

The Process and Practice of Petitioning in Early Modern England

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To understand the experience of being a petitioner, the process and practice of petitioning needs as much attention as its content. This chapter will examine the business of petitioning by investigating a range of requests and complaints that were submitted to very different authorities in early modern England, from local Quarter Sessions to Parliamentary Committees. It is based upon recognition that, while petitioners understood that they faced a highly variegated judicial and institutional landscape, historians have been slow to explore how this was reflected in supplicatory practice. It will consider the internal evidence of these texts for insights into the experience of creating and presenting a petition with special attention to how this was – or was not – influenced by the gender of the petitioners. It will also look at how the material documents were presented to court, as well as examining their relationship to other legal recourses that supplicants interwove with their petitioning practice. Overall, this chapter reveals some of the collaborative and interlinked processes by which ordinary people sought redress for themselves and their families. In doing so it will present a means to recover the experiences of the petitioners of the past.

Petitions have long been used by early modern historians – and Civil War specialists in particular – as tools for assessing how people engaged with politics. For example, historians have used petitions fruitfully to argue for the involvement of women with the workings of Parliament and other public structures.¹ Zaret has suggested ways that printed petitions shaped the development of the public sphere in this period, and Peacey has shown how these sources fit into a wider genre of lobbying literature.² A focus on the lives of wounded soldiers and war widows during the Civil Wars has resulted in a wave of new research on petitions submitted to Quarter Sessions by these victims of military conflict.³ Recent digital humanities projects have sought to capture the breadth and reach of petitioning in early modern society and make the documents themselves accessible to a wider audience.⁴ The interest in petitioning goes far beyond the Civil War period; for instance, Flannigan has used them to examine the ways in which people used the Tudor Court of Requests and how they narrated poverty within their supplications.⁵

Nevertheless, petitionary documents, accessed generally by historians either in discrete archival series or as separate digital entities, can easily become removed from their context. This has resulted in an emphasis on reading petitions as texts, but this comes with significant risks. The most obvious of these is the issue of authorship because petitions were, in almost all cases, not written by the petitioner. Dabhoiwala's research on the scribes behind petitions presented a significant challenge to historians who have used petitionary narratives to try to find the 'voice' of petitioners past.⁶ Some recent research has met such challenges head on. For example, Houston's study of petitions submitted by tenants to their landlords examined the challenges and opportunities of relying upon the narratives within such texts.⁷ Additionally, Bowen's contribution to this volume centres on issues of genre and authorship. He argues that with a focus on process and personnel it is possible to 'authenticate the historical subject'.⁸ This work takes its lead from the endeavours of legal historians, and in particular those attempting to recover the lives and experiences of women, who have sought to contextualise the legal archive in order to more fully represent the experience of litigants.⁹

Despite this work, more understanding of the social history of petitioning is required. There has been scant attention paid to the experience of submitting a petition to an early modern court, and the ways in which people may have navigated different jurisdictions and social networks in order to do so. This chapter seeks to fill that gap. In doing so, it will be led by the research of historical geographers and environmental historians who have demonstrated the importance of a spatial understanding of the past. People shaped their landscape, and the landscape shaped them.¹⁰ Increasingly, a ‘spatial turn’ has inflected historical scholarship more broadly.¹¹ For example, legal historians have considered the geographical elements of seeking justice in medieval and early modern England.¹² Knafla’s detailed study of justice seeking in early seventeenth century Kent has shown how the various geographical and jurisdictional boundaries influenced litigation.¹³ Similarly, Herrup’s study of popular participation in the criminal law is strongly grounded in an understanding and analysis of the physical landscape of early modern Sussex.¹⁴ Petitioning was not simply a textual act and so this chapter will consider the physical and spatial elements of petitioning. Engaging with legal and administrative public spaces was a necessary part of seeking redress in this way and that element may be just as important for understanding the implications of petitioning for ordinary people as the narratives that were recorded on the page.

This chapter is based upon a broad range of petitions, order books and legal documents. The sample examined here is not systematic. Indeed, it would be difficult to conduct a methodical survey using conventional archival methods because written evidence of petitioning processes is usually fleeting and incredibly rare to stumble across. Many of the documents discussed in this chapter were submitted during the Civil Wars, but it also draws on examples from earlier and later periods. In terms of jurisdiction, it includes petitions submitted to the courts of Quarter Sessions as well as to the Parliamentary Committees that dealt with Sequestration and Composition. Many of the examples are female petitioners (although not exclusively) and it will consider gender as a factor whilst also presenting a case that many aspects of petitioning were not gendered. It will take a qualitative approach to petitions, examining the language used within them as well as the hints about process and practice that they occasionally contain. The first part will focus primarily on textual process and use the documents for evidence of how petitions were written, collected and presented. The second part will consider the spatial and oral elements of petitioning, by considering travelling and appearing in court spaces. The final section will link petitioning with wider practices of litigation in early modern England. It will use a case study in order to demonstrate a more general point: that petitioning often functioned as one mode of redress alongside others.

Consequently, this chapter will argue for a more critical and process-focused approach to the topic. Researchers that aim to illuminate the experiences of early modern people - particularly those whose lives have left only a minimal impression in the archives – can and should make use of petitions, taking full advantage of their rich and powerful narratives. It is precisely because petitions reveal something about the broadest spectrum of early modern society that it is imperative that this research is very careful in deployment of such sources. By placing petitions within their social and institutional context, the role of the petitioner themselves becomes clearer. This chapter will argue that the process of writing a petition drew on familiar and recognised structures and practices, which were inflected by gender and status but rarely determined by them. It will examine firstly the social, and secondly the spatial context of petitioning, with particular focus on evidence for how petitions were submitted.

The final section will go beyond the petition, to show how petitioning formed just one part of early modern justice seeking. The chapter will therefore demonstrate the value and importance of moving from the petitionary text to the world that the early modern petitioner inhabited.

