More than Mothers: Juries of Matrons and Pleas of the Belly in Medieval England

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With regard to English common law, medieval women were able to participate in the curial process in only a limited way. This is not true of women as defendants: women could be sued for almost any civil or criminal plaint, but their privileges as plaintiffs were broadly curtailed by marital status and cultural expectation. The legal fiction of unity of person saw a wife's legal personality merge into her husband's; he assumed the responsibility for representing them both at law. A married woman was a lawful dependent; the only time she appeared as plaintiff in a civil suit was when she stood in as attorney for her husband. The single woman (a category that includes also the *feme sole*, a married woman whom the law treated as single for business purposes) was the exception to the rule: the courts acceded to her full legal personhood. She was capable of representing herself at law, although that concession existed more in theory than in practice. Success at law for a woman usually entailed

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Law and History Review 2019, page 1 of 44

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suing jointly with a man.[1] In terms of putting forward a criminal accusation, a woman's agency was not tied as closely to her marital status. *All* women were prohibited from enjoying independent legal personhood. Common law formally endorsed what is known as "the limiting rule," authorizing a woman to accuse only when her suit involved personal injury (such as rape, or assault causing a miscarriage), or the murder of her husband, with some provision that he perished in her arms, which meant that she was in fact an eyewitness.[2]

A woman had the cards stacked against her in more ways than one. The judicial system itself was all male. A woman could not hold office of the king (bailiff, coroner, sheriff), or of the court (clerk, justice, pleader); she was barred from acting as oath-helper in compurgation,[3] and from sitting on juries, a serious disadvantage in an administration best characterized as "government-by-jury."[4] Derek Neal has emphasized the deep-rooted masculinity of the experience by remarking that the law courts "loom the largest among the institutions available for the negotiation and reinforcement of masculinity . . . and they did so because they spoke a masculine language."[5] Women's marginal relationship with the law is represented best in the practice of outlawry, in which a felon turned fugitive was ousted from the protections of the law. Women could not be outlawed because in effect they were never "inlawed." Tithing groups were a man's entrance into the law: all males over the age of 14 belonged to these local groups dedicated to communal policing. Without any means to participate in the law, women were "waived" instead of outlawed. The difference was purely rhetorical and had no real impact on the experience of outlawry, but the language itself marked women's inability to engage fully in the English system of law enforcement.

Nonetheless, women were zealous participants in those elements of law enforcement from which they were not blocked because of their sex. In cases of homicide in fourteenth-century England, 32% of the first finders[6]

1. Sara M. Butler, "Medieval Singlewomen in Law and Practice," in *The Place of the Social Margins, 1350–1750,* ed. Andrew Spicer and Jane Stevens Crawshaw (New York and London: Routledge, 2017), 59–78.

2. Susanne Jenks, "*occidit . . . inter brachia sua*: Change in a Woman's Appeal of Murder of her Husband," *Legal History* 21 (2000): 119–22.

3. Compurgation is essentially trial by oath, in which the accused defends his or her reputation with a collection of sureties.

4. Robert B. Goheen, "Peasant Politics? Village Community and the Crown in Fifteenth-Century England," *American Historical Review* 96 (1991): 43.

5. Derek Neal, *The Masculine Self in Late Medieval England* (Chicago: University of Chicago Press, 2008), 29.

6. The first finder discovered a corpse that later became the subject of a coroner's inquest. It was his/her responsibility to raise the hue and cry.

responsible for raising the hue and cry were women.[7] Coroners also occasionally cited a woman as the nearest neighbor in death investigations, and women at times acted as pledges (sureties) for those neighbors.[8] Women surpassed men in initiating homicide appeals (private accusations), introducing roughly two thirds of the total number in the thirteenth century, prompting John Bellamy to write that the appeal "was perhaps more of a woman's action than a man's."[9] What is more, they paid no heed to the limiting rule, bringing appeals for homicides of family members other than their husbands, for a wide variety of crimes other than homicide, and the king's justices typically allowed those appeals to proceed, putting the needs of the law first.[10] We even discover the rare instance of a woman as sheriff, although that was certainly the exception not the rule.[11]

In this context, the jury of matrons takes on pronounced significance. This little-studied institution was the sole channel for a woman to participate in the adjudication of the law as a woman, and in which she could be appreciated for the kind of expertise only a woman might bring.[12] Matrons lent their proficiency to both common law and ecclesiastical courts in a variety of situations. Especially when: a widow professed to be pregnant with her recently deceased husband's heir; a woman claimed to have been raped; the body of a newborn was unearthed and the community hoped to identify its mother; or a wife pled a suit of nullity (that is, an annulment) on the basis of her husband's sexual dysfunction. This article

7. Barbara A. Hanawalt, "The Voices and Audiences of Social History Records," *Social Science History* 15 (1991): 162.

8. Sara M. Butler, *Forensic Medicine and Death Investigation in Medieval England* (New York and London: Routledge, 2015), 162.

9. Daniel Klerman, "Women Prosecutors in Thirteenth-Century England," *Yale Journal of Law and Humanities* 14 (2002): 271; and John G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London: Routledge & Kegan Paul, 1973), 126.

10. Patricia Orr, "*Non potest appellum facere:* Criminal Charges Women could not—but did—bring in Thirteenth-Century English Royal Courts," in *The Final Argument: The Imprint of Violence on Society in Medieval and Early Modern Europe,* ed. Donald Kagay and L. J. Andrew Villalon (Woodbridge: Boydell, 1998), 141–62.

11. Louise Wilkinson, "Women as Sheriffs in Early Thirteenth Century England," in *English Government in the Thirteenth Century,* ed. Adrian Jobson (Woodbridge: Boydell, 2004), 111–24.

12. Again, there are occasional exceptions. For example, Rodney H. Hilton discovered a female ale-taster. See his "Women in the Village," in *The English Peasantry in the Later Middle Ages* (Oxford: Oxford University Press, 1975), 105; although as Judith M. Bennett makes clear, this was highly unusual. See her "The Village Ale-Wife: Women and Brewing in Fourteenth-Century England," in *Women and Work in Preindustrial Europe*, ed. Barbara A. Hanawalt (Bloomington: University of Indiana Press, 1986), 29.

will focus on the work that occupied the majority of the jury's time: when a convicted felon petitioned for a stay of execution on the grounds of pregnancy, justices assigned a group of matrons to conduct a physical inspection to ascertain whether she was in fact pregnant.

Matrons are central to a fuller appreciation of women's participation in the medieval criminal justice system, yet little is known about who they were or what qualified them to act on behalf of the court. There are a number of reasonable possibilities. If England adhered to the Continental model, then we can surmise that midwives filled the role. In fifteenth-century Parisian parishes, the terms sworn matron (*matrone juree*) and midwife (*obstetrix*) appear interchangeably in the written record.[13] The same is true of fifteenth-century Manosque.[14] Continental midwives sometimes worked alongside honorable women on juries of matrons when medical expertise was necessary, for example, when the victim of an assault was underage and the examination was therefore more medically challenging.[15] Case studies for both fourteenth-century Catalonia and fifteenth-century Dijon and Lyon provide examples.[16]

That the nature of the job necessitated some degree of familiarity with the basics of gynecology and obstetrics also points to the appropriateness of midwives. As the early modern evidence makes clear, the "quickening" was integral to the matrons' assessment. Postponement was granted only if the woman was "quick with quick child," referring to canonists' theories of late human ensoulment, sometimes called "delayed hominization," in which the fetus is considered both human and living only once graced

13. Annie Saunier, "Le visiteur, les femmes et les «obstetrices» des paroisses de l'archidiaconé de Josas de 1458 á 1470," in *Santé, médicine et assistance au moyen-âge*, ed. Jean-Pierre Sosson (Montpellier: Comité des Travaux Historiques et Scientifiques, 1987), 44.

14. Steven Bednarski and Andrée Courtemanche, "'Sadly and with a Bitter Heart': What the Caesarean Section meant in the Middle Ages," *Florilegium* 28 (2011): 52. Some of these women were highly skilled. Emmeline la Duchesse's multiple expert appearances in the criminal registers of the Parisian abbots of Saint-Martin-des-Champs establish that she was recognized as an expert on female anatomy, capable of assessing even damage to a fetus incurred by an assault on the womb. As cited in Wolfgang P. Müller, *The Criminalization of Abortion in the West: Its Origins in Medieval Law* (Ithaca and London: Cornell University Press, 2012), 153.

15. Hiram Kümper, "Learned Men and Skillful Matrons: Medical Expertise and the Forensics of Rape in the Middle Ages," in *Medicine and the Law in the Middle Ages*, ed. Wendy J. Turner and Sara M. Butler (Leiden: Brill, 2014), 108.

16. Montserrat Cabré, "Women or Healers? Household Practices and the Categories of Health Care in Late Medieval Iberia," *Bulletin of the History of Medicine* 82 (2008): 31–36; and Nicole Gonthier, "Les victimes de viol devant les tribunaux à la fin du Moyen Âge d'après les sources dijonnaises et lyonnaises," *Criminologie* 27 (1994): 23–25. Kümper cites both of these studies, "Learned Men and Skillful Matrons," 105–6.

with a human soul.[17] The process in which this takes place is referred to as the quickening; it transpires after the body is fully formed in the womb and is signaled by the first fetal movements. Executing a woman with quick child condemned not one but two to death. Given the formidable consequences of delivering an erroneous verdict, it does not seem far-fetched to suppose that royal justices saw appointing midwives as running the smallest risk.

Yet, to date, historians have dismissed midwives as possible candidates for English matrons for a number of reasons. The Continent's adoption of Roman law created a need for medical expertise that simply did not exist in the English context. The courts of both the church and the *ius commune* bestowed on judges a much more expansive role than that to which we are accustomed with the Anglo-American legal tradition. Judges presided over each stage of the process. Not only were they instrumental in soliciting indictments, they headed the investigation, creating the articles of inquiry employed by the court's officials to extract testimony from relevant witnesses, and eventually also produced the final verdict and sentence. Rome's evidentiary rules set high standards: a full proof required a confession or two eyewitnesses, or a multiplicity of half-proofs. Judges sought expert testimony from medical practitioners, such as midwives, in their resolve to equip themselves with the necessary information to establish the truth and produce a just verdict. England, on the other hand, had no defined expectations about evidence, and because they failed to document the process of evidence collection, what it took to persuade a jury of the defendant's guilt remains somewhat of a mystery. The prevailing assumption is that it did not include expert testimony proffered by medical professionals, traditionally understood to be an innovation dating to the seventeenth century.[18] Indeed, as James Oldham contends, the medieval jury system mitigated the need for expert witnesses: "jury members themselves were regarded as experts," and as such "the use of expert witnesses would have been anomalous before the jury attained some semblance of its modern character."[19]

Evidence from the records of the English church, which first instituted the practice of summoning matrons to testify in legal matters and likely inspired the king's courts to follow suit, also chips away at the likelihood of midwives as matrons. The church regularly sought matrons' expertise

17. Patrick Lee and John Haldane, "Aquinas on Human Ensoulment, Abortion and the Value of Life," *Philosophy* 78 (2003): 257.

18. Katherine D. Watson, *Forensic Medicine in Western Society: A History* (New York and London: Routledge, 2011), 48.

19. James C. Oldham, "On Pleading the Belly: A History of the Jury of Matrons," *Criminal Justice History* 6 (1985): 30.

when a wife pled a suit of divorce because of her husband's impotence and the court hoped to verify the credibility of the allegation.[20] In his guidance on how to choose a suitable matron, Gratian, author of a widely popular textbook of canon law (c.1140), declares emphatically that matrons should not be midwives. He writes that because "the hand and the eye of midwives are often deceived," judges should instead "depute upright, discerning and prudent matrons to inquire whether the girl is still a virgin" (*saepe manus fallitur et oculus obstetricum … honesta matronas provides et prudentes deputare curetis ad inquirendum, utrum dicta puella virginitatis privilegio sit munita*).[21] Documentation from suits of nullity, however, have guided historians in a different direction altogether, concluding that matrons were "clinicians expert in the sexual aspects of marriage."[22] Somewhat more candidly, Jeremy Goldberg writes that matrons were women engaged in prostitution, hired by the church.[23] In a close analysis of *Russell c. Skathelok* (1432), Goldberg calls attention to two factors: first, as the subsequent excerpt depicts, the matrons' work was highly sexualized in nature.

> The same witness exposed her naked breasts, and with her hands warmed at the said fire, she held and rubbed the penis and testicles of the said John. And she embraced and frequently kissed the same John, and stirred him up in so far as she could to show his virility and potency, admonishing him that for shame he should then and there prove and render himself a man. And she says, examined and diligently questioned, that the whole time aforesaid, the said penis was scarcely three inches long … remaining without any increase or decrease.[24]

Second, Goldberg identifies two of the seven matrons deposed in this case as known sex workers and proposes the likelihood of a third.[25] However, Bronach Kane disputes the passage's characterization of matrons by stressing the distinctiveness of this particular case as well as historians' over-

20. Jacqueline Murray, "On the Origins and Role of 'Wise Women' in Causes for Annulment on the Grounds of Male Impotence," *Journal of Medieval History* 16 (1990): 235.

