

# A HARDWICK SCANDAL OF THE EARLY SEVENTEENTH CENTURY: WILLIAM CAVENDISH, LADY ARBELLA STUART, AND THE CASE OF MARGARET CHATTERTON

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## I

The wedding of William Cavendish, later 2nd earl of Devonshire, to Christian Bruce in the Rolls Chapel on 10 April 1608 took almost everyone by surprise. It was arranged hastily and in secret. Rumour had it that the young man had objected to the match—to a mere girl of twelve—until threatened by his domineering, hard-headed father with the loss of £100,000.<sup>1</sup> Even the boy's close relatives then at court—his uncle, Henry, and his cousin, Lady Arbella Stuart—were only invited by Lord Cavendish to attend the wedding supper after the ceremony was concluded (she did so; he did not).<sup>2</sup> Lord Cavendish gave as his reason for not previously acquainting his brother with the marriage plans that 'he had great Enemies', who might, had the matter been made public, have sought to cross him.<sup>3</sup> Henry wrote to his cousin, the earl of Shrewsbury, that although there was great rejoicing in the family over the match this did not appear to extend to the groom, who was bedded with his bride—'meetly handsome' red-head to his great punishment some 2 hours'. And he added a tantalizing aside: 'Alas! poor Wylkyn! he desired and deserved a Woman already grown'.<sup>4</sup> Not long after the wedding, rumours began to circulate that young William not only desired another woman, but was in fact already married, or pre-contracted, to her. These rumours drew in other members of the family, including the ill-fated Lady Arbella Stuart, and led Lord Cavendish and his son into a series of legal actions—in the Court of Arches, the High Court of Delegates, and finally Star Chamber, to prove the illegitimacy of the supposed contract and argue that young William had been the blameless victim of a sinister conspiracy of Hardwick servants, including one of his mother's waiting gentlewomen and his own tutor. The story sheds unexpected light on life at Hardwick in the early seventeenth century and raises questions about the legitimacy of the 2nd earl's marriage to Lady Christian Bruce.

The main surviving evidence for the scandal of the supposed pre-contract consists of the records of a Star Chamber suit focused on William and a group of domestic servants and members of their families.<sup>5</sup> The case was brought by the Attorney General, Sir Henry Hobart, in the spring of 1609.<sup>6</sup> It was brought not *pro rege*—on behalf of the crown—but by the Attorney General under relation: in effect, as a private case for which the Attorney General had been retained by the plaintiff—although the information stating the case included the claim that both the king's dignity and social order within his kingdom were at stake.<sup>7</sup> The case was directed against William's erstwhile tutor Robert Bruen (now identifying himself as a 'clerk' resident in the Blackfriars), his wife Margaret (née Nicholls, sometime a laundry maid to Lady Elizabeth Cavendish), Margaret Chatterton (now an attendant on Lady Arbella Stuart), her father Humphrey (of Longdon, Staffordshire and park keeper to Lord Paget of Beaudesert Park), her mother Elinor, her brother John, and a cluster of others including Richard Abrahall and Richard Dodsworth (servants), Sir John Skinner of London, and Richard Weston

(a Staffordshire gentlemen) and his wife, Ellen, who was mother of Elinor Chatterton.<sup>8</sup>

The main charge was conspiracy: the Chattertons, Westons, and Bruens had conspired to contrive and subsequently allege a socially inappropriate marriage between Lord Cavendish's young heir and one of his wife's servants or waiting gentlewomen, Margaret Chatterton, prior to his son's wedding, in April 1608, to Christian Bruce.<sup>9</sup> Enfolded in it also were allegations of abduction, practice (i.e., scheming or trickery), subornation of perjury, and instructing of witnesses, as also were hints at maintenance and champerty (i.e., the maintaining of a person in a law suit in the expectation of a share in profits deriving from it)—though these latter may simply have been hints thrown out in the interest of casting as wide as possible a net.<sup>10</sup> At stake were alleged to be proper relations between masters and servants, the dignity of the nobility, and thus the very foundations of the commonwealth.<sup>11</sup> In his near-contemporary study of Star Chamber, William Hudson references the case as one of those 'Causes here Examinable, not Otherwise Punishable' that justify the existence of the court: 'the inveigling of young gentlemen, and entangling of them in contracts of marriage to their utter ruin, to which no statute extendeth, as the Case of the *lord Cavendish, Chambers*, and others'.<sup>12</sup> Perhaps this alone is enough to explain why the Attorney General took it on; but one suspects here the influence of Lord Bruce, young Sir William's father-in-law and a member of the Privy Council—Star Chamber being little more than the Privy Council acting as a prerogative court.<sup>13</sup>

In Star Chamber process, evidence was gathered by means of written interrogatories and depositions; this placed a premium on the construction of elaborate, detailed narratives, emphasizing coherence and dramatic plausibility.<sup>14</sup> Coherence and plausibility are not, however, necessarily close allies of truth. And the reader of the surviving materials is faced with two coherent but radically different narratives. The plaintiffs' case reads like a Jacobean city comedy, filled out with a cast of conniving servants, scheming rivals, and gullible heirs; the defence, on the contrary, reads like a romantic tragedy, centered on star-crossed lovers thwarted by patriarchal authority. The latter view was echoed by some contemporaries, including William's uncle Henry, in his lament on behalf of 'Poor Wylkyn', who 'desired and deserved a Woman already grown'.<sup>15</sup> The romantic view has been taken up by some modern scholars.<sup>16</sup> But interpretative caution is needed, and certainty about the facts of the case is probably unattainable.<sup>17</sup>

## II

We can be reasonably sure of some things. Over the autumn and winter of 1606, young William (who would then have been around sixteen), took a shine to Margaret Chatterton, then in her late teens or early twenties.<sup>18</sup> Chatterton was probably somewhat more than a mere servant; she was perhaps a gentlewoman, placed in service (as many young gentlemen and women were) as part of her upbringing—this was how William's mother, Bess, had made her start in the world.<sup>19</sup> But the matter is disputed and her status not entirely unclear.<sup>20</sup> Even if she could claim gentle status, her family and the Cavendishes were hardly, by this time, operating on an equal social footing. While William's grandmother had come from a minor Derbyshire family she had, by sound investments and good luck, amassed a fortune and married into the aristocracy.<sup>21</sup> She would not be happy to see her grandson marrying down.

That there was an affectionate relationship between William and Margaret, both sides were agreed. Where the dispute began was over its nature. According to the defence, William fell passionately in love with Margaret Chatterton, importuning her, lavishing gifts upon her, and

eventually contracting a marriage with her. The contract was allegedly made ‘by word & not by writinge’, on the afternoon of 3 February 1606[/7] in his parents’ bedchamber at Hardwick, no one else being present, with the words: ‘here I speake in the presence of god & I take thee to my wedded wief w[i]th full purpose never to marrye other till deathe doth [ust *deleted*] us part & thereuppo[n] I doe gyve thee my faiethe and trothe’.<sup>22</sup> The defendants’ case was that such words constituted a perfect contract of marriage *verba de praesenti*.<sup>23</sup> And if William had actually uttered them and been competent to do so they would almost certainly have done so.<sup>24</sup>

But the plaintiffs did not allow either that he uttered them or that he was competent to do so. In their version of events Margaret Chatterton was an experienced older woman of about thirty, a woman ‘of a loose dissolute and infamous life’, and ‘of a subtile & pestilent witt’, who, working in combination with her family and fellow servants, employed ‘wanton daliaunc[es] and false & faigned Protestac[i]ons of her love’ to beguile and entrap the innocent heir, ‘sometimes Comendinge his person & good partes as though the same had drawn her to admirac[i]on of his vertue & to be enamored of his person’.<sup>25</sup> Robert Bruen, despite having been hired to furnish the young nobleman with a ‘vertuous educac[i]on’, by way of ‘gram[m]er and other learning’, set about, with the aid of his future wife, Margaret (née Nicholls, a laundry maid at Hardwick, and bedfellow to Margaret Chatterton), persuading his charge ‘to love and affect’ Margaret, ‘untruelie and falcie Com[m]endinge her for many supposed good qualitties and good partes’, and ‘perswadinge him to preferr a vertuous woman (wherein the said margarett had no part at all) above ritches, honor or preferment’. To clinch their plan, the conspirators ‘did further perswade and allure’ William to call Mistress Chatterton ‘wife’. This he did, without understanding its potential implications and ‘Conceaving yt to be but tearmes of familiaritie merth and Curtisie’.<sup>26</sup> Nor was this all. Around February 1606[/7] the Bruens persuaded William to write letters to her, ‘Conteyninge love and toyes and therin to Call her wife and Call himselfe her husband’, which he did, on several occasions, as Bruen directed. Finally, they persuaded Chatterton to press William to marry her, ‘hee havinge not then atteyned the age of fowerteene yeres’, which she attempted, ‘sometymes by teares, sometymes by faigned & false p[ro]testac[i]ons of her love & affection’, and by proclaiming her desire to die if he refused.<sup>27</sup>