The social practice of petitioning

To construct a petition was to engage in a social process. Evidence for the negotiations with scribes, lawyers, friends and allies can be read back from some of the textual elements of the petitions, as well as our knowledge about the social history of early modern England. From the humblest of petitioners, to the most elevated, constructing a text full of deference and request and then submitting that to the authorities required an understanding of social norms, and often the leverage of social capital. Early modern petitions were not usually scribed by the named petitioner, instead, they were written as part of a collaborative process.¹⁵ As Dabhoiwala's study of private petitions addressed through the Master of Requests to Charles II argued: 'To employ a clerk to do your writing was as likely to be a mark of high status as of low'.¹⁶ Thus, irrespective of status and gender, the experience of petitioning was likely to include seeking out someone with the specialist scribal skills because of the requirements of what was a standardised, formal mode of redress.¹⁷ This section will examine evidence for this social process of petitioning by examining the negotiations that petitioners would have undertaken with scribes, lawyers and other friends, allies and powerful patrons.

Firstly, engaging a professional scribe to write one's petition would have been a commonplace practice but one that is often elusive in the text. There is occasionally brief and ephemeral evidence for the identity of the petitioner's scribe, however. For example, the interregnum State Papers include records of the case of Elizabeth Rutter, a widow whose husband was accused of being a Royalist during the Civil Wars, and within this material is an oath from a gentleman named Thomas Harrison who asserted that he had previously penned a petition for Elizabeth, but that it had gone missing.¹⁸ Harrison was likely a lawyer or a local agent who worked for the Rutters. Similarly, there are numerous examples of the formulation 'signed for' being used at the end of petitions submitted to the Committee for Compounding. For example, Mary Habingdon's petition is signed 'John Morris for the Pet[it]ione[r]', Gilbert Muschamp's petition ends 'William Satterwaite in the behalfe of the lady Muschampe', and Lady Porlage's, 'John Collins for the pet[it]ione[r]'.¹⁹ Small glimpses of the negotiations and social processes that these petitioners had engaged in in order to submit their petitions.

Occasionally the same scribal name appears. For example, Thomas Turner scribed at least four petitions that were submitted to the Compounding Committee in order to request the return of Royalist land that had been confiscated by Parliament. These were all for Lancashire and Yorkshire families who claimed the very low value of their estates.²⁰ Elizabeth Bretton, a widow from Lancashire, submitted a petition that was, unusually, co-authored with other petitioners who were not family members or co-owners of land.²¹ This petition claimed that they were 'very poore people' and that each of their sequestered tenements were worth less than 40s a year. Parliament had supposedly set a 200li a year threshold, below which estates were not to be seized, and thus, it may have been for financial reasons that they chose to combine their resources and submit a joint petition to the central committee.²² Thomas Turner also scribed a petition for Richard Danby and his wife Elizabeth in Yorkshire who likewise

claimed the very small value of their estate. It is possible therefore that Thomas Turner was a northern agent who specialised in, or was sought out by, families of lesser means who had come under sequestration in Lancashire and Yorkshire. Thus, during the Civil Wars, networks of delinquent and recusant families may have worked with known sympathetic scribes or clerks to craft and submit their pleas for mitigation or mercy.²³

Not all petitioners chose to, or were able to, employ professional scribes. The petition of Parliamentary widow Jane Back, taken from the archives of the Committee for Compounding is not written in the conventional secretary hand, contains more than the usual number of idiosyncratic spellings, and uses first-person pronouns throughout.²⁴ Perhaps this was written by a friend or ally of Jane's, rather than a skilled professional, or even by Jane herself. Bowen found a similar example of petition for a pension from Elizabeth Newam which appears to have been written by a literate, but non-professional hand.²⁵ This petition is written in the first-person voice, reading 'I humbly intreat your honours compassion'. However, Bowen points out that we should be cautious to assume that first-person pronouns prove that Newam wrote this unaided because at the bottom of the petition is a note that reads 'Elizabeth Newams marke'. Newam could not sign her name and so the 'I's of her petition were not written by her hand. It may just be that in Elizabeth and Jane's case, they used a non-professional scribe who was less used to the rules of the genre, rather than that they wrote them themselves.²⁶ Whether they employed a professional or received help from a literate neighbour, they were unlikely to be composing the text alone.

The collaborative nature of these documents is highlighted further by the influence of legal counsel and other supporters who had knowledge of legal processes.²⁷ Litigation was a normal and regular part of early modern society, and one in which all groups of society, including women, frequently engaged.²⁸ Stretton has argued that 'recognizing the influence of legal counsel and court officials does not automatically negate the input of particular litigants and witnesses' and this reasoning can be applied to petitioning.²⁹ For example, the Countess of Arundell submitted nine petitions between 1650 and 1654 that were addressed variously to Parliament, the Lord Protector and the Compounding Committee. Five of the petitions are copies of others and they were variously signed by the Countess herself, as well as on her behalf by her lawyer, Fabian Phillips.³⁰ Some petitioners explicitly referred to the advice of legal counsel in their petitions. Elizabeth Hamilton, for example, based the arguments in her petition on the instruction of her 'learned Councill'.³¹ Additionally, in lieu of a petition Alice Estcott submitted to the Committee a motion that had been prepared by her legal counsel, Fenton Parsons, which outlined the details of her case so far and requested a hearing.³² Whether married or widows, elite women would have been used to engaging with lawyers thanks to their involvement in estate management and financial affairs, so working alongside legal practitioners to construct petitions would not have been an unfamiliar process.³³ We might only know about a lawyer if a petitioner referred explicitly to their advice in the text of their petition, and most petitioners did not do that, because this was administratively unnecessary for these documents, unlike formal 'bills of complaint'. Also, poorer petitioners, particularly those to the Quarter Sessions, would not have had the financial means to formally engage a lawyer, so they would have depended on informal legal advice.