21. As cited in Kümper, "Learned Men and Skillful Matrons," 96.

22. Murray, "On the Origins," 245.

23. Jeremy Goldberg, "John Skathelok's Dick: Voyeurism and 'Pornography' in Late Medieval England," in *Medieval Obscenities*, ed. Nicola McDonald (York: York Medieval Press, 2006), 105–23.

24. York Borthwick Institute of Historical Research Cause Paper (hereafter, BIHR CP) F 111, *Alice Russel c. John Skathelok* (1432). Translation from Richard H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974), 89.

25. Goldberg, "John Skathelok's Dick," 118–19.

reliance on it.[26] Putting *Russell c. Skathelok* in context of other relevant cases reveals a distinct strategy in the pattern of matrons' appointments. The court endeavored to assign matrons with the expertise appropriate to the needs of the suit.[27] In *Russell c. Skathelok*, proficiency in sexual matters dominated the selection, presumably to identify whether the problem was tied to his wife, or to all women. In *Greyford c. Fonte* (1293), trustworthiness was the chief criterion: the matrons were drawn equally from the parishes of the two litigants, and were branded as "worthy of faith, of good reputation and of honest life."[28] When the allegations centered on physical impairment, the court would seem to have sought matrons with medical knowledge. *Lamhird c. Sanderson* (1370) includes the deposition of Joan of Wighton, one of three "wise matrons," who reports submerging Sanderson's penis in a bowl of semen in order to cure his sexual dysfunction.[29] The medical reasoning behind the act is that "by joining the non-functional penis to the effluent of one that did work, she expected to see John Sanderson improve in 'virile work.'"[30] Anthropologists describe such a procedure as an example of sympathetic magic, which lay at the base of much of medieval Europe's medical practice. In John's case, the technique met with no success: his penis was an "empty intestine of dead skin, not having any flesh in it or veins in the skin and the middle of its front is totally black."[31]

The ecclesiastical material is pertinent to this study. First, it clarifies that even in the ecclesiastical context, not all or even most matrons worked in prostitution. This assumption has done much to debase medievalists' perceptions of the critical function of matrons in the medieval judicial system. To put it mildly, as prostitutes (especially as they are presented in the previous selection from *Russell c. Skathelok*), matrons become the punchline of a bad joke. Second, given that juries of matrons were a borrowing from the church courts, it is not hard to imagine that royal justices adopted similar strategies of appointment. The church courts' surviving documentation

26. Bronach Kane, "Impotence and Virginity in the Late Medieval Ecclesiastical Court of York," *Borthwick Paper* 114 (2008): 9. *Russell c. Skathelok* is cited in Helmholz, *Marriage Litigation*, 89; Oldham, "On Pleading the Belly," 45 n. 29; Murray, "On the Origins," 241; and Goldberg, "John Skathelok's Dick."

27. Often litigants brought their own "matrons," that is, family and friends both male and female who conducted a physical inspection of the man's genitalia and testified before the court. See Kane, "Impotence and Virginity," 13–17.

28. Cited in Murray, "On the Origins," 240.

29. York BIHR CP E 105, *Tedia Lambhird c. John Sanderson* (1370).

30. Frederik Pedersen, "Privates on Parade: Impotence Cases as Evidence for Medieval Gender," in *Law and Private Life in the Middle Ages,* ed. Per Andersen, Mia Münster-Swendsen, and Helle Vogt (Copenhagen: DJØF Publishing, 2011), 82.

31. York BIHR CP E 105 (1370).

does not rule out the possibility that midwives were natural candidates for the role of matrons; however, it does not build a strong argument in favor of regular appointment of midwives either.

Of course, this prompts us to ask: was medical expertise actually necessary to declare a woman was quick with child, or was personal experience with childbirth sufficient? In the absence of modern advances in contraceptive technology, being married in the Middle Ages meant being subjected to a protracted cycle of pregnancy and lactation.[32] A woman who had experienced multiple pregnancies and was perpetually surrounded by other women in various states of pregnancy and lactation surely felt qualified as an "expert" of sorts on the subject. How far can we take this general knowledge and experience to argue that all women were, in fact, quasi-medical practitioners? This is the vantage point endorsed by Monica Green. Midwives are absent from the sources, she explains, because midwifery skills belonged to the toolbox of the average woman. Self-identifying as a midwife was therefore pointless until the advent of licensing procedures in the late Middle Ages.[33] In this light, it is not unreasonable to suppose that medieval men and women might have construed motherhood as a gateway to obstetrical expertise.

James Oldham's 1985 pathbreaking study of matrons during the long eighteenth century has also provided an influential argument for seeing motherhood as the key component.[34] Drawing on a number of nineteenth-century examples, he notes that when a convicted felon pled pregnancy, matrons were selected *de circumstantibus*, that is, through a "slapdash impaneling process" in which women present at the trial were pressed into service.[35] Trial reports describe hard-nosed judges who ordered courtrooms locked, preventing anxious women from fleeing to avoid being

32. With exceptions for health, disability, or vows of celibacy. Barbara Hanawalt has suggested an average family size between 4.7 and 5.8 persons for later medieval England. See her *The Ties that Bound: Peasant Families in Medieval England* (Oxford: Oxford University Press, 1986), 94; yet, remember that each live child might represent multiple miscarriages, stillbirths, and deaths in infancy. Carole Rawcliffe cites a 60% infant mortality rate for eleventh-century Norwich, as well as a 44% chance of mothers surviving into their late thirties. See her "Women, Childbirth, and Religion in Later Medieval England," in *Women and Religion in Medieval England*, ed. Diana Wood (Oxford: Oxbow Books, 2003), 94.

33. Monica H. Green, *Making Women's Medicine Masculine: The Rise of Male Authority in Pre-Modern Gynaecology* (Oxford: Oxford University Press, 2008), 134–36.

34. Oldham, "On Pleading the Belly," 1–64.

35. Oldham, "On Pleading the Belly," 16, 30. Thomas Forbes produced an article on the subject 3 years later, although he does not include any new evidence for the medieval period. See Thomas Forbes, "A Jury of Matrons," *Medical History* 32 (1988): 23–33.

impaneled.[36] Given the process, the term "matron" could not have held much meaning. If any of these women had an obstetrical background, it was sheer coincidence that they were impaneled. At best, Oldham contends that judges probably excluded unmarried women.[37]

More generally, historians have sided with the author(s) of *Bracton* (c. 1220), the English legal treatise, which emphasizes the respectability of matrons above all. It describes matrons simply as "lawful and discreet women" (*legales et discretas mulieres*).[38] The focus on law-worthiness, usually defined as reputability and belonging to the propertied class, aligns also with commentaries on the office. The *Decretals* of Pope Gregory IX (1234) speak of "matrons of good opinions, trustworthy, and expert in the arts of marriage" (*a matronis bonae opinionis, fide dignis ac expertis in opere nuptiali*).[39] Thomas Chobham (d. c. 1236) writes of "wise matrons" (*sagaces matrone*).[40] This process mirrors men's approach to jury service. For men, jury service tended to be the preserve of the upper middle class: according to statute, jurors were required to have an

36. In March of 1832, the *London Medical Gazette* protested that serious decisions should not be entrusted to "such female stragglers and idlers as chance finds present in a criminal court on such an occasion. Such persons must be, literally, loungers and idlers." "Norwich Jury of Matrons," *London Medical Gazette* 12 (1832): 22–26, as cited in Forbes, "A Jury of Matrons," 29.

37. Oldham, "On Pleading the Belly," 16.

38. Henri de Bracton, *De Legibus et Consuetudinibus Angliae,* 4 vols., ed. George Woodbine, ed. and trans. Samuel Thorne (London: Selden Society, 1968–1976), 2:202. In this instance, he is providing instruction on an inheritance suit revolving around a widow who claimed to be pregnant with her dead husband's heir. Language of this nature appears also in miracle stories. In a miracle associated with St. Margaret of Scotland, a woman gave birth to a fetus thought long dead with the assistance of "devout and respectable women" (*deuotas ac honestas*). Robert Bartlett, ed. and trans., *Miracles of Saint Aebbe of Coldingham and Saint Margaret of Scotland* (Oxford: Clarendon Press, 2003), 80–83, as cited in Fiona Harris-Stoertz, "Midwives in the Middle Ages? Birth Attendants, 600–1300," in *Medicine and the Law*, 75.

39. His discussion relates to couples in suits involving claims of non-consummation. *Decretalium Gregorii Papae IX. Compilationis* (IntraText, 1996–2007), book 4, tit. 15, c. 7, http://www.intratext.com/ixt/lat0833/#fonte (October 11, 2016). The emphasis on reputation is mirrored also in a well-publicized letter written by Ivo of Chartres (d. 1115) to a knight who suspected he had not fathered his wife's unborn child. Ivo recommended he have her examined by "upright and mature women" (*honestae mulieres et veteranae*). Jacques P. Migne, ed., *Patrologia Cursus Completus. Series Latina,* 221 vols. (Paris: D'Amboise, 1844–1865), vol. 162, col. 210.

40. Frank Broomfield, ed., *Thomae de Chobham Summa Confessorum* (Paris: Béatrice Nauwelaerts, 1968), 184–85. Even the *Malleus Maleficarum* (1486) plays up a woman's character, advising judges to engage "honest women of good reputation" to disrobe the accused and probe for instruments of witchcraft sewn into her clothing. Heinrich Kramer and James Sprenger, *The Malleus Maleficarum,* trans. and ed. Montague Summers (New York: Dover Publications, 1971), pt. III, qu. xiv, 225.

annual income of 40 s. (£2) in order to participate, and jury service was often viewed as a stepping stone to office holding.[41] Jury service was founded on the ideal that the "the better men … know better the truth."[42] Should we assume a similar strategy also with a jury of women?

Whether a matron was a woman of status, a mother, or a midwife matters. How can we evaluate the legitimacy of the process if we do not even know who these women were? If matrons were in fact midwives, it is logical to expect greater accuracy in terms of their assessments than if they were mothers, or honorable women. Here, it is important to recognize that the reliability of matrons' verdicts has been under fire since the early modern era. In his *Historia Placitorum Coronae* (1736), Matthew Hale describes matrons as softhearted women working hard to inject some civility into a highly masculinized and inflexible judicial system. He writes: "If she be *priviment enseint* and not *quick* with *child*, and only so found by the jury of women, that is no cause of respite; but I have rarely found but the compassion of their sex is gentle to them in their verdict, if there be any colour to support a sparing verdict."[43] Hale's perception lays the foundation for a scholarly tradition emphasizing the lenience of matrons, as well as judges and even the king, toward pregnant women. This convention gave rise to the concept of "benefit of the belly," which sees pleas of pregnancy paralleling benefit of clergy. Benefit of clergy is the privilege of having one's trial removed to an ecclesiastical court. Although initially it was restricted to men of clerical status, the late medieval crown effectively expanded eligibility to include any literate (or pseudo-literate) man when it introduced a reading test to prove one's clergy.[44] Benefit of clergy saved a man's neck. In the king's court, a convicted homicide merited capital punishment; those condemned by the bishop instead received a life sentence of imprisonment.[45] James Cockburn saw pleas of the belly as the female equivalent, noticing that judges commonly took pity on pregnant women, commuting sentences

41. "Statute of Westminster I," 13 Edw. I, c. 38 (1275). Alexander Luders, Thomas E. Tomlins, John France, John Raithby, and William E. Taunton, eds. *Statutes of the Realm* (London: Record Commissions, 1810–1827), 1:89. Certain juries, such as coroners' juries and sheriffs' tourns, were open to the lower ranks. For a discussion of status and medieval juries, see Butler, *Forensic Medicine*, 79–83.

42. Jenny Kermode, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (Cambridge: Cambridge University Press, 1998), 12.

43. Matthew Hale, *Historia Placitorum Coronae,* 2 vols. (London: E. and R. Nutt, 1736), 2:413.

44. The right to claim benefit of clergy was not extended to women, no matter how literate, until the seventeenth century.

45. Leona Gabel, *Benefit of Clergy in England in the Later Middle Ages* (New York: Octagon Books, 1928–29; reprinted 1969), 111.

of execution into time in prison or transportation to the colonies.[46] John Beattie has taken it a step further by arguing that "a successful plea of pregnancy" was "tantamount to a pardon."[47] Oldham disagrees with this conclusion; nonetheless, he, too, cautions his readers about the reliability of matrons' verdicts. Although "many juries went about their task conscientiously," in the last two decades of the seventeenth century and the first decades of the eighteenth, abuse of the legal process by defendants was rife: they regularly submitted false pleas of pregnancy, hoping either to get pregnant in prison or to fake their way through the inspection process. Accusations of jury packing, in which matrons were thought to be "cronies of the prisoner," were not only widespread; Oldham also sees they were "likely true." However, as Oldham points out, the more realistic concern, given the role played by jurors more generally in mitigating the rigors of the law, is that matrons in fact participated in "pious perjury" for humanitarian purposes. He asks, "[i]f the prisoner's claim of being with quick child had any plausibility, what was the harm in allowing a respite?"[48] Did medieval matrons also engage in "pious perjury"?

