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**ARISTOCRATIC FEMALE INHERITANCE AND PROPERTY HOLDING IN
THIRTEENTH-CENTURY ENGLAND**

By

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**Thesis submitted
for the Degree of Doctor of Philosophy**

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Abstract

This thesis explores aristocratic female inheritance and property holding in the thirteenth century, a relatively neglected topic within existing scholarship. Using the heiresses of the earldoms and honours of Chester, Pembroke, Leicester and Winchester as case studies, this thesis sheds light on the processes of female inheritance and the effects of coparceny in a turbulent period of English history. The lives of the heiresses featured in this thesis span the reigns of three English kings: John, Henry III and Edward I. The reigns of John and Henry saw bitter civil wars, whilst Edward's was plagued with expensive foreign wars. The heiresses discussed here inherited the lands of some of the most important honours in England and the partition of these patrimonies between female coheirs undoubtedly had an effect on landholding and political society. There were numerous instances when the property rights of female coheirs were negotiated and compromised. Nonetheless, the property rights of women with regard to inheritance, marriage portion and dower were protected by law and remained important to the crown. As wives and widows, these women had an interest in the lands they had inherited and regularly participated in the legal disputes surrounding them. An examination of the roles these heiresses played in these suits and more generally in English society demonstrates the different avenues by which noblewomen could exercise agency in the thirteenth century.

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I lost my Grandma, Ann Taylor, in the final few months of writing this thesis. She was fantastically clever, funny and kind and I know she was always there for me and willing me on. I wish that she could be here now but I hope I have made her proud.

Abbreviations

<u>Abbreviation</u>	<u>Full title</u>
<i>Ann. Mon.</i>	<i>Annales Monastici</i> , ed., H. R. Luard (5 vols, Rolls series, 1864-1869)
<i>BF</i>	<i>Liber Feodorum: the Book of Fees commonly called Testa de Nevill</i> (3 vols, London, 1920-31)
<i>Bracton</i>	<i>De Legibus et Consuetudinibus Angliae: Bracton on the Laws and Customs of England</i> , ed., G. E. Woodbine and trans. S. E. Thorne (4 vols, Cambridge MSS: Harvard University Press, 1968-77)
<i>Britton</i>	<i>Britton</i> , ed., F. M. Nichol (Oxford: Clarendon Press, 1865)
<i>CChR</i>	<i>Calendar of the Charter Rolls</i> (London, 1903-)
<i>CClR</i>	<i>Calendar of the Close Rolls</i> (London, 1902-)
<i>CDS</i>	<i>Calendar of Documents relating to Scotland</i> , ed. J. Bain (2 vols, London, 1881)
<i>CDI</i>	<i>Calendar of Documents relating to Ireland</i> , ed., H. S. Sweetnam (5 vols, London, 1875-)
<i>CEC</i>	<i>The Charters of the Anglo-Norman Earls of Chester</i> , ed., G. Barraclough (Record Society of Cheshire and Lancashire, cxxxvi, 1988)
<i>CFR</i>	<i>Calendar of the Fine Rolls of Henry III</i> (2007-2011), available online at < http://www.finerollshenry3.org.uk > <i>Calendar of the Fine Rolls, 1272-1307</i> (London, 1911)
<i>CP</i>	<i>The Complete Peerage of England, Scotland Ireland, Great Britain and the United Kingdom</i> , ed., G. E. Cokayne (12 vols, London, 1910-)
<i>Chronica Majora</i>	<i>Matthæi Parisiensis, Monachi Sancti Albani, Chronica Majora</i> , ed., H. R. Luard (7 vols, London, 1825-70)
<i>CIPM</i>	<i>Calendar of Inquisitions Post-Mortem</i> (London, 1904-)
<i>Coutumiers</i>	<i>Coutumiers de Normandie</i> , ed., E-J. Tardif (Rouen, 1881)
<i>CPR</i>	<i>Calendar of the Patent Rolls</i> (London, 1906-)

<i>CRR</i>	<i>Curia Regis Rolls of the Reign of Henry III preserved in the Public Record Office</i> (20 vols, London, 1922-2006)
<i>Fœdera</i>	<i>Fœdera: Conventiones, Litterae et Cujuscunq̄ue Generis Acta Publica</i> , Vol. I, ed., T. Rymer (London, 1816)
<i>Glanvill</i>	<i>The Treatise on the Law and Customs commonly called Glanvill</i> , ed., G. D. G. Hall (London, 1965)
<i>Layettes</i>	<i>Layettes du Trésor des Chartes</i> (Nendeln: Kraus Reprint, 1977)
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i>
<i>Pipe Rolls</i>	<i>Pipe rolls</i> published by the Pipe Roll society
<i>RLC</i>	<i>Rotuli Litterarum Clausarum in Turri Londinensi Asservati</i> , ed., T. D. Hardy (Record Commission, 1833-4)
<i>RLP</i>	<i>Rotuli Litterarum Patentium in Turri Londinensi Asservati</i> , ed., T. D. Hardy (Record Commission, 1835)
<i>ROF</i>	<i>Rotuli de Oblatis et Finibus in Turri Londinensi Asservati, tempore regis Johannis</i> , ed., T. D. Hardy (Record Commission, 1835)
<i>SR</i>	<i>The Statutes of the Realm</i> , Vol. I (London: 1810)
<i>TNA</i>	The National Archives

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Introduction

The twelfth century was a great turning point for women's inherited property rights. Around the middle of the twelfth century a 'formal and deliberate' change in legal custom allowed daughters to inherit lands held in military service jointly as coheiresses, in the absence of male heirs, for the first time.¹ With this change, the frequency with which women inherited rose significantly, and by the thirteenth century female inheritance was a regular occurrence in England. Scott Waugh's research has revealed the number of baronies that descended through the female line between the years 1200 and 1327.² Between these years, 110 out of 192 baronies descended to women at least once, and thirteen of these baronies descended to women on more than one occasion.³ Of the 625 transitions of land identified by Waugh, property was passed to women, or to the collateral line, on 144 occasions, equivalent to 22.7%. Waugh's figures demonstrate that women inherited baronial estates nearly a fifth (19.5%) of the time.⁴ These figures demonstrate, as Waugh states, that a 'significant portion of the elite's wealth was in the hands of heiresses or widows' at any one time.⁵ This thesis looks at some of the largest and most important English baronies that descended jointly to sisters within this period and examines the impact of these divisions on thirteenth-century English society and politics. This thesis explores the processes of female inheritance, the security of women's property rights, the experiences of women in law, and the overarching theme of female agency. An investigation of the processes of female inheritance, the experiences of heiresses, particularly in law, and the impact of such

¹ J. C. Holt, 'Feudal Society and the Family in Early Medieval England: IV. The Heiress and the Alien', *Transactions of the Royal Historical Society*, 35 (1985), pp. 1-28 at p. 10.

² S. L. Waugh, *The Lordship of England: Royal Wardships and Marriage in English Society and Politics, 1217-1327* (Princeton: Princeton University Press, 1988).

³ Waugh, *The Lordship of England*, p. 19.

⁴ *Ibid.*, pp. 19-20.

⁵ *Ibid.*, p. 21.

partitions on English society are more worthwhile if we can compare the experiences of several families as opposed to those of just one.

The aim of this thesis is to explore co-parceny and assess not only how it affected the lives of the women who inherited, but also, more broadly, explore its impact on thirteenth-century English political and landholding society. To this end, I have chosen to examine four groups of women from families of comital, or aristocratic, status. They are the heiresses of the honours of Chester, Leicester and Winchester, and the Ferrers sisters, a branch of the Marshal family who were the recipients and heiresses to a portion of the vast estates held by William Marshal, earl of Pembroke (d.1219). The selected heiresses received portions of some of the wealthiest honours within England during this period. According to Michael Altschul, Anselm Marshal, the last of William Marshal's sons, had a gross income of £3500 per annum in 1245. In 1254, the estates of William de Ferrers, fifth earl of Derby, were valued at £2000 and those of Roger de Quency, earl of Winchester, without his Scottish lands, were valued at £400 in 1264.⁶ Despite their obvious importance, little research, aside from short biographies and articles on individual members of these dynasties, has been undertaken. Many of the heiresses are not even featured within the *Oxford Dictionary of National Biography*. For the most part, however, their male kin (fathers, brothers and husbands) are, illustrating a gender inequality within modern scholarship.⁷ Slowly, however, this imbalance is being rectified. All of these women benefitted from the division of large blocks of land spread across England, as well as in Ireland, Scotland and Wales. This thesis explores the consequences of these divisions for

⁶ M. Altschul, *A Baronial Family in Medieval England: The Clares, 1217-1314* (Baltimore: The Johns Hopkins Press, 1965), p. 205; For Ferrers lands see *Calendar of the Patent Rolls preserved in the Public Record Office, 1247-58* (London: H.M.S.O, 1908), p. 314.

⁷ There are also major gaps for some male nobles in the thirteenth century.

English landholders, and what they can tell us about the property holding rights of women in the thirteenth century. The effects that these partitions had on English politics during the personal rule of Henry III and the period of baronial reform and rebellion will also be considered.

To fully understand the events discussed in this thesis, it is important to understand the rights of noblewomen as property holders in this period.⁸ Our knowledge of the property holding rights of English queens has been greatly enhanced thanks to the pioneering studies on Eleanor of Provence and Eleanor of Castile by Margaret Howell and John Carmi Parsons, respectively.⁹ Lindy Grant's recent biography of Blanche of Castile offers a valuable French comparison.¹⁰ As property holders, queens held a position that could not be enjoyed by any other married woman. A queen was able to hold land in her own right and dispose of it as she saw fit. For Eleanor of Provence, wife of Henry III, however, this right was limited as she was only able to enjoy her dower and the lands given to her by Peter of Savoy on the condition of its reversion to the crown upon her death.¹¹ Unlike all other women, a queen was also able to litigate on her own, being able to sue others but not able to be sued herself.¹² Litigation was an activity in which many great heiresses and noble widows became involved in order to secure their rightful inheritances and dowers, and is an activity in which all heiresses featured within this thesis

⁸ This thesis does not discuss the property rights of religious women but it was not uncommon for abbesses to hold property and be actively involved in lawsuits concerning these holdings. J. Ward, *Women of the English Nobility and Gentry* (Manchester: Manchester University Press, 1995), p. 196.

⁹ Sara Cockerill has also written on Edward I's queen. M. Howell, *Eleanor of Provence: Queenship in Thirteenth-Century England* (Oxford: Blackwell Publishers, 2001); J. C. Parsons, *Eleanor of Castile: Queen and Society in Thirteenth-Century England* (Basingstoke: Macmillan, 1994). S. Cockerill, *Eleanor of Castile: A Shadow Queen* (Stroud: Amberly Publishing, 2014).

¹⁰ L. Grant, *Blanche of Castile, Queen of France* (London: Yale University Press, 2016).

¹¹ Howell, *Eleanor of Provence*, p. 263.

¹² *Ibid.*, p. 264.

participated.¹³ Although the amount of scholarship on the landholding rights of medieval noblewomen is steadily expanding, there is still a lack of research concerning the processes of inheritance for coheiresses and the implications of female inheritance for English landholding society. For the heiresses and their husbands, the inheritance of part of such a large and important group of lands increased their landed wealth and status in equal measure. It is clear that these heiresses were able to use their status to their advantage numerous occasions. This thesis explores how actively involved our heiresses were with their inherited lands, in marriage and in widowhood.

Our knowledge of the legal position of women in thirteenth-century England is informed by a number of contemporary legal treatises. These works include *The Treatise on the Laws and Customs of England commonly called Glanvill*, Bracton's *On the Laws and Customs of England*, Britton, and *Fleta*.¹⁴ As well as providing essential information on issues, such as what it meant to be a lawful heir, these works outline the key matters surrounding female property holding and inheritance in the late-twelfth and thirteenth centuries. In terms of tenure by knight service, women were only to inherit if the male line failed and sometimes female heirs were passed over in favour of a more distant male relative in the same generation. This was the case for Margaret de Lacy, the only child of Robert de Quency and Hawise, the fourth and youngest sister of Ranulf III, earl of Chester.¹⁵

¹³ J. S. Loengard, 'What is a Nice (Thirteenth-Century) English Woman doing in the King's Court?', in *The Ties that Bind: Essays in Medieval British History in Honor of Barbara Hanawalt*, eds, L. E. Mitchell, L. French, Douglas L. Biggs (Farnham: Ashgate Publishing, 2011).

¹⁴ *Glanvill*, written in the twelfth century, is the earliest treatise; *Bracton* dates to the early to mid-thirteenth century; *Britton* and *Fleta* are both believed to have been written during the reign of Edward I. G. D. G. Hall, ed., *The Treatise on the Laws and Customs of England commonly called Glanvill* (London: Nelson, 1965); *De Legibus et Consuetudinibus Angliae: Bracton on the Laws and Customs of England*, ed., G. E. Woodbine, trans., S. E. Thorne (4 vols, Cambridge MSS, 1968-77); *Britton*, ed., F. M. Nichol (2 vols., Oxford: Clarendon Press, 1865); *Fleta*, ed., H. G. Richardson and G. O. Sayles (3 vols, London: B. Quaritch, 1955-84).

¹⁵ L. J. Wilkinson, *Women in Thirteenth-Century Lincolnshire* (Woodbridge: Boydell and Brewer, 2007), pp. 27, 31-5. See Chapter One, pp. 57-61.

Bracton states that although 'the male sex must always be preferred to the female', a female heir was preferred to a more distant male relative.¹⁶ As Holt identified, 'descent in the female line was common; indeed, it was the obvious course whenever the male line failed.'¹⁷ This model is mirrored within the later legal treatise *Britton* which specified that female heirs should be 'rejected' if there were surviving male heirs from the same marriage.¹⁸ In the event that a man remarried, any surviving daughters from his first marriage were to inherit before any male heirs from a second marriage.¹⁹ Common law held that if there were no surviving children, the inheritance should pass to grandchildren and only upon the default of lineal descendants would collateral heirs succeed.²⁰ In short, lineal heirs were always favoured. The passing over of a legitimate heir was, however, not unheard of.²¹

The treatises discuss the rights of sisters as coheiresses in England. If a father died leaving sons, the eldest son would inherit everything, unless he was the son of a free sokeman in which case the inheritance would be divided between the sons with respect to the eldest son's right of primogeniture to hold the chief messuage. He was then required to provide his brothers with land of equal value.²² If, however, a man died leaving only daughters the inheritance would be divided equally between them.²³ The same custom existed in Normandy.²⁴ *Glanvill* stated that the eldest female heir retained the right to hold

¹⁶ This view was echoed in the later legal treatise *Fleta. Fleta*, Vol. II, p. 108; *Bracton*, Vol. II, p. 190.

¹⁷ Holt, 'The Heiress and the Alien', p. 5.

¹⁸ *Britton*, Vol. II, p. 313.

¹⁹ *Ibid.*, p. 313.

²⁰ *Glanvill*, p. 79.

²¹ *Ibid.*, pp. 77-9; See Chapter One, pp. 57-61.

²² *Glanvill*, pp. 75-6.

²³ *Ibid.*, p. 76.

²⁴ *Coutumiers de Normandie, I, Le Très Ancien Coutumier de Normandie*, ed., E-J. Tardif (Rouen: Esperance Cagniard, 1881), Ch. IX.

the main property and title. This rule certainly seems to have been followed in general.²⁵ A sole heiress succeeded to the entire inheritance.²⁶ Daughters were able to succeed because if there were no male heirs, they were the only legitimate way in which their father's bloodline could continue. Their children were, after all, their father's grandchildren.²⁷ If in the event that one sister died without issue, it was expected that her part of the inheritance would be divided equally between her remaining siblings.²⁸ Regarding homage, *Glanvill* stated that the husband of the eldest sister was expected to do homage to the 'chief lord of the whole fee'.²⁹ Only in the third generation did the husband's and descendants of the younger sibling have to perform homage themselves. According to *Glanvill*, the younger heirs did homage to the elder sister, but this was not true. As Holt illustrates, and as stated in 'The Statute of Ireland concerning Coparceners', all coheiresses, or their husbands, were expected to do homage to the king for their portion of lands, not through their elder sibling.³⁰ If the author of the treatise was indeed Ranulf de Glanville, it is possible that his stance was influenced by the fact that his own lands were to pass to his three daughters as coheiresses; he had accumulated these lands during his time as an administrator and it is likely that he wanted them to maintain some unity.³¹

These treatises form the basis of much work that informs our understanding of the rules governing inheritance in this period. James Holt has examined the impact that the

²⁵ *Glanvill*, p. 76; Holt, 'The Heiress and the Alien', p. 17; S.F.C. Milsom, 'Inheritance by Women in the Twelfth and Early Thirteenth Centuries', in *On the Laws and Customs of England: Essays in the Honor of Samuel. E. Thorne*, ed., M. S. Arnold (Chapel Hill: North Carolina University Press, 1981), pp. 60-89 at p. 69.

²⁶ *Glanvill*, pp. 75-6.

²⁷ J. C. Holt, 'The Heiress and the Alien', p. 3.

²⁸ *Glanvill*, p. 76. For an example of this, see Chapter Two, p. 107.

²⁹ *Glanvill*, p. 76; Holt, 'The Heiress and the Alien'.

³⁰ Milsom, writing in 1981, accepts *Glanvill*'s doctrine on the performance of homage. Milsom, 'Inheritance by Women', p. 70; Holt, 'The Heiress and the Alien', pp. 10-14; 'The Statute of Ireland concerning Coparceners', *Statutes of the Realm*, Vol. I, (London: 1810), p. 5.

³¹ Holt, 'The Heiress and the Alien', pp. 10-19.

Norman Conquest had on property holding in medieval England and the differences between inheritance and acquisition, and how this sometimes affected the partition of estates. Holt makes important observations concerning the processes of inheritance in the thirteenth century, using the succession of King John and the Mandeville inheritance as case studies.³² Here Holt considers the problems surrounding inheritance when both the uncle (the cadet) and nephew (the legitimate and representative heir) were surviving. *Bracton*, as argued by Holt, was in no doubt that the representative heir should succeed despite not being the nearest in degree; for *Glanvill*, the *casus regis* stirred up much debate.³³ During the reign of Henry III, it seems that the case of the representative heir was generally the rule until the law was required to 'behave as an ass'.³⁴ We will revisit this idea later.

Holt also outlines the changes which allowed women to inherit.³⁵ The early twelfth century saw a 'sudden, deliberate change of policy' in terms of female landholding with the move from one daughter, normally the eldest, inheriting everything, to all daughters inheriting equally; it seems likely that this originated from the uncertainty about what to do in a situation where only daughters survived.³⁶ A charter of Roger de Valognes for Binham Priory, dating from 1140, suggests the existence of a *statutum decretum*. The charter states that were there no sons, the daughters would inherit and that elder sisters could not take their younger sisters' portion through 'violence or injury'.³⁷ The precise date of this decree is

³² J. C. Holt, 'The Casus Regis: The Law and Politics of Succession in the Plantagenet Dominions, 1185-1247', in *Colonial England, 1066-1215* (London: The Hambledon Press, 1997), pp. 307-26.

³³ Holt, 'The Casus Regis', pp. 325-6.

³⁴ *Ibid.*, p. 326.

³⁵ Holt, 'The Heiress and the Alien'.

³⁶ Holt, 'The Heiress and the Alien', p. 2; J. Green, 'Aristocratic Women in Early Twelfth-Century England', in *Anglo-Norman Political Culture and the Twelfth-Century Renaissance: Proceedings of the Brochard Conference on Anglo-Norman History, 1995*, ed., C. Warren-Hollister (Woodbridge: The Boydell Press, 1997), pp. 59-82 at p. 74.

³⁷ Holt, 'The Heiress and the Alien', pp. 9-10.

disputed but Holt suggests a tentative date range of 1130-35. His suggestion is an acceptable one as, after the 1140s, there are numerous examples of parage.³⁸

Judith Green makes some pertinent observations on the development of policy regarding female inheritance in the twelfth century; a period in which a woman's role in the transmission of inheritance was greatly increased.³⁹ Green argues that the twelfth century saw a strengthening of inheritance and a move to exclude collateral inheritance, thereby increasing the likelihood of female succession.⁴⁰ It was not uncommon for only daughters to survive and after 1135, thanks to the change in legal custom, there were far more coheiresses - this has led it to be named the 'the century of the heiress'.⁴¹ Green suggests that the advance of co-parceny in this period was perhaps due to an uncertainty over what to do when there were no male heirs.⁴² As Green states, there were no established rules for female succession in the twelfth century and, therefore, no set norms.⁴³ This suggestion reflects Waugh's statement that 'the law of women's inheritance was...worked out between about 1100-1250'.⁴⁴ S.F.C. Milsom likewise suggested that over the course of the twelfth century, female inheritance customs were solidified and became those customs recorded in the legal treatises.⁴⁵ Milsom saw women very much as transmitters of inheritance and land. The transmittance of landed rights through women was certainly an important way of ensuring that estates stayed within the family. To say that women were merely conduits of

³⁸ Holt, 'The Heiress and the Alien', pp. 9-10. For possible dates see also J. Hudson, *The Oxford History of the Laws of England, Vol. II*, 871-1216 (Oxford: Oxford University Press, 2012), p. 353.

³⁹ Green, 'Aristocratic Women in Early Twelfth-Century England', p. 78.

⁴⁰ *Ibid.*, p. 60.

⁴¹ Gillingham, 'Love, Marriage and Politics in the Twelfth Century', *Forum for Modern Language Studies*, Vol. XXV (1989), pp. 292-303.

⁴² Green, 'Aristocratic Women', pp. 73-5, 78.

⁴³ *Ibid.*, pp. 66, 78.

⁴⁴ S. L. Waugh, 'Women's Inheritance and the Growth of Bureaucratic Monarchy in Twelfth- and Thirteenth-Century England', *Nottingham Medieval Studies*, XXXIV, (1990), pp. 71-92 at p. 71.

⁴⁵ Milsom, 'Inheritance by Women in the Twelfth and Early Thirteenth Centuries', pp. 75-6.

land, however, does a great disservice to the women who were actively involved with their inheritance and landed rights.

In addition to the debates concerning female inheritance, numerous studies have been written on the history of the common law. Frederick Pollock and William Maitland highlighted how there was no statute that specifically dealt with the legal position of women. As soon as a woman was married, any lands that she held, as well as her chattels, became her husband's. A married woman was unable to alienate lands without her husband's consent, but he was able to grants away his wife's property without having to obtain her consent. This all seems rather negative, but a husband was not able to alienate lands in order to bar his wife's right to her dower.⁴⁶ In marriage, a woman's property rights were, admittedly, extremely limited, but this changed dramatically in widowhood.

Carpenter also makes some illuminating observations on the position of women within the law and thirteenth-century society through an analysis of the chapters in which they are mentioned within the 1215 Magna Carta and its later reissues.⁴⁷ Chapters seven and eight of the 1215 charter, and chapter 7 of the 1225 issue, are the only chapters which explicitly refer to women and their landed rights as widows.⁴⁸ Carpenter has shown that with their new legal status, many widows litigated over dower and lands belonging to their inheritance that had been alienated by their husbands during marriage.⁴⁹ Susanna Annesley's doctoral research goes some way in showing the powerful position that heiress-countesses wielded in comparison to other women in the aristocratic hierarchy who did not hold a title.

⁴⁶ F. Pollock and F. W. Maitland, *The History of English Law before the time of Edward I*, Vol. II (Cambridge: Cambridge University Press, 1911), pp. 403-5.

⁴⁷ Carpenter, *Magna Carta* (London: Penguin, 2015), pp. 101-7.

⁴⁸ Carpenter, *Magna Carta*, pp. 40-1; H. Rothwell, ed., *Magna Carta, 1225, c. 7*, in *English Historical Documents*, Vol. III, 1189-1327 (London: Routledge, 1975), <<https://www.englishhistoricaldocuments.com/document/view.html?id=637>>, accessed 11 December 2017.

⁴⁹ Carpenter, *Magna Carta*, pp. 104-5.

Annesley offers an important assessment of how Magna Carta affected the fortunes of women in terms of protecting their rights and demonstrates how such treatises empowered noblewomen.⁵⁰

One of the most important themes in this thesis is the extent to which women could interact with the law via the processes of the royal courts. Paul Brand has written extensively on the development of the legal profession in medieval England, including its increasing professionalisation over the course of the thirteenth century.⁵¹ Of particular importance to this thesis are Brand's discussions on the appointment of attorneys and the excuses a litigant might proffer for not being present at court. The work of Janet Loengard is extremely important in terms of her assessment of how the law changed with regard to women's property rights, particularly how Magna Carta affected the fortunes of widows.⁵² Loengard's work explores the regularity with which a noblewoman may have found herself in the king's court, the reasons for this, and the challenges she might face to her varying claims. Sue Sheridan Walker's research examines the experiences of women who sued for dower in the king's court and the extent of their involvement in the law.⁵³ Walker explores the processes of legal procedures, including the use of attorneys, with particular reference

⁵⁰ S. Annesley, 'Countesses in the Age of Magna Carta' (Unpublished Ph.D thesis, King's College London, 2011), pp. 14, 271.

⁵¹ P. Brand, *The Origins of the English Legal Profession* (Oxford: Blackwell Publishing, 1992); P. Brand, 'Inside the Courtroom: Lawyers, Litigants, and Justices in England in the Later Middle Ages', in *The Moral World of the Law*, ed. P. Coss (Cambridge: Cambridge University Press, 2000), pp. 91-112; P. Brand, 'The Travails of Travel: The Difficulties of Getting to Court in Later Medieval England', in *Freedom of Movement in the Middle Ages*, ed., P. Horden (Donington: Shaun Tyas, 2007), pp. 215-228.

⁵² J. S. Loengard, 'What did Magna Carta mean to Widows?', in *Magna Carta and the England of King John*, ed., J. S. Loengard (Woodbridge: Boydell Press, 2010), pp. 134-51; Loengard, 'What is a Nice (Thirteenth-Century) English Woman Doing in the King's Court?', pp. 55-70; J. S. Loengard, *Rationabilis Dos: Magna Carta and the Widow's "Fair Share" in the Earlier Thirteenth Century*, in *Wife and Widow in Medieval England*, ed. S. S. Walker (Michigan: The University of Michigan Press, 1993), pp. 59-80.

⁵³ S. S. Walker, 'Litigation as Personal Quest: Suing for Dower in the Royal Courts, circa 1272-1350', in *Wife and Widow in Medieval England*, ed., S. S. Walker (Michigan: University of Michigan Press, 1993), pp. 81-108; S. S. Walker, ' "Litigant Agency" in Dower Pleas in the Royal Common Law Courts in Thirteenth and Early Fourteenth Century England', *The Journal of Legal History*, 24:3 (November, 2007), pp. 1-22.

to dower pleas and women's legal agency in the thirteenth and fourteenth centuries. This scholarship is important for this thesis, particularly regarding the legal experiences of widows and the security of their dower rights. Despite their legal status, the heiresses featured here were regularly involved in lawsuits concerning their inheritance as married women, and this thesis aims to assess their agency.

An interesting and relevant debate centres on the issue of whether medieval noblewomen should be considered as political pawns or political agents. This question is of particular relevance to this thesis in terms of the level of agency women were able to exercise when it came to securing, protecting and managing their landed inheritance and other property. In the eyes of scholars such as Georges Duby and Doris Stenton, women living in the twelfth and early thirteenth centuries were merely the political pawns of their menfolk, having suffered a loss of independence in terms of landholding following the Norman Conquest.⁵⁴ According to Stenton, who wrote in 1950s, following the Norman Conquest women had no position within tenurial lordship nor did they have a significant role in public life. Stenton believed that Anglo-Saxon women wielded a much greater degree of power than their Norman counterparts who were very much subordinate to men, with their position being in the domestic as opposed to public sphere.⁵⁵ Writing in the 1980s and 1990s, Duby supported this view, using land tenure as his evidence.⁵⁶ According to Duby, whose research was based on French examples, public power was wielded through the sword and the ability to command and punish. Only men had the ability to hold land in

⁵⁴ G. Duby, *Women of the Twelfth Century* (Cambridge: Polity Press, 1997); D. M. Stenton, *The English Woman in History* (London: George Allen and Unwin, 1957).

⁵⁵ Stenton, *The English Woman*, p. 28.

⁵⁶ G. Duby, *The Knight, The Lady and the Priest: The Making of Modern Marriage in Medieval France*, trans., B. Bray (New York: Pantheon, 1983).

return for military service and women were, therefore, excluded from positions of public power.⁵⁷

As identified by several scholars, the work of Duby and Stenton ignores the obvious part that noblewomen played in medieval politics and society.⁵⁸ More recent scholarship has done much to champion the view that women had a crucial role to play. In reference to the number of chapters in which women feature within Magna Carta, David Carpenter argues that, in fact, 'women...were far from being mere pawns in the hands of men'.⁵⁹ Numerous studies, including those by Jennifer Ward and Louise Wilkinson, highlight the essential involvement that noblewomen had in this period in estate administration and household management, both in the presence and absence of their husbands.⁶⁰ Susan Johns also emphasises the central and authoritative role that women played within the family, a 'unit of lordship' in itself.⁶¹ As discussed by Rowena Archer, every person who had a connection with the family lands had a contribution to make in ensuring that the landed inheritance created through marriage was preserved. The lady was just as important as her husband in this endeavour.⁶² Both husband and wife shared a common interest to maintain and expand their holdings. Although the extent to which a woman was involved in the

⁵⁷ G. Duby, 'Women and Power', in *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, ed., T. N. Bisson (Philadelphia: University of Pennsylvania Press, 1995), pp. 69-86 at pp. 73-4.

⁵⁸ K. A. Fenton, 'Women, Property, and Power: Some Examples from the Eleventh-Century Rouen Cartularies', in *Society and Culture in Medieval Rouen, 911-1300*, eds, L. V. Hicks and E. Brenner (Turnhout: Brepols, 2013), pp. 227-46 at p. 229.

⁵⁹ Carpenter, *Magna Carta*, p. 105.

⁶⁰ J. C. Ward, *English Noblewomen in the Later Middle Ages* (London: Longman, 1992), p. 109; L. J. Wilkinson, 'The Rules of Robert Grosseteste Reconsidered: The Lady as Estate and Household Manager in Thirteenth-Century England', in *The Medieval Household in Christian Europe, c.850-1550: Managing, Power, Wealth and the Body*, eds, C. Beattie, A. Maslakovic and S. Rees Jones (Turnhout: Brepols, 2003), pp. 293-306 at pp. 294-6.

⁶¹ S. M. Johns, *Noblewomen, Aristocracy and Power in the Twelfth-Century Anglo-Norman Realm* (Manchester: Manchester University Press, 2003), pp. 73-75; S. M. Johns, 'The Wives and Widows of the Earls of Chester, 1100-1252: the Charter Evidence', *Haskins Society Journal: Studies in Medieval History*, 7 (Woodbridge: The Boydell Press, 1995), pp. 117-32 at pp. 131-2.

⁶² R. Archer, ' "How ladies...who live on their manors ought to manage their households and estates": Women as Landholders and Administrators in the Later Middle Ages', in *Women in Medieval English Society*, ed., P. J. P. Goldberg (Stroud: Alan Sutton Publishing Ltd., 1997), pp. 149-81 at pp. 149-50.

administration of her estates could differ depending upon her individual circumstances, women could always expect to play some part.⁶³ It is clear that the roles noblewomen undertook in marriage often exceeded the subordinate position women held by law.⁶⁴ The work of Wilkinson and Linda Mitchell has explored the lives and careers of Eleanor de Montfort and Joan de Valence respectively to show the role that noblewomen could play on the wider political stage.⁶⁵

Comparative research has been undertaken regarding the position of French noblewomen who had similar experiences to their English counterparts in terms of their ability to act as political agents. Kimberly LoPrete does, however, state that ‘politically active female lords’ could still be vulnerable as a result of their gender.⁶⁶ It is almost certainly true that women would never outnumber men who were consistently and actively engaged in lordship, but they were certainly far more involved and held much more power than Duby and Stenton allowed. LoPrete has proved that although women did not act as lords as frequently as men, they were not excluded from lordship merely because of their sex. LoPrete shows that French noblewomen, like English noblewomen, often acted as lords. She also emphasises that women were not solely concerned with fulfilling the wishes of their husbands. Noblewomen possessed their own ‘aims, desires and agency’.⁶⁷ As Theodore Evergates states, ‘it is no longer possible to depict well-born women as powerless in

⁶³ Archer, ‘“How ladies...”’, pp. 149-50.

⁶⁴ *Ibid.*, p. 153.

⁶⁵ L. J. Wilkinson, *Eleanor de Montfort: A Rebel Countess in Medieval England* (London: Continuum, 2012); Wilkinson, ‘Pawn and Political Player: Observations on the Life of a Thirteenth-Century Countess’, *Historical Research*, Vol. 73, no. 181 (June 2000), pp. 105-23; L. E. Mitchell, *Joan de Valence: The Life and Influence of a Thirteenth-Century Noblewoman* (Basingstoke: Palgrave Macmillan, 2016).

⁶⁶ K. LoPrete, ‘Women, Gender and Lordship in France, c. 1050-1250’, *History Compass*, Vol. 5, Issue 6 (Oxford: Blackwell Publishing Ltd., 2007), pp. 1921-1941 at p. 1921.

⁶⁷ *Ibid.*, p. 1921.

medieval society'.⁶⁸ Women had many important responsibilities, including bringing up their children and arranging marriages their marriages; assisting their husbands in managing their estates; fulfilling lordly activities in the absence of their husbands; and dispensing patronage. All of this proves that women were important and influential members of society and that they did not solely exist to fulfil the wishes of their male kin. This thesis argues that married women were able to participate in legal matters that concerned their inheritance which indicates a particular level of agency. As Kirsten Fenton so deftly summarised 'access to and control of property are crucial factors in determining the structure and extent of female power'.⁶⁹

Themes

This thesis has several important and interlinking themes. Perhaps one of the most important is the concept of female agency. Historians define 'agency' in different ways but here I have interpreted it to mean the ability of a woman to work and act independently with the freedom to make her own choices. The ability of women to exercise their agency in its different forms is clearly demonstrated throughout this thesis. Aristocratic women exercised agency in the family unit but also on the wider political and legal stages. As this thesis shows married women and widows were frequently involved in securing and defending their inheritances and other landed rights. Despite the apparent legal customs regarding inheritance, a number of fluid and shifting factors affected the fate of the inheritances discussed in this thesis. Female agency was just one of these variables but it was an important one. Hawise de Quency's decision to pass the earldom of Lincoln to

⁶⁸ T. Evergates, ed., *Aristocratic Women in Medieval France* (Philadelphia: University of Pennsylvania Press, 1999), p. 4.

⁶⁹ Fenton, 'Women, Property, and Power', p. 228.

Margaret, her daughter and son-in-law is just one such example.⁷⁰ The descent of inheritances were often affected by royal interference, ambitions or surveillance and this can be seen with the treatment of the descent of the Chester and Winchester inheritances discussed in Chapter One. The geographic location of the lands subject to division also had a bearing on how the lands were divided between multiple coheiresses. Lands were often granted to women and their husbands in places where they already held land and authority. This was often true with the allocation of lands granted in exchange for others when inheritances were exploited. Christina de Forz and her husband received lands in Yorkshire in exchange for her right to hold a portion of Cheshire because he held vast estates in the county through his position as count of Aumale.⁷¹ Major political events and power shifts across Britain affected the devolution of property through inheritance. The loss of Normandy in 1204, the Barons' Wars of 1215-17 and 1263-7, the shifts of power in the Welsh Marches in the thirteenth century and the Anglo-Scottish crises during the 1290s all had an impact on the descent of inheritances. Over the course of the thirteenth century, the nature of monarchical and aristocratic power was constantly evolving. King John's magnates questioned his rulership and Magna Carta was revolutionary in that it made the king subject to the law for the first time.⁷² Under the rule of the Angevin kings royal government expanded greatly and grew more sophisticated. The nature of aristocratic power changed as a consequence. By the thirteenth century earls no longer held 'unchallenged sway over a particular province' like they had previously. Kings had officers, escheators sheriffs and justices to carry out their orders. In the year 1200 there were only sixteen earldoms in

⁷⁰ See Chapter One, pp. 56-8.

⁷¹ See Chapter One, p. 82.

⁷² D. Carpenter, *The Struggle for Mastery* (London: Penguin Books, 2004), p. 289.

existence and by the end of the century there were as 'few as ten'.⁷³ Despite this, the title still held a great deal of social prestige. Throughout the thirteenth century King John, Henry III and Edward I faced the questions of their subjects making it clear that the nature of monarchy had also shifted and changed.⁷⁴

The thirteenth century was hugely important for aristocratic men and women in terms of landholding. Magna Carta prevented the monarch from imposing huge reliefs on heirs and it also laid bare the rights of widows to their inheritances, dowers and marriage portions. The landed and personal rights were touched upon in several other royal statutes issued throughout the thirteenth century including: The Statute of Ireland concerning Coparceners, The Statutes of Merton and The First and Second Statutes of Westminster. The clauses contained within these statutes apparently aimed to protect the rights of women and the extent to which this was true is considered here. All of these contributed to the changing nature of female property holding and lordship in this period.⁷⁵

Some of the most important sources for this thesis are the legal treatises such as Glanvill and Bracton. These form the basis of our knowledge of the descent of land in thirteenth-century England. These treatises laid down exactly how property should descend to heirs and who the rightful heirs should be. Although these treatises existed, the customs laid down within them were not always followed. Aristocratic men and women often experienced interference from the crown when it came to securing and maintaining a hold on their landed rights whether these lands were obtained through acquisition, inheritance,

⁷³ Bartlett, *England Under the Norman and Angevin Kings*, pp. 208-9; M. Morris, *The Bigod Earls of Norfolk in the Thirteenth Century* (Woodbridge: The Boydell Press, 2005), p. ix.

⁷⁴ Carpenter, *The Struggle for Mastery* (2004), pp. 289-99; Morris, *The Bigod Earls of Norfolk*, pp. 59-100; A. M. Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272-1307* (Cambridge: Cambridge University Press, 2014).

⁷⁵ *Statutes of the Realm*, Vol. I (London: 1810), pp. 1-4, 5, 26-39, 71-98.

dower or marriage portion. Each of the chapters within this thesis contain instances when legal customs concerning land and inheritance were not followed and for this reason we need to bear in mind just how far these laws can genuinely be described as customary in practice.

Perhaps the most important theme is the ability of women to act as legal agents. This thesis demonstrates how noblewomen, of varying marital status, were often more involved in legal suits than has previously been suggested or acknowledged within the existing historiography. Each of the chapters that comprise this thesis features noblewomen who played an active role in litigation by securing, defending and shaping their landed interests. The study of women brings with it several difficulties inherent in the source material. The often poor rate of survival of documents is a problem experienced by anyone undertaking research of the medieval period. Despite the inevitable loss of source material, the legal activities of some of these women are harder to trace than others. Although legal cases in which noblewomen were involved can often be traced throughout the records from beginning to end, others leave significant gaps within the source material and a conclusion is often not recorded. This is true for legal cases involving married women but also those involving widows. If aristocratic married women are not present within the sources it could be assumed that they were not actively involved in legal procedures with their husbands. Given the focus of this research it is often tempting to push forward the idea of the involvement of women when the evidence is not forthcoming in some cases but it is elsewhere. This thesis records in some detail the involvement of women, such as Christina de Forz and Matilda de Kyme, in legal proceedings regarding their landed inheritance during

marriage.⁷⁶ The assumed role of married women in legal procedures is very similar to the assumed role of noblewomen in estate administration.⁷⁷ The evidence of some women in legal proceedings leads us reasonably to assume that other women of equal status also fulfilled such a role, despite the lack of direct evidence. This is a problem that cannot satisfactorily be addressed or answered fully, but, an awareness of it is vital when drawing conclusions on the participation of noblewomen in legal proceedings in the thirteenth century.

Charters and seals provide valuable information which allows us to gain a sense of how aristocratic women both perceived and portrayed themselves. The titles and family connections that a noblewoman chose to display suggest a great deal and it is important to understand how receiving a substantial inheritance contributed to a woman's sense of identity. Although my use of charters and seals is limited by the scope of this thesis, it is necessary to consider what these sources contribute to our understanding of noblewomen, specifically of countesses and heiresses. Using charter evidence, Johns has shown how a woman's role in public affairs continued from marriage into widowhood. Johns has highlighted how the nature of charter evidence and the conscious and careful preservation of charters by religious institutions does not provide a complete or balanced picture.⁷⁸ Despite the fragmentary nature of the evidence, it is clear that aristocratic women were active religious patrons throughout the course of their lives. Through a close consideration of the religious houses that received patronage from certain individuals and the use of

⁷⁶ See Chapter One and Two, pp. 76-77, 123-4.

⁷⁷ Archer, ' "How ladies..." ', p. 150.

⁷⁸ Johns, *Noblewoman, Aristocracy and Power*, pp. 74-5.

personal titles used within these charters, we are able to gain a sense of the identity and family ties of the women who granted them.

The incredibly high social status of the women featured within this work should not be underestimated. The fact that the women discussed here were heiresses is an important factor for consideration when discussing their experiences and activities. The extent to which their experiences can be generalised for all women of their status needs to be contemplated. Where the evidence exists, it is clear that the heiresses were aware of their status and were keen to showcase this and their family connections through their seals and in the use of titles. The heiresses featured in each case study were heiresses of earls, men of the 'highest social distinction that a magnate could obtain', and they often used and showcased this when they saw fit.⁷⁹

Sources

The increasing production of records at the royal court in the latter stages of the twelfth century has resulted in a wealth of records for our period. The patent and close rolls are of particular importance to this study, and are where we find a great deal of information regarding the divisions of the earldoms that are discussed here. The close rolls record private letters issued by the king, folded and closed using the great seal as authentication. These letters conveyed orders or instructions from the king to his officials or other illustrious persons.⁸⁰ In contrast, the patent rolls feature letters issued open to his subjects regarding matters of public importance and touching the royal prerogative, including

⁷⁹ Morris, *The Bigod Earls of Norfolk*, pp. ix-x.

⁸⁰ 'Chancery and Supreme Court of Judicature: Close Rolls', <<http://discovery.nationalarchives.gov.uk/details/r/C3614>>, accessed 12 March 2015.

appointments to office and letters of protection.⁸¹ The close and patent rolls often record the steps taken in the partitions of inheritances between women, as well as the problems they faced in receiving their designated portions. The charter rolls are enrolments of royal charters which record grants of lands, liberties and privileges to individuals, towns and religious communities.⁸² The fine rolls are another valuable source of information, since they record offerings of money to the king or his justiciar in return for charters, privileges, writs and pardons, and grants (very often) of land.⁸³ Our heiresses or their husbands feature within these documents. The pipe rolls are an important exchequer document which provide us with valuable information for this study, particularly for the division of the honour of Leicester. These rolls record both the outstanding debts owed to the crown by its subjects and the sum that the sheriff of each county paid to the king for the income from his rights and lands within the county.⁸⁴

The compilations of tenurial surveys featured within the *Liber Feodorum*, also known as the *Book of Fees*, allow us to identify the lands and fees held by the husbands, brothers and fathers of the coheiresses featured within this study. These surveys help to build up a picture of which lands each heiress received as her inheritance, which counties these were located in, and the services she owed to the crown as a result. These surveys are also particularly useful when identifying tenants. Especially useful to this study are the surveys undertaken in 1236 following the marriage of Henry III's sister, Isabella, to the emperor Frederick II; the 1242-3 survey conducted between the king's failed expedition to Gascony

⁸¹ 'Chancery and Supreme Court of Judicature: Patent Rolls', <<http://discovery.nationalarchives.gov.uk/details/r/C3626>>, accessed 12 March 2015.

⁸² 'Charter Rolls', <<http://discovery.nationalarchives.gov.uk/details/r/C3613>>, accessed 12 March 2015.

⁸³ 'Chancery: Fine Rolls', <<http://discovery.nationalarchives.gov.uk/details/r/C3620>>, accessed 12 March 2015.

⁸⁴ 'Exchequer: Pipe Office: Pipe Rolls, National Archives catalogue entry, <<http://discovery.nationalarchives.gov.uk/details/r/C6749>>, accessed 8 February 2015.

and his departure for Poitou; and the 1238-41 Lincoln survey.⁸⁵ *Inquisitions Post-Mortem* serve a similar purpose. These inquisitions were conducted by a crown official, generally an escheator, with the purpose of identifying the properties held by a deceased tenant-in-chief, and identifying which of these lands should be passed into the king's hands through right of wardship or marriage or through escheat.⁸⁶ When these inquisitions survive, they offer detailed accounts of the size, value and stock of particular estates and also allow us to see, in this context, the lands that each of our heiresses, or their heirs, inherited.

Litigation and legal disputes are an important aspect of this thesis because our coheiresses were so often involved in them.⁸⁷ Preserved at the National Archives in the series KB 26, are an amalgamation of the records formerly known as the Curia Regis Rolls.⁸⁸ This series is a collection of the records of the plea and essoin rolls of the court of Common Pleas and the Court of the King's Bench from the earliest rolls down to the end of the reign of Henry III.⁸⁹ The KB 27 series are a compilation of the later records, dating from 1273-1702, of the King's Bench known as the Coram Rege Rolls.⁹⁰ Together, these records document the 'formal stages' of legal cases and allow us to measure how involved women

⁸⁵ H. C. Maxwell-Lyte, *Liber Feodorum: The Book of Fees commonly called Testa de Nevill* (London: H.M.S.O, 1920-31), 3 vols.

⁸⁶ 'Chancery: Inquisitions Post-Mortem', National Archives catalogue entry, <<http://discovery.nationalarchives.gov.uk/details/r/C3690>>, accessed 8 February 2015.

⁸⁷ Loengard, 'What is a Nice (Thirteenth-Century) English Woman doing in the King's Court?', pp. 57-8.

⁸⁸ 'Court of Common Pleas and King's Bench, and Justices Itinerant: Early Plea and Essoin Rolls', National Archives catalogue entry, <<http://discovery.nationalarchives.gov.uk/details/r/C10030>>, accessed 8 February 2015.

⁸⁹ 'Court of Common Pleas and King's Bench, and Justices Itinerant: Early Plea and Essoin Rolls'.

⁹⁰ 'Court of King's Bench: Plea and Crown Sides: Coram Rege Rolls', <<http://discovery.nationalarchives.gov.uk/details/r/C10031>>, accessed 8 February 2015; C. A. F. Meekings, 'King's Bench Files', in *Legal Records and the Historian*, ed., J. H. Baker (London: Royal Historical Society, 1978), pp. 97-139.

could be in litigation at every stage of their lives, as well as how successful they were in their pursuits.

In addition to the numerous royal records, we also possess those produced by baronial and comital administrations. Particularly useful are those which record grants to religious institutions. It was not uncommon for heiresses to acquire advowsons of churches, or to honour grants made by their ancestors as part of their inheritance. Through an examination of the institutions an individual patronised and the grants they made, we are able to glean an understanding of an individual's sense of identity and piety. It is interesting to see how inheritance affected the way our heiresses chose to portray themselves through the use of titles in their charters and on their seals. Religious patronage and almsgiving were thought to be appropriate ventures for noblewomen to undertake and it was, therefore, considered a woman's role to commemorate the souls of her family members and those of her husband.⁹¹ The dispensation of religious patronage often required great wealth - there is little evidence of women of the lesser nobility acting as religious patrons in the thirteenth century. It is widely accepted that these women possessed less freedom than those of higher status. Despite this, valuable research by Philadelphia Ricketts illustrates that many Yorkshire nunneries founded in the early thirteenth century were actually established by women of the gentry.⁹² By examining the religious houses these noblewomen patronised, we can gain a firmer understanding of their religious sympathies, their personal sense of identity and gauge an idea of the strength of familial ties. Noblewomen were aware of monastic fashions and would often become benefactors of popular and upcoming religious

⁹¹ Ward, *English Noblewomen*, p. 143; *Christine de Pisan: The Treasure of the City of Ladies or the Book of the Three Virtue*, ed. S. Lawson (London: Penguin Books, 1985), pp. 59-62.

⁹² P. Ricketts, 'Widows, Religious Patronage and Family Identity: Some Cases from Twelfth-Century Yorkshire', *Haskins Society Journal: Studies in Medieval History*, 14 (Woodbridge: Boydell Press, 2003), pp. 117-36 at pp. 117, 122.

orders. Ward has illustrated this through her exploration of the patronage of the Clare family who were patrons of the Abbey of Le Bec in Normandy and its dependent cells in England.⁹³ Nonetheless, there is no denying that familial ties were also important. If a family had been benefactors of a foundation, it was quite often true that heirs would continue the tradition;⁹⁴ for example, the abbey of St. Werburgh, Chester, received the patronage of all the Chester earls. Other religious houses with which the earls were frequently involved included Stanlaw (Cheshire), Poulton/Dieulacres abbey (Cheshire), Spalding (Lincolnshire) and the nunnery of St. Mary's, Chester.⁹⁵ By examining the cartularies of religious houses with which the heiresses' families were associated, we can identify how closely they followed familial trends of patronage and gain insights into the shifting patterns of noble patronage.⁹⁶

The thirteenth century saw a flourishing of monastic writing, and the chronicles and monastic annals provide us with a great wealth of information on the key events of the period, as well as giving us access to contemporary views.⁹⁷ Women, however, are rarely featured within the chronicles and if they are mentioned it is normally to record their marriages or deaths; for example, the deaths of both Bertrada, countess of Chester, and Agnes, her daughter, are noted in the *Annales de Burton*.⁹⁸ Similarly, the marriage of Margaret, countess of Lincoln, daughter of Hawise and Robert de Quency, to Walter

⁹³ J. C. Ward, 'Fashions in Monastic Endowment: the Foundations of the Clare Family, 1066-1314', *The Journal of Ecclesiastical History*, 2 (1981), pp. 427-51.

⁹⁴ Ward, *English Noblewomen*, p. 153.

⁹⁵ G. Barraclough, ed., *The Charters of the Anglo-Norman Earls of Chester, c. 1071-1237* (Gloucester: Alan Sutton Publishing Limited, 1988); W. Dugdale, *Monasticon Anglicanum*, Vols. I-III (London: Sam Keble, 1693).

⁹⁶ A list of the manuscript cartularies I searched at the British Library is featured in the Bibliography of this thesis. These cartularies relate to those believed to have been connected to the earls of Chester, Pembroke, Leicester and Winchester. See p. 329.

⁹⁷ A. Gransden, *Historical Writing in England I, c.550-1307* (London and New York: Routledge, 1996), p. 404.

⁹⁸ *Annales de Burton*, in *Annales Monastici*, Vol. I, ed., Luard (London: Longman, 1864), pp. 244, 285.

Marshal following the death of her first husband John de Lacy, was recorded within the *Annals of Tewkesbury*. Her death in 1266 is recorded in the *Annals of Waverley*, Winchester and Worcester.⁹⁹ If women are specifically mentioned in a chronicle, they are normally described as 'wife', 'sister' or 'mother of' a male relative.

Of utmost importance to this study is *Chronica Majora*, written by the St. Albans monk, Matthew Paris. This history is not strictly all Matthew's own work as he used the *Flores Historiarum*, the work of Roger of Wendover, another monk of St. Albans, to write the earlier part prior to 1236.¹⁰⁰ Wendover's chronicle mentions the death of the earl of Chester and describes the division of his lands between his sisters; none of them, however, are mentioned by name.¹⁰¹ From 1236 onwards, Paris wrote within one year of the events he recorded; his work is, therefore, a valuable contemporary source for historians writing on this period.¹⁰² Matthew's writing was very detailed and his location at St Albans, situated a mere 20 miles away from London, is certainly a reason for this.¹⁰³ The abbey had visitors from all over England and abroad, and it is known that Henry III himself visited the abbey on three occasions before 1259. It is also likely that Matthew was informed by several important figures of English society, including Richard of Cornwall, Henry III's brother, and Hubert de Burgh and Alan la Zouche (both of whom were royal officials) as well as a number

⁹⁹ *Annales de Theokesberia*, in *Annales Monastici*, Vol. I, ed., Luard (London: Longman, 1864), pp. 87, 121; *Annales de Wintonia* and *Annales de Waverleia*, in *Annales Monastici*, Vol. II, ed., Luard (London: Longman, 1865), pp. 104, 373; *Annales de Wigornia*, in *Annales Monastici*, Vol. IV, ed., Luard (London: Longman, 1869), p. 456.

¹⁰⁰ Gransden, *Historical Writing*, p. 360.

¹⁰¹ *Rogeri de Wendover Chronica, sive Flores Historiarum*, ed., H. O. Coxe (London: English Historical Society, 1864), pp. 256-8.

¹⁰² *Ibid.*, p. 360.

¹⁰³ R. Vaughan, *Matthew Paris* (Cambridge: Cambridge University Press, 1958), p. 11.

of bishops including Robert Grosseteste, bishop of Lincoln.¹⁰⁴ Matthew's contact with these men is a reason why his work was so detailed.¹⁰⁵

Rebecca Reader has assessed the treatment of women in Paris' writings and provides an alternative view to the rather negative portrayal of women found within other male-authored chronicles.¹⁰⁶ As Reader states, Paris was highly critical and not afraid to express his opinion on any matter. Paris clearly enjoyed recounting tales featuring 'wicked' female characters or those whose lives contained some scandal. As demonstrated by Reader, Paris, like his contemporaries, described 'male inadequacies as feminine and female strengths as masculine'. Despite this, it is interesting that his work frequently portrays women in a positive light.¹⁰⁷ Paris was particularly intrigued by the achievements of capable laywomen who acted as 'wise counsellors and protectors of men'.¹⁰⁸ The chronicler had specific female aristocratic patrons at Henry III's royal court, and this may certainly have affected his writing. The chronicler appears to have had a special connection with Isabel de Warenne, the countess of Arundel, to whom he dedicated a *Life* of St. Edmund of Abingdon.¹⁰⁹ Matthew also loaned the countess his book on St. Thomas the Martyr and St. Edward which he had translated. He also and wrote and dedicated a *Life* of St. Richard de Wyche to her.¹¹⁰

¹⁰⁴ Gransden, *Historical Writing*, p. 360.

¹⁰⁵ Vaughan, *Matthew Paris*, p. 11.

¹⁰⁶ See Chibnall's discussion of women in the works of Orderic Vitalis. M. Chibnall, 'Women in Orderic Vitalis', in *Piety, Power and History in Medieval England and Normandy* (Aldershot: Ashgate, 2000), pp. 105-21.

¹⁰⁷ R. Reader, 'Matthew Paris and Women', in *Thirteenth Century England proceedings of the Durham Conference Vol. VII*, eds, R. Britnell, R. Frame and M. Prestwich (Woodbridge: Boydell and Brewer, 1999), pp. 153-60 at pp. 153-4.

¹⁰⁸ Reader, 'Matthew Paris and Women', pp. 154-5.

¹⁰⁹ L. L. Gee, *Women, Art and Patronage from Henry III to Edward III: 1216-1377* (Woodbridge: The Boydell Press, 2002), p. 14; Vaughan, *Matthew Paris*, p. 181.

¹¹⁰ Gee, *Women, Art and Patronage*, p. 14; Vaughan, *Matthew Paris*, pp. 13, 170, 173.

The Heiresses

This thesis explores the lives and experiences of four groups of heiresses. The first group is the four daughters of Hugh de Kevelioc (d.1181), the fifth earl of Chester, and Bertrada de Montfort (d.1227), countess of Chester. These four daughters came to inherit the honour of Chester upon the death of their brother earl Ranulf III, earl of Chester, in 1232.¹¹¹ The division was recorded in the *Dunstable Annals*, which claimed that Ranulf had five sisters.¹¹² There is no evidence of Ranulf having a fifth sister within the records outlining the division, and it seems probable that this information is false. The honour of Chester included lands in North Wales, Scotland and estates spread across over 20 English counties.¹¹³ Ranulf was married, firstly, to Constance of Brittany (d.1201), whom he divorced in 1199 to marry his second wife Clemence de Fougères (d.1252) in 1200.¹¹⁴ It seems plausible to propose that Ranulf decided to annul his marriage to Constance because of a conflict of political interests, with Constance predominantly concerned with her own inheritance of Brittany. Perhaps most importantly, they had failed to produce children despite a ten-year marriage.¹¹⁵ If the production of an heir was part of Ranulf's reasoning behind the annulment of his first marriage he would have been disappointed by his second. His marriage to Clemence was also childless. Contemporaries stated that Ranulf's second marriage was barren because he had divorced his first wife, but the earl's failure to have children may have been due to infertility.¹¹⁶ Constance had children from her previous marriage to Geoffrey (d.1186), earl

¹¹¹ G. E. Cokayne, *The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom*, Vol. III (London: The St. Catherine Press, 1913), pp. 168-9.

¹¹² *Annales de Dunstaplia* in *Annales Monastici*, Vol. III, ed., Luard (London: Longman, 1866), p. 132.

¹¹³ *CEC*, p. xii.

¹¹⁴ Cokayne, *Complete Peerage*, Vol. III, pp. 167-9.

¹¹⁵ S. Johns, 'The Wives and Widows of the Earls of Chester', pp. 127-8.

¹¹⁶ J. W. Alexander, *Ranulf of Chester: A Relic of the Conquest* (Athens: The University Press, 1983), p. 15.

of Richmond and duke of Brittany and in her later marriage to Guy de Thouars (d.1213).¹¹⁷

Ranulf's failure to produce heirs of his body resulted in his sisters becoming his successors.

The eldest of these sisters was Matilda (d.1233), the countess of Huntingdon, wife of David, earl of Huntingdon (d.1217).¹¹⁸ Together Matilda and David had a total of seven children: three sons and four daughters. The two eldest sons, Henry and David, died in infancy, whilst John (d.1237), their third son, became his uncle's ward. John married Helen (d.1253), daughter of Llwelyn ap Iorwerth (Llwelyn the Great) in 1222, but the union produced no heirs.¹¹⁹ The daughters, Margaret, Isabel, Matilda and Ada, made marriages to Alan, lord of Galloway, Robert de Brus, John de Monmouth and Henry de Hastings respectively.¹²⁰ John, known as John le Scot, was created the earl of Chester in November 1232 and his mother, the countess of Huntingdon, died only a few months after her brother in early 1233, leaving John as her heir.¹²¹ Le Scot's death just five years after his uncle's ended his short-lived time as earl of Chester.¹²² As a result of the lack of heirs born of his body, the earldom of Chester was divided between the two daughters of his deceased eldest sister Margaret, Christina and Dervoguilla of Galloway, and his two surviving sisters, Isabel and Ada.¹²³

¹¹⁷ Constance was the mother of two daughters, Matilda and Eleanor, and Arthur of Brittany who famously suffered at the hands of King John. Eleanor was held in custody until her death in 1241. Cokayne, *Complete Peerage*, Vol. III, p. 168; M. Jones, 'Geoffrey, duke of Brittany (1158-1186)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/10533/10533?back=46702>>, accessed 1 August 2015; M. Jones, 'Eleanor of Brittany, suo jure countess of Brittany (1182x4-1241)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/46702?docPos=1>>, accessed 1 August 2015.

¹¹⁸ Cokayne, *Complete Peerage* Vol. VI, p. 647.

¹¹⁹ L. J. Wilkinson, 'Joan, wife of Llwelyn the Great', in *Thirteenth Century England X, Proceedings of the Durham Conference*, eds, R. Britnell, R. Frame and M. Prestwich (Woodbridge: The Boydell Press, 2005), pp. 81-94 at p. 89; *CEC*, no. 411.

¹²⁰ K. J. Stringer, 'David, earl of Huntingdon and lord of Garioch (1152-1217)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/49365?docPos=1>>, accessed 10 January.

¹²¹ *Ibid.*

¹²² *Ibid.*; Cokayne, *Complete Peerage*, Vol. III, p. 169.

¹²³ Cokayne, *Complete Peerage*, Vol. III, p. 169.

Ranulf's second sister was Mabel (d.1232) who married William d'Aubigny (d.1221), third earl of Arundel. William, like Ranulf, earl of Chester, was an important figure in English politics. In 1218, he went on Crusade but never returned to England, dying in Rome in March 1221.¹²⁴ Like her brother, Mabel died in 1232 and was his heir through her issue. Together William and Mabel had seven children.¹²⁵ Their eldest was William, who had just attained the legal age of majority (21) upon his father's death, and did homage for his inheritance in April 1221.¹²⁶ William only enjoyed his title for a few years before his own untimely death in August 1224.¹²⁷ William's successor to Arundel was his brother Hugh, who died in 1243.¹²⁸

Ranulf's third sister was Agnes (d.1247), who married William de Ferrers (d. 1247), fourth earl of Derby. William was one of the king's favourites as illustrated by his very active political career. In 1232 the couple were admitted to their portion of the Chester inheritance, which included the castle and manor of Chartley in Stafford and the castle and vill of West Derby in Lancaster, with all the lands which Ranulf had held between the rivers Ribble and Mersey.¹²⁹ The exact number of children that William and Agnes had is unclear but their son William, succeeded as his father's heir to the earldom of Derby. In October 1247, following the death of her husband, Agnes was granted her inheritance only to die a month later.¹³⁰

¹²⁴ Cokayne, *Complete Peerage*, Vol. I, pp. 236-8.

¹²⁵ *Ibid.*, p. 237.

¹²⁶ *Glanvill*, p. 82.

¹²⁷ Cokayne, *Complete Peerage*, Vol I, p. 238.

¹²⁸ R. V. Turner, 'William d'Aubigny, third earl of Arundel (c. 1174-1221)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/49365?docPos=6>>, accessed 10 January 2015.

¹²⁹ Cokayne, *Complete Peerage*, Vol. IV, p. 196.

¹³⁰ *Ibid.*, p. 196.

Ranulf's youngest sister was Hawise de Quency, countess of Chester and Lincoln (d.c.1243), and wife of Robert de Quency (d.1217), son and heir of Saer de Quency (d.1219), earl of Winchester.¹³¹ Together the couple only had one child, Margaret (d.1266), who went on to marry John de Lacy (d.1240) and was passed over in the succession of the earldom of Winchester in favour of her uncle, Roger de Quency.¹³² In 1232, Ranulf, as earl of Chester and Lincoln decided to convey the earldom of Lincoln to Hawise, who then transferred it to her daughter Margaret and son-in-law, John. As her inheritance, Hawise received the castle and manor of Bolingbroke, in addition to lands in Lindsey and Holland (Lincolnshire).¹³³

Chester was divided again in 1237 following the death of John le Scot. Like Ranulf, John was succeeded by four women. The first of John's coheirs were Christina (d.1246) and Dervorguilla (d.1290), the daughters of his eldest sister, Margaret, who had married Alan (d.1234) lord of Galloway, as his second wife.¹³⁴ Christina and Dervorguilla were the wives of William de Forz (d.1260), count of Aumale, and John de Balliol (d.1268), respectively.¹³⁵ John's other two coheirs were his sisters, Isabel (d.1251), the wife of Robert de Brus (d.1226x33), lord of Annandale, and Ada, who married Henry de Hastings (d.1250).¹³⁶ John's

¹³¹ N. Vincent, 'John de Lacy, third earl of Lincoln (c. 1192-1240)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/15855?docPos=4>>, accessed 18 January 2016; Cokayne, *Complete Peerage*, Vol. XII, p. 751.

¹³² Cokayne, *Complete Peerage*, Vol. VII, pp. 678-9; R. D. Oram, 'Quincy, Saer de, earl of Winchester (d. 1219)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22967?docPos=1>>, accessed 16 January 2015.

¹³³ *Close Rolls of the Reign of Henry III preserved in the Public Record Office, 1231-1234* (London: H.M.S.O, 1905), p. 169.

¹³⁴ R. D. Oram, 'Alan, lord of Galloway (b. before 1199, d. 1234)', *Oxford Dictionary of National Biography* (2004), <<http://www.oxforddnb.com/view/article/49362?docPos=1>>, accessed 27 October 2015.

¹³⁵ Cokayne, *Complete Peerage*, Vol. III, pp. 168-9; B. English, 'Forz, William de, count of Aumale (1191x6-1241)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/29476?docPos=1>>, accessed 22 October 2015; G. P. Stell, 'Balliol, John de (b. before 1208, d. 1268)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/1208?docPos=1>>, accessed 15 October 2015.

¹³⁶ Cokayne, *Complete Peerage*, Vol. III, pp. 168-9; A. A. M. Duncan, 'Brus, Robert (II) de, lord of Annandale (d. 1194?)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12573?docPos=1>>, accessed 28 October 2015; C. L. Kingsford rev. H. W. Ridgeway, 'Hastings, Sir Henry (1235? -1269)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12573?docPos=1>> accessed 28 October 2015.

other sister Matilda had been married to the marcher lord John of Monmouth (d.1251), but she died without issue.¹³⁷

The second group of heiresses of this study comprises the Ferrers branch of the Marshal family. These sisters were the seven daughters of Sybil Marshal (d.c.1245) and William de Ferrers (d.1254), fifth earl of Derby.¹³⁸ Before each of the heiresses is introduced, a little should be said on the events surrounding the partition of the Marshal inheritance. William Marshal senior (d.1219) and his wife Isabel de Clare, had a grand total of ten children: five sons and five daughters. All of their sons died in rapid succession, without heirs of their bodies, leaving only the Marshal daughters to inherit. Matthew Paris suggested that the family was cursed.¹³⁹ Upon the death of the last Marshal son, Anselm, in 1245, his five sisters and their descendants benefitted from the partition of the vast agglomeration of Marshal estates, including lands in England, Ireland and Wales. It took two years for a settlement to be reached.¹⁴⁰ As a result of their mother's death in c.1238, the daughters of Sibyl Marshal and William de Ferrers became seven of the thirteen Marshal coheirs.

The eldest of the Ferrers daughters was Agnes (d.1290). Before 1244, she married, as his second wife, William de Vescy (d.1253), lord of Alnwick.¹⁴¹ Agnes and William had at least two children together, including John who became his father's heir.¹⁴² Upon John's

¹³⁷ Stewart-Brown, R., 'The End of the Norman earldom of Chester', *The English Historical Review*, Vol. XXXV, Issue CXXXVII (Oxford: Oxford University Press, 1920), pp. 26-54 at p. 37.

¹³⁸ Cokayne, *Complete Peerage*, Vol. IV, p. 197.

¹³⁹ *Matthæi Parisiensis, Monachi Sancti Albani, Chronica Majora* Vol. IV, ed., H. R. Luard (London: Longman, 1877), pp. 492-5.

¹⁴⁰ The original document outlining the partition between the thirteen original coheirs is held at the National Archives. TNA: C 47/9/20.

¹⁴¹ S. L. Waugh, 'Vescy, William de, Lord Vescy (1245-1297)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/28255?docPos=1>>, accessed 28 October 2015.

¹⁴² Cokayne, *Complete Peerage*, Vol. XII, p. 278.

death in 1289, his younger brother William (d.1297) inherited the family estates; his holdings were enhanced the following year when he obtained a large portion of the county of Kildare in Ireland and estates in England which had been held by his mother in inheritance.¹⁴³ The second Ferrers daughter was Isabel (d.1260). Isabel was first married to Gilbert Basset (d.1241), lord of Wycombe, with whom she had one son; he died in the same year as his father. Her second husband was Reginald de Mohun of Dunster (d.1257/8), with whom she also had at least one son, William (d.1282). Matilda, the third Ferrers daughter (d.1298/9), probably had one of the most eventful lives of the sisters, being married three times in total. Her first husband was Simon de Kyme of Sotby, who died without issue in 1248.¹⁴⁴ With her second husband William de Vivonia (d.1259), of Curry Mallet (Somerset), she had a number of children including Joan and Cicely who later became her heirs.¹⁴⁵ Upon William's death she was married again, this time to Emery (d.1284), vicomte of Rochechouard. On her death without male heirs of her body, Matilda's daughters from her second marriage were named as her heirs. The fourth sister was Sibyl. In contrast to her sister, Matilda, Sybil was only married once to Francis de Bohun (d.1273), lord of Midhurst.¹⁴⁶ Sibyl and Francis had at least two sons. The first was John, who succeeded to his father and performed homage for both his father's and mother's lands in England and Ireland.¹⁴⁷ Another son, Thomas, held £10 worth of land in Dorset which was of his mother's inheritance.¹⁴⁸

¹⁴³ Waugh, 'Vescy, William de', *ODNB*.

¹⁴⁴ Sanders, I. J., *English Baronies: A Study in Their Origin and Descent, 1086-1327* (Oxford: Clarendon Press, 1960), p. 63; P. Dalton, 'Kyme family, per c. 1080-1380', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/54509?docPos=2>>, accessed 10 January 2015.

¹⁴⁵ *Calendar of Inquisitions Post-Mortem*, Vol. III (London: H.M.S.O, 1912), no. 525.

¹⁴⁶ *Complete Peerage*, Vol. II, p. 199; Sanders, *English Baronies*, p. 63.

¹⁴⁷ *Complete Peerage*, Vol. II, pp. 199-200.

¹⁴⁸ *CIPM*, Vol. II, no. 34.

The fifth daughter of Sibyl and William Ferrers was Joan (d.c.1267). She, like her sister Isabel, was married twice. Her first husband was John de Mohun, her sister, Isabel's, stepson.¹⁴⁹ John died in Gascony in 1254, during his father's lifetime, but not before he had one son, also named John (d.1279) whose wardship and marriage were granted to the queen, Eleanor of Provence.¹⁵⁰ Joan took as her second husband in or before 1256, Robert d'Aguillon (d.1286).¹⁵¹ Agatha de Ferrers was the sixth daughter of Sibyl and William. Agatha lived a long life, dying in 1306, but unlike many of her other sisters, she was only married once to Hugh de Mortimer of Richard's Castle in Hereford (d.1274/5). Together the couple had a large number of children, perhaps as many as eight. The inquisition following Hugh's death states that his heir was his son Robert, who was aged 22 or more upon his father's death.¹⁵² They also had a son, Henry, who was noted as being 40 on his mother's death and her heir.¹⁵³ His inheritance included lands in Bedford, Dorset, and in Wexford, Kildare and Kilkenny in Ireland.¹⁵⁴ The final daughter of William and Sibyl de Ferrers was Eleanor (d.1274), who, like her sister Matilda, was married three times. Neither her first marriage to William de Vaux (d.1252) nor her second marriage to Robert de Quency (d.1264) produced any heirs.¹⁵⁵ She took as her third husband Roger de Leybourne (d.1271).¹⁵⁶ Roger had two children, William and Roger, from a previous marriage but whether he had any with Eleanor is as yet uncertain.¹⁵⁷

¹⁴⁹ *Complete Peerage*, Vol. IX, p. 21.

¹⁵⁰ *Ibid.*, p. 21.

¹⁵¹ Cokayne, *Complete Peerage*, Vol. IX, p. 21; Sanders, *English Baronies*, p. 63.

¹⁵² *CIPM*, Vol. II, no. 132.

¹⁵³ *CIPM*, Vol. IV, no. 373.

¹⁵⁴ *Ibid.*, no. 373.

¹⁵⁵ R. D. Oram, 'Quincy, Roger de, earl of Winchester (c. 1195-1264)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22966>>, accessed 10 January 2015; Sanders, *English Baronies*, p. 63.

¹⁵⁶ K. Faulkner, 'Leybourne, Sir Roger of (c. 1215-1271)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/16624>>, accessed 10 January 2015.

¹⁵⁷ Faulkner, 'Leybourne, Sir Roger of (c. 1215-1271)', *ODNB*.

Our third group of heiresses comprises Amice and Margaret, the successors to the honour of Leicester. These two heiresses were the daughters of Robert de Breteuil (or Beaumont) (d.1190), third earl of Leicester, and Petronilla de Grandemensil (d.1212).¹⁵⁸ Robert and Petronilla had a number of children, including: William who died within his father's lifetime; Robert (d.1204), fourth earl of Leicester; and Roger (d.1202), who was the bishop of St. Andrew's. They also had four daughters, including Hawise, who became a nun at the priory of Nuneaton, and Petronilla.¹⁵⁹ Due to a series of unfortunate deaths in the male line, Amice and Margaret became their elder brother's coheirs.

Amice (d.1215), countess of Leicester, was married twice. Her first husband was Simon de Montfort (d.1188), count of Rochefort. Together Amice and Simon had at least three children: Guy, Simon and Petronilla (d.1216).¹⁶⁰ Her second husband was William des Barres the elder (d.c.1233) with whom she had at least one child, also named William. Upon the division of the Leicester inheritance, Amice inherited the right to the town of Leicester and the comital title.¹⁶¹ Amice's sister, Margaret, was married to Saer de Quency (d.1219), a man of little wealth. She took to her husband the older half of the Leicester inheritance which was centred upon Brackley in Northamptonshire; these lands formed the centre of the earldom of Winchester.¹⁶² Upon the death of his brother-in-law, Robert de Breteuil, fourth earl of Leicester, Saer's fortunes were greatly improved and he was given the custody of the earldom of Leicester and held the office of steward of England until the inheritance

¹⁵⁸ D. Crouch, 'Breteuil, Robert de, third earl of Leicester (c. 1130-1190)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/1883/1883?back=,47202>>, accessed 10 January 2015; 'Breteuil, Robert de, fourth earl of Leicester (d. 1204)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/47202?docPos=2>>, accessed 10 January 2015.

¹⁵⁹ Crouch, 'Breteuil, Robert de, third earl of Leicester', *ODNB*.

¹⁶⁰ Cokayne, *Complete Peerage*, Vol. VII, pp. 536-7; Crouch, 'Breteuil, Robert de, fourth earl of Leicester', *ODNB*.

¹⁶¹ Crouch, 'Breteuil, Robert de, fourth earl of Leicester (d. 1204)', *ODNB*.

¹⁶² *Ibid.*

was partitioned in 1207.¹⁶³ Margaret and Saer had a number of children, including Robert (d.1217), who married Hawise, the youngest sister of Ranulf III, earl of Chester. Their second son Roger de Quency (d.1264) later came to inherit the title of the earldom of Winchester, overriding the claim of his niece, Margaret.¹⁶⁴ Another Quency son, also named Robert (d.1257), married Helen, daughter of Llwelyn the Great and widow of John le Scot, earl of Chester and Huntingdon.¹⁶⁵ A grant made to Brackley hospital suggests that they also had another son, John.¹⁶⁶ Margaret and Saer had at least three daughters: Hawise, who married Hugh de Vere, fourth earl of Oxford; Arabella, who married Sir Richard de Harcourt; and Loretta, who took as her husband William de Valognes, chamberlain of Scotland.¹⁶⁷

The fourth and final group of heiresses are the daughters of Roger de Quency, earl of Winchester (d.1264). Despite being married three times, only his marriage to Helen, daughter of Alan, lord of Galloway, produced children, all of whom were female. Following a delay to the partition, Roger's three daughters became his heirs to the earldom of Winchester and to his Scottish lands. Margaret (d.1281) was the eldest of Roger's daughters, and was the second wife of William de Ferrers (d.1254), fifth earl of Derby.¹⁶⁸ Margaret and William had at least five children together, including Robert, her husband's heir to the earldom of Derby.¹⁶⁹ As her father's eldest heir, Margaret inherited the right to

¹⁶³ Oram, 'Quincy, Saer de', *ODNB*; N. Saul, 'Saer de Quincy, earl of Winchester', <<http://magnacarta800th.com/schools/biographies/the-25-barons-of-magna-carta/saer-de-quincy-earl-of-winchester/>>, accessed 24 March 2015.

¹⁶⁴ Cokayne, *Complete Peerage*, Vol. VII, pp. 678-70; Wilkinson, 'Pawn and Political Player', p. 106; J. C. Ward, 'Lacy, Margaret de, countess of Lincoln (d. 1266)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/54444?docPos=2>>, accessed 11 January 2015.

¹⁶⁵ Oram, 'Quincy, Roger de', *ODNB*.

¹⁶⁶ R. Ussher, ed., *The Collection of Brackley Deeds at Magdalen College, Oxford* (University of Oxford, 1910), p. 11.

¹⁶⁷ Oram, 'Quincy, Roger de', *ODNB*.

¹⁶⁸ *Calendar of the Fine Rolls preserved in the Public Record Office, 1272-1307* (London: H.M.S.O, 1911), p. 144; Cokayne, *Complete Peerage*, Vol. IV, pp. 197-8.

¹⁶⁹ J. R. Maddicott, 'Ferrers, Robert de, sixth earl of Derby (c. 1239-1279)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/9366?docPos=2>>, accessed 26 January 2015.

hold the office of constable of Scotland, but she transferred this to her brother-in-law later on in life.¹⁷⁰ Following her husband's death, Margaret did not marry again and chose to live the remainder of her life as a widow. Roger de Quency's second daughter was Elizabeth (d.c.1289), who was married to the Scottish noble, Alexander earl of Buchan (d.1290). Relatively little is known about Elizabeth, but her marriage to Alexander was a reflection of her father's important position in Scotland. The youngest daughter and heiress was Helen, who married Alan la Zouche (d.1270).¹⁷¹ As her part of the Winchester inheritance, Helen received Brackley, which had been the centre of the earldom when it was created in 1207. The title of Winchester was never taken up by Margaret, whose right it was to hold it, and the title lapsed.¹⁷²

This thesis is divided into five chapters. Chapters One to Four are case studies which explore different divisions of patrimonies between groups of sisters as coheiresses. The first of these case studies examines both partitions of the honour of Chester which occurred following the death of earls Ranulf III and John in 1232 and 1237 respectively. In each of these divisions, the earls' sisters and their heirs were the successors. Chapter Two examines the partition of the lands and estates of William Marshal, earl of Pembroke (d.1219), between his five daughters and their coheirs following the death of his last surviving son in 1245. The Ferrers branch of this family, the seven daughters of Sybil Marshal and William de Ferrers, fifth earl of Derby, are the focus of this chapter. Chapter Three examines the division of the honour of Leicester between the two surviving sisters of Robert de

¹⁷⁰ See Chapter Four, p. 193.

¹⁷¹ T. F. Tout rev R. R. Davies, 'Zouche, Alan de la (d. 1270)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/30300>>, accessed 10 January 2015.

¹⁷² The title was not used again until 1322, when Hugh Despenser the elder was granted it. J. S. Hamilton, *The Plantagenets: History of a Dynasty* (London: Continuum, 2010), p. 130.

Beaumont, fourth earl of Leicester. Through the lens of female inheritance, this chapter deals with some of the problems faced by Anglo-Norman landholders following the loss of Normandy in 1204. Chapter Four is the final case study which focuses on the division of the honour of Winchester between the three daughters of Roger de Quency. The earldom of Winchester was created as a result of the partition of Leicester, and is the reason for it being the final case study. Chapter Five draws together the findings and key themes of the thesis. This chapter discusses the security of aristocratic women's property rights in the thirteenth century; the legal experiences of heiresses as married and widowed women; the concept of identity and how inheritance and status affected the way that our heiresses portrayed themselves; and the overarching theme of female agency.

Chapter One: The Heiresses of Chester

The First Division - 1232

Background

Ranulf III, earl of Chester, died on 26 October 1232. As one of the most influential and wealthy magnates of his day, his death was keenly felt, not only by King Henry III who heavily relied upon him for advice, but also by other influential barons of the realm.¹ Our knowledge of the earldom of Chester and Ranulf's life and career is aided largely by James Alexander's biography of the great earl. Ranulf had impressive family connections; he was descended from Henry I through Robert of Gloucester.² The earl spent much of his early career securing his inheritance and consolidating his authority after his minority.³ Ranulf then turned to focus on enhancing his political career. He did this with success and became a loyal supporter of the crown and a key figure in English politics during the reigns of both King John and Henry III. The earl was awarded for his efforts with numerous awards throughout his career, including the honour of Richmond which increased his wealth and influence even further.⁴ By the end of his life Ranulf held 250-300 knights' fees and this did not include the 100 or so fees he held from the honour of Richmond, and half of the earldom of Leicester which remained in his possession until 1230.⁵ Ranulf's holdings reflect

¹ Alexander, *Ranulf of Chester*.

² *Ibid.*, pp. 1-2.

³ R. Eales, 'Ranulf (III) [Ranulf de Blundeville], sixth earl of Chester and first earl of Lincoln (1170-1232)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/2716?docPos=3>>, accessed 16 January 2015.

⁴ Alexander, *Ranulf of Chester*, pp. 19-20; Eales, 'Ranulf (III)', *ODNB*; R. Eales, 'Henry III and the End of the Norman Earldom of Chester', in *Thirteenth Century England Vol. I, proceedings of the Durham Conference, 1985*, eds, P. Coss and S. D. Lloyd (Woodbridge: Boydell and Brewer, 1986), pp. 100-13 at p. 101.

⁵ See discussion below, p. 165.

his importance in thirteenth-century English political and landholding society. To put Ranulf's landed wealth into context it should be considered that all laymen who held 100 fees or more in 1176 were earls.⁶ Ranulf may therefore have held three times this amount, placing him among the comital elite.

Ranulf's death not only had a major impact at the royal court but also on landholding society. Richard Eales has described the partition of Chester as only comparable to that of the Marshal estates in 1245 in terms of the resulting shift of landed power.⁷ The valuable works of both Robert Stewart-Brown and Richard Eales have similarly analysed the events of the division of the earldom of Chester in 1232 and its subsequent split in 1237 following the death of Ranulf's successor Earl John. Their work informs the following discussion.

The Heiresses

Before the details of the division are explored, a brief introduction to the sisters and heirs of Ranulf is necessary.⁸ The eldest of Ranulf's sisters was Matilda (d. 1233) who married in August 1190, David (d.1219), earl of Huntingdon and brother of the kings of Scotland, Malcolm IV and William the Lion.⁹ Not long after Ranulf's death Matilda followed her brother to the grave, dying on 6 January 1233.¹⁰ As a result of Matilda's death, her eldest surviving son, John, became the representative heir to her portion of the inheritance which

⁶ R. Bartlett, *England under the Norman and Angevin Kings* (Cambridge: Cambridge University Press, 2000), p. 209.

⁷ Eales, 'Henry III and the End of the Norman Earldom of Chester', p. 100.

⁸ See Appendix 1.1.

⁹ Cokayne, *Complete Peerage*, Vol. VI, p. 647.

¹⁰ *Annales Cestrienses: or, Chronicle of the Abbey of St. Werburgh, at Chester*, ed., R. C. Christie (London: Printed for The Record Society, 1887), pp. 58-9.

included the title to the earldom of Chester itself.¹¹ Ranulf's second sister Mabel, wife of William (III) d'Aubigny, earl of Arundel, died in 1232, the same year as her brother. Like Matilda, it was Mabel's second and then eldest surviving son, Hugh d'Aubigny (d. 1243), who inherited her portion of the Chester inheritance.¹² Hugh's position, as his brother's heir and successor to his mother's inheritance, corresponds with legal customs of this time that younger brothers were the heir to their elder brother unless he had children.¹³ Mabel outlived her husband, who had died on crusade, by 11 years. Like her elder sister, Matilda, there is no evidence that she remarried. There is little trace of Mabel's existence within the government records for the reigns of either King John or Henry III, despite her widowhood in 1221. Ranulf's remaining two sisters were Agnes (d. 1247), the wife of William de Ferrers (d.1247), earl of Derby and Hawise (d. 1243), widow of Robert de Quency (d. 1217).¹⁴ There is a greater wealth of information on the lives of Agnes and Hawise merely because they lived longer than their elder two siblings; each of them was still alive to inherit their respective portions themselves. This being said, there is far greater evidence for Hawise's life and activities as she did not remarry following the death of her husband in 1217, despite her relative youth. The legal independence enjoyed by widows means that they are much more visible in the records than their married counterparts. Agnes died only a month after her husband and because of the short length of time that she was a widow we cannot reasonably expect there to be a great deal of evidence for this part of her life. Agnes and William's marriage was relatively long in comparison to the other heiresses, because of this,

¹¹ It seems that Matilda's death is recorded because as Ranulf's eldest sister, it was through her line that the title would descend. *Ann. Cest*, pp. 58-9.

