inventory
Wilsford, Anne	1670	582	Inventory
Wood, Prudence	1680	1631	Inventory
Woodman, Grace	1681	1785	Inventory
Young, Joyce	1668	367	Inventory

Appendix 2. List of all women's petitions relating to Court of Orphan estates in the Court of Aldermen papers subseries of the Court of Aldermen series (COL/CA/005)

Name	No. of petitions	Date	LMA reference	Request	Notes
Adams, Elizabeth	2	1694>	02/001/016	Poverty	
Adams, Sir William and Dame Jane	1	1682	01/002, 1682	Money in chamber	
Baggs, Elizabeth	1	1677- 9	02/001, B	Poverty	
Barcock, Anne	1	1675	02/001, B	Orphan maintenance	
Beale, Audrey	1	1694>	02/001/043	Orphans' Fund	
Best, Jane	1	1677	02/001/042	Dispute over estate	
Broom, Hannah	1	1737>	02/001, B	Orphans' Fund	
Burrell, Elizabeth	1	1675	01/001, 1675	Change of guardian	
Clark, Margaret	3	1691	02/001, C	Dispute over estate	
Darling, Elizabeth	1	1676	02/001, D	Orphan portion	
Dawson, Priscilla	1	1687>	02/001, D	Poverty	
Elliot, Robert and Susanna	1	1694>	02/001/045	Dispute over estate	
Fowler, Hannah	1	1696>	02/001, F	Marriage without license	With matching petition by husband Thomas Fowler
Garthwaite, Mary	1	1695- 6	02/001, C	Assigned portion	
Gagrave, Mary	1	1692	01/003, 1692	Money in chamber	

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Hardwin,	1	1678	01/001, 1678	Money in	
Margaret				chamber	
Harris, Mary	1		02/002, H	Poverty	
Hawkins, Mary	1	1690	01/003, 1690	Assigned portion	
Hewett, Elizabeth	1	1697	01/004, 1697	Assigned portion	
Lilburn, Margaret	1		02/002, L	Poverty	
Maund, Elizabeth	3	1690s	02/002, M	Poverty	With matching petition by husband Thomas Maund
Maundy, Elizabeth	1	1661>	02/002, M	Dispute over estate	
Mollinox, Elizabeth	1		02/002, M	Poverty	
Mullinox, Elizabeth	1	1692	01/003, 1692	Poverty	
Paige, Sarah	3	1690s	02/002, P	Dispute over estate/poverty	Copy of petition in COL/CA/02/004/141
Pilkington, Mary	2	1690	02/002, P and 01/003, 1690	Money in chamber/Poverty	
Sabin, John and Sarah	1	1690s- 1700s	02/003, S	Dispute over estate	
Samyne, Elizabeth	1		02/003, S	Dispute over estate	With matching petition by son Peter Samyne
Stainer, Frances	2	1681>	02/003, S	Poverty	
Stobart, Elizabeth	1	1675	02/003, S	Inventory	
Walsam, Henry and Mary	1	1670s	02/003, W	Orphan portion	
Wheat, Anne	2	1690s	02/003, W	Money in chamber	
Whitwell, Rebecca	1	1690s	02/003, W	Orphan maintenance	

Note on the Text and Abbreviations

Note on the text:

Until the adoption of the Gregorian Calendar in 1752, the New Year in England began on the 25^{th of} March, known as Lady Day. The dates throughout this thesis have been modernised, with the year running from 1st January to 31st December.

As some of the names of individuals have variant spellings in each record, the spelling as it is written in the common serjeant's books has been used throughout to maintain consistency. Any ammendments made to original text have been denoted by square brackets.

Pounds, shilling, and pence have been denoted as £ s d throughout this thesis. There are 20 shillings in a pound and 12 pence in a shilling.

Abbreviations:

City of London City Court of Chancery Chancery **CLRO** Corporation of London Record Office Corporation Corporation of London Court Court of Orphans Exchequer Court of Exchequer GL**Guildhall Library London Metropolitan Archives LMA PCC** Prerogative Court of Canterbury **Court of Requests** Requests **TNA** The National Archives

Bibliography

Unpublished primary sources

British Library

Bengal Baptisms, Marriages and Burials: IOR/N/3/1

Guildhall Library

Haberdashers' Company:

Registers of freedom admissions: CLC/L/HA/C/007/MS15857/002 Registers of Apprentice Bindings: CLC/L/HA/C/011/MS15860/006

Ironmongers' Company:

Index to Registers of Freedom Admissions: CLC/L/IB/C/003/MS16978

London Metropolitan Archives

Chamberlain's Department, Orphans Fund:

Payments to Orphans: COL/CHD/OA/01/002, 003, 011-015, 033, 35-40, 46, 53

Miscellaneous: COL/CHD/OA/01/014/001, 006, 009

City of London, Printing and Stationery: COL/SJ/27/316

Common Council, Journals: COL/CC/01/01/046, 048

Comptroller and City Solicitor, Solicitor:

Large Suits: COL/CCS/SO/01/01/007, COL/CCS/SO/01/07/007,

COL/CCS/SO/01/12/017

Small Suits: COL/CCS/SO/09/17/007

Court of Aldermen:

Repertories: COL/CA/01/01/020, 074, 083-084, 088, 090, 093-105, 113, 123

Papers: Main Series: COL/CA/05/01/0001-0005

Papers: Petitions: COL/CA/05/02/001-004

Court of Orphans:

Common Serjeant's Books: CLA/002/01/001-004

Orphans' Rolled Inventories: CLA/002/01/002/16, 19, 20, 22, 41, 43, 46b, 61, 79, 83, 94, 96, 105, 115, 139, 151, 158, 162, 181, 182, 331, 347b, 367, 414, 451, 473, 477, 492, 516, 522, 551, 582, 610, 639, 644, 651, 664, 699, 706, 707, 713, 758, 788, 875, 933, 940, 960, 964, 1024, 1026, 1032, 1037, 1040, 1049, 1086, 1113, 1118, 1126, 1133, 1151, 1252, 1278, 1281, 1293, 1310, 1316, 1351, 1428, 1451, 1501, 1567, 1573, 1585, 1589, 1609, 1631, 1647, 1661, 1767, 1785, 1871, 1894, 1932, 1962, 2041, 2055, 2059, 2130, 2135, 2138, 2144, 2287, 2318, 2354, 2391, 2424, 2535, 2536, 2659, 2662, 2706, 2746, 2785, 2824, 2826, 2827, 2833, 2847, 2899, 2901, 2976, 3081, 3286, 3373

