

## Child marriage in sixteenth-century northern England: the emotional undertones in the legal narratives

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*This article explores the childhood emotions experienced by children married underage in sixteenth-century northern England. In the absence of autograph sources such as letters and diaries, this article examines how we can use ecclesiastical court records – namely depositions – to locate a child’s emotional state.*

At present, the scholarship relating to the emotions of children is in its infancy. Far greater emphasis has been placed upon the emotions parents experienced towards their children than those felt by the children themselves. Historians like Barbara Hanawalt have carried out pioneering research to identify ‘indirect expressions of parental emotions’ in coroners’ rolls but this type of research has not yet been extended to include childhood emotions.<sup>1</sup> However, as Hanawalt’s work proves, the use of legal documents does provide us with an alternative avenue to autograph sources such as diaries and letters with which to study both childhood and associated emotions. Nonetheless, an adult-centred approach is common to all areas of childhood history.

There has been a focus on parent–child relationships in the scholarship in recent years. This focus has concentrated to a large extent on adults’ perspectives, leaving little room for the experiences of children.<sup>2</sup> Emotions are, of course, directly linked to the experiences of the child. Ignoring children’s experiences may be because the main problem with assessing children’s experiences, emotions and even children’s agency in their own upbringing, is that much of the literature is focused not on these experiences, but on adult attitudes towards childhood. Adult attitudes are important, but as John Sommerville rightly states, it takes much refinement and conjecture to extract the experiences of children from adult opinion.<sup>3</sup> The reliance by historians on adult opinion is understandable. Jeremy Goldberg comments that as children did not own land, pay taxes, or bring court cases this has made them ‘comparatively invisible’ in the available historical records.<sup>4</sup> There are, of course, those who consider that it is difficult to say anything meaningful about the experiences of children because their pasts can only be derived from the discourse of adults,<sup>5</sup> but this is not the opinion shared in this paper. Contrastingly, parental

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<sup>1</sup> Barbara Hanawalt, ‘Childrearing Among the Lower Classes of Late Medieval England’, *Journal of Interdisciplinary History*, VIII.1, (1977), pp. 1-22.

<sup>2</sup> P. J. P. Goldberg, ‘Childhood and Gender in Later Medieval England’, *Viator*, 39 (2008), 249–62 (p. 249).

<sup>3</sup> C. John Sommerville, *The Discovery of Childhood in Puritan England* (Athens: University of Georgia Press, 1992), p. 3.

<sup>4</sup> Goldberg, ‘Childhood and Gender’, p. 249.

<sup>5</sup> Ludmilla Jordanova, ‘Children in History: Concepts of Nature and Society’, in G. Scarre (ed.), *Children, Parents and Politics* (Cambridge: Cambridge University Press, 1989), pp. 3–24 (p. 6).

emotions in relation to child marriages - although integral to the child's response and reaction - are surprisingly absent from the available sources except on a few occasions.

Like the emotions of children, child marriage is an under-researched issue in the history of childhood. Historically, child marriage remains subordinated to the family and parent-child relations and where there is some discussion on the topic, it is subsumed within studies of childhood. To date, there remains no single secondary source on child marriage. Many general works have chosen to ignore the practice of child marriage altogether, while some, like Nicholas Orme's *Medieval Children*, have considered the practice in brief, but only in relation to marriages of the elites.<sup>6</sup> Where discussion is generated on the subject, it invariably draws on one source of information: Frederick Furnivall's transcription of the depositions from the diocese of Chester, 1561-1566.<sup>7</sup> As an edited volume of primary sources it only covers a seven-year period and as such does not contribute widely to the scholarship, but it has become the foundation of debate for those few authors who have written about child marriage in the early modern period.

This paper, then, draws together two neglected aspects of childhood history in both childhood emotions and child marriage. Its aim is to examine how we can use ecclesiastical court records - namely depositions - to locate a child's emotional state. To do this we must ask, what were the emotional responses and reactions of the children to their marriages?

Before we discuss children's emotional responses to their marriages, it is worth raising a note of caution in relation to the use of depositions, which are witness statements, to locate these responses. Finding evidence of a child's emotional state in ecclesiastical court documents is not an easy task. Their function in marital cases was to recount the events surrounding the marriages, some of which took place a significant amount of time before the court case. Undoubtedly, the witnesses may not have even considered emotions when giving their evidence and thus their language was not intentionally emotive. They merely intended to create a credible narrative that would stand up in a court of law and prove the case for whichever party they were testifying for.