Less wealthy petitioners may have relied upon neighbours and patrons in order to help them craft the most persuasive petition. Here as well, the physical petition provides us with

glimpses of the experience of creating an appeal to the authorities. Endorsements were additional signatures, or notes added to the bottom of a petition, that testified to the character of the petitioner and were usually signed by local people who knew the supplicant. For example, the petition of the soldier John Fletcher was accompanied by the signatures of 29 men who supported his request.³⁴ Nicholas Rogers also had his petition signed by some of the inhabitants of Burton on Trent in Staffordshire, where he lived. The names included the local constables, minister and churchwardens.³⁵ A petition to the Cheshire Quarter Sessions from 1608 contained no less than 99 subscribers supporting the petitioner's complaint.³⁶ The physical process of collecting these signatures is almost always invisible, but the numerical scale of these subscriptions suggest some sort of mobile canvassing or public gathering.

Petitioners also used powerful friends.³⁷ In East Sussex, Herbert Morley was a frequent intercessor in the fates of maimed soldiers and war widows through his roles as Member of Parliament for Lewes, Justice of the Peace, and parliamentarian colonel.³⁸ In July 1656 he submitted a letter in support of the war widow, Cicely Adler, stating that 'shee deserves to be relieved according to the orders & directions of the Act of Parliament' which resulted in an above-average pension of 3li annually for her as well as repeated one-off payments from the sitting JPs (which obviously included Morley himself).³⁹ Another widow who benefited from good parliamentary connections was Mary Poyntz, the widow of Newdigate Poyntz, who was a Royalist slain at the siege of Gainsborough. Included with her petition was a letter from William Lenthall, who was speaker of the House of Commons, in support of her request.⁴⁰ So, despite her husband dying while fighting for the Royalists, Mary still benefited from patronage and influential connections through her brother. Furthermore, the case of Parliamentarian widow Deborah Franklin was surely advanced by the overtures of Oliver Cromwell in 1651 and again in 1655 when he endorsed her petition directly for a widow's pension: 'Shew her all the favour you can by giving her a speedy dispatch of her business'.⁴¹ It seems likely that these agents, rather than the words on the page, ultimately made their petitions more likely to be successful, and so the importance of supplicants' preexisting social relationships cannot be underestimated.

The final example for this section draws together many of the themes already discussed and highlights the importance of relationships with friends and patrons in the writing of the petition. Lady Margaret Rudston was the daughter of Sir Thomas Dawney and the wife of Sir Walter Rudston, an east Yorkshire landowner with estates in Hayton. The Rudstons were a substantial landowning family with strong ties to other powerful gentry of the area. Like many of these other families, the Rudstons became associated with the Royalist cause during the Civil Wars and, as a consequence, suffered the sequestration of their estates. Numerous petitions were submitted to the Committee for Sequestrations, the Committee for Compounding and the Committee for the Advance of Money to protest the family's case.⁴² Most of the petitions, following her husband's death, were submitted on behalf of her infant son, Thomas, rather than her personally, a strategy that many widows to the Committee for Compounding employed.⁴³ Only one bears her signature.⁴⁴ For her, then, the process of creating a petition was a much more collaborative experience than simply writing a doleful personal request. An archive of papers at the East Riding Record Office reveals the network of friends who helped Margaret pursue her case. These were primarily Royalist men who were also from Yorkshire, which shows the importance of local ties made before the Civil Wars. Lawrence Squibb was a key player in Margaret's sequestration case. He filed petitions

with the Compounding Committee on her behalf and passed on his own.⁴⁵ He was the Royalist brother to the Parliamentarian Arthur Squibb (one of the Commissioners for Compounding) who had to settle his own composition claim. Consequently, Margaret may have relied upon him because of his knowledge of the committee and the workings of the government.⁴⁶ It is clear that Margaret's petitioning process was part of a broader strategy familiar to landowning members of seventeenth-century society: to use the advice of lawyers and powerful friends and to litigate intensively in order to protect and preserve their family's lands.⁴⁷ Petitioning was one strategy that fitted within this familiar process.

Generally, therefore, the practice of writing a petition in early modern England fits in with well-established patterns of engaging with authority at this time. Networks of professionals, friends and powerful patrons were used by petitioners up and down society, regardless of gender and in line with their status. The elements that made a petition successful were unlikely to be confined to the narratives it presented, because it required employing assistance or mobilising patronage. Collaboration was part of the practice of petitioning and, as Stretton has argued, instead of trying to 'look around or behind lawyers and scribes, we should bring them into the frame'.⁴⁸ Acknowledging how many people might be involved in the composition of a single text may challenge certain assumptions about voice and agency, but ultimately it shows us the experience of creating a petition was a social practice rather than a merely a literary one.

The spatial process of petitioning

Petitioning was not just a textual process. An early modern petition had to be brought to the relevant authority and then be submitted in court. Most of these petitions would have been accompanied by a petitioner, but intermediaries, friends and lawyers were also sometimes involved. Historians have begun to turn to evidence for the spatial element in seeking justice at this time. For example, Flannigan's study of the Tudor Court of Requests found that the most substantial charges for litigants were born out of travelling to the court in the first place.⁴⁹ Phipps and Youngs noted that early modern litigants used a variety of courts: both local venues in familiar surroundings and more distant forums that necessitated significant travel.⁵⁰ Likewise, Knafla has mapped the jurisdictional choices of the litigants in early-seventeenth century Kent.⁵¹ This work suggests that we need to consider evidence for the spatial process of petitioning.