Draft Inventories: CLA/002/02/02/061

Inventories: Indexes and Transcripts: CLA/002/03/001-002, 004

Bonds and Deeds: CLA/002/04: 006, 022, 104, 223

Recognizance Volumes: CLA/002/05/008, 010, 014

Satisfactions: CLA/002/06/003-006

Diocese of London, Archdeaconry of London: Probate, Original Wills:

DL/AL/C/003/MS09052/014

Mayor's Court, City of London, Original Bills: CLA/024/02/008

Parish Registers:

All Hallows, Honey Lane: P69/Alh3/A/001/Ms05022

Holy Trinity, All Hallows: P69/Tri2/A/008/Ms09243

Holy Trinity, Minories: P69/Tri2/A/001/Ms09238

St Bartholomew by the Exchange: P69/Bat1/A/001/Ms04374/001

St Botolph, Aldgate: P69/Bot2/A/004/Ms09224

St Dionis, Backchurch: P69/Dio/A/001/Ms017602

St Mary, Aldermanbury: P69/MRY2/A/001/MS03572/001

St Mary, Islington: P83/MRY1/1167

St Marylebone, Westminster: P89/MRY1/001

St Mary le Bow: P69/Mry7/A/002/Ms04997

St Michael, Cornhill: P69/Mic2/A/003/Ms04063/001

St Pancras, Soper Lane: P69/Pan/A/001/Ms05015

St Sepulchre, Holborn: P69/Sep/A/001/Ms07219/001

St Swithin, London Stone: P69/SWI/A/001/MS04311

Parliamentary Archives

Records of the House of Lords: Journal Office:

HL/P0/J0/10/435

The National Archives

Board of Stamps: Apprenticeship Books: IR 1/10

Court of Chancery: Six Clerk's Office:

C 5: 60/27, 144/77, 146/25, 193/5

C 6: 191/11, 362/46, 368/30

C 7: 222/56, 566/61

C 8: 358/54, 574/37

C 9: 338/76

C 10: 137/38, 153/153, 458/23

<u>Prerogative Court of Canterbury and related Probate Jurisdictions:</u>

Administration Act Books - PROB 6/42, 45, 46, 48, 50, 52, 54, 65, 70

America and West Indies, Colonial Papers: CO 1/56

Will Registers - PROB 11:

300/46 (Theophilus Cope) 350/114 (Thomas Gillingham) 305/357 (Isabel Watts) 350/472 (Edward Darling) 355/354 (Grissel Reeve) 305/433 (Constance Wallis) 306/157 (Abraham Vanhack) 356/337 (Thomas Davitts) 307/302 (Daniel Waldoe) 357/229 (Prudence Wood) 321/430 (Katherine Wilkinson) 361/79 (Elizabeth Baggs) 378/392 (Thomas Woodcock) 323/257 (Anne Waldoe) 458/87 (James Smith) 325/200 (Grace Woodman) 332/15 (John English) 462/202 (Edith Stanton) 336/531 (Grace Bartlett) 521/282 (Henry Kellet) 349/161 (Abigail Hodilow)

Secretaries of State: State Papers Domestic, James II: SP 31/2, 31/3

Published primary sources

Bohun, William. *Privilegia Londini: or the Rights, Liberties, Privileges, Laws, and Customs of the City of London.* 1723.

Noorthouck, John. A New History of London including Westminster and Southwark. 1773.

Strype, John. Survey of London. 1720.

A Dialogue Between Francisco and Aurelia, Two Unfortunate Orphans of the City of London. 1690.

A Plain and Easy Way to Pay the Debt Due to the Orphans of London, without Charge either to City of Country. 1694.

A Plea for the City Orphans and Prisoners for Debt, Humbly Offered to this Present Parliament, 1690.

By the Mayor. Martis nono die Martii, 1668. Annoq; Regis Caroli Secundi Dei Gratia Angliae &c. decimo nonno. 1668.

Short instructions for the executors and administrators of free-men, in exhibiting an inventory securing orphans portions. 1682.

The Case of the City of London, In Reference to Their Debts due by Them to the Orphans of the said City, and Others. 1689.

The Case of the City of London. In Reference to the Debt to The Orphans, and Others. 1691.

The Case of the City of London, In Reference to Debt to The Orphans, and Others. 1692.

The Case of the City of London, In Reference to the Debt to The Orphans, and Others. 1693.

The Case of the Distressed Orphans of London. 1691.

The Case of the Distressed Orphans Of the City of London. 1692. The Case of the Orphans and Creditors of the City of London. 1688.

The Case of the Orphans of the City of London. 1690.

The Case of the Miserable Orphans of the City of London, Presented to the Honourable House of Commons. 1692.

The Case of the Poor Widdows and Orphans of the City of London. 1685.

The Most Deplorable Case of the Orphans of the City of London. 1692.

The Orphans Case. 1687.

The Orphans Remonstrance, 1659.

Edited primary sources

Appleton, Stephanie and Mairi McDonald, ed. *Stratford-upon-Avon Wills, 1348-1701: Volume 1, 1348-1647.* Stratford-Upon-Avon: The Dugdale Society in association with The Shakespeare Birthplace Trust, 2020.

Beaaven, Alfred P. *The Aldermen of the City of London Temp. Henry III-1912*. London: Corporation of the City of London, 1908.

Foster, Joseph, John Ward Dean and Joseph Lemuel Chester ed. *London Marriage Licences*, 1521-1869. London: Bernard Quaritch, 1887.

Masters, Betty R ed. *Chamber Accounts of the Sixteenth Century*. London: London Record Society, 1984.