Drawing on trial records recorded in the jail delivery rolls[49] from fourteenth- and fifteenth-century England, as well as jury lists, petitions for pardon, statute law, and legal textbooks and treatises, this article strives to offer a more precise understanding of the position of the medieval matron. In doing so, it hopes to answer a number of questions. Did the king's justices consider juries of matrons to be *real* juries? That is, did matrons wield the same clout as trial jurors? When a sheriff summoned matrons to court, how did he decide whom to summon? What were a matron's credentials? How much medical training (if any) did a matron need to examine pregnant felons? This final question, in particular, will lead to delving into the history of the quickening to ascertain at what point it became central to legal determinations of when life begins, and how that transition might have influenced a woman's eligibility to be a matron. The overarching argument of this article is that motherhood alone did not prepare women amply to fulfil the role of matron.

46. James S. Cockburn, *Calendar of Assize Records, Home Circuit Indictments, Elizabeth I and James I: Introduction* (London: HMSO, 1985), 122.

47. John M. Beattie, *Crime and the Courts in England 1660–1800* (Oxford: Clarendon Press, 1986), 431.

48. Oldham, "On Pleading the Belly," 19, 31–32.

49. Twice yearly, medieval justices travelled in circuits across England delivering the jails, meaning that in a period of a day or two they tried all accused felons awaiting trial housed in the county's prison before moving on to the next prison.

I. Matrons in the King's Court of Medieval England

Our hazy understanding of matrons and their role as jurors is reflected in the *Oxford English Dictionary (OED)'s* efforts to pin down the term. The Middle English "matron" has multiple meanings: "[a] married woman, *esp.* one of mature years (usually with connotation of dignity, propriety, and moral or social rank)" (1393); a married female saint (c.1450); and also "[a] married woman regarded as having expert knowledge in matters of childbirth, pregnancy, etc., and who therefore may be called upon . . . to act as a midwife" (c. 1425).[50] With respect to the latter, *OED* draws upon an English translation of Guy de Chauliac's *Grande Chirurgie* (1363), from a passage in which he speaks of participating in a suit of nullity on the grounds of impotence. He explains that a physician's inspection should be purely academic: he must scrutinize the man's complexion and genitals, then arrange for a matron, glossed in the Middle English as "a housewife used in such things" (*a huswife vsed in sich þingez*) to watch them lie together, presumably so that she could stand as witness to the truth of their claim.[51] Caxton's 1492 translation of *Vitas Patrum* is also instructive: in recounting the story of a girl who falsely accused Saint Macarius of fathering her unborn child, the narrator remarks that she was prompted to reveal the truth by "the matrons or midwives that were come to her for to receive the child" ([*t*]*he matrones or myddewyfes y*^{t} *were come to her for to receyue the childe*). Waiting until she was "long in great martyrdom with throws without comparison" (*longe in grete martyrdom with thrawes without comparison*) the matrons asked if anything might be preventing her from giving birth, at which point, she made a tearful confession, and God facilitated the birth.[52] These two illustrations indicate that a matron might well be expected to have familiarity with the basics of female anatomy and childbirth; however, with such a broad scope of definition, *OED* provides little to assist us in determining whether royal justices valued medical training over respectability when it came to appointing juries of matrons, or whether both criteria were equally acceptable.

50. "matron," A. noun, 1a, 1b, and 2. *Oxford English Dictionary*, http://www.oed.com/view/Entry/115060?redirectedFrom=matron#eid (May 24, 2017).

51. Ibid. In the original French, Guy uses the phrase *matronne savant et experimentee en la matiere*. Guy de Chauliac, *Inventarium sive Chirurgia Magna*, ed. Michael McVaugh (Leiden: Brill, 1997), 1:386.

52. Caxton, *Vitas Patrum* (Westminter: Wynkyn de Worde, 1495), fo. clxxxxvii. Available through *Early English Books Online Text Creation Partnership*, https://quod.lib.umich.edu/e/eebo2/A04386.0001.001/1:6.2?rgn=div2;submit=Go;subview=detail;type=simple;view=fulltext;q1=matrones (March 3, 2018).

Documentation concerning matrons in the king's courts is invariably spare. To offer an example: the January 1383 trial of William Martyn of Anstey of Ockham and his wife Agnes for robbery occupies a mere twenty-two lines on a folio taken from the records of a Lincolnshire jail delivery. The indictment narrative provides a distinctly unfavorable account of their actions. The two were arrested the previous August with the stolen goods on their person (*cum manuopere*), after the victim had raised the hue and cry and pursued them from vill to vill by night. Escorted to court by the jailer, and under the watchful eye of their appealer whose presence in court practically guaranteed their conviction, the two denied all criminal activity, each asserting his or her innocence. They placed their fates in the hands of the jury, who proceeded to find them guilty. The husband was sentenced to hang, and a marginal notation implies that this sentence was indeed carried out: "hanged; no chattels" (*s*[*uspensus*] *cat*[*allus*] *null*[*us*]). We are told that Agnes "immediately claimed to be pregnant. And on this [matter] an inquisition was held without delay by twelve matrons who, on these premises sworn, say on oath, that the said Agnes is pregnant. Therefore she is to be remitted to prison into the custody of John Wutlysbury, sheriff, etc. for safe keeping, until [childbirth], etc." The marginalia provides a summary of the court's actions: "returned to prison by the matrons" (*r*[*e*]*pr*[*isonata*] *per matrones*).[53]

The matrons appear unnamed in this enrolment, as is true of the majority of trial records in which matrons are mentioned. In rare circumstances, we find also jury lists. Customarily, sheriffs drafted a panel of twenty-four names for a jury, in the expectation that at least twelve of those might respond to the summons then issued by the hundred-bailiff, and appear in court for the trial. Lists were enrolled on files (bits of parchment from offcuts) and sewn into the jail delivery rolls, often alongside the accompanying trial record. The names of those empaneled are marked with the word "sworn" (*jurata*); the names of those not chosen for jury service are sometimes crossed out, sometimes not. Surviving lists for juries of matrons are rare, and when they do exist they do not necessarily conform to the abovedescribed model. Often they list only those empaneled; more often than not, the number of potential matrons is less than twenty-four. A file from York castle, 1433–34, contains this list: Cecilia Scirtannt,

53. *Predicta Agnes instanter asserit se esse prignantem Et super hoc capta inde inquisicionem prout moris est per duodecim matrones que super premissis iurate dicunt super sacramentum suum quod predicta Agnes prignans est Ideo ipsa remittitur prisone in custodia Johannis Wutlysbury vicecomes etc salvo custodiendum, quousque etc.* The National Archives, Kew, Surrey (hereafter TNA): Justices Itinerant (hereafter JUST) 3/167, m. 44d (1383).

Katherine Cattall, Agnes Yerersey, Agnes Ffysshe, Margery Sawer, Agnes Barley, Agnes Ferrour, Joan White, Agnes Hewetson, Joan Fflecher, Agnes Bownes, and Joan Waller, beside which is written "the matrons said that she was not pregnant," although the file does not identify the defendant by name.[54] The sparsity of detail presents challenges to the historian, but they are not insurmountable. In concert with written law and the king's correspondence, they can help us to construct a rudimentary history of matrons and pleas of the belly.

The practice of delaying execution for pregnant convicts extends as far back as the twelfth century with the Old French *Leis Willelme*, which decree, "[i]f a woman who is pregnant is sentenced to death or to mutilation, the sentence shall not be carried out until she is delivered."[55] Nowhere do the *leis* mention a jury of matrons. By the early thirteenth century, we see women acting in this capacity, although not in connection with pregnant felons. In 1220, four women (*iiii feminabus*) were brought in to inspect alleged rape victim Christina daughter of Henry and Alditha Peche. After some deliberation, they confirmed that she had indeed been violated (*quod violata fuit*), clarifying for the reader that even if the legal record did not label them as matrons, they fulfilled a matron's responsibilities.[56]

The conviction of Alice la Dorys in July 1303 is the first clear instance in which the court instructed a group of matrons to examine a pregnant felon. Alice was convicted on appeal of stealing goods worth half a mark from Geoffrey Blome. When she claimed to be pregnant, the record remarks that "on the testimony of the lawful matrons" (*fidedignas matronas*) her pregnancy was affirmed and the court ordered her returned to prison until the birth of her child.[57] The question, of course, is whether Alice's trial marks the implementation of a new procedure, or instead evidence of more meticulous record keeping. The crown's initial stance on pregnant felons seems to have been simply to pardon them. The king awarded a pardon to Clarice of Waltham in 1228: she was sentenced to hang for participating in the homicide of a pilgrim woman and her daughter, although the sentence was delayed because of pregnancy. Pregnant

54. TNA: JUST 3/82/16, m. 24 (1433–34).

55. *Si femme est jugee a mort u a defac[iun] des membres ki seit enceintee, ne faced l'um justice desqu'ele seit delivere.* "The (So-Called) Laws of William I," in *The Laws of the Kings of England from Edmund to Henry I,* ed. Agnes Robertson (Cambridge: Cambridge University Press, 1925; reprinted 2009), 268–69.

56. Edward Watson, ed., *Pleas of the Crown for the Hundred of Swineshead and the Township of Bristol* (Bristol: W. C. Hemmons, 1902), 133–34, n. 15.

57. TNA: JUST 3/104, m. 15d.

felons Alice widow of Richard de Langwath and Maud of Chobham (*Chabbenham*) also received pardons in 1248 and 1253 respectively.[58]

Over the course of the fourteenth century, notations regarding juries of matrons gradually standardized and formalized. The number of matrons on early juries varied; from the four women in Christina Peche's examination, to eight or nine on other juries.[59] By the later fourteenth century, mirroring the usual composition of trial juries, twelve came to be the norm. Circa 1390, court scribes began also applying the formulaic language normally reserved for trial juries also to juries of matrons, describing them as "chosen, tried, and sworn" and giving testimony under oath.[60]

Trial records show matrons in a position of unlimited authority. Their verdicts were conclusive: if they affirmed a woman's pregnancy, the court ordered the felon sent back to prison to await labor and delivery, after which she would be called down to her former sentence. Nor do the jail delivery rolls divulge evidence of the kind of abuse Oldham detected in his study of early modern England, when felons resorted to false pleas of pregnancy and bribed matrons for a positive verdict. An examination of two jail delivery rolls highlights this best: one roll (TNA: JUST 3/117) records deliveries, which were usually done twice yearly, for the counties of Norfolk and Suffolk from 1324 to 1326.[61] Out of 471 individuals indicted of felony, fifty-two (or 11%) were women, of which four of those fifty-two women were convicted (7.7%). Three of the four convicts pled the belly (75%); none of them were pardoned. Another (TNA: JUST 3/213) includes deliveries for Cumberland, Northumberland, Westmorland, and Yorkshire for the period 1454–60. Of the 396 individuals indicted of felony, eighteen (4.5%) were women. Four of those eighteen women (22%) were convicted. Two of the four women (50%) pled the belly, none of whom received pardons. On their own, the percentages of those who pled the belly seem high; yet, given the low numbers of women indicted, let alone convicted, it is clear that pleas of the belly were rare. This impression is reinforced by the fact that a search of jail delivery rolls across England for the fourteenth century

58. *Calendar of Close Rolls, 1272–1485* (hereafter *CCR*), 45 vols. (London: HMSO, 1911–63), Henry III (1227–31), 53; *Calendar of Patent Rolls, 1216–1509* (hereafter *CPR*), 55 vols. (London: HMSO, 1891–1916), Henry III (1247–58), 20; *CCR*, Henry III (1251–53), 501.

59. Frederic W. Maitland, ed., *Bracton's Note Book: A Collection of Cases decided in the King's Courts during the Reign of Henry the Third, Annotated by a Lawyer of that Time, Seemingly by Henry of Bratton* (London: C. J. Clay and Sons, 1887, repr. Littleton: Fred B. Rothman, 1983), nos. 137 and 1605.

60. TNA: JUST 3/177, m. 49 (1390).

61. TNA: JUST 3 is the category of records that contains all jail deliveries.

yielded a mere forty-one cases, with an additional twenty-one petitions for pardon drawn from the calendar of patent rolls (therefore, a total of sixty-two pleas of the belly).[62] Second, there is no reason to believe that those who pled the belly received lenient treatment. Of those forty-one pleas, only four (9.8%) received pardons from the king; matrons also found five (12.2%) to be not pregnant.[63] All of this indicates that we should not assume that matrons saw their job as *pro forma* and just rubber-stamped their approval. Women rarely pled the belly. What is more, a plea was no guarantee of success. Juries of matrons sometimes rejected their claims, and even for those whose claims were corroborated by matrons, only occasionally were they spared execution by the king's pardon.