Quarter Sessions, like the twice-annual Assizes, were major public events where people would gather and news would be swapped.⁵² Thus, travelling to present one's petition to the assembled bench of magistrates was common and indeed usually expected. Evidence for this can be deduced from the petitioners who defended their inability to travel to sessions. For example, in Cheshire several petitioners wrote in their requests that they were ill and unable to travel to the meeting of the court at Chester.⁵³ Traces of evidence for the presentation process can also be found. For example, in Sussex in 1652 the JPs ordered that Jeremy Clark's pension should be suspended 'for his misbehaviour and insolent carriage and speeches toward[es] the Justices of peace at the present sessions', which clearly indicates that he attended in-person.⁵⁴ Occasionally there is also evidence that the petitioners themselves did not appear in court but that they sent a representative on their behalf. The maimed soldier, Richard Fisher, complained in a petition that his pension had been reduced 'in his absence

and having no friend to plead his cause'.⁵⁵ Thomas Berkhead, a frequent and persistent petitioner who successfully claimed a pension from the Sussex JPs on both sides of the Restoration, sent his wife to petition on his behalf in 1654: 'my wife hath Come purposely About this busines'.⁵⁶ His usual parish of residence is not clear from the Quarter Sessions records but it is possible that the appearance of his wife was a tactic to present himself as meekly as possible to the JPs.

However in general, Civil War petitioners were expected to attend in person and this was largely a mechanism to prevent fraud by claiming pensions from more than one county.⁵⁷ In 1650, John Phillips from West Sussex complained about the distance that he had to travel to the Quarter Sessions. Petitioners not only had to travel to present their petitions but also to collect their pensions four times a year. He wrote that 'the charge of fetching the said quarterly pencion is very neere (if not [as] full) as the what hee receives in respect of the great distance of place'.⁵⁸ Another petitioner who was very explicit about the cost of petitionary related travel was the Kentish maimed soldier, John King. His petition complained that 'while your Petitioners habitacion was in London' he had to travel 'neare a 100 miles' to reach Maidstone for his pension 'to the expence of halfe of it before hee could returne home'.⁵⁹ Finally, the act of petitioning for relief could also result in a supplicant being forced to move. Joane Murrell, ordinarily resident in Cliffe near Lewes in East Sussex had moved with her husband, a soldier, to the Garrison of Arundel in West Sussex during the wars (25 miles away).⁶⁰ Still resident there in 1655, she petitioned the West Sussex Quarter Sessions JPs in Arundel for a widow's pension but was instead ordered by them to remove herself back to Cliffe to fall on parish relief there.⁶¹

Sussex offers an especially clear example of the ways that geographical distance influenced petitioning practice because the county was jurisdictionally divided into two divisions, East and West Sussex, out of necessity due to the area's notoriously poor overland transport infrastructure. Justices disliked traveling across the region, so the two divisions operated almost entirely independently with separate sessions in each (the Eastern generally in Lewes, and the Western in Chichester, Arundel, Petworth or East Grinstead).⁶² Herrup found that Sussex's geographical features shaped the distribution of people seeking redress from the Assizes and Quarter Sessions, with the numbers of indictments by location inversely proportional to the distance to the court.⁶³ Figure 3.1 [below] shows the parishes of residence of parliamentary petitioners during the Civil Wars with a line connecting them to the Quarter Session that their petition (and presumably the petitioner themselves) was presented to. It demonstrates that the incentive of a pension was enough for petitioners to traverse Sussex's countryside. Unlike with indictments, there was a reasonably even spatial spread of petitioners across the two divisions. Nonetheless, distance certainly influenced the experience of petitioning. Lewes was where the Eastern division held their sessions, and where there was a joint session across the county once a year, and so its dominance is reflected on the map. As such, there were petitioners from across the border in West Sussex who travelled to Lewes to present petitions. Even within East Sussex some had to travel long distances like John Staplee who went from Hastings to Lewes to present his petition: a distance of 24 miles (and the furthest of all the petitioners for Sussex).⁶⁴ Richard Basset of Wiston travelled to both the Eastern sessions in Lewes and the Western sessions in Arundel on separate occasions.⁶⁵ Unexpected events could also make travel even harder. For example, between April 1666 and April 1669 the Justices for West Sussex avoided Chichester as a meeting place for the Quarter

Sessions because of an outbreak of the plague there.⁶⁶ This disrupted the usual gatherings in the city and, therefore, probably also prevented the travelling of people in order to claim pensions. As such, there are very few orders for relief in those years.⁶⁷

[Insert Figure 3.1 here]

Figure 3.1: Map of East and West Sussex, with the parish of Parliamentary petitioners and the Quarter Session location that they travelled to (1642-1660). Source: B. C. Redwood, *Quarter Sessions Order Book, 1642-1649* (Lewes: Sussex Record Society, 1954); East Sussex Record Office, *QS Order Books (Q/1/5/1-3)* and *QS Sessions Rolls (QR/56-127)*; West Sussex Record Office, *QS Sessions Rolls (Q/R/W47-98)*.

Appearing at county sessions with one's petition seems to have been the norm. This may not always have been the case for petitions presented to courts in London and those with the means presumably preferred instead to use local lawyers or agents (as was the case with Margaret Rudston, above). However, some certainly did travel. For example, the petition of a Yorkshire gentleman Thomas Chaloner to the King's Privy Council complained that he, aged 72, had to 'travell on foote above 200 miles to come hither to seeke releife at your lordships handes'.⁶⁸ Elizabeth Cotton, emphasised to the Committee of Sequestrations that she had had to travel 140 miles to London from her home in Cheshire.⁶⁹ Another widow, Margery Morris, whose husband was executed for his royalist treachery, protested to Parliament's sequestration committee that she was 'very sickly and weake' and unable to travel the 160 miles to London to the Committee in order to make an oath about her lands.⁷⁰ The wording of Morris' petition suggests that she did not travel with her supplication, possibly because she had connections in London who could make her case for her. Such journeys do seem to have been expected in normal circumstances, even if they could sometimes be excused due to ill health.

Attending in person was possibly also a way to add more weight to the persuasive power of a petition, and even women may have travelled to Parliament to present their cases themselves. In some cases women at least stood at the doors of parliamentary committees, and maybe even entered inside them, as part of a lobbying tactic. Peacey has shown that this tactic, of physically being present within the walls of Westminster Palace in order to press one's case, was used across the political spectrum during the Civil Wars. Either in person, by standing outside the doors to the Houses and committees, or through powerful personal connections, 'those outside Westminster were knowledgeable about, interested in, and prepared to try and influence' the political processes of Parliament.⁷¹ These petitioners understood the power that came with physically positioning themselves within – or very near – the space where such decisions were made, using their the presence of their own bodies to try to make their appeals slightly more difficult to ignore.