Scott, Michael ed. Apprenticeship Disputes in the Lord Mayor's Court of London, 1573-1723. London: The British Record Society, 2016.

Parliamentary publications

Thirteenth Report, Appendix, Part Five: The Manuscripts of the House of Lords, Volume 3, 1690-1691. London: 1892.

Journal of the House of Commons: Volume 10, 1688-1693. London: 1802.

Journal of the House of Commons: Volume 11, 1693-1697. London: 1802.

Newspapers

London Gazette, issue 2266. 4th-8th August 1687.

Publick Occurrences Truely Stated, issue 3. 6th March 1688.

The Athenian Mercury, 11, no.2. 15th July 1693.

Public acts

The Act for the Relief of the Orphans and Other Creditors of the City of London, 1694, 5 & 6 Will. & Mary, c.10.

Online resources

Ancestry: www.ancestry.co.uk

TNA, Discovery: www.discovery.nationalarchives.gov.uk

Find My Past: www.findmypast.co.uk

LMA, Collections Catalogue: www.search.lma.gov.uk

Records of London Livery Companies Online (ROLLCO): www.londonroll.org

Secondary Sources

Published books

Archer, Ian. *The Pursuit of Stability: Social Relations in Elizabethan London*. Cambridge: Cambridge University Press, 1991.

Carlton, Charles. The Court of Orphans. Leicester: Leicester University Press, 1974.

Capp, Bernard. When Gossips Meet: Women, Family and Neighbourhood in Early Modern England. Oxford: Oxford University Press, 2003.

Deadman, Hugo and Elizabeth Scudder ed. *An Introductory Guide to the Corporation of London Records Office*. London: Corporation of London, 1994.

Dickson, P.G.M. *The Financial Revolution in England: A Study in the Development of Public Credit, 1688-1756.* London: Macmillan, 1967.

Earle, Peter. *A City Full of People: Men and Women of London, 1650-1750.* London: Methuen, 1994.

_____. The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730. London: Methuen, 1989.

Erickson, Amy Louise. *Women and Property in Early Modern England*. London: Routledge, 1993.

Field, Jacob F. London, Londoners and the Great Fire of 1666. Abingdon: Routledge, 2018.

Froide, Amy. *Silent Partners: Women as Public Investors during Britain's Financial Revolution, 1690-1750.* Oxford: Oxford University Press, 2017.

Gowing, Laura. *Domestic Dangers: Women, Words and Sex in Early Modern London*. Oxford: Clarendon Press, 1998.

_____. *Ingenious Trade: Women and Work in Seventeenth-Century London.* Cambridge: Cambridge University Press, 2021.

Grassby, Richard. *The Business Community of Seventeenth-century England.* Cambridge: Cambridge University Press, 1995.

Hanawalt, Barbara. Growing up in Medieval London: the Experience of Childhood in History. New York: Oxford Universty Press, 1993.

Hubbard, Eleanor. *City Women: Money, Sex, and the Social Order in Early Modern London*. Oxford: Oxford University Press, 2012.

Hunt, Margaret R. *The Middling Sort: Commerce, Gender and the Family in England, 1680-1780.* Berkley and Los Angeles: University of California Press, 1996.

Jewell, Helen M. *Education in Early Modern England*. Basingstoke: Macmillan Press, 1998.

Jones, Philip E. and Raymond Smith. *A Guide to the Records in the Corporation of London Records Office and the Guildhall Library Muniment Room*. London: English Universities Press, 1951.

Kerridge, Eric. *Trade and Banking in Early Modern England*. Manchester: Manchester University Press, 1988.

Laurence, Anne. *Women in England, 1500-1760: A Social History*. London: Phoenix Press, 1996.

McCants, Anne E. *Civic Charity in a Golden Age: Orphan Care in Early Modern Amsterdam*. Urbana and Chicago: University of Illinois Press, 1997.

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

Moote, A. Lloyd and Dorothy C. Moote. *The Great Plague: The Story of London's Most Deadly Year*. Baltimore: John Hopkins University Press, 2004.

Muldrew, Craig. *The Economy of Obligation: the Culture of Credit and Social Relations in Early Modern England*. Basingstoke: Palgrave, 1998.

O'Day, Rosemary. *Education and Society, 1500-1800: The Social Foundations of Education in Early Modern Britain*. Harlow: Longman, 1982.

Pearl, Valerie. London and the Outbreak of the Puritan Revolution: City Government and National Politics, 1625-43. London: Oxford University Press, 1961.

Peacey, Jason. *Print and Public Politics in the English Revolution*. Cambridge: Cambridge University Press, 2013.

Pollock, John. *The Popish Plot: A Study in the History of the Reign of Charles II*. Cambridge: Cambridge University Press, 1944.

Porter, Roy. London: A Social History. London: Hamish Hamilton, 1994.

Rappaport, Steve. *World Within Worlds: Structures of Life in Sixteenth-Century London*. Cambridge: Cambridge University Press, 1989.

Raven, James. *Publishing Business in Eighteenth-century England*. Woodbridge: The Boydell Press, 2014.

Reddaway, T.F. *The Rebuilding of London After the Great Fire*. London: Jonathan Cape Ltd, 1940.

Reinke-Williams, Tim. *Women, Work and Sociability in Early Modern England*. Basingstoke: Palgrave Macmillan, 2014.

Shepard, Alexandra. *Accounting for Oneself: Worth, Status and the Social Order in Early Modern England.* Oxford: Oxford University Press, 2015.

Smith, Helen. *'Grossly Material Things': Women and Book Production in Early Modern England.* Oxford: Oxford University Press, 2012.

Smith, Hilda L. *All Men and Both Sexes: Gender Politics and the False Universal in England, 1640-1832.* University Park: The Pennsylvania State University, 2002.

Stretton, Tim. *Women Waging Law in Elizabethan England*. Cambridge: Cambridge University Press, 1998.

Tucker, Penny. *Law Courts and Lawyers in the City of London, 1300-1550.* Cambridge: Cambridge University Press, 2007.

Walker, Garthine. *Crime, Gender and Social Order in Early Modern England*. Cambridge: Cambridge University Press, 2003.