II. Matrons and their Medical Qualifications

With regard to the English setting, Maryanne Kowaleski is the only scholar to refer comfortably to matrons as midwives.[64] Her decision to do so likely is based on the fact that the work performed by matrons seemed to call for an added level of medical expertise. In his work on the criminalization of abortion, Wolfgang Müller exemplifies the more typical approach espoused by medieval historians. He characterizes juries of matrons as "teams of female consultants," and renders *obstetrices* as simply "women."[65] Monica Green similarly refuses to accord matrons medical status: she sees matrons as "women who had no particular expertise beyond being mothers and neighbors."[66] Müller's and Green's rejection of matrons as childbirth experts springs from the fact that historians know little definitively about midwives in medieval Europe. To offer a brief summary: arguing chiefly from the absence of evidence, the scholarly consensus is that the fate of the profession was tied to the city, and as such, midwifery

62. None of the pardons in *CPR* relate to pleas found in TNA: JUST 3. This is not unexpected: most jail delivery rolls did not survive the Middle Ages.

63. See Sara M. Butler, "Pleading the Belly: A Sparing Plea? Pregnant Convicts and the Courts in Medieval England," in *Crossing Borders: Boundaries and the Margins in Medieval and Early Modern Britain: Essays in Honour of Cynthia J. Neville*, ed. Sara M. Butler and Krista J. Kesselring (Leiden: Brill, 2018), 131–53.

64. Maryanne Kowaleski, "Women's Work in a Market Town: Exeter in the Late Fourteenth Century," in *Women and Work in Preindustrial Europe*, ed. Barbara A. Hanawalt (Bloomington: University of Indiana Press, 1986), 162 n. 43.

65. Müller, *Criminalization of Abortion*, 153, 156.

66. Monica H. Green, "Caring for Gendered Bodies," in *The Oxford Handbook of Women and Gender in Medieval Europe,* ed. Judith M. Bennett and Ruth Mazo Karras (Oxford: Oxford University Press, 2013), 348.

vanished altogether in a post-Roman setting as urban life dwindled.[67] Urban renewal of the twelfth century revived the profession, although midwifery had to wait until the fourteenth or fifteenth centuries to attain any degree of institutionalization, and many areas in northwestern Europe (England among them) did not see professionalization of midwives until well after the Middle Ages drew to a close.[68] Most of what we know about midwives relates to their regulation: the Catholic church entrusted midwives with the procedure for emergency baptism, but was not especially happy to do so.[69] Elsewhere in Europe, the implementation of licensing procedures in the late Middle Ages brought midwives into greater contact with the larger medical profession, although the nature of that interaction is still broadly contested.[70] As Kathryn Taglia summarizes the debate, some adopt the "thesis of (male) medical and regulatory practices triumphing over the (female) irrational, unscientific midwives," whereas others see instead "a time of utopian medical freedom for both midwives and their female patients," brought to a grinding halt with the first attempts at regulation.[71] Regrettably, the extant evidence reveals almost nothing about a midwife's background, training, and knowledge base. We know that they did not attend universities, nor were there midwife guilds; therefore, knowledge of midwifery was probably passed on through informal apprenticeships. As a result, Fiona Harris-Stoertz observes, "one cannot be sure what qualities, if any, separated the midwife from other experienced women."[72]

67. Green, *Making Women's Medicine Masculine*, 34–36.

68. The date at which midwifery re-emerged as a profession is a topic of some debate. Fiona Harris-Stoertz, who makes a cogent argument in favor of this having happened in the twelfth century, provides a useful historiography of the debate in her "Midwives in the Middle Ages?" 59–60. Green (note 66) argues that this happened in the thirteenth century. So, too, do Tiffany Vann Sprecher and Ruth Mazo Karras, "The Midwife and the Church: Ecclesiastical Regulation of Midwives in Brie, 1499–1504," *Bulletin of the History of Medicine* 85 (2011): 173; and Kathryn Taglia, "Delivering a Christian Identity: Midwives in Northern French Synodal Legislation, c. 1200–1500," in *Religion and Medicine in the Middle Ages*, ed. Peter Biller and Joseph Ziegler (York: Boydell and Brewer, 2001), 77–90.

69. Taglia, "Delivering a Christian Identity."

70. Nuremberg is an excellent example of municipal licensing of midwives. See Merry E. Wiesner, "Early Modern Midwifery: A Case Study," in *Midwifery and the Medicalization of Childbirth: Comparative Perspectives*, ed. Edwin Van Teijilingen, George Lowis, Peter McCafferty, and Maureen Porter (New York: Nova Science, 2004), 63–74.

71. Taglia, "Delivering a Christian Identity," 78.

72. Fiona Harris-Stoertz, "Suffering and Survival in Medieval English Childbirth," in *Medieval Family Roles: A Book of Essays,* ed. Cathy Itnyre (New York: Routledge, 1996), 111.

Greater still is the problem that in most regions, court officials would have been hard pressed to find enough midwives to empanel an entire jury. In Nuremberg, where the numbers of late medieval midwives are exceptionally well documented because of their status as public officials with a municipal salary, the city had sixteen registered midwives to serve a population of 23,000.[73] Granted, in England where midwifery was not a licensed or even a regulated profession, expertise in childbirth may have been more loosely defined, extending beyond full-time professionals to include also midwives' apprentices or assistants, as well as a category of women that we might describe as "birth attendants"; that is, those who frequently attended the all-women gatherings devoted to labor and delivery. As Harris-Stoertz remarks, "[w]hat is particularly striking to a modern reader is just how many people might attend a high medieval birth."[74] Whereas some women used childbirth as an opportunity to socialize and provide emotional support, others may have acted as informal assistants in the birth process and achieved some degree of notoriety as a result.

At least one English trial record provides credible evidence that matrons sometimes had a background in midwifery. The 1332 Newgate trial of Agnes of Kent and Isabel of Saint Botolph for counterfeiting remarks that the two were caught in possession of incriminating evidence, that is, both false money and metal pieces (presumably, dies) for forging it. The two women were recipients of swift justice: they were convicted and sentenced to hang. Isabel's judgment was carried out forthwith, but Agnes chose instead to plead her belly, at which point the court summoned "six lawful and wise midwives" (*sex mulieres obstetrices legales et sapientes*) to authenticate her claim. The record lists the midwives' names as Goditha de Oreng, Agnes Blakebrok, Joan Dormad, Maud Slegh, Alice Bery, and Margaret of Waltham. They upheld Agnes's plea, and the king's justices ordered her returned to prison.[75]

Agnes of Kent's plea raises a critical question: why describe her matrons as *obstetrices* when *matrones* was the normal designation? Did the scribe simply forget the appropriate terminology? Or, did he depict them as midwives because in this instance the sheriff actually summoned midwives to do the job? The Newgate scribe's narrative draws to mind the legal treatise *Britton*, a late thirteenth-century update and abridgement of *Bracton*. When

73. Wiesner, "Early Modern Midwifery," 64.

74. Harris-Stoertz, "Midwives in the Middle Ages?" 73. The phrase "birth attendant" was coined by Harris-Stoertz.

75. TNA: JUST 3/45/1, m. 5 (1332). This case appears again, with the list of matrons' names, TNA: JUST 3/46/1, m. 6d and JUST 3/46/3, m. 7.

he speaks of matrons, the author employs the phrase *sages femmes et leales*, which the treatise's editor, Francis Nichols, has translated as "discreet and lawful women."[76] Yet, it impossible to ignore the fact that in French, the phrase for "midwife" is *sage femme*.[77] Taken together, a tentative argument can be made for seeing matrons and midwives as related terms.

Surviving jury lists include some additional insight into matrons' credentials. Jury lists for matrons seldom survive. A search of files among the fourteenth- and fifteenth-century jail delivery rolls has uncovered a total of eleven matron lists, representing a tiny fraction of the actual numbers of juries of matrons assembled over the course of the period. What can these records tell us about matrons? A perusal of the names of matrons listed in Appendix 1 reveals that marital status was rarely recorded in jury lists. This is not a surprise. Jury lists were not formal documents: they were disposable, and meant to be expedient. There was no need to meet the requirements of the 1413 Statute of Additions that led to the fuller identifications typical of felony indictments, including also the individual's status as a guild-member, and place of residence.[78] Of the thirty-one matrons identified by a spousal relationship, twenty-four are described as wives and seven are described as widows. Admittedly, an additional eighty-four are not described in relation to any man (either husband or father), and, therefore, it is difficult to draw any solid conclusion about the necessity of marriage or motherhood from the lists themselves.

What is most remarkable, however, is among those few matron lists that do exist there are repeat appearances (see Table 1). As you can see from Table 1, the two matron lists are practically identical—the names even appear in the same order—with the exception that the list on the right also includes Christina wife of John Pencher (indicated within the table with an asterisk). We can easily rule out the possibility that these are duplicate jury lists drawn from the same trial: the fact that different women from among each group were chosen as jurors negates this possibility. Something similar is apparent also in the two lists in Table 2.

Jury lists such as these imply that sheriffs relied on the same pool of women to act as matrons time and again. This finding helps us to explain why so few matron lists exist at all. If the same women in the town or city regularly filled the post, there was no need to create a new list each time. This process was likely assisted by the formalization of the position.

76. Francis Nichols, ed., *Britton: the French Text carefully revised with an English Translation, Introduction and Notes*, 2 vols. (Oxford: Clarendon Press, 1865), vol. 2, book 3, ch. 13.

77. I thank Fiona Harris-Stoertz for bringing this to my attention.

78. "Statute of Additions," 1 Hen. V, c. 5 (1413), *Statutes of the Realm,* 2:171.

Table 1. Jury of Matrons, Newcastle upon Tyne.

TNA JUST 3/54/15, m. 7: Newcastle upon Tyne, 1433–1434	TNA JUST 3/54/17, m. 8: Newcastle upon Tyne, 1434–1435
Alice wife of William Reede	Alice wife of William Reed (juror)
	Christina wife of John Pencher*
Alice wife of William Bouman (juror)	Alice wife of William Bouman (juror)
Mary wife of John Halton (juror)	Mary wife of John Halton (juror)
Joan wife of Thomas Benton	Joan wife of Thomas Benton
Joan wife of John Basset	Joan wife of John Basset (juror)
Agnes wife of John Verty (juror)	Agnes wife of John Verty
Isabel wife of Thomas Lumley mercer	Isabel wife of Thomas Lumley
Joan widow of John Marton (juror)	Joan Marton (juror)
Agnes wife of Matthew Jonson	Agnes wife of Matthew Jonson
Margaret wife of Thomas Bell (juror)	Margaret wife of Thomas Bell
Alice wife of John Clay (juror)	Alice wife of John Clay (juror)
Margaret widow of John Haswell	Margaret Haswell (juror)
Joan wife of Robert Webster (juror)	Joan wife of Robert Webster (juror)
Agnes wife of John Webster (juror)	Agnes wife of John Webster
Emma wife of Robert Bevirley	Emma wife of Robert Beverly
Alice wife of John Benton	Alice wife of John Benton
Agnes widow of John Haynyng (juror)	Agnes Haynyng (juror)
Emma wife of John Keswyk	Emma wife of John Kesewyk
Isabel wife William Coward (juror)	Isabel wife of William Coward (juror)
Isabel widow of John Heerd (juror)	Isabel Herd
Agnes wife of Robert Neele	Agnes wife of Robert Neel (juror)
Joan widow of Robert Moubray (juror)	Joan Mowbray
Maud widow of John Waake	Maud widow of John Waake
Joan widow of Robert Barker	Joan widow of Robert Barker

Descriptors in the legal record hint that the position had become an appointed one by the late fourteenth century, as trial records speak in more official terms of a "jury of matrons of the city," "matrons of the vill of Guildford," and "matrons of the city of Lincoln."[79] If matrons were simply mothers, or even honorable women, why narrow the choice to such a select group of women? Jury service in medieval England was generally considered a privilege: it offered an individual the opportunity to be counted among the village notables.[80] For men, it provided them

79. TNA: JUST 3/174, m. 2 (1387); JUST 3/178, m. 9d (1393); JUST 3/177, m. 101 (1396).

80. Sherri Olson, *A Chronicle of all that Happens: Voices from the Village Court* (Toronto: Pontifical Institute of Mediaeval Studies, 1996), 45.

Table 2. Jury of Matrons, Lincoln Castle.

TNA JUST 3/33/5, m. 12: Lincoln Castle, 1394–95	TNA JUST 3/177, m. 97: Lincoln Castle, 1395
Isabel Marche (juror)	Isabel Marche (juror)
Agnes Colvill (juror)	Agnes Colvill (juror)
Elizabeth Vassell (juror)	Elizabeth Vassell (juror)
Elizabeth Conner (juror)	Elizabeth Conners (juror)
Isabel Sadeler (juror)	Isabel Sadeler (juror)
Agnes of Bolton (juror)	Agnes of Bolton (juror)
Alice of Sewerby (juror)	Alice of Sewerby (juror)
Agnes Box (juror)	Agnes Box (juror)
Alice of Tumby (juror)	Alice of Tumby (juror)
Margaret Warde (juror)	Margaret Warde (juror)
Isabel Bell (juror)	Isabel Bell (juror)
Isabel Taverner (juror)	Isabel Taverner (juror)

"an edge in village and estate affairs."[81] In a town the size of Newcastle upon Tyne (population of approximately 3,970 in 1377), or Lincoln (population of approximately 5,354 in 1377), there were surely more than twenty-four mothers or honorable wives eligible and eager to serve on a jury.[82] Winnowing the number of eligible matrons to such a select few implies that these were not the guiding criteria. If not motherhood, or respectability, was expertise in childbirth the key qualification for eligibility as a matron?