The depositions used in this paper come from the Diocese of Chester - which in the sixteenth century covered a large part of northern England including all of Cheshire and Lancashire as well as parts of Yorkshire and Cumberland - and the Diocese of York. Along with the diocese of Durham, the geographical areas encompassed by these three bishoprics have provided the author with material for a much larger study on childhood in sixteenth-century northern England.<sup>8</sup> Interestingly though, although child marriage was a common enough practice in Chester and York, Durham presents itself as an anomaly with only three cases

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<sup>6</sup> Hugh Cunningham, *Children and Childhood in Western Society since 1500* (Harlow: Longman, 1995); Colin Heywood, *History of Childhood: Children and Childhood in the West from Medieval to Modern Times* (Cambridge: Polity, 2001); Shulamith Shahar, *Childhood in the Middle Ages* (London: Routledge, 1992); Nicholas Orme, *Medieval Children* (New Haven, CT: Yale University Press, 2001), pp. 334-347.

<sup>7</sup> Frederick Furnivall (ed.), *Child Marriages, Divorces, and Ratifications in the Diocese of Chester, A.D. 1561-6* (New York: Kraus Reprint, 1973).

<sup>8</sup> Loretta A. Dolan, 'Nurture and Neglect: Childhood and Childrearing Practices in the North of England, C, 1450-1603', (unpublished PhD thesis, University of Western Australia, 2014).

appearing in the extant records. The explanation for this may be located in the concerns of the consistory courts at Durham whose focus at the time appears to have been recording instances of adultery and illegitimacy. Geographical inconsistencies aside, depositions were only one part of an extensive ecclesiastical legal system that regulated marriage in the sixteenth century and need to be considered in parallel to canon law's view on child marriage.

Canon law decreed that no child under the age of seven could contract a marriage, although as this paper demonstrates, all parents did not adhere to this directive. Contemporary commentators expressed their opinion vis-à-vis this stipulation: Henry Swinburne, a judge of the Prerogative Court in York, clearly stated that children under the age of seven could not contract marriage as 'these young Infants want Reason and Judgement to judge these Affairs'.<sup>9</sup> Above the age of seven, the contract could be made but the marriage would not be valid unless ratified by both parties when they came to the age of consent. Canon law created a legal definition of puberty as twelve for girls and fourteen for boys.<sup>10</sup> Ecclesiastical authorities in Durham regarded even these ages as being too low, for the bishop's visitation of 1577 required all priests to inform their parishioners that 'no yonge man hath the power to contracte matrimony before he be fully xvj yeres of age nor any woman before she be fully xiiij yeres of aige'. Anyone going against these directives was to be 'sharplie and severely' punished.<sup>11</sup> It was possible for children to reach natural puberty earlier than these ages, and in some cases, sexual maturity led to the marriage being consummated while the parties were still under the age of consent. In such cases, the act of consummation rather than the legal age thresholds could be deemed sufficient to make a legal marriage.<sup>12</sup> Additional confusion arose from the fact that although children could be legally betrothed from the age of seven, they had to wait until reaching puberty before a marriage could be annulled. To achieve an annulment, it had to be proven that the parties did not consent to the marriage either vocally or by cohabitation and consummation. Force and fear would also be a good reason for annulment.<sup>13</sup> Hence, the legal age of discretion as stipulated by the Church along with consent was the fulcrum on which child marriage would become legal.

In reality these child marriages were contracted by *verba de futuro* (words of future consent). Both parties would have to agree to ratify the marriage when they came to the legal age for it to be legally binding unlike *verba de presenti* (words of present consent), where the Church ruled that an indissoluble bond had been created. Cohabitation and consummation past the age of consent was accepted as ratification of the union, although a few cases of legal ratification do appear in the records. John Dutton came before the consistory court in Chester in 1552 'w[i]t[h]out compulsion constreynt and cohirtion' to ratify his marriage to Elenore Calveley.<sup>14</sup> Tentatively, any disagreement was to be made in the ecclesiastical courts although

<sup>9</sup> Henry Swinburne, *Treatise of Spousals or Matrimonial Contracts* (New York: Garland: 1985), p. 20.