The claim that William was under fourteen years of age at the time is significant.<sup>28</sup> Canon law had fixed puberty for boys, and thus the age at which they could independently contract marriage, at fourteen.<sup>29</sup> According to the jurist Henry Swinburne, the use of present tense rather than future by a child making a spousal vow would render the supposed contract invalid *de praesenti*—although it could arguably be valid *de futuro*.<sup>30</sup> But any contract William might have attempted to make could be ‘reclaimed’ or ‘dissented’ against upon his reaching lawful age.<sup>31</sup> Such was the plaintiffs’ case. William had, however, evidently been older than fourteen: Lord Cavendish subsequently deposed that he was around fifteen years old at the time of the relationship, and William himself claimed in his deposition on 20 November [1609] that he was then around twenty, making him around seventeen or eighteen at the time in question.<sup>32</sup> Although it was unnecessary to do so for the case at hand, which concerned not the legitimacy of the supposed contract but the conspiracy surrounding it, the plaintiffs were clearly falsifying William’s age.<sup>33</sup>

According to the plaintiffs, William, feeling himself under pressure to contract, became suspicious and alerted his parents, who, ‘in presence of sondrie persons of great worth and Credit’, confronted Margaret Chatterton and her accomplices, who swore that there was neither contract nor pre-contract between her and William; she alleged that she had not taken

his childish affection seriously and was, around March 1606[/7], discharged from service, returning to her father's house in Longdon.<sup>34</sup>

### III

The defendants then, according to the plaintiffs, embarked upon a new stage in their practice. Margaret's father, mother, and brother attempted to secure from William letters that could be used to prove the existence of a contract.<sup>35</sup> The defence insisted that after Margaret's departure Lord Cavendish placed his son under the close surveillance of his servants and that the young man used intermediaries to carry such letters to Margaret in secret, urging his contracted bride to sign herself 'Margaret Cavendish', and even attempting to arrange to have her brought back to Derbyshire in order to take part in a wedding ceremony (at Bolehill, near Wirksworth).<sup>36</sup> The main go-between was allegedly Humphrey Maddox, clerk to Anthony Dyott of Lichfield and a near neighbour there of Humphrey Chatterton.<sup>37</sup>

There were close family and geographic connections among the defendants. Dyott was an Inner Temple lawyer who sat in the House of Commons as Member for Lichfield and held the stewardship of the honor of Tutbury.<sup>38</sup> His wife, Dorothy, was sister to Lady Cavendish; it was she who had preferred Margaret Chatterton to her sister's service.<sup>39</sup> Though not themselves charged in the information, the Dyotts and their clerk were linked by kinship and residence to families allegedly involved in the conspiracy. Anthony Dyott was kinsman to Richard Weston, who was accused of demanding money from Lord Cavendish for copies of the letters.<sup>40</sup> The Westons lived at Beaudesert Park, where Humphrey Chatterton was park keeper.

One wonders about the proximity between these Staffordshire families and Lord Cavendish's older brother Henry, of Tutbury Priory.<sup>41</sup> Henry had been largely excluded from his mother's will after his involvement in an unsuccessful plot to release Lady Arbella Stuart from custody in Hardwick.<sup>42</sup> Although Chatsworth was entailed on him his mother, the countess of Shrewsbury, left the contents of the house to his younger brother, her favourite son; she had in fact already moved many of them to Hardwick. On the countess's death in 1608 the dispute between the two brothers burst into the open. William launched a Chancery action to recover Chatsworth, the first subpoena being delivered to Henry the morning after young William's son's wedding.<sup>43</sup> Was Henry perhaps involved in fomenting the scheme to undermine his brother?

### IV

According to the plaintiffs, nothing further was heard of the matter until after the marriage, in April 1608, of William to Christian Bruce, which cemented an alliance between a rising figure in the north midlands and one of James's leading Scottish courtiers.<sup>44</sup> Some three months after the wedding, in July 1608, Margaret's parents visited William Woodward, an attorney at Lincoln's Inn, and showed him some letters allegedly penned by William to Margaret and claimed that these, in the opinion of their counsel in canon law, constituted 'a perfect p[re] contract' of marriage.<sup>45</sup> Woodward claims he advised the Chattertons to drop the matter. He nonetheless paid a discreet visit to Lord Cavendish's London home in Aldersgate Street, while Lord Cavendish was away, meeting with the family's London receiver, Henry Travice, and William himself, at which meeting he stressed the desirability of suppressing the Chatterton suit and suggested that a marriage dowry for Margaret of £1,000 might do the trick.<sup>46</sup> From the financially prudent Lord Cavendish no such settlement was forthcoming.

The Chattertons then approached Lord Bruce by way of Lancelot Lowther, an Inner



Temple lawyer and the queen's solicitor, who came to him during Hilary term (23 January to 13 February) 1608/9 bearing copies of letters purportedly written by the couple and a list of witnesses to the marriage contract: a list that included Margaret Bruen, Humphrey Maddox, and John Molyneux of Teversal, Nottinghamshire.<sup>47</sup> A number of the supposed witnesses were examined by Lord Bruce and Lord Cavendish and denied any knowledge of a contract.<sup>48</sup> But the rumours persisted, stirred, the plaintiffs held, by the Chattertons' continuing publication of the supposed contract. In order to clear the question, William (as of 7 March, *Sir William*) Cavendish brought a suit of *causa jactitationis matrimonii*—a suit alleging that the defendant had been wrongfully boasting of being married to the plaintiff—against Margaret Chatterton and her father to the Court of Arches.<sup>49</sup> The presiding judge, Sir Daniel Dun, quickly found in William's favour, thereby enjoining the Chattertons' silence.<sup>50</sup>

But a court judgement did not deter them. Claiming that Sir Daniel's judgement was suspiciously hasty, the Chattertons brought an appeal to the High Court of Delegates.<sup>51</sup> And at this point (March 1608[/9]) other enemies of the Cavendishes allegedly became embroiled, initiating the final phase of the conspiracy: the procuring and suborning of witnesses to the existence of the contract.<sup>52</sup> Around Easter 1608[/9], letters and interrogatories were sent from London into Derbyshire to enquire of several Cavendish family servants (William Smith, Charles Gesling (or Gosling) and his son John, Edward Bagshawe, and John Molyneux) what they knew about the contract.<sup>53</sup> The bearers of these documents were Richard Abrahall and Richard Dodsworth, servants of Lord Cavendish's wayward cousin Lady Arbella Stuart, by whose hand they were subscribed.<sup>54</sup> Her letter to Charles Gesling of 28 March 1609 (penned by a secretary but endorsed in her autograph) survives.<sup>55</sup> According to the plaintiffs Abrahall and Dodsworth promised 'recompence, rewarde, or favour' to those who would testify to the existence of a contract.<sup>56</sup> And the hint, in Lady Arbella's letter to Gesling, at the possibility of reward for useful information about the contract ('I have powr to do you or your sonne good') lends some colour to this view, as does the jokingly threatening postscript, 'if thou be still a good fellow and an honest man, show it now, or be hanged'.<sup>57</sup>