The language used previously also implies that matrons were residents of the urban centers where prisons were located and delivered (such as Carlisle, Exeter, Guildford, Lincoln, London, Newcastle upon Tyne, Norwich, Nottingham, and York), rather than the hundred where the crime was committed. This factor further distinguishes the function of a jury of matrons from the trial jury. Common law expected juries to be self-informing: as such, trial jurors purported to be witnesses to the crime, or at the very least, representatives from the hundred where it was committed (often also the defendant's home village), and accordingly appearing in court bearing local knowledge about how the crime was perpetrated. As mere residents of the cities that housed prisons, the matrons likely had no prior relationship with the condemned, and vice versa. Matrons were therefore not making their decisions based on local knowledge, or on

81. Peter L. Larson, "Village Voice or Village Oligarchy?: The Jurors of the Durham Halmote Court, 1349–1424," *Law and History Review* 28 (2010): 691.

82. Josiah C. Russell, "Late Ancient and Medieval Populations," *Transactions of the American Philosophical Society* 48 (1958): 61. These are estimates and should not be seen as definitive.

gossip about the convict's ostensibly maternal state. Of course, it is possible, even logical, that trial jurors who were better informed about the condemned's pregnancy communicated their knowledge to the jury of matrons; the records provide no evidence either way. Medieval England's laconic trial reports include almost nothing of the courtroom experience, masking a broad array of questions asked and information exchanged. However, judges may also have appreciated that severing the link between matrons and defendant had it uses in guaranteeing an impartial response.

III. The Physical Examination: Before 1348

The degree of medical expertise needed by a jury of matrons turns on the expectations of the courts. What charge guided matrons in their search for physical signs of pregnancy? Although the quickening ultimately became the focal point for matrons, legal treatises and records confirm that until the mid-fourteenth century, matrons spoke only to a woman's pregnant state, ignoring altogether the formation of the child in utero. This finding separates medieval history into two distinct phases, with the year 1348 acting as the dividing line.

Beyond question, matrons in the earlier phase had the more demanding assignment. They had to discern whether a woman had in fact conceived, and they seem to have done so without internal examinations or urine samples. The writ *de ventre inspiciendo*, issued out of chancery when a widow purported to be pregnant with her deceased husband's heir, provides one of the few extant descriptions of the inspection process in a legal setting. The writ depicts it as a rather superficial assessment in which the matrons "carefully [examine] her by feeling her breasts and abdomen and in every way whereby they may best ascertain whether she is pregnant or not" (*diligenter tractari a prædictis mulieribus per ubera et per ventrem, modis omnibus quibus inde melius possint certiorari utrum prægnans sit necne*).[83] *Britton*'s account is similar. It states that the matrons' examination is performed "by handling her belly and her breasts, and using all other means whereby they may be certified whether she is with child or not" (*par tast de soen*

83. Bracton, *De Legibus,* 2:201–2. Although English trial records offer no further insight into the process of examination, the *concilium* of Bartolomeo de Varignana, who gave expert testimony before a 1277 Bolognese criminal tribunal about a convicted felon named Gilia, also gives the impression that the examination was chiefly external. Bartolomeo and his physician colleague restricted themselves to "discernment of outer signs and symptoms" (*signa et accidentia*) whereas "[s]crutiny by touch" (*ad tentandum*) was left to two "wise women" (*sapientes obstetrices*). As cited in Müller, *Criminalization of Abortion,* 153.

ventre et de ses mameles et en totes autres maneres dount eles porrount estre certefiez, lequel ele enceynte, ou noun).[84] The phrase "using all other means" leaves room for interpretation and may mask more invasive procedures. However, there is little reason to assume that any sort of internal examination was deemed necessary. Today, gynecologists perform pelvic examinations in early pregnancy in order to assess uterine enlargement, but on their own they are not a useful test for pregnancy.

Given the centrality of uroscopy to medieval medicine, such that a urine flask was widely understood to be the symbol of the medical profession, it is striking that it is not singled out in the writ's procedural description.[85] Uroscopy was a tool of immeasurable value in the medieval context, seen as a reliable guide to the body's inner workings. Textbooks on the subject exist in abundance, in both Latin and Middle English, many of which dispense sound advice on spotting clues of conception. For example, motes (*atthomi*) in the urine were thought to be a sure sign.[86] *De urinis mulierum* ("On Women's Urines"), present in England by the twelfth century, demonstrates how a woman's urine can indicate whether she is a virgin, non-virgin, menstruating woman, or a woman in the first, second, third, or fourth months of pregnancy.[87] The utility of urine as a diagnostic for pregnancy does not stop there. Urine in which the "troubliness"[88] floats "thickest above," signifies that she is carrying a boy. If the troubliness "draws downward," it is a girl. Urine can even forewarn of complications. If it has "clear stripes, the most part troubly and the troubliness reddish like tanwose ('tanning liquor')," she is pregnant, but the child will not live much beyond birth.[89] The proliferation of these "self-help guides" in Middle English, rather than the academic Latin, means that some women

84. Nichols, *Britton*, vol. 2, book 3, ch. 13. *Fleta* offers a similar statement: "she is to be handled about the breasts and the belly in all ways by which they may the better ascertain whether she be pregnant or not." Henry Richardson and George Sayles, eds, *Fleta,* 3 vols. (London: Selden Society, 1955–1984), vol. 2, book 1, ch. 15.

85. See Henry Connor, "Medieval Uroscopy and its Representation on Misericords – Part I: Uroscopy," *Clinical Medicine* 1 (2001): 507–9.

86. M. Teresa Tavormina, "Uroscopy in Middle English: A Guide to the Texts and Manuscripts," *Studies in Medieval and Renaissance History,* 3rd series, 11 (2014): 54.

87. As cited in Monica H. Green, "Making Motherhood in Medieval England: The Evidence from Medicine," in *Motherhood, Religion, and Society in Medieval Europe, 400–1400*, ed. Conrad Leyser and Lesley Smith (New York and London: Routledge, 2011), 179, n.15.

88. "Troubly" is defined as "Turbid, murky; also, full of impurities, thickened, gross; of moving water: turbulent, churning." *The Middle English Compendium* (University of Michigan, 2018), https://quod.lib.umich.edu/m/middle-english-dictionary/dictionary?utf8=%E2%9C%93&search_field=hnf&q=troubly (August 10, 2018).

89. Tavormina, "Uroscopy in Middle English," 136.

would have been able to read them.[90] Nonetheless, because *Bracton* makes no mention of uroscopy, we cannot presuppose that analysis of a urine sample was part of the inspection process.

As one might suspect, weight gain was considered a potential sign of conception. The 1305 trial of Agnes Crok, described in the plea rolls as a harlot (*meretrix*), demonstrates that added weight was a consideration. Indicted on charges of being a common receiver of ill-gotten gains without the consent of her husband, a jury found her guilty. However, the trial report notes that "because she is somewhat fat and she says that she is pregnant she is remitted to prison until we know more" (*quia eadem Agnes aliqualiter grossa est et se dicit eam pregnantem remittatur gaolem quousque sciatur, etc.*). When a jury of *mulieres* had been assembled, they declared that she was not pregnant.[91] Presumably, the matrons were better able than royal justices to distinguish between corpulence and a swelling uterus expanding beyond the pelvis to press against the belly.

In Agnes's case, her trial was held on June 30 but it was not until July 6 that matrons gathered before the justices at the guildhall to offer their verdict. Other trial records offer no evidence to determine whether this time frame was typical. Nor are the legal treatises helpful in this respect: neither *Bracton* nor *Britton* gives any indication of just how much time a jury of matrons had to come to a decision. Presumably, as long as they produced a decision before justices of jail delivery left town it was sufficient. If the matrons were permitted time to administer an overnight test, Gilbertus Anglicus's "The Sickness of Women" (c. 1240), far and away the most common gynecological text in late medieval England, also written in Middle English, affords a useful guide. In the chapter entitled, "If thou will know well and truly whether a woman be with child without looking of her water (urine)" (*If thow wilt knowe wele and triewly whether a woman be with chield other nat withouten lookyng at hir water*), Gilbertus writes that if a woman drinks mead (*meth*) before bed, and has "much woe in her womb, it is a sign that she is with child" (*moche woo in hir wombe, it is a signe that she is with chield*).[92]

90. The revised Voigts-Kurtz database of scientific and medical texts subject-tags includes almost 500 records dealing with urine or uroscopy. Linda Voigts and Patricia Kurtz, *Scientific and Medical Writings in Old and Middle English: An Electronic Reference* (Ann Arbor: University of Michigan, 2000), as noted in Tavormina, "Uroscopy in Middle English," 2.

91. TNA JUST: 3/39/1, m. 7 (1305).

92. Monica H. Green and Linne Mooney, eds., "The Sickness of Women," in *Sex, Aging, and Death in a Medieval Medical Compendium: Trinity College Cambridge MS R.14.52, Its Texts, Language, and Scribe*, ed. M. Teresa Tavormina (Tempe: Arizona Center for Medieval and Renaissance Studies, 2006), 2:521.

After a physical inspection, *Britton* tells us: "Then they shall take her privately into a house, and inquire into the truth" (*Et puis la prengent en une mesoun privément et enquergent la verité*).[93] An oral examination had much to offer a jury of matrons. As far back as the ancient world, the link between absent menstruation and pregnancy was recognized; therefore, inquiring about the date of a woman's last menstrual cycle surely would have been one of the first questions broached by matrons. This is substantiated also by a story about a female felon narrated in anatomist Andrea Vesalius' *De humani corporis fabrica* (1543), a somewhat later text but close enough in time to be relevant. Vesalius explains how the midwives sent in to inspect the woman under orders from the *podestà* griped about the convict being uncooperative because she refused to tell them how long she had gone without menstruating. Presumably, the midwives had other means by which to draw their conclusion: they proffered a verdict of "not pregnant," which Vesalius then corroborated with a follow-up dissection.[94] Admittedly, high rates of anemia among women in medieval Europe means that a "missed period" was a much less precise gauge of conception then than it is now.[95] Even today, it has its limits: excessive exercise and anxiety are known to induce amenorrhea, and menstrual irregularity is a common byproduct of hormonal disorders. Yet, it was a useful starting point for ascertaining whether a woman had in fact conceived.

An oral interview might also touch upon stomach upset and appetite.[96] The *Liber pantegni*, one of the most influential books for medieval European medicine, cites nausea, vomiting, and pain in the cardia as sure signs a woman had conceived.[97] One might also expect a discussion of bizarre dietary cravings. The medical treatises have much to say on the subject of *pica,* the clinical term for a pregnant woman's unusual hungers, named after the Latin for magpie, a bird that supposedly will eat anything. According to Galen, these cravings typically begin in the second month of

93. Nichols, *Britton*, vol. 2, book 3, ch. 13.

94. Katharine Park, *Secrets of Women: Gender, Generation, and the Origins of Human Dissection* (New York: Zone Books, 2006), 211.

95. Medieval women had fewer menstrual cycles. Whereas a woman in the modern West experiences approximately 450 cycles in her lifetime, a woman then was more likely to undergo only 50 menstrual cycles. See Patricia Stuart-Macadam, "Iron Deficiency Anemia: Exploring the Difference," in *Sex and Gender in Paleopathological Perspective*, ed. Anne Grauer and Patricia Stuart-Macadam (Cambridge: Cambridge University Press, 1999), 57.

96. *Soranus' Gynecology*, ed. and trans. Owsei Temkin (Baltimore: Johns Hopkins, 1956), 44.

97. Written by the Persian physician Haly Abbas and Latinized by Constantine the African. See Melitta Weisser-Amer, "Medieval Women's Guides to Food during Pregnancy: Origins, Texts and Traditions," *Canadian Bulletin of Medical History* 10 (1993): 14.

pregnancy.[98] Pseudo-Albertus, a thirteenth-century disciple of Albertus Magnus who penned the Latin treatise *Secrets of Women*, explains, "if the woman asks first for earth, then for charcoal, then apples, then mulberries, then cherries; this is a sign that she has conceived."[99] Although the first two of these items might seem curious, pregnancy cravings for soil and charcoal are characteristically associated with iron deficiency and are common practices in some Third World countries today.[100] Battling anemia, medieval women also turned to soil, clay, and charcoal, described by the Italian surgeon William of Saliceto (d.1277) as *appetitus mendosus* (a faulty appetite).[101] The *Trotula*, the most influential compendium of women's medicine in medieval Europe, also available in Middle English, makes a useful recommendation in this respect: the text suggests that "if she desires clay or chalk or coals, let beans cooked with sugar be given instead."[102] Beans, of course, are rich in iron. At the very least, matrons wishing to settle their suspicions might have seen morning sickness and cravings as suitable cues to signal pregnancy.