<sup>10</sup> Kathryn A. Taglia, 'Marriage's Original Purpose and First Good: Placing Children within the Medieval Church's Views on Marriage', in J. T. Rosenthal (ed.), *Essays on Medieval Childhood: Responses to Recent Debates* (Donington: Shaun Tyas, 2007), pp. 151–173. (P. 155, n. 14.)

<sup>11</sup> Durham University Special Collection Visitation Book 1577–87, DDR/EV/VIS/1/1, fol. 4<sup>v</sup>.

<sup>12</sup> Taglia, 'Marriage's Original Purpose', pp. 155–154 (esp. n. 16).

<sup>13</sup> Taglia, 'Marriage's Original Purpose', p. 155, n. 14.

<sup>14</sup> Cheshire Archives and Local Studies Services (hereafter CALSS), EDC2/5/93<sup>v</sup>–94<sup>v</sup>.

this was not legally necessary and could be made before witnesses.<sup>15</sup> Many child marriages could arguably have ended this way, but there are no records to prove this.

The due process of canon law in relation to child marriage thus highlights the first problem with the sources in relation to children's emotions. The witness must have observed the emotion or emotions in order to relate this to the court in the hope of securing an annulment. Consider the case of Elizabeth Rogerson, who at nine was five years older than her husband Robert Parre when they married in 1539, and would 'lepe forth off the beed' every time that Robert entered her chamber.<sup>16</sup> This was observed by a servant who shared her bed and in whom she confided that she 'wished diverse tymes [tha]t she had p[ar]te off her moneye ageyne so [tha]t She was ridd from hym'.<sup>17</sup> Leaping off the bed could appear as genuine fear of a sexual encounter on Elizabeth's part, but it could also be interpreted as a deliberate ploy by her to arm the servant with the evidence required to achieve her annulment. Hence we can argue that there always had to be an object to an emotion in relation to depositions and that it produced some sort of effect.<sup>18</sup> So what is the process for identifying the emotions in the depositions?

The biggest problem with assessing people's emotional states in past times is the placing of our own values into the interpretation.<sup>19</sup> It is therefore imperative that as historians, we recognise the empathy that existed between the witness and the court.<sup>20</sup> I refer back to Elizabeth Rogerseon and her bed-leaping antics. The witness understood that she had to outline a plausible story of fear and aversion to the court, while the court had a duty to process that information in regards to how it interacted with the notion of consent that made for a valid marriage. So to effectively assess the emotions of the children in this study who were married under age, taking into consideration their categorisations of emotions as well as our own, there is a need to refer to both a modern psychological and medieval theological theories at the same time.<sup>21</sup> Sometimes these are not all that different.

For a modern-day example, we could use the emotions wheel proposed by Robert Plutchik who argues that the eight basic emotions – fear, anger, joy, sadness, acceptance, disgust, anticipation and surprise, together with their synonyms – produce all the emotions we would expect to find expressed in our society.<sup>22</sup> It is evident that a number of sixteenth-century theories of emotions, or passions as they were more generally referred to, had evolved with the majority accessible through theological treatises. Thomas Aquinas, for example, considered emotions to be

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<sup>15</sup> Richard Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974), pp. 98–99.

<sup>16</sup> CALSS, EDC2/4/54.

<sup>17</sup> CALSS, EDC2/4/55.

<sup>18</sup> Interview with Philippa Maddern, at University of Western Australia (hereafter UWA) on 16 May 2011.

<sup>19</sup> Mary Garrison, 'The Study of Emotions in Early Medieval History: Some Starting Points', *Early Medieval Europe*, 10 (2001), 243–250 (esp. p. 244).

<sup>20</sup> Garrison, 'Study of Emotions', p. 244.

<sup>21</sup> Garrison, 'Study of Emotions', p. 245.

<sup>22</sup> Robert Plutchik, 'The Nature of Emotions: Human emotions have deep evolutionary routes, a fact that may explain their complexity and provide tools for clinical practice', *American Scientist*, 89 (2001), 344–350 (p. 349).

voluntary and as such liable to be judged morally good or bad.<sup>23</sup> He classified them into eleven basic passion, – love, hate, desire, aversion, pleasure, sadness, hope, despair, fear, courage and anger – and this categorisation continued to be used in later centuries.<sup>24</sup> Aquinas arranged passions into corresponding pairs, much like Plutick, emphasising their bipolar nature.<sup>25</sup> His pairing of confidence and fear is akin to that of Plutchik's acceptance and disgust, and both emotions are symbiotically evident in the depositions.