Weatherill, Lorna. *Consumer Behaviour and Material Culture in Britain, 1660-1760* London: Routledge, 2003.

Whiting, Amanda Jane. Women and Petitioning in the Seventeenth-century English Revolution: Deference, Difference and Dissent. Turnhout: Brepols, 2015.

Zaret, David. *Origins of the Democratic Culture: Printing, Petitions and the Public Sphere in Early Modern England*. Princeton: Princeton University Press, 2000.

Book chapters and journal articles

Archer, Ian W. 'The Government of London, 1500-1650.' *The London Journal* 26, no. 1 (2001): 19-28.

Bailey, Joanne. 'Voices in Court: lawyers of litigants?' *Institute of Historical Research* 74, no. 186 (2001): 392-408.

Bailey, Merridee L. "Most Hevyness and Sorowe": The Presence of Emotions in the Late Medieval and Early Modern Court of Chancery.' *Law and History Review* 37, no. 1 (2019): 1-28.

_____. 'Shaping London Merchant Identities: Emotions, Reputation and Power in the Court of Chancery.' In *The Routledge History Handbook of Gender and Urban Experience*, edited by Deborah Simonton, 327-337.

Barron, Caroline M and Claire A. Martin. 'Mothers and Orphans in Fourteenth-century London.' In *Motherhood, Religion and Society in Medieval Europe, 400-1400*, edited by Lesley Smith and Conrad Leyser, 281-296. London: Routledge, 2016.

Barron, Caroline M. 'The Government of London: the Formative Phase, 1300-1500.' *The London Journal* 26, no. 1 (2001): 9-18.

_____. 'The Making of a London Citizen.' In *The Cambridge Companion to Thomas More*, 1-21. Cambridge: Cambridge University Press, 2011.

Barry, Jonathan. 'Bourgeois Collectivism? Urban Association and the Middling Sort.' In *The Middling Sort of People: Culture, Society and Politics in England, 1550-*1800, edited by Jonathan Barry and Christopher Brooks, 84-112. Basingstoke: Macmillan, 1994.

_____. 'Civility and Civic Culture in Early Modern England: the Meanings of Urban Freedom.' In *Civil Histories: Essays Presented to Sir Keith Thomas*, 181-196. Oxford: Oxford University Press, 2000.

_____. 'Communicating with Authority: the Uses of Script, Print and Speech in Bristol, 1640-1714.' In *The Uses of Script and Print, 1300-1700*, 191-208. Cambridge University Press, 2004.

Beale, Stewart. "Unpittyed by any?" Royalist Widows and the Crown, 1660-70' *Historical Research* 92, no. 258 (2019): 737-753.

_____. 'War Widows and revenge in Restoration England.' *The Seventeenth Century* 33, no. 2 (2018): 195-217.

Beattie, Cordelia. 'I your Oratrice: Women's Petitions to the Late Medieval Court of Chancery.' In *Women, Agency and the Law, 1300-1700*, edited by Bronach Kane and Fiona Williamson, 17-29. New York: Routledge, 2016.

Ben-Amos, Ilana Krausman. 'Women Apprentices in the Trades and Crafts of Early Modern Bristol.' *Continuity and Change* 6, no. 2 (1991): 227-252.

Biggs, Carmel. 'Women, Kinship, and Inheritance: Northamptonshire 1543-1709.' *Journal of Family History* 32, no. 2 (2007): 107-132.

Birt, Sarah. 'Artistic Households: the Economics of Creative Work in Seventeenth-century London.' *Historical Research* 94, no. 265 (2021): 489-507.

_____. 'Women, Guilds and the Tailoring Trades: The Occupational Training of Merchants Taylors' Company Apprentices in Early Modern London.' *The London Journal* 46, no. 2 (2021): 146-164.

Bland, Eleanor. "We Care not a Fig who is the Lord Mayor of London, or Tory or Whig": Popular Political Culture in the City of London, c. 1725-1746. The London Journal 42, no. 1 (2016): 34-52.

Bogucka, Maria. 'Women and Credit Operations in Polish Towns in Early Modern Times (XVIth-XVIIth centuries).' *The Journal of Economic European History* 32, no. 3 (2003): 477-486.

Boulton, Jeremy. 'London 1540-1700.' In *The Cambridge Urban History of Britain Volume 2*, edited by Peter Clark, 315-346. Cambridge: Cambridge University Press, 2000.

Bowen, Huw V. 'The 'Little Parliament': The General Court of the East India Company, 1750-1784.' *The Historical Journal* 34, no. 4 (1991): 857-872.

Brock, Aske Laursen and Misha Ewen. 'Women's Public Lives: Navigating the East India Company, Parliament and the Courts in Early Modern England.' *Gender & History* 33, no.1 (2020): 1-21.

Burke, Peter. 'Popular Culture in Seventeenth-Century London.' *The London Journal* 3, no. 2 (1977): 143-162.

Cain, Piers. 'Robert Smith and the Reform of the Archives of the City of London.' *The London Journal* 13, no. 1 (1987): 3-16.

Carlton, Charles. 'Changing Jurisdictions in 16th and 17th Century England: the Relationship between the Court of Orphans and the Chancery.' *The American Journal of Legal History* 18, no. 2 (1974): 124-136.

'The Admin	istration of Londo	n's Court of Orp	hans.' <i>The Guild</i>	lhall Miscellany 4,
no. 1 (1971): 22-35		•		•

_____. 'The Widows' Tale: Male Myths and Female Reality in 16th and 17th Century England.' *Albion: A Quarterly Journal Concerned with British Studies* 10, no. 2 (1978).

Calvi, Giulia. 'Widows, the State and the Guardianship of Children in Early Modern Tuscany.' In *Widowhood in Medieval and Early Modern Europe*, edited by Sandra Cavallo and Lyndan Warner, 209-220. Harlow: Pearson, 1999.

Clark, Elaine. 'City Orphans and Custody Laws in Medieval England.' *The American Journal of Legal History* 34, no. 2 (1990): 168-187.