Medical treatises of the time stress many of the classic signs of conception touted by pseudo-medical websites today. Soranus' *Gynecology*, the foundational text on conception, comments that a pregnant woman's breasts will be swollen and painful to the touch, and the blood vessels on the breast will appear "prominent and livid."[103] He also addresses what we today call a "pregnancy mask" (in medical parlance, *melasma* or *chloasma*), "darkish splotches spread over the region above the eyes," a greenish tinge below the eyes, and increased prominence of freckles.[104] (For the curious layman: hyperpigmentation of this nature affects close to half of all pregnant women and is a corollary of elevated hormone production.[105]) Pseudo-Albertus draws attention also to what normally is

98. Weisser-Amer, "Medieval Women's Guides," 8.

99. Helen Rodnite Lemay, ed., *Women's Secrets: A Translation of Pseudo-Albertus Magnus' De Secretis Mulierum with Commentaries* (New York: SUNY, 1992), 122.

100. Paul Geissler, R. J. Prince, M. Levene, C. Poda, S. E. Beckerleg, W. Mutemi, and C. E. Shulman, "Perceptions of Soil-eating and Anaemia among Pregnant Women on the Kenyan Coast," *Social Science Medicine* 48 (1999): 1069–79; and Sera L. Young, *Craving Earth: Understanding Pica. The Urge to Eat Clay, Starch, Ice, & Chalk* (New York: Columbia University Press, 2011).

101. Weisser-Amer, "Medieval Women's Guides," 17.

102. Monica H. Green, ed., *The Trotula: A Medieval Compendium of Women's Medicine* (Philadelphia: University of Pennsylvania Press, 2001), 97.

103. *Soranus' Gynecology,* 44.

104. Ibid.

105. "Skin Changes during Pregnancy," *American Pregnancy Association: Promoting Pregnancy Wellness,* http://americanpregnancy.org/pregnancy-health/skin-changes-during-pregnancy/ (June 5, 2017).

described today as a "pregnancy glow." He writes that the color of a woman's face will change in appearance "for women are normally flushed after conception."[106] The author points to a woman's retained menses as the culprit, elevating the womb's temperature and causing the woman's face to flush from the heat.[107] Today we know that it is a result of a pregnant body's increased production and circulation of blood, which causes her face to brighten.[108] The text also advances a number of less reliable recommendations, such as, how to determine the sex of the baby from breast size: an enlarged right breast indicates a boy, an enlarged left breast a girl.[109] If a woman's nipples are exceptionally warm, she is pregnant with a boy; if her left breast blackens, she is pregnant with a girl.[110] Although these final few suggestions are not in fact useful determinants of sex, they do correspond to common physical changes in pregnant bodies when it comes to the size and coloring of the breast, and may have been used by diligent matrons as signs of conception.

The point of this discussion is to underline that the medieval world had recourse to a wide variety of pregnancy diagnostics. Yet, as these indicators imply, the process presents its own challenges. Knowing that a woman's face had brightened, or her breasts swollen, was not an easy task if someone was meeting her for the first time in court. And as Vesalius' story above reveals, a contrary defendant who evaded the matrons' questions, or outright lied, only made their job more difficult. In addition, despite the broad expanse of learned knowledge about the signs of conception, it is not at all clear whether midwives had access to it. Monica Green writes of "women's tenuous association with literate medicine."[111] Many of the texts mentioned were available chiefly at universities for the use of male academics. Nonetheless, it is hard to imagine that there was little crossover between learned medicine and that of midwives, hinted at by the number of surviving thirteenth- to fifteenth-century gynecological and obstetric treatises available not only in Middle English, but also in French and Dutch, that are addressed to a female audience, implying that their authors expected women to access them somehow.[112] Lisa Bitel highlights the role played by learned men relating their knowledge of the

106. Available in eighty-three extant copies from the medieval and early modern eras. Lemay, *Women's Secrets,* 122.

107. Ibid.

108. "Skin Changes during Pregnancy."

109. Lemay, *Women's Secrets,* 124.

110. Ibid.

111. Monica H. Green, "Books as a Source of Medical Education for Women in the Middle Ages," *Dynamis* 20 (2000): 336.

112. Ibid.

procreative process to women, including "developing a vocabulary of symbols for childbirth, and deciding what days were best for conception, who should procreate with whom, and even whether or not sexual partners should enjoy themselves during fruitful coitus."[113] Although Bitel is drawing from Irish literature, there is no reason to believe something similar did not transpire in England, where priests regularly intervened in family life, teaching midwives how to baptize infants in an emergency, and warning mothers not to overlay their children. Signs of conception also occasionally appear in literature as a plot point, indicating a general familiarity. For example, May's unusual craving for pears in Chaucer's "The Merchant's Tale" is intended to signal her pregnant state to an audience of readers.[114] *Hali Meiðhad*, a thirteenth-century anti-marriage essay addressed to anchorites, also includes a passage on conception, intended to drive its readers directly into the arms of the church: "…Your rosy face will grow thin, and turn green as grass; your eyes will grow dull, and shadowed underneath, and because of your dizziness your head will ache cruelly… Heaviness in every limb; the dragging weight of your two breasts… Your beauty is all destroyed by pallor."[115]

Once again, the framing of this text implies that these symptoms would have been immediately recognizable to its audience. All of this suggests that if midwives did not learn the signs of conception from the learned texts discussed, it seems likely that they developed their own.

We also need to acknowledge that matrons worked at the behest of the court; they were not running the show. Sheriffs summoned matrons to court only at conviction. Successive claims by condemned felons to be still pregnant although as of yet undelivered were not corroborated by matrons unless justices of jail delivery ordered them to perform a follow-up inspection.[116] Knowing this helps us to appreciate those instances in which women hoodwinked the courts. To offer some examples: Muriel widow of William of Melton, who insisted she was pregnant with her husband's heir in 1221—a story that was corroborated by a jury of fourteen London

113. Lisa M. Bitel, "'Conceived in Sins, Born in Delights': Stories of Procreation from Early Ireland," *Journal of the History of Sexuality* 3 (1992): 200.

114. Samantha Katz Seal, "Pregnant Desire: Eyes and Appetites in the *Merchant's Tale*," *The Chaucer Review* 48 (2014): 284–306.

115. Bella Millett and Joyce Wogan-Browne, ed. and trans., *Middle English Prose for Women* (Oxford: Clarendon Press, 1990), 31–33, as cited in Adrian Tudor, "Tant fist que cele si conçut: Sex and Pregnancy in Old French Fabliaux and Contes pieux," *French Studies Bulletin* 19 (1998): 14.

116. This was not true in cases of suppositious births. The woman in question was to be lodged in one of the king's castles until the birth. During that time, two or three women were charged with examining her, as often as once a day if they deemed it necessary. *Bracton*, 2:202.

matrons—managed to string the court along for 4 years before finally admitting that she was mistaken. Apparently, she felt "so heavy with disease" that she had believed herself pregnant.[117] Maud Hereward of Braunston extended her life by a year and 3 months with a fabricated claim of pregnancy.[118] Agnes Kent had even greater success. She was convicted and pled her belly on May 8, 1332; despite many successive appearances, the court reported that she was still pregnant on August 27, 1334, over 2 years later.[119]

The experiences of Muriel, Maud, and Agnes showcase the remarkable patience of English justices. One would think there was no need to wait the full 40 weeks (or more!) to determine whether a woman had falsified a pregnancy. The French magistrate Pierre de Fontaine endorsed a waiting period of 4 and a half months, to be on the safe side.[120] It is also reasonable to assume that justices simply forgot that these women were waiting in prison. However, one cannot help but wonder whether the male personnel of the court knew enough about pregnancy to realize when it was time to call the matrons back in. A statement made by Thomas Rolf, a sergeant in the court of Common Pleas in a case of bastardy recorded in a 1422 Year Book[121] delivers a dim view of general male expertise on women's bodies. On the difficulties of proving paternity, Rolf instructed, "if pregnancy is an issue, it will be tried by the writ *de ventre inspiciendo*, by women by certain private signs: … but they will deliver an issue that we cannot try… because no one knows by whom she is pregnant, but God alone." Accordingly, if a woman is pregnant before a marriage is contracted, no one will know who the father is. This is complicated, he argued, by the fact that some women "can be pregnant for seven years," an offhand comment that provoked no discernable reaction from his peers.[122] Of course,

117. Maitland, *Bracton's Note Book,* no. 1503.

118. This case is mentioned in Barbara A. Hanawalt, "The Female Felon in Fourteenth-Century England," in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: University of Pennsylvania Press, 1976), 136.

119. Agnes of Kent appears in the following records: TNA: JUST 3/45/1, mm. 4, 10; JUST 3/45/2, mm. 3, 4d, 6, 7, 8d; JUST 3/45/3, m. 1, 3, 4, 5d, 7d, 12d; and JUST 3/46/3, mm. 2, 7.

120. M. Ange-Ignace Marnier, ed., *Le conseil de Pierre de Fontaine, ou Traité de l'ancienne jurisprudence Française* (Paris: Joubert and Durand, 1846), 468–70, cited in Fiona Harris-Stoertz, "Pregnancy and Childbirth in Twelfth- and Thirteenth-Century French and English Law," *Journal of the History of Sexuality* 21 (2012): 272–73.

121. A Year Book is a legal textbook recording examples of common law cases with the intention of teaching soon-to-be lawyers how to plead.

122. … *enseinte et nient enseinte est bon issue et serra trie per un briefe de ventre inspiciendo, per femes per certeine signes privie; et issint face les justices del deliverance; nul scient per quel ele est enseinte, mes solement Dieu; Et ceo est la cause que si une feme*

such seeming ignorance of women's bodies contrasts with the legal treatises. *Britton* and the *Mirror of Justices* both state that a pregnancy lasts 40 weeks.[123] *Bracton* is less explicit, but the authors comment that the projected date of birth can easily be calculated by counting the weeks from conception.[124]

IV: The Physical Examination: After 1348

What it meant to be pregnant was not consistent throughout the medieval period. Before Gratian's *Decretum* (c.1140), the church did not authorize any one exclusive stance on the process of conception and ensoulment. Debate within the church focused on the question of when life begins. Unlike the Catholic church today, medieval canonists and theologians unequivocally rejected the notion that life is present at conception.[125] Building on the work of the Stoic philosophers, some scholars maintained that the soul enters the body when the fetus takes its first breath; prior to that moment, the fetus is neither human, nor alive.[126] The more common view was that supported by Saint Augustine and founded on an Aristotelian notion of conception in which the fetus gradually evolves into humanity. The embryo emerges first in a vegetative state; over time, as it develops into a fetus it acquires animal-like qualities. Vivification, also known as animation, transpires only once the fetus takes on a fully

devant espousels soit enseinte ovec un fits ou file et soit ne deins espousals, que le ley adjudge qu'il est le fitz le baron, pur ceo que ne covient en conusance de nul etc. Et auxy une feme peut estre enseint par vij ans. Year Book (hereafter YB), term Mich. 1 Hen VI, fo. 50. This case also appears in David J. Seipp, ed., *Medieval English History: An Index and Paraphrase of Printed Year Book Reports, 1268–1535*, Boston University School of Law, 1422.042ss, https://www.bu.edu/law/faculty-scholarship/legal-history-the-year-books/ (November 11, 2018). There is a possibility that Rolf was referring to lithopedion, an ectopic pregnancy that results in fetal death at a point at which the fetus is too large to be reabsorbed into the body and instead is calcified outside the womb. Popularly described as a "stone baby," a calcified fetus can remain undelivered inside a woman's abdomen for years. It is a rare occurrence today at 1 in 11,000 pregnancies. Renato Passini Jr. et al., "Calcified abdominal pregnancy with eighteen years of evolution: case report," *Sao Paulo Medical Journal* 118 (2000): 192–94. http://dx.doi.org/10.1590/S1516-31802000000600008. I thank Sarah-Grace Heller of The Ohio State University for bringing this to my attention.

123. Nichols, *Britton*, vol. 2, book 3, ch. 15; and Andrew Horne, *The Mirror of Justices*, ed. William Whittaker (London: Selden Society), 7:141.

124. Bracton, *De Legibus,* 2:203.

125. The church's current position that life begins at conception is a result of a papal bull put forward by Pope Pius IX in 1869. See John M. Riddle, *Contraception and Abortion from the Ancient World to the Renaissance* (Cambridge, MA: Harvard University, 1992), 162.