¹² Stewart-Brown, 'The End of the Norman Earldom of Chester', p. 28; Cokayne, *Complete Peerage*, Vol. III, p. 169.

¹³ *Glanvill*, p. 79; *Britton*, Vol. II, p. 314.

¹⁴ Stewart-Brown, 'The End of the Norman Earldom of Chester', p. 28.

it may be possible to ascertain an understanding of the success of their relationship, something not possible with the other heiresses. It will be interesting to see whether there is any evidence of Agnes acting independently from her husband throughout their years of marriage.

Marriage gave women a place in medieval society.¹⁵ Extant charter evidence shows that Ranulf provided lands for the marriages of three of his sisters, Matilda, Agnes and Hawise.¹⁶ At this point in time, Ranulf cannot have expected that his sisters would succeed him; he was young at only 20 years of age, and the likelihood of him having children was still high. The grant of *maritagium* or marriage portion was normally made by a woman's relative, most commonly her father, mother or brother. Ranulf's provision for his sisters was therefore not unusual.¹⁷ *Maritagium* was a married woman's 'pre-mortem inheritance' and although it provided resources for the new couple, it was originally intended to provide for a couple's children.¹⁸ Waugh has argued that providing marriage portions for 'several daughters established a precedent for dividing a patrimony among women heirs'.¹⁹ As it was technically of their inheritance, widows were able to reverse grants that their husbands had made out of their *maritagium* throughout the duration of their marriage. The legal function of the marriage portion and Ranulf's provision for three of his sisters again suggests that he did not, quite rationally, anticipate the future separation of his earldom.²⁰ A charter dated

¹⁵ Waugh, 'Women's Inheritance', p. 76.

¹⁶ CEC, nos. 220, 263, 308.

¹⁷ J. Biancalana, *The Fee Tail and the Common Recovery in Medieval England: 1176-1502* (Cambridge: Cambridge University Press, 2001), p. 37.

¹⁸ C. de Trafford, 'Share and share alike: the marriage portion, inheritance and family politics', in *Studies on Medieval and Early Modern Women: Pawns or Players*, eds, C. Meek and C. Lawless (Dublin: Four Courts Press, 2003), pp. 36-48 at p. 37; Biancalana, *The Fee Tail and the Common Recovery in Medieval England: 1176-1502*, pp. 37-9, 51-2.

¹⁹ Waugh, 'Women's Inheritance', p. 76.

²⁰ I have explained the function of *maritagium* here in its most basic form, in reality there were far more complexities. See C. de Trafford, 'The Contract of Marriage: The Maritagium from the Eleventh to the Thirteenth Century' (Unpublished Ph. D thesis, University of Leeds, 1999); Biancalana, *The Fee Tail*, pp. 37-69.

to August 1190 states that Ranulf gave his sister, Matilda, in marriage to David, earl of Huntingdon and brother of the king of Scotland, together with lands to the value of £60 (half in Essex and the other half in Lincolnshire) and 15 knights' fees.²¹ This settlement was considerably larger than those made for the marriages of Agnes and Hawise. This union was extremely important. It consolidated the recently established ties between the two families through Ranulf's marriage to David's niece, Constance of Brittany, earlier on in this year, and helped to end the territorial disputes between them.²² Ranulf made a similar grant to William de Ferrers upon his marriage to Agnes in 1192.²³ This was a much smaller grant of just £10 worth of lands in Donington (Lincolnshire) and five knights' fees. Ranulf's provision for the marriage of his youngest sister Hawise has been made a complex affair by the confusing and misleading conclusions drawn by Geoffrey Barraclough and Sidney Painter.²⁴ Wilkinson has, however, done much to untangle this. In 1199-1200 Ranulf conveyed to Robert de Quency his sister Hawise in marriage, with lands worth £10 in Sibsey and three knights' fees in Cabourne (Lincolnshire).²⁵ Unfortunately, there is no extant or known document to show that Ranulf made a similar settlement for Mabel's marriage to William d'Aubigny. Despite this, given Ranulf's provision for the rest of his sisters, it is highly likely that he also made provisions for Mabel.

²¹ CEC, no. 220.

²² Wilkinson, *Women in...Lincolnshire*, p. 29.

²³ CEC, no. 263.

²⁴ CEC. S. Painter, *Studies in the History of the English Feudal Barony* (Baltimore: The Johns Hopkins Press, 1943).

²⁵ CEC, no. 308; Wilkinson, *Women in... Lincolnshire*, pp. 29-31.

The Division

The division of the earldom between Ranulf's coheirs was finalised on 22 November 1232 at Northampton, a little less than a month after his death.²⁶ *Bracton* outlines how divisions were supposed to work in theory. Before a partition could be carried out, justices had to be appointed in order to make an extent and valuation of the lands in question.²⁷ According to custom, when inheritances were divided between sisters, the eldest sister received the capital mansion by right of seniority and the remainder of the heirs received a share of the remainder of the inheritance.²⁸ Chief manors were not to be divided as long as the other coheirs could be provided for from another part of the inheritance if there was only one.²⁹ In the event that there was more than one chief house or castle, these would be partitioned between the heirs, with the eldest holding the right to choose first and so on. If there were more capital messuages than parceners, these would be divided equally amongst the parceners unless they agreed on another arrangement.³⁰ In this division, Chester was the chief messuage and was inherited by John, Matilda's son. In this sense then, *Bracton* outlines the processes involved in dividing inheritances between women.³¹ Through the right of his mother, the eldest of the four sisters, John inherited Chester as a single lordship with some attached external knights' fees and the title to the earldom.³² Although the settlement of the Chester inheritance was described as a temporary one, it would seem that the lands that each heir was assigned did not change significantly from what they actually

²⁶ *CCIR, 1231-4*, pp. 169-70; *Ann. Cest.*, pp. 58-9; F. W. Maitland, *Bracton's Note Book: A Collection of Cases decided in the King's Court during the Reign of Henry III* (London: C. T. Clay and sons, 1887), no. 1127.

²⁷ *Bracton*, Vol. II pp. 208-9; Waugh, 'Women's Inheritance', p. 87.

²⁸ Similar customs existed in Normandy. *Coutumiers*, Vol. I, Part. I, Ch. 9; 'The Statute of Ireland concerning Coparceners' in *SR*, Vol. I, p. 5; Glanvill, p. 76; *Britton*, Vol. II, p. 74. Similar customs are laid down in the later legal treatise *Britton*.

²⁹ *Bracton*, Vol. II, p. 21; *Britton*, Vol. II, pp. 75-6.

³⁰ *Britton*, Vol. II pp. 75-6.

³¹ *Britton* largely reflects the practice laid out in both *Glanvill* and *Bracton*.

³² Eales, 'Henry III and the End of the Norman Earldom of Chester', p. 100; *Ann. Cest.*, pp. 58-9.

received. Consequently, it could be suggested that it was only temporary because the finer details, such as the exact division of fields, had to be settled before it could be confirmed. Each of the heirs was granted a chief messuage - a manor or castle - which acted as their chief seat and a further selection of lands as a temporary allotment until they agreed upon a final settlement.³³ This *provisional* division of lands was described in the customs on women's inheritance laid down by *Glanvill*.³⁴ The *Annales Cestrienses* record that John was made earl of Chester by the king on 21 November 1232, the day before the partition of Ranulf's extensive estates was made.³⁵ Through his inheritance John was both earl of Chester and Huntingdon.³⁶ Following the settlement of the division of Ranulf's lands and knights' fees, John received confirmation on 7 November 1233 of the liberties that his predecessors had enjoyed as earls of Huntingdon.³⁷ One of the witnesses to this charter was his uncle, William de Ferrers.³⁸

The remainder of Ranulf's lands were divided between his youngest three sisters and their representative heirs.³⁹ As his mother's heir Hugh d'Aubigny inherited the manor of Barrow-on-Soar (Leicestershire) as his chief messuage, together with the manors of Campden, Coventry and Olney.⁴⁰ At the time of the division in 1232, however, Hugh was still a minor and therefore unable to hold his portion until he came of age. These lands, in accordance with the practice laid out in *Glanvill*, were to be held in the king's custody until

³³ Stewart-Brown, 'The End of the Norman Earldom of Chester', p. 30; Waugh, 'Women's Inheritance', p. 72.

³⁴ *Glanvill*, p. 76; Waugh, 'Women's Inheritance', p. 72.

³⁵ *Ann. Cest.*, pp. 58-9.

³⁶ John, who was still a minor at his father's death in 1219, had livery of the Huntingdon lands in 1227. Cokayne, *Complete Peerage* Vol. III, p. 169; Stringer, 'David, earl of Huntingdon and Lord of Garioch (1152-1219)'.

³⁷ *Calendar of the Charter Rolls preserved in the Public Record Office, 1300-1326* (London: H.M.S.O., 1908), p. 281.

³⁸ *CChR, 1300-26*, p. 281.

³⁹ *CCR, 1231-4*, pp. 169-70. See Appendix 2.1.

⁴⁰ *Ibid.*, pp. 169-70.

he came of age.⁴¹ According to chapter three of the 1225 reissue of Magna Carta, if an heir was underage they were not to be charged a fine or relief to obtain seisin of their lands when they eventually reached maturity.⁴² This explains why Hugh is not featured in the fine rolls along with his coheirs, John le Scot, Hawise de Quency and William de Ferrers, who are noted to be owing £50 each for their relief in December 1232.⁴³ It is worth noting that Agnes is not mentioned as owing relief because as a married woman she and her lands were legally under the authority of her husband.⁴⁴ William de Ferrers received as his wife's inheritance, the manor of Chartley with the vills of West Derby and all the lands that Earl Ranulf held between the rivers Ribble and Mersey (Lancashire).⁴⁵ They also received Bugbrooke (Northamptonshire), Navenby (Lincolnshire) and included in the Lancashire lands were the wapentakes of Leyland, Salford and West Derby, with the borough of Liverpool as well as the vill of Salford.⁴⁶ As her capital messuage Hawise received the manor and castle of Bolingbroke with appurtenances together with lands in Holland and Lindsey (Lincolnshire).⁴⁷ Henry III gave orders to his treasurer, the recently appointed, Peter de Rivallis to give full seisin of these lands to the heirs, apart from the underage Hugh.⁴⁸ Nearly a year after the settlement of lands had been made, on 12 September 1233, an arrangement was made to divide the knights' fees that lay outside the county palatine. This partition benefitted all of

⁴¹ *Glanvill*, pp. 82-3; *CFR, 17 Henry III*, 35.

⁴² Rothwell, ed., *Magna Carta, 1225*; W. Stubbs, ed., *Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward I* (London: Clarendon Press, 1870), pp. 344-5.

⁴³ *CFR, 17 Henry III*, nos. 64, 65, 66.

⁴⁴ Carpenter, *The Struggle for Mastery*, p. 217.

⁴⁵ *CCIR, 1231-34*, pp. 169-70.

⁴⁶ Stewart-Brown, 'The End of the Norman Earldom of Chester', p. 31.

⁴⁷ *CCIR, 1231-4*, pp. 169-70.

⁴⁸ Rivallis was a kinsman of Peter des Roches and had only been 'granted the treasurership of the king's household' for life in June this year. H. W. Ridgeway, 'Henry III, 1207-1272', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12950?docPos=2>>, accessed 10 January 2015; *CCIR, 1231-4*, pp. 169-70.

the coheirs considerably.⁴⁹ As his external portion, John le Scot received 14 ¾ knights' fees spread across 11 counties.⁵⁰ Hawise received 61 fees in total; two of these were situated in Yorkshire and the remaining 59 in the county of Lincolnshire which increased her already considerable authority and influence.⁵¹ William and Agnes de Ferrers received 18 ½ fees situated in the counties of Yorkshire, Derbyshire, Staffordshire, Lincolnshire, Leicestershire and Lancashire.⁵² Like Hawise, the Ferrers received lands in close proximity to their other estates. As Hugh d'Aubigny was not of age, his share of fees is not recorded within this entry but on 10 November 1233 his allotted portion was outlined within the fine rolls.⁵³ This share consisted of over 42 fees in the counties of Derbyshire, Nottinghamshire, Staffordshire, Buckinghamshire, Gloucestershire, Leicestershire, Warwickshire, Lincolnshire, Wiltshire and Oxfordshire.⁵⁴ An extent having been made for the manor of Leeds, it was ordered that Hugh should also receive the fourth part of the said manor which was part of the dower of the countess of Chester.⁵⁵

It should be noted that all of these allotments were made saving the rights of Ranulf's widow, Clemence, to her dower lands.⁵⁶ The protection of a widow's dower rights was very important. Numerous pieces of legislation were introduced throughout the thirteenth century that sought to protect widows. Clause seven of Magna Carta (1225) laid down that a widow was not to pay anything for entering into her dower, marriage or

⁴⁹ *CCIR, 1231-4*, pp. 263-4. The rolls note that this was made at *Lyminstr*; this is possibly modern day Lyminster in Sussex but it seems more likely to be Leominster in Herefordshire as the rolls illustrate that the king was in Hereford and the surrounding areas on the days immediately before and after this settlement was made.

⁵⁰ These counties were: Huntingdonshire, Warwickshire, Yorkshire, Leicestershire, Lincolnshire, Oxfordshire, Nottinghamshire, Derbyshire, Rutland, Norfolk and Suffolk. *CCIR, 1231-4*, pp. 263-4; Stewart-Brown, 'The End of the Norman Earldom of Chester', pp. 32-3.

⁵¹ Wilkinson, *Women in...Lincolnshire*, p. 37; *CCIR, 1231-4*, pp. 263-4.

⁵² *CCIR, 1231-4*, pp. 263-4.

⁵³ *CFR, 18 Henry III*, nos. 23, 24, 25, 26, 27.

⁵⁴ *Ibid.*

⁵⁵ *CFR, 18 Henry III*, no. 23.

⁵⁶ *CCIR, 1231-4*, p. 123; Johns, *Noblewomen, Aristocracy and Power*, pp. 67-9.

inheritance. It also stated that a widow was able to stay in her husband's house for forty days following his death during which time her dower, a third part of her husband's lands, would be assigned to her.⁵⁷ In Normandy, custom laid down that a woman was to have her dower, typically a third of her husband's lands, and marriage portion upon her husband's death.⁵⁸ Similar customs regarding a woman's entitlement to dower can be found in Normandy.⁵⁹ The 1215 and subsequent reissues of Magna Carta claimed that a widow could not stay in her husband's house if it was a castle. In the words of Carpenter, 'evidently castles were not for single women'.⁶⁰ Clause seven also stated that widows could not be forced to remarry for as long as they wished to remain single.⁶¹ If women chose to remarry, they had to gain the consent of their lords; for noblewomen their lord was the king. This, theoretically, stopped noble widows paying hefty sums for their right to remain single as they had done under Richard I and John.⁶² Magna Carta attempted to protect the rights of widows and it is clear that, to an extent, it was successful in doing so.⁶³ This was followed by further measures in the Statutes of Merton (1235) which aimed to protect widows who had been unlawfully deforced of their dower lands. It also gave widows freedom to bequeath corn from their dower lands, subject to the rights of the lord.⁶⁴

Despite the relative success of Magna Carta in the protection of widows, Clemence was amongst the many noble widows who came to court in regard to her dower lands.⁶⁵ On

⁵⁷ *Magna Carta, 1225.*

⁵⁸ If a woman had been assigned a portion of dower that was less than a third, she was to be satisfied with that. *Coutumiers*, Chs. III, LXXIX.

⁵⁹ *Coutumiers*, Ch. LXXIX.

⁶⁰ Carpenter, *Magna Carta*, p. 103.

⁶¹ *Magna Carta, 1225.*

⁶² Carpenter, *The Struggle for Mastery*, p. 272.

⁶³ Loengard, '*Rationabilis Dos*', pp. 59-80; Carpenter, *The Struggle for Mastery*, p. 420.

⁶⁴ 'The Statutes of Merton' in *SR*, Vol. I, p. 1.

⁶⁵ Loengard, '*Rationabilis Dos*', p. 72; Walker, 'Litigation as Personal Quest', pp. 81-108.

27 October 1232, the day immediately after Ranulf's death, it was ordered that Clemence receive her marriage portion, the manors of Benington and Limber (Lincolnshire), and the dower lands, rents and services which had previously been held by the former dowager countess of Chester, Bertrada de Montfort (d.1227).⁶⁶ These included lands in the manors of: Waddington (Lincolnshire), Normanby (Yorkshire), Belchford (Lincolnshire), Donington (Lincolnshire) and Harborough (Leicestershire), and the manor of Repton (Derbyshire).⁶⁷ This was in accordance with Magna Carta which stated that a woman was to have her marriage portion immediately and without difficulty.⁶⁸ A little later, on 27 December 1232, Peter de Rivallis was ordered to allow Clemence to hold the manor of Smisby (Derbyshire).⁶⁹ The following year on, 9 February 1233, the sheriffs of Lincoln, Derby and Nottingham received orders from the king to allow Clemence to have the fees and services which had also previously been held by Bertrada in dower.⁷⁰ With the events that followed, it is probably safe to assume that she did indeed receive these lands, fees and rights. In October 1234, almost as soon as the division of her husband's lands and fees had been carried out, Clemence came to blows with John le Scot concerning the lands that had been assigned to her in dower.⁷¹ When the coheirs put in their claim against John le Scot regarding the division of Chester, Clemence also brought her own to court. She claimed that the lands she had been assigned in dower was not a reasonable or fair share of her husband's lands because he had acquired additional lands in marriage. It is probable that she was alluding to Magna Carta which laid down that a woman was entitled to a third of all the lands held by

⁶⁶ *CCIR*, 1231-4, p. 123.

⁶⁷ *Ibid.*, p. 123; *CFR*, 17 Henry III, no. 3; *CFR*, 17 Henry III, no. 4.

⁶⁸ *Magna Carta*, 1225, c. 7.

⁶⁹ *CCIR*, 1231-4, p. 176.

⁷⁰ *Ibid.*, p. 189.

⁷¹ *CRR*, 1233-7, no. 1172; *CCIR*, 1231-4, pp. 169-70, 263-4.

her husband on the day of his death.⁷² The coheirs to the Chester inheritance all agreed that she should have her third, but the chief messuage should be theirs.⁷³ Clearly, the rights of widows to hold dower were well known, and considered important, probably due to Magna Carta.

When Clemence died, her dower lands were divided between the Chester coheirs. In November 1248, the king had ordered that Peter of Savoy was to have immediate seisin of the lands manors of Bainton (Yorkshire) and Foston (Lincolnshire) which Clemence held in dower of the honour of Richmond when she died.⁷⁴ Following the dowager countess' death in 1253, the remainder of her dower lands were divided between Ranulf's coheirs, as was standard practice in England.⁷⁵ The king appointed three justices to make an extent and to carry out this partition, Geoffrey de Langley, Henry de Bretton and Nicholas de Turri. The heirs and parceners were ordered to meet the justices at Repton to receive their allotted lands.⁷⁶ The king sent a mandate to his queen, who was acting as regent whilst he was in Gascony, and his brother Richard of Cornwall, stating that if the heirs were unsatisfied with the partition, they were to pursue this in line with the law.⁷⁷ Despite being abroad, Henry dealt with this partition with startling efficiency suggesting that he was keen to ensure the parceners' rights were fulfilled.

On the day that the original division of lands was settled, 22 November 1232, the patent rolls include a confirmation of an assignment of land made by Ranulf for the

⁷² *CRR*, 1233-7, nos. 1172, 1175. Annesley discusses this episode in her doctoral thesis. 'Countesses in the Age of Magna Carta', p. 99, n. 153.

⁷³ *CRR*, 1233-7, no. 1132; Annesley, 'Countesses in the Age of Magna Carta', p. 89-90.

⁷⁴ *CPR*, 1247-68, p. 33.

⁷⁵ The same custom existed in Normandy. *Coutumiers*, I, Ch. V; *CCIR*, 1251-53, pp. 487-8; *CPR*, 1247-58, p. 238.

⁷⁶ *CPR*, 1247-58, p. 236.

⁷⁷ *CPR*, 1247-58, p. 236; *CCIR*, 1251-3, pp. 487-8; Ridgeway, 'Henry III (1207-1272)', *ODNB*; Howell, *Eleanor of Provence*, p. 114.

marriage portion of his niece Colette, daughter of his sister Mabel and her husband William, earl of Arundel.⁷⁸ In his grant, Colette was to receive a marriage portion of lands worth up to the value of £30 a year from her brother, Hugh d'Aubigny's, portion of the Chester inheritance.⁷⁹ The king ordered that she was to receive the lands of the manor of Leeds (Yorkshire) on the condition that allowance was made to Hugh in the partition of the Chester inheritance.⁸⁰ As previously discussed, it was standard practice for fathers or brothers to provide *maritagia* for their female relatives.⁸¹ Colette's endowment came from her uncle as neither her father nor brother were alive, and therefore able to provide for her.⁸² As well as providing for his four younger sisters, Ranulf, like most noblemen, was concerned with the welfare of his other female relatives. Ranulf's provision for Colette gives us further reason to believe that he also made a provision for Mabel's marriage to the earl of Arundel.⁸³ By providing his sisters and niece with marriage portions, Ranulf was distributing his wealth and power between his family members. This is demonstrative of how families acted as a unit of lordship and illustrates just how important familial ties were in this period.

The experiences of Hugh d'Aubigny following the partition of Chester offer an interesting point of comparison in relation to those of his female coheirs. Despite being underage, the fine rolls record that on 8 November 1233 at the king's court at Hereford, Hugh d'Aubigny bought his way out of the king's custody through an agreement to pay the

⁷⁸ *CPR, 1232-47*, pp. 2-3.

⁷⁹ *Ibid.*, pp. 2-3.

⁸⁰ *Ibid.*, pp. 2-3.

⁸¹ Biancalana, *The Fee Tail*, p. 37.

⁸² See family tree; De Trafford, 'The Contract of Marriage', pp. 121-2.

⁸³ As it was, Colette died unmarried and never used the marriage portion.

extraordinarily hefty sum of 2500 marks.⁸⁴ Arrangements were made on this day for Hugh to pay the total sum to the Exchequer in instalments over the course of three years until he came of age. The payments were as follows: 250 marks were to be paid at Easter and Michaelmas of 1233 and 500 marks at both Easter and Michaelmas in the years 1234 and 1235.⁸⁵ There is plentiful evidence to show that the king benefitted considerably from the custody of Hugh d'Aubigny and his lands. Even before the division of the Chester inheritance, the king accepted a payment of 300 marks, which was to be paid in 3 equal instalments, for Hugh's marriage from William, earl Warenne.⁸⁶ Henry also acquired other sums as a result of possessing the custody of Hugh's lands. On 24 November 1232, two days after the settlement of the Chester inheritance had been made, Walter le Fleming had been appointed to hold Hugh's manor of Campden with its appurtenances at farm for a total of 100 marks for this year.⁸⁷ On 2 January 1233, Thomas of Warwick paid £15 for his relief of three knights' fees which he held in Coventry, part of Hugh's portion of the Chester inheritance.⁸⁸ The king profited again on 30 May 1233 when, at the king's court at Worcester, Walter Daiville paid the king £10 for the custody of the land in Wick rightfully belonging to Alice, daughter and heiress of Robert le Bret, until she came of age. When she did so, she was to hold these lands 'according to the law of England'.⁸⁹ Despite Hugh acquiring custody of his lands, the king continued to make further gains as a result of his nonage. On 9 April 1235 at the king's court at Reading, just one month before Hugh became of age, Matthew Hoese made fine with King Henry for 700 marks to have seisin of the lands

⁸⁴ *Excerpta È Rotulis Finium in Turri Londinensi Asservatis, Henricio Tertio Rege, A.D 1216-1272*, Vol. I. A.D 1216-1246, ed., T. D. Hardy (London: Record Commission, 1833-44), pp. 250-1; *CFR, Henry III*, no. 17.

⁸⁵ *CFR, 18 Henry III*, no. 19.

⁸⁶ *CFR, 17 Henry III*, no. 18.

⁸⁷ *CPR, 1232-47*, p. 3; *CFR, 17 Henry III*, no. 36.

⁸⁸ *CFR, 17 Henry III*, no. 75.

⁸⁹ *CFR, 17 Henry III*, no. 203.

and tenements which his father, Henry, had held of the earl of Arundel, and which fell to him through hereditary right.⁹⁰ The king was able to profit in this instance because Hugh's tenements remained in his custody until he achieved full age. These profits are perhaps one of the reasons why Hugh was so keen to release his lands from the king's hand.⁹¹ It was not unusual for heirs and their relatives to want to buy rights to wardship in order to protect their properties from royal grantees who were only interested in financial profits.⁹² This being said, the king's rights of wardship and marriage were far greater than those of any other lord. A lord gave lands with the expectation of service in exchange; if the service could not be given because the heir was underage the king had the right to recover the lands as payment.⁹³

Something needs to be said about the extortionate sum that Hugh was expected to pay. At this time, following the fall of Hubert de Burgh in July 1232, Peter des Roches, the bishop of Winchester, wielded great influence at the royal court.⁹⁴ After de Burgh's downfall and after a series of rapid promotions through the royal office, thanks to the influence of his uncle des Roches, Peter de Rivallis was promoted to the position of treasurer.⁹⁵ Des Roches himself had been readmitted as a baron of the Exchequer in early 1231, having earned the king's good grace by entertaining him for Christmas at Winchester in the previous year.⁹⁶ The bishop, whose corrupt activities have been discussed by Nicholas Vincent, was

⁹⁰ *CFR, 19 Henry III*, no. 235.

⁹¹ *CFR, 17 Henry III*, nos. 75, 203.

⁹² Waugh, *The Lordship of England*, pp. 227-8.

⁹³ *Ibid.*, p. 72.

⁹⁴ A. Jobson, *The First English Revolution: Simon de Montfort, Henry III and the Barons' War* (London: Bloomsbury, 2012), p. 1; N. Vincent, *Peter des Roches: An Alien in English Politics* (Cambridge: Cambridge University Press, 1996), p. 309; N. Vincent, 'Roches, Peter des (d. 1238)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22014?docPos=1>>, accessed 1 October 2015.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

obviously going to exercise some influence over his nephew, perhaps providing an explanation for the huge sum. Payments for the release of lands from the king's custody were not something mentioned within the chapters of Magna Carta. There was no restriction on these as there was for the payment of reliefs; Henry was able to charge as much as he wished. It may have been that these fines were a way of making up lost money from reliefs, which had been capped at £100 by Magna Carta.⁹⁷ An entry on the fine rolls names the pledges that Hugh obtained to ensure that he paid the amount in full.⁹⁸ If Hugh died before he had paid the entire sum the king was to seek the outstanding amount from his heirs not the pledges.⁹⁹ Hugh is not the only example we have of an heir paying for rights to wardship. There are several examples of underage heirs paying large sums to obtain their properties or their right to marriage. In 1249 Henry de Percy paid £900 for his lands together with the wardships, reliefs and escheats that pertained to them and his right to marry.¹⁰⁰ In 1259 John son of John fitz Geoffrey paid 450 marks to acquire seisin of his lands.¹⁰¹ The fine demanded from Hugh was still vast in comparison to those of other men but protection from the financial exploitation of his lands was clearly crucial.

Through this payment Hugh, although remaining in the king's custody, acquired the castles and lands of the Chester inheritance which fell to him through hereditary right, as well as all the lands that had previously been held by his brother, William, as earl of Arundel.¹⁰² Peter de Rivallis, the newly appointed treasurer, was ordered to give Hugh seisin

⁹⁷ *Magna Carta*, 1225.

⁹⁸ *CFR*, 18 Henry III, no. 18.

⁹⁹ *CFR*, 18 Henry III, nos. 17, 18. Amongst the pledges were William de Ferrers, earl of Derby and John, earl of Chester and Huntingdon for 100 marks each, and the Earl Warenne for 500 marks.

¹⁰⁰ Waugh makes an error here in stating the sum as 900 marks. Waugh, *Lordship of England*, p. 205; *CFR*, 33 Henry III, no. 83; TNA: C 60/46.

¹⁰¹ Waugh, *Lordship of England*, p. 205; *CFR*, 43 Henry III, no. 178.

¹⁰² *CFR*, 18 Henry III, no. 17.

of these lands and castles.¹⁰³ All was not rosy for Hugh though. A further entry within the fine rolls shows that this payment did not actually enable Hugh to hold these lands and castles in 1233 but merely released them from the king's custody. His castles went into the keeping of three knights to act as castellans until he came of age.¹⁰⁴ This could have been for several reasons. It is likely that because of his age, he was not yet considered mature enough to hold these great castles. This was also the year of the Marshal rebellion so it is possible that these castellans were put in place for security. Then again, it was not unusual for earls to use castellans especially when they had more than one castle in their possession. Hugh's castles, Arundel (Sussex), Buckenham (Norfolk) and Castle Rising (Norfolk) were placed in the custody of Hugh Sanzaveir, Thomas Ingoldisthorpe and Roger Brom respectively.¹⁰⁵ The relationship of these men to Hugh is unclear; they do not appear to have been connected to him in tenancy. It would seem that they were chosen because they were established figures within Sussex and Norfolk and held fees within those counties.¹⁰⁶ All three men acted as pledges to Hugh's great fine.¹⁰⁷ It seems unlikely that Hugh was personally involved in their selection as his castellans. D'Aubigny's payment also released from the king's custody the fourth part of the manor of Tew (Oxfordshire) which was part of his entitlement of the Chester inheritance; Baldwin de Vere held seisin of this until Hugh came of full age.¹⁰⁸ Royal records for this period highlight that Baldwin clearly had some links with the earls of Chester.¹⁰⁹ He also appears on numerous occasions acting

¹⁰³ *Excerpta È Rotulis Finium*, pp. 250-1.

¹⁰⁴ *CFR, 18 Henry III*, no. 17.

¹⁰⁵ *CFR, 18 Henry III*, no. 17. *Liber Feodorum*, 3 vols. Both Ingoldisthorpe and Broome (Brom) are names of Norfolk villages. Broome - 910, 1327; Sanzaver - 707; Ingoldisthorpe - 579, 911.

¹⁰⁶ *Ibid.*

¹⁰⁷ *CFR, 18 Henry III*, no. 18.

¹⁰⁸ *CFR, 18 Henry III*, no. 22; *CPR, 1232-47*, p. 26.

¹⁰⁹ *CPR, 1225-32*, p. 360. In July 1228 Baldwin acted as a pledge for 25 marks for the abbot of Dieulacres, Leicestershire. The earl Ranulf was pledge for 300 marks and John de Lacy for 100 marks. The house was amongst those that received the patronage of the earls of Chester. *CFR, 12 Henry III*, no. 230.

on the king's behalf within England and overseas.¹¹⁰ Baldwin clearly held a prominent position at the king's court and it should not, therefore, come as a surprise that he was entrusted with Hugh d'Aubigny's lands.¹¹¹ On 2 June 1234 the sheriff of Yorkshire received orders to give Hugh full seisin of the manor of Leeds.¹¹² On 10 May 1235, it was ordered that Hugh was to have, and possess the right to dispose of at his will, the marriages which belonged to him by right, but which had been retained in the king's custody whilst he was a minor. Concerning Hugh's right to present candidates to churches, an order to the sheriffs of Norfolk and Suffolk stated that they were not to prevent Hugh from presenting candidates for the position of priest to any church that fell void within their counties of which he held the advowson.¹¹³ The same order was given to the sheriffs of Oxfordshire, Nottinghamshire and Derbyshire, Yorkshire, Gloucestershire, Warwickshire and Leicestershire, Buckinghamshire, Lincolnshire and Staffordshire.¹¹⁴ Within this mandate, the same sheriffs were told not to prevent Hugh from disposing of any marriage that also belonged to him.¹¹⁵

Less than a month elapsed from the day of Ranulf's death until the temporary partition was made of his estates to his coheirs. No other partition examined in this thesis was executed so quickly. The relative ease and speed with which the division was carried out is indeed suggestive of a carefully and well thought out plan, orchestrated by the earl.¹¹⁶ Such a division also required royal consent and it is clear that Henry exploited this to his full

¹¹⁰ *CPR, 1225-32*, p. 311; *CPR, 1232-47*, pp. 151-2, *CFR, 18 Henry III*, no. 22.

¹¹¹ His prominence at court is also demonstrated through his association with the Earl Marshal. See *CFR, 17 Henry III*, 297.

¹¹² *CCIR, 1231-4*, p. 440.

¹¹³ *CPR, 1232-47*, p. 104.

¹¹⁴ *CPR, 1232-47*, p. 104.

¹¹⁵ *Ibid.*

¹¹⁶ Wilkinson, *Women of...Lincolnshire*, pp. 35-37.

advantage. This is illustrated by two concessions made by Ranulf in the years 1230-1. The first of these was the surrender of the honour of Richmond and the lands and tenements which the earl yielded at Nantes on 21 May 1230, to Peter, duke of Brittany, one of Henry's most important allies.¹¹⁷ In exchange for this Ranulf received the castle of Saint James de Beuvron, Normandy - a castle that had previously been held by his ancestors.¹¹⁸ Ranulf also made an agreement to grant the half of the Leicester inheritance in his hands to the king's favourite, Simon de Montfort.¹¹⁹ These concessions may have appeased Henry greatly and could explain why Ranulf's planned partition received royal backing, and the rapidity with which it was settled.

The Earldom of Lincoln

Having undertaken an analysis of the partition of Chester, we can look at the events that followed it. In September 1232, in what appeared to have been a rather unusual move, Ranulf conveyed the earldom of Lincoln to his youngest sister by charter.¹²⁰ Ranulf had acquired the earldom from the king in 1217 following the battle of Lincoln.¹²¹ His conveyance to his youngest sister is one that requires some discussion. Hawise was granted the earldom of Lincoln at Oxford on 27 October 1232, the day after her brother's death.¹²² The transfer was made to Hawise before Ranulf's remaining estates were partitioned. Clearly the earl did not envisage Lincoln being included in the partition. The unusual and

¹¹⁷ *CCIR, 1227-31*, p. 410; Eales, 'Henry III and the End...', p. 106.

¹¹⁸ Eales, 'Henry III and the End...', p. 106.

¹¹⁹ *Ibid.*, p. 106; See Chapter Three, p. 170.

¹²⁰ Wilkinson questions Barraclough's dating of this charter given that Seagrave did not become justiciar until 23-30 September. *CEC*, no. 310; Wilkinson, *Women in... Lincolnshire*, pp. 35-6.

¹²¹ Eales, 'Ranulf (III)', *ODNB*.

¹²² *CPR, 1225-32*, p. 508.

important nature of this grant is demonstrated by the presence of many illustrious figures of English political society in the charter's witness list. They included, amongst others, Peter des Roches, bishop of Winchester, Stephen de Seagrave, justiciar of England, and William de Ferrers, earl of Derby (and Hawise's brother-in-law).¹²³ The presence of these men in this witness list supports Eales' statement that Ranulf had to make agreements with influential men and his heirs to ensure that his plan would be carried out.¹²⁴ Having received the earldom of Lincoln in October, on 22 November 1232 Hawise transferred it to her son-in-law, John de Lacy, constable of Chester.¹²⁵ On this day Hawise granted the £20, which Ranulf had received for the third penny of the county of Lincoln, to John de Lacy to hold as the earl of Lincoln and his heirs by his wife forever. This was followed by an order to the sheriff of Lincoln to give John seisin.¹²⁶

Hawise's decision to transfer the earldom of Lincoln to her daughter and son-in-law may appear a little unusual.¹²⁷ Hawise's husband Robert de Quency (d.1217) was the eldest son of the crusader Saer de Quency (d.1219), earl of Winchester.¹²⁸ Following Saer's death on crusade in 1219, it was probably hoped that Margaret, as the daughter of Saer's eldest son would succeed to the Quency lands. She did not. Saer's wife, Margaret, retained the earldom of Winchester which was her inheritance, and Robert's younger brother Roger succeeded to the Quency lands. Roger was not, however, granted the title 'earl of Winchester' until his mother's death in 1235.¹²⁹ It is uncertain when arrangements for

¹²³ *CEC*, no. 310; Wilkinson, *Women in...Lincolnshire*, pp. 35-6.

¹²⁴ Eales, 'Henry III and the End...', p. 104.

¹²⁵ *CPR*, 1232-47, p. 3.

¹²⁶ The grant of the third penny to an earl was a third of the profits of the royal borough and county courts. *CPR*, 1232-47, p. 3; Bartlett, *England under the Norman and Angevin Kings*, p. 209.

¹²⁷ Eales, 'Ranulf (III)', *ODNB*; Eales, 'Henry III and the End...', p. 103.

¹²⁸ Oram, 'Quincy, Saer de', *ODNB*.

¹²⁹ Wilkinson, *Women in... Lincolnshire*, p. 35; Oram, 'Quincy, Roger de', *ODNB*.

Margaret and John's union were made. It is known that John and Ranulf went on crusade together in 1218 and it is possible that an alliance of some sort had already been formed by this stage. Also in the crusading party were Ranulf's two brother-in-law's, William, earl of Derby, and William, earl of Arundel.¹³⁰ It has been suggested that the removal of Margaret, Ranulf's niece, from the line of succession may have been an antagonistic move by the earl's long-term rival Hubert de Burgh; this may certainly be true if arrangements for the Lacy/Quency union had been made prior to their departure for the Holy Land.¹³¹ The *Annales Cestrienses* state that Margaret and John, the constable of Chester, were married in 1221.¹³² De Burgh was keen to prevent Ranulf and John from accumulating any further influence, wealth or power; their absence on crusade would have made Margaret's removal much easier.¹³³ Regardless, Roger de Quency, who was not a man of any great political influence at the time, benefitted greatly from de Burgh's dislike of the powerful earl of Chester.¹³⁴

Perhaps Margaret's was overlooked because of a weariness with the redistribution of wealth and power as a result of female inheritance. Although Ranulf had been outmanoeuvred, his conveyance of the earldom of Lincoln to his sister, who then passed it swiftly onto her daughter and son-in-law John de Lacy, is suggestive of his tenacity and political intelligence. Thanks to his plan, Margaret and John received a considerable earldom. Eales and Wilkinson have considered Hawise's willingness to participate in her brother's plan.¹³⁵ It is likely that Hawise was, quite understandably, frustrated by her

¹³⁰ Eales, 'Ranulf (III)', *ODNB*.

¹³¹ Wilkinson, *Women in... Lincolnshire*, p. 34.

¹³² *Ann. Cest.*, pp. 50-1; J. C. Holt, *The Northerners: A Study in the Reign of King John* (Oxford: Oxford University Press, 1961), p. 26.

¹³³ Wilkinson, *Women in... Lincolnshire*, p. 35; Wilkinson, 'Pawn and Political Player', pp. 110-11.

¹³⁴ Wilkinson, *Women in... Lincolnshire*, pp. 34-5.

¹³⁵ Eales, 'Henry III and the End...'; Wilkinson, *Women in... Lincolnshire*, pp. 35-7.

daughter's passing over in the inheritance of the earldom of Winchester; by transmitting the earldom of Lincoln to her daughter, Margaret, and her son-in-law, John, this move was countered.¹³⁶ Together with her brother, Hawise was able to manipulate the political situation to the advantage of the family. Perhaps this should be viewed as an example of Hawise and her brother using their knowledge and political influence to make the best of a bad situation. Hawise's transfer of the earldom demonstrates a concern for her daughter's welfare, and a determination to ensure that she was provided for.¹³⁷ It should be noted here that, despite her grant, Hawise used the title 'countess of Lincoln' and retained her share of the Chester inheritance which included lands and fees in Lincolnshire. John de Lacy, who must have been aware of the generosity and implications of this act, allowed Hawise to hold her Chester inheritance in peace. He would have been comfortable in the knowledge that his wife, as Hawise's only child, would succeed to these lands upon her death. She did so in March 1243.¹³⁸

Margaret and Hawise's treatment in this situation demonstrates that the personal interests of a noblewoman could be 'rendered vulnerable by the political interests and fortunes of their male relations and in-laws'.¹³⁹ Margaret's experiences also show some parallels with the *casus regis* and show a deviation from the laws of succession, as discussed by *Glanvill* and other treatises, which concluded that female heirs should succeed prior to any collateral male heir.¹⁴⁰ For a multitude of reasons, women's inherited rights were often subject to negotiation or exploitation. Mabel and Amicia, Isabella of Gloucester's two

¹³⁶ Wilkinson, *Women in...Lincolnshire*, p. 35.

¹³⁷ Cokayne, *Complete Peerage*, Vol. III, pp. 168-9; Wilkinson, *Women in...Lincolnshire*, pp. 35-7; Eales, 'Henry III and the End...', pp. 103-4.

¹³⁸ Ward, 'Lacy, Margaret de'; Wilkinson, *Women in...Lincolnshire*, p. 35.

¹³⁹ Wilkinson, *Women in... Lincolnshire*, p. 35.

¹⁴⁰ *Glanvill*, pp. 77-9; Holt, 'The Casus Regis'.

sisters, were deliberately excluded from their father's arrangements for the inheritance of the earldom of Gloucester, which were made specifically to prevent its division.¹⁴¹ William (d.1183), earl of Gloucester, who had failed to produce any male heirs, played a part in arranging the marriage of his youngest daughter, Isabella, to John, the youngest son of Henry II and future king, and declared him the heir of Gloucester.¹⁴² Both of Isabella's sisters were already married, Mabel to the count of Evreux and Amicia to Richard de Clare, earl of Hertford; after their exclusion they were provided with an annuity of £100 each as a form of compensation.¹⁴³ Obviously, there were some concerns about the fragmentation of baronies and earldoms in this period. Again, this was allowed to happen despite inheritance customs which laid down that sisters should inherit jointly.

It should be remembered that the rights of male heirs were also overlooked or disregarded in favour of older male relatives, often uncles. This was frequently the case when the rightful heir was underage. Perhaps one of the most well-known examples of this, aside from the succession of King John, is the Mandeville inheritance.¹⁴⁴ Having failed to produce any heirs of his own, William de Mandeville, third earl of Essex, was set to be succeeded by his aunt Beatrice de Say. Beatrice was, however, an elderly woman of almost eighty years, and so the daughters of her eldest son, William, and her youngest son Geoffrey were to be Mandeville's heirs. William had lined up Geoffrey as his successor but Beatrice's

¹⁴¹ R. Patterson, 'Isabella, *suo jure* Countess of Gloucester (c. 1160-1217)', *Oxford Dictionary of National Biography* (2004), <<http://www.oxforddnb.com/view/article/46705?docPos=3>>, accessed 6 October 2015.

¹⁴² It is likely that the impetus for this marriage came from the king. The *Gesta Regis Henrici* states explicitly that the arrangements were a direct result of Henry II's manipulation in the Gloucester inheritance between 1170 and 1176. W. Stubbs (ed.), *Gesta Regis Henrici Secundi Benedicti abbatis: The Chronicle of the Reigns of Henry II and Richard I, A.D. 1169-1192; known commonly under the name of Benedict of Peterborough* (London: Longman, 1867), pp. 124-5; R. B. Patterson, *Earldom of Gloucester Charters: The Charters and Scribes of the Earls and Countesses of Gloucester to A.D. 1217* (Oxford: at the Clarendon Press, 1973), pp. 3-5.

¹⁴³ Patterson, 'Isabella, *suo jure* Countess of Gloucester (c. 1160-1217)', *ODNB*.

¹⁴⁴ Holt, 'The Casus Regis', pp. 307-326; R. V. Turner, 'The Mandeville Inheritance, 1189-1236: Its Legal, Political and Social Context', *Haskins Society Journal*, I (1989), pp. 147-172.

son-in-law, Geoffrey fitz Peter, secured the earldom for himself. He consolidated this seizure by ensuring that his children adopted the Mandeville name.¹⁴⁵ Cases such as this demonstrate that the exploitation of landed rights was not an experience unique to being female.

The de Lacys did receive some compensation from Roger following Margaret's removal from the Winchester inheritance. In return for an exchange of all the lands which belonged to the inheritance of Saer and Margaret de Quency, Margaret and John de Lacy received from Roger de Quency the manor of Kingston Lacy with other lands and rights in Wimbourne, Blandford and Wimbourne Holt (Dorset).¹⁴⁶ They were also to receive, upon Hawise's death, the four manors of Long Buckby (Northamptonshire), Grantchester (Cambridgeshire), Bradenham (Norfolk), Hardwick and Eynesbury (Huntingdonshire) which had previously been held by Saer de Quency and which Hawise held in dower.¹⁴⁷ Margaret's suffered from a blatant denial of her inherited rights, but the offer of compensation was made as an attempt to appease her. As will be seen in later chapters, this negotiation and exchange of lands in compensation was not unusual when a woman's landed rights were compromised.¹⁴⁸

Litigation

Although the partition was settled with speed thanks to Ranulf's careful planning, it was not the beginning of a peaceful life for his coheirs. Litigation between coheirs was not

¹⁴⁵ T. K. Keefe, 'Mandeville, William de, third earl of Essex (d. 1189)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/17929/17929?back=,17927>>, accessed 3 December 2015; T. K. Keefe, *Feudal Assessments and the Political Community under Henry II and His Sons* (Berkeley: University of California Press, 1983), pp. 112-115; Holt, 'The Casus Regis'.

¹⁴⁶ Wilkinson, *Women in...Lincolnshire*, p. 35.

¹⁴⁷ TNA: DL 25/2336; Wilkinson, *Women in... Lincolnshire*, pp. 30-5.

¹⁴⁸ See Chapter One, pp. 77-9; Chapter Three, pp. 162-3.

uncommon following the division of inheritances; disputes arose between the coheirs themselves, but also other claimants. The role of the heiresses in these legal proceedings is an important aspect of this thesis. By 1235, John le Scot's coheirs had come to realise that their allotted portions were considerably smaller than his. The coheirs received a writ and summoned the earl of Chester and Huntingdon, to appear before the king's court at Northampton to explain why they had not received equal shares of the entirety of Ranulf's inheritance.¹⁴⁹ The heirs were looking for a share of Cheshire. The county was unusual as it had its own administrative independence from the Crown.¹⁵⁰ There was no royal demesne, taxes were not levied for the king and none of the king's itinerant justices could cross into the county.¹⁵¹ The claims of John's coheirs raised an important question that greatly affected the proceedings of the case; was Chester, given its status, actually divisible?¹⁵²

The partition of Chester saw a great deal of litigation with all parties using attorneys to represent them. The Statutes of Merton stated that any freeman (or woman) may appoint attorneys to represent them in a suit.¹⁵³ The role of an attorney was to represent the litigant in court.¹⁵⁴ In the thirteenth century, these legal representatives were generally men, a legal professional or an amateur - a relative of the litigant or a man of local importance.¹⁵⁵ These men would act in the place of the litigant and inform the serjeant responsible for pleading the case of their client's version of events.¹⁵⁶ The use of attorneys

¹⁴⁹ The nature of this settlement has already been discussed. *CRR*, 1233-7, no. 1175.

¹⁵⁰ G. White, 'The Magna Carta of Cheshire', The Magna Carta Project, 'Feature of the Month', May 2015, <http://magnacarta.cmp.uea.ac.uk/read/feature_of_the_month/May_2015_6>, accessed 28 October 2015.

¹⁵¹ White, 'The Magna Carta of Cheshire'.

¹⁵² Stewart-Brown, 'The End of the Anglo-Norman Earldom of Chester', pp. 34-5.

¹⁵³ 'The Statutes of Merton' in *SR*, Vol. I, p. 4.

¹⁵⁴ Walker, ' "Litigant Agency" ', p. 4.

¹⁵⁵ By the end of the thirteenth century, there were different terms to differentiate between the types of attorney. Brand, *Origins of the English Legal Profession*, pp. 86-7; Walker, ' "Litigant Agency" ', p. 4.

¹⁵⁶ Brand, 'Inside the Courtroom', p. 95.

in lawsuits steadily increased over the course of the late twelfth and thirteenth centuries as procedures grew more complex and the legal profession became increasingly more sophisticated.¹⁵⁷ It was not uncommon for a litigant to be involved in more than one lawsuit at a time, and it proved convenient and sensible to use legal professionals. It was advantageous to have the best legal help on one's side when defending landed rights.¹⁵⁸ Litigants had to go to court to appoint their attorneys, but after this they did not have to return to court.¹⁵⁹ This was especially useful if a man or woman could not, or did not want, to travel themselves.

Shortly after his summons, John sent an attorney to Northampton to present his case.¹⁶⁰ With his attorney in place, the earl of Chester attempted to use the administrative status of his county as an excuse not to answer his coheirs' writ. John argued that he did not have to answer a summons issued from outside Chester concerning his lands within it.¹⁶¹ John asked that the king respect his rights and uphold the liberties that his ancestors had previously held. The earl also stated that the court should not make judgement without his peers and that if his fellow coheirs came to his court in Chester they would receive full justice.¹⁶² The council rejected the earl's claim, stating that other lords, such as the earl Marshal, had answered a similar summons from outside his lands and John must therefore do the same. The new earl was clearly determined not to surrender his lands. If nothing else, John's objections caused a delay to the proceedings. Following another adjournment, later in 1236, he refused to answer the writ of summons as not all of the coheirs were

¹⁵⁷ Brand, *The Origins of the English Legal Profession* (Oxford: Blackwell Publishing, 1992), p. 43.

¹⁵⁸ Walker, 'Litigation as Personal Quest', pp. 98-9.

¹⁵⁹ P. Brand, *The Origins of the English Legal Profession*, p. 43.

¹⁶⁰ KB 26/115B, m. 34d; *CRR*, 1233-7, case no. 1423A.

¹⁶¹ *CRR*, 1233-7, no. 1423A.

¹⁶² *CRR*, 1233-7, no. 1958; Stewart-Brown, 'The End of the Anglo-Norman Earldom of Chester', p. 35.

present. Hawise de Quency was apparently absent from this second hearing despite knowing that it was happening.¹⁶³ In such cases, it was a legal requirement for all coheirs to be present as together they were one heir.¹⁶⁴ The reason behind Hawise's decision not to appear can only be speculated upon. Perhaps she had had to be persuaded by her coheirs to pursue the claim in the first instance and by this point she had decided not to pursue it any further; she had, after all, received a good portion of lands through the division. Hawise may have decided that pursuing this was more trouble than it was worth; litigation was certainly a costly business.¹⁶⁵ Moreover, Hawise had ensured that her daughter Margaret had been well provided for through the transfer of the earldom of Lincoln and, as her only child, stood to inherit the honour of Bolingbroke.¹⁶⁶ John's remonstrations achieved little apart from further delaying a resolution. John also made a complaint that as a common plea it should take place at a fixed location, namely the king's court at Westminster.¹⁶⁷ This complaint stemmed from Magna Carta (particularly the final and definitive 1225 version).¹⁶⁸ The earl's complaints did not stand as he had answered the first summons without questioning the location; perhaps it was just an attempt to delay the case. John's death in June 1237 meant that this case was never resolved.¹⁶⁹ Quite how long the case would have endured if John continued to live is open to speculation. The decision would no doubt have been heavily influenced by politics at the royal court.

¹⁶³ *CRR*, 1233-7, no. 1958.

¹⁶⁴ *Bracton* stated that coheirs had 'one right', *Bracton*, Vol. II, p. 208; *Britton*, Vol. II, pp. 83-5.

¹⁶⁵ Walker, 'Litigation as Personal Quest', p. 99.

¹⁶⁶ Wilkinson, *Women in... Lincolnshire*, p. 37; Ward, 'Lacy, Margaret de', *ODNB*.

¹⁶⁷ *CRR*, 1233-7, no. 1958; Stewart-Brown, 'The End...', pp. 35-6.

¹⁶⁸ Carpenter, *Magna Carta*, p. 45; *Magna Carta, 1225*; Stewart-Brown, 'The End...', pp. 35-6; Stubbs, ed., *Select Charters*, pp. 344-5.

¹⁶⁹ It is widely believed that he was poisoned by his wife, Helen, daughter of Llwelyn up Gruffudd. We do not know this is true, but John was ill for several weeks before he died c. 6 June 1237. Cokayne, *Complete Peerage*, Vol. III, p. 169; Eales, 'Henry III and the End...', pp. 108-9.

In addition to this dispute, the individual coheirs were involved in disputes concerning particular lands and services which had been assigned to them as their respective allotted portions. I will focus here on the legal activities of Hawise and Agnes, together with Agnes' husband, as the original heiresses to the Chester inheritance. In March 1234, Hawise was involved in a dispute with her elder sister Agnes and her husband William de Ferrers. Hawise had allegedly been compelling the knights of Grantham to do suit at her court in Lincolnshire. The record of this case 'for earl William de Ferrers and his wife' acknowledges that the service of these knights had been assigned to Agnes' portion following the division of the Chester knights' fees in September 1233.¹⁷⁰ It was therefore stated that the knights should do suit at the Ferrers court, not Hawise's.¹⁷¹ Although Hawise was wrong to assert her authority, this episode is illustrative of a woman who successfully exercised her lordship and agency.

As well as having to combat the claims of their fellow coheirs, the Ferrers also faced claims from numerous other people. The Ferrers had several problems regarding their lands between the rivers Ribble and Mersey which had been allocated to Agnes' portion of the Chester inheritance.¹⁷² The pair held these lands on the same terms as Ranulf had when he, through his position as the earl of Lincoln, was granted them by the king in 1229 in return for one mewed goshawk or 40 shillings a year.¹⁷³ The Ferrers had experienced problems early on with securing these lands. On 16 September 1233, before the couple were even able to obtain seisin, the king asked to inspect the charter through which Ranulf, as the earl of Chester, had received the lands in order to assess whether knights' services were due

¹⁷⁰ *CCIR*, 1231-4, p. 263.

¹⁷¹ *Ibid.*, p. 392.

¹⁷² *Ibid.*, pp. 169-70, 263-4.

¹⁷³ *CFR*, 18 Henry III, no. 297; *CChR*, 1226-57, pp. 101-2.

from them.¹⁷⁴ On 25 September, John le Scot was ordered to give this charter, and others, regarding this part of the Ferrers' inheritance to the king.¹⁷⁵ Everything was found to be in order. A few weeks later, on 10 November, the knights and free men between the Ribble and Mersey were ordered to do homage to William de Ferrers.¹⁷⁶

In April 1236, the Ferrers' were involved in a dispute against Hubert, the prior of Marsey, regarding the advowson of the church of Bolton (Lancashire).¹⁷⁷ Agnes and William jointly appointed their attorneys, Josseus de Chelvestun and John de Kent, whilst Hubert was represented by brother Robert of Marsey.¹⁷⁸ In this episode, the Ferrers acknowledged the right of the prior of Marsey to hold the advowson of the church at Bolton; they quitclaimed their right, and that of their heirs, to the prior and his successors, and his church of Marsey in perpetuity.¹⁷⁹ It is possible that this suit arose because there was some confusion over the extent of the Ferrers' holdings in Lancashire. Given that there is no sign of protracted litigation, it may be that this was only brought to court to create a formal document for the prior.¹⁸⁰

Sources suggest that some friction may have arisen between William de Ferrers and the king in the early 1240s. On 4 February 1242 William made fine with the king for £100 at his court at Westminster to regain the wapentakes, together with their appurtenances, of West Derby, Leyland and Salford, part of Agnes' inherited lands between the Ribble and Mersey. These wapentakes had been seized by the king due to a 'trespass of William and

¹⁷⁴ *CCIR, 1231-4*, p. 267.

¹⁷⁵ *Ibid.*, p. 283.

¹⁷⁶ *CPR, 1232-5*, p. 32.

¹⁷⁷ *Final Concords of the County of Lancaster: From the Original Fines or Final Concords from the Public Record Office, London, Part I, 1196-1307*, ed., W. Farrer (London: Public Record Office, 1889-1910), no. 64.

¹⁷⁸ *Ibid.*, no. 64.

¹⁷⁹ *Ibid.*, no. 64.

¹⁸⁰ Loengard describes the creation of records in reference to dower litigation, but the same may be said of other litigation too. Loengard, 'What did Magna Carta mean to Widows?', p. 138.

his bailiffs'. After payment of this fine, the sheriff of Lancashire was ordered to return full seisin of these lands to William but with some concessions.¹⁸¹ It was often the case, as it is here, that high profile characters found abusing these laws would be amerced in the king's court. In other instances, the king's justices would try the accused and impose the amercement upon them.¹⁸² Although William and Agnes' son and heir, William, fifth earl of Derby, inherited his mother's lands upon her death in 1247, he too found himself having to gain acknowledgement of his rights regarding the lands between the Ribble and Mersey.¹⁸³

We should consider Agnes' role in these legal proceedings. According to their legal status, married women were not allowed to bring cases to court without the consent of their husbands.¹⁸⁴ Despite this, evidence would suggest that married heiresses were still actively engaged in the law and legal procedures concerning their inherited lands. Just as married women were involved in the administration of estates, they were also involved in the protection of the family lands.¹⁸⁵ The mention of Agnes' name in all of the records for disputes relating to her inherited lands suggests that she was very much involved. It may be that the court was recognising whose inheritance it was.¹⁸⁶ Unlike other heiresses featured in this study, we do not have evidence of Agnes appointing her own attorneys. Heiresses were regularly involved in legal procedures concerning their landed inheritance in marriage, often with their husband's consent. This, as Annesley states in her discussion of the litigious activities of heiress-countesses, implies a 'real and necessary partnership between husbands and wives in court proceedings'.¹⁸⁷ Any woman who possessed land or had a claim to land,

¹⁸¹ *CFR, 26 Henry III*, no. 134.

¹⁸² Carpenter, *Magna Carta*, pp. 176-7.

¹⁸³ *CFR, 32 Henry III*, nos. 26, 28; Cokayne, *The Complete Peerage*, Vol. IV, pp. 194-8.

¹⁸⁴ Loengard, 'What is a Nice...', p. 59.

¹⁸⁵ Ward, *English Noblewomen*, p. 109; Archer, ' "How ladies..." ', p. 150.

¹⁸⁶ Annesley, 'Countesses in the Age of Magna Carta', p. 86.

¹⁸⁷ *Ibid.*, p. 85.

would need to have a good knowledge of the law and her property rights. If married to a politically active nobleman, a wife would frequently be left in charge of the family estates. In her discussions of widows' involvement in English dower suits in the latter part of the thirteenth century, Walker rightly states that all women needed to possess knowledge of the law and their rights.¹⁸⁸ The control of property gave any woman power and status, but also made it essential to have a familiarity with land law.¹⁸⁹

Such knowledge was perhaps even more crucial for widows. In an era when the average life expectancy of men was low and the tendency was for young girls to marry much older husbands, women could reasonably expect to be widowed at some stage in their lives. Perhaps more than once. As a widow, a woman was free to manage and administer her estates independently - unless, of course, she decided to remarry.¹⁹⁰ The experiences that women had with the law and legal procedures during marriage were especially useful when they became widows. Hawise de Quency was widowed in 1217. Even before she inherited a portion of her brother's lands, Hawise was involved in many landed disputes, gaining valuable years of experience in the law courts. In the early years of her widowhood, 1223-4, she came into conflict with the prior of Barnwell (Cambridge) concerning the tenancy of nine acres of land. In this instance, Hawise was found to be in the wrong and was fined accordingly.¹⁹¹ In 1225, Hawise had an ongoing case against John le Moines concerning four and a half acres of land with their appurtenances in Hardwick, Lincolnshire, which had been assigned as part of her dower.¹⁹² In 1242, Hawise became involved in a case brought before the king's court at Lincoln and Hertford by Beatrice de Poynton, widow of Alexander, who

¹⁸⁸ Walker, 'Litigation as Personal Quest', p. 99.

¹⁸⁹ *Ibid.*, p. 82.

¹⁹⁰ *Ibid.*, p. 82.

¹⁹¹ Wilkinson, *Women in...Lincolnshire*, p. 42; *CRR*, 1223-4, nos. 707; 1578.

¹⁹² *CRR*, 1225-6, nos. 139, 202, 1021, 1401, 2471.

was suing for her dower lands.¹⁹³ It was not unusual for widows to appear in the law courts in order to protect their dower. Hawise's inheritance of part of her brother's landed estates led to an increased involvement in legal proceedings. In early 1243, Hawise was involved in a dispute with her sister Agnes and brother-in-law William de Ferrers regarding the service due from two and a quarter bovates of land, which Henry son of John held of Robert son of Idonee in Sausthorpe, Langton and Aswardby (Lincolnshire).¹⁹⁴ As well as these, the chancery records show that Hawise was also involved in disputes against the religious houses of Spalding and Kirkstead.¹⁹⁵ Hawise's involvement in these lawsuits is indicative of the ability of noble women to engage actively in the defence of their landed rights. Not only this, they also illustrate that noblewomen were often involved in concurrent lawsuits and that they were frequently successful in their pursuits. Hawise was not shy in asserting her claims to lands, a reflection of her personal tenacity, but importantly, showing an awareness of her legal rights as a widow.

Conclusion

This case study has raised the important question of the security of aristocratic women's property rights. The division of the lands of the earl of Chester in 1232 suggests that the landed rights of women were beginning to be taken more seriously, with inheritance customs being followed and allowing the equal division of estates between female heirs. The developments of the customs of female inheritance in the twelfth century must certainly have helped. The introduction of legislation, such as Magna Carta, was aimed at

¹⁹³ *CRR*, 1237-42, no. 2395.

¹⁹⁴ *CRR*, 1242-3, no. 2043.

¹⁹⁵ For the abbot of Kirkstead see *CRR*, 1233-7, nos. 783, 1737; For the Prior of Spalding see *CRR*, 1242-3, no. 767.

consolidating and improving the property rights of women in this period. Ranulf's careful plan for the partition of his estates ensured that each of his heirs were provided for, and this illustrates his own personal concern. Margaret de Lacy's removal from the Winchester inheritance illustrates, however, that the exploitation of a woman's inherited rights was still possible. Margaret was fortunate that alternative arrangements could be made for her by her family. She also received landed compensation, and the remaining case studies show that the negotiation and exchange of an heiress' rights was not unusual in this period.

In terms of marriage portions, the provisions that Ranulf made for the marriages of his sisters and niece show that there was a definite concern to provide for female relatives. The promise of marriage portions enabled women to make good matches, allowing them to establish themselves in society.¹⁹⁶ Ultimately, women played an important role in transmitting family estates and aiding bloodlines to continue; they needed to be provisioned appropriately. The experiences of Clemence as the dowager countess of Chester, and Hawise show how regularly widows were involved in litigation. At no point was a widow's right to hold dower questioned.

It is important to emphasise that the heiresses were aware of their individual landed rights in both marriage and widowhood. This was certainly because legal suits frequently followed on from the partition of an inheritance. Heirs possessed the right to litigate when they believed it necessary. Married women were often involved in litigation concerning their inheritance, and this was a crucial way in which they could be involved in the successful maintenance and protection of their estates. The involvement of widows in law

¹⁹⁶ J. Goody, 'Inheritance, Property and Women: Some Comparative Considerations', in *Family and Inheritance in Western Europe, 1200-1800*, eds., J. Goody, J. Thirsk and E. P. Thompson (Cambridge: Cambridge University Press, 1976), pp. 10-36 at p. 12.

and litigation is much more visible because of their legal independence. Their successes were based not only on exact knowledge of their estates, but also on their skill in employing the correct tactics to win the case. These heiresses were obviously capable legal agents.

The Second Division - 1237

Background

The 1232 partition of the earldom of Chester had still not fully been settled when, shortly before 6 June 1237, John, earl of Chester and Huntingdon died.¹⁹⁷ Having failed to produce any heirs with his wife, Helen, John's earldom of Chester was once again set to be divided between a group of female coheirs.¹⁹⁸ None of John's coheirs had produced male heirs at this time either. That the earldom of Chester was divided twice in five years between two groups of female coheirs is indicative of the frequency with which female inheritance occurred in the thirteenth century. Inheritance by women had the ability to greatly affect landholding society in terms of redistribution of wealth and fragmentation of estates. Nevertheless, it should be remembered that property was often used to support the whole family. Sisters and younger brothers were frequently provided with pre-mortem inheritance to ensure future security.¹⁹⁹ Consequently, it was rare for property to remain fully intact even when it descended from one individual to another.²⁰⁰ In other words, inheritance was constantly subject to fragmentation but the division of estates between female heirs exacerbated this process.²⁰¹ If a single heiress stood to inherit, the break-up of estates was not too serious a problem; at least the family estates would remain intact. The partition of estates amongst multiple female coheirs had a more profound effect on the pace of the disintegration of family estates and the dispersal of wealth within the elite. This is seen here

¹⁹⁷ Cokayne, *Complete Peerage*, Vol. III, pp. 169-70. The *Annales Cestrienses* state that he died on 7 June and was buried at the Abbey of St. Werburgh's the next day. *Ann. Cest.*, pp. 60-1.

¹⁹⁸ Eales, 'Ranulf (III)', *ODNB*.

¹⁹⁹ Waugh, *Lordship of England*, p. 16.

²⁰⁰ *Ibid.*, pp. 15-16.

²⁰¹ *Ibid.*, p. 20.

in the division of Chester. At least in this instance, however, all of the heirs married within the baronial class and so the wealth remained there.²⁰²

John le Scot was of a relatively young age when he succeeded to the earldom of Chester in 1232. Although his marriage of 15 years had yet to produce any children, it is likely that it was still considered a possibility.²⁰³ It is for these reasons that John may not have considered it necessary to make plans, as his uncle had done, for the future partition of his earldoms. Ranulf's careful plans are sensible when we consider that he had failed to have a child after 30 years of marriage to his second wife, Clemence. Given that Ranulf was around 60 years of age too, it is likely that he was aware that the odds were very much stacked against him.²⁰⁴ John's untimely death meant that his sisters and their heirs were to inherit from him.²⁰⁵

The first two of these coheirs were Christina (d.1246) and Dervorguilla (d.1290), the daughters of John's eldest sister, Margaret, who had married Alan (d.1234), lord of Galloway as his second wife.²⁰⁶ These sisters were the wives of William de Forz (d.1260), count of Aumale and John de Balliol (d.1268), respectively.²⁰⁷ The remaining two coheirs were John's other sisters Isabel (d.1251), the wife of Robert de Brus (d.1226x33), lord of Annandale and, Ada (d.1241), who married Henry de Hastings (d.1250).²⁰⁸ John's other sister, Matilda, had

²⁰² Ibid., p. 22-3. Contemporaries had considered this distribution more of a problem when wealth was transferred to those of lesser status.

²⁰³ Cokayne, *Complete Peerage*, Vol. III, p. 169; Eales, 'Henry III and the End...', pp. 108-9.

²⁰⁴ Cokayne, *Complete Peerage*, Vol. III, pp. 167-9.

²⁰⁵ See Appendix 1.1.

²⁰⁶ R. Oram, 'Alan, lord of Galloway', *ODNB*.

²⁰⁷ Cokayne, *Complete Peerage*, Vol. III, pp. 168-9; B. English, 'Forz, William de, count of Aumale (1191x6-1241)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/29476?docPos=1>>, accessed 22 October 2015; G. P. Stell, 'Balliol, John de (b. before 1208, d. 1268)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/1208?docPos=1>>, accessed 15 October 2015.

²⁰⁸ Cokayne, *Complete Peerage*, Vol. III, pp. 168-9; A. A. M. Duncan, 'Brus, Robert (II) de, lord of Annandale (d. 1194?)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12573?docPos=1>>, accessed 28 October 2015; C. L. Kingsford rev.

been married to the marcher lord John of Monmouth (d.1251) but she died without issue.²⁰⁹

As well as these heirs, Hugh d'Aubigny and William de Ferrers were also still looking to settle their grievances from the unresolved partition of 1232.

The events that followed the 1232 division indicate that this second partition was, similarly, unlikely to be a smooth process. But first, the events surrounding the death of earl John should be discussed. The king's actions in 1237 would suggest that he was, perhaps, aware of the earl's illness. On 13 May 1237, Henry de Audley and Alexander Stavensby, the bishop of Coventry were sent to keep the peace in Chester. The king urged the 'barons, knights, constables and all good men holding of the earl of Chester', to assist Audley and the bishop in doing so.²¹⁰ On 6 June, the day that the earl's death is recorded, the king sent word to the constables of Chester and Beeston castles that he was sending Stephen de Seagrave, Henry de Audley and Hugh le Despenser to have custody of the castles and that they were to assist his men in all business concerning these custodies.²¹¹ On the same day, a similar letter was sent to 'the abbot, the justice of Chester, the knights, barons and other men of Chester' stating that he was sending Audley, Seagrave and Despenser to provide security and make provisions for the earl's lands and possessions. Most importantly, these men were sent to take the fealty of the men of Chester on the king's behalf. The Chester men were told to be 'attending and answering' to the king's men.²¹² Less than 3 weeks later, on 22 June, Stephen de Seagrave was appointed as justice of Cheshire, and all people of the county were ordered to attend and answer to him on all matters concerning the office. They

H. W. Ridgeway, 'Hastings, Sir Henry (1235? -1269)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12573?docPos=1>>, accessed 28 October 2015.

²⁰⁹ Stewart-Brown, 'The End...', p. 37.

²¹⁰ *CPR, 1232-47*, p. 182.

²¹¹ *Ibid.*, p. 185.

²¹² *Ibid.*, p. 185.

were also told to assist Seagrave with their counsel and to aid him in preserving the rights and liberties of the county.²¹³ On 22 June, as well, Walkelin de Arden was ordered to deliver to Henry de Audley the castles of Chester and Beeston. The king did not stop here.

On 10 July 1237, at the king's court at Woodstock, John de Lacy, earl of Lincoln was appointed custodian of the castles of Chester and Beeston with their appurtenances.²¹⁴ De Lacy was to possess this custody for as long as the king wished and was to answer for this at the Exchequer.²¹⁵ John's appointment is unsurprising when we consider that he was one of Henry's most favoured counsellors, but he also had interests in that area, having acquired parts of the Chester estate through his marriage to Margaret, including a portion of the manor of Leeds.²¹⁶ On 27 September, the lands held by the former earl situated outside of Chester, which included lands in Northampton and Essex, were transferred to the custody of William de Forz, count of Aumale; the father of William de Forz, husband of the eldest coheir.²¹⁷

All of these provisions were made in respect of the dower rights of John le Scot's widow, Helen, daughter of the Welsh prince Llewelyn the Great.²¹⁸ Prior to this, on 8 July 1237, the sheriffs of Bedfordshire and Middlesex were ordered to give Helen seisin of the manors of Kemston and Totham, which had been assigned to her in dower.²¹⁹ This order came only just within the 40-day limit for the assignment of a widow's dower laid down in the seventh clause of Magna Carta.²²⁰ A little later on 9 September 1237, John de Lacy, earl

²¹³ *Ibid.*, p. 188.

²¹⁴ *CFR, 21 Henry III*, no. 176.

²¹⁵ *CPR, 1232-47*, p. 189; *CFR, 21 Henry III*, no. 176.

²¹⁶ Vincent, 'Lacy, John de', *ODNB*.

²¹⁷ *CCIR, 1234-7*, pp. 497-8, 507-8.

²¹⁸ *CCIR, 1234-7*, pp. 497-8, 507-8.

²¹⁹ *CCIR, 1234-7*, p. 467.

²²⁰ *Magna Carta, 1225*.

of Lincoln and constable of Chester was ordered to allow Helen to have the cows which her husband had given to her at Henley (Oxfordshire).²²¹ Helen's experiences, demonstrate the importance of upholding the rights of widows to receive dower.

The Division

Tracing the 1237 division of Chester is difficult because of the loss of some chancery rolls dating from 1238 and 1239. By August 1237 at the latest, the coheirs had appointed their attorneys to make their claims. The joint appointment of attorneys was not unusual for married couples, but it was not unheard of for wives to appoint their own legal representatives in joint cases.²²² Christina de Forz appointed Peter de la Champagne to act as her attorney whilst her husband was represented by Richard de Bolebec.²²³ This undoubtedly gave Christina a sense of involvement and control over her inheritance as a married woman.²²⁴ Some men did act as their wives attorneys. Dervorguilla nominated her husband to act as her attorney together with a Nicholas de Frankevill.²²⁵ It was not uncommon for a woman to nominate her husband to act as her legal representative in joint cases. An attorney needed to be someone a woman could trust and who could pursue her claims efficiently; John may have been the obvious choice for Dervorguilla. Lower down the social scale, husbands often acted as attorneys for their wives in joint litigation, quite possibly for this reason and because it was cheaper.²²⁶ In other situations, men may have

²²¹ *CCIR, 1234-7*, p. 494.

²²² Susanna Annesley's work on countesses has revealed similar evidence. Annesley, 'Countesses in the Age of Magna Carta', pp. 68-9.

²²³ *CCIR, 1234-7*, p. 563. Peter held fees in Lincolnshire. Survey – Lincoln, 1238-41. A list of landowners in wapentakes in Lincolnshire. Records the lands held by both tenants and lords in Lincolnshire.

²²⁴ Annesley, 'Countesses in the Age of Magna Carta', p. 69.

²²⁵ *CCIR, 1234-7*, p. 563.

²²⁶ Annesley, 'Countesses in the Age of Magna Carta', pp. 67-8; J. Musson, 'Commoners and the Assize of Novel Disseisin, 1194-1221' (Unpublished PhD thesis, University of Nottingham, 2016).

been appointed who wielded authority in the local area or who also held fees there. The appointment of attorneys by heiresses suggests that married women were involved in the legal proceedings surrounding their inheritance in spite of their legal status. As the only widow, Isabel de Brus pursued the lawsuit in her own legal freedom. Isabel appointed Saer de Wulaveston and William de Lacu to represent her in court.²²⁷ Isabel's appointment of attorneys by no means suggests that she was afraid to stand in court on her own and defend her landed rights. In reference to dower litigation, Walker states that a noble widow still needed to have a deep and clear understanding of the lands she held in order to precisely inform the attorney of her version of events, or indeed what she believed her landed rights to be.²²⁸ The same can be applied to a woman's other landed rights, including inheritance and marriage portion.

With their attorneys appointed, the case proceeded. Through their wives, William de Forz and John de Balliol represented the claims of Margaret, the eldest sister of John le Scot. William, as husband of Christina, the elder of Margaret's two daughters, held the right to hold the title 'earl of Chester'. Once again, however, the administrative status of Cheshire was to cause problems for the coheirs. The first question raised in 1237 was whether the coheirs should hold their lands from de Forz or directly from the Crown, once the partition had been made.²²⁹ For the king this was not even a question. In 1236, Henry III wrote a letter, now termed 'The Statute of Ireland concerning Coparceners', to his Irish justiciar, concerning the division of inheritances between women. In this letter, Henry informed his

²²⁷ *CCIR*, 1234-7, p. 540. Wulaveston - Wulavinton/Woolhampton (Berkshire). Lacu/Lacus Bailing – tithing in Gloucestershire - *BF*, 3 vols.

²²⁸ Walker, 'Litigation as Personal Quest', p. 99.

²²⁹ *CRR*, 1237-42, no. 136C.

officials that each heiress, or her husband, should do homage to the king not to the eldest sister.²³⁰ This was custom in England and was to be upheld in Ireland too.

By the end of 1237, the king had made an arrangement with John de Balliol to exchange his claim to the county of Cheshire for lands elsewhere. An entry within the patent rolls dated 11 December 1237 outlines the terms of this exchange. At his court at Guildford, the king granted to John and Dervorguilla, in exchange for their claim, his manors at Lothingland (Suffolk) and Torksey (Lincolnshire) and the farm town of Yarmouth (Norfolk) with its appurtenances but excluding the advowsons of the abbeys and priories within these lands.²³¹ At this point, it is reasonable to suspect that King Henry was not keen on relinquishing his hold on the Chester lands.²³² A further agreement was made on 8 February 1238 that the king would make a 'reasonable exchange' of lands between himself and the Balliols within one year for Dervorguilla's share of the county of Chester.²³³ The terms of this agreement were complex. It was agreed that if one of Dervorguilla's coheirs died without their own heirs she would receive a portion of these lands too and that the king was to provide her with these lands within forty days of them entering into his hands. If the king or his heirs failed to make this exchange, Dervorguilla was to receive her portion of lands within Chester and the aforementioned manors and Yarmouth were to be returned to the Crown.²³⁴

On 11 June 1238, a similar deal was struck between Isabel de Brus and the king to exchange her portion of Chester for lands elsewhere in England. At this stage, Isabel

²³⁰ 'The Statute of Ireland concerning Coparceners' in *SR*, Vol. I, p. 5.

²³¹ *CPR, 1232-47*, p. 206. See Appendix 2.2.

²³² Eales, 'Henry III and the End...', pp. 109.

²³³ *CPR, 1232-47*, pp. 209-10.

²³⁴ *Ibid.*, pp. 209-10.

received the manors of Writtle and Hatfield (Essex) in tenancy as security until the extent of her portion was understood and a reasonable exchange could be made; she also held lands here in dower. Moreover on 11 June, Ada and Henry de Hastings received, on the same terms, the manors of Bromsgrove (Worcestershire), Bolsover with the castle (Derbyshire), Mansfield with its soke and Oswald-Beck (Nottinghamshire), Worfield, Stretton, Conover (Shropshire), Wigginton and Wolverhampton (Staffordshire).²³⁵ No similar arrangement was made with de Forz, probably because he was still pursuing his rights to be the earl of Chester. The agreements made between John's coheirs and the king depended on the resolution of de Forz's claim. Without it, these settlements would lapse and the coheirs had the right to pursue their individual claims to the Chester inheritance once again.²³⁶

With these agreements between the king and de Forz's fellow coheirs in place, the odds were very much stacking up against him. De Forz tried to argue, as the late earl John had in 1235, that Cheshire was an indivisible piece of land and as the representative of the eldest heir, he should hold it in its entirety.²³⁷ Due to the loss of records the precise date on which the decision to divide Cheshire is unknown, but it is probable that it took place in the latter months of 1239. If the county was deemed partible, then all of John's coheirs were rightfully entitled to claim a portion of this too. The decision was made at the king's court at Westminster in front of an impressive council that included, amongst other notable men, the papal legate and the archbishops of Canterbury and York.²³⁸ William de Ferrers and Hugh d'Aubigny also put in their claims here, asking whether Earl John should have received the entirety of the palatinate as his portion of the inheritance in 1232.²³⁹ Again, there is no

²³⁵ Ibid., pp. 224.

²³⁶ Stewart-Brown, 'The End...', p. 39.

²³⁷ Maitland, ed., *Bracton's Note Book*, no. 1273.

²³⁸ Ibid., no. 1273.

²³⁹ Ibid., no. 1273.

sign that Hawise de Quency or her heirs attempted to put in a claim here. De Forz's argument did not stand. The council ruled that the county was partible and that it should be divided equally between John's coheirs. The council concluded, apparently without taking into account the grievances raised by his fellow coheirs, that John had acquired the entirety of Chester as his portion of the inheritance, not because of its legal status. Eales has argued that this outcome was a 'predictable' one. In any case, it was a considerable blow for de Forz.²⁴⁰ William was entitled, as representative of the eldest daughter of the eldest coheir, to hold the title of 'earl' and Chester itself. The ruling of the council to divide the county meant that William was only entitled to a portion of the county of Cheshire. Naturally, as earl of Chester, he would have wanted to possess the county in its entirety in order to have any hope of wielding authority there.²⁴¹ The division of a fee brought several potential financial benefits in the form of wards, reliefs and marriages for the crown - there is no reason to believe that the king would have been unhappy about the outcome.²⁴²

While the dispute concerning the division of the county of Chester raged on, an arrangement was made for the partition of lands that lay outside the lordship. On 5 October 1238, in the presence of all four of earl John's coheirs at the king's court at Westminster, John de Ulecot and Everard de Trumpington were appointed to make a partition of the lands and fees of John, earl of Chester and Huntingdon excluding the county of Chester.²⁴³ The specifics of the division are not outlined here and again losses within the records do not enable us to see precisely when a settlement was made. A council was elected to make the division of lands outside the county of Chester but we have no extant evidence of firm

²⁴⁰ Eales, 'Henry III and the End...', p. 110.

²⁴¹ Stewart-Brown, 'The End...', p. 39.

²⁴² *Ibid.*, p. 43.

²⁴³ *CPR, 1232-47*, p. 234.

settlements until 1241; this was possibly due to de Forz's protestations.²⁴⁴ In June 1241, Isabel de Brus received, as her portion of the external lands of the Chester inheritance, fees in Derbyshire, Lincolnshire, Staffordshire, Rutland, Norfolk, Suffolk and Essex. Unfortunately, the evidence does not allow us to identify the number of fees she inherited.²⁴⁵ In November 1241, Ada and Henry de Hastings inherited roughly 39 fees previously held by the late earl in the counties of Northamptonshire, Rutland, Lincolnshire, Bedfordshire, Buckinghamshire, Leicestershire, Warwickshire, Huntingdon and Oxfordshire.²⁴⁶ Only on 12 May 1244, was it recorded that John and Dervorguilla de Balliol received 21 fees scattered across the counties of Huntingdon, Northampton, Bedfordshire, Leicestershire and Lincolnshire.²⁴⁷ It seems likely that this assignment followed Balliol's complaint to the king on 15 June 1243 that he had not yet received any lands or fees that had been assigned to him from the Chester inheritance. As a result, he refused up until this point, to be responsible for any of the debts of the late earl.²⁴⁸ William and Christina de Forz did not receive their allotment of lands until 3 July 1244. It is possible that they also suffered from a similar situation as Balliol, but it should not be forgotten that de Forz only surrendered his wife's claim in 1241. Their portion consisted of 23 ½ knights' fees distributed across the counties of Norfolk, Suffolk, Bedfordshire, Buckinghamshire, Northamptonshire, Cambridgeshire, Huntingdonshire, Warwickshire, Leicestershire and Lincolnshire.²⁴⁹

In the end, it is possible to say that the coheirs just wanted a settlement. If the latter part of 1239 is the correct date for the decision to divide the county of Chester, the coheirs

²⁴⁴ Eales, 'Henry III and the End...', pp. 109-10, fn. 66.

²⁴⁵ *CCIR*, 1237-42, p. 306.

²⁴⁶ *Ibid.*, pp. 369-70.

²⁴⁷ *CCIR*, 1242-7, p. 184.

²⁴⁸ *Ibid.*, p. 104.