Constance Good was only about six years old at the time of her marriage to John Bickerton at Bolton Percy, Yorkshire, around 1537. John's personal statement to the court shows that at times Constance had accepted the marriage and was once content to 'taking and accepting hym alwaye for her lawfull husband' as likewise John did take her for his lawful wife.<sup>26</sup> Constance, however, emphasises the fact that although she accepted tokens from John, she never received them in corroboration of marriage or 'w[i]t[h] any glad hert or good will she bare towards' her husband. She had previously deposed that 'she never called the said John Bykerton husband nor accepted hym as her husbond'. Witnesses report that Constance and John had often been seen treating each other in a 'familiiar and loving fashion' and yet at other times Constance could be heard calling John a 'drocken knave and foole'. Constance's father John said that his daughter refused to have John as her husband and believed him to 'bee but a fole and a givan lyer'.

Constance's vacillating attitude towards her husband is difficult to understand from the depositions and yet they do give the historian an insight into why she responded to John in this manner. A year or so before the case was heard by the court, John had asked Constance 'to goo to bed w[i]t[h] hym and she denied so to doo'. The next morning John removed himself to Cottingham, Yorkshire, and was still living there at the time of the court case. Her fear of a sexual encounter is elucidated by Alice Thompson who said that Constance would never have John as her husband nor 'that noman shuld mak hyr to lye with hym'. Constance would 'wepe full sore' when she spoke these words. Alice said that although Constance rebuked John, she 'dyd nowe the said Constance oft tymes to love the said Bykerton and said that he was a good gentleman'. Constance was still young when she gave her evidence to the court. The marriage had taken place nine years before the divorce petition in 1546, making Constance at most fifteen years old at the time she gave her evidence and it exposes her emotional response to marrying so young. John Duns Scotus, a fourteenth-century theologian who saw emotions as cognitive acts of will, would explain Constance's distress as a direct result of being married against her will even though she displayed acceptance of her parent's wishes.<sup>27</sup> This was not surprising as Constance was so young and would have complied unwittingly.

<sup>23</sup> Robert C. Roberts, 'Thomas Aquinas and the Morality of Emotions', *History of Philosophy Quarterly*, 9 (1992), 287–305 (p. 289).

<sup>24</sup> Susan James, *Passion and Action: The Emotions in Seventeenth-Century Philosophy* (Oxford: Clarendon Press, 1999), p. 6.

<sup>25</sup> Simo Knuuttila, *Emotions in Ancient and Medieval Philosophy* (Oxford: Oxford University Press, 2004), p. 245.

<sup>26</sup> Borthwick Institute of Historical Research (hereafter BIHR), CP.G.347.

<sup>27</sup> Cited in Knuuttila, *Emotions*, pp. 269–270.

Depositions state that she had to be looked after by Margaret Whitehouse on the day of the wedding because she was 'not of discretion to rule herself'.

For those children who were very young at the time of marriage, we know only that they had placed their trust in their parents and other adults but no display of fear or apprehension is recorded. Two-year-old Robert Parre was carried to the church in his uncle Edward's arms to marry nine year old Elizabeth Rogerson (who leapt off the bed above) in 1538. He was given an apple as encouragement which prompted a servant of Robert's father to comment that he had been 'hired for an apple to get him to the church'.<sup>28</sup> Diversions like these must have been common when the children were such a tender age to ensure that the child was compliant with the parent's wishes. Offering an apple could not be a distraction because that would suggest that the child understood what was happening and even in the sixteenth century, the age of reason was considered to be around seven.<sup>29</sup> It is therefore doubtful that two year old Gilbert Gerrard would have understood why his uncle 'held up the said Gilbert from the ground and spoke the words of matrimonie' for him.<sup>30</sup> The same could be argued for John Somerforth and Jane Brereton were both were carried to the church and had the words of matrimony spoken for them in 1552 when they were three and two respectively.<sup>31</sup> Undoubtedly, the children would have asked questions about where they were going but their dependency on - and ultimately their trust in - the adults who cared for them, would mean that they complied with the adults' wishes. For a six year old child like Margaret Hothersall, who was 'partlie borne in armes, and partlie Led' to church to be married to Alexander Osboston in 1556, would allow herself to be directed by those with whom she felt secure.<sup>32</sup>