126. For arguments for and against this idea, see Riddle, *Contraception and Abortion*, 21.

human form and is infused with a rational soul by the hand of God.[127] Only at that point can the child be considered human. The mother experiences ensoulment as the first fetal movements. Gratian's twelfth-century *Decretum* brought an end to the dispute by siding definitively with Augustine and Aristotle. Not long after Gratian, civilian Azo of Porticus (d. 1202) helped to refine further our knowledge of this process by promoting Aristotle's belief that vivification is gender specific: a boy quickens in 40 days, a girl in 80.[128]

Knowledge of theories of conception was not the preserve of the elite. Quickening was understood well enough to make its way into popular literature. One of the many tales included in Boccaccio's *Decameron* (c. 1353) involves a character named Madam Catalina who is thought to have died while pregnant. Dying pregnant might have dire consequences for a woman. The church forbid burial in consecrated ground to pregnant women once the infant in the womb was ensouled; doing so polluted the graveyard, as the child had died unbaptized. Accordingly, the church instructed authorities to perform a caesarean section to remove the child prior to burial.[129] Thankfully for Catalina, while officials waffled over whether to perform the surgery, her kinswomen declared it unnecessary. Not long before her "death," Catalina remarked that "she had not been so long pregnant that the child could be fully formed." Given that Catalina was not truly dead, it is fortunate that her kinswomen recollected such a critical statement! [130]

The relevance of ensoulment to secular legal dicta is highlighted in the section of Gratian's text entitled "Are those who procure an abortion homicides or not?" Following Aristotle and Augustine, for Gratian, the benchmark for legal personhood occurred only after the fetus was fully formed and animated. Destruction of the fetus prior to vivification was not abortion but contraception: still sinful, but a matter resolved by confession and penance, not criminal prosecution. Regarding abortion, surprisingly, English emphasis on quickening predates Gratian. The *Leges Henrici Primi* (c. 1115) called for compensation of a full wergild for the loss of a quickened child and a half for one not yet quickened, here defined as less than 40

127. As cited in John Noonan Jr., "An Almost Absolute Value in History," in *The Morality of Abortion: Legal and Historical Perspectives* (Cambridge, MA: Harvard University Press, 1970), 16.

128. Müller, *Criminalization of Abortion*, 1–2. In actual practice, mothers experience the first fetal movements sometime between the eighteenth and twentieth weeks of pregnancy.

129. Bednarski and Courtemanche, "'Sadly and with a Bitter Heart.'"

130. Day ten, book four, Giovanni Boccaccio, "The Decameron," *Project Gutenberg*, https://www.gutenberg.org/files/23700/23700-h/23700-h.htm#THE_FOURTH_STORY10 (June 2, 2017).

days old.[131] Canon law's influence, however, is most visible in *Bracton*, which copies the canonist Raymond de Penyafort "almost word for word."[132] The treatise notes: "If one strikes a pregnant woman or gives her poison in order to procure an abortion, if the foetus is already formed or quickened, especially if it is quickened, he commits homicide."[133] In practice, quickening appears in abortion suits as early as 1203, when Sybil daughter of Engelard appealed Ralph of Sandford for having "so shamefully treated her that he killed the living child in her womb."[134] This appeal was not exceptional: similar language appears in suits from 1238 and 1292.[135]

With pleas of the belly, however, we see something entirely different. Concern for detecting quickening does not materialize until much later. A coroner's note recorded in a Year Book from 1348 is the first indication that royal justices shared Gratian's views on the significance of animation in the womb. A woman arraigned for homicide alongside a male accomplice petitioned to circumvent the trial altogether because she was pregnant. Chief Justice of the King's Bench, William of Thorp, instructed her in the error of her ways, explaining that such a plea came after the trial, not before. Accordingly, she denied the allegations and placed herself upon the country. The jury found the two guilty. Thorp sentenced the man to hang, but commanded the marshals "to put the woman in a chamber, and make women come to prove and examine if she was pregnant with a living infant or not" (*de mett*[*re*] *la feme en un chamber et faire ven*[*ir*] *femes a prover & examiner si el fuit enseint oue viie enfant qel nient*). Matrons pronounced her not pregnant, and the woman was hanged.[136]

131. Leslie J. Downer, ed., *Leges Henrici Primi* (Oxford: Clarendon Press, 1972), 222–23, 70.14–14a.

132. Müller, *Criminalization of Abortion*, 67–68.

133. *Si sit aliquis qui mulierum prægnantem percusserit vel ei venenum dederit, per quod fecerit abortivum, si perperium iam formatum vel animatum fuerit, et maxime si animatum, facit homicidium*. Bracton, *De Legibus*, 2:341. *Fleta* makes a similar statement, but uses language that reflects a slightly more thoughtful discussion of canonical concerns. It "declared a person guilty of homicide who oppressed a woman, gave her a poison, or struck her, thus 'not allowing conception' (*non concipiat*) or causing an abortion (*faciat abortivum*) after the fetus shall have 'already formed and animated' (*formatus et animates*)." Richardson and Sayles, *Fleta,* vol. II book 1, ch. 23.

134. Doris Mary Stenton, ed., *Pleas before the King or his Justices, 1198–1212* (London: Bernard Quaritch, 1953), 3:72.

135. TNA: JUST 1/756, m. 269; Sarah wife of Aubyn le Portour, in Helena M. Chew and Martin Weinbaum, eds., *The London Eyre of 1244* (London Record Society, vol. 6, 1970), 50; and Christine wife of William Treweman, cited and discussed in John M. Riddle, *Eve's Herbs: A History of Contraception and Abortion in the West* (Cambridge, MA: Harvard University Press, 1997), 97.

136. YB, term unknown, 1348, fo. 101a (Seipp, 1348.279ass).

Still, it is questionable just how firm a turning point this represents. Even after 1348, only the occasional record hints that royal justices were looking for something more than conception. In 1352, when Elena Smart was convicted of counterfeiting, a treasonable offense, she described herself as not only "pregnant but also big with child" (*se esse pregnante et puero grossam, etc.*), plausibly a reference to quickening.[137] Emma wife of John Handed in 1406 also employed conjunctive vocabulary to emphasize the advanced state of her pregnancy. She alleged that, "she had conceived and was pregnant" (*ipsa puerpera et pregnans est*). The matrons upheld her plea and declared that they came to this conclusion through "a palpation and inspection of her belly" (*pro ut palpationem et inspectionem ventris ipsius Emma*).[138] More definitively, the 1366 trial of Emma Baxtere of Thrapston, convicted of harboring a thief, records the matrons' verdict as "pregnant and with a living infant" (*pregnans et cum infant vivo*), plainly adhering to Gratian's views.[139] References to vivification were more common after this point, and by the sixteenth century, they became standard.[140]

Why did it take so long for royal justices to adopt the standard of quickening in pleas of the belly, but not in instances of abortion? After all, the same personnel acted as judge in both kinds of cases. Additionally, if life did not begin at conception, it is hard to appreciate why the king's justices were so keen to identify its signs: doing so, was not, in fact, saving a life. At that stage, the fetus held only the potential for life. None of these questions are easy to answer. Here, James Whitman's latest research on reasonable doubt may offer some guidance. Whitman explains that today, the reasonable doubt clause is understood as concern for the welfare of the defendant, but modern practice has no bearing on the clause's origin. In the medieval world, when the condemned were regularly executed, judges and juries worried that God might equate their participation in capital punishment with homicide. In England, such a concern is voiced in both the twelfth-century *Leges Henrici Primi* and the thirteenth-century *Mirror of Justices*.[141] Theologians eager to see justice done sought to comfort

137. The matrons disagreed and Elena was burned at the stake. TNA: JUST 3/137A, m. 23 (1352).

138. TNA: JUST 3/189, m. 5 (1406).

139. TNA: JUST 3/160, m. 1d (1366).

140. Pardon of Margaret wife of Henry Melbury, *CPR*, Edw. III (1367–70), 274 (1369); pardon of Alice Marchant of Somerset, *CPR*, Edw. III (1367–70), 285 (1369).

141. The *Leges Henrici Primi* includes a chapter entitled, "Concerning the delivery of just judgement," which states: "The danger is so much the greater to the judge than to the person who is being judged to the extent that we know, from the words of the Lord, that any judgment we pass on others is held in store for ourselves" (*Tanto enim maius est periculum iudicantis quam eius qui iudicatur, quanto ex uerbis Domini iudicium super alios habitum nobis scimus reseruari.*) *Leges Henrici Primi*, 130–131. *The Mirror of Justices*, another thirteenth-

anxious judges and jurors by developing the reasonable doubt clause, which legally sanctioned erring on the side of uncertainty, protecting their souls, and allowing them to hide in the fact that God knew they were just doing their jobs.[142]

How does this apply to pregnancy and English law? When it comes to abortion caused by assault, focusing on quickening as the key moment clarified intent (*mens rea*). Jurors and justices could be certain that the defendant actually knew that the woman was pregnant, presumably because by then she looked pregnant, and he struck her anyway. This strategy presumably led to fewer executions of assailants who knowingly committed assault, but unknowingly committed homicide. It also created a situation in which there was less doubt, and fewer guilty consciences for jurors who submitted a verdict, and for justices of jail delivery who pronounced the sentence. Pleas of the belly, however, put jurors, justices, and also matrons in the distressing predicament of potentially participating in the execution of a woman pregnant with a live child. What if the child was sleepy or sluggish in its movements at the time of inspection? In the interests of protecting the souls of everyone involved, surely justices took comfort in casting the broadest net, including all 40 weeks of pregnancy, at least in the early stages of theological transition.

The year 1348, then, marks a slow, even hesitant transition away from a focus on conception to a focus on quickening. For female felons, the experience meant a drastic reduction in merciful treatment by the courts. That it coincides also with a sharp limitation in the practice of granting reprieves to only one per sentence seems appropriate. A 1349 Year Book presents the case of two convicted felons, both of whom had received stays of execution on the grounds of pregnancy, but had since been delivered. Nonetheless, after childbirth, the women had somehow both become pregnant a second time while in prison. Royal justices decreed that the women could not obtain a second reprieve for the same sentence. Their executions were to be carried out and the jailer was not to be punished for doing so. Given latent fears of executing a potentially live child, it is striking that the record makes no reference to the formation of the second child *in utero* or the need for a physical examination.[143] In fact, it was not until late in the

century abridgement and adaption of *Bracton*, addresses this concern in a list of homicides that are not sins: "The first case is that of lawful judges who kill by right judgment and holy conscience, and that of the ministers who assent to and execute lawful judgments of death." William Whittaker, ed., *The Mirror of Justices* (London: Selden Society, 1893), 7:135–36.

142. James Q. Whitman, *The Origins of Reasonable Doubt: Theological Roots of the Criminal Trial* (New Haven, CT: Yale University Press, 2008).

143. YB 1349, term uncertain, fo. 107a (Seipp, 1349.019ass), as well as YB 1351, Easter term, fo. 85b (Seipp, 1351.055).

early modern period that jurists evinced the slightest concern about the development of the second pregnancy. Edward Coke's *Institutes* (1628) writes that she will be executed, "though she be gaine quick with childe."[144] A century later, Matthew Hale explains that she cannot ask for a second reprieve, but that the jailer "shall be punished for not looking better to her."[145] It is only in Blackstone's *Commentaries* (1765) that we finally see this concern articulated. He writes that the execution should take place "before the child is quick in the womb."[146]

After quickening became the focal point, it is hard to imagine that medical training was needed for a matron to complete her work: the swollen breasts and distended abdomen of a midterm pregnancy are much more easily identifiable. So, too, is the presence of fetal movement. Modern physicians advise ten kicks in a two-hour period as a sign of a healthy baby, implying that matrons would not have needed to wait long for confirmation in most instances.

Conclusion

Analysis of the medieval evidence helps us to move beyond stereotypes of matrons as teary-eyed compassionate mothers, honorable wives, or sex workers chosen for their expertise in anatomy. This article draws a number of key conclusions. First and foremost, the king's justices acknowledged juries of matrons as legitimate juries. This is reflected in the language of the record, in which matrons are styled as having been "chosen, tried, and sworn," as if they were a typical trial jury. That the number of jurors eventually standardized at twelve, mimicking our "twelve good men and true," merely reinforces that conclusion. This finding is noteworthy. As early as the eighteenth century, the reliability of matrons' verdicts was viewed with suspicion. The medieval evidence, however, gives us no reason to believe that justices suspected that matrons did not take their job seriously, or accorded them a lesser degree of respect than trial jurors.

144. Edward Coke, *The Third Part of the Institutes of the Laws of England: Concerning High Treason, and other Pleas of the Crown and Criminal Causes* (London: E. and R. Brooke, 1797), xxi.

145. Hale, *Historia Placitorum,* 2:413.

146. William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Oxford: Clarendon, 1765–1769), vol. 4, ch. 31, accessible through *The Avalon Project: Documents in Law, History, and Diplomacy*, Yale Law School, http://avalon.law.yale.edu/18th_century/blackstone_bk4ch31.asp (April 4, 2018). Jailers may have been expected to proceed with the execution swiftly enough that there was no opportunity for the quickening to have taken place.