²⁴⁹ *Ibid.*, p. 205.

would already have been waiting for two years for a judgement.²⁵⁰ On 5 October 1241, the king quitclaimed to William de Forz and his heirs the £30 which his father used to pay yearly at the Exchequer for the manor of Pocklington (Yorkshire). For this manor William de Forz was now expected to give one mewed sparrow hawk each year at the Exchequer at Michaelmas. Also on 5 October 1241, William de Forz finally surrendered the entirety of his wife's right to a share of the county of Cheshire. The couple were granted the manor of Driffild (Yorkshire) and *Tingden* (Northampton) with the advowson of the church there and all rights, liberties, and free customs in exchange for Christina's rightful share of earl John's inheritance.²⁵¹ These lands were subsequently taken into the king's hands following Christina's death in 1246.²⁵² By the time that William de Forz had quitclaimed Christina's right, four years had passed since John le Scot's death. It is likely, as Eales suggests, that de Forz's decision was fuelled partly by his inheritance of the earldom of Aumale, upon the death of his father, at the end of March 1241.²⁵³ On 16 October 1241 Isabel de Brus was granted the manors of Writtle and Hatfield (Essex) and half a hundred of land that was appurtenant to the manor. Together with these manors, she was granted the homage, tallages, liberties and free services of these lands to hold for the service of one knight in exchange for her right to a portion of the Chester inheritance.²⁵⁴ These grants enabled Isabel and her heirs to take wood without view or livery of the foresters, and be exempt from cheminage (a toll paid for passing through a forest) and other forest dues saving the king's venison.²⁵⁵ The complaint made by John de Balliol in 1243 explains the absence of a

²⁵⁰ It would appear that John's earldom of Huntingdon was never in contention for division, it was held by the earls from the king of Scotland.

²⁵¹ *CChR*, 1226-57, p. 262.

²⁵² *CFR*, 30 Henry III, nos. 569, 570.

²⁵³ Eales, 'Henry III and the End...', pp. 111; *CPR*, 1232-47, p. 258.

²⁵⁴ TNA: SC8/93/4605B; *CChR*, 1226-57, p. 262.

²⁵⁵ *CChR*, 1226-57, p. 262; *CCIR*, 1237-42, p. 366; C. Corèden and A Williams, *A Dictionary of Medieval Terms and Phrases* (Cambridge: D. S. Brewer, 2004), p. 135.

similar charter of confirmation of the arrangements made at this time for him and his wife. The charter for the settlement with Ada and Henry also appears to be missing. By March 1245, Ada was dead and the king ordered that the lands that had been given to Ada and Henry de Hastings in exchange for her right to the Chester inheritance, be taken into his hands. These properties included the manors of Church Stretton (Shropshire), Bromsgrove and King's Norton (Worcestershire), Mansfield (Nottinghamshire) and Bolsover (Derbyshire).²⁵⁶

The King's Plan?

The steps taken by Henry III following the earl's death in 1237 were quite different to those taken in 1232. This was made possible by the very different circumstances surrounding the two earls' deaths. The steps taken by royal government following John's death cannot be used to indicate that the king had already made plans for Chester so early on in 1237.²⁵⁷ It was standard procedure for the king to hold the lands of a deceased tenant-in-chief until homage had been taken from the heir or coheirs. In this sense, it is unsurprising that Henry maintained his grip on the Chester lands until a settlement was made. Despite this, the agreements arranged with John and Dervorguilla de Balliol in the final months of 1237, and with Isabel de Brus and the Hastings in early 1238, indicate that, by this point, Henry was reluctant to let these lands slip through his fingers. Eales claims that King Henry had no particular use for Chester in 1237; officially, this remained the case until 17 August 1243, when he assigned these lands to his queen as her dower.²⁵⁸

²⁵⁶ *CFR*, 29 Henry III, nos. 205, 206, 207.

²⁵⁷ Eales, 'Henry III and the End...', pp. 109-10.

²⁵⁸ Eales, 'Henry III and the End...', pp. 109-10; *CPR*, 1232-47, p. 394.

There were, however, some obvious motives behind the king's actions. The considerable wealth of the county and the influence of Henry's advisors are reasons that we should bear in mind here. The strategic importance of Chester must have been a considerable, if not the main, factor. The relationship between England and Wales was fractious and the king needed the county to be united under the authority of one person, not split between four coheireses.²⁵⁹ This situation is illustrative of the problems that arose from the division of baronies between multiple female heirs and, that there were indeed concerns about the continuing fragmentation of patrimonies and estates. Once a group of heiresses had divided an inheritance, there was the possibility of successive divisions.²⁶⁰ For lords, female inheritance proved to be a problem as it was more secure, practical and convenient for a single heir to be responsible for the services rather than a group of heiresses.²⁶¹ There were also fears that this elite wealth would descend, through marriage, to men outside the high aristocracy. A later, yet significant, example of this followed the division of the Clare estates, worth around £6000, in 1314 following the death of Gilbert de Clare, earl of Gloucester and Hertford.²⁶² Gilbert's coheirs were his three full sisters, Eleanor, Margaret and Elizabeth, and Edward II married two of these heiresses to his favoured courtiers rather than members of the baronial class.²⁶³ Female inheritance was 'a dangerous point of transition' and had the ability to drastically alter the balance of wealth and power.²⁶⁴ At least in this sense the distribution of wealth was not so damaging as all of

²⁵⁹ Stewart-Brown, 'The End...', p. 45.

²⁶⁰ Waugh, *Lordship of England*, pp. 15-25.

²⁶¹ Waugh, 'Women's Inheritance', p. 78.

²⁶² Waugh, *Lordship of England*, p. 22-3; M. Altschul, 'Clare, Gilbert de, eighth earl of Gloucester and seventh earl of Hertford (1291-1314)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/5439?docPos=8>>, accessed 25 February 2016.

²⁶³ Waugh, *Lordship of England*, p. 22-3; Altschul, 'Clare, Gilbert de...', *ODNB*. Eleanor was married firstly to Hugh Despenser the younger and then upon his death in 1326 to William de la Zouche. Margaret was married to Piers de Gaveston and then to Hugh Audley in 1317.

²⁶⁴ Waugh, *Lordship of England*, p. 23.

the Chester heiresses were married to men of the baronage.²⁶⁵ With Cheshire now in the hands of the Crown, this problem was removed and the endless cycles of litigation came to an end.

Scholars draw conflicting conclusions with regard to the king's policy on the partition of Chester. On the one hand, those such as Stewart-Brown believed that all of the steps taken by the Crown were perfectly legal, casting the king and his legal advisors in a favourable light. McFarlane, conversely, argued that, through this ruling, de Forz was denied his 'impeachable hereditary right' for the benefit of Henry III's eldest son, Edward, who later received it.²⁶⁶ To entirely support either one of these views is difficult, however, as the division of Cheshire itself put de Forz in a position with little room for compromise. Although de Forz's right to hold the title and the chief message was accepted, this alone would not have given him power to wield sufficient authority as earl of Chester. De Forz had ultimately been outmanoeuvred, and the Crown had won the battle.

The proceedings surrounding the partition of Cheshire would suggest that the inherited landed rights of women were regularly marginalised in favour of male ambitions. In this instance, those of the king. Often, however, the specific lands that women were due to inherit do seem to have been subject to negotiation. It is in this respect that the security of the inherited rights of noblewomen is questionable. The right of these women to actually inherit was, however, never truly questioned. The customs concerning female inheritance were applied on both occasions that the earldom of Chester was divided. These customs reduced, but did not eradicate completely, the problem of women being passed over in

²⁶⁵ Ibid., p. 22.

²⁶⁶ Eales, 'Henry III and the End...', pp. 111-12; Stewart-Brown, 'The End...', p. 45; K. B. McFarlane, 'Had Edward I a 'Policy' towards the earls?', in *The Nobility of Later Medieval England* (Oxford: Clarendon Press, 1973), pp. 248-67 at p. 250.

favour of their male relations. Although not immediately obvious through the record evidence, it is likely that the heiresses were highly involved in the division of the Chester inheritance. One of the major ways in which women could exercise influence in this period was through intercession and this undoubtedly was exercised.²⁶⁷ The extent to which Christina de Forz was involved in pushing for the whole of the honour of Chester cannot be known, but it is likely that she would have supported her husband and encouraged him to keep pursuing the claim.²⁶⁸ It was, after all, through her right that he was making this claim and she would, therefore, have had a vested interest in obtaining her inheritance. It would be unwise to suggest that she played no part at all in the process. It was not unusual for married women to participate in litigation with their husbands. It seems highly probable that the married Chester heiresses would have encouraged their husbands to push for their respective rights. Isabel de Brus exercised her independent legal rights as a widow and actively pursued her own claim to the Chester inheritance. It is impossible to know how the heiresses felt once they, or their husbands, had surrendered their lands in exchange for others offered by the king. They must have felt a certain degree of resentment at losing their respective inheritances, but maybe in the end they just longed for a settlement.

Women and Litigation

The heiresses of the 1237 partition were involved in numerous legal suits. These disputes demonstrate the rippling effect that female inheritance had throughout the thirteenth century and beyond. Perhaps we should start in 1240 where each of the Chester coheirs

²⁶⁷ E. Cavell, 'Aristocratic Widows and the Medieval Welsh Frontier: The Shropshire Evidence', *Transactions of the Royal Historical Society*, 17 (2007), pp. 57-82 at pp. 70-1.

²⁶⁸ Loengard, 'What is a Nice...', p. 62.

appointed their attorneys in cases against Robert de Quency and his wife, Helen, the widowed countess of Chester.²⁶⁹ This case was brought before the king's court at Middlesex concerning waste to Helen's dower lands.²⁷⁰ Waste, which generally refers to the excessive cutting down of trees and underbrush, was a fairly common problem in thirteenth-century England.²⁷¹ The barons often complained of the damage being caused by the king's escheators and their assistants. Waste caused by widows was also a genuine problem often faced by heirs.²⁷²

The records of the King's Bench feature numerous complaints made by heirs against widows who had caused damage to their inheritance whilst held in dower.²⁷³ In this sense, waste could mean a variety of things, including the destruction of trees or the neglect of houses, or that the land was not returning its usual income.²⁷⁴ Waugh's studies have shown that waste was caused by widows or other family members almost as frequently as that caused by guardians or officials.²⁷⁵ The 1278 'Statute of Gloucester' sought to protect the rights of heirs. The statute laid down that widows, and any other man, who attainted or laid waste would lose their dower lands and become subject to fines treble the price of the damage caused.²⁷⁶ This being said, widows who were guardians of their son's property generally took greater care to maintain it.²⁷⁷

²⁶⁹ *CRR*, 1237-1242, nos. 2468, 2470, 2472, 2473, 2474. Robert was the younger brother of Hawise de Quency's husband, also Robert de Quency.

²⁷⁰ *CRR*, 1237-42, nos. 2468, 2470, 2472, 2473, 2474.

²⁷¹ Waugh, *Lordship of England*, pp. 79-80, 233-4; Carpenter, *Magna Carta*, p. 470.

²⁷² R. E. Archer, 'Rich Old Ladies: The Problem of Late Medieval Dowagers', in *Politics and Property: Essays in Later Medieval English History*, ed., A. J. Pollard (Gloucester: Sutton, 1984), pp. 15-35 at p. 20.

²⁷³ In some instances, the widow's husband may also have been involved. Loengard, 'What is a Nice...', p. 64.

²⁷⁴ Loengard, 'What is a Nice...', p. 64; D. M. Palliser, 'Domesday Book and the Harrying of the North', *Northern History*, Vol. XXIX, ed., G. C. F. Forster (The School of History: University of Leeds, 1993), pp. 1-23 at pp. 11-2.

²⁷⁵ Waugh, *Lordship of England*, pp. 233-4.

²⁷⁶ Loengard, 'What is a Nice...', p. 64; 'The Statute of Gloucester' in *SR*, p. 48.

²⁷⁷ Archer, ' "How ladies..." ', pp. 166-7.

As well as this joint suing, the Chester heirs also brought forward claims individually. In 1240-1, Robert and Helen claimed a right to a third part of the manors of Hatfield and Writtle (Essex) which belonged to Helen's dower.²⁷⁸ The pair were successful in their claim. At the king's court at Essex in 1243 the couple appointed John le Waleys and John of Cotham as their attorneys against the widowed Isabel de Brus in their plea.²⁷⁹ Later in 1243, Isabel agreed to the plea before the king's court.²⁸⁰ The de Forz family also had their own bitter dispute with the de Quencys regarding Helen's dower lands. The records of the King's Bench show that between 1243 and 1244, four knights from the county, namely Ralph of Pebmarsh, Walter son of Robert de Asheldham, John of Boxted and William de Blundevill, were sent to Colne in Essex to hear the case between the two parties.²⁸¹

All of the Chester coheirs were immersed in numerous other cases.²⁸² In 1241, all were involved in a suit against the king concerning £13 worth of rent from Navenby (Lincolnshire). This case was brought against William de Ferrers and his wife Agnes but they refused to answer without their fellow coheirs. On 11 April 1241 the sheriff of Warwick and Leicester was commanded to summon before the barons of the exchequer Hugh d'Aubigny, earl of Arundel, together with Henry and Ada de Hastings. All of the other heirs of the earldom of Chester, Hawise de Quency, William and Christina de Forz, John and Dervorguilla de Balliol and Isabel de Brus, were also summoned to the court.²⁸³ Not all of the heirs answered the first summons. As we know, the presence of all coheirs was a legal requirement in lawsuits concerning inheritance disputes and the absence of some delayed

²⁷⁸ *CRR*, 1237-42, no. 1852.

²⁷⁹ *CRR*, 1243-5, no. 765.

²⁸⁰ *Ibid.*, no. 1816.

²⁸¹ *Ibid.*, no. 921. Pebmarsh (Essex); Boxted (Essex/Suffolk); Asheldham (Essex).

²⁸² For other cases see *CRR*, 1237-42, nos. 435, 951, 1417.

²⁸³ *CDS*, Vol. I, no. 1520.

proceedings.²⁸⁴ Later, on 6 June of the same year, in Essex and Hertford the sheriff was ordered to take security that John and Dervorguilla de Balliol would appear before the Exchequer barons to answer with their fellow coheirs and that he would have the writ and names of pledges.²⁸⁵ It is clear that in July, John and Dervorguilla had still not answered, as the king issued further commands to the sheriff of Essex and Hertford to ensure that the couple would appear and answer with their fellow coheirs.²⁸⁶ Given Hawise's previous record, it is probable that she was absent.

There is plentiful evidence to show that numerous disputes also erupted between the Chester coheirs regarding their lands and rights. Hugh, who as mentioned above still had grievances he longed to settle following the 1232 division, was involved in litigation with all of John le Scot's coheirs.²⁸⁷ He seems to have come into particular conflict with Henry and Ada de Hastings. Their first clash concerned the custody of the lands and heirs of John de Preaus and, then again, concerning Clement Chanterel.²⁸⁸ In 1241, Ada herself appointed an attorney William Blancchgernun in a case against the earl of Arundel concerning a plea of custody.²⁸⁹ Christina de Forz also appointed her attorney Thomas de Cheshunt in the lawsuit involving all of the Chester coheirs at this time concerning the dower lands of Helen, countess of Chester.²⁹⁰ The patent rolls indicate that William was amongst those men accompanying the king on his Gascon expedition in the years 1242-3 and explains why Christina is found again acting independently of her husband.²⁹¹ These two cases are

²⁸⁴ *Britton*, Vol. II, pp. 83-5.

²⁸⁵ *CDS*, Vol. I, no. 1537.

²⁸⁶ *Ibid.*, no. 1543.

²⁸⁷ *CRR*, 1237-42, nos. 2467, 2471, 2472.

²⁸⁸ *Ibid.*, nos. 1336, 1771, 2627.

²⁸⁹ *Ibid.*, no. 2792. Blancchgernun = Blangernun (Cambridge).

²⁹⁰ *CRR*, 1243-5, no. 1896. Cheshunt (Hertfordshire).

²⁹¹ *CPR*, 1232-47, pp. 294-7.

indicative of the abilities of married noblewomen in this period. Ada and Christina's appointments of their own legal representatives is a further indication that married women were actively engaged in the law.

Due to her legal status as a widow, there is plentiful evidence of Isabel de Brus' litigious activities both during and after the division of the Chester inheritance. One of the longest disputes that Isabel was involved in was that with Roger de Montald which features heavily within the records of the King's Bench. The Montald family held the office of seneschal of Chester and, although the office appears to have lost importance after Earl John's death, Roger continued to hold the title until his death in 1260 - he even became justiciar under the Lord Edward (1257-59).²⁹² On 2 June 1241, the sheriff of Derby was commanded to distraint Montald so that he would answer to Isabel for the service that he owed to her through the inheritance of lands from her brother, the late earl of Chester.²⁹³ Writs of a similar nature were sent to the sheriffs of the counties of Lincolnshire, Staffordshire, Norfolk and Suffolk. This case enables us to catch some glimpses of the services that Isabel was owed. For example, in Lincolnshire Montald owed her services in Mablethorpe and Hermeston.²⁹⁴ Roger responded to Isabel's claim, stating that he did not owe service to Isabel in these places and appointed his attorney Thomas de Wiltes'.²⁹⁵ In July 1243, the king intervened and ordered respite between the two parties until he had returned to England.²⁹⁶ Isabel came into further conflict with the king, concerning her

²⁹² My thanks go to Rodolphe Billaud for discussions on the Montald family and for allowing me to read his biography on Roger de Montald prior to publication.

²⁹³ *CDS*, Vol. I, no. 1536; *CCIR*, 1237-42, p. 306.

²⁹⁴ *CRR*, 1237-42, no. 2299.

²⁹⁵ *CRR*, 1242-3, no. 1947.

²⁹⁶ A regarder was a knight responsible for inspecting local woods every three years; a regarder's responsibilities included upholding the king's rights. *CCIR*, 1242-7, p. 67; D. Danzinger and J. Gillingham, *1215: The Year of Magna Carta* (London: Hodder and Stoughton, 2003), p. 125.

woods belonging to her manors of Hatfield and Writtle. In February 1242, Henry ordered Richard of Mountfitchet to have the custody of these woods, claiming that Isabel had been laying waste and destruction to them.²⁹⁷ On 23 March 1243, the king's regards of the forest in the hundred of Chelmsford were ordered not to take regard of the woods pertaining to the manor of Writtle, which Isabel held in exchange for her portion of the Chester inheritance.²⁹⁸ The following year, on 19 November 1244, the king retracted his claim and restored the woods to her.²⁹⁹ These rights did, however, justly belong to her through the king's grant of exchange in 1241. It would seem that this conflict did not damage their relationship in the long term as, on 10 March 1249, the sheriff of Essex received an order for Isabel to receive reasonable tallages from her tenants of the manors of Hatfield and Writtle.³⁰⁰ Isabel was involved in numerous other law suits which demonstrate that aristocratic widows were more than capable political and legal agents in this period.³⁰¹ She was clearly a woman who had an interest and awareness of her landed rights and had the determination to fight for them.

Conclusion

Both partitions of Chester reveal a great deal about female inheritance in thirteenth-century England. In both instances the rights of the heiresses, of whom there were eight in total, and those of their heirs were acknowledged. The acceptance that these women had a right to inherit was most certainly helped by legal customs that determined that women should

²⁹⁷ *CCIR*, 1237-42, p. 391. Stansted Montfitchet (Essex).

²⁹⁸ *CCIR*, 1242-7, p. 92.

²⁹⁹ *Ibid.*, p. 268.

³⁰⁰ *CCIR*, 1247-51, p. 147.

³⁰¹ Isabella was also involved in an interesting case against William and Beatrice de Wauton. Evidence for this case can be found in the curia regis rolls. See *CRR*, 1249-50, nos. 546, 1832; *CRR*, 1250, nos. 632, 1800.

inherit jointly in the absence of male heirs. In terms of landholding, inheritance customs were more secure for women than they had been previously in the thirteenth century. This is not to say that female heirs, like their male counterparts, did not continue to suffer from disinheritance, or that their rights were never subject to exploitation. The 1237 division of the Chester inheritance shows that female inheritance was still viewed with caution and demonstrates how such concerns could lead to the exploitation or negotiation of women's inherited rights.

The lawsuits in which these heiresses were involved, successful or not, demonstrate the abilities, willingness and power of women to assert their rightful claims to inheritance. Although the majority of the heiresses who benefitted from the divisions were still married when they inherited their claims, their involvement in pushing these forward and their participation in litigation should not be overlooked. It should not be forgotten that, in reality, married women often overstepped the degree of authority that was set down for them in law. The occasions in which these women appointed their own attorneys demonstrates that these married women certainly engaged with the law and legal processes surrounding their inheritance. As widows, women were solely responsible for acquiring and protecting their estates when necessary. For heiresses, these lands comprised their inheritance as well as the usual dower third. The dealings that these women had with the law while married would have been exceptionally useful experience for them in widowhood.

We must consider what receiving inheritance meant for our two widows, Hawise de Quency and Isabel de Brus. As Susan Johns states, widowhood was the most 'powerful phase' of a woman's life.³⁰² The change in legal status gave women freedom from the

³⁰² Johns, *Noblewomen, Aristocracy and Power*, p. 72.

control of their male kin.³⁰³ Widows were legally able to control and administer their estates, bring lawsuits to courts regarding their properties and also make all decisions regarding the family independently. This was, in reality, often an extension of their activities as a married woman.³⁰⁴ Widows continued to enjoy these rights, unless they decided to remarry whereupon they fell under their new husband's legal authority.³⁰⁵ Neither Hawise nor Isabel decided to take new husbands and therefore retained their landed rights. Their claims to the Chester inheritance and control of their own estates in widowhood brought each of them into personal contact with the king and court politics. Both were clearly aware of, and able to exercise, their legal rights to maintain a hold on their estates, even if this meant conflict with the king and others. This increased wealth therefore enabled them to interact in politics and engage with the law at a level not otherwise possible had they not come to inherit lands from the honour of Chester.

We should also consider the implications of these partitions for the husbands of our heiresses. These men were married to women who inherited great landed wealth, which benefitted them financially and, in extension, increased their power. In the first division, John de Lacy benefitted considerably from his marriage to Margaret, the daughter of Hawise de Quency. His acquisition of the earldom of Lincoln through Hawise's grant allowed him to continue climbing the ladder of the king's favour. He was able to purchase the marriage of Richard de Clare for his daughter Matilda for the sum of 3000 marks in 1238.³⁰⁶ Agnes' inheritance bought considerable additional revenue to the earls of Derby. It is estimated that, by the 1250s, the estates of the earls of Derby were worth up to £1500 p.a. thanks to

³⁰³ Unless it was their second widowhood.

³⁰⁴ Archer, ' "How ladies..." ', pp. 149-182.

³⁰⁵ Wilkinson, *Eleanor de Montfort*, pp. 63-4.

³⁰⁶ *CPR, 1232-47*, pp. 199-200, 208. This purchase contributed to Richard of Cornwall's rebellion.

the inheritance and the work of William and his son. This revenue meant that the earls of Derby were amongst the half dozen wealthiest nobles of Henry III's reign.³⁰⁷ William had previously been a loyal supporter of King John and his substantial wealth gave him an important position at the Henrician court. Hugh d'Aubigny also benefitted financially through his mother's inheritance, which must have also given him a platform to exert some influence at the royal court.

The husbands of the coheirs of the 1237 division also enjoyed an increased involvement and influence within Henrician court politics. John de Balliol had already received a third of the Galloway lordship through his marriage to Dervorguilla and this landed wealth was increased through her Chester inheritance.³⁰⁸ He was one of the king's most trusted counsellors, mirrored in his frequent appearances in government records from the mid-1240s. Balliol's landed interests in both Scotland and France made him an extremely useful and often used mediator between the two countries.³⁰⁹ William de Forz was another of Henry's trusted counsellors, and was appointed so under the provisions of Oxford, and it is clear that he served the king on numerous campaigns.³¹⁰ William's marriage to Christina bought him considerable wealth from her Galloway inheritance as well as connections with Scotland. Following the death of his father, de Forz inherited vast estates in the north - through his marriage to Christina he was a useful mediator with the Scots.³¹¹ De Forz's possession of northern property also resulted in his appointment as sheriff of

³⁰⁷ S. Painter, *Studies in the History of the English Feudal Barony* (Johns Hopkins Press, 1943), pp. 170-1; Maddicott, 'Ferrers, Robert de', *ODNB*.

³⁰⁸ Stell, 'Balliol, John de', *ODNB*.

³⁰⁹ John held lands of the Balliol patrimony in Vimeu and Ponthieu. These were located outside of the duchy of Normandy and so had not been seized by the king of France in 1204. Stell, 'Balliol, John de', *ODNB*.

³¹⁰ H. Rothwell, ed., *The so-called Provisions of Oxford, 1258 in English Historical Documents*, Vol. III, 1189-1307, <<https://www.englishhistoricaldocuments.com/document/view.html?id=648#>>, accessed 11 December 2017.

³¹¹ English, 'Forz, William de', *ODNB*.

Cumberland and keeper of Carlisle castle.³¹² His second marriage to Isabella de Redvers, heiress to the county of Devon, is more than likely to have been a result of the king's favour. Henry de Hastings accompanied the king on various campaigns and was one of the king's most loyal supporters. Together with his wife's inheritance Henry possessed lands spread over 11 counties and worth up to £600 p.a.³¹³ Henry was already a loyal courtier, but his wife's claim to the Chester inheritance bought him even greater influence at the royal court.

It is clear that the division of patrimonies between female coheirs could be a complex and time-consuming process, one that could easily be affected by the political climate. Both Chester divisions highlight some of the uncertainties and threats faced by heiresses in regard to their property rights in the thirteenth century. A woman's entitlement to specified lands in inheritance could be affected by political circumstance, or negotiated to suit the needs of the king and the interests of others. Although women were offered lands in exchange to those designated as their inheritance, their experiences suggest a feeling of unease when it came to female succession, especially when it came to the division of services and authority. Nevertheless, for men of the social elite, the division of patrimonies between women was a time of opportunity to increase wealth and status through marriage. At every stage of their lives, noblewomen participated in lawsuits concerning their lands. It must not be forgotten that husbands held lands through the hereditary right of their wives, and that these women had an interest in protecting their landed rights. Christina de Forz's involvement in litigation concerning her inheritance in marriage, through the use of

³¹² Ibid.

³¹³ Ridgeway, 'Hastings, Sir Henry', *ODNB*.

attorneys, makes it plain that heiresses were active litigators in marriage, just as they were in widowhood.

Chapter Two: The Marshal Inheritance - The Ferrers Daughters

The Marshals

In April 1219, the death of William Marshal, earl of Pembroke, sent shockwaves throughout England. Marshal was one of the greatest knights and magnates of his day. From a modest background, William's capabilities as a soldier and captain saw him steadily rise in importance at the royal court. He acted as an advisor to each of the Angevin kings and, in time, William became the earl of Pembroke and regent of England during the minority of King Henry III. As a result of his highly successful military career, William accumulated great estates in England, Ireland and Wales holding 'one of the most powerful Marcher lordships'.¹ His death was to have a huge impact on English politics and landholding society, far greater than anyone could have possibly expected at the time. William and his wife Isabel de Clare (d.1220) had five sons and five daughters.² With such a large number of sons, Marshal may rightly have believed that the succession of his lands was secure. Over the course of the next 26 years, however, each of the Marshal sons died in succession. The last surviving son, Anselm, died just 11 days after his brother Walter and so never actually possessed the title 'earl of Pembroke'. As a result of his death without issue, the lands were divided between Anselm's five sisters and their coheirs.

This rather unfortunate series of deaths prompted the chronicler Matthew Paris to state that the Marshal's sons were cursed.³ Paris attributed the death of all five sons to a

¹ D. Crouch, *William Marshal: Knighthood, War and Chivalry, 1147-1219*, 2nd edn. (London and New York: Longman, 2002), p. 87; D. Crouch, 'Marshal, William I, fourth earl of Pembroke (c.1146-1219)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/18126?docPos=1>>, accessed 23 May 2016.

² See Appendix 1.2.

³ *Chronica Majora*, pp. 492-5; J. A. Giles, trans., *Matthew Paris's English History*, Vol. II (London: H. G. Bohn, 1853), pp. 119-122.

prophecy of their mother, Isabel, ('a sibyl') who had allegedly stated that her sons would all be earls of one earldom. The chronicler also believed that the death of all the five brothers was due to divine judgement.⁴ Paris describes the events leading to this. Apparently whilst on campaign to secure territory William Marshal senior had falsely seized and claimed two manors belonging to the church of the bishop of Ferns. Despite the bishop's warnings, Marshal refused to relinquish his hold on the manors and was subsequently excommunicated. Following Marshal's death in 1219, the bishop asked the young King Henry III that the earl be absolved and the manors be restored to his church. The bishop together with the king and many other men went to the earl's tomb at the New Temple, London, to release the earl from damnation. He spoke to Marshal's tomb claiming that if his heirs restored the lands to his church he would be freed. Henry III was said to have become angry at the bishop's words but spoke to William junior, Marshal's eldest son and new earl of Pembroke, to persuade him to return the lands in order to save his father's soul.⁵ William, having consulted with his four brothers, apparently refused to relinquish the manors not wanting to reduce his (or their) inheritance. The young earl claimed that his father had not taken them unjustly, he had died seized of them and that he, as heir, had only entered into what he had found to be rightfully his.⁶ Upon hearing this, the bishop purportedly despaired, and claimed that the Marshal name would be destroyed in one generation. Whether or not this story is true, all of the Marshal's sons died in succession leaving their sisters and their representatives to inherit, thereby destroying their heritage, 'hereditas eorum dissipabitur'.⁷

⁴ *Chronica Majora*, Vol. IV, p. 493; Giles, *Matthew Paris' English History*, Vol. II, pp. 119-22.

⁵ *Chronica Majora*, Vol. IV, pp. 492-4.

⁶ *Chronica Majora*, Vol. IV, p. 494. See also: Giles, *Matthew Paris' English History*, Vol. II, pp. 119-122.

⁷ *Chronica Majora*, Vol. IV, p. 494.

Upon Anselm's death, the great mass of estates accumulated by the Marshal were divided between his five daughters and their coheirs.⁸ Due to the great extent of the earl's lands a final partition was not made until 1247. By this date only one Marshal daughter, Matilda, was still living and the inheritance was divided between her and her sisters' coheirs. As a result, there were thirteen original coheirs with claims to the inheritance.⁹ Seven of these coheirs were the daughters of Sybil Marshal (d.c.1238) and her husband William de Ferrers (d.1254), fifth earl of Derby. These women, Agnes, Isabel, Sybil, Matilda, Joan, Agatha and Eleanor, are the focus of this case study.¹⁰ As well as having to divide a patrimony between the thirteen coheirs, three widows had to be provided for; Eleanor, widow of William Marshal junior and now wife of Simon de Montfort, earl of Leicester, Margaret de Lacy, widow of Walter Marshal; and Matilda de Bohun, former wife of Anselm Marshal. The division was to be a complex one.

Seven Brides... Marriage and Disparagement

As with the previous chapter, this section looks to assess the impact of the Marshal division in terms of female inheritance, asking how secure women's property rights were, and what we can learn from this episode about the ability of women to participate in the law and to act as agents in this period. Before we plunge into the complexities of the division and the events surrounding it, an introduction of the Ferrers sisters will be of some value.¹¹ The eldest daughter of Sybil and William de Ferrers was Agnes (d.1290) who married, before

⁸ The full details of this division are recorded in the *Calendar of Patent Rolls, 1364-7*, pp. 263-75; TNA: C 47/9/20 - this document of the division dates to 1274/5; R. F. Walker, 'Marshal, William (II) earl of Pembroke (c. 1190-1231)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/arFericle/18127?docPos=2>>, accessed 23 May 2016. See Appendix 1.2.

⁹ Wilkinson, *Women in... Lincolnshire*, pp. 53-4.

¹⁰ See Appendix 1.3.

¹¹ See Appendix 1.3.

1244, William de Vescy, lord of Alnwick (d.1253).¹² The chancery records show that this marriage had taken place without the king's licence. Agnes was one of four of the Ferrers sisters who married without royal licence. This family pattern is indicative of the resentment felt by the English nobility towards the king and his selection of husbands for their daughters, especially heiresses. Matthew Paris reflected this resentment of foreigners in his writing. Upon William de Vescy's death, Matthew noted that Vescy's lands were placed into the hands of an 'alien'.¹³ Agnes and William had at least two children together. It was the eldest son John who inherited his father's lands upon his death in 1253. John's death without heirs in 1289, however, meant that it was his younger brother William (d.1297), having performed homage, who inherited his mother's Marshal lands in Ireland and England when she died in the following year.¹⁴ Agnes, having been assigned her dower lands, did not remarry following her husband's death in 1253 and consequently lived as a widow for 37 years.¹⁵ For this period of Agnes' life we have an extensive amount of documentation. Of all the sisters, she was arguably the most litigious.

The second of the sisters was Isabel (d.1260).¹⁶ With her first husband Gilbert Basset (d.1241) Isabel had one son, who died within the same year as his father. A charter dating to 1234x8 demonstrates that Isabel's uncle, Gilbert Marshal, granted to her all of his lands in Greywell (Hampshire) upon her marriage to Basset. He also offered an exchange for lands elsewhere if these lands could not be guaranteed.¹⁷ A later grant to Peter of Savoy in July

¹² T. F. Tout rev H. W. Ridgeway, 'Vescy, John de (1244-1289)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/28254?docPos=1>>, accessed 1 July 2016.

¹³ *Chronica Majora*, Vol. V, p. 410.

¹⁴ *CFR, 1272-1307*, pp. 278-9; Tout, 'Vescy, John de (1244-1289)', *ODNB*; Waugh, 'Vescy, William de', *ODNB*; Sanders, *English Baronies*, p. 103; *CFR, 1272-1307*, pp. 278-9.

¹⁵ *Calendar of Documents relating to Scotland*, Vol. I, ed., J. Bain (London: H.M.S.O, 1881-), no. 1954; *CIPM*, Vol. II, no. 746.

¹⁶ *CPR, 1258-1266*, p. 127.

¹⁷ D. Crouch, *Acts and Letters of the Marshal Family, 1145-1248* (London: Cambridge University Press,

1246 concerning these lands is an interesting one. The king stated that if the marriage between Basset and Isabel was childless, the manor would revert to Peter as it had been granted from the honour of Pembroke which Gilbert had held of the king's gift.¹⁸ The same applied to the manor of Ripe (Sussex) which Gilbert had granted to another of his nieces, Isabel, daughter of Gilbert de Clare, earl of Gloucester (d.1230), in her marriage to Robert de Brus.¹⁹ This appears to follow a pattern for the provision of *maritagia* for younger female relatives when parents were not able to do so. Ranulf III, earl of Chester, similarly provided lands for his niece, Colette, daughter of his sister, Mabel.²⁰ Indeed, it was not unusual for uncles to provide lands for their nieces if their parents were not able to.²¹ David Crouch has plausibly suggested that this grant was made by Gilbert, as Isabel's father did not come into his own inheritance until 1247, when he became earl of Derby, and would not have been able to provide the necessary lands.²² Despite this, in 1241, William de Ferrers offered Basset the manor of Woodperry (Oxford), which had previously been part of his wife's *maritagium*, for Mildenhall (Wiltshire).²³ After Basset's death, Isabel married Reginald de Mohun, lord of Dunster (d.1258).²⁴ Following Isabel's death in 1260 the wardship of her lands in England, Wales and Ireland were granted to James de Audley, saving the marriage of her heirs and advowsons of the churches.²⁵ The couple had at least one child together, their son William (d.1282), and it was he who inherited his father's lands and his mother's

2015), no. 201; L. E. Mitchell, 'Agnes and her Sisters: Squabbling and Cooperation in the Extended Medieval Family', in *Portraits of Medieval Women: Family, Marriage and Politics in England, 1225-1350* (Basingstoke: Palgrave Macmillan, 2003), pp. 11-28. Mitchell confuses Gilbert Marshal with his brother, Richard.

¹⁸ *CChR*, 1226-57, p. 296.

¹⁹ *Ibid.*, p. 296.

²⁰ *CEC*, no. 437; *CPR*, 1232-47, pp. 2-3.

²¹ De Trafford, 'The Contract of Marriage', pp. 121-2.

²² Crouch, *Acts and Letters of the Marshal Family*, p. 340.

²³ *A Descriptive Catalogue of Ancient Deeds, Vol. II*, ed., H. C. Maxwell-Lyte (London: H.M.S.O, 1894), p. 203; *Basset Charters, c. 1120-1250*, ed., W. T. Reedy (London: J. W. Ruddick and Sons Ltd, 1995), no. 263.

²⁴ Sanders, *English Baronies*, p. 114.

²⁵ *CPR*, 1258-66, pp. 127, 301.

Marshal lands upon her death.²⁶ Isabel's heir and the manor of Greywell, were in the hands of the king's serjeant Richard de Ewell through wardship in 1262.²⁷

The third Ferrers daughter was Matilda (d.1299).²⁸ Married three times, Matilda's life was perhaps the most eventful of all the Ferrers sisters. Her first husband was Simon de Kyme, lord of Sotby, who died without issue in 1248.²⁹ Following the death of her first husband, Matilda's marriage was granted to William de Fortibus, son of Hugh de Vivonia. In order to save Matilda any trouble or expense, the king sent Geoffrey de Langley to receive her fealty on behalf of the king.³⁰ With her second husband, William, Matilda had a number of children including at least four daughters: Joan, Cecily, Sybil and Mabel.³¹ Her daughters entered into wardship at the royal court following their father's death. *Glanvill* stated that if a woman or women were left as heirs they were to stay in wardship until they had come of age and were married.³² This was the case for Matilda's daughters whose marriages were granted to Ingram de Percy, Laurence de Sancto Mauro, Peter de Chauvent and Imbert de Montferrand.³³ Both Chauvent and Montferrand were wealthy Savoyard knights.³⁴ Letters patent stated that if these men did not take Matilda's daughters as their wives then she would be offered the right to their marriages first as long as she paid for the privilege.³⁵

²⁶ *CPR, 1281-92*, p. 381; *CIPM*, Vol. I, no. 500; *CCIR, 1272-9*, pp. 287, 296-7 (concerning the manor of Luton). William was ordered to have seisin of his mother's lands, having done homage for them, on 13 May 1276.

²⁷ *CPR, 1258-66*, p. 215.

²⁸ *CFR, 1272-1307*, p. 412.

²⁹ Sanders, *English Baronies*, pp. 79-80.

³⁰ *CPR, 1247-58*, p. 23.

³¹ *CIPM*, Vol. III, no. 525.

³² *Glanvill*, p. 85.

³³ An entry dating to 1262 stated that if Ingram de Percy and Peter de Chauvent did not marry Cecily and Joan their mother would be offered the right to buy their marriages before anyone else. Imbert de Montferrant was given permission to assign the marriage of the daughter (unnamed) he held in custody to someone else. The assignee was allowed to marry her but if he decided to sell the marriage, he was to offer it to Maud first. *CPR, 1258-66*, pp. 205, 212.

³⁴ H. Ridgeway, 'King Henry III and the 'Aliens', 1236-1272', in *Thirteenth Century England II, proceedings of the Newcastle upon Tyne Conference*, eds., P. Coss and S. D. Lloyd (Woodbridge: The Boydell Press, 1988), pp. 81-92 at p. 84.

³⁵ *CPR, 1258-66*, p. 36.

Ingram, Peter and Imbert also received custody of William's lands, saving those which had been assigned to Matilda in dower.³⁶ Upon William's death in c.1257, Matilda married as her third husband Emery (d.1284), vicomte of Rochechouart. It is unclear whether Matilda and Emery had any children, but Matilda was succeeded by the daughters of her second marriage. Emery was the son of Henry III's Poitvein cousin and it seems likely that he had been granted this marriage as a result of royal favour.³⁷ Following Emery's death Matilda did not remarry but chose to remain a widow for the final years of her life; her Marshal inheritance passed to her daughters upon her death.³⁸

The fourth Ferrers sister was Sybil. In contrast to her sister Matilda, Sybil was only married once, but without the king's licence, to Francis de Bohun (d.1273), lord of Midhurst (Sussex).³⁹ Sybil's marriage without licence reflects again the concerns of aristocratic parents when it came to the king deciding whom their children would marry. Francis was an English lord and his selection as Sybil's husband indicated the growing level of wariness and resentment against foreigners who married English heiresses. Sybil's marriage to Bohun also reflects the Marshal ties to the county of Sussex from where he originated and suggests that her family were involved in selecting her husband.⁴⁰ For women like Sybil, it was much safer marrying without licence under Henry III than it was with John and his Plantagenet predecessors. Francis and Sybil had two sons, John and Thomas. As the eldest, John inherited and did homage for both his mother and father's lands.⁴¹ John died in 1284 and

³⁶ *CPR, 1258-66*, p. 38; L. E. Mitchell, 'Widowhood in Medieval England: Baronial Dowagers of the Thirteenth-Century English Marches' (Unpublished Ph.D thesis, Indiana University, 1991), p. 63.

³⁷ *CCIR, 1253-4*, p. 246.

³⁸ See Chapter Two, p. 149.

³⁹ *CFR, 31 Henry III*, no. 501; *CFR, 1272-1307*, p. 11.

⁴⁰ Crouch, *William Marshal*, pp. 99, 237.

⁴¹ *CFR, 1272-1307*, p. 12; M. Prestwich, 'Edward I (1239-1307)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/8517?docPos=1>>, accessed 27 July 2016. On 20 October 1273, the king ordered his justiciar on this side Trent to deliver to John the lands of his mother's inheritance that his

was succeeded by his own son, also named John. It would seem that Thomas was also provided for with some lands from his mother's inheritance.⁴²

The fifth daughter of Sybil and William de Ferrers was Joan (d.c.1267). She married as her first husband, John de Mohun (d.1254), the son of Reginald from his first marriage to Hawise, a daughter of Geoffrey fitz Peter, fourth earl of Essex, and her sister Isabel's stepson. John died whilst on campaign with the king in Gascony.⁴³ Together John and Joan had one son, also named John, who was transferred into the custody of Henry III's queen, Eleanor of Provence. Following John's death, Joan married, without the king's licence, Robert d'Aguillon (d.1286) a man who seems to have been of considerable importance at the royal court.⁴⁴ The king had previously granted Joan's marriage to the Savoyard, Peter de Chauvent, so Robert made fine of 200 marks to the king.⁴⁵ It was quite common for men to sell marriages that they had been granted by the king to others.⁴⁶ The fact that Joan married her second husband without royal licence demonstrates her agency as a widow, but also what appears to have been a family disregard for the king's rights to the marriages and wardships of heirs. Following Joan's death, Robert married Margaret de Ripariis, dowager countess of Devon.⁴⁷ Robert's heir was his daughter, Isabel.⁴⁸

father had held in curtesy. John was to do homage once the king had returned to England having been absent on crusade. On 5 November 1273, it was ordered that Franc's lands in Ireland be taken into the king's hand. In March 1274, John de Bohun became subject to a fine for not appearing before the king to have seisin of his lands. *CFR, 1272-1307*, pp. 12, 13, 19.

⁴² *CIPM*, Vol. II, no. 34.

⁴³ W. Hunt rev. H. W. Ridgeway, 'Mohun, Sir Reginald de (c. 1206-1258)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/18886>>, accessed 28 April 2015.

⁴⁴ *CFR, 1272-1307*, p. 224.

⁴⁵ *CPR, 1247-58*, p. 495.

⁴⁶ M. Carlin and D. Crouch, trans. and eds, *Lost Letters of Medieval Life: English Society, 1200-1250* (Philadelphia: University of Pennsylvania, 2013), p. 133.

⁴⁷ *CCR, 1279-88*, p. 15.

⁴⁸ *CFR, 1272-1307*, p. 225; *CCR, 1279-88*, p. 15.

The penultimate sister was Agatha. The chancery records demonstrate that the early years of her life were colourful. Her marriage, which was in the king's custody, was initially granted to Eudo la Zouche, but was later passed to Hugh de Mortimer of Chelmarsh (d.1273).⁴⁹ Together the couple had several children but it was their son Henry, at the age of forty, who became heir to his mother's estates upon her death in June 1306.⁵⁰ Following the death of her husband in the early 1270s Agatha did not remarry and enjoyed a period of legal freedom of over thirty years during which time she was highly active.

The final Ferrers daughter was Eleanor (d.1274), who, like her sister Matilda, was married a total of three times. She married both her first husband William de Vallibus (d.1252), and her second husband Roger de Quency (d.1264), earl of Winchester, without the king's licence.⁵¹ The earl had previously been married to another woman who had benefitted from the partition of the Marshal inheritance, the widowed Matilda de Bohun. Given that Vallibus had only died in May 1251 and this marriage first appears in the close rolls in December 1252, the earl took no time in marrying Eleanor.⁵² Both Vallibus and Quency became subject to fines.⁵³ In most cases of marriage without licence, kings were normally happy for a fine to be paid rather than seizing the lands of the offenders. These fines could, however, often be hefty.⁵⁴ In these instances, William de Vallibus became subject to a fine of 200 marks and Roger de Quency a 300 mark fine; both of these men were fortunate that they received respite for their debts.⁵⁵ Indeed, in 1258, William's brother and heir, John de Vallibus, was pardoned of the remaining 40 marks due to the king

⁴⁹ *CPR, 1247-58*, pp. 216, 419; *CFR, 1272-1307*, p. 2.

⁵⁰ *CIPM*, Vol. IV, no. 373; *CFR, 1272-1307*, pp. 539, 545.

⁵¹ *CFR, 31 Henry III*, no. 391; *CFR, 37 Henry III*, no. 287; *CCIR, 1251-53*, p. 289.

⁵² *CCIR, 1247-51*, p. 440; *CCIR, 1251-3*, p. 289.

⁵³ *CFR, 31 Henry III*, no. 391; *CFR, 37 Henry III*, no. 287.

⁵⁴ Waugh, *Lordship*, p. 88.

⁵⁵ *CFR, 31 Henry III*, no. 391; *CFR, 37 Henry III*, 287.

from his brother for marrying without licence.⁵⁶ Waugh's analysis of the number of times women married without the king's consent in the reigns of Henry II, Richard, John and Henry III demonstrates that widows were more likely to do so than wards; probably because they were generally older, more independent, and exercised a greater degree of agency.⁵⁷ Following the issue of Magna Carta widows were, as Carpenter states, 'much freer to marry whom they wished' and noblewomen found themselves in a much stronger position than they had before.⁵⁸ They could not be forced to remarry, and the fines they paid to remain single were much smaller than widows had previously paid.⁵⁹ Eleanor married without licence first of all as an heiress without consent and then again as a widow. Eleanor's third husband was Roger de Leybourne (d.1271), who was sheriff of Kent and a man of great influence at the king's court. It is not clear precisely when Roger and Eleanor were married but it must have been sometime between Roger de Quency's death in 1264 and 1267 when she appears as 'wife' of Roger de Leybourne.⁶⁰ It seems likely that Roger received this marriage as a result of his loyalties in the period of political turmoil of the baronial rebellion in 1264-5. Despite Eleanor's three marriages, it would seem that none of these produced children; her third husband was succeeded by a son, William, from his first marriage, who did homage for his father's lands in December 1271.⁶¹ In December 1274, following Eleanor's death without heirs in October, her portion of the Marshal inheritance was divided between her surviving sisters.⁶²

⁵⁶ *CFR*, 42 Henry III, no. 570.

⁵⁷ Waugh, *Lordship*, p. 89.

⁵⁸ Carpenter, *The Struggle for Mastery*, pp. 420-1.

⁵⁹ *Ibid.*, pp. 290, 420-1.

⁶⁰ *CCIR*, 1264-68, p. 336.

⁶¹ Cokayne, *Complete Peerage*, Vol. VII, pp. 631-4; *CPR*, 1266-72, p. 609; *CCIR*, 1268-72, pp. 569-70.

⁶² See below, p. 124.

In total, the daughters of Sybil and William de Ferrers made 13 marriages between them. Only one of these men was an earl, Eleanor's second husband, Roger de Quency. As their first husbands, the seven daughters took three men of baronial class and four of the knightly class.⁶³ For these barons and knights, their marriage to a woman of comital rank was a way of 'building up their own lordships'.⁶⁴ If we consider the marriages made by the Ferrers daughters, as women of the comital class, to men of the baronial and knightly class then a redistribution of wealth did occur with a movement of wealth away from the comital ranks. This was in contrast to the heiresses of the first Chester division who all married to earls, or the heirs to earldoms.

The marriages of the Ferrers sisters raises the question of whether they experienced disparagement, 'the marriage of a noble person to someone of inferior rank'⁶⁵. Chapter six of the 1215 and 1225 issues of Magna Carta stated that, 'heirs are to be married without disparagement, provided however that, before a marriage is contracted, it is to be made known to the nearest kin of that heir'.⁶⁶ The issue of disparagement of heirs also features within the Statutes of Merton (1235). According to the Statute, if an underage heir was married and disparaged, because they were unable to give consent, the heir's family were to complain and the lord would lose the wardship.⁶⁷ Crouch demonstrates that disparagement was a complaint frequently faced by English and French kings in the twelfth century. The issue of disparagement was present in the reign of Henry I, whose coronation charter stated that he would not marry female heirs without the agreement of his barons. It

⁶³ J. Peltzer, 'The Marriages of the English Earls in the Thirteenth Century: A Social Perspective', in *Thirteenth-Century England XIV, proceedings of the Aberystwyth and Lampeter Conference, 2011*, eds, J. Burton, P. Schofield, B. Weiler (Woodbridge: The Boydell Press, 2013), pp. 61-86 at p. 72.

⁶⁴ Peltzer, 'The Marriages of the English Earls...', p. 72.

⁶⁵ Carlin and Crouch, *Lost Letters of Medieval Life*, p. 131.

⁶⁶ Carpenter, *Magna Carta*, p. 41; *Magna Carta, 1225*, c. 6.

⁶⁷ 'The Statutes of Merton' in *SR*, Vol. I, pp. 1-4.

was not just the king who could disparage heirs. If he had sold a wardship to one of his followers, it was their duty to ensure that the heir was married appropriately according to their status. To ensure that heirs would be married appropriately, the king 'imposed no disparagement clauses' to those who purchased wardships.⁶⁸ These clauses were designed to protect heirs from being married off to a person of significantly lower status than themselves. Such a clause was in place for Imbert de Montferrat who had received the wardship and marriage of one of Matilda de Ferrer's daughters from her second marriage to William de Fortibus. It was stated that if he chose not to marry the girl himself then he should 'do what seems best to him, but without disparagement'.⁶⁹ It was the lord's responsibility to ensure that heirs in their wardship married spouses of equal status.⁷⁰ The importance of avoiding disparagement is demonstrated in the *History of William Marshal* whose author took great pains in demonstrating that all five of the Marshal daughters made marriages to men of equal social status.⁷¹ When the rights of heiresses were exploited there was a much larger uproar than there was when male rights were manipulated or ignored.⁷² This being said, there was a concern for both male and female heirs to be married according to their status.

For nobles in particular it was important to be married to those of identical social status. Indeed, there are no examples of heirs in royal wardship in this period being married to anyone of significantly lower status than themselves.⁷³ There were, however, examples

⁶⁸ D. Crouch, *The English Aristocracy, 1070-1272: A Social Transformation* (London: Yale University Press, 2011), p. 220.

⁶⁹ *CPR, 1258-66*, p. 212.

⁷⁰ Waugh, *Lordship*, pp. 80-1.

⁷¹ A. J. Holden, *History of William Marshal*, Vol. II (London: Anglo-Norman Text Society, 2004), pp. 244-9; Wilkinson, *Eleanor de Montfort*, p. 34.

⁷² Carlin and Crouch, *Lost Letters of Medieval Life*, p. 131.

⁷³ Waugh, *Lordship*, p. 81.

within the royal family of Scotland. In 1221 Hubert de Burgh was married to Margaret, sister of Alexander, king of Scots.⁷⁴ Kings were able to give noble heirs and heiresses in his wardship to his allies and friends at court. As we know, later in Henry III's reign, concern was voiced by the king's barons regarding the enrichment of the Lusignans through marriage.⁷⁵ In terms of the marriages of the Ferrers sisters, Roger de Leybourne, sheriff of Kent, is just one example of a man who benefitted from such grants of marriage as a result of the king's favour.⁷⁶ Roger had a rather interesting political career. In autumn 1259, Roger became one of those men who joined the Lord Edward in his allegiance with Simon de Montfort. As a supporter of the baronial cause, Leybourne, along with other marcher lords, was involved in the arrest of the Savoyard Peter d'Aigueblanche, bishop of Hereford, taking Hereford, Gloucester and Bristol, the assault on Windsor and, together with Simon de Montfort, the harrying of the Cinque Ports and Romsey (Kent).⁷⁷ In August 1263, however, Roger became involved in negotiations with the king and from this point he was very much a staunch supporter of the royalist cause. Leybourne's new found loyalty saw him receive numerous offices, including that of warden of the Cinque Ports, and steward of the king's household.⁷⁸ Roger's received many gifts for 'his good service' and it is possible that his marriage to Eleanor was a further sign of the king's gratitude.⁷⁹ Roger was not really a man who matched Eleanor's status as a noble countess, but whether she felt she had been disparaged by this marriage is impossible to know. It is likely that she did not. She continued to use her title 'countess of Winchester' for the duration of her marriage to Roger and into her

⁷⁴ F. J. West, 'Burgh, Hubert de, earl of Kent c. 1170-1243', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/3991?docPos=1>>, accessed 3 October 2017.

⁷⁵ Howell, *Eleanor of Provence*, p. 54.

⁷⁶ Faulkner, 'Leybourne, Sir Roger of', *ODNB*.

⁷⁷ *Ibid*; Howell, *Eleanor of Provence*, p. 49.

⁷⁸ Faulkner, 'Leybourne, Sir Roger of', *ODNB*.

⁷⁹ For one example see: *CChR, 1257-1300*, pp. 56-7.

widowhood.⁸⁰ It was quite common in this period for a woman to continue to use her title even upon remarriage, especially if she possessed prestigious or royal lineage, as it formed a major part of her identity.⁸¹ Leybourne was not the only man to benefit from the king's generosity in this way and there are many more instances of this occurring throughout the course of the thirteenth century.

At the time of the division of the Marshal estates in 1247, Agnes, Isabel, Matilda and Sybil were all married, while their three younger siblings were still minors.⁸² It seems that William together with Sybil, whilst she was alive, arranged the marriages of their four eldest daughters.⁸³ The ties and status of Sybil's family is evident from these marriages, which were all to men within the Marshal and Chester spheres of influence.⁸⁴ It is highly likely that Sybil and William de Ferrers were involved in arranging marital agreements for their other daughters too, apart from Agatha who was in royal wardship. This would fulfil the expected role of mothers and fathers in ensuring the security of their children's futures.⁸⁵ By marrying without licence Agnes, Sybil, Joan and Eleanor (who did so twice) were rather treading on the king's toes.⁸⁶ The 1240s and 1250s saw an influx in the number of the king and queen's foreign relatives entering England and the royal court. Many of these men and women were married to English heirs and wards, and this interfered with the marriage strategies of the English landholding families.⁸⁷ The frustrations of the English nobility were voiced in the

⁸⁰ See Chapter Five, p. 286.

⁸¹ Crouch, *The English Aristocracy*, pp. 221-2.

⁸² Mitchell, 'Agnes and Her Sisters', pp. 14-5.

⁸³ An inquisition into Agnes' lands in 1284 reveals that she held lands in Stapelford (Nottingham/Cambridge?) in free or frank marriage as a gift of her father, William de Ferrers. *Calendar of Inquisitions Miscellaneous preserved in the Public Record Office, 1219-1307* (London: H.M.S.O, 1915), no. 1323. Lands given in free or frank marriage were directly heritable for four generations in return for fealty only.

⁸⁴ Mitchell, 'Agnes and her Sisters', pp. 14-5.

⁸⁵ J. C. Parsons, 'Mothers, Daughters, Marriage and Power: Some Plantagenet Evidence, 1150-1500', in *Medieval Queenship*, ed., J. C. Parsons (Stroud: Alan Sutton Ltd., 1994), pp. 63-78 at pp. 63-65.

⁸⁶ Joan and Eleanor did so as independent widows.

⁸⁷ Howell, *Eleanor of Provence*, pp. 53-5.

Petition of the Barons in 1258, which asked the king not to disparage female wards by marrying them to 'those who were not true-born Englishmen'.⁸⁸ The marriage of the four Ferrers daughters without royal licence may have been a result of such resentment and would suggest that the Ferrers, much like many of their comital peers, had little regard for royal control or interference in familial affairs. In addition to this, it would seem that William, and no doubt Sybil de Ferrers, until her death, was keen to secure and maintain the ties they possessed with the Marshal family, an indicator of the importance of identity in this period.⁸⁹

Division and Disinheritance

The Marshal Partition and the County of Kildare

The division of the Marshal's estates in England, Wales and Ireland only came to be finalised almost two years after Anselm's death in 1245. As well as the seven Ferrers daughters, the beneficiaries included Matilda Marshal, countess of Warenne, John de Munchensy (son of Joan Marshal), Richard de Clare (son of Isabel Marshal), earl of Gloucester and the three daughters of Eva Braose/Marshal.⁹⁰ John de Munchensy died in the year the partition was settled and so his share of the inheritance was passed on to his sister Joan and her husband William de Valence. So, in accordance to the partition, the Ferrers daughters received as their share of the Irish lands the county of Kildare and other lands which combined were worth over £345 in total.⁹¹ They also received lands, liberties and fees in numerous English counties and some in Wales.⁹² As heirs of their mother, the Ferrers daughters had to divide

⁸⁸ Ibid., p. 54; Ridgeway, 'Henry III and the 'Aliens', 1236-1272', pp. 90-1.

⁸⁹ Mitchell, 'Agnes and her Sisters', pp. 14-16.

⁹⁰ See Appendix 1.2.

⁹¹ *Calendar of Documents relating to Ireland*, Vol. II, ed., H. S. Sweetnam (5 vols, London: H.M.S.O, 1886), no. 933; *Cartularies of St. Mary's Abbey, Dublin: with the Register of its House at Dunbrody and Annals of Ireland*, ed., J. T. Gilbert (London: Longman and Co., 1884), pp. 401-6. See Table 1 below, p. 109.

⁹² *CCR, 1272-9*, pp. 190-1. See Appendix 2.3.

a fifth of their grandfather's lands between all seven of them. As a result, the wealth that each of the Ferrers sisters inherited individually was small in comparison to the shares inherited by the individual single coheirs, Roger Bigod, Richard de Clare and Joan de Valence. This division was certainly a complex one.

Table 1: Lands inherited by daughters of Sybil and William de Ferrers

	£	s.	p.
Luton manor	85	9	3 ½
Newbury	14	8	1 ½
Total:	99	17	5
Kildare (the borough)	23	3	4
Kildare (the county)	73	11	0
Carbery	60	19	8
Ballymadun	53	19	8
Mon	83	13	8
Kumbre (Cumbre/Cumber)	32	18	0
Taghmon (Tammune)	7	16	2
Clumena (Clonmen)	9	18	8
Total:	345	3	11
Caerleon	59	16	½
Magor	90	5	7
Sturminster	112	9	2 ½
Total:	261	16	2
Inkberrow (Inteberge)	0	30	6 ½
Total:	0	30	6 ½

Knights' fees inherited:	c. 44 fees
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In 1248, shortly after the county of Kildare had been assigned to them, the Ferrers daughters were effectively disinherited.⁹³ As Waugh discusses in *The Lordship of England*, the dramatic dispersal of wealth which could often occur as a result of female inheritance

⁹³ See Appendix 2.4.

meant that, in some instances, it was still eyed with caution by some contemporaries. This being said, the disintegration of baronial estates was already ongoing thanks to a process termed by Jack Goody as 'diverging devolution'.⁹⁴ Although the bulk of family estates would go to the eldest male heir, there was a clear desire amongst many families to provide for their younger sons, daughters and other family members including widows. This concern for the provision of other family members meant that inheritances rarely descended from one individual to another in one piece, even if the estate did pass through the male line.⁹⁵ As Claire de Trafford has demonstrated, marriage portions or *maritagia* were also frequently used to provide for children, both sons and daughters, and other relatives.⁹⁶ The *maritagium* did not have to remain in one piece so it could be divided between several people. As a widow, a woman could keep sections of her *maritagium* for herself but also grant other portions away.⁹⁷ Both dower and *maritagium* could be used to provide for sons. Widows frequently granted their own *maritagium* to provide for their daughters as their own *maritagia* and thereby suggests that there was a 'tendency within families to designate land as 'women's land'.⁹⁸ The practice of dividing lands was clearly not uncommon; divisions of inheritance through the female line intensified an existing process of dividing estates that was already taking place.⁹⁹

As we know, Margaret de Lacy was passed over in favour of her uncle Roger de Quency, most probably due to the political rivalry between her other uncle Ranulf III and

⁹⁴ Waugh, *Lordship*, pp. 15-17; J. Goody, 'Inheritance, Property and Women', pp. 10-36.

⁹⁵ Waugh, *Lordship*, pp. 15-6.

⁹⁶ De Trafford, 'Share and share alike', p. 37.

⁹⁷ *Ibid.*, p. 37.

⁹⁸ *Ibid.*, p. 37.

⁹⁹ Waugh, *Lordship of England*, pp. 15-6. Elisabeth van Houts discusses the role of women in transferring property in her book *Memory and Gender in Medieval Europe 900-1200* (Basingstoke: Macmillan Press Ltd, 1999), pp. 73-5; D. Power, *The Anglo-Norman Frontier in the Twelfth and Thirteenth Centuries* (Cambridge: Cambridge University Press, 2008), pp. 242-6.

Hubert de Burgh.¹⁰⁰ The disinheritance of the Ferrers daughters was not a result of such concerns either. It should be remembered that male rights to inheritance could also be exploited. Holt has discussed the *casus regis* in which 'bad King John' ousted his nephew in his bid to secure the English throne. If male heirs could be, and were, disinherited by other men, perhaps it should not come as a surprise that the seven sisters were disinherited, temporarily, by another woman: Margaret de Lacy, a woman who had experienced similar treatment herself. On 28 June 1248, the king's officials granted the county of Kildare, previously assigned to the Ferrers daughters, to Margaret as part of her share of Irish dower due from her marriage to Walter Marshal. In addition to Kildare, Margaret was also to receive the manor of Forth and lands elsewhere to the value of £62 17s. and 4d. per annum.¹⁰¹ As was customary, these lands were to revert to the Ferrers sisters upon Margaret's death.¹⁰² As Wilkinson demonstrates, the king's decision to acknowledge Margaret's dower rights over the inherited rights of the Ferrers sisters is indicative of the dowager's substantial political influence.¹⁰³ Margaret had close connections with the royal court through her son Edmund, who was married to Alice de Saluzzo, Eleanor of Provence's kinswoman.¹⁰⁴ The king, having assigned Margaret's dower, ordered that the remaining Marshal lands in Ireland were to be divided equally between the coheirs. The Ferrers sisters and their fellow coheir Matilda Mortimer, one of the daughters of Eve Marshal, complained to the king that they had been left completely destitute ('penitus sunt destituti') by this move.¹⁰⁵ Instead of encroaching upon Margaret's dower rights, which had become a very

¹⁰⁰ See Chapter One, p. 53.

¹⁰¹ *CPR, 1247-58*, p. 41; *CDI*, Vol. I, no. 3080; Wilkinson, *Women in...Lincolnshire*, p. 54.

¹⁰² *CCIR, 1272-9*, pp. 48-9.

¹⁰³ Wilkinson, *Women in...Lincolnshire*, p. 54; *CDI*, Vol. I, nos. 2949, 2951, 3066, 3080.

¹⁰⁴ Howell, *Margaret of Provence*, p. 53.

¹⁰⁵ *CCIR, 1247-51*, pp. 70-1; Wilkinson, *Women in...Lincolnshire*, p. 54.

important issue following Magna Carta, the king ordered his justiciar in Ireland, John fitz Geoffrey, to compensate them all with lands pertaining to the shares of the other Marshal coheirs, the wealthier Joan de Valence and Richard de Clare, earl of Gloucester.¹⁰⁶ The Valences had to pay Joan and Isabel (two of the Ferrers daughters) £30 per annum in compensation for their respective portions of the Marshal inheritance.¹⁰⁷ Sybil and her husband Francis were similarly owed £16 18s. and 6d.¹⁰⁸ Matilda and her second husband William de Fortibus, who had been 'deprived', were compensated from the share of Richard de Clare, earl of Gloucester.¹⁰⁹ On 15 June 1250, it was ordered that once equal partitions had been made, John and Joan de Mohun should receive £10 worth of lands from Agnes and William de Vescy's portion. This was due to the fact that Joan and John had previously been assigned this from the manor of Kildare before it had been assigned to Margaret de Lacy in dower.¹¹⁰ On 26 August 1250, the Irish justiciar was ordered by the king to cause equal partition of the Marshal's lands to be made amongst his heirs and to assign Joan and John £10 worth of lands from Agnes and William de Vescy's portion.¹¹¹ Litigation had ensued when the Mohuns allegedly entered into the manor of Ferns, in county Wexford, which had been assigned to the Valences portion of Marshal inheritance.¹¹² An agreement was made in January 1253 between the Valences and Isabel and Reginald regarding the manor. The Valences agreed to pay £30 to the Mohuns, whilst their inheritance was being held by

¹⁰⁶ *CCIR*, 1247-51, pp. 70-1; Mitchell, 'Widowhood in Medieval England: Baronial Dowagers of the Thirteenth-Century Welsh Marches', p. 59; Loengard, 'What Did Magna Carta mean to Widows?', p. 99.

¹⁰⁷ *CDI*, Vol. II, 604; *CCIR*, 1256-9, pp. 342, 363.

¹⁰⁸ *CCIR*, 1256-9, pp. 363, 451.

¹⁰⁹ *CDI*, Vol. II, no. 30.

¹¹⁰ *CDI*, Vol. I, nos. 2951, 3066.

¹¹¹ *CDI*, Vol. I, no. 3080.

¹¹² TNA: CP 25/1/283/13, no. 285; L. E. Mitchell, *Joan de Valence: The Life of a Thirteenth-Century Noblewoman* (Basingstoke: Palgrave Macmillan, 2016), pp. 27-8.

Margaret in dower.¹¹³ Although immediate settlements were made, their Marshal inheritance led the Ferrers daughters to a lifetime of legal conflict.

The Earldom of Derby

Following the death of his first wife Sybil in c.1238, William de Ferrers married again.¹¹⁴ His new wife was Margaret, the eldest daughter of Roger de Quency from his first marriage to Helen, daughter of Alan, lord of Galloway.¹¹⁵ When William's daughter Eleanor married Roger de Quency in 1264, they shared an unusual connection. Margaret and Eleanor were each stepmother and stepdaughter to the other.¹¹⁶ Although this relationship does seem a little strange, it did not conflict with the rules of relationships set out by canon law.

According to the decree of the Fourth Lateran council in 1215, there were four prohibited degrees of relationships.¹¹⁷ The first of these was a parent-child relationship, the second was a sibling relationship, the third was an uncle/aunt with a niece or nephew and the fourth was between cousins. William's marriage to Margaret did not raise any questions as it did not directly threaten the prohibited degrees.¹¹⁸ It seems likely that William contracted this second marriage with Margaret in the hope of producing a male heir in order to preserve the family estates. If his estates were divided between his seven daughters, not one of them would have had enough lands from the division to support the title. As Marc Morris highlighted, at the beginning of the century there were 18 comital titles, by the end

¹¹³ *CPR, 1247-1258*, p. 175.

¹¹⁴ The date of Sybil's death is unknown, but a charter from her father-in-law, earl of Derby (d. 1247) to Whalley abbey shows that she died within his lifetime. *The Coucher Book of Whalley Abbey*, ed., W. A. Hulton (Manchester: Printed for the Chetham Society, 1847), pp. 520-1.

¹¹⁵ Maddicott, 'Ferrers, Robert de', *ODNB*, <<http://www.oxforddnb.com/view/article/9366?docPos=2>>, accessed 6 April 2016. Peltzer, 'Marriages of the English Earls', Table 7, p. 83.

¹¹⁶ See Appendix nos. 1.2, 1.3, 1.4, 1.5.

¹¹⁷ S. Worby, *Law and Kinship in Thirteenth-Century England* (Woodbridge: The Boydell Press, 2010), p. 21.

¹¹⁸ Worby, *Law and Kinship*, p. 21.

of the century there were ten.¹¹⁹ Female inheritance certainly played a part in this decline; many of the greatest honours were divided between female coheirs in this period. If the reason for William's remarriage to Margaret was for the preservation of his earldom through a male heir, then he was successful. With Margaret, William proceeded to have a further number of children: his two sons Robert and William and three daughters, Joan, Elizabeth and Agnes.¹²⁰

Robert became heir to his father's earldom of Derby in 1254, but due to his status as a minor he did not come to receive his lands until 1260. Robert was already a knight in 1254 and had been married to Mary, daughter of Hugh (XI) of Lusignan in 1249.¹²¹ In accordance with legal custom according to both *Glanvill* and *Bracton*, if a man had a wife or several wives with whom he had a daughter or number of daughters and then had a son in a final marriage, then that son would inherit before any of his daughters.¹²² The reasoning behind this being that a woman should never share inheritance with a man unless there was a special custom allowing it.¹²³ If all of a man's sons died without an heir, his daughters from all of his marriages would inherit equally. Although Robert was a minor, William de Ferrers' second marriage meant that he had a son to succeed him. On 16 April 1254 Robert's inheritance was passed to Henry III's eldest son, Edward, as part of his yearly grant of 15,000 marks a year, for the duration of Robert's minority.¹²⁴ The wardship of these lands were

¹¹⁹ Morris, *The Bigod Earls of Norfolk in the Thirteenth Century*, pp. ix-x.

¹²⁰ Maddicott, 'Ferrers, Robert de', *ODNB*.

¹²¹ Maddicott, 'Ferrers, Robert de', *ODNB*; Howell, *Eleanor of Provence*, p. 55; *Chronica Majora*, Vol. V, pp. 364-7. There is no discussion of this marriage within the chronicles of this period. Even Matthew Paris, who was fairly critical of the Lusignan marriages, makes no comment on this marriage; it is quite possible that this was because Mary possessed less of a threat in terms of the control of English lands and wealth than her male relatives. The marriage of Gilbert de Clare to Alice de Lusignan is recorded.

¹²² *Glanvill*, p. 77; *Bracton*, Vol. II, pp. 190, 194-5.

¹²³ *Glanvill*, p. 77.

¹²⁴ *CPR, 1247-58*, p. 367.

subsequently sold in May 1257, to the queen and Peter of Savoy for the grand sum of 6000 marks.¹²⁵ As part of this deal, if Robert were to die, Eleanor and Peter were to obtain the wardship of Robert's younger brother and heir, William.¹²⁶ Robert's eventual succession to his father's estates in 1260 was the beginning of a disastrous career which eventually resulted in his complete disinheritance.¹²⁷ Robert's volatile character and fickle loyalties resulted in the loss of the king's trust and that of his peers. Due to Robert's behaviour, both during and after the period of baronial rebellion, the work of his father and grandfather to build up and preserve the family wealth was effectively undone and the earldom of Derby reverted to the Crown. Perhaps Robert is not completely to blame but his turbulent career was certainly a significant factor in the fate of the Derby lands.¹²⁸

It is impossible to know how William's daughters felt about their younger half-brother inheriting their father's earldom over them. It is possible that, given their inheritance of the Marshal lands, they were satisfied with their lot, but, perhaps more importantly, they would have been familiar with laws of inheritance. Robert was identified in accordance with the law as his father's heir; there is little they could have done to challenge this even if they did feel aggrieved. They had, after all, acquired a considerable portion of lands through their mother's Marshal inheritance. Had this happened later in this century, the situation would have been entirely different. *Britton*, written in the latter half of Edward I's reign, laid out slightly different legal customs with regard to heirs born of multiple wives. *Britton* acknowledged that male heirs should always be preferred in the event that both sons and daughters had been born in the same marriage. Although heirs

¹²⁵ *Ibid.*, p. 554; Maddicott, 'Ferrers, Robert de', *ODNB*.

¹²⁶ *CPR*, 1247-58, p. 554.

¹²⁷ For more on this episode see: J. R. Maddicott, *Simon de Montfort* (Cambridge: Cambridge University Press, 1994), pp. 322-4; Maddicott, 'Ferrers, Robert de', *ODNB*.

¹²⁸ For an extended discussion please see Chapter Four, pp. 218-20.

born from different marriages were all direct heirs, according to *Britton*, a female heir from a first marriage should inherit before any male heir born of the same father from a second marriage, provided that the lands had come through the paternal line.¹²⁹ Had this actually been the case upon William de Ferrers' death in 1254, the fortunes of his seven daughters would have increased.

Litigation: Conflict and Co-operation

Sisters

An investigation of women's participation in lawsuits is perhaps one of the best indicators of their capacity and abilities to act as legal agents. As with the Chester partition, the division of William Marshal's lands inspired a great deal of legal activity. Not only did the Ferrers sisters become involved in quarrels with each other, but they also came into conflict with other Marshal coheirs and outside claimants. For the sake of clarity these conflicts will be dealt with separately here. Perhaps some of the most illuminating disputes are those which erupted between the sisters themselves. It would seem that Agnes de Vescy was the most legally active of the sisters. Agnes was widowed in 1253, her husband having died whilst on the king's Gascon expedition. Agnes never remarried and thereby retained her legal independence until her death in June 1290 - a period of 37 years.¹³⁰ Magna Carta certainly made it much safer for women to remain single when they became widows. Agnes was one of a number of noblewomen who had long widowhoods in the thirteenth century.¹³¹ The documentary evidence demonstrates that Agnes came up against a number of her sisters,

¹²⁹ *Britton*, p. 313.

¹³⁰ *CDS*, Vol. II, p. 44; *CFR*, 1272-1307, p. 278.

¹³¹ Carpenter, *Struggle for Mastery*, p. 421.

either as a group or individually. In July 1271, both James d'Audley, justiciar of Ireland, and William de Bakepuz, escheator of Ireland, received letters concerning matters relating to Roger de Leybourne and Eleanor, Hugh and Agatha de Mortimer and their coparceners and the county of Kildare.¹³² In 1272, following the death of Margaret de Lacy in 1266, a plea against Agnes was brought before the king's council by her three surviving sisters, Matilda, Agnes and Eleanor.¹³³ Perhaps it is significant to note that Matilda was still a married woman at this point. Agatha had been widowed at the beginning of this year and Eleanor had become a widow for the third and final time the previous year. The three sisters stated that Agnes had taken possession of the county and numerous liberties following Margaret's death, including the profits of pleas, and of the seal and the appointment of bailiffs.¹³⁴ Matilda, Eleanor and Agatha requested that they receive justice and their rights be restored.¹³⁵ A letter from the Lord Edward's lieutenants (Walter, Archbishop of York, Phillip Basset, Roger de Mortimer and Robert Burnel) to the justiciar or escheator in Ireland sent in March 1271 demonstrates that Agnes had indeed seized £14 5s. 1d. and the £19 5s. 10d. from pleas and issues previously held by Margaret de Lacy as dower.¹³⁶ This letter demonstrates that Edward had previously ordered his lieutenants to make a restitution, but they had stalled in doing so until now. He ordered them to do so again and the profits and issues from the time when Agnes or others (quite probably her men) had taken them into her hands.¹³⁷ Following this, it was ordered that the sisters were to appoint a seneschal and

¹³² *CDI*, Vol. II, no. 904.

¹³³ It would seem that this dispute would have involved all of the Ferrers sisters but Joan and Isabel were certainly dead by this time. The year of Sybil's death is uncertain, but it could be an explanation for her absence. *CDI*, Vol. II, no. 935.

¹³⁴ TNA: KB 27/1, m. 18; *CDI*, Vol. II, no. 935.

¹³⁵ *Ibid.*

¹³⁶ *CDI*, Vol. II, no. 896; *CCIR*, 1272-9, pp. 48-9.

¹³⁷ *CDI*, Vol. II, no. 896.

sheriff, amongst other officers, who were to collect debts and customs and issue writs under one seal.¹³⁸

Following her sisters' plea in 1272, Agnes herself complained that she had been ejected from her property without being summoned and demanded that the king's justiciar and escheator in Ireland return this to her. The case was then adjourned until the Hilary term because Agnes stated that she could not answer the plea without Matilda, who was absent from the proceedings and was summoned to the next meeting.¹³⁹ Her complaints did have some foundation; it was actually a legal requirement that all coparceners were present in any plea concerning their inheritance. Together they were one heir with one right.¹⁴⁰ Following this adjournment Matilda dutifully presented herself along with her sister Eleanor in early January 1273, only to find that Agnes herself was not present. She had excused herself and was sent a further writ of summons by the Irish justiciar, but apparently could not appear 'by consequence of the Irish sea'.¹⁴¹ This was just one of the problems faced by women (and men) who held lands overseas.¹⁴² Many Anglo-Norman women who possessed Irish lands were too busy with lands elsewhere to attend to them personally at the time, whilst others never even saw them.¹⁴³ Indeed, it is believed that the Ferrers daughters cousin and coheir Joan de Valence did not visit her Irish lands either.¹⁴⁴ The same can be said for male lords who possessed Irish lands; indeed, neither Henry III or Edward I ever set

¹³⁸ Ibid.

¹³⁹ TNA: KB 27/1, m. 18; *CDI*, Vol. II, no. 935;

¹⁴⁰ *Bracton*, Vol. II, p. 208; *Britton*, pp. 83-5.

¹⁴¹ KB 27/3, m. 13d; *CDI*, Vol. II, no. 944.

¹⁴² C. Ó Cléirigh, 'The Absentee Landlady and the Sturdy Robber: Agnes de Valence', in *The Fragility of Her Sex? Medieval Irish Women in their European Context*, eds, C. E. Meek and M. K. Simms (Dublin: Four Courts Press, 1996), pp. 101-118.

¹⁴³ G. Kenny, 'The Power of Dower: The Importance of Dower in the Lives of Medieval Women in Ireland', in *Studies on Medieval and Early Modern Studies: Pawns or Players?*, eds, C. E. Meek and C. Lawless (Dublin: Four Courts Press, 1996), pp. 59-74 at p. 64.

¹⁴⁴ Mitchell, *Joan de Valence*, p. 70.

foot in Ireland and let their officials deal with business there.¹⁴⁵ As a result, we see many examples of women appointing attorneys in Ireland who would protect their rights and sue in court on their behalves when necessary.¹⁴⁶ In June 1273, a further order was issued by Edward to d'Audley and Bakepuz who had thus far failed to restore Eleanor and Agatha their rightful portions of lands and revenue due from Margaret's dower lands.¹⁴⁷ Eventually, the sheriff of Dorset was ordered to summon her in July that year and carry out the partition of lands and profits between the four sisters.¹⁴⁸ Despite the order for partition to be made, the case rumbled on throughout 1273 and into 1274. It would seem that there were further delays. In September 1274, the case could not proceed because some of the coheiresses were absent.¹⁴⁹ In November 1274, Agnes' attorney represented her in a plea against Matilda, her husband Emery, Agatha and Eleanor as to why she had deformed them of their rightful portions of Kildare.¹⁵⁰ The case was finally resolved in February 1275. Agnes had attempted to bring forward a plea of abatement in the case owing to Eleanor's death in late October 1274.¹⁵¹ It would seem that evidence of Matilda and Emery appointing attorneys against Agnes in September 1274 was also related to this case.¹⁵² During the dispute against her sister Agnes, Matilda appointed her own attorney, William de Esse, in addition to Adam de Lupeyete who represented her husband.¹⁵³ A little later Matilda appointed Robert Cut,

¹⁴⁵ M. Powicke, *The Thirteenth Century, 1216-1307*, 2nd Edition (Oxford: The Clarendon Press, 1962), p. 563.

¹⁴⁶ G. Kenny, 'The Power of Dower', p. 64.

¹⁴⁷ TNA: C 54/90 m. 8d; *CCIR*, 1272-9, pp. 48-9. Matilda is not mentioned within this document.

¹⁴⁸ *CDI*, Vol. II, nos. 896, 944, 949.

¹⁴⁹ TNA: KB 27/12, m. 11d (*CDI*, Vol. II, no. 1043, KB 27/13, m. 11d.) Sweetman's references to the rolls of the King's Bench use the original roll and rotula number. As the cataloguing system has changed since 1880, some roll numbers have changed. New rotulets have also been added on occasion and the stamped rotula numbers are often different to those given by Sweetman. Where applicable I have provided the current reference with Sweetman's reference and calendar number in brackets, as seen above.

¹⁵⁰ TNA: KB 27/13, m. 6 (*CDI*, Vol. II, no. 1070, KB 27/9, m. 6).

¹⁵¹ TNA: KB 27/15, m. 21 (*CDI*, Vol. II, no. 1096, KB 27/15, m. 20); *CFR*, 1272-1307, p. 34.

¹⁵² TNA: KB 27/13 ms. 3-4 (*CDI*, Vol. II, nos. 1040, 1041, KB 27/9, ms. 3-4).

¹⁵³ TNA: KB 27/13 m. 3.

entirely independently, as her attorney against Agnes once more in a plea of partition.¹⁵⁴

Although married, Matilda, like other heiresses of her day, was clearly involved in matters concerning her inheritance. This suggests a level of legal agency that is not generally attributed to married women.¹⁵⁵

Agnes' plea was overruled and, as a result of Eleanor's death without issue, her portion of the Kildare inheritance was divided between her three sisters Agnes, Agatha and Matilda, in accordance with legal custom.¹⁵⁶ To make sure that this issue was settled once and for all, the court ruled, once again, that Agnes and her fellow coheirs appoint a number of officers to the county: a seneschal for its custody; a chancellor to keep its seal; and a treasurer, if required, to receive its issues. These officers were to meet twice yearly, at Easter and Michaelmas, to discuss all issues concerning the county. This made good the orders previously issued by Edward in 1271.¹⁵⁷ The amounts due to each sister (and their heirs) were outlined according to the extent made by the king in 1271.¹⁵⁸ Agnes received the largest share £27 12s. 8 ½d., Agatha £19 5s. 10d. and finally Matilda and her husband Emery £12 7s. 3 ½d. Any remaining sum was to be divided equally between the three sisters.¹⁵⁹ This followed inheritance customs laid out in the legal treatises of the day.¹⁶⁰ If the profits of the county and seal were worth less than the amounts laid out in the extent, the sisters' allotments were to be reduced in equal measures. By this ruling, Matilda and Agatha were

¹⁵⁴ TNA: KB 27/13 m. 4.

¹⁵⁵ Jamie Smith has explored the legal agency of women as guardians in late medieval Genoa. See J. Smith, 'Women as Legal Agents in Late Medieval Genoa', in *Writing Medieval Women's Lives*, eds, C. N. Goldy and A. Livingstone (Basingstoke: Palgrave Macmillan, 2012), pp. 113-29; N. J. Menuge, ed., *Medieval Women and the Law* (Woodbridge: The Boydell Press, 2000).

¹⁵⁶ *Glanvill*, p. 76; TNA: KB 27/15, m. 21; *CDI*, Vol. II, no. 1096.

¹⁵⁷ TNA: KB 27/15, m. 21 (*CDI*, Vol. II, no. 1096, KB 27/15, m. 20).

¹⁵⁸ *CDI*, Vol. II, no. 896. The amounts differ slightly.

¹⁵⁹ TNA: KB 27/15, m. 21.

¹⁶⁰ *Glanvill*, p. 76.

allowed to appoint clerks on condition that they were maintained at their own expense. The king's justiciar received orders to cause these terms to be observed.¹⁶¹ It would seem from this point that the case was settled. The surviving documents do not provide any further evidence of litigation touching this matter at least. The king was very active in ensuring that this dispute was settled and his actions suggest an eagerness to ensure that legal customs concerning female inheritance were upheld.