Coffman, D'Maris, Judy Z. Stephenson and Nathan Sussman. 'Financing the Rebuilding of the City of London after the Great Fire of 1666.' *The Economic History Review* 75, no. 4 (2022): 1-31.

Collins, Aidan. 'Narratives of Failure, Bankruptcy and Decline in the Court of Chancery.' *Cultural and Social History* 19, no. 1 (2022): 1-17.

Collins, Jessica. 'Jane Holt, Milliner, and Other Women in Business: Apprentices, Freewomen and Mistresses in the Clothworkers' Company, 1606-1800. *Textile History* 44, no. 1 (2013): 72-94.

Coolidge, Grace E. "Neither Dumb, Deaf nor Destitute of Understanding": Women as Guardians in Early Modern Spain.' *The Sixteenth Century Journal* 36, no. 3 (2005): 673-693.

Crawford, Patricia. "The Poorest She': Women and Citizenship in Early Modern England.' In *The Putney Debates of 1647: the Army, the Levellers and the English State* edited by Michael Mendle, 197-218. Cambridge: Cambridge University Press, 2001.

Cressy, David. 'Educational Opportunity in Tudor and Stuart England.' *History of Education Quarterly* 16, no. 3 (1976): 307-308.

_____. 'Kinship and Kin Interaction in Early Modern England.' *Past & Present* no. 113 (1986): 38-69.

Davis, Lloyd. 'Women's Wills in Early Modern England.' In *Women, Property and the Letters of the Law in Early Modern England*, edited by Nancy E. Wright, Margaret W. Ferguson and A.R. Buck, 219-236. Toronto: University of Toronto Press, 2004.

De Vivo, Filippo. 'Ordering the Archive in Early Modern Venice.' *Archival Science* 10, no. 3 (2010): 231-248.

Doolittle, I.G. 'The City of London's Debt to its Orphans, 1694-1767.' *The Bulletin of the Institute of Historical Research* 56, no. 133 (1983): 46-59.

_____. 'The Great Refusal: *Why* Does the City of London Corporation Only Govern the Square Mile?' *The London Journal* 39, no. 1 (2014): 21-36.

Earle, Peter. 'The Female Labour Market in London in the Late Seventeenth and Early Eighteenth Centuries.' *Economic History Review* 42, no. 3 (1989): 328-353.

Companies, 1700-1750.' History Workshop Journal 71 (2011): 147-172.
'Married Women's Occupations in Eighteenth-Century London.' <i>Continuity and Change</i> 23, no. 2 (2008): 267-307.
'Property and Widowhood in England 1660-1840.' In <i>Widowhood in Medieval and Early Modern Europe</i> , edited by Sandra Cavallo and Lyndan Warner, 145-163. Harlow: Pearson Education Limited, 1999.
'Using Probate Accounts.' In When Death Do us Part: Understanding and Interpreting the Probate Records of Early Modern England. Oxford: Leopard's Press, 2004.
Fauve-Chamoux, Antoinette. 'Beyond Adoption: Orphans and Family Strategies in Pre-Industrial France.' <i>The History of the Family</i> 1, no. 1 (1996): 1-13.
Fildes, Valerie. 'Maternal feelings Re-assessed - Child Abandonment and Neglect in London and Westminster, 1550-1800.' In <i>Women as Mothers in Pre-industrial England Essays in Memory of Dorothy McLaren,</i> edited by Valerie Fildes, 139-178. Abingdon: Routledge, 1990.
Fontaine, Laurence. 'Women's Economic Spheres and Credit in Pre-industrial Europe. In Women and Credit: Researching the Past, Refiguring the Future. Oxford: Berg, 2001.
Froide, Amy. 'Leaning to Invest: Women's Education in Arithmetic and Accounting in Early Modern England.' <i>Early Modern Women: An Interdisciplinary Journal</i> 10, no. 1 (2015): 3-26.
'Marital Status as a Category of Difference: Singlewomen and Widows in Early Modern England.' In <i>Singlewomen in the European Past, 1250-1800,</i> edited by Judith M Bennett and Amy M. Froide, 236-269.Philadelphia: University of Pennsylvania Press, 1999.
Goose, Nigel and Nesta Evans. 'Wills as a Historical Source.' In <i>When Death Do us Parts Understanding and interpreting the Probate Records of Early Modern England</i> , edited b Tom Arkell, Nesta Evans and Nigel Goose, 38-71. Oxford: Leopard Press, 2000.
Gowing, Laura. 'Girls on Forms: Apprenticing Young Women in Seventeenth-Century London.' <i>Journal of British Studies</i> 55 (2016): 447-473.
Graham, Aaron. 'Credit, Confidence and the Circulation of Exchequer Bills in the Early Financial Revolution.' <i>Financial History Review</i> 26, no. 1 (2019): 63-80.
Grassby, Richard. 'English Merchant Capitalism in the Late Seventeenth Century: the Composition of Business Fortunes.' <i>Past & Present</i> no. 46 (1970): 87-107.
'The Personal Wealth of the Business Community in Seventeenth-Century England.' <i>The Economic History Review</i> 23, no. 2 (1970): 220-234.