It was the household of Lady Arbella that formed the link between Abrahall and Dodsworth and the earlier actors in the affair. By the summer of 1609 Margaret Chatterton was in Lady Arbella's service as an attendant.<sup>58</sup> Payments to her appear alongside those to Abrahall and Dodsworth in Lady Arbella's account book.<sup>59</sup> Margaret Bruen, then resident in the Blackfriars, where Lady Arbella had purchased a house in the summer of 1608, was frequently employed by her as a seamstress during 1609 and thereafter.<sup>60</sup> In 1609 Bruen's husband, Robert, received payment for stabling Lady Arbella's horse, and, in 1612, appears to have entered her service, being responsible, after Lady Arbella's confinement in the Tower, for lodging Margaret Chatterton.<sup>61</sup> Lady Arbella's attempt in the summer of 1609 to beg livings ('two of the next good personages') from her uncle, the earl of Shrewsbury, may have been an attempt to secure a position for the displaced chaplain and tutor.<sup>62</sup>

Lady Arbella's promotion of the cause of Margaret Chatterton jostles uncomfortably against a contemporary report that she was responsible for contriving William's marriage to Christian Bruce. That report, however, comes from an unreliable source (the groom's disgruntled uncle) and is undermined by the fact that Lady Arbella was absent from the ceremony and was invited to join the subsequent festivities only at the last possible moment.<sup>63</sup> What, then, were Lady Arbella's motives? In her study of the Chatterton case, Carolyn Sale reads Lady Arbella as a proto-feminist heroine, orchestrating a subversive legal strategy to provide justice for her wronged attendant.<sup>64</sup> This is an appealing thesis, but its gratification of modern sensibilities

should give us pause.<sup>65</sup> It is true that Lady Arbella offered some payment for Margaret Chatterton in connection with the law—sending her 5s., for example, on 15 November 1609, ‘[th]e night she went to Grays Inn’ (though this visit may have been connected with Lady Arbella’s efforts to repair relations between Henry Yelverton of Gray’s Inn and the king).<sup>66</sup> But the depositions of Abrahall and Dodsworth reveal some additional and rather different motivations for her involvement; and the *éminence grise* behind this stage of the conspiracy was not (in the plaintiffs’ view) Lady Arbella but her associate, Sir John Skinner.

According to Abrahall and Dodsworth, Lady Arbella was concerned for the ‘creditt & reputac[i]on’ of her attendant, Margaret Chatterton.<sup>67</sup> That she should go so far in defence of a servant—even a gentlewoman—against her own cousin may on the face of it seem improbable; but Lady Arbella did not enjoy entirely harmonious relations with her Cavendish cousins, and tended to develop close—in modern terms, ‘dependent’—relationships with her servants, taking unusual pains on their behalf.<sup>68</sup> But it was not only the reputation of her attendant that was at stake in her cousin’s marriage to Christian Bruce. Lady Arbella had at the time of the marriage been negotiating her own match for young William, with Lady Anne Clifford, daughter of Margaret, countess of Cumberland.<sup>69</sup> According to Abrahall she thought herself ‘not well used in some proceedinges touchinge & concerning’ Sir William (‘touched in a high point of honour’, as the breviat for the case put it).<sup>70</sup> Such proceedings were probably the marriage negotiations, from which she had evidently been excluded but in which she no doubt felt, as a bearer of the Stuart name and royal blood, she had a right to be centrally involved. It should be noted that a possible additional motive may have been pecuniary: Lady Arbella appears, by 1609, to have been heavily indebted, living well beyond her means, and lacking a lucrative court perquisite that might help her gain credit (by the summer of the year she had, however, successfully sought the license for sale of wine and whisky in Ireland).<sup>71</sup> But while such a motive may account for the involvement of her associates, it would seem to be out of keeping with her character. A blend of wounded *amour propre*, *noblesse oblige*, naivety, and narcissism is probably sufficient to account for Lady Arbella’s pursuit of her attendant’s claim. Others, however, had different motivations.

Behind the activities of Abrahall and Dodsworth, behind the letters and interrogatories written by Lady Arbella, the plaintiffs detected the malign influence of Sir John Skinner. Skinner is now an obscure figure who appears in several contemporary court records. He is described by one modern scholar as ‘turbulent, headstrong and untrustworthy’ and was at the time in financial difficulties.<sup>72</sup> A frequent visitor to Lady Arbella, Skinner was involved with her in some questionable financial dealings.<sup>73</sup> His wife (a devout Roman Catholic) was reported to exert a powerful influence over her.<sup>74</sup> The plaintiffs regarded Skinner as the moving force behind the Chattertons’ continued pursuit of the claim of a contract after the judgement against them in the Court of Arches, and of being the source of enticement of the supposed witnesses; the plaintiffs sought evidence also that he (or someone) was maintaining the Chattertons and the Bruens in London.<sup>75</sup> Skinner of course denied involvement, as did those he was supposedly maintaining.<sup>76</sup>

## V

Star Chamber procedure was, as we have noted, for clerks to collect depositions in response to written interrogatories. Since witnesses spoke on behalf of their sponsors they expected their expenses to be covered: they expected, in other words, payment for speaking to their sponsors' interests.<sup>77</sup> With his financial resources and loyal servants, Lord Cavendish mustered an ample roster of witnesses to undermine the credibility and besmirch the characters of the principal defendants.<sup>78</sup> The stories they told were detailed and plausible, racy and lurid, especially in regard to the female defendants. According to Alice Bradshaw, a widow of Goldsbrough, Northumberland, Margaret Chatterton had conducted an amorous intrigue with her late husband.<sup>79</sup> Sir William's servant, John Rose, had witnessed her fooling around with several servants at Hardwick.<sup>80</sup> But the most devastating allegations were directed at Margaret Bruen (née Nicholls). She had pre-contracted a marriage with Robert Hurt and had carnal knowledge of him (he had released her because she frequented other men).<sup>81</sup> She was rumoured to have borne a bastard child.<sup>82</sup> At the christening of Lord Cavendish's youngest son, John, she had been discovered with Humphrey Edmondson, clerk of the kitchen (now—conveniently—deceased), in the larder of the lower house at Hardwick, he with 'his britches downe, and she her clothes upp'.<sup>83</sup> John Rose deposed that she had, prior to her marriage to Bruen, claimed to be a married woman, asserting as much to 'T[h]o[mas]: Hobbes s[er]vant'—the future philosopher who had succeeded Bruen as Sir William's tutor.<sup>84</sup> Not only was she sexually incontinent, she was unruly and subversive, given to drinking, swearing, dancing, and wearing men's clothes. Hurt insisted that several Christmases ago she had cavorted while wearing rapier and dagger.<sup>85</sup> Rose deposed that she would 'pull her clothes betweene her legges' in the manner of galligaskins (i.e., a kind of wide hose or breeches), and, thus accoutred, would 'daunce and leape before men in very uncivill mann[er]', rubbing her thighs and belly saying 'heare is a greate ytche', among other lewd remarks and gestures.<sup>86</sup> Such claims should not be given much credence. It is no surprise that, when questioned by the defence as to whether they had been encouraged by their masters to defame or sully the credit or reputation of Margaret Bruen or other defendants, Rose and other family servants refused to testify.<sup>87</sup>

The defence, for its part, was able to muster a few witnesses from within the Chatterton-Weston-Dyott interest in Staffordshire. The testimony of Lady Cavendish's sister, Dorothy Dyott, was particularly damaging for the plaintiffs, for it presented Lord Cavendish as attempting, through Dorothy Dyott herself, to pressure Margaret Chatterton into marrying Robert Bruen.<sup>88</sup> Closer to home, perhaps, William's cousin Henry Cavendish (illegitimate son of his uncle, Henry) admitted arranging a meeting between William and Humphrey Chatterton, at which the young man agreed to make a settlement on Margaret—though without admitting anything about a contract.<sup>89</sup> The defence also cross-examined some of the plaintiffs. Sir William was examined on 22 November [1609] and was forced to admit moving Margaret Chatterton 'to love & affecte him'; but he denied giving her silk garters or other love tokens, and denied taking any marriage oath by the chimney in his father's bedchamber at Hardwick in February 1606[7]; he was, he insisted, simply 'young and unadvysd'.<sup>90</sup> About the letters he was evasive, not denying that he had written them but questioning whether the copies he was shown were in fact in his hand.<sup>91</sup>