This was not, however, the end of the sisterly confrontation. At the same time as the mandate was issued to settle this dispute between the four sisters, the justiciar also received another.¹⁶² He was ordered to distrain Agnes for arrears due to Agatha for her portion of the inheritance during the period when Kildare had been held by her sister following the death of the countess of Lincoln in 1266. A little background is necessary here. Agatha, because she was a minor upon her mother's death, had been placed in the queen's care. She was restored to her landed inheritance in both Wales and Ireland in June 1250, which were delivered to her guardian, the king's seneschal, Ralph fitz Nicholas.¹⁶³ As an unmarried heiress in royal wardship, it was possible for Agatha to recover custody of her lands but she had to remain in the Crown's custody until she married with the king's approval, even though she was over the age of consent.¹⁶⁴ In July 1252, her father William de Ferrers was granted the custody, but not the marriage, of his youngest daughter.¹⁶⁵ In February 1254, and again in March, he was ordered to return her to the queen without delay so that she could be married.¹⁶⁶ This is where the records create a tangled and

¹⁶¹ TNA: KB 27/15, m. 21.

¹⁶² TNA: KB 27/15, m. 21.

¹⁶³ *CCIR*, 1247-51, p. 293; *CDI*, Vol. I, no. 3110.

¹⁶⁴ Waugh, *Lordship*, p. 75; Agatha was around 16 years old. The age of consent for girls was 12 and 14 for boys.

¹⁶⁵ *CCIR*, 1251-3, p. 120.

¹⁶⁶ *CCIR*, 1253-4, p. 122, 216.

confusing picture. A mandate written to Agnes in 1255 asked her to deliver her sister to the queen so that she could be married.¹⁶⁷ In March 1253, Agatha had been granted simple protection for two years, maybe this was so she could travel safely through the country in anticipation of her marriage.¹⁶⁸ Four months later, in July 1253 the king granted her marriage to Eudo la Zouche for a fee of 150 marks.¹⁶⁹ Agatha's marriage was subsequently passed to Hugh, son of Ralph de Mortimer, who became her husband.¹⁷⁰ This letter also states that Agatha had been placed in her elder sister's keeping by the queen and Richard of Cornwall for the duration of the king's expedition to Gascony in 1252-4.¹⁷¹ It is not clear whether Agatha was passed between her father and sister during the king's Gascon expedition or whether Agnes simply took custody of Agatha following her father's death in March 1254. Whatever the case, it is clear that William had failed to present his daughter in 1254, perhaps due to concerns as to whom she would marry.¹⁷² Agnes did not present her sister either, and perhaps it was during this period of custody that animosity grew between the two sisters.

The records of the dispute between Agatha and Agnes are plentiful. In Michaelmas 1272, Agatha bought a separate plea of land before the king's council against Agnes and appointed her own attorneys, William de Gryns and Philip de Haselewood.¹⁷³ The peace established between them in 1275, when the dispute between the four sisters was also made, apparently did not last long as Agatha brought forward another plea of purparty, a

¹⁶⁷ *CPR, 1247-58*, p. 419.

¹⁶⁸ *Ibid.*, p. 185.

¹⁶⁹ *CFR, 37 Henry III*, no. 1075; *CPR, 1247-58*, pp. 216.

¹⁷⁰ *CPR, 1247-58*, p. 419.

¹⁷¹ *Ibid.*, p. 419.

¹⁷² Howell, *Eleanor of Provence*, p. 54; Ridgeway, 'Henry III and the 'Aliens', 1236-1272', p. 91.

¹⁷³ *CDI*, Vol. II, no. 936; KB 27/1, m. 24d; KB 27/2, m. 18d. Agatha used Philip as her attorney again in 1275 against William and Joan de Valence in 1275 see KB 27/17, m. 24d.

plea for a share of lands, at Michaelmas 1276.¹⁷⁴ It seems plausible to suggest that maybe Agnes had exploited her sister's inheritance whilst she was in her care. Quite why Agnes attempted to claim the entirety of Kildare and her other sisters' portions of inheritance cannot be known. Perhaps, as the eldest sibling, she felt she was more entitled to lands and so claimed the portions of her younger sisters. Maybe she did just see this as a chance to gain more lands. Sometimes, elder sisters possessed rights to hold in custody their younger sister's lands.¹⁷⁵ Perhaps this could also be the reason why Agnes claimed the entirety of Kildare and her other sisters' portions of their inheritances. Agnes' actions, however, went against the *statutum decretum* which stated that elder sisters could not take their younger sister's portions 'without violence or injury'.¹⁷⁶ The 1236 'Statute of Ireland concerning Coparceners' claimed that elder sisters should not claim more than the chief manor through their seniority; the inclusion of such a statement suggests that proves it was not unusual for elder sisters to claim more than their fair share of an inheritance.¹⁷⁷ Although Agnes wrongfully asserted her claims here, this episode is demonstrative of her legal agency and that of noble heiresses more generally. Family ties evidently did not stop sisters from suing each other.

Following this incident, in 1277 Agatha sued her surviving sisters again. As well as Agnes and Matilda (and her husband Emery), William and John de Mohun, Thomas de Bohun and Richard Bernard were also involved. This suit concerned Agatha's Marshal inheritance in Newton Jerpoint (county Kilkenny) to the value of £12 6s. and 10d. Neither of Agatha's sisters nor the rest of the defendants answered the summons and so Agatha

¹⁷⁴ TNA: KB 27/26, m. 51d; *CDI*, Vol. II, no. 1296.

¹⁷⁵ Waugh, *Lordship*, p. 97

¹⁷⁶ Holt, 'The Heiress and the Alien', pp. 9-10.

¹⁷⁷ 'The Statute of Ireland concerning Coparceners', in *SR*, Vol. I, p. 5.

recovered these lands by default.¹⁷⁸ This reiterates once again that family ties by no means prevented the sisters from suing each other. These cases are just a sample of many of the lawsuits that occurred between the sisters as a result of their inheritance. Despite all of the quarrelling, however, the sisters frequently co-operated with each other when the need arose. Indeed, as the dispute between Agnes, Agatha, Matilda and Eleanor has proven, sisters often worked together. It was prudent for them to do so. The outcome of a case would be much smoother if coheirs all presented themselves, or appointed their attorneys, at the correct times.

The repercussions of the Marshal inheritance were felt long after the initial division, and the Ferrers sisters continued to cooperate with each other in lawsuits to protect their inheritance. In 1293 Matilda and Agatha, as the only surviving Ferrers sisters, came together to litigate with their nephew William de Vescy (son of their eldest sister Agnes) against the prior and convent of Saint Thomas', Dublin, regarding rights to property and the hearing of pleas in the court of Kildare. In 1290, William de Vescy was appointed justiciar of Ireland, having previously served as justice of the forest beyond the Trent.¹⁷⁹ As the Irish justiciar, William ran the country in the name of the monarch and maintained regular contact with the royal government in England. Irish legal customs were based on English customs and liberties, with some variations for local usage.¹⁸⁰ William's appointment as Irish justiciar led him into troubled waters.¹⁸¹ In 1293, the abbot of Saint Thomas' came forward and accused William de Vescy and his aunts, and fellow coheirs, Matilda and Agatha, of unjustly hearing proceedings against him. Despite the king prohibiting William from hearing this plea, the

¹⁷⁸ KB 27/31, m. 20; KB 27/32, m. 8; *CDI*, Vol. II, no. 1333.

¹⁷⁹ Following William's appointment as justice of Ireland his son became his successor as justice of the forest beyond the Trent. *CFR, 1272-1307*, p. 217, pp. 283-4.

¹⁸⁰ Powicke, *The Thirteenth Century*, p. 563.

¹⁸¹ Waugh, 'Vescy, William de, Lord Vescy (1245-1297)', *ODNB*.

justiciar proceeded to hear it anyway.¹⁸² De Vescy, Matilda and Agatha disputed the abbot's claims, following which he produced a pact between William Marshal senior (confirmed by his son William junior) and his canons of Cartmel and the abbot of Saint Thomas'.¹⁸³ With deeds in hand, the abbot argued that William, Matilda and Agatha were unable to claim any right in the lands or benefices.¹⁸⁴ Following a great deal of protestation, an inquisition was made by Robert Bagot and his associates as justices of the common pleas in Dublin. Roger and the justices stated that the dispute could not be settled without the king and his council.¹⁸⁵

Later on, in 1293, King Edward sent a writ to his Irish justiciary, stating that pleas of advowsons of churches belonged to him only and no one else in the kingdom or lordship of Ireland.¹⁸⁶ William de Vescy, as lord of Kildare, and Richard de Penkeston, as seneschal, had previously heard a plea of this nature between Richard fitz Reginald and the abbot of Saint Thomas. The king summoned Vescy and Penkeston to come before him to answer for their actions and any injury that may have been done to the abbot. William appeared before the king's court and stated that he could not answer without his fellow coparceners, Matilda and Agatha. He argued that together they were lords of Kildare and held the liberty of Kildare and jurisdiction there jointly; a fair protestation.¹⁸⁷ William tried to delay the case again by stating the writ of prohibition used to bring him before the king was incorrect and that he had not done anything against him. It was found that the abbots of both St. Thomas

¹⁸² It was not under William's jurisdiction to hear such pleas. Waugh, 'Vescy, William de, Lord Vescy (1245-1297), *ODNB*.

¹⁸³ TNA: KB 27/136 m. 28 (*CDI*, Vol. IV, no. 22, pp. 15-6, KB 27/147, m. 27).

¹⁸⁴ TNA: KB 27/136 m. 28.

¹⁸⁵ TNA: KB 27/136 m. 28; *CDI*, Vol. IV, no. 22, pp. 17-8.

¹⁸⁶ TNA: KB 27/137, m. 1 (*CDI*, Vol. IV, no. 42, KB 27/138, m. 1).

¹⁸⁷ *Ibid*.

and Clonard had also answered at the king's court, not in the liberty of Kildare.¹⁸⁸ A day was ordered for judgement and the abbot was told to continue pursuing the original writ (that the coheirs had held a plea at their court in Kildare when it should have been held in the king's court) against Matilda and Agatha. William dutifully presented himself before the king on the day prescribed to be told that he would not have the aid of his parceners.¹⁸⁹

The suit continued throughout 1293 and into 1294 with the parceners being summoned and failing to attend on numerous occasions. Matilda and Agatha did not present themselves until the Trinity term of 1294. The king's attorney Richard de Breteville stated again that the two women possessed no jurisdiction over the abbot and that they had incorrectly held a plea concerning the advowson of the church of Saint Moloch, and ousted him from the advowson. By 'usurping' the king's authority Matilda and Agatha had allegedly caused him to suffer £10,000 worth of damage and the abbot £100. The two women questioned whether they should answer a writ coming from an inquisition for which there was no judgement. Agatha and Matilda were summoned again to appear before the king's court, which they did, but the abbot did not.¹⁹⁰ Throughout this tumultuous case, Agatha and Matilda remained united in their cause.

Throughout this complex episode both Matilda and Agatha actively engaged in these lawsuits and appointed attorneys to deal with matters concerning their Irish lands. On 13 June 1293, Matilda appointed Richard de Skegness to represent her 'beyond seas'.¹⁹¹ The letters patent do not state specifically where Richard was travelling but it seems reasonable to suggest that he went to Ireland, especially given the numerous disputes in which Matilda

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ *CPR, 1292-1301*, p. 21.

was involved there. On 13 June Matilda also received protection for a year as she too was going 'beyond seas'.¹⁹² Two days later, on 15 June, Agatha appointed Alexander de Wychio, chaplain, and Roger Toky as her attorneys in Irish matters.¹⁹³ The following year, on 5 September 1294, Matilda nominated Hugh Canon and John de Molendinis to act as her attorneys in Ireland for a period of two years.¹⁹⁴ Exactly who these men were is not clear. Despite this, there were also several occasions throughout this case in which neither Matilda or her sister Agatha were present themselves or by attorney. The final outcome of the case is not clear as records do not appear to be extant.

This was not the only occasion when Matilda and Agatha became embroiled in a dispute with their nephew and coheir William de Vescy. As well as cooperating with each other as Marshal coheirs, Matilda and Agatha later suffered at the hands of their nephew. It appears that de Vescy had taken his aunts' portions of lands due from the Marshal inheritance into his own hands.¹⁹⁵ Having learnt with 'marvel' that these lands were still in his hands following de Vescy's death in 1297, on 1 June, the king ordered his justiciar in Ireland, John Wogan, to inquire why this was so. If a reason was found as to why their lands should remain in the king's hands, Wogan was to notify the king, but, if it emerged that there was no reason for this, he was ordered to return these lands to Matilda and Agatha.¹⁹⁶ Edward could certainly have been distracted by the 'crisis' of 1297.¹⁹⁷ Mounting strains caused by the burden of wars in Gascony, Scotland and Wales led to Edward's barons, with Roger Bigod, earl of Norfolk, at the forefront, to refuse to support a campaign in Flanders.¹⁹⁸

¹⁹² *Ibid.*, p. 23.

¹⁹³ *Ibid.*, p. 22.

¹⁹⁴ *Ibid.*, p. 73.

¹⁹⁵ *CCIR, 1296-1302*, p. 165.

¹⁹⁶ *Ibid.*, p. 165.

¹⁹⁷ Prestwich, *War, Politics and Finance under Edward I* (London: Faber and Faber Limited, 1972), pp. 247-61.

¹⁹⁸ *Ibid.*

Taxation and prises on food and other supplies for the king's armies, all contributed to the mounting tensions between the king, his barons and the clergy. Edward apologised publicly for his actions, and stated that he needed to bring the war to a swift end. The defeat of the English at Stirling in Scotland led Edward to make a settlement with his barons.¹⁹⁹ On 21 June 1298, when dower was assigned to William's widow, it was noted that Agatha and Matilda's lands would not be counted as part of William's lands when it came to assigning his widow dower. This is an indication of Matilda and Agatha's individual inherited rights.²⁰⁰ The lands, which had been held unjustly by their nephew for two years, were worth £18, 6s. 8d. and £25 6s. 8d. per annum respectively.²⁰¹ Two years after the inquiry, however, it would appear that Matilda and Agatha had still not received their lands. On 14 April 1300, Agatha appointed her son Hugh de Mortimer, 'to demand and receive' her portion of inheritance belonging to the lands of Walter Marshal in Ireland.²⁰² Two years later on 17 October 1302, Joan de Vivonia, one of Matilda's daughters, owing to her mother's death in 1298, appointed two attorneys Richard de Foucher and Stephen de Welles to 'demand and receive' her dower owing from Kildare. Similarly, Robert de Beauchamp, as the assign of Cecily de Beauchamp, Matilda's second daughter and heir, appointed Hugh de Mortimer, clerk, to do the same. These cases demonstrate that four years after an initial command to carry out an inquiry, the lands were still in the king's hands.²⁰³ This raises some questions as to why a king who had allegedly marvelled at why these lands were in his possession in 1298, was still yet to return them to their rightful claimants four years later. Evidently daily politics had the ability to affect the mechanisms of government. The cases involving William

¹⁹⁹ *Ibid.*

²⁰⁰ *CCIR, 1296-1302*, pp. 212-3.

²⁰¹ *Ibid.*, p. 213.

²⁰² *Ibid.*, p. 393.

²⁰³ *Ibid.*, p. 603.

and his aunts are an indicator of how closely tied the interests of the Ferrers sisters and their coheirs were. They worked together when necessary, but they were not afraid to sue each other to protect their individual landed rights or interests. The case also demonstrates just how active and driven women were when it came to protecting their landed rights overseas.

Marshal Coheirs

As has been illustrated, the landed rights and concerns of the seven daughters of Sybil and William de Ferrers were closely intertwined with their fellow Marshal coheirs. Immediately after the partition of the Marshal lands was carried out, William and Joan de Valence, Richard de Clare, the seven Ferrers daughters and their husbands, and the daughters and heirs of Eve Marshal asked that judgement be made against Roger le Bigod (as heir of Matilda, the eldest Marshal daughter) concerning the marshalcy and the manors of Hamstead Marshall (Berkshire), Chesterford (Essex), Shrivenham (Berkshire), Sonendon and Mildenhall (Wiltshire).²⁰⁴ Roger argued that the marshalcy had descended to him by the death of his mother and should not be partitioned. He also argued that some of the other lands and fees pertaining to the marshalship were partitioned and others not. He asked that his lands be restored to him once an enquiry could be made to indicate those which were his and those that were not. With regard to the manor of Chesterford, Roger claimed he was unsure whether this had descended to him through his mother who had this for her marriage, or whether his father had held it for his service and homage.²⁰⁵ A date was

²⁰⁴ *CPR, 1364-7*, pp. 268-9.

²⁰⁵ *Ibid.*, pp. 268-9.

assigned to settle these issues and an order was made to partition all lands and dowers which had not yet been escheated. Those lands which had been escheated were to be held 'by a fit person who shall keep them and answer for the issues'. In this case, all of Roger's Marshal coheirs were united in a common cause and suggests that they were capable of co-operating together when the need arose. Bigod was already in contention regarding the manor of Hamstead Marshall which had been selected, together with the manor of Bosham, to be assigned to the dower of Margaret de Lacy. Bigod argued that Hamstead Marshall was indivisible from the marshalship.²⁰⁶ As Morris demonstrates, it would appear that Bigod won this case as he appears to have been in possession of it in the 1250s and his brother was very much rooted at Bosham.²⁰⁷

As the legal disputes between the seven sisters suggests, they worked closely together to pursue their rights but they also worked against each other for the protection of their individual landed rights. The same can be said of the relationship they shared with their Marshal coheirs. Following the provision of Margaret's dower lands, the seven Ferrers daughters had to be assigned compensation to make up for the shortfall in their incomes. As previously noted, Joan and William de Valence were required to compensate Joan, Isabel and Sybil.²⁰⁸ The chancery documents show that the Ferrers sisters had a conflicting relationship with their cousin, quite possibly as a result of these payments. In 1259, John de Mery, William de Valence's seneschal was ordered to make payments to Isabel, Joan and Sybil due for arrears of the annual sums they were owed.²⁰⁹ This was the beginning of a conflicting relationship between the Valences and the Ferrers daughters. There is evidence

²⁰⁶ *Ibid.*, p. 269.

²⁰⁷ Morris, *The Bigod Earls of Norfolk*, p. 39.

²⁰⁸ See Chapter One, pp. 115-6.

²⁰⁹ *CCIR*, 1256-9, p. 451; *CDI*, Vol. II, no. 628.

of a case begun in 1274 between Agatha and her cousin, when Joan appointed her own attorney Andrew le Messager.²¹⁰ At the same time William de Valence appointed his own attorney Drowet or Gilder Messenger against Agatha for a plea of trespass of land.²¹¹ The source of this dispute revolved around the manor of Taghmon in the county of Wexford (Ireland). The manor, excepting 35s. and 2 ½d of land and rent assigned to the park of Wexford, had previously been assigned to Agatha. In April 1275 Agatha complained that the Valences had entered into Taghmon forest despite it being part of her portion of the Marshal inheritance. Agatha requested that she receive justice and her share.²¹² The Valences argued that they had not occupied the forest but that they had entered into it because it had been held by Joan's brother, John, and she was his heir.²¹³ This was followed by the subsequent appointment of attorneys and then another meeting towards the end of the year, where William de Valence stated he was uncertain of his tenancy.²¹⁴ Maybe by this point William had come to realise that his previous claims were flawed. 1276 saw further delays and in this year it is apparent that the two parties were also in conflict concerning Agatha's inherited lands in Clonhin.²¹⁵ In early October 1276, Agatha argued that the forest of Taghmon was appurtenant to the manor but Joan and William de Valence disagreed, stating that, in actual fact, it was appurtenant to the manor of Wexford. Upon this, the king ordered an extent be made to establish the truth.²¹⁶ By the middle of 1278, Agatha again came before the king's court to ask that the forest be assigned to her. Clearly knowing this was a lost cause, or indeed having been proven guilty, Joan and William came to surrender

²¹⁰ KB 27/12, m. 33 (*CDI*, Vol. II, no. 1044, KB 27/13 m. 36d).

²¹¹ KB 27/12, m. 34 (*CDI*, Vol. II, no. 1045, KB 27/13, m. 32).

²¹² TNA: KB 27/16, m. 11d (*CDI*, Vol. II, no. 1109, KB 27/16, m. 50d).

²¹³ *Ibid.*

²¹⁴ TNA: KB 27/20A, m. 20d (*CDI*, Vol. II, no. 1166, KB 27/20, m. 20d).

²¹⁵ TNA: KB 27/21, m. 21d; TNA: KB 27/22, ms. 14d, 17d; TNA: KB 27/26, ms. 4d, 47d, 51d; *CDI*, Vol. II, nos. 1208, 1209, 1210, 1211, 1297, 1298.

²¹⁶ TNA: KB 27/26, m. 47d; TNA: KB 27/27, m. 17; (*CDI*, Vol. II, no. 129; TNA: KB 27/28, m. 17).

the forest and to allow Agatha to have seisin of it.²¹⁷ Following this order, an inquisition was made to uncover the damages that Agatha had suffered whilst her lands had been withheld from her.²¹⁸ In January 1277 William and Joan de Valence put forward a plea that Agatha would not allow his writs to run in her vill of Clumen and her other lands in Wexford.²¹⁹ In March that year, Agatha was summoned by the Irish justiciar to explain why she was refusing William's writs to run. Agatha stated that the vill of Clumen had a liberty which had been granted by William Marshal that none in that liberty shall plead by any writ. Agatha also said that Walter Marshal, she and Joan's common ancestor, had never held such writs in the same liberty. Agatha agreed that an enquiry be undertaken into the writs that Walter did hold and allowed these to be granted to Joan and William.²²⁰

Dower Disputes

The partition of the Marshal estates also brought about the need to provide for three widows. As Wilkinson has stated, the provision of a dower third could be 'unworkable in complex cases where the assignment of a substantial mass of lands to a widow might have weighty political implications for the crown'.²²¹ As well as the disputes between themselves and their coheirs, the Ferrers sisters also came into conflict with the three Marshal widows. The abundance of chancery records demonstrates that these widows frequently petitioned the king to secure the payments due to them for their respective dowers. The extant records record a definite lack of urgency from the Ferrers daughters, their husbands and

²¹⁷ TNA: KB 27/39, m. 16; *CDI*, Vol. II, no. 1445.

²¹⁸ *Ibid.*

²¹⁹ TNA: KB 27/30, m. 20; *CDI*, Vol. II, no. 1311.

²²⁰ TNA: KB 27/31, m. 12d (*CDI*, Vol. II, no. 1330, KB 27/31, m. 12); TNA: KB 27/32, m. 6d.

²²¹ Wilkinson, *Eleanor de Montfort*, p. 39.

coheirs in making the required payments or providing the dowagers with their lands. The records of the resulting lawsuits demonstrate that Margaret de Lacy suffered from such an attitude. In 1249 Margaret's five attorneys, Robert and Ralph de Valle Torta, Phillip Lucyem, Henry de Kadewelly and John de Turbervill, were appointed in a bid to claim the countess' dower lands in Berkshire, Cambridgeshire, Dorset, Sussex, Wiltshire, Herefordshire and Somerset.²²² In this case, all the Ferrers daughters were sued, together with their fellow Marshal coheirs Joan and William de Valence, Roger and Matilda Mortimer, William Cantilupe junior and Eve his wife, Richard de Clare, earl of Gloucester, Roger le Bigod, earl Marshal, and Humphrey and Eleanor de Bohun.²²³ Judgement was adjourned until the Hilary term when the case reappears in the records of the king's court.²²⁴ Margaret clearly experienced further problems, as in January 1253 an order of summons was issued to William de Fortibus, Francis de Bohun, William de Vescy, Reginald de Mohun, John de Mohun (as the husbands of the Ferrers daughters), Ralph fitz Nicholas (as Agatha's guardian) and Richard de Clare, William de Cantilupe, Richard Mortimer, William de Valence and Humphrey de Bohun (as Marshal coheirs) to account for damages Margaret had suffered whilst the coheirs delayed in handing over her dower lands. For this she sought compensation, as permitted by the Statutes of Merton.²²⁵ Following Margaret's death, the lands that she held in dower from the heirs' inheritance were restored to them, but not without dispute.

²²² *CRR*, 1249-50, no. 151; *CPR*, 1364-7, p. 264. Philip Lucyem was a tenant of the earls of Pembroke and his fees had been assigned to the Ferrers portion following the division of the Marshal estates in 1247.

²²³ *CRR*, 1249-50, no. 151.

²²⁴ *Ibid.*, nos. 151, 1332.

²²⁵ *CDI*, Vol. II, no. 140; Wilkinson, 'Pawn and Political Player', pp. 119-20; 'The Statutes of Merton', c. 1, in *SR*, Vol. I, p. 1.

Matilda de Bohun, widow of Anselm Marshal, also came into conflict with the Ferrers daughters and the other Marshal coheirs with regard to her dower. In 1249, her husband Roger de Quency appointed his attorneys John de Bradefeud and William de Derneford in a plea for dower against Roger Bigod, earl Marshal, Hugh Bigod, Francis de Bohun and others (presumably the Ferrers heirs, husbands of the other Ferrers daughters or their Marshal coheirs).²²⁶ A little later, in 1250, Roger appointed attorneys against Roger Bigod for a third part of the manor of Hampstead Marshall (Berkshire), Hugh Bigod for the same of the manor of Bosham (Sussex) and against Francis and Sybil de Bohun for a third of the manor of Sturminster (Dorset) which had been part of the Marshal inheritance.²²⁷ In November 1251 Roger de Quency and Matilda came before the king by attorney against Francis and Sybil, once again to claim the third part of Sturminster. Sybil and her husband were not present and were summoned again before Easter to hear judgement.²²⁸ This was a complex case. Matilda was not actually entitled to hold a third of the Marshal inheritance in dower as Anselm had never formally succeeded to it.²²⁹

Wilkinson has written extensively on the struggles faced by Eleanor de Montfort in trying to secure her Marshal dower lands.²³⁰ Eleanor was only 16 years of age when she became a widowed countess and received a dower settlement of £400 per annum.²³¹ It was only in her second marriage to Simon to Montfort that Eleanor, with her husband's aid, began to question the amount that had been assigned to her. Her fellow Marshal widow, Margaret de Lacy's, dower share, which had been assigned years later, was £444 from the

²²⁶ *CRR*, 1249-50, no. 192.

²²⁷ *Ibid.*, no. 395.

²²⁸ *CDS*, Vol. I, no. 1817.

²²⁹ See, Wilkinson, *Women in...Lincolnshire*, p. 54.

²³⁰ *Ibid.*

²³¹ *Ibid.*, p. 132.

English and Welsh lands and £572 from the Irish lands.²³² Eleanor became involved in a bitter lawsuit to secure her ancestral inheritance and the lands she was due in dower, firstly with the aid of her husband Simon and then alone in her widowhood.²³³

It was in 1247 that Eleanor and Simon de Montfort decided to bring a case against all the Marshal coheirs concerning her dower, many of whom were married to Henry III's greatest earls and barons. The couple claimed that Eleanor had been assigned a third of the Marshal lands. They also stated that the agreement of £400 with Richard Marshal in 1232 was invalid because Eleanor had been underage and in the king's custody when it was made. The Marshal coheirs rejected this claim, stating that she had possessed legal independence at this time. The case raged on, but between 1247 and 1254 the Montforts received the £400 due to them straight from the Crown because of the difficulties they experienced in securing the money owed to them by the coheirs. It was Henry who then faced the problem of collecting this money directly from the Marshal coheirs.²³⁴ Despite this arrangement, the Montforts continued to face problems with their dower payments due to Henry's need to use the money for other more pressing matters of state. In 1255, the husbands of the Ferrers daughters, Eleanor, Isabella, Agnes and Joan, together with their fellow Marshal coheirs, were summoned to make the varying payments due from them for Eleanor's dower.²³⁵ There are numerous entries showing that the Ferrers daughters and their husbands, together with their fellow coheirs, were summoned to make payments to the king for the sums he had paid towards Eleanor's dower when they had defaulted.²³⁶ Late in 1257, Francis de Bohun, husband of Sybil de Ferrers, came before the barons of the

²³² *Ibid.*, pp. 78-9.

²³³ *Ibid.*, pp. 78-80, 99-100, 132-133.

²³⁴ *Ibid.*, pp. 78-9.

²³⁵ *CDI*, Vol. II, no. 471.

²³⁶ TNA: E 372/104, m. 4d. 5, 7d, 8d; *CDI*, Vol. II, nos. 636, 637, 638, 639, 640, 641, 642, 643, 644, 1107, 1206.

Exchequer to complain that he held no lands, by the right of his wife, of the Earl Marshal in either England or Ireland in exchange for the lands which the king had granted to Eleanor in dower.²³⁷ Perhaps this could be an explanation as to why, at least partially, Francis and Sybil had failed to make their payments.

The problems of collecting debts from the Marshal heirs continued for years. Despite the evasions made by the Ferrers daughters, the biggest defaulter of payments of Eleanor de Montfort's dower was actually her fellow Marshal widow, Margaret de Lacy, countess of Lincoln.²³⁸ This is perhaps surprising given that she was experiencing the exact same problem herself and would have understood Eleanor's situation better than anyone else. In 1256, however, she paid the sum of £1066 which covered seven years' worth of defaulted payments.²³⁹ Following Eleanor's death, on 3 June 1275, orders were issued for the Ferrers sisters to be restored to their rightful lands.²⁴⁰ Amongst the lands which the Ferrers daughters regained control were portions of the English manors of Kemsing, Luton and Newbury. The daughters of Eve Marshal and their Marshal coheirs were also restored to their inherited lands and fees which had been granted to Eleanor de Montfort for her Marshal dower.²⁴¹

²³⁷ *CDI*, Vol. II, no. 557.

²³⁸ Wilkinson, *Eleanor de Montfort*, p. 80.

²³⁹ *Ibid.*, p. 80.

²⁴⁰ *CCIR*, 1272-9, pp. 100-1. These included the manors of Newbury, Spenhamlond, Wodespene and Crandon, along with many knights' fees. The Ferrers daughters coheirs and Gilbert de Clare, their fellow Marshal coheir, also benefitted from this.

²⁴¹ *Ibid.*, pp. 190-1.

Women and the Law: Attorneys and Agents

Much like the heiresses of the Chester inheritance, the Ferrers sisters made regular use of attorneys as married women and widows. Their status as noble heiresses certainly appears to have been a crucial factor in their involvement in litigation. As married women, they were involved in much of the litigation concerning their inheritance. There are several occasions when the Ferrers women appointed their own attorneys in addition to those of their husband in the same case, or nominated attorneys independently.²⁴² It is evident that these women were keen to fulfil their own ambitions and exercised their own agency when it came to the law. Loengard questions whether women who had married for a second time would have actually wanted to sue their late husbands' relatives for reasons such as securing more lands for dower, or whether such actions were the result of pressure from their new spouse.²⁴³ Loengard's suggestion that husbands put pressure on their wives to litigate could certainly have been true in some cases. It is evident, however, that women were not particularly concerned about upsetting their late husband's relatives, especially given that they so often sued their own sisters in order to defend their landed rights. A case between Isabel de Ferrers, as widow of Gilbert Basset, and her brother-in-law Fulk Basset, bishop of London, demonstrates exactly this. In 1249, a year after his brother's death in 1248, Fulk appointed his attorneys against Isabel and her new husband Reginald.²⁴⁴ Reginald then appointed his attorneys against Fulk for a plea of waste - it seems likely that this was in reference to the lands Isabel held in dower - and against John de Hamme for a plea of warranty of charter. Isabel is then found appointing her own attorneys against the two

²⁴² See discussion above, p. 118. For Agnes de Vescy see *CRR*, 1249-1250, no. 2101; For Eleanor see TNA: KB 27/13 ms. 3-4.

²⁴³ Loengard, 'What is a Nice...', pp. 62, 69.

²⁴⁴ *CRR*, 1249-50, nos. 45, 48.

men.²⁴⁵ The case continued into 1250 when it became apparent that Fulk was concerned that Isabel was laying waste to the lands in Maplederwell (Hampshire) to his disinheritance. Reginald and Isabel denied causing any such waste. Isabel appointed her own attorney, an indicator of her desire to participate in lawsuits concerning her landed rights.²⁴⁶ A little later, early in 1250, Fulk again appointed his attorneys against Reginald and Isabel concerning the same plea.²⁴⁷ If Isabel or her men had actually wasted her dower lands, this is a reflection of the problem faced so frequently by heirs whose inheritance was in the hands of widows as dower. This case is certainly demonstrative of the fact that Isabel was determined to defend her landed rights and had no reservations in engaging in litigation with her late husband's brother.

It seems, for the most part, that the Ferrers were successful in securing and protecting their dower lands. Magna Carta certainly does appear to have improved the fortunes of women in securing their landed rights in widowhood. Maintaining a hold on these lands often proved to be problematic and women could come into conflict with people from all different levels of society. On 10 August 1263, a dispute is recorded in the close rolls between Agnes and Peter of Savoy, Eleanor of Provence's uncle, and the prior of Malton concerning the advowson of the church of Brumpton (Yorkshire).²⁴⁸ Both Agnes and Peter held lands in Yorkshire. Upon her husband's death, Agnes had been granted the manors of Malton and Langton (Yorkshire), together with the manor of Tughall (Northumberland) in dower.²⁴⁹ In May 1241, Peter had been awarded the lordship of Richmond and had been granted the remainder of William de Vescy's lands until his heir

²⁴⁵ *Ibid.*, no. 63.

²⁴⁶ *Ibid.*, no. 1448.

²⁴⁷ *Ibid.*, no. 134

²⁴⁸ *CCIR, 1261-4*, p. 309.

²⁴⁹ *CFR, 38 Henry III*, no. 263.

came of age.²⁵⁰ Agnes, Peter and the prior all believed that they possessed the right to present a candidate for appointment to the benefice in the event that it fell vacant.²⁵¹ Agnes' sister, Eleanor, also had to fight for her dower lands. In November 1271, Eleanor de Leybourne, as dowager countess of Winchester, came before the king to ask that her dower be assigned to her from her third marriage to Roger de Leybourne, sheriff of Kent.²⁵² Eleanor was already a wealthy woman, who held several substantial tracts of land. Not only did she hold lands and property from her Marshal inheritance, she also held two dowers from her previous marriages to William de Vallibus and Roger de Quency, earl of Winchester. She used this audience with the king as an opportunity to complain that all of her lands had been seized by his escheators. Upon hearing Eleanor's plea, the king ordered his escheator, Richard de Clifford, to extend Roger de Leybourne's lands without delay.²⁵³ He also ordered Clifford to restore Eleanor to the lands of her own heritage and the dowers she held from her previous two husbands.²⁵⁴ The king commanded that Clifford require an inspection and transcription of the charters from the executors concerning the lands that Eleanor stated belonged to her and her late husband jointly, so that he would be fully informed and justice could be done.²⁵⁵ These lands were the manors of Badon, Ashford, Buckwell, Packmanstone and Warehorne (Kent), in addition to lands late of Margery de Vernun in Southampton.²⁵⁶ Having received the homage of William de Leybourne, Roger's

²⁵⁰ N. Vincent, 'Savoy, Peter of, count of Savoy and de facto earl of Richmond (1203?-1268)', *ODNB*, <<http://www.oxforddnb.com/view/article/22016?docPos=1>>, accessed 2 August 2016; *CFR*, 38 Henry III, no. 263.

²⁵¹ *CCIR*, 1261-4, p. 309.

²⁵² *CCIR*, 1268-72, pp. 436-7; *CDS*, Vol. I, no. 2622; *CPR*, 1266-72, p. 609.

²⁵³ *CCIR*, 1268-72, pp. 436-7; *CDS*, Vol. I, no. 2622.

²⁵⁴ *CCIR*, 1268-72, pp. 436-7; *CDS*, Vol. I, no. 2622.

²⁵⁵ *CCIR*, 1268-72, pp. 436-7; *CDS*, Vol. I, no. 2622; *CFR*, 56 Henry III, 95; *CPR*, 1266-72, p. 609.

²⁵⁶ *CDS*, Vol. I, no. 2622; *BF*, Vol. III; For Ashford see: E. Hasted, *The Historical and Topographical Survey of the County of Kent*, Vol. 7 (Canterbury, 1798), pp. 526-45, *British History Online*, <<https://www.british-history.ac.uk/survey-kent/vol7/pp526-545>>, accessed 17 September 2017.

son from a previous marriage, on 11 December 1271, the king stated that he would do both Eleanor, countess of Winchester, and her stepson, William, justice regarding these lands.²⁵⁷ An inspeximus and confirmation of a charter relating to these lands are preserved on the charter rolls on 13 August 1271.²⁵⁸ By this charter Eleanor, Roger, and the heirs of their bodies received these lands from Matilda, daughter of William of Ashford, and her husband, Roger de Rollyng.²⁵⁹ Also on this date, Henry gave power to Walter Giffard, archbishop of York, and the treasurer, Philip de Eye, to place Eleanor in possession of her dower.²⁶⁰ The precise date of Roger de Leybourne's death is unclear, but it would seem that Eleanor was in receipt of her dower lands just within the forty day limit laid down by Magna Carta, a sign that the charter was having real effect.²⁶¹ This episode is indicative of the legal freedoms of widows to bring forward claims before the law courts. Not only this, it reiterates, once again, that women were prepared to bring cases before the court, even if it resulted in conflict with the crown or close family members, and that they pursued their claims through the English law courts with success.

With the increasing use of attorneys in this period, Loengard raises some important questions about the frequency in which women were physically present in the king's courts.²⁶² For a plaintiff to appoint an attorney, they needed to come to court only once

Catalogue of Ancient Deeds, Vol. V - index; For Warehorne see E. Hasted, *The Historical and Topographical Survey of the County of Kent*, Vol. 8 (Canterbury, 1799), pp. 365-374, *British History Online*, <<https://www.british-history.ac.uk/survey-kent/vol8/pp365-374>>, accessed 17 September 2017.

²⁵⁷ *CPR*, 1268-72, p. 609.

²⁵⁸ Eleanor and Roger had exchanged these lands (amongst others) with Roger de Rollyng and his wife Matilda, daughter of William of Ashford, for the manor of Stockton (Huntingdon) and £15 worth of land in Romford (Essex). *CChR*, 1257-1300, p. 175.

²⁵⁹ *CChR*, 1257-1300, p. 175.

²⁶⁰ *CPR*, 1268-72, p. 609.

²⁶¹ The order for Clifford to extend Leybourne's lands is dated 2 November so one of the final days of October or early days of November seems reasonable.

²⁶² Loengard, 'What is a Nice...', p. 56; Walker, 'Litigation as Personal Quest', pp. 98-9.

with their appointee. Once this journey had been made, their attorney would deal with the case and make all subsequent appearances.²⁶³ The litigant could then come to remove the attorney at any time in order to replace him with another or, indeed, act him- or herself.²⁶⁴ For women who held lands in Ireland or in other areas that they could not easily get to, whether this be due to natural causes or due to dealing with priorities elsewhere, the use of attorneys and agents was, if not essential, extremely useful.²⁶⁵ As Gillian Kenny suggests, some widows may not have ever seen their Irish lands and had to appoint legal representatives to sue on their behalves.²⁶⁶ Rather than suggesting a lack of participation or concern, the appointment of attorneys is indicative of the fact that these women were actually heavily involved in the legal processes concerning and affecting their landed inheritance. Whatever the case, these women had to go to the trouble of securing letters of attorney from the king's court so that they could remain in England. Agatha acquired such letters in July 1275 for Adam Cristien to act as her attorney in Ireland for two years; this coincided with the period of conflict with her elder sister Agnes.²⁶⁷ Evidence is often not substantial enough to establish exactly who these men were or what their backgrounds were. It is quite possible that they were tenants, men of local importance or that they were, indeed, men trained in law. On numerous occasions, several of the Ferrers daughters first acquired letters of protection for themselves to go overseas, only then to acquire letters of attorney. Perhaps, as Kenny suggests, these women often became occupied with matters concerning their other lands and so did not make the journey overseas themselves but

²⁶³ Brand, *The Origins of the English Legal Profession*, p. 43; Loengard, 'What is a Nice...', p. 56.

²⁶⁴ Brand, *The Origins of the English Legal Profession*, p. 43.

²⁶⁵ Cléirigh, 'The Absentee Landlady and the Sturdy Robber', p. 104; Kenny, 'The Power of Dower', p. 64.

²⁶⁶ Kenny, 'The Power of Dower', p. 64.

²⁶⁷ *CPR, 1272-81*, p. 99.

appointed their attorneys to defend their rights for them.²⁶⁸ What is important here is that women were obviously litigating and engaging with the law.²⁶⁹ The use of attorneys suggests that the heiresses had a strong interest in their landed and property rights.

Knowledge of their property rights and legal processes was crucial for heiresses and indeed any woman who held lands.²⁷⁰ As Walker states 'the control of property – as heiresses, landholders by their own acquisition, joint tenants, and doweresses – gave medieval women power, status and a need to be familiar with land law'.²⁷¹ This was particularly true for widows, like Isabel, with claims to dower lands.²⁷² Once a woman had been successful in claiming her dower she became chief advocator of her own landed rights. It was highly likely that a noblewoman would be left to manage the family estate during her husband's absence from the household at the royal court, or elsewhere, at some stage in her life.²⁷³ On occasions like this, a knowledge of property and landed rights was essential. It was also highly likely that she would become widowed at some point in her life. In terms of dower claims it has been suggested that a knowledge of their lands and the extent of them was essential so that they could instruct the attorneys pursuing the claims on their behalves.²⁷⁴ The same can be applied to heiresses bringing forward claims concerning their landed inheritance. We can assume that the Ferrers sisters had a knowledge of the lands

²⁶⁸ Kenny, 'The Power of Dower', p. 64.

²⁶⁹ Loengard, 'What is a Nice...', p. 56.

²⁷⁰ E. Lamond, ed., *Walter of Henley's Husbandry together with an anonymous husbandry, seneschaucie and Robert Grosseteste's Rules* (London: Longmans, Green and Co., 1890), pp. 23-5; Walker, 'Litigation as Personal Quest', p. 82; Loengard, 'What is a Nice...', p. 69. Loengard's studies have also done much to prove that female litigants certainly did know their property rights.

²⁷¹ Walter, 'Litigation as Personal Quest', p. 82.

²⁷² *Ibid.*, p. 99.

²⁷³ Ward, *English Noblewomen*, p. 109.

²⁷⁴ Walker, 'Litigation as Personal Quest', p. 99.

they were calling upon their own attorneys to defend. Finally, it is clear that women were not pawns subject to the agendas and ambitions of their male kin.

Although many dowagers could be absent from their lands for prolonged periods of time, it is clear that women were able to exercise their authority as landholders through their officials. A petition of Eleanor, dowager countess of Winchester, demonstrates this perfectly. Following the death of her husband Roger de Quency in 1264, Eleanor presented a petition to an unnamed addressee (but probably the king) concerning her Irish interests. The countess presented four problems.²⁷⁵ Eleanor's first point was that Henry le Foun be distrained to render account to her attorneys for the period in which he was her bailiff in Ireland. It seems here that Eleanor had some faith in her attorneys that they would fulfil her wishes. The second request made was that the king's bailiffs in Ireland defend and maintain her lands, goods and tenants there, presumably in her absence. Eleanor's third demand was that Nicholas de Coluhrid be distrained by a writ to answer her attorneys for £30 which he had received from her farms in Ireland, but which he had not yet paid her for. Her fourth and final request concerned the appointment of justices.²⁷⁶ Although absent, Eleanor clearly felt she was able to trust her attorneys to carry out her wishes and her officials to inform her of any problems in her overseas lands. It also demonstrates how proactive she was as a landlord and would intervene when necessary.

With the extensive use of attorneys in this period, perhaps we should consider the relationships that these women had with their legal representatives. As women were often not able to be present in their overseas lands, it was essential for them to be able to trust

²⁷⁵ The date of this petition is unclear but it certainly occurred between the death of her husband Roger de Quency in 1264 and her own in 1274. TNA: SC 8/199/9936.

²⁷⁶ Ibid.

the men representing them in the courts of law in absentia. Eleanor's petition demonstrates that noblewomen were, for the most part, able to rely on their attorneys and estate officials.²⁷⁷ Admittedly, there are some instances of these women allowing certain men to appoint attorneys or other officials on their behalves. In February 1272, Eleanor, as the recent widow of Roger de Leybourne, gave consent for Godfrey Giffard, bishop of Worcester, and Ralph de Sandwich to appoint attorneys for her whilst she was absent in Scotland.²⁷⁸ Again, in this instance, some form of trust must have existed between Eleanor, the bishop and Ralph to appoint men to fulfil the role as her attorney with competence. Despite not having evidence for repeated use of attorneys, the men appointed by the Ferrers were frequently appointed for long periods of time - either two or three years. It may be that these men were trained in the legal profession. If they were not, it is highly likely that they were tenants or indeed men of influence in these places with a detailed knowledge of the lands that were in dispute and of the law.

The Marshal Legacy?

The repercussions of the Marshal division of 1247 on English landholding society were immense. The death of William Marshal led to the break-up of his massive collection of estates, and the partition between thirteen different coheirs benefitted numerous noble families. As well as the obvious financial gains inheritance brought them, the coheirs were also thrown into the world of law and litigation. The records of the King's Bench demonstrate that the disputes over the Marshal lands and partition continued to rage well

²⁷⁷ Ibid.

²⁷⁸ *CPR, 1266-72*, p. 621.

into the fourteenth century. The children of the Ferrers daughters were also frequently engaged in litigation concerning their inherited Marshal lands and property. It is obvious that, like their mothers, the heirs of the Ferrers daughters also encountered problems when it came to securing their lands. The daughters of Matilda de Kyme provide one example of this and demonstrate just how far the consequences of the division of the Marshal lands were felt. Matilda had four heirs who were her daughters, Joan, Cecily and Sybil and Aymer de Archiaco, the son and heir of her fourth daughter, Mabel, who was deceased.²⁷⁹ On 27 and 31 October 1299, following Matilda's death earlier this year, orders were issued to the king's escheator south of the Trent to deliver her English lands to her daughters Joan, Cecily and Sibyl (and her husband Guy de Rupe Cuardi).²⁸⁰ Similar orders were given on 1 November to Walter de la Haye, the king's escheator in Ireland to partition Matilda's Irish lands into four parts. Whilst Joan, Cecily and Sybil were to receive their respective portions, Aymer's remained in the king's hand.²⁸¹ These orders were not, however, fully carried out. In October 1302, Joan de Vivonne, appeared through her attorneys, Richard Foucher and Stephen de Welles, before the king to request that she receive her portion of the issues of the county of Kildare.²⁸² As explored earlier, William de Vescy, a former justice of Ireland and the son of Agnes, had seized these from Matilda and Agatha and the conflict between Agnes and her sisters continued into the next generation. At the time that Joan appealed to the king, the issues were in his hands.²⁸³ The case does not appear to have been settled, as in June 1307 Joan again appointed her attorneys Roger de Wyke or Roger Querdelynn, to prosecute on her behalf for her portion of the profits of Kildare. She also requested that her

²⁷⁹ *CIPM*, Vol. III, no. 525.

²⁸⁰ *CFR, 1272-1307*, pp. 420-1.

²⁸¹ *Ibid.*, p. 421.

²⁸² *CDI*, Vol. V, no. 129.

²⁸³ *Ibid.*, no. 129.

attorneys receive seisin of her portion.²⁸⁴ It is quite possible that the case had been complicated owing to the death of her aunt Agatha in the previous year. It was not until 31 October and 3 November 1304 that the king, 'wishing now to do him grace', commanded his escheators to deliver to Aymer his English and Irish inheritance.²⁸⁵ The reason for this delay was Edward's war with the king of France, because he was born 'beyond seas' and they were unable to prove his age.²⁸⁶ Aymer came before the king and successfully sued for his inheritance and performed homage to the king.²⁸⁷ It was also proven that he was Mabel's heir and that he was of full age.²⁸⁸

The extent of the impact of the Marshal division was shown through further settlements made in the fourteenth century. Here, once again, the experiences of Matilda de Kyme's daughters can be used as an example. In 1299 Matilda de Kyme's children, Cecily and Joan, settled lands in Luton (Bedfordshire) from their mother's portion of Marshal inheritance, on their sons.²⁸⁹ An inquisition carried out on 13 October 1302 found that Joan possessed 6 bovates of land in Luton, and a quarter of a watermill, together with other rights there. The tenements on the lands were worth 70s. 10½d., per annum in total.²⁹⁰ In February 1301, Cecily was given licence to settle her mother's lands on her own son Robert de Beauchamp.²⁹¹ An agreement made between Cecily and her son laid out that he would have these lands in Luton in exchange for a pair of gilt spurs and, after her death, a pound of

²⁸⁴ TNA: KB 27/190, *De Attornatis*; *CDI*, Vol. V, no. 660.

²⁸⁵ *CFR*, 1272-1307, pp. 499-500.

²⁸⁶ *Ibid.*, pp. 499-500; *CCIR*, 1302-07, p. 187.

²⁸⁷ *CFR*, 1272-1307, pp. 499-500.

²⁸⁸ *CCIR*, 1302-7, p. 187.

²⁸⁹ TNA: C 143/33/25; *CPR*, 1301-7, p. 231.

²⁹⁰ *Calendar of Inquisitions Miscellaneous, 1219-1307*, no. 1895. Joan also possessed lands of her mother's inheritance in Midsomers Norton (Somerset). According to an inquisition undertaken on 11 October 1302, she held 4 bovates of land in Midsomers Norton and eighth of the hundred by inheritance following the death of her father. These tenements were worth 40s. per annum.

²⁹¹ TNA: C 143/35/2; *CPR*, 1292-1301, p. 571.

cumin, for all service. If Robert were to die without heirs before his mother, the lands and services would revert back to her.²⁹² This indeed was the case and on 10 June 1304, John Wogan, justiciar of Ireland, received orders to deliver these lands to Cecily, as well those which she had of a grant of her sister Sibyl and her husband Guy de Rochechouard.²⁹³

Conclusion

The division of the lands of William Marshal demonstrates the impact that female inheritance could have on English landholding and political society. The introduction of partible inheritance provided opportunities for men in marriage, and the king's rights of wardship for noble children meant that many of his men made advantageous marriages to heiresses. The king did face the wrath of his nobles when his foreign relatives were married to English heiresses. The great extent of wealth and power that the Marshal wielded was dispersed between the hands of many aristocratic families upon his death. The complex nature of this division is also demonstrated through the lawsuits that continued to play out into the fourteenth century.

This chapter has also considered how secure aristocratic women's property rights were in terms of dower and inheritance. It would seem that, although the Ferrers entitlement to inheritance was acknowledged, the need to provide widows with dower was important. In this instance, Margaret de Lacy's status and ties with the royal court may have influenced the king's decision, but it is clear that the king tried to ensure that widows always

²⁹² *CCIR*, 1302-7, p. 146. The king had allegedly taken Robert's homage and granted a licence for these lands without Cecily's knowledge; because the king 'did not wish that Cecily shall be unduly aggrieved' in any way regarding this matter, the lands were restored to her.

²⁹³ *Ibid.*, p. 146.

received their dower allocation in the years after Magna Carta and within the forty-day limit. The Marshal dowagers certainly did not receive their dowers without difficulty. In terms of inheritance, King Henry attempted to compensate the Ferrers sisters, just as he did the Chester heiresses, for losing out on their inheritance. Henry and his son Edward both worked to ensure that the heiresses received their inheritance upon Margaret's death. There seems to have been a conscious effort to uphold the law when it came to acknowledging a woman's entitlement to hold lands and property, but the finer details appear to have been negotiable.

The evidence uncovered here demonstrates that the Ferrers daughters were certainly active legal agents. By studying the drawn-out lawsuits in which the sisters were involved, it is obvious that in marriage and widowhood, these women were fiercely determined to protect their landed rights. Although the sisters are often found working together in such lawsuits, the disputes outlined here also illustrate that family ties did not prevent them from pursuing their landed rights or claiming more than their fair share. The Ferrers sisters sued each other, their fellow coheirs, and anyone else who challenged their rights. These legal cases are symptomatic of a concern with preserving landed rights no matter with whom it meant coming into conflict. The fortunes of the Marshal coheirs were closely tied. The concept of co-heirs being one is clear in this case study and the absence of one or more co-heirs frequently delayed legal suits for those with Marshal interests. The involvement of these women in legal cases through the use of attorneys is illuminating. There are several instances in which the Ferrers sisters, as married women, appointed attorneys alongside those selected by their husbands. Noble heiresses clearly had their own ambitions and agendas when it came to their landed rights and they were clearly not solely being forced to act by their husbands. Married heiresses had an interest and knowledge of

their landed rights. This knowledge was crucial for women when they became widows, and were left to manage their estates single-handedly.

Chapter Three: The Heiresses of Leicester

Introduction

The partition of Leicester also came about as a result of the death of a male member of the family and the lack of any male heir to take his place. In 1204, Robert de Breteuil (also known as de Beaumont), fourth earl of Leicester, died.¹ Robert was the second son of Robert de Breteuil (d.1190), third earl of Leicester and Petronilla de Grandmesnil (d.1212), daughter of William de Grandmesnil, and heiress to the Norman honour of Grandmesnil.² Robert was commonly referred to as Robert fitzParnel, a name which not only distinguished him from previous Roberts, but also reflected the importance of his mother.³ Robert was not initially destined to inherit the earldom from his father, as he had an elder brother, William. William's death in c.1189 during his father's lifetime, however, left the earldom open for his younger brother Robert to inherit.⁴ Robert had an extraordinary career and later became known as a 'hero of the crusades'⁵ and a man of considerable political influence. His death, like those of Ranulf III, earl of Chester, John, earl of Chester and Huntingdon, and William Marshal, had a massive impact on the political community of England. According to David Crouch, Robert's death saw the division of the 'one of the most important and wealthy earldoms of Angevin England'.⁶

¹ D. Crouch, 'Breteuil, Robert de, fourth earl of Leicester (d. 1204)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/47202?docPos=2>>, accessed 20 January 2015. See Appendix 1.4.

² Crouch, 'Breteuil, Robert de (d. 1204)', *ODNB: Complete Peerage*, p. 532.

³ F. M. Powicke, 'Loretta, countess of Leicester', in *Historical Essays in Honour of James Tait*, eds, J. G. Edwards, V. H. Galbraith and E. F. Jacob (Manchester, 1933), p. 252.

⁴ Cokayne, *Complete Peerage*, Vol. VII, p. 533, n. d.

⁵ S. Johns, 'Briouze, Loretta de, Countess of Leicester (d. in or after 1266)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/47212?docPos=3>>, accessed 27 January 2015.

⁶ D. Crouch, 'The Battle of the Countesses: The Division of the Honour of Leicester, March-December 1207', in *Rulership and Rebellion in the Anglo-Norman World, 1066-1216: Essays in Honour of Professor Edmund King*, eds, P. Dalton and D. Luscombe (London: Routledge, 2016), pp. 179-211 at p. 179.

Robert was married in c.1196-7 to Loretta de Braose, daughter of William III de Braose.⁷ Despite the fact that Robert and Loretta were married for approximately seven years, the marriage did not produce any children. This may well have been due to the fact that the couple were seldom together, especially given Robert's frequent absences abroad with kings Richard and John.⁸ Additionally, Loretta may well have been a child bride.⁹ As has previously been discussed, young girls could be betrothed and married at six or seven years of age but could only give formal consent at the age of 12.¹⁰ If this was the case for Loretta, she may have only been around 18 or 19 years old at the time of her husband's death in 1204. Robert's lack of heirs meant that he, like Ranulf III, earl of Chester, was succeeded by his sisters instead of any of his own children. As well as his brother William who had predeceased him, Robert also had another brother Roger (d.1202) who became bishop of St Andrews¹¹, together with at least four sisters, including Petronilla, named quite possibly after her grandmother and Hawise, a nun at Nuneaton priory (Warwickshire)¹². Perhaps these careers in the Church were chosen for Roger and Hawise as they were younger siblings. As a result of the death of Roger two years previous to his own, Robert's sisters, Amice and Margaret, became heirs to the great honour of Leicester.¹³

⁷ Loretta's mother, Maud, and brother, William, were famously starved to death by King John at Windsor or Corfe Castle. Crouch, 'Breteuil, Robert de (d. 1204)', *ODNB*; Johns, 'Briouze, Loretta de', *ODNB*.

⁸ Powicke, 'Loretta, countess of Leicester', p. 249.

⁹ Johns, 'Briouze, Loretta de', *ODNB*. In widowhood, Loretta was forced by King John to take an oath that she would not remarry without his consent. Quite possibly under the direction and influence of Archbishop Stephen Langton, she became a recluse and resided at Hackington, a small village just outside Canterbury. Loretta's sister, Annora, also became a recluse.

¹⁰ S. Bardsley, *Women's Roles in the Middle Ages* (London: Greenwood Press, 2007), p. 98.

¹¹ D. Crouch, 'Breteuil, Robert de, third earl of Leicester (c. 1130-1190)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/1883?docPos=1>>, accessed 20 January 2015; A. A. M. Duncan, 'Roger (d. 1202)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/23962/?back=47202>>, accessed 27 January 2015.

¹² Crouch, 'Breteuil, Robert de, third earl of Leicester', *ODNB*; Crouch, 'Breteuil, Robert de, fourth earl of Leicester', *ODNB*.

¹³ The exact value of Leicester is difficult to determine due to the inconsistencies and errors in the surviving records. Crouch, 'The Battle of the Countesses'. See Appendix 1.4.

Amice and Margaret had colourful lives, both women were visibly active in terms of claiming and protecting their inheritances, amongst other landed rights. Amice, the eldest of the two heiresses, was married to Simon de Montfort (d.1188), lord of Montfort. The exact date that the marriage took place is unknown, but the union had certainly come to an end in 1188 when Simon had died.¹⁴ Amice's marriage to Simon proved fruitful and it seems that the couple had at least four children together. These children were Simon (d.1218), the future leader of the Albigensian crusade, a younger son named Guy, and their daughters Petronilla (d.1216) and Amice.¹⁵ It is impossible to know whether this was a happy marriage, but it would probably have produced a larger number of children had it not been for Simon's untimely death. Following Simon's death, Amice married for a second time, probably at the insistence of the French king, William des Barres, count of Rochefort, a French curial knight described by Powicke as 'the most illustrious companion of Philip Augustus'.¹⁶ To William, Amice carried her existing titles and lands.¹⁷ Charlotte Pickard has demonstrated how Amice continued to use her Montfort title in her new marriage.¹⁸ This title reinforced her status as the mother of the lord of Montfort but also her position as the heiress to the Leicester lands, despite not being able to control them. Amice's marriage to William produced at least one male child, William des Barres junior. Tracing the lives and careers of both of these Williams is problematic and records are difficult to disentangle, but Powicke believes that William the elder died in c.1233.¹⁹ It is also possible that Amice and William had a daughter, Amicia, who

¹⁴ D. Power, *The Anglo-Norman Frontier in the Twelfth and Thirteenth Centuries* (Cambridge: Cambridge University Press, 2008), p. 239.

¹⁵ Charlotte Pickard has written extensively on the life and marriage of Petronilla in her doctoral thesis, 'Unequal marriage in France, c. 1200' (Unpublished Ph.D thesis, University of Reading, 2014), pp. 168-74; Crouch, 'Breteuil, Robert de (d. 1204)', *ODNB*.

¹⁶ Powicke, 'Loretta, countess of Leicester', p. 252.

¹⁷ Pickard, 'Unequal marriage in France, c. 1200', p. 170; Cokayne, *Complete Peerage*, Vol. VII, p. 537.

¹⁸ Pickard, 'Unequal marriage in France, c. 1200', p. 170.

¹⁹ Powicke, 'Loretta, countess of Leicester', p. 252, n. 1. Crouch, 'Breteuil, Robert de (d. 1204)'.

became a nun at Fontevrault Abbey.²⁰ Amice's life in France meant that she probably had knowledge of Anglo-French legal customs, something that would have become exceptionally useful following her brother's death in 1204.²¹

Amice's sister and fellow co-heiress was Margaret.²² Margaret was married around the year 1190 to Saer de Quency.²³ In terms of the number of children produced, their marriage was a successful one; they had at least three sons and three daughters.²⁴ Of these children Robert died within his father's lifetime in 1217. Robert had married Hawise, daughter of Hugh de Kevelioc, earl of Chester, and it was Robert's daughter, Margaret (later Margaret de Lacy), who was passed over in the inheritance of the earldom of Winchester upon Saer's death in 1219, in favour of her uncle Roger de Quency.²⁵ Saer and Margaret's other son was another Robert (d.1257), who married Helen, daughter of Llwelyn the Great.²⁶ The daughters of the union were Hawise, Arabella and Loretta, who married Hugh de Vere, earl of Oxford, Sir Richard de Harcourt and William de Valognes, respectively.²⁷ Very little is known about Saer's career before his marriage to Margaret. As a family, the Quencys were very active in Scotland, as can be seen through their many charters addressed to Scottish religious houses over the course of the twelfth and thirteenth centuries.²⁸ We know a great deal about Saer's career following his marriage to the younger daughter of the earl of Leicester. Margaret outlived her husband for 14 years and in this period she was

²⁰ Cokayne, *Complete Peerage*, Vol. VII, pp. 536-7.

²¹ Crouch, 'Breteuil, Robert de (d. 1204)'; Crouch, 'The Battle of the Countesses', p. 181.

²² See Appendix 1.4.

²³ Oram, 'Quincy, Saer de', *ODNB*.

²⁴ Oram states that there were five daughters. Only three of these can be found to have made marriages. Perhaps the younger two sisters had been entered into religious houses. Oram, 'Quincy, Saer de', *ODNB*.

²⁵ See Chapter One, pp. 57-9.

²⁶ Cokayne, *Complete Peerage*, Vol. XII, Pt. II, p. 751.

²⁷ *Ibid.*, p. 751; Oram, 'Quincy, Roger de', *ODNB*; For Loretta's marriage to William, see Ussher. ed., *Brackley Deeds*, p. 11.

²⁸ See Chapter Five, p. 283.

politically active and featured regularly in letters preserved in the chancery rolls. Margaret did not remarry upon her widowhood and, as a result, we see her using her independent legal status in numerous capacities.

The loss of Normandy and the collapse of the Angevin Empire had huge implications for landholding society, but also for the division of the earldom of Leicester.²⁹ Robert, like many of his noble peers, was presented with the problem of deciding which king was going to receive his allegiance. Effectively these men had to decide whether they wanted to continue to hold their English or French lands.³⁰ In April or May 1204, whilst on a mission from King John, Robert, together with William Marshal, earl of Pembroke, managed to negotiate a truce for a year and a day with King Phillip of France, at the cost of 500 marks. This truce was designed to give the pair time to decide to whom they would perform liege homage, the English or French king.³¹ Robert's lands in Normandy were extensive and had been built up by his family through acquisition and marriage over the course of a century. His lands included the honours of Breteuil and Pacy-sur-Eure which his grandfather had received, following the political unrest of Stephen's reign (1135-54).³² The honour of Grandmesnil had been added to the family estates upon the marriage of his father to Petronilla, the heiress and last representative of the great aristocratic house of Grandmesnil, in the mid-1150s.³³ With the loss of Normandy, Robert was set to lose all of this. Previously, in September 1203, John had offered the earl of Leicester the honour of

²⁹ T. K. Moore, 'The Loss of Normandy and the Invention of Terre Normannorum, 1204', *English Historical Review*, Vol. CXXV, No. 516, pp. 1071-1109 at pp. 1071-2; Crouch, 'The Battle of the Countesses'.

³⁰ Moore, 'The Loss of Normandy', p. 1071.

³¹ Both the French and English kings insisted that landholders could only swear allegiance to one of them. Moore, 'The Loss of Normandy', pp. 1071-2; Crouch, 'The Battle of the Countesses', pp. 181-2.

³² Crouch, 'Breteuil, Robert de (d. 1204)', *ODNB*; Crouch, 'de Grandmesnil, Petronilla', *ODNB*.

³³ Crouch, 'The Battle of the Countesses', p. 180; Crouch, 'de Grandemensil, Petronilla', *ODNB*; Cokayne, *Complete Peerage*, Vol. VII, p. 532.

Richmond in an attempt to secure his loyalty.³⁴ Following John's loss of Normandy, the French king used the Norman lands, which had previously belonged to English nobles, in order to strengthen his power and authority. In England 'the lands of the Normans' or 'Terre Normannorum' were used by English kings as a form of patronage.³⁵ It is impossible to know to whom Robert was going to give his allegiance but, as it happened, it was a decision that he did not have to make.³⁶

Background

With the loss of the French lands, the division of the honour of Leicester was a long and drawn out process. Complications arose not only because of the locations of the heiresses but also the fact that the death of Robert, fourth earl of Leicester, resulted in there being two widowed countesses of Leicester with an entitlement to dower. One of these women was Robert's widow, Loretta. The other woman was Robert's mother, the dowager countess of Leicester, Petronilla de Grandmesnil. Petronilla was a resolute woman who was incredibly politically active in her married life, and she was not afraid to exercise her political agency. During her marriage to Robert, third earl of Leicester, Petronilla joined him in revolt against Henry II in 1173 and in exile at the court of Louis VII of France.³⁷ It was her actions in marriage that resulted in her not receiving her dower lands until her son's death in 1204.³⁸

Following Robert's death in 1204, Petronilla ignored the claims of her daughters and claimed the honour of Leicester for herself, effectively disinheriting them.³⁹ This, again,

³⁴ Crouch, 'The Battle of the Countesses', p. 180.

³⁵ Moore, 'The Loss of Normandy', p. 1071.

³⁶ Crouch, 'The Battle of the Countesses', p. 181.

³⁷ Cokayne, *Complete Peerage*, Vol. VII, p. 532. Crouch, 'de Grandmesnil, Petronilla', *ODNB*.

³⁸ Crouch, 'de Grandmesnil, Petronilla', *ODNB*.

³⁹ Crouch, 'The Battle of the Countesses', p. 183.

raises some questions as to the security of the rights of female heirs in this period. In this instance, there appears to have been no open concern about the implications of female inheritance as has been seen in our other case studies. The reasons for Petronilla's actions were entirely personal and the division of the honour of Leicester is a prime example of how the collapse of the Angevin Empire affected the Anglo-Norman landholding community. Petronilla asked to be delivered of her inheritance including Leicester with appurtenances, fees and all things from the honour of Grandmesnil, which she claimed was due to her. For this, she offered a fine of 3000 marks.⁴⁰ The fine, recorded in late 1204, states that Petronilla offered the king 3000 marks for 'Leicester (Leirc') with all fees and desmenses pertaining to the honour of Grandmesnil, within Leicestershire and without'.⁴¹ In return for this, she offered John the castle of Whitwick (Leicestershire), together with estates that belonged to the honour.⁴² This sum was to be paid in 250 mark instalments, with the first payment due on 2 February, the feast day of the Purification of the Virgin Mary.⁴³ An entry on the pipe rolls for late 1205 stated that the dowager countess still owed the king 2000 marks.⁴⁴ Petronilla, like many widowed aristocratic women, was obviously not afraid to exercise her legal independence to secure lands which she believed were rightfully hers. The reason for her claim to the honour of Leicester was probably based on the loss of her own inheritance of the honour of Grandmesnil when Phillip II invaded and seized the duchy of Normandy from King John. Petronilla was the sole heiress of her father, William de Grandmesnil, and held the 'undoubted right to the honour of Grandmesnil in Normandy'.⁴⁵

⁴⁰ *The Great Roll of the Pipe for the Sixth Year of the Reign of King John: Michaelmas 1204*, ed., D. M. Stenton (London: Printed for the Pipe Roll Society, 1940), pp. 227-8; *ROF*, p. 226.

⁴¹ *Pipe Rolls - 6 John*, pp. 227-8; *ROF*, p. 226.

⁴² *Ibid.*

⁴³ *Pipe Rolls - 6 John*, pp. 227-8.

⁴⁴ *The Great Roll of the Pipe for the Seventh Year of the Reign of King John: Michaelmas 1205*, ed., S. Smith (London: Printed for the Pipe Roll Society, 1941), p. 32.

⁴⁵ Crouch, 'The Battle of the Countesses', p. 184.

In addition to this, the honour of Leicester was made up of lands deriving from the inheritance of Ivo de Grandmesnil (d. 1101/2), lord of Leicester, and it is quite probable that she was using longstanding family claims to this property to justify her actions in 1204.⁴⁶ Petronilla did not, however, hold any claim to the English lands. The loss of her inheritance in Normandy due to King John's own loss of the duchy was something that Petronilla probably felt some resentment about; this makes her claim to the honour of Leicester much more understandable but by no means correct.

Having already lost out on her inheritance, Petronilla may have been frustrated by her daughter, Amice, who had released all the lands of the honour of Breteuil 'citra mare Anglie' to Philip Augustus, the king of France, in perpetuity without offering any form of compensation to her mother.⁴⁷ This deal was struck in November or December 1204, just one month after her brother's death.⁴⁸ In exchange for the castle of Breteuil and all its appurtenances, Amice received from the French king, for her heirs in perpetuity, the castle of St. Leger and all of Yveline with its appurtenances, apart from two fiefs.⁴⁹ Amice and her heirs also received the fiefs of Les Bordes and Foulleuse, and whatever the king made in the sale of the wood of Gazeran.⁵⁰

Petronilla was not, of course, the only person who lost out with this deal. Margaret also possessed an inherited right to the Breteuil lands in France, something Amice

⁴⁶ See Crouch, 'Grandmesnil, Ivo de (d. 1101/2)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/14504?docPos=2>>, accessed 12 May 2017; Crouch, 'The Battle of the Countesses', pp. 183-4.

⁴⁷ *Layettes du Trésor des Chartes*, Vol. I, ed., A. Teulet (Nendeln: Kraus Reprint, 1977), no. 738.

⁴⁸ *Ibid.*, no. 738; Crouch, 'The Battle of the Countesses', p. 184.

⁴⁹ *Layettes*, Vol. I, no. 738.

⁵⁰ *Ibid.*, no. 738. Nicolas Civel discusses the Montfort lordship more generally in his book *La fleur de France: Les seigneurs d'Ile-de-France au XIIIe siècle* (Turnhout: Brepols Publishers, 2006). These were the fiefs of William of Garland and John of Roboreto. My thanks go to Professor David Crouch for his assistance with identifying these place names. A. Moutié 'St-Leger en Yveline' in, *Mémoires et documents publiés par le société archéologique de Rambouillet*, 1 (1869), pp. 67-120 at p.77.

acknowledged in her letter to Philip Augustus. If Margaret did come forward to make a claim to these lands, Amice, with the approval of the French king, intended to assign her younger sister her share of the French lands from her own lands in England.⁵¹ This provision was important. Amice's initial actions suggest that she had ignored her sister's right to inherit lands in France when she exchanged Breteuil for others. Crucially, however, she acknowledged that her sister had a right to inherit, unlike Agnes de Vescy who refused for some time to accept that her sisters held a right to inheritance in Kildare. This suggests that the ties that Amice felt to her French lands were stronger than those she felt towards her English estates. The letter also shows that Philip of France was willing to make agreements with tenants who held lands on either side of the Channel and that deals could be struck with the French king following the loss of Normandy.⁵² The exchange of lands was confirmed again two years later by Amice's son, Simon.⁵³

Petronilla's move to claim the earldom of Leicester was soon challenged. Her son-in-law, Saer de Quency, husband of her youngest daughter Margaret, appealed against Petronilla's claims and the lands of the honour were taken into the king's hands. Quency made a counter offer of 5000 marks for the earldom which was accepted by King John.⁵⁴ Ultimately, Quency's offer saved John any awkwardness with the dowager countess. In 1205 it was ordered that an extent be made to discover exactly which lands the late earl Robert held as the earl of Leicester and which properties formed part of the honour of Grandmesnil in Hertfordshire.⁵⁵ As it happened, it was found that Petronilla already held all of the rights

⁵¹ *Ibid.*, no. 738.

⁵² My thanks go to Professor Daniel Power for discussions on this matter.

⁵³ *Layettes*, Vol. I, nos. 738, 815.

⁵⁴ Crouch, 'The Battle of the Countesses', p. 185; *ROF*, pp. 268, 320-1. *Pipe Rolls - 6 John*, p. 229; *Pipe Rolls - 7 John*, p. 32.

⁵⁵ *Rotuli Litterrarum Clausarum in Turri Londinensi Asservati, Vol. I, 1204-24*, ed. T. D. Hardy (London: Record Commission, 1833), p. 16b; *CRR, 1205-6*, p. 16.

due to her from the honour of Leicester, including her dower lands.⁵⁶ The sheriff of Southampton received orders to allow Saer to have seisin of the lands of the 'honour of Leicester' without delay, saving the dower rights of the widowed countess of Leicester.⁵⁷ Provisions were also made in this fine that if Amice was to come to England to claim her share of the land, Saer should return the honour to the king's hand so that a division could take place as it concerned both sisters.⁵⁸

John's acceptance of Saer's offer over Petronilla's is not surprising for two reasons. First of all, Petronilla's claim was not based on any inherited right to the earldom of Leicester. The second reason was financial. John was desperately in need of money and Saer's offer provided him with the opportunity to gain an extra 2000 marks on the sum that Petronilla had offered.⁵⁹ The loss of Normandy and the remainder of his French lands meant that he had lost a considerable amount of income (not to mention his pride and reputation as king), so any higher offer was undoubtedly going to be accepted.⁶⁰ Quincy's offer of 5000 marks would have been a welcome addition to his treasury. There was also the added bonus of securing the castle of Mountsorrel, Leicestershire, as part of the deal.⁶¹

Petronilla's attempts to claim the honour of Leicester offered a distraction, but the need remained to assign the dowager countess of Leicester dower. At the same time as this deal was struck between Saer and the king, there was a tussle between the two dowager countesses of Leicester, Loretta and Petronilla.⁶² In late 1205 the records of the justices of

⁵⁶ *ROF*, p. 320; *Pipe Rolls - 7 John*, p. 265.

⁵⁷ *ROF*, pp. 320-1; *RLC, 1204-24*, p. 38.

⁵⁸ *Pipe Rolls - 6 John*, p. 229.

⁵⁹ *ROF*, pp. 320-1; *Pipe Rolls - 6 John*, p. 229; *Pipe Rolls - 7 John*, p. 32.

⁶⁰ N. Barratt, 'The Revenue of King John', *The English Historical Review*, Vol. 111, No. 443 (Oxford: Oxford University Press, 1996), pp. 835-55.

⁶¹ *ROF*, pp. 268, 320-1.

⁶² *CRR, 1205-6*, p. 46.

the bench show that Loretta appointed Richard Waleran or Richard of Combe as her attorneys against the 'other' countess of Leicester in a plea of dower.⁶³ The outcome of this case is not recorded and perhaps this matter came to a head because of the complexities surrounding the division; anyway, there is no record to show that the case was heard⁶⁴. The same two attorneys had previously been used by the 'the young' countess in spring 1205, when she sued Petronilla and Saer de Quency in a plea of dower.⁶⁵

In the end, Loretta did indeed receive her dower lands, but this did not pass without issue. As an entry within the record of the division of 1207 shows, Simon de Montfort believed that Saer had been overly generous to Loretta in terms of her dower allotment.⁶⁶ In addition to her dower lands, Loretta also received her marriage portion which included the manor of Tavistock (Devon), with 13 knights' fees and the manor of Couvert (Normandy).⁶⁷

The honour of Leicester still needed to be divided between the late earl's two sisters. As is often seen in divisions of inheritance such as this, the failure of certain heirs to appear at the king's court meant that there was a delay to the proceedings surrounding the division. In this instance, it was Amice who failed to present herself in England for a number of years following her brother's death and this is certainly one of the reasons why Saer and his wife held such a privileged position when it came to holding the honour of Leicester. Generally, these lands would have been held by the crown or put into the hands of

⁶³ *Ibid.*, p. 46.

⁶⁴ *Ibid.*, p. 46.

⁶⁵ *RLC, 1204-24*, p. 33a.

⁶⁶ An in-depth discussion of the assignment of Loretta's dower lands is discussed by Powicke in his paper on the countess and so does not need to be repeated here. San Marino, CA, Huntington Library, HAM Box 1 58B/1, ms. 1-3, c. 77. My thanks go to Professor David Crouch for bringing this document and his paper on the division to my attention.

⁶⁷ Powicke, 'Loretta, countess of Leicester', pp. 253-4.

someone who was not directly associated with the lands in question. So why were Saer and Margaret allowed such privileges? It should be remembered that Saer was also one of King John's most loyal supporters and a key member of his royal court. During the period between Robert's death and the time of the actual division in 1207, Saer de Quincy also held the office of steward of England which had previously been held by the earls of Leicester.⁶⁸ In any other situation, the failure of a sister to present herself would have caused the other sisters or coheiresses serious frustration. Saer's position and influence at court allowed him and his wife to receive serious concessions due to the king's favour.

Amice's delay in coming to England to claim her inheritance should not be read as a lack of concern on her part. As a vassal of the French king, she was unable to swear allegiance to the English king too. Amice was clearly a woman who, like her mother, was an extremely active participant in politics, with a knowledge of her inherited rights. As soon as her brother died, Amice set to work in Normandy, pursuing land in order to bolster her position.⁶⁹ She took no time in asserting her authority concerning the honour of Breteuil and she also proceeded to purchase valuable lands, namely vineyards on the Seine, which her cousins the Meulans had previously held before Normandy was seized by the French king.⁷⁰ Amice appears to have been the driving force behind this decision to purchase these lands – her knowledge of French politics and legal customs may have been valuable. She was, indeed, heavily involved in the politics of the day. When her brother surrendered the honour of Pacy-sur-Eure to the king of France in 1195, she and her eldest son Simon were

⁶⁸ Oram, 'Quincy, Saer de', *ODNB*.

⁶⁹ *RLC*, 1204-24, p. 16b; *CRR*, 1205-6, p. 16. Crouch, 'The Battle of the Countesses', pp. 181-183; Crouch, 'Breteuil, Robert de (d. 1204)', *ODNB*.

⁷⁰ Crouch, 'The Battle of the Countesses', p. 182.

amongst those present to acknowledge and confirm it.⁷¹ Following the death of her second brother, Roger, bishop of St. Andrews, in 1202, Amice would have been aware that she and her sister were next in line... should anything happen to Robert. It is also quite probable that Amice and her son expected to inherit the Norman lands that her brother held upon his death.

Amice waited for her son, Simon, to return from crusade before sending him off to England to stake her claim to Leicester.⁷² It would also be plausible to suggest that she was keen to stay in Normandy to protect the lands that she had recently acquired and purchased there. By delaying, however, Amice allowed her sister and brother-in-law to exploit their position at the centre of English politics.⁷³ Upon his return from crusade, Amice's eldest son, Simon sailed to England to make good his mother's claim. He landed in England in June 1206.⁷⁴

The Division

If the events leading up to the division were anything to go by, this division was not going to be without conflict. By the time Simon had landed, a draft division had already been drawn up. There was no denying that, as the representative heir of his mother in England, Simon possessed the rights to hold the title. The fundamentals of the division do not appear to have been in dispute but, as always, there were issues regarding the finer details. Amice was

⁷¹ *Layettes*, Vol. I, nos. 436, 437, 438; See also: 'A Letter from Amice', *Epistolae: Medieval Women's Latin Letters*, <<https://epistolae.ctl.columbia.edu/letter/25273.html>>, accessed 6 March 2017. See also D. Power, *The Norman Frontier*, p. 259; D. Power, 'L'aristocratie Plantagenêt face aux conflits capétiens-angevins: l'exemple du traité de Louviers', in M. Aurell (ed.), *Noblesses de l'espace Plantagenêt (1154-1224)* (Poitiers, 2001), pp. 121-37 at p. 127.

⁷² Crouch, 'The Battle of the Countesses', p. 186.

⁷³ Crouch, 'The Battle of the Countesses', pp. 182-3.

⁷⁴ *Ibid.*, p. 186.

the elder heir and it was her right to inherit the title and the chief manor pertaining to the earldom.⁷⁵ As his mother's representative and claimant to the inheritance, Simon effectively acted as his mother's attorney. This could be suggestive of a close relationship between mother and son; they had worked closely together in the past. This being said, Crouch states that Simon was a mere 'cipher' in his mother's 'machinations', a role that he was, perhaps, happy to undertake:⁷⁶ Simon had a vested interest. As the eldest son of an heiress, it was practically certain that he would inherit these lands upon his mother's death, unless he predeceased her. Additionally, Amice's position as a tenant of the French king meant that technically she could not make a claim to, or exercise administrative control over, her English inheritance without risking the loss of her French lands. By sending Simon to England to pursue her claims, Amice probably hoped she would be able to provide for his landed needs.

The delay in carrying out the partition was increased even further when Simon refused to accept the terms laid out in a draft of the division. The reasons for his refusal were not unfounded. The role that Saer had in masterminding this division is obvious when studying the details of the proposed division. In this suggested partition, Saer had been allocated the forest and town of Leicester which actually belonged to Amice given the rights that eldest heirs had to hold the chief town and seat of the earldom.⁷⁷ Simon's refusal to accept these terms is demonstrative of the fact that he was well versed in inheritance customs, and that he was unlikely to relinquish his rights, and those of his mother, lightly.

⁷⁵ *Glanvill*, p. 76. I have not found any charters or letters where Amice used the title 'countess of Leicester' but she did refer to herself as 'sister of the former earl of Leicester' – see *Layettes*, Vol. I, nos. 436, 738.

⁷⁶ Crouch, 'The Battle of the Countesses', p. 190.

⁷⁷ *Glanvill*, p. 76; *Britton*, Vol. II, pp. 74-80.

He also argued that the suggested dower provision for Loretta de Braose as countess of Leicester was too generous.⁷⁸

The earliest existing record we have outlining this final division dates to 1207, and came into existence following an inquisition undertaken into the value of the honour of Leicester in the presence of a large team of jurors.⁷⁹ As Crouch suggests, this was clearly not the division ruled over by King John as it does not mention that he was present.

Nevertheless, it is the closest surviving record we have of the division. This document is unusual in that it contains a list of complaints that Simon had against Saer. Despite these grievances, it would appear that the division was settled at some point towards the latter end of 1206, when Simon had managed to secure his rights to possess the town of Leicester and when he was using the title 'earl of Leicester'.⁸⁰ Despite this, a letter issued at Woodstock on 13 February 1207 indicates that Simon's lands had been taken into the hands of Robert de Roppesley who was acting as custodian of the honour of Leicester and all of its liberties.⁸¹ It is evident, as Crouch has discovered, that Simon was dispossessed because of his failure to make fine for the lands.⁸² By March 1207, the matter appears to have been resolved as the king issued a letter to both Simon and Saer de Quency which outlined the terms of the division.⁸³ Within this letter, King John granted Simon the third penny of the county of Leicester, a third of the profit of the county court, and the capital messuage of

⁷⁸ San Marino, CA, Huntington Library, HAM Box 1 58B/1, ms. 1-3; Crouch, 'The Battle of the Countesses', p. 187.

⁷⁹ San Marino, CA, Huntington Library, HAM Box 1 58B/1, m. 1. This document derives from the records of the Hastings family and is likely to have been a copy of the original inquisition.

⁸⁰ D. M. Stenton, ed., *The Great Roll of the Pipe for the Eighth Year of the Reign of King John: Michaelmas 1206* (London: Printed for the Pipe Roll Society, 1942).

⁸¹ *Rotuli Litterarum Patentium in Turri Londoninensi Asservati*, ed. T. D. Hardy (London: G. Eyre and A. Spottiswoode, 1835), p. 68b.

⁸² M. Bateson, ed., *Records of the Borough of Leicester, 1103-1327*, Vol. I (London: C. J. Clay, 1899), p. 32; *RLP*, p. 68b; Crouch, 'The Battle of the Countesses', p. 188.