Harding, Vanessa. 'City, Capital, and Metropolis: the Changing Shape of Seventeenth-Century London.' In <i>Imagining Early Modern London: Perceptions and Portrayals of the City from Stow to Strype, 1598 -1720</i> , edited by J.F Merritt, 117-143. Cambridge: Cambridge University Press, 2001.
'Controlling a Complex Metropolis, 1650-1750: Politics, Parishes and Powers.' <i>The London Journal</i> 26, no. 1 (2001): 29-37.
'Families and Housing in Seventeenth-Century London.' <i>Parergon</i> 25, no. 2 (2007): 115-138.
"The Crown, The City, and The Orphans: The City of London and its Finances, 1400-1700." In <i>Urban Public Debts, Urban Government and the Market for Annuities in Western Europe (14th-18th Centuries)</i> , edited by Marc Boone, Karel Davids and Paul Janssens, 51-60. Turnhout: Belgium Brepols Publishers, 2003.
Higgins, Patricia. 'The Reactions of Women, with Special Reference to Women petitioners.' In <i>Politics, Religion and the English Civil War</i> , edited by Brian Manning, 177 222. London: Edward Arnold, 1973.
Hindle, Steve. 'The Keeping of the Peace.' In <i>The Experience of Authority in Early Modern England</i> , edited by Paul Griffiths, Adam Fox and Steve Hindle, 213-248. Basingstoke: Macmillan Press, 1996.
Holderness, B.A. 'Credit in English Rural Society before the Nineteenth Century, with Special Reference to the Period 1650-1720.' <i>The Agricultural History Review</i> 24, no. 2 (1976): 97-109.
'Widows in Pre-industrial Society: an Essay upon their Economic Functions.' In <i>Land, Kinship and Life-Cycle</i> , edited by Richard M. Smith, 423-442. Cambridge: Cambridge University Press, 1984.
'Credit in a Rural Community, 1660-1800: Some Neglected Aspects of Probate Inventories.' <i>Midland History</i> 3, no. 2 (1975): 94-116.
Hodges, Mary. 'Widows of the Middling Sort and their Assets in Two Seventeenth-century Towns.' In <i>When Death do us Part: Understanding and Interpreting the Probate Records of Early Modern England</i> , edited by Tom Arkell, Nesta Evans and Nigel Goose, 306-325. Oxford: Leopard's Head Press, 2004.
Horwitz, Henry. 'Party in a Civic Context: London from the Exclusion Crisis to the Fall of Walpole.' In <i>Britain in the First Age of Party, 1680-1750</i> , edited by Clyve Jones, 173-194 London: The Hambledon Press, 1987.
'Testamentary Practice, Family Strategies, and the Last Phases of the Custom of London, 1660-1725.' <i>Law and History Review</i> 2, no. 2 (1984): 223-239.

Hudson, Geoffrey L. 'Negotiating for Blood Money: War Widows and the Courts in Seventeenth-Century England.' In *Women, Crime and the Courts in Early Modern England*. Chapel Hill: University of North Carolina Press, 1994.

Hufton, Olwen, Natalie Zemon Davis, Sally Humphreys, Angela V. John and Linda Gordon. 'What is Women's History?' In *What is History Today...?*, edited by Juliet Gardiner. Basingstoke: Macmillan Education, 1988.

Hughes, Trevor. 'The Childhood of Sir Thomas Browne: Evidence from the Court of Orphans.' *The London Journal* 23, no. 2 (1998): 21-29.

Hunt, Margaret R. 'Wives and Marital Rights in the Court of Exchequer in the Early Eighteenth Century'. In *Londonopolis: Essays in the Cultural and Social History of Early Modern London*, edited by Paul Griffiths and Mark S.R. Jenner, 107-129. Manchester: Manchester University Press, 2000.

Jenner, Mark. 'London.' In *The Oxford History of Popular Print Culture: Volume 1 Cheap Print in Britain and Ireland to 1660*, edited by Joad Raymond, 294-307. Oxford: Oxford University Press, 2011.

Johnson, Tom. 'Legal History and the Material Turn.' In *The Oxford Handbook of Legal History*, edited by Markus Dirk Dubber and Christopher Tomlins, 497-513. Oxford: Oxford University Press, 2018.

Jones, Sophie H. and Siobahn Talbot. 'Sole Traders? The Role of the Extended Family in Eighteenth-Century Atlantic Business Networks.' *Enterprise & Society* 23, no. 4 (2022): 1-30.

Kellett, J.R. 'The Financial Crisis of the Corporation of London and the Orphans' Act, 1694.' *The Guildhall Miscellany* 2, no. 5 (1963): 220-227.

Kyle, Chris R. and Jason Peacey. 'Under Cover of So Much Coming and Going: Public Access to Parliament and the Political Process in Early Modern England.' In *Parliament at Work: Parliamentary Committees, Political Power and Public Access in Early Modern England*, edited by Chris R. Kyle and Jason Peacey, 1-23. Woodbridge: Boydell Press, 2002.

Latham, Mark. 'From Oligarchy to a 'Rate Payer's Democracy': the Evolution of the Corporation of London, 1680s-1750s.' *Urban History* 39, no. 2 (2012): 225-245.

_____. "The Death of London's 'Living Bridge': Financial Crisis, Property Crash and the Modernization of London Bridge in the Mid-Eighteenth Century." *The London Journal* 35, no. 2 (2013): 164-184.

Laurence, Anne. 'Women, Banks and the Securities Market in Early-eighteenth Century England.' In *Women and their Money, 1700-1950*, edited by Anne Laurence, Josephine Maltby and Janette Rutterford, 46-58. London: Routledge, 2009.

Laurence, Anne, Josephine Maltby and Janette Rutterford. 'Introduction.' In *Women and their Money, 1700-1950*, edited by Anne Laurence, Josephine Maltby and Janette Rutterford, 1-29. London: Routledge, 2009.

Le Mesurier, Alice M.C. 'The Orphans' Inventories at the London City Guildhall.' *The Economic History Review* 5, no. 1 (1934): 98-103.

Lemire, Beverly. 'Introduction. Women, Credit and the Creation of Opportunity: A Historical Overview.' In *Women and Credit: Researching the Past, Refiguring the Future*. Oxford: Berg, 2001.

_____. 'Petty Pawns and Informal Lending: Gender and the Transformation of Small-Scale Credit in England, circa 1600-1800.' In *From Family Firms to Corporate Capitalism: Essays in Business and Industrial History in Honour of Peter Mathias*, edited by ed. Kristine Bruland and Patrick O'Brie, 112-137. Oxford: Oxford University, 1998.

Levene, Alysa. 'The Origins of the Children of the London Foundling Hospital, 1741-1760: a Reconsideration.' *Continuity and Change* 18, no. 2 (2003): 201-235.

Loft, Philip. 'Involving the Public: Parliament, Petitioning, and the Language of Interest, 1688-1720.' *Journal of British Studies* vol. 55 (2016): 1-23.

_____. 'Petitioning and Petitioners to the Westminster Parliament, 1660-1788.' *Parliamentary History* 38, no. 3 (2019): 342-361.