## VI

Reading through the surviving records of the case, one is left in no doubt that the plaintiffs had the better of it. Under examination, and no doubt feeling the pressure of the Cavendish interest, the memories of those with supposed knowledge of the contract grew hazy. John Molyneux, neighbour of the Cavendishes, neither knew nor had heard anything of it. Neither of the Bruens could recall being present at any contract or pre-contract or knew anything about the relationship until the time of Margaret Chatterton's departure from the service of Lady Cavendish; Margaret Bruen did, however, claim to have carried letters between William and Margaret Chatterton after the latter's dismissal.<sup>92</sup> Of those supposed to have direct knowledge of it only Humphrey Maddox, while denying being a witness to any contract, claims to have heard William talk about his intention to marry Margaret Chatterton and to have seen letters in which he mentioned such an intention.<sup>93</sup> In cross-examination by the defence, he admits having written a letter he had previously denied, having allegedly promised Sir William to keep quiet about the whole business, and claims that soon after his deposition for the plaintiff, Lord Cavendish came and found him in Dyott's lodgings in the Inner Temple and there threatened him.<sup>94</sup> The latter claim sounds plausible; but the former is unpersuasive: Maddox had in his original deposition already confessed to know of Sir William's intention to marry Margaret Chatterton.<sup>95</sup> The defendants attempted to find more witnesses: Maddox claimed to have told John Gesling about the contract.<sup>96</sup> But servants within the Cavendish household were tight-lipped: Gesling denied any such knowledge, admitting only that Margaret Chatterton and Robert Bruen had met after her dismissal at his father's house in Alfreton.<sup>97</sup>

The case was heard in Star Chamber in early February 1611/[12].<sup>98</sup> I have been unable to discover whether sentence were passed at that time (in Star Chamber, sentences were delivered orally).<sup>99</sup> But judgement was almost certainly in favour of the Cavendishes. This is suggested by the dwindling of a potentially explosive scandal to a few whispers in the historical record. And it is confirmed by external authority. In his *Treatise of the Court of Star Chamber* [1621], William Hudson cited 'the Case of the lord Cavendish' as an instance of 'the inveigling of young gentlemen, and entangling of them in contracts of marriage to their utter ruin'.<sup>100</sup> Hudson, in other words, recalled the case as a victory for the plaintiffs. Since he was a careful historian of the court who was, at the time of the hearing, a Star Chamber attorney, his testimony carries considerable authority.<sup>101</sup>

But a legal judgement is not a discovery of truth. That there was an amorous relationship between Margaret and William, in which the terms 'husband' and 'wife' were used, and letters, perhaps employing such terms, written, even the plaintiffs concede. The defence that William was under fourteen at the time and therefore too young to contract is unsustainable. And at least two features of Lord Cavendish's behaviour after the exposure of the relationship are inconsistent with his assertion that he believed nothing was amiss. First, he admits attempting to find a benefice for Robert Bruen after the latter's departure from service.<sup>102</sup> Why should he have gone to such trouble for a man who had clearly fallen short in his care and government by failing (on his own account) to have learned anything about his charge's involvement with Margaret Chatterton? Second, the extraordinary haste and secrecy with which the wedding of William to Christian Bruce was arranged—allegedly to avoid the 'great Enemies' who might have attempted to prevent it—suggests that he knew he had a problem.<sup>103</sup> More generally, the defence's story of intimidation of witnesses seems plausible: if, as the plaintiffs admit, there was an amorous relationship between William and Margaret, it is hard to accept that William's manservants—Rose and Bagshaw—would have known nothing about it.

But to suggest that William had in fact contracted with Margaret Chatterton is not to free the defendants from charges of conspiracy and practice. On the contrary, the behaviour of the Chattertons and Bruens strains belief in their good faith. It may be understandable that, in her first interview with a furious Lord Cavendish, Margaret Chatterton mentioned nothing about a contract and dismissed the relationship as a childish affection; but why were she and her family silent about it for over a year—from Margaret's dismissal in February 1606[7] until after William's marriage to Christian in April 1608? Their long silence followed by the manner and timing of the revelation are hard to reconcile with the narrative that they wished to press the matter of the contract, which would almost certainly have invalidated William's subsequent marriage.<sup>104</sup> It is easier to square it with the possibility that they wished to seek some sort of financial settlement with the Cavendishes. Why, when charged with jactitation of marriage did they fail to appear for their hearing at the Court of Arches? And why did their associates—in particular, the Bruens, who were allegedly privy to the contract—profess ignorance of it when interrogated under oath by clerks of the court?

We do not know exactly what took place between William Cavendish and Margaret Chatterton at Hardwick over the winter of 1606/7; nor can we be sure what words—if any—passed between the two in Lord Cavendish's bedchamber on the afternoon of 3 February 1606[7]. It must, however, be said that the defendants' account, with its language so clearly geared to establishing the existence of both contract ('here I speake in the presence of god & I take thee to my wedded wief') and pre-contract ('w[i]th full purpose never to marrye other till deathe doth [ust *deleted*] us part') sounds a little too legalistic to be plausible.<sup>105</sup> And yet it seems likely that both plaintiffs and defendants have, in their narratives, given us access to some aspects of the truth. It seems likely that there was a conspiracy, involving some Hardwick servants and their family networks in Staffordshire, to inveigle young William into a marriage with Margaret Chatterton; likely also that this eventually metamorphosed into a scheme to suborn witnesses to a supposed contract of marriage, with a view not to enforcement, but to a pay-off. That much it seems the plaintiffs have on their side. On the other hand it seems almost certain that William, of age and competent, had uttered words which may have been ill-advised but which nonetheless, by strict legal standards, did constitute a contract of marriage. Neither party was completely innocent; neither entirely in the wrong. That the Cavendishes had the better of it is the obvious conclusion based upon subsequent family history. But that they did so had perhaps as much to do with the legal firepower they were able to muster as with the inherent strength of their position. The case of *Attorney General ex rel. Cavendish v. Chatterton, et al.* must stand as a warning against any too rosy revisionist picture of Star Chamber as a court sympathetic to the underdog. The resources of the court were available to any who had the wherewithal to retain the Attorney General as their counsel; but to make the most of those resources—by furnishing friendly witnesses, by undermining or intimidating hostile ones—required wealth and influence.<sup>106</sup> In such a contest, the Chattertons and their associates were hopelessly outgunned. While William went on to consolidate a thriving aristocratic dynasty, Margaret Chatterton and Robert Bruen have all but vanished from the historical record.<sup>107</sup>

## ACKNOWLEDGEMENTS

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## NOTES AND REFERENCES

In quoting seventeenth-century documents I have regularized i/j, u/v according to modern conventions.

- <sup>1</sup> John Nichols, *The Progresses, Processions, and Magnificent Festivities of King James the First* (London, 1828), ii, pp. 193-5 (correspondence of the earl of Arundel).
- <sup>2</sup> Nichols, *Progresses*, ii, p. 195.
- <sup>3</sup> British Library, Additional MS 4161, f. 16r. (Henry Cavendish to the earl of Shrewsbury, [April 1608]), printed in Francis Bickley, *The Cavendish Family* (London, 1911), p. 61.
- <sup>4</sup> Bickley, *Cavendish Family*, p. 61.
- <sup>5</sup> The case is mentioned briefly by Virginia C. D. Moseley, 'Cavendish, Sir William I (c.1590-1628)', *History of Parliament, The House of Commons 1604-1629*, ed. Andrew Thrush and John P. Ferris (Cambridge, 2010); it has been discussed at length by Carolyn Sale in 'Contested Acts: Legal Performances and Literary Authority in Early Modern England', unpublished PhD dissertation (Stanford University, 2002), and 'The "Roman Hand": Women, Writing and the Law in the "Att. Gen. vs. Chatterton" and the Letters of Arbella Stuart', *ELH*, 70 (2003), pp. 929-61. My main disagreements with Sale's interpretations are recorded in the notes.
- <sup>6</sup> The surviving records of the case are gathered in The National Archives, STAC 8/13/8, with an outlying deposition (by Sir John Skinner) in STAC 10/1/107. Notes on its hearing in Star Chamber appear in the archives of the duke of Northumberland at Alnwick Castle, DNP, MS X (1611-13), ff. 376-8 (breviat of causes to be heard in Star Chamber). The breviate is annotated by Sir Julius Caesar—see Thomas G. Barnes, 'The Archives and Archival Problems of the Elizabethan and Early Stuart Star Chamber', *Journal of the Society of Archivists*, 2 (1963), pp. 345-60 (357). For calendar summary of them, see Royal Commission on Historical Manuscripts, *Third Report* (London, 1872), Appendix, pp. 58-9. The information (STAC 8/13/8, f. 357r.) is not dated; but it must precede the earliest depositions, which date from 25 May 1609. On Star Chamber process, see J. A. Guy, *The Cardinal's Court: The Impact of Thomas Wolsey in Star Chamber* (Hassocks, 1977), pp. 79-95; idem, *The Court of Star Chamber and its Records to the Reign of Elizabeth I*, Public Record Office Handbooks, xxi (London, 1985), pp. 37-50; William Hudson, *A Treatise of the Court of Star Chamber*, in Francis Hargrave (ed.), *Collectanea Juridica: Consisting of Tracts Relative to the Law and Constitution of England* (London, 1792), ii, pp. 1-240; repr., intro. Thomas G. Barnes (New York, 1986), III. 8-26 (pp. 150-239).
- <sup>7</sup> For cases brought under relation, see Thomas G. Barnes, 'Star Chamber Litigants and their Counsel, 1596-1641', in J. H. Baker (ed.), *Legal Records and the Historian: Papers presented to the Cambridge Legal History Conference, 7-10 July 1975, and in Lincoln's Inn Old Hall on 3 July 1974*,