⁸³ T. Rymer, *Fædera: Conventiones, Litterae et Cujuscunque Generis Acta Publica*, Vol. I, Pt. I, (London: Record Commission, 1816), p. 96.

Leicester.⁸⁴ This very much sealed his status as son and heir of Amice and his entitlement to hold the title 'earl of Leicester'. This letter also stated that upon the deaths of both dowager countesses, Petronilla and Loretta, the lands they held in dower from the honour would be divided between Simon and Saer.⁸⁵ For Simon to be able to hold the earldom of Leicester and inherit his mother's French lands later on, he would have needed to secure a deal with both the French and English king, a deal that was, perhaps, not forthcoming on both sides of the Channel. Despite having fought long and hard for this rightful portion of the lands pertaining to the honour of Leicester, it would appear that Simon never actually held the lands in his lifetime despite using the title of earl. Simon did, however, come to inherit his mother's French lands in 1215. It was not until Simon's own son Simon (d.1265) came to succeed him in 1230 that the lands of the honour of Leicester were reunited with the title, when the earl of Chester was persuaded to hand over Simon's half of the honour.⁸⁶

Although a settlement was made in 1207, it is clear from the grievances listed within the surviving document outlining the division of Leicester that neither man was happy with the proposed terms. Saer, much like his mother-in-law, Petronilla, was unhappy that he had lost out on claims to land that Amice had exchanged with the king of France in 1204.⁸⁷ As a sign of royal favour, Saer was granted the title 'earl of Winchester', a new creation – this is how he is styled throughout the document outlining the final division. Saer's status had been greatly enhanced by his marriage to Margaret and her subsequent status as an heiress. The creation of a new earldom for him was a reflection of his new status, wealth and favour

⁸⁴ Rymer, *Fædera*, Vol. I, Pt. I, p. 96; Bartlett, *England under the Norman and Angevin Kings*, p. 209.

⁸⁵ Rymer, *Fædera*, Vol. I, Pt. I, p. 96.

⁸⁶ Power, *L'aristocratie Plantagenêt face aux conflits capétiens-angevins: l'exemple du traité de Louviers*, p. 131; Maddicott, *Simon de Montfort*, pp. 47-9; R. Maddicott, 'Montfort, Simon de, eighth earl of Leicester (c. 1208-1265)', *Oxford Dictionary of National Biography*, <<https://doi.org/10.1093/ref:odnb/19049>>, accessed 12 February 2017; Eales, 'Henry III and the End...', p. 106. See also Chapter One, p. 51.

⁸⁷ Crouch, 'The Battle of the Countesses', p. 188, n. 34.

at the royal court which was, in turn, leading to a steadily increasing influence over the politics of the realm. Saer was regularly in the king's service in the latter part of the John's reign and a key player in some of the most critical moments, including his surrender of the crown to Pope Innocent III in 1213.⁸⁸

On the Sidelines? Negotiating the Division

We should discuss the role of the heiresses in these events. Although it was the men associated with each heiress who were actively engaged in the division settlement and process, there is no doubt that Amice and Margaret certainly played a role, although evidence is difficult to interpret. Presence at court is not the only factor through which we should measure participation, engagement and concern with landed interests and with the legal system. The actions of Saer and Simon must have, to an extent, reflected the concerns and wishes of the women they were representing. Each of the sisters would have had knowledge of the lands and rights they believed they possessed from their inheritance. At some point, their perceived interests crossed over and caused conflict. It is difficult, however, to measure the extent of Amice and Margaret's sisterly relationship before the partition of their brother's inheritance and if, or how, this was affected by the disputes. I have not found any records of communication between the two sisters. Such a lack of documentation makes it difficult to understand their sisterly relationship. In addition to this, Amice had lived in France since 1170s, for the duration of her married life, firstly with Simon

⁸⁸ Carpenter, *Magna Carta*, pp. 232, 308-9; Oram 'Quincy, Saer de', *ODNB*. Saer became agitated in the final years of John's reign and was involved in the first murmurings of rebellion in 1215. It was believed that his dissatisfaction originated from his grievances concerning lands that he believed he was owed, most notably Mountsorrel castle, Leicestershire. He later became one of the 25 barons who were selected to enforce Magna Carta.

de Montfort and then with William des Barres.⁸⁹ It is possible, but not certain, that the pair had not been in one another's physical presence for a considerable number of years. Amice's sale and purchase of other lands in France immediately after her brother's death shows that she was keen to add to the estates that she already held there, as well being interested in securing the lands that were hers by hereditary right in England. Amice, although acting through her son, was a woman with a considerable knowledge of both Anglo-French politics and how to negotiate and work this situation to her advantage.⁹⁰ No doubt her husband's position at the royal court helped her cause, but Amice had already been involved in French politics and demonstrated considerable competency. The extent of Margaret's participation and agency is a little less easy to uncover. Her activities in widowhood, on the other hand, reveal that she was as equally capable and politically active as her sister when it came to pursuing her landed rights – we can expect that she possessed these skills in marriage too.

To put the division in its simplest terms, it was Amice as the eldest of the two sisters who possessed the right to inherit the title, 'countess of Leicester', which she added to that she held from her first marriage, 'countess of Montfort' and 'countess of Rochefort'. Although Amice was not actually able to control these lands, her use of the title reinforced her position as an heiress to the earldom.⁹¹ Through her position as eldest heir, she inherited the right to hold the town of Leicester itself, which was the centre of the earldom, and half of the English lands pertaining to it. Upon her death, this was transferred to her husband's family, the Montforts, through her eldest son, Simon. Margaret as the younger

⁸⁹ Oram, 'Quincy, Saer de', *ODNB*.

⁹⁰ San Marino, CA, Huntington Library, HAM Box 1 58B/1, ms. 1-3.

⁹¹ Pickard, 'Unequal marriage in France, c. 1200', p. 170.

heiress took to her husband a half of the honour of Leicester which was centred on Brackley, Northamptonshire.⁹² These lands formed the basis of the endowment which Saer possessed as earl of Winchester.⁹³

Whether they liked it or not, the fortunes of the earls of Leicester and Winchester were closely tied from the point of the division onwards. The liberties of Leicester were passed down through the generations of beneficiaries of the division, meaning that the interests of the Montforts and the Quencys were closely tied – this can be seen in subsequent records. In March 1236, the king issued letters patent to his sheriff of Warwick and Leicester, commanding him to read, in his county, the liberties granted to Roger de Quency by the king, which derived from the earldom of Leicester. Similar orders were issued to the sheriffs of 15 other counties: Yorkshire, Surrey, Gloucestershire, Bedfordshire, Dorset, Wiltshire, Essex, Sussex, Lincolnshire, Southampton, Northamptonshire, Cambridgeshire and Huntingdonshire, Oxfordshire, Somerset and Dorset.⁹⁴ A further grant to Roger de Quency in 1252 demonstrates again the close ties of earls of Leicester and Winchester. This grant allowed Roger, as one of the two heirs of Robert, the late earl of Leicester, to hold all of the liberties of the honour of Leicester, according to the grant that this same Robert had from King John.⁹⁵ By this charter, the king confirmed that Roger and his heirs were to possess the same liberties in their moiety of the honour as if they held it in full.⁹⁶ The Montforts held the other moiety. Such ties can also be seen in the terms of their responsibilities to uphold

⁹² San Marino, CA, Huntington Library, HAM Box 1 58B/1, m. 2; Crouch, 'Breteuil, Robert de (*d.* 1204)', *ODNB*; Crouch, 'The Battle of the Countesses', p. 204.

⁹³ Crouch, 'Breteuil, Robert de, third earl of Leicester', *ODNB*; See Appendix 2.5.

⁹⁴ *CCIR*, 1234-7, pp. 252-3; *CDS*, Vol. I, no. 1270.

⁹⁵ *CPR*, 1247-58, p. 147.

⁹⁶ *CPR*, 1247-58, p. 147. According to this grant Roger had not been making full use of the liberties he possessed.

lifelong grants that previous earls of Leicester had made, including dispensing patronage to the abbey of Leicester, amongst others.⁹⁷

Widowed Life: Margaret de Quency, Dowager Countess of Winchester

Amice had proven herself to be an exceptionally tenacious and politically-active woman and it is probable that she continued to be so until her death in 1215.⁹⁸ Unlike other heiresses featured within this thesis, we cannot see if Margaret was directly involved in the legal procedures surrounding the partition of Leicester when it happened; this does not mean that she was not present in the action. Widowhood, theoretically, gave women much greater legal freedom. It is only in widowhood that we can really begin to see Margaret at her most active. Margaret was to be seised of her dower lands which were, as was customary by this time, a third of her husband's lands.⁹⁹ These consisted of and included the manor of Eynesbury (Cambridge) which was ordered to be delivered to her in 1220.¹⁰⁰ This demonstrates that there was a slight delay in Margaret actually receiving her dower. Margaret's husband had died in November 1219, but orders for her to receive her dower were not issued until July 1220. Such delays and complications may have arisen from the fact that Saer had died on crusade in Damietta.¹⁰¹ On 25 July 1220, the king issued orders to the sheriff of Wiltshire asking him to ensure that Margaret received the lands which belonged to her by right of inheritance and had previously been held of her by her

⁹⁷ *CPR, 1266-72*, p. 310.

⁹⁸ Amice died c. 1215 and was buried at Hautes-Bruyères, the resting place of the Montfort family. Amice's place of burial reflects the ties that she felt towards the Montforts, her first marital family. Her son Simon was her successor and he came to Paris in 1216 to arrange the inheritance. *Obituaires de la Province de Sens*, Vol. II, ed., A. Molinier (Paris: Imprimerie Nationale, 1906), p. 224.

⁹⁹ Magna Carta, which laid down the rights of widows, had only been issued four years before Saer's death.

¹⁰⁰ *RLC, 1204-24*, p. 424a, b.

¹⁰¹ He was buried at Acre, Israel. Cokayne, *Complete Peerage*, Vol. XII, Pt. II, p. 750.

husband.¹⁰² Similar orders were sent to the sheriffs of the counties of Essex, Hertfordshire, Lincolnshire, Northamptonshire, Dorset, Somerset, Hampshire, Warwickshire and Leicestershire to allow Margaret to have seisin of the lands of her inheritance.¹⁰³ Despite these delays, the fact is that the dowager countess received the lands that were due to her both in dower and inheritance. Again, this suggests that the security of aristocratic female property holding rights was improving. Magna Carta had, after all, been issued for the first time just four years before Margaret was widowed and was reissued with amendments in 1217.

Like many great aristocratic men, Saer died in debt to the king and steps were subsequently taken by the crown to ensure that Margaret paid her husband's debts. On 2 August 1220, letters was sent to the sheriffs of Wiltshire, Hampshire, Dorset and Somerset, Northamptonshire, Warwickshire and Leicestershire, Cambridgeshire, Huntingdonshire, Lincolnshire, Essex and Hertfordshire, informing them of Saer's death and of the debts that were owed by him from the reign of King John. The letters stated that all the chattels and corn found on the lands held by Saer (from his wife's inheritance and his own), of which he was seised on the day of his departure on crusade, were to be 'used...for the payment of the earl's debts and to execute his testament'.¹⁰⁴ On 9 August 1220, the year after her husband's death, orders were issued to the sheriffs of Cambridgeshire, Hertfordshire, Huntingdonshire and Northamptonshire to allow Margaret to receive corn and these chattels (having been valued) which her husband had previously been ordered to collect and

¹⁰² *RLC*, 1204-24, p. 424b.

¹⁰³ This order was given saving the rights of Saer's executors. *RLC*, 1204-24, p. 424b.

¹⁰⁴ *CFR*, 4 Henry III, no. 208.

hold to the king's use. Margaret provided security that she would answer to the king for the value of this corn and chattels in order to discharge her late husband's debts.¹⁰⁵

In widowhood Margaret was certainly an active female political agent and it seems that she revelled in her legal freedom. Entries on the royal exchequer and chancery rolls shed light on Margaret's activities in widowhood and are demonstrative of the bonds that she forged with women of equal social standing. In 1221, she was the only woman to act as a pledge, for the sum of 100 marks, for Isabella de Bolebec, the widowed countess of Oxford.¹⁰⁶ Margaret's son, Roger, similarly acted as a pledge for the same amount.¹⁰⁷ Isabel and Margaret clearly had close ties, and this was confirmed in February 1223 when Margaret paid 400 marks so that her daughter Hawise could be married to Hugh, son of Isabel de Bolebec and Robert de Vere.¹⁰⁸ It is probable that this arrangement had previously been forged between the widowed countesses and would explain why Margaret was the only woman to act as a financial pledge for Isabel.¹⁰⁹ This episode shows, not only the real desire women had to ensure their children married well, but also the importance of the bonds and networks that existed between noblewomen in this period.

As a wealthy, widowed heiress and countess, Margaret looked to expand, secure and protect her landed rights. On 13 November 1233, she paid 40 marks to have seisin of the manor of Marden which Gilbert Basset had held of the fee of the countess.¹¹⁰ Roger de Quency acted as a surety for his mother in this instance.¹¹¹ On several occasions, it would

¹⁰⁵ *Ibid.*, no. 222-23.

¹⁰⁶ *CFR*, 6 Henry III, no. 24; R. C. DeAragon, 'Bolebec, Isabel de, countess of Oxford (c. 1164-1245)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/56563>>, accessed 17 February 2017. In 1207, Isabel had petitioned the king for the right to remain single.

¹⁰⁷ *CFR*, 6 Henry III, no. 24.

¹⁰⁸ *CFR*, 7 Henry III, no. 83.

¹⁰⁹ Ward, *English Noblewomen*, pp. 12-33; Parsons, 'Mothers, Daughters, Marriage and Power', pp. 63-78.

¹¹⁰ *CFR*, 18 Henry III, no. 32.

¹¹¹ *Ibid.*, no. 32.

appear that the king ensured that Margaret received the rights that were due to her. On 13 July 1229, Margaret gave 80 marks in exchange for the king's grant to her for having the 'lands of the Normans' which pertained to her fee.¹¹² These lands were to pass to her son, Roger, upon her death. This sum was to be rendered by the countess at the Exchequer in two payments, one moiety at Michaelmas 1223 and the other at Easter 1224.¹¹³

The records of the King's Bench demonstrate that Margaret was frequently in contact with the law courts in order to protect her lands and rights. Like almost every noblewoman with a claim to lands, Margaret faced problems regarding them. Several of Margaret's problems came from the actions of her husband during their marriage. In 1223 Margaret came before the king's court to claim the manor of Winterbourne Stoke (Wiltshire) against her eldest surviving son, Roger.¹¹⁴ She claimed that Roger did not have the right to enter this manor apart from through his father Saer. Roger, who was obviously aware of his mother's dower rights to this manor, decided not to pursue this any further and released it to her.¹¹⁵ It may have been that this was another example of a 'case' being brought to court in order to create an official record of ownership.¹¹⁶ Margaret also came into conflict with Daniel of Winterbourne.¹¹⁷ Margaret appointed attorneys against Daniel concerning thirty acres of land in Winterbourne which he had received through a grant that Saer de Quency had made to a Walter de Keraint.¹¹⁸ The countess had been unable to put a stop to this grant in her husband's lifetime but widowhood provided her with the

¹¹² *CFR, 13 Henry III*, no. 260; *CPR, 1225-32*, p. 256.

¹¹³ *CFR, 13 Henry III*, no. 260.

¹¹⁴ *CRR, 1223-4*, no. 131.

¹¹⁵ *Ibid.*, no. 131.

¹¹⁶ Loengard, 'What did Magna Carta mean to Widows?', p. 138.

¹¹⁷ *CRR, 1223-4*, no. 208.

¹¹⁸ *Ibid.*, no. 208.

opportunity to challenge and reverse it.¹¹⁹ Daniel responded to Margaret's claims by calling Walter to warrant, but the case does not feature on the rolls beyond these entries.

Margaret was clearly not afraid to become involved in litigation to protect her landed rights, no matter who was involved. In early January 1223, she came into conflict with the king concerning liberties of the vill of Hertford (Hertfordshire).¹²⁰ In the Michaelmas term of 1225, the case between the countess and the king was postponed until St. Andrew's Day (30 November) due to a lack of jurors.¹²¹ A further summons was issued in the Hilary term.¹²² At the same time, a similar dispute was unfolding between Margaret and the burgesses of Hertford. On several occasions, a day was given to the parties and the jurors to appear before the king's court.¹²³

Margaret sued and was sued many times before the royal justices. Margaret's wealth and influence, both socially and politically, is perhaps reflected by the men she appointed as her attorneys. In a dispute with John, earl of Chester, and Margaret de Lacy, his wife, she appointed William Marshal and Everard de Trumpington.¹²⁴ This dispute concerned lands in no fewer than six counties: Cambridgeshire, Dorset, Huntingdonshire, Northamptonshire, Norfolk and Suffolk.¹²⁵ Margaret's tenacity as a landholder is visible by examining with whom she came into conflict. On several occasions, she came into conflict with senior churchmen. In Hilary term 1230, Hugh, bishop of Lincoln, brought a plea of land

¹¹⁹ *Bracton*, Vol. IV, pp. 30-1.

¹²⁰ *CRR*, 1223-4, no. 1107.

¹²¹ *CRR*, 1225-6, no. 1129.

¹²² *Ibid.*, no. 2089.

¹²³ *Ibid.*, nos. 272, 1707. On the first instance, it was noted that Margaret was being represented by an attorney.

¹²⁴ Trumpington probably originated from Trumpington in Cambridge where he held a fee. *CRR*, 1227-30, no. 1489.

¹²⁵ *CRR*, 1227-30, no. 1489; *Brackley Deeds*, p. 149.

against the widowed countess.¹²⁶ Roger de Quency also came forward to acknowledge that his mother had granted this messuage to the bishop. For this recognition, the bishop gave 35 marks to the Quencys.¹²⁷ Following this plea, the bishop appointed attorneys against the countess of Winchester on numerous occasions. At Michaelmas 1230, he appointed Geoffrey de Mores and Stephen Castell in a plea of service and, again, in the Hilary term of 1231, he appointed further attorneys against the dower countess regarding the customs and services in Knighton (Cninceton).¹²⁸ Margaret, however, did not appear.¹²⁹ It may have been that Margaret, sensing an unfavourable outcome, was attempting to delay this lawsuit. A little later, bishop Hugh was given a day at which he should appear before the king's court for the customs and services he was claiming against the countess.¹³⁰ A further plea of land was also brought against Margaret by the prior of the Holy Trinity in London, in Michaelmas term 1232.¹³¹ This plea concerned seven virgates of land in Ratby, Leicestershire.¹³² Margaret's relations with the abbey had not, however, always been fractious. In 1220 the dowager countess of Winchester had granted free carriage to the canons of the Holy Trinity to transport their corn by ship from Ware to London.¹³³

As a widowed heiress and countess, Margaret also held an important position as lord of her tenants. Like her male counterparts, Margaret was expected to provide men for the king's army. In 1221, she, together with a long list of other noblemen and women,

¹²⁶ *CRR*, 1227-30, no. 2525; Prior to this conflict, Margaret had acknowledged that she had granted the bishop one messuage of land on which he had built or was building his house (or houses). See also *CRR*, 1227-30, no. 2525.

¹²⁷ *CRR*, 1227-30, no. 1509.

¹²⁸ *CRR*, 1230-2, nos. 778, 1086.

¹²⁹ *Ibid.*, no. 1086.

¹³⁰ *Ibid.*, no. 1314.

¹³¹ *CRR*, 1233-37, no. 503.

¹³² *CRR*, 1233-7, no. 909; San Marino, CA, Huntington Library, HAM Box 1 58B/1, m. 2. Ratby was also part of Margaret's Winchester inheritance.

¹³³ TNA: E 40/1086.

churchmen and other tenants of the king, was ordered to provide knights for the king's army at the castle of Bytham (Lincolnshire), or pay scutage.¹³⁴ In October 1223, the king granted the countess licence to collect scutage 'by her hand' from her tenants.¹³⁵ Scutage, in principle, was a tax collected by the king's tenants-in-chief from those who held knights' fees in their respective lands.¹³⁶ This method of collection depended on tenants-in-chief knowing which fees they owed the king, as well as them being able to secure the money from their tenants.¹³⁷ Margaret was, therefore, granted this licence in accordance with her status as a tenant-in-chief.¹³⁸ According to this licence, Margaret was to keep one half of the sum collected and the king the other.¹³⁹ Tenants-in-chief were able to keep scutage if they performed military service themselves.¹⁴⁰ This was something that Margaret was unable to do as a woman, but there may have been other reasons why she was allowed to keep half.¹⁴¹ On 10 April 1230, the countess was ordered by the king to send knights overseas, probably for Henry's planned expedition to Brittany.¹⁴² On 18 October 1228, three of Margaret's men, Richard de Harcourt, Arnold de Bosco and Roger de St. Andrew, were pardoned of the scutage they owed at the king's Exchequer for the respective knights' fees

¹³⁴ *RLC, 1204-24*, p. 475; Corèdon and Williams, *A Dictionary of Medieval Terms and Phrases*, p. 252.

¹³⁵ TNA: C 60/18, m. 2; *CFR, 7 Henry III*, no. 315.

¹³⁶ D. A. Carpenter, 'The Second Century of English Feudalism', *Past and Present*, No. 168 (Oxford: Oxford University Press, 2000), pp. 30-71 at p. 37.

¹³⁷ Carpenter, 'The Second Century of English Feudalism', p. 37.

¹³⁸ Corèdon and Williams, *A Dictionary of Medieval Terms and Phrases*, p. 252.

¹³⁹ TNA: C 60/18, m. 2; *CFR, 7 Henry III*, no. 315; H. M. Chew, *The English Ecclesiastical Tenants-in-Chief and Knight Service* (London: Oxford University Press, 1932), pp. 137-8.

¹⁴⁰ Carpenter, 'The Second Century of English Feudalism', p. 39.

¹⁴¹ Chew, *The English Ecclesiastical Tenants-in-Chief*, pp. 137-8. Chew has explored the varying ways in which tenants-in-chief could benefit from the collection of scutage. The reason that Margaret was allowed to hold this amount may have been because the amount she owed in *servicium debitum* was less than the number of fees she actually held. In cases where there were a surplus of fees, the tenants-in-chief, would argue that the profits should go to them rather than the crown. On the whole, chief tenants were successful in doing so, despite numerous attempts by the crown to claim scutage on all lands held by military tenure after 1168. Lords also came up against some resistance from their sub-tenants who argued that they should only give the amount of service that their lords owed to the king. For the most part, their resistance was futile.

¹⁴² *CPR, 1225-32*, p. 357; E. M. Hallam, *Capetian France: 987-1328* (London: Longman, 2001), p. 270.

they held.¹⁴³ The men each owed between one and fifteen knights to serve in the king's army.¹⁴⁴ In September 1230, three of Margaret's knights, Roger and Saer de St. Andrew and Ralph de Nevill, were granted licence to return home to England due to illness. Travelling with them was Roger de Quency, Margaret's son, who was also ill.¹⁴⁵

Following Margaret's death in 1235, Roger, her eldest surviving son, was named as her heir. Roger's accession to the earldom of Winchester was confirmed in 1221, but he did not use the title of earl until 1235. Roger had already performed homage and received the lands and rents belonging to his father.¹⁴⁶ During the years of his mother's widowhood, Roger busied himself with his inherited lands in Scotland which he added to through his first marriage to Helen, daughter of Alan of Galloway.¹⁴⁷ By the time of his mother's death in 1235, he held extensive estates across Scotland, including properties in Perthshire, Galloway, Fife, Lothian and Berwickshire, as well as the office of Constable of Scotland in the right of his wife.¹⁴⁸

Conclusion

The division of the honour of Leicester was a long and complex affair. The task of carrying out the division was made even more difficult following the loss of Normandy. As with the two divisions of Chester that followed it, the king did not maintain a position of neutrality. In

¹⁴³ *CCIR*, 1227-31, p. 83.

¹⁴⁴ This came at a time when Llewelyn the Great was causing troubles for the young king in Wales. Despite scutage being levied of two marks per fee by the justiciar, Hubert de Burgh failed to strengthen Montgomery castle against the Welsh prince and the problems continued. Ridgeway, 'Henry III', *ODNB*.

¹⁴⁵ *CCIR*, 1227-31, p. 450.

¹⁴⁶ *RLC*, 1204-24, pp. 448-9; 'Quincy, Roger de', *ODNB*; Oram, 'Quincy, Saer de', *ODNB*.

¹⁴⁷ *Chronica Majora*, Vol. III, pp. 365-6.

¹⁴⁸ G. G. Simpson. 'The Familia of Roger de Quency, earl of Winchester and Constable of Scotland', in *Essays on the Nobility of Scotland*, ed., K. J. Stringer (Edinburgh: John Donald Publishers Ltd., 1985), pp. 102-130 at p. 103.

fact, as David Crouch has argued, the king's blatant bias in favour of Saer is easily identifiable within the records outlining events of the division of 1207.¹⁴⁹ Saer was clearly able to exploit his position at the centre of English politics to his own advantage. Despite this, it is clear that the heiresses who actually benefitted from it were determined and willing to participate in litigation and negotiations to secure and maintain a hold on their landed rights. This is obvious from Amice's actions immediately after her brother's death. By selling off the rights to the honour of Breteuil to the French king, in exchange for lands elsewhere in France, Amice was carefully expanding her lands but, at the same time, was completely ignoring her sister's rights to hold lands in France. Her letter to the French king does, nevertheless, prove that she knew and accepted that her sister possessed a rightful claim to these lands too.¹⁵⁰ Margaret's interest and participation at this time is much more difficult to measure. The lack of correspondence between the sisters makes it difficult to completely understand how she would have felt about her sister effectively usurping her rights there. It is more than possible that she had some involvement in the negotiations surrounding the proposed division of the honour, which Simon had refused to accept. It would be wrong to suggest that Margaret had little interest in her inheritance; her life as a widow demonstrates that she, like her sister, was keen to protect her inherited rights and was not afraid to do so. It is quite possible that she may have displayed similar zeal in 1204.

The partition of the honour of Leicester, again, outlines the problems faced when dividing inheritances between female coheirs with the added complication of the loss of Normandy. As with the lands of William Marshal, the separation of the honour of Leicester demonstrates the complexities involved with partitioning lands in England and in overseas

¹⁴⁹ Crouch, 'The Battle of the Countesses', p. 190.

¹⁵⁰ *Layettes*, Vol. I, no. 738.

territories. The events surrounding this division also establish and highlight the difficulties experienced by women when it came to the security of their property rights in this period. Petronilla's threats to her daughters' inherited rights, and Amice's disregard for her mother's and sister's rights in France demonstrate just how regularly the inherited rights of aristocratic women could be challenged in this period. Sisters, mothers and the king, not to mention external claimants, could all contribute to the exploitation of aristocratic female inheritances in thirteenth-century England. Despite this, it is clear that both Amice and Margaret were successful in defending their lands. In France, Amice was able to exercise her political knowledge, influence and abilities tactfully to secure her estates and expand her holdings. Her position was, no doubt, enhanced by her husband's position at the French court. Through her son, Amice was able to use her political knowledge and the English laws of inheritance to ensure that he was established as her heir to the earldom, even though the family did not hold the lands until the next generation. Although we cannot tell if Margaret was exercising the same level of influence as her elder sister during the negotiations surrounding the division of Leicester, she probably had some involvement. Even if her activities are difficult to trace during marriage, Margaret was certainly litigious as a widow. The people with whom she engaged in litigation are indicative of both her social and political standing. It is likely that Margaret's success in defending her landed claims was partially due not only to her influence, but also her abilities, knowledge and skill as an estate manager.

Chapter Four: The Heiresses of Winchester

Exactly sixty years after the honour of Leicester was divided, the honour of Winchester was also set to be separated. Following Saer de Quency's death in 1219, the earldom of Winchester was passed down to his eldest son, Roger.¹ As explored in Chapter One, Roger had come to inherit the earldom of Winchester under dubious circumstances.² Before the death of his father and subsequent inheritance of the earldom of Winchester, Roger was a little-known character in the world of English politics. He was the grandson of Robert de Quency (d.1197), a man who, through the inheritance of his wife, Orabile, came to hold extensive lands in Scotland, including lands in Fife, Perthshire and Lothian.³ Robert's marriage to Orabile raised his status to a much greater level than that of his younger brother Saer de Quency (d.1190), who held a 'relatively minor position' in England in comparison. Upon the death of his nephew Saer de Quency (d. 1192), Robert came to inherit the lands belonging to the Quency family in England, including lands in Cambridgeshire, Essex, Huntingdonshire, Lincolnshire, Northamptonshire and Suffolk. Adding these lands to his own in Scotland, Robert managed to establish himself as an important Anglo-Scottish baron and landholder.⁴ It was this impressive status and these landed possessions that Roger inherited upon the death of his father Saer in 1219.⁵

Given Roger's position as an Anglo-Scottish landholder, it is necessary to reflect on the processes of inheritance in Scottish law. Female inheritance customs were the same as

¹ Oram, 'Quincy, Roger de', *ODNB*.

² See Chapter One, pp. 57-8.

³ G. G. Simpson, 'An Anglo-Scottish Baron of the Thirteenth Century: The Acts of Roger de Quincy, earl of Winchester and constable of Scotland' (Unpublished Ph. D thesis, University of Edinburgh, 1965), pp. 11-12.

⁴ Simpson, 'An Anglo-Scottish Baron of the Thirteenth Century', pp. 11-12.

⁵ Simpson, *The Familia of Roger de Quency*, p. 103.

those that existed in England and Normandy. *Regiam Majestatem*, a Scottish legal treatise, laid down that, in the event of the lack of male heirs, a single daughter would inherit on her own; if a man had multiple daughters by more than one wife, the inheritance would be divided equally between them.⁶ In Scotland, the eldest daughter once again held the right to hold the chief messuage and if any of the sisters died, her portion of the inheritance was to be divided equally between them.⁷ This passage of *Regiam* is drawn directly from *Glanvill*, as several passages of the treatise are, but it is not clear which copy of the English legal treatise was in the compiler's possession.⁸ The similarities between English and Scottish laws of inheritance would certainly have made the whole process of the division of Winchester a much smoother one.

It is likely that Roger was the son of Saer de Quency who was delivered to King John in 1213 as security for the Anglo-Scottish treaty of 1212.⁹ His presence on the English political stage was felt when he, like his father, was excommunicated by Pope Innocent III for his role in the uprising against King John in 1215.¹⁰ It was, however, his inheritance of the earldom of Winchester that really catapulted him into the political sphere fully for the first time. Roger was married a total of three times. His first wife was Helen (d.1245), daughter and one of the three coheirs of Alan, lord of Galloway, and his first wife, a daughter of Roger

⁶ My thanks go to Professor Dauvit Broun for discussing *Regiam* and Scottish inheritance practices with me. *Regiam* is comprised of two books, the first was originally compiled at some stage during the thirteenth century by an unknown scholar. *Regiam Majestatem and Quoniam Attachiementa*, ed., Rt. Hon. Lord Cooper, (Edinburgh: J. Skinner and Co., Ltd., 1947), pp. 1, 141; D. M. Walker, *A Legal History of Scotland*, Vol. II (Edinburgh: W. Green and Son Ltd., 1988), p. 732.

⁷ *Regiam Majestatem*, p. 141.

⁸ *Regiam Majestatem*, p. 40. The authorship and origin of the *Regiam* have been widely discussed by Walker and Cooper. *Regiam Majestatem*; Walker, *A Legal History of Scotland*, Vol. II.

⁹ This was the treaty agreed between John and William 'the Lion', King of Scots that one of William's daughters would marry one of John's daughters. Oram, 'Quincy, Roger de, earl of Winchester', *ODNB*; J. Nelson, 'A queen and sister: Joan, the wife of Alexander II of Scotland, and sister of Henry III of England', Henry III Fine Rolls Project, Fine of the Month 2011, <<http://www.finerollshenry3.org.uk/content/month/fm-05-2011.html>>, accessed 15 May 2017.

¹⁰ Oram 'Quincy, Roger de', *ODNB*.

de Lacy.¹¹ Roger's marriage to Helen greatly enhanced his political and social standing. As a result of his marriage to Helen, Roger initially came to hold his wife's portion of a third of the Galloway inheritance from her father. Following the death of Helen's sister, Christina, these holdings were expanded.¹² This massive bulk of lands greatly expanded Roger's already quite considerable holdings in both Scotland and England. This wealth and the constableness of Scotland certainly improved his influence but he did not fulfil a role in Scotland that matched up to his landed wealth. Although Roger did not possess the same demeanour as his father, his wealth and influence meant that he became an established member of the political elite. He was not a prominent participant in Scottish royal politics but his position as an Anglo-Scottish landholder meant that he did hold an important position in both English and Scottish landholding society and this was often used by Henry III.¹³

The troubles that accompanied the succession of Alan of Galloway's daughters is again demonstrative of the problems faced by heiresses in terms of the security of their property rights. They also indicate that the threat to property rights was not an experience unique to English heiresses. A rebellion supported by Alan's bastard son, Thomas, tried to prevent Alan's three daughters, Helen, Christiana and Dervorguilla, from inheriting. King Alexander II of Scotland quashed this rebellion and flatly refused to accept Thomas as Alan's heir; 'through the valour of the king' it was Alan's daughters who came to inherit their father's lands.¹⁴

¹¹ Oram, 'Alan, lord of Galloway', *ODNB*; Oram, 'Quincy, Roger de', *ODNB*.

¹² *Chronica Majora*, Vol. IV, p. 563; Oram, 'Quincy, Roger de', *ODNB*.

¹³ Oram, 'Quincy, Roger de', *ODNB*.

¹⁴ Oram, 'Quincy, Roger de', *ODNB*; *Scottish Annals from English Chroniclers*, ed. A. O. Anderson (London: David Nutt, 1908), p. 340.

Alexander's motives behind quashing this rebellion were not, however, solely based on his concern with upholding the law, or indeed the inherited rights of women. Alan's daughters were all married to important Anglo-Scottish landholders and were important men at Alexander's court.¹⁵ By ensuring that Alan's daughters inherited, the Scottish king was able to begin to build an even closer relationship with these men. More importantly, accepting the daughters' rights enabled Alexander to end the instability and 'political anomaly' that was Galloway. Alexander was an incredibly ambitious king and his military campaigns were very much concerned with expansion and increasing royal power. Alexander and his predecessors had only ever possessed a 'loose overlordship'¹⁶ over Galloway. His acknowledgement of the hereditary right of Alan's three daughters ended this and allowed the king to impose more stable 'feudal' inheritance laws which suited his ambitions for the extension of his personal authority'.¹⁷ Alexander's decision was very much based on his own interests and those of his kingdom, although upholding the law and the rights of heiresses may have been a significant factor.¹⁸

Roger de Quency's successors were his three daughters from his first marriage to Helen: Margaret, Elizabeth and Helen.¹⁹ Female inheritance was a regular occurrence in England and so Quency's daughters succeeded him without question. Roger's wife, Helen, died in around October or November 1245 and was buried at Brackley, Northamptonshire.²⁰

¹⁵ R. D. Oram, *Domination and Lordship: Scotland 1070-1230* (Edinburgh: Edinburgh University Press, 2011), p. 193.

¹⁶ Oram, 'Galloway, Alan lord of', *ODNB*.

¹⁷ Oram, *Domination and Lordship*, p. 193.

¹⁸ *Scottish Annals from English Chroniclers*, p. 340.

¹⁹ Elizabeth is often referred to as 'Isabel' in the records and Helen is often recorded as 'Ellen'. Cokayne, *Complete Peerage*, Vol. XII, Pt. II, pp. 753-4; J. Nichols, *The History and Antiquities of the County of Leicester*, Vol. I (London: 1785), p. 98; See Appendix 1.5.

²⁰ Roger made a grant for Helen's soul c. 1258-9. See *Brackley Deeds*, p. 37; Matthew Paris recorded Helen's death and commented 'et sepulta est apud Brackele'; *Chronica Majora*, Vol. V, p. 341; *CCIR, 1242-7*, p. 371.

Following Helen's death in 1245, Roger did not marry again until 1250 when he married Matilda (d.1252), widow of Anselm Marshal and the daughter of Humphrey de Bohun, earl of Hereford (d.1275).²¹ If producing a male heir was on Roger's agenda, he was to be disappointed. His short-lived marriage to Matilda failed to produce any children at all and she died without any heirs. Her relatively young age may be an explanation for this state of affairs. According to Matthew Paris, Matilda died on 20 October 1252 at Groby, Leicestershire, and like Roger's first wife, Helen, was buried at Brackley.²² Roger took no time in marrying again. Roger's third marriage was to another heiress, Eleanor, daughter of William de Ferrers and Sybil Marshal.²³ Through her mother's right as a sister of Anselm Marshal, Eleanor was one of the coheiresses to the Marshal inheritance. Eleanor's previous husband had only died in the September of this year and the pair married without royal licence.²⁴ It is not clear who initiated this match but given both Roger and Eleanor's prominent positions at the royal court, it is likely that they would have been aware of each other's plight and, indeed, availability. In any case, neither of them waited any amount of time before marrying again. This was not the first time that Eleanor had married without royal licence. Her first marriage to William de Vallibus was also contracted without licence.²⁵ The rapidity with which Roger married Eleanor is perhaps indicative of his desperation to produce a male heir. The St. Albans chronicler Matthew Paris commented that Roger, now a

²¹ Oram, 'Quincy, Roger de', *ODNB*; N. Vincent, 'Bohun, Humphrey de, second earl of Hereford and seventh earl of Essex (d. 1275)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/2775/?back=,22966>>, accessed 18 February 2017.

²² Roger granted his wife three virgates of land in Brochampton so that she could give it to the hospital with her body. The land was granted to maintain a chaplain who could say prayers for both Roger and Matilda's soul. Matilda made the grant c. 1250 and this was confirmed by her father in the same year. *Brackley Deeds*, p. 30; *Chronica Majora*, Vol. V, p. 341.

²³ Oram, 'Quincy, Roger de', *ODNB*; See Chapter Two, pp. 101-2; Appendix 1.3.

²⁴ *CFR, Henry III*, no. 287; See Chapter Two, pp. 106-7.

²⁵ Chapter Two, pp. 106-7.

man in his mid-fifties, made this marriage in an attempt to have a male heir.²⁶ The fact that Roger, like so many men before him, contracted further marriages in order to produce a son rather than just daughters is more than suggestive of the fact that men still had reservations about the impact female inheritance could have on family estates. For these men, it must have been disastrous to see such great empires of wealth, which had often been built up through hard work, reward, marriage or good fortune, torn apart. Roger's marriage to Eleanor was also childless, despite being a union of 12 years duration. His marriage to Eleanor came to an end upon his death in 1264 and it is believed that he, like his first two wives, Helen and Matilda, his mother and brother, was buried at Brackley (Northamptonshire).²⁷ It is interesting to reflect on what Roger's marriages suggest about his territorial ambitions. It was no mistake that Roger married two women connected with Marshal property, a widow and an heiress. Roger may have viewed these marriages as a time of opportunity to expand his territories. Matilda was, technically, entitled to a third of the Marshal lands in dower, and Eleanor's inheritance in Kildare provided Roger with the opportunity to Irish lands to his existing holdings.

Roger came to inherit the earldom of Winchester because of political rivalries.²⁸ If there was an underlying aim to prevent female inheritance, this was futile. Perhaps it is fitting that an earldom that was created through female inheritance, also came to be divided as result of female inheritance. Despite being married three times, he had not produced any male heirs and, as a result, his three daughters from his first marriage, Margaret, Elizabeth and Helen, became coheirs to the earldom of Winchester.

²⁶ *Chronica Majora*, Vol. V, p. 341; Oram, 'Quincy, Roger de', *ODNB*.

²⁷ *Brackley Deeds*, pp. 23, 30, 37, 41.

²⁸ See Chapter One, p. 58.

The Heiresses

Roger's eldest daughter was Margaret (d.1281).²⁹ She married, as his second wife, William de Ferrers (d.1254), fifth earl of Derby.³⁰ Through this marriage she was related to her father's third wife, Eleanor, whose father was this same William, earl of Derby. As previously discussed, Eleanor and Margaret were both step-daughter and stepmother to each other.³¹ William's first marriage to Sybil Marshal had produced seven daughters who came to inherit their mother's claim to the Marshal inheritance.³² Margaret and William produced a large number of children, including, no doubt to William's delight, two male heirs. One of these sons was Robert (d.1279), who later became his father's successor to the earldom of Derby.³³ Robert's career was disastrous and culminated in the confiscation of all of his father's lands.³⁴ The second was William (d.1287), who later benefitted from his mother's inheritance. Of Margaret and William's three daughters, Joan (d.1309) married Thomas de Berkeley, Agnes married Robert de Mucegros, and Elizabeth married William Marshal, 2nd baron Marshal, and later Prince Dafydd ap Gruffudd.³⁵ Following her husband's death in 1254, Margaret did not remarry but remained as the widowed countess of Derby until her own death in 1281.³⁶ As a result of Margaret's lengthy widowhood and legal freedom we have evidence of her activities, the interactions that she had with the royal court and the level of her engagement with the political community.³⁷ Through her position as the eldest

²⁹ *CFR, 1272-1307*, p. 144; Cokayne, *Complete Peerage*, Vol. IV, pp. 197-8.

³⁰ Peltzer, 'Marriages of the English Earls', Table 7, p. 83.

³¹ See Chapter Two, p. 117.

³² See Chapter Two, p. 100.

³³ Maddicott, 'Ferrers, Robert de', *ODNB*.

³⁴ Powicke, *The Thirteenth Century*, p. 212, n. 1; Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272-1307*, pp. 182-3.

³⁵ J. B. Smith, 'Dafydd ap Gruffudd', *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-7324?rskey=3TKH5k&result=1>, accessed 20th May 2017.

³⁶ *Complete Peerage*, Vol. IV, pp. 197-8; *CFR, 1272-1307*, p. 144; *CCIR, 1279-88*, pp. 83, 85.

³⁷ See below, pp. 210-24.

daughter of her father, Margaret inherited the hereditary title of constable of Scotland.³⁸ Margaret did not, however, appear to ever use the title of countess of Winchester, a title which she would technically have been permitted to use as the eldest heir. In fact, the title was not used again until May 1322, when Hugh Despenser the elder was created earl of Winchester at the beginning of his rapid rise to wealth and influence.³⁹ Margaret did, however, enjoy the title of countess of Derby until her death.

Roger's second daughter and coheir was Elizabeth. The importance of Roger's Scottish connections is demonstrated through Elizabeth's marriage to the Scottish baron Alexander, earl of Buchan (d. 1290). The earldom of Buchan was established before 1150 and it was one of only 13 Scottish earldoms still in existence at the beginning of the fourteenth century.⁴⁰ The precise date of the marriage between Alexander and Elizabeth is unclear. The couple had a total of nine children and this is indicative of the success of their marriage. Their sons included John, the eldest son and heir (d.1308); William who was provost of Saint Mary's; Roger; and Alexander, his father's namesake, who married Joan de Latimer.⁴¹ Susan Johns has highlighted the growth in the use of saint's names and, importantly for us here, the use of 'traditional familial forenames' over the course of the twelfth century.⁴² This is a pattern that we can see through this thesis continued into thirteenth century. Constance Bouchard has also noted the constant reuse of male names through the generations.⁴³ Alexander and Elizabeth's daughters were Margery, Emma,

³⁸ J. B. Paul, ed., *The Scots Peerage*, Vol. II (Edinburgh: David Douglas, 1904-14), pp. 254-5.

³⁹ Hamilton, *The Plantagenets: History of a Dynasty*, p. 130.

⁴⁰ A. Grant, 'Earls and Earldoms in the Late Medieval Scotland (c. 1310-1460)', in *Essays presented to Michael Roberts*, eds, J. Bossy and P. Jupp (Belfast: Brough Cox and Dunn Ltd., 1976), pp. 24-40 at p. 24.

⁴¹ Paul, ed., *The Scots Peerage*, Vol. II, pp. 255-6

⁴² Johns, *Noblewomen, Aristocracy and Power*, p. 173.

⁴³ C. Bouchard, 'The Migration of Women's Names in the Upper Nobility, Ninth-Twelfth Centuries', in *Medieval Prosopography*, Vol. 9: 2, (1988), pp. 1-19 at p. 11.

Elizabeth, Helen and another, whose name is unknown.⁴⁴ These women married Patrick, seventh earl of Dunbar and March, Malise, earl of Stratham, Gilbert de Umphravill, earl of Angus, William Brechin and Nicholas de Soulis, respectively.⁴⁵ Each of these marriages reflected the couple's important social status in Scotland.

Alexander benefitted considerably from his wife's position as daughter and co-heiress of the earl of Winchester. Through marriage, Elizabeth brought to her husband extensive estates in Galloway, Fife and the Lothians, together with a bulk of lands in England, especially in the Midlands.⁴⁶ Alexander later acquired the title of constable of Scotland which his sister-in-law Margaret had transferred to him in 1270.⁴⁷ It may have been that Margaret transferred this title to Alexander because of his position in Scottish society. It could equally have been that she was persuaded to do this by someone or, maybe, this was a responsibility she did not want to hold herself. Whatever the reason, this grant certainly helped to enhance Alexander's political importance. Alexander held a prominent position in the royal circle at the Scottish court and was a close and trusted advisor of the Scottish king. The earl was a negotiator in the marriage of the King's daughter Margaret and the king of Norway, Erik, and affirmed the Maid of Norway as the heir to Scottish throne in 1284.⁴⁸ It is not entirely clear when Elizabeth died. Although she was certainly alive in 1282, it seems likely that she died in the early 1280s.⁴⁹ As Elizabeth died during her husband's lifetime, we do not have evidence of her acting with legal

⁴⁴ A. Young, 'Comyn, Alexander, sixth earl of Buchan (d. 1289)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/6042?docPos=1>>, accessed 14 September 2016. A case arose between the pair, and their son Roger, probably at some point during the reign of Edward I and Elizabeth's death in c. 1282. TNA: SC 8/197/9816.

⁴⁵ Young, 'Comyn, Alexander (d. 1289)', *ODNB*; Paul, ed., *The Scots Peerage*, Vol. II, p. 256.

⁴⁶ Oram, 'Quincy, Roger de', *ODNB*; Young, 'Comyn, Alexander (d. 1289)', *ODNB*.

⁴⁷ *The Scot's Peerage*, Vol. II, pp. 254-5; Rymer, *Fædera*, Vol. I, p. 610.

⁴⁸ Young, 'Comyn, Alexander', *ODNB*.

⁴⁹ *Ibid.*

independence like we do for her two sisters, who later became widows. She is, however, present in the records of litigation which came about as a result of the division of their father's inheritance. Elizabeth's participation is indicative of the involvement that women could have in the legal system as married women.

Roger's youngest daughter and heir was Helen (d.1296).⁵⁰ Helen had an impressive life and career thanks to the inheritance of her father's estates. She was married before 1242 to Alan la Zouche (d.1270) of Ashby-de-la-Zouch (Leicestershire).⁵¹ Helen's portion of the Winchester inheritance was centred on Brackley (Northamptonshire).⁵² Like her sisters, Helen had a number of children; indeed, if producing children had been a problem for Roger de Quency, it does not seem to have been a problem shared by his daughters. Helen and Alan's eldest son and eventual heir was Roger la Zouche, a man who married Ela Longespée.⁵³ Their remaining children were William, Alan, Oliver, Henry and Margaret, the latter of whom married Roger fitzRoger, lord of Clavering.⁵⁴ It is possible that the pair also had another daughter, Helen, who died in infancy. Alan la Zouche wielded considerable influence and was a key political player within England. This is shown by the royal offices that he held throughout his lifetime. He acted firstly as justice of the forest (south of the Trent) and, later on, keeper of the Tower of London. Alan's life and political career came to a rather unexpected end in 1270 and Helen was left a widow.⁵⁵ Like her elder sister, Helen did not marry again, and she was active as a widowed landholder for a period of 26 years.

⁵⁰ Cokayne, *Complete Peerage*, Vol. II, p. 375.

⁵¹ Cokayne, *Complete Peerage*, Vol. XII, Pt. II, p. 753, note e; Oram, 'Quincy, Roger de', ODNB; Tout, 'Zouche, Alan de la (d. 1270)', ODNB.

⁵² *Brackley Deeds*, pp. 1, 62-3, 65, 66, 148; *CIPM*, Vol. III, no. 363; Cokayne, *Complete Peerage*, Vol. XII, Pt. II, p. 753, note e.

⁵³ Tout, 'Zouche, Alan de la (d. 1270)'; *CIPM*, Vol. I, no. 735.

⁵⁴ Tout, 'Zouche, Alan de la', ODNB; Cokayne, *Complete Peerage*, Vol XII, Pt. II, pp. 934-5.

⁵⁵ See discussion below, p. 221.

Division

The division of the honour of Winchester between Roger's three daughters and coheiresses did not occur without problems. Roger's lands were extensive and Oram suggests that he was 'probably the greatest Anglo-Scottish landholder of his day'.⁵⁶ The earl held a collection of estates and lands that stretched all the way from Perthshire to the south coast of England.⁵⁷ The surviving records of the inquisitions taken into Roger's lands following his death show that he held lands in no less than 15 English counties: Bedfordshire, Berkshire, Cambridgeshire, Dorset, Gloucestershire, Hertfordshire, Huntingdonshire, Lincolnshire, Leicestershire, Northamptonshire, Nottinghamshire, Oxfordshire, Sussex, Warwickshire and Yorkshire.⁵⁸ Grant Simpson has estimated that, apart from a 100-mile stretch in the north of England, Roger could have travelled down from Perthshire to the English channel without being any more than 40 miles from lands in which he had an interest.⁵⁹ Due to his lack of any other children, there was no doubt that Roger's three daughters were to be the heirs of this inheritance. As was customary, an inquisition was made into all of the lands and fees that Roger held before his death.⁶⁰ This inquiry, undertaken to determine the size, value and location of Roger's lands and estates, reveals the impressive income that Roger enjoyed in his lifetime.⁶¹ It did not include the lands that he held in Scotland, just those pertaining to the honour of Winchester. The honour was comparatively small in value compared to the others that have been examined in this thesis, being valued at around £400 10s. and 7d. per

⁵⁶ Oram, 'Quincy, Roger de', *ODNB*.

⁵⁷ *Ibid*.

⁵⁸ *CIPM*, Vol. I, nos. 587, 732, 776; See Appendix 2.6.

⁵⁹ Simpson, 'The Familia of Roger de Quency', p. 103.

⁶⁰ *CIPM*, Vol. I, nos. 587, 732, 776.

⁶¹ *CCR*, 1261-4, p. 408; *CIPM*, Vol. I, nos. 587, 732, 776.

annum.⁶² Despite this, similar themes can be drawn with this division and those of the honours of Chester, Leicester and Pembroke. On 30 May 1264, Richard de Sherburn, the king's clerk, was given the lands of Roger de Quency to hold during pleasure and answer for the issues at the Exchequer.⁶³ In September 1264 the custody of Roger's lands and tenements were put into the hands of Richard de Hemmington and Richard de Wike whilst an extent was made.⁶⁴ The bulk of Roger's lands appear to have been in Leicestershire, Northamptonshire and Huntingdonshire.⁶⁵ The extent outlined the manors that Roger held in England which included Groby (Leicestershire), Shepshed (Leicestershire), Whitwick (Leicestershire), Faringdon (Oxfordshire), Southo (Huntingdonshire), Eynesbury (Huntingdonshire), Chinnor (Oxfordshire), Brackley (Northamptonshire), Halse (Northamptonshire) and the pleas and rights of the court of Leicester.⁶⁶ In December 1264 a commission was granted to William of Wendling, the escheator south of the Trent, to extend once again the lands that had been held by Roger. The previous extent had been declared 'insufficient'.⁶⁷ In February 1265, the same William received all of the lands that had previously been held by the late earl of Winchester so that he could answer for the issues at the Exchequer.⁶⁸

One manor that did not stand to be inherited by Roger's daughters was Stevington (Bedfordshire). Before his death, Robert de Quency (d.1257) had granted the manor to his brother Roger, on one condition. The manor was to be passed down to Roger's male heirs

⁶² *CCIR, 1261-4*, pp. 407-8; Annesley, 'Countesses in the Age of Magna Carta', p. 24; Maddicott, *Simon de Montfort*, p. 55.

⁶³ *CPR, 1258-66*, p. 320.

⁶⁴ *CCIR, 1261-4*, pp. 358, 408.

⁶⁵ Grant, 'The Familia of Roger de Quency', p. 103.

⁶⁶ *CCIR, 1261-4*, p. 408.

⁶⁷ *CPR, 1258-66*, p. 475.

⁶⁸ *CPR, 1258-66*, p. 403.

and if he failed to produce any, the manor was to revert to Robert's own heirs. On 4 September 1264, Richard de Hemington and Richard de Wike, the keepers of the lands of Roger de Quency, were ordered to check the details of the grant and uncover what Stevington was worth. It was found that the manor should revert to Robert's heirs, and the pair were to investigate who these heirs were and how old they were.⁶⁹ One of the inquisitions undertaken upon Roger's death confirmed the conditions of Robert's grant, which stated that Robert's heirs were his daughters Joan and Hawise, aged 19 and 14 respectively.⁷⁰ Quite why Robert specified that the manor was to pass only to Roger's male heirs is unknown. It is quite possible, however, that he wanted the manor to remain in the male line of the family as he too only had female heirs to succeed him. This episode reinforces the idea that there were concerns when it came to the fragmentation of lands and estates that occurred as a result of female inheritance. From Roger's death, the manor was held by Margaret de Lacy and Humphrey de Bohun the younger until it was taken into the king's hands.⁷¹

The records show that the Winchester heiresses were eager to secure and receive the inheritance that was owed to them. In July 1264, three months after her father's death, Margaret appointed two attorneys, namely William de Falkenberg and John of Woodham, to appear before the king in order to establish the portion of inheritance she was going to receive from her father.⁷² Alan la Zouche, as husband of Helen la Zouche, similarly appointed attorneys to claim the lands and tenements which belonged to his wife's inheritance in England.⁷³ At this point, there was no sign of Elizabeth and her husband

⁶⁹ *Ibid.*, p. 367.

⁷⁰ *CIPM*, Vol. I, p. 187.

⁷¹ *Ibid.*, p. 187.

⁷² *CCR*, 1261-4, p. 398.

⁷³ *Ibid.*, p. 398.

coming to claim her inheritance. Perhaps this was due to the distance between England and their residence in Scotland. For a number of reasons, it was not until sometime later that Elizabeth was eventually able to claim her inheritance.⁷⁴

The delays to the heiresses inheriting their lands undoubtedly had something to do with Roger's death coinciding with the seizure of government by Simon de Montfort, leader of the baronial revolt. In 1266, once the king had regained control of government following the rebellion, an order was issued to William de Clifford, the king's escheator south of the Trent, to ensure that the daughters and heirs of Roger de Quency should receive all the fees and advowsons of churches that belonged to their inheritance.⁷⁵ Despite this order, there was a clear delay in the heiresses receiving those that were rightfully theirs. In April 1269, the eldest of the coheirs, Margaret, appointed two attorneys Richard Rud and Richard le Franceys against her sister Elizabeth and brother-in-law, Alexander de Buchan and 'other' heirs of Roger de Quency, for her reasonable share of her inheritance.⁷⁶ Tension was building. In late 1269, the king issued a statement that he had previously declared that the heirs of Roger de Quency were to receive their inheritance without further delay or essoin.⁷⁷ On 16 July 1270, the sheriffs of the counties of Lincolnshire, Cambridgeshire, Northamptonshire and Huntingdonshire received writs stating that Roger's coheirs should receive their respective portions from the inheritance of their father.⁷⁸ On 19 July 1270, Roger's heirs were given a day at which they were to come to receive their inheritance.⁷⁹

⁷⁴ See discussion below, pp. 195-9.

⁷⁵ *CCIR*, 1264-8, p. 266. The chancery rolls confuse which of the sisters was married to whom. Margaret is correctly stated as the countess of Derby but Alan de la Zouche is wrongly noted as being married to Elizabeth, when she was actually his sister-in-law. Elizabeth was married to Alexander, earl of Buchan. The earl is noted as being married to a Margery which is also incorrect.

⁷⁶ *CCIR*, 1268-72, p. 116.

⁷⁷ *Ibid.*, p. 144.

⁷⁸ *CIPM*, Vol. I, no. 732.

⁷⁹ *CCIR*, 1268-72, pp. 287-8.

These orders were issued following the inquisitions made to establish which lands and fees the earl had possessed.⁸⁰ Similar writs were issued on 2 November 1270 to the sheriffs of Oxfordshire, Berkshire, Sussex, Lincolnshire, Huntingdonshire, Gloucestershire, Northamptonshire, Cambridgeshire and Nottinghamshire that the daughters and coheirs of the late earl should receive the portions of their knights' fees which belonged to them of their inheritance.⁸¹ Roger's heirs were also patrons of the abbeys of Garendon, Charley and Ulverscroft (Leicestershire) and also possessed the rights to the advowson of the churches of Syston, Leyton, Markfield (Leicestershire).⁸² At some point in 1270 or afterwards, Richard le Swein of Swithland released to Margaret, Helen and Alexander and Elizabeth de Buchan all the lands that he held late of the earl of Winchester in Shepshed, the manor which was part of their inheritance and had previously been held by his brother, Elias.⁸³ Included in these lands were a toft and croft in Shepshed (Leicestershire) and the land in Bradgate (Leicestershire).⁸⁴

The earliest surviving record of the division of the knights' fees dates to 1277, 13 years after Roger's death, and is preserved in the archive of the Hastings family.⁸⁵ The roll dates from the fourteenth century and contains copies of the records relating to the division of the late earl Roger de Quency's estates. In this division, each of the heiresses, Elizabeth with her husband, nominated three attorneys to claim their portions of the fees. Margaret, as the widowed countess of Derby, appointed by John of Tinford, Sir William de Kane and another William. Geoffrey of Halse, William Caustone and John acted as the attorneys of the

⁸⁰ *CIPM*, Vol. I, nos. 587, 732, 776.

⁸¹ *Ibid*, nos. 732, 776; See Appendix 2.6.

⁸² *Ibid.*, no. 776.

⁸³ TNA: E 40/5895; *CCIR*, 1264-8, p. 408.

⁸⁴ TNA: E 40/5895.

⁸⁵ *Report on the Manuscripts of the late Reginald Rawdon Hastings Esq. of the Manor House, Ashby de la Zouche*, Vol. I (London: H.M.S.O, 1928), p. 323.

widowed Helen la Zouche. Thomas of Kinross and Ralph de Lascelles acted as Elizabeth and Alexander's attorneys again, together with another man, Robert.⁸⁶

Of all the sisters and coheiresses, it is clear that Elizabeth had the most difficulties in terms of travelling to the king in order to claim her rightful portion of inheritance, including these knights' fees. This is demonstrated by the numerous letters of attorney and safe conduct that she received from the king in regard to claiming her inheritance. As we know, the use of attorneys was increasing in this period and were particularly useful for litigants who could not travel to court themselves, for whatever reason.⁸⁷ The use of legal representatives was certainly essential for Elizabeth and Alexander. Throughout 1265 and 1266, Elizabeth, Alexander and their attorneys, were granted safe conduct on numerous instances to deal with matters in regard to the Winchester inheritance.⁸⁸ On multiple occasions throughout 1268, the king informed his clerk, Thomas Kinross, that he receive Elizabeth and Alexander's attorneys. Amongst the men to be appointed were: Ralph de Lasceles, Ralph de Straneyhin, William de Lasceles and Gilbert de Kinross.⁸⁹ In January 1271, a year after the inquisitions into the extent of Roger's holdings had taken place, Alexander and Elizabeth, once again, appointed attorneys, this time in the form of Colin de Chaumpayn and Benedict of Hatcham. The role of these men was to receive the fees and advowsons of churches which belonged to Elizabeth from the portion of her inheritance from her father.⁹⁰ Such appointments of attorneys continued throughout the course of Elizabeth's lifetime.

⁸⁶ *Ibid.*, p. 323.

⁸⁷ See below, pp. 200-4.

⁸⁸ *CPR, 1258-66*, pp. 460, 560; *CPR, 1266-72*, p. 17.

⁸⁹ *CCIR, 1268-72*, pp. 8, 89; *CPR, 1266-72*, p. 300.

⁹⁰ *CCIR, 1268-72*, p. 389; *CPR, 1266-72*, p. 587.

Elizabeth faced similar issues following the death of the dowager countess of Winchester, Eleanor de Vallibus (d.1274), when her lands needed to be divided between her three stepdaughters. In late August 1274, Elizabeth and her husband were granted the power to appoint attorneys in all pleas. These attorneys were allowed to substitute others in their place 'as they [saw] fit' for up to three years.⁹¹ As a result of this grant, on 3 November 1274, the couple put Thomas of Kinross and John of Skeffington in their place until Michaelmas with these same powers.⁹² On 22 May 1275, King Edward I ordered John of London, his escheator south of the Trent, to cause Alexander and Elizabeth to have seisin of the third part of the lands of which her stepmother, Eleanor, had held as dower.⁹³ Elizabeth was finally to have seisin of these lands thanks to her husband, who had recently performed homage for them. Elizabeth and her husband Alexander were to have these lands on the proviso that the fees and advowsons of the churches which the dowager had also held were divided equally between her and her two sisters.⁹⁴ Elizabeth and Alexander lived far from the English royal court, and it was clearly a reason that prevented them from travelling. There were, however, other reasons. On 5 February 1275, it was stated that Elizabeth could not travel to be restored to her inheritance because she was pregnant and 'near her delivery'. Elizabeth was given permission to stay at home in Scotland. The king stated that he would restore the inheritance to her husband, Alexander, upon his next visit to the English royal court.⁹⁵ A few months later, in May 1275, Edward I granted to Alexander, as earl of Buchan, the power to allow Thomas de Kinross and John de Skeffington to make attorneys for him in all pleas for two years. With this agreement in place, Alexander

⁹¹ *CCIR*, 1272-9, p. 126.

⁹² *Ibid.*, p. 136. It is likely that John hailed from Skeffington, a village in Leicestershire.

⁹³ *Ibid.*, pp. 171-2.

⁹⁴ *Ibid.*, pp. 171-2.

⁹⁵ *Ibid.*, p. 228.

appointed Thomas and John to act as his attorneys to collect his wife's portion of her inheritance which included lands, fees and alms. In this same letter, the earl and countess of Buchan were also granted quittance of common summons in all the counties in which they held land, and it was stated that they were to have writs to this effect when the eyres were carried out. On 24 May 1275, the king also gave authority to Thomas de Kinross to receive attorneys whom Elizabeth appointed for all the matters in which her husband also had attorneys⁹⁶. The fact that Elizabeth's attorneys are mentioned separately to her husband suggests that she exercised a level of independence in marriage. The majority of cases in which Elizabeth's attorneys were appointed was for the restitution of her inheritance and this reflects a standard practice of heiresses being involved in lawsuits regarding lands they bought to a marriage.

Elizabeth and Alexander's practice of appointing attorneys continued for most of their lives and shows that they were aware of the regulations laid down on this issue by the First Statute of Westminster (1275). The Statute declared 'that after the tenant hath once appeared in the Court, he shall be no more essoined, but shall make his attorney to sue for him'.⁹⁷ In other words, once an heir had appeared before the court they were not able to make an excuse in further visits to the court and had to appoint attorneys to participate on their behalf.⁹⁸ Elizabeth and Alexander obviously faced many issues when it came to claiming her inheritance and the couple proactively appointed attorneys to deal with it. In April 1276, the king, again, granted Ralph de Lascelles and Thomas of Kinross the power to receive the attorneys appointed by Alexander and Elizabeth Comyn, whoever they may be.⁹⁹

⁹⁶ *Ibid.*, p. 236.

⁹⁷ 'The Statutes of Westminster, I', in *SR*, Vol. I, p. 37.

⁹⁸ *Ibid.*, p. 37.

⁹⁹ *CCR*, 1272-9, p. 430.

The king also granted Elizabeth and her husband 'special grace' to allow their attorneys to appoint others in their places until Michaelmas and a year after.¹⁰⁰ In October 1276, Alexander and Elizabeth appointed Robert of Leck and Richard of Pocklington, clerks, and Roger Aleyn and Matthew of Wigston (or Wigston Magna, Leicestershire) to act as their attorneys before the king in all pleas. These men were also given the power to appoint attorneys to act in their places on behalf of Elizabeth and Alexander.¹⁰¹ Again, in 1279, Elizabeth and her husband appointed Ralph of Trumpington and Nicholas de la Despense to act as their attorneys in all pleas. These men also had the power to appoint others in their places for a year.¹⁰² Trumpington did exactly this almost instantly, for the dispute between Elizabeth, her husband and Margaret against their sister Helen. He appointed in his place Henry and Walter of Markfield.¹⁰³ This dispute will be discussed in further detail later, but it is clear that coming to England to claim their inheritance was proving to be a problem for Alexander and Elizabeth. It may have also been a journey they did not want to undertake themselves. There were two more occasions in 1281 and 1282 when Alexander and Elizabeth were granted the power to appoint attorneys for one and three years respectively.¹⁰⁴ A letter sent from the bishop of Dunblane to the English chancellor in 1282 stated that he had received the pair's attorneys.¹⁰⁵

There is no similar evidence of extended problems for Elizabeth's sisters, Margaret and Helen, in coming to claim and receive their inheritance.¹⁰⁶ Perhaps one of the most important points to emerge from the experiences of Elizabeth and Alexander is the

¹⁰⁰ *Ibid.*, p. 430.

¹⁰¹ *Ibid.*, p. 429.

¹⁰² *Ibid.*, p. 552.

¹⁰³ *Ibid.*, p. 553. It is probable that Henry and Walter hailed from Markfield, a village in Leicestershire.

¹⁰⁴ *CPR, 1272-81*, p. 423; *CPR, 1281-92*, p. 18.

¹⁰⁵ TNA: C 47/22/3/8.

¹⁰⁶ For Helen and Alan de la Zouche see *CCIR, 1261-4*, p. 409; For Margaret de Ferrers see *CCIR, 1261-4*, p. 39.

regularity with which attorneys were used in this period by both men and women in lawsuits.¹⁰⁷ For Alexander and Elizabeth the services of their attorneys was vital.

Dower: Dilemmas and Division

As with most divisions of comital estates, there was also the issue of dowager countesses with rights to claim their dower third. As part of the inquisition into Roger's holdings, an order was issued to the sheriff of Leicester on 14 October 1271 to inquire into the knights' fees that his widow, Eleanor, and her new husband, Roger de Leybourne, held as dower, so that her stepdaughters would know which part of the inheritance should fall to them upon her death.¹⁰⁸ The findings of the inquisition revealed that the countess, described as Eleanor de Vallibus, countess of Winchester¹⁰⁹, held 11 and a quarter fees in dower from the lands of her late husband.¹¹⁰

As with the majority of dower allocations, the assignment of Eleanor's dower lands did not pass without some form of challenge from the heirs. The manor of Chinnor was a particular point of contention and there are several occasions when she appeared before the King's Bench concerning her dower lands.¹¹¹ Roger had previously alienated the manor of Chinnor to his daughters, but this had been assigned to his widow in February 1266 in tenancy whilst she waited to receive her dower lands.¹¹² This commitment stated that

¹⁰⁷ Brand, *The Origins of the English Legal Profession*, p. 43.

¹⁰⁸ *CIPM*, Vol. I, no. 776, p. 257.

¹⁰⁹ It was not uncommon for women to retain titles from previous marriages if they remarried. This was especially true if their previous title was more prestigious. Eleanor's continued usage of 'Vallibus' suggests that she was keen to be continually identified in this manner. Perhaps the title gave her a greater personal sense of authority. Crouch, *The English Aristocracy*, pp. 221-2.

¹¹⁰ *CIPM*, no. 776, p. 258.

¹¹¹ KB 26/180, ms. 1, 1d, 6.

¹¹² *CCIR*, 1264-8, p. 336; *CPR*, 1258-66, pp. 552-3; *CDS*, Vol. I, nos. 2444, 2445. For the alienation see *CCIR*, 1264-8, p. 380; *CDS*, Vol. I, no. 2437.

Eleanor was to receive lands 'by occasion of the warranty of the lands which the heirs of the said earl [Roger] ought to make her for her dower'.¹¹³ This was done in August 1267, when the dowager countess of Winchester's new husband, Roger de Leybourne, sent his two attorneys, John of Watton and William of Northwood, to return the manor to the king's hands so that it could be given to the late earl's three daughters as their inheritance.¹¹⁴ Despite Leybourne's attorneys coming before the king, neither the heiresses nor their husbands appeared either personally or by attorney to claim Chinnor. As a result, Watton and Northwood were given a further day at which they should come before the king, so that the heiresses could claim their inheritance.¹¹⁵ In September 1267, it was noted that the dowager countess and her new husband had returned the manor to the king. As a result of this surrender, the sheriffs of Oxford and Berkshire received orders to return the manor to the heirs who should receive seisin.¹¹⁶ Eleanor and her husband were given a day at which to appear before the king's court, so that she could recover her dower.¹¹⁷ At the same time, Roger de Quency's daughters were given a day on which they were expected to appear before the king's court, without 'essoyn or delay' to answer.¹¹⁸ On 10 November 1267, the king wrote to the sheriff of Oxfordshire to state that some of the earl's heirs had come before him to dispute the decision.¹¹⁹ In this instance, 'some' must mean two heiresses or their representatives (their husbands or attorneys). Those who appeared claimed that they were not bound to warrant or to answer this plea except at common law.¹²⁰ The king saw this as a failure on the part of the heiresses and therefore ordered the sheriff to return the

¹¹³ *CPR, 1258-66*, pp. 552-3.

¹¹⁴ *CCIR, 1264-8*, p. 380; *CDS*, Vol. I, no. 2437.

¹¹⁵ *CCIR, 1264-8*, p. 380; *CDS*, Vol. I, no. 2437.

¹¹⁶ *CCIR, 1264-8*, pp. 336, 383; *CDS*, Vol. I, no. 2444, 2445.

¹¹⁷ *CCIR, 1264-8*, p. 336; *CDS*, Vol. I, 2444.

¹¹⁸ *CCIR, 1264-8*, pp. 383-4; *CDS*, Vol. I, no. 2444.

¹¹⁹ *CCIR, 1264-8*, p. 405; *CDS*, Vol. I, no. 2459.

¹²⁰ *CCIR, 1264-8*, p. 405.

manor to Eleanor and Roger de Leybourne in the manner that they had previously held it.¹²¹

The heiresses' refusal to accept the terms resulted in them being denied the manor until Eleanor's death.

On 26 October 1274, the king issued orders to his escheators to take into his hands the lands that Eleanor held of the king, including the manor of Chinnor.¹²² The order issued to the king's escheator south of the Trent included the dower lands she held of her late husband, Roger, earl of Winchester.¹²³ Eleanor, as was customary, had been granted a third part of her late husband's lands for her sustenance in widowhood. These lands were worth £128 5s. 1d.¹²⁴ On 3 December 1274, the king ordered his escheator south of the Trent, John of London, to carry out the partition of the lands Eleanor held in dower from the earldom of Winchester. This division took place in the presence of Roger's daughters, Margaret de Ferrers, earl of Derby, Helen and her husband Alan la Zouche, and Elizabeth and her husband Alexander Comyn, earl of Buchan.¹²⁵ The king ordered that Margaret and Helen were to receive their shares, with which they were allegedly content, according the partition which was laid out in the king's court and to which they, together with the attorneys of the earl and countess of Buchan, had consented.¹²⁶ Elizabeth and Alexander were not permitted to receive their share through their attorneys and, as a result, Elizabeth's portion of the

¹²¹ *CCIR*, 1264-8, pp. 383-4, 405; *CDS*, Vol. I, no. 2459.

¹²² *CFR*, 1272-1307, p. 34.

¹²³ *CFR*, 1272-1307, p. 34; *CDS*, Vol. I, no. 2630. Prior to these orders and following the death of Eleanor's last husband, Roger de Leybourne in 1271, an inquisition was made into the extent of lands that the couple had held as dower of her former husband, the earl of Winchester. The stated reason for this inquisition was to understand the value of these lands which would make matters easier when she died and her dower would need to be divided between Roger's three daughters.

¹²⁴ *CCIR*, 1261-4, pp. 407-8.

¹²⁵ *CCIR*, 1272-9, p. 138. Eleanor had died in October this year.

¹²⁶ *Ibid.*, p. 138.

inheritance was kept in the king's hand until she and her husband came to the king's court to perform their homage for the lands, just as Margaret and Helen had done.¹²⁷

The records for the actual division of Eleanor's dower lands are catalogued in the close rolls for the year 1275. According to the partition, Margaret was to receive a third part of the lands 'on the south in demesne lands meadows, pastures, forests, parks and other appurtenances together with a third part of the rents and freemen and villeins' as her inheritance.¹²⁸ In addition to this, Margaret was entitled to a third part of each chief messuage, including Southo, Eynesbury, Mauge (Huntingdonshire), Shepshed (Leicestershire) and Chinnor (Oxfordshire).¹²⁹ Elizabeth and her husband Alexander received a third part 'on the north' in the demense lands, meadows, pastures, forests and other appurtenances with a third part of the rents of the freemen and villeins.¹³⁰ The pair were to also have to a third part each of the manors of Southo, Eynesbury and Mauge, Shepshed and Chinnor by Elizabeth's two sisters if they 'pleased'. Helen la Zouche held 'a third of the middle' of all lands and other appurtenances.¹³¹

This was not the end of the settlement. It would seem that the sisters entered into negotiations regarding these lands. Margaret, who was acting through her attorneys, and Helen granted to their sister Elizabeth and her husband, if they wished to receive it, the whole manor of Southo, with its buildings, gardens, vineyards and fishponds and other appurtenances. The condition of this grant was that Elizabeth pay each of her sisters a third

¹²⁷ *Ibid.*, p. 138.

¹²⁸ *Ibid.*, p. 225.

¹²⁹ *Ibid.*, p. 225.

¹³⁰ *Ibid.*, pp. 225-6; Presumably 'in the north' meant the north of England. Alexander, as a Scottish earl, would have appreciated holding additional lands in an area close to where he already held control.

¹³¹ *Ibid.*, p. 225.

of the value of the manor of Southo according to the extent made by William de Clifford.¹³² If the earl and countess chose to do this, the chief messuages with buildings, gardens and other appurtenances in the enclosures of Shepshed and Chinnor were to be divided only between Margaret and Helen who would pay Elizabeth and Alexander a third of the value of the messuages, again according to the extent of the lands made by Walter de Clifford.¹³³ It seems that this was agreed, and the king ordered the chancellor to write to the escheator, so that he would allow Margaret and Helen to have seisin of their part of the dower lands. Elizabeth was to receive her share once she and her husband had performed homage for the lands. The three sisters were apparently 'contented' with the division.¹³⁴ This division would appear to have been met with co-operation and acceptance. The division of Eleanor's dower lands does suggest a certain degree of sisterly love. This being said, it would have been within each other's interests for the sisters to cooperate as it would have made proceedings easier, and, no doubt, less stressful. There certainly does appear to have been some regard for each other's existing landed rights.

Litigation and Sisterly Love?

Despite such obvious levels of co-operation, the Winchester partition did not pass without contention. Following the division of both the lands of their father's inheritance and the dower lands of their stepmother, a dispute arose between Helen and her younger sister, Elizabeth. On 6 January 1279, Elizabeth and Alexander appointed their attorneys in a case against Helen, whom they claimed had received more than her fair share *in tenancia* of their

¹³² Ibid., p. 225.

¹³³ Ibid., p. 225.

¹³⁴ Ibid., p. 226.

father's inheritance.¹³⁵ Helen's appointment of attorneys, including Brother Geoffrey of Brackley, in a plea of land was quite possibly a reaction to this.¹³⁶ The partition of an inheritance between daughters was, as we know, supposed to be equal.¹³⁷ The outcome to this case is not known, but it is possible that the Comyn's claims were unfounded. Earlier, at some point in 1271/2, a case was brought against Helen by her two sisters,¹³⁸ concerning two parts of a messuage and two carucates of land in Keyston, Huntingdonshire.¹³⁹ This land was part of the sisters' inheritance. Given the fact that this is the only record we have for this case, it is possible that this was brought before the court purely to act as a record of an agreement between the three sisters, rather than a dispute.¹⁴⁰ It would prove useful to have such documentation if questions of ownership arose. Indeed, the document outlining the division of Roger de Quency's knights' fees in 1277 demonstrates that these lands were worth 6d. and Margaret, Helen and Elizabeth possessed 2d. each for their respective share.¹⁴¹

The Winchester Heiresses as Widows

The legal position of married women in the Middle Ages theoretically reduced the level of involvement they could have in the law. This legal position means that we seldom have substantial bodies of documents relating to the activities of married women and this makes it difficult to write about them in any great level of detail. Our knowledge of Elizabeth's life

¹³⁵ *Ibid.*, p. 553.

¹³⁶ TNA: KB 27/43, m. 31d.

¹³⁷ *Glanvill*, pp. 76-7.

¹³⁸ The record is recorded in 56 Henry III, so the case would have taken place between October 1271 and 1272.

¹³⁹ *A Calendar of the Feet of Fines relating to the county of Huntingdon*, ed., G. J. Turner (Cambridge: Cambridge Antiquarian Society, 1918), no. 261, p. 35.

¹⁴⁰ Loengard, 'What did Magna Carta mean for widows?', p. 138.

¹⁴¹ *Report on the Manuscripts of the Late Reginald Rawdon Hastings*, Vol. I, pp. 325, 327, 329.

is minimal, purely due to the fact that she, unlike her two sisters, died within her husband's lifetime. Even a precise date for her death cannot be established. Elizabeth's two widowed sisters, Margaret and Helen, have a much richer collection of surviving documentation due to the fact that each of them was widowed and remained single until their deaths. The eldest sister, Margaret lived in legal independence for a period of 27 years, whilst her youngest sister did so for 26. An assessment of their lives as aristocratic widows is useful to determine the extent of their participation in litigation in regards to their landed rights, their engagement and influence in politics and their agency. We can also establish an understanding of their sisterly and familial bonds, not to mention the roles and duties they needed to fulfil as mothers and patrons.

Margaret de Ferrers, Countess of Derby

Margaret became a widow in 1254 and her career as a widowed countess can be traced throughout the chancery records. Her husband, William, was afflicted by gout throughout the course of his life and died in March 1254 from injuries he sustained having accidentally fallen from his litter at a bridge near St. Neot's, Cambridgeshire.¹⁴² Records suggest that there was quite a delay in Margaret receiving her lands. It is important to assess why this delay happened, especially as such delays were in contravention of the terms of Magna Carta which laid down the forty-day timescale in which widows were to receive their dower lands.¹⁴³ It is quite possible that it was due to Henry's preoccupation with the war in Gascony. In December 1254, the king issued a mandate to Geoffrey de Langley, steward of

¹⁴² Cokayne, *Complete Peerage*, Vol. IV, p. 197.

¹⁴³ *Magna Carta*, 1225, c. 7.

Henry III's eldest son, Edward, which stated that Margaret should receive her rightful share of her husband's lands and tenements as her dower lands, without delay, according to the laws and customs of England.¹⁴⁴ It was also noted that Margaret was to receive the wards and escheats which also fell to her in this way.¹⁴⁵ An extent of the lands that Margaret claimed she held in dower was made in May 1255.¹⁴⁶ Included in her dower were lands in Staffordshire, Essex, Derbyshire, Northamptonshire and Essex.¹⁴⁷ These lands, together with her inheritance, meant that she was a woman of considerable wealth and influence. Margaret's decision not to remarry meant that she did not have to relinquish these liberties or wealth to a new husband.

Margaret fulfilled important duties as a mother, which included providing for her children. Margaret's three daughters, Joan, Agnes and Elizabeth, all needed to be married suitably. It is likely that the task of arranging their marriages fell to Margaret, although it is not impossible that her husband had some involvement.¹⁴⁸ Of Margaret's sons, Robert was the eldest and it was he who stood to inherit the earldom of Derby from his father. In 1249, Robert was married to Mary de Lusignan, the seven year old daughter of Hugh XI de Lusignan, count of La Marche, and the king's niece.¹⁴⁹ The only income that the pair possessed at this time was the £100 that the king had settled on them as a marriage portion.¹⁵⁰ The match signified the status of Robert's father as a trusted friend of the king and, before his prolonged infliction of gout, a prominent member at the royal court.¹⁵¹

¹⁴⁴ *CCIR*, 1254-6, p. 14.

¹⁴⁵ *Ibid.*, p. 14.

¹⁴⁶ *CIPM*, Vol. I, no. 333, pp. 88-9.

¹⁴⁷ *Ibid.*, pp. 88-9; TNA: C 132/17/8.

¹⁴⁸ It is not certain when these marriages actually took place. This could, perhaps, be resolved through more in-depth investigation which is beyond the scope of this study.

¹⁴⁹ Maddicott, 'Ferrers, Robert de', *ODNB*.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

Robert's marriage to a Lusignan is just one example of those that took place during the reign of Henry III.¹⁵²

Robert's inheritance and wardship was initially placed in the hands of the Lord Edward, the eldest son of Henry III, in April 1254 following the death of Robert's father. At the age of 11, Robert was still a minor when his father died. Despite being married, he was unable to hold his inheritance until he reached legal maturity at the age of 21.¹⁵³ For Edward, holding Robert's inheritance brought him part of the 15,000 marks a year that he was supposed to hold and acquire from the king.¹⁵⁴ Later, in 1257, the rights to hold the castles and lands of the young earl's inheritance were sold to the queen, Eleanor of Provence, and Peter of Savoy for 6000 marks.¹⁵⁵ The sale came with a few conditions. If Margaret, Robert's mother and the dowager countess of Derby, died during her son's minority, the wards, escheats, advowsons and 'other profits' that she held of his inheritance as dower were also to fall into the hands of the queen and Savoy. The sale of Robert's wardship included a clause stating that if he died before he came of age, the queen and Peter of Savoy were also to have the wardship of Robert's younger brother, William, or indeed that of any other heirs.¹⁵⁶ Thanks to acquisition and inheritance by the previous generations of the Ferrers, and the work of his father and grandfather before him, the wealth of estates that Robert stood to inherit was quite impressive.¹⁵⁷ For heirs, having their lands held in wardship was a less than an ideal situation.¹⁵⁸ Lands held in custody were

¹⁵² Howell, *Eleanor of Provence*, pp. 54-6.

¹⁵³ K. M. Phillips, *Medieval Maidens: Young Women and Gender in England, 1270-1540* (Manchester: Manchester University Press, 2003), p. 32; *Glanvill*, p. 82.

¹⁵⁴ *CPR, 1247-58*, p. 367.

¹⁵⁵ *Ibid.*, p. 554; Maddicott, 'Ferrers, Robert de', *ODNB*.

¹⁵⁶ *CPR, 1247-58*, p. 554.

¹⁵⁷ Maddicott, 'Ferrers, Robert de', *ODNB*.