Almost without exception, all the people appearing in the court for annulment of an underage marriage did not consent and were forced or intimidated into saying their marriage vows by parents or kin. Many witnesses agreed that the vows of the children were extracted from them in this manner. Katherine Dutton agreed to her mother's wishes to marry Robert Busshell, a boy she had never met before she encountered him at the church door on the day of her wedding.<sup>33</sup> A witness at the divorce proceedings in 1548 described the situation more forcibly by stating that Katherine was 'forsed bie hyr mother'.<sup>34</sup> The distress that Katherine felt about the situation was evident for she told the same witness that she could never love Robert or take him for her husband. Yet another witness testified that Robert was 'alwais froward and not loving' to her and at some stage in their brief marriage, 'hurt the said Katarine w [i]t[h] a broche (brush)'.<sup>35</sup> Similarly, John Savell, a witness for Elizabeth Savell, reported seeing Elizabeth in the house of Thomas Pek sometime before her marriage to John Clay in 1509, where she did not want to consent to the

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<sup>28</sup> CALSS, EDC 2/4/54.

<sup>29</sup> Shulamith Shahar, *Childhood in the Middle Ages* (London: Routledge, 1992), p. 21.

<sup>30</sup> CALSS, EDC 2/2/537-539.

<sup>31</sup> CALSS, EDC 2/2/240-241v.

<sup>32</sup> CCALS, EDC 2/7/224-226v.

<sup>33</sup> CALSS, EDC2/4/1-4.

<sup>34</sup> CALSS, EDC 2/4/2.

<sup>35</sup> CALSS, EDC 2/4/3.

marriage.<sup>36</sup> Another witness, Hugh Stancefield, said he was present in the house of John Close, a Wakefield cobbler, with John Savell and others, and heard these people contracting marriage *verba de presenti* between Elizabeth and John. Further, he said that Thomas Pek, at that time related to Elizabeth, took her by the arm after she had refused to consent to the marriage calling her a 'false wenche' and saying 'wilust thow be handfast with hym and I have had so moche besines for the' and immediately slapped her in the face with his hand, 'et incontinenti dedit manu sua alapam in facie'.<sup>37</sup> Unsurprisingly, Elizabeth began to cry but after the recitation of the marriage vows by Thomas Pek, she said the words of matrimony, as did John Clay.

Many of the children agreed to go through with their marriages without comprehending the consequences of their parents' actions. Eleven-year-old Elizabeth Wofall was married by the compulsion and constraint of her father in 1552. When he died sometime after the wedding, she confided in a neighbour that she thought God had taken him so that she may have the freedom to marry when and whom she wanted.<sup>38</sup> Elizabeth's aversion to her arranged marriage was evident in her desire to be at liberty to choose her own husband. She did not realise that the death of her father, who had pressured her into saying the words, did not automatically guarantee her freedom from the marriage. This desire to choose their own spouse was apparent in many of the children's stories and yet they all went ahead with their marriages.

Depositions reveal an air of the inevitability of having to accept the wishes of parents and friends in relation to child marriage. Such was the case for twelve-year-old Peter Hope. The church court at Chester in 1563 heard that, despite confiding in his foster father the night before his wedding that he would never take Alice Ellis for his wife, he went through with his marriage stating that 'biecause it was his mothers mynde, he durst not displease her'.<sup>39</sup> The situation of acceptance followed by apprehension or fear was played out many times in the depositions, suggesting a conditioning of older early modern children that is not present today. Aristotle, whose writings greatly influenced medieval and Renaissance works, said of adolescents that 'they are shy, accepting the rules of society in which they have been trained, and not yet believing in any other standard of honour'.<sup>40</sup> For these children, parental authority was only to be challenged through their actions after the wedding, through which they displayed a refusal to accept their parents' choice of spouse.

One cannot always find descriptions in the depositions that can be classified specifically sixteenth- or twenty-first century emotions, but we can find descriptions of children 'weeping openly', which suggests unhappiness and fear.<sup>41</sup> Twelve-year-old John Bridge, who married in c. 1558, accepted that he had to marry Elizabeth Ramsbottom, as otherwise 'his father had bene vndone' by the paying back of a bond

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<sup>36</sup> BIHR, CP.G.102.

<sup>37</sup> BIHR, CP.G.102.

<sup>38</sup> CALSS, EDC2/6/197.

<sup>39</sup> CALSS, EDC2/7/120.