Maddern, Philippa. 'Between Households: Children in Blended and Transitional Households in Late-Medieval England.' *Journal of History and Childhood and Youth* 3, no, 1 (2010): 65-86.

Manzione, Carol Kazmierczak. 'Identity, Placement, and Circulation of the Children of Christ's Hospital.' *The Journal of the History of Childhood and Youth* 6, no. 3 (2013): 428-455.

Marsh, Christopher. 'Attitudes to Will-Making in Early Modern England.' In *When Death Do us Part: Understanding and Interpreting the Probate Records of Early Modern England*, edited by Thom Arkell, Nesta Evans and Nigel Goose, 213-228. Oxford: Leopard's Head Press Limited, 2004.

_____. 'In the Name of God? Will-making and Faith in Early Modern England.' In *The Records of the Nation*, edited by G.H Martin and Peter Spufford, 215-249. Woodbridge: Boydell Press for the British Record Society, 1990.

McArthur, Ellen A. 'Women Petitioners and the Long Parliament.' *The English Historical Review* 24, no. 96 (1909): 698-709.

McEntee, Ann Marie. "The [Un]Civill-Sisterhood of Oranges and Lemons": Female Petitioners and Demonstrators, 1642-53. In *Pamphlet Wars: Prose in the English Revolution*, edited by James Holstun, 92-111. London: Frank Cass, 1992.

McFarlane, Stephen. 'Social Policy and the Poor in the Later Seventeenth Century.' *London 1500-1700: the Making of the* Metropolis, edited by A.L. Beier and Roger Findlay, 252-277. New York: Longman, 1986.

McIntosh, Marjorie. 'Women, Credit, and Family Relationships in England, 1300-1620.' *Journal of Family History* 30, no. 2 (2005): 143-163.

Megson, Barbara. 'Life Expectations of the Widows and Orphans of Freemen in London, 1375-1399.' *Local Population Studies* 57 (1996): 18-29.

Mitchell, David. "My Purple Will be too Sad for that Melancholy Room": Furnishings for Interiors in London and Paris, 1660-1735, *Textile History* 40, no. 1 (2013): 3-28.

Moore, John S. 'Probate Inventories – Problems and Prospects.' In *Probate Records and the Local Community*, edited by Philip Riden, 11-26. Gloucester: Alan Sutton, 1985.

Muldrew, Craig. "A Mutual Assent of her Mind?" Women, Debt, Litigation and Contract in Early Modern England.' *History Workshop Journal* 55, no. 1 (2003): 47-71.

_____. 'Interpreting the Market: the Ethics of Credit and Community Relations in Early Modern England.' *Social History* 18, no. 2 (1993): 163-183.

Orlin, Lena Cowen. 'Fictions of the Early Modern English Probate Inventory.' In *The Culture of Capital: Property, Cities and Knowledge in Early Modern England*, edited by Henry S. Turner, 51-84. New York: Routledge, 2002.

Peacey, Jason. 'Parliament, Printed Petitions and the Political Imaginary in Seventeenth-century England.' *Parliaments, Estates and Representation* 38, no. 3 (2018): 350-363.

Pearl, Valerie. 'Change and Stability in Seventeenth-Century London.' In *The Tudor and Stuart Town: A Reader in English Urban History 1530-1688.* Harlow: Longman, 1990.

_____. 'Social Policy in Early Modern London.' In *History & Imagination: Essays in Honour of H.R. Trevor-Roper*, edited by H.R. Trevor-Roper, Hugh Lloyd-Davis, Valerie Pearl and Blair Worden, 115-131. London: Gerald Duckworth & Co., 1981.

Peck, Imogen. 'The Great Unknown: The Negotiations and Narration of Death by English War Widows, 1647-60.' *Northern History* 53, no. 2 (2016): 220-235.

Phelps, Wayne H. 'The Will of Randall Taylor, a Restoration Bookseller.' *The Papers of the Bibliographic Society of America: Third Quarter* 72, no. 3 (1978): 335-338.

Quinn, Katherine Mary. 'Roycroft, Thomas.' In *The Oxford Companion to the Book*, edited by Michael F. Suarez and H.R. Woudhuysen. Oxford University Press, 2010.

Scott, Joan. 'Comment: Conceptualising Gender in American Business History.' *The Business History Review* 72, no. 2 (1998): 242-249.

Shepard, Alexandra. 'Crediting Women in the Early Modern English Economy. <i>History Workshop Journal</i> 79 (2015): 1-24.
'Minding their Own Business: Married Women and Credit in Early Eighteenth-Century London.' <i>Transactions of the RHS</i> 25 (2015): 53-74.
'Worthless Witnesses? Marginal Voices and Women's Legal Agency in Early Modern England. <i>Journal of British Studies</i> 58 (2019): 717-734.
Simonton, Deborah. 'Claiming Their Place in the Corporate Community: Women's Identity in Eighteenth-Century Towns. In <i>The Invisible Women: Aspects of Women's Work in Eighteenth-Century Britain</i> , edited by Isabelle Baudino, Jacques Carré and Cecile Revauger. London: Routledge, 2016.
Smith, Edmond. 'The Social Networks of Investment in Early Modern England.' <i>The Historical Journal</i> 64, no. 4 (2021): 912-939.
Smith, Helen. 'Gender and Material Culture in Early Modern London Guilds.' In <i>Gender and Material Culture in Britain Since 1600</i> , edited by Hannah Greig, Jane Hamlett and Leonie Hannan. London: Palgrave, 2016.
"Free and Willing to Remit": Women's Petitions to the Court of Aldermen, 1670-1750'. In <i>Worth and Repute: Valuing Gender in Late Medieval and Early Modern London: Essays in Honour of Barbara Todd</i> , edited by Kim Kippen and Lori Woods, 277-308. Toronto: Centre for Reformation and Renaissance Studies, 2011.
Spaeth, Donald. 'Orderly Made: Re-appraising Household Inventories in Seventeenth-Century England.' <i>Social History</i> 41, no. 4 (2016): 417-435.
Spicksley, Judith M. 'Fly with a Duck in Thy Mouth: Single Women as Sources of Credit in Seventeenth-century England.' <i>Social History</i> , vol. 32, no. 2 (2007): 187-207.
'Usury Legislation, Cash and Credit: The Development of the Female Investor in the Late Tudor and Stuart Periods. <i>The Economic History Review</i> 61, no. 2 (2008): 277-301.
Spufford, Margaret and Motoyasu Takahashi. 'Families, Will Witnesses, and Economic Structure in the Fens on the Chalk: Sixteenth and Seventeenth-Century Willingham and Chippenham.' <i>Albion: A Quarterly Journal Concerned with British Studies</i> 28, no. 3 (1996): 379-414.