The example of Elizabeth Duchess of Hamilton shows how people might adapt a range of methods in an attempt to get their cases heard. She had been married to William Duke of Hamilton, who had died fighting for Charles II at the Battle of Worcester as a result of musket ball wounds that no surgeon was able to repair.⁷² Because of her husband's decision to fight for the King, Elizabeth had all of her lands taken from her, including the property which she had brought to the marriage by her own right. She lobbied Parliament for the return of her estate by first presenting a printed petition 'to all or most of the members' of Parliament, but after she 'could not so much as obtaine the reading thereof' she subsequently

submitted her request in the form of a manuscript supplication to one of the central committees.⁷³ So, Elizabeth first petitioned in print, and then returned to the more traditional method of a manuscript supplication when that was unsuccessful. Elizabeth's hand-written petition was more descriptive and emotionally evocative than her printed petition. The manuscript request pleaded that 'she and her poore Children liue upon Charity and borrowed bread' whereas the printed document just laid out her and her children's claims to the lands in legal terms.⁷⁴ In 1653 she noted that she has 'diuers times attended in person at the door and presented printed copies thereof unto all or most of the particular members', adding that her petition was 'not read' for six months, 'remaining now in the clerk's hands'.⁷⁵ The act of personally handing out her text to innumerable MPs shows how embodied the experience of petitioning might be, even when it was merely a single individual rather than a crowd.

Not all complainants arrived alone. One of the petitions of the widow Alice Estcott not only demonstrates her own presence but also that of a lawyer. Her petition claims that attending the Committee for Compounding in Whitehall, 'w[i]th her councell to her very greate chardge & such expence', had led her to find herself 'not able to continue'.⁷⁶ Alice, a resident of Holborn in London, did at least not have far to travel. Alice's repeated attendance at the Committee is suggested by the Committee's Order Books, which recorded, on at least two occasions in October 1650: 'It is this day ordered that the case of Mrs Alice Escott bee heard on Tuesday next.'⁷⁷ Her earlier quoted petition implies that Alice was physically present in Whitehall at the doors of the Committee. The presence of her lawyer is even more certain. There are numerous entries in the Order Books of the Committee for Compounding that read 'upon the motion of' a lawyer. A few early entries from the start of the 1640s state that a petitioner 'appeared', but these became rarer as the decade continued.⁷⁸ Most entries state 'upon the reading of the petition' or 'the petition of [...] received' or 'upon the report of [...]', which suggests that petitioners were not usually present in front of the committee.⁷⁹

Much of the evidence for the petitioning process, and in particular the physical and practical aspects, is ephemeral. We are still left with perhaps more questions than answers, for example: what did it really look like for a petitioner to present themselves in the court room? And what difference did it make being a woman in that space? The narrative tactics of male and female petitioners were relatively similar (pleading poverty for example, generally irrespective of status, was common) but within the space of the court room this may have not applied. However, what is clear is that petitioning was frequently an embodied experience that was likely to involve both travel and face-to-face interaction with authority. As such, it should be included in discussions of movement in early modern England, which have focused much more on migration for work or travel for commerce. Petitioning was not just a familiar and necessary part of life at this time, but also - like similar processes such as litigation - it entailed negotiating and interacting with the physical environment and its jurisdictional spaces. This has important implications for what it must have meant to be a petitioner in early modern society, which might be profoundly shaped by the distance to the site of authority, the state of one's bodily health, and the space where decisions were made.

Beyond the Petition

This chapter has so far used petitions and adjacent archival documents to understand more about the social and spatial experience of petitioning. This final section will go beyond the

petition in order to add a further layer to our understanding: how petitioning fitted alongside other modes of seeking redress. Beattie has argued that women navigated multiple English jurisdictions and were skilled at selecting which type of court, and which specific type of action, to use in order to achieve their desired outcome.⁸⁰ Langley similarly found that early modern Scottish clergy widows were adept at selecting and moving between different jurisdictions.⁸¹ Finally, Robson's contribution to this volume presents a similar story of groups of fen-dispute petitioners presenting their grievances to multiple local and national jurisdictions.⁸² This section will show how the focus for petitioners' claims could change, depending on what was the most politically expedient and useful at the time.

Petitioning was a means of negotiating with authority that frequently worked alongside other processes, and early modern petitioners, male and female, high and low status, could be adept at navigating their way through. The quantitative data from the Power of Petitioning project suggests that supplicants to the Quarter Sessions commonly requested intervention from the Justices in their concurrent legal cases. Howard's chapter in this volume shows that many petitions to the Cheshire Quarter Sessions were seeking to initiate, redirect or respond to litigation in the seventeenth century.⁸³ She argues that the majority of these came from people petitioning for justice or punishment of their wrongdoers. For example, Dorothy Venebles asked the bench to intervene for her on a matter of inheritance.⁸⁴ Her family was involved in a number of Chancery cases on this same issue, but she appealed directly to her local Justices in this case.⁸⁵ Perhaps the nature of petitioning - relatively cheap and accessible to all levels of society - made this an especially appealing tool an aggrieved individual considering multiple possible routes for redress.