- Royal Historical Society Studies in History, vii (London, 1978), pp. 7-28 (9, 16); Thomas G. Barnes (ed.), *List and Index to the Proceedings in Star Chamber for the Reign of James I, 1603-1625*, in the Public Record Office, London, Class STAC 8 (Chicago, 1975), i, p. 31; Guy, *Court of Star Chamber*, p. 37. Sale's account of the case is vitiated by failure to recognize that this was a case brought by the Attorney General under relation (see, for instance, 'Roman Hand', pp. 932-3).
- <sup>8</sup> STAC 8/13/8, f. 357r. (also f. 352r.). Bruen's self-designation as 'clerk' (STAC 8/13/8, f. 240r.) indicates that he was in orders but lacked a benefice. He is probably to be identified as the Robert Bruen who matriculated at Brasenose College, Oxford in 1594, proceeded BA in 1596[7], MA in 1602. He was brother to the Puritan iconoclast, John Bruen of Cheshire, and went on to become chaplain to the Earl of Pembroke, and vicar of West Markham, Nottinghamshire in 1620. He was to be the author of a work of rudimentary theological instruction and a collection of sermons: see Joseph Foster, *Alumni Oxonienses* (London, 1891); Anthony Wood, *Fasti Oxonienses*, ed. Philip Bliss (London, 1820), ii, 104; Steve Hindle, 'Bruen, John (1560-1625)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [<http://www.oxforddnb.com/view/article/3767>, accessed 16 April 2014].
- <sup>9</sup> Setting out to discover in the archive 'a narrative of female agency in relation to the matter of ravishment' ('Roman Hand', pp. 957, 931), Sale construes the case in such terms; but ravishment is not mentioned in the information; nor would it fall under the jurisdiction of Star Chamber, on the scope of which see Guy, *Cardinal's Court*, pp. 52-3; Guy, *Court of Star Chamber*, pp. 51-65; Hudson, *Treatise of the Court of Star Chamber*, II. 3-13 (pp. 128-79); for conspiracy in particular, see Hudson, *Treatise of the Court of Star Chamber*, II. 12 (pp. 104-7).
- <sup>10</sup> Alnwick Castle, DNP, MS X (1611-13), f. 376r.; Barnes, *List and Index*, ii, p. 29 (no. 00285).
- <sup>11</sup> STAC 8/13/8, f. 357r. (also f. 352r.).
- <sup>12</sup> *Treatise on the Court of Star Chamber*, p. 110. On the background to this role for Star Chamber, see Guy, *Cardinal's Court*, p. 60.
- <sup>13</sup> Guy, *Court of Star Chamber*, p. 2.
- <sup>14</sup> Barnes, 'Archives and Archival Problems', pp. 345-6.
- <sup>15</sup> Bickley, *Cavendish Family*, p. 61.
- <sup>16</sup> Lawrence Stone, *The Crisis of the Aristocracy 1558-1641* (Oxford, 1965), p. 194; A. P. Martinich, *Hobbes: A Biography* (Cambridge, 1999), p. 26. Popular writers have taken various positions: Mary S. Lovell, *Bess of Hardwick: First Lady of Chatsworth, 1527-1608* (London, 2005), p. 474, takes the romantic view; John Pearson, *Stags and Serpents: The Story of the House of Cavendish and the Dukes of Devonshire* (London, 1984), p. 34, is clearer-eyed about the likely nature of the liaison.
- <sup>17</sup> For some suggestive remarks on such difficulties—though in regard to a different case—, see Cynthia B. Herrup, *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven* (New York and Oxford, 1999), pp. 5-7, 55-6.
- <sup>18</sup> The various documents and depositions are broadly agreed on the timing of events. The information cites events as taking place 'about three now yeares last paste' (i.e., spring 1606). In her deposition of 16 June [1609], Margaret Chatterton claims to have worked in the Cavendish household for about a year and a half from shortly before Christmas 1605 ('Chrissmas last past was fower yeeres') (STAC 18/3/8, f. 178r.): i.e., until early 1607. This agrees roughly with the deposition of Lord Cavendish of 9 April 1611, in which he claims that Margaret Chatterton served his wife for about a year and a quarter, that he became aware of the affection between her and his son 'fower yeares since or more' (i.e., early in 1607) (f. 127r.). Dorothy Dyott claims, in her deposition of 12 June [1610], to have helped Margaret Chatterton secure her place as 'a waytinge gentlewoman' to Lady Cavendish around Michaelmas term four years earlier (i.e., autumn 1606) (f. 108r.). The Hardwick account books contain references to her receiving wages and small payments from possibly as early as March (Devonshire MSS, Chatsworth, Hardwick MS [=HM] 23, f. 180r.), but certainly from the summer of 1606 until March 1607 (HM 23, ff. 185v., 187v., 188v., 190r., 192r., 194r., 196v., 197r., 201v.). But while the dating of the main events is not in dispute, the need to build a case leads each side to stretch

the ages of the principals. Margaret Chatterton, in her deposition of 16 June [1609], claims (having first been unable to recall her age at all) to be around 22 (STAC 18/3/8, f. 178r.); this would place her in the winter of 1606/7 as around 19 or 20 (so Sale, 'Roman Hand', p. 932). In her answer, her mother gives her age at the time of the alleged contracting as not above 19 (STAC 18/3/8, f. 352+1r.).

<sup>19</sup> David N. Durant, *Bess of Hardwick* (London, 1977), p. 9.

<sup>20</sup> The gentle status of the Chattertons is tacitly assumed by Dorothy Dyott in her assertion that Margaret Chatterton held the position of 'waytinge gentlewoman' to Lady Elizabeth Cavendish (deposition, 12 June [1610], STAC 8/13/8, f. 108r.); Humphrey Chatterton claims the title 'gent.' in his deposition (24 June [1609], STAC 8/13/8, f. 299r.). The family's gentility is assumed by Sale, who inadvertently inflates their status, mistakenly crediting Humphrey with a knighthood; 'Roman Hand', pp. 932, 933. But the plaintiffs consistently emphasize the 'mean' condition of the Chatterton family and describe Margaret as a mere servant (STAC 8/13/8 f. 357r.). The family is not mentioned in a 1662/3 survey of county gentry: see Ruth M. Kidson, 'The Gentry of Staffordshire', *Collections for a History of Staffordshire*, 4th ser. 2 (1958), 1-41.

<sup>21</sup> Philip Riden and Dudley Fowkes, *Hardwick: A Great House and Its Estate* (Chichester and London, 2009), pp. 17-39.