<sup>40</sup> Aristotle, *Rhetoric*, Bk. II, Chaos. 12–14, (trans.) W. Rhys Roberts (Oxford, 1924), cited in J. A. Burrow, *The Ages of Man: A Study in Medieval Writing and Thought* (Oxford: Clarendon Press, 1986), pp. 191–194.

<sup>41</sup> Maddern, Interview 16 May 2011.

paid to him by Elizabeth's father for the marriage.<sup>42</sup> John acceded to his father's wishes despite one witness describing John as 'beynge but a child', and 'having no mynde of mariage'.<sup>43</sup> John had wept greatly to a neighbour on the day of his wedding and was not only showing his unhappiness, but also confiding in the neighbour his fear of the marriage and of disobeying his father. He had then wept to go home with his father the night of his wedding but his father would not tolerate it. Instead, the father and the priest persuaded John to sleep in the same bed as his bride although he spent the night with his back to her.<sup>44</sup> The depositions show that John's unhappiness was evident even before the wedding. For having lived in Elizabeth's house prior to marriage, a witness stated that Elizabeth was 'a bigge woman' and John 'but a child' and that 'she delt shrewdlie w[i]th hym'.<sup>45</sup> Clearly, Elizabeth was not happy either.

Similarly, the deep distress felt by ten-year-old Alice Hesketh of Rufford, Lancaster, after her marriage to Richard is apparent in the deposition given by her father in 1550. Moved by his daughter's unhappiness he separated her from Richard because she was 'dystressed with sekness aft[er] [tha]t tyme that the said Ric[hard] and Alice were married together and lyen together'.<sup>46</sup> Bartholomew Hesketh's compassion for Alice, however, did not alter his belief that Richard would be an asset to his family and promptly persuaded Richard to marry his younger daughter, Joan, by whom Richard eventually had seven children. Not all emotions are so readily observable in the depositions, with many implicit in the terminology used by the witnesses. Chief among these is the pairing that according to Aquinas occurred most often: love and hatred.

Many of the witnesses reported that children had confided in them that they could never love their spouse or consent to have them as husband or wife. Ellen Morris declared openly to her own friends and to those of her husband, John Ramsbottom, that she would never love him and that she would never have him as her husband and 'denied him flat'.<sup>47</sup> It is unsurprising that these children did not love each other as the boy and girl were not expected to be 'in love' at the time of the wedding, especially as in the case of Katherine Dutton and Robert Bushell, mentioned above, as they were not even acquainted before the wedding. The marriage was to bring about affection and not vice versa.<sup>48</sup>

We can argue that the notion of love in the sixteenth century was far removed from our understanding of it today, instead being conditional upon achieving certain objectives. The frequency with which the witnesses referred to the word love conveys only a sense of liking. Moreover, it was even used with a prefix to imply dislike. Margerey Heydocke described to the court that since coming to lawful age, 'dislove' had fallen between her and Peter Haworth, her husband.<sup>49</sup> Yet we should

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<sup>42</sup> CALSS, EDC 2/7/19.

<sup>43</sup> CALSS, EDC 2/7/19.

<sup>44</sup> CALSS, EDC 2/7/19–20.

<sup>45</sup> CALSS, EDC 2/7/19–20.

<sup>46</sup> CALSS, EDC 2/4/373.

<sup>47</sup> CALSS, EDC2/9/508.

<sup>48</sup> G. E. Mingay, *The Gentry: The Rise and Fall of a Ruling Class* (London and New York: Longman, 1976), p. 111.

<sup>49</sup> CALSS, EDC2/7/59v.

not assume that Margery did love or even like Peter before the age of consent. This example illustrates that the emotions people displayed in the past had a number of meanings and were received by individuals in different ways,<sup>50</sup> highlighting the difficulty of trying to apply modern categories to sixteenth-century emotions. However, there is one emotion that has remained unchanged throughout the centuries, that of dislike.

Dislike occurs as a common emotion in the divorce petitions. Margaret Wall, who married her five-year-old stepbrother John Venables when she was eleven, complained that she did not like him and of being married to 'such a child'.<sup>51</sup> Margaret Wall was not alone in her dislike of her young spouse. Like Margaret, ten-year-old Thomas Smith of Birstall, Yorkshire, married his stepsibling. The wedding to Anne Goodale, in 1526, made Thomas so miserable that when he reached fourteen he left his father's house for two years. On his return, John Smith, Thomas' father, was required to send Anne out of the house to stay with friends because of Thomas' dislike of her. When John tried to bring Anne back into the house eighteen months later, Thomas' objections forced John to send Thomas to school in Wakefield. As John Smith's servant, Edward Craven, described the relationship between Thomas and Anne: 'if she had gone to the church he wold agon to the chapell and she had gon to the chapell he wold agone to the church'.<sup>52</sup> Thomas' intense dislike of his bride meant that this was a marriage that was never going to work.