¹⁵⁸ See discussions on Hugh d'Aubigny, Chapter One, pp. 45-7.

frequently exploited and the holder benefitted from the revenues of those estates until they were returned to the heir. Robert was not able to do homage and take possession of his lands until 1260, leaving his lands open to potential exploitation for a period of six years.¹⁵⁹

The deal regarding Margaret's dower lands was confirmed in 1275 by letters issued by Edward, now King Edward I, to his younger brother Edmund.¹⁶⁰ These letters also laid down that Edmund would retain the earl's inheritance unless he paid a huge £50,000 fine, in one instalment, and that the lands that his mother held in dower from this inheritance would fall to Edmund upon her death unless this sum was paid.¹⁶¹ The king and his advisors would have known that it was by no means possible for Robert to be able to pay back such a massive sum.¹⁶² K. B. McFarlane argued in the 1970s that Edward had a deliberate policy towards his earls which led to a confrontational relationship.¹⁶³ According to McFarlane, Robert was 'the victim of Edward's lawless greed' and was not punished according to the law nor was he subject to the 'lawful judgement of his peers'.¹⁶⁴ The failure of the king to offer Robert such judgement is notable as it went against the customs laid down in Magna Carta.¹⁶⁵ This being said, Andrew Spencer offers an alternative view to McFarlane in terms of the king's policies towards his nobility. Spencer argues that Edward did have a policy towards his earls, but not an aggressive one.¹⁶⁶ Edward had learnt from his father's actions and the years of civil war. He sought to control his earls and did so with careful and masterful skill. Edward looked to establish the loyalty of his nobility which he did by using

¹⁵⁹ Maddicott, 'Ferrers, Robert de', *ODNB*.

¹⁶⁰ *CPR, 1247-58*, p. 458; *CPR, 1272-81*, p. 93.

¹⁶¹ Maddicott, 'Ferrers, Robert de', *ODNB*; *CPR, 1272-81*, p. 93; Spencer, *Nobility and Kingship*, p. 183.

¹⁶² F. M. Powicke, *Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century* (Oxford: The Clarendon Press, 1947), Vol. II, pp. 524-5.

¹⁶³ McFarlane, *The Nobility of Later Medieval England*, pp. 248-67.

¹⁶⁴ *Ibid.*, pp. 254-5; *Magna Carta, 1225*, c. 29.

¹⁶⁵ *Magna Carta, 1225*, c. 29.

¹⁶⁶ Spencer, *Nobility and Kingship in Medieval England*, pp. 93-5.

them as counsellors and rewarding them for their 'good service'.¹⁶⁷ Robert de Ferrers' actions during and after the rebellion certainly did not count as good service and he had proven on several occasions that he could not be trusted. Many of his actions were foolish, but such movements were also driven by the treatment he had received from the crown. The Lord Edward and Robert had had a fractious relationship for some years prior to Evesham and this did not subside following the rebellion. Personal hatred and 'extremely sharp practice' certainly also led to Robert's downfall.¹⁶⁸ The earl of Derby, through his actions, had managed to alienate himself from his fellow members of the nobility and he found himself without help when he needed it the most.¹⁶⁹ It is pretty clear that Robert would be unable to pay the sum set by the king and his chief men.¹⁷⁰ Edward's order to Richard Fokeram on 25 May 1281, to deliver the dower lands of Margaret de Ferrers, countess of Derby, which he had in custody from the king, to Edmund, should not, therefore, come as a surprise.¹⁷¹

Robert had inherited incredible wealth from his father, with estates worth £1500 per annum.¹⁷² Despite this, when he actually did come to inherit his lands, his resources were seriously drained; by the need to provide dower for his mother as well as the need to pay the debts he owed to the exchequer on behalf of his father which had not, of course, been taken on by Edward and his brother Edmund.¹⁷³ The earl was certainly suffering from financial burden; but he was not the only earl ever to find himself in this situation. Had

¹⁶⁷ *Ibid.*, p. 259.

¹⁶⁸ *Ibid.*, p. 14.

¹⁶⁹ *Ibid.*, pp. 14, 182-4.

¹⁷⁰ *Ibid.*, pp. 183-4. Amongst those who were involved in Robert's downfall included the earls of Warwick and Warenne and William de Valence.

¹⁷¹ *CCIR*, 1279-88, p. 85.

¹⁷² Maddicott, 'Ferrers, Robert de', *ODNB*.

¹⁷³ *CPR*, 1247-58, p. 367.

Robert been more careful he could have received concessions like other rebel barons. Robert did possess the potential to have an excellent career at the royal court just as his grandfather and father had, who had both held prominent positions in their lifetimes. His unpredictable character and changeable loyalties meant that this was not to be. His position was certainly not aided by the personal grudge he held against the Lord Edward. Robert's bitterness was reciprocated.¹⁷⁴ As soon as Robert had received his inheritance in 1260, he 'destroyed' Tutbury abbey,¹⁷⁵ a religious house that had been founded by his ancestor Henry de Ferrers and which had received great endowments from earlier generations of the family, Robert included.¹⁷⁶ Quite why Robert did this is not clear. Robert's political career was plagued by hatred for Edward, a man who had held his lands whilst he was too young to do so himself and had maintained a hold on some parts of this once the wardship had been sold on. The earl's loyalties during the baronial revolt were unclear and although he appeared to be a royalist in the early stages of the revolt, his loyalties soon turned to Montfort. Yet, it is clear that Robert was only concerned with protecting his own interests and this contributed to his downfall.¹⁷⁷ Robert's actions during the rebellion had been pardoned by King Henry in exchange for a rather hefty payment of 1500 marks and a gold cup. Indeed, it is recorded that Robert delivered to the keeper of the wardrobe 'one drinking cup of gold with stones, pearls and emeralds' on 19 December 1265.¹⁷⁸ The king needed both Robert's loyalty and his money. Ferrers was lucky to receive such treatment and his decision to join the 'disinherited' barons in rebellion in 1266 was an unwise move,

¹⁷⁴ Spencer, *Nobility and Kingship*, p. 14.

¹⁷⁵ This episode is recorded in the Annals of Burton which states 'Robertus de Ferrariis, recepto suis homagio suo a domino rege, receipt seisinam terrae suae, et destruxit prioratum Tutisburiae'. *Ann. Mon*, Vol. I, p. 491; Cokayne, *Complete Peerage*, Vol. IV, p. 198.

¹⁷⁶ Dugdale, *Monasticon Anglicanum*, Vol. I, p. 37; Maddicott, 'Ferrers, Robert de', *ODNB*.

¹⁷⁷ Maddicott, 'Ferrers, Robert de', *ODNB*; Spencer, *Nobility and Kingship*, pp. 183-4.

¹⁷⁸ *CPR, 1258-66*, pp. 517-8, 522.

but also one which was driven by his unfair treatment from the Crown.¹⁷⁹ Robert's lands were put into the hands of the king's second son, Edmund, this same year. In 1269 Robert received an order to deliver his lands to his manucaptors until Edward was satisfied.¹⁸⁰

Within the same letter, it was stated that the lands held by Margaret de Ferrers in dower from the earldom of Derby would fall to Edmund upon her death.¹⁸¹ Paula Dobrowolski has written on the treatment of rebels' widows after the Second Baron's War. Dobrowolski found that in most cases, widows were treated in the proper fashion when it came to receiving dower lands following the baronial rebellion. Widows of the lesser rebels were more likely to receive a better deal than those whose husbands had been key players in the rebellion.¹⁸² Luckily for Margaret, she was not to receive such treatment. Her son was, perhaps, treated badly enough to make up for it. On 1 May 1269, Robert appeared before the royal court to receive back his lands on condition that he would pay the impossibly large sum of £50,000 by 9 July. Of course, he was unable to make the payments and he lost both his lands and his title. Robert was effectively left destitute. For the remainder of his life, Robert focussed his energies on regaining his inheritance, with very little success. He did, however, make a successful attempt at reclaiming the manor of Chartley which had been granted to his younger brother, William, by his mother.¹⁸³ Robert's actions almost certainly had an impact on the fate of the Derby lands but it was certainly not the only contributing factor.

¹⁷⁹ Spencer, *Nobility and Kingship*, p. 183.

¹⁸⁰ TNA: DL 25/2227.

¹⁸¹ Ibid.

¹⁸² P. Dobrowolski, 'Women and their Dower in the Long Thirteenth Century 1265-1329', in *Thirteenth Century England VI, proceedings of the Durham Conference, 1995*, eds, M. Prestwich, R. H. Britnell and R. Frame (Woodbridge: The Boydell Press, 1997), pp. 157-64; Powicke, *King Henry III and the Lord Edward*, Vol. II, p. 526.

¹⁸³ Maddicott, 'Ferrers, Robert de', *ODNB*.

Upon her husband's death in 1254, an inquisition was made into the lands that Margaret claimed to hold in dower.¹⁸⁴ Included in these lands were the manors of Woodham, Stubbing and Fairstead which the younger William de Ferrers had granted to his mother in dower following her gift of these to him.¹⁸⁵ The manors were returned to him upon his mother's death in 1281.¹⁸⁶ After Margaret's death, an order was issued to allow Richard Fokeran to hold the lands, both dower and inheritance, that Margaret had held in her lifetime during the king's pleasure.¹⁸⁷ Fokeran was also ordered to 'till and sow' the land and answer for these issues.¹⁸⁸ A further order was issued in July 1281 to Richard of Holbrook to value the corn sown in the manor of Keyston; the manor had previously been held by Margaret as inheritance.¹⁸⁹ In June 1281, John de Aise, vicomte de Tartas, was granted custody of the manor of Southo (Huntingdon), which Margaret held in her lifetime and was valued at £40 2s. 8d.¹⁹⁰ A later entry in October this year demonstrated that John had demised this manor to Baldwin Wake and Hawise his wife.¹⁹¹ Robert's failure to pay the amount demanded by the crown resulted in Margaret's dower lands being seized and handed over to Edmund rather than being returned to the heir, his eldest son, John, who was in the wardship of the king. The order given to Richard Fokeran to deliver all of Margaret's dower lands into the king's hands also came with some clauses to protect John's rights. On 25 May 1281, it was stated that John was to have 'every right that he may have in

¹⁸⁴ *CIPM*, Vol. I, no. 333.

¹⁸⁵ *CIPM*, Vol. I, no. 333; Vol. II, no. 413.

¹⁸⁶ *Ibid.*

¹⁸⁷ *CFR, 1272-1307*, p. 144.

¹⁸⁸ *Ibid.*, p. 144.

¹⁸⁹ *Ibid.*, pp. 150-1.

¹⁹⁰ *Ibid.*, p. 442.

¹⁹¹ *CPR, 1272-81*, pp. 459-60.

the lands' held of his father. The king also stated that neither John nor Edmund should receive any special favour if, and when, they brought legal action against one another.¹⁹²

Margaret's second son, William (d.1287) did not stand to inherit any of the family lands, because he had an elder brother. This was a problem frequently faced by second sons and provisions were often made for them by their parents in order to allow them to have some level of income and security. Indeed most parents in thirteenth-century England looked to ensure that their children, both male and female, were provided for in some way. Daughters could generally expect to receive some form of gift in marriage and sons could expect at least a share of the family lands. Owing to her husband's death in 1254, it fell to Margaret to ensure that her youngest son was provided for. Often, a second son was given lands that his mother had brought into the marriage, or lands that his father had secured through acquisition, rather than any lands from the inheritance.¹⁹³ In order to ensure that William would have lands to sustain himself, Margaret granted him numerous manors: Woodham (sometimes referred to as Woodham Ferrers, Essex), Stubbing and Fairsted (Essex) and a messuage of land in Cheche.¹⁹⁴ These manors were valued at £21 p.a., £52 p.a and £10 respectively, and the messuage in Cheche, 6s.¹⁹⁵ The income he gained from these lands totalled £83 and 6s. Upon his mother's death, William complained to the king that the sheriff of Essex had taken these lands into the king's hands. He argued that, although Margaret had been demised these lands, she had actually restored these to him before she died. An inquisition into these manors revealed that William had been granted them by his father, during his lifetime, at Nottingham in around December 1251. It was stated that

¹⁹² *CCIR*, 1279-88, p. 85.

¹⁹³ D. Crouch, *Medieval Britain c. 1000-1500* (Cambridge: Cambridge University Press, 2017), p. 230.

¹⁹⁴ *CIPM*, Vol. II, no. 413.

¹⁹⁵ *Ibid.*

William and his heirs were to hold these lands for the service of five knights' fees. Following his father's death, William gave these lands to his mother for her lifetime for her dower, and the findings of the inquisition carried out after her death to confirm that these manors had been assigned to her for this purpose.¹⁹⁶ Margaret had granted her son ingress, the right to enter into these lands, sixteen days before she died.¹⁹⁷ It is quite possible that Margaret had been ill for some time before this and perhaps knew that death was imminent. On 11 May 1281, the terms of this agreement were outlined and it was ordered that William receive full seisin of these lands.¹⁹⁸ Margaret's provision for her youngest son looks to have been a result of careful planning within the family. Margaret also gave William the manor of Groby, for which he paid a 40-mark fine and did homage to the king.¹⁹⁹ Margaret had herself been granted full seisin of this manor, together with Whitwick, on 17 August 1264.²⁰⁰ William also inherited lands from his mother in Scotland, as well as the manor of Newbottle, Northamptonshire.²⁰¹ With the lands inherited from his parents, William established the Leicestershire branch of the family, centred on the manor of Groby. His elder brother's gift of the wapentake of Leyland expanded the family estates into Lancashire.²⁰² William's life was an interesting one and, in spite of him also supporting his cousin, Simon de Montfort, in the baronial rebellion, he did not suffer as greatly as his elder brother.²⁰³ Whether Margaret's children supported the Montfortians because of their mother's own allegiance cannot be stated. It is difficult to tell to whom she gave her allegiance in 1264. It is possible

¹⁹⁶ CDI, Vol. II, no. 333.

¹⁹⁷ CIPM, Vol. II, no. 413.

¹⁹⁸ CFR, 1272-1307, p. 83.

¹⁹⁹ Ibid., p. 126.

²⁰⁰ CCIR, 1261-4, p. 358.

²⁰¹ E. Acheson, 'Ferrers family (*per c.* 1240-1445)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/54521?docPos=1>>, accessed 14 September 2016.

²⁰² Acheson, 'Ferrers family', *ODNB*.

²⁰³ Ibid.

that she, like other powerful noble widowed countesses, such as Isabella de Forz, countess of Devon, did not want to openly display strong allegiance to either the baronial or royalist cause.²⁰⁴ It is possible that she too decided to play her cards close to her chest and kept her loyalties fluid in order to retain a hold on her lands.²⁰⁵ It is not clear whether Margaret accepted the invitation to go to the king's court in 1266. The lavish gifts that she received from the king following her husband's death in 1250s certainly suggest that she had close ties with the royal court in the period before the baronial rebellion. Such gifts were not forthcoming in the period immediately after the baronial rebellion; the situation with her eldest son certainly cannot have helped matters. Nonetheless, she did receive later exemptions from summons to local eyres from 1268 onwards which would imply that any wounds had healed.²⁰⁶

Margaret's position as a wealthy heiress and widowed countess meant that she was an important landholder and figure of influence within aristocratic political society in thirteenth-century England. The rise of the baronial leader Simon de Montfort meant that the late 1250s and early 1260s were a period of political unrest and turmoil. For members of the nobility, this was a time of uncertainty that called for difficult decision making. As mentioned above, the position that Margaret took is difficult to read, but can be gauged through her interactions with the royal court. On 15 March 1264, she was granted protection until Whitsunday (4 June) by the king, who was at this point stationed at Oxford.²⁰⁷ Henry had just returned from France where attempts had been made to reconcile

²⁰⁴ The allegiance of other noble widows in this period, such as Isabella de Forz, countess of Devon, is also difficult to measure. See H. L. Kersey, 'Isabella de Forz: A Woman in the Age of Baronial Reform and Rebellion, 1237-1293' (Unpublished MA thesis, Canterbury Christ Church University, 2014), pp. 26-9.

²⁰⁵ Kersey, 'Isabella de Forz', pp. 26-7.

²⁰⁶ See below, pp. 222-3.

²⁰⁷ *CPR, 1258-66*, p. 307.

him with the rebel barons at the court of the French king.²⁰⁸ These attempts ultimately failed and, upon his return to England in February, Henry prepared for war with Simon de Montfort. It is more than possible that his summons to Margaret was an attempt to secure the countess' loyalty.²⁰⁹ It is difficult to establish whom Margaret supported between 1264 and 1266. The question of Margaret's allegiance remains unanswered²¹⁰, but her potential allegiance to Henry III is, perhaps, demonstrated by the fact that she was granted protection on 8 April 1266 until Midsummer. This protection was also due to cover her return to her lands.²¹¹ The fact that Margaret was invited to stay at the king's court is also suggestive of her influential position. Later, on 3 October 1266, the king granted Margaret simple protection for a further year.²¹² The reason for this protection was not specified, but it would be reasonable to suggest that this was another attempt to ensure Margaret's allegiance.

Margaret continued to receive similar grants of protection throughout her lifetime. In May 1276, for example, Margaret was granted protection to go to Scotland.²¹³ It seems safe to assume that Margaret was travelling to Scotland to attend to her affairs there. As well as being able to secure protection for herself, Margaret's social standing and position as a lord is also demonstrated by her ability to intercede for others.²¹⁴

Margaret's social status is also illustrated by the numerous gifts she received from the king, signs of royal favour. On 27 March 1256, the king ordered Hugh de Goldingham, his

²⁰⁸ Ridgeway, 'Henry III', *ODNB*.

²⁰⁹ *Ibid.*

²¹⁰ For a further discussion of Margaret's loyalty see p. 223-4.

²¹¹ *CPR, 1258-66*, p. 580.

²¹² *Ibid.*, p. 643. Northorpe is a village in Lincolnshire.

²¹³ *CPR, 1272-81*, p. 140.

²¹⁴ *CPR, 1258-66*, p. 598.

justice of the forest to allow Margaret to have ten oaks.²¹⁵ As well as this, Margaret also received numerous deer, a high status gift which again highlights the dowager countess' influential position in English politics.²¹⁶ On 30 November 1257, the king issued a mandate to Richard de Mountfitchet, his steward in Essex, to allow Margaret to have five does as his gift from the forest of Hatfield.²¹⁷ In February 1258, the keeper of the forest of Clive (Northamptonshire) received similar orders to give Margaret four bucks and six does as his gift.²¹⁸ She received a further three bucks from the king on 30 June, when the keeper of the forest of Weybridge (Huntingdon) was ordered to allow her to receive such beasts.²¹⁹ Margaret continued to receive such tokens throughout her life. On 12 August 1260, for example, Thomas Gresley, the justiciar of the forest south of the Trent, was ordered to allow Margaret to have two bucks from the king's forest.²²⁰ These high-status gifts from the king's hand are an indicator of how Margaret was viewed by the king and her standing at the royal court. She was clearly a woman with whom he was keen to maintain good relations. Margaret's husband had been an important figure at court. Amongst these other concessions, Margaret was also exempt from the common summons of the counties of Leicester and Huntingdon in late 1268.²²¹ She received further exemption from summons in the forest of Huntingdon in May 1273.²²² As a landholder, Margaret held the important

²¹⁵ *CCIR*, 1254-6, p. 289.

²¹⁶ C. M. Woolgar, 'Gifts of food in late medieval England' in *Journal of Medieval History*, Vol. 37: 1 (2001), pp. 6-18 at p. 11.

²¹⁷ *CCIR*, 1256-9, p. 167.

²¹⁸ *Ibid.*, p. 195.

²¹⁹ *Ibid.*, p. 243.

²²⁰ *Ibid.*, p. 99.

²²¹ *CCIR*, 1268-72, p. 88.

²²² *Ibid.*, p. 46.

position of lord and needed to fulfil the duties that went with this role. Such responsibilities included providing men or paying scutage for the king's army.²²³

Margaret, like all widows, had to be active in protecting her dower lands. The skills and experience she had gained from this would have proven exceptionally valuable when it came to claiming and defending her inheritance in 1264. As a widow, she pursued her inherited claims alone. Although lawsuits between Margaret and her sisters concerning their inheritance were relatively few in number, and there are many other examples of her engagement with the legal process as a widowed countess. On more than one occasion lawsuits were brought against her. A letter addressed to the king from Thomas Orreby, his justiciar in the county of Chester, demonstrates that Margaret was engaged in a dispute over dower with the widowed Sybil de Orreby in 1262.²²⁴ Margaret was sued again, in the same year, by Thomas de Ferrers. It is quite probable that this was her late husband's brother, who was sometimes referred to as Thomas of Chartley Ferrers. In this case, Thomas sued the widowed countess for the manor of Chartley, Staffordshire, with appurtenances.²²⁵ The manor had previously been granted to Thomas by his mother, Agnes (d. 1247), countess of Derby, who had received it as part of her inheritance from the earldom of Chester.²²⁶ The countess' eldest son, William, had been ordered to return this to his younger brother in 1249.²²⁷ As well as being pulled into legal disputes, Margaret was also very active in bringing her own to court. In May 1263, the countess paid one mark for taking an assize before Gilbert Preston, senior justice of the Common Bench.²²⁸ In September that year, she also

²²³ *CFR, 1272-1307*, pp. 85-6.

²²⁴ TNA: SC 1/4/126.

²²⁵ *CCIR, 1261-4*, pp. 109-10.

²²⁶ Cokayne, *Complete Peerage*, Vol. IV, p. 197, n. b. See Chapter One, pp. 28, 45.

²²⁷ *CCIR, 1247-51*, p. 219.

²²⁸ *CFR, 47 Henry III*, no. 480; P. Brand, 'Preston, Sir Gilbert of (*b. in or before 1209, d. 1274*)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22724>>, accessed 23 February 2017. Preston

gave 20 shillings for an assize before Martin of Littlebury, another justice of the Common Bench.²²⁹

It is obvious that Margaret's interaction with the law as a young widow proved valuable experience for her in her later years, when her landed rights faced further threats. On 6 June 1280, she and her men were pardoned after initially being distrained for an assart made in the forest of Essex.²³⁰ This pardon came as a result of King Edward's inspection of his father's charter to William de Ferrers, the late earl of Derby, that stated that he and his heirs were allowed to 'assart and till' the wood of Woodham Ferrers, Essex. This charter also gave the earl and his heirs the right to forever be quit of waste and exempt from the view of foresters, verderers, regards and all other ministers of the forest in their plot.²³¹ As Margaret held the wood in dower, she enjoyed this exemption. Margaret's rights were defended and acknowledged by the king in this situation, but there is no doubt that she would have engaged in litigation if necessary or required. It is clear that, as a widow, Margaret was an active and successful litigant, estate manager, lord and mother. The gifts and privileges she received from the king were a sign of her status and the position she held in English political society.

was a royal justice and had risen through the ranks over the course of his career to become senior justice of the Common Bench in 1260.

²²⁹ *CFR*, 47 Henry III, no. 767; P. Brand, 'Littlebury, Martin of (d. 1274)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/94450?docPos=1>>, accessed 23 February 2017.

Littlebury's career as a justice really began in the 1260's when he served as a junior justice on three eyres on the circuit led by Preston. Littlebury became a senior justice himself in 1262. Littlebury's career was relatively short-lived as he did not act as a justice under the Montfortian government. He returned to legal work in 1268 when he was again appointed as justice of the Common Bench. It is quite likely that he hailed from the village of Littlebury, Essex.

²³⁰ *CCIR*, 1279-88, p. 20. An assart was the right to convert forest land into arable land.

²³¹ *Ibid.*, p. 20.

Helen la Zouche

Helen, like her sister Margaret, also chose not to remarry upon her widowhood in 1270. Helen's husband, Alan, had been an incredibly important player within royal circles during his lifetime and held government office. He had been a champion of the royal cause throughout the period of the baronial rebellion and was rewarded as a result.²³² In 1270, he was attacked in the king's hall at Westminster by John, the earl Warenne, following a dispute regarding the manors of Ashby and Chadstone (Northamptonshire) in which both men had an interest. The manors had been seized from David of Ashby for his support for Simon de Montfort and were granted to Helen and Alan, and their heirs, in 1268.²³³ Roger of Ashby had quitclaimed the manors of Ashby and Chadstone with the advowson of the church of Ashby, and all claims to the lands, tenements and fees that David, his father, had held.²³⁴ Warenne was, however, guardian of David Ashby's granddaughter and he too, therefore, had an interest in the manors.²³⁵ Apparently anticipating defeat in the case, Warenne burst into Westminster with a group of followers and attacked Alan and his son, Roger, 'before the king and his justices'.²³⁶ Alan died in August from the wounds he sustained in the attack. The king's dissatisfaction at Warenne's actions are illustrated by the fact that he was forced to pay a 10,000 mark fine to the king and was forced to perform public acts of penitence as a result.²³⁷ Warenne was later excused for his actions.²³⁸ Roger,

²³² Tout, 'Zouche, Alan de la', *ODNB*.

²³³ *CCIR, 1264-8*, pp. 516-7.

²³⁴ *Ibid.*, pp. 516-7.

²³⁵ Tout, 'Zouche, Alan de la', *ODNB*.

²³⁶ *CPR, 1266-72*, p. 482; G. Lapsley, 'John de Warenne and the Quo Warranto Proceedings in 1279', *The Cambridge History Journal*, Vol. 2. No. 2 (Cambridge: Cambridge University Press, 1927), pp. 110-32 at p. 119; Tout, 'Zouche, Alan de la', *ODNB*.

²³⁷ Tout, 'Zouche, Alan de la', *ODNB*.

²³⁸ Warenne was married to Henry III's half sister, Alice de Lusignan, and had provided vital, if inconsistent, support during the period of the baronial rebellion. Lapsley has suggested that perhaps for this reason, Warenne was not afraid of the king and his justices or, that he believed he should receive special treatment.

Alan's eldest son, who was also caught up in the attack, lived to tell the tale and it was he who succeeded to his father's estates, having performed homage for them, in October 1270.²³⁹ Alan's death meant that Helen was now a widow and she held the lands of her inheritance independently for the first time. She also held the manors of Ashby and Chadstone alone until her death, for the service of one knights' fee.²⁴⁰ She was also, presumably, granted the customary dower assignment of a third of her husband's lands.²⁴¹ Strangely there is no surviving notification of Helen's dower allocation within the chancery rolls.

Helen's career as a widow was as colourful as her sister, Margaret's. Records suggest that Helen successfully fulfilled her expected role as an aristocratic widow. First of all, she was active in looking after her landed interests in both Scotland and England. On 10 January 1271, Helen was granted protection for three years as she was travelling to Scotland 'on her business'.²⁴² Again, in 1280, the king granted Helen protection for one year while she was in Scotland.²⁴³ On 10 October 1284, she received protection for a further year.²⁴⁴ As the inquisition undertaken after Helen's death demonstrate, the bulk of her lands were located in Scotland²⁴⁵, and this would explain her frequent visits and grants of protection to the country. These grants are also important in what they tell us about Helen as lord and landholder. Although Helen was certainly an absentee landlady at times, she did make the effort to visit her Scottish estates unlike many women who held Irish lands. This is important

An entry within the patent rolls states that Warenne had 'placed himself at the king's mercy to tax him at will' following this incident. *CPR, 1266-72*, p. 451; Lapsley, 'John de Warenne', p. 120.

²³⁹ Cokayne, *Complete Peerage*, Vol. XII, Pt. II, pp. 934-5; *CIPM*, Vol. I, no. 735.

²⁴⁰ *CIPM*, Vol. III, no. 363.

²⁴¹ See TNA: C133/76/3; *CIPM*, Vol. III, no. 363.

²⁴² *CPR, 1266-72*, p. 504.

²⁴³ *CPR, 1272-81*, p. 392.

²⁴⁴ *CPR, 1281-92*, p. 136.

²⁴⁵ *CIPM*, Vol. III, no. 363.

as it shows that Helen was an active administrator who did not wholly rely on agents to manage her estates for her; perhaps she believed she was the best woman for the task or she just wanted to attend to her lands personally.²⁴⁶ Helen, unlike her fellows who held lands in Ireland, did not face the, often dangerous, task of having to cross the sea in order to get to her Scottish estates; but there were dangers in undertaking such a long journey, and her decision to visit these lands is indicative of how seriously she took her role as landlady and estate administrator.

Like her sister Margaret, Helen too received numerous other grants from the king in her widowhood which are suggestive of royal favour. On 10 May 1279, she received quittance of the common summons in Surrey.²⁴⁷ On 14 August 1284, she was excused from summons to the eyre of the county of Leicester,²⁴⁸ and on 8 April 1288 she received similar respite for summons in Sussex.²⁴⁹ As well as these concessions, Helen was also granted eight oaks that could be used as timber from the forest of Sapley (Huntingdon) as a royal gift²⁵⁰. Gifts of trees were designed to enhance the beneficiary's status and this grant is a further sign of Edward's favour for Helen.²⁵¹ On 27 September 1294, Edward I sent orders to the constable of Buckingham castle, stating that he had lent Helen houses in the castle. According to the king, Helen was permitted to take up residence within these houses together with her household.²⁵² The reason why Edward did this is not stated. Maybe Helen was travelling to, or from the royal court or elsewhere from her estates.

²⁴⁶ Cléirigh, 'The Absentee Landlady', pp. 104-5.

²⁴⁷ *CCIR*, 1272-9, p. 564.

²⁴⁸ *CCIR*, 1279-88, p. 302.

²⁴⁹ *Ibid.*, p. 534.

²⁵⁰ *Ibid.*, p. 391. Orders for this grant were issued on 30 April 1286.

²⁵¹ C. R. Young, *The Royal Forests of Medieval England* (Leicester: Leicester University Press, 1979), p. 133.

²⁵² *CCIR*, 1288-96, p. 392.

Helen was keen to protect her landed rights and this can be seen by her appointment of attorneys. On 28 December 1270, she nominated her eldest son Roger, in her husband's stead, along with John of Oxendon and William *de Florencia* to act as her attorneys in all legal cases and to have the power to appoint others until Michaelmas.²⁵³ These appointments were made immediately upon her widowhood and perhaps was made to give herself time attend to other affairs and to recover from the year's events. In October 1284, Helen appointed her two attorneys Geoffrey de Halse and Gilbert de Kirkby, presumably to protect her landed concerns in England for one year while she was in Scotland; she had been granted this protection ten days earlier.²⁵⁴ Helen had previously used Geoffrey to act as her attorney in the issue of the division of her father's knights' fees.²⁵⁵ Helen, like many widows, was engaged in matters concerning the protection of her lands and wealth on numerous occasions. In October 1283, for example, Helen was engaged in a dispute over debt against John and Isabella de Curzon.²⁵⁶

As well as receiving grants of protection, Helen also received two licences permitting her to alienate lands to religious houses. On 9 May 1283, the king awarded her a licence to alienate in mortmain 60s. of rent in Amesbury for a chaplain to celebrate divine service at Swavesey (Cambridgeshire).²⁵⁷ The second alienation was to the master and brethren of the Hospital of Lepers (without Brackley) of ten marks in rent in Brackley, the centre of her inheritance, for the maintenance of two chaplains there.²⁵⁸ Licences to alienate lands to the church had to be acquired from the king following the passing of the Statute of Mortmain in

²⁵³ *CPR, 1266-72*, p. 587.

²⁵⁴ *CPR, 1281-92*, pp. 137, 136.

²⁵⁵ *Report on the Manuscripts of the late Reginald Rawdon Hastings*, Vol. I, p. 323.

²⁵⁶ *CPR, 1281-92*, p. 81. This dispute is recorded within the Patent Rolls on 7 October 1283.

²⁵⁷ *Ibid.*, p. 64.

²⁵⁸ *Ibid.*, p. 237.

1279.²⁵⁹ Donations to the church had the habit of reducing royal revenues, as well as those of the baronage. The king was keen to ensure that this was reduced as much as possible. The reason that such alienations were problematic was that the church held its lands in perpetuity. Once granted, it was highly unlikely that such gifts would return to the grantor or their family. It was the duty of bishops and archbishops to ensure that it cared for the possessions it held at all times.²⁶⁰ It is not clear whether Helen paid for these licences or if these too were a gift to her from the king and a further sign of royal favour. The fact that Helen acquired two such licences to alienate lands is perhaps indicative of her relationship with the crown and her status. The fact that they were relatively small sums could have also helped.

It is clear that Helen was an active lord in her widowhood, and this was a position that was respected by the king. This is demonstrated by an instance regarding the manor of Winterbourne Stoke. The manor, which had previously been fought over following the division of the earldom of Leicester, had found its way into Helen's hands through her father's inheritance.²⁶¹ The manor had then subsequently been granted to Joan, wife of Humphrey de Bohun, in exchange for one knights' fee without homage and marriage. Upon Joan's death in 1284, the manor was passed to Hawise, her sister and heir.²⁶² The king ordered his escheator south of the Trent, Henry de Bray, not to interfere with the dealings concerning the manor of Winterbourne Stoke as Joan had held the manor from Helen, not the king. The same also applied to the manor of Ware which Joan held from William de

²⁵⁹ S. Raban, *Mortmain Legislation and the English Church, 1279-1500* (Cambridge: Cambridge University Press, 1982), p. 16.

²⁶⁰ *Ibid.*, p. 197.

²⁶¹ *CIPM*, Vol. III, no. 534. The manor had previously been held by Margaret de Quency, Roger's mother. Helen subsequently inherited the manor from her father.

²⁶² *Ibid.*, no. 534.

Ferrers.²⁶³ Through this letter the king acknowledged Helen's position as an independent female lord and her rights to exercise her lordship.

As has already been mentioned, it is clear that the Winchester heiresses had a strong bond, a bond which extended to a wider familial female network. An episode recorded in the chancery rolls is demonstrative of such familial bonds. Eleanor de Ferrers (d.c.1326) widow of the younger William de Ferrers (d.1287)²⁶⁴ was staying at Helen's manor in Tranent in Scotland, while she waited to be assigned her Scottish dower lands. Eleanor was the daughter-in-law of Helen's sister, Margaret, who had died six years previously in 1281.²⁶⁵ The records state that William Douglas 'came to the manor with horses, arms, and a multitude of armed men', had trespassed onto Helen's lands, and 'ravished' and then abducted Eleanor from the manor.²⁶⁶ Douglas carried Eleanor 'further into the realm of Scotland' where she was still being detained in 1289.²⁶⁷ The ravishment of women had been prohibited in chapter 13 of the first Statute of Westminster (1275)²⁶⁸ and further terms were laid out in chapter 34 of the second Statute of Westminster (1285).²⁶⁹ An order to the sheriff of Northumberland was issued on 28 January 1289 to take all of Douglas' lands and goods into the king's hands. The sheriff was also ordered to search 'his bailiwick', arrest him and keep him in prison until he received further orders. Eleanor's abduction had followed on from her successful legal case in which she sued for her dower lands in England. Having

²⁶³ *CCIR*, 1279-88, p. 250. Which William de Ferrers this was, is not specified.

²⁶⁴ Eleanor, William de Ferrers second wife, was the daughter of Matthew de Lovaine of Little Easton in Essex. William's first wife was named Anne (*d. after 1272*) and may have been the daughter of Hugh Despenser (d. 1265) of Ryhull in Rutland. Acheson, 'Ferrers family', *ODNB*.

²⁶⁵ *CCIR*, 1288-1296, p. 81.

²⁶⁶ *CFR*, 1272-1307, p. 256; *CCIR*, 1288-1296, p. 81.

²⁶⁷ *CFR*, 1272-1307, p. 256.

²⁶⁸ 'Statute of Westminster, I', in *SR*, Vol. I, p. 29.

²⁶⁹ C. Saunders, 'The Medieval Law of Rape', *The King's College Law Journal*, Vol. 11: 1 (2000), pp. 19-48 at p. 36; 'Statute of Westminster, I', in *SR*, Vol. I, p. 29; 'Statute of Westminster, II', in *SR*, Vol. I, p. 87.

been assigned her dower, Eleanor had taken an oath not to remarry without the king's licence.²⁷⁰ Despite her vows and the law, Douglas must have viewed the possibility of marriage to Eleanor as too good an opportunity to miss. On 14 April 1289, the sheriff of Northumberland was ordered to take Douglas' lands into his hands, as well as those of everyone involved in Eleanor's abduction. These included the lands of Thomas de Normanvill and, on 4 July 1289, John Wycard's were also seized.²⁷¹ On 24 May 1290, it was ordered that Douglas' goods be returned until a decision was made by the king.²⁷² In 1291, Douglas was granted Eleanor's marriage by the king for the sum of £10).²⁷³

The role of Eleanor in this abduction needs to be assessed. Prior to the abduction, she had promised not to remarry without the king's wishes or consent. The actual abduction of Eleanor is described in the records as 'rape'.²⁷⁴ Caroline Dunn has explored the problems of the terminology used to describe cases of rape in Medieval England. The word 'raptus' was often used to describe both cases of rape and abduction. Dunn also highlights the difficulty in understanding a woman's position in such cases.²⁷⁵ It seems likely that Douglas was made to marry Eleanor as a form of compensation, in order to protect her reputation.²⁷⁶ Women were very often left with little choice but to marry their abductor or attacker for this very reason. The word 'rape' is sometimes also used to describe an instance when a couple had eloped²⁷⁷, but this seems unlikely here.

²⁷⁰ *CFR, 1272-1307*, p. 256.

²⁷¹ *CFR, 1272-1307*, p. 258, 262; *CCIR, 1288-96*, p. 81.

²⁷² *CCIR, 1288-96*, p. 81.

²⁷³ *CFR, 1272-1307*, p. 289; Acheson, 'Ferrers family', *ODNB*.

²⁷⁴ *CCIR, 1288-96*, p. 81.

²⁷⁵ C. Dunn, 'The Language of Ravishment in Medieval England' in *Speculum*, Vol. 86, 1 (Chicago: University of Chicago Press, Jan 2011), pp. 79-116 at p. 87.

²⁷⁶ Saunders, 'The Medieval Law of Rape', p. 34.

²⁷⁷ Corèdon and Williams, *A Dictionary of Medieval Terms and Phrases*, p. 234; Dunn, 'The Language of Ravishment', pp. 90-1.

This case is interesting for what it can tell us about female bonds and networks of aristocratic ladies. Louise Wilkinson's work on the household of Eleanor de Montfort, countess of Leicester, has demonstrated that such bonds existed amongst women of aristocratic status in the period before, during and after the years of baronial reform and rebellion.²⁷⁸ Helen and Eleanor were clearly in communication with one another and possessed close ties. Importantly, this episode also calls into question the security of women's dower rights. Although widows were legally free, wealthy widows were clear targets for opportunistic abductors who had little regard for the wishes of women who longed to remain single and control property themselves.

Helen died in 1296 and her lands were taken into the king's hands.²⁷⁹ Due to the death of her eldest son Roger in 1285, Helen's heir was her grandson, Alan.²⁸⁰ On 14 October 1296, the king, Edward I, issued orders to his escheator north of the Trent, Malcolm de Harlegh, to give Alan full seisin of the lands that Helen held in her demesne as her fee at the time of her death.²⁸¹ It is possible that this followed a petition that Alan made to the crown, asking that he receive the lands and fees that Helen had held in Wiltshire and Dorset.²⁸² At the time of his grandmother's death, Alan was in Gascony on the king's business. The king was allegedly keen to show Alan 'special favour' and, as a result of this, it was stated that Alan was expected to come to the king to do homage for the lands and pay his relief only upon his return to England.²⁸³ Alan was a trusted advisor of the king, amongst

²⁷⁸ Wilkinson, *Eleanor de Montfort*.

²⁷⁹ *CFR, 1272-1307*, p. 377.

²⁸⁰ Alan was the eldest son and heir of Roger. Cokayne, *Complete Peerage*, Vol. XII, Pt. II, pp. 934-6.

²⁸¹ *CCIR, 1288-96*, p. 494.

²⁸² TNA: SC 8/80/3983. These Wiltshire lands included the manor of Winterbourne Stoke which was held by Joan de Bohun for the service of one knights' fee. *CIPM*, Vol II, no. 534. The lands that Alan claimed belonged to Helen in Dorset are not though mentioned in any of the inquisitions undertaken following her death. *CIPM*, Vol. II, no. 534; *CIPM*, Vol. III, 363.

²⁸³ *CCIR, 1288-96*, p. 494.

other duties, he accompanied the king's daughter, Eleanor, countess of Bar, overseas in 1294.²⁸⁴ The findings of an inquisition post mortem made after Helen's death shows the great mass of lands in Scotland that she had held, including lands in Fife, Ayrshire, Dumfries, Wigton, Berwick and lands in the sheriffdom in Edinburgh.²⁸⁵ These inquisitions took place just a few weeks after the John Balliol's submission to Edward I and the imposition of English rule in Scotland. Undoubtedly some of these lands must have derived from her father's Scottish lands and it would seem that she inherited a bulk of his lands in Scotland, although a record of the division of the Scottish lands has not yet been found. As well as this, Helen held the lands in the English counties of Leicester and Northampton from the inheritance of her father. Her grandson, Alan (d.1314) was stated as heir to the majority of her lands. In one instance Alan was referred to as her son, probably in error. Despite Alan appearing to be the main benefactor of Helen's landed wealth, one of her younger sons, Oliver, was also recorded as owing a third part of the service of a knights' fee for lands in Fife and lands in Lokeris.²⁸⁶ By the twelfth century in England and Normandy, the division of estates between younger sons had become standard practice.²⁸⁷ Indeed, the *Leges Henrici Primi* stated that elder sons would receive the patrimony whilst younger sons could be provided for by acquisitions.²⁸⁸ For those of the upper nobility, there generally appears to have been enough lands or money to provision sons too.²⁸⁹

²⁸⁴ Cokayne, *Complete Peerage*, Vol. XII, Pt. II, p. 935.

²⁸⁵ *CIPM*, Vol. III, no. 363; See Appendix 2.7.

²⁸⁶ *Ibid.*

²⁸⁷ D. Crouch and C. de Trafford, 'The Forgotten Family in Twelfth-Century England', *The Haskins Society Journal: Studies in Medieval History*, Vol. VII (Woodbridge: Boydell Press, 1995), pp. 41-63 at p. 45.

²⁸⁸ As is often usual, theory did not always follow practice. Crouch and de Trafford, 'The Forgotten Family in Twelfth-Century England', p. 44; L. J. Downer, *Leges Henrici Primi* (Oxford: Clarendon Press, 1972), p. 225.

²⁸⁹ Crouch and de Trafford, 'The Forgotten Family', p. 47.

By examining the careers of Margaret and Helen, our understanding and knowledge of the activities of aristocratic widows is enhanced. The sisters and heiresses were, like many aristocratic widows before them, happy and capable to use their legal freedom and did not refrain from doing so whenever it was necessary. Although these women possessed influence through their decision not to remain widows and retain their legal independence, they also held power and influence through their positions as wealthy heiresses. The risk of abduction was, however, quite real. As single widowed heiresses, Margaret and Helen were in sole charge of their landed rights and both women clearly knew how to administer, maintain and protect their lands with success.

Conclusion

The division of the earldom of Winchester highlights some important issues. We can again question the extent to which women's property rights were secure in this period. As with other divisions, the Winchester partition was delayed as a result of political circumstances. It is very obvious that the wider political climate had a massive impact on the usual proceedings at court. Although there was a delay for the Winchester heiresses, they did receive the lands to which they were entitled. It is clear that by the mid-thirteenth century the custom and procedures for providing dower for widows was fixed and important to the Crown; the dowager countess of Winchester held dower from all three of her marriages.

The litigation which ensued from the divisions of Winchester shows that sisters, again, did not always work together to their mutual benefit. As was usual, there were disputes but the three sisters were open to co-operation and negotiation, especially when it came to the partition of their stepmother's dower lands. This could be suggestive of their

bond, but it should also be considered that it was pragmatic and sensible for the sisters to cooperate as it made negotiations and the division a much smoother and quicker process.

The position of the heiresses as married women in these case studies is often difficult to see. As with the previous case studies, Elizabeth appointed her own attorneys in cases concerning her inheritance. Although Elizabeth de Buchan did not do this often, the fact that she did is indicative of an interest in inheritance and had an awareness of legal procedures. An assessment of the lives of Helen la Zouche and Margaret de Ferrers as widows has highlighted even further the role and interaction that women could have in the law as widowed heiresses. As single widows Margaret de Ferrers and Helen la Zouche were forces to be reckoned with and always sought to defend their landed rights, no matter with whom they came to blows: friends, family or outsiders. They fulfilled the roles traditionally expected to be undertaken by aristocratic widows, especially as estate administrators and providers for their families. Helen was an active landlady who tended to affairs in both her Scottish and English lands. As lords, these women were key political figures. The rights and responsibilities that these women held and the challenges they faced were no different to those of their male counterparts. It was a role they undertook with vigour and competence.

Chapter Five - Thematic Analysis

The four case studies of this thesis have highlighted some common themes which require a greater exploration. Perhaps one of the most important issues to emerge is the security of women's property rights to inheritance, marriage portion and dower. It is clear that the landed rights of aristocratic women were often subject to exploitation, but the reasons for, and impact of, this needs to be discussed. Heiresses, both as married and widowed women, were heavily involved in the legal procedures surrounding their inheritance, and the ability of aristocratic women to participate in litigation is another key theme. Our heiresses had important duties to fulfil at every stage of their lives, as estate managers and dispensers of patronage. It is important to analyse how active our heiresses were in both of these senses, and how their inheritance affected this. Identity was important for all noblewomen but especially so for heiresses. Identities developed as women progressed through the different stages of the life-cycle as daughters, wives, mothers and widows. A noblewoman's identity was multi-faceted and could be displayed in different ways. It is important to explore the different elements of a woman's identity and how inheritance affected the way a woman chose to portray herself. All of these themes feed into the issue of female agency and how far our heiresses may be considered to have exercised this. I will consider how much agency heiresses had as married women, and how this changed when they became widows for the first, second or third time.

The Security of Female Property Rights

The Processes and Problems of Dividing Inheritances

Once it was acknowledged that multiple female heirs had a right to inherit, a division of property had to take place. Divisions of honours between women generally followed legal customs but, despite this, we have seen that divisions of patrimonies were complex and messy affairs, often affected by the politics of the day. The settlement of Chester in 1232 was, initially, straightforward thanks to the mindful planning of Ranulf III prior to his death. The disputes surrounding the division of the county of Chester are what made this such a difficult and interminable affair. The king's decision to buy the claims of each of the heiresses of the 1237 division, was an attempt to bring this dispute to an end but also to acquire control of the county for himself. The beginnings of some form of agreed settlement only emerged when William de Forz quitclaimed his wife's claim in 1241.¹ Even in 1243, John de Balliol, the husband of Dervorguilla, complained that he and his wife had not yet received the lands they were supposed to in exchange for their claims to Chester.² The division of William Marshal's lands could not have been pre-planned like the first Chester division masterminded by Ranulf because of the sheer scale of his estates. The fact that it took two years to achieve a settlement is indicative of the size of the lands and estates that Marshal held as the earl of Pembroke. The unfortunate and rather rare occurrence of having to provide lands for 13 coheirs undoubtedly made this an even harder task. This was without taking into account the need to supply three widows with dower lands.³ The fact

¹ See Chapter One, p. 82.

² See Chapter One, p. 81.

³ See Chapter Two, p. 100.

that some form of partition had been negotiated in just two years is indicative of the skill of those enlisted to resolve the problem, but also the importance of the lands to the realm.

The partition of the honour of Leicester was made much more complex with the loss of Normandy in 1204. The pressure of having to decide to which king to give his homage was taken away from earl Robert upon his death in October 1204, but it was one that had to be taken up by his sister, Amice, immediately afterwards. Amice was able to establish some form of agreement with the French king which enabled her to continue to hold her French lands and ensured her entitlement to hold lands in England as an heiress to the honour of Leicester. It would seem that the French king was much more open to negotiations than King John.⁴ In fact Philip's offer of a year's truce to both Robert, earl of Leicester and William Marshal, earl of Pembroke, in 1204 would explain his willingness to negotiate terms with Amice too.⁵ With support from the French crown she was able to position her son Simon as her heir to the earldom of Leicester. As a result, Amice was able to maintain her hereditary rights as the eldest heir and the title pertaining to the earldom remained within her family. The death of Roger de Quency in 1264 and the partition of the earldom of Winchester, similarly coincided with a period of political turmoil with the seizure of the English government by Simon de Montfort, earl of Leicester and leader of the baronial rebellion. As a result of the upheaval, the heiresses experienced interruptions in actually receiving their lands with royal orders being issued in 1269 and 1270 stating that the heiresses should receive their rightful inheritance.⁶ The partition was achieved, but there is no doubt that the delays were frustrating.

⁴ D. Power, 'Cross-Channel communication and the end of the "Anglo-Norman realm": Robert FitzWalter and the Valognes inheritance', *Tabularia* (2011), pp. 1-32 at pp. 2-3.

⁵ See Chapter Three, p. 159.

⁶ *CCIR*, 1268-72, p. 287; *CIPM*, Vol. I, no. 732. See Chapter Four, pp. 198-9.

Inheritance

Our case studies have shown that the rights of an aristocratic heiress were, more often than not, acknowledged. This being said, lords and families remained wary about the ramifications of female inheritance.⁷ It was not uncommon for a woman's landed rights to become subject to exploitation or manipulation once her right to inherit had been accepted and acknowledged. This thesis has proven that, on more than one occasion, women's rights were put at risk for many reasons and by a number of different people.

The second division of the honour of Chester, which took place in 1237, is the first incidence. Christina de Forz's right, or rather her husband's, to hold the title was accepted by the king, but the court ruling in c.1239 that the county should be divided played to the advantage of Henry III.⁸ Indeed, it would seem that Henry's intentions for Chester were clear from the outset in 1237. Fear of diverging devolution (the fragmentation of estates) and its implications was certainly an issue in this period and was almost certainly a cause for the king's actions when it came to his treatment of the heiresses of Chester in 1237. The volatile English/Welsh border was a consistent problem in this period and it was essential for Henry that this border remained under the authority of one person rather than being split between four coheiresses and their husbands. The previous earl, Ranulf, would have been aware of this and it was undoubtedly on his mind when he was planning the partition of his lands and would explain why John had received the entire county in 1232. Henry's offers to all of Christina's coheirs to exchange their claims to Chester were part of an attempt to prevent the fragmentation of Chester. By June 1238, he had made offers to Dervorguilla and John de Balliol, Isabel de Brus and Ada de Hastings in exchange for their claims, all of which

⁷ Waugh, 'Women's Inheritance', p. 72.

⁸ See Chapter One, p. 79-81.

were accepted. Despite De Forz's protestations, the court ruling that Cheshire was actually divisible ended a long dispute between the first group of coheirs. For William de Forz, the court's decision meant that he was effectively an earl without an earldom to financially sustain himself, or give him authority. In the end, having inherited Aumale from his father, he too surrendered his claim to the king in 1241 and Cheshire was in the king's hands.⁹ The king was victorious, but it would seem that the king was careful in the lands that he assigned to the heiresses and their husbands as lands in exchange. De Forz, for example, received lands in Yorkshire, a county in which he held significant portions of lands through his newly acquired status as the count of Aumale. This suggests that the king did at least have some consideration for the existing interests of the heiresses and their husbands. This episode demonstrates one of the threats faced by heiresses when it came to succeeding to their lands. The king's decision and wider politics were crucial factors when it came to the security of women's property rights. Although the heiresses' rights were upheld and they did receive lands in exchange for their inherited rights, it is evident that the specific landed rights of heiresses could be overturned if the king needed or desired them to be so. Although the king could benefit from the division of patrimonies on a financial level, these benefits were, on occasion, outweighed by other, more pressing, political needs.

The Chester division was not the only instance in which the rights of women were exploited for political means. The rights of Margaret de Lacy, daughter of Hawise and Robert de Quency, to the earldom of Winchester were usurped because of the political rivalries between Hubert de Burgh and Ranulf III, earl of Chester, in 1219. Her mother, Hawise was, however, able to provide for her daughter with an alternative earldom; other women who

⁹ See Chapter One, pp. 81.

faced similar deprivation may not have been so fortunate. King Henry's concern to uphold the rights of aristocratic women to inherit in the years of his majority may indeed have been due to the actions that had been taken in the period of his official minority (1219-1227), when the powerful Hubert de Burgh effectively made all the decisions, until his downfall in 1232.¹⁰ It certainly would have been in the king's interests to accept the rights of heiresses to inherit as coheirs as it then allowed him to establish laws and customs concerning the partition of inheritances which did not reduce his power as lord.¹¹

Politics certainly did have the ability to affect the execution of established custom. The rights of the Chester heiresses were not exploited in the sense that their actual right to inherit was ignored, but a denial of specific rights must have been difficult to bear. A delay in receiving inheritances must have been similarly frustrating, as has been seen in the experiences of the Winchester coheiresses. The significant delay in the heiresses receiving their inheritance, a result of the Montfortian takeover of government, was definitely a source of annoyance for the heiresses, most notably Margaret, the eldest of Roger's three daughters. She was the first of Roger's daughters to question why she had not received her inheritance in July 1264, three months after her father's death.¹² Perhaps she was keen to establish her position as her father's eldest heir. The complicated political situation did not result in orders being issued by the king until he had regained control of government in 1266. Ultimately, Margaret and her sisters had to wait a number of years to actually receive their landed inheritance, which was not fully achieved until 1269 or 1270.¹³ Despite the

¹⁰ D. A. Carpenter, *The Minority of Henry III* (Berkeley and Los Angeles: University of California Press, 1990), pp. 388-395.

¹¹ Waugh, 'Women's Inheritance', p. 91.

¹² See Chapter Four, pp. 197-8.

¹³ Indeed, the division of knights' fees was not actually documented until 1277, thirteen years following Roger's death, in the reign of Edward I.

immense irritation that this must have caused the heiresses, there is no direct evidence that either Henry or Edward personally tried to delay the partition of Winchester.

It is undeniable that women's landed rights were often exploited at the hands of men, particularly by the king, as well as being affected by the wider political situation. The rights of heiresses could, however, be just as easily threatened by other women. This was true for the seven Ferrers sisters whose rights to their Marshal inheritance in the county to Kildare in Ireland were usurped in favour of the Margaret de Lacy, widow of Walter Marshal, in 1248. The sisters' protestations that they had been left 'destitute' were, perhaps, not unfounded but it cannot be stated that this was the king's aim. Following the king's decision to acknowledge the dower rights of Margaret over the inherited landed rights of the Ferrers sisters, he offered them compensation, just as he did the Chester heiresses. Although attempts were made to compensate the heiresses, the decision to provide dower to influential dowagers instead does raise the issue of how secure their rights were in this period. In this instance, the decision marked the important status and position that Margaret held in England as countess of Lincoln and Pembroke. She also had close ties with the royal court through her son Edmund who was married to Alice de Saluzzo, Eleanor of Provence's kinswoman.¹⁴ Margaret's status may indeed have been a reason behind the Ferrers sisters' disinheritance, but it certainly could have also been a decision based simply on the need to acknowledge Margaret's dower rights as a Marshal widow. Certainly, after the reissue of Magna Carta in 1225, the provision of dower to widows remained an important issue for the Crown. Indeed, both Magna Carta and the Statutes of Merton

¹⁴ Howell, *Eleanor of Provence*, p. 53.

contained clauses designed to protect the property rights of widows in the thirteenth century and beyond.¹⁵

The Ferrers sisters' inherited rights were disregarded on more than one occasion. In an attempt to secure the whole county of Kildare for herself, Agnes completely rejected her sisters' rights to their inheritance in Kildare. Agnes' younger sisters were quick to bring a plea against their sister before the king's court, and the settlement of this case was aided greatly by the king. Edward's involvement in the case attempted to ensure that dealings between the sisters were fair in future and suggests that he had a concern with these rights.¹⁶ The issue of elder sisters trying to acquire more control or land was something that Henry III had been aware of in 1236.¹⁷ In his letter, now termed 'The Statute of Ireland concerning Coparceners', Henry III wrote to Gerard, his justiciar in Ireland, stating that the eldest heir could not demand more than the chief manor, nor were her younger sisters to do homage to her for their portions of inheritance. He stated that this would be nothing short of 'cast[ing] the Lamb to the Wolf to be devoured'.¹⁸ Henry's reaction in 1236 highlighted the issue that had previously been flagged up in the *Statutum Decretum* (after c. 1130)¹⁹, that elder sisters would attempt to deny their younger siblings their lands.²⁰ In consideration of Agnes's actions, Henry's concern with controlling elder sisters was clearly justified, and was a one shared by his son Edward.

Agnes was not the only sister who attempted to show disregard for the rights of her sister. Amice, as the eldest heir to the Leicester inheritance, demonstrated a similar level of

¹⁵ See discussion below on dower provision, pp. 248-53.

¹⁶ See Chapter Two, pp. 124-5.

¹⁷ 'The Statute of Ireland concerning Coparceners', in *SR*, Vol. I, p. 5.

¹⁸ *Ibid.*, p. 5.

¹⁹ Hudson, *The Oxford History of the Laws of England, 871-1216*, p. 353.

²⁰ Waugh, 'Women's Inheritance', p. 75.

disregard for her sister's rights. Amice's exchange of the castle and all lands of the honour of Breteuil with the King of France meant that she effectively usurped the rights of both her sister and her mother to a share of the French lands of the honour.²¹ Amice's exchange and purchase of other lands in France does seem to have been for entirely personal interests; she certainly was more concerned with protecting her landed interests in France than in England in the first instance. Despite her decision to surrender the lands of the honour of Breteuil to Philip Augustus in perpetuity, she did at least acknowledge that her sister Margaret had a right to the lands in France. The letter shows that Amice acknowledged Margaret's claims. Arrangements were made with the consent of the French king to compensate Margaret with lands in England if she chose to make a claim to the French lands.²²

Of course, Margaret and Amice also faced threats to their landed rights from their own mother, who attempted to claim Leicester in its entirety. It is slightly problematic that Petronilla attempted to usurp the rights of both of her daughters for her own personal gain. It shows just how far some women would go in order to claim lands they believed they possessed by right. The role of the king in this scheme is important. Where John was concerned money was always a priority and his acceptance of Petronilla's offer of 3000 marks is illustrative of this. The dowager's actions were not legitimate but the prospect of adding much needed funds to his coffers was obviously too tempting for John. Of course, his acceptance of Saer de Quency's larger offer of 5000 marks for the lands pertaining to the honour of Leicester did not mean that he returned the 1000 marks that Petronilla had

²¹ See Chapter Three, pp. 162-3.

²² *Layettes du Trésor*, Vol. I, no. 738.

already paid to him for the same lands.²³ John's acceptance of Saer's counter-offer was probably also a result of his favour for the man, rather than acknowledging that Petronilla's actions were invalid.

The exploitation of female inherited landed rights was not a problem exclusively experienced by English heiresses. The idea that female inheritance could be damaging to lords, and, more generally to landholding and political society certainly may well have fuelled the rebellion that took place in 1235 in an attempt to prevent the three daughters of Alan, lord of Galloway, from inheriting.²⁴ Although there must have been an aspect of upholding the law here, the King of Scots' acceptance of the daughters inherited rights was largely down to his own needs and political ambitions.²⁵ As Oram states, Alexander 'imposed a settlement that suited the purposes of royal policy probably because, quite simply, he could'.²⁶ This certainly seems to mirror some of the partitions that occurred in England during the thirteenth century. Kings did generally acknowledge the rights that aristocratic heiresses had to inherit lands. Whether or not these heiresses inherited lands that they were specifically due to inherit could, however, depend on the king's personal and political interests. The laws and procedures used to divide inheritances between multiple female heirs do, nevertheless, appear to have been solid.

²³ See Chapter Three, pp. 160-3.

²⁴ Oram, *Lordship and Domination*, p. 193.

²⁵ See Chapter Four, pp. 187-8.

²⁶ Oram, *Lordship and Domination*, p. 193.

Marriage Portion

Inheritance was not, of course, the only way in which women could hold land in this period. The marriage portion or dowry was a grant of land or rents (or sometimes a combination of both) that was transferred, upon marriage, from a bride's family to the bride.²⁷ Such a grant was not compulsory in the thirteenth century, but there was certainly a strong tradition and pressure on families to provide a marriage portion.²⁸ The practice of giving a marriage portion in land was replaced, certainly by the end of the century, with a cash sum paid to a married couple.²⁹ Not all women came with a marriage portion of lands in the thirteenth century. Indeed, after negotiations which saw offers of a marriage portion ranging from 20,000 marks to 3000 marks, Henry III agreed to marry Eleanor of Provence without a dowry.³⁰ The gift of *maritagium* was later replaced with jointure, a grant of land held in joint tenancy by a married couple.³¹ There is one possible instance of a grant of jointure in this study, Eleanor and Roger de Leybourne. Eleanor's petition to the king in 1271 included a plea for the lands of Margaret de Verdun, which she claimed she and her husband had been jointly seised, 'conjunctum feoffati'.³²

When marriage portion was given, it was immediately passed into her husband's hands. Upon widowhood, as with inheritance, a woman was supposed to be obtain full possession of her marriage portion.³³ De Trafford's work on the marriage portion in England from the eleventh to the thirteenth centuries highlights the changing uses to which lands

²⁷ De Trafford, 'Share and share alike?', p. 36.

²⁸ *Ibid.*, p. 36.

²⁹ De Trafford, 'The contract of marriage', p. 3.

³⁰ Howell, *Eleanor of Provence*, p. 14; *Treaty Rolls*, Vol. I, ed., P. Chaplais (London: H.M.S.O, 1955), nos. 24-6.

My thanks go to Abby Armstrong for providing me with the reference to these letters.

³¹ De Trafford, 'The contract of marriage', pp. 156-7.

³² *CCR*, 1268-72, p. 436.

³³ *Ibid.*, p. 37.

granted in this way were put.³⁴ The original intended use of a marriage portion was for the provision of a couple's children.³⁵ It was not uncommon in the thirteenth century, until the issue of *De Donis*, for women to use the lands of their marriage portion for the provision of younger sons, or indeed multiple daughters.³⁶ Over time it was clear that such lands were regularly sold or given to a monastery, rather than passing into the hands of the heir.³⁷ The first clause of the second Statute of Westminster (1285),³⁸ went some way in putting an end to this practice. The statute declared that marriage portion could not be alienated and was to descend to the heirs of a married couple.³⁹ If they had no heir, the marriage portion was to return to the donor or their heirs.⁴⁰

The provision of a marriage portion was extremely important for women; it gave them 'a social place through marriage'.⁴¹ The offer of a marriage portion made women attractive matches to prospective husbands. Without such an offer, it may have proven more troublesome for them to marry well.⁴² This was certainly an issue that worried parents.⁴³ The majority of gifts of *maritagium* were granted by male kinsman, usually fathers, or if this was not possible, their brothers. Occasionally a grant would be made by a mother.⁴⁴ But what if parents were no longer alive, or found themselves in a position where they were unable to provide for the marriages of their daughters? Two separate instances in

³⁴ De Trafford, 'Share and share alike', pp. 36-48; 'The contract of marriage'.

³⁵ Ibid., p. 37; Howell, *Eleanor of Provence*, p. 14.

³⁶ De Trafford, 'Share and share alike', pp. 38-43.

³⁷ Ibid., p. 37; E. Mason, 'Maritagium and the Changing Law', *Bulletin of the Institute of Historical Research*, Vol. 49 (1976), pp. 268-9.

³⁸ De Trafford, 'Share and share alike?', p. 37.

³⁹ 'Statutes of Westminster, II', in *SR*, Vol. I, pp. 71-2.

⁴⁰ Ibid.

⁴¹ Waugh, 'Women's Inheritance', p. 76.

⁴² Ibid.

⁴³ Ibid. William Marshal (d. 1219) was allegedly so worried about his younger daughter on his deathbed that he begged for her to be provided for with lands and money.

⁴⁴ De Trafford, 'The contract of marriage', p. 121.

this thesis have shown how other members of a family could step in to ensure that young girls received a marriage portion. Ranulf III, earl of Chester, provided a marriage portion for his niece, Colette. His grant, confirmed on the 22 November 1232 (the day the partition of his lands was settled) stated that Colette was to receive £30 of land as marriage portion. This £30 was to come from the lands that were to be assigned to her brother and mother's heir, Hugh d'Aubigny, from the honour of Chester.⁴⁵ This grant was made with the consent of the king on the proviso that Hugh would be compensated for in the division.⁴⁶ The involvement of Ranulf is crucial here. Without such provisions, Colette would have had been left unmarried with no family member in a position to provide any form of security for her. Both of Colette's parents were dead and her brother Hugh was unable to make provision for his sister as he was a minor.⁴⁷ This may certainly have been a reason why the earl felt it necessary to make provisions for his young niece. Without the intervention of her uncle, Colette's prospects would have been bleak with no promise of inheritance for her to fall back on either. Ultimately, the lands were never used, as Colette died unmarried. Nonetheless, Ranulf's actions demonstrate, the importance of family ties and the concerns that families had about providing for their youngest daughters.⁴⁸

Alan la Zouche played a similar role to Ranulf in providing for the marriages of his nieces in 1267. Alan's brother-in-law, Sir William Harcourt, had sided with the baronial cause and was, as a result, among those men whose lands were taken in the king's hands as a consequence.⁴⁹ Without his lands, William found himself unable to provide lands for the marriages of Margery and Orabilia, his two young daughters. Luckily for these two girls,

⁴⁵ See Chapter One, p. 50.

⁴⁶ *CPR, 1232-47*, pp. 2-3; Chapter One, p. 50.

⁴⁷ De Trafford, 'Share and share alike', p. 42; See Chapter One, p. 50.

⁴⁸ Waugh, 'Women's Inheritance', pp. 75-6.

⁴⁹ *CPR, 1266-72*, p. 120.

their uncle was able to use his power and influence to negotiate terms with the English king which ensured they would have lands to carry forward in marriage.⁵⁰ Without the intervention of their uncle, the future would have been difficult and uncertain for both of these girls. De Trafford's study on the provision of *maritagium* shows that uncles did often make these grants.⁵¹ Indeed, Gilbert Marshal also provided lands for two of his nieces which enabled them to marry.⁵²

Alan's la Zouche's intervention for his nieces, like that of Ranulf, highlights the crucial point that the provision of marriage portion for young women was a concern for all members of the family. Not only this, it highlights the importance of having land to make a marriage and, in turn, the significant role of marriage in establishing a noblewoman's place in society.⁵³ Marriage portions enhanced and increased a new husband's estates and this, much like lands brought to a marriage by an heiress, may have given a woman a degree of power within her family.⁵⁴

As we know, the lands that a woman brought to a marriage in inheritance fell under the legal authority of her husband. The same was true for marriage portion. When a woman became a widow this was returned to her entirely and she was able to retrieve lands that her husband had granted without her consent.⁵⁵ These cases studies have revealed direct evidence of at least two widows taking possession of their marriage portions upon their husbands' deaths, but questions do arise as to whether this was secure. The first lady in question was Loretta, the daughter of Saer and Margaret de Quency. Following her

⁵⁰ *CPR*, 1266-72, p. 120.

⁵¹ De Trafford, 'The contract of marriage', pp. 121-2.

⁵² See Chapter Two, p. 101.

⁵³ Waugh, 'Women's Inheritance', pp. 75-6.

⁵⁴ De Trafford, 'Share and share alike', pp. 36-7.

⁵⁵ *Ibid.*, pp. 36-7; De Trafford, 'The contract of marriage', p. 82.

husband's death in 1219, Loretta's father granted her, amongst others, lands in the village of Shepshed, Leicestershire, with £20 in exchange for her original marriage portion which had consisted of lands in Scotland.⁵⁶ Saer's initial grant of a Scottish marriage portion does make sense if we take into account that William de Valognes, Loretta's husband, was an important player in Scottish politics: he held the office of chamberlain from 1215 until his death in 1219.⁵⁷ For whatever reason, Saer sought to change the lands that made up his daughter's marriage portion, but what does this say about the security of a woman's right to marriage portion following Magna Carta? Saer would have been more than aware of the provisions laid down in the charter; he had been one of the 25 named barons to enforce it.⁵⁸ Magna Carta stated that 'a widow, after the death of her husband, immediately and without difficulty is to have her marriage portion and inheritance'.⁵⁹ Saer was not trying to challenge his daughter's actual entitlement to marriage portion. His exchange does, however, suggest again, like inheritance, that the rights of women to hold specific lands could be subject to change because of the interests of others. The first issue of Magna Carta four years previously, and its reissue in 1217, would have made it very difficult to deny a woman's right to hold marriage portion.

The effects of Magna Carta on a woman's right to marriage portion may also be seen through the experiences of Clemence de Fougères, the dowager countess of Chester, who received her marriage portion with spectacular speed and efficiency. The day immediately after her husband's death was recorded on 26 October 1232, the king issued orders to the

⁵⁶ *Brackley Deeds*, p. 11.

⁵⁷ A. Taylor, *The Shape of the State in Medieval Scotland, 1124-1290* (Oxford: Oxford University Press, 2016), p. 248.

⁵⁸ Oram, 'Quency, Saer de', *ODNB*.

⁵⁹ *Magna Carta, 1225*, c. 7; De Trafford, 'The contract of marriage', p. 82. *Henrici Leges Primi* also touched upon the issue of marriage portion.

sheriff of Lincoln that Clemence receive her *maritagium*, which consisted of the manors of Bennington and Limber (or Great Limber) in Lincolnshire, together with her dower lands.⁶⁰ The orders for Clemence's immediate receipt of her marriage portion, together with her dower lands, adhered to the procedures laid down in Magna Carta. Of course, these are only two examples, but the experiences of Margaret and Clemence suggest that the landed rights of women were, with the help of legislation, becoming more secure than they had previously been in the twelfth and earlier part of the thirteenth century.⁶¹ It would have been difficult to deny completely that a woman had a right to property which was protected by the law. By the end of the thirteenth century, it was becoming more common to grant a marriage portion as cash. This money was paid directly to the husband and did not revert to the wife upon widowhood. As a result, widows were left in a difficult position and, undoubtedly, this had some effect on their independence.⁶²

Dower

Threats to dower from heirs or other claimants may suggest a further degree of vulnerability of the property rights of women. Dower was a grant of a third of a husband's lands, to be held by a widow for the remainder of her life. Following a change in the early thirteenth century, a dower portion was to be assigned from all the lands that a man had held during his lifetime rather than just those he held 'at the church door' on the day of marriage.⁶³ Of course, a woman who was widowed multiple times was entitled to hold a dower from each

⁶⁰ See Chapter One, pp. 47-8; *CCIR*, 1231-4, p. 123.

⁶¹ De Trafford, 'The contract of marriage', p. 82.

⁶² Loengard, 'What did Magna Carta mean to Widows', p. 150.

⁶³ Archer, 'Rich Old Ladies', p. 17; Loengard, 'What did Magna Carta mean to Widows?', pp. 140-1. The role of Magna Carta in making this change is open to debate.

husband. Over the course of the eleventh through to the thirteenth centuries, various kings vowed to protect the rights of widows. In his coronation charter, Henry I promised that widows would not be forced to remarry and that they would receive their dower and marriage portions.⁶⁴ Such promises were also made by King John whose poor treatment of widows culminated in their inclusion in Magna Carta.⁶⁵ Clause seven of the Charter stated that a widow should receive her inheritance and marriage portion without any delay or payment, upon her husband's death.⁶⁶ A widow was allowed to stay in her husband's house for up to forty days during which time her dower lands were to be assigned to her.⁶⁷ Women were to receive all of this property without payment. According to the eighth clause of the 1215 charter, widows were not to be forced to remarry if they desired to remain single, but they were also not to remarry without the consent of their lords.⁶⁸ The exploitation of these rights was clearly rife before 1215, and the need for this to be remedied was recognised in Magna Carta. The charter certainly did lead the way for some improvement. Loengard has argued that the charter signalled the beginning of a 'golden age' for widows in terms of the security of their property and rights.⁶⁹ It certainly seems that circumstances did improve for women following the original issue of Magna Carta in 1215 and its subsequent reissues.⁷⁰ The Statutes of Merton reinforced the need to protect the

⁶⁴ Archer, 'Rich Old Ladies', p. 16.

⁶⁵ Archer, 'Rich Old Ladies', pp. 16-7; Carpenter, *The Struggle for Mastery*, pp. 420-1; Loengard, 'What did Magna Carta mean to Widows?', p. 135. John's father and brother, Henry II and Richard I, had both treated widows in a similarly poor fashion, and arguably led the way for John in his attitude towards widows and contributed towards the creation of Magna Carta.

⁶⁶ *Magna Carta, 1225*, c. 7; Carpenter, *Magna Carta*, p. 41.

⁶⁷ *Ibid.*

⁶⁸ Of course, some women did remarry without approval. *Magna Carta, 1225*, c. 7; See Chapter Two, pp. 100-12.

⁶⁹ Loengard also agrees that Magna Carta did aid the improvement of widow's rights. Annesley, 'Countesses in the Age of Magna Carta'; Loengard, '*Rationabilis Dos*', p. 72; Loengard, 'What is a Nice...', p. 60.

⁷⁰ Kenny, 'The Power of Dower', pp. 61, 65; Loengard, '*Rationabilis Dos*', p. 72.

dower rights of widows and promoted further measures to do so.⁷¹ But, the question remains as to whether this legislation altered the security of widow's dower rights. In many ways, the answer is yes.

Like many noblewomen in thirteenth-century England, the heiresses featured within this study did become widows, some on more than one occasion. For the majority of these women, their rights to dower were acknowledged and with speed. Dower was often granted within the forty-day limit laid down in Magna Carta. If a widow did choose to remarry, the dower lands from her first husband were placed into the power of her new husband, but control would be restored to her, along with any other lands she had bought to the marriage, if he also died. Measures were in place to allow women to sue for dower in the court, and varying writs existed to allow women to recover lands that had been alienated in marriage.⁷² Margaret de Quency, the widowed countess of Winchester, did exactly this following her husband's death in 1219. She appeared before the king's court in 1223 to claim the thirty acres of lands in Winterbourne Stoke (Wiltshire) which he husband had granted out of her inheritance during their marriage.⁷³

There were of course, some instances when dower was not delivered on time. Much like inheritance, political complications may have influenced the time in which it took a woman to receive her dower lands. Margaret de Quency, dowager countess of Winchester and widow of Saer, had to wait eight months for her dower lands to be assigned.⁷⁴ Petronilla de Grandmesnil, due to rebellious behaviour in marriage, did not receive her dower until

⁷¹ Loengard, '*Rationabilis Dos*', p. 61.

⁷² Archer, '*Rich Old Ladies*', p. 18.

⁷³ *CRR*, 1223-4, no. 208.

⁷⁴ See Chapter Three, pp. 174.

her son died in 1204.⁷⁵ The experiences of Eleanor (d.1274), dowager countess of Winchester, make for an interesting case study. Following the death of her husband in 1264, the king did not issue orders that she was to receive her dower lands until 1266.⁷⁶ Of course, Simon de Montfort's takeover of government would have created an atmosphere of uncertainty and interrupted the usual flow of business at the king's court. Henry III's orders to grant Eleanor her dower lands from the late earl of Winchester's lands do, however, show that upholding the rights of dowagers was important to the king once he had reassumed full control in 1266. In November 1271, Eleanor came before the king's court once again to ask that her dower be assigned to her from her third marriage to Roger de Leybourne, sheriff of Kent.⁷⁷ Eleanor possessed great wealth thanks to her shares of property from her Marshal inheritance, and the two dowers she held from her previous marriages to William de Vallibus and Roger de Quency. She took her visit as an opportunity to complain that all of her lands had been seized by his escheators; presumably this had been done to enable an extent to be made of her late husband's lands. Upon hearing Eleanor's plea, the king ordered his escheator, Richard de Clifford, to extend Roger de Leybourne's lands and assign Eleanor dower from them on 2 November.⁷⁸ If Leybourne died within the last few days of October or the first of November, the king's order for Eleanor to receive her dower lands on 11 December came just within the forty-day limit laid down in Magna Carta.⁷⁹ This story is important as it shows that aristocratic women like Eleanor would go to court to pursue their dower rights when they believed it necessary. The king's

⁷⁵ See Chapter Three, p. 161-2.

⁷⁶ See Chapter Four, pp. 198, 204-5.

⁷⁷ *CCIR*, 1268-72, pp. 436-7; *CDS*, Vol. I, no. 2622; *CPR*, 1266-72, p. 609.

⁷⁸ *CCIR*, 1268-72, pp. 436-7; *CPR*, 1266-72, p. 609.

⁷⁹ *CPR*, 1266-72, p. 609.

orders followed soon after Eleanor's petition which suggests that he was very much concerned with upholding the rights of widows.

Important research has been undertaken by Loengard and Walker concerning the activities of widows in the thirteenth-century English law courts.⁸⁰ Through their independent legal status, widows both in England and across the channel, could expect to have an increased participation in public responsibilities, including litigation.⁸¹ Loengard and Walker have demonstrated that the number of legal cases in which a woman was involved did increase when she became a widow⁸²; perhaps this was inevitable given their independent legal status. Of course, we must not forget that widowhood for heiresses also meant that they had sole control of their landed inheritance and were primary litigants. As this thesis illustrates, on multiple occasions, widows often faced threats to their dower lands. Heirs or multiple coheirs, members of a former family and numerous others who believed the lands held by the dowager were theirs may indeed have tried to bring a lawsuit against individual women.⁸³ The dowager countesses of Chester, Pembroke, Leicester and Winchester each faced at least one threat of legal action from coheirs to the respective earldoms and honours. This being said, not one of the widowed heiresses featured within this study ever had her actual right to hold dower challenged. It may be that status and influence were important factors but a woman's right to dower seems to have been an important established custom. Certainly, specific sections of land would often be targeted,

⁸⁰ Loengard, '*Rationabilis Dos*'; Loengard, 'What did Magna Carta mean to Widows?'; Walker, ' "Litigant Agency" '.

⁸¹ A. Livingstone, 'Aristocratic Women in Medieval France', in *Aristocratic Women in Medieval France*, ed., T. Evergates (Philadelphia: University of Pennsylvania Press, 1999), pp. 44-73 at p. 68.

⁸² Annesley, 'Countesses in the Age of Magna Carta', p. 93.

⁸³ Loengard, 'What did Magna Carta mean to Widows', p. 137.

like Margaret de Quency's claims in Winterbourne Stoke, but the right of women to hold their third remained important.

The thirteenth century often saw earldoms with multiple dowager countesses, each with the right to receive a portion of lands from their respective husband. The need to provide a widow with dower lands was experienced by the majority of noble families in our period.⁸⁴ For the heir, who may or may not have been a son or daughter, the effect that this had on their landed interests and wealth could prove to be disastrous and a drain on their resources. The effects of having to dower multiple women must have felt catastrophic. An heiress' son or grandson may have been less inclined to complain about the dower allocation to his mother or grandmother, safe in the knowledge that he would receive both dower and an inheritance upon her death.⁸⁵

The heirs to the earldoms of Pembroke and Leicester faced the issue of multiple dowagers, but what did this mean for the women with whom we are concerned here? Archer has argued that junior dowager countesses generally fared worse than their elder counterparts.⁸⁶ Indeed, it does seem that younger widowed countesses encountered problems when the time came for them to be assigned their dower portions. Loretta de Braose came into conflict with her mother-in-law, Petronilla, following the death of her husband and the need arose to dower her. In 1205, Loretta sued Petronilla, as well as Saer de Quency for her dower lands. Of course, the fact that Petronilla was yet to receive her dower allotment, despite becoming a widow in 1190, resulted in the need for two dowagers to be provisioned in 1204. Other women were more fortunate. Clemence as the dowager

⁸⁴ Archer, 'Rich Old Ladies', p. 23.

⁸⁵ Robert de Ferrers certainly felt the effects of having to provide dower for his mother. Annesley, 'Countesses in the Age of Magna Carta', p. 94.

⁸⁶ Archer, 'Rich Old Ladies', p. 19.

countess of Chester was lucky that her mother-in-law, Bertrada, had already died when she became a widow herself. As a result, Clemence came to receive the lands, fees and services that had been held by the former dowager countess in 1232-3 without a problem.⁸⁷ When she sued for more lands as a reasonable share of all her husband's lands, she was aided by her husband's coheirs who all agreed that she should be entitled to her rightful dower third.⁸⁸

Many heirs had to deal with long-lived widows. Undoubtedly, for some, this could have been another source of frustration. Due to the usual practice of girls marrying at an exceptionally young age, women often outlived their, sometimes much older, husbands, as well as their children.⁸⁹ Agnes de Vescy, Helen la Zouche, Margaret de Quency, countess of Winchester, and Margaret de Ferrers, countess of Derby all outlived their husbands by 16 years or more. For heirs, this meant that they did not enjoy full control of an inheritance for some time and income was reduced. This was true for Roger la Zouche, who died 11 years before his mother, Helen. Roger's son, Alan, had to wait until 1296 to receive the lands that his grandmother had held in dower and her inheritance.⁹⁰ Such a situation could have been extremely frustrating for an heir who was not directly related to a dowager. As we have seen, heirs would often complain that a widow had been laying waste to lands. This was something that Fulk Basset accused Isabel, his brother's widow, of in 1249.⁹¹ Claims were often not true and may well have been an attempt to regain control of a section of the lands allocated in dower. We know that heirs were not the only people who attempted to put in a claim for lands held by a widow in dower. Conflicts of interest could, however, often occur

⁸⁷ See Chapter One, pp. 48-9.

⁸⁸ See Chapter One, pp. 48-9; Annesley, 'Countesses in the Age of Magna Carta', pp. 98-9.

⁸⁹ Kenny, 'The Power of Dower', p. 66.

⁹⁰ See Chapter Four, pp. 232-3.

⁹¹ See Chapter Two, pp. 141-2.

between dowagers and others from all levels of the social scale. Agnes de Vescy faced competition from Peter of Savoy, Queen Eleanor's uncle, regarding the advowson of a church in Yorkshire which she believed she held in dower.⁹²

This discussion may have, however, portrayed too negative a picture of the experiences of dowagers. The fact that widows did have to litigate to protect their dower lands does suggest a degree of vulnerability. Widows should not, however, be seen as poor, helpless victims. Women brought their own legal cases to court, as well responding to the claims of others. Widows possessed agency and often fought these legal battles with determination and success. Admittedly, personality could affect the way in which women negotiated the law courts, and just how frequently they engaged with them. The cases outlined in this thesis do suggest that the rights of dowagers were, for the most part, fairly secure in England in this period. There are no cases where the rights of a dowager were not accepted, and none where dower lands were not allotted. Each of the divisions of Chester, Pembroke, Leicester and Winchester were made in respect of the widowed countesses to hold lands in dower.⁹³ Regardless of any prior arrangements made for inheritance, a dowager always received her lands. The division of the lands of William Marshal and the experiences of the Ferrers sisters are testament to this.⁹⁴ It would have been difficult to ignore or completely usurp the dower rights of women, which were ultimately protected by law and the king.⁹⁵ As Loengard states, dower was an 'accepted institution, the custom of England'.⁹⁶

⁹² See Chapter Two, pp. 142.

⁹³ See Chapter One, pp. 46-7, 75-6; Chapter Two, p. 100; Chapter Three, pp. 160, 164-5; Chapter Four, pp. 204-6.

⁹⁴ See Chapter Two, pp. 112-7.

⁹⁵ Archer, 'Rich Old Ladies', p. 22.

⁹⁶ Loengard, 'What did Magna Carta mean to widows?', p. 142.