<sup>22</sup> STAC 8/13/8, f. 178v. (deposition of Margaret Chatterton, 16 July [1609]). The bedchamber in question was presumably that in the New Hall known as Mr. William Cavendish's chamber; it is listed in the 1601 inventory as containing a bed: see The National Trust, *Of Household Stuff: The 1601 Inventories of Bess of Hardwick* (London, 2001), pp. 55, 67.

<sup>23</sup> R. H. Helmholz, *Roman Canon Law in Reformation England* (Cambridge, 1990), pp. 69-73; R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974), pp. 31, 34-40; Robert Phillimore, *The Ecclesiastical Law of the Church of England* (London, 1873), i, pp. 708-9; Henry Swinburne, *A Treatise of Spousals, or Matrimonial Contracts* (London, 1686), p. 15.

<sup>24</sup> Swinburne, *Treatise of Spousals*, pp. 74-5.

<sup>25</sup> STAC 18/13/8, f. 357r. (also f. 352r.).

<sup>26</sup> STAC 8/13/8, f. 357r. (also f. 352r.). For Margaret Bruen's maiden name, see f. 154v. (deposition of Sir William Cavendish, 22 Nov. 1609).

<sup>27</sup> STAC 8/13/8, f. 357r. (also f. 352r.); Alnwick Castle, DNP, MS X (1611-13), f. 377r.

<sup>28</sup> STAC 18/13/8, f. 357r. (also f. 352r.).

<sup>29</sup> Helmholz, *Marriage Litigation*, p. 98; Frederick Pollock and Frederick William Maitland, *The History of English Law before the Time of Edward I*, 2nd edn. (Cambridge, 1898), ii, p. 390; Swinburne, *Treatise of Spousals*, p. 47.

<sup>30</sup> Swinburne, *Treatise of Spousals*, pp. 26-7, 32.

<sup>31</sup> R. H. Helmholz, *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s*, *The Oxford History of the Laws of England*, Vol. I (Oxford, 2004), pp. 550-1; Swinburne, *Treatise of Spousals*, p. 35.

<sup>32</sup> STAC 8/13/8, f. 127r. (deposition of Lord Cavendish, 9 April 1611); f. 151r. (deposition of William Cavendish, 22 Nov. [1609]). William's date of birth is usually given as 1590; I have found no firm evidence for this.

<sup>33</sup> The claim had presumably been a cornerstone of the case of jactitation of marriage the Cavendishes had brought to the Court of Arches (see below, at n. 49). 'Jactitation of marriage' was false boasting of marriage: see refs. cit. n. 49.

<sup>34</sup> STAC 8/13/8, f. 357r. (also f. 352r.); f. 352+1r.. I have been unable to determine precisely the date of her departure; but March or April 1607 seems likely: soon after the affair came to a head. Dorothy Dyott claims that she was dismissed when Lady Elizabeth's pregnancy with her son, John, was close to full term (STAC 8/13/8, f. 109v.); John was born some time in 1607—Riden and Fowkes, *Hardwick*, p. 42. The notion that Margaret Chatterton had returned to her father's house by March squares with the Alnwick Castle breviat, the second point of which dates the Chatterton family's soliciting of letters from William to March 1607 (Alnwick Castle, DNP, MS X (1611-13), f. 377r.).

- A payment of £4 for her at her going away from Hardwick is recorded for April 1607 in HM 23, f. 202v. (I owe this reference to Philip Riden).
- <sup>35</sup> STAC 8/13/8, ff. 357r. (also f. 352r.); Alnwick Castle, DNP, MS X (1611-13), f. 377r.
- <sup>36</sup> STAC 8/13/8, ff. 352+1r. (answer of Humphrey Chatterton, Elinor Chatterton, and John Chatterton); ff. 212r.-13v. (deposition of Edward Yerworth, 15 Dec. [1609]), ff. 101r.-2v. (deposition of Humphrey Maddox, 19 July [1609], for the plaintiffs), ff. 335r.-40v. (deposition of Humphrey Maddox, 14 Dec. [1609], for the defendants); f. 172r. (interrogatories for William Cavendish, for the defendants).
- <sup>37</sup> STAC 8/13/8, ff. 101r.-5r. (interrogatories and deposition of Humphrey Maddox, for the plaintiffs, 19 July [1609]); ff. 335r.-47v. (interrogatories and deposition of Humphrey Maddox, for the defendants, 14 Dec. [1609]).
- <sup>38</sup> J. E. M., 'Dyott, Anthony (c.1560-1622)', *History of Parliament, The House of Commons 1558-1603*, ed. P. W. Hasler (London, 1981), i, p. 12; Andrew Thrush, 'Dyott, Anthony (c.1560-1622)', *History of Parliament, House of Commons 1604-1629*, iv, pp. 137-40; Wilfrid R. Prest, *The Rise of the Barristers: A Social History of the English Bar 1590-1640* (Oxford, 1986), pp. 357-8; Lambeth Palace Library, MS 702, f. 75r.
- <sup>39</sup> STAC 8/13/8, f. 108r. (deposition of Dorothy Dyott, 12 June 1610). On Dorothy Dyott, see Thrush, 'Dyott, Anthony'.
- <sup>40</sup> STAC 8/13/8, ff. 354r.-6r. (depositions of Richard and Ellen Weston, 8 Jan. 1609/[10]); f. 106r. (deposition of Dorothy Dyott, 11 Dec. 1610).
- <sup>41</sup> On Henry and Tutbury, see P. W. Hasler, 'Cavendish, Henry (1550-1616)', *History of Parliament, House of Commons 1558-1603*, ed. P. W. Hasler (London, 1981), i, pp. 566-7; A. C. Wood (ed.), 'Mr. Harrie Cavendish his Journey to Constantinople 1589', *Camden Miscellany*, xvii (London, 1940), pp. iii-iv.
- <sup>42</sup> On Lord Cavendish, his brother, and the will, see Riden and Fowkes, *Hardwick*, pp. 36-7. On Henry and Lady Arbella, see Durant, *Bess of Hardwick*, pp. 202-13; Lovell, *Bess of Hardwick*, pp. 443, 462-3. For general estimates of Henry, see D. J. B. Trim, 'Cavendish, Henry (1550-1616)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/4935, accessed 16 April 2014]; Hasler, 'Cavendish, Henry (1550-1616)'; Wood (ed.), 'Mr. Harrie Cavendish his Journey', p. iv; Lovell, *Bess of Hardwick*, pp. 372, 395; and, for a more generous estimate, Lovell, *Bess of Hardwick*, p. 318 (and p. 211).
- <sup>43</sup> Bickley, *Cavendish Family*, pp. 61-2. The penning of the letter hinting at William's affections being elsewhere engaged immediately after the serving of the subpoena casts doubts upon the evidential value of Henry's testimony. Heavily indebted and hopelessly outmanoeuvred at law, Henry agreed, in 1610, to sell the reversion of Chatsworth to his brother (Bickley, *Cavendish Family*, pp. 38-9; Riden and Fowkes, *Hardwick*, pp. 36-7).
- <sup>44</sup> STAC 8/13/8, f. 357r. (also 352r). Some suggest that the king himself was involved in contriving the match (see Nichols, *Progresses of James I*, ii, p. 194 n. 1).
- <sup>45</sup> STAC 8/13/8, f. 115r. (deposition of William Woodward, 16 Dec. 1610). Their counsel may already have been Lancelot Lowther, on whom see the following paragraph. They claim to have heard of a similar response to the letters by Zachary Babington, Chancellor of the Diocese of Lichfield—on whom see Brian P. Levack, *The Civil Lawyers in England 1603-1641: A Political Study* (Oxford, 1973), p. 208; STAC 8/13/8, ff. 226r.-30r. (interrogatories and deposition of William Babington, 25 April 1610; for the defendants); Alnwick Castle, DNP, MS X (1611-13), f. 377v.
- <sup>46</sup> STAC 8/13/8, ff. 115r.-20r. (deposition of William Woodward, 16 Dec. 1610).
- <sup>47</sup> STAC 8/13/8, f. 173r. (deposition of Edward, Lord Bruce, 12 May 1610), ff. 127v.-8r. (deposition of Baron Cavendish, 9 April 1611); Molyneux's first name is apparent from his responses to the interrogatories for the defendants (taken 4 July 1610), f. 231r.; see also f. 357r. for the narrative; and f. [i] (deposition of Lancelot Lowther, 1609).
- <sup>48</sup> STAC 8/13/8, ff. 127r.-8v., 131r. (interrogatories and deposition of William, Lord Cavendish, 9 April 1611); ff. 177r., 173r.-5v. (interrogatories and deposition of Edward, Lord Bruce, 12 May 1610).