Indeed, what is perhaps most striking is the recognition by justices of the matrons' absolute authority. When they declared a woman pregnant, requesting that she be sent back to prison to await delivery, justices accepted the matrons' decision. Justices sought no second opinions; nor are there instances in which they overturned the matrons' verdicts. The same cannot be said for the judgments of male physicians of the era, working in tandem with the Continental courts where physicians appeared regularly as expert witnesses in homicide cases. Study of this early foray into expert testimony reveals that their *consilia* were treated only as "belief in what *must have happened*," with "ambiguous" standing in the court.[147] In practice, judges sometimes concluded that the experts were wrong, or ignored the medical opinion when it did not correspond to their own perceptions of what happened.[148] Even more telling, Continental physicians shared their position of authority in medical competence also with lay witnesses, often women who traditionally washed and prepared the dead for burial.[149]

Second, medieval matrons most likely possessed some degree of informal medical training. They may have been midwives, as one scribe labeled them; they may also have been midwives' apprentices or assistants, or even birth attendants. The select group of women from which matrons were drawn points tentatively to this conclusion. If motherhood and respectability were all that was needed to be a matron, the pool would not have been so shallow. The language of the later records especially suggests that a matron may have come to be an appointed position in some communities. The difficulty of the task to which matrons were assigned also supports a need for some familiarity with the fundamentals of gynecology and obstetrics. For the majority of the period, matrons were asked to detect signs of conception, a commission that required a trained eye and experience with pregnancy and childbirth. Although the evidence is tentative, this finding indicates that we may need to revise our timeline of England's history of forensic medicine. If matrons were not laywomen, but in fact experts in childbirth, then the introduction of expert testimony to the common law was not a seventeenth-century invention, but a regular facet of late medieval law. This conclusion parallels my own research on the coroner's inquest. Although historians have roundly criticized the medieval English for failing to employ medical practitioners in determining cause

147. Joanna Carraway Vitiello, "Forensic Evidence, Lay Witnesses and Medical Expertise in the Criminal Courts of Late Medieval Italy," in *Medicine and the Law,* 148.

148. Joseph Shatzmiller, "The Jurisprudence of the Dead Body: Medical Practication at the Service of Civic and Legal Authorities," *Micrologus* 7 (1999): 230.

149. Vitiello notes that physicians were asked about prognosis, whereas lay witnesses focused on cause of death.

of death as did their Continental counterparts, jury lists for coroners' inquests in medieval London and York spotlight the regularity with which medical practitioners, specifically barbers, were appointed to inquest juries. For example, London coroners' rolls for the years 1325–39 demonstrate that medical practitioners of various backgrounds served as jurors 33% of the time. Surely, sheriffs appointed those men to assist in the difficult process of assigning cause of death when the source was not obvious. Significantly, some few late medieval lawsuits also held medical practitioners responsible for failing to participate in inquests when they possessed relevant information.[150] The conclusions of this article taken together with the evidence of the coroners' inquest emphasize that an argument can be made that England's use of expert testimony parallels the Continent's more closely than is usually recognized. The records themselves, which prioritize felony forfeiture above all, simply make this advance harder to detect.

Finally, the years 1348 and 1349 witnessed the beginning of an unsteady transition in which royal justices applied new ideas about when life begins, and questioned whether a convict might extend her time in prison through a perpetual state of pregnancy. Once quickening gained acceptance in the common law courts as the defining moment, the scope of a matron's responsibility diminished markedly. So, too, did her need for medical training. Confirming fetal movement was a much less onerous task than spotting early signs of conception. Therefore, it is possible that medical expertise over time became less central to the appointment of matrons, helping us to appreciate how modern judges, such as those described by Oldham, came to be satisfied with matrons whose sole experience derived from motherhood.

Granted, for women in English history, pleas of the belly launched their careers as the common law's medical experts. English recognition of the value of the average woman's medical expertise increased appreciably over time. In early modern England, the scope of a matron's work expanded considerably. In terms of plague management, parishes typically appointed two "sober, discreet women" to act as searchers of the dead, charged with determining cause of death, and two more to be viewers of the sick, assigned to evaluate whether the afflicted needed quarantining.[151] By the seventeenth century, matrons also performed virginity/chastity searches on women suspected of loose behavior, and they played a vital part in the epoch's infanticide panic.[152]

150. See Butler, *Forensic Medicine,* 96–107.

151. Richelle Munkhoff, "Searchers of the Dead: Authority, Marginality, and the Interpretation of Plague in England, 1574–1665," *Gender and History* 11 (1999): 3, 8.

152. Paul Griffiths, *Lost Londons: Change, Crime and Control in the Capital City 1550–1660* (Cambridge: Cambridge University Press, 2008), 58, 271–75.

What we should perhaps be most impressed with is the continued English appreciation that pregnancy and childbirth were a woman's realm. Monica Green, among others, has argued that the thirteenth century served as a decisive moment for women's medicine, when writers of obstetrical manuals directed their work primarily to a male audience eager to unveil "the secrets of women."[153] By the fourteenth century, male physicians were sometimes acknowledged as experts on obstetrics and gynecology: women consulted male physicians in obstetrical emergencies and when faced with sterility; male physicians also played a critical role performing caesarean sections, and by 1400 they were performing them even on live women.[154] Any of these moments presented opportunities for the English courts to discontinue the practice of relying on women as matrons, expressly if they believed the process was ineffective. The logical reason for not doing so is that the medieval courts trusted that matrons were doing their jobs.

153. Monica H. Green, "'Diseases of Women' to 'Secrets of Women': The Transformation of Gynecological Literature in the Later Middle Ages," *Journal of Medieval and Early Modern Studies* 30 (2000): 5–39. See also Harris-Stoertz, "Pregnancy and Childbirth," 264. Catherine Rider has made this argument with respect to infertility. See her "Men's Responses to Infertility in Late Medieval England," in *The Palgrave Handbook of Infertility in History: Approaches, Contexts and Perspectives,* ed. Gayle David and Tracey Loughram (London: Palgrave Macmillan, 2017), 273–90.

154. Green, *Making Women's Medicine Masculine*; and Renate Blumenfeld-Kosinski, *Not of Women Born: Representations of Caesarean Birth in Medieval and Renaissance Culture* (Ithaca, NY: Cornell University Press, 1990), 47.

Appendix 1. Names of Matrons, Listed Alphabetically.

1	Agnes Barley	York	1433–34	TNA JUST 3/82/16, m. 24
2	Agnes Blakebrok	London	1332	TNA JUST 3/46/1, m. 6d
3	Agnes Bocher	York	1452–53	TNA JUST 3/84/5, m. 8
4	Agnes Bownes	York	1433–34	TNA JUST 3/82/16, m. 24
5	Agnes Box	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
6	Agnes Colvill	Lincoln	1395; 1394–95	TNA JUST 3/177, m. 97; JUST 3/33/5, m. 12
7	Agnes of Bolton	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
8	Agnes del Hale	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
9	Agnes Dewesy	Exeter	1364	TNA JUST 3/221/6, m. 4
10	Agnes Ferrour	York	1433–34	TNA JUST 3/82/16, m. 24
11	Agnes Ffysshe	York	1433–34	TNA JUST 3/82/16, m. 24
12	Agnes Hewetson	York	1433–34	TNA JUST 3/82/16, m. 24
13	Agnes of Caxton	Norwich	1326	TNA JUST 3/117, mm. 16–16d
14	Agnes widow of John Haynyng	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
15	Agnes wife of John Cooke	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
16	Agnes wife of John Verty	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
17	Agnes wife of John Webster	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8

Continued

Appendix 1. Continued

18	Agnes wife of Matthew Jonson	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
19	Agnes wife of Robert Neele	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
20	Agnes Yerersey	York	1433–34	TNA JUST 3/82/16, m. 24
21	Alice Asse	York	1452–53	TNA JUST 3/84/5, m. 8
22	Alice Bery	London	1332	TNA JUST 3/46/1, m. 6d
23	Alice Culnard	York	1452–53	TNA JUST 3/84/5, m. 8
24	Alice of Sewerby	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
25	Alice of Tumby	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; TNA JUST 3/177, m. 97
26	Alice Hedre	Exeter	1364	TNA JUST 3/221/6, m. 4
27	Alice Nessed	York	1452–53	TNA JUST 3/84/5, m. 8
28	Alice Ram	Exeter	1364	TNA JUST 3/221/6, m. 4
29	Alice Welker	York	1452–53	TNA JUST 3/84/5, m. 8
30	Alice wife of John Benton	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
31	Alice wife of John Clay	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
32	Alice wife of Reginald Befcoke	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
33	Alice wife of William Bowman	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
34	Alice wife of William Reede	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; TNA JUST 3/54/17, m. 8
35	Annis Bolur	Norwich	1326	TNA JUST 3/117, mm. 16–16d

Appendix 1. Continued

36	Avis wife of William Brekepot	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
37	Beatrice of Banham	Norwich	1326	TNA JUST 3/117, mm. 16–16d
38	Cecilia Scirtannt	York	1433–34	TNA JUST 3/82/16, m. 24
39	Christina Norys	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
40	Christina wife of John Pencher	Newcastle upon Tyne	1434–35	TNA JUST 3/54/17, m. 8
41	Dyot Baker	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
42	Elena Kempe	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
43	Elizabeth Conner	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
44	Elizabeth Vassell	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
45	Emma atte Vyne	Exeter	1364	TNA JUST 3/221/6, m. 4
46	Emma wife of John Keswyk	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
47	Emma wife of Robert Bevirley	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
48	Goditha de Oreng	London	1332	TNA JUST 3/46/1, m. 6d
49	Isabel Bell	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
50	Isabel Cooksay	York	1452–53	TNA JUST 3/84/5, m. 8
51	Isabel Marche	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
52	Isabel Sadeler	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97

Continued

Appendix 1. Continued

53	Isabel Sewster	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
54	Isabel Taverner	Lincoln	1394–95; 1395	TNA JUST 3/33/5, m. 12; JUST 3/177, m. 97
55	Isabel widow of John Heerd	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; TNA JUST 3/54/17, m. 8
56	Isabel wife of Peter Flecher	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
57	Isabel wife of Richard Aldewyk	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
58	Isabel wife of Thomas Lumley, mercer	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
59	Isabel wife of William Coward	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
60	Isote of Widmerpool	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
61	Joan Aleman	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
62	Joan Buers	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
63	Joan Dormad	London	1332	TNA JUST 3/46/1, m. 6d
64	Joan Fflecher	York	1433–34	TNA JUST 3/82/16, m. 24
65	Joan Helebrok	Exeter	1364	TNA JUST 3/221/6, m. 4
66	Joan Ingles	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
67	Joan Jaceson	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
68	Joan Lautten	York	1452–53	TNA JUST 3/84/5, m. 8
69	Joan Leversane	York	1452–53	TNA JUST 3/84/5, m. 8
70	Joan Tayllor	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
71	Joan Waller	York	1433–34	TNA JUST 3/82/16, m. 24
72	Joan White	York	1433–34	TNA JUST 3/82/16, m. 24

Appendix 1. Continued

73	Joan widow of John Marton	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
74	Joan widow of Robert Barker	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
75	Joan widow of Robert Moubray	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
76	Joan wife of John Basset	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
77	Joan wife of Robert Webster	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
78	Joan wife of Thomas Benton	Newcastle upon Tyne	1434–35; 1433–34	TNA JUST 3/54/17, m. 8; JUST 3/54/15, m. 7
79	Juliana Broun	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
80	Juliana Gardyner	Exeter	1364	TNA JUST 3/221/6, m. 4
81	Katherine Cattall	York	1433–34	TNA JUST 3/82/16, m. 24
82	Katherine Whipp	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
83	Margaret of Waltham	London	1332	TNA JUST 3/46/1, m. 6d
84	Margaret Os…	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
85	Margaret Oy…	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
86	Margaret Warde	Lincoln	1395; 1394–95	TNA JUST 3/177, m. 97; JUST 3/33/5, m. 12
87	Margaret widow of John Haswell	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
88	Margaret wife of Thomas Bell	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8

Continued

Appendix 1. Continued

89	Margery Ffranc	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
90	Margery of Norwich	Norwich	1326	TNA JUST 3/117, mm. 16–16d
91	Margery Sawer	York	1433–34	TNA JUST 3/82/16, m. 24
92	Margery wife of Philip Ledenham	Nottingham	1399–1400	TNA JUST 3/56/8, m. 21
93	Mary Kane	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
94	Mary Medelton	York	1452–53	TNA JUST 3/84/5, m. 8
95	Mary Ricard	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
96	Mary Sclatter	Carlisle	1457–58	TNA JUST 3/11/22, m. 1
97	Mary wife of John Halton	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8
98	Marion Bess	York	1452–53	TNA JUST 3/84/5, m. 8
99	Maud Bowser	York	1452–53	TNA JUST 3/84/5, m. 8
100	Maud Childeton	Exeter	1364	TNA JUST 3/221/6, m. 4
101	Maud del Herth	Norwich	1326	TNA JUST 3/117, mm. 16–16d
102	Maud le Long	Norwich	1326	TNA JUST 3/117, mm. 16–16d
103	Maud Noves	York	1452–53	TNA JUST 3/84/5, m. 8
104	Maud Slegh	London	1332	TNA JUST 3/46/1, m. 6d
105	Maud widow of John Waake	Newcastle upon Tyne	1433–34; 1434–35	TNA JUST 3/54/15, m. 7; JUST 3/54/17, m. 8.