A woman's property rights could be exploited in other ways. Dower gave women wealth and power. Wealthy widows were often attractive as matrimonial partners and could often attract unwanted attention. This was especially true for heiresses, and it was not uncommon for men to attempt to abduct a widowed noblewoman. Isabella de Forz, as sole heiress and countess of Devon, lady of the Isle of Wight, and the widowed countess of Aumale, was the wealthiest aristocratic woman of her day and unsurprisingly faced such advances. After the Battle of Evesham, Isabella complained to the King that she had been chased all about the country by Simon de Montfort the younger who attempted to abduct her; she eventually fled to Wales.⁹⁷ Isabella had a lucky escape, but other women did not. Eleanor de Ferrers' abduction shortly after she was widowed in 1287, was clearly not an uncommon experience for a woman of her status. Eleanor had travelled to Scotland and was staying at the manor of Tranent with her late husband's aunt, Helen la Zouche, whilst she waited to receive her Scottish dower lands.⁹⁸ Eleanor's abductor, William Douglas, and his band of men, who were obviously aware of her reasonable wealth, came and carried her away from the manor. Her husband had been the lord of Groby, and she had just successfully sued for her English dower lands.⁹⁹ If Eleanor was similarly successful in Scotland, her landed wealth was set to increase and this would have made her an even more tempting match. Following her widowhood, however, Eleanor had made the promise not to remarry without the king's consent according to the customs laid down in Magna Carta.¹⁰⁰ Neither Eleanor's wishes nor evidently her agreement with the king, mattered to Douglas. Eleanor's marriage to Douglas shortly after her abduction was a typical outcome of

⁹⁷ Powicke, *Henry III and the Lord Edward*, Vol. II, p. 708; Maddicott, *Simon de Montfort*, p. 325.

⁹⁸ William had held lands in Scotland through the inheritance of his mother.

⁹⁹ See Chapter Four, pp. 231-2.

¹⁰⁰ *Magna Carta*, 1225, c. 7.

cases of rape or abduction, and was used to preserve a women's honour.¹⁰¹ Eleanor's experiences were far from unique and abductions show how a woman's rights to maintain freedom could again be exploited or ignored. Women did not seem to have too many problems in actually securing their dower lands and their entitlement was fairly secure. Despite this, the wealth that women acquired did contribute to the vulnerability of their property rights and their freedom.

Overall, the property rights of women certainly do appear, for the most part, to have become increasingly secure over the course of the thirteenth century in legal terms. The established principle of partible inheritance allowed women to inherit jointly as coheiresses. The acceptance that women could inherit was a massively important change. In the absence of male heirs, women were the only way a bloodline could continue legitimately. Women inherited on countless occasions throughout the thirteenth century in England and numerous pieces of legislation were in place to secure the rights of women in inheritance. The legal treatises, meanwhile, specified that each heiress was to hold equal portions of an inheritance, but did state that the right to hold the title to an earldom was reserved for the eldest heir. There were times when a woman's inherited rights were threatened and ignored for political means. Margaret de Lacy's removal from the Winchester inheritance was certainly unfortunate, and the rights of the Chester heiresses were compromised because of concerns with the security of the kingdom. Overall, the rights of women to inherit as heiresses were accepted and acknowledged, but whether they inherited the lands they were supposed to could be heavily dependent on the wishes of the king and the changing political climate.

¹⁰¹ Saunders, 'The Medieval Law of Rape', p. 34.

In terms of marriage portion and dower, Magna Carta certainly does seem to have helped with this and it appears that kings were very much concerned with upholding such rights when possible. The importance of providing *maritagium* was understood by families and often different members of the family would step in to help provision young female relatives when parents were unable to do so, for whatever reason. Although evidence is relatively limited in this thesis, it would seem that Magna Carta helped to ensure that widows also received their marriage portions, without payment, once they became widows. Rights to dower were always acknowledged. Indeed, it would seem that the rights a woman possessed to dower were accepted before any right held by heirs, male or female, to a piece of land. Magna Carta aimed to ensure that dowagers did not pay extortionate sums to remain single or to receive their third. There were, of course, always instances when these rights faced threats and uncertainties and the risk of abduction was quite real for wealthy widows despite its prohibition. Nevertheless, the property rights of noblewomen in thirteenth-century England were ultimately protected by the law and could not be denied completely.

Litigation

The Use of Attorneys

This thesis has proven that divisions of inheritance were rarely straightforward for coheiresses and their husbands. Not only did these women have to defend claims from their fellow coheirs, they also had to defend and protect rights against family members (both immediate and extended), dowagers, other local landholders, heads of religious houses and, of course, the king. It was certainly possible for an heiress and her husband to be involved in

multiple lawsuits at one time. Lawsuits could be an expensive and time-consuming process, one which litigants regularly could not or did not want to undertake themselves. As has been illustrated throughout this thesis, attorneys were regularly used by litigants which enabled them to avoid going to court themselves.

The thirteenth century saw the development of the legal system. Paul Brand's extensive work on the English legal profession in England has shown that the nature of litigation had become increasingly complex since the beginning of Henry II's reign in 1155.¹⁰² As heiresses, noblewomen possessed an important place in thirteenth-century English society. The lands they held gave them – and, if married, their husbands – extensive wealth, and often by extension, an increased political influence and power. As we have seen, heiresses had to, and did, engage in litigation on a regular basis in order to defend their landed rights. As legal procedures became increasingly complex, the use of attorneys and serjeants increased, as litigants, both male and female, sought the best legal help available.¹⁰³ It has been suggested by Walker that the use of attorneys reduced the level of involvement that men and women had with the law and litigation.¹⁰⁴ Undoubtedly in terms of physical presence, involvement was reduced. As Walker rightly states, this cannot, however, be read as a complete removal from legal proceedings or, indeed, a lack of concern or interest. It was not always possible for a litigant to be present in court, meaning that the use of attorneys was essential. As we know, not all litigants would have had the skill, or desire, to argue their own case in court, especially as procedures became more complex. It was, therefore, crucial for litigants to possess a knowledge of the lands they believed they possessed in order to

¹⁰² Brand, *The Origins of the English Legal Profession*, p. 43.

¹⁰³ Walker, 'Litigation as Personal Quest', pp. 98-100.

¹⁰⁴ Walker, ' "Litigant Agency" ', p. 3.

inform their attorneys. These men would then pass this information to the serjeant responsible for pleading the case.¹⁰⁵

This increase in legal representation is mirrored in the lawsuits that followed the partitions of the earldoms of Chester, Pembroke, Leicester and Winchester. Attorneys did not actually engage in the pleading process, but were men appointed to attend the court on behalf of the litigant, male or female, they were representing.¹⁰⁶ Litigants had to travel to court to nominate their attorneys, but once an appointment had been made it was no longer necessary for them to attend the court themselves.¹⁰⁷ Their attorney would make all 'subsequent court appearances'.¹⁰⁸ Attorneys were particularly useful for litigants of both genders who, for a multitude of reasons, could not or did not want to travel to court themselves.¹⁰⁹

Let us first turn to assess the level of participation in, and access to, the law enjoyed by married women. It is often assumed that married women had little to do with their inherited lands. The legal status of married women was technically much more restricted than that of widows. Married women are often referred to as *femme couverte*, meaning that they were 'covered' by the authority of their husbands.¹¹⁰ As Janet Loengard has noted, married women were unable to bring cases to court without the authority of their

¹⁰⁵ Brand 'Inside the Courtroom', p. 92. Walker, ' "Litigant Agency" ', p. 5.

¹⁰⁶ Brand, 'Inside the courtroom', p. 101; Brand, *The Origins of the English Legal Profession*, p. 43; Walker, ' "Litigant Agency" ', p. 4.

¹⁰⁷ Brand, *The Origins of the English Legal Profession*, p. 43; Brand, 'Inside the courtroom', p. 101; Brand, 'The Travails of Travel'.

¹⁰⁸ Brand, *The Origins of the English Legal Profession*, p. 43.

¹⁰⁹ Weather, distance and pregnancy are just a few of the many practical reasons why a couple did not travel to court personally. This being said, we must consider the status of the people we are discussing. It may have been that these aristocratic men and women deemed themselves too busy or important to deal with these matters themselves. My thanks go to Dr. Nicholas Karn for discussions on this matter. See also Brand, 'The Travails of Travel'; Brand, 'Inside the courtroom', p. 101.

¹¹⁰ P. Skinner and E. M. C. Van Houts, *Medieval Writings on Secular Women* (London: Penguin, 2011), pp. xviii-xxvi.

husbands.¹¹¹ Despite this, our case studies have proven that women were by no means completely removed from legal procedures. Although marriage would put an heiress' lands under her husband's authority, this did not remove an interest or concern for the lands that were hers by right. As married women, the heiresses of Chester, Pembroke, Leicester and Winchester were very much involved in the legalities surrounding their landed inheritances. One vital way in which married women could become involved in their landed inheritance was, indeed, through the appointment of attorneys. The use of men from areas of importance to married couples does appear to have been a common practice.¹¹²

The careers of men who acted as attorneys are not, however, always so easy to trace. Whoever a woman appointed to act as her legal representative, it needed to be someone in whom she could place her trust. For some women, their husband may have been the obvious choice. When involved in a dispute of a plea of land in Leicestershire against the dowager countess of Winchester, Margaret de Quency (d. 1235), Lucy de Quatermars nominated her husband, Geoffrey, to represent her.¹¹³ Geoffrey, coincidentally, had chosen his own attorney, Henry de Spratton, to act on his behalf, and this appointment is noted down separately.¹¹⁴ It is intriguing that Alice chose her husband to represent her in legal matters. Perhaps, quite fairly, she felt that her husband was the man who could best represent her claims. It is equally possible that the suit was primarily pursued by Geoffrey, or that he would have been better at pursuing it than someone else. The use of husbands as

¹¹¹ Loengard, 'What is a Nice...', p. 59.

¹¹² See Chapter Four, pp. 199, 262.

¹¹³ *CRR*, 1227-30, no. 1644.

¹¹⁴ *Ibid.*, no. 1644.

attorneys was not an uncommon practice for lower status women, but it was also not unheard of among women of the nobility.¹¹⁵

It was not uncommon for married noble heiresses to nominate attorneys jointly with their husbands, especially in cases regarding the lands they bought to the marriage through inheritance. Indeed, joint appointments of attorneys appear to have happened exceptionally frequently throughout the thirteenth century. This is clear from the number of occasions this occurred in the lawsuits discussed throughout this thesis but I will use the attorneys appointed by Elizabeth Comyn and her husband Alexander, as an example. Almost as soon as Henry III had issued orders that the Winchester heiresses receive their lands, Elizabeth and Alexander appointed attorneys to deal with the inheritance.¹¹⁶ On at least six occasions, the pair nominated their attorneys together. Amongst the nominated candidates were Thomas and Gilbert of Kinross, two men who undoubtedly hailed from the Scottish county of Kinross. The appointment of these men is definitely illustrative of Alexander's position and influence as a Scottish earl. It could, therefore, be assumed that Alexander had more of a say than his wife in choosing their representatives. It cannot, however, be suggested that Elizabeth had little or no involvement in the selection process. In fact, Henry and Walter Markfield, John of Skeffington and Matthew of Wigston Magna, were all men who hailed from Leicestershire, a county in which Elizabeth held lands in inheritance.¹¹⁷ The appointment of these men as attorneys is indicative of the influence and participation that Elizabeth, and married heiresses more generally, had in legal matters.

¹¹⁵ Annesley, 'Countesses in the Age of Magna Carta'; J. Musson, 'Commoners and the Assize of Novel Disseisin, 1194-1221' (Unpublished Ph.D thesis, University of Nottingham, 2016).

¹¹⁶ *CCIR*, 1264-68, p. 266; See Chapter Four, pp. 200-4.

¹¹⁷ *CCIR*, 1261-4, p. 408; See Chapter Four, pp. 201, 203-4.

As well as these joint appointments, married women could also appoint their own attorneys to represent them. Ada de Hastings, wife of Henry (d.1250), as one of four heiresses to the second partition of the Chester in 1237, did this in 1241. Shortly before her death, Ada was involved in a plea of custody against a fellow Chester coheir, Hugh d'Aubigny, earl of Arundel (d.1243).¹¹⁸ The record of the case states that Ada was acting through her attorney William Blancchgernun. Ada is stated here as the main litigant but is referred to as 'Ada uxor Henrici de Hastings' - Ada, wife of Henry de Hastings. This is a firm reminder of the fact that, as a married woman, Ada could not bring a case forward without the consent of her husband.¹¹⁹ Even so, it is clear from Ada's appointment that she was engaged in legal proceedings, apparently without the direct aid of her husband. In turn, this shows that Ada had a concern for her lands and that she took her role as a landholder seriously.¹²⁰

Ada is not the only married heiress for whom we have such evidence. Christina de Forz (d.1246), Ada's niece and fellow coheir to Chester (1237 division), also nominated her own legal representative. In a lawsuit regarding a plea of dower from Helen, dowager countess of Chester in which her husband was also involved, Christina put forward the names of two men, Thomas of Cheshunt (Hertfordshire) and Baldwin de Fay, to represent her in this case.¹²¹ Her husband, William de Forz (d.1260), the count of Aumale, appointed James de Monte Alto and Thomas of Craven.¹²² Thomas was from Craven in Yorkshire, a county in which William held a significant portion of lands as the count of Aumale. What is interesting is that although these appointments are featured in the same document and

¹¹⁸ *CRR*, 1237-42, no. 2792; See Chapter One, p. 89-90.

¹¹⁹ *Ibid.*, no. 2792.

¹²⁰ Annesley, 'Countesses in the Age of Magna Carta', p. 69.

¹²¹ KB 26/131, m. 26; *CRR*, 1243-5, no. 1896.

¹²² *Ibid.*

written by the same scribe, they are written down on separate lines. This, as well as the use of men from different counties, demonstrates the crucial point that both Christina and her husband possessed an interest in the lands at stake here and that Christina could nominate her own representatives separately to those of her husband.¹²³

A number of the Ferrers sisters also nominated their own men to act as attorneys in legal cases in which they were involved with their husbands. In 1272, in the dispute between the four surviving sisters, Agnes, Matilda, Agatha and Eleanor, each of the sisters used attorneys to represent them. In 1274, in a plea of land bought against her eldest sister, Agnes, Matilda appointed her attorney William de Esse to stand alongside Adam de Lupeyete, who had been appointed by her third husband Emery de Rochechouard (d. 1284).¹²⁴ Later in 1274, Matilda, in another plea of partition, presumably regarding the county of Kildare, appointed Robert Cut to act as her legal representative.¹²⁵ It is not clear who Robert was, or from where he originated. What is notable here is that Matilda's husband does not feature in this record at all, and therefore it would appear that Matilda made this appointment completely independently.¹²⁶

Elizabeth Comyn, who as we know regularly nominated attorneys jointly with her husband, also did so without his assistance. On 26 November 1268, Henry III wrote to his 'beloved clerk' that he accept Elizabeth's attorneys.¹²⁷ These men were Thomas Garbaud and John of Buchan. Buchan's selection is perhaps a sign of her husband's influence but is also a link to Elizabeth's own status as the countess of Buchan. At this period in time,

¹²³ Ibid.

¹²⁴ KB 27/13, ms. 3-4.

¹²⁵ Ibid.

¹²⁶ See Chapter Two, p. 123.

¹²⁷ *CCIR*, 1268-72, p. 8.

Elizabeth and her husband were struggling to come to the English royal court to claim her portion of the earldom of Winchester. Their location in Scotland was certainly problematic; the journey to England was a long and dangerous one. Distance was not, however, the only issue in preventing Elizabeth and her husband from attending court. In 1275, the countess was granted permission by the king to remain in Scotland because she was pregnant and 'near her delivery'.¹²⁸ Elizabeth's independent nomination of attorneys is recorded in a long series of appointments made by her and her husband over the course of several years. Elizabeth's frequent involvement in the selection of attorneys with her husband meant that she was well versed in the processes surrounding the nomination of legal representatives. She was clearly not afraid to participate in legal matters, and did so both with her husband and independently.

The fact that married women selected and used their own attorneys is a vital piece of information and challenges the way in which married noblewomen are viewed in terms of their position in law. It should be stressed that in all cases where attorneys were appointed independently by wives, the lands in speculation were of each respective heiress' inheritance. For these heiresses, the power to appoint their own attorneys must have given them a sense of control over, and involvement with, their lands in marriage. Generally, we are only able to interpret and speculate the level of involvement that married women had with their lands in marriage, but this evidence gives us a real sense of the extent to which heiresses were involved in legal procedures as married women.

For many women in this period, it was quite likely they would become widowed during their lifetime. Of course, upon widowhood, women were entitled to hold a third part

¹²⁸ *CCIR*, 1272-9, p. 228.

of their deceased husband's lands. This dower would be added to their inheritance, marriage portion, and any other lands that they may have possessed. Much exciting and valuable work has been undertaken, and continues to be so, regarding the legal activities and experiences of widows in the medieval period.¹²⁹ A widow, theoretically, possessed legal freedom given her status as a *femme sole*. As has been suggested by Walker, a widow did not need a male relative or a legal representative in order to bring a lawsuit to court. The use of attorneys would, however, have proven a sensible and useful option for many widows.¹³⁰ This does certainly appear to have been the case for the heiresses of Chester, Pembroke, Leicester and Winchester who did become widows, or already were upon their inheritance. As widows, the heiresses had to add their dower lands to those they had to defend and protect as inheritance. An heiresses' chances of being involved in lawsuits were increased if she became a widow. Loengard has demonstrated the regularity in which widows were present in the records of the King's Bench regarding their dower lands.¹³¹ As a widowed woman, an heiress was the only person responsible for the defence of her inherited and dower lands, unless she chose to marry again.

The use of attorneys would have been even more essential for widows, especially those who acted as absentee landlords. The records of the partition of the lands between the Ferrers sisters highlight the problems faced by men and women who were often absent from their holdings overseas. Not only this, these court records demonstrate the frequency with which attorneys were used by aristocratic men and women, especially when they unable to travel to the necessary court themselves. Many Anglo-Norman women who

¹²⁹ The work of Janet Loengard and Sue Sheridan Walker is particularly important.

¹³⁰ Walker, 'Litigation as Personal Quest', pp. 98-9.

¹³¹ Loengard, 'What is a Nice...'

possessed Irish lands were too busy with lands elsewhere to attend to them personally at the time; others never even saw their overseas holdings.¹³² Indeed, it is believed that Joan de Valence, the Ferrers sisters' cousin and coheir, never visited her Irish lands.¹³³ This was not a problem unique to female landlords. The same can be said of male lords who possessed Irish lands; neither Henry III nor Edward I ever set foot in Ireland and let their officials deal with business there.¹³⁴

Absence from lands did not, however, always have to be permanent. As we know, many widows were highly active estate managers and landholders. Helen la Zouche, the youngest of Roger de Quency's three daughters and heirs to the earldom of Winchester, is just one such example. Following her husband's death in 1270 at the hands of the Earl Warenne, Helen, like all aristocratic widows who decided to remain single, was left to manage her inherited estates singlehandedly.¹³⁵ In 1271 she was granted protection by the king for three years so she could travel to Scotland to attend to her 'business' there.¹³⁶ She received similar grants in 1280 and 1284, on each occasion for one year.¹³⁷ Whilst Helen was in Scotland, the use of attorneys was essential in ensuring that her landed interests were upheld and defended in England too. This was the case for noble widows across medieval Britain. Of course, this was not a problem solely faced by women. Men who had cross-country estates would have also needed to use attorneys when they could not attend court personally, or they just did not want to participate in the legal proceedings personally. Helen's decision to make the long and risky journey to Scotland is demonstrative of just how

¹³² Kenny, 'The Power of Dower', p. 64.

¹³³ Mitchell, *Joan de Valence*, p. 70.

¹³⁴ Powicke, *The Thirteenth Century*, p. 563.

¹³⁵ Tout, 'Zouche, Alan de la', *ODNB*.

¹³⁶ *CPR, 1266-72*, p. 504.

¹³⁷ *CPR, 1272-81*, p. 392; *CPR, 1281-92*, p. 136.

seriously she took her role as landholder and estate administrator. She did not intend to allow her estate stewards and administrators to manage her estates for years on end without her.¹³⁸

It is clear that English aristocratic women, either married or widowed, could, and did, participate in and interact with legal procedures and the law. Married women were frequently involved in the appointment of attorneys jointly with their husbands, but also independently. The men who the heiresses appointed as their legal representatives were often associated with the counties in which they had acquired landed inheritance. This involvement outlines the respect that men must have had for their wives, but also the personal concern of the heiresses to be involved in the maintenance and protection of their inheritances. The fact that married women were heavily involved in the selection process of attorneys, and appointed their own, is a vital piece of information and changes the way we should consider married women and their position in relation to the law. The use of attorneys was crucial for aristocratic widows who were solely responsible for the management of their estates, which could be spread over more than one country. The need for legal representation came with the territory of being an aristocratic landholder, either male or female. It is obvious that married and widowed heiresses did have influence and used this when it came to lawsuits concerning their inheritances.

Strategies Employed in Litigation

Lawsuits were rarely simple and straightforward. Litigants often used tactics or reasons to delay proceedings of a case that may have been less than favourable to them. Of course, there were legitimate reasons why a person could not come to court. Pregnancy prevented

¹³⁸ Cléirigh, 'The Absentee Landlady', pp. 104-5.

Elizabeth Comyn from travelling to the English court from Scotland. The journey was a dangerous one for any person to undertake, let alone a woman who was due to give birth imminently. Distance from the royal court, or indeed absence from England could also mean that a person was unable to present themselves at court on a specified day. Illness, flooding and stormy seas are just some of the excuses offered to explain a litigant's absence from the law courts.¹³⁹ These excuses could see legal proceedings lasting for months, and even years. Long-winded cases could consume a great deal of time and energy. Hawise de Quency's decision not to be involved in the lawsuit concerning the partition of the county of Chester after 1237 may have been a retreat from the undoubtedly frustrating complexities of the case.

The division of Chester in 1232 and 1237 presented the eldest coheirs with a unique opportunity to delay legal proceedings. Both John le Scot and William de Forz, as representatives of the eldest heiresses, used the independent administrative status of the county to interrupt proceedings at court. John stated that he did not have to answer a plea that was bought from outside his county as the king did not have possess jurisdiction there. His claim that the case should be played out at a fixed place, namely the King's Bench, was also rejected as he had already answered a plea at Northampton.¹⁴⁰ John le Scot's battle with his coheirs continued for two years before he suddenly died, but his protestations raised the important question of whether Cheshire was actually divisible - an argument which his successor, de Forz, drew upon. Despite a council declaring the county divisible, de Forz only gave up his claim in 1241 when he received his father's inheritance. The claims of both le Scot and de Forz stalled the litigation process for a number of years to the undoubted frustration

¹³⁹ Paul Brand has examined some of the excuses proffered by litigants in the later Medieval England. Brand, 'The Travails of Travel', pp. 215-228.

¹⁴⁰ See Chapter One, p. 63.

of their coheirs. Hawise did not go on to pursue her claim to a piece of the county of Chester in 1237 probably because of the complexities and the length of time that the suit had already taken up.¹⁴¹

John le Scot did, however, have one excuse up his sleeve with which he was legitimately able to delay proceedings. It was necessary for all coheirs to be present in a dispute (either personally or by attorney) playing out in the law courts concerning their inheritance. As joint tenants coheirs were, in the eyes of the law, one heir. The absence of just one of the coheirs would mean that the case had to be postponed until the court met again. This happened regularly and John was able to use this to his advantage on several occasions to delay the case.¹⁴² This excuse was often used by coheirs, but it was a valid one. Indeed, the absence of certain coheirs from court also contributed to the elongation of the dispute between the Ferrers sisters regarding Kildare. The absence of both Matilda and Agnes from court on separate occasions had the effect of delaying the process of the plea numerous times.¹⁴³ Agnes presented a number of excuses to delay the case and even tried to end it, to no avail, following the death of their sister, Eleanor. The absence of Amice from England in 1204 likewise severely delayed the proceedings surrounding the entire partition of the honour of Leicester. Fortunately for Margaret, Amice's sister and coheir, her husband's position at the centre of court politics enabled the pair to receive privileges that would have placated them whilst they waited for Amice. There is no question, however, that the absence of one of their coheir could have been a cause of serious discontent. It is possible that

¹⁴¹ See Chapter One, pp. 64, 79-80.

¹⁴² See Chapter One, pp. 63-4.

¹⁴³ See Chapter Two, p. 122.

individual litigants abused the system, knowing that non-attendance would delay the case. This could have been a useful tactic to those trying to buy time.

The purpose of bringing a suit to court was not always to settle a disagreement, but was to create an official record of an agreement, purchase or tenancy of land.¹⁴⁴ With an increasingly bureaucratic society and the growing complications of legal proceedings, it was prudent for members of thirteenth century society to have a written record of their holdings. Possession of such records could prove ownership and significantly reduce the length of a legal dispute, or indeed prevent one from happening at all. Of course, not every settlement of property was plagued by relentless legal battles.

Estate Management, Religious Patronage and Identity

We know that reallocation of lands on the scale discussed here, had the ability to change, dramatically at times, the structure of landholding and political English society. Even though women were often the only legitimate way for a bloodline to continue, female inheritance still presented problems for contemporaries, certainly where the division of services was concerned. The right of women to inherit large estates was, however, important and could be an opportunity for men to increase their political standing, not to mention their landed holdings. But how did inheritance of such wealth affect the position of the heiresses themselves? The extent to which heiresses were involved in the administration of their estates as both wives and widows needs to be discussed. We will explore here the ways in which women used their landed wealth to dispense patronage, and which institutions

¹⁴⁴ Loengard, 'What did Magna Carta mean to Widows?', p. 138. Loengard discusses this in relation to dower litigation, but it would be reasonable to suggest that this reasoning could be used for other types of litigation.

received their gifts. We will also discuss how these women portrayed themselves in marriage, widowhood and subsequent remarriages, and how inheritance affected the way that noblewomen portrayed themselves.

Estate Administration

Estate administration was a central part of life for all landholders. Landed wealth gave men and women their status and it was, therefore, essential that their lands, liberties and chattels were cared for.¹⁴⁵ This research proves that it was essential for women and their husbands to be skilled and well-versed in the methods of estate administration. Rowena Archer has argued that 'the lady as landholder was just as important as her male counterpart' and this is evident from the case studies.¹⁴⁶ The administration of estates was too major and time-consuming a task for a man to undertake on his own. The larger the estate, the greater the task.¹⁴⁷ Noblemen made vital use of estate officials to aid them and it is certain that wives had some involvement in how lands were administered.¹⁴⁸ Men were frequently on the king's service - and in the earlier part of the thirteenth century, on crusade - leaving their wives at home to manage the household and estates, and to communicate with their estate officials.¹⁴⁹ Estate records in the form of account rolls and surveys can be valuable sources of information in uncovering the way that estates were managed. Regrettably, many of these do not survive, are lost, or are otherwise undiscovered. Even within the surviving records, the input of married women is rarely mentioned, but it is certain that wives played an important role.¹⁵⁰ All women would have

¹⁴⁵ Archer, ' "How ladies..." ', p. 149.

¹⁴⁶ Ibid., p. 150.

¹⁴⁷ Ibid., pp. 149-50.

¹⁴⁸ Ward, *English Noblewomen*, p. 109.

¹⁴⁹ Archer, ' "How ladies..." ', p. 150.

¹⁵⁰ Ibid., p. 150.

been concerned with the maintenance of their estates, it was their greatest source of familial income.¹⁵¹ It is also important to remember that we are dealing with married heiresses. The lands that women carried to their husbands was, ultimately, their own and they undoubtedly would have had some interest in the management, maintenance and security of them; it would be unwise to assume differently.

In widowhood, the task of managing estates fell to women completely. Unless they had previously been widowed, this was often the first time that a woman was completely in control of her inheritance as well as their dower lands.¹⁵² In widowhood, women could use the knowledge and experience gained in marriage to help them manage their estates, expand them, increase revenue and engage in lawsuits to defend them.¹⁵³ Like their menfolk, it was essential for noble widows to use estate administrators - they would often use administrative structures that were already in place on their lands.¹⁵⁴ Various pieces of literature existed designed to give women guidance on the management of their estates. *The Rules* of Robert Grosseteste, bishop of Lincoln, dedicated to Margaret de Lacy, was designed to give her advice on how to manage manorial estates.¹⁵⁵ Whether Margaret asked for such guidance, or was simply offered this, is unknown. It may indeed have been given to the countess as a reflection of her diligence as a landholder and administrator.¹⁵⁶ Christine de Pisan's later work *The Treasure of the City of Ladies* offered women similar guidance. She stated that it was particularly crucial that women knew how much their lands

¹⁵¹ Ward, *English Noblewomen*, p. 108.

¹⁵² Kenny, 'The Power of Dower', p. 68.

¹⁵³ Ward, *English Noblewomen*, p. 114.

¹⁵⁴ *Ibid.*, p. 112.

¹⁵⁵ Ward, 'Lacy, Margaret de', *ODNB*; Archer, ' "How ladies..." ', p. 157. It is believed that the rules had originally been written for the bishop for the management of his episcopal estates. The bishop adapted these rules for Margaret following the death of her first husband, John de Lacy.

¹⁵⁶ Archer, ' "How ladies..." ', p. 157.

and revenues were worth, the laws and customs surrounding their lands, and about the work that needed to take place each season.¹⁵⁷ It was prudent for a woman to look after her landed interests, not only for her sake, but also for those of her heirs.

Not all women would have been good administrators of lands. Complaints by heirs that a widow had laid waste to their inheritance were not uncommon. Both Helen, widow of John le Scot, and Isabel, widow of Gilbert Basset, were accused of causing waste to lands they held in dower.¹⁵⁸ Although claims of waste could have been false, these were always taken seriously by the royal court. Waste is a prime example of the maladministration of estates and it may well have been a result of incompetence. Waste, however, may have also been caused by women who wanted to derive the greatest personal profit from their estates for themselves. They may have, for example, stripped lands of timber and sold it. We do need to be careful in making sweeping generalisations about women and their abilities to manage their lands. There are numerous examples here and elsewhere which show that many women *were* interested in the management of their estates and did so competently. Some women may have felt less confident in their abilities as some of those discussed here, and may not have wanted the task of controlling their estates alone. This may have been one of the many reasons why a woman chose to make a second marriage.¹⁵⁹

Our case studies have shown that women had to engage in legal disputes on a regular basis both as wives and widows and this was an essential part of managing and maintaining estates. As married women, our heiresses regularly appointed attorneys to stand alongside their husband's representatives in lawsuits concerning lands that pertained

¹⁵⁷ Lawson, ed., *The Treasure of the City of Ladies*, pp. 130-33.

¹⁵⁸ See Chapter One, p. 87; Chapter Two, pp. 141-2.

¹⁵⁹ Ward, *English Noblewomen*, p. 110.

to their inheritance. This was something that women continued to do in widowhood. As widows, women, like their male counterparts, would have needed to inform their attorneys of the lands they believed they possessed. Sometimes these legal representatives took on roles of estate management too. Land disputes also required women to have knowledge of the lands they held and for them to have the ability to convey this to their legal representatives. Knowledge of estates was something required by all landholders, regardless of gender.

Estate administration was undoubtedly a difficult task, especially when it was possible for men and women to hold lands in more than one country. As we have seen, this was not an unusual occurrence for aristocratic Anglo-Norman landholders. Many of the heiresses discussed in this thesis held lands in Ireland, whilst others held lands in Scotland. A number of women who held dower lands in Ireland never even saw them.¹⁶⁰ Much the same can be said for women, like the Ferrers sisters who held land there in inheritance, as well as male landholders. For absentee landlords, both men and women, the use of legal representatives and estate administrators was crucial. These men tended to their lands, and defended and sued on behalf of their clients when necessary.¹⁶¹ Of course, this did not prevent women from facing major threats to their landed rights, and prolonged absences made both male and female landholders vulnerable.¹⁶² This thesis has, however, shown that some women, like Helen la Zouche, were active across all of their estates. A lack of surviving estate records makes it difficult to uncover any in-depth knowledge of Helen's activities during her time in Scotland, but as a widow, Helen received numerous grants of protection

¹⁶⁰ Kenny, 'The Power of Dower', p. 64.

¹⁶¹ Kenny, 'The Power of Dower', p. 64; See Chapter Two, p. 147-8.

¹⁶² Cléirigh, 'The Absentee Landlady', pp. 101-118.

in order to allow her to travel to the country to attend to her affairs there.¹⁶³ The story of Eleanor de Ferrers' abduction proves that Helen acted upon these grants and travelled to Scotland on a regular basis; no mean feat for any landholder.¹⁶⁴

Conclusion

It is clear that noblewomen were active and efficient estate administrators, just as their husbands and other menfolk were.¹⁶⁵ Despite a lack of account rolls and surveys for the lands held by our heiresses, it is clear that married women managed the family estates at times when their husbands were away from their estates and were often involved in the protection of lands in legal disputes. They were the obvious choice to take charge when their husband was absent, and there is no denying that many women possessed the skills and desire to do so. It would be foolish for a man not to use his wife in this capacity.¹⁶⁶ The practice that women acquired in marriage became valuable experience for them when they became widows and the task of administering their estates fell solely to them. The records show that many widows did become highly involved in their estates and made long journeys to do so. Not all women would have been as skilled as others and there were certainly women who did not want to be responsible for such a task. Heiresses had a concern to keep their inherited lands intact and in good order; there was also the promise of dower if they became widows. It would be wrong to assume that these women were only acting for themselves. The maintenance of estates was crucial for the entire family - not just for the

¹⁶³ See Chapter Four, pp. 227-8.

¹⁶⁴ See Chapter Four, pp. 227-8; Ward, *English Noblewomen*, p. 108.

¹⁶⁵ Ward, *English Noblewomen*, p. 128.

¹⁶⁶ Archer, ' "How ladies..." ', p. 173.

present, but also for future generations - and it is clear that women played a vital role in this.

Religious Patronage and Identity

The twelfth century saw a great flurry in the foundation of monastic religious institutions in England.¹⁶⁷ By the thirteenth century the number of new foundations was comparatively low, but the practice of dispensing patronage remained very much a concern amongst members of the higher nobility. The dispensation of religious patronage and charity were considered to be fitting activities for a noblewoman.¹⁶⁸ The extent to which women dispensed patronage was dependent on each individual, and it is true that some were much more active than others.¹⁶⁹ Although this has not been touched upon here in great detail within our case studies, our noblewomen often donated gifts of land or money to religious institutions. Wives could make joint grants with their husbands, give consent to a grant made by their husband and sometimes make grants of their own. Donations were made with the intention that prayers would be said for the grantor's soul and those of their family members, and lessen the length of time spent in purgatory.¹⁷⁰ Grants by women were rarely made for the health of their soul alone but were also made for their husbands, children and often parents. Donations were more often made for the nuclear family than more distant relatives, but it was not uncommon for 'ancestors' or 'successors' to be acknowledged in grants.¹⁷¹ In widowhood, it was considered a woman's task to make donations for the

¹⁶⁷ Ward, 'Fashions of Monastic Endowment', p. 466.

¹⁶⁸ Johns, *Noblewomen, Aristocracy and Power*, pp. 30-43; S. Thompson, *Women Religious: The Founding of English Nunneries after the Norman Conquest* (Oxford: Clarendon Press, 1991), pp. 161-190; Ward, *English Noblewomen*, p. 143.

¹⁶⁹ Ward, *English Noblewomen*, p. 150.

¹⁷⁰ *Ibid.*, pp. 149.

¹⁷¹ *Ibid.*, pp. 151-2.

preservation of her husband's soul and other family members. The acquisition of dower and marriage portion gave widows sufficient resources to dispense patronage.¹⁷² With inheritance in addition to this, our heiresses had considerable revenue to make such grants.

Grants to religious institutions are an important measure of an individual's personal piety, but they are also important for what they can tell us about a person's sense of identity. In marriage, both partners had natal and marital families, and the ties they felt to each of these families may be seen through the religious institutions to whom they chose to make benefactions. As part of their inheritance, women often received the advowsons of churches or the need to honour grants that had been made by other members of their family. This is true of the Winchester heiresses who inherited the rights to the advowson of the churches of Syston, Leyton, Markfield (Leicestershire) from their father, Roger de Quency.¹⁷³ Noble families often held ties to particular institutions, especially those founded and heavily patronised by their ancestors. These religious places were those connected with, or close to, lands held by a family. Religious houses often recorded grants in cartularies and these are an important, if incomplete, record of the grants made by noble men and women.¹⁷⁴ These records offer us a useful collection of charters and confirmations. It is not possible here to discuss every group of heiresses, but a discussion of the religious patronage of the earls, countesses and heiresses of Winchester provides us with an interesting and fruitful example with which to make future comparisons.

As Scottish landlords, the Quency earls of Winchester made frequent grants to Scottish religious institutions. Saer de Quency was a regular dispenser of patronage and

¹⁷² Kenny, 'The Power of Dower', p. 64.

¹⁷³ *CIPM*, Vol. I, no. 776. See Chapter Four, p. 199.

¹⁷⁴ E. Amt, 'Ela Longespee's Roll of Benefits: Piety and Reciprocity in the Thirteenth Century', *Traditio*, Vol. 64, (Fordham University Press, 2009), pp. 1-56 at p. 31.

gave gifts for his soul, those of his family members, ancestors and successors, to the abbeys of Coupar Angus, Holyrood, Inchaffray and Newbattle.¹⁷⁵ Saer's son and successor, Roger, was also a benefactor of numerous Scottish religious houses, including Balmarino, Dryburgh, Holyrood, Lindores, Newbattle and Scone.¹⁷⁶ Roger's concern with the patronage of Scottish houses is obvious when we consider not only his inherited position as a Scottish landholder but also his status as constable of Scotland, a title he acquired through his first wife's inheritance in 1235.¹⁷⁷

Brackley in Northamptonshire, a hospital devoted to St. John and St. James, was an important religious foundation to the earls and countesses of Winchester.¹⁷⁸ Brackley received grants from all of the earls and countesses from Saer de Quency as the first earl, through to the family of Helen la Zouche who had inherited the township of Brackley and the manor of Halse, both of which were nearby the hospital, from her father in inheritance.¹⁷⁹ This is unsurprising given that the earldom had been centred upon this place on its creation in 1207, following the division of Leicester. Brackley was a central to the identity of the Winchester earls and heiresses as is indicated by the fact that it was a popular place of burial for the family. Margaret de Quency, her eldest son Robert, her

¹⁷⁵ *Charters of the Abbey of Coupar Angus*, Vol. I, ed., D. E. Easson (Edinburgh: T Constable, 1947), nos. XVIII, XIX; *Liber Cartarum Sancte Crucis: munimenta ecclesie Sancte Crucis de Edwinesburg*, ed., C. Innes (Edinburgh: T. Constable, 1840), nos. 37, 38; *Liber Insule Missarum: Abbacie Canoniorum Regularium B. Virginis et S. Johannis de Inchaffray Registrum Vetus...* ed. C. Innes (Edinburgh: Ballatyne and Hughes, 1847), no. 67; *Registrum S. Marie de Neubotle: Abbacie Cisterciensis Beate Virginis de Neubotle Chartarum: Accedit Appendix Cartarum Originalium, 1140-1528*, ed., C. Innes (Edinburgh: 1849), nos. 65, 66.

¹⁷⁶ *The Chartularies of Balmerino and Lindores: Liber Sancte Marie de Balmorinach*, ed., W. Turnbull (Edinburgh: 1841), no. 3, 38; *Liber S. Marie de Dryburgh: Registrum Cartarum Abbacie Premonstatensis de Dryburgh*, ed., J. Spottiswoode (Edinburgh: Ballatyne and Hughes, 1847), nos. 138, 139, 140, 141; *Liber Cartarum Sancte Crucis*, no. 79; *Registrum S. Marie de Neubotle*, nos. 68, 133; *Liber Ecclesie de Scon: Munimenta Vetustiora Monasterii Sanctii Trinitatis et Sancti Michaelis De Scon*, ed., C. Innes (Edinburgh: T. Constable, 1843), nos. 79, 80, 81, 108.

¹⁷⁷ See Chapter Four, p. 181.

¹⁷⁸ *Brackley Deeds*, p. 1.

¹⁷⁹ *CIPM*, Vol. III, no. 363.

daughter Loretta, Roger de Quency and his first two wives, Helen and Matilda, were all buried at the hospital.¹⁸⁰

Following her inheritance, Helen took up the role of confirming charters and privileges that the hospital already held, as well as the commemoration of the souls of her family members.¹⁸¹ Helen used one of the brothers of Brackley to act her attorney in a legal dispute against her brother-in-law, Alexander Comyn, in a plea of land in 1279.¹⁸² A copy of a confirmation of a charter dated 9 October 1279 and witnessed by her son, records an agreement between the master, brethren and Helen la Zouche.¹⁸³ The agreement ended a dispute regarding the provision of chaplains to celebrate the souls of Helen's ancestors. The terms of the settlement stated that 11 chaplains would say prayers for the souls of her family members, including her father, Roger de Quency, Robert de Quency, her father's sister Loretta and the souls of her mother, Helen, and her father's second wife, Matilda. Helen, like all good noble widows, paid for a chaplain to celebrate and pray for the soul of her husband Alan, as well as for her own.¹⁸⁴

Helen's ties to Brackley are clear, but what of her sisters and coheirs? There is no surviving evidence that Roger de Quency's other two daughters made grants or donations to the hospital at Brackley, or any of the other institutions supported by their father. We cannot, therefore, measure the extent of the connection that Roger's eldest two daughters, Margaret and Elizabeth, felt towards their natal heritage. This does not mean that they did not dispense patronage to these places, nor that they felt no connection to their lineage.

¹⁸⁰ *Brackley Deeds*, pp. 22, 23, 30, 34, 37. Saer de Quency was buried at Acre.

¹⁸¹ *Brackley Deeds*, pp. 62, 65, 66.

¹⁸² KB 27/43, m. 31d; see Chapter Four, p. 209.

¹⁸³ *Brackley Deeds*, p. 65.

¹⁸⁴ *Ibid.*

We do not even know where Margaret and Elizabeth were buried. It is quite possible, but by no means certain, that both women were buried with their husbands. Margaret may have been laid to rest with her husband at Merevale Abbey, Warwickshire, whilst Elizabeth was potentially buried at a location in Scotland associated with the earldom of Buchan.¹⁸⁵

The houses that a noblewoman chose to patronise were just one way women could display ties to their natal and marital families. The use of personal titles was another means by which a woman could display her sense of identity and status. Seals are often used to analyse the way noblewomen chose to portray themselves as both wives and widows. An analysis of the titles used, heraldry and other imagery, allows us to see how these women chose to portray themselves and their heritage. Unfortunately, the seals of many of our heiresses are damaged or do not survive at all, but we can piece together the evidence we have. Using seals and written records, we can form some kind of understanding of how these women were perceived not just by themselves, but also by their contemporaries.

Upon marriage, a woman might adopt her husband's name in charters; Margaret de Quency is one example. But, what happened if a noblewoman made subsequent marriages? Did she, presuming she had already changed her name, make a further change? In fact, David Crouch has suggested that it was not common practice for a wife to take the name of her husband, although there were times when it did happen.¹⁸⁶ Women with 'exotic' or royal heritage were often keen to retain this as a part of their identity.¹⁸⁷ Petronilla, the wife of Robert, earl of Leicester, retained her natal name and was identified throughout her lifetime as 'Petronilla de Grandmesnil' rather than using her marital name, Beaumont.

¹⁸⁵ *Chronica Majora*, pp. 431-2; Cokayne, *Complete Peerage*, Vol. IV, p. 197.

¹⁸⁶ Crouch, *The English Aristocracy*, pp. 221-2.

¹⁸⁷ *Ibid.*, p. 222.

Indeed, even her son Robert adopted her name and was described as Robert FitzParnel, a sign of his mother's high status.¹⁸⁸ Eleanor, the youngest daughter of Sybil and William de Ferrers, as a woman who made three marriages, is an interesting example. Following her first marriage to William de Vallibus, she was constantly referred to as Eleanor de Vallibus, or de Vaux. Upon her marriage to Roger de Quency, she adopted the title 'countess of Winchester' but continued to be referred to as 'de Vallibus' rather than 'de Quency'. This is how she is recorded in chancery records regarding the division of her Winchester dower lands, and even when she came forward to acquire her dower assignment following the death of her third husband, Roger de Leybourne.¹⁸⁹ Upon her death, she was also referred to as 'de Vallibus'.¹⁹⁰ The same can be seen for Matilda, Eleanor's sister and coheir of their mother Sybil de Ferrers. Despite the occasional use of her other marital names, Matilda was most often referred to as 'de Kyme' whilst she was living and in death.¹⁹¹ Undoubtedly, numerous changes of name could cause confusion, especially when it came to records. If a woman already possessed a document, such as an agreement or proof of ownership, in one name, it may have proven prudent to continue using this name to prevent any issues arising in the future. This may explain the continued use of a woman's first marital name in government records, but also by the women themselves.

This study has shown that heiresses often used inherited titles as a means of displaying their status. Hawise de Quency is one of these women. It is accepted that Hawise's receipt of Lincoln was made to combat the effective disinheritance of her daughter in connection with the earldom of Winchester. Hawise only held Lincoln for a month before

¹⁸⁸ Powicke, 'Loretta, countess of Leicester', p. 252.

¹⁸⁹ See Chapter Two, p. 143; *CCIR*, 1268-72, pp. 436-7; *CDS*, Vol. I, no. 2622; *CPR*, 1266-72, p. 609.

¹⁹⁰ *CFR*, 1272-1307, p. 34.

¹⁹¹ *CPR*, 1301-7, p. 231.

she transferred the right of the third penny to her son-in-law. Despite this, she used the title 'countess of Lincoln' for the remainder of her life as if she were a widowed countess. The use of 'countess' certainly must have bolstered a woman's position and perceived identity, which would have proven useful on a number of occasions, a fact that Hawise must have known well. The same may be said of the use of 'countess of Leicester' by Amice, the eldest of the two coheirs to Robert, fourth earl of Leicester. Amice never held the lands in England due to the huge shake-up of landholding that occurred following the loss of Normandy. She was, instead, able to negotiate terms to allow her son to inherit these lands. Despite never holding the earldom herself, Amice used the title of countess throughout her lifetime as well as 'countess of Montfort'.¹⁹² Amice's use of this title was a way of advertising her lineage and was an important statement of her position as the heiress to an earldom. Upon widowhood, each of the countesses featured in this thesis continued to use their title as a way of defining themselves. Titles were a central way for a woman to display her identity, and played a crucial role in how they were perceived by others.

Seals are another way in which noblemen and women were able to display their titles and express their own sense of identity, as well as 'group consciousness'.¹⁹³ The practice of sealing in England originated from royalty and spread down to the noble classes, becoming a widespread practice by the end of the twelfth century due to the growing increase in written records.¹⁹⁴ By the mid-thirteenth century, it was common for all ranks of society in both England and France.¹⁹⁵ A noblewoman's seal was generally a pointed oval,

¹⁹² Pickard, 'Unequal Marriage in France', p. 170.

¹⁹³ B. B. Rezak, 'Women, Seals and Power in Medieval France, 1150-1350', in *Women and Power in the Middle Ages*, eds, M. Erler and M. Kowaleski (Athens and London: The University of Georgia Press, 1988), pp. 61-82 at p. 61.

¹⁹⁴ Johns, *Noblewomen*, p. 127; A. Ailes, 'Armorial Portrait Seals of Medieval Noblewomen: Examples in the Public Record Office', in *Tribute to an Armorialist*, ed., J. Campbell-Kease (London: 2000), pp. 218-34 at p. 218.

¹⁹⁵ Rezak, 'Women, Seals and Power in Medieval France', pp. 64-5; Johns, *Noblewomen*, p. 127.

rather than rounded like those of men.¹⁹⁶ Women were usually depicted in long dresses or cloaks, and standing in the centre of the seal, much like the seals of bishops and other important ecclesiastics. Noblemen, by contrast, were generally depicted seated on a horse.¹⁹⁷ As discussed by Adrian Ailes, Susan Johns and Brigitte Bedos Rezak, the use of heraldry, images and seal legends were an important way for women to display their identity.¹⁹⁸ The seals of those we have records or descriptions of show how heiresses could portray the different aspects of their identity, with many displaying both their natal and marital connections.

Widowed women who chose not to remarry, more often than not, continued to use their husband's title and presented it on their seals.¹⁹⁹ Helen la Zouche, Isabel de Brus and Agnes de Vescy all retained their husband's title in widowhood and displayed it on their seals. The seal of Margaret de Quency is also a good example of this and shows how the different layers of a noblewoman's identity could be depicted on her seal. Margaret's seal bears the legend 'SIGILLE MARGARET DE QUENCY COMITISSA WINTON', a reminder not only of her marriage into the Quency line, but also her position as a countess.²⁰⁰ What is also important about this legend is that it clearly shows that women who were countesses, were usually described as such on their seals.²⁰¹ Margaret's seal features a flower with five petals, a sign of her Norman lineage, and a reflection of her status as coheir to the earldom of Leicester.²⁰² By the end of the thirteenth century, it was quite common for a noblewoman

¹⁹⁶ Johns, *Noblewomen*, p. 127.

¹⁹⁷ *Ibid.*, p. 127.

¹⁹⁸ Johns, *Noblewomen*, p. 134; Ailes, 'Armorial Portrait Seals of Medieval Noblewomen'; B. B. Rezak, 'Women, Seals and Power in Medieval France, 1150-1250'.

¹⁹⁹ Johns, *Noblewomen*, p. 13; Rezak, 'Women, Seals and Power', p. 68.

²⁰⁰ See Appendix 3.

²⁰¹ Johns, *Noblewomen*, p. 134.

²⁰² Crouch, *The English Aristocracy*, p. 222; See also Appendix 3.

to use her husband's or father's coat of arms on her seal as a type of 'symbolic personification' of herself and her family.²⁰³ A woman could show her marital lineage by featuring her husband's coat of arms. Margaret did this. Quite unusually, the shield of her husband's tournament partner, Robert fitz Walter, is also featured. Both Robert and Saer had each other's arms on their seals too.²⁰⁴ As well as displaying lineage, Margaret's seal also features a lily, or fleur-de-lys, a distinctly feminine symbol of virtue, motherhood and fertility.²⁰⁵ The use of the lily was a common feature on noblewomen's seals and was just one way in which a woman's 'practical and symbolic' roles could be depicted.²⁰⁶

The seals of Helen la Zouche and Agnes de Vescy also show the ways in which noblewomen gave visual expression to the different aspects of their identity. Agnes de Vescy's seal clearly depicts the different layers of her identity. Agnes' seal is the usual oval shape and she is depicted standing, clothed in a long dress, cloak, and with a headdress.²⁰⁷ Due to damage, the legend is illegible, so we cannot glean any evidence about her use of titles from this. The remainder of the seal survives relatively intact. The front of Agnes' seal depicts both the Vescy and Ferrers shields of arms, reflecting her marital and natal ties. The reverse of a seal was often used to repeat shields of arms or add more; Agnes' seal displays a type of 'armorial family tree'.²⁰⁸ It features, once again, not only the Vescy coat of arms, but also those of Chester and the Marshals.²⁰⁹ The use of the Chester arms may seem a little

²⁰³ Johns, *Noblewomen*, p. 130.

²⁰⁴ Rezak, 'Women, Seals and Power', p. 71; Crouch, *English Aristocracy*, plate 3; Ailes, 'Armorial Portrait Seals of Medieval Noblewomen', p. 222; See Appendix 3.

²⁰⁵ The seals of Helen de la Zouche and Agnes de Vescy feature the flower and other foliage. Johns, *Noblewomen*, pp. 130, 134; Crouch, *English Aristocracy*, plate 3; See also Appendix 3; G. Birch, *Catalogue of Seals in the Department of Manuscripts in the British Museum*, Vol. II, (London: Longman, 1892), p. 396. See Birch: p. 379 for Isabel de Brus; p. 401 for Agnes de Vescy; p. 404 for Helen la Zouche.

²⁰⁶ Johns, *Noblewomen*, p. 133. Fleur-de-lys were also a common feature on male seals, especially men of the gentry.

²⁰⁷ Birch, *Catalogue of Seals*, Vol. II, p. 401; Johns, *Noblewomen*, pp. 128-9; Appendix 3.

²⁰⁸ Ailes, 'Armorial Portrait Seals of Medieval Noblewomen', pp. 225-6.

²⁰⁹ *Catalogue of Seals*, Vol. II, p. 401; Ailes, 'Armorial Portrait Seals of Medieval Noblewomen', p. 225.

peculiar, but it illustrates Agnes' connection to her paternal grandmother and namesake - one of the original heiresses to Chester in 1232.²¹⁰ The use of the Marshal coat of arms is a connection to her mother Sybil, and emphasises the fact that she was, through her mother, an heiress of William Marshal. The display of a mother's arms was not an unusual feature on a noblewoman's seal if she had been an heiress.²¹¹ Agnes' seal, packed full of heraldry, shows a conscious desire to give visual expression to her extremely prestigious heritage and her position as an heiress of one of the greatest landholders of his day.

Helen la Zouche also used her seal to celebrate her prestigious lineage and descent from the earldom of Leicester.²¹² The seal features the cinquefoil and the arms of her grandmother, an indication to her grandmother's position as the heiress of the honour. Maybe Helen felt the need to display this connection given her position as an heiress herself, but it should not be forgotten that Winchester owed its very existence to the division of the honour of Leicester. As was typical, Helen's seal also featured her husband's coat of arms. The legend of Helen's seal reads 'SIGILL' DNE ELE LA ZOCHÉ'²¹³ whilst another example simply reads 'SIGILL' DNE ZOCHÉ'²¹⁴. Whilst Helen's seal legend does not obviously display her position as an heiress, it clearly illustrates her lineage through the male, marital line.

²¹⁰ It was quite common for the names of paternal grandmothers to be used for children, particularly for the oldest daughter, which Agnes was. Bouchard, 'The Migration of Women's Names in the Upper Nobility', p. 1; See Chapter One, p. 40, Appendix nos. 1.1, 3.

²¹¹ Ailes, 'Armorial Portrait Seals of Medieval Noblewomen', p. 223.

²¹² *Catalogue of Seals*, p. 404; See Appendix 3.

²¹³ *Ibid.*

²¹⁴ *Brackley Deeds*, p. 65.

Conclusion

A noblewoman's identity was multi-faceted. It is clear that identity was crucial for noblewomen and they were able to display this in different ways. Patterns of religious patronage allow us to understand the ties and identity of noblewomen. It is clear that Brackley was central to the earls, countesses and heiresses of Winchester as a focus for spiritual interest. The use of names and titles was a further way in which noblewomen could convey identity. If women took the name of their husbands, they generally retained their first marital surnames but they never relinquished the title of countess if they acquired it. There was no reason to abandon such a title, especially as it increased a woman's prestige. The use of a noblewoman's titles in charters, records and on their seals, was a way for her to advertise the connections that mattered to her, be that as a married woman, widow, heiress or countess. The imagery and heraldry featured on a woman's seal were used to display ties to her husband's family, but it was also common for a woman to celebrate her natal lineage, even more so if it was prestigious. Heiresses like Agnes, Margaret and Helen, also held their own special kind of status and they used this to form a central part of their identity.

Female Agency

The idea of female agency is a central part of the study of noblewomen, but there are many different interpretations and definitions of the word 'agency'. For the purposes of this thesis, I have interpreted agency to mean the ability of a woman to work and act independently, and make her own choices. Agency is often used, as I have done so here, to describe the ability of a woman to exercise power and influence. There are, therefore, many

instances when the women featured within this study may be considered to have been acting as female agents or with agency. Historians have used the idea of 'soft' (informal, behind the scenes) and 'hard' (public) power to describe the different levels of agency that a man or woman could possess.²¹⁵ Johns has suggested that we study women by applying the idea of power in contexts. For example, a woman could be a powerful benefactor of a religious institution, but the female gender, as a whole, was seen by churchmen as the weaker sex.²¹⁶ This idea of power in contexts certainly does seem to be a good way to analyse the activities of our heiresses.

Married women are generally not considered to have wielded hard or public power, but wielded this kind of soft or indirect power. Quietly working behind the scenes, married women are generally assumed to have exercised power and influence through the dispensation of patronage, negotiation and intercession with their husbands, families, peers and the king.²¹⁷ This type of agency and power was not unique to women, but it was a crucial way in which they could exercise influence.²¹⁸ This thesis, and much of the new literature on this topic shows, however, that married noblewomen could wield a far greater level of power and influence than their subordinate legal status would imply or allow. For many of the women featured here, their status as heiresses certainly does seem to have increased their ability to act as agents. Widowhood altered the legal status of women who technically became 'free' and independent from the authority of a husband. For many women, our heiresses included, many of the roles that they undertook as widows were an extension of those they undertook in marriage as wives of their husband.

²¹⁵ Grant, *Blanche of Castile*, pp. 5-6.

²¹⁶ Johns, *Noblewomen*, p. 124.

²¹⁷ Grant, *Blanche of Castile*, p. 5.

²¹⁸ *Ibid.*, p. 5.

Landed wealth was the root of power and influence and it is clear that aristocratic heiresses, both married and widowed, were able to exercise agency on many different fronts as a result of their position as landholders in their own right. The participation of married heiresses in lawsuits certainly does suggest that, in marriage, women possessed more agency when matters concerned their inherited lands. As married women, heiresses appointed legal representatives to stand alongside their husbands' when contested lands were part of their inheritance. Partitions were seldom easy and straightforward affairs. Once a partition had been made, it was more than likely that litigation would occur afterwards, with threats to landed interests being brought against them by just about anyone. The appointment of their own legal representatives demonstrates that married women were a central part of this process. The attorneys used by women were often men from areas within an heiress' inherited lands, a sign of a married woman's influence and concern to be involved in legal matters connected with her birth family's interests. This is an example of power in context. Although married women were able to appoint their legal representatives, they were not able to bring their own suits to court. The participation of a married heiress in legal disputes would have only been made possible with the consent of her husband, who accepted that his wife could participate in these affairs, and encouraged such participation. It is certain that married heiresses had an interest in their inherited rights throughout marriage and on many occasions this does seem to have been supported by their husbands. Grants of religious patronage in marriage would have also called for the consent of a husband. It is apparent that married heiresses, like Margaret de Quency, were able to make grants of patronage, religious or secular, with the support of their husbands. It is also evident that noblewomen were also able to influence grants made by their husbands, especially if these were being made from their inherited lands and rights.

Married women exercised agency as estate managers. Most noblewomen would have had a role in the administration and management of estates in marriage, and not just when their husbands were away on business. It is true that noblewomen looked after the family estates and cared for their children while their husbands were absent from the home, but it must also be assumed that, for the most part, women were involved in estate administration throughout marriage too. The experiences of the heiresses of this study show that women were active and successful managers of vast and complex estates. Women could not have been as successful as widows without the practice, experience, and knowledge they acquired as wives. The same can be said for widows and their experiences in legal proceedings. As widows, the number of legal disputes in which women were involved increased and the experiences they had with the law in marriage would have proven exceptionally useful to them. Widowed heiresses were solely responsible not only for the protection of their inheritance, but also for securing and maintaining their dower and marriage portions. In terms of estate management, widowed heiresses continued to act as agents, like they did in marriage but to a much greater extent.

The heiresses featured in this thesis acted as female agents on many occasions and in many different capacities, as wives, mothers and widows. We have to accept that not all women were as active as others. Personality surely would have affected the ability and experiences of different women to act as agents. Not all women were as strong-willed or determined as some of those we have been able to investigate here. We also have to be cautious in our consideration of the experiences of women and acknowledge that some husbands would not have been as co-operative or as willing as others. Nonetheless, heiresses were certainly able to exercise a level of agency, with their husband's consent and probable encouragement, that was perhaps stronger than other married women. An

heiress' inherited right to lands does appear to have given her a more substantial degree of influence when it came to exercising influence and agency. As independent women, widows are often seen as agents controlling their estates and landed and familial affairs. As this thesis has shown, aristocratic women often fulfilled this role with great success.

Conclusion

The important change in the legal system during the twelfth century allowed women to inherit land held in military service jointly as coheiresses for the first time in English history. The thirteenth century was, therefore, a pivotal time for aristocratic women and their property rights. Daughters and sisters provided fathers and brothers with the only way for the family bloodline to continue when they had no legitimate or surviving male heirs to succeed them. The processes of female inheritance were laid down in legal treatises from *Glanvill* in the late twelfth century, to *Fleta* in the late thirteenth century in England and Ireland, *Regiam* in Scotland, and the *Coutumiers* in Normandy. The laws and customs of England and Normandy of the thirteenth century were quite fixed and robust in comparison to the customs in place in France which varied from region to region.¹ The English treatises laid down that inheritance should be divided equally, reserving the right of the eldest sister or coheir to hold the chief message of an inheritance, as well as the title. In the case studies that comprise this thesis, there were no occasions when a younger daughter received a title in place of an elder sister, but eldest sisters did not refrain from trying to acquire more than their fair share of the family lands. The partitions of Chester, Pembroke, Leicester and Winchester were made according to customs and processes laid down in the English legal treatises; heirs were identified, extents carried out, and partitions made.

¹ My thanks go to Charlotte Crouch for reading recommendations and for our discussions on inheritance customs in the different regions of France. See Livingstone, 'Aristocratic Women in Medieval France', in *Women in Medieval France*, ed. T. Evergates (Philadelphia: University of Philadelphia Press, 1999); Livingstone, *Out of Love for My Kin, Aristocratic Family Life in the Lands of the Loire, 1000-1200* (New York: Cornell University Press, 2010); T. Evergates, 'Inheritance and Succession' in *The Aristocracy of the County of Champagne* (Philadelphia: University of Pennsylvania Press, 2007), pp. 119-133.

Women often faced challenges to their inherited rights, but this was certainly not an experience unique to their gender. Male heirs, like Arthur of Brittany, also suffered from disinheritance and had to defend claims to their inheritance. On the whole, English laws of inheritance were crucial and successful in protecting the rights of women in this period. Nonetheless, there were certainly instances when the rights of women to receive property through inheritance were compromised. Major political events, customary and common law, and royal ambitions had the ability to dramatically affect the fortunes of heiresses, as did the need to assign widows dower. When a woman did suffer a loss or neglect of her inherited rights, the king always ensured that she received lands and property in compensation. It is clear, however, that female inheritance and the division of services and important territories was still a cause of concern for aristocratic families in thirteenth-century England. Following the death of John le Scot, the king could not risk dividing Cheshire between four female coheirs for the security of the country. Likewise, the Scottish rebels who challenged the division of Galloway clearly had reservations about female inheritance. Although the king was obliged to uphold the law and was keen to be seen to be doing so, he was not above negotiating with heiresses to ensure that his own interests were also protected. The lands than an aristocratic heiress was due to receive were often negotiable but, as this thesis argues, her entitlement to hold an inheritance was not.

Prior to Magna Carta the provision of marriage portion and dower was important, but was even more so following the first issue of the charter in 1215 and the reissues that followed. This thesis supports and contributes to the existing historiography and important works of Leongard and Annesley which highlights the impact of the Great Charter for women's property rights. Families worked hard to guarantee that their young girls, whether daughters, sisters or nieces, received a marriage portion. Such a grant was crucial to enable

women to marry well, but it also provided them with a level of financial security. It would appear, however, lands designated as marriage portions were also subject to exchange or compromise. Like inheritance, the grant of marriage portion and dower could often be delayed by political events, or the death of a husband in difficult or unusual circumstances. Widows often faced claims against their dower lands and their right to remain single and unmarried could also be challenged. Nevertheless, attempts were made to ensure that women received their dower lands within the forty days prescribed by Magna Carta, and, more often than not, it would seem that this was successful. Legislation issued throughout the thirteenth century also sought to reinforce and strengthen the property rights of widows. A widow's right to hold dower was always put before the rights of an heir, male or female, to hold land in inheritance. This is an indication, not only of the need to uphold the law but, also crucially, the important position of aristocratic widows in thirteenth-century English society.

The impact that aristocratic female inheritance had on English political and landholding society is undeniable. The division of the lands of William Marshal, earl of Pembroke, and Ranulf, earl of Chester, between numerous female coheirs, saw great swathes of wealth and land being distributed to several English aristocratic families. There were clear concerns about the division of lands between women but female inheritance also provided valuable opportunities. The increase in the number of heiresses provided men, such as John de Lacy, the chance to make advantageous marriages which saw the elevation or consolidation of their position at the royal court. The king benefitted from the wardships and marriages that fell to him as a result.

It is easy to examine the impact of female inheritance on society as a whole, but the benefits that inheritance brought to the heiresses themselves must not be overlooked. The ability to inherit altered the prospects of many women. Heiresses saw their own fortunes improve as they inherited wealth and enjoyed increased status as married or widowed women. Inheritance shaped the identity of heiresses and different aspects of their lineage was regularly depicted on their seals. If a noblewoman came to hold a title at any stage in her life she never relinquished it. Hawise de Quency's continual use of the title 'countess of Lincoln' until her death, despite only holding the earldom for a period of a month, conveys the importance of title and status for women in this period. Amice, sister and heir of Robert de Breteuil, used her hereditary right as the eldest coheir and styled herself 'countess of Leicester' despite never actually holding the lands that were associated with it. Titles were a way for noblewomen to display their status and heritage, and they were not keen to relinquish any title that gave them prestige.

An overarching theme of this thesis is the concept of female agency and the varying ways in which noblewomen could act with and display their agency. It is clear that many of the heiresses featured within this thesis were active legal agents in both marriage and widowhood; these women were far from the submissive characters or pawns described by Duby. As we know from the important works of Ward, Wilkinson and Loengard, women played a crucial and important role in the domestic sphere but also on the wider political and legal stages. The heiresses discussed here fulfilled roles that were traditionally associated with their gender but their status as heirs magnified the extent of their engagement and involvement in politics and society. Married heiresses often appointed their own attorneys and this reinforces the fact that women were actively involved in the administration of their estates, not just in the absence of their husbands, or to merely

uphold their husband's interests. Women had their own ambitions and interests too. These women often wielded a great deal of influence and authority at the royal court and within the noble class. As mothers, heiresses like Margaret de Ferrers, countess of Derby, played a vital role in ensuring that all of their children married well and were provided with lands for their security in the future.

Inheritance by women undoubtedly had a massive impact on all aspects of English society. In legal terms, partitions of inheritance required a great deal of negotiation and work, and it often took several years for a final agreement to be reached. Once a division had been devised and carried out, there was a great possibility that litigation would ensue, if not between the parceners themselves, then with other people who sought to claim segments of the lands in question. The Chester, Pembroke, Leicester and Winchester divisions were particularly protracted affairs, partly due to the complexities of politics and the scale and spread of the lands that had to be divided equally between the coheirs. The rolls of the King's Bench for the reigns of both Henry III and Edward I are scattered with lawsuits regarding these divisions and undoubtedly these must have taken up a considerable amount of the justices' time. With the regular division of lands between female coheirs in the thirteenth century this cannot have been an unfamiliar phenomenon and, it would appear to have become very much a part of daily business in the courts.

One of the major findings of this thesis, and its contribution to current historiography, is the role that noblewomen played in lawsuits and their use and appointment of attorneys. Aristocratic women were often active litigants and sued to obtain and protect their lands. The valuable works of Loengard and Walker have uncovered the regularity and success with which widows were involved in legal activities and this thesis

contributes to this argument and strengthens their findings. It has now long been established that married noblewomen wielded a greater degree of power and authority than their legal status might have suggested. This thesis proves the same is true of their involvement in litigation. For widows, their personal involvement in lawsuits and the appointment of attorneys was essential; they had no husband or male relative to represent them or to litigate for them. The use of attorneys was not an activity exclusively unique to being female. Men used attorneys to deal with legal matters on a regular basis and the use of legal representatives was only sensible given the complex developments of the legal system. Heiresses regularly appointed their own attorneys in lawsuits that concerned their inheritances. Married noblewomen were heavily involved in estate administration, and their involvement in litigation was an important extension of this role. Married heiresses regularly appointed legal representatives jointly with their husbands, and mutual landed interests can be seen from the men chosen to act in this capacity. Women did not, however, always appoint the same attorneys as their husbands in the same lawsuit. Husbands and wives often appointed an attorney each and it was not unheard of for women to appoint their own legal representatives completely independently from their husbands. The individual appointment of attorneys by married heiresses was a clear marker of their status, but it also reinforces the notion that women had an interest in their lands and estates throughout the duration of their lives, not just in widowhood. Although it is often difficult to identify the origin and experience of men who were appointed as attorneys by heiresses, Agatha de Mortimer, Elizabeth Comyn, countess of Buchan, and Helen la Zouche did reuse men who acted as their attorneys on more than one occasion. This repeated use of attorneys suggests that bonds of trust could often be formed between women and the men they nominated to represent them in legal matters. The Winchester heiresses frequently appointed men from

areas in which they had an interest or concern. It is not always possible to understand who these men were and how often they fulfilled the role of legal representative. A comprehensive survey of men who acted as attorneys in this period would be exceptionally fruitful in understanding their legal experience, or their ties to the women they represented. This would enable further light to be shed on the developments of the English legal system, and the status and experience of men who acted as attorneys for noblewomen. It would be useful to examine other divisions of English earldoms and honours in order to determine whether the conclusions drawn here may be applied to other instances of female inheritance in thirteenth-century England.

Overall, the property rights of English aristocratic women saw increased protection over the course of the thirteenth century but they never became completely secure. Rival claims were often made to lands to which a woman was entitled as inheritance, and it was certainly not unusual for a king to meddle in affairs which could affect his personal interests and those of his country. There were clear concerns about groups of women inheriting as coheiresses and the consequences of the division of large estates between coheiresses, but, the entitlement of women to inherit could not be entirely questioned. The need for women to be provided with marriage portions and dowers upon widowhood was entrenched in English custom and, later, law. Aristocratic women were extremely active in preserving and protecting their own landed interests. From the issue of Magna Carta in the reign of King John, successive English kings sought to protect widows and introduced further measures and legislation to do so. Fundamentally, the property rights of women were protected by English law and it was impossible to deny them completely.

Appendices

Appendix 1: Genealogies

Appendix 1.1: The heiresses of Chester, 1232 and 1237

Appendix 1.2: The family of William Marshal

Appendix 1.3: The Ferrers daughters

Appendix 1.4: The heiresses of Leicester

Appendix 1.5: The heiresses of Winchester

Appendix 2: Maps

Appendix 2.1: Counties in which the 1232 Chester heiresses inherited lands

Appendix 2.2: Counties in which the 1237 Chester heiresses inherited lands

Appendix 2.3: Counties in which the Ferrers daughters inherited lands

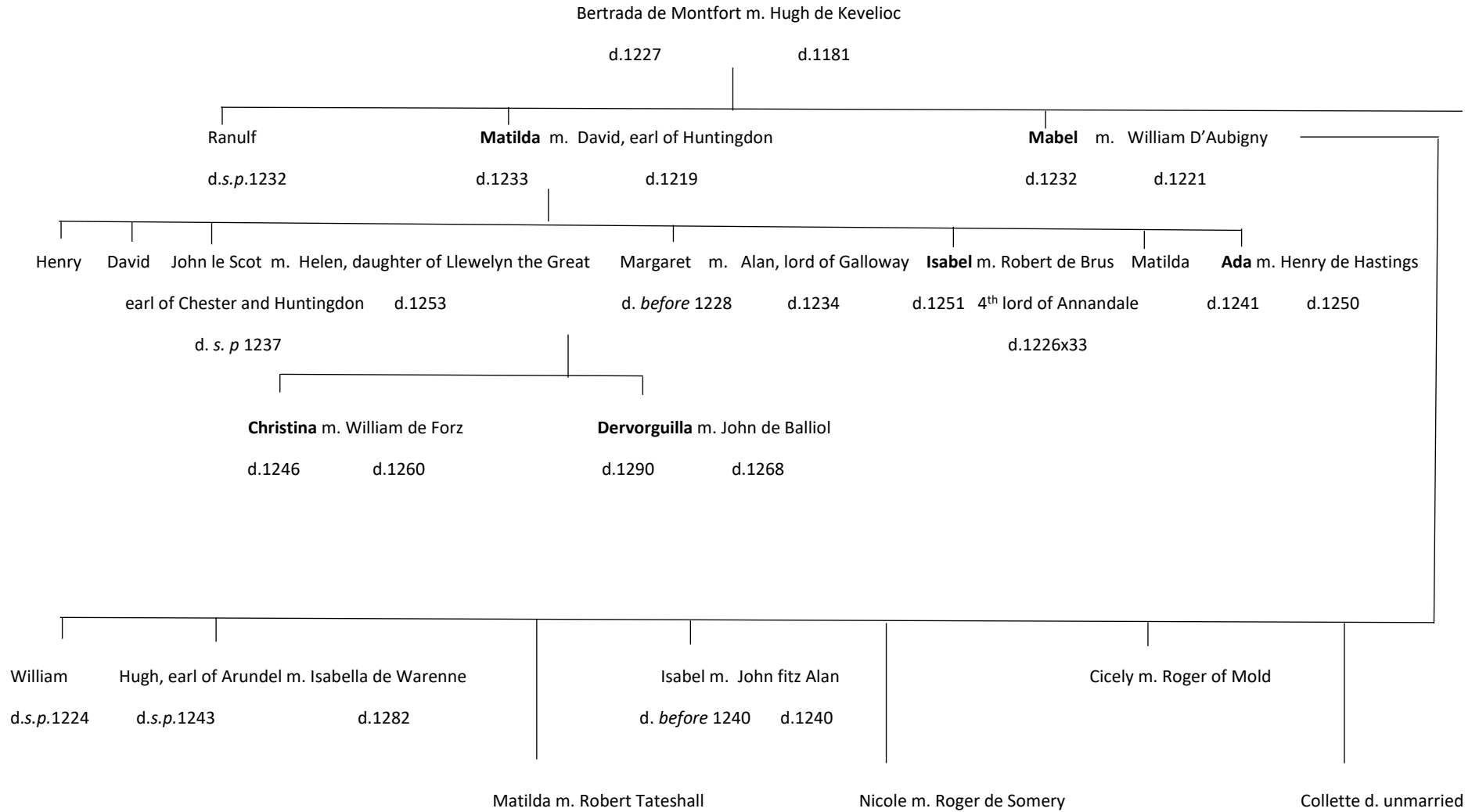
Appendix 2.4: Map of Ireland

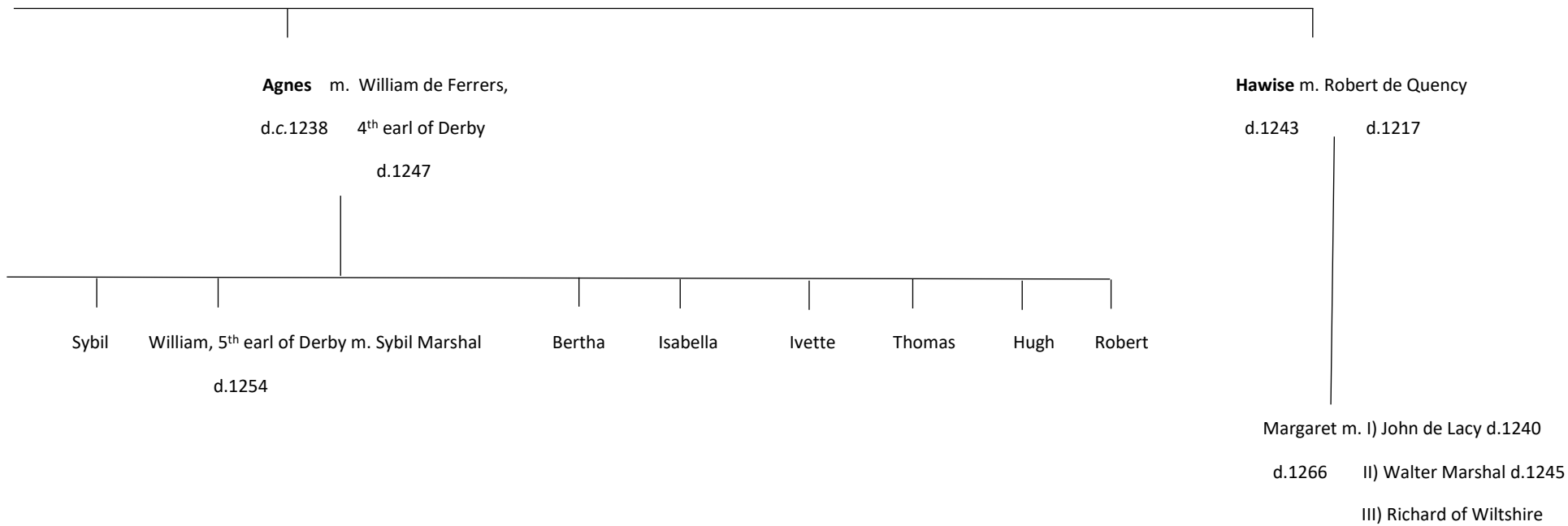
Appendix 2.5: Counties in which the Leicester heiresses inherited lands

Appendix 2.6: Counties in which the Winchester heiresses inherited lands

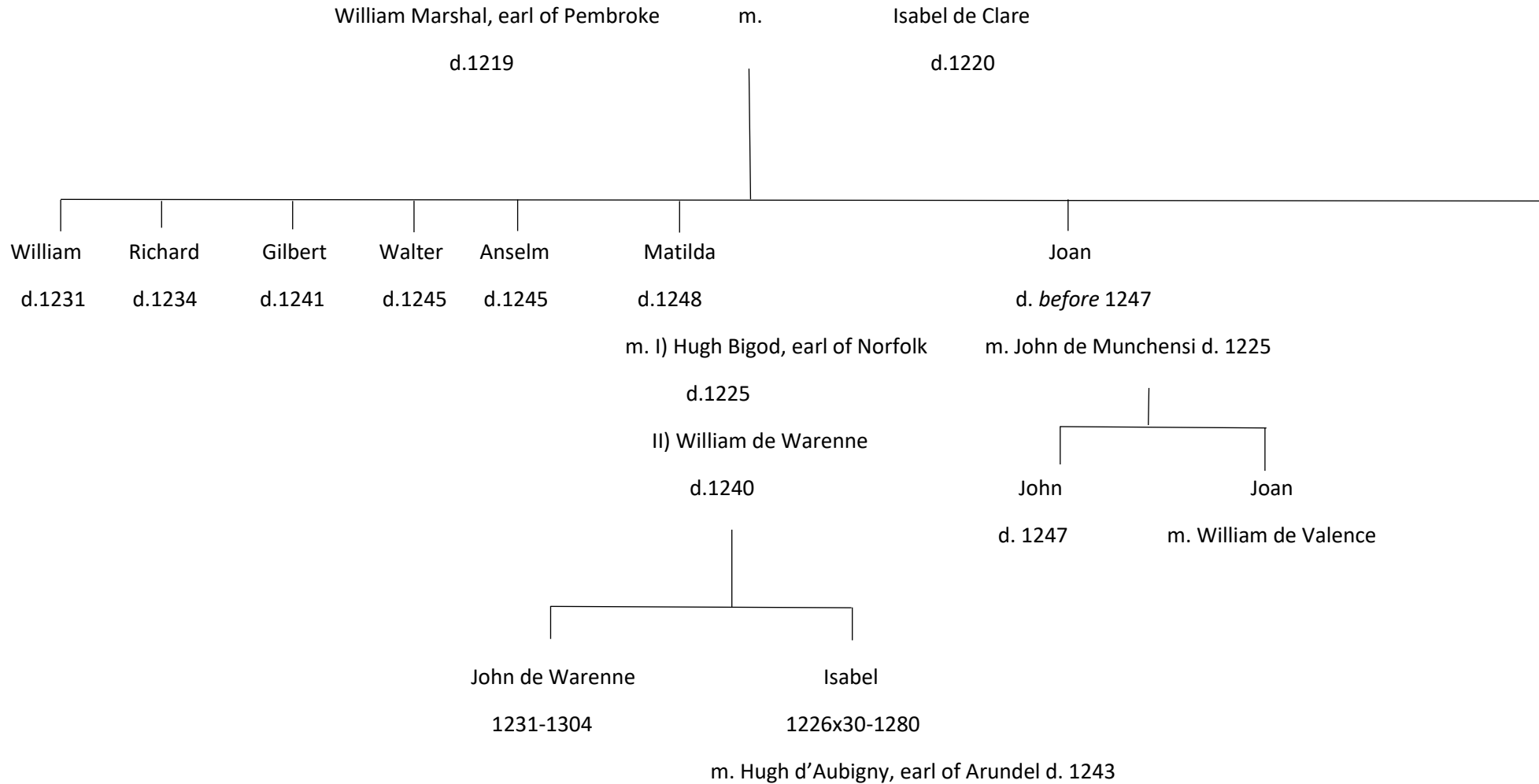
Appendix 3: Catalogue of Seals

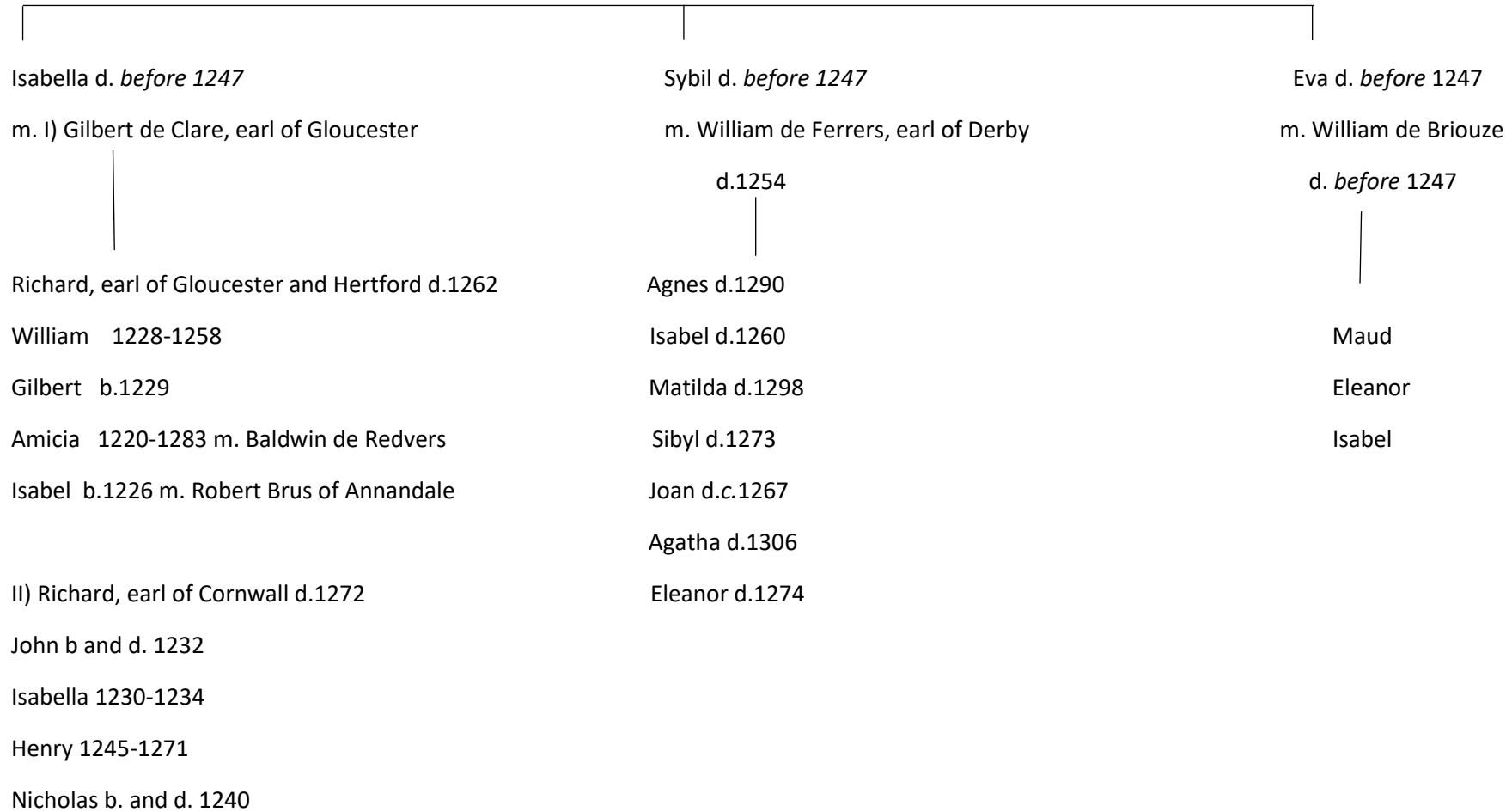
Appendix 1.1: The heiresses of Chester 1232 and 1237