This practice can be seen clearly in a final example, which serves as a case study of the way petitioning could be used alongside other methods for seeking justice within early modern England's complex and overlapping judicial structures. Across three decades, Mary Crompton pursued her inheritance disputes through the Committee for Compounding and the Court of Chancery simultaneously. She was the third wife of Fulke Crompton and together they had two children, Fulke and Frances. Fulke Crompton senior had had several other children from previous marriages and the eldest of those, Eyton, was seemingly overlooked in Fulke's provision for his children. This was a common problem in early modern families, and one which frequently resulted in inheritance disputes.⁸⁶ Fulke Crompton's will stated that, according to a conveyance dated 1637, the castle, lordship and manors of Dawley were to descend to Mary, 'my welbeloved Wife', and to Fulke and Frances, their children. Eyton Crompton - 'if he shalbe fully contented therewith' - was provided with the sum of just 6li 13s 4d yearly.⁸⁷ Fulke died during the wars in command of a Royalist garrison of Dawley Castle.⁸⁸ In November 1645, Mary Crompton was found to be in residence at Dawley after Fulke's death, and it was stated by the Committee for Compounding that she 'did keepe a garrison ag[ainst] the Parliam[en]t' there.⁸⁹ As a result of Mary Crompton's delinquency her lands were sequestered and all the rents confiscated. Eyton and his sisters claimed that these sequestered lands were lawfully theirs and, consequently, may have seen the confiscation of Dawley Castle for Mary's delinquency as an opportunity to regain their inheritance. In a petition to the Committee for Compounding, Eyton disputed the 1637 conveyance, claiming that he had witnesses willing to testify that it was not properly completed, and asked to compound for the estates on the grounds that he was the rightful 'heir at law'.⁹⁰ In a 1648 bill of complaint in the Court of Chancery, Eyton also accused Mary and her children of having

‘deceitfully & by sinister & indirect meanes gotten into their hands custody & possession aswell all and singular the said deeds’ to the estate.⁹¹

Mary’s petitions and pleadings were careful to stress the validity of her claim to the lands based not only on legal contract but also familial bonds. She stated that it was ‘in considerac[i]on of his naturall loue and affection to yo[ur] Pet[i]tion[er]’ that Fulke had conveyed Dawley Castle for the use of her and her children.⁹² She also addressed the issue of Fulke Crompton’s will and claimed that Eyton ‘had offended his Father by his ill husbandry and undutifull Carriage’ and as a consequence, Fulke, ‘takeing soe much displeasure and discomfort by the Carriage of the said Complaynant did declare that he was intended to settle his estate upon a Stranger’, a situation that was avoided when Mary herself bore him children.⁹³ Mary’s attempts to discredit the character and behaviour of Eyton within Chancery pleadings and petitions were matched by Eyton’s persistent efforts to disgrace Mary on the grounds of being a Royalist. Eyton petitioned the Committee for Compounding in September 1652, and described how, following Mary’s marriage to Fulke Crompton, she had tried to persuade Eyton to side with the King. On his refusal she ‘clapped a garrison’ for the Royalists and barred him from entering the estate.⁹⁴ He himself was fighting for Parliament as a cornet of horse, and submitted with his petition a note from Major-General Thomas Harrison. This asked for a speedy hearing on Crompton’s behalf, ‘who has had some hard measure from a very wicked woman’ (again highlighting the importance of social connections and supporters when crafting a request).⁹⁵

Mary addressed the issue of her supposed misdemeanours in her petition to the Committee for Compounding, in which she claimed that her estate was sequestered in 1645 for ‘Acts of Delinquency’ that were ‘then p[re]tended to haue bin Com[m]itted by her against the Parliam[en]t’.⁹⁶ In Mary’s answer to the bill submitted by Eyton’s sisters, she argued that, shortly after the death of her husband, her step-daughters ‘did in the night tyme lett in the Kings Forces into the said Castle where vpon shée this defend[an]t was forced out of the said Castle’.⁹⁷ In another bill she argued that ‘Souldiers did surprise her this defendant’ when she was dwelling at Dawley, and she went on to say that ‘she this defendant doth deny That she or any other to her knowledge did make or keepe a garrison at the said Castle of Dawley’.⁹⁸ In the same bill she also sought to discredit Eyton by claiming that ‘she heard that he was a Common foote Souldier in the late Kinges Armeý’.

The last document in the files of the Committee for Compounding on this case suggests that the committee members decided that neither side’s argument was wholly convincing. They allowed Mary’s two children from her marriage to Fulke to receive rents from the estate, and so were clearly not persuaded by Eyton’s attempts to discredit the 1637 conveyance. Nevertheless, ten pounds a year was to remain sequestered for Mary’s delinquency, indicating that her residence at Dawley while it was a garrison was considered sufficient evidence of her disloyalty.⁹⁹ In 1648, Parliament ordered that the Castle of Dawley was to be demolished, and so ultimately none of Fulke’s children, or his widow, ever regained possession.¹⁰⁰ Mary, and the members of her family, used petitions and equity pleadings to present their own narratives and to attempt to wrestle control of the inheritance.

Through the case of Mary Crompton and her (somewhat estranged) family, a story can be told of how aggrieved individuals could engage with multiple authorities in order to pursue the justice that each party perceived to be owed to them. Not only is there an overlap in

chronology in the submission of these documents but there is also an intersection in the types of arguments that were being used. The language of loyalty, for example, was a familiar part of Civil War petitions and is seen here seeping into the Chancery bills, which suggests that petitioning and litigation were potentially complementary and mutually reinforcing methods for pursuing redress.¹⁰¹ The use of overlapping spheres of justice may have been particular to those families with the financial means and imperatives to do so. This example centred around landed inheritance, a matter with weighty financial consequences, thus making the imperative to supplicate and litigate much stronger. Clearly the broader political context may have been a factor here too. The Civil Wars brought about their own disruptions in justice-seeking, which would have shaped litigants' and petitioners' choice of court and authority. Thus, more work is needed on the ways in which petitioning overlapped with litigation, and the ways in which gender, status and time were factors in the decisions behind petitioner's choices of jurisdiction.

Conclusion

This chapter has demonstrated that petitioning was a collaborative, social, embodied and spatial process. It has also shown that moving between different jurisdictions was a commonplace part of petitionary practice. Thus, it is important to look beyond the content and rhetoric of petitionary texts to the wider experience of petitioning.