- <sup>49</sup> On jactitation, see Helmholz, *Roman Canon Law*, pp. 60-4; Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, pp. 536-8.
- <sup>50</sup> STAC 8/13/8, f. 357r. (also f. 352r.). Records for proceedings of the Court of Arches for this period do not survive.
- <sup>51</sup> STAC 8/13/8, f. 352+1r. The appeal ran through Hilary term 1610 to Hilary term 1615: see DEL 4/5, 4/6, *s.n. Chatterton and Chatterton v. Cavendish and Bruce*. I have not examined its progress.
- <sup>52</sup> STAC 8/13/8, f. 357r., (also f. 352r.); Alnwick Castle, DNP, MS X (1611-13), f. 377r.
- <sup>53</sup> STAC 8/13/8, ff. 357r., (also f. 352r.); ff. 35r.-6r. (deposition of Edward Bagshawe, 17 Nov. [1609]); ff. 76r.-9r. (deposition of William Smith, undated), ff. 132-40 (deposition of William Smith, 20 Nov. [1609]); f. 79r. (deposition of John Gesling, undated); f. 86r. (interrogatories for Smith and Gesling, for the defendants); ff. 204r.-6r. (deposition of John Gesling, 21 Nov. [1609]); ff. 268-70. (deposition of Charles Gesling, 13 Dec. [1609]); f. 148. (deposition of John Molyneux, 3 July 1610); f. 231. (deposition of John Molyneux, 4 July 1610). On Charles Gesling, see David N. Durant, *Arbella Stuart: A Rival to the Queen* (London, 1978), p. 164.
- <sup>54</sup> STAC 8/13/8, f. 349r. (answers of Abrahall and Dodsworth, 14 July [1609]); ff. 21, 1-10 (interrogatories and depositions of Abrahall and Dodsworth, 3 June and 14 July [1609]). On Abrahall, see also Durant, *Bess of Hardwick*, p. 193; Durant, *Arbella Stuart*, p. 82.
- <sup>55</sup> Sara Jayne Steen (ed.), *The Letters of Lady Arbella Stuart*, Women Writers in English 1350-1850 (Oxford, 1994), pp. 229-30 (BL, Stowe MS 142, ff. 30-1).
- <sup>56</sup> STAC 8/13/8, f. 357r. (also f. 352r.).
- <sup>57</sup> Steen (ed.), *Letters*, p. 230.
- <sup>58</sup> STAC 8/13/8, f. 178r. (deposition of Margaret Chatterton, 16 July [1609]).
- <sup>59</sup> Longleat House, Seymour Papers, XXII, ff. 6r., 14v., 18v. (wages, Jan. 1609/[10]), 29r. (wages, July 1610), 40r. (wages, Jan. 1610/[11]), 44r. (wages, 1613).
- <sup>60</sup> On Margaret Bruen's residency, see her deposition of 14 July 1609, STAC 8/13/8, f. 237r. On Lady Arbella's house there, see Steen (ed.), *Letters*, pp. 59, 228-9; Durant, *Arbella Stuart*, pp. 162-3. Payments to Margaret Bruen for her work as a seamstress during the period 1609-1614 appear in Longleat House, Seymour Papers, XXII, ff. 12v.-15r., 18r., 21r., 42r., 44r., 50r.
- <sup>61</sup> Longleat House, Seymour Papers, XXII, ff. 68r. (payment for stabling a horse for 18 days, July 1609), 47r. (£20 for a year's wages due at midsummer; paid in Nov. 1613), 48v. (£33 for a year's wages due at Christmas, and for Margaret Chatterton's half-year's wages and diet for a year and ten months, 18 March 1613/[14]), 49v. (£7 delivered to Bruen for Margaret Chatterton, 9 May 1614).
- <sup>62</sup> Steen (ed.), *Letters*, p. 232.
- <sup>63</sup> British Library, Add. MS 4161, f. 16r.; printed in Bickley, *Cavendish Family*, pp. 61-2; Durant, *Arbella Stuart*, p. 160. Although, strangely, when William travelled from Hardwick up to London for his wedding she appears to have accompanied him: Chatsworth, Hardwick MS [=HM] 29 includes a payment (dated 27 March 1609) for £50 to William: 'this was uppon wills going up w[i]th y<sup>e</sup> La. Arbell. & before his marriage' (p. 33). I am grateful to Noel Malcolm for drawing my attention to this entry.
- <sup>64</sup> 'Roman Hand', pp. 945, 947.
- <sup>65</sup> For a judicious recent assessment of Lady Arbella see Sarah Gristwood, *Arbella: England's Lost Queen* (London, 2003); for the case that she suffered from porphyria, see Ruth Norrington, *In the Shadow of the Throne: The Lady Arbella Stuart* (London, 2002).
- <sup>66</sup> Longleat House, Seymour Papers, XXII, f. 14v.; see also f. 19v. (payment to Margaret for boat hire to Gray's Inn, 3 May 1610). On Lady Arbella's efforts on Yelverton's behalf at this time, see S. R. Gardiner, 'Yelverton, Sir Henry (1566-1630)', rev. Louis A. Knafla, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/30214, accessed 13 April 2014]; Steen (ed.), *Letters*, p. 55.
- <sup>67</sup> STAC 8/13/8, f. 349r.
- <sup>68</sup> See, for example, her intimacy with the family tutor, James Starkey (Steen (ed.), *Letters*, p. 41 n. 1), and her care for her servants after her imprisonment following her marriage to William Seymour