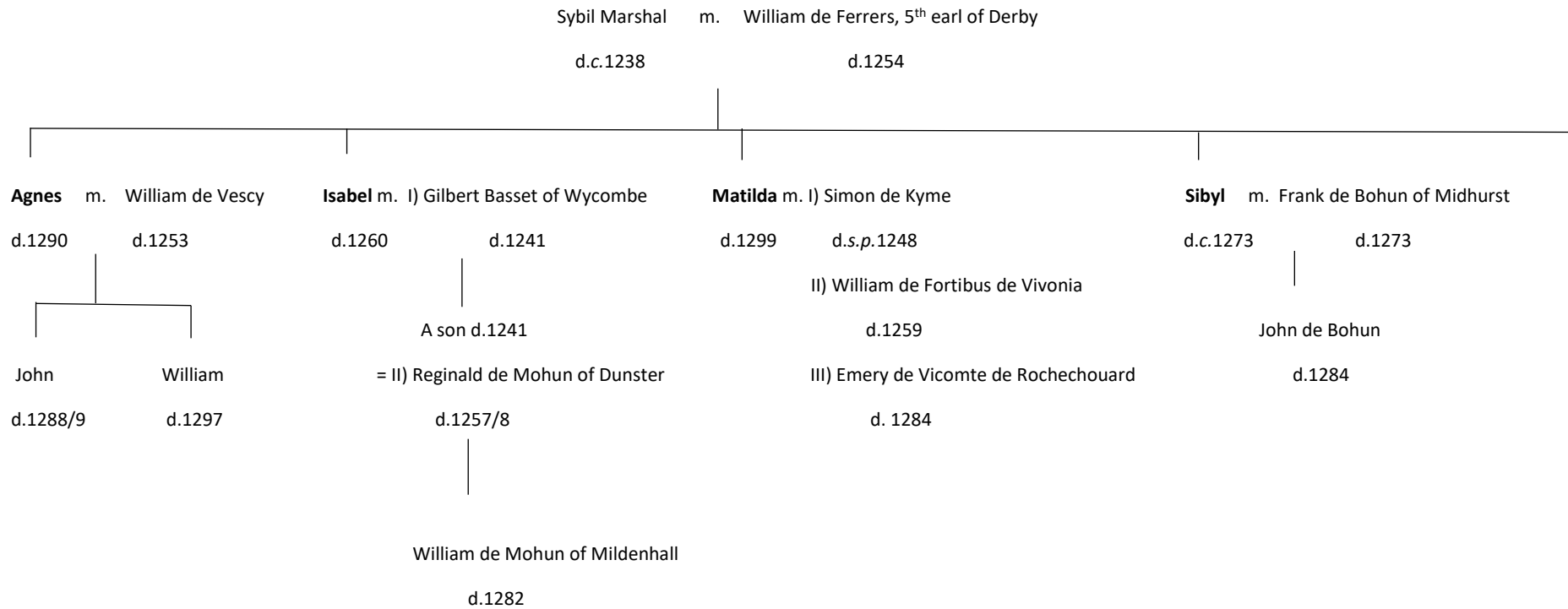


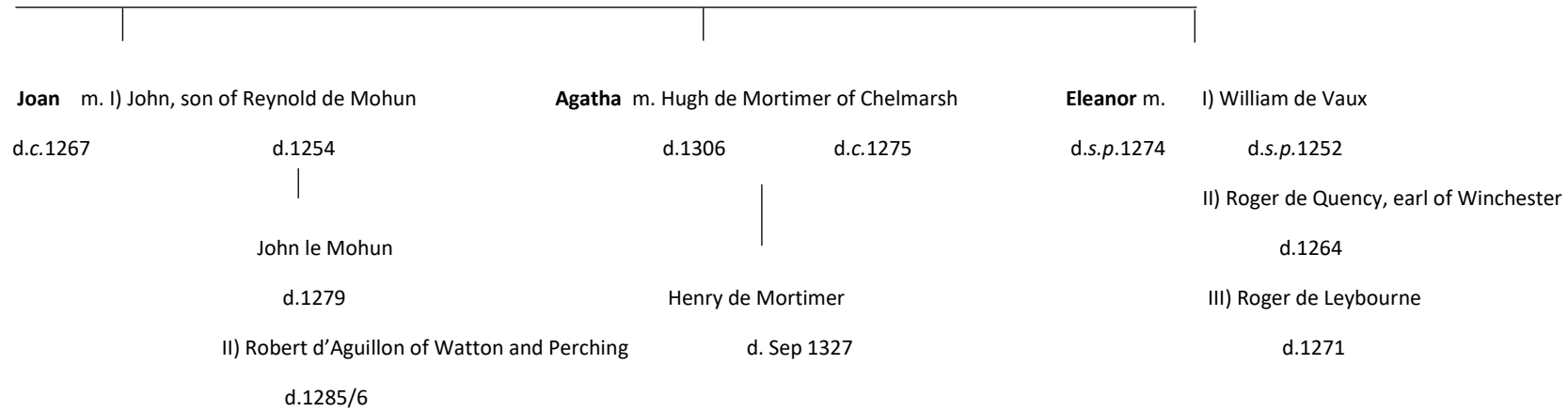
Appendix 1.2: The Marshal family tree



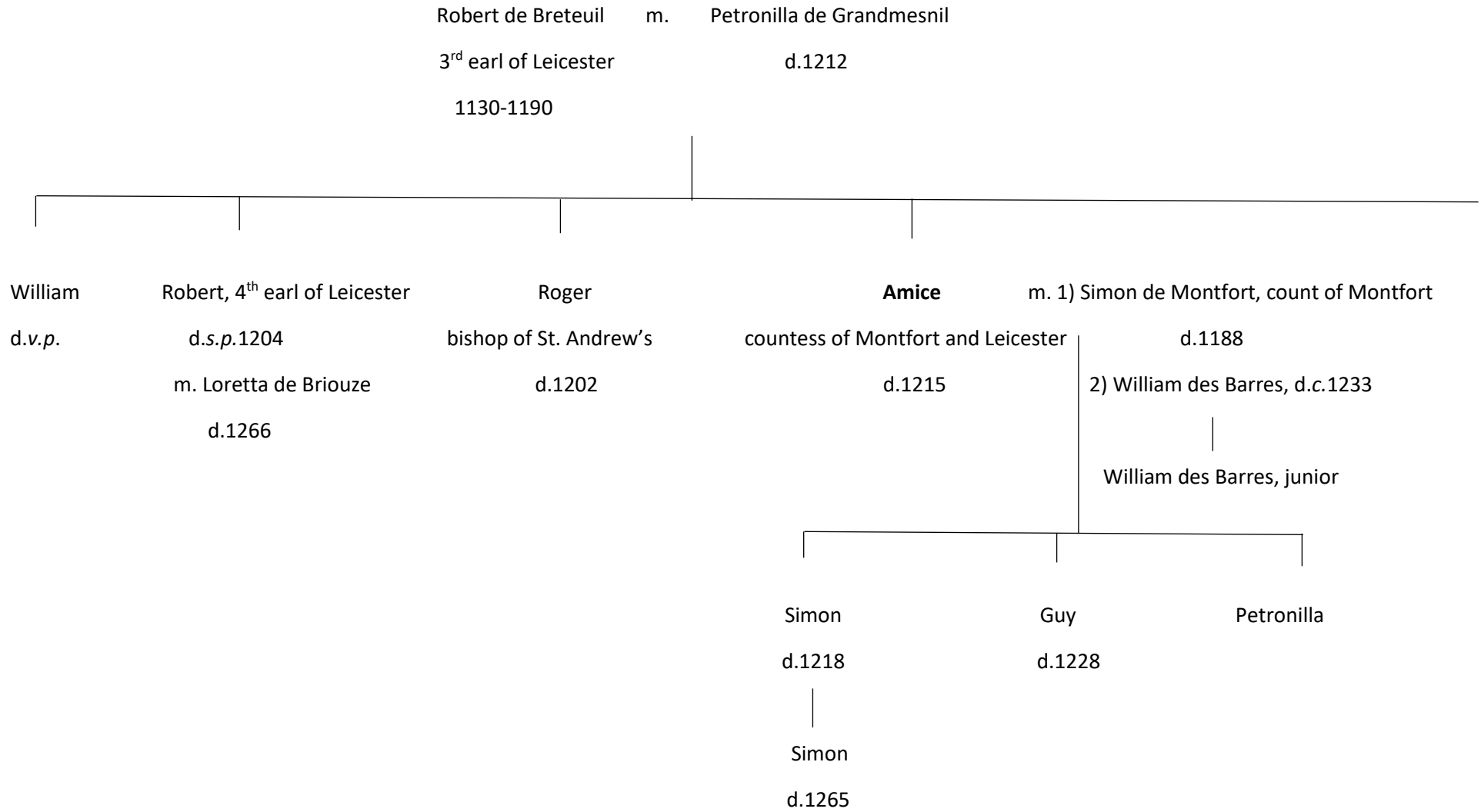


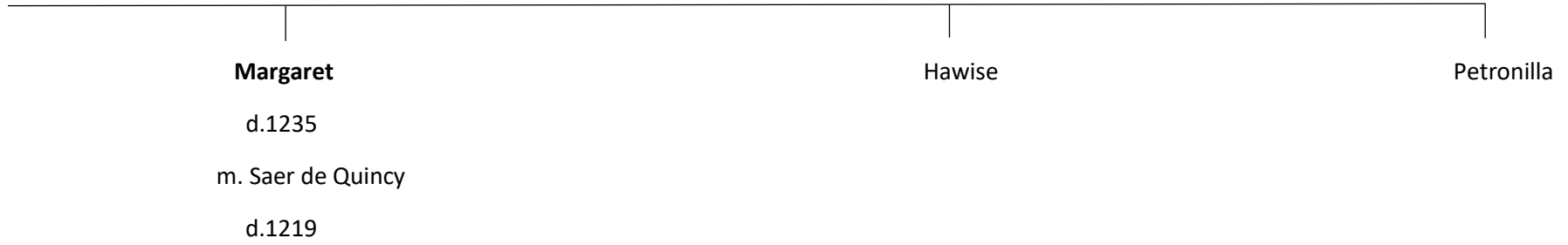
Appendix 1.3: The Ferrers daughters



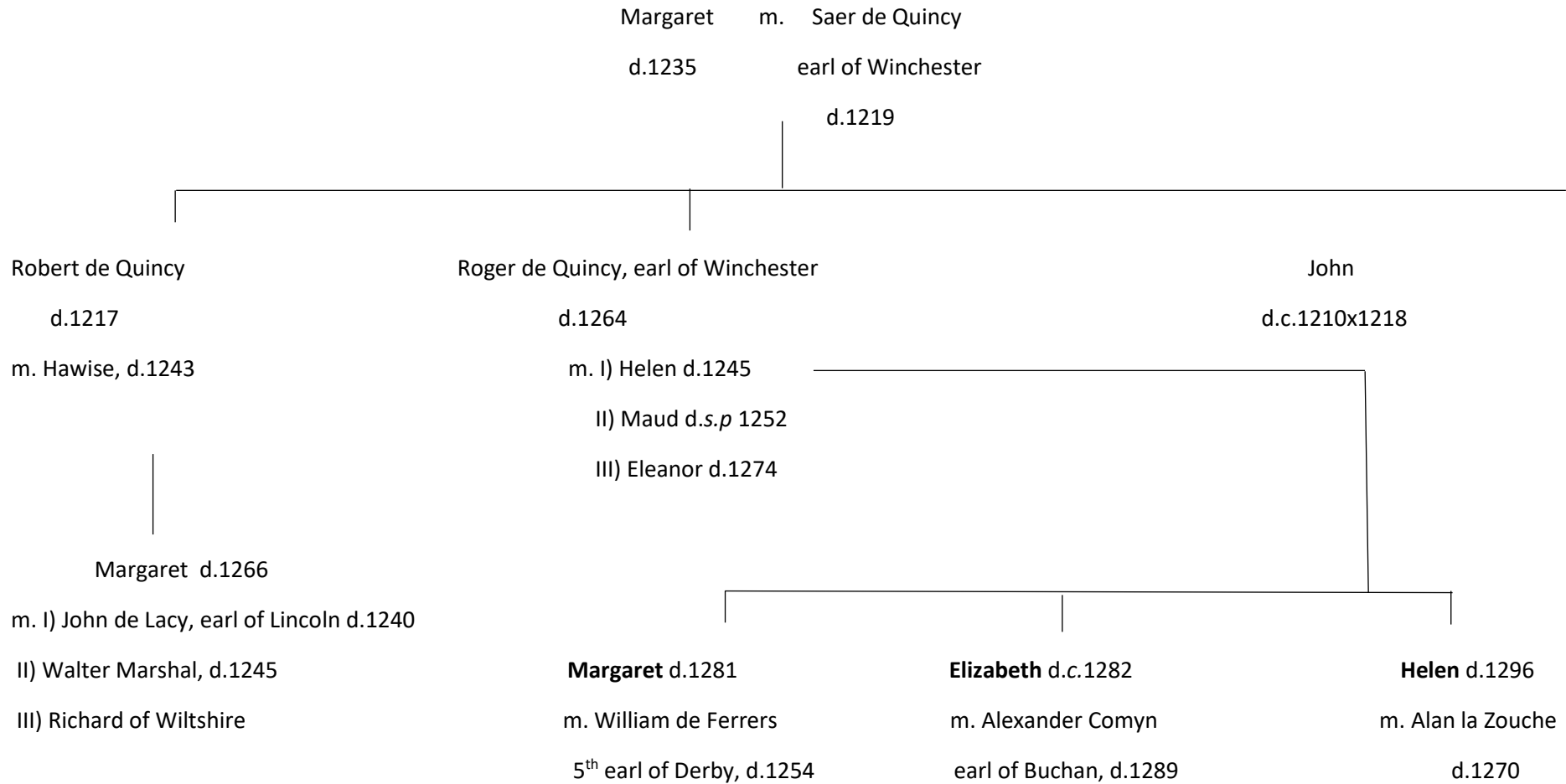


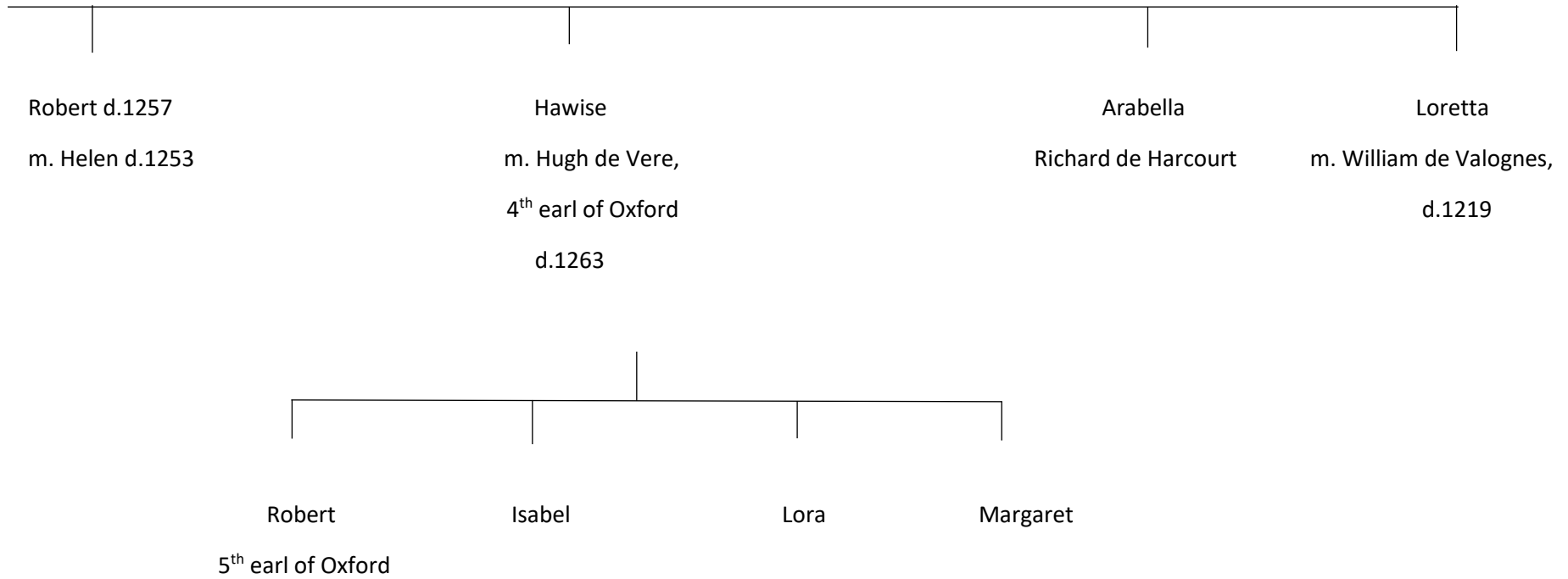
Appendix 1.4: The heiresses of Leicester



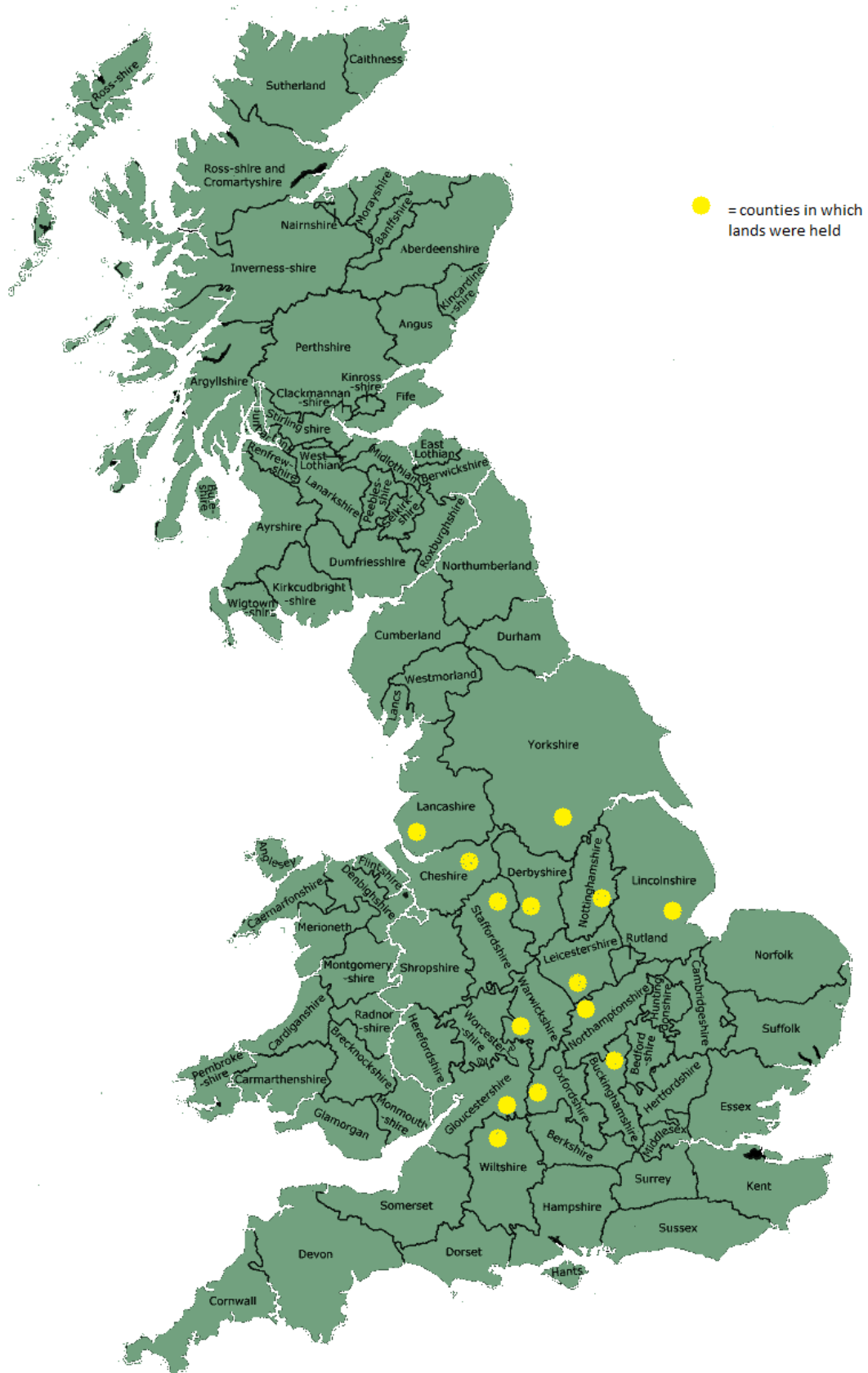


Appendix 1.5: The heiresses of Winchester

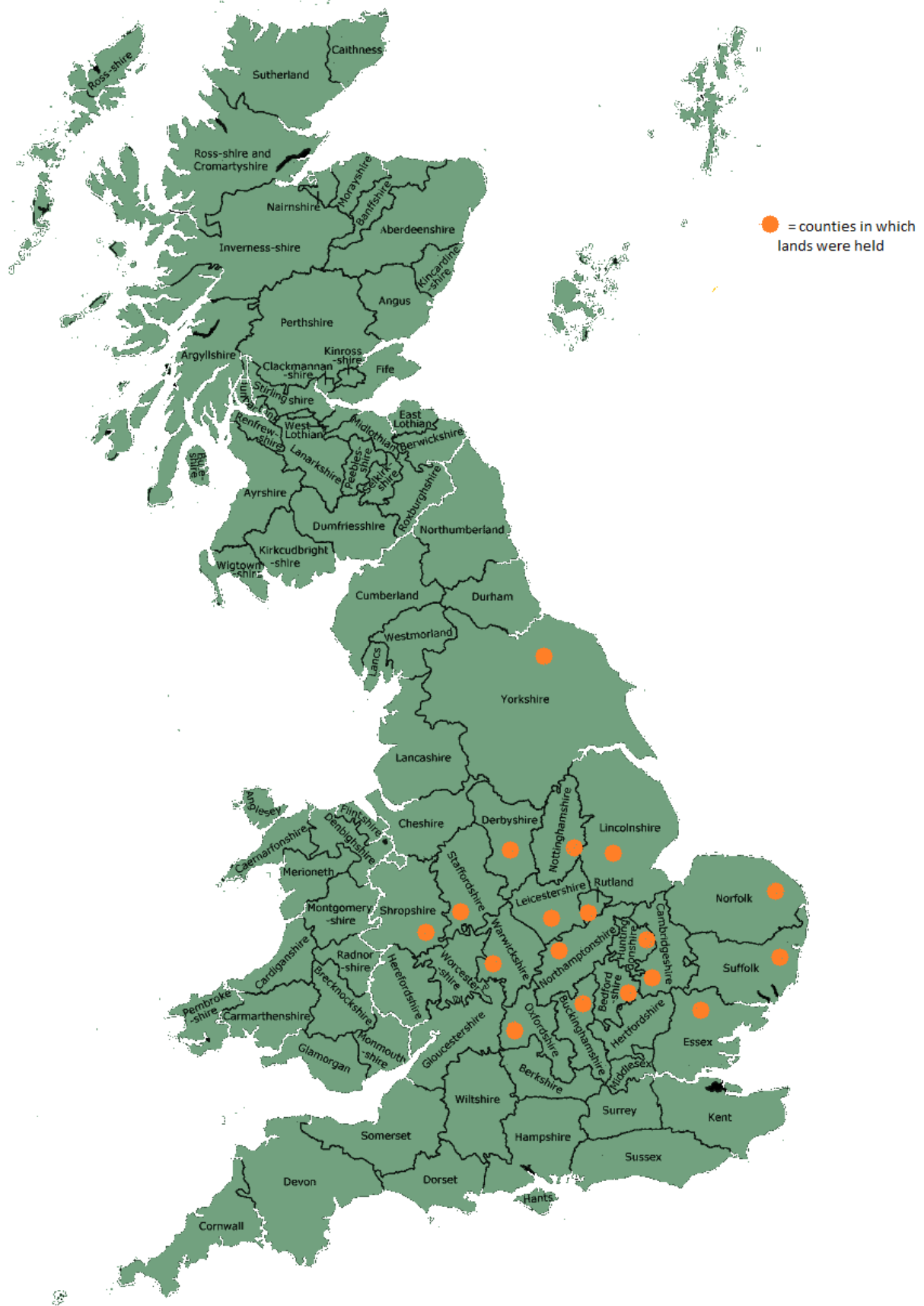




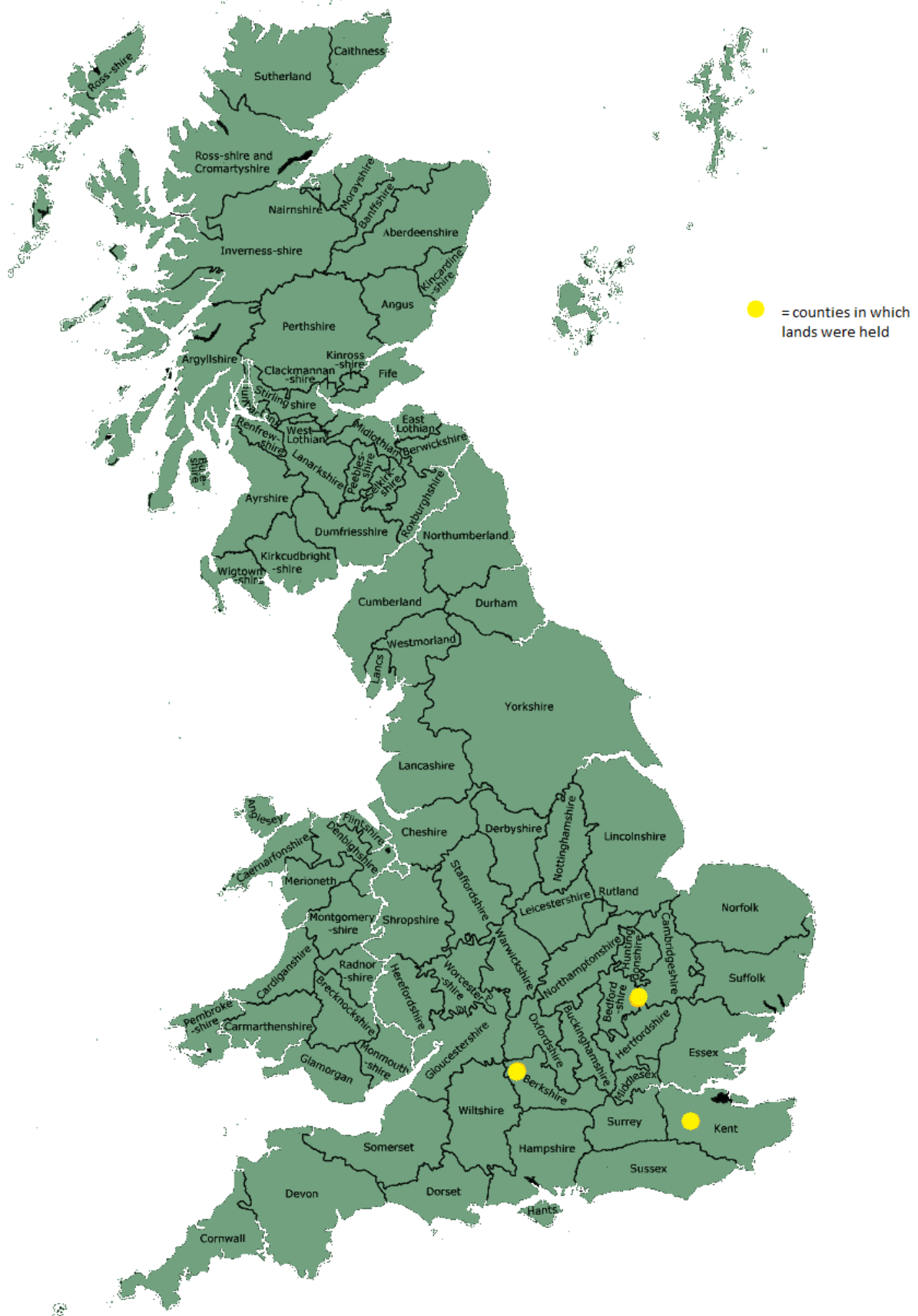
Appendix 2.1: Counties in which the 1232 Chester heiresses inherited lands in England



Appendix 2.2: Counties in which the 1237 Chester heiresses inherited lands in England



Appendix 2.3: Counties in which the Ferrers daughters held lands in England

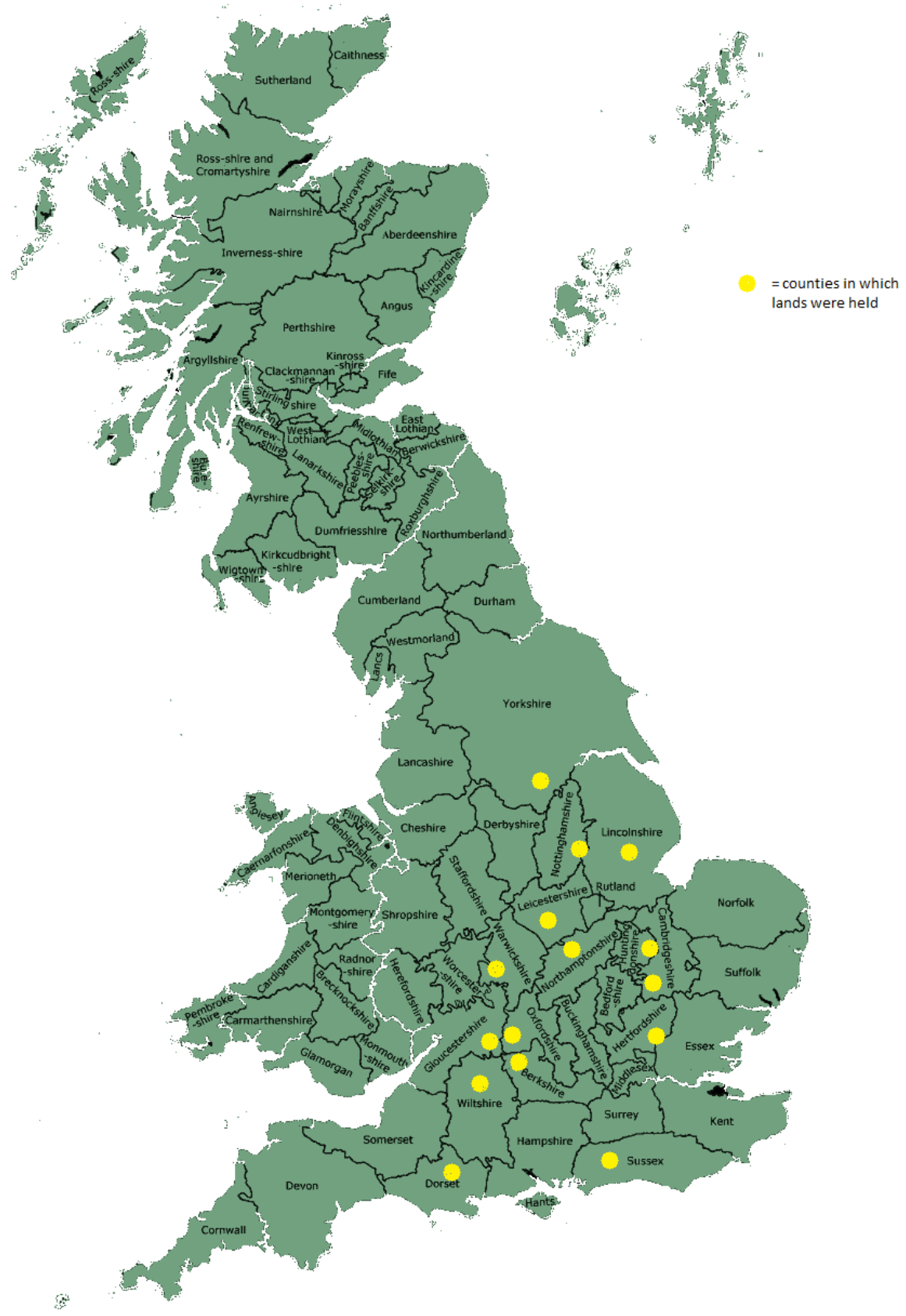


Appendix 2.4: Map of Ireland

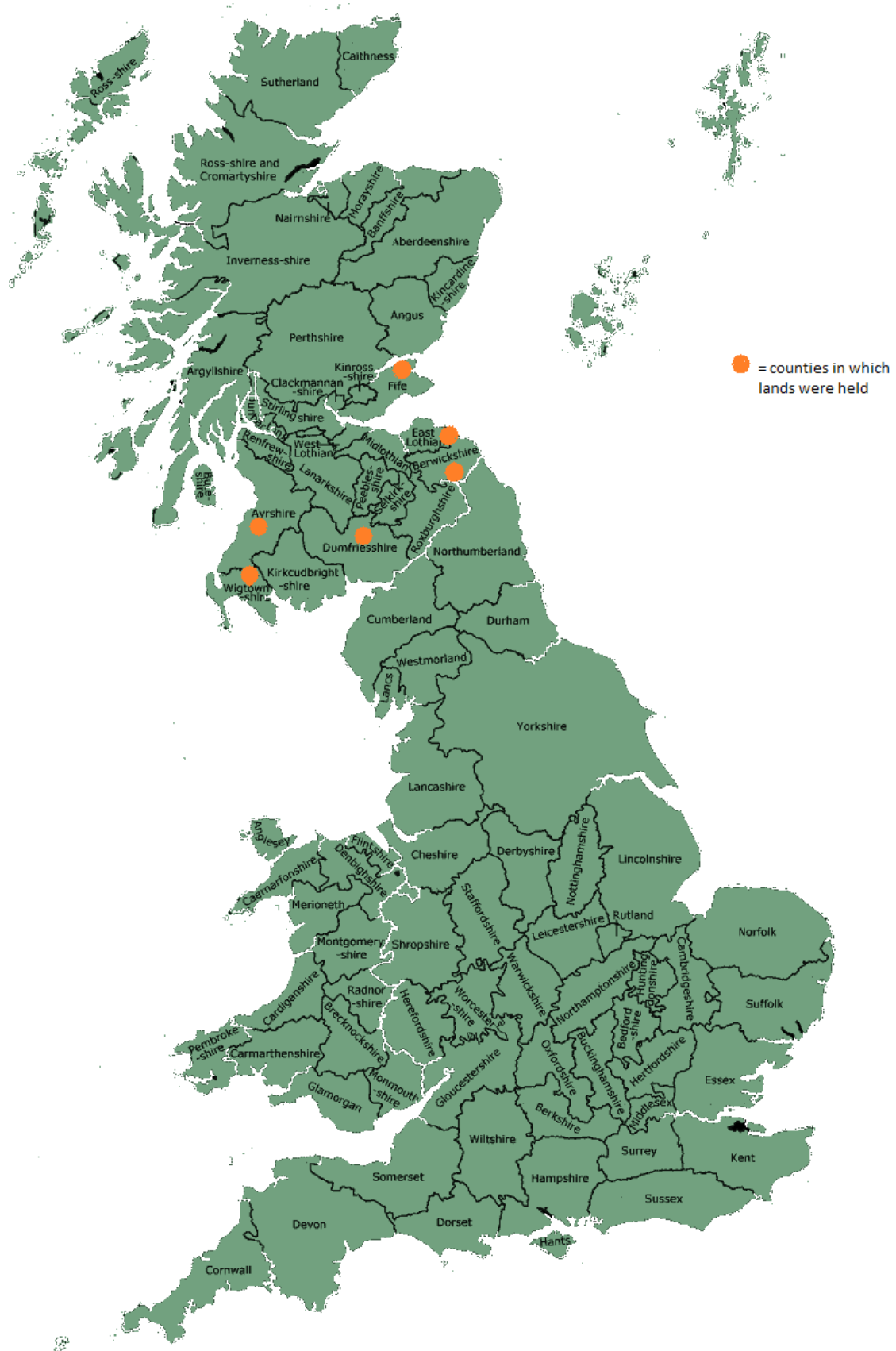
In *Atlas of Irish History*, ed., Sean Duffy (Dublin: Gill and Macmillan, 1997), p. 41.



Appendix 2.6: Counties in which the Winchester heiresses inherited lands in England



Appendix 2.7: Counties in which the Winchester heiresses held lands in Scotland



Appendix 3: Catalogue of Seals

Isabella de Brus (d. 1251)

[Early 13th Century]. Dark green. Pointed oval. Standing on a corbel in a long dress, cloak and head-dress. A fleur-de-lys in the right hand and left hand on the breast. A field with wavy foliage on each side.

‘SIGILLVM: YSABELLE: DE: BRUS’

Birch, *Catalogue of Seals*, Vol. II, no. 6597.

Agnes de Vescy (d. 1290)

Front. Pointed oval. In girdled dress, fur-lined mantle and flat head-dress. Has a shield of arms in right hand and a cross flory featuring ‘VESCY’. Standing on a carved corbel and on the left there is a field and a shield of arms. FERRARS. On each side, a field with a wavy scroll of foliage and flowers.

Reverse. A branching tree with the Vescy, Chester and Marshal coat of arms.

Birch, *Catalogue of Seals*, Vol. II, no. 6726.

Margaret de Quency, countess of Winchester (d. 1235)

[A.D 1220]. Pointed oval. To the left, in a tightly-fitted dress. Features: fleur-de-lys, the Beaumont coat of arms and an armorial tree featuring the Quency and FitzWalter arms.

‘GILLE...OMITIISE: W.....’

Birch, *Catalogue of Seals*, Vol. II, no. 6700.

Helen la Zouche (d. 1296)

[Late 13th century]. Pointed oval. In tightly-fitted dress, fur cloak, flat head-dress, with a shield of arms in each hand. Standing on a carved corbel. Features both the arms of La Zouche and Fitz-Parnell of Leicester.

‘SIGIL’ DNE ELE INE (or DNE) LA ZOUCHE’.

Birch, *Catalogue of Seals*, Vol. II, no. 6742.

Bibliography

MANUSCRIPT SOURCES

THE NATIONAL ARCHIVES, KEW

C 47 - Chancery Miscellanea

C 54 - Chancery and Supreme Court of Judicature: Close Rolls

C 60 - Chancery: Fine Rolls

C 132 - Chancery: Inquisitions Post Mortem, Series I, Henry III

C 133 - Chancery: Inquisitions Post Mortem, Series I, Edward I

C 143 - Chancery: Inquisitions Ad Quod Damnum, Henry III to Richard III

CP 40 - Court of Common Pleas: Plea Rolls

DL 10 - Duchy of Lancaster: Royal Charters

DL 25 - Duchy of Lancaster: Deeds Series, L

E 372 - Exchequer: Pipe Office, Pipe Rolls

E 40 - Exchequer: Treasury of Receipt: Ancient Deeds, Series A

KB 26 - Court of Common Pleas and King's Bench, and Justices itinerant: Early Plea and Essoin Rolls

KB 27 - Court of King's Bench: Plea and Crown Sides: Coram Rege Rolls

SC 1 - Special Collections: Ancient Correspondence of the Chancery and the Exchequer

SC 8 - Special Collections: Ancient Petitions

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THE BRITISH LIBRARY, LONDON

Add MS 46701 - Stixwold Cartulary

Add MS 6040 - Southwark Chartulary

Add Ch 71309 - Deeds relating to lands of Bromfield Priory

Add Ch 71311 - County of Gloucester: City of. Deeds relating to St. Peter's Abbey

Add MS 35296 - Spalding Priory register, volume 1

Arundel MS 19 - Chartularium Abbatiae de Tinterna in agro Monemutensi

Cotton MS Caligula A XII - Cartulary of Pipewell Abbey

Cotton MS Titus C VI - Paper of Henry Howard, earl of Northampton (d. 1614)

Cotton MS Titus C VIII - Cartulary of Wymondham Priory

Cotton MS Vespasian E XVIII - Cartulary of Kirkstead Abbey

Cotton MS Vitellius F XVII, ff. 5-46 - Rental of Leicester Abbey

Egerton MS 3724: 1350 - Register of the Mohun family, lords of Dunster

Harley MS 3897 - Cartulary of Hulne Whitefriars

PRINTED PRIMARY SOURCES

'A letter from Amice' 1195, *Epistolae: Medieval Women's Latin Letters*,
<<https://epistolae.ctl.columbia.edu/woman/25271.html>>, accessed 6 March 2017.

A Calendar of the Feet of Fines relating to the county of Huntingdon, ed., G. J. Turner
(Cambridge: Cambridge Antiquarian Society, 1918).

A Descriptive Catalogue of Ancient Deeds, Vol. II, ed., H. C. Maxwell-Lyte (London: H.M.S.O,
1894).

Annales Cestrienses: or, Chronicle of the Abbey of St. Werburgh, at Chester, ed., R. C. Christie
(London: Printed for The Record Society, 1887).

Annales Monastici, ed. H. R. Luard, Rolls series, 5 vols (London: Longman, 1864-69).

Basset Charters, c. 1120-1250, ed., W. T. Reedy (London: J. W. Ruddick and Sons Ltd, 1995).

De Legibus et Consuetudinibus Angliae: Bracton on the Laws and Customs of England, ed. G. E. Woodbine and trans. S. E. Thorne (4 vols, Cambridge MSS: Harvard University Press, 1968-77).

Britton, ed., F. M. Nichol (2 vols, Oxford: Clarendon Press, 1865).

Calendar of the Charter Rolls preserved in the Public Record Office (6 vols, London: H.M.S.O, 1903-27).

Calendar of the Close Rolls preserved in the Public Record Office (18 vols, London: H.M.S.O, 1900-38).

Calendar of Documents relating to Ireland, ed., H. S. Sweetnam, (5 vols, London, 1875-).

Calendar of Documents relating to Scotland, ed., J. Bain (2 vols, London, 1881-).

Calendar of Inquisitions Miscellaneous preserved in the Public Record Office, 1219-1307 (London: H.M. S.O, 1915-).

Calendar of Inquisitions Post-Mortem and Other Analogous Documents preserved in the Public Record Office (Vols I-IV, London: H.M.S.O, 1904-1913).

Calendar of the Fine Rolls preserved in the Public Record Office, 1272-1307 (London: H.M.S.O, 1911).

Calendar of the Fine Rolls of the Reign of Henry III (2007-2011), available online at <http://www.finerollshenry3.org.uk>.

Calendar of the Patent Rolls preserved in the Public Record Office (9 vols, London: H.M.S.O, 1891-1913).

Cartularies of St. Mary's Abbey, Dublin: with the Register of its House at Dunbrody and Annals of Ireland, ed., J. T. Gilbert (London: Longman and Co., 1884).

Charters of the Abbey of Coupar Angus, Vol. I, ed., D. E. Easson (Edinburgh: T. Constable, 1947).

Coutumiers de Normandie, Le Très Ancien Coutumier de Normandie, ed., E-J. Tardif (Rouen: Esperance Cagniard, 1881).

Curia Regis Rolls of the Reign of Henry III preserved in the Public Record Office (20 vols, London: H.M.S.O, 1922-2006).

English Historical Documents, 1189-1327, ed., H. Rothwell (London: Routledge, 1975).

Excerpta È Rotulis Finium in Turri Londinensi Asservatis, Henricio Tertio Rege, A.D 1216-1272, Vol. I., A.D 1216-1242, ed., T. D. Hardy (London, 1833-44).

Final Concords of the County of Lancaster: From The Original Fines or Final Concords from the Public Record Office, London, Part I, 1196-1307, ed., W. Farrer (London: Public Record Office, 1889-1910).

Fleta, ed., G. Richardson and G. O. Sayles (3 vols, London: B. Quaritch, 1955-84).

Fœdera: Conventiones, Litterae et Cujuscunque Generis Acta Publica, Vol. I, Pt. I, ed., T. Rymer (London, 1816).

Gesta Regis Henrici Secundi Benedicti Abbatis: The Chronicle of the Reigns of Henry II and Richard I, A.D. 1169-1192; known commonly under the name of Benedict of Peterborough, ed., W. Stubbs (London: Longman, 1867).

History of William Marshal, Vol. II, ed., A. J. Holden (London: Anglo-Norman Text Society, 2004).

Layettes du Trésor des Chartes, Vol. I, ed., A. Teulet (Nendeln: Kraus Reprint, 1977).

Leges Henrici Primi, ed., L. J. Downer (Oxford: The Clarendon Press, 1972).

Liber Cartarum Sancte Crucis: munimenta ecclesie Sancte Crucis de Edwinesburg, ed., C. Innes (Edinburgh: T. Constable, 1840).

Liber Ecclesie de Scon: Munimenta Vetustiora Monasterii Sanctii Trinitatis et Sancti Michaelis De Scon, ed., C. Innes (Edinburgh: T. Constable, 1843).

Liber Feodorum: The Book of Fees commonly called Testa de Nevill, ed., H. C. Maxwell-Lyte (3 vols, London: H.M.S.O, 1920-31).

Liber S. Marie de Dryburgh: Registrum Cartarum Abacie Premonstatensis de Dryburgh, ed., J. Spottiswoode (Edinburgh: Ballantyne and Hughes, 1847).

Liber Insule Missarum: Abacie Canonorum Regularium B. Virginis et S. Johannis de Inchaffray Registrum Vetus...,ed., C. Innes (Edinburgh: Ballatyne and Hughes, 1847).

Lost Letters of Medieval Life: English Society, 1200-1250, ed. and trans. M. Carlin and D. Crouch (Philadelphia: University of Pennsylvania, 2013).

'The Magna Carta Project', <<http://magnacarta.cmp.uea.ac.uk>>.

Matthæi Parisiensis, Monachi Sancti Albani, Chronica Majora, ed., H. R. Luard (7 vols, London: Longman, 1872-83).

Monasticon Anglicanum, ed., W. Dugdale (3 vols, London: Sam Keble, 1693).

Obituaires de la Province de Sens, Vol. II, ed., A. Molinier (Paris: Imprimerie Nationale, 1906).

Regiam Majestatem and Quoniam Attachimenta, ed., Rt. Hon. Lord Cooper (Edinburgh: J. Skinner and Co., Ltd., 1988).

Registrum S. Marie de Neubotle: Abbacie Cisterciensis Beate Virginis de Neubotle Chartarum: Accedit Appendix Cartarum Originalium, 1140-1528, ed., C. Innes (Edinburgh: 1849).

Report on the Manuscripts of the late Reginald Rawdon Hastings Esq. of the Manor House, Ashby la Zouche, Vol. I (London: H.M.S.O, 1928).

Rogeri de Wendover Chronica, sive Flores Historiarum, ed., H. O. Coxe (London: English Historical Society, 1864).

Rotuli de Oblatis et Finibus in Turri Londinensi Asservati Tempore Regis Johannis, ed., T. D. Hardy (London: Record Commission, 1835).

Rotuli Litterarum Clausarum in Turri Londoninensi Asservati, ed., T. D. Hardy (2 vols, London: Record Commission, 1833-44).

Rotuli Litterarum Patentium in Turri Londoninensi Asservati, ed., T. D. Hardy (London: Record Commission, 1835).

Scottish Annals from English Chroniclers, ed., A. O Anderson (London: David Nutt, 1908).

Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward I, ed., W. Stubbs (London: Clarendon Press, 1870).

The Charters of the Anglo-Norman Earls of Chester, ed., G. Barraclough (Gloucester: Alan Sutton Publishing Limited, 1988).

The Chartularies of Balmerino and Lindores: Liber Sancte Marie de Balmorinach, ed., W. Turnbull (Edinburgh: 1841).

The Coucher Book of Whalley Abbey, ed., W. A. Hulton (3 vols, Manchester: Printed for the Chetham Society, 1847-9).

The Great Roll of the Pipe for the Sixth Year of the Reign of King John, Michaelmas 1204, ed., D. M. Stenton (Pipe Roll Society, New Series XVIII).

The Great Roll of the Pipe for the Seventh Year of the Reign of King John, Michaelmas 1205, ed., S. Smith (Pipe Roll Society, New Series, XIX).

The Great Roll of the Pipe for the Eighth Year of the Reign of King John, Michaelmas 1206, ed., D. M. Stenton (Pipe Roll Society, New Series, XX).

The Statutes of the Realm, Vol. I (London, 1810).

The Treatise on the Laws and Customs of the Realm of England commonly called Glanvill, ed., G. D. G. Hall (London: Thomas Nelson and Sons, 1965).

Treaty Rolls preserved in the Public Record Office, Vol. I, ed., P. Chaplais (H.M.S.O, 1955).

Walter of Henley's Husbandry together with an anonymous husbandry, seneschaucie and Robert Grosseteste's Rules, ed., E. Lamond, (London: Longmans, Green and Co., 1890).

SECONDARY SOURCES

Acheson, E., 'Ferrers family (*per c.* 1240-1445)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/54521?docPos=7>>, accessed 14 September 2016.

Ailes, A., 'Armorial Portrait Seals of Medieval Noblewomen: Examples in the Public Record Office', in *Tribute to an Armorer*, ed., J. Campbell-Kease (London: 2000), pp. 218-34.

Alexander, J. W., *Ranulf of Chester: A Relic of the Conquest* (Athens: The University of Georgia Press, 1983).

Altschul, M., *A Baronial Family in Medieval England: The Clares, 1217-1314* (Baltimore: The Johns Hopkins Press, 1965).

- 'Clare, Gilbert de, eighth earl of Gloucester and seventh earl of Hertford (1291-1314)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/5439?docPos=8>>, accessed 25 February 2016.

Amt, E., 'Ela Longespee's Roll of Benefits: Piety and Reciprocity in the Thirteenth Century' *Traditio*, 64 (Fordham University Press, 2009), pp. 1-54.

Archer, R. E., ' "How ladies...who live on their manors ought to manage their households and estates": Women as Landholders and Administrators in the Later Middle Ages', in *Women in Medieval English Society*, ed., P. J. P. Goldberg (Stroud: Sutton Publishing Limited, 2007), pp. 149-81.

- 'Rich Old Ladies: The Problem of Late Medieval Dowagers', *Politics and Property: Essays in Later Medieval English History*, ed., A. J. Pollard (Gloucester: Sutton, 1984), pp. 15-35.

Bardsley, S., *Women's Roles in the Middle Ages* (London: Greenwood Press, 2007).

Barratt, N., 'The Revenue of King John', *The English Historical Review*, Vol. 111, No. 443, pp. 835-55.

- Bartlett, R., *England under the Norman and Angevin Kings* (Cambridge: Cambridge University Press, 2000).
- Bateson, M., ed., *Records of the Borough of Leicester, 1103-1307* (London: C. J. Clay, 1899).
- Biancalana, J., *The Fee Tail and the Common Recovery in Medieval England: 1176-1502* (Cambridge: Cambridge University Press, 2001).
- Birch, G., *Catalogue of Seals in the Department of Manuscripts in the British Museum, Vol. II* (London: Longman, 1892).
- Bouchard, C., 'The Migration of Women's Names in the Upper Nobility, Ninth-Twelfth Centuries', *Medieval Prosopography*, Vol. 9:2 (1988), pp. 1-19.
- Brand, P., *The Origins of the English Legal Profession* (Oxford: Blackwell Publishing, 1992).
- 'Inside the Courtroom: lawyers, litigants, and justices in England in the later middle ages', in *The Moral World of the Law*, ed., P. Coss (Cambridge: Cambridge University Press, 2000), pp. 91-112.
- 'Littlebury, Martin of (d. 1274)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/94450?docPos=1>>, accessed 23 February 2017.
- 'Preston, Sir Gilbert of (b. in or before 1209, d. 1274)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22724?docPos=1>>, accessed 23 February 2017.
- 'The Travails of Travel: The Difficulties of Getting to Court in Later Medieval England', in *Freedom of Movement in the Middle Ages*, ed., P. Horden (Donington: Shaun Tyas, 2007), pp. 215-28.
- Carpenter, D., 'King, Magnates, and Society: The Personal Rule of King Henry III, 1234-1258', *Speculum*, Vol. 60, No. 1 (University of Chicago Press, 1985), pp. 39-70.
- *The Minority of Henry III* (Berkeley and Los Angeles: University of California Press, 1990).
- 'The Second Century of English Feudalism', *Past and Present*, No. 168 (Oxford: Oxford University Press, 2000), pp. 30-71.
- *The Struggle for Mastery* (London: Penguin Books, 2004).
- *Magna Carta* (London: Penguin Books, 2015).
- Cavell, E., 'Aristocratic Widows and the Medieval Welsh Frontier: The Shropshire Evidence', *Transactions of the Royal Historical Society*, 17 (2007), pp. 57-82.

- 'The Burial of Noblewomen in Thirteenth-Century Shropshire', in *Thirteenth Century England XI, proceedings of the Gregynog Conference*, eds, J. Burton, P. Schofield, K. Stöber, B. Weiler (Woodbridge: Boydell and Brewer, 2005), pp. 174-92.

Chew, H., *The English Ecclesiastical Tenants-in-Chief and Knight Service* (London: Oxford University Press, 1932).

Chibnall, M., 'Women in Orderic Vitalis,' in *Piety, Power and History in Medieval England and Normandy* (Aldershot: Ashgate, 2000), pp. 105-21.

Civel, N., *La fleur de France: Les seigneurs d'Ile-de-France au XIIe siècle* (Turnhout: Brepols Publishers, 2006).

Cléirigh, C. Ó., 'The Absentee Landlady and the Sturdy Robber: Agnes de Valence', in '*The Fragility of Her Sex*?': *Medieval Irish Women in their European Context*, eds, C. E. Meek and M. K. Simms (Dublin: Four Courts Press, 1996), pp. 101-118.

Cockerill, S., *Eleanor of Castile: A Shadow Queen* (Stroud: Amberly Publishing, 2014).

Cokayne, G. E., *The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom* (12 vols in 13, London: The St. Catherine Press, 1910-59).

Corèden and Williams, *A Dictionary of Medieval Terms and Phrases* (Cambridge: D. S. Brewer, 2004).

Crouch, D., and De Trafford, C., 'The Forgotten Family in Twelfth-Century England', in *The Haskins Society Journal: Studies in Medieval History*, Vol. VII (Woodbridge: The Boydell Press, 1995), pp. 41-63.

Crouch, D., *William Marshal: Court, Career and Chivalry in the Angevin Empire 1147-1219* (London and New York: Routledge, 1990).

- 'Robert de Breteuil, third earl of Leicester (c. 1130-1190)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/1883?docPos=1>>, accessed 10 January 2015.

- 'Breteuil, Robert de, fourth earl of Leicester (d. 1204)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/47202?docPos=3>>, accessed 10 January 2015.

- 'Grandmesnil, Ivo de (d. 1101/2)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/14504?docPos=2>> accessed 12 May 2017.

- 'Grandmesnil, Petronilla de, countess of Leicester (d. 1212)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/47224?docPos=3>>, accessed 10 January 2015.

- 'Harcourt [de Harcourt] family (per, c. 1050-1330)' *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/54506?docPos=4>>, accessed 2 March 2017.

- *The English Aristocracy, 1070-1272: A Social Transformation* (New Haven and London: Yale University Press, 2011).

- *Acts and Letters of the Marshal Family, 1145-1248* (London: Cambridge University Press, 2015).

- 'The Battle of the Countesses: The Division of the Honour of Leicester, March-December 1207', in *Rulership and Rebellion in the Anglo-Norman World, 1066-1216: Essays in Honour of Professor Edmund King*, eds, P. Dalton and D. Luscombe (London: Routledge, 2016), pp. 179-211.

- *Medieval Britain c. 1000-1500* (Cambridge: Cambridge University Press, 2017).

Dalton, P., 'Kyme family, per c. 1080-1380', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/54509?docPos=2>>, accessed 10 January 2015.

Danzinger, D., and Gillingham, J., *1215: The Year of Magna Carta* (London: Hodder and Stoughton, 2003).

DeAragon, R. C., 'The growth of secure inheritance in Anglo-Norman England', *Journal of Medieval History*, 8 (1982), pp. 381-91.

- 'Bolebec, Isabel de, countess of Oxford (c. 1164-1245)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/56563>>, accessed 17 February 2017.

De Trafford, C., 'Share and share alike: the marriage portion, inheritance and family politics', in *Studies on Medieval and Early Modern Women: Pawns or Players*, eds, C. Meek and C. Lawless (Dublin: Four Courts Press, 2003), pp. 36-48.

Dobrowolski, P., 'Women and their Dower in the Long Thirteenth Century 1265-1329', in *Thirteenth-Century England VI, proceedings of the Durham Conference, 1995*, eds, M. Prestwich, R. H. Britnell and R. Frame (Woodbridge: The Boydell Press, 1997), pp. 157-164.

Duby, G., *The Knight, The Lady and the Priest: The Making of Modern Marriage in Medieval France*, trans., B. Bray (New York: Pantheon, 1983).

- 'Women and Power', in *Cultures of Power: Lordship, Status and Process in Twelfth-Century Europe*, ed., T. N. Bisson (Philadelphia: University of Pennsylvania Press, 1995), pp. 69-86.

- *Women of the Twelfth Century* (Oxford: Polity Press, 1997).

Duffy, S., ed., *Atlas of Irish History* (Dublin: Gill and Macmillan, 1997).

Duncan, A. A. M., 'Brus, Robert (II) de, lord of Annandale (d. 1194?)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12573?docPos=1>>, accessed 28 October 2015.

- 'Roger (d. 1202)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/23962/?back=,47202>>, accessed 27 January 2015.

Dunn, C., 'The Language of Ravishment in Medieval England', *Speculum*, Vol. 86: 1 (Chicago: University of Chicago Press, Jan 2011), pp. 79-116.

Eales, R., 'Henry III and the End of the Norman Earldom of Chester', in *Thirteenth Century England Vol. I proceedings of the Durham Conference 1985*, eds, P. Coss, S. D Lloyd (Woodbridge: Boydell and Brewer, 1986), pp. 100-113.

- 'Ranulf III [Ranulf de Blundeville], sixth earl of Chester and first earl of Lincoln (1170-1232)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/2716?docPos=3>>, accessed 16 January 2015.

English, B., 'Forz, William de, count of Aumale (1191x6-1241)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/29476?docPos=1>>, accessed 22 October 2015.

Evergates, T., ed., *Aristocratic Women in Medieval France* (Philadelphia: University of Pennsylvania Press, 1999).

Farrer, W., *Final Concords of the County of Lancaster: From the Original Chirographs, or Feet of Fines preserved in the Public Record Office* (London: 1899-1910).

Faulkner, K., 'Leybourne, Sir Roger of (c. 1215-1271)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/16624>>, accessed 10 January 2015.

Fenton, K. A., 'Women, Property and Power: Some Examples of from the Eleventh Century Rouen Cartularies', in *Society and Culture in Medieval Rouen*, eds, L. V. Hicks and E. Brenner (Turnhout: Brepols, 2013), pp. 227-46.

Gransden, A., *Historical Writing in England I, c.550-1307* (London and New York: Routledge, 1996).

Gee, L. L., *Women, Art and Patronage from Henry III to Edward III, 1216-1377* (Woodbridge: The Boydell Press, 2002).

Giles, J. A., trans., *Matthew Paris's English History* (3 vols, London: H. G. Bohn, 1852-4).

Gillingham, 'Love, Marriage and Politics in the Twelfth Century', *Forum for Modern Language Studies*, Vol. XXV (1989), pp. 292-303.

Goody, J., 'Inheritance, property and women: some comparative considerations', *Family and Inheritance in Western Europe, 1200-1800*, eds, J. Goody, J. Thirsk and E. P. Thompson (Cambridge: Cambridge University Press, 1976), pp. 10-36.

Grant, A., 'Earls and Earldoms in Late Medieval Scotland (c. 1310-1460)', in *Essays presented to Michael Roberts*, eds. J. Bossy and P. Jupp (Belfast: Brough Cox and Dunn Ltd., 1976), pp. 24-40.

Grant, L., *Blanche of Castile, Queen of France* (London: Yale University Press, 2016).

Green, J., 'Aristocratic Women in Early Twelfth-Century England', in *Anglo-Norman Political Culture and the Twelfth-Century Renaissance: Proceedings of the Brochard Conference on Anglo-Norman History, 1995*, ed., C. Warren-Hollister (Woodbridge: The Boydell Press, 1997), pp. 59-82.

Hamilton, *The Plantagenets: History of a Dynasty* (London: Continuum, 2010).

Hanawalt, B., 'Remarriage as an Option for Urban and Rural Widows in Late Medieval England', in *Wife and Widow in Medieval England*, ed. S. S. Walker (Michigan: The University of Michigan Press, 1993), pp. 141-64.

Hallam, E. M., *Capetian France: 987-1328* (London and New York: Longman, 2001).

Hasted, E., *The Historical and Topographical Survey of the County of Kent*, Vol. 7 (Canterbury, 1798), pp. 526-45, *British History Online*, <<https://www.british-history.ac.uk/survey-kent/vol7/pp526-545>>, accessed 17 September 2017.

-*The Historical and Topographical Survey of the County of Kent*, Vol. 8 (Canterbury, 1799), pp. 365-374, *British History Online*, <<https://www.british-history.ac.uk/survey-kent/vol8/pp365-374>>, accessed 17 September 2017.

Holt, J. C., *The Northerners: A Study in the Reign of King John* (Oxford: Oxford University Press, 1961).

- 'Feudal Society and the Family in Early Medieval England: IV. The Heiress and the Alien', *Transactions of the Royal Historical Society*, 35 (1985), pp. 1-28.

- 'The Casus Regis: The Law and Succession and Politics of Succession in the Plantagenet Dominions, 1185-1247' in *Colonial England, 1066-1215* (London: The Hambledon Press, 1997), pp. 307-26.

Howell, M., *Eleanor of Provence: Queenship in Thirteenth-Century England* (Oxford: Blackwell Publishers, 2001).

Hudson, J., *The Oxford History of the Laws of England, 871-1216* (Oxford: Oxford University Press, 2012).

Hunt, W., rev. Ridgeway, H., 'Mohun, Sir Reginald de (c. 1206-1258)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/18886>>, accessed 28 April 2015.

Jewell, H. M., *Women in Dark Age and Early Medieval Europe c. 500-1200* (Basingstoke: Palgrave Macmillan, 2007).

Jobson, A., *The First English Revolution: Simon de Montfort, Henry III and the Barons' War* (London: Bloomsbury, 2012).

Johns, S. M., 'The Wives and Widows of the Earls of Chester, 1100-1252: the Charter Evidence', *Haskins Society Journal: Studies in Medieval History*, 7 (Woodbridge: The Boydell Press, 1995), pp. 117-32.

-*Noblewomen, Aristocracy and Power in the Twelfth-Century Anglo-Norman Realm* (Manchester and New York: Manchester University Press, 2003).

'Briouze, Loretta de, countess of Leicester (d. in or after 1266)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/47212?docPos=6>>, accessed 27 January 2017.

Jones, M., 'Eleanor of Brittany, suo jure countess of Brittany (1182x4-1241)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/46702?docPos=1>>, accessed 12 April 2015.

- 'Geoffrey, duke of Brittany (1158-1186)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/10533>>, accessed 12 April 2015.

Keefe, T. K., *Feudal Assessments and the Political Community under Henry II and His Sons* (Berkeley: University of California Press, 1983).

- 'William de Mandeville, third earl of Essex (d. 1189)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/17929/17929?back=,17927>>, accessed 3 December 2015.

Kenny, G., 'The Power of Dower: The Importance of Dower in the Lives of Medieval Women in Ireland', in *Studies on Medieval and Early Modern Studies: Pawns or Players?*, eds, C. E. Meek and C. Lawless (Dublin: Four Courts Press, 1996), pp. 59-74.

Kingsford, C. L., rev. Ridgeway, H. W., 'Hastings, Sir Henry (1235?-1269)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12573?docPos=1>>, accessed 28 October 2015.

Labarge, M. W., *A Baronial Household of the Thirteenth Century* (London: Eyre and Spottiswoode, 1965).

Lapsley, G., 'John de Warenne and the Quo Warranto Proceedings in 1279', *The Cambridge History Journal*, Vol. II, No. II (Cambridge: Cambridge University Press, 1927), pp. 110-32.

Lawson, S., ed., *Christine de Pisan: The Treasure of the City of Ladies or the Book of the Three Virtues* (London: Penguin Books, 1985).

Livingstone, A., 'Aristocratic Women in Medieval France', *Women in Medieval France*, ed., T. Evergates (Philadelphia: University of Philadelphia Press, 1999), pp. 44-73.

- *Out of Love for My Kin, Aristocratic Family Life in the Lands of the Loire, 1000-1200* (New York: Cornell University Press, 2010).

Loengard, J. S., 'Rationabilis Dos: Magna Carta and the Widow's "Fair Share" in the Earlier Thirteenth Century', in *Wife and Widow in Medieval England*, ed., S. S. Walker (Michigan: The University of Michigan Press, 1993), pp. 59-80.

- 'What did Magna Carta Mean to Widows', in *Magna Carta and the England of King John* (Woodbridge: Boydell and Brewer, 2010), pp. 134-51.

- 'What is a Nice (Thirteenth-Century) English Woman Doing in the King's Court?', in *The Ties that Bind: Essays in Honor of Barbara Hanawalt*, eds, L. E. Mitchell, L. French, Douglas L. Biggs (Farnham: Ashgate Publishing, 2011), pp. 55-70.

LoPrete, K., 'Women, Gender and Lordship in France, c. 1050-1250', *History Compass*, Vol. 5, Issue 6 (Oxford: Blackwell Publishing Limited, 2007), pp. 1921-1941.

Maddicott, J. R., 'Edward I and the Lessons of Baronial Reform: Local Government, 1258-1260', in *Thirteenth Century England proceedings of the Newcastle upon Tyne Conference, I*, eds, P. Coss and S. D. Lloyd (Woodbridge: Boydell Press, 1985), pp. 1-14.

- *Simon de Montfort* (Cambridge: Cambridge University Press, 1994).

- 'Ferrers, Robert de, sixth earl of Derby (c. 1239-1279)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/9366?docPos=2>> accessed 26 January 2016.

- 'Montfort, Simon de, eighth earl of Leicester (c. 1208-1265)', *Oxford Dictionary of National Biography*, <<https://doi.org/10.1093/ref:odnb/19049>>, accessed 12 February 2017.

Maitland, F. W., *Bracton's Note Book: A Collection of Cases decided in the King's Court during the Reign of Henry III* (London: C. T. Clay and sons, 1887).

Mason, E., 'Maritagium and the Changing Law', *Bulletin of the Institute of Historical Research*, Vol. 49 (1976), pp. 286-89.

McFarlane, K. B., 'Had Edward I a 'Policy' towards the Earls?', in *The Nobility of Later Medieval England* (Oxford: Clarendon Press, 1973), pp. 248-67.

Meekings, C. A. F., 'King's Bench Files', in *Legal Records and the Historian*, in ed., J. H. Baker, (London: Royal Historical Society, 1978), pp. 97-139.

Menuge, N. J., ed., *Medieval Women and the Law* (Woodbridge: The Boydell Press, 2000).

Milsom, S. F. C., 'Inheritance by Women in the Twelfth and Early Thirteenth Centuries', in *On the Laws and Customs of England: Essays in the Honor of Samuel. E. Thorne*, ed., M. S. Arnold (Chapel Hill: North Carolina University Press, 1981), pp. 60-89.

Mitchell, L. E., 'Agnes and her Sisters: Squabbling and Cooperation in the Extended Medieval Family', in *Portraits of Medieval Women: Family, Marriage and Politics in England, 1225-1350* (Basingstoke: Palgrave Macmillan, 2003), pp. 11-28.

- 'Joan de Valence: A Lady of Substance', in *Writing Medieval Women's Lives*, eds, C. N. Goldy and A. Livingstone (Basingstoke: Palgrave Macmillan, 2012), pp. 193-208.

- *Joan de Valence: The Life and Influence of a Thirteenth-Century Noblewoman* (Basingstoke: Palgrave Macmillan, 2016).

Morris, M., *The Bigod Earls of Norfolk in Thirteenth Century England* (Woodbridge: The Boydell Press, 2015).

Moore, T. K., 'The Loss of Normandy and the Invention of Terre Normannorum, 1204', *English Historical Review*, Vol. CXXV, No. 516, pp. 1071-1109.

Moutié, A., 'St-Leger en Yveline', in *Mémoires et documents publiés par le société archéologique de Rambouillet*, 1 (1869), pp. 67-120.

Nelson, J., 'A queen and sister: Joan, the wife of Alexander II of Scotland, and sister of Henry III of England', Henry III Fine Rolls Project, Fine of the Month 2011, <<http://www.finerollshenry3.org.uk/content/month/fm-05-2011.html>>, accessed 15 May 2017.

Nichol, F. M., ed., *Britton* (Oxford: Clarendon Press, 1865).

Nichols, J., *The History and Antiquities of the County of Leicester* (London: 1785), Vol. I.

Oram, R. D., 'Alan, lord of Galloway (b. before 1199, d. 1234)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/49362?docPos=1>>, accessed 27 October 2015.

- 'Quincy, Roger de, earl of Winchester, (c. 1195-1264)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22966>>, accessed 16 January 2015.

- 'Quincy, Saer de, earl of Winchester (d. 1219)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22967?docPos=1>>, accessed 16 January 2015.

- *Domination and Lordship: Scotland 1070-1230* (Edinburgh: Edinburgh University Press, 2011).

Painter, S., *Studies in the History of the English Feudal Barony* (Baltimore: The Johns Hopkins Press, 1943).

Palliser, D. M., 'Domesday Book and the Harrying of the North', in *Northern History*, ed., G. C. F. Forster (The School of History: University of Leeds, 1993), Vol. XXIX, pp. 1-23.

Parsons, J. C., *Eleanor of Castile: Queen and Society in Thirteenth-Century England* (Basingstoke: Macmillan, 1994).

- 'Mothers, Daughters, Marriage and Power: Some Plantagenet Evidence, 1150-1500', in *Medieval Queenship*, ed., J. C. Parsons (Stroud: Alan Sutton Ltd., 1994), pp. 63-78.

Patterson, R., *The Earldom of Gloucester Charters: The Charters and Scribes of the Earls and Countesses Gloucester to A.D. 1217* (Oxford: The Clarendon Press, 1973).

- 'Isabella, *suo jure* Countess of Gloucester (c. 1160-1217)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/46705?docPos=3>>, accessed 6 October 2015.

Paul, J. B., ed., *The Scot's Peerage* (Edinburgh: David Douglas, 1904-14).

Peltzer, J., 'The Marriages of the English Earls in the Thirteenth Century: a Social Perspective', in *Thirteenth Century England proceedings of the Aberystwyth and Lampeter Conference XIV*, eds, J. Burton, P. Schofield and Björn Weiler (Woodbridge: The Boydell Press, 2011), pp. 61-86.

Phillips, K. M., *Medieval Maidens: Young Women and Gender in England, 1270-1540* (Manchester: Manchester University Press, 2003).

Pollard, A. J., ed., *Politics and Property: Essays in Later Medieval England* (Gloucester: Sutton Publishing, 1984).

Pollock, F., and Maitland, F. W., *The History of English Law before the time of Edward I*, Vol. I (Cambridge: Cambridge University Press, 1911).

Power, D., 'L'aristocratie Plantagenêt face aux conflits capétiens-angevins: l'exemple du traité de Louviers', in M. Aurell (ed.), *Noblesses de l'espace Plantagenêt (1154-1224)* (Poitiers, 2001), pp. 121-37.

- *The Anglo-Norman Frontier in the Twelfth and Thirteenth Centuries* (Cambridge: Cambridge University Press, 2008).

- 'Cross-Channel communication and the end of the "Anglo-Norman realm": Robert FitzWalter and the Valognes inheritance', *Tabularia* (2011), pp. 1-32.

Powicke, F. M., 'Loretta, countess of Leicester', in *Historical Essays in Honour of James Tait*, eds, J. G. Edwards, V. H. Galbraith and E. F. Jacob (Manchester, 1933).

-*Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century*, 2 vols. (Oxford: The Clarendon Press, 1947).

-*The Thirteenth Century*, 2nd edition (Oxford: The Clarendon Press, 1962).

Prestwich, M., *War, Politics and Finance under Edward I* (London: Faber and Faber Limited, 1972).

-'Edward I (1239-1307)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/8517?docPos=1>>, accessed 27 July 2016.

Raban, S., *Mortmain Legislation and the English Church, 1279-1500* (Cambridge: Cambridge University Press, 1982).

Reader, R., 'Matthew Paris and Women', in *Thirteenth Century England proceedings of the Durham Conference Vol. VII*, eds, R. Britnell, R. Frame and M. Prestwich (Woodbridge: Boydell and Brewer, 1999), pp. 153-60.

Rezak, B. B., 'Women, Seals and Power in Medieval France, 1150-1350', in *Women and Power in the Middle Ages*, eds, M. Erler and M. Kowaleski (Athens and London: The University of Georgia Press, 1988), pp. 61-82.

Ricketts, P., 'Widows, Religious Patronage and Family Identity: Some Cases from Twelfth-Century Yorkshire', *Haskins Society Journal: Studies in Medieval History*, 14 (Woodbridge: The Boydell Press, 2003), pp. 117-36.

Ridgeway, H. W., 'King Henry III and the 'Aliens', 1236-1272', in *Thirteenth Century England II, proceedings of the Newcastle upon Tyne Conference*, eds, P. Coss and S. D. Lloyd (Woodbridge: The Boydell Press, 1988), pp. 81-92.

-'Henry III, 1207-1272', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/12950?docPos=2>>, accessed 10 January 2015.

Sanders, I. J., *English Baronies: A Study of their Origin and Descent, 1086-1327* (Oxford: Clarendon Press, 1960).

Saul, N., 'Saer de Quincy, earl of Winchester', <<http://magnacarta800th.com/schools/biographies/the-25-barons-of-magna-carta/saer-de-quincy-earl-of-winchester/>>, accessed 24 March 2015.

Saunders, C., 'The Medieval Law of Rape', *The King's College Law Journal*, Vol. 11: 1 (2000), pp. 19-48.

Simpson, G. G., 'The Familia of Roger de Quincy, earl of Winchester and Constable of Scotland', in *Essays on the Nobility of Scotland*, ed., K. J. Stringer (Edinburgh: John Donald Publishers Ltd., 1985), pp. 102-130.

Skinner, P., and Van Houts, E. C. M., *Medieval Writings on Secular Women* (London: Penguin, 2011).

Smith, J. B., 'Dafydd ap Gruffudd (d. 1283)', *Oxford Dictionary of National Biography*, <<https://doi.org/10.1093/ref:odnb/7324>>, accessed 20 May 2017.

Smith, J., 'Women as Legal Agents in Late Medieval Genoa', in *Writing Medieval Women's Lives*, eds, C. N. Goldy and A. Livingstone (Basingstoke: Palgrave Macmillan, 2012), pp. 113-29.

Spencer, A., *Nobility and Kingship in Medieval England: The Earls and Edward I* (Cambridge: Cambridge University Press, 2013).

Stell, G. P., 'Balliol, John de (b. before 1208, d. 1268)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/1208?docPos=1>>, accessed 15 October 2015.

Stenton, D. M., *The English Woman in History* (London: George Allen and Unwin, 1957).

Stewart-Brown, R., 'The End of the Norman Earldom of Chester', *The English Historical Review*, Vol. XXXV, Issue CXXXVII (Oxford: Oxford University Press, 1920), pp. 26-54.

Stringer, K. J., 'David, earl of Huntingdon and Lord of Garioch (1152-1219)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/49365?docPos=1>>, accessed 10 January 2015.

Taylor, A., *The Shape of the State in Medieval Scotland, 1124-1290* (Oxford: Oxford University Press, 2016).

Thompson, S., *Women Religious: The Founding of English Nunneries after the Norman Conquest* (Oxford: Clarendon Press, 1991).

Thorne, S. E., ed., *Bracton: On the Laws and Customs of England* (4 vols, Cambridge, Massachusetts: The Belknap Press of Harvard University, 1968-77).

Tout, T. F., rev. Davies, R. R., 'Zouche, Alan de la (d. 1270)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/30300>>, accessed 14 September 2016.

Turner, R. V., 'The Mandeville Inheritance, 1189-1236: Its Legal, Political and Social Context', *Haskins Society Journal*, I (1989), pp. 147-172.

- 'William d'Aubigny, third earl of Arundel (c. 1174-1221)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/283?docPos=2>>, accessed 10 January 2015.

Ussher, R., ed., *The Collection of Brackley Deeds at Magdalen College, Oxford* (University of Oxford, 1910).

Van Houts, E., *Memory and Gender in Medieval Europe, 900-1200* (Basingstoke: Macmillan Ltd., 1999).

Vaughan, R., *Matthew Paris* (Cambridge: Cambridge University Press, 1958).

Vincent, N., *Peter des Roches: An Alien in English Politics* (Cambridge: Cambridge University Press, 1996).

- 'Bohun, Humphrey de (IV) de, second earl of Hereford and seventh earl of Essex (d. 1275)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/2775?docPos=3>>, accessed 10 August 2017.

- 'Lacy, John de, third earl of Lincoln, c. 1192-1240', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/15855?docPos=4>>, accessed 18 January 2016.

- 'Roches, Peter de (d. 1238)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/22014?docPos=1>>, accessed 1 October 2015.

- 'Savoy, Peter of, count of Savoy and de facto earl of Richmond (1203?-1268)', *ODNB*, <<http://www.oxforddnb.com/view/article/22016?docPos=1>>, accessed 2 August 2016.

Walker, D. M., *A Legal History of Scotland*, Vol. II (Edinburgh: W. Green and Son Ltd., 1988).

Walker, R. F., 'Marshal, William (II) earl of Pembroke (c. 1190-1231)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/18127?docPos=2>>, accessed 23 May 2016.

Walker, S. S., 'Free consent and marriage of feudal wards in medieval England', *Journal of Medieval History*, Vol. 8, Issue 2 (1982), pp. 123-34.

- 'Litigation as Personal Quest: Suing for Dower in the Royal Courts, circa 1272-1350', in *Wife and Widow in Medieval England*, ed., S. S. Walker (Michigan: University of Michigan Press, 1993), pp. 81-108.

- ' "Litigant Agency" in Dower Pleas in the Royal Common Law Courts in Thirteenth and Early Fourteenth Century England', *Journal of Legal History*, 24:3 (November 2007), pp. 1-22.

Ward, J. C., 'Fashions in Monastic Endowment: the Foundations of the Clare Family, 1066-1314', *The Journal of Ecclesiastical History*, Vol. 32 (1981), pp. 427-51.

-*English Noblewomen in the Later Middle Ages* (London and New York, 1992).

-*Women of the English Nobility and Gentry* (Manchester: Manchester University Press, 1995).

-*Women in Medieval Europe 1200-1500* (London: Longman, 2002).

- 'Lacy, Margaret de, Countess of Lincoln (d. 1266)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/54444?docPos=2>>, accessed 11 January 2015.

Waugh, S. L., *The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217-1327* (Princeton: Princeton University Press, 1988).

- 'Women's Inheritance and the Growth of Bureaucratic Monarchy in Twelfth- and Thirteenth-Century England', *Nottingham Medieval Studies*, XXXIV, (1990), pp. 71-92.

- 'Vescy, William de, Lord Vescy (1245-1297)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/28255?docPos=1>>, accessed 10 January 2015.

Weiler, B., 'Matthew Paris on the writing of history', *Journal of Medieval History*, 35 (2009), pp. 254-78.

West, F. J., 'Burgh, Hubert de, earl of Kent c. 1170-1243', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/3991?docPos=1>>, accessed 3 October 2017.

White, G., 'The Magna Carta of Cheshire', The Magna Carta Project, 'Feature of the Month: May 2015', <http://magnacarta.cmp.uea.ac.uk/read/feature_of_the_month/May_2015_6>, accessed 28 October 2015.

Wilkinson, L. J., 'Pawn and Political Player: Observations on the Life of a Thirteenth-Century Countess', *Historical Research*, 73, no. 181 (June 2000), pp. 105-23.

- 'The Rules of Robert Grosseteste Reconsidered: The Lady as Estate and Household Manager in Thirteenth-Century England', in *The Medieval Household in Christian Europe, c.850-1550: Managing, Power, Wealth and the Body*, eds, C. Beattie, A. Maslakovic and S. Rees Jones (Turnhout: Brepols, 2003), pp. 293-306.

- 'Joan, wife of Llwelyn the Great', in *Thirteenth Century England X, Proceedings of the Durham Conference*, eds, R. Britnell, R. Frame and M. Prestwich (Woodbridge: The Boydell Press, 2005), pp. 81-94.

- *Women in Thirteenth-Century Lincolnshire* (Woodbridge: Boydell and Brewer, 2007).

- *Eleanor de Montfort: A Rebel Countess in Medieval England* (London: Continuum, 2012).

- 'Women, Politics and Local Government in the Thirteenth Century', Henry III Fine Rolls Project, Related Papers (July 2013), <www.finerollshenry3.org.uk>.

Woolgar, C. M., 'Gifts of food in late medieval England', *Journal of Medieval History*, Vol. 37, I (2001), pp. 6-18.

Worby, S., *Law and Kinship in Thirteenth-Century England* (Woodbridge: The Boydell Press, 2010).

Young, A., 'Comyn, Alexander, sixth earl of Buchan (d. 1289), *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/6042>>, accessed 14 September 2016.

Young, C. R., *The Royal Forests of Medieval England* (Philadelphia: University of Pennsylvania Press, 1979).

UNPUBLISHED THESES

Annesley, S., 'Countesses in the Age of Magna Carta' (Unpublished Ph. D thesis, King's College, London, 2011).

De Trafford, C., 'The Contract of Marriage: The Maritagium from the Eleventh to the Thirteenth Century' (Unpublished Ph. D thesis, University of Leeds, 1999).

Kersey, H., 'Isabella de Forz: A Woman in the Age of Baronial Reform and Rebellion, 1237-1293' (Unpublished MA thesis, Canterbury Christ Church University, 2014).

Mitchell, L. E., 'Widowhood in Medieval England: Baronial Dowagers of the Thirteenth-Century Welsh Marches' (Unpublished Ph. D thesis, Indiana University, 1991).

Musson, J., 'Commoners and the Assize of Novel Disseisin, 1194-1221' (Unpublished Ph. D thesis, University of Nottingham, 2016).

Pickard, C., 'Unequal marriage in France, c. 1200' (Unpublished Ph. D thesis, University of Reading, 2014).

Simpson, G. G., 'An Anglo-Scottish Baron of the Thirteenth Century: The Acts of Roger de Quincy, earl of Winchester and constable of Scotland' (Unpublished Ph. D thesis, University of Edinburgh, 1965).