John Wright's reaction to his marriage to Frances Stephenson (c. 1593) when he was thirteen was certainly more forceful than that of Margaret Wall and Thomas Smith. Not only did witnesses report that John did 'dissent and dislike of her', but also that he was so intent that Frances would not 'by anie means reape anie benefite by him or anie thing he had' that he sold all his land as soon as he was legally able to do so.<sup>53</sup> Such extreme measures serve only to highlight John's dislike of Frances and his unhappiness at the situation.

Particularly for the children discussed in this paper, their young ages at the time of marriage made the development of affection between them unlikely. Witnesses were very definite about the fact that the children documented in the depositions did not love one another. Roger Massey, who had been carried to the church age seven to marry Jane Sommer in 1556, told the court that he had never loved Jane 'nor yet knows what Love means'.<sup>54</sup> The court official felt moved to add a post-script in Latin to Roger's comment which read 'as is evident by the look of his body' ('vt patet per aspect[m] ei[us] corporis').<sup>55</sup> This was a boy who was both emotionally and physically immature for marriage even past the age of consent.

The emotional reactions of children to their underage marriages were of unhappiness and discontent. But ecclesiastical marriage depositions by their nature record misery and unhappiness and there was no court to reveal the happy and

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<sup>50</sup> B. H. Rosenwein 'Worrying about Emotions in History', *American Historical Review*, 107, 3 (2002), pp. 821-845.

<sup>51</sup> CALSS, EDC2/9/80-83.

<sup>52</sup> BIHR, CP.G.299.

<sup>53</sup> BIHR, CP.H.382.

<sup>54</sup> CALSS, EDC2/7/146.

<sup>55</sup> CALSS, EDC2/7/146.

contented marriage.<sup>56</sup> The testimonies themselves suggest that some of the children encountered extremes of emotions. Of the children mentioned above, Constance Good wavered between love and contempt for her husband John, at times content to have him as her spouse and at other times not. Thomas Smith was vehement in his rejection of his wife Anne and yet according to a witness, was still interested in making his marriage work. William Bayley, a labourer, stated that a thirteen-year-old Thomas had told him that if his wife Anne, who was sick at the time of the conversation, died he would never marry again and, in fact, would become a priest. In the next breath, Thomas was giving William a penny 'to buy apples w[i]t[h] for to hire Anne Goodale w[i]t[h] to come to bed to the said Thomas Smith'.<sup>57</sup>

Other accounts portray pronounced distress like that of John Bridge, which may or may not have been a truthful interpretation of the emotions he felt at being married below the age of consent. He could well have felt the same emotions if he was past lawful age. Yet the depositions provide the historian with a child's eye view of the experience of child marriage in the absence of any other accounts and allow us to read their emotional states. Elizabeth Rogerson's leaping from the bed would appear to demonstrate her lack of consent to her marriage, as did Constance Good's tearful declaration that she would not have John Bickerton as her husband.<sup>58</sup>

But perhaps the more telling aspect of the emotional distress of children upon their marriages is what this communicates more generally about childhood experiences. John Bridge's unhappiness was spawned by the fear of disappointing his parents and the knowledge that he had to acquiesce to the wishes of his father to protect his family. This need for compliance with, and obedience to, authority is a central thread running through all the depositions when discussing the children's reactions to their marriages. It was finding themselves at odds with authority that caused distress. Evidence of this can be witnessed by Elizabeth Wolfall's belief that after the death of her father, who compelled her to marry against her wishes, she would be free to take a partner of her own choosing.<sup>59</sup> In obeying her father, she sacrificed her own happiness.

This paper set out to examine the validity of using ecclesiastical depositions to locate a child's emotional state and some obstacles have been identified. The greatest hurdle is that the evidence is always given by adults and is always a retrospective account, but we should not ignore these retrospective recollections of childhood emotions. Most people in sixteenth-century England did not leave a written account of their experiences, but they did use both the ecclesiastical and secular courts to resolve many disputes encountered in their day-to-day lives, which at times included narratives of childhood. In addition, people young enough to be considered children today were sometimes called to depose, or were the litigants themselves, which can provide us with a sense of what their experiences and emotions may have been. As a consequence, the day-to-day experiences of children expressed by the adults – and in a few cases the children themselves – in legal records

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<sup>56</sup> Ivy Pinchbeck and Margaret Hewitt, *Children in English Society*, 2 vols. (London: Routledge & Kegan Paul, 1969–73), I (1969), p. 57.