Despite drawing on many women's petitions, this chapter has not stressed the role of gender in the petitionary process. In previous scholarship, analysis of women's agency or authorship in such texts is often focused on their position *as women*. However, it is argued here that, in many cases, gender did not have a large bearing on the creation of the text. Whether male or female, most people had a petition scribed on their behalf and then submitted it themselves or, seemingly more rarely, by intermediary. Nevertheless, it certainly was the case that some of the ways in which the process was experienced was shaped by gender. It was presumably more significant in the spatial and oral elements of petitioning because for women to engage with this process, and in particular to appear in court and negotiate these public spaces, was a different matter to a male counterpart doing the same. Thus, the petitions of women which have for so long been cherished by historians of gender, particularly of the Civil Wars, remain relevant for understanding more about the lives and experiences of women. Yet, we should be careful to ensure that key elements embedded within the petitionary process - such as narratives of supplication drawn up largely by scribes and often following conventions that applied to both genders - are not held up as exemplars of female agency or authorship. Instead, they should be studied within this broader framework.

Finally, whilst this chapter has not focused on the issue of authorship, the petitioner and their journey has been the starting point and central theme throughout. From the collaborations necessary to write their petition, to the physical journey that petitioners may have undertaken, and the other modes of redress they might have used, this chapter has sought to capture the experience of petitioning. Thus, it hopes to demonstrate that placing petitions within their proper context does not diminish the importance of the petitioner. The role of the scribe and the conventions of the genre mean that we cannot simply listen for their voice in the text, but their actions were what drove to the broader petitionary process. Doing so means that the stories of petitioners' persistent and humble supplication - rather than just the petitionary

texts themselves - can become more firmly embedded within the history of early modern justice seeking.

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⁴ The Power of Petitioning Project petitioning.history.ac.uk/; Civil War Petitions

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⁵ Flannigan, 'Litigants in the English "Court of Poor Men's Causes," or Court of Requests, 1515–25', pp. 303-337.

⁶ Dabhoiwala, 'Writing Petitions in Early Modern England', pp. 127–148.

⁷ Houston, *Peasant Petitions: Social Relations and Economic Life on Landed Estates, 1600–1850*.

⁸ Bowen, 'Genre and Authenticity', [this volume].

⁹ See: Bailey, 'Voices in Court: Lawyers' or Litigants?'; Beattie, 'I your Oratrice: Women's Petitions to the Late Medieval Court of Chancery'; Stretton, 'Women, Legal Records, and the Problem of the

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¹⁵ Daybell, *The material letter in early modern England: Manuscript letters and the culture and practices of letter-writing, 1512-1635*, pp. 73-74; Appleby, 'Unnecessary persons? Maimed soldiers and war widows in Essex, 1642-62', p. 211.

¹⁶ Dabhoiwala, 'Writing Petitions in Early Modern England'.

¹⁷ Daybell, *The material letter in early modern England: Manuscript letters and the culture and practices of letter-writing, 1512-1635*, p. 70. For more on petitionary form see Sharon Howard's chapter in this volume.

¹⁸ The National Archives (hereafter TNA), SP 23/114, p. 1202.

¹⁹ TNA, SP 23/94 p. 531; TNA, SP 23/106 p. 572; TNA, SP 23/117 p. 127.

²⁰ TNA, SP 23/88, p. 628; TNA, SP 23/83, p. 200; Clay, *Yorkshire Royalist Composition Papers*, p. 139; SP 23/77 pp. 42-42.

²¹ TNA, SP 23/83, p. 200.

²² Green, 'Introduction', xii-xiii.

²³ For more on networks of recusant families working together during the Civil War to combat the sequestration process, see Gregory, *Catholics during the English Revolution, 1642-1660: Politics, Sequestration and Loyalty*.

²⁴ TNA, SP 19/98 p. 81.

²⁵ Lloyd Bowen, 'Uncertain authors: who wrote Civil War petitions?',

<https://www.civilwarpetitions.ac.uk/blog/uncertain-authors-who-wrote-civil-war-petitions/> [accessed 14/05/23].

²⁶ Bowen includes several more examples of petitions that broke from form and genre in his chapter in this volume.

²⁷ Stretton, *Women Waging Law in Elizabethan England*, pp. 123-127; Bailey, 'Voices in Court: Lawyers' or Litigants?', pp. 392-408.

²⁸ Phipps and Youngs, *Litigating Women: Gender and Justice in Europe, c. 1300-c. 1800*, p. 1.

²⁹ Stretton, 'Women, Legal Records, and the Problem of the Lawyer's Hand', 698.

³⁰ TNA SP 23/62 pp. 686, 663, 683, 681, 676, 671, 669, 666, 662.

³¹ TNA, SP 19/12, pp. 398-399.

³² TNA, SP 19/110, p. 48.

³³ Harris, *English aristocratic women, 1450-1550: Marriage and family, property and careers*.

³⁴ Kent History and Library Centre (hereafter KHLC), Q/SB/8/54.

³⁵ 'The petition of Nicholas Rogers of Burton on Trent, Staffordshire, 13 January 1657', *Civil War Petitions* <<https://www.civilwarpetitions.ac.uk/petition/the-petition-of-nicholas-rogers-of-burton-on-trent-staffordshire-13-january-1657/>>.

³⁶ Cheshire Archives, QJF 37/1/44.

³⁷ Bowen's chapter in this volume has more examples of endorsements submitted with petitions [ref].

³⁸ Fletcher, *A county community in peace and war: Sussex 1600-1660*, pp. 131, 282-283, 301-303; Keeler, *The Long Parliament, 1640-1641: A biographical study of its members*, p. 280; Peacey, 'Morley, Herbert (bap. 1616, d. 1667)'.