- (Gristwood, *Arbella*, pp. 282-3). Despite troubled relations with her grandmother's family, she had helped Lord Cavendish at court in the purchase of his barony in 1605: see P. M. Handover, *Arbella Stuart: Royal Lady of Hardwick and Cousin to King James* (London, 1957), pp. 213-14.
- <sup>69</sup> STAC 8/13/8, f. 349r. (the deposition gives the countess's daughter's name also as 'Margaret', though this is presumably an error for Anne, who would marry Richard Sackville, earl of Dorset in 1609).
- <sup>70</sup> Alnwick Castle, DNP, MS X (1611-13), f. 377v.
- <sup>71</sup> Steen (ed.), *Letters*, pp. 57-62, 252; Handover, *Arbella Stuart*, pp. 250, 251-2; Durant, *Arbella Stuart*, pp. 156-7, 161-2, 165, 171, 174. Schedules of her debts appear in Longleat House, Seymour Papers, XXII, f. 51r.
- <sup>72</sup> N. R. Shipley, 'The History of a Manor: Castle Campes', *Bulletin of the Institute of Historical Research*, 38 (1975), pp. 162-81 (164).
- <sup>73</sup> STAC 10/1/107 (deposition of Sir John Skinner, 26 July 1609) (Skinner does not name Lady Arbella, but notes that he made frequent recourse to the place of Margaret Chatterton's dwelling: i.e., Lady Arbella's house in Blackfriars); Longleat House, Seymour Papers, XXII, ff. 14r. (payment to John the footman for attendance on Sir John Skinner in Drury Lane, 1 Nov, 1609), 15v. (payment to Sir John Skinner's servant for delivering a letter to Lady Arbella, 1 Dec. 1609). For Skinner's financial dealings at this time, some of which involved Lady Arbella, see Hugh Craig, 'Sir John Harrington: Six Letters, a Postscript, and a Case in Chancery', *English Manuscript Studies, 1100-1700*, 5 (1995), pp. 43-62 (44-7, 51-4); Shipley, 'History of a Manor', pp. 180-1.
- <sup>74</sup> For Lady Skinner and Lady Arbella, see Durant, *Arbella Stuart*, pp. 163, 172; Craig, 'Sir John Harrington'.
- <sup>75</sup> Sale underestimates his prominence in the information, regarding him as Lady Arbella's lawyer ('Roman Hand', p. 939) and Lady Arbella as the key figure. But Lady Arbella was neither accused nor (apparently) deposed in the Chatterton case. I find Sale's suggestion that her summons before the Privy Council and her brief period of house arrest and the arrest of some of her servants in December 1609 had something to do with the case unconvincing (Sale, 'Roman Hand', p. 938). The servants arrested appear to have been her gentleman usher, Richard Crompton, and her 'cheife woman'—probably either Mrs Biron, or Anne Bradshaw: see Norman Egbert McClure (ed.) *The Letters of John Chamberlain* (Philadelphia, 1939), i, p. 292. Privy Council was probably investigating allegations of her impending conversion to Roman Catholicism or rumours of her impending marriage (Handover, *Arbella Stuart*, pp. 253-5 (conversion); Durant, *Arbella Stuart*, pp. 172-4; Steen (ed.), *Letters*, pp. 61-2 (marriage)). Not until early Feb. 1611/[12] did Star Chamber hear the Chatterton case: Alnwick Castle, DNP, MS X (1611-13), f. 378+1v.
- <sup>76</sup> STAC 10/1/107 (deposition of Sir John Skinner, 26 July 1609); STAC 8/13/8, f. 358r. (answer of Sir John Skinner, 25 May [1609]); ff. 251r., 237v.-9r, 240r.-3r., 251r. 251v. (interrogatories and depositions of Robert and Margaret Bruen; 2 June, 14 and 15 July [1609]); f. 184r. (deposition of Margaret Chatterton, 16 July 1609); f. 21r. (interrogatories for Richard Abrahall and Richard Dodsworth). The Bruens denied that anyone was supporting them (ff. 239r., 243r.); see also f. 331r. (interrogatories for Humphrey and Elinor Chatterton).
- <sup>77</sup> Guy, *Court of Star Chamber*, p. 43.
- <sup>78</sup> HM 29 contains numerous payments to witnesses and other 'Law Charges' related to the Chatterton case from 1609 through early 1612 (see, for instance, the payment of 5s. in late 1609 or early 1610 paid 'To one that Informed of bruynes wife', p. 152).
- <sup>79</sup> STAC 8/13/8, f. 199r.-v. (deposition of Alice Bradshaw, 21 Oct. 1610).
- <sup>80</sup> STAC 8/13/8, f. 91v. (deposition of John Rose, 8 Feb. [1611]).
- <sup>81</sup> STAC 8/13/8, f. 235r. (deposition of Robert Hurt, 6 Dec. [1609]).
- <sup>82</sup> STAC 8/13/8, f. 95r. (deposition of Anne Clay, 4 Dec. [1609]). A fifty-year old widow of Derby, Anne was perhaps the mother of the thirty-two year old William, for whose deposition see below, n. 87.

- <sup>83</sup> STAC 8/13/8, f. 95r. (Anne Clay).
- <sup>84</sup> STAC 8/13/8, f. 91v. (Rose).
- <sup>85</sup> STAC 8/13/8, f. 235v. (Hurt).
- <sup>86</sup> STAC 8/13/8, f. 92r.; 'galligaskin, n.'. *OED Online*. March 2014. Oxford University Press. <http://www.oed.com/view/Entry/76301?redirectedFrom=galligaskins> [accessed April 16, 2014]. There is much more in this vein: see, for instance, interrogatories for and deposition of Francis Hall of Harrow on the Hill, taken 27 Nov. 1610, STAC 8/13/8, ff. 332r.-3r.; interrogatories for and depositions of Richard Brooke and his wife, Mary, taken [30] Dec. 1609, STAC 8/13/8, ff. 271-6, 283; STAC 8/13/8, ff. 255r.-8r. (several depositions from Derby. and Notts., including those of various servants from Hardwick, taken 11 Sept. [1610]).
- <sup>87</sup> STAC 8/13/8, f. 89r. (interrogatories for Timothy Pusey); ff. 80v. (deposition of William Clay), 81r. (deposition of Rose), 81v. (deposition of Pusey).
- <sup>88</sup> STAC 8/13/8, f. 109v. (deposition of Dorothy Dyott, 2 Dec. 1610).
- <sup>89</sup> STAC 8/13/8, ff. 254r.-5r., 82r. (depositions of Henry Cavendish the younger).
- <sup>90</sup> STAC 8/13/8, ff. 170r.-72r., 151r.-60r. (interrogatories and deposition of Sir William Cavendish, 22 Nov. [1609]).
- <sup>91</sup> Sale regards the existence of the letters as damaging to the plaintiffs ('Roman Hand', pp. 936-7); but the plaintiffs admitted, in their initial information, the existence of such letters: their case was that the letters were the product of conspiracy and practice.
- <sup>92</sup> STAC 8/13/8, ff. 251r., 237r.-43v. (interrogatories for and depositions of Margaret and Robert Bruen, 14 July and 15 [1609]).
- <sup>93</sup> STAC 8/13/8, ff. 105r., 101r.-2v. (interrogatories for and deposition of Humphrey Maddox, for the plaintiffs, 19 July [1609]).
- <sup>94</sup> STAC 8/13/8, ff. 347r.-v., 335r.-40v. (interrogatories for and deposition of Humphrey Maddox, for the defendants, 14 Dec. [1609]).
- <sup>95</sup> Sale offers a very different account of his role, mistakenly regarding him as a servant of Sir William ('Roman Hand', p. 937).
- <sup>96</sup> STAC 8/13/8, f. 340r.-v. (deposition of Maddox, for the defendants).
- <sup>97</sup> STAC 8/13/8, f. 205v. (deposition of John Gesling, 21 Nov. [1609]); f. 79r. (deposition of John Gesling, undated), and f. 86r. (interrogatories for Smith and Gesling, for the defendants); see also the depositions of William Smith (ff. 76r.-7r.), William Clay (f. 80r.-v.), John Rose (ff. 80v.-1r.), Timothy Pusey (f. 81r.-v.).
- <sup>98</sup> Alnwick Castle, DNP, MS X (1611-13), f. 378+1v., is endorsed '5. feb. 1611'; Lord Cavendish's account book records a payment of 10s. to the court usher on 4 Feb. 1611/[12] for three days' hearing (Chatsworth, HM 29, p. 273). Sale, unaware of this evidence, asserts that the trial 'came to an abrupt halt' with Margaret Chatterton being 'liberated from the prosecution's narrative of "felonious conspiracy"' ('Roman Hand', p. 947). Her basis for this conclusion is that in 'the interrogatories for the second examination of Lord Bruce' the plaintiffs were forced to accept the defence narrative that a contract existed between Margaret Chatterton and William Cavendish ('Roman Hand', p. 946). But Star Chamber process only allowed a witness to be examined once by each side (Hudson, *Treatise of the Court of Star Chamber*, p. 204), and the second set of interrogatories she cites were administered for the defendants: 'on the p[ar]te & behalfe of Margaret Chatterton and oth[er]s' (STAC 8/13/8, f. 64r).
- <sup>99</sup> Hudson, *Treatise of the Court of Star Chamber*, III. 23 (p. 223).
- <sup>100</sup> Hudson, *Treatise of the Court of Star Chamber*, II. 13 (p. 110).
- <sup>101</sup> 'Mr Hudson's Star Chamber', in D. J. Guth and J. W. McKenna (eds.), *Tudor Rule & Revolution: Essays for G. R. Elton from his American Friends* (Cambridge, 1982), pp. 285-308; repr. in Hudson, *Treatise of the Court of Star Chamber*, pp. i-xxiv (iv).
- <sup>102</sup> STAC 8/13/8, f. 42r. (deposition of Lord Cavendish, for the defendants).
- <sup>103</sup> Bickley, *Cavendish Family*, p. 61.



<sup>104</sup> Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, p. 528; Swinburne, *Treatise of Spousals*, pp. 197-8. The absence of any witnesses to the contract would, however, have presented serious obstacles to the Chattertons' case: Swinburne, *Treatise of Spousals*, pp. 198-201.

<sup>105</sup> STAC 8/13/8, f. 178v. (deposition of Margaret Chatterton, 16 July [1609]).

<sup>106</sup> Barnes, 'Star Chamber Litigants and their Counsel', p. 16.

<sup>107</sup> For suggestions about the future life of Robert Bruen, see above, n. 8.