<sup>57</sup> BIHR, CP.G.299.

<sup>58</sup> CALSS, EDC2/4/54; BIHR, CP.G.347.

<sup>59</sup> CALSS, EDC2/6/197.

can be used to build a picture of children's experiences in their homes<sup>60</sup> or for the children discussed in this paper, the homes that they inhabited after their marriages.

Caution should however be exercised in relation to the analysis of the identified emotions. Even though emotions can be categorised as belonging to children, they may not have been what they appeared, as any evidence that survives in such cases could be argued to be a product not of the actual events, but of the requirements of the law.<sup>61</sup> Contemporary historical thought should also be applied to any examination of the depositions to gain a sense of popular sixteenth century thinking on emotions. But we must juxtapose the historical theory with that of the present day thinking on emotions so it makes sense to present-day readers. Clearly there are words or implied emotional states present in the text that early modern society categorised as emotions, whilst equally conveying a modern day emotional equivalent.

Like all historical records, the usefulness of the source relies upon the interpretation given by the historian whose primary concern must be the purpose for which the source was intended. Ecclesiastical depositions were produced to prove a case and therefore litigants knew their emotions had to be visible to the people who would bear witness for them in court. This could result in the recording of exaggerated emotional states of the children concerned but one that was believed by the witnesses. This is why we must view the ecclesiastical depositions as 'plausible fiction'.

These minor qualms notwithstanding, it is by analysing the emotional responses and reactions of children to their marriages that we are able to appreciate the practice from the perspective of the child. This gives children a voice through which we can observe conflicts with authority and how children exercised agency in relation to their marriages. In this respect, depositions are an under-utilised source of historical inquiry not just for the emotions of children, but also for all aspects of their lives.

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<sup>60</sup> Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill: University of North Carolina Press, 2005), pp. 5–6.

<sup>61</sup> P. J. P. Goldberg, 'Fiction in the archives: the York cause papers as a source for later medieval social history', *Continuity and Change*, 12 (1997), pp. 425–445, especially p.438. Goldberg was referring to canon law but the argument can be applied to secular law.

### ***Author Biography***

I am an Honorary Research Fellow at the University of Western Australia. In 2014 I completed a PhD at the University of Western Australia under the supervision of the late Professor Philippa Maddern and Dr Stephanie Tarbin, researching children and childrearing practices in the North of England, c. 1450-1603. My study concentrated on the nurture (or in some instances the neglect) of the child and the consequences this had for their lived experiences with the main areas of research being child marriage, education, apprenticeship and parental deprivation. Before embarking upon my PhD, I was a Society and Environment and upper school History teacher in Perth, Western Australian.

### ***In Memoriam of Philippa Maddern***

My first encounter with Philippa was at the 2008 UWA Expo. I had taken my daughter so she could find out about courses but decided to take the opportunity to speak to someone at the Humanities stand about undertaking a Ph.D. Philippa was very encouraging and kindly gave me her email. It was some eighteen months before I contacted her but she was so enthusiastic about what I wanted to do and agreed to be my supervisor despite having no experience of my academic ability. This enthusiasm continued throughout my candidature and if I ever went into a meeting with Philippa feeling overwhelmed by the enormity of the task that lay ahead, I left feeling positive and motivated.

Philippa has had a profound influence on the way I approach the study of history. I now appreciate that there are infinite ways to interpret a source and what it does not say is equally important as what it does say. I also fully appreciate the importance of supporting fellow students and colleagues. Philippa was so generous with her time, knowledge and resources. When on research trips to the UK she came across documents that would be useful for my thesis, she would transcribe and translate them before emailing them to me. For Philippa, everyone's work was as important as her own.

My last meeting with Philippa was the week before she died. I had gone to visit her in hospital and taken some flowers to thank her for being such a great supervisor. Despite being gravely ill, she was so humble about her contributions to my thesis and insisted in telling her friend who was sitting with her how wonderful and original my research was. This for me was typical of Philippa and how I will always remember her.