Spufford, Peter. 'Long-Term Rural Credit in Sixteenth-and-Seventeenth-century England: the Evidence of Probate Accounts.' In *When Death Do us Part: Understanding and Interpreting the Probate Records of Early Modern England*, edited by Thom Arkell, Nesta Evans and Nigel Goose, 213-228. Oxford: Leopard's Head Press Limited, 2004.

Stretton, Tim. 'Widows at Law in Tudor and Stuart England.' In *Widowhood in Medieval and Early Modern Europe* edited by Sandra Cavallo and Lyndan Warner, 193-209. Harlow: Pearson, 1999.

_____. 'Women, Custom and Equity in the Court of Requests.' In *Women, Crime and the Courts in Early Modern England*, edited by Jennifer Kermode and Garthine Walker, 177-196. London: UCL Press, 1994.

_____. 'Women, Legal Records and the Problem of the Lawyer's Hand.' *Journal of British Studies* 58, no. 4 (2019): 684-700.

Tarbin, Stephanie. 'Caring for Poor and Fatherless Children in London c. 1350-1550.' *The Journal of the History of Childhood and Youth* vol. 3, no. 3 (2010): 391-410.

Thorne, Alison. 'Narratives of Female Suffering in the Petitionary Literature of Civil War Period and its Aftermath.' *Literature Compass* 10, no 2 (2013): 134-145.

_____. 'Women's Petitionary Letters and Early Seventeenth-Century Treason Trials. *Women's Writing* 13, no. 1 (2006): 23-43.

Todd, Barbara J. 'Property and a Woman's Place in Restoration London.' *Women's History Review* 19, no. 2 (2010): 181-200.

_____. 'The Remarrying Widow: a Stereotype Reconsidered.' In *Women in English Society, 1500-1800*, edited by Mary Prior, 54-92. London: Methuen & Co., 1985.

Tomlins, Christopher. 'Introduction: The Many Legalities of Colonisation'. In *The Many Legalities of Early America*, edited by Christopher L. Tomlins and Bruce H. Mann, 1-24. Chapel Hill: North Carolina Press, 2001.

Walsham, Alexandra. 'The Social History of the Archive: Record-Keeping in Early Modern Europe.' *Past and Present* 11 (2016): 9-48.

Walsham, Alexandra, Kate Peters and Liesbeth Corens. 'Introduction: Archives and Information in the Early Modern World.' In *Archives and Information in the Early Modern World*, edited by Kate Peters, Alexandra Walsham and Liesbeth Corens. Oxford: Oxford University Press, 2018.

Walter, John. 'Public Transcripts, Popular Agency and the Politics of Subsistence in Early Modern England.' In *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, edited by Michael J. Braddick and John Walter, 123-148. Cambridge: Cambridge University Press, 2001.

Whittle, Jane and Mark Hailwood. 'The Gender Division of Labour in Early Modern England.' *The Economic History Review* 73, no. 1 (2020): 3-32.

Wilson, Adrian. 'Foundations of an Integrated Historiography.' In *Rethinking Social History: English Society 1570-1920 and its Interpretation*, edited by Adrian Wilson, 293-335. Manchester: Manchester University Press, 1993.

_____. 'Illegitimacy and its Implications in Mid-eighteenth-century London: Evidence of the Foundling Hospital.' *Continuity and Change* 4, no.1 (1989): 103-164.

Withington, Phil. 'Public Discourse, Corporate Citizenship, and State Formation in Early Modern England.' *American Historical Review* 112, no. 4 (2007): 1016-1038.

Worthen, Hannah. 'Supplicants and Guardians: the Petitions of Royalist Widows During the Civil Wars and Interregnum.' *Women's History Review* 26, no. 4 (2017): 528-540.

Youngs, Deborah. "A Besy Woman... and Fulle of Lawe": Female Litigants in Early Tudor Star Chamber.' *Journal of British Studies* 58 (2019): 735-750.

Unpublished papers and theses

Benson, Claire A. 'Boundaries of Belonging in Early Modern London, 1550-1750.' Unpublished PhD Thesis: University of York, 2018.

Carlton, Charles. 'The Court of Orphans: A Study in Urban Institutions with Special Reference to London, Bristol and Exeter in the Sixteenth and Seventeenth Centuries.' Unpublished PhD Thesis: University of California Los Angeles, 1970.

Hsiao, Chihyin. 'Owning China: the Material Life of London Tradesmen, 1700-1750.' Unpublished PhD thesis: University of Glasgow, 2019.

Kellett, J.R. 'The Causes and Progress of the Financial Decline of the Corporation of London, 1660-94'. Unpublished PhD Thesis: University of London, 1952.

Latham, Mark. 'The London Bridge Improvement Act of 1756: A Study of Early Modern Finance and Administration.' Unpublished PhD thesis, University of Leicester: 2009.

Maguire, Frances. 'Bonds of Print, Chains of Paper: Rethinking Print Culture and Social Formation in Early Modern England c.1550-1700.' Unpublished PhD Thesis: University of York, 2017.

Ryan Sykes, Adele Louise. 'The Medieval Foundations of the Court of Orphans: London and Wardship, c.1250-c.1550.' Unpublished PhD Thesis: Royal Holloway, University of London, 2021.

Wallis, Patrick et al. 'Guild Society: Social Capital and Guilds in Early Modern England.' Conference paper, Economic History Society Annual Conference 2021, University of Warwick, online, 6-9 April, 2021.