³⁹ East Sussex Record Office (hereafter ESRO), QR/112, f. 1r; Redwood, *Quarter sessions order book*, pp. 128, 189; ESRO, Q/1/5/2, f. 46r, QO/1/5/3, f. 19v. For average pension payments to war widows and maimed soldiers see Worthen, 'The administration of military welfare in Kent, 1642-79'.

⁴⁰ TNA SP 23/182 p. 186.

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- ⁴¹ TNA, SP 23/86 p. 479; SP 23/233 p. 33. For more on prominent Parliamentary widows' petitions see Hopper, "'To condole with me on the Commonwealth's Loss': the widows and orphans of Parliament's military commanders'.
- ⁴² East Yorkshire Record Office (hereafter EYRO), DDCR/5/1/54, EYRO DDCR/5/1/56; EYRO DDCR/5/1/75; TNA SP 23/221 p. 546; TNA SP 19/121, p. 99.
- ⁴³ For more on the petitions of war widows' children and orphans, see Peck's chapter in this volume [ref].
- ⁴⁴ TNA SP 19/121, p. 99.
- ⁴⁵ EYRO, DDCR/5/1/75, 76.
- ⁴⁶ TNA SP 23/12 pp. 5, 167.
- ⁴⁷ Margaret was also involved in a concurrent Chancery dispute over her daughter's marriage portion: TNA C 9/10/92.
- ⁴⁸ Stretton, 'Women, Legal Records, and the Problem of the Lawyer's Hand', p. 698.
- ⁴⁹ Flannigan, 'Litigants in the English "Court of Poor Men's Causes," or Court of Requests, 1515–25', p. 315.
- ⁵⁰ Phipps and Youngs, *Litigating Women: Gender and Justice in Europe, c. 1300-c. 1800*, p. 1.
- ⁵¹ Knafla, 'The geographical, jurisdictional and jurisprudential boundaries of English litigation in the early Seventeenth Century', pp. 130-141.
- ⁵² Cockburn, *A History of English Assizes, 1558-1714*, p. 972.
- ⁵³ For example: Petition of Sara Aston, Cheshire Archives, QJF 47/1/48; Petition of John Vernon, Cheshire Archives, QJF 67/2/71. With thanks to Sharon Howard and the Power of Petitioning Project for providing this metadata open access: <https://petitioning.history.ac.uk/blog/2022/08/now-online-metadata-for-2847-petitions-and-nearly-10000-petitioners-1573-1799/>.
- ⁵⁴ ESRO, QO/1/5/2, fo. 34r.
- ⁵⁵ West Sussex Record Office (hereafter WSRO), Q/R/W77, f. 6; WSRO, QO/1/5/2, f. 21v.
- ⁵⁶ WSRO, Q/R/W80, fo. 4.
- ⁵⁷ Appleby, 'Unnecessary persons? Maimed soldiers and war widows in Essex, 1642–62', p. 212.
- ⁵⁸ WSRO, Q/R/W69, f. 1r.
- ⁵⁹ KHLC, Q/SB/6/67.
- ⁶⁰ This, and all other calculated distances of travel in the chapter, are straight line distances.
- ⁶¹ ESRO, QO/1/5/2, f. 54r.
- ⁶² Fletcher, *A county community in peace and war: Sussex 1600-1660*, Herrup, *The common peace: participation and the criminal law in seventeenth-century England*.
- ⁶³ Herrup, *The common peace: participation and the criminal law in seventeenth-century England*, pp. 59-61.
- ⁶⁴ ESRO, QR/77 f. 8r.
- ⁶⁵ ESRO, QO/1/5/2 f. 33v; QO/1/5/2 f. 39v.
- ⁶⁶ WSRO, QO/1/5/5, f. 58r.
- ⁶⁷ ESRO, QS Order Books 1660-1679 (Q/1/5/3-7) and QS Sessions Rolls 1660-1679 (QR/126-159); WSRO, QS Sessions Rolls 1660-1679 (Q/R/W96-203).
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- ⁶⁹ TNA SP 20/12/32, p. 94.
- ⁷⁰ TNA SP 23/101 f. 682.
- ⁷¹ Kyle and Peacey, 'Public access to Parliament and the political process in early modern England', p. 23.
- ⁷² Scally, 'Hamilton, William, second duke of Hamilton (1616–1651)'.
- ⁷³ Elizabeth Hamilton, *The humble petition of Elizabeth Duchess (Dowager) of Hamilton* ([London], 1651); TNA, SP 19/12, p. 399.
- ⁷⁴ TNA, SP 19/12, p. 399.
- ⁷⁵ Peacey, 'Parliament, printed petitions and the political imaginary in seventeenth-century England', 355-356.
- ⁷⁶ TNA, SP 23/83, p. 623.
- ⁷⁷ TNA, SP 23/10, pp. 190, 191.

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- ⁷⁸ TNA SP 23/2, f. 112r, f. 124r
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- ⁸⁰ Beattie, 'I your Oratrice: Women's Petitions to the Late Medieval Court of Chancery', pp. 17-29.
- ⁸¹ Langley, 'Clergy widows in early modern Scotland'.
- ⁸² See Robson [this volume].
- ⁸³ See Howard's and Waddell's chapters in this volume [this volume].
- ⁸⁴ Cheshire Archives, QJF 86/1/123.
- ⁸⁵ TNA C 7/447/97
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- ⁹⁴ TNA, SP 23/77, p. 637.
- ⁹⁵ TNA, SP 23/77, p. 641.
- ⁹⁶ TNA, SP 19/161, p. 615.
- ⁹⁷ TNA, C 6/3/45.
- ⁹⁸ TNA, C 7/432/30.
- ⁹⁹ TNA, SP 23/23, p. 158.
- ¹⁰⁰ "House of Commons Journal Volume 5: 11 July 1648," in *Journal of the House of Commons* (London, 1802), 631-632.
- ¹⁰¹ Weil, 'Thinking about allegiance in the English Civil War'; Worthen, 'Supplicants and guardians: the petitions of royalist widows during the Civil Wars and Interregnum, 1642-1660'.